

ORDINANCE NUMBER: 2002- *16*

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE ROLLING HILLS PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 92-10, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

PUD. OFF. REC.
BOOK R PAGE 195

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

SECTION 1. That as requested by R.C. Dix, on behalf of Timberland Homes, the title owners of record, in an application for a zoning hearing, along with supporting documents and dated December 11, 2001, concerning lands described on the attached legal description, Exhibit A, (hereinafter the "Modification"), the Rolling Hills PUD, Ordinance Number 92-10, as amended, is hereby modified as set forth in the attached application and exhibits:

SECTION 2. That development of lands within the shall proceed in accordance with the Rolling Hills, Ordinance Number 92-10, as amended, including the Application for Major Modification dated December 11, 2001, attached hereto and made a part hereof.

SECTION 3. That the terms of this modification to the Rolling Hills PUD shall become effective upon the effective date of this Major Modification Ordinance.

SECTION 4. That the need and justification for modification of the 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 modification has been fully considered after public hearing with legal notice duly published as required by law.
2. As modified, the Rolling Hills PUD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. As modified, the Rolling Hills 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.
4. As modified, the Rolling Hills PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.

5. As modified, the Rolling Hills PUD would not adversely affect the orderly development of St. Johns County.

SECTION 5. That all other provisions of Ordinance Number 92-10, as amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Except to the extent that they conflict with specific provisions of the approved development plan or the 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 exception shall be prohibited.

SECTION 7. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 8. This Ordinance shall be recorded in a book kept and maintained by the 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 5th DAY OF March, 2002.

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

BY: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK *condition date: 3/7/2002*

BY: Cheryl S. Strickland
Deputy Clerk

EFFECTIVE DATE: 3/11/2002

EXHIBIT "A"P. U. D. OFF. REC.
BOOK R PAGE 197

A PARCEL OF LAND IN SECTION 48, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF COMMENCEMENT USE THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, SAID CORNER MONUMENT BY A 4"X4" CONCRETE MONUMENT, SAID POINT BEING ON THE EAST LINE OF SECTION 48; THENCE SOUTH $00^{\circ} 17' 25''$ EAST ALONG THE EAST LINE OF SAID SECTION 48, 578.23 FEET TO THE SOUTHERLY LINE OF THE 160 FOOT FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS VOLUME 259, PAGES 136 AND 137, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH $80^{\circ} 18' 46''$ WEST 474.72 FEET TO A 4X4 CONCRETE MONUMENT #2674 AS RECORDED IN OR BOOK 572, PAGE 863 AND 864, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH $00^{\circ} 58' 42''$ EAST ALONG THE WEST LINE OF UNIT NO. 2 OF ST. AUGUSTINE HEIGHTS INDUSTRIAL PARK AS RECORDED IN MAP BOOK 19, PAGES 37 AND 38 PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, 1068.17 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED.

FROM THE POINT OF BEGINNING CONTINUE SOUTH $00^{\circ} 58' 42''$ EAST 255.42 FEET; THENCE NORTH $26^{\circ} 23' 17''$ WEST 279.31 FEET; THENCE SOUTH $00^{\circ} 02' 34''$ EAST 411.34 FEET; THENCE SOUTH $28^{\circ} 53' 37''$ EAST 36.69 FEET; THENCE SOUTH $45^{\circ} 56' 42''$ EAST, 91.92 FEET; THENCE NORTH $50^{\circ} 21' 43''$ EAST 32.02 FEET; THENCE SOUTH $12^{\circ} 17' 18''$ EAST 101.98 FEET; THENCE SOUTH $00^{\circ} 58' 42''$ EAST 454.06 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ROLLING HILLS DRIVE (FORMERLY KNOWN AS INDUSTRIAL PARK ROAD), AN 80 FOOT RIGHT OF WAY AS PER OFFICIAL RECORDS VOLUME 82, PAGES 125 AND 126, PUBLIC RECORDS OF ST. JOHNS COUNTY COUNTY, FLORIDA, SAID POINT LYING ON A CURVE TO THE RIGHT HAVING A RADIUS, CHORD AND CHORD BEARING OF 1233.57 FEET, 795.74 FEET, AND NORTH $65^{\circ} 05' 40''$ WEST,; THENCE AROUND THE ARC OF SAID CURVE THE CHORD DISTANCE OF 156.45 FEET AND CHORD BEARING NORTH $80^{\circ} 16' 30''$ WEST; THENCE NORTH $04^{\circ} 28' 15''$ WEST, 220.92 FEET; THENCE NORTH $52^{\circ} 37' 17''$ WEST 121.16 FEET; THENCE SOUTH $40^{\circ} 10' 43''$ WEST 251.72 FEET TO A POINT LYING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1233.57 FEET; THENCE AROUND THE ARC OF SAID CURVE 358.97 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH $46^{\circ} 16' 41''$ WEST, 759.63 FEET; THENCE NORTH $43^{\circ} 43' 25''$

- CONTINUED-

0R1517PG1777

P. U. D. OFF. REC.
BOOK R PAGE 198

EAST 120.15 FEET; THENCE SOUTH 83° 08' 53" EAST 100.00 FEET;
THENCE NORTH 43° 43' 19" EAST 100.00 FEET; THENCE SOUTH 46° 16'
41" EAST 606.73 FEET; THENCE NORTH 02° 14' 42" WEST 83.42 FEET;
THENCE NORTH 22° 51' 37" WEST 400.00 FEET; THENCE NORTH 67° 08'
23" EAST 100.00 FEET; THENCE NORTH 61° 53' 45" EAST 50.25 FEET;
THENCE NORTH 67° 08' 23" EAST 106.17 FEET; THENCE SOUTH 26° 09'
14" EAST 77.02 FEET; THENCE SOUTH 32° 06' 39" EAST 34.10 FEET;
THENCE SOUTH 89° 23' 57" EAST 426.55 FEET TO THE POINT OF BEGINNING.

LEGAL VERIFIED: Q

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY THAT THE
FORGOING IS A TRUE AND CORRECT
COPY OF THE DOCUMENT ON FILE/
OF RECORD IN MY OFFICE.

WITNESS MY HAND AND OFFICIAL
SEAL THIS 15 DAY OF Aug
2002

[Signature]
CHERYL STRICKLAND, CLERK
D.C.

EXHIBIT B

St. Johns County Growth Management Services Department
Planning Division

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

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

Application For a Major Modification to a
Planned Unit Development (PUD) or Planned Rural Development (PRD)

Date 11-2001 PUD/PRD File No. _____ PUD/PRD Ordinance No. 96-37

1. Project Name Rolling Hills Estates
2. Applicant's Name, Address, and Phone No. 904-880-0685, R.C. Dix Pres. Timber Land Homes
3. Owner's Name, Address, and Phone No. Timber Land Homes, 11038 Steeding Horse Dr 32257
4. Property Location Rolling Hills Dr E off of State Road No 207
5. Legal Description Exhibit "A"
6. Present Use of Property PUD for single family Residence
7. Parcel ID Number 102760-0150 8. Current Zoning P40 9. 2015 FLUM designation MD
10. Section 4B 11. Township 7 South 12. Range 29 East
13. Requested Change Lycar from date of Approval to complete the development of remaining 27 single family Residence lots and completion of all associated roads, drainage facilities and utilities
14. Is new Concurrency review required? NO 15. Zoning Map Page # 4-EM6 16. Size of Property 10.91
17. Utility Provider (FPL Electrical) (St Johns County Sewer & Water)
18. Provide all of the following:

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

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

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

Printed or typed name(s): R C Dix President Timber Land Homes Inc

Signature(s): R C Dix

ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS REGARDING THIS APPLICATION Name: RANDALL C DIX

Mailing Address: 11038 Steeding Horse Drive Jacksonville, FLA 32257
Phone: 904-880-0685 FAX: 904-288-0145 E-mail: _____

P. U. D. OFF. REC.
BOOK R PAGE 000

Owner's Authorization For Agent

Allen G.D. Scott, II is hereby authorized TO ACT ON BEHALF OF Timber Land Homes Inc, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a Development Permit or other action pursuant to a:

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

BY: R. C. DIX President Timber Land Homes Inc
Signature of Owner

R.C. DIX President Timber Land Homes Inc
Print Name

R. C. Dix Pres. Timber Land Homes Inc
Signature of Owner

R. C. DIX PRESIDENT TIMBER LAND HOMES, INC.
Print Name

1-904-880-0685
Telephone Number

State of Florida
County of St. Johns

Signed and sworn before me on this NOV. 27th day of, 2000.

By R.C. DIX, PRESIDENT OF TIMBER LAND HOMES, INC.

Identification verified: Personally Known

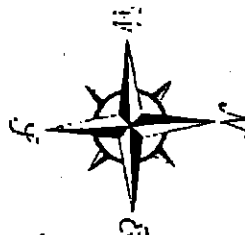
Oath sworn: 4 Yes _____ No _____



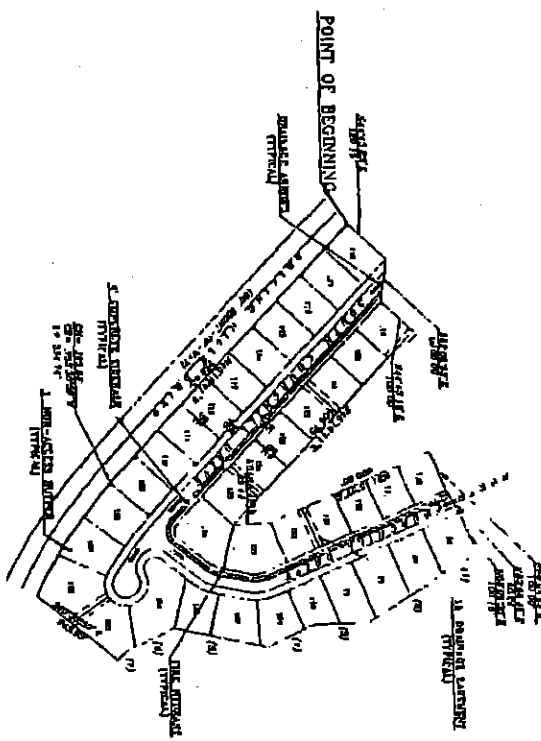
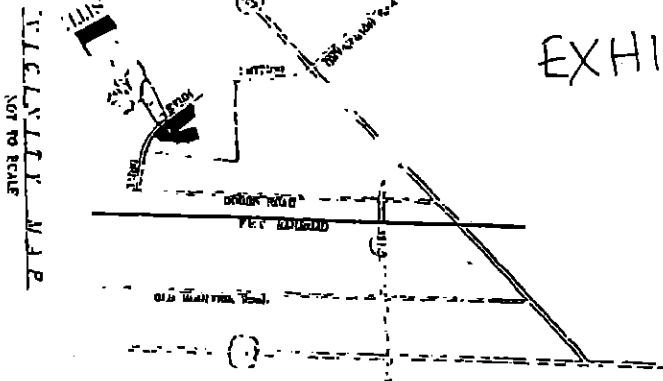
Sandy E Schonder
Notary Signature

My Commission expires: 4/19/05

EXHIBIT "C"



PUD DRAWING BOOK 8 Page 33
Recorded February, 1999 - MAP
See Sheet Attached



- 1. A 10' EASEMENT FROM THE ADJACENT PROPERTY SHALL BE REQUIRED FOR THE PROPOSED ROAD.
- 2. A 10' EASEMENT FROM THE ADJACENT PROPERTY SHALL BE REQUIRED FOR THE PROPOSED ROAD.
- 3. A 10' EASEMENT FROM THE ADJACENT PROPERTY SHALL BE REQUIRED FOR THE PROPOSED ROAD.

EXHIBIT "C" 70
RESOLUTION 97-

DISTRICT OF COLUMBIA
PLANNING BOARD
RESOLUTION 97-01
APPROVED AND ADOPTED
THIS 15TH DAY OF MARCH, 1997
BY THE PLANNING BOARD
OF THE DISTRICT OF COLUMBIA
IN WITNESS WHEREOF
I HAVE HEREUNTO SET
MY HAND AND SEAL
AT WASHINGTON, D.C.
THIS 15TH DAY OF MARCH, 1997
COMMISSIONER OF PLANNING
AND ZONING



WALLIS ENGINEERS, INC.
CIVIL ENGINEERS & PLANNERS
1000 14TH STREET, N.W.
WASHINGTON, D.C. 20005
TEL: 202-331-1100
FAX: 202-331-1101

FINAL DEVELOPMENT PLAN
FOR PHASE III CHELSEA WOODS
SCALE: AS SHOWN
DATE: 12/13/96
DESIGNED BY: [Name]
CHECKED BY: [Name]

EXHIBIT "D"—TEXT

This application does not request any change to the previously approved PUD except to request an extension of time for completion of Phase III (the last phase) of the development. The extension requested is for a period of one year from the date of final approval of this modification.

The final construction plans for this project have long been approved and most of the actual development requirements have been completed, inspected and approved by St. Johns County. The only significant development requirement that remains to be completed is to subsurface, pave, curb and gutter the roadways. The roads have already been cleared and graded and drainage features and utilities completed.

Delay in completion of Phase III was the result of default in completion by the prior prime contractor which resulted in over a year and a half of delays and litigation. Those issues have been resolved and the owner is ready to proceed to completion of Phase III subject only to the extension herein requested.

The specific provision of the PUD sought to be modified reads as follows:

“Phase III will consist of the completion of development of the remaining 37 single family and patio home residences and completion of all associated roads, drainage facilities and utilities. Construction will commence prior to July 1, 1999, with completion by July 1, 2000.” (See Ordinance Number 96-37, Ordinance Book 18, page 42, “Statement as to Phasing of the Development”)

The owner/applicant believes that it is entitled as a matter of right to complete the construction of Phase III by virtue of Section 10.02.03 (B) of the St. Johns County Land Development Code in that the construction plans for this project were approved prior the time the Code became effective (June 26, 2001) and most of the work has been completed in Phase III. This provision states as follows:

“The developer (and its successors and assigns) of any land Development Project with County approved Construction Plans at the time this Code becomes effective, shall have the right to complete Development in accordance with that Construction Plan for a period of five (5) years from the initial effective date of the Code.”

In the present case, the project construction plans were approved prior to the effective date of the Code and most of the project work has been completed and approved by the County. This modification will do no more than to confirm and effectuate the intent of the Code of the applicant.

03 AUG 19 AM 9:06

CHERYL STRICKLAND
CLERK OF COURTS

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA
BY MY HAND AND OFFICIAL SEAL
18th DAY OF August 20 03
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners



BY: L. Donnet King D.C.
ORDINANCE BOOK 28 PAGE 348

RECEIVED

FEB 01 2002

ST. JOHNS COUNTY
PLANNING DEPARTMENT

THE ST. AUGUSTINE RECORD

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA MURRAY**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a **NOTICE OF HEARING**
in the matter of **MAJOR MODIFICATION 01-10 ROLLING HILLS**

in the Court, was published in said newspaper in the issues of
FEBRUARY 18, 2002

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

Sworn to and subscribed before me this **19th** day of **FEBRUARY 2002**

by [Signature] who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

[Signature]
(Signature of Notary Public)

OFFICIAL NOTARY SEAL
ZOE ANN MOSS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD048350
MY COMMISSION EXP. AUG. 22, 2005

(Seal)

Zoe Ann Moss

NOTICE OF A MAJOR MODIFICATION
NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, March 5, 2002 at 1:30 p.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, to consider a Major Modification to the Planned Unit Development (PUD) to extend the completion date of Phase III to develop the remaining 37 single family residences.

The subject property is located at 2400 Rolling Hills Dr., within St. Johns County, Florida
Exhibit "A"

Compliment No.: U20026
File No.: L20026

A parcel of land lying in and being part of the Antonio Canovas Donation, Section 48, Township 7 South, Range 29 East, St. Johns County, Florida; said parcel being more particularly described as follows:

BEGINNING at the most Southerly corner of Lot 28, Chelsea Woods Unit One, as recorded in Plat Book 31, pages 37, 38, 39, 40, 41 and 42, of the public records of St. Johns County, Florida; thence on the Southeasterly line thereof, North 44 degrees 43 minutes 25 seconds East, 120.15 feet to the most Easterly corner of said Lot 28; thence South 82 degrees 08 minutes 53 seconds East, 100.00 feet to the most Southerly corner of Lot 27 of said Chelsea Woods Unit One; thence, on the Southeasterly line thereof, North 44 degrees 43 minutes 19 seconds East, 100.00 feet to the most Easterly corner of said Lot 27; thence, on the Southwesterly line of Lot 26 and the Northeasterly line of Tract "B", of said Chelsea Woods Unit One, South 45 degrees 16 minutes 41 seconds East, 606.73 feet; thence, on the Easterly line of said Tract "B", North 01 degree 14 minutes 42 seconds West, 83.42 feet; thence, on the Northeasterly line of said Tract "B", North 21 degrees 51 minutes 37 seconds West, 400.00 feet; thence, on the Southerly line of Lot 23, said Chelsea Woods Unit One, North, 68 degrees 08 minutes 23 seconds East, 100.00 feet to the Southeast corner of said lot 23; thence, North 62 degrees 58 minutes 45 seconds East, 60.24 feet to the Southwest corner of Lot 22, said Chelsea Woods Unit One; thence, on the Southerly line thereof, North 68 degrees 08 minutes 23 seconds East, 106.18 feet to the Westerly line of Conservation Easement, Parcel "D," as shown on the plat of said Chelsea Woods Unit One, as recorded in Official Records Book 1196, Page 762, of said public records; thence, on said Westerly line, the following Seven (7) courses:

- (1) South 25 degrees 09 minutes 14 seconds East, 77.02 feet;
- (2) South 31 degrees 06 minutes 39 seconds East, 216.46 feet;
- (3) South 00 degrees 21 minutes 24 seconds West, 126.46 feet;
- (4) South 23 degrees 28 minutes 09 seconds East, 119.08 feet;
- (5) South 14 degrees 13 minutes 29 seconds West, 218.51 feet;
- (6) South 22 degrees 23 minutes 49 seconds East, 127.59 feet;
- (7) South 51 degrees 37 minutes 16 seconds East, 22.80 feet to the Northwesterly line of Tract "C" of said Chelsea Woods Unit One; thence, on said line, South 40 degrees 50 minutes 52 seconds West, 243.93 feet to the Northeasterly Right-of-Way line of Rolling Hills Drive, an 80-foot Right-of-Way as now established, and a point on a curve, said point having a radial bearing of North 28 degrees 14 minutes 43 seconds East; thence, on said Right-of-Way line, around and along a curve to the right, said curve having a radius of 1233.57 feet and a Delta of 16 degrees 28 minutes 36 seconds, an arc distance of 354.74 feet (North 53 degrees 30 minutes 59 seconds West, 353.52 feet to a point of tangency; thence, continue on said Right-of-way line, North 45 degrees 16 minutes 41 seconds West 759.40 feet to the POINT OF BEGINNING.

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

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodations or an interpreter to participate in this proceeding should contact David Halsead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals, Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this meeting.

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

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

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARC A. JACALONE, CHAIRMAN
FILE NUMBER: MAJMOD 2001-10
Rolling Hills
L358-2 Feb 18, 2002