

RESOLUTION NO. 85- 109

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN FOR
PHASE B OF L'ATRIUM IV
LOCATED WITHIN THE PARCEL OF LAND
ZONED PUD PURSUANT TO ORDINANCE 84-33

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

SECTION 1: Pursuant to a request for approval made by Bos
Corporation in accordance with Section 8-3 of the St. Johns
County Zoning Ordinance, and subsequent review and approval by
the St. Johns County Zoning Board, the modified Final Develop-
ment Plan attached hereto as Exhibit "A" is hereby approved in
reliance upon, and in accordance with, the representations and
statements made in the written submission statement attached
hereto as Exhibit "B".

PASSED AND ADOPTED this 13th day of August 1985.

BOARD OF COUNTY COMMISSIONERS

BY:  _____
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: Cheryl Kent Deputy Clerk
Adopted regular meeting: August 13, 1985

Effective: August 13, 1985

AMENDMENT AND SUPPLEMENT TO
EXHIBIT "B" TO FINAL DEVELOPMENT PLAN
L'ATRIUM IV PUD, PHASE B

The applicant hereby amends and supplements Exhibit "B" to the Final Development Plan submitted for the L'Atrium IV PUD, Phase B, as follows:

1. The side setbacks for all lots in Phase A and Phase B shall be a minimum of 1' on one side yard and 3.3' on the other side. Provided, the combined side setbacks shall not be less than 6'. All setbacks specified for lots in Phase A and Phase B shall be measured from the building foundation.

2. The rear setback for all Phase B lots along the western boundary of the property lying north of the entrance road shall be a minimum of 7.5'.

3. Fire protection for the development shall be afforded through fire hydrants which shall be disbursed throughout the development, as shown on the Final Development Plan.

Respectfully submitted this 1st day of August, 1985.

Attorneys for Applicant:
UPCHURCH, BAILEY AND UPCHURCH, P.A.

BY: John D. Bailey Jr.

EXHIBIT B TO
FINAL DEVELOPMENT PLAN
L'ATRUIT IV PUD, PHASE B

Applicant: Bos Corporation

Attorney for applicant:
UPCHURCH, BAILEY AND UPCHURCH, P.A.

BY:

John D. Bailey Jr

Attached hereto you will please find all materials, drawings, information and other documentation, as required by Sections 8-3 and 8-4, St. Johns County Zoning Ordinance, concerning the final development plan for L'Atrium IV PUD, Phase B. Phase B is the second phase of the L'Atrium IV Planned Unit Development created pursuant to St. Johns County Ordinance Number 84-83.

Also submitted herewith is an amendment to phases A and B of the approved PUD Ordinance which qualifies as a minor deviation as defined by Section 8-2-4, St. Johns County Zoning Ordinance.

8-4-1 Density of Residential Units

As depicted in the final development plan attached hereto, the total ground area to be occupied by residential buildings and structures equals 25 percent of the total ground area of the real property. While the exact locations of the buildings may vary slightly, the size of the buildings and number of units will not change.

8-4-2 Open Space

As depicted on the final development plan the shaded area represents open space. The open space shall be utilized as active and passive recreation facilities or as a conservation area and will be maintained by the Homeowner's Association.

The exact location of the open space may vary slightly due to modifications and building locations but the total amount of open space shall remain the same.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria, and Use Restriction

All development which is to occur within the property will comply with the spirit and intent of the St. Johns County Zoning Ordinance. There will be 72 units in Phase B, all of which will be patio homes. The height of these structures shall not exceed the project's maximum allowable height of 35 feet.

Lots in Phase B shall have a minimum width of 46.67 feet and a minimum depth of 72 feet. Provided no more than six (6) lots in Phase B may have a minimum depth of 60 feet. The homes

3.31 feet on the front, 3.31 feet on the side yard, 3.34 feet on the other end and none from the rear lot line.

8-4-4 Project Size

The total PUD consists of approximately 44.69 acres with Phase B consisting of approximately 11.1 acres.

8-4-5 Support Legal Documents for Open Space

The Declaration of Covenants, Conditions and Restrictions for L'Atrium assures adequate maintenance and management of all areas encompassed within this final development plan and proposed for common ownership by the residents of the PUD.

Specifically:

(a) Section 4 of Article I defines common area as all property (including improvements thereon) owned by the association for common use and enjoyment of the owners. The common area in Phase B consists of the roads and open space. An easement to use said common areas shall be appurtenant to and pass with the title to every lot in accordance with Section I of Article II.

(b) Subsections A, B, C, and D, Section I of Article II grant the association the right to charge fees for the use of common recreational facilities and impose other limitations on the use of the common elements.

(c) Section I of Article IV provides the association shall be responsible for the exclusive management and control of the common area and all improvements thereon.

(d) Article I of the Declaration, provides any member of the association shall have the right to enforce all restrictions, conditions, covenants, and easements, liens and charges imposed by the Declaration of Covenants, Conditions and Restrictions.

(e) Section I of Article V provides the association may levy annual and special assessments against each lot situated within the PUD.

8-4-6 Access

As depicted in the final development plan each unit is provided vehicular access within the property via a system of private drives. These easements and fee title to the interior drives are common areas, owned by the association. Section I of Article II grants each owner an easement to use private drives. L'Atrium IV Homeowners Association shall share, on a pro-rata basis in the cost of maintaining L'Atrium Drive.

8-4-7 Privacy

Visual and acoustical privacy of each dwelling unit will be assured primarily through landscaping and fences. Fences, walks and landscaping will be provided for the protection and aesthetic enhancement of the property.

8-4-8 Community Facilities

(a) None of the utility facilities serving the property are proposed for dedication to St. Johns County and therefore, the provisions of subparagraph (A) are inapplicable.

(b) All requirements for off street parking and loading set forth in Article IX of the St. Johns County Zoning Code are specifically addressed below:

9-1-1 Erosion Control

The general drainage plan for the property has been designed so as to prevent damage to abutting parcels and streets and alleys and is graphically depicted on the final development and master drainage plan as approved by the DER. All off street parking and loading areas will be surfaced with erosion resistant material in accordance with County specifications.

9-1-2 Separation from Walkway and Street

Off street parking and loading facilities shall be separated from walkways, sidewalks, streets or alleys by curbing.

9-1-3 Entrances and Exits

The location and design of the entrances and exits located within the development shall be in accordance with St. Johns County specifications and as approved by the St. Johns County Engineering Department.

9-1-4 Interior Drives

As shown on the final development plan, main interior drives on the property shall have a right of way of 50' and a minimum pavement width of 25'. Secondary dead end interior drives shall have a right of way of 20' and pavement width of 12'. Cul de Sacs shall have a right of way of 50' and pavement width of 18'.

9-1-5 Marking of Parking Spaces

Parking spaces in lots of more than ten spaces shall be marked, by painted lines or curbs, or other means to indicate

divided space. Signs shall be placed in the vicinity to ensure efficient use of spaces of the lot.

9-1-6 Lighting

Adequate lighting shall be provided for the off street parking and loading facilities to be used at night and shall be designed and installed to GOF standards or equal thereto, in order to minimize glare on adjacent property.

9-1-7 Screening

Section 9-1-7 is inapplicable since no off street parking spaces for ten or more automobiles are located closer than 40 feet to a lot zoned residential.

9-2 Location

The required off street parking facilities will be located in close proximity to the recreational facilities they are intended to serve. Each patio home shall have a two car private garage.

9-3-1 Off Street Parking: Number Required

Since all units will be single family patio homes, at least one off street parking space will be provided per unit as required by subsection (B) of 9-3-1.

9-4-1 Off Street Loading, Requirements

This section does not apply to the PUD as it is a residential development.

(c) The final development plan illustrates the anticipated traffic flow pattern. Sufficient space has been allowed to permit access for firefighting equipment, furniture moving

... and a, refer to ... Biller ... Biller's ... location of the ... serving the property are also depicted on the final development plan.

(d) All utilities serving the property including tele- phone, power, cable television, sewer line and water lines will be installed underground. Also shown on the final development plan is the location and design of the storm sewer facilities serving the property and the grading and topography of the site facilitating proper drainage of storm waters and preventing erosion and the formation of dust.

(e) All streets located within the development shall be designed in accordance with St. Johns County standards or equal thereto.

Applicant:
Ecs Corporation

Attorneys for Applicant:
UPCHURCH, BAILEY AND UPCHURCH, P.A.

BY: John D. Bailey

AMENDMENTS TO THE L'ATRIUM IV PUD

The applicant proposes to amend the L'Atrium IV PUD as follows:

First, the approved PUD specified a guard house would be installed at the entrance to the development. As the existing L'Atrium development has no guardhouse at its entrance, the applicant proposes to eliminate the guard house.

Second, the approved PUD and final development plan for Phase A provided for a front setback of 22'. The front setback in the existing L'Atrium Development is 18 feet and the applicant proposes to reduce the front setback in L'Atrium IV to 20'. This 20' setback will be consistent with the 18' setback in the existing L'Atrium development.

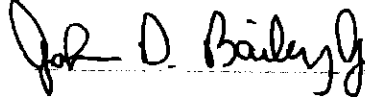
Finally, the approved PUD and final development plan for Phase A provided for a minimum lot depth of 72' and minimum side setbacks of 1' on one side yard and 4' on the other. The applicant proposes to develop no more than 6 lots of a minimum depth of 60' in each phase of the development, to facilitate construction of patio homes on corner lots. The applicant also proposes to change the side setbacks to a minimum of 3.33' on one side and 1' on the other side. Provided, the combined side setbacks shall not be less than 6'.

These amendments do not increase the number of units in the development, decrease the amount of open space, increase the number of stories or materially change the location of the

does not qualify as other deviations as defined in paragraph 1-2-4, St. Johns County Zoning Ordinance.

Attorneys for Applicant:
UPCHURCH, BAILEY AND UPCHURCH, P.A.

BY:

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