7			AGEN Plannin	DA ITEN g & Zoni		
			N	eeting		
			2/1/2024			
			MEETING DAT	Έ		
	-	ng Board Members		DATE:		y 24, 2024
FROM:	l eresa Bishe	op, Planning Manag	iger		PHONE:	904 209-0581
SUBJECT OR	TITLE:	MAJMOD 2023-0	03 Marsh Landing Golf Course	Lots		
AGENDA TY	PE:	Ex Parte Commu	unication, Recommendation, R	eport		
PRESENTER:		Gary Davenport	t, PA			
BACKGROU	ND INFORMA	ATION:				

Request for a Major Modification to the Players Club/Marsh Landing PUD, Ordinance No. 1975-15, as amended, to accommodate the development of four residential dwelling units on land formally part of the golf course. The property is located on Linkside Boulevard and Kingfisher Drive within the Marsh Landing PUD.

#### SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to recommend approval of MAJMOD 2023-03 Marsh Landing Golf Course Lots, based on six (6) findings of fact, as provided within the Staff Report.

Motion to recommend denial of MAJMOD 2023-03 Marsh Landing Golf Course Lots, based on seven (7) findings of fact, as provided within the Staff Report.



То:	Planning and Zoning Agency
From:	Teresa Bishop, AICP, Planning Manager
Date:	January 24, 2024
Subject:	<b>MAJMOD 2023-03 Marsh Landing Golf Course Lots,</b> request for a Major Modification to the Players Club/Marsh Landing PUD, Ordinance No. 1975-15, as amended, to accommodate the development of four residential dwelling units on land formally part of the golf course. The property is located on Linkside Boulevard and Kingfisher Drive within the Marsh Landing PUD.
Applicant:	Gary B. Davenport, PA
Owner:	ML Partnership
Hearing date:	Planning and Zoning Agency – February 1, 2024 Board of County Commissioners – March 5, 2024
Commissioner District:	District 4

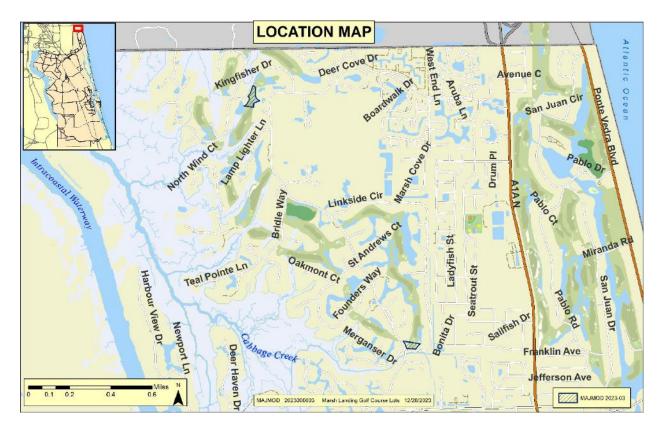
#### SUGGESTED MOTION/ACTION:

APPROVE: Motion to recommend approval of MAJMOD 2023-03 Marsh Landing Golf Course Lots, based on six (6) findings of fact, as provided within the Staff Report.

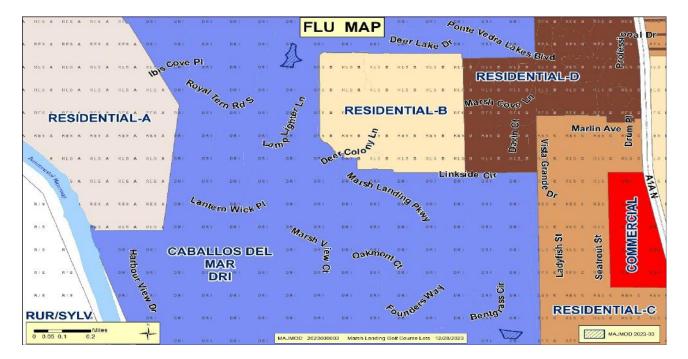
DENY: Motion to recommend denial of MAJMOD 2023-03 Marsh Landing Golf Course Lots, based on seven (7) findings of fact, as provided within the Staff Report.

# **MAP SERIES**

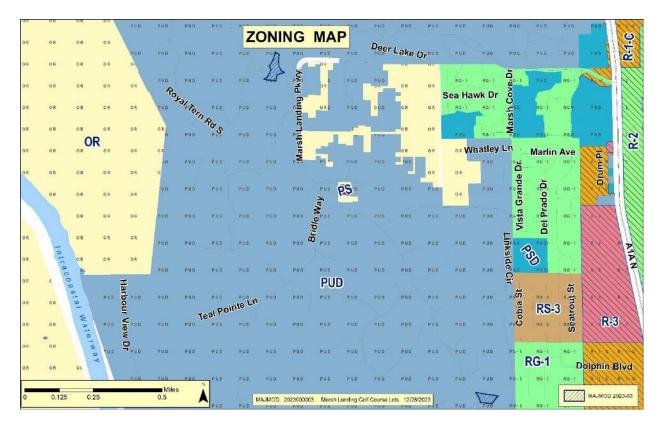
**Location:** The subject properties are located on the northside of Linkside Boulevard and along the eastern side of Kingfisher Drive.



**Future Land Use:** The subject property and the surrounding area are designated Caballos Del Mar DRI on the Future Land Use Map.



**Zoning District:** The subject property and the immediate surrounding area are zoned PUD. There are pockets of Open Rural (OR) property located to the east of Kingfisher Drive and further east, along A1A, is a mixture of residential and commercial zoning districts.



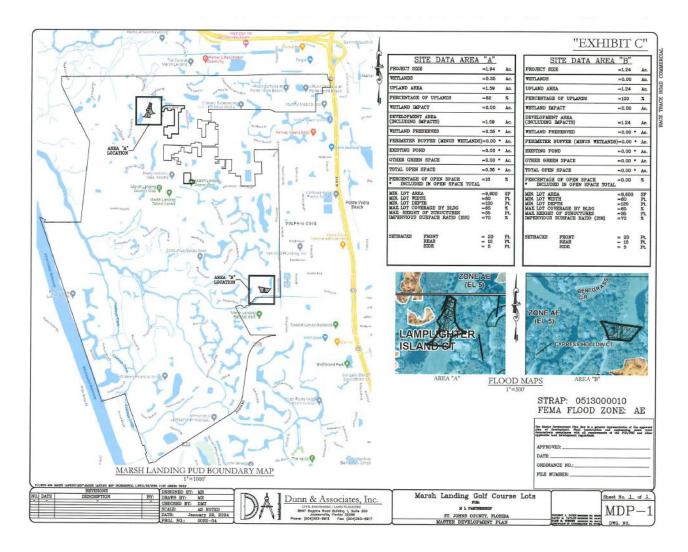
**Aerial Imagery:** The subject property consists of two separate parcels, created in August 2023, on land previously used as golf course. The surrounding area is comprised of single family residential, open space and golf course. Wetlands, associated with the Intracoastal Waterway are located further to the west.

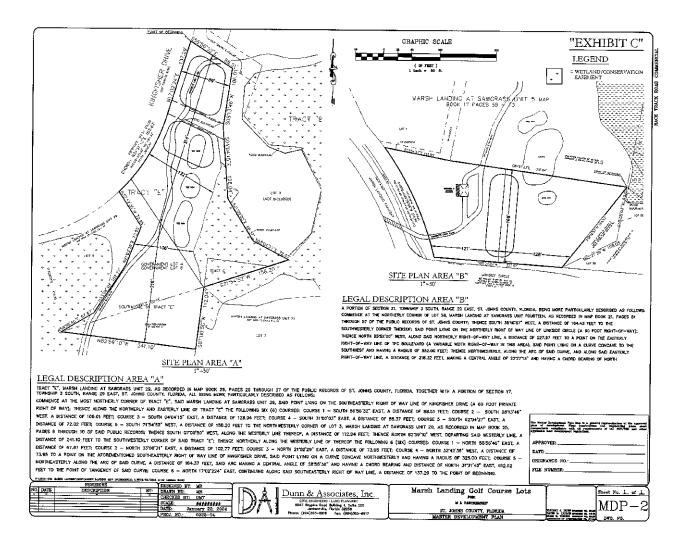


#### **APPLICATION SUMMARY**

The applicant is requesting a Major Modification to the Marsh Landing PUD, Ordinance No. 1975-15, as amended, to allow for four dwelling units on property formally used as golf course.

### **Proposed MDP Map:**





#### Waivers:

The applicant has requested one waiver to Land Development Code (LDC), Section 5.03.03.E.1., which requires five (5) acres of active recreation per one thousand (1,000) design population pro rata with one (1) acre minimum (except for Development Parcels less than ten (10) acres in size). The applicant justifies this waiver by providing the Major Modification will only allow for four dwelling units.

Staff notes, the Caballos Del Mar Development of Regional Impact (DRI) was approved prior to the Comprehensive Plan and Land Development Code, which requires a recreation Level of Service of five acres per 1,000 population of community recreation. The DRI allows for the golf courses to serve as recreation and in addition, the DRI has set aside over 400 acres of lands that serve as passive recreation. The removal of 3.18 acres of golf course does not appear to impact the required recreation. Further, the DRI has unbuilt units that were calculated into the original overall total for recreation.

Minimum Lot Area	9,600 square feet
Minimum Lot Width (Linkside)	80 feet
Minimum Lot Width (Kingfisher)	25 feet due to lot shape and road curvature
Maximum Lot Coverage by all Buildings	65 percent
Maximum Impervious Surface Ratio (ISR)	70 percent

#### **Development Standards:**

Setbacks	Front – 20 feet
	Side - 5 feet
	Rear 10 - feet
Maximum Height	35 feet
Parking	2 spaces per dwelling unit outside of right-of-way
	via garage or paved driveway

# **APPLICABLE REGULATIONS**

#### LDC, Section 5.03.05 Changes in Approved Planned Unit Developments

Changes to approved PUDs may be made in one of three (3) ways: Small Adjustments, Minor Modifications and Major Modifications. The County Administrator is authorized to approve Small Adjustments in the approved plans of PUD districts, as long as they are in harmony with the originally approved PUD district, but shall not have the power to approve changes that constitute a Minor Modification or a Major Modification. A Minor Modification shall require approval by the Planning and Zoning Agency pursuant to the requirements of Section 9.06.04 of this Code. A Major Modification shall require approval of the Board of County Commissioners and shall be handled in the same manner as the original approval pursuant to Section 9.06.04 of this Code.

#### C. Major Modification

The Board of County Commissioners may approve Major Modifications to approved PUDs, under the authority of these provisions upon application by the original Applicant or successors in interest, and upon making a finding that any of the following conditions are met:

1. The changes will result in an increase in density or intensity of Use, greater than two thousand (2,000) square feet of usable floor area, or an increase greater than ten (10) Dwelling Units, or an increase of more than five percent (5%) in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PUD. In no case shall the overall intensity or density be increased over the maximum allowed by the Comprehensive Plan;

2. The changes will result in an increase in Structure height;

3. The changes will result in an addition or deletion of a Use from the specifically approved PUD Uses. Requests to allow a Special Use referenced in Section 2.03.00 on an individual Parcel may be processed as a Minor Modification. Such requests shall adhere to the criteria within Section 2.03.00. Deviations to the criteria may be considered as part of the Minor Modification application in accordance with the Land Development Code. Requests to allow for Special Uses within the entire PUD district shall be processed as a Major Modification.

4. The changes will result in a decrease in required Yards by more than ten percent (10%) other than for a single residential Lot;

5. The changes will result in an increase in the area allocated to any land Use type, except open space/recreation area, by more than five percent (5%);

6. The changes will result in a change to the location, number, or type of pedestrian or vehicular accesses, unless reconfiguration of internal pedestrian or vehicular accesses is determined by the County Administrator to be of a minor nature that may be approved as a Minor Modification;

7. The changes will result in an increase in traffic generation by more than five percent (5%);

8. The changes will result in a change in the location of specific land Use(s) by more than ten percent (10%) of the total land area of the specific land Use(s); and

9. The change is an extension of more than one (1) year in the commencement or completion term of the PUD.

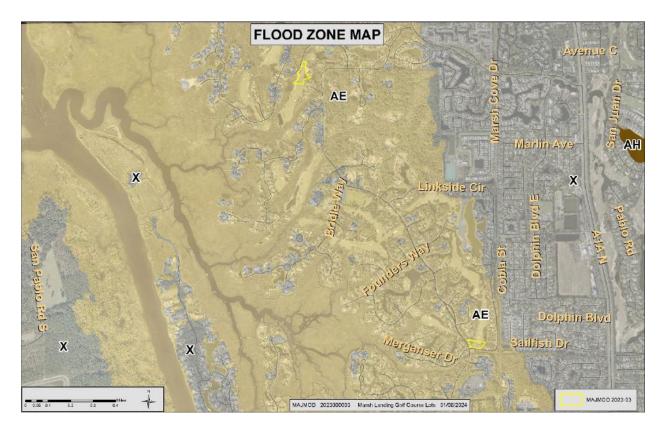
#### **DEPARTMENTAL REVIEW**

The Planning and Zoning Division has routed this request to all appropriate reviewing departments. There are no remaining open staff comments.

Office of the County Attorney Review: Major Modifications to Planned Unit Developments are handled in the same manner as the original approval and are considered rezonings. The Applicant bears the initial burden for approval of demonstrating that the proposed modification is a) consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and b) complies with the procedural requirements of the existing and current Land Development Code. The Agency/Board may approve or deny the application if there is competent substantial evidence that keeping the existing Master Development Plan (and therefore the prior PUD zoning approval) serves a legitimate public purpose. A legitimate public purpose in keeping the previous development may include that the modification/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.

<u>Technical Division Review:</u> In the case that the Major Modification is approved, 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 Federal, State, and local regulations. No construction will be authorized prior to compliance with all applicable regulations and permits.

During the review of this application, the applicant was made aware that there are numerous complaints from residents of Marsh Landing concerning stormwater management. Staff at both the County and the St. Johns River Water Management District have been involved with investigating the validity and remediation of the complaints, and to date no violations of code have been sent. In response the applicant provided in the MDP Text that: "Any onsite stormwater management system will be maintained by the Lot owner and any off site stormwater management system will be maintained by the Lot owner and any off site stormwater management system will be responsible for onsite retention of stormwater as shown on the MDP Map". County staff will review each lot at permitting for compliance with applicable Federal, State, regional, and local regulations. The subject property, Linkside Circle and Kingfisher, are within an AE Flood Zone. No construction will be authorized prior to compliance with all applicable regulations and permits.



The Marsh Landing PUD is within the Caballos del Mar DRI, which is exempt from concurrency pursuant to Section 11.08.04 of the Land Development Code for the amount of development approved in the DRI for the Marsh Landing PUD. County records reflect adequate entitlement in the Marsh Landing PUD is available to accommodate the proposed 4 single family units; therefore, the proposed modification remains exempt from concurrency.

#### Planning Division Review:

This is request for a Major Modification to the Players Club/Marsh Landing PUD, Ordinance No. 1975-15, as amended, to accommodate the development of four residential dwelling units on land formally part of the golf course. The subject property is located on Linkside Circle and Kingfisher Drive within the Marsh Landing PUD. The Linkside property is approximately 1.24 acres and the Kingfisher property is 1.94 acres. The applicant proposes two dwelling units on each property. According to the Property Appraiser Records, the two parcels were created in August 2023. Marsh Landing is part of the Caballos Del Mar DRI and is approved for 2,132 dwelling units; County records show approximately 1,060 units are constructed. There is sufficient entitled units available to accommodate the requested four units.

To address drainage concerns, the applicant has proposed stormwater ponds on both the Linkside and Kingfisher property, which may be shared between each dwelling unit. Currently, clearance sheets are not in review for development of the four dwelling units. The overall development of the two parcels each with two dwelling units appears consistent with the development pattern in the area. The area is designated Caballos Del Mar DRI on the Future Land Use Map and zoned Marsh Landing PUD, which allows for residential development. The surrounding area is developed with single family residential dwelling units.

		eempunem	<u> </u>		
Criteria	Subject Property	North	South	East	West
Current / Proposed Zoning	PUD	PUD	PUD	PUD	PUD and Open Rural (OR)
FLUM	Caballos Del Mar DRI	Caballos Del Mar DRI	Caballos Del Mar DRI	Caballos Del Mar DRI	Caballos Del Mar DRI, Rural/Silviculture
Current / Proposed Use	Golf Course/ Single Family Residential	Golf Course/ Single Family Residential	Golf Course/ Single Family Residential	Golf Course/ Single Family Residential	Golf Course/ Single Family Residential, Wetlands associated with Intracoastal Waterway

#### **Compatibility Analysis**

### **PHONE CALLS/CORRESPONDENCE**

Staff has received several phone calls and correspondence with this request. The majority of the concern is flooding, drainage, loss of open space, and loss of community character within Marsh Landing. Written correspondence is included in this staff report.

# **FINDINGS OF FACT/ACTION**

Staff provides six (6) findings of fact to recommend approval, and seven (7) findings of fact to recommend denial of the requested Major Modification. These findings may be subject to other competent substantial evidence provided during the quasi-judicial public hearing.

# ATTACHMENTS

- 1. Recorded Documents Section
- 2. Application and Supporting Documents





_	s of Fact Landing Golf Course Lots
APPROVE	DENY
<ol> <li>The request for a Major Modification has been</li></ol>	<ol> <li>The request for a Major Modification has been</li></ol>
fully considered after public hearing pursuant to the	fully considered after public hearing pursuant to the
legal notice as required by Florida law and the St.	legal notice as required by Florida law and the St.
Johns County Land Development Code. <li>The request is consistent with the goals,</li>	Johns County Land Development Code. <li>The request is not consistent with the goals,</li>
objectives and policies of the 2025 St. Johns County	objectives and policies of the 2025 St. Johns County
Comprehensive Plan.	Comprehensive Plan.
3. The request is consistent with Part	3. The request is not consistent with Part
5.03.05.C of the St. Johns County Land	5.03.05.C of the St. Johns County Land
Development Code, which provides conditions for	Development Code, which provides conditions for
Major Modifications to approved PUDs.	Major Modifications to approved PUDs.
4. The request is consistent with Part	4. The request is not consistent with Part
5.03.00 of the St. Johns County Land Development	5.03.00 of the St. Johns County Land Development
Code, which provides standards for Planned Unit	Code, which provides standards for Planned Unit
Developments and with the General Standards of	Developments and with the General Standards of
Section 5.03.02 with respect to (B) location, (C)	Section 5.03.02 with respect to (B) location, (C)
minimum size, (D) compatibility, and (E) adequacy	minimum size, (D) compatibility, and (E) adequacy
of facilities.	of facilities.
5. The modification to the Master Development	<b>5.</b> The modification to the Master Development
Plan Map and Text meets all requirements of	Plan Map and Text does not meet all requirements
Section 5.03.02.G of the St. Johns County Land	of Section 5.03.02.G of the St. Johns County Land
Development Code.	Development Code.
6. The request is consistent with Policy A.1.3.11 of the 2025 St. Johns County Comprehensive Plan in that it does not adversely affect the orderly development of St. Johns County and is compatible with the development trends of the surrounding area.	<ul> <li>6. The request is not consistent with Policy</li> <li>A.1.3.11 of the 2025 St. Johns County</li> <li>Comprehensive plan in that it adversely affects the orderly development of St. Johns County and is not compatible with the development trends of the surrounding area.</li> <li>7. Consistent with <i>Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469,</i> the Board finds a legitimate public purpose in keeping the existing zoning.</li> </ul>

# BEGIN DOCUMENTS TO BE RECORDED

ORDINANCE NO. 2024 - \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING MAJOR Α MODIFICATION TO THE PLAYERS CLUB/MARSH LANDING **PLANNED** UNIT **DEVELOPMENT.** ORDINANCE NUMBER 1975-15, AS AMENDED; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE: REOUIRING **RECORDATION:** AND **PROVIDING FOR AN EFFECTIVE DATE.** 

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

WHEREAS, the development of lands within this Major Modification shall proceed in accordance with the application dated January 27, 2023, in addition to the supporting documents and statements from the applicant which are a part of file MAJMOD 2023-03 Marsh Landing Golf Course Lots, for an amendment to the Players Club/Marsh Landing PUD, Ordinance Number 1975-15, as amended and as approved by the Board of County Commissioners, and incorporated into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below special provisions of this Ordinance, the below described provisions shall prevail.

**SECTION 1.** That development of lands, made part hereof as Exhibit "A" (Legal), within the PUD, shall proceed in accordance with Ordinance Number 1975-15, as amended, including the Application for Major Modification and attached hereto and made a part hereof as Exhibit "B" (MDP Text), and Exhibit "C" (MDP Map).

**SECTION 2.** That the need and justification for modification of the PUD has been considered in accordance with Section 5.03.05.C of the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby:

- 1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
- 2. As modified, the PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
- 3. As modified, the PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
- As modified, the PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location; (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
- 5. The Master Development Plan Text and Map for the PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.

6. As modified, the PUD is consistent with Policy A.1.3.11 of the 2025 St. Johns County Comprehensive Plan in that it does not adversely affect the orderly development of St. Johns County and is compatible with the development trends of the surrounding area.

**SECTION 3**. That all other provisions of Ordinance 1975-15, as amended, not in conflict with the provision of this Ordinance, shall remain in full force and effect.

**SECTION 4.** Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or special use shall be prohibited except where allowed by the Land Development Code. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, comprehensive plan or any Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

**SECTION 5.** 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 6.** That the terms of this modification to the PUD shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

**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.

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 & Comptroller

BY: \_\_\_\_\_

**Deputy Clerk** 

Effective Date: \_\_\_\_\_

#### **EXHIBIT A - LOT AT KINGFISHER DRIVE**

TRACT "E", MARSH LANDING AT SAWGRASS UNIT 29, AS RECORDED IN MAP BOOK 29, PAGES 29 THROUGH 37 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHERLY CORNER OF TRACT "E", SAID MARSH LANDING AT SAWGRASS UNIT 29, SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF KINGFISHER DRIVE (A 60 FOOT PRIVATE RIGHT OF WAY); THENCE ALONG THE NORTHERLY AND EASTERLY LINE OF TRACT "E" THE FOLLOWING SIX (6) COURSES: COURSE 1 - SOUTH 56°56'32" EAST, A DISTANCE OF 88.51 FEET; COURSE 2 - SOUTH 08°13'46" WEST, A DISTANCE OF 106.01 FEET; COURSE 3 - SOUTH 04°04'15" EAST, A DISTANCE OF 128.04 FEET; COURSE 4 - SOUTH 31°00'03" EAST, A DISTANCE OF 88.37 FEET; COURSE 5 - SOUTH 62°04'27" EAST, A DISTANCE OF 72.02 FEET; COURSE 6 - SOUTH 71°54'52" WEST, A DISTANCE OF 158.20 FEET TO THE NORTHWESTERLY CORNER OF LOT 3, MARSH LANDING AT SAWGRASS UNIT 20, AS RECORDED IN MAP BOOK 25, PAGES 8 THROUGH 10 OF SAID PUBLIC RECORDS; THENCE SOUTH 07°00'50" WEST, ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 112.94 FEET; THENCE NORTH 82°59'10" WEST, DEPARTING SAID WESTERLY LINE, A DISTANCE OF 241.10 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT "E"; THENCE NORTHERLY ALONG THE WESTERLY LINE OF THEREOF THE FOLLOWING 6 (SIX) COURSES: COURSE 1 - NORTH 58°56'46" EAST, A DISTANCE OF 67.87 FEET; COURSE 2 - NORTH 33°08'31" EAST, A DISTANCE OF 102.77 FEET; COURSE 3 - NORTH 21°02'29" EAST, A DISTANCE OF 73.95 FEET; COURSE 4 - NORTH 32°42'36" WEST, A DISTANCE OF 73.95 TO A POINT ON THE AFOREMENTIONED SOUTHEASTERLY RIGHT OF WAY LINE OF KINGFISHER DRIVE, SAID POINT LYING ON A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 325.00 FEET; COURSE 5 - NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 164.37 FEET, SAID ARC MAKING A CENTRAL ANGLE OF 28°58'38" AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 31°31'43" EAST, 162.62 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE 6 - NORTH 17°02'224" EAST, CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 137.29 TO THE POINT OF BEGINNING.

#### **EXHIBIT A - LOT AT LINKSIDE CIRCLE**

A PORTION OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHERLY CORNER OF LOT 58, MARSH LANDING AT SAWGRASS UNIT FOURTEEN, AS RECORDED IN MAP BOOK 21, PAGES 51 THROUGH 57 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE SOUTH 38°16'57" WEST, A DISTANCE OF 184.43 FEET TO THE SOUTHWESTERLY CORNER THEREOF; SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF LINKSIDE CIRCLE (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 85°52'00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 227.97 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF TPC BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY IN THIS AREA), SAID POINT LYING ON A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 552.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE. AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE. A DISTANCE OF 216.32 FEET, MAKING A CENTRAL ANGLE OF 22°27'13" AND HAVING A CHORD BEARING OF NORTH 24°29'09" WEST AND A CHORD DISTANCE OF 214.94 FEET TO THE SOUTHWEST CORNER OF LOT 1, MARSH LANDING AT SAWGRASS UNIT FIVE AS RECORDED IN MAP BOOK 17, PAGES 69 THROUGH 73, OF SAID PUBLIC RECORDS; THENCE SOUTH 78°54'47" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 118.06 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 81°57'33" EAST, A DISTANCE OF 318.04 FEET TO THE AFORESAID NORTHERLY CORNER OF LOT 58, MARSH LANDING AT SAWGRASS UNIT FOURTEEN AND TO THE POINT OF BEGINNING.

# Exhibit "B" MASTER DEVELOPMENT PLAN TEXT

# a. Description

This Master Development Plan Text is proposed on behalf of the Applicant, ML Partnership, to request approval of a project known as Marsh Landing Golf Course Lots. Although the project is entirely located within the already-approved Caballos Del Mar DRI and Marsh Landing/Players Club PUD as approved by Ordinance No. 1975-15, this Master Development Plan Text has been provided to set forth the new Plan of Development specifically related to this 4 lot project .

This request is specifically related to the project, which is an approximately 3.18 total acres in 2 parcels of land (1.24 acres on Linkside and 1.94 acres on Kingfisher) located as shown on the attached MDP Map and a small part of St Johns County Property Appraiser parcel identification number 0513000010 ("the Development Parcel").

The Development Parcel is currently a part of the Marsh Landing golf course. The proposed modification to the Project entails converting 2 small portions of the golf course to Residential to accommodate the development of 4 single-family detached units, as set forth herein and as shown on the .proposed. Master Development Plan Map attached to the Application as Exhibit C (the "MDP Map"). Access to the Project will be from existing internal Marsh Landing roads as shown on the MDP Map.

Given the Project's location within the DRI/PUD and this area of Ponte Vedra and St. Johns County, the Property's adopted Future Land Use designation of DRI and the existing adjacent and surrounding residential developments and infrastructure, the project is compatible with the area and does not promote urban sprawl. It complies with the St. Johns County ·Land Development Code (the "LDC") and the comprehensive Plan.

It is the Applicant's intent to implement Low Impact Development principles, where feasible, that may include lowering irrigation usage, proposing native plant material for planting areas, and reducing filled areas. The specific Low Impact Development Principles implemented will be determined at the Applicant's discretion at the time of development.

#### b. Total Number of Acres.

There are approximately 3.18 acres within the Project..

#### c. Total Number of Wetland Acres.

There are a total of .26 acres of wetlands within the Development Parcel

### d. Development Area. and Land Use Summary

There are approximately 3.18 acres within the Project which will be solely developed with 4 residential lots.

# e. Total Residential Units and Density.

The Project may be developed with 4 detached single-family units. The gross density for the project is 1.26 units per acre and the net density is 1.36 units per upland acre.

The total projected population of the proposed Project is 10 residents (4\*2.44=9.76) with approximately 3 school age children (4\*0.35=1.4)..

Student Level	Percentage of Total Students	Projected Students
Elementary	45%-	1
Middle	24%	1
High	31%	1

#### f. Square Footage and Intensity of Non-Residential Development.

The Project will be limited to detached single family residential development only.

#### g. <u>Design Criteria</u>

The proposed development will adhere to the following site development standards:

- *1. Residential Development:* The Project shall be developed with 4 detached single family residential homes.
- 2. *General Residential Setbacks:* Except for lots adjacent to Marsh Landing Parkway, the setbacks for all single-family.residential structures shall be

as follows:

Front:	20'
Side:	5'
Rear:	10'

Setbacks shall be measured per Section 6.01.03 of the Land Development Code.. There shall be no projections allowed within the 5' side yard in accordance with LDC Section 5.03.03.B.1.b. All other projections into front and rear yards shall be allowed in accordance with LDC 6.01.03.H. All structures shall have a minimum separation of 10 feet measured from the furthest projection of the structure to the furthest projection of any other structure. If this separation cannot be maintained, then all structures must be protected with an automatic fire system designed and installed in accordance with NFPA 13 or the required fire hydrants shall be capable of providing an

additional five hundred (500) gpm for two (2) hours. Such fire flow shall be in addition to that required by NFPA 1, Chapter 18.

- 3. *Minimum Lot Area:* The minimum residential single family lot area shall be 9,600 square feet.
- 4. *Minimum Lot Width:* The minimum residential single-family lot width shall be 80 feet. The minimum lot frontage on the Kingfisher lots shall be 25' due to the lot shape and road curvature. On these lots the front setback shall be the point where the minimum lot width is achieved or the General front setback above, whichever is greater.
- 5. *Maximum Coverage of Lots by Buildings:* Maximum Lot Coverage by Buildings shall be 65% on individual lots and 35% on a Project wide basis.
- 6. *Maximum Impervious Surface Ratio (ISR):* The maximum ISR for the Project shall be 70%.
- 7. *Parking:* Each single-family unit shall provide at least two parking spaces outside of the right-of-way via garage parking or on 'a paved driveway. Sufficient parking to serve any model home(s) will be located outside of the

right-of-way within the driveway of the model home(s) and/or on adjacent lots/stabilized areas.

- 8. *Building Height:* The maximum building height for residential structures shall be thirty-five (35) feet.
- 9. Accessory Structures: Accessory Structures shall be allowed as per Section 2.02.04 of the LDC. Detached Accessory Structures (other than guest houses) may be located in a required side or rear yard but not less than five (5) feet from any lot line for those lots adjacent to Marsh Landing Parkway, no structure taller than six feet (6') in height that is visible from Marsh Landing Parkway may be located within the rear yard except those uses allowed in Section q.2 below. Air conditioning, heating units and pads, and emergency electrical generators and fuel systems designed to serve the main structure may be located in any required side or rear yard but no less than five (5) feet from any lot line. There shall be no swimming pool, pool deck pool enclosure, air conditioning equipment, electrical equipment, or masonry wall/fence located within the boundaries of any underground utility or drainage easement Street lighting shall be allowed and be constructed in accordance with the LDC.
- 10. *Signage:* No permanent project signs shall be located within the development
  - 11. *Construction/Temporary Signs:* Temporary signage shall be allowed within the · Project in accordance with Section 7.02.00 of the LDC.

# h. Infrastructure

The infrastructure to serve the Project will consist of minor drainage facilities, .water and sewer, fire protection, and solid waste collection as follows\_:

- 1. *Vehicular Access:* Access to the development is from internal Marsh Landing roads. Two lots will directly access Linkside and 2 lots will directly access Kingfisher..
- 2; *Internal Access:* The Applicant's intent is to provide internal access to all residential lots with existing private roads that are gated.
- 3. *Pedestrian Access:* The existing directly accessed roads of Kingfisher and Linkside do not have sidewalks. Other pedestrian access exists with the

Marsh Landing PUD

- 4. •• *Interconnectivity:* No interconnectivity to adjacent development is feasible due to the existing residences, golf course or wetland systems surrounding the project.
- 5. *Recreation:* No new recreation is proposed. Existing recreation within the Marsh Landing PUD may be utilized.
- 6. *Open Space:* The existing PUD and DRI approvals require and ensure that open space requirements are met within the overall project.
- 7 *Drainage:* Any onsite stormwater management system will be maintained by the Lot owner and any offsite stormwater management system will remain to be managed by the Marsh Landing Property Owner's Association. Each lot owner shall be responsible for onsite retention of stormwater as shown on the MDP Map.
- 8 *Utilities:* Central water and sewer service shall be provided by the St. Johns County Utility Department (Ponte Vedra System).. All electrical and telephone lines will be installed underground on the site. Electric service will be provided by Jacksonville Electric Authority (JEA).
- 9 · Solid Waste: Solid Waste will be handled by the licensed franchisee in the area, with individual curbside pick-up. Based on an estimated generation of 5.7 pounds per resident, the Project's maximum solid waste generation is estimated at 22.8 · pounds per day (5.7 lb per day\* 2.44 residents per unit\* 4 units).
- 10. Fire Protection: Fire protection will be provided in accordance with the LDC.
- 11. *Clearing and grading, agricultural and silvicultural:* Excavation activities shall be shown on construction plans and shall be allowed within approved development areas (as defined by approval of construction plans) within the Project for the construction of the stormwater management system and pond, lots and other similar uses and structures in conjunction with the development of the Project, subject to applicable permitting requirements.If necessary, fill dirt may be brought onto the Project from off-site. Early land clearing and the excavation, deposit, stockpiling, and leveling of fill material removed from construction of the master drainage system and

road rights of way shall be allowed subject to permitting requirements of the County and the St. Johns River Water Management District. Prior to any early clearing activity, the developer shall provide to the County a tree inventory or tree survey of protected trees (as defined in the LDC) within the limits of the clearing. The developer will comply with applicable ·LDC provisions. The developer shall mitigate for any protected trees to be removed by such early clearing activities as required under the LDC.

Landscaping requirements of the LDC within individual lots shall be the responsibility of the individual homeowner or builder.

### i. Water and Sewer.

A) Maximum of 4 residential dwelling units; 1,400 gallons per day of potable water (350 gallons per day\* 4 units).

B) Maximum of 4 residential dwelling units; 1,200 gallons per day of sanitary sewer (300 gallons per day\* 4 units).

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.

Utility connection points shall be installed as listed in the availability letter or as directed otherwise by the St. Johns County Utility Department to minimize impact to the existing infrastructure or to the existing level of service.

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

No improvements such as pavement, sidewalks, and/or concrete walks are to be placed on top of water and/or sewer pressurized mains unless otherwise approved by SJCUD. Landscaping trees and landscaping buffers shall be placed at a minimum of 7.5 feet away from the centerline of utility pipelines.

# j. <u>Soils.</u>

The soil survey for St. Johns County, Florida identifies the following 5 types of

soil within the property:

Linkside Parcel Tocoi 34 Manatee 22

<u>Kingfisher Parcel</u> Pamona 9 Myakka 3 Tisonia 67

A copy of the soils map prepared by the Project's environmental consultant, Ryan Carter reflecting the soils within the Project has been submitted with this application.

### k. <u>·Upland Forests and Wetlands.</u>

A FLUCFCS Map has been prepared by the Project's environmental consultant, Ryan Carter and has been submitted with this application. Based on the FLUCFCS map, the following classifications have been identified on the Property:

Linkside Parcel 182 Golf Course

<u>Kingfisher Parcel</u> 182 Golf Course 630 Wetland Forested Mix

#### I. Significant Natural Communities Habitat and Listed Species.

No known Significant Natural Communities Habitat or Listed Species have been observed on the Property.

#### m. Known or Observed Historic Resources.

Historic resources were evaluated in conjunction with the approval of the DRI. There are no known historic resources on the Property.

#### n. Buffering and Landscape

Landscaping and Irrigation: The development shall be subject to the landscaping and  $\cdot$  irrigation requirements of LDC Section 6.06.00.

As the lots are adjacent to other residential lots and portions of the golf course, no buffering is required.

#### o. Special Districts

The Property is located within the Palm Valley Overlay District; however, the Overlay provisions are not applicable to single family residential development.

#### p. Temporary Uses

Temporary signage shall be allowed within the Project and shall comply with LDC Section 7.02.00 and is provided for in Section g. of this MDP Text. Temporary construction and temporary sales trailers are allowed and may be placed on the site upon approval of the construction plans in the location(s) shown on the construction plans submitted for the Project. Temporary construction trailer(s) will be allowed to remain until completion of the construction of all homes and *must* be removed no later than thirty (30) days from approval of the certificate of occupancy for the last home.

Construction trailers and sales offices for sales of lots within the Project shall be allowed on-site and moved throughout the site as necessary. Pursuant to LDC Section 2.02.04.B.10, the Applicant will obtain all necessary permits prior to placement of construction or sales trailers. Sales trailers as well as sales offices shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC) including, but not limited to, an accessible route, accessible parking, and s1gnage.

#### q. Accessory Uses.

Standard residential accessory uses will be allowed within the building areas of the site, including, but not limited to: decks, patios, walkways, and sidewalks. Accessory uses and structures will be allowed as per the LDC, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of the structure. Accessory uses will be

specifically as follows:

- 1. Standard residential accessory uses will be allowed within the building area of the lots, including, but not limited to: decks, patios, pool, pool enclosures, storage
  - sheds, garages, workshops, and guest houses except as may be restricted or limited by the covenants, conditions and restrictions for the Project.
- 2. Residential accessory uses attached to the residence and pools will be subject to the same setbacks as the residence except for accessory uses, such as decks, patios, and pool enclosures including pool decking and gazebos, which may be constructed within the rear or side yard ·setbacks, provided a minimum of five (5) feet is maintained from the property boundary. For lots adjacent to Marsh Landing Parkway, no playsets, pool enclosures or other vertical structures that are over six feet in height and visible from Marsh Landing Parkway may be located within the required 20' setback to Pool decks and 4' high aluminum fences may be located within the 20' setback, in compliance with state and local pool safety regulations and requirements.
- 3. Exterior air conditioning units, water softeners, pool equipment and related heating/cooling units may be located.along the side or rear of the structures served, and may be included within the side or rear setback without violating the required setbacks except that the units shall be a minimum of five feet (5') from any property line. No air conditioning/heating/air handling units shall be located in any public or private drainage or underground utility easements.
- 4. Accessory uses, such as home offices, will be allowed in accordance with the requirements for residential districts stipulated within the LDC.
- 5. Fences  $\cdot$  on individual lots are allowed in accordance with the LDC.
- 6. No permanent structures shall be allowed within any public or private drainage or underground utility easement. Examples of permanent structures shall include, but are not limited to, building eaves, exterior air conditioning units or electrical equipment, buildings, footings, masonry fences, masonry walls, patios, and swimming pools.

#### r. <u>Phasing.</u>

The Applicant is proposing development of the Project in one five year phase.

Construction will be commenced within three years of the approval of this PUD modification application and will be completed within five years of commencement. Commencement shall be deemed as approval of construction plans and Completion shall be deemed as completion of horizontal improvements and County approval of the as-builts for those improvements. If no horizontal improvements are required completion shall be met by approval of platting.

# s. <u>Project Impact and Benefits.</u>

Justification for approval of this PUD modification application, when developed in accordance with the conditions stipulated within this MDP Text and imposed by the . adopting Ordinance, includes the following: ,:

- 1. The Project will not affect the orderly development of St. Johns County, as .embodied by the LDC. The Project is also consistent with-the density requirements . established in DRI/PUD. The proposed Project will be a benefit to the future occupants of the Project and to the residents of St. Johns County in that the County will be afforded strict control over a residential development within a desirable residential area.
- 2. The Project will fill an existing need for new housing in this location in Ponte Vedra and St. Johns County where existing infrastructure is in place to serve the Project and as such, does not promote urban sprawl.
- 3. The nature of use and development of the butting contiguous properties are similar and compatible with the proposed development on the Property.
- 4. The Project will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural.environment or to the development of adjacent properties or the neighborhood and will accomplish the objectives, standards, and criteria set forth in the LDC.
- 5. The conditions stipulated in the MDP and imposed by this Ordinance provide for strict regulation and maintenance of this Project.
- 6. When developed in accordance with the conditions stipulated by this Ordinance, the Project will maintain the standards of the area, complement the neighboring developments, and will be compatible with the desired future development of this area of Ponte Vedra.
- 7. The MDP will permit a creative approach to the development of the Property..

Moreover, the development will meet all requirements (including best management practices (BMPs) for water quality and quantity measures.

- 8. This Project allows for single-family development, which should not cause any public nuisance. A Homeowners/Property Owners Association will be formed to manage the development and will own, manage and maintain common areas (including the stormwater pond, buffers, landscaped areas etc.).
- 9. The design, character and. architectural style of the proposed development will result in a unified, cohesive, and compatible plan of development.
- 10. The Project is proposed to be designed in such a way as to preserve, buffer, enhance, and protect surrounding wetlands, preservation areas, and natural habitat. With the provision of adequate setbacks, fencing, walls, and landscaping, the development will also provide adequate buffering to any surrounding environmentally significant lands and adjacent residential development.

# t. <u>Waivers.</u>

LDC Section 5.03.03.E.1. The applicant is requesting a waiver from the requirement to provide a minimum of one acre of active recreation. This waiver is justified because the residential development is limited to 4 residential lots.. In addition, the combined acreage of the Project is only3.18 acres, which is a very small increment of the overall PUD and Caballos del Mar DRI. The existing PUD and DRI approvals require and ensure that recreation requirements are met within the overall project. The residents may participate in other active recreation amenities that are provided to residents within the PUD and the DRI.

# u. Binding all Successors and Assigns:

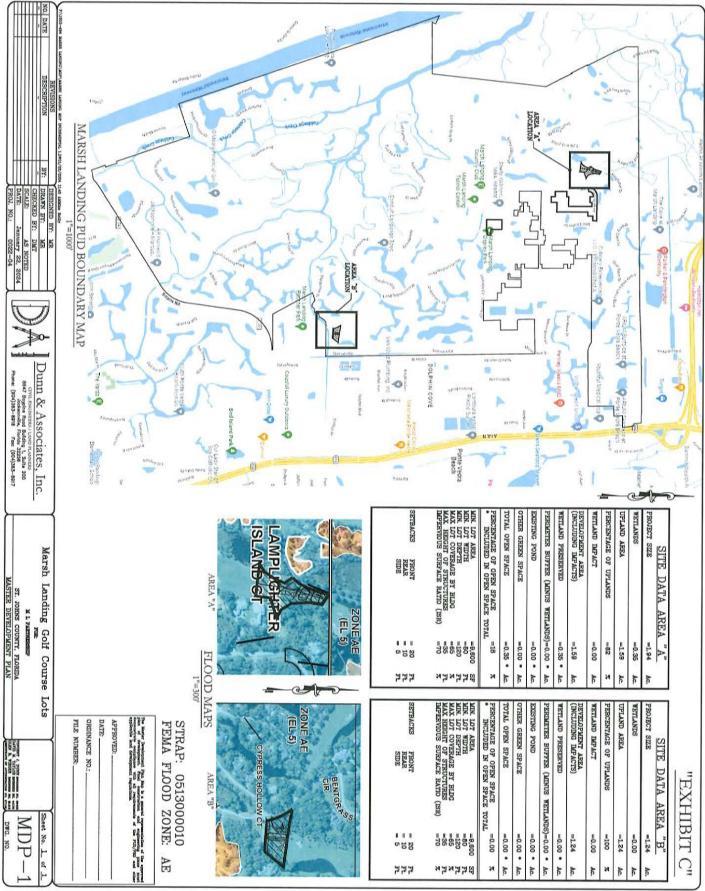
The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the MDP Ordinance as adopted by the St. Johns County Board of County Commissioners. The Applicant also agrees to comply with all conditions and safeguards established in this MDP.

# v. If designated as more than one Land Use.

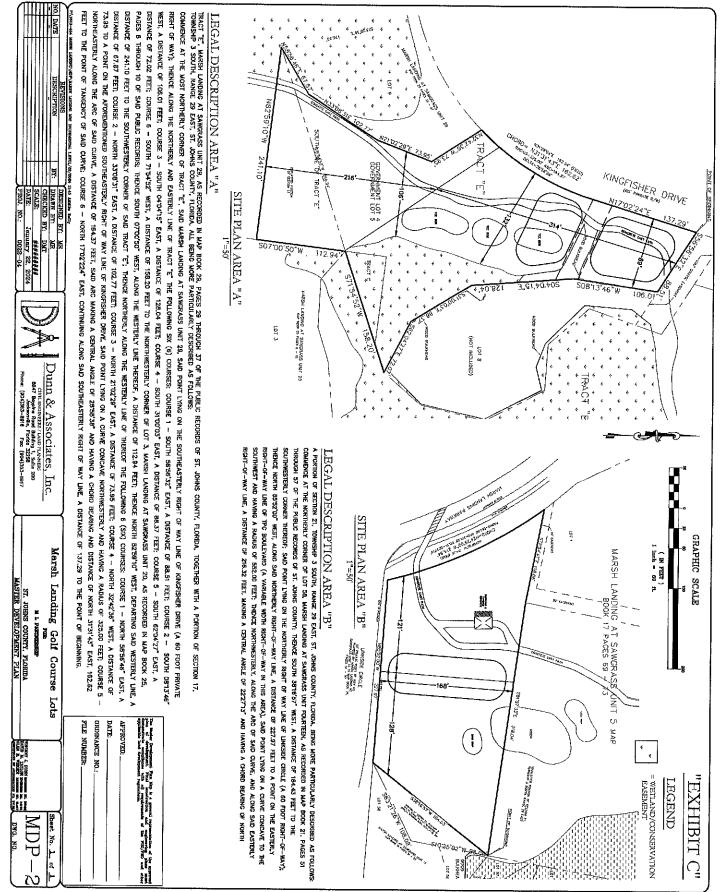
The entire property is located within a single Land Use under the Comprehensive

Plan, which is the Caballos Del Mar DRI.

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RACE TRACK ROAD COMMERCIAL



CIVIL ENGINEERS / LAND TLAVINERS 3847 Bepthe Rood Building 1, Suite 200 Sciences (904)383-8916 For (904)383-8917

ST. JOHNS COUNTY, FLORIDA MASTER DEVELOPMENT PLAN

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RACE TRACK ROAD COMMERCIAL

# END DOCUMENTS TO BE RECORDED

# APPLICATION AND SUPPORTING DOCUMENTS

Date       1/26/2023       Property Tax ID No       0513000010         Project Name       Marsh Landing Golf Course Lots         Property Owner(s)       ML Partnership       Phone Number         Address       Z5655 Marsh Landing Parkway       Fax Number         City       Ponte Vedra Bch       State       FL       Zip Code       32082       e-mail         Are there any owners not listed?       No       Yes       If yes please provide information on separate sheet         Applicant/Representative       Gary B Davenport PA       Phone Number       9046693         Address       212 S Shadowwood Dr       Fax Number       Fax Number         City       St Augustine       State       FL       Zip Code       32086       e-mail       garybdavenport@gmail.com         Property Location       Linkside Blvd and Kinglisher Dr, Marsh Landing       Major Access       Solana Rd       Size of Property       3.18       Cleared Acres (if applica)         Zoning Class       PUD       No. of lots (if applicable)       4       Overlay District (if applicable)       Proposed Bldg. S.F.         Project Description (use separate sheet if necessary)       Major Modification to Marsh Landing PUD to add 4 lots formerly part of the coll cores. The total property area is 3.18.       each lot will be at least half an acre. The modification will have mi	Application to	r: PUD/PRD Major Modific	ation	<u> </u>	
Property Owner(3)       ML Partnership       Phone Number         Address       25655 Marsh Landing Parkway       Fax Number         City       Ponte Vedra Bch       State       FL       Zip Code       32082       e-mail         Are there any owners not listed?       No       Yes       If yes please provide information on separate sheet         Applicant/Representative       Gary B Davenport PA       Phone Number       9046693         Address       212 S Shadowwood Dr       Fax Number       9046693         City       St Augustine       State       FL       Zip Code       32086       e-mail       garybdavenport@gmail.com         Property Location       Linkside Blvd and Kingfisher Dr, Marsh Landing       Major Access       Solana Rd       Size of Property       3.18       Cleared Acres (if applicable)         Water & Sewer Provider       SJCUD-PV       Future Land Use Designation       DRI         Project Description (use separate sheet if necessary)       Major Modification to Marsh Landing PUD to add 4 lots formerly part of the golf course.       Proposed Bldg. S.F.         Project Description (use separate sheet if necessary)       Major Modification to Marsh Landing PUD to add 4 lots formerly part of the golf course.       The total property area is 3.18         Project Description (use separate sheet if necessary)       Major Modification to M	Date 1/26/2023	Property Tax ID No	051300001	0	
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City Ponte Vedra Bch State FL Zip Code 32082 e-mail	Property Owner(s) ML Partnership		Phone N	lumber	
Are there any owners not listed? No Yes If yes please provide information on separate sheet Applicant/Representative Gary B Davenport PA Phone Number 9046693 Address 212 S Shadowwood Dr Fax Number City St Augustine State FL Zip Code 32086 e-mail garybdavenport@gmail.com Property Location Linkside Blvd and Kingfisher Dr. Marsh Landing Major Access Solana Rd Size of Property 3.18 Cleared Acres (if applica Zoning Class PUD No. of lots (if applicable) 4 Overlay District (if applicable) Water & Sewer Provider SJCUD-PV Future Land Use Designation DRI Project Description (use separate sheet if necessary) Major Modification to Marsh Landing PUD to add 4 lots formerly part of the golf course. The total property area is 3.18. each lot will be at least half an acre. The modification will have minimal impact on existing infrastructure and utilities. resulting lots remain within the limit permitted in the DRI. Please list any applications currently under review or recently approved which may assist in the review of this application	Address 25655 Marsh Landing Parkway		] Fax Nun	nber	
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Water & Sewer Provider       SJCUD-PV <ul> <li>Future Land Use Designation</li> <li>DRI</li> <li>Proposed Bldg. S.F.</li> <li>Project Description (use separate sheet if necessary)</li> </ul> Major Modification to Marsh Landing PUD to add 4 lots formerly part of the golf course. The total property area is 3.18 each lot will be at least half an acre. The modification will have minimal impact on existing infrastructure and utilities. The soulting lots remain within the limit permitted in the DRI.         Please list any applications currently under review or recently approved which may assist in the review of this application.					
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understand that reasonable inspections of the subject property may be made as part of the application review proces	Water & Sewer Provider SJCUD-PV Present Use of Property golf course Pro Major Modification to Marsh Landing PUD each lot will be at least half an acre. The n resulting lots remain within the limit permi Please list any applications currently under	ject Description (use separa to add 4 lots formerly part o odification will have minim itted in the DRI.	te sheet if no of the golf co nal impact on	Future Land Use Desig Proposed B ecessary) urse. The total property existing infrastructure a	area is 3.18 ac

Revised August 24, 2015



September 1, 2023

David Taylor, P.E. Dunn & Associates, Inc. 8647 Baypine Road, Suite 200 Jacksonville, FL 32256

#### RE: Water & Sewer Availability 147 Kingfisher Dr - SFU - UPDATE

VIA Email: dtaylor@dunneng.com

PIN(s): 051300 0010

Mr. Taylor:

This letter is to confirm that the St. Johns County Utility Department (SJCUD) will be able to meet the water and sewer plant capacity for two (2) single family homes with a total anticipated usage of 700 gallons per day (gpd) of water and 560 gpd of wastewater based on the conditions listed below. 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 Marsh Landing Water Treatment Plant (WTP) by connection to the existing 8" watermain along Kingfisher Dr. Existing service connections may be used contingent upon the Engineer of Record (EOR) demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development. The St. Johns County Fire Department should be contacted regarding fire flow requirements for the site and make provisions if the required flow is not available.

#### Point of Connection - Wastewater:

The wastewater capacity can be provided by the Marsh Landing Wastewater Treatment Plant (WWTP) by connection to the existing 8" gravity sewer along Kingfisher Dr. Existing service connections may be used contingent upon the EOR demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development.

#### Point of Connection - Reclaimed Water:

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

### General Conditions:

- 1. If the development consists of residential rental units and/or commercial space, the on-site utilities will be privately owned and SJCUD is not responsible for maintenance.
- 2. Water and sewer conveyance are not absolutely guaranteed until the proposed development is issued a Concurrency Certificate. At that time, the developer must meet and agree with the SJCUD regarding any necessary infrastructure upgrades to accommodate the proposed development without affecting the existing level of services to its customers.
- 3. The availability of capacity will expire 180 days from the date of this letter on **February 28, 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,

Tori Shoomakor

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



September 1, 2023

VIA Email: dtaylor@dunneng.com

David Taylor, P.E. Dunn & Associates, Inc. 8647 Baypine Road, Suite 200 Jacksonville, FL 32256

## RE: Water & Sewer Availability 285 Linkside Circle - SFU - UPDATE

PIN(s): 051300 0010

Mr. Taylor:

This letter is to confirm that the St. Johns County Utility Department (SJCUD) will be able to meet the water and sewer plant capacity for two (2) single family homes with a total anticipated usage of 700 gallons per day (gpd) of water and 560 gpd of wastewater based on the conditions listed below. 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 Marsh Landing Water Treatment Plant (WTP) by connection to the existing 12" watermain along Linkside Circle. Existing service connections may be used contingent upon the Engineer of Record (EOR) demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development. The St. Johns County Fire Department should be contacted regarding fire flow requirements for the site and make provisions if the required flow is not available.

### Point of Connection - Wastewater:

The wastewater capacity can be provided by the Marsh Landing Wastewater Treatment Plant (WWTP) by connection to the existing 8" gravity sewer along Linkside Circle. Existing service connections may be used contingent upon the EOR demonstrating to SJCUD that the current service connections can provide adequate capacity for the proposed development.

### Point of Connection – Reclaimed Water:

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

Compassionate

Trustworthy

Innovative

### General Conditions:

- 1. If the development consists of residential rental units and/or commercial space, the on-site utilities will be privately owned and SJCUD is not responsible for maintenance.
- 2. Water and sewer conveyance are not absolutely guaranteed until the proposed development is issued a Concurrency Certificate. At that time, the developer must meet and agree with the SJCUD regarding any necessary infrastructure upgrades to accommodate the proposed development without affecting the existing level of services to its customers.
- 3. The availability of capacity will expire 180 days from the date of this letter on **February 28, 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.

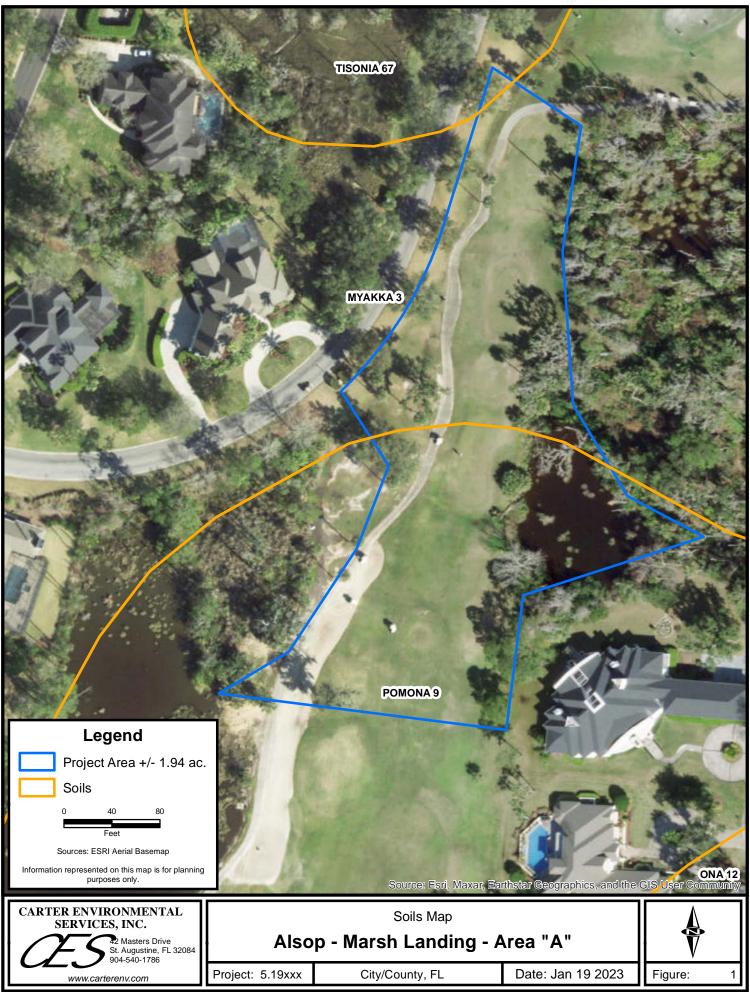
Sincerely,

Teri Shoemaker

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









pxu

Correspondence

January 21, 2024

Ms. Theresa Bishop St. Johns County Planning & Zoning Manager 4040 Lewis Speedway St. Augustine, Florida. 32084

File Number: MAJMOD-2023000003 Project Name: Marsh Landing Golf Course Lots

Dear Ms. Bishop:

My name is Reece Alford and my family and I reside at 304 Royal Tern Road South, Ponte Vedra Beach, FL 32082. I recently received an Adjacent Property Owner Notice for the proposed development of two additional homesites on Kingfisher Drive as detailed in the above-described project. Please accept this e-mail as notice of my family's strong objection to this project.

These proposed new homesites would be situated on property that has been part of a golf course and adjacent preserve area for over 30 years. This property currently presents as a beautiful, landscaped area with mature oak trees and sweeping open space that provides a stunning scenic vista for residents driving into the neighborhood on Kingfisher Drive. This area was intentionally designed by the developer of Marsh Landing (Chester Stokes) to be a beautiful gateway to this section of Marsh Landing (with 97 homes) in order to entice buyers to build and/or buy homes in this area. Marsh Landing is uniquely attractive among St. Johns County developments specifically because of these open spaces and scenic views.

Indeed, when my wife Elizabeth and I purchased our home in 2017, we were particularly impressed with this beautiful, scenic area on Kingfisher Drive, and it was a key factor in our decision to purchase our home. Likewise, the rear of our home overlooks this same area where the proposed new homes would be located. Any homes built in this area would be clearly visible from the rear of our house. This is upsetting as we reasonably believed when we purchased our home that this area would remain undeveloped as it was clearly incorporated into a thriving golf course – and had been for 30 years. Had we known there was even a possibility of this area being developed, we would not have purchased this home.

What is especially disturbing about this proposed development is that I understand that Mr.

Stokes, the developer of Marsh Landing, is the applicant. It is shocking that the developer who designed and platted this property as a natural amenity for the neighborhood – on which I and many other homebuyers have reasonably relied – would now seek to destroy these important natural features in order to make a few additional dollars on his exit from the community.

Adding additional homesites in this location and removing the natural amenity will negatively impact the beauty and desirability of this part of Marsh Landing, which will have significant adverse consequences on the 97 nearby homes. I respectfully submit that these adverse consequences should greatly outweigh the developer's desire to materially modify the existing zoning for this property to create new homesites that were never envisioned – certainly not by the many residents who have purchased homes in the area. Furthermore, even if this area is no longer legally part of the golf course, it does not follow that the developer should be permitted to radically change the existing appearance of this property. The neighboring residents have relied for these many years on the existing appearance of the property - regardless of whether it is technically part of the golf course or not.

Furthermore, Marsh Landing is located in a flood zone, and we struggle with water management. In fact I routinely receive notice letters from St. Johns County regarding the fact that my home is located in a flood zone and recommending management tips. I would suggest that building two new homes and associated hardscape on land in this area would logically serve to exacerbate existing water management issues. In fact, the runoff from these two new homes would drain on Kingfisher to the intersection of Kingfisher and Royal Tern, the corner where my home is located. This corner currently floods in any severe weather event. These two new homesites would only add to that problem. Therefore, this proposed development would be contrary to the County's stated desire for more sensible stormwater management.

For the reasons described above, I respectfully request that St. Johns County deny the application for this proposed development. Please let me know if you have any questions or if you would like to further discuss the issues raised above. Thank you for your attention and the opportunity to provide feedback.

Best regards,

Reece Alford 304 Royal Tern Road South Ponte Vedra Beach, FL. 32082 904-993-0054 <u>Reece.alford@gmail.com</u>



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Hi Theresa,

I am writing to you today in support of the development of these two sites. In 2022, 96% of the community voted in favor of the deal that included these developments coming before you today. Now, these residents are trying to derail the very deal they voted in favor of less than 2 years ago. The development of these lots was tied to the sale of the Club. The residents wanted new management of the club and they got it. Now they need to accept their decision. Thanks for your time.

Best, Chet Stokes

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#### SPECIAL MEETING OF THE MEMBERS June 3, 2022 Approved Minutes

Attending: Greg Neal, Mark Popovich, Pat Doran, Peter Karpen, Laurie Gutshaw, Mike Mayers and Charlie Taylor (by phone)

I. Call to Order, President Greg Neal called to order at 5:30 PM

 Certification of Quorum and Proof of Meeting Notice, Marsh Landing Management Company gave proof of meeting notice. Quorum achieved with B22 proxies received in advance of the meeting.

- III. New Business
  - a. Introductory Remarks President Greg Neal gave remarks. Nine e-Notices sent and three townhalls held (one was Zoom) on resident vote. Since townhalls, Board held discussion with Marsh Landing Partnership (MLP) to reconfigure and relocate their four proposed lots so not to impair homeowner views of golf course. Review of what the vote means. "For" vote is for the Board to borrow \$3 million and validate the contingent agreement. Board is working with legal.

b. Resident Vote- Action: Mike Mayers moved to Approve the Master Association borrowing \$3 million and validate the contingent agreement between Marsh Landing Master Association and Concert Golf Partners related to Concert Golf Partners' acquisition of Marsh Landing Country Club. Motion seconded by Laurie Gutshaw.

- c. Questions on Motion.
  - How are non-votes counted?
    - Non votes do not impact the results. Board is seeking 67% or greater approval of all votes cast.
  - Will the Board indemnify Concert Golf Partners (CGP)?
  - No, the Board will not Indemnify CGP.
  - Where is the proposed additional acreage to stormwater system?
    - The location of additional acreage is not yet known, intent for additional acreage where needed.
- When can lake levels increase?
- Meeting set with District on June 10. District and legal will give Association guidance on timing.
- How will indemnification work?

Indemnification is between CGP and Marsh Landing Partnership (MLP). What are outstanding issues?

Club needs to remain private, recreational deed restriction needs strength; Association cannot give indemnification.

### Who owns the lakes? - The Association owns the lakes. Who owns the Clubhouse? CGP will own the Clubhouse If FOR vote passes and transaction closes between CGP and MLP. Does the Board know the amount of sale? Sale of the Club is between CGP and MLP, private transaction. How will Association pay? The Association will take a loan. Loan principle and interest will be added The Association will take a loan. Loan principle and interest will be added to the quarterly dues increasing overall annual budget. The collateral for the loan is the dues that owners pay quarterly. Will the Board consider prepayment? Board is speaking with legal and auditor and management company for guidance on possibility of prepayment; all owners must pay the same dues amount. Will the Board consider ideas for prepayment? Yes, Board willing to meet and discuss ideas for prepayment. Will ML Partnership stay intact? Yes, whether or not transaction closes, ML Partnership stays intact. Will the Board consider ideas for synergy between CGP and the Association? Yes, Strategic Advisory Committee exploring areas for possible synergy. How is the \$40 per month amount calculated? The loan is for \$3 million. Board estimates per unit cost with interest at \$40/month based on a July 1 closing date. Is CGP planning to enhance the gym? > CGP has tentative plans for the gym. Where are the four new lots planned? Two lots planned on the 8th tee and two lots planned on the 15th. Will interest go up if closing occurs after July 1? Yes, we anticipate interest will go up if the closing occurs after July 1. d. Collection of Ballots- Ballots collected and added to vote count of all proxies Results of Vote- Announcement of Vote on Motion. 859 total votes, 787 FOR and received prior to the meeting. 72 AGAINST. Motion Passes by vote of the residents. 8. Action: Peter Karpen moved to proceed with obtaining a \$3 million loan and to authorize the use of future resident dues to repay and secure the loan commitment contingent on validating the agreement between MLMA and CPG. Mark Popovich seconded, and the Board approved. Adjournment IV.

The Kleins

104 Lamplighter Island Ct Ponte Vedra Beach, FL 32082 JACKSONVILLE FL 320

17 JAN 2024 PM 3 L



St Johns Grawth Monagement RE Marsh Landing 4040 Lewis Speedway St Augustine fl 32084

3208438637 R027



St. Johns County Growth Management Department, Planning & Zoning Division 4040 Lewis Speedway, St. Augustine, Florida 32084 Phone: (904) 209-0675 Fax: (904) 209-0576 E-mail: <u>plandept@sjcfl.us</u>

# ADJACENT PROPERTY OWNER NOTICE

TO:All property owners within 300 feet of the land described herein.FROM:St. Johns County Planning & Zoning Division, Growth Management DepartmentSUBJECT:File number: MAJMOD-2023000003<br/>Project Name: Marsh Landing Golf Course Lots

You have received this notice because you own property within a 300-foot radius of the subject property depicted on the attached map(s). This is notice of a public hearing scheduled for the request as described below.

<u>APPLICATION FILED BY</u>:

Gary B. Davenport 212 S Shadowwood Drive St. Augustine, FL 32086

LOCATION OF PROPERTY: Linkside Boulevard and Kingfisher Drive

**<u>REQUESTED CHANGE</u>**: Request for a Major Modification to the Marsh Landing PUD (ORD. 1975-15, as amended) to add four (4) residential lots on land that was formerly part of a golf course.

**NOTICE OF PUBLIC HEARING:** Notice is hereby given that a Public Hearing will be held on 2/1/2024 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 3/5/2024 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider the above described application.

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

Not less than 15 days in advance of this hearing date, sign(s) will be posted on the subject property on each street side of the property. If no street frontage is available, sign(s) will be posted on the nearest street frontage with a note providing the location of the subject property. The sign(s) shall provide the request and a phone number where additional information may be obtained. In the event that no signs are observed, citizens are asked to notify the Planning & Zoning Division.

Please be advised you may attend the meeting indicated in the notice and state your opinions, or you may reply by mail to: St. Johns County Planning & Zoning Division, 4040 Lewis Speedway, St. Augustine, Florida 32084 or by e-mail to: <u>plandept@sjcfl.us</u>. Your response will be acknowledged at said Public Hearing.

This matter is subject to court imposed quasi-judicial rules of procedures. Decisions must be made on Competent Substantial Evidence, which are fact-based testimony and evidence presented as a part of the hearing. Acceptable citizen testimony includes, but is not limited to: first-hand knowledge of the area; observed changes in condition or quality of life of a neighborhood over time; location and density of nearby development; or personally observed noise, vibrations and other nuisance. Unacceptable citizen testimony includes: speculation on traffic, light, or noise problems; declining property values without real estate or appraisal experience; general statements of like or dislike; or the mass opinion of expression in a petition of objection. Communication between interested persons and members of the Board or Agency should be limited to those in public hearings or through written communication, except in those circumstances where St. Johns County *Resolution 95-126* is fully complied. This Resolution is available from the Clerk of the Board of County Commissioners and includes disclosure requirements applicable to such communications. If you have questions or require additional information, please call the Planning & Zoning Division at St. Augustine (904) 209-0675.

The application is on file with the Planning & Zoning Division and is open to public review and inspection during regular business hours Monday through Friday 7:30 AM to 4:30 PM.

Notice to persons needing special accommodations and to all hearing-impaired persons: In accordance with the Americans 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 visit St Johns County Facilities Management 2416 Dobbs Rd 32086, no later than 5 days prior to the date of this meeting. Hearing impaired persons, call Florida Relay Services (1-800-955-8770).

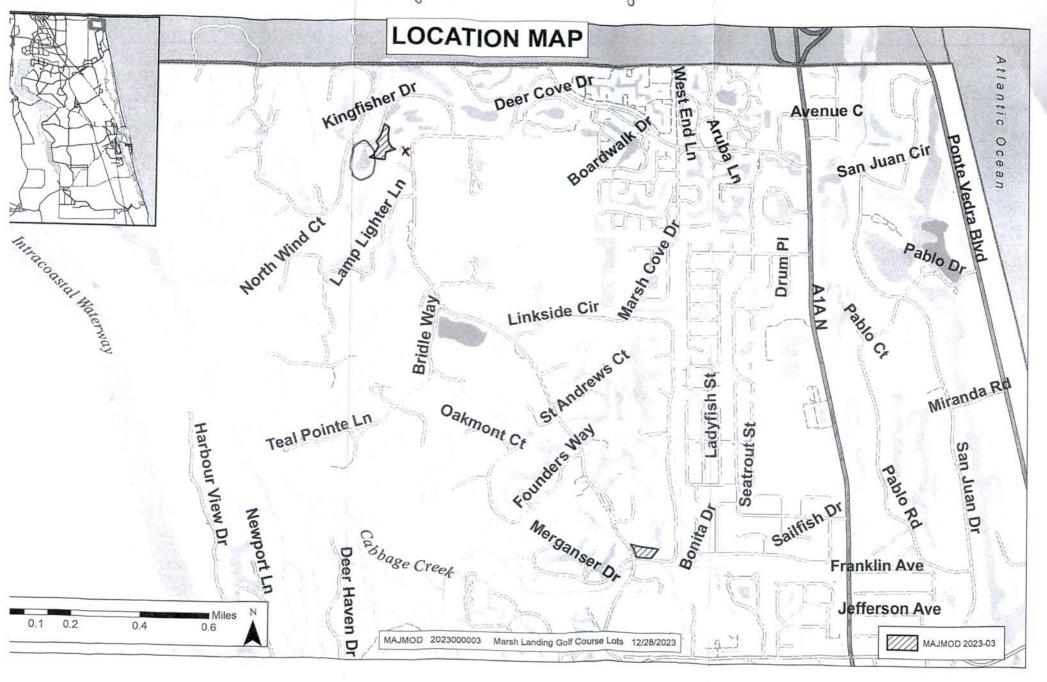
Visual aids are allowed with any presentations to the Board or Agency; we ask that no photographs with a glossy finish be presented as part of the presentation. For quality purpose, photographs and PowerPoint presentations can be sent digitally. Staff will then project any visuals on the overhead screens. Such arrangements must be made at least twenty-four (24) hours in advance of the meeting by contacting the St. Johns County Government Channel at (904) 209-0555 or the Planning and Zoning Division at (904) 209-0675.

If you choose to reply by mail and use this form, please send it to St. Johns County Planning & Zoning Division, 4040 Lewis Speedway, St. Augustine, Florida 32084. If needed, additional pages may be included.

Comments: (please attach additional pages	if necessary)
1 object to the addition of	four lots for several reasons.
There are major water ru	
	20 map. Adding four more will explerbe
11. 1. 1. 1. 1.	shown as "A" on map is home to
on convel creat white	heron moting meetup lasting 3 day
There are diready ex	usting traffic issues on kingfisher
Thank you for your	time. W
and then	The set of
and the second sec	
Signature: \	Address:

x = new home

O= great white heron mating area



From:	Gregory Day
To:	<u>Teresa Bishop</u>
Cc:	Larissa Day
Subject:	Marsh Landings Proposed Development
Date:	Monday, January 15, 2024 4:08:14 PM

### Ms. Bishop-

I am writing in response to a mailing my wife and I recently received (316 Royal Tern Rd S) notifying us of plans to develop the golf course property that is directly behind our home (within 300 feet). We are understandably dismayed by this news, particularly as we were under the impression that a recent deal struck with the residents of Marsh Landing via our HoA would preclude new development of the existing golf course.

We moved to Marsh Landings for the expansive views and scenic surroundings. Scenic vistas are what make Marsh Landing special/ unique among St John's Co developments and a big factor behind why families move to this neighborhood. This development will destroy that on Kingfisher, with additional implications for selected residents on Royal Tern, and even more challenges for those homeowners who will have a new home directly off their master bedroom (ie, those within 50 ft of the development).

When we purchased our home, we relied on the existing zoning to preclude these situations. The golf course land where these homes are being proposed is well developed and by no means could be misconstrued as raw / eminently buildable land. We are unaware of any material change in circumstances that would warrant a zoning change—beyond the obvious interests of a developer intent on extracting additional dollars as they exit their investment at a great and irreversible cost to our neighborhood. It is fundamentally unfair to the existing residents for the developer to try to change the zoning now—after residents relied on the property being a part of the golf course.

We are separated by this project by a small body of water, which serves as a retention pond. Two-to-three times a year, this water rises to our foundation level. I am not an engineer, but I would imagine that the addition of 4 properties (all presumably elevated) with roofs that catch and funnel water, will present real risks of flooding for us and for our neighbors. I imagine this is all the more true for those established homes and residents that directly abut the proposed build.

For all of these reasons, we urge you to approach this project with the utmost scrutiny, bearing in mind the existing residents and future homeowners that will be adversely impacted by this proposed zoning change. We stand ardently against this and will (of course) encourage our local HoA and other residents to voice their concerns as well.

I invite your questions, comments, and feedback concerning other ways to advocate for the best interests of our local neighborhood.

Sincerely,

Gregg

Gregory S Day, MD MSc

\*Sent from my personal gmail account

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January 14th, 2024 Re: MAJMOD 2023-03 Christopher and Lynn Golding 285 Linkside Cir 703-772-4273

To whom it may concern:

Our primary concerns are related to further development impeding drainage in the area given the area in question currently acts as a makeshift stormwater management area: one that absorbs and holds water, and drains the area via drainage infrastructure currently installed on the property. At times, the land can hold high water (knee deep) for extended periods of time.

We have lived adjacent to the property on Linkside Cir since May 2022. During that time, we have experienced scenarios where a combination of weather, water levels in Cabbage Creek and inadequate drainage resulted in the area flooding on a regular basis. The land has proven to be a makeshift stormwater retention area and is utilized to hold runoff, and facilitate drainage during rainfall events (both regular/peak). Further development of this area will undoubtedly make an already precarious situation worse and put our dwelling at a heightened risk of flooding.

We've provided pictures to the County of the area in question during rainfall/storm events to exemplify what the land, our property, and the existing infrastructure looks like. I'd like to reiterate that the land holds water during both regular and peak rainfall/tidal events and serves to help the area manage the volume of water during all types of storms. We appreciate any attention and further evaluation of proposed options to alleviate and mitigate risk, manage stormwater, and evaluate topographic/grading changes and their potential impact should the project be approved.

I've included one picture below which is supplemental to the others provided via e-mail last week. This really exemplifies the heavy lifting the land in question is doing regarding holding water. Note: the structure in the background is our home.





# MajMod2023-03

# Recent Flooding on Linkside Cir, Marsh Landing PVB,FI 32082

Nikki Golding January 10, 2024

Pronounced standing water at the proposed development location over the last 18+ months

April 23, 2023



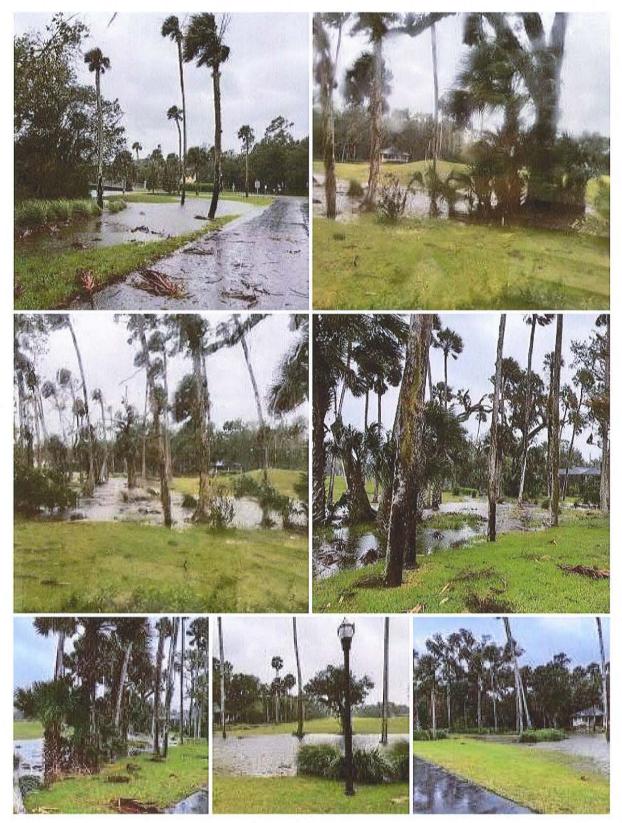
April 23, 2023

November 22, 2022



November 22, 2022

September 29, 2022



September 29, 2022

From:	April Livaditis
То:	Teresa Bishop
Cc:	Yash Deo; Brian Wheeler; A Livaditis - Marsh Landing
Subject:	RE: Public Hearing Notice Marsh Landing Golf Course Lots
Date:	Thursday, January 18, 2024 10:28:41 AM
Attachments:	image001.png
	image002.png
	image003.png
	image004.png
	image009.png
	image010.png
	image011.png
Importance:	High

Thank you,

The Board is adamant about seeking this information and will attend the meetings as they are able. This directly affects several homeowners in HOAII, and they will want to discuss details as soon as they are available. I truly appreciate you forwarding this and including into their packet, so that all the reviewing members are aware.

Best,

April Livaditis

Marsh Landing Management 4200 Marsh Landing Blvd Suite 200 Jacksonville Beach, FL 32250 Office Main Line 904-273-3033

From: Teresa Bishop <tbishop@sjcfl.us>
Sent: Thursday, January 18, 2024 10:23 AM
To: April Livaditis <ALivaditis@marshlanding.org>
Subject: RE: Public Hearing Notice Marsh Landing Golf Course Lots

April,

Your email below will be included in the staff report package, prepared for the Planning and Zoning Agency and the Board of County Commissioners. The information requested below is not required to be provided with the proposed Major Modification application. This information will be provided on a Clearance Sheet, required prior to getting a building permit. If I can help further, please let me know.



Teresa Bishop, AICP	-
Planning Division Manager	_
Growth Management Department	
St. Johns County Board of County Commissioners	-
4040 Lewis Speedway, St. Augustine FL 32084	-
904-209-0581   <u>www.sicfl.us</u>	-
	-

Florida has a very broad public records law. Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address or information received released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message. In addition, any information provided in this email is considered an informal review and not a guarantee. No reliance may be given on information

unless through a formal application and submittal pursuant to the Land Development Code and the Comprehensive Plan of St. Johns County.

From: April Livaditis <<u>ALivaditis@marshlanding.org</u>>
Sent: Wednesday, January 17, 2024 12:53 PM
To: Teresa Bishop <<u>tbishop@sjcfl.us</u>>
Cc: A Livaditis - Marsh Landing <<u>ALivaditis@marshlanding.org</u>>
Subject: FW: Public Hearing Notice Marsh Landing Golf Course Lots
Importance: High

#### Good afternoon,

I am reaching out to you on behalf of the Marsh Landing at Sawgrass Homeowners Association II, of whose homeowners will be potentially affected by the lots being developed on Linkside Circle (which is coming up shortly for review and approval per PUD Notice posted). All understand that the development of four lots was agreed upon during the sale of the Country Club from Chester Stokes to Concert Golf. The P&Z hearing will be 2/1/24 which means the staff report will be complete a week before, and this information should already be contained in the PUD written description and development standards. Please consider the following questions/requests, as HOA II Board member would like to review for both proposed lots:

- Proposed lot geometry.
- Proposed utility connections.
- Proposed local conveyance of drainage.
- The required min. FFE
- Proposed driveway connection location for the Linkside/Golf area PUD Mod.

Many thanks for any guidance or information you can provide that I can pass along to the Board and community!

Best,

April Livaditis

Marsh Landing Management 4200 Marsh Landing Blvd Suite 200 Jacksonville Beach, FL 32250 Office Main Line 904-273-3033 Hi all,

County has confirmed that this first meeting will be only approval of the development into lots, and no as built or other construction plans are submitted for review at this time

Best,

April Livaditis

Marsh Landing Management 4200 Marsh Landing Blvd Suite 200 Jacksonville Beach, FL 32250 Office Main Line 904-273-3033

From: April Livaditis <<u>ALivaditis@marshlanding.org</u>> Sent: Friday, January 05, 2024 2:01 PM

FYI ONLY: This is the County Notice of major development change to the PUD.

This is the start of the process for Chester Stokes to develop the 4 lots on the golf course into homes! The SJC Commissioner will not make a final vote until 03/05/2024.

Proposing golf course property not being used turned into 4 single family lots – 2 on Linkside and 2 on King Fisher. CSLD, LLC – 904-209-0581 Teresa Bishop provided the information she is with SJ County Growth Mgt...



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## **Kimberly Daniels**

From: Sent: To: Subject: Bob Portrie <fenwick49@gmail.com> Monday, January 15, 2024 12:47 PM FAXPLANDEPT Fwd: Flooding

January 15, 2024

To: St. Johns County Growth Management Department, Planning & Zoning Division

RE: Request for a Major Modification to the Marsh Landing PUD-MAJMOD-2023000003

From: Robert E Portrie 8010 Merganser Drive, Ponte Vedra Beach 32082

My family built our home and have lived at the corner of Merganser Drive adjacent to the request of conversion of the golf course open space that abuts Cabbage Creek to house lots. As you know, there has been a tremendous amount of work by the County and Courts to deal with the storm water issues that have become a part of life in Marsh Landing. We are surrounded by estuaries of the Intercoastal waterway and over the last several years it has become apparent that between climate change and population growth places like Marsh Landing have seen a substantial increase in storm water challenges.

The request for modification to take greenspace that is used for water overflow retention from Cabbage Creek to house lots seems to be a bridge too far given our recent history. I have attached to this note a short video during a storm that shows what happens when Cabbage Creek overflows along Linkside and where the water goes during the storm. To eliminate this green space and build houses is only going to exacerbate a current problem. When the creek overflows there is no reasonable mitigation capability.

My recommendation is this request of a major modification that has been in place since the 1980's should be dismissed out of hand. We need more greenspace in Marsh Landing, not less, especially where the land directly abuts Cabbage Creek.

If you have any questions, or cannot open the video I am attaching , please email me or call me.

**Robert Portrie** 

904 910-8105

From: Robert Portrie <<u>r.portrie@comcast.net</u>> Sent: Monday, January 15, 2024 10:21 AM To: Bob Portrie <<u>fenwick49@gmail.com</u>> Subject: Flooding

**Download Attachment** 

Available until Feb 14, 2024

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### Dear Ms. Bishop:

Further to the notices and email below, we write to register our strong <u>objection</u> to granting this easement.

We received the notice because we are within 300 feet of the proposed construction.

As you know, Marsh Landing is a very unique development as its original planners designed it to incorporate natural scenery and minimize house to house exposure. For this reason Marsh Landing has so much green space and although original developed houses may be close to one another, they are set, angled, windowed and aimed to minimize any viewing of others.

Our case is no different as we currently see green space through the majority of our windows which primarily face toward the rear of the property and view a pond, and grass ... upon which some or all of the new construction would be built.

At the time we bought, there was no authority to build in virtually our back yard. Had there been, we would have had a very different calculus as to whether to purchase our home and I suspect that if it were (at that time) one of the few that looked out at other houses instead of green space, it would have been priced differently.

To allow this easement devalues our property and takes away our enjoyment of what we purchased. And it does so with no remuneration to us of the lowering of our property value or of diminishing our quiet enjoyment of the property. We would ask that the status quo ante be maintained as that is what was represented at the time we purchased and we relied in good faith on those representations. The development company does not need to live in Marsh Landing, has no pain or skin in the game, and is simply looking to profit. It should be done not at the expense of people who made a bargain and after the fact are having the delivered goods altered against their will.

Please confirm that this email constitutes sufficient written notice of our opposition to this project and that it will be part of the record the Commission considers.

Thank you for your time.

Stephen and Alona Lebowitz 312 Royal Tern Road South 32207 904 805 2412 (cell)

----- Forwarded Message -----From: Pat McInerney <pmcinerney@marshlanding.org> Sent: Monday, January 22, 2024 at 03:23:15 PM EST Subject: HOA VII- CSLD LLC Development of Lots Dear HOA VII Homeowners,

You may have noticed a sign on Kingfisher indicating a hearing on a proposed major modification to the zoning for the development of golf course lots. This comes as a result of negotiations with Concert Golf at the time of sale of the golf course. Concert Golf agreed as to transfer a parcel of golf course land and change the configuration of the course to allow Mr. Stokes (CSLD LLC) to sell or develop four lots for residential homes.

Please be advised you may attend the Public Hearing on <u>February 1, 2024, at 1:30 p.m.</u> before the Planning and Zoning Agency and on <u>March 5, 2024, at 9:00 a.m.</u> before the Board of County Commissioners. Both meetings are in the St. Johns County Auditorium located at 500 Sebastian View, St. Augustine, Florida.

Anyone is entitled to attend these meetings, contact the offices of the council representatives, and/or provide feedback to your HO VII board through Marsh Landing Management.

Teresa Bishop Planning Division Manager Growth Management P: (904) 209-0581 E: <u>tbishop@sjcfl.us</u>

General Questions Planning and Zoning Division Growth Management P: (904) 209-0675 E: plandept@sicfl.us

This is the extent of the information we have at this time.

Sincerely,

HOA VII Board of Directors

Best,

## **Hope Spooner, LCAM**

Marsh Landing Management Company

4200 Marsh Landing Blvd, Suite 200

Jacksonville Beach, FL 32250

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From:	Brian Wheeler
To:	Teresa Bishop
Cc:	Tami Rich
Subject:	MAJMOD 2023-03 Marsh Landing Golf Course Lots - Linkside
Date:	Tuesday, January 23, 2024 12:57:02 PM
Attachments:	image002.png
	Marsh Landing At sawgrass HOA-II -lot size.pdf

Theresa,

I reside at 25045 Marsh Landing Parkway within the HOA-II ownership of Marsh Landing At Sawgrass. Since I have access to the CAD files utilized for the majority of the Plat documents within ML, I am providing the attached analysis of lot sizes for your reference.

The attached is a comparison of existing corner lots along the parkway within HOA-II. While the applicant may have vested development rights, the PUD Mod to add land area at the corner of Linkside/Parkway is supposed to ensure that the resulting zoning conditions are compatible with the surrounding neighborhood. The proposed 2 lots will be significantly smaller in size and width than the adjacent lots and the overall pattern of development. The vested development rights in reserve within the original PUD does not grant the right to execute in a manner that is incompatible with the established pattern of development.

1 larger lot and some green space around the existing restroom/parkway should be the maximum here.

They can find another location if 4 lots is the goal, assuming that the Kingfisher location can justify 2 lots.

Best,

G. Brian Wheeler RLA GGI - TAPESTRY LLC Consulting + Development

9822 Tapestry Park Circle Suite 201 Jacksonville, Florida 32246 904.607.5005

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### Marsh Landing At sawgrass HOA-II

The following is a summary of lot sizes along the Parkway at Intersections within HOA-II

#### Unit 5

Lot 1*	61,494 s.f.	189' width at the front BRL	* abutting proposed PUD Mod
Lot 9	29,709 s.f.	166' width at the front BRL	
Lot 10	22,734 s.f.	140' width at the front BRL	
Lot 16	33,480 s.f.	150' width at the front BRL	
Unit 6			
Lot 3	30,599 s.f.	180' width at the front BRL	
Lot 6	48,522 s.f.	200' width at the front BRL	
Lot 8	52,644 s.f.	218' width at the front BRL	
Lot 21	38,232 s.f.	226' width at the front BRL	
Lot 23	33,059 s.f.	161' width at the front BRL	
Lot 30	33,262 s.f.	160' width at the front BRL	
Unit 7			
Lot 1	43,330 s.f.	250' width at the front BRL	
Lot 66	36,176 s.f.	166' width at the front BRL	
Lot 43	39,514 s.f.	182' width at the front BRL	
Lot 41	34,893 s.f.	160' width at the front BRL	
Unit 8			
Lot 1 *	39,591 s.f.	155' width at the front BRL	* across parkway from the proposed PUD Mod
Unit 14	4		
Lot 3	43,387 s.f.	161' width at the front BRL	
Lot 5	42,905 s.f.	155' width at the front BRL	

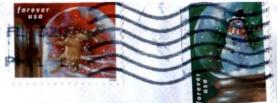
The Linkside/Parkway tract proposal for 2 lots would yield 27,207 s.f. each and 127' width at the BRL if equally divided.

The proposed lot size & width is not consistent or compatible with the surrounding neighborhood.

Golding 785 Linkside Cit. Pont vedra Beuch, 19 32082

Sec. 25

JACKSONVILLE F



St. Johns County Planning and Zoning 4040 Lewis Speed wang St. Augustine, Fl 32084

32084-863740



St. Johns County Growth Management Department, Planning & Zoning Division 4040 Lewis Speedway, St. Augustine, Florida 32084 Phone: (904) 209-0675 Fax: (904) 209-0576 E-mail: <u>plandept@sjcfl.us</u>

# ADJACENT PROPERTY OWNER NOTICE

TO:All property owners within 300 feet of the land described herein.FROM:St. Johns County Planning & Zoning Division, Growth Management DepartmentSUBJECT:File number: MAJMOD-2023000003<br/>Project Name: Marsh Landing Golf Course Lots

You have received this notice because you own property within a 300-foot radius of the subject property depicted on the attached map(s). This is notice of a public hearing scheduled for the request as described below.

APPLICATION FILED BY:	Gary B. Davenport
	212 S Shadowwood Drive
	St. Augustine, FL 32086

LOCATION OF PROPERTY: Linkside Boulevard and Kingfisher Drive

**<u>REQUESTED CHANGE</u>**: Request for a Major Modification to the Marsh Landing PUD (ORD. 1975-15, as amended) to add four (4) residential lots on land that was formerly part of a golf course.

**NOTICE OF PUBLIC HEARING:** Notice is hereby given that a Public Hearing will be held on 2/1/2024 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 3/5/2024 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider the above described application.

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

Not less than 15 days in advance of this hearing date, sign(s) will be posted on the subject property on each street side of the property. If no street frontage is available, sign(s) will be posted on the nearest street frontage with a note providing the location of the subject property. The sign(s) shall provide the request and a phone number where additional information may be obtained. In the event that no signs are observed, citizens are asked to notify the Planning & Zoning Division.

Please be advised you may attend the meeting indicated in the notice and state your opinions, or you may reply by mail to: St. Johns County Planning & Zoning Division, 4040 Lewis Speedway, St. Augustine, Florida 32084 or by e-mail to: <a href="mailto:plandept@sicfl.us">plandept@sicfl.us</a>. Your response will be acknowledged at said Public Hearing.

This matter is subject to court imposed quasi-judicial rules of procedures. Decisions must be made on Competent Substantial Evidence, which are fact-based testimony and evidence presented as a part of the hearing. Acceptable citizen testimony includes, but is not limited to: first-hand knowledge of the area; observed changes in condition or quality of life of a neighborhood over time; location and density of nearby development; or personally observed noise, vibrations and other nuisance. Unacceptable citizen testimony includes: speculation on traffic, light, or noise problems; declining property values without real estate or appraisal experience; general statements of like or dislike; or the mass opinion of expression in a petition of objection. Communication between interested persons and members of the Board or Agency should be limited to those in public hearings or through written communication, except in those circumstances where St. Johns County Resolution 95-126 is fully complied. This Resolution is available from the Clerk of the Board of County Commissioners and includes disclosure requirements applicable to such communications. If you have questions or require additional information, please call the Planning & Zoning Division at St. Augustine (904) 209-0675.

The application is on file with the Planning & Zoning Division and is open to public review and inspection during regular business hours Monday through Friday 7:30 AM to 4:30 PM.

Notice to persons needing special accommodations and to all hearing-impaired persons: In accordance with the Americans 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 visit St Johns County Facilities Management 2416 Dobbs Rd 32086, no later than 5 days prior to the date of this meeting. Hearing impaired persons, call Florida Relay Services (1-800-955-8770).

Visual aids are allowed with any presentations to the Board or Agency; we ask that no photographs with a glossy finish be presented as part of the presentation. For quality purpose, photographs and PowerPoint presentations can be sent digitally. Staff will then project any visuals on the overhead screens. Such arrangements must be made at least twenty-four (24) hours in advance of the meeting by contacting the St. Johns County Government Channel at (904) 209-0555 or the Planning and Zoning Division at (904) 209-0675.

If you choose to reply by mail and use this form, please send it to St. Johns County Planning & Zoning Division, 4040 Lewis Speedway, St. Augustine, Florida 32084. If needed, additional pages may be included.

Comments: (please attach additional pages if necessary) Ne are opposed to fortule development dive to construct flooding and drainage istury in the hittsill are and supportly pretury when the total letter and supportly pretury when development and show be entromated when development and required dranges in Signature: Made when pet our dwalling at nSIS on flooding Made and the set of the set of the set of the set of the set Made and the set of the s			
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January 14th, 2024 Re: MAJMOD 2023-03 Christopher and Lynn Golding 285 Linkside Cir 703-772-4273

To whom it may concern:

Our primary concerns are related to further development impeding drainage in the area given the area in question currently acts as a makeshift stormwater management area: one that absorbs and holds water, and drains the area via drainage infrastructure currently installed on the property. At times, the land can hold high water (knee deep) for extended periods of time.

We have lived adjacent to the property on Linkside Cir since May 2022. During that time, we have experienced scenarios where a combination of weather, water levels in Cabbage Creek and inadequate drainage resulted in the area flooding on a regular basis. The land has proven to be a makeshift stormwater retention area and is utilized to hold runoff, and facilitate drainage during rainfall events (both regular/peak). Further development of this area will undoubtedly make an already precarious situation worse and put our dwelling at a heightened risk of flooding.

We've provided pictures to the County of the area in question during rainfall/storm events to exemplify what the land, our property, and the existing infrastructure looks like. I'd like to reiterate that the land holds water during both regular and peak rainfall/tidal events and serves to help the area manage the volume of water during all types of storms. We appreciate any attention and further evaluation of proposed options to alleviate and mitigate risk, manage stormwater, and evaluate topographic/grading changes and their potential impact should the project be approved.

I've included one picture below which is supplemental to the others provided via e-mail last week. This really exemplifies the heavy lifting the land in question is doing regarding holding water. Note: the structure in the background is our home.



Florida has a very broad public records law. Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address or information received released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message. In addition, any information provided in this email is considered an informal review and not a guarantee. No reliance may be given on information unless through a formal application and submittal pursuant to the Land Development Code and the Comprehensive Plan of St. Johns County.

From: Nikki Golding <nikgolding@yahoo.com> Sent: Wednesday, January 10, 2024 8:42 PM To: Teresa Bishop <tbishop@sjcfl.us> Cc: cgolding75@yahoo.com Subject: Re: Marsh Landing MAJMOD 2023-03

Good Morning,

I am trying to figure out the easiest way to get you the photos of the flooding over the last 18+ months. There are close to 30 photos that are about 4MB in size. That is too large to e-mail.

I have created a simple photo viewer with photos tagged by date. Can you please take a look and let me know if you think this will work? The link below goes to an Esri ArcGIS Viewer.

https://arcg.is/1CTqOS2

Thank you!

Nikki Golding

On Friday, January 5, 2024 at 01:34:04 PM EST, <<u>tbishop@sjcfl.us</u>> wrote:

Good afternoon, Please find links to the requested documents. Please note, this link is valid for 6 days.

Link: Generated From WATS SUBMITTAL MANAGEMENT MAJMOD-2023000003

https://webapp.sjcfl.us/uploader/PopERMSImage.aspx?AppName=ERMS+WATS+SUBM ITTAL+MANAGEMENT&FileContainerGUID=af543aa0-39e9-42c6-a9ca-6a65e20b4a39&ExpireDt=1ladkgxJYU%2bSIT1ot6wFQA%3d%3d

https://webapp.sjcfl.us/uploader/PopERMSImage.aspx?AppName=ERMS+WATS+SUBM ITTAL+MANAGEMENT&FileContainerGUID=a9214164-ff04-4260-9f53-3f487c7c4cf3&ExpireDt=1ladkgxJYU%2bSIT1ot6wFQA%3d%3d

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