

RESOLUTION NO. 95-164

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, STATE OF FLORIDA  
APPROVING A FINAL DEVELOPMENT PLAN  
FOR JULINGTON CREEK PLANTATION DRI  
PARCEL 11 and 19 Recreation Center

WHEREAS, the Final Development Plan for Julington Creek Plantation DRI - Parcel 11 and 19 Recreation Center has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on 9-7-95;
- B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area; and
- C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 93-43.

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

Section I. Pursuant to a request for approval of Julington Creek Plantation DRI - Parcel 11 and 19 Recreation Center made by Atlantic Gulf Communities Corporation, 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, Ordinance 93-43, is hereby approved in reliance upon, and in accordance with the representation and statements made herein and in the Final Development Plan Written Narrative attached hereto as Exhibit B, and the executed indemnity agreement attached hereto as Exhibit C, and based on the above referenced findings which are hereby incorporated herein by reference.

Section 2.

Except to the extent that they conflict with specific provisions of the approved development plan or PUD 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. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in the Ordinance or the incorporated PUD narrative.

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 State Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of any improvements within Parcel 11 and 19 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 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.

Section 4. All attachments included herein are incorporated herein and made a part of Resolution 95-164

Adopted on September 26, 1995

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward  
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Rosemary Lewis  
Deputy Clerk

**EXHIBIT B  
WRITTEN TEXT**

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Atlantic Gulf Communities Corp. hereby submits, for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for Julington Creek Plantation Recreation Center (the "property"). The Final Development Plan consists of a 1-page map identified as Exhibit A to the Resolution (the "Map"), the legal description as shown on Exhibit A, this text identified as Exhibit B to the Resolution (the "Text"), and Indemnity Agreement 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 93-43. The area encompassed by this Final Development Plan is located within the Julington Creek Plantation PUD. It occupies Parcels 11 and 19 as shown on the approved Master Plan. Under the approved Master Plan, Parcels 11 and 19 are designated as recreation areas/open space. The proposed use of the property within this final development plan shall be recreation areas and open space. The total size of Parcel 11 is approximately 2.2 acres. The total size of Parcel 19 is approximately 5.2 acres. The acreage included herein is based upon final wetland jurisdiction as established by survey and the US Army Corps of Engineers, and represents only a portion of the acreage total for recreation areas as set forth on the PUD Master Plan.

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.

It is the applicants intent to comply with all landscaping requirements of St. Johns County. The applicant hereby reserves the right to slightly modify building locations, driveways, and/or parking areas, if necessary, in order to comply with landscaping requirements or to improve or add to the aesthetics or function of the landscape and/or site design.

#### 8-4-1 Density of Development

The total ground area occupied by recreation buildings and structures within the Property shall not exceed 35 percent of the total ground area. There will be a maximum of 10,000 square feet of building space within the Parcel 11 and 19 Recreation Areas. Maximum square footage does not include balconies, porches, covered walkways, or shade pavilions.

#### 8-4-2 Open Space

Areas of jurisdictional wetlands surrounding Parcel 19 have been set aside as a part of the conservation easement recorded in O.R.B. 929, page 684-706, St. Johns County. These areas are outside of the boundaries of this Parcel and will not be disturbed.

Areas of jurisdictional wetlands surrounding Parcel 11 are outside the boundaries of this Parcel and will not be disturbed.

Parcel 19 will contain a swim club with restrooms, offices, shade pavilions and storage buildings, basketball and volleyball courts, a stormwater retention/detention pond and landscaped open space and parking areas as depicted on the map. Parcel 11 will contain playground equipment, shade pavilion, and parking area. All areas within this final development plan will be used as recreation areas and/or open space, and may include signage, landscaping, nature trails, and/or picnic areas.

Open space areas shall be maintained by the Julington Creek Plantation Community Development District (CDD), the owner, his successor or assigns.

All of the above mentioned areas have been incorporated into the overall drainage system.

#### 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 P.U.D. There will be buildings within Julington Creek Plantation DRI - Parcels 11 and 19 in the general locations shown on Exhibit A. The minimum setback requirements are as follows: front yard: 0', side yard: 0', and rear yard: 5'. On side yards, exterior wall of adjacent structures separated by less than 10 feet shall be one hour rated with no openings, except as approved by the Fire Marshall's Office.

Actual building size, location and shape of buildings shall be determined at time of Building Permit application. The total square footage of all buildings shall not exceed 10,000 square feet, exclusive of balconies, porches, covered walkways, and shaded pavilions, etc. The applicant hereby reserves the right to slightly modify building

locations as necessary, however, in no case will buildings encroach upon the minimum setbacks as established herein.

All setbacks shall be measured from the exterior wall of the buildings to the applicable parcel boundary.

Temporary construction trailers may be used within the Property during the construction period (which shall be up to 24 months from the date of approval of this final development plan).

All construction activities associated with this Final Development Plan will comply with the Bald Eagle Habitat Management Plan Exhibit F of PUD Ordinance 93-43, as outlined in a letter from Michael M. Bentzien to Rhodes Robinson, dated February 8, 1994. All work will cease when eagles are observed at the nest between November and January .

There may be signs, fencing, landscaping and irrigation within the property owned by Atlantic Gulf, its assigns, or within right-of-way dedicated to the County. The maximum sign dimensions shall be 64 S.F. and shall not exceed 10 feet in height at any signage location. The actual size and locations of any signage to be located within the limits of the right-of-way shall be included in the right-of-way permit to be obtained prior to installation. Atlantic Gulf has agreed to install such signs, fencing, landscaping and irrigation in accordance with the terms and conditions hereinafter set forth and to indemnify and hold the County harmless from any claims, loss or damage arising from or in connection with the installation of such signs, fencing, landscaping and irrigation all as more fully set forth herein:

- a. The cost of installation of any signs, fencing, landscaping, irrigation and related equipment, whether installed on lands owned by Atlantic Gulf, or its assigns or on rights of way dedicated to the County, shall be solely paid by the CDD, the Owner, his successor or assigns.
- b. The cost of maintenance, repair or replacement of any signs, fencing, landscaping and irrigation, whether installed on lands owned by Atlantic Gulf, its assigns or on rights of way dedicated to the County, shall be paid by the CDD, the Owner, his successor or assigns. The CDD, the Owner, his successor or assigns shall obtain and maintain liability insurance in connection with the signs, fencing, landscaping and irrigation which shall be in the minimum amount of \$100,000.00 per person and \$200,000.00 per occurrence and shall provide proof of such insurance of the Clerk of the Circuit Court, St. Johns County, Florida.
- c. Prior to the installation of any signs, fencing, landscaping, irrigation, and/or other structures or uses within County rights of way, the CDD, the Owner, his successor or assigns or the responsible entity shall submit an

Application for a Right of Way Permit for review and approval from the Public Works Department of St. Johns County, Florida and a copy of the Planning and Zoning Department for filing with the Final Development Plan and current renewals filed annually.

- d. Prior to installation of any signs, fencing, landscaping and irrigation the CDD, the Owner, his successor or assigns or the owner of the tract of land on which the signs, fencing, landscaping and irrigation is to be installed shall apply for and receive a building permit from the Building Department of St Johns County, Florida.
- e. No signs, fencing, landscaping and irrigation shall be installed closer than twelve feet (12') from the edge of the pavement of the adjacent two (2) streets. No signs, fencing, landscaping and irrigation shall be installed so as to obstruct the field of vision of motorists or pedestrians along any adjacent roads, driveways or thoroughfares, whether paved or unpaved. In all cases, sight distance shall meet the requirements set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition.
- f. The CDD, the Owner, his successor or assigns shall maintain all signs, fencing, landscaping and irrigation installed in accordance herewith in good repair and condition.
- g. The CDD, the Owner, his successor or assigns have agreed that they shall be solely liable and agrees to be solely liable for and shall indemnify, defend and hold St. Johns County harmless from any and all loss, damage, claim, action, suit, judgment, cost or expense for injury to persons, including death or damage to property, including destruction in any manner arising from or out of the installation, maintenance or failure to remain, use or existence of any and all signs, fencing, landscaping and irrigation installed within the County rights of way.

The maximum height of the structures within the Property shall be 35 feet. Decorative or architectural cupolas may extend above the 35 foot height limit.

#### 8-4-4 Project Size

The PUD consists of approximately 4,150 acres. This Final Development Plan consists of approximately 7.4 acres.

#### 8-4-5 Support Legal Documents for Open Space

This section does not apply to this Final Development Plan, because the property within this parcel will be maintained by the Community Development District.

#### 8-4-6 Access

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As geographically depicted on the Final Development Plan, these parcels are provided vehicular access via the public rights-of-way of Davis Pond Boulevard and Durbin Creek Boulevard, which are dedicated to St. Johns County.

#### 8-4-7 Privacy

Each dwelling unit within the PUD has been provided visual and acoustical privacy from the proposed recreation area through the use of wetland conservation areas and buffer areas as depicted on the approved PUD Master Plan.

#### 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 in sections 9-1-1 through 9-4-1 of this text.
- c. The Final Development Plan illustrates the anticipated traffic flow patterns. 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 existing fire hydrants serving the Property are shown on Exhibit A of the final development plan.
- 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 facilitating proper drainage of storm waters and preventing erosion.



- e. None of the parking facilities serving the Property are proposed for dedication to St. Johns County; therefore, the provisions of subparagraph “e” are inapplicable.

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#### 9-1-1 Drainage

The overall drainage plan for the property is designed to prevent damage to abutting parcels, public streets, and alleys and is geographically depicted on the Final Development Plan. Specific drainage plans for each building will be consistent with and incorporated into this overall drainage plan.

Detailed drainage plans demonstrating compliance with 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 St. Johns County Engineering Department prior to commencement of land clearing, site preparation or construction.

All necessary easements for drainage shall comply with the requirement of Ordinance 86-4.

#### 9-1-2 Separation from Walkway and Street

Parking spaces will be physically separated from walkways by landscaped areas.

#### 9-1-3 Entrances and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications.

#### 9-1-4 Interior Drives

As shown on the Final Development Plan, interior drives within the off-street parking area will be a minimum of 24 feet wide, thus facilitating two-way traffic and 90 degree angle parking.

#### 9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, there will be one parking area within Parcel 11 consisting of more than ten spaces, and two parking areas within Parcel 19 of more

than ten spaces. The standard parking spaces are 9'x18' in size. Each space will be so designated by markings and physical separation of parking areas, entrance roads and structures will be configured as delineated on Exhibit A. Total number of handicap and standard spaces shall meet or exceed the number required by St. Johns County.

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#### 9-1-6 Lighting

Lighting within the property will be placed by the owner and shall meet or exceed the minimum St. Johns County requirements, and shall be directed onto the property to minimize glare onto adjacent properties.

#### 9-1-7 Screening

Proposed improvements are separated from adjoining land uses by jurisdictional wetland conservation area as recorded in ORB 929, pages 684-706. Land zoned for residential development will be separated from the proposed recreational areas.

#### 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

A total of 38 spaces has been provided for the swim club located within Parcel 19. This total is based upon a minimum of one space for each 300 square feet of building floor area and swimming pool water surface area.

A total of 14 spaces has been provided for the basketball/volleyball courts located within Parcel 19. This total is based upon a minimum of one space for each 1,400 square feet of court surface area.

A total of 14 spaces has been provided for the playground/picnic area located within Parcel 11. This total is based upon a minimum of one space for each 1,000 square feet of playground and shade area.

All of the above referenced parking rates were obtained from the Institute of Transportation Engineers Parking Generation Manual and confirmed with County staff in March 14, 1995 meeting.

9-4-1 Off-Street Loading Requirements

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This section does not apply since the aggregate floor area of the buildings within Parcel 19 is less than 5,000 square feet.

APPLICANT

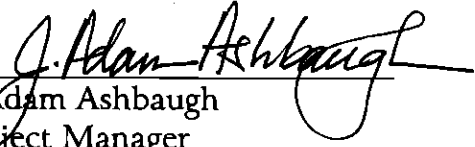
by:   
J. Adam Ashbaugh  
Project Manager  
England, Thims & Miller, Inc.  
(Agent)

EXHIBIT C  
INDEMNITY AGREEMENT

P. U. D. OFF. REC.  
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THIS AGREEMENT is made this 9 day of MAY, 1995, by and among ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation authorized to do business in Florida ("Atlantic Gulf"), JULINGTON CREEK PLANTATION PROPERTY OWNERS'S ASSOCIATION, INC., a Florida not for profit corporation ("Association") for the benefit of THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ("County").

IN CONSIDERATION of the approval of the County of that certain Resolution No. 93-\_\_\_\_, permitting the installation of certain signs, landscaping, irrigation and fencing all on the terms and conditions more fully set forth in the Resolution, Atlantic Gulf and the Association hereby agree to be solely liable for and shall indemnify, defend and hold St. Johns County harmless from any and all loss, damage, claim, action, suit, judgement, cost or expense for injury to persons, including death or damage to property, including destruction in any manner arising from or out of the installation, maintenance or failure to repair, use, or existence of any and all signs, fencing, landscaping and irrigation installed with the County rights of way, in accordance with the Resolution.

IN WITNESS WHEREOF, the undersigned set their hands and seals as of this 9 day of MAY, 1995.

ATLANTIC GULF COMMUNITIES  
CORPORATION

By: \_\_\_\_\_

J. Thomas Gillette, III  
Vice President

JULINGTON CREEK PLANTATION  
PROPERTY OWNERS' ASSOCIATION,  
INC.

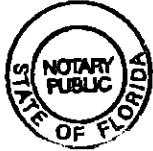
By: \_\_\_\_\_

J. Thomas Gillette, III  
President

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

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The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of May, 1995, by J. Thomas Gillette, III, Vice President of Atlantic Gulf Communities Corporation, a Delaware corporation authorized to do business in Florida, on behalf of the corporation. He is personally known to me and did not take an oath.



**SHARON HUDSON**  
My Comm. Exp. 12-11-95  
Bonded By Service Ins. Co.

Sharon Hudson  
Print Name: SHARON HUDSON  
Notary Public, State of Florida  
Commission Number: 00167354

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of May, 1995, by J. Thomas Gillette, III, President of Julington Creek Plantation Property Owners' Association, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.



**SHARON HUDSON**  
My Comm. Exp. 12-11-95  
Bonded By Service Ins. Co.

Sharon Hudson  
Print Name: SHARON HUDSON  
Notary Public, State of Florida  
Commission Number: 00167354

FILED AND RECORDED  
IN THE OFFICE OF  
CLERK OF CIRCUIT COURT  
95 OCT -6 PM 1:25  
Clerk "Buddy" M...  
CLERK OF CIRCUIT COURT