



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, December 3, 2019 at 2:00 p.m.

Alcazar Room, City Hall
75 King Street

1. Roll Call

2. General Public Comments for Items Not on the Agenda

3. Approval of Minutes

- a. Regular Meeting Minutes from November 5, 2019.

4. Variance

- (a) 2019-0102 James Solana – Applicant
(continued Nov. 5, 2019) Sisters of St. Joseph – Owner

243 St. George St

To exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

- (b) 2019-0120 Quinn M. Robert – Applicant/Owner

14 Avista Circle

To exceed the maximum lot coverage for construction of an 811 square foot addition to the existing single family home and a 545 square foot covered carport.

5. Conservation Overlay Zone Development

- (a) 2019-0101 Ryan Carter – Applicant
(continued Nov. 5, 2019) c/o Carter Environmental Services, Inc.

Ernest Little – Owner

5 Lighthouse Avenue

To approve dock modifications to an existing two hundred twenty nine (229') foot dock including and a three (3') foot by eighteen (18') foot gangway that

connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

- (b) 2019-0086 Scott Patrou – Applicant/Owner
(continued Oct. 1, 2019) c/o Ginn & Patrou Holdings, LLC

435 Flagler Boulevard

To approve the construction of a four hundred sixty five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2. Requested to be continued to February 4, 2020 Regular PZB Meeting.

- (c) 2019-0118 Cora Johnston – Applicant
c/o Generation Homes
Anthony & Kathleen Prestera - Owners

111 Fiddler Crab Lane

To approve the removal of three (3) significant trees (Southern Red Cedars) within Conservation Overlay Zone 3.

- (d) 2019-0117 Herbert Vandermark – Applicant
c/o Yelton Construction Co., Inc.
Kenton Morrison – Owner

25 Dolphin Drive

To approve the construction of a ten foot (10') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1.

6. Use by Exception

- (a) 2019-0114 Vallery Clouse – Applicant Owner

166 Marine Street

To approve a home occupation for cranial sacral & lymphatic massage.

7. Use by Exception & Conservation Overlay Zone Development

- (a) 2019-0116 Shannon Acevedo – Applicant
c/o Matthews Design Group
Windward Marina St. Augustine South, LLC - Owner
[400 & 404 Riberia Street](#)
To approve a use by exception for a restaurant. To approve for the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2.

8. Rezoning

- (a) 2019-0115 Paul Harden - Applicant
John Wilson – Owner
c/o West Sebastian, LLC
[San Sebastian View](#) – PID #: 084560-, 102990, 102810-, 154860-, and 155540-0000
A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, General-One (RG-1).
- (b) 2019-0119 James Whitehouse – Applicant
c/o St. Johns Law Group
Columbia Restaurant of St. Augustine, LLC – Owner
[98 St. George Street](#)
A request to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage.

9. Other Business

- (a) Discussion and Recommendation of Ordinance 2019-34, zoning requirements for Tattoo Studios and Micropigmentation.
- (b) Discussion and Recommendation of Ordinance 2019-53, to codify and provide guidance for establishing a city tree mitigation fund within chapter 25, section 25-56 of City Code.

10. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting November 5, 2019

The Planning and Zoning Board met in formal session Tuesday, November 5, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Karen Zander, Chairperson and the following were present:

1. Roll Call:

Karen Zander, Chairperson
Jon DePreter, Vice Chairperson
Grant Misterly
Sarah Ryan
Christina Opsahl
Mike Davis

Absent: Grant Misterly, excused
Mike Davis, excused

City Staff: David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Isabelle Lopez, City Attorney
Candice Seymour, Recording Secretary

2. General Public comment for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan **MOVED** to **APPROVE** the October 1, 2019 minutes as presented. The motion was **SECONDED** by Mr. DePreter and **APPROVED BY UNANIMOUS VOICE VOTE.**

MOTION

Mr. DePreter **MOVED** to **APPROVE** the September 24, 2019 minutes as presented. The motion was **SECONDED**

by Ms. Ryan and **APPROVED BY UNANIMOUS VOICE VOTE.**

4. Variance

4. (a) 2019-0102 – James Solana – Applicant Sisters of St. Joseph – Owner 243 St. George St

Ms. Zander recused herself from hearing the item.¹

To exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

Mr. Birchim advised that the applicant had requested a continuance to the December 3, 2019 meeting and the lack of a quorum made the board unable to hear the item and make a final decision.

¹ Form attached to original minutes.

MOTION

Ms. Opsahl **MOVED** to **CONTINUE** application 2019-0102 to the December 3, 2019 meeting. The motion was **SECONDED** by Ms. Ryan and **APPROVED BY UNANIMOUS VOICE VOTE**.

5. Conservation Overlay Zone Development

5. (a) 2019-0083 – Ryan Carter, Carter Environmental Services, Inc – Applicant Ernest Little – Owner 5 Lighthouse Avenue

To approve dock modifications to an existing two hundred twenty nine (229') foot dock including and a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

Mr. Birchim advised that the applicant had requested a continuance to the December 3, 2019 meeting.

MOTION

Ms. Ryan **MOVED** to **CONTINUE** application 2019-0083 to the December 3, 2019 meeting. The motion was **SECONDED** by Mr. DePreter and **APPROVED BY UNANIMOUS VOICE VOTE**.

6. Other Business

6. (a) Discussion and Recommendation of Ordinance 2019-45, providing for the establishment of a Corridor Review Committee (CRC)

Mr. Cary reviewed the ordinance.

Public comment was opened, and the Board heard from the following members:

- Melinda Rakoncay

- B.J. Kalaidi

Public comment was closed.

The Board discussed:

- The CRC would be a single Board that reviews all Entry Corridors
- Finding qualified committee members with the strict criteria
- Tight application timeframes with a recommendation to consider a sixty-day process to allow for clearer and more complete packets
- Possibility of not scheduling a hearing until all materials were submitted
- Considering making attendance regulations consistent across the different city boards
- Adding Planner and General Contractor back to professional qualifications for members to increase viability of filling Board vacancies
- Recommendation that residents living within a reasonable distance of a corridor be considered for the committee

MOTION

Mr. DePreter **MOVED** to **RECOMMEND APPROVAL** of Ordinance 2019-45 to the City Commission with the following changes as discussed:

- Including Planner and General Contractor as professional qualifications for committee members
- Removing or revising attendance regulations to be consistent across the boards

The motion was **SECONDED** by Ms. Ryan and **APPROVED BY UNANIMOUS VOICE VOTE**.

6. (b) Review and Recommendation to the City Commission for Transmittal of the City of St. Augustine Comprehensive Plan 2040 Update - Evaluation and Appraisal Report (EAR) based Amendments to the Department of Economic Opportunity (DEO) and other reviewing Agencies

Ms. Skinner reviewed the the transmittal and adoption process. She clarified additional residential properties added to the list of those being removed from Public/Semi Public Land Use.

The Board discussed the following regarding the Future Land Use Element Goals, Objectives, and Policies:

- Buffering requirements were a positive addition
- Consideration to increase density in land use categories to create enough density to meet future goals
- Remove “themes” and change to “cohesive streetscape elements” in Policy 6.4.7
- Impervious surface coverage potentially adopted in the future
- Policy requiring developers to provide public services through fees such as a mobility fee or impact fees
- Encouragement of reestablishment of a railroad station
- Clearly denote Appendix A as the map series
- Considering economic cost to maintain large historic structures that were too historically valuable to demolish
- Reconsideration of maximum density and intensity in Institutional Land Use
- Preservation of existing residential areas and consideration of how vacation rentals affect that goal
- Proposed densities would not be enough to encourage affordable housing

- Specific policies struck from the document because they were already referenced within the Zoning Code
- Mixed use development requirements
- Height restrictions may not allow for higher density
- Working waterfronts
- Public and Institutional FLU language mirrored Public/Semi Public land use to keep from changing property owner entitlements
- Ensuring that businesses were not negatively impacted by the goal of reducing automobile trips downtown
- Protection of historic skyline was a positive addition
- Goal to develop mitigation measures to protect the city from the effects of tourism and growth in St. Johns County may be unrealistic
- Coastal Vulnerability Assessment would be an addendum to the Conservation and Coastal Management element.
- Map Series
 - Identifying further historic resources than were indicated
 - Archeological Zone map needed more context
 - Fish Island had not yet been officially purchased and the Land Use change would occur once a management plan had been finalized
 - Altering map colors to more clearly define the different categories

Public Comment was opened regarding FLU Element and the Board heard from the following:

- Melinda Rakoncay
- B.J. Kalaidi

Public comment was closed.

Ms. Skinner and Mr. Birchim addressed public comments including:

- The institutional land use of county-owned properties at the end of Marine Street which were leased to the Council on Aging and Bayview nursing home and had PUD zoning
- Institutional land use designation of 169 King Street to maintain existing property rights
- FSDB land use designations exemptions from City zoning regulations

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL for transmittal of the Future Land Use Element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION

AYES: DePreter, Ryan, Opsahl, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

The Board discussed the following regarding Historic Preservation Element:

- Creative ways to maintain historic buildings
- Positive uses of technology for historic preservation
- Difficulties in proving economic hardship
- Exploring alternative uses, including vacation rentals to preserve historic structures
- Reconstruction with original materials may be infeasible
- Concern that the City was looking to regulate vacation rentals, but included policies that seemed to promote them as well
- Zoning incentives for preservation
- Captioning for streamed viewing

- Community partnerships for affordable housing in historic neighborhoods
- Consideration of alternative wood and window products

Public comment was opened regarding the Historic Preservation Element and the Board heard from the following:

- Melinda Rakoncaj
- B.J. Kalaidi

Public comment was closed.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL for transmittal of the Historic Preservation Element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION

AYES: DePreter, Opsahl, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

The Board recommended that reference be made to the National Flood Insurance Program standards for reconstruction in the Conservation and Coastal Management Element.

MOTION

Ms. Opsahl MOVED to RECOMMEND APPROVAL for transmittal of the Conservation and Coastal Management element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Mr. DePreter.

Mr. DePreter announced the addition of the City's new Resiliency Officer.

² Brief recess from 3:40p.m. to 3:45p.m.

VOTE ON MOTION

AYES: Opsahl, DePreter, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

The Board discussed the new Open Land/Conservation category which could include environmentally sensitive uplands in the Recreation and Open Space Element.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL for transmittal of the Recreation and Open Space element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION

AYES: DePreter, Ryan, Opsahl, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

The Board discussed the following relevant to the Transportation and Mobility Element Goals, Objectives, and Policies:

- Circulator/community transit
- High turnover policy for downtown parking
- Short-term parking as an ongoing goal
- Parking code update forthcoming
- Concern for complete street design and narrow streets
- Quality and level of service
- Multiple modes of transportation contributing to livability
- Bicycle and pedestrian access to be provided by developers private developers
- Design recommendations to other public entities such as FDOT and providing incentives for private developers
- Emphasis on movement for people of all ages and mobilities
- Autonomous transit vehicles and parking facilities that could

accommodate pedestrian and bicycle traffic

- Encouragement of downtown parking garages
- Mobility fee for new and redevelopment that increased intensity
- Water taxis were a positive inclusion
- Recommendation to reflect a need for free circulator from the VIC throughout downtown
- Parking requirements
- Requirement for four lane roads next to parking garage unless approved by the PZB and/or City Commission based on adopted Land Development Code
- Drop off and pick up areas for ride share was a positive addition

Public comment was opened; however, there was no response.

MOTION

Ms. Ryan MOVED to RECOMMEND APPROVAL for the transmittal of the Transportation and Mobility Element as discussed to the City Commission. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION

AYES: Ryan, Opsahl, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

The Board discussed the following regarding the Housing element:

- Change review of permitting process from "every two years" to "ongoing basis" to reflect the staff's existing process.
- Concern that encouraging workforce housing through certain incentives such as exemption from mobility fees and parking requirement reductions may decrease available parking

MOTION

Ms. Opsahl MOVED to RECOMMEND APPROVAL for transmittal of the Housing Element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION

AYES: Opsahl, Ryan, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

The Board discussed easements protecting city water supply wells outside of the City Limits in regard to the Infrastructure Element.

Public Comment was opened; however, there was no response.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL of the Infrastructure Element of the Comprehensive Plan to the City Commission. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION

AYES: DePreter, Opsahl, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Ms. Skinner noted that the last elements were already existing in the Comprehensive Plan and were not part of the update transmittal. She added that they were provided to the Board for informational purposes with the possibility that the State would come back with comments and updating these elements would be likely in the future.

Ms. Zander asked for clarification regarding a land use amendment in the University Boulevard area and Ms. Skinner responded that part of the property had been designated Residential Low Density Mixed-Use, while the other half had been marked No Value, and the change was to amend

the map to reflect the entire property as Residential Low Density Mixed-Use.

7. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 4:30 P.M.³

Karen Zander, Chairperson

³ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **VARIANCE #2019-0102**

AGENDA ITEM 4(a)

APPLICANT James L. Solana, James Solana Contractor, Inc.

OWNER Sisters of St. Joseph

LOCATION 243 St. George St.

REQUEST To exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

PLANS RECEIVED November 4, 2019

LAND USE Historic Preservation

ZONING Historic Preservation 1 (HP-1)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, **except variances may be obtained for school, church and governmental agency uses**. No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-188. - Lot, yard and height requirements for historic preservation districts 1, 2 and 3.

(b)(2) Maximum lot coverage by all buildings:

- a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.
- b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

STAFF SUMMARY AND ANALYSIS

The applicant desires to add a 705 square foot addition to the main building on the site. The existing building is 13,074 square feet. In order to construct the addition, they are proposing to construct the three (3) rooms within the existing courtyard. Since the existing main structure on the property is over the code prescribed 2,500 square feet for a main building, this request would require a variance to construct the addition. In particular, the applicant is proposing relief from the maximum lot coverage for the main building:

Request	Code	Existing	Proposed
Max Lot Coverage for Main • \ Building	Lesser of 2,500 ft ² or 50% of lot	13,074 ft ²	13,779 ft ²

Staff interpretation of findings of fact in *italics*.

1. Variance to exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff finds there is a singular disadvantage in this situation. The size of this the main building, originally constructed in 1866, predates the zoning requirements for main and secondary structure within the HP-1 zoning district. Based on the buildings size, it exceeds the maximum size of a main build which would prohibit any further expansion on site.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The size of the existing, main building on the lot renders the main build over the allowed size per City Code, therefore there is no ability to expand the use within our current code standards.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The structure was constructed prior to any City Codes being established, which govern the maximum lot coverage for structure.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance would not be contrary to the public interest or affect neighboring properties due to the nature of the request and entire lot is already established with similar uses. The overall lot coverage would not be significantly impacted by this addition, it will remain at 27.3% for the overall site. The spirit, intent, and purpose of the HP-1 district is to provide primarily residential uses and encourage the preservation and restoration of historic structures in the district, therefore this is in harmony, intent, and purpose of this Section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to add a 705 square foot addition to the main building at 243 St. George St.

SUPPLIMENTS

Attachment 1 – Application, Location Maps, Property Appraiser Information

Attachment 2 – Narrative

Attachment 3 – Site Photos

Attachment 4 – Site Plan & Survey

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350.00 (plus advertising costs) Project Number: 2019-0102

Receipt Number: 1695249 Meeting Date: Nov. 5, 2019

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: JAMES SOLANA Contact Number: 904 823 6990

Business (if applicable): _____

Address: 21 OLD MISSION AVE City: ST AUG State: FL Zip: 32084

E-Mail Address: SUN1@BELL SOUTH.NET

2. NAME OF PROPERTY OWNER: SISTERS OF ST JOSEPH Contact Number: _____

Business (if applicable): 243 ST GEORGE ST.

Address: 243 ST GEORGE City: ST AUG State: FL Zip: 32084

E-Mail Address: _____

RECEIVED

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

SEP 20 2019

Lot: _____

Block: _____

Subdivision: _____

Parcel Number: _____

Planning/Building Dept.

PD

4. PROJECT STREET ADDRESS: 243 ST GEORGE ST, ST. AUGUSTINE

5. SPECIFIC PROPOSED USE: RESIDENTIAL

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Provide (3) additional bedrooms
totaling 705 SF to existing residential facility

LDC Sec. 28-29(b)(1)

8. JUSTIFICATION FOR ACTION REQUESTED: Increasing number of
elderly sisters means existing motherhouse and hall
can not facilitate projected number of users. The
addition of 3 rooms will satisfy projected
commitments.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: HISTORIC EXISTING SITE WHO'S MEMBERS TRADITIONALLY RESIDE AT THE CONVENT NEEDS ADDITIONAL ROOMS FOR INCREASING NUMBERS
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: EXISTING LOT COVERAGE ABOUT 27% AND TOTAL SQ FT AT 712,000 SF, THE NEW 705' SF ADDITION SHOULD HAVE LITTLE ADVERSE EFFECT.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

[Signature]
Signature of Applicant

9-20-19
Date

[Signature]
Signature of Property Owner

9/20/19
Date



CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

The applicant attests that all documents and statements submitted as part of its application are truthful and applicant agrees to resolve conflicts with other legal documents consistent with the procedures in section 28-37 of the city code.

JAMES L. SOLANA
Print Name of Applicant

[Signature]
Signature of Applicant

9/20/19
Date



RECEIVED
SEP 20 2019
Planning/Building Dept.

Owner's Authorization For Agent

JAMES L. SOLANA is/are hereby authorized TO ACT ON BEHALF
OF SISTERS OF ST. JOSEPH, the owner(s) of those lands described within
☐ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: Sister Kathleen Carr
Signature of Owner
Sister Kathleen Carr
Print Name of Owner
305-807-3525
Telephone Number

State of Florida
County of St. Johns
Signed and sworn before me on this 20 day of September, 2019
By Pat Mizell

Identification verified: _____

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____

Patricia C. Mizell

2/13/2023



Owner's Authorization For Agent

NATE GOLDBERGER is/are hereby authorized TO ACT ON BEHALF OF, the owner(s) of those lands described Within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's:

☐ Historic Architectural Review Board

☐ Planning and Zoning Board

property located at 243 St. George Street
St. Augustine, FL

BY: Maria Kathleen Carr
Signature of Owner

Sister Kathleen Carr
Print Name of Owner

904-824-2579
Telephone

RECEIVED
OCT 18 2019
Planning/Building Dept.

Sworn to and subscribed before me on this 16 day of October, 2019

Notary Public: Patricia C. Mizell

My Commission expires on 2/13/23



Patricia C. Mizell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG301509
Expires 2/13/2023



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

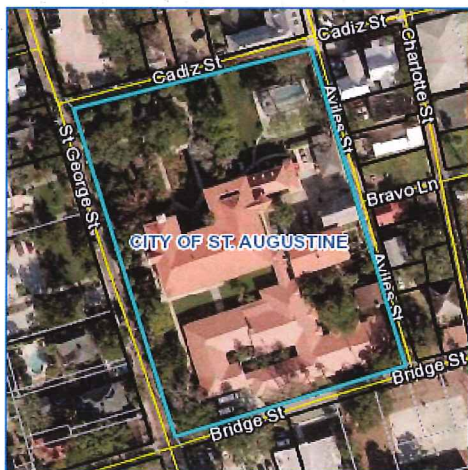
Summary

Parcel ID 1992900000
Location Address 32 AVILES ST
 34 AVILES ST
 36 AVILES ST
 241 ST GEORGE ST
 243 ST GEORGE ST
Neighborhood SAINT AUGUSTINE 32084-0000
Tax Description* City St Aug (Historical) (COM) (610.03)
 CITY OF ST AUGUSTINE ALL BLK 35
**The Description above is not to be used on legal documents.*
Property Use Code Non-Profit, Charitable & Orphanages (7500)
Subdivision City of St Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 2.410
Homestead N

Owner Information

Owner Name Sisters Of St Joseph 100%
Mailing Address PO BOX 3506
 SAINT AUGUSTINE, FL 32085-3506

Map



Valuation Information

	2019
Building Value	\$3,660,170
Extra Features Value	\$111,997
Total Land Value	\$1,155,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$4,927,167
Total Deferred	\$0
Assessed Value	\$4,927,167
Total Exemptions	\$4,927,167
Taxable Value	\$0

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$2,898,736	\$111,997	\$2,100,000	\$0	\$0	\$5,110,733	\$4,917,763	\$5,110,733	\$0
2017	\$2,972,012	\$107,787	\$2,100,000	\$0	\$0	\$5,179,799	\$4,470,694	\$5,179,799	\$0
2016	\$3,024,921	\$107,524	\$1,375,500	\$0	\$0	\$4,507,945	\$4,064,267	\$4,507,945	\$0
2015	\$3,075,453	\$131,148	\$1,375,500	\$0	\$0	\$4,582,101	\$3,694,788	\$4,582,101	\$0
2014	\$1,849,421	\$133,977	\$1,375,500	\$0	\$0	\$3,358,898	\$3,358,898	\$3,358,898	\$0
2013	\$1,885,450	\$136,806	\$1,375,500	\$0	\$0	\$3,397,756	\$3,397,756	\$3,397,756	\$0
2012	\$1,921,477	\$139,634	\$1,375,500	\$0	\$0	\$3,436,611	\$3,436,611	\$3,436,611	\$0
2011	\$1,957,508	\$142,463	\$1,522,500	\$0	\$0	\$3,622,471	\$3,622,471	\$3,622,471	\$0
2010	\$1,993,537	\$145,292	\$1,680,000	\$0	\$0	\$3,818,829	\$3,818,829	\$3,818,829	\$0

Exemption Information

Exemption Type	Amount
Church/Religious	\$4,927,167

Building Information

Building	1	Roof Structure	Wood Truss
Actual Area	38338	Roof Cover	Modular Metal
Conditioned Area	20366	Interior Flooring	Hardwood
Actual Year Built	1866	Interior Wall	Drywall
Use	Dormitories	Heating Type	Air Duct
Style	03	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	130 FIXTURES	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	3008	3008
OUTSIDE STAIRS	0	515
FINISHED UPPER STORY	5542	5542
BASE AREA	11816	11816
UNFINISHED BASEMENT - FORCED	0	7269
FINISHED OPEN PORCH	0	10188
Total SqFt	20366	38338

Building	2	Roof Structure	Wood Truss
Actual Area	3322	Roof Cover	Modular Metal
Conditioned Area	3218	Interior Flooring	Pine Wood, Concrete Finish
Actual Year Built	1691	Interior Wall	Plaster
Use	Tourist Attraction	Heating Type	None
Style	04	Heating Fuel	
Class	N	Air Conditioning	None
Exterior Wall	Stone	Baths	5

Category	Type	Pct
Exterior Wall	Stone	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Plaster	100%
Interior Flooring	Pine Wood	50%
Interior Flooring	Concrete Finish	50%
Heating Type	None	100%
Air Conditioning	None	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Minimum	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	3218	3218
CANOPY (COMMERCIAL)	0	104
Total SqFt	3218	3322

Building	3	Roof Structure	Wood Truss
Actual Area	4080	Roof Cover	Modular Metal
Conditioned Area	4080	Interior Flooring	Concrete Finish, Hardwood
Actual Year Built	1940	Interior Wall	Drywall
Use	Fitness Clubs	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	8

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	50%
Interior Flooring	Hardwood	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Wood Frame	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	4080	4080
Total SqFt	4080	4080

Building	4	Roof Structure	Wood Truss
Actual Area	2824	Roof Cover	Composite Shingle
Conditioned Area	2796	Interior Flooring	Pine Wood, Sheet Vinyl
Actual Year Built	1750	Interior Wall	Plaster
Use	Dormitories	Heating Type	Air Duct
Style	03	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Stucco	Baths	

Category	Type	Pct
Exterior Wall	Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Plaster	100%
Interior Flooring	Pine Wood	50%
Interior Flooring	Sheet Vinyl	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	10 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	1398	1398
FINISHED UPPER STORY	1398	1398
CANOPY	0	28
Total SqFt	2796	2824

Building	5	Roof Structure	Wood Truss
Actual Area	14141	Roof Cover	Modular Metal
Conditioned Area	12366	Interior Flooring	Carpet, Vinyl Tile
Actual Year Built	1961	Interior Wall	Drywall
Use	Dormitories	Heating Type	Air Duct
Style	03	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%

Category	Type	Pct
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	70%
Interior Flooring	Vinyl Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	57 FIXTURES	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	7739	7739
BASE AREA	4627	4627
FINISHED OPEN PORCH	0	1775
Total SqFt	12366	14141

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Average)	0	0	0	0	540
Masonry Wall	0	0	0	0	4500
Pool (Concrete)	0	0	0	0	544
Kool Deck	0	0	0	0	380
Handicap Ramp	0	0	0	0	132
Concrete Paving	0	0	0	0	3121
Brick Pavers (0-500)	0	0	0	0	216
Concrete Paving	0	0	0	0	1863
Masonry Wall	0	0	0	0	170
Handicap Ramp	0	0	0	0	96
Handicap Ramp	0	0	0	0	175
Masonry Wall	0	0	0	0	110
Concrete Paving	0	0	0	0	1496
Brick Pavers (0-500)	0	0	0	0	156
Concrete Paving	0	0	0	0	641
Concrete Paving	0	0	0	0	1323
Curb	0	0	0	0	271
Pool Enclosure	0	0	0	0	1450

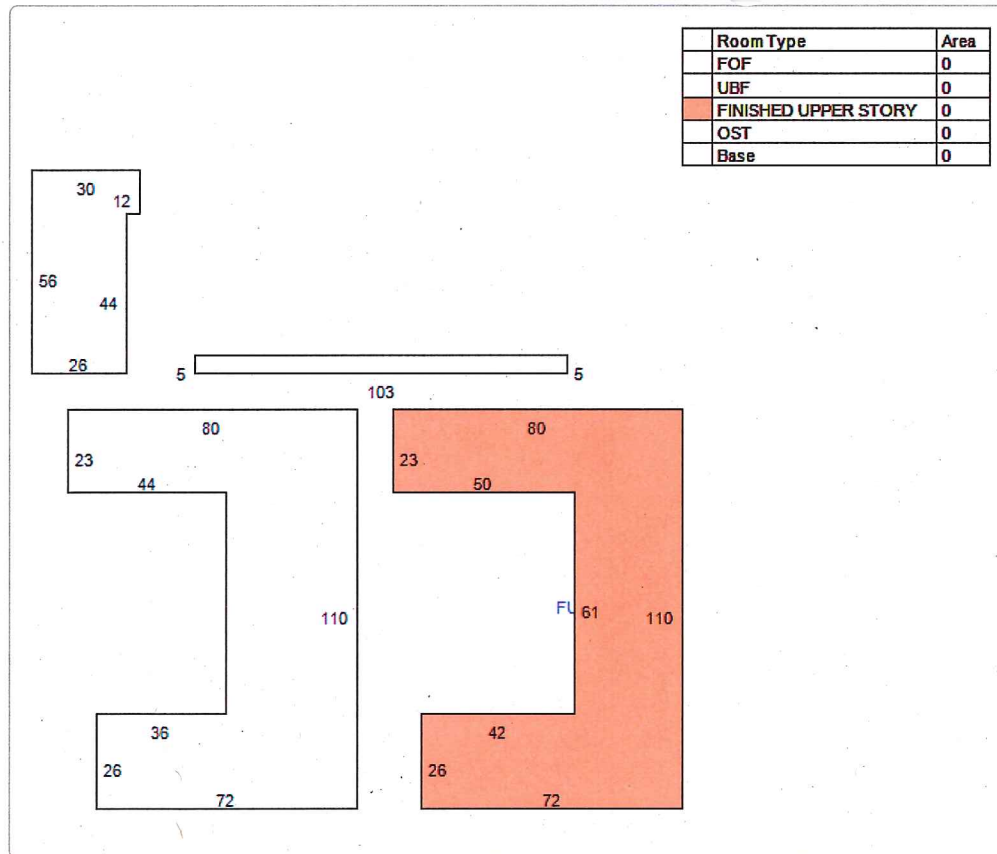
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Non-Profit, Charitable & Orphanages	750	140	105000	SF	\$1,155,000

Area Sales Report

[Recent Sales in Area](#)

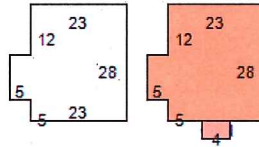
Sketch Information



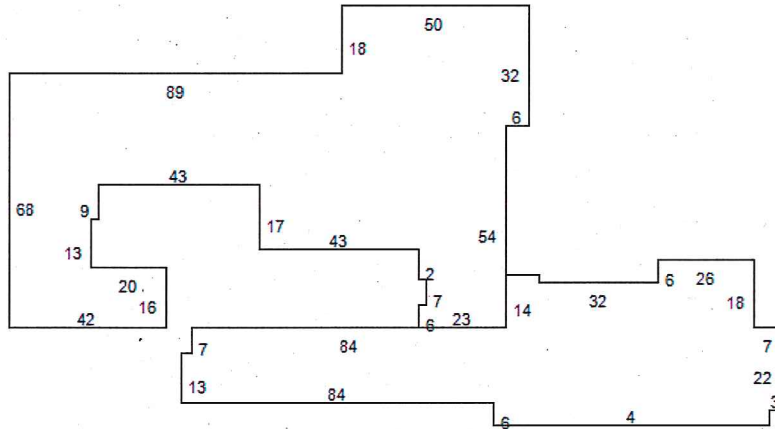
	Room Type	Area
	CCN	0
	Base	0

	Room Type	Area
--	-----------	------

Room Type	Area
CANOPY	0
FINISHED UPPER STORY	0
Base	0



Room Type	Area
FOF	0
Base	0



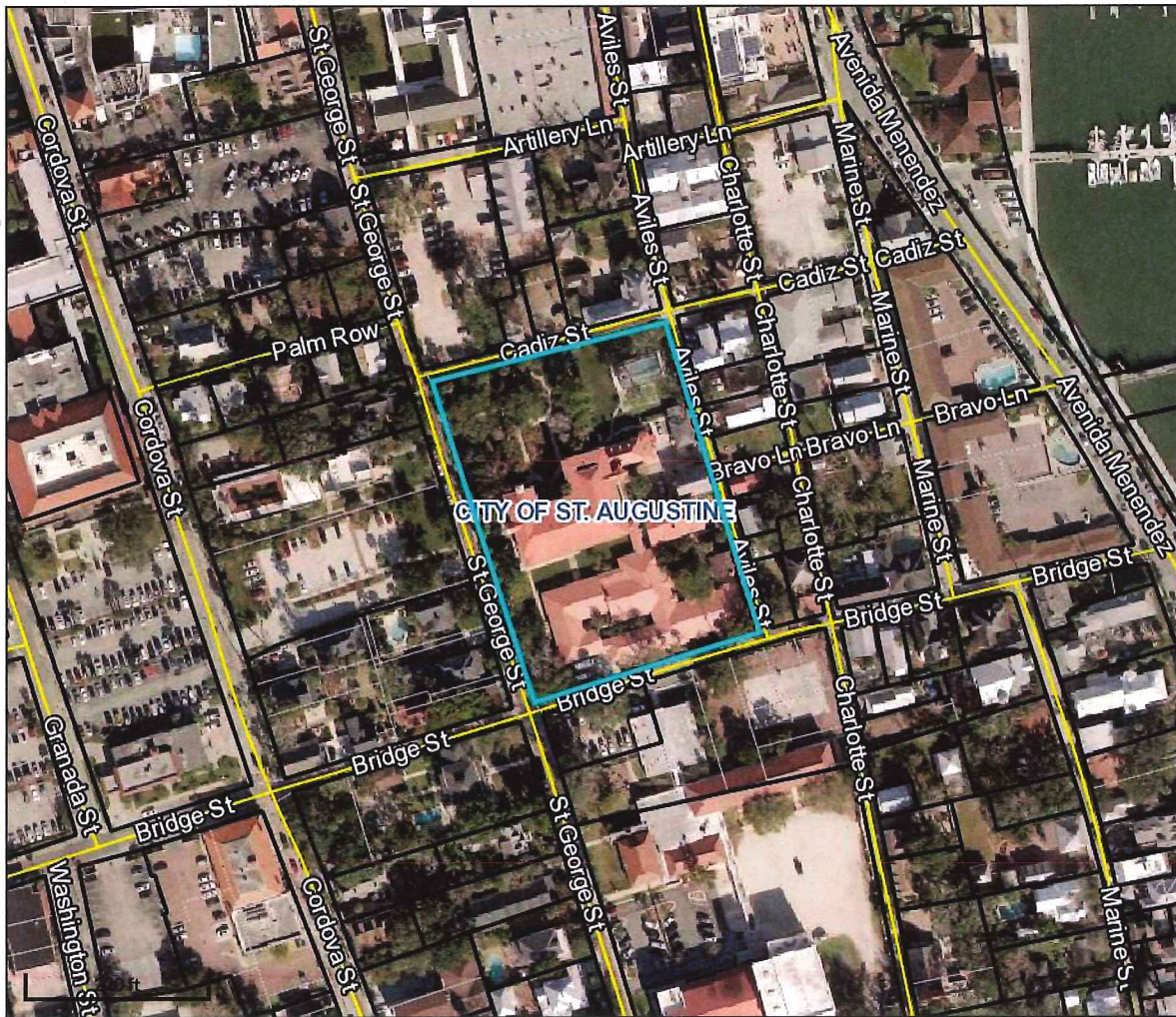
No data available for the following modules: Sale Information.

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Version 2.3.8



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1992900000	Physical Address	241 ST GEORGE ST	Building Value	\$3,660,170	Last 2 Sales			
Property Class	7500 - Non-Profit, Charitable & Orphanages	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$111,997	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	SISTERS OF ST JOSEPH	Total Land Value	\$1,155,000	n/a	0	n/a	n/a
Acres	2.41		PO BOX 3506	Just Value	\$4,927,170	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL	Total	N/A				
			32085-3506	Deferred					
				Assessed Value	\$4,927,170				
				Total	\$4,927,170				
				Exemptions					
				Taxable Value	N/A				

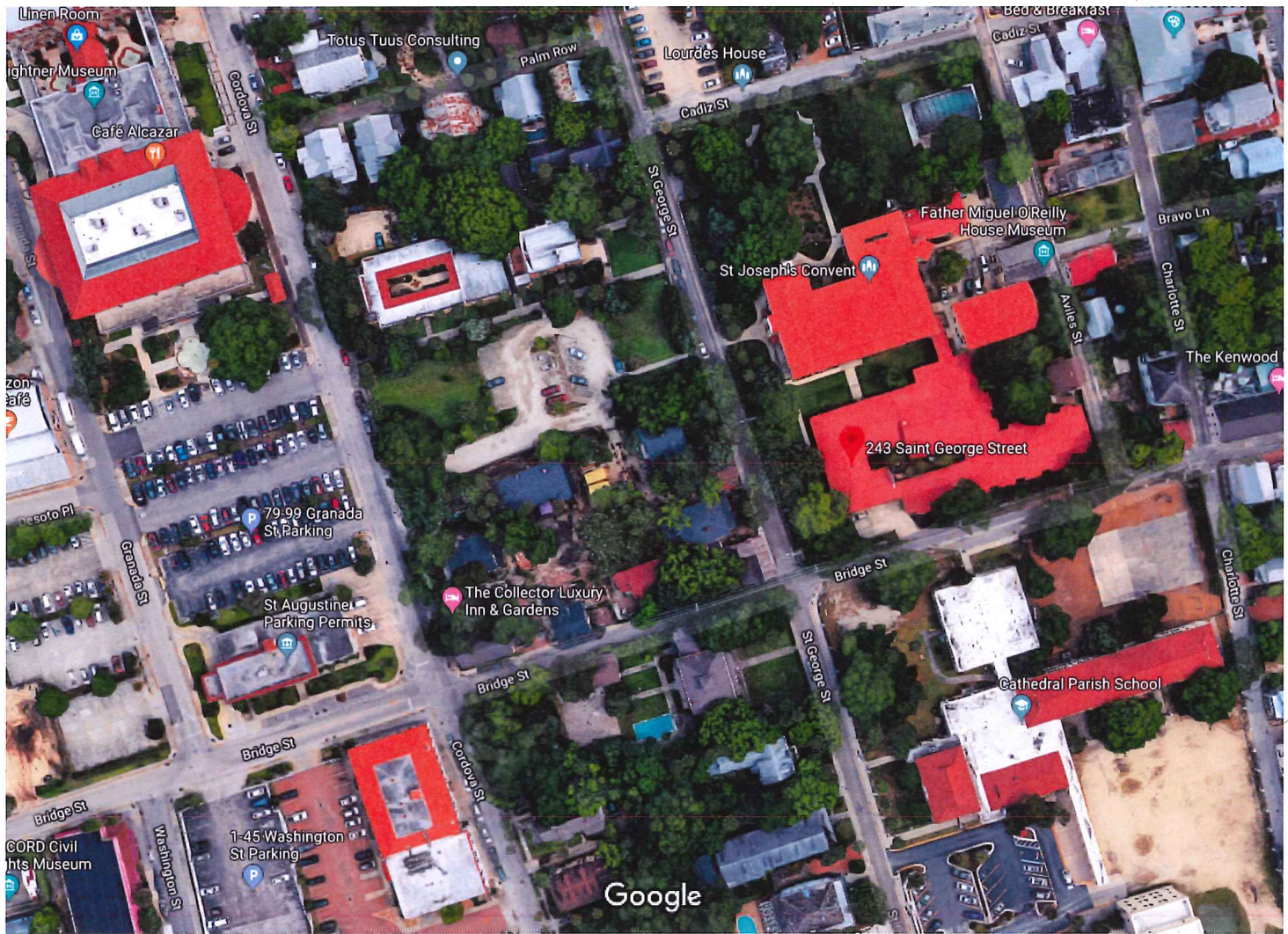
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Date created: 10/7/2019

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GEOSPATIAL

Google Maps 243 St George St



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft



243 St George St

St. Augustine, FL 32084



Directions



Save

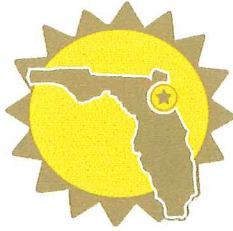


Nearby

Send to your
phone

Share

Attachment 2
Variance Narrative &
Justification



*James Solana Contractor, Inc.
21 Old Mission Ave.
St. Augustine, FL 32084
(904) 829-6357
(904) 823-6990 (Cell)
(904) 825-4528 (Fax)
RG-0066675
ER-0000288*

October 16, 2019

City of St. Augustine
Planning & Zoning Board

RE: Request for Variance for 243 St. George Street
Sisters of St. Joseph

Members of the Board:

We are here today representing the Sisters of Saint Joseph in their quest to obtain a variance for the above property. The variance we are requesting is to exceed the maximum lot coverage for construction of a 705 square foot addition to the existing assisted living facility. This facility is located at 243 Saint George Street and the building is known as Lourdes Hall. On the survey presented to you of the entire campus of the Sisters of Saint Joseph Convent, Lourdes Hall is located at the corner of Saint George Street and Bridge Street. Currently the facility has 19 bedrooms all occupied by elderly nuns of the Order. The Sisters of Saint Joseph population is unfortunately declining and there are currently only 47 nuns left in the Order with the youngest nun being age 63 and with the over-all average age being 78 years old.

We are requesting this variance in order to obtain a building permit to construct 3 new bedroom facilities at the current location. If you would look on your survey you will see that there is a courtyard in the center of the facility. This courtyard is not visible from any view of the property. The new bedroom facilities would be constructed in that part of the courtyard not visible to the public. This addition would not affect the façade of the building. The facility will look the same as it does today when the project is completed. If you will grant this variance it will allow the aging population of the Sisters of Saint Joseph to remain on their campus in the comfort they deserve in the remaining years of their lives.

Thank you for your time and consideration in this important matter.

Sincerely,

James L. Solana, President
James Solana Contractor, Inc.
21 Old Mission Ave.
St. Augustine, FL 32084
904-823-6990
sun1@bellsouth.net
CGC0066675

RECEIVED
OCT 18 2019
Planning/Building Dept.

Narrative of the Sisters of St. Joseph of St. Augustine, FL

In 1866 Bishop Augustin Verot requested Sisters of St. Joseph to come to Florida from their Motherhouse in LePuy, France to teach and evangelize the children who had been freed slavery. It was the end of the Civil War in the United States and there were thousands of African American children to be taught. The Sisters arrived on September 2, 1866 and went to work.

In 2016, WJCT/PBS created a documentary honoring the Sisters' 150 years of serving entitled, *Legacy of Faith*. The documentary was based on the book *Beyond the Call* written by Sister Thomas Joseph McGoldrick. The book was based upon the discovered letters written between the French Sisters who had arrived in St. Augustine in 1866 and their Motherhouse in France. The documentary premiered here in St. Augustine on a bitterly cold, rainy night in February 2016 at the Lewis Auditorium of Flagler College to a packed house. Students of the Sisters are not thwarted by bad weather. Their gratitude runs deep. It was also shown in Miami to an equally packed house. (The Sisters had founded Mercy Hospital and many schools in south Florida as well. Today, the Mercy Hospital Campus rivals that of a Mayo Clinic.)

The impact of the Sisters here in St. Augustine:

- The eight Sisters on Saint George Street opened classes for Black children in a house on the O'Reilly property by November 1866.
 - (The O'Reilly house was added to the National List of Historic Places in 1975. In 2000, the Florida State Department declared it the **oldest residence in the State of Florida**. It opened as a museum in June 2003
- Three Sisters were arrested in 1916 for teaching black children in Saint Augustine.
- 1877 – St. Joseph Academy
- 1878 – Free school part of the public school system
- 1887 – Ft Marion School for the Apache Indians
- 1889-1966 – St Agnes School, North City (now a Child Care)
- 1890-1958 - Teacher Training Institute
- 1898-1965 – St. Benedict the Moor School
- 1916 – Cathedral Parish School

RECEIVED
OCT 18 2019
Planning/Building Dept.

Today, the Sisters of St. Joseph continue to serve the St. Augustine Community:

- Sister Suzan Foster, a native Minorcan is the Assistant Principal at St. Joseph Academy
- Sister Carolyn Tucker is a Licensed Marriage and Family Therapist
- Sister Diane Couture is a stained glass artist serving Churches in the community and beyond
- Sister Catherine Bitzer is the Archivist who preserves the historical records of St. Augustine dating back to 1590
- Sister Bernard Joseph is the Curator of the Miguel O'Reilly House Museum (the oldest house in the USA)
- Sister Jane Stoecker is the Administrator of the St. Joseph Renewal Center that is reserved for retreats and currently hosts retreats and programs for citizens of St. Augustine and beyond

Today, the retired Sisters of Our Lady of Lourdes Convent – ages 76-102

- Feed the homeless in St. Augustine (cookies, muffins, desserts) through Dining with Dignity
- Assemble *Dear Neighbor Bags* for Catholic Charities - over 1500 since Hurricane Matthew and also Hurricane Irma – ministry continues today (these are bags of basic needs)
- Create cards of prayers and encouragement for prisoners at the jail
- Sing at Bayview every year

The diminishment of the Sisters of St. Joseph has reduced their numbers to 46.

Fewer than 10 Sisters continue to work in Miami and Jacksonville.

The majority of the Sisters are now retired with an average age of 78 ½.

It is time for our community to say thank you and take care of these women who have dedicated an aggregate of thousands of years of service to the community of St. Augustine and beyond. Many of these women were just teenagers when they were first Sisters.

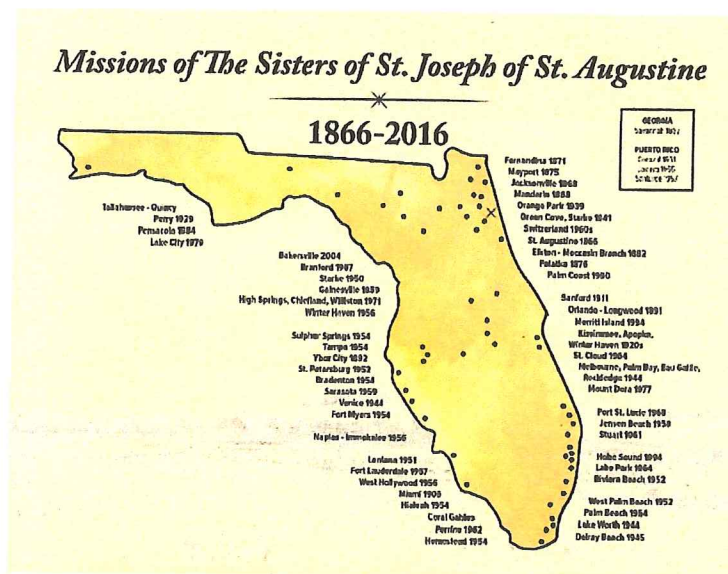
St Augustine citizens who are graduates of the St Joseph Academy and beneficiaries of the teaching of the Sisters include:

- Don Crichlow
- John Bailey
- Brookes Burkhardt
- Steve Binnering
- Margo Pope
- Bill Young
- Danita Heagy
- AJ McGinnis
- Mickey and Lauren Leth
- Laura Shoar
- Christine Chapman
- Becky Pomar Hesson
- Lonnie Pomar

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OCT 18 2019

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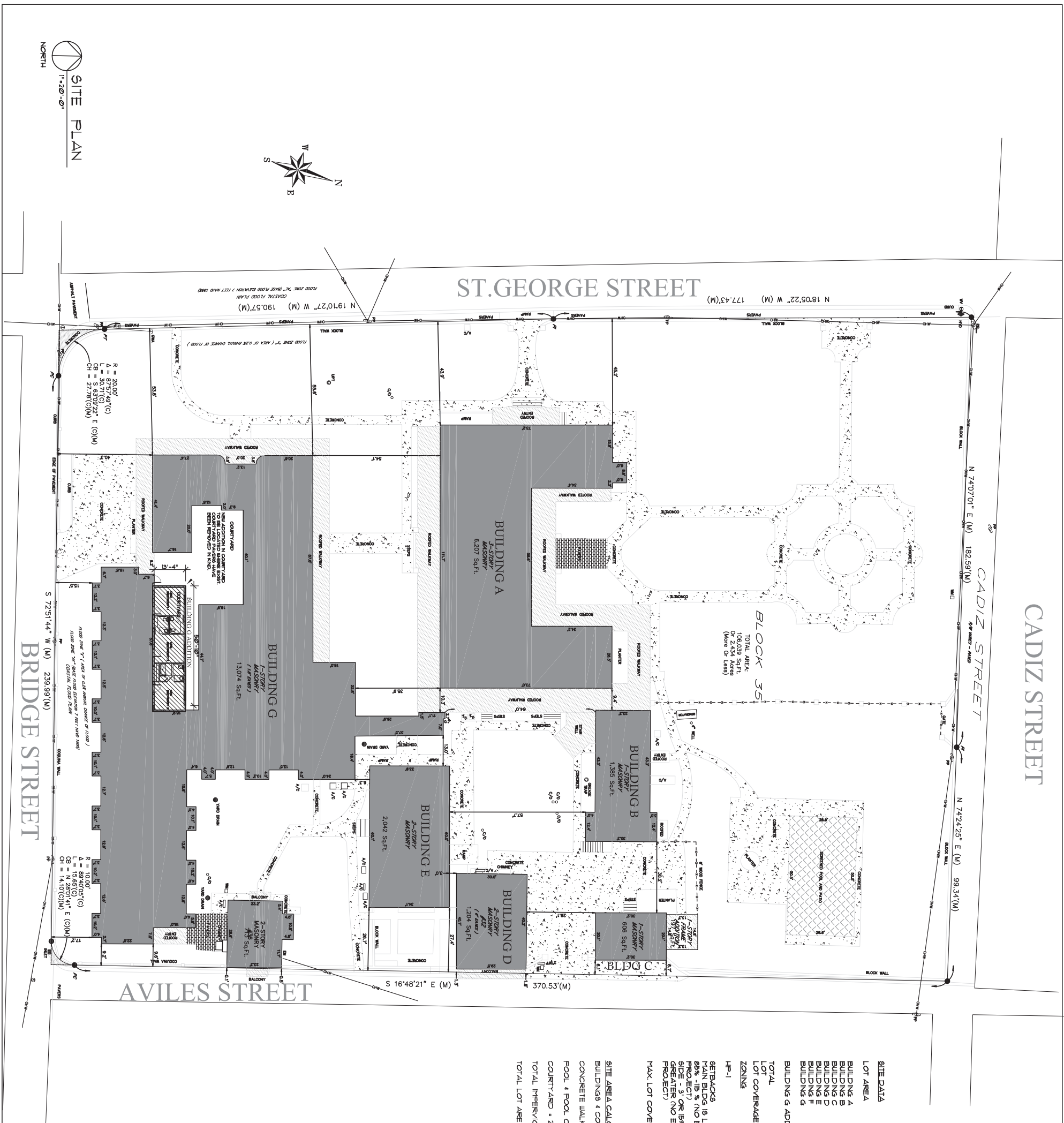
Attachment 3
Site Photographs





Attachment 4
Site Plan
&
Survey

CADIZ STREET



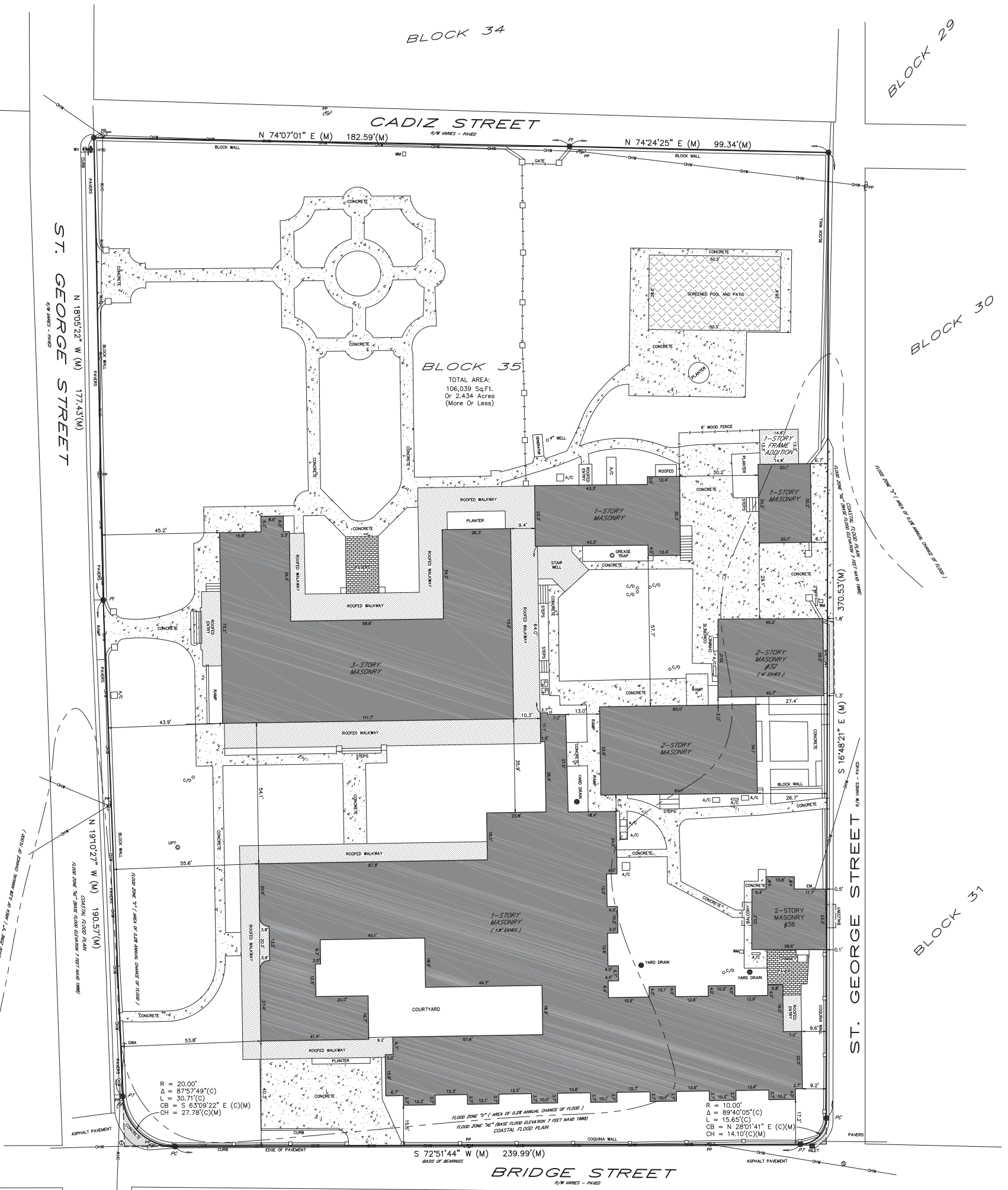
Sisters of St. Joseph
Renovation

241 St. George St. ● St. Augustine, FL 32084

MAP OF SURVEY

BLOCK 35 OF THE MAP OF THE CITY OF ST. AUGUSTINE
ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT,
ST. JOHNS COUNTY, FLORIDA.

0 20 40 60
SCALE: 1 INCH = 20 FEET



SITE AREA CALCULATIONS
BUILDINGS & COVERED WALKWAYS = 28,955 sq.ft.
CONCRETE WALKS, STAIRWAYS & STEPS = 16,218 sq.ft.
POOL & POOL CONCRETE DECK = 3,030 sq.ft.
COURTYARD = 2,098 sq.ft.
TOTAL IMPERVIOUS = 50,301 sq.ft. = 47.4%
TOTAL LOT AREA = 106,039 sq.ft. = 100%

LEGEND

- R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
CONC = CONCRETE
(R) = RECORD
(M) = MEASURED
(C) = CALCULATED
Δ = CENTRAL ANGLE
L = RADIUS
L = ARC LENGTH
CB = CHORD BEARING
PC = POINT OF CURVATURE
PT = POINT OF TANGENCY
PI = POINT OF INTERSECTION
PP = POWER POLE
LP = LIGHT POLE
OW = OVERHEAD WIRE(S)
GWA = GUY WIRE ANCHOR
UPT = UNDERGROUND PROPANE TANK
C/O = CLEAN-OUT
BFP = BACK FLOW PREVENTER
WV = WATER VALVE
WM = WATER METER
EM = ELECTRIC METER
A/C = AIR CONDITIONER
ESB = ELECTRIC SERVICE BOX
SMH = SANITARY SEWER MANHOLE
TMH = TELECOMMUNICATIONS MANHOLE
● = SET 5/8" IRON ROD - LB # 8177
⊙ = SET NAIL AND DISK - LB # 8177

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AND FLOOD ZONE "AE" (BASE FLOOD ELEVATION 7 FEET NAVD 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0319-A, COMMUNITY No. 12545 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018. <http://www.gis.boccc.co.st-johns.fl.us/misp/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTHERLY RIGHT-OF-WAY LINE OF BRIDGE STREET HAVING AN ASSUMED BEARING OF S 72°51'44" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. - 1988).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

SEAL

DATE SIGNED:

MICHAEL A. PIERCE PLS
Professional Land Surveyor # 8177



ANCIENT CITY SURVEYORS
LB # 8177
ACS PROFESSIONAL
LAND SURVEYORS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-9967 FAX: 904-797-6027

BOUNDARY SURVEY

#241 ST. GEORGE STREET
ST. AUGUSTINE, FLORIDA, 32084

TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 08/08/2019
FIELD BOOK/PAGE(S): 453/30-36
DRAWING SCALE: 1" = 20'
JOB NUMBER: 19-294

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REVISIONS

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **VARIANCE #2019-0120**

AGENDA ITEM 4(b)

APPLICANT & OWNER Quinn M. Roberts

LOCATION 14 Avista Circle/ PIN 214520-000

REQUEST To exceed the maximum lot coverage for construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport.

LAND USE Residential Low Density

ZONING Residential, Single Family One (RS-1)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-161. – Residential, single-family-one: RS-1.

(5) Maximum lot coverage by all buildings and structures. Twenty-five (25) percent.

STAFF SUMMARY AND ANALYSIS

The applicant seeks to exceed the maximum lot coverage of the subject property to accommodate a renovation of the existing home for an 811 square foot addition, as well as for the construction of a 545 carport. The applicant has stated that the carport is optional on the provide site plan (attachment 3), however, please note, the proposal is over the allowed 25% maximum lot coverage in both scenarios.

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed	Proposed w/o Carport
Maximum Lot Coverage	25%	22%	33%	28.6%

Staff interpretation of findings of fact in italics.

1. **Variance to decrease the minimum side yard building setback for a proposed single family home addition.**

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Staff believes there is no singular disadvantage in this situation. The physical location of the building would allow for renovation of the existing home with the addition of up to 360 square feet of additional lot coverage while still complying with the maximum lot coverage for RS-1 zoning district. The 12,082 square foot lot meets all minimum lot requirements for the RS-1 zoning district and is conforming to code requirements. Adjacent properties in the general area of this parcel are similar in size, but vary in dimensions given the curved road. Staff does not find that there is a unique disadvantage to this property.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

As there is no disadvantage to this particular property, the property owner has been able to make reasonable use of this structure. The property owner has remaining lot coverage 3% (approximately 360 square feet) that could accommodate a renovation within the requirements of City Code.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

While the applicant did not originally construct the building, the applicant would create the condition as that necessitate this variance request by proposing an expansion beyond the maximum allowed lot coverage.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may be contrary to the public interest by allowing an intensity over the prescribed zoning allowance, but likely would not affect neighboring properties in a significant way due to the nature of the request and the location of the addition. The applicant would be removing a non-conformity from the the structure on the south side of the lot. The spirit, intent, and purpose of the zoning district is for low density single family uses, to maintain a stable low intensity residential character. Therefore, this use and addition would be in harmony with the intent, and purpose of this section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **DENY** a variance to exceed the maximum lot coverage in RS-1 zoning district for the construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport at 14 Avista Circle / PIN 214520-0000.

Attachments

- Attachment 1 – Application & Applicant Information
- Attachment 2 – Location Maps / Property Appraiser Information
- Attachment 3 – Site Plan & Setback Info
- Attachment 4 – Site Photos

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 07 2019

Planning/Building Dept.

PD

Application Fee: \$350 (plus advertising costs) Project Number: 2019-0120

Receipt Number: _____ Meeting Date: 12/3/2019

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Quinn M. Roberts Contact Number: 904-759-6932

Business (if applicable): _____

Address: 14 Avista Circle City: St. Augustine State: FL Zip: 32080

E-Mail Address: QMROBERTS@COMCAST.NET

2. NAME OF PROPERTY OWNER: Quinn M. Roberts Contact Number: 904-759-6932

Business (if applicable): _____

Address: 14 Avista Circle City: St. Augustine State: FL Zip: 32080

E-Mail Address: QMROBERTS@COMCAST.NET

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 6

Block: 2

Subdivision: Avista

Parcel Number: 2145200000

4. PROJECT STREET ADDRESS: 14 Avista Circle. St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: _____

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Request permission to renovate and add single

story footage. Work would include removing rear porch (north side of house) and room with patio cover located at south

south end of house. Additional square footage would be added to rear of property allowing living quarters to be mostly

located on first floor. Lot coverage for house would be 28.6%.

Also request rear covered carport in back SE corner of lot. Covered carport would increase overall lot coverage to 33%.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

I request to expand the 1st floor coverage of the house to allow me to prepare the home for my

aging mother with disabilities. My mother has glaucoma as well as a bad hip. Both ailments make it difficult for her to

climb or descend stairs safely and she is very nervous on stairwells. Both conditions will only worsen with age. My mother has already had stint

surgery to help ease the pressure in her eyes from the glaucoma. The additional covered area proposed for the rear

corner of the lot is requested to free up parking in the garage and driveway. While she is still able to drive during daylight

hours, this will help prevent my mother and others from having to park in the street.

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: Size is the only disadvantage when comparing to other homes in the vicinity. Most homes within my general vicinity exceed 25% lot coverage
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The existing square footage of the living area of our house is only 1250 sq. ft., the new addition will allow us to establish reasonable and safe handicap accessible living facilities on the first floor.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: Yes, we bought the house as is and we have not made any changes
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes. I think our new improvements will not be contrary to the public or other property in our vicinity. I think it will be an improvement to what is around us and more in harmony with the spirit, intent and purpose not only of this section of the code but with our neighborhood

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

11-7-19

Signature of Property Owner

Date

11-7-19



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Quinn M. ROBERTS
Print name of applicant

[Signature]
Signature of applicant

11-7-19
Date

Attachment 2
Location Map(s) /
Property Appraiser Info.



Parcel ID	2145200000	Physical Address	14 AVISTACIR	Building Value	\$132,285	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE ROBERTS QUINN	Extra Feature Value	\$11,517	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	14 AVISTACIR SAINT AUGUSTINE FL 32080-3807	Total Land Value	\$186,200	5/26/2017	\$292100	86	U
Acres	0.28			Just Value	\$330,002	3/12/2007	\$420000	01	Q
				Total Deferred	\$69,206				
				Assessed Value	\$260,796				
				Total Exemptions	\$50,000				
				Taxable Value	\$210,796				

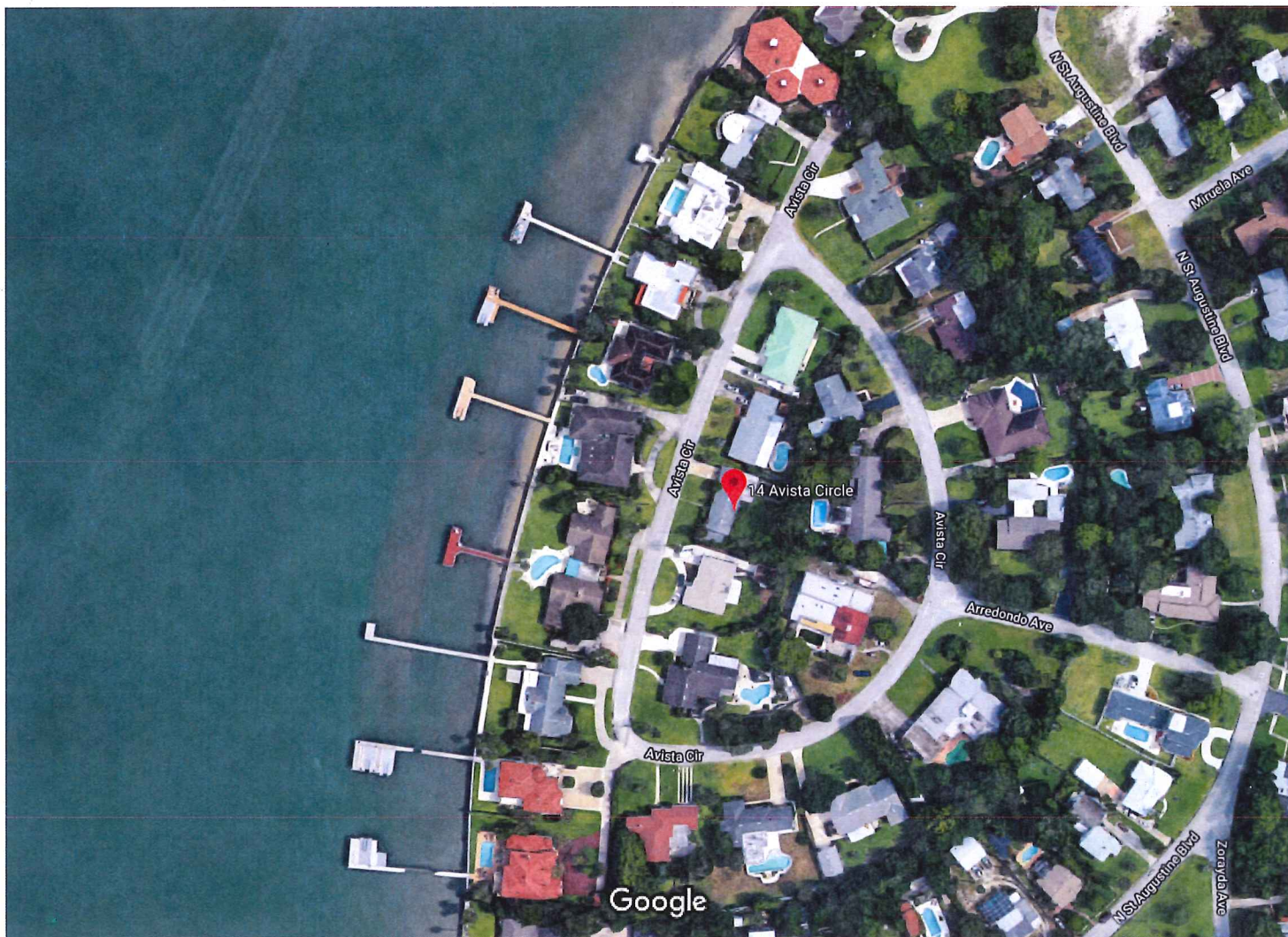
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 11/8/2019

Last Data Uploaded: 11/7/2019 11:23:41 PM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 14 Avista Cir



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 100 ft



14 Avista Cir

St. Augustine, FL 32080



Directions



Save



Nearby

Send to your
phone

Share

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2145200000
Location Address	14 AVISTA CIR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores North (589.01)
Tax Description*	7-7 AVISTA SUB OF DAVIS SHORES LOT 6 BLK 2 OR4068/1819 & 4385/1002 (C/T) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Avista Subdivision
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.280
Homestead	Y

Owner Information

Owner Name	Roberts Quinn 100%
Mailing Address	14 AVISTA CIR SAINT AUGUSTINE, FL 32080-3807

Map



Valuation Information

	2020
Building Value	\$132,285
Extra Features Value	\$11,517
Total Land Value	\$186,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$330,002
Total Deferred	\$69,206
Assessed Value	\$260,796
Total Exemptions	\$50,000
Taxable Value	\$210,796

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$133,918	\$11,517	\$186,200	\$0	\$0	\$331,635	\$255,933	\$125,702	\$205,933
2018	\$97,327	\$11,517	\$176,400	\$0	\$0	\$285,244	\$251,161	\$84,083	\$201,161
2017	\$100,416	\$10,583	\$159,250	\$0	\$0	\$270,249	\$270,249	\$0	\$270,249
2016	\$101,961	\$10,450	\$159,250	\$0	\$0	\$271,661	\$271,661	\$0	\$271,661
2015	\$105,051	\$10,450	\$122,500	\$0	\$0	\$238,001	\$196,203	\$91,798	\$146,203
2014	\$100,326	\$10,450	\$102,900	\$0	\$0	\$213,676	\$194,646	\$69,030	\$144,646
2013	\$103,234	\$10,450	\$83,300	\$0	\$0	\$196,984	\$191,769	\$55,215	\$141,769
2012	\$104,687	\$10,450	\$73,426	\$0	\$0	\$188,563	\$188,563	\$50,000	\$138,563
2011	\$107,595	\$10,450	\$81,585	\$0	\$0	\$199,630	\$199,630	\$50,000	\$149,630
2010	\$109,050	\$10,450	\$90,650	\$0	\$0	\$210,150	\$210,150	\$50,000	\$160,150

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2586	Roof Cover	Composite Shingle
Conditioned Area	1456	Interior Flooring	Carpet, Ceramic Tile
Actual Year Built	1964	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Face Brick, Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Face Brick	50%
Exterior Wall	Concrete Stucco	50%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	70%
Interior Flooring	Ceramic Tile	30%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1456	1456
FINISHED OPEN PORCH	0	427
MASONRY UTILITY	0	77
FINISHED OPEN PORCH	0	78
PATIO	0	64
FINISHED GARAGE	0	484
Total SqFt	1456	2586

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	90
Kool Deck	0	0	0	0	276
Pool (Concrete)	0	0	0	0	480
Residential Fence	0	0	0	0	16

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	98	125	98	EF	\$186,200

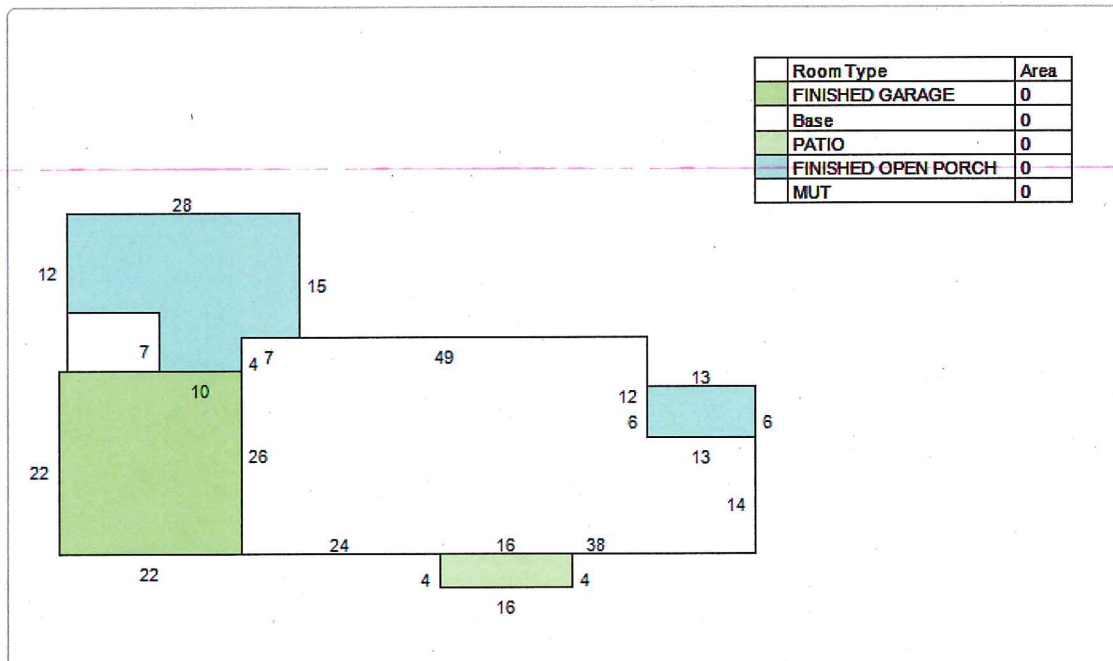
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/7/2017	5/26/2017	\$292,100.00	CT	4385	1002	U	I	SMEARMAN JASON ESTATE ETAL	ROBERTS QUINN
12/1/2015	11/24/2015	\$0.00	LP	4117	1142	U	I	PHH MORTGAGE CORPORATION	SMEARMAN JASON ESTATE ETAL
8/10/2015	8/7/2015	\$0.00	LA	4068	1819	U	I	SMEARMAN JASON	SMEARMAN JASON ESTATE
	3/12/2007	\$420,000.00	WD	2887	192	Q	I	SANDERSON ALEXANDER,CHRISTINE JUNE	SMEARMAN JASON
	4/8/1999	\$155,000.00	WD	1400	1392	Q	I	QUINTIN RONALD,KATHRYN L	SANDERSON ALEXANDER,CHRISTINE JUNE QUINTIN RONALD,KATHRYN L
	5/1/1989	\$0.00		821	390	U	I		
	1/1/1978	\$56,000.00		385	672	U	I		

Area Sales Report

Recent Sales in Area

Sketch Information



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Version 2.3.19

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 Schneider
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Attachment 3
Site Photographs

93.34' (PLAT)

NOV 07 2019

17

Construction from these plans should not be undertaken without the assistance of a construction professional. Issuance of plans from this office shall not relieve the building owner of responsibility to review and verify all notes, dimensions, details and building codes prior to commencement of any construction. Any discrepancy or errors in notes, dimensions, details or their adherence to applicable building codes shall be brought to the attention of this office for correction prior to commencement of any construction. These plans are copies and may not be copied or reproduced in any way, shape or manner without the prior written consent of the designer.



SCALE 1"=20'-0"

EXISTING LOT COVERAGE

RESIDENCE
2648 S E

LOT SIZE

LOT COVERAGE 12,002 S.F.
22%

BUILT BY:

AA

and by:

11/6/19

$$1/4 = 1/0$$

Y. KUBEKI

58

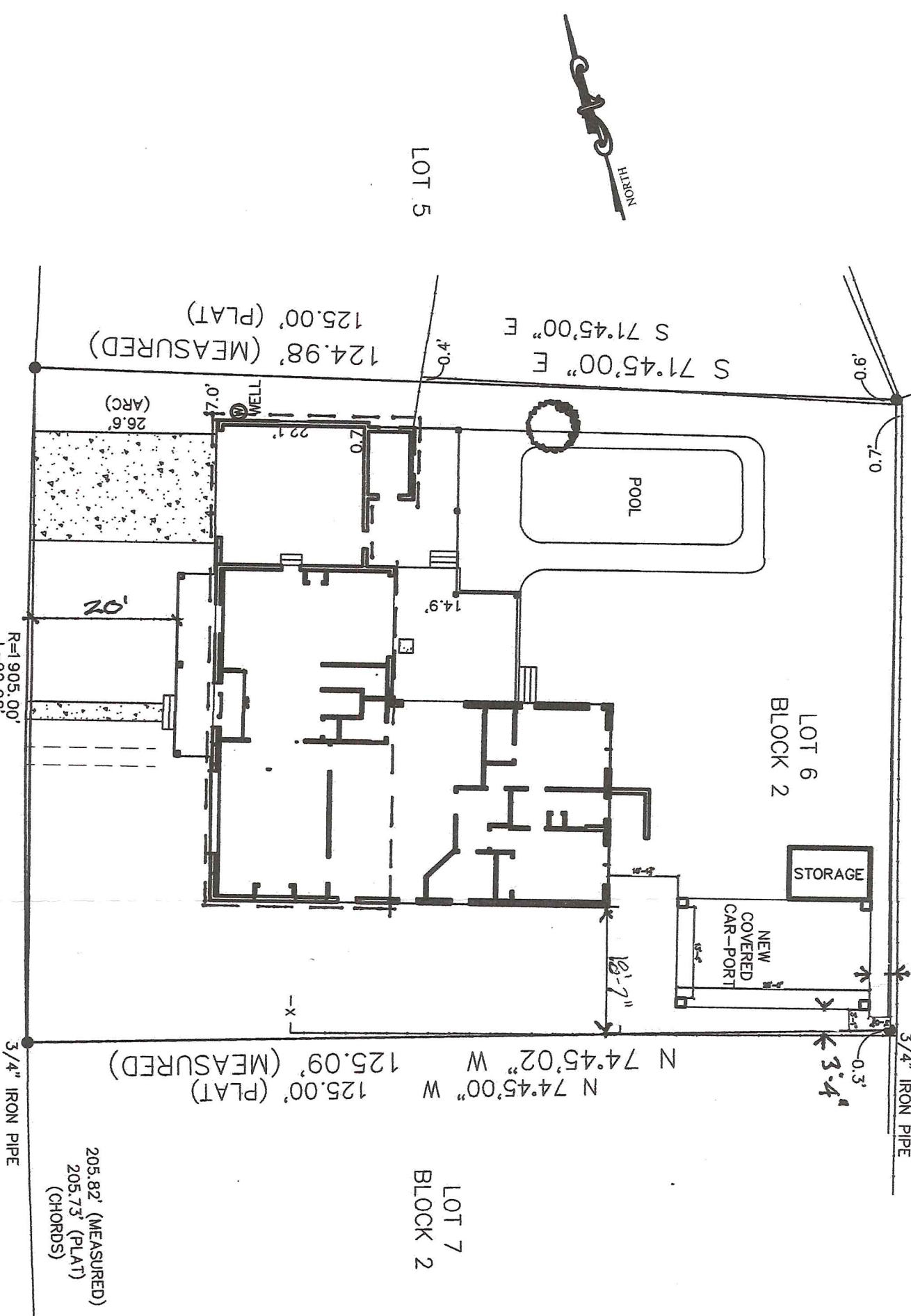
Station	Latitude	Longitude	Altitude	Remarks
S 16°32'35" W	93.39' (MEASURED)			
S 16°45'00" W	93.34' (PILOT)			

93.34' (PLAT) $\pm$ 0.01'

RECEIVED
NOV 07 2019
Planning/Building Dept.

NOTICE

Plans should not be undertaken by a construction professional. This office shall not relieve the reviewer and verify all notes, their adherence to applicable law or to commitment of any agency or errors in calculation or adherence to applicable law or to commitment of any agency are copyrighted and may not be used in any way, shape or manner without the consent of the designer.



PROPOSE SITE PLAN

SCALE 1"=20'-0'

LOT COVERAGE	
LOT SIZE	12082 S.F.
PROPOSED RESIDENCE	3459 S.F.
LOT COVERAGE	28.6%
DETACHED CAR-PORT(OPT)	
TOTAL	545 S.F.
LOT COVERAGE	4004 S.F.
	33%

QUINN ROBERTS RESIDENCE
14 AVISTA CIRCLE
CITY OF ST. AUGUSTINE, FLORIDA

ISSUED BY:	AA
ISSUED FOR:	
DATE:	11/6/19
SCALE:	1/4"=1'-0"
NO. OF SHEETS:	Q. ROBERTS
REV. NO.:	
DATE MADE:	
S2	8
OF	SHEETS

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0101**

AGENDA ITEM 5(a)

APPLICANT Ryan Carter c/o Carter Environmental Services, Inc.

OWNER Ernest Little

LOCATION 5 Lighthouse Ave / PIN#:157040-0000

REQUEST To approve dock modifications to an existing two hundred twenty nine (229') foot dock including a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

PLANS DATED September 20, 2019

LAND USE Residential Low Density
ZONING Residential Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch.

403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

This proposed floating dock, gangway and four (4) associated pilings were constructed after-fact without a permit or Planning and Zoning Board Approval, this application seeks to correct this. The floating dock measures ten feet (10') by twenty feet (20') with an eighteen foot (18') by three foot (3') access gangway (see photos in attachment 4), there are also four (4) pilings installed. The site has a five (5') foot wide 219 foot long dock with an additional ten foot (10') x twenty foot (20') platform and ten foot (10') x twenty five foot (25') no profile lift consisting of a total 1544 square feet dock which was a proved at the March 5, 2019 Planning & Zoning board hearing, this request would increase the overall footprint by 225 square feet of coverage, for a total of 1,769 square feet of dock coverage over water.

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently occupied by a single family home.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms. This proposed floating dock and gangway extend off the previously approved dock

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change since improvements are over the water.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the approved dock

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area and is located within a "no wake zone." Shoreline erosion is not a significant potential issue in this situation.

- (11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at 5'

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-

occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

As proposed, the floating dock meets all standards set forth in LDC Sec. 11-29. No portion of the existing dock will exceed 6 feet above the mean highwater line. There was an associated low-profile boatlift approved under the previous dock and boat lift approval (COZ 2019-0009) The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff finds the narrative to be accurate to site conditions and the development of the floating dock. A previous condition of approval for COZ App 201-009 (attachment 5) was that the proposed dock shall not infringe on the adjacent mooring field and as proposed the floating dock does not.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a floating dock platform, gangway, and four (4) associated pilings in Conservation Overlay Zone 1 located at 5 Lighthouse Avenue / PIN: 157040-0000.

SUPPLIMENTS

- Attachment 1 – Application & Narrative
- Attachment 2 – Property Appraiser Information
- Attachment 3 – Location Maps & Dock plans
- Attachment 4 – Site Photos
- Attachment 5 – COZ 2019-0009

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

SEP 26 2019

Planning/Building Dept.

Application Fee: \$330

BDAC Project No. 2019-0101

Receipt No. 1698547

Meeting Date: 11/5/19

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499
Business (if applicable): Carter Environmental Services, Inc.
Address: 7 Waldo Street, Suite 7C 42 Masters Dr. City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____
Business (if applicable): _____
Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY
Lot: North half of 3, all of 4 & 5 Block: 3
Subdivision: Anastasia Parcel Number: 1570400000

4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.

5. SPECIFIC PROPOSED USE: Proposed dock modification

6. ACTION REQUESTED

- | | |
|--|---|
| ☐ Exception | ☐ Appeal of Staff Determination |
| ☐ Rezoning | ☐ Variance |
| ☐ Land Use Plan Amendment | ☒ Conservation Zone Development |
| ☐ Other: _____ | |

7. DESCRIPTION OF ACTION REQUESTED: Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

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SEP 26 2019

Planning/Building Dept.

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

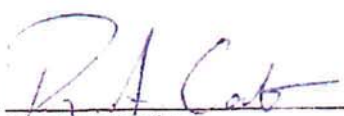
Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12. 
Signature of Applicant

9-25-19
Date

13. 
Signature of Property Owner

9/25/19
Date

CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER

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SEP 26 2019
Planning/Building Dept.

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

RAC

Signature of applicant

9-25-19

Date

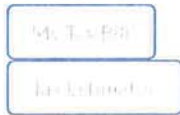
Attachment 2

Property Appraiser Information



St. Johns County, FL

Quick Links



2018 TRIM Notice



2017 TRIM Notice



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SEP 26 2019

Planning/Building Dept.

Summary

Parcel ID 1570400000
 Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
 Neighborhood Carvers (Intracoastal) (713.42)
 Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR 624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Anastasia, Map Of
 Sec/Twp/Rng 58-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.2171
 Acreage 0.350
 Homestead N

View Map

Owner

Owner Name Little Ernest L III, Nancy R 100%
 Little Nancy R 100%
 Mailing Address 3140 COASTAL HWY
 SAINT AUGUSTINE, FL 32084-2215

Valuation

	2019
Building Value	\$85,281
Extra Features Value	\$12,640
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$781,021
Total Deferred	\$15,831
Assessed Value	\$765,190
Total Exemptions	\$0
Taxable Value	\$765,190

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building 1 Roof Structure Gable Hip

Actual Area 2477
 Conditioned Area 1338
 Actual Year Built 1930
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Cover Composite Shingle
 Interior Flooring Pine Wood, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

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SEP 26 2019
 Planning/Building Dept.

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	54
Bulkhead (Average)	0	0	0	0	2040

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report

Report Sales by Area

Clerk of Court

[Clerk of Court](#)

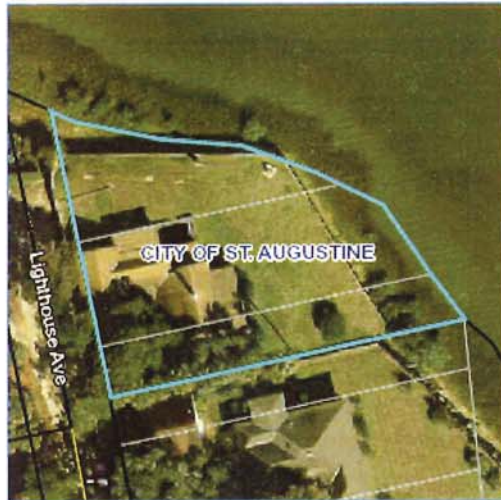
Tax Collector

[My Tax Bill](#)

Tax Estimator

[Tax Estimator](#)

Map



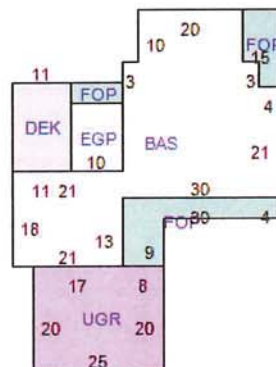
RECEIVED

26 2019

~~Planning~~ Building Dept.

Sketches

	Room Type	Area
	DECK	0
	UNFINISHED GARAGE	0
	FINISHED OPEN PORCH	0
	Base	0
	EGP	0



No data available for the following modules: Exemptions.

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Attachment 3

Narrative & Proposed Dock Plans

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a dock and boat lift at 5 Lighthouse Ave.

The property owner has added a floating platform and gangway after-the-fact. We would like to modify City approval to add this additional area. The floating platform measures 10' x 20' and the gangway is 3' x 18'. The proposed modification adds an additional 225 sf. over open water. This brings the total dock square footage to 1,769 sf. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The additional area is over open water.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height is similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

There are other adjacent docks of similar size in the area.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge have not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion controls were used during construction, such as silt fences and turbidity barriers.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Not applicable

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The new dock could provide shelter for larval, juvenile, and adult fish.

Negative: None

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: None

17. Dock specifications:

- a) No *boathouse, roofed structure or wall shall be constructed on any dock.*

There are no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be at 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

The boat lift has been previously approved



Figure: 1

Location Map Little Lighthouse

Date: Dec 28 2018

St. Augustine, FL

Project: 5.13397

CARTER ENVIRONMENTAL
SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786



www.carterenv.com

Legend

Project Area +/- 0.35 ac.



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

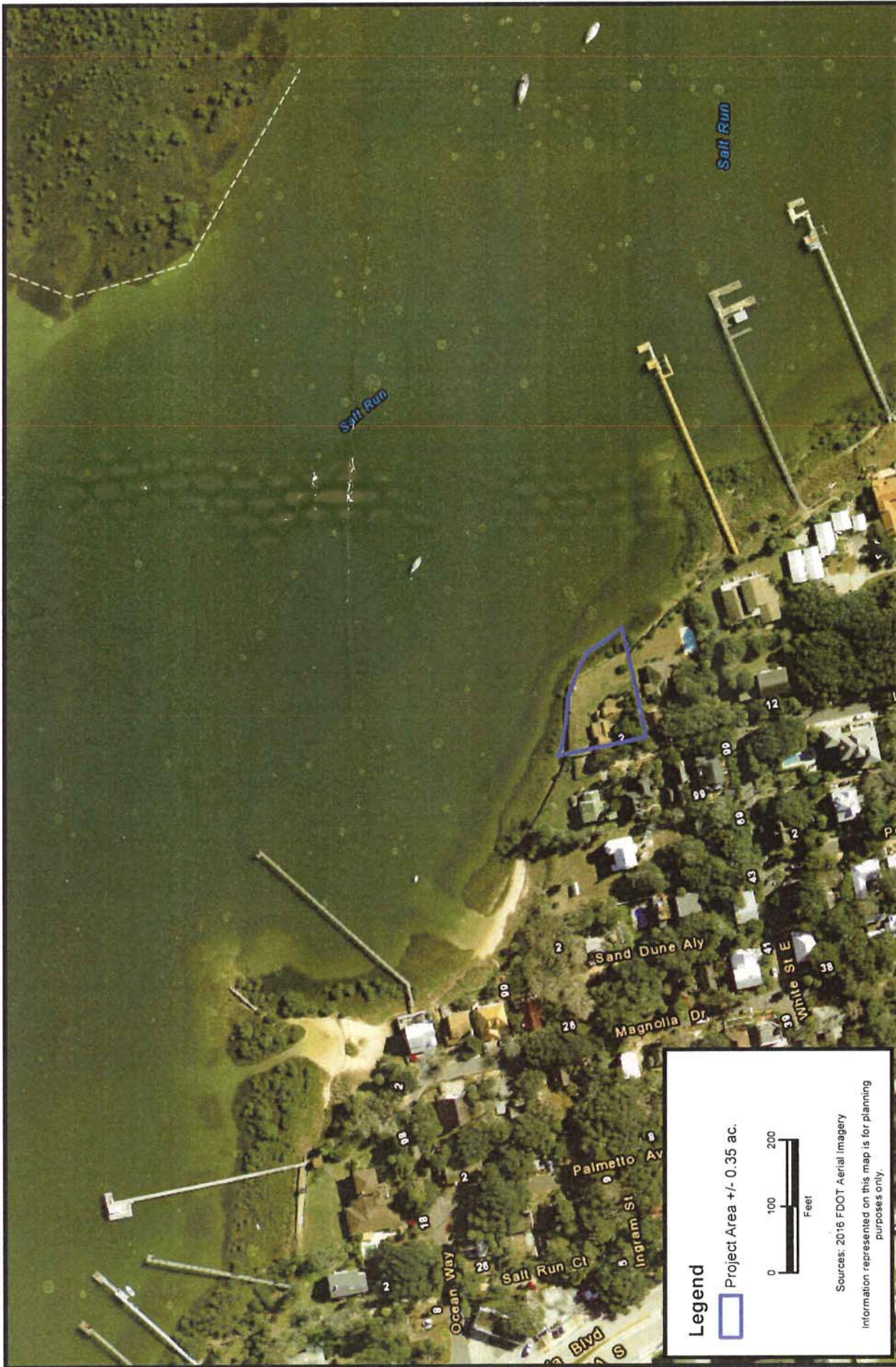
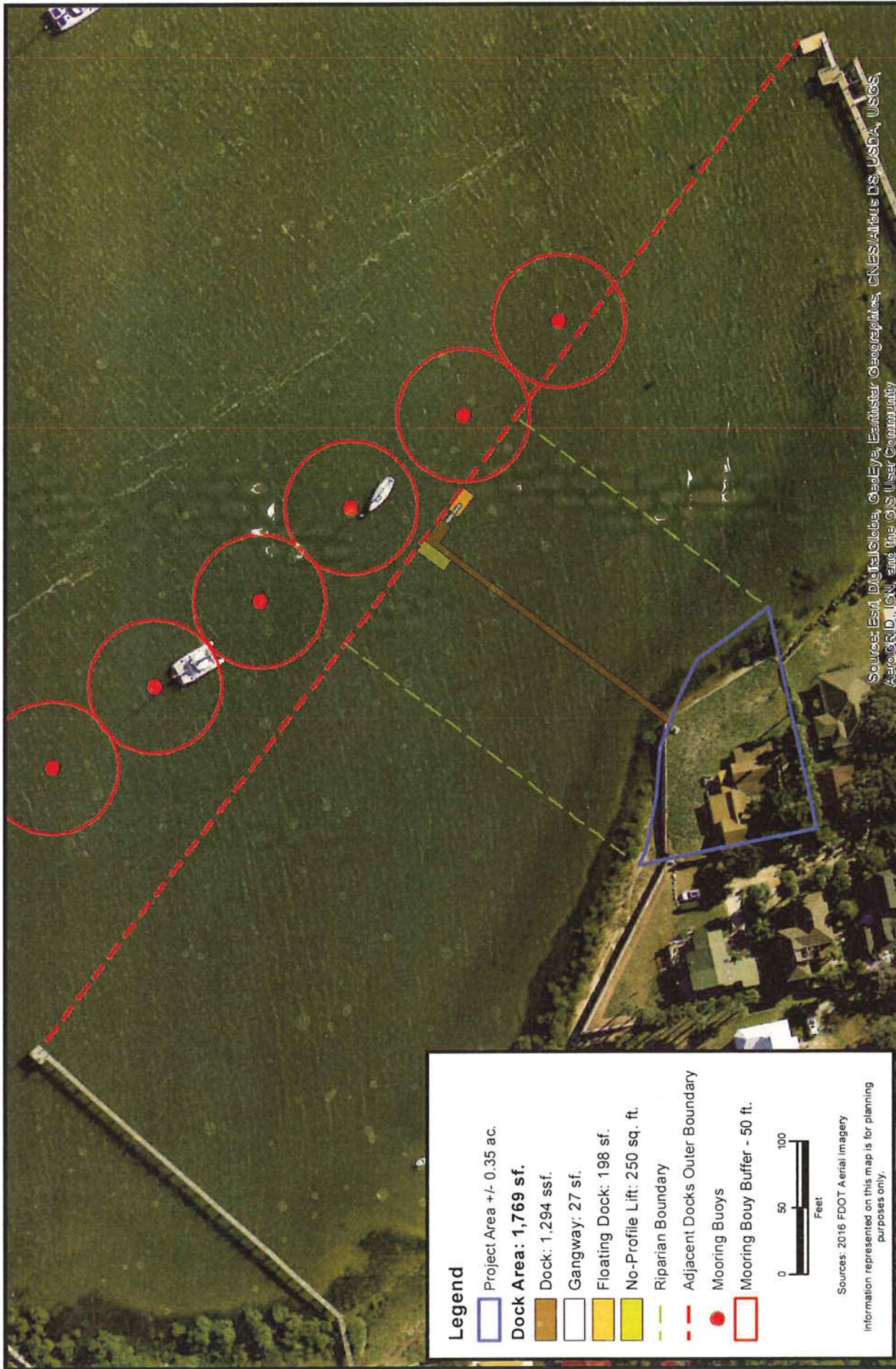


	Figure: 2
Aerial Map Little Lighthouse St. Augustine, FL	Date: Sep 20 2019 Project: 5.18397
CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com	



Legend

- Project Area +/- 0.35 ac.
- Dock Area: 1,769 sf.**
- Dock: 1,294 ssf.
- Gangway: 27 sf.
- Floating Dock: 198 sf.
- No-Profile Lift: 250 sq. ft.
- Riparian Boundary
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

CES
www.carterenv.com

Proposed Dock Alignment Little Lighthouse

Project: 5.18397

St. Augustine, FL

Date: Sep 20 2019

Figure:

3



North

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Page 75 of 497

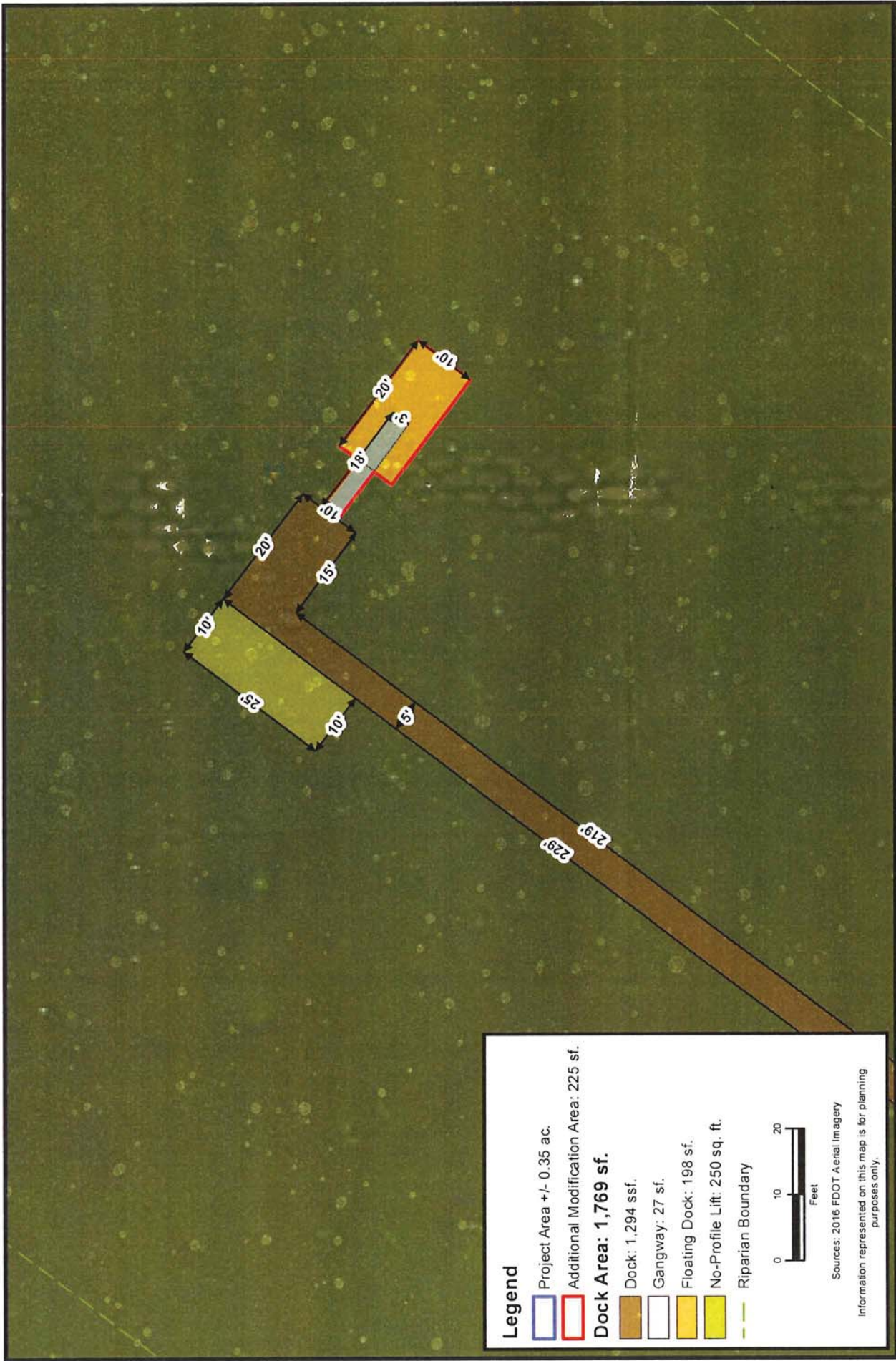
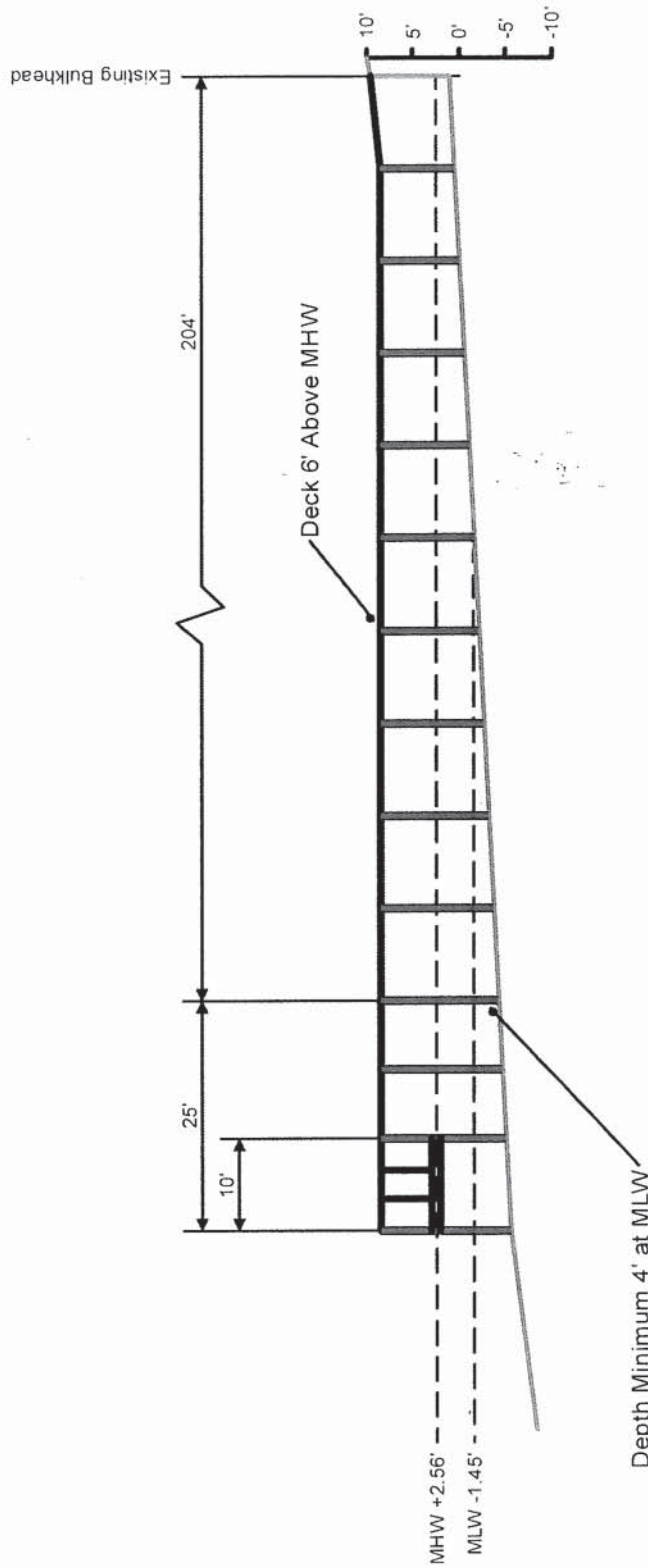


		Figure: 4
Proposed Dock Dimensions Little Lighthouse		
Project: 5.18397	St. Augustine, FL	Date: Sep 20 2019
CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com		



Information represented on this map is for planning purposes only.

CES
CARTER ENVIRONMENTAL
SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Profile View Little Lighthouse

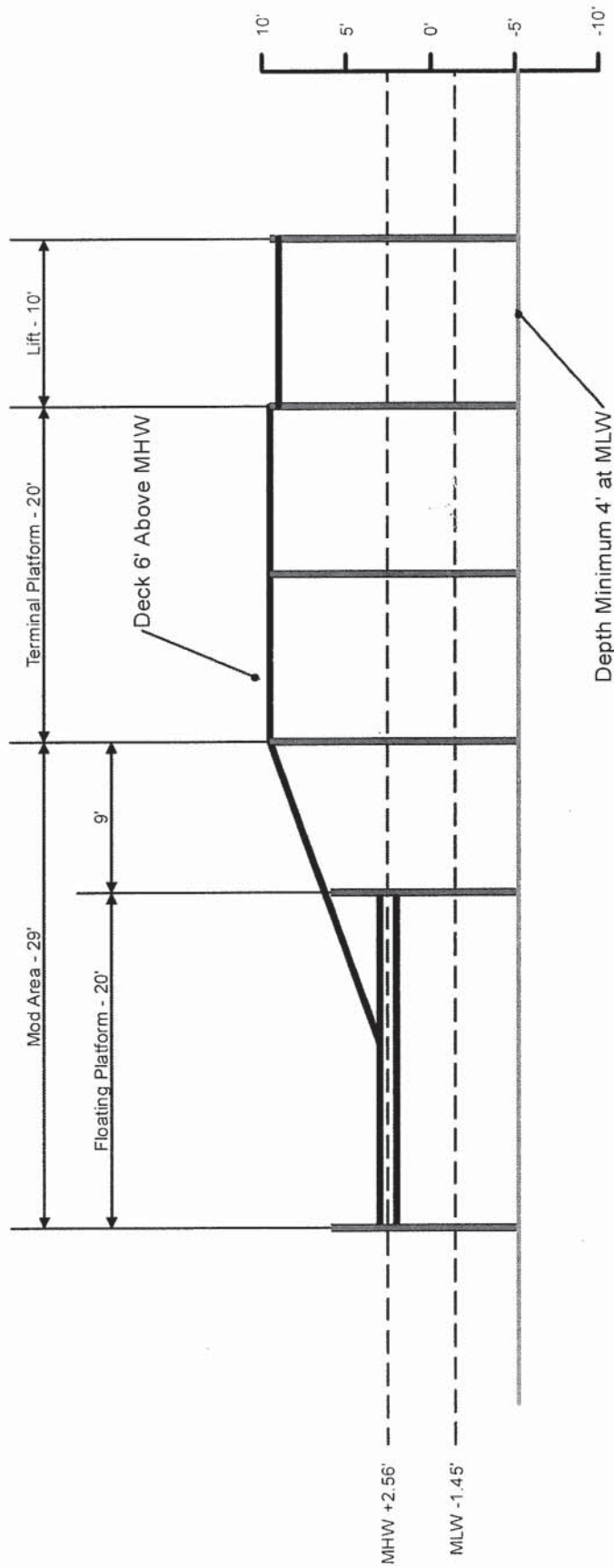
Project: 5.18397

St. Johns County, FL

Date: Sep 20 2019

Figure: 5





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Cross-Section

Little Lighthouse

Project: 5.18397

St. Johns County, FL

Date: Sep 20 2019

Figure:

6



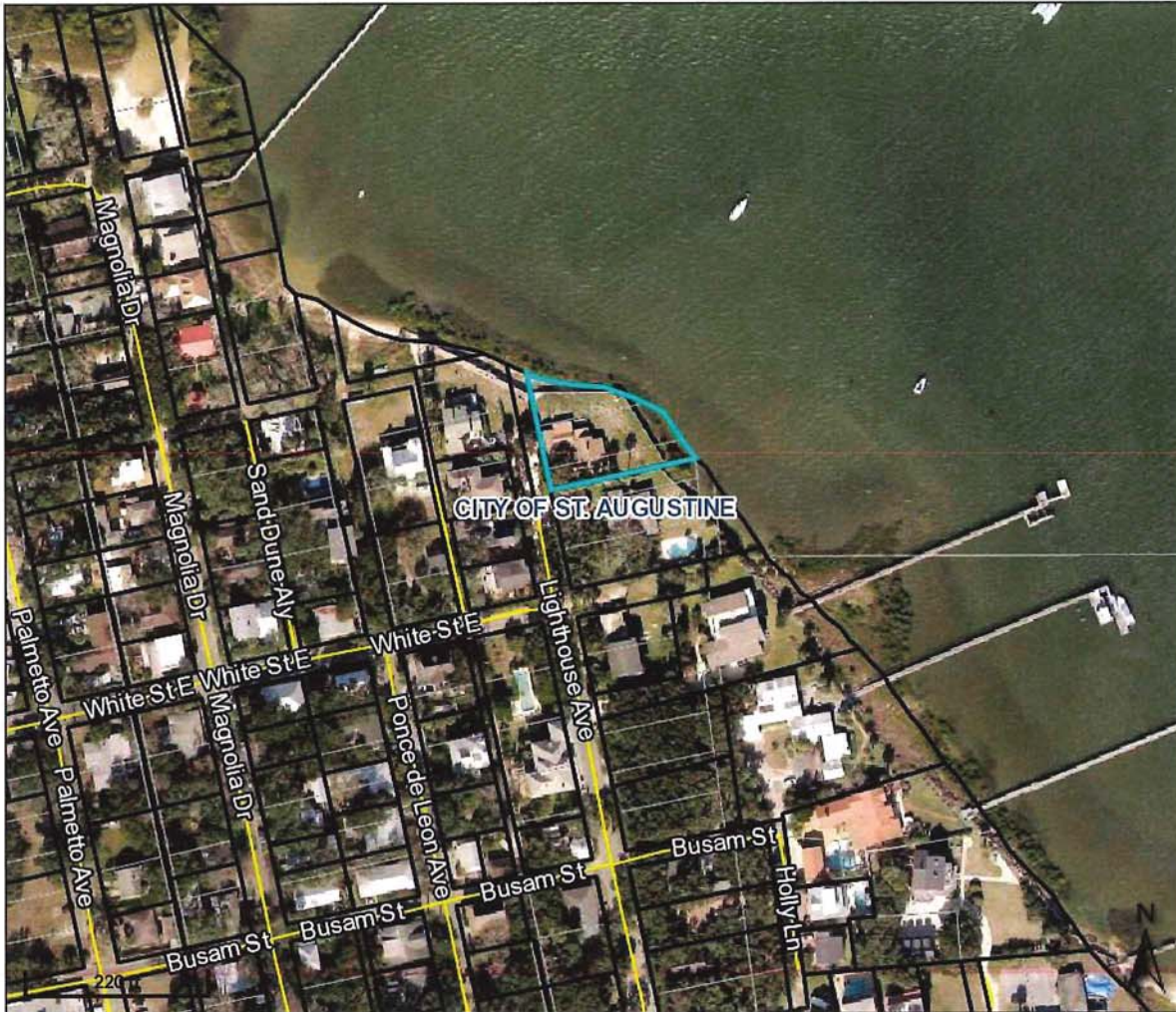
Attachment 4

Site Photos









Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1570400000	Physical	5 LIGHTHOUSE AVE	Building Value	\$85,281	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$12,640	Date	Price	Reason	Qual
Class	Family	Mailing	LITTLE ERNEST L III	Value		7/16/1996	\$500	11	U
Taxing	City of St	Address	5 LIGHTHOUSE AVE	Total Land Value	\$683,100	n/a	0	n/a	n/a
District	Augustine		SAINT AUGUSTINE FL 32080-	Just Value	\$781,021				
Acres	0.35		0000	Total Deferred	N/A				
				Assessed Value	\$604,642				
				Total Exemptions	\$226,879				
				Taxable Value	\$554,142				

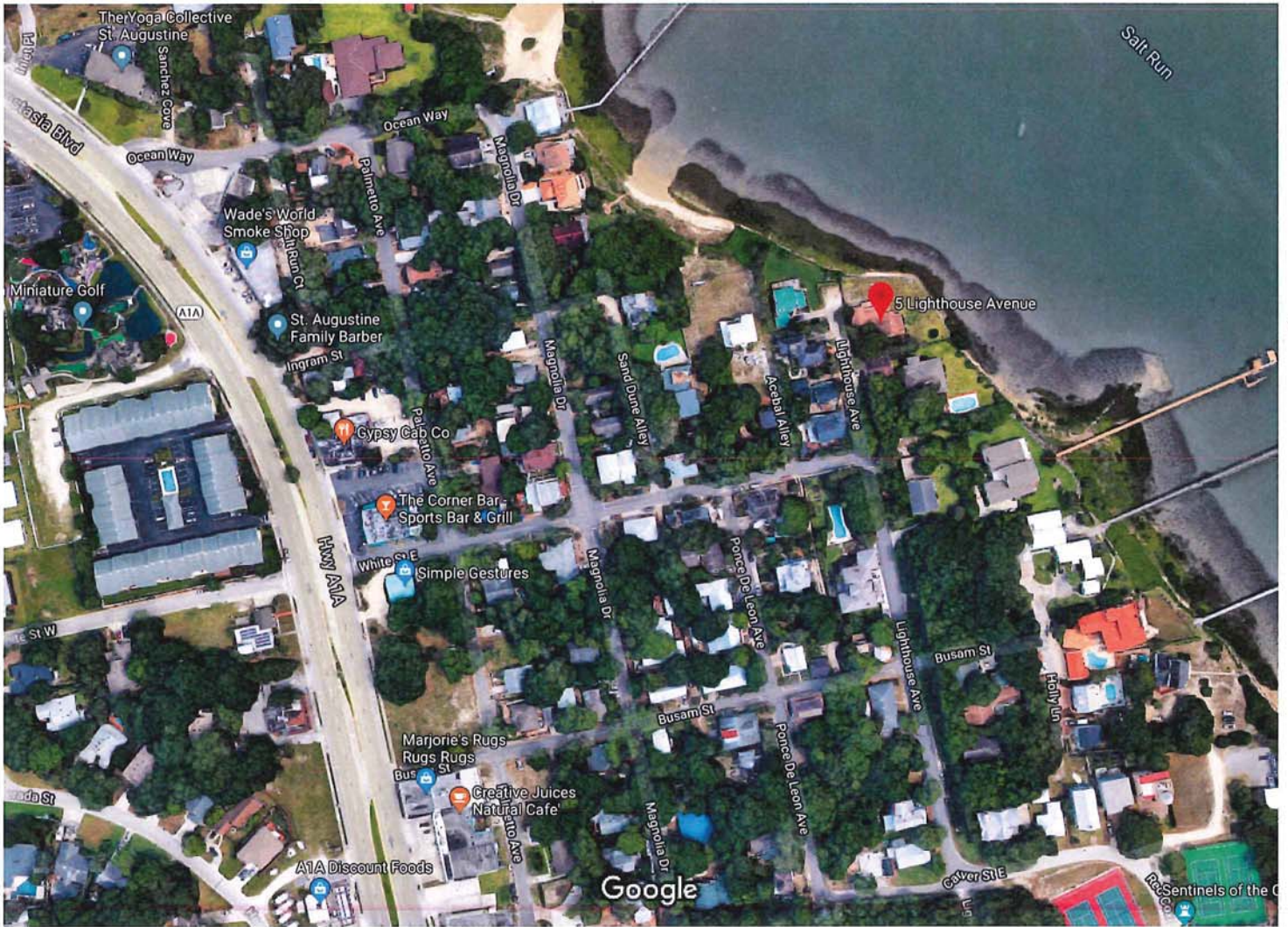
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 10/3/2019

Last Data Uploaded: 10/2/2019 11:10:48 PM

Developed by  Schneider
GEOSPATIAL

Google Maps 5 Lighthouse Ave



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 100 ft



5 Lighthouse Ave

St. Augustine, FL 32080



Directions



Save



Nearby



Send to your
phone



Share

Attachment 5
COZ 2019-0009
Previous Dock Approval

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: March 5, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0009**

AGENDA ITEM 4(c)

APPLICANT Ryan Carter c/o Carter Environmental Services, Inc.

OWNER Ernest Little

LOCATION 5 Lighthouse Avenue

REQUEST To approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1

PLANS DATED December 28, 2018

LAND USE Residential Low Density
ZONING Residential Single Family Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

The applicant proposes a five (5) foot wide 219 foot long dock with an additional 10' x 20' platform and 10' x 25' no profile lift consisting of a total 1544 square feet. This will be no more than six (6) feet above the mean high water mark. Information about the new dock is located within attachment 4 of the packet. Staff believes the new dock will be a benefit to the public through construction related activities. Also, the new dock would enhance the vistas and scenic opportunities by being similar in layout and design as the neighboring docks.

1. Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions: *Site consists of bulkhead across the whole property with bulkheads and docks on neighboring properties.*

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *Other neighboring sites have bulkheads across the length of their property lines with their docks straight into the water.*
- (3) Natural and proposed drainage patterns. *Patterns aren't expected to change since improvements are within the same area and over the water.*
- (4) Effect of point and nonpoint discharge in the marine environment. *N/A*
- (5) Proposed soil stabilization and erosion control methods. *Those will be provided during building plans for administrative review.*
- (6) Impact on floodplain. *N/A*
- (7) Impact of development on vegetative and animal communities. *It would be a minimal impact in relation to the other docks near at the site.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *N/A*
- (9) Effect of shade on vegetation and shellfish. *It should be minimal in nature given the size of the dock in relation to the water.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *No additional effect since this proposal is similar to other residential docks in the area. Shoreline erosion isn't expected to be a significant issue.*
- (11) Impact of development on shoreline by linear feet and percent of site. *Minimal in relation to the size of the residential lot.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *Minimal, if any, due to the existing similar docks in the area.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *Minimal, if any, due to the existing similar docks in the area.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *Minimal, if any, due to the existing similar docks in the area.*

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck. *Appears to meet all standards.*

The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff is in agreement with this narrative and their interpretation.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** placement of a new dock with associated boat lift in Conservation Overlay Zone 1 located at 5 Lighthouse Avenue.

SUPPLIMENTS

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Location Maps
Attachment 4 – Dock Information

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application & Narrative

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

ryan@carterenv.com

Application Fee: \$330

BDAC Project No. 2019-0009

Receipt No. 1538935

Meeting Date: 3/5/19

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499

Business (if applicable): Carter Environmental Services, Inc.

Address: 7 Waldo Street, Suite 7C City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____

Business (if applicable): _____

Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: North half of 3, all of 4 & 5 Block: 3

Subdivision: Anastasia Parcel Number: 1570400000

4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.

5. SPECIFIC PROPOSED USE: Proposed Dock

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other: _____

RECEIVED

JAN 23 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

A. If applying for a variance, please answer the following:

(a) Does the property have a disadvantage which is ☒ common to other properties in the area?
Please explain why: _____

(b) Can you establish that the disadvantage is not due to the owner's actions? Please explain why: _____

(c) Can you establish that the disadvantage prevents reasonable use of the property? Please explain why: _____

(d) If granted, will the variance adversely affect other property in the area? Please explain why: _____

(e) If granted, can you establish that the variance will be in harmony with the local ordinance of the city?
Please explain why: _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
() No (X) Yes If yes, give date and brief description below: _____

11. AGENT/AGENT

In filing this application, I understand that it becomes a part of Public Record at the City of St. Augustine and hereby certify that all information submitted herein is accurate to the best of my knowledge.

Applicants must be signed by both applicant and property owner. A Notarized Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Notarized Statute 186.101(3) states that a person appearing may, however, be the owner or any meeting regarding this application may deem it advisable to record in the proceedings which involves testimony and evidence upon which the applicant is to be heard.

1. _____
Signature of Applicant

01/22/2019

11. _____
Signature of Agent

01/22/2019

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?

Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, give date and final disposition below.

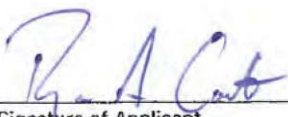
11. AGREEMENT

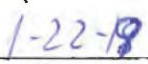
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12.


Signature of Applicant


Date

13.

Signature of Property Owner

Date

CITY OF EL PASO

GOVERNMENT FORM APPLICATION

The applicant acknowledges and agrees to accept the provision of these requirements and/or information by the City of El Paso, provided by CA, 201 831, 7000, 7000.

The applicant acknowledges and agrees that the City of El Paso is not responsible for any actions, omissions, or delays in response to any applicant's requests, with the understanding that at any point in the application process, the applicant is responsible for providing the City with all necessary information. The applicant is responsible for providing any requested information with the City of El Paso.

The applicant acknowledges and agrees that if any other person or entity is provided with the information or documents provided, the applicant shall be held responsible for the City.

Ernest Lopez

First name of applicant

Ernest Lopez

Signature of applicant

6/1/22/2019

Date

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and boat lift at 5 Lighthouse Ave. The proposed dock will allow the owners access to Salt Run. Total dock and lift area over open water/salt marsh will be approximately 1,544 sq. ft. The height of the dock will be 7' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is a small strip of salt marsh vegetation between the uplands and open water (approx. 20 ft.). The dock will be constructed 7' above mean high water, high enough as to not over shade any vegetation.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be minimal.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be at 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.

Attachment 2

Property Appraiser Information



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1570400000
Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
Neighborhood Carvers (Intracoastal) (713.42)
Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Anastasia, Map Of
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.350
Homestead N

View Map

Owner

Owner Name Little Ernest L III, Nancy R 100%
 Little Nancy R 100%
Mailing Address 3140 COASTAL HWY
 SAINT AUGUSTINE, FL 32084-2215

Valuation

	2019
Building Value	\$85,281
Extra Features Value	\$12,640
Total Land Value	\$683,100
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$781,021
Total Deferred	\$15,831
Assessed Value	\$765,190
Total Exemptions	\$0
Taxable Value	\$765,190

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building 1 **Roof Structure** Gable Hip

Actual Area	2477	Roof Cover	Composite Shingle
Conditioned Area	1338	Interior Flooring	Pine Wood, Ceramic Tile
Actual Year Built	1930	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood	Baths	

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Ceramic Tile	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
ENCLOSED GLASS PORCH	0	130
BASE AREA	1338	1338
FINISHED OPEN PORCH	0	192
UNFINISHED GARAGE	0	500
FINISHED OPEN PORCH	0	90
FINISHED DECK	0	187
FINISHED OPEN PORCH	0	40
Total SqFt	1338	2477

Extra Features

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	588
Residential Fence	0	0	0	0	54
Bulkhead (Average)	0	0	0	0	2040

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	138	0	138	FF	\$683,100

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/16/1996	\$500.00	WD	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

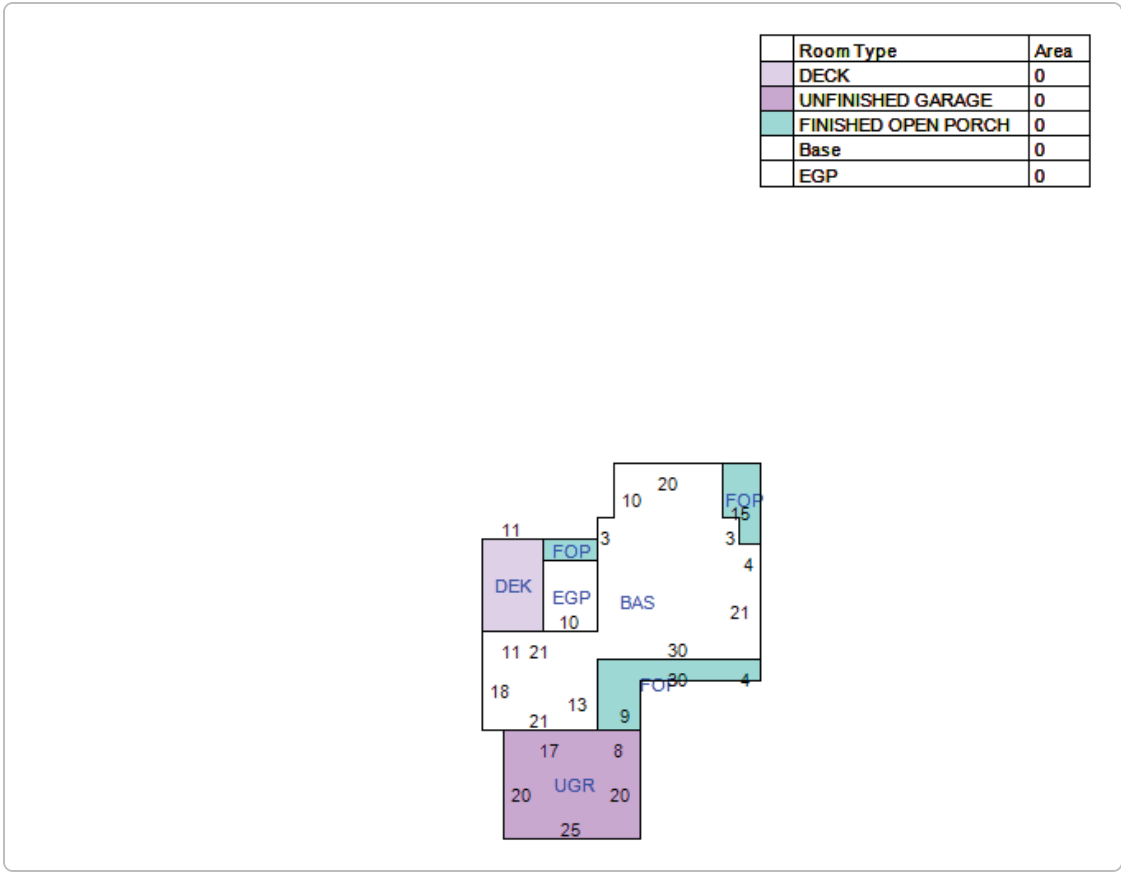
Tax Estimator

[Tax Estimator](#)

Map



Sketches



No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

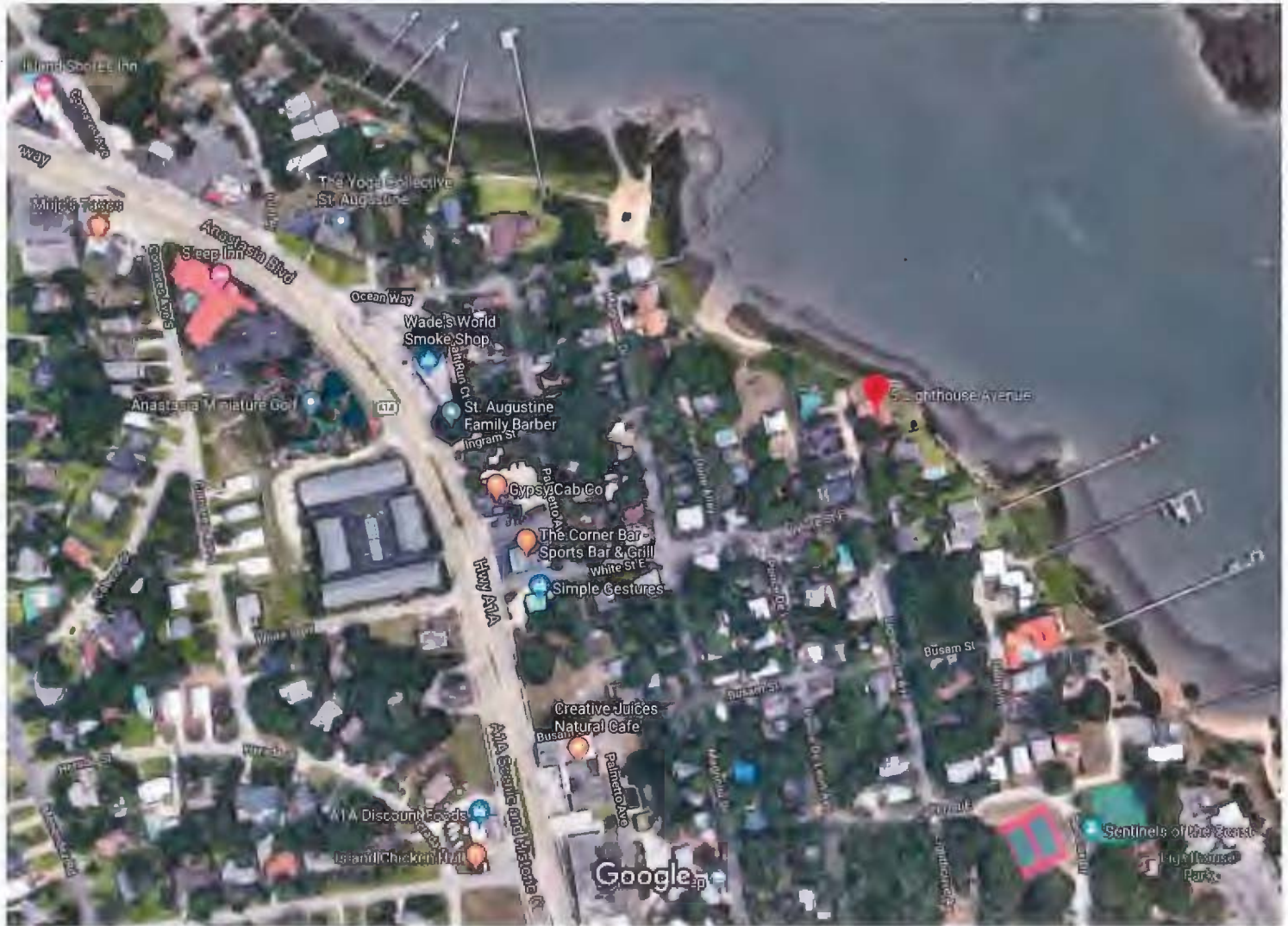
Last Data Upload: 1/1/2019, 10:53:14 PM

Developed by
 Schneider
GEOSPATIAL

Attachment 3

Location Maps

Google Maps 5 Lighthouse Ave



Imagery ©2019 Google, Map data ©2019 Google 200 ft

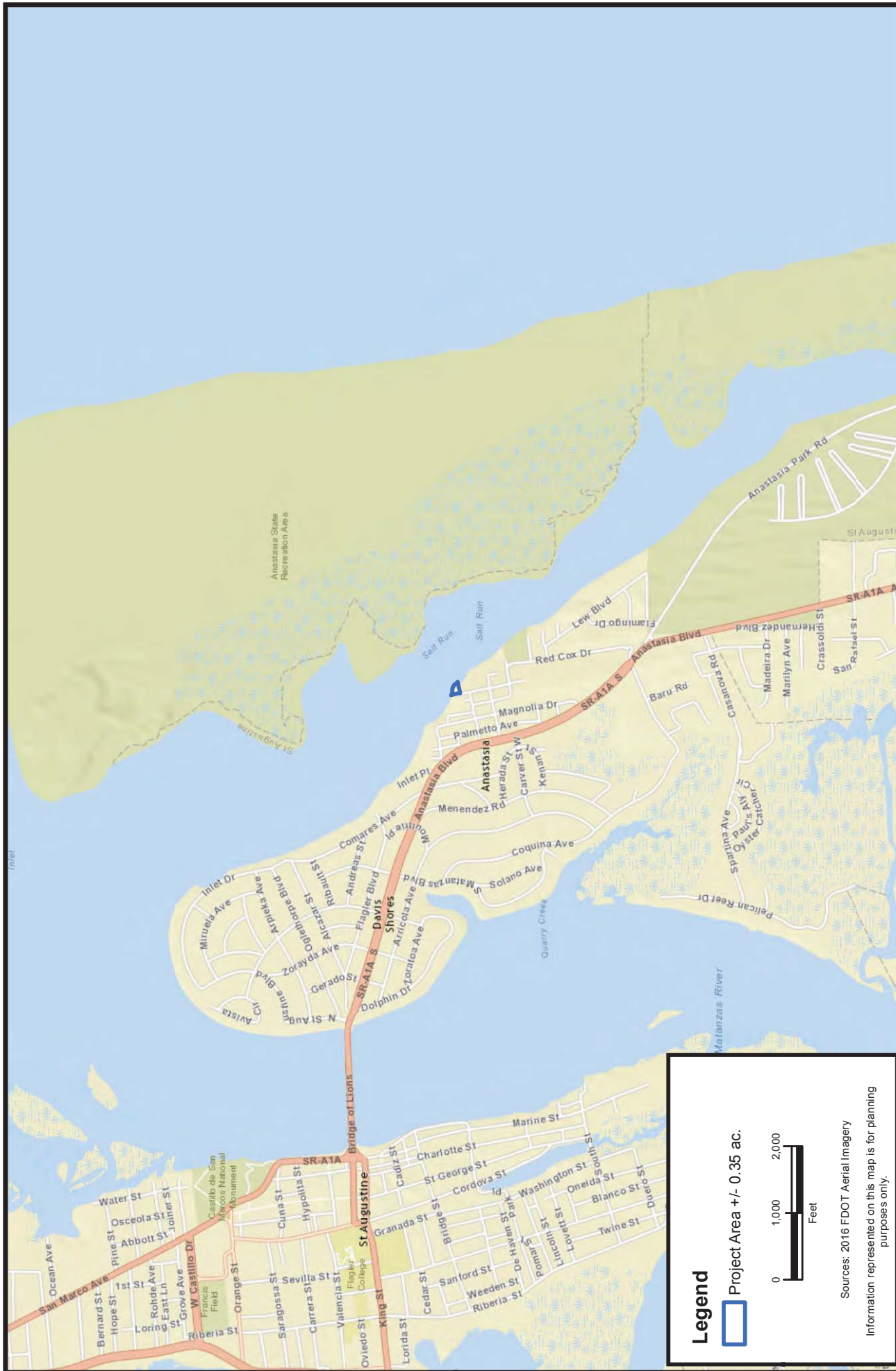


5 Lighthouse Ave

St. Augustine, FL 32080

Attachment 4

Dock Information



Legend

Project Area +/- 0.35 ac.

0 1,000 2,000
Feet

Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

Location Map Little Lighthouse			Figure: 1
Project: 5.18397	Date: Dec 28 2018	St. Augustine, FL	
CARTER ENVIRONMENTAL SERVICES, INC. CES 7 Waldo Street St. Augustine, FL 32084 904-540-1786 www.carterenv.com			



Legend

 Project Area +/- 0.35 ac.



Sources: 2016 FDOT Aerial Imagery

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

oes
 7 Waldo Street
 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

Aerial Map

Little Lighthouse

Project: 5.18397

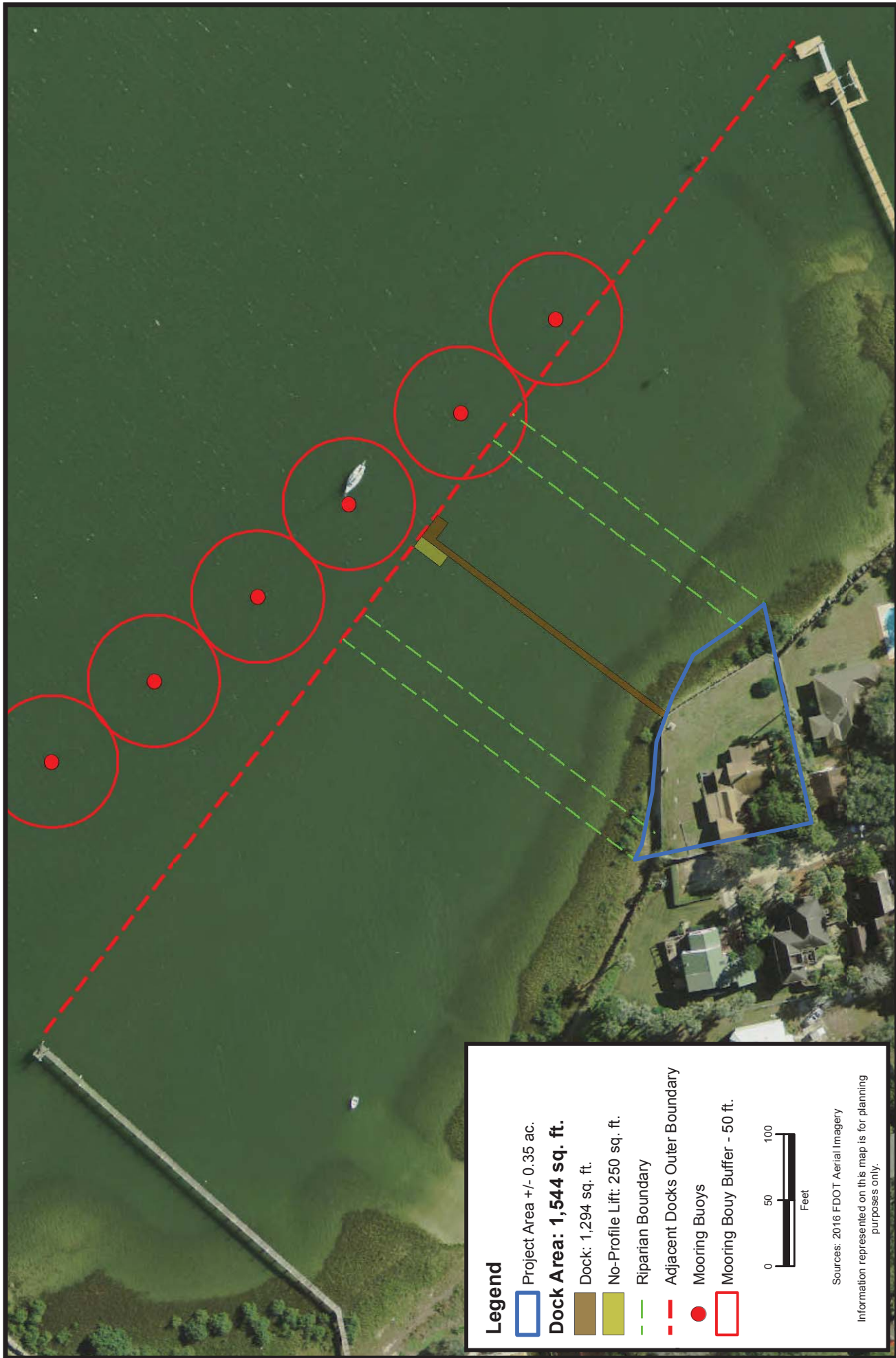
St. Augustine, FL

Date: Dec 28 2018

Figure:

2





Legend

- Project Area +/- 0.35 ac.
- Dock Area: 1,544 sq. ft.**
- Dock: 1,294 sq. ft.
- No-Profile Lift: 250 sq. ft.
- Riparian Boundary
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.



Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
oES
 7 Waldo Street
 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

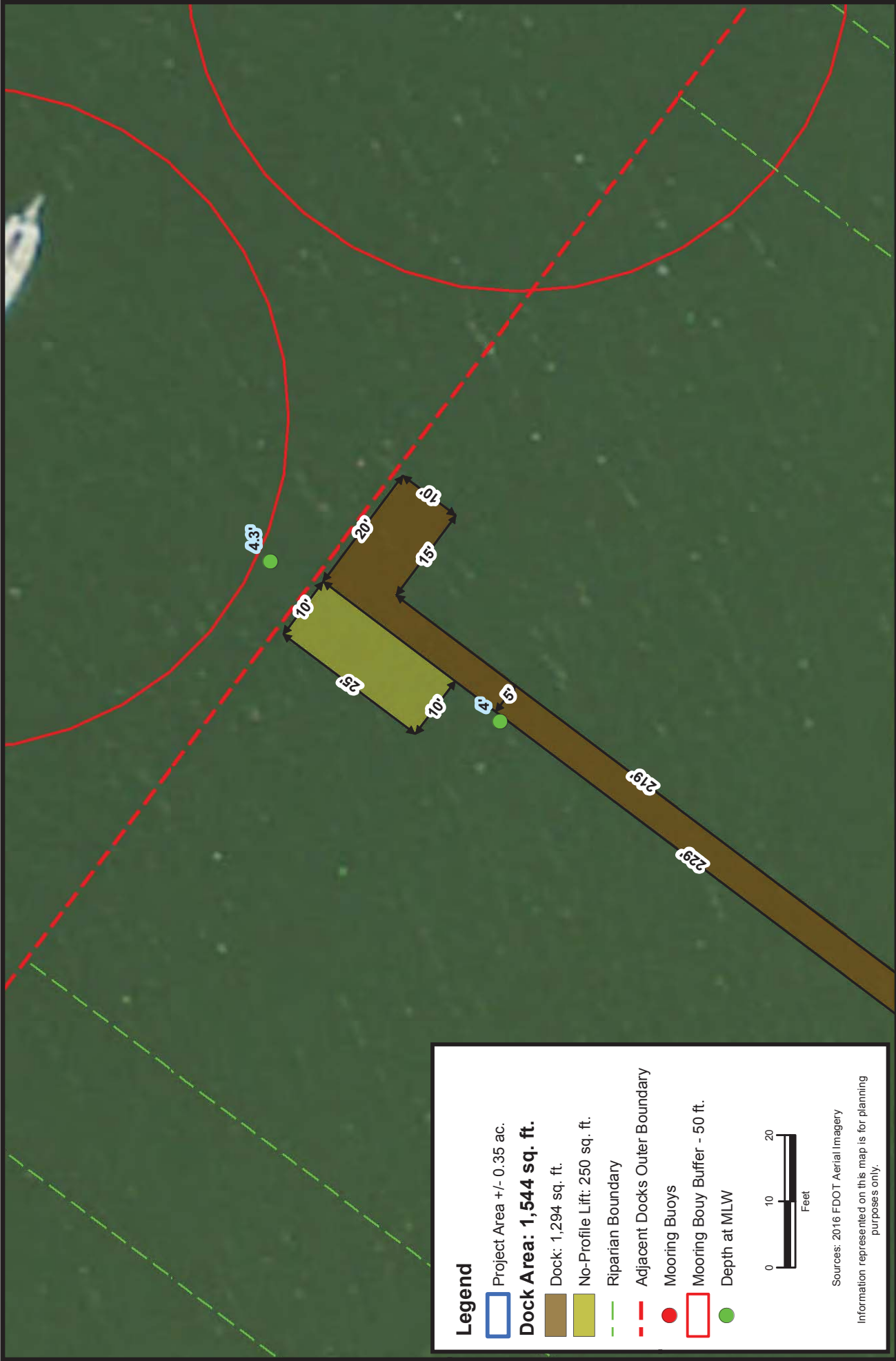
Proposed Dock Alignment Little Lighthouse

Project: 5.18397 St. Augustine, FL

Date: Dec 28 2018

Figure: 3





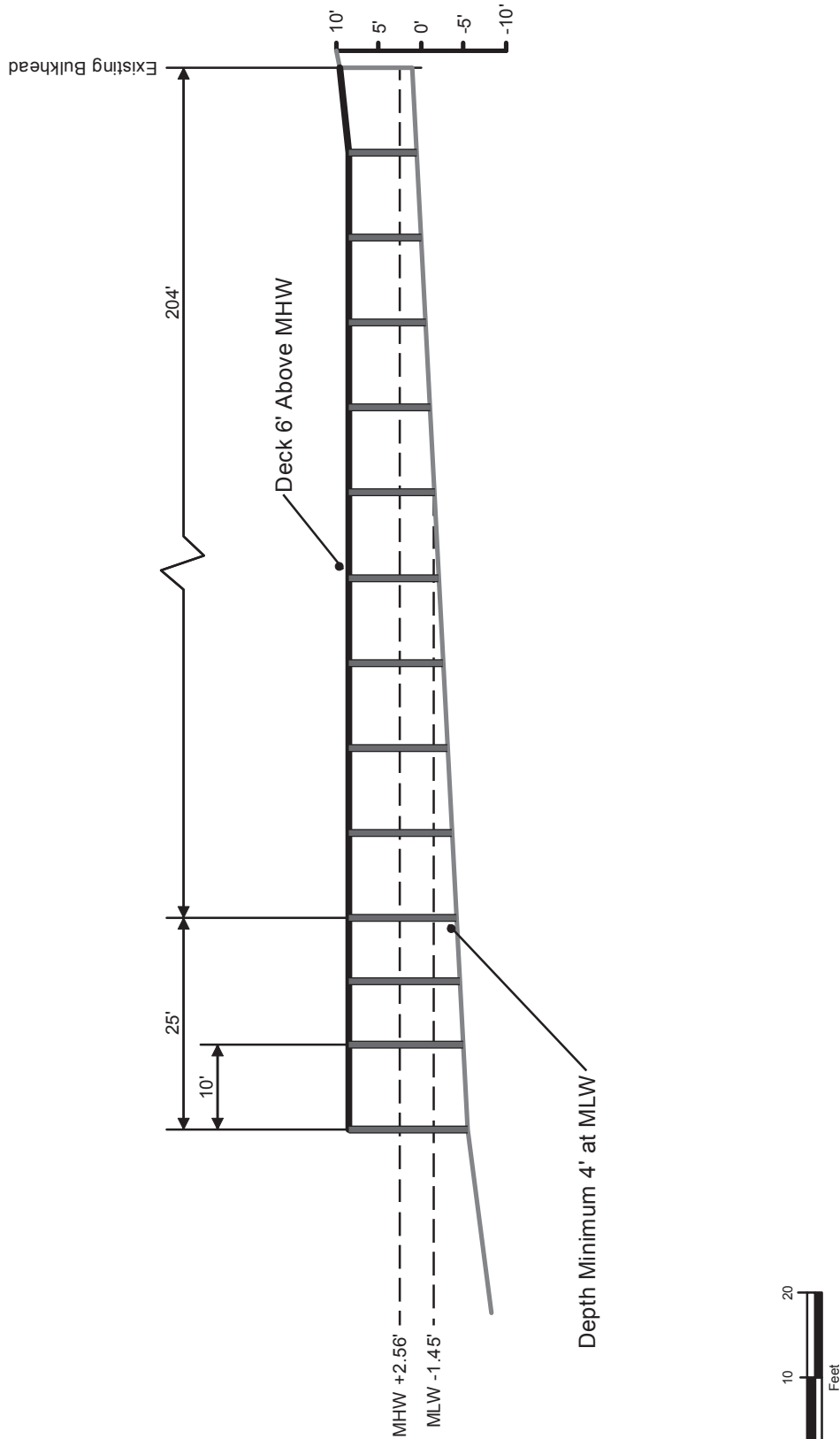
Legend

- Project Area +/- 0.35 ac.
- Dock Area: 1,544 sq. ft.**
- Dock: 1,294 sq. ft.
- No-Profile Lift: 250 sq. ft.
- Riparian Boundary
- Adjacent Docks Outer Boundary
- Mooring Buoys
- Mooring Bouy Buffer - 50 ft.
- Depth at MLW

Sources: 2016 FDOT Aerial Imagery
Information represented on this map is for planning purposes only.

0 10 20
Feet

	Figure: 4	
Proposed Dock Dimensions Little Lighthouse		
Project: 5.18397	Date: Dec 28 2018	
CARTER ENVIRONMENTAL SERVICES, INC. 7 Waldo Street St. Augustine, FL 32084 904-540-1786 www.carterenv.com		



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.

CES
7 Waldo Street
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Cross-Section

Little Lighthouse

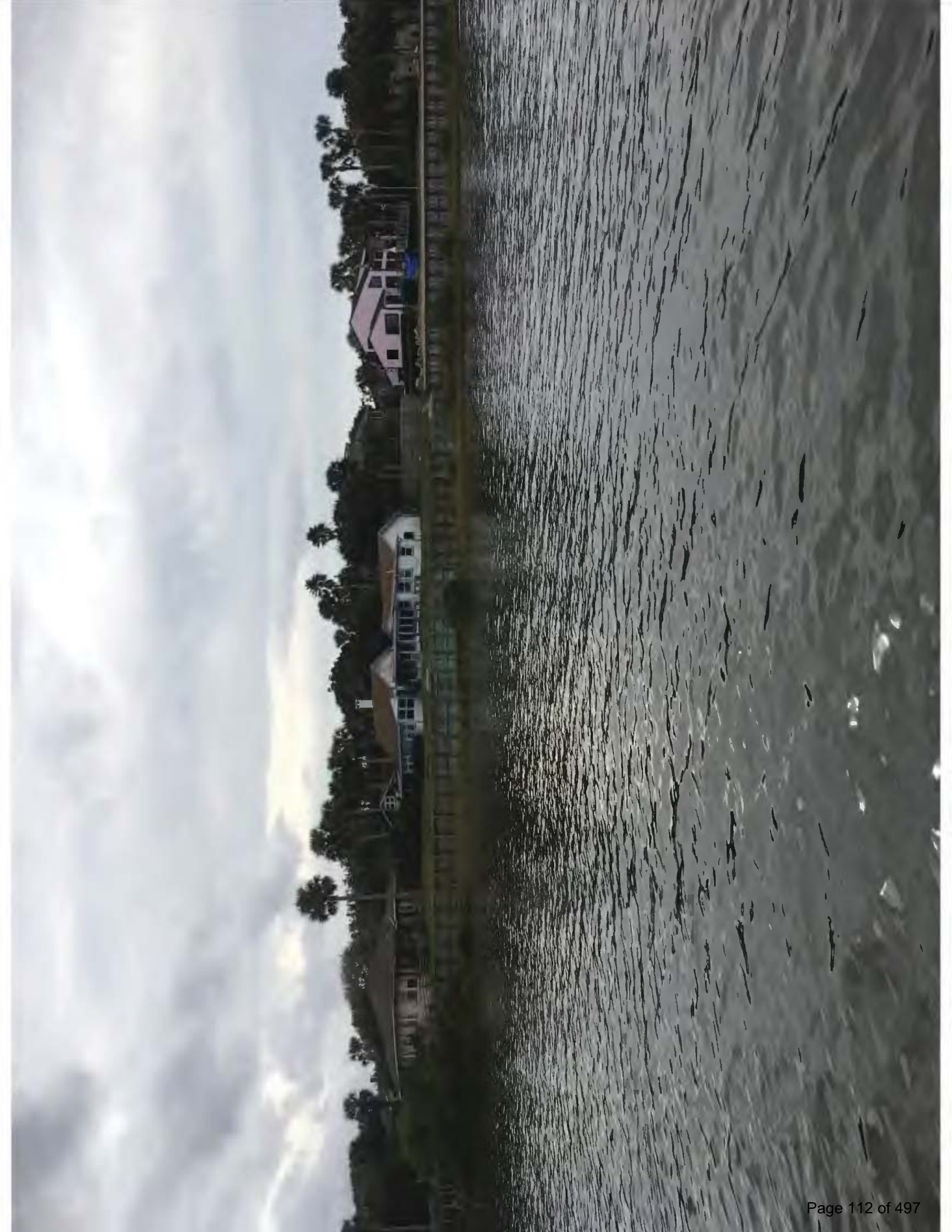
Project: 5.18397

St. Johns County, FL

Date: Feb 04 2019



Figure: 5





City of St. Augustine

St. Augustine, Florida

Planning/Building



March 5, 2019

Ernest L., III, and Nancy R. Little
Ryan Carter/Carter Environmental Services, Inc.
7 Waldo Street, Suite 7C
St. Augustine, FL 32084

Re: Conservation Overlay Zone Development – 5 Lighthouse Ave – 2019-0009

Dear Applicant:

On March 5, 2019, the Planning and Zoning Board (PZB) met and discussed your application to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1, for property located at 5 Lighthouse Avenue.

Specifically, based upon evidence presented, the PZB **approved** your application as described in the attached copy of the executed Order.

Conservation Overlay Zone Development is valid for a period of one (1) year from the date of approval. Failure to exercise the Conservation Overlay Zone Development by commencement of the use or action approved shall render the Conservation Overlay Zone Development invalid.

Please contact the Planning and Building Department at 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

Sincerely,

David Birchim, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| One/Two/ <u>Three</u> | ☐ Rezoning |
| ☐ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2019-0009
Applicant: Ryan Carter C/o Carter Environmental Services, Inc.
Owner: Ernest Little
Address: 5 Lighthouse Avenue
Parcel Number: 1570400000

RE: Conservation Overlay Zone 3 Development, pursuant to Section 28-29, City of St. Augustine Code, to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON MARCH 5, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the March 5, 2019 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☐ members of the public testified under oath, or ☒ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone 3 Development is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action MEETS / DOES NOT MEET the requirements of Section 28-29, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to approve placement of a new dock with associated boat lift in Conservation Overlay Zone 1.

Subject to the following conditions:

- WITH CONDITION DOCK DOES NOT
- INFRINGE UPON PERIMETER
- OF MOORING FIELD
-
-
-
-
-
-

DONE AND ORDERED, at a public hearing on the 5 day of MARCH, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2019-0009

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

GRANT MISTERLY

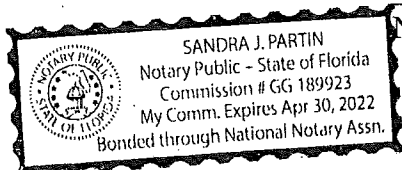
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Grant Misterly who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 5th day of March, A.D., 2019.



Sandra J. Partin
Notary Public, State of Florida

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0086**

AGENDA ITEM 5(b)

APPLICANT/OWNER Scott Patrou c/o Ginn & Patrou Holdings, LLC

LOCATION 435 Flagler Blvd / PIN#: 218480-0000

REQUEST To approve the construction of a four hundred sixty five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2. To approve removal of two (2) significant southern cedar trees in Conservation Overlay Zone 3.

PLANS DATED September 20, 2019

LAND USE Residential Medium Density
ZONING Residential General - One (RG-1)

APPLICABLE CODES/ORDINANCES

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

The Planning and Zoning Board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead, or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In

addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:

(1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or

(2) Fifty (50) percent of the tree canopy on the site is retained.

- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

*** THIS STAFF REPORT HAS NOT BEEN UPDATED. THE APPLICANT HAS NOT PROVIDED STAFF WITH ANY ADDITIONAL INFORMATION FOR REVIEW. THIS ITEM WAS CONTINUED TO THIS HEARING FROM THE OCTOBER 1, 2019 PLANNING & ZONING BOARD MEETING. THE APPLICANT HAS REQUESTED THIS ITEM BE CONTINUED TO THE FEBRUARY 4, 2020 REGULAR MEETING. ***

This applicant is proposing development within Conservation Overlay Zone 1 & 2, in the form of a three (3) unit, three (3) story condominium building and bulk head that runs along the east/northeastern edge of the property and is located solely on the uplands, landward of the mean high water line (MHWL). The applicant is also proposing development dock is proposed to be constructed to total overall length of 465' which will be comprised of a four hundred fifty seven foot (457') long access pier six feet (6') in width, an eighteen foot (18') by twenty two foot (22') seating area, a gangway leading to an eight foot (8') by thirty eight foot (38') floating dock with three (3) boat slips accommodating two (2) boat lifts and associated pilings for a single wet slip. The Applicant will install low or no-profile boat lifts not to exceed 12,000 pound lift rating, and to not accommodate a vessel larger than 32 feet in length.

The overall coverage area of the proposed dock and boat lifts was not provided, however Staff calculated the coverage area as approximately 4,286 sq. ft. The proposed dock would be considered consistent with the existing vistas and scenic opportunities as it there are neighboring docks to the south of the subject property, and larger docks (condominium dock) and marina facilities to the north (Conch House Marina)

1. Conservation Overlay Zone 1 Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently occupied by a duplex multifamily unit. If approved, the site will have three (3) condominiums, the proposed dock and platform.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms. There is a Single Family Home to the south of this property and a Condominium to the North

- (3) Natural and proposed drainage patterns.

Patterns will be minimally impacted given the similar footprint of the proposed condominium building to the existing source on site. The development will have to meet all City Code requirements and will maintain stormwater runoff on site, partially from the proposed bulkhead.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area.

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities with the exception of disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the proposed dock.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area and is located within a "no wake zone." Shoreline erosion is not a significant potential issue in this situation. There is also a submerged rip-rap groin to the east/southeast of the proposed dock.

- (11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at six feet (6') in width. The proposed bulkhead is shown at the landward edge of the mean high water line, however no length was provide for the proposed bulkhead.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a

boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The applicant has provided a narrative associated with the application. Staff was not provided with any plans for the proposed elevation of the dock or square footage coverage of the dock, however, the Applicant has been made aware of the requirement for the dock to be no higher than six feet (6') above the Mean High Water Line (MHWL) and have agreed that the proposed dock, when submitted for permitting, will not exceed six feet (6') above the MHWL. A dock with different dimensions had been permitted by Florida Department of Economic Opportunity and applied for with the US Army Corp of Engineers in 2007, the permit and application are included.

The Applicant has also provided an alternate configuration of the dock, different to that configuration as applied/noticed for, to potentially accommodate safer travel between this proposed dock and pilings associated to the neighboring dock to the south, the plan as proposed provides for 20 feet of separation, the extended configuration to 475' would allow for 28' of separation.

Conservation Overlay Zone 2, Development of the building & site improvements including a bulkhead

The applicant has provided documentation indicating the construction of a bulkhead, a three story, three (3) unit condominium and associated garage. The site improvements result in no additional drainage to the marsh and no significant alteration to surface water hydrology due to the proposed bulk head and City stormwater management requirements. Also, the existing, native significant southern red cedar trees on site are being maintained on the site (one four inch tree is proposed to be removed). Pictures have also been provided which shows present rip-rap along the water's edge. Since the bulkhead is being added to the site there is no need for the Board to approve the building and site improvements. Our Code allows for any improvements to be approved by this Department.

Conservation Overlay Zone 3, Development to remove a preserved tree(s).

The applicant is proposing to remove two (2) significant southern red cedar trees from the site. An arborist report has been provided by the applicant which indicates that both trees are in poor condition.

The applicant did provide an arborist report (attached), however, they had not provided a tree removal plan, site plan with tree locations, landscape plan with tree replacement plan or a mitigation table at the time of this report was drafted, therefore no recommendation has not been made. This aspect of the application was not publicly advertised with the original scope of work.

In determining whether or not a permit required by this section should be issued, the PZB shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

According to the Arborist report both trees are in poor condition.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
The applicant did not provide a tree removal plan regarding the location of the trees in relation to the proposed condominiums.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
The effect of these trees being removed on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan, however, there is no evidence that it would be significantly detrimental.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
The applicant is proposing to remove 50% of trees on site. This should lead to a better tree coverage and increase marketable property values when the smaller Live Oaks in the plans continue to grow.
- e. Whether the tree has been designated a significant tree.
Both trees being removed are significant trees.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must retain storm water on site.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
Ecological impacts. – *Given the poor condition of the trees, the removal should not substantially affect ecology.*
Noise pollution. – *The removal of the tree should not increase noise pollution.*
Air movement. – *This project should not affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The removal of the tree should not substantially affect habitat.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed. *This cannot be determined given the lack of a tree removal plan on the site plan.*

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of an dock platform & three (3) boat slips with two boat lifts, as proposed, in Conservation Overlay Zones 1 and the construction of a bulkhead and a three (3) unit condominium building in Conservation Overlay Zone 2 on the subject property located at 435 Flagler Blvd / PIN: 128480-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Attachments

Attachment 1 – Application & Narrative
Attachment 2 – Property Appraiser Information
Attachment 3 – Proposed Dock Plans, Site Plan
Attachment 4 – Site Photos
Attachment 5 – Arborist Report
Attachment 6 – 2007 DEP Permit & USACE Dock Application

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2019-0118**

AGENDA ITEM 5(c)

APPLICANT Cora Johnston
c/o Generation Homes

OWNER Anthony & Kathleen Prestera

LOCATION 111 Fiddler Crab Ln / PIN 158571-9090

REQUEST To approve the removal of three (3) significant trees (Southern Red Cedars) within Conservation Overlay Zone 3.

PLANS DATED September 17, 2019

LAND USE Residential Low Density

ZONING Residential Single Family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to construct a single-family home and associated driveway on site which includes the proposed removal of seven (7) trees on site; this includes three (3) significant southern red cedar trees within Conservation Overlay Zone 3. A tree removal plan indicating removal and preservation of trees along with an arborist report completed by the applicant's arborist has been included in the packet. The property owners revised the tree removal to maximize retaining mature trees onsite, (even though some are in poor health and decline). This indicates the applicant is removing only the trees necessary to construct the house, driveway and pool due to their location and close distance within the building footprint and driveways/walkways. See credit/debit chart below:

* - Indicates tree in right of way; **Bold** indicates significant trees

Tree #	Health/ Structure	Diameter	Name	Credit	Debit
1	Poor/poor	15"	Southern Red Cedar	3	
2*	Fair/poor	22"	Southern Red Cedar	-	-
3	Dead	12"	Southern Red Cedar	-	-
4	Poor/poor	16"	Southern Red Cedar	3	
5	Dead	22"	Southern Red Cedar	-	-
6	Poor/poor	38"	Southern Red Cedar	4	
7	Dead	12"	Southern Red Cedar		-
8	Poor/poor	7"	Southern Red Cedar		1
9	Dead	6"	Southern Red Cedar	-	-
10	Dead	7"	Southern Red Cedar	-	-
11	Poor/poor	7"	Southern Red Cedar		1
12	Dying/Poor	14"	Southern Red Cedar		1.5
13	Poor/poor	8"/16"	Southern Red Cedar	3	
14	Poor/poor	16"	Southern Red Cedar	3	
15	Fair/poor	15"/28"	Southern Red Cedar	4	
16	Dead	7"	Southern Red Cedar	-	-
	<i>Southern Red Cedar Multiplier (+1/-1 per tree)</i>			6	3
				26	6.5

*- this tree is not located within property boundaries

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate by planting new trees. [Ref. LDC Sec. 25-53(d)(2)].

1. Conservation Overlay Zone 3 Development to remove more than fifty (50) percent of the tree canopy, including eight (8) southern red cedars for a total of eight (8) significant trees being removed within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

The arborist completed a spreadsheet of tree on site. All but one of the trees on site are characterized as being in poor health and structure. There are also six (6) dead trees on site.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

The removals appear to be necessary to construct a home and driveway.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the site will be developed per City development standards, issues related to erosion will be lessened. A drainage plan is reviewed by the Building Official during the building permit review process to ensure stormwater runoff flows to the proper conveyance.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have an established tree canopy and removal of trees would thin this canopy, however, the removals are necessary for home construction. There is a requirement to maintain a minimum of ten (10) southern red cedar trees on site, the applicant would have to plant four (4) southern red cedars back on site to maintain this requirement (as established by Appeal 95-0187, included as an attachment 3).

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

Ten (10) of the fifteen (15) trees are designated as significant trees, all of which are southern red cedars, however, three of the significant trees are dead; the applicant proposes removal of three (3) significant trees, however, two of these trees are dead.

- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must retain surface water.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*
Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
Air movement. – *This project should not substantially affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

All the proposed removed trees fall within the proposed footprint of the home and driveway. The applicant will be replanting a minimum of four (4) additional to meet the requirements of Appeal 95-0187.

The number of debits for tree removal is – **6.5 debits.**

The number of credits for tree preservation is **26.5 credits.**

The number of credits for tree plantings (incl. relocation) is **N/A**

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of the trees at the subject property including three (3) significant trees (southern red cedars) within Conservation Overlay Zone 3 located at 111 Fiddler Crab Ln / PIN#: 158571-9090.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Appeal 95-0187

Attachment 4 – Arborist Report

Attachment 5 - Site & Tree Removal Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

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Planning/Building Dept.

Application Fee: 165⁰⁰ (plus advertising costs) Project Number: 2019-0118
Receipt Number: 1725782 Meeting Date: 12/3/19
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Cora M. Johnston Contact Number: 904 759-0702
Business (if applicable): Generation Homes, Inc.
Address: 5860 US HWY 1 North City: St. Augustine State: FL Zip: 32095
E-Mail Address: cormjohnston@gmail.com

2. NAME OF PROPERTY OWNER: Anthony & Kathleen Prestera Contact Number: 908 636-9841
Business (if applicable): N/A
Address: 123 Saint Josephs Dr. City: Stirling State: NJ Zip: 07980
E-Mail Address: chip@ckdrp.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 9 Block: 9
Subdivision: Pelican Reef Parcel Number: 1585719090

4. PROJECT STREET ADDRESS: 111 Fiddler Crab Lane

5. SPECIFIC PROPOSED USE: New single Family Residence

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: Review of Tree Removal

7. DESCRIPTION OF ACTION REQUESTED: Remove 6 Cedar Trees that are in the Building
Envelope. Remove 1 Cedar Tree that is dead and 1 Cedar Tree that is deemed in to poor of condition to save by the Arborist.
Keep 6 Cedar Trees outside of the House Envelope in order to construct a New Single Family Residence.
(see attached Arborist Report and Survey's for Details)

8. JUSTIFICATION FOR ACTION REQUESTED: Needed to Construct a New Single Family
Residence based on Arborist report and customers request.

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☐ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

Signature of Property Owner

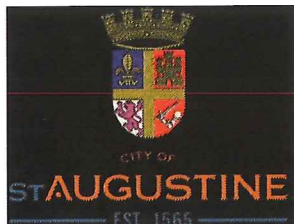
Date

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04/18/2019

Planning/Building Dept.



Owner's Authorization For Agent

Cora M. Johnston(Generation Homes LLC.) is/are hereby authorized TO ACT ON BEHALF OF Anthony & Kathleen Prestera, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 111 Fiddler Crab Ln.

BY: [Signature] K. Prestera
Signature of Owner
ANTHONY PRESTERA KATHLEEN PRESTERA
Print Name of Owner
(908) 636-9841
Telephone Number

State of NEW JERSEY

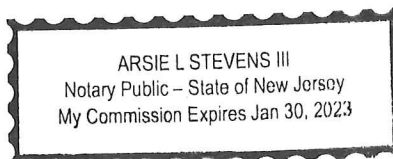
County of UNION

Signed and sworn before me on this 20TH day of SEPTEMBER, 2019.

By ARSIE L. STEVENS

Identification verified: YES / NJDL

Oath sworn: X Yes _____ No



Notary Signature: [Signature]

My Commission expires: JAN. 30, 2023

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**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

[Cora M. Johnston](#)

Print name of applicant



Signature of applicant

Date

11/6/19

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Prepared by and Return to:
Jessica Peel
Olde Towne Title Group
93 Orange St, Ste A
St. Augustine, FL 32084

File: OT18-6298

General Warranty Deed

Made this 16th day of August, 2018 A.D. Thompson Bros Realty Inc, a Corporation, and Paul Thompson, Trustee of Pierre D. Thompson Revocable Trust, whose address is: P.O. Box 70, St. Augustine, FL 32085-0070, hereinafter called the grantor, to Anthony R. Prestera Jr, and Kathleen A. Prestera, husband and wife, whose post office address is: 123 Saont Jospehs Dr., Stirling, NJ 07980-1250, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Johns County, Florida, viz:

Lot 9, Block 9, Pelican Reef V, according to the map or plat thereof, as recorded in Plat Book 55, Page(s) 31 and 32, of the Public Records of St. Johns County, Florida.

Parcel ID Number: 158571-9090

Grantors warrant that at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2017.

DEED Individual Warranty Deed - Legal on Face

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Planning/Building Dept.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name Kelly S. Savage
Jessica Peel
Witness Printed Name Jessica Peel

State of Florida
County of St. Johns

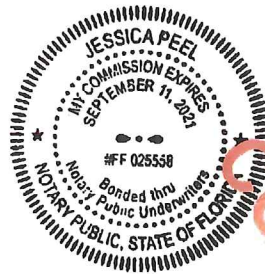
The foregoing instrument was acknowledged before me this 16th day of August, 2018, by *Thompson Bros Realty Inc and Paul Thompson, Trustee of Pierre D. Thompson Revocable Trust, who ~~is~~^{are} personally known to me or who has produced driver's license as identification.

* Paul J. Thompson, President

Paul J. Thompson (Seal)
Thompson Bros Realty Inc By Paul J. Thompson, President
Address:

Paul J. Thompson (Seal)
Pierre D. Thompson Revocable Trust
Address: By Paul J. Thompson, Trustee

Jessica Peel
Notary Public
Print Name: _____
My Commission Expires: _____



Attachment 2

Property Appraiser Information & Location Map



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1585719090
Location Address 111 FIDDLER CRAB LN
 SAINT AUGUSTINE 32080-0000
Neighborhood Pelican Reef (628)
Tax Description* 55/31-32 PELICAN REEF V LOT 9 BLK 9 OR4599/1928
**The Description above is not to be used on legal documents.*
Property Use Code Vacant Residential (0000)
Subdivision Pelican Reef V
Sec/Twp/Rng 20-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.460
Homestead N

Owner Information

Owner Name Prestera Anthony R Jr,Kathleen A 100%
 Prestera Kathleen A 100%
Mailing Address 123 SAINT JOSEPHS DR
 STIRLING, NJ 07980-1250

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$150,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$150,000
Total Deferred	\$0
Assessed Value	\$150,000
Total Exemptions	\$0
Taxable Value	\$150,000

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$150,000	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
2018	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2017	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2016	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$110,000	\$5,000	\$110,000
2015	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2014	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2013	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2012	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2011	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2010	\$0	\$0	\$185,000	\$0	\$0	\$185,000	\$185,000	\$0	\$185,000

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$150,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/24/2019	8/16/2018	\$0.00	CD	4671	318	U	V	THOMPSON PIERRE D REV TRUST	PRESTERA ANTHONY R JR,KATHLEEN A
8/21/2018	8/16/2018	\$185,000.00	WD	4599	1928	Q	V	THOMPSON PIERRE D REV TRUST	PRESTERA ANTHONY R JR,KATHLEEN A
	6/22/2010	\$100.00	WD	3326	1410	U	V	THOMPSON PIERRE D(1/2 INT)	THOMPSON PIERRE D REV TRUST
	10/7/1991	\$0.00	CE	924	296	U	V	PIERRE D THOMPSON	ST JOHNS RIVER WATER MANAGEMENT DIST

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

User Privacy Policy
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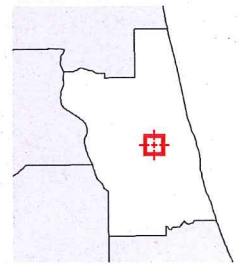
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Developed by
 Schneider
GEOSPATIAL

Version 2.3.19



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1585719090	Physical Address	111 FIDDLER CRAB LN	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine		PRESTERA ANTHONY R JR, KATHLEEN A	Total Land Value	\$150,000	8/16/2018	\$185,000	01	Q
Acres	0.46		123 SAINT JOSEPHS DR	Just Value	\$150,000	n/a	0	n/a	n/a
			STIRLING NJ 07980-1250	Total Deferred	N/A				
				Assessed Value	\$150,000				
				Total	N/A				
				Exemptions					
				Taxable Value	\$150,000				

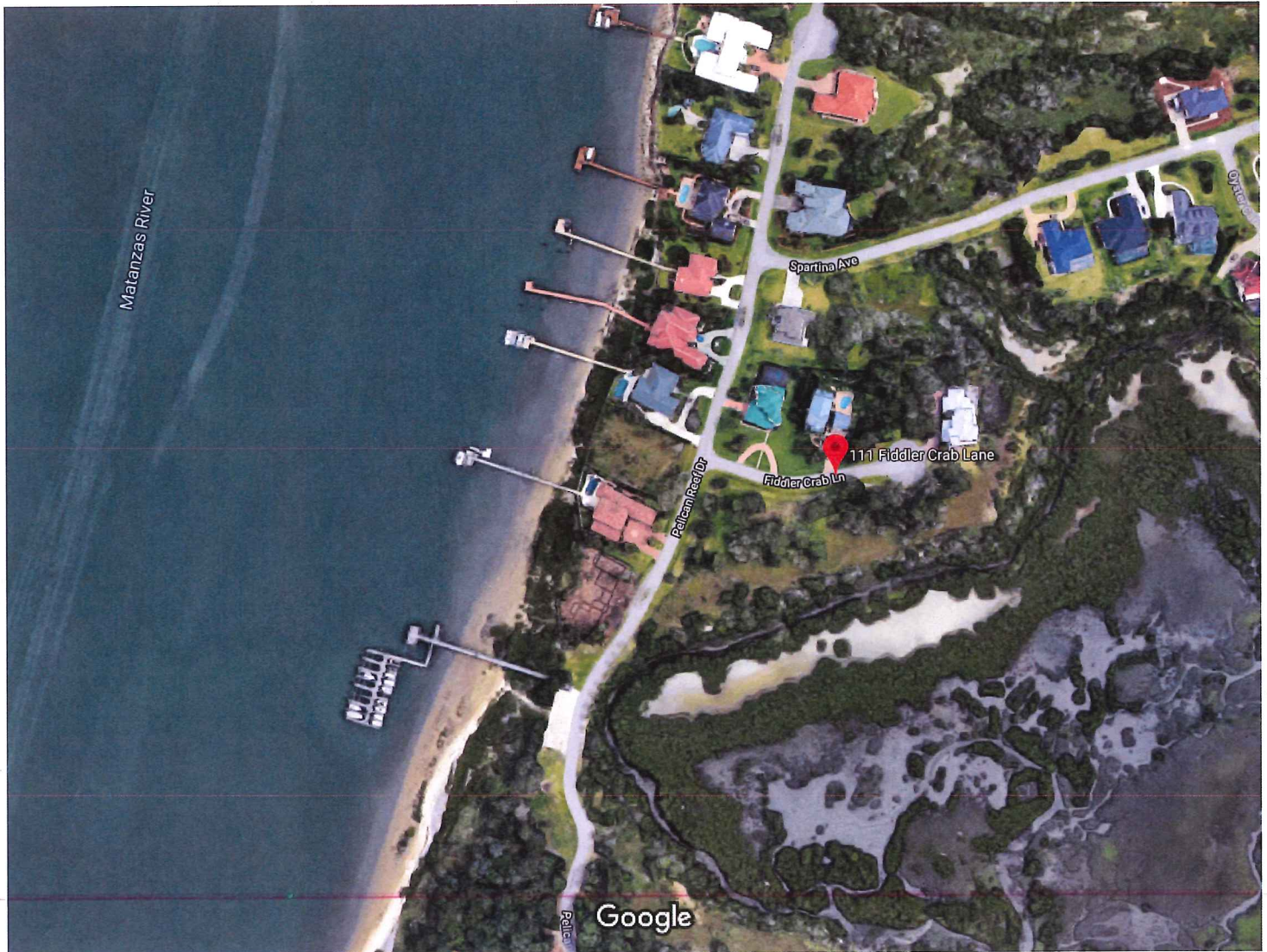
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 11/7/2019

Last Data Uploaded: 11/7/2019 9:20:07 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 111 Fiddler Crab Ln



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 100 ft



111 Fiddler Crab Ln

St. Augustine, FL 32080



Directions



Save



Nearby



Share



Attachment 3
Appeal 95-0187



City of St. Augustine



St. Augustine, Florida

Planning/Building

April 5, 1995

Pierre Thompson
Pelican Reef Development Co.
93-D Orange Street
St. Augustine, Florida 32084

RE: Appeal of a Staff Determination/Variance 95-0187
Pelican Reef Subdivision (124 Spartina Avenue)

Dear Mr. Thompson:

On Tuesday, April 4, 1995, the Planning and Zoning Board (PZB) met and discussed your application to appeal a staff determination to enforce the provisions of the Trees and Landscaping Code and to reduce the minimum tree and landscape requirements for a subdivision at Pelican Reef Subdivision.

Specifically, the PZB approved your application to waive the requirement to plant approximately 1600 Southern Red Cedar trees to replace trees removed as a result of the development of infrastructure for the subdivision. In addition, the PZB approved your request to fill mosquito control ditches within the subdivision and to place fill on the subdivision lots up to a maximum height of 6' above mean sea level without obtaining a building permit. The PZB made its determinations with the stipulations that you will require lot owners to maintain a minimum of 10 Southern Red Cedar trees on their individual lots, and that no additional trees may be removed without an approved tree removal permit. The PZB did not provide a variance or waiver to the requirements of the Trees and Landscaping Code as they pertain to the individual lot owners.

Should you have questions regarding this matter, please contact the Planning and Building Division at 825-1060.

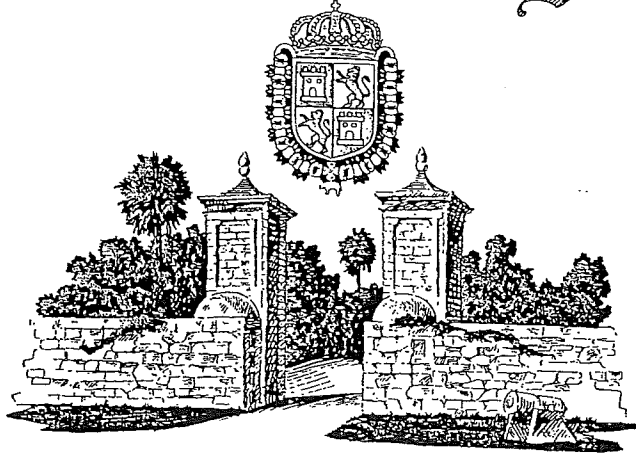
Sincerely,

Jean Carver
Citizen Boards Technician

jc

cc: Joseph Pomar, Jr., City Manager
Michael Griffin, CBO, Planning and Building Manager
BDAC File 95-0187

City of Saint Augustine



PLANNING AND BUILDING
DEPARTMENT

March 26, 1991

SAINT AUGUSTINE, FLORIDA

Mr. Pierre D. Thompson
Thompson, Bailey & Baker
31 Cordova Street
St. Augustine, Florida 32084

RE: Zoning Variance (BDAC 88-418)

Dear Mr. Thompson:

As you requested, this letter will confirm the Planning and Zoning Board (PZB) action concerning your application (BDAC 88-418) on March 5, 1991.

The PZB approved BDAC 88-418 for a variance to reduce the sideyard setback requirements from ten feet (10') to six inches (6") on twenty-two (22) patio home lots on Spoonbill Court.

Also, the PZB approved a variance to allow forty percent (40%) lot coverage on all lots in the Pelican Reef Subdivision. Failure to exercise these variances by commencement of the use or action approved within one year shall render the variance invalid. These variances are transferable and are considered a "blanket variance".

Please contact my office if you have questions regarding this subject.

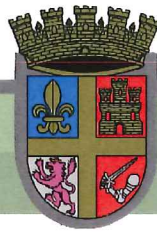
Sincerely,

Troy Bunch
Director, Planning and Building

TB:em

xc: Joseph Pomar, Jr., City Manager
BDAC File 88-418

Attachment 4
Arborist Report



ST. AUGUSTINE

arboriculture

URBAN FOREST

report

City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant trees as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT C. James king
 ISA Certification # FL-6056A
 Business (if applicable) C. James King, RLA, ASLA, PA.
 Address 9751 Sharing Crooss Drive
 City Jacksonville State FL Zip Code 32257
 Daytime Telephone (904) 262-5275 Other Phone 904-553-0633
 Email Address cjimking@att.net

PROPERTY INFORMATION

STREET ADDRESS 111 Fiddler Crab Lane, St. Augustine, FL. 32080
 Legal Description: Lot 9 Block 9 Subdivision Pelican Reef V
 Parcel 1585719090

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.
Sixteen existing trees were measured, identified and evaluated for health and structure. The Arborist reviewed the site plan, tree location on the property, and observed health and structural factors of the tree with respect to development stress factors such as lot filling, root compaction, root cutting, limb reduction, wind stress, storms and potential targets

TREE INVENTORY (attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
	<u>See attached Tree Inventory & Evaluation</u>		

TREE CONDITION & POTENTIAL TARGETS

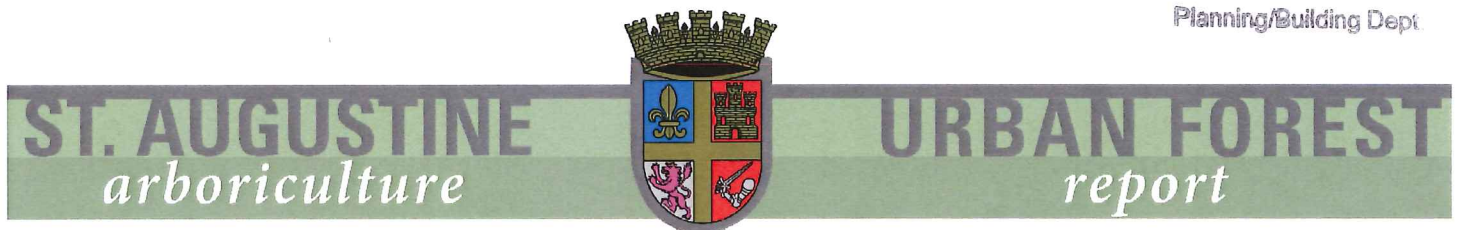
Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

See attached Tree Inventory and Evaluation

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)

Continue onto next sheet if applying for Significant Tree Removal **and** Building Permit



City of St. Augustine Arboriculture Report

This below information is to be submitted in conjunction with development plans when the removal of a significant tree is associated with improvements to the property and requires the issuance of a building permit.

CANOPY COVERAGE ESTIMATE

Provide an aerial view of the property indicating (a) the location of examined trees, (b) the approximate canopy coverage pre-development and (c) the approximate amount of canopy coverage post-development. Aerial measurements can be taken from the St. Johns County GIS website; www.co-st-johns.fl.us

(attach to application)

CONSERVATION OVERLAY ZONE DEVELOPMENT CRITERIA

Provide a response to the seventeen (17) "standards for review" listed in section 11-29 of the City of St. Augustine Land Development code

(attach to application)

SITE PLAN

Provide a scaled plan of the property to be developed, showing the locations of all structures and buildings, required yards, required parking, surface drive areas, loading spaces, stacking spaces, planting areas (both bufferyards and interior), dumpsters, exterior mechanical equipment, storm drainage retention areas, and all trees three (3) inches or larger dbh., by species and dbh (both to be removed and to be retained), and any other necessary details required for review.

Indicate "significant" trees to remain by marking them in green and "significant" to be removed by marking them in red. Indicate the tree protection zone (tpz) of each "significant" tree at three times the diameter of the tree. Indicate the location of all tree barricades or tree protection fencing.

(attach to application)

IMPACT ANALYSIS & TREE PRESERVATION

Describe the impact the proposed development will have on the existing trees and if any consideration or development techniques are proposed to preserve trees on the site.

(attach to application)

Tree Inventory & Evaluation for Lot 9, Block 9, Pelican Reef

111 Fiddler Crab Lane, St. Augustine, FL. 32080, (Parcel ID #1585719090)

Property size is 0.46 Acres

Date of report: August 6, 2019

Date of tree inspection: July 1, 2019

PREPARED FOR: Generation Homes, LLC

PREPARED BY: C. James King, Certified Arborist- FL-6056A

RECEIVED

NOV 06 2019

Planning/Building Dept.

Tree #	Tree size and species	Observations	Health/ Structure	Potential Impacts	Recommendations
1	15" Cedar	top dieback, open cavity at base, broken limbs, vine damage.	poor/ poor	unstable	should be removed possible target is transformer & light pole. S
2	22" Cedar	slight lean, root damage from swale construction unstable	fair/ poor	possible toppling from high wind	should be removed possible target is roadway S
3	12" Cedar	dead	dead/ dead	dead	remove S
4	16" Cedar	severe top dieback	poor/ poor	severe decline will topple	remove S
5	22" Cedar	dead	dead/ dead	dead, will topple	remove, located within home footprint S
6	38" Cedar	codominant stems, severe top dieback, susceptible to splitting	poor/ poor	possible splitting, severe decline	remove, target is porch & home S
7	12" Cedar	dead, windfall	dead/ dead	dead	remove, located within home footprint S
8	7" Cedar	severe top dieback	poor/ poor	dying	remove, located within home footprint

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Tree Inventory and Evaluation

Lot 9, Block 9, Pelican Reef

Tree #	Tree size and species	Observations	Health/ Structure	Potential Impacts	Recommendations
9	6" Cedar	unacceptable lean, wind damage, dead	dead/ dead	dead	remove, located within home footprint
10	7" Cedar	split trunk, dead	dead/ dead	dead	remove, located within footprint of home
11	7" Cedar	unacceptable lean	poor/ poor		remove, located within footprint of home
12	14" Cedar	top dieback, trunk sprouts, gradual tree death	dying/ poor	dying	remove, possible target is proposed home S
13	8", 16" Cedar	top dieback, included bark	poor/ poor	possible trunk split from storms/wind, root damage from proposed driveway construction	should be removed, possible target is driveway/home S
14	16" Cedar	twisted & split trunk, tree is bent over	poor/ poor		remove S
15	15", 28" Cedar	some top dieback lean indicating root damage from swale construction	fair/ poor	possible toppling	should be removed due to potential root structure failure. S
16	7" Cedar	dead	dead/ dead		remove

Photographic Evidence

The following photographs illustrate the tree number, size, species, and visual conditions and should be cross-referenced with the tree inventory and evaluation presented above. Please refer to the Tree Inventory Plan for tree locations on the property.



Tree Number 1- 15" Cedar
Top dieback- vine damage, broken limbs



Tree Number 2- 22" Cedar, leaning due to root
damage during swale excavation.

Photographic Evidence

Lot 9, Block 9, Pelican Reef



Tree Number 3- 12" Cedar, dead



Tree Number 5- (in distance) - 22" Cedar, dead



Tree Number 16- 15", 28" Cedar, top dieback, lean due to root damage from swale excavation, unstable



Tree Number 7- (right center) 12" Cedar, windfall
Tree Number 10- (left) - 7" Cedar- severe top dieback

Photographic Evidence **Lot 9, Block 9, Pelican Reef**



Tree Number 13 (left) - 8", 6" Cedar- top dieback, included bark
Tree Number 14 (middle) - 16" Cedar- twisted, split trunk, and bent over



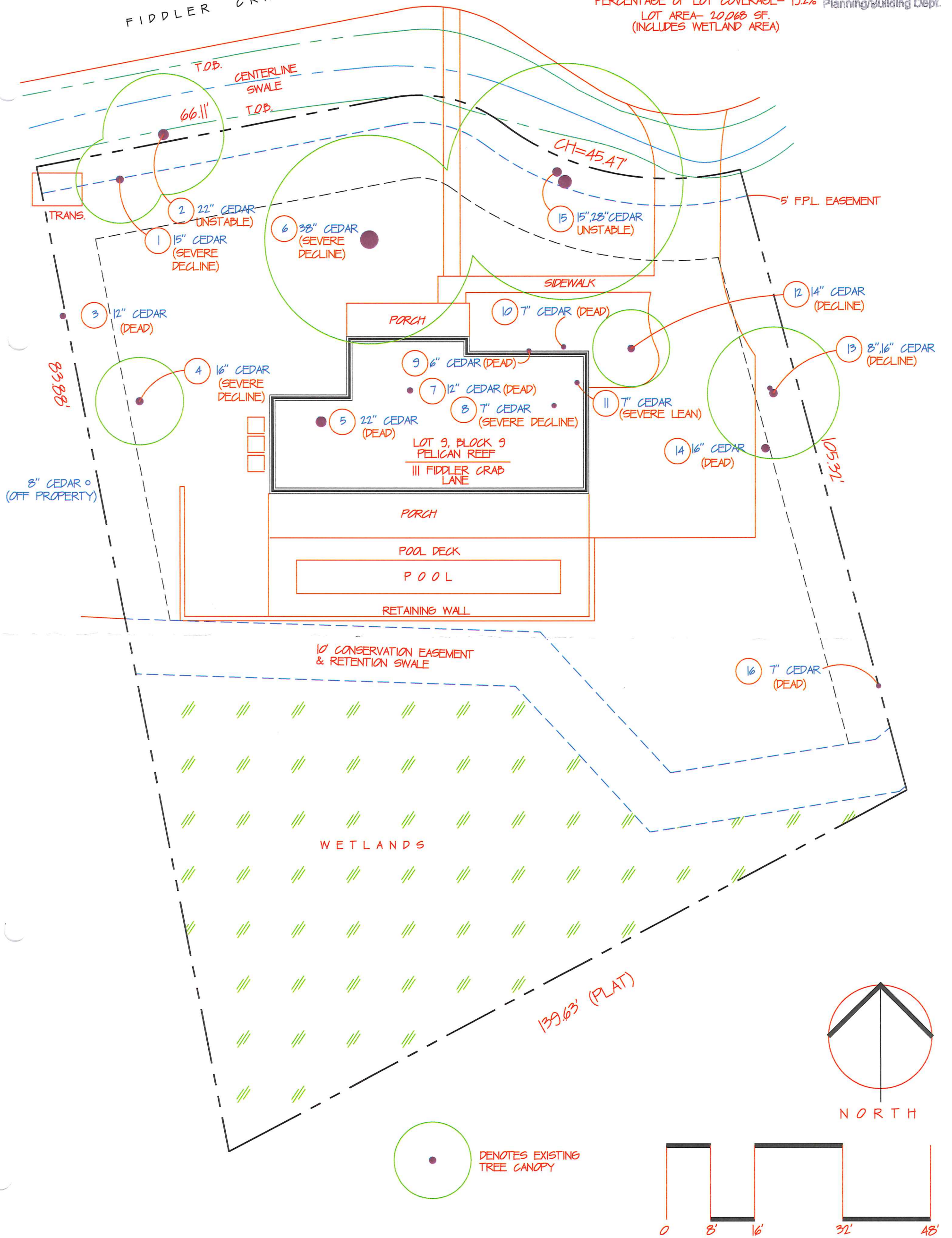
Tree Number 12 (left) - 14" Cedar- top dieback, trunk sprouts, gradual death
Tree Number 10 (center) - 7" Cedar- twisted, unacceptable lean, top dieback

Attachment 5
Site & Tree
Removal Plan

FIDDLER CRAB LANE

VIABLE TREE CANOPY
PRIOR TO CONSTRUCTION-
VIABLE TREE CANOPY LOT COVERAGE- 3,860 SF.
PERCENTAGE OF LOT COVERAGE- 19.2%
LOT AREA- 20,068 SF.
(INCLUDES WETLAND AREA)

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Planning/Building Dept.



DRAWING NO.
L-2

DATE
SEPT. 17, 2019

PROJECT NO.
19073



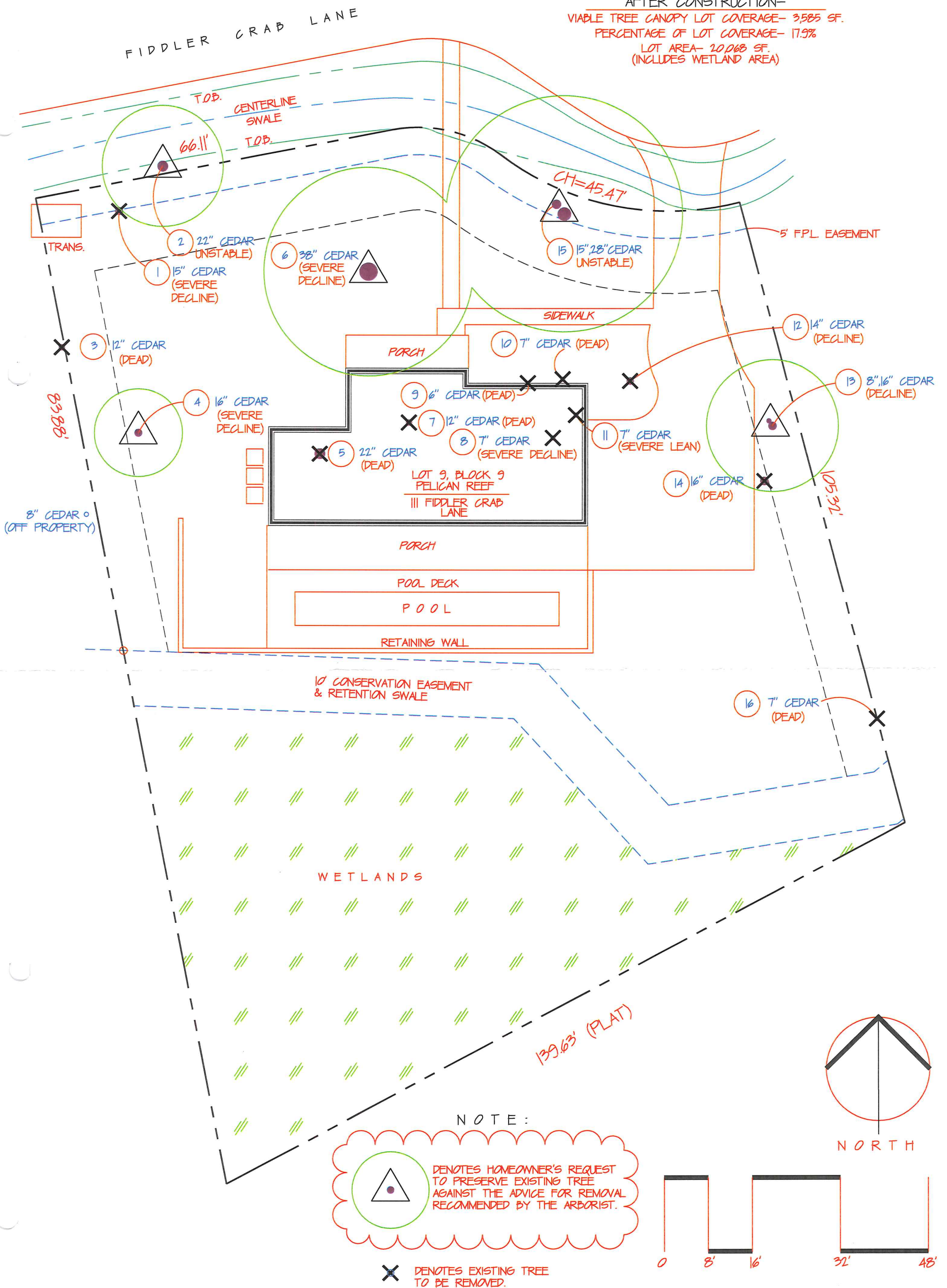
C. JAMES KING, RLA, P.A.
URBAN DESIGN • LANDSCAPE ARCHITECTURE
PLANNING • ARBORICULTURE
9751 SHARING CROSS DRIVE
JACKSONVILLE, FLORIDA 32257
(904) 262-5275

GENERATION HOMES, LLC.
5860 U.S. HIGHWAY # 1
ST. AUGUSTINE, FL. 32095
(904) 268-0100

EXISTING TREE CANOPY
BEFORE CONSTRUCTION
III FIDDLER CRAB LANE
ST. AUGUSTINE, FLORIDA 32080

REVISIONS

VIALE TREE CANOPY
AFTER CONSTRUCTION-
VIALE TREE CANOPY LOT COVERAGE- 3,585 SF.
PERCENTAGE OF LOT COVERAGE- 17.9%
LOT AREA- 20,068 SF.
(INCLUDES WETLAND AREA)



DRAWING NO.
L-3
DATE
SEPT. 17, 2019
PROJECT NO.
19073



C. JAMES KING, RIA, P.A.
URBAN DESIGN • LANDSCAPE ARCHITECTURE
PLANNING • ARBORICULTURE
9751 SHARING CROSS DRIVE
JACKSONVILLE, FLORIDA 32257
(904) 282-5275

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(904) 268-0100

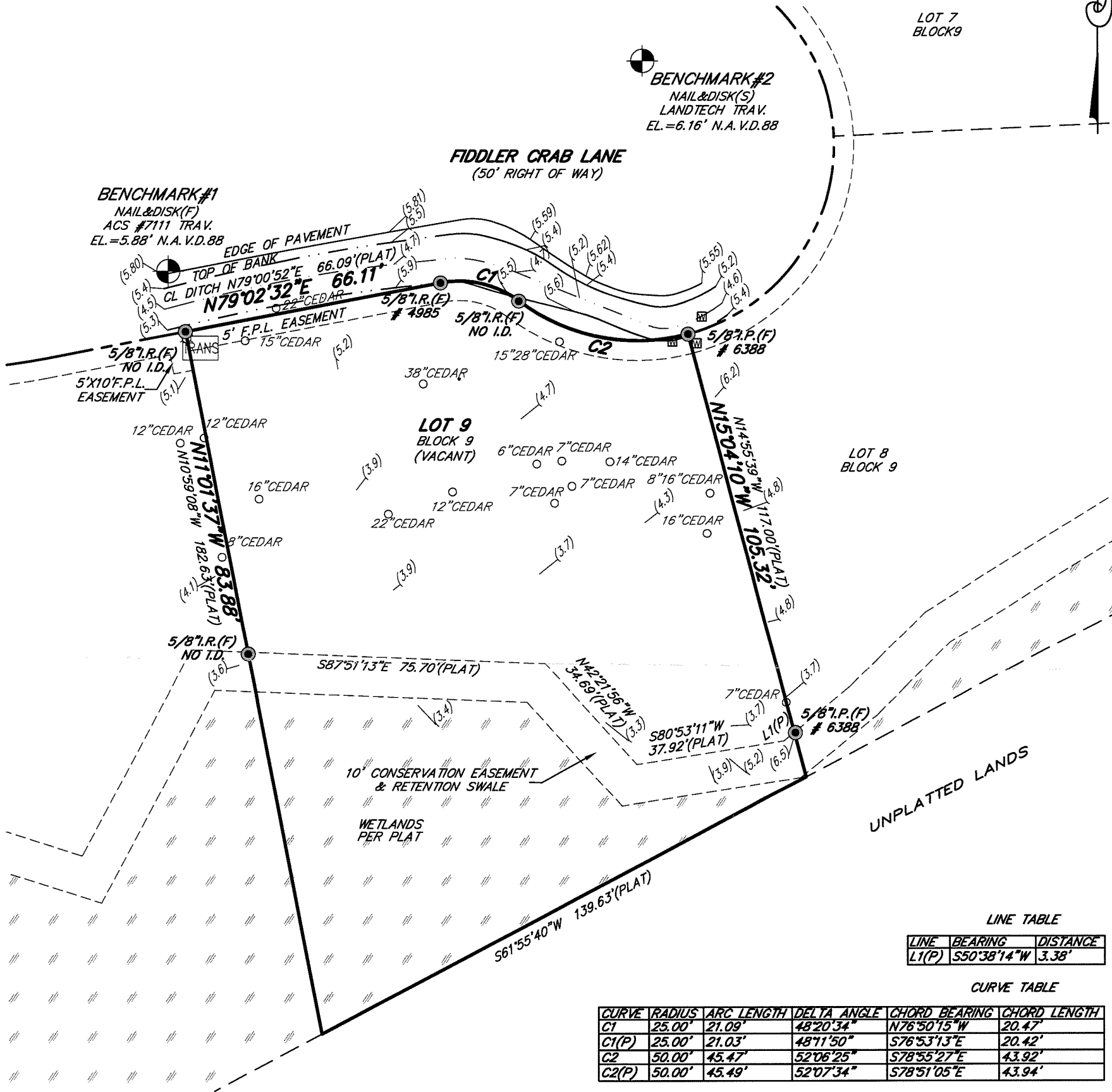
EXISTING TREE CANOPY
AFTER CONSTRUCTION
III FIDDLER CRAB LANE
ST. AUGUSTINE, FLORIDA 32080

REVISIONS

MAP SHOWING SURVEY OF

LOT 9, BLOCK 9, PELICAN REEF, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 55, PAGES 31 THROUGH 32, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
GENERATION HOMES



LEGEND

A/C	- AIR CONDITIONER PAD	sq. ft.	- SQUARE FEET
I.D.	- IDENTIFICATION	R	- RADIUS
N.G.V.D.	- NATIONAL GEODETIC VERTICAL DATUM	Δ	- DELTA
I.R.(F)	- IRON ROD FOUND	L	- ARC LENGTH
I.P.(F)	- IRON PIPE FOUND	T	- TANGENT
I.R.(S)	- 5/8" IRON ROD SET (LANDTECH)	CD	- CHORD DISTANCE
P.C.	- POINT OF CURVATURE	CB	- CHORD BEARING
P.T.	- POINT OF TANGENCY	EXPOSED CONCRETE	- EXPOSED CONCRETE
		COVERED AREA	- COVERED AREA

GENERAL NOTES:

- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.

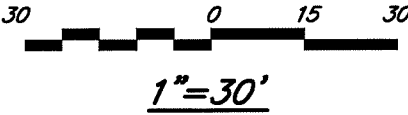
- This survey is certified to the last field date.
- This survey does not reflect or determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

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AREA = 0.46 ± ACRES
OR 20,093 ±, sq. ft.

GRAPHIC SCALE



- According to the Federal Emergency Management Agency FIRM Map No. 1251465-0318J effective date: 12/07/18, the property described hereon appears to lie in Zone AE B'.

- Basis of bearing structure: REFER TO SURVEY

- Basis of elevations: N.A. V.D. 88

JOB NO.	LAST FIELD DATE	SCALE:	F.B./PAGE	CHK. BY	DWG. BY
18-0772	07/24/18	1" = 30'	728/01	N.H.F.	R.J.B.

TYPE: BOUNDARY/TOPO/TREE

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NICHOLAS H. FRANKLIN
6170 A1A SOUTH #316
ST. AUGUSTINE, FLORIDA 32086
(904) 471-6877 FAX (904) 471-6876

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Nicholas H. Franklin
NICHOLAS H. FRANKLIN, P.L.S. 4620
FOR LANDTECH AND ASSOCIATES

MAP SHOWING SURVEY OF

LOT 9, BLOCK 9, PELICAN REEF, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 55, PAGES 31 THRU 32, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
GENERATION HOMES

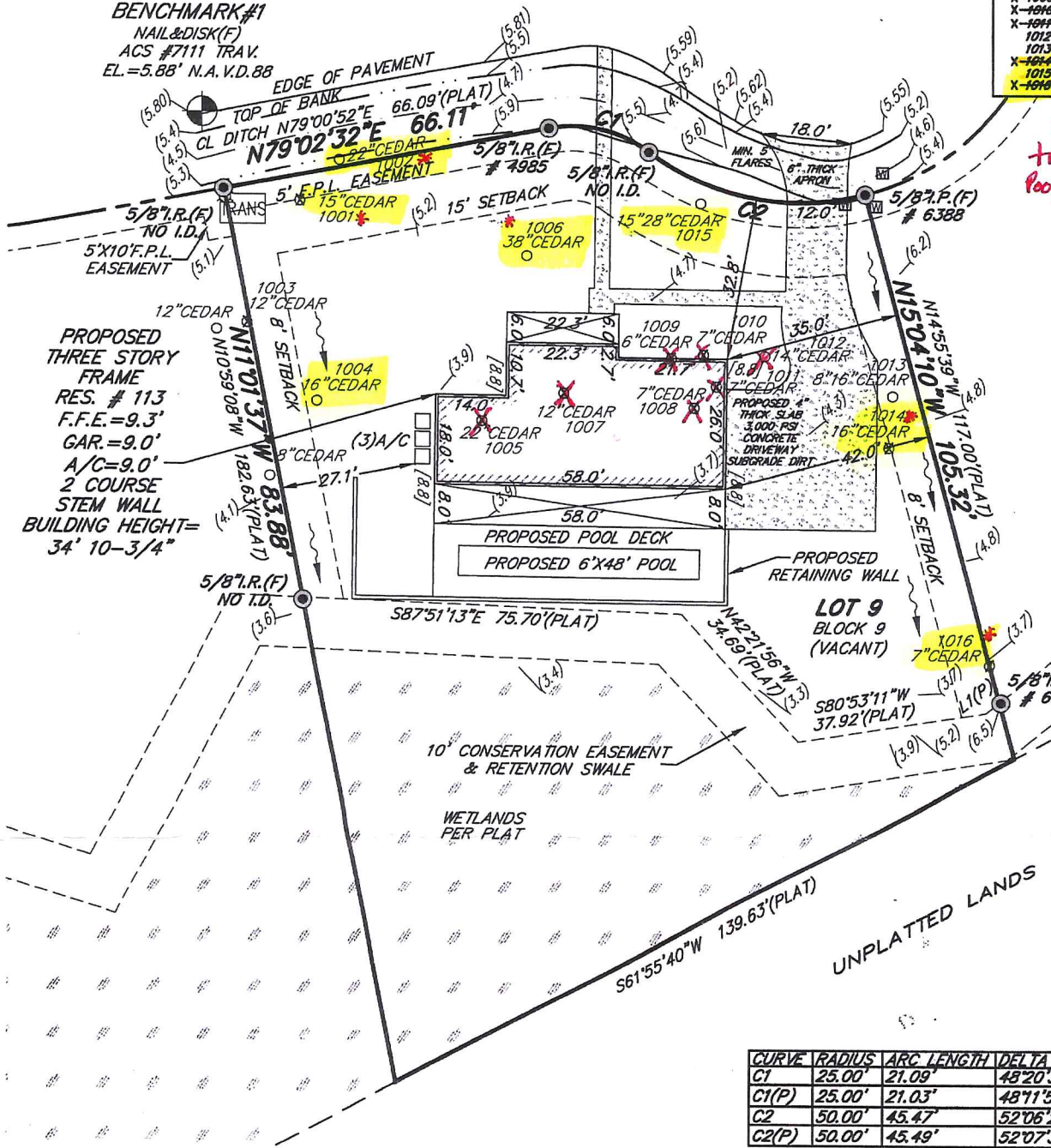
BENCHMARK #2
NAIL & DISK(S)
LANDTECH TRAV.
EL. = 6.16' N.A. V.D. 88

FIDDLER CRAB LANE
(50' RIGHT OF WAY)

BENCHMARK #1
NAIL & DISK(F)
ACS #7111 TRAV.
EL. = 5.88' N.A. V.D. 88

TREE #	SPECIES	DBH
X-1001	RED CEDAR SOUTHERN	15"
X-1002	RED CEDAR SOUTHERN	22"
X-1003	RED CEDAR SOUTHERN	18"
X-1004	RED CEDAR SOUTHERN	18"
X-1005	RED CEDAR SOUTHERN	20"
X-1006	RED CEDAR SOUTHERN	38"
X-1007	RED CEDAR SOUTHERN	18"
X-1008	RED CEDAR SOUTHERN	7"
X-1009	RED CEDAR SOUTHERN	6"
X-1010	RED CEDAR SOUTHERN	7"
X-1011	RED CEDAR SOUTHERN	7"
X-1012	RED CEDAR SOUTHERN	14"
X-1013	RED CEDAR SOUTHERN	6.18"
X-1014	RED CEDAR SOUTHERN	10.5"
X-1015	RED CEDAR SOUTHERN	15.28"
X-1016	RED CEDAR SOUTHERN	7"

Owners decided to keep some trees that are determined to be poor by Arborist
X remove
Keep v



TREE CREDIT/DEFICIT

TREES REMAINING CREDIT = 157
TREES TO BE REMOVED DEFICIT = 146
TOTAL TREE CREDIT = 11±

LINE	BEARING	DISTANCE
L1(P)	S50°38'14\"W	3.38'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	25.00'	21.09'	48°20'34\"	N76°50'15\"W	20.47'
C1(P)	25.00'	21.03'	48°11'50\"	S76°53'13\"E	20.42'
C2	50.00'	45.47'	52°06'25\"	S78°55'27\"E	43.92'
C2(P)	50.00'	45.49'	52°07'34\"	S78°51'05\"E	43.94'

GENERAL NOTES:

- EROSION CONTROL MEASURES WILL BE USED AROUND THE PROPERTY BOUNDARY PRIOR TO CONSTRUCTION TO PREVENT IMPACT ON ADJACENT PROPERTIES.
- THE SUBJECT PROPERTY REFLECTS TYPE "C" DRAINAGE (ALL FLOWS TO THE REAR OF THE PROPERTY).

LEGEND

A/C	AIR CONDITIONER PAD	sq. ft.	SQUARE FEET
I.D.	IDENTIFICATION	R	RADIUS
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM	Δ	DELTA
I.R.(F)	IRON ROD FOUND	L	ARC LENGTH
I.P.(F)	IRON PIPE FOUND	T	TANGENT
I.R.(S)	5/8\" IRON ROD SET (LANDTECH)	CD	CHORD DISTANCE
P.C.	POINT OF CURVATURE	CB	CHORD BEARING
P.T.	POINT OF TANGENCY	EXP	EXPOSED CONCRETE
		CVR	COVERED AREA

AREA	SQUARE FEET
LOT GROSS	20,093±
GROUND FLOOR	932±
GARAGE	524±
ENTRY	134±
REAR PORCH	464±

PROPOSED FILL	
AREA 1	D-WAY
48-60"	0-60"

LOT COVERAGE	
COVERED SQ. FT.	LOT SQ. FT.
2,053±	20,093±
IMPERVIOUS COVERAGE	
IMP. SQ. FT.	LOT SQ. FT.
2,548±	20,093±

GRAPHIC SCALE

30 0 15 30

1" = 30'

GENERAL NOTES:

- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
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- According to the Federal Emergency Management Agency FIRM Map No. 1251465-0318J effective date: 12/07/18, the property described hereon appears to lie in Zone AE 8'
- Basis of bearing structure: REFER TO SURVEY

Basis of elevations: N.A. V.D. 88					
JOB NO.	LAST FIELD DATE	SCALE	F.B./PAGE	CHK. BY	DWS. BY
18-0772	07/24/18	1" = 30'	728/01	N.H.F.	T.P.W.
TYPE: SITE PLAN					

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NICHOLAS H. FRANKLIN, P.L.S. 4620
FOR LANDTECH AND ASSOCIATES

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0117**

AGENDA ITEM 5(d)

APPLICANT Herbert Vandermark
c/o Yelton Construction Company, Inc.

OWNER Kenton Morrison

LOCATION 25 Dolphin Dr/ PIN#: 220070-000

REQUEST To approve the construction of a ten foot (10') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1.

PLANS DATED October 25, 2019

LAND USE Residential Low Density
ZONING Residential Single Family One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.

- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

This proposed dock platform and two associated boat lifts is requested to reconstruct and replace and existing dock platform. The proposed platform will have a footprint of approximately 1,832 square feet, having a terminal platform that is ten feet (10') by twenty feet (20'), a boat slip with the dimensions of eighteen feet (18') by thirty eight feet (38') with a five foot (5') wide, 120' long access pier to the platform.

This dock proposal has already received approval from the U.S. Army Corp of Engineers and Florida Department of Environmental Protection (included as Attachment 5).

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently occupied by a single-family home.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally perpendicular to the shore, extending into the water with terminal platforms. This proposed dock with boat lift is consistent with the surrounding area.

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change since improvements are over the water.

- (4) Effect of point and nonpoint discharge in the marine environment.

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area. This proposal would add to and modify the area of an existing dock.

- (5) Proposed soil stabilization and erosion control methods.

N/A

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal in nature given the dimensions of the approved dock

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposal is similar to other residential docks in the area.

- (11) Impact of development on shoreline by linear feet and percent of site.

Minimal, it would be limited to the access dock which is proposed at 5'

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Minimal, if any, due to multiple existing docks in the area.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

As proposed, the proposed dock platform and two boat lifts meets all standards set forth in LDC Sec. 11-29. No portion of the existing dock will exceed 6 feet above the mean highwater line. The proposed boat lifts will be low profile and are proposed at 10,000-pound rating. The applicant has provided a narrative associated with the application which has been included in attachment 1. Staff finds the narrative response to be accurate to site conditions and the development of the dock platform and associated boat lifts at the subject property.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a terminal platform and two (2) associated boat lifts in Conservation Overlay Zone 1 located at 25 Dolphin Dr / PIN: 220070-0000.

Attachments

Attachment 1 – Application
Attachment 2 – Property Appraiser Information
Attachment 3 – Narrative & Dock plans
Attachment 4 – USACOE & FL DEP Dock Permits

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 05 2019

Planning/Building Dept. FD

Application Fee: \$330.00 (plus advertising costs) Project Number: 2019-0117

Receipt Number: 1724993 Meeting Date: Dec. 3, 2019

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Herbert Vandermark Contact Number: 904-819-9141

Business (if applicable): Yellen Construction Company Inc.

Address: 2435 Osiris Rd. Ste A. City: St. Augustine State: FL Zip: 32080

2. NAME OF PROPERTY OWNER: Kenton Morrison Contact Number: 229-237-0070

Business (if applicable): _____

Address: 25 Dolphin Dr. City: St. Augustine State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 55

Block: 46

Subdivision: Davis Shores

Parcel Number: 2200700000

4. PROJECT STREET ADDRESS: 25 Dolphin Dr., St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: S/F Private Dock

6. ACTION REQUESTED:

☒ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Adding 10'x20' terminal end and a 18'x38' Boat slip to have a boat lift 10,000lb. A new docked lift 6,000lb will be North Side landward.

8. JUSTIFICATION FOR ACTION REQUESTED: Addition.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: N/A

(b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: N/A

(c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: N/A

(d) If granted, will the variance adversely affect other property in the area:
Please explain fully: N/A

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

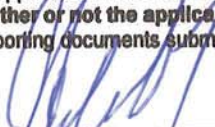
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: "When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the code."


Signature of Applicant

10/25/19.
Date


Signature of Property Owner

10/25/19.
Date



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NOV 05 2019

PD

Planning/Building Dept.

**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Herbert Vandemark.

Print name of applicant

[Signature]

Signature of applicant

10/25/19.

Date



Owner's Authorization For Agent

Herbert Vandemark / Taylor Yelton of Yelton Construction Company Inc.
is/are hereby authorized TO ACT ON

BEHALF OF, the owner(s) of those lands described Within the
attached application, and as described in the attached deed or
other such proof of ownership as may be required, in applying to
the City of St. Augustine's:

☒ Historic Architectural Review Board

☒ Planning and Zoning Board

property located at 25 Dolphin Dr.

BY: [Signature]
Signature of Owner

Kenton Morrison.
Print Name of Owner

229-237-0678
Telephone

Sworn to and subscribed before me on this 15th day of November, 2019

Notary Public: [Signature]



My Commission expires on Jan. 24, 2020

Attachment 2

Property Appraiser Information & Location Map

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID	2200700000
Location Address	25 DOLPHIN DR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-99 DAVIS SHORES LOT 55 BLK 46 OR4708/621(T/R) *The Description above is not to be used on legal documents.
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.180
Homestead	N

Owner Information

Owner Name	Morrison Kenton Andrew Sr Trust 100%
	Morrison Kenton Andrew Sr Trustee 0%
Mailing Address	PO BOX 845 NASHVILLE, GA 31639-0000

Map



Valuation Information

	2020
Building Value	\$358,334
Extra Features Value	\$22,782
Total Land Value	\$675,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,056,116
Total Deferred	\$0
Assessed Value	\$1,056,116
Total Exemptions	\$0
Taxable Value	\$1,056,116

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$366,766	\$24,530	\$465,000	\$0	\$0	\$856,296	\$710,919	\$195,377	\$660,919
2018	\$370,982	\$26,278	\$465,000	\$0	\$0	\$862,260	\$697,663	\$214,597	\$647,663
2017	\$370,982	\$12,613	\$465,000	\$0	\$0	\$848,595	\$683,313	\$215,282	\$633,313
2016	\$375,198	\$10,631	\$465,000	\$0	\$0	\$850,829	\$669,259	\$231,570	\$619,259
2015	\$305,374	\$11,106	\$465,000	\$0	\$0	\$781,480	\$664,607	\$166,873	\$614,607
2014	\$290,605	\$11,577	\$465,000	\$0	\$0	\$767,182	\$659,332	\$157,850	\$609,332
2013	\$293,798	\$12,051	\$465,000	\$0	\$0	\$770,849	\$649,588	\$171,261	\$599,588
2012	\$269,991	\$12,489	\$356,250	\$0	\$0	\$638,730	\$638,730	\$50,000	\$588,730
2011	\$272,894	\$12,962	\$347,625	\$0	\$0	\$633,481	\$633,481	\$50,000	\$583,481
2010	\$275,797	\$13,436	\$386,250	\$0	\$0	\$675,483	\$675,483	\$50,000	\$625,483

Building Information

Building	2
Actual Area	4910
Conditioned Area	3136
Actual Year Built	2003
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco

Roof Structure	Gable Hip
Roof Cover	Concrete Tile
Interior Flooring	Pine Wood, Carpet
Interior Wall	Drywall
Heating Type	Air Duct
Heating Fuel	
Air Conditioning	Central
Baths	3.5

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Concrete Tile	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	60%
Interior Flooring	Carpet	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	15 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Wind	2 Story Masonry	100%

Description	Conditioned Area	Actual Area
BASE AREA	1232	1232
FINISHED OPEN PORCH	0	432
PATIO	0	128
FINISHED OPEN PORCH	0	112
FINISHED GARAGE	0	560
POINTER	0	0
FINISHED UPPER STORY	1904	1904
FINISHED DECK	0	432
FINISHED DECK	0	110
Total SqFt	3136	4910

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	0	0	0	408
Boat Dock (Average)	0	0	0	0	1060
Pool (Concrete)	0	0	0	0	288
Kool Deck	0	0	0	0	396
Masonry Wall	0	0	0	0	116
Residential Fence	0	0	0	0	78

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	50	150	50	FF	\$675,000

Sale Information

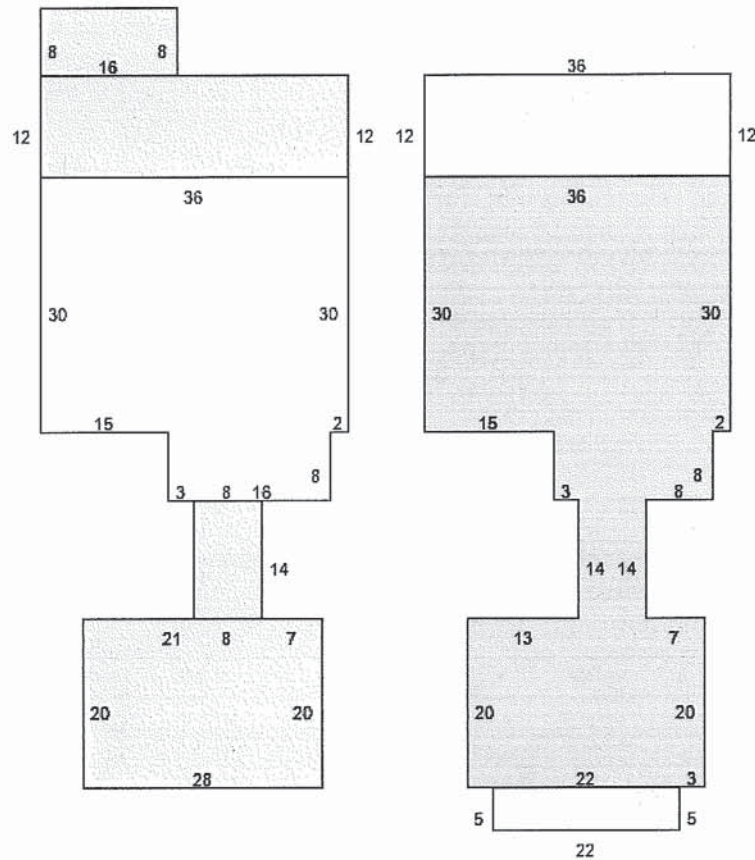
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/12/2019	4/12/2019	\$1,600,000.00	TR	4708	621	U	I	PUCKETT ELIZABETH COOKE & JOHN DONALD TRUSTEE	MORRISON KENTON ANDREW SR TRUST
	1/11/2002	\$580,200.00	WD	1705	1155	Q	I	FOY CHARLES E	PUCKETT ELIZABETH COOKE & JOHN DONALD TRUSTEE
	4/9/1996	\$287,000.00	WD	1166	109	U	I	BARINGER G ROBERT & JANET THOMAS	FOY CHARLES E
	5/1/1991	\$170,000.00		894	1525	Q	I		BARINGER G ROBERT

Area Sales Report

Recent Sales in Area

Sketch Information

Room Type	Area
FINISHED UPPER STORY	0
DECK	0
Base	0
FINISHED GARAGE	0
FINISHED OPEN PORCH	0
PATIO	0



No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

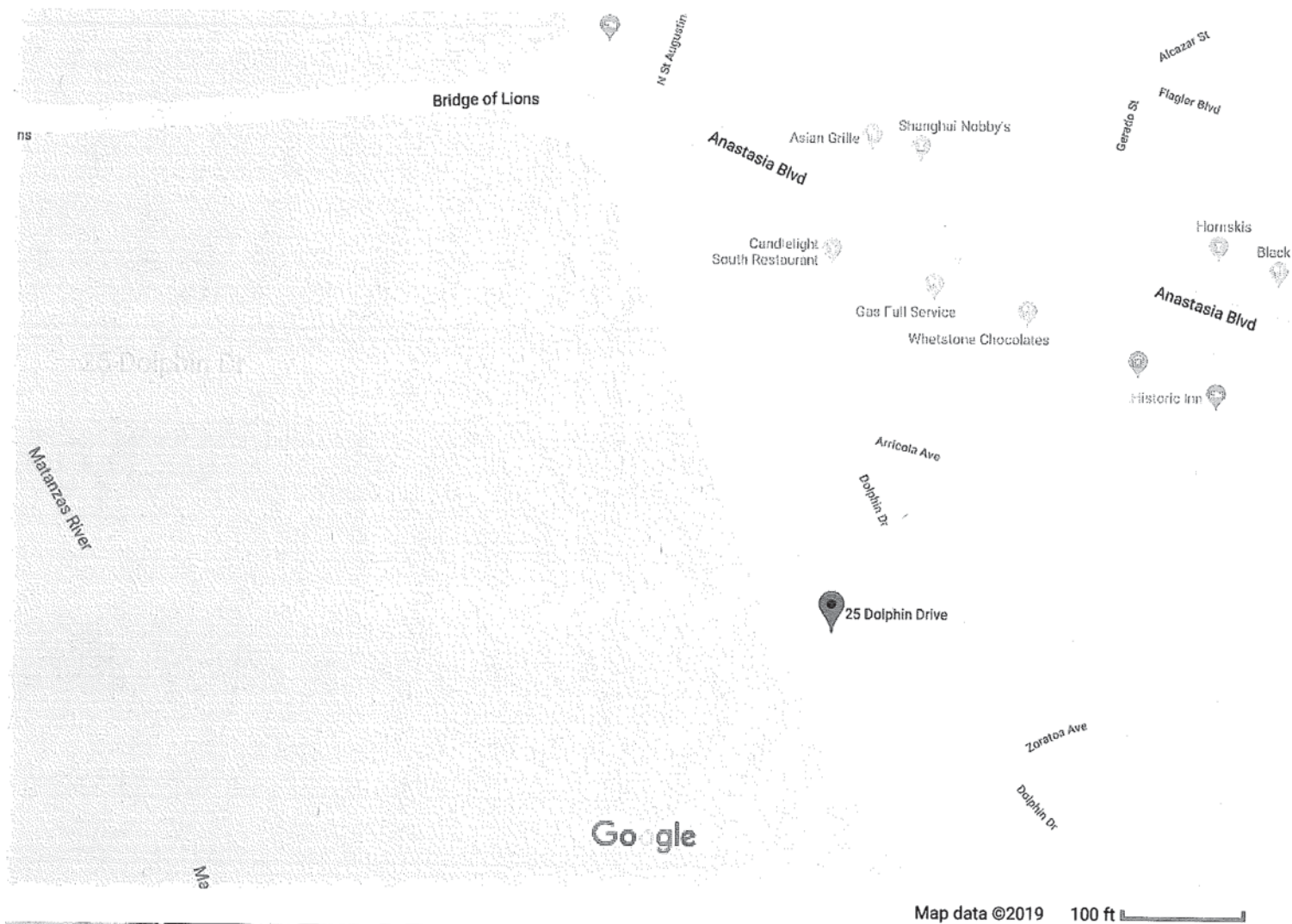
User Privacy Policy
GDPR Privacy Notice

Last Data Upload: 10/24/2019, 11:31:28 PM

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Schneider
GEOSPATIAL

Version 2.3.14

25 Dolphin Dr



25 Dolphin Dr

St. Augustine, FL 32080



Attachment 3
Narrative & Proposed Dock
Plans



Yelton Construction Company, Inc.
State Certified Building Contractor

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NOV 05 2019

Planning/Building Dept. *PD*

November 4, 2019

City of St. Augustine
Planning and Zoning Dept.
75 King St,
St. Augustine, FL 32084

Re: *Kenton Morrison Dock Addition*
25 Dolphin Dr. St. Augustine, FL 32080
Sec.11-29. Standards for review questionnaire.
Sec. C. follow up to questions 1-17.

To Whom It May Concern:

We are applying for a dock addition taking place at 25 Dolphin Dr., St. Augustine, FL 32080 for Mr. Kenton Morrison. We will be construction this addition using a barge and crane. All materials are to be transported via Barge. The project scope of work is taking place in the general footprint of the existing dock structure. The current floating docks and terminal end are to be removed to facilitate the new lifts. The new structure is landward of the existing. The lifts will be low profile and the vessels are to be stored on them will be in compliance with the City of St. Augustine ordinance. We have met all the DEP restraints on vegetation and wildlife, as well as securing permits from DEP and Army Corps. It is our understating that the shading from the structures is minimal and therefore has little or no effect on vegetation or wildlife. There is also no vegetation at this project location. There will not be any additional impacts to the adjacent properties , as we are not encroaching closer than the existing structure.

Should you need any other information, feel free to contact me at (904) 819-9141 or via email at permitting@yeltonconstruction.com.

Sincerely,


Herbert Vandermark
Estimator of Yelton Construction

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:
- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 - (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
 - (3) Dead, diseased, unsafe, or fallen trees may be removed.
 - (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria already for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions. *please see attached letter.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones. *"*
- (3) Natural and proposed drainage patterns. *N/A.*
- (4) Effect of point and nonpoint discharge in the marine environment. *N/A.*
- (5) Proposed soil stabilization and erosion control methods. *N/A.*
- (6) Impact on floodplain. *NO*
- (7) Impact of development on vegetative and animal communities. *NO*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. *NO.*
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. *NONE.*
- (11) Impact of development on shoreline by linear feet and percent of site. *NO.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. *N/A.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. *NO.*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. *NO.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.) *N/A.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. *NO.*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or

boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck. *please see attached letter.*

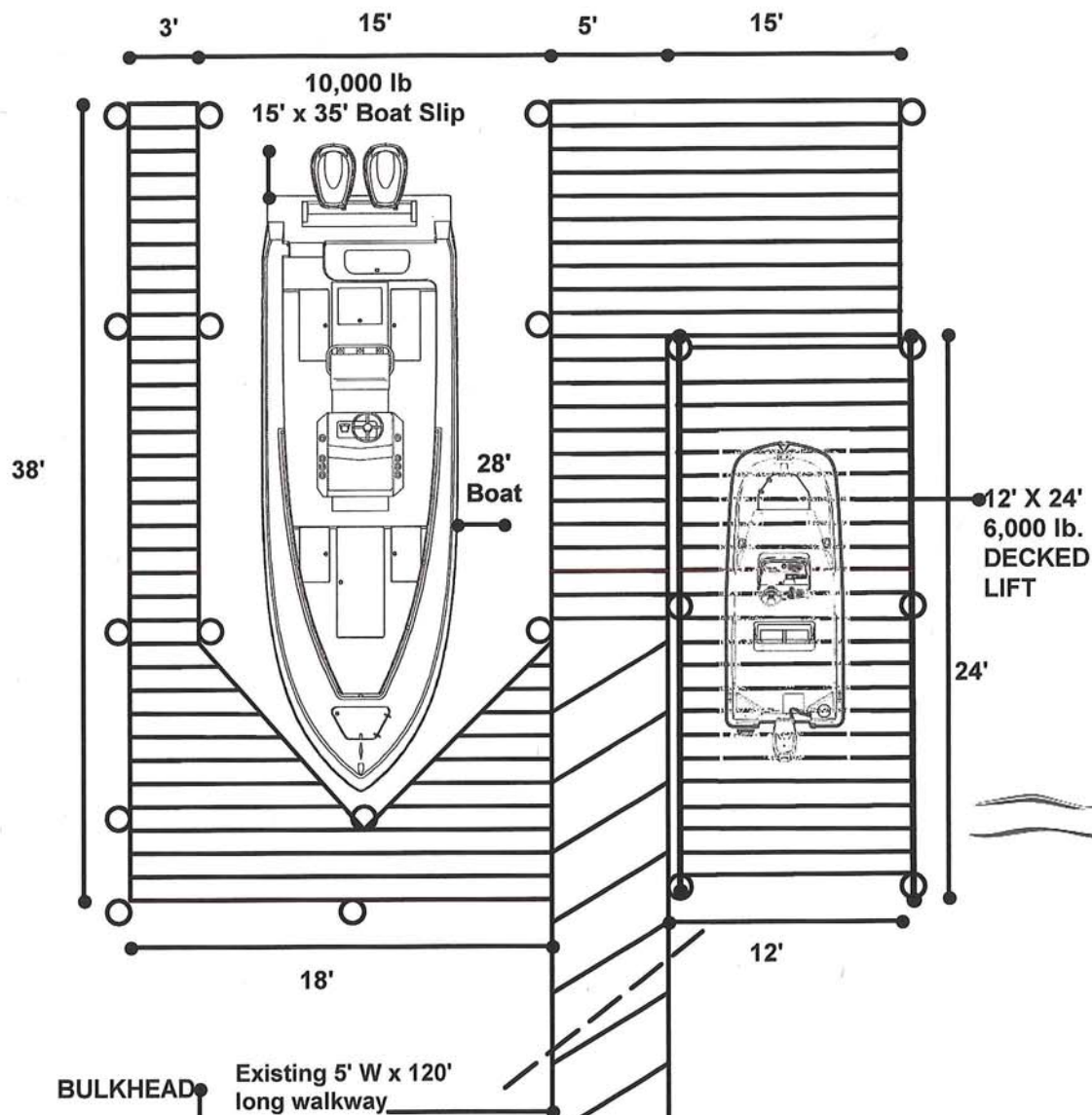
- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under section 11-27 unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.

- (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
- (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19)



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Planning/Building Dept.



1, 832 Sqaure Feet total proposed

Yelton Construction Company, Inc.
State Certified Building Contractor
CBC 1251736



2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086

Office (904) 819-9141 Fax (904) 819-9144

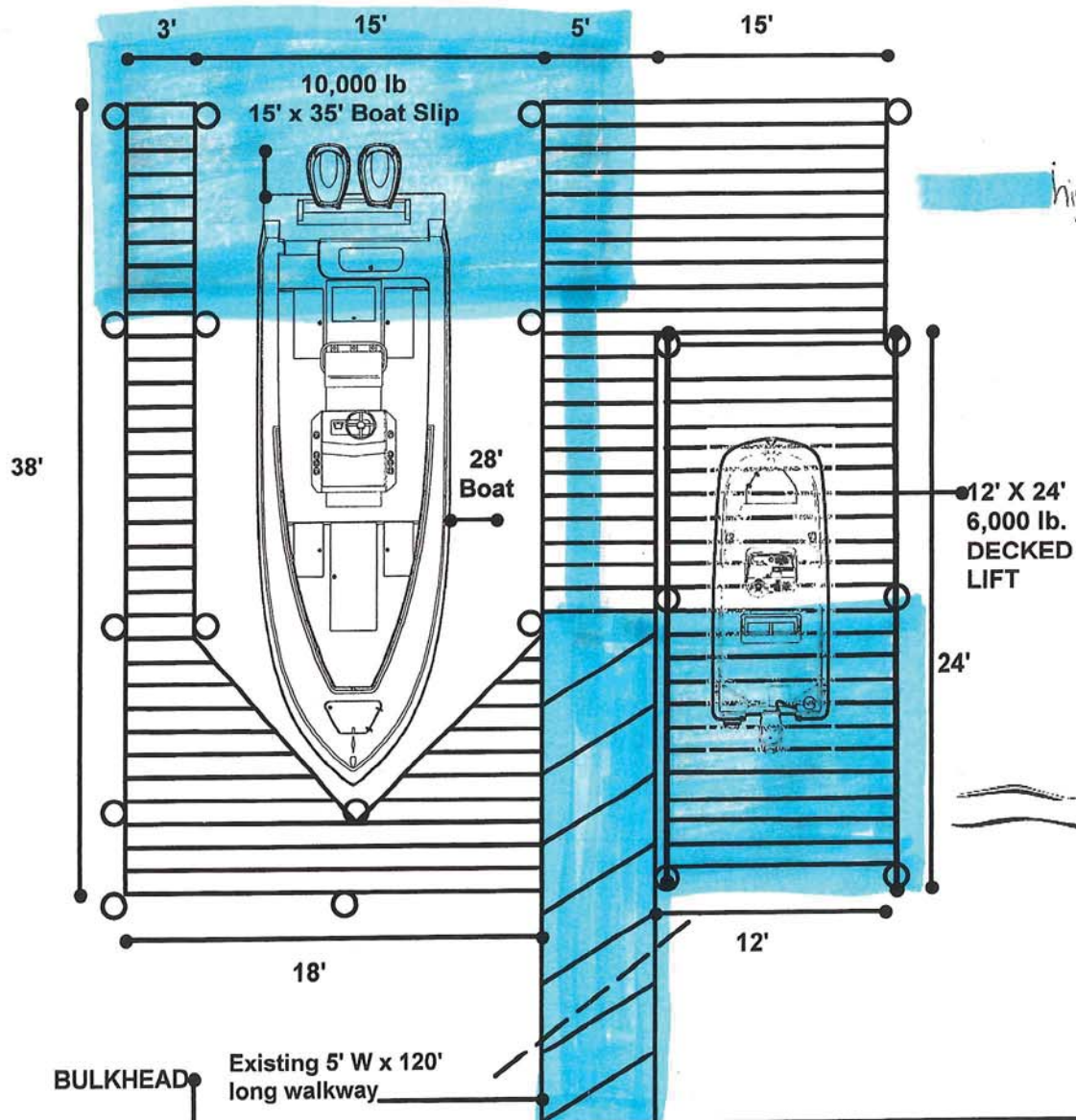
Plan View

Ken Morrison
25 Dolphin Dr.
St. Augustine, FL 32080

JOB NO.: 2019

Scale: Not to Scale

Date: 10/25/2019



1, 832 Sqaure Feet total proposed

Yelton Construction Company, Inc.
State Certified Building Contractor
CBC 1251736



2435 Dobbs Rd. Ste. A
St. Augustine, FL 32086

Office (904) 819-9141 Fax (904) 819-9144

Plan View

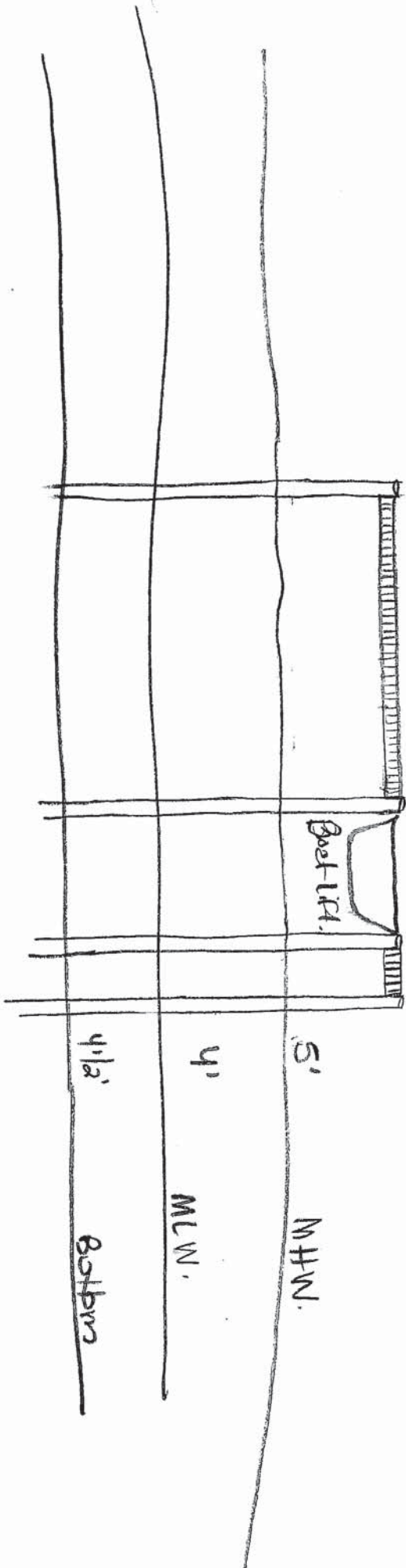
Ken Morrison
25 Dolphin Dr.
St. Augustine, FL 32080

JOB NO.: 2019

Scale: Not to Scale

Date: 10/25/2019

Ken Morrison
 25 Dolphin Dr.
 St. Augustine, FL 32084
 Single Family Private Dock
 (Not to Scale.)
 CROSS-Section.
 Existing S/E - 1000 sq ft.
 Proposed S/E - 1,232 sq ft.



Ken Morrison

25 Dolphin Dr.

St. Augustine, FL 32084

Single family Private Duck

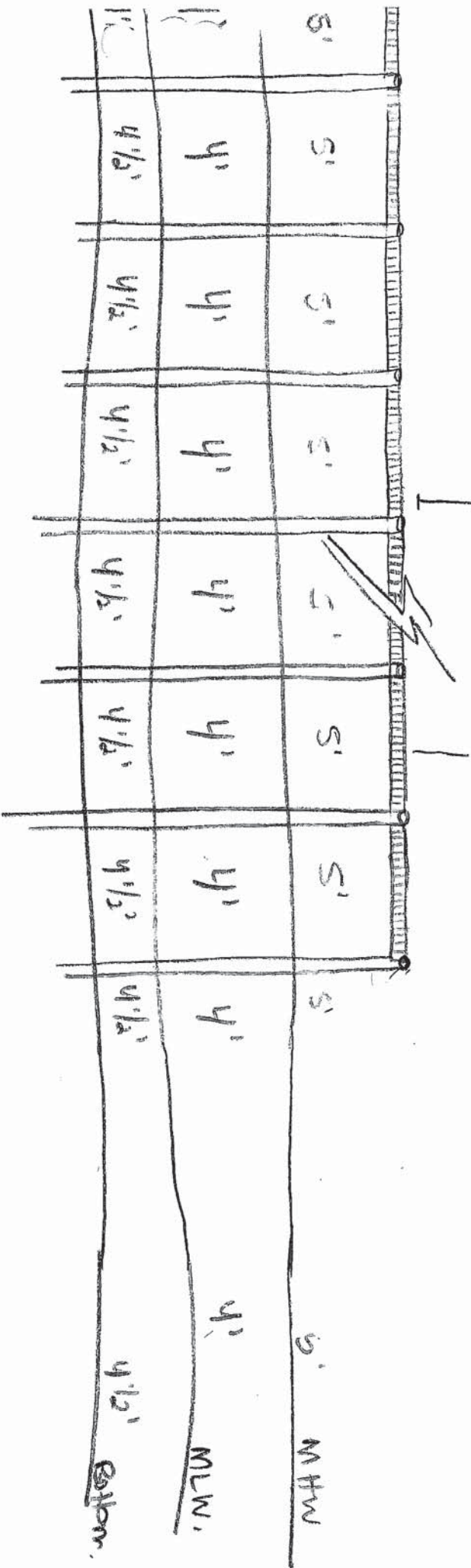
(not to scale)

Existing s/f 1005 sq ft.
Proposed s/f 1132.5 sq ft.

Profile View.

Existing 5' w x 120' L

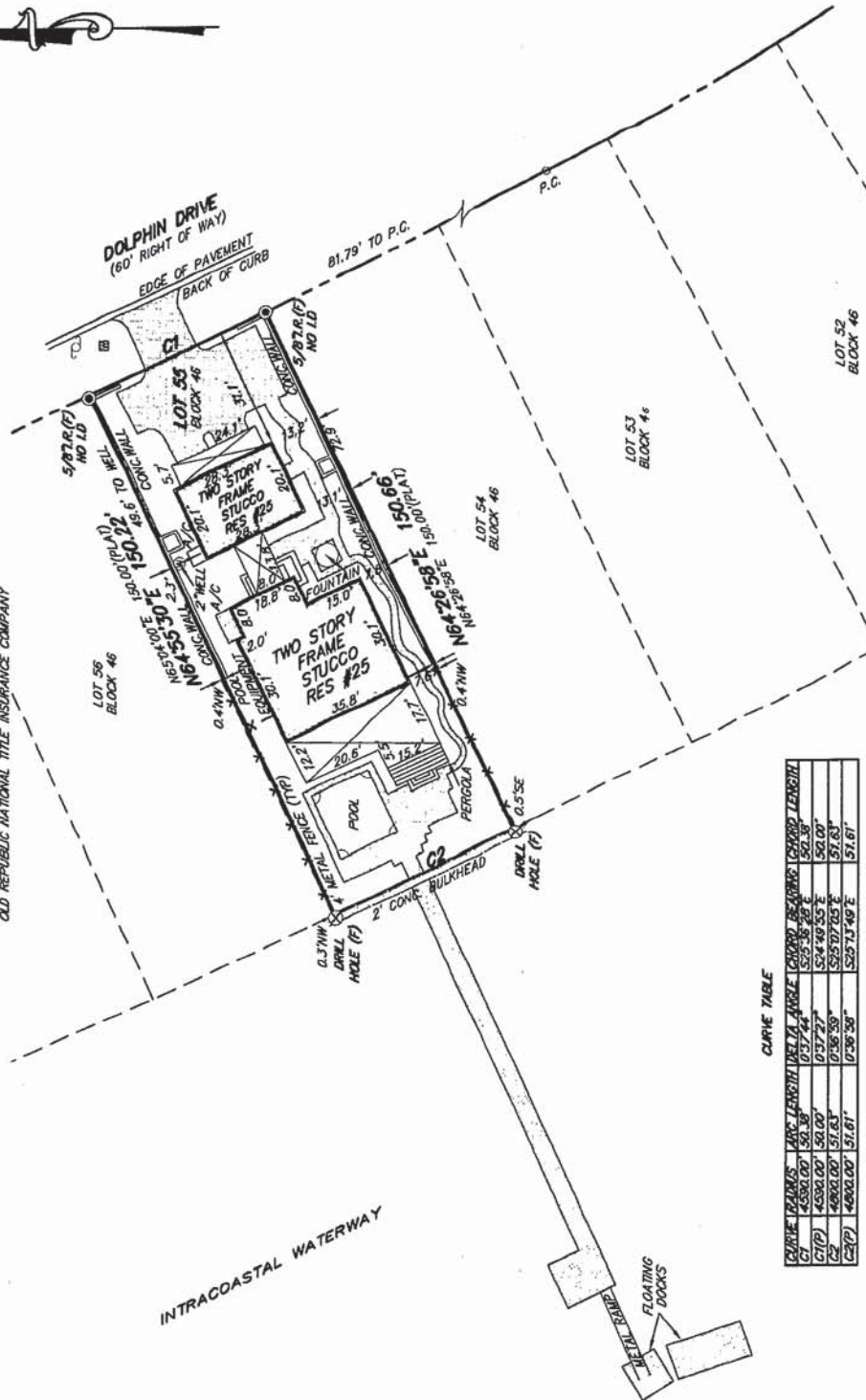
New proposed.



MAP SHOWING SURVEY OF

LOT 55, BLOCK 46, DAVIS SHORES OCEAN VIEW SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 98, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
KENTON ANDREW MORRISON, SR., AS TRUSTEE OF THE KENTON ANDREW MORRISON SR. TRUST
ISLAND TITLE OF ST. AUGUSTINE, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



AREA = 0.17 ± ACRES
OR 7,612 ± sq. ft.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA	ANGLE	CHORD BEARING	CHORD LENGTH
C1	4500.00'	50.38'	0°37'44"	S5°35'28"E	50.38'	50.38'
C1(P)	4500.00'	50.00'	0°37'27"	S54°40'55"E	50.00'	50.00'
C2	4500.00'	51.81'	0°38'39"	S55°17'03"E	51.81'	51.81'
C2(P)	4500.00'	51.61'	0°38'38"	S55°17'49"E	51.61'	51.61'

LEGEND

- A/C - AIR CONDITIONER PAD
- I.D. - IDENTIFICATION
- N.A. 1/2" - NORTH AMERICAN VERTICAL DATUM
- IR(P) - IRON ROD FOUND
- IR(S) - IRON ROD FOUND
- 5/8" IRON ROD SET (FSM 4620)
- P.C. - POINT OF CURVATURE
- P.T. - POINT OF TANGENCY
- WELL
- SQ. FT. - SQUARE FEET
- R - RADIUS
- Δ - DELTA
- L - ARC LENGTH
- T - TANGENT
- CD - CHORD DISTANCE
- CB - CHORD BEARING
- EXP. CONC. - EXPOSED CONCRETE
- COVERED AREA - COVERED AREA
- WATER METER

NOTES:
THIS SURVEY IS PROVIDED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS, NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:
- This survey was made without benefit of an abstract of title. No right-of-way or easements of record were indicated in the title except as shown.
- The certification of this survey is a professional opinion based on the existing field notes and documents available at the time this survey was prepared.
- The title has not been abstracted in the title records of this county.
- All distances have been measured by the surveyor or by a qualified person under his supervision. All distances have been measured in accordance with the American Engineering Association.
- No underground structures, utilities of foundations were located or determined by this survey.
- For building setbacks see the appropriate county codes enforcement office.
- The measurements for this survey were made in accordance with the United States Standard.
- The surveyor is not responsible for any errors or omissions in the survey or for any consequences arising therefrom.
- The surveyor is not responsible for any errors or omissions in the survey or for any consequences arising therefrom.

FOR LANDTECH AND ASSOCIATES
NICHOLAS H. FRANKLIN, P.L.S. 4620
6170 ALTA SOUTH #316
ST. AUGUSTINE, FLORIDA 32086
(904) 471-0877 FAX (904) 471-0876

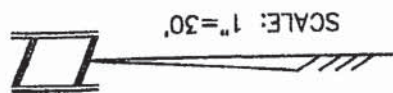
COPYRIGHT 2018 ALL RIGHTS RESERVED.
NOT WITHSTANDING THE ABOVE, THE SURVEYOR AND ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY OR FOR ANY CONSEQUENCES ARISING THEREFROM.

DATE OF SURVEY: 02/28/2018
DATE OF PLOTTING: 03/01/2018
SCALE: 1" = 30'
DRAWN BY: N.H.F.
CHECKED BY: N.H.F.

DATE OF SURVEY: 02/28/2018
DATE OF PLOTTING: 03/01/2018
SCALE: 1" = 30'
DRAWN BY: N.H.F.
CHECKED BY: N.H.F.

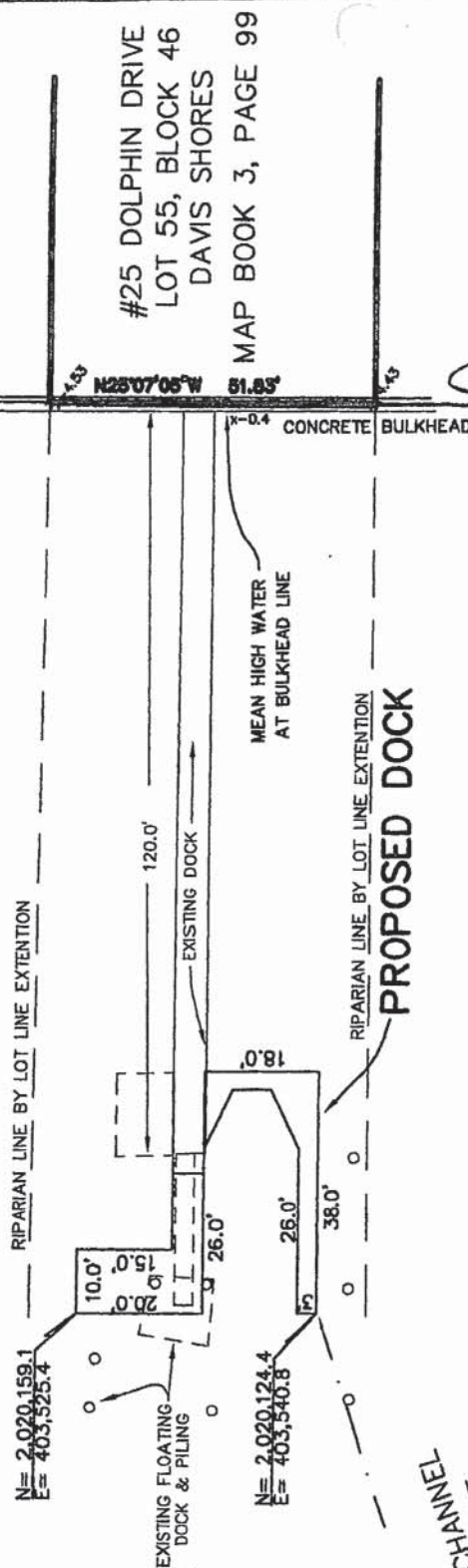
DATE OF SURVEY: 02/28/2018
DATE OF PLOTTING: 03/01/2018
SCALE: 1" = 30'
DRAWN BY: N.H.F.
CHECKED BY: N.H.F.

SPECIAL PURPOSE SURVEY
TO SHOW STATE PLANE COORDINATES FOR
PROPOSED DOCK IN THE INTRACOASTAL WATERWAY
MATANZAS RIVER AND SELECTED SPOT ELEVATIONS



MATANZAS RIVER

297.1'
TO EDGE OF CHANNEL
TO NOT TO SCALE



#25 DOLPHIN DRIVE
LOT 55, BLOCK 46
DAVIS SHORES
MAP BOOK 3, PAGE 99

DONN W. BOATWRIGHT, P.S.M.
FLA. LIC. SURVEYOR AND MAPPER No. LS.3295
FLA. LIC. SURVEYING AND MAPPING BUS. No. LB.3672
DATE SIGNED: AUGUST 13, 2019
FIELD SURVEY DATE: AUGUST 9, 2019

PREPARED BY:
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA
(904) 241-8550 TEL.
(904) 241-3346 FAX

- NOTES:
- COORDINATES ARE BASED ON GPS LOCATION ARE TO AN ACCURACY OF 1.0'±.
 - MEAN HIGH WATER DATA POINT NUMBER 3793:
MEAN HIGH WATER = 1.47 N.A.V.D. (1988)
FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION INTERACTIVE WATER BOUNDARY MAP AND MEAN LOW WATER = -3.03 N.A.V.D. (1988)
ELEVATIONS SHOWN X-4.43 N.A.V.D. 1988 DATUM

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"

DRAWN BY: DWB
FILE: 2019-1215

Attachment 4
USACOE &
FL DEP
Permits



DEPARTMENT OF THE AR.
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

October 7, 2019

REPLY TO
ATTENTION OF

Regulatory Division
North Branch
Jacksonville Permits Section
SAJ-2019-03245(GP-RPR)

Mr. Kenton Morrison
P.O. Box 845
Nashville, Georgia 31639

Dear Mr. Morrison:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit the file number SAJ-2019-03245. A review of the information and drawings provided indicates that the proposed work would result in the construction of a 22-foot extension to the access pier, an 18-foot by 38-foot boat lift with a 3-foot catwalk, a 12-foot by 24-foot deck lift, and a 10-foot by 20-foot end terminal. The project is located at 25 Dolphin Drive, in Section 17, Township 7 South, Range 30 East, St. Augustine, St. Johns County, Florida. The approximate central coordinates are latitude 29.890879°, longitude -81.303822°. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until **March 27, 2023**. **Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization.** The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

1. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

2. **Species Conditions:** The Permittee shall comply with the following attached conditions:

- a. "Standard Manatee Conditions for In-Water Work – 2011"
- b. "National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006
- c. "U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities" dated November 20, 2017

3. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall complete and submit a "Commencement Notification" Form (attached) to the Corps.

4. **Daylight Hours:** All activities must be completed during daylight hours.

5. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2019-03245(GP-RPR), on all submittals.

6. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of

state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced GP, please contact the project manager, Renee Riker, by electronic mail at renee.p.riker@usace.army.mil, or by telephone at 904-232-1497.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. Please visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey to complete our automated Customer Service Survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



Mark R. Evans

Acting Chief, Jacksonville Permits Section

Enclosures

cc:

Yelton Construction Company, Herbert Vandermark, permitting@yeltonconstruction.com
CESAJ-RD-PE

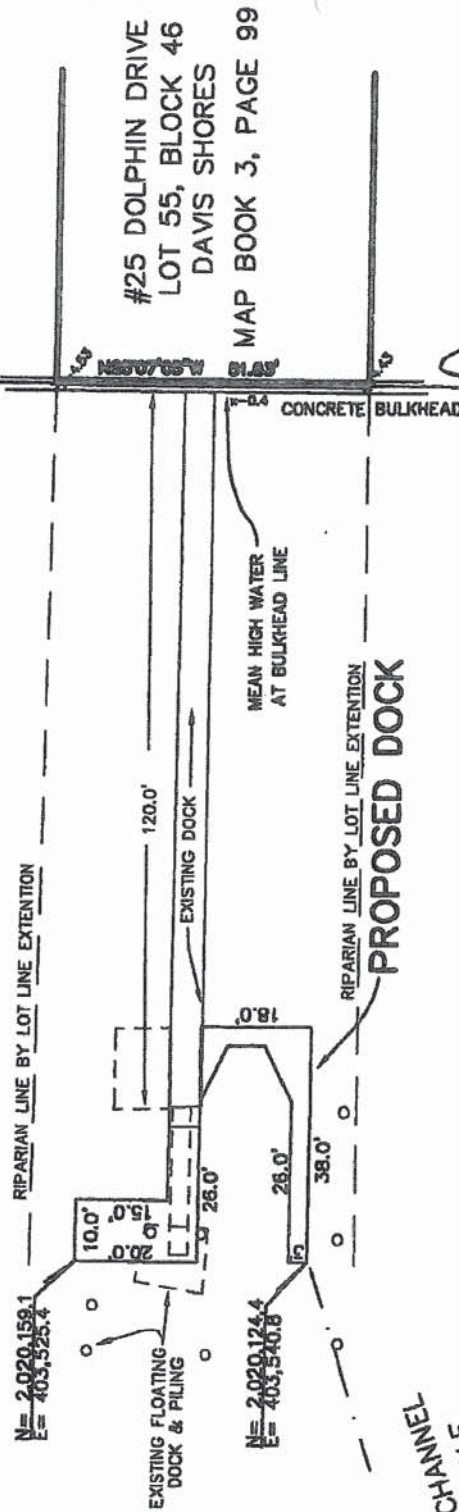
GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **date identified in the letter.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**SPECIAL PURPOSE SURVEY
TO SHOW STATE PLANE COORDINATES FOR
PROPOSED DOCK IN THE INTRACOASTAL WATERWAY
MATANZAS RIVER AND SELECTED SPOT ELEVATIONS**

SCALE: 1"=30'

MATANZAS RIVER



- NOTES:**
1. COORDINATES ARE BASED ON GPS LOCATION ARE TO AN ACCURACY OF 1.0'±.
 2. MEAN HIGH WATER DATA POINT NUMBER 3783:
MEAN HIGH WATER = 1.47 N.A.V.D. (1988)
FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION INTERACTIVE WATER BOUNDARY MAP AND MEAN LOW WATER = -3.03 N.A.V.D. (1988)
 3. ELEVATIONS SHOWN X-4.43 N.A.V.D. 1988 DATUM

DONN W. BORTWRIGHT, P.S.M.
 FLA. LIC. SURVEYOR AND MAPPING NO. L.S.3295
 FLA. LIC. SURVEYING AND MAPPING BUS. NO. L.B.3672
 DATE SIGNED: AUGUST 13, 2019
 FIELD SURVEY DATE: AUGUST 9, 2019

PREPARED BY:

BOATWRIGHT LAND SURVEYORS, INC.
 1500 ROBERTS DRIVE
 JACKSONVILLE BEACH, FLORIDA
 (904) 241-8550 TEL.
 (904) 241-3346 FAX

"NOT VALID WITHOUT THE SIGNATURE AND THE
 ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
 SURVEYOR AND MAPPER"

FILE: 2019-1215

DATE: 2019-1215

LOT 55, BLOCK 46, DAMS SHORES OCEAN VIEW SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 98, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

KENTON ANDREW MORRISON, SR. AS TRUSTEE OF THE KENTON ANDREW MORRISON SR. TRUST
ISLAND TITLE OF ST. AUGUSTINE LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



AREA = 0.17 ± ACRES
OR 7.612 ± SQ. FT.

CURVE TABLE

CURVE	POINTS	ARC LENGTH IN INCHES	AREA IN SQ. IN.	PERIMETER IN INCHES
1	4,500.00" 50.00"	0.7744"	57.54 SQ. IN.	52.00"
2	4,500.00" 50.00"	0.7777"	57.54 SQ. IN.	52.00"
3	4,500.00" 50.00"	0.7810"	57.54 SQ. IN.	52.00"
4	4,500.00" 50.00"	0.7843"	57.54 SQ. IN.	52.00"
5	4,500.00" 50.00"	0.7876"	57.54 SQ. IN.	52.00"
6	4,500.00" 50.00"	0.7909"	57.54 SQ. IN.	52.00"
7	4,500.00" 50.00"	0.7942"	57.54 SQ. IN.	52.00"
8	4,500.00" 50.00"	0.7975"	57.54 SQ. IN.	52.00"
9	4,500.00" 50.00"	0.8008"	57.54 SQ. IN.	52.00"
10	4,500.00" 50.00"	0.8041"	57.54 SQ. IN.	52.00"
11	4,500.00" 50.00"	0.8074"	57.54 SQ. IN.	52.00"
12	4,500.00" 50.00"	0.8107"	57.54 SQ. IN.	52.00"
13	4,500.00" 50.00"	0.8140"	57.54 SQ. IN.	52.00"
14	4,500.00" 50.00"	0.8173"	57.54 SQ. IN.	52.00"
15	4,500.00" 50.00"	0.8206"	57.54 SQ. IN.	52.00"
16	4,500.00" 50.00"	0.8239"	57.54 SQ. IN.	52.00"
17	4,500.00" 50.00"	0.8272"	57.54 SQ. IN.	52.00"
18	4,500.00" 50.00"	0.8305"	57.54 SQ. IN.	52.00"
19	4,500.00" 50.00"	0.8338"	57.54 SQ. IN.	52.00"
20	4,500.00" 50.00"	0.8371"	57.54 SQ. IN.	52.00"
21	4,500.00" 50.00"	0.8404"	57.54 SQ. IN.	52.00"
22	4,500.00" 50.00"	0.8437"	57.54 SQ. IN.	52.00"
23	4,500.00" 50.00"	0.8470"	57.54 SQ. IN.	52.00"
24	4,500.00" 50.00"	0.8503"	57.54 SQ. IN.	52.00"
25	4,500.00" 50.00"	0.8536"	57.54 SQ. IN.	52.00"
26	4,500.00" 50.00"	0.8569"	57.54 SQ. IN.	52.00"
27	4,500.00" 50.00"	0.8602"	57.54 SQ. IN.	52.00"
28	4,500.00" 50.00"	0.8635"	57.54 SQ. IN.	52.00"
29	4,500.00" 50.00"	0.8668"	57.54 SQ. IN.	52.00"
30	4,500.00" 50.00"	0.8701"	57.54 SQ. IN.	52.00"
31	4,500.00" 50.00"	0.8734"	57.54 SQ. IN.	52.00"
32	4,500.00" 50.00"	0.8767"	57.54 SQ. IN.	52.00"
33	4,500.00" 50.00"	0.8800"	57.54 SQ. IN.	52.00"
34	4,500.00" 50.00"	0.8833"	57.54 SQ. IN.	52.00"
35	4,500.00" 50.00"	0.8866"	57.54 SQ. IN.	52.00"
36	4,500.00" 50.00"	0.8899"	57.54 SQ. IN.	52.00"
37	4,500.00" 50.00"	0.8932"	57.54 SQ. IN.	52.00"
38	4,500.00" 50.00"	0.8965"	57.54 SQ. IN.	52.00"
39	4,500.00" 50.00"	0.8998"	57.54 SQ. IN.	52.00"
40	4,500.00" 50.00"	0.9031"	57.54 SQ. IN.	52.00"
41	4,500.00" 50.00"	0.9064"	57.54 SQ. IN.	52.00"
42	4,500.00" 50.00"	0.9097"	57.54 SQ. IN.	52.00"
43	4,500.00" 50.00"	0.9130"	57.54 SQ. IN.	52.00"
44	4,500.00" 50.00"	0.9163"	57.54 SQ. IN.	52.00"
45	4,500.00" 50.00"	0.9196"	57.54 SQ. IN.	52.00"
46	4,500.00" 50.00"	0.9229"	57.54 SQ. IN.	52.00"
47	4,500.00" 50.00"	0.9262"	57.54 SQ. IN.	52.00"
48	4,500.00" 50.00"	0.9295"	57.54 SQ. IN.	52.00"
49	4,500.00" 50.00"	0.9328"	57.54 SQ. IN.	52.00"
50	4,500.00" 50.00"	0.9361"	57.54 SQ. IN.	52.00"
51	4,500.00" 50.00"	0.9394"	57.54 SQ. IN.	52.00"
52	4,500.00" 50.00"	0.9427"	57.54 SQ. IN.	52.00"
53	4,500.00" 50.00"	0.9460"	57.54 SQ. IN.	52.00"
54	4,500.00" 50.00"	0.9493"	57.54 SQ. IN.	52.00"
55	4,500.00" 50.00"	0.9526"	57.54 SQ. IN.	52.00"

[illegible][illegible]

THIS SHAWNEY IS PROTECTED BY GOVERNMENT AND IS CARRIED ONLY BY PARTIES LISTED ABOVE AND ONLY FOR THE PURPOSES OF RESEARCH AND PRESERVATION OF THIS SHAWNEY. SHAWNEY IS PROHIBITED USE OF THIS SHAWNEY IN ANY SUBSEQUENT TRANSMISSION IS NOT AUTHORIZED. THE SHAWNEY EXPRESSLY DISCLAIMS ANY GUARANTEE OR WARRANTIES IN FUTURE TRANSMISSIONS AND NO OTHER PARTY WHOSE LISTED SHOULD RELY UPON THIS SHAWNEY.

1. The survey must be conducted on the basis of a written plan or questionnaire. The plan or questionnaire must be approved by the Survey Committee. The plan or questionnaire must specify the purpose of the survey, the scope of the survey, the methods to be used, and the persons to be interviewed. The plan or questionnaire must also specify the persons who are to be interviewed, and the persons who are to be interviewed on behalf of the Survey Committee.

GENERAL NOTES:

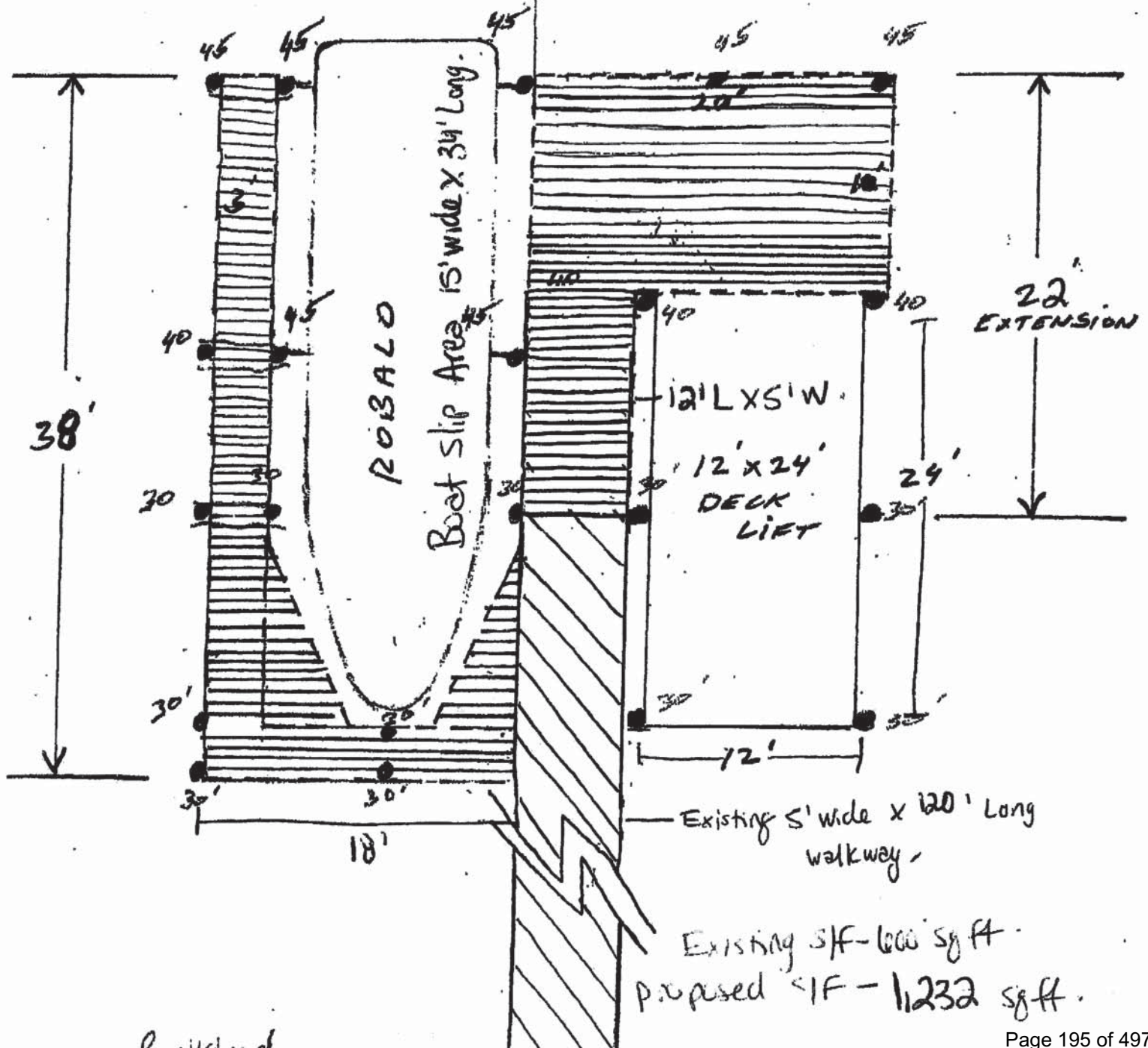
Single family Private Deck
Ken Morrison

25 Dolphin Dr.
St. Augustine, FL 32080

Ken = 162' now

W-ADDITIONS ITO' FROM
BULKHEAD.

(Plan view.)



Ken Morrison

25 Dolphin Dr.

St. Augustine, FL 32084

Single family Private Duck

(Not to scale.)

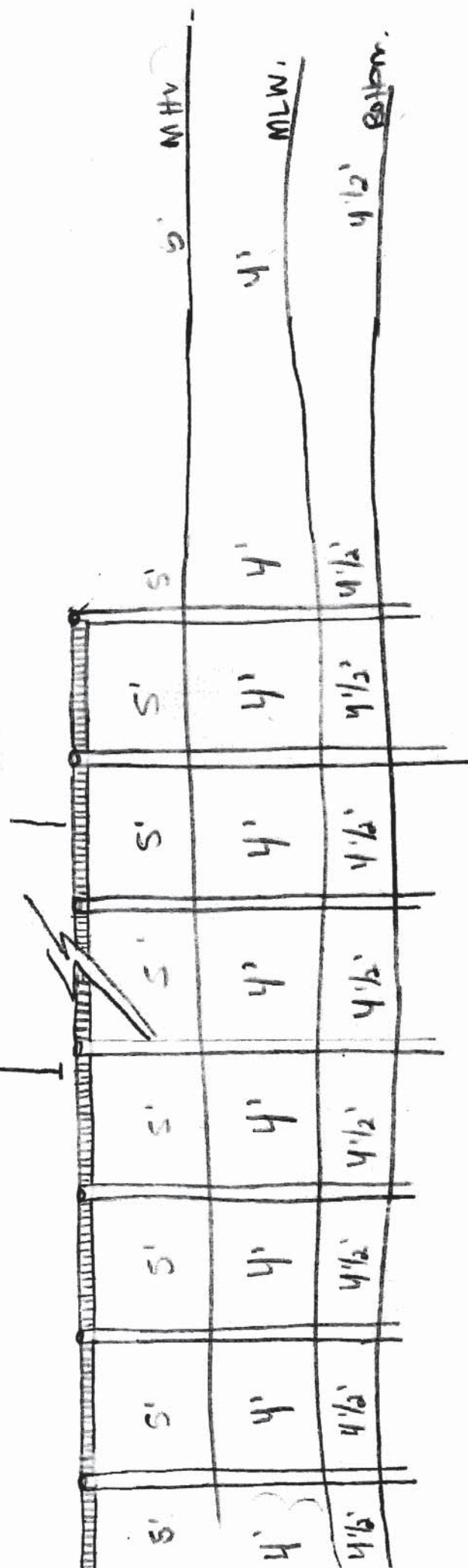
Profile View.

Existing s/f 6005 sq ft.

Proposed s/f 11032 sq ft

Existing 5' w x 120' L

New proposed.



Ken Morrison

25 Dolphin Dr.

St. Augustine, FL 32084

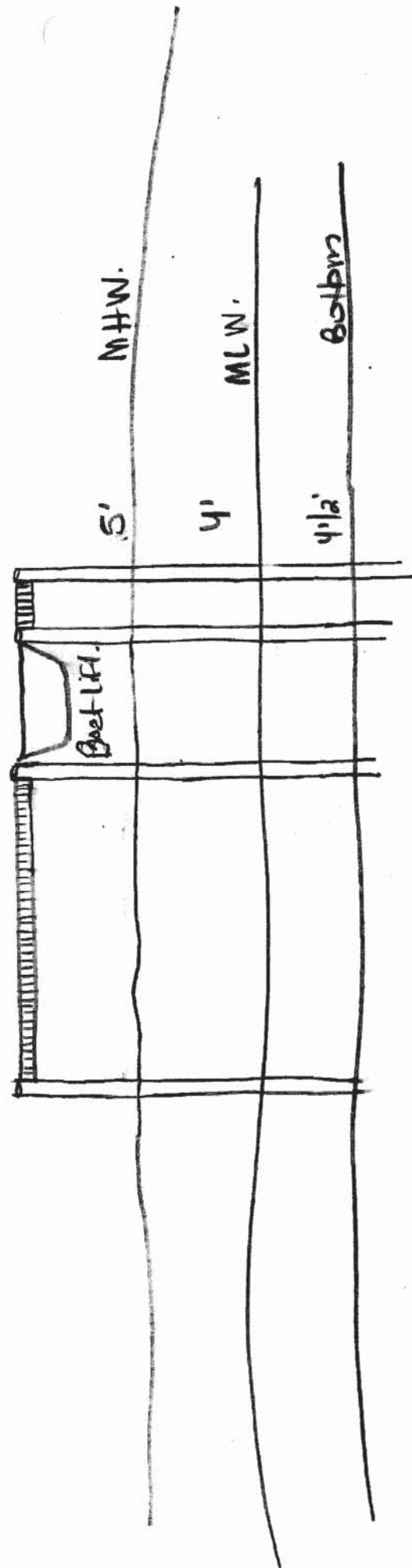
Single family Private Dock

(Not to Scale.)

Cross-Section.

Existing s/f - 600 sgft.

Proposed s/f - 1,232 sgft.



STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



**U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological
Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities**

November 20, 2017

- 1) **(AP.7.) Education and Observation:** The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html
- 2) **(AP.8.) Reporting** of interactions with protected species:
 - a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
 - b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email Sawfish@MyFWC.com
 - c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email nmfs.ser.sturgeonnetwork@noaa.gov
 - d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
 - e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.
- 3) **(AP.9.) Vessel Traffic and Construction Equipment:** All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:
 - a) *Construction Equipment:*
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of

construction equipment and shall not resume until the species has departed the area of its own volition.

- iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels:*

- i) Sea turtles: Maintain a minimum distance of 150 ft.
- ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
- iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
- iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
- v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
- vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
- vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- 4) **(AP.10.) Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
- c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
- e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm

Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):

- i) Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii) The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cableline). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.
- 5) **(AP.11.) Entanglement:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.
- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
 - b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2019-03245(GP-RPR)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2019-03245(GP-RPR)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

6. **Acreage or Square Feet of Impacts to Waters of the United States:** _____

7. **Describe Mitigation completed (if applicable):** _____

8. **Describe any Deviations from Permit (attach drawing(s) depicting the deviations):**

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

Dated 9/18/2019

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2019-03245(GP-RPR)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFeree-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

September 17, 2019

Kenton A. Morrison, Sr., Trustee
25 Dolphin Drive
St. Augustine, Florida 32080
meridian500tp@gmail.com

File No. 55-0379453-001-EG, St Johns County

Dear Mr. Morrison:

On August 23, 2019, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to add 1,232 sq. ft. to an existing 600 sq. ft. private residential, single-family dock consisting of an access pier, a exposed terminal platform, a deck lift and an open boat slip for a new total of 1,832 sq. ft. within, the Matanzas River (ICWW), a Class III waterbody, not located in an Outstanding Florida Waterbody or aquatic preserve, located at 25 Dolphin Drive (parcel ID 220070-0000), St. Augustine, Florida 32080, Section 17, Township 7 South, Range 30 East, Latitude 29° 53' 27.1664" N / Longitude -81° 18' 13.6439" W in St. Johns County.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project did not qualify for the federal authorization; therefore, additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Not required

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

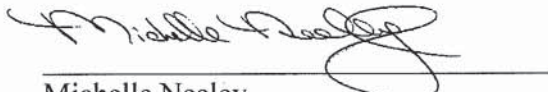
The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING
Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.



Michelle Neeley
Environmental Manager

MN:kp:msg

Enclosures:

Ch.62-330.427, F.A.C
General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
Standard Manatee Conditions for In-Water Work
Project drawings and map, 6 pages

File Name: Morrison Dock Replacement

File No: 55-0379453-001-EG

Page 6 of 13

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Herbert VanderMark, Yelton Construction Company Inc, permitting@yeltonconstruction.com

Thomas Kallemeyn, FDEP NED

Michelle Neeley, FDEP NED

Kim Pearce, FDEP NED

Mary Gaudios, FDEP NED

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

September 17, 2019

Date

62-330.427 General Permit for Docks, Piers and Associated Structures

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

Marker shows 25 Dolphin Dr, Saint Augustine, Florida, 32080



August 27, 2019

- Cadastral 2017 (Property Appraiser Parcels) - Public View

Environmental Resource Program-Compliance & Enforcement Facilities (ERPce)

Environmental Resource Permits (Historic)

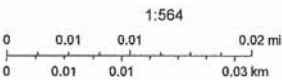
Environmental Resource Permits (ERP) from PA

Beaches
- ERP

Environmental Resource Permits (2007-present)

Pending

Currently Permitted
- Florida Department of Environmental Protection makes no warranty, expressed or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights.



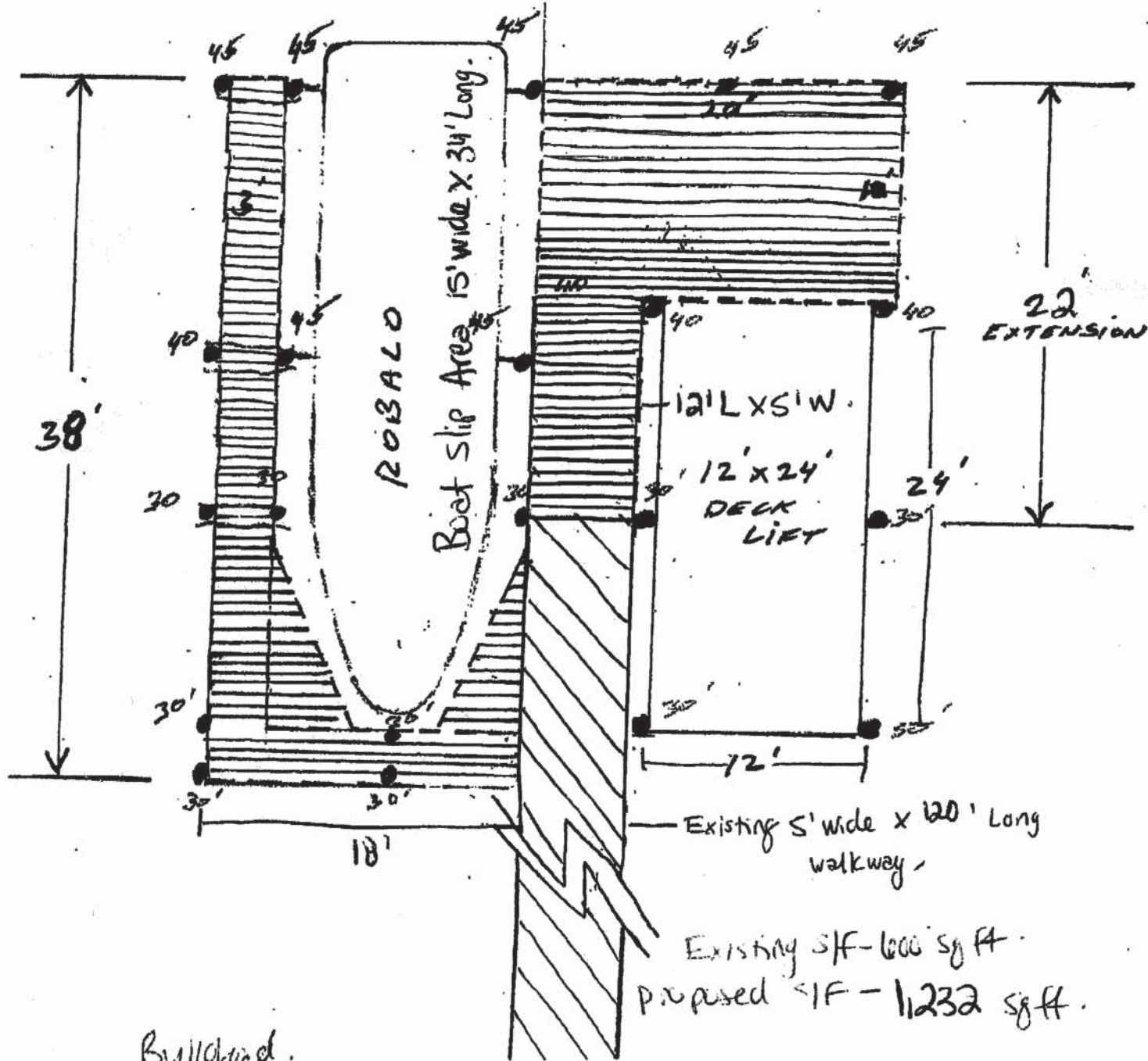
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP/WRM, ERP, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FDEP

Map created by Map Direct, powered by ESRI.

25 Dolphin Dr.
St. Augustine, FL 32080

W-ADDITIONS ITO' FROM
BUCKHEAD.

(Plan View.)

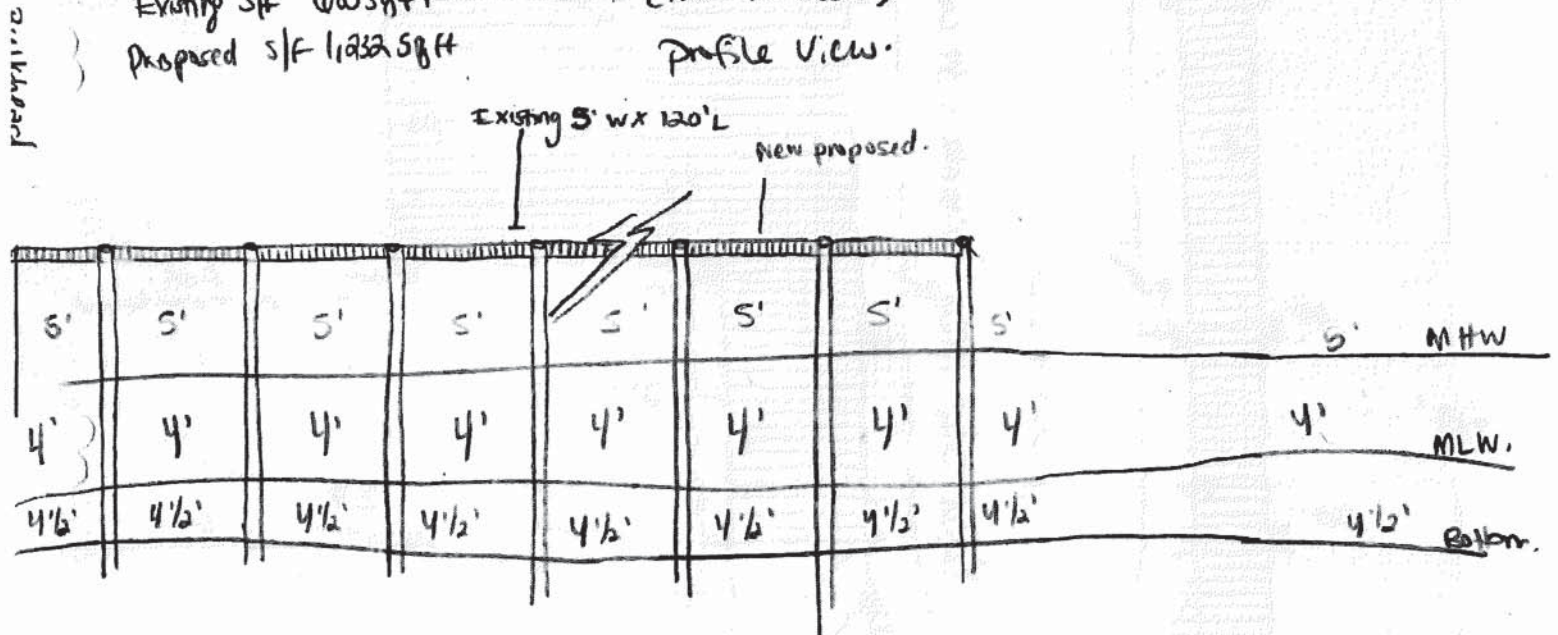


Ken Morrison
25 Dolphin Dr.

St. Augustine, FL 32084
Single family Private Dock
(Not to scale)

Existing s/f 6005 sq ft.
Proposed s/f 11232 sq ft.

Profile View.

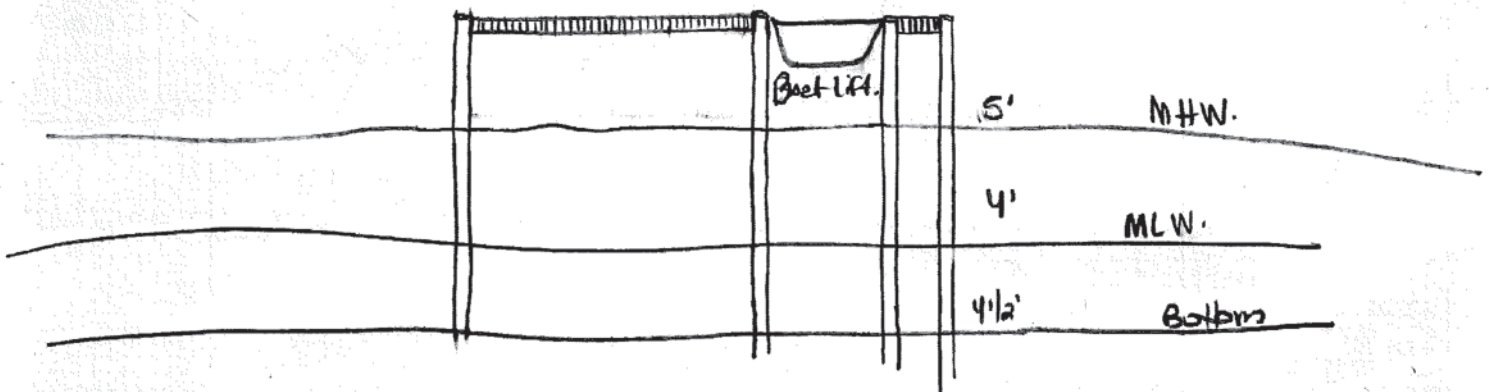


Ken Morrison
25 Dolphin Dr.
St. Augustine, FL 32084

Single Family Private Dock
(Not to Scale.)

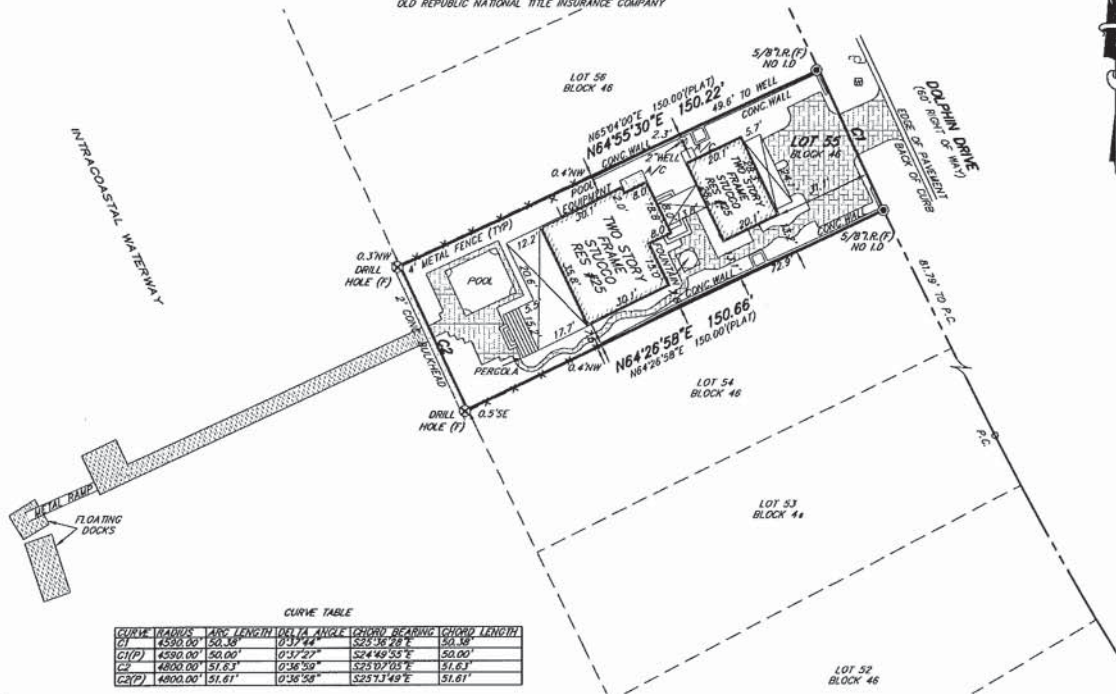
Existing s/f - 600 sq ft.
Proposed s/f - 1,232 sq ft.

Cross-Section.



LOT 53, BLOCK 46, DAVIS SHORES OCEAN VIEW SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 99, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

INTRACOASTAL WATERWAY



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	4590.00'	50.36'	0°37'44"	S25°38'28"E	50.36'
C1(P)	4590.00'	50.00'	0°37'22"	S24°49'55"E	50.00'
C2	4800.00'	51.63'	0°36'59"	S25°17'03"E	51.63'
C2(P)	4800.00'	51.61'	0°36'58"	S25°13'49"E	51.61'

A/C - AIR CONDITIONER PAD
I.D. - IDENTIFICATION
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM
I.R.(F) - IRON ROD FOUND
I.P.(F) - IRON PIPE FOUND
I.R.(S) - 5/8" IRON ROD SET (PSM# 4620)
P.C. - POINT OF CURVATURE
P.T. - POINT OF TANGENCY
(N) - WELL

sq. ft. - SQUARE FEET
R - RADIUS
 Δ - DELTA
ARC - ARC LENGTH
T - TANGENT
CD - CHORD DISTANCE
CB - CHORD BEARING
 - EXPOSED CONCRETE
 - COVERED AREA
WM - WATER METER

AREA = 0.17 ± ACRES
OR 7,612 ± sq. ft.

30 0 15 30

1"=30'

According to the Federal Emergency Management Agency FEMA Map No. 12546-05-0118A effective date 12/03/2018, the property described herein appears to lie in Zone AE B'

This survey is certified to the best field data.
The authors does not reflect an difference observable.

GENERAL NOTES:
- The survey must be without benefit of an abstract of title. No right-of-way or easements or record were completed in this form, except as shown.

State of bedding structure: *NEED TO SURVEY*

State of elevations: *N.A. V.2.00*

NOTE: The service rights implied by this survey are not transformative. This surveyor's liability shall not exceed the fee as stipulated by this surveyor.

- The certification of this survey as a prepositional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not attributed this period of loss for any recovered claims of this, nonmaterial or real/claims. This surveyor shall not be held liable for the existence of

Job no.	DATE OF WORK	SCALE	BY	CHKD BY	DATE
19-0317	01/08/2018	1" = 30'	742/49	N.M.C.	R.A.B.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION.

by such claims

- Like all survey his purposes other than that which it was intended without undue ventilation, will be all the user's side risk and without liability to this purpose. Nothing herein shall be intended to give any rights or benefits to anyone other than

© COPYRIGHT 2019 ALL RIGHTS RESERVED.

ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY

- All supplies here under shall be received by loading operation in accordance with rules set forth by the American Automobile Association.
- No underground structures, utilities or foundations were located or determined by this survey.

NICHOLAS H. FRANKLIN
1170 A1A SOUTH #316
T. AUSTINE, FLORIDA 32066

IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN

— For building setbacks call the appropriate county codes enforcement office.
 — All distances, bearings or angles are as field measured. Dead or lost measurements are noted as different.
 The measurements for this survey were made in accordance with the United States Public Land Survey System.

(304) 471-5577 FAX (304) 471-5576
NICHOLAS H. FRANKLIN, P.L.S. 4620
FOR LANDTECH AND ASSOCIATES

FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

Nides glaucus.
- *Caracantharia* as *Nides* heron are only those green, white objects observed by the surveyor.

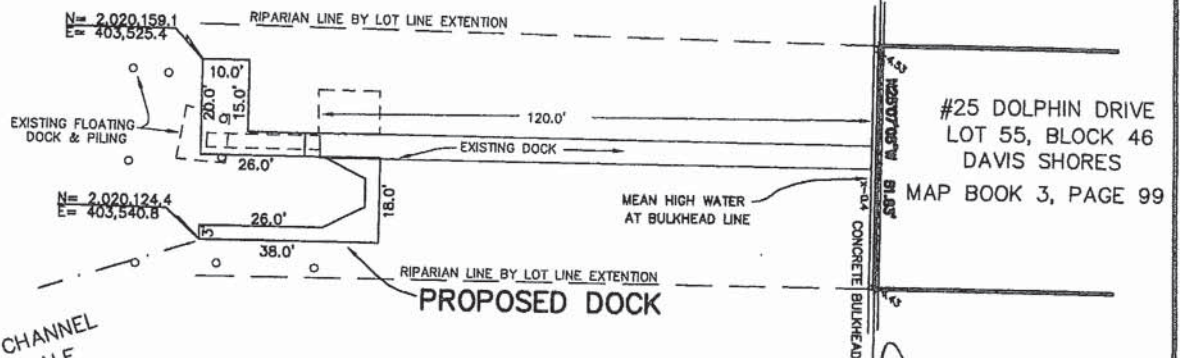
SPECIAL PURPOSE SURVEY
TO SHOW STATE PLANE COORDINATES FOR
PROPOSED DOCK IN THE INTRACOASTAL WATERWAY
MATANZAS RIVER AND SELECTED SPOT ELEVATIONS

SCALE: 1"=30'

MATANZAS RIVER

EAST EDGE OF CHANNEL

297.1'
TO EDGE OF CHANNEL
NOT TO SCALE



- NOTES:
- COORDINATES ARE BASED ON GPS LOCATION ARE TO AN ACCURACY OF 1.0'±.
 - MEAN HIGH WATER DATA POINT NUMBER 3793:
MEAN HIGH WATER = 1.47 N.A.V.D. (1988)
FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION INTERACTIVE WATER BOUNDARY MAP AND MEAN LOW WATER = -3.03 N.A.V.D. (1988)
 - ELEVATIONS SHOWN X-4.43 N.A.V.D. 1988 DATUM

DONN W. BOATWRIGHT, P.S.M.
FLA. LIC. SURVEYOR AND MAPPER No. L.S.3295
FLA. LIC. SURVEYING AND MAPPING BUS. No. L.B.3672
DATE SIGNED: AUGUST 13, 2019
FIELD SURVEY DATE: AUGUST 9, 2019

PREPARED BY:
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA
(904) 241-8550 TEL.
(904) 241-3346 FAX

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DRAWN BY: DWB

FILE: 2019-1215

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **USE BY EXCEPTION #2019-0114**

AGENDA ITEM 6(a)

APPLICANT & OWNER Vallery Clouse

LOCATION 166 Marine St / PIN 201180-0000

REQUEST To approve a home occupation for cranial sacral & lymphatic massage.

LAND USE Residential Low Density

ZONING Residential, Single Family One (RS-1)

SURROUNDING USES Single-family Residential, Condominium, Nursing Home (Vacant)

This is an application to allow a home occupation for cranial sacral and lymphatic massage as a use by exception in a residential single family – one (RS-1) zoning district, specifically located at 166 Marine St.

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

General Zoning Standards:

Sec. 28-161. - Residential, single-family-one: RS-1.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses, so as to create and maintain a stable low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwelling; home office, private.
- (2) *Permitted accessory uses and structures.* See section 28-348.
- (3) *Permissible uses by exception.* See section 28-347.
- (4) *Minimum lot requirements* (width and area):
 - a. Minimum lot width, seventy-five (75) feet.
 - b. Minimum lot area, one-quarter acre (10,890 square feet).
- (5) *Maximum lot coverage by all buildings and structures.* Twenty-five (25) percent.
- (6) *Minimum yard requirements:*
 - a. Front, twenty (20) feet minimum.
 - b. Side, fifteen (15) feet minimum.
 - c. Rear, twenty (20) feet minimum.
- (7) *Maximum height of structures.* Thirty-five (35) feet.

Sec. 28-347. - Supplementary regulations for certain uses:

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (1) Home occupations. The intent of a home occupation is to allow those uses that may be conducted within a residential premise that will not affect the residential character of the

structure or the neighborhood. Home occupations are a permissible use by exception in any district subject to all the following conditions:

Staff response are below in *Italics*.

a. No person other than members of the family residing on the premises shall be engaged in such occupation. No home occupation shall be conducted in any accessory building or structure or any open porch or carport which is attached to and a part of the principal structure.

The applicant is the property owner and will be living in the residence while operating the proposed home occupation.

b. The use of the premises shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.

The use of a home occupation for cranial sacral and lymphatic massage will not change the residential character of this structure. Only one portion of the home will be utilized for this home occupation (attachment 2) with the remainder of the structure being where the applicant dwells.

c. There shall be no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one (1) sign may be permitted, not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence.

The applicant is requesting a sign that will comply with the above requirements.

d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements of this Code in other than the required front yard.

The applicant is proposing only one vehicle/patient at a time within a 90- to 120-minute (1.5-2 hour) time period.

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

The applicant will not create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot.

f. The giving of art, music or other instructions or lessons shall be limited to not more than four (4) persons at the same time.

Not applicable, the applicant will be helping one patient at a time.

g. Fabrication of articles such as are commonly classified under the terms of arts and handicraft may be deemed a home occupation, subject to other terms and conditions of this definition, and providing no retail sales are made at the dwelling unit.

The applicant will not be providing retail sales at the residence.

h. The member of the family residing on the premises engaged in such occupation shall not employ more than one (1) person for the sole purpose of providing clerical and receptionist services.

The applicant does not intend to hire an employee.

i. No home occupation shall occupy more than twenty-five (25) percent of the floor area of the dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for living quarters.

The home occupation will not exceed (25) percent of the floor of the dwelling unit. The applicant will be conducting business on the first floor, in no more than 800 square feet, the entire home is 3,302 square feet.

j. Any professional or business office or studio that does not involve in office contact with clients or the public and where all business is conducted by mail, phone or at other premises shall be determined to be a home office, private, and shall be a permitted use in any district subject to conditions stated above.

The applicant is proposing to have one client at a time with a 90- to 120-minute (1.5-2 hours) appointment length.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a home occupation for cranial sacral and lymphatic massage therapies in their residence with scheduling one client at a time for one and a half to two-hourlong appointments. This will generate one vehicle per session which does not appear to have a major impact on traffic flow for this neighborhood and parking will be provided on site.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and 28-347, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a home occupation as a permitted use by exception for cranial sacral and lymphatic massage at **166 Marine St / PIN 201180-0000**.

Attachments

Attachment 1 – Application & Applicant Information

Attachment 2 – Location Maps / Property Appraiser Information

Attachment 3 – Request Information & Floor Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

OCT 18 2019

Planning/Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2019-0114
Receipt Number: 1714120 Meeting Date: Dec. 3, 2019
Advertising Costs: \$ _____ Paid On: 10/18/19 Receipt Number: _____

1. NAME OF APPLICANT: Vallery Clouse Contact Number: 717-574-2562
Business (if applicable): 2 Bee Well Health LLC
Address: 166 Marine St City: St Augustine State: FL Zip: 32084
E-Mail Address: VClouse@pa.net

2. NAME OF PROPERTY OWNER: Vallery Clouse Contact Number: 717 574-2562
Business (if applicable): 2 Bee Well Health LLC
Address: 166 Marine St Apt B City: St Augustine State: FL Zip: 32084
E-Mail Address: VClouse@pa.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____
Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 166 Marine St Apt A

5. SPECIFIC PROPOSED USE: Cranial sacral & Lymphatic massage

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: In home Business

8. JUSTIFICATION FOR ACTION REQUESTED: Apt A has not Rented &

Have Been searching for office space most
Require 3 year lease

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Valery C.
Signature of Applicant

10-16-19
Date

Valery C.
Signature of Property Owner

10-16-19
Date



CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

The applicant attests that all documents and statements submitted as part of its application are truthful and applicant agrees to resolve conflicts with other legal documents consistent with the procedures in section 28-37 of the city code.

Valley Clause
Print Name of Applicant

Valley Co
Signature of Applicant

10-16-19
Date

AC#

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE**

DATE	LICENSE NO.	CONTROL NO.
08/29/2019	MA 91545	381356

THE MESSAGE THERAPIST

NAMED BELOW HAS MET ALL REQUIREMENTS OF
THE LAWS AND RULES OF THE STATE OF FLORIDA.

Expiration Date: **AUGUST 31, 2021**

VALLERY ANNA CLOUSE

166 MARINE ST

APT B

SAINT AUGUSTINE, FL - 32084

STATE OF FLORIDA
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE

AC#

DATE	LICENSE NO.	CONTROL NO.
08/29/2019	MA 91545	381356

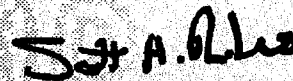
THE MESSAGE THERAPIST

NAMED BELOW HAS MET ALL REQUIREMENTS OF
THE LAWS AND RULES OF THE STATE OF FLORIDA.

Expiration Date : **AUGUST 31, 2021**
VALLERY ANNA CLOUSE



**Ron DeSantis
GOVERNOR**



**Scott A. Rivkees, MD
State Surgeon General**

DISPLAY IF REQUIRED BY LAW

EXPIRATION DATE: AUGUST 31, 2021

Your license number is MA 91545. Please use it in all correspondence with your board/council. Each licensee is solely responsible for notifying the Department in writing of the licensee's current mailing address and practice location address. If you have not received your renewal notice 90 days prior to the expiration date shown on this license, please visit www.FLHealthSource.gov and click "Renew A License" to renew online.

The Medical Quality Assurance Online Services Portal gives you the ability to manage your license to perform address updates, name changes, request duplicate licenses and much more.

It's simple. Log onto your MQA Online Services account today at <http://flhealthsource.gov/>. Select the "Account Login" button to access your account. For changes to your name, address or to request duplicate licenses, choose your selection from the dropdown list under "Manage My License". Your profession will open for renewal 90 days prior to your expiration date. When the renewal cycle opens for your profession, the "Renew My License" header will automatically display on your license Dashboard.

IMPORTANT ANNOUNCEMENTS

ARE YOU RENEWAL READY?

The Department of Health will now review
your continuing education records at the
time of license renewal.

To learn more, please visit
www.FLHealthSource.gov/AYRR

GROUND FOR DISCIPLINE

You should be familiar with the Grounds for
Discipline found in Section 456.072(1),
Florida Statutes, and in the practice act for
the profession in which you are licensed.
Florida Statutes can be accessed at
www.leg.state.fl.us/Statutes

Attachment 2
Location Map(s) /
Property Appraiser Info.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 2011800000
Location Address 166 MARINE ST
 SAINT AUGUSTINE 32084-0000
Neighborhood City of St Aug (east of lake) (SF) (612)
Tax Description* (4) CITY OF ST AUG PT OF BLK 43-B OR4626/673
**The Description above is not to be used on legal documents.*
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision City of St Augustine
Sec/Twp/Rng 20-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.160
Homestead N

Owner Information

Owner Name Clouse Vallery 100%
Mailing Address 500 E MOSS WOOD TRCE
 PONTE VEDRA BEACH, FL 32082-5117

Map



Valuation Information

	2020
Building Value	\$301,088
Extra Features Value	\$3,847
Total Land Value	\$196,350
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value.	\$501,285
Total Deferred	\$0
Assessed Value	\$501,285
Total Exemptions	\$0
Taxable Value	\$501,285

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$309,815	\$3,902	\$196,350	\$0	\$0	\$510,067	\$510,067	\$0	\$510,067
2018	\$405,979	\$3,957	\$196,350	\$0	\$0	\$606,286	\$489,715	\$166,571	\$439,715
2017	\$412,415	\$4,013	\$196,350	\$0	\$0	\$612,778	\$490,406	\$172,372	\$440,406
2016	\$417,800	\$4,068	\$178,500	\$0	\$0	\$600,368	\$469,406	\$180,962	\$419,406
2015	\$384,789	\$4,123	\$137,700	\$0	\$0	\$526,612	\$443,753	\$132,859	\$393,753
2014	\$292,007	\$4,178	\$123,930	\$0	\$0	\$420,115	\$420,115	\$50,000	\$370,115
2013	\$289,793	\$4,234	\$123,930	\$0	\$0	\$417,957	\$309,050	\$158,907	\$259,050
2012	\$278,651	\$3,837	\$123,930	\$0	\$0	\$406,418	\$300,871	\$155,547	\$250,871
2011	\$282,322	\$3,954	\$137,700	\$0	\$0	\$423,976	\$303,078	\$170,898	\$253,078
2010	\$286,694	\$4,071	\$153,000	\$0	\$0	\$443,765	\$307,988	\$185,777	\$257,988

Building Information

Building	1	Roof Structure	Flat
Actual Area	1651	Roof Cover	Roll Composite
Conditioned Area	1651	Interior Flooring	Carpet, Hardwood
Actual Year Built	1925	Interior Wall	Drywall
Use	Duplex	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Flat	100%
Roofing Cover	Roll Composite	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	50%
Interior Flooring	Hardwood	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY (HOMESTEAD)	1651	1651
Total SqFt	1651	1651

Building	2	Roof Structure	Flat
Actual Area	1743	Roof Cover	Roll Composite
Conditioned Area	1651	Interior Flooring	Carpet, Hardwood
Actual Year Built	1925	Interior Wall	Drywall
Use	Duplex	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Flat	100%
Roofing Cover	Roll Composite	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	50%
Interior Flooring	Hardwood	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	1651	1651
PATIO	0	32
FINISHED OPEN PORCH	0	60
Total SqFt	1651	1743

Building	3	Roof Structure	Flat
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Actual Area 1372
 Conditioned Area 567
 Actual Year Built 1994
 Use Duplex
 Style 01
 Class N
 Exterior Wall Concrete Block

Roof Cover Composite
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Flat	100%
Roofing Cover	Roll Composite	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	5 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	567	567
FINISHED OPEN PORCH	0	117
OUTSIDE STAIRS	0	45
POINTER	0	0
FINISHED GARAGE	0	567
FINISHED OPEN PORCH	0	76
Total SqFt	567	1372

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Wood Deck	0	0	0	0	291
Masonry Wall	0	0	0	0	280
Masonry Wall	0	0	0	0	162

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	18	130	18	EF	\$70,686
Multi-Family (Less than 10 Units)	32	130	32	EF	\$125,664

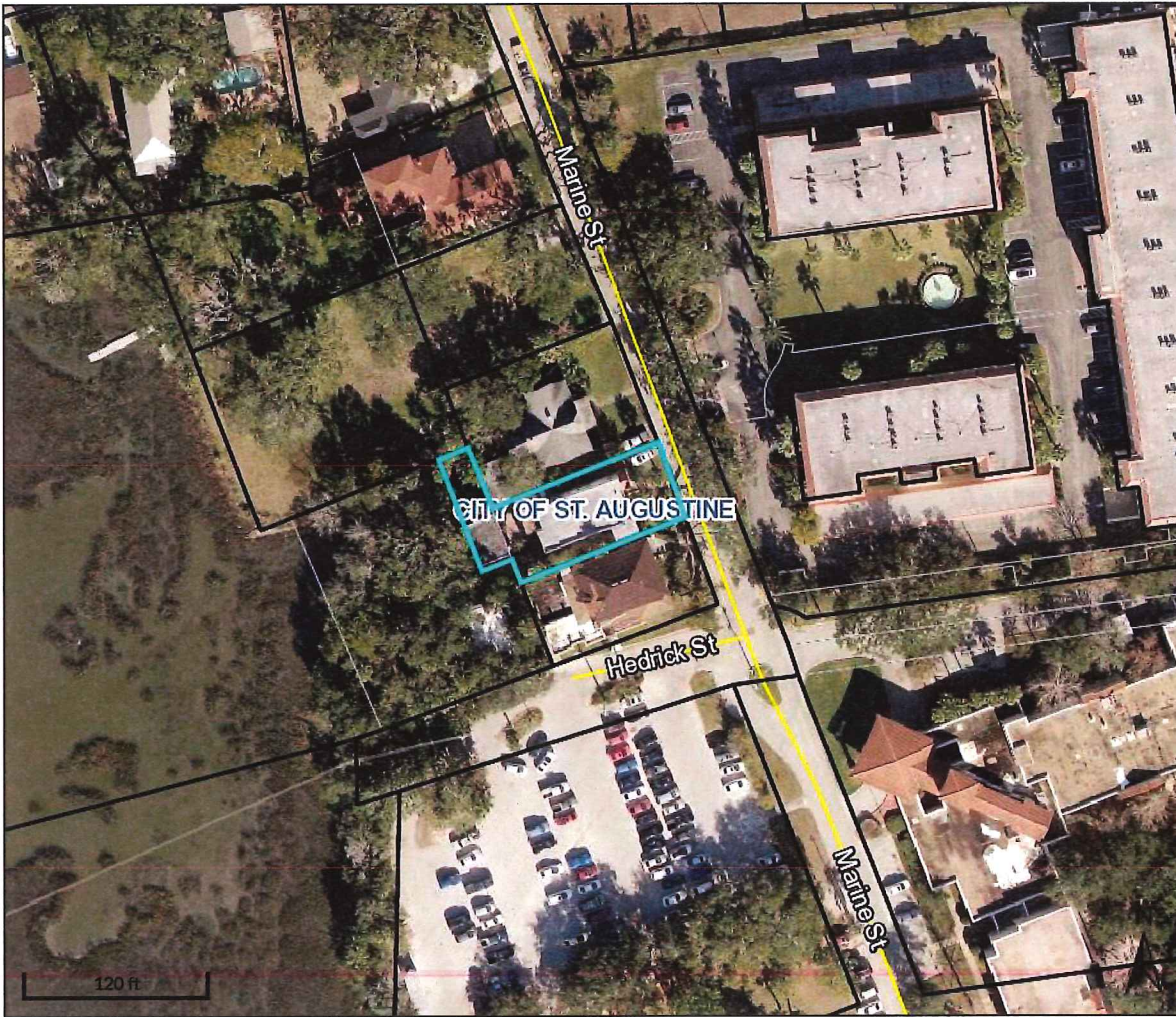
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/15/2018	10/15/2018	\$590,000.00	WD	4626	673	Q	I	LADENHEIM JON H & SARA L BEERS	CLOUSE VALLERY
8/2/2013	8/1/2013	\$524,300.00	WD	3770	905	Q	I	JOYCE NORMA D JOINED BY PETER	LADENHEIM JON H & SARA L BEERS
	11/26/1996	\$265,000.00	WD	1209	813	Q	I	ANDERSON JAMES I,ALETA JO	JOYCE NORMA D
	6/15/1994	\$215,000.00	WD	1059	970	Q	I	DUVAL ALEX J	ANDERSON JAMES I,ALETA JO
	12/1/1989	\$122,000.00		840	1100	Q	I		DUVAL ALEX J

Area Sales Report

Recent Sales in Area

Sketch Information



Overview



Legend

- Parcels
- Roads
- Cities

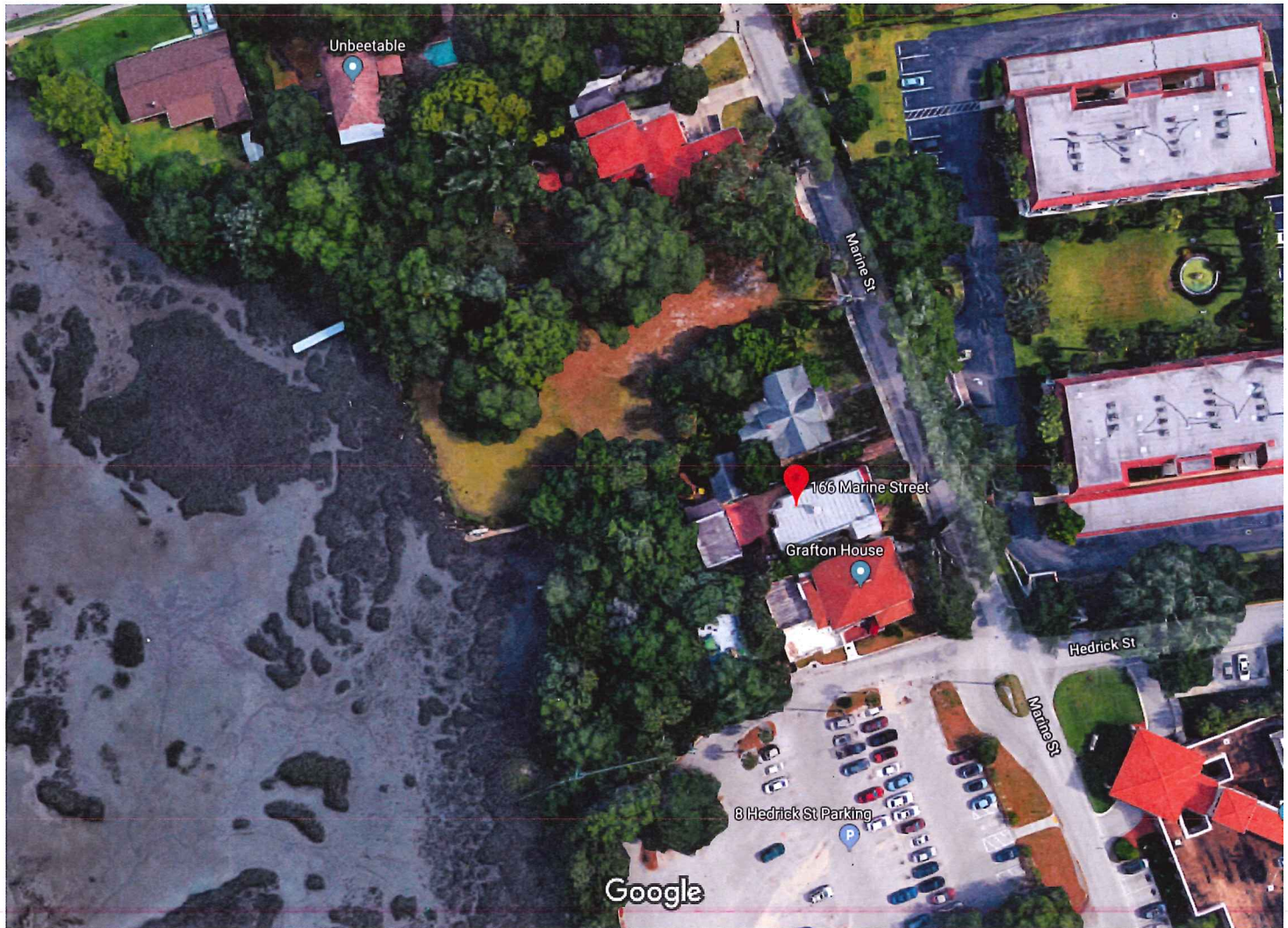
Parcel ID	2011800000	Physical Address	166 MARINE ST	Building Value	\$301,088	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	SAINT AUGUSTINE	Extra	\$3,847	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	CLOUSE VALLERY	Feature Value		10/15/2018	\$590000	01	Q
Acres	0.16		500 E MOSS WOOD TRCE	Total Land Value	\$196,350	8/1/2013	\$524300	01	Q
			PONTE VEDRA BEACH FL	Just Value	\$501,285				
			32082-5117	Total	N/A				
				Deferred Assessed Value	\$501,285				
				Total	N/A				
				Exemptions					
				Taxable Value	\$501,285				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 10/31/2019
Last Data Uploaded: 10/30/2019 11:14:23 PM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 166 Marine St



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft



166 Marine St

St. Augustine, FL 32084



Directions



Save



Nearby

Send to your
phone

Share

Attachment 3
Request Info &
Site Plan

HOURS OF OPERATION:

By appointment only but not outside of Tuesday - Friday 10 am - 6 pm Saturday 11am -5 pm hours

One client is 90 min to 120 min

If permission is granted for a small sign on the front of the home at the entrance as per zoning permission and with in size requirements

Upon approval application for business license for St Augustine will be filed.

Thank you
Vallery Clouse
717-574-2562
vclouse@pa.net

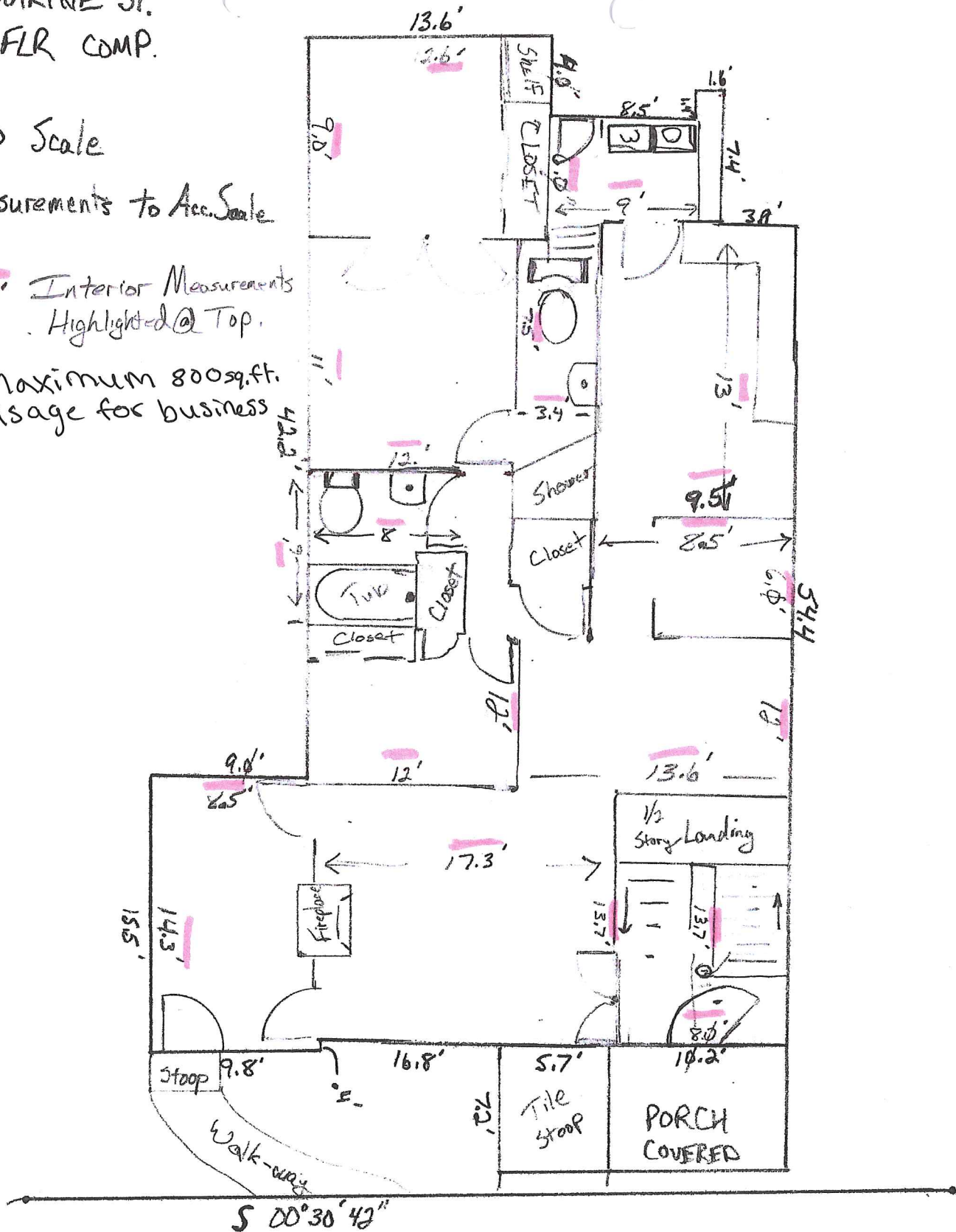
#166 MARINE ST.
1st FLR COMP.

1/20 Scale

Measurements to Acc. Scale

10.0' Interior Measurements
Highlighted @ Top.

Maximum 800sq.ft.
Usage for business



← Marine Street. →
(35' ROW)

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **USE BY EXCEPTION & CONSERVATION OVERLAY ZONE DEVELOPMENT
– 2019-0116**

AGENDA ITEM 7(a)

APPLICANT Shannon Acevedo c/o Matthews Design Group, Inc.
Ryan Carter c/o Carter Environmental Services, Inc.

OWNER Windward Marina St. Augustine South, LLC

LOCATION 400 & 404 Riberia St / PIN 203540-000

REQUEST To approve a use by exception for a restaurant. To approve the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zones 1 & 2.

PLANS DATED October 1, 2019

LAND USE Marine Industrial

ZONING Industrial Warehousing (IW)

SURROUNDING USE

North, East, & West – Commercial/South - Residential

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-226. - Industrial and warehousing: IW.

(3) *Permissible uses by exception:*

- b. Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops, and similar uses.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead, or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
 - (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29 Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and

catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
- (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.
 - (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - (9) Effect of shade on vegetation and shellfish.
 - (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - (11) Impact of development on shoreline by linear feet and percent of site.
 - (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
 - (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in

which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

STAFF SUMMARY AND ANALYSIS

Use By exception; Restaurant

The applicant is proposing a 4,286 square foot restaurant within the subject property. This use by exception requires Planning & Zoning board approval. The applicant has provided a narrative with the application describing the use (attachment 1), as well as its impact on the general welfare of the community, the convenience of the request, the appearance of the proposed use, and its impact on public health and safety. Per the applicant, the restaurant will serve as a supplementary use to the existing marina to provide onsite dining options for marina workers, as well as provide enhanced landscaping, consistent with City Code, within the site. In addition to the restaurant, the applicant is proposing a commissary/prep area, detached bathrooms, and passive recreation options along the San Sebastian River.

The applicant has not provided hours of operation, however, given its relative isolation within the subject property, and the surrounding uses, the impacts from this restaurant will likely be minimal. Staff finds that the narrative provided by the applicant fairly and appropriately shows that the proposed use by exception will not have a detrimental effect on and will promote the public health, safety, welfare, convenience, appearance, prosperity or general welfare of the property and general area.

Conservation Overlay Zone 1 Development past the water line (dock, bulkhead, rip rap, dredging, wetland impact/mitigation).

The applicant is proposing multiple requests within Conservation Overlay Zone 1, these requests are outlined in the application and narrative (attachment 4). The requested actions include:

1. The construction of a twenty foot (20') by one hundred eighty-three (183') long access pier to a twelve-foot (12') wide by twelve hundred five foot (1,205') long dock running perpendicular to shore which will be approximately 20,538 sq. ft in area;
2. The placement/recognition of rip rap along 1,100 feet of shoreline (approx. .27 acres);
3. The recognition of an existing 1,136 linear foot seawall north of the rip rap;
4. Construction of a 395' bulkhead;
5. Approximately 0.24 acres of new dredging including 0.11 acres wetland impacts;
6. Approximately 0.09 acres of wetland mitigation/creation; and,
7. Approximately 5.40 acres of maintenance dredging.

A portion of the dock and riprap proposed with this request is to support a cantilevered dock (approximately 250 square feet) located over the state jurisdictional line to serve as a seating area for the proposed restaurant use in Conservation Overlay Zone 2.

The City does have a comprehensive plan requirement in CCM Policy 1.5 that the "City shall pursue no net loss of wetlands by both amount and type of community." There is a .02 acre deficit of wetlands impacts through the proposed dredging which would not be permissible given CCM Policy 1.5. The applicant has provided a Uniform Mitigation Assessment Method (UMAM) Report (included as a part of attachment 4) that shows the 0.11 acres of direct wetland impacts with the provided wetland mitigation of .092 acres results a total functional loss of wetlands at 0.055, also shown as a total functional gain unit (staff is not familiar with these units) of 0.055 as well. The applicant stated these numbers would indicate the potential ecological functional loss of the 0.11

acres of salt marsh being dredged and that the replacement 0.92 acres would be sufficient mitigation. The City Comprehensive Plan CCM Policy 1.5 does not consider ecological function loss, only type and amount for no net loss of wetlands. Staff is not comfortable making any determinations based on this information as the working knowledge of the UMAMs is low.

Conservation Overlay Zone 2, Development of the building & site improvements

The applicant is proposing a 4,286 square foot restaurant, kitchen/commissary, and detached bathrooms within Conservation Overlay Zone 2. The request does not pose a significant threat to adjacent systems, by the development the proposed restaurant would be required to comply with City Codes regarding site grading and stormwater management. The request does involve potential impacts to the adjacent salt marsh from the proposed cantilevered deck proposed within COZ 1 as a part of the restaurant deck (the restaurant is proposed to be in both COZ 1 & 2).

Staff has analyzed the Conservation Overlay Zone Requests below:

Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria (*Staff analysis in italics*)

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

(1) Site specific conditions:

The site is an established Marina Use that currently operates out of existing facilities on site.

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

It is located within a commercial area on the San Sebastian River where the neighboring property to the north is a Marine dependent use as well.

(3) Natural and proposed drainage patterns.

Drainage patterns currently flow overland, west to the San Sebastian river, while no drainage changes are proposed, if approved, the proposed restaurant will have to comply with City regulation regarding storm water management requirements.

(4) Effect of point and nonpoint discharge in the marine environment.

The proposed dock, rip-rap, and dredging would likely not impact the point source pollution from construction, but could increase them from use of the structure in a marina setting, the NOAA/ FL DEP Clean Marinas Program provides guidance on reducing these potential impacts. The proposed bulkhead & rip-rap could reduce non-point discharges into the environment.

(5) Proposed soil stabilization and erosion control methods.

This will be provided with construction plans and reviewed by City Staff for compliance with City Code.

(6) Impact on floodplain.

The impact to the floodplain is unknown, however, the lay out of the restaurant in an open-air style may minimize potential property damage when flooding occurs.

(7) Impact of development on vegetative and animal communities.

The construction of the proposed dock will pose negative impact on these communities during the construction process, but the long term impacts are unknown.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

There is always potential for impacts when there is a marina use located along the water, however best amendment practices in regarding to fueling near the water, promotion of Marine Sanitation Devices in vessels, providing pump out services and participating in the NOAA/FL DEP Clean Marinas Program could greatly reduce these risks.

- (9) Effect of shade on vegetation and shellfish.

Given the size of the proposed dock and extent of the proposed dredging there will be impacts to vegetation and the potential for impacts to any existing, established shell fish communities in the area, these impacts will be associated with the construction of the dock and performance of both new and maintenance dredging. Long term impacts are unknown.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

Shoreline erosion would be diminished with the installation of a bulkhead and riprap. The expansion and replacement of the commercial docks will likely increase boat traffic however the area is an established marina with existing commercial docks. The impact to manatees, vegetation, shellfish and wildlife may be increased during the construction process, however, there are guidelines from state and federal permitting agencies to reduce the impacts to these communities and habitats during construction. Long term impacts are unknown.

- (11) Impact of development on shoreline by linear feet and percent of site.

The proposed dock, riprap, bulk head, and existing seawall will impact nearly all of the shoreline along this property. The site, as it exists today is largely hardened along the shoreline with existing riprap and seawall.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Limited. This site is already developed with existing seawalls, commercial docks and riprap.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A, the site is a cleared area with little to no existing vegetation. The proposed development COZ 2 would improve the vegetation site.

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

There will be 0.24 acres of salt marsh dredged should this request be approved the applicant is proposing to mitigate 0.06 acres of wetlands at the southern portion of the property. This would result in a net loss in both amount and type, which is not permissible per the City Comprehensive Plan.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

From the applicant "All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable."

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
Unknown

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

Proposed dock appears to meet all standards, there are no boat lifts proposed, the dock will be a floating dock, and no structures are proposed on the dock.

Staff Rationale for Recommendations

- Staff recommends approval of the Use by Exception as the use will benefit the existing uses onsite and will promote the general welfare, convenience, appearance of the property and area.
 - Staff cannot recommend approval for the proposed dredging as it results in a net loss of wetlands in both amount and community. This could be approved if mitigation was proposed in equal amount or community, on a 1 for 1 basis, as a condition of approval.
 - Staff can recommend approval for the remaining conservation overlay request as they are proposed in support of and in accessory to the existing marina use and will enhance the working waterfront along the San Sebastian River.
-

STAFF RECOMMENDATION

- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception for a restaurant at 404 Riberia St. / located at 709 S. Ponce De Leon Boulevard.
- Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, place of a bulkhead, shoreline stabilization, performance of maintenance dredging, and wetland mitigation, with a condition of 1 for 1 replacement of all wetland impacts, within Conservation Overlay Zone 1 and the proposed restaurant within Conservation Overlay Zone 2 located at 709 S. Ponce De Leon Boulevard.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

ATTACHMENTS

Attachment 1 – Application & Narrative for Use by Exception

Attachment 2 – Site Plan, Parking Analysis, Traffic Analysis, Renderings

Attachment 3 – Property Appraiser Information

Attachment 4 – Application & Narrative for Conservation Overlay Development

Attachment 5 – Conservation Overlay Site Plans & Graphics

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application - Use by Exception

&

Location Map, Narrative

October 10, 2019

Tracey Mullins
Planning & Building Department
City of St. Augustine
75 King Street
St. Augustine, FL 32084

Re: City of St. Augustine Special Exception Application
Project Name: St. Augustine Marine Center
Restaurant
MDG Project No.: 19154.00

Dear Tracey:

Please see the attached Special Exception companion application for the St. Augustine Marine Center (Parcel ID 203540-0000) located at 404 Riberia Street in St. Augustine. The application is to allow for a restaurant use by Special Exception as well as provide for Conservation Overlay Zone approval. The applicant would like to redevelop a portion of the site to construct a restaurant, fish market, and fish processing plant. As part of this review request, the following attachments are included:

- \$330 Review Fee
- Application Form
- Owners Authorization Form
- Location Map
- Narrative for Restaurant Special Exception Request
- Overall Site Plan for Property including Parking Calculations for the Entire Site
- Restaurant Site Plan for Proposed Development Area
- Restaurant Site Elevation and Renderings
- Traffic Impact Study for the Proposed Restaurant Use
- Companion Conservation Overlay Draft Application Package

Thank you for your review of this property. If you have any questions or comments, please give me a call.

Sincerely,
Matthews Design Group



Shannon Acevedo, AICP
Senior Planner
904-826-1334
shannon@mdginc.com



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Shannon Acevedo Contact Number: 904-826-1334

Business (if applicable): Matthews Design Group

Address: 7 Waldo Street City: St. Augustine State: FL Zip: 32084

E-Mail Address: shannon@mdginc.com

2. NAME OF PROPERTY OWNER: Windward Marina St. Augustine South LLC Contact Number: 305-298-2967

Business (if applicable): St. Augustine Marine Center

Address: 1065 Kane Concourse Ste 201 City: Bay Harbour Islands State: FL Zip: 33154

E-Mail Address: Stefan Johansson <stefan@staugustinemarine.com>

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1 Block: 48

Subdivision: Riberia St. Parcel Number: 203540-0000

4. PROJECT STREET ADDRESS: 404 Riberia Street

5. SPECIFIC PROPOSED USE: Restaurant

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☒ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: This is a companion application to a Conservation Zone Development application

7. DESCRIPTION OF ACTION REQUESTED: This application is for an expansion of the St. Augustine Marine Center to

incorporate a restaurant with accessory structures for storage/food prep and bathrooms. There is also potential for a food truck to be included on site.

Park areas for recreating and enjoying the view of the San Sebastian River are also included on the site plan.

Materials for review include an overall site plan and a restaurant conceptual layout. An overview of parking for the site as a whole is included as well as an estimated trip generation for the new use. See the attached narrative for further explanation and detail.

8. JUSTIFICATION FOR ACTION REQUESTED: The requested special exception is in line with the

City of St. Augustine Code of Ordinances which seeks to protect the general welfare,

health, and safety of the public while promoting attributes such a convenience and

aesthetics. This application would provide for a small-scale restaurant that would offer

choice and convenience to the surrounding neighborhoods in a picturesque location

along the San Sebastian River while taking into consideration the general

welfare of the public. See the attached narrative for further explanation.

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. **PREVIOUS APPLICATIONS:**

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

A Friday review was submitted for the restaurant plan to city staff. The meeting was held 8/30/2019.

11. **AGREEMENT:**

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

Signature of Property Owner

Date

04/18/2019



Owner's Authorization For Agent

Matthews Design Group & Ryan Carter is/are hereby authorized TO ACT ON BEHALF OF Windward Marina St. Augustine South LLC, the owner(s) of those lands described within

☒ the attached application, or ☐ described within the previously filed

Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 404 Riberia Street, St. Augustine, FL

BY: _____

Signature of Owner

Stefan Johansson
Print Name of Owner

305 248 2467
Telephone Number

State of Fla

County of St. John

Signed and sworn before me on this 29th day of Oct, 2019

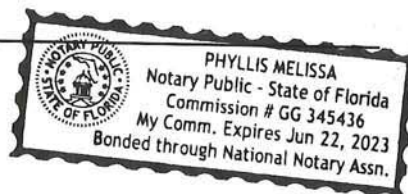
By Stefan Johansson

Identification verified: ☒

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____





**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

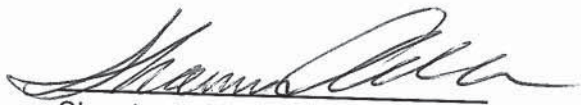
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Shannon Acevedo

Print name of applicant



Signature of applicant

10/9/2019

Date

LOCATION MAP



PO Box 3126 • 7 Waldo Street • St Augustine • FL • 32084
 Phone: 904.826.1334 • Fax: 904.826.4547
www.MDGinc.com

LOCATION MAP
 ST AUGUSTINE MARINE CENTER
 MDG# 19154

404 RIBERIA STREET
 ST. AUGUSTINE, FLORIDA 32084
 PINS: 203540-0010 & 203540-0000

St. Augustine Marine Center Restaurant Special Exception Narrative

This application requests a special exception to allow for a restaurant within an existing marina site zoned Industrial and Warehousing (IW). Section 28-226.3.b of the City of St. Augustine Code of Ordinances provides that service establishments including restaurants (drive-in or otherwise) are permissible uses by exception in the IW zoning district. The City Code defines “Exception” as a “use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.”

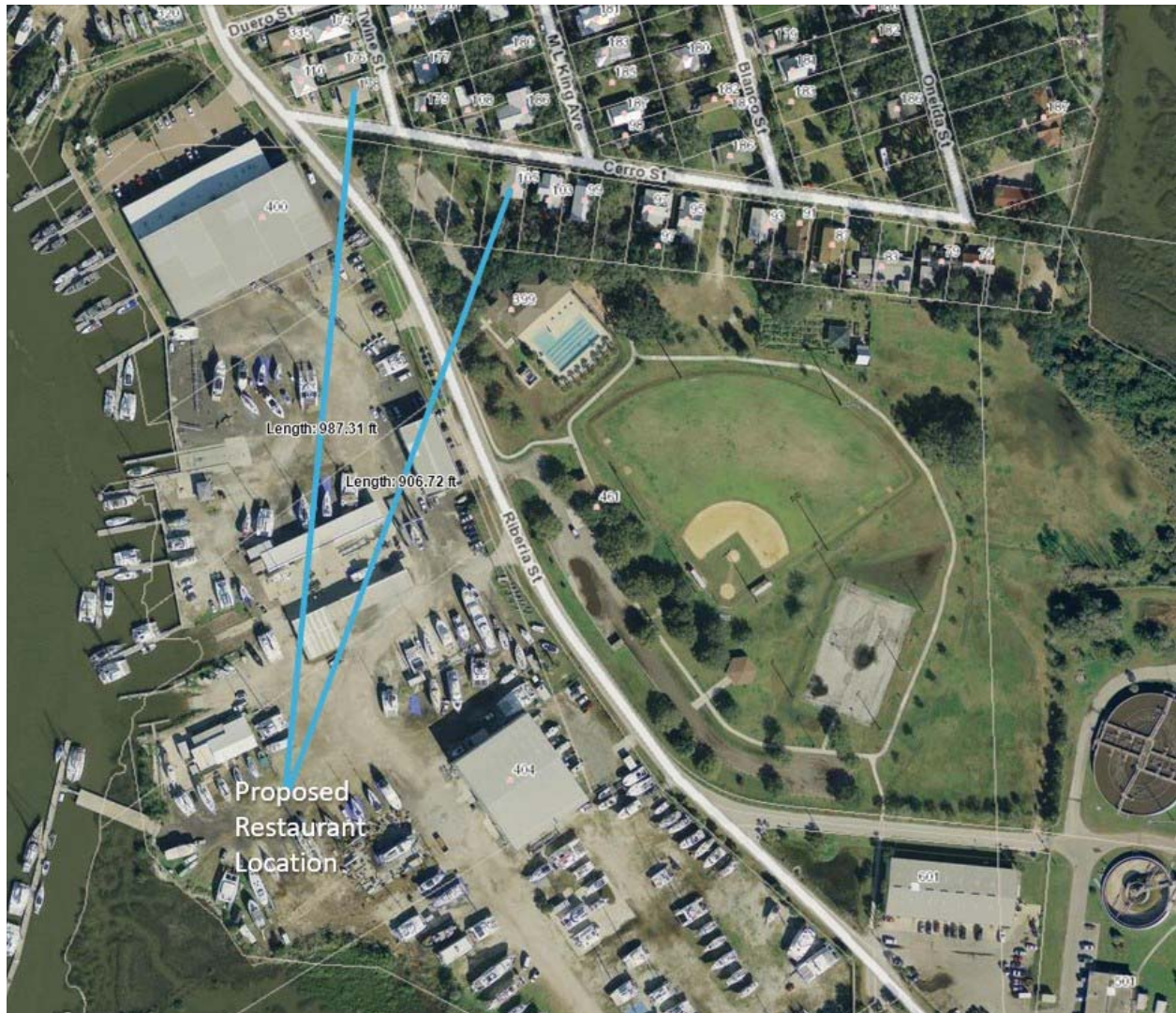
The property at 404 Iberia Street is an appropriate location for a restaurant and would be an asset to the public. The requested use for a restaurant would activate the space creating value for residents, boaters, and the community to enjoy a meal and drink with the view of the San Sebastian River. The site plan features a restaurant space, commissary/prep area, detached bathrooms, and generous areas of landscaping and passive park space that lends itself as a recreational amenity to an existing marina. Specifically, this narrative addresses the elements required to warrant this special exception request categorized by general welfare, convenience, appearance, and public health and safety.

General Welfare

St. Augustine is defined by its compact and active urban space, its historic quality, and its abundance of water-related recreational opportunities. The project site is within the Lincolnville CRA and is a neighbor to Eddie Vickers Park, the Willie Galimore Recreation Center, and Dr. Robert B. Hayling Freedom Park, making it an excellent location to offer a high-quality restaurant within an important historic and civic area of the city. Located within the Marine Industrial future land use designation, the St. Augustine Comprehensive Plan provides that in addition to traditional light manufacturing uses, this land use designation provides for marine-related business activities that facilitate the continuation of the historic marina industry within the City. This area of the city has at least 100 years of history in the shrimping and boat building industry and was a national leader in shrimp boating for decades. Today, the boating industry is alive and well offering opportunities to expand the site with ancillary goods and services. The proposed restaurant would be co-located on the same property that boasts the St. Augustine Marine Center and training facility which would augment the services available within the marina and cultivate the continuation of marine-related activity that has developed on the site. A portion of the site is also currently leased by the U.S. Customs and Border Patrol who plans to expand their training program to a service unique to this location.

The project area fills out the southwestern corner of the point where open lands separate the Matanzas River from the San Sebastian River with access to patrons from waterways and roadways. While the proposed restaurant location is close enough to easily serve residents within the nearby neighborhoods, it has ample distance from the nearest home as it is positioned within a larger IW development with at least 900 linear feet of distance between the proposed restaurant location and the nearest home as depicted in the figure below. The Galimore Recreation Center and several existing structures within the marine center site are positioned within this space. This means that potential impacts such as noise and activation of outdoor restaurant space should not negatively affect nearby residents. In fact, the passive

park areas depicted on the site plan will provide an amenity to patrons and nearby residents to enjoy the outdoors with an inviting atmosphere.



Convenience

Adding a restaurant to the St. Augustine Marine Center will be a convenient complementary service for the area. Its adjacency to the parks and community facilities would be an asset and attraction to park visitors. It would also be a convenience to residents of Lincolnville, as currently they are mostly limited to traveling downtown to eat out which can be challenging given the parking situation. The restaurant would be walking distance to this neighborhood. In addition, the restaurant will serve as a lunch option to employees at the Marine Center or nearby employees which can encourage fewer vehicle trips for those who work in the vicinity. The location would also be very convenient to boaters who can easily access the location via the San Sebastian River. In general, encouraging multi-modal opportunities for this destination will minimize impacts to vehicle traffic.

Appearance

The proposed waterside restaurant will create a vibrant, scenic vista along the San Sebastian River which is currently characterized by industrial uses. This would develop a property strategically located within the City to its fullest potential. The rendering below offers an airy, elegant view of the proposed restaurant which envisions a bar in the form of a boat in keeping with the marina ambience.



As shown on the attached site plan, ample space is dedicated as landscaping with low impact sitting areas planned around the perimeter of the main restaurant space. A total of 213 seats are planned for the development that are spread out among the restaurant pavilion and landscaped park areas throughout the site. Even parking areas are thoughtfully landscaped to maximize aesthetic quality. As can be seen on the overall site plan's base map, the area where the restaurant and associated parking is proposed is entirely impervious surface area. The landscaping proposed on the conceptual site plan will be a net gain in pervious area for the site as a whole and meets the intent of the landscape buffering regulations of the City of St. Augustine Code.

Public Health and Safety

The project will be developed with consideration to all city and applicable outside agency codes and requirements. As depicted on the site plan, a separate structure is designed to be the main food preparation and storage area supporting the restaurant which will meet all state and local health regulations.

Traffic circulation will meet the standards of the Comprehensive Plan. The attached traffic analysis provides the anticipated impacts for the project and the development will comply with this standard. Sufficient circulation is provided within the vehicle use area and provides for two-way traffic within drive aisles. The Applicant will work with City of St. Augustine staff throughout the development process to make improvements to Riberia Street commensurate with the net traffic impacts of the restaurant development and will ensure that sidewalks adequately connect Riberia Street to the development.

Parking areas will be paved, but patio areas are designed to be low impact employing crushed shell to minimize impacts to drainage. Handicap parking spots will be paved and meet ADA requirements and standards of the Florida Building Code.

Attachment 2
Property Appraiser Info



St. Johns County, FL

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2018 TRIM Notice

2018 TRIM Notice

2017 TRIM Notice

2017 TRIM Notice

Summary

Parcel ID	2035400000
Location	404 RIBERIA ST
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	Transit Terminal Riberial St (COM) (625.02)
Tax Description*	(1) (2) (3) (4) & (5) CITY OF ST AUG PT OF BLK 48 & PT LOT 1 OF MARSH LOTS W OF RIBERIA ST & PT IN OR449/223 - 715FT ON RIVER (STEEL BOAT PLANT) & PT OF BLK 48 INC MARSH TO RIVER 410FT IN RIVER (FIBER GLASS BOAT PLANT 1981 VALUATION 509110) (WOOD BOAT PLANT 1981 VALUATION 267050) (EX N PARCEL IN OR4502/454) OR4502/457
	*The Description above is not to be used on legal documents.
Property Use Code	Transit Terminals (2000)
Subdivision	City of St Augustine
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	30.150
Homestead	N

Owner Information

Owner Name	Windward Marina St Augustine South LLC 100%
Mailing Address	1065 KANE CONCOURSE STE 201 BAY HARBOUR ISLANDS, FL 33154-0000

Map



Valuation Information

	2019
Building Value	\$1,058,116
Extra Features Value	\$188,766
Total Land Value	\$2,198,657
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,445,539
Total Deferred	\$0
Assessed Value	\$3,445,539
Total Exemptions	\$0
Taxable Value	\$3,445,539

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$2,623,006	\$361,027	\$936,408	\$936,408	\$408,052	\$3,392,085	\$3,390,439	\$1,646	\$3,390,439
2017	\$2,304,137	\$377,217	\$936,408	\$936,408	\$408,052	\$3,089,406	\$2,973,914	\$115,492	\$2,973,914
2016	\$2,078,889	\$376,629	\$936,408	\$936,408	\$408,052	\$2,863,570	\$2,863,570	\$0	\$2,863,570
2015	\$2,124,402	\$379,074	\$936,408	\$936,408	\$408,052	\$2,911,528	\$2,911,528	\$0	\$2,911,528
2014	\$2,043,821	\$381,518	\$936,408	\$936,408	\$408,052	\$2,833,391	\$2,833,391	\$0	\$2,833,391
2013	\$2,076,635	\$383,860	\$936,408	\$936,408	\$408,052	\$2,868,547	\$2,868,547	\$0	\$2,868,547
2012	\$2,110,621	\$386,304	\$936,408	\$936,408	\$408,052	\$2,904,977	\$2,904,977	\$0	\$2,904,977
2011	\$1,940,278	\$305,475	\$1,040,453	\$1,040,453	\$408,052	\$2,653,805	\$2,653,805	\$0	\$2,653,805
2010	\$2,144,316	\$305,475	\$1,040,453	\$1,040,453	\$408,052	\$2,857,843	\$2,857,843	\$0	\$2,857,843

Building Information

Building 2
Actual Area 10978
Conditioned Area 0
Actual Year Built 1972
Use Warehousing - Flex Space
Style 06
Class N
Exterior Wall Aluminum Vinyl (mobile)

Roof Structure Steel Frame
Roof Cover Corrugated Steel
Interior Flooring Concrete Finish
Interior Wall Minimum
Heating Type None
Heating Fuel
Air Conditioning None
Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl (mobile)	100%
Roofing Structure	Steel Frame	100%
Roofing Cover	Corrugated Steel	100%
Interior Walls	Minimum	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	None	100%
Frame	Steel	100%
Plumbing	6 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Fair	100%

Description	Conditioned Area	Actual Area
CANOPY (COMMERCIAL)	0	1650
WAREHOUSE	0	4400
WAREHOUSE	0	4928
Total SqFt	0	10978

Building 3
Actual Area 3796
Conditioned Area 0
Actual Year Built 1980
Use Light Manufacturing
Style 06
Class N
Exterior Wall Concrete Block

Roof Structure Wood Truss
Roof Cover Corrugated Steel
Interior Flooring Concrete Finish
Interior Wall Minimum
Heating Type None
Heating Fuel
Air Conditioning None
Baths

Category	Type	Pct
----------	------	-----

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Corrugated Steel	100%
Interior Walls	Minimum	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	None	100%
Frame	Masonry	100%
Plumbing	3 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	864
WAREHOUSE	0	2260
UNFINISHED STORAGE	0	672
Total SqFt	0	3796

Building	6	Roof Structure	Saw Tooth
Actual Area	18750	Roof Cover	Corrugated Steel
Conditioned Area	0	Interior Flooring	Concrete Finish
Actual Year Built	1979	Interior Wall	Minimum
Use	Warehouse - Storage	Heating Type	None
Style	06	Heating Fuel	None
Class	N	Air Conditioning	None
Exterior Wall	Aluminum Vinyl	Baths	

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Saw Tooth	100%
Roofing Cover	Corrugated Steel	100%
Interior Walls	Minimum	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	None	100%
Frame	Steel	100%
Plumbing	5 Fixtures	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	18750
Total SqFt	0	18750

Building	8	Roof Structure	Steel Frame
Actual Area	10390	Roof Cover	Corrugated Steel
Conditioned Area	9500	Interior Flooring	Carpet, Concrete Finish
Actual Year Built	1996	Interior Wall	Drywall
Use	Office Buildings	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Aluminum Vinyl (mobile), Concrete Block	Baths	

Category	Type	Pct
Exterior Wall	Aluminum Vinyl (mobile)	70%
Exterior Wall	Concrete Block	30%
Roofing Structure	Steel Frame	100%
Roofing Cover	Corrugated Steel	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	30%
Interior Flooring	Concrete Finish	70%
Heating Type	Air Duct	100%

Category	Type	Pct
Air Conditioning	Central	100%
Frame	Steel	100%
Plumbing	10 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
OUTSIDE STAIRS	0	75
FINISHED UPPER STORY	5000	5000
SEMI-FINISHED BASE	2000	2500
BASE AREA	2500	2500
FINISHED DECK	0	200
OUTSIDE STAIRS	0	75
FINISHED DECK	0	20
FINISHED DECK	0	20
Total SqFt	9500	10390

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Miscellaneous Item	0	0	0	0	1
Storage Building	0	19	9	0	171
Boat Dock (Average)	0	122	21	0	2684
Concrete Paving	0	0	0	0	20042
Metal Fence 6'	0	0	0	0	2120
Implement Shed	0	0	0	0	160
Sprinkler Wet	0	0	0	0	18750
Steel Door	0	0	0	0	144
Steel Door	0	0	0	0	400
Bulkhead (High)	0	272	8	0	2880
Brick Pavers (1001-3000)	0	0	0	0	1628

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	627264	SF	\$2,195,424
Rivers, Lakes & Submerged Lands	0	0	0.37	AC	\$185
Marshes & Tidal Lands	0	0	12.19	AC	\$3,048

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/13/2018	2/8/2018	\$4,300,000.00	WD	4502	457	U	I	W J DEVELOPMENT CORP	WINDWARD MARINA ST AUGUSTINE SOUTH LLC
4/13/2012	4/13/2012	\$0.00	LP	3548	700	U	I	FLORIDA MECHANICAL SYSTEMS INC VS:	W J DEVELOPMENT CORP
	8/1/1990	\$0.00		868	1020	U	I		W J DEVELOPMENT CORP

Area Sales Report

Recent Sales in Area

Sketch Information



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

Summary

Parcel ID 2035400010
Location 400 RIBERIA ST
Address SAINT AUGUSTINE 32084-0000
Neighborhood Transit Terminal Riberial St (COM) (625.02)
Tax Description* (1) & (2) CITY OF ST AUGUSTINE MARSH LOTS WEST OF RIBERIA LOTS 1 & PT OF LOT 2 (EX PT TO COSA IN DB102/410 LESS OR449/223 449/371 458/377 & 1942/1906) OR4502/454
**The Description above is not to be used on legal documents.*
Property Use Transit Terminals (2000)
Code
Subdivision City of St Augustine
Sec/Twp/Rng 19-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 3.190
Homestead N

Owner Information

Owner Name Windward Marina St Augustine North LLC 100%
Mailing Address 1065 KANE CONCOURSE STE 201
 BAY HARBOUR ISLANDS, FL 33154-0000

Map



Valuation Information

	2019
Building Value	\$1,114,842
Extra Features Value	\$130,205
Total Land Value	\$657,841
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,902,888
Total Deferred	\$0
Assessed Value	\$1,902,888
Total Exemptions	\$0
Taxable Value	\$1,902,888

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$263,187	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

Building	1	Roof Structure	Saw Tooth
Actual Area	30000	Roof Cover	Modular Metal
Conditioned Area	0	Interior Flooring	Concrete Finish
Actual Year Built	2007	Interior Wall	N/A
Use	Open Hangars	Heating Type	None
Style	06	Heating Fuel	
Class	N	Air Conditioning	N/A
Exterior Wall	Modular Metal	Baths	

Category	Type	Pct
Exterior Wall	Modular Metal	100%
Roofing Structure	Saw Tooth	100%
Roofing Cover	Modular Metal	100%
Interior Walls	N/A	100%
Frame	Steel	100%
Electrical	Minimum	100%
Foundation	Concrete Slab	100%
Condition	Fair	100%
Insulation	4" Fiberglass	100%
Interior Flooring	Concrete Finish	100%
Heating Type	None	100%
Air Conditioning	N/A	100%

Description	Conditioned Area	Actual Area
WAREHOUSE	0	30000
Total SqFt	0	30000

Building	2	Roof Structure	Steel Frame
Actual Area	10500	Roof Cover	Modular Metal
Conditioned Area	10500	Interior Flooring	Concrete Finish
Actual Year Built	2008	Interior Wall	Drywall
Use	Office Buildings	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Face Brick, Prefinish Metal	Baths	

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Steel	100%
Exterior Wall	Face Brick	10%
Exterior Wall	Prefinish Metal	90%
Roofing Structure	Steel Frame	100%
Roofing Cover	Modular Metal	100%
Interior Flooring	Concrete Finish	100%
Interior Walls	Drywall	100%
Insulation	2" Fiberglass	100%
Electrical	Average	100%
Plumbing	14 Fixtures	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
BASE AREA	10500	10500
Total SqFt	10500	10500

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Sprinkler Wet	0	0	0	0	10500
Sprinkler Wet	1	0	0	0	30000
Steel Door	2	12	14	0	1008
Curb	2	370	0	0	370
Brick Pavers (3001-9999)	2	0	0	0	20830
Metal Fence 4'	2	0	0	0	285
Metal Fence 6'	2	0	0	0	328

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	131551.2	SF	\$657,756
Rivers, Lakes & Submerged Lands	0	0	0.17	AC	\$85

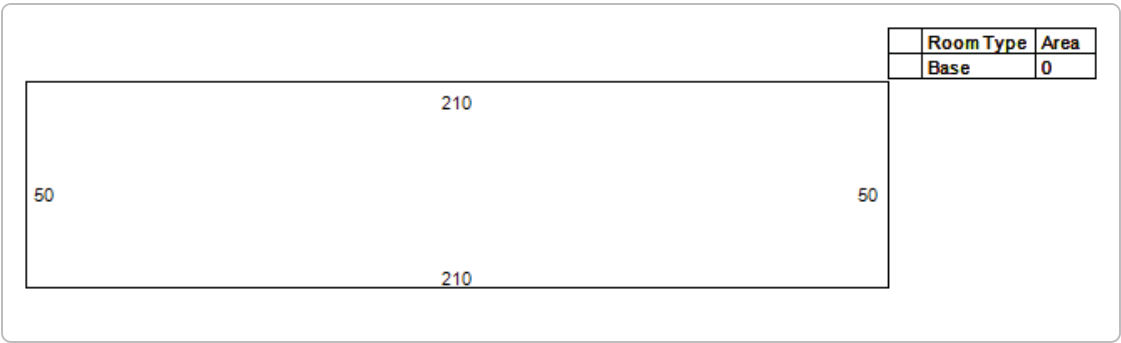
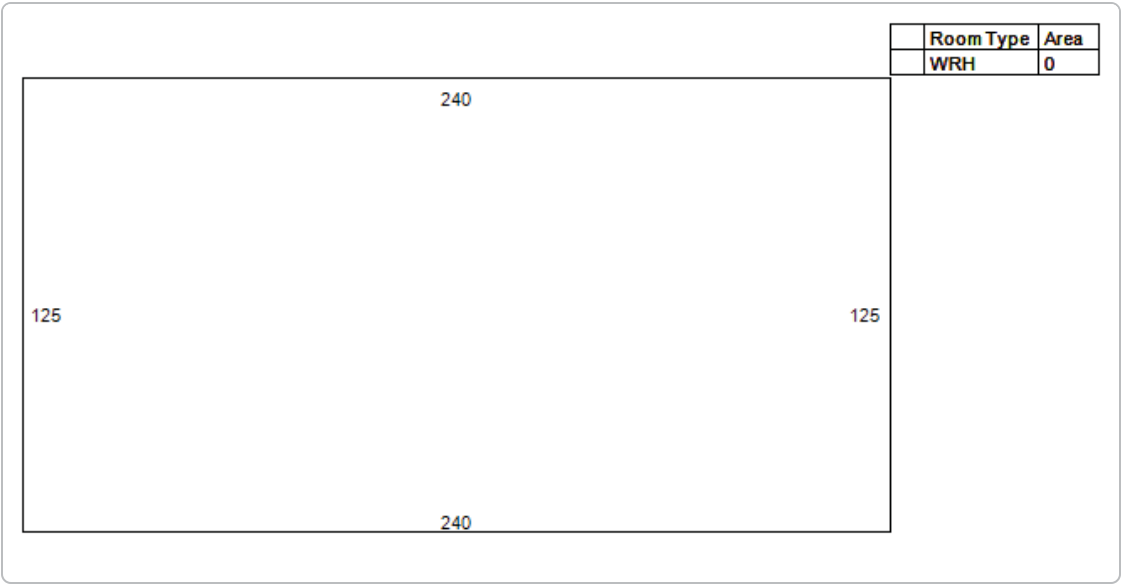
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/13/2018	2/8/2018	\$1,200,000.00	WD	4502	454	U	I	W J DEVELOPMENT CORP	WINDWARD MARINA ST AUGUSTINE NORTH LLC
	8/1/1990	\$0.00		868	1020	U	I		W J DEVELOPMENT CORP

Area Sales Report

Recent Sales in Area

Sketch Information

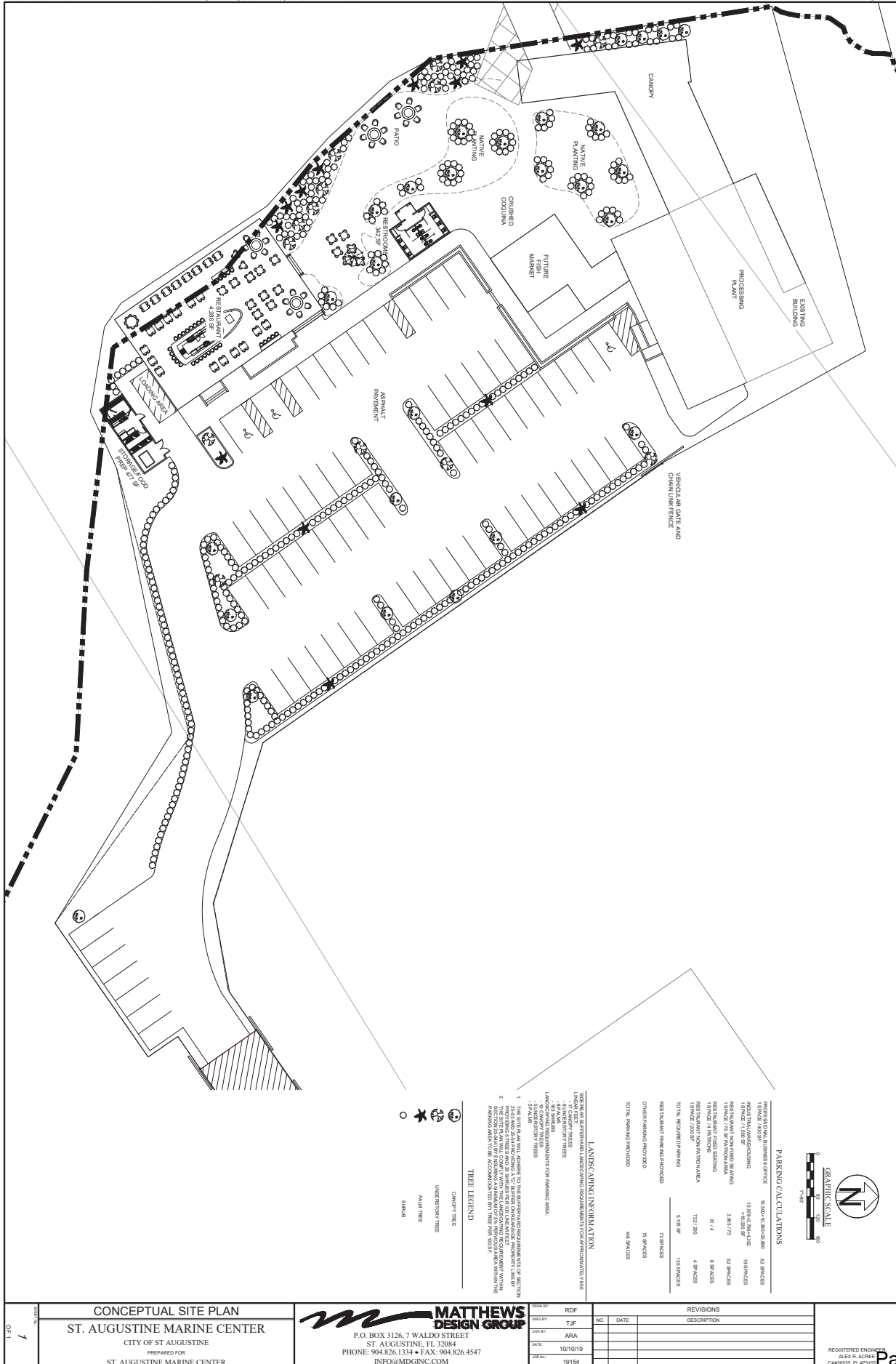


No data available for the following modules: 2018 TRIM Notice, 2017 TRIM Notice, Exemption Information.

Attachment 3

Site Plan, Parking Analysis,
Traffic Analysis, Project Renderings



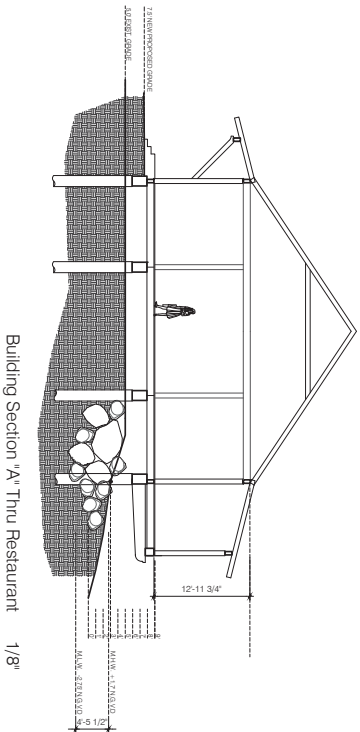




PROJECT | No. 8022
St. Augustine Marine Center
St. Augustine, Florida

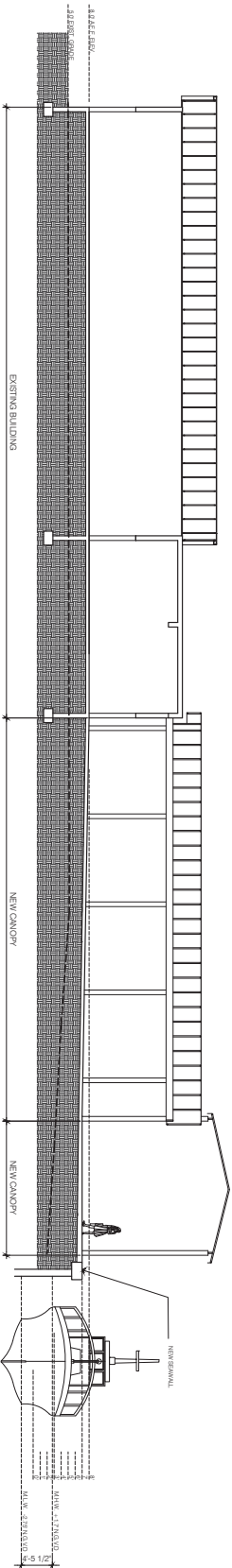
OWNER

REVISIONS	
DATE	DESCRIPTION
11/15/18	OWNER REVIEW
11/26/18	OWNER REVIEW
05/24/19	OWNER REVIEW
06/17/19	OWNER REVIEW



Building Section "A" Thru Restaurant 1/8"

FINISH COVERING | A6 - 97716



Building Section "B" Thru Day Boat Building 1/8"

LOG VINYL | A6 - 13513

VC vitalincozzini
ARCHITECTS
200 ANNO ROAD, SUITE 200, COVINGTON, LA 70044
504.835.1100
WWW.VITALINCOZZINIARCHITECTS.COM

SHEET NO.
A-600



Storage Building Front (West) Elevation 1/4"



Storage Building Sides Elevations 1/4"



Storage Building Rear (East) Elevation 1/4"



PROJECT | No. 30022
St. Augustine Marine Center
4088th Street
St. Augustine, Florida

OWNER
Winward Marina St. Augustine
Holdings, LLC
4088th Street
St. Augustine, Florida

REVISIONS	
NO.	DATE
1	11/19/18
2	11/19/18
3	06/04/19
4	06/17/19
5	07/26/19
6	08/06/19
7	08/06/19
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18	
19	
20	

PREPARED BY | JAR - 8/17/18

DATE PLOTTED | 8/8 - 10/13

VC Vitalinico Razzini
ARCHITECTS
3500 Kingsway Avenue, Suite 200 | Coral Gables, FL 33134
Tel: 305.367.0020 | Fax: 305.444.3771
www.vitalinico.com | info@vitalinico.com

SHEET NO. | A-402



View 3 - Restaurant and Bathrooms Building from Park Area



View 4 - Birdseye of Proposed Improvements



PROJECT | No. 30022
St. Augustine Marine Center
401 East Duval Street
St. Augustine, Florida

OWNER
Winward Marina St. Augustine
Holdings, LLC
401 East Duval Street
St. Augustine, Florida

REVISIONS	
NO.	DESCRIPTION
1	OWNER REVIEW
2	OWNER REVIEW
3	OWNER REVIEW
4	OWNER REVIEW
5	OWNER REVIEW
6	OWNER REVIEW
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9	OWNER REVIEW
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99	OWNER REVIEW
100	OWNER REVIEW

PARKING LOT | JAN. 2018

LANDSCAPE | APR. 2013

VC
vitalinico
RAZZINI
ARCHITECTS
300 N. Duval Street, Suite 200 | St. Augustine, FL 32084
Tel: 321.281.1000 | Fax: 321.281.1001
www.vitalinico.com | Email: info@vitalinico.com

SHEET NO. | A-405

Marina Restaurant Traffic Impact Study

The project is accessed from Iberia Street which is classified as an Urban Collector moving south until it intersects with South Street at which point it loses the Urban Collector status according to the St. Augustine Roadway Classification System. The City of St. Augustine Comprehensive Plan establishes a level of service standard of “D” for Collectors for both average daily traffic and peak hour traffic.

The proposed restaurant will be incorporated into the existing Marine Center site at 404 Iberia Street. With an estimated footprint of 4,763 square feet (including restaurant itself and separate storage/prep area), the restaurant is expected to generate 37.2 PM Peak Hour weekday trips. This is based on a rate of 7.8 PM Peak Hour weekday trips per 1,000 square feet of space for a Quality Restaurant under the land use classification 931 of the 10th Edition ITE Trip Generation Manual. For a given Saturday, the restaurant is expected to generate 50.9 PM Peak Hour trips at a rate of 10.68 trips per 1,000 square feet.

It is important to note that the proposed restaurant is intended to market to existing employees of the St. Augustine Marine Center and nearby residents to provide another lunch option that negates the need to get in a car. As such, some internal capture is anticipated as well as a mix of transportation modes in the trip generation.

ST. AUGUSTINE MARINE CENTER OVERALL SITE:
BUILDING FOOTPRINT AND PARKING STUDY

SITE DATA TABLE

Total Site Area:	33.34 acres (1,542,290 sf)
Existing Buildings:	
Hangar Building	30,000 sf
Marine Center Building	10,500 sf
Steel Warehouse Building	10,978 sf
Concrete Warehouse Building	3,796 sf
Existing Partially Open Structure	18,750 sf
Marine Center 2-story Office Building	10,390 sf
Total Existing Buildings:	84,414 sf
Proposed Buildings:	
Proposed Restaurant:	4,763 sf
Proposed Fish Market and Processing Plant:	
8,048 sf total (expansion of Concrete Warehouse Building)	4,252 sf
Total Proposed Buildings:	9,015 sf

PARKING TABLE

Use and Parking Rate	Square Feet	Parking Spaces Required
Professional Business Office 1 space/400 sf	$10,500 + 10,390 = 20,890$ sf	52
Industrial/Warehousing 1 space/1,000 sf	$10,978 + 3,796 + 4,252 = 19,026$ sf	19
Restaurant non-fixed seating: 1 space/75 sf patron area	3,903/75	52
Restaurant fixed seating: 1 space/4 patrons	31/4	8
Restaurant non-patron area: 1 space/200 sf	722/200	4
Total Required Parking:		135

Parking Provided:

Restaurant Parking	73 spaces
Other Parking	75 spaces
Total Parking Provided:	148 spaces

Attachment 4
Neighborhood
Meeting Summary

Lincolnville Neighborhood Meeting for the St. Augustine Marine Center Restaurant

The project team for the St. Augustine Marine Center Restaurant application held a neighborhood meeting on November 5th, 2019 at the Willie Galimore Community Center. The purpose of the meeting was to inform the Lincolnville neighborhood of the plan for a restaurant use within the St. Augustine Marine Center site at 404 Riberia Street and receive feedback and answer questions from the community. The meeting was well attended; a list of 15 neighbors who signed in is attached, but there may have been some additional folks who did not sign in. The project team in attendance included:

St. Augustine Marine Center

Stefan Johansson, Owner

Paulina Johansson, Project Manager

Steve Mask, General Manager, St. Augustine Marine Center

Logan Hooper, General Manager, St. Augustine Shipyard

Matthews Design Group

Shannon Acevedo, Senior Planner

Scott Knowles, Senior Project Manager

An overview was presented briefly to describe the scale, character, and reasons for developing a restaurant at the St. Augustine Marine Center. Renderings of the restaurant were displayed as well as the site plan for the restaurant itself. An overall site plan for the Marine Center was also displayed depicting and associated dock and fish market development planned for the site.

Discussion included the topics of traffic, pedestrian access, type of restaurant proposed, potential noise impact, safety, parking, and the planned fish market and docks proposed. The project team emphasized that the waterfront restaurant will be interior to the site and is motivated by a desire to provide a lunch option to the employees who work on site, as well as provide for a nice venue for dinner and drinks. Vehicle traffic is anticipated to be low for a typical restaurant given the location and its intended accessory use to the primary marine industry functions on-site. However, the restaurant will be open to the public and the neighborhood is encouraged to come. Hours of operation were briefly discussed with an intention to open at noon and close around 10 pm on weekdays with the potential to be open until 12 am on weekends. Hours of operation will depend on the market needs. The project team reiterated the number of parking spaces and seats proposed on the site plan to give a sense of scale. Food is anticipated to be casual and the menu and service may change to respond to market changes with the season and holidays throughout the year. Logical sidewalk connections along Riberia Street were discussed and the team confirmed that the site will be accessed by sidewalk to encourage pedestrian use. Noise is not anticipated to be an issue given the location is interior to the site that already operates with machinery that would be louder than that generated by a restaurant. The use of the docks and operations of the forthcoming fish market were discussed. The owner replied that the proposed dock will be used for 20 longboats, and the overall vision is to optimize the potential for a proper working waterfront that promotes sustainable fishing.

Tuesday, November 5th, 2019 at 6PM
Willie Galimore Community Center

Name (please print)	Address	☒ Check if you would like future updates for this project	Email	Phone Number
Sue Agresta	168 ONLY RD SE.	☒	SAGRESTA@carcast.net	904-277-0624
Rory Hermann, Marilyn	121 De Haven	☒	patrickh@gmail.com	904-982-5989
Sharon Green	13d Turner St	☒	sgreen8311@gmail.com	407 730 1871
Steve & Leila Seibert	95 Park Pl	☒	seibert3pac@bellsouth.net	
Al & Kris Graco	91 Duero St	☒	Demeter151@aol.com	631-664-3197
Kathleen Brathman	108 Penna	☒	barbara.1247@aol.com	
George Ellis	108 Cerna	☒	vgeellis@loaestuda.net	

Tuesday, November 5th, 2019 at 6PM
Willie Galimore Community Center

[illegible]

Attachment 5
Conservation Overlay Zone
Application & Narrative

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No. _____

Receipt No. _____

Meeting Date: _____

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786
Business (if applicable): Matthews Design Group
Address: 7 Waldo Street City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Windward Marina St. Augustine LLC Daytime Telephone: _____
Business (if applicable): _____
Address: 1065 Kane Concourse Ste 201 City: Bay Harbour Islands State: FL Zip: 33154

3. LEGAL DESCRIPTION OF PROJECT PROPERTY
Lot: 1 Block: 48
Subdivision: Riberia St. Parcel Number: 203540-0000

4. PROJECT STREET ADDRESS: 400 and 404 Riberia St.

5. SPECIFIC PROPOSED USE: Marina

6. ACTION REQUESTED
☐ Exception ☐ Appeal of Staff Determination
☐ Rezoning ☐ Variance
☐ Land Use Plan Amendment ☒ Conservation Zone Development
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

This is a companion application to a Conservation Zone Development application

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12.


Signature of Applicant

7-24-19
Date

13.

Signature of Property Owner

Date

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

7-24-19

Date

**St. Augustine Marine Center Re-Development
Overlay Zone Development Application Supplement
July 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development application for the re-development of St. Augustine Marine Center located at 400 and 404 Riberia Street.

The St. Augustine Marine Center currently offers a wide array of marine repair services, sales, and dockage for day use and liveaboards. It is also home to the U.S. Customs & Border Protection National Marine Training Center. In addition to the existing services, the business wishes to add a commercial fish dock, processing facility and market, food trucks, outdoor restaurant/bar and expanded dockage, making this a truly diverse working waterfront.

To accomplish these goals, modifications to the dockage, shoreline stabilization and dredging is requested. These modifications can be seen in the attached graphics depicting the changes that will be requested to the existing State and Federal permits. To mitigate for these works, the applicant proposes wetland creation located at the southern portion of the property.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. The proposed works will have a benefit to the public as a whole.

The public will be able access the new commercial development via the water and land. Patrons will be able to visit the new fish market and take-home fresh fish for dinner, relax at the bar or grab a quick eat at one of the food trucks or fish market while enjoying St. Augustine's historic San Sebastian River waterfront.

2. The proposed works will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.

Salt marsh creation is proposed at the southern end of the property so there will be no net loss of ecological function.

3. The proposed works will not block or disrupt any vista or scenic opportunities.

The proposed property renovations will update the appearance of the property which will increase aesthetic value.

4. *The proposed works will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The public is welcome to come visit and enjoy the new revitalized working waterfront.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

The project is located on the San Sebastian River along the existing developed waterfront.

The reconfiguration of dockage and shoreline stabilization (bulkhead/rip-rap) is requested to meet the business's needs. Part of this includes a cantilevered deck (250 ft²) over the salt marsh for the proposed outdoor bar. We're requesting minor dredging to accommodate the loading and unloading of the two approximate 90 foot commercial fishing boats for the fish market.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is situated between Riberia St. (east) and the San Sebastian River (west). Commercial property exists to the north and salt marsh to the south.

3. *Natural and proposed drainage patterns.*

Drainage naturally flows overland to the west, no changes in drainage are proposed.

4. *Effect of point and non-point discharge in the marine environment.*

There is no effect of point or non-point discharge into the marine environment from the proposed dockage.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, but impacts will be temporary, and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Shoreline vegetation will remain mostly undisturbed during construction. Placement of additional 1,900 ft² of rip-rap to reach proper elevation for the waterfront outdoor bar will impact some *Spartina* spp. These will be mitigated for via wetland creation.

Lighting of the open water areas at night: Lighting will remain consistent with the current approved lighting.

Increased noise from day users: The property is adjacent to other commercial uses – both on land and along the River. Noise from pedestrians using the facility will have a minimal impact.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

No contaminated drainage will be allowed. Storage of pollutants or the use of poisonous chemicals and materials will remain consistent and contained within the existing boat repair and service areas, and are handled and disposed of in accordance with all laws and regulations.

9. *Effect of shade on vegetation and shellfish.*

The additional 900 ft² for the large access pier and 250 ft² of cantilevered deck associated with the bar will be built high enough to allow plenty of sunlight for existing vegetation.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The surrounding waterway is already heavily trafficked and the proposed works should pose no new threat to manatees, vegetation, shellfish and wildlife, or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Figures 5A and 5B depict the requested reconfigurations to shoreline stabilization. No additional natural shoreline will be affected by these works.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

The proposed works will enhance the vistas over the San Sebastian River compared to the existing shoreline.

13. Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

Existing native plants will be retained as much as possible and greater than 50% of species used in landscaping will be native.

14. Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal impacts are anticipated as part of this proposed retaining wall.

15. Impact of development on water quality.

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable.

16. Impact of development on shellfish and on commercial and sport fish and waterfowl.

- a) The effects of the proposed works on commercial and sport fish are as follows:

Positive: None

Negative: None

- b) The effects of the proposed works on shellfish are as follows:

Positive: Potential for colonization on new surfaces

Negative: Potential loss from dredging or removal of old structures serving as a substrate.

- c) The effects of the proposed works on water fowl are as follows:

Positive: None

Negative: None

17. Specific conditions applicable to docks.

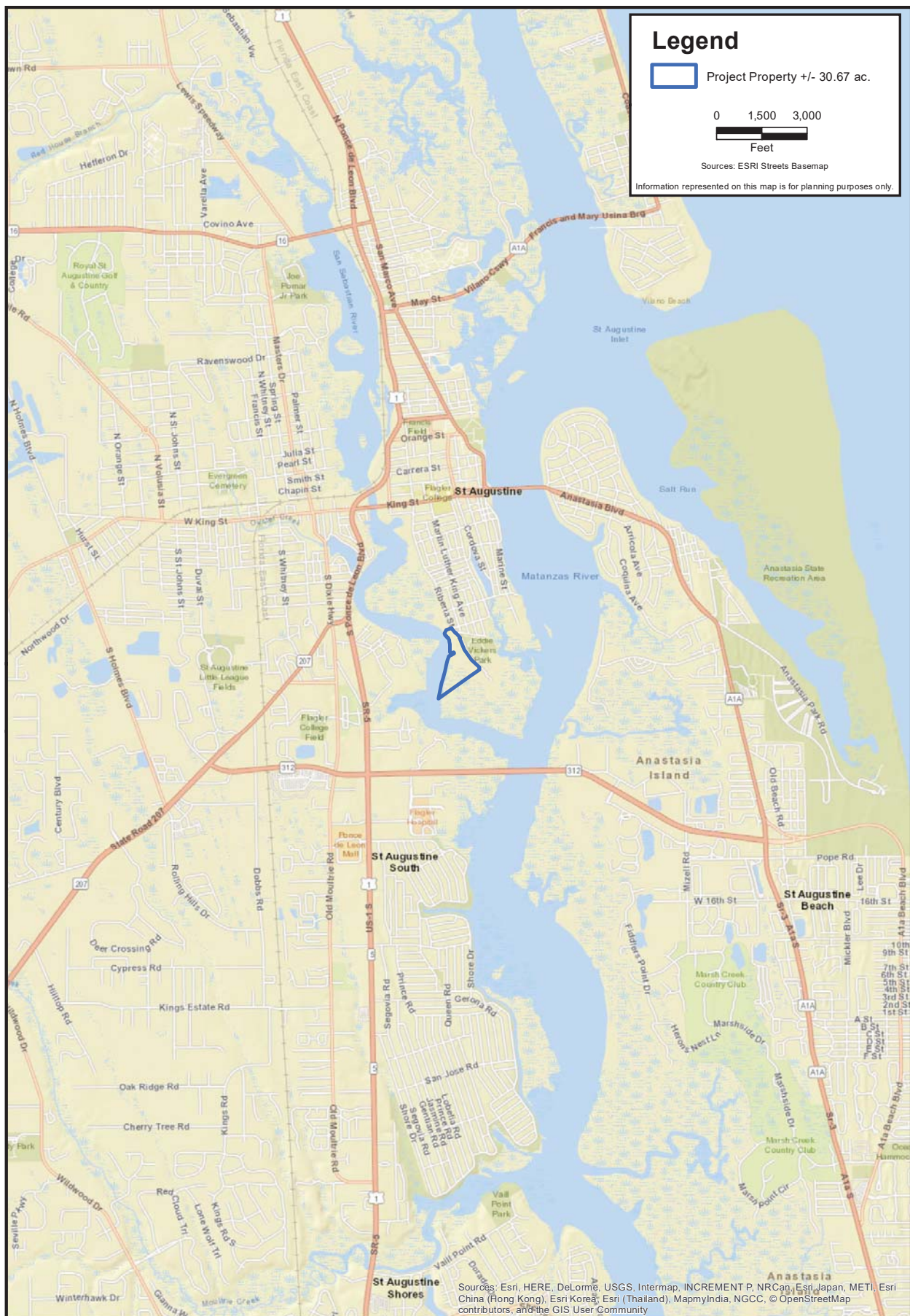
- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*
- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

Not applicable

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable

Attachment 6
COZ Site Plan &
Figures, UMAM
Report



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

St. Augustine Marine Center

St. Augustine, Florida

Project: 5.17045

Date: Jun 25 2019

Figure: 1



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

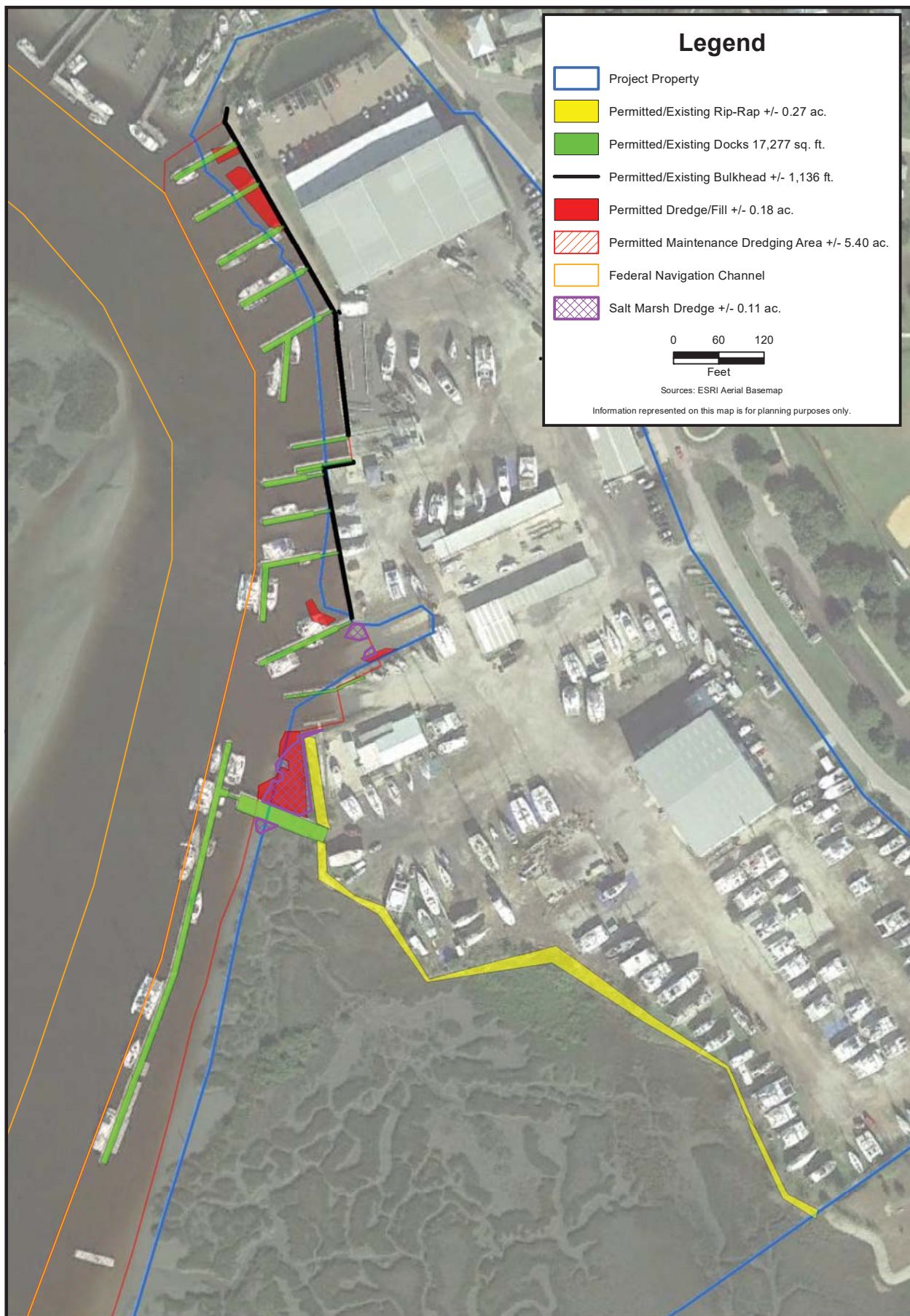
www.carterenv.com

Aerial Map
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Jun 25 2019

Figure: 2



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

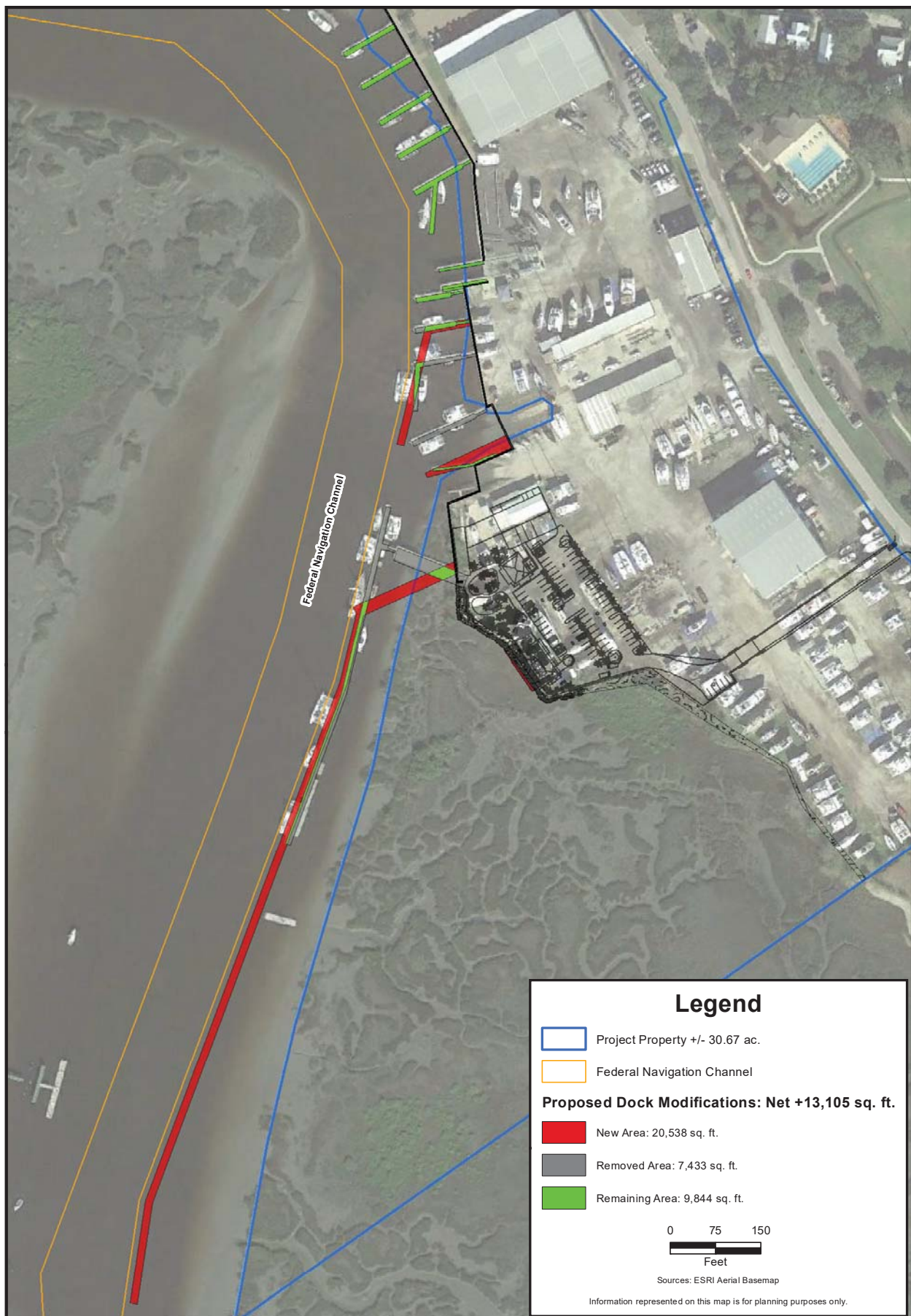
www.carterenv.com

Existing/Permitted Works Overview
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: 3



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

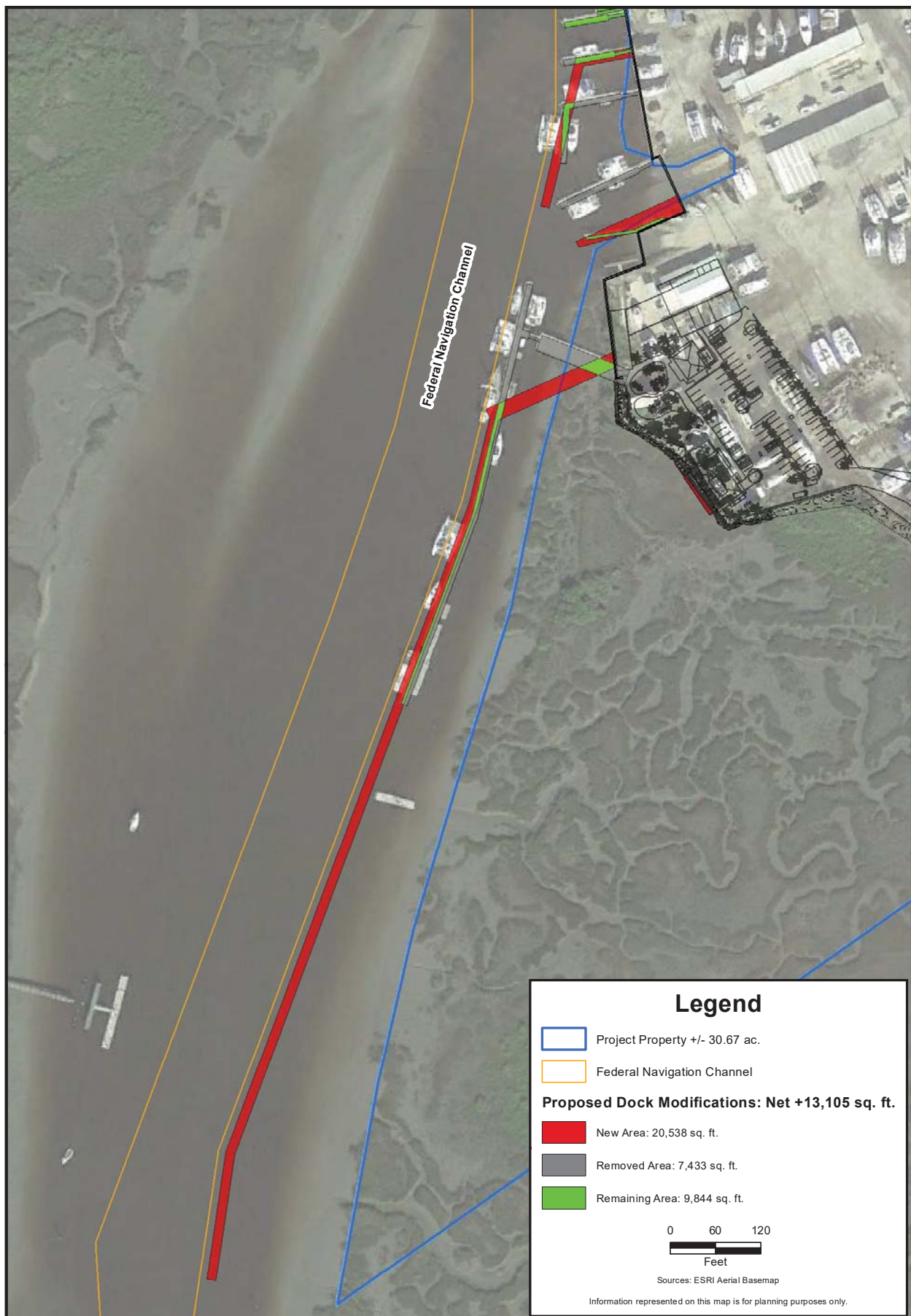
www.carterenv.com

Proposed Docks Modification
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Jun 25 2019

Figure: **4A**



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

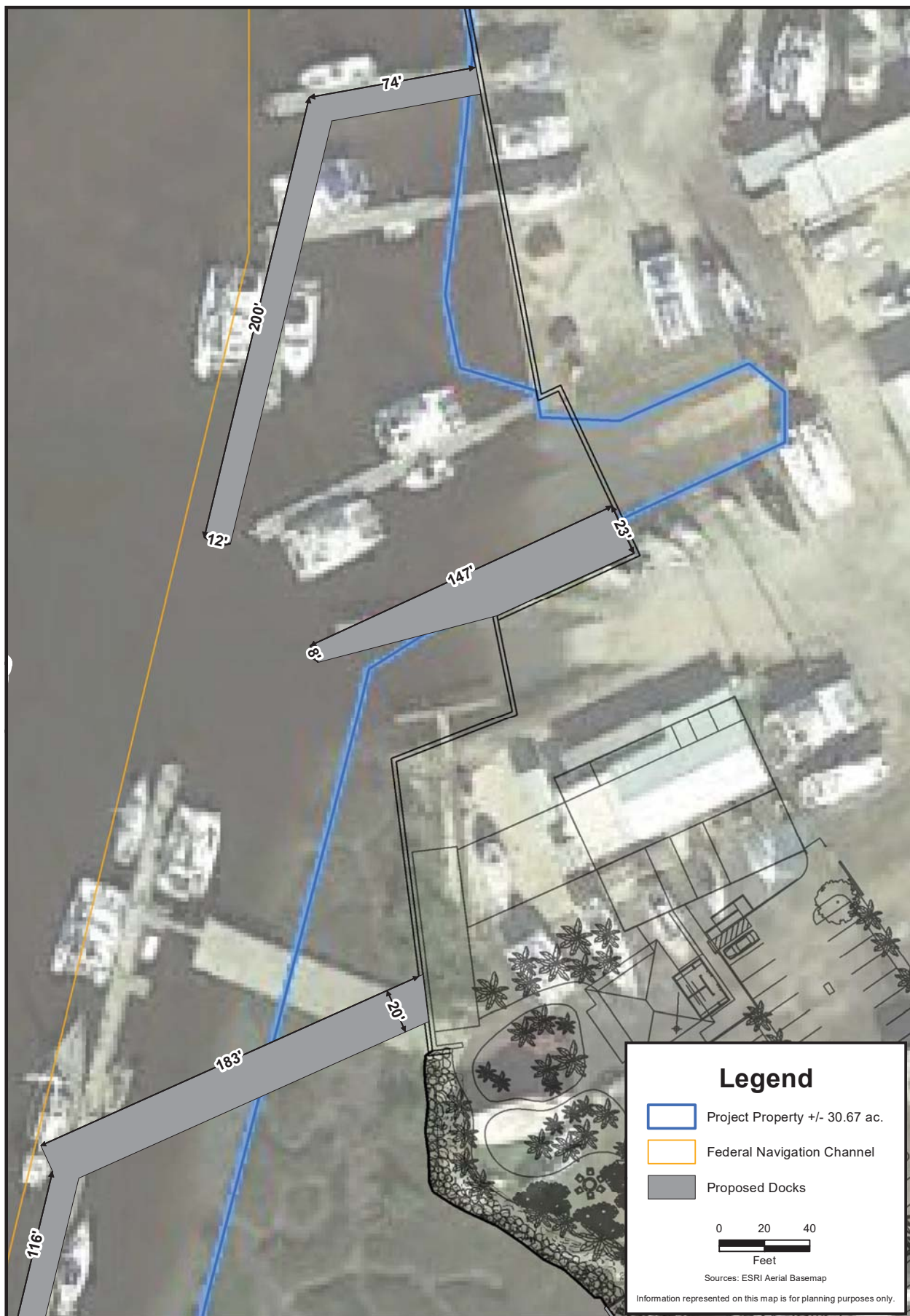
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Docks Modification
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Jun 25 2019

Figure: **4B**



CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Dock Dimensions - North
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: **4C**



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Dock Dimensions - South
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: **4D**



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Permitted/Existing Shoreline Stabilization

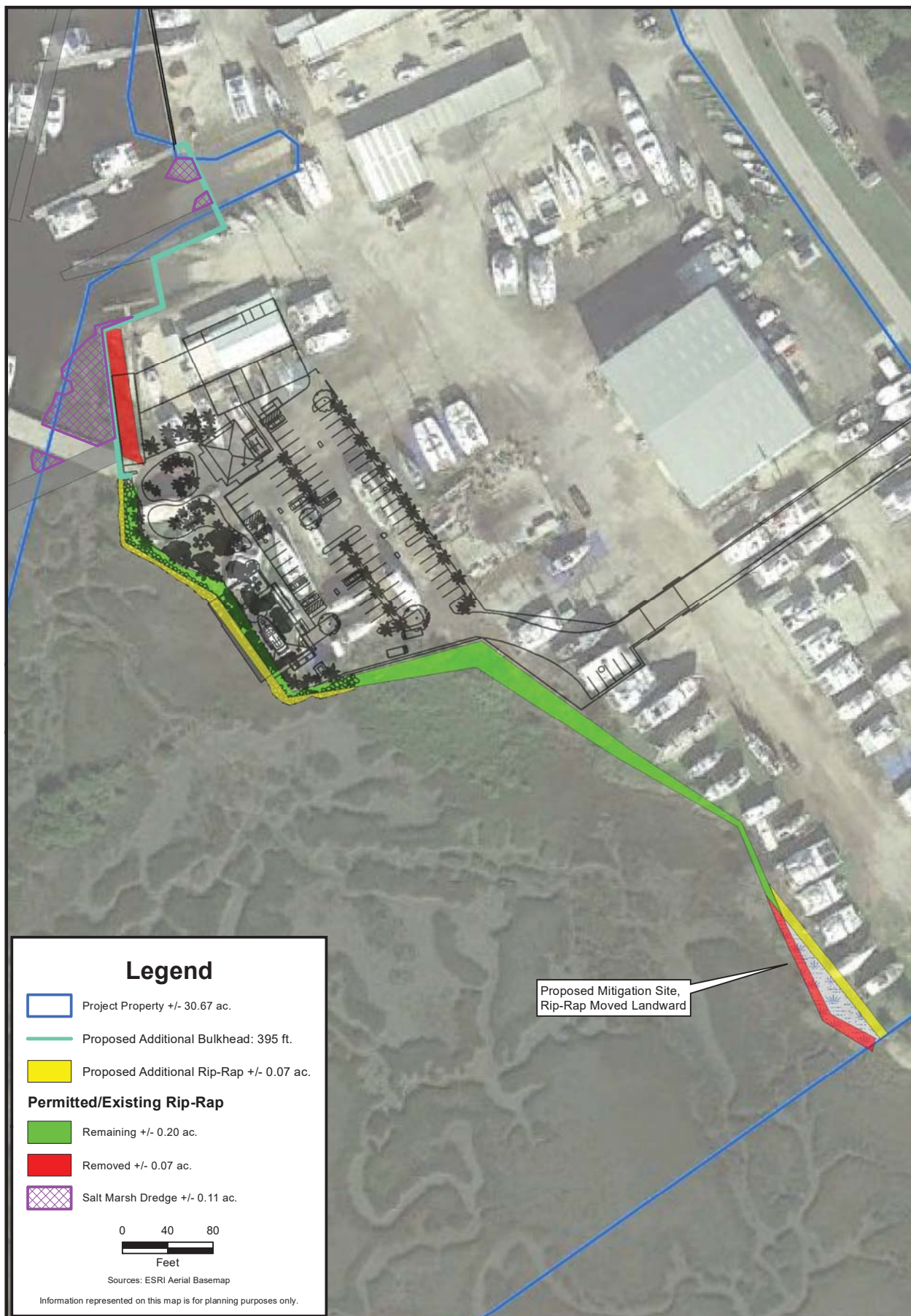
St. Augustine Marine Center

St. Augustine, Florida

Project: 5.17045

Date: Jun 25 2019

Figure: **5A**



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

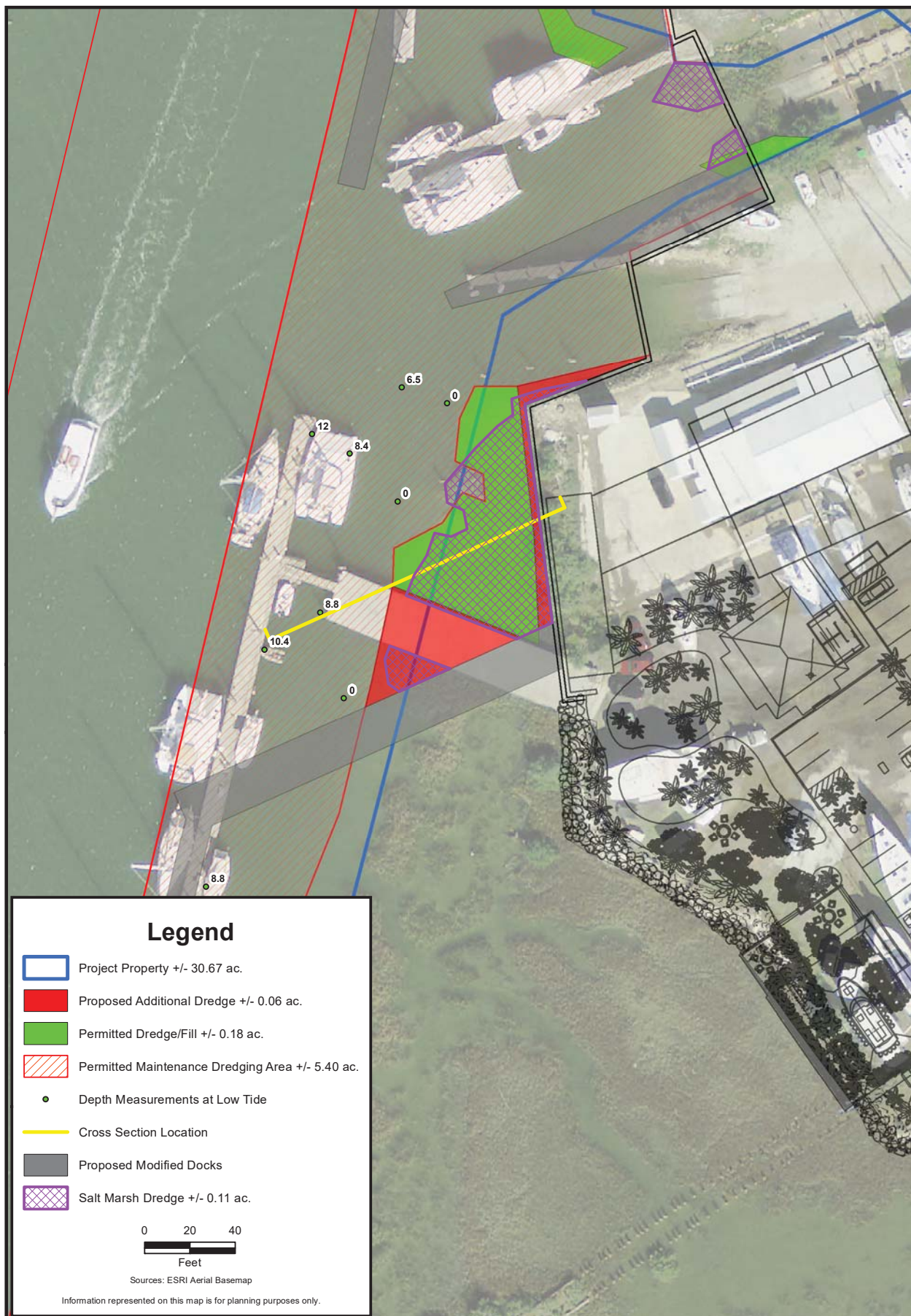
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Shoreline Modifications
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: **5B**



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dredge Modifications
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: **6A**



**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

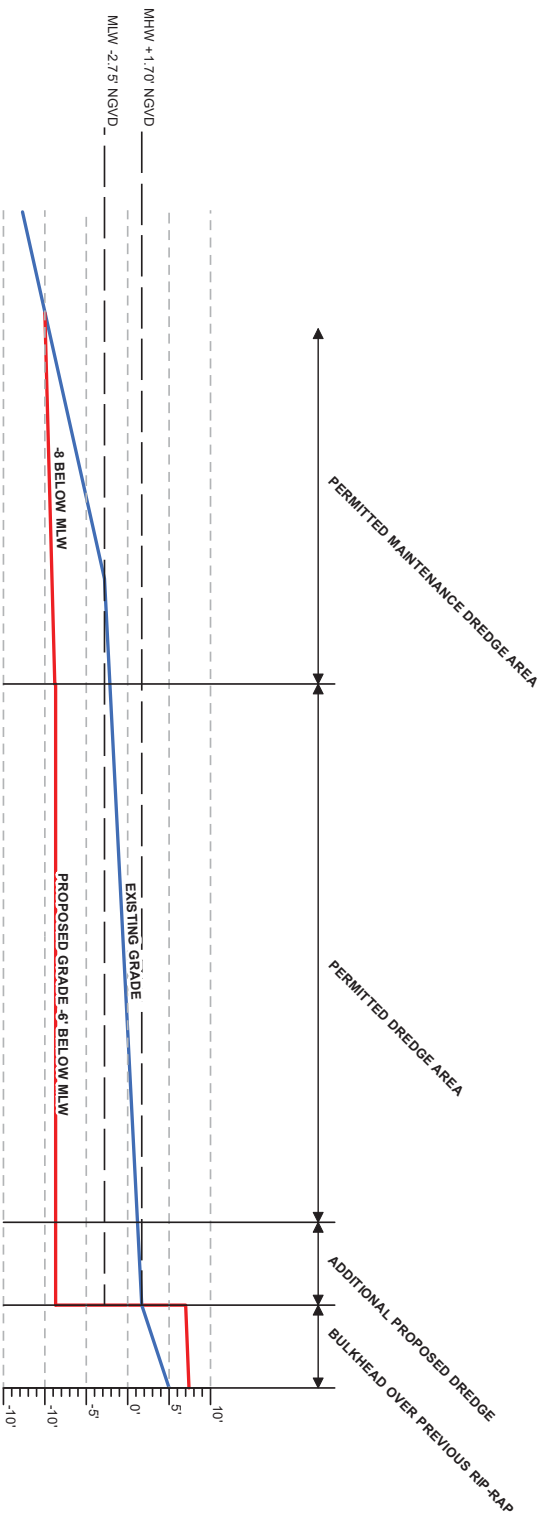
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Wetland Creation Area
St. Augustine Marine Center
St. Augustine, Florida

Project: 5.17045

Date: Nov 25 2019

Figure: **7A**

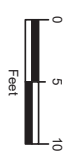
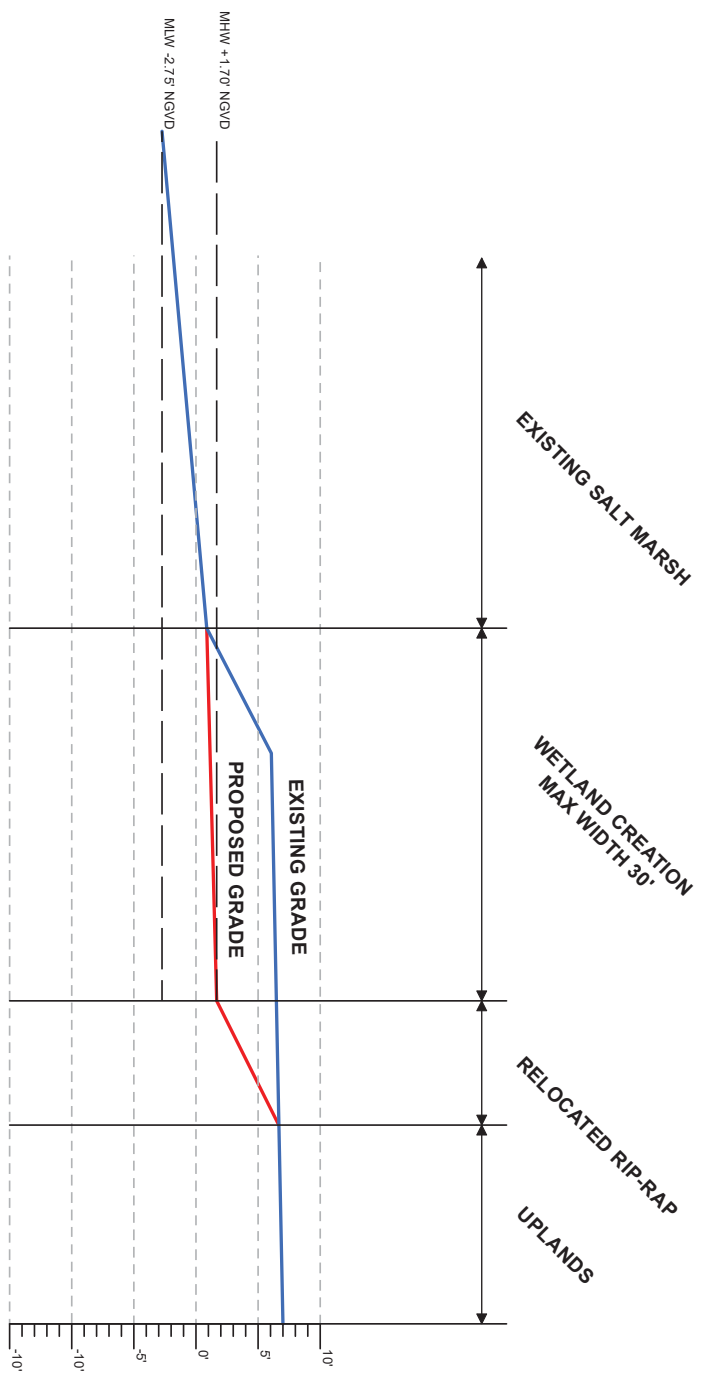


Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
42 Mares Drive
St. Augustine, FL 32084
904-345-1788
www.carterenv.com

Dredge Area Cross-Section
St. Augustine Marine Center
St. Augustine, Florida

Project:	5.17045
Date:	Jun 25 2019
Figure:	6B



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.
OES
 42 Mares Drive
 St. Augustine, FL 32084
 904-345-1786
 www.carterenv.com

Wetland Creation Area Cross-Section
St. Augustine Marine Center
 St. Augustine, Florida

Project:	5.17045
Date:	Jun 28 2019
Figure:	7B

DATE: 11/25/2019

Page 313 of 497

CES REF # : 5.17045

[illegible]



Existing shoreline

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **REZONING - 2019-0115**

AGENDA ITEM 8(a)

APPLICANT Paul Harden

OWNER West Sebastian LLC, LLC

LOCATION [San Sebastian View](#)/PIN 084560-, 102990-, 102810-, 154860-, 154870-, and 155540-0000

REQUEST A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, General-One (RG-1).

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezoning's and amendment of chapter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the comprehensive plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

STAFF ANALYSIS & SUMMARY

Staff does not make a recommendation on rezoning applications, as this is the function of the Planning & Zoning Board, however all information provided will be submitted to the Board and analyzed by staff with a comparative analysis of the existing and proposed zoning districts. The applicant has stated that he zoning request is to allow for multiple-family housing and uses complimentary with medium-density residential uses. Staff has provided an analysis of the existing PUD, the proposed use of Multiple-family housing and corresponding site development criteria of both the existing PUD and proposed Residential, General-One (RG-1) zoning (attachment 2).

Future Land Use Conflict: The site has a future land use designation of Residential Low Density/Mixed Use, which allows a maximum of 8 dwelling units per acre. The requested RG-1 would not be a compatible zoning district with this future land use category, however, Residential Low-one (RL-1)

(attachment 3) would allow for multiple family dwelling, up to eight (8) units per acre and would be consistent with the Future Land Use Designation of Residential Low Density/Mixed Use. A rezoning to RL-1 would be a less intense district than RG-1, as requested and advertised for, but would not create any inconsistencies between zoning and land use. The review below is based on the request from the applicant for RG-1 zoning.

PARCEL/EXISTING PUD SUMMARY

The property exists today a Planned Unit Development approved under Ordinance 2006-31 and amended with Ordinance 2013-18 (attachment 4). The parcel is approximately 133.90 acres of land per the provided survey by Arc Surveying & Mapping, Inc. Dated 06/04/2018 (attachment 5). In reviewing the previous amendment to the PUD, a conceptual plan showed (attachment 6) was approved with a land area of approximately 135.2 acres, however, 80.5 acres were set aside for preservation (under conservation easements), 12.6 acres are existing ponds, leaving approximately 42 acres developable on site. The 4.3 acres of parks and 7.5 acres of buffers, stated in PUD Ord. 2013-18, would not be required to be part of the parcel should it be rezoned.

Allowed Uses Comparison

<u>USE</u>	<u>PUD</u>	<u>RG-1</u>
<u>Single Family Dwelling</u>	X	X
<u>Multiple-Family Dwelling</u>	Not allowed	X

Density Comparison Table

<u>Residential Density</u>	<u>PUD</u>	<u>RG-1*(at 42 acres of dev. land)</u>
<u>Single Family Homes</u> <u>(units/density)</u>	107 units or 1.5 units/acre	336 units or 8 units/acre
<u>Multiple -Family Dwelling</u>	Not permitted	336 units or 8 units/acre

*-would be limited to eight (8) units per acre by the land use designation, RG-1 Zoning allows sixteen (16) units per acres (attachment 6).

Residential Site Development Comparison Table

	<u>PUD (single family)</u>	<u>RG-1 (multi-family)</u>
<u>Min. Lot Width</u>	50'	50'
<u>Min. Lot Area</u>	6,000 ft ²	7,250 ft ²
<u>Min. Setbacks (Front, Side, Rear)</u>	20'/5'/10'	15'/10'/10'
<u>Max. Lot Coverage</u>	50%	35%
<u>Max. Building Height</u>	35'	35'

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.

ATTACHMENTS

Attachment 1 – Application & Property Record Card

Attachment 2 – RG-1 Zoning

Attachment 3 – RL-1 Zoning

Attachment 4 – Existing PUD Ord. 2013 -18

Attachment 5 - Survey

Attachment 6 – Ord. 2013-18 Conceptual Map/Plan

Patrick Doty, CFM

Senior Development Review Planner

Planning and Building Department

Attachment 1
Application
&
Property Record
Cards

PAUL M. HARDEN

ATTORNEY AT LAW

SUITE 901
501 RIVERSIDE AVENUE
JACKSONVILLE, FLORIDA 32202
(904) 396-5731
FAX (904) 399-5461
E-mail: paul_harden@bellsouth.net

October 21, 2019

Via Courier

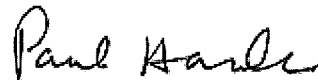
Planning & Building Department
City of St. Augustine
75 King St.
Lobby B, 4th Floor
St. Augustine, FL 32084

**Re: Application to Planning and Zoning Board
Flagler Crossing**

Dear Sirs/Madams:

Please find enclosed an Application to Planning and Zoning Board, along with a check in the amount of \$1,000.00 for the filing fee. If you have questions or need anything further, please let me know. Thank you for your attention.

Sincerely,



Paul M. Harden

PMH/jc
enclosure



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
OCT 21 2019
Planning/Building Dept.

Application Fee: \$1,000.00 (plus advertising costs) Project Number: 2019-0115
Receipt Number: 1719539 Meeting Date: Dec 3, 2019
Advertising Costs: \$ _____ Paid On: 10/28/19 Receipt Number: _____

1. NAME OF APPLICANT: Paul Harden Contact Number: 904-396-5731
Business (if applicable): _____
Address: 501 Riverside Ave. Ste. 901 City: Jacksonville State: Florida Zip: 32202
E-Mail Address: paul_harden@bellsouth.net
2. NAME OF PROPERTY OWNER: John H. Wilson Contact Number: 214-762-4242
Business (if applicable): West San Sebastian LLC
Address: 8383 Preston Center Plaza Dr. City: Dallas State: Texas Zip: 75225
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY: See Attached

Parcel Numbers: 084560-0000, 102990-0000, 102810-0000, 154860-0000, 155540-0000, 154870-0000

4. PROJECT STREET ADDRESS: 0 Ponce de Leon Blvd
5. SPECIFIC PROPOSED USE: RG-1 Rezoning
6. ACTION REQUESTED:
- | | |
|--|--|
| ☐ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☐ Exception | ☐ Land Use Plan Amendment |
| ☐ Variance | ☒ Rezoning |
| ☐ Other: _____ | |

7. DESCRIPTION OF ACTION REQUESTED: Rezone property from Flagler Crossing PUD to RG-1
Conventional zoning district to allow for multiple-family dwellings and uses complementary with Medium-density residential uses.

8. JUSTIFICATION FOR ACTION REQUESTED: _____
Allows property to become compatible with adjoining commercial medium-two and
Industrial/Warehousing zoning districts and uses. This Promotes consistency in the
area in regards to density and intensity of uses. Rezoning will also allow for preservation of surrounding
wetlands.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Paul M. Hader

Signature of Applicant

10-18-19

Date

Signature of Property Owner

Date

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

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☐ Yes ☒ No If yes, please give date and final disposition below.

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In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

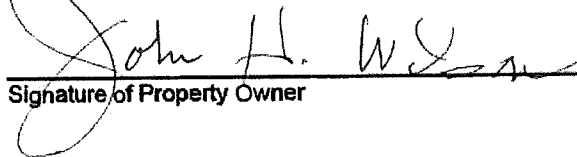
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Signature of Applicant

Date



Signature of Property Owner

Date

04/18/2019



Owner's Authorization For Agent

Paul Harden, Zach Miller & Alexander Harden is/are hereby authorized TO ACT ON BEHALF OF West San Sebastian, LLC the owner(s) of those lands described within HWY Parks Arlington, LTD ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 0 Ponce de Leon Blvd

BY John H. Wilson - Manager
Signature of Owner
JOHN H. WILSON
Print Name of Owner
214. 762-4242
Telephone Number

State of Texas

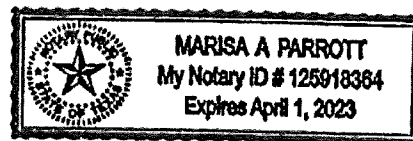
County of Dallas

Signed and sworn before me on this 17th day of September, 2019.

By John H. Wilson

Identification verified: TKDL

Oath sworn: ✓ Yes No



Notary Signature: Marisa A. Parrott

My Commission expires: 4/1/2023

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A **POINT OF REFERENCE**, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH $77^{\circ}33'46''$ WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH $12^{\circ}26'14''$ WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH $77^{\circ}33'46''$ WEST, 231.51 FEET; COURSE 2) THENCE SOUTH $12^{\circ}26'14''$ EAST, 3.75 FEET; COURSE 3) THENCE SOUTH $77^{\circ}33'46''$ WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $22^{\circ}38'36''$ WEST, 35.04 FEET) TO THE **POINT OF BEGINNING**; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH $33^{\circ}13'24''$ WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH $12^{\circ}25'57''$ WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH $77^{\circ}34'03''$ WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH $12^{\circ}25'57''$ EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH $23^{\circ}51'02''$ WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH $53^{\circ}04'16''$ EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $66^{\circ}23'52''$ EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH $62^{\circ}08'31''$ EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE

INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS

LESS AND EXCEPT:

Conservation Easement 1A

A portion of Section 44 of the Estopa Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point on a curve concave Northeasterly, having a radius of 2914.79 feet, said point also lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence Northwesterly, departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of 01 °41 '25", an arc length of 85.99 feet to a point on said curve and the Point of Beginning, said point also being the Northeasterly corner of those lands described and recorded in Official Records Book 1462, page 1783, of the public records of said St. Johns County, said arc being subtended by a chord bearing and distance of North 23°07'45" West, 85.98 feet.

From said Point of Beginning, thence South 77°33'46" West, departing said Westerly right of way line of the Florida East Coast Railroad and along the Northerly line of said lands of Official Records Book 1462, page 1783, a distance of 129.33 feet to a point lying on said Northerly line, said point also being Reference Point "A"; thence Northerly, departing said Northerly line, 37 feet more or less, to a point lying on the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, along said Easterly Mean High Water Line, 52 feet more or less, to point lying on the Northerly line of the second parcel described and recorded in Deed Book 61, page 512 of said public records; thence North 72°29'59" East, departing said Easterly Mean High Water Line and along said Northerly line 15 feet, more or less to a point on said Northerly line, said point bearing North 24°40'08" West, 106.00 feet from said Reference Point "A"; thence North 72°29'59" East, continuing along said Northerly line, 134.64 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southeasterly, departing said Northerly line, along said Westerly right of way line and along the arc of said curve, through a central angle of 02 ° 17' 4 7", an arc length of 116. 83 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 21 °08'09" East, 116.82 feet.

Conservation Easement 1B

A portion of Sections 6 and 7, together with a portion of Section 44 of the Estopa Grant, and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Northerly departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of 04°22'48", an arc length of 222.83 feet to a point lying on the Southerly line of the first parcel described and recorded in Deed Book 61, page S 12 of the Public Records of said St. Johns County, said point also being the Point of Beginning and a point on said curve, said arc being subtended by a chord bearing and distance of North 21 °4T03" West, 222.77 feet.

From said Point of Beginning, thence South 72°29'59" West, departing said Westerly right of way line and along said Southerly line of Deed Book 61, page 512 a distance of 117.57 feet to Reference Point "A"; thence South 72°29'59" West, continuing along said Southerly line 35 feet more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, departing said Southerly line and along the meanderings of said Easterly Mean High Water Line, 494 feet, more or less; thence Northeasterly, continuing along said meanderings 246 feet, more or less, to a point lying on said Westerly right of way line of the Florida East Coast Rail Road, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southerly, departing said Easterly Mean High Water Line, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°04 '01 ", an arc length of 3 feet, more or less, to a point on said curve. and Reference Point "B", said point bearing North 02°54'37" West, 638.46 feet from said Reference Point "A", said arc being subtended by a chord bearing and distance of South 07°21 '45" East, 3 feet, more or less; thence Southerly, continuing along said Westerly right of way line, and along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 12°11'53", an arc length of 620.55 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of South 13°29'42" East, 619.38 feet.

Conservation Easement 2A

A portion of Section 1, a portion of Section 50 of the E.S. Robertson Grant, a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with a portion of Section 6, a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33' 46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26' 14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following eight courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course two, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of 01 °20'56", and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04°17'00" West, 68.62 feet; Course four, thence North 03°47'34" West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of 01°07'39", an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03° 13'45" West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 01 °25'00", an arc length of 69.60 feet, to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°22'25" West, 69.60 feet; Course seven, thence North 04°04'55" West, 86.74 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; Course eight, thence Northwesterly, along the arc of said curve, through a central angle of 05°44 '41 ", an arc length of 282.23 feet to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County, and the Point of Beginning, said arc being subtended by a chord bearing and distance of North 06°57' 16" West, 282.11 feet.

From said Point of Beginning, thence South 85°30'00" West, departing said Westerly right of way line, and along said Southerly line of Deed Book 8, page 558, a distance of 174 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, departing said Southerly line, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 1828 feet, more or less; thence South 45°33'10" East, departing said Easterly Mean High Water Line, 18 feet, more or less to Reference Point "A", said point bearing North 50°46'41" West, 1788.99 feet from said Point of Beginning; thence South 16°54'33" East, 31.83 feet; thence South 78°28'39" East, 49.65 feet; thence South 79°27'24" East, 33.43 feet; thence South 25°33'04" East, 41.64 feet; thence South 12°30'58" East, 40.30 feet; thence South 45° 16' 10" East, 43.39 feet; thence South 27°32'56" East, 48.65 feet; thence South 45°17'51" East, 55.35 feet; thence South 60°56'52" East, 52.26 feet; thence South 82°19'57" East, 26.16 feet; thence South 14°53'23" East, 33.00 feet; thence South 75°39'43" East, 58.32 feet; thence South 87° 05'46" East, 57.33 feet; thence South 66°32'08" East, 31.41 feet; thence South 81°03'10" East, 42.49 feet; thence North 83°11'40" East, 40.57 feet; thence North 40°51'07" East, 27.18 feet; thence North 56°39'02" East, 31.40 feet; thence North 58°51'23" East, 35.86 feet; thence North 56°10'36" East, 34.05 feet; thence North 67°20'18" East, 54.23 feet; thence North 72°04'25" East, 57.64 feet; thence North 71°04'19" East, 20.64 feet; thence North 05°53'15" East, 41.40 feet; thence South 58°21'24" East, 40.07 feet; thence North 39°50'08" East, 35.74 feet; thence South 59°42'37" East, 34.59 feet; thence South 84°07'47" East, 29.22 feet; thence North 50°30' 18" East, 23.31 feet; thence South 11 °27'22" East, 36.16 feet; thence South 05°40'44" West, 32.09 feet; thence South 39°20'01" East, 47.38 feet; thence North 66° 07'32" East, 30.82 feet; thence North 18° 19'13" West, 59.58 feet; thence North 55°10'55" East, 37.80 feet; thence North 18°30'51" West, 76.08 feet; thence North 33°13'21" West, 55.28 feet; thence North 36°34'22" West, 18.18 feet; thence North 10°24'53" East, 24.27 feet; thence North 43°01'56" West, 57.32 feet; thence North 62°39'40" East, 40.51 feet; thence South 49° 13'23" East, 82.62 feet to a point lying on said Westerly right of way line of the Florida East Coast Rail Road; thence South 27°42'36" East, along said Westerly right of way line, 324.17 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; thence Southeasterly, along the arc of said curve, through a central angle of 17° 52'59", an arc length of 878.55 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 18°46'06" East, 874.99 feet.

Conservation Easement 2B

A portion of Section 1, Township 7 South, Range 29 East, together with a portion of Section 6 and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26' 14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following six courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course two, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of 01 °20'56", and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04° 17'00" West. 68.62 feet; Course four; thence North 03°47'34" West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of 01 °07'39", an arc length of 226.46 feet to Reference Point "A", said point also being a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03°13'45" West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 00°32'54", an arc length of 27 feet, more or less, to a point on said curve at an intersection with the Easterly Mean High Water Line of the San Sebastian River, said point also being the Point of Beginning, said arc being subtended by a chord bearing and distance of North 02°56'22" West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 480 feet, more or less to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County; thence North 85°30'00" East, departing said Easterly Mean High Water Line, and along said Southerly line, 5 feet, more or less to Reference Point "B", said point bearing North 26°45'27" West, a distance of 473.44 feet from said Reference Point "A"; thence North 85°30'00" East, continuing along said Southerly line, 169.24 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southeasterly, along said Westerly right of way line, departing said Southerly line, and along the arc of said curve, through a central angle of 05°29'49", an arc length of 270.05 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 07°04'42" East, 269.95 feet; thence South 82° 11 '23" West, departing said Westerly right of way line, 0.50 feet; thence South 09°24'37" East, 5.57 feet to a point lying on said Westerly right of way line, said point also being a point on a curve concave Westerly, having a radius of 2814. 79 feet; thence Southerly, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°08'03", an arc length of 6.59 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 04°08'57" East, 6.59 feet; thence South 04°04'55" East, continuing along said Westerly right of way line, 86.74 feet to a point bearing North 03°22'25" West, 69.60 feet from said Reference Point "A", said point also being the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, continuing along said Westerly right of way line, and along the arc of said curve through a central angle of 00°52'06", an arc length of 43 feet, more or less, to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 03°38'52" East, 43 feet, more or less.

Conservation Easement 3

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of San Marco Avenue (U.S. Highway No. 1), a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26'14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly and Northwesterly along said Westerly right of way line the following ten courses: Course 1, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course 2, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of 01°20'56", and arc length of 68.63 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04° 17'00" West, 68.62 feet; Course 4, thence North 03°47'34" West, along a non tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of 01 °07'39", an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03° 13'45" West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 01°25'00", an arc length of 69.60 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°22'25" West, 69.60 feet; Course 7, thence North 04°04'55" West, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 8, thence Northerly along the arc of said curve through a central angle of 23°37'40", an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 15°53'46" West, 1152.57 feet; Course 9, thence North 27°42'36" West, 660.97 feet; Course 10, thence North 27°53'10" West, 791.45 feet; thence South 62°06'50" West, departing said Westerly right of way line. 629.12 feet to the Point of Beginning.

From said Point of Beginning, thence South 03°14'19" East, 55.53 feet; thence South 43°10' 19" East, 53.10 feet; thence South 10°48'53" East, 59.30 feet; thence South 52°44'43" West, 73.55 feet; thence South 07°43'26" East, 58.32 feet; thence South 21°03'22" West, 68.81 feet; thence South 07°37'29" West, 38.63 feet; thence South 33°03'46" West, 48.90

feet; thence South 29°30'42" East, 25.45 feet; thence South 58°28'15" East, 21.33 feet; thence North 59°04'00" East, 27.10 feet; thence North 39°16'15" East, 47.67 feet; thence South 85°49'18" East, 68.28 feet; thence South 54°22'18" East, 57.05 feet; thence South 62°40'22" East, 31.36 feet; thence South 36°16'14" East, 80.60 feet; thence South 33° 13'41" West, 2.54 feet; thence South 81°56'42" West, 33.27 feet; thence South 33°13'41" West, 39.32 feet; thence North 67°41'10" West, 46.73 feet; thence South 30°47'42" West, 29.66 feet; thence South 03°22'02" West, 26.51 feet; thence South 02°11'08" West, 53.01 feet to Reference Point "A"; thence South 16°37'10" East, 15 feet more or less to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, Northeasterly, Northwesterly and Westerly along the meanderings of said Easterly Mean High Water Line the following eight courses; Course 1, thence Northwesterly, 320 feet more or less; Course 2, thence Northeasterly, 119 feet more or less; Course 3, thence Westerly, 205 feet more or less; Course 4, thence Northwesterly, 362 feet more or less; Course 5, Northeasterly, 178 feet more or less; Course 6, thence Northerly, 190 feet more or less; Course 7, thence Northwesterly, 148 feet more or less; Course 8, thence Westerly, 84 feet more or less; thence North 70°24'29" East, departing said Easterly Mean High Water Line, 16 feet more or less to Reference Point "B", said point bearing North 27°51 '26" West, 1288.06 feet from said Reference Point "A"; thence North 08°13' 17" East, 31.24 feet; thence South 18°01'25" East, 26.31 feet; thence South 81°28'27" East, 24.67 feet; thence North 18°22'36" West, 38.56 feet; thence North 29°00'14" West, 40.20 feet; thence North 74°38'08" East, 13.48 feet; thence South 23°22'07" East, 47.87 feet; thence South 41°14'30" East, 53.74 feet; thence South 65°16'15" East, 61.91 feet; thence South 20°02'31" East, 30.32 feet; thence South 31°11'19" East, 67. 99 feet; thence North 64°18'31" East, 39.61 feet; thence North 68°42'51" East, 38.69 feet; thence North 46°23'46" West, 15.61 feet; thence South 68°54'40" East, 25.33 feet; thence North 48°08'33" East, 28.07 feet; thence South 68°54'40" East, 40.04 feet; thence South 60°25'18" West, 109.44 feet; thence South 73°09'55" West, 21.93 feet; thence South 35°01'53" East, 7.92 feet; thence South 01°24'55" East, 54.15 feet; thence South 73°38'46" West, 25.84 feet; thence South 02°53'25" East, 8.96 feet; thence North 73°33'42" East, 25.72 feet; thence South 02°53'25" East, 62.50 feet; thence South 03°37'04" West, 57.76 feet; thence South 12°41'11" West, 81.12 feet; thence South 04°35'30" East, 45.62 feet; thence South 29°15'00" West. 41.19 feet; thence South 33°55'28" West, 41.58 feet; thence South 01°44'54" East, 42.53 feet; thence South 23°37'11" West, 21.13 feet; thence South 26°57'38" East, 39.38 feet; thence South 00°01'14" East, 46.27 feet; thence South 37°59'03" East, 17 .04 feet; thence South 46°48'03" East, 41.34 feet; thence South 10°31'23" West, 49.44 feet; thence South 10°56'12" West, 20.25 feet; thence South 30°20'46" East, 11.17 feet; thence South 56°59'57" West, 25.03 feet; thence South 30°20'46" East, 10.11 feet; thence North 56°26'04" East, 25.04 feet; thence South 30°20'46" East, 6.24 feet; thence South 87°37'03" East, 38.27 feet; thence South 67°44'04" East, 26.76 feet; thence North 60°11'45" East, 32.63 feet; thence North 28°22'09" East, 41.89 feet; thence North 12°17'22" West, 45.82 feet; thence North 07°28'09" East, 52.80 feet; thence North 24°02'31" West, 25.41 feet; thence North 05°16'28" West, 80.99 feet; thence South 43°39'52" East, 57.55 feet; thence North 01°16'02" East, 53.99 feet; thence South 89°30'37" East, 56.41 feet; thence North 82°50' 12" East, 7.57 feet; thence North 50°49'44" East, 82.85 feet; thence South 67°46'11" East, 44.72 feet to the Point of Beginning.

Conservation Easement 4

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway Nb. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 449.56 feet; thence North 12°26'14" West, departing said centerline, 50.00 feet to a point lying on the Northerly right of way line of said State Road No. 16; thence Westerly and Northerly, along said Northerly right of way line the following four courses: Course one, thence South 77°33'46" West, 731.76 feet; Course two, thence North 23°50'52" West, 14.98 feet; Course three, thence North 12°26'14" West, 55.32 feet; Course four, thence South 77°33'46" West, 11.16 feet to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said county; thence North 23°50'52" West, departing said Northerly right of way line and along said Westerly line, 5077.84 feet to the Point of Beginning.

From said Point of Beginning, thence continue North 23°50' 52" West, along said Westerly line of Deed Book 66, page 168, a distance of 38 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northeasterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 306 feet, more or less; thence South 36°00'41" East, departing said Easterly Mean High Water Line, 14 feet, more or less to a point, said point bearing North 43°41'36" East, 297.13 feet from said Point of Beginning; thence South 11°44'37"

West, 36.00 feet; thence South $01^{\circ}30'37''$ West, 300.25 feet; thence South $30^{\circ}37'55''$ East, 80.82 feet; thence South $43^{\circ}16'19''$ East, 39.71 feet to a point, said point bearing South $49^{\circ}43'06''$ East, 338.74 feet from said Point of Beginning; thence North $71^{\circ}21'31''$ East, 43 feet, more or less to an intersection with said Easterly Mean High Water Line; thence Southwesterly, along the meanderings of said Easterly Mean High Water Line, 46 feet, more or less; thence Northwesterly, continuing along the meanderings of said Easterly Mean High Water Line, 372 feet, more or less, to an intersection with said Westerly line of Deed Book 66, page 168; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 38 feet, more or less to the Point of Beginning.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1029900000
 Location Address LEWIS SPEEDWAY
 SAINT AUGUSTINE 32084-0000
 Neighborhood M&B MA9 G1 (SF) (4910)
 Tax Description* 1 E 67ACS OF GRANT TO JOSEPH DELESPINE - PT OF PARCEL E OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
 Property Use Code Marshes, Wetlands, Waste Lands (9600)
 Subdivision N/A
 Sec/Twp/Rng 56-7-29
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 45.700
 Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
 Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$11,424
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$11,424
Total Deferred	\$0
Assessed Value	\$11,424
Total Exemptions	\$0
Taxable Value	\$11,424

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2018	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2017	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2016	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2015	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2014	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2013	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2012	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2011	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2010	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Marshes & Tidal Lands	0	0	42.25	AC	\$10,562
Conservation Easements	0	0	3.45	AC	\$862

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

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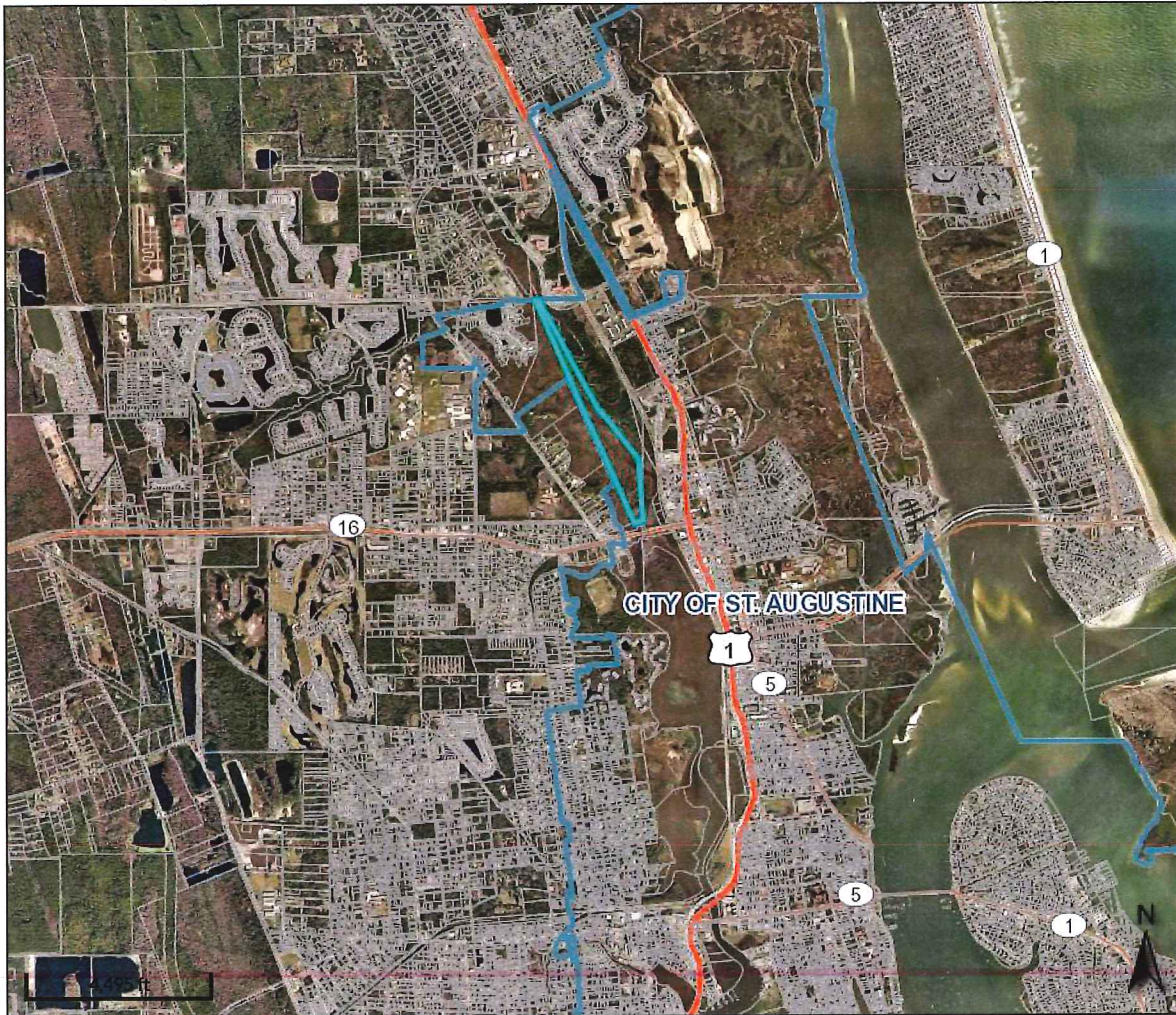
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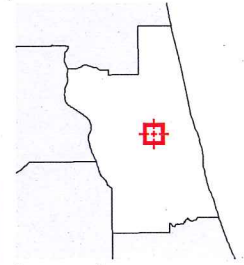
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1029900000	Physical	LEWIS SPEEDWAY	Building Value	N/A	Last 2 Sales			
Property	9600 - Marshes & Tidal	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Lands	Mailing	WEST SAN SEBASTIAN LLC	Value		2/21/2014	\$2657500	05	Q
Taxing	City of St Augustine	Address	ET AL	Total Land	\$11,424	n/a	0	n/a	n/a
District			8383 PRESTON CENTER	Value					
Acres	45.7		PLAZA DR	Just Value	\$11,424				
			SUITE 360	Total Deferred	N/A				
			DALLAS TX 75225-0000	Assessed Value	\$11,424				
				Total	N/A				
				Exemptions					
				Taxable Value	\$11,424				

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Summary

Parcel ID 1028100000
 Location Address LEWIS SPEEDWAY
 SAINT AUGUSTINE 32084-0000
 Neighborhood M&B MA9 G1 (SF) (4910)
 Tax Description* 1 GRANT TO E S ROBERTSON (EX PT LYING E OF RELOCATED MAIN TRACK R/W ASSES SED WITH SEC 1-7-29 RE 084561-0000) OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
 Property Use Code Marshes, Wetlands, Waste Lands (9600)
 Subdivision Estopa Grant 44 And E.S. Robinson Grant
 Sec/Twp/Rng 50-7-29
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 2.900
 Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
 Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$3,553
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,553
Total Deferred	\$0
Assessed Value	\$3,553
Total Exemptions	\$0
Taxable Value	\$3,553

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2018	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2017	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2016	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2015	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2014	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2013	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2012	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528
2011	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528
2010	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
ROWs, Roads, Irrigation Channels, Ditches etc	0	0	0.39	AC	\$2,925
Marshes & Tidal Lands	0	0	2.51	AC	\$628

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHN'S RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

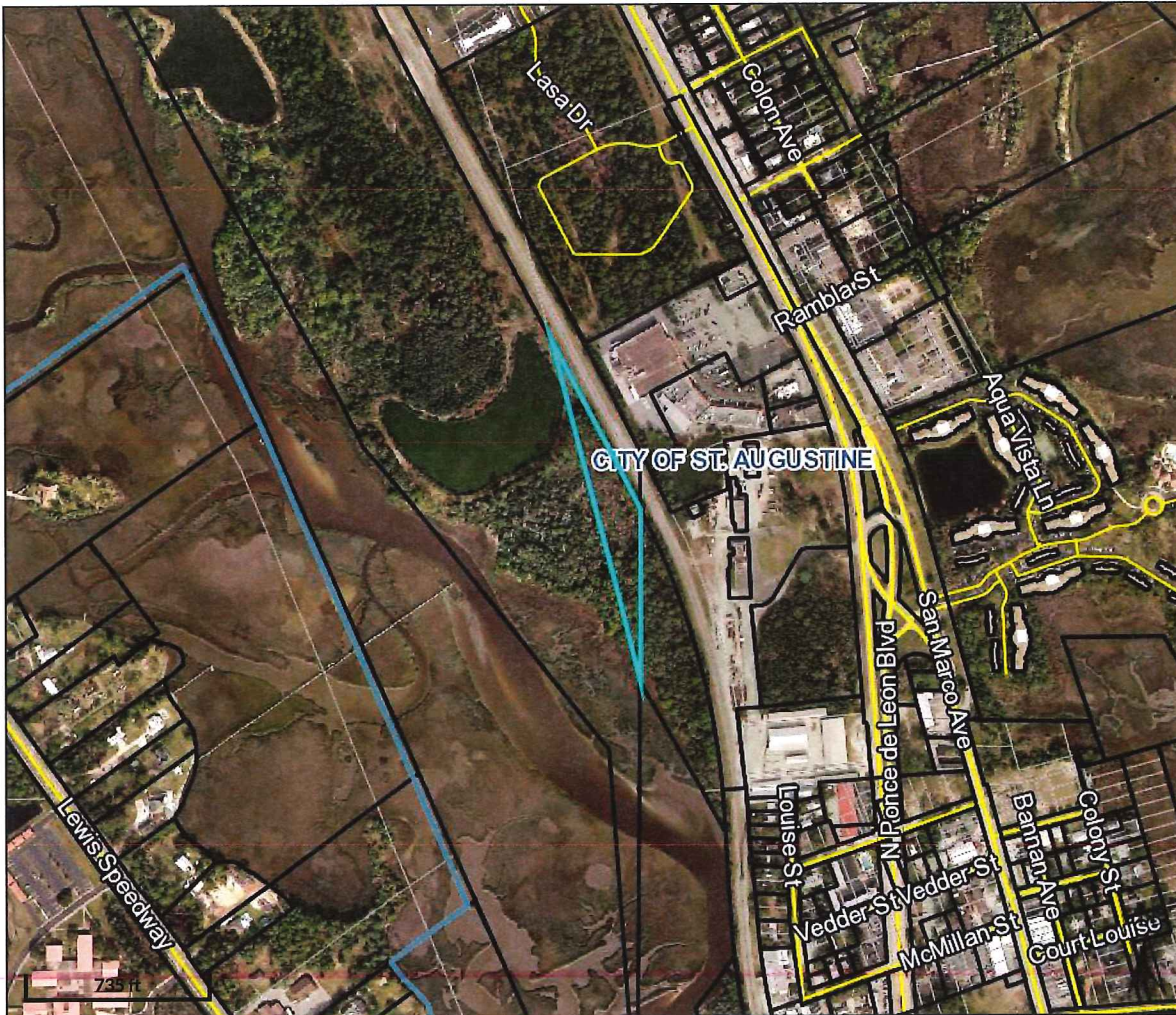
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Overview



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Parcel ID	1028100000	Physical Address	LEWIS SPEEDWAY	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$3,553	2/21/2014	\$2657500	05	Q
Acres	2.9		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$3,553	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$3,553				
				Total	N/A				
				Exemptions					
				Taxable Value	\$3,553				

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Summary

Parcel ID 1548600000
Location Address MCMILLAN ST
 SAINT AUGUSTINE 32084-0000
Neighborhood Robinson Grant (709)
Tax Description* 2-82 (2-2) ROBINSON GRANT SUB ALL LOT 55-C LYING W OF FEC RY INCLUDING RIPARIAN RIGHTS OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
Property Use Code Marshes, Wetlands, Waste Lands (9600)
Subdivision Estopa Grant 44 And E.S. Robinson Grant
Sec/Twp/Rng 55-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.650
Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$162
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$162
Total Deferred	\$0
Assessed Value	\$162
Total Exemptions	\$0
Taxable Value	\$162

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2018	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2017	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2016	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2015	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2014	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2013	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2012	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2011	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2010	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Wetlands	0	0	0.65	AC	\$162

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

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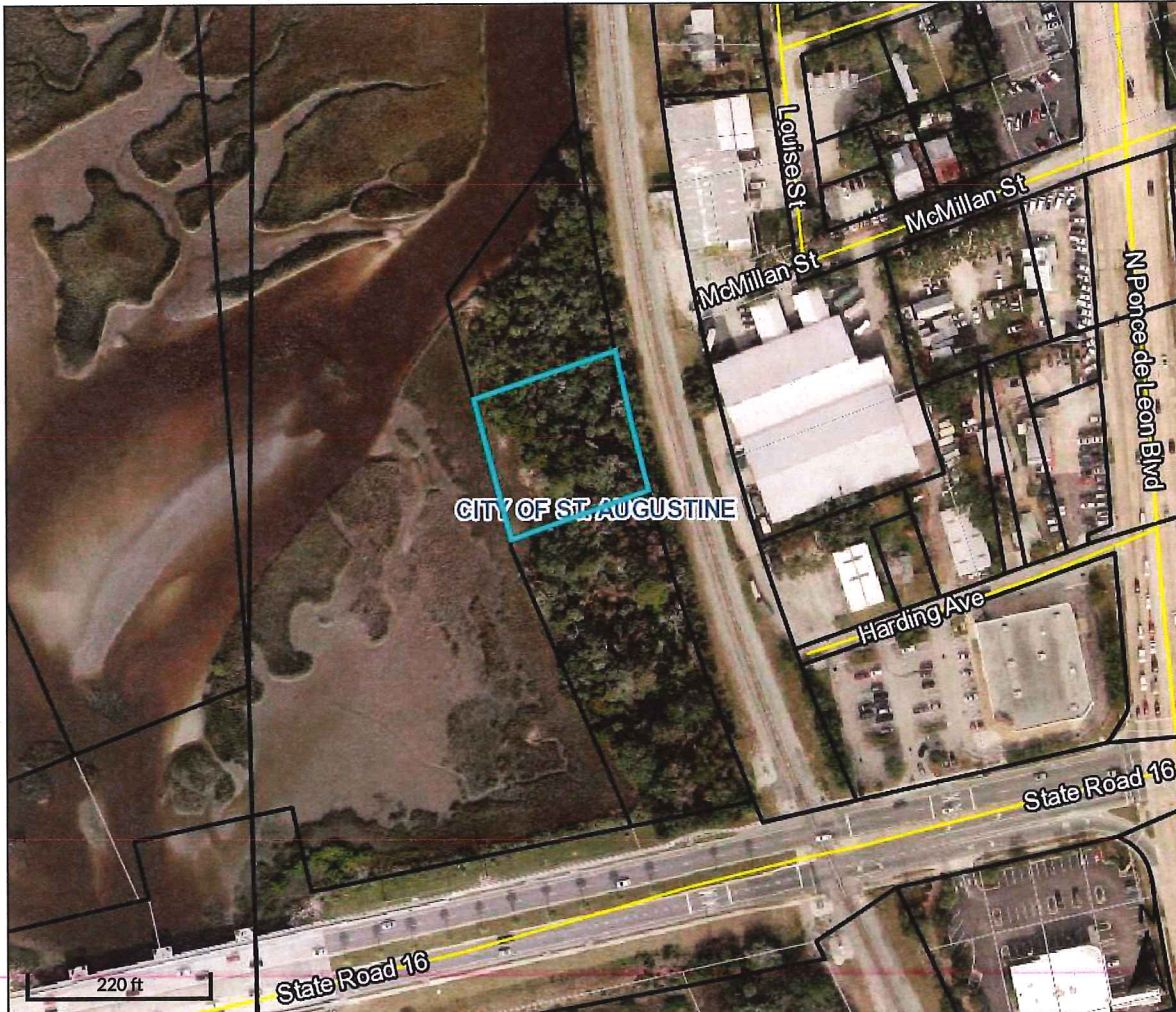
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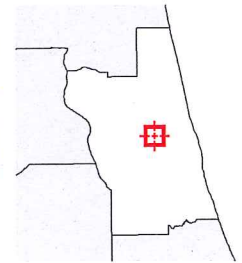
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Overview



Legend

- Parcels
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Parcel ID	1548600000	Physical Address	MCMILLAN ST	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$162	2/21/2014	\$2657500	05	Q
Acres	0.65		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$162	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$162				
				Total	N/A				
				Exemptions					
				Taxable Value	\$162				

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Summary

Parcel ID 1555400000
 Location Address HARDING AVE
 SAINT AUGUSTINE 32084-0000
 Neighborhood Estopa (696)
 Tax Description* 2-82 (10) ESTOPA GRANT SUB LOT44-H (EX ADD'L R/W TO FDOT PARCEL 103 IN OR1462/1783) OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
 Property Use Code Marshes, Wetlands, Waste Lands (9600)
 Subdivision Estopa Grant 44 And E.S. Robinson Grant
 Sec/Twp/Rng 44-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 1.300
 Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
 Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$335
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$335
Total Deferred	\$0
Assessed Value	\$335
Total Exemptions	\$0
Taxable Value	\$335

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2018	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2017	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2016	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2015	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2014	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2013	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2012	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2011	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2010	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Wetlands	0	0	1.26	AC	\$315
Rivers, Lakes & Submerged Lands	0	0	0.04	AC	\$20

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

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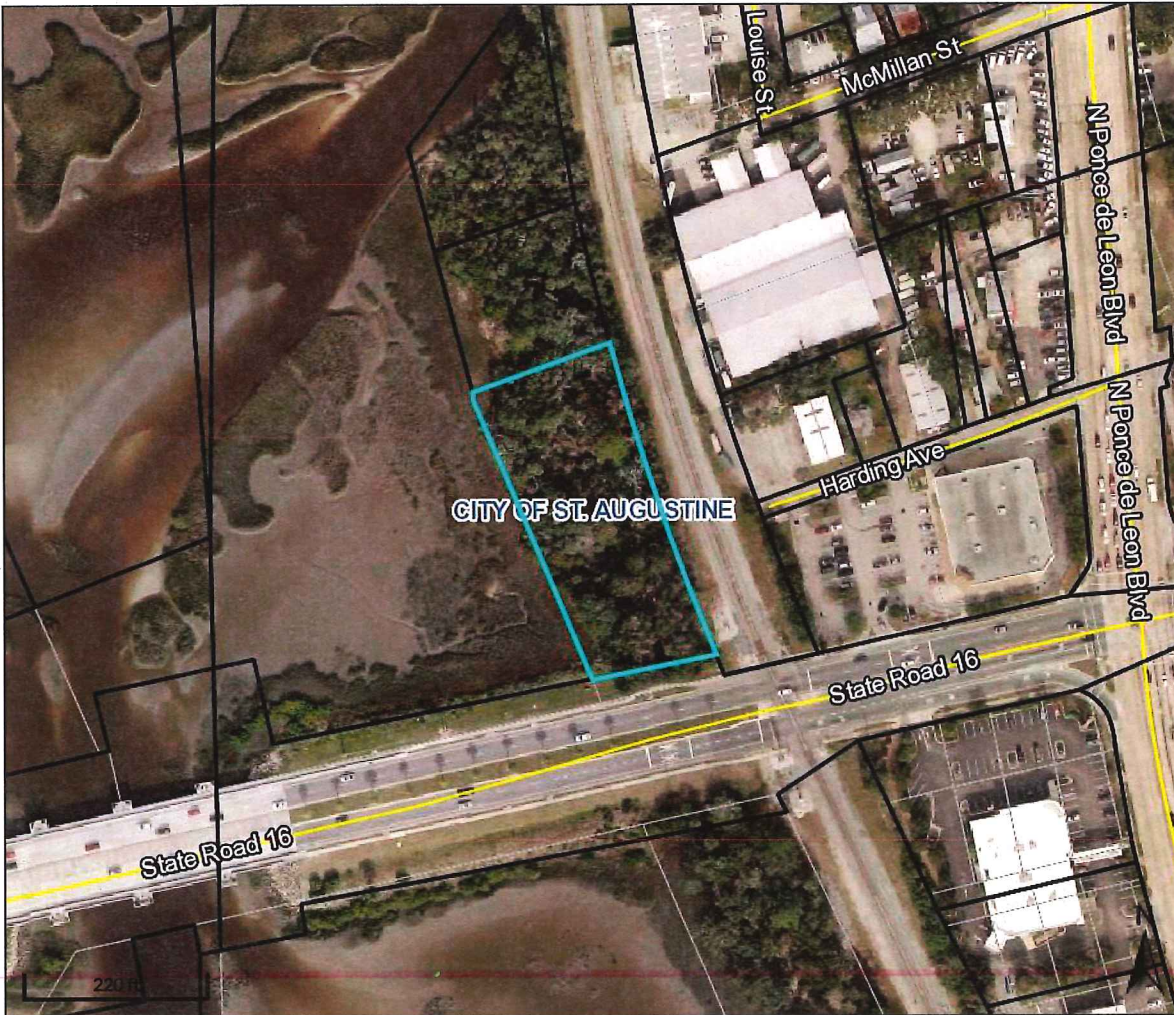
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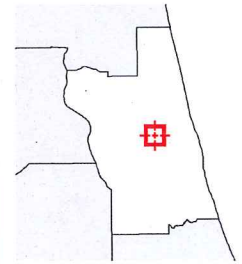
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1555400000	Physical Address	HARDING AVE	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$335	2/21/2014	\$2657500	05	Q
Acres	1.3		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$335	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$335				
				Total	N/A				
				Exemptions					
				Taxable Value	\$335				

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Attachment 2

RG-1 Zoning

Sec. 28-163. - Residential, general-one: RG-1.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception:*

- a. See section 28-347, special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(4) *Minimum lot requirements:*

- a. *Single-family dwellings:*
 - 1. Minimum lot width, fifty (50) feet.
 - 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- b. *Multiple-family dwellings:*
 - 1. Minimum lot width, fifty (50) feet.

2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit to a maximum of sixteen (16) units per acre.
- c. *Nonresidential uses:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.
- (6) *Minimum yard requirements:*
 - a. *Residential uses:*
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
 - b. *Nonresidential uses:*
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
 - a. *Single-family dwellings.* Thirty-five (35) feet.
 - b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

Attachment 3

RL-1 Zoning

Sec. 28-166. - Residential, low-one: RL-1.

Intent. This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Accessory apartments.
- c. Multiple-family dwellings.
- d. Home office, private.

(2) *Permitted accessory uses and structures:* See section 28-348.

(3) *Permitted uses by exception:*

- a. Tourist homes and bed and breakfasts.
- b. Rooming and boarding houses.
- c. Housing for the elderly.
- d. Neighborhood recreation facility.
- e. Hotels and motels, thirty (30) units maximum.
- f. Restaurants and/or bars in connection with hotels or motels.
- g. Intermediate care facilities.
- h. See section 28-347.

(4) *Minimum lot requirements:*

a. *Single-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

b. *Multiple-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, ten thousand nine hundred (10,900) square feet for the first two (2) units and five thousand four hundred (5,400) square feet for each additional unit, to a maximum of eight (8) units per acre.

c. *Nonresidential uses:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures:* Thirty (30) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- b. *Nonresidential uses:*
1. Front, fifteen (15) feet.
 2. Side, twenty (20) feet.
 3. Rear, twenty (20) feet.
- (7) *Maximum heights of structures:* Thirty-five (35) feet.

(Ord. No. 96-07, § 1, 5-13-96)

Attachment 4
Existing PUD
Ord. 2013-18

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FLAGLER CROSSING PLANNED UNIT DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO ORDINANCE NO. 2006-31 IN ORDER TO PROVIDE FOR DEVELOPMENT OF THE PROPERTY WITH 107 SINGLE FAMILY DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the City of St. Augustine Comprehensive Plan provides for a Residential Low Density Mixed Use land use designation and associated use and density criteria for development within the designation for the subject property; and

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality which change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, on October 13, 2008, the City Commission passed and adopted Ordinance No. 2006-31 establishing the Flagler Crossing Planned Unit Development (PUD); and

WHEREAS, Section 28-289 of the Code of the City of St. Augustine provides procedures for the modification of a PUD; and

WHEREAS, on July 2, 2013, the City of St. Augustine Planning and Zoning Board (PZB) reviewed a request to modify the Flagler Crossing PUD, attached as Exhibit "A" and incorporated herein by reference, and made recommendation to the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Modification of Planned Unit Development. The Flagler Crossing PUD established pursuant to Ordinance No. 2006-31 for property described in Exhibit "B," incorporated herein by reference and attached hereto, is hereby modified in accordance with the Development Plan Narrative Revised August 26, 2013, incorporated herein by reference as Exhibit "C" and attached hereto.

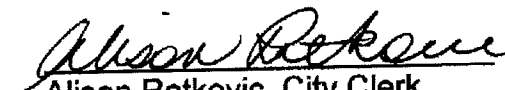
Section 2. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

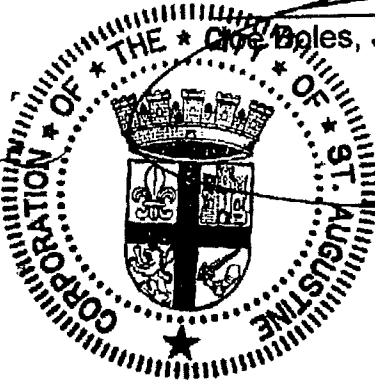
Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage pursuant to s. 166.041(4), Florida Statutes.

PASSED AND ADOPTED by the City Commission of the City of St. Augustine, Florida, this 26th day of August, 2013.

ATTEST:


Alison Ratkovic, City Clerk

(SEAL)



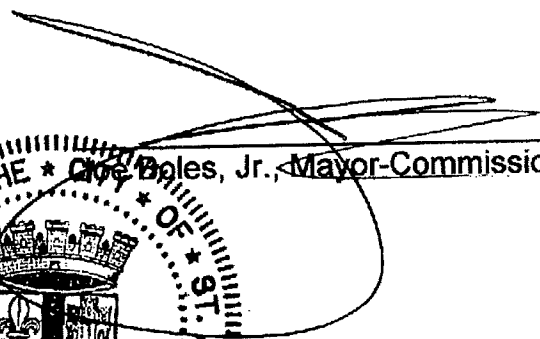

Clive Bales, Jr., Mayor-Commissioner

Exhibit "A" Application

CITY OF ST. AUGUSTINE A3 – APPLICATION TO PLANNING AND ZONING BOARD

Application Fee \$220.00

BDAC Project No. _____

Receipt No. _____

Meeting Date _____

PLEASE PRINT OR TYPE

1. **NAME OF APPLICANT:** Tom Jones **Daytime Phone:** c/o 904-825-4343
Business (if applicable):
Address: c/o McClure Bloodworth, P.L. **City:** St. Augustine **State:** FL **Zip:** 32084
2. **NAME OF PROPERTY OWNER:** FDG Flagler Crossing LLC **Daytime Phone:** c/o 904-825-4343
Business (if applicable): ATTN: Adam Furstein
Address: 2855 S Lejeune Rd. **City:** Coral Gables **State:** FL **Zip:** 33134
3. **LEGAL DESCRIPTION OF PROJECT PROPERTY:**
Lot: N/A **Block:** N/A
Subdivision: Flagler Crossing **Parcel Number:** 084560-0000, 102990-0000,
102810-0000,
154860-0000, 155540-0000
4. **PROJECT STREET ADDRESS:** Ponce de Leon Blvd
5. **SPECIFIC PROPOSED USE:** 107 Single Family Homes
6. **ACTION REQUESTED:**

☐ Exception	☐ Appeal of Staff Determination
☐ Rezoning	☐ Variance
☐ Land Use Plan Amendment	☐ Conservation Zone Development

☒ **Other:** Modification of the Flagler Crossing PUD (Ord. 2006-31)
7. **DESCRIPTION OF ACTION REQUESTED:** The Applicant seeks to reduce the density of the 73-acre PUD from 248 multi-family townhome units to 107 single-family residences.
8. **JUSTIFICATION FOR ACTION REQUESTED:** See attached redline/strike-through version of the previously approved PUD narrative. And pursuant to Ord. 2013-08, the required responses to criteria 1 through 10 as well as all additional new text requirements are attached.

RECEIVED

JUN 06 2013

Planning/Building Dept.

9. If applying for a variance, please complete the following.

- a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. N/A
- b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully.
N/A
- c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully. N/A
- d) If granted, will the variance adversely affect other property in the area? Please explain fully.
N/A
- e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully. N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year? ☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 288.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12. _____ DATE
SIGNATURE OF APPLICANT

13. EDG Flayler Crossings LLC 6/10/13
Kopco LLC DATE
SIGNATURE OF PROPERTY OWNER
Vice President



Exhibit "B"
Legal Description

Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

14775 St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

November 1, 2005
Miller Tract West
Page 1 of 2

Work Order No. 05-231.02
File No. 118C-29(MHW)

73 ACRE PARCEL

A portion of Section 1, Section 50 of the E. S. Robertson Grant, Section 51 of the Delespine or Delespine Grant, Section 52 of the Fatio or Delespine Grant, and Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with Section 6, and Section 55 of the E. S. Robertson Grant, Township 7 South, Range 30 East, all lying in the City of St. Augustine, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the centerline intersection of San Marco Avenue, also known as U.S. Highway No. 1, a variable width right of way as now established, with the centerline of State Road No. 16, a variable width right of way per Florida Department of Transportation Right of Way Map, Section 78060-2506; thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as now established, said point also being a point on a curve concave Easterly, having a radius of 2914.79 feet; thence along said Westerly right of way line the following six courses: Course 1, thence Northerly, departing said centerline and along the arc of said curve, through a central angle of $19^{\circ}00'59''$, an arc length of 967.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $14^{\circ}27'58''$ West, 962.97 feet; Course 2, thence North $04^{\circ}57'29''$ West, 24.60 feet to a point on a non-tangent curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, an arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course 4, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $00^{\circ}32'54''$, an arc length of 27 feet, more or less, to a point on said curve; said point also being a point lying on the Easterly Mean High Water Line and the Point of Beginning, said arc being subtended by a chord bearing and distance of North $02^{\circ}56'22''$ West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of the Easterly Mean High Water Line of the San Sebastian River, 4923 feet, more or less, to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said St. Johns County, said line also being a line from the centerline of a

November 1, 2005
Miller Tract West
Page 2 of 2

Work Order No. 05-231.02
File No. 118C-29(MHW)

73 Acre Parcel

bridge to the centerline of the Dome of the Flagler Memorial Church of St. Augustine; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 76 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 673 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 121 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northeasterly, Southeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 192 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 191 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Southeasterly, Southwesterly, Northeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 555 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 29 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northerly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 111 feet, more or less to a point lying on the Southerly line of Section 98 of the J. Delespine Grant, Township 6 South, Range 29 East, thence South $89^{\circ}11'41''$ East, departing said Easterly Mean High Water Line, along said Southerly line and along the Southerly line of Section 36 of said Township 6 South, Range 29 East, a distance of 184 feet, more or less, to a point on a curve concave Northerly, having a radius of 488.46 feet; thence Easterly, departing said Southerly line and along the arc of said curve, through a central angle of $92^{\circ}00'30''$, an arc length of 784.40 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $71^{\circ}52'55''$ East, 702.79 feet; thence North $62^{\circ}06'50''$ East, 228.73 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad; thence Southerly, along said Westerly right of way line the following five courses: Course 1, thence South $27^{\circ}53'10''$ East, 2423.56 feet; Course 2, thence South $27^{\circ}42'36''$ East, 660.97 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 3, thence Southerly, along the arc of said curve, through a central angle of $23^{\circ}37'40''$, an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $15^{\circ}53'46''$ East, 1152.57 feet; Course 4, thence South $04^{\circ}04'55''$ East, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 5, thence Southerly, along the arc of said curve, through a central angle of $00^{\circ}52'06''$, an arc length of 43 feet, more or less, to a point on said curve, said point also being a point lying on the Easterly Mean High Water Line and the Point of Beginning, said arc being subtended by a chord bearing and distance of South $03^{\circ}38'52''$ East, 43 feet, more or less.

Containing 72.86 acres, more or less.

Exhibit "C"

**DEVELOPMENT PLAN NARRATIVE
FLAGLER CROSSING PLANNED UNIT DEVELOPMENT**

PUD Ordinance 2006-31

Revised July 9, 2013

Submittal Date:

June 7, 2013

Request:

Rezone approximately 73 acres from Planned Unit Development (PUD) to PUD to allow for construction of up to 107 single family dwelling units.

Owner:

FDG Flagler Crossing, LLC
ATTN: Keith Tickell
4601 Touchton Rd. E., Bldg. 300
Suite 3200
Jacksonville, Florida 32246

Applicant:

San Sebastian Group, LLC
105 Plantation Circle
Ponte Vedra Beach, FL 32082

Authorized Agents for the Applicant:

Susan Bloodworth, Esquire
McClure Bloodworth, P.L.
81 King Street, Suite A
St. Augustine, FL 32084

John Valdes
John Valdes & Associates
1395 U.S. Highway 1 South, Suite A
St. Augustine, Florida 32084

England-Thims & Miller, Inc.
14775 Old St. Augustine Road
Jacksonville, Florida 32258

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	General Location/Context Plan
Exhibit E	Extent of Coastal High Hazard Area (CHHA)

Exhibit F	Proof of Ownership/Deed
Exhibit G	Ordinance 2013-08 PUD Development Plan Responses
Exhibit H	Conceptual Site Plan and Typical Sections
Exhibit I	Tree Protection/Mitigation Plan
Exhibit J	Recorded Conservation Easement

Parcel Identification Numbers: 084560-0000, 102990-0000, 102810-0000, 154860-0000, 155540-0000.

SECTION I- INTRODUCTION AND REQUEST

This is an attachment to the application for a major modification of the Flagler Crossing PUD, Ordinance 2006-31, with accompanying documents as required by the City of St. Augustine Zoning Code ("Zoning Code"). This petition is filed on behalf of the Applicant, San Sebastian Group, LLC. The Applicant is requesting a modification of the previously approved Flagler Crossing PUD to allow up to 107 single family homes. A completed application form for rezoning is included as **Exhibit "A."** The future land use is Residential Low Density/Mixed Use as approved by City of St. Augustine Ordinance 2006-03.

A. Location/Surrounding Areas and Access: The subject property (the "Property") consists of land located landward of the mean high water line of the San Sebastian River resulting in two separate parcels of land. The Property is more particularly described by the Legal Description, which is attached as **Exhibit "B."** All land waterward of the mean high water line will remain in the Open Land category. The Property is approximately 73 acres in size and located immediately west of the FEC railroad, south of San Sebastian View, east of the San Sebastian River and north of State Road 16 as shown on the General Location/Context Plan **Exhibit "D."**

The Property is surrounded by the St. Johns County administration and judicial center to the north; vacant land to the east between the railroad and US Highway 1; SR 16 to the south and the San Sebastian River to the west. The Property will be accessed by San Sebastian View, an extension of Avenue D that was constructed by Flagler and dedicated to St. Johns County. This road now provides an alternate access to the County complex from U.S. 1 and provides relief to the Lewis Speedway/U.S. 1 intersection. (**Exhibit "D"**). Across U.S. 1 to the east is the approved Madeira development, which is approved for 749 residential dwelling units and approximately 150,000 square feet of office and retail space at buildout. The proposed project will provide for supporting housing opportunities in close proximity to two of the County's largest employers, St. Johns County government and Northrop Grumman. The proposed project also preserves existing native vegetation and open space for significant areas of the site as shown on the Community Plan and Typical Sections in **Exhibit "H."**

B. Ownership/Agreement: The Property is owned by FDG Flagler Crossing LLC as shown by the Proof of Ownership (deed) which is attached as **"Exhibit F,"** who has authorized Susan S. Bloodworth, McClure Bloodworth, P.L., England-Thims & Miller, Inc. and John Valdes & Associates to represent the Application.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department, the Planning & Zoning Board (PZB), and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner. The only permitted uses will be single-family homes, not to exceed one hundred seven (107) units with associated active and passive recreation uses and accessory uses. The Conceptual Site Plan and Typical Sections, **Exhibit "H,"** shows a total of 107 single-family with passive and active recreation and park areas. The active recreation areas may include playgrounds, playing fields, and exercise stations. The passive recreation areas may include walking trails to scenic vistas and up to two optional community docks or fishing piers.

Development of the PUD will occur in one or more phases over the next ten (10) years. Development of the PUD shall commence within eighteen (18) months of approval of this modification, which shall be defined as City adoption of the Ordinance modifying the original PUD Ordinance 2006-31. Commencement shall be defined as approval of construction plans based on the PUD, as modified herein.

This PUD shall not release the Applicant, its successors and assigns, or their obligations to comply with all Federal, State and local applicable laws and does not otherwise limit nor expand the authority of the City of St. Augustine to enforce such laws nor limit nor expand defenses available to the property owner.

B. Development Standards for Development within the PUD: The attached Conceptual Site Plan and Typical Sections **Exhibit "H"** depicts the appropriate site plan and layout of the proposed lots. No material departures from the Site Plan are permitted without authorization of the PZB. In recognition of the PUD's unified site plan, an individual homeowner may seek an amendment of his or her property, with only the prior approval of the Applicant, or his assignee, such as the homeowner's association, which is required by the City's Code, to be created for the management and ownership of the common elements, stormwater system and any private roadways. Such individual homeowner need not obtain the signatures of all homeowners within the PUD, as long as the applicant for any requested change is the Applicant or the Applicant's designee, such as the homeowners' association. The following specific criteria shall apply.

1. **Minimum lot width:** Fifty (50) feet.
2. **Minimum Lot Area:** Six thousand (6,000) square feet
3. **Minimum Setbacks for Structures**

Front ~ 20 feet
Side – 5 feet
Rear – 10 feet

Setbacks will be measured from the property line to the face of the vertical wall or structure.

4. **Maximum lot coverage:** Fifty (50) percent for structures.
5. **Maximum building height:** Thirty-five (35) feet.

6. **Parking:** Subdivision roads shall be constructed within a 50 foot right of way with a 5 foot easement on both sides and 20-ft of pavement. Because of the width of the pavement, no on-street parking will be allowed and off-street parallel guest parking, off of the 20 ft. pavement, has been provided throughout the neighborhood. The installation of striping and warning signage shall occur at the time of construction of the roadways within the PUD. The prohibition against on-street parking shall be reflected in the homeowner's association regulatory documents. Enforcement, including towing of improperly parked vehicles, will be handled by the homeowner's association. Traffic control signage shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).

Signage: The entry feature signage for the subdivision will be no greater than commercial signage per City Code, and residential signage internal to the subdivision will comply with residential signage per City Code with appropriate wayfinding and traffic signage. These signs may be lighted (providing lights are not directed towards traffic) and shall not obstruct visibility.

The existing billboards located on the south parcel adjacent to SR 16 will be removed from the Property upon issuance of the first vertical building permit(s). This is consistent with Comprehensive Plan CCM Policy 30 that encourages property owners not to renew leases for the billboards, which are located along State Road 16.

7. **Stormwater:** Stormwater will be retained on site within the retention areas shown on the Community Plan and Typical Sections **Exhibit "H."** The drainage structures and facilities will be designed and constructed in compliance with the regulations of the City of St. Augustine and will conform with the permit requirements established by the St. Johns River Water Management District and the City of St. Augustine Stormwater Regulations. Typical lot grading plans shall be provided in construction plans.
8. **Access:** Vehicular and pedestrian access to the property will be provided from San Sebastian View.
9. **Buffers:** All development will be located outside Conservation Overlay Zone 1 except for walking trails, boardwalks and community docks. Conservation Overlay Zone 1 includes all wetlands within the State's Wetlands Jurisdiction Line. All development other than walking trails, boardwalks, community docks or private docks will occur a minimum of 25 feet landward of Conservation Overlay Zone 1. Any activity within Conservation Overlay Zone 1 shall be in compliance with Article II of the City of St. Augustine's Code of Ordinances. No reduction of this 25-foot Conservation Zone 1 restriction will be allowed. Any parcel-specific change proposed within any of the Conservation Zones shall be by application for a Conservation Zone Permit and the only applicant for such Conservation Zone permits shall be the Applicant herein or its assignee, such as the homeowners' association formed pursuant to City requirements.

A landscaped berm will be created along the railroad within a minimum 90-foot wide buffer to create a visual and noise buffer from development. A typical section of this buffer is shown on **Exhibit "H"** Conceptual Site Plan and Typical Sections.

10. **Utilities:** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Florida Power and Light Company or other franchised utility provider. A five (5) ft. easement on each side of the road right of way

will provided to accommodate the utility lines. Security lighting will be provided at intersections and the ends of cul de sacs. Applicant will grant the City utility department easements necessary for the installation of such utilities.

11. **Potable Water:** Potable water will be provided by the City of St. Augustine via existing connections located along San Sebastian View. Design and construction will be in accordance with current permit standards and requirements. Applicant will grant the City utility department any easements necessary for the installation of such utilities.
12. **Fire Protection/Assessment:** Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.
13. **Sanitary Sewer:** The development will be served by central sewer collection from the City of St. Augustine and service is available along San Sebastian View. A lift station will be constructed on the subject property and dedicated to the City of St. Augustine. Such dedication shall be by deeded conveyance of the lift station parcel, and shall include required ingress/egress and utility easements. Any extensions or new connections shall be in accordance with City requirements and design and construction shall conform to current permit standards and requirements. Applicant will grant the City utility department any easements necessary for the installation of such utilities.
14. **Roads:** Subdivision roads shall be "Miami curb and gutter" and shall be constructed with 20 ft. of pavement, centered within a 50 foot right of way, a 4 foot sidewalk and 5 foot easement on both sides. There will be an unpaved 9-foot area between the pavement and the sidewalk on each side of the road that can be used for off-street parking. The Applicant will grant the City utility department any easements necessary for the installation of utilities.
15. **Sidewalks:** Applicant will install sidewalks along both sides of the local roads and will connect to sidewalks along San Sebastian View.
16. **General Design Standards:** All homes shall have a finished floor elevation above the base flood elevation as established by the Federal Emergency Management Agency (FEMA)
18. **Recreation and Open Space:**
 - a. Applicant will provide passive and active recreational opportunities on site that exceed the City of St. Augustine requirements. Neighborhood parks are located through the community as shown on the Conceptual Site plan. The parks may include playground equipment, play fields and exercise stations. Passive recreational opportunities will also be provided on site by walking trails to scenic vistas along the San Sebastian River. Up to two (2) community docks/fishing piers may be constructed. Picnic areas may also be located along the walking trails.
 - b. The owner has recorded a conservation easement consistent with the preservation areas shown on the conceptual site plan. A copy is provided as Exhibit "J." Such conservation easement shall prohibit development of the portions of the site

and similar passive recreational uses and structures subject to obtaining any applicable federal, state and local permits. Areas depicted in the site plan, which are not subject to the recorded conservation easement, or which may in the future be released or modified from the lands subject to the recorded conservation easement, are still intended to be preserved pursuant to the commitments made in this PUD.

19. **Concurrency:** The City of St. Augustine has eliminated traffic concurrency.
20. **Coastal High Hazard Area (CHHA):** All single-family homes will be clustered outside the Coastal High Hazard Area (CHHA). The CHHA is defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricane (SLOSH) computerized storm surge model. The Northeast Florida Storm Tide Atlas published in 2010 by the Northeast Florida Regional Council was utilized to determine the extent of the CHHA. The Atlas maps identify those areas subject to potential storm tide flooding from the five categories of hurricane on the Saffir Simpson Hurricane Wind Scale as determined by NOAA's numerical storm surge model, SLOSH. The location and extent of the CHHA is shown on **Exhibit "E."**
21. **Tree Protection/Mitigation:** Significant areas of native vegetation will be preserved on the site. Exhibit I Tree Protection/Mitigation Plan, includes an existing tree survey showing preserved and removed trees, a tree information chart listing trees by type and size and a credit/deficit chart. The chart shows that the tree credits will far exceed the tree deficits.
22. **Education:** The Applicant, concurrent with the approval of this PUD, is processing a Proportionate Fair Share Agreement with the St. Johns County School District and upon approval by the St. Johns County School Board of the proposed Agreement (which is anticipated to occur prior to the final hearing on this Application) shall address all school impacts created by the development proposed herein.

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its successors and assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All common areas and facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV-SUMMARY AND CONCLUSIONS

Approval of this Application for Modification of the Flagler Crossing Planned Unit Development, Ordinance 2006-31, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding uses and zonings. The project allows control over the size and intensity of development and assurance of compatibility with surrounding uses.

2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objectives, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Modification to Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Plan and is consistent with the City Plan.

Exhibit "D"
General Location/Context Plan



EXHIBIT E
Extent of Coastal
High Hazard Area
(CHHA)

3" x 3"

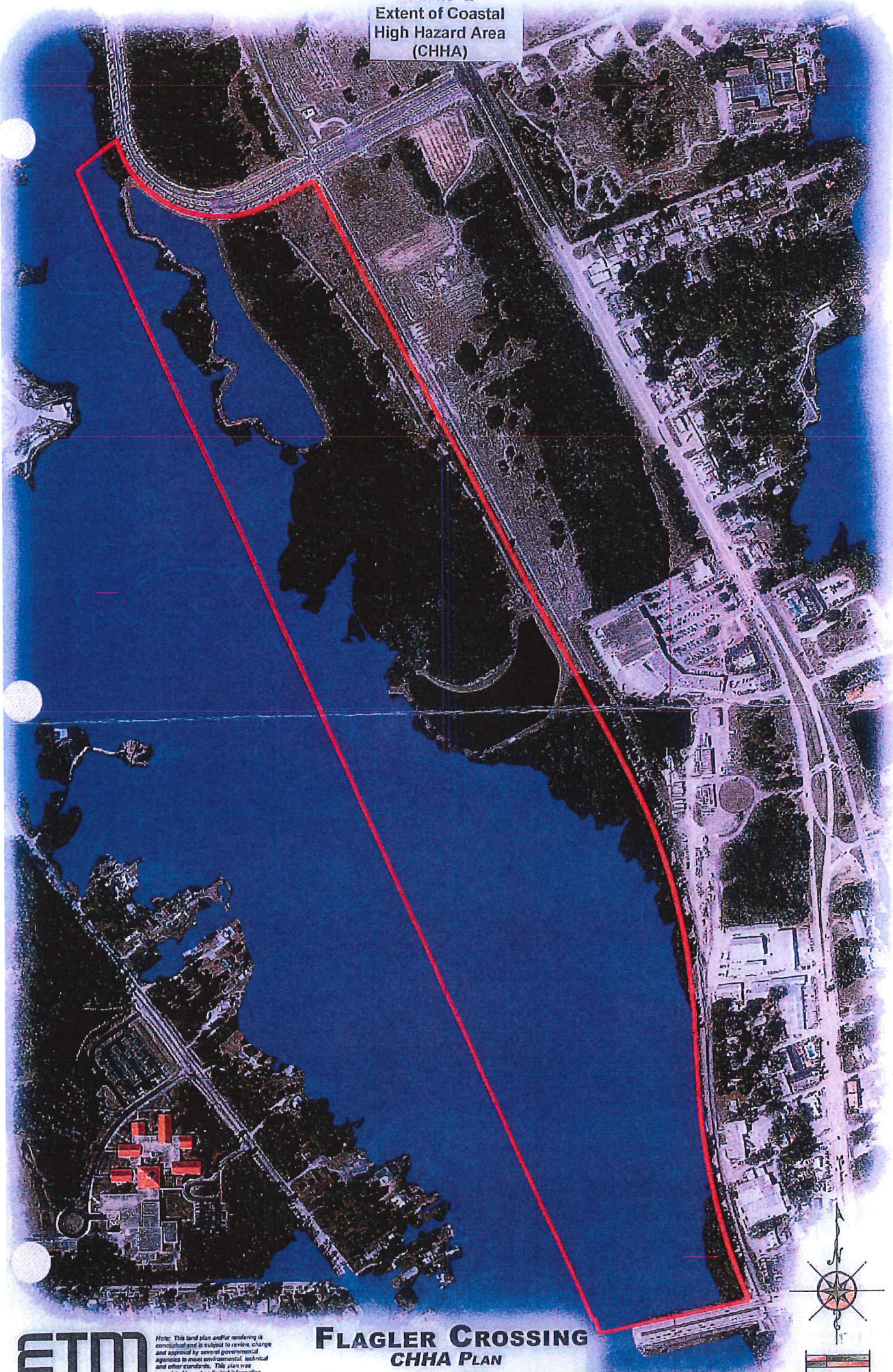


Exhibit "F"
Proof of Ownership/Deed

PREPARED BY AND RETURN TO:

Christine M. DeMott, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive, Suite 2100
Chicago, IL 60606

Tax Numbers:

Space above this Line for Recording Data

CORRECTIVE SPECIAL WARRANTY DEED

THIS CORRECTIVE SPECIAL WARRANTY DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION ATTACHED TO THAT CERTAIN SPECIAL WARRANTY DEED RECORDED ON NOVEMBER 29, 2007, IN OFFICIAL RECORDS BOOK 3012, PAGE 1650 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THIS CORRECTIVE SPECIAL WARRANTY DEED is made and executed this 19th day of February, 2008, by FLORIDA EAST COAST RAILWAY, L.L.C., whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantor"), to FDG FLAGLER CROSSING LLC, whose mailing address is 2855 S. LeJeune Road, Coral Gables, FL 33134 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, certain real property located in St. Johns County, Florida, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; and

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby specially warrants title to the Property as hereby described, and will defend the Property against the lawful claims and demands of all persons claiming by, through, or under Grantor, but against none other, and covenants that the Property is free of all liens and encumbrances, except real property taxes and assessments accruing subsequent to December 31, 2007, zoning and other regulatory laws and ordinances affecting the Property, and covenants, easements, reservations and restrictions of record, if any, provided that this reference shall not serve to reimpose same.

Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and their respective successors and assigns.

NOTE TO RECORDING CLERK:

The Special Warranty Deed recorded on November 29, 2007 in Official Records Book 3012, Page 1650 of the Public Records of St. Johns County, Florida, which has been modified hereby to correct the legal description attached to such deed, conveyed unencumbered property for nominal consideration from the Grantor to a limited liability company wholly-owned by Grantor and was therefore exempt from Florida documentary stamp taxes pursuant to Crescent Miami Center, LLC vs. Florida Department of Revenue, No. SC03-2063 (Fla. 2005).

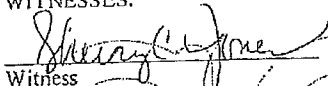
Flagler Station II (Corrective Deed)
673836.02-Chicago Server 2A

MSW - Draft February 8, 2008 - 2:40 PM

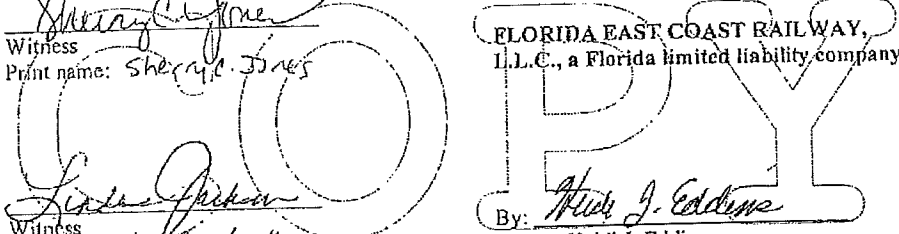
[SIGNATURE PAGE TO CORRECTIVE SPECIAL WARRANTY DEED]

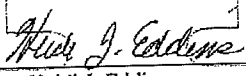
IN WITNESS WHEREOF, Grantor has caused this Corrective Special Warranty Deed to be executed the day and year first above written.

WITNESSES:


Witness
Print name: Sherry C. Jones

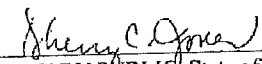

Witness
Print name: Linda Jackson


FLORIDA EAST COAST RAILWAY,
L.L.C., a Florida limited liability company

By: 
Name: Heidi J. Eddins
Its: Executive Vice President, General
Counsel and Secretary

STATE OF Florida)
) SS:
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 19th day of February, 2008, by Heidi J. Eddins, Executive Vice President, General Counsel and Secretary of Florida East Coast Railway, L.L.C., who is personally known to me.

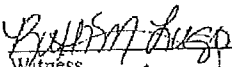
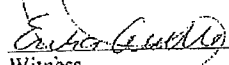

NOTARY PUBLIC, State of Florida
Sherry C. Jones
Print Name
My Commission expires: _____

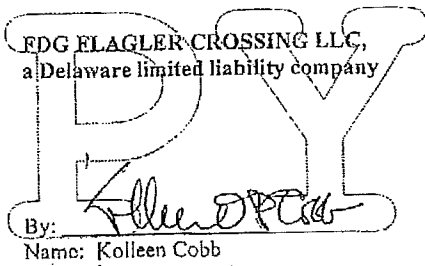
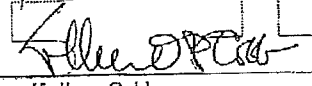
(SEAL)
 SHERRY C. JONES
Notary Public, State of Florida
My Comm. Expires Jan. 22, 2010
Comm. No. DD 595409

[SIGNATURE PAGE TO CORRECTIVE SPECIAL WARRANTY DEED]

IN WITNESS WHEREOF, Grantee has caused this Corrective Special Warranty Deed to be executed the day and year first above written.

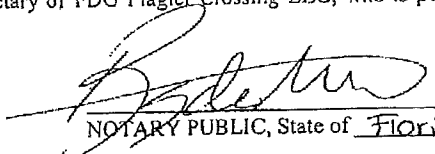
WITNESSES:


Witness
Print name: Ruth M Lugo

Witness
Print name: Ericka Aenle


FDG FLAGLER CROSSING LLC,
a Delaware limited liability company
By: 
Name: Kolleen Cobb
Its: Vice President and Secretary

STATE OF FLORIDA)
COUNTY OF Miami Dade) SS:

The foregoing instrument was acknowledged before me this 13 day of February 2008, by Kolleen Cobb, the Vice President and Secretary of FDG Flagler Crossing LLC, who is personally known to me.


NOTARY PUBLIC, State of Florida
Print Name Rayda Masdeu
My Commission expires: 1/23/12

(SEAL)

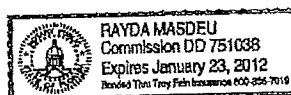


Exhibit "A"

Property

PARCEL E:

A PORTION OF SECTION 36, SECTION 55, THE FRANCIS J. PATIO GRANT, SECTION 56, THE PATIO OR DELESPINE GRANT, SECTION 79, THE PATIO OR DELESPINE GRANT, AND SECTION 98, THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH SECTION 1, SECTION 12, SECTION 50, THE J.S. SANCHEZ GRANT, SECTION 52, THE PATIO OR DELESPINE GRANT, AND SECTION 56, THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH SECTION 6, SECTION 7, SECTION 44, THE ESTOPA GRANT, AND SECTION 55, THE E.S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, WITH THE CENTERLINE OF STATE ROAD NO. 16, A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506; THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12 DEGREES 26 MINUTES 14 SECONDS WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 231.51 FEET; COURSE 2, THENCE SOUTH 12 DEGREES 26 MINUTES 14 SECONDS EAST; 3.75 FEET; COURSE 3, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 25.51 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16 THE FOLLOWING FOUR COURSES: COURSE 1, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 706.25 FEET; COURSE 2, THENCE NORTH 23 DEGREES 50 MINUTES 52 SECONDS WEST, 14.98 FEET; COURSE 3, THENCE NORTH 12 DEGREES 26 MINUTES 14 SECONDS WEST, 55.32 FEET; COURSE 4, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 11.16 FEET TO A POINT LYING ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 66, PAGE 168, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE; THENCE NORTH 23 DEGREES 50 MINUTES 52 SECONDS WEST, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, AND ALONG SAID WESTERLY LINE, 5893.95 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF SECTION 52; THENCE SOUTH 82 DEGREES 27 MINUTES 09

SECONDS WEST, DEPARTING SAID WESTERLY LINE, AND ALONG SAID SOUTHERLY LINE, 233.88 FEET TO A POINT LYING ON THE NORTHEASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 141, PAGE 1, OF SAID PUBLIC RECORDS; THENCE NORTH 28 DEGREES 30 MINUTES 26 SECONDS WEST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID NORTHEASTERLY LINE, 1884.83 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2103, PAGE 1233, OF SAID PUBLIC RECORDS; THENCE NORTH 76 DEGREES 10 MINUTES 52 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, AND ALONG ITS EASTERLY PROLONGATION, 590.25 FEET TO THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, OF SAID PUBLIC RECORDS; THENCE SOUTH 33 DEGREES 34 MINUTES 45 SECONDS EAST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHWESTERLY LINE, 346.69 FEET TO THE SOUTHERLY MOST CORNER OF SAID LANDS; THENCE NORTH 60 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG THE SOUTHEASTERLY LINE OF LAST SAID LANDS, 1069.62 FEET TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, A 100 FOOT RIGHT OF WAY, AS NOW ESTABLISHED, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THIRTEEN COURSES: COURSE 1, THENCE SOUTHERLY, DEPARTING SAID SOUTHEASTERLY LINE, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AN ARC LENGTH OF 42.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 21 MINUTES 31 SECONDS EAST, 42.81 FEET; COURSE 2, THENCE SOUTH 03 DEGREES 55 MINUTES 23 SECONDS EAST, 567.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 3, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 57 MINUTES 52 SECONDS, AN ARC LENGTH OF 1219.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 54 MINUTES 19 SECONDS EAST, 1210.26 FEET; COURSE 4, THENCE SOUTH 27 DEGREES 53 MINUTES 10 SECONDS EAST, 2753.52 FEET; COURSE 5, THENCE SOUTH 27 DEGREES 42 MINUTES 36 SECONDS EAST, 660.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; COURSE 6, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 37 MINUTES 40 SECONDS, AN ARC LENGTH OF 1160.78 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 53 MINUTES 46 SECONDS EAST, 1152.57 FEET; COURSE 7, THENCE SOUTH 04 DEGREES 04 MINUTES 55 SECONDS EAST, 86.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; COURSE 8, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREES 25 MINUTES 00 SECONDS, AN ARC LENGTH OF 69.60 FEET TO A POINT OF REVERSE CURVATURE, SAID ARC BEING

SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03 DEGREES 22 MINUTES 25 SECONDS EAST, 69.60 FEET; COURSE 9, THENCE SOUTHERLY, ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 11509.16 FEET, THROUGH A CENTRAL ANGLE OF 01 DEGREES 07 MINUTES 39 SECONDS, AN ARC LENGTH OF 226.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03 DEGREES 13 MINUTES 45 SECONDS EAST, 226.46 FEET; COURSE 10, THENCE SOUTH 03 DEGREES 47 MINUTES 34 SECONDS EAST, 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 11, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREES 20 MINUTES 56 SECONDS, AN ARC LENGTH OF 68.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 17 MINUTES 00 SECONDS EAST, 68.62 FEET; COURSE 12, THENCE SOUTH 04 DEGREES 57 MINUTES 29 SECONDS EAST, 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 13, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18 DEGREES 00 MINUTES 54 SECONDS, AN ARC LENGTH OF 916.46 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13 DEGREES 57 MINUTES 56 SECONDS EAST, 912.69 FEET.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.
ALSO LESS AND EXCEPT THAT PART CONTAINED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.
FURTHER EXCEPTING ANY PART LYING WITHIN ANY ROAD OR STREET RIGHT OF WAY.

AND LESS AND EXCEPT (OR 2635/1760):

A PORTION OF SECTION 36 AND A PORTION OF SECTION 55 FRANCIS J. FARIO GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 29 EAST, CITY OF ST. AUGUSTINE. ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS US HIGHWAY NO. 1, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, WITH THE CENTERLINE OF STATE ROAD NO. 16, A VARIABLE WIDTH RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506; THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 1171.22 FEET TO ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE, OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 66, PAGE 168 OF THE PUBLIC RECORDS OF SAID ST JOHNS COUNTY; THENCE NORTH 23 DEGREES 50 MINUTES

52 SECONDS WEST, DEPARTING SAID CENTERLINE AND ALONG SAID SOUTHERLY PROLONGATION AND SAID WESTERLY LINE, 6016.37 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF SECTION 52, FATLO OR DELESPINE GRANT OF SAID TOWNSHIP 7 SOUTH, RANGE 29 EAST; THENCE SOUTH 82 DEGREES 27 MINUTES 09 SECONDS WEST, DEPARTING SAID WESTERLY LINE, AND ALONG SAID SOUTHERLY LINE, 233.88 FEET TO ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 141, PAGE 1, OF SAID PUBLIC RECORDS; THENCE NORTH 28 DEGREES 30 MINUTES 26 SECONDS WEST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID NORTHEASTERLY LINE, 1884.83 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2103, PAGE 1233, OF SAID PUBLIC RECORDS; THENCE NORTH 76 DEGREES 10 MINUTES 52 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, AND ALONG ITS EASTERLY PROLONGATION, 590.25 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, OF SAID PUBLIC RECORDS; THENCE SOUTH 33 DEGREE 34 MINUTES 45 SECONDS EAST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHWESTERLY LINE, 346.69 FEET TO THE SOUTHERLY MOST CORNER OF SAID LANDS AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE NORTH 60 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG SAID SOUTHEASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, A DISTANCE OF 1069.62 FEET TO A POINT ON A CURVE, SAID POINT LYING ON THE WESTERLY LINE OF A FLORIDA EAST COAST RAILROAD, RIGHT ON WAY, A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTHERLY, DEPARTING SAID SOUTHEASTERLY LINE AND ALONG SAID WESTERLY RIGHT OF WAY LINE, THE FOLLOWING FOUR COURSES: COURSE 1, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2814.79 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AN ARC LENGTH OF 42.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 21 MINUTES 31 SECONDS EAST, 42.81 FEET; COURSE 2, THENCE SOUTH 03 DEGREES 55 MINUTES 23 SECONDS EAST, 567.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 3, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 57 MINUTES 52 SECONDS, AN ARC LENGTH OF 1219.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 54 MINUTES 19 SECONDS EAST, 1210.26 FEET; COURSE 4, THENCE SOUTH 27 DEGREES 53 MINUTES 10 SECONDS EAST, 179.96 FEET THENCE SOUTH 62 DEGREES 06 MINUTES 50 SECONDS WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, 287.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 350.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 112 DEGREES 18 MINUTES 26

SECONDS, AN ARC LENGTH OF 686.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 43 MINUTES 58 SECONDS WEST, 581.37 FEET, THENCE NORTH 05 DEGREES 34 MINUTES 45 SECONDS WEST, 423.34 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 440.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 00 MINUTES 00 SECONDS, AN ARC LENGTH OF 261.10 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 34 MINUTES 45 SECONDS WEST, 257.29 FEET; THENCE NORTH 39 DEGREES 34 MINUTES 45 SECONDS WEST, 557.12 FEET; THENCE NORTH 36 DEGREES 09 MINUTES 10 SECONDS WEST, 214.71 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT LANDS DESCRIBED IN THE FOLLOWING INSTRUMENTS, ALL AMONG THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA:

DEED BOOK	214, PAGE 592
OFFICIAL RECORDS BOOK	983, PAGE 22
OFFICIAL RECORDS BOOK	642, PAGE 284
OFFICIAL RECORDS BOOK	651, PAGE 1551
OFFICIAL RECORDS BOOK	954, PAGE 273
OFFICIAL RECORDS BOOK	954, PAGE 277
OFFICIAL RECORDS BOOK	1554, PAGE 936
OFFICIAL RECORDS BOOK	1876, PAGE 1922
OFFICIAL RECORDS BOOK	2103, PAGE 1233
OFFICIAL RECORDS BOOK	2635, PAGE 1760

BUT INCLUDING ADDITIONAL LANDS DESCRIBED BY OFFICIAL RECORDS BOOK 95, PAGE 607 AND OFFICIAL RECORDS BOOK 1165, PAGE 165.

LESS AND EXCEPT LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 95, PAGE 599, OFFICIAL RECORDS BOOK 1165, PAGE 168; AND IN OFFICIAL RECORDS BOOK 1165, PAGE 175.

Tax Numbers

084560-0000
073620-0000
154930-0001
154880-0000
154890-0030
154940-0080

Exhibit "G"
Ordinance 2013-08 PUD
Development Plan Responses

FLAGLER CROSSING PUD
DEVELOPMENT PLAN RESPONSES
TO ORDINANCE 2013-08 REQUIREMENTS

1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: Please see the attached consistency analysis

2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: The proposed development is not within any of the historic districts.

3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: Please see the attached redline/strike-through version of the currently-approved PUD narrative.

4. Compliance with the intent and criteria in section 28-286.

Response: Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

Response: The redline/strike-through of the currently-approved PUD Narrative attached as part of this Application, demonstrates Applicant's compliance with section 28-288.

5. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." The property is located within the Residential Low Density Mixed Use category under the City of St. Augustine's 2030 Comprehensive Plan. Residential Low Density Mixed Use allows for a maximum density of eight (8) units per acre and a minimum lot size of 5,450 square feet. The proposed modification is for 107 units on 73 acres, which is a density of approximately 1.5 units per acre. The proposed minimum lot size is 6,000 square feet.

6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The project is planned to be commenced as a single phase, within eighteen (18) months of the approval of the Ordinance modifying the PUD and completed within ten (10) years of commencement.

7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are

not to be provided, operated or maintained by the city pursuant to written agreement.

Response: The Applicant will form a homeowner's association for the continuing operation and maintenance of all common areas, stormwater systems, and any roadways not dedicated to the City of St. Augustine. It is the Applicant's intent to dedicate the potable water and sewer infrastructure to the City of St. Augustine.

8. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this modification application be denied, the existing Flagler Crossing PUD zoning, and uses approved therein, shall remain unchanged. Should the development proposed in the Flagler Crossing PUD, once approved and as modified herein not be completed as indicated in Response 6 above, then the zoning for the Property shall revert to its pre-modification approvals, not its pre-PUD approvals, as the approvals granted in the original Flagler Crossing PUD, Ordinance 2006-31 are vested rights held by the landowner.

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the

time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: The Applicant asserts on behalf of the landowner that all development approvals previously granted under the Flagler Crossing PUD Ordinance 2006-31 have been vested and any reversion will be only to the pre-Modification sought herein, which are consistent with the Comprehensive Plan.

10. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

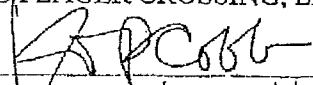
[SIGNATURES FOLLOW]

OWNER:

FDG FLAGER CROSSING, LLC

By:

Its:


Kathleen Cobb
Vice President

APPLICANT:

SAN SEBASTIAN GROUP, LLC

By:

Its:

OWNER:

FDG FLAGER CROSSING, LLC

By: _____

Its: _____

APPLICANT:

SAN SEBASTIAN GROUP, LLC

By:  _____

Its: *Manager*

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN

The applicable Goals, Objectives and Policies (GOPs) are listed below followed by a brief analysis to demonstrate consistency.

FLU - FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions that cannot be overcome with conventional engineering methods. The upland soils on the site are rated either medium or high for community development. Water and wastewater lines are available within close proximity to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policies

- 1.1 The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. The City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property within the city limits and the County's development area boundary demonstrate that development of the subject site is essentially considered infill

development. The provisions of the PUD regarding parking, environmental protection and utilities are fully consistent with these policies.

- 7.2 Public facilities and utilities shall be located to maximize the efficiency of services provided, minimize their cost, and minimize their impacts on the natural environment by locating public facilities on land having the appropriate land use classification for the proposed use. This policy implements FLU Objectives 11 and 12.**

Public facilities and utilities will be provided from existing lines located adjacent to the Commercial Medium Intensity-designated land adjacent and to the east of the subject property. Development of the subject property must go through conservation overlay zone review and demonstrate there is no significant negative impact on the natural environment.

- 7.3 Future extension of City roads shall promote compact and contiguous patterns of development. This policy implements FLU Objective 11.**

The construction of San Sebastian View promotes compact, contiguous development patterns on the subject site and allows for alternative access points for surrounding land that would allow greater connectivity among proximate land uses. This alternative roadway alleviates traffic congestion due to the previous single roadway access configuration for the County Administration and Judicial Center via Lewis Speedway.

- 8.1 The City shall use the following land use classifications in the coastal high hazard areas as depicted in the Coastal High Hazard Area Map adopted as part of the Future Land Use Map Series for future land use map amendments and annexations: Residential Low Density, Residential Low Density/Mixed Use, Public/Semi-public, Recreation/Open Space and Open Land. This policy implements FLU Objective 10.**

The Coastal High Hazard Area is defined in Rule 9J-5.003(17) of the Florida Administrative Code as the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government. The subject site is located at the outer limits of the Category 1 hurricane evacuation zone. The Residential Low Density Mixed Use classification, which is the designation for the subject property, is one of the acceptable land use classifications listed in this policy.

TC - TRAFFIC CIRCULATION ELEMENT

TC Objective 1.1

The City shall provide a safe, convenient and efficient motorized and non-motorized transportation system. This objective is implemented by TC Policies 1.1.1, 1.1.2, 1.1.5, 1.1.6, 1.1.11, 1.3.1, 3.1.1, 3.1.3 and F. The measurable targets for this objective are: (1) the continued enforcement of development regulations related to on-site parking and maneuvering; and (2) the continued maintenance of adopted levels of service standards for roadways in the city.

The maximum amount of development that would be allowed by this proposed modification has no significant impact on any of the roadways with adopted levels of service in the City of St. Augustine. The directly accessed segment has plenty of remaining capacity at the adopted level of service with project traffic. The development of San Sebastian View has increased safety, convenience and efficiency of the immediately surrounding roadway network.

TC Objective 1.4

The traffic circulation system shall be consistent with and support the Future Land Use Plan as depicted on the Future Land Use Map series and subsequent amendments. This objective is implemented by TC Policies 2.1.2, 3.1.1, 4.3.5, C, D, and E. The measurable target for this objective is that development shall only be permitted as intended by the Future Land Use Plan and that adopted levels of service for such development shall be maintained.

The proposed development will not adversely affect the level of service on any roadway. The construction of San Sebastian View is designed to accommodate project traffic, including the necessary turn lanes.

TC Objective 4.1

Coordinate the City's traffic circulation plan with the plans and programs of the Florida Department of Transportation and St. Johns County. This objective is implemented by TC Policy 4.2.1. The measurable target for this objective is that levels of service standards for all roads inside the city limits shall be maintained for future development.

TC Policies

- 1.1.1** The City adopts the following level of service standards for traffic circulation:

<u>Facility</u>	<u>Average Daily Traffic</u>	<u>Peak Hour</u>
Local roadway	D	D
Collector	D	D
Minor Arterial	D	E
Principal Arterial	C	D
Limited Access Facility	D	D

The minimum acceptable level of service on any State road operating in a backlogged condition on October 1, 1991, shall be 10% below the traffic volume existing at that time. The minimum acceptable level of service on

any constrained roads shall be 11.5% below the volume existing on October 1, 1991. The minimum acceptable level of service on constrained roads within historical corridors shall be 15.5% below the volume existing on October 1, 1991. The minimum acceptable level of service on all county and City roads is level of service D peak hour. This policy implements TC Objective 1.1

The density proposed by this modification will not degrade the adopted level of service on any impacted roadway.

- 1.2.1** The City shall continue to enforce Chapter 23 of the City Code (subdivisions) which requires that all subdivisions platted in the future designate permanent rights-of-way providing access to each lot or parcel in the subdivision on the subdivision plat. The City shall continue to enforce the Right-of-Way permitting process established in Chapter 22 (streets, sidewalks, parks and miscellaneous public places) of the City Code which regulates connections and access points of driveways to roadways, the installation, repair or replacement of utilities and prohibits the construction of any buildings or structures in any public right-of-way. Connections to City roadways shall be regulated according to local standards. Connections to state roadways shall be regulated by FDOT standards. The City shall continue to enforce Chapter 28 of the City Code (zoning and on-site parking) which requires all structures and buildings to be constructed on private property, and which also establishes minimum required yards (setbacks) in the zoning districts associated with each land use classification. This policy implements TC Objective 1.2.

The proposed modification to single-family residential units will be sold as fee simple ownership and a subdivision plat will be submitted for approval. The access connection from the subject property to San Sebastian View will meet County and City standards.

- 2.1.2** The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to: Chapter 28 (zoning and on-site parking); Chapter 11 (environmental protection and conservation overlay zones); Chapter 21 (concurrency management and on-site storm drainage); Chapter 3 (signs); Chapter 25 (landscaping); Chapter 23 (subdivisions); Chapter 8 (building code); Chapter 26 (utilities – potable water, sanitary sewer, solid waste and city storm sewer); Chapter 6 (archaeology); and Chapter 12 (flood control). All subdivisions shall be reviewed, platted and recorded as required by Chapter 23 of the City Code prior to a building permit being issued. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. The City Code shall be on display for the public in the City Clerk's office. This policy implements TC Objectives 1.4.

Most of the standards associated with the two policies above are implemented through the specific provisions of the proposed modification to the Flagler Crossing PUD.

- A. For all new subdivisions and new developments requiring or providing public or private roadways, rights-of-way of sufficient width shall be provided for adequate stormwater management and utilities facilities, and to accommodate the minimum pavement widths established by TC Policy B. This policy implements TC Objective 1.2.
- B. The following minimum pavement widths shall apply to all new public and private roadways:

One way, one traffic lane:
No on street parking 12 feet
Parking on one side 18 feet
Parking on both sides 26 feet

One way, two traffic lanes:
No on street parking 18 feet
Parking on one side 26 feet
Parking on both sides 34 feet

Two way, two traffic lanes:
No on street parking 20 feet
Parking on one side 28 feet
Parking on both sides 36 feet

Two way, four traffic lanes:
No on street parking 38 feet
Parking on one side 48 feet
Parking on both sides 56 feet

OR

Residential Development:
Marginal access 20 feet
Minor street 20 feet
Collector 24 feet

Commercial or Industrial Development:
Marginal access 20 feet
Minor street 24 feet
Collector 28 feet

This policy implements TC Objective 1.1

The projects roadways will comply with these roadway standards.

H - HOUSING ELEMENT

This policy implements Objectives 1 and 3.

Topography and soil conditions of the subject site are suitable for the proposed development. Water and sewer service is readily available to the site.

SS - SANITARY SEWER ELEMENT

Goal

Wastewater facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

SS Objective 1.6

The City shall act to discourage the proliferation of urban sprawl and minimize the use of the existing wastewater facilities. This objective is implemented by SS Policies 1 and 6. The measurable target for this objective is the area serviced by the City wastewater system.

The development of the subject site is considered infill development as indicated by the availability of water and sewer service.

SS Objective 1.7

The City shall provide wastewater facilities at the adopted level of service standard within the service areas for both existing and future development. This objective is implemented by SS Policies 1, 5, and 6. The measurable target for this objective is the provision of wastewater facilities at the adopted level of service in the service area.

The subject site is located within the City's service area and will meet the adopted level of service. The projections of wastewater use provided Section IV, Public Facility Impacts, utilized the adopted level of service standard.

SS Policies

- 1 The City will continue to enforce the City Code, which requires developers to connect to the city's sanitation sewer system if available. Septic tanks are only permitted in the City if the determination has first been made that gravity sewer is not available. Septic tank permits are issued by the St. Johns County Health Department. This policy implements SS Objective 1.6 and 1.7.**

The proposed development will connect to the City's sewer system. Septic tanks will not be used.

SW - SOLID WASTE ELEMENT

Goal

Solid waste services and facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

SW Objective 1

The City shall continue to provide solid waste service and facilities for existing and future needs of the City. This objective is implemented by SW Policies 1 and 2. The measurable target for this objective is the provision of solid waste facilities at the adopted level of service standard.

SW Policies

- 1 The City establishes as its solid waste level of service the ability to dispose of 6.75 pounds of solid waste per day per capita. This policy implements SW Objective 1.

Development of the subject property will comply with the adopted level of service for solid waste.

SM - STORMWATER MANAGEMENT ELEMENT

Goal

Stormwater management shall be provided which supports the intended development depicted by the Future Land Use Map, and which protects the function of natural drainage features.

SWM Objective 1.4

The City shall protect the functions of natural drainage features. This objective is implemented by SWM Policy 7 and CCM Policies 1 and 5. The measurable target for this objective is water quality in City water bodies as measured by the Department of Environmental Protection (DEP).

Development permitting of the subject property will be required to demonstrate there will be no degradation of surface water quality. If approved, proposed development must obtain conservation overlay zone review and approval.

PW - POTABLE WATER ELEMENT

Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.7

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water

system.

PW Policies

- 1 The City shall continue to enforce the City Code, which requires development inside the City limits to connect to the City's potable water system is a city water line is within two hundred (200) feet of the development. This policy implements PW Objective 1.7.
- 12 The City will provide a water system level of service consisting of a minimum of 156.9 gallons capacity per equivalent connection (i.e., an "average" single family residence) per day at a minimum pressure of 20 psi. The City does not use specific water consumption rates as a basis for determining the availability of facility capacity and the demand generated by a new connection or development. Instead, each development proposal is required to submit data the City that is sufficient to determine the service demands of the new development. These demands are then determined by the City on a case-by-case basis for each development. Connection charges are calculated based upon these specific demands. If actual demands prove to be significantly greater than those calculated during review of the development proposal, then the developer is required to pay additional connection charges to reserve the additional capacity required by the development. The City maintains an accounting of plant capacity to keep track of presently used capacity, capacity that has been obligated to new and future development for which connection charges have been paid, and available uncommitted capacity. This policy implements PW Objectives 1.7 and 1.8.

The proposed development will connect to the City's potable water system. The proposed development is within the City's service area and will comply with the adopted level of service.

CCM - CONSERVATION AND COASTAL MANAGEMENT ELEMENT

CCM Objective 1.7

Protect coastal wetlands, coastal barriers, estuaries, tidal marshes, wildlife habitat, marine habitat and living marine resources. This objective is implemented by CCM Policies 1, 5, 6, 9, 11, 12, 13, 14, 15, 17, 19, 20, 24, 25, 30, 49 and 51. The measurable target for this objective is the continued enforcement of all City development regulations related to development in or adjacent to environmentally sensitive areas.

CCM Objective 1.7B

The City shall protect native vegetation and wildlife habitat by adopting land development regulations, which establish measures for the protection of native vegetation (trees, shrubs and grasses) and wildlife habitat. The City shall pursue retaining 50% of the native vegetation on development sites. The measurable target for this policy is the amount of native vegetation and wildlife habitat at the time of adoption minus the amount of native vegetation and wildlife habitat at the time of the next Evaluation and Appraisal Report, based on information provided by the St. Johns River Water Management District.

The proposed development will comply with all City regulations related to the protection of

natural resources. There were no endangered or threatened species observed on the subject site, and the likelihood of any species listed by FWS or FWC occurring as permanent residents or nesting on the subject property is very low. A couple of active gopher tortoise burrows were observed on the site. The development will comply with FWC management guidelines for the protection of gopher tortoises and their habitat.

CCM Objective 3.6

The City shall limit population densities in coastal high hazard areas as depicted in the Coastal High Hazard Area map adopted as part of the Future Land Use Map series. The coastal high hazard area for the City shall be considered the evacuation zone for a category 1 hurricane. This objective is implemented by CCM Policy 44. The measurable target for this objective is allowing only the following land use classification in the coastal high hazard areas: Residential Low Density, residential Low Density/Mixed Use, Public/Semi-public, Recreation/Open Space and Open Land.

The subject site is located at the outer limits of the Category 1 hurricane evacuation zone. The land use of Residential Low Density Mixed Use is consistent with this policy.

CCM Policies

- 1 Conservation Overlay Zone 1 comprises the most environmentally sensitive areas in the city. It includes all wetlands within the State's Wetlands Jurisdiction Line (as established by Chapter 403 Florida Statutes) and generally includes the estuarine and riverine environments of the San Sebastian and Matanzas Rivers and their tributaries. Wetlands shall mean those areas considered wetlands pursuant to Rule 9J-5.002(149) Florida Administrative Code (1999).**

No development is proposed within Conservation Overlay Zone 1.

Conservation Overlay Zone 2 is the buffer zone between these estuarine environments and the uplands environments. It consists of the area one hundred (100) feet landward of either the mean high water line or the State's Wetlands Jurisdictional Line, whichever is more landward.

It is anticipated there will be minimal development within Conservation Overlay Zone 2. Any development in this zone will demonstrate there is no significant negative impact.

Conservation Overlay Zone 3 contains areas considered to be special flood hazard areas and areas of significant tree canopy. It consists of all property in the city landward of Conservation Overlay Zone 1.

The boundaries of the Conservation Overlay Zones, generally indicated on the Conservation Overlay Zone Map adopted as part of the Future Land use Map series, shall be determined on a site specific basis during site plan review of each development proposal. This policy implements CCM Objectives 1.3, 1.4, 1.7 and 3.4.

Development within Conservation Overlay Zone 3 will demonstrate that there will be no adverse impact to the estuarine system of the San Sebastian River.

- 5 The City shall continue to implement the adopted comprehensive plan by**

including all land development regulations governing the use of land in the City Code.

In addition, application for building permits for development in Conservation Overlay Zones 1, 2 and 3 shall be accompanied by a copy of any permits required by the U.S. Army Corps of Engineers, the St. Johns River Water management District and the Florida Department of Environmental Protection.

Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses located within Conservation Overlay Zone 1 shall be issued only for structures and uses which have received permits under provisions of applicable federal and state regulations and, will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction or use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to the animal, fish or shellfish contained therein; avoid blocking or disrupting vistas and scenic opportunities and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Only water dependent structures and uses shall be permitted in Conservation Overlay Zone 1; all other structures and uses shall be prohibited.

No development is proposed within Conservation Overlay Zone 1.

Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and uses, which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to any animal, fish or shellfish life contained therein; avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. In those cases where proposed development will occur near an altered shoreline or will be within 150 feet of existing development (development landward of the most restrictive jurisdictional line and along the existing line of development or the most restrictive jurisdictional line, whichever is more landward. In those cases where proposed development will occur near a natural shoreline and there is no existing development within 150 feet, development must occur at least 20 feet landward of the most restrictive jurisdictional line. High-density development such as residential development in excess of thirteen (13) units per acre shall be prohibited in Conservation Overlay Zone 2 (100 feet landward of the most restrictive jurisdictional line) when there exists a natural shoreline.

Permits for structures and uses located within Conservation Overlay Zone

3 shall be issued only for those structures and uses which do not significantly alter the surface hydrology or tree canopy cover, or cause the removal of preserved or protected trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and use so as to avoid alteration of surface water hydrology, which would increase the flood hazard potential, and to minimize the impact on existing trees and native vegetation.

Development in Conservation overlay Zone3 must retain either: (1) at least twenty five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

Development in Conservation Overlay Zones shall conform to all requirement of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation established by FEMA. Prior to a Certificate of Occupancy being issued for the structure, the City shall continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or above the established base flood elevation.

The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation Overlay Zone 2 for the protection of natural habitat one hundred (100) feet landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred (100) feet landward of the most restrictive jurisdictional line.

Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions
- (2) The relationship of the site to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and wildlife.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality.
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) The City shall pursue not net loss in wetlands by both amount and type of community.
- (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species, and protecting native vegetative communities from destruction by development activities.

This policy implements CCM Objectives 1.3, 1.4, 1.7 and 3.4.

A separate site plan review and approval process will be required for any development in Conservation Overlay Zones 2 and 3, and must demonstrate no significant negative impact on the adjoining natural system.

- 17** **Require use of silt curtains, grass swales and other techniques during construction to prevent soil erosion and sedimentation of area waterways. This policy implements CCM Objectives 1.4 and 1.7.**

A sediment and erosion control plan will be prepared and submitted for review with engineering construction plans prior to any development and following land use change and rezoning approval.

- 19** **No additional waterways shall be impounded or altered to restrict or interfere with the natural tidal flow. This policy implements CCM Objectives 1.3, 1.4 and 1.7.**

The natural tidal flow of the adjoining San Sebastian River will not be altered or restricted by development in any manner.

- 30** **Encourage Florida East Coast Railway officials and other property owners not to renew leases for the billboards, which are located along Ponce De Leon Boulevard (U.S. 1) and State Road 16 near the marsh when those leases are considered for renewal. This policy implements CCM Objective 1.6.**

The Applicants will affect the removal of the existing billboards on the parcel of land adjacent to SR 16 upon the issuance of the first building permits.

ROS - RECREATION AND OPEN SPACE

- 4.4** **The City shall continue to enforce the Future Land Use Plan and the development regulations contained in the City Code to preserve open**

space. The Recreation and Open Space classification is intended to designate parks, natural reservations and active recreation sites. The Open Land classification is intended to designate open space. Additionally, open space is determined on a site-specific basis during site plan review and through the conservation overlay zone development process. Open space so determined is defined as being marshland, swamp, natural or manmade bodies of water, and environmentally sensitive lands where local, state or federal regulations prohibit development. This policy implements ROS Objective 4.

The area and location of open space reflected on the site plan provided with this modification application demonstrates compliance with this policy.

ICE - INTERGOVERNMENTAL COORDINATION ELEMENT

Goal

To coordinate the plans and activities of the City with the plans and activities of other governmental agencies to ensure that necessary public services are provided in the most effective and efficient manner possible, and that development in one jurisdiction does not degrade the quality of life for residents in adjacent jurisdictions.

CI - CAPITAL IMPROVEMENTS ELEMENT

CI Objective 3

The City shall not issue or approve development orders or land use plan amendments unless the present or projected availability of financial resources is sufficient to maintain the adopted levels of service standards for all public facilities needed to support the development, including existing and projected facility needs. All capital improvement facilities needed to support the development, and associated present and projected availability of financial resources shall be incorporated into the Five-Year Schedule of Capital Improvement according to CI Policy 1.1. This objective is implemented by CI Policies 3.1, 3.2 and 6.1. The measurable target for this objective is that development orders or land use plan amendments will only be approved for which adequate facilities are available to support the adopted level of service standards.

The proposed development will not cause a degradation of any adopted level of service for public facilities and services.

Exhibit "H"

Conceptual Site Plan and Typical Sections

Revised July 9, 2013

TOTAL SITE AREA: +/-135.2 Ac.
 TOTAL PRESERVATION AREA: +/-80.5 Ac.
 TOTAL POND AREA: +/-12.6 Ac.
 TOTAL PARK AREA: +/-4.3 Ac.
 TOTAL BUFFER AREA: +/-7.5 Ac.
 TOTAL DWELLING UNITS: 107 D.U.
 (50'x125')

OPTIONAL
COMMUNITY
DOCK ACCESS

WALKING TRAIL

MEAN HIGH
WATER LEVEL

OPTIONAL
COMMUNITY
DOCK ACCESS

PRESERVATION
AREA

8' HIGH BERM
WITH WALL/FENCE

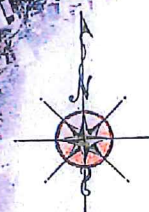
90' LANDSCAPE BUFFER

EXISTING
POND

PRESERVATION
AREA

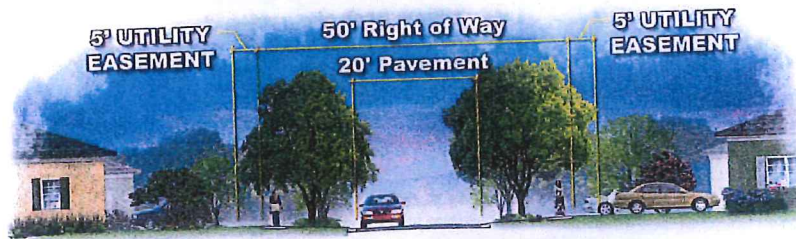
FLAGLER CROSSING CONCEPTUAL SITE PLAN

MAY 2013



ETM
 England-Thims & Miller, Inc.
 VISION • EXPERIENCE • RESULTS

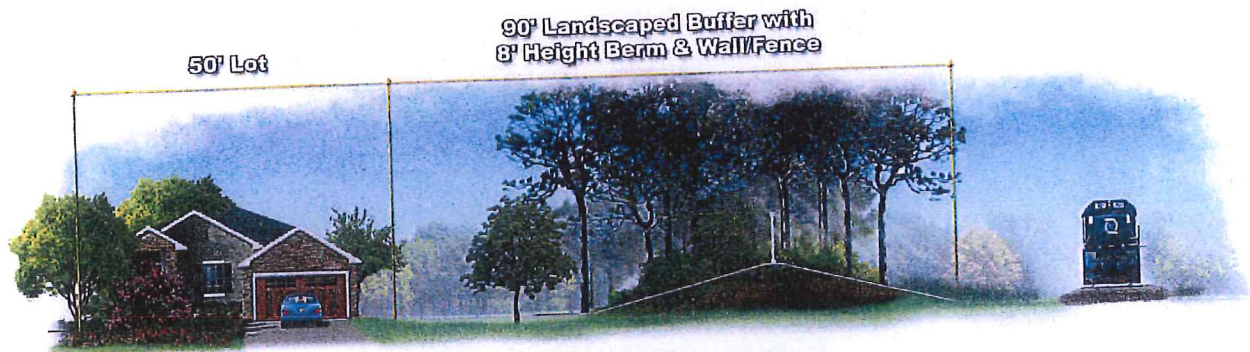
Note: This land plan and/or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was completed based on limited information, therefore all acreage figures are unofficial and are subject to change.



Typical Community Streetscape

Note:
Trees planted within the ROW to be palms or other urban street trees as approved by the City.

Scale 1" = 10'



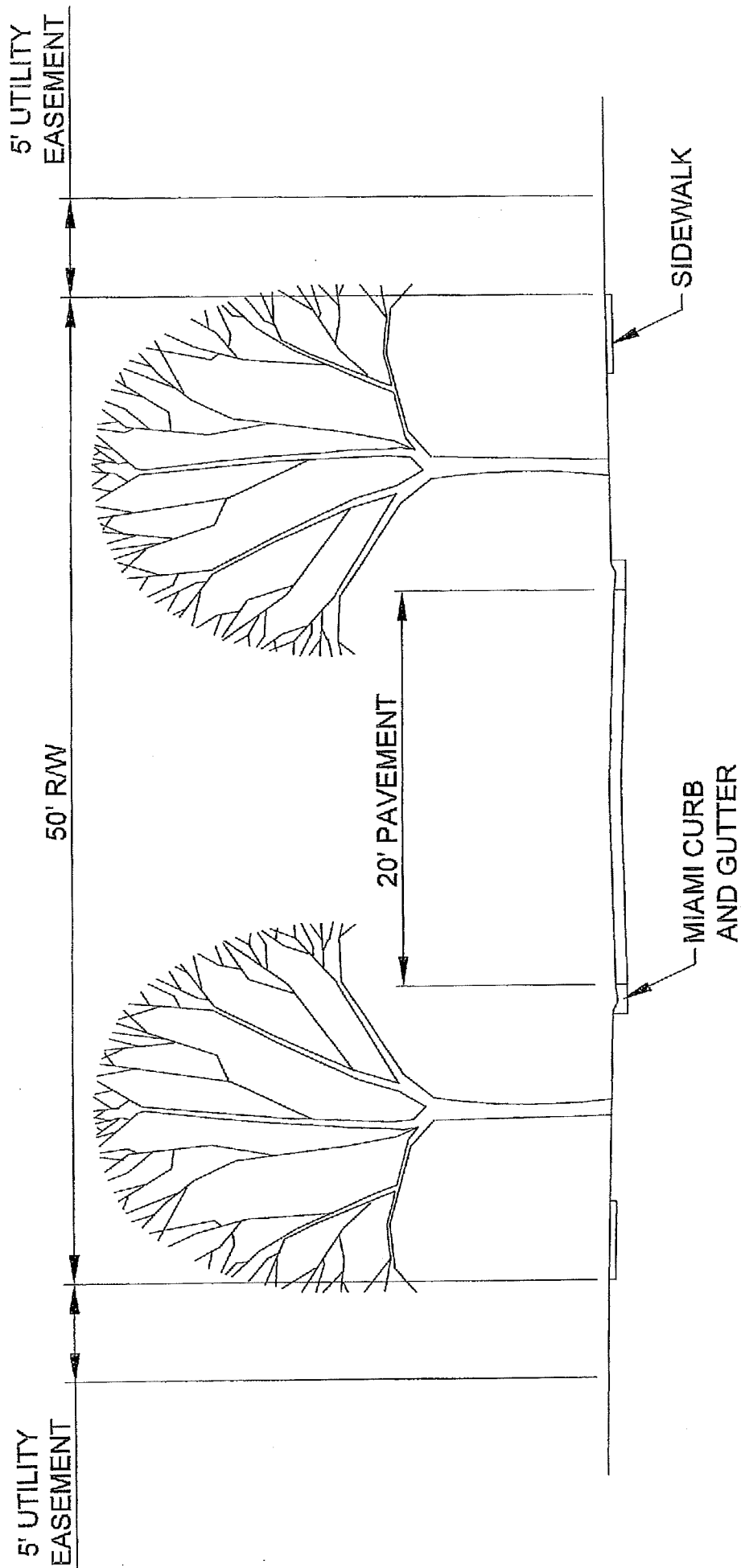
Typical Berm alongside Road/Railway

Scale 1" = 10'



Typical Streetscape along Avenue "D"

Scale 1" = 10'

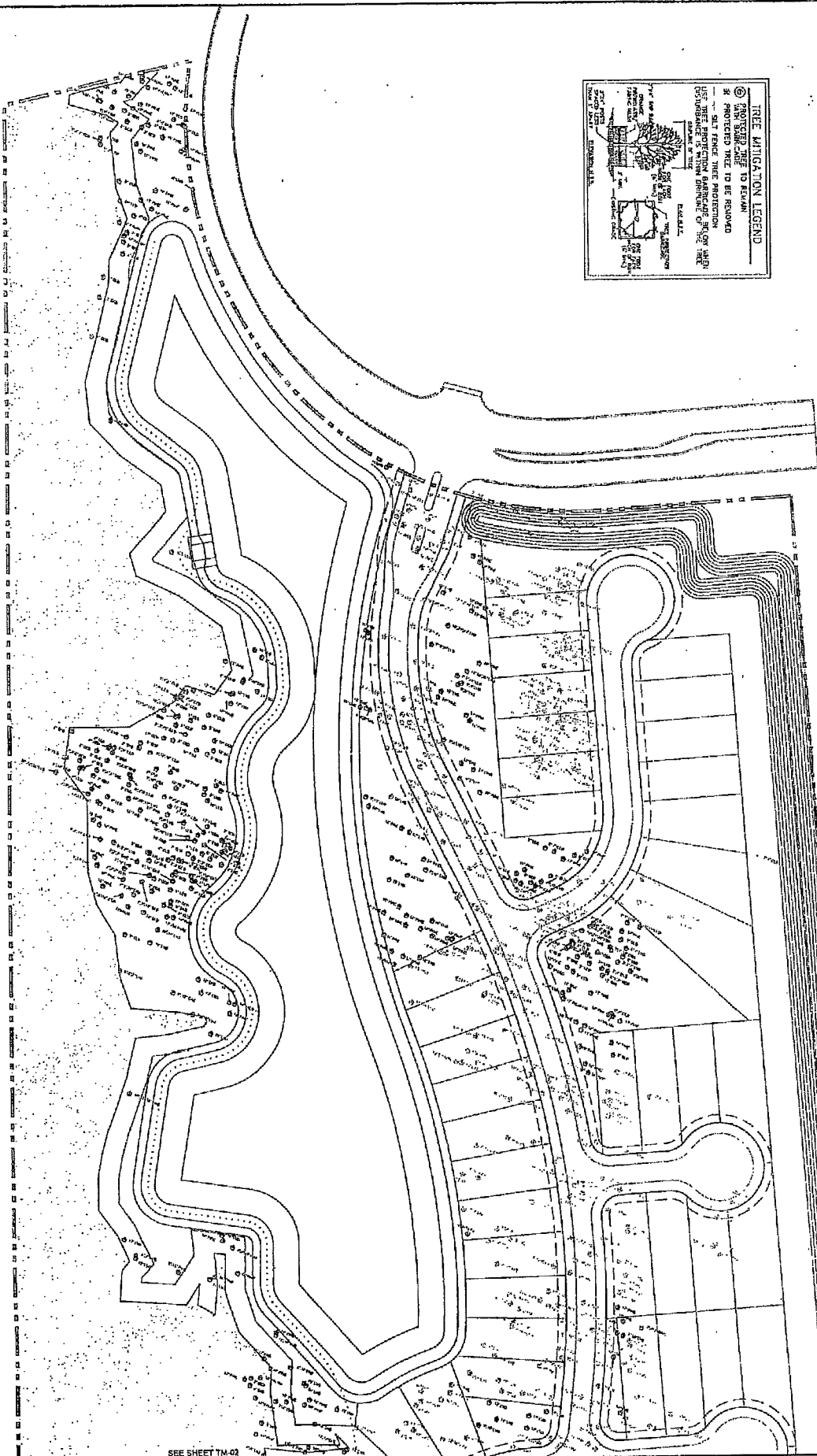
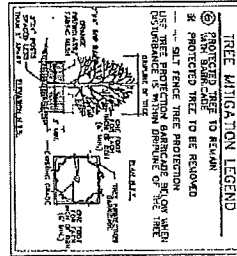


TYPICAL COMMUNITY STREETSCAPE

N.T.S.

Exhibit "I"
Tree Protection/Mitigation Plan

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
811
FOR A FREE SERVICE CONNECTION



SEE SHEET TM-02

TREE MITIGATION PLAN

**FLAGLER CROSSING
SAN JUAN INVESTMENT COMPANY**



Environmental-Thrive & Thrive, Inc.
14750 SW 24th Avenue Road
Jacksonville, FL 32256
TEL: (904) 454-4900
FAX: (904) 454-4901
CA: 0007554 LC: 0000018

LSH NO. 13-057

DESIGNED BY: R.C.

REVIEWED BY: R.C.

DATE: MAY 2013

REVISIONS

PLANS PREPARED UNDER THE
DIRECTION OF:

RYAN M. CLARK, R.L.A.
R.A. NUMBER: 14067053

SEE SHEET TM-01

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
811
48 HOURS, WKS PRIOR TO CONSTRUCTION

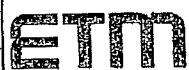
TREE MITIGATION LEGEND

- ① PROTECTED TREE TO REMAIN
- ② PROTECTED TREE TO BE REMOVED
- ③ SELECTED TREE PRESERVED FOR RELOCATION
- ④ SELECTED TREE PRESERVED FOR RELOCATION
- ⑤ SELECTED TREE PRESERVED FOR RELOCATION
- ⑥ SELECTED TREE PRESERVED FOR RELOCATION
- ⑦ SELECTED TREE PRESERVED FOR RELOCATION
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- ㊿ SELECTED TREE PRESERVED FOR RELOCATION

SEE SHEET TM-03

TREE MITIGATION PLAN

FLAGLER CROSSING



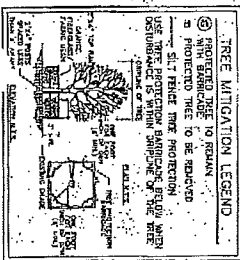
England-Thompson & Miller, Inc.
11115 Old US Highway Road
Jacksonville, FL 32204
TEL: 904/414-2900
FAX: 904/414-2900
WWW.ETM-INC.COM

ETM NO. 15-087	REMOVED
DRAWN BY: R.C.	
DESIGNED BY: R.C.	
CHECKED BY: R.C.	

PLANS PREPARED UNDER THE DIRECTION OF:

RYAN M. CLARK, R.A.

SEE SHEET TM-01
SEE SHEET TM-02



CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
800.48.HOURS, AHEAD. PREPARE TO CONSTRUCTION
811



TREE MITIGATION PLAN

FLAGLER CROSSING
SAN JUAN INVESTMENT COMPANY



Englund-Thompson & McFar, Inc.
14715 Old St. Augustine Road
Jacksonville, FL 32214
TEL: (904) 642-9900
FAX: (904) 642-9910
GA-10002344 IC-10000118

ETM NO. 12-057	REVISION
DRAWN BY: A.C.	
CHECKED BY: R.E.	
DESIGNED BY: R.E.	

PLANS PREPARED UNDER THE
DIRECTION OF:

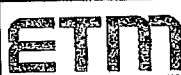
RYAN M. CLARK, RLA

Page 401 of 497

TRANSMISSION CORRELATION TABLE									
LINE	TYPE	NO.	DATE	TIME	LOCATION	STATUS	REMARKS	INITIALS	DATE
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4	Line	4	4	4	4	4	4	4	4
5	Line	5	5	5	5	5	5	5	5
6	Line	6	6	6	6	6	6	6	6
7	Line	7	7	7	7	7	7	7	7
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10	Line	10	10	10	10	10	10	10	10
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14	Line	14	14	14	14	14	14	14	14
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99	Line	99	99	99	99	99	99	99	99
100	Line	100	100	100	100	100	100	100	100

TREE MITIGATION CHARTS

FLAGLER CROSSING



England-Thoms & Moser, Inc.
1971 Old Age Road
Jacksonville, FL 32202
904/444-4400
FAX 904/444-4401

ENV NO. 13-057
CREATED BY: R.C.
REVIEWED BY: R.C.
DATE: 05/05/05

PLANS PREPARED UNDER THE
DIRECTION OF:

BY: M. CLARK, JR.

Year	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																																																	
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TOTAL PRESERVED CREDITS: 4,094 CREDITS

TOTAL REMOVED DEFICITS: 1,231.5 DEFICITS

Exhibit "J"
Recorded Conservation
Easement

24
Return to:
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529

COPY

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 27th day of September, 2007
by FLORIDA EAST COAST RAILWAY, L.L.C., a Florida limited liability company
("Grantor"), having an address at 7411 Fullerton Street, Suite 300, Jacksonville, Florida 32256,
in favor of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body
existing under Chapter 373, Florida Statutes (the "Grantee"), having a mailing address at 4049
Reid Street, Palatka, Florida 32177-2529.

WITNESSETH:

WHEREAS, Grantor solely owns in fee simple certain real property in St. Johns County,
Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this
reference (collectively, the "Property");

WHEREAS, Grantor grants this conservation easement as a condition of permit #4-109-
65095-5, as modified by Letter Modification Permit No. 4-109-65095-8 issued by Grantee,
solely to offset adverse impacts to natural resources, fish and wildlife, and wetland functions;
and

WHEREAS, Grantor desires to preserve the Property in its natural condition in
perpetuity;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms,
conditions and restrictions contained herein and pursuant to the provisions of section 704.06,
Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a conservation

easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons claiming by, through, or under Grantor.

1. Purpose. The Purpose of this Conservation Easement is to assure that the Property will be retained forever in its existing natural condition and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.

2. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;

(b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials;

(c) Removal or destruction of trees, shrubs, or other vegetation, except for exotic species of plants. Exotic plant removal requires written prior approval from the Grantee;

(d) Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface;

(e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas; and

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. Reserved Rights. Grantor reserves unto itself, and its successors and assigns, all

rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property, that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

4. Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:

(a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; and

(b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with this Conservation Easement.

5. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at their discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

6. Grantee's Liability. Grantor will assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from Grantor's ownership of the Property. Neither Grantors, nor any person or entity claiming by or through Grantors, shall hold Grantee liable for any damage or injury to person or personal property which may occur on the Property.

7. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement

shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property or to persons resulting from such causes.

8. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of St. Johns County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

9. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day
and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

GRANTOR:

FLORIDA EAST COAST RAILWAY, L.L.C.,
a Florida limited liability company

Signature: J A Ho

Print Name: James A. Hoener

Signature: Heidi J Eddins

Heidi J. Eddins
Its Secretary

Signature: Susan Blount

Print Name: Susan Blount

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 27th day of September,
2007, by Heidi J. Eddins, as Secretary of Florida East Coast Railway, L.L.C., a Florida limited
liability company, on behalf of the company, who did not take an oath.



Susan Blount
Notary Public, State of Florida at Large
My Commission Expires: _____
Serial No. _____

Personally known X OR produced identification _____
Identification produced _____

00582232.2

EXHIBIT "A"

Sketches and legal descriptions of conservation easement parcels comprising the Property

Conservation Easement 1A

A portion of Section 44 of the Estopa Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point on a curve concave Northeasterly, having a radius of 2914.79 feet, said point also lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence Northwesterly, departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of $01^{\circ}41'25''$, an arc length of 85.99 feet to a point on said curve and the Point of Beginning, said point also being the Northeasterly corner of those lands described and recorded in Official Records Book 1462, page 1783, of the public records of said St. Johns County, said arc being subtended by a chord bearing and distance of North $23^{\circ}07'45''$ West, 85.98 feet.

From said Point of Beginning, thence South $77^{\circ}33'46''$ West, departing said Westerly right of way line of the Florida East Coast Railroad and along the Northerly line of said lands of Official Records Book 1462, page 1783, a distance of 129.33 feet to a point lying on said Northerly line, said point also being Reference Point "A"; thence Northerly, departing said Northerly line, 37 feet more or less, to a point lying on the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, along said Easterly Mean High Water Line, 52 feet more or less, to point lying on the Northerly line of the second parcel described and recorded in Deed Book 61, page 512 of said public records; thence North $72^{\circ}29'59''$ East, departing said Easterly Mean High Water Line and along said Northerly line 15 feet, more or less to a point on said Northerly line, said point bearing North $24^{\circ}40'08''$ West, 106.00 feet from said Reference Point "A"; thence North $72^{\circ}29'59''$ East, continuing along said Northerly line, 134.64 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southeasterly, departing said Northerly line, along said Westerly right of way line and along the arc of said curve, through a central angle of $02^{\circ}17'47''$, an arc length of 116.83 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South $21^{\circ}08'09''$ East, 116.82 feet.

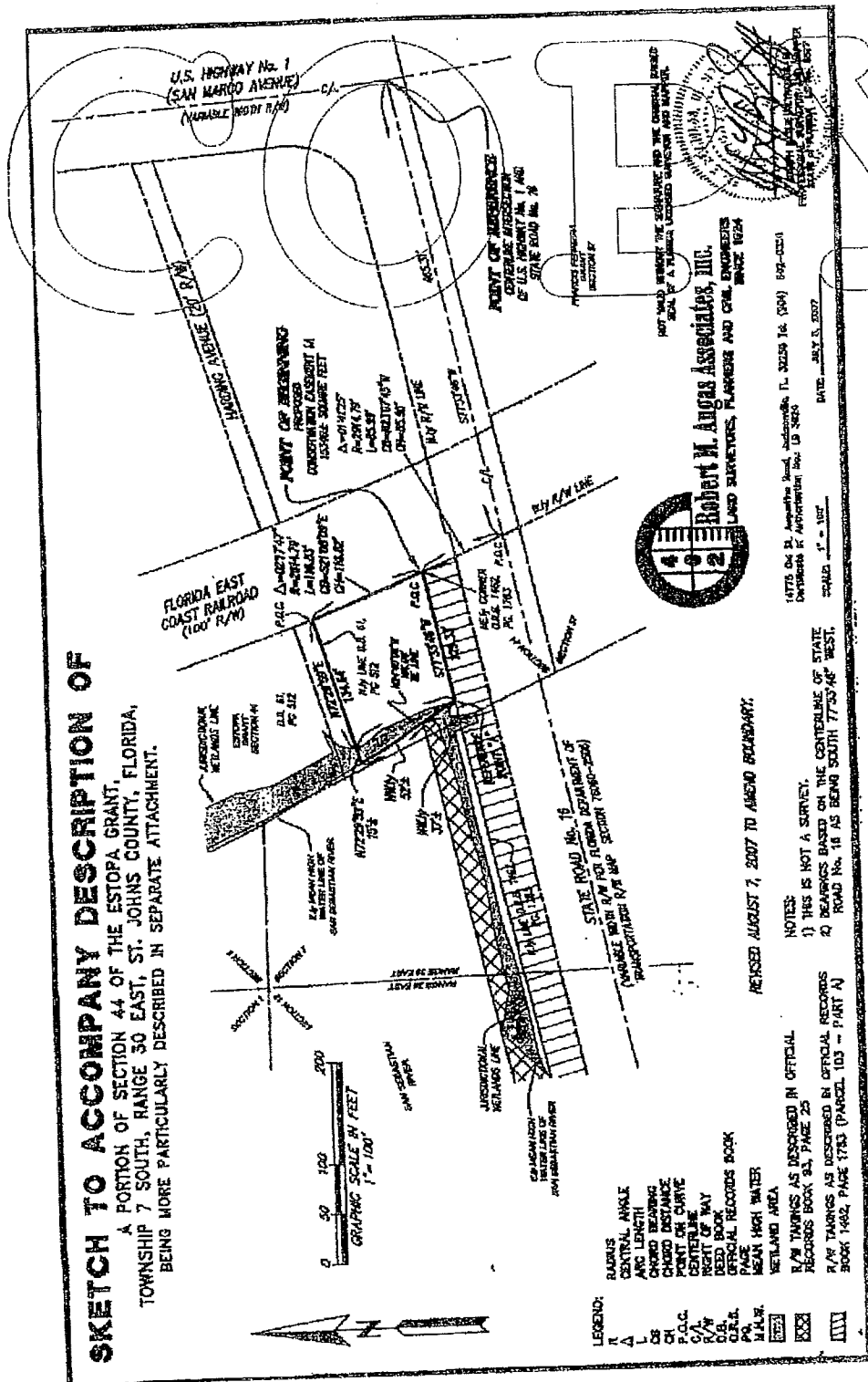


Exhibit "A," page 2 of 19

Conservation Easement 1B

A portion of Sections 6 and 7, together with a portion of Section 44 of the Estopa Grant, and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Northerly departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of $04^{\circ}22'48''$, an arc length of 222.83 feet to a point lying on the Southerly line of the first parcel described and recorded in Deed Book 61, page 512 of the Public Records of said St. Johns County, said point also being the Point of Beginning and a point on said curve, said arc being subtended by a chord bearing and distance of North $21^{\circ}47'03''$ West, 222.77 feet.

From said Point of Beginning, thence South $72^{\circ}29'59''$ West, departing said Westerly right of way line and along said Southerly line of Deed Book 61, page 512 a distance of 117.57 feet to Reference Point "A"; thence South $72^{\circ}29'59''$ West, continuing along said Southerly line 35 feet more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, departing said Southerly line and along the meanderings of said Easterly Mean High Water Line, 494 feet, more or less; thence Northeasterly, continuing along said meanderings 246 feet, more or less, to a point lying on said Westerly right of way line of the Florida East Coast Rail Road, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southerly, departing said Easterly Mean High Water Line, along said Westerly right of way line, and along the arc of said curve, through a central angle of $00^{\circ}04'01''$, an arc length of 3 feet, more or less, to a point on said curve, and Reference Point "B", said point bearing North $02^{\circ}54'37''$ West, 638.46 feet from said Reference Point "A", said arc being subtended by a chord bearing and distance of South $07^{\circ}21'45''$ East, 3 feet, more or less; thence Southerly, continuing along said Westerly right of way line, and along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $12^{\circ}11'53''$, an arc length of 620.55 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of South $13^{\circ}29'42''$ East, 619.38 feet.

Conservation Easement 2A

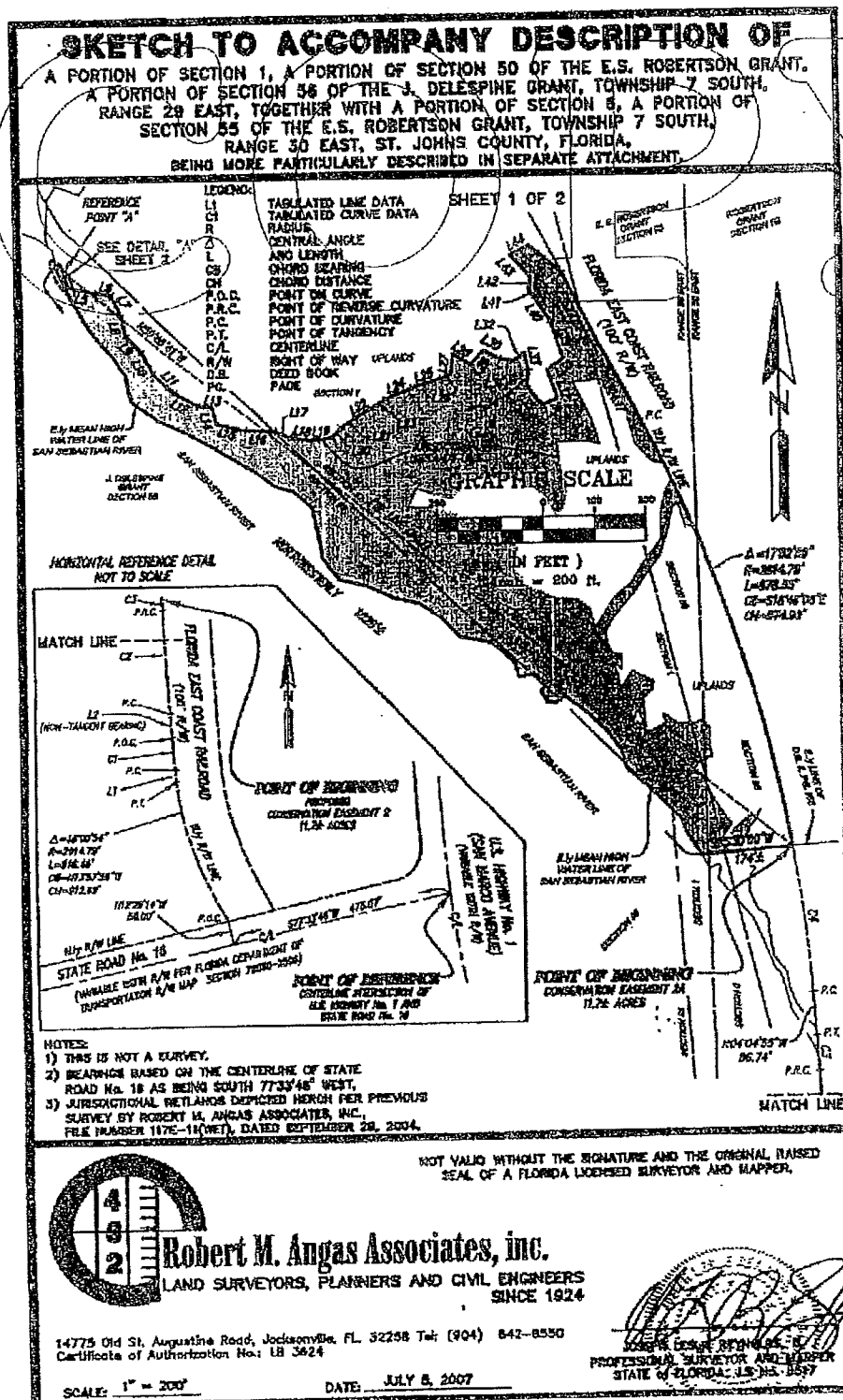
A portion of Section 1, a portion of Section 50 of the E.S. Robertson Grant, a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with a portion of Section 6, a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following eight courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course two, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course four, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $01^{\circ}25'00''$, an arc length of 69.60 feet, to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $03^{\circ}22'25''$ West, 69.60 feet; Course seven, thence North $04^{\circ}04'55''$ West, 86.74 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; Course eight, thence Northwesterly, along the arc of said curve, through a central angle of $05^{\circ}44'41''$, an arc length of 282.23 feet to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County, and the Point of

Conservation Easement 2A Continued

Beginning, said arc being subtended by a chord bearing and distance of North 06°57'16" West, 282.11 feet.

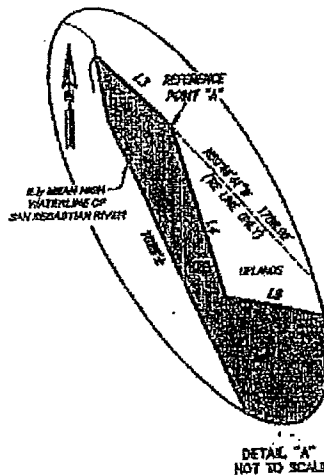
From said Point of Beginning, thence South 85°30'00" West, departing said Westerly right of way line, and along said Southerly line of Deed Book 8, page 558, a distance of 174 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, departing said Southerly line, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 1828 feet, more or less; thence South 45°33'10" East, departing said Easterly Mean High Water Line, 18 feet, more or less to Reference Point "A", said point bearing North 50°46'41" West, 1788.99 feet from said Point of Beginning; thence South 16°54'33" East, 31.83 feet; thence South 78°28'39" East, 49.65 feet; thence South 79°27'24" East, 33.43 feet; thence South 25°33'04" East, 41.64 feet; thence South 12°30'58" East, 40.30 feet; thence South 45°16'10" East, 43.39 feet; thence South 27°32'56" East, 48.65 feet; thence South 45°17'51" East, 55.35 feet; thence South 60°56'52" East, 52.26 feet; thence South 82°19'57" East, 26.16 feet; thence South 14°53'23" East, 33.00 feet; thence South 75°39'43" East, 58.32 feet; thence South 87°05'46" East, 57.33 feet; thence South 66°32'08" East, 31.41 feet; thence South 81°03'10" East, 42.49 feet; thence North 83°11'40" East, 40.57 feet; thence North 40°51'07" East, 27.18 feet; thence North 56°39'02" East, 31.40 feet; thence North 58°51'23" East, 35.86 feet; thence North 56°10'36" East, 34.05 feet; thence North 67°20'18" East, 54.23 feet; thence North 72°04'25" East, 57.64 feet; thence North 71°04'19" East, 20.64 feet; thence North 05°53'15" East, 41.40 feet; thence South 58°21'24" East, 40.07 feet; thence North 39°50'08" East, 35.74 feet; thence South 59°42'37" East, 34.59 feet; thence South 84°07'47" East, 29.22 feet; thence North 50°30'18" East, 23.31 feet; thence South 11°27'22" East, 36.16 feet; thence South 05°40'44" West, 32.09 feet; thence South 39°20'01" East, 47.38 feet; thence North 66°07'32" East, 30.82 feet; thence North 18°19'13" West, 59.58 feet; thence North 55°10'55" East, 37.80 feet; thence North 18°30'51" West, 76.08 feet; thence North 33°13'21" West, 55.28 feet; thence North 36°34'22" West, 18.18 feet; thence North 10°24'53" East, 24.27 feet; thence North 43°01'56" West, 57.32 feet; thence North 62°39'40" East, 40.51 feet; thence South 49°13'23" East, 82.62 feet to a point lying on said Westerly right of way line of the Florida East Coast Rail Road; thence South 27°42'36" East, along said Westerly right of way line, 324.17 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; thence Southeasterly, along the arc of said curve, through a central angle of 17°52'59", an arc length of 878.55 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 18°46'06" East, 874.99 feet.



A PORTION OF SECTION 1, A PORTION OF SECTION 50 OF THE E.S. ROBERTSON GRANT,
A PORTION OF SECTION 50 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH,
RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 8, A PORTION OF
SECTION 55 OF THE E.S. ROBERTSON GRANT, TOWNSHIP 7 SOUTH,
RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

CURVE TABLE				
CURVE	CENTRAL ANGLE	RADIUS	LENGTH	BEARING
C1	0120.56°	8914.79'	89.61'	N01°12'00"W
C2	0107.30°	11508.18'	228.45'	N01°15'45"W
C3	0124.00°	2814.72'	88.40'	N01°22'25"W
C4	0544.11°	2014.79'	282.23'	N05°17'16"W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°37'20"W	24.60'
L2	N01°47'34"W	50.00'
L3	S45°33'02"E	18.74'
L4	S18°54'02"E	31.83'
L5	S78°28'02"E	49.65'
L6	S77°27'24"E	33.43'
L7	S65°10'42"E	51.64'
L8	S12°30'59"E	40.30'
L9	S45°18'02"E	44.39'
L10	S27°32'06"E	58.65'
L11	S45°12'51"E	55.35'
L12	S02°36'33"E	52.28'
L13	S82°18'52"E	26.18'
L14	S14°32'12"E	31.00'
L15	S72°12'42"E	38.52'
L16	S87°02'46"E	37.31'
L17	S86°32'08"E	31.41'
L18	S81°01'02"E	42.49'
L19	N01°11'40"E	40.50'
L20	N40°11'02"E	27.18'
L21	N08°20'32"E	31.40'
L22	N58°31'23"E	33.86'
L23	N58°10'38"E	34.05'
L24	N47°00'18"E	54.25'
L25	N72°04'25"E	52.84'
L26	N71°04'19"E	20.84'
L27	N05°53'15"E	41.40'
L28	S82°12'24"E	40.07'
L29	N18°30'08"E	35.70'
L30	S84°40'02"E	34.59'
L31	S84°10'12"E	28.32'
L32	N50°30'18"E	23.31'
L33	S11°27'22"E	38.18'
L34	S01°40'44"W	38.04'
L35	S10°20'12"E	42.39'
L36	N88°07'38"E	31.88'
L37	N10°19'23"W	58.56'
L38	N55°10'38"E	17.80'
L39	N18°30'51"W	26.08'
L40	N15°13'21"W	33.88'
L41	N08°24'22"W	38.18'
L42	N10°24'32"E	24.27'
L43	N43°01'36"W	57.37'
L44	N08°30'40"E	40.51'
L45	S47°12'23"E	62.62'



SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR GENERAL NOTES AND LEGEND.

DATE: JULY 8, 2007

PREPARED BY
ROBERT M. ANGAS ASSOCIATES, INC.
14975 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32228 (904) 842-0580

Conservation Easement 2B

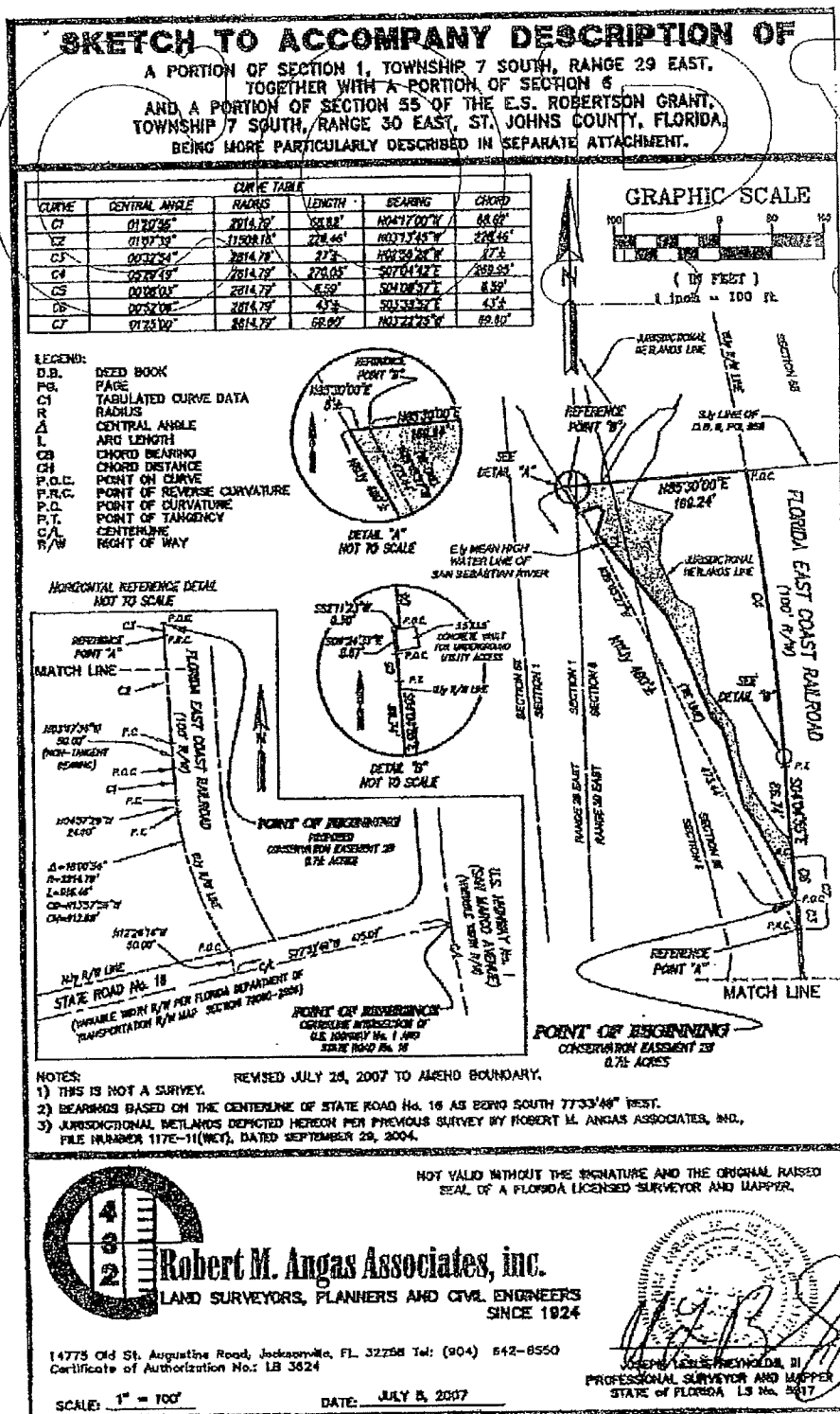
A portion of Section 1, Township 7 South, Range 29 East, together with a portion of Section 6 and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following six courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course two, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course four, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to Reference Point "A", said point also being a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $00^{\circ}32'54''$, an arc length of 27 feet, more or less, to a point on said curve at an intersection with the Easterly Mean High Water Line of the San Sebastian River, said point also being the Point of Beginning, said arc being subtended by a chord bearing and distance of North $02^{\circ}56'22''$ West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 480 feet, more or less to

Conservation Easement 2B Continued

an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County; thence North 85°30'00" East, departing said Easterly Mean High Water Line, and along said Southerly line, 5 feet, more or less to Reference Point "B", said point bearing North 26°45'27" West, a distance of 473.44 feet from said Reference Point "A"; thence North 85°30'00" East, continuing along said Southerly line, 169.24 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southeasterly, along said Westerly right of way line, departing said Southerly line, and along the arc of said curve, through a central angle of 05°29'49", an arc length of 270.05 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 07°04'42" East, 269.95 feet; thence South 82°11'23" West, departing said Westerly right of way line, 0.50 feet; thence South 09°24'37" East, 5.57 feet to a point lying on said Westerly right of way line, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°08'03", an arc length of 6.59 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 04°08'57" East, 6.59 feet; thence South 04°04'55" East, continuing along said Westerly right of way line, 86.74 feet to a point bearing North 03°22'25" West, 69.60 feet from said Reference Point "A", said point also being the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, continuing along said Westerly right of way line, and along the arc of said curve through a central angle of 00°52'06", an arc length of 43 feet, more or less, to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 03°38'52" East, 43 feet, more or less.



Conservation Easement 3

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of San Marco Avenue (U.S. Highway No. 1), a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly and Northwesterly along said Westerly right of way line the following ten courses: Course 1, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course 2, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.63 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course 4, thence North $03^{\circ}47'34''$ West, along a non tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $01^{\circ}25'00''$, an arc length of 69.60 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $03^{\circ}22'25''$ West, 69.60 feet; Course 7, thence North $04^{\circ}04'55''$ West, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 8, thence Northerly along the arc of said curve through a central angle of $23^{\circ}37'40''$, an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $15^{\circ}53'46''$ West, 1152.57 feet; Course 9, thence North $27^{\circ}42'36''$ West,

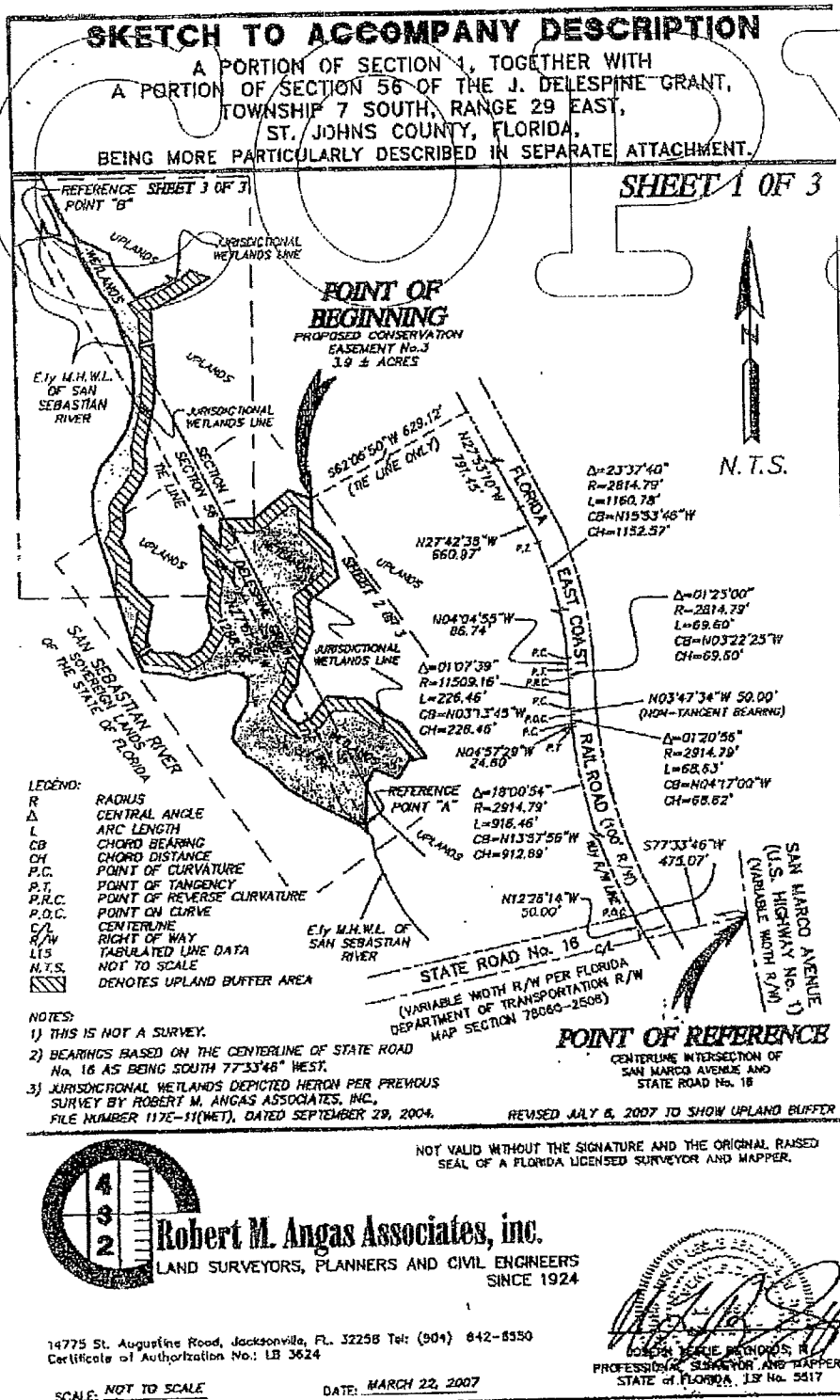
Conservation Easement 3 (cont.)

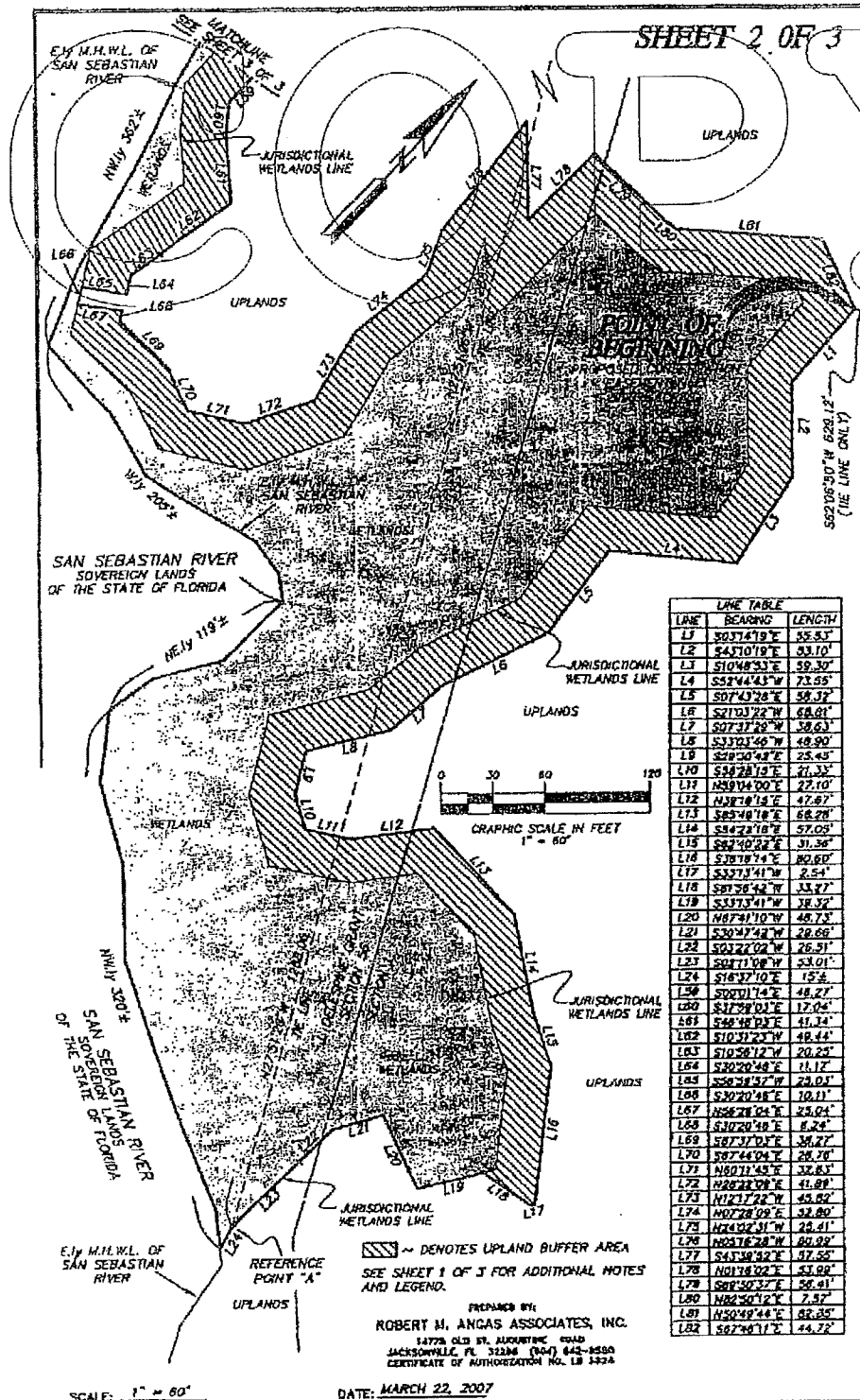
660.97 feet; Course 10, thence North 27°53'10" West, 791.45 feet; thence South 62°06'50" West, departing said Westerly right of way line, 629.12 feet to the Point of Beginning.

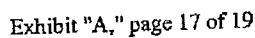
From said Point of Beginning, thence South 03°14'19" East, 55.53 feet; thence South 43°10'19" East, 53.10 feet; thence South 10°48'53" East, 59.30 feet; thence South 52°44'43" West, 73.55 feet; thence South 07°43'26" East, 58.32 feet; thence South 21°03'22" West, 68.81 feet; thence South 07°37'29" West, 38.63 feet; thence South 33°03'46" West, 48.90 feet; thence South 29°30'42" East, 25.45 feet; thence South 58°28'15" East, 21.33 feet; thence North 59°04'00" East, 27.10 feet; thence North 39°16'15" East, 47.67 feet; thence South 85°49'18" East, 68.28 feet; thence South 54°22'18" East, 57.05 feet; thence South 62°40'22" East, 31.36 feet; thence South 36°16'14" East, 80.60 feet; thence South 33°13'41" West, 2.54 feet; thence South 81°56'42" West, 33.27 feet; thence South 33°13'41" West, 39.32 feet; thence North 67°41'10" West, 46.73 feet; thence South 30°47'42" West, 29.66 feet; thence South 03°22'02" West, 26.51 feet; thence South 02°11'08" West, 53.01 feet to Reference Point "A"; thence South 16°37'10" East, 15 feet more or less to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, Northeasterly, Northwesterly and Westerly along the meanderings of said Easterly Mean High Water Line the following eight courses; Course 1, thence Northwesterly, 320 feet more or less; Course 2, thence Northeasterly, 119 feet more or less; Course 3, thence Westerly, 205 feet more or less; Course 4, thence Northwesterly, 362 feet more or less; Course 5, Northeasterly, 178 feet more or less; Course 6, thence Northerly, 190 feet more or less; Course 7, thence Northwesterly, 148 feet more or less; Course 8, thence Westerly, 84 feet more or less; thence North 70°24'29" East, departing said Easterly Mean High Water Line, 16 feet more or less to Reference Point "B", said point bearing North 27°51'26" West, 1288.06 feet from said Reference Point "A"; thence North 08°13'17" East, 31.24 feet; thence South 18°01'25" East, 26.31 feet; thence South 81°28'27" East, 24.67 feet; thence North 18°22'36" West, 38.56 feet; thence North 29°00'14" West, 40.20 feet; thence North 74°38'08" East, 13.48 feet; thence South 23°22'07" East, 47.87 feet; thence South 41°14'30" East, 53.74 feet; thence South 65°16'15" East, 61.91 feet; thence South 20°02'31" East, 30.32 feet; thence South 31°11'19" East, 67.99 feet; thence North 64°18'31" East, 39.61 feet; thence North 68°42'51" East, 38.69 feet; thence North 46°23'46" West, 15.61 feet; thence South 68°54'40" East, 25.33 feet; thence North 48°08'33" East, 28.07 feet; thence South 68°54'40" East, 40.04 feet; thence South 60°25'18" West, 109.44 feet; thence South 73°09'55" West, 21.93 feet; thence South 35°01'53" East, 7.92 feet; thence South 01°24'55" East, 54.15 feet; thence South 73°38'46" West, 25.84 feet; thence South 02°53'25" East, 8.96 feet; thence North 73°33'42" East, 25.72 feet; thence South 02°53'25" East, 62.50 feet; thence South

Conservation Easement 3 (cont.)

03°37'04" West, 57.76 feet; thence South 12°41'11" West, 81.12 feet; thence South
 04°35'30" East, 45.62 feet; thence South 29°15'00" West, 41.19 feet; thence South
 33°55'28" West, 41.58 feet; thence South 01°44'54" East, 42.53 feet; thence South
 23°37'11" West, 21.13 feet; thence South 26°57'38" East, 39.38 feet; thence South
 00°01'14" East, 46.27 feet; thence South 37°59'03" East, 17.04 feet; thence South
 46°48'03" East, 41.34 feet; thence South 10°31'23" West, 49.44 feet; thence South
 10°56'12" West, 20.25 feet; thence South 30°20'46" East, 11.17 feet; thence South
 56°59'57" West, 25.03 feet; thence South 30°20'46" East, 10.11 feet; thence North
 56°26'04" East, 25.04 feet; thence South 30°20'46" East, 6.24 feet; thence South
 87°37'03" East, 38.27 feet; thence South 67°44'04" East, 26.76 feet; thence North
 60°11'45" East, 32.63 feet; thence North 28°22'09" East, 41.89 feet; thence North
 12°17'22" West, 45.82 feet; thence North 07°28'09" East, 52.80 feet; thence North
 24°02'31" West, 25.41 feet; thence North 05°16'28" West, 80.99 feet; thence South
 43°39'52" East, 57.55 feet; thence North 01°16'02" East, 53.99 feet; thence South
 89°30'37" East, 56.41 feet; thence North 82°50'12" East, 7.57 feet; thence North
 50°49'44" East, 82.85 feet; thence South 67°46'11" East, 44.72 feet to the Point of
 Beginning.





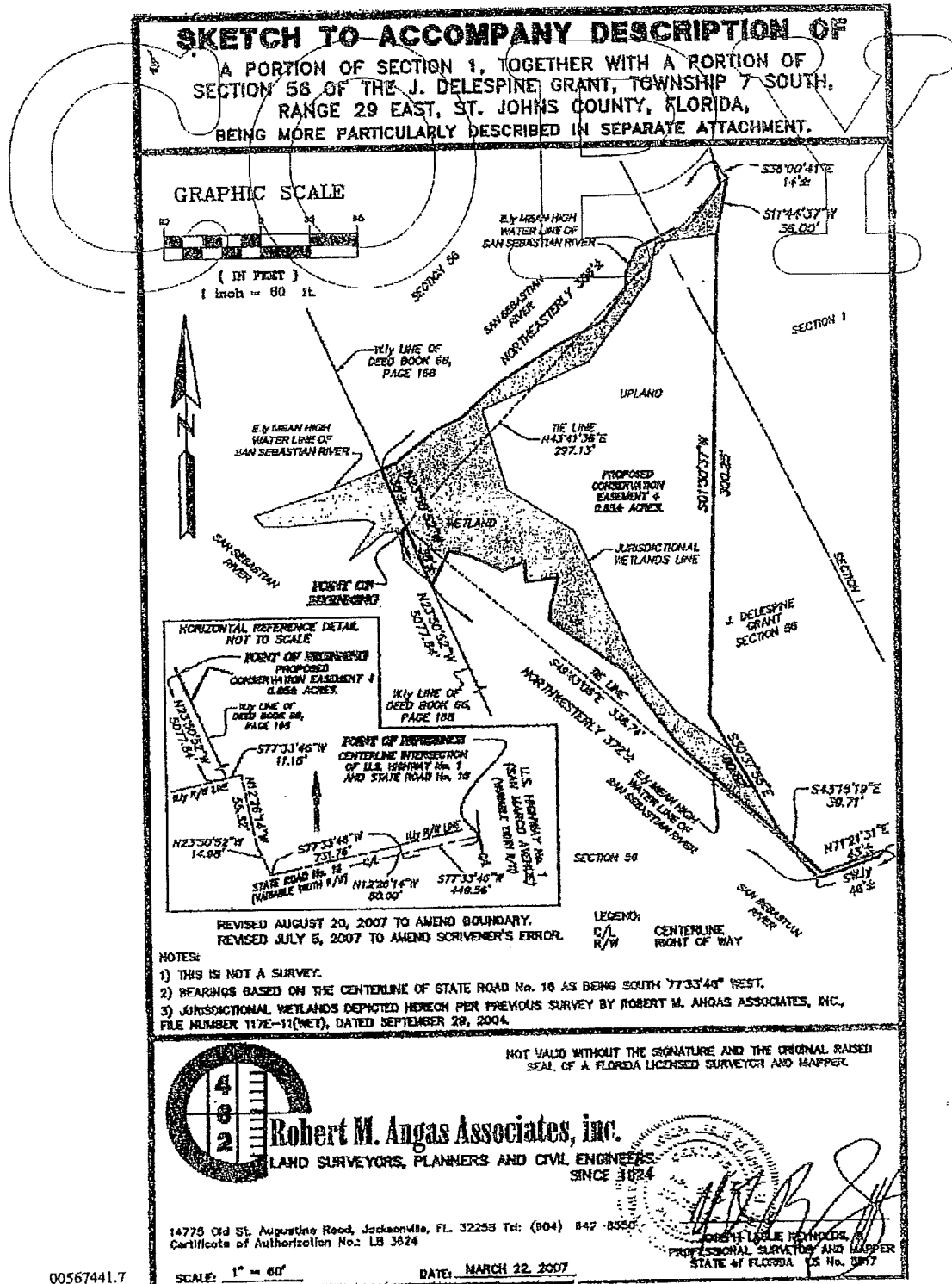


Conservation Easement 4

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 449.56 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying on the Northerly right of way line of said State Road No. 16; thence Westerly and Northerly, along said Northerly right of way line the following four courses: Course one, thence South $77^{\circ}33'46''$ West, 731.76 feet; Course two, thence North $23^{\circ}50'52''$ West, 14.98 feet; Course three, thence North $12^{\circ}26'14''$ West, 55.32 feet; Course four, thence South $77^{\circ}33'46''$ West, 11.16 feet to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said county; thence North $23^{\circ}50'52''$ West, departing said Northerly right of way line and along said Westerly line, 5077.84 feet to the Point of Beginning.

From said Point of Beginning, thence continue North $23^{\circ}50'52''$ West, along said Westerly line of Deed Book 66, page 168, a distance of 38 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northeasterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 306 feet, more or less; thence South $36^{\circ}00'41''$ East, departing said Easterly Mean High Water Line, 14 feet, more or less to a point, said point bearing North $43^{\circ}41'36''$ East, 297.13 feet from said Point of Beginning; thence South $11^{\circ}44'37''$ West, 36.00 feet; thence South $01^{\circ}30'37''$ West, 300.25 feet; thence South $30^{\circ}37'55''$ East, 80.82 feet; thence South $43^{\circ}16'19''$ East, 39.71 feet to a point, said point bearing South $49^{\circ}43'06''$ East, 338.74 feet from said Point of Beginning; thence North $71^{\circ}21'31''$ East, 43 feet, more or less to an intersection with said Easterly Mean High Water Line; thence Southwesterly, along the meanderings of said Easterly Mean High Water Line, 46 feet, more or less; thence Northwesterly, continuing along the meanderings of said Easterly Mean High Water Line, 372 feet, more or less, to an intersection with said Westerly line of Deed Book 66, page 168; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 38 feet, more or less to the Point of Beginning.

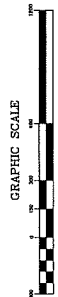


00567441.7

Attachment 5
Survey
6/4/2018

SURVEYORS DESCRIPTION

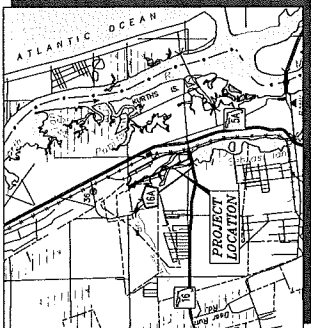
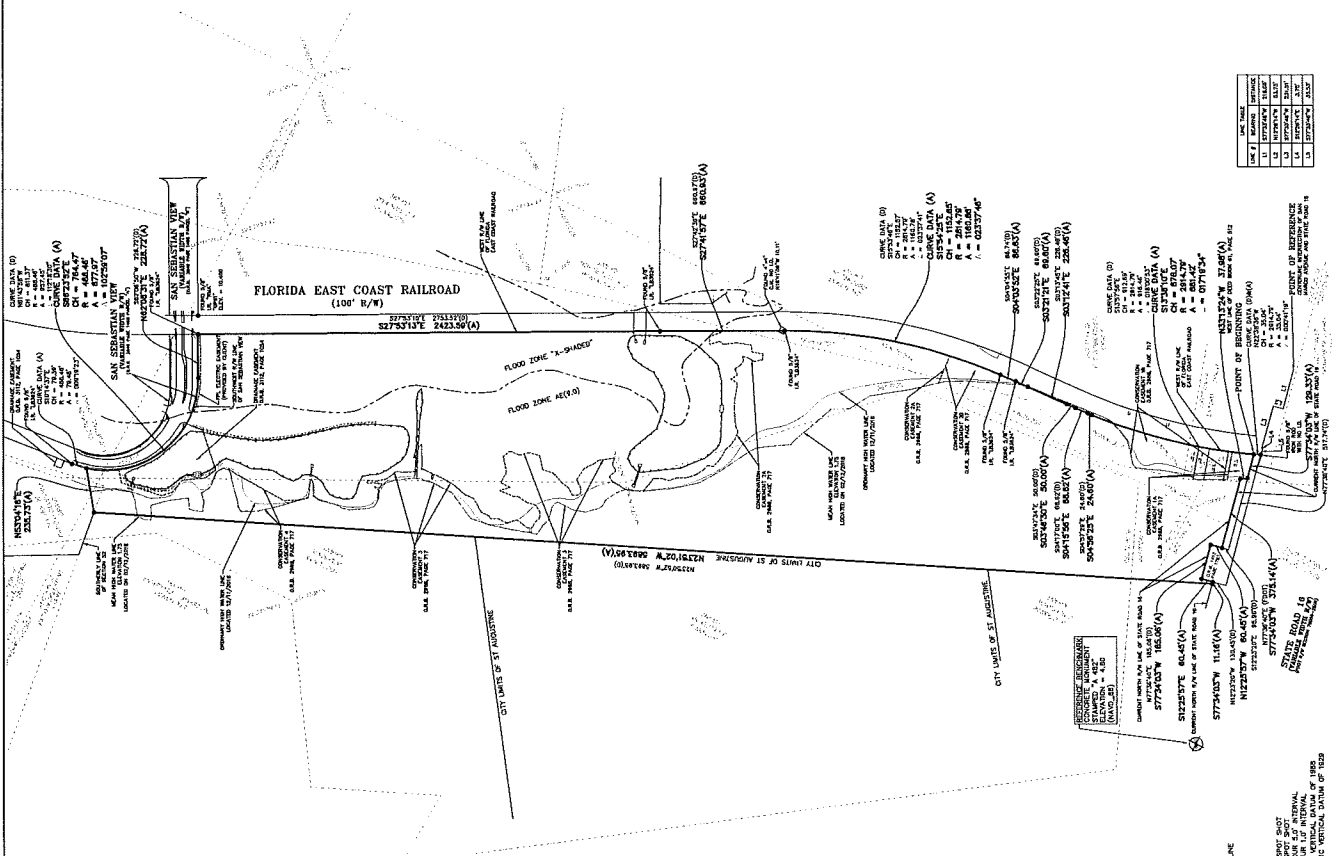
A PORTION OF SECTION 36 OF THE FRANCIS J PATTO GRANT, TOWNSHIP 36 OF THE FATTO OR DELINEATING GRANT AND SECTION 36 OF THE DELINEATING GRANT, TOWNSHIP 36 SOUTH, RANGE 2 EAST, DELINEATING WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 30 OF THE JAS. SANCHEZ GRANT, A PORTION OF SECTION 2 OF THE FATTO OR DELINEATING GRANT, AND A PORTION OF SECTION 36 OF THE 1 DELINEATING GRANT, TOWNSHIP 36 NORTH, RANGE 2 EAST, AND A PORTION OF SECTION 36 OF THE 1 DELINEATING GRANT, TOWNSHIP 36 NORTH, RANGE 2 EAST, AND A PORTION OF SECTION 36 OF THE 1 DELINEATING GRANT, TOWNSHIP 36 NORTH, RANGE 2 EAST, AND A PORTION OF SECTION 36 OF THE 1 DELINEATING GRANT, TOWNSHIP 36 NORTH, RANGE 2 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 149, PAGE 1274, ALL Lying IN ST. JERVIS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

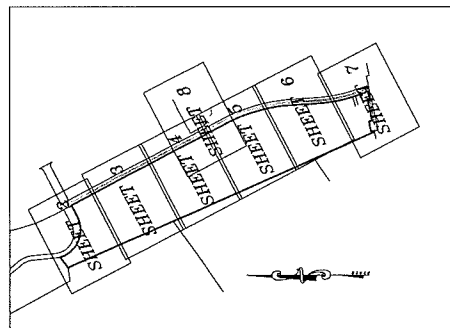
GENERAL NOTES

- [illegible]

LINE TABLE		
LINE #	BEARING	DISTANCE
11	S77°33'48"W	218.08'
12	N17°28'14"W	03.93'
13	S77°33'48"W	231.21'
14	S17°28'14"E	03.70'
15	S77°33'48"W	93.53'



VICINITY MAP
(NOT TO SCALE)



KEY MAP
(NOT TO SCALE)

- | SYMBOL LEGEND | |
|---------------|--------------------|
| ① | ① BROW MARK |
| ② | ② CHAIN |
| ③ | ③ ELEVATION |
| ④ | ④ BEAM/DAZE HANDLE |
| ⑤ | ⑤ BEAM/DAZE HANDLE |
| ⑥ | ⑥ LASING METER |
| ⑦ | ⑦ LASER METER |
| ⑧ | ⑧ ELECTRIC METER |
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ST. AUGUSTINE
ST. JOHNS COUNTY, FLORIDA

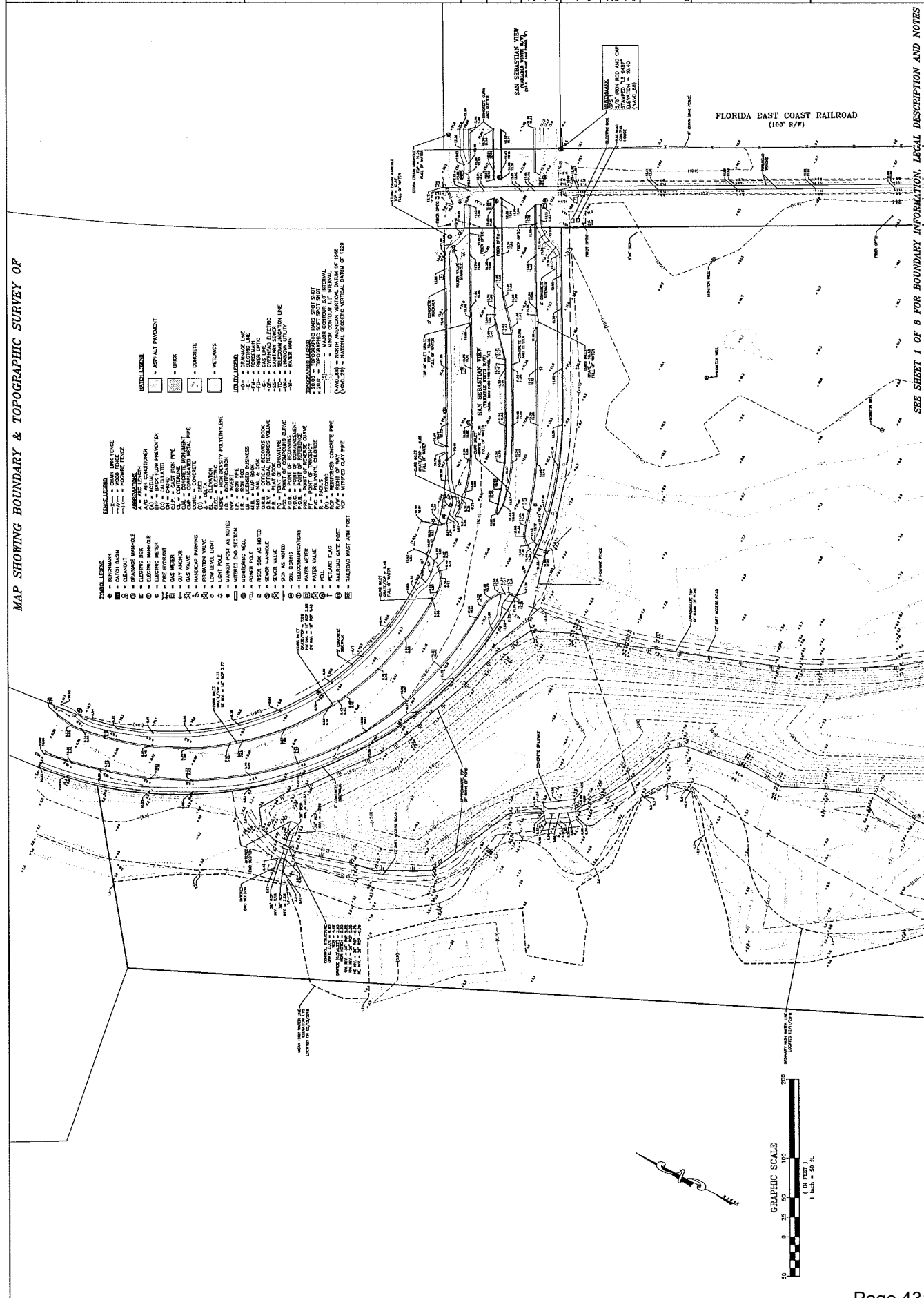
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Year	Date	Description
01-01-18	01-01-18	ADDITIONAL GRASSHOPPER SPECIMEN DATA COLLECTED
06-01-18	06-01-18	ADDITIONAL WATER BATH LOCATION PER CLIENT REQUEST

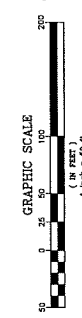
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PROJECT NO.	7-11-23
FILE NO.	7-11-23
SHEET 2 OF 8	

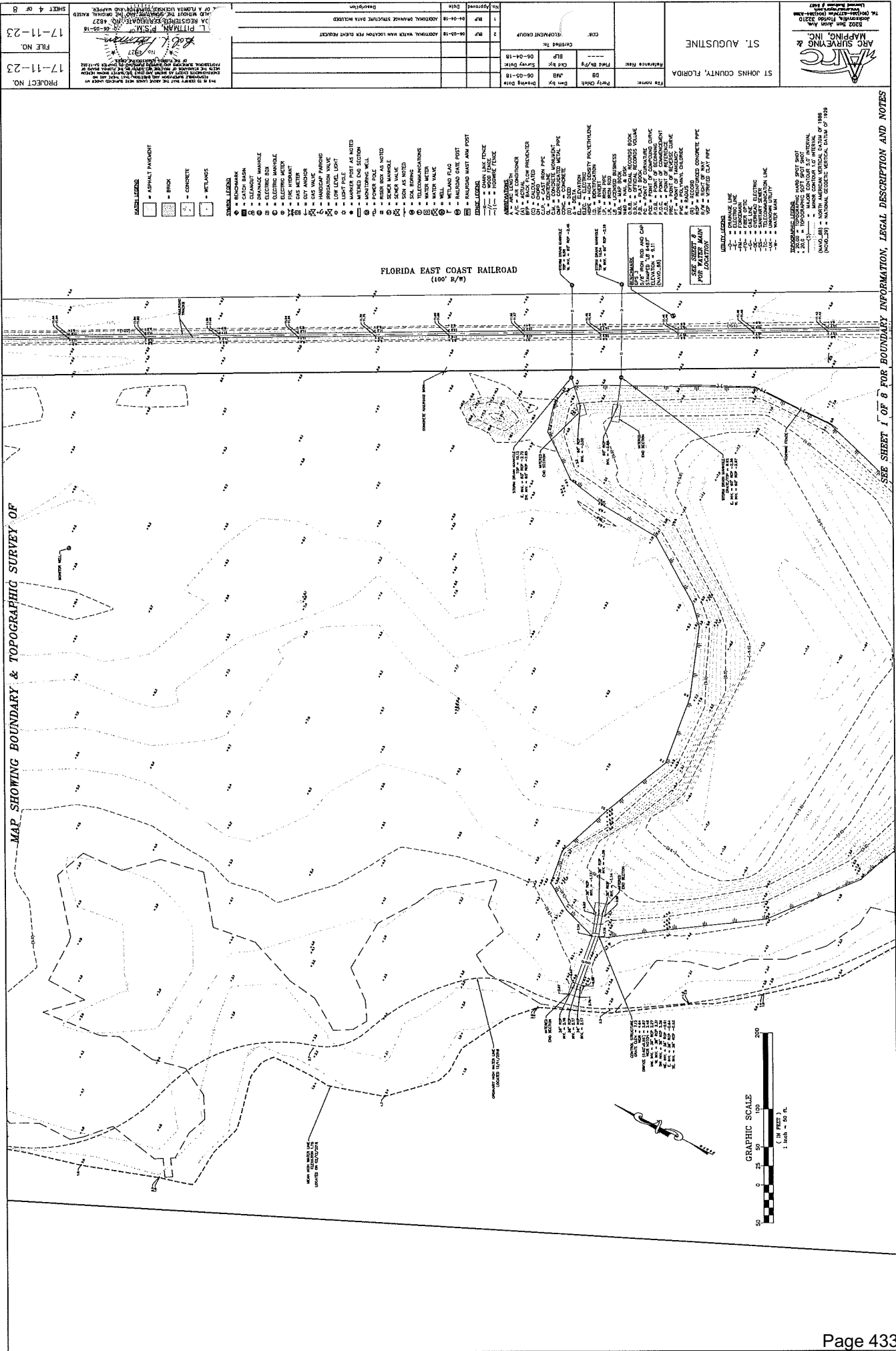
MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES



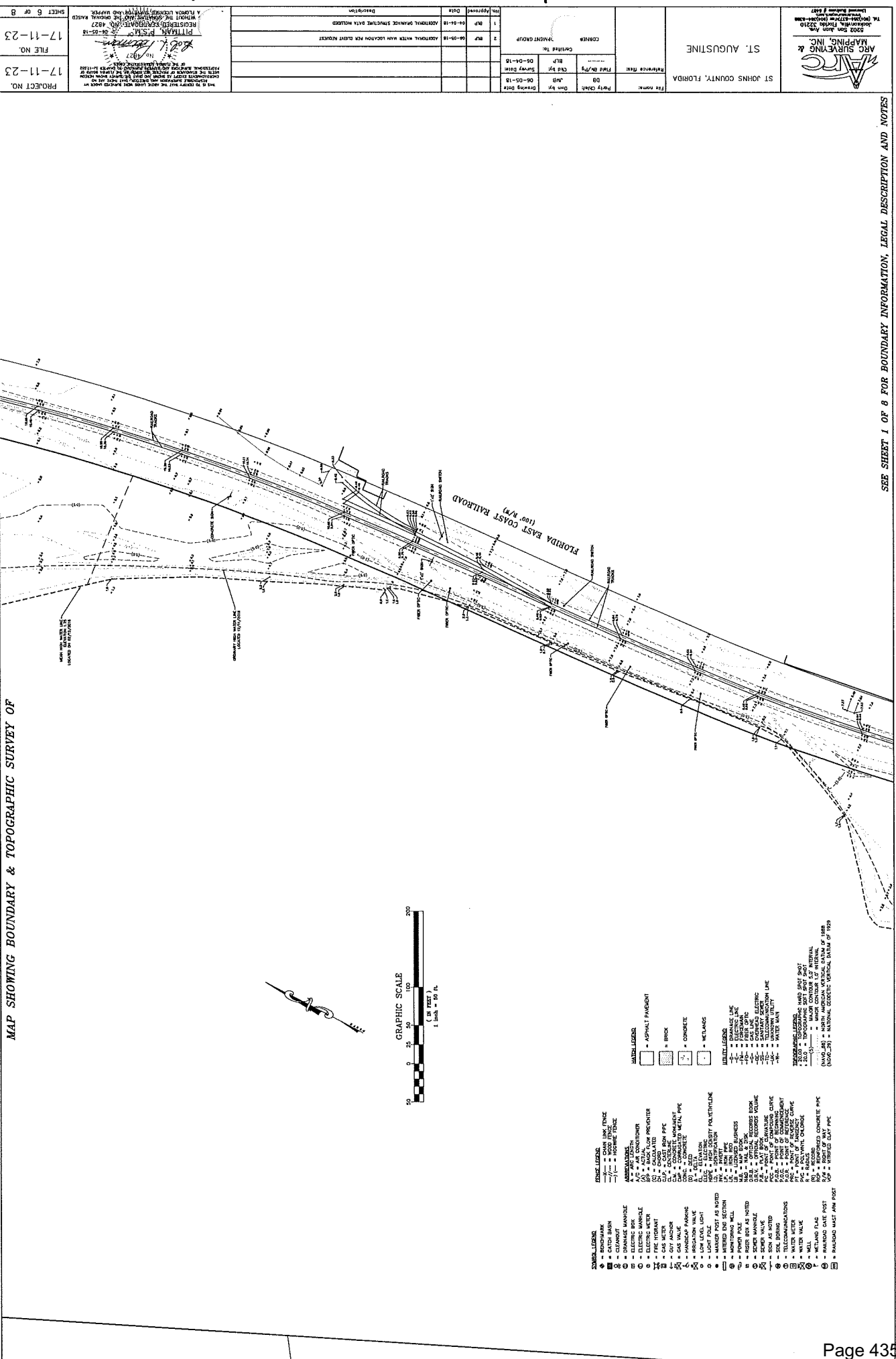
MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



PROJECT NO.	17-11-23	FILE NO.	17-11-23	SHEET 4 OF 8
ARC SURVEYING & MAPPING, INC. 13022 SW 10th Ave Suite 100, Fort Lauderdale, FL 33325 (954) 341-1111 www.arcsurveying.com ST. AUGUSTINE ST. JOHNS COUNTY, FLORIDA				
DATE: 06-01-18 BY: [Signature] CHECKED: [Signature] DATE: 06-01-18 DESCRIPTION: AERIAL PHOTOGRAPHIC SURVEY DATA COLLECTED				
DATE: 06-01-18 BY: [Signature] CHECKED: [Signature] DATE: 06-01-18 DESCRIPTION: AERIAL PHOTOGRAPHIC SURVEY DATA COLLECTED				

SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES

MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES

2003 Don John Way
Boca Raton, Florida 33433
Tel: (561) 994-4177 Fax: (561) 994-4180
ARC SURVEYING &
MAPPING, INC.

ST. AUGUSTINE
ST. JOHNS COUNTY, FLORIDA

Project Name: ST. AUGUSTINE
Client: ST. JOHNS COUNTY, FLORIDA
Drawing Date: 08-01-18
Drawing Scale: AS SHOWN
Drawing Sheet: 01 OF 01

Rev.	Approved	Date	Description
1	BP	08-01-18	ADDITIONAL SURVEY DATA INCLUDED
2	BP	08-01-18	ADDITIONAL WATER MAIN LOCATION AND ELEVATION REQUEST

THIS IS TO CERTIFY THAT THE ABOVE LINES WERE MEASURED AND PLANNED UNDER MY PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY ACCURATELY REPRESENT THE TRUE BOUNDARY AND TOPOGRAPHY OF THE LAND DESCRIBED HEREIN. I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA, LICENSE NO. 4627.

PITTMAN, P.S.M.
17-11-23

PROJECT NO. 17-11-23
FILE NO. 17-11-23
SHEET 6 OF 8

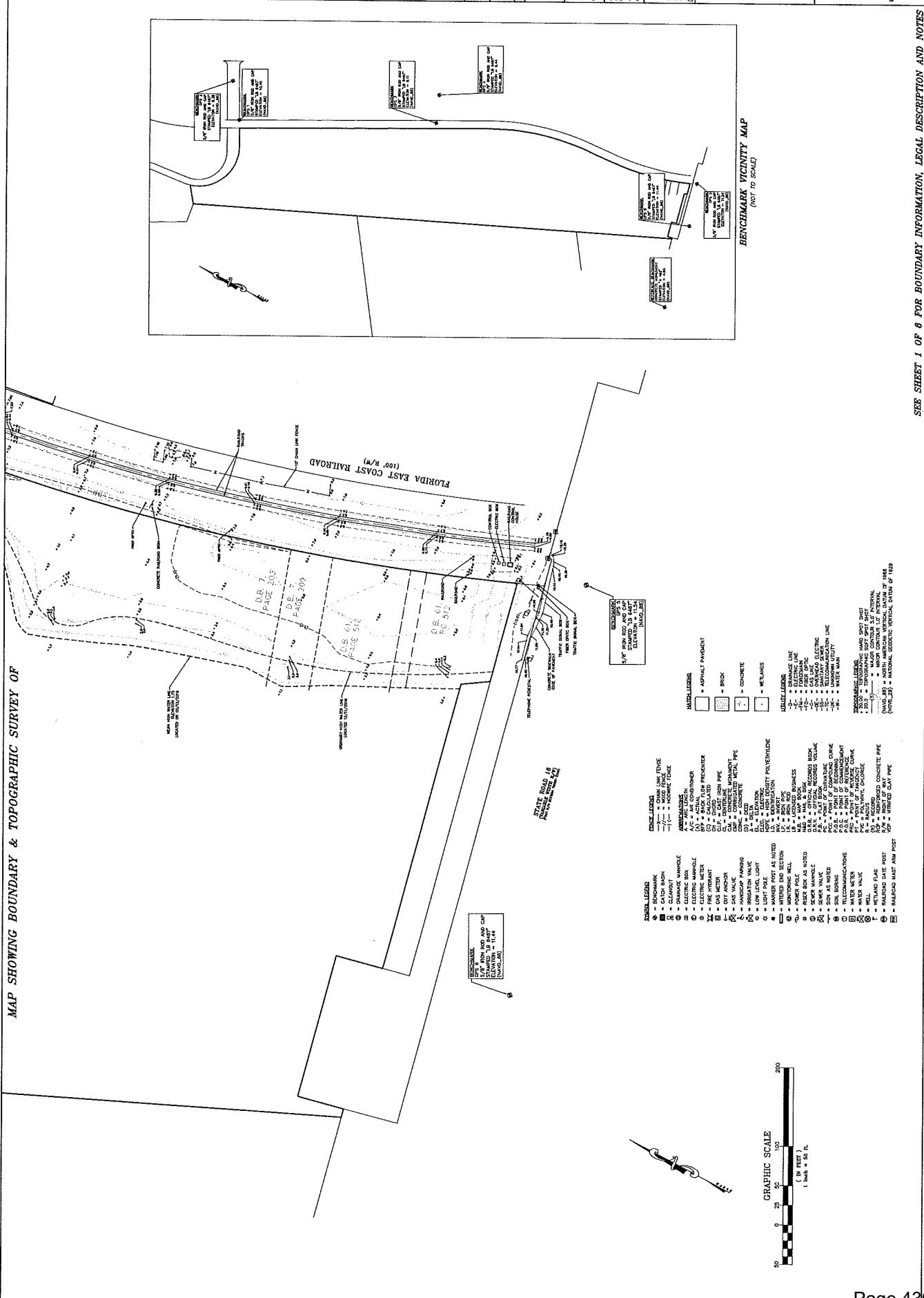
ST JOHNS COUNTY, FLORIDA

DB	Field Br/Pg	CLD by	BLP	Survey Date	06-04-18
Party Cretic		Dwn by	AMB	Drawing Date	06-05-18
Revised To: CDANE OPMENT GROUP					
1 2					

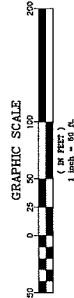
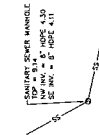
Approved	Date	Description
Mr P	04-04-15	ADDITIONAL PAYMENT STRUCTURE DATA INCLUDED
Mr P	04-03-15	ADDITIONAL DATA WITH LOCATION PER CLIENT REQUEST

[illegible]

PROJECT NO. 17-11-23
FILE NO. 17-11-23
SHEET 7 OF 8



FLORIDA EAST COAST RAILROAD
(100' R/W)

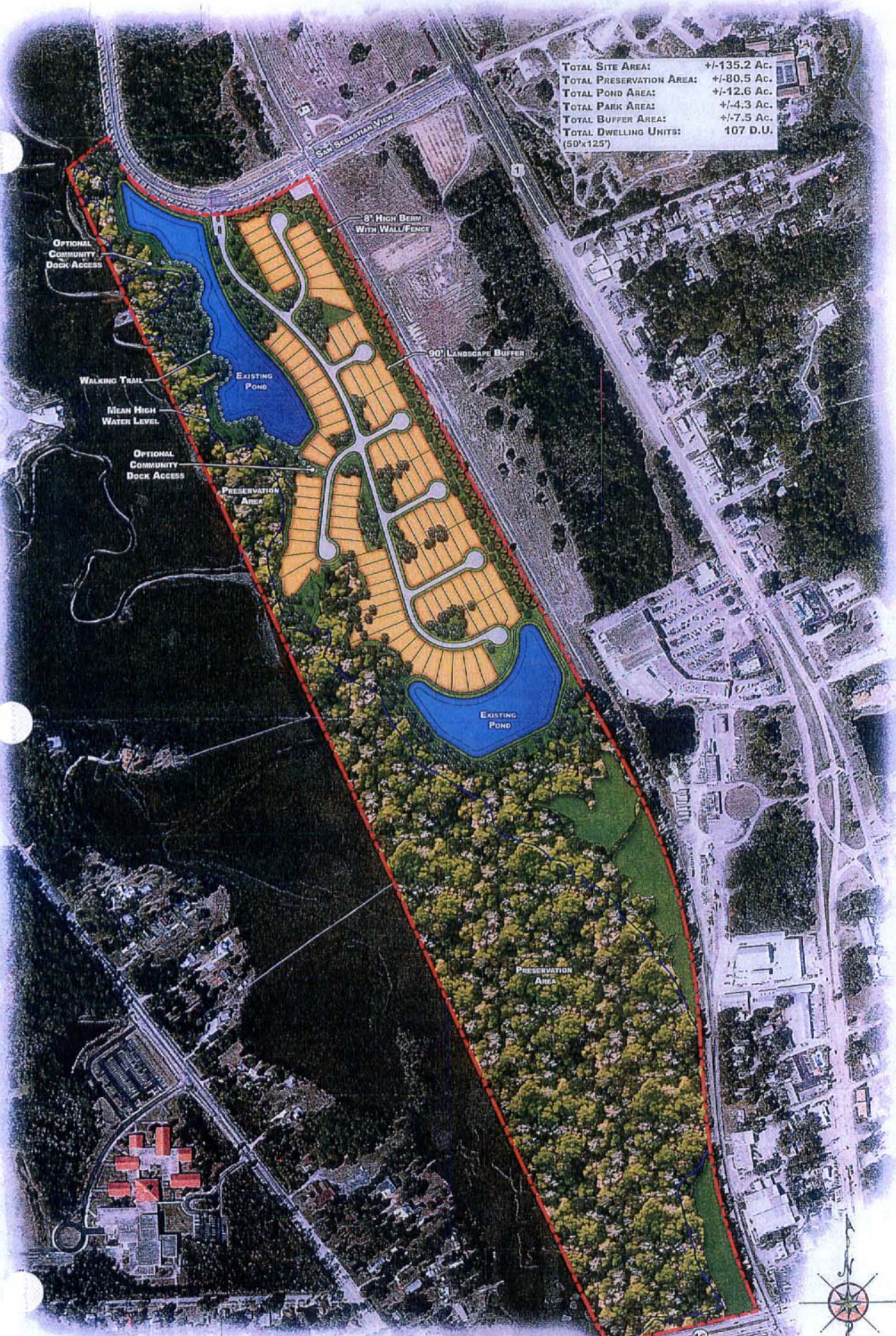


- [illegible]

SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES

Attachment 6
Conceptual Map
Ord. 2013-18

TOTAL SITE AREA: +/-135.2 AC.
 TOTAL PRESERVATION AREA: +/-80.5 AC.
 TOTAL POND AREA: +/-12.6 AC.
 TOTAL PARK AREA: +/-4.3 AC.
 TOTAL BUFFER AREA: +/-7.5 AC.
 TOTAL DWELLING UNITS: 107 D.U.
 (50'x125')



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 3, 2019

RE: **PUD AMENDMENT/REZONING - 2019-0119**

AGENDA ITEM 8(b)

APPLICANT James Whitehouse
c/o St. Johns Law Group

OWNER Columbia Restaurant of St. Augustine, LLC

LOCATION 98 St. George St

REQUEST Request to amend Planned Unit Development (PUD) 2011-03 to allow for 312 square feet of additional lot coverage.

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezoning's and amendment of chapter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the comprehensive plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare.

The PUD process is designed to:

- (a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
- (b) Encourage a more compatible and harmonious development of contiguous lands;
- (c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- (d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- (e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
- (f) Provide an environment of consistent character compatible with the surrounding areas; and,
- (g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable to all PUDs, while others, such as section 28-291, are intended for traditional residential or mixed-use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

Sec. 28-287. - Defined. A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

- (c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend, and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:
 - (1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.

- (2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.
- (3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.
- (4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:
 - a. Permit a creative approach to the development of land; and
 - b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
 - c. Provide for an efficient use of land; and
 - d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
 - e. Provide an environment of consistent character compatible with surrounding areas; and
 - f. Retain property values over the years.
- (f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.

STAFF SUMMARY OF REZONING

The Board will be making a recommendation to the City Commission for an amendment to Planned Unit Development (PUD) 2011-03, referenced as the Columbia Restaurant PUD herein, on 1.20 acres of land.

This rezoning/amendment to PUD will allow the applicant to set their own standards and consist of the following (*Staff input in italics*):

1. Proposes to increase the maximum lot coverage allowed on site from the previously approved maximum of 25% for the main structure on the property to 28% for the main structure, specifically to accommodate the expansion of a 312 square walk in cooler to serve the restaurant on site.

STAFF ANALYSIS OF REZONING

Staff has reviewed the requested amendment to the Columbia Restaurant PUD for completeness and the request to increase the maximum lot coverage. The previous approval in Ord. 2011-03 showed the existing lot coverage to be 23.3%, with a request to increase the lot coverage by 909 square feet (1.7%). This resulted in an increase of lot coverage to 25% for the main structure. This PUD amendment rezoning request is to allow for an additional 312 square feet of lot coverage to accommodate an additional walk in cooler for the existing restaurant use. The additional 312 square feet will result in a lot coverage of approximately 25.6%. The applicant has proposed a maximum lot coverage for the main building to be

capped at 28% or 14,700 square feet. With the proposed walk-in cooler, at 312 square feet, brings the total square footage of the main building to approximately 13,440 square feet.

Rezoning Findings of Fact (Section 28-230.c, City Code) *Staff interpretation in italics*

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) The need and justification for the change.

The Applicant is requesting this change to accommodate the existing restaurant use as it grows, the additional space is requested so the walk-in coolers can better serve the restaurants needs.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

The proposed PUD provides for similar protections that currently exist under the HP-3 zoning category, with the exception of maximum lot coverage which is limited to 2,500 square feet or 50% of the lot, whichever is lesser, under LDC Sec. 28-188(b)(2)(b), which is below the maximum of 70% prescribed in the Historic Preservation Land Use. This would be consistent with our Comprehensive Plan. The proposed PUD does appear to intensify the use of this property, but with eh amended PUD text (attachment 2) the additional lot coverage would be under 28%, as proposed.

(3) Consistency with the comprehensive plan.

See staff comments under #2.

Planned Unit Development Findings of Fact (Section 28-289.c, City Code), as applicable *Staff interpretation in italics*

(c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

(1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.

Staff believes the increased maximum lot coverage for a walk in cooler likely will not affect the orderly development of the City, but there would be an additional (approx.) 1,260 square feet of lot coverage available onsite, presumably to accommodate future renovation to the restaurant use, the applicant did not provide written justification the lot coverage request and it was not contemplated in the original PUD Text (attachment 3).

(2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.

The PUD appears to be generally consistent with the Comprehensive Plan. Staff finds a justifiable need to rezone/amend the property to PUD based on need to make small expansions to the restaurant. Staff does find this PUD allows for a creative approach to the development of the property by reusing existing screened space to make minor expansions to the restaurant, while it accomplishes a compromise that provides a reasonable increase for Main Structure lot coverage to accommodate this growth and changing needs of the Columbia Restaurant PUD while still erring on the side of HP-3 zoning requirements, in accordance with City Code Sec. 28-286.

- (3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

See staff comments under #1 & 2.

- (4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:
- a. Permit a creative approach to the development of land; and
 - b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
 - c. Provide for an efficient use of land; and
 - d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
 - e. Provide an environment of consistent character compatible with surrounding areas; and
 - f. Retain property values over the years.

See staff comments under #1 & 2. Additionally, the PUD would not be improving/altering the appearance of the area through preservation and enhancement of historic features since the PUD amendment proposes the walk-in cooler in an area that is already screened(shown on the last page of the proposed PUD), however, should this PUD amendment be recommended for approval, the project would be required to receive a Certificate of Appropriateness for the Historical Architectural Review Board prior to City Commission Review.

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.

If the PZB requires a second public hearing, then the PZB should announce the required second public hearing date for this item beginning at 2:00 P.M. on January 7, 2020, Alcazar Room, City Hall, 75 W. King St., Saint Augustine, FL.

If the PZB does not require a second public hearing, and the Board **CAN** find there is a need & justification for the rezoning & it finds that the rezoning **DOES** support the general planning program & Comp Plan then the Board **CAN** approve the rezoning.

If the PZB does not require a second public hearing, and the Board **CANNOT** find there is a need & justification for the rezoning & it finds that the rezoning **DOES NOT** support the general planning program & Comp Plan then the Board **CANNOT** approve the rezoning.

ATTACHMENTS

- Attachment 1 – Application & Property Record Card
- Attachment 2 – Proposed PUD
- Attachment 3 – Developer Neighborhood Notice
- Attachment 4 – Existing PUD

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1
Application &
Property Record Card



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 06 2019

Planning/Building Dept.

Application Fee: 400⁰⁰ (plus advertising costs)

Project Number: _____

Receipt Number: 1725999

Meeting Date: Dec 3rd / 2019

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 9044950400

Business (if applicable): St. Johns Law Group

Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080

E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: Columbia Restaurant of St. Augustine, Inc. Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: _____ Parcel Number: 197500 0000

4. PROJECT STREET ADDRESS: 98 St. George Street

5. SPECIFIC PROPOSED USE: Columbia Restaurant (continued use as currently employed)

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☒ Rezoning

☒ Other: minor modification to currently approved Columbia Restaurant PUD

7. DESCRIPTION OF ACTION REQUESTED: _____

SEE ATTACHED

8. JUSTIFICATION FOR ACTION REQUESTED: _____

SEE ATTACHED

04/18/2019

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. **PREVIOUS APPLICATIONS:**

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☐ No If yes, please give date and final disposition below.

11. **AGREEMENT:**

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

*OWNER'S AUTHORIZATION ATTACHED

Signature of Property Owner

Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

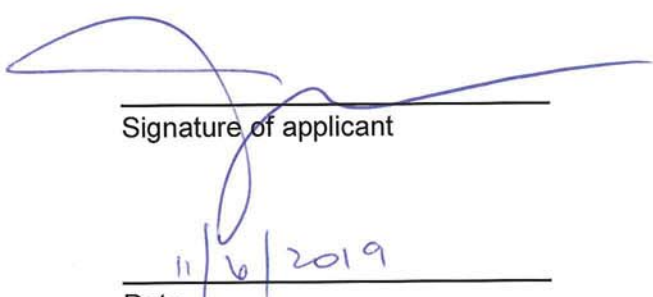
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

JAMES G. WHITEHOUSE, ESQ.

Print name of applicant



Signature of applicant

11/6/2019

Date



Owner's Authorization For Agent

ST. JOHNS LAW GROUP / JAMES G. WHITEHOUSE, ESQ. is hereby authorized TO ACT ON BEHALF OF Columbia Restaurant of St. Augustine, Inc., the owner of those lands described within the attached application and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine, for an application related to a MODIFICATION TO COLUMBIA RESTAURANT OF ST. AUGUSTINE PUD, and any other matter related to properties located at 98 St. George Street, St. Augustine, FL, and including the following Parcel No.: 197500 0000.

BY: _____

Signature of Owner

Print Name of Owner

Telephone Number

State of Florida

County of Hillsborough

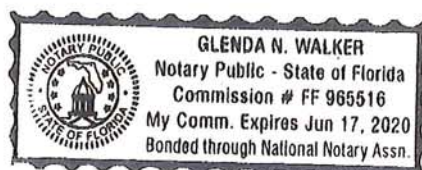
Signed and sworn before me on this 10th day of September, 2019

By Jeffrey C. Shannon, as Assistant Secretary of Columbia Restaurant of St. Augustine
Identification verified: Personally Known

Oath sworn: X Yes _____ No

Notary Signature: _____

My Commission expires: _____





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	1975000000
Location Address	98 ST GEORGE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City St Aug ON St George St (COM) (610.07)
Tax Description*	CITY OF ST AUG BLK 13 ALL LOT 4 & TRIP TYING E & W 20FT LOT 9 & ALL LOTS 10 & 11 & IN REPLAT OF LOTS 1 2 3 5 6 & 7 MB 4 PG 60 - LOT 1 (EX PT IN NE CORNER) & ALL LOTS 2 & 3 & PTS OF LOTS 5 6 & 7 122.2FT ON ST GEORGE ST 189.75FT ON HYPOLITA 366FT ON SPANISH ST & 95FT ON CUNA ST OR 728/1592 728/1794 & 733/407 (DISCLAIMER) & 1513/1964 (MERGER) *The Description above is not to be used on legal documents.
Property Use	Restaurants & Cafeterias (2100)
Code	
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	1.060
Homestead	N

Owner Information

Owner Name	Columbia Restaurant Of St Aug 100%
Mailing Address	2025 E 7TH AVE TAMPA, FL 33605-3901

Map



Valuation Information

	2020
Building Value	\$2,102,574
Extra Features Value	\$76,446
Total Land Value	\$1,848,840
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$2,938,600
Total Deferred	\$0
Assessed Value	\$2,938,600
Total Exemptions	\$0
Taxable Value	\$2,938,600

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$2,169,323	\$76,469	\$1,848,840	\$0	\$0	\$2,938,600	\$2,938,600	\$0	\$2,938,600
2018	\$2,236,070	\$76,493	\$1,294,188	\$0	\$0	\$2,898,200	\$2,898,200	\$0	\$2,898,200
2017	\$2,302,819	\$61,140	\$1,294,188	\$0	\$0	\$3,081,400	\$3,081,400	\$0	\$3,081,400
2016	\$2,369,567	\$61,164	\$1,155,525	\$0	\$0	\$2,829,300	\$2,829,300	\$0	\$2,829,300
2015	\$2,424,198	\$61,188	\$808,656	\$0	\$0	\$2,800,500	\$2,649,048	\$151,452	\$2,649,048
2014	\$1,538,357	\$61,212	\$808,656	\$0	\$0	\$2,408,225	\$2,408,225	\$0	\$2,408,225
2013	\$1,579,380	\$61,236	\$808,656	\$0	\$0	\$2,449,272	\$2,332,629	\$116,643	\$2,332,629
2012	\$1,274,186	\$61,260	\$785,126	\$0	\$0	\$2,120,572	\$2,120,572	\$0	\$2,120,572
2011	\$1,311,119	\$61,284	\$871,633	\$0	\$0	\$2,244,036	\$2,244,036	\$0	\$2,244,036
2010	\$1,348,052	\$61,307	\$965,838	\$0	\$0	\$2,375,197	\$2,375,197	\$0	\$2,375,197

Building Information

Building	1
Actual Area	22198
Conditioned Area	20678
Actual Year Built	1983
Use	Restaurants & Cafeterias
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Structure	Rigid Frame
Roof Cover	Built Up, Wood Shingle
Interior Flooring	Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Heating Fuel	
Air Conditioning	Central
Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	70%
Roofing Cover	Wood Shingle	30%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	38 FIXTURES	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Condition	Good	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	10164	10164
FRAME ADDITION	924	924
CANOPY (COMMERCIAL)	0	180
CANOPY (COMMERCIAL)	0	408
LOADING PLATFORM	0	160
1.5 STORY	1056	704
CANOPY (COMMERCIAL)	0	228
FINISHED UPPER STORY	8306	8306
CANOPY (COMMERCIAL)	0	342
FINISHED UPPER STORY	228	228
BALCONY	0	108
FINISHED STORAGE	0	224
CANOPY (COMMERCIAL)	0	180
CANOPY (COMMERCIAL)	0	42
Total SqFt	20678	22198

Building 2

Roof Structure Wood Truss

Actual Area 2496
 Conditioned Area 1728
 Actual Year Built 1983
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Concrete Stucco, Wood

Roof Cover Wood Shingle
 Interior Flooring Carpet, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	50%
Exterior Wall	Wood	50%
Roofing Structure	Wood Truss	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	70%
Interior Flooring	Carpet	30%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	9 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	864	864
CANOPY (COMMERCIAL)	0	384
CANOPY (COMMERCIAL)	0	384
BASE AREA	864	864
Total SqFt	1728	2496

Building 3
 Actual Area 974
 Conditioned Area 1104
 Actual Year Built 1983
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Wood Truss
 Roof Cover Wood Shingle
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Wood Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
1.5 STORY	1104	736
CANOPY (COMMERCIAL)	0	238
Total SqFt	1104	974

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	14	5	0	70
Masonry Wall	0	0	0	0	1490
Fountain (Good)	0	0	0	0	1
Asphalt Paving	0	0	0	0	21122
Stops	0	0	0	0	70
Curb	0	0	0	0	274
Concrete Paving	0	0	0	0	1985
Sprinkler Wet	0	0	0	0	17764

Attachment 2
Proposed PUD

THE COLUMBIA RESTAURANT OF ST. AUGUSTINE

Amendment to Planned Unit Development Text (Approved at Ord. 2011-03)

Submittal Date:

November 8, 2019

November 25, 2019 (amended lot coverage %)

Request:

Amendment to the previously approved Planned Unit Development (PUD), to add a small enclosed area to the existing restaurant, on the north side of the building facing the parking lot, for the inclusion of an additional walk-in cooler. The very minor addition has been designed to mesh seamlessly into the current building and will meet all HARB-approved architecture/features and to include extensive landscaping. Accordingly, the minor addition is proposed to meet all of the city codes. This minor modification will allow the applicant to provide for additional cooler space that is currently lacking and for better internal service functions, as depicted in the diagrams provided.

Applicant/Owner:

Columbia Restaurant of St. Augustine
2025 East 7th Avenue
Tampa, FL 33605-3901

Authorized Agent for the Applicant:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit C Development Plan Narrative

Parcel Identification Numbers:

197500 0000

Exhibit "C"
DEVELOPMENT PLAN NARRATIVE
THE COLUMBIA RESTAURANT OF ST. AUGUSTINE
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for amendment to the previously approved Planned Unit Development (PUD). Included is the request to add a small enclosed area to the existing restaurant, on the north side of the building facing the parking lot, for the inclusion of an additional walk-in cooler, as well as all accompanying documents as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Columbia Restaurant of St. Augustine, Inc. The Applicant is requesting an amendment to the previously-approved PUD in accordance with the City of St. Augustine Zoning Code, which includes a small addition to the north side of the building facing the parking lot, for the inclusion this additional walk-in cooler. The PUD has been in place since the parcel containing the Columbia Restaurant was rezoned from HP-3 to PUD in order to add a roof-over the internal courtyard. At that time, the exterior of the existing facades was not affected. That rezoning was necessary since the existing main structure built in 1983, exceeded the current 2,500 s.f. maximum size for a main structure, per Section 28-188,(2)b of the City Code, and was therefore deemed an existing legal non-conforming structure. Further, at the time, all other aspects of the existing structure and parking lot remained the same, except as were noted in the General Development Plan. Finally, that plan also noted that conformance with the requirements of the HP3 Zoning District would remain, except as noted in the GDP. The PUD was approved in 2011 (Ord. 2011-03).

As the industry has continued to change, the need for additional cooler space has become essential to the continued feasibility of having this local favorite in the downtown core. This additional cooler space will allow additional storage to meet the industry norms and it may also lessen the delivery burdens on the constrained downtown streets. The applicant has already engaged the services of city architect Les Thomas and is prepared to move forward with this minor addition in a manner that will, first and foremost, meet all of the all HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this modification will allow the applicant to continue to provide the parking areas currently located on their parcel. Through the guidance and advice of Mr. Thomas, this minor addition for the additional walk-in cooler will simply be seamlessly added to the main structure in a currently notched area of the building behind the kitchen adjacent to the parking area and the minor filling of this area will not be apparent to the general view of the building as a whole. Further, as aforementioned, the very minor addition will meet all of the HARB requirements and should blend seamlessly into the overall design of the building, as depicted in the elevations, pictures and site plan provided. Applicant herein seeks the modifications, including the rezoning, as presented.

The objective of the PUD as modified is to continue the operation of the Columbia Restaurant on this site.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately 1.06 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located at the Northwest corner of the intersection of St. George Street and Hypolita Street and it is bordered by Spanish Street on its West and Cuna Street on its North. The property currently contains one main structure housing the Columbia Restaurant and a cement-paved parking area on the North part of the parcel.

B. Ownership/Agreement: The Property is owned by Columbia Restaurant of St. Augustine, Inc., as shown by the Proof of Ownership documents in the Application materials, who has authorized James G. Whitehouse, Esquire / St. Johns Law Group to represent it. Evidence of authorization is contained within the Application materials, as well.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission. The Applicant understands that any architectural site changes to any property in the PUD must be in compliance with the AGHP and is subject to HARB approval.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner. The property currently contains a restaurant, with associated bar and lounge serving alcohol beverages, a parking lot area, and two smaller “out buildings” that currently house small retail shops. This current mix of uses will continue to be allowed along with any other uses as allowed in the HP-3 zoning district.

This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner.

Uses by exception shall be allowed as per city code and the request for any uses not currently allowed shall be by an amendment to the PUD.

B. Development Standards for NEW Structures within the PUD: The attached Site Plan depicts the current site plan and layout of the current structures and parking area, as well as the very minor addition to the main structure for the proposed fill-in of the notched area for the walk-in cooler. The only difference from that which was approved previously is the inclusion of this small addition to the main building for the walk-in cooler. In addition, the following specific criteria shall apply:

1. Maximum lot coverage:

All Structures: Maximum of twenty-eight percent (28%) of total lot size of 52,495 sq. ft.

2. Maximum building height: Maximum thirty-five (35) feet, measured from a ten foot finished floor elevation.

3. Parking: The Applicant will continue to operate the parking area currently in use in the parking lot on the northwest corner of the property.

4. Signage: Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements. Any and all signs currently in use shall continue to be allowed and may be maintained and repaired in their current form.

5. Stormwater: Stormwater will be retained on site within the retention areas. The drainage structures and facilities will be designed and constructed in compliance with the regulations of the City of St. Augustine and will conform with the permit requirements established by the St. Johns River Water Management District.

6. Access: Vehicular and pedestrian access to the property will be provided.

7. Fencing: The Applicant will maintain the current fencing and walls as currently designed and may repair them as needed in their current form. All changes shall be reviewed and approved if required by the City Code.

8. Utilities: All electrical and telephone lines will be maintained are currently exist on the site. Electrical power will be provided by Florida Power and Light Company or other franchised utility provider. Security lighting may be provided as needed.

9. Potable Water: Potable water will be provided by the City of St. Augustine via existing connections. Construction will be in accordance with current permit standards and requirements.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development will be served by central sewer collection from the City of St. Augustine. Any extensions or new connections shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: Applicant will maintain all internal sidewalks.

13. Design: The design of the minor addition shall be submitted to and reviewed by the Historic Architectural Review Board to assure that it reflects a high standard of construction and consistent with modern construction methods and materials and the site constraints. These amendments do not change the design or architectural elements.

14. Deliveries/Refuse: All deliveries shall enter the restaurant and outparcels and all refuse shall leave the restaurant and outparcels through the parking area that continues to be located at the northwest corner of the parcel.

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: The Columbia Restaurant of St. Augustine PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and

conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The original approval of PUD Ordinance 2011-03, as amended, for this site and this Application's goal of seeking the same conditions contained within the originally-approved PUD Ordinance, will result in the continued operation of an existing property, using existing services and facilities, as intended by this Objective.

INFRASTRUCTURE ELEMENT

SANITARY SEWER SUB-ELEMENT

SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT

PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

INFRASTRUCTURE IMPACT ANALYSIS

An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns and infrastructure of the city.

The infrastructure impact analysis shall include site specific design improvements related to traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

As depicted in the site plans attached, submitted and presented, by way of this modification, this minor addition to the building for the additional walk-in cooler will allow for the continued feasibility of having this local favorite in the downtown core. This additional cooler space will allow additional storage to meet the industry norms and it may also lessen the delivery burdens on the constrained downtown streets. The applicant has already engaged the services of city architect Les Thomas and is prepared to move forward with this minor addition in a manner that will, first and foremost, meet all of the all HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this modification will allow the applicant to continue to provide the parking areas currently located on their parcel. Through the guidance and advice of counsel and architect, this minor addition for the walk-in cooler will simply be seamlessly added to the main structure in a currently notched area of the building behind the kitchen adjacent to the parking area and the minor filling of this area will not be apparent to the general view of the building as a whole. Further, as aforementioned, the very minor addition will meet all of the HARB requirements and should blend seamlessly into the overall design of the building, as depicted in the elevations, pictures and site plan provided. As stated, though applicant is required to re-write the PUD text to include this minor addition for the walk-in cooler, the applicant fully intends to continue to utilize the property with the currently approved uses. In fact, the minor addition will not have any impact on the current motor vehicle and pedestrian traffic. Notably, the applicant will continue to provide parking for their guests and patrons. This addition will not affect that provision at all. Further, this site's location in the downtown core will continue to encourage pedestrian, bicycle and other modal use and applicant will continue to make the site accessible to visitors so as to encourage movement by foot or bicycle or by way of one of the many other less intense transportation means. The applicant has worked with the city on many occasions regarding this objective in regards to their provision of parking as well as pedestrian access to their site.

To further the objectives of the city, as well as the restaurant, during their patronage at our site, the guests will be informed of the many other attractions as well as the many, less-intense transportation options, and the many other sites that are easily accessible by foot.

In sum, the only change from the former PUD is the minor addition for the walk-in cooler and this minor addition will have no impact upon the traffic circulation patterns of the city. Further, since this PUD property continues to provide the same parking and since this site is primarily accessed by pedestrian traffic, the PUD as a whole does not in fact unreasonably affect the current traffic patterns and flow in this area of the city.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

The proposed minor addition will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner to match the current architectural design of the building and it will not affect any architecture of the structure in place.

1. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: This property is currently a PUD, this is merely a modification to the same.

2. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: The Development Plan Narrative, attached as Exhibit C to this Application, contains the required development conditions sought by Applicant.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards,

and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

Response: The Development Plan Narrative, included as Exhibit C with this Application, demonstrates this proposed PUD's compliance with Section 28-286.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." The property is currently zoned PUD under the City of St. Augustine's 2030 Comprehensive Plan ("Comp. Plan"), but it was previously located within the HP-3 Historic Preservation category and that was the reason for rezoning to PUD in 2011. Further, it is surrounded by HP-3 zoning. Thus, since Policy 1.3 of the Comp. Plan provides that historic preservation districts permit compatible nonresidential uses that will encourage the restoration and reproduction of historic structures, this PUD and the minor addition are appropriate to allow the continued existing use of the property that has been such for many years.

5. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB,

building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The project is a currently existing PUD and the very minor addition for the walk-in cooler is planned to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

6. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

Response: No such areas exist on the Property.

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this Application be denied, the existing zoning approvals remain unchanged.

8. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:


Jeffrey C. Shannon
As Authorized Signer for
Columbia Restaurant of St. Augustine, Inc.

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development as amended, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows

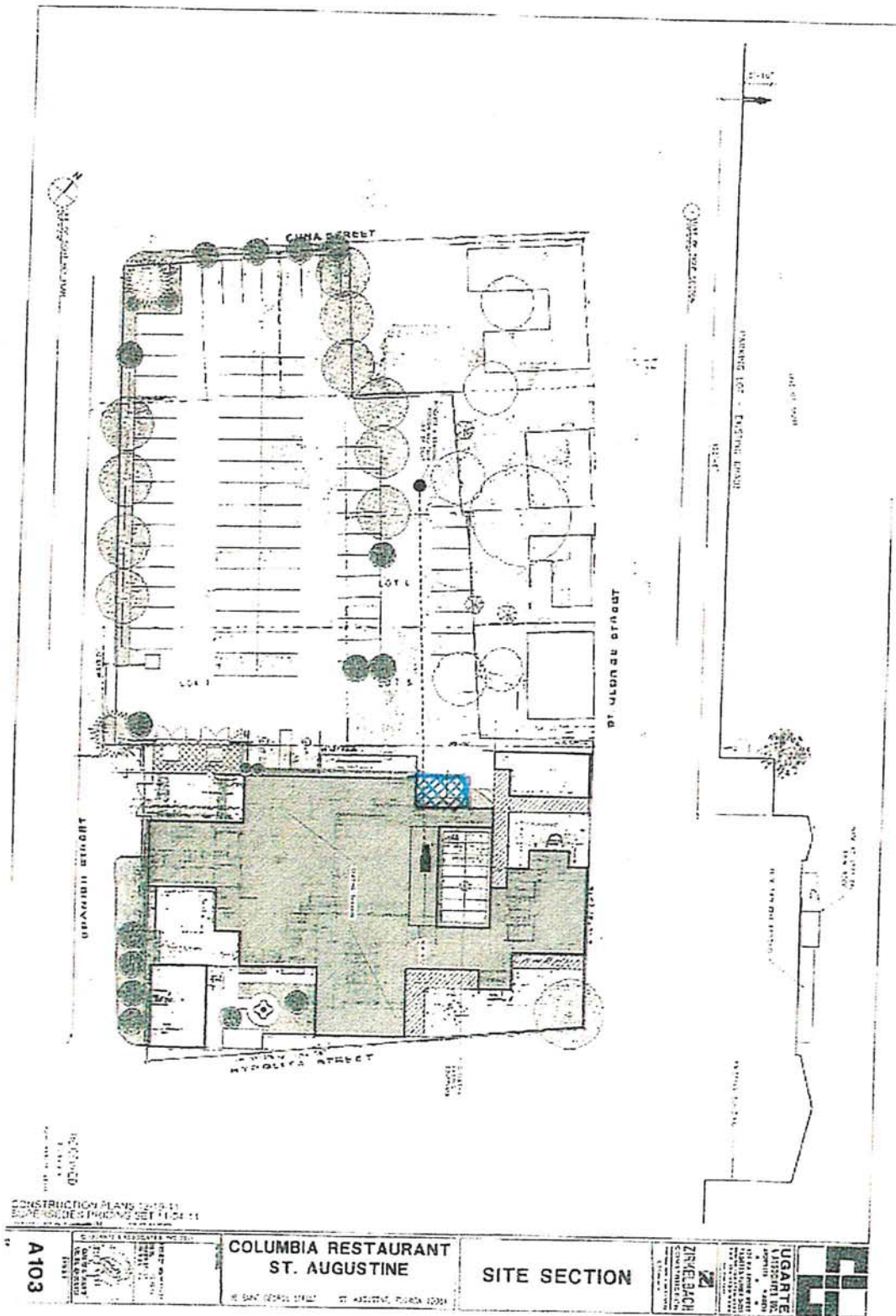
control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

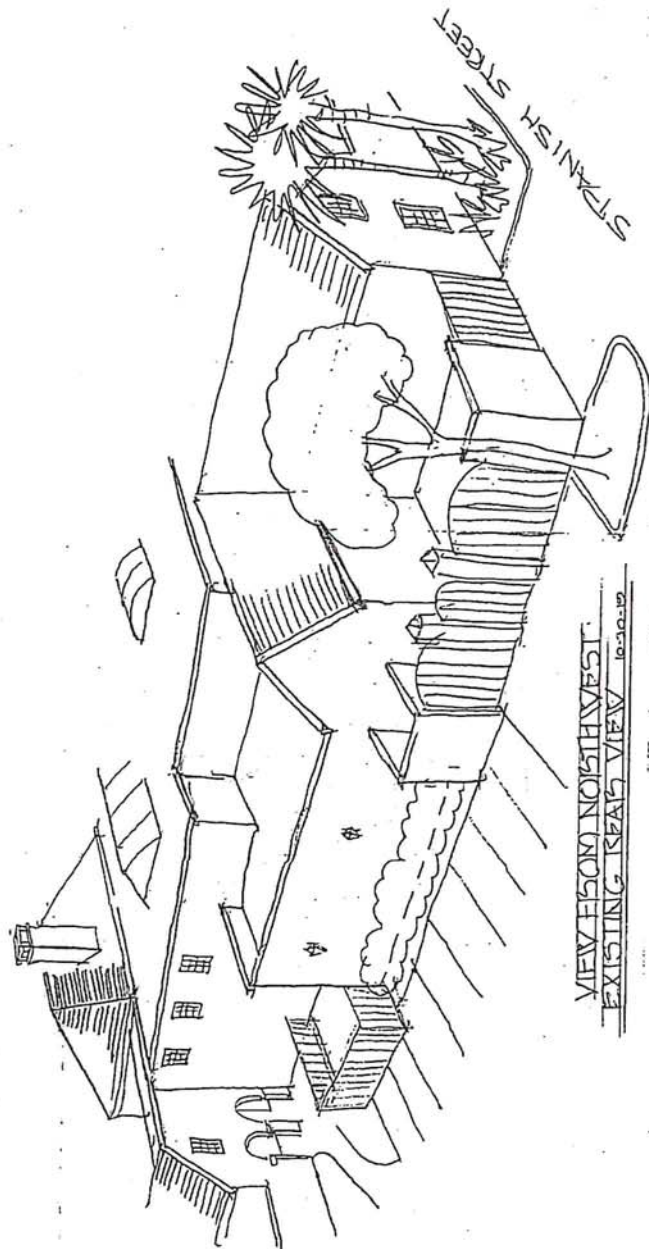
2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

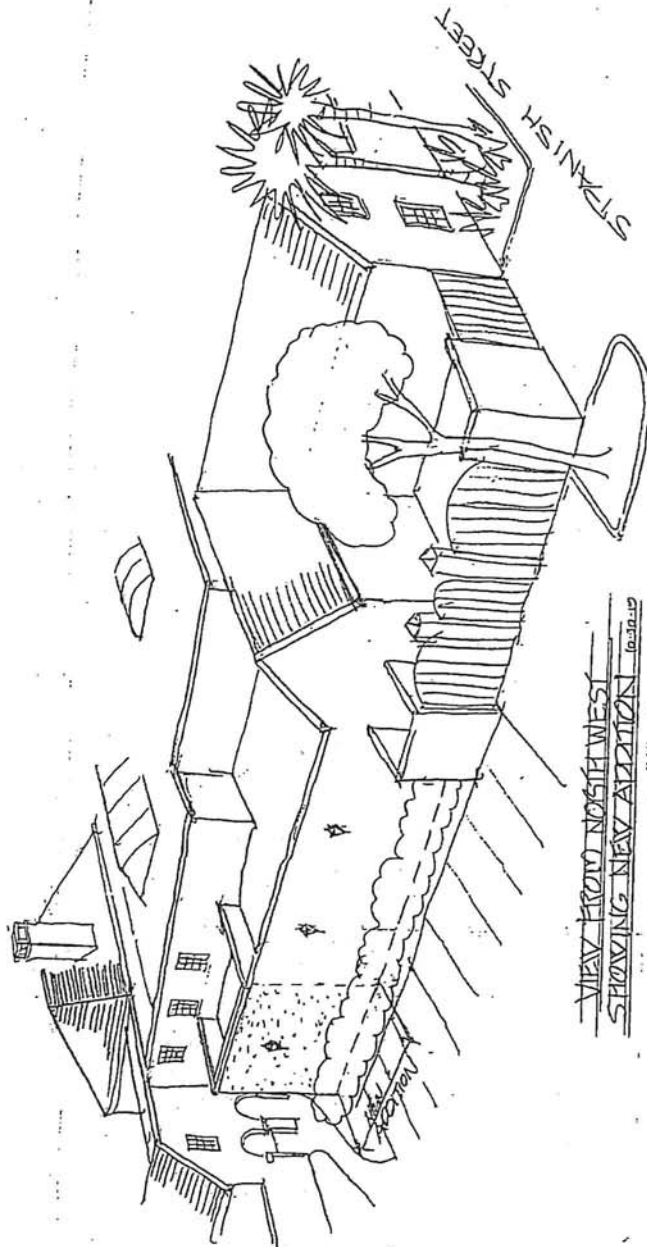
4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.





VIEW FROM NORTHWEST
EXISTING SCAP VIEW 10-10-12





Attachment 3

Developer Neighborhood Notice



Dedicated and Responsive Service

Neighborhood Council of St. Augustine, Inc.
Melinda Rakoncay, President
P.O. Box 658
St. Augustine, FL 32085-0658
ncstaug@gmail.com

RE: The Columbia Restaurant of St. Augustine Planned Unit Development

Pursuant to the requirements of the City of St. Augustine for amendments/modifications to existing Planned Unit Development Ordinances, please accept this correspondence as notice for a minor modification to the Columbia Restaurant of St. Augustine Planned Unit Development, which was approved by Ordinance 2011-03. The following information regarding the project is provided for your use and distribution, as appropriate:

APPLICANT	Columbia Restaurant of St. Augustine, Inc.
OWNER	Columbia Restaurant of St. Augustine, Inc.
LOCATION	98 St. George Street
CURRENT ZONING	Planned Unit Development (PUD)
CURRENT LAND USE	Historic Preservation
PROPOSED ZONING	Planned Unit Development (PUD)
SURROUNDING PROPERTIES	<u>Zoning</u>
<u>North</u>	Historic Preservation-Three (HP-3)
<u>South</u>	Historic Preservation-Two (HP-2)
<u>East</u>	Historic Preservation-Three (HP-3)
<u>West</u>	Historic Preservation-Three (HP-3)

Current Zoning and Land Uses:

The current PUD has been in place since the Columbia Restaurant of St. Augustine PUD was approved in 2011. The existing use as a restaurant has been operating on the site since that date, and for many years prior. The current land use designation of Historic Preservation is not changing.

T (904) 495-0400	104 Sea Grove Main Street
F (904) 495-0506	St. Augustine, Florida 32080
(888) 588-2599	www.sjlawgroup.com

Summary of Request:

The Applicant is requesting an amendment to the previously-approved PUD in accordance with the City of St. Augustine Zoning Code. The request is to add a small enclosed area to the existing restaurant, on the north side of the building facing the parking lot, for the inclusion of an additional walk-in cooler. As the industry has continued to change, the need for additional cooler space has become essential to the continued feasibility of having this local favorite in the downtown core. This additional cooler space will allow additional storage to meet the industry norms and it may also lessen the delivery burdens on the constrained downtown streets. The applicant has already engaged the services of city architect Les Thomas and is prepared to move forward with this minor addition in a manner that will, first and foremost, meet all of the all HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this modification will allow the applicant to continue to provide the parking areas currently located on their parcel. Through the guidance and advice of Mr. Thomas, this minor addition for the additional walk-in cooler will simply be seamlessly added to the main structure in a currently notched area of the building behind the kitchen adjacent to the parking area and the minor filling of this area will not be apparent to the general view of the building as a whole. Further, as aforementioned, the very minor addition will meet all of the HARB requirements and should blend seamlessly into the overall design of the building.

The Developer's Project Coordinator contact information is as follows:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080
(904) 495-0400
jameswhitehouse@sjlawgroup.com

“Please contact the developer’s project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City’s neighborhoods and the PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours.”

In addition to the developer neighborhood notice, the City Planning and Zoning Department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the City's public informational outreach initiative. Such additional courtesy information may be provided in person, by U.S. regular mail, electronic mail or posting on the City's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

Sincerely,



James G. Whitehouse, Esq.

Cc: City of St. Augustine Planning Department

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Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

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Sent To

Neighborhood Council of St. Augustine

Street and Apt. No., PO Box No.

P.O. Box 658

City, State, ZIP+4[®]

St. Augustine FL 32085

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0070 2000 96EE 25E9

ST. JOHNS



LAW GROUP

Dedicated and Responsive Service



7019 0700 0002 3396 6357

FIRST-CLASS



Neighborhood Council of St. Augustine, Inc.
Melinda Rakoncay, President
P.O. Box 658
St. Augustine, FL 32085-0658

ST. JOHNS



LAW GROUP

Dedicated and Responsive Service

FIRST-CLASS



Neighborhood Council of St. Augustine, Inc.
Melinda Rakoncay, President
P.O. Box 658
St. Augustine, FL 32085-0658

Attachment 4
Existing PUD 2011-03

CITY OF ST. AUGUSTINE

City Commission Regular Agenda

April 11, 2011

AGENDA ITEM NO. 5.B.2

Public Hearing - *Ordinance 2011-03*, establishing the Columbia Restaurant of St. Augustine Planned Unit Development (PUD).

5.B.2

CITY MANAGER COMMENTS/RECOMMENDATIONS:

At the regularly scheduled City Commission Meeting of March 14, 2011, *Ordinance 2011-03* was presented to the Commission on first reading. In accordance with notification procedures, Comment Forms relevant to the Planned Unit Development were mailed to twenty-nine (29) property owners located within 150 feet. As of April 5, 2011 no responses were received. The primary purpose of the PUD is to allow a roof over approximately 909 square feet of interior courtyard space.

The Planning and Zoning Board (PZB) reviewed the application at its regularly scheduled meeting of March 1, 2011, and an Opinion of Appropriateness was also issued by the Historical Architectural Review Board.

The attached *Ordinance 2011-03* is presented for the consideration of the Commission on second reading.

ATTACHMENTS:

1. *Ordinance 2011-03.*
2. Supporting documents.

ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE COLUMBIA RESTAURANT OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT STANDARDS FOR THE PUD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the City of St. Augustine Comprehensive Plan provides for an Historic Preservation land use designation and for associated use and density criteria applicable to development of land located within the designated area; and

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality which change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Section 28-289 of the Code of the City of St. Augustine provides procedures for the modification of a Planned Unit Development (PUD); and

WHEREAS, on March 1, 2011, the City of St. Augustine Planning and Zoning Board (PZB) reviewed a request to establish the Columbia Restaurant of St. Augustine PUD and made recommendation to the City Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Establishment of Planned Unit Development. The Columbia Restaurant of St. Augustine PUD is hereby established pursuant to Section 28-289 of the Code of the City of St Augustine, as outlined in Exhibits "A" through "G," attached hereto and incorporated herein by reference.

Section 2. PUD Development Standards. The development standards contained in the attached Exhibits "A" through "G" shall be the development standards for the Columbia Restaurant PUD. In addition, the proposed 36" wood picket fence along Spanish Street shall be located along Cuna Street as well as Spanish Street. Removal of the existing oak tree near the north side of the building shall require three (3) replacement trees or payment in the amount of \$300.00 per tree to a tree fund held by the City for tree replacement elsewhere by the City.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2011.

ATTEST:

Joe Boles, Jr., Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)



UGARTE & ASSOCIATES, INC.
ARCHITECT - FURNISH
424 9th Avenue West
Palm Beach, Florida 33481
Tel: 561-833-0000
Fax: 561-833-0000

ZIRKELBACH
CONSTRUCTION
CORPORATION
10000 N.W. 11th Avenue
Miami, Florida 33150
Tel: 305-555-1111

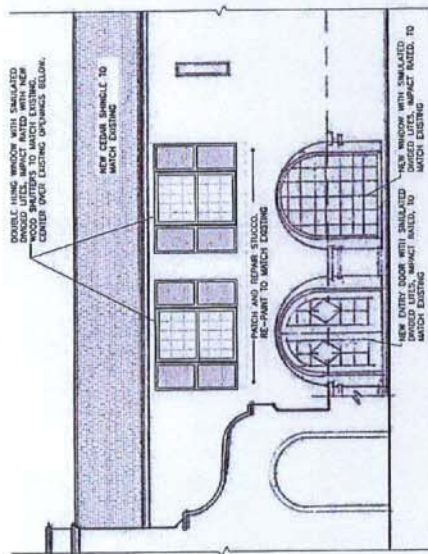
ELEVATIONS

COLUMBIA RESTAURANT
ST. AUGUSTINE
99 SAINT GEORGE STREET
ST. AUGUSTINE, FLORIDA 32084

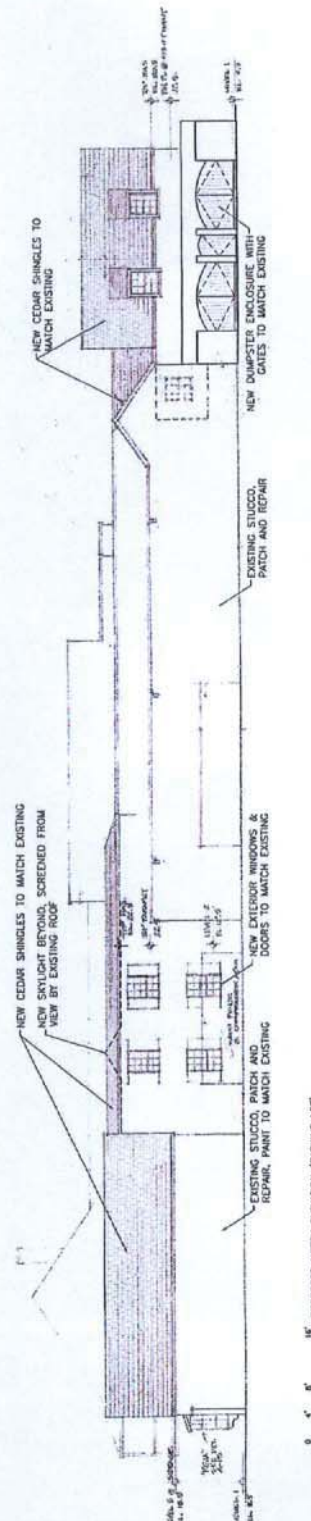
PROJECT NO. 2010-10
DATE: 02/2/11
DRAWN BY: [Signature]
CHECKED BY: [Signature]
PROJECT NO. 2010-10

PERMIT FOR CONSTRUCTION
CARLOS S. WHITE
LIC. NO. 00000000

A103
SHEET



PROPOSED SOUTH ELEVATION - ENLARGED WINDOW ELEVATION



PROPOSED NORTH ELEVATION (PARKING LOT)



TREE MEDIC TREE SURGEONS, INC.
2779 A US 1 South • St. Augustine, FL 32086
Phone (904) 794-0003 • Fax (904) 794-6888

November 5, 2010

The Columbia Restaurant
C/O Alan Zirkelbach
88 Saint George Street
St. Augustine, FL 32004

Subject: Live Oak (Quercus Virginiana) Approximately 27' d.b.h.
Chinese Elm (Ulmus Parvifolia) Approximately 18' d.b.h.
Sable Palm (Sabal Palmetto)

Live Oak
Location: In back parking lot by dumpster and building.

The Columbia Restaurant is having multiple problems, with the roof structure, wall cracking, average size and planting due to the proximity of this tree to the building.
Pruning of the lower branches over the years has created a "lion's tail" effect with branch stems attached at the same spot on the trunk and there is bark included in each union. This makes the connective weak and susceptible to splitting out from the tree. In high wind conditions, this could cause considerable damage to the foundation and walkway. Decay is present at root cutting one foot from trunk. There have been repairs done on the building from the ground to the roof as well as the soffits. In addition to all these problems excessive pruning for the building have caused some leaf effect on the tops.



Chinese Elm
Location: In South West courtyard off Hypocrite St.

This tree is leaning at approximately a 45° angle and is cracking the foundation as well as lifting the foundation at the boiler. I recommend removal.



Sable Palm
Location: In the South West courtyard off Hypocrite St.

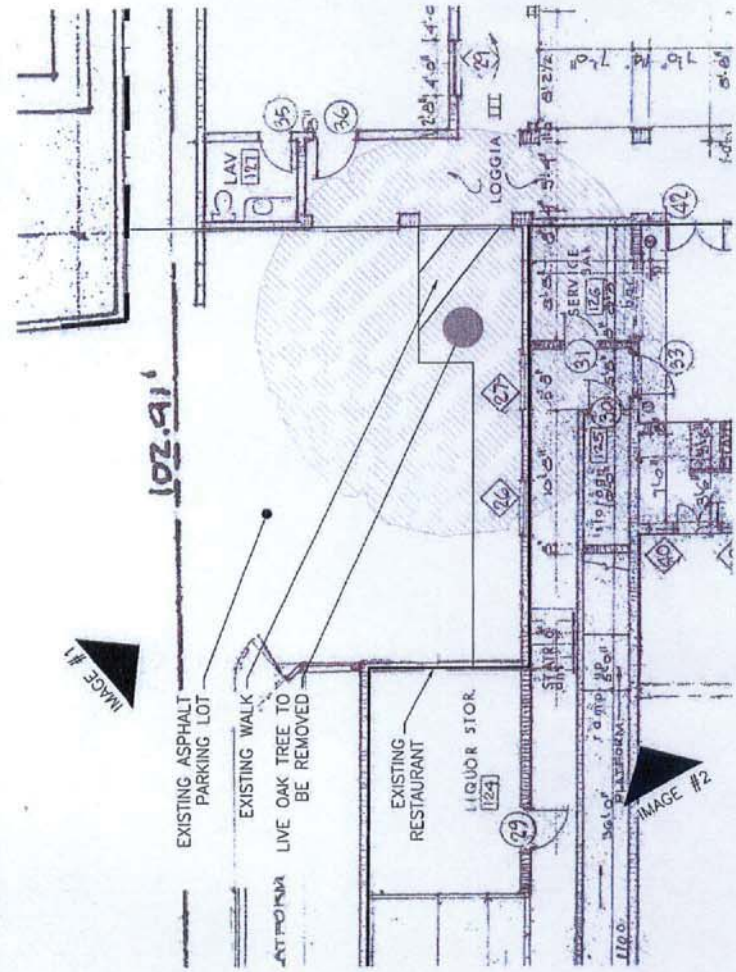


The Sable Palm is pushing on the foundation and leaning at approximately an 80° angle.

I recommend removal of the Oak, Chinese Elm and Sable Palm.

Thank you
Edward Condon
Certified Arborist FL0032-A

Edward Condon



EXISTING LIVE OAK PHOTO FROM ROOF - IMAGE #2



EXISTING LIVE OAK PHOTO FROM PARKING LOT - IMAGE #1

UGARTE
ASSOCIATES, INC.
ARCHITECTS • PLANNERS
434 5th Avenue West
Palm Beach, Florida 33481
Phone (561) 833-1111
Fax (561) 833-1111

ZIRKELBACH
CONSTRUCTION
MANAGEMENT • DESIGN
CONSULTANTS

**ENLARGED PLAN
AND DETAILS AT
OAK TREE
REMOVAL**

**COLUMBIA RESTAURANT
ST. AUGUSTINE**
88 SAINT GEORGE STREET
ST. AUGUSTINE, FLORIDA 32004

PROJECT NO. 2010-03
DATE: 11/05/10
SHEET NO. 1
NOT FOR CONSTRUCTION

A104
SHEET

WINDOW SCHEDULE

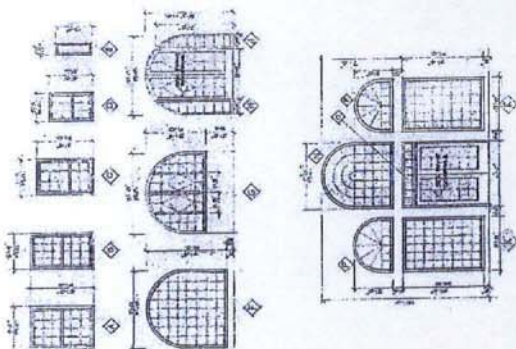
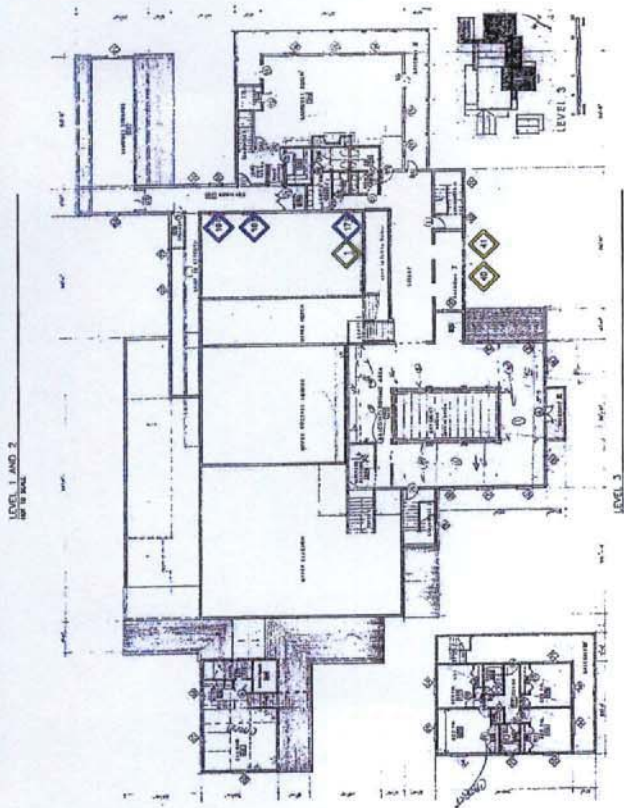
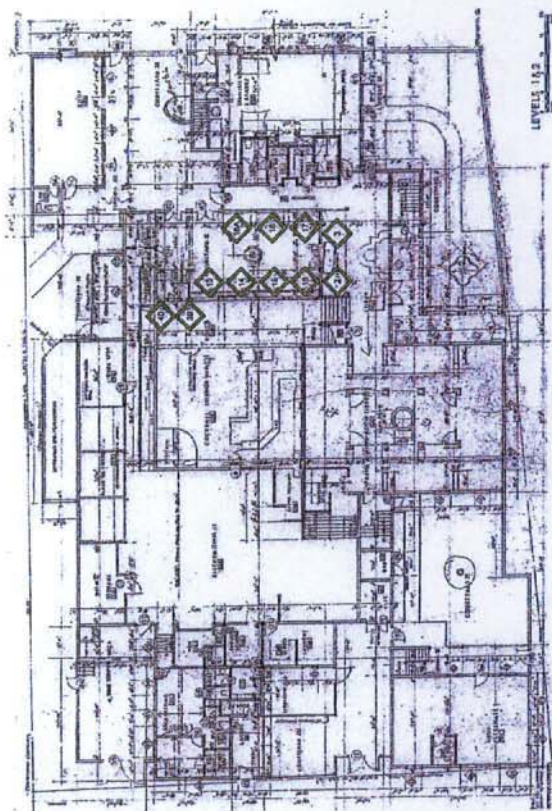
Columbia Restaurant of St. Augustine
Vintage Classroom - Levels 1 and 2.

[illegible]

Columbia Restaurant of St. Augustine
WINDOW SCHEDULE • LEVEL 3 AND ALTERNATE

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2	C	12" x 12"	WOOD	0	0	0		
3	C	12" x 12"	WOOD	0	0	0		
4	C	12" x 12"	WOOD	0	0	0		
5	C	12" x 12"	WOOD	0	0	0		
6	C	12" x 12"	WOOD	0	0	0		
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64	C	12" x 12"	WOOD	0	0	0		
65	C	12" x 12"	WOOD	0	0	0		

ELEVATIONS AND FLOOR PLANS, REPRODUCED FROM ORIGINAL PERSPECT DRAWINGS
DESIGNED BY CRUG THORN AIA ARCHITECT



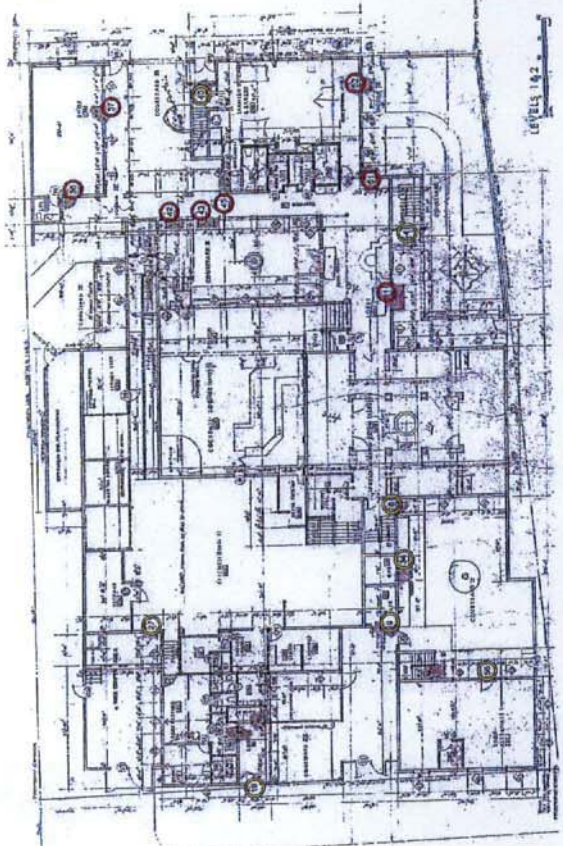
DOOR SCHEDULE

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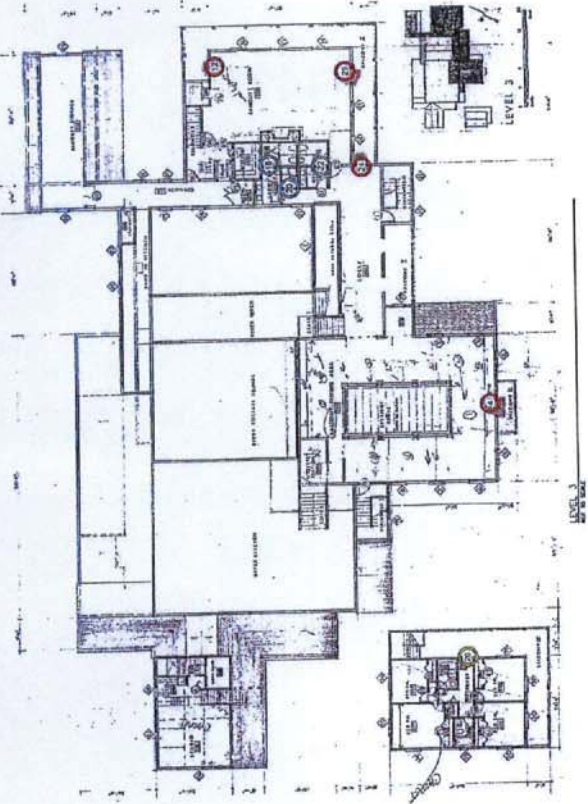
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ELEVATIONS AND FLOOR PLANS REFERENCED FROM ORIGINAL POINT DRAWINGS
DRAWN BY CRAIG THOMAS AND ARCHITECT



LEVEL 1 AND 2
NOT TO SCALE



LEVEL 3

UGARTE & ASSOCIATES, INC.
ARCHITECTS & PLANNERS
400 N. W. 10TH STREET, SUITE 200
MIAMI, FLORIDA 33136
TEL: 305.571.1111 FAX: 305.571.1112

ZIRKELBACH CONSTRUCTION
CONSTRUCTORS & INTERIORS
1000 N.W. 10TH STREET, SUITE 200
MIAMI, FLORIDA 33136
TEL: 305.571.1111 FAX: 305.571.1112

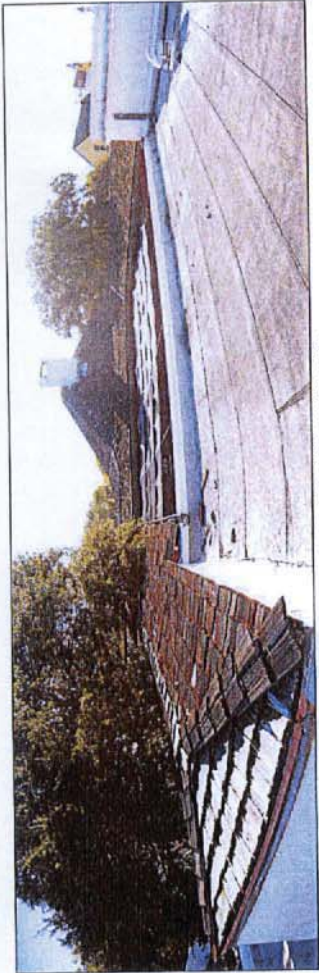
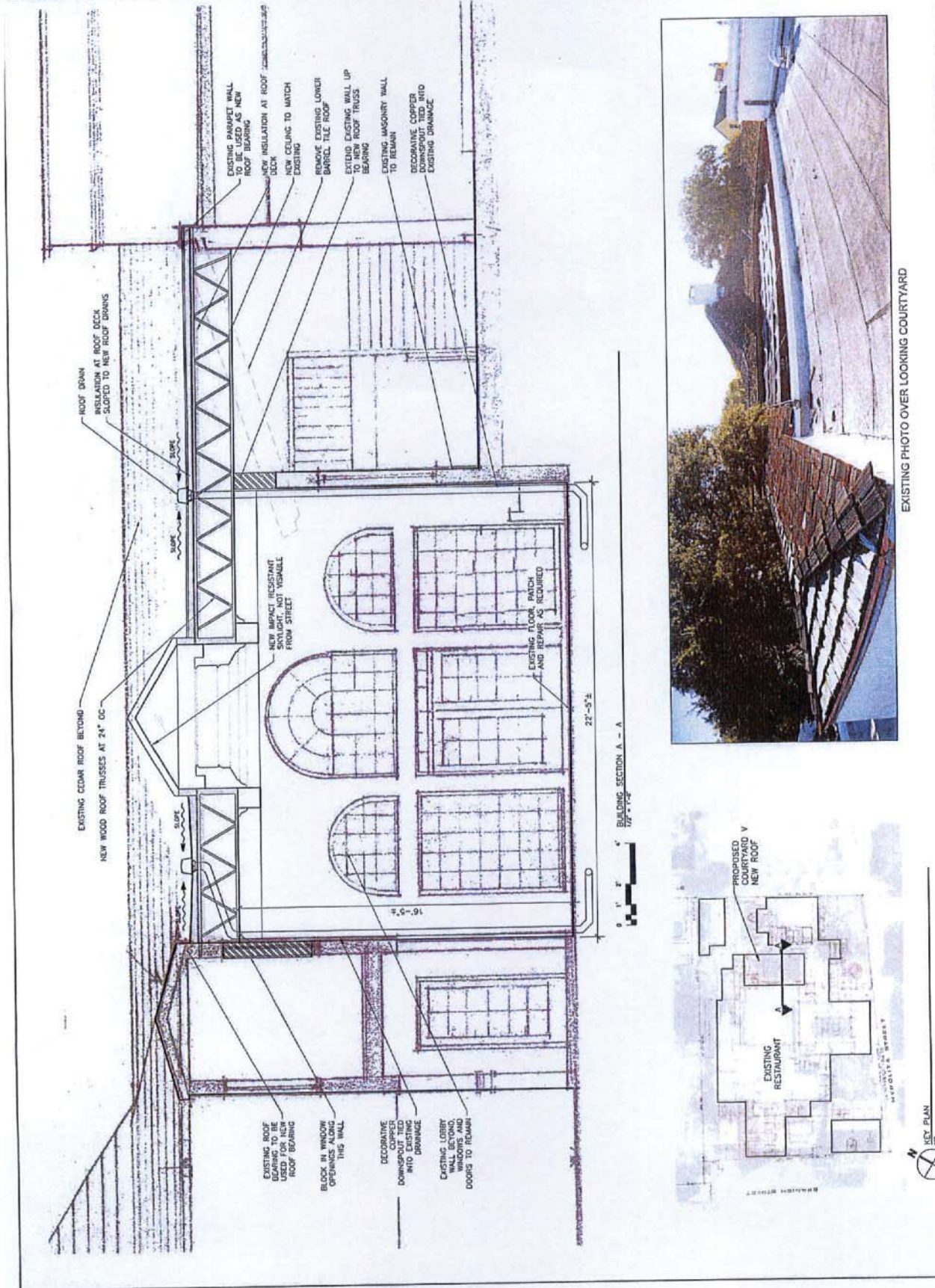
BUILDING SECTION

COLUMBIA RESTAURANT
ST. AUGUSTINE
98 SAINT GEORGE STREET ST. AUGUSTINE, FLORIDA 32084

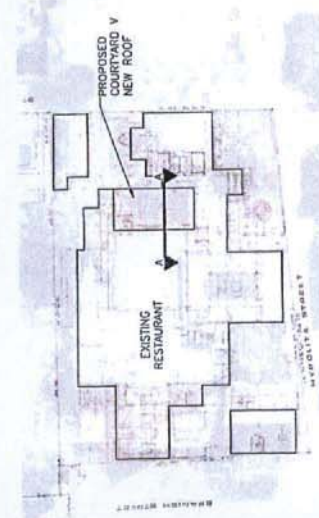
PROJECT: 04-2010-30
DATE: 04/11/11
DRAWN BY: J. W. WOOD
CHECKED BY: J. W. WOOD

PERMIT FOR CONSTRUCTION
LOCAL PERMIT NO. 04-00011
STATE PERMIT NO. 04-00011

A501
SHEET



EXISTING PHOTO OVER LOOKING COURTYARD



KEY PLAN



UGARTE ASSOCIATES, INC.
ARCHITECTS
425 W. JEFFERSON STREET
SUITE 200
AUSTIN, TEXAS 78701
TEL: 512.476.1111
FAX: 512.476.1112

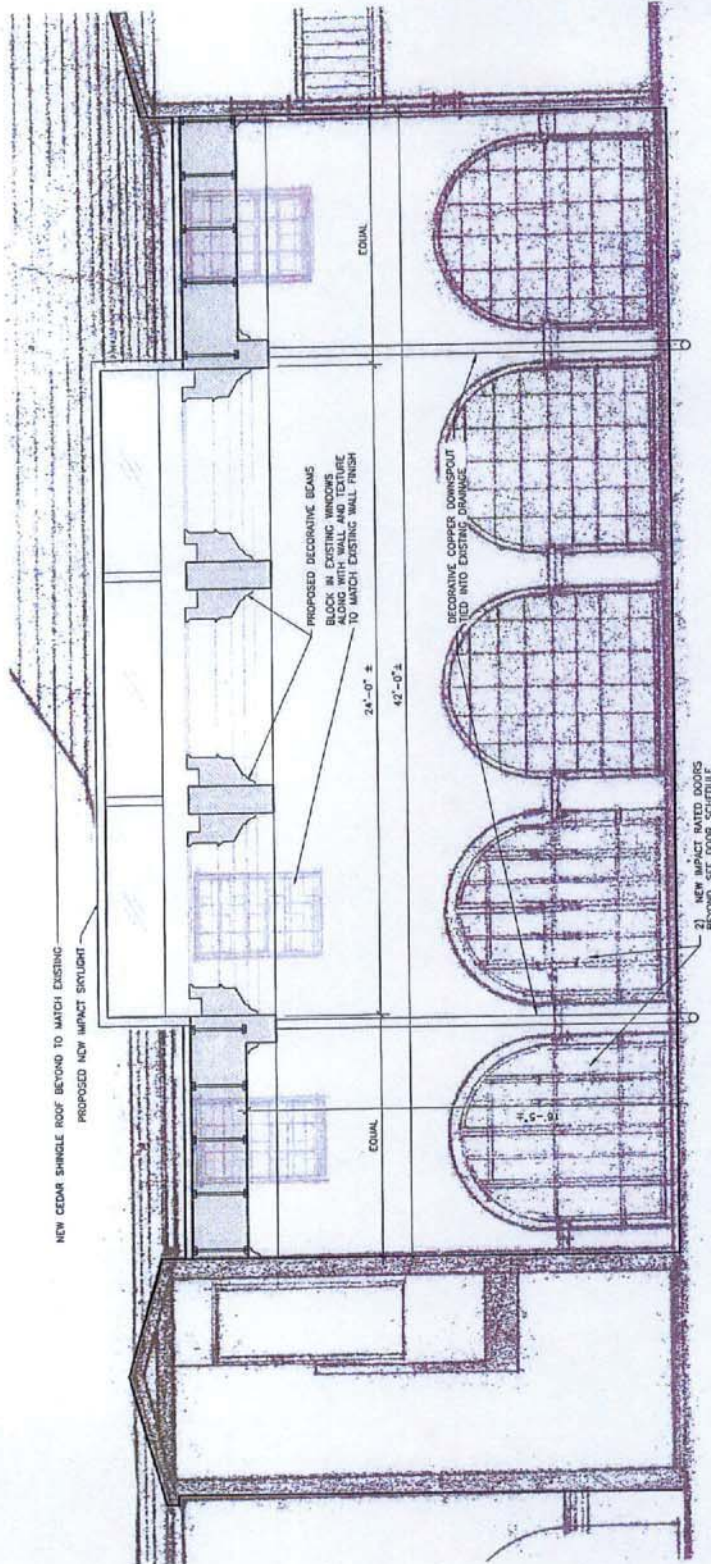
ZIRKELBACH CONSTRUCTION
GENERAL CONTRACTOR
10000 N. MICHIGAN AVE.
SUITE 100
DALLAS, TEXAS 75243
TEL: 214.343.1111
FAX: 214.343.1112

BUILDING SECTION

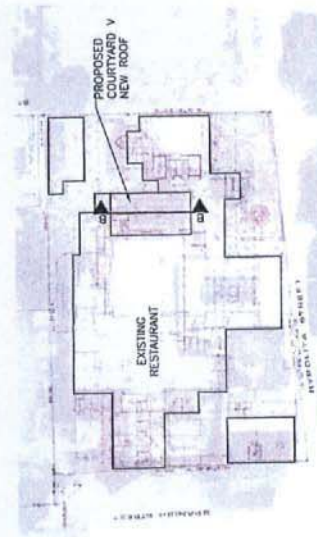
COLUMBIA RESTAURANT
ST. AUGUSTINE
90 SAINT GEORGE STREET
ST. AUGUSTINE, FLORIDA 32084

PROJECT #A2010-00
DATE: 02/20/11
DRAWN BY: J. S. UGARTE
CHECKED BY: J. S. UGARTE
PROJECT LOCATION: ST. AUGUSTINE, FL
PROJECT NO.: A2010-00

A502
SHEET



0 1' 2' 4' BUILDING SECTION B - B
1/8" = 1'-0"



N
SITE PLAN
1/8" = 1'-0"

Exhibit "B"

Project Narrative

The existing restaurant located at 98 St. George Street, St. Augustine, FL is requesting a rezone from HP-3 to PUD in order to roof-over an internal courtyard. The exterior of the existing facades will not be affected. This rezone is necessary since the existing main structure built in 1983, exceeds the current 2,500 s.f. maximum size for a main structure per Section 28-188,(2)b and is therefore an existing legal non conforming structure. All other aspects of the existing structure and parking lot will remain except as noted in the General Development Plan. Conformance with the requirements of the HP3 Zoning District will remain except as noted above and any future minor modifications not requiring a revision of the GDP.

The new roof over the existing 909 s.f. courtyard will not be visible from any exterior vantage point therefore, the existing historical scale of the area will not be affected.

Currently, the courtyard has tables and seating for dining but is rarely used because of the weather. In winter it is too cold and the rest of the year it is too hot or wet. The fact that this courtyard is enclosed on all sides exacerbates this problem. Adding the roof and air conditioning will allow the space to be much more functional and reduce wait times for patrons.

The courtyard "feel" will be maintained with the use of a large skylight similar to the main dining room.

We are also asking to remove the existing oak tree close to north of the building in the main parking area. This oak has been causing problems to the water, sewer and also heaving the adjacent paving creating a tripping hazard. The root zone is constricted into such a small area that it may be susceptible to falling in a high wind event, causing much damage. The tree over the years has been pruned to fit this tight corner of the parking lot causing a condition known as "lion's tail". The lower lateral branches are cut leaving only the vertical branches. As these branches grow, they encompass the bark from the adjacent branch or trunk creating a weak plane. A high wind could cause one or more of these branches to split from the tree with potentially disastrous effects. In the drawings, Exhibit A, we have located the tree, added photos and an arborist's report recommending removal. We have also included additional information from University of Florida that elaborates on the problems and solutions for Urban Forestry. Dr. Ed Gilman has provided research information that suggests proper techniques for larger shade trees adjacent to paving.

Typically, tree removal would require replacement on site but there are not good places to plant new oak trees on site that will not duplicate the problems or reduce badly needed parking. Perhaps payment into a tree account, if available, would be more beneficial to the city.

In general, the Owner wishes to use the property as it currently is within the limitations of the HP-3 zoning, except to allow the existing interior courtyard to be roofed over and the existing nonconforming parking to remain.

We understand the concern for establishing precedence but the existing building from 1983 with the large footprint architecturally maintains the small scale texture within the spirit of the code. The proposed courtyard roof will only add 8.5% to the existing footprint and 4% of the total building area. Considering the uniqueness of the design and that the building pre-dates the code, is invisible from the exterior, we feel this is a minimal request that will not impact the character of the HP-3 District.

Below we have added comments point by point to Division 8.

Please keep in mind that it is our intent to keep this as simple as possible and acknowledge that the property will remain as is under the HP3 Zoning restrictions except for the roofing addition and maintenance of the existing parking.

All HP3 Zoning requirements will apply to any future modifications, change of use or any other minor revisions not requiring modification of the GDP.

DIVISION 8. PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. Intent.

The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

(Code 1964, § 33-70; Ord. No. 05-37, § 1, 12-12-05)

Sec. 28-287. Defined.

A planned unit development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof.

(Code 1964, § 33-71; Ord. No. 05-37, § 1, 12-12-05)

Sec. 28-288. Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD.

(Code 1964, § 33-72; Ord. No. 05-37, § 1, 12-12-05)

Sec. 28-289. Procedures.

(a) *Application for rezoning to PUD.* An application for rezoning to PUD shall proceed in general as for other applications for rezoning; and, in addition to the information usually required for such applications, the following shall be required:

- (1) Plats and/or metes and bounds description of the area within the PUD.

Plats/Metes: See Exhibit "E". The site plan shows the boundary of the site based on the original permit plans. The existing site boundary will not be altered and all work proposed for the new roof addition is well within the existing building footprint.

(2) The name and address of the owner and, if applicable, evidence of the assignment of an agent who represents the owner.

The application lists "Columbia Restaurant of St. Augustine" as the owner. Richard Gonzmart, as a principal in the company will sign the application as the owner and authorize Carlos D. Ugarte, the architect, to represent the Columbia as their agent for this rezoning application.

(3) Evidence of unified control of the entire area within the PUD with all owners within the area of same identified.

See Exhibit "D".

(4) An agreement by all owners within the PUD which includes their commitment to:

a. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the city commission in such ordinance; and

b. Provide a written statement of a proposal for completion of such development according to plans approved by such ordinance, and for continuing operating and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and

c. To bind their successors in title to any commitments made in their application.

See item 5 of affidavit at the end of this narrative, which verifies the ownership understands the requirements of this zoning change and is committed to its successful implementation. The rezone will be part of the title and deed documents, therefore, apply to any future owners.

(b) ***Materials to accompany applications.*** An application for rezoning to PUD shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations:

(1) Plans, maps, studies and reports, as may reasonably be required by the city commission and the planning and zoning board in order to make the findings and determinations called for in the particular case.

Plans, maps, etc., provided, see Exhibit "A".

(2) A written description of the intended plan of development, clearly indicating where approval of the PUD will benefit the future occupants of the proposed development and the city in general. Such justification shall be based on the intent of the PUD.

Description of plan is on application and in this narrative. In addition to the brief summary it should be noted that the exterior architectural character of the structure will not be changed from the existing colonial design. The original plan obviously went to great lengths to create an architectural vocabulary that is in sync with the existing small scale urban pattern. Adding a roof with a skylight to the internal courtyard will not affect this architectural scale since it is not visible from any surrounding space including the parking lot. However, making the patio space more useful for dining area will reduce the waiting times for patrons and that is good business for the owners and the city.

The parking lot does exceed the current limitations in the HP3 District but since the lot is existing it is not feasible to reduce the current lot. Some minor improvements to perimeter landscape buffers are offered in the revised

development plan per suggestions by the Planning and Zoning Board at the February 1, and March 1, 2011 meetings.

Currently the property is used as the Columbia Restaurant. Two smaller "out buildings" are rented and currently house small retail shops. It is the Owners intent to continue with this current mix of uses but request flexibility in allowing any other uses allowed in the HP-3 zoning.

(3) A final development plan at an appropriate scale supporting the above statement illustrating:

a. The location, grouping and height of all uses and facilities.

See Exhibit "A", drawings. It is the intent of this rezone to maintain all other requirements of the HP3 Distict, except as noted in the development plan.

b. In the case of residential development, the number of residential units, their location and number of stories.

NA

c. A vehicular and pedestrian circulation system including driveways, walkways, parking areas, and streets to be dedicated.

Existing as shown on plans see Exhibit "A".

d. A system of open space and recreational uses, with the acreage to be dedicated and that to be retained in common ownership.

NA

e. A topographic map at an appropriate scale showing contour lines, including all existing buildings and wooded areas.

NA

(4) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.

NA

(5) A schedule of development, including the staging and phasing of:

a. Areas to be developed, in order of priority; and

Work to begin as soon as possible after approval and permitting.

1. Second floor restroom remodel.

2. Window repair or replacement.

3. Patio repair.

4. Painting.

5. Roof and skylight

6. Landscape Improvements

Most of these are not part of the PUD except the roof addition and some landscape improvements to the existing parking area as recommended by Planning and Zoning Board at the February 1, 2011 meeting.

b. The construction of streets, utilities and other improvements necessary to serve the proposed development; and

No additional utilities needed.

c. The dedication of land to public use.

No dedication of land to public uses.

(6) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that the schedule of development be such that a staged implementation of the PUD would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved PUD.

Relative order: The roofover is the only element triggering the rezone. The Owners plan to start as soon as possible. Hopefully, by May after completion of this process and permitting. The other improvements should be underway by

that time. All should be complete within 18 months from the date of this rezone approval.

(c) *Action by the planning and zoning board and the city commission.* following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

(1) The proposed PUD does not affect adversely the orderly development of the city, as embodied in this chapter and in any comprehensive plan or portion thereof adopted by the city commission.

Proposed PUD zoning does not adversely affect the city. Visually it will retain scale of the original plan and visually have no impact at all.

(2) The proposed PUD will not affect adversely the health and safety of residents in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood.

Proposed PUD zoning does not change architectural character of the building. The ability to serve more customers will be an asset to both the City and the Owner and the visual character from the street will not be altered. The Owner's investment to upgrade the quality of the existing structure will be a positive asset to the city.

(3) The proposed PUD will accomplish the objectives and will meet the standards and performance criteria of section 28-291.

Complies with 28-291.

(d) *Deviations from ordinance creating PUD.* In order to facilitate minor adjustments to the plans approved as part of the ordinance creating a PUD, the city commission may approve changes in such plans, without the adoption of an ordinance to modify the PUD ordinance, if as a result of such changes:

(1) There are the same or fewer number of dwelling units and/or floor area; and

(2) The open space is in the same general location and in the same general amount, or a greater amount; and

(3) The buildings have the same or less number of stories and/or floor area; and

(4) The roads and drives follow approximately the same course and have the same public or private rights therein.

(e) *Expiration of time limits provided in ordinance creating a PUD.* if development actions required by the ordinance creating a PUD are not taken within eighteen (18) months from the date of approval by the city commission, such ordinance shall become invalid and no further action shall be permitted under same.

Eighteen months to execute the plan.

(Code 1964, § 33-73; Ord. No. 05-37, § 1, 12-12-05)

Sec. 28-290. Implementation of a PUD.

(a) *Development plan.* The final development plan shall be attached to the PUD ordinance as an exhibit and shall be the only development plan associated with the PUD unless and until an amendment to the PUD is pursued via amendment to the PUD ordinance or via minor amendment procedures.

(b) *Record plats.* If the PUD ordinance requires the recording of record plats, such plats shall be submitted to the city commission for final approval.

(c) *Approval of development plans.* The planning and building department shall review all development plans; and, if found in compliance with this Code, and the PUD ordinance shall approve same.

(d) *Permits required.* All construction in the development of a PUD shall proceed only under applicable permits issued by the planning and building department; and no building permit, certificate or other document authorizing construction or occupancy within a PUD shall be issued, except in accordance with the approved PUD ordinance.

(Code 1964, § 33-74; Ord. No. 05-37, § 1, 12-12-05)

Sec. 28-291. Standards and criteria.

(a) *Density of developments.* The total ground occupied by buildings and structures for residential use shall not exceed thirty-five (35) percent of the total ground area of that portion of the PUD devoted to residential use. The density and intensity of development within a PUD shall be consistent with the density and intensity allowed within the City of St. Augustine Comprehensive Plan.

(b) *Open space.* The PUD may include residential lots of smaller size than would be permitted by the zoning regulations otherwise applicable to the site, provided the overall density is not increased. The excess land shall be utilized as open space. The open space shall be utilized as a park, for either passive or active recreation or as a conservation area. The open space shall either be dedicated to the City of St. Augustine or be maintained by a community association composed of residents of the PUD. Land recorded as open shall not be encroached upon by any residential, commercial or industrial, primary or accessory use.

N/A

(c) *Waiver of yard, dwelling unit, frontage criteria and use restriction.* Minimum yard, lot size, type of dwelling unit, height and frontage requirements and use restrictions are waived for the PUD, provided the spirit and intent of this chapter is complied with in the total development of the PUD. However, the City Commission of St. Augustine may, at its discretion, require adherence to minimum zone requirements within certain portions of the site if deemed necessary in order to maintain the spirit and intent of this chapter.

(d) *Support legal documents for open space.* Legal documents which assure adequate management and maintenance of the open space area must be provided by the developer for all areas proposed for common ownership by the residents of the PUD. Legal instruments provided for dedications, covenants, community associations and subdivision controls shall:

(1) Place title of common property in a form of common ownership by the residents of the PUD; e.g., a duly constituted and legally responsible community association, cooperative, etc.

N/A

(2) Appropriately limit the use of common property.

N/A

(3) Place responsibility for management and maintenance of common property. The St. Augustine City Commission, at its discretion, may require the applicant to enter into a contract with St. Augustine for maintenance of commonly held properties.

N/A

(4) Place responsibility for enforcement of covenants.

N/A

(5) Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

N/A

(e) *Access.* Access to each single family dwelling unit shall be provided via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with the residents of the PUD.

N/A

(f) *Privacy.* Each dwelling unit within the PUD shall be provided visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.

N/A

(g) *Community facilities:*

(1) All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.

All utilities are existing.

(2) All requirements for off-street parking and loading (article IV, division 2) shall apply to the PUD unless otherwise waived or modified.

Owner requests the HP-3 zoning exclusion from parking requirements and the existing parking configuration be maintained.

(3) Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.

(4) All PUD's shall provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwaters and prevent erosion and formation of dust.

(5) Specifications for street design shall conform to the rules and regulations adopted by the City of St. Augustine.

It was recommended by the Planning and Zoning Board that some improvements to the existing parking area be made. It is our intent to add a dumpster enclosure and make some improvement to the landscape buffer on Spanish Street. It should be noted that the original site plan in circa 1982 was required to provide shade trees along Spanish Street within a very narrow strip of ground between the street curb and the edge of parking. The four oak trees were planted to meet this city requirement and the almost 30 year old trees are now heaving the curb. The attached photos including these submitted at the previous meeting by Mr. Dixon shows an extensive root structure under the curb. Root pruning these oaks to allow repair of the curbs will probably kill the oaks according to published literature by Dr. Ed Gilman of the University of Florida. As a "Tree City" we wish to work with the city in some capacity to fix this problem permanently but simply repairing the curb, which is on city right-of-way, will only result in recurrence. For the purpose of this rezone, we agree to screen the dumpster area, improve the landscape and possibly conduct structural pruning to the existing trees.

As already mentioned in other sections this rezone is triggered by the new roof to an existing non-conforming structure and site. It is our intent to maintain the existing status quo except for the roof addition and maintaining the existing parking lot. All other aspects of the HP3 Zoning will remain. Applicable sections of sections 28-291 will remain. No street design changes are proposed.

The affidavit that is part of this narrative indicates the Owner is aware of this rezone, how it will impact the property currently and in the future.

Additional information from Dr. Ed Gilman, University of Florida, as Exhibit "G", has been provided as a guide for landscape improvements.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Chair, Vice Chair, and Members of the Board

DATE: November 1, 2019

RE: **ORDINANCE 2019-34: TATTOO STUDIOS AND MICROPIGMENTATION**

As part of our code updates following transmittal of our Evaluation and Appraisal Report amendments to the comprehensive plan, we are addressing the zoning for both artistic expression tattoo studios, and esthetic procedures such as micropigmentation.

Tattooing has been recognized as a form of artistic expression by the courts, therefore, any regulation of this form of First Amendment protected expression must be the least restrictive means to achieve a compelling public purpose. In reviewing our zoning districts, staff recognized the public health need to control the sanitation and waste disposal of biomedical waste (sharps). Biomedical waste cannot be comingled with the City's regular trash collection, and must remain under continuous control from use through disposal by licensed biomedical waste haulers. The historic preservation districts (HP1-4) that do not require onsite parking cannot provide the level of biomedical waste contractor control necessary for essential health and safety purposes. Therefore, this ordinance provides for tattoo studios in other zoning districts by right, but does not provide for this use in HP-1, HP-2, HP-3, and HP-4 districts. Similarly, micropigmentation esthetic procedures are limited to zoning districts that have required onsite parking, and in addition are more limited as they do not affect a protected First Amendment activity.

Please place Ordinance 2019-34 on the agenda for the December 3, 2019 Planning and Zoning Board meeting for review and discussion. Thank you.



Isabelle C. Lopez
City Attorney

Attachment

ORDINANCE NO. 2019-34

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-2 TO MODIFY THE DEFINITION OF TATTOO PARLOR OR STUDIO AND TO CREATE A NEW DEFINITION FOR MICROPIGMENTATION CLINIC; AMENDING SECTIONS 28-187, 28-206, 28-207, 28-208, 28-209, 28-226, 28-311 AND 28-312 TO ADD TATTOO PARLOR OR STUDIO TO THE LIST OF PERMITTED USES IN THE HP-5, CL-1, CL-2, CM-1, CM-2, IW, MUD AND MUD-A ZONING DISTRICTS; AMENDING SECTION 28-206 TO ADD MICROPIGMENTATION CLINIC AS A PERMISSIBLE USE BY EXCEPTION IN THE CL-1 ZONING DISTRICT; AMENDING SECTIONS 28-207, 28-208 AND 28-209 TO ADD MICROPIGMENTATION CLINIC TO THE LIST OF PERMITTED USES IN THE CL-2, CM-1, AND CM-2 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine has implemented district zoning regulations in order to protect the public health, safety, morals, general welfare, quality of life, and the natural, historical and cultural environment of the city; and

WHEREAS, in order to discourage the demolition of structures to make way for on-site parking lots and to protect the City's National Register of Historic Places Town Plan streetscape, the Historic Preservation zoning districts designated as HP-1, HP-2, HP-3, and HP-4 do not require on-site parking lots for businesses located in these districts. Most historic preservation zoning district properties are pedestrian accessed and street parking is very limited; and

WHEREAS, on December 14, 2015 the City Commission heard the results of a freight loading zone study that recommended further limiting on-street pick-up, drop-off, freight loading and unloading to specific designated communal loading zones; and,

WHEREAS, the application of pigments below the epidermis in micropigmentation or tattooing procedures utilize needles and may cause some loss of blood and bodily fluids. As such, the disposal of 'sharps' and other medical waste creates a special public health concern. Both micropigmentation clinics and tattoo studios are deemed biomedical waste

generators and must comply with the State of Florida Department of Health regulations on biomedical waste storage, containment, transportation and disposal; and

WHEREAS, due to its historic street layout, limited parking, and other physical constraints, the City of St. Augustine does not contract with private solid waste haulers but instead utilizes trained City crews to operate the sanitation services for both commercial and residential waste within the City via compactors or curbside trash pick-up, however, the City is not licensed to transport or dispose of biomedical waste; and

WHEREAS, private biomedical waste transportation and disposal companies must maintain control of the waste at all times, and the inability to park on-site in order to promptly and safely transfer biomedical waste from the micropigmentation clinic or tattoo studio to the biomedical waste transporter is a significant public health concern, therefore regulating the location of biomedical waste generators furthers a legitimate interest and is a reasonable time, place, and manner restriction; and

WHEREAS, the creation of tattoos has been deemed by the United States Court of Appeals for the Eleventh Circuit in Buehrle v. the City of Key West, to be an artistic creative expression protected under the First Amendment of the United States Constitution; and

WHEREAS, the Dictionary of Modern Medicine defines micropigmentation as a form of permanent makeup used to enhance facial features, improve scarring, and reconstruct damage to the skin; and

WHEREAS, the City's Planning and Zoning Board at its February 2, 2016 hearing, accepted testimony under oath from a practitioner of micropigmentation, whose statements confirmed that micropigmentation utilizes similar methods of implanting pigments below the epidermis as are used in tattooing, but denied that micropigmentation was a form of artistic tattooing; and

WHEREAS, the City's Planning and Zoning Board at its December 3, 2019 meeting recommended approval of this ordinance; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety and general welfare that the following amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 of the Code of the City of St. Augustine, Florida, is hereby amended, which shall read in its entirety as follows:

“Sec. 28-2. Definitions.

...

Micropigmentation clinic means an establishment which provides a form of permanent makeup in which minute, metabolically inert pigment granules are injected, below the epidermis.

...

Tattoo parlor or studio means an establishment which provides for artistic expression through the permanent embellishment of the skin ~~through~~ via an indelible mark or figure fixed upon the body by the insertion of pigment under the skin.

...”

Section 2. Amendment to Chapter 28, Article III, Section 28-187. Chapter 28, Article III, Section 28-187 of the Code of the City of St. Augustine, Florida, is hereby amended, which shall read in its entirety as follows:

“Sec. 28-187. Historic preservation district: HP-5.

Intent. This district is intended to provide a mix of residential and nonresidential uses compatible with the existing historic structures and the district's relationship with surrounding neighborhoods and traffic circulation.

...

(2) *Permitted uses and structures:*

- a. Single-family.
- b. Professional and business offices.
- c. Banks and other financial institutions.
- d. Museums that relate to the history of St. Augustine.
- e. Housing for the elderly.
- f. Home office, private.
- g. Hair salons, beauty shops and barber shops.
- h. *Tattoo parlor or studio.*

...”

Section 3. Amendment to Chapter 28, Article III, Section, 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312. Chapter 28, Article III, Section, 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312 of the Code of the City of St. Augustine, Florida, are hereby amended, which shall read in their entirety as follows:

“Sec. 28-206. Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for

use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) *Permitted uses and structures:*

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
- c. Tourist homes and bed and breakfast inns.
- d. All types of professional and business offices.
- e. Churches (except temporary revival establishments).
- f. Libraries and museums.
- g. Single-family dwellings as for RG-1 (section 28-163).
- h. Multiple-family housing.
- i. Rooming and boarding houses.
- j. Housing for the elderly.
- k. Home office, private.
- l. Antique shops.
- m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.

n. Tattoo parlor or studio.

~~n~~o. The above uses are subject to the following limitations:

1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
2. Products to be sold only at retail.
3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.

...

(3) *Permissible uses by exception:*

- a. Hotel/motel, maximum of thirty (30) units.
- b. Plant nursery.
- c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
- d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
- e. Medical/dental clinic, intermediate care facility.
- f. Uses and structures as for RG-1 (section 28-163).
- g. Indoor movie theatres.
- h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
- i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- j. Micropigmentation clinic.

...

“Sec. 28-207. Commercial low-two: CL-2.

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

(1) *Permitted uses and structures:*

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor

or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.

- c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- d. All types of professional and business offices, union hall and similar uses.
- e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.
- f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).
- g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.
- h. Commercial parking lots, automobile parking garages.
- i. Hotels and motels without kitchenettes (maximum of fifty (50) units).
- j. Single-family dwellings as for RG-1 (section 28-163).
- k. Shopping plaza.
- l. Home office, private.
- m. Churches.
- n. Multiple-family dwellings as for RG-1.
- o. Tattoo parlor or studio.
- p. Micropigmentation clinic.

...

“Sec. 28-208. Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) Permitted principal uses and structures:

- a. Service station.
- b. Hotels and motels with or without kitchenettes.
- c. Shopping plaza and shopping center.
- d. Reception and information center.
- e. Museums.
- f. Outdoor recreational facilities.
- g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator,

photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.

- h. Banks and financial institutions.
- i. Home office, private.
- j. Multiple-family dwellings.
- k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.
- l. Business and professional offices.
- m. Intermediate care facility.
- n. Special event venue as per section 28-347(8).
- o. Tattoo parlor or studio.
- p. Micropigmentation clinic.

...

“Sec. 28-209. Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

...

(3) Permissible uses by exception:

- a. As provided in section 28-347.
- b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
- c. Building trades contractor with outside storage yard and heavy construction equipment.
- d. Boatyard.
- e. Light manufacturing, processing (including food processing but not

slaughterhouse), packaging or fabricating and candy manufacturing.

- f. Bulk storage yards, including bulk storage of flammable liquids.
- g. Open air theaters, but not drive-in theaters.
- h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
- i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
- ~~j. Tattoo parlor or studio.~~
- ~~kj.~~ Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
- ~~lk.~~ Uses and structures as for RG-1 (section 28-163).
- ~~ml.~~ Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

...”

“Sec. 28-226. Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) Permitted uses and structures:

- a. Wholesaling, warehousing, storage or distribution establishments, mini-warehouses, and self-storage facilities and similar uses.
- b. Light manufacturing and processing, including food processing, packaging or fabricating; however, any food processing, packaging or fabricating plant engaged in the processing or packaging of shellfish shall be wholly contained within completely enclosed buildings with no odor, fumes or steam detectable to normal senses from off the premises.
- c. Printing, lithographing, publishing or similar establishments.
- d. Bulk storage yards, not including bulk storage of flammable liquids and acids.
- e. Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight (8) feet high except for entrance and exit and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations, or for

processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.

- f. Vocational, technical, trade or industrial schools and similar uses.
- g. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.
- h. Radio or television broadcasting offices, studios, transmitters or antennas.
- i. Any existing industrial use.
- j. Railroad right-of-way, tracks, sidings, yard, etc.
- k. Boatbuilding.

l. Tattoo parlor or studio.

...”

“Sec. 28-311. - Maritime use districts: MUD.

(a) *Permitted uses and structures:*

- (1) Marinas.
- (2) Restaurants, including restaurants with lounge, but not fast food.
- (3) Ship's stores; ship's chandleries; boatyards; seafood houses, but not scallop processing plants; and businesses engaged in provisioning or supplying of ships, boats and other vessels, including ice, fuel, victuals, rigging and tackle.
- (4) Warehouse and storage of marine-oriented merchandise.
- (5) Wholesale and distribution of marine-oriented merchandise.
- (6) Light manufacturing of marine-oriented products.
- (7) Maritime museums.

(8) Tattoo parlor or studio.

...”

Sec. 28-312. - Maritime use district-A: MUD-A.

Intent: The city has a long history of marine uses, such as boat building, fishing, and seafood processing along its waterways. This zoning district is intended to recognize the historic maritime uses in our community and establish areas where this maritime industry, and similar uses that are compatible with maritime uses are allowed, but also recognize that a mix of commercial uses along the waterways protects the city's maritime heritage and promotes the working waterfronts and access to the waterfronts. To this end a ratio of sixty (60) percent of the gross land area of a site must be used for water dependent uses associated with maritime industries or working waterfronts with a maximum of forty (40) percent of the gross land area of a site allowed for non-water dependent uses as listed below.

(a) (...)

Non-water dependent permitted uses:

- (1) Restaurants, including restaurants with lounge, but not fast food.
- (2) Warehouse and storage of marine-oriented merchandise.
- (3) Wholesale and distribution of marine-oriented merchandise.
- (4) Light manufacturing of marine-oriented products.
- (5) Maritime museums.
- (6) Professional and business offices.
- (7) Hotel, motel (maximum of 25 units).
- (8) Art studios and galleries

(9) Tattoo parlor or studio.

...”

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-2, Section 28-187, Section 28-206, Section 28-207, Section 28-208, Section 28-209, Section 28-226, Section 28-311 and Section 28-312 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

.....

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: November 12, 2019

RE: **ORDINANCE 2019-53: TREE MITIGATION FUND**

Please find attached Ordinance 2019-53, which codifies and provides guidance for the city's Tree Mitigation Fund within chapter 25, section 25-56 of the city code.

The ordinance codifies and implements the Tree Mitigation Fund for cases where a homeowner or developer requests to remove a significant tree, and the nature of the property makes it impossible or infeasible to plant a replacement tree on site, as required by the code. In such a case, the owner or developer could instead pay money into the Tree Mitigation Fund for the city to plant a tree on city right-of-way or other public property.

Under this ordinance, the City Commission would be responsible for passing a resolution setting the amount to be paid into the Fund, which must be based on the actual cost for the city to purchase and plant replacement trees offsite. The policy for tree mitigation is to promote street tree rehabilitation, maintain a diverse tree inventory, and support the tree canopy throughout the city.

The ordinance ensures that the money is paid into the fund by directing city staff to not issue a tree removal permit until the money owed for the mitigation is paid in full.

Please place this on the December 9, 2019, City Commission meeting for first reading. This ordinance was presented to the Planning and Zoning Board on December 3, 2019.

Agenda title: Ordinance 2019-53 amends Chapter 25, section 25-56, codifying and implementing the Tree Mitigation Fund.

Thank you.

/s/ John M. Cary
John M. Cary
Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Isabelle C. Lopez, City Attorney
Darlene Galambos, City Clerk

ORDINANCE NO. 2019-53

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 25, SECTION 56 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CODIFYING THE TREE MITIGATION FUND; PROVIDING THAT COST OF TREE MITIGATION SHALL BE DETERMINED BY RESOLUTION; SPECIFYING THE PURPOSE OF THE TREE MITIGATION FUND; LIMITING WHEN A PERMIT MAY BE ISSUED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine is recognized by the National Arbor Day Foundation as a Tree City USA; and

WHEREAS, the City of St. Augustine has been designated a Tree City USA for approximately 36 years; and

WHEREAS, the City of St. Augustine places a high priority on maintaining and planting trees, and monitoring the tree canopy throughout the city; and

WHEREAS, Chapter 11 *Environmental Protection*, including Conservation Overlay Zone protection, and Chapter 25 *Trees and Landscaping* regulate landscaping, tree removal, and tree canopy requirements in the City Land Development Code; and

WHEREAS, certain site conditions make it impossible or infeasible for a development or owner to meet the tree planting landscape requirements or retain existing trees for conservation purposes on a site; and

WHEREAS, in 2018, the city adopted Resolution 2018-46, which established the Tree Mitigation Fund to allow a property owner or developer to pay a fee into the fund in lieu of planting trees on site; and

WHEREAS, Resolution 2018-46 required that monies generated from fines collected from the unpermitted removal of trees be placed into the Tree Mitigation Fund; and

WHEREAS, Resolution 2018-46 required monies deposited into the Tree Mitigation Fund be used by the city to plant and maintain trees in appropriate locations and support the city's tree program within the city right-of-way or on city or other public property to promote street tree rehabilitation, maintain a diverse tree inventory, and support a tree canopy throughout the city; and

WHEREAS, the amount to be paid into the Tree Mitigation Fund shall be determined by resolution, and shall reflect the actual cost of purchase price and labor cost to plant the replacement tree offsite, and shall be updated from time to time; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 25, Section 25-56. Chapter 25, Section 25-56 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 25-56 – Tree removal and replacement.

(...)

(j) In certain instances, it may be impossible or infeasible for a property owner to replace a tree or trees as required by subsection (g) of this section and section 11-28(d) of this code. In such cases, the owner may instead pay a sum of money into the Tree Mitigation Fund.

(1) The amount to be paid into the Tree Mitigation Fund shall be determined by resolution, updated from time to time in order to reflect the actual cost for the city to purchase and plant an appropriate replacement tree offsite.

(2) Monies paid into the Tree Mitigation Fund shall be used by the city to plant and maintain trees on the city right-of-way or on city or other public property within the city, in order to promote street tree rehabilitation, maintain a diverse tree inventory, and support the tree canopy throughout the city.

(3) The City Manager or his or her designee shall not issue a tree removal permit until the monies owed for tree mitigation are paid in full.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that

the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

Tracy W. Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk
(SEAL)