

6

AGENDA ITEM
Planning & Zoning

Meeting

3/21/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: March 12, 2024

FROM: Justin Kelly, Senior Planner

PHONE: 904 209-0728

SUBJECT OR TITLE: PUD 2023-19 County Road 208 Multifamily

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

PRESENTER: Thomas Ingram | Sodl & Ingram, PLLC

BACKGROUND INFORMATION:

Request to rezone approximately 23.17 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to allow for a maximum 180 multifamily residential dwelling units. This request is a companion application to CPA (SS) 2023-10 County Road 208 Multifamily.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to recommend approval of PUD 2023-19 County Road 208 Multifamily, based on nine (9) findings of fact, as provided within the Staff Report.

DENY: Motion to recommend denial of PUD 2023-19 County Road 208 Multifamily, based on ten (10) findings of fact as provided within the Staff Report.



Growth Management Department
Planning Division Report
Application for Planned Unit Development Rezoning
File Number: PUD 2023-19 County Road 208 Multifamily

To: Planning and Zoning Agency

From: Justin Kelly, MPA, Senior Planner

Date: March 12, 2024

Subject: **PUD 2023-19 County Road 208 Multifamily**, a request to rezone approximately 23.17 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to allow for a maximum 180 multifamily residential dwelling units. This request is a companion application to CPA (SS) 2023-10.

**Applicant/
Representative:** Thomas Ingram | Sodl & Ingram, PLLC

Owner: Ruby208, LLC

Hearing dates: Planning and Zoning Agency – March 21, 2024
Board of County Commissioners – April 16, 2023

**Commissioner
District:** District 2

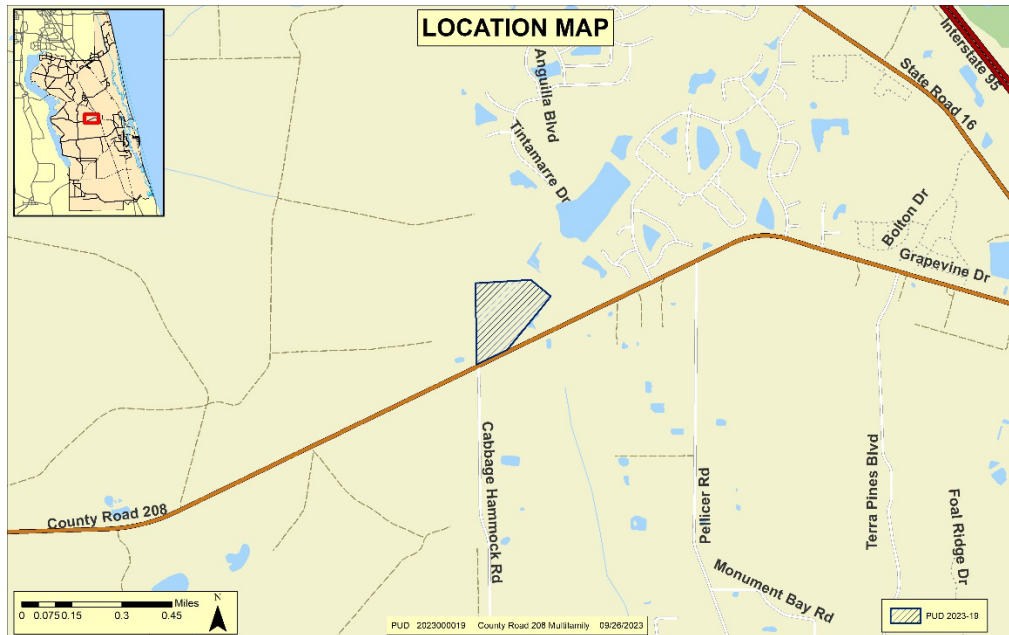
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APPROVE: Motion to recommend approval of **PUD 2023-19 County Road 208 Multifamily**, based on nine (9) findings of fact, as provided within the Staff Report.

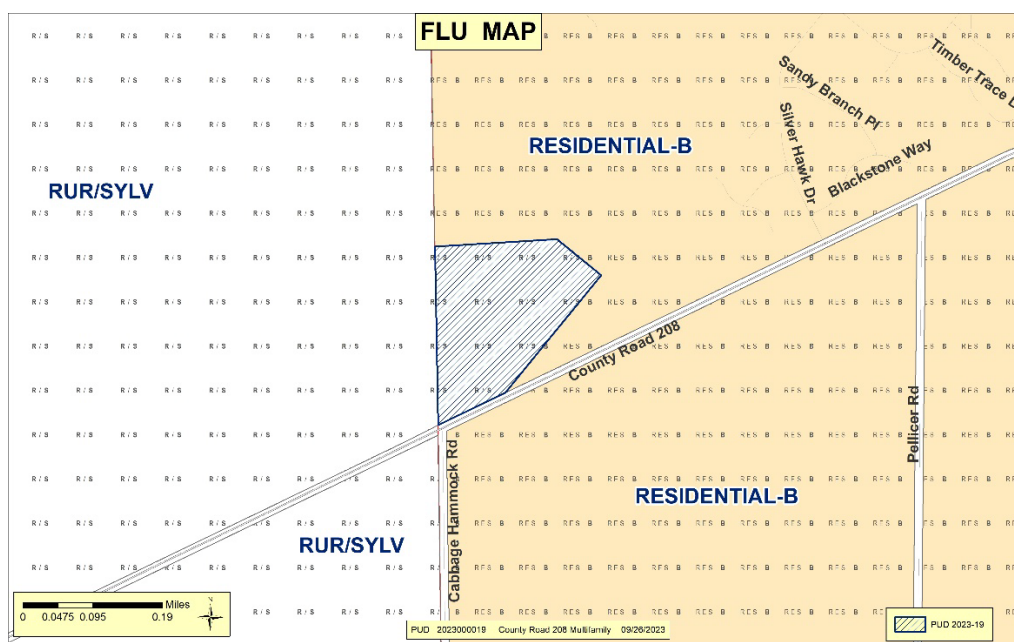
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MAP SERIES

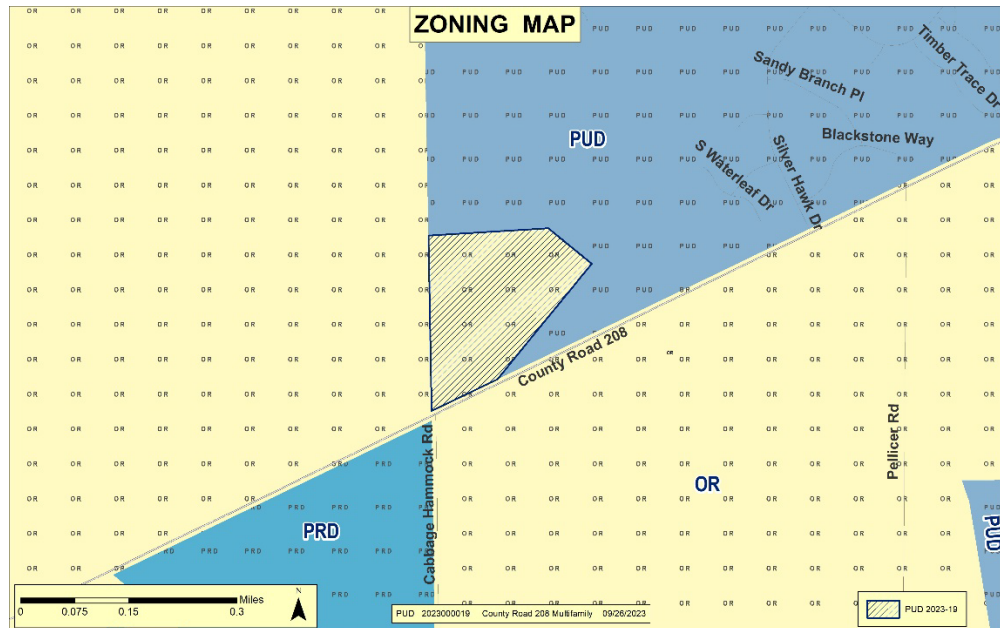
Location: The subject property is located on the north side of County Road 208, approximately two (2) miles west of the State Road 16/Interstate 95 interchange.



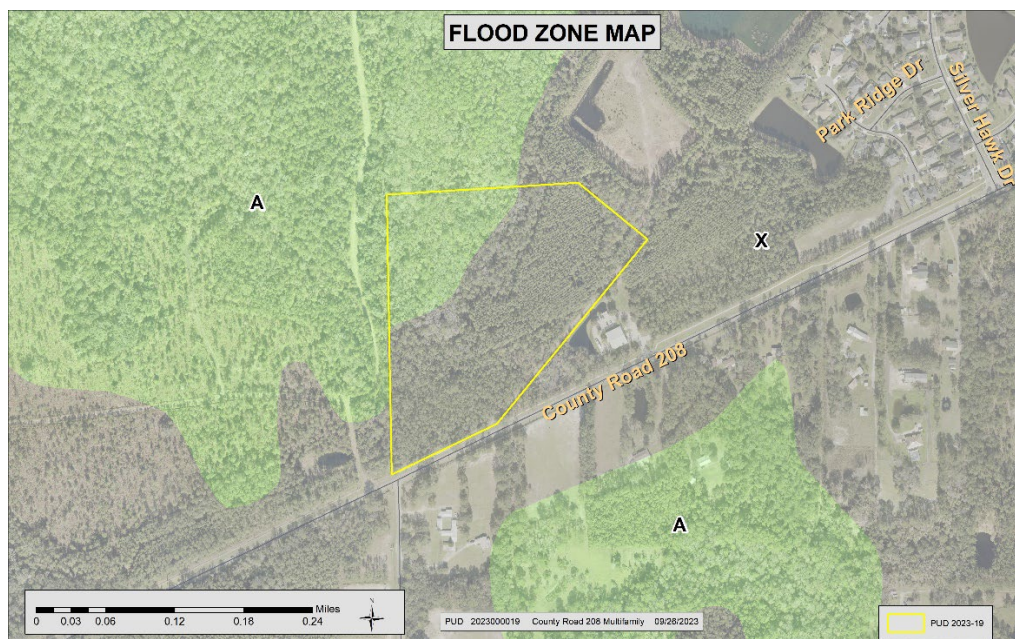
Future Land Use: The subject property is designated Rural/Silviculture. Lands to the east are designated Residential-B. Lands to the west are designated Rural/Silviculture. The applicant has filed a companion Comprehensive Plan Amendment application [CPA(SS) 2023-10] to change the Future Land Use Map designation from Rural/Silviculture to Residential-D, with a site-specific text amendment stating that the subject property shall be entitled to a maximum density of 15 dwelling units per net acre, pursuant to Policy A.1.11.1(m)(7) of the Comprehensive Plan regarding the Affordable Housing Density Bonus, provided that 40% of the dwelling units shall be income-restricted from time of initial development until June 1, 2039.



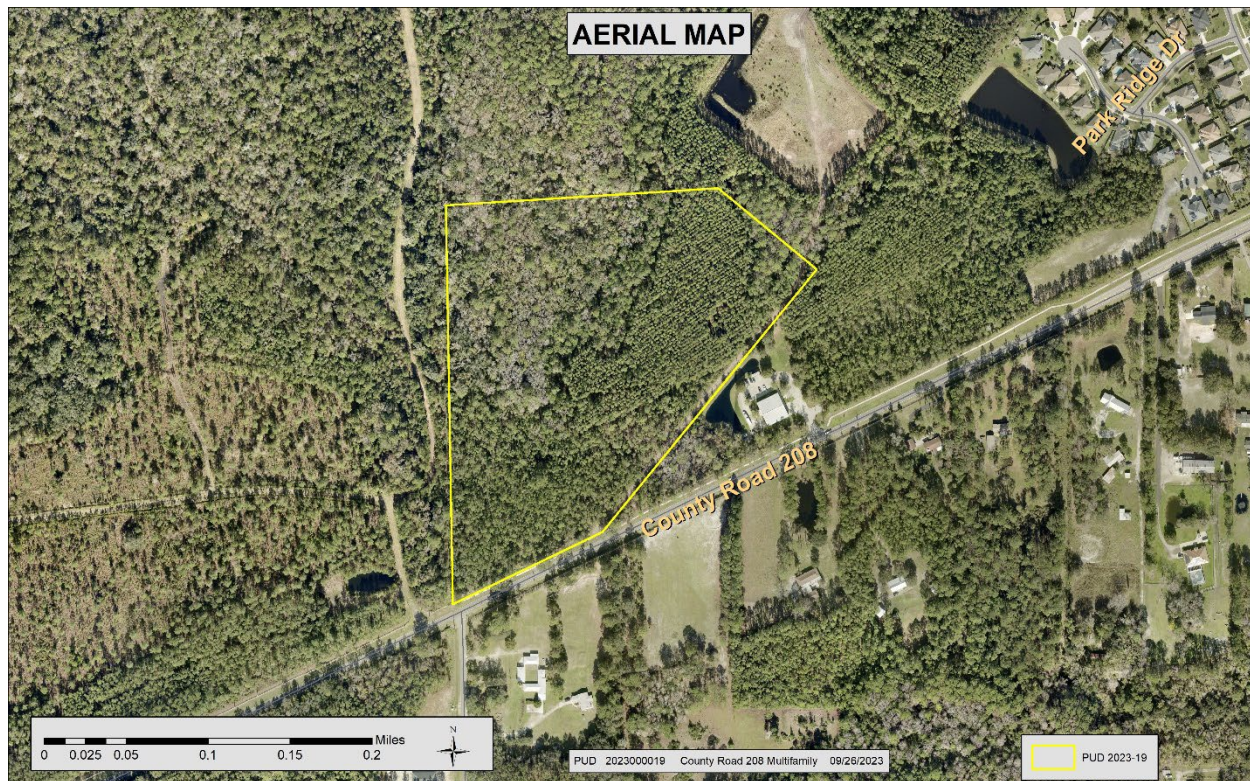
Zoning District: The subject property is currently zoned Open Rural (OR) with a requested change to Planned Unit Development (PUD). Lands to the north are zoned as a part of the Windward Ranch PUD, which permits a maximum 580 single family homes and 90,000 SF of retail uses and is only accessed from SR 16 to the north. Lands to the east are zoned as a part of the Whisper Ridge PUD, which permits a maximum 405 single family homes, and includes the adjoining Fire Station #4. Whisper Ridge is accessed from SR 16 and CR 208. Lands to the south, across CR 208, are zoned Open Rural (OR) and are comprised mostly of larger estate sized lots that permit agricultural uses. Lands to west are also zoned OR, and are used as wetland mitigation areas. The Southwind Plantation Planned Rural Development (PRD) is located to the southwest, across CR 208. This PRD permits 20 single family homes and accessory agricultural uses. These residential lots are accessed from CR 208 and Cabbage Hammock Road.



Flood Zone: Portions of the subject property are located within Flood Zones X (76.19%) and A (23.81%).



Aerial Imagery: The subject property is approximately 23.17 acres in size and is currently unimproved. The adjoining land to the west consists of the Star 4 Mitigation Bank, an area used to offset environmental impacts from other projects located within the County so that there is no net loss to the environment. The adjoining lands to the north are the wetland conservation and open space areas of the Windward Ranch PUD (ORD. 2016-14). Adjoining lands to the east are platted conservation and recreation areas of the Whisper Ridge PUD (ORD. 2003-89). St. Johns County Fire/Rescue Station #4 is also located to the east of the subject property. Lands to the south, across CR 208, are comprised mostly of larger, estate sized lots, that permit agricultural uses.



Master Development Plan (MDP) Map: The submitted Master Development Plan (MDP) Map depicts the general layout of the proposed development. The subject property is approximately 23.17 acres in size, of which 12 acres will be developable. The site contains 12.37 acres of wetlands, with approximately 1.20 acres of wetland impacts. The request proposes a master planned multifamily residential community consisting of a maximum 180 dwelling units located within five (5) apartment buildings with a maximum height of 45' or four (4) stories. Access to the development is proposed through one (1) access entrance from County Road 208. The full MDP Map is included within Attachment 1 Recorded Documents of this Staff Report.



APPLICATION SUMMARY

The Applicant is seeking to rezone approximately 23.17 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to provide for a multifamily residential community that will consist of a maximum one hundred and eighty (180) dwelling units under common ownership and management. The proposed project uses the “Live Local Act” as a framework by proposing to designate 40% (72 of the 180 dwelling units) as affordable or moderate-income housing. If approved, the applicant proffers a deed restriction that will be consistent with Section 5.07.03.C of the LDC regarding assurances of affordability, which will be recorded to guarantee that 40% of the proposed dwelling units will be income restricted for a period of fifteen (15) years. The applicant asserts that the proposed project is located in an area that is “predominantly residential and mixed use”, noting that commercial and retail services are located less than two miles away to the east within the Elevation Pointe PUD and the SR 16/ I-95 interchange. Additionally, the applicant contends that the project will fill a demand for affordable housing in St. Johns County by offering “workforce housing units” that are more attainable for employees working in St. Johns County but are unable to afford to live in the County. Provided below are the development standards proposed within the provided MDP Text (Figure 1). The full MDP Text is located within Attachment 2 Recorded Documents Section.

Figure 1: Proposed Development Standards	
Maximum Lot Coverage by All Buildings	35% (overall PUD parcel)
Maximum Impervious Surface	70%
Minimum Open Space	25% per LDC
Maximum Building Height	45' (4-story max; meeting Fire Codes)
Park/Recreation Areas	Minimum 2.16 acres required; applicant proposes 2.38 acres.
Required Building Setbacks	-50 feet from CR 208 -Front: 20 feet -Side: 20 feet -Rear: 20 feet
Buffers/Northwest Sector Edges	-10' natural/landscape buffer (inclusive) -75' averaged Scenic Edge average; 30 feet minimum -35' Development Edge -25' Natural Vegetative Upland Buffer next to contiguous wetlands
Phasing	One (1) 10-year phase; construction shall commence within two (2) years of PUD approval.

REQUESTED WAIVERS

The applicant has requested three (3) waivers to the design requirements prescribed within the Land Development Code. The Planning and Zoning Agency will make a recommendation on the approval to the Board of County Commissioners, which will make a final decision on the requested waivers.

- **LDC, Section 6.06.02.G.2 Northwest Sector Scenic Edges**

The applicant requests a waiver to allow for a reduction in the required 75' averaged Scenic Edge. Per this section of the LDC, Scenic Edges shall be allowed a reduction to a minimum of thirty (30) feet through the application of enhanced performance standards that will provide sufficient landscaping where little or no natural vegetation exists in order to preserve or enhance the rural character along the roadway. Any request for a reduction to the 75' scenic edge shall adhere to the following enhanced performance standards:

- a. Shall consist of all native evergreen canopy trees planted every twenty (20) to thirty (30) foot on center.
- b. All native non-canopy trees shall be planted every ten (10) to twenty (20) foot on center.
- c. Shrubs shall be of native species and be planted between every five (5) to fifteen (15) foot on center and appropriately staggered.
- d. Native groundcover shall be planted every three (3) to five (5) foot on center.
- e. Breaks in the scenic edge may be allowed in otherwise continuous edges to allow for access and associated entrance features, and provide view corridors to parks, scenic areas and other publicly accessible areas. The spacing may also be modified through the clustering of the required trees provided the same number of trees is planted and the gap between trees cannot exceed thirty (30) feet.
- f. Commercial properties located adjacent to the scenic edge shall be allowed to maintain visibility to commercial structures, signage and entrance features.

The applicant asserts that this waiver is justified because of the unusual shape of the parcel, extensive wetlands, and a 17' ROW reservation. Additionally, the applicant asserts that the lot depth of the parcel near CR 208 narrows to 200'. Therefore, a 50' Scenic Edge is requested in this area and a 30' Scenic Edge is requested in the tract area abutting the proposed location of the trash compactor. The enhanced performance standards for landscaping will be met.

- **LDC, Section 6.06.02.H.1 Northwest Sector Development Edges**

The applicant requests a waiver to reduce the required 35' Development Edge to a minimum 20'. Per this section of the LDC, Development Edges shall be allowed a reduction to a minimum of 20' through the application of enhanced performance. Where little or no native vegetation exists, buffers should be supplemented as follows:

- a. Shall consist of all native evergreen canopy trees planted every twenty (20) to thirty (30) foot on center.
- b. All native non-canopy trees shall be planted every ten (10) to twenty (20) foot on center.
- c. Shrubs shall be of native species and be planted between every five (5) to fifteen (15) foot on center and appropriately staggered.
- d. Native groundcover shall be planted every three (3) to five (5) foot on center.
- e. Breaks in the development edge may be allowed in otherwise continuous edges to allow for access and associated entrance features, and provide view corridors to parks, scenic areas and other publicly accessible areas. The spacing may also be modified through the clustering of the required trees provided the same number of trees is planted and the gap between trees cannot exceed thirty (30) feet.
- f. Commercial properties located adjacent to the development edge shall be allowed to maintain

visibility to commercial structures, signage and entrance features.

As previously noted, the applicant asserts this waiver is justified due to the exceptional shallowness and unusual shape of the property. Enhanced performance standards required for a reduction of the Development Edge will be met.

- **LDC, Section 5.07.03 General Provisions for Affordable Housing Density Bonus**

The applicant is requesting a waiver to the general provisions and restrictions required of the Affordable Housing Density bonus. The applicant notes that Section 5.07.03 of the LDC contains provisions that include, but are not limited to design, distribution, income qualifications, and management of Affordable Housing developments. The applicant asserts the that requested waiver to these specific provisions of Section 5.07.03 is justified because they are not applicable to other housing developments. Moreover, the applicant attests that the waiver will help further the County's goals to provide sufficient affordable housing, and is consistent with the County's Local Housing Assistance program, which calls for the County to continuously review policies affecting the availability of affordable housing.

Staff notes that several of the required provisions of Section 5.07.03 such as the Manner of Providing Units, Assurances of Affordability, and Allowable Density are addressed within the provided MDP Text. For example, the applicant will meet the required provision of Section 5.07.03.C regarding Assurances of Affordability by proffering a deed restriction which will be recorded to guarantee that 40% of the proposed dwelling units will be income restricted for a period of fifteen (15) years. This full code section is provided within **Attachment 3**.

DEPARTMENTAL REVIEW

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

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: The subject property is located on the north side of County Road 208 and is currently zoned Open Rural (OR), which allows for one (1) residential dwelling unit per acre, and various non-residential uses such as Agricultural and Cultural/Institutional. This request proposes a residential PUD that would allow a maximum one hundred and eighty (180) multifamily residential dwelling units at a density of fifteen (15) dwelling units per net/buildable acre. The subject property is located within the Northwest Sector Overlay district.

Review by staff found that the subject property is located in an area that is primarily rural in character. Lands to the south are zoned Open Rural (OR), and are comprised of larger, estate-sized residential lots that permit agricultural activities. Lands located to the southwest, across CR 208, are zoned as a part of the Southwind Plantation Planned Rural Development (PRD). This PRD allows a maximum 20 single family dwelling units, and permitted accessory agricultural uses. The future CR 2209 is planned to traverse the eastern edge of the PRD boundary, and will continue south to CR 214.

Lands abutting the subject property to the north are zoned as a part of the Windward Ranch PUD, which allows for a maximum 580 residential units and 90,000 SF of commercial uses. This PUD is accessed from SR 16 to the north, and does not have direct access to CR 208. The Whisper Ridge PUD is located to the northeast, allowing for a maximum 405 single family homes that have direct access to both SR 16 and CR 208.

Lands approximately two (2) miles east are located within the SR 16/I-95 Mixed Use corridor, which allows for various types of residential and commercial uses. Included within this development area is the Elevation Pointe PUD, which allows a maximum 750 multifamily dwelling units (430 townhomes; 320 apartments), and a maximum 190,000 SF of commercial uses. CR 208 is currently being realigned to traverse through the Elevation Pointe PUD, and will align with the far western entrance of the St. Augustine Premium Outlets to form a new intersection in this location.

The MDP Map included with this request provides for the requirements of Section 5.03.02.G.2 of the LDC. As proposed, 2.16 acres of recreation will be required for 180 dwelling units. The applicant proposes a minimum of 2.38 acres of recreational space, which includes a proposed Clubhouse and pool area. Additionally, the proposed development will meet the required 25% Open Space provision prescribed per LDC, Section 5.03.03. The MDP Map also accounts for all required Scenic and Development Edges of the Northwest Sector Overlay. Staff notes that waivers are included with this request, which seek to allow for a reduction in the required 75' averaged Scenic Edge along CR 208 meeting the required enhanced performance standards for such a reduction. The applicant is also seeking to reduce the required 35' Development Edge along portions of the property boundary to a minimum of 20' through the application of required enhanced performance standards. Justifications for these waivers are provided in the "Waivers" section of this Staff Report (above).

Figure 1 (below) provides a Compatibility Map of the surrounding area, demonstrating current uses and approved entitlements for nearby PUDs.

Figure 1: Compatibility Map

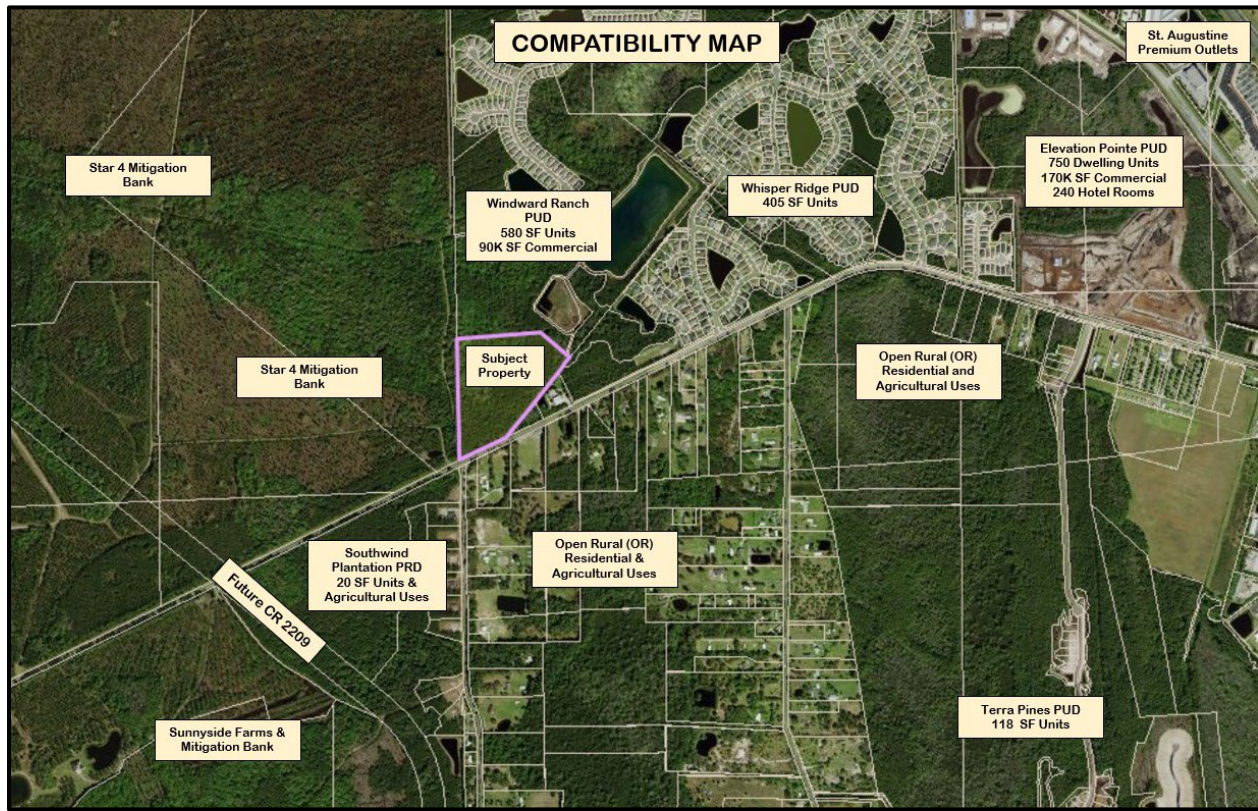


Figure 2 (below) provides a comparison of the currently permitted Use Categories within the current Open Rural (OR) zoning and the permitted residential/neighborhood public service uses proposed as a part of this PUD rezoning.

Figure 2: Zoning Designation Comparison

Permitted Use Categories	OR	PUD
Residential	X	X
Agricultural	X	
Cultural/Institutional	X	
Mining and Extraction	X	
Outdoor Passive	X	
Neighborhood Public Service	X	X
Solid Waste and Correctional Facilities	X	

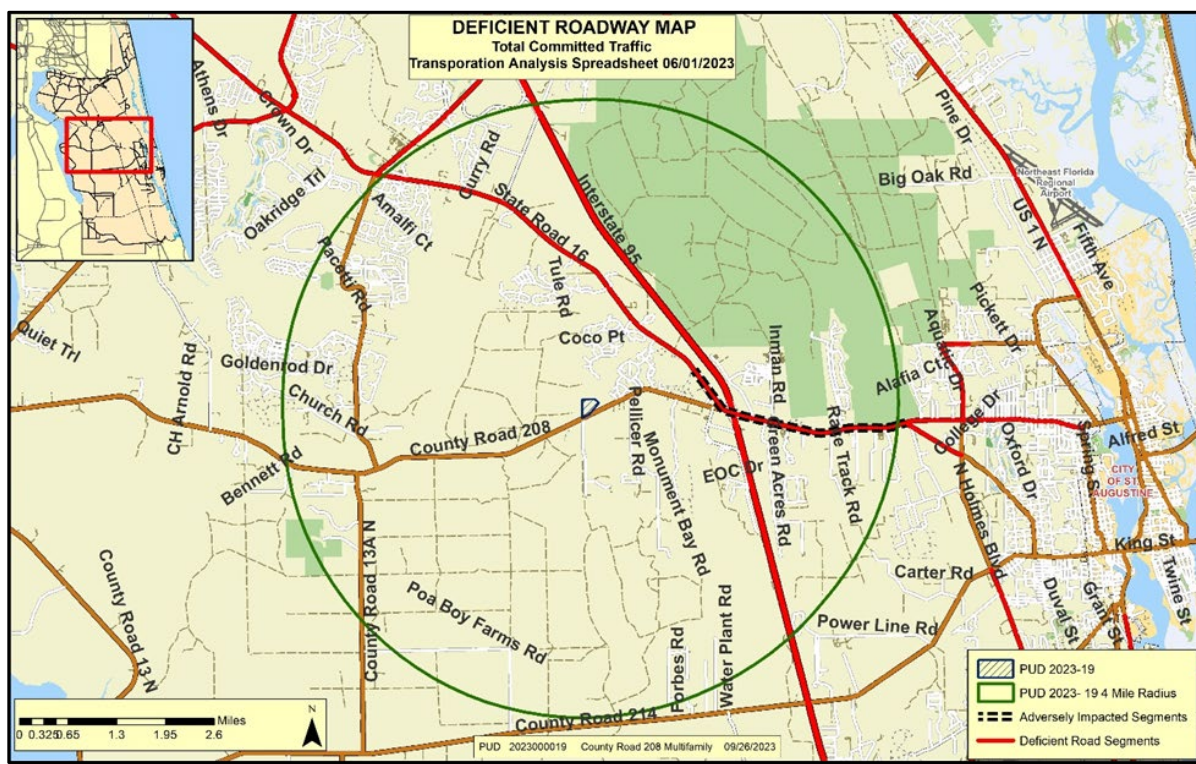
Transportation/Concurrency Division Review: Residential development is subject to compliance with Article XI of the Land Development Code. An Application for Concurrency (CONMAJ 2023-12) has been submitted and is currently under review by County staff for the total proposed development consisting of one hundred and eighty (180) multifamily apartment units, which is classified as a Major Project estimated to generate

ninety-two (92) average weekday PM peak hour trips. Staff's review found that there is inadequate capacity to accommodate project impacts on the following roadway segments, which are currently projected to be adversely impacted based on total committed traffic:

- Link 92.2 (SR 16 from West Mall Entrance to I-95)
- Link 93.1 (SR 16 from I-95 to Inman Rd)
- Link 93.2 (SR 16 from Inman Rd to Four Mile Rd)

Transportation mitigation will be required for all adversely impacted roadway segments within the 4-mile radius study area based on total project impacts. A Final Certificate of Concurrency is required prior to Construction Plan approval.

Figure 3: Deficient Roadway Map



A School Concurrency application was submitted by the applicant to the St. Johns County School District. As of the writing of this Staff Report, the applicant has yet to receive a determination letter from the School District. A school concurrency determination by the St. Johns County School District is required prior to issuance of a Final Certificate of Concurrency by the County. The application for school concurrency is submitted directly to the St. Johns County School District for determination concurrent with application at the County.

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. Technical staff notes that portions of the subject parcel are located within a FEMA designated Flood Zone A (without Base Flood Elevations). When FEMA has designated Areas of

Special Flood Hazard but have never produced water surface elevation data (Zone A), the County shall require development proposals such as construction plans to include Base Flood Elevation (BFE) data determined according to excepted engineering practices. Failure to produce acceptable BFE data may result in additional delays during Clearance Sheet review. The applicant has acknowledged that if this request is approved, BFE data will be provided upon construction plan submittal.

NORTHWEST SECTOR COMMUNITY MEETING (12/14/2023)

The applicant conducted a required Northwest Sector Community Meeting at the World Golf Village Renaissance St. Augustine on Thursday, December 14, 2023 from 6:30pm-7:30pm. One (1) member of the public attended. A detailed summary of the community meeting is provided within Attachment 3 of the companion Small-Scale Comprehensive Plan Amendment [CPA(SS) 2023-10] Staff Report.

CORRESPONDENCE/PHONE CALLS

Staff has received several phone calls from property owners located along Cabbage Hammock Road stating their objection to this request. Several callers noted that the Residential-D FLUM designation and the proposed use of multifamily apartments would not be compatible with the surrounding rural, residential area, and is too intensive. Callers also noted objections to increased traffic along this section of CR 208.

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
3. Section 5.07.03 Affordable Housing Density Bonus General Provisions

FINDINGS OF FACT
PUD 2023-19 CR 208 Multifamily

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 Residential-D.	3. The PUD is not consistent with the Future Land Use Designation of Residential-D 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.

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.	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.
	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).

ATTACHMENT 1
RECORDED DOCUMENTS
SECTION

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 OPEN RURAL (OR) 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 September 21, 2023 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File PUD 2023-19 County Road 208 Multifamily**, 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 rezoning to **Planned Unit Development (PUD)** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (c) The proposed project is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **Planned Unit Development (PUD)** is consistent with the St. Johns County Land Development Code.
4. The zone district of **Planned Unit Development (PUD)** is consistent with the land uses allowed in the land use designation of Residential-D as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application **File Number PUD 2023-19 County Road 208 Multifamily** 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”**; the Master Development Plan Map, **Exhibit “C”**; and the Affordable Housing Density Bonus Petition, **Exhibit “D”**.

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 the effective date of St. Johns County Small Scale Comprehensive Plan Amendment No. 2023-10, St. Johns County Ordinance No. 2024- ____, adopted concurrently on April 16, 2024.

SECTION 6. It is the intent of the St. Johns County Board of County Commissioners that scriveners 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

A portion of Section 42, Township 7 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the Northwest corner of Tract "II", as shown on the plat of Whisper Ridge Unit Six, as recorded in Map Book 53, Pages 84, 85, 86, 87 and 88 of the Public Records of said County; thence South 51°08'37" East, along the Southwesterly boundary of said plat of Whisper Ridge Unit Six, the same being the Northeasterly line of said Section 42, a distance of 1215.79 feet to the most Easterly corner of said Section 42; thence South 39°15'53" West, along the Northwesterly boundary of said Whisper Ridge Unit Six and along the Northwesterly boundary of Whisper Ridge Unit Seven, as recorded in Map Book 54, Pages 43, 44, 45, 46, 47, 48 and 49 of said Public Records, and along the Southeasterly line of said Section 42, a distance of 2320.97 feet to the POINT OF BEGINNING; thence continue South 39°15'53" West along said Southeasterly line of Section 42, a distance of 1090.25 feet to the Northerly right of way line of County Road C-208 (a 66 foot right of way); thence South 64°16'29" West, along said Northerly right of way line, 535.44 feet; thence North 01°01'59" West, along the Southerly prolongation of the Westerly line of Section 36, Township 6 South, Range 28 East, said County, a distance of 1282.14 feet; thence North 86°26'33" East, 879.18 feet; thence South 50°44'07" East, 410.76 feet to the POINT OF BEGINNING.

EXHIBIT B

County Road 208 Multifamily Planned Unit Development Master Development Plan Text, PUD 2023-19 February 13, 2024

Introduction

This application seeks to rezone approximately 23.17 acres from Open Rural (OR) to Planned Unit Development (PUD) to allow a 180-unit multifamily residential community that will increase the availability of housing opportunities for the County's workforce.

The proposed Project will utilize the transformative Live Local Act as a framework by designating 40% of its units for moderate-income households. Under the law, moderate-income households are those whose incomes are less than 120% of the median adjusted gross annual income (AMI) for the local area.

If developed with the proposed use, a deed restriction would be recorded to guarantee for a period of 15 years that 40 percent of the units would have rents restricted to be affordable to moderate-income households. Specifically, the maximum allowed rent for moderate-income households is provided in the State Housing Initiatives Partnership Program (SHIP), administered by the Florida Housing Finance Corporation, or applicable successor program, as published in the annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" applicable to St. Johns County at the 120% level. Similarly, during the period of the deed restriction, the incomes of prospective tenants using the deed-restricted units cannot exceed the "Income Limits Adjusted to Family Size by Number of Persons in Household" for moderate-income households (120%) applicable to St. Johns County at the time the first application to rent is made. The form of such deed restriction (guaranty) shall be subject to review and approval by the County Administrator and otherwise be consistent with section 5.07.03(C) of the Land Development Code (Oct. 2023). The form of guaranty shall also be subject to approval by the Office of County Attorney prior to certification of the final Site Plan. This guaranty/deed restriction is the proposed method and provisions regarding such assurance of affordability, for which approval is being sought from the Board of County Commissioners as part of this application under LDC section 5.07.03(C).

By offering these workforce housing units, the proposed Project will make local housing more attainable for employees working in the County but unable to afford to live here.

The property is located on County Road 208, approximately two miles west of State Road 16 and Interstate 95, which is within Commissioner District 2. This area is predominantly residential and mixed use, with commercial and retail services less than two miles away at Elevation Pointe and at the State Road 16 and the Interstate 95 interchange.

This Project is seeking an Affordable Housing Density Bonus under section 5.07.02 and 5.07.03 and Future Land Use Policy A.1.11.1.

A companion application for a small-scale comprehensive plan amendment proposes to amend the Future Land Use designation of the property from Rural/Silviculture to Residential-D, together with the following Text Policy:

The 23.17-acre property on County Road 208 shall be entitled to develop at a density up to 15 units per net developable acre pursuant to the Affordable Housing Density Bonus, Policy A.1.11.1(m) of the Comprehensive Plan, which permits a maximum density increase of two (2) dwelling units in addition to the maximum thirteen (13) dwelling units per net acre permitted within the Res-D FLUM designation. Provided, however, that at the time of initial development and until June 1, 2039, forty percent (40%) of the residential units on the property shall be income-restricted and rent-restricted for affordable housing consistent with the State Housing Initiatives Partnership program or other similar program administered by the Florida Housing Finance Corporation or successor agency. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes.

I. The proposed Development. See LDC § 5.03.03(G)(1).

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

The proposed Project consists of a garden-style multifamily residential community. A “garden-style” multifamily community is typically a community with multiple low-rise buildings (i.e., four floors or fewer), with surface parking, common landscaped areas and

common amenities. The development shall be four stories or less. The dwellings would be offered for long-term leases.

b. Total acres. 23.17 acres

c. Total wetland acres. 12.37 acres

d. Total Development area, including the number of developable acres (including filled Wetlands). 12.00 acres total Development area, including 1.20 acres of impacted wetlands.

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

180 dwelling units are proposed, at a density of 15 units per net developable acre with the application of the Affordable Housing Density Bonus.

The projected population, based upon an estimated 2.44 persons per unit, is 439. The projected student population is estimated at 20. The property is in the St. Augustine concurrency service area, which has a student generation rate of 0.11 students per multifamily household.

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

Accessory uses associated with residential development are proposed, including but not limited to parks, utilities, amenity centers, and leasing offices.

Impervious Surface Ratio (ISR) maximum: 70%

Maximum Lot coverage by all buildings: 35% as to the overall development parcel

Permitted Uses. The following categories of uses are proposed to be Permitted Uses, without the need for a Special Use approval; see generally, LDC § 2.02.01 for specific uses under these categories:

1. Multifamily residential dwelling units
2. Neighborhood Public Service

3. Parks, playgrounds, playfields, recreational and community structures and uses
4. Off-street parking associated with permitted Uses
5. Leasing, management and maintenance offices
6. Maintenance storage areas
7. Garages and enclosed storage areas, incidental to residential uses
8. Accessory Uses to permitted principal Uses; see LDC § 2.02.04
9. Home Offices under LDC §§ 2.03.07(J) and 2.02.04(B)(9)
10. Agricultural activities may continue on the property until such time as it is developed

Special Uses. Home Occupations under LDC § 2.03.07, except that Home Offices are allowed as a Permitted Use. Any such Home Occupations shall be permitted to the extent that any applicable special use provisions are met.

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

1. Minimum setbacks: (measured at external site boundary lines to the nearest vertical wall of the structure)
 - a. Front. 20 feet
 - b. Rear. 20 feet
 - c. Side. 20 feet
 - d. Minimum Building Separation for Fire Protection: See Fire Protection in (h)(10) below, which prevails over any lesser setback requirement.
2. Building height: Maximum 45 feet, maximum four (4) stories. See definition of Height of a Building in LDC Art. XII. The height limitations shall not apply to those portions of structures listed in LDC § 6.07.02. Buildings over 35 feet in height will be in compliance with LDC and State requirements for fire protection.
3. Minimum lot size: The Project is proposed to be developed as a single tract.

4. Parking: Vehicle parking shall be provided within the Project at a ratio of 1.5 spaces per one/two bedroom dwelling unit and two spaces per three or more bedroom dwelling unit. An additional guest parking space is required for each four individual dwelling units, and also one space for every 300 square feet of the proposed clubhouse.

All bicycle parking facilities shall be located on the same building site as the use for which such facilities serve and as close to the Building entrance as possible without interfering with the flow of pedestrian or motor vehicle traffic. (LDC § 6.05.02.M.)

5. Signage: One (1) entrance sign is proposed at the entrance to the Project on County Road 208, consistent with the criteria in LDC 7.06.01(B), having a maximum Advertising Display Area of 100 square feet and a maximum height of fifteen (15) feet. Such sign may be incorporated into a wall, fence, or other structure that shall also not exceed the maximum sign height. Such sign shall be designed as a Monument or Ground Sign and shall be located outside of the public rights-of-way and shall not encroach into any corner sight visibility triangle required under LDC § 7.00.06. Such signs may be internally or externally lighted and shall be landscaped.

Signs allowed in all zoning districts such as signs for ingress, egress or direction, Flags and Temporary Signs are allowed.

6. Lighting: Project lighting will comply with the provisions of LDC Part 6.09.00 and § 5.03.06.H.6. For purposes of these standards, the zoning Lot line shall be considered the perimeter of the Project.

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

1. **Drainage.** An on-site stormwater management system will be constructed consistent with the requirements of St. Johns County and the St. Johns River Water Management District. The stormwater management facilities shall incorporate natural features that provide vegetation and buffers and promote wildlife habitat.
2. **Site access.** Access will be provided via County Road 208. The conceptual location of the access point is shown on the MDP Map. Protection of visibility for vehicles, cyclists and pedestrians shall be as generally provided in LDC § 6.02.05.C.4. Any site access improvements, including turn lanes, that are deemed required by the County will be provided at the Developer's expense and adhere to County and FDOT standards.
3. **Pedestrian circulation.** Sidewalks will be provided along the Project frontages on County Road 208. Sidewalk connections will be provided to each, as generally shown on the MDP map. Sidewalks will adhere to all appropriate LDC standards and ADA guidelines.
4. **Interconnectivity access points to adjacent properties.** The Project will connect to adjacent properties via County Road 208. Adjacent to the southeast of the property on County Road 208 is St. Johns County Fire Rescue Station #4 (Bakersfield).
5. **Potential new or expanded thoroughfare or right-of-way location.** The Project includes the reservation of right-of-way along County Road 208 frontage for future widening. The current right-of-way is 66 feet, and the Transportation Element of the Comprehensive Plan requires a 100-foot right-of-way reservation. Therefore, a 17-foot right-of-way reservation is shown on the MDP Map (half of the shortfall).
6. **Open Space.** The Project complies with LDC § 5.03.03(A)'s and Coastal/Conservation Element Policy E.2.2.9(a)'s required minimum 25% open space. Specifically, a minimum 5.79 acres of open space is required, but 5.95 acres is being provided. Open space areas provided within the Project include, but are not limited to, recreation, common areas, buffers, and landscaped areas.

7. **Conservation of Upland Natural Vegetation.** Consistent with LDC § 5.03.03.A.3, a minimum of 5% conservation of upland natural vegetation, not including Significant Natural Communities Habitat, will be preserved (a minimum 0.54 acres). The preserved upland natural vegetation consists of the wetlands buffer and uplands of the Scenic and Development Edges (total 2.31 acres).
8. **Recreation.** Active recreation for residential uses will be provided in accordance with LDC § 5.03.03(E). Assuming that the Project is constructed with 180 dwelling units, the required recreation acreage is 2.20 acres, based upon the County's requirement of 5 acres per 1000 population, using 2.44 persons per dwelling unit. The provided active recreation acreage for the Project is 2.38 acres.
9. **Water and Sewer.** The proposed development will be served by centralized water and sewer service. St. Johns County is the utility provider for the area. A utility availability letter is included as Exhibit 9.
 - a. All utility construction projects are subject to the current construction standards within the Manual of Water, Wastewater, and Reuse Design Standards & Specifications at the time of review.
 - b. Utility connection points shall be installed as listed in the Availability Letter or as otherwise directed by the St. Johns County Utility Department to minimize impact to the existing infrastructure or to the existing level of service.
 - c. Water and/or sewer lines that are to be dedicated to the St. Johns County Utility Department for ownership that are not in the public right-of-way shall require an easement/restoration agreement.
 - d. No such 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 SJUD. Landscaping trees, and landscaping buffers, shall be placed at a minimum of 7.5 feet away from the centerline of utility pipelines.
 - e. Existing septic system(s) or well(s) on the subject property, if any, will be properly closed and abandoned prior to construction plan approval.

10. **Fire protection.** The Project will be served by St. Johns County Fire Rescue Station #4 (Bakersfield), which is located adjacent to the southeast of the property.

New construction in the Project will meet the Land Development Code Part 6.03.00 (Fire Protection Regulations) and the current edition of the Florida Fire Prevention Code. There must be a minimum separation of 10 feet from the furthest projection on a structure to the furthest projection of any other structure. If any two or more structures cannot maintain this separation, then such structures must be protected with an automatic fire sprinkler system in accordance with NFPA 13, 13R or 13D, or the required fire hydrants shall be capable of providing an additional 500gpm for two hours. Such fire flow shall be in addition to that already required. See LDC § 6.03.01 and NFPA 1, Ch. 18. Any dead ends over 150 feet are required to provide a turnaround to accommodate a fire apparatus (NFPA 1, ch. 18).

11. **Solid waste collection.** Solid waste collection will be provided by approved private contract haulers.

- i. **The amount of water and Sewer use, based upon the projected population, and the public Utility Providers, if applicable.** The approximate amount of expected water use is 54,000 gallons per day, and the approximate amount of expected sewer use is 43,200 gallons per day. St. Johns County is the utility provider for the area.
- j. **The type of underlying soils and its suitability for Development of the proposed Project.** The soils on the site are sandy, quartz-type soils, based on field observations. See the Habitat and Wildlife Assessment Report provided with this application. According to the General Soils map in the Comprehensive Plan, the following soil types may be present on the site: aeric haplaquods and ultic haplaquods. The specific soil types identified on the site include the following:
- 47: Holopaw fine sand, frequently flooded
 - 46: Holopaw fine sand
 - 3: Myakka fine sand
- Development routinely occurs on these types of soil.
- k. **The type and extent of upland forest and Wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS).**

A map depicting the location of upland forest and wetland vegetation shall be provided with the application submittal.

The existing vegetative communities and land uses have been characterized pursuant to the Florida Department of Transportation publication *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) as depicted in the Habitat and Wildlife Assessment Report incorporated by reference to this application and made a part hereof, and described below. The wetlands and non-wetland acreages provided below are estimates and are subject to review by applicable state and federal agencies. Any wetlands impacts will be subject to review by the St. Johns River Water Management District and if applicable, the U.S. Army Corps of Engineers or its agent.

Wetlands and Surface Waters

SJRWMD jurisdictional wetlands and/or surface waters are located on approximately 12.37 acres of the site.

Uplands

Uplands are located on approximately 10.80 acres.

The following are the specific habitats identified on the site:

- 4110: Upland Pine Flatwood 5.34 acres
- 4410: Upland Pine Plantation 4.70 acres
- 6300: Wetland Forested Mixed 12.37 acres
- 8141: Trail Road 0.78 acres

- l. The type and extent of any Significant Natural Communities Habitat as defined by this Code. Listed Species information including locations, densities, and extent of habitat.** No Significant Natural Communities Habitat exists on the property. See the Habitat and Wildlife Assessment Report provided with this application. Per that report and consistent with its findings, no Listed Species occur within the property.
- m. Identification of known or observed Historic Resources as defined by the Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of the Code shall apply.** A Cultural Resource Assessment Survey was completed in September 2023 (Ste. Claire). There are no known or observed Historic Resources on the subject property. However, in the event that archaeological and historical resources are

encountered during ground disturbing activities, all work shall halt and the St. Johns County Environmental Division shall be contacted immediately at 904-209-0623. (Policy A.1.4.6 Comprehensive Plan).

- n. **The type and extent of buffering, landscaping, Tree removal, Tree protection and buffering between adjacent Uses as needed to aesthetically screen uses and provide privacy.**

Perimeter Buffers. There shall be a 10 foot natural or landscaped buffer along all property boundaries, which may be part of the required building setbacks, Development Edges and/or Scenic Edges.

Upland Buffers from Wetlands. The St. Johns County Land Development Code states that a minimum 25-foot Undisturbed Upland Buffer (which can be averaged but shall be no less than 10-feet in any area and must achieve a greater overall upland buffer), plus a 25-foot building setback is required between developed areas and Contiguous Wetlands. (LDC 4.01.06.B) This buffer is to be measured landward from the State Jurisdictional Wetland Line and is to remain in a natural, undisturbed, vegetative state. Except for in areas where unavoidable wetland impacts occur, as permitted by the appropriate State and Federal Agencies. Removal or alteration of native vegetation and soils within the upland buffer is prohibited. Accessory Uses are allowed in the setback, except for buildings with a permanent foundation.

Scenic Edge. There shall be a minimum 50-foot Scenic Edge along County Road 208, except in the area abutting the trash compactor, where the Scenic Edge will be a minimum of 30-feet. LDC 6.06.02.G.2 allows for a reduction from the required 75-foot buffer where the lot depth measured from the right-of-way is less than 500 feet. Buffer screening along County Road 208 shall consist of the landscaping required per Screening Standard "B" or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two (2) years of planting. (LDC 6.06.04.B.6) The enhanced performance standards in LDC 6.06.02.G.2 shall also be met. A waiver is provided in Section T herein requesting relief from the standard requirement (that the Scenic Edge be 75' average (30' minimum)).

Development Edge. Where there is not a Scenic Edge, there shall be a minimum 20-foot wide Development Edge along the perimeter of the Project, which may include retention pond area, pursuant to LCD 6.06.02.H.1, which allows for a reduction from the required 35-foot development edge due to exceptional shallowness or unusual shape of a specific piece of property. The Development Edge may be averaged if there are practical difficulties in meeting this requirement due to exceptional shallowness or unusual shape of a specific parcel, where connectivity makes a logical pattern, or other extraordinary condition. See Future Land Use Element Policy A.1.2.3(a). Buffer screening in the development edge shall consist of the landscaping required per Screening Standard "B". (LDC 6.06.04) The enhanced performance standards in LDC 6.06.02.H.1 shall be met. A waiver is provided in Section T herein requesting relief from the standard requirement (that the Development Edge be 35' average).

Scenic and Development Edges, Generally. Scenic and Development Edges shall be screened through preserved natural vegetation or landscaped according to LDC §§ 6.06.02.G and H. Wet Retention/Detention ponds or stormwater systems developed within a scenic edge or development edge shall be designed as an amenity to the neighborhood and should be permanently protected from development. Any area of wet retention/detention pond or stormwater system lying within the scenic or development edge shall be required to vegetate along the entire perimeter of the banks. Vegetation shall include native grasses and understory plantings. (LDC 6.06.02.I.1)

Tree Protection. The Project will comply with County tree protection regulations.

Landscaping. The Project will comply with County landscaping requirements. The developer will provide a minimum of fifty percent (50%) xeriscaping or Florida Friendly landscaping.

- o. PUDs in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District.** The Project is not within a Special District.
- p. The use, location and duration of temporary Uses, including Construction trailers, sales units, model homes and temporary signage related to**

Construction of the Project. Construction trailers and a leasing office shall be allowed during construction of the Project. Temporary signs are allowed in accordance with the LDC.

- q. **The use and location of Accessory Uses for residential and non-residential structures, including guest houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing and similar uses.** Accessory Uses will be allowed in association with the proposed uses, consistent with the Land Development Code. Such uses may include, but not be limited to, swimming pools and amenities of the residential use, essential services, and HVAC units.
- r. **A phasing schedule, which shall include the amount of residential and non-residential development to be completed within a specific phase; a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD may be obtained by either of the following two methods:**
 - (1) **the provision of an estimate of Uses to be developed within five (5) to ten (10) year phases. The estimated phases may overlap during construction; however, a phase shall be fifty percent (50%) complete, before the next phase may proceed; or**
 - (2) **the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to the platting of one hundred (100) dwelling units, a park shall be provided).**

The phasing schedule shall also provide for a PUD Progress Report as required by Section 5.03.07 of the LDC.

Development is anticipated to occur in a single 10-year phase, with commencement to occur within 2 years of the date the PUD is recorded. Commencement is defined as the filing of a notice of commencement for horizontal construction within the Project. A progress report will be provided as required by the LDC.

- s. **The projected impact of the Project upon St. Johns County, and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification for the Project.** The Project is located in an area served by public infrastructure. The Project will assist in meeting the demand for housing and provide an opportunity for those seeking suburban housing

under long-term leases with centralized management of landscaping, home maintenance and amenities.

- t. A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of the Code shall be provided to justify the need for such waivers.** Three waivers are being requested—two related to development standards, and one related to the Affordable Housing Density Bonus.
1. First, LDC 6.06.02.G.2 and Comprehensive Plan Policy A.2.1.4(a) allow for a reduction to the required 75-foot buffer to a minimum 30-foot buffer, and encroachment within a 30-foot buffer, where the lot depth measured from the right-of-way is less than 500 feet, and where extraordinary condition of such property are present (i.e., exceptional shallowness or unusual shape of a specific piece of property). Given the extensive wetlands, unusual shape of uplands, and requested 17' right-of-way reservation, the lot depth of the portion of the parcel near County Road 208 narrows to as little as 200-feet. This waiver request is for a minimum 50-foot Scenic Edge along County Road 208, except in the area abutting the trash compactor, where the Scenic Edge will be a minimum of 30-feet. Buffer screening along County Road 208 shall consist of the landscaping required per Screening Standard "B" or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two (2) years of planting. (LDC 6.06.04.B.6) The enhanced performance standards in LDC 6.06.02.G.2 shall also be met.
 2. Second, LDC 6.06.02.H.1 allows a reduction of the 35-foot development edge requirement to a minimum of 20 feet due to exceptional shallowness or unusual shape of a specific piece of property. Here, as noted above, the lot depth is shallow and warrants a waiver. The enhanced performance standards in LDC 6.06.02.H.1 shall be met.
 3. Third, Section 5.07.00 of the Land Development Code and Future Land Use Policy A.1.11.1 allow a density bonus of 2 units per net developable acre for development of affordable housing. The applicant requests a waiver of the restrictions associated with that density bonus. For instance, Section 5.07.03(B) of the Land Development Code contains

provisions regarding the design, distribution of affordable housing units and incomes, and management of affordable housing developments that are not applicable to other housing developments. The requested waiver will further the County government's efforts to provide sufficient affordable housing meeting the needs of the County's people. This waiver is consistent with the County's Local Housing Assistance Plan, provided to the Florida Housing Finance Corporation, which calls for the County to continuously review policies affecting the availability of affordable housing.

- u. **A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the Master Development Plan.** The landowner agrees to comply with the commitments and conditions of the Master Development Plan, binding all successors and assigns in title.
- v. **When the property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and wetland acres for each Land Use Designation.** A map will be provided with this information.

II. Compliance with General Standards. See LDC §§ 5.03.02 and 5.03.06

- a. **Consistency with the Comprehensive Plan.** The following St. Johns County Goals, Objectives and Policies are applicable to this application, quoted or paraphrased below.

Goal A.1: To effectively manage growth and development by designating areas of anticipated future development which satisfy demand where feasible, in a cost-efficient and environmentally acceptable manner. Encourage and accommodate land uses which make St. Johns County a viable community. Create a sound economic base and offer diverse opportunities for a wide variety of living, working, shopping, and leisure activities, while minimizing adverse impact on the natural environment.

Policy A.1.7.7. The County shall continue to enforce its land development regulations, which at a minimum, contains provisions for the following: (a) protection of environmentally sensitive lands; (b) safe and convenient on-site traffic circulation; (c) provision of adequate on-site parking; (d) protection of wellheads; (e)

regulation of subdivisions; (f) regulations for areas subject to seasonal and periodic flooding; (g) drainage and stormwater management; and (h) provision of open space and landscaping; (i) regulations of roads, water and sewer infrastructure.

Policy E.2.1.6. The County shall continue to implement its LDRs that encourage all development to be designed in accordance with the limitations of the natural environment and require the conservation of water resources and use of innovative land development techniques to decrease water use. Water conservation standards shall include, but not limited, to the following:

- (a) Minimum preservation of at least five percent (5%) of existing native vegetation on site.
- (b) Minimum of fifty percent (50%) xeriscaping or Florida Friendly landscaping. Plant materials shall be native species or hybrids/cultivars of native species.
- (c) All plantings shall be selected based on the principles of Florida Friendly landscaping including planting the right plant in the right place and providing for efficient watering. Exempt from this requirement are golf courses, sports fields, Agriculture and Silviculture.
- (d) High Volume irrigation shall be limited to no more than fifty percent (50%) of the total irrigated landscape area. All plantings shall be grouped according to similar water needs for efficient irrigation zones. Exempt from this requirement are golf courses, sports fields, Agriculture, Silviculture or systems using Reclaimed water.

* * *

Policy F.1.3.8. Developments of Regional Impact (DRIs), Planned Developments (PUDs, PRDs) and other developments shall provide neighborhood-sized parks and playing fields within the development for their residents that meet the County LOS standard.

Policy H.1.1.3. St Johns County Capital Improvement Element (CIE) and Capital Improvement Schedule (CIS) shall be updated as required by Florida Statutes. Funding not provided by the county (i.e., from a developer, other governmental agency or funding pursuant to referendum) for the proposed capital improvements must be guaranteed in the form of Developers Agreement or an Inter-local Agreement.

- b. **Location and Suitability.** The proposed Project is consistent with the predominantly residential nature of the area. The property proposed for development is of similar topography and soils to other developments in the area.
- c. **Minimum Size.** There is no proposed minimum lot size.
- d. **Compatibility.** The proposed development is compatible with the adjacent and surrounding uses. The commercial uses east and west of the site are compatible with multiple family dwellings and harmonious with the Comprehensive Plan's intent to allow for mixed uses and higher residential densities.
- e. **Traffic Impacts.** Any traffic impact will be subject to mitigation under the County's impact fee or other successor program.
- f. **Functional Classification of Streets Serving Proposed Development.** N/A
- g. **Information Regarding Existing Land Uses, Zoning, Roadway, and Significant Environmental Features of Adjacent and Surrounding Properties.** Maps and other information have been provided on these issues above.
- h. **Adequacy of Facilities.** Utilities are available to the Project. Fire service exists adjacent to the property. Drainage systems will be provided on site.
- i. **Access.** Access to the Project will be via County Road 208.

EXHIBIT D

Petition for Affordable Housing Bonus under LDC Part 5.07.00

This is a petition for an Affordable Housing Density Bonus, also known as a Workforce Housing Density Bonus, under Part 5.07.00 of the St. Johns County Land Development Code. The proposed development is located on the north side of County Road 208, just east of Cabbage Hammock Road and is approximately 23.17 acres. The request is for the 2-unit per net developable acre bonus, such that the proposed development may provide 40% of its 180 units (72 units total) to moderate-income households in north St. Johns County. This request is made in conjunction with applications CPA(SS) 2023-10 and PUD 2023-19, for a small-scale land use and text amendment and planned unit development rezoning, respectively. These two other applications provide additional detail concerning the proposed development.

Compliance with Standards for Approval under LDC § 5.07.04:

- A. **Location.** The Development is located within the unincorporated area of St. Johns County.
- B. **Compatibility.** The proposed Future Land Use designation is Residential-D. This site is located within the southeastern corner of the Northwest Sector, less than two miles west of the State Road 16 and Interstate 95 interchange. This development area is undergoing significant transition, and the proposed development will complement the existing and planned uses in the area. For example, Elevation Pointe is a 190-acre mixed-use development just one mile east of the site that includes commercial, retail, hotel, and residential uses. The residential uses consist of 750 multi-family units: 320 apartments and 430 townhomes. Publix was also recently announced to be constructing a store at Elevation Pointe as part of the major modification process (MAJMOD 2023-04). Additional improvements associated with Elevation Pointe include realigning County Road 208 and providing a more direct connection to State Road 16. Further east of Elevation Pointe are the former St. Augustine Outlets, which are being converted into a mixed-use development with 350 multifamily units and up to 99,500 square feet of retail and commercial space (Ord. No. 2021-83). Such mixed-use land use designations allow the highest density of housing allowed in the County—13 units per acre. Moreover, less than a half-mile west of the site is the southern terminus for the proposed County Road 2209, which will bring

further development to this area of the County when it is constructed. Please see the PUD application's MDP text and map for more detail.

- C. **Concurrency.** This development shall meet all County concurrency requirements at the level of impact calculated at the bonus density as provided in Article XI Concurrency Management.
- D. **Adequate Assurances of Affordability.** If developed with the proposed use, a deed restriction would be recorded to guarantee for a period of 15 years that the household, upon entry to the unit, shall meet the definition of a moderate-income household. The definition of moderate-income households is provided in the State Housing Initiatives Partnership Program (SHIP) or applicable successor program, as published in the annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" applicable to St. Johns County. Similarly, the deed restriction would restrict the maximum rents charged to such households to those provided in the State Housing Initiatives Partnership Program (SHIP) or applicable successor program, as published in the annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" applicable to St. Johns County. The form of such deed restriction (guaranty) shall be subject to review and approval by the County Administrator and otherwise be consistent with section 5.07.03(C) of the Land Development Code (Oct. 2023). The form of guaranty shall also be subject to approval by the Office of County Attorney prior to certification of the final Site Plan. This guaranty/deed restriction is the proposed method and provisions regarding such assurance of affordability, for which approval is being sought by the Board of County Commissioners as part of this application under LDC section 5.07.03(C).
- E. **Adequate Provisions for Displaced Tenants.** No person is displaced from their housing as a result of the development.
- F. The proposed development is consistent with the goals, objectives and policies of the Comprehensive Plan and LDC Part 5.07.00 for the reasons expressed in the companion Planned Unit Development application.

**END OF RECORDED
DOCUMENTS SECTION**

ATTACHMENT 2
APPLICATION AND
SUPPORTING DOCUMENTS



St. Johns County Growth Management Department

Application for: Rezoning

Date 9/21/2023

Property Tax ID No 0274400051

Project Name County Road 208 Multifamily

Property Owner(s) Ruby208 LLC

Phone Number

Address 2160 Autumn Cove Circle

Fax Number

City

Fleming Island

State

FL

Zip Code

32003

e-mail

Are there any owners not listed?

☒ No

☐ Yes

If yes please provide information on separate sheet.

Applicant/Representative Thomas Ingram, Elizabeth Moore - Sodl & Ingram PLLC

Phone Number

904-479-6425

Address 1617 San Marco Boulevard

Fax Number

City

Jacksonville

State

FL

Zip Code

32207

e-mail

Beth.Moore@si-law.com

Property Location North side of County Road 208, approximately 2 miles west of State Road 16

Major Access CR 208

Size of Property 23.17

Cleared Acres (if applicable)

Zoning Class OR

No. of lots (if applicable)

Overlay District (if applicable)

Water & Sewer Provider St. Johns County Utility Department

Future Land Use Designation R/S

Present Use of Property Vacant/silviculture

Proposed Bldg. S.F.

Project Description (use separate sheet if necessary)

This application seeks to rezone approximately 23.17 acres from Open Rural (OR) to Planned Unit Development (PUD) to allow a 180-unit multifamily residential community that will increase the availability of housing opportunities for the County's workforce. The proposed Project will utilize the transformative Live Local Act as a framework by designating 40% of its units for moderate-income households.

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) Elizabeth Moore



Owner's Authorization Form

Thomas Ingram & Elizabeth Moore, Sodl & Ingram PLLC

is hereby authorized TO ACT ON BEHALF OF

Ruby208 LLC

the owners(s) of those lands described within

the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a development Permit or other action pursuant to a: application for:

Rezoning/Modification, Comprehensive Plan Amendment,
Concurrency, and related development permits

By signing, I affirm that all legal owners(s), as listed on the Recorded Warranty Deed on file with the St. Johns County Clerk of Courts or otherwise stated (_____), have been notified of the _____

(Identify what document)

I further understand incomplete or false information provided on this form may lead to revocation of permits, termination of development activity.

Signature of Owner

Print Name

Anthony J. Gorja

Signature of Owner

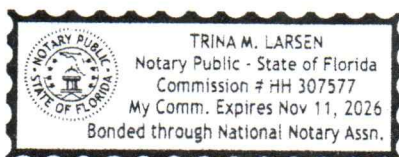
Print Name

Telephone Number

STATE OF FLORIDA
COUNTY OF

Clay

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5th day of September, 2023, by Anthony J. Gorja as _____ for _____.



Notary Public, State of Florida

Name: Trina M. Larsen

My Commission Expires: 11-11-26

My Commission Number is: HH 307577

Personally Known _____ OR Produced Identification xx

Type of Identification Produced driver license

Revised August 30, 2011

Prepared by:

Dawn M. Shee

Sea Glass Title, LLC

4475 US1 South, Suite 204

St. Augustine, Florida 32086

File Number: 20-419

General Warranty Deed

Made this October 13, 2021 A.D. By **LTI Property Jacksonville, LLC**, a Florida limited liability company, 12276 San Jose Blvd. Suite 618, Jacksonville, Florida 32223, hereinafter called the grantor, to **Ruby208 LLC**, a Florida Limited Liability Company, whose post office address is: 2160 Autumn Cove Circle, Fleming Island, FL, hereinafter called the grantee:

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

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

See Attached Schedule "A"

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **027440-0050**

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

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

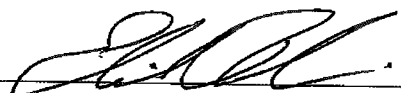
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

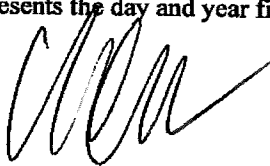
Prepared by:
 Dawn M. Shee
 Sea Glass Title, LLC
 4475 US1 South, Suite 204
 St. Augustine, Florida 32086


File Number: 20-419

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

Signed, sealed and delivered in our presence:


 Witness Printed Name Elicia Robinson


 (Seal)
LTI Property Jacksonville, LLC, a Florida limited liability company
By: Kevin D. Carpenter
It's: Manager
 Address: 12276 San Jose Blvd. Suite 618, Jacksonville, Florida 32223


 Witness Printed Name Brandon Ravan

State of Florida

County of

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of October, 2021, by Kevin D. Carpenter as Manager of LTI Property Jacksonville, LLC, a Florida limited liability company, who is/are personally known to me or who has produced drivers license as identification.



Brandon Ravan
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# GG976107
 Expires 4/5/2024



 Notary Public/
 Print Name: Brandon Ravan
 My Commission Expires: 4/5/2024

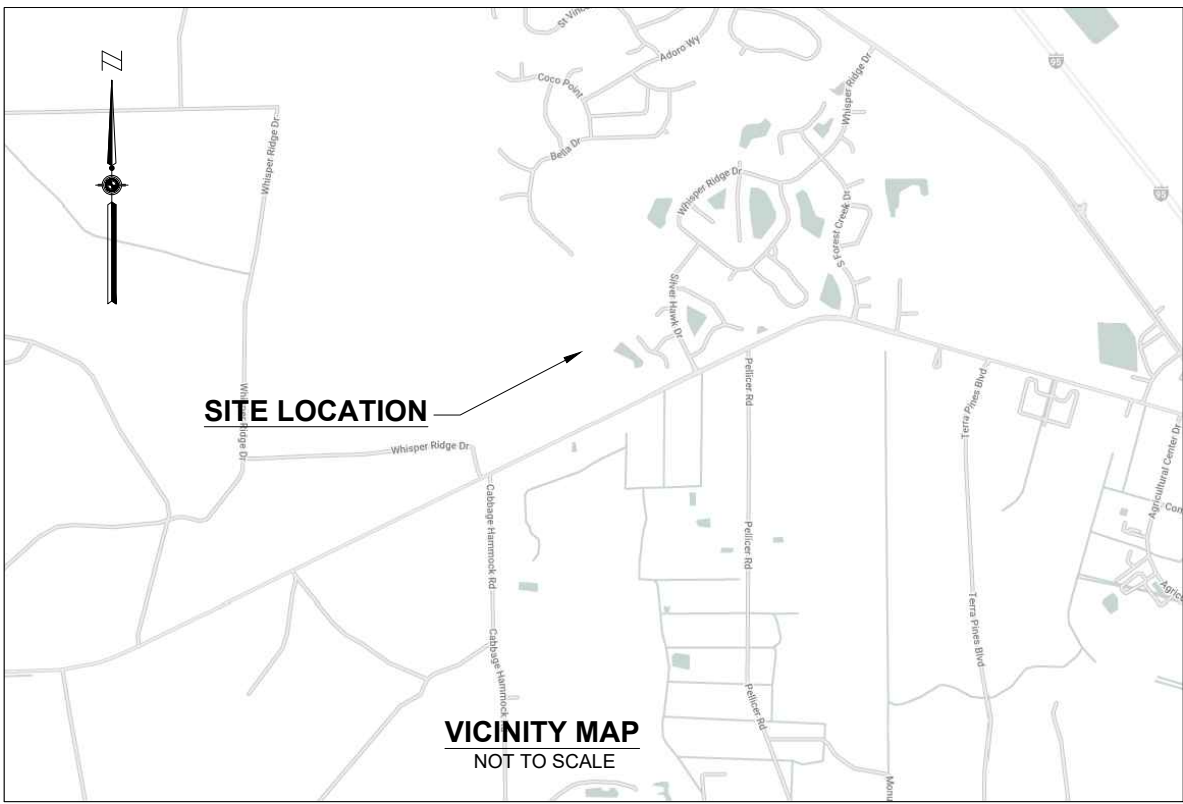
EXHIBIT "A"

A portion of Section 42, Township 7 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the Northwest corner of Tract "II", as shown on the plat of Whisper Ridge Unit Six, as recorded in Map Book 53, Pages 84, 85, 86, 87 and 88 of the Public Records of said County; thence South $51^{\circ}08'37''$ East, along the Southwesterly boundary of said plat of Whisper Ridge Unit Six, the same being the Northeasterly line of said Section 42, a distance of 1215.79 feet to the most Easterly corner of said Section 42; thence South $39^{\circ}15'53''$ West, along the Northwesterly boundary of said Whisper Ridge Unit Six and along the Northwesterly boundary of Whisper Ridge Unit Seven, as recorded in Map Book 54, Pages 43, 44, 45, 46, 47, 48 and 49 of said Public Records, and along the Southeasterly line of said Section 42, a distance of 2320.97 feet to the POINT OF BEGINNING: thence continue South $39^{\circ}15'53''$ West along said Southeasterly line of Section 42, a distance of 1090.25 feet to the Northerly right of way line of County Road C-208 (a 66 foot right of way); thence South $64^{\circ}16'29''$ West, along said Northerly right of way line, 535.44 feet; thence North $01^{\circ}01'59''$ West, along the Southerly prolongation of the Westerly line of Section 36, Township 6 South, Range 28 East, said County, a distance of 1282.14 feet; thence North $86^{\circ}26'33''$ East, 879.18 feet; thence South $50^{\circ}44'07''$ East, 410.76 feet to the POINT OF BEGINNING.

MAP SHOWING BOUNDARY SURVEY OF:

LEGAL DESCRIPTION: A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS IN OFFICIAL RECORDS BOOK 5397, PAGES 216-218, OF THE CURRENT RECORDS OF ST. JOHNS COUNTY, FLORIDA

FOR:
B & L CAPITAL GROUP LLC
RUBY208 LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SODL & INGRAM



LEGAL DESCRIPTION OFFICIAL RECORDS BOOK 5397, PAGE 216-218

A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT "II", AS SHOWN ON THE PLAT OF WHISPER RIDGE UNIT SIX, AS RECORDED IN MAP BOOK 53, PAGES 84, 85, 86, 87 AND 88 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 51°08'37" EAST, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PLAT OF WHISPER RIDGE UNIT SIX, THE SAME BEING THE NORTHEASTERLY LINE OF SAID SECTION 42, A DISTANCE OF 1215.79 FEET TO THE MOST EASTERLY CORNER OF SAID SECTION 42; THENCE SOUTH 39°15'53" WEST, ALONG THE NORTHWESTERLY BOUNDARY OF SAID WHISPER RIDGE UNIT SIX AND ALONG THE NORTHWESTERLY BOUNDARY OF WHISPER RIDGE UNIT SEVEN, AS RECORDED IN MAP BOOK 54, PAGES 43, 44, 45, 46, 47, 48 AND 49 OF SAID PUBLIC RECORDS, AND ALONG THE SOUTHEASTERLY LINE OF SAID SECTION 42, A DISTANCE OF 2320.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 39°15'53" WEST ALONG SAID SOUTHEASTERLY LINE OF SECTION 42, A DISTANCE OF 1090.25 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD C-208 (A 66 FOOT RIGHT OF WAY); THENCE SOUTH 64°16'29" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 535.44 FEET; THENCE NORTH 01°01'41" WEST, ALONG THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 28 EAST, SAID COUNTY, A DISTANCE OF 1282.14 FEET; THENCE NORTH 86°26'33" EAST, 879.18 FEET; THENCE SOUTH 50°44'07" EAST, 410.76 FEET TO THE POINT OF BEGINNING.

LEGAL BY LAND SURVEYOR

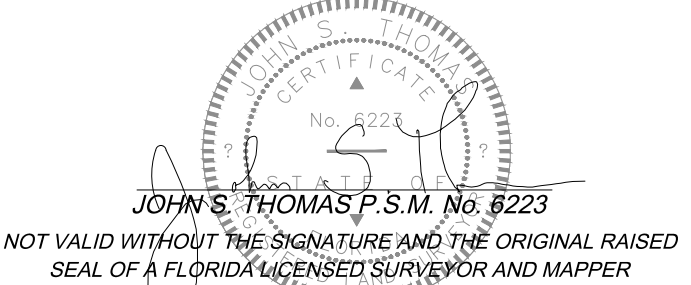
A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 23.17 ACRES, MORE OR LESS.

THE ABOVE PARCEL IS BEING CONTIGUOUS AS THE PROVIDED LEGAL DESCRIPTION BY CLIENT.

- GENERAL NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON SOUTHERLY PROPERTY LINE ON THE SUBJECT PARCEL. ALSO BEING BEING SHOWN IN OFFICIAL RECORDS BOOK 5397, PAGE 216-218. SAID BEARING SHOWN AS S 39°15'53" W.
 - THIS SURVEY WAS PREPARED WITH THE BENEFIT A TITLE REPORT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO# 230431110RB, DATED APRIL 19, 2023.
2(A) ITEM 6 - TERMS, CONDITIONS, COVENANTS AND AGREEMENTS AS SET FORTH IN CONVEYANCES RECORDED IN OR BOOK 1546, PAGE 361 AND OR BOOK 1546, PAGE 365; (DOES AFFECT SUBJECT PARCEL);(NOT PLOTTABLE);(SUBJECT PARCEL IS SITUATED ENTIRELY WITHIN THE PROPERTY DESCRIBED IN EXHIBIT A TO OR BOOK 1546, PAGE 361, AND OR BOOK 1546, PAGE 365).
2(B) ITEM 7- TERMS AND CONDITIONS OF THAT CERTAIN EASEMENT AGREEMENT RECORDED IN OR BOOK 1922, PAGE 1670-(DOES NOT AFFECT SUBJECT PARCEL);(THE SUBJECT PARCEL IS NOT SHOWN ON WHISPER RIDGE P.U.D-MASTER DEVELOPMENT PLAN)
 - MEASUREMENT METHODS USED FOR THIS SURVEY MEET OR EXCEED THOSE IDENTIFIED IN STANDARDS OF PRACTICE AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5J-17.050-.052, BOUNDARY SURVEY REQUIREMENTS.
 - IMPROVEMENTS AND UTILITIES, IF ANY, WERE NOT LOCATED AS PART OF THIS SURVEY, EXCEPT AS SHOWN HEREON.
 - EASEMENTS OR RIGHTS OF WAY THAT HAVE BEEN FURNISHED TO THE SURVEYOR OR THAT WERE DISCOVERED DURING PREPARATION OF THIS SURVEY HAVE BEEN INCORPORATED INTO THIS DRAWING WITH APPROPRIATE NOTATION; HOWEVER, OTHER EASEMENTS MAY BE DISCOVERED BY A SEARCH OF THE PUBLIC RECORDS.
 - BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 12109C-02871, EFFECTIVE DECEMBER 07, 2018.
 -

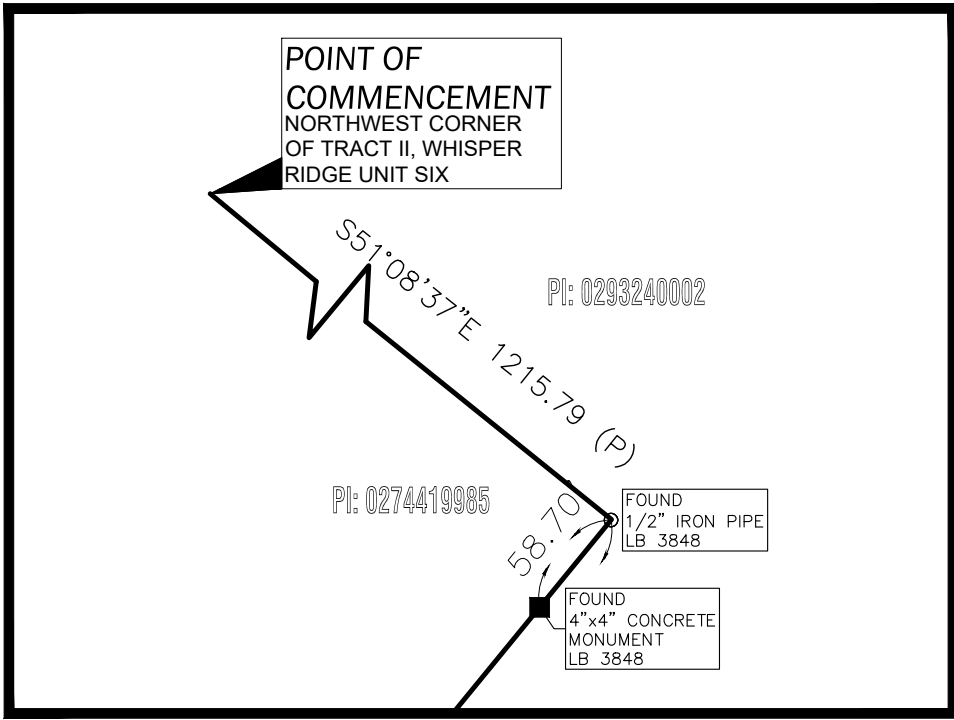


JOB No. 23-066	REVISION	DATE	BY	REVISION	DATE	BY
FILE No. C-1284	ADDRESSSED CLIENT COMMENTS	07/12/2023	TBH			
PARTY CHIEF: J. HENDERSON	ADDRESSSED CLIENT COMMENTS	07/15/2023	TBH			
F.B. 2834-01-02	ADDRESSSED CLIENT COMMENTS	07/31/2023	TBH			
DRAWN BY: J. HODGE						
CHECKED BY: J. THOMAS						
SURVEY DATE: 07/11/2023						

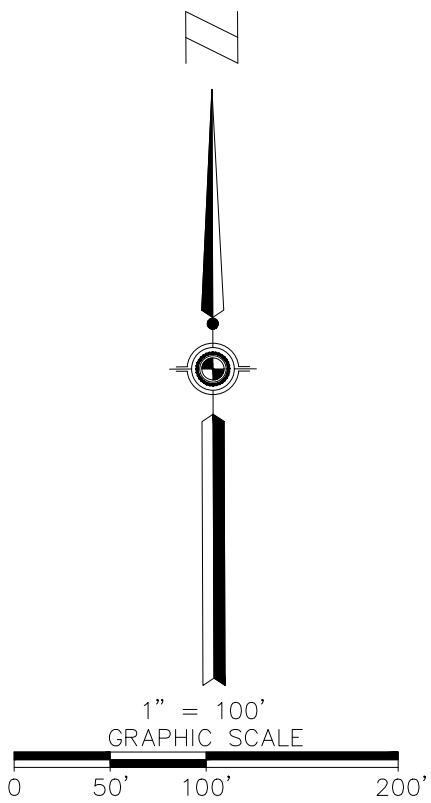
CAD FILE: P:\23 SAM\23-066 CR 208 BOUNDARY FOR LIVE OAK\DWG\23-066-CR 208-LIVE OAK-ROT-LEGAL.dwg

SURVEYING AND MAPPING, LLC
CERTIFICATE OF AUTHORIZATION No. LB 7908
SAM 2426 PHILIPS HIGHWAY
JACKSONVILLE, FLORIDA 32207
(904) 886-0071
www.SAM.biz (904) 886-7174 FAX

- Symbol Legend**
- Symbol Denotes
- CONCRETE
 - FIRE HYDRANT
 - GUY
 - IRON PIPE
 - REBAR
 - POWER POLE
 - TEL-RISER
 - WATER VALVE
 - WATER METER
 - X-CUT
- Abbreviations**
- BTL BURIED TELEPHONE
 - CDR CALCULATED DISTANCE
 - FOIR CAPPED REBAR
 - FT DEEDED DISTANCE
 - ID FEET
 - IP IDENTIFICATION
 - LB LICENSED BUSINESS
 - LLC LIMITED LIABILITY COMPANY
 - M MEASURED DISTANCE
 - OHU OVERHEAD UTILITIES
 - PAD PLAT
 - PT CONCRETE PAD
 - PI PARCEL IDENTIFICATION
 - PT POINT
 - SO SQUARE
 - TELE TELEPHONE
 - TB TOP OF BANK
 - W WATERLINE
 - WPP WOOD POWER POLE



DETAIL 'A'
1" = 100'



DETAIL 'A'

FOUND
4"x4" CONCRETE
MONUMENT
LB 3848

WINDWARD RANCH
UNIT 10
PG 94
PG 6-29

PI: 0274419865
ORB: 5521
PG: 269
PG: 94
PG: 6-29
(IMPROVED)

N86°26'33"E 879.18 (D)
N86°26'33"E 879.18 (P)
N86°26'26"E 879.10 (M)

FOUND
4"x4" CONCRETE
MONUMENT
LB 6991

FOUND
4"x4" CONCRETE
MONUMENT
LB 6991

S50°44'07"E 410.76 (D)
S50°44'07"E 410.76 (P)
S50°45'03"E 410.60 (M)

FOUND
4"x4" CONCRETE
MONUMENT
LB 6991

POINT OF
BEGINNING

WINDWARD RANCH
UNIT 7
PG 54
PG 43-49

PI: 0293250003
ORB: 2189
PG: 520
PG: 54
PG 43-49
(VACANT)

PI: 0274400061
ORB: 5397
PG 216
1009676.6712 SQ FT
23.17 ACRES
(VACANT)

N01°01'41"W 1281.86 (C)
N01°01'59"W 1282.14 (D)

S39°15'53"W 1090.25 (D)
S39°15'53"W 1090.17 (M)

FOUND
4"x 4" CONCRETE
MONUMENT
LB 3848

PI: 0293100011
ORB: 2189
PG 520
(IMPROVED)

FOUND
X-CUT
NO ID

PI: 0293100010
ORB: 1922
PG 1655
(VACANT)

N64°16'21"E 810.95 (M)
361.48 (M)

FOUND
5/8" REBAR-REMAINS OF
CONCRETE MONUMENT
NO ID

FOUND
4"x4" CONCRETE
MONUMENT
PRM 4690
BEING 522°53'32"E
1.26

66' PUBLIC RIGHT OF WAY
COUNTY ROUTE 208

DETAIL
'LOT CORNER'

C-1284

MAP SHOWING BOUNDARY SURVEY OF:

LEGAL DESCRIPTION: A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST.

JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS IN OFFICIAL RECORDS BOOK 5397.

PAGES 216-218, OF THE CURRENT RECORDS OF ST. JOHNS COUNTY, FLORIDA

FOR:
B & L CAPITAL GROUP LLC
RUBY208 LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SODL & INGRAM

LEGAL DESCRIPTION OFFICIAL RECORDS BOOK 5397, PAGE 216-218

A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT "I", AS SHOWN ON THE PLAT OF WHISPER RIDGE UNIT SIX, AS RECORDED IN MAP BOOK 53, PAGES 84, 85, 86, 87 AND 88 OF THE PUBLIC RECORDS OF SAID COUNTY, THENCE SOUTH 51°08'37" EAST, ALONG THE SOUTHWESTERLY SUBDIVISION OF SAID PLAT OF WHISPER RIDGE UNIT SIX, THE SAME BEING THE NORTHWESTERLY CORNER OF SAID SECTION 16, A DISTANCE OF 1215'78" WEST TO THE MOST EASTERLY CORNER OF SAID SECTION 42; THENCE SOUTH 83°15'53" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF COUNTRY ROAD C-208 (A 66 FOOT RIGHT OF WAY), THENCE SOUTH 64°16'29" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 535'44" WEST, TO THE NORTHERLY CORNER OF SAID SECTION 42; THENCE SOUTH 83°15'53" WEST, ALONG THE SOUTHWESTERLY SUBDIVISION OF SAID PLAT OF WHISPER RIDGE UNIT SIX, 47' 48" AND 49' 00" SAID PLAT OF WHISPER RIDGE UNIT SIX, AND ALONG THE SOUTHWESTERLY CORNER OF SAID SECTION 42, A DISTANCE OF 2320'97" TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 83°15'53" WEST ALONG SAID SOUTHEASTERLY LINE OF SECTION 42, A DISTANCE OF 1090'25" TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTRY ROAD C-208 (A 66 FOOT RIGHT OF WAY); THENCE SOUTH 64°16'29" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 535'44" WEST, THENCE NORTH 01°01'59" WEST, ALONG THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SECTION 38, TOWNSHIP 8 NORTH, RANGE 28 EAST, 1ST RD COUNTY, A DISTANCE OF 1282' 14" FEET, THENCE NORTH 86°26'33" EAST, 879' 18" FEET, THENCE SOUTH 50°44'07" EAST, 410' 76" TO THE POINT OF BEGINNING.

LEGAL BY LAND SURVEYOR

A PORTION OF SECTION 42, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF TRACT "I", AS SHOWN ON THE PLAN OF WHISPER RIDGE UNIT SIX, AS RECORDED IN MAP BOOK 38, PAGES 84, 85, 86, 87 AND 88 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 51°03'37" EAST, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PLAT OF WHISPER RIDGE UNIT SIX, THE SAME BEING THE NORTHEASTERLY LINE OF SAID SECTION 42, A DISTANCE OF 1,215.79 FEET TO THE MOST EASTERLY CORNER OF SAID SECTION 42; THENCE SOUTH 39°15'53" WEST, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID WHISPER RIDGE UNIT SIX AND ALONG THE NORTHWESTERLY LINE OF SAID SECTION 42, A DISTANCE OF 1,090.17 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD C-208 (A WEST FORT RIGHT OF WAY); THENCE SOUTH 64°16'21" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 535.46 FEET; THENCE NORTH 01°01'41" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID SECTION 42, A DISTANCE OF 2,320.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 39°15'53" WEST, ALONG SAID SOUTHEASTERLY LINE OF SECTION 42, A DISTANCE OF 1,090.17 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD C-208 (A WEST FORT RIGHT OF WAY); THENCE NORTH 88°26'26" EAST, 87.90 FEET; THENCE SOUTH 50°45'03" EAST, 410.60 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 23.17 ACRES, MORE OR LESS

THE ABOVE PARCEL IS BEING CONTIGUOUS AS THE PROVIDED LEGAL DESCRIPTION BY CLIENT

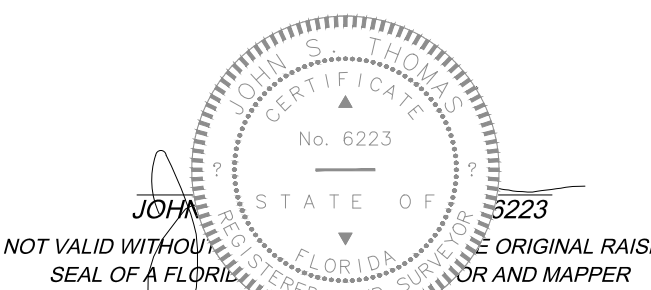
GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON SOUTHERLY PROPERTY LINE ON THE SUBJECT PARCEL. ALSO BEING SHOWN IN OFFICIAL RECORDS BOOK 5397, PAGE 216-218. SAID BEARING SHOWN AS S 39°15'53" W.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT A TITLE REPORT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO# 230431110RB, DATED APRIL 19, 2023.
 - 2(A) ITEM 6 - TERMS, CONDITIONS, COVENANTS AND AGREEMENTS AS SET FORTH IN CONVEYANCES RECORDED IN OR BOOK 1546, PAGE 361 AND OR BOOK 1546, PAGE 365 - (DOES AFFECT SUBJECT PARCEL); (NOT PLOTTABLE) - (SUBJECT PARCEL IS SITUATED ENTIRELY WITHIN THE PROPERTY DESCRIBED IN EXHIBIT A TO OR BOOK 1546, PAGE 361. AND OR BOOK 1546, PAGE 365).
 - 2(B) ITEM 7 - TERMS AND CONDITIONS OF THAT CERTAIN EASEMENT AGREEMENT RECORDED IN OR BOOK 1922, PAGE 1670 - (DOES NOT AFFECT SUBJECT PARCEL) (THE SUBJECT PARCEL IS NOT SHOWN ON WHISPER RIDGE P.U.D-MASTER DEVELOPMENT PLAN)
3. MEASUREMENT METHODS USED FOR THIS SURVEY MEET OR EXCEED THOSE IDENTIFIED IN STANDARDS OF PRACTICE AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 55.17-050-.052, BOUNDARY SURVEY REQUIREMENTS.
4. IMPROVEMENTS AND UTILITIES, IF ANY, WERE NOT LOCATED AS PART OF THIS SURVEY, EXCEPT AS SHOWN HEREON.
5. EASEMENTS OR RIGHTS OF WAY THAT HAVE BEEN FURNISHED TO THE SURVEYOR OR THAT WERE DISCOVERED DURING PREPARATION OF THIS SURVEY HAVE BEEN INCORPORATED INTO THIS DRAWING WITH APPROPRIATE NOTATION; HOWEVER, OTHER EASEMENTS MAY BE DISCOVERED BY A SEARCH OF THE PUBLIC RECORDS.
6. BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PLAN, NUMBER 121906-02871, EFFECTIVE DECEMBER 07, 2018.

Symbol	Denotes
■	CONCRETE
⊗	FIRE HYDRANT
⌒	GUY
○	IRON PIPE
●	REBAR
◇	POWER POLE
⊞	TEL-RISER
⊞	WATER VALVE
⊞	WATER METER
✕	X-CUT

Abbreviation

TEL	BURIED TELEPHONE
OR	CALCULATED DISTANCE
CIR	CAPPED REBAR
OR	DEEDED DISTANCE
FT	FEET
OR	IDENTIFICATION
OR	IRON PIPE OR IRON PIN
LOC	LICENSED BUSINESS
OR	LIABILITY LIABILITY COMPANY
OR	MEASURED DISTANCE
OR	OVERHEAD UTILITIES
OR	PLAT
PAD	CONCRETE PAD
PI	PARCEL IDENTIFICATION
OR	POINT
OR	SHORE
TELE	TELEPHONE
TB	TOP OF BANK
W	WATERLINE
WPP	WOOD POWER POLE



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JOB NO: 23-066	REVISION:	DATE:	BY:	REVISION:	DATE:	BY:
FILE NO: C-1284	ADDRESSED CLIENT COMMENTS	06/23/2023	TBH			
PARTY CHIEF: M HENDERSON	ADDRESSED CLIENT COMMENTS	07/12/2023	TBH			
F.B. 2834-01-02	ADDRESSED CLIENT COMMENTS	07/13/2023	TBH			
DRAWN BY: T.HODGE	ADDRESSED CLIENT COMMENTS	07/31/2023	TBH			
CHECKED BY: J.THOMAS						
SURVEY DATE: 06/14/2023						

CAD FILE: P:\23 SAM\23-066 CR 208 BOUNDARY FOR LIVE OAK\DWG\23-066-CR 208-LIVE OAK-ROT-LEGAL

C-1284

**Phase I Cultural Resource Assessment Survey
of the C.R. 208 Multifamily Development Property
St. Johns County, Florida**

**St. Johns County Application No.:
SJC Permit App. No. (PIN): 0274400051**

**Prepared for:
Matthews Design Group
St. Augustine, Florida**

**Prepared by:
Dana Ste.Claire, M.A., RPA
Heritage Cultural Services, LLC
St. Augustine, Florida**

September 2023

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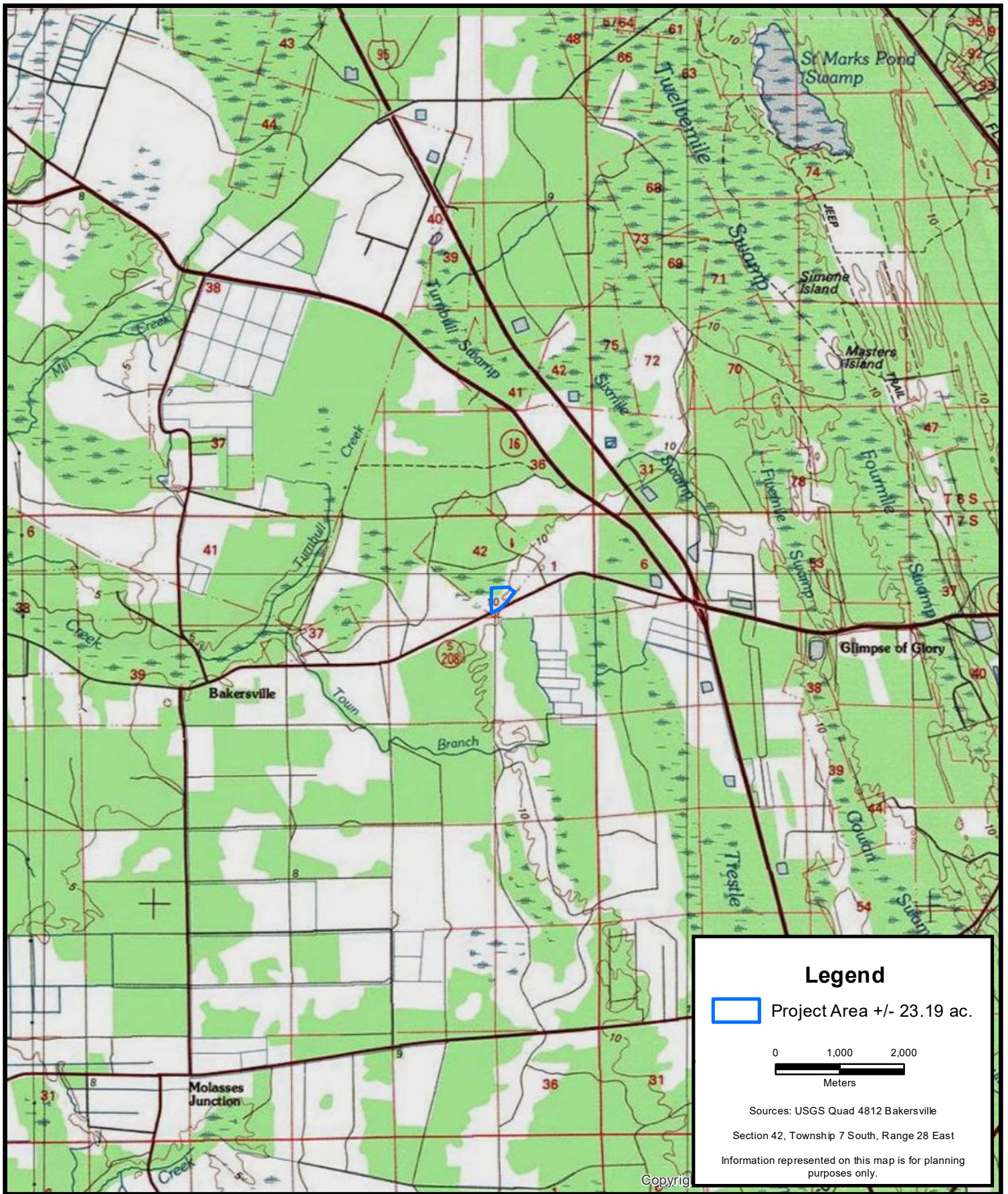
Introduction

This report documents the findings of an archaeological and historical survey of the 23.19-acre C.R. 208 Multifamily development property in St. Johns County, conducted for B & L Capital Group, LLC, Jacksonville, Florida, and Matthews Design Group, St. Augustine, Florida, to satisfy cultural resource requirements and provisions contained in Section 3.01.04.D of the St. Johns County Land Development Code (St. Johns County Property Identification Number: 0274400051). Archaeological survey work was requested pursuant to the authority vested in the St. Johns County Environmental Division, Historic Resource Management Section, regarding project concurrency, this defined by County ordinance. The purpose of the survey, conducted in September 2023, was to locate any archaeological and/or historical sites within the project area and to assess their potential eligibility for nomination to the *National Register of Historic Places* (NRHP). The authority for this procedure is Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, *Florida Statutes*. This report is designed to provide the County of St. Johns with information resulting from the archaeological survey (CRAS) for staff review regarding potential impact of the proposed development on historical and archaeological sites.

The 23.19-acre C.R. 208 Multifamily property is located off C.R. 208 in St. Augustine, St. Johns County, Florida; Section 42, Township 7 South, Range 28 East. In general, the project area is bounded by C.R. 208 on the south and private agricultural properties on the north, east and west (see Figures 1 and 2). Except for defined wetlands, these project borders bound the **Area of Potential Effect (APE)** as defined by Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

The project area falls within a Medium probability zone for archaeological sites based on the St. Johns County Archaeological Site Probability Model Map. Thus, a CRAS designed to identify cultural resources across the project area is required in accordance with LDC Section 3.01.04.D, with a completed study forwarded to the St. Johns County Environmental Division, Historic Resource Management Section, for compliance review. Per St. Johns County procedures, approval of the study from the Historic Resource Management Section stating the determination of final action is required prior to any approval of land clearing, development permits, subdivision plats, and/or development or construction plans; this requirement must also be completed prior to approval of Master Development Plans, and prior to BCC public hearings for all PUDs and PRDs.

A search of the Florida Master Site File (FMSF) (September 8, 2023) indicated that no archaeological or historical sites were located on the subject property, and that several sites were located in the general surrounding area (see attached FMSF data). For reference, the FMSF provides rosters of archaeological and historical sites, as well as previous cultural resource assessment surveys conducted in the surrounding areas. This database was examined thoroughly to identify any cultural resources that may be in the study area and to develop a project-specific site predictive model as part of a comprehensive research design.



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Topographic Location Map

C.R. 208 Multifamily Development Property

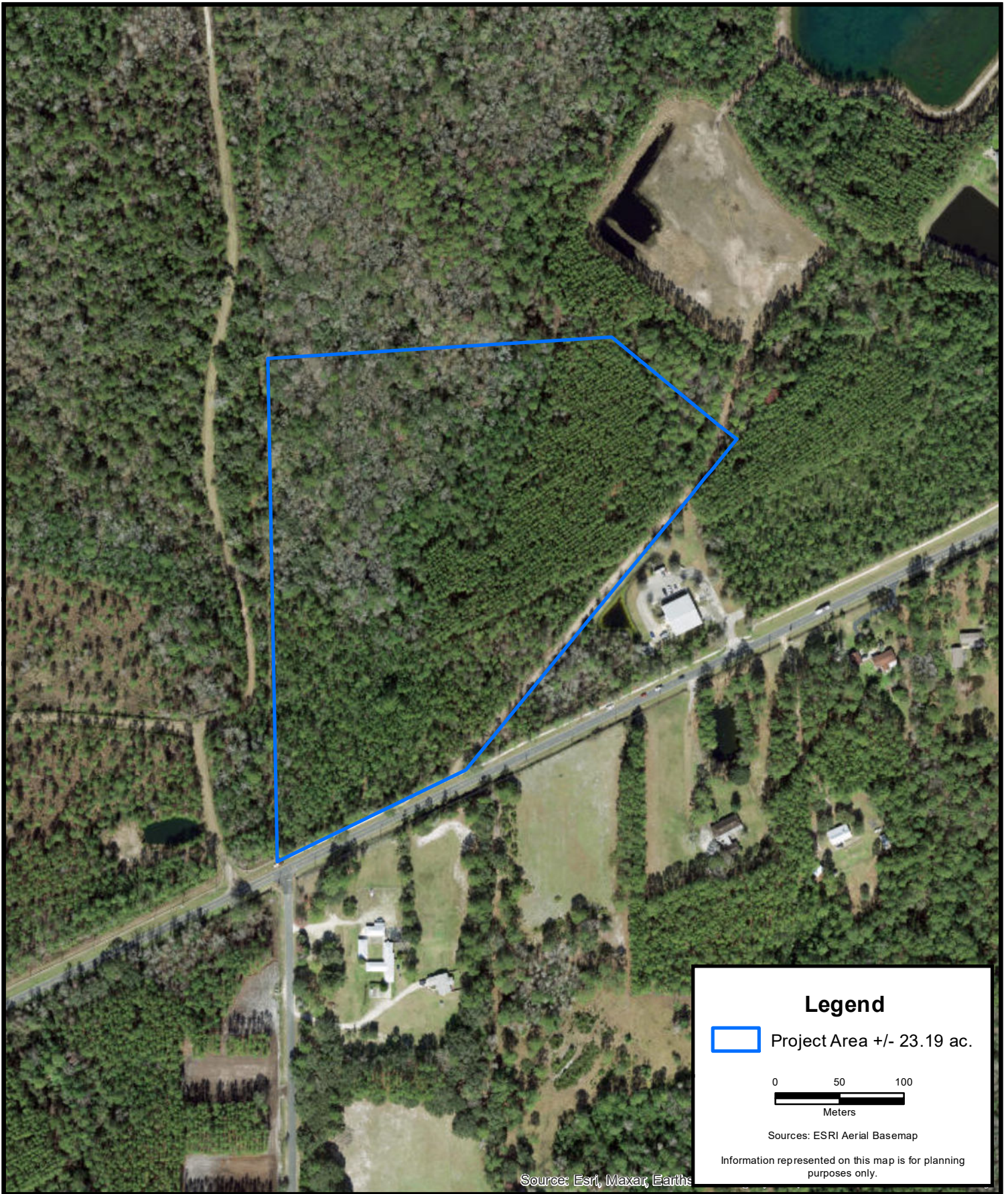
Project: 5.23049

St. Johns County, FL

Date: Sep 18 2023



Figure: 1



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Aerial Map

C.R. 208 Multifamily Development Property

Project: 5.23049

St. Johns County, FL

Date: Sep 18 2023



Figure: 2

Regional Settlement Patterns

Guana Tolomato Matanzas Rivers Basin

Located approximately seven miles northeast of the C.R. 208 Multifamily development parcel, the Guana Tolomato Matanzas National Estuarine Research Reserve (GTM-NERR) includes 74,000 acres of coastal lands in Northeast Florida. As evidenced by archaeological remains at Guana, humans have used the area for thousands of years. Sixty-one archaeological sites are recorded for the area and include prehistoric Native American shell middens, burial mounds, a Spanish mission, and homestead sites.

Most prominent of these sites is Shell Bluff Landing (8SJ00032), an extensive oyster shell midden on the east bank of the Tolomato River. Cultural deposits there represent 5,000 plus years of human occupation with Archaic period components (Newman and Weisman 1992). The National Register site also includes historic sites such as a 19th century coquina well.

Wrights Landing (8SJ00003) is another example of an extensive oyster shell midden, covering some 49 acres. It, too, has important historic components, most significantly the location of the Mission Nuestra Senora de Guadalupe de Tolomato, established in the 1620s. It is the second location of the Mission, the first established on the Georgia coast. A diversity of Spanish ceramics and other artifacts are testimony to early colonial period settlement in the area, much of which is related to the history of St. Augustine located to the immediate south of the Reserve.

Other sites include the Guana River Shell Ring (8SJ02554) which measures some 100 meters in diameter. Cultural materials found in association with the site indicate Late Archaic period (ca. 5,000 years B.P.) construction and use.

An inventory and discussion of archaeological and historical sites which define the Guana Tolomato Matanzas National Estuarine Research Reserve can be found in the article, "Prehistoric and Historic Settlement in the Guana Tract," by Christine Newman and Brent Weisman. The Reserve has likely seen continuous occupation in some form from prehistoric periods to more contemporary historic occupation. The existence of burial mounds and extensive shell middens suggest that the area served as a hub of prehistoric settlement for hundreds of years.

Cultural Prehistory of St. Johns County

Prehistoric people have inhabited Florida for at least 15,000 years. The earliest stages are pan-Florida in extent while later cultures exhibited differing cultural traits in the various archaeological areas of the state. The East-Central archaeological region of Florida, as defined by Milanich and Fairbanks (1980:22) and Milanich (1994), extends from the St. Marys River to the north and south to the vicinity of Vero Beach on the Atlantic Coast and includes the St. Johns River drainage and most of the eastern coastal lagoon regions. The foundation for the current cultural prehistory of Northeast Florida is derived from a synthesis of the works of John Goggin (1952) and others in east Florida by Milanich and Fairbanks (1980) and Milanich (1994). Their chronology, as modified by recent archaeological research and current interpretations of the region, will be followed in a brief overview of the prehistoric development in this region, which includes the project area. This cultural sequence provides a framework for the understanding and evaluation of archaeological sites in the project area.

PaleoIndian Period

Recent studies suggest that the peopling of North America may have occurred via multiple routes over 20,000 years ago, although archaeologists generally agree that the first discoverers of the New World were the Siberians of East Asia. Although some individuals likely reached the continent via coastal routes or by migrating along exposed shorelines of the Pacific and Atlantic coasts, more than 20,000 years ago, possibly as early as 40,000 years ago, prehistoric hunters also crossed into North America from Asia over the Bering Strait land bridge, a continental link created by shrunken seas during the Ice Age. Following food supplies, mainly roaming herds of large mammals such as mastodons and mammoths, early hunters migrated throughout the Americas, eventually finding their way into Florida some 15,000 years ago.

During this period, forests of hardwoods, mostly oak and hickory, grew alongside open prairies. Here, these early Floridians, called Paleoindians, coexisted with and hunted an unusual variety of Pleistocene mammals which once lived in Florida such as giant ground sloths, horse, bison, llamas, giant armadillos, huge tortoises, peccaries and several types of elephants. They hunted many species of smaller animals, as well. Subsistence was of primary concern to these early people whose lifestyles were largely dictated by the migratory patterns and movements of game. The principal PaleoIndian diet was supplemented by wild plants, nuts, berries, and food resources from the coasts.

The Florida environment during PaleoIndian times was much different than today: the climate was cooler and drier, and freshwater was more difficult to find due to lower sea levels. The distribution of recorded PaleoIndian sites in Florida suggests that the presence of high-grade chert or limestone outcroppings, which were necessary for tool production, influenced migration and settlement patterns. Additionally, because of the drier climate, many archaeologists believe that these early Floridians relied, in part, on

waterholes, sinkholes, and lakes for drinkable water and, along with coastal areas, subsistence and other resources.

Recent research on Paleoindian sites in and along the Aucilla River in northwest Florida, particularly the Page-Ladson site, has changed the thinking on early prehistoric peoples in Florida and the Southeast (Dunbar 2012; Halligan 2012; Webb 2006). Based on these archaeological investigations and the data produced, it is generally believed that Paleoindian settlement was more specialized and sedentary than once thought, particularly in how Pleistocene megafauna such as mastodons were hunted and processed. This theory is also supported by data recovered from excavations at Central Florida's Harney Flats site, located in Hillsborough County, which suggests that Paleoindian groups seasonally inhabited areas near freshwater and demonstrates the need for the continued identification and investigation of terrestrial Paleoindian sites in Florida (Daniel and Wisenbaker 2017).

Additionally, data gathered from investigations within the St. Johns River watershed of Northeast and North-central Florida have provided more insight into the breadth of Paleoindian occupation in the area. Professional archaeologists and local artifact collectors have recovered an assemblage of lanceolate-shaped projectile points and unifacial stone tools from the Lake George Point site, a submerged Suwannee-age, Middle Paleoindian site presumed to date to circa 10,500 to 10,000 B.P. (Thulman 2012).

Predictive models indicate that the majority of Paleoindian sites in Florida are submerged below the Gulf of Mexico within the tertiary karst region of the north-central panhandle of the state, as ancient coastlines were miles beyond where they are today due to the lower sea levels of the time (Dunbar 1991:193-194; Faught and Carter 1998). If they have survived the destructive nature of rising sea levels, these archaeological sites will be found far offshore, possibly along relic river channels, the past freshwater environs where indigenous people tended to concentrate. This phenomenon may explain why archaeologists have such a difficult time finding evidence of early humans in Florida, especially along the coasts.

The lithic tool assemblage associated with these early prehistoric activities is sophisticated and specialized. PaleoIndians used specialized stone tools, the most characteristic of which are slightly waisted spear tips known as Suwannee and Simpson projectile points. Hundreds of these points have been found throughout Florida in rivers, suggesting that they were lost during game ambushes at river crossings. While it is likely that they inhabited the area, PaleoIndian artifacts are infrequently found in St. Johns County and surrounding areas. Most have been recovered from the St. Johns River by divers who often find them in association with the fossil remains of early mammals such as elephants and bison, which were hunted by the PaleoIndians. These associated remains seem to indicate that Florida's earliest residents were taking and later butchering animals at river fords where the large creatures were temporarily incapacitated as they waded across the water. Archaeologists refer to these locations as "kill sites."

The Archaic Period

About 6,000 B.C., the Earth's climate changed and a warming trend caused glaciers to melt and release a tremendous amount of water into the ocean. Consequently, sea levels began to rise dramatically, changing the shape of the coastlines of Florida. The warmer temperatures and abundance of water caused a change in the environment and extensive hardwood forests gave way to pines and oaks, and swamp forests emerged. This was the end of the last great Ice Age. The Quaternary extinction event, at which time the large mammals and megafauna that once characterized Pleistocene Florida disappeared, concluded approximately 8,000 BC. In a new landscape that looked very similar to present-day Northwest Florida, lesser mammals flourished. The new environment produced a variety of new food sources which prehistoric people adapted to with new subsistence practices and technological innovations. These events marked the beginning of the Florida Archaic period.

The settlement patterns of early Archaic populations remained similar to those of their ancestors, indicative of continuity in the lifeways of late Paleoindians and early Archaic groups. Although populations relied heavily on river drainages and coastal regions for food and other resources, small, nomadic bands continued to follow seasonal resources, returning to known, familiar extraction sites each season (Smith 1986:16-18). Several sites demarcated as ephemeral lithic scatters, such as the Bailey (8CL00903) and the Empty Turkey (8CL01117) sites of Clay County, have been documented across Northeast Florida; however, these sites often lack the requirements necessary for continued preservation and research.

About 6,000 years ago, Archaic period hunters and gatherers began to expand out of the central highlands of Florida around Ocala and Gainesville and move into areas along the St. Johns River where they discovered an abundant supply of fish, game, and freshwater shellfish, mainly snail and mussel. Large midden sites like the Maltese Midden site (8DU13946), located in Duval County, provide archaeologists with great insight into the diet of peoples during this period. The Maltese Midden site, which predates the introduction of ceramics, is a vast deposit of faunal remains that primarily consists of freshwater snail with some fish bone.

By 4,000 B.C., prehistoric peoples were well established along the river, living there year-round rather than seasonally. For the first time, people became more sedentary in lifestyle, settling in one area. A stable supply of food found in the river environs attracted and supported more people and eventually large villages and ceremonial centers began to emerge. These Archaic populations are known archaeologically as the Mount Taylor culture, named after the Mount Taylor site, a freshwater shell mound on the St. Johns River.

Perhaps the most significant of these sites is the archaeologically acclaimed Tick Island site on the St. Johns River to the southwest. Evidence from this site suggests a large and complex society once lived there, which practiced organized ceremonialism. Some of the earliest pottery in North America has been recovered from Tick Island along with a

spectacular array of artifacts. Unfortunately, most of these were salvaged as the shell mound was being mined for road fill in the 1960's. Radiocarbon dates associated with human burial remains recovered from the site prior to its destruction indicate that Tick Island was well established by 4,000 B.C.

The Orange Period

The Archaic tradition, or the way Archaic peoples lived, continued for some time. The practice of hunting, gathering of food, and fishing, including the harvesting of shellfish, provided the food resources for prehistoric peoples to survive in many areas of St. Johns County.

Around 4,000 years ago or about 2,000 B.C., the technology of pottery-making was acquired by the Archaic people of Northeast Florida. The earliest forms of pottery were made from locally gathered clays mixed with plant fibers. When fired, the bodies of these ceramic vessels became orange in color. This recognizable pottery type, evidenced by its color and the presence of fiber impressions throughout, is used by archaeologists to identify the Orange or Late Archaic cultural period in St. Johns County, a continuation of the Archaic lifestyle with the advantage of pottery vessels. Orange period sites along the St. Johns River have produced the oldest dates for pottery in North America. The earliest pottery vessel forms are rectangular-shaped and were probably modeled after baskets.

It is generally believed that it was during the Orange period that prehistoric peoples were attracted to the coasts of St. Johns County by a new food source created by a changing environment. An abundance of shellfish, produced by developing estuaries, caused inhabitants of the St. Johns River basin to migrate to the coastal regions of Northeast Florida and develop a new but similar means of subsistence. The settlement model for this period theorizes that the coastal resources supplemented the freshwater river lifestyle rather than replace it entirely. For some time, it has been believed that prehistoric groups of this time made seasonal rounds to and from the coasts from their permanent villages along the St. Johns River. These seasonal migrations are suggested to have taken place during the winter months when foods other than marine shellfish were scarce or not available.

However, evidence from coastal archaeological areas indicates that Late Archaic peoples were living along the coasts of Northeast Florida year-round rather than at certain times of the year (Russo and Ste.Claire 1991; Ste.Claire 1990). Archaeological research conducted in St. Johns, Duval, Flagler and Volusia Counties, reveals that Orange period people were collecting and eating a variety of coastal resources throughout the year. Sites like Shell Bluff Landing (8SJ00032) in Ponte Vedra have produced cultural deposits that represent prehistoric settlement beginning 5,000 years ago. Many of the sites researched are coquina middens, formed by the discarded remains of beach clams that were gathered from the seashore rather than estuaries. These tiny clams were collected in mass and cooked and eaten as a broth. Orange fiber-tempered pottery recovered from Late Archaic

period coastal sites indicates that prehistoric peoples were using these areas about 4,000 years ago.

During the Orange period, the inhabitants of northeast Florida also constructed notable shell rings, which appear as one of the earliest forms of Pre-Columbian monumental architecture along the southeastern coastline. Over forty shell rings have been documented along the Atlantic coast, although rising sea levels have likely resulted in the inundation of many more. Most shell rings are spatially separated from habitation areas and other sites and may have served as a “neutral” location for sharing information (Saunders and Russo 2011). Examples of these site types include the Guana River Shell Ring (8SJ02554), situated between the Guana and Tolomato Rivers, and the Rollins Shell Ring (8DU7510), located on Ft. George Island surrounded by tributaries of the St. Johns River.

It is likely that Archaic period peoples were living in the coastal regions prior to the Orange period. Investigations at sites such as the Strickland Mount complex in Tomoka State Park have revealed extensive coquina middens that contain no pottery. These shell middens along with an early mounded burial may suggest that prehistoric groups had settled the east coast long before what is currently accepted. Rather than making seasonal rounds to and from the St. Johns River and the coast, it is likely that prehistoric people in St. Johns County and, in general, Northeast Florida, beginning with the Mount Taylor period, settled the two regions simultaneously, finding in both environments the resources necessary to support populations year-round. Small Archaic period sites along the upper reaches of interior drainages may be short-term hunting or collecting stations, which were used by small groups who traveled from their permanent villages on the coast or river to gather food over a period of several days. These activities would allow people to maintain permanent residences in either location, with shellfish and fish providing the primary means of food, while gathering resources from surrounding areas.

The St. Johns Period

The end of the Orange period is characterized by changes in pottery types resulting from different tempering agents, including sand, which were used along with or in place of fiber. By 500 B.C., Orange pottery was replaced by a chalky ware known as St. Johns. The introduction of this ceramic type marks the beginning of the St. Johns cultural period, a way of life that spans two millennia, lasting until the arrival of European explorers around 1500. While much larger in number, prehistoric populations of this period practiced the same pattern of living developed by Archaic peoples centuries before, including shellfish harvesting, hunting, fishing, and plant collecting. It was also during this period that domesticated plants, mainly corn and squash, were used for the first time.

The St. Johns people occupied two major regions of Northeast Florida, the St. Johns River basin to the west and the environmentally rich estuaries of the intracoastal waterways of the east coast. Abundant resources in both areas allowed prehistoric

populations to grow and expand throughout these regions of the county, establishing permanent villages and ceremonial and political centers at locations where food was most plentiful. Both the river and coastal regions are marked by enormous shell mounds, the remains of prehistoric foods – heavily dominated by snail and mussel in the freshwater environs and oyster, clam and coquina on the coasts, all of which served as the staple for the St. Johns diet for centuries. Coastal shell mounds along the east coast such as Green Mound in Ponce Inlet and Turtle Mound in Canaveral National Seashore Park represent the largest shell middens in North America. Turtle Mound in particular is presumed to have once stood up to 75 feet tall (Milanich 1999:13).

Because of an abundance of fish and shellfish in the estuarine regions of St. Johns County, St. Johns people lived in many areas along the intracoastal waterways other than the densely populated areas of river basins. This is evidenced by the numerous oyster middens known for St. Johns County, including those in the nearby Tolomato River Basin. Two notable examples of these site types, Shell Bluff Landing (8SJ00032) and Wright's Landing (8SJ00003), are located in the Guana Tolomato Matanzas National Estuarine Research Reserve in northeast St. Johns County.

St. Johns period sites abound along the St. Johns River to the west, as well, indicating that prehistoric activity in the river basin during this cultural period was extensive. Here, enormous shell mounds and sprawling middens are composed of freshwater snail instead of oyster. The largest of these, Tick Island, was a focal point for St. Johns people as well as Archaic hunters and gatherers. Tick Island and other large sites likely were areas where St. Johns populations concentrated and consequently developed political and ceremonial systems to organize their complex societies.

Less is known about the inland occupations of St. Johns people, those that occur between river and coast. It is clear, however, that these areas were being used during the St. Johns period. Investigations of Site 8SJ2533, which is located along Six Mile Creek in St. Augustine, have revealed an association between occupants of the site and St. Johns peoples occupying areas of the St. Johns River basin (Gardner et al 2014), while interior sites such as Grand Haven Hammock (8FL00181) and Grand Haven Cove (8FL00174) further illustrate the use of inland areas during the period. Freshwater snail and coquina middens found along inland lakes, ponds, swamps and other drainages suggest that some St. Johns people were well adapted to these areas, living selectively, seasonally or year-round within the interior portions of the region.

The late St. Johns period peoples were known historically as the Timucuan Indians in St. Johns County and in Northeast Florida, a name that was given to them by the early European explorers. The ethnographic works of the French artist Jacques le Moyne in 1564 and their early descriptions provide archaeologists and historians with invaluable information regarding the lifestyles of the Timucua and their prehistoric ancestors. These early documentations, coupled with archaeological information, give us a relatively accurate profile of native life.

Excavations from Timucuan sites across the region provide insight into the supplemental foods and the sophisticated toolkits of the early Floridians. In addition to harvesting locally available and plentiful shellfish, native plants like saw palmetto and cabbage palm centers, as well as roots, nuts (mainly acorns and hickory nuts), and berries were also gathered for food and medicine. Indigenous late-period St. Johns populations also caught a wide variety of fish, including snook, redfish, mullet, and shark, using hooks made from mussel shell and fabric-woven fishing nets. Trapping, as well as hunting with bows and arrows and spears, also provided groups a wide variety of animals including alligator, various birds, rabbit, opossum, raccoon, turkey, deer, and even panther and bear.

A popular method of cooking foods involved the stewing and boiling of meats and plants in various combinations in a large pottery “kettle.” Fish and animals were barbecued whole and preserved on smoke racks made of wood and crop harvests were stored in corncribs. Later, some native groups learned to grow corn, beans, squash, pumpkins, and other domesticated plants, a renewable source of food that ensured a stable diet. It is thought that in the spring some of these groups would abandon their large coastal villages, divide into smaller farming groups, and grow crops in the fertile grounds of the St. Johns River Valley and around the interior lakes of Central Florida.

Some Timucuan villages were fortified by a palisade line or a wall made of sharpened, upright timbers. A village often had a large community house in its center where ceremonies, religious activities, and political gatherings took place (Worth 1998). This central structure was where the chief presided, as well. Surrounding the community center were smaller huts that housed families. These houses were circular and dome-shaped in form with palmetto-thatched walls and roofs. Inside, wooden benches were used for sitting and sleeping. While the Timucuan attire was brief, sometimes consisting of strands of Spanish moss, their practice of body ornamentation and use of jewelry made for some richly decorated natives. Chiefs and other important members of the community were often tattooed from head to foot, a symbol of authority. Men wore their hair up in a “top knot” usually with feathers or stuffed animals adorning their heads. Dyed fish-bladder ear plugs and long shell and bone pins were worn by both men and women. Jewelry, finely crafted and colorful, was made of shell, pearls, bone, wood, stone, and metal.

Accustomed to life near the water, prehistoric people used dugout wooden canoes for transportation and hunting in the extensive waterways of the Intracoastal and the St. Johns River. After felling a tree, usually a pine or cypress, a skilled craftsperson would hollow out the body by alternating between burning and scraping away the interior wood. Florida is known to have the highest concentration of dugout canoes in the world (Duggins 2015), and many of these wooden vessels have been recovered from the bottom of lakes and rivers throughout the region. Sites with the highest concentration of dugout canoes are notably located near the headwaters of rivers and along the edge of two drainage basins. Among these, the Pithlachocco Canoe Site (Newnans Lake) in Gainesville, from which 101 canoes have been found, represents the densest concentration of canoes within a single lake (Smith 2002). Newnans Lake is notable because it once fed into Payne’s Prairie, which in turn connected to Orange Creek, the St.

Johns River, and ultimately the Atlantic Ocean. Additionally, Newnans Lake is located only 10 miles overland to Lake Santa Fe, which flows into the Santa Fe River, which in turn connects to the Suwannee River and eventually the Gulf of Mexico, ultimately providing St. Johns populations with a junction between the Gulf of Mexico and the Atlantic Ocean (Duggins 2015).

Historical Background

Possession of Florida during its early historic days was by two distinctly different European nations, Spain, and Britain. Spain claimed first ownership, from 1513 until 1763, followed by Britain from 1763 until 1783, the year Spain again resumed possession. In 1819 Spain ceded Florida to the United States. This territorial period ended in 1845 when Florida officially was admitted as a State. Most of the early settlers from 1513 - 1819 were either Hispanic or as citizens of the British Isles. Smaller numbers of other ethnic groups who immigrated to Florida as colonists came from the Mediterranean areas. Hundreds and perhaps thousands of slaves from various African countries were brought into Florida as agricultural workers beginning as early as the British Period. All these historic period settlers came into a land already occupied by thousands of Native Americans, whom they called Indians.

Florida's First Spanish Period occupation, from 1513 to 1763, was primarily by Spanish peoples. These early residents lived in defensible, rather tightly contained villages as their interface with the Native American population was oftentimes not peaceful. To date, historical documentation has not been found to indicate Spanish settlers from this period lived or farmed very far from the confines of St. Augustine, other than on their Catholic mission sites. Many land grants were issued along Florida's east coast to Spanish citizens during this period (and later during the British period to British citizens) but the majority of these properties were never developed.

Negotiations with Spain at the Treaty of Paris in 1763 transferred Florida (an area at that time much larger than current-day Florida) and the Mediterranean island of Minorca to Britain, in exchange for Havana, Cuba, captured a year earlier by the British. Spain considered Havana an essential and very valuable outpost in the New World for transporting its exports from Mexico, Central and South America back to Spain. It did not consider the lands of Florida of much value to its crown. Possession of this territory of Florida gave Britain an unbroken line of colonies along the Atlantic seaboard of North America, from Canada, obtained from France during the same treaty, to Florida (Moore and Ste. Claire 1999:31). Britain's governmental decision regarding the management of its newest colony, Florida, was to split the territory into two parts, East Florida and West Florida, with seats of government in each section. The dividing line between the two sections was delineated as the Apalachicola River. Pensacola was chosen as seat of West Florida's government and St. Augustine was appointed as the East Florida seat. Both sections had a governor appointed by the British government. East Florida's first colonial governor was Col. James Grant, appointed June 8, 1763, although he didn't arrive in St. Augustine until August 1764.

This British occupation of Florida is termed Florida's British Period, lasting only from 1763 to 1783, a twenty-year span. In 1783 another treaty between Britain and Spain returned Florida to Spanish ownership. This period, termed Florida's Second Spanish Period, ended in 1819 when Florida became an official territory of the United States. Under the British Period ownership, with a desire to quickly populate its two new colonies, a system of land grants was implemented for which interested British subjects

could apply. Governor Grant's plan for settling East Florida was based on the development of a plantation economy, with large land grants issued to people who would produce agricultural products for which Britain's economy and citizens would benefit.

James Grant, East Florida's British Governor, considered a network of roads a top priority during his administration (Schafer 2001:163). He recognized that settlers needed a dependable overland transportation route but lacked sufficient funds to pay for this work at first. By 1772, savings in the Governor's contingency fund allowed work to begin on segments of a road that would become known as the King's Road (known today as the Old King's Road), a historic corridor located to the east of the Terrell Pappy development parcel. This effort may have provided the greatest public benefit of any project undertaken by the British government.

John Funk was appointed to survey the ground for the Public Road and paid 12 pounds for this work (Coomes 1975). Captain Robert Bisset was hired to construct the road from Matanzas Swamp (today's Pellicer Creek area) south through Smyrna to the Elliott plantation (Brevard County). He was paid 1150 pounds for this effort (Coomes 1975). Richard Payne was contractor for the section of road leading to the Matanzas Swamp (Schafer 2001:164). Payne was likely responsible for road building south from the St. Augustine area to the north bank of Pellicer Creek with Bisset's crew picking up from that point. However, it could be that Payne's crew constructed the wooden bridge over Pellicer Creek with Bisset's crew taking over on the southern bank of the creek. Schafer (2001:168) described road specifications to be followed for portions of the King's Road leading north from St. Augustine. It is believed that these specifications were also followed by Bisset and Payne for the southern route. The road was to measure sixteen feet across, with ditches and pine logs laid crosswise in the wet portions (corduroy ribbing), causeways through the swamps and bridges across the many creeks and rivers.

By the end of 1774 Bisset's crew had completed the southern section of the King's Road. East Florida's Acting Governor John Moultrie wrote from St. Augustine in October 1775, "I go regularly once a month to Tomoka (Ormond Beach), go through in a day, with great ease and pleasure to self and horses" (Schafer 2001:166). While the road may have been considered in very good condition in 1775, time, nature, Florida's changes of ownership, political unrest, wars, and destruction by Native Americans contributed to its disrepair and, at times, disuse, over the years. At times this road was not safe for travel by private citizens, but used by troops, rebels and Indians.

In mid-1777, approximately 500 discontented colonists left the New Smyrna settlement plantation on a three-day walk up the King's Road (across portions of the Parrish Farms property) to St. Augustine, in search of a better life. Their Catholic priest and a number of colonists who had not departed earlier followed shortly after (Rasico 1990:54-55), thus ending the ambitious attempts by the British to colonize East Florida at New Smyrna.

A chronology of events regarding the Old King's Road, from the end of the British Period up to 1845 when Florida officially became a State, is included in a report prepared by

Adams, et al (Adams, et al 1997:1-4). Below is a summary of activities extracted from this report regarding road usage during the 18th and 19th centuries.

By 1784 British residents had left the province after Spain again regained control. This change in ownership and peoples affected repairs to segments of the route, particularly in areas remote to St. Augustine where there were now few or no settlers. The Patriot's War broke out in 1812 in East Florida, with rebel troops and Spanish militia using the road. The President of the United States was authorized in 1823 to open a road "in the old track of a road known by the name of the King's Road" from the St. Mary's River to New Smyrna. Official action was not taken until 1826 when the President officially authorized the work. In 1825, Col. James Gadsden, assigned to perform survey work for road repairs, reported his observations of road conditions and repair cost estimates to the Quartermaster General (Carter 1958:304). Congress appropriated \$11,000 for the road work from the Georgia line to New Smyrna in 1827, with the use of Federal troops authorized. Repair work on the road south from St. Augustine to New Smyrna began in Jan. 1828. This work was completed to just south of the Tomoka River in Volusia County by September 1830. A report in 1834 indicated that the road from the Matanzas River (Pellicer Creek) to New Smyrna was impassable for a horse. It was reported in November 1835 that all wooden bridges along the road had been burned by Indians. The Second Seminole War began in December 1835 and most residents of farms and plantations south of St. Augustine evacuated to the city. A petition sent in 1837 to Congress by some citizens living south of St. Augustine solicited replacement of all bridges destroyed by the Seminoles as they ravaged plantations (Carter 1960:446-447). No action could or would be taken on this petition until after the end of the Second Seminole War in 1842. It is probable U.S. Army soldiers utilized the King's Road during this war with the Seminoles. At the conclusion of the war in 1845, U.S. federal land surveyors resumed laying out township, range and section lines, suspended in 1835 because of Indian hostilities. They used the King's Road as a survey monument.

Florida's statehood in 1845 brought significant changes to administration of roads, with transfer of authority from Washington to Tallahassee, who then delegated responsibility to the counties. County commissions created local agencies to supervise construction and maintenance of roads. A committee was created in February 4, 1880 by the Board of County Commissioners to lay out a public road leading southward from St. Augustine to Pellicer Creek. This was accomplished by August of that year by constructing two roads, Carter Road and Moultrie Road which joined together about five miles south of the city, thus forming a single road to Pellicer Creek. Carter Road followed the general path of the King's Road and was referred to by that designation in commission meetings (Adams, et al 1997:34).

Historical research shows little evidence that the King's Road was utilized by the military during the Civil War. Shortly after the end of the Civil War, the U.S. Army began a thorough detailed mapping of the coast of Florida (Adams, et al 1997:34). It is probable that many portions of the King's Road were documented by these crews but a map depicting this was not found during research.

In the early 20th century, the King's Road became part of both the Dixie Highway and U.S. Highway 1, both of which ran parallel to the ocean along the east coast (Adams, et al 1997:36). The Dixie Highway, first to be completed, reached Miami on Oct. 25, 1915. Increased vehicular traffic prompted the construction of the larger U.S. Highway 1 in the early 1920s (Adams, et al 1997:36).

It was not until the 20th century, with the expansion of automobile travel and the lure of Florida's temperate climate, that improved modern highways were built. Until then, the King's Road was the only highway along the east coast of the State. Most of this old road still exists; some of it still unpaved. Many sections of the road run through private property. Unfortunately, much of the original King's Road has been realigned and overlain with modern-day highways. Some segments still carry on its old name, but is now called the Old King's Road, in respect of its original developers.

During the American Territorial Period, the Treaty of Moultrie Creek was signed in 1823 between the Seminole Indians and the U.S. government because of the U.S. acquisition of Florida two years earlier. Terms stipulated in the treaty included the concentration of the Seminoles onto a reservation in central Florida, thus relinquishing all other lands to the U.S., and also the promise by the Seminoles to apprehend all slaves and other fugitives found in this new reservation. The Indians were promised farming implements and funds to help develop this new land. Governor William Duval was present for the signing, as well as James Gadsden, appointed especially for the task of negotiation with the Seminoles. Over 400 Seminole Indians arrived from around the state for the treaty negotiations. The terms of the treaty were not upheld, and the Second Seminole War broke out in 1835 as a result of this.

Naval stores or forestry products was an important enterprise that sustained many of the early settlers in the area prior to and after the formation of St. Johns County. Naval stores refers to several products harvested from the forest: the oleogum of live pines produced turpentine and resin; tar and pitch were obtained by burning the residual resins of dead pines, pine knots, pine stumps and pine cones (Newman, et al 1998:3). Other products were timber and lumber cut from different species of trees and their various usages. Tar and pitch were in great demand as products essential for caulking and coating surfaces of early wooden ships during construction, repair, and maintenance (Bond 1987: 187). All of the above items were harvested or produced in northeast Florida, including within what is present-day St. Johns County, as early as the eighteenth-century British Period. In this period, turpentine referred to the gum (pine sap) extracted from live trees, not the liquid that was steam distilled in later periods and referred to as spirits of turpentine. Early on, resin was the product of the hardened gum of the tree, later obtained as a by-product of the steam distilling of turpentine. Bond (1987: 189) states production of tar and turpentine during this early period rose from 190 barrels of tar and 56 barrels of turpentine in 1776 to as much as 20,000 barrels of tar and turpentine in 1783, the year Spain regained possession of Florida. To place the naval stores industry into a more recent historical context, between 1905 and 1923 Florida was the top producer of these products (Newman, et al 1998:2).

The late 19th century and early 20th century brought new changes to St. Johns County. Henry M. Flagler, a wealthy Standard Oil Company magnate, developed large-scale commerce, tourism, and agriculture projects along the coast of East Florida from Jacksonville to Key West. Beginning with St. Augustine, his efforts included the refurbishment and construction of railroads, hotels, roads, and bridges as well as the development of towns, farms, and businesses all along Florida's East Coast.

In 1885, Flagler purchased his first railroad in Florida -- the Jacksonville, St. Augustine, and Halifax River Railroad -- just in time to make it useful in shipping construction materials to St. Augustine where he was building the grand Ponce de Leon Hotel. To further facilitate this as well as the conveyance of wealthy Northern passengers to his hotel, Flagler became increasingly interested in acquiring other railroad properties throughout east Florida. He bought the St. Johns Railroad, and his two lines then connected St. Augustine to Jacksonville, Tocoí and East Palatka.

Environmental Setting

The 23.19-acre C.R. 208 Multifamily development property is comprised primarily of extensive planted pine (pine plantation) tracts, remnant pine flatwoods, wetland strands and swamps. An understory of saw palmetto and hardwood saplings are found throughout the project area.

Classified wetlands located in the northern section of the property represent approximately one-third of the project area (see Figure 2 and photographic plates). The wetlands are part of an extensive freshwater sheet flow known for this area. Drainage on the project tract generally flows northward and westward toward these wetlands.

Many areas on the parcel are seasonally flooded. Organic humic soils across the parcel are poorly drained and the ground is saturated in shallow levels across the property. The exposed surfaces of planted pine beds and drainage troughs on and around the subject parcel show the rich organic, poorly drained, and often wet soils of the area that have been ideal for silviculture agriculture for more than eighty years. Field observations suggest that there are no original ground surfaces remaining on the property.

The USDA soil map for St. Johns County identifies the lower elevation soils of the subject parcel as predominately poorly drained Smyrna fine sands. Field investigations revealed that most of the subject property is seasonally inundated. Upland soils are mostly classified as part of the Immokalee-Urban Land Complex which includes the principal soil type, Immokalee fine sand, a poorly drained soil typical of the area. Elevations on the subject parcel have been modified substantially through clearcutting, grading, leveling and general modification, all of which have caused disturbance to the original ground surfaces. This disturbance was mainly a result of long term silviculture impact on the subject property. Field observations suggest that most of the original soils on the C.R. Multifamily parcel have been extensively disturbed or displaced altogether.

Previous Archaeological Investigations

A TRS search conducted September 8, 2023, through the Florida Master Site File (FMSF) offices, Division of Historical Resources, Tallahassee, indicated that no cultural resources were located on the property. The FMSF also indicated that several previous CRAS surveys were conducted within a mile of the subject property (see attached FMSF data and Table 1).

Table 1 List of CRAS recorded to the FMSF within 0.5-mile of the subject property.

<u>FMSF No.</u>	<u>Title</u>	<u>Author(s)</u>	<u>Date</u>
6781	<i>CRAS of 22 Water Retention Areas along (-95</i>	Stokes	2001
6612	<i>St. Johns County Historic Properties Survey</i>	Johnston	2001
11353	<i>Archaeological Recon Survey of the Ash Properties</i>	Johnson	2005
14001	<i>CRAS of S.R. 16 from S.R. 13 to Woodlawn Road</i>	Stokes	2006
11686	<i>CRAS of Ages S.R. 16 Tract</i>	Schaefer & Chance	2005
23432	<i>Intensive CRAS of the Tomoka Forest Parcel</i>	Kozma & Runyan	2007

In 2007, ESI conducted a survey of the 41-acre Tomoka Forest tract located to the east of the subject parcel (Kozma & Runyan 2007). A section of the Osteen Road (8SJ05310) was recorded, a linear resource recommended as ineligible for listing in the NR.

An I-95 corridor survey to the east of the C.R. 208 Multifamily property (Stokes 2001) produced no cultural resources in the vicinity of the subject parcel.

Florida Archaeological Services' survey of the 16-acre Ash Properties to the southeast of the subject parcel produced no cultural resources (Johnson 2005).

A cultural resource reconnaissance survey of the North Kingdom Hall of Jehovah's Witness tract also to the southeast of the subject parcel produced no archaeological or historical sites (Schaefer and Arbuthnot 2005).

A CRAS of the 30-acre Ages/S.R. 16 tract (Schaefer & Chance 2005) to the southwest of the subject property produced no new cultural resources.

A Phase I CRAS of the S.R 16 corridor from S.R. 13 to Woodlawn Road (Stokes 2006) produced multiple resources, but none in the immediate area of the subject property.

Regarding cultural resources in the general area of the subject parcel, six archaeological sites (8SJ03743 – 8SJ03748) were identified and recorded during an archaeological survey of the Ridge Tract PUD located just east of the project area (*A Cultural Resources*

Assessment Survey of the Ridge Tract: A Planned Unit Development in St. Johns County, Florida; Robert E. Johnson 2001). The sites, located along the Trestle Bay Swamp, are ephemeral, low-density prehistoric artifact scatters that were deemed ineligible for inclusion in the *National Register of Historic Places* by the investigating archaeologists with concurrence by the State Historic Preservation Office (SHPO concurrency letter dated June 14, 2001).

The linear resource, Road to Picolata (8SJ05237), generally follows the present-day right-of-way of S.R. 16 located to the north of the project area. Evidence of this historic road or related historic activity was not found during the subject investigation.

A Racetrac Store parcel was the subject of an archaeological investigation in 2006 conducted by Environmental Services, Inc. (*A Cultural Resource Reconnaissance Survey of the Racetrac Store #753 Parcel, St. Johns County*; Greg S. Hendryx 2006). The survey produced no new archaeological or historical sites. Two surveys to the northeast of the project area (*An Archaeological Reconnaissance Survey of the Ash Properties Mill Creek North Parcel, St. Johns County*; Robert E. Johnson 2005) also produced no new cultural resources. Farther west, an archaeological survey of a 12-acre parcel produced no archaeological or historical sites (*A Cultural Resource Reconnaissance Survey of the Grey Hawk PUD Tract, St. Johns County, Florida*; Myles Bland 2013).

Research Design and Field Methodology

Evaluations of archaeological or historical site significance are based on the potential of a site to contribute to the knowledge of regional prehistory or history. Thus, consideration of these sites within the context of a larger, regional settlement system is essential. Prehistoric settlement in the Northeast Florida archaeological region, of which St. Johns County is part, occurs predominantly in two major areas – the estuarine regions of the east coast and the St. Johns River basin. Prehistoric sites, especially those of later cultural periods, are well known for these areas, including site complexes in the adjacent Guana Tolomato Matanzas National Estuarine Research Reserve (GTM-NERR) as well as middens and mounds along the St. Johns River.

Less is known about prehistoric settlement patterns for hinterland areas that fall between river and coast. Archaeological evidence indicates that Archaic period hunters used these regions primarily as extractive areas for White-tailed deer and other game; artifact assemblages for these extractive and procurement sites are typically limited, suggesting the ephemeral nature of sites such as temporary campsites and hunting stations (Ste.Claire 1990). These types of prehistoric cultural resources in similar environs were incorporated into the research design as expected site types.

Environmental data, topographic and proximity to wetlands were used to establish a testing methodology across the survey parcel. In upland areas along wetland strands (considered relatively higher probability zones), subsurface testing was conducted at intervals of 25 - 50 meters per Module 3 (see Figure 3). Areas of lower elevation relative to the surrounding terrain were considered less likely to contain evidence of prehistoric and historic occupation, while those areas that were poorly drained were considered unsuitable for either habitation or cultivation during prehistoric or historic periods. Upland areas along wetlands were a focus of testing, while areas of field-observed low elevation, flooded areas, and areas of seasonal inundation were not tested. Observable disturbed planted pine tracts were tested using a 100-meter interval grid or judgmentally.

Shovel tests, measuring approximately 50 centimeters in diameter, were excavated to a depth of at least one meter through mainly sandy humic soils where possible (the water table was very shallow in some areas of the subject property). All excavated soil was screened through a 1/4-inch mesh hardware cloth screen.

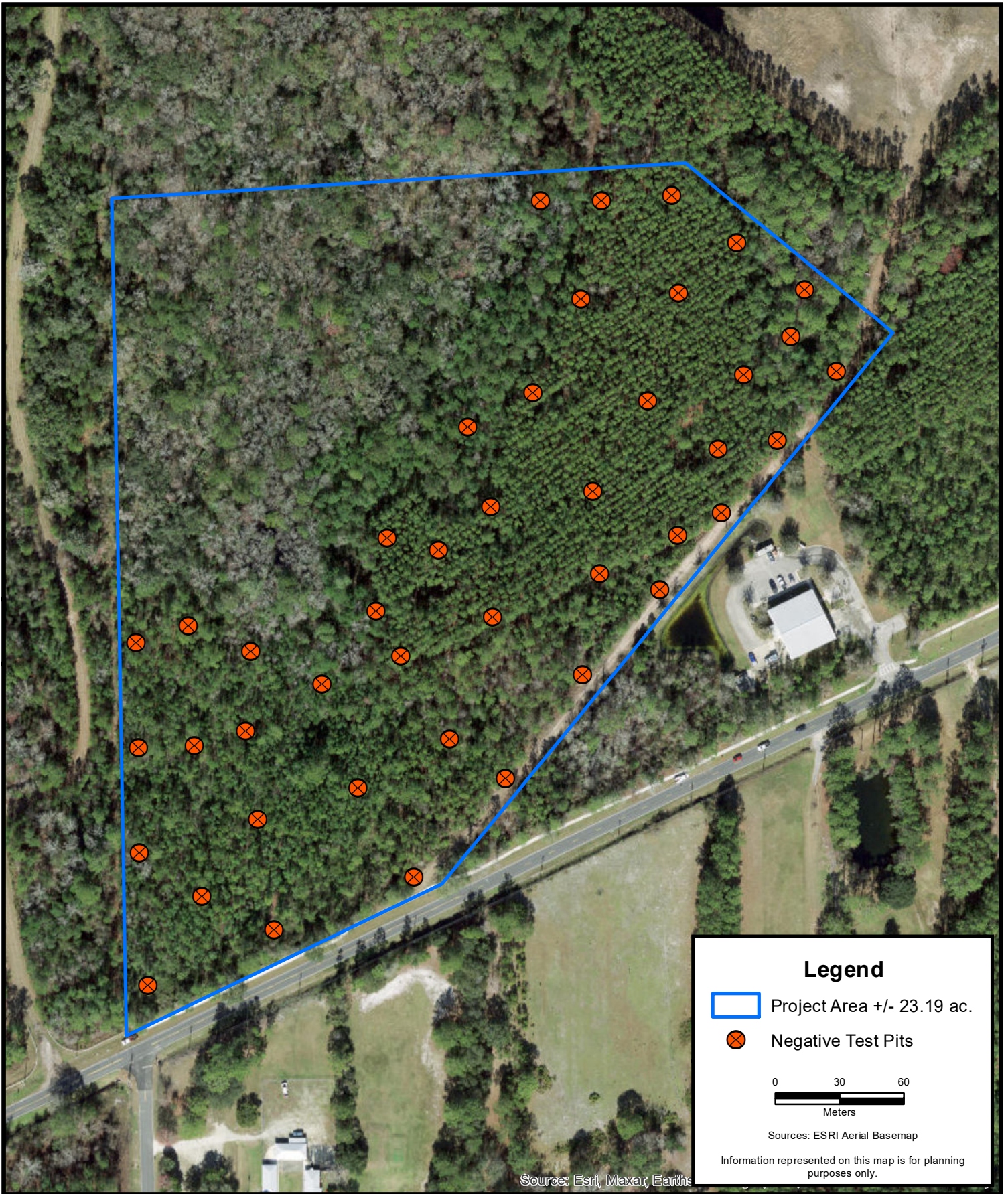
Because of earlier land use on the subject development property, original land surfaces have been altered by agricultural activity (planted pine), road construction, and general land clearing (see photographic plates). These cleared areas afforded good surface visibility of exposed subsurface soils and cultural materials. During the field investigations, these exposed surfaces were intensively examined. Surface investigations across the property comprised a large part of the initial archaeological fieldwork.

While no artifacts were found on the subject property, cultural materials collected during an archaeological survey are typically processed, analyzed, and stored at the Heritage

Cultural Services, LLC, facilities in St. Augustine. All field notes, photographs and other project records are curated and stored at the HCS offices, as well.

During archaeological investigations, if sites were found and determined to contain unmarked human burials and human skeletal remains, by SHPO procedure these would be brought to the attention of a District Medical Examiner, if it was determined that the burial(s) represent an individual (or individuals) who had been dead less than 75 years, or to the attention of the State Archaeologist in the case that the remains were determined to be older than 75 years. Archaeological and development activities would cease immediately until proper authorities, the District Medical Examiner, or the State Archaeologist, makes a determination and authorized the continuance of work through their respective jurisdiction as defined by Florida Statutes. Procedures outlined in Chapter 872.05, Florida Statutes, would be followed regarding site preservation and protection, or mitigation, and reporting, this through the authority of the Medical Examiner and/or the State Archaeologist. Other cultural resources discovered during subsequent investigations and development will be brought to the attention of the State Historic Preservation Office; all ground disturbing activities should cease until a SHPO determination is made.

As part of the background research for the project, mid-19th century BLM-GLO survey maps, the 1917 St. Johns County soils map, a 1918 topographic map, and a 1942 historic aerial map were examined for evidence of historic activity. The Historic Properties Survey of St. Johns County (Johnston 2001) was reviewed for historic structures and related historic resources that may be present on the property. No historical sites or structures were identified for the subject parcel.



Legend

Project Area +/- 23.19 ac.

✕ Negative Test Pits

0 30 60
Meters

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

HERITAGE CULTURAL SERVICES, LLC



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Archaeological Shovel Test Pit Location Map
C.R. 208 Multifamily Development Property

Project: 5.23049

St. Johns County, FL

Date: Sep 18 2023



Figure: 3

Survey Results and Management Recommendations

Comprehensive archaeological investigations across the 23.19-acre C.R. 208 Multifamily development property in St. Johns County resulted in the identification of no cultural resource, including historical structures.

Therefore, it is the opinion and recommendation of Heritage Cultural Services, LLC, that no historical or archaeological sites eligible for listing in the *National Register of Historic Places* will be impacted by development on the C.R. 208 Multifamily property in St. Johns County, Florida. No additional archaeological work is recommended.

Photographic Plates



Figure 1 - Property off County Road 208



Figure 2 - Seasonally flooded interior roads



Figure 3 - Planted pine density on the subject property



Figure 4 - Planted pine density



Figure 5 - Planted pine tracts characterize the prominent vegetation on the property



Figure 6 - Interior forestry management road



Figure 7 - Wetlands comprise the northern section of the parcel

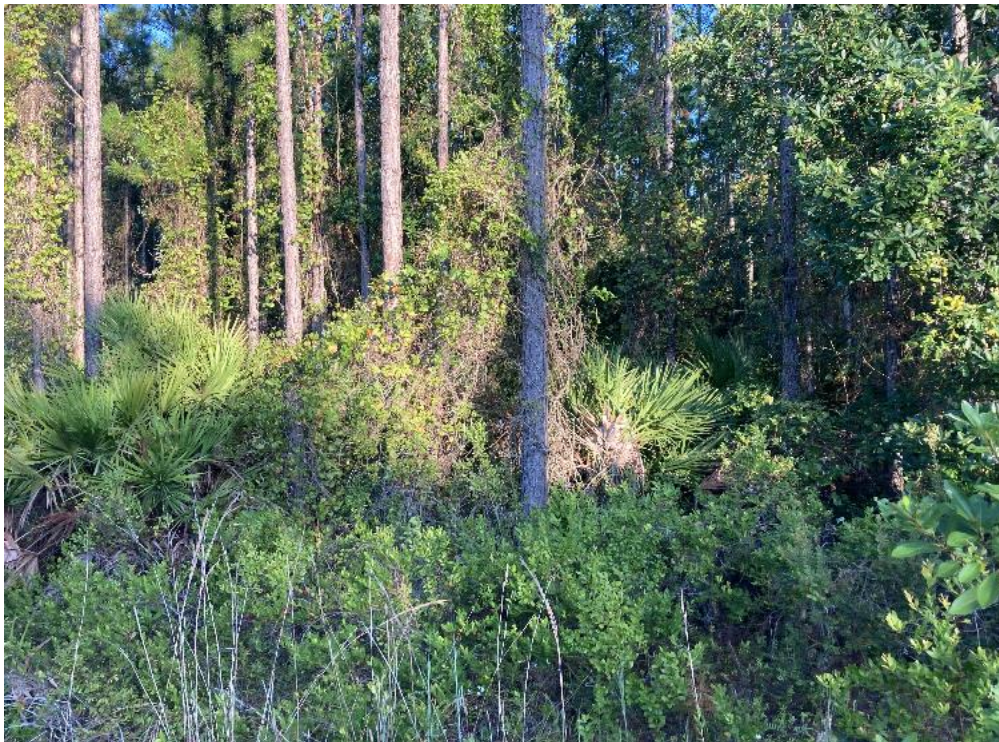


Figure 8 - Dense understory in planted pine forests



Figure 9 - Spatially isolated remnant hardwood hammock



Figure 10 - rchaeological shovel test pit in uplands showing extensive soil disturbance at depth

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Attachment A:

Survey Log Sheet

Ent D (FMSF only) _____



Survey Log Sheet

Florida Master Site File
Version 5.0 3/19

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Manuscript Information

Survey Project (name and project phase)

Report Title (exactly as on title page)

Report Authors (as on title page)

1. _____ 3. _____
2. _____ 4. _____

Publication Year _____

Number of Pages in Report (do not include site forms) _____

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)

Supervisors of Fieldwork (even if same as author) Names _____

Affiliation of Fieldworkers: Organization _____ City _____

Key Words/Phrases (Don't use county name, or common words like *archaeology*, *structure*, *survey*, *architecture*, etc.)

1. _____ 3. _____ 5. _____ 7. _____
2. _____ 4. _____ 6. _____ 8. _____

Survey Sponsors (corporation, government unit, organization, or person funding fieldwork)

Name _____ Organization _____

Address/Phone/E-mail _____

Recorder of Log Sheet _____ Date Log Sheet Completed _____

Is this survey or project a continuation of a previous project? No Yes: Previous survey #s (FMSF only) _____

Project Area Mapping

Counties (select every county in which field survey was done; attach additional sheet if necessary)

1. _____ 3. _____ 5. _____
2. _____ 4. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)

1. Name _____ Year _____ 4. Name _____ Year _____
2. Name _____ Year _____ 5. Name _____ Year _____
3. Name _____ Year _____ 6. Name _____ Year _____

Field Dates and Project Area Description

Fieldwork Dates: Start _____ End _____ Total Area Surveyed (fill in one) _____ hectares _____ acres

Number of Distinct Tracts or Areas Surveyed _____

If Corridor (fill in one for each) Width: _____ meters _____ feet Length: _____ kilometers _____ miles

Research and Field Methods

Types of Survey (select all that apply): archaeological architectural historical/archival underwater
 damage assessment monitoring report other(describe): _____

Scope/Intensity/Procedures

Preliminary Methods (select as many as apply to the project as a whole)

Florida Archives (Gray Building) library research- *local public* local property or tax records other historic maps LIDAR
 Florida Photo Archives (Gray Building) library-special collection newspaper files soils maps or data other remote sensing
 Site File property search Public Lands Survey (maps at DEP) literature search windshield survey
 Site File survey search local informant(s) Sanborn Insurance maps aerial photography
 other (describe): _____

Archaeological Methods (select as many as apply to the project as a whole)

Check here if **NO** archaeological methods were used.

surface collection, controlled shovel test-other screen size block excavation (at least 2x2 m) metal detector
 surface collection, uncontrolled water screen soil resistivity other remote sensing
 shovel test-1/4" screen posthole tests magnetometer pedestrian survey
 shovel test-1/8" screen auger tests side scan sonar unknown
 shovel test 1/16" screen coring ground penetrating radar (GPR)
 shovel test-unscreened test excavation (at least 1x2 m) LIDAR
 other (describe): _____

Historical/Architectural Methods (select as many as apply to the project as a whole)

Check here if **NO** historical/architectural methods were used.

building permits demolition permits neighbor interview subdivision maps
 commercial permits windshield survey occupant interview tax records
 interior documentation local property records occupation permits unknown
 other (describe): _____

Survey Results

Resource Significance Evaluated? Yes No

Count of Previously Recorded Resources _____ Count of Newly Recorded Resources _____

List Previously Recorded Site ID#s with Site File Forms Completed (attach additional pages if necessary)

List Newly Recorded Site ID#s (attach additional pages if necessary)

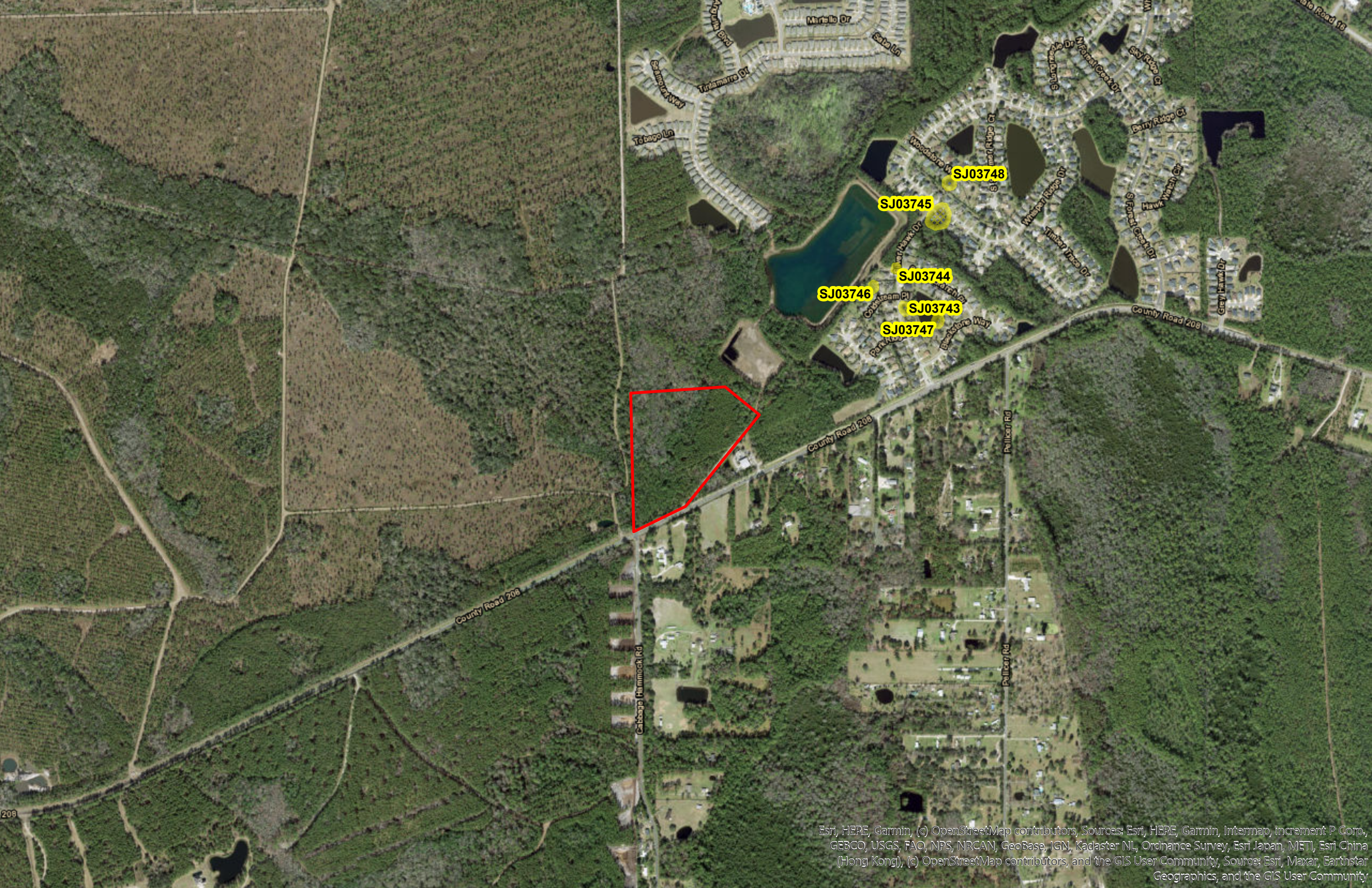
Site Forms Used: Site File Paper Forms Site File PDF Forms

REQUIRED: Attach Map of Survey or Project Area Boundary

SHPO USE ONLY				SHPO USE ONLY				SHPO USE ONLY			
Origin of Report:	872	Public Lands	UW	1A32 # _____	Academic	Contract	Avocational				
Grant Project # _____					Compliance Review: CRAT # _____						
Type of Document:	Archaeological Survey		Historical/Architectural Survey		Marine Survey		Cell Tower CRAS	Monitoring Report			
	Overview	Excavation Report	Multi-Site Excavation Report		Structure Detailed Report		Library, Hist. or Archival Doc				
	Desktop Analysis	MPS	MRA	TG	Other: _____						
Document Destination: _____					Plotability: _____						

Attachment B:

Florida Master Site File Data

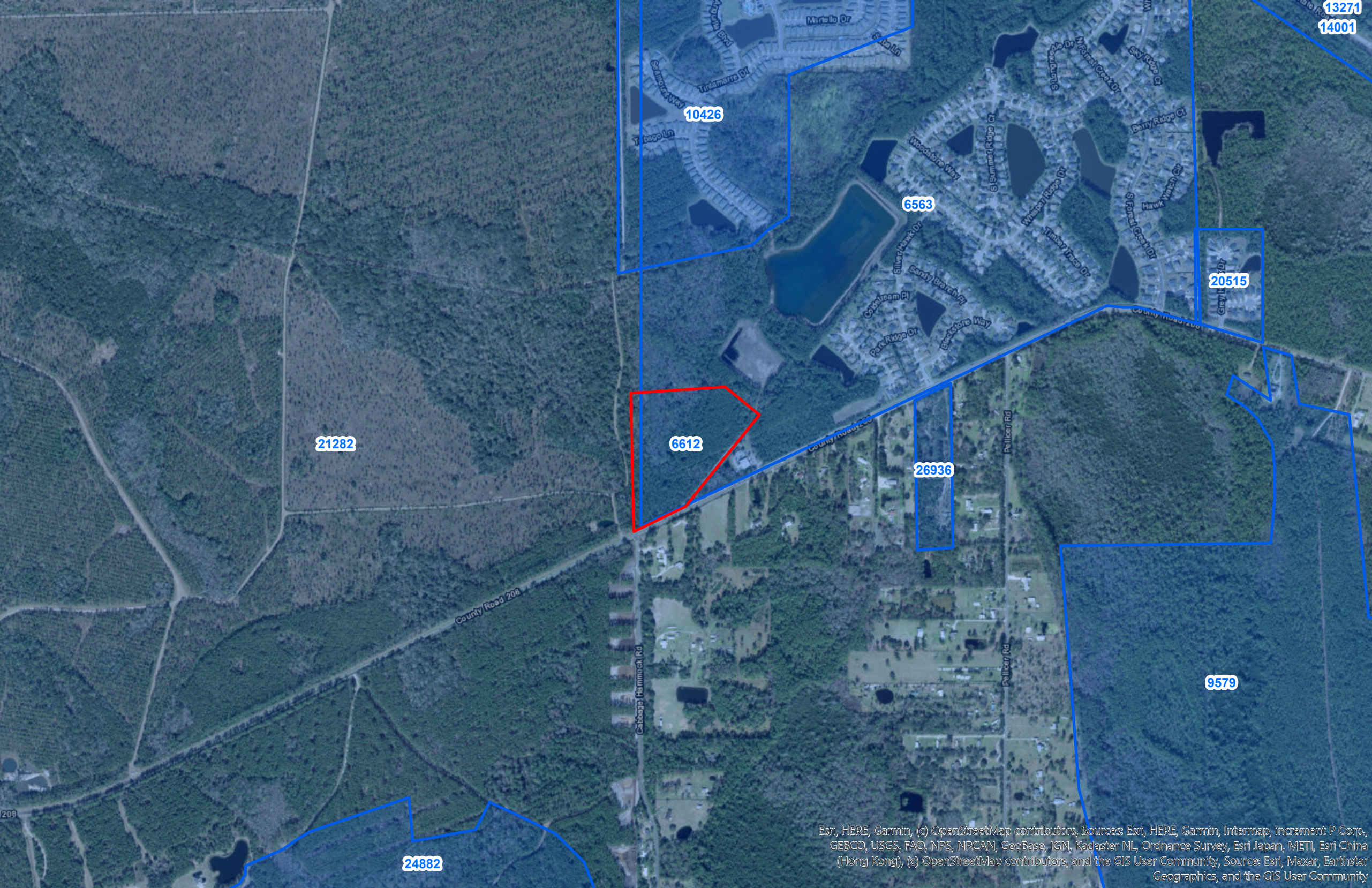




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SS=0
CM=0
RG=0
BR=0
Total=6

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
SJ03743	AR	FAS #1	BAKERSVILLE		Not Eligible	
SJ03744	AR	FAS #2	BAKERSVILLE		Not Eligible	
SJ03745	AR	FAS #3	BAKERSVILLE		Not Eligible	
SJ03746	AR	FAS #4	BAKERSVILLE		Not Eligible	
SJ03747	AR	FAS #5	BAKERSVILLE		Not Eligible	
SJ03748	AR	FAS #6	BAKERSVILLE		Not Eligible	



13271
14001

10426

6563

20515

21282

6612

26936

9579

24882



Total=10

Manuscript Roster

MS#	Title	Publication Information	Year
26936	An Intensive Cultural Resource Assessment Survey of the Truventure Parcel, St. Johns County, Florida	Bland & Associates, Inc. (BAI) Report of Investigations No. 538. Report on file, DHR-FMSF, Tallahassee, Florida.	2020
24882	Cultural Resource Assessment Survey of the Sunnyside Mitigation Bank, St. Johns County, Florida DHR Project Ile No. 2015-2114, USACOE Application No. SAJ-2013-01324	Heritage Services, Inc. Report Series 2017-21, prepared for MasterCraft Builder Group (Developers)	2017
21282	"One of the most lovely spots I ever feasted my eyes on" Northwest St. Johns County Historical Study and Architectural Survey		2014
20515	A Cultural Resource Reconnaissance Survey of the Grey Hawk PUD Tract, St. Johns County, Florida	Bland & Associates, Inc. Report of Investigations No. 460. Report on file, DHR-FMSF, Tallahassee, Florida.	2013
13271	A Cultural Resource Reconnaissance Survey of the Beverly/2980 SR 16 Property, St. Johns County, Florida	Environmental Services, Inc., St. Augustine. ESI Report of Investigations No. 936. Submitted to Beverly Investment Group, St. Augustine	2006
14001	Phase 1 Cultural Resource Assessment Survey of SR 16 from SR 13 to Woodlawn Road, St. Johns County, Florida	On File at DHR and SEARCH, Jonesville	2006
10426	A Cultural Resource Reconnaissance Survey of the Alterra Group, 16 Development LLC Parcel, St Johns County, Florida	Environmental Services, Inc., Jacksonville, Florida, Report of Investigations No. 577, Submitted to 16 Development, LLC	2004
9579	Cultural Resources Survey Terra Pines Reserve, St. Augustine, St. Johns County, Florida	SouthArc, Inc., Gainesville. Submitted to Vaughan & Associates, LLC	2003
6563	A Cultural Resources Assessment Survey of the Ridge Tract, A Planned Unit Development in St. Johns County, Florida	FLORIDA ARCHAEOLOGICAL SERVICES, INC., JACKSONVILLE. Submitted to WILDCAT VENTURE LLC	2001
6612	Historic Properties Survey, St. Johns County, Florida	ENVIRONMENTAL SERVICES, INC., JACKSONVILLE. Submitted to BOARD OF COUNTY COMMISSIONERS, ST JOHNS COUNTY	2001

B & L Capital Group CR-208 Parcel
Wildlife Report
AEA Project No. 23-1118-00

October 31, 2023



Prepared by:

Access Ecological Associates,
Jacksonville Inc.

2720 Park Street, Suite 201
Jacksonville, FL 32205

For:

B & L Capital Group.
Attn. Frank Mendola
100 North Laura St. Suite 900
Jacksonville, FL 32202

Threatened/Endangered Species Assessment Report

I. Introduction

Access Ecological Associates (AEA) has conducted a wildlife assessment on the subject property relative to listed threatened and endangered species as well as their habitats. As part of this task, AEA has delineated the limits of St. Johns River Water Management District (SJRWMD) jurisdictional wetlands, completed a review of publicly available data, and conducted pedestrian surveys of the various on-site habitats to determine the presence and extent of any local, state or federally listed wildlife species, or critical habitat for these species (federal species). This report represents a summary of our methodologies and results of our evaluations.

II. Project Location

The subject boundary includes approximately 23.17 acres identified by the St. Johns County Property Appraiser's Office as Parcel Number 0274400051. The property is more specifically located in St. Augustine, Florida, Section 42, Township 7 South, and Range 28 East (Figures 1, 2 and 3).

III. Habitat Characterization

The subject property contains four (4) generalized land use and cover classifications (Figure 5) which include Upland Pine Flatwoods (4110), Upland Pine Plantation (4410), Wetland Forested Mixed (6300) and Trail Road (8141). The land use classifications identified were determined based upon the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation State Topographic Bureau Thematic Mapping Section Procedure No. 550-010-001-a). The delineation of these land use and cover classifications were determined from on-site observations along with information from the St Johns River Water Management Geographic Information Systems web-page within the Geographic Information System (GIS) layer titled *Land Use/ Land Cover 2014*. The on-site land use and cover classifications and their descriptions have been listed below, and are as follows:

Upland Pine Flatwoods (FLUCFCS Code No: 4110):

This community is one of two dominant upland habitats on-site and occurs within the southern portion of the subject property covering a total area of approximately 5.34 acres. The community is dominated by a canopy of slash pine (*Pinus elliottii*), loblolly pine (*Pinus taeda*), and occasional water oak (*Quercus nigra*). The understory within much of this area was dominated by saw palmetto (*Serenoa repens*), bitter gallberry (*Ilex glabra*), and wax myrtle (*Myrica cerifera*). Groundcover within the area was dominated by bracken fern (*Pteridium aquilinum*). This community occurs adjacent to a County Road 208 to the South, a wetland mitigation bank to the West, undeveloped wetlands to the

North, and undeveloped wetlands and a fire station to the East. This community does contain some remnants of past human disturbance. The pine trees currently are in need of a thinning operation.

Given its location adjacent to a large conservation area and vegetative diversity, this community has moderate to high value to area wildlife.

Upland Pine Plantation (FLUCFCS Code No: 4410):

This community is the second of two dominant upland habitats on-site and occurs within the north-eastern portion of the subject property covering a total area of approximately 4.70 acres. The community is dominated by a canopy of planted loblolly pine (*Pinus taeda*), with occasional water oak (*Quercus nigra*) and slash pine (*Pinus elliotii*) in the midstory. The understory within much of this area was dominated by bitter gallberry (*Ilex glabra*), with scattered saw palmetto (*Serenoa repens*) and wax myrtle (*Myrica cerifera*). Groundcover within this area was also dominated by bracken fern (*Pteridium aquilinum*). This community occurs adjacent to undeveloped wetlands to the North and West, undeveloped uplands to the South, and a fire station to the East. The property was formerly timbered and replanted in bedded rows under a silviculture operation.

Given the past silviculture disturbance and unnatural plant composition, this community has moderate value to area wildlife.

Wetland Forested Mixed (FLUCFCS Code No: 6300):

This is the dominant vegetative community on-site and occurs primarily in the northern and western portions of the site with smaller pockets occurring along the western and eastern boundaries. It covers approximately 12.35 acres of the site in total. The canopy in this habitat is dominated by a mix of black gum (*Nyssa sylvatica*), slash pine (*Pinus elliotii*), cypress (*Taxodium distichum*), sweet gum (*Liquidambar styraciflua*), and red maple (*Acer rubrum*). Mid-story species include wax myrtle (*Myrica cerifera*), and immature loblolly bay (*Gordonia lasianthus*). Cinnamon fern (*Osmunda cinnamomea*), and Virginia chain fern (*Woodwardia virginica*) comprise the ground cover. The invasive species Chinese tallow (*Triadica sebifera*) occur in limited numbers. Some silvicultural impacts have occurred along the perimeter of this habitat.

Given the close proximity of this habitat to a large conservation tract to the west, and the current low occurrence of Chinese tallow, this community has moderate to high value to area wildlife.

Trail Road (FLUCFCS Code No: 8141):

This man-made area occurs along the eastern property boundary and appears to be utilized to access the adjoining property to the north east. The 0.78-acre trail road appears to be heavily trafficked. Very little vegetation occurs, and heavy rutting is present.

Given the lack of vegetation and high disturbance frequency, this community has low value to area wildlife.

IV. Survey Methodologies

The wetland delineation and listed wildlife species assessments were performed by wetland biologists with professional experience conducting assessments throughout Florida, and who have conducted dozens of previous assessments in the St. Johns County area. Species to be assessed are those regulated by the Florida Fish and Wildlife Conservation Commission (FFWCC) (Chapter 39-27 F.A.C.), Florida Department of Agriculture and Consumer Services (FDACS), and the U.S. Fish and Wildlife Service (USFWS) (50 CFR 17.11-12).

In preparation for the field inspection, the assessment began with a review of in-house materials including soil survey maps, topographic maps, aerial photographs, appropriate scientific literature, and data obtained from the appropriate regulatory agencies. Those habitat types which appeared to potentially be utilized by protected wildlife species were further investigated for the presence of those species. Avifaunal survey techniques included pedestrian transects and vehicular reconnaissance. For any areas suspected of being occupied by listed mammalian and/or herpetofauna species [such as gopher tortoise], the areas were investigated to determine the presence of such species. AEA also assessed the property for the presence of Significant Natural Communities Habitat.

V. Survey Results

The various on-site habitat types were investigated for the potential presence of local, state, or federally listed wildlife species. Based on the habitat found onsite, the surrounding land uses, field observations, and the data obtained from the USFWS, FNAI, and FFWCC, the site generally has low potential to provide adequate habitat for a few listed species.

Gopher tortoise (*Gopherus polyphemus*)

Gopher tortoise(s) (*Gopherus polyphemus*) and their burrows were not observed within upland pine flatwoods or upland pine plantation habitats during this assessment. This species is listed as “Threatened” by the FFWCC. The upland habitats present are not especially well drained, and not conducive to the water table needs of the gopher tortoise.

As no tortoises nor their burrows were identified, this project is not likely to adversely affect the gopher tortoise.

Eastern indigo snake (*Drymarchon corais couperi*)

There is low potential for the eastern indigo snake (*Drymarchon corais couperi*) to be found within the subject property. The site contains few snags and limited potential foraging areas. There is significant development to the east and south that would limit the potential use of the site. The eastern indigo snake is listed as “Threatened” pursuant to the Endangered Species Act of 1973 (state and federal level). In the interest of caution, we recommend that the Standard Protection Measures for the Eastern Indigo Snake should be implemented on the site during future construction activities. No further action should be required as long as the standard measures for protection are utilized. A copy of the “standard protection measures for eastern indigo snake” is included as an attachment to this report.

Due to low potential to utilize the property on account of the habitat composition, lack of commensal species, and the proposed implementation of standard protection measures, this project is not likely to adversely affect the eastern indigo snake.

Florida pine snake (*Pituophis melanoleucus mugitus*)

There is low potential for the occurrence of the Florida pine snake. The species is not federally listed, but is state designated as “Threatened.” The Florida pine snake tends to occur on “Habitats with relatively open canopies and dry sandy soils, in which it burrows. Especially sandhill and former sandhill, including old fields and pastures, but also sand pine scrub and scrubby flatwoods” (FNAI). Due to the lack of sandhill or scrub habitat on the site, the conditions are not ideal for this species.

Due to lack of appropriate habitats, this project is not likely to adversely affect the Florida pine snake.

Black bear (*Ursus americanus*)

Black bear (*Ursus americanus*) sightings have occurred to the north, east and south of the subject property. The presence of black bear was anticipated as they are known to occupy the area. The Florida Fish and Wildlife Conservation Commission (FFWCC) will likely request that any future developments use appropriate trash collection equipment, and those residential developments educate their homeowners on general precautions residents should take.

No other local, state or federally listed species or their sign were observed within the boundaries of the subject property.

Non-protected Wildlife were also observed on-site. AEA staff observed brown anoles, a turkey vulture, a tufted titmouse, and a blue jay on the property or overhead during the field investigation. No other evidence of non-listed species was observed.

Bald Eagle (*Haliaeetus leucocephalus*)

Bald Eagles (*Haliaeetus leucocephalus*) have been known to occur throughout St. Johns County. No evidence of bald eagle activity or their nests were found during the initial site inspections. Following St. Johns County staff comments regarding the potential for the site to contain a nest, AEA staff conducted a

drone reconnaissance of the larger trees within the project site on October 31, 2023. No nests were observed on-site or in the project's vicinity. A brief photo essay is attached depicting the largest trees observed, no nests are visible.

A review of St. Johns County GIS layers revealed only one eagle nest in the area. As depicted on Figure 7, the Turnbull Creek Eagle Nest (NestID: SJ 921) is located 12,270 feet from this nest. Both the 750' Primary and 1500' Secondary Zone occur well outside of the project boundaries.

As no eagle nest was located within the project vicinity, and the only known eagle nest in the area is located over 2 miles away, the proposed project is unlikely to have any effect on the bald eagle.

VI. Conclusion

The property has been investigated for the presence of local, state, and federally protected wildlife species. No evidence was found indicating that the property is utilized by any listed species. No significant natural communities Habitats were found as defined by St. Johns County LDC.

The wetland delineation is depicted on Figure 4, and will be reviewed by SJRWMD staff during the ERP permitting phase.

AEA does not believe that this project will result in any unmitigatable impacts to any protected wildlife species, or wildlife in general, in the local vicinity. If you have any further questions or concerns regarding this project, please feel free to contact me at (904) 626-6908.

Sincerely,

Access Ecological Associates
Jacksonville, Inc.



John Shanks
President

ATTACHMENTS

Figures

- Figure 1: Site Location Map**
- Figure 2: Topographical Map**
- Figure 3: Soil Survey Map**
- Figure 4: Wetland Delineation Map**
- Figure 5: Habitat Map**
- Figure 6: Documented Wildlife in Area**
- Figure 7: Eagle Nest Management Zones**

Photos

Drone Photos of Canopy Trees for Nest Search

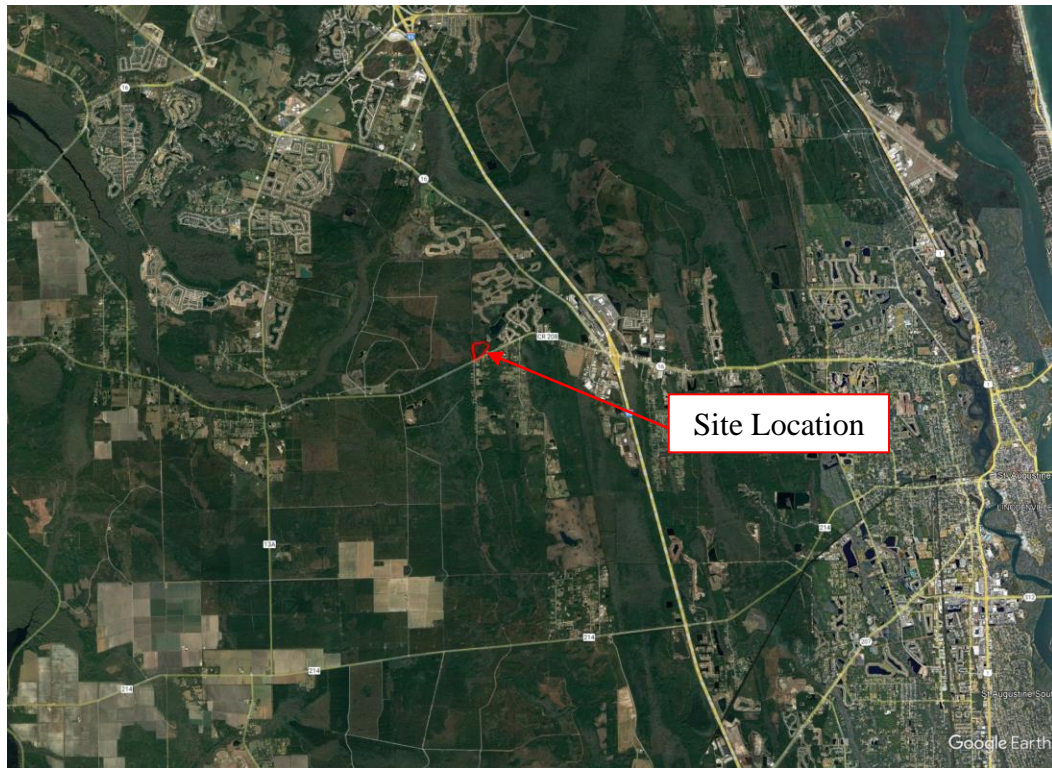
Tables

Florida Natural Areas Inventory Species Tracking List: St. Johns County

Reference Documents

- Gopher tortoise (*Gopherus polyphemus*) FNAI Fact Sheet**
- Eastern indigo snake (*Drymarchon corais couperi*) FNAI Fact Sheet**
- USFWS Standard Protection Measures for the Eastern Indigo Snake**
- Florida pine snake (*Pituophis melanoleucus mugitus*) FNAI Fact Sheet**
- Black bear (*Ursus americanus*) FNAI Fact Sheet**
- Bald Eagle (*Haliaeetus leucocephalus*) - SJC Environ. Division Fact Sheet**

AREA VICINITY MAP



LOCAL VICINITY MAP



Figure 1 Site Location Map

B & L Capital Group CR-208 Parcel
St. Johns County, Florida
AEA Project No. 23-1138-00
Source: Google Earth

**Access Ecological
Assoc. Jacksonville, Inc.**

2720 Park Street, Ste. 201
Jacksonville, Florida
32205





B & L CAPITAL GROUP CR-208 PARCEL
TOPOGRAPHIC MAP

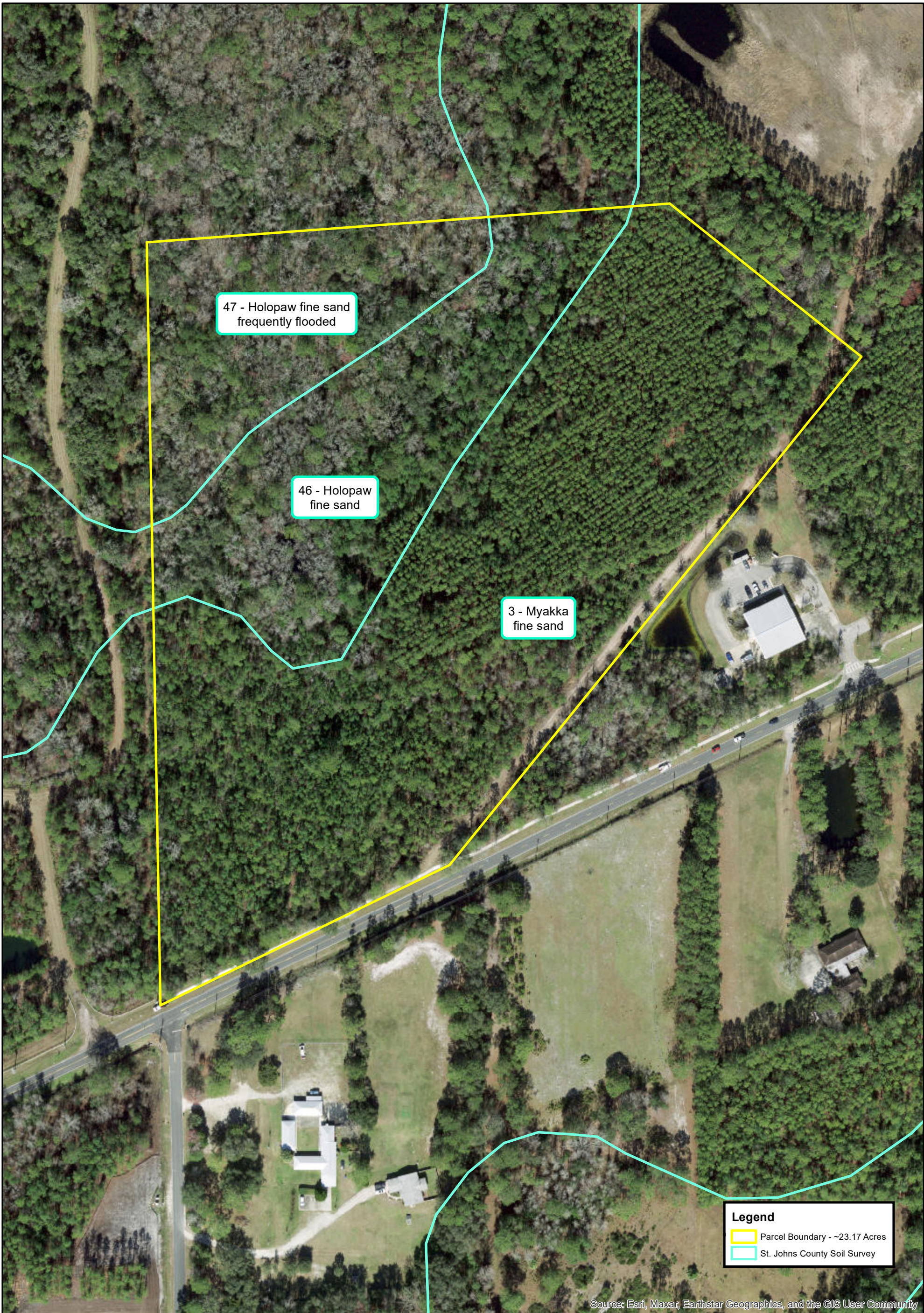


0 150 300 600 900 1,200 Feet



***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE ESTIMATED.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**

	<p>Access Ecological Assoc. 2720 Park Street Ste. 201 Jacksonville, Florida 32205 Phone: 904-626-6908 E: jshanks.access@gmail.com</p>		<p>Figure 2 B & L Capital Group CR-208 St. Johns County, Florida AEA Project No. 23-1118-00 Source SJRWMD Orthoquads</p>
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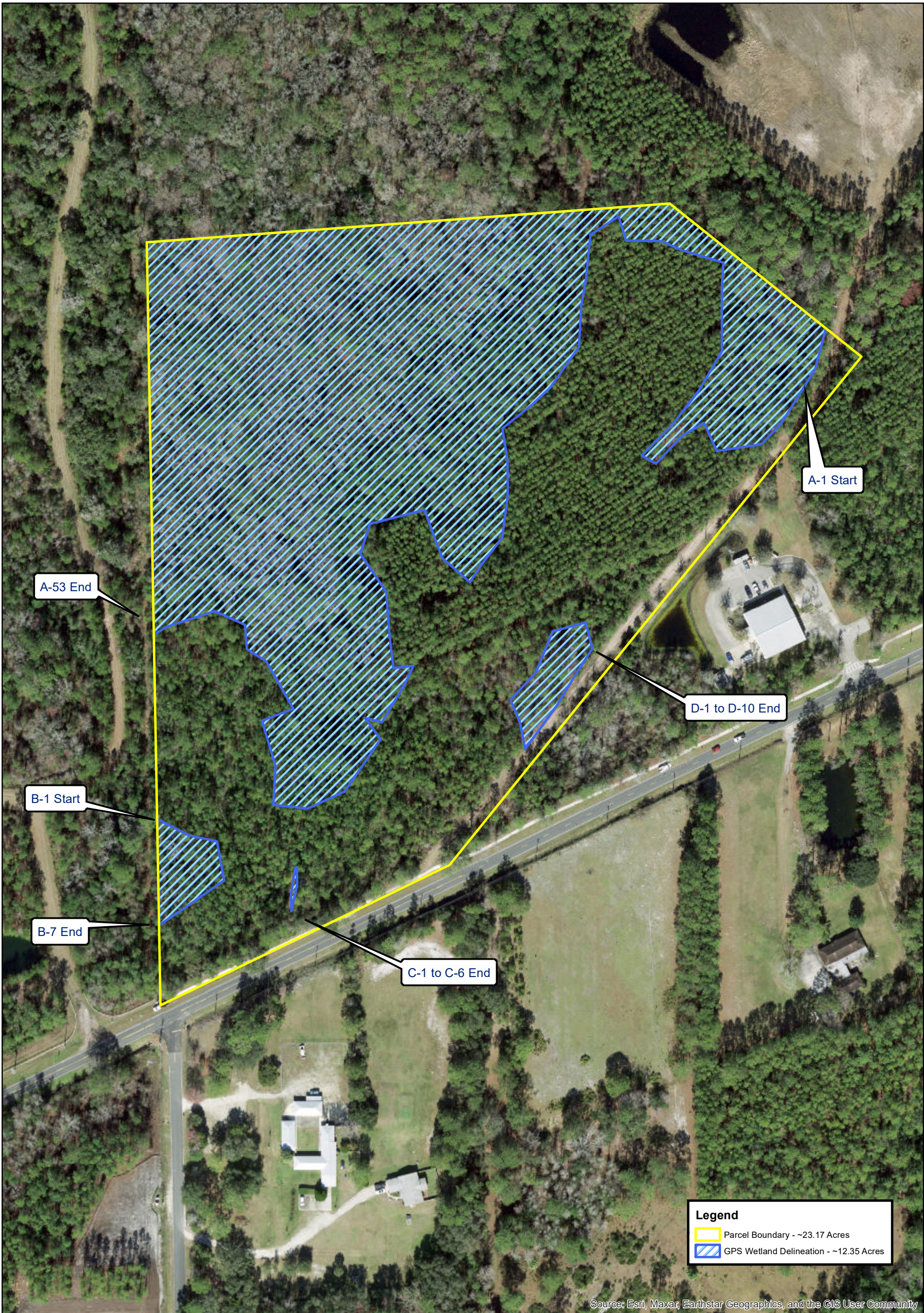
B & L CAPITAL GROUP CR-208 PARCEL
ST. JOHNS COUNTY SOIL SURVEY MAP



***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE ESTIMATED.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**

	<p>Access Ecological Assoc. 2720 Park Street Ste. 201 Jacksonville, Florida 32205 Phone: 904-626-6908 E: jshanks.access@gmail.com</p>		<p>Figure 3 B & L Capital Group CR-208 St. Johns County, Florida AEA Project No. 23-1118-00 Source SJRWMD Orthoquads</p>
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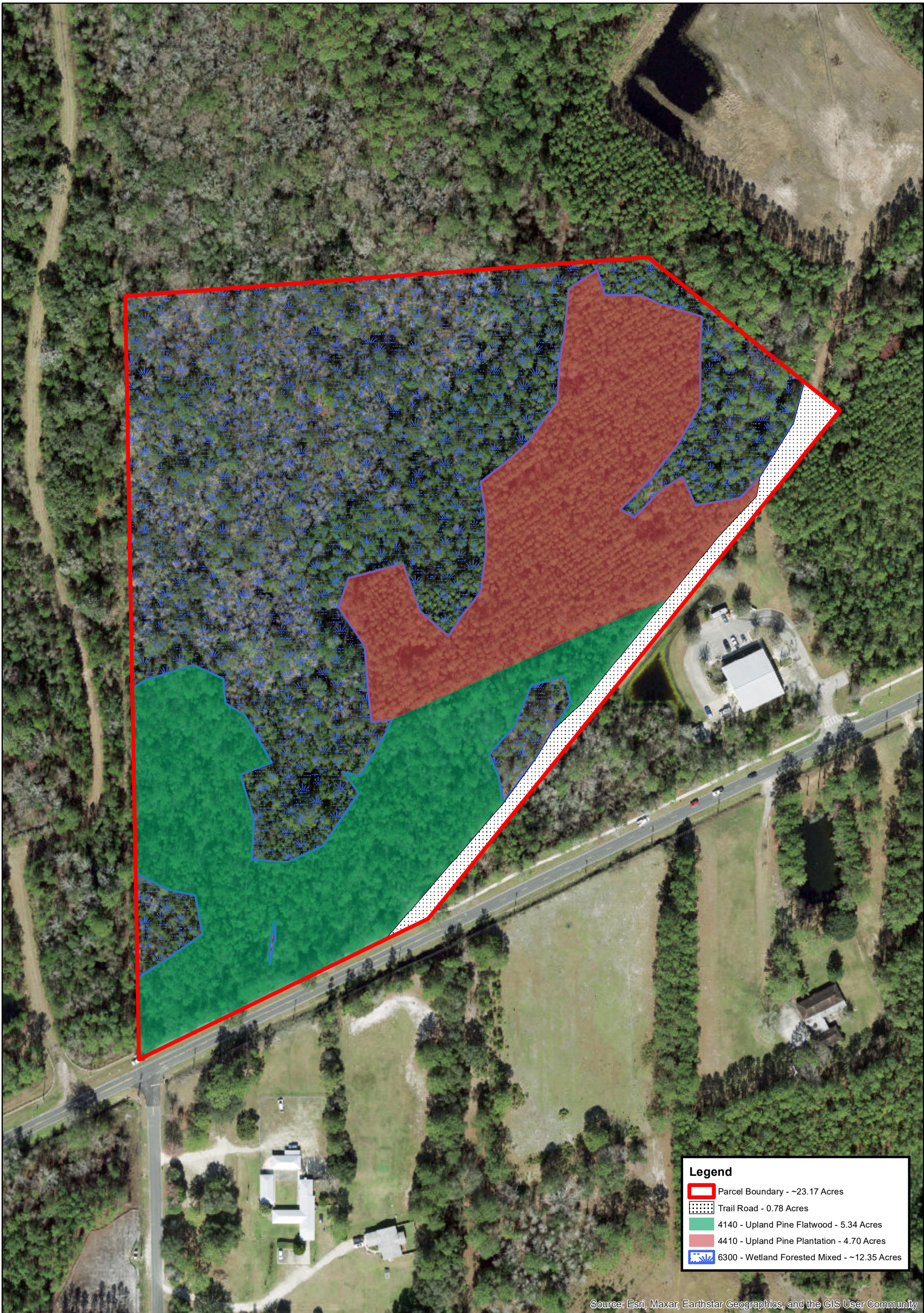
B & L CAPITAL GROUP CR-208 PARCEL
WETLAND DELINEATION FLAG MAP



***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE ESTIMATED.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**

	<p>Access Ecological Assoc. 2720 Park Street Ste. 201 Jacksonville, Florida 32205 Phone: 904-626-6908 E: jshanks.access@gmail.com</p>		<p>Figure 4 B & L Capital Group CR-208 St. Johns County, Florida AEA Project No. 23-1118-00 Source SJRWMD Orthoquads</p>
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B & L CAPITAL GROUP CR-208 PARCEL
EXISTING HABITATS



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

0 75 150 300 450 600 Feet

***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE ESTIMATED.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**



Access Ecological Assoc.
2720 Park Street Ste. 201
Jacksonville, Florida 32205
Phone: 904-626-6908
E: jshanks.access@gmail.com


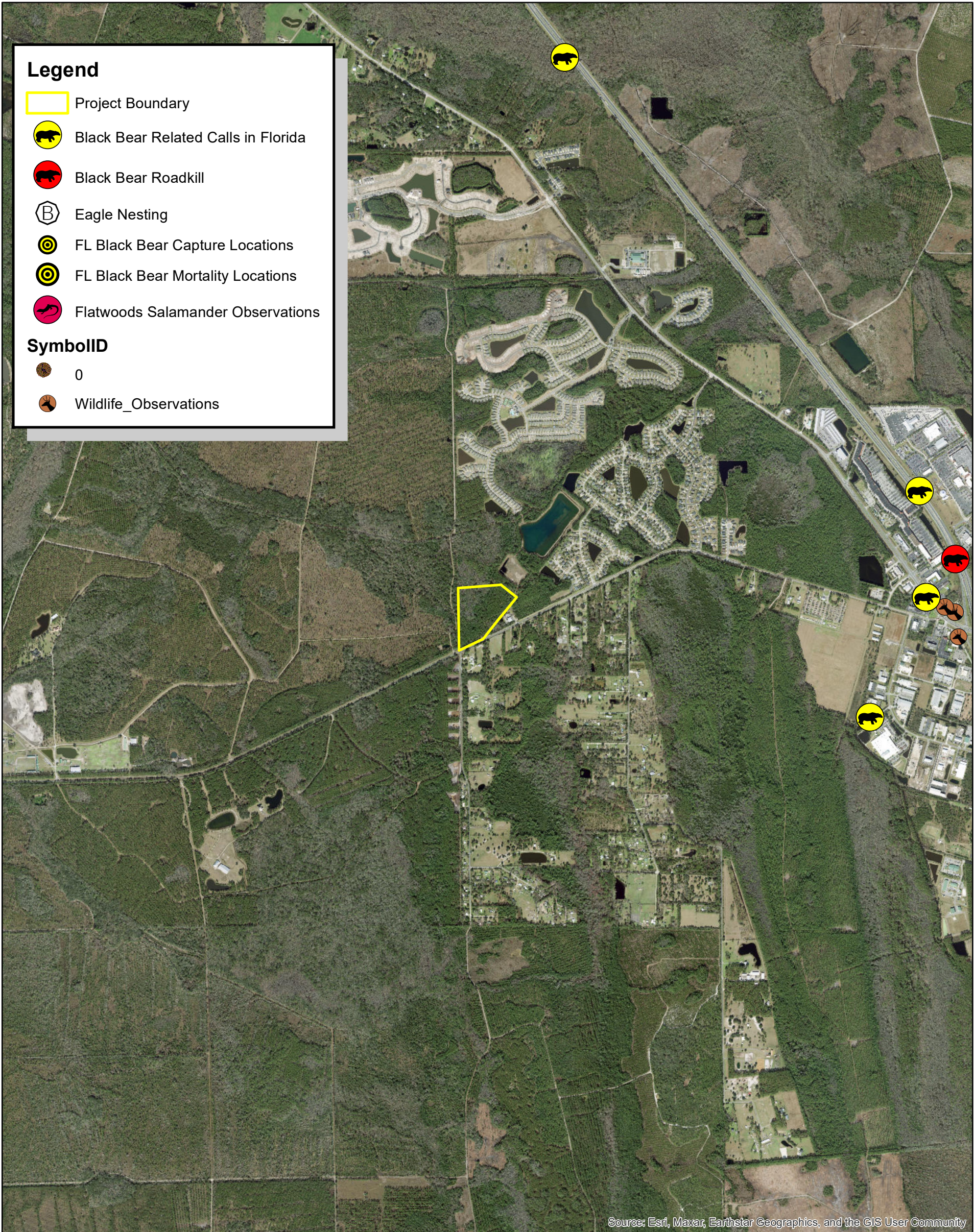


Figure 5
B & L Capital Group CR-208
St. Johns County, Florida
AEA Project No. 23-1118-00
Source SJRWMD Orthoquads

B & L CAPITAL GROUP CR-208 PARCEL

DOCUMENTED WILDLIFE IN AREA



***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE BASED ON PROVIDED SURVEY DATA.
SUBJECT TO FINAL REGULATORY AGENCY REVIEW AND APPROVAL.
FOR PRELIMINARY PLANNING PURPOSES ONLY.**

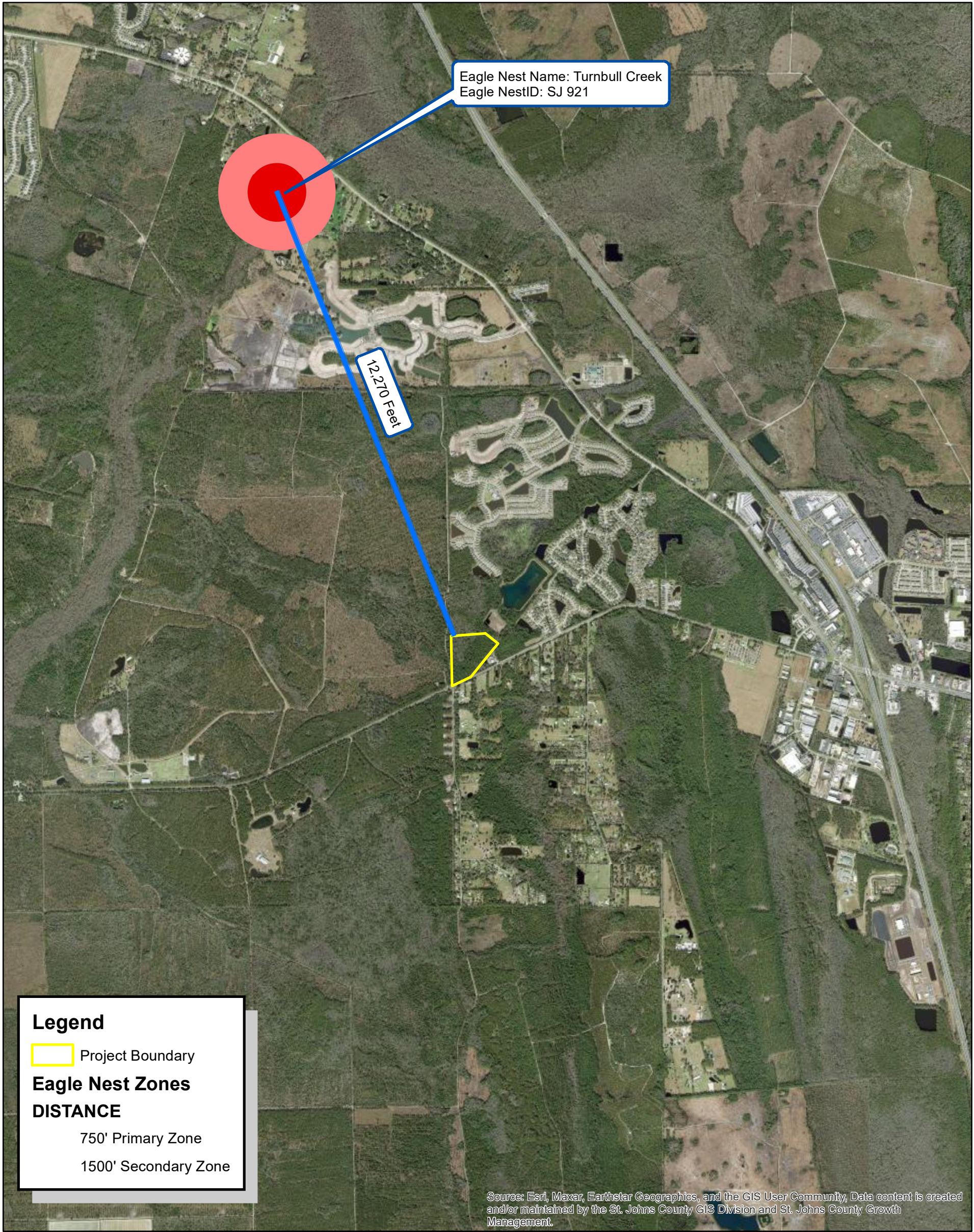


Access Ecological Assoc.
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Jacksonville, Florida 32205
Phone: 904-626-6908
E: jshanks.access@gmail.com



Figure 6
B & L Capital Group CR-208
St. Johns County, Florida
AEA Project No. 23-1118-00
Source SJRWMD Orthoquads

B & L CAPITAL GROUP CR-208 PARCEL
EAGLE NEST MANAGEMENT ZONES



Access Ecological Assoc.
2720 Park Street, Ste. 201
Jacksonville, Florida 32205
Phone: 904-626-6908
E: jshanks.access@gmail.com



Figure 7
B & L Capital Group CR-208
St. Johns County, Florida
AEA Project No. 23-1118-00
Source SJRWMD Orthoquads

Photos

B & L Capital Group CR-208 Parcel Drone Photos of Canopy Trees for Nest Search



Drone Photo 1: Looking West, No Nests Visible



Drone Photo 2: Looking West, No Nests Visible



Drone Photo 3: Looking North/Northwest, No Nests Visible



Drone Photo 4: Looking Northeast, No Nests Visible



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

FLORIDA
Natural Areas
INVENTORY

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

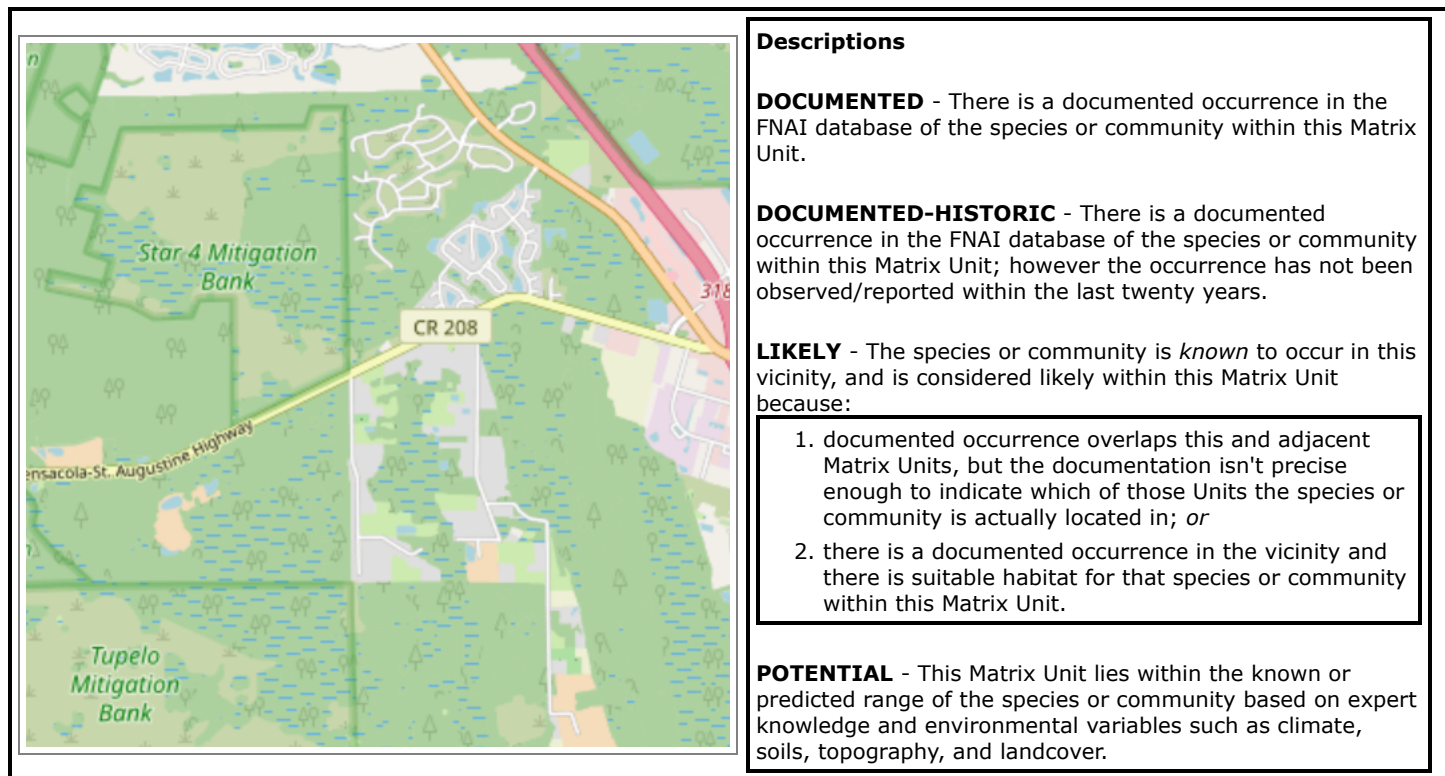
UNOFFICIAL REPORT

Created 10/2/2023

(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 2 Matrix Units: 44883 , 45256



Matrix Unit ID: 44883

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

4 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Lythrum curtissii Curtiss' loosestrife	G1	S2	N	E
<i>Mesic flatwoods</i>	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit ID: 452560 **Documented** Elements Found0 **Documented-Historic** Elements Found3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Mesic flatwoods</i>	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit IDs: 44883 , 4525630 **Potential** Elements Common to Any of the 2 Matrix Units

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Arnoglossum diversifolium variable-leaved Indian-plantain	G2	S2	N	T
Asclepias viridula southern milkweed	G2	S2	N	T
<i>Asplenium x heteroresiliens</i> Morzenti's spleenwort	G2	S1	N	N
Balduina atropurpurea purple honeycomb-head	G2	S1	N	E
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Calydorea coelestina Bartram's ixia	G2G3	S2S3	N	E
<i>Carex chapmannii</i> Chapman's sedge	G3	S3	N	T
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Corynorhinus rafinesquii Rafinesque's Big-eared Bat	G3G4	S1	N	N
Ctenium floridanum Florida toothache grass	G2	S2	N	E
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Gymnopogon chapmanianus Chapman's skeletongrass	G3	S3	N	N
Helianthus carnosus lake-side sunflower	G1G2	S1S2	N	E
Lechea cernua nodding pinweed	G3	S3	N	T
<i>Lithobates capito</i> Gopher Frog	G2G3	S3	N	N
Litsea aestivalis pondspice	G3?	S2	N	E
Lythrum curtissii Curtiss' loosestrife	G1	S2	N	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Monotropsis reynoldsiae pygmy pipes	G2	S2	N	E
Nemastylis floridana celestial lily	G2	S2	N	E
Neofiber alleni Round-tailed Muskrat	G2	S2	N	N

<i>Neovison vison lutensis</i> Atlantic Salt Marsh Mink	G5T3	S3	N	N
<i>Nolina atopocarpa</i> Florida beargrass	G3	S3	N	T
<i>Pteroglossaspis ecristata</i> giant orchid	G2G3	S2	N	T
<i>Pycnanthemum floridanum</i> Florida mountain-mint	G3	S3	N	T
<i>Rhynchospora thornei</i> Thorne's beaksedge	G3	S1S2	N	N
<i>Rudbeckia nitida</i> St. John's blackeyed susan	G3	S2	N	E
<i>Salix floridana</i> Florida willow	G2G3	S2S3	N	E
<i>Verbesina heterophylla</i> variable-leaf crownbeard	G2	S2	N	E

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.

GOPHER TORTOISE

Gopherus polyphemus



Order: Testudines
Family: Testudinidae
FNAI Ranks: G3/S3
U.S. Status: None in Florida; Threatened in Louisiana, Mississippi, and western Alabama
FL Status: Species of Special Concern
Florida prohibits take, possession, sale, or purchase of tortoises or their parts except by permit.



© Dan Hipes



juvenile
© Dan Hipes

Description: A medium-sized turtle (to 10 in. = 254 mm) fully adapted for life on land. Upper shell brown and relatively flat above; lower shell yellowish, without hinge, and projecting forward, especially in male; skin brown to dark gray. Forelimbs greatly expanded for digging; hind limbs reduced, stumpy, lacking any form of webbing between toes. Lower shell of male somewhat concave. Young: scales of carapace often with yellow centers, skin yellowish to tan; approximately 2 in. (51 mm) shell length at hatching.

Similar Species: The only other native land turtle in Florida, the box turtle (*Terrapene carolina*), is distinguished by its smaller size (to 8 in. =

GOPHER TORTOISE

Gopherus polyphemus

203 mm), less stout feet, moveable hinge on lower shell, and often but not always by black and yellow upper shell. Tortoise burrows, which are useful in determining species' presence, typically have lower, flatter profile than more rounded burrows of armadillos; this reflects differences in cross-sectional shapes of the two animals.

Habitat: Typically found in dry upland habitats, including sandhills, scrub, xeric oak hammock, and dry pine flatwoods; also commonly uses disturbed habitats such as pastures, oldfields, and road shoulders. Tortoises excavate deep burrows for refuge from predators, weather, and fire; more than 300 other species of animals have been recorded sharing these burrows.

Seasonal Occurrence: Above-ground activity is greatly reduced during cold weather, with tortoises in northern Florida remaining below ground for months. Nonetheless, burrows are relatively conspicuous year-round.

Florida Distribution: State-wide except absent from the Everglades and Keys.

Range-wide Distribution: Lower Southeastern Coastal Plain, extending from southern South Carolina southward through lower Georgia and Florida and westward through southern Alabama, Mississippi, and extreme southeastern Louisiana.

Conservation Status: Despite its widespread occurrence throughout Florida, there is considerable concern about the declining abundance of this species. Much of its native habitat has been lost to agriculture, citriculture, forestry, mining, and urban and residential development. Although protected populations occur on many state, federal, and private conservation lands, recent development of a severe respiratory disease threatens even those.

Protection and Management: Manage large, undivided tracts of upland habitat to maintain native vegetative conditions; this generally requires periodic prescribed fire beneath trees to reduce brush and favor growth of grasses and forbs. Avoid building roads and houses in xeric uplands. Because of risk of introducing tortoises infected with respiratory disease to uncontaminated populations, tortoises should not be relocated except under strictly controlled programs.

EASTERN INDIGO SNAKE

Drymarchon corais couperi

Order: Squamata
Family: Colubridae
FNAI Ranks: G4T3/S3
U.S. Status: Threatened
FL Status: Threatened



© Dan Hipes



© Dan Hipes

Description: A very large, stout-bodied, shiny black snake reaching lengths as great as 8 ft. (244 cm). Black ventrally, but chin, throat, and sides of head may be reddish or (rarely) white. Scales typically smooth (no ridges), though adult males have keel on front half of some scales along back; anal scale undivided. Young similar to adults though often more reddish anteriorly, 17 - 24 in. (430 - 610 mm) at hatching. When encountered, often hisses, flattens neck vertically (from side to side), and vibrates tail, but rarely bites.

EASTERN INDIGO SNAKE *Drymarchon corais couperi*

Similar Species: Black racer (*Coluber constrictor*), which rarely exceeds 5 ft. (152 cm), is more slender; a duller sooty black usually with a white chin and throat, and has a divided anal scale. The mostly aquatic mud snake (*Farancia abacura*) is glossy black above and can grow to 6 ft. (183 cm), but has a reddish, rarely white, belly, with the coloration encroaching the sides, and a sharp-pointed tail tip.

Habitat: Broad range of habitats, from scrub and sandhill to wet prairies and mangrove swamps. In northern part of range, often winters in gopher tortoise burrows in sandy uplands but forages in more hydric habitats. Requires very large tracts to survive.

Seasonal Occurrence: Active nearly year-round in southern Florida but winters underground farther north. Lays eggs in May and June.

Florida Distribution: Statewide, including Upper and Lower Keys, but rare in panhandle.

Range-wide Distribution: Florida and southern Georgia; formerly extended from southern South Carolina to southeastern Mississippi.

Conservation Status: Rare in most areas, though species has been recorded from many public lands statewide; however, whether most of these support viable populations is uncertain. Major threats are habitat loss, degradation, and fragmentation, with associated highway mortality. Other threats include gassing of tortoise burrows for rattlesnakes, collection for pets, and deliberate persecution, all of which are illegal.

Protection and Management: Protect very large tracts (>5000 acres = 2025 ha) of appropriate natural habitat unfragmented by roads; use prescribed fire as needed. Maintain gopher tortoise populations and dead stumps to provide natural subterranean refugia. Enforce bans on tortoise burrow gassing and on collection or molestation of snake. Avoid construction of roads through unfragmented habitat. Educate public to avoid wanton destruction of large snakes.

Selected References: Ashton and Ashton 1988b, Conant and Collins 1991, Ernst and Barbour 1989, Georgia DNR 1999, Lazell 1989, Moler (ed.) 1992, Mount 1975, Tenant 1997.

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or "approval" from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or "approval" from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see Poster Information section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see Pre-Construction Activities and During Construction Activities sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11" x 17" or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, and the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, and the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office - (904) 731-3336
Panama City Field Office - (850) 769-0552
South Florida Field Office - (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.



ATTENTION: THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336

Panama City Field Office – (850) 769-0552

South Florida Field Office – (772) 562-3909

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

DESCRIPTION:	The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.
SIMILAR SNAKES:	The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.
LIFE HISTORY:	The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.
PROTECTION:	The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN
INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, and the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN
INDIGO SNAKE ON THE SITE:

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Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909

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Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

ATTENTION:

THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!



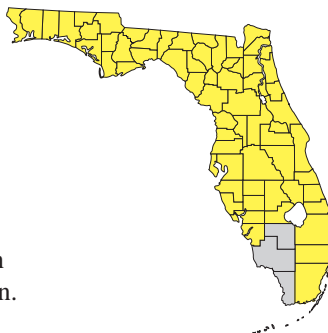
Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.



August 12, 2013

FLORIDA PINE SNAKE

Pituophis melanoleucus mugitus



Order: Squamata
Family: Colubridae
FNAI Ranks: G4T3?/S3
U.S. Status: None
FL Status: Species of Special Concern
State possession limit of one snake per person.



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© Dale R. Jackson



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Description: A large, stocky, tan or rusty colored snake with an indistinct pattern of large blotches on a lighter background; blotches more distinct posteriorly; venter white. May be dark brown in far western panhandle, where it intergrades with another subspecies. Body muscular, with keeled scales and undivided anal scale. Head relatively small, snout somewhat

FLORIDA PINE SNAKE *Pituophis melanoleucus mugitus*

pointed, four prefrontal scales, rostral scale extending upward between internasal scales. Adults 4 - 7 ft. (122 - 213 cm) or longer; young 15 - 24 in. (380 - 610 mm) at hatching. May hiss loudly and vibrate tail when encountered.

Similar Species: Most Florida snakes have only two prefrontal scales, and the rostral scale does not split the two internasals. Blotches of red rat snakes (*Elaphe guttata*) are smaller, more numerous (nearly 40), and more distinct. Eastern coachwhip (*Masticophis flagellum*) is more slender, usually darker anteriorly, lacks blotches, and has smooth scales and divided anal scale.

Habitat: Habitats with relatively open canopies and dry sandy soils, in which it burrows. Especially sandhill and former sandhill, including oldfields and pastures, but also sand pine scrub and scrubby flatwoods. Often coexists with pocket gophers and gopher tortoises.

Seasonal Occurrence: Spends most of time below ground; occasional surface activity from spring through fall, especially May - October. Eggs laid June - August; hatch in September and October.

Florida Distribution: Most of panhandle and peninsula south to Lake Okeechobee, extending southward along eastern ridge to Dade County, but absent from Keys. Possibly extirpated from some of more heavily developed counties such as Pinellas.

Range-wide Distribution: Southern South Carolina, southern Georgia, and most of Florida.

Conservation Status: Occurs on many state and federal lands in Florida. Threats include collection for pets (now restricted); highway mortality; and habitat loss and fragmentation from development, intensive agriculture, and mining.

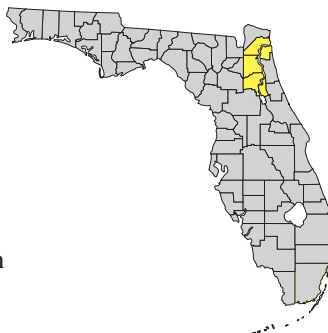
Protection and Management: Maintain large, unfragmented blocks of xeric natural communities; can tolerate some habitat degradation. Manage habitats with fire to prevent succession to closed canopy forests.

Selected References: Ashton and Ashton 1988b, Conant and Collins 1991, Ernst and Barbour 1989, Franz 1986, Moler (ed.) 1992, Mount 1975, Tenant 1997.

BLACK CREEK CRAYFISH

Procambarus pictus

Order:	Decapoda
Family:	Cambaridae
FNAI Ranks:	G2/S2
U.S. Status:	None
FL Status:	Species of Special Concern



© Dan Hipes

Description: A medium-sized (to 3 in. = 75 mm) crayfish with a distinctive pattern of yellowish to white spots and stripes on a dark brown to black carapace, and a rust-colored abdomen with dark cross-bands. The color pattern quickly fades in preserved specimens. The following structural features may help to identify such specimens: rostrum (forward projection of shell in front of eyes) with lateral spines, areola (rear portion of carapace) broad with 7 - 10 punctations in narrowest part, palm of chela (claw) never bearded but with a row of about 10 small bumps, and ridges behind eyes terminating forward in sharp spines.

Similar Species: Its unique color pattern readily distinguishes this species from all other Florida crayfishes, including the co-occurring *Procambarus fallax*, *P. paeninsulanus*, and *P. talpoides*. Preserved specimens are more difficult to distinguish from other crayfishes and require close examination of structural features by an expert.

Habitat: Small, relatively swift, sand-bottomed, tannic-stained streams, often emanating from sandhills and flowing through or from swampy

BLACK CREEK CRAYFISH

Procambarus pictus

terrain. Crayfish hide during the day in submerged vegetation, roots, and detritus, but can often be seen crawling along the stream bottom at night.

Seasonal Occurrence: The species occupies the same streams year-round but may be somewhat less active when water temperatures are lower during winter. Reproductive males have been observed January - September, and females with eggs June - September. Young begin hatching in July and mature by the following spring.

Florida Distribution: Restricted to a few small stream systems in Clay, Duval, and Putnam counties in the northeastern part of the state. Most known localities are within the Black and Rice creek drainages.

Range-wide Distribution: Same as Florida distribution.

Conservation Status: Populations inhabit headwater streams in the Black Creek drainage on both the Camp Blanding Training Site (Florida Department of Military Affairs) and Jennings State Forest, but many other localities occur on private lands that are threatened by the effects of expanding urbanization, mining, and silviculture.

Protection and Management: *P. pictus* is susceptible to pollution, changes in water temperature, siltation, and other changes in water quality. Protection of inhabited headwater and secondary streams, especially within the Black and Rice creek drainages, is therefore critical to the species' survival.

Selected References: Brody 1990, Deyrup and Franz (eds.) 1994, Franz and Franz 1979, Hobbs 1942.

FLORIDA BLACK BEAR

Ursus americanus floridanus

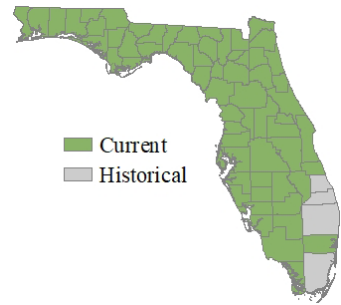
Order: Carnivora

Family: Ursidae

FNAI Ranks: G5T4/S4

U.S. Status: none

FL Status: none



Description: A large mammal (3 to 3.5 ft. = 2.8 - 3.2 m at the shoulder) with glossy black hair and a brown muzzle. Females average approximately 180 lbs. (82 kg); males average approximately 250 lbs. (113 kg). Individuals in southern Florida may lose their dorsal guard hairs, exposing the woolly brown undercoat. A white chest patch may be present on approximately 30% of individuals (FWC, 2012). Tail is short and inconspicuous. Ears are round and widely separated. In males, front feet range from 3.5 - 5.5 in. (89 - 140 mm) by 3.3 - 5.9 in. (84 - 150 mm); rear feet measure 3 in. (76 mm) by 5.5 - 8.7 in. (140 - 221 mm). Sign may include shredded cabbage palm and saw palmetto, torn-up logs, and gouges in trees, about 6 ft. above ground level. Scat (droppings) may be similar to that of dogs, but may vary in consistency and may contain a mix of insect parts, seeds, and sometimes hair.

Similar Species: A large, black dog or a hog could be mistaken for a small black bear, but does not compare in size or foot measurements.

Habitat: A wide variety of forested communities is needed to support the varied seasonal diet of black bears. Forested wetlands are particularly important for diurnal cover. Baygalls (bayheads) are important for cover and dens.

Seasonal Occurrence: May be active year-round, except for pregnant females that must den, usually between December and April. Winter activity is highly variable among individuals and years.

Florida Distribution: Widely distributed throughout FL, occupying about 45% of its historical range (Humm, 2017). Concentrations occur on Eglin Air Force Base, in the Apalachicola basin, Osceola NF and adjacent Pinhook Swamp, Gulf Hammock WMA, Ocala NF, St. Johns River basin, and the Big Cypress and Lake Wales Ridge regions.

Range-wide Distribution: Florida, extreme southern Alabama, and southeastern Georgia.

Conservation Status: Managed by the Florida Fish and Wildlife Conservation Commission as a game species. Protected through various Florida rules, in-

Florida Black Bear

Ursus americanus floridanus

cluding the Bear Conservation Rule (F.A.C. 68A-4.009). Removed from Florida Endangered and Threatened Species Rule (68A-27.003) in 2012.

Protection and Management: Maintain a diversity of habitats over extensive acreage that includes nut and fruit producing plants and dense baygalls that are inaccessible to humans.

References: Brown 1997, FWC 2012, Hall 1981, Humm 2017, Humphrey (ed.) 1992, Whitaker 1996.



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[\(/index.aspx\)](#)

St. Johns County Government

Elected Officials, Divisions, Departments, & Information | P: (904) 209-0655 | TF: 1-877-475-2468 | E: info@sjcfl.us (<mailto:info@sjcfl.us>)

Bald Eagle



About Bald Eagles

The Bald Eagle is the national emblem of the United States and has long been a spiritual symbol for Native Americans. Its name is derived from the white feathered head that contrasts with its brown body and wings. The adult white head and tail plumage does not fully emerge until about 5 years of age. Juveniles have mostly brown heads and tails along with brown body and wings that may also be mottled with white.

The Bald Eagle can often be identified by its size alone as it dwarfs many of the other birds of prey found in our County. They have a heavy body, large head and hooked bill. In flight, they typically hold their broad wings very flat, and you will most often find these regal raptors soaring, hunting, or scavenging along the St. Johns River or Intracoastal Waterway.

Nesting & Habitat Management

Bald Eagle nesting season is officially from October 1st through May 15th in the Southeastern United States each year. These dates may vary depending on nesting activities at specific nest sites. There are around 35 active known nests in St. Johns County, with most located along the St. Johns River and Intracoastal Waterway. The areas where eagles tend to nest can range from the middle of public conservation lands where there is little to no human activities to right in the middle of existing residential subdivisions.

Bald Eagle FAQs

Florida Fish & Wildlife Conservation Commission (FWC) & U.S. Fish & Wildlife Service (USFWS)

How can I make sure that a bald eagle's nest will not be impacted by a new project?

The [FWC eagle web site](http://myfwc.com/wildlifehabitats/managed/bald-eagle/) (<http://myfwc.com/wildlifehabitats/managed/bald-eagle/>) features a list of construction and other activity types that may disturb nesting bald eagles, and links to the [federal bald eagle management plan](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf) (<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>). You may also check nest locations on the St. Johns County [Bald Eagle Map](http://ftp.anon.sjcfl.us/gis/media/MapMart/Bald_Eagle_Map.pdf) (http://ftp.anon.sjcfl.us/gis/media/MapMart/Bald_Eagle_Map.pdf).

What do I do if a project may need an eagle permit?

If an eagle or eagle nest may be affected by the proposed project it may be necessary to obtain both a federal and state eagle permit. More information on state and federal permit requirements can be found on the [FWC eagle permitting web site](http://myfwc.com/license/wildlife/protected-wildlife/eagle-permits/) (<http://myfwc.com/license/wildlife/protected-wildlife/eagle-permits/>). Regional Biologists and the [FWC eagle plan coordinator](mailto:eagle_plan@myfwc.com) (mailto:eagle_plan@myfwc.com) are also available to provide additional assistance as necessary. The [USFWS eagle permit coordinator](mailto:resee_collins@fws.gov) (mailto:resee_collins@fws.gov) or the [USFWS Bald Eagle Biologist](mailto:ulgonda_kirkpatrick@fws.gov) (mailto:ulgonda_kirkpatrick@fws.gov) may also be contacted if you have questions about the federal eagle permit.

What are the federal permitting regulations?

There are two new federal permitting regulations under the Bald and Golden Eagle Protection Act. The regulation set forth in [50 CFR § 22.26](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=4be92e87fb282a6bccf6ad2a9f0d3427&rgn=div8&view=text&node=50:9.0.1.1.5.3.1.6&idno=50) (<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=4be92e87fb282a6bccf6ad2a9f0d3427&rgn=div8&view=text&node=50:9.0.1.1.5.3.1.6&idno=50>) provides for issuance of permits to take bald eagles and golden eagles where the taking is associated with but not the purpose of the activity and cannot practicably be avoided. Most take under this regulation will be in the form of disturbance, with avoidance and minimization measures, mitigation and monitoring are generally required. Inactive nests, as

defined by FWC, are defined by the absence of eagle activity for a period of 5 years. The regulation at 50 CFR § 22.27 establishes permits for removing eagle nests. Nests may only be removed in cases of safety emergencies, public health and safety, when a nest prevents the use of a human-engineered structure, or when it provides a net benefit to eagles. Only inactive nests may be taken, except in the case of safety emergencies. Inactive nests are defined by USFWS by the continuous absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days leading up to the time of take. Please visit [USFWS Questions and Answers \(http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/QAs%20for%20Eagle%20Rule.final.10.6.09.pdf\)](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/QAs%20for%20Eagle%20Rule.final.10.6.09.pdf), for more information.

Since the bald eagle is no longer a listed species, is it still being protected by state and federal laws?

Yes, the bald eagle is still protected by both state and federal eagle laws. The Florida eagle rule, [F.A.C. 68A-16.002 \(http://myfwc.com/media/427567/Eagle_Plan_April_2008.pdf#page=35\)](http://myfwc.com/media/427567/Eagle_Plan_April_2008.pdf#page=35), outlines that it is illegal to disturb or take an eagle in Florida. There are two federal eagle laws, the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). For more information about the federal eagle laws please visit the [USFWS bald eagle web site \(http://www.fws.gov/migratorybirds/baldeagle.htm\)](http://www.fws.gov/migratorybirds/baldeagle.htm).

When was the bald eagle removed from the state and federal endangered species list?

The FWC removed the bald eagle from the state list of threatened species and adopted a rule to protect eagles (F.A.C. 68A-16.002) in May 2008. The bald eagle was removed from the federal list of endangered species in August 2007. There are federal [National Bald Eagle Management Guidelines \(http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf\)](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf) available through the USFWS. The state and federal eagle management plan guidelines are not law. The plans provide guidance to help people avoid violating state and federal eagle laws.

St. Johns County Rules

Section 4.01.10 Bald Eagle Management

The County routinely checks on the status of known Bald Eagle nests and attempts to find new nests annually and whenever development is impending in a certain area near a known active nest. Depending on the type of development, different zones are established around known nest trees in order to reduce the chance the nesting bald eagle is startled. If an adult, immature or fledging eagle is disturbed by noises or presence of humans near its nest, then the chance the nesting pair is successful declines significantly.

The County has developed specific regulations to protect and enhance bald eagle habitat, and the Federal Fish and Wildlife Service encourages the continued use of such tools that benefit bald eagles. The County has rules for the protection of the Bald Eagle, establishing a 750-foot Primary Zone and 1500-foot Secondary Zone, out from the Nest Tree. These zones may differ, depending on certain site conditions and proposed development plans.

Bald Eagle Quick Reference

Protecting Nesting Areas

To avoid a potential violation of state, federal and local eagle laws, the United States Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission and St. Johns County may need to be contacted prior to commencement of any exterior construction or activity disturbing to the bald eagle within 1500 feet of a bald eagle's nest tree. Please consult the state and federal bald eagle management guidelines listed below for guidance. Additionally, please consult [bald eagle requirements within Section 4.01.10 of the St. Johns County land development code \(/LongRangePlanning/media/LDC/Article-IV.pdf\)](http://www.sjcfplanning.com/media/LDC/Article-IV.pdf).

Resources

- [St. Johns County Bald Eagle Nest Map \(https://sjcfl.maps.arcgis.com/apps/MinimalGallery/index.html?appid=b3a3949584524e61b6f920786e8bcd99#query=bald%20eagle\)](https://sjcfl.maps.arcgis.com/apps/MinimalGallery/index.html?appid=b3a3949584524e61b6f920786e8bcd99#query=bald%20eagle)
- [Bald Eagle Information - FWC \(http://myfwc.com/wildlifehabitats/managed/bald-eagle/\)](http://myfwc.com/wildlifehabitats/managed/bald-eagle/)
- [Florida Fish and Wildlife General Info \(https://myfwc.com/wildlifehabitats/wildlife/bald-eagle/\)](https://myfwc.com/wildlifehabitats/wildlife/bald-eagle/)

Contact

- **Eagle Nest Locator Questions:** [baldeagle@MyFWC.com \(mailto:baldeagle@MyFWC.com\)](mailto:baldeagle@MyFWC.com)

- **USFWS Southeast Region Eagle Permit Information**

[Ulgonda_Kirkpatrick@fws.gov \(mailto:Ulgonda_Kirkpatrick@fws.gov\)](mailto:Ulgonda_Kirkpatrick@fws.gov)

Office: (352) 253-6957

- [St. Johns County Environmental Division \(/Environmental/Contact.aspx\)](/Environmental/Contact.aspx)



February 29, 2024

VIA Email: Beth.Moore@si-law.com

Elizabeth Moore
Sodl & Ingram PLLC
1617 San Marco Blvd
Jacksonville, FL 32207

**RE: Water & Sewer Availability
County Road 208 MF (fka Ruby 208 MF)**

PIN(s): 027440 0051

Ms. Moore:

Based on the conditions listed below, St. Johns County Utility Department (SJCUD) will be able to serve 180 multi-family units with a total anticipated water demand of 63,000 gallons per day (gpd) and wastewater flow of 50,400 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 NW Water Treatment Plant (WTP) with connection to the existing 16-inch water main along CR 208. 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 SR 16 Water Reclamation Facility (WRF) with connection to the existing 12-inch force main along SR 16. In the future, an alternative connection point should be available at Elevation Parkway at Apple Orchard Way.

Point of Connection – Reclaimed Water:

This development is located within the County's Mandatory Reclaimed Water Service Area (MRWSA) pursuant to County Ordinance 2022-37 and will have one of the following requirements:

1. If the project will have a landscaped irrigable area less than two (2) acres at buildout, the development will qualify for an exemption for reclaimed water connections pursuant to County Ordinance 2022-37 and shall utilize an alternative water source for irrigation that is separate from the potable water distribution system.

Utilities

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

2. If the project will have landscaped irrigable area larger than two (2) acres at buildout, the development shall install reclaimed water facilities for irrigation with provisions for temporary supply augmentation from an alternate water source and appropriate stub outs for future connection to the County's reclaimed water system, once service is available, and shall be coordinated during design with SJCUD staff.

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 **August 27, 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.

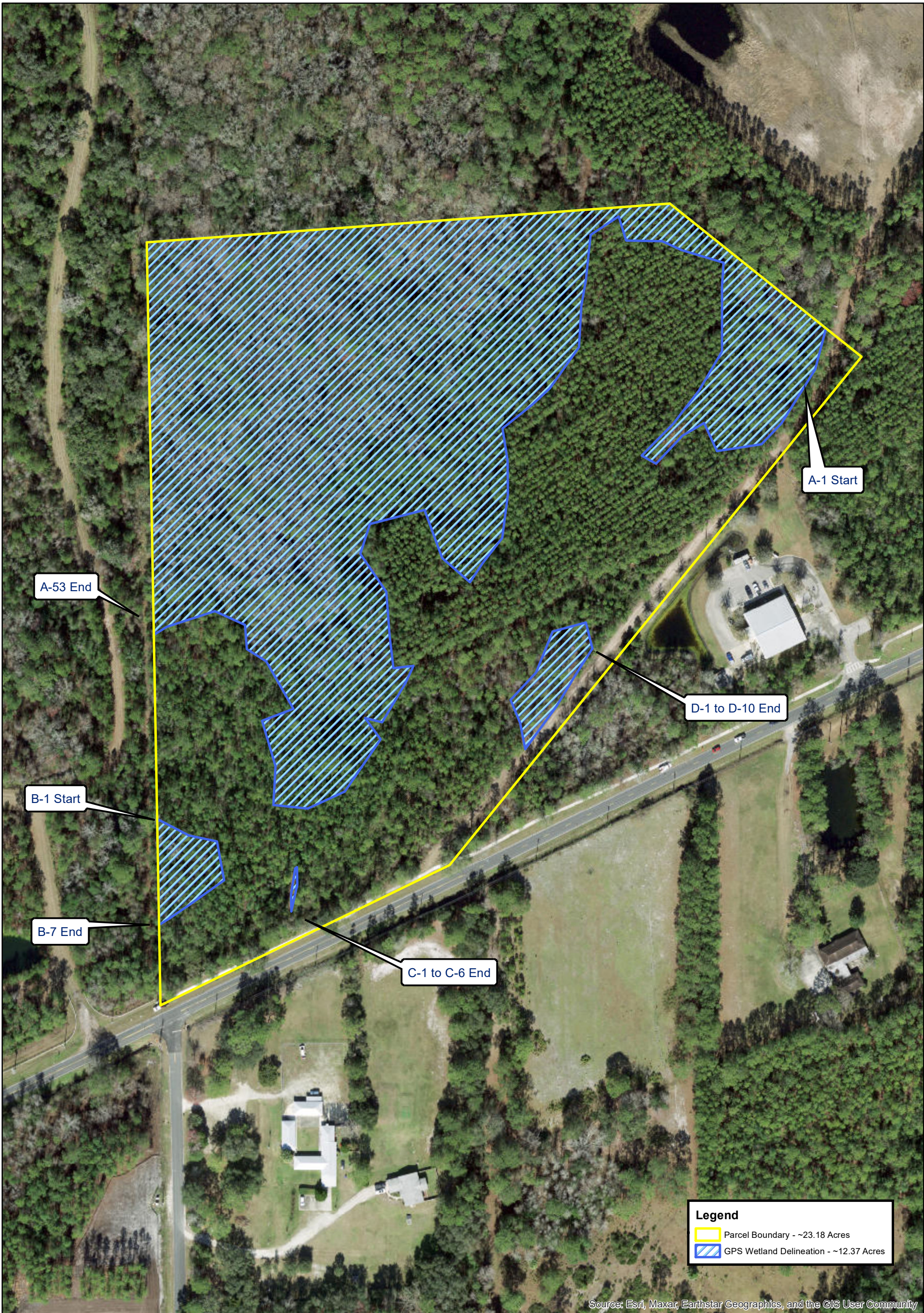
If you have any questions, please contact me at 904.209.2614 or tshoemaker@sjcfl.us.

Sincerely,

Teri Shoemaker

Teri L. Shoemaker, P.E.
St. Johns County Utility Department

B & L CAPITAL GROUP CR-208 PARCEL
WETLAND DELINEATION FLAG MAP



***NOTE: THIS IS NOT A SURVEY. BOUNDARIES ARE ESTIMATED.
SUBJECT TO REVIEW AND APPROVAL BY REGULATORY AGENCIES.**

	<p>Access Ecological Assoc. 2720 Park Street Ste. 201 Jacksonville, Florida 32205 Phone: 904-626-6908 E: jshanks.access@gmail.com</p>		<p>Figure 1 B & L Capital Group CR-208 St. Johns County, Florida AEA Project No. 23-1118-00 Source SJRWMD Orthoquads</p>
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EXHIBIT B

**County Road 208 Multifamily
Planned Unit Development
Master Development Plan Text, PUD 2023-~~_____~~-19
~~September 21~~November 29, 2023**

Introduction

This application seeks to rezone approximately 23.17 acres from Open Rural (OR) to Planned Unit Development (PUD) to allow a 180-unit multifamily residential community that will increase the availability of housing opportunities for the County's workforce. The proposed Project will utilize the transformative Live Local Act as a framework by designating 40% of its units for moderate-income households. Under the law, moderate-income households are those whose incomes are between 80% and 120% of the median adjusted gross annual income (AMI) for the local area.

~~Under the law, moderate-income households are those whose incomes are between 80% and 120% of the median adjusted gross annual income (AMI) for the local area. Here, AMI is measured for the Jacksonville HUD Metro Fair Market Rent Area (which includes Clay, Duval, Nassau, and St. Johns Counties). The rental rate is based upon a formula used by the Florida Housing Finance Corporation intended to allow homes to be affordable for residents (defined as approximately 30% of household income). The Florida Housing Finance Corporation publishes the rental rates to be used and updates household income information annually. The rules also allow for residents to earn more than the maximum income after initially occupying the home, such as where a resident subsequently receives a raise or promotion~~

If developed with the proposed use, a deed restriction would be recorded to guarantee for a period of 15 years that the household, upon entry to the unit, shall meet the definition of a median income household. The definition of median income households is provided in the State Housing Initiatives Partnership Program (SHIP), administered by the Florida Housing Finance Corporation, or applicable successor program, as published in the annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" applicable to St. Johns County. Similarly, the deed restriction would restrict the maximum rents charged to such households to those provided in the State Housing Initiatives Partnership Program (SHIP) or applicable successor program, as published in the annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" applicable to St. Johns County. The form of such deed restriction (guaranty) shall be subject to review and approval by the County Administrator and otherwise be consistent with section 5.07.03(C) of the Land Development Code (Oct. 2023). The form of guaranty

shall also be subject to approval by the Office of County Attorney prior to certification of the final Site Plan. This guaranty/deed restriction is the proposed method and provisions regarding such assurance of affordability, for which approval is being sought from the Board of County Commissioners as part of this application under LDC section 5.07.03(C).

By offering these workforce housing units, the proposed ~~project~~Project will make local housing more attainable for employees working in the County but unable to afford to live here.

The property is located on County Road 208, approximately two miles west of State Road 16 and Interstate 95, which is within ~~District 2 (Commissioner Sarah Arnold)~~District 2. This area is predominantly residential and mixed use, with commercial and retail services less than two miles away at Elevation Pointe and at the State Road 16 and the Interstate 95 interchange.

This Project is seeking an Affordable Housing Density Bonus under section 5.07.02 and 5.07.03 and Future Land Use Policy A.1.11.1.

A companion application for a small-scale comprehensive plan amendment proposes to amend the Future Land Use designation of the property from Rural/Silviculture to Residential-D—, together with the following Text Policy:

The 23.17-acre property on County Road 208 shall be entitled to develop at a density up to 15 units per net developable acre pursuant to the Affordable Housing Density Bonus, Policy A.1.11.1(m) of the Comprehensive Plan, which permits a maximum density increase of two (2) dwelling units in addition to the maximum thirteen (13) dwelling units per net acre permitted within the Res-D FLUM designation. Provided, however, that at the time of initial development and until June 1, 2039, forty percent (40%) of the residential units on the property shall be income-restricted and rent-restricted for affordable housing consistent with the State Housing Initiatives Partnership program or other similar program administered by the Florida Housing Finance Corporation or successor agency. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes.

I. The proposed Development. See LDC § 5.03.03(G)(1).

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

The proposed Project consists of a garden-style multifamily residential community. A “garden-style” multifamily community is typically a community with multiple low-rise buildings (i.e., four floors or fewer), with surface parking, common landscaped areas and common amenities. The development shall be four stories or less. The dwellings would be offered for long-term leases.

- b. **Total acres.** 23.17 acres

- c. **Total wetland acres.** ~~12.34~~12.37 acres

- d. **Total Development area, including the number of developable acres (including filled Wetlands).** ~~12.00~~12.04 acres total Development area, including 1.24 acres of impacted wetlands.

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

180 dwelling units are proposed, at a density of 15 units per net developable acre with the application of the Affordable Housing Density Bonus.

The projected population, based upon an estimated 2.44 persons per unit, is 439. The projected student population is estimated at 20. The property is in the St. Augustine concurrency service area, which has a student generation rate of 0.11 students per multifamily household.

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

Accessory uses associated with residential development are proposed, including but not limited to parks, utilities, amenity centers, and leasing offices.

Impervious Surface Ratio (ISR) maximum: 70%

Maximum Lot coverage by all buildings: 35% as to the overall development parcel

Permitted Uses. The following categories of uses are proposed to be Permitted Uses, without the need for a Special Use approval; see generally, LDC § 2.02.01 for specific uses under these categories:

1. Multifamily residential dwelling units
2. Neighborhood Public Service
3. Parks, playgrounds, playfields, recreational and community structures and uses
4. Off-street parking associated with permitted Uses
5. Leasing, management and maintenance offices
6. Maintenance storage areas
7. Garages and enclosed storage areas, incidental to residential uses
8. Accessory Uses to permitted principal Uses; see LDC § 2.02.04
9. Home Offices under LDC §§ 2.03.07(J) and 2.02.04(B)(9)
10. Agricultural activities may continue on the property until such time as it is developed

Special Uses. Home Occupations under LDC § 2.03.07, except that Home Offices are allowed as a Permitted Use. Any such Home Occupations shall be permitted to the extent that any applicable special use provisions are met.

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

1. Minimum setbacks: (measured at external site boundary lines to the nearest vertical wall of the structure)
 - a. Front. 20 feet
 - b. Rear. 20 feet
 - c. Side. 20 feet
 - d. Minimum Building Separation for Fire Protection: See Fire Protection in (h)(10) below, which prevails over any lesser setback requirement.

2. Building height: Maximum 45 feet, maximum four (4) stories. See definition of Height of a Building in LDC Art. XII. The height limitations shall not apply to those portions of structures listed in LDC § 6.07.02. Buildings over ~~45~~35 feet in height will be in compliance with LDC and State requirements for fire protection.
3. Minimum lot size: The Project is proposed to be developed as a single tract.
4. Parking: ~~Parking~~Vehicle parking shall be provided within the Project at a ratio of 1.5 spaces per one/two bedroom dwelling unit and two spaces per three or more bedroom dwelling unit. An additional guest parking space is required for each four individual dwelling units, and also one space for every 300 square feet of the proposed clubhouse.

All bicycle parking facilities shall be located on the same building site as the use for which such facilities serve and as close to the Building entrance as possible without interfering with the flow of pedestrian or motor vehicle traffic. (LDC § 6.05.02.M.)

5. Signage: One (1) entrance sign is proposed at the entrance to the Project on County Road 208, consistent with the criteria in LDC 7.06.01(B), having a maximum Advertising Display Area of 100 square feet and a maximum height of fifteen (15) feet. Such sign may be incorporated into a wall, fence, or other structure that shall also not exceed the maximum sign height. Such sign shall be designed as a Monument or Ground Sign and shall be located outside of the public rights-of-way and shall not encroach into any corner sight visibility triangle required under LDC § 7.00.06. Such signs may be internally or externally lighted and shall be landscaped.

Signs allowed in all zoning districts such as signs for ingress, egress or direction, Flags and Temporary Signs are allowed.

6. Lighting: Project lighting will comply with the provisions of LDC Part 6.09.00 and § 5.03.06.H.6. For purposes of these standards, the zoning Lot line shall be considered the perimeter of the Project.

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

1. **Drainage.** An on-site stormwater management system will be constructed consistent with the requirements of St. Johns County and the St. Johns River Water Management District. [The stormwater management facilities shall incorporate natural features that provide vegetation and buffers and promote wildlife habitat.](#)
2. **Site access.** Access will be provided via County Road 208. The conceptual location of the access point is shown on the MDP Map. Protection of visibility for vehicles, cyclists and pedestrians shall be as generally provided in LDC § 6.02.05.C.4. Any site access improvements, including turn lanes, that are deemed required by the County will be provided at the Developer's expense and adhere to County and FDOT standards.
3. **Pedestrian circulation.** Sidewalks will be provided along the Project frontages on County Road 208. Sidewalk connections will be provided to each, as generally shown on the MDP map. Sidewalks will adhere to all appropriate LDC standards and ADA guidelines.
4. **Interconnectivity access points to adjacent properties.** The Project will connect to adjacent properties via County Road 208. Adjacent to the southeast of the property on County Road 208 is St. Johns County Fire Rescue Station #4 (Bakersfield).
5. **Potential new or expanded thoroughfare or right-of-way location.** [The Project includes the reservation of right-of-way along County Road 208 frontage for future widening. The current right-of-way is 66 feet, and the Transportation Element of the Comprehensive Plan requires a 100-foot right-of-way reservation. Therefore, a 17-foot right-of-way reservation is shown on the MDP Map \(half of the shortfall\). N/A](#)

6. **Open Space.** The Project complies with LDC § 5.03.03(A)'s and Coastal/Conservation Element Policy E.2.2.9(a)'s required minimum 25% open space. Specifically, a minimum 5.79 acres of open space is required, but 5.89 acres is being provided. Open space areas provided within the ~~project~~Project include, but are not limited to, recreation, common areas, buffers, and landscaped areas.
7. **Conservation of Upland Natural Vegetation.** Consistent with LDC § 5.03.03.A.3, a minimum of 5% conservation of upland natural vegetation, not including Significant Natural Communities Habitat, will be preserved (total 1.16 acres). The location of this upland natural vegetation is shown on the MDP Map, and consists of the wetlands buffer and the Scenic and Development Edges (total 3.02 acres).
8. **Recreation.** Active recreation for residential uses will be provided in accordance with LDC § 5.03.03(E). Assuming that the Project is constructed with 180 dwelling units, the required ~~park~~recreation acreage is 2.20 acres, based upon the County's requirement of 5 acres per 1000 population, using 2.44 persons per dwelling unit. The provided active recreation acreage for the Project is 2.63 acres.
9. **Water and Sewer.** The proposed development will be served by centralized water and sewer service. St. Johns County is the utility provider for the area. A utility availability letter is included as Exhibit 9.
 - a. All utility construction projects are subject to the current construction standards within the Manual of Water, Wastewater, and Reuse Design Standards & Specifications at the time of review.
 - b. Utility connection points shall be installed as listed in the Availability Letter or as otherwise directed by the St. Johns County Utility Department to minimize impact to the existing infrastructure or to the existing level of service.
 - c. Water and/or sewer lines that are to be dedicated to the St. Johns County Utility Department for ownership that are not in the public right-of-way shall require an easement/restoration agreement.
 - d. No such 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 SICUD.

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

- e. Existing septic system(s) or well(s) on the subject property, if any, will be properly closed and abandoned prior to construction plan approval.

- 10. **Fire protection.** The ~~project~~Project will be served by St. Johns County Fire Rescue Station #4 (Bakersfield), which is located adjacent to the southeast of the property.

New construction in the Project will meet the Land Development Code Part 6.03.00 (Fire Protection Regulations) and the current edition of the Florida Fire Prevention Code. There must be a minimum separation of 10 feet from the furthest projection on a structure to the furthest projection of any other structure. If any two or more structures cannot maintain this separation, then such structures must be protected with an automatic fire sprinkler system in accordance with NFPA 13, 13R or 13D, or the required fire hydrants shall be capable of providing an additional 500gpm for two hours. Such fire flow shall be in addition to that already required. See LDC § 6.03.01 and NFPA 1, Ch. 18. Any dead ends over 150 feet are required to provide a turnaround to accommodate a fire apparatus (NFPA 1, ch. 18).

- 11. **Solid waste collection.** Solid waste collection will be provided by approved private contract haulers.

- i. **The amount of water and Sewer use, based upon the projected population, and the public Utility Providers, if applicable.** The approximate amount of expected water use is 54,000 gallons per day, and the approximate amount of expected sewer use is 43,200 gallons per day. St. Johns County is the utility provider for the area.

- j. **The type of underlying soils and its suitability for Development of the proposed Project.** The soils on the site are sandy, quartz-type soils, based on field observations. See the Habitat and Wildlife Assessment Report provided with this application. According to the General Soils map in the Comprehensive Plan, the following soil types ~~are~~may be present on the site: aeric haplaquods and

ultic haplaquods. [The specific soil types identified on the site include the following:](#)

[47: Holopaw fine sand, frequently flooded](#)

[46: Holopaw fine sand](#)

[3: Myakka fine sand](#)

Development routinely occurs on ~~this type~~[these types](#) of soil.

~~j.k.~~ The type and extent of upland forest and Wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and wetland vegetation shall be provided with the application submittal.

The existing vegetative communities and land uses have been characterized pursuant to the Florida Department of Transportation publication *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) as depicted in the Habitat and Wildlife Assessment Report incorporated by reference to this application and made a part hereof, and described below. The wetlands and non-wetland acreages provided below are estimates and are subject to review by applicable state and federal agencies. Any wetlands impacts will be subject to review by the St. Johns River Water Management District and if applicable, the U.S. Army Corps of Engineers or its agent.

Wetlands and Surface Waters

SJRWMD jurisdictional wetlands and/or surface waters are located on approximately ~~12.34~~[12.37](#) acres of the site.

Uplands

Uplands are located on approximately ~~10.83~~[10.80](#) acres.

[The following are the specific habitats identified on the site:](#)

[4110: Upland Pine Flatwood 5.34 acres](#)

[4410: Upland Pine Plantation 4.70 acres](#)

[6300: Wetland Forested Mixed 12.37 acres](#)

[8141: Trail Road 0.78 acres](#)

~~k.l.~~ The type and extent of any Significant Natural Communities Habitat as defined by this Code. Listed Species information including locations, densities, and extent of habitat. No Significant Natural Communities Habitat exists on the property. See the Habitat and Wildlife Assessment Report provided with this

application. Per that report and consistent with its findings, no Listed Species occur within the property.

l.m. **Identification of known or observed Historic Resources as defined by the Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of the Code shall apply.** A Cultural Resource Assessment Survey was completed in September 2023 (Ste. Claire). There are no known or observed Historic Resources on the subject property. However, in the event that archaeological and historical resources are encountered during ground disturbing activities, all work shall halt and the St. Johns County Environmental Division shall be contacted immediately at 904-209-0623. (Policy A.1.4.6 Comprehensive Plan).

m.n. **The type and extent of buffering, landscaping, Tree removal, Tree protection and buffering between adjacent Uses as needed to aesthetically screen uses and provide privacy.**

Perimeter Buffers. There shall be a 10 foot natural or landscaped buffer along all property boundaries, which may be part of the required building setbacks, Development Edges and/or Scenic Edges.

Upland Buffers from Wetlands. ~~Except for areas where wetlands impacts (fill) occurs adjacent to preserved wetlands, upland buffers shall be required and maintained between the developed areas and the contiguous wetlands as required under the Land Development Code.~~

~~Scenic Edge. There shall be a 75-foot Scenic Edge along County Road 208.—The St. Johns County Land Development Code states that a minimum 25-foot Undisturbed Upland Buffer (which can be averaged but shall be no less than 10-feet in any area and must achieve a greater overall upland buffer), plus a 25-foot building setback is required between developed areas and Contiguous Wetlands. (LDC 4.01.06.B) This buffer is to be measured landward from the State Jurisdictional Wetland Line and is to remain in a natural, undisturbed, vegetative state. Except for in areas where unavoidable wetland impacts occur, as permitted by the appropriate State and Federal Agencies. Removal or alteration of native vegetation and soils within the upland buffer is prohibited. Accessory Uses are allowed in the setback, except for buildings with a permanent foundation.~~

Scenic Edge. There shall be a minimum 50-foot Scenic Edge along County Road 208, except in the area abutting the trash compactor, where the Scenic Edge will be a minimum of 30-feet. LDC 6.06.02.G.2 allows for a reduction from the required 75-foot buffer where the lot depth measured from the right-of-way is less than 500 feet. Buffer screening along County Road 208 shall consist of the landscaping required per Screening Standard "B" or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two (2) years of planting. (LDC 6.06.04.B.6) The enhanced performance standards in LDC 6.06.02.G.2 shall also be met.

Development Edge. Where there is not a Scenic Edge, there shall be a minimum ~~35~~20-foot wide Development Edge along the perimeter of the Project, which may include retention pond area, pursuant to LCD 6.06.02.H.1, which allows for a reduction from the required 35-foot development edge due to exceptional shallowness or unusual shape of a specific piece of property. The Development Edge may be averaged if there are practical difficulties in meeting this requirement due to exceptional shallowness or unusual shape of a specific parcel, where connectivity makes a logical pattern, or other extraordinary condition. See Future Land Use Element Policy A.1.2.3(a). Buffer screening in the development edge shall consist of the landscaping required per Screening Standard "B". (LDC 6.06.04) The enhanced performance standards in LDC 6.06.02.H.1 shall be met.

Scenic and Development Edges, Generally. Scenic and Development Edges shall be screened through preserved natural vegetation or landscaped according to LDC §§ 6.06.02.G and H. Wet Retention/Detention ponds or stormwater systems developed within a scenic edge or development edge shall be designed as an amenity to the neighborhood and should be permanently protected from development. Any area of wet retention/detention pond or stormwater system lying within the scenic or development edge shall be required to vegetate along the entire perimeter of the banks. Vegetation shall include native grasses and understory plantings. (LDC ~~6.06.02~~6.06.02.I.1)

Tree Protection. The Project will comply with County tree protection regulations.

Landscaping. The Project will comply with County landscaping requirements. The developer will provide a minimum of fifty percent (50%) xeriscaping or Florida Friendly landscaping.

~~n.o.~~ PUDs in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District. The Project is not within a Special District.

~~e.p.~~ The use, location and duration of temporary Uses, including Construction trailers, sales units, model homes and temporary signage related to Construction of the Project. Construction trailers and a leasing office shall be allowed during construction of the Project. Temporary signs are allowed in accordance with the LDC.

~~p.g.~~ The use and location of Accessory Uses for residential and non-residential structures, including guest houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing and similar uses. Accessory Uses will be allowed in association with the proposed uses, consistent with the Land Development Code. Such uses may include, but not be limited to, swimming pools and amenities of the residential use, essential services, and HVAC units.

~~q.r.~~ A phasing schedule, which shall include the amount of residential and non-residential development to be completed within a specific phase; a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD may be obtained by either of the following two methods:

- (1) the provision of an estimate of Uses to be developed within five (5) to ten (10) year phases. The estimated phases may overlap during construction; however, a phase shall be fifty percent (50%) complete, before the next phase may proceed; or
- (2) the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to the platting of one hundred (100) dwelling units, a park shall be provided).

The phasing schedule shall also provide for a PUD Progress Report as required by Section 5.03.07 of the LDC.

Development is anticipated to occur in a single 10-year phase, with commencement to occur within 2 years of the date the PUD is recorded. Commencement is defined as the filing of a notice of commencement for horizontal construction within the Project. A progress report will be provided as required by the LDC.

r.s. The projected impact of the Project upon St. Johns County, and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification for the Project. The Project is located in an area served by public infrastructure. The Project will assist in meeting the demand for housing and provide an opportunity for those seeking suburban housing under long-term leases with centralized management of landscaping, home maintenance and amenities.

t. A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of the Code shall be provided to justify the need for such waivers. ~~N/a~~
Three waivers are being requested—two related to development standards, and one related to the Affordable Housing Density Bonus.

s.

1. First, LDC 6.06.02.G.2 and Comprehensive Plan Policy A.2.1.4(a) allow for a reduction to the required 75-foot buffer to a minimum 30-foot buffer, and encroachment within a 30-foot buffer, where the lot depth measured from the right-of-way is less than 500 feet, and where extraordinary condition of such property are present (i.e., exceptional shallowness or unusual shape of a specific piece of property). Given the extensive wetlands, unusual shape of uplands, and requested 17' right-of-way reservation, the lot depth of the portion of the parcel near County Road 208 narrows to as little as 200-feet. This waiver request is for a minimum 50-foot Scenic Edge along County Road 208, except in the area abutting the trash compactor, where the Scenic Edge will be a minimum of 30-feet. Buffer screening along County Road 208 shall consist of the landscaping required per Screening Standard "B" or a berm/planting combination, with the berm an average height of four (4) feet and dense plantings which will, when combined with the berm, achieve a minimum height of eight (8) feet and seventy-five percent (75%) opacity within two

- (2) years of planting. (LDC 6.06.04.B.6) The enhanced performance standards in LDC 6.06.02.G.2 shall also be met.
2. Second, LDC 6.06.02.H.1 allows a reduction of the 35-foot development edge requirement to a minimum of 20 feet due to exceptional shallowness or unusual shape of a specific piece of property. Here, as noted above, the lot depth is shallow and warrants a waiver. The enhanced performance standards in LDC 6.06.02.H.1 shall be met.
3. Third, Section 5.07.00 of the Land Development Code and Future Land Use Policy A.1.11.1 allow a density bonus of 2 units per net developable acre for development of affordable housing. The applicant requests a waiver of the restrictions associated with that density bonus. For instance, Section 5.07.03(B) of the Land Development Code contains provisions regarding the design, distribution of affordable housing units and incomes, and management of affordable housing developments that are not applicable to other housing developments. The requested waiver will further the County government's efforts to provide sufficient affordable housing meeting the needs of the County's people. This waiver is consistent with the County's Local Housing Assistance Plan, provided to the Florida Housing Finance Corporation, which calls for the County to continuously review policies affecting the availability of affordable housing.

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

u.v. When the property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and wetland acres for each Land Use Designation. A map will be provided with this information.

II. Compliance with General Standards. See LDC §§ 5.03.02 and 5.03.06

- a. **Consistency with the Comprehensive Plan.** The following St. Johns County Goals, Objectives and Policies are applicable to this application, quoted or paraphrased below.

Goal A.1: To effectively manage growth and development by designating areas of anticipated future development which satisfy demand where feasible, in a cost-efficient and environmentally acceptable manner. Encourage and accommodate land uses which make St. Johns County a viable community. Create a sound economic base and offer diverse opportunities for a wide variety of living, working, shopping, and leisure activities, while minimizing adverse impact on the natural environment.

Policy A.1.7.7. The County shall continue to enforce its land development regulations, which at a minimum, contains provisions for the following: (a) protection of environmentally sensitive lands; (b) safe and convenient on-site traffic circulation; (c) provision of adequate on-site parking; (d) protection of wellheads; (e) regulation of subdivisions; (f) regulations for areas subject to seasonal and periodic flooding; (g) drainage and stormwater management; and (h) provision of open space and landscaping; (i) regulations of roads, water and sewer infrastructure.

Policy E.2.1.6. The County shall continue to implement its LDRs that encourage all development to be designed in accordance with the limitations of the natural environment and require the conservation of water resources and use of innovative land development techniques to decrease water use. Water conservation standards shall include, but not limited, to the following:

- (a) Minimum preservation of at least five percent (5%) of existing native vegetation on site.
- (b) Minimum of fifty percent (50%) xeriscaping or Florida Friendly landscaping. Plant materials shall be native species or hybrids/cultivars of native species.
- (c) All plantings shall be selected based on the principles of Florida Friendly landscaping including planting the right plant in the right place and providing for efficient watering. Exempt from this requirement are golf courses, sports fields, Agriculture and Silviculture.
- (d) High Volume irrigation shall be limited to no more than fifty percent (50%) of the total irrigated landscape area. All plantings shall be grouped according to similar water needs for efficient irrigation zones. Exempt from this requirement are golf courses, sports fields, Agriculture, Silviculture or systems using Reclaimed water.

* * *

Policy F.1.3.8. Developments of Regional Impact (DRIs), Planned Developments (PUDs, PRDs) and other developments shall provide neighborhood-sized parks and playing fields within the development for their residents that meet the County LOS standard.

Policy H.1.1.3. St Johns County Capital Improvement Element (CIE) and Capital Improvement Schedule (CIS) shall be updated as required by Florida Statutes. Funding not provided by the county (i.e., from a developer, other governmental agency or funding pursuant to referendum) for the proposed capital improvements must be guaranteed in the form of Developers Agreement or an Inter-local Agreement.

- b. **Location and Suitability.** The proposed Project is consistent with the predominantly residential nature of the area. The property proposed for development is of similar topography and soils to other developments in the area.
- c. **Minimum Size.** There is no proposed minimum lot size.
- d. **Compatibility.** The proposed development is compatible with the adjacent and surrounding uses. The commercial uses east and west of the site are compatible with multiple family dwellings and harmonious with the Comprehensive Plan's intent to allow for mixed uses and higher residential densities.
- e. **Traffic Impacts.** Any traffic impact will be subject to mitigation under the County's impact fee or other successor program.
- f. **Functional Classification of Streets Serving Proposed Development.** N/A
- g. **Information Regarding Existing Land Uses, Zoning, Roadway, and Significant Environmental Features of Adjacent and Surrounding Properties.** Maps and other information have been provided on these issues above.
- h. **Adequacy of Facilities.** Utilities are available to the Project. Fire service exists adjacent to the property. Drainage systems will be provided on site.
- i. **Access.** Access to the Project will be via County Road 208.

Exhibit List **EXHIBIT D**

Legal Description

~~1A. Surveyor Sketch of Property~~

~~1. Deed~~

~~2. Owners Authorization Form~~

Petition for Affordable Housing Bonus under LDC Part 5.07.00

November __, 2023

This is a petition for an Affordable Housing Density Bonus, also known as a Workforce Housing Density Bonus, under Part 5.07.00 of the St. Johns County Land Development Code. The proposed development is located on the north side of County Road 208, just east of Cabbage Hammock Road and is approximately 23.17 acres. The request is for the 2-unit per net developable acre bonus, such that the proposed development may provide 40% of its 180 units (72 units total) to moderate-income households in north St. Johns County. This request is made in conjunction with applications CPA(SS) 2023-10 and PUD 2023-19, for a small-scale land use and text amendment and planned unit development rezoning, respectively. These two other applications provide additional detail concerning the proposed development.

Compliance with Standards for Approval under LDC § 5.07.04:

~~3. Location Map.~~ The Development is located within the unincorporated area of St. Johns County.

~~4. MDP Map~~

~~5. Wetlands Map~~

~~6. Habitat and Wildlife Assessment~~

~~7. Cultural Resources Assessment Survey~~

~~8. Utility Availability Letter~~

~~9. Current Zoning Map~~

~~10. Current Future Land Use Map~~

~~A.~~

B. Compatibility. The proposed Future Land Use designation is Residential-D. This site is located within the southeastern corner of the Northwest Sector, less than two miles west of the State Road 16 and Interstate 95 interchange. This development area is undergoing significant transition, and the proposed development will complement the existing and planned uses in the area. For example, Elevation Pointe is a 190-acre mixed-use development just one mile east of the site that includes commercial, retail, hotel, and residential uses. The residential uses consist of 750 multi-family units: 320 apartments and 430 townhomes. Publix was also recently announced to be constructing

a store at Elevation Pointe as part of the major modification process (MAJMOD 2023-04). Additional improvements associated with Elevation Pointe include realigning County Road 208 and providing a more direct connection to State Road 16. Further east of Elevation Pointe are the former St. Augustine Outlets, which are being converted into a mixed-use development with 350 multifamily units and up to 99,500 square feet of retail and commercial space (Ord. No. 2021-83). Such mixed-use land use designations allow the highest density of housing allowed in the County—13 units per acre. Moreover, less than a half-mile west of the site is the southern terminus for the proposed County Road 2209, which will bring further development to this area of the County when it is constructed. Please see the PUD application’s MDP text and map for more detail.

- C. **Concurrency.** This development shall meet all County concurrency requirements at the level of impact calculated at the bonus density as provided in Article XI Concurrency Management.
- D. **Adequate Assurances of Affordability.** If developed with the proposed use, a deed restriction would be recorded to guarantee for a period of 15 years that the household, upon entry to the unit, shall meet the definition of a moderate-income household. The definition of moderate-income households is provided in the State Housing Initiatives Partnership Program (SHIP) or applicable successor program, as published in the annual updates to its “Rents Adjusted to Unit Size” and “Income Limits Adjusted to Family Size by Number of Persons in Household” applicable to St. Johns County. Similarly, the deed restriction would restrict the maximum rents charged to such households to those provided in the State Housing Initiatives Partnership Program (SHIP) or applicable successor program, as published in the annual updates to its “Rents Adjusted to Unit Size” and “Income Limits Adjusted to Family Size by Number of Persons in Household” applicable to St. Johns County. The form of such deed restriction (guaranty) shall be subject to review and approval by the County Administrator and otherwise be consistent with section 5.07.03(C) of the Land Development Code (Oct. 2023). The form of guaranty shall also be subject to approval by the Office of County Attorney prior to certification of the final Site Plan. This guaranty/deed restriction is the proposed method and provisions regarding such assurance of affordability, for which approval is being sought by the Board of County Commissioners as part of this application under LDC section 5.07.03(C).
- E. **Adequate Provisions for Displaced Tenants.** No person is displaced from their housing as a result of the development.

F. The proposed development is consistent with the goals, objectives and policies of the Comprehensive Plan and LDC Part 5.07.00 for the reasons expressed in the companion Planned Unit Development application.

ATTACHMENT 3

LDC, Section 5.07.03

General Provisions of the

Affordable Housing Density Bonus

Sec. 5.07.03 General

An Applicant may request additional Dwelling Units for the provision of Workforce/Affordable Housing, in accordance with the provisions of the Comprehensive Plan and in accordance with this Part.

A. Manner of Providing Units

The Workforce/Affordable Housing shall be provided through Construction of units onsite, or on another site approved concurrent with the Project approval.

B. Minimum Number of Units to be provided.

The minimum number of Workforce/Affordable Housing units to be accommodated shall be as follows:

1. For rental Projects, twenty percent (20%) of the "bonus" units shall be designated for very low and low income, and twenty percent (20%) for moderate income households.
2. For ownership Projects, twenty percent (20%) of the bonus units shall be designated for low income, and twenty percent (20%) for moderate income households. There shall be no obligation to provide housing for very low income households.
3. The required unit count shall be established by rounding up to the nearest whole number, with a minimum of one (1) unit.
4. In applying the Workforce/Affordable Housing Density Bonus, only the number of units required pursuant to Section 5.07.03.B.1 and 2 above (minimum number of units to be provided) shall be subject to qualifications, assurances, and restrictions as set forth below.

C. Assurances of Affordability

The Developer shall provide guarantees, approved by the County Administrator in writing which shall be recorded with the Clerk of the Circuit Court of St. Johns County which, for a minimum period of ten (10) years for both rental units and ownership units, maintain the affordability for units that are required for very low, low, and moderate income households. During this period of time, no unit shall be rented or sold except to a qualified household. The guarantee must be recorded in the public records with the Clerk of Circuit Court of St. Johns County and shall run with the land as restrictions enforceable by future tenants and purchasers of the property. The proposed method and provisions regarding such assurance must be reviewed by the County Administrator or other staff charged with the responsibility of Workforce/Affordable Housing, then referred to the Planning and Zoning Agency, who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the

Development Order application.

Sufficient information must be provided, as a part of the Workforce/Affordable Housing Density Bonus petition, to allow the Planning and Zoning Agency and the Board of County Commissioners to make a reasonable assessment of the proposal. Items which may be considered include, but are not limited to:

1. Regulatory agreements tied to projects where there are other participating agencies which have affordability restrictions (e.g. state, federal);
2. Restrictions on the rental rate or sales price limits;
3. Restrictions on conversion to nonresidential Use; and,
4. Other agreements which are previously reviewed and approved by the Office of the County Attorney.

D. Income Qualifications

For units required to be very low, low, and/or moderate, a Developer shall record in the public record a guarantee that the household, upon entry to the unit, shall meet the definition of a very low, low, or moderate income household. The definition of very low, low, and moderate income households is as provided in the St. Johns County Comprehensive Plan, the State Housing Initiatives Partnership Program (SHIP) or other qualified state and federal housing programs. The Florida Housing Finance Corporation produces annual updates to its "Rents Adjusted to Unit Size" and "Income Limits Adjusted to Family Size by Number of Persons in Household" and sends to all cities and counties participating in SHIP or other Workforce/Affordable Housing programs. These charts are the standards to be used in determining maximum rents and income eligibility and are made part of the Development Review Manual. The manner of guarantee must be reviewed by the Planning and Zoning Agency who shall make a recommendation to the Board of County Commissioners as to acceptability. The Board of County Commissioners shall make a final determination of acceptability at the time of consideration of the Development Order. The form of the guarantee shall be approved by the Office of the County Attorney prior to certification of the final Site Plan.

E. Limitations on Restrictions

No Workforce/Affordable Housing units which are required pursuant to this program or units above the density of eight (8) units per acre shall be subject to restrictions beyond the income qualification set forth herein. This provision may be waived by the Board of County Commissioners upon consideration of the following:

1. The need for the restriction in terms of providing housing for a specific target group, e.g., disabled populations and the assurances that the target group will, indeed, have access to the new housing,
2. Whether the restriction is in line with the objective of providing housing opportunities for very low, low, and moderate income households, and,
3. The impact upon the immediate geographic area.

F. Dispersal

Units for very low, low, and moderate income households shall be distributed throughout a Development so that there is not a concentration of the Workforce/Affordable Housing Density Bonus units.

1. It is encouraged that Workforce/Affordable Housing units be distributed throughout the Development and throughout a multi-phased Development.
2. Developments that offer varied bedroom and floor area options shall include similar variations in the required Workforce/Affordable Housing units.
3. When specific percentages of very-low, low, and moderate income households are stated in an application, the manner, such as deed restrictions, in which the percentages are to be maintained shall be described.
4. When the Workforce/Affordable Housing Density Bonus is used in conjunction with other state and federal programs (e.g. HOP, HOME, SHIP, tax credits) which require a minimum amount of Workforce/Affordable Housing that is in excess of the minimum required for the Workforce/Affordable Housing Density Bonus, the Workforce/Affordable Housing Density Bonus petition shall pertain to all units. If such minimums are imposed subsequent to approval of the Workforce/Affordable Housing Density Bonus, it will be necessary to formally apply for a modification to the Workforce/Affordable Housing Density Bonus Development Order.
5. In addition to the above, when the percentage of units targeted for Workforce/Affordable Housing is at, or exceeds, fifty percent (50%) of multi-family Development, a Management Plan shall be a part of the application. Items to be addressed in a Management Plan include, but are not limited to: types and quantity of recreation facilities, tenant and/or ownership education services, accessibility to social service information and/or programs; onsite management, onsite day care facilities, onsite security, and, special crime prevention and crime reduction design considerations, and assurances that the Management Plan shall be implemented and maintained. Compliance shall be verified by the County Administrator or his designee.

G. Allowable Density

The density of the Development shall not exceed the allowed density outlined in the Future Land Use Element. "Allowed density" shall be determined by either: (a) the unit count allowed by density designations on the Future Land Use Map plus the density bonus, or (b) the allowable density of a previously approved Development Order for the same property.

H. Provisions of Basic Services

For Developments which have a density greater than eight (8) units per acre or which seek a density bonus equal to, or greater than, seventy percent (70%), there must be a demonstration of proximity to transportation networks and employment opportunities so

that residents will be able to access employment or other destinations appropriate for the type of housing.

I. Displacement

Any person displaced as a result of Development of the Workforce/Affordable Housing Density Bonus Project, shall be the subject of a relocation program initiated by the Developer in coordination with the County, which will, at a minimum, describe efforts to relocate and/or make aware of comparable housing opportunities including the availability of housing at the subject site. The County may choose to apply the U.S. Department of HUD published criteria.