

ORDINANCE NUMBER: 2007-92

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated January 30, 2007, the MDP text (attached as exhibit B) and supporting documents and statements from the applicant **which are a part of Zoning File PUD 2007-02 Flora Branch PUD**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Findings of Fact: that the need and justification for approval of the Flora Branch PUD has been considered in accordance with the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code and, whereby, it is found that:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The PUD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan, specifically Goal A. 1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The PUD is consistent with the Future Land Use Designation of Residential-B.
4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
6. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.
7. The PUD would not adversely affect the orderly development of St. Johns County

SECTION 2. Pursuant to this application File Number PUD 2007-02 Flora Branch PUD, the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to PUD.

SECTION 3. To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 4. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas maintained in the Zoning Division of the St. Johns County Growth Management Services Department by the Director of Growth Management Services, or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 18th **DAY OF** December **2007.**

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY:

Thomas G. Manuel
Chairman

RENDITION DATE 12/20/07

ATTEST: CHERYL STRICKLAND, CLERK

BY:

L. Vannae King
Deputy Clerk

EFFECTIVE DATE:

12/24/07

EXHIBIT "A"

That certain tract or parcel of land being a part of Section 33, Township 4 South, Range 27 East, St. Johns County, Florida, being more particularly described as commencing at the intersection of the West boundary of the James Donation, Section 49, Township 4 South, Range 27 East, with the Southerly right-of-way line, Race Track Road (a 66 foot right-of-way); thence South $77^{\circ}26'50''$ East along said Southerly right-of-way line 6741.60 feet to a point for the point of beginning thence continue along said right-of-way line South $77^{\circ}26'50''$ East, 957.3 feet; thence South $12^{\circ}33'10''$ West, 765 feet; thence North $47^{\circ}46'20''$ West, 65.97 feet; thence North $52^{\circ}40'30''$ West, 207.65 feet; thence north $56^{\circ}00'20''$ West, 164.4 feet; thence North $50^{\circ}30'20''$ West, 144.92 feet; thence North $42^{\circ}59'40''$ West, 218.15 feet; thence North $26^{\circ}57'10''$ West, 146.12; thence North $0^{\circ}10'20''$ West, 105.0 feet; thence North $28^{\circ}16'20''$ West, 88.0 feet; thence North $20^{\circ}56'50''$ West, 137.19 feet; to the point of beginning, containing 10.8 acres more or less.

Less that portion within the right-of-way of Race Track Road.

EXHIBIT C
Master Development Plan Text
Flora Branch Office/Retail Park

A. Project Description: The property to be rezoned consists of approximately 10.8 acres located on the south side of Racetrack Road and west of Flora Branch. The property is currently zoned Open Rural (OR). The applicant is requesting a zoning change to Planned Unit Development (PUD) to allow for the construction of up to 36,000 square feet of office park and 54,000 sf neighborhood commercial space. The development will be known as **Flora Branch Office Park Planned Unit Development**.

B. Development Size: There is a total of 10.8 acres of property.

C. Wetlands: The 10.8 acres contains no wetlands.

D. Development Area: The project will use a total of 10.8 acres of developable property.

E. Residential Development: No residential development units are proposed.

F. Non-Residential Development: A total of 36,000 square feet of office space and 54,000 sf Neighborhood Commercial will be located on the Property with associated parking and infrastructure.

G. Site Development Criteria:

1. Lot Sizes and Building Area:

The Property (10.8 ac) shall be developed with up to 36,000 s.f. of office and 54,000 sf neighborhood commercial development. There shall be no minimum lot size for these parcels. The maximum Floor Area Ratio shall be 50% and the maximum impervious surface shall be 70%.

2. Permitted Uses:

The development will be permitted the following uses:

- Medical and dental offices and clinics.
- Professional and business offices.
- Retail outlets for the sale of food and drugs without drive-thru, wearing apparel, toys, sundries and notions, books and stationery, leather goods, and luggage, jewelry (including watch repair but not a pawnshop), art supplies, cameras or photographic supplies (including camera

repair), sporting goods, hobby shops, pet shops, musical instruments, florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs and similar products.

- Service establishments such as barber or beauty shop, shoe repair shop, restaurant without drive thru (but may include outdoor seating), interior decorator, photographic studio, dance or music studio, reducing salon or gymnasium, tailor or dressmaker, dry cleaning and laundry package plants in completely enclosed building using nonflammable liquids such as perchlorethylene and with no odor, fumes or steam detectable to normal senses from off the premises, and similar activities.
- Bank and financial institutions (including walk-up ATM machines), travel agencies, employment offices, and similar establishments.
- Retail outlets for sale of home furnishings and appliances (including repair incidental to sales), office equipment, furniture, hardware and similar uses.
- Art galleries, museums, community centers, dance, art of music studios, vocational, trade or business schools and similar uses.
- On premises consumption of all alcoholic beverages in conjunction with the service food which is ordered from a menu and prepared or served for pay for consumption on-premises shall be permitted in compliance with Section 2.03.02 LDC).
- Essential services, including water, sewage, gas telephone, radio, television and electric.

3. Minimum Setbacks: Minimum setbacks shall be measured per the Land Development Code from the portion of the structure from thirty (30) inches above the general level of the graded Lot upward; provided, however, that fences, walls, poles, posts, entry features (including towers, pavilions and archways) and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitation and requirements limiting obstruction of visibility, to the property line and shall be as follows:

- i. **External Front setback:** Thirty (30) feet, except that in no case shall any building be built within any Scenic or Development Edge.
- ii. **External Side setback:** Thirty-five (35) feet.
- iii. **Internal setbacks (internal property boundaries):** Zero (0) feet.
- iv. **External Rear setback:** Thirty-five (35) feet to external boundary.

4. **Building Height:** The structures shall not exceed thirty five (35) feet in height.

5. **Parking:** Parking shall comply with the parking provisions of the St. Johns County Land Development Code and will be met depending on future uses. Parking may be provided on the first floor of buildings or under buildings. Compliance with LDC parking requirements will be determined at the time of construction plan approval.

6. **Signage:** All signs will conform to Article 7.10.01 (Racetrack Road Overlay) of the St. Johns County Land Development Code in effect at the time of approval of this PUD, except as otherwise provided herein. Temporary signage may be utilized and will be shown on the Master Development Plan map and construction plans. Exact size and design of the signage shall be depicted within individual site construction plans as each parcel develops. Signs may be landscaped and lighted. The maximum height of the signs shall comply with the provisions of the St. Johns County Land Development Code and the Northwest Sector Plan. A waiver is being requested from the Unified Sign Plan Requirements.

7. **Lighting:** Project illumination will be in compliance with the St. Johns County Land Development Code, Section 5.03.06.H.

8. **Architecture:** The architectural style of the buildings shall be generally consistent with the renderings attached to the application as Exhibits E-1 & E-2.

H. Infrastructure:

1. **Stormwater:** The stormwater management facility and all common areas may be operated and maintained by a future Property Owners Association with covenants, and restrictions approved and recorded in the Public Records of St. Johns County. The development will be required to construct a Stormwater Management System to meet the requirements of the St. Johns

County Land Development Code, St. Johns River Water Management District (SJRWMD).

2. Vehicular Access / Interconnectivity: The project may have up to two (2) access points off of Racetrack Road. The eastern access point may be shared with the adjacent property owner (subject to appropriate cross access easements), as depicted on the Master Development Plan Map. The easement required for the shared access to the east shall be recorded prior to construction plan approval. Interconnectivity to the south and west is not feasible due to wetlands and existing residential homes.

3. Pedestrian Access / Sidewalks: Internal project sidewalks shall be located throughout the project and may include trails. The project shall comply with the Florida Accessibility Code for Building Construction. The Developer shall provide for the construction of a sidewalk within the right-of-way of RaceTrack Rd along the northern side of the road commencing across from the main entrance of Julington Creek Elementary School and proceeding east to connect to the existing public sidewalk adjacent to Flora Branch Road, which shall be constructed or caused to be constructed by Developer simultaneous with construction of Phase 1.

4. Open Space: Open Space and green space will be provided on the site within the buffers, and other common areas. A minimum of twenty-five (25%) percent (2.7 ac.) of the project shall be open space, including Development and Scenic Edges and Parks. The project shall include 2 passive parks between retention ponds and adjacent building. The parks shall include benches, picnic tables, trails, fountains and outdoor art with views of preserved areas and ponds for employer and customer relaxation and recreation.

5. Potable Water / Sanitary Sewer: Central water and sewer service will be provided by JEA. The water distribution system and sewer collection system will be private.

6. Fire Protection: The project will comply with the requirements of the St. Johns County Fire Services according to Section 6.03.00 of the St. Johns County Land Development Code.

7. Solid Waste: Solid waste shall be collected in dumpsters located throughout the project as shown on the MDP Map and shall be serviced by the licensed franchisee for this portion of the County. All solid waste collection facilities located outside of the building shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building, consistent with Section 6.06.04(B)(8) of the LDC.

8. Utilities. All utilities shall be located underground, including but not limited to water, sewer, electric, cable, telephone and gas, consistent with Section 5.03.06.H.7 LDC.

I. Potable Water / Sanitary Sewer: Central water and sewer service will be provided by JEA. It is estimated that the Neighborhood Commercial development will generate a potable water demand of 9,000 gallons per day (90,000 sf x .1 gpd/sf) and a sanitary sewer demand of 7,200 gallons per day (90,000 sf x .08 gpd/sf).

J. Topography and Soils: The property falls within Zone X of the Federal Emergency Management Agency (FEMA) flood zones, outside any one hundred (100) or five hundred (500) year floodplains.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies two main soil types on the site: Tavares fine sand and Pomona fine sand, 0-5 percent slopes.

K. Site Vegetation and Habitat: Forest types, wetlands vegetation and FLUCCS Codes are shown in the attached environmental report.

L. Significant Natural Communities Habitat: The site was observed for wildlife utilization and there is no evidence of any endangered or threatened species, species of special concern within the site boundaries. Gopher tortoise burrows have been found but were determined to be abandoned. The presence of significant natural communities habitat was noted (Sandhill, xeric oak) within the site boundaries. More than 10% of the native vegetation is being preserved in the areas of Scenic and Development Edges.

M. Historic Resources: The site is located in a "high-probability" area as designated by St. Johns County Final Archaeological Predictive Model, Figure No. 8.4 therefore a Reconnaissance study has been prepared and filed with the State of Florida. A copy of this report is attached.

N. Buffers: In accordance with the current St. Johns County Land Development code, the following buffer areas will be established and maintained within the development, as shown on the Master Development Plan shall include:

1. A natural buffer, a minimum of ten (10) feet in width, will be provided along the project perimeter. This buffer may be augmented with native/natural vegetation of required by the Land Development Code or if desired.

2. A 35' Development Edge shall be provided around the east, south and west boundaries of the Property. A 75' Scenic Edge shall be provided along Race Track Road, except that it shall be reduced to 30' where the Property depth is less than 500'. Within the portion of the Development Edge reduced to 30', additional landscaping and screening shall be provided to achieve the same level of screening as that provided by the 75' natural vegetation, in compliance with

Policy A.2.1.4. Also, signs shall be a permitted use within the Scenic Edge, so long as they are in compliance with Section 7.10.01.

The development will conform to all land clearing and tree inch/replacement requirements outlined within the Land Development Code, effective at the time of permitting.

- O. Special District:** The project is not located in any overlay or Special District.
- P. Temporary Uses:** The development of the PUD and construction of the improvements will require temporary uses such as construction trailers, sales offices, temporary signage and/or temporary access all in accordance with the St. Johns County Land Development Code.
- Q. Accessory Use:** Commercial Accessory Uses may be allowed per the requirements of the Land Development Code.
- R. Phasing:** The PUD shall be developed in two (2), five (5) year phases and shall be commenced within three (3) years of approval of the PUD. The phasing schedule shall be as follows:

2007-2012 – Phase I – 38,000 sf office or neighborhood commercial
2012-2017 – Phase II – 52,000 sf office or neighborhood commercial

Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Department and completion shall be defined as the approval of as-builts. Completion shall be within ten (10) years of approval of the PUD. DEP utility line permits shall be obtained consistent with project phasing.

Notwithstanding the projected phasing schedule, future phases (or a portion thereof) may be combined with current phases so long as a phase is 50% complete before moving to the next phase. Individual buildings may receive separate building permits and certificates of occupancy so long as sufficient infrastructure to support such individual buildings has been completed and approved.

S. Project Impact: The PUD is essentially infill office/commercial development anticipated to fill the daily needs of adjacent residents. There is a need for professional office space in the immediate vicinity. The PUD is within an existing Development Area and furthers the Objective of the Comprehensive Plan and the Northwest Sector Plan. The PUD provides for essential professional office and neighborhood commercial with an environmental and pedestrian friendly design. The project is compatible with adjacent uses based on the following: The northern boundary is adjacent to Race Track Road, a 250' 4-lane divided highway with a Scenic Edge for a buffer; the eastern boundary is adjacent to a church with a 35' Development Edge Buffer; and the southern/western boundary is separated from adjacent residential homes by a minimum 350' HOA-owned

existing conservation easement of dense wetlands and an additional 35' Development Edge on the subject Property.

T. Waivers / Variances / Deviations: This application requests one waiver:

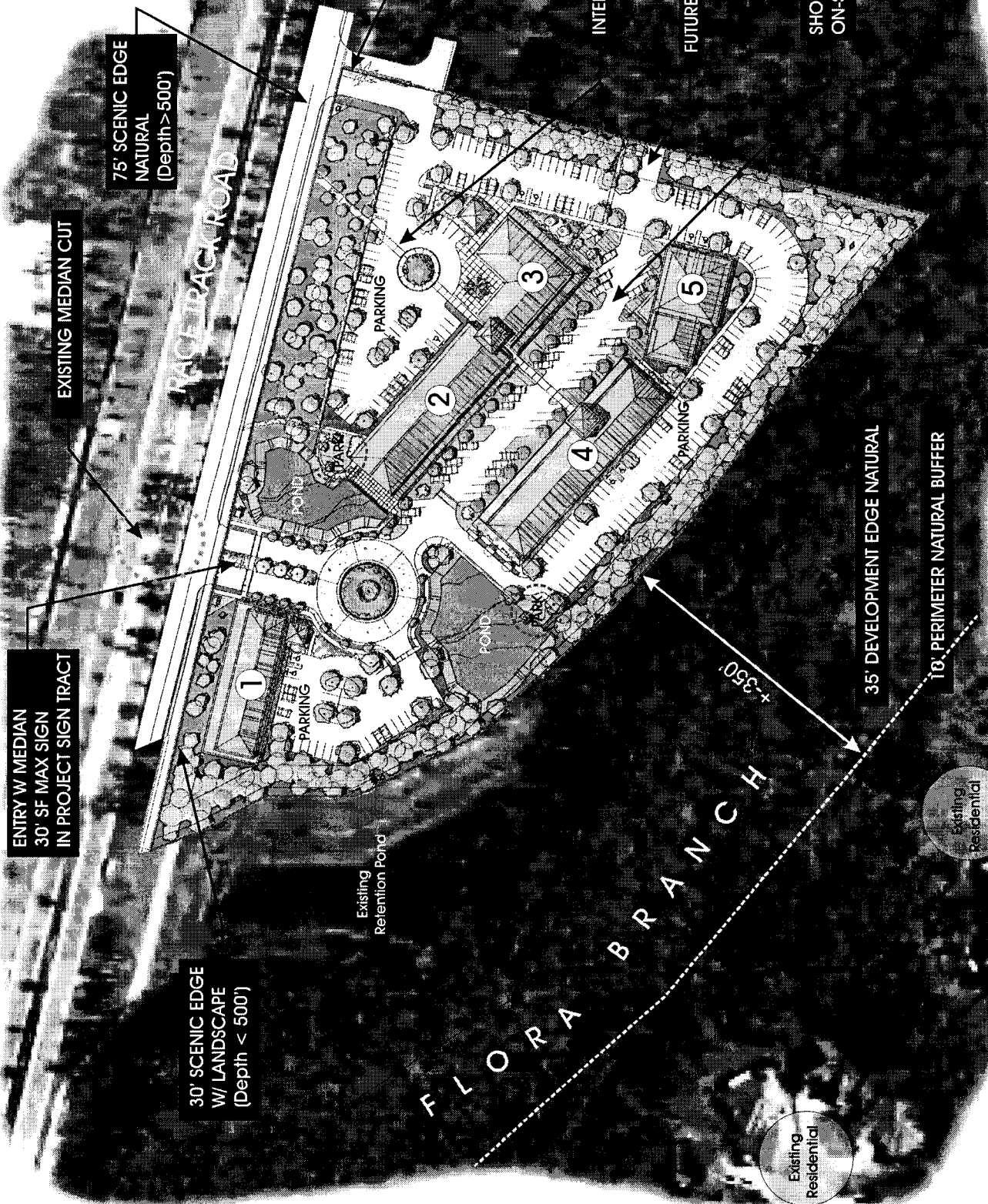
1. Waiver to Section 7.00.02.B.2 to not include a Unified Sign Plan. This waiver is justified as the project is relatively small. The waiver shall not effect the provision of Section 5.03.03(E) of the LDC that allows a PUD to be considered a "single premise" for purposes of signage.

U. Ownership / Agreement to Comply: The applicant agrees to proceed with the Project in accordance with the adopted PUD and such conditions and safeguards as may be set by the Board of County Commissioners in the adopting Ordinance and to bind its successors in title to the commitments and conditions of the Master Development Plan.

V. Future Land Use Designation: The future land use designation for this project is Residential B which permits the intended uses.

FLORA BRANCH
 NEIGHBORHOOD OFFICE/
 COMMERCIAL CENTER
 Preliminary Master Plan

| DEVELOPMENT INFORMATION | | |
|-------------------------|---------------|--------|
| BUILDING # | USE | SF |
| 1 | Office Retail | 18,000 |
| 2 | Office Retail | 18,000 |
| 3 | Office Retail | 18,000 |
| 4 | Office Retail | 18,000 |
| 5 | Office Retail | 18,000 |
| TOTALS | | 90,000 |



March 21, 2007

Scale: 1"=50'

ENTRY W/ MEDIAN
 30' SF MAX SIGN
 IN PROJECT SIGN TRACT

EXISTING MEDIUM CUT

75' SCENIC EDGE
 NATURAL
 (Depth > 500')

30' SCENIC EDGE
 W/ LANDSCAPE
 (Depth < 500')

ENTRY W/ MEDIAN
 30' SF MAX SIGN
 IN OPTIONAL SIGN TRACT

ADJACENT
 PROPERTY
 CHURCH

INTER-CONNECTED PEDESTRIAN SYSTEM

FUTURE ACCESS

SHOPPING STREET with
 ON-STREET PARKING

35' DEVELOPMENT EDGE NATURAL

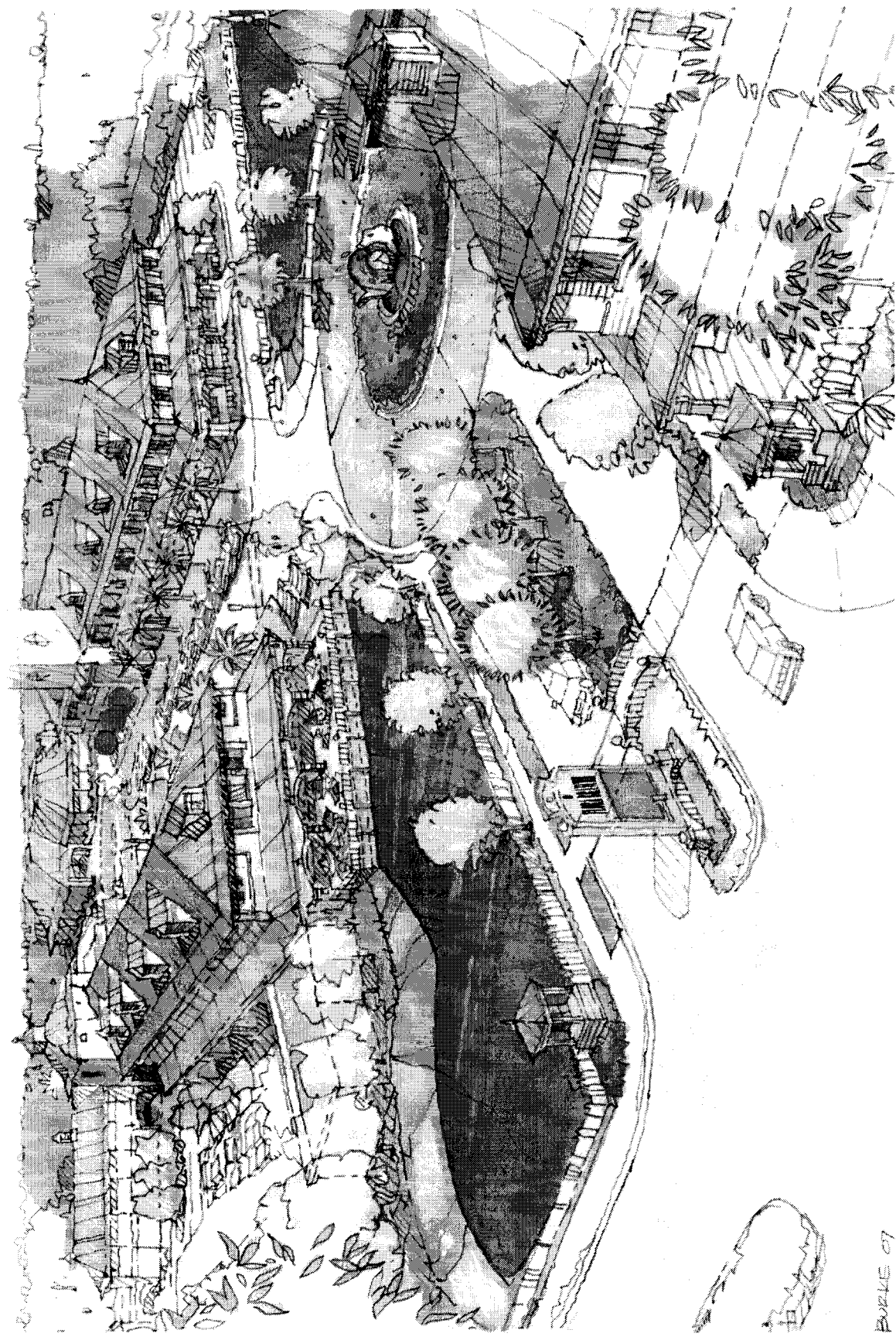
10' PERIMETER NATURAL BUFFER

Existing Residential

Existing Residential

FLORA BRANCH

+350'



BURKE 07

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SARAH SELFRIDGE**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **NOTICE OF HEARING**

in the matter of **PUD 07-02/FLORA BRANCH**

was published in said newspaper in **DECEMBER 3, 2007**

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **5th day of DECEMBER 2007.**

by *Sarah Selfridge* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)
PATRICIA A BERGQUIST



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

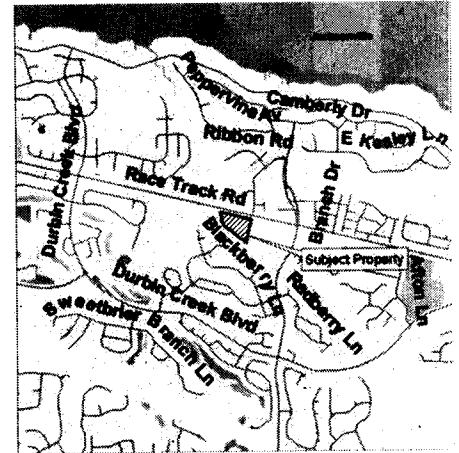
(Seal)

COPY OF ADVERTISEMENT

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, December 18, 2007 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone from Open Rural (OR) to Planned Unit Development (PUD). Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property is located south side Racetrack, west of Flora Branch within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1 800 955 8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
THOMAS MANUEL, CHAIRMAN
FILE NUMBER: PUD 2007-02
Flora Branch Office Park
L3345-7 Dec 3, 2007



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 26, 2007

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Deputy Clerk

FILED
08 JAN -7 AM 7:28
CLERK OF CIRCUIT COURT AND
ST. JOHNS COUNTY COMMISSION
ST. JOHNS COUNTY FL

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 20, 2007 and certified copy of St. Johns County Ordinance No. 2007-92, which was filed in this office on December 24, 2007.

Sincerely,

[Handwritten signature of Liz Cloud]

Liz Cloud
Program Administrator

LC/jru

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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