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RESOLUTION NO. 94-65

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR PHASE ONE OF TREE OF LIFE
LOCATED WITHIN THE PARCEL OF LAND
ZONED PUD PURSUANT TO ORDINANCE 94-10**

WHEREAS, the Final Development Plan for Phase One of Tree of Life has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS, the request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 94-10; and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on March 3, 1994; and
- B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area;

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

Section 1. Pursuant to a request for approval by Tree of Life, Inc. to construct a 70,000 square foot warehouse facility and 17,000 square foot office on a mezzanine within the building, and site improvements including parking and retention areas, in accordance with Section 8-3 of the St. Johns County Zoning 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 set forth on Exhibit A attached hereto, and which is known as Phase One of Tree of Life is hereby approved in reliance upon, and in accordance with the representation and statements made therein and in the Final Development Plan Narrative attached hereto as Exhibit B, and Article IV of the Covenants and Restrictions attached hereto as Exhibit C.

Section 2. All building code, zoning ordinance, and other land use and development regulations of St. Johns County are 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 94-10 Modification to approved development plans by variance or special exception shall be prohibited. All such modifications shall follow the PUD amendment procedures provided for in the St. Johns County Zoning Ordinance.

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Section 3. The owner 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 and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River water Management District Management and Storage of Surface Waters Permit and Florida Department of Environmental Protection 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.

Section 4. The County Administrator is authorized to waive any County requirements for any permits required by the St. Johns River Water Management District and in accordance with Section 16 of Ordinance 86-4 may waive any requirements of that ordinance, and may authorize the issuance of a building permit to allow the construction of the building to commence, subject to the following conditions:

- a. The Building Department must first approve the applicable construction plans prior to the issuance of a building permit;
- b. The Building Department may authorize construction of the building in phases;
- c. No site preparation may commence, with the exception of the building pad area; without approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4.

- d. The issuance of building permit does not relieve the Tree of Life from obtaining the necessary permits for any improvements to the site prior to the issuance of certificate of occupancy for the building.

Section 5. All attachments included herein are incorporated herein and made a part of Resolution 94-65.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allen Roberts
Chair Allen Roberts

ATTEST: CARL "BUD" MARKEL, CLERK

By: Iona Pasetti
Deputy Clerk

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EXHIBIT B TO THE RESOLUTION

FINAL DEVELOPMENT PLAN NARRATIVE
PHASE ONE OF TREE OF LIFE
WITHIN THE
ST. AUGUSTINE INDUSTRIAL PARK PUD

TREE OF LIFE, INC.

JANUARY 28, 1994
REVISED FEBRUARY 24, 1994

Owner 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 the warehouse/office facility to be known as Phase One of Tree of Life. The Final Development Plan consists of a one-page map identified as Exhibit A to the Resolution (the "Map"), the legal description identified on Exhibit A, this text identified as Exhibit B to the Resolution (the "Text"), copies of the applicable sections of the covenants and restrictions identified as Exhibit C to the Resolution. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance _____. The area encompassed by this Final Development Plan is located within the St. Augustine Industrial Park PUD. Under the Master Plan, the St. Augustine Industrial Park may be developed for up to 900,000 SF of industrial/warehouse, and 100,000 SF of commercial/office. Phase One of Tree of Life will consist of 70,000 SF of warehouse and 17,000 SF of office on a mezzanine within the building.

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. In the event all permits for improvements to the site are not received prior to April 1, 1994, the Engineering Department may authorize the site preparations for the start of vertical construction. This action would not relieve Tree of Life from the obligation to obtain the necessary permits for all other site 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 powers to review and approve plats and replats under Section 177.071 of the Florida Statutes). Those sections of the covenants which are specifically referenced herein and listed on Exhibit C are incorporated by reference in the Final Development Plan, shall be made a part of the Final Development Plan and shall not be amended without approval of the Board of County Commissioners of St. Johns County. The developer reserves the right to alter, amend, or allow to be amended all other sections of the covenants.

8-4-1 Density of Development

Phase One of Tree of Life shall consist of 70,000 SF of warehouse and 17,000 SF of office on a mezzanine within the building, on a site of 25 acres. The construction of additional warehouse and office space on this site may be requested in the future through modification of this final development plan.

8-4-2 Open Space

Open space and conservation areas are depicted as tracts on the FDP Map, as follows:

Tracts A1 - A3	Landscape/Buffer
Tract B1	Wetlands/Conservation
Tracts C1 - C2	Stormwater Ponds

The open space and conservation areas are not being dedicated to St. Johns County. Maintenance for Tracts A, B, and C will be the responsibility of Tree of Life.

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

All development which is to occur within Phase One of Tree of Life will comply with the spirit and intent of the Zoning Ordinance and the PUD Ordinance. Minimum setbacks are as follows: Front - 50 feet from road right-of-way, rear - 10 feet from property line, side 10 feet from property line, minimum of 20 feet between buildings. All setbacks shall be measured from the exterior wall of the dwelling to the applicable parcel boundary.

There will be an entry sign for Tree of Life, which may be lighted, that will lie within Tract A1 as shown on the map. The sign shall be no larger than 5' x 8' and be installed on a low-rise base up to 2 feet high. The sign will be setback a minimum of 10 feet from the intersection to avoid obstructing visibility.

Temporary construction trailers may be used during the construction phase, but these will be removed within six months after receipt of a certificate of occupancy for the building. Temporary access may be provided if the entry road is not completed before the start of construction on the Tree of Life facility. The temporary access road will be closed within thirty (30) days after the County accepts the main road.

The maximum height of any building shall be 45 feet in accordance with the PUD.

8-4-4 Project Size

The PUD consists of 106 acres. The Tree of Life site consists of 25 acres. This Final Development Plan consists of 25 acres.

In the future, Tree of Life may expand the initial building, construct additional buildings, construct additional parking, or construct additional improvements on the site. Areas not shown for development in this phase may be shown for development in future phases. Additional improvements shall be subject to final development plan approval.

8-4-5 Support Legal Documents for Open Space

The covenants shall assure adequate management and maintenance of all common areas encompassed by this Final Development Plan.

- a. The covenants shall provide for conveyance of title to the Common Property to, and ownership by, the appropriate property owner's association as described above, which shall be a duly constituted and legally responsible community association.
- b. The covenants shall appropriately limit use of the Common Property by Inclusion of Article IV of Exhibit C.
- c. The covenants shall assign responsibility for the management and maintenance of the Common Property to the appropriate property owners' association.
- d. The covenants shall place responsibility for enforcement of the covenants contained therein upon the appropriate property owners' association and its board of directors.
- e. The covenants shall permit the subjection of each parcel to assessment for its proportionate share of maintenance costs.

8-4-6 Access

As graphically depicted on the Map, access is to be provided by a public road to be owned by St. Johns County.

8-4-7 Privacy

This section does not apply because there are no residential structures within this final development plan.

8-4-8 Community Facilities

- a. All utility facilities proposed for dedication to St. Johns County must be acceptable by the County as to the size, shape, location, and shown by the applicant to be of benefit to the general public.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically in Sections 9-1-1 through 9-4-1 of this text.
- 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. 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 No. 86-4, as amended.

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

Off-street parking and loading facilities shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protective device.

9-1-3 Entrance and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications. Landscaping, curbing or other barrier may be provided to control entrance and exit of vehicles or pedestrians.

9-1-4 Interior Drives

Interior drives shall be designed in accordance with the requirements in 9-1-4.

9-1-5 Marking of Parking Spaces

Parking spaces shall be marked by painted lines and curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

9-1-6 Lighting

Adequate lighting shall be provided to permit safe operation of the off-street parking and loading facilities at night. The lighting shall be designed and installed to minimize glare on adjacent property.

9-1-7 Screening

Section 9-1-7 does not apply because there will be no parking spaces closer than 40 feet to a lot zoned residential.

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; Number Required

The number of parking spaces provided is 139. This exceeds the County requirement of 58 spaces, calculated as follows:

Industrial (Including Office):

1 space per 2 employees = 79 employees/2 = 40 spaces

1 space per 5,000 SF = 87,000/5,000 = 18 spaces

Total Required = 58 spaces

9-4-1 Off-Street Loading Requirements

The off-street loading spaces provided will exceed the requirement of 3 spaces.

APPLICANT

By: Donald R. Amos

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EXHIBIT C
COVENANTS AND RESTRICTIONS

ARTICLE IV
COMMON AREA RIGHTS

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Section 4.1 Conveyance of Common Area. Developer agrees that all of the Common Area owned by Developer shall be conveyed or assigned to the Association at no cost to the Association, within one hundred twenty (120) days after the Developer shall no longer own any Building Site within the Property, or at such earlier date as the Developer may determine in its sole discretion, and the Association shall accept such conveyance or assignment.

Section 4.2 Owners' Easement of Enjoyment. Each Owner shall have a right and easement of enjoyment in and to the Common Area (for its intended purpose), which shall be appurtenant to, and shall pass with, the title to the land of such Owner, subject to the following:

4.2.1 The right of the owner of the Common Area, with the consent of the Developer (if different from such owner) to dedicate or transfer all or any part of the Common Area to any public agency, authority or utility (provided the use rights of the Owners in such Common Area shall not be materially and adversely affected);

4.2.2 All provisions of this Declaration, any plat of all or any parts of the Property, governmental restrictions, including the provisions of any Planned Unit Development Ordinance ("PUD") or any environmental permit;

4.2.3 Reasonable rules and regulations governing use and enjoyment of the Common Area adopted by the Association;

4.2.4 The rights of the Developer under Section 4.3 to add to or withdraw land from the Common Area;

4.2.5 Easements, restrictions, agreements and other matters contained in this Declaration or of record as of the date of recordation of this Declaration.

Section 4.3 Right of the Developer to Designate Property as Common Area or to Withdraw Property from the Common Area. Notwithstanding anything to the contrary contained in this Declaration, the Developer shall have the right, in its sole discretion, to designate land, easements, use rights and personal property owned by the Developer as Common Area, provided only that such Common Area shall be located within the Property or contiguous to the Property (for purposes of this Section 4.3, property separated only by public or private roads, water bodies, golf courses, or open space shall be deemed contiguous) and shall be for the primary benefit of the Owners. For so long as the Developer shall own any Building Site, the Developer may, at any time, withdraw, or cause to be withdrawn, land from the Common Area in

the Developer's sole discretion. The prior sentence notwithstanding, in the event such withdrawal of Common Area shall materially and adversely affect any Building Site, or the value thereof, or materially and adversely affect access, visibility, utilities, or drainage to or from any Building Site, the Developer shall not have the right to withdraw such Common Area without the consent and joinder of the Owner of the Building Site which is so affected. Addition of land to and withdrawal of land from the Common Area shall be evidenced by recording a Supplementary Declaration in the public records of St. Johns County, Florida, which shall specifically reference such addition or withdrawal. Withdrawal of land from the Common Area by the Developer shall terminate any and all easements and rights of use of the Owners in such land. No land owned by the Developer shall be deemed to be Common Area unless such land is expressly referenced as such under Section 2.3 hereof, or subsequently designated as such by the Developer pursuant to Section 2.3 hereof and this Section 4.3, even if the Developer consents or acquiesces to the use of such land by the Owners. In the event any land, easements, use rights, or personal property owned by the Association shall be withdrawn from the Common Area pursuant to this Section 4.3, upon the Developer's written request, the Association shall promptly execute and deliver to the Developer any and all deeds, bills of sale, assignments or other conveyance documents as may be necessary or appropriate to effectuate the withdrawal of such Common Area.

Section 4.4 Maintenance of Common Area and Compliance with Applicable Permits. The Association shall at all times maintain in good repair and manage, operate and insure, and shall replace as often as necessary, the Common Areas and the paving, street lighting fixtures and appurtenances, landscaping, improvements and other structures (except utilities owned and maintained by public or private utility companies providing water, sewer, electrical, fire protection, cable television, telephone, or similar utilities to the Property, or any portion thereof) situated on the Common Areas, if any. The Association shall maintain all lakes, drainage areas, drainage easements, and control structures, and shall preserve and protect any designated conservation areas or littoral zones located within, adjacent, or in near proximity to the Property which have been so designated for the benefit of the Property, in accordance with all permit requirements and conditions contained in applicable dredge fill, consumptive use, surface water permits, or any other applicable permits issued by the United States Army Corps of Engineers, Florida Department of Environmental Regulation, St. Johns River Water Management District, and St. Johns County, Florida and all statutes, rules, regulations and requirements pertaining to surface water management, drainage and water quality promulgated by the St. Johns River Water Management District, the Florida Department of Environmental Regulation, and all other local, state and federal authorities having jurisdiction. The Association shall maintain those portions of the Common Area designated by applicable permit as conservation tracts, stormwater

management tracts or similar designations, in accordance with all permit requirements, rules, and regulations promulgated by all local, state and federal authorities having jurisdiction. The Association shall be responsible for the maintenance, operation and repair of the Surface Water or Stormwater Management System. Maintenance of the Surface Water or Stormwater Management System shall mean the exercise of practices which allow the systems to provide drainage, water storage, conveyance of other surface water or stormwater management capabilities as permitted by the St. Johns River Water Management District. The Association shall be responsible for such maintenance and operation. Any repair or reconstruction of the Surface Water or Stormwater Management System shall be as permitted, or if modified, as approved by the St. Johns River Water Management District. All maintenance obligations of the Association shall be performed as ordered by the Board of Directors of the Association, and all or any portion of the cost of such maintenance incurred by the Association pursuant to this Section 4.4, shall be a common expense of the Association to be collected and paid in the manner prescribed by this Declaration. The Association shall not, however, be responsible for maintaining any portion of any Building Site or any drainage structure, retention area or surface water or stormwater management system serving one or more Building Sites owned by a single owner unless the area or facility specifically has been identified as Common Area pursuant to Section 2.3 above.

Section 4.5 Easement for Maintenance Purposes. The Developer hereby grants to the Association, and their respective successors, assigns, agents, and contractors, an easement in, on, over and upon those portions of the Property as may be reasonably necessary for the purpose of maintaining the Common Area, including the Surface Water or Storm Water Management System, or other portions of Property to be maintained by Association, in accordance with the requirements of this Declaration. The easement granted hereby shall not be exercised by any party in a manner which unreasonably interferes with the use, occupancy, or enjoyment of any improved portion of the Property. Further, in the event that any portion of the Property shall be damaged or altered in any way as the result of the exercise of the easement rights granted hereby, such portions of the Property shall be immediately restored to the condition that existed immediately prior to such damage or alteration.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

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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. 94-65

**adopted by the Board of County Commissioners
of St. Johns County, Florida at a regular
meeting of said Board held March 22, 1994**

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 13th day of June, 1994.

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

By: Yvonne Carter
Yvonne Carter, Deputy Clerk

(seal)

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

94 JUN 17 AM 7:33

Carl "Bud" Markel
CLERK OF CIRCUIT COURT