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**AGENDA ITEM
Planning & Zoning**

Meeting

3/7/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: February 24, 2024

FROM: Teresa Bishop, Planning Manager

PHONE: 904 209-0581

SUBJECT OR TITLE: PUD 2023-15 Sunset View PUD

AGENDA TYPE: Ex Parte Communication, Recommendation, Report, Business Item

PRESENTER: Karen M. Taylor, Land Planner

BACKGROUND INFORMATION:

Request to rezone approximately 2.42 acres of land from Commercial General (CG), Open Rural (OR) and Residential, Single Family (RS-3) to Planned Unit Development (PUD) to allow for a maximum three (3) residential units, and a maximum 6,854 square feet of commercial uses, located west of Dondanville Road, west of A1A (Saltwater Cowboys).

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to recommend approval of PUD 2023-15 Sunset View PUD, based on nine (9) findings of fact, as provided within the Staff Report.

Motion to recommend denial of 2023-15, Sunset View PUD, based on ten (10) findings of fact as provided within the Staff Report.



Growth Management Department
Planning Division Report
Application for Planned Unit Development
PUD 2023-15 Sunset View PUD

To: Planning and Zoning Agency

From: Teresa Bishop, AICP, Planning Manager

Date: February 23, 2024

Subject: **PUD 2023-15 Sunset View PUD**, request to rezone approximately 2.42 acres of land from Commercial General (CG), Open Rural (OR) and Residential, Single Family (RS-3) to Planned Unit Development (PUD) to allow for a maximum three (3) residential units, and a maximum 6,854 square feet of commercial uses, located west of Dondanville Road, west of A1A (Saltwater Cowboys).

**Applicant/
Representative:** Karen M. Taylor, Land Planner

Owner: 299 Dondanville Property, LLC
Marshview Property, LLC

Hearing dates: Planning and Zoning Agency – March 7, 2024
Board of County Commissioners – April 16, 2024

**Commissioner
District:** District 3

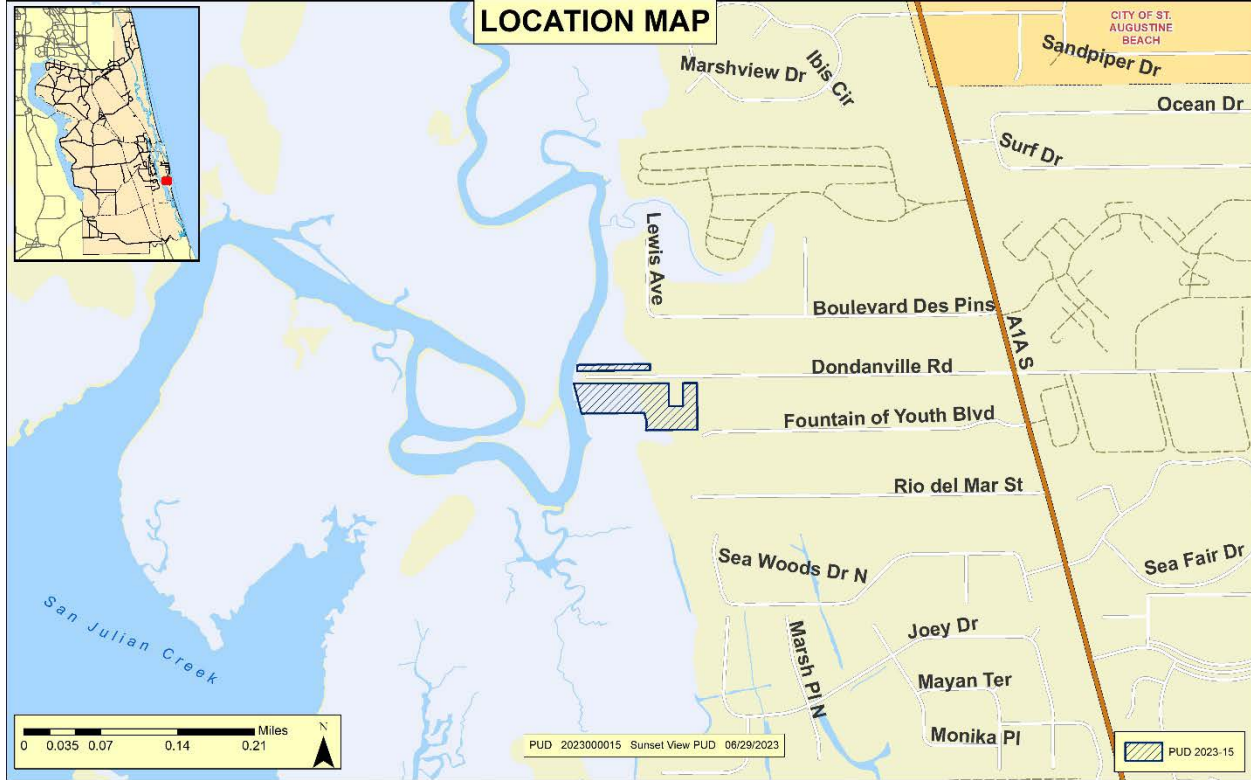
SUGGESTED MOTION/ACTION:

APPROVE: Motion to recommend approval of **PUD 2023-15 Sunset View PUD**, based on nine (9) findings of fact, as provided within the Staff Report.

DENY: Motion to recommend denial of **2023-15, Sunset View PUD**, based on ten (10) findings of fact as provided within the Staff Report.

MAP SERIES

Location: The subject property is the site of the Saltwater Cowboys Restaurant, located west of Dondanville Road, and west of A1A.

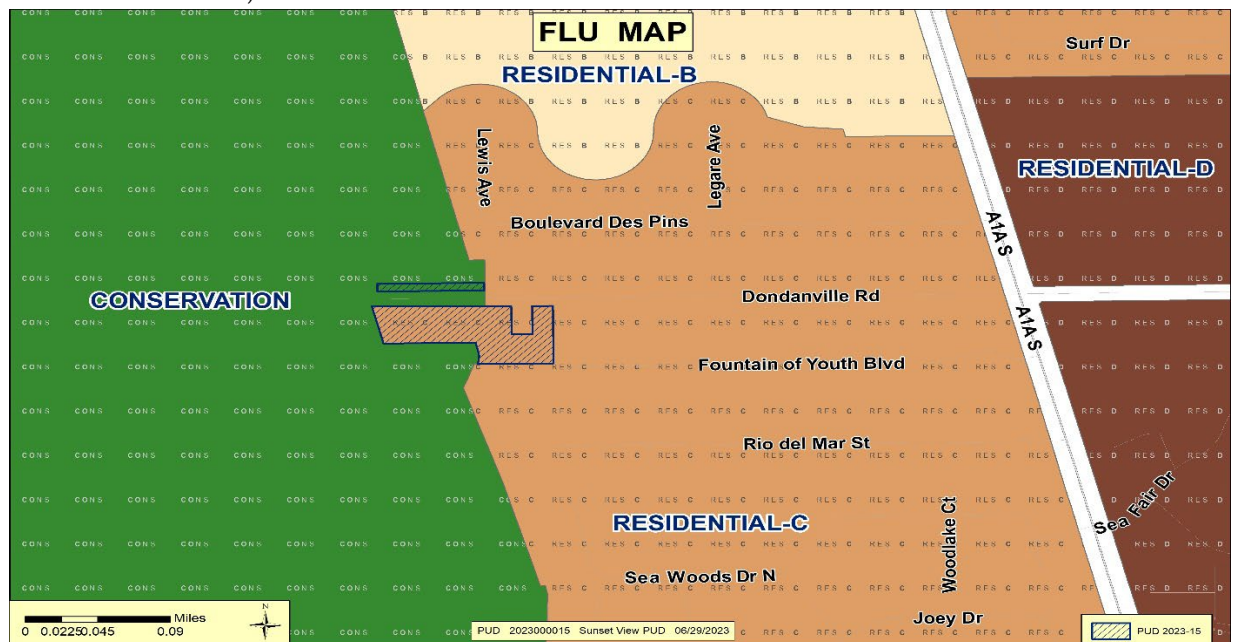


Aerial Imagery: The property contains approximately 2.42 acres of land. The subject property is comprised of the Saltwater Cowboys Restaurant, two residential dwelling units, and one vacant subdivision lot. The surrounding area is developed with both single family residential, townhomes, and condominiums. The property located to the west contains the marshes of the Intracoastal Waterway.

Text



Future Land Use: The subject property has the Future Land Use designation of Residential-C Coastal and Conservation (CV). The surrounding area is comprised of Residential-B Coastal, Residential-C Coastal, Residential-D Coastal, and CV.



APPLICATION SUMMARY

The applicant is requesting to rezone approximately 2.42 acres of land from Commercial General (CG), Open Rural (OR) and Residential, Single Family (RS-3) to Planned Unit Development (PUD) to allow for a maximum three (3) residential units, and a maximum 6,854 square feet of commercial uses.

Proposed Development Standards	
Maximum Lot Coverage by All Buildings	50%
Maximum Impervious Surface	70%
Floor Area Ratio (FAR)	50%
Minimum Open Space	25% per LDC
Maximum Building Height	35 feet
Parking	Per Land Development Code (LDC); 45 spaces allowed in County ROW per Resolution #2021-508
Lighting	Per LDC
Signage	Per LDC, in accordance with Section 3.08.07 (Mid Anastasia Overlay)
Setbacks	Existing commercial structures: Front – 15'; Side – 10'; Rear – 10' Existing residential structures: Front – 15'; Side – 5'; Rear – 5' (garage) Existing residential structures: Front – 15'; Side – 20'; Rear – 5' (triplex) New Structures: Front – 15'; Side – 30'; Rear – 30'
Water/Sewer	St. Johns County Utilities
Phasing	Improvements are planned over a 20 year period

REQUESTED WAIVERS

The applicant has requested waivers with this application. These waivers are primarily justified and needed by the redevelopment of an existing commercial site.

Section 3.08.05: Minimum Yard Requirements within the Mid-Anastasia Overlay, provides for buildings proposed on sites which adjoin an existing residential use or residentially zoned lands, the minimum adjoining a side or rear yard, or both is thirty (30) feet for a building up to and including twenty (20) feet in height; fifty (50) feet for a building above twenty (20) feet in height. The applicant is requesting a 15' front setback and a 10' rear and side setback for the commercial structure; and the existing residential structures have a front setback of 15' and a 5' on the side and rear.

Section 3.08.06: Additional Buffering Requirements within the Mid-Anastasia Overlay, provides for minimum 15' buffer from any delineated roadway. The applicant is requesting a 10' buffer for the restaurant decking and zero along the residential/office building.

Section 3.08.07: Additional Signage Requirements within the Mid-Anastasia Overlay, provides signage standards for the Overlay area. The applicant is requesting to keep the existing signage in its current configurations, size and design.

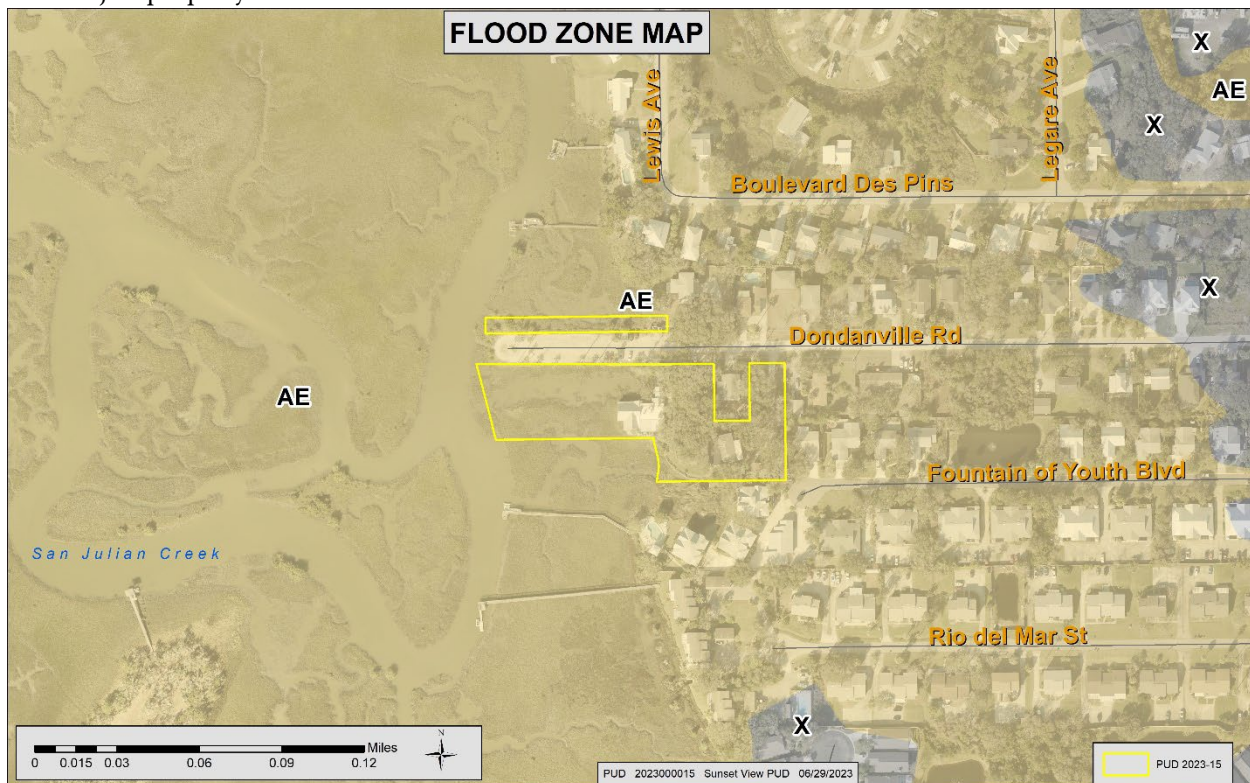
Section 4.01.06.B. Buffers and Setbacks: The applicant is asking to waive the 50' buffer. The applicant has received a DEP permit to provide for a bulkhead for stabilization of the property. In addition, the applicant has provided the buffer area is used as a backyard.

DEPARTMENT REVIEW

This application was routed to all appropriate reviewing departments. There are no remaining open comments.

Technical Division Review: All future site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable local regulations and permitting requirements. No permits will be issued prior to compliance with all applicable regulations.

The subject property is within an AE Flood Zone.



Transportation/Concurrency Division Review:

Pursuant to Section 11.02.01.E of the Land Development Code, the proposed project is classified as a Small Project, which is estimated to generate less than 10 average weekday peak hour trips. The determination of concurrency will be made simultaneously with the processing of the applicant's development review application (clearance sheet). School concurrency will be required prior to the issuance of a development permit with St. Johns County. School Concurrency will be determined by the School District.

Project is subject to compliance with all applicable land development regulations in effect at the time of permitting. The applicant is aware that site access design, from Dondanville Road to the subject site, must be in compliance with all requirements of Section 6.04.05 of the St. Johns County Land Development Code, as applicable.

Office of the County Attorney Review: Planned Unit Developments are considered rezonings. This application is subject to the general standards outlined in Board of County Commissioners of Brevard County v. Snyder, 627. So. 2d 468. Applicant bears the initial burden of demonstrating that the proposed rezoning is a) consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, and b) complies with the procedural requirements of the Land Development Code. The Board of County Commissioners may still deny the application if there is evidence that maintain the existing zoning serves a legitimate public purpose. A legitimate public purpose of keeping the existing zoning includes, but is not limited to, that the rezoning: produces an urban sprawl pattern of development; is spot zoning; produces an incompatibility or deviation from an established or developing logical and orderly development; produces significant adverse impact upon property values of the adjacent or nearby properties; or detracts from the character and quality of life in the neighborhood by creating excessive noise, lights, vibration, fumes, odors, dust, physical activities and other detrimental effects or nuisances, and impact on environmentally sensitive features.

Competent substantial evidence is testimony that is specific, reliable and fact-based. Examples of competent substantial evidence include, but are not limited to, factual statements concerning: the character of the neighborhood (quiet or noisy, residential or commercial, etc.); lot sizes, width, typical for the area; density of development (low density – spacious or high density crowded); building heights existing in the area (maximum, average). General statements of like or dislike, or the sheer number of persons in a petition or poll, do not by themselves constitute competent substantial evidence. Any statements that draw conclusions or opinions should be supported by evidence, expertise, experience, documentation, and testimony from competent and relevant persons and documents. Statements on a technical issue should have the speaker establish expertise in that technical field.

The record of the decision consists of all documents and exhibits submitted to the advisory board and/or the decision-making board, together with the minutes of the meeting(s) at which the application is considered. The record may include the application; staff report; photographs, plans, maps and diagrams; studies and reports prepared by the applicant; documents presented by opposing parties; video recordings and all of the testimony presented at the evidentiary hearing(s).

Planning and Zoning Division Review: This is a request to rezone approximately 2.42 acres of land from Commercial General (CG), Open Rural (OR) and Residential, Single Family (RS-3) to Planned Unit Development (PUD) to allow for a maximum three (3) residential units, and a maximum 6,854 square feet of commercial uses. The property is currently developed as the Saltwater Cowboys Restaurant and two dwelling units used to house restaurant workers and office space. According to the applicant, the restaurant has been in business for over 50 years at this location, and is not in compliance with current land development regulations. The proposed PUD, if approved, will bring the restaurant and the accessory uses into compliance.

The majority of the property is designated Residential-C Coastal on the Future Land Use Map (FLUM), which allows for restaurants and other commercial uses with a PUD zoning; and further allows for residential uses up to four units per acre. A portion of the property located to the north is designated as Conservation (CV), which allows for water related uses; however, the applicant has provided there are no plans to develop within the CV designation. In addition, the property is within the Mid-Anastasia Overlay. New development will comply with Overlay standards. Many of the requested waivers are to allow for deviations from the Mid-Anastasia Overlay due to the existing conditions of the property.

The Mid-Anastasia Design Review Board (MADRB) heard the request for waivers on January 11, 2024 and recommended approval with the following conditions:

1. Any changes to the exterior of the site will require additional review by the Mid-Anastasia Design Review Board; changes include, but are not limited to, new or existing buildings, decks, buffers, and signage.
2. Setbacks: Commercial Decking, Deck Railing, Pergola
 - a. Allow decking to remain closer to the road than the main building
 - b. Allow decking, railing, and pergola to remain at a 10-foot Front Yard and a 0-foot Side Yard setback
 - c. Allow an expansion to decking, railing, and pergola not to exceed the current encroachments, except for those improvements shown on the MDP Map
3. Setbacks: Commercial Office/Storage/Residential Building
 - a. Allow structure to remain in current placement
 - b. Allow reconstruction of structure and ability to build higher than existing
 - c. Allow a 20-foot Side Yard setback from the neighboring residential sites
4. Setbacks: Residential Structure
 - a. Allow structure to remain in current placement
 - b. Allow reconstruction of structure and ability to enlarge
 - c. Allow a 20-foot setback from the neighboring south residential site
 - d. Allow a 30-foot setback from the neighboring north residential site
5. Setbacks: Residential Accessory Shed/Garage
 - a. Allow structure to remain in current placement
 - b. Allow shed to remain at a 5-foot side yard setback
 - c. Allow potential garage to be placed at 10-foot setback
 - d. If shed or garage is removed, it will be replaced at a 10-foot side yard setback
6. Buffer: Commercial Parcel
 - a. Require no additional buffering along the marsh area parking to the north and south along Dondanville Road; existing landscaping will remain
 - b. Allow deck to remain within the buffer
 - c. Allow reduced 10-foot buffer along restaurant frontage
 - d. All a 6-foot fence within the buffer in front of the Commercial Office/Storage/Accessory structure
7. Signage: Commercial Parcel: Allow existing ground sign and wall sign to remain as is

The conditions of the MADRB are depicted on the Master Development Plan, as applicable, and will be reviewed through the construction plan review as the property redevelops.

The below chart provides a comparison of the currently permitted Use Categories within the current Residential, Single Family (RS-3) zoning and the Commercial use proposed as a part of this PUD rezoning.

Zoning Designation Comparison

Permitted Use Categories	RS-3	CG	OR	PUD
Residential	X	X*	X	X**
Cultural/Institutional	X	X	X	X
Outdoor Passive	X		X	X
Neighborhood Public Service	X	X	X	X
Solid Waste and Correctional Facilities	X		X	
Neighborhood Business and Commercial		X		X
Office and Professional		X		X

* Accessory to the commercial business

**Multifamily and Mixed-use Residential are possible pursuant to the Live Local Act, Chapter 2023-17, Laws of Florida

Pursuant to section 125.01055(7)/section 166.04151(7) of the Florida Statutes, as created by Chapter 2023-17, Laws of Florida (the "Live Local Act"), St. Johns County must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40 percent of the residential units are at or below 120% AMI in the proposed multifamily or mixed-use rental development for a period of at least 30 years, affordable as defined in 420.0004, Fla. Stats. According to the Section E of the MDP Text, The Owner waives the right to develop the Property for residential uses pursuant to the Live Local Act, Chapter 2023-17, Laws of Florida.

The applicant has proposed the PUD zoning to bring the overall restaurant site and its accessory uses into compliance with the Comprehensive Plan and Land Development Code. The area to the north, south and east are primarily developed with single family residential, townhome and condominium homesites. Commercial business establishments are located along A1A at the intersection of Boulevard Des Pines, and the Dondanville Road intersection. The Intracoastal Waterway is located to the west, along with the existing restaurant. The existing restaurant does not appear to out of character with the existing development pattern within the area.

COMMUNITY MEETING

The applicant held a community meeting on February 5, 2024 at the restaurant. Those in attendance expressed concerns for additional traffic, parking, increased boat traffic/parking at the enlarged deck, noise, the dumpster location, blocked driveways, height, and the need for sidewalks. The applicant responded to these concerns and made applicable changes to the Master Development Plan Text and Map.

CORRESPONDENCE/PHONE CALLS

Staff has received phone calls and written correspondence.

FINDINGS OF FACT/ACTION

Staff has provided nine (9) findings of fact to recommend approval and ten (10) findings of fact to recommend denial of the requested PUD rezoning. These findings may be subject to other competent substantial evidence received at the quasi-judicial hearing.

ATTACHMENTS

1. Recorded Documents Section
2. Application and Supporting Documents

FINDINGS OF FACT
PUD 2023-15 Sunset View PUD

APPROVE	DENY
1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.	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.	2. The PUD is not 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 Conservation and Residential-C (Coastal).	3. The PUD is not consistent with the Future Land Use Designation of Conservation and Residential-C (Coastal) by not providing a well-balanced mix of uses in the area under Policy A.1.9.5.
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.	4. The PUD is not consistent with Part 5.03.00 of the St. Johns County Land Development Code, including Section 5.03.06.A through H which provides standards for review and approval of 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.	5. The PUD is not 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.	6. The PUD does not meet 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, including, but not limited to inadequate drainage systems. Requested waivers are not approved.
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, 5.03.02.G.2, and 5.03.02.F of the Land Development Code.	7. The PUD does not meet all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02.G.1, 5.03.02.G.2, and 5.03.02.F of the Land Development Code. Requested waivers are not approved.
8. The PUD would not adversely affect the orderly development of St. Johns County.	8. The PUD would adversely affect the orderly development of St. Johns County.

<p>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.</p>	<p>9. The PUD as proposed is not consistent with Objective A.1.11 of the St. Johns County Comprehensive Plan as it relates to an efficient compact land use pattern.</p>
	<p>10. Consistent with <i>Board of County Com'rs of Brevard County v. Snyder</i>, 627 So. 2d 469, the Board finds a legitimate public purpose in keeping the existing zoning of Open Rural (OR).</p>

BEGIN DOCUMENTS TO BE RECORDED

ORDINANCE NUMBER: 2024 - _____

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG), OPEN RURAL (OR), AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the development of the lands within this rezoning shall proceed in accordance with the application, dated June 22, 2023, in addition to supporting documents and statements from the applicant, **which are a part of Zoning File PUD 2023-15 Sunset View PUD**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. 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 Conservation and Residential-C (Coastal).
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, 5.03.02.G.2, 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 2023-15 Sunset View PUD** the zoning classification of the lands described within the attached legal description, **Exhibit “A”**,

is hereby changed to Planned Unit Development (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 that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this Ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other 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 covenant shall be deemed waived or varied by any provision herein.

SECTION 5. This Ordinance shall take effect upon receipt by the Secretary of State.

SECTION 6. It is the intent of the St. Johns County Board of County Commissioners that scrivener and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

SECTION 7. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

SECTION 8. 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 _____ DAY OF _____ 2024.

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

**BY: _____
Sarah Arnold, Chair**

**ATTEST: BRANDON J. PATTY, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER**

**BY: _____
Deputy Clerk**

EFFECTIVE DATE: _____

EXHIBIT A
LEGAL DESCRIPTION
Sunset View PUD

COMMERCIAL PARCEL

LOT 25, BLOCK 2, WILLIAMSON MANOR SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 8, PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH A PARCEL OF LAND SITUATED IN SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 25, BLOCK 2 OF WILLIAMSON MANOR; THENCE SOUTH 01°04'00" WEST, ALONG THE EAST LINE OF SAID LOT 25, A DISTANCE OF 110.00 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°19'38" WEST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 66.19 FEET TO AN ANGLE POINT IN SAID NORTH LINE; THENCE SOUTH 00°40'22" EAST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 31.46 FEET TO AN ANGLE POINT IN SAID NORTH LINE; THENCE SOUTH 89°19'37" WEST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 94 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK AND REFERENCE POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE SOUTH 89°19'37" WEST, A DISTANCE OF 423 FEET MORE OR LESS TO SAID MEAN HIGH WATER LINE OF SAN JULIAN CREEK; THENCE MEANDER IN A EASTERLY, THEN SOUTHERLY DIRECTION ALONG SAID MEAN HIGH WATER OF SAN JULIAN CREEK, A DISTANCE OF 509 FEET MORE OR LESS TO SAID REFERENCE POINT "A" AND THE CLOSE OF THIS DESCRIPTION.

TOGETHER WITH A PARCEL OF LAND SITUATED IN SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

TOGETHER WITH:

A PORTION OF THOSE LANDS LYING WEST OF LOT 26, BLOCK 1, WILLIAMSON MANOR, AS RECORDED IN MAP BOOK 8, PAGE 64, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING 30 FEET NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 26 AND THE NORTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, AS IT CURRENTLY EXISTS AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 26; THENCE SOUTH 89°19'37" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 26 AND SAID NORTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, A DISTANCE OF 350.00 FEET; THENCE NORTH 00°40'23" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°19'37" EAST, A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID LOT 26; THENCE SOUTH 00°40'23" EAST, ALONG THE WEST LINE OF SAID LOT 26, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

RESIDENTIAL PARCEL

LOT 23, BLOCK 2, WILLIAMSON MANOR SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 8, PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND A PARCEL OF LAND SITUATED IN SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 23, BLOCK 2 OF WILLIAMSON MANOR; THENCE NORTH $89^{\circ}19'37''$ EAST, ALONG THE NORTH LINE OF SAID LOT 23 AND THE SOUTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, AS IT CURRENTLY EXISTS, A DISTANCE OF 68.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 23; THENCE SOUTH $00^{\circ}40'22''$ EAST, ALONG THE EAST LINE OF SAID LOT 23 AND ITS SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 225.00 FEET TO THE SOUTHWEST CORNER OF LOT 15, PONCE DE LEON VILLAS, AS RECORDED IN MAP BOOK 18, PAGES 55 AND 56 OF SAID PUBLIC RECORDS; THENCE SOUTH $89^{\circ}19'38''$ WEST, ALONG THE NORTH LINE OF LOT 14 OF SAID PONCE DE LEON VILLAS, A DISTANCE OF 212 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK AND REFERENCE POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE SOUTH $00^{\circ}40'22''$ EAST, ALONG THE WEST LINE OF SAID LOT 23, A DISTANCE OF 110.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23; THENCE SOUTH $89^{\circ}19'38''$ WEST, ALONG THE SOUTH LINES OF LOTS 24 AND 25 OF SAID BLOCK 2, WILLIAMSON MANOR SUBDIVISION, A DISTANCE OF 134.21 FEET; THENCE SOUTH $00^{\circ}40'22''$ EAST, A DISTANCE OF 31.46 FEET; THENCE SOUTH $89^{\circ}19'37''$ WEST, A DISTANCE OF 94 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK; THENCE MEANDER IN A SOUTHEASTERLY DIRECTION ALONG SAID MEAN HIGH WATER OF SAN JULIAN CREEK, A DISTANCE OF 139 FEET MORE OR LESS TO SAID REFERENCE POINT "A" AND THE CLOSE OF THIS DESCRIPTION.

EXHIBIT B
MASTER DEVELOPMENT PLAN TEXT
Sunset View Planned Unit Development

SECTION I: INTRODUCTION

Enclosed herein, please find an application for rezoning to Planned Unit Development (PUD) with accompanying documents as required by the St. Johns County Land Development Ordinance. The application form is attached. This petition is filed on behalf of the applicant: Lee Shu, 299 Dondanville Property, LLC and Marshview Property, LLC.

A. Location / Description: The property sought to be rezoned consists of approximately 2.42 acres, which based upon the uplands, described by the Legal Description, Exhibit A. It is situated in St. Johns County at the West end of Dondanville Road on Anastasia Island, on the West side of State Road A-1-A (SR A-1-A) and has considerable frontage on the Intracoastal Waterway. The property is at the Western end of a residential subdivision called Williamson Manor, but only 2 of the lots fall within that subdivision, Lot 25 and Lot 23 of Block 2. The remainder of the parcels have just been divided over time.

The property contains “Cowboy’s” restaurant, which has been in business for over 50 years, as well as 2 residential homes: one immediately East of the restaurant, which has been used to house restaurant workers and also for office space, and one immediately South, which has been rented independently. There is also a vacant subdivision lot along the roadway. The restaurant uses the West end of the Dondanville Road Right-of-Way (ROW) for parking and has an agreement with St. Johns County for the use. The overall property to be rezoned also includes a small sliver of land along the North boundary of the ROW, across from the restaurant, which is adjacent to the lift station and contains a dumpster enclosure used by the restaurant. That parcel is part of a larger parcel that actually runs along the North side of the ROW to a point just short of the channel of the Intracoastal Waterway, which is primarily wetlands.

The property is located primarily within the Residential C Coastal (Res C Coastal) Future Land Use designation and a small portion (the North sliver) of the Conservation Future Land Use designation St. Johns County Comprehensive Plan. The property has a number of different zonings, which includes Commercial General (CG) for some of the restaurant, Residential Single Family Three (RS-3) for the East part of the restaurant, plus the residential/office immediately adjacent. It has Open Rural (OR) zoning for the South portion of the restaurant, plus the residential lot to the South, and for the sliver of land along the North side of the Dondanville ROW. So, the property has an established commercial use for a restaurant and accessory uses and building that are partially grandfathered under the current zoning categories of Commercial General (CG) and Residential Single Family Three (RS-3). There is one vacant residential lot zoned RS-3 and a single family Open Rural (OR) zoned lot, which combined currently has one single family home. The PUD will combine the uses and sites into a single comprehensive zoning to bring the restaurant uses into compliance and allow for the addition of 2 residential units, for a total of 3 residential units. The entire property falls within the Mid-Anastasia Overlay and all improvements will be subject to the requirements outlined in the Land Development Code (LDC) where possible.

The Residential C Coastal FLU designation allows for residential uses up to 4.0 units per upland acre and commercial uses through a PUD zoning. The rezoning to PUD will allow the applicant to have a consistent zoning over the properties and provide for an overall plan of development meeting current design standards and conditions for future improvements.

B. Surrounding Uses: The site is shown on the Location Map, Exhibit C. As noted, the property has a number of parcels and the restaurant crosses over a number of property lines. The property is at the West end of a residential subdivision called Williamson Manor. It was platted in 1955. The subdivision provides for a central road, Dondanville Road, with lots on either side. There are 26 lots in Block 1 (North side of the road) and 25 lots in Block 2 (South of the Road). Dondanville Road is paved from SR A-1-A up until the end of the residential portion of the subdivision, just in front of the residential/office building and then is unpaved from there to the marsh, which is part of the Intracoastal Waterway. The unpaved portion of the road runs along the Northern line of the restaurant parcel and Southern line of the small undeveloped North parcel (which is primarily marsh) and ends consistent with the West boundary of both parcels.

The adjacent surrounding area includes a single-family residential subdivision immediately to the North and East and the multifamily portion of a single family and multifamily development immediately to the South. The Northern subdivision is accessed by Boulevard Des Pins and the Southern subdivision is accessed from Fountain of Youth Boulevard. This property is part of the subdivision to the East, which is accessed by Dondanville Road as well. All 3 subdivisions have commercial parcels that front on State Road A-1-A (SR A-1-A) which use the subdivision roads as well as SR A-1-A for access. For the area overall, there is a mixture of commercial activities along SR A-1-A, including further to the North and South along SR A-1-A, including commercial shopping centers as well as a campground. There are also a number of single family neighborhoods and multifamily condominiums along SR A-1-A and between SR A-1-A and the Atlantic Ocean and SR A-1-A and the Intracoastal Waterway. There is a traffic light at the Dondanville Road / SR A-1-A intersection.

Adjacent Future Land Use includes more Residential C Coastal, as well as some Residential C Coastal to the North, bounded by Conservation to the West, and Residential D Coastal to the East of SR A-1-A to the Ocean. The City of St. Augustine Beach boundary falls along the East side of SR A-1-A not far North. There are a variety of zoning categories in the area. North of the site, along the West side of SR A-1-A, there is more RS-3, as well as Commercial Highway Tourist (CHT) and some Residential Single Family Two (RS-2). South of the site has Planned Special Development (PSD), Residential General One (RG-1) and PUD, with CG and Commercial Neighborhood (CN) along some of the highway frontage. Zoning along the East side of SR A-1-A, consists of a combination of single and multifamily zoned RS-3, RG-2, and PSD.

C. Ownership: The property is owned by the 299 Dondanville Property, LLC and Marshview Property, LLC as shown by the Proof of Ownership (deeds) attached as Exhibit F. Said property owner has authorized Karen Taylor, Karen M. Taylor Land Planner, to act on their behalf and file the application for seeking the rezoning change indicated. Authorizations are attached as Exhibit E. Adjacent property owners for notification purposes are included as Exhibit G.

SECTION II: SITE DEVELOPMENT CRITERIA

A. Project Description: The applicant is requesting the zoning change from CG, RS-3 and OR to PUD to provide for a mixed use development plan that combines residential and commercial uses, and allows the applicant to have a single defined zoning over the property. The project will provide for 2 different uses and will work independently from each other, although there will be pedestrian interconnectivity. The uses will include the restaurant, coupled with an accessory residential/office building on the Commercial Parcel and a multifamily triplex (3 residential units) on the Residential Parcel. The development shall be known as **Sunset View Planned Unit Development (Sunset View PUD)**.

As noted, the property is located within both the Res C Coastal and Conservation Future Land Use districts on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan and any changes in development will be limited to the Res C Coastal FLU property, which is the majority of the site. As also noted, the site will be divided into 2 overall parcels, both for reference purposes and to clearly define the uses for the Commercial Parcel and the Residential Parcel and to assign the uses related to each of the portions of the property.

The Master Development Plan Map (MDP Map) indicates the general layout for the Commercial Parcel, which includes 6,854 square feet of commercial space, which includes the 4,589 square foot restaurant, the 2,778 square foot existing deck and improved decking (1,760 square feet) and future dock area (1,225 square feet), as well as the 2,265 square foot accessory residence/office, and the associated parking for both that falls within the ROW and outside of the boundaries of the PUD. It also indicates the Residential Parcel which includes a 3,347 square foot triplex and a 740 square foot storage/garage, with related parking and separate access from Dondanville Road. Both parcels will be directly accessed from Dondanville Road. The Commercial Parcel will use the existing unpaved parking along the frontage of the existing restaurant and within the Right-of-way (ROW) and the Residential Parcel will use a 20' wide single drive entrance/exit and provide for parking on site. Central water and sewer service will be provided by the St. Johns County Utility Department.

The development of the Commercial Parcel, which includes the restaurant, has evolved over the years and has been designed to make use of the natural features, such as the marsh and significant majestic trees, with design elements that appropriately blend with the surrounding properties. It includes the adjacent residence/office building, which has been used for a number of things related to the restaurant needs, but is currently used for a residence and office. The applicant wants to be able to make improvements to this building (as allowed) in the future, either through remodeling or replacement. Both buildings will meet the required 15' Overlay building setback along Dondanville Road, however, the existing deck areas encroach in the buffer and will remain. Since the site is fully developed, the applicant plans to leave the site "as is" until other improvements are made, which will then conform to the Land Development Code (LDC) requirements, including those of the Mid-Anastasia Overlay District where possible.

The triplex will be constructed on the Residential Parcel, which is the combination of 2 different lots, one within the platted subdivision along Dondanville Road and the other just South of that parcel. The applicant desires to convert the existing home to a triplex within the footprint of an existing home (currently 3,038 square feet) with a slight increase square footage to 3,347 square feet to allow for design improvements for the 3 units. The building is planned to have 2 single story units (stacked) with an outside stairway access to the upper unit on the North side, and one 2 story unit on the South side adjacent to the quadrplexes, with all 3 being attached. An existing "storage shed/garage" will be also be maintained for use by the residents and may be converted to garage space. The project will provide for a 20' front yard setback from Dondanville Road (with a 15' buffer) and will provide for a 10' setback (including the 10' PUD buffer) around the remainder of the site, except for the garage, and is providing a bulkhead to stabilize the shoreline portion of the site. A waiver has been included for the existing storage shed/garage setback and buffer, allowing for a 5' setback. However, should that building be removed, then any new construction will meet a 10' setback and provide the 10' buffer.

The development area of the site is approximately 2.42 acres and will allow for both the commercial uses and the residential uses. The Commercial Parcel is approximately 1.63 acres, with .59 acres of uplands and the Residential Parcel is 0.79, with .77 acres of uplands. Although the site falls within both the Res C Coastal and Conservation land use, density has been calculated for the Residential Parcel independently, and the 3 residential units meets the allowable density of 4 units per acre. The Commercial Parcel does not factor into the density and the residential/office building will be an accessory use, so is also not subject into

a density calculation. The design is somewhat fixed for the Commercial Parcel, and includes a number of trees, which will be preserved. The Residential Parcel has been designed to provide for the improvements to fall within the existing building area as well as the cleared areas and will also maintain a significant number of trees and bushes and the outside perimeter will provide a 10' A Screening buffer. The 2 boundaries adjacent to the residential lot (that is not part of the PUD) is fenced and will also meet the same required buffers. The buffer adjacent to the Commercial Parcel will meet a 20' B Screening buffer and is currently fenced, as well. The overall development does not plan to impact any of the wetlands, but is proposing some additional deck space for the restaurant that will extend over the marsh, as will a proposed future dock and gazebo. The applicant received a permit to provide a bulkhead along the jurisdictional wetland line of the Residential Parcel in accordance with the County requirements and those of FDEP and the permit, which is attached as Attachment Three. This will help stabilize the shoreline, so no upland buffer will be required. The triplex will be situated in the same location as the existing home, and the required improvements for access and parking will be on the far Eastern portion of the site, away from the wetlands. The applicant does anticipate some improvements in the residential "yard" area between the Triplex and the marsh, that could include a pool, patios, and gazebos, as well as a possible conversion of parking spaces to garage spaces adjacent to the building, and plans to provide fencing between this site and the Commercial Parcel, with pathways and gates for access between the 2 sites.

B. Development Size: There is a total of 2.42 acres of property.

C. Wetlands: Of the total 2.42 acres, approximately 1.06 acres contain jurisdictional wetlands. Vegetation within the wetland areas is described in Section K, Site Vegetation and Habitat. The wetlands are located on the Western portion of the site and will remain in their natural state, except for the existing decking (2,778 square feet) planned increased decking (1,760 square feet) and dock (1,225 square feet), which cannot be confirmed until actual permits have been filed and/or approved. Any such activities will be in accordance with all appropriate permits.

D. Development Area: The overall site includes approximately 1.36 acres of developable upland area to be used for development purposes.

E. Dwelling Units: The site is planned for a total of 3 residential units in a single triplex which meets the allowable density of 4 units per acre on the 0.79 acre Residential Parcel. Based upon the County average population of 2.44 persons per household, the development will have 8 (7.32) residents at build out. At a ratio of 0.45 children per household for schools, the project will have approximately 2 (1.35) school age children.

The applicant has reached out to the School District to determine whether school concurrency will be required. As it stands there are 3 residential parcels (2 subdivision lots, one with the accessory unit and one without a residential unit, plus the one-acre single family South lot). The development should have credit for the 3 residential lots (one of which contains the accessory residential unit), so a total of 3 units. The applicant will file an application for the one additional unit (which would be the residential/office building), if required.

F. Non-Residential Development A total of 4,589 square feet of restaurant and 2,265 square feet of accessory residential/office use, as well as the existing decking (2,778 square feet) and additional decking around the restaurant (1,760 square feet) and a 1,225 square foot dock and gazebo.

G. Site Development Criteria:

1. COMMERCIAL PARCEL: Specific plans for the existing layout of the site are indicated on the MDP Map, Exhibit C. There will be 6,854 square feet of restaurant and accessory residential/office use, plus off-site parking within the ROW and adjacent to the residential/office. It will also include up to 4,538 square feet of outdoor deck and 1,225 square feet of dock/gazebo space. The following standards have been used in determining the design:

a. Building Area: The total ground area to be occupied by buildings and structures shall not exceed 50%. Total building area shall not exceed 6,854 square feet with a maximum FAR of 50%. The total impervious surface area shall not exceed 70%.

b. Permitted Uses: The development will be constructed in an orderly manner, and will be Neighborhood Commercial and Cultural and Institutional uses as derived from the definitions within the St. Johns County Land Development Code.

Typical uses may include the restaurant and the residential/office uses, as well as ancillary uses, as generally found in the Neighborhood Business and Commercial Use category, including related retail, hospitality, and general business, and other related type uses. Plus, those uses found in the Cultural/Institutional Use category, such as galleries, and museums; Community Centers; churches and synagogues; Private Clubs; recreation facilities and closely related uses.

This would include those Uses allowable by Special Use within the specific listed categories, meeting all Special Use requirements within the LDC, including the types of alcohol permitted within 1,000 feet of a school or church, which are limited to the retail sale of beer and/or wine in accordance with Florida State Statutes 564.02(1)(a) and 563.02(1)(a), or on-premise sales and consumption of any alcohol within either a bonafide restaurant serving 150 or more patrons at tables occupying more than 2,500 square feet, and those allowed as Temporary Uses per Section 2.02.05, as derived from the definitions within the St. Johns County Land Development Code.

Restaurant uses would allow for inside events, with ancillary use of the outside decking, but with no use of any other outside spaces or parking areas for event activities. Outside music would be limited to only non-amplified music.

c. Setbacks: Setbacks shall be measured per Section 6.01.03 of the Land Development Code. Building setbacks shall meet the requirements of Section 6.01.03 of the Land Development Code, where applicable. As the site has already been developed and includes the use of the existing structures, the setbacks for existing buildings and structures or improvements to those structures, shall meet a minimum of 15' front yard setback adjacent to the right-of-way and at least a 10' setback for any side or rear yard. A minimum 20' setback will be provided between buildings on site. Under the Mid Anastasia Overlay, buildings would be required to meet the requirements of Section 3.08.05 requiring a 15' Front Yard, and a 30' setback for any side or rear yard for a structure under 20' in height, and a 50' setback for any structure over 20' in height. As the site has already been developed and includes the use of the existing structures, the setbacks for these existing buildings and structures do not and cannot meet the setbacks required by the Mid-Anastasia Overlay. And, if the buildings were irreparably damaged by a major event like a storm or fire, the site does not offer enough uplands or areas to rebuild any structures that will meet

the Overlay setbacks. So, a waiver is being requested to allow the commercial buildings to remain and be improved under the setbacks within Section 6.01.03 and be remodeled and/or reconstructed in the same general locations as currently exist meeting the standard setbacks applied by Section 6.01.3 of the LDC. The waiver is included in Section T. to allow for the existing restaurant and residence/office building.

Note: For each phase and use contained herein, no air conditioning or electrical equipment, masonry walls or masonry fences, pools, pool decks or pool enclosures are to be constructed or located in a drainage or underground utility easements.

d. Building Height: Buildings shall not exceed one story for the restaurant and 2 stories for the residential/office building, with a maximum of 35' in height.

e. Parking: Parking spaces will be provided in conformance with Section 6.05.02 of the St. Johns County Land Development Code regulations applicable at the time of permitting, based upon the 150 seat restaurant (50 spaces) and the residence/office for 1 residence @ 2 spaces and 1,265 square feet office @ 5 spaces (7 spaces). Parking will be calculated in accordance with the LDC for the specific parking requirements established for the Use. Parking lots and parking space layout will conform to the current configuration and applicable County standards and regulations and handicapped spaces will be provided and appropriately marked. Parking will remain within the ROW per the Agreement/Lease with the County. A copy of the Parking Agreement is attached as Attachment One. Unpaved temporary parking would be allowed on the residential/office building site during the time between any demolition and reconstruction. Any temporary parking will not be counted towards the required parking for the uses on the site.

f. Commercial Signage: Signage will be consistent with the Land Development Code, in accordance with Section 7.02.00 of the Land Development Code (LDC), including Ground Signs and Building Signs and Special Use Signs, and in accordance with the Mid-Anastasia Overlay, per Section 3.08.07.

1) The project will have up to one on-premise ground signs along Dondanville Road, on either one side or either side of the roadway, or across the entrance, consistent with Section 3.08.07 B of the LDC, in the location generally shown on the MDP Map, Exhibit C. The sign will be wide-based monument style signs, at a maximum of 32 square feet each and no more than 12' in height with materials and colors compatible with the architectural style and materials of the buildings and meet all other section standards. The signage may be lighted or externally illuminated and shall be landscaped. The applicant is requesting a waiver in Section T.5 to allow the existing signage to remain in its current configuration, size and design, until other improvements are planned for the restaurant building. The existing sign matches the overall "Cowboy's" logo design and colors, and the design and colors of the building. At the time that improvements are requested to the restaurant (including the decks), all signage will be brought up to the current required Overlay standards.

2) One building sign, for each building, shall be allowed with up to 24 square feet of advertising display area. Where a single-story Building is divided into units for several businesses, with separate entrances, one wall Sign as specified above is authorized for each business entrance, not to exceed 24 square feet in advertising

display area. In addition, each business entrance may have one double-faced hanging Sign under covered walkways with maximum dimensions of 2 feet vertical by 4 feet horizontal. One awning Sign or one window identification Sign may be substituted for a wall Sign, with sign display area not to exceed 24 square feet in area.

3) Temporary signage, up to 4 signs may be provided for advertising and information in compliance with Section 7.02.02.A of the LDC, allowing for up to 32 square feet each, 6' in height. Setbacks will be 5' from the property line.

4) Various directional, locational, informational and traffic control signs shall be allowed in accordance with Section 3.08.07 D, which will be a maximum of 2 square feet in size.

g. Fencing: Fencing may be installed along the perimeter of the site and between the commercial and residential areas. These fences will be consistent with the screening requirements provided for within the LDC, but may not be installed where drainage or underground utility easements are located.

h. Lighting: The applicant will provide lighting that minimizes impacts to the surrounding community and is shielded from the adjacent properties, while providing for recognition of the businesses and the safety of their customers. The lighting levels will be in accordance with the requirements of Land Development Code Section 3.08.04.E, 5.03.06.H.6 and Section 6.09.00.

2. RESIDENTIAL PARCEL: The residential property is planned for up to 3 residential units, within a triplex building as indicated on the MDP Map, Exhibit C, with the following design standards.

a. Lot Sizes and Building Area: The total ground area in the PUD to be occupied by buildings and structures, includes the 2 lots, one along Dondanville Road and one along the Southern border of that lot, which is South of the restaurant/office accessory building, which will be combined into one "parcel." The Floor Area Ratio (FAR) shall not exceed 50% and the maximum Impervious Surface Ratio (ISR) shall not exceed 70% and the square footage shall not be limited except through the FAR.

b. Permitted Uses: The development will be constructed in an orderly manner, and the allowable uses will include Residential Uses as defined within the Land Development Code, allowing for residential dwellings and related accessory uses and amenities, such as pools, decks, patios, fountains, garages and storage buildings. All typical residential accessory and ancillary uses will be allowed as outlined within the Land Development Code.

c. Setbacks: Setbacks shall be measured per Section 6.01.03 of the LDC and shall meet the requirements of Section 6.01.03 of the Land Development Code, where applicable. As the site has already been developed and includes the use of the existing structures, the setbacks for existing buildings and structures shall meet a minimum of 5' 10' side yard for (the storage building and possible garage), and a 20' side yard for the existing home and the additions contemplated by the triplex design, as well as a minimum of 10' setback between buildings on the site. The Mid Anastasia Overlay would require any structures

or buildings to provide at least a 15' front yard and a 30' setback for any side or rear yard for a structure under 20' in height, and a 50' setback for any structure over 20' in height. Both of these buildings have been in place for a number of years. Use of the existing residence is important to the viability of the project and the existing garage/storage shed actually works as a buffer between this site and the adjacent multifamily residential site. Besides the shed itself, the buffer associated with the shed includes trees and other vegetation within the 5' setback area that exists and the majority of the side yard will meet the 10' requirement, as well as the 10' perimeter buffer requirement. The residential structure location and design is very similar to the adjacent multifamily buildings, that are adjacent to the South side of the site. They were also constructed prior to the Overlay and so do not meet the new setbacks requirements. So, a waiver is included in Section T. to allow for the existing home conversion to meet the 20' setback from the side yards and the South property line and the storage shed/garage to meet a 5' setback from the South property line and 20' setback from the East property line and to allow the new construction to fall within the requirements of Section 6.01.03 of the LDC, instead of the Mid Anastasia Overlay.

And similar to the commercial buildings, should the triplex building be irreparably damaged from a major event like storms or fire, the application of the Mid Anastasia Overlay setbacks, would preclude rebuilding the main building in its present location or from being reconstructed anywhere on the site. As noted, the size of the uplands and relationship to the adjacent parcels, would not accommodate a reasonable sized structure, so the waiver request is included to allow the residential building and the storage shed/garage to be reconstructed in the locations established by the standard setbacks in Section 6.01.03, which is found in Section T.

Note: For each phase and use contained herein, no air conditioning or electrical equipment, masonry walls or masonry fences, pools, pool decks or pool enclosures to be constructed or located in a drainage or underground utility easements.

d. Building Height: Buildings shall not exceed 2 stories or a maximum 35' in height.

e. Parking: The required 2 parking spaces per residential unit, plus one guest parking space will be provided by a parking lot for a minimum of 7 vehicles. Parking spaces may be added to the site if needed and/or parking spaces may be replaced by construction of a garage (or garages), providing the guest parking is not within a garage. Drive isles and parking spaces for the residential units may be constructed with permeable materials.

f. Signage: The applicant is requesting the following signs, with construction of the signs conforming to the Land Development Code requirements in effect at the time of permitting.

1. Development Sign: In accordance with the Land Development Code the project will be allowed, one identification monument-type signs, at the entrance along Dondanville Road, consistent with Section 3.08.07 B of the LDC, in the location generally shown on the MDP Map, Exhibit C. This sign may either be single or double sided, limited to a maximum display area size of 32 square feet and a maximum height of 10' with materials and colors compatible with the architectural style and materials of the buildings and meet all other section standards. The signage may be lighted or externally illuminated and shall be landscaped. The applicant may construct a fence, masonry wall, berm or install landscaping and/or

vegetation (or provide a combination thereof) to compliment entrance feature and the sign may be incorporated into a wall or fence, provided the fence does not exceed 4' feet in height along the road frontage.

2). Construction / Sales Sign: One on-site project sign will be allowed in accordance with Section 7.02.00 of the LDC, near the entrance to the property, which must be removed within 30 days after construction of the triplex and site improvements have been completed. The sign will conform to the requirements of the Land Development Code.

3). Real Estate Signs: Real Estate signs will be allowed in accordance with Section 7.02.00 of the LDC the LDC. Each sign may be up to 6 square feet in size and will conform to the requirements of Code.

4). Informational Signs: Various locational, directional, and traffic control signs shall be allowed on site. Such signs will be a maximum of 2 square feet in size.

g. Fencing: Fencing will be in accordance with the Land Development Code. A maximum 6' high wood, vinyl, opaque or similar material fence or wall (finished on both sides) will be allowed in the rear and rear/side yards along all boundaries including the street front along the residential/office, which shall be a maximum of 6' in height, and constructed of similar materials.

h. Lighting: The applicant will provide lighting that minimizes impacts to the surrounding community and is shielded from the adjacent properties, while providing for recognition of the businesses and the safety of their customers. The lighting levels will be in accordance with the requirements of Land Development Code Section 3.08.04.E, 5.03.06.H.6 and Section 6.09.00.

H. Infrastructure:

1. Stormwater: There will be little increase to the impervious surfaces on the site, with none to the Commercial Parcel. The increase will be minor on the Residential Parcel, so the stormwater will be handled on site within "depressed" areas on the site. Any drainage structures and facilities will be designed and constructed in compliance with the Land Development Code in effect at the time of permitting, subject to the permitting requirements of the St. Johns River Water Management District (SJRWMD) if triggered.

2. Vehicular Access / Interconnectivity: Access to the property will be provided via one main entry drive for the Residential Parcel and along the ROW along the frontage of the restaurant and the accessory residential/office building, with parking as allowed for the Commercial Parcel. The MDP Map, Exhibit C indicates the roadway configuration. As noted, the applicant "leases" the ROW and provides unpaved parking for the restaurant within the ROW per an agreement with the County. This ROW is not within the boundaries of the PUD, but will be considered on-site parking for all parking calculations.

3. Sidewalks: The project will provide a minimum 4' wide sidewalks where needed to provide for pedestrian accessible routes, which shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC), adopted pursuant to the current Florida Statutes and based on the current ADA Standards for Accessible Design.

4. Parks / Recreation: The Commercial Parcel and its development is for commercial uses and does not require any recreation. The Residential Parcel and its development will consist of a triplex, which will provide for 3 residential units and is too small to provide any meaningful park or recreation and is not required per the LDC. However, the site will provide for gardens and open space, patios, decks, possibly a pool, and other recreational activities that will be available to the residents of the triplex. As noted, both sites have some beautiful trees that will be preserved.

5. Open Space: A minimum of 25% of open space will be provided. This will be located throughout the project. In addition, this project will exceed the requirement for the preservation of 5% of upland natural vegetation within these open space areas.

6. Fire Protection: The applicant will comply with the requirements of the St. Johns County Fire Services including installation of a fire hydrant if needed and any sprinkling necessary for the buildings.

7. Solid Waste: Solid waste will be handled by the licensed franchisee in the area. The dumpster for the Commercial Parcel, will be located as shown on the MDP Map, Exhibit C, and shall be screened from view in accordance with the requirements of the LDC. It will remain fenced and screened but such screening will not include landscaping. The Residential Parcel will be serviced with individual residential trash cans and recycle bins, which will be located within an enclosed structure either adjacent to the triplex or near the driveway entrance to the triplex. The trash cans and recycle bins will be moved curbside on trash pickup days.

8. Utilities: All electrical and telephone lines will be installed underground on the site. Florida Power and Light Company will provide electrical power.

I. Potable Water / Sanitary Sewer: Central water and sanitary sewer service is currently provided for the restaurant and residential/office building, with the existing home having central water but a septic tank. The septic tank will be removed and all buildings and uses will be provided both central water and sewer and served by the St. Johns County Utility Department. A tract has been designated for the lift station adjacent to the Commercial Parcel on the North side of Dondanville Road. Flows will remain the same, except for the addition of the 2 residential units that will add approximately 700 gpd to the existing flow.

1. "That 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."

2. "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."

3. "Water and/or sewer lines that are to be dedicated to the St. Johns County Utility Departments for ownership that are not in public right-of-way shall require an easement/restoration agreement."

4. "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. Landscaping trees and landscaping buffers shall be placed at a minimum of 7.5 feet away from the centerline of utility pipelines."

J. Topography and Soils: The property is located along both sides of Dondanville Road West of SR A-1-A. The property is located in an area designated by the Federal Emergency Management Association (FEMA) as AE, which is indicated on the MDP Map, Exhibit C.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies 3 soil types on the site: 7 Immokalee fine sand, 24 Pellicier silty clay loam, frequently flooded, and 40 Pottsburg.

1. 7 Immokalee fine sand, which is a somewhat poorly drained, nearly level soil on broad flats and low knolls in the flatwoods, with slopes ranging from 0 to 2 percent. The seasonal high water table is at a depth of less than 10 inches for about 2 months of the year and at a depth of 10” to 40” for more than 8 months of the year, receding to a depth of more than 40” during extended dry periods. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. In most areas, the natural vegetation includes slash pine, longleaf pine, sawpalmetto, fetterbush, inkberry, and scrub oak, running oak, blackberry, and sumac. The potential for community development is medium if measures are taken to lower the seasonal high water table. Potential for use of septic tank absorption facilities is medium with suitable fill material needed to raise the absorption field above the high water table.

2. 24 Pellicier silty clay loam, frequently flooded: This soil type is a very poorly drained, nearly level soil this is in low tidal marshes along stream estuaries near the Atlantic coast. The soil is flooded twice daily by normal high tides and the water table fluctuates with the tide. Permeability is slow in both the surface layer and upper part of the substratum. Available water capacity is high and the potential for community development is very low. The natural vegetation consists of seashore salt grass, bushy sea-oxeye, glasswort, and needlegrass rush.

3. 40 Pottsburg fine sand: This is a poorly drained, nearly level soil in the flatwoods. The seasonal high water table is at depth of less than 10” for 2 to 4 months in the rainy season. It is at a depth of 10” to 40” for about 8 months in most years and recedes to a depth of more than 40” during long dry periods. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. The native vegetation includes longleaf and slash pines, sawpalmetto, inkberry, and waxmyrtle. Creeping bluestem, chalky bluestem and pineland threeawn are common grasses. Some areas on slightly higher positions support a few sand live oaks and running oaks. Potential for community development is medium. The soil is limited for urban uses because of the seasonal high water table that is at or near the surface during rainy seasons. Removal of excess surface water and lowering the water table are sometime difficult.

K. Site Vegetation and Significant Natural Communities Habitat: On August 5, 2022, Carter Environmental Services (CES) evaluated the subject property to determine if any of the six Significant Natural Communities regulated by the St. Johns County Land Development Code (Section 4.01.07(G)) were present. These communities include Beach Dune, Coastal Grassland/Coastal Strand, Xeric Hammock, Maritime Hammock, Sandhill, and Scrub. After the site visit, CES used the Florida Land Use Cover Form Classification System (FLUCFCS) to characterize the community types. The following vegetative communities were observed and are non-significant communities as defined by St. Johns County, Florida.

1. Uplands:

Residential, Medium Density (FLUCFCS 120) – This community consists of two separate residential lots on the subject property. Vegetation is dominated by a canopy of sand live oak

(*Quercus geminata*) and red cedar (*Juniperus virginiana*) with an understory and groundcover of ornamental plants and various grasses.

Commercial and Services (FLUCFCS 140) – This community consists of a restaurant (Saltwater Cowboys) and its associated outbuildings and parking areas. Canopy species consist of sand live oak and red cedar. There is little to no understory or groundcover.

2. Wetlands:

Saltwater Marsh (FLUCFCS 642) – This community occupies the western portion of the subject property. The community has no canopy species. The understory and groundcover consist of smooth cordgrass (*Spartina alterniflora*) and black needle rush (*Juncus roemerianus*) with scattered black mangroves (*Avicennia germinans*).

L. Habitat and Protected Species: On August 5, 2022, Carter Environmental Services (CES) conducted a limited field survey of the subject property (+/- 2.64 acres) to assess the presence of or potential utilization by any threatened/endangered species or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). Prior to the site visit, CES compiled a list of potentially occurring species. The resources used to compile this list included a literature review of the soil units mapped on-site and 2021 aerial photographs of the property. The results of this survey are listed below.

1. Protected Animal Species

Bald Eagle (*Haliaeetus leucocephalus*) Using St. John's County geospatial data from aerial surveys (2022), CES did not locate any bald eagle nests on record within 1,500 feet of the subject property (Figure 4), with the nearest nest approximately 1.83 miles to the southwest. Also, no eagles or their nests were observed on site. While the bald eagle is not listed as threatened, endangered, or as an SSC, certain activities proposed to take place within 1,500' of a bald eagle nest are regulated by the St. Johns County Land Development Code, Section 4.01.10. In the event a bald eagle nest is located within 1,500 feet of a project, an alternate site-specific bald eagle management plan may be required along with application for a waiver from the Board of County Commissioners requesting the management zones be reduced to match Federal regulations. Currently, Federal regulation of bald eagle nests extends 660' outward from the nest tree, with more intense regulation pertaining to the zone within 330' of the nest.

Gopher Tortoise (*Gopherus polyphemus*) Based on our background research of the mapped soil units onsite, CES determined there was a low potential for gopher tortoises to inhabit the referenced property. This was confirmed during the site visit to the subject property by CES. CES did not observe any gopher tortoise burrows nor individuals onsite. At this time, there are no gopher tortoises located onsite and the potential for gopher tortoises immigrating to the site is low.

Additionally, CES did not observe any of the known protected communal species, which utilize the burrows for shelter and foraging grounds. These include the Florida mouse (*Podomys floridanus*), the eastern indigo snake (*Drymarchon corais couperi*), Florida pine snake (*Pituophis melanoleucus mugitus*), and the gopher frog (*Rana capito*).

Listed Wading Birds Using the FWC Wading Bird Rookery Locator, CES identified the nearest known rookery to be approximately 5.84 miles to the southwest of the subject property. FWC does not regulate impacts to foraging habitat or areas occasionally utilized by protected birds. Additionally, CES did not observe wading birds during our site visit.

2. Protected Plant Species

In addition to protected animal species, CES biologists reviewed the site for protected plant species, and none were observed. Coordination will not be required with any regulatory agency if protected plant species were observed in the future. Currently, no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.

M. Historic Resources: It appears that the project area falls within a “High” probability zone for archaeological sites based upon the county’s Archaeological Site Predictive Model Map. However, the site is fully developed and there will be very little ground disturbance to warrant any type of study. The applicant understands that in the event that unexpected archaeological resources are encountered during activities, all work shall halt and the St. Johns County Environmental Division, Cultural Resources office will be contacted immediately.

N. Buffers:

1. Perimeter Buffer: A 10’ landscaped perimeter buffer will be provided around the project perimeter, including along the boundaries of the out parcel in accordance with Section 5.03.03 of the LDC. The intent is to maintain any existing natural vegetation, but plans are to augment the buffer with native/natural vegetation and meet the desired screening and performance standards. The buffer will be reduced along the area on the South side of the Residential Parcel for the garage/storage building and a waiver is included in Section T. The project will provide for the appropriate buffering and screening in accordance with Section 3.08.06 of the LDC.

2. Commercial/Residential Buffer: A 20’ buffer, including the 10’ perimeter buffer, will be provided between the adjacent residence along the Eastern side of the Commercial Parcel, which will meet a “B” screening standard in accordance with Section 6.06.04 A and B (including Table 6.19 and 6.20) of the LDC. This buffer is shown on the MDP Map, Exhibit C.

3. Roadway Buffer: A 15’ landscaped buffer will be provided along Dondanville Road in accordance with Section 3.08.06 of the LDC for the street frontage along the restaurant building and the lot frontage for the residential parcel. The above buffers shall be landscaped in accordance with Section 6.06.04, paragraphs a. and c. of Screening Standards “B”, which includes a row of evergreen Canopy Trees which are not less than 10’ high at the time of planting, a minimum of 2” caliper, and are spaced not more than 20’ apart. The Trees are to be planted within 10’ of the property line; and Lawn, low growing evergreen plants, evergreen ground cover, or mulch covering the balance of the buffer and sidewalks and pedestrian seating may be placed in required buffers. It should be noted that no 15’ buffer will be provided along the Marsh on either the North side or the South side of Dondanville Road where there are no improvements. These “buffer” areas are marshland, which makes them unsuitable for landscape materials, and these areas have no features which need buffering. A waiver is included in Section T. Additionally, there is a 6’ fence along the North side of the residential/office building along Dondanville Road. This fence sits on the property line and continues between the restaurant and the building area. This fencing is on the “front”

property line and provides screening from the parking within the ROW. A waiver is included in Section T to allow for this fence to remain and replace the required landscaping.

4. 50' Upland Buffer: The applicant obtained DEP Permit 55-0435256-001-E1 on July 27, 2023, to provide for a bulkhead on the wetland line. This should negate the need for the 50' buffer on the residential site. This "buffer" area has been used as a back yard for the residential unit for many years and contains typical residential, non-native vegetation (sod) as well as some riprap along and within the marsh area. The yard is subject to periodic flooding with saltwater and will need to be brought up to current flood level standards. The bulkhead is needed to help to stabilize the shoreline and allow for the increased flood elevation protections for the site. None of the wetlands will be impacted. A copy of the Permit is can be found as Attachment Three. In the case of the restaurant, the wetland line is under the building and the existing decking which is in place and is grandfathered. So, there is no existing "land" to provide for an upland buffer, nor is it required. The applicant does not plan to bulkhead that portion of the site, unless the new decking, which will be appropriately permitted, requires it.

Any land clearing plans required will be submitted with the Construction Plans. Clearing will be allowed by permit through the County. The development will conform to all land clearing and tree credit/replacement requirements outlined within the Land Development Code, effective at the time of permitting. All buffers will be left natural but may be augmented and landscaped with native vegetation if desired. The project will provide for the required 5% conservation of the Upland Natural Vegetation (as per LDC Section 5.03.03.A.3). It is the applicant's intention to implement Low Impact Development principles, that may include but not be limited to reducing overall irrigation usage, using retention ponds for irrigation water, reducing the size of stormwater management systems, proposing native plant material for planting areas, using pervious concrete in parking areas, reducing cleared and filled areas and leaving existing vegetated areas, and using bio-retention areas and swales to reduce sheet flows. The specific Low Impact Development Principles will be determined at the time of construction plan approval, based upon the requirements contained within the LDC.

O. Special Districts: The project is located within the Mid-Anastasia Overlay District as defined by Article III of the LDC and will be governed by the standards where applicable.

P. Temporary Uses: A temporary construction trailer may be utilized and placed on the Residential Parcel upon approval of the construction plans and the location will be shown on the Construction Plans. The construction trailer will be allowed to remain until completion of the construction of the site, however, it must be removed no later than 30 days of approval of the horizontal construction "as-builts".

Q. Accessory Uses: Accessory uses and structures will be allowed as per the St. Johns County LDC provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use structure.

1. Commercial Parcel: Standard office, commercial and planned districts accessory uses will be allowed per the LDC, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure and shall include those allowable per the provisions of LDC Part 2.02.04.C.

2. Residential Parcel: Standard residential accessory uses will be allowed per the LDC, including but not limited to: decks, patios, pools, pool enclosures, storage sheds, garages and workshops. Accessory structures attached to the residence will be subject to the same setbacks as the residence

except for accessory uses, such as decks, patios, pools and pool enclosures including pool decking and gazebos, which may be constructed within the rear or side yard setbacks, provided a minimum of 5' is maintained from the property boundary.

R. Phasing: The existing development for the Sunset View PUD site shall be able to remain as it currently exists, with improvements planned over time and in individual subphases. Overall, the applicant desires for the improvements to be allowed to be constructed over a 20 year period. The initial development is planned for the Residential Parcel and construction of the Triplex and related site improvements. It is planned to be commenced within 5 years of adoption of the PUD and completed within 5 years of commencement. Improvements to the Commercial Parcel, including restructuring of the accessory restaurant equipment, and the remodeling or replacement of the accessory residential/office building, as well as the addition of any deck area or docks, will happen individually, over time and commenced within 10 years and completed within 10 years of commencement. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Division and Completion shall be defined as approval of the as-built survey and/or approval of the Building Permits and other associated permits.

S. Project Impact: The property is primarily located within a Residential C Coastal Land Use designation of the St. Johns County Comprehensive Plan, with a small amount falling within the Conservation Land Use designation, both of which allows for the types of uses included within this application. As noted, the restaurant has existed for well over 50 years and the intention is for it to remain a restaurant that serves the community and no expansion is planned. The commercial accessory building has functioned as both an office space and a residence for restaurant worker or workers, or a combination of the 2 uses, depending on the demand. The triplex property, which covers the 2 lots, has also been developed with a single family home for many years and the addition of 2 more units will provide housing for the owner as well as 2 additional families, adjacent to the community to the South, which is also multifamily, at a higher density. The property has excellent access to major roadways and transportation corridors via SR A-1-A and although it is at the "end" of a residential street, has maintained its commercial status without negatively effecting the neighborhood. The site is near other shopping and businesses. The site has operated under a number of zoning categories and in essence has been grandfathered for improvements, which will now be defined by the stipulations provided within the PUD. The applicant believes that the change to PUD will have a positive benefit and impact both to the future occupants of the project, to the neighborhood, and to the residents of St. Johns County as well. It will further the stated goals and objectives of the County Comprehensive Plan and provide for a more desirable environment than could be accomplished through traditional zoning.

T. Waivers / Variances / Deviations: The applicant requests the following waivers to the Land Development Code:

1. Side Yard Setbacks/Perimeter Buffer Residential Parcel: A waiver is requested to allow for a reduction in the side and rear yard setbacks as outlined in Section 3.08.05. As the site has already been developed and includes the use of the existing structures, the setbacks for these existing buildings and structures do not meet the setbacks required by the Mid-Anastasia Overlay. They would require a 15' Front Yard, and if adjacent to residential, a 30' side or rear setback for any structure, under 20' in height, and a 50' side or rear yard setback for any structure over 20' in height.

As the site has already been developed and includes the use of the existing structures, the applicant is proposing that the setbacks for existing buildings and structures shall meet a minimum of 15' front yard setback adjacent to the right-of-way (per the Overlay), and at least a 10' setback for any

side or rear yard as well as a minimum 20' setback between buildings on site, with the exceptions listed below.

There are 2 buildings and both of these buildings have been in place for a number of years. Use of the existing residence is important to the viability of the project and the existing garage/storage shed actually works as a buffer between this site and the adjacent multifamily residential site. It also includes trees and other vegetation within the 5' setback area that exists, plus the majority of the south boundary, would still meet the 10' side yard setback, as would any new buildings.

The location, size and design proposed for the residential structure, is very similar in size, to the adjacent multifamily buildings, along the South side of the site. These buildings which were also constructed prior to the overlay and so do not have setbacks that would meet the new requirements either. So, the applicant is requesting a waiver to Section 3.08.05 of the Mid Anastasia Overlay for current buildings and new construction, as well as for future situations. Should the triplex building be irreparably be damaged from storms or fire, the application of the Mid Anastasia Overlay setbacks, would preclude rebuilding the building in its present locations and as noted, the size of the uplands and relationship to the adjacent parcels, would not accommodate a reasonable sized structure. So the waiver request is to allow the residential building to be reconstructed in the same general location as it currently exists, with the improvements to change it to a triplex and allow for the storage shed/garage to meet the revised setbacks listed above.

2. Front Yard Setback/Perimeter Buffer Commercial Parcel: A waiver is requested to Section 3.08.06. of the LDC, to reduce the requirement for the 15' buffer along the restaurant frontage to allow for the existing 10' buffer for the decking associated with the restaurant along the Dondanville Road frontage along the South side of the road, a 0' setback for the fence around the residential/office building, and the 10' Perimeter Buffer along the South boundary, both of which are adjacent to the marsh. The Westerly deck serves as access for the restaurant and is approximately 10' from the edge of the ROW, but the fence sits immediately adjacent to the ROW and the existing deck along the South side of the restaurant is adjacent to the property line. The decks are in place and were constructed "around" the existing trees in the front and are useful to the guests either entering the restaurant or waiting for seating and in the back, to allow for outdoor dining.

Since the site has been developed for years and the buildings for the Commercial Parcel have been in place for many years, they do not meet the setback requirements for the Mid Anastasia Overly District, which are a 15' front yard, and either a 30' side and rear yard for a building up to 20' in height, or a 50' side and rear yard for a building over 20' in height. As the site has already been developed and includes the use of the existing structures, the applicant is proposing that the setbacks for new buildings and structures shall meet a minimum of 15' front yard setback adjacent to the right-of-way (per the Overlay), and at least a 10' setback for any side or rear yard, as well as a minimum 20' setback between buildings on site, with some exceptions (included as waivers) below.

There are 2 different waivers regarding the Commercial setbacks. The first one involves the Westerly deck that serves as access for the restaurant. It is approximately 10' from the edge of the ROW. The second involves the fence, which sits immediately adjacent to the ROW. The decks are in place and were constructed "around" the existing trees in the front and are useful to the guests either entering the restaurant or waiting for seating in the front. Additionally, there is a southerly deck that is immediately adjacent to the South boundary of this parcel, which was also constructed around existing landscape features and allows for outdoor dining in the back. These decks and the

fence, do not meet the Overlay requirements, so a waiver is requested to Section 3.08.06. of the LDC, to reduce the requirement for the 15' buffer along the restaurant frontage to allow for a 10' setback with the 10' buffer for the decking associated with the restaurant along the Dondanville Road frontage and then allow for the 0' setback, a 0' buffer along the South property line (adjacent to the marsh) for the back decking, as well as allow for the fencing along the ROW.

Due to the constrained size of the site (and upland areas) and their placement, application of the setbacks required by the Overlay would not allow for the buildings as they stand, nor allow for any additions or improvements to the buildings, which is one of the reasons for the PUD rezoning. And, if the buildings were irreparably damaged by a storm or fire, the site does not offer enough uplands to rebuild any structures that will meet the Mid Anastasia side and rear yard setbacks. So the request is for a waiver to Section 3.08.06 to allow for the reduced setbacks/buffers along the frontage of the commercial buildings and allow for the commercial buildings to be reconstructed in the same general locations as they currently exist, provided the front setback is met.

3. Roadway Buffer: A waiver is requested to Section 3.08.06 of the LDC. Although a 15' landscaped buffer will be provided along Dondanville Road in accordance with Section 3.08.06 of the LDC for the street frontage along the restaurant building and the lot frontage for the residential parcel (in accordance with the previous waiver request), the applicant is seeking a waiver to the 15' buffer along the Marsh on both the North side and the South side of Dondanville Road, where there are no immediately adjacent improvements and a significant portion of the buffer areas are marsh. Since these "buffer" areas are either marsh or immediately adjacent to the marsh, they unsuitable for typical landscape materials, and these areas have no features which need buffering. It should be noted that the dumpster for the restaurant is within the North roadway buffer and will remain fenced and screened but without any adjacent landscape features.

4. 50' Upland Buffer: The applicant is requesting a waiver to the requirement for the 50' Upland Buffer required by Section 4.01.06 of the LDC. In the case of the Residential Parcel, the applicant obtained DEP Permit 55-0435256-001-E1 on July 27, 2023, to provide for a bulkhead on the wetland line, which should negate the need for the 50' buffer on the residential site. This "buffer" area has been used as a back yard for the residential unit for many years and contains typical residential, non-native vegetation (sod) as well as some riprap along and within the marsh area. The yard is subject to periodic flooding with saltwater and will need to be brought up to current flood level standards. The bulkhead is needed to help to stabilize the shoreline and allow for the increased flood elevation protections for the site. A copy of the Permit can be found as Attachment Three. In the case of the restaurant, the wetland line is under the building and the existing decking which is in place and is grandfathered. So, there is no existing "land" to provide for an upland buffer, nor should it be required. The applicant does not plan to bulkhead that portion of the site, unless the new decking, which will be appropriately permitted, requires it.

5. Existing Sign: The applicant is requesting a waiver to Section 3.08.07 of the LDC, to allow the existing signage to remain in its current configuration, size and design, until other improvements are planned for the restaurant building. The existing sign has been in place for a number of years and matches the "brand" of the restaurant. Although it is larger than what would now be allowed applying the Mid Anastasia Overlay, it is in character with the existing building and matches the wood siding and coloring. The applicant feels that the logical time to upgrade the signage, would be when she is ready to start making improvements to the restaurant and/or decks and ready to create a fresh look for the site. So, when permits are requested for the restaurant improvements, all signage will be brought up to the current required Overlay standards.

No other waivers, variances or deviations from the Land Development Code or other land development regulation within this PUD, however, the applicant maintains the right to request small adjustments, minor and major modifications to the PUD in accordance with the standards set forth for Planned Unit Developments within the LDC.

U. Ownership / Agreement: The applicant, its successors and assigns hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant also agrees to comply with all conditions and safeguards established by the St. Johns County Board of County Commissioners regarding said PUD specifically outlined as follows: To the extent that they do not conflict with the unique specific and detailed provisions of this approved 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 special use shall be prohibited 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 ordinance, building code, comprehensive plan or any other non-Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

V. Future Land Use Designation: The property is located within a Residential C Coastal Land Use Area and Conservation Land Use Area on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.

SECTION III: SUMMARY AND CONCLUSIONS

The need and justification for approval of Sunset View PUD has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby, it is found that:

A. Consistency with the Comprehensive Plan: The project is planned to bring an existing restaurant with its accessory uses and buildings into zoning compliance and combine 2 existing residential lots (a small one on Dondanville Road and a larger one to the South of that) with access through an adjacent lot, to allow for up to 3 residential units on 3 quarters of an acre. The Property is described in detail by the attached Exhibit A - Legal Description, and falls within the Residential C Coastal (Res C) district as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan Development

The Residential C Coastal category of the 2025 St. Johns County Comprehensive Plan, allows for commercial development consistent with Neighborhood Commercial zoning, as well as residential development with a net residential density of 4 units per acre, which is within the allowable density for this land use designation and consistent with the overall area. As noted, the property has an established commercial use for a restaurant and accessory uses and building that are partially grandfathered under the current zoning categories of Commercial General (CG) and Residential Single Family Two (RS-2) as well as a vacant residential lot and a single family Open Rural (OR) zoned lot, which combined currently has one single family home. The Conservation category provides for minimal uses including outdoor passive or resource-oriented uses including preservation areas, nature centers, pedestrian trails, passive parks, picnic or scenic areas, environmental interpretative centers, wildlife preserves, primitive campgrounds, and similar low impact uses. The existing parking and dumpster are permissible within this area, as is fencing for property protection and these are the only uses planned in the area this designation applies to. The PUD will combine the uses and sites into a single comprehensive zoning to bring the restaurant uses into

compliance and allow for the addition of one residential unit. Any new development and all improvements to the existing development features will be consistent with the St. Johns County Comprehensive Plan.

The Property, as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan Development of the subject project is consistent with the St. Johns County Comprehensive Plan, including **Goal A.1** "To effectively manage growth", **Objective A.1.2 Control of Urban Sprawl** (specifically **A.1.2.7** encouraging urban and suburban growth in Development areas where public facilities and services exist, and **A.1.2.8** which encourages infill development). Objective A.1.3 Surrounding Land Use (it is compatible, per Policy A.1.3.11 with the adjacent existing residential development to the North, South and East. This request for 6,854 square feet of restaurant and accessory uses as well as 3 residential units, is well within the allowable limits and represents the types of density allowable within the Residential C Coastal areas. It is also consistent with **Objective A.1.3 Surrounding Land Use** (it is compatible, per **Policy A.1.3.11** with the existing residential development in the area to the North, South and East, and has established access to area transportation facilities, and residential communities. In addition, development will meet **Policy A.1.9.7** by being served by central utilities.

B. Location: The development area for the project is located within Residential C Coastal district on the FLUM and as such, the district allows the type of development envisioned within the PUD. A portion of the property falls within the Conservation district, and the existing use as a buffer, with parking and the commercial dumpster and possible fencing are the only uses that will be provided for within the PUD. Therefore, the project conforms to the requirements for location as stipulated within the Land Development Code.

C. Minimum Size: The area encompassed by this project is greater than the minimum size criteria for development of a typical residential development under the criteria established within Section VI of the Land Development Code.

D. Compatibility: The proposed uses are compatible with the area and the overall community and meet the criteria established within Objective A.1.3 Surrounding Land Use, which provides that "When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use." Since, the County must determine whether the request is compatible, it is important to note that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.11, which states that "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties."

As noted, development on the Commercial Parcel, the restaurant, along with its associated uses, is an established use that has been in existence for well over 50 years that has coexisted within the neighborhood (which has continually developed over time with homes, many of which were built after construction of the restaurant). And it has also peacefully coexisted with the adjacent neighborhoods to the North and South, which have also been built out over the time the restaurant has been in place.

The development on the Residential Parcel, will be similar in density and uses to those within the neighborhood to the East and more specifically the neighborhood to the South, which has the same type of multifamily units (although more units) on their Western end. The conversion to the triplex is compatible with the adjacent residential community to the South, Ponce de Leon Villas, which has residential multifamily development (with single family homes and quadraplexes), with 3 of the quadraplexes adjacent

to the Residential Parcel. Although that project has a higher density (overall of approximately 6.5 units per acre) than the Residential Parcel at 4 units per acre, the similarity of the uses will be compatible. The open land area and use will stay pretty much the same (with the addition of only 2 more living units in a single building).

Overall the uses and activities on the site will remain virtually the same as it has been for years, and will not add any impacts to the adjacent land uses surrounding this property. It should be noted that the Conservation lands to the West, and North and South, will remain as is they are and will not be affected by the minor improvements that will be allowed through this PUD. The development will provide buffers and screening wherever possible to maintain the desired level of compatibility.

Therefore, the proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Residential C Coastal and Conservation Future Land Use designations. The proposed rezoning will not change the existing and allowable land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance.

E. Adequacy of Public Facilities: The subject property and the existing uses plus improvements contemplated within this PUD, are served by a major transportation system, which includes SR A-1-A which is a major collector and Dondanville Road which is a local road. St. Johns County Utility Department will provide potable water and central sewer. The adequate stormwater and drainage facilities needed to mitigate any off-site drainage impacts will be provided. Construction of the PUD will proceed under a Certificate of Concurrency if applicable.

F. Relation Of PUD Regulations and Zoning: The subject project meets all applicable requirements of general zoning, subdivision and other regulations except as those that may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

G. Master Development Plan Required: The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02 (G) of the Land Development Code.

The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will conform to the current Land Development Code standards, will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as the proposal is in conformance with the Plan and its goals and objectives. It will set specific standards for an existing long-time restaurant use and provide for 2 additional residential units, which will maintain a buffer to the development to the South from the restaurant. It will not adversely affect the health, safety and welfare of the residents or visitors to the area, nor be detrimental to the natural environment or the development of adjacent properties or the neighborhood. This PUD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset. The project has available and adequate public facilities and services are available to support it. When developed in accordance with the conditions stipulated in the PUD application, the PUD will contain the type of uses compatible with the emerging development patterns of the area, will be compatible with the desired future development of the area, and will be consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines.

SUNSET VIEW PLANNED UNIT DEVELOPMENT

LEGAL DESCRIPTION:

COMMERCIAL PARCEL

LOT 25, BLOCK 2, WILLIAMSON MANOR SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 8, PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH A PARCEL OF LAND SITUATED IN SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 25, BLOCK 2 OF WILLIAMSON MANOR; THENCE SOUTH 01°04'00" WEST, ALONG THE EAST LINE OF SAID LOT 25, A DISTANCE OF 110.00 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°19'38" WEST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 66.19 FEET TO AN ANGLE POINT IN SAID NORTH LINE; THENCE SOUTH 00°40'22" EAST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 31.46 FEET TO AN ANGLE POINT IN SAID NORTH LINE; THENCE SOUTH 89°19'37" WEST, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5576, PAGE(S) 1952, A DISTANCE OF 94 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK AND REFERENCE POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE SOUTH 89°19'37" WEST, A DISTANCE OF 423 FEET MORE OR LESS TO SAID MEAN HIGH WATER LINE OF SAN JULIAN CREEK; THENCE MEANDER IN A EASTERLY, THEN SOUTHERLY DIRECTION ALONG SAID MEAN HIGH WATER OF SAN JULIAN CREEK, A DISTANCE OF 509 FEET MORE OR LESS TO SAID REFERENCE POINT "A" AND THE CLOSE OF THIS DESCRIPTION.

A PORTION OF THOSE LANDS LYING WEST OF LOT 26, BLOCK 1, WILLIAMSON MANOR, AS RECORDED IN MAP BOOK 8, PAGE 64, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING 30 FEET NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 26 AND THE NORTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, AS IT CURRENTLY EXISTS AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

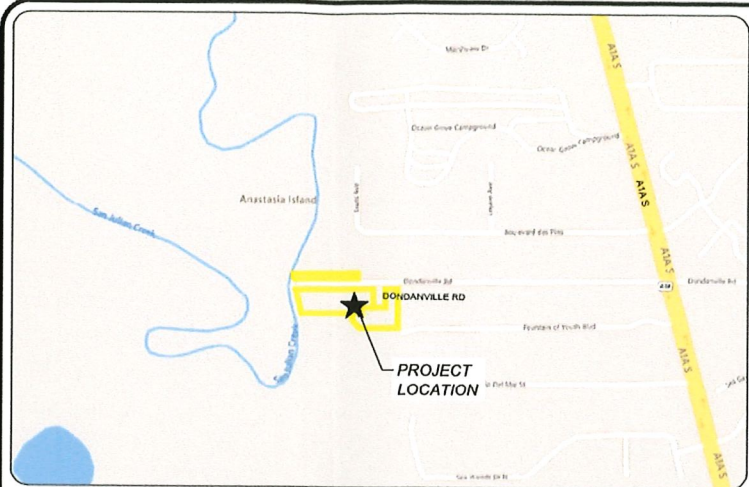
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 26; THENCE SOUTH 89°19'37" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 26 AND SAID NORTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, A DISTANCE OF 350.00 FEET; THENCE NORTH 00°40'23" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°19'37" EAST, A DISTANCE OF 350.00 FEET TO THE WEST LINE OF SAID LOT 26; THENCE SOUTH 00°40'23" EAST, ALONG THE WEST LINE OF SAID LOT 26, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

RESIDENTIAL PARCEL:

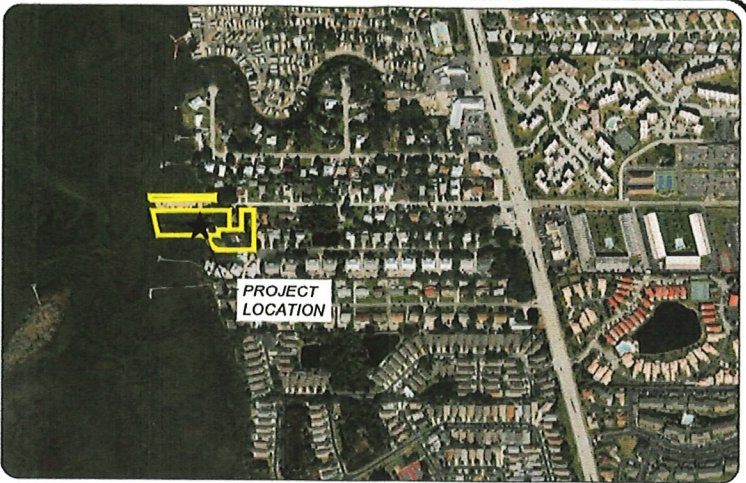
LOT 23, BLOCK 2, WILLIAMSON MANOR SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, RECORDED IN MAP BOOK 8, PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND A PARCEL OF LAND SITUATED IN SECTION 15, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 23, BLOCK 2 OF WILLIAMSON MANOR; THENCE NORTH 89°19'37" EAST, ALONG THE NORTH LINE OF SAID LOT 23 AND THE SOUTH RIGHT OF WAY LINE OF DONDANVILLE ROAD, AS IT CURRENTLY EXISTS, A DISTANCE OF 68.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 23; THENCE SOUTH 00°40'22" EAST, ALONG THE EAST LINE OF SAID LOT 23 AND ITS SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 225.00 FEET TO THE SOUTHWEST CORNER OF LOT 15, PONCE DE LEON VILLAS, AS RECORDED IN MAP BOOK 18, PAGES 55 AND 56 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°19'38" WEST, ALONG THE NORTH LINE OF LOT 14 OF SAID PONCE DE LEON VILLAS, A DISTANCE OF 212 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK AND REFERENCE POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE SOUTH 00°40'22" EAST, ALONG THE WEST LINE OF SAID LOT 23, A DISTANCE OF 110.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23; THENCE SOUTH 89°19'38" WEST, ALONG THE SOUTH LINES OF LOTS 24 AND 25 OF SAID BLOCK 2, WILLIAMSON MANOR SUBDIVISION, A DISTANCE OF 134.21 FEET; THENCE SOUTH 00°40'22" EAST, A DISTANCE OF 31.46 FEET; THENCE SOUTH 89°19'37" WEST, A DISTANCE OF 94 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF SAN JULIAN CREEK; THENCE MEANDER IN A SOUTHEASTERLY DIRECTION ALONG SAID MEAN HIGH WATER OF SAN JULIAN CREEK, A DISTANCE OF 139 FEET MORE OR LESS TO SAID REFERENCE POINT "A" AND THE CLOSE OF THIS DESCRIPTION.

THE AFOREDESCRIBED PARCEL CONTAINS 0.789 ACRES MORE



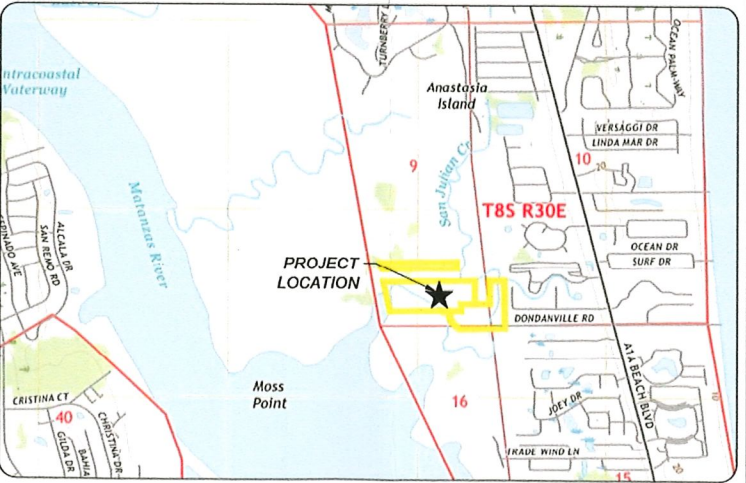
LOCATION MAP N.T.S.



AERIAL MAP N.T.S.



FLOOD MAP N.T.S.



QUAD MAP N.T.S.

FLOOD ZONE
THE SUBJECT PROPERTY IS LOCATED
IN FLOOD ZONE "AE" PER FLOOD
INSURANCE RATE MAP COMMUNITY
PANEL NUMBER 12109C0384J, DATED
DECEMBER 7, 2018

THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION AND ENGINEERING PLANS MUST DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS OF THE P.U.D./P.R.D. AND OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS.

APPROVED: _____
DATE: _____
ORDINANCE NUMBER: _____
FILE NUMBER: _____

MAVERICK ENGINEERING
10 WILLOW WINDS PARKWAY
ST. JOHNS, FLORIDA 32259



REVISIONS

#	DATE	DESCRIPTION

EXHIBIT C
MASTER DEVELOPMENT PLAN MAP
SUNSET VIEW PLANNED UNIT DEVELOPMENT

GENERAL NOTES

1. THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION PLANS SHALL DEMONSTRATE COMPLIANCE WITH ANY REQUIREMENTS OF THE PUD AND APPLICABLE LAND DEVELOPMENT REGULATIONS.
2. ALL THE FACILITIES AND ELEMENTS OF THE SITE (INCLUDING ACCESSIBLE ROUTES AND PARKING) SHALL MEET THE REQUIREMENTS OF THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FACBC), ADOPTED PURSUANT TO SECTION 553.503, F.S. AND BASED ON THE ADA STANDARDS FOR ACCESSIBILITY DESIGN AND FAIR HOUSING ACT, IF APPLICABLE.
3. SITE LIES WITHIN FLOOD ZONE "AE".
4. STORMWATER RUNOFF SHALL ENTER THE EXISTING MASTER STORMWATER MANAGEMENT SYSTEM PER SJRWMD PERMIT NUMBER 40-109-28482-10.
5. ALL SOLID WASTE SCREENING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.06.04.B.8.
6. SITE LIGHTING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.09.00.
7. MONUMENT SIGNAGE SHALL CONFORM WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE.

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SITE DATA TABLE		
TOTAL PROJECT AREA	105,415 SF	2.42 AC
COMMERCIAL PARCEL		
TOTAL AREA		1.63 AC
WETLANDS		1.07 AC
UPLANDS		0.56 AC
RESTAURANT		4,589 SF
ACCESSORY RESIDENCE		2,265 SF
SQUARE FOOTAGE INCREASE (ALLOWED)		1,000 SF
EXISTING CONCRETE		1,021 SF
EXISTING DECK		2,619 SF
NEW DECK & DOCK		3,643 SF
NEW UNPAVED PARKING		315 SF
RESIDENTIAL PARCEL		
TOTAL AREA		0.79 AC
WETLANDS		0.2 AC
UPLANDS		0.77 AC
CURRENT HOME		3,038 SF
TRIPLEX (CONVERSION)		3,347 SF
STORAGE SHED/GARAGE		740 SF
GARAGE, PATIO & POOLS, ETC.		4,000 SF
PROPOSED PAVEMENT		7,147 SF
PERVIOUS AREAS		
TOTAL IMPERVIOUS AREA		33,309 SF
TOTAL PERVIOUS AREA		72,106 SF
TOTAL IMPERVIOUS %	70% MAX	32%
TOTAL PERVIOUS %		68%
OPEN SPACE		72,106 SF 68%
FLOOR AREAS		
FLOOR AREA	MAX 50%	18,201 SF
FLOOR AREA RATIO (FAR)		17.27%

MAXIMUM BUILDING HEIGHT	36'
EXISTING STRUCTURES SETBACKS (INCLUDES IMPROVEMENTS)	5F/5S/5R
NEW STRUCTURES SETBACKS	10F/10S/10R
PARCEL NUMBER(S)	175950-0000, 175765-0000, 175720-0223, 175720-0230, 174150-0010
FLOOD ZONE	AE
FUTURE LAND USE DESIGNATION	RESIDENTIAL-C

PARKING TABLE			
		PARKING REQUIRED	PARKING PROVIDED
RESTAURANT (150 SEATS WITH ACCESS RESID.)	1 SPACE PER 3 SEATS	50 SPACES	50 SPACES
TRIPLEX	1 SPACE PER UNIT+1 GUEST/4 UNITS	7 SPACES	7 SPACES
TOTAL ADA SPACES		2 SPACE	2 SPACE

BUFFER TABLE	
BUFFER	AREA
STATIC BUFFER @20'	2,450 SF
10' PERIMETER BUFFER AREA	15,575 SF
AVERAGED BUFFER AREA	33,924 SF

EXISTING LEGEND

- PROPERTY / RIGHT OF WAY LINE
- EXISTING DRAINAGE EASEMENT
- EXISTING EDGE OF PAVEMENT

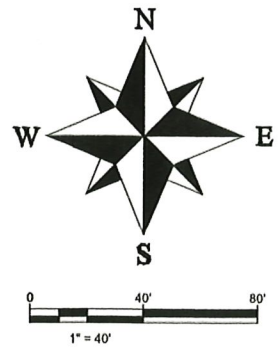
PROPOSED LEGEND

- BUILDING SETBACK
- LANDSCAPE BUFFER
- EDGE OF PAVEMENT
- 6" HEADER CURB

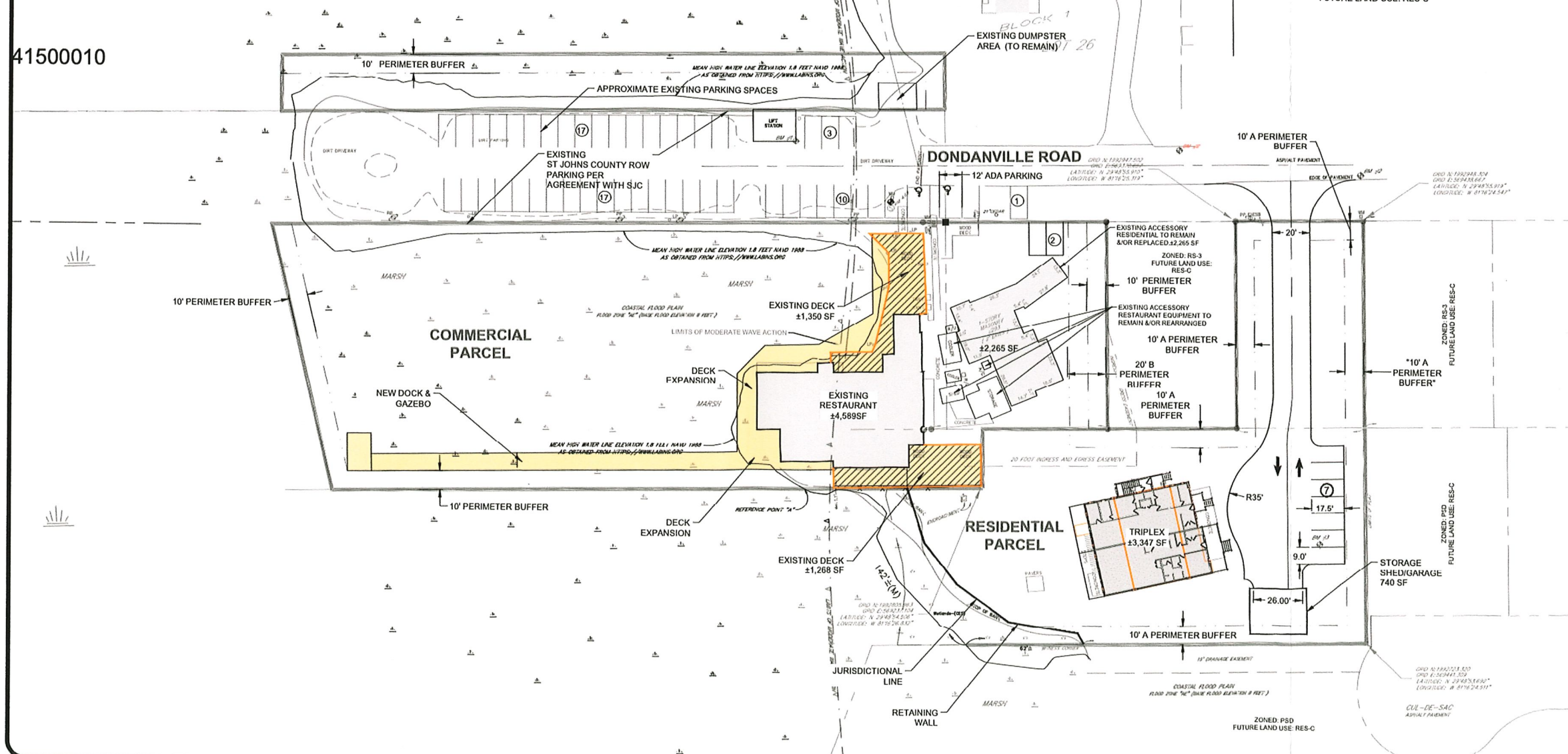
HATCH LEGEND	
	EXISTING CONCRETE
	EXISTING DECK
	DECK EXPANSION
	BUILDING

THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION AND ENGINEERING PLANS MUST DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS OF THE P.U.D./P.R.D. AND OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS.

APPROVED: _____
 DATE: _____
 ORDINANCE NUMBER: _____
 FILE NUMBER: _____



41500010



MAVERICK ENGINEERING
 10 WILLOW WINDS PARKWAY
 ST. JOHNS, FLORIDA 32259



REVISIONS	
DATE	DESCRIPTION

DRAWING BY: NS
 DESIGN BY: PJS
 C-CHECKED BY: JWC
 DATE: 06/20/2023
 PROJECT #: 2230

GENERAL NOTES

- THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION PLANS SHALL DEMONSTRATE COMPLIANCE WITH ANY REQUIREMENTS OF THE PUD AND APPLICABLE LAND DEVELOPMENT REGULATIONS.
- ALL THE FACILITIES AND ELEMENTS OF THE SITE (INCLUDING ACCESSIBLE ROUTES AND PARKING) SHALL MEET THE REQUIREMENTS OF THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FACBC), ADOPTED PURSUANT TO SECTION 553.503, F.S. AND BASED ON THE ADA STANDARDS FOR ACCESSIBILITY DESIGN AND FAIR HOUSING ACT, IF APPLICABLE.
- SITE LIES WITHIN FLOOD ZONE "AE".
- STORMWATER RUNOFF SHALL ENTER THE EXISTING MASTER STORMWATER MANAGEMENT SYSTEM PER SJRWMD PERMIT NUMBER 40-109-28492-10.
- ALL SOLID WASTE SCREENING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.06.04.B.8.
- SITE LIGHTING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.09.00.
- MONUMENT SIGNAGE SHALL CONFORM WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE.
- PROPOSED TRIPLEX SHALL BE SPRINKLERED AND A FIRE HYDRANT SHALL BE LOCATED WITHIN 330' OF THE STRUCTURE.
- PEDESTRIAN PATHWAY TO BE PROVIDED BETWEEN RESIDENTIAL PARCEL AND COMMERCIAL PARCEL VIA A CONNECTING PATHWAY, WITH SPECIFICS TO BE DETAILED ON CONSTRUCTION PLANS.

SITE DATA TABLE		
TOTAL PROJECT AREA	105,415 SF	2.42 AC
COMMERCIAL PARCEL		
TOTAL AREA	1.63 AC	
WETLANDS	1.04 AC	
UPLANDS	0.59 AC	
RESTAURANT	4,589 SF	
ACCESSORY RESIDENCE/OFFICE	2,265 SF	
EXISTING CONCRETE	1,021 SF	
EXISTING DECK	2,778 SF	
NEW DECK & DOCK	2,985 SF	
NEW UNPAVED PARKING	315 SF	
RESIDENTIAL PARCEL		
TOTAL AREA	0.79 AC	
WETLANDS	0.02 AC	
UPLANDS	0.77 AC	
CURRENT HOME	3,038 SF	
TRIPLEX (CONVERSION)	3,347 SF	
STORAGE SHED/GARAGE	740 SF	
DRIVEWAY/PARKING (PERVIOUS MATERIAL)	7,147 SF	
PERVIOUS AREAS		
TOTAL IMPERVIOUS AREA	27,910 SF	
TOTAL PERVIOUS AREA	77,505 SF	
TOTAL IMPERVIOUS %	70% MAX	26%
TOTAL PERVIOUS %		74%
OPEN SPACE	77,505 SF	74%
FLOOR AREAS		
FLOOR AREA	MAX 50%	18,201 SF
FLOOR AREA RATIO (FAR)		17.27%

MAXIMUM BUILDING HEIGHT	35'
PARCEL NUMBER(S)	175950-0000, 175765-0000, 175720-0223, 175720-0230, 174150-0010
FLOOD ZONE	AE
FUTURE LAND USE DESIGNATION	RESIDENTIAL-C / CONSERVATION
WETLAND DATA	
WETLAND CONSERVATION	1.06 AC
UPLAND PRESERVATION	0.13 AC 5.5%
SIGNIFICANT NATURAL HABITAT	N/A
TOTAL NATURAL ACRES	1.19 AC

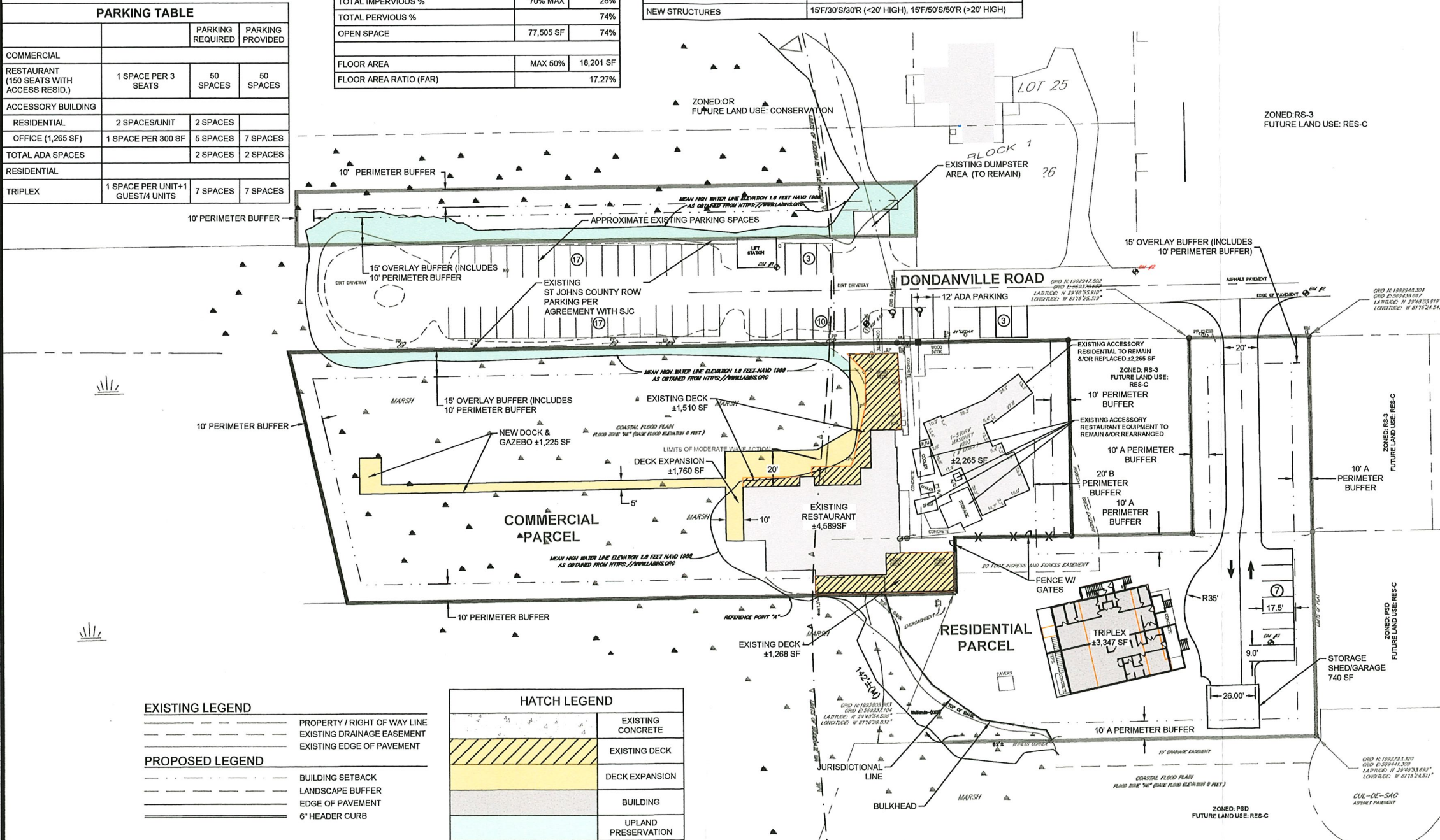
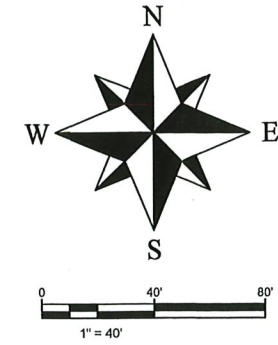
BUFFER TABLE	
BUFFER	AREA
15' OVERLAY BUFFER AREA	2,450 SF
10' PERIMETER BUFFER AREA	15,575 SF
AVERAGED BUFFER AREA	33,948 SF

SETBACK TABLE	
DESCRIPTION	SETBACK
COMMERCIAL STRUCTURES (EXISTING)	15F/10S/10R (RESTAURANT), (RESIDENCE/OFFICE)
RESIDENTIAL STRUCTURES (EXISTING)	15F/5S/5R (GARAGE), 15F/20S/5R (TRIPLEX)
NEW STRUCTURES	15F/30S/30R (<20' HIGH), 15F/50S/50R (>20' HIGH)

PARKING TABLE			
	PARKING REQUIRED	PARKING PROVIDED	
COMMERCIAL			
RESTAURANT (150 SEATS WITH ACCESS RESID.)	1 SPACE PER 3 SEATS	50 SPACES	50 SPACES
ACCESSORY BUILDING			
RESIDENTIAL			
OFFICE (1,265 SF)	1 SPACE PER 300 SF	5 SPACES	7 SPACES
TOTAL ADA SPACES		2 SPACES	2 SPACES
RESIDENTIAL			
TRIPLEX	1 SPACE PER UNIT+1 GUEST/4 UNITS	7 SPACES	7 SPACES

THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION AND ENGINEERING PLANS MUST DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS OF THE P.U.D./P.R.D. AND OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS.

APPROVED: _____
 DATE: _____
 ORDINANCE NUMBER: _____
 FILE NUMBER: _____



EXISTING LEGEND	
	PROPERTY / RIGHT OF WAY LINE
	EXISTING DRAINAGE EASEMENT
	EXISTING EDGE OF PAVEMENT
PROPOSED LEGEND	
	BUILDING SETBACK
	LANDSCAPE BUFFER
	EDGE OF PAVEMENT
	6" HEADER CURB

HATCH LEGEND	
	EXISTING CONCRETE
	EXISTING DECK
	DECK EXPANSION
	BUILDING
	UPLAND PRESERVATION

MAVERICK ENGINEERING
 10 WILLOW WINDS PARKWAY
 ST. JOHNS, FLORIDA 32259

REVISIONS	
#	DESCRIPTION

EXHIBIT C

ADDITIONAL MASTER DEVELOPMENT PLAN MAP SITE PLAN

SUNSET VIEW PLANNED UNIT DEVELOPMENT

DRAWING BY: MS
 DESIGN BY: PJS
 CHECKED BY: JNC
 DATE: 02-14-2024
 PROJECT #: 2230

2
 OF 2

GENERAL NOTES

1. THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION PLANS SHALL DEMONSTRATE COMPLIANCE WITH ANY REQUIREMENTS OF THE PUD AND APPLICABLE LAND DEVELOPMENT REGULATIONS.
2. ALL THE FACILITIES AND ELEMENTS OF THE SITE (INCLUDING ACCESSIBLE ROUTES AND PARKING) SHALL MEET THE REQUIREMENTS OF THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FACBC), ADOPTED PURSUANT TO SECTION 553.503, F.S. AND BASED ON THE ADA STANDARDS FOR ACCESSIBILITY DESIGN AND FAIR HOUSING ACT, IF APPLICABLE.
3. SITE LIES WITHIN FLOOD ZONE "AE".
4. STORMWATER RUNOFF SHALL ENTER THE EXISTING MASTER STORMWATER MANAGEMENT SYSTEM PER SJRWMD PERMIT NUMBER 40-109-28482-10.
5. ALL SOLID WASTE SCREENING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.06.04.B.8.
6. SITE LIGHTING SHALL MEET THE REQUIREMENTS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.09.00.
7. MONUMENT SIGNAGE SHALL CONFORM WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE.
8. PROPOSED TRIPLEX SHALL BE SPRINKLERED AND A FIRE HYDRANT SHALL BE LOCATED WITHIN 330' OF THE STRUCTURE.
9. PEDESTRIAN PATHWAY TO BE PROVIDED BETWEEN RESIDENTIAL PARCEL AND COMMERCIAL PARCEL VIA A CONNECTING PATHWAY, WITH SPECIFICS TO BE DETAILED ON CONSTRUCTION PLANS.

PARKING TABLE			
		PARKING REQUIRED	PARKING PROVIDED
COMMERCIAL			
RESTAURANT (150 SEATS WITH ACCESS RESID.)	1 SPACE PER 3 SEATS	50 SPACES	50 SPACES
ACCESSORY BUILDING			
RESIDENTIAL	2 SPACES/UNIT	2 SPACES	
OFFICE (1,265 SF)	1 SPACE PER 300 SF	5 SPACES	7 SPACES
TOTAL ADA SPACES		2 SPACES	2 SPACES
RESIDENTIAL			
TRIPLEX	1 SPACE PER UNIT+1 GUEST/4 UNITS	7 SPACES	7 SPACES

SITE DATA TABLE			
TOTAL PROJECT AREA	105,415 SF	2.42 AC	
COMMERCIAL PARCEL			
TOTAL AREA		1.63 AC	
WETLANDS		1.04 AC	
UPLANDS		0.59 AC	
RESTAURANT		4,589 SF	
ACCESSORY RESIDENCE/OFFICE		2,265 SF	
EXISTING CONCRETE		1,021 SF	
EXISTING DECK		2,778 SF	
NEW DECK & DOCK		2,985 SF	
NEW UNPAVED PARKING		315 SF	
RESIDENTIAL PARCEL			
TOTAL AREA		0.79 AC	
WETLANDS		0.02 AC	
UPLANDS		0.77 AC	
CURRENT HOME		3,038 SF	
TRIPLEX (CONVERSION)		3,347 SF	
STORAGE SHED/GARAGE		740 SF	
DRIVEWAY/PARKING (PERVIOUS MATERIAL)		7,147 SF	
TOTAL IMPERVIOUS AREA		27,910 SF	
TOTAL PERVIOUS AREA		77,505 SF	
TOTAL IMPERVIOUS %	70% MAX	26%	
TOTAL PERVIOUS %		74%	
OPEN SPACE		77,505 SF	74%
FLOOR AREA	MAX 50%	18,201 SF	
FLOOR AREA RATIO (FAR)		17.27%	

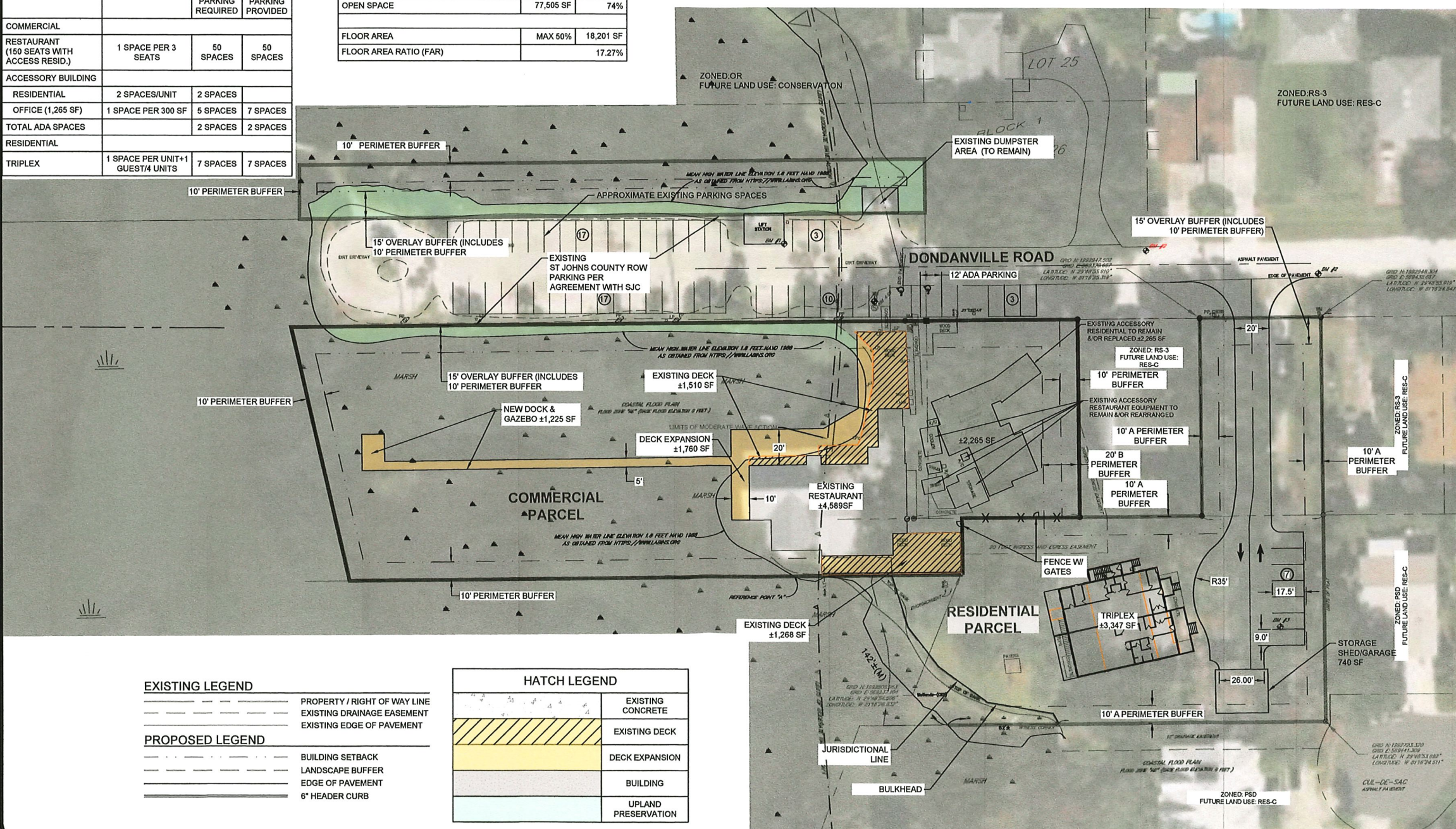
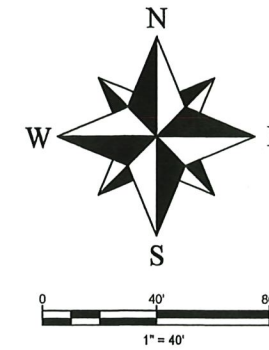
MAXIMUM BUILDING HEIGHT	35'
PARCEL NUMBER(S)	175950-0000, 175765-0000, 175720-0223, 175720-0230, 174150-0010
FLOOD ZONE	AE
FUTURE LAND USE DESIGNATION	RESIDENTIAL-C / CONSERVATION
WETLAND DATA	
WETLAND CONSERVATION	1.06 AC
UPLAND PRESERVATION	0.13 AC 5.5%
SIGNIFICANT NATURAL HABITAT	N/A
TOTAL NATURAL ACRES	1.19 AC

BUFFER TABLE	
BUFFER	AREA
15' OVERLAY BUFFER AREA	2,450 SF
10' PERIMETER BUFFER AREA	15,575 SF
AVERAGED BUFFER AREA	33,948 SF

SETBACK TABLE	
DESCRIPTION	SETBACK
COMMERCIAL STRUCTURES (EXISTING)	15F/10'S/10'R (RESTAURANT), (RESIDENCE/OFFICE)
RESIDENTIAL STRUCTURES (EXISTING)	15F/5'S/5'R (GARAGE), 15F/20'S/5'R (TRIPLEX)
NEW STRUCTURES	15F/30'S/30'R (<20' HIGH), 15F/50'S/50'R (>20' HIGH)

THE MASTER DEVELOPMENT PLAN IS A GENERAL REPRESENTATION OF THE APPROVED PLAN OF DEVELOPMENT. FINAL CONSTRUCTION AND ENGINEERING PLANS MUST DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS OF THE P.U.D./P.R.D. AND OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS.

APPROVED: _____
 DATE: _____
 ORDINANCE NUMBER: _____
 FILE NUMBER: _____



EXISTING LEGEND	
	PROPERTY / RIGHT OF WAY LINE
	EXISTING DRAINAGE EASEMENT
	EXISTING EDGE OF PAVEMENT
PROPOSED LEGEND	
	BUILDING SETBACK
	LANDSCAPE BUFFER
	EDGE OF PAVEMENT
	6" HEADER CURB

HATCH LEGEND	
	EXISTING CONCRETE
	EXISTING DECK
	DECK EXPANSION
	BUILDING
	UPLAND PRESERVATION

MAVERICK ENGINEERING
 10 WILLOW WINDS PARKWAY
 ST. JOHNS, FLORIDA 32259

REVISIONS	
#	DESCRIPTION

EXHIBIT C
 ADDITIONAL MASTER DEVELOPMENT PLAN MAP SITE PLAN
 SUNSET VIEW PLANNED UNIT DEVELOPMENT

END DOCUMENTS TO BE RECORDED

**APPLICATION AND
SUPPORTING DOCUMENTS**



St. Johns County Development Review

Application for:

Date

Property Tax ID No

Project Name

Property Owner(s)

Phone Number

Address

Fax Number

City State Zip Code

e-mail

Are there any owners not listed? No Yes If yes please provide information on separate sheet.

Applicant/Representative

Phone Number

Address

Fax Number

City State Zip Code

e-mail

Property Location

Major Access

Size of Property

Cleared Acres (if applicable)

Zoning Class No. of lots (if applicable)

Overlay District (if applicable)

Water & Sewer Provider

Future Land Use Designation

Present Use of Property

Proposed Bldg. S.F.

Project Description (use separate sheet if necessary)

The request is to rezone a number of parcels, which include the existing Cowboy's Restaurant that has an accessory office/residential building, and deck, and a parcel to the South of the restaurant that includes an existing home and storage shed/garage, in order bring the current zoning up to date (and remove the grandfathered aspects of the restaurant) and create an integrated development plan. The PUD provides for the commercial activities to remain along the roadway and the existing residential activities to remain along the south side of the restaurant, adjacent to the residential use to the South. Plans include the allowance for improvements to the restaurant and accessory building, as well a slight expansion to the existing home to create a triplex. See the Master Development Plan Text, Exhibit B.

Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:
Signature of owner or person authorized to represent this application:

Signed By

Printed or typed name(s)

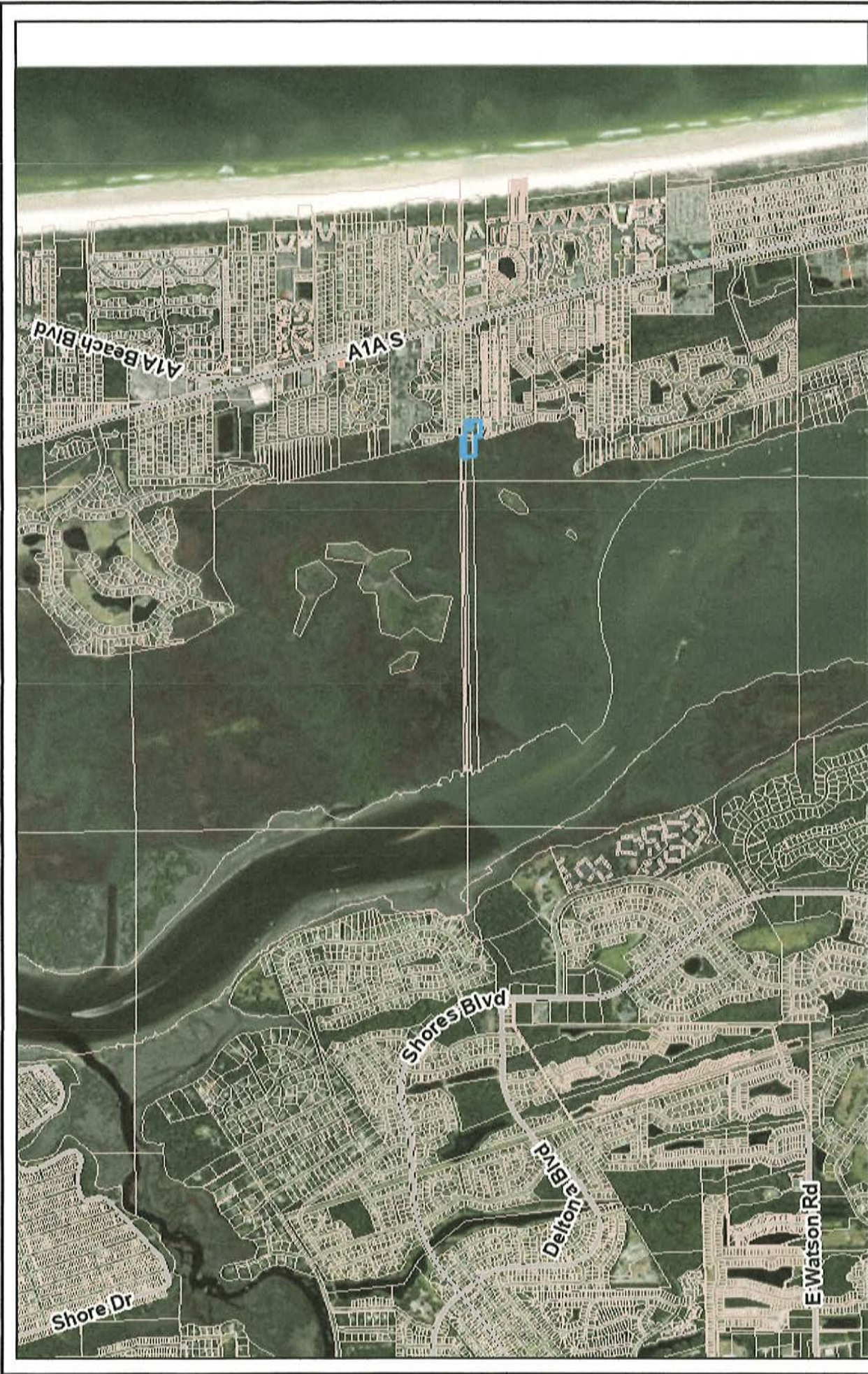


EXHIBIT D - Location - Sunset View PUD

Map created with St. Johns County's iMap

DISCLAIMER
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown herein.

Date Created: 6/14/2023

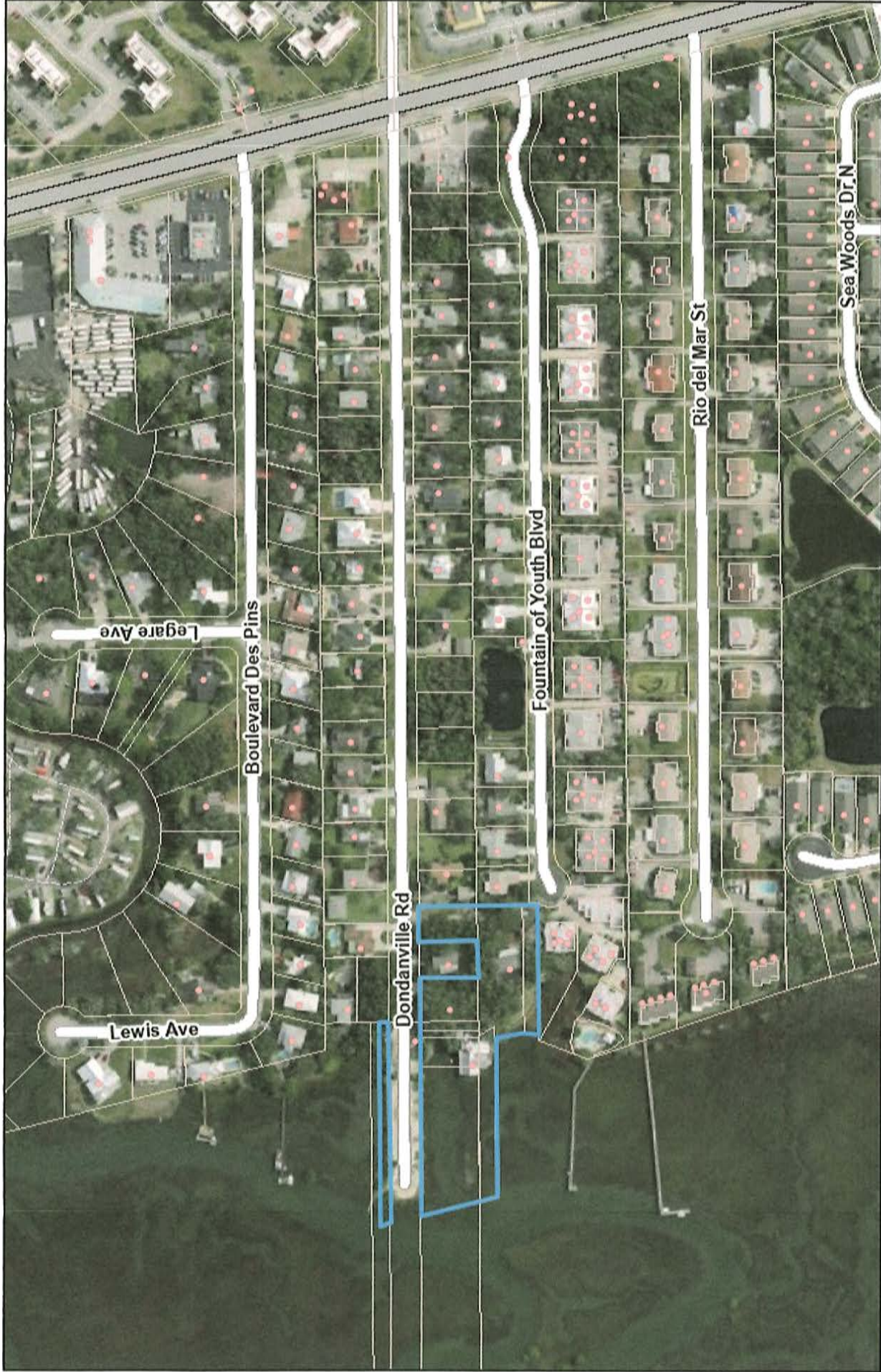


EXHIBIT D - Location - Sunset View PUD

Map created with St. Johns County's iMap

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Date Created: 6/14/2023



EXHIBIT D - Aerial - Sunset View PUD

Map created with St. Johns County's iMap
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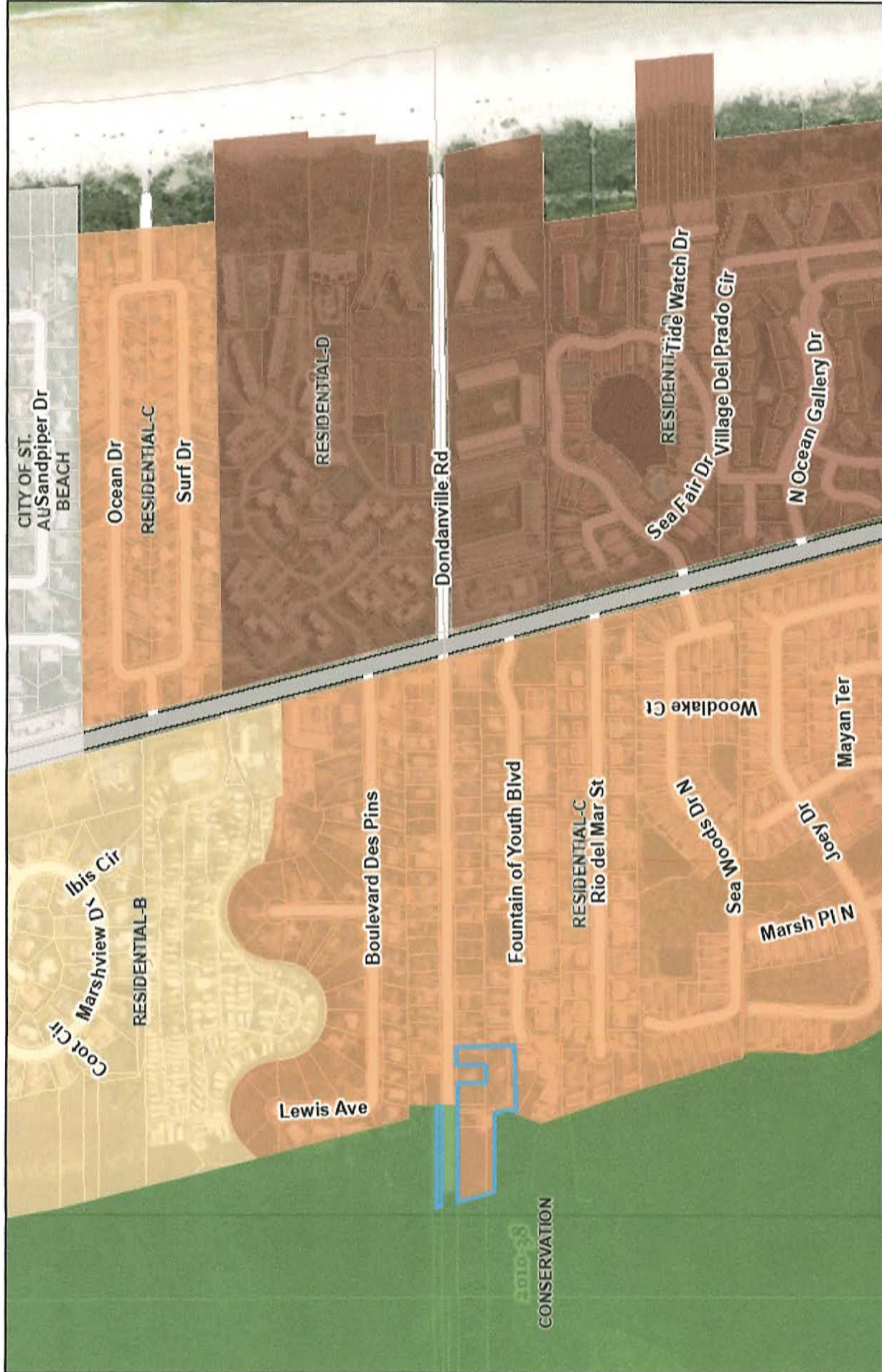


EXHIBIT D - Future Land Use - Sunset View PUD

Map created with St. Johns County's iMap

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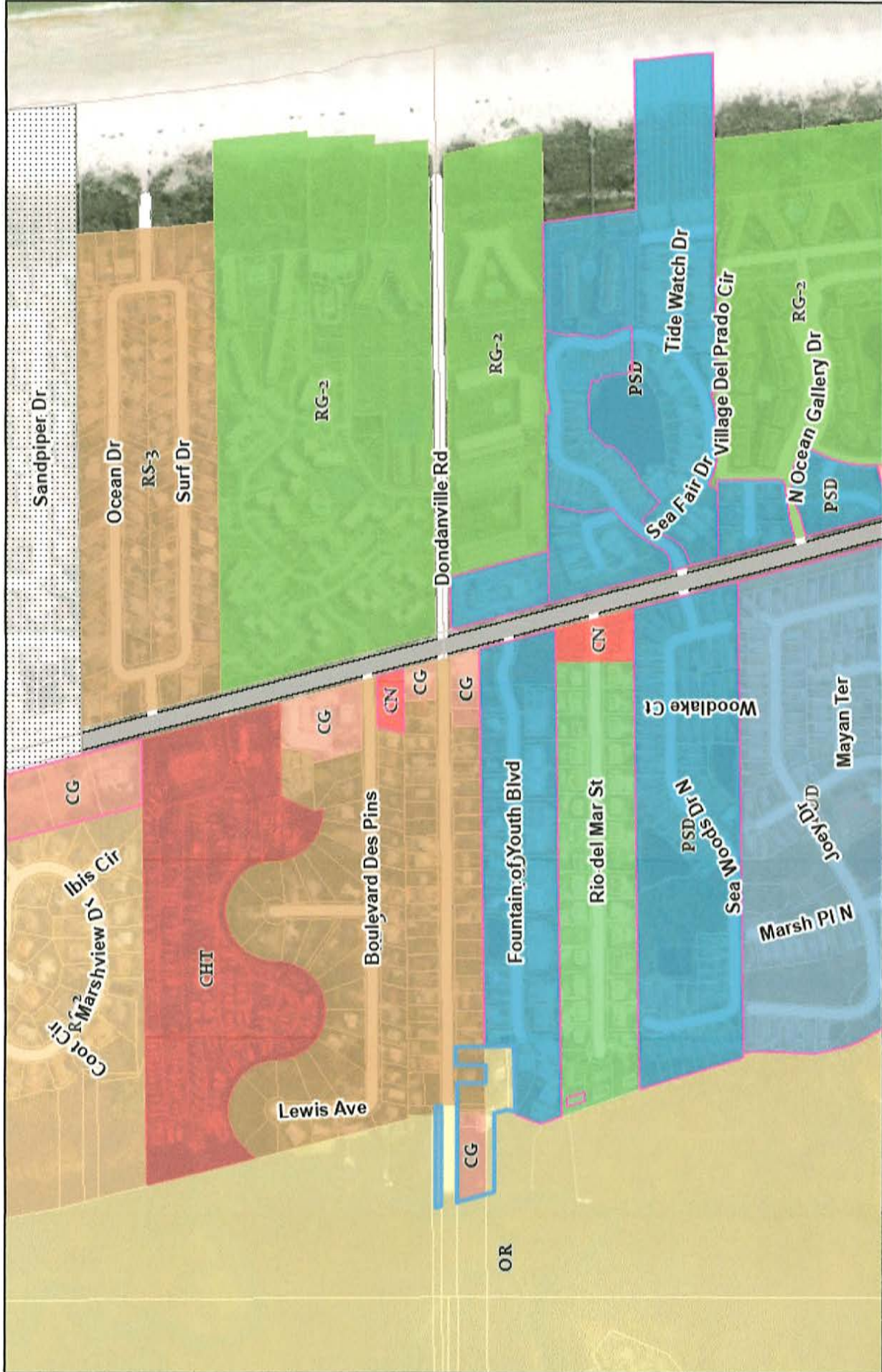


EXHIBIT D - Zoning - Sunset View PUD

Map created with St. Johns County's iMap

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Date Created: 6/14/2023

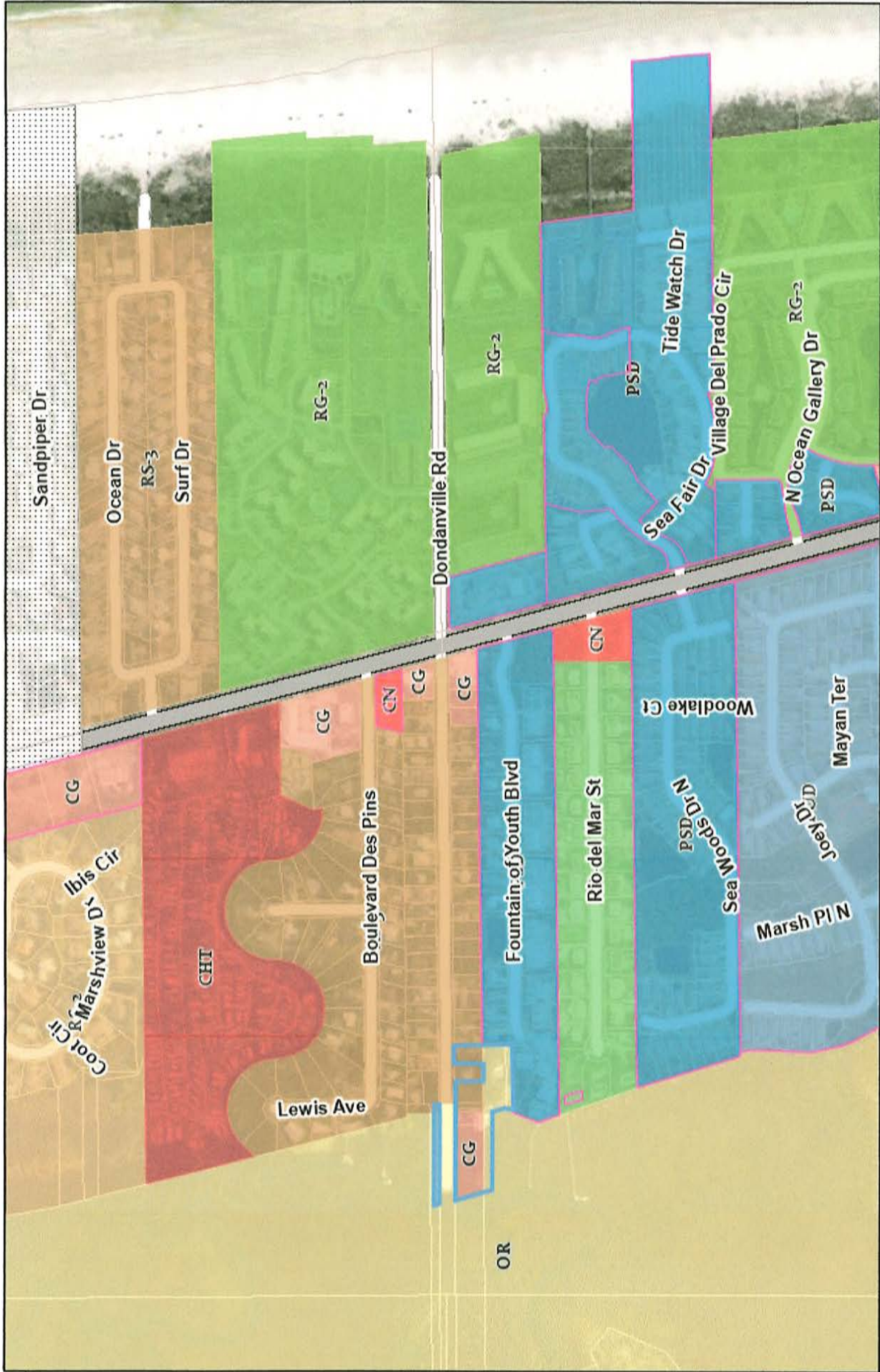


EXHIBIT D - Zoning - Sunset View PUD

Map created with St. Johns County's iMap

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Date Created: 6/14/2023

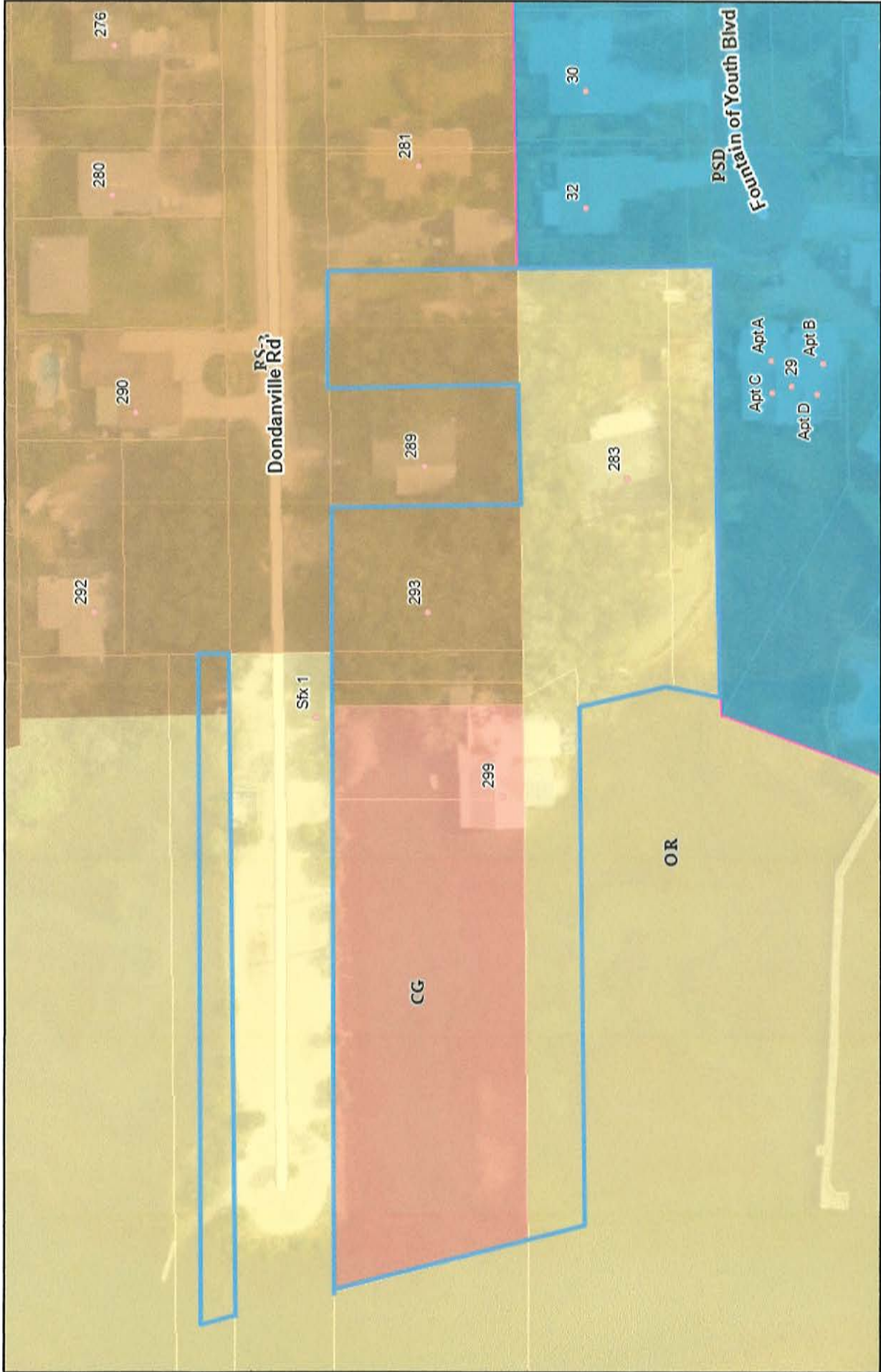


EXHIBIT D - Zoning - Sunset View PUD

Map created with St. Johns County's iMap

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Date Created: 6/14/2023

EXHIBIT H
ENVIRONMENTAL INFORMATION
Sunset View PUD



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Threatened and Endangered Species

Dear Lee,

On August 5, 2022, Carter Environmental Services (CES) conducted a limited field survey of the subject property (+/- 2.46 acres) to assess the presence of or potential utilization by any threatened/endangered species or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). Prior to the site visit, CES compiled a list of potentially occurring species. The resources used to compile this list included a literature review of the soil units mapped on-site and 2021 aerial photographs of the property. The results of this survey are listed below.

PROTECTED ANIMAL SPECIES

- **Bald Eagle** (*Haliaeetus leucocephalus*)

Using St. John's County geospatial data from aerial surveys (2022), CES did not locate any bald eagle nests on record within 1,500 feet of the subject property (Figure 4), with the nearest nest approximately 1.83 miles to the southwest. Also, no eagles or their nests were observed on site. While the bald eagle is not listed as threatened, endangered, or as an SSC, certain activities proposed to take place within 1,500' of a bald eagle nest are regulated by the St. Johns County Land Development Code, Section 4.01.10. In the event a bald eagle nest is located within 1,500 feet of a project, an alternate site-specific bald eagle management plan may be required along with application for a waiver from the Board of County Commissioners requesting the management zones be reduced to match Federal regulations. Currently, Federal regulation of bald eagle nests extends 660' outward from the nest tree, with more intense regulation pertaining to the zone within 330' of the nest.

- **Gopher Tortoise** (*Gopherus polyphemus*)

Based on our background research of the mapped soil units onsite, CES determined there was a low potential for gopher tortoises to inhabit the referenced property. This was confirmed during the site visit to the subject property by CES. CES did not observe any gopher tortoise burrows nor individuals onsite. At this time, there are no gopher tortoises located onsite and the potential for gopher tortoises immigrating to the site is low.

Additionally, CES did not observe any of the known protected communal species, which utilize the burrows for shelter and foraging grounds. These include the Florida mouse (*Podomys floridanus*), the eastern indigo snake (*Drymarchon corais couperi*), Florida pine snake (*Pituophis melanoleucus mugitus*), and the gopher frog (*Rana capito*).



- **Listed Wading Birds**

Using the FWC Wading Bird Rookery Locator, CES identified the nearest known rookery to be approximately 5.84 miles to the southwest of the subject property. FWC does not regulate impacts to foraging habitat or areas occasionally utilized by protected birds. Additionally, CES did not observe wading birds during our site visit.

PROTECTED PLANT SPECIES

In addition to protected animal species, CES biologists reviewed the site for protected plant species, and none were observed. Coordination will not be required with any regulatory agency if protected plant species were observed in the future. Currently, no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.



In conclusion, no listed plant or animal species were observed by CES biologists during the site review. I trust that this information is helpful. Please contact Ryan Carter or myself with any questions or requests for additional information.

Sincerely,
Carter Environmental Services

A handwritten signature in black ink that reads "Jacob Rynning". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jacob Rynning
Project Scientist

Enclosures: Significant Natural Communities (SNC) Letter
Location Map - Figure 1
Soils/NWI Map - Figure 2
Existing Conditions (FLUCFCS) Map - Figure 3
FWC Bald Eagle Nest Map - Figure 4
FNAI Biodiversity Matrix



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Significant Natural Communities

Dear Lee,

On August 5, 2022, Carter Environmental Services (CES) evaluated the subject property to determine if any of the six Significant Natural Communities regulated by the St. Johns County Land Development Code (Section 4.01.07(G)) were present. These communities include Beach Dune, Coastal Grassland, Coastal Strand, Maritime Hammock, Sandhill, and Scrub.

After the site visit, CES used the Florida Land Use Cover Form Classification System (FLUCFCS) to characterize the community types. The following vegetative communities were observed and are non-significant communities as defined by St. Johns County, Florida.

Uplands:

Residential, Medium Density (FLUCFCS 120) – This community consists of two separate residential lots on the subject property. Vegetation is dominated by a canopy of sand live oak (*Quercus geminata*) and red cedar (*Juniperus virginiana*) with an understory and groundcover of ornamental plants and various grasses.

Commercial and Services (FLUCFCS 140) – This community consists of a restaurant (Saltwater Cowboys) and its associated outbuildings and parking areas. Canopy species consist of sand live oak and red cedar. There is little to no understory or groundcover.

Wetlands:

Saltwater Marsh (FLUCFCS 642) – This community occupies the western portion of the subject property. The community has no canopy species. The understory and groundcover consist of smooth cordgrass (*Spartina alterniflora*) and black needle rush (*Juncus roemerianus*) with scattered black mangroves (*Avicennia germinans*).

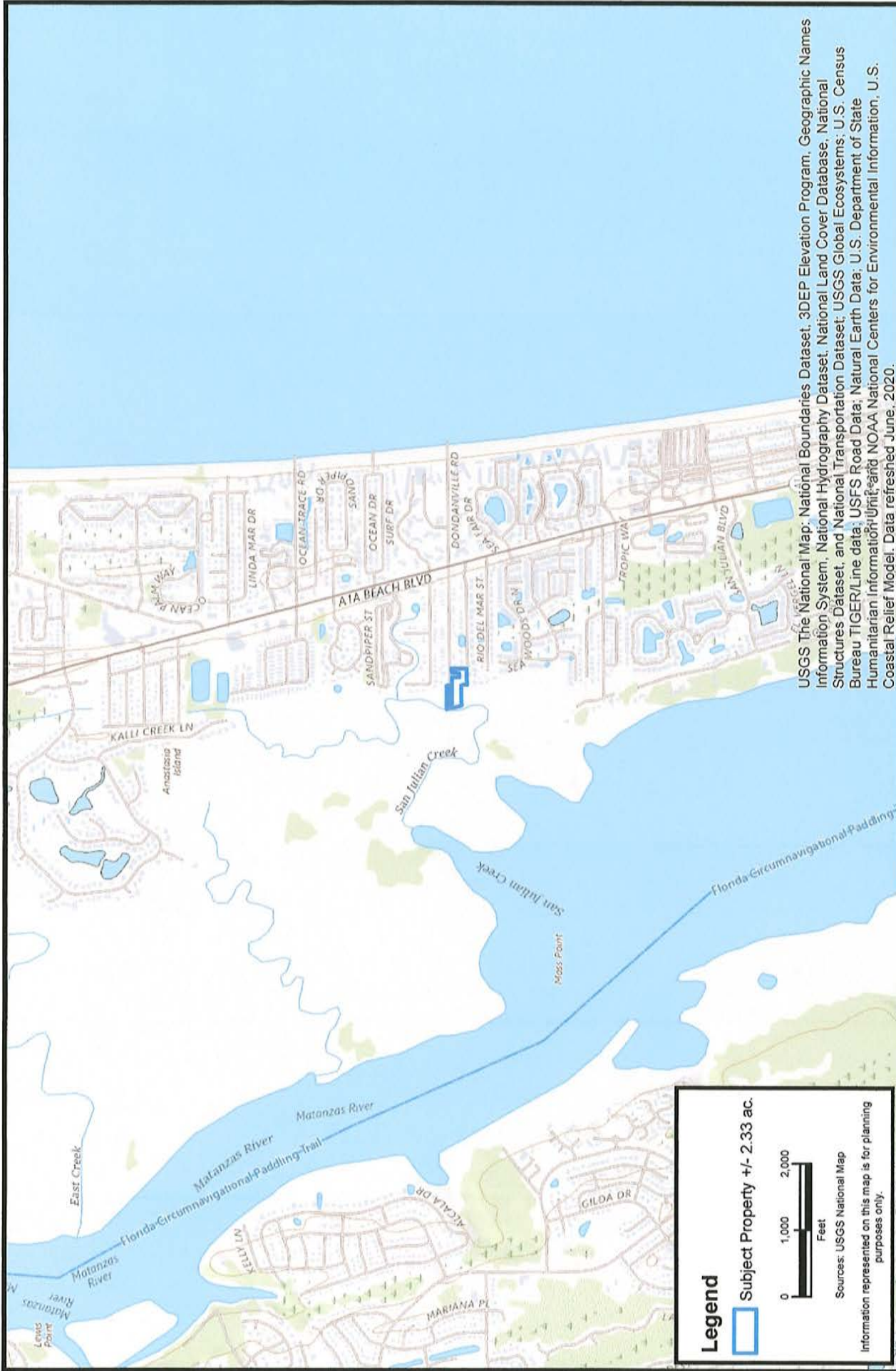


Based on our field review and analysis of the vegetative communities described above, no Significant Natural Communities are present on the subject property. I trust that this information is helpful. Please contact Ryan Carter or myself with any questions or requests for additional information.

Sincerely,
Carter Environmental Services


A handwritten signature in black ink that reads "Jacob Rynning". The signature is written in a cursive style with a large, looped initial "J".

Jacob Rynning
Project Scientist



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data, U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

0 1,000 2,000
Feet

Sources: USGS National Map
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

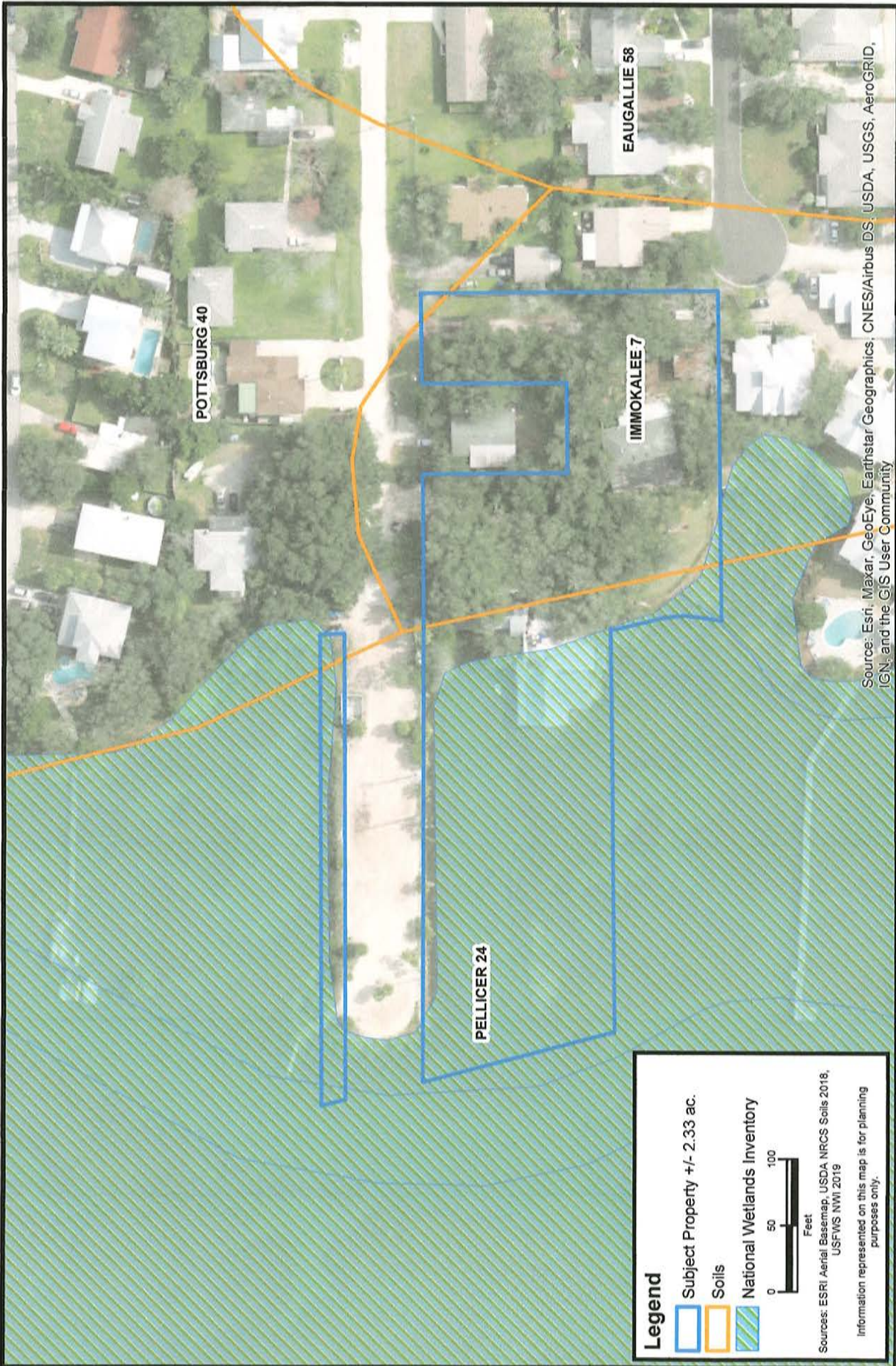
Saltwater Cowboys

St. Johns County, Florida

Project: 5.21247

Date: Jun 13 2023

Figure: 1



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

Legend

- Subject Property +/- 2.33 ac.
- Soils
- National Wetlands Inventory

0 50 100
Feet

Sources: ESRI Aerial Basemap, USDA NRCS Soils 2018, USFWS NWI 2019

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

Soils / National Wetlands Inventory Map

Saltwater Cowboys

Project: 5.21247 Date: Jun 13 2023

St. Johns County, Florida




Figure: 2



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


Legend

- Subject Property +/- 2.33 ac.
- Residential, Medium Density (FLUCFCS 120) +/- 1.03 ac.
- Commercial and Services (FLUCFCS 140) +/- 0.29 ac.
- Saltwater Marsh (FLUCFCS 642) +/- 0.77 ac.

0 50 100
Feet

Sources: ESRI Aerial Basemap

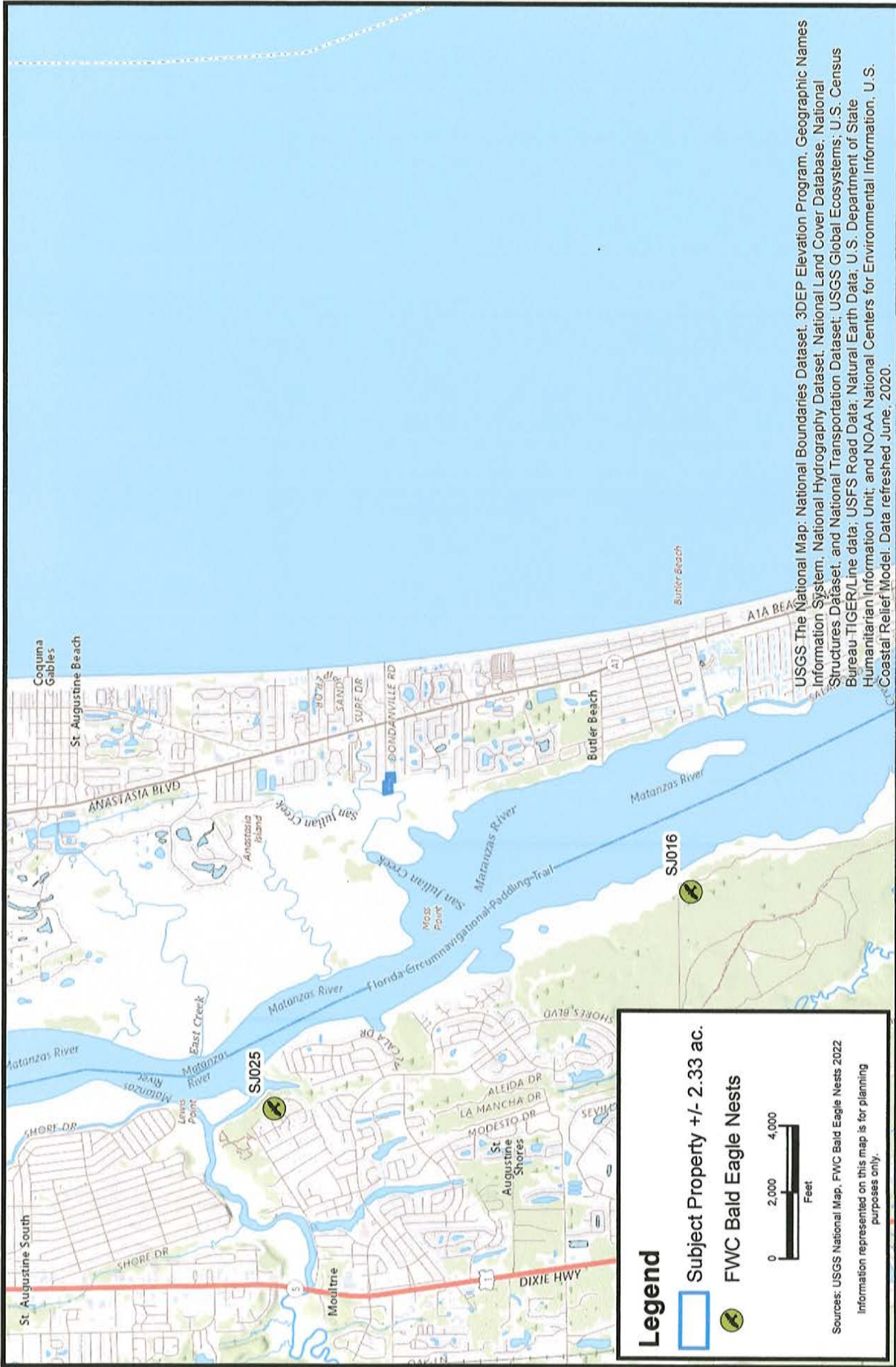
Information represented on this map is for planning purposes only.


 Figure: **3**

FLUCFCS Map
Saltwater Cowboys
 St. Johns County, Florida
 Date: Jun 13 2023
 Project: 5.21247

CARTER ENVIRONMENTAL SERVICES, INC.

 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1766
www.carterenv.com



USGS The National Map: National Boundaries Dataset; 3DEP Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

 FWC Bald Eagle Nests



Sources: USGS National Map, FWC Bald Eagle Nests 2022
 Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

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

Eagle Nest Map
Saltwater Cowboys

St. Johns County, Florida

Project 5.21247

Date: Jun 13 2023

Figure: 4



Florida Natural Areas Inventory Biodiversity Matrix Query Results

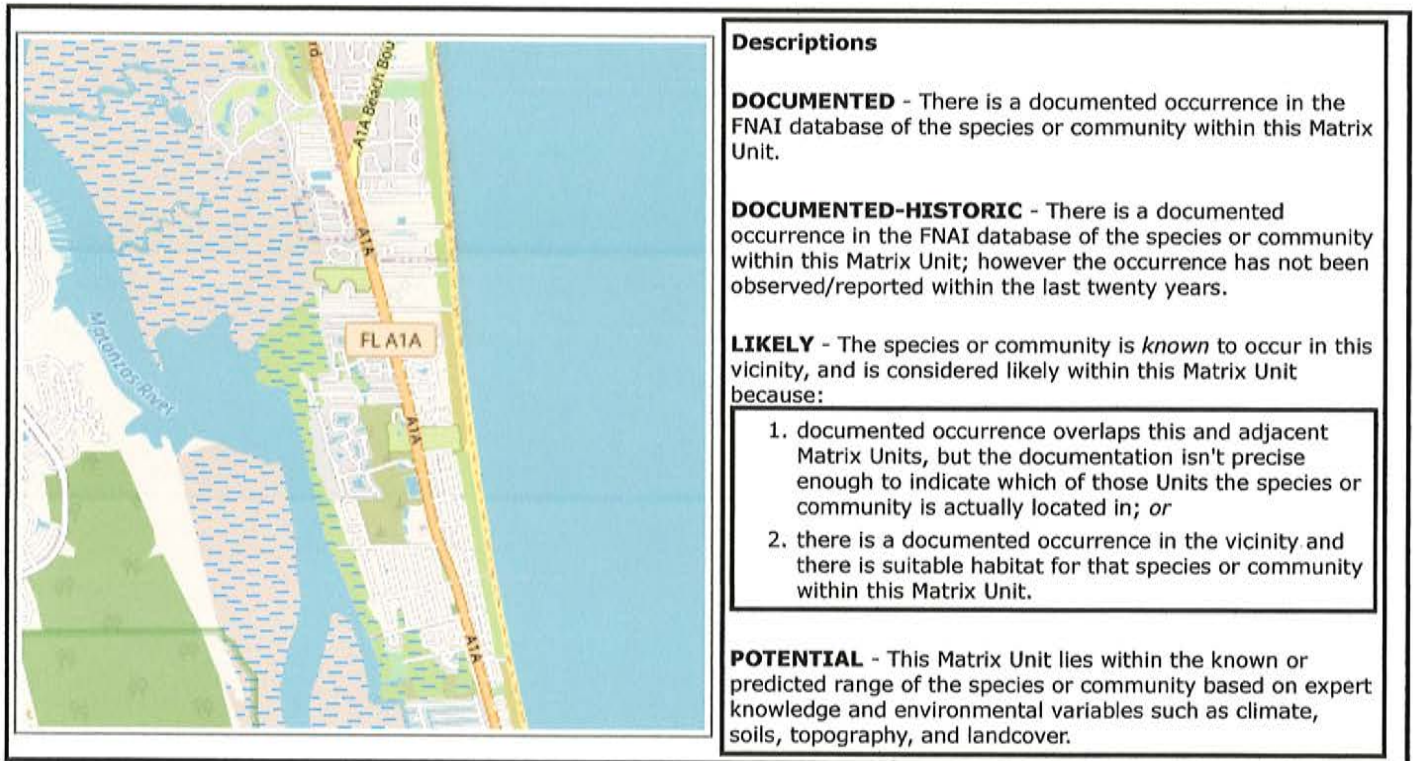
UNOFFICIAL REPORT

Created 8/15/2022

(Contact the FNAI Data Services Coordinator at 850.224.8207 or
kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 48883



Matrix Unit ID: 48883

1 Documented Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Dermochelys coriacea Leatherback Sea Turtle	G2	S2	E	FE

0 Documented-Historic Elements Found

4 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Caretta caretta Loggerhead Sea Turtle	G3	S3	T	FT
Chelonia mydas Green Sea Turtle	G3	S2S3	T	FT

Mycteria americana Wood Stork	G4	S2	T	FT
Peromyscus polionotus phasma Anastasia Island Beach Mouse	G5T1	S1	E	FE

Matrix Unit ID: 48883**21 Potential Elements for Matrix Unit 48883**

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Acipenser oxyrinchus oxyrinchus</i> Atlantic Sturgeon	G3T3	S1	E	FE
<i>Asplenium x heteroresiliens</i> Morzenti's spleenwort	G2	S1	N	N
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Calydorea coelestina Bartram's ixia	G2G3	S2S3	N	E
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Charadrius melodus Piping Plover	G3	S2	T	FT
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Eretmochelys imbricata Hawksbill Sea Turtle	G3	S1	E	FE
<i>Glandularia maritima</i> coastal vervain	G3	S3	N	E
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Lechea cernua nodding pinweed	G3	S3	N	T
Litsea aestivalis pondspice	G3?	S2	N	E
Lythrum curtissii Curtiss' loosestrife	G1	S2	N	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Monotropis reynoldsiae pygmy pipes	G2	S2	N	E
Nemastylis floridana celestial lily	G2	S2	N	E
Neovison vison lutensis Atlantic Salt Marsh Mink	G5T3	S3	N	N
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Podomys floridanus Florida Mouse	G3	S3	N	N
<i>Trichechus manatus latirostris</i> Florida Manatee	G2G3T2	S2S3	T	N
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

EXHIBIT H
ENVIRONMENTAL INFORMATION
Sunset View PUD



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Threatened and Endangered Species

Dear Lee,

On August 5, 2022, Carter Environmental Services (CES) conducted a limited field survey of the subject property (+/- 2.46 acres) to assess the presence of or potential utilization by any threatened/endangered species or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). Prior to the site visit, CES compiled a list of potentially occurring species. The resources used to compile this list included a literature review of the soil units mapped on-site and 2021 aerial photographs of the property. The results of this survey are listed below.

PROTECTED ANIMAL SPECIES

- **Bald Eagle** (*Haliaeetus leucocephalus*)

Using St. John's County geospatial data from aerial surveys (2022), CES did not locate any bald eagle nests on record within 1,500 feet of the subject property (Figure 4), with the nearest nest approximately 1.83 miles to the southwest. Also, no eagles or their nests were observed on site. While the bald eagle is not listed as threatened, endangered, or as an SSC, certain activities proposed to take place within 1,500' of a bald eagle nest are regulated by the St. Johns County Land Development Code, Section 4.01.10. In the event a bald eagle nest is located within 1,500 feet of a project, an alternate site-specific bald eagle management plan may be required along with application for a waiver from the Board of County Commissioners requesting the management zones be reduced to match Federal regulations. Currently, Federal regulation of bald eagle nests extends 660' outward from the nest tree, with more intense regulation pertaining to the zone within 330' of the nest.

- **Gopher Tortoise** (*Gopherus polyphemus*)

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In addition to protected animal species, CES biologists reviewed the site for protected plant species, and none were observed. Coordination will not be required with any regulatory agency if protected plant species were observed in the future. Currently, no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.



In conclusion, no listed plant or animal species were observed by CES biologists during the site review. I trust that this information is helpful. Please contact Ryan Carter or myself with any questions or requests for additional information.

Sincerely,
Carter Environmental Services

A handwritten signature in black ink that reads "Jacob Rynning". The signature is fluid and cursive.

Jacob Rynning
Project Scientist

Enclosures: Significant Natural Communities (SNC) Letter
Location Map - Figure 1
Soils/NWI Map - Figure 2
Existing Conditions (FLUCFCS) Map - Figure 3
FWC Bald Eagle Nest Map - Figure 4
FNAI Biodiversity Matrix



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Significant Natural Communities

Dear Lee,

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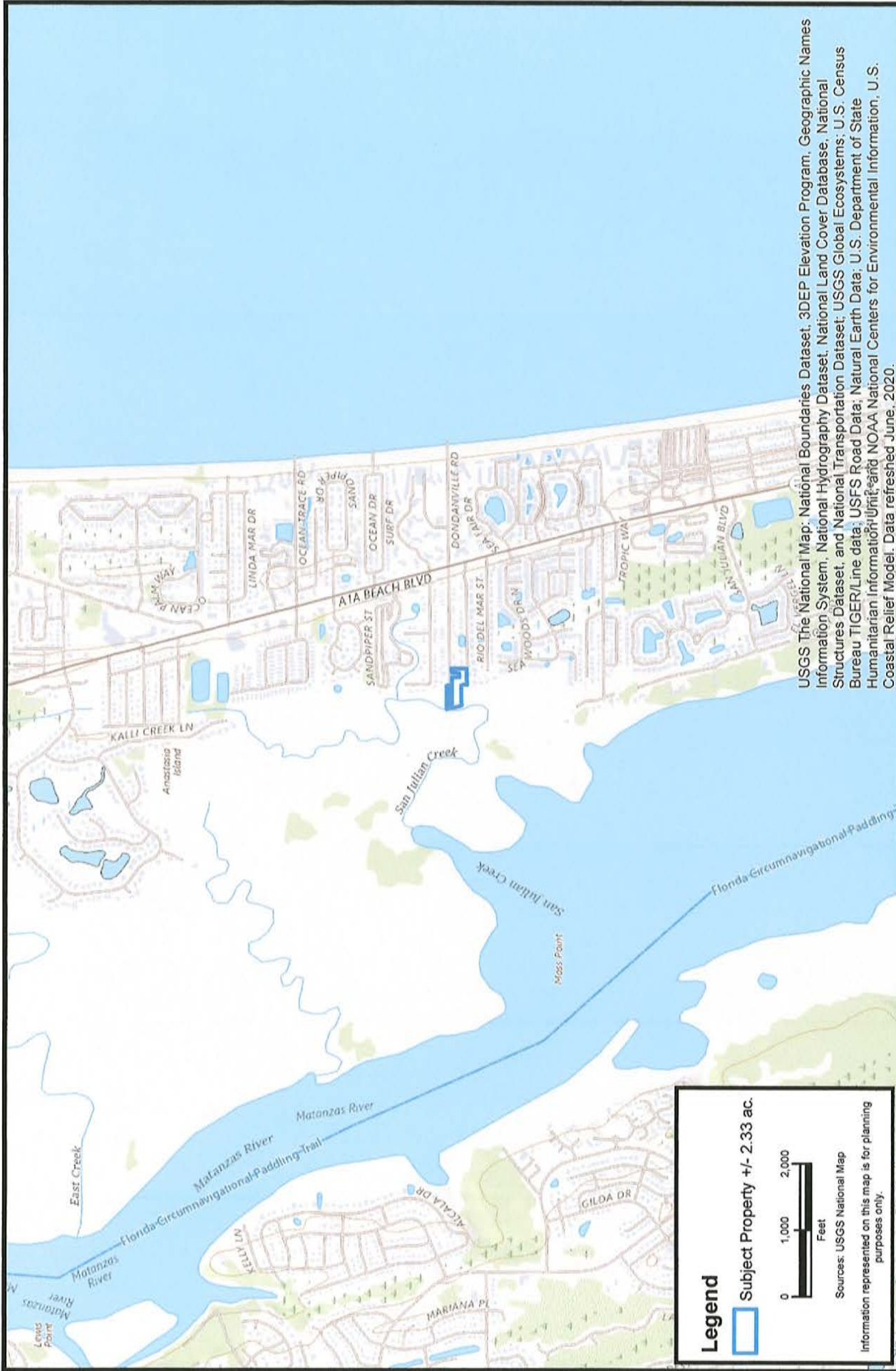


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Sincerely,
Carter Environmental Services


A handwritten signature in black ink that reads "Jacob Rynning". The signature is written in a cursive style with a large, prominent initial "J".

Jacob Rynning
Project Scientist



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data, U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

0 1,000 2,000
Feet

Sources: USGS National Map
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

Saltwater Cowboys

St. Johns County, Florida

Project: 5.21247

Date: Jun 13 2023


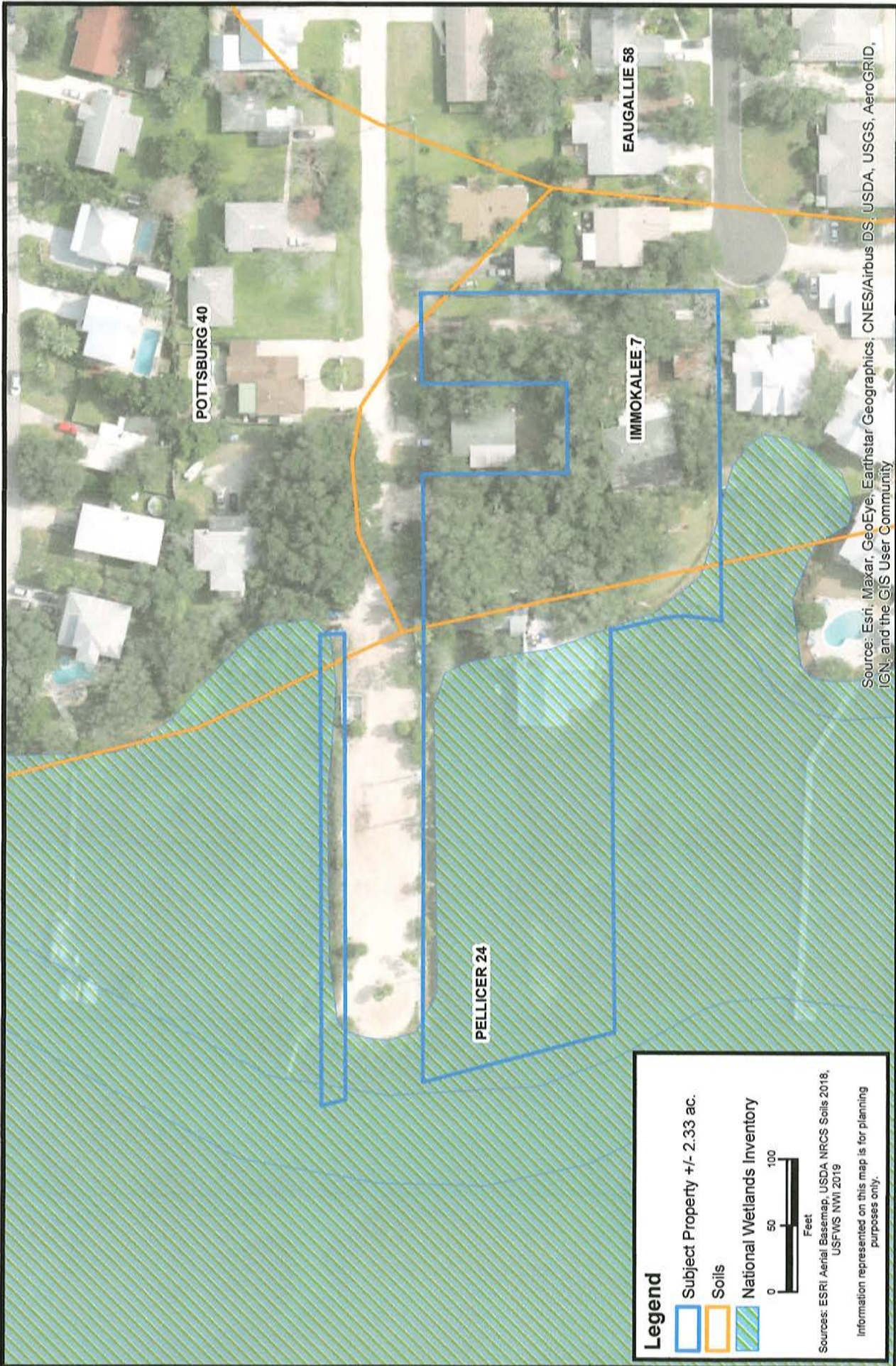
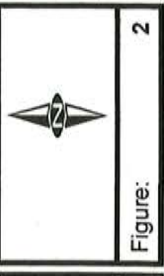


Figure: 1



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



Soils / National Wetlands Inventory Map
Saltwater Cowboys
 Project: 5.21247 Date: Jun 13 2023
 St. Johns County, Florida

Figure: 2

Legend

- Subject Property +/- 2.33 ac.
- Soils
- National Wetlands Inventory

0 50 100
 Feet

Sources: ESRI Aerial Basemap, USDA NRCS Soils 2018, USFWS NWI 2019

Information represented on this map is for planning purposes only.

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



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

Legend

- Subject Property +/- 2.33 ac.
- Residential, Medium Density (FLUCFCS 120) +/- 1.03 ac.
- Commercial and Services (FLUCFCS 140) +/- 0.29 ac.
- Saltwater Marsh (FLUCFCS 642) +/- 0.77 ac.

0 50 100
Feet

Sources: ESRI Aerial Basemap
Information represented on this map is for planning purposes only.




Figure: **3**

FLUCFCS Map
Saltwater Cowboys

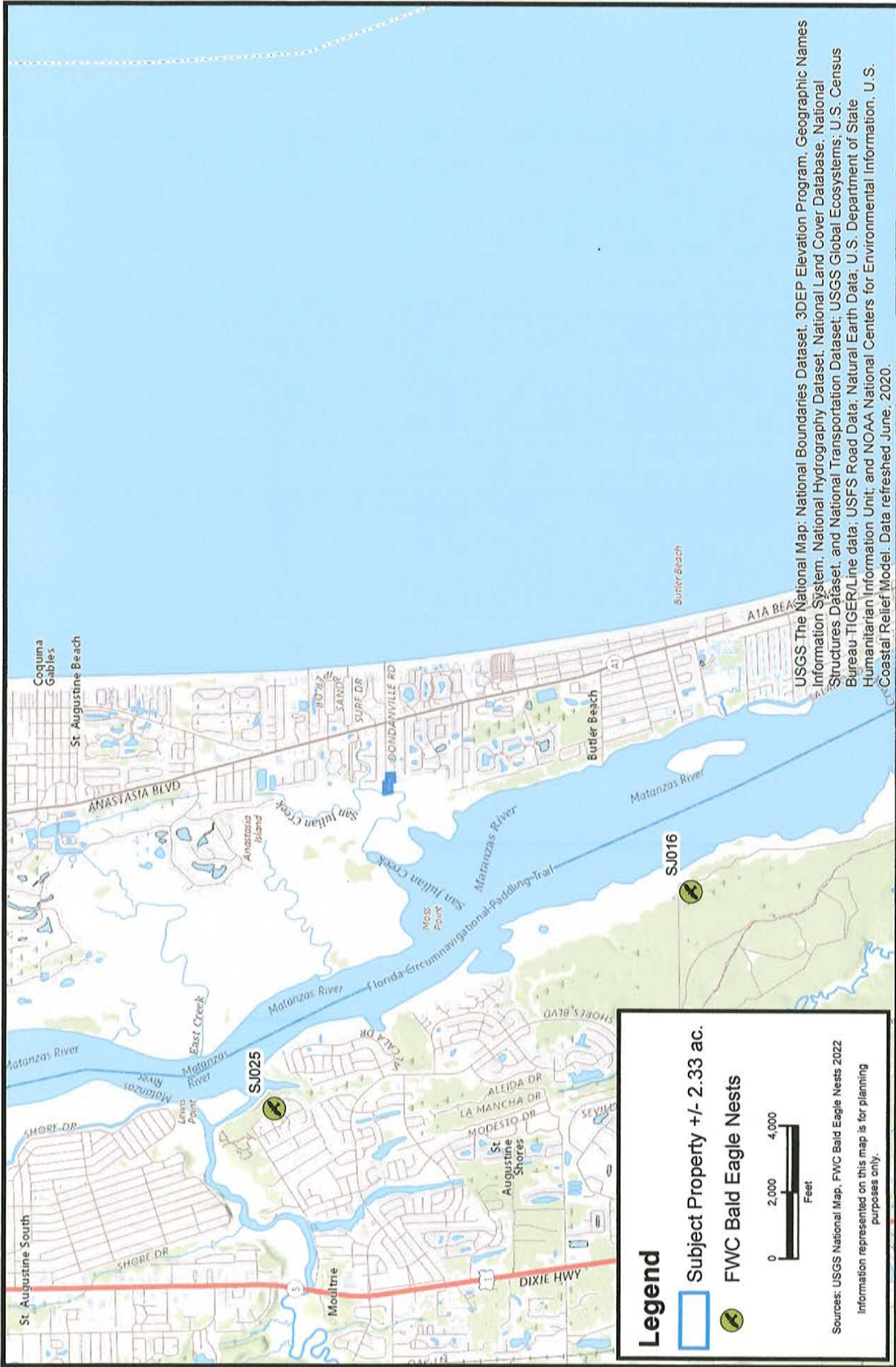
St. Johns County, Florida

Date: Jun 13 2023

Project: 5.21247

CARTER ENVIRONMENTAL SERVICES, INC.

 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1766
www.carterenv.com



USGS The National Map: National Boundaries Dataset; 3DEP Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

 FWC Bald Eagle Nests



Sources: USGS National Map, FWC Bald Eagle Nests 2022
 Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

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

Eagle Nest Map
Saltwater Cowboys

St. Johns County, Florida

Project 5.21247

Date: Jun 13 2023

Figure: 4





Florida Natural Areas Inventory Biodiversity Matrix Query Results

UNOFFICIAL REPORT

Created 8/15/2022

(Contact the FNAI Data Services Coordinator at 850.224.8207 or
kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 48883

Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 48883

1 Documented Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Dermochelys coriacea Leatherback Sea Turtle	G2	S2	E	FE

0 Documented-Historic Elements Found

4 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Caretta caretta Loggerhead Sea Turtle	G3	S3	T	FT
Chelonia mydas Green Sea Turtle	G3	S2S3	T	FT

Mycteria americana Wood Stork	G4	S2	T	FT
Peromyscus polionotus phasma Anastasia Island Beach Mouse	G5T1	S1	E	FE

Matrix Unit ID: 48883**21 Potential** Elements for Matrix Unit 48883

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Acipenser oxyrinchus oxyrinchus</i> Atlantic Sturgeon	G3T3	S1	E	FE
<i>Asplenium x heteroresiliens</i> Morzenti's spleenwort	G2	S1	N	N
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Calydorea coelestina Bartram's ixia	G2G3	S2S3	N	E
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Charadrius melodus Piping Plover	G3	S2	T	FT
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Eretmochelys imbricata Hawksbill Sea Turtle	G3	S1	E	FE
<i>Glandularia maritima</i> coastal vervain	G3	S3	N	E
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Lechea cernua nodding pinweed	G3	S3	N	T
Litsea aestivalis pondspice	G3?	S2	N	E
Lythrum curtissii Curtiss' loosestrife	G1	S2	N	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Monotropis reynoldsiae pygmy pipes	G2	S2	N	E
Nemastylis floridana celestial lily	G2	S2	N	E
Neovison vison lutensis Atlantic Salt Marsh Mink	G5T3	S3	N	N
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Podomys floridanus Florida Mouse	G3	S3	N	N
<i>Trichechus manatus latirostris</i> Florida Manatee	G2G3T2	S2S3	T	N
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

EXHIBIT H
ENVIRONMENTAL INFORMATION
Sunset View PUD



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Threatened and Endangered Species

Dear Lee,

On August 5, 2022, Carter Environmental Services (CES) conducted a limited field survey of the subject property (+/- 2.46 acres) to assess the presence of or potential utilization by any threatened/endangered species or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). Prior to the site visit, CES compiled a list of potentially occurring species. The resources used to compile this list included a literature review of the soil units mapped on-site and 2021 aerial photographs of the property. The results of this survey are listed below.

PROTECTED ANIMAL SPECIES

- **Bald Eagle** (*Haliaeetus leucocephalus*)

Using St. John's County geospatial data from aerial surveys (2022), CES did not locate any bald eagle nests on record within 1,500 feet of the subject property (Figure 4), with the nearest nest approximately 1.83 miles to the southwest. Also, no eagles or their nests were observed on site. While the bald eagle is not listed as threatened, endangered, or as an SSC, certain activities proposed to take place within 1,500' of a bald eagle nest are regulated by the St. Johns County Land Development Code, Section 4.01.10. In the event a bald eagle nest is located within 1,500 feet of a project, an alternate site-specific bald eagle management plan may be required along with application for a waiver from the Board of County Commissioners requesting the management zones be reduced to match Federal regulations. Currently, Federal regulation of bald eagle nests extends 660' outward from the nest tree, with more intense regulation pertaining to the zone within 330' of the nest.

- **Gopher Tortoise** (*Gopherus polyphemus*)

Based on our background research of the mapped soil units onsite, CES determined there was a low potential for gopher tortoises to inhabit the referenced property. This was confirmed during the site visit to the subject property by CES. CES did not observe any gopher tortoise burrows nor individuals onsite. At this time, there are no gopher tortoises located onsite and the potential for gopher tortoises immigrating to the site is low.

Additionally, CES did not observe any of the known protected communal species, which utilize the burrows for shelter and foraging grounds. These include the Florida mouse (*Podomys floridanus*), the eastern indigo snake (*Drymarchon corais couperi*), Florida pine snake (*Pituophis melanoleucus mugitus*), and the gopher frog (*Rana capito*).



- **Listed Wading Birds**

Using the FWC Wading Bird Rookery Locator, CES identified the nearest known rookery to be approximately 5.84 miles to the southwest of the subject property. FWC does not regulate impacts to foraging habitat or areas occasionally utilized by protected birds. Additionally, CES did not observe wading birds during our site visit.

PROTECTED PLANT SPECIES

In addition to protected animal species, CES biologists reviewed the site for protected plant species, and none were observed. Coordination will not be required with any regulatory agency if protected plant species were observed in the future. Currently, no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.



In conclusion, no listed plant or animal species were observed by CES biologists during the site review. I trust that this information is helpful. Please contact Ryan Carter or myself with any questions or requests for additional information.

Sincerely,
Carter Environmental Services

A handwritten signature in black ink that reads "Jacob Rynning". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jacob Rynning
Project Scientist

Enclosures: Significant Natural Communities (SNC) Letter
Location Map - Figure 1
Soils/NWI Map - Figure 2
Existing Conditions (FLUCFCS) Map - Figure 3
FWC Bald Eagle Nest Map - Figure 4
FNAI Biodiversity Matrix



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 13, 2023

By Email:
around366@gmail.com

Lee Shu

SUBJECT: Saltwater Cowboys
Significant Natural Communities

Dear Lee,

On August 5, 2022, Carter Environmental Services (CES) evaluated the subject property to determine if any of the six Significant Natural Communities regulated by the St. Johns County Land Development Code (Section 4.01.07(G)) were present. These communities include Beach Dune, Coastal Grassland, Coastal Strand, Maritime Hammock, Sandhill, and Scrub.

After the site visit, CES used the Florida Land Use Cover Form Classification System (FLUCFCS) to characterize the community types. The following vegetative communities were observed and are non-significant communities as defined by St. Johns County, Florida.

Uplands:

Residential, Medium Density (FLUCFCS 120) – This community consists of two separate residential lots on the subject property. Vegetation is dominated by a canopy of sand live oak (*Quercus geminata*) and red cedar (*Juniperus virginiana*) with an understory and groundcover of ornamental plants and various grasses.

Commercial and Services (FLUCFCS 140) – This community consists of a restaurant (Saltwater Cowboys) and its associated outbuildings and parking areas. Canopy species consist of sand live oak and red cedar. There is little to no understory or groundcover.

Wetlands:

Saltwater Marsh (FLUCFCS 642) – This community occupies the western portion of the subject property. The community has no canopy species. The understory and groundcover consist of smooth cordgrass (*Spartina alterniflora*) and black needle rush (*Juncus roemerianus*) with scattered black mangroves (*Avicennia germinans*).

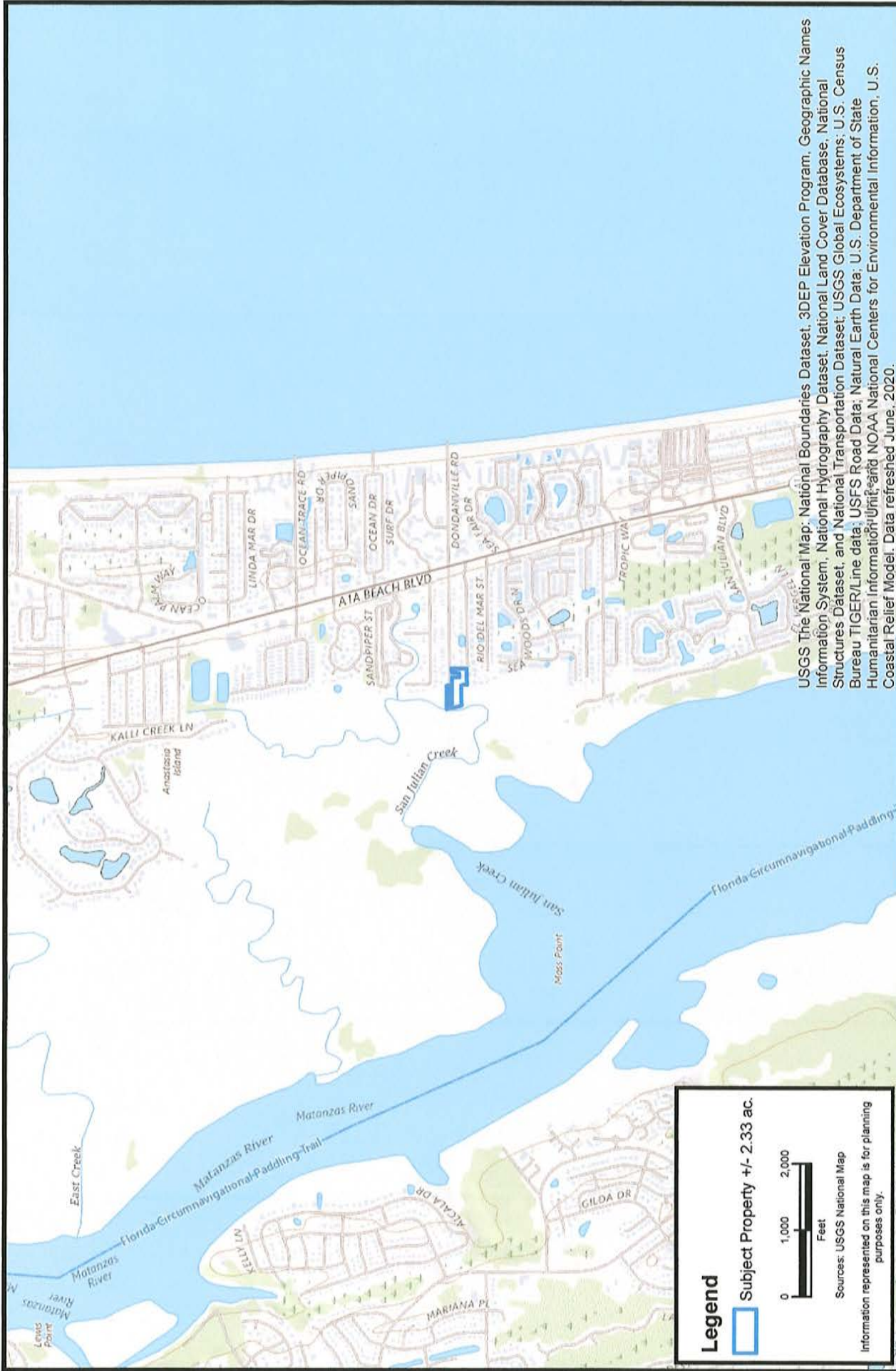


Based on our field review and analysis of the vegetative communities described above, no Significant Natural Communities are present on the subject property. I trust that this information is helpful. Please contact Ryan Carter or myself with any questions or requests for additional information.

Sincerely,
Carter Environmental Services


A handwritten signature in black ink that reads "Jacob Rynning". The signature is written in a cursive style with a large, looped initial "J".

Jacob Rynning
Project Scientist



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data, U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

0 1,000 2,000
Feet

Sources: USGS National Map
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

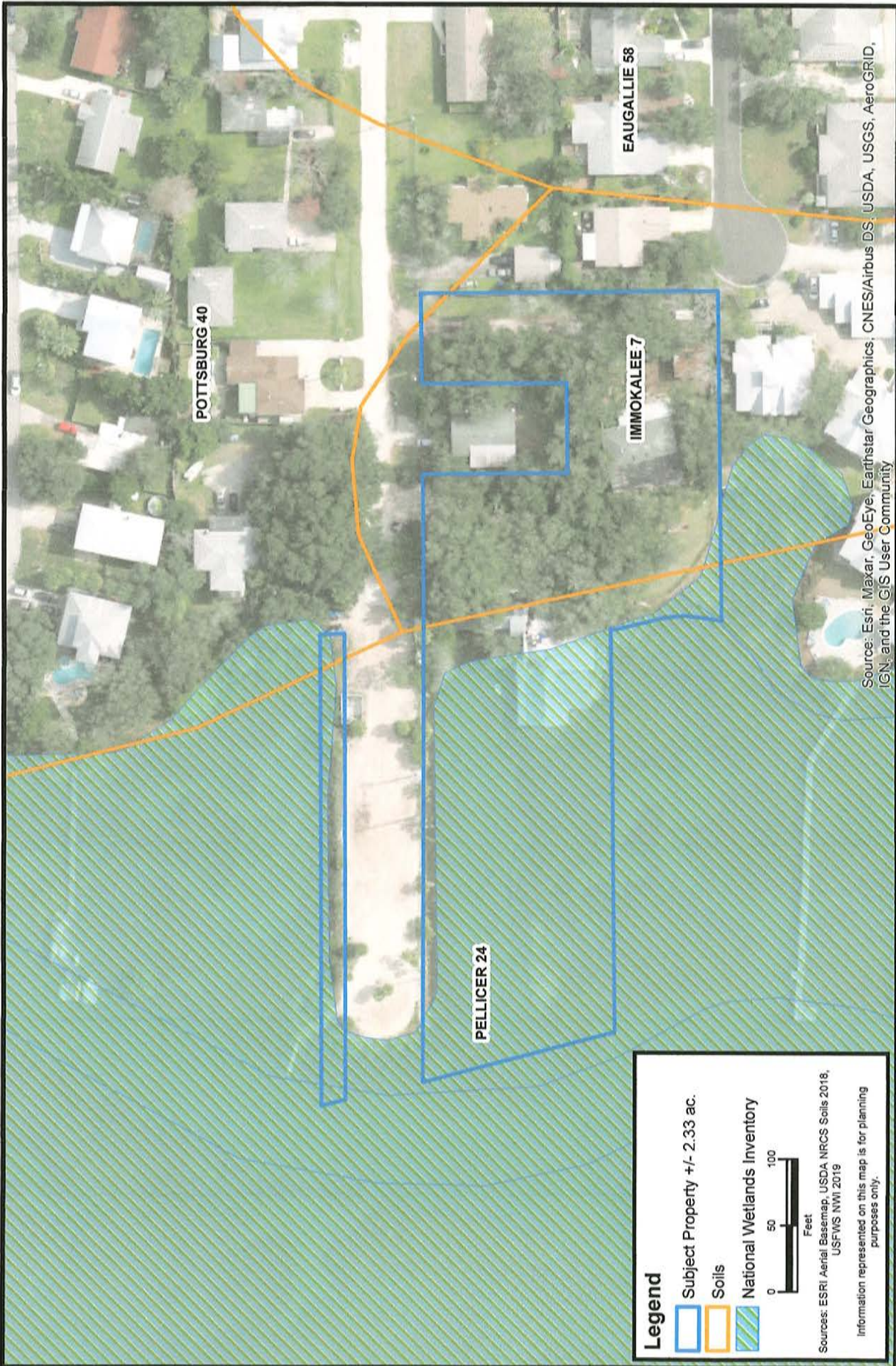
Saltwater Cowboys

St. Johns County, Florida

Project: 5.21247

Date: Jun 13 2023

Figure: 1



Legend

- Subject Property +/- 2.33 ac.
- Soils
- National Wetlands Inventory

0 50 100
Feet

Sources: ESRI Aerial Basemap, USDA NRCS Soils 2018, USFWS NWI 2019

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

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St. Augustine, FL 32084
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Soils / National Wetlands Inventory Map

Saltwater Cowboys

Project: 5.21247 Date: Jun 13 2023

St. Johns County, Florida

Figure: 2



Legend

- Subject Property +/- 2.33 ac.
- Residential, Medium Density (FLUCFCS 120) +/- 1.03 ac.
- Commercial and Services (FLUCFCS 140) +/- 0.29 ac.
- Saltwater Marsh (FLUCFCS 642) +/- 0.77 ac.

0 50 100
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

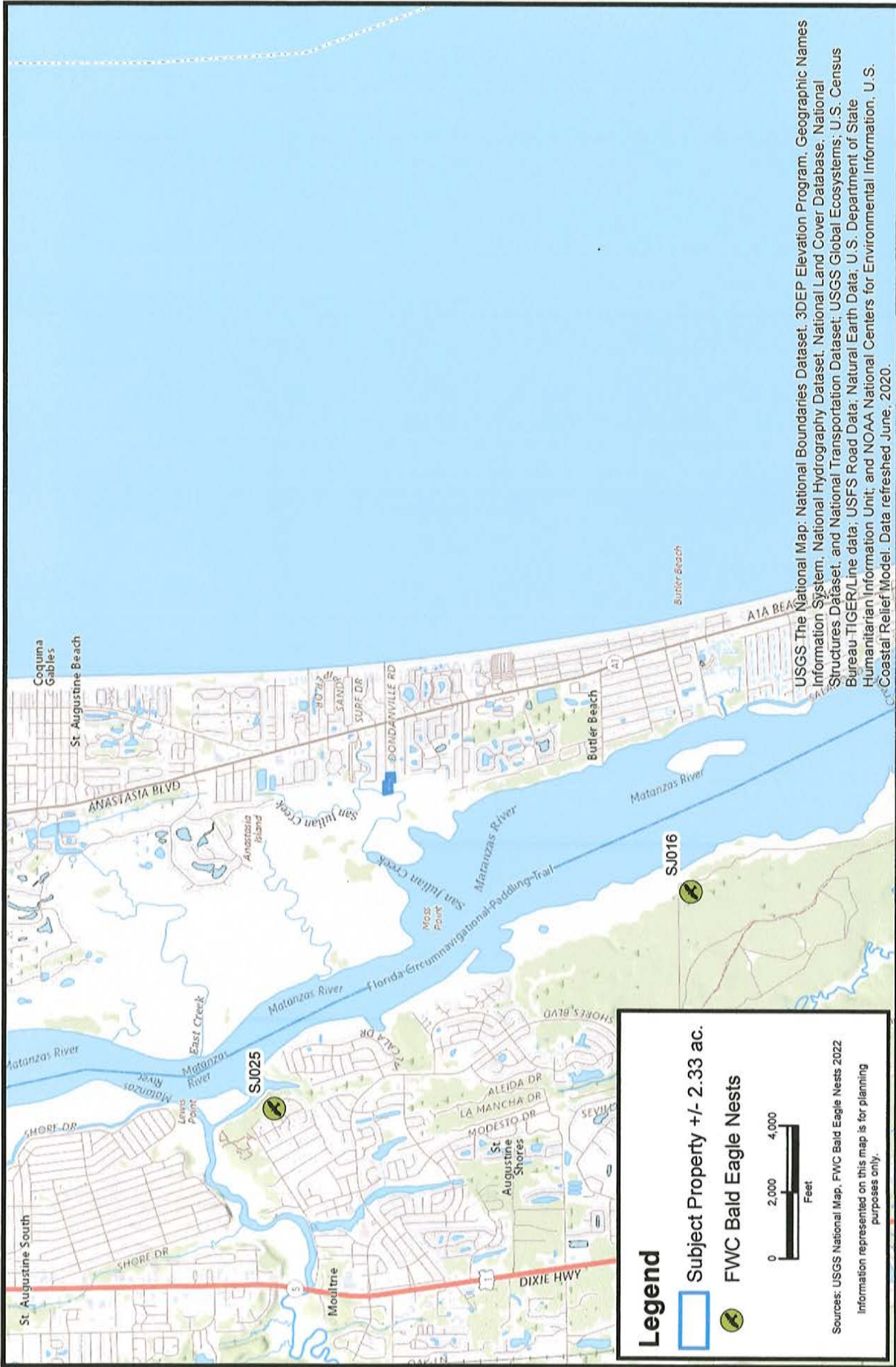
	FLUCFCS Map Saltwater Cowboys	Figure: 3
	St. Johns County, Florida	Date: Jun 13 2023
		Project: 5.21247

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oes

42 Masters Drive
St. Augustine, FL 32084
904-540-1766

www.carterenv.com



USGS The National Map: National Boundaries Dataset; 3DEP Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2020.

Legend

 Subject Property +/- 2.33 ac.

 FWC Bald Eagle Nests



Sources: USGS National Map, FWC Bald Eagle Nests 2022
 Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

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

**Eagle Nest Map
 Saltwater Cowboys**

St. Johns County, Florida

Project 5.21247

Date: Jun 13 2023

Figure: 4





Florida Natural Areas Inventory Biodiversity Matrix Query Results

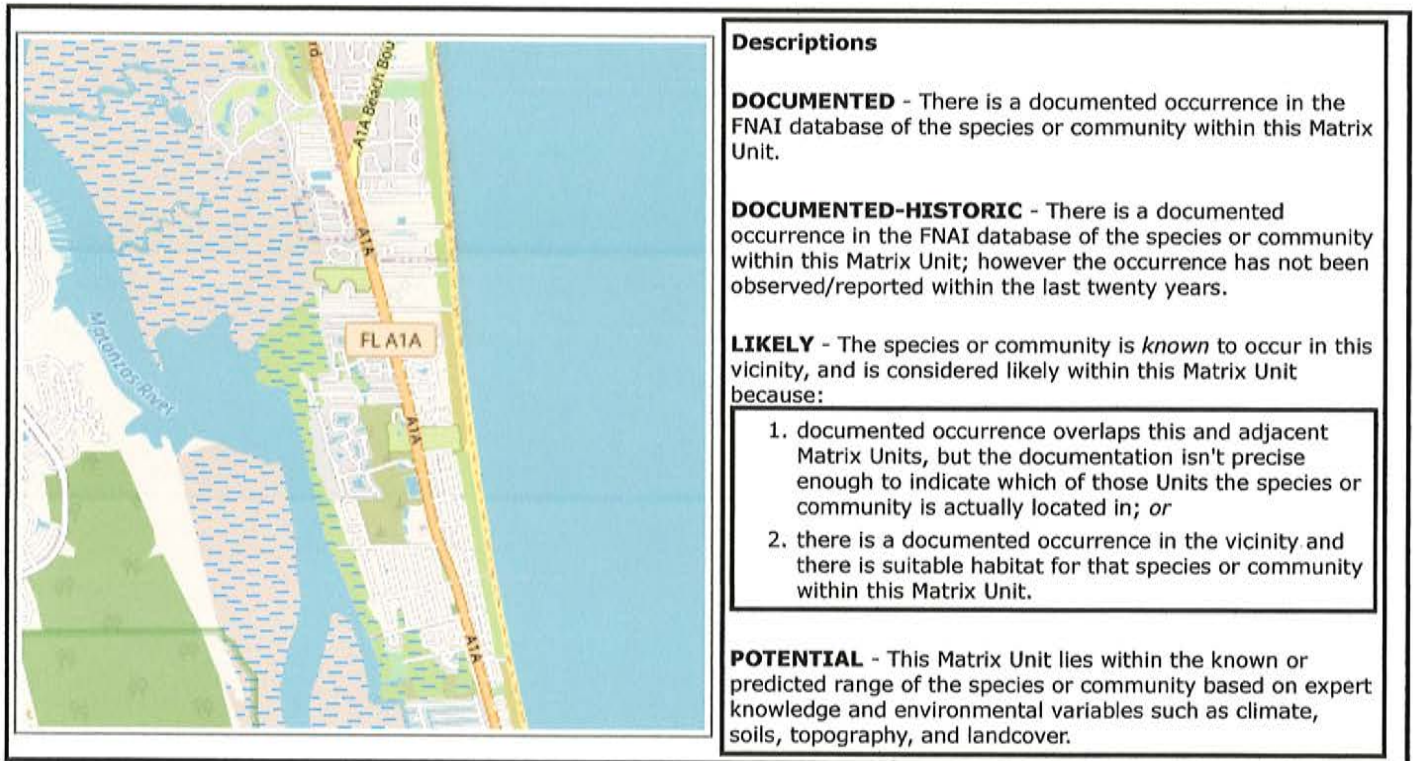
UNOFFICIAL REPORT

Created 8/15/2022

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NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 48883



Matrix Unit ID: 48883

1 Documented Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
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Matrix Unit ID: 48883**21 Potential** Elements for Matrix Unit 48883

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
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Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
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Litsea aestivalis pondspice	G3?	S2	N	E
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Nolina atopocarpa Florida beargrass	G3	S3	N	T
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Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

**ATTACHMENT TWO
SPECIMEN TREE INFORMATION
Sunset View PUD**



42 Masters Drive, St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

June 15, 2023

BY EMAIL:
taylorplanner@bellsouth.net

Karen Taylor
77 Saragossa Street
St. Augustine, FL 32084

RE: **Sunset View: Potential Specimen Tree Evaluation**
St. Johns County, FL 32080 (PID No. 1757200230)

Dear Lee,

Thank you for contacting Carter Environmental Services (CES). We appreciate the opportunity to be of service to you. At your request, we visited the referenced property June 14, 2023, to evaluate a potential specimen tree identified on a PDF survey. The findings of our assessment are summarized in the below table.

ID	SURVEY DESCRIPTION	DBH	SPECIES	CROWN SPREAD NORTH	CROWN SPREAD EAST	CROWN SPREAD SOUTH	CROWN SPREAD WEST	MEAN CROWN SPREAD	CROWN SCORE	CIRCUM	HT	TREE SCORE
1	50" Live Oak	53	Live Oak	27	18	60	39	39	9.75	166.50	65	241.25

Conclusion:

Based on our evaluation findings the tree in question does not qualify as a specimen tree as defined in the St. Johns County land development code, Article IV. Live Oak tree scores must equal **261** (50% of the score of the state champion tree) or greater, to qualify for specimen tree protections.

Please feel free to give me a call if you have any questions or need additional information.

Sincerely,

Chris Walls
ISA Certified Arborist® FL-9985A





42 Masters Drive, St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

September 30, 2022

BY EMAIL:

around366@gmail.com

Lee Shu
701 Anastasia Blvd.
St. Augustine, FL 32080

RE: Cowboys Properties: Potential Specimen Tree Evaluation
St. Johns County, FL 32080 (PID No. 1757200230)

Dear Lee,

Thank you for contacting Carter Environmental Services (CES). We appreciate the opportunity to be of service to you. At your request, we visited the referenced property September 7, 2022 to evaluate a potential specimen tree identified on a PDF survey, which was provided to us via email from Maverick Engineering 8/31/2022. The findings of our assessment are summarized in the below table.

SURVEY DESCRIPTION	DBH	SPECIES	CROWN SPREAD NORTH	CROWN SPREAD EAST	CROWN SPREAD SOUTH	CROWN SPREAD WEST	MEAN CROWN SPREAD	CROWN SCORE	CIRCUM	HT	TREE SCORE
50" OAK	81	Live Oak	31	13	56	25	34.5	8.63	254.47	49	312.09

Conclusion:

Based on our evaluation findings the tree in question does qualify as a specimen tree as defined in the St. Johns County land development code, Article IV. Live Oak tree scores must equal **261** (50% of the score of the state champion tree) or greater, to qualify for specimen tree protections.

Please feel free to give me a call if you have any questions or need additional information.

Sincerely,




Tyler Mosteller, CWB®
ISA Certified Arborist® FL-9559A





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Subject Property +/- 2.33 ac.
-  Non Specimen Tree
-  Specimen Tree

0 50 100
Feet

Sources: ESRI Aerial Basemap, USDA NRCS Soils 2018, USFWS NWI 2019

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

OES

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

Specimen Tree Assessment Map
Saltwater Cowboys
St. Johns County, Florida

Project: 5.21247 Date: Jun 15 2023




Figure: 2

ATTACHMENT THREE
FDEP PERMIT
Sunset View PUD



**FLORIDA DEPARTMENT OF
Environmental Protection**

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Hanjing Shu
701 Anastasia Boulevard
St. Augustine, Florida 32080, St. Johns County
Around366@gmail.com

Shu Bulkhead

Authorized Agent:

Michael Carpenter
42 Masters Drive
St. Augustine, Florida 32084
MCarpenter@CarterEnv.com

Environmental Resource Permit

State-owned Submerged Lands Authorization – Not Applicable

U.S. Army Corps of Engineers Authorization – Not Included

St. Johns County
Permit Number: 55-0435256-001-EI

Permit Issuance Date: July 27, 2023
Permit Construction Phase Expiration Date: July 27, 2028

Environmental Resource Permit

Permittee: Hanjing Shu
Permit No: 55-0435256-001-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 283 Dondanville Road (Parcel ID: 1757650000), St. Augustine, Florida 32080, in Section 15, Township 8 South, and Range 30 East in St. Johns County at Latitude (DMS): 29°, 48', 53.91" North and Longitude (DMS): -81°, 16', 26.92" West.

PROJECT DESCRIPTION

The permittee is authorized to construct a vertical bulkhead within the landward extent of San Julian Creek, a Class II Florida Waterbody. This activity includes the construction of 155 linear feet of bulkhead to be placed at the upland-wetland line. The bulkhead will be 6 inches wide and 2.5 feet tall to reach the height of the existing grade. The proposed bulkhead will have 175 cubic yards of backfill placed in the uplands to reach the existing grade of the upland property so stormwater will not be drastically redirected. The proposed bulkhead will follow the existing contours of the upland property. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Shu Bulkhead

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21 F.A.C.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

(<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

SPECIFIC CONDITIONS

1. The limits of surface waters and wetlands are delineated on the approved plans. The limits of wetlands as delineated on these plans are only binding for a period of five years from the date of issuance of this permit, provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Part IV, Chapter 373, F.S., will not be considered as altering the boundary for the purposes of this condition.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

2. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

3. This permit does not authorize the removal of any vegetation within the jurisdictional area. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within the wetlands other than that performed within the specifically authorized work corridor.
4. Outside the specific limits of construction authorized by this permit, any disturbance of or damage to wetlands shall be corrected by restoring pre-construction elevations as to maintain natural hydrology, drainage patterns, and planting vegetation of the same species, size, and density that exist in adjacent undisturbed wetland areas.
5. The project shall comply with applicable State Water Quality Standards, namely:
 - a. Surface Waters, Minimum Criteria, General Criteria – Rule 62-302.500, F.A.C.
 - b. Class II Waters – Shellfish Propagation or Harvesting – Rule 62-302.400, F.A.C.
6. There shall be no storage or stockpiling of tools, equipment, materials (e.g., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.

SPECIFIC CONDITIONS - MANATEE

7. The Standard Manatee Construction Conditions for In-water Work (2011) must be followed for all in-water activity.

SPECIFIC CONDITIONS - OTHER LISTED SPECIES

8. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, Florida Fish and Wildlife Conservation Commission (FWC) staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to ConservationPlanningServices@MyFWC.com.
 - a. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures,

reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

- b. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).21.
9. The permittee shall comply with the following protected species construction conditions:
- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
 - b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
 - c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
 - d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
 - e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
 - f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
10. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields. Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- a. Approach (including by interception) within 500 yards (460 m) of a right whale by vessel; and
- b. Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.

SPECIFIC CONDITIONS – SHORELINE STABILIZATION

11. This permit does not authorize the construction of additional structures not illustrated on the permit drawings.
12. An interior silt screen shall be in place prior to the placement of any backfill material.
13. The backfill shall be placed in a manner which does not change existing drainage patterns or redirect additional stormwater to adjacent properties.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

14. The permittee shall be responsible for daily inspection of all measures of best management practices during all phases of construction authorized by this permit.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;

- b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Katie Sula Miller
Permitting Program Administrator

KSM/th/kym:am

Attachments:

- Project Drawings and Design, 5 pages
- Standard Manatee Construction Conditions 2011
- Construction Commencement Notice/Form 62-330.350(1)
- Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit/Form 62-330.310(3)
- Request to Transfer Permit/Form 62-330.340(1)

Copies furnished to:


- Michael Carpenter, Environmental Consultant, MCarpenter@CarterEnv.com
- Katie Miller, FDEP NED
- Paul Duff, FDEP NED
- Shannon Taylor, FDEP NED
- Khristian Mangahas, FDEP NED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on July 27, 2023, to the above listed persons.

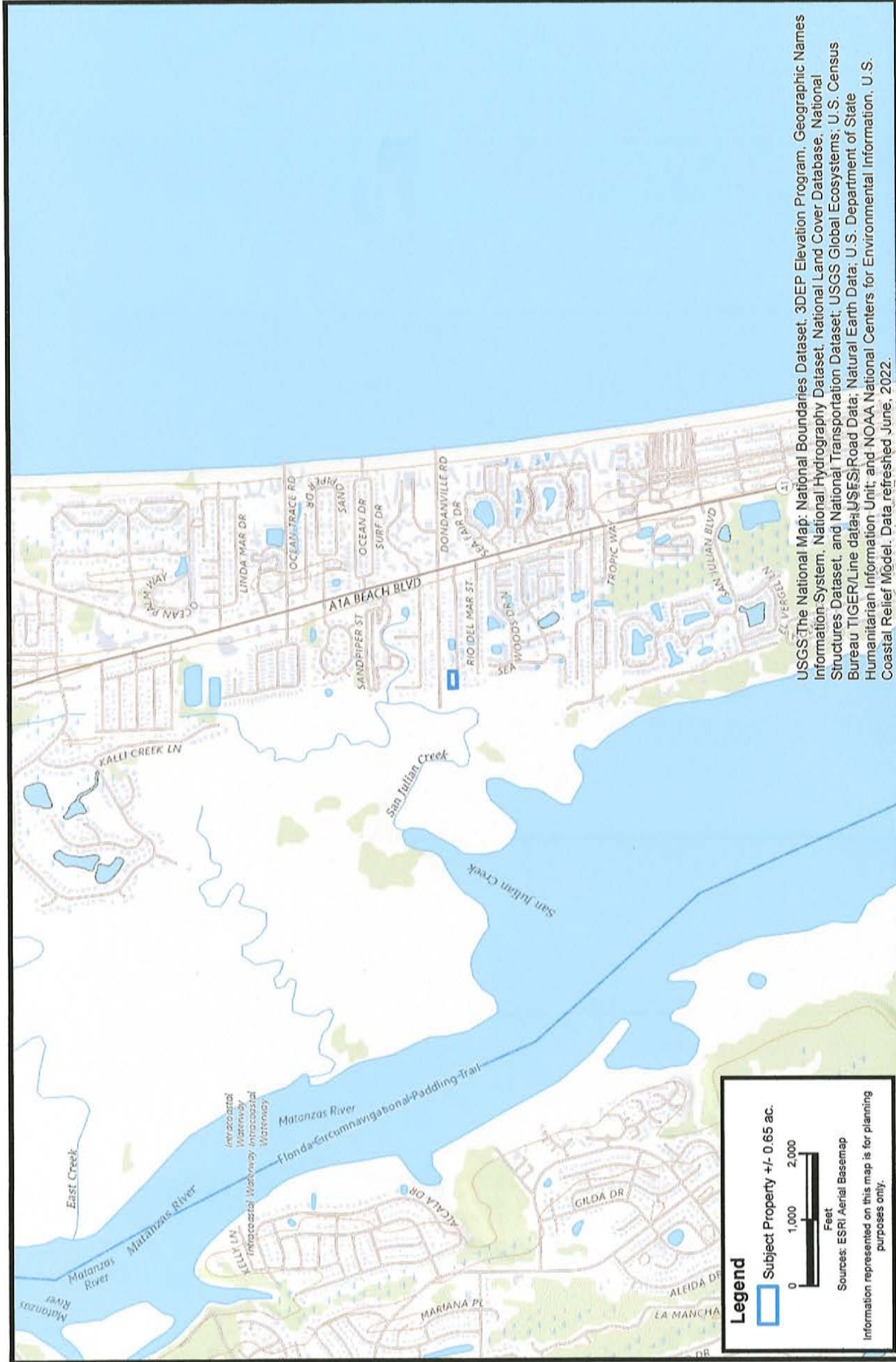
FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

July 27, 2023
Date



USGS: The National Map; National Boundaries Dataset; 3DEP Elevation Program; Geographic Names Information System; National Hydrography Dataset; National Land Cover Database; National Structures Dataset; and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2022.

Legend

Subject Property +/- 0.65 ac.

0 1,000 2,000
Feet

Sources: ESRI Aerial Basemap


Information represented on this map is for planning purposes only.


<p>Location Map</p> <h2 style="margin: 0;">283 Dondanville Road</h2> <p style="margin: 0;">St. Johns County, Florida</p>	<p>Date: May 16 2023</p> <p>Figure: 1</p>
<p>Project: 5.21247</p>	
<p>CARTER ENVIRONMENTAL SERVICES, INC.</p> <p>CES</p> <p>42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com</p>	



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

 Subject Property +/- 0.65 ac.

 Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



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

Current ESRI Aerial

283 Dondanville Road

St. Johns County, Florida

Project: 5.21247

Date: May 16 2023


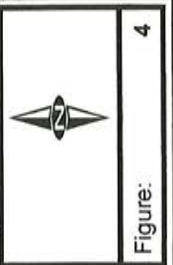
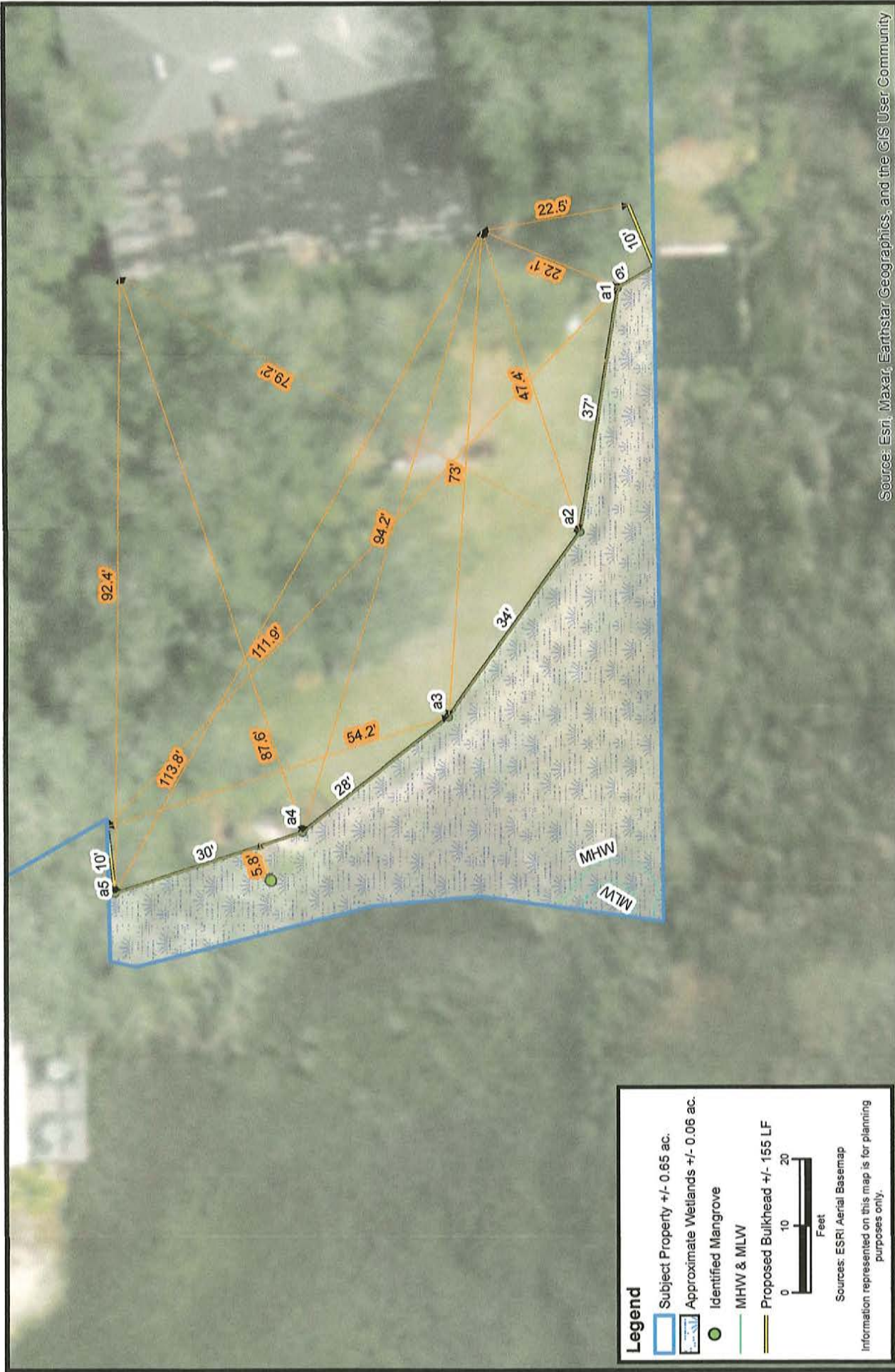


Figure: 2



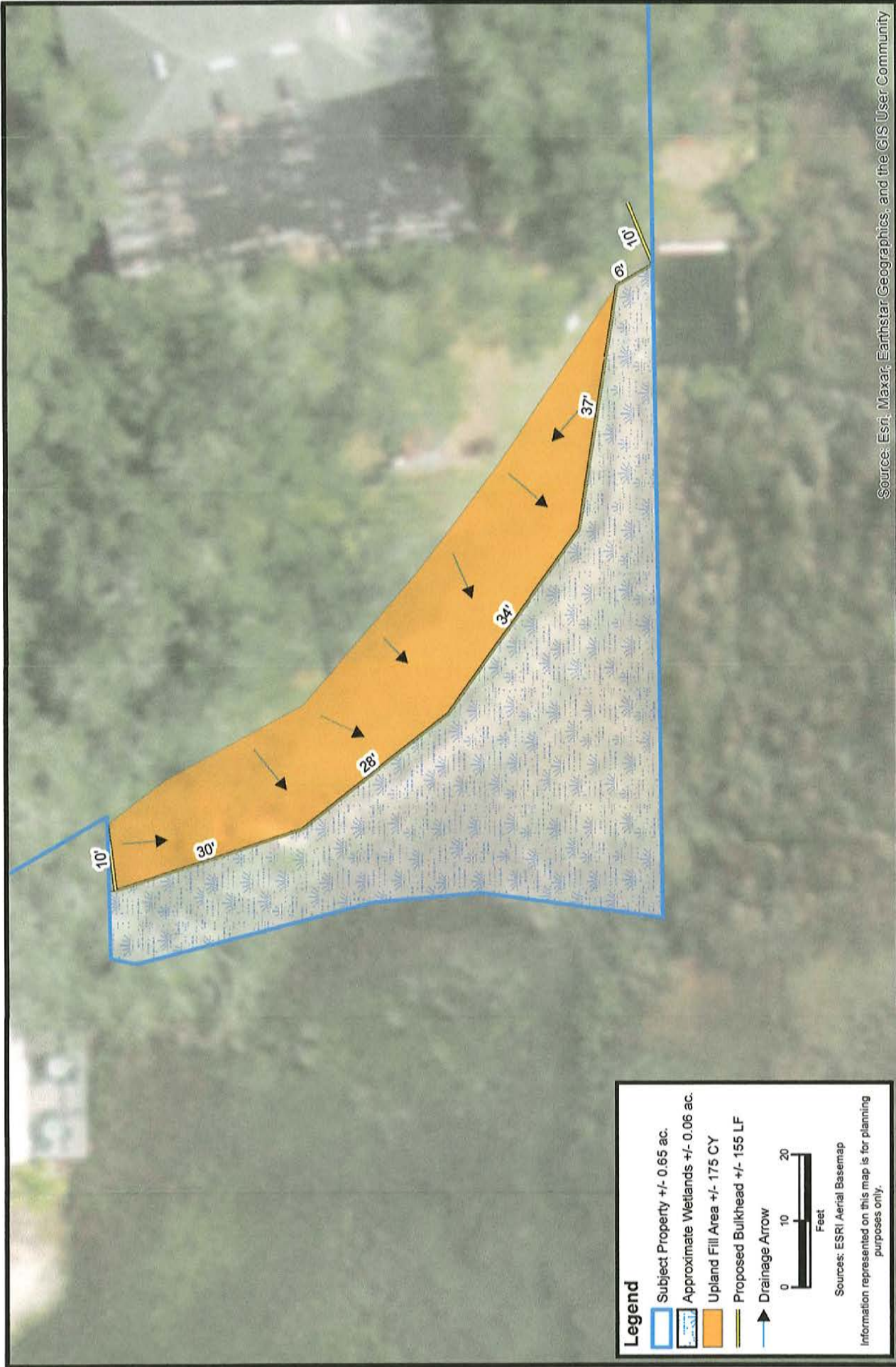
Proposed Dimensions
283 Dondanville Road

Project: 5.21247 Date: Jul 07 2023

St. Johns County, Florida

Figure: 4

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



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community







 Figure: **5**


Proposed Grading and Fill
283 Dondanville Road
 St. Johns County, Florida
 Date: May 16 2023

Project: 5.21247
CARTER ENVIRONMENTAL SERVICES, INC.

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

Legend

-  Subject Property +/- 0.65 ac.
-  Approximate Wetlands +/- 0.06 ac.
-  Upland Fill Area +/- 175 CY
-  Proposed Bulkhead +/- 155 LF
-  Drainage Arrow


 0 10 20
 Feet

Sources: ESRI Aerial Basemap
 Information represented on this map is for planning purposes only.

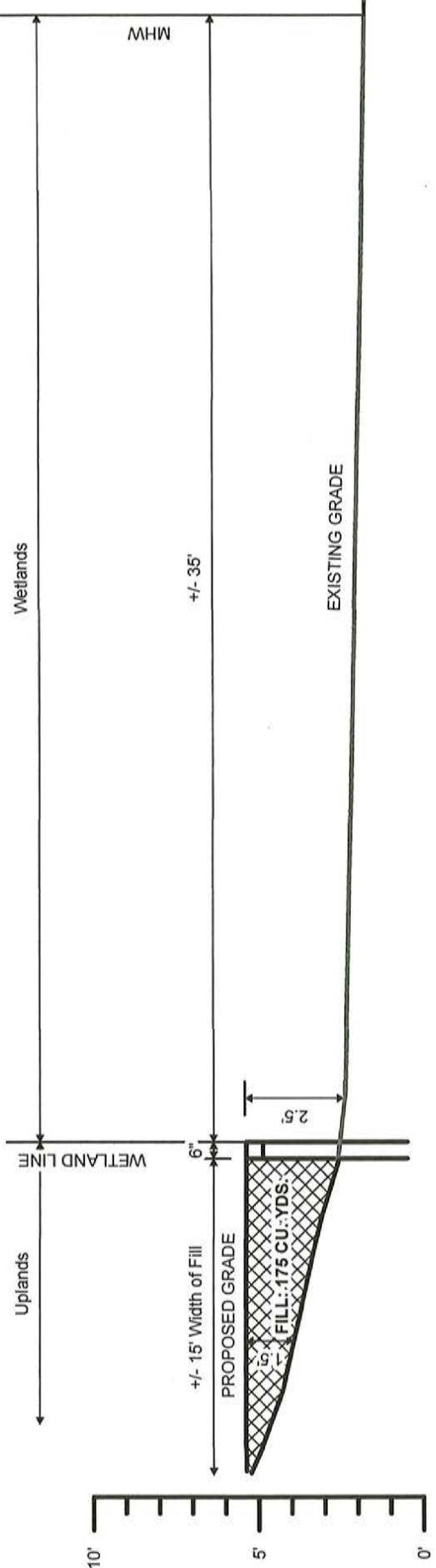


Figure: 6

Proposed Profile View
283 Dondanville Road

Date: Jul 07 2023

St. Johns County, Florida

Project: 5.21247

CARTER ENVIRONMENTAL SERVICES, INC.



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

www.carterenv.com

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



COMMENCEMENT NOTIFICATION

Within 10 days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

1. **Department of the Army Permit Number:** SAJ-2015-2575, SPGP VI

FDEP or Designee Permit Number: _____

2. **Permittee Information:**

Name: _____

Email: _____

Address: _____

Phone: _____

3. **Construction Start Date:** _____

4. **Contact to Schedule Inspection:**

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit

Instructions: This form is intended to be used solely by or for the permittee of a private single-family dwelling unit, duplex, triplex, or quadruplex that is not part of a larger plan of development proposed by the applicant/permittee. **Complete the information on this form, sign at the bottom of Page 2, and submit this form within 30 days of the inspection.**

Permit No.:

Application No.:

Name of Permittee:

Location of Project:

I Hereby Certify That (please check only one box):

- The undersigned hereby certifies that all components of the project **authorized by the above permit have been conducted and/or built substantially in accordance with the terms and conditions of the permit**, that the project is functioning as permitted, and that the project is ready for inspection. Any minor deviations (noted below) from the permit will not prevent the project from functioning and operating as designed, subject to routine custodial maintenance. This certification is based upon on-site inspection of the project conducted by me or my designee under my direct supervision and my review of the permit. If the undersigned is not the permittee, I further certify that I am acting for, and on behalf of, the permittee.

Upon receipt of this form, and verification by the Permitting Agency that any modifications are noted, the construction phase of this permit shall automatically convert to an operation and maintenance phase.

- The undersigned hereby certifies that I or my designee under my direct supervision has inspected the project located at the above location and have determined that the project **does NOT appear to have been built or conducted substantially in accordance with the permit** or is not functioning in accordance with the requirements of the permit. One of the following applies:
- The project was constructed or conducted with substantial design changes that are not in conformance with the permit (attach description and permit drawings showing all changes), and either:
- I, the permittee, am aware that additional work is required to bring the project into compliance with the terms and conditions of the permit; or
 - I, the agent inspecting the project on behalf of and for the permittee, have informed the permittee of the following:
 - (a) That the project does not appear to be functioning properly; and
 - (b) That additional construction or work is required to bring the project into compliance.



The following components of the project do not appear to be functioning properly (attach additional pages if needed):

Any components of the project that are not in conformance with the permit must either be brought into compliance with the permit within 30 days of the inspection, or the permittee must request a modification of the permit in accordance with Rule 62-330.315, F.A.C., within 30 days of the inspection. If the modification request is not approved, the components of the project that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S. If modifications are approved and implemented by the permittee, the permittee shall resubmit this form within 30 days of completion of the remedial work on the permitted project.

Name of Inspector: _____ who is: the permittee; the agent for the permittee

Company Name (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Signature of Inspector _____ Date: _____

If at any time the Permitting Agency determines that the above project was not built or conducted in conformance with the terms and conditions of the permit, the permittee shall be subject to enforcement by the Permitting Agency for all measures required to bring the project into compliance with the permit. The permittee shall remain liable for ensuring that the project remains in full and complete compliance with the terms of the permit for the life of the system, unless such permit is transferred in accordance with Rule 62-330.340, F.A.C.

Enclosures:

- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other

Section 3. To the extent that there are typographical, scrivener, or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Amendment may be revised without subsequent approval by the Board of County Commissioners.

Section 4. The Clerk of Court is instructed to file the License Agreement in the Clerk's Office.

PASSED AND ADOPTED this 7th day of December, 2021.

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

BY: Henry Dean
Henry Dean, Chair

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

RENDITION DATE DEC 9 2021

Robin L. Platt
Deputy Clerk



**ATTACHMENT ONE
PARKING AGREEMENT RESOLUTION 2021-508
Sunset View PUD**

RESOLUTION NO. 2021- 508

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A LICENSE AGREEMENT FOR USE OF A PORTION OF COUNTY RIGHT OF WAY ON DONDANVILLE ROAD.

RECITALS

WHEREAS, the County and S.W. Cowboy, Inc. ("Cowboys") entered into a Lease on April 28, 1981 for use of a portion of County right of way on Dondanville Road to be used as a parking lot; and

WHEREAS, Cowboys has entered into a Purchase & Sale Agreement for sale of their restaurant at 299 Dondanville Road, with closing scheduled for December 15, 2021. The Buyer, Leeallway LLC, has requested use of this right of way and has submitted a License Agreement, attached hereto as Exhibit "A," incorporated by reference and made a part hereof; and

WHEREAS, this 60-foot strip of County right of way, contiguous to Buyer's property, will be used as a public parking lot; and

WHEREAS, licensing of the right of way is conditioned upon Buyer's acquisition of the restaurant located at 299 Dondanville Road, and Buyer's ability to obtain all requisite local, state and federal licenses, permits, and/or other necessary approvals; and

WHEREAS, Buyer has agreed to pay \$750.00 per month or \$9,000 per year, including a three percent (3%) annual escalator, for use of the property as set forth in the License Agreement; and

WHEREAS, this is a revocable License Agreement and should the County determine a need for the property, the County could reclaim the property by providing one (1) year written notice; and

WHEREAS, the County has determined that executing the referenced License Agreement is in the overall best interests of the citizens of St. Johns County.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby approve the terms of the Amendment to Lease Agreement and authorize the County Administrator, or designee, to execute said Amendment.

Section 3. To the extent that there are typographical, scrivener, or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Amendment may be revised without subsequent approval by the Board of County Commissioners.

Section 4. The Clerk of Court is instructed to file the License Agreement in the Clerk's Office.

PASSED AND ADOPTED this 7th day of December, 2021.

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

BY: Henry Dean
Henry Dean, Chair

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

RENDITION DATE DEC 9 2021

Robin L. Platt
Deputy Clerk



THIS LICENSE AGREEMENT, made and executed this 13th day of December, 2021, by and between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, hereinafter referred to as the "County", and **LEEALLWAY LLC**, whose principal address is 701 Anastasia Boulevard, St. Augustine, Florida 32080, hereinafter referred to as the "Licensee".

WHEREAS, the Licensee has requested this License Agreement authorizing use of a certain public right-of-way on Dondanville Road, St. Augustine, Florida 32080, to be used as a public parking lot; and

WHEREAS, this 60' public right of way along Dondanville Road is located contiguous to Licensee's property and more particularly described on Exhibit "A", attached hereto and by reference incorporated and made a part hereof, hereinafter the "Premises"; and

NOW THEREFORE, for value received and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County does hereby grant to the Licensee, without warranty, a non-exclusive, personal and revocable license, for the temporary use of the right-of-way mentioned above, pursuant to the following conditions, provisions, and terms:

1. The recitals set forth above are true and correct and are incorporated into and made part of this License Agreement by reference.

2. License. The parties hereto mutually agree that licensing of the Premises as provided herein is conditioned upon Licensee's acquisition of the restaurant located at 299 Dondanville Road, and their ability to obtain all requisite local, state and federal licenses, permits, and/or other necessary approvals including without limitation applications for zoning variances, zoning ordinances, amendments, special use permits and construction permits (collectively "Government Approvals") no later than one hundred twenty (120) calendar days following full execution of this Agreement. County authorizes Licensee, at Licensee's sole cost and expense, to prepare, execute and file all required applications to obtain Government Approvals. County agrees to reasonably assist Licensee with Licensee's applications for the Government Approvals, however assumes no responsibility for obtaining and/or maintaining any such Government Approvals.

3. Term. To use above-described Premises for an initial term of five (5) years, commencing December 15, 2021 (Commencement Date) and expiring December 14, 2026. Upon expiration of the initial term of this License Agreement, or any extension provided for hereafter, and provided Licensee is not then in default of this License Agreement, Licensee shall have the option to renew this License Agreement for up to five (5) additional terms of five (5) years each, not to exceed thirty (30) years or until December 14, 2051. This License Agreement

shall automatically renew for each successive five (5) year term, on the same terms and conditions as contained herein, providing that neither party notifies the other in writing of intent not to accept such extension at least one (1) year prior to the end of the then current term.

4. License Fee. An annual licensing fee, payable in twelve (12) equal monthly payments, plus applicable sales tax, shall be due and payable from Licensee no later than the fifteenth day of each month. Upon any extension of the License Agreement as provided for herein, the licensing fee shall increase annually on the anniversary of the Commencement Date by an amount equal to three percent (3%) of the fee paid during the previous year. A late fee in the amount of five percent (5%) shall be assessed against any monthly licensing payment not made within 15 days of the due date. Lessee agrees to pay the County according to the following schedule:

<u>Start Date</u>	<u>End Date</u>	<u>Annual Fee</u>	<u>Monthly Fee</u>
12/15/2021	12/14/2022	\$ 9,000.00	\$750.00
12/15/2022	12/14/2023	\$ 9,270.00	\$772.50
12/15/2023	12/14/2024	\$ 9,548.10	\$795.67
12/15/2024	12/14/2025	\$ 9,834.54	\$819.54
12/15/2025	12/14/2026	\$10,129.58	\$844.13

5. Non-exclusive Use. Although the Licensee may enter and use the subject Premises as a public parking lot, the Licensee shall not be in possession of the Premises. The County shall possess and otherwise control all aspects of use of the Premises. This license shall be non-exclusive and Licensee will allow the continuance of any use or access by the general public and the County, which have become customary on the Premises. Moreover, Licensee agrees to allow the County to grant any easement it deems appropriate during the period of this license that burden the same Premises, so long as such easement does not substantially prevent Licensee's intended use of the Premises for more than thirty (30) continuous days.

6. Use of Property. This License Agreement permits forty-five (45) parking spaces along either side of Dondanville Road sixty foot (60') right-of-way, each parking space being 18' x 24'. Licensee may also plant shrubs and lay coquina shell along said right-of-way, and establish planting areas and erect lighting fixtures. Licensee shall not use any fertilizer or herbicide to maintain existing vegetation or establish/maintain plantings. Only the mechanical removal of vegetation is permitted. Licensee shall not charge restaurant patrons a parking fee and will insure that no vehicle remains parked in the right-of-way more than three and a half (3.5) hours during a 24-hour period.

7. Assignment. Licensee shall have the right to assign this License Agreement, with prior written consent of the County (which consent shall not be unreasonably denied), provided any assignment shall fully bind Assignee to the terms and conditions of this Agreement as a successor Licensee.

8. Condition of Property. Licensee acknowledges that they have inspected the Premises and accept the License Agreement as-is with full knowledge of the condition of the

Premises. The County makes no representations to Licensee with respect to the Premises other than those set forth in this License Agreement.

9. Licensee's Obligations.

- a. All improvements placed on the premises shall become the property of the County upon termination of this License Agreement or any renewal thereof. However, the County may at its option, require the Licensee, at Licensee's sole cost and expense, to remove any or all of said improvements, and to restore the premises to its original condition upon termination or expiration of this License Agreement, or any renewal thereof.
- b. Licensee agrees that they shall be responsible for the grading, maintenance, repair, and replacement of the parking area, any related improvements, and all landscaping on the premises. Licensee shall not use any fertilizer or herbicide to maintain existing vegetation or establish/maintain plantings. Only the mechanical removal of vegetation is permitted. Licensee shall keep the premises in good condition and repair and in compliance with all applicable laws, rules, regulations and ordinances, in their use and operation of the right-of-way.
- c. Licensee shall not use said premises in any manner that will obstruct or interfere with or encroach on the walks or approaches to said premises.
- d. The Licensee shall make no improvements to the subject Premises, except routine maintenance, without the prior written permission of the County. The Licensee shall make no improvements, or rely on the use of the Premises in any way, which would make this License irrevocable. The Licensee specifically hereby waives making any argument or claim that this License is irrevocable.
- e. The Licensee shall not be permitted to make or suffer any waste or unlawful, improper or offensive use of Premises.
- f. The Licensee shall not make any unlawful, immoral, improper or offensive use of the Property nor allow its employees, agents, invitees or guests to utilize said Property for any purpose other than that herein.
- g. The Licensee agrees to be responsible for the payment of any taxes that may be determined to be owed or incurred, now or in the future, as a result of the parties entering into this License Agreement.
- h. The Licensee shall conform to and comply with all laws, orders and regulations of the federal, state, county and municipal governments and all of their departments and bureaus.

- i. Notwithstanding any other provision of this license, the Licensee hereby releases any rights they have in regards to the coupling of this license with an interest, other than the rights granted in this License Agreement.

10. Right of Entry by County. The County and its agents, servants, and employees shall have and hereby reserve their right and privilege, at all reasonable times during the term of this license, to enter said Premises to examine and inspect the same. The Licensee shall not cause or permit any use of the Premises for other than those uses specifically provided for in this License.

11. Indemnification. The Licensee, in consideration for the use of the Premises, does hereby release and discharge and further will indemnify and save harmless the County from any and all claims for personal injuries or property damages during the existence of this License, arising in any manner by virtue of the use or occupancy of such premises by the Licensee, or agents or invitees of the Licensee, and that the Licensee does hereby further agree to indemnify and save harmless the County from liability for damage, injury or death to any person or persons arising out of the use of said property, or from the lack of keeping same in good repair and order, or from the negligent operation of same, or for any other cause for any nature whatsoever, provided such damage, injury or death is not due to County's own negligence. This provision shall survive expiration or termination of this Agreement. The parties acknowledge that specific consideration has been exchanged for this provision.

12. Insurance. Licensee shall be responsible for insuring this site and will maintain, at Licensee's sole expense, comprehensive or commercial general liability insurance for this site for the duration of this License Agreement. The County shall be named as an additional insured on the Licensee's liability policy. The Licensee, at its own expense, shall keep in force and at all times maintain during the term of this Agreement:

a. General Liability Insurance: General Liability Insurance issued by responsible insurance companies and in a form acceptable to the Licensor, with combined single limits of not less than One Million Dollars (\$1,000,000) for Bodily Injury and Property Damage per occurrence, \$2,000,000 aggregate, and Fire damage liability insurance in the minimum amount of \$50,000 per occurrence.

b. Workers' Compensation Coverage: Full and complete Workers' Compensation coverage, as required by State of Florida law, shall be provided.

c. Insurance Certificates: The Licensee shall provide the County with Certificate(s) of Insurance on all the policies of insurance and renewals thereof in a form(s) acceptable to the County. The certificates will be filed with the St. Johns County Real Estate Division prior to occupancy of the Property. Said liability policies shall provide that the County be an additional insured.

Certificate Holder Address: St. Johns County, a political subdivision of the State of Florida
500 San Sebastian View
St. Augustine, FL 32084

The County shall be notified in writing of any reduction, cancellation or substantial change of policy or policies at least thirty days (30) prior to the effective date of said action.

d. All insurance policies shall be issued by responsible companies acceptable to the Licensor and licensed and authorized under the laws of the State of Florida.

13. Termination.

a. If Licensee fails to comply with or abide by any term, provision or stipulation in this license, and such default continues for sixty (60) days after receipt of written notice of default, the County may terminate this license and terminate Licensee's use of said Premises due to Licensee's failure to comply with the terms of this license.

b. If sometime in the future, the County determines that, in its sole discretion, the licensed portion of the property is needed for another public purpose, the County agrees to give one (1) year written notice to the Licensee, without further liability between the parties except as expressly and specifically provided for in this license. The foregoing notice requirement shall not apply in the event the Premises are needed for disaster relief purposes as a result of a declared state of emergency by any unit of federal, state, or local government. In such event, the County shall provide the Licensees with as much notice as is reasonably practicable under the circumstances, and this license shall be suspended only for the duration of the emergency.

c. The waiver of County of any such breach hereof on the part of the Licensees, or any time or from time to time, shall not be deemed, held, or construed as a waiver of any subsequent breach, or imply any further indulgence.

d. Licensee reserves the right to terminate this license by giving the County a sixty (60) day written notice advising of such unsuitability and electing to terminate this License Agreement at the end of the 60-day period.

14. Notice. Notice under this Agreement shall be given to the COUNTY by mailing written notice postage prepaid to:

County: St. Johns County
Real Estate Division
500 San Sebastian View
St. Augustine, FL 32084

Licensee: Leeallway LLC
701 Anastasia Boulevard
St. Augustine, FL 32080

15. No Recording. This License shall not be recorded in the official records of St. Johns County, Florida by either party.

16. No Interest in the Premises. This License is the grant of a personal right to the Licensee. This License shall not be construed to create any real property interest in the Premises.

17. Acceptance. This License Agreement constitutes the entire agreement between the County and the Licensee and supersedes all prior arrangements and understandings whether written or oral relative to the subject matters thereof. Except as otherwise specifically set forth in this Agreement, neither party makes any representation or warranty, express or implied, statutory or otherwise to the other. This Agreement may not be amended or modified except by a written instrument executed by both parties.

18. Construction of Agreement. The parties hereby acknowledge that they fully reviewed this Agreement, its attachments, and had the opportunity to consult with legal counsel of their choice, and that this Agreement shall not be construed against any party as if they were the drafter of this Agreement.

19. Governing Law and Venue. This License Agreement shall be construed in accordance with the laws of the State of Florida. Venue for any legal, equitable, or administrative dispute arising in connection with this License Agreement shall lie exclusively in St. Johns County and any trial shall be non-jury. Should any such dispute arise, the prevailing party shall be entitled to receive reasonable costs and attorney's fees incurred in connection with the dispute.

20. Severability. If any part of this License Agreement, or any application thereof, is declared invalid for any reason, then such part, or the proscribed application, shall be severable, and the remaining portions of this License Agreement, and all applications thereof, not having been declared invalid shall remain in effect.

21. Non-waiver. The execution of this license Agreement shall not constitute a waiver by either party hereto of any right or claim of right to the subject lands or to use the subject lands.

THE REMAINDER OF THIS PAGE PURPOSELY LEFT BLANK.

IN WITNESS WHEREOF, the undersigned parties have executed this License Agreement on the day and year first above written.

ST. JOHNS COUNTY, FLORIDA
A political subdivision of the State of Florida

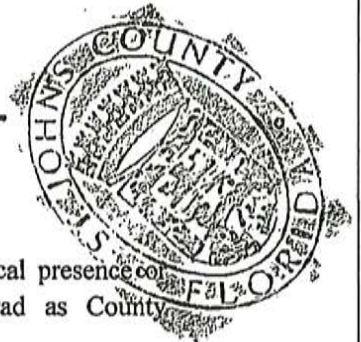
By: Hunter S Conrad 12/13/21
Hunter S. Conrad, County Administrator

ATTEST: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

By: Pam Halterman
Deputy Clerk

LEGALLY SUFFICIENT

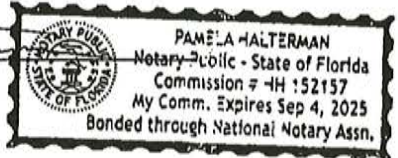
Patty
Name
Date: 12/13/21



STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of physical presence online notarization, this 13th day of December, 2021 by Hunter S. Conrad as County Administrator for St. Johns County who is personally known to me.

Pamela Halterman
Notary Public
My Commission Expires:



SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF WITNESSES:

Witness: Jayla Alley
Print Name: Jayla Alley

Witness: Sheri Lewis
Print Name: Sheri Lewis

LEEALLWAY LLC

HAJING SHA
Print Name: HAJING SHA
Title: president

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 19th day of November, 2021, by HAJING SHA as president for Leeallway LLC who is personally known to me or has produced FL FDDL as identification.

Sheri Lewis
Notary Public
My Commission Expires:

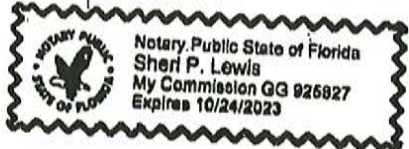
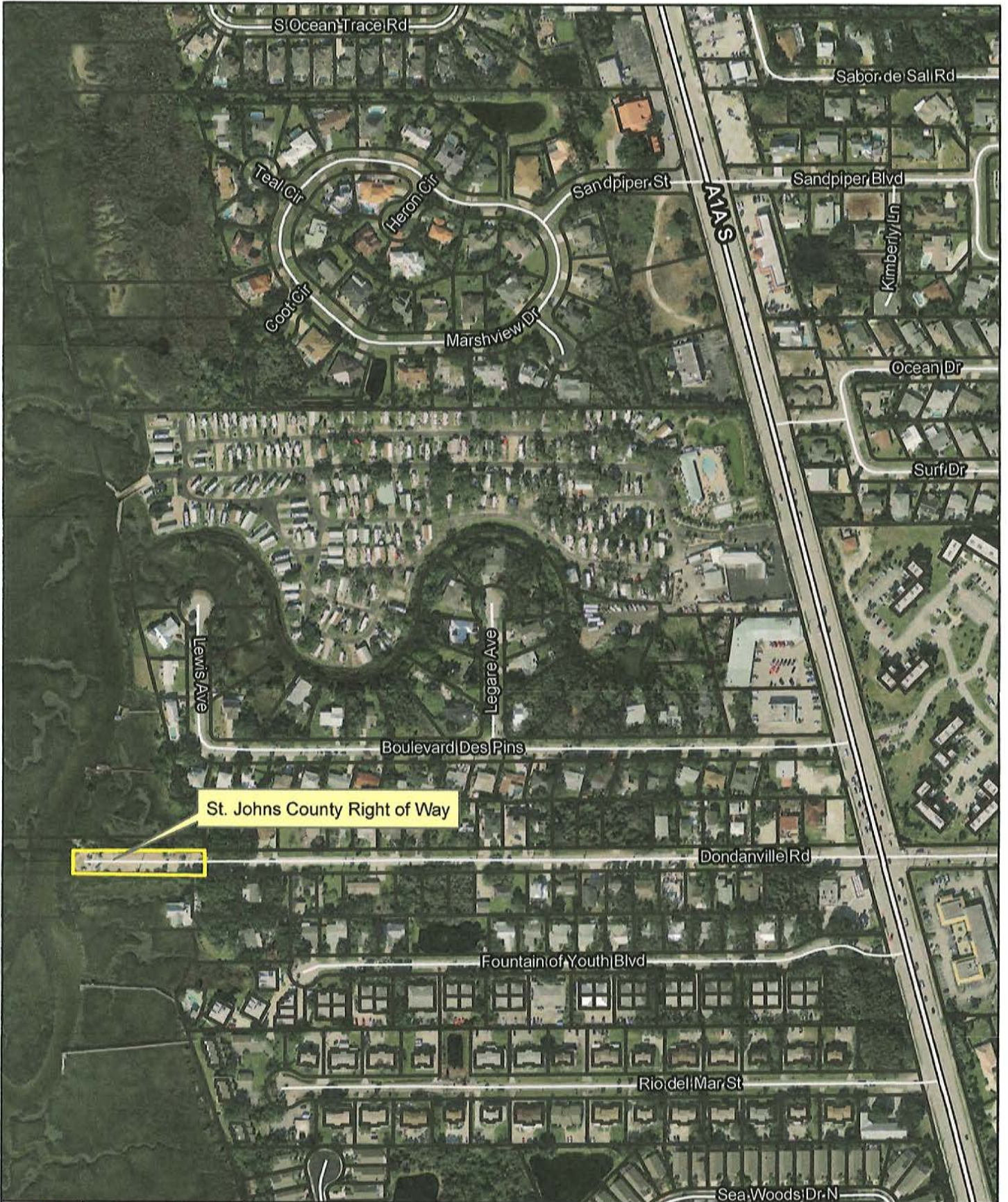


EXHIBIT "A" TO LICENSE AGREEMENT

ALL THAT PART OF DONDANVILLE ROAD, A SIXTY (60) FOOT COUNTY ROAD RIGHT-OF-WAY BEING WEST OF THE EXTENDED WEST LINE OF LOT 25, BLOCK 2, WILLIAMSON MANOR, AS IN MAP BOOK 8, PAGE 64 AND EAST OF THE WATERS OF SAN JULIAN CREEK.



2019 Aerial Imagery
 0 100 200
 Feet
 November 19, 2021

ROW License Agreement
Dondanville Road

Land Mngt. Systems
 Real Estate Division
 209-0764
 Disclaimer:
 This map is for reference use only.
 Data provided are derived from multiple
 sources with varying levels of accuracy.
 The St. Johns County Real Estate Division
 disclaims all responsibility for the accuracy
 or completeness of the data shown hereon.



EXHIBIT I
ST. JOHNS COUNTY UTILITY AVAILABILITY LETTER
Sunset View PUD



August 25, 2023

VIA Email: jeremy@mavengineers.com

Jeremy Calloway, P.E.
Maverick Engineering
10 Willow Winds Parkway
St. Johns, FL 32259

RE: Water & Sewer Availability
Sunset View PUD - 3 SFU

PIN(s): 175765 0000 & 175700 0250

Mr. Calloway:

Based on the conditions listed below, St. Johns County Utility Department (SJCUD) will be able to serve three (3) single family homes with a total anticipated water demand of 1,050 gallons per day (gpd) and wastewater flow of 840 gpd. **This letter cannot be used to obtain a building permit. A receipt of paid Unit Connections Fees (UCF) is required to obtain a building permit.**

Point of Connection - Water:

Potable water service can be provided by the CR 214 Water Treatment Plant (WTP) with connection to the existing water main along Fountain of Youth Blvd. Existing service connections may be used contingent upon the Engineer of Record (EOR) demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development. The St. Johns County Fire Department should be contacted regarding fire flow requirements for the site, and Developer must make provisions if the required flow is not available.

Point of Connection - Wastewater:

The wastewater capacity can be provided by the AI Water Reclamation Facility (WRF) with connection to the gravity sewer along Fountain of Youth Blvd. Existing service connections may be used contingent upon the EOR demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development.

Point of Connection – Reclaimed Water:

This development is located within the County's Mandatory Reclaimed Water Service Area (MRWSA) and qualifies for an exemption for reclaimed water connections pursuant to County Ordinance 2022-37. This development shall utilize an alternative water source for irrigation that is separate from the potable water distribution system. In no case shall potable water be utilized for irrigation.

Utilities

1205 State Road 16, St. Augustine, FL 32084
904.209.2700 | sjcfl.us

General Conditions:

1. If the development consists of residential rental units and/or commercial space, the on-site utilities will be privately owned and SJCUD is not responsible for maintenance.
2. Water and sewer conveyance are not absolutely guaranteed until the proposed development is issued a Concurrency Certificate. At that time, the developer must meet and agree with the SJCUD regarding any necessary infrastructure upgrades to accommodate the proposed development without affecting the existing level of services to its customers.
3. The availability of capacity will expire 180 days from the date of this letter on **February 21, 2024**. All necessary fees must be paid to guarantee a specific number of Equivalent Residential Connections pursuant to County Ordinance 2022-37.
4. Prior to submitting construction plans, please have the Engineer of Record contact SJCUD Engineering for copies of as-built information regarding the connection point and relevant Utility information related to FDEP permitting. Your Engineer and Contractor must field verify the size and location of all utilities prior to design and construction.
5. The Engineer of Record shall provide a Utility Master Plan for this development to detail the conditions generally outlined in this letter.

If you have any questions, please contact me at 904.209.2614 or tshoemaker@sjcfl.us.

Sincerely,

Teri Shoemaker

Teri L. Shoemaker, P.E.

St. Johns County Utility Department

Correspondence

Saleena Randolph

From: Stephanie Krivacek <stephaniekrivacek@gmail.com>
Sent: Tuesday, January 9, 2024 10:33 AM
To: Saleena Randolph
Subject: MADRB 2023-03 Sunset View concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Saleena Randolph, Senior Planner,

I am the homeowner of 238 Dondanville Road in St. Augustine, FL 32080 (Parcel ID 1756700000 in Williamson Manor). Due to a long-scheduled appointment at Mayo Clinic in Jacksonville, FL, I cannot attend the MADRB 2023-03 Sunset View Hearing Date on January 11, 2024. I would like to state my concerns before the hearing takes place.

There needs to be more detail in the application to PUD 2023-15 Sunset View PUD that states how pedestrian activity will be encouraged through design and signage control. Dondanville Road West in St. Augustine has a documented history of speeding activity and a recent pedestrian fatality. Outside of the SaltWater Cowboys billboard just north of Dondanville Rd., there is no other signage to help guide pedestrians to their destination on the street, creating a headache for homeowners who regularly face tourists doing U-turns in their driveways or at the end of the street.

The petitioner needs more specificity to outline what they will do to work with the county to provide safety and accessibility, as well as wayfinding information, to those interested in visiting the restaurant to protect pedestrians and homeowners.

I am concerned about rezoning the approximately 2.42 acres of land from CG, RS-3, and OR to a Planned Unit Development (PUD). The increased residential density of a PUD may overwhelm the old, existing road already in disrepair. The Dondanville Road West community needs help to handle additional traffic generated by residents and potentially new commercial elements within the PUD. The construction process will disrupt street residents with noise, dust, and traffic congestion on an already narrow street. Proper planning and mitigation strategies are crucial.

How can we be assured that the project is financially feasible? Can the developer attract enough new potential business to the restaurant for proper upkeep and maintenance (trash pickup around parking areas and public spaces, water restoration & mitigation of existing properties located at 283, 285, 293, and 299 Dondanville Road impacted by flood), and ensure long-term financial stability?

Finally, I would like to understand the potential impacts of the proposed changes to my property value, both positive and negative. What studies has the developer conducted to address property value implications with the proposal?

Thank you,
Stephanie (Meyers) Krivacek
stephaniekrivacek@gmail.com
904-687-3863

From: [Adam Howington](#)
To: [Jennifer Gutt](#)
Cc: [Teresa Bishop](#)
Subject: FW: Re-Zoning & Planning on Dondanville Road , St. Augustine Florida 32080 File Number PUD-2023000015
Date: Tuesday, February 20, 2024 2:59:42 PM
Attachments: [image003.png](#)



Adam Howington
Planning & Zoning
Growth Management | Development Review Division
St. Johns County Board of County Commissioners
4040 Lewis Speedway, St. Augustine FL 32084
904-209-0675 (Option 2) | www.sjcfcl.us

This electronic transmission and any documents accompanying it contains information intended solely for the individual or entity to which it is addressed, and may include confidential information. This information will be made available to the public upon request (Florida Statute 119.01) unless the information is exempted according to Florida law. Unauthorized disclosure of confidential information contained herein is prohibited by Federal Regulations (42 CFR Section 481.101), HIPAA, Sarbanes-Oxley and State law. If you are not the intended recipient of this message or a person responsible for delivering it to the addressee, you are hereby notified that you must not disseminate, copy, use, distribute, publish or take any action in connection therewith.

Unauthorized disclosure of confidential information is subject to prosecution and may result in a fine or imprisonment. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. If you have received this communication in error, do not distribute it. Please notify the sender immediately by electronic mail and delete this message. In addition, any information provided in this email is considered an informal review and not a guarantee. **No reliance may be given on information unless through a formal application and submittal pursuant to the Land Development Code and the Comprehensive Plan of St. Johns County.**

From: Jeannie Byron <jeannie@jacksonlawgroup.com>
Sent: Monday, February 19, 2024 3:17 PM
To: rc2123011@aol.com; FAXPLANDEPT <faxplandept@sjcfcl.us>
Cc: Ken Rhodes <krh1006621@aol.com>; carpdn6@aol.com
Subject: RE: Re-Zoning & Planning on Dondanville Road , St. Augustine Florida 32080 File Number PUD-2023000015

Good afternoon. Unfortunately, we are no longer handling these type of matters. Our firm handles Estate Planning, Probate, and IRS Tax law. Thank you.

Jeannie Byron

Legal Assistant

(904) 823-3333

www.JacksonLawGroup.com



From: rc2123011@aol.com <rc2123011@aol.com>

Sent: Monday, February 19, 2024 2:16 PM

To: Plandept@sjcfl.us

Cc: Ken Rhodes <krh1006621@aol.com>; CONTACT (JB/DJ) <contact@jacksonlawgroup.com>; carpdn6@aol.com

Subject: Re-Zoning & Planning on Dondanville Road , St. Augustine Florida 32080 File Number PUD-2023000015

To Whom it may concern,

A few days ago I received a letter in the mail from the St. Johns County Department of Growth Management Planning and Zoning Department advising me of request to re-zone part of the zoning on Dondanville Road across the street from my house and other properties. File number PUD-2023000015 Project name - Sunset View PUD

I am strongly against this action, and frankly shocked that the County is allowing this to take place. As one of the original owners / builders of The Cowboy Restaurant I see a number of problems which seemed to be over looked or something else all together. Further, I still own my house across the street and four other lots / properties on the road.

1. When my family bought the land from Mr. Williams in the 1950's the lots in question did not go to the water, we were told the lot just went a few feet west of the building / or Cowboys Restaurant. Now, the plot map shows the land in question extending out to the creek and about 400 yards more, that's a large difference to what we were told in the 1950's and 1960's. When was that changed ?

2. The owners don't seem to be paying taxes on the enlarged areas of land that they claim to own, Why Not ? The new owners are paying less for two houses and a commercial restaurant than I pay for a small 2/1 house across the street. I own the house at 280 Dondanville Road and the Mobile home at 276 Dondaville Road both right across the street from the land in question, and they only pay a faction of the costs I am required to pay, again, Why? When I have checked the county records the numbers don't seem to be correct ,strange ? Why ?

3. The restaurant has placed to large food dumpster on the road side , which smells , attracts rats at night and buzzards during the day and again the smell is bad. Further the garbage pickup is done at 4AM , and the noise that this causes with the large truck and backup horn is horrible. Note - said dumpster's used to be at the rear of the Cowboy's property, at the rear of my brother's house at 283 Dondanville road which it appears he sold to the new owners also.

4. The parking is a BIG PROBLEM with the size of the restuarant now, and they want to enlarge it. where are the cars / customers going to park? This has been an on going problem

for some time, the customers park all over the road way and road sides and in front of the home owners house many times blocking our drive way and with no concern for the residents living there. They dump their ash trays, beer cans , tissues, trash, garbage on the side of the road and nothing has been done to correct this problem.

5. It appears as if the customers park in and on the roadway and sides which is was my understanding was illegal to my knowledge, further the staff has been parking at the end of the road blocking the turn around, and when questioned about this I was advised they rent the roadway from the County, which if true ? which I don't believe ? I don't think that legal, or is it?

6. While we are on the subject of the road , the new owners have fenced off the ends of the roadway which I didn't think was Legal and removed the small area used by the residents to put in their small boats,canoe's ect.. Can they do that ? It appears to be a County owned area ? or is it ?

7 The restaurant has started adding dinner areas outside and also placed a bar outside , and at no surprise this has increased the debris, cans. bottles, trash, cigarette butts, and garbage thrown into the water, and marsh grass, which is an eye sore to the area and eco systems. And they want to enlarge their property and put in a dock, Really ? Very bad idea, to my thinking. Note- this is not the employees doing while working there, to my knowledge.

8. The creek in question already has too many docks in the water way which I am not sure code has checked these out , many if not all said docks are well beyond the legal areas of concerns and well into the waterways.

9. In summary, I AM VERY MUCH AGAINST THESE CHANGES AND DO NOT WANT THEM APPROVED. I see no benefits to the residents to approved these changes.

The information is to the best of my knowledge at this time and if I am not correct , please provide me with the correct information with the next five working days, so that I can address these issues correctly.

Sincerely,

Rick Conrad

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