

3  
40

Public Records of  
St. Johns County, FL  
Clerk # 2005090432,  
O.R. 2572 PG 140-179  
10/28/2005 at 04:28 PM,  
REC. \$161.00 SUR. \$180.50

ORDINANCE NUMBER: 2005- 84

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

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

WHEREAS, the development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated April 20, 2005, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2005-15 Wildwood Plantation PUD, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Findings of Fact: that the need and justification for approval of the Wildwood Plantation PUD has been considered in accordance with the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code and, whereby, it is found that:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The proposed project is consistent with the goals, policies and objectives of the 2015 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 request 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.
4. The request meets all requirements of applicable general zoning, subdivision and other regulations.
5. The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02(G) of the Land Development Code.
6. The proposed PUD meets all applicable Specific Standards of Section 5.03.03 of the St. Johns County Land Development Code.
7. The zoning district designation of Planned Unit Development (PUD) is consistent with the land uses allowed in the land use designation of Residential C (Res-C) as depicted on the 2015 Future Land Use Map.

**SECTION 2.** Pursuant to this application File Number PUD 2005-15 Wildwood Plantation PUD, the zoning classification of the lands described within the legal description, Exhibit "A",

**is hereby changed to PUD.**

**SECTION 3.** To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

**SECTION 4.** This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

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

**SECTION 6.** Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas maintained in the Zoning Division of the St. Johns County Growth Management Services Department by the Director of Growth Management Services, or his designee.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS** 16<sup>th</sup> **DAY OF** September **2005.**

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

**BY:** 

**Bruce A. Maguire  
Chairman**

**ATTEST: CHERYL STRICKLAND, CLERK**

**BY:** 

**Deputy Clerk**

**EFFECTIVE DATE:** September 13, 2005

**RENDITION DATE** 09/08/05

*original*

RECEIVED  
APR 20 2005  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

# *Wildwood Plantation*

## PLANNED UNIT DEVELOPMENT APPLICATION

**SUBMITTAL DATE:**

April 19, 2005

**SUBMITTED ON BEHALF OF:**

Ken Atlee, Kendale Land Development, Inc.  
4501 Beverly Avenue  
Jacksonville, Florida 32210  
(904) 493-2705

RECEIVED  
*M. S. O.*  
APR 20 2005  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

**AUTHORIZED AGENT FOR THE APPLICANT:**

Karen M. Taylor, Karen M. Taylor Land Planner  
3070 Harbor Drive, St. Augustine, Florida 32084  
904-826-0600 / 904-825-4180 Fax

William E. Schaeffer, P.E., Greenhorne & O'Mara  
4417 Beach Boulevard, Suite 101, Jacksonville, FL 32207  
904-346-1777 / 904-346-0087 fax

**EXHIBITS:**

- |           |  |
|-----------|--|
| EXHIBIT A | Legal Description                                  |
| EXHIBIT B | Application Form                                   |
| EXHIBIT C | Master Development Plan Text                       |
| EXHIBIT D | Master Development Plan Map (Large Scale Attached) |
| EXHIBIT E | Location Map                                       |
| EXHIBIT F | Authorization                                      |
| EXHIBIT G | Proof of Ownership (Deeds attached)                |
| EXHIBIT H | Adjacent Property Owners                           |
| EXHIBIT I | Environmental Information/FLUCCS Code Map/Soils    |

**PARCEL IDENTIFICATION NUMBERS:** 136770-0063 and 137070-0000

**EXHIBIT A  
LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

**DESCRIPTION:** A PORTION OF O.R.B. 1155, PG. 160, PREPARED BY SURVEYOR

A PORTION OF GOVERNMENT LOT 10, SECTION 12, TOWNSHIP 8 SOUTH, RANGE 29 EAST AND A PORTION OF GOVERNMENT LOTS 8 AND 15, SECTION 11, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF SECTION 11 AND THE WEST LINE OF GOVERNMENT LOT 10, NORTH 00°16'29" EAST, 529.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY AS ESTABLISHED), NORTH 38°49'22" WEST, 131.49 FEET, THENCE NORTH 27°58'41" WEST, 2271.96 FEET, TO THE SOUTHWEST CORNER OF PRAIRIE CREEK ~ TRACT "A", AS DESCRIBED IN MAP BOOK 12, PAGES 54-57 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF THE AFOREMENTIONED LANDS, NORTH 89°03'18" EAST, 694.31 FEET TO THE CENTERLINE OF A CREEK AS RECORDED IN OFFICIAL RECORDS BOOK 694, PAGES 123-124 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE IN A SOUTHEASTERLY DIRECTION, MEANDERING ALONG THE CENTERLINE OF A CREEK AS DESCRIBED IN THE AFORESAID OFFICIAL RECORDS BOOK 694, PAGES 123-124, 1188.00 FEET MORE OR LESS; THENCE SOUTH 56°42'14" EAST, 32.84 FEET; THENCE SOUTH 36°11'46" EAST, 1240.27 FEET; THENCE SOUTH 54°18'46" EAST, 470.31 FEET TO THE TOP OF BANK OF A CREEK, AS DESCRIBED IN OFFICIAL RECORDS BOOK 568, PAGE 1407 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE IN A SOUTHERLY DIRECTION, MEANDERING ALONG THE TOP OF BANK OF SAID CREEK, AS DESCRIBED IN THE AFORESAID OFFICIAL RECORDS BOOK 568, PAGE 1407, 911.00 FEET, MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY AS ESTABLISHED); THENCE ALONG THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE, SOUTH 89°21'19" WEST, 324.82 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE, ALONG AND AROUND THE ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1079.28 FEET, AN ARC DISTANCE OF 856.77 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 67°54'11" WEST, 834.45 FEET TO A POINT LYING ON THE EAST LINE OF THE WEST 125.02 FEET OF GOVERNMENT LOT 10; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE, AND THE ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1079.28 FEET, AN ARC DISTANCE OF 193.73 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 40°01'08" WEST, 193.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.31 ACRES, MORE OR LESS.

SAID LANDS SITUATED, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA.

LESS AND EXCEPT SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 568, PAGE 1407, OFFICIAL RECORDS BOOK 694, PAGES 123-124 AND OFFICIAL RECORDS BOOK 1321, PAGE 575 OF THE CURRENT PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**EXHIBIT B**

**St. Johns County Growth Management Services Department  
Planning Division**

**P.O. Drawer 349, 4020 Lewis Speedway  
St. Augustine, Florida 32095**

**Phone: 904 823-2480 Fax: 904 823-2498 E-mail: plandept@co.st-johns.fl.us**

**APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD)**

**Date** April 19, 2005 **PUD File Number** \_\_\_\_\_ **Receipt Number** \_\_\_\_\_

Revised June 7, 2005

**1. Project Name** Wildwood Plantation Planned Unit Development

**2. Applicant's Name, Address, and Phone No.** Ken Atlee, Kendal Land Development, Inc. 4501 Beverly Avenue,  
Jacksonville, FL 32210 (904) 493-2705

**3. Owner's Name, Address, and Phone No** Hamilton Upchurch, 700 Wildwood Drive, P.O. Box 3007, St. Augustine, FL  
32085, (904) 829-9066, (904) 825-4862 fax

**4. Property Location** 700 Wildwood Drive

**5. Legal Description** See Exhibit A

**6. Present Use of Property** Vacant

**7. Parcel ID Number** 136770-0063 & 137070-0000 **8. Current Zoning** OR (Open Rural)

**9. 2015FLUM Designation** Residential C **10. Section** 11, 12 **11. Township** 8S **12. Range** 29E

**13. Requested Change** Applicant is requesting a zoning change to Planned Unit Development to allow for the construction of  
Ninety-four (94) Residential units.

**14. Is Concurrence review required?** Yes **15. Zoning Map Page #** 4F/12SX **16. Size of Property** 58.31 Acres

**17. Utility Provider** St. Johns County Utility Department and Florida Power and Light

**18. Provide all of the following:**

- a. List of adjacent property owners within 300 feet of the parcel to be rezoned showing name, address and brief legal description from current tax rolls. Address two legal size envelopes to each property owner on the list. Do not include a return address. Each envelope must contain proper postage. The order of the envelopes must match the order in which the names appear on the list.
- b. Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record owner as above). If the applicant is not the owner, a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application must be provided.
- c. Legal description (attach as Exhibit A)
- d. Master Development Plan Map (attach as Exhibit C and provide as specified in attached guidelines) and Text (attach as Exhibit D) as required by Section 5.03.02.G of the Land Development Code.
- e. Eighteen (18) copies of the complete application.
- f. Application Fee. (A pre-application review fee may also be required.)

**I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:**

Signature of owner(s) or authorized person if owner's authorization form is attached:

Printed or typed name(s): Karen M. Taylor

Signature(s): 

**ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS REGARDING THIS APPLICATION** Name: Karen M. Taylor, Land Planner

Mailing Address: Karen M. Taylor, Land Planner, 3070 Harbor Drive, St. Augustine, Florida 32084

Phone: 904/826-0600 FAX: 904/825-4180 E-mail: 4taylors@aug.com

Updated: 06/20/00

**EXHIBIT C**  
**MASTER DEVELOPMENT PLAN TEXT**

**SECTION I - INTRODUCTION**

Enclosed herein, please find an application for rezoning to Planned Unit Development (PUD) with accompanying documents as required by the St. Johns County Land Development Code. The application form is attached as Exhibit A. This petition is filed on behalf of the applicant: Ken Atlee, Kendale Land Development, Incorporated, Jacksonville, Florida.

**A. Location:** The property to be rezoned consists of 58.31 acres, described by the Legal Description - Exhibit B. It is situated in St. Johns County off of Wildwood Drive, just at the curve. The site is shown on the Location Map, Exhibit D. The site is primarily located within the Residential "C" Land Use category on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, which allows for residential development at a density of up to six (6) units per acre. However, a small portion in the northeast corner is located within the Residential "B" FLUM category that allows for up to two (2) units per acre. The property is oblong in shape and runs between Wildwood Drive and Creek, which is the tributary of Moultrie Creek.

**B. Surrounding Uses:** The overall area is a mixture of residential developments with varied lot sizes. The surrounding uses include single family residences to the north within Prairie Creek Subdivision and across Wildwood Drive in Deer Run Subdivision and Osceola Estates. The site is fairly heavily treed along the creek front, but has been cleared for horse pasture for a number of years. In addition there is a fairly major wetland system that runs along the northeast boundary, which is delineated by a significant change in elevation or "bluff." The property is currently zoned Open Rural (OR).

**C. Ownership:** The subject property is owned by Hamilton Upchurch as shown by the Proof of Ownership (deeds), which are attached as Exhibit F. Said property owner has authorized Ken Atley and subsequently Karen M. Taylor to act on his behalf and file the application for seeking the rezoning change indicated. Authorizations are attached as Exhibit G. Adjacent property owners for notification purposes are included as Exhibit H.

**SECTION II - SITE DEVELOPMENT CRITERIA**

**A. Project Description:** The real property to be considered for rezoning consists of 58.31 acres located on Wildwood Drive. The property is currently zoned Open Rural (OR) and the applicant is requesting a zoning change to Planned Unit Development (PUD) to allow for the construction of up to ninety-four (94) residential units with associated recreation and ancillary facilities. The development will be known as **Wildwood Plantation Planned Unit Development (Wildwood Plantation PUD)**.

The Master Development Plan - Exhibit D, indicates the general layout of the site for construction of the ninety-four (94) single-family residential homes, which will be accessed directly from a central road from Wildwood drive and then through a curvilinear system of roadways paralleling the creek. The property is somewhat of a "bluff" with a beautiful wetland system running along the entire northeast boundary. The development will be served by central water and sewer and is planned for development in one (1) phase. The location of the property, as well as the design of

the site, will provide privacy and buffering. The design incorporates common open space, as well as varied active and passive recreation opportunities, central to the development, which will meet the standards of the County's Land Development Code. In addition, the centralized open space and recreation area as well as the preserved jurisdictional wetland areas will provide for the preservation of a significant number of trees throughout the site. Most lots are located interior to the PUD, with only a few lots fronting along Wildwood Drive. There is an existing home on the property along the bluff that will be incorporated into the subdivision and become one (1) of the ninety-four (94) lots. The project includes a ten (10) foot buffer within a fifty (50) foot setback along Wildwood Drive as well as along the perimeter project boundaries, which will provide a buffer between the residential uses within the development and the residential uses abutting the site.

**B. Development Size:** There is a total of 58.31 acres of property, with 40.50 upland acres to be developed.

**C. Wetlands:** The 58.31 acre site contains 17.82 acres of jurisdictional wetlands. Vegetation within the wetland areas is described in Section K. Site Vegetation and Habitat. There is a significant wetland and creek system that runs along the northeast boundary, which will be preserved and the appropriate buffers and setbacks will be established within this PUD to meet the County LDC and/or St. Johns River Water Management District standards.

**D. Development Area:** The project will use a total of 40.50 acres of developable property.

**E. Dwelling Units:** The site is planned for ninety-four (94) single-family residential homes on 58.31 acres for an overall gross density of 1.6 units per acre and a net density of 2.32 units per acre. The majority of the property, particularly the upland acreage, is located within the Residential "C" FLUM category, which provides for densities of up to six (6) units per acre, which would allow for a considerably larger number of residential units. Therefore, the density for this project is within the allowable densities for the area and provides for lot sizes and unit types consistent with and anticipated for the overall area.

Population for the development, based upon 2.44 residents per household, will equal approximately 230 residents at build-out. At a ratio of 0.44 children per household, the project will generate approximately 41 school age children.

**F. Non-Residential Development:** There will be no non-residential development.

**G. Site Development Criteria:**

**1. Lot Sizes and Building Area:** The total ground area within the PUD to be occupied by buildings and structures shall not exceed thirty-five percent (35%), with individual lots allowed a fifty percent (50%) coverage. Residential lot sizes shall meet a minimum lot size of 8,000 square feet, with a minimum seventy-five (75) foot frontage and a minimum one hundred (100) foot depth. Lots along the curves of the roadways or cul-de-sacs, will meet the required width at the twenty (20) foot setback, with the exception that when a lot fronts on a cul-de-sac or curve, the lot width shall be a minimum of twenty-five (25) feet.

**2. Permitted Uses:** The development will be constructed in an orderly manner, and the allowable uses will include Residential Uses as defined within the Land Development Code, allowing for single family residential dwellings. In addition, all typical residential accessory and ancillary uses will be allowed as outlined within the Land Development Code.

**3. Setbacks:** Setbacks shall be measured per the Land Development Code and shall be as follows:

a. Front yard: Twenty (20) feet. Lots having a second frontage shall have a setback of ten (10) feet for the second frontage.

b. Side yard: Five (5) feet, providing for a minimum clearance of ten (10) feet between structures, with no permitted projections into the setback.

c. Rear yard: Ten (10) feet, providing a minimum five (5) foot setback is maintained for accessory structures, including detached carports and/or garages, pool, screen/pool enclosures, and A/C units.

d. Along Wildwood Drive: Fifty (50) feet from the road right-of-way for buildings.

No air conditioning or electrical equipment, masonry walls or masonry fences, pools, pool decks or pool enclosures are to be constructed within drainage or underground utility easements.

**4. Building Height:** Buildings shall not exceed thirty-five (35) feet in height.

**5. Parking:** The required two (2) parking spaces per residential unit will be provided by a minimum two (2) car garage with a driveway apron large enough to accommodate two (2) vehicles. Parking will be provided for within the open space / recreation areas if needed, however, the neighborhood is small enough to provide for pedestrian access and the facilities will be oriented to pedestrian traffic.

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

a. **Subdivision Sign:** In accordance with the Land Development Code the project will be allowed, two (2) subdivision identification monument-type signs, one (1) on either side of the main entrance, as shown on the Master Development Plan at the entrance on Wildwood Drive. These signs may either be single or double sided, limited to a maximum size of thirty-two (32) square feet (per side) each, a maximum height of twelve (12) feet and may be lighted or illuminated. The applicant may construct a fence, masonry wall, berm or install landscaping and/or vegetation (or provide a combination thereof) to compliment the entrance feature and the sign may be incorporated into a wall or fence, provided the fence does not exceed six (6) feet in height.



**b. Construction / Sales Sign:** One (1) on-site project sign will be allowed near the entrance to the property along Wildwood Drive, which must be removed within thirty (30) days after the last lot is sold. The sign may be two (2) sided with each face limited to thirty-two (32) square feet and will conform to the requirements of the Land Development Code.

**c. Informational Signs:** Various locational, directional, model home and traffic control signs shall be allowed on site to direct traffic and for identification of a sales office, recreation areas, etc. Such signs will be a maximum of three (3) square feet in size.

**7. Fencing:** A maximum six (6) foot high fence will be allowed in the rear and rear/side yards, excluding the undisturbed upland buffer, in accordance with the requirements of the Land Development Code (LDC). However, a maximum six (6) foot high fence will be allowed along the interior perimeter of the buffer areas, including the upland buffer area and no fencing shall be allowed within the buffer. Front yard fencing will be allowed only for decorative fencing such as picket or split rail and no higher than four (4) feet in height.

**8. Street Lighting:** The applicant will provide street lighting conforming to the standards of the LDC. It is not anticipated that lighting will be provided within the recreation "park" area, as there are no facilities that would warrant night-time use. However, if lighting is desired in the future, it will be provided in accordance with the standards of the LDC

#### **H. Infrastructure:**

**1. Stormwater:** Stormwater will be handled on site within retention areas central to the site and interspersed between the wetlands, with conveyance via the roadways and/or piping within appropriate easements. The drainage structures and facilities will be designed and constructed in compliance with the Land Development Code in effect at the time of permitting, subject to the permitting requirements of the St. Johns River Water Management District. The Applicant will also grant to the County (through the plat for the subdivision), without expense to the County, an easement for ingress and egress for the maintenance of the stormwater outfall/ditch located at the eastern edge of the site. The easement shall extend from the eastern edge of the site to a point not less than 20 feet west of the top edge of bank of the ditch.

**2. Vehicular Access / Interconnectivity:** Access to the property will be provided via one (1) main new roadway located directly on Wildwood Drive at the southern portion of the property and opposite Winterhawk Drive, which will create a more viable intersection. The applicant will provide the appropriate turn lanes, in accordance with the LDC to provide for safe ingress and egress to the site. Excluding the entrance roadway, which will have an eighty (80) foot road right-of-way before it narrows, right-of-ways within the development will have a minimum width of fifty (50) feet. Roads will be constructed in accordance with curb and gutter standards as stipulated within the St. Johns County Land Development Code. Roadways will be requested for dedication to St. Johns County. It should be noted that the present owner deeded property to the County in recent years to facilitate increased right-of-way to one hundred (100) feet for Wildwood

Drive. Therefore, there is no need for this applicant to provide a reservation of right-of-way.

The property is located along Wildwood Drive on the northeast side of the roadway. Surrounding properties to the north and west and south on this side of Wildwood Drive have existing platted subdivisions with no roadway stub-outs and are separated from this parcel by a significant wetland system, with a creek, that would not be feasible to cross. Therefore, this development does not have an opportunity to provide for either present or future vehicular interconnectivity. However, the project will provide for pedestrian interconnectivity via the interior sidewalks, trails and exterior sidewalks and their relationships to the adjacent development to the north (Prairie Creek) and across Wildwood Drive.

**3. Pedestrian Access / Sidewalks:** Sidewalks shall be a minimum of four (4) feet wide and will be provided along one (1) side of the interior roadways as shown on the Master Development Plan Map, Exhibit D, connecting to Wildwood Drive, in accordance with the requirements set forth in the Land Development Code. In the case when lots directly front on a road, the sidewalks will be constructed upon completion of construction of the house, with the applicant providing the appropriate bonding to assure and complete construction. However, common area sidewalks located along the park, lake and open space areas will be constructed during the roadway construction phase. In addition, the applicant will install the required sidewalk, within the existing right-of-way of Wildwood Drive, connecting to the interior sidewalks and trails, which will provide for pedestrian interconnectivity to the adjacent development to the north (Prairie Creek) and a number of developments across Wildwood Drive. At the time of construction of the adjacent roadway, applicant will construct a school bus stop shelter with associated bike racks in the tract adjacent to the lift station parcel generally west of the entrance to the site.

**4. Parks / Recreation:** Both active and passive recreation opportunities are provided as shown on the Master Development Plan, Exhibit D, labeled as "Park". These active park areas total 1.75 acres in size (excluding the wetlands or buffers), and are located in the northwest portion of the site, adjacent to a "scenic" wetland area. This primary portion of the park, adjacent to the interior roadway, is planned to include a multipurpose play field, a children's play area and benches and picnic tables and provide for a series of jogging and walking trails, that will connect to the interior sidewalk system. In addition, the trail system will also connect the upland park areas, with permitted wetland crossings where needed and with connection to the sidewalks along Wildwood Drive.

**5. Open Space:** Approximately forty-three percent (43%) of the site, or 25.29 acres, of open space and greenspace will be provided, including preserved jurisdictional wetland areas and associated buffers, as well as parks, open space and common areas. The location of the open space provided throughout the development is indicated on the Master Development Plan, Exhibit D. This open space will provide visual interest, separation from the adjacent exterior and interior residences and will provide buffering to other land uses and Wildwood Drive traffic.

**6. Potable Water/Sanitary Sewer:** The St. Johns County Utility Department will provide central water and sewer service. Plans are to access the County lines from Wildwood Drive.

**7. Fire Protection:** The applicant will comply with the requirements of the St. Johns County Fire Services including installation of fire hydrants meeting the 660 foot vehicle travel feet apart installation requirement and the 500 gpm flow requirement, in accordance with the Land Development Code.

**8. Solid Waste:** Solid waste will be handled by the licensed franchisee in the area.

**9. Utilities:** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Florida Power and Light Company.

**I. Potable Water/Sanitary Sewer:** Central water and sewer service will be provided by the St. Johns County Utility Department, connecting to lines along Wildwood Drive. A tract will be designated for the lift station with direct roadway access. Water distribution and wastewater collection/transmission facilities will be dedicated to St. Johns County. With a total of ninety-four (94) homes, it is estimated that sixty (60) of the homes will have three (3) bedrooms @ 300 gpd, and thirty-four (34) of the homes will have four (4) bedrooms @ 400 gpd, which would generate 31,600 gpd. Therefore, when complete, the project will utilize approximately 31,600 gpd of potable water and require the treatment of approximately 31,600 gpd of sanitary sewer.

**J. Topography and Soils:** Site elevations range from a high of 29 feet msl to a low of 5 to 6 feet msl (along the creek), with most of the site averaging 28 feet. The property falls within Zone X of the Federal Emergency Management Agency (FEMA) flood zone, outside any one hundred (100) or five hundred (500) year floodplains.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies six (6) soil types on the site: 2 Astula fine sand, 0 to 8 percent slopes, 5 St. Johns fine sand depressional, 6 Tavares fine sand, 0 to 5% slopes, 9, 9 Pomona fine sand, 15 Pomello fine sand, 0 to 5% slopes, and 24 Pellicer silty clay loam, frequently flooded. These soil types are identified on the Soils Map, attached as part of Exhibit I, Environmental Information and are described as follows:

**1. 2 Astatula fine sand, 0 to 8 percent slopes.** The majority of the upland portions of the site have this soil type. This is an excessively drained, nearly level to sloping soil on knolls and narrow to broad ridges. Permeability is very rapid throughout and available capacity is low. The seasonal high water table is at a depth of more than 72 inches under natural conditions. Natural vegetation consists of live oak, bay, magnolia, cabbage palm, sawpalmetto, hickory, sand pine, and American holly. The potential for community development is very high. The soil has either no limitations or slight limitation for dwellings, small commercial buildings and local roads and streets.

**2. 5 St. Johns fine sand, depressional.** This soil type is located along the lower wetlands of the creek. It is a very poorly drained, nearly level soil in depressions in the flatwoods. The soil is covered with standing water for periods of 6 to 12 months in most years. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. The natural vegetation consist of sweetgum, red maple, pond cypress, hickory,

cabbage palm, waxmyrtle, willow, and a few pond and longleaf pines. The understory vegetation is brackenfern, cinnamon fern, chalky bluestem, and St. Johnswort. Potential for community development is very low. Water standing above the surface restricts the use of this soil for residential or commercial development.

**3. 9 Pomona fine sand**, covers a small portion of the site along the south boundary. This soil type is a poorly drained nearly level soil in broad areas in the flatwoods. The water table is within a depth of 10 inches for 1 to 3 months and is at a depth of 10 to 40 inches for 6 months or more. Permeability is rapid in the surface and subsurface and moderate in the upper part of the subsoil. Vegetation associated with this soil type includes longleaf pine, slash pine, gallberry, and sawpalmetto, including grasses such as chalky bluestem, bushy bluestem, creeping bluestem, lopsided indiagrass, and pineland threeawn. The potential for community development is medium with the main limitation being the high water table.

**4. 15 Pomello fine sand, 0 to 5% slopes:** This soil type is found in a portion of the wetland areas on the north end of the site. It is a moderately well drained, nearly level to gently sloping soil on long, broad to narrow, slightly higher ridges and knolls. This soil has a seasonal high water table at a depth of 24 to 40 inches for 1 to 4 months during the wet seasons, with rapid permeability and a medium community development potential.

**5. 24 Pellicer silty clay loam, frequently flooded.** This soil type is located within the creek areas and is a very poorly drained, nearly level soil that is in low tidal marshes along stream estuaries near the coast. This soil is flooded daily by normal high tides. The natural vegetation consists of seashore saltgrass, bushy sea-oxeye, glasswort, and needlegrass rush. Potential for community development is very low. Areas of this soil are important wildlife habitat, with the native vegetation and fauna being important links in the food chain for many sport and commercial finfish and shellfish.

**K. Site Vegetation and Habitat:** Mike Burrell, Kendale Land Development, Inc. conducted an environmental site assessment of the above-referenced site located in St. Johns County, Florida; Section 12, Township 8 South, Range 29 East. The site consists of approximately 58.31 acres of undeveloped woodlands, 17.82 acres of which are jurisdictional wetlands, and is located in a residential region of southeastern St. Johns County. There are a variety of vegetative types, which were classified according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). They consist of both upland and wetland communities that occur on-site, which include Hardwood-Conifer Mixed (FLUCFCS 434), Wetland Forested Mixed (FLUCFCS 630), Residential, Low Density (FLUCFCS 110) and Improved Pasture (FLUCFCS 211). This data is further detailed on the attached Environmental Information, Exhibit I.

**L. Significant Natural Communities Habitat and Listed Species:** Mike Burrell, Kendale Land Development, Inc. surveyed the site and found that none of the on-site cover types listed above are considered "Significant Natural Communities Habitat." In addition, on-site wetlands are regulated by the St. Johns River Water Management District (SJRWMD) and U.S. Army Corps of Engineers (COE). The areas of forested wetlands were delineated according to SJRWMD and COE jurisdictional limits. In addition, no evidence of any endangered or threatened species was observed during the course of the survey and no critical habitat associated

with any listed species was identified on the site. Specific information is provided within Exhibit I, Environmental Information.

**M. Historic Resources:** No Archeological sites were identified on the County Archeological Site Inventory and no evidence has been found of any historic sites on the property. In addition, the St. Johns County Historical Structures Inventory does not identify this area as having any historical structures. An Archaeological Reconnaissance Study is being performed, the results of which will be provided to the County and to the State. .

**N. Buffers:** Buffer areas are shown on the Master Development Plan Map, Exhibit D and shall include:

1. A ten (10) foot natural buffer, around the project boundaries and along Wildwood Drive, which will maintain the existing tree cover, but can be augmented with native/natural vegetation and may include fencing up to six (6) feet in height along the interior boundary, if desired. The screening for this buffer will be in accordance with Section 5.03.03. of the LDC.
2. An averaged twenty-five (25) foot undisturbed natural vegetative upland buffer (minimum of ten feet) with a twenty-five (25) foot building setback, along contiguous wetlands in accordance with the St. Johns County Land Development Code.

Land clearing plans will be submitted for the roads, recreation areas and drainage facilities with the Construction Plans. Lot clearing will be allowed individually by permit through the County. The development will conform to all land clearing and tree credit/replacement requirements outlined within the Land Development Code, effective at the time of permitting. Any upland buffers identified within the development will be identified and staked with a silt fence/protective barrier prior to any land clearing and the applicant will be the responsible party in the event that an unauthorized impact to the buffer. The upland buffers and building setbacks will be shown on all Development Plans and Plats.

**O. Special Districts:** The project is not located within any Special District.

**P. Temporary Uses:** Temporary construction, customer service and sales trailers may be utilized and placed on the site upon approval of the construction plans, with the locations shown on the Master Development Plan Map, Exhibit D. The initial construction/sales trailer will be located at the entrance to the development and may then be relocated within the project as the construction stages proceed. Temporary sales trailers will be allowed to remain until completion of the construction of the homes in the development.

Model homes may be constructed within the development, provided the number does not exceed ten (10) percent of the number of units in the development (up to nine). The model homes may be constructed during construction of the infrastructure and may include sales, administration and construction offices. Parking for the model homes and sales offices will be located within a parking apron adjacent to the roadway or within the driveways. The applicant will provide terminating easements to St. Johns County for ingress and egress to all of the model homes under construction, prior to initiation of construction. The applicant understands that no Certificate of Occupancy will be issued until the infrastructure has received official approval from the St. Johns

County Development Services Department and any State or Regional agencies and the subdivision plat has been recorded with St. Johns County.

**Q. Accessory Uses:** Accessory uses and structures will be allowed as per the St. Johns County LDC provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use structure. 1.) Accessory uses or structures contained within or attached to the building containing the principal use shall be considered a part of the principal building and not an accessory building and shall meet the same requirements for setback as the main use structure, except as provided in paragraph 2 below. 2.) Accessory uses such as pools, covered pools, patios, decks and gazebos, either attached or detached from the principal use structure, may be constructed up to a minimum of five (5) feet from the rear or side property boundary. 3) Guest houses or employee quarters, either attached or detached, shall meet the required setbacks of the principal use structure. 4.) Detached accessory structures, other than those described in numbers 2 and 3 above, may be constructed three (3) feet from side or rear property boundary, if such accessory structure is separated from the principal use structure by ten (10) feet or more. If the accessory structure is less than ten (10) feet from the principal use structure, then the accessory structure shall be a minimum five (5) feet from the rear or side property boundary. 5.) No accessory structure, excluding yard ornaments, shall be located within the required front yard. 6.) Yard ornaments may be permitted in any required yard subject to height limitations and requirements limiting obstruction of visibility as defined by the Land Development Code.

**R. Phasing:** The **Wildwood Plantation PUD** shall be developed in one (1) phase, with the residential lots and associated facilities being constructed at one (1) time. The project shall be commenced within five (5) years of approval of the PUD. Construction shall include all horizontal improvements, including roads and drainage facilities, as well as the entrance features and installation of recreation area improvements. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Department and completion shall be defined as the installation of all infrastructure and approval of as-builts. Completion shall be within five (5) years of commencement.

Note: The Board of County Commissioners adopted a rule requiring that a minimum of 25% of the units could be constructed prior to completion of the recreation facilities, however, the requirement phrased above "with the facilities constructed at the same time as all the other horizontal infrastructure" actually requires an earlier recreational facilities construction time period and will control.

**S. Project Impact:** The property is located within the Residential-C Land Use Area of the 2015 St. Johns County Comprehensive Plan, which allows for residential uses within the Land Development Code, at the densities included within the application. The overall area and neighborhood is ideally suited to this type of residential development as it is in close proximity to community facilities and the central portion of the County with associated recreational facilities and shopping. It has excellent access to major roadways and transportation corridors including connection to Wildwood Drive, as well as U.S. Highway One and State Road 207 to the beaches and to Interstate 95. These roadways will connect the development to area employment opportunities and retail activities, nearby schools, cultural facilities (such as the new library) and both active and passive recreational opportunities.

The site is located such that the location, size and design of the project will provide privacy and buffering from the other development in the area and incorporates a significant amount of open space and greenspace that has been interspersed throughout. The project will be served by centralized utilities. The lot sizes and home-styles will target both families and retirees, providing for an integrated community. The site design will provide a unique development with most homes being located within the central portion of the site and perimeter buffers of preserved wetlands or retention areas. The centrally located recreation area will allow for neighborhood interaction, whereby residents can meet and enjoy active and passive recreation opportunities in a common area throughout their immediate neighborhood. Access will be provided for pedestrians.

The applicant believes that the proposed Planned Unit Development will be of benefit to the future occupants of the project and to the residents of St. Johns County, in that it will further the stated goals and objectives of the County Comprehensive Plan and provide for a more desirable environment than could be accomplished through traditional zoning. The development will offer larger lots sizes with homes targeted towards families.

Applicant agrees that it will provide to buyers of lots and/or homes in the project a notice advising that the St. Johns County School Board does not guarantee the continuation of school zoning in effect at the time of purchase and that students may be relocated from previously assigned schools based upon school capacity and location criteria adopted by the School Board from time to time.

**T. Waivers / Variances / Deviations:** The applicant requests the following deviation to specific requirements of the Land Development Code as follows:

**Incremental Master Development Plan:** The applicant is requesting a waiver to Section 5.03.02.G.2.A of the Land Development code to provide for an incremental master Development Plan for the recreation area. The incremental Master Development Plan for the Main Active Recreation Area will be submitted for approval and recording at the same time as submittal of the Construction Plans, with the facilities constructed at the same time as all the other horizontal infrastructure. .

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

**U. Ownership / Agreement to Comply:** The applicant, his successors and/or assigns, hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant, his successors and/or assigns, also agrees to comply with all conditions and safeguards established by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners regarding said PUD specifically outlined as follows:

"To the extent that they do not conflict with the unique specific and detailed provisions of this approved PUD Ordinance, all provisions of the Land Development Code, as such may be amended from time to time, shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited; and except

(b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency ordinance, building code, comprehensive plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein."

All drainage facilities and common areas, located within the **Wildwood Plantation PUD** for the common use and benefit of all property owners, shall initially be constructed, owned and maintained by the Applicant, his successors and/or assigns. Upon completion of construction of such common facilities and at the time established by the Homeowners Association documents, the Applicant will transfer ownership and maintenance responsibilities to the **Wildwood Plantation PUD** Homeowners Association, a non-profit corporation established under the laws of the State of Florida. The site shall be maintained in a clean and orderly manner in accordance with all provisions of this PUD and conditions included within the adopting Ordinance. Legal documents and agreements for common ownership by property owners and/or a property association, shall meet the requirements of the St. Johns County Land Development Code in effect at the time of establishment. Roads will be requested for dedication to St. Johns County.

**V. Future Land Use Designation:** The property is located wholly within the Residential-C Land Use designation on the 2015 Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.

### SECTION III. SUMMARY AND CONCLUSIONS

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

**A. Consistency with Comprehensive Plan:** The project is located within the Residential-C Land Use category of the 2015 St. Johns County Comprehensive Plan. Development of the subject project is consistent with the St. Johns County Comprehensive Plan, including Goal A.1 "To effectively manage growth", Objective A.1.2 Control of Urban Sprawl (specifically A.1.2.2), Objective A.1.3 Surrounding Land Use (it is compatible, per Policy A.1.3.12 with the adjacent existing residential, public and commercial development in the area). In addition, development will meet Policy A.1.9.5 regarding application by the provisions of the Planned Unit Development land development regulations, Policy A.1.9.6 by providing a Master Development Plan, and Policy A.1.9.7 by being served by central utilities.

**B. Location:** The project is located within a Residential-C Land Use area on the 2015 FLUM, which district allows for the type of development envisioned within the PUD at a density of up to six (6) units per acre (well beyond the density requested here).. Therefore, the project conforms to the requirements for location as stipulated within the Land Development Code.

**C. Minimum Size:** The area encompassed by this project is greater than the minimum size criteria for development under the criteria established within Section 6 of the Land Development Code.



**D. Compatibility:** The proposed uses are compatible with the area and the overall community and meet the criteria established within Objective A.1.3 Surrounding Land Use, which provides that "When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use." Since, the County must determine whether the request is compatible, it is important to note that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.12, which states that "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties"

Adjacent land uses surrounding this property include an existing single family residential subdivision to the north and east, and across Wildwood Drive to the south and west. The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Residential B Future Land Use designation. The proposed rezoning will not change the existing and allowable land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance. Development will conform to the current Land Development Code standards.

The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will conform to the current Land Development Code standards, will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as the proposal is in conformance with the Plan and its goals and objectives. It will not adversely affect the health, safety and welfare of the residents or visitors to the area, nor be detrimental to the natural environment or the development of adjacent properties or the neighborhood.

**E. Adequacy of Public Facilities:** The subject property and future project is served by a major transportation system, central water and sewer and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. The PUD will proceed under a Certificate of Concurrency consistent with Objective A.1.2 Control of Urban Sprawl, specifically Policy A.1.2.1 which states "The County shall only issue development orders or development permits consistent with the provision of the County's Concurrency Management System, as provided in Objective J.1.5". It should be noted that the Land Development Code provides that properties can be rezoned only upon receipt of a Certificate for at least one-third of the developments projected traffic, which will be complied with by the applicant.

**F. Relation to PUD Regulations:** The subject project meets all applicable requirements of Section 5.03.00 Planned Unit Development districts, as well as general zoning, subdivision and other regulations except as may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

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

This PUD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset. The project has available and adequate public facilities and services are available to support it. When developed in accordance with the conditions stipulated in the PUD application, the PUD will contain the type of uses compatible with the emerging development patterns of the area, will be compatible with the desired future development of the area, and will be consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines.



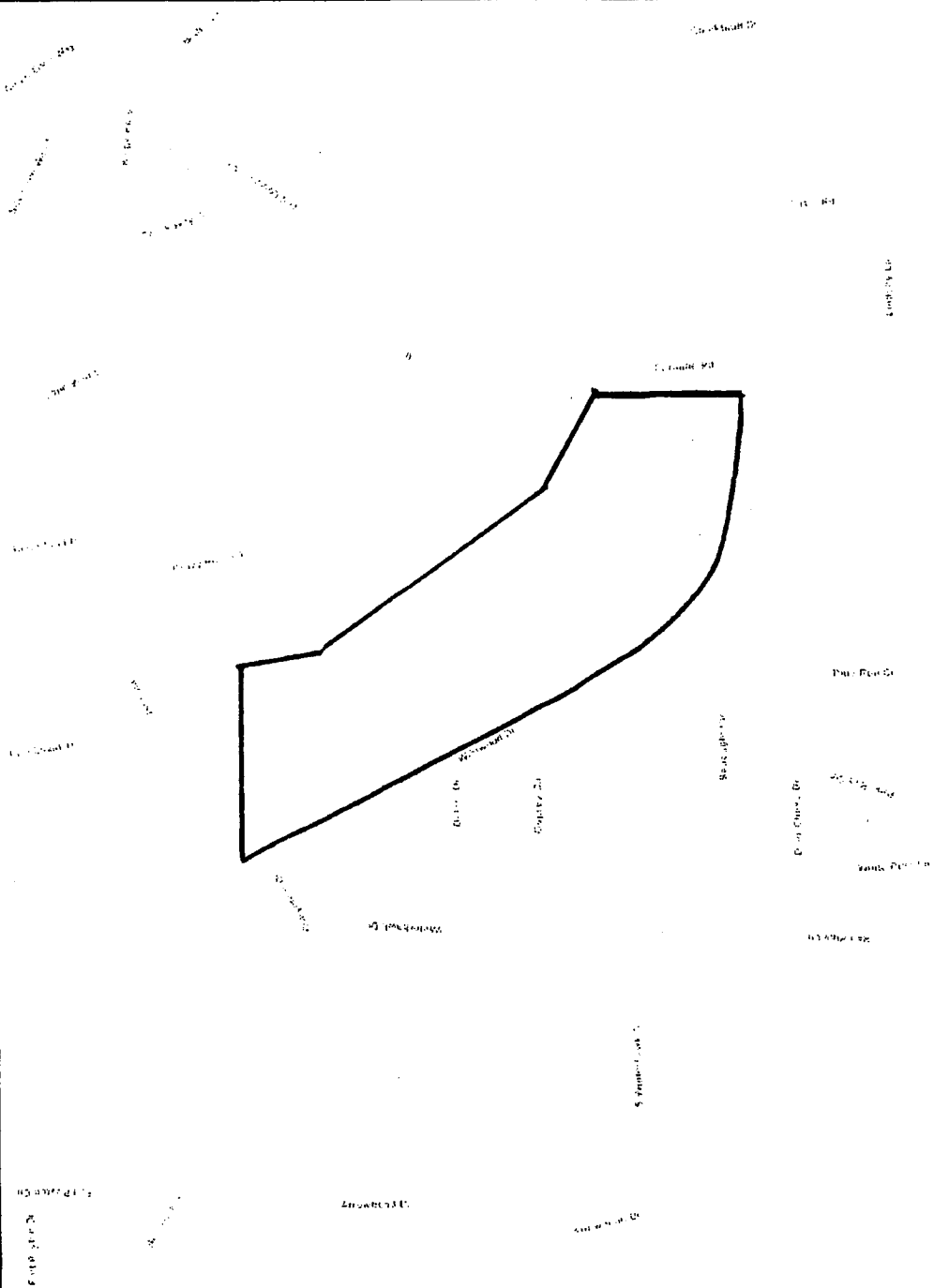
# Wildwood Residential PUD

December 20, 2004



## EXHIBIT E LOCATION MAP

- Parcels
- Roads
- 143 and Aerialis  
Collectors
- Local
- Preliminary  
Water
- County



This PDF was generated at:  
<http://gls.ejcpa.us/inf/launch.html>

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION. Use and distribution of this map subject to copyright and disclaimer notices at [www.geocortex.net](http://www.geocortex.net).

EXHIBIT F  
OWNERS AUTHORIZATION

Donna Mountain  
Owner's Authorization For Agent

Kayvon S. Athas, Bill Schilling

Karen Taylor  
HAMILTON UPCHURCH is hereby authorized TO ACT ON BEHALF OF  
the owners 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:

- |                                     |                         |                                     |                         |
|-------------------------------------|-------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | Rezoning / Modification | <input type="checkbox"/>            | Special Use Permit      |
| <input type="checkbox"/>            | Zoning Variance         | <input type="checkbox"/>            | Non-Zoning Variance     |
| <input type="checkbox"/>            | Appeal                  | <input type="checkbox"/>            | Overlay District Review |
| <input checked="" type="checkbox"/> | Concurrency             | <input checked="" type="checkbox"/> | Other P.U.D.            |

BY: *[Signature]*  
Signature of Owner

HAMILTON UPCHURCH  
Print Name

N/A  
Signature of Owner

Print Name

904-829-9066  
Telephone Number

State of Florida  
County of St. Johns

Signed and sworn before me on this 28<sup>th</sup> day of October, 2004

By Sharon L. Phillips

Identification verified: Known to me

Oath sworn: Yes No

*[Signature]*  
Notary Signature

My Commission expires: 4-14-2007



FORM 124 FLORIDA January 1979

EXHIBIT G  
POOF OF OWNERSHIP  
(DEEDS)

INSTRUMENT PREPARED BY:  
HAMILTON D. UPCHURCH  
UPCHURCH & UPCHURCH, P.A.  
Bank Bldg. - St. Augustine, Florida 32084

executive line

# This Indenture,

DEF REC 437 PAGE 16

Made this 28th day of December, A. D. 19 79

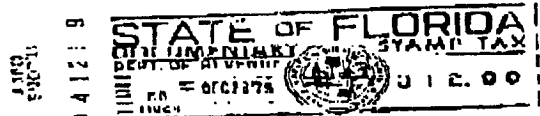
Between TERRY PACETTI CONSTRUCTION COMPANY, INC.,  
a corporation existing under the laws of the State of Florida  
having its principal place of business in the County of St. Johns and  
State of Florida party of the first part, and  
HAMILTON D. UPCHURCH, Post Office BOX 170, St. Augustine, Florida, 32084

of the County of St. Johns and State of Florida  
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of  
the sum of Ten and no/100 (\$10.00) Dollars,  
to it in hand paid by the said party of the second part, the receipt whereof is hereby  
forever, the following described land, situate, lying and being in the County of  
St. Johns, State of Florida, to wit:

All portions of Government Lots 9 and 10, Section 17, Township 8 South,  
Range 29 East and that part of the West 125.07 feet of Government Lot 10,  
situate in the right of way line of Highway 170, St. Johns County, Florida.

SUBJECT TO 1980 ad valorem taxes.



And the said party of the first part does hereby fully warrant the title to said land,  
and will defend the same against the lawful claims of all persons whomsoever

In Witness Whereof, the said party of the first part has  
caused these presents to be signed in its name by its President,  
and its corporate seal to be affixed, attested by its  
the day and year above written.

(Corporate Seal)

TERRY PACETTI CONSTRUCTION COMPANY, INC.

by Sidney W. Beach Its President.

Signed, Sealed and Delivered in Our Presence:

[Signature]  
STATE OF FLORIDA



FILED AND RECORDED IN  
ST. JOHNS COUNTY, FLORIDA

1979 DEC 28 PM 2:51

County of ST. JOHNS

[Signature]  
CLERK CIRCUIT COURT 79

I Hereby Certify, That on this 28th day of December, 1979  
before me personally appeared TERRY W. PACETTI,  
President and

respectively of TERRY PACETTI CONSTRUCTION COMPANY, INC., a corporation  
under the laws of the State of Florida, to me known to be the  
person described in each of the foregoing conveyances to  
HAMILTON D. UPCHURCH,

such officers, for the uses and purposes therein mentioned, and that they affixed  
thereto the official seal of said corporation, and the said instrument is the act and  
deed of said corporation.

Return to BEANE J. EHR Jr  
c/o 3010 Ave. Rm 204  
Jacksonville, Florida 32204

and... the... in the County of St. Johns and State of Florida, the day and year last aforesaid.

Notary Public for the State of Florida at Tampa  
My Commission Expires Dec 27, 1981

WESTATL LEGAL SUPPLY CO., INC. - ORLANDO, FLORIDA

541230 (3)

Prepared By And Return To:  
**SOUTHEAST TITLE GROUP, LLP**  
Address: 83 Orange Street  
St. Augustine, FL 32084  
SE File #97S-10018PCE

Parcel I.D. Numbers: 137070-0000 & 136770-0063

**WARRANTY DEED**

**THIS WARRANTY DEED** made and executed as of the 11th day of May, 1998, by **HAMILTON D. UPCHURCH**, a single man, whose post office address is: 780 N. Ponce de Leon Blvd., St. Augustine, Florida 32084 (hereinafter called "Grantor"), to **ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, whose post office address is: P. O. Drawer 349, St. Augustine, Florida 32085-0349 (hereinafter called "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**WITNESSETH:** That Grantor, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee all that certain land situate, lying and being in **ST. JOHNS County, State of Florida**, viz:

**SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION**

**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. **\$ 26,400.00**

**AND** Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land, and hereby 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 easements, restrictions and reservations of record, if any, and taxes accruing subsequent to December 31, 1997.

**IN WITNESS WHEREOF**, Grantor has signed and sealed these presents as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Zachary M. Barth  
Witness: **ZACHARY M. BARTH**  
Pamela C. Evans  
Witness: **Pamela C. Evans**

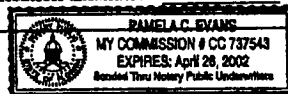
HAMILTON D. UPCHURCH  
**HAMILTON D. UPCHURCH**  
Address: **780 N. PONCE DE LEON BLVD.**  
**ST. AUGUSTINE, FL 32084**

**STATE OF FLORIDA**  
**COUNTY OF ST. JOHNS**

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **HAMILTON D. UPCHURCH**, personally known by me, and who acknowledged before me that he executed the foregoing instrument.  
Witness my hand and official seal in the county and state aforesaid this 26<sup>th</sup> day of May, 1998.

Pamela C. Evans

Notary Public:  
Identification Examined:



Recorded in Public Records St. Johns County, FL  
Clerk# 98022712 O.R. 1321 PG 575 02:32PM 05/26/1998  
Recording \$13.00 Surcharge \$2.00 Doc Stamps \$184.80



EXHIBIT "A"

## PARCEL 1

A PART OF GOVERNMENT LOT 10, SECTION 12, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THE SAME BEING THE SOUTHERLY AND SOUTHWESTERLY 34.00 FEET OF PARCEL 1, O.R. BOOK 1155, PAGE 160 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF WILDWOOD DRIVE WITH THE WEST LINE OF SAID GOVERNMENT LOT 10, SECTION 12; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, THE SAME BEING A 66 FOOT RIGHT OF WAY AS ESTABLISHED BY DEED BOOK 255, PAGE 17 OF THE AFOREMENTIONED PUBLIC RECORDS, SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1113.28 FEET, AN ARC DISTANCE OF 186.10 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 42 DEGREES 04 MINUTES 17 SECONDS EAST AND A CHORD DISTANCE OF 185.88 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 125.02 FEET OF SAID GOVERNMENT LOT 10 AND TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY AND EASTERLY ALONG SAID RIGHT OF WAY LINE OF WILDWOOD DRIVE AND ALONG SAID CURVE, AN ARC DISTANCE OF 850.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 68 DEGREES 44 MINUTES 52 SECONDS EAST AND A CHORD DISTANCE OF 830.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89 DEGREES 21 MINUTES 54 SECONDS EAST, CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF WILDWOOD DRIVE, A DISTANCE OF 320 FEET, MORE OR LESS, TO THE EASTERLY TOP OF BANK OF A DITCH, SAID TOP OF BANK BEING THE LINE DIVIDING PARCEL 1, O.R. BOOK 1155, PAGE 160, FROM O.R. BOOK 1169, PAGE 961; THENCE NORTHERLY ALONG SAID TOP OF BANK A DISTANCE OF 40 FEET, MORE OR LESS, TO A POINT 34.00 FEET NORTHERLY OF, WHEN MEASURED AT RIGHT ANGLES TO, THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF WILDWOOD DRIVE; THENCE SOUTH 89 DEGREES 21 MINUTES 54 SECONDS WEST, 34.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTH LINE OF WILDWOOD DRIVE, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1079.28 FEET; THENCE CONTINUE ALONG A LINE 34.00 FEET NORTHEASTERLY OF AND CONCENTRIC WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF WILDWOOD DRIVE, AN ARC DISTANCE OF 856.68 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67 DEGREES 53 MINUTES 45 SECONDS WEST AND A CHORD DISTANCE OF 834.37 FEET TO THE AFOREMENTIONED EAST LINE OF THE WEST 125.02 FEET OF GOVERNMENT LOT 10; THENCE SOUTH 00 DEGREES 11 MINUTES 41 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 47.10 FEET TO THE POINT OF BEGINNING.

## PARCEL 2 - WILDWOOD DRIVE AT DEER CHASE

A PART OF GOVERNMENT LOT 10, SECTION 12, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THE SAME BEING THE SOUTHERLY AND SOUTHWESTERLY 34.00 FEET OF PARCEL 2, O.R. BOOK 1155, PAGE 160 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID GOVERNMENT LOT 10, SECTION 12, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF WILDWOOD DRIVE, AS NOW ESTABLISHED AS A 66 FOOT RIGHT OF WAY BY DEED BOOK 255, PAGE 17 OF THE AFORESAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, THE SAME BEING A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1113.28 FEET, AN ARC DISTANCE OF 186.10 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 42 DEGREES 04 MINUTES 17 SECONDS EAST AND A CHORD DISTANCE OF 185.88 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WESTERLY 125.02 FEET OF GOVERNMENT LOT 10; THENCE NORTH 00 DEGREES 11 MINUTES 41 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 47.10 FEET TO A POINT 34.00 FEET NORTHEASTERLY OF, WHEN MEASURED RADially TO, THE AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE OF WILDWOOD DRIVE; THENCE NORTHWESTERLY ALONG A CURVE 34.00 FEET NORTHEASTERLY OF, PARALLEL AND CONCENTRIC WITH SAID NORTHEASTERLY RIGHT OF WAY LINE OF WILDWOOD DRIVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1079.28 FEET, AN ARC DISTANCE OF 193.94 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 40 DEGREES 00 MINUTES 31 SECONDS WEST AND A CHORD DISTANCE OF 193.68 FEET TO A POINT ON THE WEST LINE OF AFOREMENTIONED GOVERNMENT LOT 10, SECTION 12; THENCE SOUTH 00 DEGREES 11 MINUTES 41 SECONDS WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 57.46 FEET TO THE POINT OF BEGINNING.

O.R. 1321 PG 0576

EXHIBIT "A" (CONTINUED)

## PARCEL 3

A PART OF GOVERNMENT LOTS 8 AND 15, SECTION 11, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THE SAME BEING A PART OF PARCEL 2, OFFICIAL RECORDS BOOK 1155, PAGE 160 OF THE PUBLIC RECORDS OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE EAST LINE OF SAID GOVERNMENT LOT 15, SECTION 11 (THE SAME BEING THE LINE DIVIDING SECTION 11 FROM SECTION 12), WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE, AS NOW ESTABLISHED AS A 66 FOOT RIGHT-OF-WAY BY DEED BOOK 255, PAGE 17 OF THE AFORESAID PUBLIC RECORDS (SAID POINT ALSO BEING NORTH 00 DEGREES 11 MINUTES 40 SECONDS EAST, A DISTANCE OF 472.97 FEET FROM THE SOUTHEAST CORNER OF CREEKSIDE AS RECORDED IN MAP BOOK 14, PAGES 61-63 OF THE AFORESAID PUBLIC RECORDS); THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF WILDWOOD DRIVE AND ALONG THE ARC OF CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1113.28 FEET, AN ARC DISTANCE OF 180.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 32 DEGREES 38 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 180.39 FEET TO A POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 27 DEGREES 59 MINUTES 20 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID WILDWOOD DRIVE, A DISTANCE OF 1531.45 FEET TO A POINT WHERE SAID RIGHT-OF-WAY LINE CHANGES FROM A 100 FOOT RIGHT-OF-WAY TO A 66 FOOT RIGHT-OF-WAY (STATION 112+00 BY DEED BOOK 255, PAGE 17); THENCE NORTH 62 DEGREES 00 MINUTES 40 SECONDS EAST, PERPENDICULAR TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET TO A POINT 50.00 FEET FROM THE CENTERLINE OF SAID RIGHT-OF-WAY; THENCE SOUTH 27 DEGREES 59 MINUTES 20 SECONDS EAST, 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH SAID CENTERLINE, A DISTANCE OF 1531.45 FEET TO A POINT 17.00 FEET NORTHEASTERLY OF THE AFOREMENTIONED POINT OF TANGENCY; THENCE SOUTH 38 DEGREES 50 MINUTES 23 SECONDS EAST A DISTANCE OF 131.49 FEET TO A POINT ON THE EAST LINE OF AFOREMENTIONED GOVERNMENT LOT 15, SECTION 11, SAID POINT BEING 34.00 FEET NORTHEASTERLY OF, AS MEASURED RADially FROM, THE AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 00 DEGREES 11 MINUTES 40 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 57.46 FEET TO THE POINT OF BEGINNING.



4501 Beverly Avenue ■ Jacksonville, FL 32210 ■ (904) 384-6964 ■ Fax: (904) 384-6889 ■ Email: Land@kendale.net  
April 11, 2005

Ms. Jan Brewer  
Planning Division  
St. Johns County Growth Management Services  
P.O. Drawer 349  
St. Augustine, FL 32085-0349

**EXHIBIT I  
ENVIRONMENTAL  
INFORMATION/FLUCCS  
MAP/SOILS**

Re: **Application Number: PUD/PRD PA2004000054  
Project Name: Wildwood Drive Site  
Applicant: Kendale Land Development, Inc.**

Dear Ms. Brewer:

This letter is written in anticipation to a request for additional information (similar to the request below) from your department regarding more specific species information for the above referenced site.

1. *Please submit a map that depicts the type and extent of vegetation on-site. The map should be produced using the Florida Department of Transportation's, Florida Land Use Cover and Forms Classifications System (FLUCCS), Level III. This map should also identify any Significant Natural Communities Habitat that exists on the site.*

Attached is a revised FLUCCS map. The potential gopher tortoise habitat identified during the site investigation with the St. Johns County Environmental Staff (Ms. Jan Brewer) will be delineated and surveyed as soon as practicable. The information will be submitted to the FFWCC with a copy of the materials going to SJC.

2. *As required by Section 4.01.08 of the Land Development Code, please submit a map that identifies and locates all listed species currently of previously documented to exist on the site. Further, please provide documentation that a qualified scientist has assessed the site for the presence or potential occurrence of listed species. The documentation should discuss the methodology as well as the findings of this report.*

A listed species survey report has been submitted to SJC that contains the information cited in item #2.

3. *Section 4.01.07 of the Land Development Code requires a 10% preservation of Significant Natural Communities Habitat. Please provide documentation that a qualified scientist assessed the site for these habitats and, if applicable, please identify the areas for preservation. Due to the location of this property there is possibly either sandhill and/or scrub habitat is present.*

Detailed vegetation information was submitted to St. Johns County for review previously (and is given again below) and a site investigation was conducted on Thursday, March 31, 2005 with St. Johns County Environmental Planning Staff (Ms. Jan Brewer). As a result of the investigation, no Significant Natural Communities Habitat(s) were identified on the site.

The following UPLAND plant species were observed on the site and are grouped by vertical strata:

Canopy

Common Name	Latin Name
Slash pine	<i>Pinus elliotii</i>
Sand pine	<i>Pinus clausa</i>
Longleaf pine	<i>Pinus palustris</i>

Sub-Canopy

Common Name	Latin Name
Wax myrtle	<i>Myrica cerifera</i>

Shrubs

Common Name	Latin Name
Saw palmetto	<i>Serenoa repens</i>
Scrub oak/live oak	<i>Quercus virginiana</i>
Wax myrtle	<i>Myrica cerifera</i>

Herbs/Vines/Other

Common Name	Latin Name
Bahia grass	<i>Paspalum notatum</i>
Bracken fern	<i>Pteridium aquilinum</i>
Reindeer moss	<i>Cladonia spp.</i>

The following WETLAND plant species were observed on the site and are grouped by vertical strata:

Canopy

Common Name	Latin Name
Southern magnolia	<i>Magnolia grandiflora</i>
Red maple	<i>Acer rubrum</i>
Dahoon holly	<i>Ilex cassine</i>

Sub-Canopy

Common Name	Latin Name
Sweet bay	<i>Magnolia virginica</i>
Swamp bay	<i>Persea palustris</i>
Red bay	<i>Persea borbonia</i>

Shrubs

Common Name	Latin Name
Wax myrtle	<i>Myrica cerifera</i>
fetterbush	<i>Lyonia lucida</i>

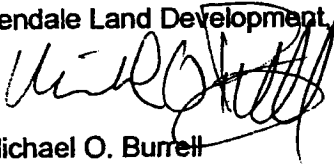
Herbs/Vines/Other

Common Name	Latin Name
Sphagnum moss	<i>Sphagnum cymbifolium</i>
Royal fern	<i>Osmunda regalis</i>
Virginia chain fern	<i>Woodwardia virginica</i>

Once you have had time to review the information and have scheduled a site investigation, please contact me at your convenience as I would like to meet the staff member at the site for the investigation. Your time in this matter is greatly appreciated. Please contact me with any questions, comments, or if you need additional information.

Sincerely,

Kendale Land Development, Inc.



Michael O. Burrell  
Environmental Manager

Attachment(s)

Cc: Ms. Karen Taylor – Land Planner  
3070 Harbor Drive  
St. Augustine, FL 32084

*Prepared by:*



**KENDALE LAND DEVELOPMENT, INC.  
4501 BEVERLY AVENUE  
JACKSONVILLE, FL 32210**

*Project:*

**WILDWOOD DRIVE SITE  
Listed Species Survey/  
Environmental Site Assessment  
St. Johns County, Florida  
December 2004**

**TABLE OF CONTENTS**  
**WETLAND CREATION PLAN**

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION .....	1
2.0 SOIL CLASSIFICATION(S).....	1
3.0 HABITAT DESCRIPTION(S).....	1
4.0 SURVEY METHODOLOGY.....	2
5.0 WILDLIFE OBSERVATIONS .....	2
6.0 CONCLUSIONS .....	2
7.0 FIGURES.....	4

**FIGURES INCLUDE:**

- Fig. 1 - Site Location Map
- Fig. 2 - USGS Topographic Map
- Fig. 3 - SCS Soils Map
- Fig. 4 - FLUCCS Map

## **1.0 INTRODUCTION**

The approximately 66.2 Ac site (Fig. 1) is located in the southwestern quadrant of Osceola Trail and Wildwood Drive, St. Augustine, St. Johns County, Florida (Section 13, Township 8 South, and Range 29E, Fig. 2).

A wildlife survey/environmental site assessment has been conducted on the above referenced site in order to screen the area for the potential existence of any wildlife species listed by the appropriate local, state, or federal agencies (including critical habitat for federally listed species) or other potential environmentally sensitive issues. Site-specific information, survey methodologies, wildlife observations, and conclusions are summarized below.

## **2.0 SOIL CLASSIFICATION(S)**

According to the SCS soils map (Fig. 3) of the site, the following soil classifications were indicated within the property boundaries.

2 – Astatula fine sand, 0 to 8% slopes – An excessively drained, nearly level to sloping soil on knolls and narrow to broad ridges. Areas of this soil range from 30 to 800 acres. Slopes area complex.

5 – St. Johns fine sand, depressional – A very poorly drained, nearly level soil in depressions in the flatwoods. Areas of this soil are irregular in shape and range from 3 to 40 acres. Slopes are lees than 1%.

9 – Pomona fine sand, 0 to 5 percent slopes – A poorly drained, nearly level soil that is in broad areas in the flatwoods. Areas of this soil are irregularly shaped and range from 25 to 300 acres. Slopes range from 0 to 2%.

15 – Pomelo fine sand, depressional – A moderately well drained, nearly level to gently sloping soil on long, broad to narrow, slightly higher ridges and knolls in flatwoods. Areas range from about 3 to 80 acres.

24 – Pellicer silty clay loam, frequently flooded – A very poorly drained, nearly level soil that is in low tidal marshes along stream estuaries near the Atlantic coast. Soils areas are wide and elongated in shape and are 60 to several thousand acres. Slopes are less than 1%.

## **3.0 HABITAT DESCRIPTION(S)**

According to the St. Johns River Water Management District (SJRWMD)1995 Land Use-Land Cover GIS data layer, the site consists of multiple land use codes which correspond with the following 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) classifications (Fig. 4):



110 – Residential, low density – Residential, low density (Less than two dwellings per acre).

211 – Improved Pasture – This category in most cases is composed of land which has been cleared, tilled, reseeded with specific grass types and periodically improved with brush control and fertilizer application. Water ponds, troughs, feed bunkers and, in some cases, cow trails are evident.

434 – Hardwood - Conifer Mixed – This class is reserved for those forested areas in which neither upland conifers nor hardwood achieve a 66 percent crown canopy dominance.

630 – Wetland Forested Mixed – This category includes mixed wetlands forest communities in which neither hardwoods nor conifers achieve a 66 percent dominance of the crown canopy composition.

#### **4.0 SURVEY METHODOLOGY**

The listed wildlife species survey was conducted by a trained, senior biologist with extensive experience in investigating for the presence of listed species (or evidence of listed species) that may occur in northeastern Florida. The scope of the survey included species regulated by St. Johns County, the Florida Fish and Wildlife Conservation Commission (FFWCC) (Chapter 39-27 F.A.C.), and the U.S. Fish and Wildlife Service (USFWS)(50 CFR 17.11-12).

Prior to the listed species survey, information sources such as topographic maps, soils maps, aerial photography, field identification guides, and protected species listings (as well as species occurrence maps if available) from the appropriate regulatory agencies including the Florida Natural Areas Inventory (FNAI) (St. Johns County List is attached as an addendum), Florida Fish and Wildlife Conservation Commission (FFWCC), U.S. Fish and Wildlife Service (USFWS) were reviewed. As part of the field survey, the general location and extent of the on-site habitat(s) were identified. To ensure adequate coverage of the site, pedestrian surveys of the site were conducted at 50-foot intervals (or less where vegetation is dense). Habitat types that appeared to have the potential for listed species to inhabit them were more intensively surveyed for the presence of listed species. Binoculars were used to aid in surveying for protected bird species.

#### **5.0 WILDLIFE OBSERVATIONS**

No listed species, or evidence of listed species, were observed during the course of the survey. No critical habitat associated with any listed species was identified on the site.

Non-listed species observed included various song birds and gray squirrel (*Sciurus carolinensis*). Evidence (tracks) of whitetail deer (*Odocoileus virginianus*) was observed.

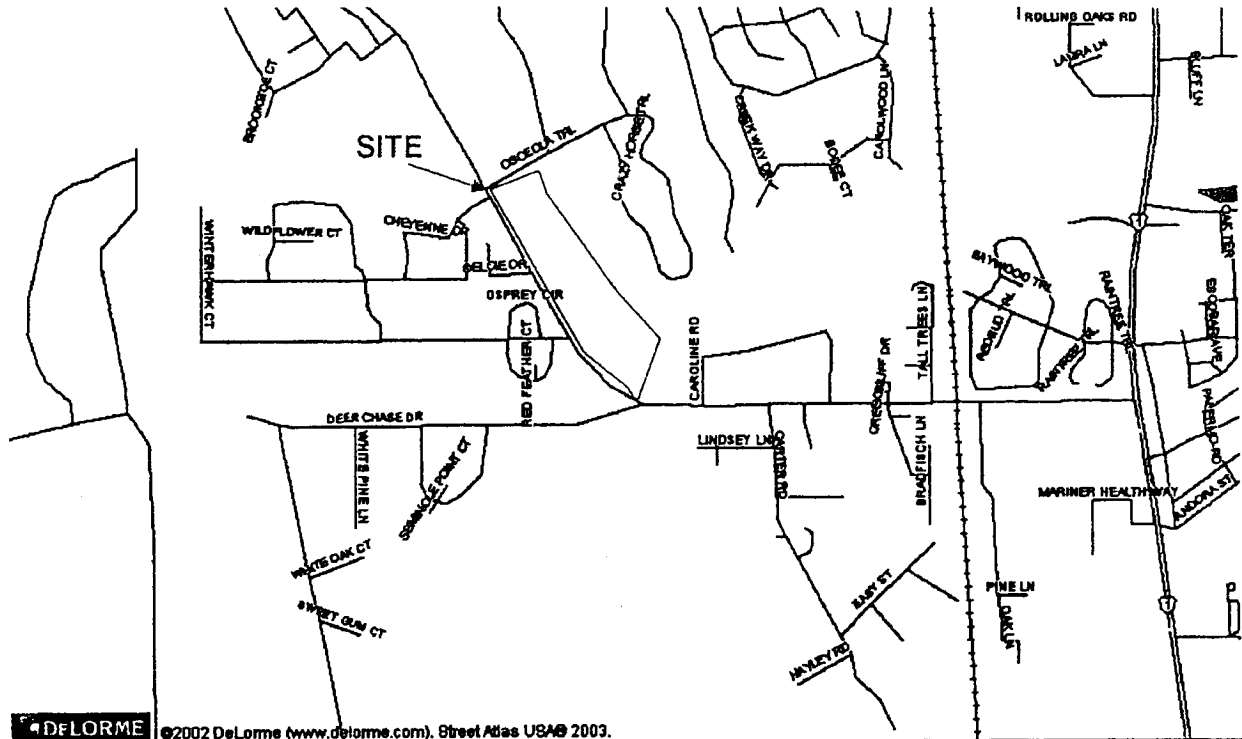
#### **6.0 CONCLUSIONS**

No listed species (or evidence of listed species) or critical habitats were observed, or otherwise detected,

Wildwood Drive Site  
Listed Species Survey/Environmental Site Assessment  
St. Augustine, St. Johns County, Florida

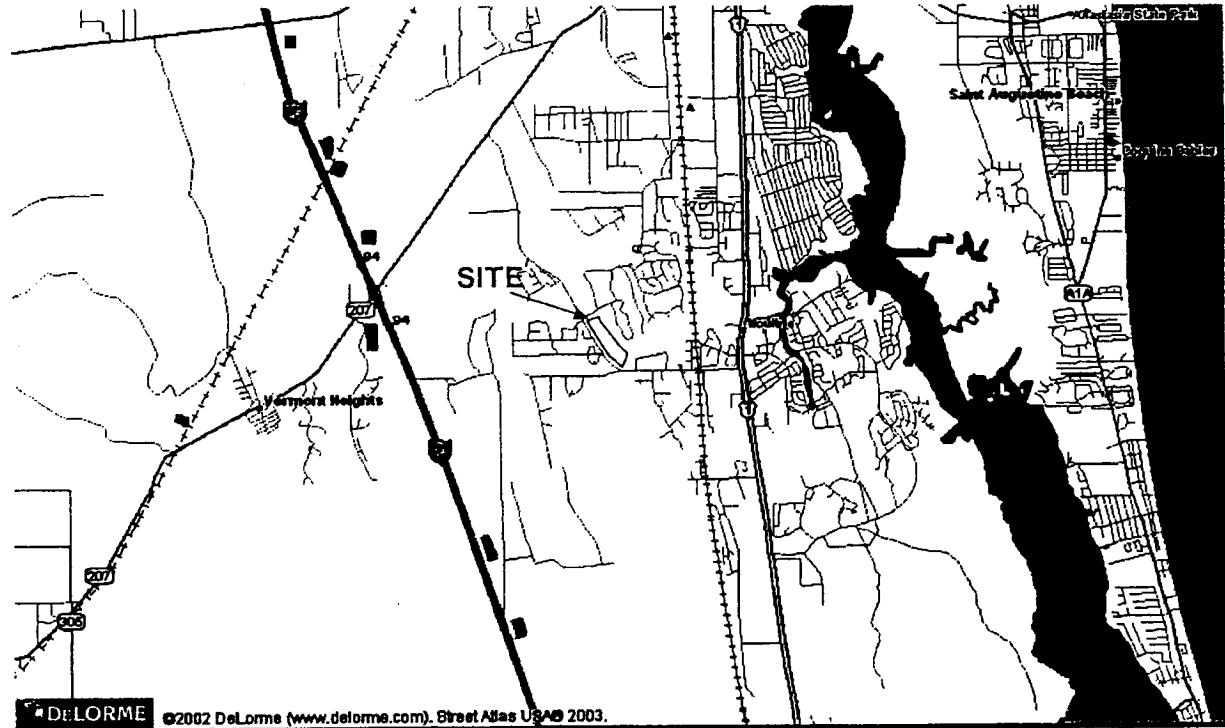
during the course of the survey. No other potential environmentally sensitive issues were observed.

# AREA MAP



DeLORME ©2002 DeLorme (www.delorme.com). Street Atlas USA® 2003.

# VICINITY MAP

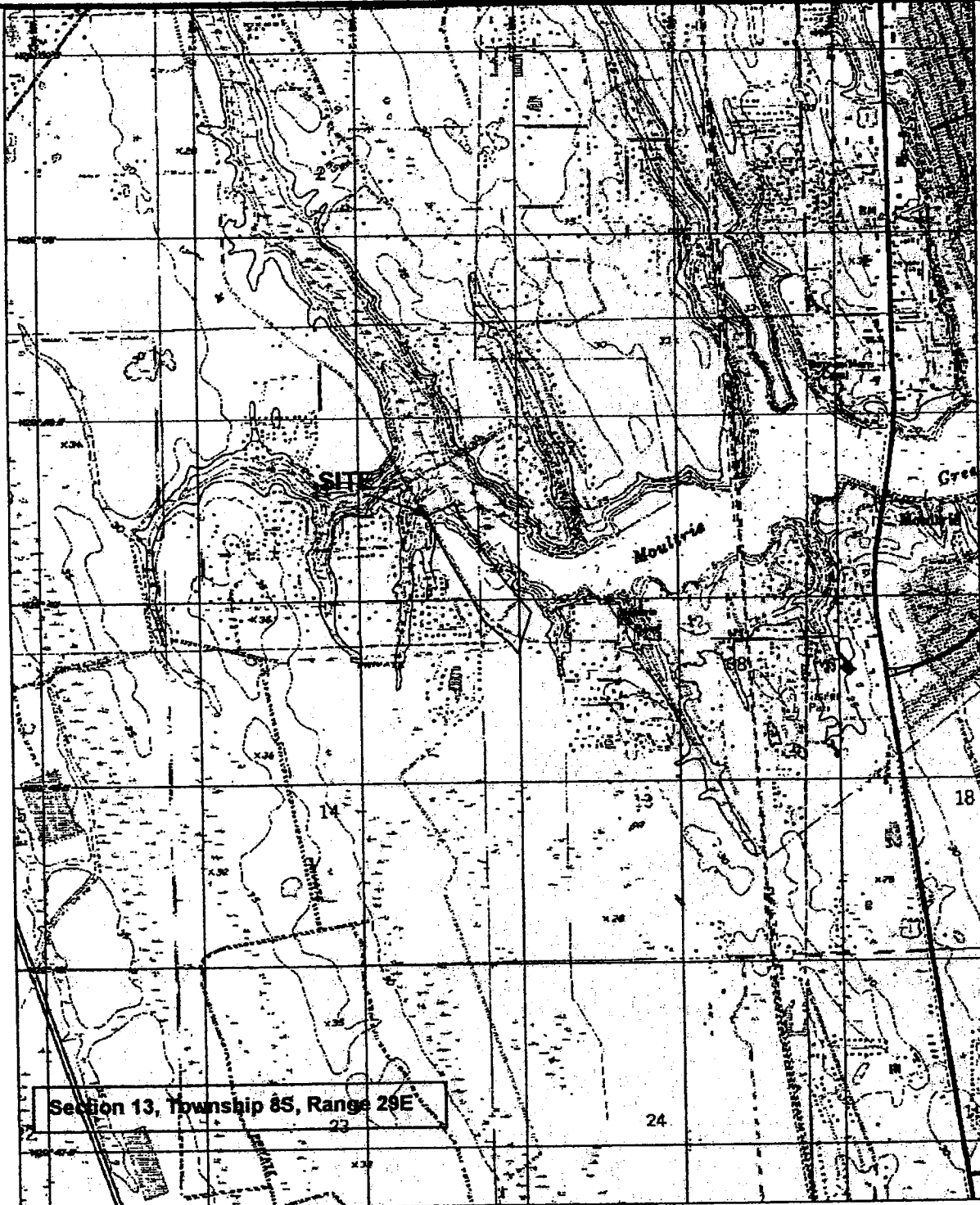


DeLORME ©2002 DeLorme (www.delorme.com). Street Atlas USA® 2003.



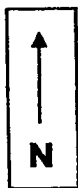
**FIGURE 1**  
**Site Location Map**  
**Wildwood Drive Site**  
**St. Johns County, Florida**  
 Source: DeLorme Street Atlas 2003

**KENDALE LAND DEVELOPMENT, INC.**  
 4501 Beverly Avenue  
 Jacksonville, FL 32210  
 Tel. (904) 384-8964  
 Fax (904) 384-8889



**Figure 2**  
**Topographic Quadrangle**  
**Wildwood Drive Site**  
**Duval County, Florida**  
 Source: DeLorme 3-D TopoQuads

**KENDALE LAND DEVELOPMENT, INC.**  
 4501 Beverly Avenue  
 Jacksonville, FL 32210  
 Tel. (904) 384-6964  
 Fax (904) 384-6889



**Figure 3**  
**Soil Survey**  
**Wildwood Drive Site**  
**St. Johns County, Florida**  
Source: National Resources Conservation Service

**KENDALE LAND DEVELOPMENT, INC.**  
4501 Beverly Avenue  
Jacksonville, FL 32210  
Tel. (904) 384-6964  
Fax (904) 384-6889

**Wildwood Plantation PUD - GT Habitat Map**  
**App. No. PUD/PRD PA2004000054**

0 500 1000 Feet





4501 Beverly Avenue ■ Jacksonville, FL 32210 ■ (904) 384-6964 ■ Fax: (904) 384-6889 ■ Email: Land@kendale.net

April 20, 2005

Mr. Rick McCann  
Florida Fish and Wildlife Conservation Commission (FFWCC)  
Office of Environmental Services  
620 South Meridian Street  
Tallahassee, FL 32399-1600

**Re: Proposed Wildwood Plantation S/D, 64± Acre Site  
Gopher Tortoise Incidental Take Permit Application**

Dear Mr. McCann:

This letter is written to apply for a Gopher Tortoise Incidental Take Permit from the FFWCC. The FFWCC publication titled Gopher tortoise incidental take permits states: *Requests for incidental take permits are submitted in letter form. An application must include the following information:*

1. *the name (corporate or individual) and mailing address (street address, instead of post office box) of the applicant, with a notation as to whose attention an issued incidental permit would be sent;*

Kendale Land Development, Inc.  
Attn: Michael O. Burrell  
4501 Beverly Avenue  
Jacksonville, FL 32210

2. *and address or description of the proposed development site location, including its range, township and section, preferable to the quarter section for smaller sites, and the identification of the adjacent streets of other prominent development features;*

Please find attached a site location map identifying streets adjacent/proximate to the site. The site is located in Section 16, Township 1S, Range 26E.

3. *a copy of the gopher tortoise survey methods and results for the proposed project area;*

Please find attached a habitat map. Using various map sources and ground reconnaissance, the entire site was investigated for potential GT habitat. The potential habitat areas were estimated on an aerial for more intensive survey methods. The potential habitat areas were surveyed by walking 50' parallel transects. Each active, inactive, and abandoned burrow was marked in the field and recorded with a backpack GPS with sub-meter accuracy. The burrow locations were then overlaid onto a color infrared aerial to more accurately estimate the limits of the gopher tortoise habitat in order to calculate the densities of the areas. The number of active and inactive burrows was multiplied by the correction factor of 0.614. The calculations are as follows:

GTH-1 (Gopher Tortoise Habitat-1): 5 total active/inactive burrows x 0.614 (burrow correction factor) = 3.07 burrows / 3.25 acres of estimated habitat = 0.95 tortoises/acre.

All areas identified as GT habitat meet or exceed the >0.8 tortoises/acre density, resulting in 25% of the proposed impacted habitat requiring mitigation acres or 0.81 acres (3.25 acres x 0.25 = 0.81 acres of mitigation). 0.81 acres x \$4,637.00 per acre = \$3,755.97. Attached is a check for that amount.

4. a description of how the applicant would accomplish the required compensatory tortoise habitat protection;

The applicant intends to purchase the appropriate acreage (0.81acres) of compensatory tortoise habitat protection from an FFWCC approved entity.

5. a general location map; and specific site boundary map which clearly delineates the proposed permit area boundaries (submitted in an 8 ½ inch by 11 inch, letter sized, format)\*; and

Please find attached a general location and a specific site boundary map which clearly delineates the proposed permit area boundaries.

6. proof of local government approval\*\*.


We are in the process of obtaining local government approval through St. Johns County. We will forward the documentation as soon as it becomes available.

\*Submittal of other site-specific information, including soils and vegetative communities maps, and aerial photographs, which would provide additional pertinent site information to the OES biologist processing the application, is encouraged.

\*\*The submitted local approval must be sufficient to allow the applicant to begin either clearing or grading work, or actual construction activities within the project site.

Should you have any questions, comments, or require additional information, please contact me at your earliest convenience on my cell phone at 904-813-5779.

Sincerely,  
Kendale Land Development, Inc.



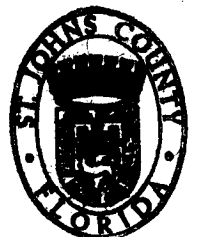
Michael O. Burrell  
Environmental Manager

Attachment(s)

Cc: Ms. Jan Brewer  
Planning Division  
St. Johns County Growth Management Services  
P.O. Drawer 349  
St. Augustine, FL 32085-0349

I HEREBY CERTIFY THAT THIS DOCUMENT  
IS A TRUE AND CORRECT COPY AS APPEARS  
ON RECORD IN ST. JOHNS COUNTY, FLORIDA  
WITNESS MY HAND AND OFFICIAL SEAL  
THIS 29<sup>th</sup> DAY OF September 20 05  
CHERYL STRICKLAND, CLERK  
Ex-Officio Clerk of the Board of County Commissioners

BY: Lynne King D.C.





AUG 24 2005

**THE ST. AUGUSTINE RECORD**

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

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**  
who on oath says that he is an Accounting Clerk of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being **NOTICE OF HEARING**  
in the matter of **PUD 05-15 WILDWOOD**  
was published in said newspaper in the issues of  
**AUGUST 22, 2005.**

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

Sworn to and subscribed before me this **22ND** day of **AUGUST, 2005.**

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

*Patricia A. Bergquist*



Patricia A. Bergquist  
My Commission DD276991  
Expires December 18, 2007

(Signature of Notary Public)

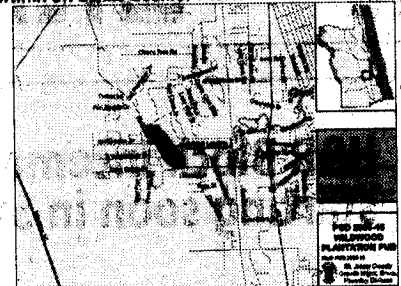
(Seal)

PATRICIA A. BERGQUIST

COPY OF ADVERTISEMENT

**NOTICE OF A PROPOSED REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, September 6, 2005 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone from Open Rural (OR), to Planned Unit Development (PUD). The subject property is located at 750 Wildwood Drive within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS**  
ST. JOHNS COUNTY, FLORIDA  
BRUCE A. MAGUIRE, CHAIRMAN  
FILE NUMBER: PUD 2005-13  
Wildwood Plantation PUD  
L2065-5 Aug 22, 2005