

RESOLUTION NO: 89-36

RESOLUTION OF THE COUNTY OF ST. JOHNS
STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR: PHASE C OF L'ATRIUM IV
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
PURSUANT TO ORDINANCE NUMBER 86-37

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

SECTION 1. Pursuant to a request for approval made by Baita Landtec Associates, Ltd. in accordance with Section 8-3 of the St. Johns County Zoning Ordinance, and subsequent review and approval by the Board of County Commissioners of St. Johns County, the Final Development Plan attached hereto as Exhibit A is hereby approved in reliance upon, and in accordance with the representation and statements made in the written submission statement attached hereto as Exhibit B, *And letter dated 11-16-88 signed by BRIAN Kientz.*

SECTION 2. N/A

SECTION 3. All attachments included herein are incorporated herein and made a part of the adopting Resolution.

SECTION 4. All building code, zoning ordinance, and other land use and development regulations of St. Johns County as may be amended from time to time shall be applicable to this development except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or Ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

SECTION 5. St. Johns County Building Official is hereby authorized to issue construction permits on the herein lands in accordance with approved plans, provided all other requirements are met.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

BY: *Ray Wald*

Chairman

Attest:

Connie E. McDaniel
Deputy Clerk

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

Applicant:

BATIA LANDTEC ASSOCIATES, LTD.

INTRODUCTION

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 C. Phase C is the third phase of the L'Atrium IV Planned Unit Development created pursuant to St. Johns County Ordinance Number 86-37.

8-4-1 Density of Development

As depicted in the final development plan attached hereto, the total ground area to be occupied by residential buildings and structures equals approximately 25 percent of the total ground area of the PUD devoted to residential use, assuming an average of 1,700 square feet per dwelling unit. 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 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 46 units in Phase C, 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 C shall have a minimum width of 46.67 feet and a minimum depth of 72 feet. Provided no more than five (5) lots in Phase C may have a minimum depth of 60 feet. The homes shall be set back a minimum of 20 feet from the edge of the paved roadway in front, 3.33 feet on one side yard, 3.34 feet on the other and none from the rear lot line.

8-4-4 Project Size

The total PUD consists of approximately 56.69 acres with Phase C consisting of approximately 6.6 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 C 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 paragraph one of Article II.

(b) Subparagraphs A, B, C, D, and E 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) Section I of Article VIII provides any owner or the association shall have the right to enforce all restrictions, conditions, covenants, reservations, 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. Paragraph one 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) As depicted in the final development plan, there is no off street loading areas within Phase C. Off street parking occurs only as conventional driveway parking normally associated with each unit. This parking, as it pertains to Article 9 of the St. Johns County Zoning Code, is specifically addressed below:

9-1-1 Drainage

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 will be surfaced with erosion resistant material in accordance with County specifications.

9-1-2 Separation from Walkway and Street

Section 9-1-2 is inapplicable.

9-1-3 Entrances and Exits

Section 9-1-3 is inapplicable.

9-1-4 Interior Drives

Section 9-1-4 is in applicable.

9-1-5 Marking of Parking Spaces

Section 9-1-5 is inapplicable.

9-1-6 Lighting

Section 9-1-6 is inapplicable.

9-1-7 Screening

Section 9-1-7 is inapplicable.

9-2 Location

Each patio home shall have a one or 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 (a) 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 vans, fuel trucks, refuse collection, deliveries and debris removal. Location of the fire hydrants serving the property are also depicted on the final development plan.

(d) All utilities serving the property including telephone, power, cable television, sewer line and water lines will be installed underground. Storm sewer facilities serving the

property and the grading and topography of the site has been designed to facilitate proper drainage of storm waters and to prevent erosion and the formation of dust.

(e) All streets located within the development have been designed in accordance with St. Johns County standards or equal thereto. PUD approved April 28, 1986. Ordinance No. 86-37.

Applicant:

BATIA LANDTEC ASSOCIATES, LTD.

November 16, 1988

Ms. Rosemary Yeoman
St. Johns County Planning & Zoning Department
Post Office Drawer 349
St. Augustine, Florida 32085-0349

Re: Final Development Plan
Phase C of L'Atrium IV PUD

Dear Ms. Yeoman:

Please consider this letter as an addendum to the Final Development Plan for Phase "C" of the L'Atrium IV PUD, which was submitted on October 14, 1988.

Section 8-4-3 of Exhibit B to the Final Development Plan should read as follows:

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 46 units in Phase C, 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 C shall have a minimum width of 46.67 feet and a minimum depth of 72 feet. Provided no more than five (5) lots in Phase C may have a minimum depth of 60 feet. The homes shall be set back a minimum of 20 feet from the edge of the paved roadway in front, 3.33 feet on one side yard, 3.34 feet on the other and none from the rear lot line, except for lots 1X-6X, which require a rear yard set back of 7.5 feet. All set backs are measured to "wall of building".

Ms. Rosemary Yeoman
November 16, 1988
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Please call should you need and further information. I will be out of the office for the next three weeks.

Since I will be out of the office, please call Brian Kientz at 249-7995 should you need any further information.

Very truly yours,



FOR Dale C. Eberhardt
Project Planner
1401-C Penman Road
Jacksonville Beach, Florida 32250
Phone 246-9141

DCE/jlw

October 14, 1988

Ms. Rosemary Yeoman
St. Johns County Planning & Zoning Department
Post Office Drawer 349
St. Augustine, Florida 32085-0349

Re: Final Development Plan
Phase C of L'Atrium IV PUD

Dear Ms. Yeoman:

On behalf of Baita Landtec Associates, Ltd., I hereby request approval of the final Development Plan for Phase C of L'Atrium IV PUD pursuant to Ordinance 86-37.

As stated in zoning file R-PUD-86-019, Phase C was to consist of a maximum of 54 units. The developer has decreased this allowed number of units by 8 to a total of 46, thus preserving the existing lake configuration as depicted in the attached Development Plan. The total number of units to be contained in Phases A, B, and C has also been reduced from the maximum allowed number of 178 to 170.

Attached please find 18 copies of the application for approval of the Phase C Development Plan. In addition, copies of the Declaration of Covenants, Conditions and Restrictions, and prints of Phase C Construction Plans have been attached to three of the enclosed applications.

I would appreciate it if this matter could be placed on the Planning and Zoning Board's agenda at its next regularly scheduled meeting.

Please call should you need any further information concerning the above request.

Very truly yours,



Dale C. Eberhardt
Project Planner
1401-C Penman Road
Jacksonville Beach, Florida 32250
Phone 246-9141

DCE/jlw

cc: Mr. David Owen
Mr. Richard Forbis
Mr. Brian E. Kientz