



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, February 4, 2020 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 January 7, 2020.
 - 4. Rezoning** (continued Jan. 7, 2020)
 - 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, Low-One (RL-1).
 - 5. Variance**
 - a. 2020-0005
Robert Balch – Applicant
c/o Black Box Design, Inc.
Roland Anderson – Owner
[4 Lighthouse Ave](#)
A request to reduce the rear yard setback from 10 feet to 5 feet within RS-2 Zoning.
 - 6. Conservation Overlay Zone Development**
 - a. 2019-0131
(continued Jan.7, 2020)
Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.
Darrell Poli– Owner
c/o Fisherman’s Harbor Marina, Inc.
[142, 144, 150 Riberia Street](#)
To approve a fifteen foot (15’) by fifteen foot (15’) observation platform, a gangway and a eight foot (8’) wide by seventy five foot (75’) long floating dock within Conservation Overlay Zone 1.

- b. 2019-0086
(continued Dec. 1, 2019)
- Scott Patrou – Applicant
c/o GP Salt Run, LLC
[435 Flagler Boulevard](#)
To approve the construction of a four hundred sixty five foot (465') long dock with three (3) associated boat lifts Conservation Overlay Zone 1. To approve the construction of three (3) condominium units and a bulkhead within Conservation Overlay Zone 2. Conservation Overlay Zone 1 request was continued per City Commission on 1/13/2020.
- c. 2020-0002
- Joe Boles – Applicant
Maurine Boles – Owner
[35 Mulberry Street](#)
To approve a one hundred ten foot (110') dock with a ten foot (10') by twenty foot (20') terminal platform and a eight foot (8') wide platform waterward of the existing bulkhead within Conservation Overlay Zone 1
- d. 2020-0008
- Josh Killian – Applicant
c/o Culpepper Engineering
Florida Power & Light – Owner
[179 SR 16](#)
To approve the removal of four (4) significant trees (three southern red cedars and one live oak) within Conservation Overlay Zone 3.
7. **Use by Exception**
- a. 2019-0133
(continued Jan. 7, 2020)
- Richard Diaz – Applicant
c/o Card Holding, LLC
St. Johns County Welfare Federation - Owner
[169 M.L. King Avenue](#)
To approve a use by exception for Housing for the Elderly within Residential, Single-Family-two (RS-2) zoning.

8. Rezoning

a. 2019-0126

Ellen Avery-Smith – Applicant

SA Marina Holdings, LLC- Owner

Seavin, Inc. – Owner

[Sebastian Harbor Dr](#) – PID 203350-0000, 203350-0010, 203350-0030, 203470-0000

A request to amend the Sebastian Inland Harbor PUD (Ord. 2007-14 & Ord 2016-15) to allow for a maximum of 165 multi-family units, a maximum of 167 hotel units, a maximum of 26,050 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approx.. 24,000 square feet of commercial space).

b. 2020-0003

James Whitehouse – Applicant

Sarris Family Trust, Phillip Sarris – Owner

[415 S. Ponce de Leon Blvd](#)

A request to rezone the Rivers Edge PUD (Ord. 2006-14) to Commercial Medium-two (CM-2) zoning.

9. Other Business

- a. Discussion and Recommendation of Ordinance 2020-01, to modify fence, wall and hedge requirements within Chapter 28 of the 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.

“Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.”

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting January 7, 2020

The Planning and Zoning Board met in formal session Tuesday, January 7, 2020, 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
Carl Blow

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
John Cary, City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the December 3, 2019 minutes as presented. The motion was SECONDED by M. DePreter and APPROVED BY UNANIMOUS VOICE VOTE.

4. Variance

4. (a) 2019-0070 – Troy Blevins & Anish Patel, Best Western – Applicant
Kanti Patel – Owner
16 Avenida Menendez

To approve a variance to decrease the minimum building setback requirement and to increase the maximum lot coverage for ADA compliance.

Ms. Ryan and Mr. Davis recused themselves the hearing.¹

The Board provided their ex parte communications.

6 certified notices were sent; however, there were no responses.

Mr. Doty read the staff report and said 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 the maximum lot coverage for the main building in HP-2 zoning district at **16 Avenida Menendez / PIN 196250-0000.**

Anish Patel reviewed the application.

Public hearing was opened.

Charles Pappas asked whether the elevator was required or being built under the guise of ADA compliance. He felt that unless more

¹ Forms attached to original minutes

rooms were added to the second story, the elevator may not be a necessary addition.

Public hearing was closed.

Mr. Patel responded to public comment, noting that the amount of accessible rooms required was set by the ADA, but that the hotel could exceed that amount if the wished. He added that there were additional amenities on the second floor, and an elevator would provide handicap accessibility to those, as well as convenience to all guests of the hotel.

The Board discussed the following:

- No parking would be lost with the proposed construction
- Application met the intent of the exception and did not harm the public interest

MOTION

Mr. Blow MOVED to APPROVE Variance application 2019-0070 because it meets the intent for a variance and was in the public interest. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: Blow, Misterly, Opsahl, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2019-0129- – Steven Yesner – Applicant and Owner 19 Park Avenue

To approve a variance to reduce the front yard setback in RG-1 from 15' to 12'.

Mr. Doty read the staff report and said 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 reduce the front yard setback from 15' to 12' in RG-1

zoning district at **19 Park Avenue / PIN 152010-0000.**

Steven Yesner reviewed the application.

Ex Parte Communication:

(None)

26 certified notices were sent and 2 were returned in favor.

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

The Board discussed the following:

- Clarification of the proposed covered patio location
- Project would not exceed lot coverage limit

MOTION

Ms. Ryan MOVED to APPROVE Variance application 2019-0129 at 19 Park Avenue to reduce the front yard setback from 15' to 12'. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Ryan, DePreter, Blow, Davis, Opsahl, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Conservation Overlay Zone Development

5. (a) 2019-0131 – Ryan Carter, Carter Environmental Services, Inc. – Applicant Darrell Poli, Fisherman's Harbor Marina, Inc. – Owner 142, 144, 150 Riberia Street

To approve a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and a eight foot (8') wide by seventy five foot (75') long floating dock within Conservation Overlay Zone 1.

Mr. Doty advised that the applicant had requested a continuance to the February 4, 2020 meeting.

MOTION

Mr. DePreter MOVED to CONTINUE application 2019-0131 to the February 4, 2020 meeting. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: DePreter, Opsahl, Blow, Davis, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2019-0125 – PJ Patel – Applicant
Umabhagu, LLC – Owner
841 Anastasia Blvd

To approve a use by exception for a drive through for a liquor store within Commercial Low-two (CL-2) zoning.

The Board provided their ex parte communications.

Mr. Doty read the staff report and said based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff will defer to the Board's opinion and judgement to make a determination on the requested use by exception for a drive through for a liquor store within Commercial Low-two (CL-2) zoning at **841 Anastasia Blvd / PIN 158040-0000.**

Shannon Acevedo reviewed the application.

15 certified notices were sent, 1 was returned in favor, 5 were returned opposed, and 6 had comments.

Public hearing was opened.

Charles Pappas did not take issue with the drive through. He was concerned with the

liquor store selling single cans in the drive-thru and potential safety concerns related to such activity.

Jessica Nutter was relieved that the applicant was keeping the trees on the property. She was familiar with the potential traffic of liquor stores and was concerned with the safety of residents in the neighborhood as well as patrons of the store. She asked whether there would be plans to construct a wall to buffer the residences adjacent to the property.

Public hearing was closed.

The Board requested that Chief Barry Fox of the St. Augustine Police Department to address any traffic concerns.

Chief Fox stated he was more concerned with consumption on the property or any related events. He felt that the two-lanes within the drive-thru as well as along Anastasia Boulevard would suffice to prevent traffic impacts from business activities. He reviewed open container laws within the City, noting that open containers would not be allowed on the premises or in the parking lot.

Ms. Acevedo responded to Chief Fox's testimony stating that there would be no sale of beverages to be consumed on-site.

The Board discussed:

- Square footage of proposed building
- Clarification of HARB order
- Concern for lack of a truck delivery area
- Hours of operation would be 10:00a.m. to 9:00p.m. and 1:00p.m. to 9:00p.m. on Sundays
- Applicant met required parking requirements
- Drive through would be able to stack about four to six standard cars
- Safety concerns

- Potential light pollution caused by cars parking and driving through
- Buffering consisted of existing six-foot fence, trees, and shrubs
- Intensity of the proposed use would be less than other uses allowed per the zoning code
- Potential conditions tied to approval including hours of operation, limiting on-site consumption to small complimentary samples, and prohibiting amplified sound on the property
- Concern for amplified music from patrons of the drive-through

MOTION

Mr. Davis MOVED to APPROVE the exception application 2019-0125 for 841 Anastasia Boulevard for drive through for an allowed liquor store with the conditions:

- **Because of the drive through there be a 6 foot buffer along the rear fence.**
- **Hours of Operation be from 10:00a.m. – 9:00p.m. Monday through Saturday and 1:00p.m. to 9:00p.m. on Sundays**
- **No call box or amplification speaker on site**
- **No on-site consumption of alcohol other than complimentary sample sizes**
- **Exception would run with the applicant only for use as a liquor store**

The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Davis, Blow, Opsahl, Misterly, Zander

NAYES: Ryan, DePreter

MOTION CARRIED 5/2

6. (b) 2019-0133 – Richard Diaz, c/o Card Holding, LLC – Applicant
St. Johns County Welfare Federation – Owner
169 M.L. King Avenue

To approve a use by exception for Housing for the Elderly within Residential, Single-Family-two (RS-2) zoning.

The Board provided their ex parte communications.

Mr. Doty read the staff report and said based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff finds the Board can **APPROVE** the use by exception for housing for the elderly within Residential, Single Family-two (RS-2) zoning at **169 M.L. King Ave / PIN 212280-0000.**

There was a brief discussion regarding future changes to the language regarding housing for the elderly and the legal implications of those changes.

Richard Diaz reviewed the application.

69 certified notices were sent, 5 were returned in favor, 1 returned opposed and 4 had comments.

Public hearing was opened.

John Wooldridge spoke in favor of the application. He asked for clarification and details regarding the proposed use of the facility.

Melissa Southwell said she had not received any information regarding the proposed facility and was concerned with parking and traffic impacts. She felt that a single-family use would be more appropriate than the proposed use based on the character of the neighborhood and its existing density.

Anne Murdock also did not receive any information regarding the proposed use. She was concerned that the facility did not appear to be similar to previous operation at the location, but the application appeared to be vague.

Sarah Mc Levy did not receive information about the project. She was concerned with parking and traffic impacts.

Albert Greco, who had also received no information on the project, was concerned with parking impacts and asked where additional parking mentioned by the applicant would be located.

Mick Smith, wanted more information regarding the proposed facility, but liked the idea that it was still geared towards the elderly.

Larry Lake, CEO of Bayview Healthcare and former operator of the subject property which previously provided skilled nursing services, spoke in favor of the application as a positive service to the community that filled a need currently not provided for. He stated that when the property was utilized as an assisted living facility, there were often 34-35 residents plus up to 15 staff members. He clarified previously existing parking for the Board.

Mr. Diaz noted that the proposed use was a step down from an assisted living facility and would service adults ages 55 and over that were still independent but losing the ability to drive or prepare food on their own.

Public hearing was closed.

The Board discussed:

- Maximum of 26 occupants
- Facility would not operate as a facility providing medical care
- There was the potential for residents to have a vehicle and twenty-four parking spaces currently existed on the site with the intent to add more

- Previous parking on site encompassed and forward and rear parking lot
- Parking code required 26 spaces and it was unclear whether the project met the parking requirements as presented
- Support for continuation of elder care on the property
- Condition to allow residents of age 55 or older only
- Desire to see more information regarding parking, interior layout, occupancy, and a defined site plan
- Recommendation that the applicant provide information to and get input from the neighboring community
- Request that staff show a comparison of previous and current intensities on the property

MOTION

Ms. Ryan MOVED to CONTINUE the application 2019-0133, St. Johns County Welfare Federation, to the February 4, 2020 meeting so the applicant can bring back documents per Board discussion including a site plan and sketch floor plan so the Board and public can better understand the concept. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Ryan, DePreter, Blow, Davis, Opsahl, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

7. Use by Exception & Variance

7. (a) 2019-0130 – Ryan Cornelison, Cornelison, LLC – Applicant and Owner 124 King St

To approve a use by exception for off-site parking and to approve a variance to the off-street parking and loading

² Brief recess from 3:53p.m. to 4:04p.m.

requirements for interior drive aisle width and maneuverability for a cafe.

Mr. Doty read the staff report and said 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 off-site parking at **124 King St / PIN 204750-0000**; and, 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 variance to the off-street parking and loading requirements for interior drive aisle width and maneuverability at **124 King St / PIN 204750-0000**.

Andrew Castanheira from Marquis Latimer and Halback and Ryan Cornelison reviewed the application including changes to the site plan reflecting the inability to place a curb-cut along King Street per FDOT.

The Board provide their ex parte communications.

10 certified notices were sent; however, there were no responses.

Public hearing was opened.

Edith Fox was glad that the applicant was rehabilitating the historic structure, but was concerned with the parking and asked that the board require more parking

Charles Pappas was concerned with the uncertainty of the use there and asked that the Board have a clear understanding of what use would be going into the building prior to making a decision.

Virginia Whetstone spoke in favor of the project but was concerned with the off-site parking availability on Sundays when the church was in use, clear demarcation of available parking, and concern that a lease with the church for parking could be terminated with little notice.

Jeffery Leibowitz noted that the neighboring parking lot for 123 Burger House had been fenced off.

Public hearing was closed.

The Board discussed:

- Square footage for the café use
- Agreement for parking with 118 King Street
- Operator for proposed café had not yet been determined
- Loading zone would be at the off-street parking location
- Possibility of other uses on the property
- ADA accessibility for the café
- Two on-site parking spaces for the rental unit were existing
- Request that staff review the required parking for the church to ensure that leasing of parking would not make them non-conforming
- Church parking lot would be ideal location for off-site parking as the nearest available parking
- Definition of fixed seating in the Zoning Code which would determine the correct number of required parking spaces
- Potential for negative traffic impacts
- Application may have met criteria for the off-street parking variance
- Property was too close to the church to obtain a beer and wine license

Mr. Leibowitz stated that the café would encourage the pedestrian use along King Street.

Preference from the Board that the applicant obtain a signed lease for the parking.

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception and Variance application 2019-0130 because the use by exception promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, and general welfare and the variance meets the criteria as detailed in the staff report and with the following conditions:

- Visible signage indicating the location of available parking spaces
- The applicant obtain a lease for the required parking spaces prior to staff approval of a Business Tax Receipt
- Determination that the lessee has the capacity to grant the required spaces
- Language on each parking spot denoting reservation for the proposed coffee shop use during hours of operation

The motion was **SECONDED** by Mr. Misterly.

VOTE ON MOTION:

AYES: DePreter, Misterly, Davis, Opsahl, Ryan

NAYES: Blow, Zander

MOTION CARRIED 5/2

8. Use by Exception, Variance & Conservation Overlay Zone Development

8. (a) 2019-0132 – Jennifer White and Ryan Carter, Carter Environmental Services – Applicants
White's Wharf LLC – Owner
135 Avenida Menendez

To approve a use by exception for off-site parking, or to approve a variance to eliminate parking requirements for additional restaurant seating and commercial boat slips. To approve an

eight foot (8') wide by fifty-four-foot-long (54') switchback gangway to a ten foot (10') wide by one hundred eighty foot (180') long floating dock within Conservation Overlay Zone 1.

The Board provided their ex parte communications.

Mr. Doty read the staff report and said the following:

- 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 off-site parking at **135 Avenida Menendez / PIN 196210-0000.**
- 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 variance to parking requirements for additional restaurant seating and commercial boat slips at **135 Avenida Menendez / PIN 196210-0000.**
- 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 eight-foot (8') wide by fifty-four-footlong (54') switchback gangway to a ten foot (10') wide by one hundred eighty foot (180') long floating dock within Conservation Overlay Zone 1 located at **135 Avenida Menendez / PIN 196210-0000.**

Mr. Doty also advised that the applicant had obtained a signed bottom-lands lease from the city for the property below the proposed dock.

Mac McLeod, representing the applicant reviewed the application regarding the parking use by exception and variance.

Chief Fox spoke regarding the parking variance and use by exception expressing no concern for additional traffic or parking issues caused by the restaurant use because it would be more of a draw to pedestrian traffic.

14 certified notices were sent; however, there were no responses.

Public hearing was opened.

Henry Whetstone spoke against the parking as expanding a non-conforming use. He was concerned with handicap parking access. He felt that the expanded restaurant use would create parking and traffic issues. He was also concerned with alcohol consumption and noise on the property.

Bruce McGuire was in favor of reconstructing the original restaurant; however, he felt that expansion of the restaurant and utilizing the existing parking lot as proposed would still cause parking issues.

Jeffery Leibowitz felt that if an exception was approved, then the parking should be mandatory valet so that cars could be stacked. He added that those who lived along Marine Street already experienced parking and traffic congestion and the additional seating would exacerbate those problems.

Virginia Whetstone spoke in favor of the dock considered as parking for the restaurant. She spoke against the parking variance due to negative parking impacts to the nearby neighborhood and businesses.

Katharine Brown agreed that the additional seating would cause parking problems in the area. She felt that some seating should be reserved for boating patrons to ensure that additional parking traffic was limited.

Charles Pappas asked whether there would be event space in the proposed restaurant. He felt that utilizing the existing O.C. Whites

parking lot would not be a clear solution. He noted that many HP district restaurants survived well without parking.

Mike Wieber, owner of the Bayfront Marin House, spoke in favor of the application stating that he believed the bulk of traffic into the restaurant would be pedestrian.

Pat Dobosz felt that the proposed restaurant would not heavily impact the parking situation in the downtown area because of the pedestrian traffic and the clear understanding from most locals and visitors that downtown parking was limited and walking to desired areas in town was the best option.

Public hearing was closed.

Mr. McLeod responded to public comment stating that the restaurant would not act as an event space. He added that the O.C. White's parking lot was provided as a courtesy and did not constitute required parking for that restaurant. He noted that there was also a tour trolley drop-off in the area of the proposed restaurant. He felt that the creation of the restaurant was a benefit that outweighed potential negative impacts.

The Board discussed:

- Possible loading area for ride-share near the Plaza area
- Bicycle racks located at the City Marina as well as across the street by the White Room
- Configuration of the 10 Marine Street parking lot with 43 spaces
- Use of the Marine Street lot for parking as proposed would prohibit development of that lot as long as it remains parking
- Potential unfair treatment of the applicant if the Board denied the application for a parking variance
- Concern for intensification of the property tied to an exception for off-site parking

- Public support for the reconstruction of the restaurant
- Consensus that parking for the dock should not be required
- Unique situation of the property, surrounded by HP-1, but not zoned as such
- No intent by the applicant to have events or large bands

MOTION

Ms. Opsahl MOVED to APPROVE Variance application 2019-0132 to eliminate parking requirements for additional restaurant seating and commercial boat slips because it meets the criteria for the variance that the particular property because of its size, shape, topography or other physical condition suffers a singular disadvantage and because of the disadvantage the owner is unable to make reasonable use of the affected property, the disadvantage doesn't exist because of conditions created by the owner/applicant, and granting of the variance is not contrary to public interest. The motion was SECONDED by Mr. Davis.

Mr. Misterly stated that he was not in favor of the variance due to the concerns he expressed over the noise and that a use by exception would provide the ability to control such activities.

Mr. DePreter agreed with Mr. Misterly's statement and added that there would still be restaurant patrons seeking parking in the area and causing additional congestion.

Mr. Blow was inclined to approve an exception for off-site parking rather than the variance.

VOTE ON MOTION:

AYES: Opsahl, Davis, Ryan, Zander

NAYES: Blow, Misterly, DePreter

MOTION CARRIED 4/3

Ryan Carter reviewed the application regarding the Conservation Overlay Zone 1 Development for a dock.

Public hearing was opened.

Virginia Whetstone stated that the City had required her to build her dock 25 feet off the southeast corner of the property line and the proposed dock should be no different. She felt that parking boats on the south side of the dock would be an encroachment to the south of the restaurant in violation of an existing court order.

Jeffery Leibowitz asked that there be no amplified music anywhere along the dock. He felt that the City had been catering to tourism and business interests above those of the residents.

Michael Southerland stated that the City was in need of more docks downtown.

Phil Simon stated that the proposed dock would not pose problems to those utilizing it or the neighboring marina.

Public hearing was closed.

Mr. Cary advised the Board that they could not place conditions on the application with exception of the location or orientation of the dock. He clarified that there was no legal requirement to keep the dock 25 feet from the property line.

Sam Adukiewicz was not concerned that the proposed dock as presented would cause any issues in relation to the neighboring City Marina.

The Board discussed:

- Possibility of limiting the width of vessels that could park at the dock was not allowed per code
- Dock was not in violation of the settlement agreement nor could boats along the dock be in violation

of the court order because they were not a permanent addition to the subject property

- Recommendation that the dock be designed to withstand storm conditions

MOTION

Ms. Ryan MOVED to APPROVE Conservation Overlay Zone Development application 2019-0132 for an eight foot (8') wide by fifty-four-foot-long (54') switchback gangway to a ten foot (10') wide by one hundred eighty foot (180') long floating dock within Conservation Overlay Zone 1. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION

AYES: Ryan, Blow, Davis, Opsahl, Misterly, DePreter, Zander

NAYES: None

MOTION CARRIED UNANIMOUSLY³

9. Rezoning

9. (a) 2019-0115 – Paul Harden – Applicant
John Wilson, West Sebastian, LLC – Owner
San Sebastian View – PID #: 084560-, 102990, 102810-, 154860-, and 155540-0000

A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, Low-One (RL-1).

Ex Parte Communication:

(None)

Mr. Doty read the staff report and said Staff does not make recommendations concerning the rezoning of land.

Alex Harden reviewed the application.

22 certified notices were sent, 3 were returned opposed and 2 had comments.

Public hearing was opened.

Michael Southerland said that if the Board denied the application then it was not in favor of creating less expensive housing within the City.

Charles Pappas felt that rezoning the property would not guarantee less expensive housing. He preferred that the PUD be modified so the City could control the density and protect conservation areas.

Public hearing was closed.

Paul Harden responded that RL-1 allowed the least intense residential use of any residential zoning category at eight units per acre.

The Board discussed:

- Property was zoned Open Land prior to approval of the PUD
- Conservation easements created within the PUD process would remain
- Development within a Conservation Overlay Zone would have to return to the Board for review
- Average elevation of the site was between six and ten feet
- Need and Justification for the rezoning included the infeasibility of constructing the PUD in today's economic conditions and the attempt to be consistent with Future Land Use intent
- Coastal high hazard area was located mainly within the wetlands on the property
- Recommendation to verify that all conservation lands noted within the PUD were within existing conservation easements

³ Brief recess from 6:46p.m. to 6:55p.m.

Paul Harden, attorney for the applicant, fielded the Board's questions and clarified the following:

- The conservation easements were not part of the property requested to be rezoned
- The applicant would provide a drawing illustrating the location of the recorded easements as well as existing developable land

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Rezoning application 2019-0115 with the recommendation to obtain confirmation that the conservation easement area that was laid out in the original PUD is the same conservation easement referenced within the application and with the need and justification being economic infeasibility of developing the PUD as it exists and it is consistent with the Comprehensive Plan in that it allows the opportunity for affordable housing while conserving some land. The motion was SECONDED by Ms. Opsahl.

Mr. Misterly stated that he could not support the application, stating that he would rather hear a PUD modification that allowed the board more control over how the parcel was developed.

Ms. Ryan agreed with Mr. Misterly, stating RL-1 zoning did not guarantee the creation of more affordable housing and the PUD could offer the potential for the Board to ensure that less expensive housing was developed.

Paul Harden clarified that it was economically infeasible for the land to be developed with single-family houses as outlined within the PUD and that a PUD modification would more closely resemble the neighboring apartment units. He reiterated that the conservation easements as recorded would remain. He asked that

the Board give them 30 days to return with drawings that more clearly define the locations of the existing conservation easements and areas that were intended for development.

Mr. Davis WITHDREW his motion upon the request of the applicant for a continuance.

MOTION

Mr. Blow MOVED to CONTINUE the application to the February 4, 2020 meeting. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION

AYES: Blow, Misterly, Davis, Opsahl, Ryan, DePreter, Zander

NAYES: None

MOTION CARRIED UNANIMOUSLY

10. Other Business

10. (a) Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52 will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the City Commission, with recommendations from the Short-Term Rental Committee

Mr. Cary reviewed the ordinances and requested that the Board provide a recommendation to the City Commission regarding the Ordinances.

1. Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties
2. Ordinance 2019-51 codifies the findings, intent, purpose, and

interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories

3. Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51

The Board discussed:

- Enforcement and fees involved which would be calculated by determining the costs associated with enforcement
- Liability concerns regarding yearly safety inspections
- Plans for staffing which included an additional code enforcement officer and an additional part-time fire safety inspector
- Recommendation to add plus two under 18 years old to occupancy per room
- Charging commercial water rates in addition to solid waste fees
- Requiring a compact exit light
- Parking requirements consistent with other uses in HP zones
- Concern that the ordinances would negatively impact short-term rental owners and the local economy
- Current seven-day minimum did not take into account how rental web-platforms functioned
- Potential legal issues related to requiring finished parking areas for short-term rentals
- Affects of short-term rentals in residential neighborhoods
- Unrealistic response time requirement
- Definition of bedroom according to the Florida building code could lead

property owners to utilize other living areas as bedrooms

- Letter threatening lawsuit if the City passed the ordinance
- Creation of ordinances as a way to protect the residential feel of neighborhoods
- Concern that passing the ordinance would cause some short-term rental owners to cease maintenance of their properties due to lack of revenue
- Short-Term Rental Committee which had already vetted the subject matter and made recommendations
- Hour limitations for visitors not staying at the rental were too stringent
- Increasing number of occupants did not necessarily mean more cars would be on the property
- Due to state pre-emption of short-term rental regulations, removing the seven-day minimum rental period would become permanent, with no other regulations allowed
- Most renters stayed less than seven days and regulations reduced profitability for vacation rental owners
- Allowing only homesteaded properties to be rentals which had not been pursued by the Committee or Commission
- Notification to neighbors of Short-Term rentals nearby was not added to the ordinance

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

- Michael Sutherland
- Paul Morris
- Tracy Van Dusen⁴
- Edith Fox
- Blake Sauder
- Len Weeks

⁴ Handout attached to original minutes

- Melinda Rakoncay
- Ronny May
- Stacey Hume

The Board continued discussion regarding:

- No parking requirements in Historic Preservation districts
- Allowing pervious surfaces as improved areas for parking
- Grandfathering for rentals without off-street parking
- Most vacation rental owners and managers were responsible
- Host Compliance services would find any listing advertising less than seven-day rental periods as being in violation of the proposed ordinance
- Possibility of passing the ordinance without the internet monitoring and allowing short-term rental violations to be complaint-driven

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Ordinance 2019-50 providing regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties with consideration of removing parking requirements in HP districts, and reconsidering intensity of use to include 2 persons per bedroom plus two under 18.

There was discussion regarding a recommendation to remove Host Compliance services wherein it was determined that monitoring of short-term rentals would be infeasible without the use of Host Compliance as well as reconsidering ancillary visitor hours.

The motion was SECONDED by Mr. Blow.

VOTE ON MOTION

**AYES: Davis, Blow, Opsahl, Ryan,
Misterly, DePreter**

NAYES: Zander

MOTION CARRIED 6/1

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Ordinance 2019-51 codifying the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION

**AYES: Davis, Blow, Opsahl, Ryan,
DePreter**

NAYES: Zander

MOTION CARRIED 5/1⁵

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Ordinance 2019-52 confirming regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION

**AYES: Davis, Blow, Opsahl, Ryan,
DePreter, Zander**

NAYES: None

MOTION CARRIED UNANIMOUSLY⁶

⁵ Mr. Misterly took a brief recess from 9:45p.m. to 9:46p.m.

⁶ Mr. Misterly had not been present for the motion and thus chose not to vote

**10. (b) Discussion and Recommendation
of Ordinance 2020-01, to modify fence,
wall and hedge requirements within
Chapter 28 of the City Code**

(Not discussed)

Comments by Board Members

Mr. Blow advised the Board regarding dock construction to withstand storm conditions.

Ms. Zander asked that the Board consider requiring a title block for professional drawings submitted with applications.

Mr. Davis expressed gratitude for the members of the public that stayed for the duration of the meeting to provide comments to the Board.

11. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 9:49 P.M.⁷

Karen Zander, Chairperson

⁷ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020 (continued January 7, 2020)

RE: **REZONING - 2019-0115**

AGENDA ITEM 4(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 Low-One (RL-1).

APPLICABLE CODES/ORDINANCES FOR REZONING

Sec. 28-30. - Comprehensive plan amendments, rezonings 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

Continued from December 3, 2019 meeting.

Staff does not make a recommendation on rezoning applications, 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 the 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, Low-One (RL-1) zoning (attachment 2).

Future Land Use: The site has a future land use designation of Residential Low Density/Mixed Use, which allows a maximum of 8 dwelling units per acre for residential uses. The requested RL-1 zoning district is a compatible zoning district with this future land use category.

PARCEL/EXISTING PUD SUMMARY

The property's existing zoning is a Planned Unit Development approved under Ordinance 2006-31 and amended with Ordinance 2013-18 (attachment 3). The parcel is approximately 133.90 acres of land per the provided survey by Arc Surveying & Mapping, Inc. Dated 06/04/2018 (attachment 4). In reviewing the previous amendment to the PUD, a conceptual plan (attachment 5) 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, stipulated in PUD Ord. 2013-18, are not required to be part of the parcel should it be rezoned.

UPDATE: At the January 7, 2020 Planning & Zoning Board Meeting, the Board expressed concerns over the properties location in relation the Coastal High Hazard Area, the applicant has provided a graphic (attachment 6) that show the subject parcel with the Coastal High Hazard Area. The Board also expressed concern if the conservation easements had been recorded and that they would like to see a map of the property showing the conservation easements. Staff has included the recorded conservation easements as attachment 7 and the applicant has provided a survey that shows the location of the recorded easements (attachment 8).

Adjacent Zoning Districts

<u>Subject Property</u>	<u>Current Zoning - PUD</u>	<u>Proposed - RL-1</u>
<u>North</u>	County Jurisdiction	n/a
<u>South</u>	Open Lands - OL	n/a
<u>East</u>	Commercial Medium, Two – CM-2	n/a
<u>West</u>	Open Lands - OL	n/a

Allowed Uses Comparison

<u>USE</u>	<u>PUD</u>	<u>RL-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>RL-1 (at 42 acres of dev. land)</u>
<u>Single Family</u>	107 units or 1.5 units/acre	Maximum 336 units or 8 units/acre
<u>Multiple -Family</u>	Not permitted	Maximum 336 units or 8 units/acre

Site Development Comparison Table

	<u>PUD (single family)</u>	<u>RL-1 (multi-family)</u>
<u>Min. Lot Width</u>	50'	50'
<u>Min. Setbacks (Front, Side, Rear)</u>	20'/5'/10'	15'/10'/10'
<u>Max. Lot Coverage</u>	50%	30%
<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 – RL-1 Zoning
- Attachment 3 – Existing PUD Ord. 2013 -18
- Attachment 4 - Survey
- Attachment 5 – Ord. 2013-18 Conceptual Map/Plan
- Attachment 6 – Coastal High Hazard Area Map
- Attachment 7 – Recorded Conservation Easement
- Attachment 8 – Survey of Conservation Easements and Drainage Ponds

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

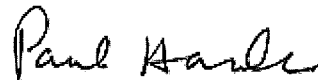
Planning & Building Department
City of St. Augustine
75 King St.
Lobby B, 4th Floor
St. Augustine, FL 32084

**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.

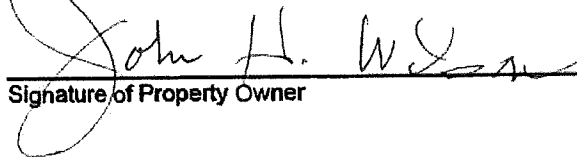
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Signature of Applicant

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

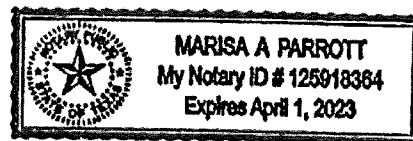
County of Dallas

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

Patrick Doty

From: Alex Harden <alexanderhdb@gmail.com>
Sent: Wednesday, November 27, 2019 11:32 AM
To: Patrick Doty
Subject: Re: Flagler Crossing PUD Submittal

Patrick,

Per our discussion, it has come to my attention that the application is a request for rezoning to RG-1, when the intent is to go to the RL-1 category. It appears as though these categories are significantly comparable except in respect to density. This was a typographical error, as we do not intend to develop more than the comp. plan allows. Please revise the application to reflect a request to the RL-1 category.

Thanks for your cooperation,

Alex Harden
(904)859-2257

On Tue, Oct 22, 2019 at 10:42 AM Patrick Doty <pdoty@citystaug.com> wrote:

Alex,

We received the application yesterday. We are processing it in now and I will let you know if we need anything else. The item is set to be heard at the Regularly schedule PZB meeting on December 3rd, 2019. Please feel free to reach out to me with any questions.

Patrick H. Doty, CFM

Senior Planner

City of St. Augustine

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Alexander Harden <alexanderhdb@gmail.com>
Sent: Monday, October 21, 2019 11:48 AM
To: Patrick Doty <pdoty@citystaug.com>
Subject: Flagler Crossing PUD Submittal

Patrick,

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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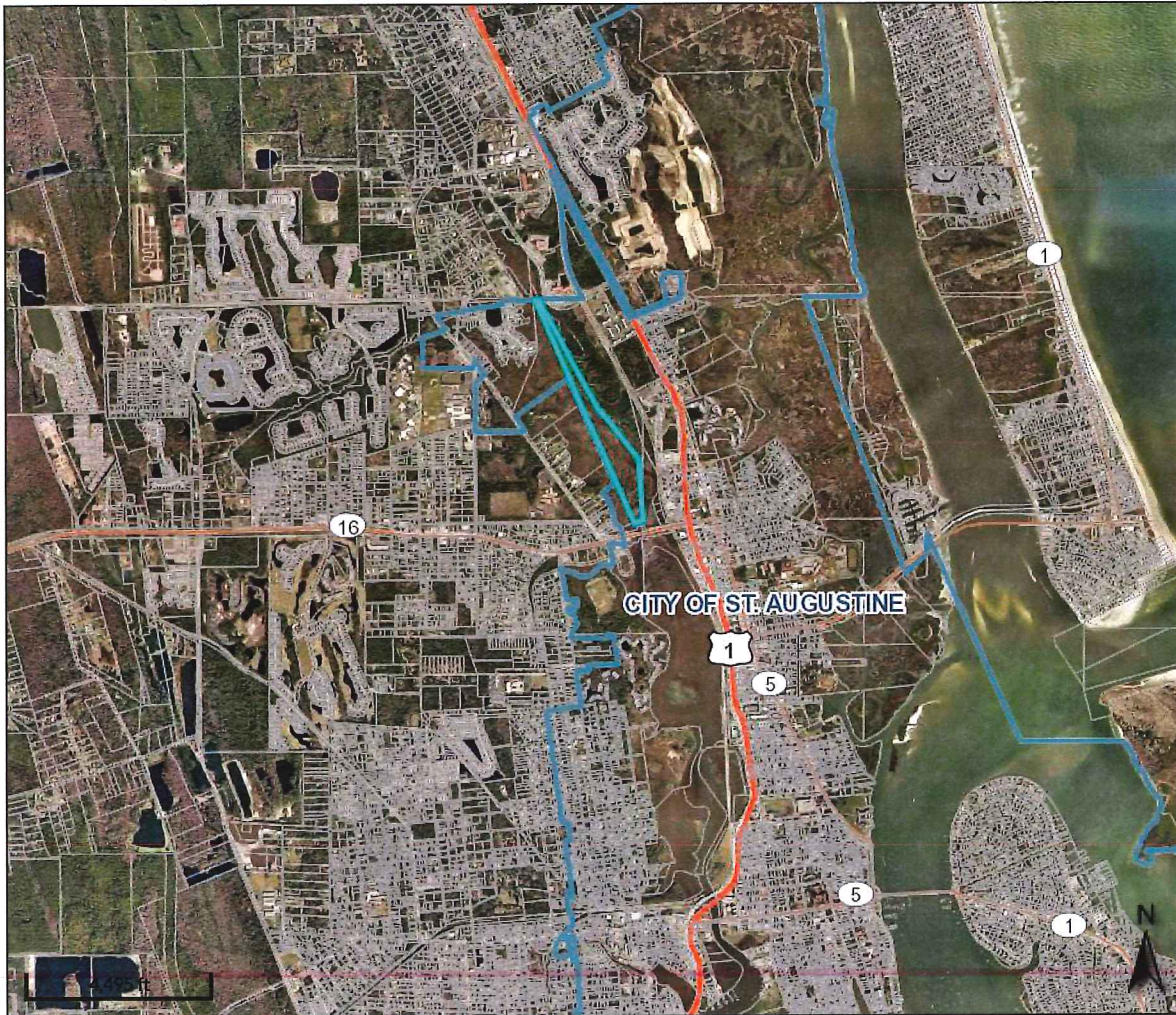
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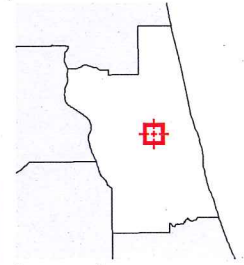
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1029900000	Physical 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	Total Land Value	\$11,424	2/21/2014	\$2657500	05	Q
Acres	45.7		ET AL	Just Value	\$11,424	n/a	0	n/a	n/a
			8383 PRESTON CENTER PLAZA DR	Total Deferred	N/A				
			SUITE 360	Assessed Value	\$11,424				
			DALLAS TX 75225-0000	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.

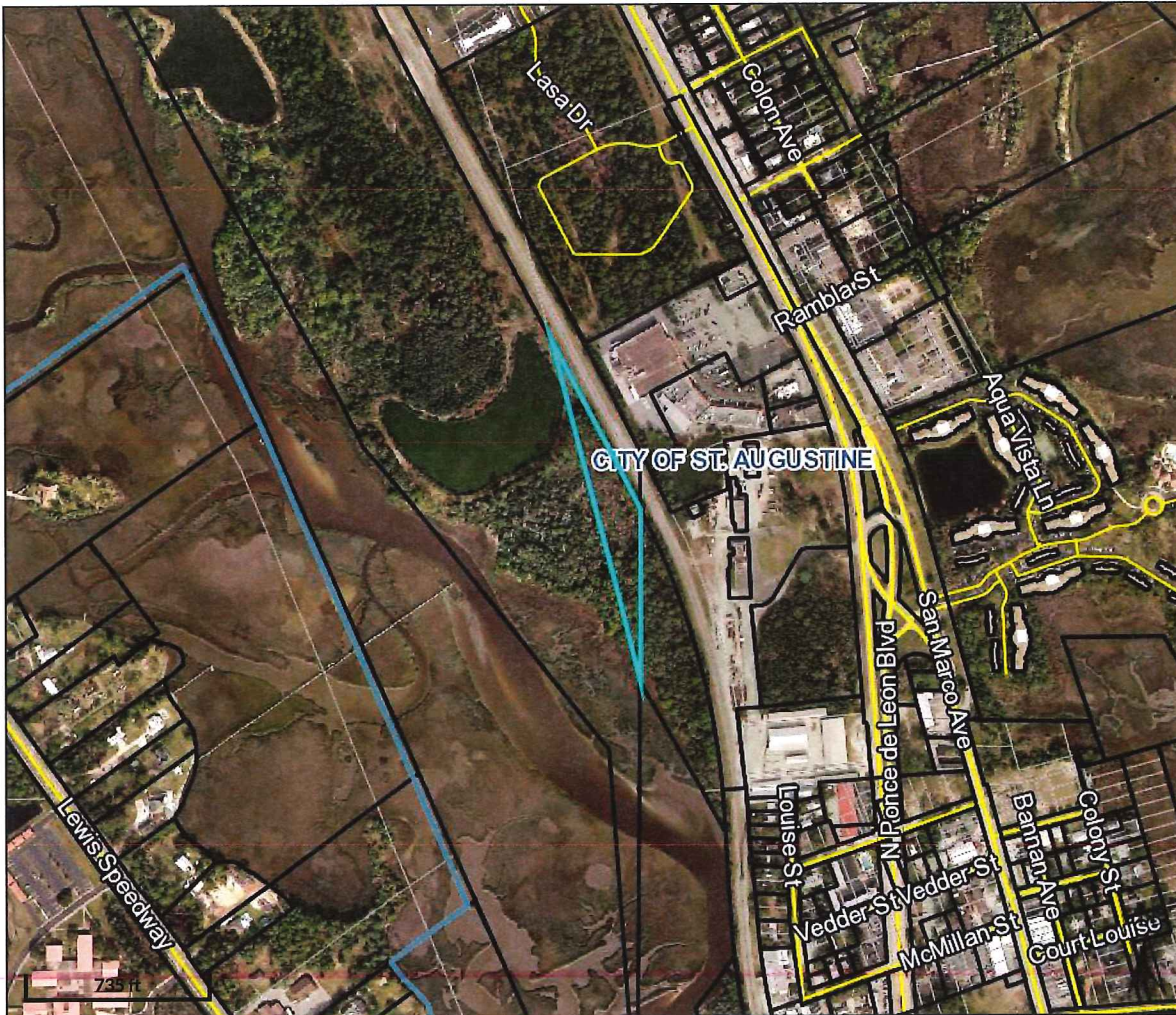
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Overview



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- Parcels
- Roads
- Cities

Parcel ID	1028100000	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	\$3,553	n/a	0	n/a	n/a
District			8383 PRESTON CENTER	Value					
Acres	2.9		PLAZA DR	Just Value	\$3,553				
			SUITE 360	Total Deferred	N/A				
			DALLAS TX 75225-0000	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 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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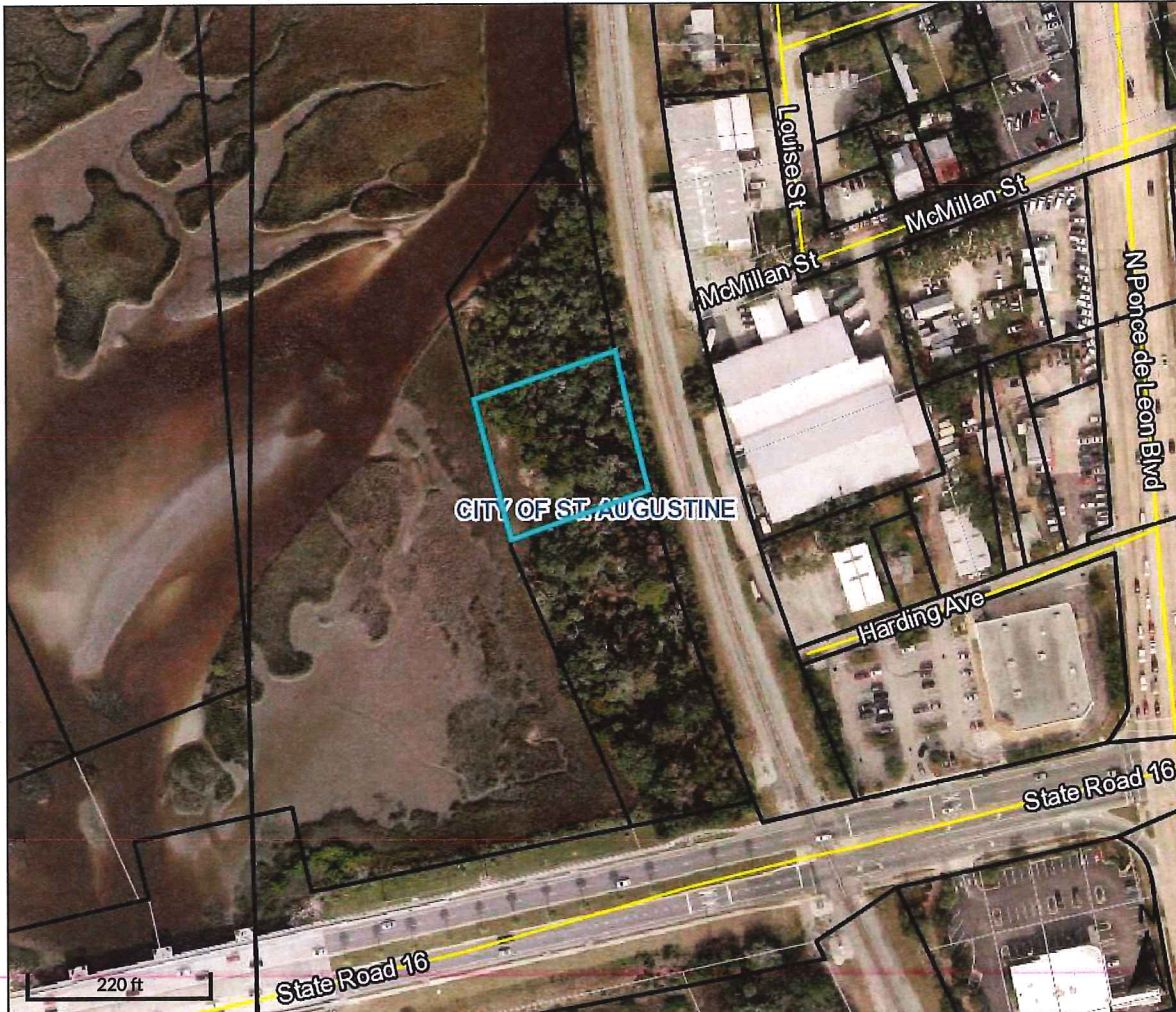
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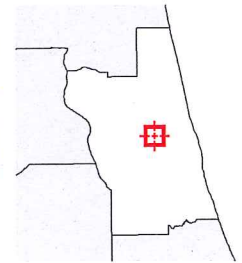
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	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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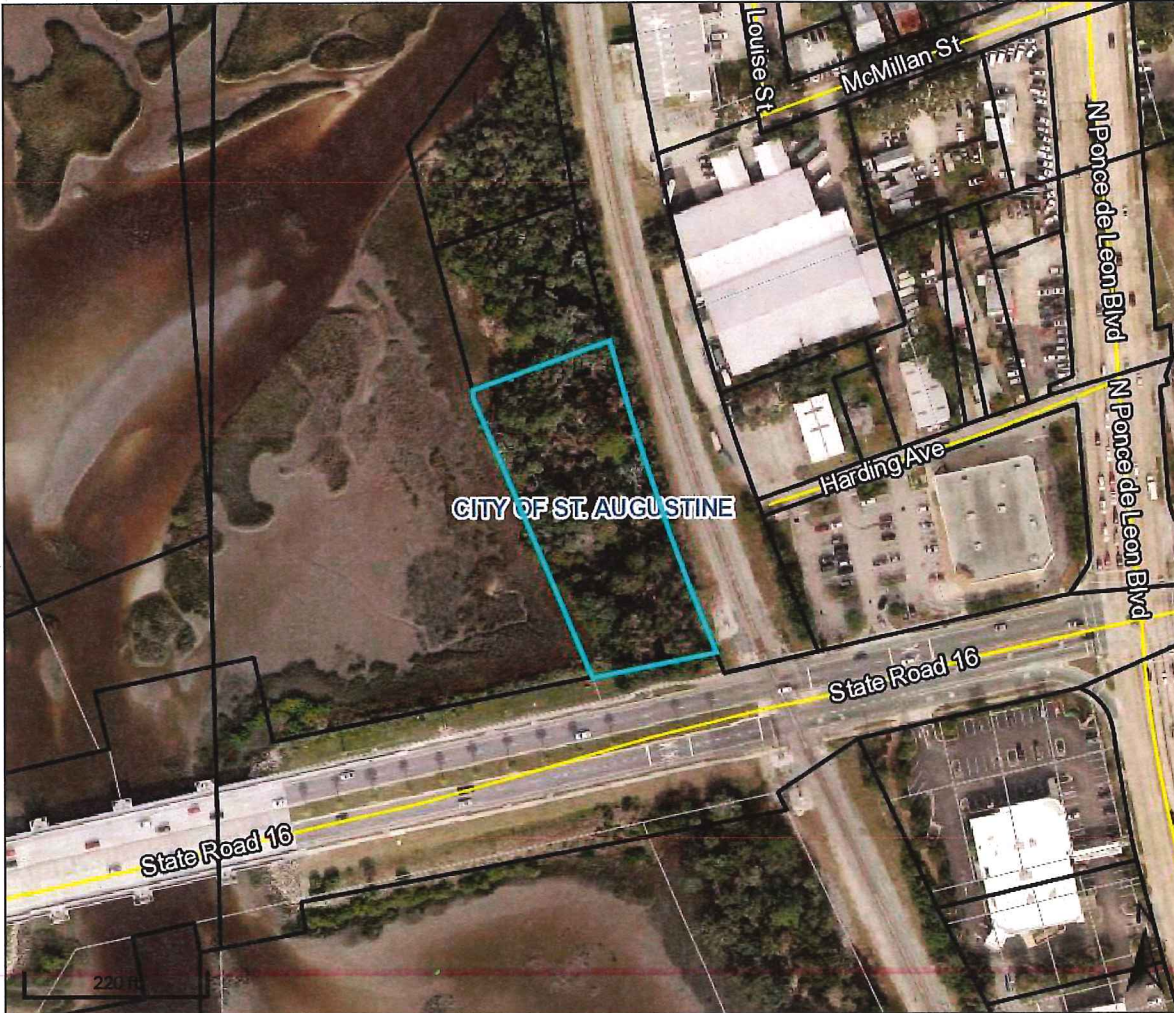
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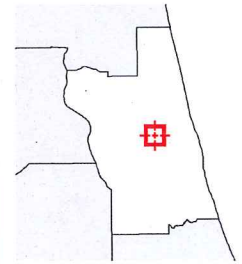
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Overview



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
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 3
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.

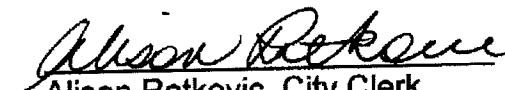
Section 2. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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.

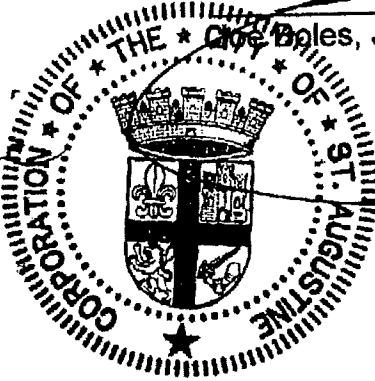
Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage pursuant to s. 166.041(4), Florida Statutes.

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)



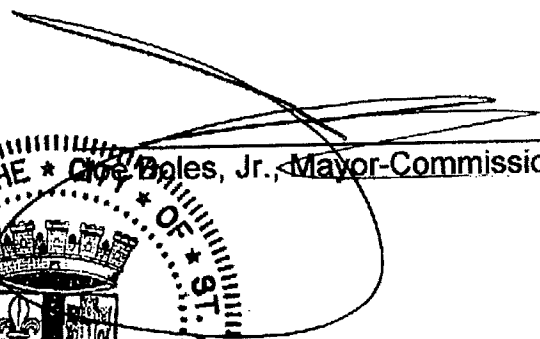

City Bales, Jr., Mayor-Commissioner

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 ☐ Rezoning ☐ Land Use Plan Amendment	☐ Appeal of Staff Determination ☐ Variance ☐ Conservation Zone Development
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☒ **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.

SIGNATURE OF APPLICANT

DATE

EDG Flayler Crossings LLC

13.

SIGNATURE OF PROPERTY OWNER

DATE

By KOPCOB

6/10/13

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"

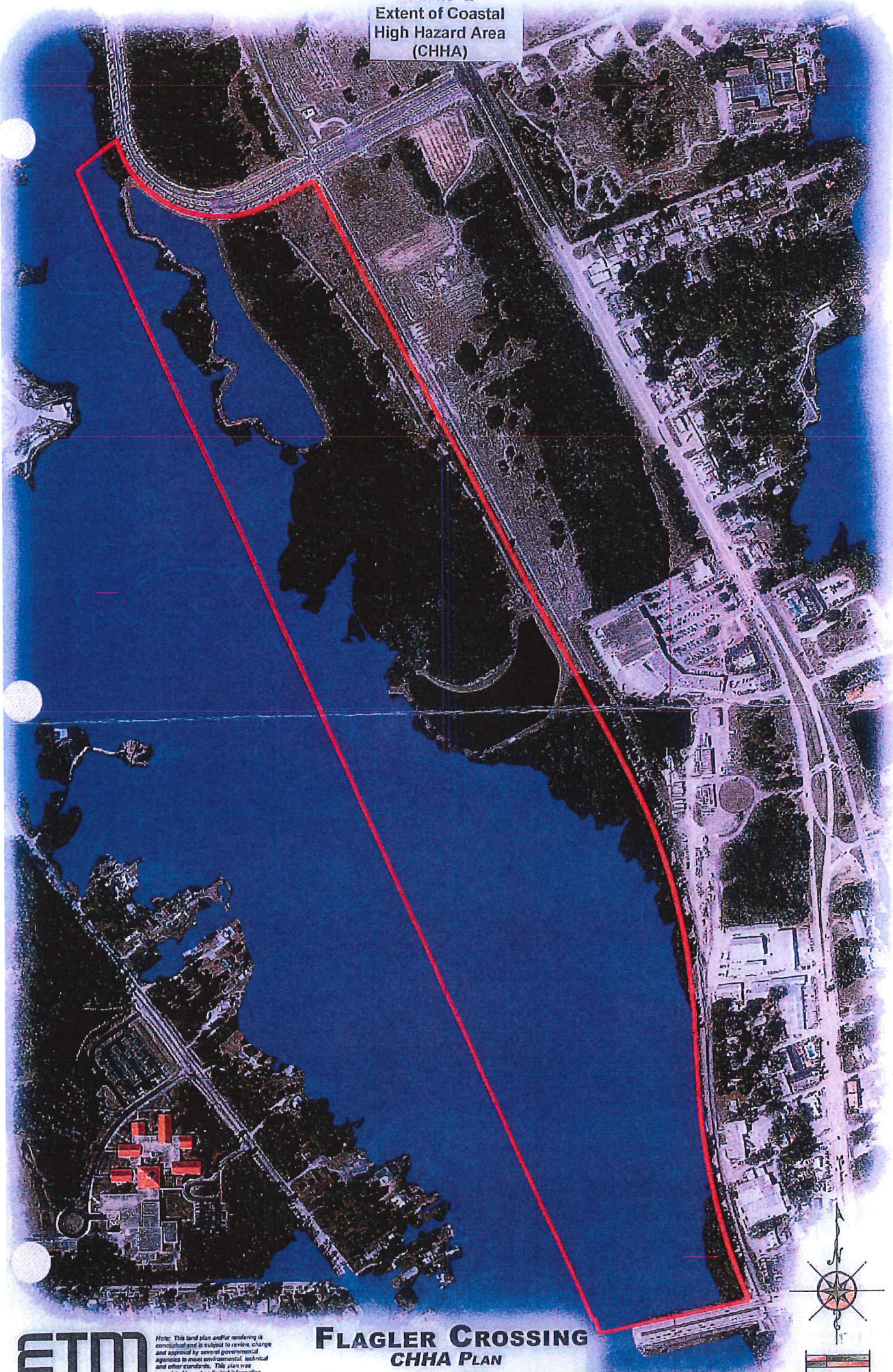


Exhibit "F"
Proof of Ownership/Deed

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

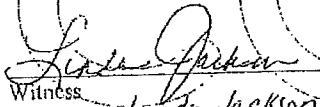
MSW - Draft February 8, 2008 - 2:40 PM

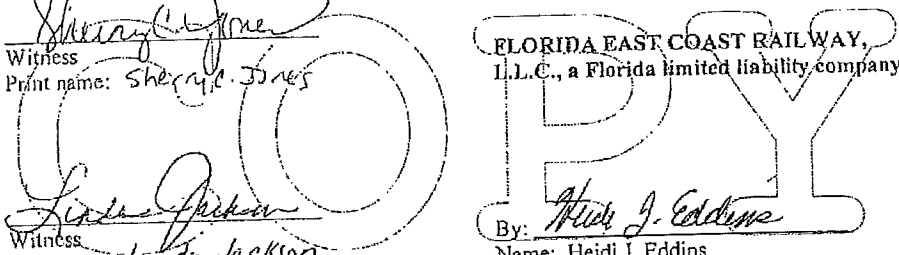
[SIGNATURE PAGE TO CORRECTIVE SPECIAL WARRANTY DEED]

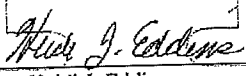
IN WITNESS WHEREOF, Grantor has caused this Corrective Special Warranty Deed to be executed the day and year first above written.

WITNESSES:


Witness
Print name: Sherry C. Jones

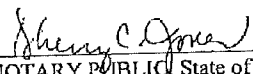

Witness
Print name: Linda Jackson


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:

Brian M. Lugo
Witness
Print name: Brian M Lugo
Erika Aenle
Witness
Print name: Erika Aenle

FDG FLAGLER CROSSING LLC,
a Delaware limited liability company
Kolleen Cobb
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.

Rayda Masdeu
NOTARY PUBLIC, State of Florida
Print Name Rayda Masdeu
My Commission expires: 1/23/12

(SEAL)

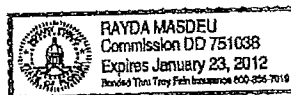


Exhibit "A"

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.

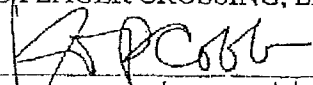
[SIGNATURES FOLLOW]

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 of 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

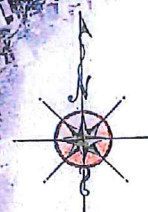
PRESERVATION
AREA

EXISTING
POND

PRESERVATION
AREA

FLAGLER CROSSING CONCEPTUAL SITE PLAN

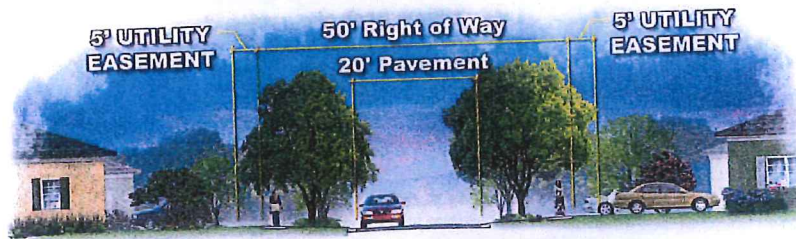
MAY 2013



100' 0' 200'
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ETM
 England-Thims & Miller, Inc.
 VISION • EXPERIENCE • RESULTS

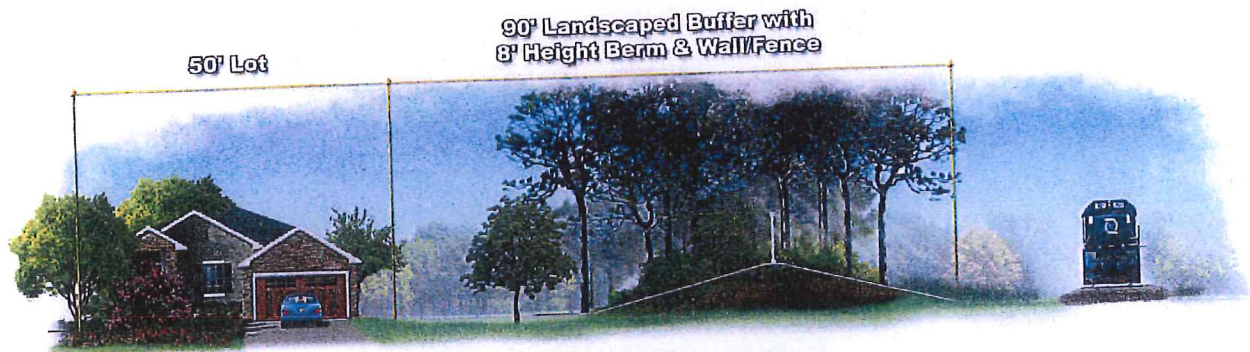
Note: This land plan and/or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was completed based on limited information, therefore all acreage figures are unofficial and are subject to 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'



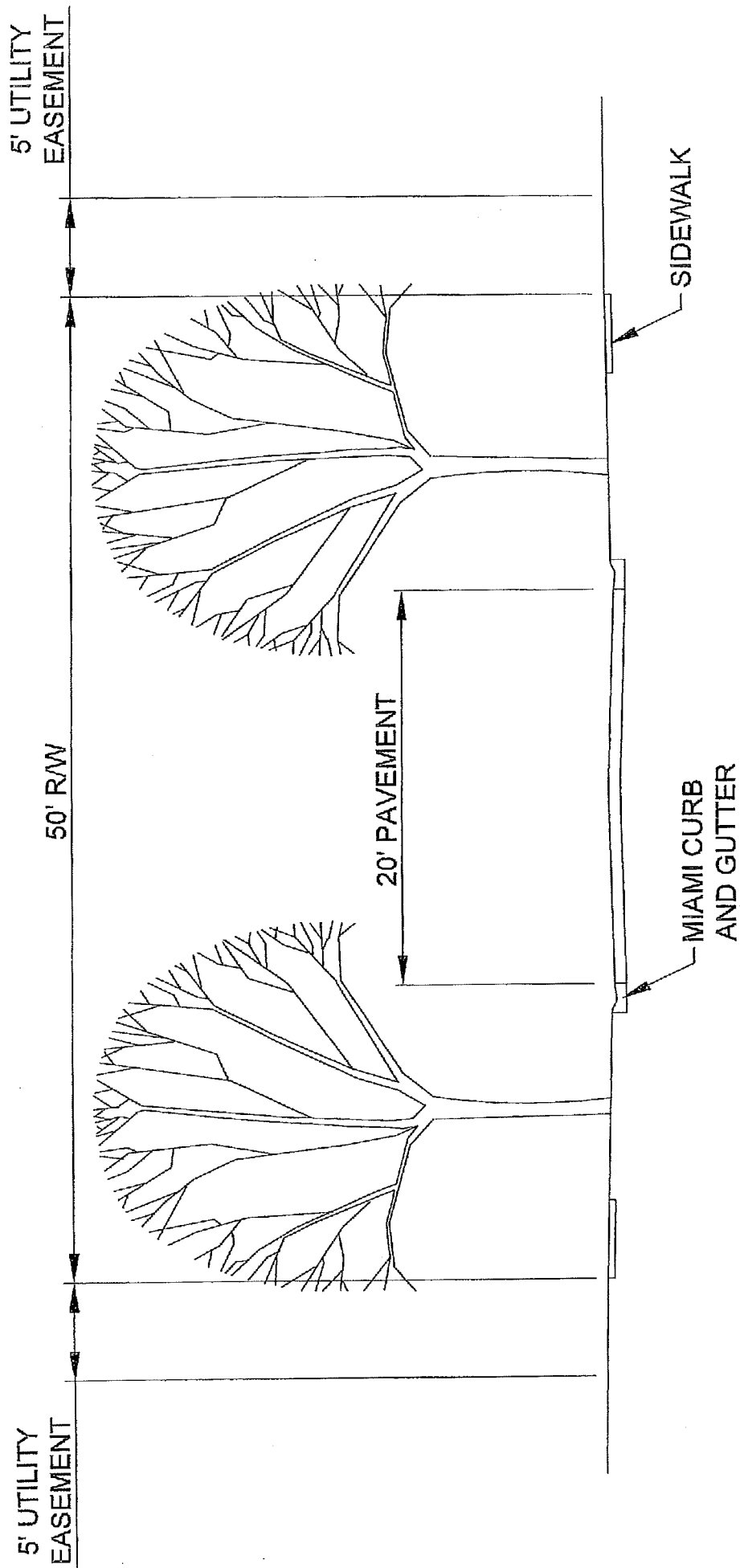
Typical Berm alongside Road/Railway

Scale 1" = 10'



Typical Streetscape along Avenue "D"

Scale 1" = 10'

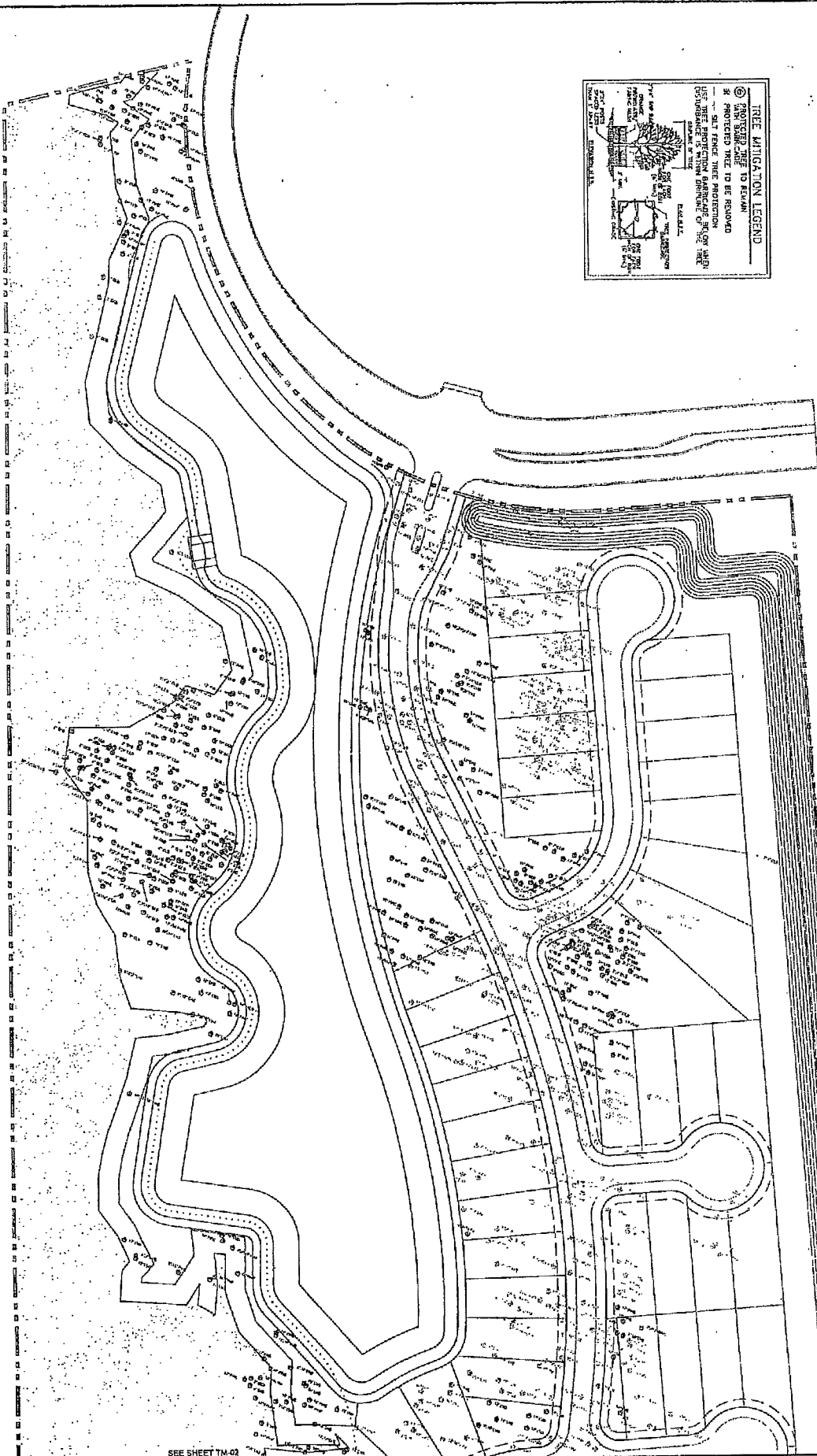
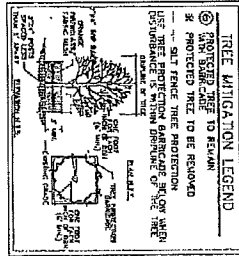


TYPICAL COMMUNITY STREETSCAPE

N.T.S.

Exhibit "I"
Tree Protection/Mitigation Plan

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
811
FOR A FREE SERVICE CALL



SEE SHEET TM-02

TREE MITIGATION PLAN

**FLAGLER CROSSING
SAN JUAN INVESTMENT COMPANY**



ETM
14750 SW 24th Avenue Road
Davie, FL 33314
TEL: (954) 440-4400
FAX: (954) 440-4400
CA: 0007554 LC: 0000018

LSH NO. 13-057
DRAWN BY: R.C.
DESIGNED BY: R.C.
CHECKED BY: R.C.
DATE: MAY 2013

REVISIONS

PLANS PREPARED UNDER THE
DIRECTION OF:
RYAN M. CLARK, R.L.A.
R. M. ROBER, LICENSED 7053

SEE SHEET TM-01

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
811
PRIOR TO CONSTRUCTION

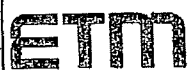
TREE MITIGATION LEGEND

- ① PROTECTED TREE TO REMAIN
- ② PROTECTED TREE TO BE REMOVED
- ③ SELECTED TREE PRESERVED FOR RELOCATION
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TREE MITIGATION PLAN

FLAGLER CROSSING

SEE SHEET TM-01



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

TREE MITIGATION LEGEND

② PROTECTED TREE TO REMAIN
③ PROTECTED TREE TO BE REMOVED
④ TREE PROTECTION BARRIER
⑤ DISTURBED AREA WITHIN 50' OF TREE



CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
800-4-A-SUNSHINE
811

TREE MITIGATION PLAN

**FLAGLER CROSSING
SAN JUAN INVESTMENT COMPANY**



Englund-Thompson & McFar, Inc.
14715 Old St. Augustine Road
Jacksonville, FL 32214
TEL: (904) 442-9900
FAX: (904) 442-9910
GA-10003344 IC-10000118

ETM NO. 12-057	REVISIONS
DRAWN BY: A.C.	
CHECKED BY: R.E.	
DESIGNED BY: R.E.	

PLANS PREPARED UNDER THE
DIRECTION OF:

RYAN M. CLARK, RLA

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[illegible]

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
1981	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																				

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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: JAH

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

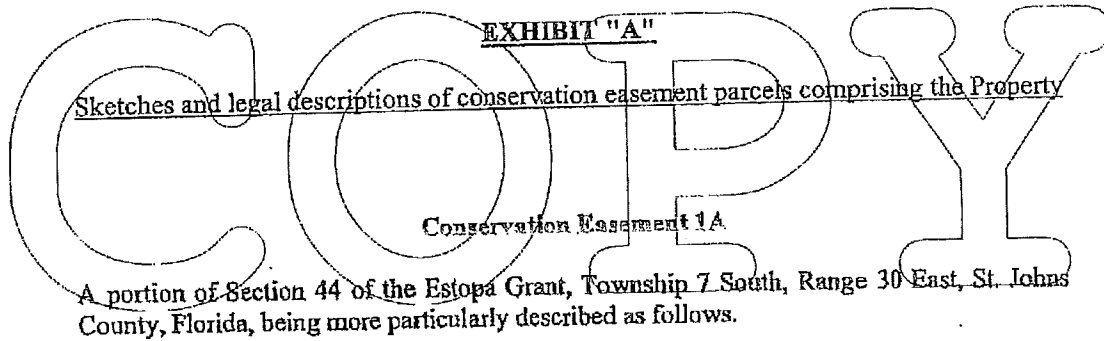
The foregoing instrument was acknowledged before me this 27th day of September,
2007, by Heidi J. Eddins, as Secretary of Florida East Coast Railway, L.L.C., a Florida limited
liability company, on behalf of the company, who did not take an oath.



Susan Blount
Notary Public, State of Florida at Large
My Commission Expires: _____
Serial No. _____

Personally known X OR produced identification _____
Identification produced _____

00582232.2



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.

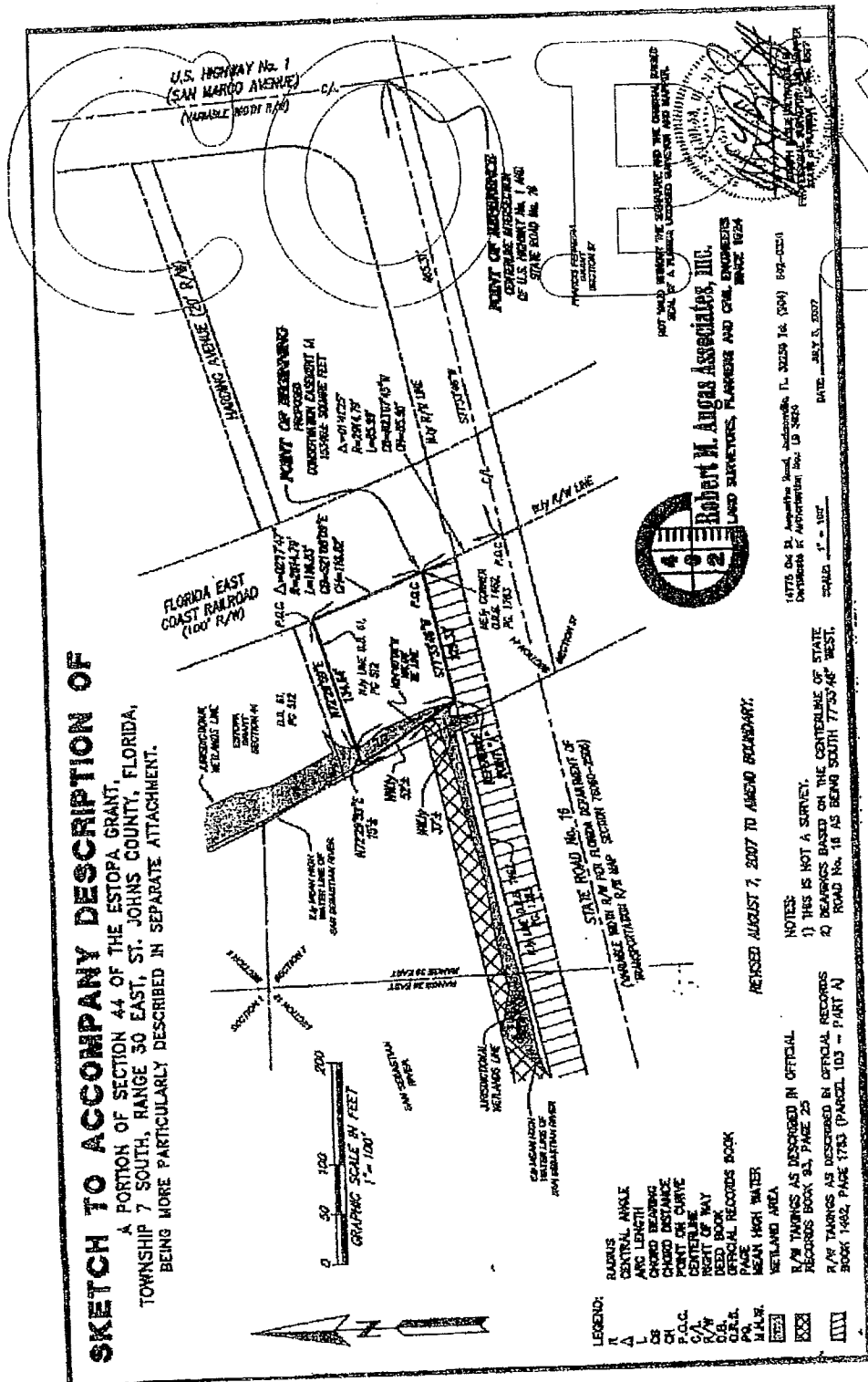


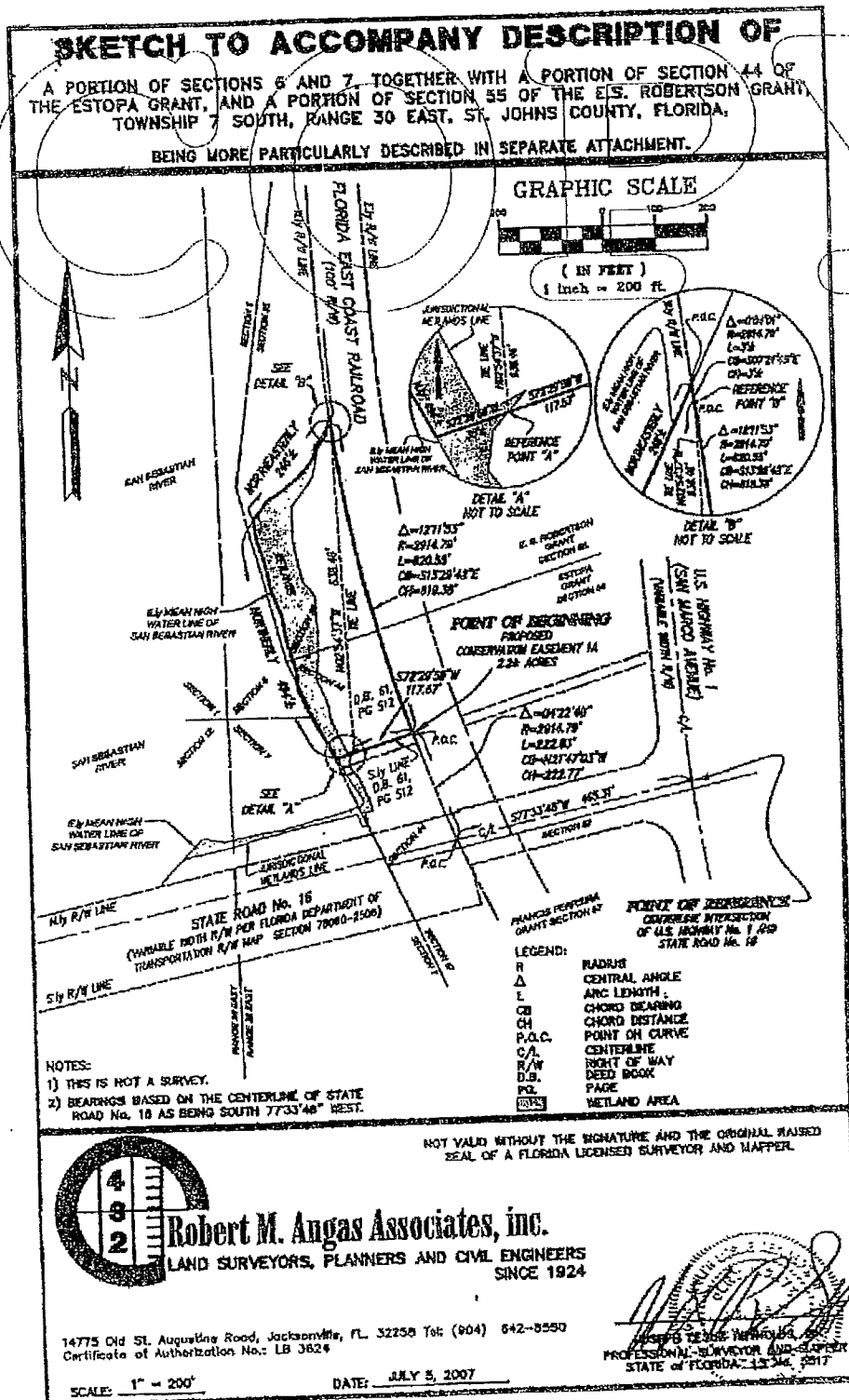
Exhibit "A," page 2 of 19

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

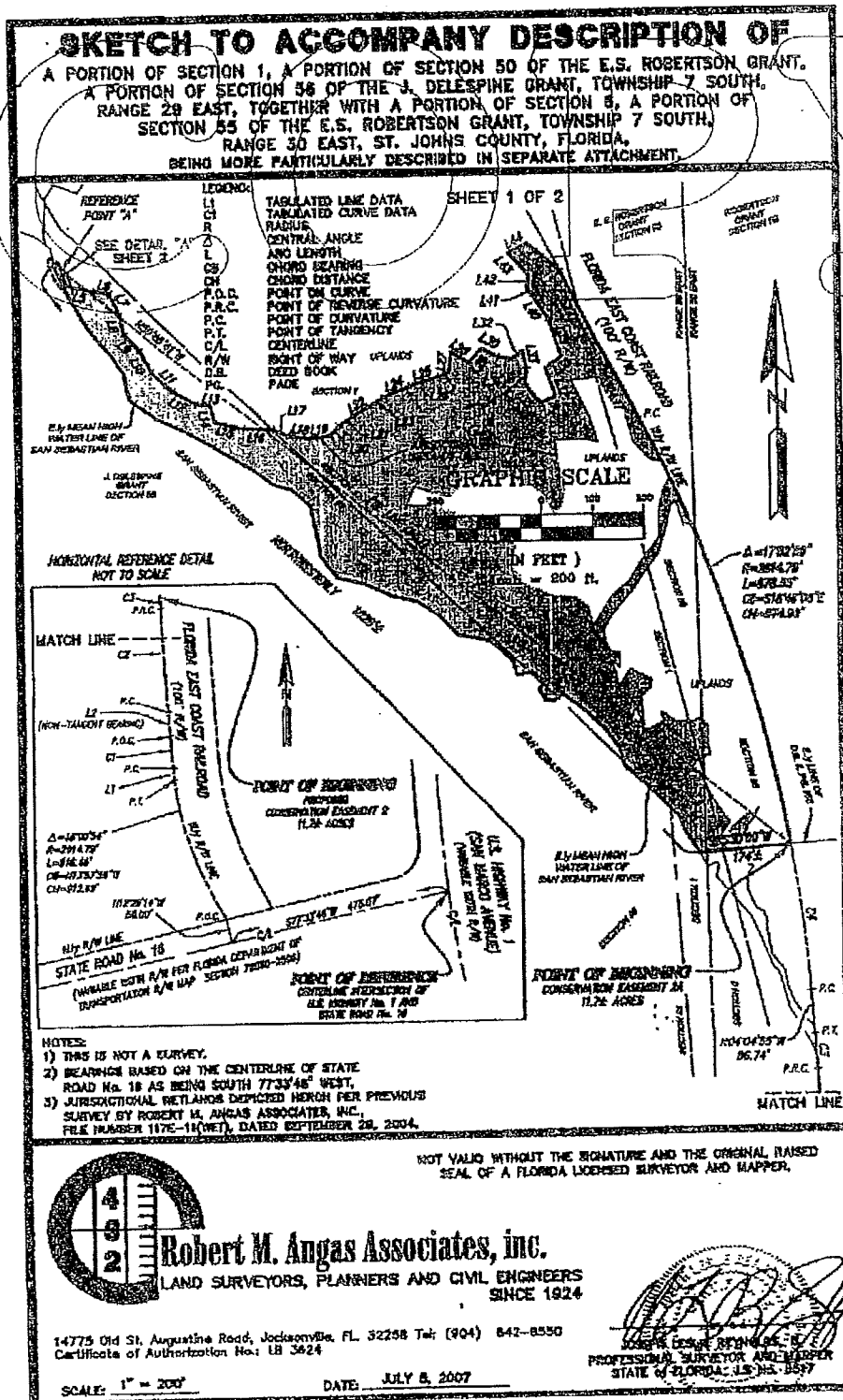
A portion of Section 1, a portion of Section 50 of the E.S. Robertson Grant, a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with a portion of Section 6, a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, 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.

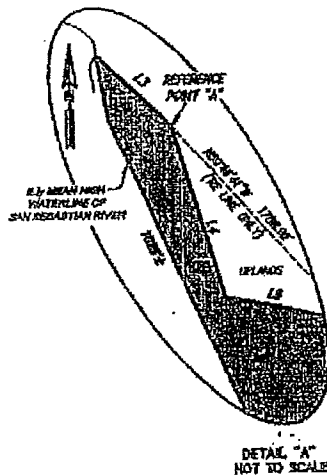
From said Point of Beginning, thence South 85°30'00" West, departing said Westerly right of way line, and along said Southerly line of Deed Book 8, page 558, a distance of 174 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, 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'	89.81'	N0120°00'W
C2	0107.30°	11508.18'	228.45'	N0120°45'W
C3	0124.00°	2814.72'	88.40'	N0122°25'W
C4	0544.11°	2014.72'	282.23'	N0527°15'W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N043°22'W	24.60'
L2	N014°34'W	50.00'
L3	S45°33'E	18.5'
L4	S18°43'E	31.83'
L5	S78°28'E	48.65'
L6	S77°22'E	33.43'
L7	S65°10'E	51.64'
L8	S12°30'E	40.50'
L9	S45°18'E	44.39'
L10	S27°36'E	58.65'
L11	S45°12'E	55.35'
L12	S80°36'E	52.28'
L13	S82°15'E	26.18'
L14	S14°32'E	31.00'
L15	S72°14'E	38.52'
L16	S87°04'E	37.31'
L17	S86°32'E	31.41'
L18	S81°10'E	42.49'
L19	N011°40'E	40.50'
L20	N40°10'E	27.18'
L21	N08°28'E	31.40'
L22	N58°31'E	33.86'
L23	N58°08'E	34.05'
L24	N47°08'E	54.25'
L25	N72°04'E	52.84'
L26	N71°45'E	20.84'
L27	N05°31'E	41.40'
L28	S82°12'E	40.07'
L29	N18°30'E	35.70'
L30	S84°40'E	34.59'
L31	S84°10'E	28.32'
L32	N50°30'E	23.31'
L33	S11°22'E	38.18'
L34	S01°40'W	38.04'
L35	S10°20'E	42.39'
L36	N88°07'E	31.88'
L37	N10°12'W	58.56'
L38	N55°03'E	17.80'
L39	N18°30'W	26.08'
L40	N15°37'W	33.88'
L41	N08°24'W	38.18'
L42	N10°24'E	24.27'
L43	N43°01'W	57.37'
L44	N08°30'E	40.51'
L45	S47°32'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.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32228 (904) 842-0580

Conservation Easement 2B

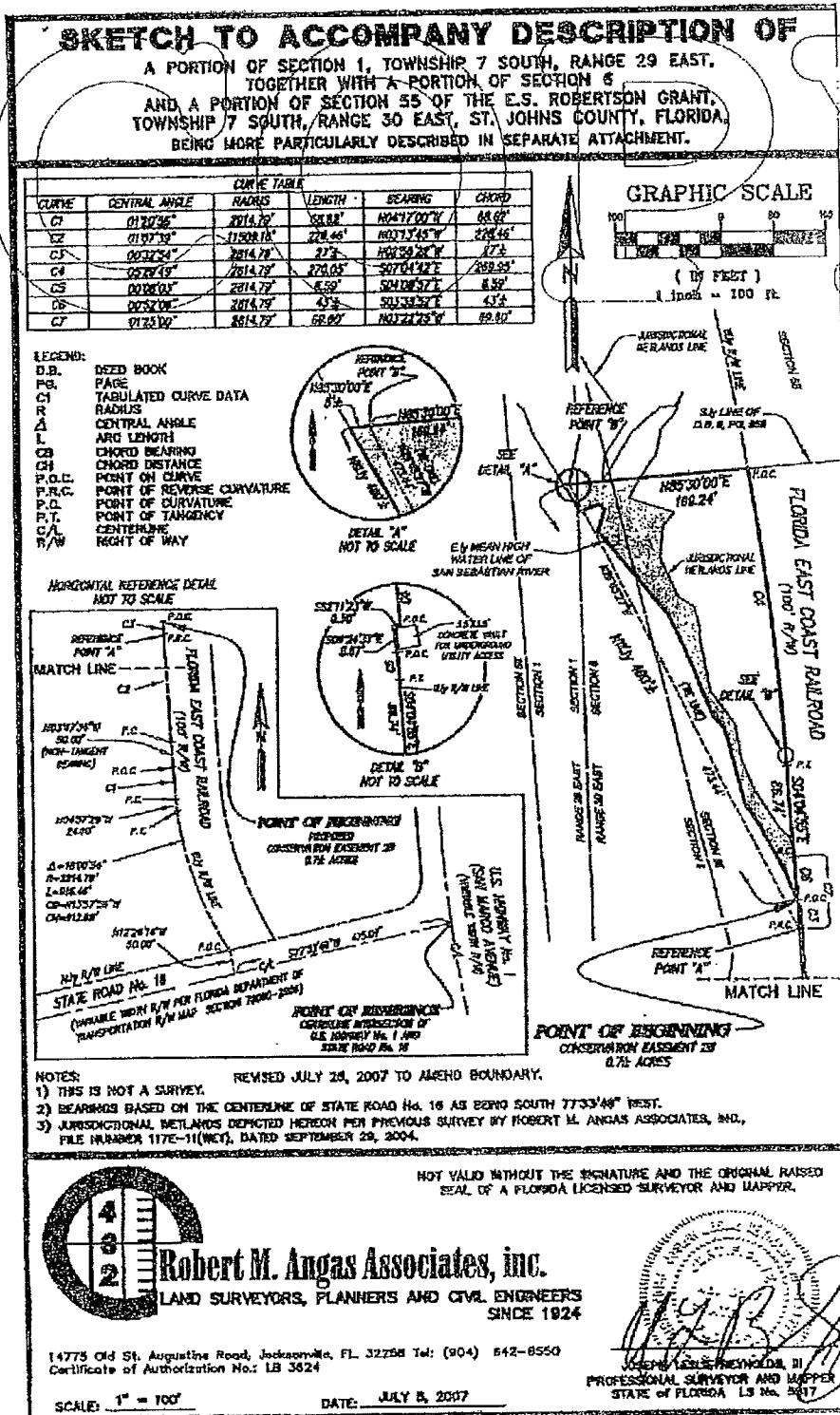
A portion of Section 1, Township 7 South, Range 29 East, together with a portion of Section 6 and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

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,

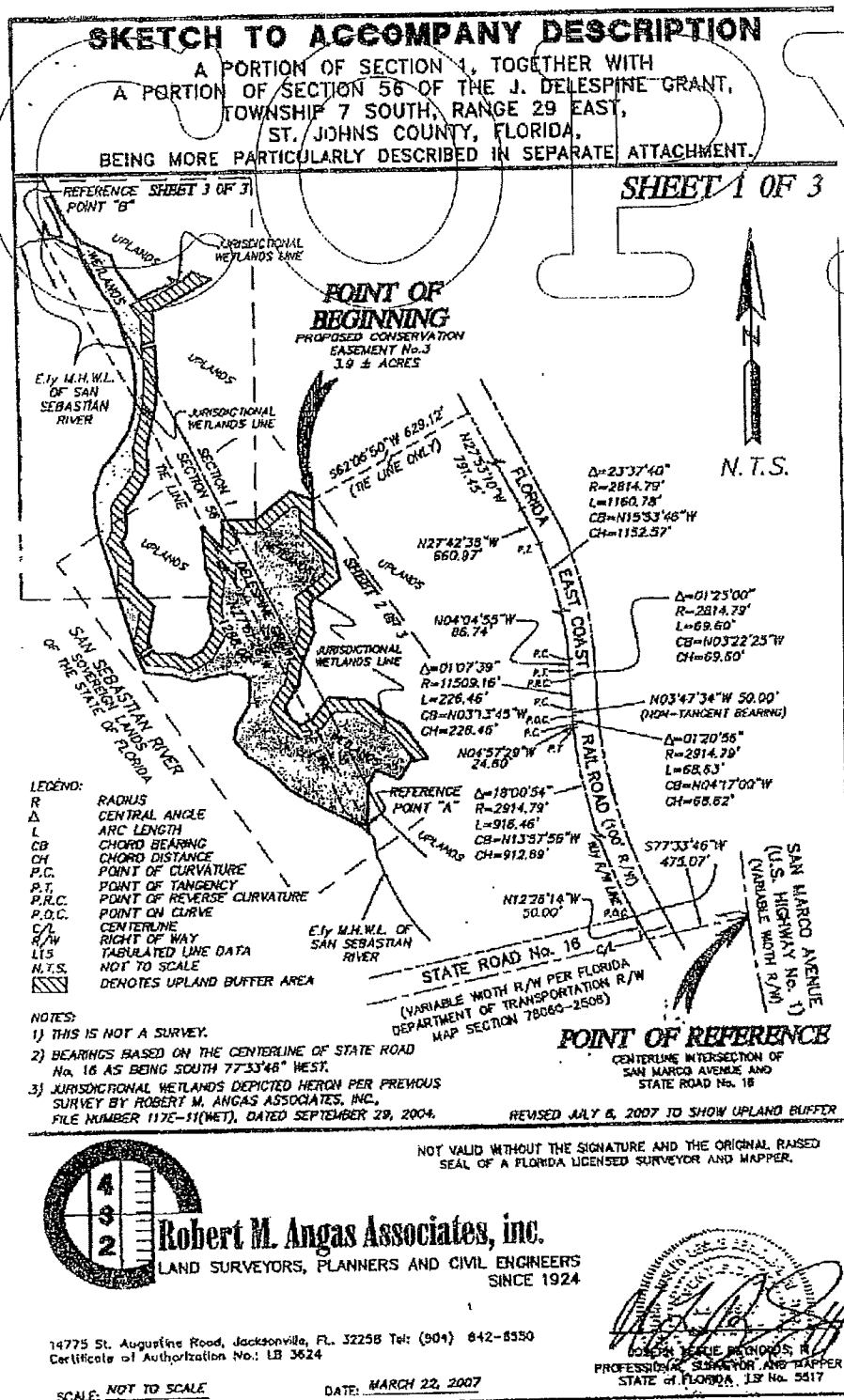
Conservation Easement 3 (cont.)

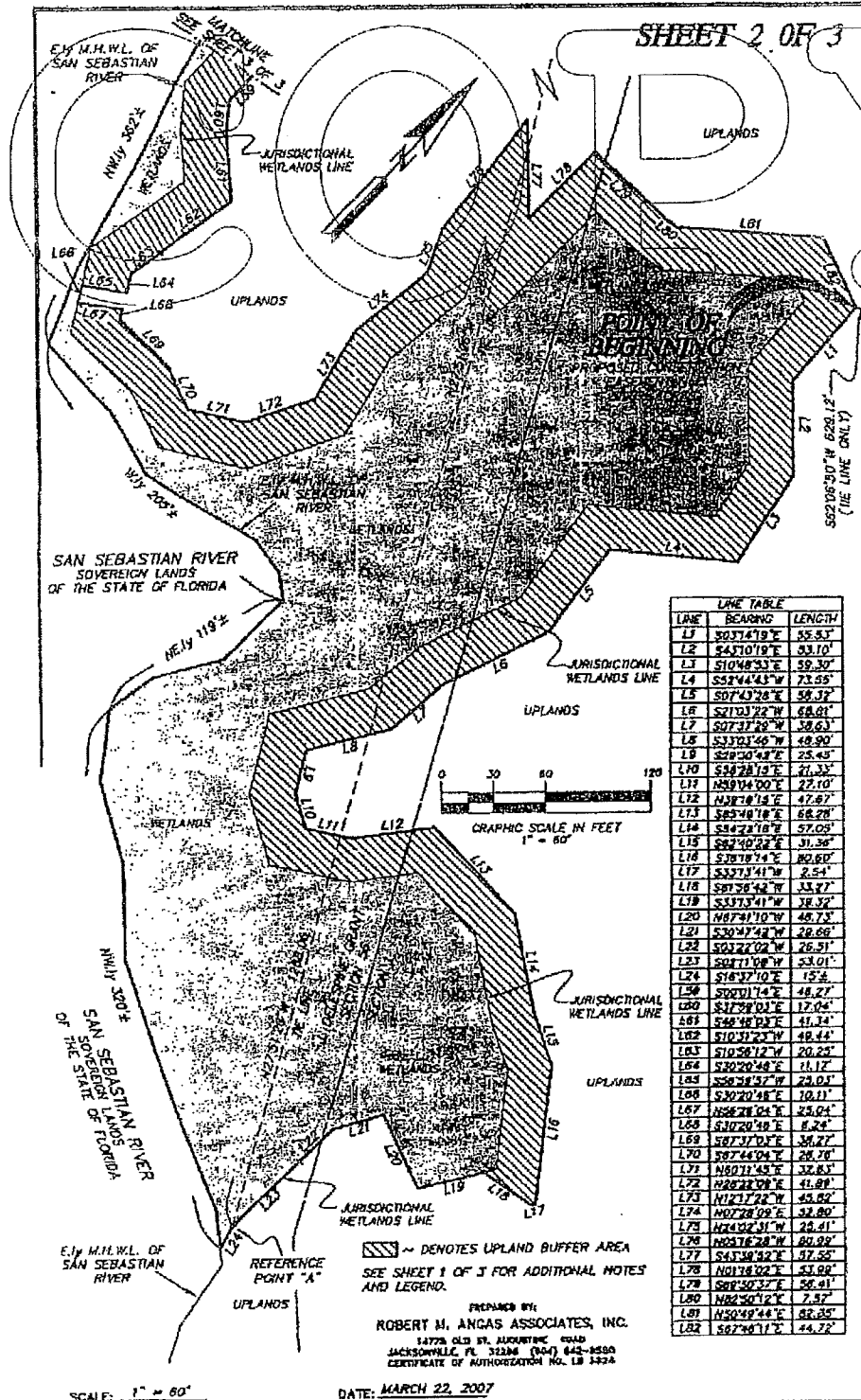
660.97 feet; Course 10, thence North 27°53'10" West, 791.45 feet; thence South 62°06'50" West, departing said Westerly right of way line, 629.12 feet to the Point of Beginning.

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.



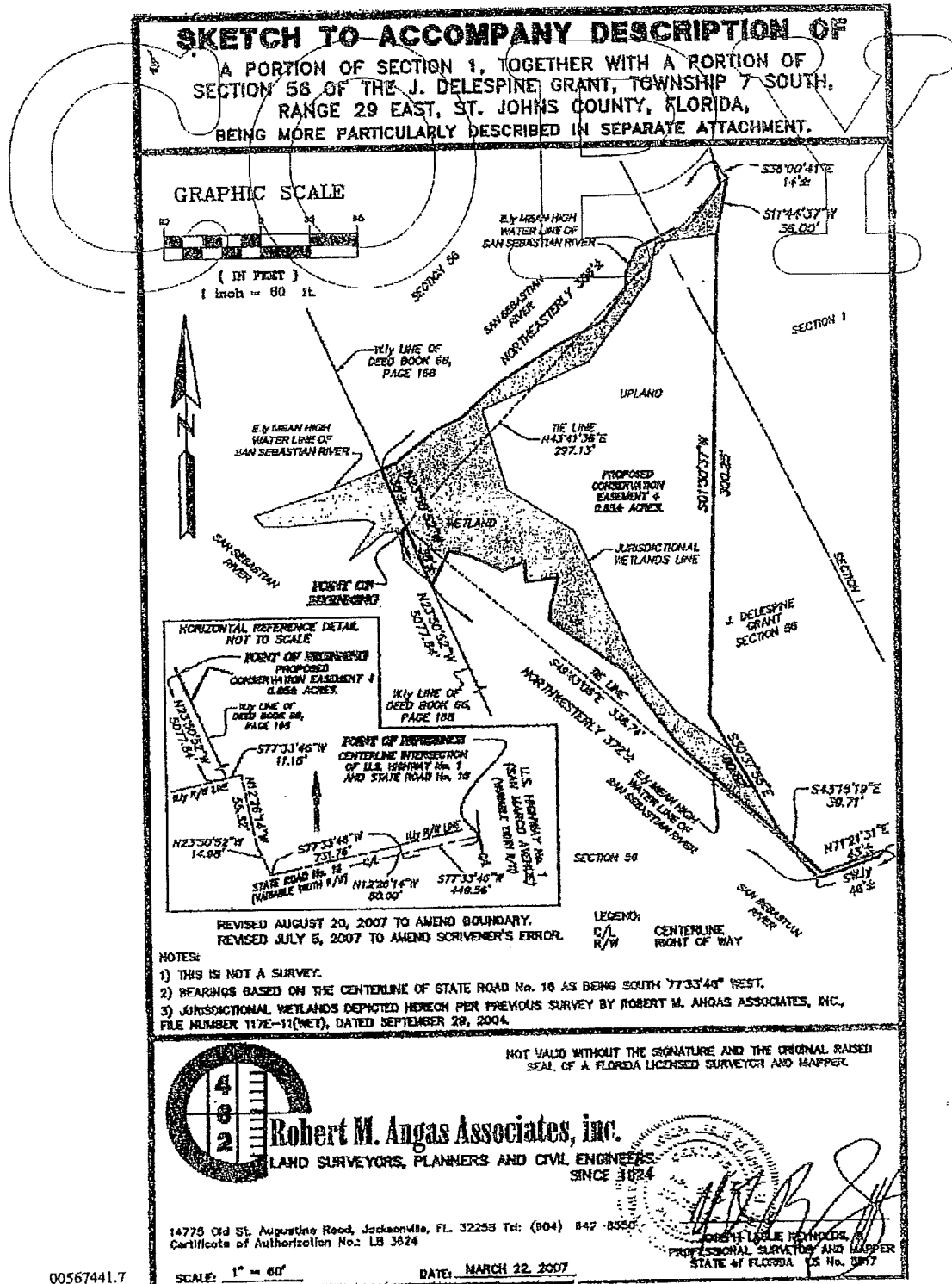


Conservation Easement 4

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.



Attachment 4
Survey
6/4/2018

ST. AUGUSTINE
ST. JOHNS COUNTY, FLORIDA

Field No./Pg	Old B/c	Survey Date
DB	JMB	06-05-18
Party Count	Item B/c	Drawing Date
---	BLP	06-04-18
Certified To: CONVE/ OPMENT GROUP		
1		
2		

Request ID	Date	Description
17	04-04-18	ADDITIONAL GRASSHOPPER STRUCTURE DATA INCLUDED
18	04-05-18	ADDITIONAL WATER MAIN LOCATION PER CLIENT REQUEST

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-05-16 BY [redacted]
REASON: [redacted]

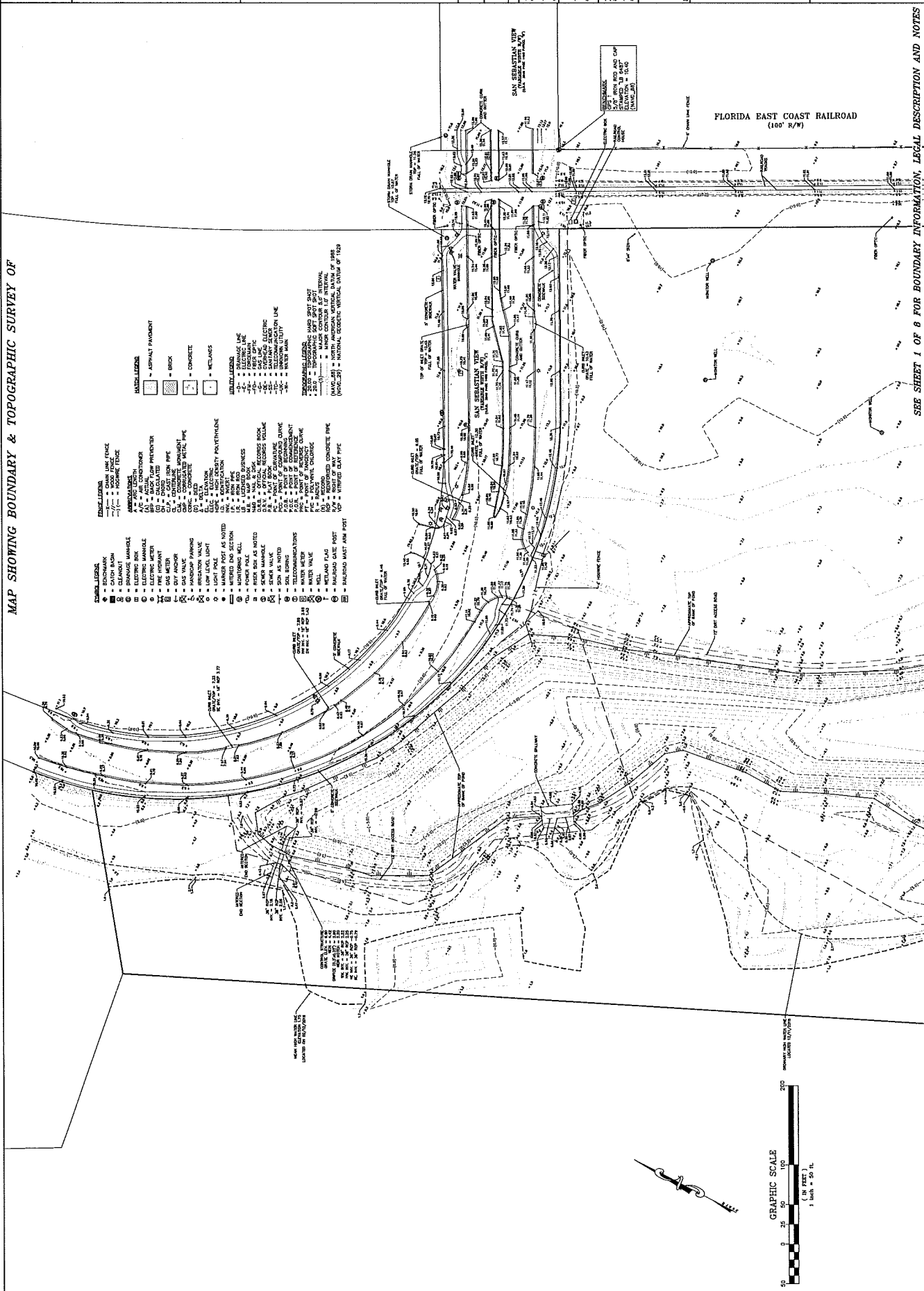
PLITMAN, P.S.M.
P.O. Box 1

NO 4877

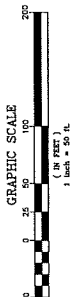
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-05-16 BY [redacted]
REASON: [redacted]

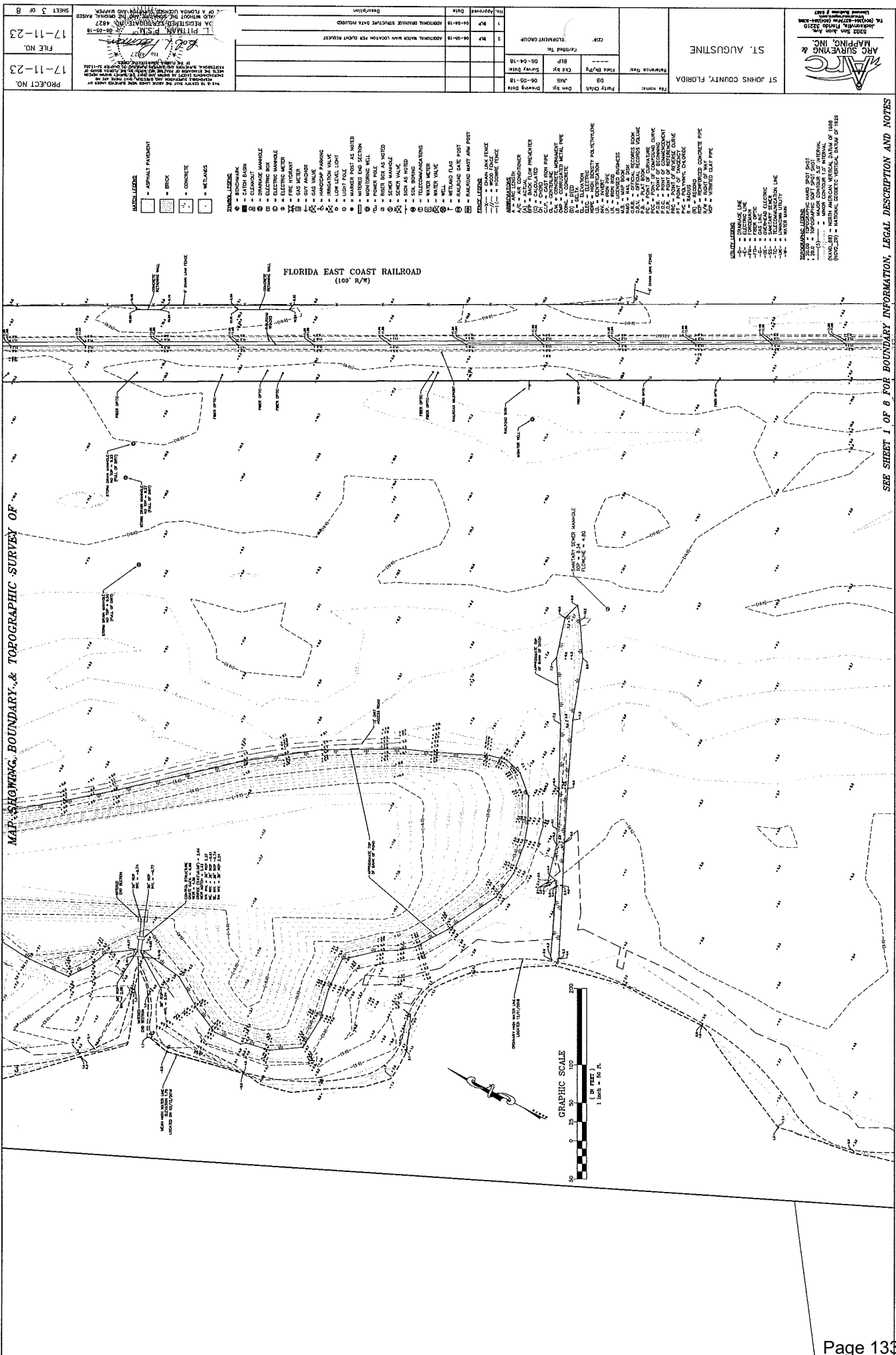
PROJECT NO.	7-11-23
FILE NO.	7-11-23
SHEET 2 OF 8	

MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF

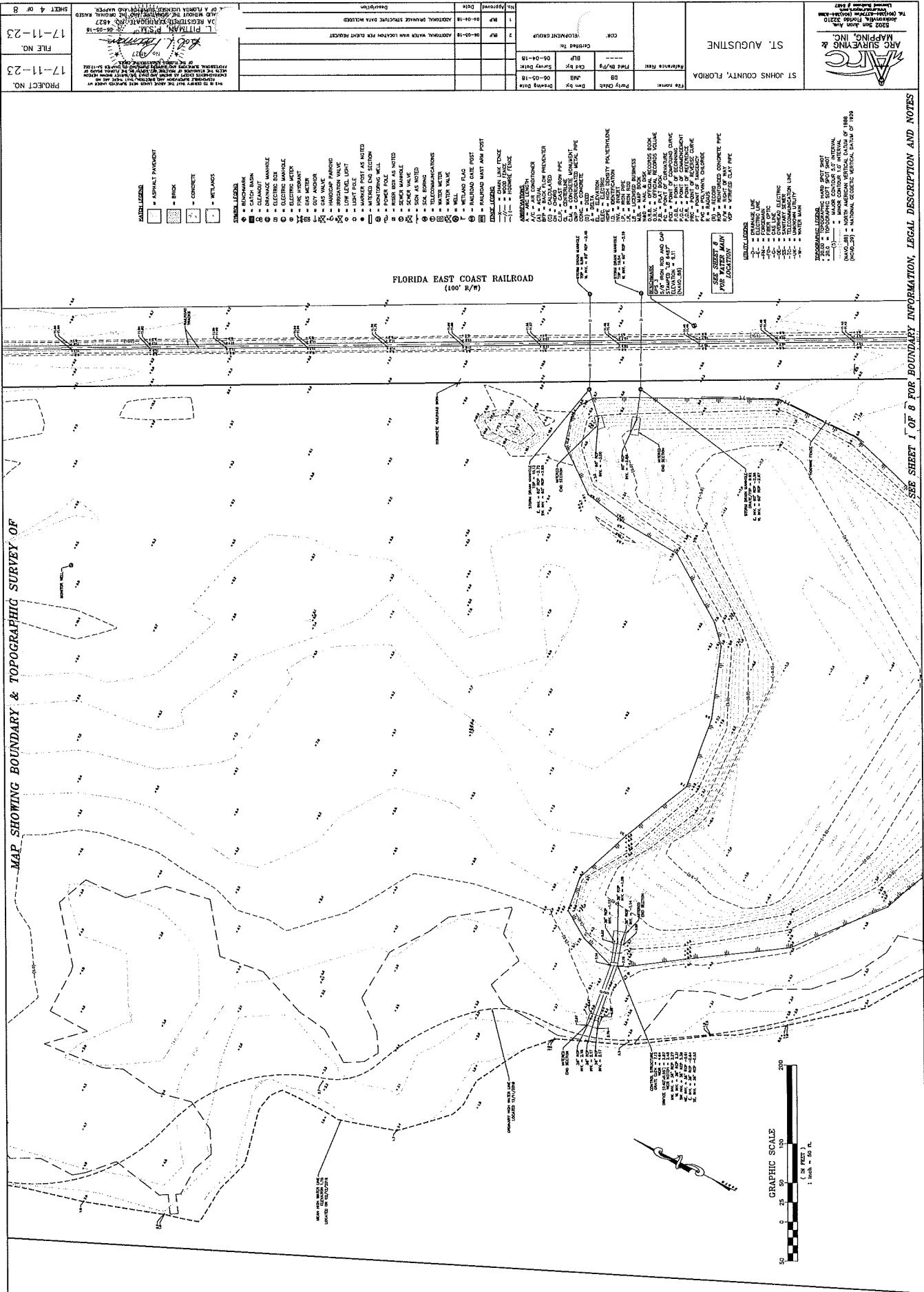


SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES



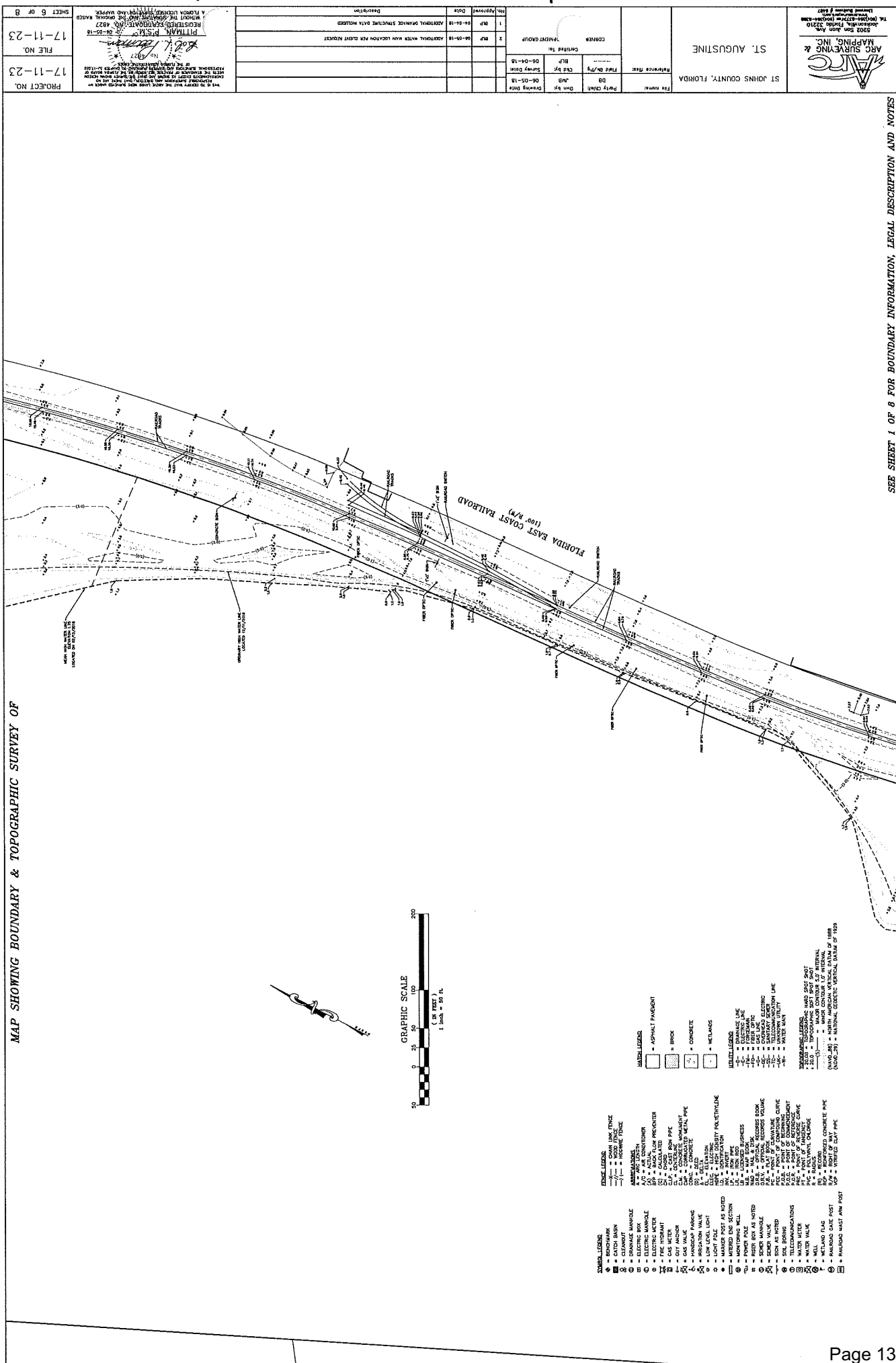


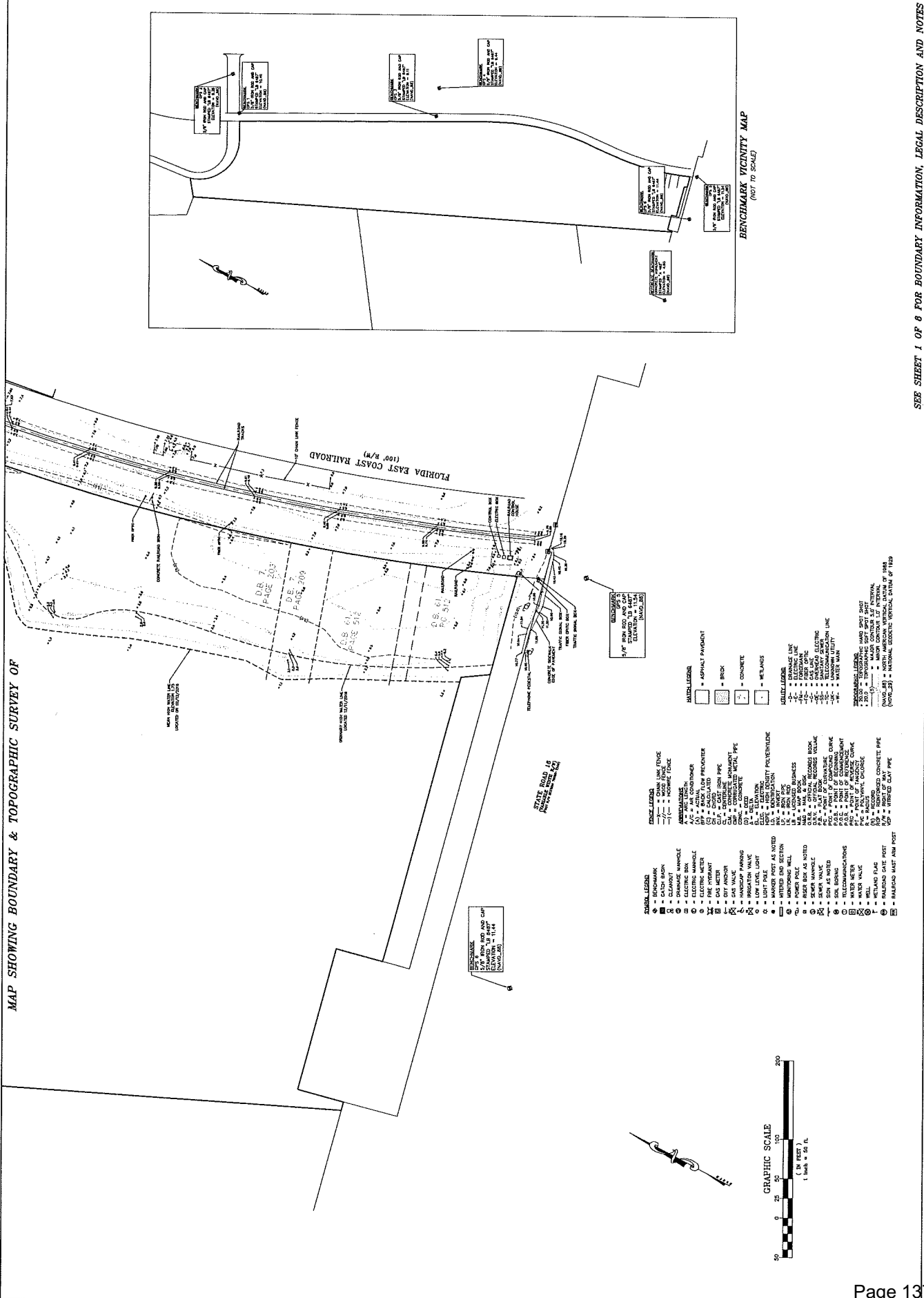
MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



PROJECT NO.	17-11-23	FILE NO.	17-11-23	SHEET 4 OF 8
ARC SURVEYING & MAPPING, INC. 15002 SW 10th Ave Suite 100, Fort Lauderdale, FL 33325 (954) 341-1111 www.arsurveying.com ST. AUGUSTINE ST. JOHNS COUNTY, FLORIDA				
DATE: 06-01-18 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature] DESCRIPTION: AERIAL PHOTOGRAPHIC SURVEY DATA COLLECTED				
DATE: 06-01-18 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature] DESCRIPTION: AERIAL PHOTOGRAPHIC SURVEY DATA COLLECTED				

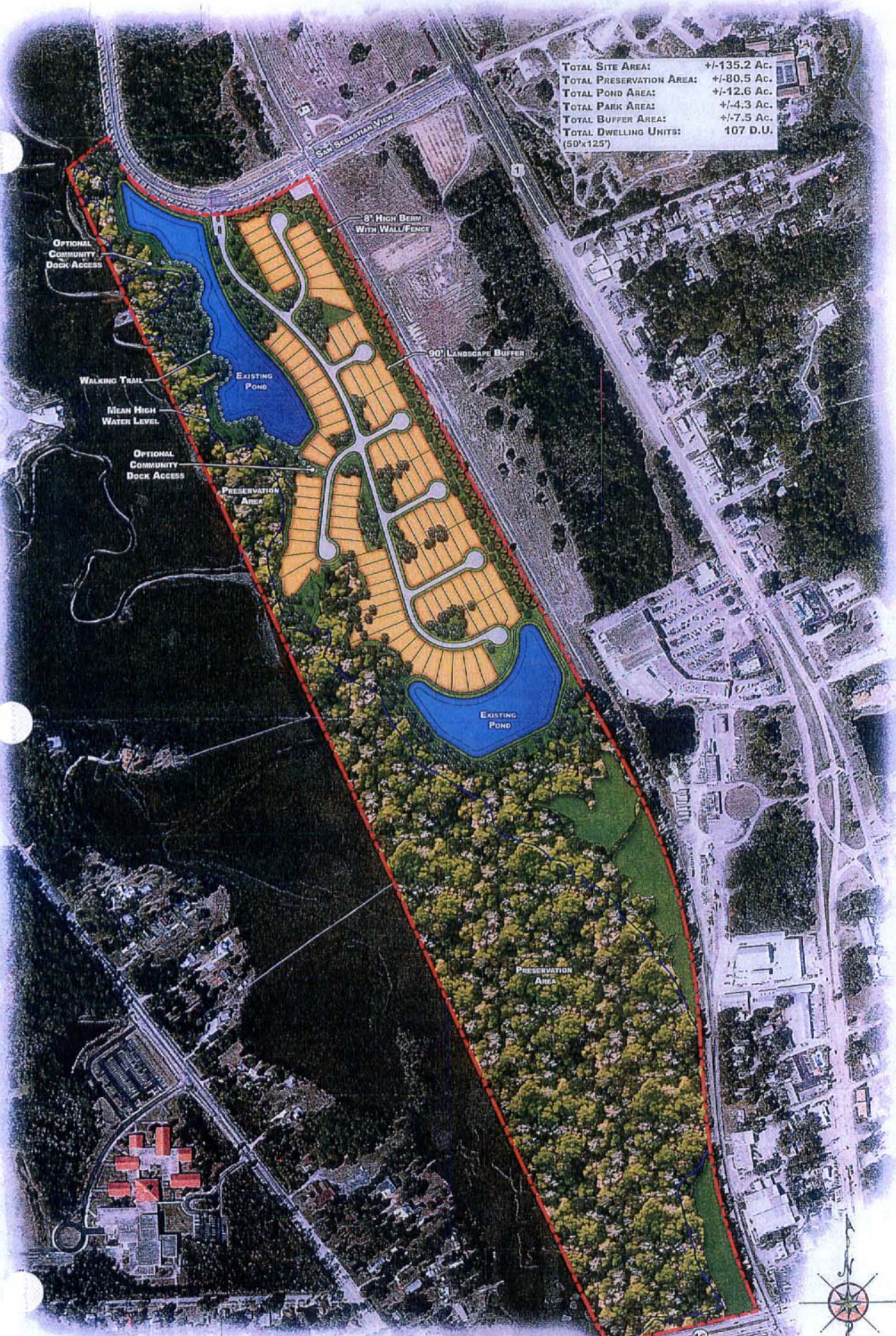
SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES





Attachment 5
Conceptual Map
Ord. 2013-18

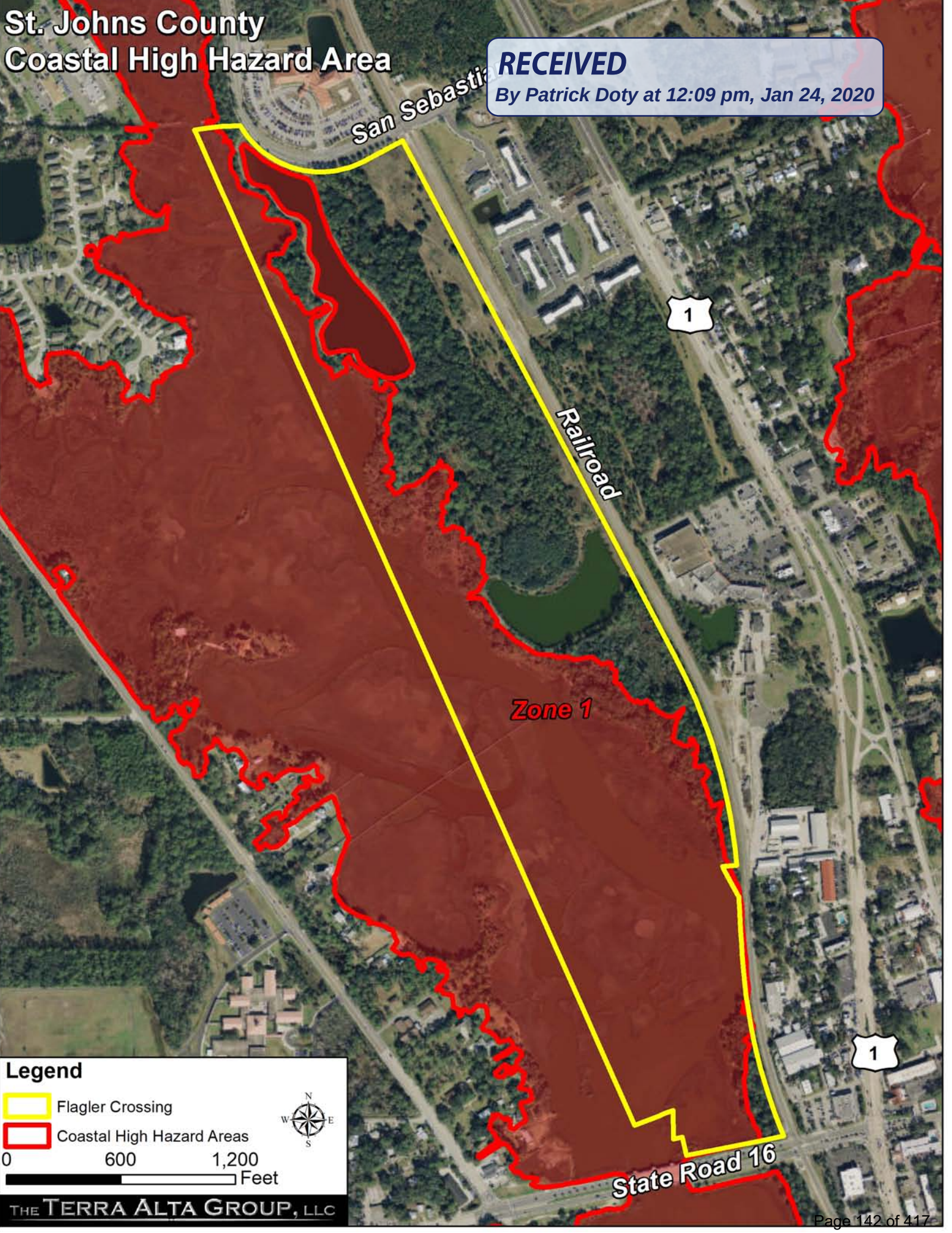
TOTAL SITE AREA: +/-135.2 AC.
 TOTAL PRESERVATION AREA: +/-80.5 AC.
 TOTAL POND AREA: +/-12.6 AC.
 TOTAL PARK AREA: +/-4.3 AC.
 TOTAL BUFFER AREA: +/-7.5 AC.
 TOTAL DWELLING UNITS: 107 D.U.
 (50'x125')



Attachment 6
Coastal High
Hazard Area
Map

St. Johns County
Coastal High Hazard Area

RECEIVED
By Patrick Doty at 12:09 pm, Jan 24, 2020



Legend

Flagler Crossing

Coastal High Hazard Areas

0 600 1,200 Feet

Attachment 7
Recorded
Conservation
Easements
OR 2988/717

1
24

Return to:
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529

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.

COPY
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

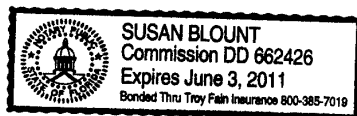
Signature: [Signature]
Print Name: James A. Hoener

Signature: [Signature]
Heidi J. Eddins
Its Secretary

Signature: [Signature]
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.



[Signature]
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.

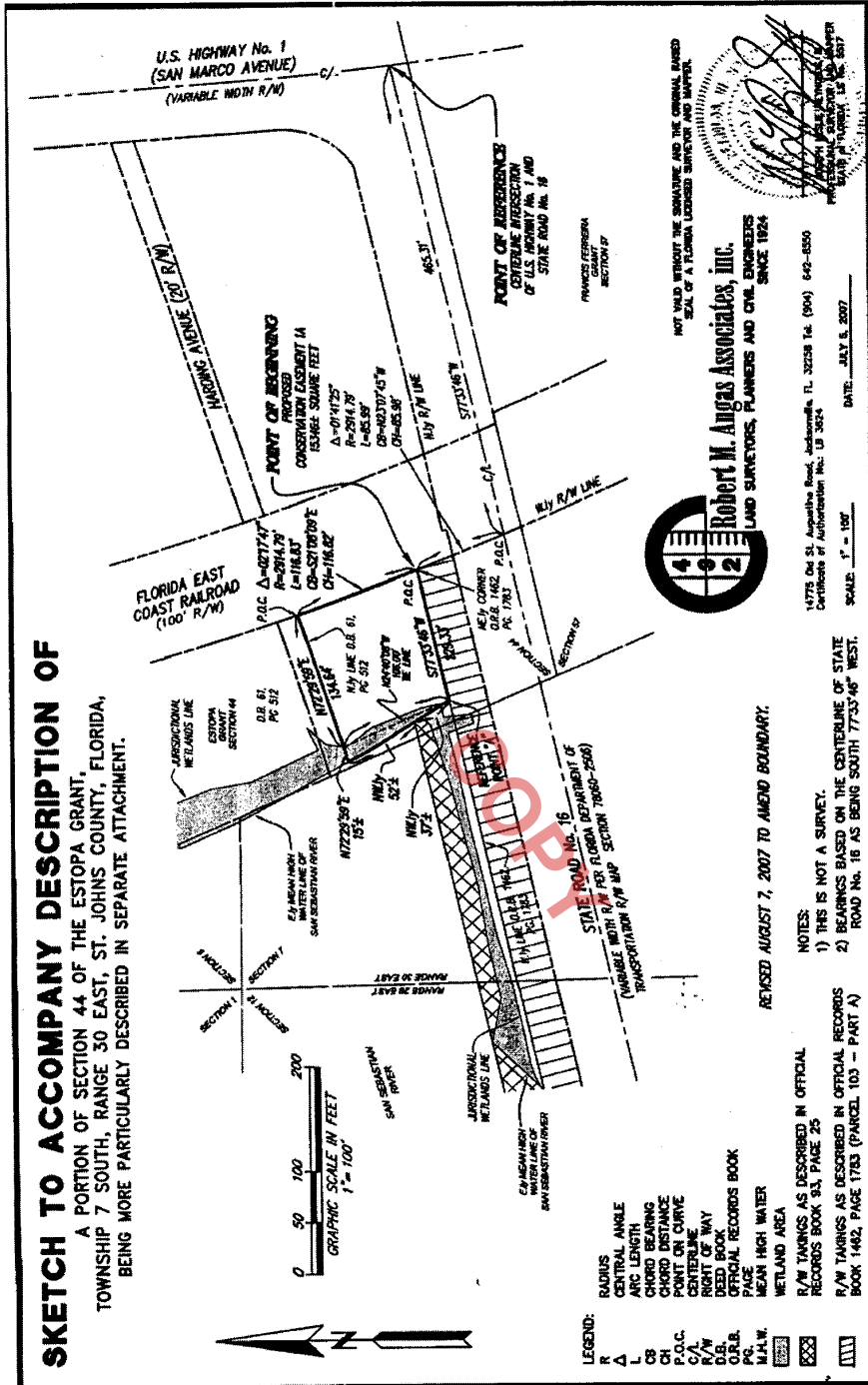


Exhibit "A," page 2 of 19

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.

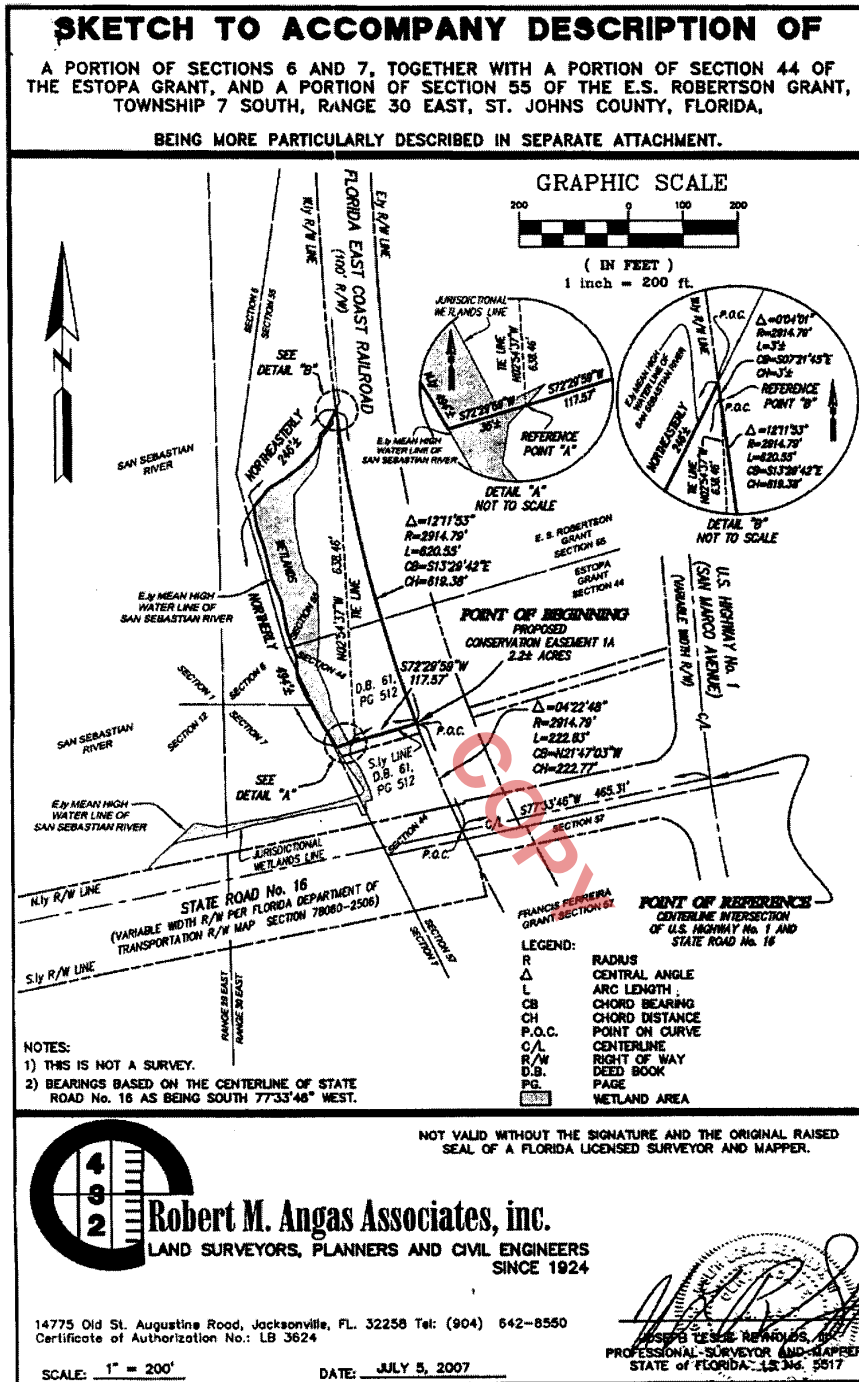


Exhibit "A," page 4 of 19

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.

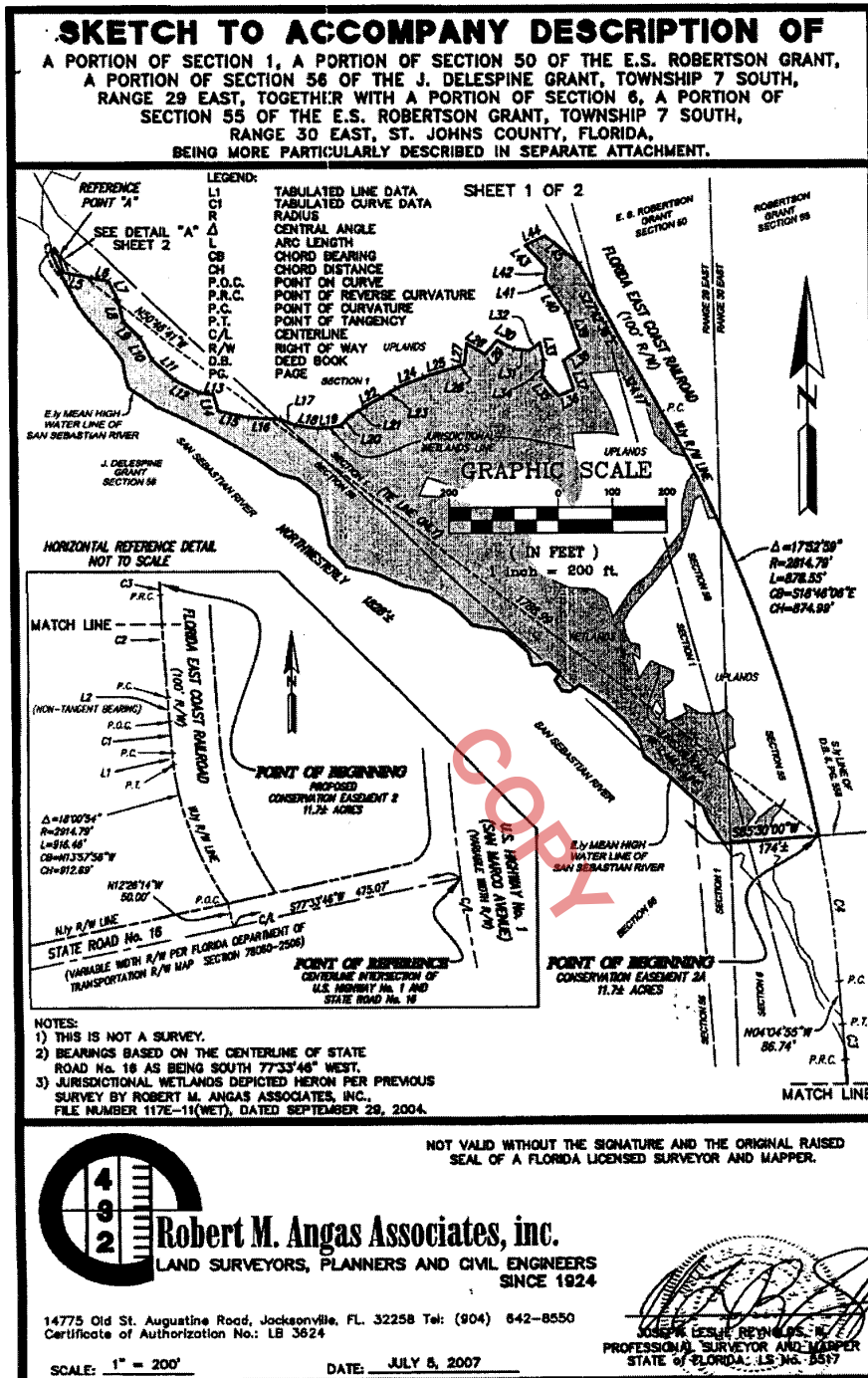
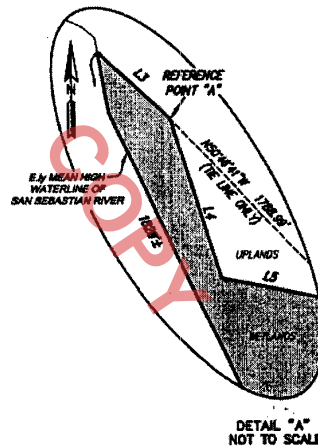


Exhibit "A," page 7 of 19

A PORTION OF SECTION 1, A PORTION OF SECTION 50 OF THE E.S. ROBERTSON GRANT,
A PORTION OF SECTION 58 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.

CURVE TABLE					
CURVE	CENTRAL ANGLE	RADIUS	LENGTH	BEARING	CHORD
C1	01°20'58"	2815.79'	68.82'	N04°17'00"W	68.82'
C2	01°07'39"	11508.16'	226.45'	N03°13'45"W	226.45'
C3	01°25'00"	2815.79'	68.80'	N03°22'25"W	68.80'
C4	05°44'41"	2815.79'	282.23'	N06°57'16"W	282.11'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°37'29"W	26.60'
L2	N03°47'34"W	50.00'
L3	S45°31'10"E	18.3'
L4	S18°54'31"E	31.83'
L5	S78°28'39"E	48.65'
L6	S79°27'24"E	33.43'
L7	S25°15'04"E	41.64'
L8	S12°30'58"E	40.30'
L9	S45°16'10"E	44.39'
L10	S27°42'56"E	48.65'
L11	S45°17'51"E	55.35'
L12	S80°56'32"E	52.28'
L13	S82°19'57"E	26.16'
L14	S14°37'23"E	33.00'
L15	S75°39'43"E	58.32'
L16	S87°05'46"E	57.33'
L17	S86°32'08"E	31.41'
L18	S81°03'10"E	42.49'
L19	N83°11'40"E	40.57'
L20	N40°31'07"E	27.18'
L21	N38°38'02"E	31.40'
L22	N58°31'23"E	35.86'
L23	N56°10'36"E	34.05'
L24	N87°20'18"E	54.23'
L25	N72°04'25"E	52.84'
L26	N71°04'19"E	20.64'
L27	N05°53'15"E	41.40'
L28	S58°21'24"E	40.07'
L29	N39°50'08"E	35.74'
L30	S58°42'37"E	34.59'
L31	S84°07'47"E	28.22'
L32	N50°30'18"E	23.31'
L33	S11°27'22"E	38.16'
L34	S05°40'44"W	32.09'
L35	S39°20'01"E	47.38'
L36	N66°07'32"E	38.88'
L37	N18°19'13"W	58.58'
L38	N55°10'55"E	37.80'
L39	N18°30'51"W	76.08'
L40	N33°13'21"W	55.28'
L41	N36°34'22"W	18.18'
L42	N10°24'53"E	24.27'
L43	N43°01'56"W	57.32'
L44	N62°38'40"E	40.51'
L45	S49°13'23"E	82.62'



SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR GENERAL NOTES AND LEGEND.

DATE: JULY 5, 2007

PREPARED BY:
ROBERT M. ANGAS ASSOCIATES, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32256 (904) 842-8880

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.

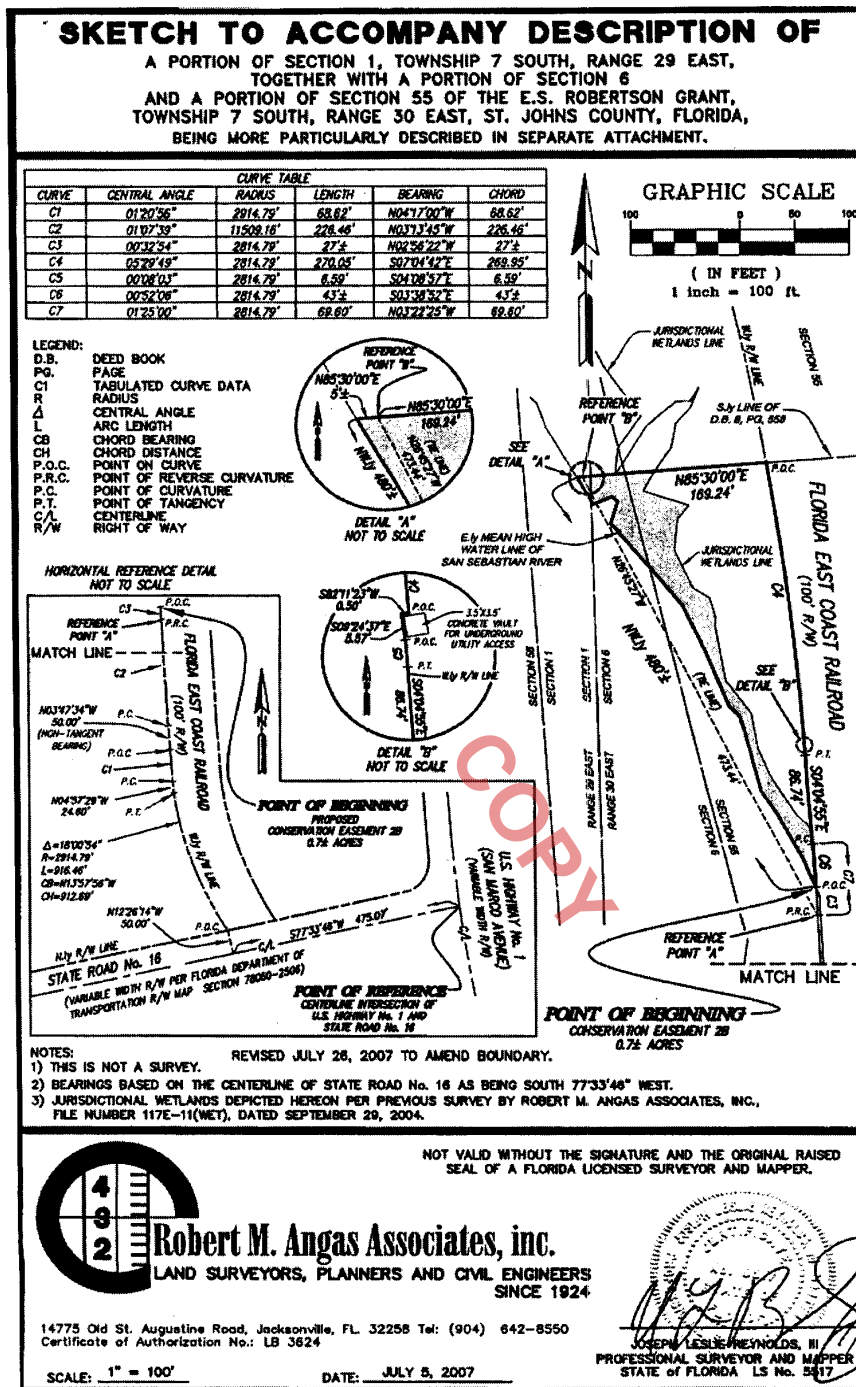


Exhibit "A," page 11 of 19

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.

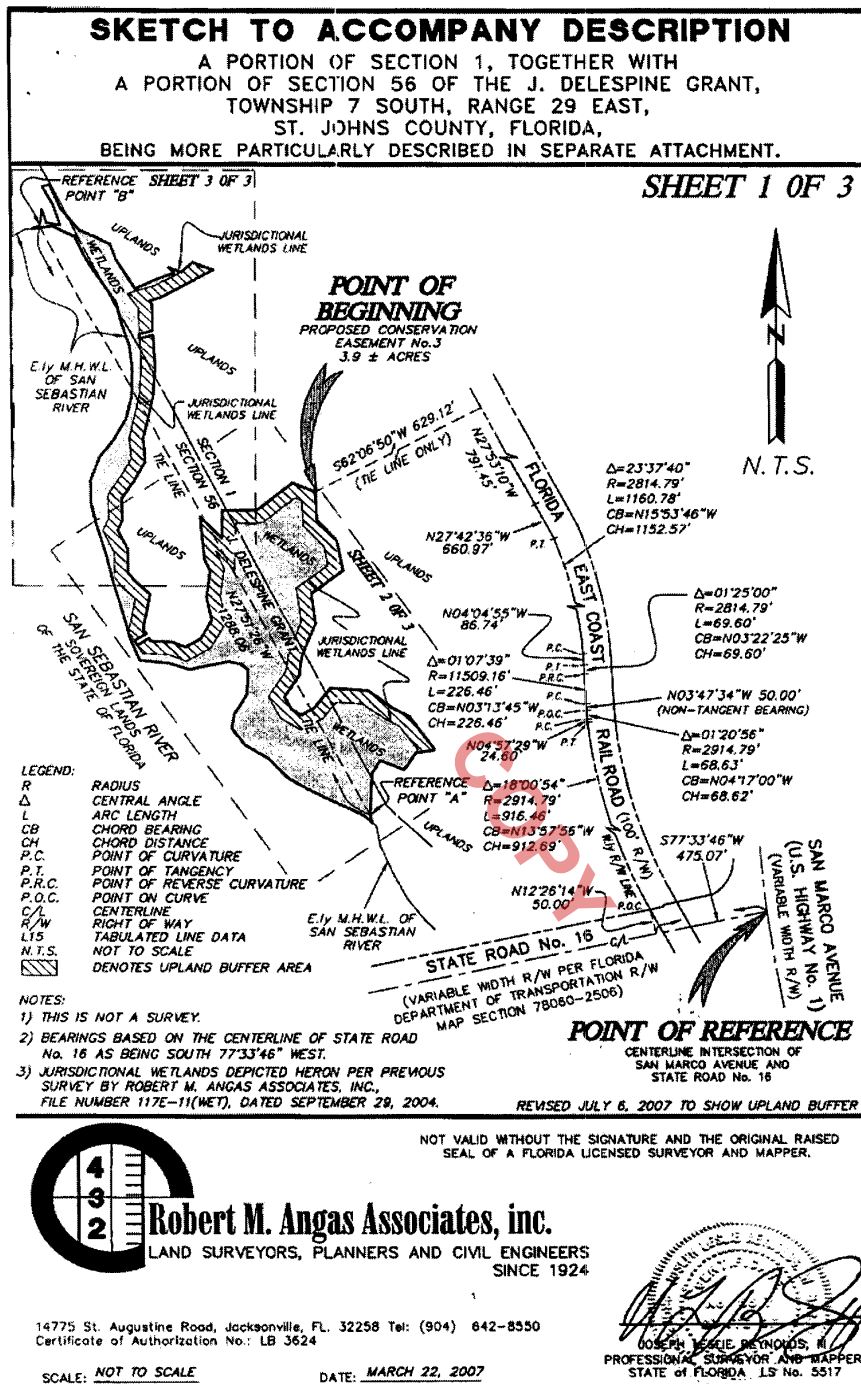


Exhibit "A," page 15 of 19

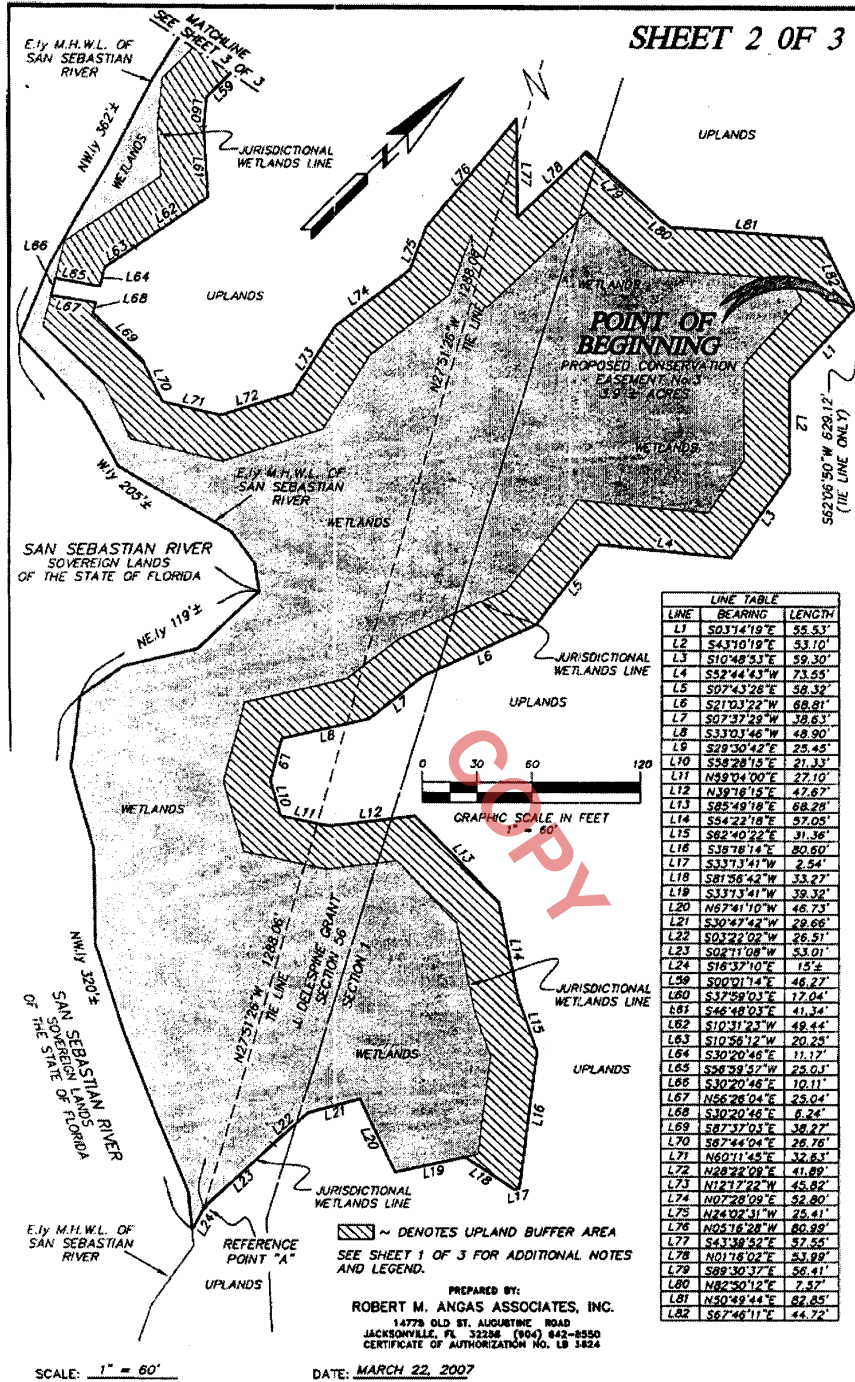


Exhibit "A," page 16 of 19

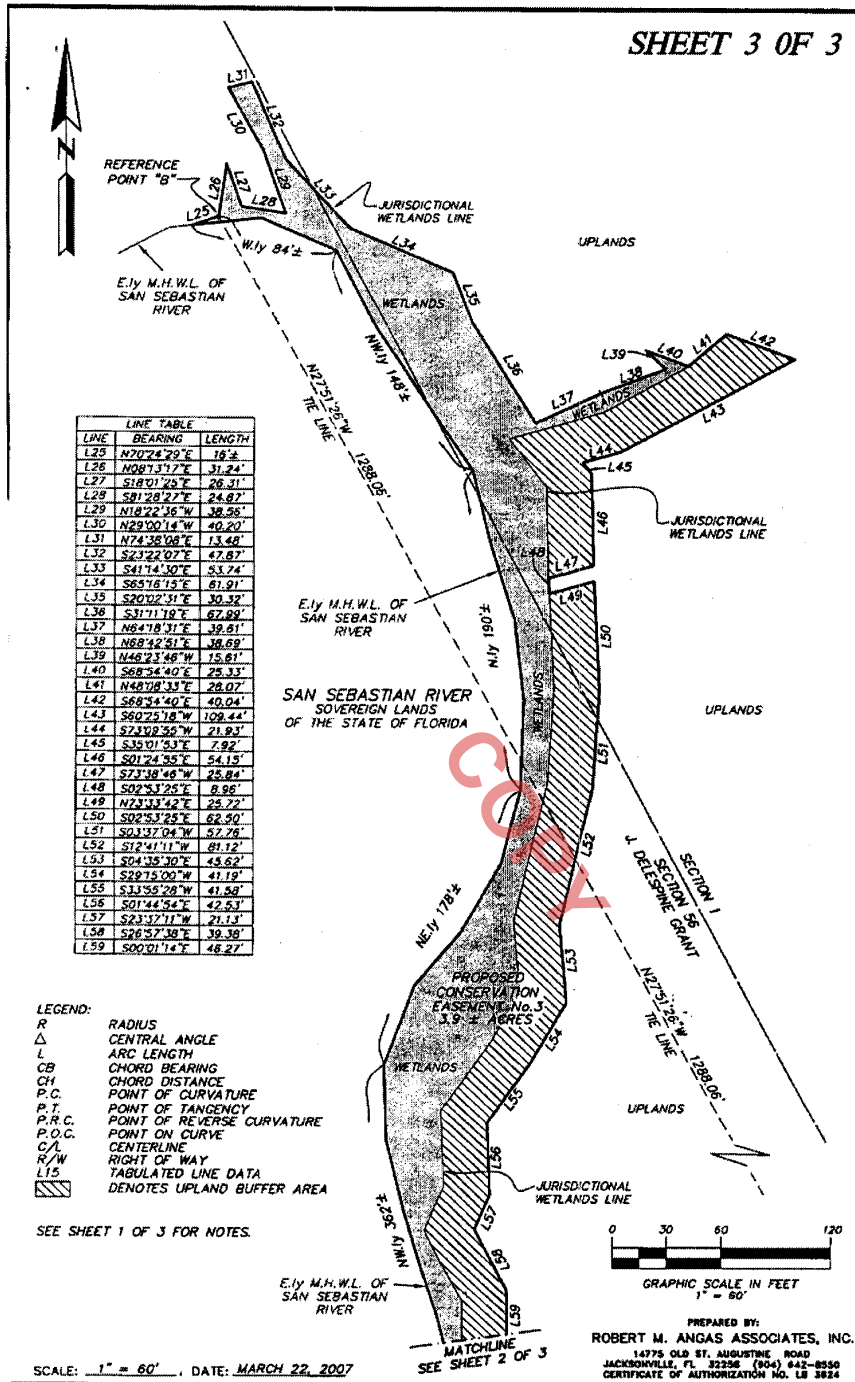


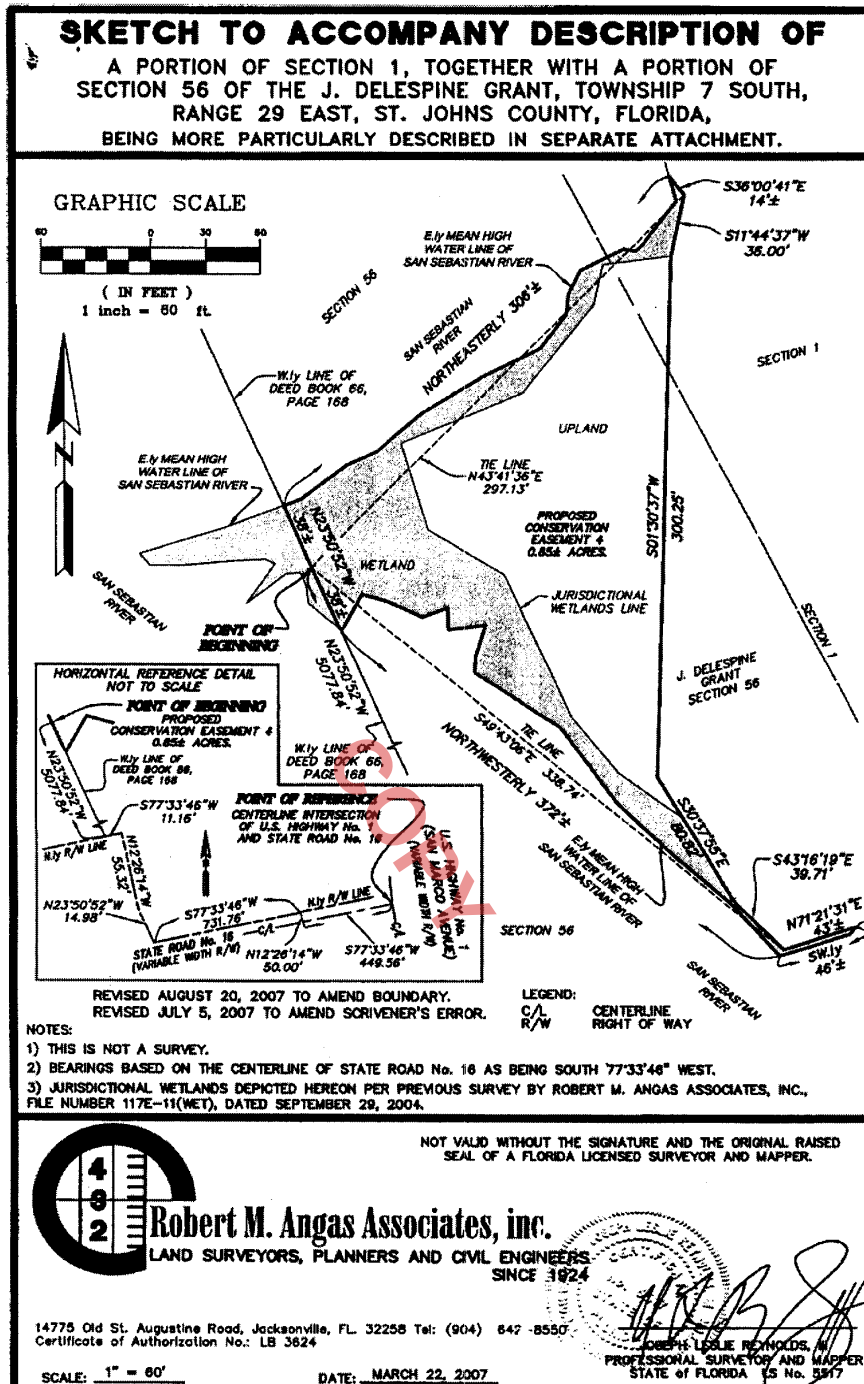
Exhibit "A," page 17 of 19

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

Exhibit "A," page 19 of 19

Attachment 8 Survey
w/ Conservation
Easements

CITY OF ST. AUGUSTINE

MEMORANDUM

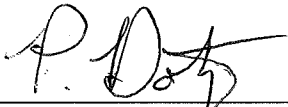
TO: Planning & Zoning Board

DATE: February 4, 2020

RE: Variance 2020-0005 - Robert Balch – Applicant
c/o Black Box Design, Inc.
Roland Anderson – Owner
4 Lighthouse Ave
A request to reduce the rear yard setback from 10 feet to 5 feet
within RS-2 Zoning.

This application was advertised based on the application submitted, however upon further review of the application materials, a second variance will need to be advertised prior to this item being heard by the Planning & Zoning Board.

If you have any questions, please let me know.



Patrick Doty, CFM
Senior Planner, Planning and Building Department

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020 (continued from January 7, 2020)

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0131**

AGENDA ITEM 6(a)

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

OWNER Darrell Poli

LOCATION 142, 144, 150 Riberia St / PIN 213370-0000

REQUEST To approve a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and an eight foot (8') wide by seventy-five foot (75') long floating dock within Conservation Overlay Zone 1.

PLANS DATED November 22, 2019

LAND USE Residential Medium Density/ Mixed Use

ZONING Maritime Use District (MUD)

APPLICABLE CODES/ORDINANCES

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: *Addressed in Staff Summary & Analysis*

STAFF SUMMARY AND ANALYSIS

The proposed dock and observation platform are requested to be recognized and reconstructed within the existing footprint. The proposed platform will have a footprint of approximately 882 square feet, having a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and an eight foot (8') wide by seventy five foot (75') long floating dock.

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 under construction for a restaurant.

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

Other neighboring sites have docks generally parallel to the shore. This proposed dock will be perpendicular to shore. The general area is a marine use dependent area with established working waterfronts.

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change, and the site will continue to discharge into the San Sebastian River.

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

There is no anticipated point- or non-point discharge from the construction of the proposed dock and platform.

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

The impacts are expected to be limited, and will be mitigated, if need be, by silt fencing and turbidity barriers.

- (6) Impact on floodplain.

N/A

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

It would be a minimal impact apart from disturbance during the construction process which would only be a temporary impact.

- (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 given the dimensions of the dock and location to adjacent docks and water fronts.

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

No additional effect since this proposed dock is within a heavily trafficked area on the San Sebastian River.

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

The impact would be limited to the 15' x 15' observation platform.

- (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 and observation platform 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 as it is a floating dock. No boat lifts are proposed. The applicant has provided a narrative and graphics associated with the application which has been included in attachment 2. Staff finds the narrative response to be accurate to site conditions and the development of the dock and platform proposed at the subject property.

City Public Works department has made note of existing utilities on site (attachment 3) and will require that any development on this site will be well clear of these utilities and any digging done on site is verified with the City prior to construction.

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 fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and a eight foot (8') wide by seventy-five foot (75') long floating dock in Conservation Overlay Zone 1 located at 142, 144, 150 Riberia St / PIN 213370-0000.

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

Attachments

Attachment 1 – Application & Property Appraiser Information
Attachment 2 – Conservation Overlay Narrative & Graphics
Attachment 3 – Public Works Utilities Locations

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

Attachment 1

Application, Narrative, Property Records

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): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Darrell Poli Daytime Telephone: _____

Business (if applicable): Fishermen's Harbor Marina Inc.

Address: 89 Magnolia Ave. City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 28, 29, 1 Block: 46

Subdivision: Lincolnvillle Parcel Number: 2133700000

4. PROJECT STREET ADDRESS: 142, 144, 150 Riberia St.

5. SPECIFIC PROPOSED USE: Dock Repair/Replace

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

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

12-4-19
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

RAC

Signature of applicant

12-4-19

Date

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

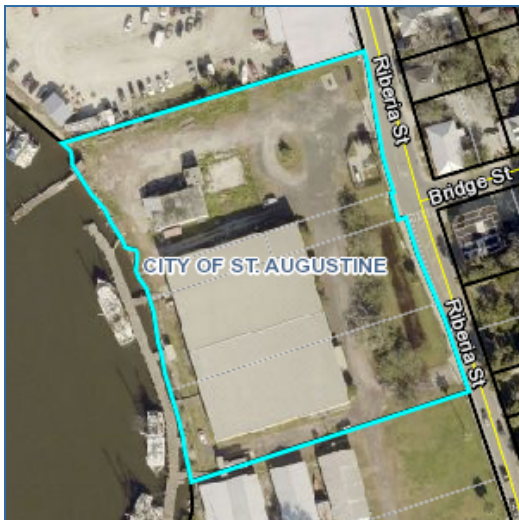
Summary

Parcel ID	2133700000
Location	142 RIBERIA ST
Address	144 RIBERIA ST 150 RIBERIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Transit Terminal Riberial St (COM) (625.02)
Tax Description*	MARSH LOTS WEST OF RIBERIA LOTS 28 & 29 & LOT 1 BLK 46-L CITY & RIP RGTS TO SAN SEBASTIAN RIVER - DB172/412 231/229 233/460 238/18 244/457 225/615 & OR12/424 66/558 318/788 & 789 & 591/643 (EX ADD'L R/W TO CITY IN OR3386/1938 & 3386/1944) & INCL PT OF VACATED BRIDGE ST PER CITY ORD#2010-39 IN OR3388/385 - BEING ALL OF OR3154/742 (EX THAT PART IN LINCOLNVILLE CRA) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Wholesale Outlets (2900)
Subdivision	Marsh Lots West of Riberia
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	2.710
Homestead	N

Owner Information

Owner Name	Fishermen's Harbor Marina Inc 100%
Mailing Address	PO BOX 513 SAINT AUGUSTINE, FL 32085-0513

Map



Attachment 2

Conservation Overlay Narrative & Graphics

**St. Augustine Fish Camp Center Re-Development
Overlay Zone Development Application Supplement
December 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development application for the repair/replacement of a dock for the St. Augustine Fish Camp Restaurant located at 142 Riberia Street (PID: 2133700000).

The St. Augustine Fish Camp is currently under construction and is leasing the northern portion of the subject property from Fishermens Harbor Marina Inc. The property owner requests approval to repair and/or replace the existing northern dock for restaurant patrons. The dock consists of a 15' x 15' observation platform and gangway leading to an 8' x 75' floating dock. The existing and proposed square footage over water is +/- 882 sq. ft.

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 restaurant via the water. Patrons will be able to walk out on the dock and enjoy river views.

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.*

The dock footprint will remain the same, thus no new impacts will occur.

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

The profile of the dock will not change, and the new dock should greatly improve the appearance of this waterfront area.

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 the restaurant and enjoy the new revitalized 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 existing dockage has been damaged by past storms and is unsafe.

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 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 will be no point or non-point discharge into the marine environment from the proposed dockage. No new water, sewer or utility service will be provided.

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

Soil erosion should not be a concern with these works, but control methods such as silt fences and floating turbidity barriers will be employed as needed.

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: None

Lighting of the open water areas at night: Lighting will remain consistent with the current approved lighting for the development.

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 pollutants or poisonous chemicals will be stored at this site.

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

None

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.*

No new impact is proposed

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.*

None anticipated

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 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.*

No boathouse is proposed.

- 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 now exceed six feet over mean high water.

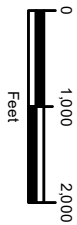
- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable



Legend

Subject Property +/- 2.71 ac.



Sources: ESRI Streets Basemap
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

Location Map

St. Augustine Fish Camp

Project: 5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

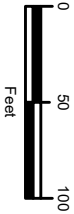
1





Legend

-  Subject Property +/- 2.71 ac.
-  Fish Camp Lease Area +/- 1.11 ac.



Sources: ESRI Streets Basemap
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

Aerial Map

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

2





Legend

-  Subject Property +/- 2.71 ac.
-  Fish Camp Lease Area +/- 1.11 ac.
-  Dock Replacement Area +/- 882 sf.
-  Federal Navigation Channel



Sources: ESRI Streets Basemap
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 Alignment

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

3



1943 Aerial

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

9

Legend

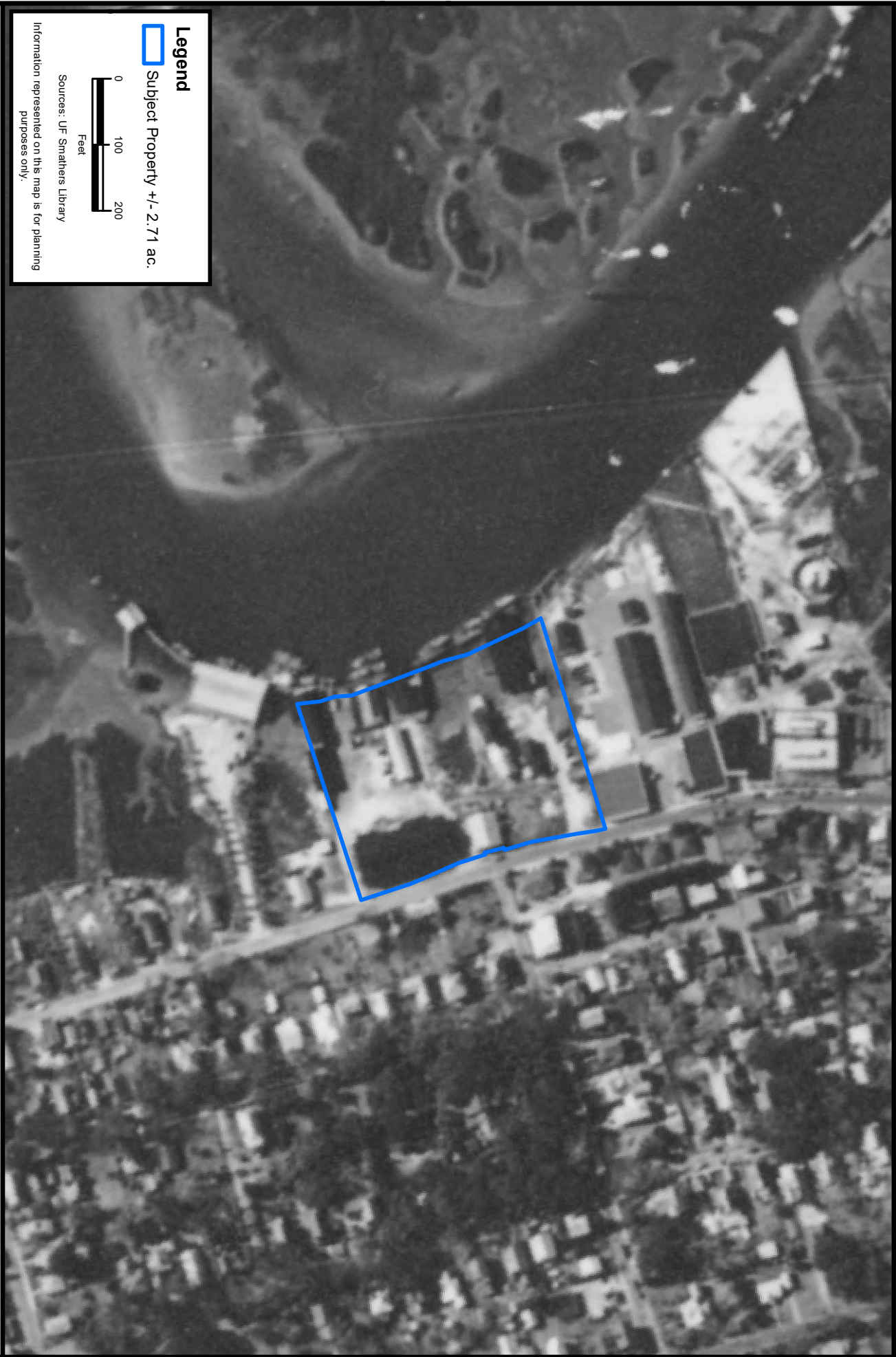
☐ Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

Information represented on this map is for planning purposes only.





Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

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

1952 Aerial

St. Augustine Fish Camp

Project:

5.19375

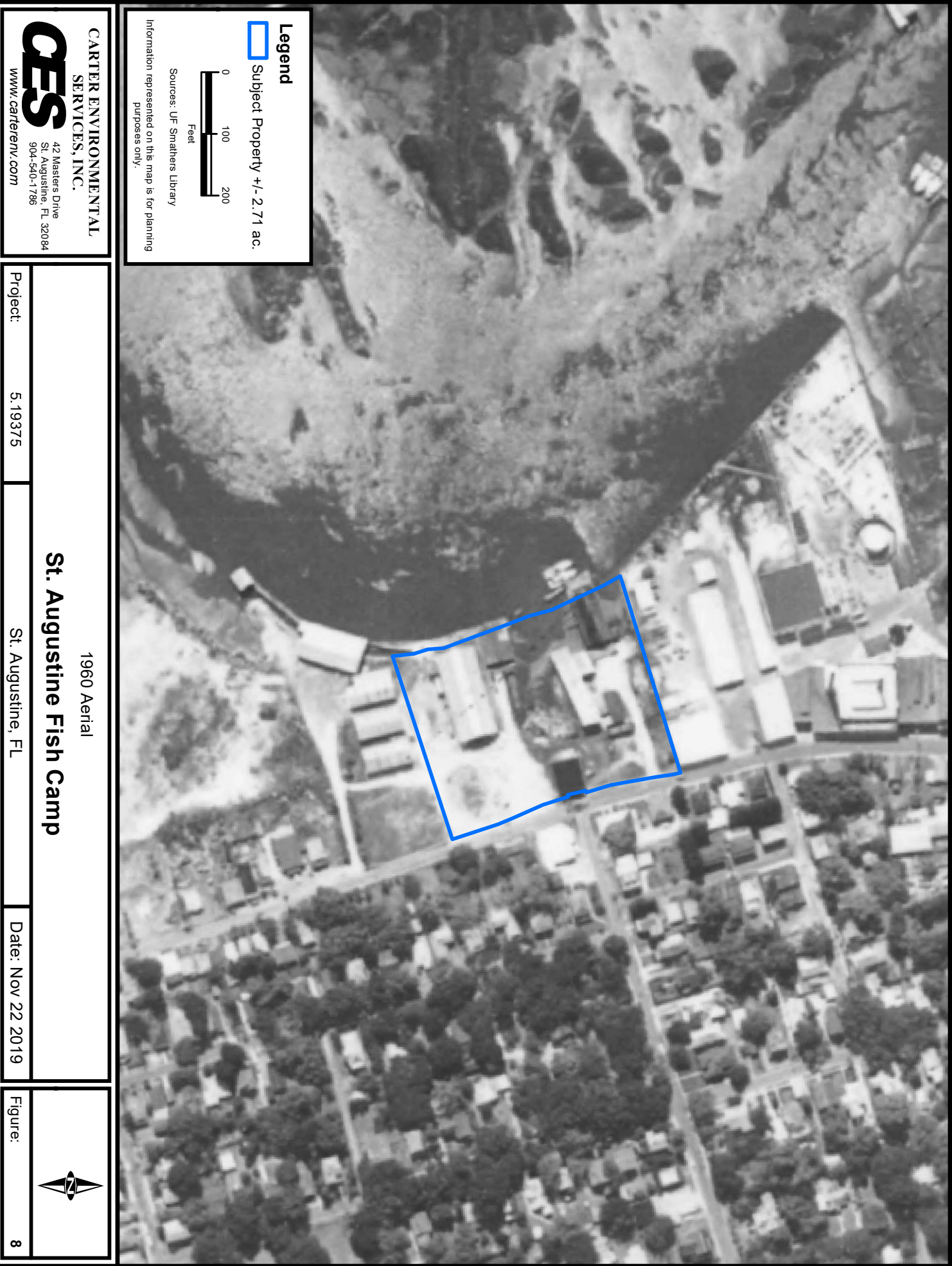
St. Augustine, FL

Date: Nov 22 2019

Figure:

7







Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

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

Project:

5.19375

St. Augustine, FL

St. Augustine Fish Camp

1980 Aerial

Date: Nov 22 2019

Figure:

9





Legend

 Subject Property +/- 2.71 ac.



Sources: FDOT Aerials

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

2009 Aerial

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

11

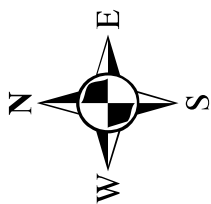




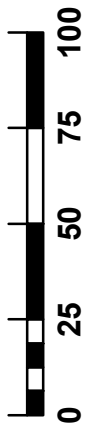




Attachment 3
Public Works on-site utilities



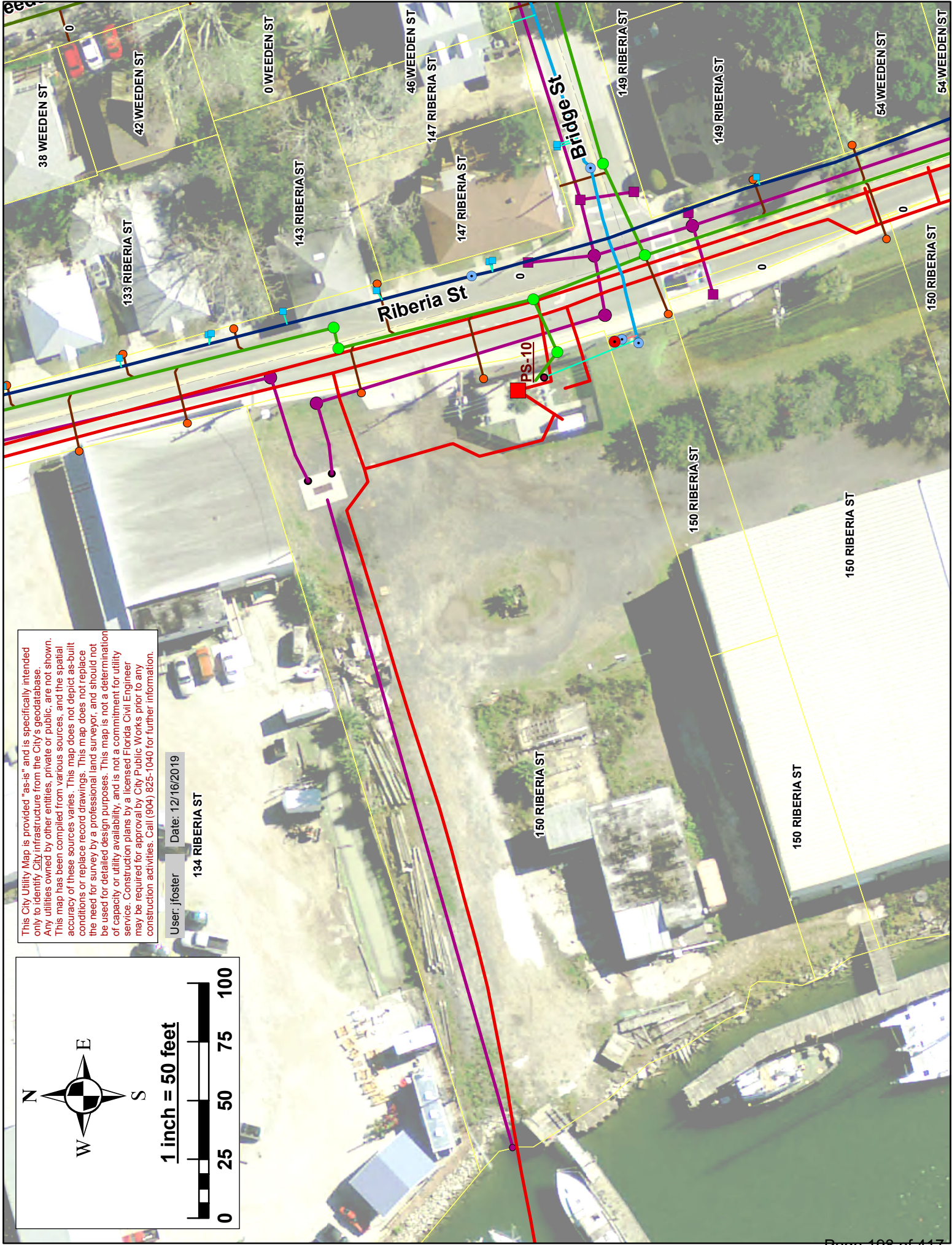
1 inch = 50 feet



This City Utility Map is provided "as-is" and is specifically intended only to identify City infrastructure from the City's geodatabase. Any utilities owned by other entities, private or public, are not shown. This map has been compiled from various sources, and the spatial accuracy of these sources varies. This map does not depict as-built conditions or replace record drawings. This map does not replace the need for survey by a professional land surveyor, and should not be used for detailed design purposes. This map is not a determination of capacity or utility availability, and is not a commitment for utility service. Construction plans by a licensed Florida Civil Engineer may be required for approval by City Public Works prior to any construction activities. Call (904) 825-1040 for further information.

User: jfoster Date: 12/16/2019

134 RIBERIA ST



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020 (continued December 3, 2019)

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

AGENDA ITEM 6(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 within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units and a bulkhead in Conservation Overlay Zone 2. Conservation Overlay Zone 1 request was continued per City Commission on January 13, 2020.

PLANS DATED January 20, 2020

LAND USE Residential Medium Density

ZONING Residential General - One (RG-1)

APPLICABLE CODES/ORDINANCES

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 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.

Sec. 11-29. Standards for review.

- (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: *See Staff Summary and Analysis below.*

STAFF SUMMARY AND ANALYSIS

This applicant is proposing development within Conservation Overlay Zone 2 in the form of a three (3) unit, three (3) story condominium building and bulkhead 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). This request was previously heard to include the consideration for a dock within Conservation overlay Zone 1, however that item was taken to the City Commission on January 13, 2020 and has been continued by the commission, however, this request is limited to Conservation Overlay 2.

The proposed three-story condominium building, bulkhead and pool are depicted in the site plan included as attachment 3, the applicant has provided architectural renderings with the site plan as requested by the Planning & Zoning Board at the December 3, 2019 meeting when this item was continued.

Conservation Overlay Zone 2, Development of the building & site improvements including a bulkhead (*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 and an unimproved shoreline.

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

This site is located between a single-family home to the south of this property and a condominium to the North, all of the existing structures are located within Conservation Overlay Zone 2.

- (3) Natural and proposed drainage patterns.

Patterns will be impacted given the larger footprint of the proposed condominium building. The development will have to meet all City Code requirements and will maintain stormwater runoff on site, partially from the proposed bulkhead, an overall improvement through the proposed drainage pattern.

- (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.

N/A

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

N/A

- (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.

No significant trees are proposed to be removed from the otherwise cleared lot.

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

Shoreline erosion should be better controlled with installation of a bulkhead, however exact effects are unknown.

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

The proposed bulkhead will be located along the landward side of the mean high water line, along the entire eastern property edge for a 100% impact the landward edge of the property line/shoreline (see attachment 3 for bulkhead detail).

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

Minimal, if any, both properties to the north and south have bulkheads installed.

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

All significant trees on site will be retained.

- (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.

N/A

The applicant has provided documentation indicating the construction of a bulkhead, a three story, three (3) unit condominium and associated pool and garage. The site improvements result in no additional drainage to the marsh and no significant alteration to surface water hydrology due to the proposed bulkhead and City stormwater management requirements. Also, the existing, native significant southern red cedar trees on site are being maintained on the site. Should the bulkhead be approved there is no need for the Board to approve the building and site improvements. Per LDC Sec. 11-28(b), when a bulkhead is present, site improvements can be approved by the Planning & Building Department. Should the bulkhead not be approved, the board will need to approve development within 100 feet of the wetlands, with a minimum 25-foot setback from the wetlands; the placement of the pool and associated deck are only appropriate contingent on the bulkhead approval.

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 bulkhead in Conservation Overlay Zone 2 on the subject property located at 435 Flagler Blvd / PIN: 128480-0000.

Attachments

Attachment 1 – Application

Attachment 2 – Property Appraiser Information

Attachment 3 – Proposed Site Plan with Architectural Renderings

Attachment 4 – Site Photos

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

Attachment 1
Application
& Narrative



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: Scott Patrou Contact Number: 904 461-3000

Business (if applicable): _____

Address: 770 A1A Beach blvd., Ste D City: St. Augustine State: FL Zip: 32080

E-Mail Address: spatrou@gmail.com

2. NAME OF PROPERTY OWNER: Augustine Bluff Associates Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: lot 15 and East 40.53' of 16 Block: 32

Subdivision: _____ Parcel Number: 2184800000

4. PROJECT STREET ADDRESS: 435 Flagler Blvd.

5. SPECIFIC PROPOSED USE: Multifamily Dwelling

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Development of property located in Conservation Zone 1, 2, and 3

for the construction of a 3-story multifamily dwelling consisting of three units. one unit per floor. an ancillary garage building,
a bulkhead along the eastern property line to prevent soil erosion and reduce potential for flooding, and a fence around
boundary lines.

8. JUSTIFICATION FOR ACTION REQUESTED: Subject proerpty is zoned RG-1

Multifamily dwelling are permitted by right within such zoning. Furthermore, the building
currerntly sitting on the proerpty is a dilapidated duplex which was damaged by flooding
in Hurricane Matthew and Irma. The removal of this existina structure and construction
of a new building will constitute a redevelopment of a blihted area as outlined in the
City's future land use comp plan.

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 APPPLICATIONS:

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.

There is currently a an application for the subject proerpty pending, for the development of a dock on the COZ 1.

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

9/10/19

Date

Signature of Property Owner

Date



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs) Project Number: 2019-0086
Receipt Number: 1668615 Meeting Date: Sept. 3, 2019
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Scott Patrov Contact Number: 904 540 3779
Business (if applicable): Ginn & Patrov Holdings
Address: 770 AIA Beach Blvd Ste D City: St. Augustine State: FL Zip: 32080
E-Mail Address: spatrov@ginnpatrov.com

2. NAME OF PROPERTY OWNER: Curt Fenelon Contact Number: _____
Business (if applicable): Augustine Bluffs Associates
Address: 6664 Ponte Vedra Beach City: Ponte Vedra State: FL Zip: 32082
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY: _____
Lot: 15 & East 40.53' of 16 Block: 32
Subdivision: _____ Parcel Number: 2184800000

RECEIVED

AUG 08 2019

Planning/Building Dept.

4. PROJECT STREET ADDRESS: 435 Flagler Blvd
5. SPECIFIC PROPOSED USE: Multi Family

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Dock Permit - COZ 1

7. DESCRIPTION OF ACTION REQUESTED: Building of dock containing
3 boat slips (20' x 65')

8. JUSTIFICATION FOR ACTION REQUESTED: _____

RECEIVED

AUG 13 2019

Planning/Building Dept.

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.

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Signature of Applicant

Date

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 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.

Scott Patro

Print name of applicant

Scott M. Patro

Signature of applicant

8/9/19

Date

435 Flagler Blvd Project

applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

1. Site specific conditions.
 - a. Site is comprised of mainly uplands with two existing residential buildings. There is approximately .01 acres of salt marsh within the parcel boundaries as reflected in the survey attached.
 - b. The topography of the site is relatively flat and slopes to the east. The elevation of the uplands range from approx. +8ft to +5ft NGVD.
 - c. During the initial site visit to review on-site habitat, ESI biologists surveyed the project site for wildlife utilization. No wading birds were observed on-site and no evidence of any endangered or threatened animal species or species of special concern was noted within the project limits. In addition no critical or unique wildlife habitat occurs within the project limits.
2. The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - a. The site currently has two single story buildings consisting which currently extend beyond the 10' side setbacks, the proposed new structure will comply with current setbacks. Additionally, as demonstrated on the attached site plan the building will comply with the upland buffer requirements in relation to its proximity to the water.
3. Natural and proposed drainage patterns.
 - a. The proposed new building will have less of an impervious area impact than the current structures. Furthermore, the construction of a bulkhead will assist in the diversion and prevention of unintended drainage into the coastal waterway.
4. Effect of point and nonpoint discharge in the marine environment.
 - a. See answer 3 above.
5. Proposed soil stabilization and erosion control methods.
 - a. Use of landscaping, specifically St. Augustine Grass (*Stenotaphrum secundatum*) as used in the adjacent properties in conjunction with a bulkhead will insure proper soil stabilization.
6. Impact on floodplain.
 - a. See Information provided in environmental package provided in/with dock application.
7. Impact of development on vegetative and animal communities.

- a. See answer 1c above. Additionally property is currently developed.
8. Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - a. Based on the proposed use no storage of pollutants or use of poisonous chemicals are planned. Additionally, 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 bails and floating turbidity screens as necessary.
9. Effect of shade on vegetation and shellfish.
 - a. See Information provided in environmental package provided in/with dock application.
10. Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - a. Subject property is located directly in line with a no wake zone which will result in minimal boat wake impacts to the area. The additional boat traffic will be minimal as only two boat lifts and one slip are contemplated with this project. Additionally, this project is located along the waterway path to the nearest public boat ramp and within 500 yards of a large marina (Conch House Marina) accordingly this is already a high boat traffic area.
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.
 - a. Scenic vistas impact will occur to the property directly to the west. Properties to the north and south will have minimal impacts as a result of the existing structures on either side of the present site already obstructing such vistas.
13. Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - a. Limited native plants currently exist on the subject property.
14. Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - a. As a result of an overall reduction in the developed sqft of the property there is no potential loss in acres or percent of site to plant and animal habitat.
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.)
 - a. A Gravity Main stormwater line currently runs adjacent to the northern property line down Flagler Blvd. A two unit duplex currently exists on the property, the proposed new development is for a three unit complex. Accordingly the addition of one more unit should have minimal effect on the water quality.

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

- a. See Information provided in environmental package provided in/with dock application.

Narrative

Main Building: The proposed construction includes a 3-story building measuring approximately 38' wide by 36' long with one unit on each floor consisting of three bedrooms and two bathrooms (the "Main Building").

Ancillary Building: An ancillary building behind the Main Building is a smaller one-story building measuring approx. 30' by 25' for the creation of two one car garages.

Bulkhead: A bulkhead running along the easterly side of the property in line with the existing bulkhead on the adjacent lot is also proposed for construction.

Dock: Running East from the property out into Salt Run is a proposed dock 465' in length as further described within the original application.

Fence: Construction of a fence around the property which will act as a buffer and provide additional security to the residents requiring parties to enter and exit through one of the provided for entrance/exits which can be monitored by camera.

Attachment 2

Property Appraiser Information

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID	2184800000
Location Address	435 FLAGLER BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-100 DAVIS SHORES LOT 15 & E 40.53FT LOT 16 BLK 32 OR2746/1360 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	16-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.240
Homestead	N

Owner Information

Owner Name	Augustine Bluff Associates LLC 100%
Mailing Address	189 SEA HAMMOCK WAY PONTE VEDRA BEACH, FL 32082-0000

Map



Valuation Information

	2019
Building Value	\$95,949
Extra Features Value	\$6,814
Total Land Value	\$239,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$342,163
Total Deferred	\$0
Assessed Value	\$342,163
Total Exemptions	\$0
Taxable Value	\$342,163

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	\$97,360	\$6,814	\$239,400	\$0	\$0	\$343,574	\$343,574	\$0	\$343,574
2017	\$100,182	\$3,869	\$239,400	\$0	\$0	\$343,451	\$343,451	\$0	\$343,451
2016	\$80,428	\$3,869	\$239,400	\$0	\$0	\$323,697	\$323,697	\$0	\$323,697
2015	\$67,009	\$3,869	\$239,400	\$0	\$0	\$310,278	\$310,278	\$0	\$310,278
2014	\$64,136	\$3,869	\$239,400	\$0	\$0	\$307,405	\$307,405	\$0	\$307,405
2013	\$66,274	\$3,869	\$239,400	\$0	\$0	\$309,543	\$309,543	\$0	\$309,543
2012	\$61,225	\$3,869	\$239,400	\$0	\$0	\$304,494	\$304,494	\$0	\$304,494
2011	\$63,168	\$3,869	\$233,604	\$0	\$0	\$300,641	\$300,641	\$0	\$300,641
2010	\$64,140	\$3,869	\$259,560	\$0	\$0	\$327,569	\$327,569	\$0	\$327,569

Building Information

Building 1
Actual Area 2578
Conditioned Area 2124
Actual Year Built 1948
Use Duplex
Style 01
Class N
Exterior Wall Wood

Roof Structure Gable Hip
Roof Cover Metal
Interior Flooring Ceramic Tile, Carpet
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	50%
Interior Flooring	Carpet	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	10 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
FRAME ADDITION	490	490
FINISHED OPEN PORCH	0	54
BASE AREA	1074	1074
FINISHED OPEN PORCH	0	120
UNFINISHED GARAGE	0	280
FRAME ADDITION	560	560
Total SqFt	2124	2578

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Finished (Average)	0	0	0	0	312

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	70	160	70	FF	\$239,400

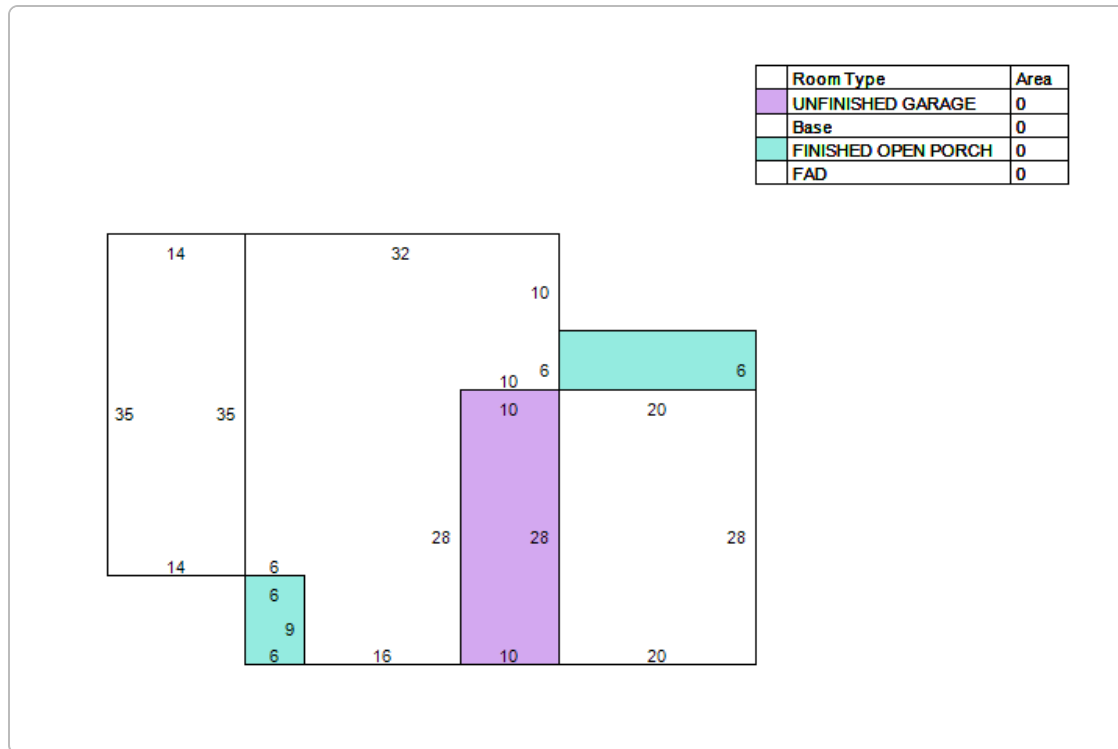
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/14/2006	\$800,000.00	WD	2746	1360	Q	I	SCHREIBER TERRY & JAMES	AUGUSTINE BLUFF ASSOCIATES LLC
	6/30/2004	\$499,000.00	WD	2244	741	Q	I	DRAKE MARTHA O	SCHREIBER TERRY & SCHREIBER JAMES (T/C)
	3/6/1998	\$221,000.00	WD	1302	826	Q	I	MC DANIEL SARA C	DRAKE MARTHA O

Area Sales Report

Recent Sales in Area

Sketch Information



No data available for the following modules: Exemption Information.

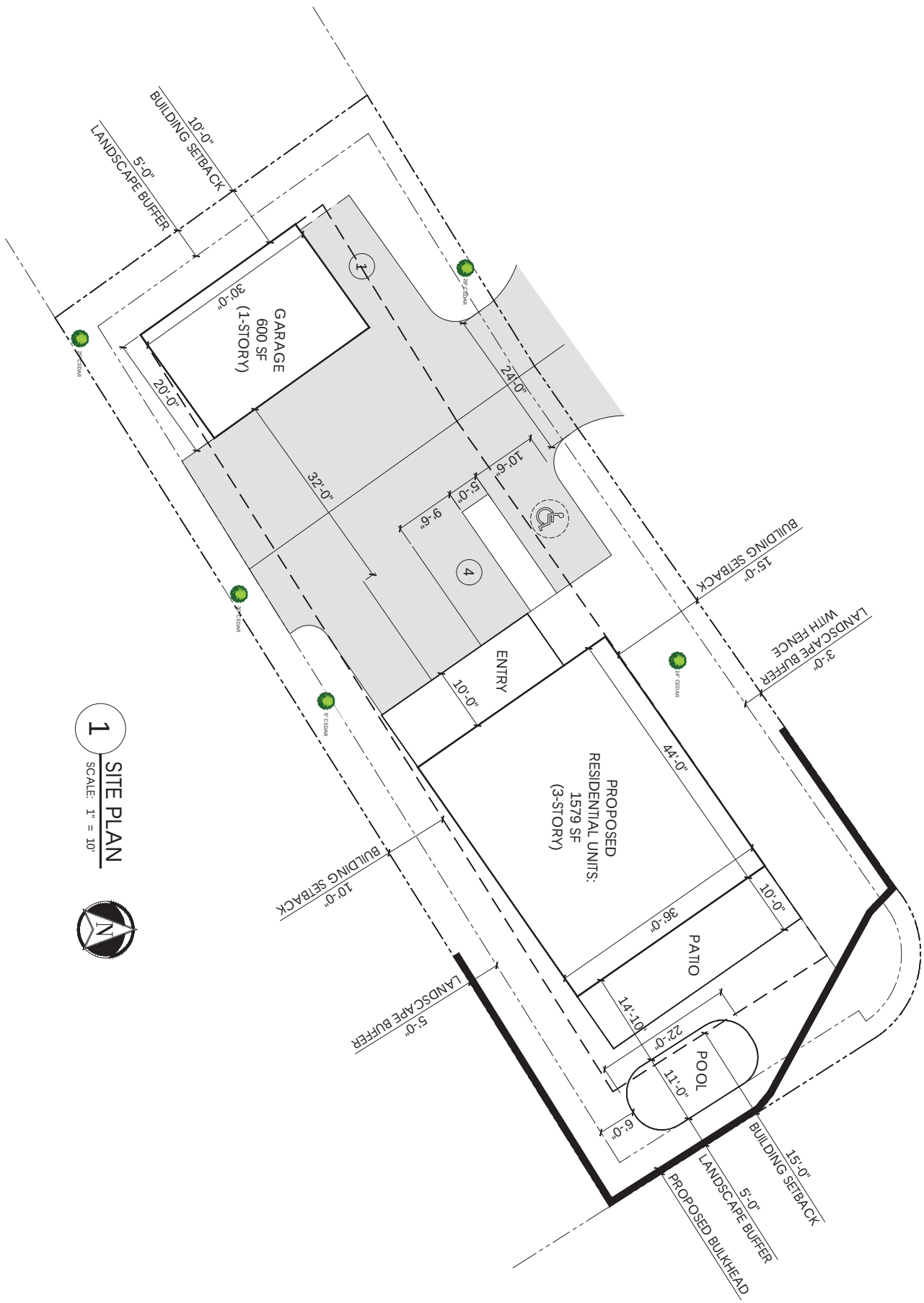
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/27/2019, 11:37:10 PM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.1

Attachment 3
Site Plan
& Architectural
Renderings



1 SITE PLAN
SCALE: 1" = 10'



A2.0

SHEET NO.:

1" = 10'

SCALE:

JAN 22, 20

DATE:

DRAWINGS PROVIDED BY:

TITLE:
SITE PLAN

CLIENT:

ADDRESS:
435 FLAGLER BLVD
ST. AUGUSTINE, FL 32080

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION





Attachment 4
Site Photos
2019 & 2007













Photo 1: facing south from northern property boundary



Photo 2 – facing north from southern property boundary



Photo 3 – facing east



Photo 4 – facing east



Photo 5 – facing north towards existing dock on adjacent property

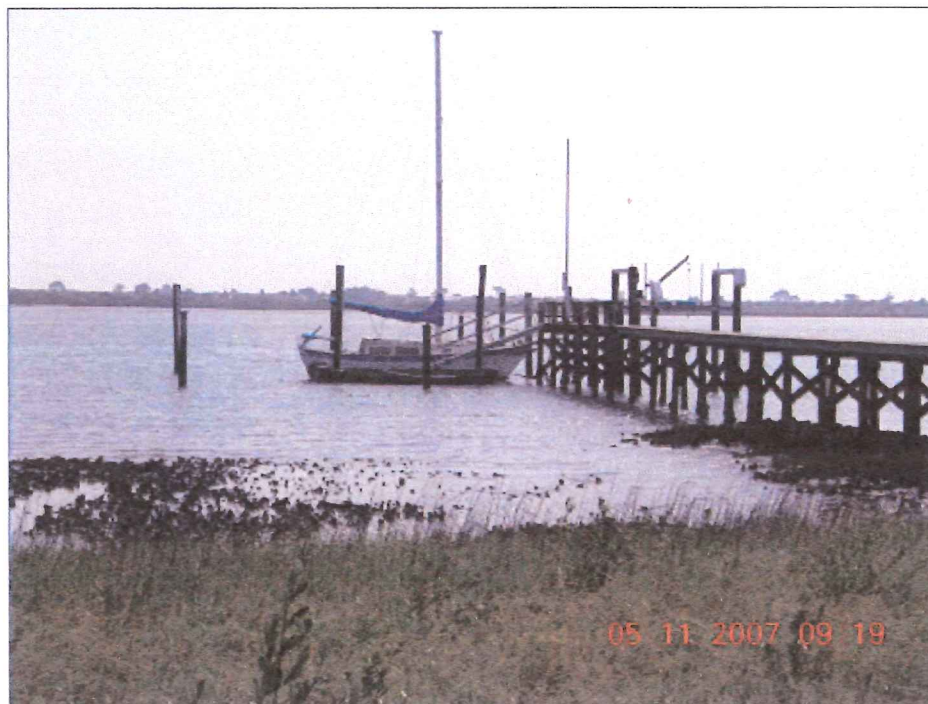


Photo 6 – facing south towards adjacent dock

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2020-0002**

AGENDA ITEM 6(c)

APPLICANT Joe Boles

OWNER Maurine Boles

LOCATION 35 Mulberry Street/PIN#: 195790-0000

REQUEST To approve a one hundred ten foot (110') dock with a ten foot (10') by twenty foot (20') terminal platform and an eight foot (8') wide platform waterward of the existing bulkhead within Conservation Overlay Zone 1.

PLANS DATED January 15, 2020

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 platform, dock and terminal end is requested to reconstruct and replace a previous dock that according to the applicant was destroyed by the recent hurricanes. The proposed platform will have a footprint of approximately 240 square feet (approximately 8' x 30'), having a terminal platform that is ten feet (10') by twenty feet (20') or 200 square feet, and a five foot (5') wide by 110' long dock. The total length of the dock as indicated on the plans is 120' from the bulkhead to the end.

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 and platforms of varying lengths generally perpendicular to the shore, and extending into the water with terminal platforms. This proposed dock 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 a previous 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.

It would be limited to the width of the platform which needs to be confirmed. There is an existing bulkhead which has altered the shoreline.

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

Minimal, due to multiple existing docks in the area, and existing view limitations. There is a proposed bench on the terminal platform.

- (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 terminal end meet all standards set forth in LDC Sec. 11-29. No portion of the dock will exceed 6 feet above the mean highwater line. There are currently no proposed boat lifts.

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 platform, dock and terminal platform in Conservation Overlay Zone 1 located at 35 Mulberry Street/PIN: 195790-0000.

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

Attachments

Attachment 1 – Application

Attachment 2 – Property Appraiser Information

Attachment 3 – Dock plans

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

Attachment 1

Application & Narrative



CITY OF ST. AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

DEC 30 2019

Planning/Building Dept.

Application Fee: \$330.00 (plus advertising costs)

Project Number: 2020-0002

Receipt Number: 1760689

Meeting Date: Feb. 4, 2020

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: MAURINE M. BOLES / JOE BOLES Contact Number: 904-824-4278

Business (if applicable): _____

Address: 4019 Liberia St. City: St. Aug. State: FL Zip: 32084

E-Mail Address: JOSEPH.BOLLES@COMCAST.NET

2. NAME OF PROPERTY OWNER: MAURINE M. BOLES / Joe Boles Contact Number: 904-824-4278

Business (if applicable): 904-599-2109

Address: SAME City: _____ State: _____ Zip: _____

E-Mail Address: SAME

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: N 48' Block: M

Subdivision: ABBOTT TRACT Parcel Number: 195790-0000

4. PROJECT STREET ADDRESS: 35 Mulberry St. St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Dock Replacement

6. ACTION REQUESTED:

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

7. DESCRIPTION OF ACTION REQUESTED: Re establish dock that was removed by Hurricanes Matthew and Irma

8. JUSTIFICATION FOR ACTION REQUESTED: Re establish dock removed by hurricane damage

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING. 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: same damage was suffered by other property in the area.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: yes
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: yes (HURRICANE DAMAGE)
- (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

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.

8-13-2018

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

12-30-19

Signature of Property Owner

Date

12-30-19



RECEIVED
DEC 30 2019
Planning/Building Dept.

Owner's Authorization For Agent

ICE BOLES is/are hereby authorized TO ACT ON BEHALF
OF MAURINE M. BOLES, 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: Marine M. Boles
Signature of Owner
MAURINE M. BOLES
Print Name of Owner
904-599-2109
Telephone Number

State of FL
County of St. Johns

Signed and sworn before me on this 30 day of Dec, 2019.

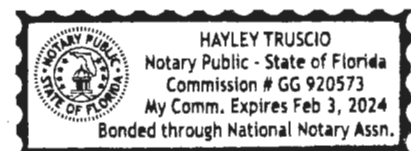
By Marine M. Boles

Identification verified:

Oath sworn: X Yes _____ No _____

Notary Signature: Hayley Truscio

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 1957900000
 Location Address 35 MULBERRY ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood Abbott Tract (606)
 Tax Description* (1) CITY OF ST AUG ABBOTT TR N48FT OF BLK M (EX W89FT INCL RIP RGTS) OR191/272 &2094/1009(L/E)
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Abbott Tract
 Sec/Twp/Rng 18-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 0.200
 Homestead Y

Owner Information

Owner Name Boles Maurine M *** 100%
 Boles Joseph L Jr 100%
 Mailing Address 19 RIVERIA ST
 SAINT AUGUSTINE, FL 32084-3553

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$4,409
Total Land Value	\$221,005
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$225,414
Total Deferred	\$163,218
Assessed Value	\$62,196
Total Exemptions	\$62,196
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
2019	\$0	\$4,409	\$221,005	\$0	\$0	\$225,414	\$61,036	\$225,414	\$0
2018	\$0	\$4,877	\$221,005	\$0	\$0	\$225,882	\$59,898	\$225,882	\$0
2017	\$96,499	\$6,157	\$221,005	\$0	\$0	\$323,661	\$83,588	\$323,661	\$0
2016	\$211,922	\$6,069	\$221,005	\$0	\$0	\$438,996	\$121,128	\$418,368	\$20,628
2015	\$179,791	\$6,156	\$221,005	\$0	\$0	\$406,952	\$120,286	\$387,166	\$19,786
2014	\$157,044	\$6,244	\$221,005	\$0	\$0	\$384,293	\$119,331	\$365,462	\$18,831
2013	\$155,983	\$5,573	\$221,005	\$0	\$0	\$382,561	\$116,514	\$366,547	\$16,014
2012	\$151,308	\$5,573	\$169,960	\$0	\$0	\$326,841	\$114,566	\$312,775	\$14,066
2011	\$154,268	\$5,573	\$188,844	\$0	\$0	\$348,685	\$111,229	\$337,956	\$10,729
2010	\$149,176	\$5,573	\$209,827	\$0	\$0	\$364,576	\$109,585	\$355,491	\$9,085

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$12,196
Senior Exemption	\$24,500
Widow	\$500

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2282	Roof Cover	Metal
Conditioned Area	2150	Interior Flooring	Pine Wood
Actual Year Built	1900	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Wood Shingle	Baths	2

Category	Type	Pct
Exterior Wall	Wood Shingle	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	868	868
BASE AREA	1282	1282
FINISHED OPEN PORCH	0	102
FINISHED OPEN PORCH	0	30
Total SqFt	2150	2282

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Boat Dock (Low)	0	0	0	0	416
Bulkhead (Average)	0	0	0	0	288
Detached Finished Open Porch	0	20	6	0	120
Garage Unfinished (Low)	0	18	10	0	180

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	53	120	53	EF	\$221,005

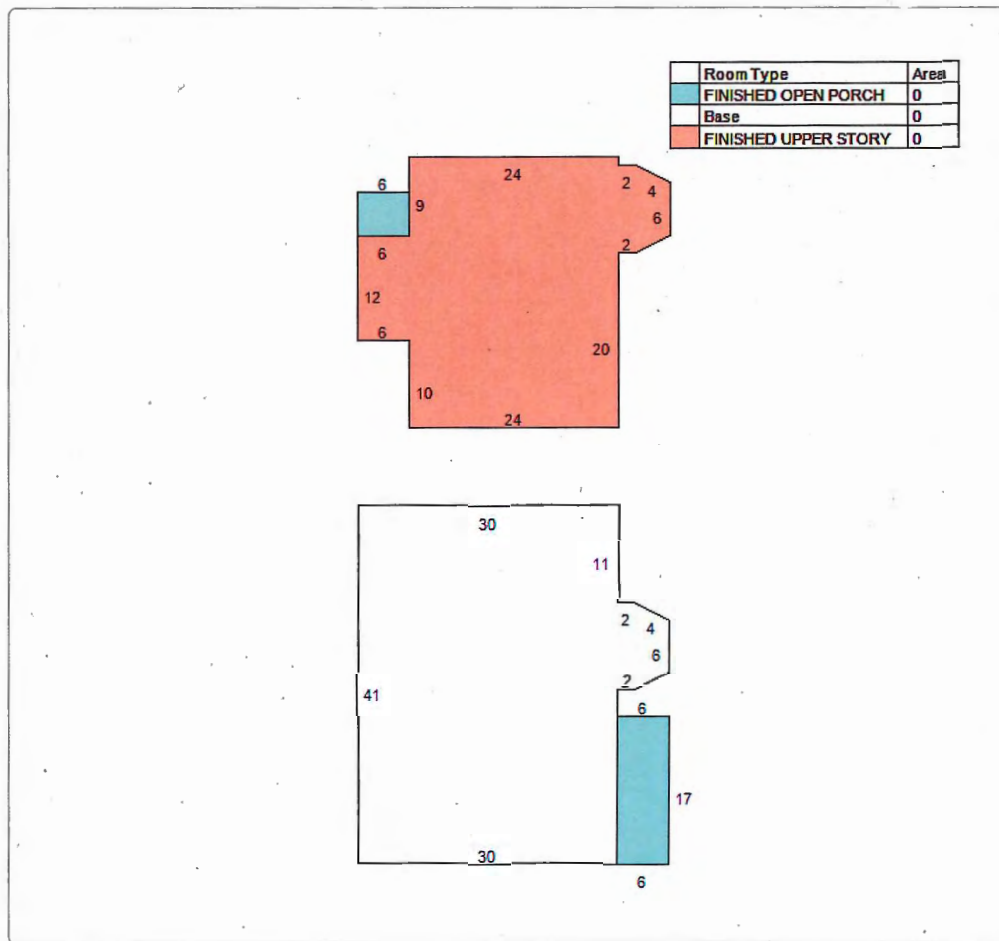
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/19/2003	\$100.00	LE	2094	1009	U	I	BOLES MAURINE M	BOLES MAURINE M ***

Area Sales Report

Recent Sales in Area

Sketch Information



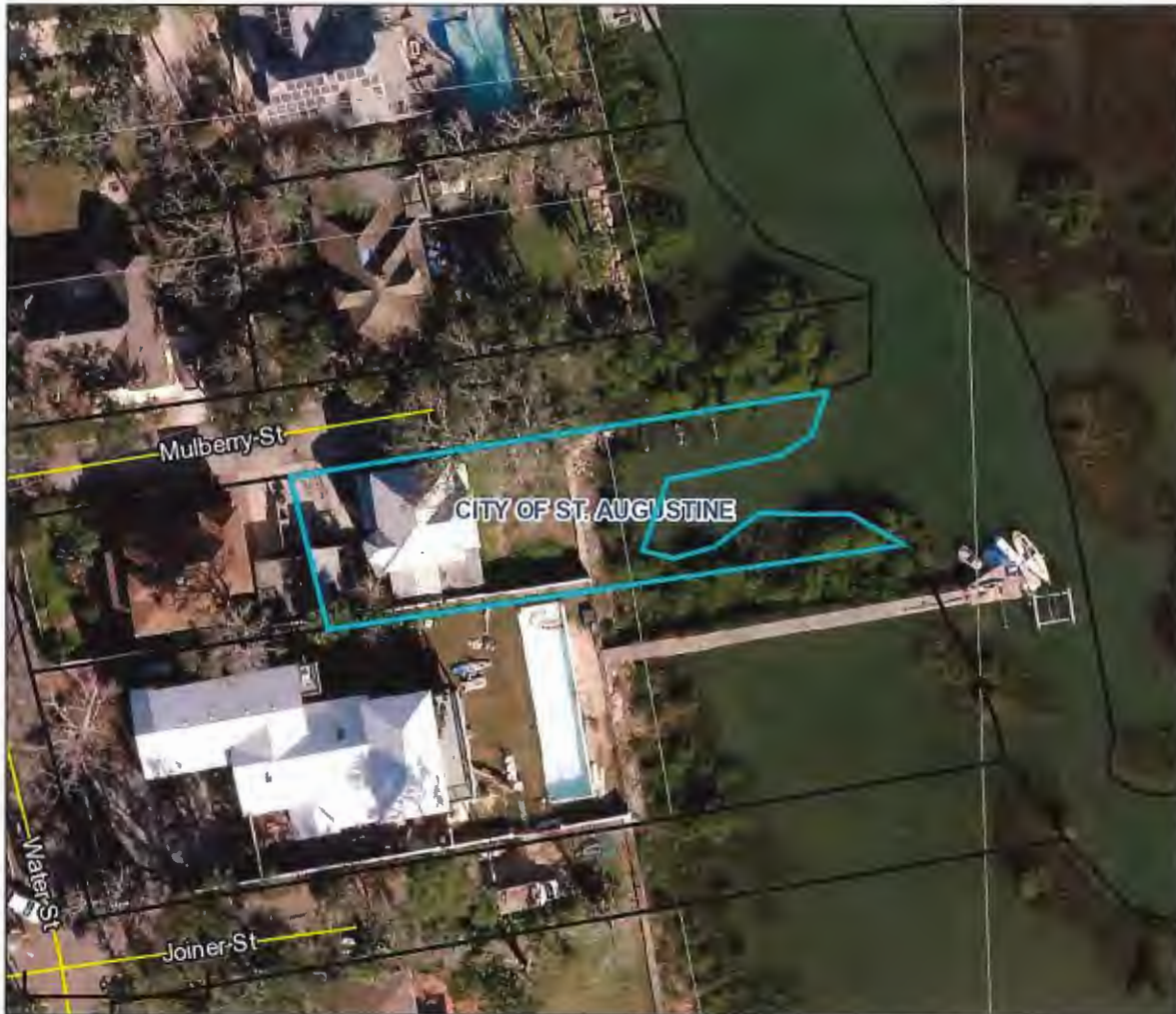
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 **Schneider**
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1957900000	Physical Address	35 MULBERRY ST	Building Value	N/A	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$4,409	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	BOLES MAURINE M ***	Value		n/a	0	n/a	n/a
Acres	0.2		19 RIBERIA ST	Total Land Value	\$221,005	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32084-3553	Just Value	\$225,414				
				Total Deferred	\$163,218				
				Assessed Value	\$62,196				
				Total Exemptions	\$62,196				
				Taxable Value	N/A				

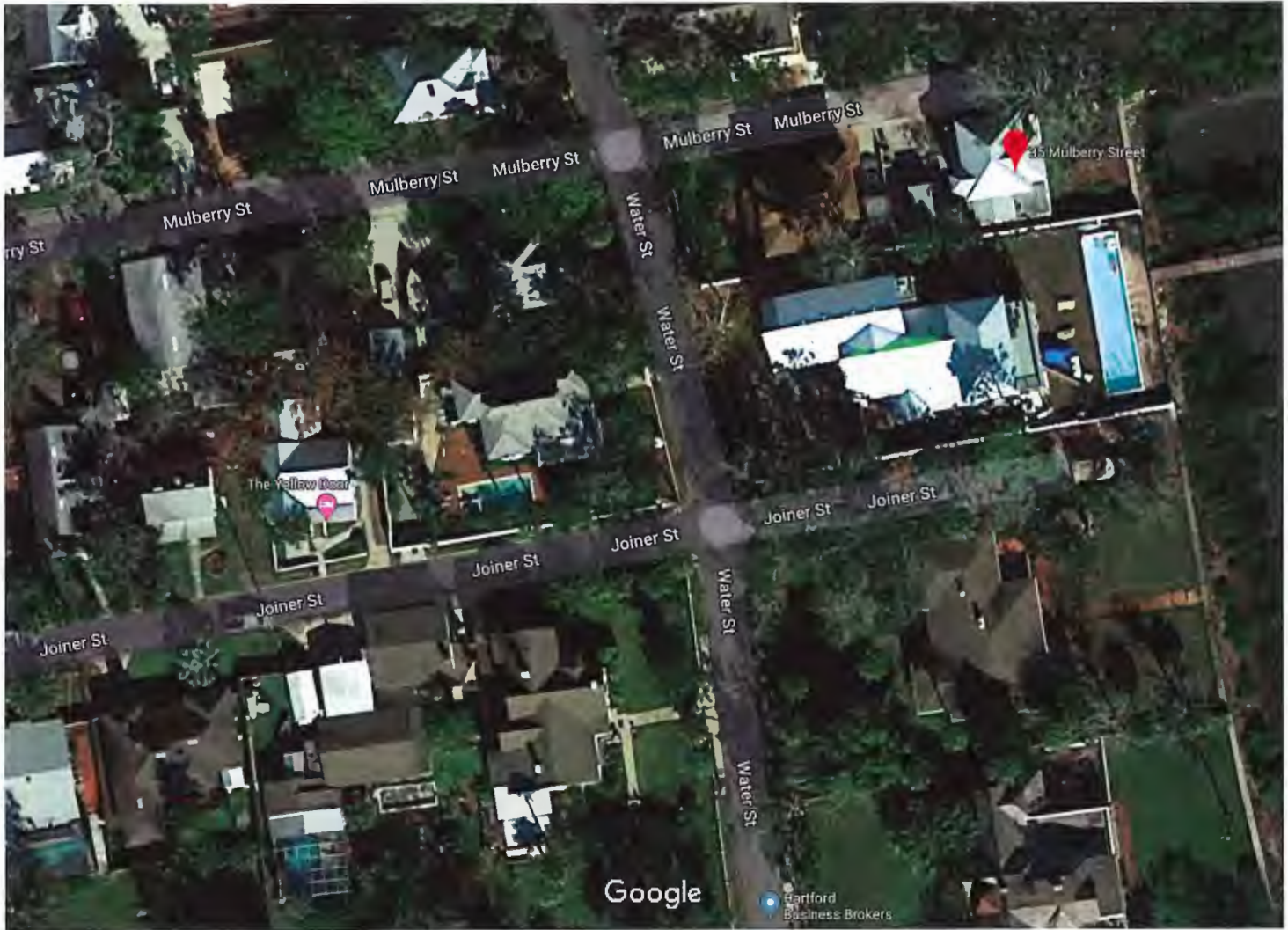
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Date created: 1/7/2020

Last Data Uploaded: 1/7/2020 1:19:08 AM

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Google Maps 35 Mulberry St



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 20 ft



35 Mulberry St

St. Augustine, FL 32084



Directions



Save



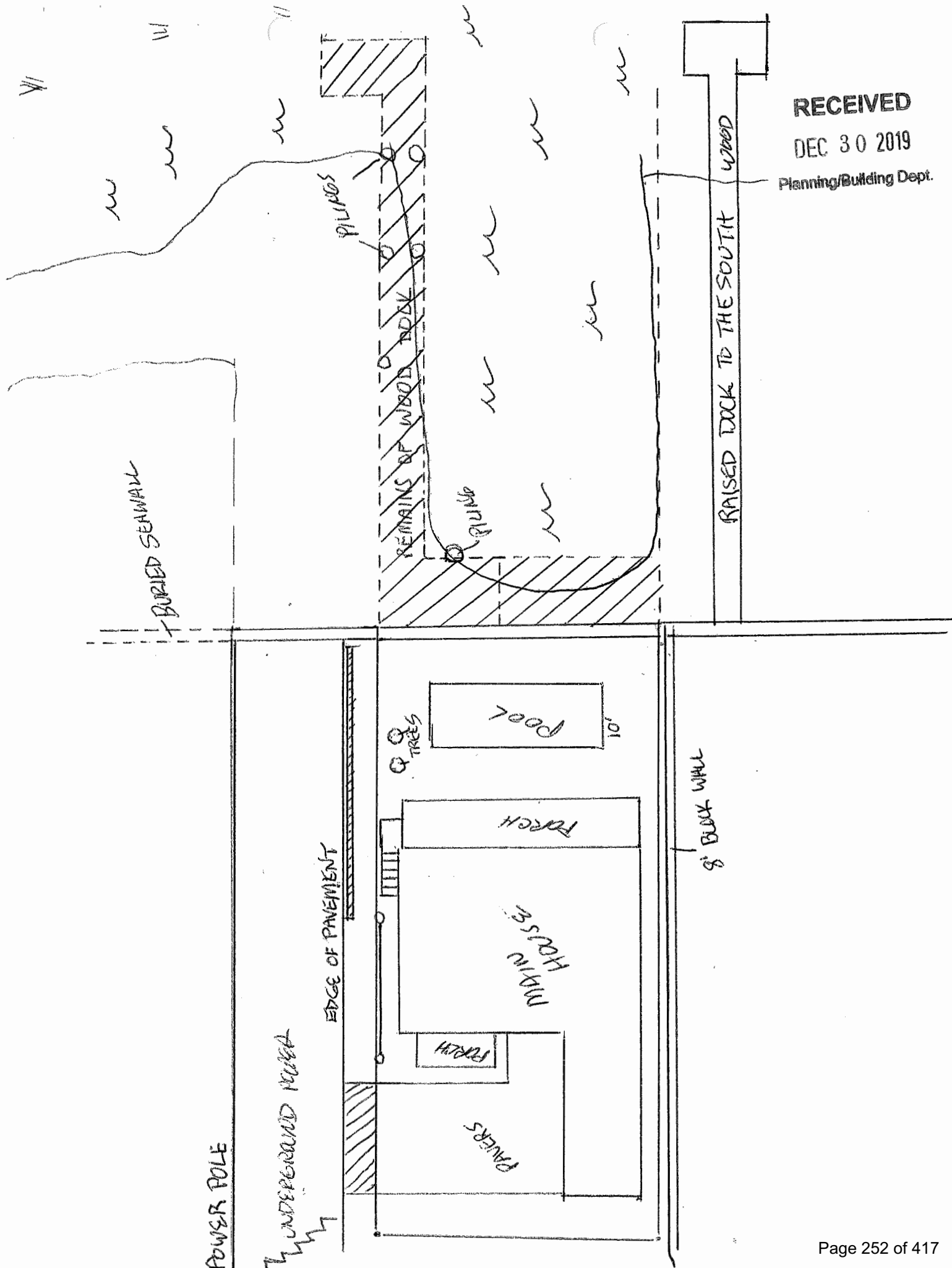
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Send to your
phone

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Attachment 3

Dock Plan & Details



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DEC 30 2019
Planning/Building Dept.

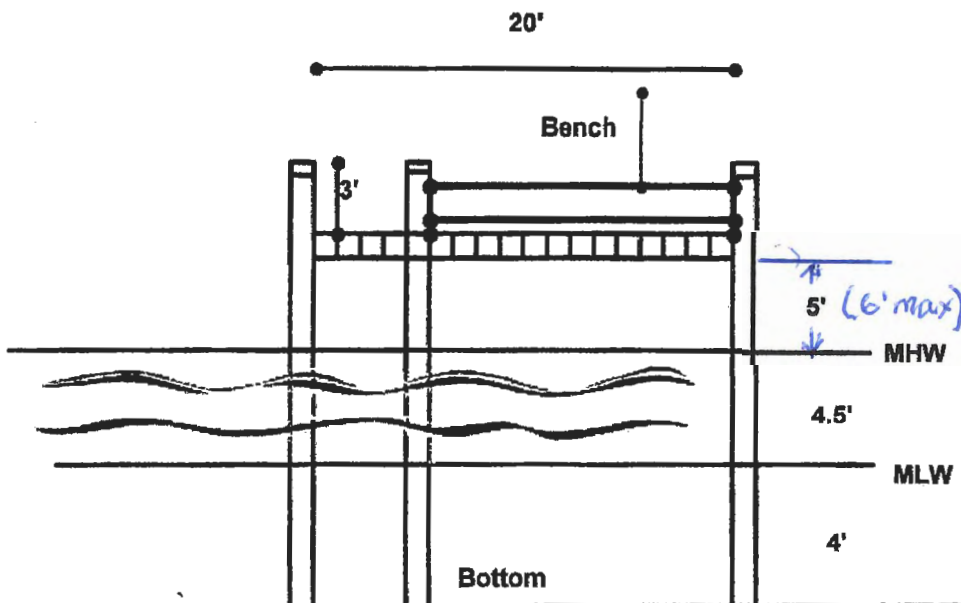
* Updated 1-15-2019



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JAN 15 2020

Planning/Building Dept.



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

Cross Section

Joseph Boles
35 Mulberry Street
St. Augustine, FL 32084
904-599-2109

JOB NO.: 19-083

Scale: Not to Scale

Date: 12/17/19

* Updated 1-15-2019



120'

Bulkhead

Bench

3'

5' (6 max)

MHW

4.5'

MLW

4'

Bottom

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

Profile View

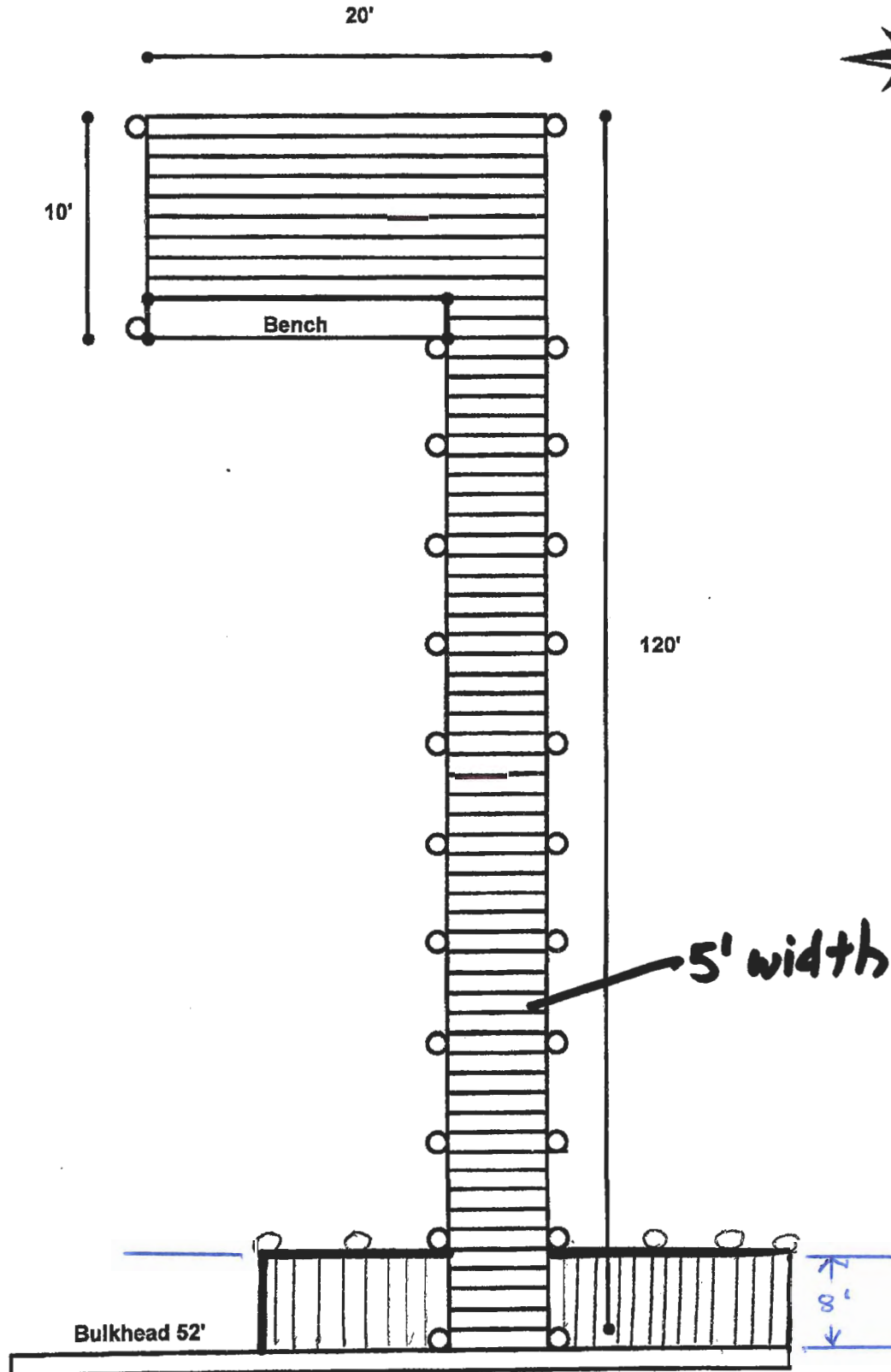
Joseph Boles
35 Mulberry Street
St. Augustine, FL 32084
904-599-2109

JOB NO.: 19-083

Scale: Not to Scale

Date: 12/17/19

* updated 1-15-2019



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

Joseph Boles
35 Mulberry Street
St. Augustine, FL 32084
904-599-2109

JOB NO.: 19-083

Scale: Not to Scale

Date: 12/17/19

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #202020-0008**

AGENDA ITEM 6(d)

APPLICANT Josh Killian
c/o Culpepper and Terpening, Inc.

OWNER Florida Power & Light

LOCATION 176 State Road 16 / PIN 093220-0000

REQUEST To approve the removal of four (4) significant trees (three southern red cedars and one live oak) within Conservation Overlay Zone 3.

PLANS DATED January 17, 2020

LAND USE N/A (Open Lands proposed Comp Plan 2040)

ZONING N/A (Open Lands proposed Comp Plan 2040)

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 expand an existing utility substation (permissible per LDC Sec. 28-344, Essential Public Services) which includes the proposed removal of twenty six (26) trees on site; this includes four (4) significant trees, three (3) southern red cedar trees and one (1) live oak tree 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 as attachment 3. The property owner is removing these trees as a part of "critical electric substation expansion". There are 90 trees on site and 26 are proposed to be removed, the entire credit/debit plan is included as attachment 3, the trees that are to be removed are included below. See debit chart below:

Bold indicates significant trees

Tree #	Diameter	Name	Debit
301	16"	Live Oak	1.5
307	7"	Live Oak	1
308	7"	Live Oak	1
309	5"	Live Oak	.5
310	5"	Live Oak	.5
311	5"	Laurel Oak	.5
312	7.5"	Laurel Oak	1
313	6"	Live Oak	.5
314	8.5"	Live Oak	1
315	8.5"	Live Oak	1
316	13"	Southern Red Cedar	1.5
317	10"	Southern Red Cedar	1
318	8.5"	Laurel Oak	1.5
319	13"	Southern Red Cedar	1.5
320	22"	Live Oak	2
321	17"	Live Oak	1.5
322	10"	Live Oak	1
323		Cabbage Palm	-
324	11.5"	Live Oak	1
325	10"	Live Oak	1
326		Cabbage Palm	-
327	11"	Live Oak	1
328	13"	Live Oak	1.5
329		Cabbage Palm	-
330		Cabbage Palm	-
331		Cabbage Palm	-
<i>Southern Red Cedar Debit (-1 per tree)</i>			3
		DEBITS	26
Calculated Credits (shown in attachment 3) = 122			

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. The trees proposed to be removed are in the foot print of the substation expansion area.

- 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 expand the existing facilities on site give the parcel is a peninsula of land.

- 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 subject property is located within an isolated area off of State Road 16, and while tree canopy is being removed, the general vicinity will not experience a significant impact.

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

Four (4) of the twenty six (26) trees are designated as significant trees

- 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 substation expansion.

The number of debits for tree removal is – **26 debits.**

The number of credits for tree preservation is **122 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 four (4) significant trees (three southern red cedars and one live oak) within Conservation Overlay Zone 3 located at 176 State Road 16 / PIN 093220-0000.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Arborist Report

Attachment 4 – 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

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Bruce Barber, FPL Siting Project Manager Contact Number: 561-904-3667

Business (if applicable): Florida Power & Light Co. (FPL)

Address: 700 Universe Blvd. City: Juno Beach State: FL Zip: 33408

E-Mail Address: bruce.barber@fpl.com

2. NAME OF PROPERTY OWNER: Gregg A. Hall - FPL Siting Manager Contact Number: 561-904-3675

Business (if applicable): same

Address: same City: _____ State: _____ Zip: _____

E-Mail Address: gregg.a.hall@fpl.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: N/A Block: _____

Subdivision: _____ Parcel Number: 932200000

4. PROJECT STREET ADDRESS: 179 SR 16, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Expanding Existing FPL Electrical Distribution Substation

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: Tree Removal Application - one(1) "significant tree species"

7. DESCRIPTION OF ACTION REQUESTED: FPL proposes to remove one(1) "significant tree species"

(20" Quercus Virginiana) in good / healthy condition which is in conflict with FPL's proposed critical electrical substation expansion.)

A tree removal permit will be obtained prior to construction.

Note. Other non-significant trees to be removed due to the expansion: 21 of the 90 trees on-site.

8. JUSTIFICATION FOR ACTION REQUESTED: FPL is expanding existing Lewis electrical Substation for purposes of increasing reliability for the City of St. Augustine region. This entails shifting the north side of the existing substation fence ~ 66 ft to the north as well as adding stormwater retention to the north. There are no alternative locations for this expansion or drainage which are in conflict with some of the existing trees. Only the trees that are in 100% conflict with development activities will be removed. The majority of trees on-site are being preserved per the "tree removal/preservation plan".

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: N/A

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

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

(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: 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

1/15/2020

Date

Signature of Property Owner

1/15/2020

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 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.

Bruce Barber

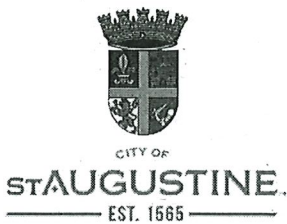
Print name of applicant

A handwritten signature in blue ink, appearing to be "B. Barber", written over a horizontal line.

Signature of applicant

1/15/2020

Date



Owner's Authorization For Agent

Josh Killian - Culpepper & Assoc. is/are hereby authorized TO ACT ON BEHALF OF Florida Power & Light, Co., 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: 179 SR 16, St. Augustine, FL 32084 - FPL LEWIS SUBSTATION

BY: _____

Signature of Owner

Gregg A. Hall - Siting & Permitting Manager

Print Name of Owner

561-904-3675

Telephone Number

State of FLORIDA

County of PALM BEACH

Signed and sworn before me on this 15 day of January, 2020.

By Gregg Hall

Identification verified:

Oath sworn: _____ Yes ☒ No

Notary Signature: _____

Dianna Sullivan

My Commission expires: _____

12/22/2022



Dianna Sullivan
COMMISSION # GG271459
EXPIRES: December 22, 2022
Bonded Thru Aaron Notary



MEMO

To: Memo to File

Subject: Florida Power & Light Company
Transmission, Distribution and Substation
Site Acquisition, Zoning, Site Development,
Plan Approval and Permitting
AUTHORIZATION TO SIGN

I, Manny Miranda, Senior Vice President of Power Delivery for Florida Power & Light Company, verify that the following listed individuals:

Gregg Hall – Engineering Manager, Power Delivery
Jose Coto – General Manager Engineering, Power Delivery
Kathy Clawges – Engineering Manager, Power Delivery

are hereby authorized to represent, sign for, and authorize on behalf of Florida Power & Light Company in all matters relating to right-of-way, site acquisition, zoning, site development, plans approval and permitting of electrical transmission and distribution lines as well as substations.

Manny Miranda
Senior Vice President, Power Delivery
Florida Power & Light Company

The foregoing instrument was acknowledged before me this 7 day of August, 2019 by Manny Miranda, Senior Vice President of Power Delivery of Florida Power & Light Company, a Florida Corporation. He is personally known to me and did not take an oath.

Notary Public
State of Florida
County of Palm Beach



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	0932200000
Location	179 STATE ROAD 16
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	M&B MA9 G1 (COM) (4910.01)
Tax Description*	3-149 SANTA ROSA SUB ALL BLK 31 (EX R/W BY ORDER OF TAKING IN CIRCUIT COURT MINUTE BOOK 5 PG 424 & DEED IN OR94/432)(EX ADD'L R/W TO FDOT IN OR1462/ 1783) OR189/99 & 3168/633(ANNEX) <i>*The Description above is not to be used on legal documents.</i>
Property Use	Utilities (9100)
Code	
Subdivision	Santa Rosa In St. Augustine
Sec/Twp/Rng	12-7-29
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	4.390
Homestead	N

Owner Information

Owner Name	Florida Power & Light CO 100%
Mailing Address	PROPERTY TAX-PSX/JB 700 UNIVERSE BLVD JUNO BEACH, FL 33408-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$11,983
Total Land Value	\$67,742
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$79,725
Total Deferred	\$0
Assessed Value	\$79,725
Total Exemptions	\$0
Taxable Value	\$79,725

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	\$13,184	\$67,742	\$0	\$0	\$80,926	\$80,926	\$0	\$80,926
2018	\$0	\$14,383	\$67,742	\$0	\$0	\$82,125	\$82,125	\$0	\$82,125
2017	\$0	\$14,003	\$67,742	\$0	\$0	\$81,745	\$81,745	\$0	\$81,745
2016	\$0	\$15,045	\$67,742	\$0	\$0	\$82,787	\$82,787	\$0	\$82,787
2015	\$0	\$16,086	\$67,742	\$0	\$0	\$83,828	\$83,828	\$0	\$83,828
2014	\$0	\$17,128	\$67,742	\$0	\$0	\$84,870	\$84,870	\$0	\$84,870
2013	\$0	\$18,170	\$67,742	\$0	\$0	\$85,912	\$85,912	\$0	\$85,912
2012	\$14,793	\$5,012	\$114,820	\$0	\$0	\$134,625	\$134,625	\$0	\$134,625
2011	\$15,262	\$5,012	\$114,820	\$0	\$0	\$135,094	\$135,094	\$0	\$135,094
2010	\$15,732	\$5,012	\$114,820	\$0	\$0	\$135,564	\$135,564	\$0	\$135,564

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Metal Fence 6'	0	0	0	0	896
Asphalt Paving	0	0	0	0	4755
Curb	0	0	0	0	50
Garage (Commercial)	0	0	0	0	504

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Utilities	0	0	112150	SF	\$67,290
Marshes & Tidal Lands	0	0	1.81	AC	\$452

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	2/25/2009	\$0.00	OI	3168	633	U	I	CITY OF ST AUGUSTINE	ORDINANCE (ANNEXATION)

Area Sales Report

Recent Sales in Area

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

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Attachment 3

Arborist Report

JAN 17 2020

Planning/Building Dept.

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 Florida Power & Light, Co. (FPL) - Bob Beaulieu, Landscape Architect / **BRAD BUSHOR**
 ISA Certification # **LIC # LS0001490 / FL-5743A**
 Business (if applicable) **FPL / BUSHOR'S TREE SURGEONS**
 Address **700 Universe Blvd. / 5525 ST AUGUSTINE RD**
 City **Juno Beach / JAX** State **FL** Zip Code **33408 / 32207**
 Daytime Telephone **561-904-3603 / 904-699-** Other Phone **N/A**
 Email Address **robert.beaulieu@fpl.com 7758 BUSHORSTREE@GMAIL.COM**

PROPERTY INFORMATION

STREET ADDRESS **179 SR 16, St. Augustine, FL 32084**
 Legal Description: Lot _____ Block _____ Subdivision _____
 Parcel **932200000.00**

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.

Only the trees that are in conflict with FPL's electrical substation expansion development area will be removed. This includes only one (1) "significant tree species". The majority of trees on-site will be preserved. The substation expansion is required to increase reliability for the City of St. Augustine area and there is no alternative location for this expansion therefore removal of these trees is necessary.

TREE INVENTORY(attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
20"	Quercus Virginiana (significant species)	good / healthy	Removal - in conflict with expansion
SEE ATTACHED "TREE REMOVAL & PRESERVATION PLAN". TOTAL OF 21 TREES TO BE REMOVED OUT OF 90 TREES ON-SITE.			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

All trees to be preserved, adjacent to the development area / construction activities will have a vegetation protection barrier installed per the detail on the "Tree Removal & Preservation Plan".

ADDITIONAL REQUIRED MATERIALS

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

Client / Project : DYNASERV / FPL LEWIS SUBSTATION

Address: 179 SR 16 ST. AUGUSTINE, FL 32084

Date: 01/16/2020

Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
301	Live oak	16"	•					1.5
307	Live oak	7"	•					1
308	Live oak	7"	•					1
309	Live oak	5"	•					0.5
310	Live oak	5"	•					0.5
311	Laurel oak	5"	•					0.5
312	Laurel oak	7.5"	•					1
313	Live oak	6"	•					0.5
314	Live oak	8.5"	•					1
315	Live oak	8.5"	•					1
316	Southern Red Cedar	13"	•			•		2.5
317	Southern Red Cedar	10"	•			•		2

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JAN 17 2020

Planning/Building Dept.

Client / Project : DYNASERV / FPL LEWIS SUBSTATION



Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
318	Laurel oak	8.5"	•					1
319	Southern Red Cedar	13"	•			•		2.5
320	Live oak	22"	•			•		2
321	Live oak	17"	•					1.5
322	Live oak	10"	•					1
323	Cabbage Palm	17"	•					2.5
324	Live oak	11.5"	•					1
325	Live oak	10"	•					1
326	Cabbage Palm	9"	•					2
327	Live oak	11"	•					1
328	Live oak	13"	•					1.5
329	Cabbage Palm	9"	•					2

Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
330	Cabbage Palm	9.5"	•					2
331	Cabbage Palm	9"	•					1
332	Camphor	15"	•		•			
304	Live oak	9.5"		•			2	
306	Cabbage Palm	24"		•			4	
305	Live oak	12"		•			3	
303	Southern Red Cedar	2"		•			1	
302	Cabbage Palm	21"		•			4	
333	Live oak	13.5"		•			3	
334	Live oak	7"		•			2	
335	Cabbage Palm	18"		•			3	
336	Southern Red Cedar	2"		•			1	

Client / Project : DYNASERV / FPL LEWIS SUBSTATION



Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
337	Live oak	13.5"		•			3	
338	Live oak	18.5"		•			3	
339	Cabbage Palm	7.5"		•			2	
340	Cabbage Palm	20"		•			4	
341	Cabbage Palm	20"		•			4	
342	Cabbage Palm	8"		•			2	
343	Cabbage Palm	11"		•			2	
344	Cabbage Palm	8.5"		•			2	
345	Cabbage Palm	6.5"		•			2	
346	Cabbage Palm	9"		•			2	
347	Southern Red Cedar	9"		•			3	
348	Southern Red Cedar	14.5"		•		•	4	

Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
349	Camphor	8"		•	•			
350	Live oak	18"		•			3	
351	Southern Red Cedar	9.5"		•			3	
352	Cabbage Palm	14.5"		•			3	
353	Cabbage Palm	22"		•			4	
354	Live oak	13"		•			3	
355	Live oak	4.5"		•			1	
356	Cabbage Palm	13.5"		•			3	
357	Southern Red Cedar	1"		•			1	
358	Southern Red Cedar	1"		•			1	
359	Southern Red Cedar	2"		•			1	
360	Southern Red Cedar	1"		•			1	

Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
361	Cabbage Palm	17"		•			3	
362	Live oak	12.5"		•			3	
363	Live oak	12.5"		•			3	
364	Cabbage Palm	16"		•			3	
365	Cabbage Palm	11"		•			2	
366	Southern Red Cedar	2"		•			1	
367	Live oak	10.5"		•			2	
368	Laurel oak	3"		•			1	
369	Laurel oak	5.5"		•			1	
370	Cabbage Palm	16.5"		•			3	
371	Live oak	5"		•			1	
372	Southern Red Cedar	3"		•			2	

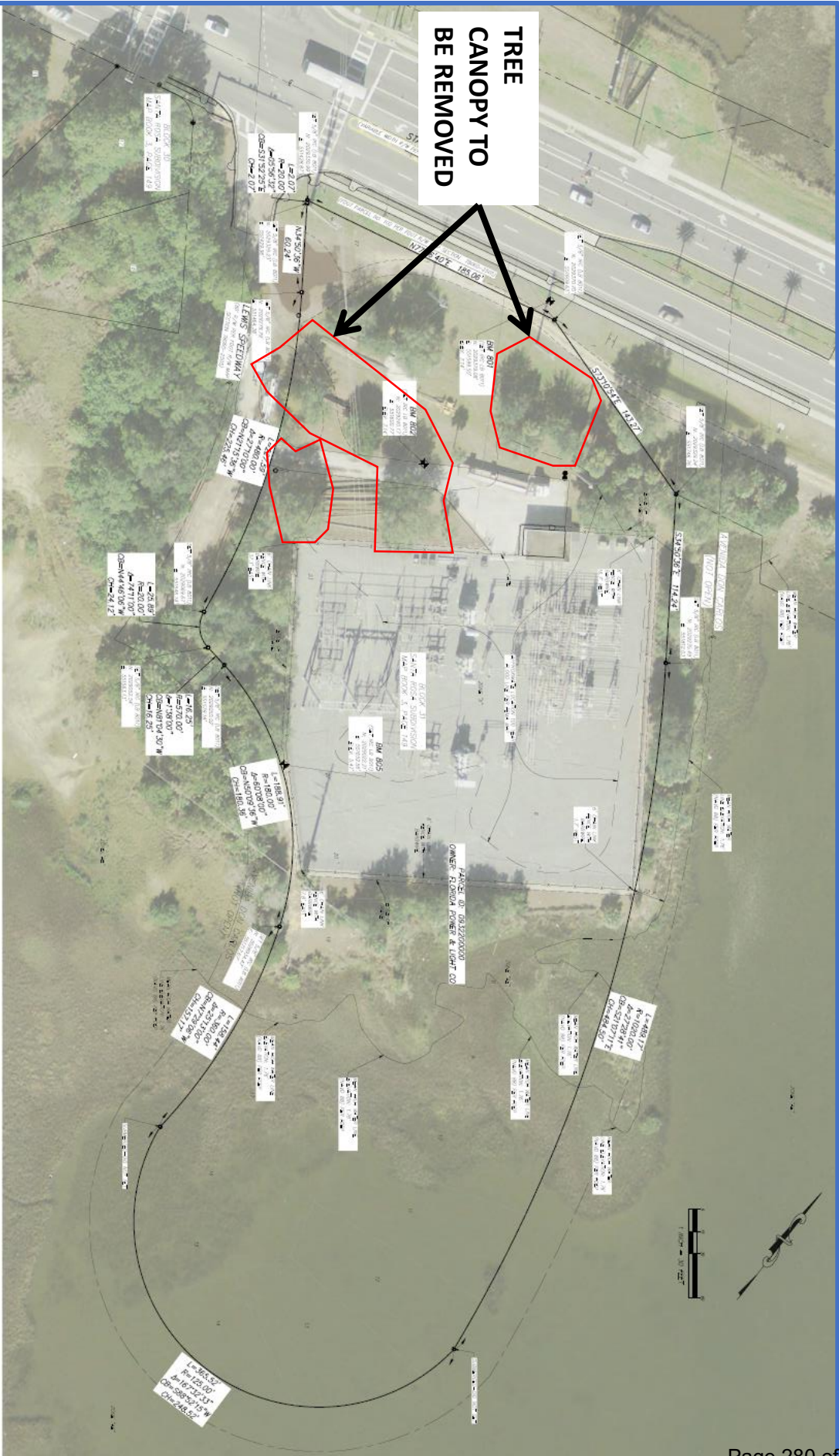
Client / Project : DYNASERV / FPL LEWIS SUBSTATION



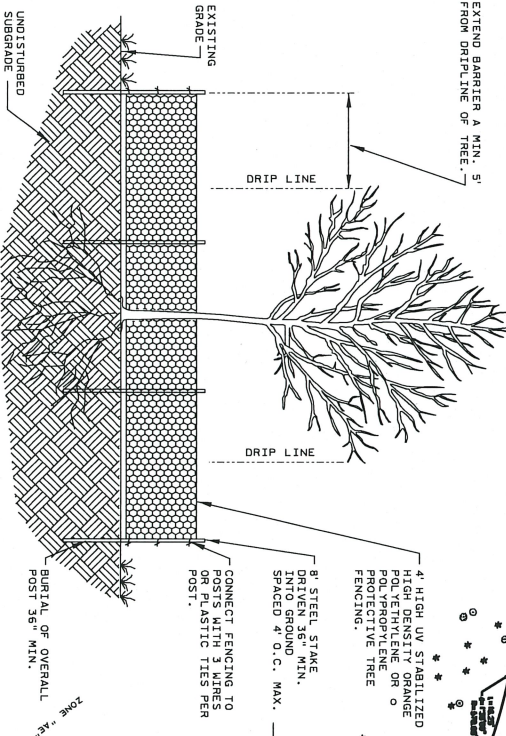
Tag #	Species (Common)	DBH	Removal	Retain	Invasive/Exempt	Significant	Credit	Debit
373	Southern Red Cedar	19"		•		•	4	
374	Live oak	8.5"		•			2	
375	Live oak	10"		•			2	
376	Live oak	7.5"		•			2	
377	Southern Red Cedar	12.5'		•		•	4	
378	Live oak	16"		•			3	
						TOTAL	122	35

Attachment 4
Tree Removal Plan

FPL LEWIS SUBSTATION – AERIAL OF APPROX. TREE CANOPY TO BE REMOVED



RECEIVED
By Patrick Doty at 10:55 am, Jan 14, 2020



VEGETATION PROTECTION BARRICADE DETAIL

SURVEY INFO PROVIDED BY:
DEMBERRY
131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
321.354.5828 8/23/19

ER	NO	DATE	REVISION	BY	CH	COR	APPROVED

DATE 01-08-19 SCALE 0 30 45 60 90

DR VALENTIN ER

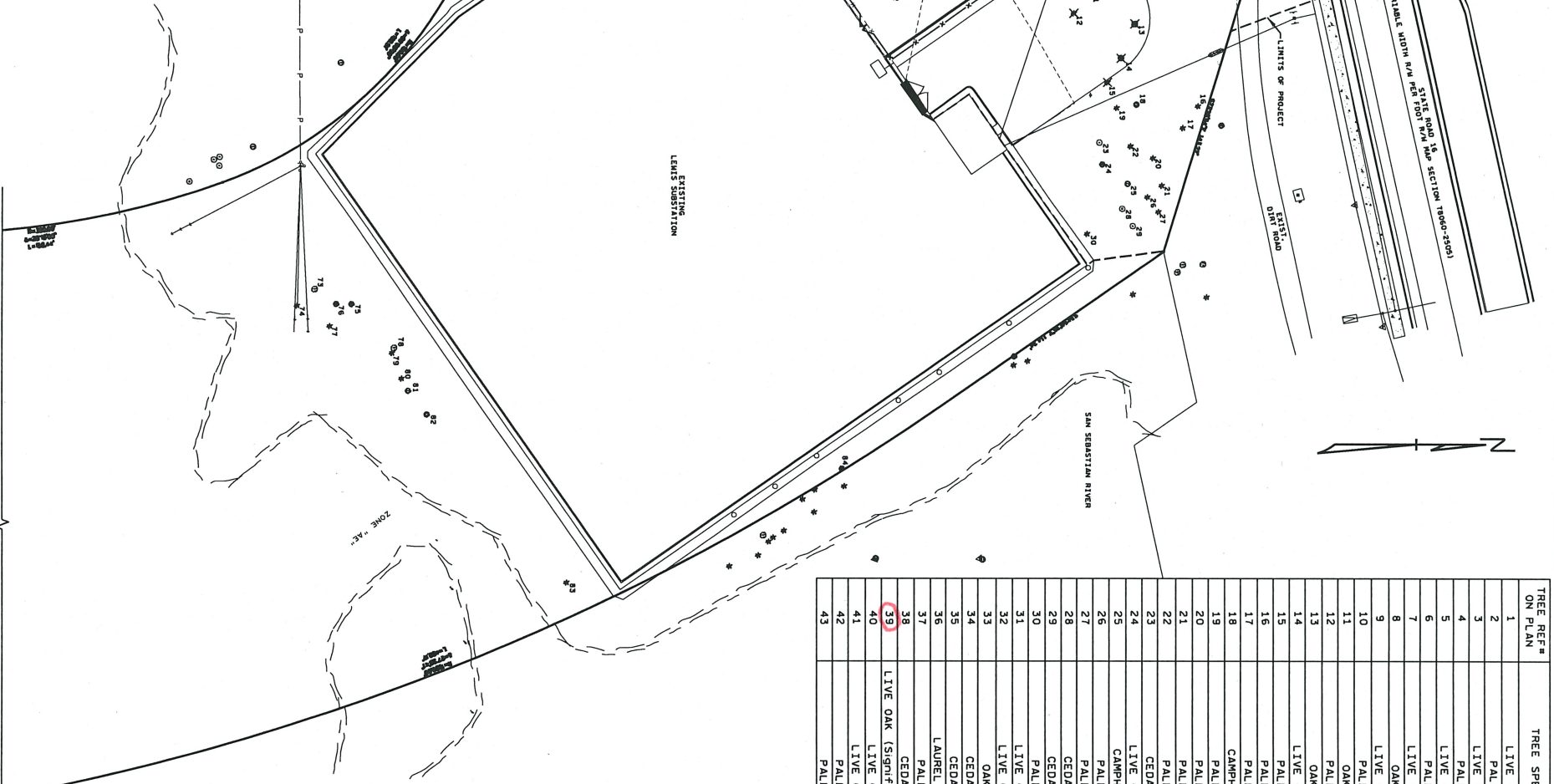
CH

COR

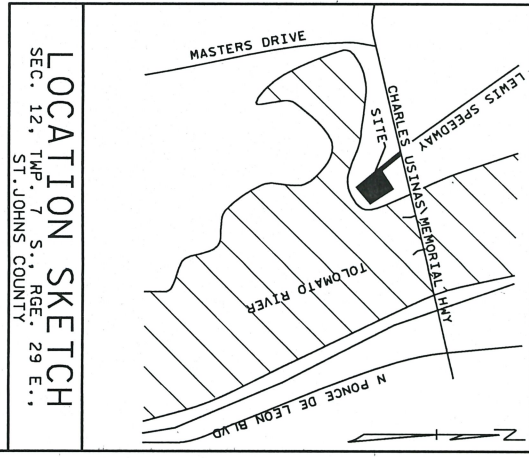
LEWIS SUBSTATION EXPANSION
TREE REMOVAL &
PRESERVATION PLAN

SHEET 1 OF 1
E-LEW09

ENGINEERS SEAL



TREE REF# ON PLAN	TREE SPECIES	DBH	SAVED DBH (CREDIT) (+)	REMOVED DBH (DEFICIT) (-)	EXCESS TREE CREDITS/DEFICIT	ACTION
1	LIVE OAK	9	2		2	REMAIN
2	PALM	14	3		5	REMAIN
3	LIVE OAK	10	2		7	REMAIN
4	PALM	15	3		10	REMAIN
5	LIVE OAK	11	2		12	REMAIN
6	PALM	12	3		15	REMAIN
7	LIVE OAK	12	3		18	REMAIN
8	LIVE OAK	6	2		20	REMAIN
9	LIVE OAK	10		1	19	REMOVE
10	PALM	9		1	18	REMOVE
11	OAK	6.9		1.5	16.5	REMOVE
12	PALM	9		1.5	15.5	REMOVE
13	OAK	11		1	14.5	REMOVE
14	LIVE OAK	11		1	13.5	REMOVE
15	PALM	8		1	12.5	REMOVE
16	PALM	15	3		13.5	REMAIN
17	PALM	11	2		17.5	REMAIN
18	CAMPOR	6.8	3		20.5	REMAIN
19	PALM	8	2		22.5	REMAIN
20	PALM	9	2		24.5	REMAIN
21	PALM	7	2		26.5	REMAIN
22	PALM	8.9	4		30.5	REMAIN
23	CEDAR	9	2		32.5	REMAIN
24	LIVE OAK	18	3		35.5	REMAIN
25	CAMPOR	7	2		37.5	REMAIN
26	PALM	7	2		39.5	REMAIN
27	PALM	13	2		41.5	REMAIN
28	CEDAR	13	3		44.5	REMAIN
29	CEDAR	8	2		46.5	REMAIN
30	PALM	14	3	0.5	49.5	REMAIN
31	LIVE OAK	6		1	44	REMOVE
32	LIVE OAK	8		1	43	REMOVE
33	OAK	8		1	47	REMOVE
34	CEDAR	11		1	46	REMOVE
35	CEDAR	9		1	45	REMOVE
36	LAUREL OAK	8		1	44	REMOVE
37	PALM	9		1	43	REMOVE
38	CEDAR	8		1	42	REMOVE
39	LIVE OAK (Significant Species)	20		2	40	REMOVE
40	LIVE OAK	14		1.5	38.5	REMOVE
41	LIVE OAK	8		1	37.5	REMOVE
42	PALM	13		1.5	36	REMOVE
43	PALM	16		1.5	34.5	REMOVE



NOTES:
1) ALL TREES TO BE REMOVED
ARE IN HEALTHY CONDITION.

TREE REF# ON PLAN	TREE SPECIES	DBH	SAVED DBH (CREDIT) (+)	REMOVED DBH (DEFICIT) (-)	EXCESS TREE CREDITS/DEFICIT	ACTION
44	OAK	8		2	36.5	REMAIN
45	OAK	10		2	40.5	REMAIN
46	OAK	11		2	42.5	REMAIN
47	OAK	8		1	43.5	REMAIN
48	OAK	6		2	45.5	REMAIN
49	LIVE OAK	7		3	48.5	REMAIN
50	LIVE OAK	14		2	50.5	REMAIN
51	OAK	9		2	52.5	REMAIN
52	OAK	7		2	54.5	REMAIN
53	OAK	7		2	56.5	REMAIN
54	OAK	7		2	57.5	REMAIN
55	OAK	5		1	58.5	REMAIN
56	CHERRY	4		1	59.5	REMAIN
57	CEDAR	5		1	61.5	REMAIN
58	CEDAR	10		2	62.5	REMAIN
59	OAK	4		1	64.5	REMAIN
60	PALM	10		2	65.5	REMAIN
61	OAK	4		1	67.5	REMAIN
62	PALM	10		2	68.5	REMAIN
63	OAK	5		1	70.5	REMAIN
64	PALM	11		2	71.5	REMAIN
65	CEDAR	4		1	73.5	REMAIN
66	OAK	6		2	76.5	REMAIN
67	WATER OAK	5.6, 6		3	77.5	REMAIN
68	OAK	6		1	81.5	REMAIN
69	CEDAR	8.8		4	82.5	REMAIN
70	OAK	6		1	84.5	REMAIN
71	OAK	8		2	87.5	REMAIN
72	OAK	12		3	89.5	REMAIN
73	OAK	9		2	92.5	REMAIN
74	PALM	15		3	95.5	REMAIN
75	LIVE OAK	12		3	98.5	REMAIN
76	LIVE OAK	15		3	100.5	REMAIN
77	PALM	10		2	102.5	REMAIN
78	OAK	11		2	105.5	REMAIN
79	PALM	15		3	108.5	REMAIN
80	PALM	13		3	109.5	REMAIN
81	LIVE OAK	4		1	112.5	REMAIN
82	LIVE OAK	5.9		3	115.5	REMAIN
83	PALM	14		4	119.5	REMAIN
84	LIVE OAK	20		1	120.5	REMAIN
85	LAUREL OAK	5		1	121.5	REMAIN
86	OAK	5		1	122.5	REMAIN
87	OAK	5		1	123.5	REMAIN
88	LIVE OAK	6		1	125.5	REMAIN
89	LIVE OAK	7		2	124.5	REMAIN
90	LAUREL OAK	7		1	124.5	REMOVE

TOTAL TREE CREDITS: 124.5

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020 (continued January 7, 2020)

RE: **USE BY EXCEPTION #2019-0133**

AGENDA ITEM 7(a)

APPLICANT Richard Diaz
c/o Card holding, LLC

OWNER St. Johns County Welfare Federation

LOCATION 169 M.L. King Ave / PIN 212280-0000

REQUEST To approve a use by exception for housing for the elderly.

LAND USE Public / Semi-Public
(Proposed: Institutional in Comp Plan 2040)

ZONING Residential, Single Family-two (RS-2)

SURROUNDING USES Single Family Homes

APPLICABLE CODES/ORDINANCES

Sec. 28-2.

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.

Housing for the elderly means a facility licensed by the state department of health and rehabilitative services for the care of the elderly housed in an existing structure, with no provision for routine nursing or medical care. Where this chapter permits housing for the elderly, such

housing shall be used only for this purpose; provided further that, except as to a husband and wife, no more than one (1) person shall be housed per bedroom.

Upon research of these requirements this definition is outdated. Based on the best available information, there is not a state department of health and rehabilitative services license available. The definition will be updated in the City's 2020 Land Development Code updates.

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- 162. - Residential, single-family-two: RS-2.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

- (3) *Permissible uses by exception; housing for the elderly.*

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a use by exception for housing for the elderly. The Applicant provided a narrative (attachment 2) to provide context of how this request will meet the provisions of a use by exception. The site is the location of the previous Buckingham Smith Nursing home, this property is known to have been used in this capacity as far back as 1969. In a brief summary, the Applicant is requesting the use by exception to operate the existing facility as an independent living facility for people 55 year or older.

The applicant is proposing that the existing facilities be renovated to accommodate up to 26 individual rooms for residents, however there will be no nursing care administered on-site. There is an existing kitchen on-site that the applicant will be using to provide meals for the residents.

Staff finds that this use is generally consistent with the historical use of the site and would serve as a benefit to the general public to accommodate housing for the elderly.

At the time of publishing this report, Staff was provided with a survey (attachment 3) that showed 14 existing parking spaces on-site with a new parking area that would accommodate 12 new parking spaces. Staff has not reviewed the plan for code compliance, this would be completed through civil site plan review through the City's Public Works, and Planning and Building Departments. Parking required for an adult congregate living facility would require 1 space per bedroom, the proposed 26 spaces would support 26 bedrooms per the defined use of *Housing for the Elderly* at this site.

The Planning & Zoning board, at the January 7, 2020 meeting, encouraged the applicant to conduct a neighborhood meeting to gather input from the Lincolnville Community to make sure that this project was in harmony with the neighborhood. The meeting will be held on January 30, 2020 and the applicant will provide a synopsis of the meeting discussion under separate cover that will be provided to the Board.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff finds the Board can **APPROVE** the use by exception for housing for the elderly, limited to 26 bedrooms, within Residential, Single Family-two (RS-2) zoning at 169 M.L. King Ave / PIN 212280-0000.

Attachments

- Attachment 1 – Application & Property Appraiser Information
- Attachment 2 – Use by Exception Narrative, Floor Plan
- Attachment 3 – Survey with Existing/Proposed Parking

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

Attachment 1

Application, Narrative, Property Records



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

DEC 09 2019 7

Planning/Building Dept.

Application Fee: \$250⁰⁰ (plus advertising costs) Project Number: 2019-0133
 Receipt Number: _____ Meeting Date: 1/7/20
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Card Holding LLC, Richard Diaz Contact Number: 904-755-7564
 Business (if applicable): _____
 Address: P.O. Box 56601 City: Pinecrest State: FL Zip: 33256
 E-Mail Address: DXCARD@gmail.com
2. NAME OF PROPERTY OWNER: St Johns County Welfare F Contact Number: 904-829-6514
 Business (if applicable): St. Johns County Welfare Federation
 Address: PO Box 1379 City: St. Augustine State: FL Zip: 32085
 E-Mail Address: llake@bay-view.org
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 9 and 10 Block: 6 and 17
 Subdivision: Buena Esperanza Sub. Parcel Number: 212280-0000
4. PROJECT STREET ADDRESS: 169 Martin Luther King Ave
5. SPECIFIC PROPOSED USE: Independent living facility for elderly housing
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Approval of special use exception for housing
for elderly care and independent living with no one under 55 years of age

8. JUSTIFICATION FOR ACTION REQUESTED: The building located on this property
operated as an assisted nursing facility and is under contract to be sold.
The new owner would like to operate an independent living facility for senior citizens
at the property.

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

Dec 9, 2019

Date



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.

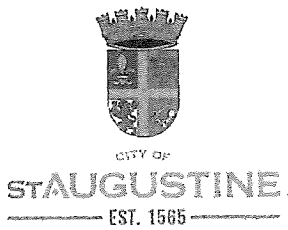
The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling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

RICHARD LIAZ
Print name of applicant CHAD HOLDING LLC.

[Signature]
Signature of applicant

12-5-19
Date



Owner's Authorization For Agent

Card Holding LLC is/are hereby authorized TO ACT ON BEHALF
OF St. Johns County Housing Fe, 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: [Signature]
Signature of Owner
LARRY D. LAKE, CEO
Print Name of Owner
904.806.5825
Telephone Number

State of _____

County of _____

Signed and sworn before me on this _____ day of _____, 20__.

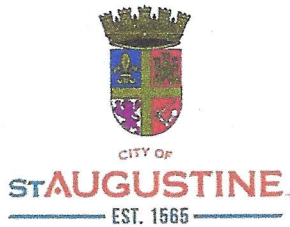
By _____

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____



Owner's Authorization For Agent

Card Holding LLC is/are hereby authorized TO ACT ON BEHALF
OF St. Johns County Housing Fe, 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: [Signature]

Signature of Owner

LARRY B. LAKE

Print Name of Owner

904. 806. 5825

Telephone Number

State of Florida

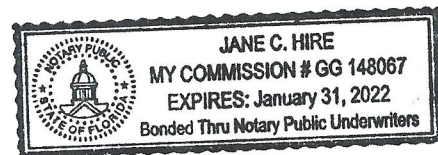
County of Saint Johns

Signed and sworn before me on this 10 day of December, 2019

By Larry B. Lake

Identification verified:

Oath sworn: X Yes No



Notary Signature: Jane C. Hire

My Commission expires: 1/31/2022

EXHIBIT "A"

Lot Nine (9) of Block Six (6) of the BUENA ESPERANZA SUBDIVISION of the City of St. Augustine, as per Official Map of said City, dated January 1st, A.D. 1905,

And

Lots Ten (10) through Seventeen (17), both inclusive, of Block Six (6), Buena Esperanza Subdivision, as per map or plat thereof recorded in the public records of St. Johns County, Florida,

as described in that certain Quit-Claim Deed dated July 31, 1998, from BUCKINGHAM SMITH BENEVOLENT ASSOCIATION, a Florida non-profit corporation to ST. JOHNS COUNTY WELFARE FEDERATION, a Florida non-profit corporation, recorded on August 7, 1998 in Official Records Book 1339, page 1237, of the public records of St. Johns County, Florida.



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	2122800000
Location Address	169 MARTIN LUTHER KING AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Group Care (Smaller, Older) COSA Historic (Comm) (610.24)
Tax Description*	BUENA ESPERANZA SUB CITY LOTS 9 THRU 17 BLK 6 OR1339/1237Q/C <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Assisted Living (Owner Occupied) (7415)
Subdivision	Buena Esperanza Subdivision
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	1.120
Homestead	N

Owner Information

Owner Name	St Johns County Welfare Federation 100%
Mailing Address	PO BOX 1379 SAINT AUGUSTINE, FL 32085-1379

Map



Valuation Information

	2020
Building Value	\$425,274
Extra Features Value	\$24,072
Total Land Value	\$725,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,174,746
Total Deferred	\$57,643
Assessed Value	\$1,117,103
Total Exemptions	\$1,117,103
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
2019	\$437,600	\$24,072	\$725,400	\$0	\$0	\$1,187,072	\$1,015,548	\$1,187,072	\$0
2018	\$388,294	\$21,931	\$513,000	\$0	\$0	\$923,225	\$923,225	\$923,225	\$0
2017	\$400,620	\$15,733	\$513,000	\$0	\$0	\$929,353	\$929,353	\$929,353	\$0
2016	\$412,947	\$15,916	\$513,000	\$0	\$0	\$941,863	\$941,863	\$941,863	\$0
2015	\$425,274	\$16,100	\$513,000	\$0	\$0	\$954,374	\$951,309	\$954,374	\$0
2014	\$411,859	\$16,284	\$513,000	\$0	\$0	\$941,143	\$864,826	\$941,143	\$0
2013	\$423,461	\$16,469	\$346,275	\$0	\$0	\$786,205	\$786,205	\$786,205	\$0
2012	\$416,384	\$17,334	\$346,275	\$0	\$0	\$779,993	\$779,993	\$779,993	\$0
2011	\$460,803	\$18,200	\$567,506	\$0	\$0	\$1,046,509	\$1,046,509	\$1,046,509	\$0
2010	\$473,428	\$19,065	\$630,562	\$0	\$0	\$1,123,055	\$1,123,055	\$1,123,055	\$0

Exemption Information

Exemption Type	Amount
Non-Profit	\$1,117,103

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	8250
Curb	0	0	0	0	553
Commercial Metal Fence 4'	0	0	0	0	40
Handicap Ramp	0	0	0	0	490
Pole Light	0	0	0	0	20
Steel Building	0	0	0	0	360

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Assisted Living Facilities	450	110	450	EF	\$725,400

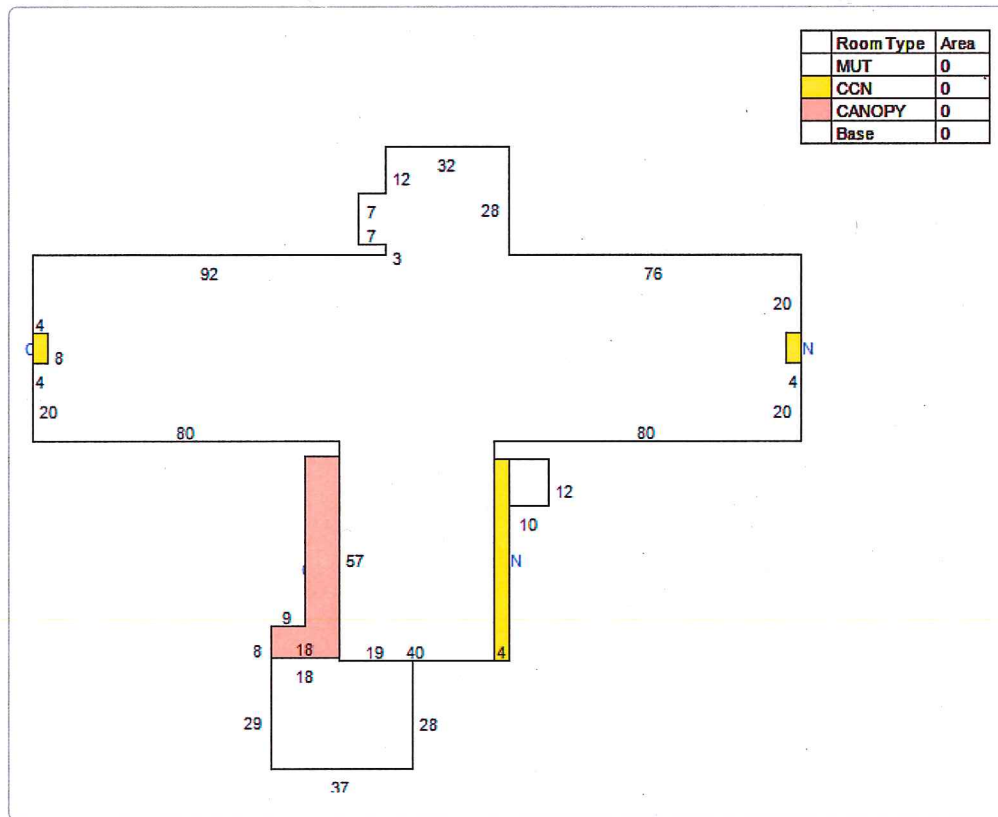
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/31/1998	\$100.00	QC	1339	1237	U	I	BUCKINGHAM SMITH BENEVOLENT ASSOCIATION	ST JOHNS COUNTY WELFARE FEDERATION

Area Sales Report

[Recent Sales in Area](#)

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.

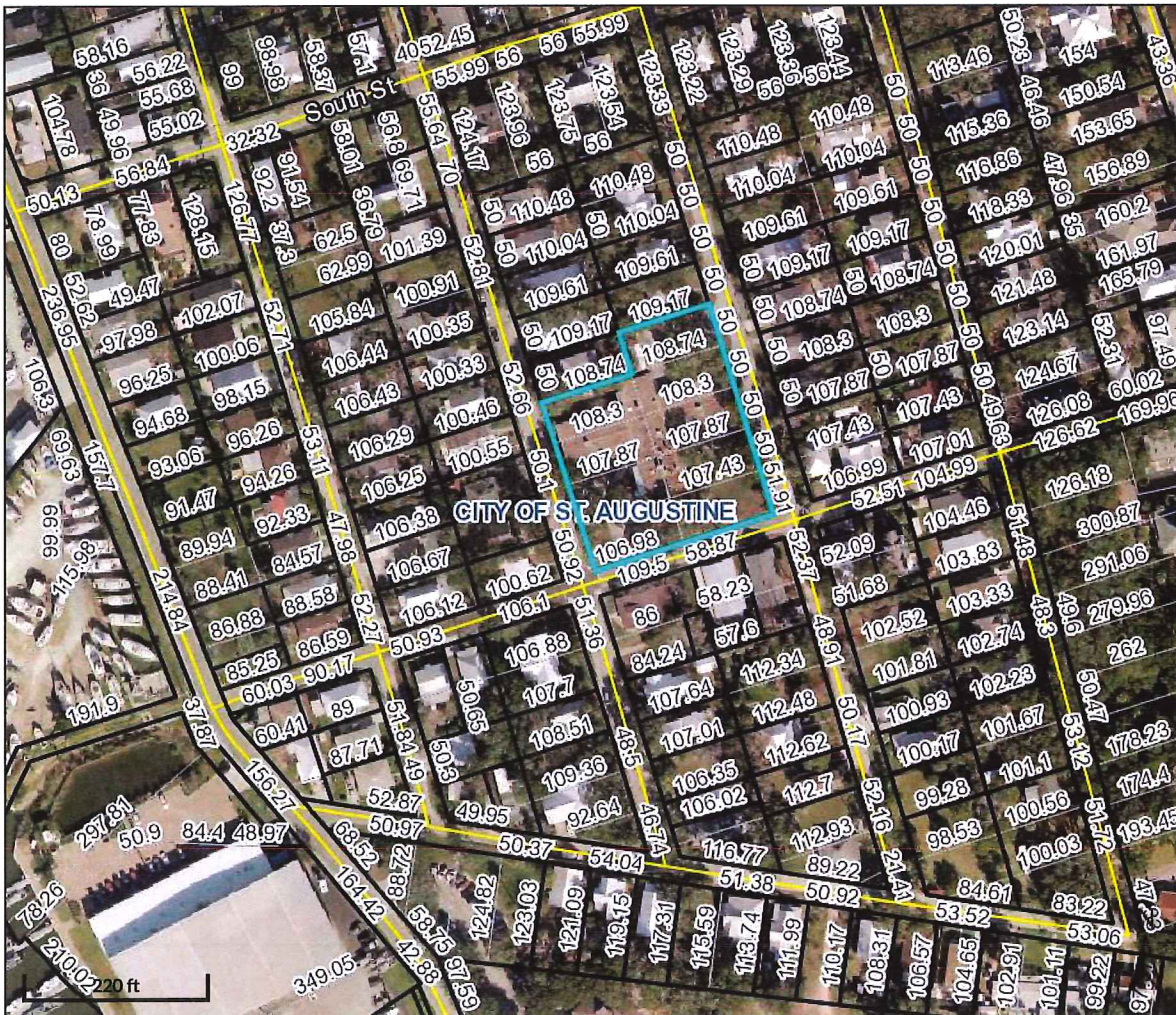
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Version 2.3.26



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2122800000	Physical Address	169 MARTIN LUTHER KING AVE	Building Value	\$425,274	Last 2 Sales			
Property Class	7415	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$24,072	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	ST JOHNS COUNTY WELFARE FEDERATION	Total Land Value	\$725,400	n/a	0	n/a	n/a
Acre	1.12		PO BOX 1379	Just Value	\$1,174,750	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32085-1379	Total Deferred	\$57,643				
				Assessed Value	\$1,117,100				
				Total	\$1,117,100				
				Exemptions					
				Taxable Value	N/A				

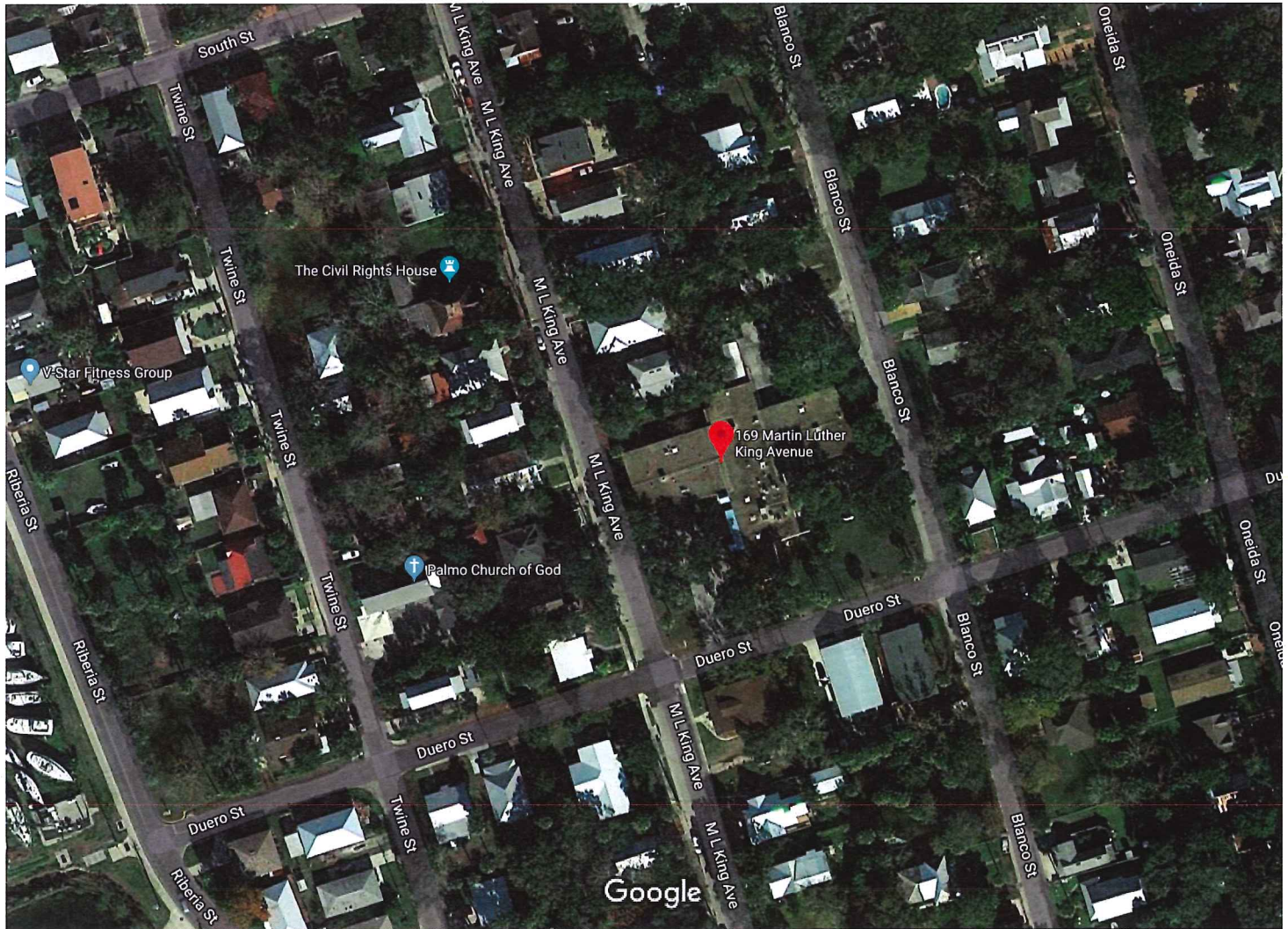
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 12/10/2019

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Developed by  **Schneider**
GEOSPATIAL

Google Maps 169 M L King Ave



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



169 M L King Ave

St. Augustine, FL 32084



Directions



Save



Nearby

Send to your
phone

Share

Photos



At this location

Bayview Home Health
5.0 ★★★★★ (1)
Assisted living facility · 169 M L King Ave



St John's Welfare Foundation
Assisted living facility · 169 M L King Ave



Attachment 2
Narrative & Floor Plan

In regards to the building located at 169 Martin Luther King Blvd, the Buckingham Smith assisted living facility, we are looking to utilize the zoning exception for housing for the elderly. The facility has operated as the Buckingham Smith assisted living facility since 1959, and has been most recently operated by the St Johns County Welfare Federation. It has been known and established in the community as a place for the elderly.

We intend to continue the use for the senior community, and operate the facility for the purpose of independent living for individuals that are 55 years of age and older. There will be no skilled nursing available, but there will be staff at the facility. Independent living facilities that do not administer nursing care do not require a specific license in the state of Florida. The facility will have a maximum of 26 rooms total, and availability for double occupancy for married couples and units available for individuals.

There is currently a commercial kitchen at the facility that will be utilized for providing meals for the residents. Every unit will consist of a private bath, and a small kitchenette, consisting of a sink, hot plate and microwave. Each unit will also have an individual entrance that is accessible through a secured interior hallway.

The building will be renovated both internally and externally to modernize the property and make is aesthetically appealing to residents and the neighborhood. Structurally there will be no changes made to the building.

RECEIVED

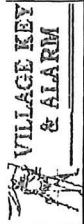
DEC 09 2019 *PD*

Planning/Building Dept.

RECEIVED

DEC 09 2019

Planning/Building Dept



Buckingham Smith Nursing Home

169 M. L. KING ST., ST. AUGUSTINE, FL. 32084

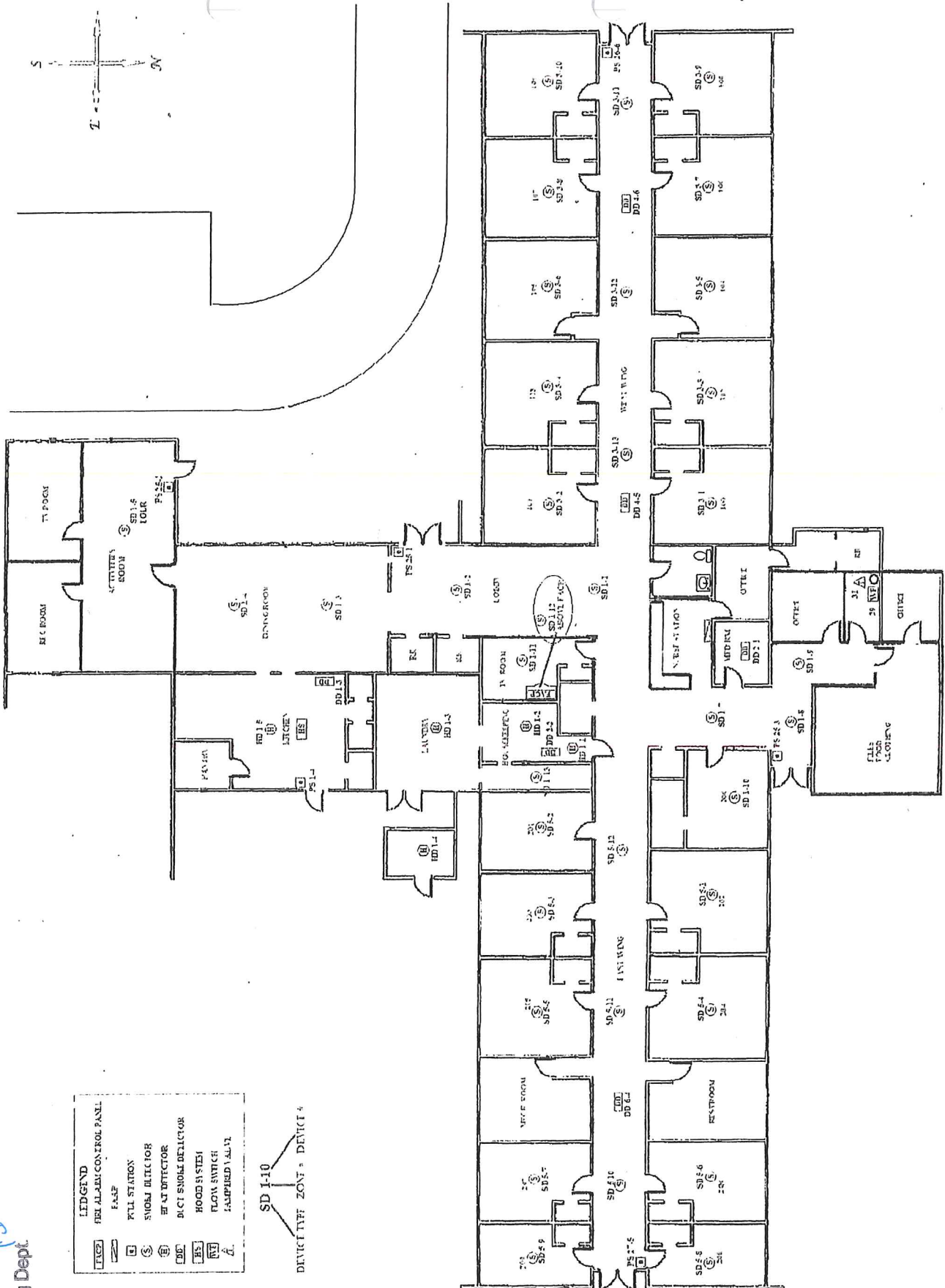
FIRE ALARM

BJ REVISED 8-24-2014

INITIATING DEVICES

LEGEND		FIRE ALARM CONTROL PANEL
□	FAAF	
□	PULL STATION	
⊙	SMOKE DETECTOR	
⊙	HEAT DETECTOR	
⊙	DUCT SMOKE DETECTOR	
⊙	HOOD SYSTEM	
⊙	FLOOR SWITCH	
⊙	LAMPED ALARM	

SD 1-10
DEVICE TYPE ZONE - DEVICE #



Attachment 3
Survey w/ Existing &
Proposed Parking

MAP OF SURVEY

RECEIVED
By Patrick Doty at 4:16 pm, Jan 24, 2020

SOUTH STREET
40' R/W - PAVED

M. L. KING BOULEVARD
40' R/W - PAVED

BLANCO STREET
40' R/W - PAVED

DUERO STREET
30' R/W - PAVED



PARKING CALCS
EXISTING PARKING = 14
PROPOSED PARKING = 12
TOTAL PARKING = 26

DEED DESCRIPTION
(OFFICIAL RECORDS BOOK 1339, PAGE 1237)
LOT NINE (9) OF BLOCK SIX (6) OF THE BELLA ESPERANZA SUBDIVISION OF THE CITY OF ST. AUGUSTINE, AS PER OFFICIAL MAP OF SAID CITY, DATED JANUARY 1ST, A.D. 1965, AND LOTS TEN (10) THROUGH SEVENTEEN (17), BOTH INCLUSIVE, OF BLOCK SIX (6), BELLA ESPERANZA SUBDIVISION, AS PER MAP THEREOF RECORDED IN PUBLIC RECORDS OF ST. AUGUSTINE, FLORIDA.

- LEGEND**
- R/W = RIGHT OF WAY
 - CONC. = CONCRETE
 - RECORD = RECORD
 - MEASURED = MEASURED
 - WATER MAIN = WATER MAIN
 - WATER VALVE = WATER VALVE
 - FIRE HYDRANT = FIRE HYDRANT
 - BACKFLOW PREVENTER = BACKFLOW PREVENTER
 - OVERHEAD WIRE BOX = OVERHEAD WIRE BOX
 - TELEPHONE RISER = TELEPHONE RISER
 - CUR. = CURB
 - SEWER VALVE = SEWER VALVE
 - SEWER MANHOLE = SEWER MANHOLE
 - FOUND 3" IRON ROD - LB # 6388 = FOUND 3" IRON ROD - LB # 6388
 - FOUND 5/8" IRON ROD - #4935 = FOUND 5/8" IRON ROD - #4935
 - FOUND 5/8" IRON ROD - NO IDENTIFICATION = FOUND 5/8" IRON ROD - NO IDENTIFICATION
 - SET 5/8" IRON ROD - LB # 7111 = SET 5/8" IRON ROD - LB # 7111
 - FOUND 4" x 4" CONCRETE MONUMENT = FOUND 4" x 4" CONCRETE MONUMENT
 - NO IDENTIFICATION = NO IDENTIFICATION

NOTES
THE PARCELS OF LAND AS SHOWN HEREON LIES WITHIN TIERNEY FLOOD ZONE "A" (ELEVATION 9 FEET) AS DETERMINED BY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 12514S-0214-C FOR ST. AUGUSTINE COUNTY, FLORIDA AS REVISED 09/01/05.
THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY LINE OF DUERO STREET WHOSE ASSUMED BEARING BEARS S 74°58'59" W.
ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NATIONAL GEODINIC VERTICAL DATUM OF 1929 (M.G.V.D. - 1929).
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 PARCELS OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, COVENANTS OR RIGHTS OF WAY OR RECORD.
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSSED WITH THE SIGNED SURVEYORS SEAL.
THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF: ST. AUGUSTINE COUNTY WELFARE FEDERATION
SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY OTHER WITNESS OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT AND THAT THIS SURVEY CONFORMS TO SECTION 472.007 OF THE FLORIDA STATUTES AS AMENDED AND 610.17-6 OF THE FLORIDA ADMINISTRATIVE CODE.
FIELD BOOK: 192/76-31
FIELD WORK: 11/22/04
DATE: 4-22-05
TYPE SURVEY: BOUNDARY
ANCKERT CITY SURVEYING, L.L.C.
1000 7th Street
St. Augustine, Florida 32086
MICHAEL A. PIERSON 7852 4753

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 4, 2020

RE: **PUD AMENDMENT/REZONING - #2019-0126**

AGENDA ITEM 8(a)

APPLICANT Ellen Avery-Smith

OWNER SA Marina Holdings, LLC
Seavin, Inc.

LOCATION Sebastian Harbor Dr – PID 203350-0000, 203350-0010,
203350-0030, 203470-0000

REQUEST A request to amend the Sebastian Inland Harbor PUD (Ord. 2007-14 & Ord. 2016-15) to allow for a maximum of 165 multi-family units, a maximum of 167 hotel units, a maximum of 26,050 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approx.. 24,000 square feet of commercial space).

Land Use: Residential Medium Density / Mixed Use

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. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

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/ANALYSIS OF PUD AMENDMENT

The Board will be making a recommendation to the City Commission for an amendment to the Sebastian Inland Harbor Planned Unit Development (PUD) on 13.5 acres of land. The current PUD allows for development of the following:

1. A maximum of 85 condominium units,
2. A maximum of 225 hotel rooms (with banquet facility, meeting rooms, spa and exercise facilities, restaurants and lounges, gift shops and retail space),
3. A maximum of 36,060 square feet of retail space,
4. A maximum of 65 marina slips, and:
5. The San Sebastian Winery (already constructed)

This proposed amendment to the existing PUD will allow the applicant to alter the existing standards and uses to allow for the following (attachment 2) (*Staff input in italics*):

1. A reduction of 58 hotel rooms down to a maximum of 167 (with banquet hall which may be used as special event venue, meeting rooms, spa, exercise facilities, restaurants, lounges, gift shops and retail space).
2. A reduction of 10,010 square feet of retail commercial space for a maximum of 26,050 square feet.
3. An additional 80 multi-family units for a maximum of 165 multi-family units.
4. The removal of the previously proposed 75- and 90-foot towers.
5. An alteration of the existing parking requirements for all proposed uses on site, shown in attachment 4. *The attachment incorrectly states City parking code for restaurants as 1 space per 3 patrons. The City Code requires 1 space per 4 patrons (fixed seating) or 1 space per 75 square feet of patron area (non-fixed seating) and 1 space per 200 square feet of non-patron area.*
6. There is no established minimum number of parking spaces provided within the PUD Text, only minimum parking spaces required per uses. *The existing PUD provided a minimum of 636 parking spaces within the project. The proposed changes provide no minimum number, the uses that are ultimately constructed will dictate the parking provided and that number varies greatly between the proposed uses.*
7. There are two proposed parking structures/garages, one is proposed to be a private garage for the use of the multi-family residents, and the second will be open to the public to serve as parking for the nonresidential uses proposed on site. Throughout the project, the applicant has proposed

parking spaces that are 9' by 18' (162 ft²), however all on street parking spaces will meet the city code requirement of 9.5' by 19' (180.5 ft²). *The proposed parking space dimensions within the project represent an ~11% reduction in square footage of parking spaces.*

8. The definition of maximum building height has been altered to allow for building height to be measured from 10.0' NAVD88 on the site. This is in addition to the maximum building height of 50 feet. The proposed PUD will also for up to an additional 15 feet above the roof line for mechanical equipment and architectural features.

The base flood elevation at this site is 7.0' NAVD88, this definition does not measure building height from a finished floor elevation, only an elevation of 10' NAVD88, which is as much as 5 feet above existing grade on site. This baseline to be measured from, along with the 50 foot maximum building height and 15 foot allowance for architectural features will result in buildings as high as 70' above the existing grade at the site. This is 15 feet higher than the maximum building height of 55 feet allowed for architectural features as described in LDC Sec. 28-332. For reference, the "Cigar Building" at 88 Riberia Street is approximately 50.7' NAVD and the existing Winery Building is approximately 46' NAVD88. See attached graphic in attachment 5.

9. This amendment will address the King Street Design Standards for Entry Corridors by hiring a third-party architect approved by City Staff. This third-party architect will have the rights to approve, approve with conditions, or deny applications filed with them, in lieu of being submitted to and approved by the City's Corridor Review Committee or Historical Architectural Review Board.

Staff questions the benefit this provides through the PUD amendment. These standards are currently reviewed by HARB and will be reviewed by the Corridor Review committee once formed (it has already been established by the City under Ord. 2019-45). Additionally, LDC Sec. 28-289(d) states "Nothing in these regulations is intended to remove the historical architectural review board's reviewing authority after a property has been rezoned to PUD."

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 states that the request is to "provide an updated development plan that more fully meets current and future needs of the City." The need for the change is to alter a PUD that has not been updated since 2007 and addresses, at least in part, a growing need for more diversified housing options within our community.

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 amendment provides for an increase in multifamily housing, and a reduction in the number of hotel rooms and retail. This would be consistent with our proposed Comprehensive Plan. The proposed PUD does increase the residential density of this property but reduces the commercial intensity.

3. Consistency with the comprehensive plan.

See staff comments under #2.

Planned Unit Development – Defined Public Benefit (Sec. 28-288)

Certain desired benefits to the community must be outlined.

- *The Applicant is proposing public parking spaces within their development as well as providing on street parking that will be constructed by the Applicant and metered by the City to generate revenue.*
- *The applicant is also proposing to resurface the east/west portion of Sebastian Harbor Drive and provide street lighting and landscaping along the east/west portion of Sebastian Harbor Drive on the south side of the street (project side). Staff has reviewed this language and has requested the following language be used for page 5.b.: “Design and construct a complete streetscape focused on pedestrian and bicycle connectivity with lighting and landscaping for Sebastian Harbor Drive.”*
- *The applicant also lists providing multi-family housing and jobs to downtown as a benefit.*
- *Staff is unsure of the public benefit provided through “Utilizing existing infrastructure, at no cost to the City”, clarification for this benefit is needed.*

Planned Unit Development Findings of Fact (LDC Sec. 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 finds the proposed amendments do represent an increase in residential density while reducing the overall commercial intensity of the existing PUD. While the PUD has not been developed, the site is entitled to the above-mentioned uses and the proposed changes provide a more balanced approach to the commercial and residential uses on the site. The overall increase in commercial and residential uses in this undeveloped site may affect the orderly development of the City by creating additional traffic and temporary construction activity/traffic in the general area. A traffic analysis has not been completed to determine whether or not a right turn lane is warranted at the proposed Riberia Street parking garage, so the impacts of this portion of the project are unknown, however, Staff has expressed concerns over access to the parking garage from an already busy Riberia Street and intersection at Riberia St/Sebastian Harbor Drive/King St.

- (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. The PUD does offer a public benefit should the applicant provide the improved, complete streetscape along all of Sebastian Harbor Drive that focuses on increased pedestrian and bicycle connectivity improvements, enhanced landscaping and street lighting.

- (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.

Staff finds that the proposed PUD provides uses that are permissible under the Residential, General-Office (RGO) zoning, with the exception of increasing the maximum building height and increasing the maximum lot coverage to 75%. This amendment does better job at balancing the uses proposed within the development by increasing the focus on residential housing.

- (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, & 3.

Staff finds that the proposed changes do represent a shifting demand in the needs of our community to accommodate a mixed use development within the City, however, Staff has provided input above on the following issues:

- 1) Lack of clarity for minimum parking accommodations provided on site;*
- 2) The discrepancies and request for the measurement of maximum building height that may result in structures that exceed the height of any other structures in the area; and*
- 3) The public benefit of a complete street upgrade for Sebastian Harbor Drive, and how it is addressed within the PUD Text to provide a sufficient public, and;*
- 4) To ensure the PUD is harmonious with the existing development in the area and ensure no adverse effects of development.*

A landscaping plan was not submitted as a part of this final development plan.

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 March 3, 2020 (or later as necessary), 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 & Comprehensive Plan then the Board **CAN** recommend the rezoning to the City Commission.

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 & Comprehensive Plan then the Board **CANNOT** recommend the rezoning to the City Commission.

ATTACHMENTS

Attachment 1 – Application, Property Appraiser Info, & Location Map

Attachment 2 – Proposed PUD & Master Development Plan

Attachment 3 – Developer Neighborhood Notice

Attachment 4 – Parking Comparative Analysis

Attachment 5 – Building Height Graphic

Attachment 6 (online) – PUD 2007-14

Attachment 7 (online) – PUD 2016-15

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

Attachment 1
Application, Property
Record Cards &
Location Map

November 18, 2019

RECEIVED

NOV 18 2019

Planning/Building Dept.

VIA HAND DELIVERY

Mr. David Birchim
Planning and Building Director
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

**Re: Sebastian Inland Harbor/Application to Modify Sebastian Inland Harbor
Planned Unit Development**

Dear Mr. Birchim:

SA Marina Holdings, LLC ("SA Marina") and Seavin, Inc. ("Seavin") are the owners of the properties that comprise the Sebastian Inland Harbor Planned Unit Development ("PUD") located south of King Street and west of Riberia Street in downtown St. Augustine. The properties have a future land use designation of Residential Medium Density/Mixed Use.

SA Marina and Seavin desire to amend the Sebastian Inland Harbor PUD to do the following:

1. Reduce the number of hotel rooms within the project from 225 to 167.
2. Increase the number of multi-family residential units from 85 to 165.
3. Reduce the amount of retail/commercial space from 36,060 square feet to 26,050 square feet.
4. Reflect changes in the development plan to orient the multi-family residential units along Riberia Street and move the hotel closer to King Street. The plan also provides additional retail space on King Street and ample on-site parking in surface lots and garages.
5. Eliminate the previously approved 75-foot and 90-foot towers permitted for the project.

The PUD text has been rewritten to reflect the City's PUD requirements adopted since the original project was approved in 2004. The text also includes Conservation Overlay Zone analysis since the property is situated along the San Sebastian River.

The enclosed PUD package includes the revised PUD text, a revised master development plan, legal descriptions of the properties owned by SA Marina and Seavin, a public facilities analysis, a completed application form, owner's authorizations and other required documents.

Our team looks forward to working with you and your colleagues on this application. Please do not hesitate to contact me should you have any questions regarding the application materials.

Sincerely yours,



Ellen Avery-Smith

cc: Abbas Abdulhussein
Baiji Abdul
Charles G. Cox
Jorge Sardinias
Terry Moore
Doug Skiles
Jeremy Marquis

RECEIVED



Nov 10 2019

Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: 490⁰⁰ (plus advertising costs) Project Number: _____
Receipt Number: 1734795 Meeting Date: 11/7/2020
Advertising Costs: \$ 440.00 Paid On: 1/23/20 Receipt Number: 1777816

1. NAME OF APPLICANT: Ellen Avery-Smith, Esq. Contact Number: 904-825-1615
Business (if applicable): Rogers Towers, P.A.
Address: 100 Whetstone Place, Suite 200 City: St. Augustine State: FL Zip: 32086
2. NAME OF PROPERTY OWNERS: SA Marina Holdings, LLC Contact Number: 407-970-1815
Seavin, Inc. 904-501-5077
Business (if applicable): same
Address: 1265 Upsala Road, Unit 1157 City: Sanford State: FL Zip: 32771
19239 US Highway 27 North City: Clermont State: FL Zip: 34715
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: _____ Block: _____
Subdivision: _____ Parcel Number: 203350-0000; 203350-0010; 203350-0030; 203470-0000
4. PROJECT STREET ADDRESS: East of the San Sebastian River, south of King Street and Sebastian Harbor Drive and west of Iberia Street
5. SPECIFIC PROPOSED USE: The Property is zoned Planned Unit Development ("PUD") via Ords. 2007-14 and 2016-15. The Owners are proposing to revise the PUD development plan for the Property, which includes both residential and commercial uses, consistent with the site's future land use designation of Residential Medium Density/Mixed Use.
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☒ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: The Owners are proposing to revise the PUD text and site plan for the Property to include a maximum of 165 multi-family residential units, a maximum of 167 hotel rooms, a maximum of 26,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the San Sebastian Winery (approx. 24,000 square feet of retail/commercial space).

8. JUSTIFICATION FOR ACTION REQUESTED: The Property was rezoned from Residential General Office ("RGO") to PUD in 2004 (Sebastian Inland Harbor PUD, Ordinance No. 2004-23). The PUD was modified by the City Commission in 2007 (Ordinance No. 2007-14) and again in 2016 (Ord. 2016-15), but only to extend the project phasing dates. The current PUD allows for development of a maximum of 85 condominium units, a maximum of 225 hotel rooms, a maximum of 36,060 square feet of retail space, a maximum of 65 marina slips, and the San Sebastian Winery. To date, the only development within the Property are the San Sebastian Winery and a marina. The proposed development plan reflects a reduction of 58 hotel rooms and 10,000 square feet of retail space in exchange for an increase of 80 multi-family units. The Owners have also eliminated the previously approved 90-foot tower permitted for the hotel. The Owners desire to amend the existing PUD for the Property in order to provide an updated development plan that more fully meets current and future needs of the City in this area.
10/31/17

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

11/15/19
Date

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.

Ellen Avery-Smith, Esq. of Rogers Towers, P.A.

Print name of applicant


Signature of applicant

11/15/19
Date



Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of
Rogers Towers, P.A.

_____ is/are hereby authorized TO ACT ON
BEHALF OF, SA Marina Holdings, LLC 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 east of the San Sebastian River, south of King Street and Sebastian Harbor Drive
and west of Riberia Street in the City of St. Augustine.

BY: _____

Signature of Owner

Abbas Abdulhusein

Print Name of Owner

407 302 2101

Telephone

Sworn to and subscribed before me on this 06 day of November, 2019

RECEIVED

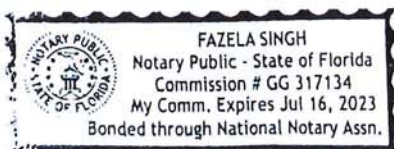
NOV 18 2019

Planning/Building Dept.

Notary Public: _____

Fazela Singh

My Commission expires on 7-16-2023





Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of
Rogers Towers, P.A.

_____ is/are hereby authorized TO ACT ON
BEHALF OF, Seavin, Inc. 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 east of the San Sebastian River, south of King Street and Sebastian Harbor Drive
and west of Riberia Street in the City of St. Augustine.

BY: _____

Signature of Owner

Charles G. Cox

Print Name of Owner

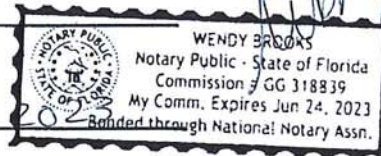
904-826-1594

Telephone

Sworn to and subscribed before me on this 7 day of November, 2019

Notary Public: WENDY BROOKS

My Commission expires on JUNE 24, 2023



Tax Bill

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Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2033500000
Location	KING ST
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug King St (COM) (610.19)
Tax Description*	1 & 1-2 CITY OF ST AUG PT OF BLK 46-K & PT OF LOT 3 BLK 46-L LYING S OF KING ST & W & S OF SAN SEBASTIAN HARBOR DR (AKA DEED PARCELS C & D) 4613/1967
	*The Description above is not to be used on legal documents.
Property Use Code	Vacant Commercial (1000)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	2.380
Homestead	N

Owner Information

Owner Name	Seavin Inc 100%
Mailing Address	19239 US HIGHWAY 27 NORTH CLERMONT, FL 34715-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$2,427,297
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$2,427,297
Total Deferred	\$0
Assessed Value	\$2,427,297
Total Exemptions	\$0
Taxable Value	\$2,427,297

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	\$2,427,297	\$0	\$0	\$2,427,297	\$2,427,297	\$0	\$2,427,297
2018	\$0	\$0	\$182,952	\$0	\$0	\$182,952	\$182,952	\$0	\$182,952
2017	\$0	\$0	\$182,952	\$0	\$0	\$182,952	\$182,952	\$0	\$182,952
2016	\$0	\$0	\$182,952	\$0	\$0	\$182,952	\$182,952	\$0	\$182,952
2015	\$0	\$0	\$182,952	\$0	\$0	\$182,952	\$182,952	\$0	\$182,952
2014	\$0	\$0	\$945	\$0	\$0	\$945	\$945	\$0	\$945
2013	\$0	\$0	\$945	\$0	\$0	\$945	\$945	\$0	\$945
2012	\$0	\$0	\$1,220	\$0	\$0	\$1,220	\$1,220	\$0	\$1,220
2011	\$0	\$0	\$1,220	\$0	\$0	\$1,220	\$1,220	\$0	\$1,220
2010	\$0	\$0	\$1,220	\$0	\$0	\$1,220	\$1,220	\$0	\$1,220

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	75879	SF	\$2,124,612
Vacant Commercial	0	0	10805	SF	\$302,540
Rivers, Lakes & Submerged Lands	0	0	0.29	AC	\$145

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/20/2018	9/12/2018	\$0.00	CD	4613	1957	U	V	SAN SEBASTIAN HARBOR PARTNERS LLC	SAN SEBASTIAN RETAIL LLC
9/20/2018	7/30/2018	\$3,000,000.00	WD	4613	1967	Q	V	SAN SEBASTIAN RETAIL LLC	SEAVIN INC
12/4/2014	11/24/2014	\$225,000.00	WD	3960	1775	Q	V	DEVLIN WALLACE R SR,SHIRLEY H	SAN SEBASTIAN RETAIL LLC
7/24/2014	7/23/2014	\$0.00	OI	3907	1616	U	V	ATLANTA GAS LIGHT COMPANY	DEVLIN WALLACE R SR,SHIRLEY H
7/23/2014	7/22/2014	\$0.00	OT	3907	677	U	V	SAN SEBASTIAN RETAIL LLC	FL DEPT OF TRANSPORTATION
2/23/2012	2/21/2012	\$0.00	LP	3528	1672	U	V	ATLANTA GAS LIGHT COMPANY VS:	DEVLIN WALLACE R SR,SHIRLEY H
4/28/2011	3/17/2010	\$0.00	OT	3431	1722	U	V	SAN SEBASTIAN RETAIL LLC BY COURT ORDER	FL DEPT OF TRANSPORTATION
	12/21/2009	\$0.00	LP	3276	885	U	V	STATE FLORIDA DEPT OF TRANSPORTATION	SAN SEBASTIAN RETAIL LLC
11/25/2008	11/18/2008	\$100.00	QC	3142	1842	U	V	SAN SEBASTIAN HARBOR RESORT LLC	DEVLIN WALLACE R SR,SHIRLEY H
	9/1/2006	\$500,000.00	WD	2782	1204	U	I	SAN SEBASTIAN HARBOR PARTNERS LLC	SAN SEBASTIAN HARBOR RESORT LLC
	7/7/2005	\$750,000.00	WD	2484	1103	Q	V	SAN SEBASTIAN HARBOR PARTNERS LLC	SAN SEBASTIAN RETAIL LLC
	6/30/2005	\$3,470,000.00	QC	2484	971	U	I		SAN SEBASTIAN HARBOR PARTNERS LLC
	1/1/1989	\$0.00		808	1653	U	I		CITY OF ST AUGUSTINE

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

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Summary

Parcel ID	2033500010
Location Address	157 KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug King St (COM) (610.19)
Tax Description*	CITY OF ST AUG (1-1) PT OF BLK 46-K LYING S OF KING ST & W OF VACATED MALAGA OR1289/1246 & 4613/1961(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Canneries, Distilleries & Wineries (4500)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.260
Homestead	N

Owner Information

Owner Name	Seavin Inc 100%
Mailing Address	19239 US HIGHWAY 27 CLERMONT, FL 34715-0000

Map



Valuation Information

	2020
Building Value	\$1,364,001
Extra Features Value	\$80,549
Total Land Value	\$339,300
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,783,850
Total Deferred	\$98,494
Assessed Value	\$1,685,356
Total Exemptions	\$0
Taxable Value	\$1,685,356

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	\$1,134,088	\$58,754	\$339,300	\$0	\$0	\$1,532,142	\$1,532,142	\$0	\$1,532,142
2018	\$1,015,600	\$59,041	\$339,300	\$0	\$0	\$1,413,941	\$1,413,941	\$0	\$1,413,941
2017	\$1,066,381	\$63,189	\$339,300	\$0	\$0	\$1,468,870	\$1,468,870	\$0	\$1,468,870
2016	\$1,100,234	\$66,777	\$339,300	\$0	\$0	\$1,506,311	\$1,506,311	\$0	\$1,506,311
2015	\$1,134,088	\$70,152	\$339,300	\$0	\$0	\$1,543,540	\$1,483,726	\$59,814	\$1,483,726
2014	\$1,099,238	\$74,299	\$175,305	\$0	\$0	\$1,348,842	\$1,348,842	\$0	\$1,348,842
2013	\$1,134,510	\$48,137	\$175,305	\$0	\$0	\$1,357,952	\$1,357,952	\$0	\$1,357,952
2012	\$1,166,469	\$51,300	\$175,305	\$0	\$0	\$1,393,074	\$1,393,074	\$0	\$1,393,074
2011	\$1,605,286	\$1,389	\$195,098	\$0	\$0	\$1,801,773	\$1,801,773	\$0	\$1,801,773
2010	\$1,648,094	\$1,443	\$217,718	\$0	\$0	\$1,867,255	\$1,867,255	\$0	\$1,867,255

Building Information

Building 1
Actual Area 24068
Conditioned Area 17932
Actual Year Built 1923
Use Wineries
Style 04
Class N
Exterior Wall Concrete Stucco, Jumbo Brick

Roof Structure Rigid Frame
Roof Cover Built Up, Metal
Interior Flooring Concrete Finish, Carpet
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths

Category	Type	Pct
Exterior Wall	Jumbo Brick	20%
Exterior Wall	Concrete Stucco	80%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	80%
Roofing Cover	Metal	20%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	60%
Interior Flooring	Carpet	40%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	46 FIXTURES	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	3116	3116
FINISHED UPPER STORY	2964	2964
LOADING PLATFORM	0	221
BALCONY	0	2367
BASE AREA	2846	2846
BALCONY	0	2607
CANOPY (COMMERCIAL)	0	98
BASE AREA	2964	2964
UNFINISHED STORAGE	0	342
CANOPY (COMMERCIAL)	0	98
BASE AREA	5610	5610

CANOPY (COMMERCIAL)	0	301
BAR (AVERAGE)	432	432
CANOPY (COMMERCIAL)	0	51
CANOPY (COMMERCIAL)	0	51
Total SqFt	17932	24068

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Sprinkler Wet	0	0	0	0	17500
Masonry Wall	0	6	37	0	222
Elevator - Residential (48"x48" - 3 Passenger)	0	0	0	0	1

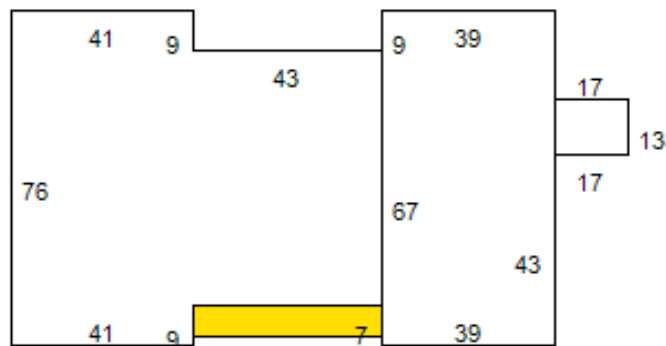
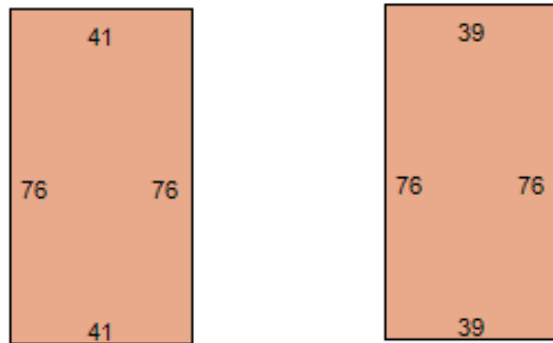
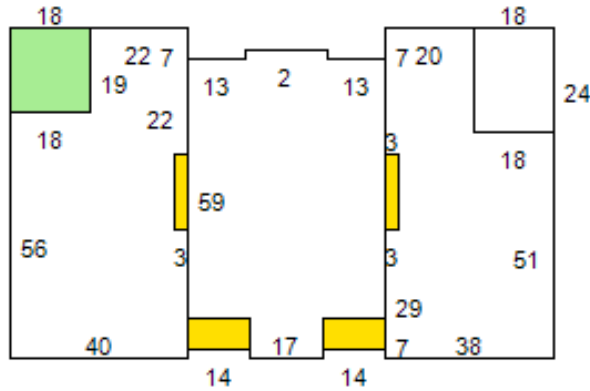
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Canneries	141	78	11310	SF	\$339,300

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/20/2018	8/1/2018	\$0.00	QC	4613	1961	U	I	SAN SEBASTIAN RETAIL LLC	SEAVIN INC
	1/7/1998	\$340,000.00	WD	1289	1246	U	I	CITY OF ST AUGUSTINE	SEAVIN INC

Sketch Information



Room Type	Area
BRA	0
UNFINISHED STORAGE	0
CCN	0
Base	0
BAL	0
CLP	0
FINISHED UPPER STORY	0

No data available for the following modules: Exemption Information.

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2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2033500030
Location	159 KING ST
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	Transit Terminal Riberial St (COM) (625.02)
Tax Description*	CITY OF ST AUG PT OF BLK 46-K & PT OF LOT 3 BLK 46-L LYING W & S OF SAN SEBASTIAN HARBOR DR (EX PARCEL F) & (EX PARCEL C IN OR2484/1103)(EX E'LY PT OF RETENTION AREA LYING W OF SEBASTIAN HARBOR DR) OR3918/77
	*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	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	9.390
Homestead	N

Owner Information

Owner Name	Sa Marina Holdings LLC 100%
Mailing Address	1265 UPSALA RD STE 1157 SANFORD, FL 32771-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$369,894
Total Land Value	\$4,182,720
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$4,552,614
Total Deferred	\$0
Assessed Value	\$4,552,614
Total Exemptions	\$0
Taxable Value	\$4,552,614

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	\$369,894	\$4,182,720	\$0	\$0	\$4,552,614	\$4,552,614	\$0	\$4,552,614
2018	\$0	\$369,894	\$4,182,720	\$0	\$0	\$4,552,614	\$4,496,623	\$55,991	\$4,496,623
2017	\$0	\$316,339	\$3,771,500	\$0	\$0	\$4,087,839	\$4,087,839	\$0	\$4,087,839
2016	\$0	\$326,883	\$3,771,500	\$0	\$0	\$4,098,383	\$4,098,383	\$0	\$4,098,383
2015	\$0	\$337,428	\$3,771,500	\$0	\$0	\$4,108,928	\$4,108,928	\$0	\$4,108,928
2014	\$0	\$347,973	\$1,717,150	\$0	\$0	\$2,065,123	\$2,065,123	\$0	\$2,065,123
2013	\$0	\$358,517	\$1,717,150	\$0	\$0	\$2,075,667	\$2,075,667	\$0	\$2,075,667
2012	\$0	\$369,062	\$1,717,150	\$0	\$0	\$2,086,212	\$2,086,212	\$0	\$2,086,212
2011	\$0	\$379,606	\$1,884,650	\$0	\$0	\$2,264,256	\$2,264,256	\$0	\$2,264,256
2010	\$0	\$390,151	\$2,094,025	\$0	\$0	\$2,484,176	\$2,484,176	\$0	\$2,484,176

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (High)	0	1962	12	0	23544

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	278348	SF	\$4,175,220
Marshes & Tidal Lands	0	0	3	AC	\$7,500

Sale Information

Recording Date	Sale Date	Sale Price	Instrument		Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/15/2014	8/15/2014	\$4,750,000.00	WD		3918	77	Q	I	REDUS FLORIDA COMMERCIAL LLC	SA MARINA HOLDINGS LLC
12/28/2010	12/28/2010	\$3,250,000.00	CT		3391	1899	U	V	SAN SEBASTIAN HARBOR RESORT LLC BY CLERK OF COURT	REDUS FLORIDA COMMERCIAL LLC
	8/30/2005	\$7,150,000.00	WD		2532	715	U	I	SAN SEBASTIAN HARBOR PARTNERS	SAN SEBASTIAN HARBOR RESORT LLC
	6/30/2005	\$3,470,000.00	QC		2484	971	U	I		SAN SEBASTIAN HARBOR PARTNERS LLC

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

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2019 TRIM Notice

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2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	2034700000
Location Address	90 RIBERIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug Granada/Riberia Corridor (COM) (610.18)
Tax Description*	(8)CITY OF ST AUG PT OF E305FT OF LOT 4 BLK 46-L LYING S OF SAN SEBASTIAN HARBOR DR - PARCEL F OR3925/1825 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Parking Lots (2810)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.490
Homestead	N

Owner Information

Owner Name	Sa Marina Holdings LLC 100%
Mailing Address	1265 UPSALA RD STE 1157 SANFORD, FL 32771-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$529,175
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$529,175
Total Deferred	\$0
Assessed Value	\$529,175
Total Exemptions	\$0
Taxable Value	\$529,175

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	\$529,175	\$0	\$0	\$529,175	\$529,175	\$0	\$529,175
2018	\$0	\$0	\$529,175	\$0	\$0	\$529,175	\$529,175	\$0	\$529,175
2017	\$0	\$0	\$529,175	\$0	\$0	\$529,175	\$529,175	\$0	\$529,175
2016	\$0	\$0	\$529,175	\$0	\$0	\$529,175	\$529,175	\$0	\$529,175
2015	\$0	\$0	\$529,175	\$0	\$0	\$529,175	\$529,175	\$0	\$529,175
2014	\$0	\$0	\$111,127	\$0	\$0	\$111,127	\$111,127	\$0	\$111,127
2013	\$0	\$0	\$111,127	\$0	\$0	\$111,127	\$111,127	\$0	\$111,127
2012	\$0	\$0	\$111,127	\$0	\$0	\$111,127	\$111,127	\$0	\$111,127
2011	\$0	\$0	\$121,710	\$0	\$0	\$121,710	\$121,710	\$0	\$121,710
2010	\$0	\$0	\$137,586	\$0	\$0	\$137,586	\$137,586	\$0	\$137,586

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Parking Lots	0	0	21167	SF	\$529,175

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/4/2014	9/2/2014	\$625,000.00	WD	3925	1825	Q	I	SEBASTIAN LOFTS LLC	SA MARINA HOLDINGS LLC
	6/30/2005	\$130,000.00	QC	2484	968	U	I	CITY OF ST AUGUSTINE	SEBASTIAN LOFTS LLC
	8/6/2004	\$0.00	OI	2258	1551	U	I	CITY OF ST AUGUSTINE	CITY OF ST AUGUSTINE
	10/1/1988	\$290,000.00		798	1400	U	I		CITY OF ST AUGUSTINE
	10/1/1987	\$0.00		761	525	U	I		
	8/1/1984	\$273,890.00		654	1329	Q	I		
	1/1/1980	\$90,000.00		458	8	U	I		

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

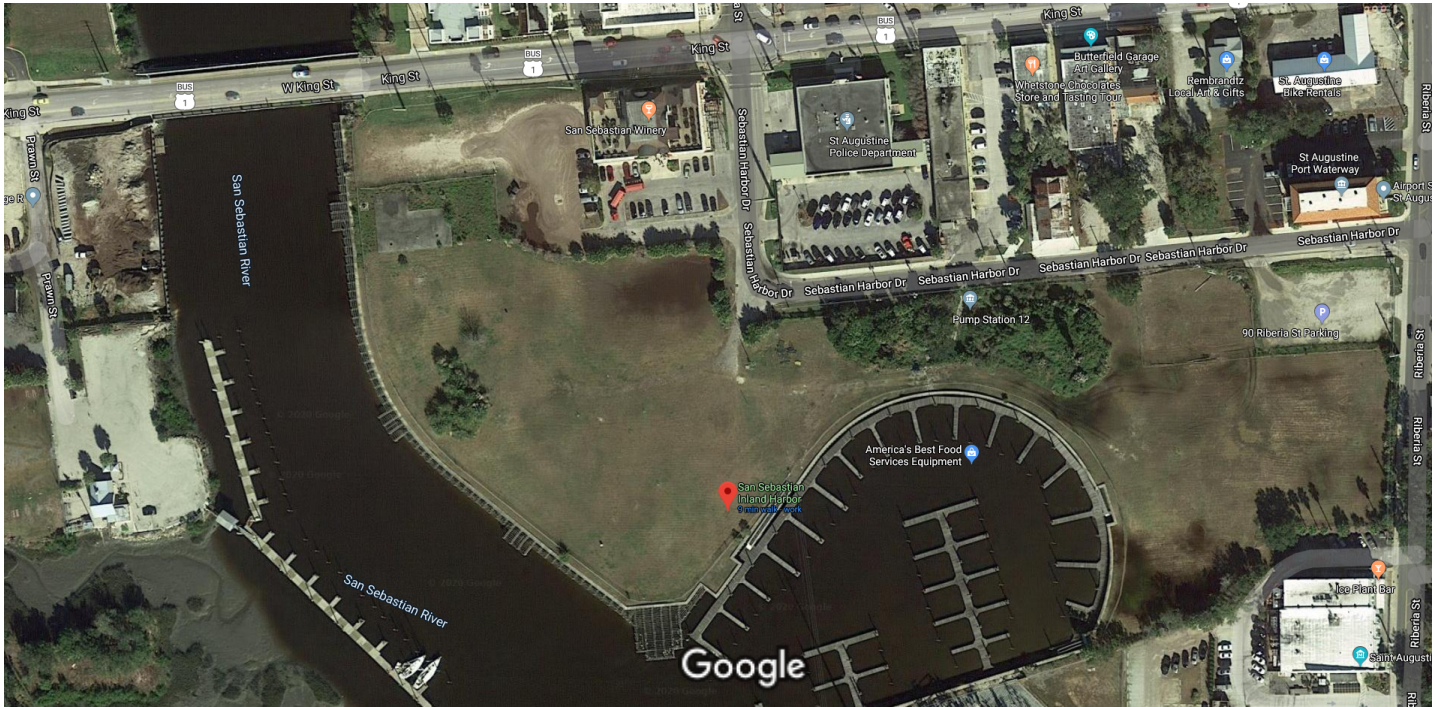
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Attachment 2
Proposed PUD

Sebastian Inland Harbor Planned Unit Development

City of St. Augustine, Florida

November 15, 2019
Revised January 10, 2020
Revised January 24, 2020

RECEIVED
By Patrick Doty at 10:09 am, Jan 27, 2020

Team Roster

Owners/Applicants:

SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771

Seavin, Inc.
157 King Street
St. Augustine, Florida 32084

Planning/Landscape Architecture:

Marquis Latimer & Halback, Inc.
34 Cordova Street
St. Augustine, Florida 32084

Civil Engineering:

Envision Design
2002 San Marco Boulevard, Suite 203
Jacksonville, Florida 32207

Legal/Authorized Agent for Owners:

Rogers Towers, P.A.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086
(904) 825-1615

Exhibit List:

Exhibit “A” – Legal Description of the Property
Exhibit “B” – Master Development Plan
Exhibit “C” - Public Facility Impact Analysis

AMENDED AND RESTATED SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT PROJECT TEXT

A. Purpose and Intent.

Pursuant to Section 28-286 of the City of St. Augustine Code (the “**Code**”), the purpose of a 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 City’s 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 intent of a 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.

This Sebastian Inland Harbor PUD text incorporates many of the provisions of the PUD text for the project approved by the City Commission in Ordinances 2007-14 and 2016-15, and includes site-specific regulations to address development and topographic conditions, historic or architectural features, and transitioning land uses. The PUD, including all exhibits hereto, complies with all applicable provisions of City Code Chapter 28.

B. Site Information.

1. Location

The property subject to this PUD ordinance is located east of the San Sebastian River, south of King Street and Sebastian Harbor Drive and west of Riberia Street in the City of St. Augustine. The property has St. Johns County Parcel Identification Nos. 203350-0000, 203350-0010, 203350-0030 and 203470-0000 (collectively, the “**Property**”). A legal description of the Property is attached as **Exhibit “A”**. The Property includes approximately 13.5 acres, of which approximately 11 acres are owned by SA Marina Holdings, LLC (“**SA Marina**”) and approximately 2.5 acres are owned by Seavin, Inc. (“**Seavin**”).

2. Owners and Agent

The owners of the Property are SA Marina and Seavin (sometimes collectively referred to herein as the “**Owners**”). The agent for the Owners is Ellen Avery-Smith, Esq., Rogers Towers, P.A. (the “**Agent**”). Addresses for the Owners and Agent are in the Team Roster on page 2.

3. History, Existing Approvals

The Future Land Use Map (“**FLUM**”) designation of the Property is Residential Medium Density/Mixed Use. The Property was rezoned from Residential General Office (“**RGO**”) to PUD in 2004 (Sebastian Inland Harbor PUD, Ordinance No. 2004-23). The PUD was modified by the City Commission in 2007 (Ordinance No. 2007-14) to change the

permitted land uses and conceptual site plan. In 2016, the PUD was again modified, but only to extend the project phasing dates set forth in Section III of the PUD text. The other details in the 2016 PUD Ordinance are identical to the 2007 PUD Ordinance.

The current PUD allows for development of a maximum of 85 condominium units, a maximum of 225 hotel rooms (with banquet facility, meeting rooms, spa and exercise facilities, restaurants and lounges, gift shops and retail space), a maximum of 36,060 square feet of retail space, a maximum of 65 marina slips, and the San Sebastian Winery (approximately 24,000 square feet). To date, the only development within the Property is the San Sebastian Winery, which is located on one of the parcels owned by Seavin, and a marina situated on land owned by SA Marina. The remainder of the Property is vacant.

4. Summary of Proposed Development

The Owners are proposing to revise the development plan for the Property to include a maximum of 165 multi-family residential units, a maximum of 167 hotel rooms (with a banquet hall and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 26,050 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approximately 24,000 square feet of retail/commercial space). A master development plan depicting the locations of the proposed land uses is attached as **Exhibit “B”** (the “**Master Development Plan**”). City staff shall be permitted to approve minor deviations from the Master Development Plan.

The proposed development plan reflects a reduction of 58 hotel rooms and 10,000 square feet of retail space in exchange for an increase of 80 multi-family units. The Owners have also eliminated the previously approved 75-foot and 90-foot towers approved for the project in 2007.

The Property includes approximately 11.5 acres of uplands and approximately two (2) acres of submerged land, where the marina is located. There are no wetlands on the Property.

The project is exempt from the requirements of the Concurrency Management Ordinance (Ordinance No. 91-23 and Article II, Section 21-26 through 21-60 of the Code), pursuant to Ordinance No. 2007-14.

C. Proposed Development (Code Section 28-289 provisions in BOLD).

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.**

As set forth in Section B.3 above, the Property has a FLUM designation of Residential Medium Density/Mixed Use.

City Comprehensive Plan Future Land Use Element (“**FLUE**”) 1.3 states that Residential Medium Density/Mixed Use (“**RMD/MU**”) areas allow medium intensity commercial and medium density residential land uses. The RMD/MU designation encourages a mixture of residential and commercial developments. Projects are encouraged to include a

cohesive design to create identity. The Owners intend to construct multi-family units, hotel rooms, retail/commercial space, a marina (existing), and the San Sebastian Winery (existing) in a cohesive design, in compliance with this Comprehensive Plan policy.

Future Land Use Element Objective 4 encourages the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments. The Sebastian Inland Harbor project is a mixed-use PUD and will connect to existing utilities and other infrastructure, which have capacity to serve the Property. The Property is located adjacent to King Street, Riberia Street and Sebastian Harbor Drive, which are public roads. The project will provide ample parking for residents and guests, who can park their cars before getting into the City center and walk or take trolleys to the City center.

The Transportation Element Goal emphasizes the maintenance of a coordinated multimodal transportation system which provides for the safe, efficient and economical movement of people, goods and services and protects the City's natural, cultural and historical resources. The project is located in downtown St. Augustine, within walking distance of most destinations. Project visitors can park their cars either at their homes or at the hotel and walk, bike or take trolleys to destinations throughout downtown. Many retail/commercial customers will either be staying at the hotel or living in multi-family units within the Property or in nearby Lincolnville and can walk or bike to the site. Ample parking will be available on the Property.

Transportation Element Objective 1.5 requires the City to identify and pursue strategies to reduce the vehicle miles traveled by establishing locations for compact, mixed-use development, increasing opportunities for job creation proximate to higher density residential, facilitating future opportunities for transit-oriented development and encouraging new developments to be connected by roadways, bikeways and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. The Sebastian Inland Harbor PUD meets all of these objectives by providing a mixed-use development and creating jobs within the same Property where people live. The Property is connected to downtown St. Augustine and Lincolnville by roadways, bikeways and pedestrian systems. The Property is already on trolley and other transit routes.

Recreation and Open Space Element Policy 4.1 requires certain residential developments to provide parks and recreational facilities, based on the number of proposed units. For development of 100 or more units, this parkland or open space must provide at least one (1) active recreational facility and one (1) passive recreational facility per 100 units. The Sebastian Inland Harbor PUD will meet this requirement by providing recreational amenities such as a swimming pool, indoor workout facilities and other amenities to residents within the multi-family buildings and walking paths throughout the site which are interconnected to the riverwalk and adjoining sidewalks.

The Conservation and Coastal Management Element Goal is to 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. The Property does not contain any environmentally sensitive lands, vegetative communities or wildlife habitats.

Conservation and Coastal Management Policy 1.1 requires the City to maintain three (3) Conservation Overlay Zones (“COZs”). Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers and other water dependent uses, including boat ramps and marinas. Conservation Overlay Zone 2 allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off-street parking areas; and residential development, provided that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 allows a variety of land uses and development subject to performance standard requirements governed by the City’s Comprehensive Plan, including the underlying Future Land Use Category, and the City’s land development regulations. The Sebastian Inland Harbor project will comply with all applicable COZ requirements enumerated in Conservation and Coastal Management Policies 1.1 and 1.5, as set forth more fully in Subsection C.3.p hereof.

The Infrastructure Element requires the provision of sanitary sewer, potable water and solid waste services to support intended development. The Sebastian Inland Harbor project will connect to the City’s existing sanitary sewer and potable water systems, at the expense of the Owners (in compliance with Capital Improvement Objectives 4 and 5), and will make improvements to the extent required solely for the project. The project will use water-wise landscaping where practicable. The project will also utilize City solid waste services. The Stormwater Management Sub-Element requires developments to provide their own stormwater management systems. The project will comply with this requirement.

Capital Improvement Element Objective 6 and Public School Facilities Element Goal 2 require the City to ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools. SA Marina will apply to the St. Johns County School Board for school concurrency and will pay any required proportionate share and/or impact fees required by the School Board for its proposed multi-family residential units.

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.

Not applicable.

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.

The Owners desire to amend the existing PUD for the Property in order to provide an updated development plan that more fully meets current and future needs of the City in this area. The following development standards shall apply to the Property:

- a. Allowable uses: Allowable uses within the Property shall be a maximum of 165 multi-family residential units, a maximum of 167 hotel rooms (with a banquet hall which may be used as a special event venue and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 26,050 square

feet of retail/commercial space, a maximum of 65 marina slips with ancillary facilities (including fuel sales), the existing San Sebastian Winery (approximately 24,000 square feet of retail/commercial space), all other uses permitted in the Residential General Office (“RGO”) zoning district, recreational and other amenities to serve the development, and surface parking and/or parking garages to accommodate the aforementioned uses. The retail/commercial space may include:

1. Restaurants with indoor and outdoor sales, including the sale of alcoholic beverages;
2. Retail sales such as specialty food stores and drugs, clothing and toy and hobby shops, pet shops (but not kennel or veterinarian offices), bookstores and newsstands, stationery and card shops, leather goods and luggage shops, jewelry stores, art and photographic supply shops, TV and stereo equipment (including incidental repairs) stores, florists or gift shops, bake shops (but not wholesale bakeries), sporting goods stores, sundries and notions stores, business office supply stores, musical instrument shops, records and tapes stores, retail sale of alcohol and similar products with no exterior display or storage of merchandise permitted;
3. Museums;
4. Bars, taverns and wineries, with indoor and outdoor sales;
5. Professional and business offices;
6. Convention centers and conference centers;
7. Spas;
8. Special event venues (including within the hotel banquet hall); and
9. All accessory uses and structures allowed by Section 28-348 of the Zoning Code in effect at the time of approval of the PUD.

The locations of the proposed uses are depicted on the Master Development Plan, **Exhibit “B”**.

The multi-family units shall include recreational facilities including a swimming pool, indoor fitness center and other facilities. The project will include walking paths that connect to sidewalks along King and Riberia streets for residents’ enjoyment.

- b. Setbacks: The minimum building setbacks are as follows:

1. A minimum of ten (10) feet from each property line along King Street, Sebastian Harbor Drive and Riberia Street.
2. There shall be no building setbacks required within the interior of the Property.
- c. Maximum building height: Buildings shall not exceed 50 feet in height, with an allowance of an additional 15 feet above the roof for mechanical equipment and architectural elements. Building height shall be measured from 10.0 NAVD. Due to known flooding at this location during recent hurricanes up to 9.0 NAVD, the project is providing an additional 1.0 feet of freeboard, which will result in a minimum finished floor elevation of 10.0 feet NAVD for enclosed structures (excluding parking garages and existing structures that will remain on the Property).
- d. Minimum lot size: None.
- e. Minimum lot width: None.
- f. Maximum lot coverage: 75 percent for the Property.
- g. Parking:

<u>Land Use</u>	<u>Spaces Required by Code</u>	<u>Minimum Spaces Provided in PUD</u>
Multi-Family Residential	1 bedroom – 1.5 spaces per unit 2 bedrooms – 2 spaces per unit 3 or more bedrooms – 2.25 spaces per unit*	1.65 spaces per unit
Hotel	1 space per room 4 spaces per 1,000 sq. ft. for meeting/banquet rooms	1 space per room 4 spaces per 1,000 sq. ft. for meeting/banquet rooms/special event venue
Retail/Commercial	1 space per 300 sq. ft.	1 space per 300 sq. ft.
Restaurant (outside of hotel)	1 space per 3 patrons and 1 per 200 sq. ft. of non-patron area	1 space per 4 patrons

Marina	1 space per 2 boat slips	1 space per 5 boat slips
Winery	1 space per 450 sq. ft.	1 space per 450 sq. ft.

*The project will not include more than 20 percent three (3)-bedroom or larger units.

Parking may be provided in surface lots and in parking garages. The Master Development Plan depicts two parking garages - one for the multi-family building and the second for the non-residential uses within the Project. Parking in the multi-family garage will only be available to residents of the multi-family building. The other garage will be available for parking by visitors to the hotel, restaurants, commercial space and other non-residential components of the project, as well as to the general public when space allows. The Owners shall be permitted to designate certain spaces within the non-residential parking garage and non-residential parking lots for use by certain businesses within the Property (e.g., the marina). During project construction, temporary parking may be located within temporary parking lots anywhere within the Property. Parking spaces located within any parking garage or garages will be nine (9) feet wide by 18 feet deep. The Owners shall be permitted to construct on-street parking, in the locations depicted on the Master Development Plan, in cooperation with the City of St. Augustine. Such spaces will be available for use by the general public and will be metered by the City. The on-street parking spaces will be 9.5 feet wide by 19 feet deep. This is a mixed-use project that contains a variety of non-residential and residential uses. Those uses have parking requirements that vary depending on time of day and day of the week. Thus, the Owners will provide parking that meets the needs of the Project without overparking the site. The minimum number of parking spaces that will be provided per individual land use are set forth in the table above.

- h. Signage: Project signage will be categorized as Commercial Zone 3, the requirements for which are set forth in Section 3-66(c) of the Code.
- i. Roads: Project roadways will be owned and maintained by the Owners, subject to recorded access and utility easement and maintenance agreements. Access to the parking garage on Riberia Street will occur at the southernmost location. A traffic analysis will be performed to determine the need for a right-turn lane. Access control will not be provided at this garage entrance; provided, however, it may be provided at the ramp location. This will allow traffic to flow freely into the garage.
- j. Sidewalks: A five (5)-foot-wide sidewalk will be constructed on the south side of King Street, the south side of Sebastian Harbor Drive and the west side of Riberia Street within the Property. The project will also include internal sidewalks to connect the various uses. Primary pedestrian connections will be from Sebastian Harbor Drive.
- k. Stormwater: The Owners will provide a stormwater management system for the proposed development, in compliance with applicable City and St. Johns River

Water Management District (“**District**”) requirements. The stormwater management system for the Project will be designed to accommodate drainage from Sebastian Harbor Drive in accordance with City and District requirements. It is understood that because the system discharges to the San Sebastian River, the Project will not meet the City’s on-site retention requirements.

- n. Lighting. Project lighting shall comply with applicable Code provisions.
- o. Accessory Uses. Project accessory uses shall comply with applicable Code provisions.
- P. Temporary Uses. Project temporary uses shall comply with applicable Code provisions. Temporary offices and construction trailers shall be allowed on the Property during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the final building within the Property. Parking may be provided for the temporary offices and trailers in a temporary defined, but unpaved, area which meets applicable Code provisions.
- q. Utilities: Project shall comply with applicable Code requirements. Stormwater will be provided pursuant to a permit issued by the St. Johns River Water Management District.
- r. Landscaping: Project landscaping will comply with applicable provisions of Code Chapter 25, Article III. Given the interconnected site layout, internal buffer yard landscape shall not be required between the parcels within the PUD.
- s. Tree Mitigation: Project tree removal and replacement will comply with applicable provisions of Code Chapter 25, Article III.
- t. Conservation Overlay Zone Development: Chapter 11, Article II, Sections 11-26 through 11-30 of the Code set forth criteria for development within conservation overlay zones (“**COZs**”). Portions of the Property lie within COZs 1, 2 and 3, and development of the Property will comply with applicable provisions of Sections 11-26 through 11-30.

Code Section 11-29(a) allows permits for structures and uses located within COZ 1 to 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. Code Section 11-29(b) allows permits for structures and uses located within COZ 2 to 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.

The predecessor-in-interest to SA Marina constructed a 65-slip marina within the Property approximately 12 years ago. The marina was constructed pursuant to Ordinance No. 2007-14, which included a COZ 1 analysis for the marina.

For the portions of the Property located within COZ 2, the Owners provide the following information in response to Code Section 11-29(c) criteria (with Code criteria in BOLD below):

1. **Site specific conditions.**

See the Master Development Plan for site development details.

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

See the Master Development Plan for site development details.

3. **Natural and proposed drainage patterns.**

The Property is bounded on the west by the San Sebastian River. The existing ground surface slopes toward the river.

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

The point discharges will be routed through a system of underground treatment chambers for water quality treatment prior to discharge into the river.

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

Standard erosion control methods will include silt fencing around the perimeter of the developed areas, inlet protection during construction, hay bale barriers at the outfalls and floating turbidity barriers within the onsite ditch during road crossing construction. All disturbed areas will be seeded and mulched to establish vegetation to ensure minimal erosion after construction is complete.

6. **Impact on floodplain.**

Because the San Sebastian River is an open basin that has a direct connection to the Atlantic Ocean, the impacts to the floodplain will be minimal.

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

The Property contains no wetlands or significant plant or animal habitat.

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

Because the Sebastian Inland Harbor PUD will include multi-family, hotel and retail/commercial uses that do not permit the use of hazardous chemicals and materials, there is no potential for contaminated drainage, storage of pollutants or the use of poisonous chemicals or materials from those uses. The marina will be permitted to have fuel sales, but the marina will be redesigned to meet the Florida Department of Environmental Protection clean marina criteria to prevent contamination of the San Sebastian River.

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

The marina was constructed pursuant to Ordinance No. 2007-14. No other structures are proposed within COZ 1.

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

The proposed development will have no effect on manatees, vegetation, shellfish or wildlife, nor will it cause shoreline erosion because it is located within upland areas of the site. The marina was constructed pursuant to Ordinance No. 2007-14.

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

There will be no additional impact to the shoreline.

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

The Conservation Overlay Zone 1 Development includes the previously approved marina. The impacts of the marina were addressed in Ordinance No. 2007-14.

The proposed multi-family homes, hotel rooms and retail/commercial space will be located within Conservation Overlay Zones 2 and 3. Those uses will be limited to the building height set forth in Section 3.c hereof so their impacts to vistas and scenic opportunities from surrounding lands will be minimal. Surrounding lands include existing and approved uses for hotels and other structures to heights of 50 feet, with architectural features extending above 50 feet.

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

The Property will be reestablished with native and/or Florida Friendly landscape material. Definitions for each (“native” and “Florida Friendly”) shall be per University of Florida / IFAS. Landscape schedule shall indicate whether plantings are native and/or Florida Friendly.

No invasive plant material (as defined by the State of Florida) shall be included.

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

The Property does not contain any significant plant or animal habitat.

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.)**

Stormwater runoff from the Property and Sebastian Harbor Drive will be routed to a surface water management system permitted by the City and the District.

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

The project will have no impact on shellfish or on commercial or sport fish or waterfowl because all stormwater runoff from the Property will be routed to a District-permitted surface water management system. The development will be located on upland areas of the site.

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.

No docks, other than the previously approved marina, are proposed.

4. **Compliance with the purpose and intent and criteria in Code Section 28-286.**

The Sebastian Inland Harbor PUD complies with Code Section 28-286 by:

- a. Promoting more efficient and economic use of land by offering a true mixed-use development where residents can live, work and play on a site ripe for urban infill.
- b. Encouraging a more compatible and harmonious development of contiguous lands by integrating uses within one project;
- c. Providing flexibility to meet changing needs, technologies, economics and consumer preferences in the Master Development Plan and this text;
- d. Providing a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- e. Demonstrating the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned development's relationship with the existing and preferred architectural context surrounding the project;
- f. Providing an environment of consistent character compatible with the surrounding areas; and
- g. Permitting 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.

5. **Compliance with Code Section 28-288 and justification for any zoning uses.**

As stated in Section C.3 hereof, the allowable uses within the Property shall be a maximum of 165 multi-family residential units, a maximum of 167 hotel rooms (with a banquet hall and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop), a maximum of 26,050 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery. A master development plan depicting the locations of the proposed land uses is attached as **Exhibit “B”, Master Development Plan**. The proposed residential and commercial uses are permitted in the Residential Medium Density/Mixed Use FLUM designation for the Property.

Development standards for the Property are set forth in Section C.3 hereof. These standards will mitigate for any negative impacts of the development on surrounding lands.

Benefits to the community from the Sebastian Inland Harbor project include:

- a. Providing parking spaces available for public use, with metering by the City to generate revenue for the City.
- b. Resurfacing of the east/west portion of Sebastian Harbor Drive, in conjunction with the City, and providing lighting and landscaping along the east/west portion of Sebastian Harbor Drive on the project side of the street.
- c. Providing a true mixed-use infill project, where residents can live, work and play, in downtown St. Augustine and Lincolnville.
- d. Locating the project in an area where residents and visitors can park their cars and walk between land uses, or where people can walk or take trolleys from other downtown venues.
- e. Utilizing existing infrastructure, at no cost to the City.
- f. Providing much-needed multi-family housing in the downtown core.
- g. Increasing the number of jobs available to City residents, thus allowing them to work locally, even within walking and biking distance from their homes.
- h. Providing on-street parking for the public, at project expense.
- i. Constructing improvements to Sebastian Harbor Drive and landscaping along the street to enhance the appearance of this area of the City.

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.**

The Sebastian Inland Harbor project will be developed in one (1), ten (10)-year phase. Construction shall commence within three (3) years of the City Commission’s adoption of this PUD ordinance and shall be completed within ten (10) years of commencement. For purposes

of this PUD, “commencement” shall be defined as the City’s approval of horizontal construction plans, and “completion” shall be defined as the City’s approval of as-builts for horizontal improvements.

Architectural plans for the portion of the Property within the King Street Design Corridor will meet applicable Code provisions; provided, however, that project or building entrances shall not be from King Street and building heights shall comply with this PUD. The *King Street Design Standards for Entry Corridors* shall be applied by a third-party architect approved by City staff. Such third-party architect shall have the right to approve, approve with conditions or deny applications filed with it, in lieu of plans being submitted to and approved by the City’s Corridor Review Committee. The existing winery building shall be considered compliant with the *King Street Design Standards for Entry Corridors*.

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.

The Owners will record one or more access and utility easement and maintenance agreements against title to their respective lands to ensure for the continuing operation and maintenance of project infrastructure.

8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD 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) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

This PUD shall terminate 15 years from its adoption by the City Commission unless otherwise extended or amended pursuant to the Code or Florida law.

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.

The proposed PUD is consistent with the underlying future land use designation of the Property.

10. 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.

A public facility impact analysis that outlines the project’s potential impacts on transportation networks, circulation patterns and infrastructure is attached as **Exhibit “E”**.

11. **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 hearing 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.**

See Section E hereof.

D. Performance Standards (Code Section 28-291).

1. **Density of development.** The project will include a maximum of 165 multi-family units on approximately 11.5 developable acres, yielding a net density of 14.3 units per acre. The proposed density is consistent with Residential Medium Density/Mixed Use FLUM designation for the Property.

2. **Open space.** The project will include open space within the entranceway to the hotel, between the various land uses and adjacent to the San Sebastian River, as depicted on the Master Development Plan.

3. **Waiver of yard, dwelling unit, frontage criteria and use restriction.** See Section C.3 hereof for these criteria and waivers from such requirements. Those waivers are detailed in Subsection C.3.c (Building Height), C.3.g (Parking) and C.3.r (Landscape Buffer Yard).

4. **Management and maintenance of open space areas.** All common property within the PUD will be owned, operated and maintained by the Owners.

5. **Community facilities.**

a. **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.**

The project will connect to existing City utility lines and will make improvements to such systems to the extent required solely to serve the project. The Owners will work with the City regarding any proposed dedication of utility lines, in compliance with applicable Code requirements.

b. **All requirements for off-street parking and loading shall apply to the PUD unless otherwise waived or modified.**

See Section C.3.g for parking standards.

c. **Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.**

The project will provide adequate access and circulation for emergency and other access, including access for large vehicles.

d. **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 stormwater and prevent erosion and formation of dust.**

The project will provide for underground utilities to the extent practicable.

e. **Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.**

See Section C.3 for street and sidewalk design criteria. The Master Development Plan shows interconnectivity within the Property and with adjacent lands.

f. ***General development patterns.* Residential subdivisions and mixed-use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.**

See the Master Development Plan, **Exhibit “B”**, and this text for the development standards for Sebastian Inland Harbor.

E. **Ownership Agreement.**

The Owners, on behalf of themselves and their successors and assigns, hereby agree and stipulate to proceed with the proposed development in accordance with the PUD ordinance for this application as adopted by the City of St. Augustine City Commission. The Owners also agree to comply with all conditions and safeguards established by the St. Augustine City Commission with respect to this Planned Unit Development application.

One or more Community Development Districts (“**CDD**”) may exist within the Project. Any CDD approved pursuant to Chapter 190, Florida Statutes, may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain projects, systems and facilities for the purposes described in Section 190.012, Florida Statutes. Construction or funding by any such CDD of any or all such projects within or without the boundaries of the CDD necessary to serve the development approved hereunder is expressly approved. If the Owners of the PUD are required to provide, pay for or otherwise cause to be provided, infrastructure, projects, systems or facilities set forth in Chapter 190, Florida Statutes, including without limitation, those in Section 190.012(1) and (2), Florida Statutes, then the CDD independently may satisfy such obligations.

To the extent any such obligation under this PUD is met or performed by a CDD, then the Owner shall no longer be subject to the obligation. In the event that any contributions of land, money (including “fair share payments”), or improvements funded or constructed with funds from a CDD are required by then current law to give rise to impact fee credits to the CDD, then

such impact fee credits shall be established in the name of the CDD. The amount of such credit shall be determined in accordance with applicable law and City ordinance as established by the City.

SA Marina Holdings, LLC,
a Florida limited liability company

By: _____
Name: _____
Title: _____
Date: _____

Seavin, Inc., a Florida corporation

By: _____
Name: _____
Title: _____
Date: _____

Exhibit “A”

Legal Description of the Property

Exhibit “B”

Master Development Plan



Exhibit “C”

Public Facility Impact Analysis

Attachment 3

Neighborhood Developer Notice



ATTORNEYS AT LAW

Ellen Avery-Smith

904 . 825 . 1615
EAverySmith@rtlaw.com

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396. 0663 Fax
www.rtlaw.com

January 23, 2020

VIA U.S. MAIL

Neighborhood Council of St. Augustine, Inc.
P.O. Box 658
St. Augustine, Florida 32085-0658

Re: Developer Neighborhood Notice – Sebastian Inland Harbor Planned Unit Development

To Whom It May Concern:

This Developer Neighborhood Notice is submitted on behalf of SA Marina Holdings, LLC and Seavin, Inc. (collectively, the “Owners”), the owners of property located east of the San Sebastian River, south of King Street and Sebastian Harbor Drive and west of Riberia Street (the “Property”) commonly referred to as Sebastian Inland Harbor. The Property includes St. Johns County Parcel Identification Nos. 203350-0000, 203350-0010, 203350-0030 and 203470-0000.

The Property is zoned Planned Unit Development (“PUD”) via Ordinance Nos. 2007-14 and 2016-15. The existing, approved PUD allows for development of a maximum of 85 condominium units, a maximum of 225 hotel rooms, a maximum of 36,060 square feet of retail space, a maximum of 65 marina slips, and the San Sebastian Winery (approximately 24,000 square feet of retail/commercial space) . To date, the only development within the Property are the San Sebastian Winery and the marina.

The Owners are proposing to revise the PUD development plan for the Property, which includes both residential and commercial uses, consistent with the site’s future land use designation of Residential Medium Density/Mixed Use. The Owners have filed an application with the City of St. Augustine to modify the PUD to include a maximum of 165 multi-family residential units, a maximum of 167 hotel rooms, a maximum of 26,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the San Sebastian Winery (approximately 24,000 square feet of retail/commercial space). The proposed development plan reflects a reduction of 58 hotel rooms and 10,000 square feet of retail space in exchange for an increase of 80 multi-family units. The Owners have also eliminated the previously approved 75-foot and 90-foot towers permitted for the project.

Please contact me, the Applicant, directly on behalf of the Owners at the address and telephone number listed above, 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. This 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 or defined communities and 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.

Please contact me with any questions regarding the PUD application and any community meeting you may request.

Sincerely yours,



Ellen Avery-Smith

cc: Patrick Doty, CFM (via e-mail)

Attachment 4

Parking Comparative Analysis

**Sebastian Inland Harbor Planned Unit Development
Parking Table Analysis**

Land Use	Spaces Provided per Approved 2007 PUD	Spaces Required per 2020 Code	Minimum Number of Spaces Provided in Proposed 2020 PUD Modification
Multi-Family Residential	70 Condos	1 bedroom – 1.5 spaces per unit	Maximum of 165 multi-family residential units ¹
	2 spaces per unit	2 bedrooms – 2 spaces per unit	1.65 spaces per unit
	15 Lofts 2.1 spaces per unit	3 or more bedrooms – 2.25 spaces per unit	
Hotel	225 rooms ² (with meeting space, restaurant, spa, gift shop, etc.) 35 spaces for all hotel accessory units	1 space per room; plus 4 spaces per 1,000 sq. ft. for meeting/banquet rooms	Maximum of 167 hotel rooms (with a banquet hall and meeting rooms, restaurant, lounge, spa and exercise facilities and gift shop) 1 space per room; plus 4 spaces per 1,000 sq. ft. for meeting/banquet rooms/special event venue;
Retail/Commercial	36,060 sq. ft. 1 space per 434 sq. ft.	1 space per 300 sq. ft.	Maximum of 26,050 sq. ft. (including restaurants outside of hotel) 1 space per 300 sq. ft.
Restaurant (outside of hotel)	N/A	1 space per 3 patrons and 1 per 200 sq. ft. of non-patron area	Restaurants outside of hotel included in maximum square footage included in maximum 26,050 sq. ft.

			Retail/Commercial 1 space per 4 patrons
Marina (Existing)	65 marina slips 4 spaces ³	1 space per 2 boat slips	Maximum of 65 marina slips Minimum 13 spaces (1 space per 5 boat slips)
Winery (Existing)	San Sebastian Winery (Approx. 24,000 sq. ft.) 56 spaces	1 space per 450 sq. ft.	San Sebastian Winery (Approx. 24,000 sq. ft.) Minimum 53 spaces (1 space per 450 sq. ft.)

¹The project will not include more than 20 percent three (3)-bedroom or larger units.

²Per 2007 PUD, 1 parking space shall be provided for each guest room in the hotel.

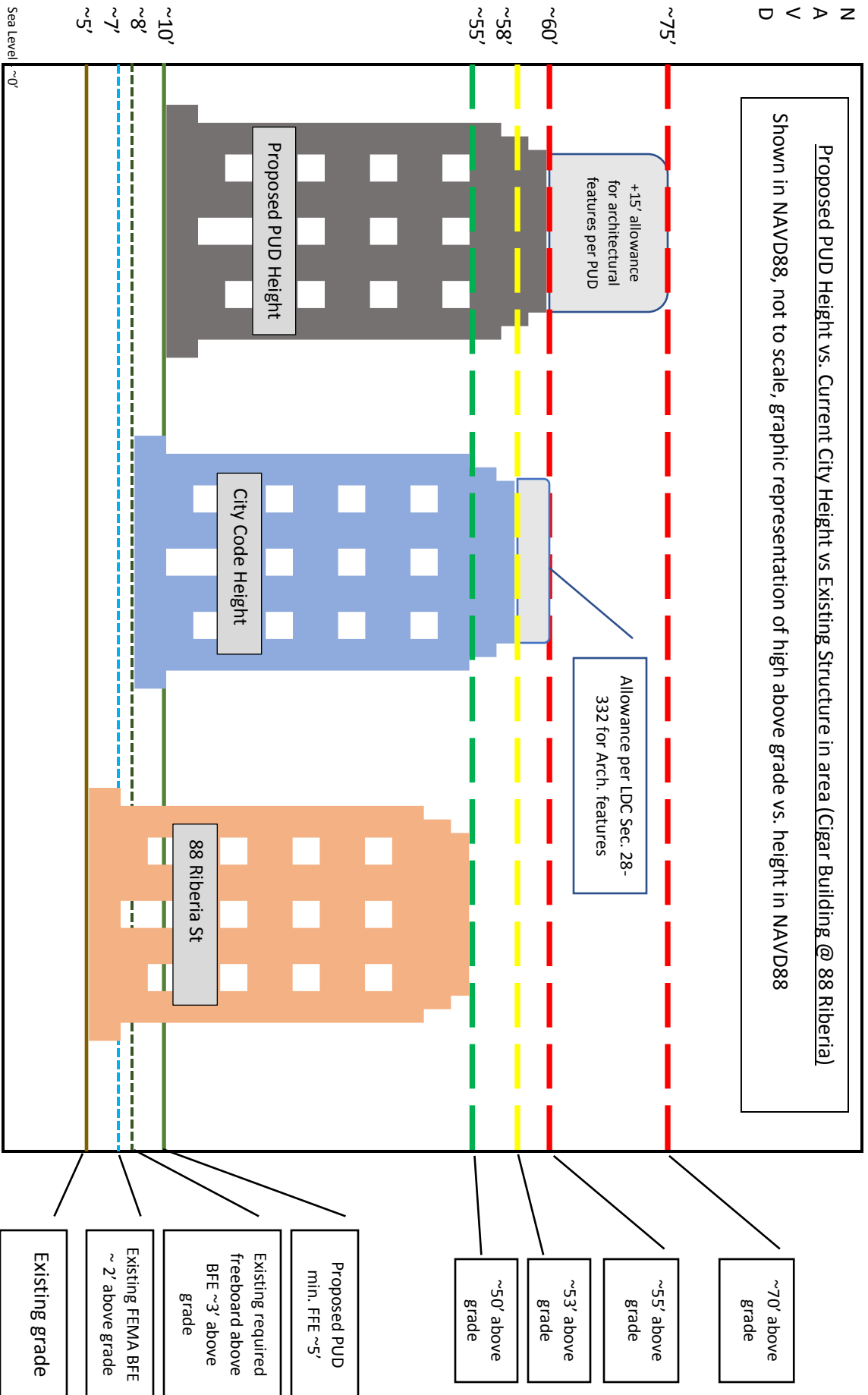
³Per 2007 PUD, 1 parking space shall be provided for each public boat slip; no additional spaces are required for private slips for the condominium units.

Attachment 5

Height

Comparison

Table



Attachment 6
PUD 2007-14

ORDINANCE NO. 2007-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING THE SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT (PUD), ESTABLISHED PURSUANT TO ORDINANCE NO. 2004-23, PURSUANT TO SECTIONS 28-286 THROUGH 28-291 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR MODIFIED TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, s. 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 St. Augustine Comprehensive Plan provides for a Medium Density/Mixed Use land use designation for the subject property, and associated use and density criteria for development within the designation; and

WHEREAS, s. 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Sections 28-286 through 28-291 of the Code of the City of St. Augustine provide procedures for the establishment and modification of a Planned Unit Development (PUD); and

WHEREAS, on December 13, 2004, the City Commission for the City of St. Augustine, Florida, passed and adopted Ordinance No. 2004-23 establishing the Sebastian Inland Harbor PUD; and

WHEREAS, on July 5, 2007, the City of St. Augustine Planning and Zoning Board reviewed a request to modify the Sebastian Inland Harbor 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. Modification of the Sebastian Inland Harbor Planned Unit Development. The Sebastian Inland Harbor PUD, created pursuant to Ordinance No. 2004-23, is hereby modified in accordance with the terms and conditions provided herein.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Sebastian Inland Harbor PUD are as presented in the attached Intended Plan of Development (revised June 29, 2007), incorporated herein by reference. In addition, the approval of the Intended Plan of Development shall be expressly contingent upon the acquisition by the developer of an executed agreement by Westin Hotels or an equivalent brand to locate a hotel franchise at the PUD site. The approval of the Intended Plan of Development also shall be expressly contingent upon the approval by the City Commission of any towers to be constructed at the PUD site. One such tower may not exceed ninety (90) feet in height, and one other such

tower may not exceed seventy-five (75) feet in height. Any tower, including the architectural design and location and the number of such towers, shall be subject to the approval of the City Commission.

Section 3. Severability. 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 by the City Commission of the City of St. Augustine, Florida, this 13th day of August, 2007.

ATTEST:

Karen Rogers
City Clerk

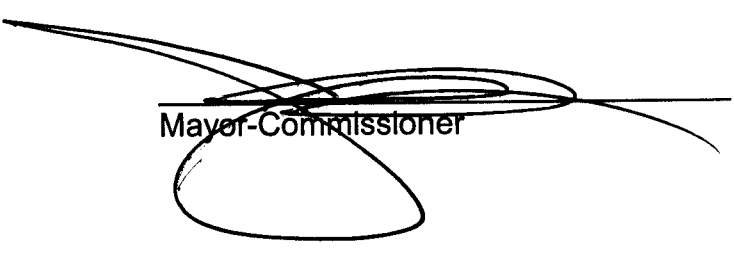

Mayor-Commissioner

EXHIBIT "C"

Sebastian Inland Harbor Planned Unit Development

Intended Plan of Development (Revised 06/29/07)

Applicant:

**San Sebastian Harbor Resort, LLC
1548 The Greens Way, Suite 3
Jacksonville, FL 32250**

Authorized Agents for the Applicant:

**George M. McClure, Esq.
Susan S. Bloodworth, Esq.
McClure Bloodworth, P.L.
81 King Street, Suite A
St. Augustine, Florida 32284
(904) 825-4343/ (904) 825-4722 fax**

Amended and Restated PUD Narrative
SAN SEBASTIAN INLAND HARBOR PUD

SECTION I

INTRODUCTION AND APPLICATION

This is an attachment to an application for a major modification to the Sebastian Inland Harbor Planned Unit Development (Ordinance No. 2004-23) with accompanying documents as required by Section 28 (the "Zoning Code") of the St. Augustine, Florida Code of Ordinances ("Code of Ordinances"). This narrative is intended to completely restate the terms and conditions of the PUD so that reference need be made to only one document in determining the conditions of the PUD. This is **Exhibit "C"** to the application form. This application is filed on behalf of the Applicant:

San Sebastian Harbor Resort, LLC
1548 The Greens Way, Suite 3
Jacksonville, FL 32250

The site is known as "The Sebastian Inland Harbor Development" and consists of approximately 13.5 acres of undeveloped land located on King Street and Sebastian Harbor Drive in the City of St. Augustine, and is more particularly described on the legal description attached to the application as **Exhibit "A"** (the "Property"). Applicant is the successor in interest to the original developer. The site is currently zoned Planned Unit Development (PUD), as defined within the Zoning Code. The land use designation of the site is Residential Medium Density/Mixed Use. This category allows for multiple-family dwellings, professional and business offices, restaurants, retail sales, marina, museums, parking facilities and garages, bars and taverns, home offices, and hotels,

motels, conference centers, convention centers and spas. The Project is exempt from the requirements of the Concurrency Management Ordinance of the City of St. Augustine (Ord. No. 91-23 and Article II, Section 21-26 through 21-60 of the Code of Ordinances).

A. Location/Site Characteristics: The site is an irregular shaped parcel of land containing approximately 13.5 acres, of which approximately 10.88 acres are uplands. A copy of the topographical map for the property is attached to this application as **Exhibit "E"**. The Property is located within the incorporated limits of the City of St. Augustine. A location map is attached to the application as **Exhibit "B"**. The site is located on the south side of King Street and on the east bank of the San Sebastian River, which is a navigable waterway providing deep water access to the Intracoastal Waterway and the Atlantic Ocean. The site contains approximately 260 feet of frontage along the south side of King Street, approximately 318.95 feet of frontage along the west side of Riberia Street, and approximately 922 feet of frontage on the San Sebastian River from the southern boundary north to King Street. The site also has approximately 705.98 feet of frontage along Sebastian Harbor Drive, a two-lane thoroughfare that connects the southern section of what was formerly Malaga Street with Riberia Street. Site work for the existing project has substantially commenced, including harbor dredging, construction of the bulkhead along the river and preliminary storm water management work.

B. Ownership/Agreement: The Property is now owned by Applicant, San Sebastian Retail, LLC and Lorida Lofts, LLC. The Applicant has authorized George McClure and Susan Bloodworth of McClure Bloodworth, P.L. to act on behalf of

Applicant in this rezoning request. The Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD Ordinance as adopted by the City of St. Augustine City Commission (the "Commission") and all conditions and safeguards established by the Commission regarding the PUD. All successors in title to the Property shall be bound to the conditions of the approved PUD.

SECTION II

PLAN OF DEVELOPMENT

A. Project Description: The Project will be a mixed-use waterfront development consisting of residential condominium units, retail shops, a full service hotel and spa, a marina, and a public riverwalk and amphitheater. Building heights will range from one story on-grade to four stories over parking as further specified below. The multi-story buildings will consist of a base treatment, a shaft and cap with sloped tile roofs to blend the appropriate scale and proportions with the surroundings buildings. Ornate cornice projections, roof overhangs, cantilevered balconies, window trim detailing and arches of hardcoat stucco and cast stone may be incorporated into the building facades to reinforce the historic St. Augustine architectural theme. The Applicant proposes to incorporate roof design and finishes consistent with the historic St. Augustine architecture. The Applicant further proposes to incorporate towers as depicted on the MDP to emulate the towers that are characteristic of the Flagler era buildings further east and to draw pedestrian traffic further west on King Street. The retail space to be located along King Street may have stucco facades and tile roofs with varying scales of storefront heights. All buildings will have stucco or brick facades. Shopfronts may be embellished with projecting canvas awnings, decorative light fixtures

and signage. All architectural designs will be subject to review and approval of the Architectural Review Committee that has been established for the Project as further described below. The Project will comply with the Design Standards for Entry Road Corridors for the King Street Entry Corridor.

B. Permitted Uses: Allowable uses will include all uses currently allowed under the existing RGO zoning category and any additional uses that may be allowable in the future under the Zoning Code or the City of St. Augustine Comprehensive Plan, as may be amended from time to time, including, but not limited to, the following:

- (1) Multiple-family dwellings;
- (2) Professional and business offices;
- (3) Restaurants with indoor and outdoor sales;
- (4) Retail sales 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, 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, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted;
- (5) Marina;
- (6) Museums;
- (7) Parking facilities and garages;
- (8) Bar/tavern, with indoor and outdoor sales;
- (9) Home office, private
- (10) Hotels, motels, conference centers, convention centers and spas;
- (11) Condominiums;

(12) Outdoor amphitheater; and

(13) All accessory uses and structures allowed by Section 28-348 of the Zoning Code in effect at the time of approval of the PUD.

C. **Development Standards:** As shown on the Master Development Plan ("MDP Map") attached hereto as **Exhibit "D"**, the Property will be developed as follows:

- Residential condominiums – up to 70 units
- Hotel - up to 225 rooms, with all typical hotel accessory uses allowed including, but not limited to:
 - Banquet Facility and Meeting Rooms
 - Spa and Exercise Facilities
 - Restaurants and Lounges
 - Gift Shops
 - Retail
- King Street Retail – up to 27,000 square feet
- Sebastian Harbor Drive Retail – up to 9,060 square feet
- Lorida Street Lofts – up to 15 units
- Marina with up to 65 slips (including 4 public slips) and a water taxi station;
- One multi-level parking garage and surface and subsurface parking lots;
- A public river walk connecting the marina to King Street (with access to King Street being through Sebastian Harbor Drive);¹
- Outdoor amphitheater, sculpture garden, and scenic water fountains.

D. **Minimum Setbacks:** The building setback from the exterior Property boundaries shall be ten feet (10') except that the Hotel portico located on Sebastian Harbor Drive may have a zero-foot (0') setback from the right-of-way and the multi-level

¹ The public areas are, nonetheless, privately owned and Applicant, successors and assigns, and the Property Owner's Association, reserves the right to exclude persons and activities constituting a nuisance, a security risk or engaged in commercial activities. Applicant may also close the public area between midnight and 7:00 a.m.

parking garage shall have a minimum setback of ten feet (10') from the Riberia Street right-of-way at its southeastern corner and ten feet (10') from the southern property boundary. There shall be no building setbacks required within the interior of the Project.

E. Maximum Building Height: The maximum building height allowable within the PUD shall be 50 feet (50') as measured in accordance with the Zoning Code for the existing RGO category, with an allowance of an additional fifteen feet (15') above the roof for mechanical equipment and architectural elements as described in the Zoning Code (to allow roof line variation). Additionally, one architectural element (such as towers, cupolas or icon) may exceed the roof of the Hotel. One tower may extend up to ninety feet (90'). A sketch depicting the building height cross section is attached as **Exhibit "F"**. The tower, including architectural design and location, will be subject to the approval of the Architectural Review Committee.

F. Maximum Lot Coverage: The Maximum Lot Coverage shall be 50% for buildings.

G. Signage: The signage for the Project shall comply with Commercial Zone 4 of Chapter 3 of the Code of Ordinances in effect at the time of approval of the PUD.

H. Parking: Parking for the PUD will be provided within surface and subsurface parking lots and the multi-level parking garage in the general location depicted on the MDP Map. Angular parking will be provided outside of the public right-of-way along Sebastian Harbor Drive as depicted on the MDP Map.

The total number of spaces provided will be a minimum of 636 as set forth in the table below. The final number will be determined by the actual residential unit sizes within the Project, and the final civil engineering plans approved for the site. The table

below compares the number of spaces to be provided under this PUD and the number of spaces required under the Zoning Code:

Project Component	Spaces Required per Zoning Code	Spaces Provided per PUD
San Sebastian Winery	56	56
Condos – 70	148.75 ¹	140 ²
Lofts – 15	31.5	32
Hotel – Guest Rooms – 225 (estimated)	225	225 ³
Hotel – Accessory Uses (Meeting Spaces, Restaurant, Spa, Gift Shop, etc.)	109	35
Sebastian Harbor Drive Retail – 9,060 sq. ft.	30.2	31
King Street Retail up to 27,000 sq. ft	51.6-90	73
Public Marina Slips - 4	4	4 ⁵
Public Use Spaces	0	40
Total Spaces	637.45-681.85	636

¹ Based on 35 2 BR and 35 3 BR units.

² 2 parking spaces shall be provided for each unit.

³ 1 parking space shall be provided for each Guest Room in the Hotel.

⁴ A total of 35 parking spaces will be provided for all accessory uses to the Hotel (e.g. Meeting Spaces, Spa, Restaurant and Lounge and Gift Shops and similar accessory uses). This is identical to the existing PUD.

⁵ 1 parking space shall be provided for each public boat slip; no additional spaces are required for private slips for the condominium units.

Only the spaces associated with the residential units will be assigned and restricted (approximately 172); all of the other spaces within the development (approximately 460) will be unrestricted and available at all times for all other uses within the Project and for the public in general. The Applicant has not included in its calculations credits that would be available for allocating office space and storage to portions of the retail calculation or the effects of shared uses with parking demand occurring at different times of day or multiple uses (i.e. hotel guests who also shop). No

recalculation on parking shall be required as tenants and uses change. All surface parking shall be free of charge at all time; however, the spaces in the parking garage may be subject to a market rate or fee. In addition to the parking required for the uses in the Project, Applicant will provide 40 extra public spaces.

I. **Hardscape / Landscape:** Exterior hardscape and landscaping within the Project will be done in accordance with a uniform "Master Hardscape and Landscape Plan" to be approved by the Architectural Review Committee and shall use local plant material and finishes indigenous to the St. Augustine area. The streetscape and public waterfront boardwalk may include, but shall not be limited to, decorative lampposts, benches and site furnishings, a sculpture garden, water fountains with accent lighting, a clock tower and a public amphitheatre to encourage an interactive pedestrian environment. A landscaped buffer will be installed between the south side of the Marina and the FPL sub-station which shall serve as additional "green space" and will shield the FP&L sub-station from view. The wall/boundary design between the pool and the public walkway area around the marina is depicted on **Exhibit "H"**.

J. **Tree Protection:** The PUD will be designed in accordance with the requirements of the tree protection provisions of Section 25-51 of the Code of Ordinances in effect at the time of approval of the PUD.

K. **Landscape Plan:** The final landscape plan will be designed in accordance with the Zoning Code requiring 25% shade trees with no more than 25% Palm Trees. More than 5% of these trees will be located inside the perimeter of the Project. As required by the Zoning Code, there will be 5 trees and 25 shrubs per 100 linear feet of perimeter. The only exception will be along the landscape buffer between

the Marina and the FPL sub-station where extensive use of Palm Trees may be necessary to effectively screen the sub-station and will be provided at the discretion of the Applicant. Further, this development will comply with "The Design Standards for Entry Corridors" as approved by the City of St. Augustine.

L. Utilities: All utilities for the Project will be located underground. The Applicant proposes to bury the existing low-rise power lines along Sebastian Harbor Drive and will comply with all requirements of the City and Florida Power and Light ("FP&L") in connection with such activity. The utility providers for the Project as follows:

Water & Sewer	-	City of St. Augustine
Electric Service	-	FP&L
Telephone	-	Bell South
Law Enforcement	-	St. Augustine Police Department
Fire Protection	-	St. Augustine Fire Department

M. Stormwater/Drainage: Stormwater retention and drainage will be treated on site and may be located on the surface or underground (the "System"). All drainage structures and facilities for the System will be designed and constructed in compliance with City Ordinances and an Environmental Resource Permit issued by The Florida Environmental Protection Agency. The System will also provide on-site stormwater retention and drainage for the San Sebastian Winery and the Police Station located adjacent to the Property.

N. Temporary Uses: Temporary office(s) and construction trailers shall be allowed on site during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the building. Parking may be provided for the temporary

offices and trailers in a temporary defined, but unpaved, area which meets the requirements of the Code of Ordinances in effect at the time of approval of the PUD.

O. **Access:** Access to the Property and the waterfront will be provided as generally depicted on the Site Plan. The site plan has been slightly modified from that in the preexisting PUD to improve the shape and configuration of the viewing nodes along the San Sebastian River and the amphitheater area, as depicted on the site plan. All entrances/exit driveways will be designed and permitted in compliance with City standards.

SECTION III

PHASING

The PUD is planned to be developed in one five year phase. Construction has commenced and will be completed within five (5) years of approval of this PUD Modification. Individual structures and uses may be built in sequence, and in such case all parking and other necessary support infrastructure will be built proportionately with the structures for which a certificate of occupancy is sought.

SECTION IV

MAINTENANCE

The Applicant will record the Amended and Restated Declaration of Covenants and Restrictions for Sebastian Inland Harbor (the "Covenants") that will be applicable to the Project as a whole, and that will ensure that all elements and phases adhere to the original design. The Covenants will amend and restate the Agreement and Declaration of Covenants, Conditions and Restrictions recorded at Official Records Book 2484,

Page 974 of the public records of St. Johns County, Florida that are presently in effect for the Property.

A. Property Owners Association: The Covenants will establish a Property Owners Association (the "POA") that will be responsible for maintenance of the common elements of the Project. The POA shall have the power of assessment of maintenance fees and costs that provide for the ongoing maintenance of the stormwater system, lighting and other common areas and facilities. A copy of the applicable maintenance and assessment provisions contained within the Covenants is attached hereto as **Exhibit "G"**.

B. Architectural Review Committee: An Architectural Review Committee ("ARC") has been established for the Project that will approve construction materials, exterior colors, landscaping, signage and exterior lighting among other features. The ARC will be comprised of one member chosen by the City Council, one member chosen by the Applicant or the Applicant's successors and assigns, and one member chosen by the other two members of the ARC. All development plans for the Project will be required to be submitted to the Architectural Review Committee for its approval prior to construction.

SECTION V

COMPLIANCE WITH CONSERVATION OVERLAY ZONE

The Project is located within Conservation Overlay Zones ("COZ") 1, 2 and 3. The Project will comply with all city and state requirements concerning development on altered shorelines. The Property will be bulkheaded as depicted on the site plan.

Based upon the lack of tree canopy on the site, there is no impact on COZ 3. The Project shall be evaluated according to the following criteria:

- (1) **Site specific conditions.** This is a vacant parcel of property adjacent to the San Sebastian River that contains no significant tree canopy.
- (2) **The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.** The site is adjacent to the San Sebastian River. It does not have any significant tree canopy.
- (3) **Natural and proposed drainage patterns.** The drainage patterns will be evaluated in the Saint Johns River Water Management District (the "SJRWMD") permitting process.
- (4) **Effect of point and nonpoint discharge in the marine environment.** The Impacts on the marine environment will be reviewed in the Department of Environmental Protection (the "DEP") permitting process.
- (5) **Proposed soil stabilization and erosion control methods.** Soil stabilization and erosion control methods will be addressed in the building permit/construction phase of the Project.
- (6) **Impact on floodplain.** All construction will meet current FEMA guidelines for floodplain management.
- (7) **Impact of development on vegetative and animal communities.** This is a vacant site that does not contain significant vegetation or known animal communities. Any impacts associated with dredging within the San Sebastian River will be addressed during the DEP and the Army Corps of Engineers (the "ACOE") permitting process.
- (8) **Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.** The site is currently being monitored for previous contamination.
- (9) **Effect of shade on vegetation and shellfish.** The effect of shade will be reviewed in the DEP and ACOE permitting process.
- (10) **Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.** The effect on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion is not known at this time because the marina has not yet been constructed.

- (11) ***Impact of development on shoreline by linear feet and percent of site.*** There are 1975 linear feet of waterfront along the San Sebastian River and the Sebastian Inland Harbor. There are 875 linear feet of building structures on the waterfront, representing 44% of the total waterfront within the Project. However, a Riverwalk will be provided along the waterfront as depicted on the MDP Map. The Riverwalk will provide to the public an unobstructed view of the waterfront for the entire length of the Project. The Sebastian Inland Harbor waterfront and shoreline impacts comply with the requirements of Article II of the Code of Ordinance for COZ 1 and COZ 2.
- (12) ***Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*** See site plan.
- (13) ***Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*** The Project will comply with the landscaping requirements contained within Section 25 of the Zoning Code.
- (14) ***Impact of development on plant and animal habitat and potential loss in acres and percent of site.*** The site contains no significant vegetation. The potential for impact to plant and animal habitat will be addressed in the marina permitting process.
- (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.)*** Stormwater retention and drainage will be treated on site and will be designed and constructed in compliance with local and state permitting requirements.
- (16) ***Impact of development on shellfish and on commercial and sport fish and waterfowl.*** Non-applicable because there is no potential for harm to commercial shellfishing, sport fishing and water fowl because there are no commercial shellfishing, sport fishing or water fowl hunting activities at this site.
- (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 bump rs or similar structures built at or near th water line and below deck levation 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 specific conditions applicable to docks will be reviewed in the Marina permitting process. The applicant has no current plans to install boat lifts.

SECTION VI

JUSTIFICATION FOR REZONING

Justification for approval of this PUD, when developed in accordance with the conditions stipulated within the application and imposed by the adopting ordinance include the following:

- (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 Comprehensive Plan. As described, this use is compatible with the surrounding zoning and Comprehensive Plan as well as the overall architectural trend of the area. The Applicant believes that the proposed PUD will be a benefit to the future occupants of the Project and to the residents of the City.
- (2) The Project incorporates design principles that create an overall design that blends the various components of the Project around open,

pedestrian-friendly spaces, both on the waterfront and throughout the interior portions of the Project.

- (3) The Project will create a neighborhood/waterfront district that is a part of downtown St. Augustine – a place that will not only give tourists a new destination in the City, but a neighborhood that will bring St. Augustine residents back downtown to live, shop, eat, and recreate.
- (4) The Project will conform to the requirements of the City Concurrency Management Ordinance (“Concurrency Ordinance”). Construction will commence only after confirmation by the City in accordance with the standards and procedures of the Concurrency Ordinance that the availability of adequate public facilities and services support the proposed PUD and issuance of a concurrency certificate.
- (5) The Project will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural environment or to the development of adjacent properties and will accomplish the objectives, standards and criteria set forth in the definition of a PUD.
- (6) The Project will address the City’s immediate need for parking and conference space, and the conditions stipulated in the Covenants and PUD application and imposed by the adopting ordinance provide for strict regulation and maintenance of the Project.
- (7) Consistent with the architectural style prevalent within the City of St. Augustine, the buildings will draw upon the local Spanish style theme of

architecture that symbolizes the strong local character with tile sloped roofs as the dominant architectural feature.

SECTION VII

SUMMARY AND CONCLUSION

THEREFORE, this Planned Unit Development request meets all of the City requirements for a PUD, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comprehensive Plan and is consistent with the Comprehensive Plan.

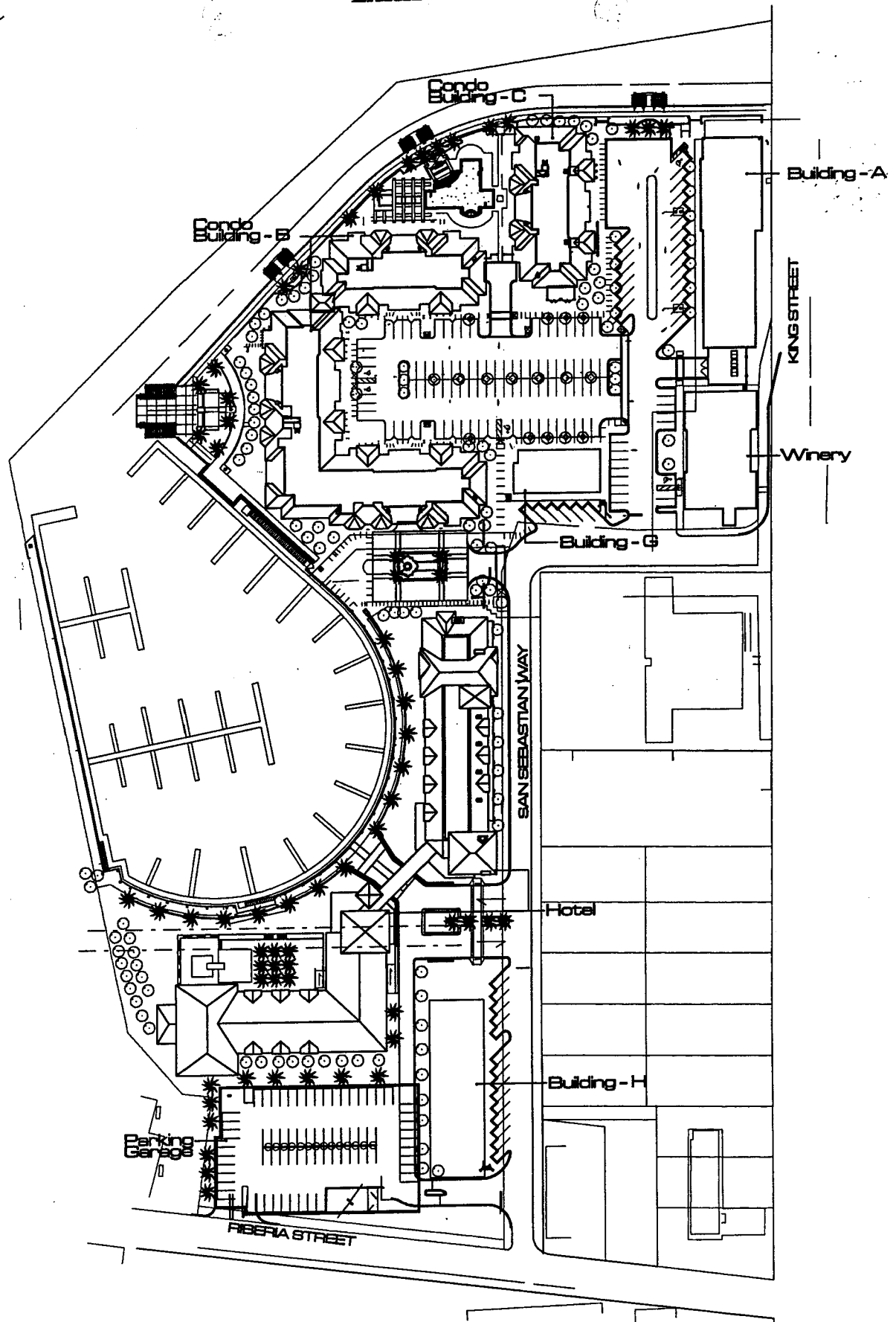
APPLICANT:

SAN SEBASTIAN HARBOR, LLC

BY: MCCLURE BLOODWORTH, P.L.

BY:

George M. McClure



San Sebastian Harbor Hotel - PUD Revision
SITE PLAN

O'DONNELL, DANN, WOLF & PARTNERS ARCHITECTS INC.
4601 BIRCHMAN STREET HOLLYWOOD, FLORIDA 33021
TEL: 954.976.0338 FAX: 954.976.0791



ATLANTIC GULF SURVEYING CO. INC.

LAND AND ENGINEERING DEPARTMENT

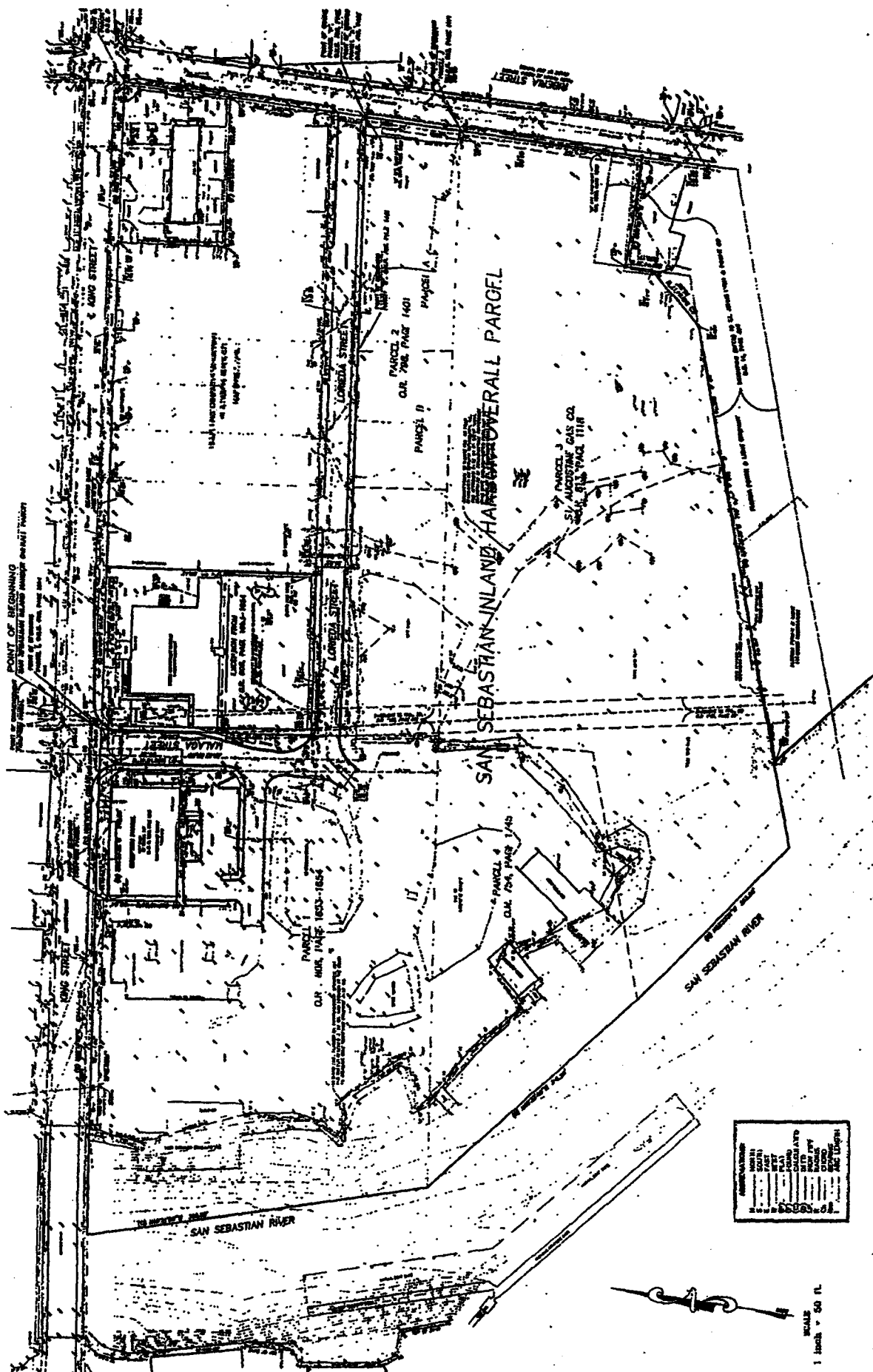
CHART

ST. SEBASTIAN INLAND HANDS OVERALL PARCEL

ST. SEBASTIAN INLAND HANDS OVERALL PARCEL

ST. SEBASTIAN INLAND HANDS OVERALL PARCEL

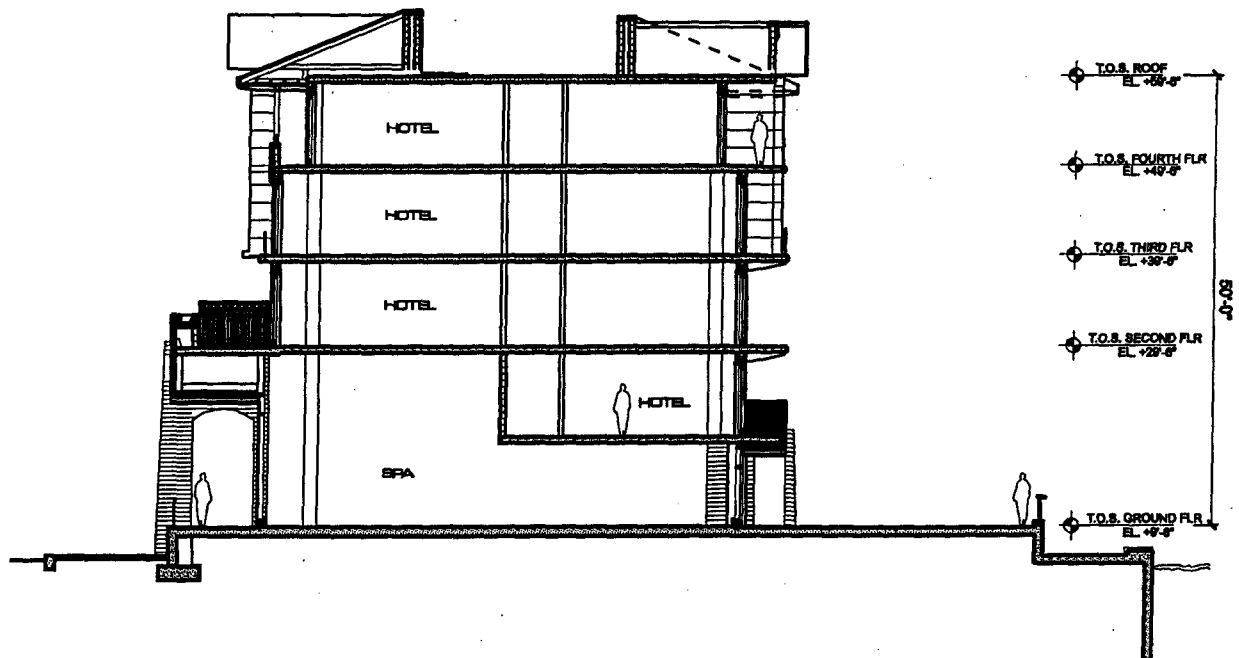
MAP SHOWING A BOUNDARY AND TOPOGRAPHIC SURVEY OF:
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NO.	DESCRIPTION	ACRES
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2	PARCEL 2	1.00
3	PARCEL 3	1.00
4	PARCEL 4	1.00
5	PARCEL 5	1.00
6	PARCEL 6	1.00
7	PARCEL 7	1.00
8	PARCEL 8	1.00
9	PARCEL 9	1.00
10	PARCEL 10	1.00
TOTAL		10.00

SHEET 1 OF 1

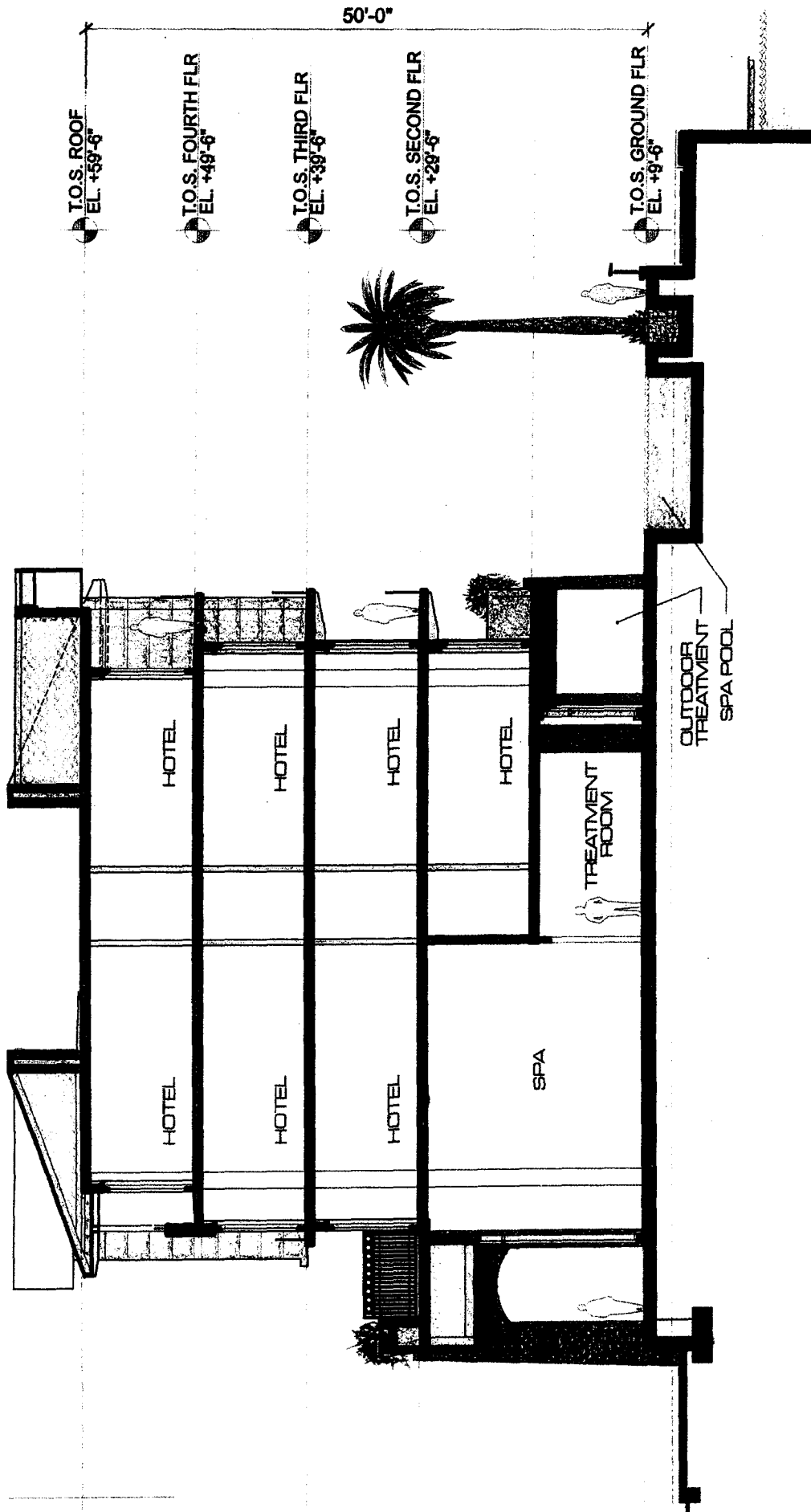
EXHIBIT "F"



San Sebastian Harbor Hotel - PUD Revision
TYPICAL HOTEL SECTION

O'DONNELL, DANN, WOLF + PARTNERS ARCHITECTS INC.
4821 BIRCHMAN STREET HOLLYWOOD, FLORIDA 33021
TEL: 954.978.0088 FAX: 954.978.0791



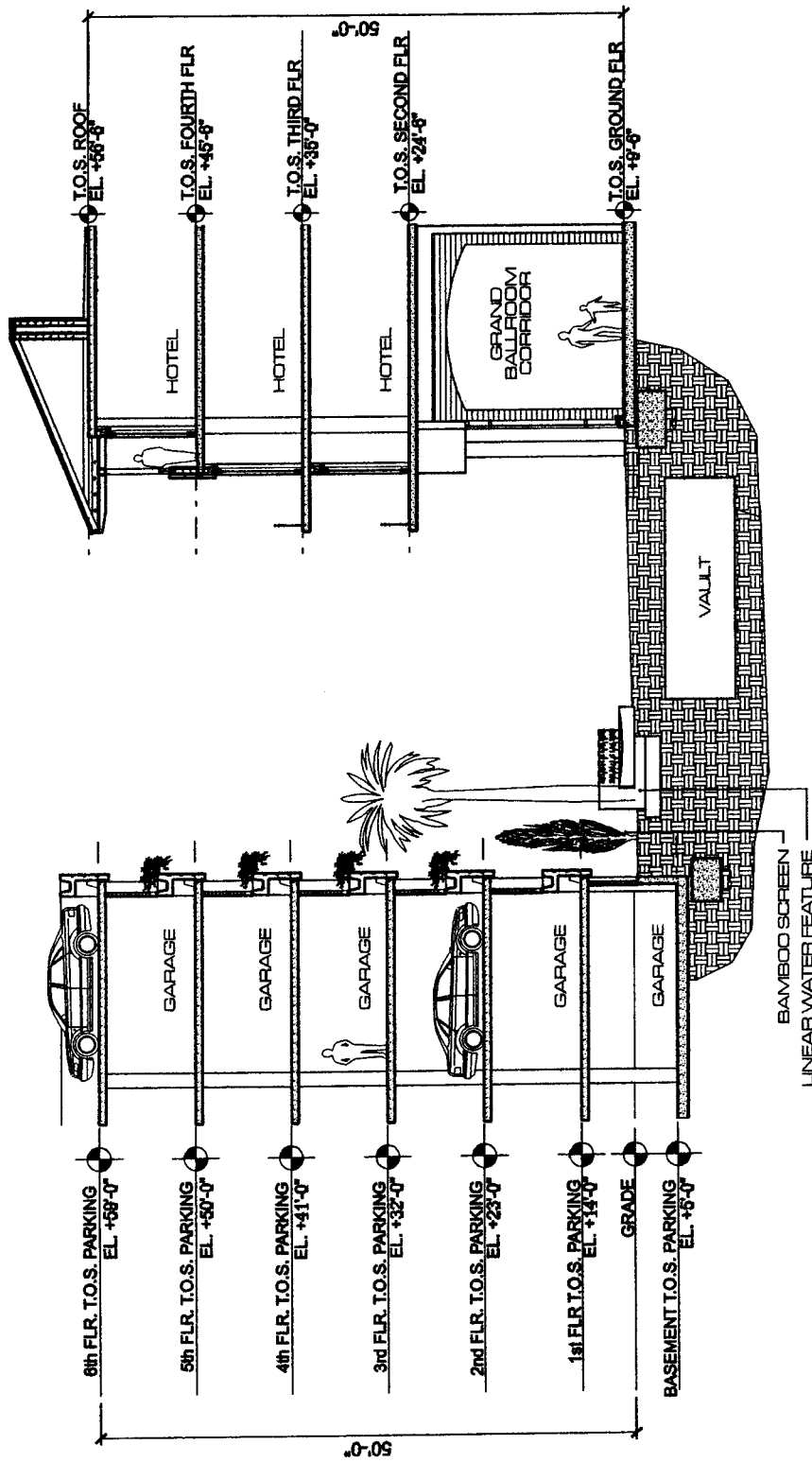


SAN SEBASTIAN INLAND HARBOR - PUD Revisions

TYPICAL HOTEL SECTION - Scale 1/8"

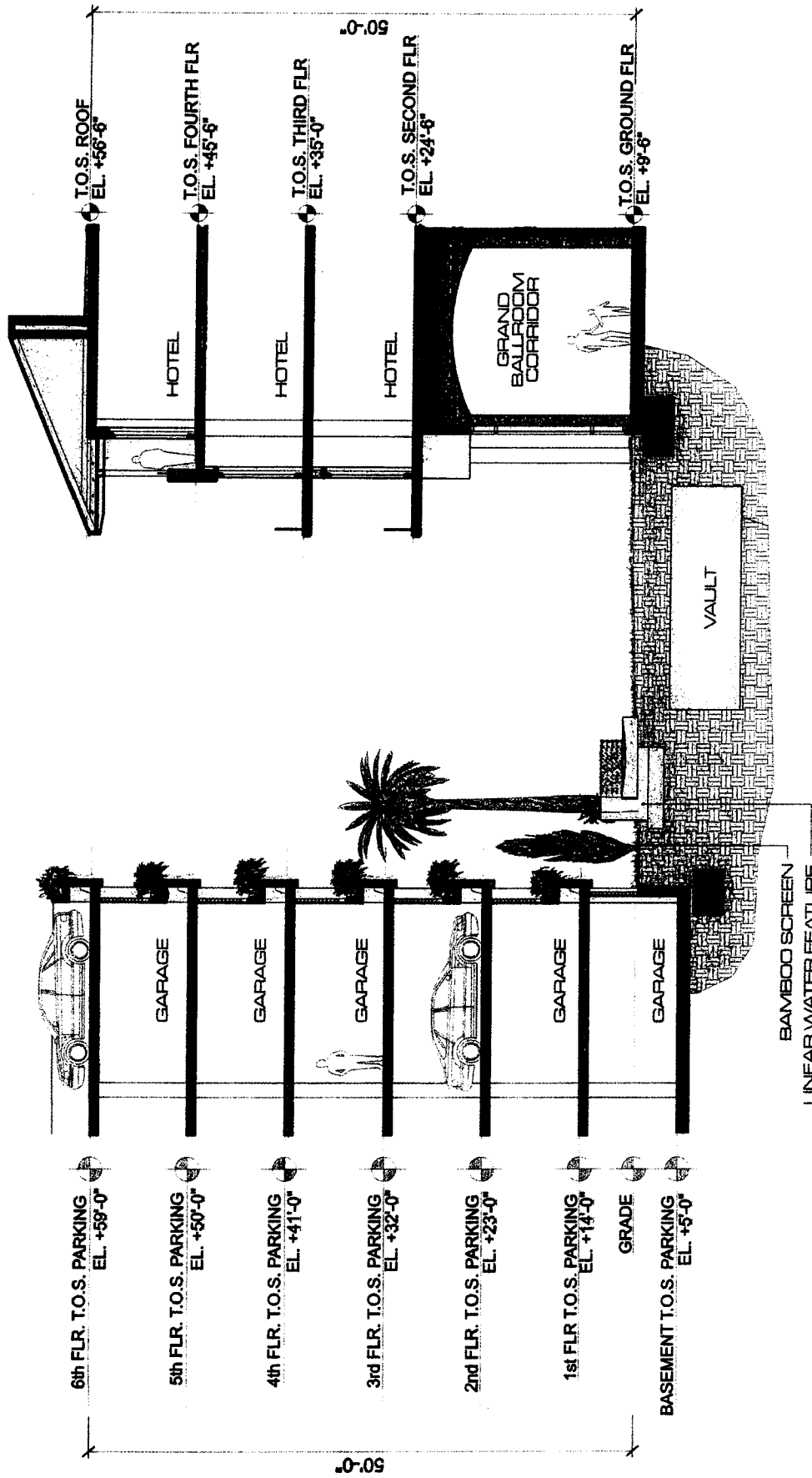
O'DONNELL DANN WOLF + PARTNERS ARCHITECTS INC.
40311 44TH AVENUE NORTH, SUITE 100
TOLSON, IDAHO 83401
TEL. 864 519 0853 FAX 864 519 0131 AA 28200080

od+p



San Sebastian Inland Harbor Hotel - PUD Revisions
Typical Hotel / Garage Section - Scale 1/16"

STUDIO: DAWKINS + PARTNERS ARCHITECTS
11111 11111 11111 11111 11111 11111 11111 11111 11111 11111
TEL: 555-555-5555
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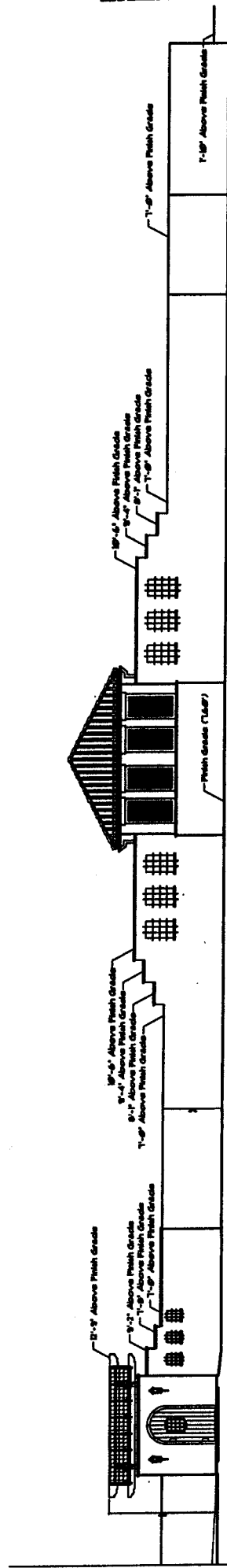
SAN SEBASTIAN INLAND HARBOR - PUD Revisions

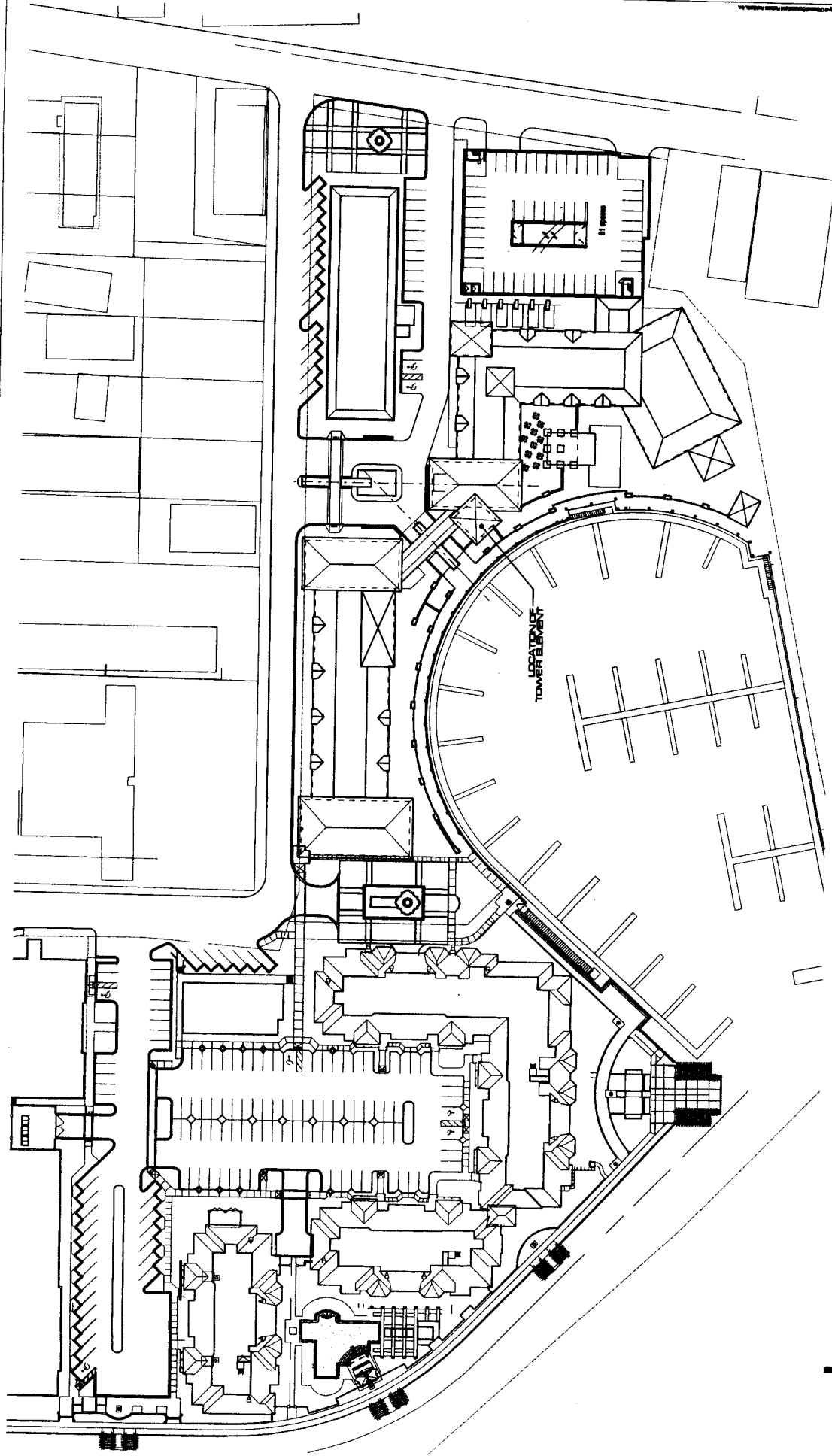
TYPICAL HOTEL / GARAGE SECTION

Scale 1/8"

ODONNELL DANN WOLF + PARTNERS ARCHITECTS INC.
 10000 N. 10TH AVE. SUITE 1000
 DENVER, CO 80231
 TEL: 303.733.0000 FAX: 303.733.0000

od+p





SAN SEBASTIAN INLAND HARBOR HOTEL
SITE PLAN
 O'DONNELL, DANN, WOLF AND PARTNERS ARCHITECTS INC.
 2018 E. SPANISH STREET, SUITE 100, SAN SEBASTIAN, NM 87061
 TEL: 505.831.1525 FAX: 505.831.1525

odp
 odpartners.com

The St. Augustine Record

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

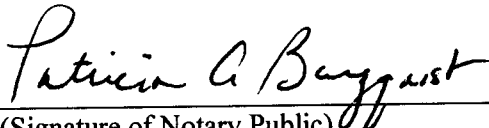
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **NOTICE OF HEARING**
in the matter **ORD 07-14 PUD SEBASTIAN INLAND**
was published in said newspaper in the issues of **AUGUST 1, 2007.**

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

Sworn to and subscribed before me this **1ST** day of **AUGUST, 2007.**

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


(Signature of Notary Public)



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

(Seal)

PATRICIA A. BERGQUIST



NOTICE OF PROPOSED ENACTMENT OF ORDINANCE 2007-14 BY THE CITY OF ST. AUGUSTINE, FLORIDA.

NOTICE IS HEREBY GIVEN OF A
PUBLIC HEARING TO BE HELD BY
THE CITY COMMISSION OF THE CITY
OF ST. AUGUSTINE CONCERNING THE
SECOND READING OF ORDINANCE 2007-14. THE
PUBLIC HEARING WILL BE HELD ON AUGUST
13, 2007, BEGINNING AT 5:00 P.M., IN THE
ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY
HALL, 75 KING STREET, ST. AUGUSTINE. PUBLIC
COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

ORDINANCE NO. 2007-14
AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING THE SEBASTIAN INLAND-HARBOR PLANNED UNIT DEVELOPMENT (PUD), ESTABLISHED PURSUANT TO ORDINANCE NO. 2004-23, PURSUANT TO SECTIONS 28-286 THROUGH 28-291 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR MODIFIED TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

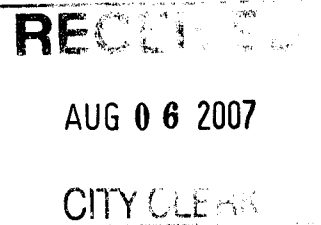
Related documents may be inspected by the public at the office of the City Clerk, City Hall, Lobby B, second floor, 75 King Street, St. Augustine, FL 32084, during the hours of 8:00 A.M. and 5:00 P.M. except weekends and holidays.

All interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission 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 notice. Telephone: Karen Rogers, CMC, City Clerk (904) 825-1007; or 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Karen Rogers, CMC
City Clerk
L2022-7 Aug 1, 2007



Attachment 7

PUD

2016-15

EXHIBIT "C"

**Modification to
Sebastian Inland Harbor
Planned Unit Development**

April 14, 2016

Applicants:

**SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771**

**San Sebastian Retail, LLC
1 Independent Drive, Suite 1880
Jacksonville, Florida 32202**

Authorized Agent for the Applicants:

**Ellen Avery-Smith, Esq.
Rogers Towers, PA
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086
(904) 825-1615**

Amended and Restated PUD Narrative
SAN SEBASTIAN INLAND HARBOR PUD

SECTION I

INTRODUCTION AND APPLICATION

This is an attachment to an application for a modification to the Sebastian Inland Harbor Planned Unit Development (Ordinance No. 2007-14) with accompanying documents as required by Section 28 (the “**Zoning Code**”) of the St. Augustine, Florida Code of Ordinances (“**Code of Ordinances**”). This narrative is intended to amend and restate the terms and conditions of the PUD with respect to the 11 acres owned by SA Marina Holdings, LLC, a Florida limited liability company (the “**SA Property**”) and 2.5 acres owned by San Sebastian Retail, LLC, a Florida limited liability company (the “**Retail Property**”). The SA Property and the Retail Property are sometimes collectively referred to herein as the “**Site**” or the “**Property**”. This is **Exhibit “C”** to the application form. This application is filed on behalf of the Applicants:

SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771

San Sebastian Retail, LLC
1 Independent Drive, Suite 1880
Jacksonville, Florida 32202

The Property is within a project known as “The Sebastian Inland Harbor Development” (“**Project**”) and consists of approximately 13.5 acres of undeveloped land located on King Street and Sebastian Harbor Drive in the City of St. Augustine, and is more particularly described on the legal description attached to the application as **Exhibit “A”** (the “**Property**”). The Applicants are the successors in interest to the original developer of the Property. The Site is currently zoned Planned Unit Development (“**PUD**”), as defined within the Zoning Code. The

City Comprehensive Plan Future Land Use Map (“**FLUM**”) designation of the Property is Residential Medium Density Mixed Use. This category allows for multiple-family dwellings, professional and business offices, restaurants, retail sales, marinas, museums, parking facilities and garages, bars and taverns, home offices, and hotels, motels, conference centers, convention centers and spas. The Project is exempt from the requirements of the Concurrency Management Ordinance of the City of St. Augustine (Ord. No. 91-23 and Article II, Section 21-26 through 21-60 of the Code of Ordinances).

A. Location/Site Characteristics: The Property is an irregular shaped parcel of land containing approximately 13.5 acres, of which approximately 10.88 acres are uplands. A copy of the topographical map of the Site is attached to this application as **Exhibit "E"**. The Project is located within the incorporated limits of the City of St. Augustine. A location map is attached to the application as **Exhibit "B"**. The Project is located on the south side of King Street and on the east bank of the San Sebastian River, which is a navigable waterway providing deep water access to the Intracoastal Waterway and the Atlantic Ocean. The Site contains approximately 260 feet of frontage along the south side of King Street, approximately 318.95 feet of frontage along the west side of Riberia Street, and approximately 922 feet of frontage on the San Sebastian River from the southern boundary north to King Street. The Site also has approximately 705.98 feet of frontage along Sebastian Harbor Drive, a two-lane thoroughfare that connects the southern section of what was formerly Malaga Street with Riberia Street. Site work for the Project has substantially commenced, including harbor dredging, construction of the bulkhead along the river and preliminary stormwater management work.

B. Ownership/Agreement: The Property is now owned by the Applicants, SA Marina Holdings, LLC and San Sebastian Retail, LLC. The Applicants have authorized Ellen

Avery-Smith, Esq. of Rogers Towers, P.A. to act on their collective behalf in this zoning modification request. The Applicants hereby agree and stipulate to proceed with the proposed development of the Property in accordance with the PUD Ordinance as adopted by the City of St. Augustine City Commission (the “**Commission**”) and all conditions and safeguards established by the Commission regarding the PUD modification. All successors in title to the Property shall be bound to the conditions of the approved PUD modification.

SECTION II

PLAN OF DEVELOPMENT

A. Project Description: The Project will be a mixed-use waterfront development consisting of residential condominium units, retail shops, a full-service hotel and spa, a marina, and a public riverwalk and amphitheater. Building heights will range from one (1) story on-grade to four (4) stories over parking as further specified below. The multi-story buildings will consist of a base treatment, a shaft and cap with sloped tile roofs to blend the appropriate scale and proportions with the surroundings buildings. Ornate cornice projections, roof overhangs, cantilevered balconies, window trim detailing and arches of hardcoat stucco and cast stone may be incorporated into the building facades to reinforce the historic St. Augustine architectural theme. The Project will incorporate roof design and finishes consistent with the historic St. Augustine architecture. The Project will also incorporate towers, as depicted on the MDP, to emulate the towers that are characteristic of the Flagler era buildings further east and to draw pedestrian traffic further west on King Street. The retail space to be located along King Street may have stucco facades and tile roofs with varying scales of storefront heights. All buildings will have stucco or brick facades. Shopfronts may be embellished with projecting canvas awnings, decorative light fixtures and signage. All architectural designs will be subject to review and approval of the Architectural Review Committee that has been established for the Project, as

further described below. The Project will comply with the Design Standards for Entry Road Corridors for the King Street Entry Corridor.

B. Permitted Uses: Allowable uses within the Site will include all uses currently allowed under the existing RGO zoning category and any additional uses that may be allowable in the future under the Zoning Code or the City of St. Augustine Comprehensive Plan, as may be amended from time to time, including, but not limited to, the following:

- (1) Multiple-family dwellings;
- (2) Professional and business offices;
- (3) Restaurants with indoor and outdoor sales;
- (4) Retail sales 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, 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, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted;
- (5) Marina;
- (6) Museums;
- (7) Parking facilities and garages;
- (8) Bar/tavern, with indoor and outdoor sales;
- (9) Home office, private
- (10) Hotels, motels, conference centers, convention centers and spas;
- (11) Condominiums;
- (12) Outdoor amphitheater; and
- (13) All accessory uses and structures allowed by Section 28-348 of the Zoning Code in effect at the time of approval of the PUD.

C. **Development Standards:** As shown on the Master Development Plan ("MDP Map") attached hereto as **Exhibit "D"**, the Site will be developed as follows:

- Residential condominiums - up to 70 units
- Hotel - up to 225 rooms, with all typical hotel accessory uses allowed including, but not limited to:
 - Banquet Facility and Meeting Rooms
 - Spa and Exercise Facilities
 - Restaurants and Lounges
 - Gift Shops
 - Retail
- King Street Retail - up to 27,000 square feet
- Sebastian Harbor Drive Retail - up to 9,060 square feet
- Lorida Street Lofts - up to 15 units
- Marina with up to 65 slips (including 4 public slips) and a water taxi station;
- One multi-level parking garage and surface and subsurface parking lots;
- A public river walk connecting the marina to King Street (with access to King Street being through Sebastian Harbor Drive);¹ and
- Outdoor amphitheater, sculpture garden, and scenic water fountains.

D. **Minimum Setbacks:** The building setback from the exterior property boundaries shall be ten feet (10'), except that the Hotel portico located on Sebastian Harbor Drive may have a zero-foot (0') setback from the right-of-way and the multi-level parking garage shall have a minimum setback of ten feet (10') from the Riberia Street right-of-way at its southeastern corner and ten feet (10') from the southern property boundary. There shall be no building setbacks required within the interior of the Project.

¹ The public areas are, nonetheless, privately owned and Project owners, their successors and assigns, and the property owner's association, reserve the right to exclude persons and activities constituting a nuisance, a security risk or engaged in commercial activities. The Project owners may also close the public area between midnight and 7:00 a.m.

E. Maximum Building Height: The maximum building height allowable within the PUD shall be 50 feet (50') as measured in accordance with the Zoning Code for the existing RGO category, with an allowance of an additional fifteen feet (15') above the roof for mechanical equipment and architectural elements as described in the Zoning Code (to allow roof line variation). Additionally, one architectural element (such as towers, cupolas or icon) may exceed the roof of the Hotel. One tower may extend up to ninety feet (90'). A sketch depicting the building height cross section is attached as **Exhibit "F"**. The tower, including architectural design and location, will be subject to the approval of the Architectural Review Committee.

F. Maximum Lot Coverage: The Maximum Lot Coverage shall be 50 percent for buildings.

G. Signage: The signage for the Project shall comply with Commercial Zone 4 of Chapter 3 of the Code of Ordinances in effect at the time of approval of the PUD.

H. Parking: Parking for the PUD will be provided within surface and subsurface parking lots and the multi-level parking garage in the general location depicted on the MDP Map. Angular parking will be provided outside of the public right-of-way along Sebastian Harbor Drive as depicted on the MDP Map.

The total number of spaces provided will be a minimum of 636, as set forth in the table below. The final number will be determined by the actual residential unit sizes within the Project, and the final civil engineering plans approved for the site. The table below compares the number of spaces to be provided under this PUD and the number of spaces required under the Zoning Code:

Project Component	Spaces Required per Zoning Code	Spaces Provided per PUD
San Sebastian Winery	56	56

Condos — 70	148.751 ¹	140 ²
Lofts — 15	31.5	32
Hotel — Guest Rooms — 225 (estimated)	225	225 ³
Hotel — Accessory Uses (Meeting Spaces, Restaurant, Spa, Gift Shop, etc.)	109	35
Sebastian Harbor Drive Retail — 9,060 sq. ft.	30.2	31
King Street Retail up to 27,000 sq. ft	51.6-90	73
Public Marina Slips - 4	4	4 ⁵
Public Use Spaces	0	40
Total Spaces	637.45-681.85	636

¹ Based on 35 2-bedroom and 35 3-bedroom units.

² 2 parking spaces shall be provided for each unit.

³ 1 parking space shall be provided for each Guest Room in the Hotel.

⁴ A total of 35 parking spaces will be provided for all accessory uses to the Hotel (e.g. Meeting Spaces, Spa, Restaurant and Lounge and Gift Shops and similar accessory uses). This is identical to the existing PUD.

⁵ 1 parking space shall be provided for each public boat slip; no additional spaces are required for private slips for the condominium units.

Only the spaces associated with the residential units will be assigned and restricted (approximately 172); all of the other spaces within the development (approximately 460) will be unrestricted and available at all times for all other uses within the Project and for the public in general. The Project has not included in its calculations credits that would be available for allocating office space and storage to portions of the retail calculation or the effects of shared uses with parking demand occurring at different times of day or multiple uses (i.e., hotel guests who also shop). No recalculation on parking shall be required as tenants and uses change. All surface parking shall be free of charge at all time; however, the spaces in the parking garage may be subject to a market rate or fee. In addition to the parking required for the uses in the PUD, the Project will provide 40 extra public spaces.

I. **Hardscape / Landscape:** Exterior hardscape and landscaping within the Project will be done in accordance with a uniform "Master Hardscape and Landscape Plan" to be approved by the Architectural Review Committee and shall use local plant material and finishes indigenous to the St. Augustine area. The streetscape and public waterfront boardwalk may include, but shall not be limited to, decorative lampposts, benches and site furnishings, a sculpture garden, water fountains with accent lighting, a clock tower and a public amphitheatre to encourage an interactive pedestrian environment. A landscaped buffer will be installed between the south side of the Marina and the FPL sub-station which shall serve as additional "green space" and will shield the FP&L sub-station from view. The wall/boundary design between the pool and the public walkway area around the marina is depicted on **Exhibit "H"**.

J. **Tree Protection:** The PUD will be designed in accordance with the requirements of the tree protection provisions of Section 25-51 of the Code of Ordinances in effect at the time of approval of the PUD.

K. **Landscape Plan:** The final landscape plan will be designed in accordance with the Zoning Code requiring 25 percent shade trees with no more than 25 percent Palm Trees. More than 5 percent of these trees will be located inside the perimeter of the Project. As required by the Zoning Code, there will be 5 trees and 25 shrubs per 100 linear feet of perimeter. The only exception will be along the landscape buffer between the Marina and the FPL sub-station, where extensive use of Palm Trees may be necessary to effectively screen the sub-station and will be provided at the discretion of the Project owners. Further, this development will comply with "The Design Standards for Entry Corridors" as approved by the City of St. Augustine.

L. Utilities: All utilities for the Project will be located underground. The Project owners propose to bury the existing low-rise power lines along Sebastian Harbor Drive and will comply with all requirements of the City and Florida Power & Light (“**FP&L**”) in connection with such activity. The utility providers for the Project as follows:

Water & Sewer	-	City of St. Augustine
Electric Service	-	FP&L
Telephone	-	Bell South
Law Enforcement	-	St. Augustine Police Department
Fire Protection	-	St. Augustine Fire Department

M. Stormwater/Drainage: Stormwater retention and drainage will be treated on site and may be located on the surface or underground (the "**System**"). All drainage structures and facilities for the System will be designed and constructed in compliance with City Ordinances and an Environmental Resource Permit issued by the Florida Department of Environmental Protection or St. Johns River Water Management District. The System will also provide on-site stormwater retention and drainage for the San Sebastian Winery and the Police Station located adjacent to the Site.

N. Temporary Uses: Temporary office(s) and construction trailers shall be allowed on site during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the building. Parking may be provided for the temporary offices and trailers in a temporary defined, but unpaved, area which meets the requirements of the Code of Ordinances in effect at the time of approval of the PUD.

O. Access: Access to the Site and the waterfront will be provided as generally depicted on the Site Plan. All entrances/exit driveways will be designed and permitted in compliance with City standards.

SECTION III

PHASING

The PUD is planned to be developed in one (1) phase. Construction must commence by April 23, 2022 and must be completed by April 23, 2027. “**Commencement**” shall be defined as the City’s approval of construction plans for the horizontal infrastructure within the Property. Individual structures and uses may be built in sequence, and in such case all parking and other necessary support infrastructure will be built proportionately with the structures for which a certificate of occupancy is sought. By April 22, 2019, the Applicants will file any PUD amendment that they may seek. The Applicants will give written informational status reports to City Administration every six (6) months, from the date of this PUD modification until April 22, 2019.

SECTION IV

MAINTENANCE

The Project owners have recorded an Amended and Restated Declaration of Covenants and Restrictions for Sebastian Inland Harbor (the “**Covenants**”) that are applicable to the Project as a whole and that will ensure that all elements and phases adhere to the original design. The Covenants are recorded in Official Records Book 2484, Page 974, Public Records of St. Johns County, Florida.

A. Property Owners Association: The Covenants establish a property owners association (the “**POA**”) that is responsible for maintenance of the common elements of the Project. The POA has the power of assessment of maintenance fees and costs that provide for the ongoing maintenance of the stormwater system, lighting and other common areas and

facilities. A copy of the applicable maintenance and assessment provisions contained within the Covenants is attached hereto as **Exhibit "G"**.

B. Architectural Review Committee: An Architectural Review Committee ("ARC") has been established for the Project that will approve construction materials, exterior colors, landscaping, signage and exterior lighting among other features. The ARC will be comprised of one member chosen by the City Council, one member chosen by the Project owners or the owners' successors and assigns, and one member chosen by the other two members of the ARC. All development plans for the Project will be required to be submitted to the Architectural Review Committee for its approval prior to construction.

SECTION V

COMPLIANCE WITH CONSERVATION OVERLAY ZONE

The Project is located within Conservation Overlay Zones ("COZ") 1, 2 and 3. The Project will comply with all city and state requirements concerning development on altered shorelines. The Site will be bulkheaded as depicted on the site plan. Based upon the lack of tree canopy on the site, there is no impact on COZ 3. The Project shall be evaluated according to the following criteria:

- (1) ***Site specific conditions.*** This is a vacant parcel of property adjacent to the San Sebastian River that contains no significant tree canopy.
- (2) ***The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*** The Site is adjacent to the San Sebastian River. It does not have any significant tree canopy.
- (3) ***Natural and proposed drainage patterns.*** The drainage patterns will be evaluated in the Saint Johns River Water Management District (the "SJRWMD") permitting process.
- (4) ***Effect of point and nonpoint discharge in the marine environment.*** The Impacts on the marine environment will be reviewed in the Department of Environmental Protection (the "DEP") permitting process.

- (5) ***Proposed soil stabilization and erosion control methods.*** Soil stabilization and erosion control methods will be addressed in the building permit/construction phase of the Project.
- (6) ***Impact on floodplain.*** All construction will meet current FEMA guidelines for floodplain management.
- (7) ***Impact of development on vegetative and animal communities.*** This is a vacant site that does not contain significant vegetation or known animal communities. Any impacts associated with dredging within the San Sebastian River will be addressed during the DEP and the Army Corps of Engineers (the "ACOE") permitting process.
- (8) ***Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*** The Site is currently being monitored for previous contamination.
- (9) ***Effect of shade on vegetation and shellfish.*** The effect of shade will be reviewed in the DEP and ACOE permitting process.
- (10) ***Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*** The effect on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion is not known at this time because the marina has not yet been constructed.
- (11) ***Impact of development on shoreline by linear feet and percent of site.*** There are 1975 linear feet of waterfront along the San Sebastian River and the Sebastian Inland Harbor. There are 875 linear feet of building structures on the waterfront, representing 44 percent of the total waterfront within the Project. However, a Riverwalk will be provided along the waterfront as depicted on the MDP Map. The Riverwalk will provide to the public an unobstructed view of the waterfront for the entire length of the Project. The Sebastian Inland Harbor waterfront and shoreline impacts comply with the requirements of Article II of the Code of Ordinance for COZ 1 and COZ 2.
- (12) ***Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*** See Site Plan.
- (13) ***Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*** The Project will comply with the landscaping requirements contained within Section 25 of the Zoning Code.
- (14) ***Impact of development on plant and animal habitat and potential loss in acres and percent of site.*** The site contains no significant vegetation. The potential for impact to plant and animal habitat will be addressed in the marina permitting process.

- (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.)* Stormwater retention and drainage will be treated on site and will be designed and constructed in compliance with local and state permitting requirements.
- (16) ***Impact of development on shellfish and on commercial and sport fish and waterfowl.*** Non-applicable because there is no potential for harm to commercial shell fishing, sport fishing and water fowl because there are no commercial shell fishing, sport fishing or water fowl hunting activities at this site.
- (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 levelation 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 specific conditions applicable to docks will be reviewed in the Marina permitting process. The Project owners have no current plans to install boat lifts.*

SECTION VI

JUSTIFICATION FOR REZONING

Justification for approval of this PUD, when developed in accordance with the conditions stipulated within the application and imposed by the adopting ordinance include the following:

- (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 Comprehensive

Plan. As described, this use is compatible with the surrounding zoning and Comprehensive Plan as well as the overall architectural trend of the area. The proposed PUD will be a benefit to the future occupants of the Project and to the residents of the City.

- (2) The Project incorporates design principles that create an overall design that blends the various components of the Project around open, pedestrian-friendly spaces, both on the waterfront and throughout the interior portions of the Project.
- (3) The Project will create a neighborhood/waterfront district that is a part of downtown St. Augustine - a place that will not only give tourists a new destination in the City, but a neighborhood that will bring St. Augustine residents back downtown to live, shop, eat and recreate.
- (4) The Project will conform to the requirements of the City Concurrency Management Ordinance ("**Concurrency Ordinance**"). Construction will commence only after confirmation by the City in accordance with the standards and procedures of the Concurrency Ordinance that the availability of adequate public facilities and services support the PUD, as modified, and issuance of a concurrency certificate.
- (5) The Project will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural environment or to the development of adjacent properties and will accomplish the objectives, standards and criteria set forth in the definition of a Planned Unit Development.
- (6) The Project will address the City's immediate need for parking and conference space, and the conditions stipulated in the Covenants and PUD application and

imposed by the adopting ordinance provide for strict regulation and maintenance of the Project.

- (7) Consistent with the architectural style prevalent within the City of St. Augustine, the buildings will draw upon the local Spanish style theme of architecture that symbolizes the strong local character with tile sloped roofs as the dominant architectural feature.

SECTION VII

SUMMARY AND CONCLUSION

THEREFORE, this Planned Unit Development modification request meets all of the City requirements for a PUD, is consistent with the City of St. Augustine Comprehensive Plan, and does not conflict with any of the elements of the Comprehensive Plan.

APPLICANTS:

SA MARINA HOLDINGS, LLC

BY: _____
Gulamabbas Abdulhussein, Manager

SAN SEBASTIAN RETAIL, LLC

BY: _____
Leonard H. Grunthal III, Manager

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning & Zoning Board

DATE: February 4, 2020

RE: Rezoning 2020-0003

James Whitehouse – Applicant
Sarris Family Trust, Phillip Sarris – Owner
415 S. Ponce de Leon Blvd
A request to rezone the Rivers Edge PUD (Ord. 2006-14)
to Commercial Medium-two (CM-2) zoning.

This application was advertised based on the application submitted, however the request is not consistent with the existing future land use for the property and a comprehensive plan amendment is required. The applicant has agreed to administratively continue this application to the March 3, 2020 PZB to advertise this application with the companion comprehensive land use amendment.

If you have any questions, please let me know.

A handwritten signature in black ink, appearing to read 'P. Doty' followed by the initials 'CFM'.

Patrick Doty, CFM
Senior Planner, Planning and Building Department

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning & Zoning Board

DATE: February 4, 2020

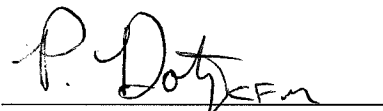
RE: **Ordinance 2020-01– To modify fence, wall and hedge requirements within Chapter 28 of the City Code.**

Ordinance 2020-01 is an update to Section 28-331 & 28-348 of the City Code which will amend fence, walls, and hedge requirements within the City. This ordinance updates certain aspects of City Code regarding fence setbacks, location, and to provide clarification for corner and multiple frontage lots.

The current code does not include language for nonconforming fences, screening for mechanical equipment, or define setbacks for multiple frontage lots. Staff has proposed updates to the City Code to better address these aspects of fences.

This update is an effort to modernize City Code regarding fences and allow for greater ease in applying the regulations.

If you have any questions, please let me know.

A handwritten signature in black ink, appearing to read "P. Doty", is written over a horizontal line.

Patrick Doty, CFM
Senior Planner, Planning and Building Department

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDNING SECTION 28-331 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR FENCES IN ZONES WITH RESIDENTIAL USES; PROVIDING REGULATIONS FOR SCREENING FOR MECHANICAL EQUIPMENT; PROVIDING FOR EXCEPTIONS AND NONCONFORMING FENCES; REPEALING PROVISIONS RELATING TO MECHANICAL EQUIPMENT; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, fences, walls and hedges are currently regulated by the Code of the City of St. Augustine; and

WHEREAS, the City of St. Augustine regulates fences on residential lots in order to improve the general welfare and public safety of the city; and

WHEREAS, fences in residential zones and zones with residential uses impede views and sightlines for pedestrians and vehicular traffic; and

WHEREAS, high fences on or near lot lines particularly impact corner lots as they impede vehicular sight triangles; and

WHEREAS, the City Commission finds that a limit of 4 feet in height is in the best interest of the public welfare and safety; and

WHEREAS, the City Commission of 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 166.02(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, AS FOLLOWS:

Section 1. Amending Code Section 28-331. Section 28-331 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-331 – Fences, walls, and hedges.

(a) Generally.

(1) Notwithstanding other provisions of this chapter, fences, walls and hedges may be permitted in any required yard or along the edge of any yard; provided that no fence or wall in excess of eight (8) feet in height shall be permitted in any residential district, or in any zoning district with a residential use, except as specifically outlined in section 28-348 and this section. No fence or wall in excess of four (4) feet in height shall be permitted to encroach into the required front yard of any lot in a residential district except as provided in section 28-348 or, in the case of a nonconforming front yard setback, a fence may not extend past the front building line of the structure. In the case of a corner lot or a lot with multiple road frontages, no fence or wall in excess of four (4) feet shall be permitted to encroach into the

required front yard and yards adjacent to the road frontages, not to include alleyways. No fence, wall, hedge or other visual barrier exceeding thirty (30) inches in height shall be permitted within twenty-five (25) feet of any intersection, except in historic preservation districts 1, 2 and 3.

(2) It shall be unlawful for any person to construct or cause to be constructed barbed wire line fences on any of the streets or along any property lines within the corporate limits of the city, except where the barbed wire lines are placed, erected or affixed on the tops of fences six (6) feet in height or more, measured from ground level, and the barbed wire lines are turned, pointed or directed inward toward the property enclosed by the fence.

(b) Screening for mechanical equipment.

(1) Except for the exceptions in subsection (2) below, air conditioning compressors serving central systems (other than window units) or other affixed mechanical equipment designed to serve the main structure and accessory uses may be located in any required rear yards, but not in any required front yard, and not less than ten (10) feet from any side lot line.

(2) Exceptions apply in the following situations:

- a. When a compressor or mechanical equipment described above is proposed within a yard and is enclosed by a masonry wall at least five (5) feet high, it may be located within two (2) feet of any side lot line.
- b. When a compressor or mechanical equipment described above is proposed within a yard and is enclosed by a solid board fence at least five (5) feet high, it may be located within five (5) feet of any side lot line.

- c. Industrial and Warehousing (IW) zoned parcels abutting IW zoned parcels, public utility facilities, and railroad right-of-way shall be exempted from the above screening requirements so long as they maintain a minimum two (2) foot setback from the lot line.

(c) Nonconforming fences.

- (1) No nonconforming fence shall be altered, repaired, or extended unless brought into conformance with the requirements of this ordinance. Fences, walls, and similar structures located on properties with buildings or structures of Exceptional Significance, as defined in this chapter, may or may not be considered nonconforming and are subject to staff review, appealable to the Historical Architectural Review Board, on a case-by-case basis.
- (2) Chain link fences are allowed subject to section 28-112.

Section 3. Amending Code Section 28-331. Section 28-331 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-348 – Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:

- a. On multiple-frontage lots, through lots and corner lots, accessory uses and structures may be located in any required side yard but not less than three (3) feet from any side lot line.
- b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.
- c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.
- ~~d. Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the main structure may be located in any required rear yards, but not in any required front yard, and not less than ten (10) feet from any side lot line, except in the following instances:~~
 - ~~1. When a compressor is proposed within a yard and is enclosed by a masonry wall at least five (5) feet high, it may be located within two (2) feet of any side lot line.~~
 - ~~2. When a compressor is proposed within a yard and is enclosed by a solid board fence at least five (5) feet high, it may be located within five (5) feet of any side lot line.~~
- e. d. Tennis courts may be located in a required side or rear yard but not in any required front yard (see subsection (5)).

Section 4. 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 renumbered 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 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 Section 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)