

RESOLUTION NO. 91-179

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,  
ST. JOHNS COUNTY, STATE OF FLORIDA  
APPROVING A MODIFICATION TO ORDINANCE #84-17, AS AMENDED,  
ALSO KNOWN AS R-PUD-84-4, THE COMMODORE'S CLUB PUD

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

**SECTION 1:** Pursuant to the request of John D. Bailey, Sr., and Margaret B. Bailey, his wife, and Runk Properties, Inc., for Major Modification to R-PUD-84-4, (the "Commodore's Club PUD") the modifications contained in that certain Application for Major Modification to PUD, dated September 13, 1991, (the "Major Modification") have been considered by the St. Johns County Planning and Zoning Agency and Board of County Commissioners.

**SECTION 2:** The Major Modification is hereby approved in reliance upon, and in accordance with, the statements contained therein and all exhibits attached thereto.

**SECTION 3:** In all other respects, the remaining provisions contained in Ordinance #84-17, as amended, shall remain in full force and effect.

**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 PUD Ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

**SECTION 5:** The request to delete sidewalks in Phase I-A is hereby approved. Provided, the applicant shall install sidewalks in all future phases, unless the applicant, at its option, installs a three foot (3') wide bicycle/pedestrian lane on one side of all roadways in substitution for such sidewalks.

**SECTION 6:** The applicant may, at its option, substitute a swimming pool for one of the approved amenities to be located within the recreation area.

SECTION 7: The front yard lighting to be installed in the front yards of all residences, pursuant to the recorded Declaration of Covenants and Restrictions, shall be maintained by the project's Homeowners' Association.

Passed and adopted this 12th day of November, 1991.

BOARD OF COUNTY COMMISSIONERS, ST. JOHNS  
COUNTY, FLORIDA

By: *Russell H. Hurd*  
Its Chairman

Adopted regular meeting: November 12, 1991

Effective: November 12, 1991

CARL "Bud" MARKEL

By: *Orinda Nickles*  
Deputy Clerk

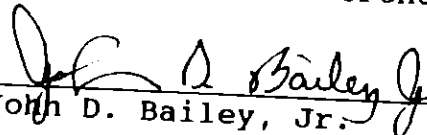
APPLICATION FOR MAJOR MODIFICATION  
TO  
R-PUD-84-4, ZONED PUD PURSUANT TO  
ORDINANCE 84-17, AS AMENDED (THE PUD)

Applicant:

JOHN D. BAILEY, SR., and  
MARGARET B. BAILEY, his wife,  
and RUNK PROPERTIES INC.

Attorneys for Applicants:

UPCHURCH, BAILEY and UPCHURCH, P.A.

By:   
John D. Bailey, Jr.

The applicants, John D. Bailey, Sr., and Margaret B. Bailey, his wife, and Runk Properties, Inc., are the current owners of the real property within the PUD, having acquired title by virtue of a deed executed and delivered in lieu of foreclosure. The PUD, consisting of seventy-two (72) acres on which up to three hundred (300) patio home lots may be developed, was commenced in March of 1990. Phase I-A of the PUD, consisting of sixty (60) lots, has been platted and completed in accordance with County standards. However, construction of Phases II and III has not yet commenced.

The Applicants desire to amend the approved development plan and continue the development of the property as a patio home community. Therefore, in order to permit the property to be developed according to the Applicants' development plans, the Applicants propose to modify the PUD as follows:

1. The approved PUD provides for a 3.60 acre recreation area consisting of the following amenities:
  - (a) 3000 square foot clubhouse
  - (b) swimming pool
  - (c) two (2) lighted tennis courts
  - (d) six (6) shuffle board courts
  - (e) a childrens' playground

The Applicants propose the following amenities and facilities be substituted for the above amenities:

- (a) 2800 square foot covered pavilion with concrete floor and bathrooms.
- (b) two (2) unlighted tennis courts
- (c) a one (1) acre play/ball field
- (d) an unlighted sports court containing a minimum of 1200 square feet.

The recreation area and amenities will be owned by the Applicants and maintained by the Homeowners' Association. The Applicants may lease or convey the recreation area and amenities to the Homeowners' Association on terms acceptable to the Applicants.

The Applicants submit the modified recreation area will adequately serve the recreational needs of residents of the PUD.

2. The approved PUD requires the recreation area to be completed by February 1, 1994. The Applicants propose to commence construction of the recreation area upon the sale to third parties of all lots within Phase I-A, (containing a total of sixty (60) lots). The construction of the recreation are will be completed within three (3) years thereafter.

3. The approved PUD specifies a parking area for the recreation area which will contain a minimum of seven (7) spaces and will be maintained by the Homeowners' Association. The Applicants request the paving of the parking area be deferred until six (6) months after completion of the recreation area. Until such time, the parking area will be stabilized with shell material.

4. The approved PUD requires a six foot (6') wooden fence to be installed around the entire perimeter of the PUD. This requirement was inserted in the PUD when it was proposed to be developed as a mobile home subdivision. As mobile homes have been replaced with single family patio homes, the Applicants request the requirement for mandatory fencing be modified to provide that

perimeter lots may be fenced with a six foot (6') high wooden fence, at the option of the owner of the lot.

5. The approved PUD also requires a continuous twenty foot (20') buffer along the West, North and East boundary lines and a forty foot (40') buffer along the South boundary line. Again, this requirement was imposed when the PUD was proposed to be developed as a mobile home subdivision. As mobile homes have been replaced with patio homes, the Applicants request the width of the buffer be reduced to five feet (5') along all property lines.

6. The approved PUD requires sidewalks to be installed on one (1) side of each street and street lights to be installed within the streets. The Applicants request this provision be modified to provide that sidewalks along one (1) side of each street and street lights at intervals of not more than three hundred feet (300') may be installed within the PUD, at the option of the developer or Homeowners' Association.

7. The approved PUD provides for a guard gate and twenty-four (24) hour security for the PUD. The Applicants request this provision be modified to provide that a guard gate may be installed at the entrance to the PUD, at the option of the developer or Homeowners' Association.

8. The approved PUD permits a sales trailer to be located at the entrance to the PUD until such time as a model center, consisting of three (3) model homes is constructed within the PUD.

The Applicants propose to eliminate the model center and retain the sales trailer in its present location, near the entrance to the PUD until all lots in Phases I-A and I-B are sold. The sales trailer is skirted and landscaped and includes a parking area. The sales trailer will be removed from the PUD within thirty (30) days after the sale of the last lot in Phases I-A and I-B, unless the County approves its relocation to either Phase II or III by a subsequent PUD modification.

9. Notwithstanding the elimination of the model center, not more than four (4) homes within the PUD may be utilized as model homes.

10. The approved PUD provides for zero (0) side yard setbacks. The Applicants request this provision be modified to provide that although the side yard setbacks shall be zero (0), all structures will be separated by a minimum of ten feet (10').

11. The approved PUD provides for a permanent lighted sign of a height not exceeding ten feet (10') to be located at the entrance to the PUD. The Applicants propose to construct a permanent sign and wall within the right-of-way of the entrance road, not exceeding six feet (6') in height and eight feet (8') in width.

12. The phasing schedule contained within the approved PUD is as follows:

Phase I was commenced on February 1, 1991, and is to be completed in February 1, 1994; and

Phase II is to be commenced in February, 1993, and completed in February, 1998; and

Phase III is to be commence in February, 1996, and completed in February, 1998.

The Applicants request the phasing scheduled be modified as follows:

Phase I shall be completed on or before December 31, 1995;

Phase II will be commenced on or before January 1, 1996, and completed on or before January 1, 1999; and

Phase III will be commenced on or before January 1, 1999, and completed on or before January 1, 2002.

13. The length of the turn lanes serving the project is less than that shown on the plans approved by the Engineering Department. The Applicants have discussed this issue with the Engineering Department and believe the existing turn lanes will adequately service Phases I-A and I-B of the PUD. Thus, the Applicants request the requirement for lengthening the turn lanes be deferred until construction of Phase II commences.

The Applicants submit the proposed modifications are reasonable and both consistent and compatible with the spirit and intent of the PUD and St. Johns County Comprehensive Plan.

All other terms and provisions of the PUD, not in conflict with the provisions of this major modification, shall remain in full force and effect.



Respectfully submitted,

By: John D. Bailey, Jr.  
John D. Bailey, Jr.  
Attorneys for Applicants  
UPCHURCH, BAILEY & UPCHURCH, P.A.  
780 North Ponce de Leon Boulevard  
Post Office Drawer 3007  
St. Augustine, Florida 32085-3007

**COPY OF ADVERTISEMENT**

**NOTICE OF PUBLIC HEARING ON PROPOSED MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT**

NOTICE IS HEREBY GIVEN that a Major Modification to Ordinance Number 84-17, an ordinance rezoning lands to Planned Unit Development will be heard by the Planning and Zoning Agency and the Board of County Commissioners of St. Johns County, Florida, to consider the following major modification: change in amenities; change in recreation parking area; re-move fencing requirement around perimeter; change in buffering; placing options on street lighting guard gate; eliminating model center; providing additional side yard set back; change in entrance sign; modification of phasing schedule; change in turn lanes on the following described lands located in St. Johns County, Florida:

The SE 1/4 of the NW 1/4, less and except the North 50 feet thereof conveyed for road purposes by Deed filed in Official Records Book 35, Page 494 of the Public Records of St. Johns County, Florida, and the SW 1/4 of the NE 1/4, less and except the East 165 feet thereof and the North 50 feet conveyed for road purposes by Deed filed in Official Records Book 35, Page 494 of the Public Records of St. Johns County, Florida, also 5 1/2 of E 1/2 of SW 1/4 of NE 1/4 lying W of Rd S-3 filed in Deed Book 242, Page 39, and E 1/2 of NE 1/4 of NE 1/4 of SW 1/4 of NE 1/4 lying W of Rd S-3 filed in Official Records Book 36, Page 480. All in Section 33, Township 7 South, Range 30 East, St. Johns County, Florida.

Said lands located: 16th Street, known as Commodore's Club, formerly known as Island Lakes PUD.

THE PLANNING AND ZONING AGENCY WILL HEAR THE REQUEST ON THE 17 DAY OF October 1991, at 1:30 p.m. Said hearing to be held in the County Auditorium, County Administration Building, Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida.

THE APPLICATION for modification, FILE NUMBER R-PUD-84-4, is maintained in the office of Planning and Zoning, County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S.#1 North, St. Augustine, Florida, and may be examined by parties in interest prior to said public hearings, and all parties in interest shall be granted an opportunity to be heard at said public hearing.

PLANNING AND ZONING AGENCY  
ST. JOHNS COUNTY,  
FLORIDA

By s/Mel Kutzer  
NOTICE IS FURTHER GIVEN THAT THE MAJOR MODIFICATION TO ORDINANCE NUMBER 84-17, an ordinance rezoning lands to Planned Development, will be heard by the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA on the 12 day of November 19, 1991, at 1:30 p.m. in the County Auditorium, County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
/S/ CARL "BUD" MARKEL,  
CLERK

If a person decides to appeal any decision made by the Planning and Zoning Agency or the Board of County Commissioners with respect to any matter considered at the meeting, 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 the appeal is to be based.  
L762 Sept. 25, 1991

**The St. Augustine Record**

PUBLISHED EVERY AFTERNOON 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 \_\_\_\_\_  
SHERRY L. RAUCH

ACCOUNTING CLERK \_\_\_\_\_ who on oath says that she is

\_\_\_\_\_ 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 PUBLIC HEARING

\_\_\_\_\_ in the matter of \_\_\_\_\_

16th Street, A/K/A Commodore's Club

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

September 25, 1991

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 has 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, Florida, for a period of one year next preceding the first publication of the attached 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 \_\_\_\_\_  
Zoe Ann Johns

this \_\_\_\_\_ 25th \_\_\_\_\_ day of \_\_\_\_\_ Setpember

A.D. 19 \_\_\_\_\_ 91

*Zoe Ann Johns*  
(SEAL) \_\_\_\_\_ Notary Public  
8/25/91