

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
THE PLAYERS CLUB 18 ACRE APARTMENTS**

WHEREAS, the Final Development Plan for The Players Club 18 Acre Apartments has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS, the Planning and Zoning Agency has approved a minor modification to the Players Club and Marsh Landing Planned Unit Development which will become effective upon submission of evidence of unified ownership of Parcel 39 on or before February 1, 1995 (the "Minor Modification"); and

WHEREAS, the request for Final Development Plan approval will be consistent with the requirements of PUD Ordinance 75-15 upon final effectiveness of the minor modification; and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on August 4, 1994 and
- B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area;
- C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance;

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

Section 1. Pursuant to a request submitted by Prosser, Hallock & Kristoff, Inc. on behalf of Fairfield Residential, Inc. for approval of a Final Development Plan for The Players Club 18 Acre Apartments, in accordance with Section 8-3 of St. Johns County Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development Plan attached hereto as Exhibit A relating to that portion of the PUD, the legal description of which is a part of Exhibit A, and which is known as The Players Club 18 Acre Apartments hereby approved in reliance upon, and in accordance with the representation and statements made therein and in the Final Development Plan Text dated August 17, 1994, and as revised, attached hereto as Exhibit B subject to effectiveness of the Minor Modification.

Section 2.

a) Except to the extent that they conflict with specific provisions of the approved development plan or PUD (PSD) Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances 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.

b) Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of any improvements shown on the Final Development Plan attached as Exhibit A until:

- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge Fill Permit, St. Johns River Water Management District and Storage of Surface Waters Permit and Florida Department of Environmental Regulation Water and Sewer Connection Permits;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and
- d. Compliance with all other applicable land use and development regulations of St. Johns County.
- e. Recordation in the PUD records of St. Johns County on or before February 1, 1995 of a document executed by the chairman or other authorized agent of the

Planning and Zoning Agency confirming that the condition to the effectiveness of the Minor Modification has been met.

Section 4. All attachments included herein are incorporated herein and made a part of Resolution 94-200.

Section 5. This approval of the Final Development Plan shall become effective only when the applicant records the document referenced in subsection 3e above confirming that the minor modification is effective. If the foregoing condition has not been met by February 1, 1995, then this approval shall be null and void.

Passed and adopted on October 25, 1994 to become effective upon submission of evidence that the Minor Modification is effective on or before February 1, 1995.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Debra Roberts
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia De Grande
Deputy Clerk

**FINAL DEVELOPMENT PLAN
PLAYERS CLUB
PUD ORDINANCE 75-15**

**THE PLAYERS CLUB 18 ACRE APARTMENTS
EXHIBIT B
TO THE RESOLUTION
August 17, 1994
Revised September 21, 1994**

P. U. D. OFF. REC.
BOOK G PAGE 418

**Applicant: Fairfield Residential, Inc.
Agent: Prosser, Hallock & Kristoff, Inc.**

On behalf of Fairfield Residential, Inc., Prosser, Hallock & Kristoff, Inc. hereby submits, for approval by the St. Johns County Planning and Zoning Board and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for a multi-family residential apartment community to be known as The Players Club 18 Acre Apartments (the "Property"). The Final Development Plan consists of a 1-page map identified as Exhibit A to the Resolution (the "Map") and this text identified as Exhibit B to the Resolution (the "Text"). The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 75-15. The area encompassed by this Final Development Plan is located on the north side of ATP Tour Boulevard across from ATP World Headquarters.

2.8 acres of the Property is currently designated for multi-family use. The remaining 15.4 acres is designated for commercial use, however concurrent with this application a request for a Minor Modification to the PUD is being submitted to change the land use from commercial to multi-family. The property consists of 253 units on 18.2 acres within the Players Club PUD.

Prior to commencement of land clearing, site preparation, or construction of any improvements depicted on the Map, the developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance No. 90-11; (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and (d) Comply with all other applicable land use and development regulations of St. Johns County. Once the foregoing conditions to construction have been met, the developer may proceed to construction of horizontal improvements.

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its power to review and approve plats and replats under Section 177.01 of the Florida Statutes).

ADDITIONAL INFORMATION:

The location of entry signs are shown on the Final Development Plan. The signs will not exceed 4 ft. ht. and 6 ft. in length. The signs will be lighted and will be located so as to not obstruct visibility.

Temporary construction trailers will be utilized on-site during construction.

In accordance with the procedure established in Section 8-3, "Implementation of a PUD", the attached Final Development Plan prepared by Prosser, Hallock & Kristoff, Inc. and the following text regarding compliance with Section 8-4, are submitted for your consideration.

8-4-1 Density of Development

The total ground area occupied by residential buildings and structures on the Property shall not exceed 35 percent of the total ground area committed to residential use. There will be 13.9 residential units per acre.

8-4-2 Open Space

Open space is shown on the Final Development Plan and landscape areas and recreational areas. All open space will be owned and maintained by the owner of the Apartments.

The entire property will be landscaped and existing vegetation will be preserved where possible.

Screening and buffers are addressed in Section 9-1-7 of this exhibit.

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

All development which is to occur within the Property will comply with the spirit and intent of the Zoning Ordinance. There will be no more than 253 residences on the Property. Specific setback lines are as follows: All apartment buildings will be a minimum 10 feet from the property line. There will be a minimum 20 feet between all buildings. Each setback line is measured to the wall of the building. The maximum height of the structures within the Property shall be 35 feet.

8-4-4 Project Size

The Property consists of 18.2 acres.

8-4-5 Support Legal Documents for Open Space

The property will be owned, maintained, and managed by the Owner, its successors or assigns. The units will be leased.

8-4-6 Access

As graphically depicted on the Final development Plan, each apartment unit is provided vehicular access within the Property via private roads with the project boundaries.

8-4-7 Privacy

Landscaping will be provided for the aesthetic enhancement of the property.

P. U. D. OFF. REC.
BOOK 6 PAGE 420

8-4-8 Community Facilities

- a. None of the utility facilities serving the Property are proposed for dedication to St. Johns County; therefore, the provisions of subparagraph "a" are inapplicable.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically below:

9-1-1 Drainage

A preliminary drainage plan for the Property so as to prevent damage to abutting parcels and public streets and alleys is graphically depicted on the Map. Detailed drainage plans demonstrating compliance with all requirements of Ordinance 86-4 and the St. Johns County Comprehensive Plan shall be included within the signed and sealed construction plans. The construction plans must be reviewed and approved by the St. Johns County Engineering Department prior to commencement of land clearing, site preparation or construction. All necessary easements for drainage shall comply with the requirements of Ordinance 86-4.

9-1-2 Separation from Walkway and Street

Each unit will have individual parking spaces which will provide the required off-street parking. These parking spaces are separated from the walkways and streets as shown on the Final Development Plan. Some of the units will have detached or attached garages.

Sidewalks will be constructed from the parking areas to the buildings. A sidewalk will be constructed along ATP Tour Boulevard from the Property to the adjacent shopping center located on A1A.

9-1-3 Entrances and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with the County Specifications and is shown on the Final Development Plan.

9-1-4 Interior Drives

As shown on the Final Development Plan, interior drives will be 24 feet wide to accommodate 90 degree parking.

9-1-5 As shown on the Final Development Plan, all parking spaces will be marked.

9-1-6 Lighting

Street lighting within the Property will meet or exceed minimum lumens of 100-watt high pressure sodium fixture lights affixed 16 feet above the roadway and 300 feet on the center.

9-1-7 Screening

The portion of the property which is adjacent to residential areas will be entirely screened visually with a continuous 6 foot opaque fence, as shown on the Final Development Plan. Other screening walls and security fencing is shown on the Final Development Plan. The other screening and security fencing may include chain link, wood, metal and/or masonry fencing and may be located within the buffer areas.

The dumpster will be screened from the adjacent property with a 6 foot opaque fence or wall and landscaping.

9-2 Location

The required off-street parking facilities will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Parking: Numbers Required

The Property will be used for multi-family. Therefore, in accordance with subsection "b." of Section 9-3, at least one and one-half off-street parking spaces will be provided per dwelling on the same parcel in which it intends to serve. 384 parking spaces are required. A minimum of 506 parking spaces will be provided. The overall parking ratio is 2.0 spaces per dwelling unit. Handicap

parking spaces will be provided. Carports may be constructed throughout the project. The carports are detached structures built over parking spaces.

P. U. D. OFF. REC.
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9-4-1 Off-Street Loading Requirement

Section 9-4-1 is inapplicable since there are no non-residential uses.

- c. The Map illustrates the anticipated traffic flow pattern. Sufficient space has been allowed to permit access for fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal. Trash Dumpster locations are shown on the Final Development Plan. Locations of the fire hydrants serving the Property shall be depicted on the signed and sealed construction plans. The fire hydrants to be installed pursuant to this Final Development Plan shall meet county standards and must be approved by the county fire coordinator prior to issuance of certificates of occupancy for any structure to be served by such hydrants.
- d. All utilities serving the Property, including telephone, power, cable television, and sewer and water lines, will be installed underground. The signed and sealed construction plans shall show the location and design of the storm sewer facilities serving the Property and the grading and topography of the site. The storm sewer facilities shall comply with all applicable requirements of law including, but not limited to the requirements of Ordinance 86-4 and shall facilitate the proper drainage of storm waters and prevent erosion and the formation of dust.
- e. Specifications for all streets and roadways depicted on the Map shall conform to the rules and regulations adopted by the St. Johns County Board of County Commissioners in Ordinance Number 86-4, as amended.
- f. The water and wastewater system shall be constructed to St. Johns Service Company standards and will be dedicated to St. Johns Service Company for ownership and maintenance.

PROSSER, HALLOCK & KRISTOFF, INC.



Donald V. Fullerton

STATE OF FLORIDA
COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
BOOK G PAGE 423

I, CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

RESOLUTION NO. 94-200

adopted by the Board of County Commissioners of St. Johns County, Florida at a regular meeting of said Board held October 25, 1994

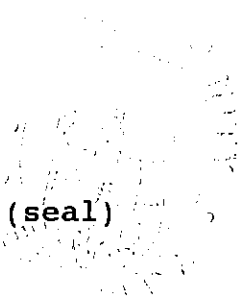
FILED AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA
94 NOV - 1 PM 4:44
Carl "Bud" Markel
CLERK OF CIRCUIT COURT

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 28th day of October, 1994.

CARL "BUD" MARKEL,
CLERK OF THE CIRCUIT COURT
Ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida

By: Patricia DeGrande
Patricia DeGrande, Deputy Clerk



(seal)

AFFIDAVIT

P. U. D. OFF. REC.
BOOK H PAGE 110

STATE OF FLORIDA)
) SS:
COUNTY OF DUVAL)

*REC
17+2.50*

BEFORE ME, the undersigned John G. Metcalf, being first duly sworn, deposes and says:

1. A true and correct copy of a letter dated January 24, 1995 from Mel Kutzer, Chairman, St. Johns County Planning and Zoning Agency to Barbara Ward, Chairman, Board of County Commissioners, St. Johns County, is attached to this Affidavit as Exhibit A (the "Confirmation Letter"). The Confirmation Letter confirms that, as required under Section 1 and Section 3 of St. Johns County Planning and Zoning Agency Resolution 94-32, the applicant has provided evidence of unified ownership of Parcel 39 to the Planning and Zoning Agency as of January 19, 1995.

2. This Affidavit with the attached Confirmation Letter is being recorded in the PUD records of St. Johns County, Florida to evidence the unified ownership as required by the conditions to the effectiveness of the minor modification approved by Planning and Zoning Agency Resolution 94-32 and the Final Development Plan approved by the Board of County Commissioners under Resolution 94-200.

FURTHER AFFIANT SAYETH NOT.

John G. Metcalf

John G. Metcalf
Affiant

Sworn to and subscribed before me this 31st day of January, 1995.

Rose Ann Snyder

Rose Ann Snyder
(Print Name)
Notary Public, State of Florida

My commission Expires:



ROSEANN SNYDER
MY COMMISSION # CC319791 EXPIRES
September 29, 1997
BONDED THRU TROY FAIR INSURANCE, INC.

* will pick up
7088

*Pappas, Metcalf & Jenks
200 West Forsyth Street, Ste #1400
Jacksonville, FL 32202-4227*

ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners

PLANNING AND ZONING
DEPARTMENT

P.O. DRAWER 349
SAINT AUGUSTINE, FLORIDA
32085-0349



PHONE: (904) 823-2470
FAX: (904) 823-2498

O. R. 1093 PG 1452

January 24, 1995

Board of County Commissioners
Barbara Ward, Chairman
4020 Lewis Speedway
St. Augustine, Florida 32095

P. U. D. OFF. REC.
BOOK H PAGE III

Thru: Betty Sue Solana, Development Review Coordinator
Public Works Department
St. Johns County, Florida

RE: Satisfaction of condition stated in BCC Resolution 94-200, a
Resolution approving Final Development Plan, The Players
Club 18 Acre Apartments

Dear Chairman Ward:

This will confirm that, as required under Section 1 and Section 3
(3) of St. Johns County Planning and Zoning Agency Resolution No.
94-32, the applicant has provided evidence of unified ownership
of Parcel 39 to the Planning and Zoning Agency as of January 19,
1995.

As a result, the conditions to the effectiveness of the minor
modification approved by PZA Resolution 94-32 and the Final
Development Plan approved by the Board of County Commissioners,
Resolution 94-200 have been met.

Attached to this letter for reference are copies of the deeds to
Fletcher Land Corporation, Resolution 94-32 and Resolution 94-
200. Copy of this letter is being sent to John G. Metcalf,
Pappas Metcalf and Jenks, for recording in the public records of
St. Johns County, Florida.

EXHIBIT A

Sincerely,

Mel Kutzer
Mel Kutzer, Chairman
Planning and Zoning Agency

P. U. D. OFF. REC.
BOOK H PAGE 112

MK/RV

Attach: 3

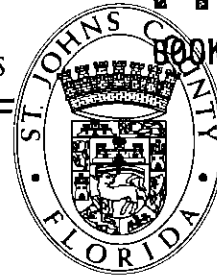
c/ John G. Metcalf, Pappas Metcalf and Jenks, 200 est Forsyth
Street, Suite 1400, Jacksonville, Florida 32202-4327
Dan Bosanko, Assistant County Attorney
Don Fullerton, Prosser, Hallock and Kristoff, Inc., 8101
Phillips Highway, Suite One, Jacksonville, Florida 32256-7457

ry.let.pza

Mel Kutzer

EXHIBIT A

Board of County Commissioners



PLANNING AND ZONING DEPARTMENT

P.O. DRAWER 349 SAINT AUGUSTINE, FLORIDA 32085-0349

PHONE: (904) 823-2470 FAX: (904) 823-2498

STATE OF FLORIDA COUNTY OF ST. JOHNS

O.R. 1093 PG 1454

I, JERRY D. NAPIER, PLANNING AND ZONING DIRECTOR, FOR ST. JOHNS COUNTY, FLORIDA:

DO HEREBY CERTIFY that the foregoing 2 pages are true and correct copies of letter dated January 24, 1995 from Mel Kutzer, Chairman of St. Johns County Planning and Zoning Agency filed and recorded in the St. Johns County Planning and Zoning Department files.

SUBJECT: Confirmation Letter in regard to Planning and Zoning Agency Resolution 94-32 and Board of County Commissioners Resolution 94-200

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 1st day of February, 1995

JERRY D. NAPIER PLANNING AND ZONING DIRECTOR ST. JOHNS COUNTY, FLORIDA

BY: Rosemary Yeoman Rosemary Yeoman, Zoning Administrator St, Johns County, Fla.

CLERK OF CIRCUIT COURT 95 FEB -1 AM 11:28

Irki Pappas MetenIP + Jenk's 200 West Forsyth Street, St#1400 Jacksonville, FL 32202-4397