

RESOLUTION 95-184

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA,
APPROVING A FINAL DEVELOPMENT PLAN
FOR
MASTER DRAINAGE AND ROAD SYSTEM
SAINT JOHNS INTERCHANGE PARCELS
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
PURSUANT TO ORDINANCE 91-36
AS MODIFIED BY ORDINANCE 94-55

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WHEREAS, the Final Development Plan for the Master Drainage and Road System, Saint Johns Interchange Parcels, has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns Zoning Ordinance; and

WHEREAS, the request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance 94-55 (the "PUD Ordinance"); and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at it's meeting on October 5, 1995; and
- 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.

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

SECTION 1: Pursuant to a request for approval made by SJH Partnership, Ltd. 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 as Exhibit A to this Resolution is hereby approved in reliance upon, and in accordance with the representations and statements made in the written submission statement attached as Exhibit B to this Resolution which are incorporated into and made a part of this Final Development Plan, and which shall be complied with and based on the above referenced findings which are hereby incorporated by reference.

SECTION 2: (a) Except to the extent that they conflict with specific provisions of the approved development plan, PUD ordinances or Saint Johns Development of Regional Impact Development Order ("DRI"), 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 (the "Land Development Regulations"), 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 demonstrated that compliance with the Land Development Regulations is essential to the public health, safety, or welfare,

nothing in this section shall be deemed to : (1) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law including Section 163.3167(8) of the Florida Statutes or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (2) 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, other land use and development regulations as applied to this development under the Florida or United States Constitutions or Florida Statutes.

SECTION 3: The developer may continue land clearing, site preparation, and lake construction in accordance with the St. Johns County Tree Clearing Permits referenced in Section I of Exhibit B. Additional land clearing, site preparation, and lake construction within the lakes and roadways depicted on the Final Development Plan attached as Exhibit A may be commenced upon issuance of appropriate land clearing permits pursuant to St. Johns County Ordinance 90-11. All permanent road construction shall require review and approval of signed and sealed construction plans by the St. Johns County Engineering Department.

SECTION 4: This Final Development Plan is subject to the following condition subsequent and possible modification:

In the event a request for relief under the Bert J. Harris, Jr., Private Property Protection Act (Florida 1995) is timely filed against St. Johns County based in whole or in part on the County's enactment of this Resolution and such request for relief ultimately proceeds to or results in a final (all available appeals having been taken or waived) court order, opinion or judgement that adversely affects the County or that modifies this Resolution, this Resolution may be further modified by the St. Johns County Board of County Commissioners to the minimum extent necessary to alleviate or remedy the inordinate burden to real property that the final judgement, order or opinion determines was created by this Resolution. Such modifications if made, shall comply with or mirror the court order, opinion or judgement to the extent such modifications are set out, described, or implied in or by such court order, opinion, or judgement. The (owner/applicant's) reliance or use of this Resolution to the benefit of the (owner/applicant) shall constitute the (owner/applicant's) waiver of all claims of the (owner/applicant) against St. Johns County that may be based in whole or in part on such modifications.

SECTION 5: All attachments included herein are incorporated herein and made a part of Resolution 95- 184.

PASSED AND ADOPTED on October 24, 1995.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

BY: Paula Ward
Its Chairperson

Attest: Carl "Bud" Markel, Clerk

By: Irma Sacetti
Deputy Clerk

Adopted Regular Meeting October 24, 1995

Effective: October 24, 1995

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EXHIBIT B
FINAL DEVELOPMENT PLAN
FOR
MASTER DRAINAGE AND ROAD SYSTEM
SAINT JOHNS INTERCHANGE PARCELS
WITHIN THE SAINT JOHNS PUD

SUBMITTED
AUGUST 18, 1995
REVISED SEPTEMBER 26, 1995

SECTION I.
INTRODUCTION

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SJH Partnership, Ltd. 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 the Master Drainage and Road System, Saint Johns Interchange Parcels. The Final Development Plan consists of a one page map identified as Exhibit A to the Resolution (the "Map"), and this text identified as Exhibit B to the Resolution (the "Text"). This Final Development Plan encompasses all of the land zoned Planned Unit Development ("PUD") pursuant to Ordinance 91-36, as modified by Ordinance 94-55 (the "PUD Ordinance").

The property encompassed by this Final Development Plan (the "Property") is within an approved Development of Regional Impact (the "DRI"). The DRI development order was approved under St. Johns County Resolution 91-130, as modified by St. Johns County Resolution 91-183, St. Johns County Resolution 94-211, and St. Johns County Resolution 95-06 (the "DRI/DO"). The Property has received dredge fill authorization from the United States Army Corps of Engineers under ACOE/Dredge/Fill Permit 199100108(IP-GS). The Property has also received approval from the St. Johns River Water Management District ("SJRWMD") under the following SJRWMD permits: 4-109-0120C, dated September 10, 1991; 4-109-0122, dated September 10, 1991 (modified October 11, 1994); 12-109-0036, dated September 10, 1991; and 4-109-0122M, dated October 11, 1994 (modifying 4-109-0122).

The foregoing permits authorize, among other things, construction of a master drainage system to serve the Saint Johns Interchange Parcels.

In addition to the foregoing permits, the Property is covered under the following St. Johns County Tree Clearing Permits: 91-46, dated May 7, 1991; 92-41, dated August 24, 1992; 92-62, dated November 13, 1992; 94-05, dated March 1, 1994 (reissue of permit 92-41); 94-20, dated May 23, 1994; 94-28, dated May 23, 1994; 94-49, dated August 22, 1994; and 95-19, dated June 23, 1995.

This Final Development Plan does not depict any commercial, industrial, office, recreational, or other uses for the Property. The purpose of this Final Development Plan is to depict the general layout of the master drainage system and initial master roadways that will serve the Saint Johns Interchange Parcels to allow construction of the master drainage system and to allow land clearing and site preparation and the deposit of spoil material from construction of the master drainage system over the initial

master roadway system. Additional portions of the master roadway system will be depicted on subsequent final development plans. Permanent construction of the master roadway system must be in accordance with signed and sealed construction plans submitted to and approved by the St. Johns County Engineering Department pursuant to the St. Johns Ordinance 86-4.

Final development plans submitted subsequent to this final development plan for residential, commercial, office, or industrial parcels within the Saint Johns Interchange Parcels shall depict the portions of the master drainage system within or bordering such parcels and shall specify road widths of roads serving such parcels. The exact figuration of lake banks shall be determined at the time of submission of construction plans for development parcels adjacent to such lakes and shall be consistent with the final development plans for such development parcels. Final road geometry will be established in signed and sealed construction plans.

SECTION II.

REQUIREMENTS OF SECTION 8-4 OF ZONING ORDINANCE

The requirements of Section 8-4-1 through 8-4-8 of the St. Johns County Zoning Ordinance are addressed below:

8-4-1 Density of Development

No residential improvements are addressed in this Final Development Plan. Accordingly, this section is not applicable.

8-4-2 Open Space

This Final Development Plan does not address the ultimate use and ownership of property within Saint Johns. Subsequent final development plans for residential, commercial, office, and industrial improvements will address the open space requirements of the PUD. The open space requirements of the PUD shall be met within the preservation areas identified on the approved master development plan attached as Map H to the PUD.

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

No vertical improvements are proposed under this Final Development Plan. Accordingly, provisions concerning yards, setbacks and the like are not applicable. Temporary construction trailers may be located within any areas not identified in the PUD for preservation. Subsequent final development plans for residential, commercial, office or industrial parcels shall require

removal of construction trailers from such parcels upon completion of construction within such parcels.

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8-4-4 Project Size

The property encompassed by this Final Development Plan contains approximately 1,946.9 acres.

8-4-5 Support Legal Documents for Open Space

All areas encompassed by this Final Development Plan will continue to be owned and maintained by SJH Partnership, Ltd. until approval and recordation of subsequent final development plans for specific parcels. Accordingly, this section is not applicable.

8-4-6 Access

This section is not applicable.

8-4-7 Privacy

This section is not applicable.

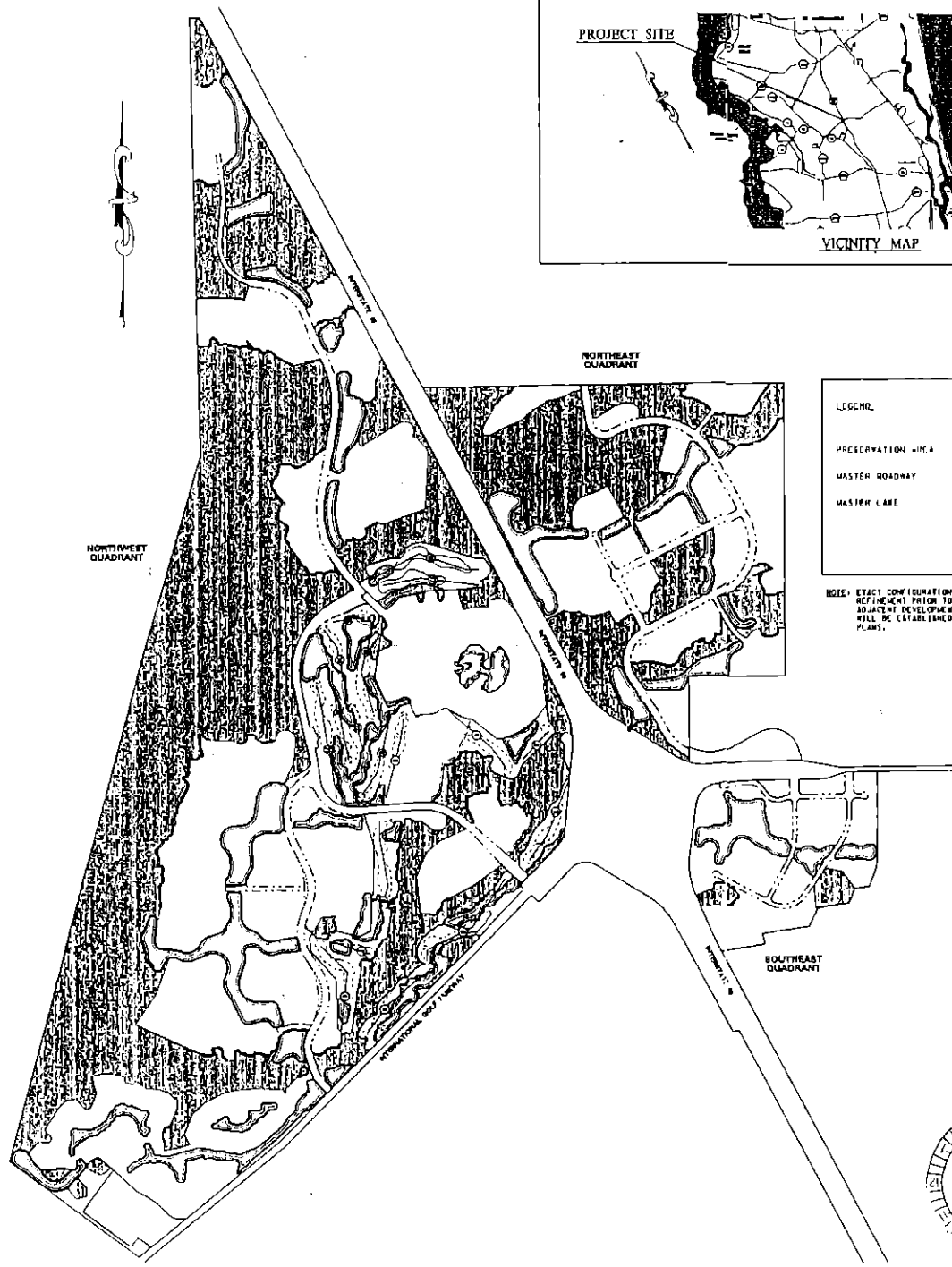
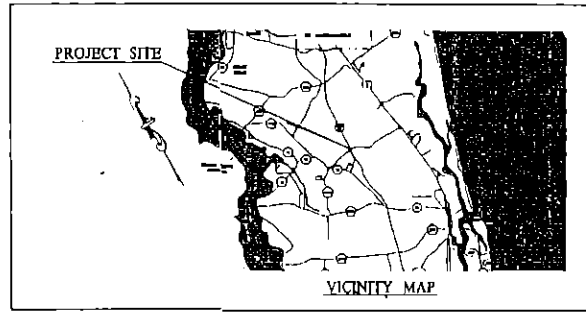
8-4-8 Community Facilities

This section is not applicable.

DEVELOPER

SJH Partnership, Ltd.

By: John G. Metcalf
Its: Attorney



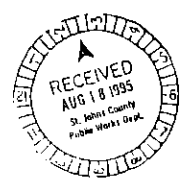
LEGEND

PRESERVATION AREA

MASTER ROADWAY

MASTER LAKE

NOTE: EXACT CONFIGURATION OF LAKES IS SUBJECT TO FURTHER REFINEMENT PRIOR TO CONSTRUCTION PLAN APPROVAL FOR ADJACENT DEVELOPMENT PARCELS. FINAL ROAD GEOMETRY WILL BE ESTABLISHED IN SIGNED AND SEALED CONSTRUCTION PLANS.



DATE AUGUST 1, 1995 PROJECT NO. 8505541	SHEETS 1 of 1	BHR BESSENT, HANBACK & RUCKMAN, INC. CONSULTING AND DESIGN ENGINEERS <small>1470 COMMUNITY COLLEGE BLVD. JACKSONVILLE, FLORIDA 32214 (904) 771-7441</small>	SAINT JOHN'S INTERCHANGE PARCELS MASTER DRAINAGE AND ROAD SYSTEM PREPARED FOR DAVIDSON DEVELOPMENT, INC.	EXHIBIT A TO RESOLUTION _____ FINAL DEVELOPMENT PLAN	SCALE: 1" = 1000'
					DESIGNED BY: M. JOHNSON DRAWN BY: M. JOHNSON CHECKED BY:

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. 95-184

**Adopted by the Board of County Commissioners of St. Johns
County, Florida, at a regular meeting of said Board held October
24, 1995**

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 1st day of
November, 1995.

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

By: *Irma Pacetti*
Irma Pacetti, Deputy Clerk

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

95 NOV -2 PM 2: 59

(seal)

Carl "Bud" Markel
CLERK OF CIRCUIT COURT