

ORDINANCE NUMBER 2021 - 96

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

Public Records of St. Johns County, FL
Clerk number: 2022021809
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2/28/2022 3:15 PM
Recording \$137.50

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

WHEREAS, the development of the lands within this Planned Unit Development shall proceed in accordance with the application, dated May 11, 2021, in addition to supporting documents and statements from the applicant which are a part of **Zoning File PUD 2021-04 St. Johns Commerce East**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The PUD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan, specifically Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The PUD is consistent with the Future Land Use Designation of Mixed Use District.
4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The PUD is consistent with the St. Johns County Comprehensive Plan specifically Policy A.1.3.11 as it relates to compatibility of the project to the surrounding area.
6. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
7. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.

8. The PUD would not adversely affect the orderly development of St. Johns County.
9. The PUD as proposed is consistent with Objective A.1.11 of the St. Johns County Comprehensive Plan as it relates to an efficient compact land use pattern.

SECTION 2. Pursuant to this application File Number **PUD 2021-04 St. Johns Commerce East**, the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to PUD.

SECTION 3. The development of lands within the PUD shall proceed in accordance with the Master Development Plan Text, Exhibit "B" and the Master Development Plan Map, Exhibit "C".

SECTION 4. To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein. Notwithstanding any provision of this ordinance, no portion of any use restriction, title conditions, restriction or covenants shall be deemed waived or varied by any provision herein.

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

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 21st DAY OF December, 2021.

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

BY: Henry Dean Rendition Date: DEC 22 2021
Henry Dean, Chair

ATTEST: BRANDON J. PATTY, Clerk of the Circuit Court & Comptroller

BY: Lwanne King
Deputy Clerk

EFFECTIVE DATE: JAN 21 2022

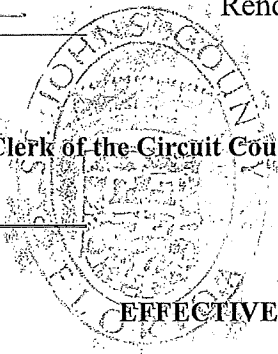


EXHIBIT A - LEGAL DESCRIPTION

THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHEASTERLY CORNER OF HILDEN SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 59 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, SAID POINT BEING SITUATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SECOND STREET (A 40 FOOT RIGHT OF WAY AS SHOWN ON SAID PLAT OF HILDEN SUBDIVISION) WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF FIFTH AVENUE (A 40 FOOT RIGHT OF WAY AS SHOWN ON SAID PLAT OF HILDEN SUBDIVISION), SAID POINT ALSO BEING SITUATED IN THE SOUTHWESTERLY LINE OF THE TOLOMATO CDD, CONSERVATION EASEMENT PARCEL "A", AS RECORDED IN OFFICIAL RECORDS BOOK 4271, PAGE 1981 OF SAID PUBLIC RECORDS; THENCE SOUTH 40°12'48" EAST, ALONG SAID SOUTHWESTERLY LINE OF SAID TOLOMATO CDD, 752.60 FEET TO A POINT IN THE NORTHERLY LINE OF GOVERNMENT LOT 2 OF SAID SECTION 13; THENCE SOUTH 88°15'21" WEST, ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 2, A DISTANCE OF 913.70 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2, THE SAME BEING THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF SAID SECTION 13, SAID POINT ALSO BEING SITUATED IN THE EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4880, PAGE 521 OF SAID PUBLIC RECORDS; THENCE NORTH 03°56'37" EAST ALONG THE WESTERLY LINE OF SAID NORTHEAST 1/4 OF SAID SECTION 13, THE SAME BEING THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4880, PAGE 521, A DISTANCE OF 242.81 FEET TO A POINT IN SAID SOUTHEASTERLY RIGHT OF WAY LINE OF SECOND STREET AS SHOWN ON SAID PLAT OF HILDEN SUBDIVISION; THENCE NORTH 48°44'18" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 546.31 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THOSE LANDS LYING WITHIN THE RIGHT OF WAY OF DIXIE HIGHWAY.

EXHIBIT B

Master Development Plan Text, St Johns Commerce East PUD

This Master Development Plan Text is part of an application for rezoning the property subject hereto Planned Unit Development ("PUD") as required by the St. Johns County Land Development Code (the "Code" or "LDC"). The application is filed on behalf of the landowner Sterling Ventures, LLC; c/o Property Theater LLC ("the Applicant").

- a. **A description related to the design, character and architectural style or theme of the Project, which demonstrates an innovative, unified, cohesive and compatible plan of development for all Uses included in the Project. Mixed Use PUDs that contain different Uses or several Development Parcels must also demonstrate consistency in design and character and plan of development.**

The proposed St Johns Commerce East PUD is located in St. Johns County. The site's requested uses are in line with the current Comprehensive Plan Future Land Use map and growth pattern in this area of northern St. Johns County. The Property subject to this application is described here as the St Johns Commerce EAST PUD and shown in Exhibit "C," (the "Property") and is located at Old Dixie Highway, Ponte Vedra, FL 32801. General location is approximately 900 feet north and 510 feet east of the intersection of Hilden Rd. and US Highway 1 N. The Property has St. Johns County Parcel Identification No. 025920-0010 and a portion of Old Dixie Highway, as shown in the attached, Exhibit "K". This is a companion submission for a Small Scale Land Use change to Mixed Use (MD) designation of the Property. Also, as a companion to the Small Scale Land Use change is a request for a road vacation of a portion of Old Dixie Highway as further identified in the attached, Exhibit "K".

The overall design theme for the St Johns Commerce East PUD will be a flex warehouse development providing a mix of uses. The requested PUD includes the same uses as achieved in PUD-2020000007, approved by the Board of County Commissioners January 15, 2021. All uses within the Property are deemed compatible. The Property is located in close proximity to both industrial and mixed use uses.

The exterior architectural design of buildings within the PUD will be of similar character as industrial and commercial structures within the Property's vicinity and may include architectural features to provide curb appeal for design and character. The Property may also have a community dock for bulk delivery and distribution.

The requested re-zone to a PUD is necessary to accommodate the new "Amazon Effect," demanding light manufacturing, warehouse, distribution, office, showroom-retail and permit other flexible uses in the same location. Some of these uses may require limited outside storage. This development will also serve to satisfy the increasing demand for such flexible use as we are seeing in the post-COVID/direct to consumer/live-work environment, allowing effectiveness and efficiency across operating companies. The overall character of this development provides for

maximum flexibility of use allowing current and future occupants the ability to adapt to disruptive forces which continually shape and re-shape commercial real estate needs.

Request is to rezone from the current Open Rural (OR) zoning to PUD which will allow for a wide range of uses as the spirit of combining industrial, office, commercial and specialty retail uses into one park is increasingly needed. The growing trend and need for such a flexible product addresses an increasing need throughout the real estate industry that real estate zoning and uses are not keeping pace with business trends and consumer demands. Staff confirmed with the applicant that the subject property is not within the Nocatee PUD.

b. The total number of acres included within the Project as requested in the application.

Total Acres: 7.25

There are a total of approximately 7.25 acres within the PUD that are to be located within the companion Mixed Use Comprehensive Plan Future Land Use Map ("FLUM") designation, as depicted on the attached Master Development Site Map attached as Exhibit "C". Total acres consist of 6.84 acres from parcel 0259200010 and a .41 acre section of existing right of way which is being acquired through a road vacation.

c. The total number of Wetland acres included within the Project as requested in the application.

Total Wetland Acres: 2.83+/-

Site inspection revealed approximately 2.83 acres of wetlands on the property, see Exhibit "H".

Proposed Preserved Wetland Acres: 1.35+/-

Proposed Impacted Wetlands 1.48+/-

d. The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of this Code.

Total Developable Acres for PUD/Mixed Use Land Use: 4.42 AC (5.94 AC if wetlands are impacted)

Total Wetlands proposed to be Preserved: 1.35

Total Wetlands proposed to be Impacted for PUD/Mixed Use Land Use: 1.48

Area for the Property is comprised of approximately 7.25 AC

e. The total number of residential Dwelling Units and density of the Project, proposed density bonuses, the projected population, and projected population of school age children that may reside within the Project.

Not applicable

f. The total square footage and intensity of non-residential Development.

Total Square Footage of Non-Residential Development: Maximum of 66,000 SF

Intensity of Non-Residential Development: Maximum of 66,000 SF

Permitted uses shall include but not be limited to those allowable by right or Special Use within LDC Section 2.02.02 and 2.03.01 table for Town Center Mixed Use use category and Industrial Warehousing zoning district, as well as the following non-residential uses:

Typical Uses in these categories include but are not limited to retail, general business, office, hospitality, personal services, grocery store, pharmacy, banks, medical and professional offices, veterinary offices without outside boarding and enclosed kennels, animal care facilities, personal services such as beauty shops, barbers, and day spas, daily neighborhood business services, mail and package services, restaurants with or without drive-thru facilities, bars, and pubs, deli, catering, billiards and pool parlors, specialty food, liquor and wine stores, video, print and copy shop, urgent care facilities (not hospitals), health clubs, gyms, government branch services & facilities, school for performing or cultural arts, indoor recreation (e.g. basketball, volleyball, soccer, parkour), movie theater or live theatre, alcoholic beverages sales subject to Section 2.03.01 and 2.03.02 and the source of outdoor amplified music is allowed within 50 feet of existing residentially zoned properties, outdoor sit down cafes, outdoor seating, art galleries, pottery shops, apparel, vintage clothing, gift shops, home décor and garden stores, bookstore, kite shop, surf shop, bike shop, specialty electronics, drycleaners (mail and package only), travel agencies, real estate offices, car wash, financial advisor offices, light manufacturing, vegetable food processing, production, packaging and assembly plants; warehousing, with or without distribution centers; large-scale printing plants, newspaper printing operations and distribution centers; business and commerce parks; office showrooms; extermination and pest control services; storage yards for equipment, machinery, dry storage for boats, and supplies for building and trades contractors, landscaping services, outdoor plant and garden supply centers, outdoor storage, appliance repair shops, machine shops; all types of vehicle repair and storage, including body shops, repair and service centers, vehicle sales and rentals; Boat and RV storage; personal property miniwarehousing; indoor Kennels and other animal boarding facilities; animal care facilities; veterinary office and animal hospitals, groomers; vocational, technical and trades school; Microbreweries; brewpubs; crematoriums; commercial recreation; church; and other substantially similar facilities and Uses.

Under no circumstances shall the following uses be allowed (within the PUD): psychics, adult uses, manufactured mobile homes, wastewater treatment plants, recreational vehicle campgrounds, electronic game promotions, truck stop, psychiatric care and treatment facilities, alcohol rehabilitation centers. Behavioral health services are allowed in conjunction with the provision of other medical services.

- g. The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project, including the sign height, size and type, such as wall, ground or monument, pylon, etc., street lights or other required outdoor lighting within the Project, and the maximum height of all Structures.**

Residential Structure Setbacks: NA

Non-Residential Structure Setbacks: Buildings have a required boundary setback of 15 feet on the front, 5 feet on the side and 10 feet on the rear. Setbacks shall be measured from vertical walls of the structure to the property line. In addition, no required setbacks shall be necessary for the separation from lot lines on such buildings except that there shall be a minimum ten (10) foot separation between buildings, unless such buildings are constructed to provide adequate firewalls for common wall construction.

All structures shall have a minimum separation of 10 feet measured from the furthest projection on the structure to the furthest projection of any other structure."

LDC 6.03.01 requires if the separation cannot be maintained, then all structures must be protected with a fire system designed and installed in accordance with NFPA 13 or the required fire hydrants shall be capable of providing an additional 500 gpm @ 20 psi for 2 hours.

Minimum Size of Residential Lots: NA

Parking Spaces for Residential Uses: NA

Parking Spaces for Non-Residential Uses: The size and number of parking spaces for the site will not be less than those required in the St. Johns County Land Development code (LDC), in effect at the time of permitting per LDC 6.05.02. Buildings may share parking with other facilities, with shared parking agreements. Offsite parking will be an allowable use.

Signage to Serve the Project: Signage shall meet requirements of LDC section 7.00. One monument sign not to exceed 25' in height and 150 square feet of average display area per side.

Lighting: The use of indirect lighting or down-lighting shall be employed where appropriate to avoid any offsite lighting impacts to surrounding properties and shall comply with the provisions of Section 6.09.00 of the LDC.

Height: Structures shall not exceed thirty-five feet (35') in height.

Screening: Screening and location of solid waste storage dumpsters and areas will be in compliance with LDC section 6.06.04.B.8. Screening of mechanical equipment (located on ground or rooftop) will be in compliance with LDC section 6.06.04.B.9. Screening/buffer requirements shall be in accordance with LDC sections 6.06.04 and 6.06.04.B.7 and 6.06.04.B.8

Fencing: Fencing and/or wall may be allowed to separate the commercial areas from adjacent properties at a height not to exceed 8 feet.

Any fencing and/or walls along the Northeastern and Eastern property boundaries shall be placed along the landward side of the Undisturbed Upland Buffer.

Maximum Impervious Surface Ratio: Impervious surfaces will not exceed 75%.

Maximum Floor Area Ratio: The maximum Floor Area Ratio (FAR) will not exceed 70%.

- h. The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, potential new or expanded thoroughfare or right-of-way location, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and Sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project.

The infrastructure needed to serve the Project consists of roads, drainage facilities, water & sewer, fire protection and solid waste collection. Excess materials from excavation may be stock piled onsite or may be disposed of offsite.

Drainage Facilities: Stormwater will be treated on site within the pond retention/detention areas. All drainage structures and facilities will be designed and constructed in compliance with the Code in effect at the time of permitting and the applicable rules of the St. Johns River Water Management District. All necessary permits will be acquired, and construction plans approved prior to the commencement of any construction. Stormwater ponds will be vegetated with natural landscape material wherever feasible. The stormwater management system will be maintained by either the Applicant, its successors or assigns, or one or more property owners' associations. A waiver is being included to allow the stormwater pond to be included in calculation for open space.

Vehicular Access: Planned access to be an entrance/exit driveway connection to the PUD from Old Dixie Highway to the north of the Property and a potential future ingress/egress to the southeast of the property, as depicted on the Map, Exhibit "C". Access shall be in accordance with St Johns County and FDOT regulations and allowances, as shown on the Map, Exhibit "C". Old Dixie Highway is currently not opened to the southeast of the project, but will be opened to County standards if the potential future access is used.

Pedestrian Access: Sidewalks shall be provided pursuant to LDC Sections 5.03.02.G.1.h, 5.03.02.G.2.g and 6.02.06 for those portions of the Project that are developed as such development occurs. Internal sidewalks shall provide pedestrian connections throughout the site. All pedestrian accessible routes shall meet the requirements of the Florida Accessibility Code for Building Construction ("FACBC") and Americans Disability Act Accessibility Guidelines ("ADAAG") established by Florida law and 28 CFR Part 36, and St Johns County.

Internal Access: The Applicant's intent is to provide internal access to all development within the PUD with cross access easement to privately owned or public roads/drives. Traffic calming elements may include speed humps, and speed tables and similar designs along the internal access roads. Due to the nature of the business to the west, which includes an outside storage yard, we are not providing interconnectivity direct to that parcel, however, interconnectivity to northerly and southerly parcels (including those included in PUD 2020-07) is provided via Sterling Plaza Drive and Old Dixie Highway.

Ingress/Egress: Ingress/Egress is planned as an entrance/exit driveway connection to the PUD

from Old Dixie Highway, as depicted on the Map, Exhibit "C". Driveway access shall be in accordance with St Johns County and FDOT regulations and allowances. Site access improvements, such as turn lanes, will be provided if deemed necessary and approved by the FDOT. Ingress/egress on the southeast side of the property via Old Dixie Highway is currently not opened but will be opened to County standards.

Water/Sewer: Will be provided by St Johns County Utility Department. The Applicant shall provide central water and sewer to the Project. All utilities will be made available to the site concurrently with the construction of the first building. Utility connection points shall be installed as listed in the Availability Letter or as directed otherwise by SJCUD. Any landscaping trees shall be placed at a minimum of 7.5 feet away from the centerline of pipeline to the centerline of the trees. All electrical, telephone, and cable lines will be installed underground on the site. Water and sewer will be provided by SJCUD and calculations on usage are contained within the water and sewer Availability Letter, as shown in Exhibit "I". No improvements such as pavement, sidewalks, and/or concrete walks are to be placed on top of water and/or sewer pressurized mains unless otherwise approved by SJCUD.

- A. All utility construction projects are subject to the current construction standards within the Manual of Water, Wastewater, and Reuse Design standards & Specifications at the time of review.
- B. Utility connection points shall be installed as listed in the Availability Letter or as directed otherwise by the St. Johns County Utility Department to minimize impact to the existing infrastructure or to the existing level of service.
- C. Water and/or sewer lines that are to be dedicated to the SJCUD for ownership that are not in the public right-of-way shall be placed in an easement.

Fire Protection: Fire Protection will meet Land Development 6.03 and the most current edition of Florida Fire Prevention Code as adopted by the State of Florida.

Solid Waste Collection: Solid waste will be handled by the licensed franchisee in the area. Solid waste storage areas will be designed in accordance with LDC Section 6.06.04.B.8.

Interconnectivity Access Points: Development allows for future access to parcels where feasible. At this time connectivity between this PUD and PUD 2020-07 will be via Sterling Plaza Drive and Old Dixie Highway.

Outdoor Storage: Development may include a screened outside storage area which will meet screening guidelines per LDC article 6.06.04.B.8.

Open Space: A waiver is being requested to allow pond space to meet open space requirement.

Electrical: Electricity will be provided by FPL.

- i. **The amount of water and Sewer use, based upon the projected population, and the public Utility Providers, if applicable.**

- Water and sewer is available and served by SJCUD/Public Utility Provider. St. Johns County Utility Department (SJCUD) has affirmed that they will be able to meet the water and sewer plant capacity for the development based on approximate user demands. User demands are subject to change. See Exhibit I for Availability Letter.
- j. The type of underlying soils and its suitability for Development of the proposed Project:**
- The soil survey identifies three types of soil on the site: (7) Immokalee, (13) St Johns and (22) Manatee. See Exhibit "E" for details.
 - The soils are typically suitable for development and borings and compaction testing will be done prior to development.
- k. The type and extent of upland forest and Wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and Wetland vegetation shall be provided with the application submittal.**
- FLUCFS map determined there to be 1124 Pine– Mesic Oak and 2240 – Mixed Hardwood – Coniferous Swamps, see Exhibit "D" for details.
- l. The type and extent of any Significant Natural Communities Habitat as defined by this Code. Listed Species information including locations, densities and extent of habitat.**
- None.
- m. Identification of known or observed Historic Resources as defined by this Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of this Code shall apply.**
- Per the requirements of the LDC, Heritage Cultural Services LLC has conducted a Phase I cultural resources assessment survey (CRAS) of the 7.25-acre property (formerly 7.89-acre property). The consultant revisited a previously recorded site, Old Dixie Highway (8SJ02809), which the State Historic Preservation Office (SHPO) has determined is eligible for listing in the National Register of Historic Places (NRHP). The consultant assessed and reevaluated the resource within the proposed project area and has recommended that the resource within the subject property is not eligible for the NRHP. A draft CRAS has been submitted to the Cultural Resources Coordinator and is under compliance review. Modifications will be made to the report based on Coordinator's comments and any requests for additional information (RAIs).
- n. The type and extent of buffering, landscaping, Tree removal and Tree protection, and buffering between adjacent Uses as needed to aesthetically screen Uses and provide privacy.**
- Landscaping Plan – We will attempt to provide onsite mitigation for any protected trees as a result of the development

- All landscape and tree requirements of the Saint Johns County Land Development Code and Saint Johns County Comprehensive Plan will be met
- The development will comply with screening and buffering requirements as defined in LDC article 6.06.04.B.7 & 6.06.04.B.8
- Screening and location of solid waste storage dumpsters and areas will be in compliance with the LDC section 6.06.04.B.8
- Screening of mechanical equipment (located on ground or rooftop) will be in compliance with the LDC section 6.06.04.B.9
- The undisturbed upland buffer and building setback shall be depicted on all construction plans. (Section 4.01.06, Land development Code)

The development will comply with the requirements as stated in 4.01.06 of the Land Development Code regarding the requirements for a 25' Upland Buffer and Building Setback adjacent to onsite contiguous wetlands. *The St. Johns County Land Development Code states that a minimum 25-foot undisturbed upland buffer plus a 25-foot building setback is required between developed areas and contiguous wetlands. This buffer is to be measured landward from the State jurisdictional wetland line and is to remain in a natural, undisturbed, vegetative state. Removal or alteration of native vegetation and soils within the upland buffer is prohibited. Accessory Uses per Section 2.02.04 are allowed in the setback except for buildings with a permanent foundation.* (Section 4.01.06, Land Development Code)

- o. **PUDs located in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District.**

- NA

- p. **The use, location and duration of temporary Uses, including Construction trailers, sales units, model homes, and temporary signage related to Construction of the Project.**

- Temporary construction trailers shall be allowed and shall be removed prior to issuance of final certificate of occupancy for the last building.
- Also, there may be temporary signage relative to commercial lot sales i.e. – for sale signs, informative contractor signs, coming soon signs, rentals, etc. Each sign shall not exceed (6) square feet and will be in compliance with LDC as it exists at the time of permitting.
- Other Permitted Uses: During initial construction of the development, an air curtain burning operation shall be permitted on site. Said air curtain burning operation will be removed when construction is complete.

- q. **The use and location of Accessory Uses for residential and nonresidential Structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses.**

HVAC units can be constructed in side and rear setbacks

r. A phasing schedule, which shall include the amount of residential and non-residential Development to be completed within a specified phase; a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD may be obtained by either of the following two methods: (1) the provision of an estimate of Uses to be developed within five (5) to ten (10) year phases. The estimated phases may overlap during construction; however, a phase shall be fifty percent (50%) complete, before the next phase may proceed; or (2) the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to St. Johns County Land Development Code V-14 December 17, 2019 the platting of one hundred (100) dwelling units, a park shall be provided). The phasing schedule, using either option, shall also provide for a PUD Progress Report as required by Section 5.03.07. An extension of the commencement or completion date of a PUD, of not more than one (1) year, may be approved by a Small Adjustment when the County Administrator has determined there are not significant changes to the surrounding area since the PUD was originally approved that would cause the PUD to negatively impact the surrounding area, and the Future Land Use Map designation of the subject PUD is the same as when the PUD was approved. If, in the determination of the County Administrator, either of these conditions are not met, or the extension of the commencement or completion date is for more than one (1) year, a Major Modification to the PUD shall be required, as provided in Section 5.03.05.C. An extension of any phase of a PUD may also be approved by a Small Adjustment so long as the commencement or completion dates of the PUD are not extended beyond one (1) year.

- Commencement of construction of Property must occur on or before the commencement date provided below, and shall be deemed to have occurred upon acceptance and approval of final construction plans for horizontal improvements for initial development on this parcel, which is defined as the main roadways and utilities within the road rights of way. Completion (on or before completion date as stated below) is defined as the acceptance by the county of horizontal as-builts for commercial initial development on which is defined as the main roadways and utilities within the road rights of way.
 - Commencement Date: By December 2024
 - Completion Date: December 2026

s. The projected impact of the Project upon St. Johns County, and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project.

- The requested re-zone to a PUD is necessary to accommodate for the new "Amazon effect" development necessary to support light manufacturing, warehouse, distribution, office, showroom – retail and permit other flexible uses which are increasingly demanded in this post-COVID/direct to consumer/live-work consolidated mixed-uses allowing both effectiveness and efficiency in real estate as is currently being demanded in operating companies.
- In order to allow for a wide range of uses, request is to include the uses by right and exception from the Town Center Mixed Use (TCMU) use category and Industrial Warehouse (IW) zoning

district, as well as other commercial uses in the spirit of combining industrial, office, commercial and specialty retail uses into a PUD. The success of the similar projects recently developed have been praised and admired by stakeholders and idle passers-by alike. The growing trend and need for such a flexible product addresses an alarming concern throughout the real estate industry that real estate zoning and uses are not keeping pace with business trends and consumer demands. Uses by right and exception within the TCMU use category and use categories allowed within the IW zoning district are all the use proposed in this PUD.

t. A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of this Code shall be provided to justify the need for such waivers.

- Waivers

1. A waiver request from LDC Section 2.03.02, in accordance with Section 2.03.02.A. of the LDC to allow for the sales of alcoholic beverages (beer and wine) for a licensed Applicant and holder, who is engaged in conducting a bona fide restaurant establishment, which has tables capable of seating no less than thirty (30) persons simultaneously for the purpose of serving meals, but who is otherwise prohibited from the sale of beer and wine due to the location of such business with regard to a church or school. The justification for the requested waiver is the following: The applicant has been in contact with a number of prospective tenants, including a small specialty-type restaurants, which would have under 150 seats and would want to serve beer and wine, and a full service restaurant with 150 seats, but not meeting the 2,500 square foot requirement, so desires to include this option in accordance with the requirements established within the LDC as follows:

a. The licensed Applicant and holder will be engaged at the subject location in conducting a bona fide restaurant establishment, has tables capable of seating not less than thirty (30) persons simultaneously, for the purpose of serving meals.

b. All sales of beer and wine will be made to persons patronizing the establishment for the main purpose of ordering and consuming food.

c. The establishment may have permanent kitchen facilities located within the premises in which meals regularly are prepared for service to patrons of the establishment so as to qualify as a bona fide restaurant hereunder.

d. And there shall be no attempt to circumvent the intent of this Section by an artifice or scheme, such as the serving of stock meals. Stock meals as herein above used are defined to include and refer to the service of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer. The applicant feels that the request, in accordance with the conditions established by the LDC, meets the requirements for a "Variance" in that:

d.1. There are practical difficulties in carrying out the strict letter of the regulation. While no such conflicting use exists at this time it is possible that such uses could enter the area and create a limitation with regard to the separation of a church or school. It is also likely that various tenants of the commercial development will change over time and reintroduction of or relocation of such uses within the subject property should not be restricted from operating. Since the measurement

is customarily taken from the property line to a property line, there is no ability to relocate the site to avoid any future discrepancy in the distance.

d.2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but is based on being able to offer a full range of businesses and services, which are severely lacking in the area.

d.3. The proposed waiver will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public, as it only involves the sale of beer and wine for smaller restaurants.

d.4. The proposed waiver will have no effect on and will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

d.5. The effect of the proposed waiver is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

2. A waiver is being requested from LDC Sec 5.03.03.A.1: which reads, "Minimum of twenty-five percent (25%) open space (including recreation, buffers, common areas, Environmentally Sensitive Areas, and other conservation/preservation areas providing for Significant Natural Communities Habitat or Essential Habitat)".

This waiver is being requested to allow the enhanced stormwater ponds to be used as open space in addition to the Jurisdictional Wetlands. The stormwater pond slopes will be planted with Florida native plants to amenitize it.

3. A waiver is being requested from LDC Sec 5.03.03.B.2 which reads, "Commercial Twenty (20) foot setback for Buildings, parking and/or storage areas along property lines adjacent to road Right-of-Way and adjacent to residential Uses".

The waiver is being requested to reduce the 20' setback, down to 10' on the southern and northern side of the property. The justification for this waiver is that the change will allow for consistency with the western and eastern edges of the property. Additionally, an eight foot opaque fence shall be constructed for screening on the southern end of the property which is currently zoned open rural.

4. A waiver is being requested from LDC Sec 6.06.04. Buffering and Screening Requirements more specifically Table 6.19 and 6.20. The requested waiver is to reduce the 30C buffer to a 20B buffer on the most easterly property boundary. The justification is the land to the east is conservation easement and shall never be developed. Request is due to the undevelopable nature of the conservation lands contiguous to the easterly boundary. Additionally, our uses we do not believe rise to the Group 6 intensity (Light Industrial, Heavy Industrial, Mining and Extractive, Regional Business and Commercial, Regional Cultural and Entertainment, Solid Waste & Correctional Facilities, Correctional Institutions) but are more in line with Group 5 intensity of uses (High Intensity Commercial, Highway Commercial, Public Service/Emergency Service) which are much lighter in intensity. For these reasons a 20B compatibility buffer seems more justified.

5. A waiver is being requested from LDC section 5.03.02.G.2 Master Development Plan Details to allow MDP details to be provided incrementally. Due to concurrent request for a road vacation, design elements may change based on vacated lands, incremental plan will allow MDP

details to be provided as additional information is known.

u. A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the Master Development Plan.

- Compliance Statement: Development of the St Johns Commerce EAST PUD project and request for PUD zoning uses is in compliance with the uses allowed under the Mixed Use Land Use requirements.
- The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PUD ordinance adopted by the St. Johns County Board of County Commissioners, including but not limited to the commitments and conditions of the Master Development Plan, and further understands and agrees that this stipulation and agreement is and shall be binding upon any and all successors and assigns in title.

v. When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation.

- Not applicable

THE ST. AUGUSTINE RECORD
Affidavit of Publication

**PROPERTY THEATER
8110 CYPRESS PLAZA DRIVE**

JACKSONVILLE, FL 32256

ACCT: 58346
AD# 0003378172-01

PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee 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 **SA Legal Classified** in the matter of **PUD-2021-04** was published in said newspaper in the issue dated **09/24/2021**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

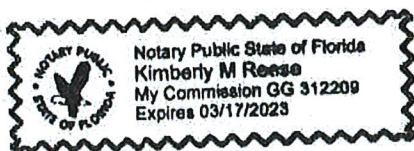
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of SEP 24 2021

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 10/21/2021 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 12/7/2021 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a request to rezone approximately 7.25 acres of land from Open Rural (OR) to Planned Unit Development (PUD) in order to allow for a new flex-warehouse development that will provide for a mix of uses.

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

The subject property is Old Dixie Highway, Ponte Vedra, FL 32081. See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

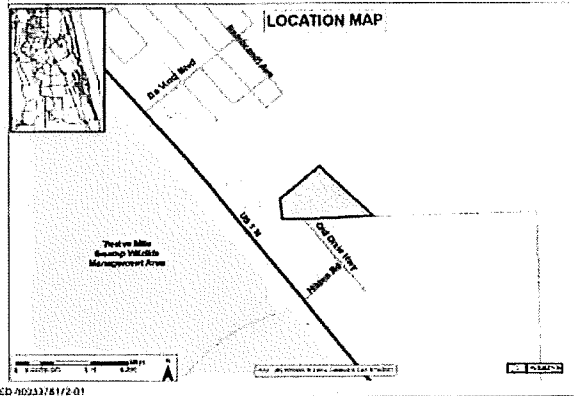
Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she 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.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1-800-955-8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY	BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA	ST. JOHNS COUNTY, FLORIDA
GREG MATOVINA, CHAIR	JEREMIAH R. BLOCKER, CHAIR
FILE NUMBER: PUD-2021-04	
PROJECT NAME: St Johns Commerce East	





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 27, 2021

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2021-96, which was filed in this office on December 23, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

FILED **DEC 23 2021**
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK