

RESOLUTION 99-20

[SAINT JOHNS DRI SIX MILE CREEK PARCEL  
MASTER DEVELOPMENT PLAN MODIFICATION]

A resolution of the Board of County Commissioners of the County of St. Johns, State of Florida, modifying the Saint Johns DRI Development Order as previously approved by St. Johns County Resolution Nos. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233, 98-126 and 98-179; finding the modifications are consistent with St. Johns County Comprehensive Plan 1990-2005, Ordinance 90-53 and consistent with the St. Johns County Zoning Ordinance; and providing for an effective date.

**WHEREAS**, on August 27, 1991, a Development of Regional Impact Development Order (the "Development Order") was issued by the Board of County Commissioners of St. Johns County, pursuant to Resolution No. 91-130, authorizing development of the property known as Saint Johns; and,

**WHEREAS**, the Development Order was modified by the Board by adoption of Resolution No. 91-183, incorporating Development Order changes pursuant to the Settlement Agreement between the Department of Community Affairs (the "DCA"), the Developer, and St. Johns County; and,

**WHEREAS**, the Development Order was subsequently amended by the Board by adoption of Resolution 94-211, Resolution 95-06, Resolution 96-102, Resolution 96-233, Resolution 98-126 and Resolution 98-179; and,

**WHEREAS**, the Developer has submitted a Notice of Proposed Change to the Development of Regional Impact dated November 6, 1998, requesting modification of Six Mile Creek Parcel Master Development Plan (Map H, page 2 of 2) (the "Notice of Change"); and

**WHEREAS**, the Developer submits that the changes proposed in the Notice of Change do not constitute a substantial deviation pursuant to the terms of Section 380.06(19)(e)2 of the Florida Statutes and the Developer has provided evidence that such changes do not constitute a substantial deviation under any provision of Section 380.06(19) of the Florida Statutes; and

**WHEREAS**, the Board has reviewed the Notice of Change at a public hearing held on January 26, 1999.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of St. Johns County, Florida:

1. The following facts are determined in connection with this resolution;

(a) The existing Development Order as previously amended and as modified by this Resolution, is consistent with the St. Johns County Comprehensive Plan 1990-2005, adopted September 14, 1990, in Ordinance 90-53, as modified.

(b) The existing Development Order as previously amended and as modified by this Resolution, is consistent with the St. Johns County Zoning Ordinance.

2. The Notice of Proposed Change does not request any net change to any land use or to the text. Therefore it does not create a reasonable likelihood of additional regional impact nor is any type of regional impact created by this change which has not been previously reviewed by the Regional Planning Agency. Therefore, the requested changes do not constitute a substantial deviation to the Development Order pursuant to Section 380.00(19)(e)2 Florida Statutes.

3. The legal description of the property within the Saint Johns DRI remains unchanged and is attached as Exhibit A to this Resolution. The Application for Development Approval ("ADA"), Response to Request for Additional Information submitted January 30, 1991, and Response to Second Request for Additional Information submitted March 18, 1991, are described on Exhibit B to Resolution 91-130 and the development shall be carried out in conformance with the ADA as approved by Resolution No. 91-130 as previously modified by Resolutions 91-183; 94-211; 95-06; 96-102; 96-233, 98-126, and 98-179 and as further modified by this Resolution.

4. The Master Development Plan for the Six Mile Creek Parcel of Saint Johns is identified as Map H, Exhibit B, attached to this Resolution and is modified as follows:

Six Mile Creek North Parcel

PARCEL	EXISTING LAND USE	EXISTING ACREAGE	PROPOSED LAND USE	PROPOSED ACREAGE
6	PH	14.10	MF	14.10
9	SFC	26.60	TH	26.60
10	TH	9.9	10A/SFE 10B/SFE (3.3ac TO PARCEL 34)	3.4 3.2
12	MF	14.8	12A/SFE 12B/SFE (.5ac TO PARCEL 34)	7.0 7.3
18	PH	15.8	SFE	15.8
29	SFE	9.3	SFE (5ac INTERNALIZED LAKE, 3.5ac FROM PARCEL 31)	17.8
30	PARK	6.0	PARK PARCEL SHAPE CHANGE ONLY	6.0
31	SFE	11	SFE (3.5ac TO PARCEL 29)	7.5
33	OPTIONAL SECURITY GATE SITE	N/A	OPTIONAL SECURITY GATE SITE	N/A
34 (FROM PARCEL 10 & 12)	TH MF	3.3 .5	RECREATION	3.8

<sup>1</sup> INCREASE IN SFE ACREAGE INCLUDES APPROXIMATELY 5 ACRE LAKE THAT WAS PREVIOUSLY EXTERNAL TO PARCELS BUT WITHIN DRI BOUNDARY.

- \* Reductions in Parenthesis ( )
- \* No change in number of residential units or square feet of overall development

The total net acreage change for all development parcels is 5 additional net acres which is equal to the area of the lake now internalized into parcel 29 which was previously not a part of a development parcel, but was within the DRI Boundary.

The revised Master Development Plan for the Six Mile Creek Parcel is dated 10/26/98 and is attached as Exhibit B to this Resolution.

5. Except as modified by this Resolution, the Saint Johns DRI Development Order shall remain in full force and effect.

6. This Resolution shall become effective immediately upon adoption.

Passed and approved by the Board of County Commissioners of St. Johns County, Florida, this 26 day of January, 1999.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By: Max Javalone  
Chairman,

ATTEST:

CHERYL STRICKLAND, Clerk

By: Patricia De Grande  
Deputy Clerk

EXHIBIT A

PLANNED UNIT DEVELOPMENT  
FOR SAINT JOHNS INTERCHANGE PARCELS

## EXHIBIT A

SIX MILE CREEK PARCEL

A portion of Sections 18, 19, 31 and 38, Township 6 South, Range 28 East and a portion of Sections 6, 38 and 41, Township 7 South, Range 28 East, and a portion of Sections 23, 24, 25 and 46, Township 6 South, Range 27 East, all lying in St. Johns County, Florida, being more particularly described as follows:

Commence at the intersection of the Westerly line of said Section 18, with the Southerly right of way line of State Road No. 16 (a 66.0 foot right of way as now established); thence North 63 degrees 25 minutes 15 seconds East, along said Southerly right of way line, 55.67 feet to the point of curvature of a curve to the right; thence continue along said Southerly right of way line along and around the arc of a curve concave Southerly and having a radius of 922.37 feet, an arc distance of 11.83 feet, said arc being subtended by a chord bearing and distance of North 63 degrees 46 minutes 47 seconds East, 11.83 feet to the POINT OF BEGINNING; thence South 02 degrees 35 minutes 54 seconds East, 2680.00 feet to the Southeast corner of those lands described and recorded in Official Records Book 492, page 812, of the public records of said county; thence South 87 degrees 24 minutes 06 seconds West, along the Southerly line of said lands, 1586.89 feet; thence North 65 degrees 14 minutes 26 seconds West, continuing along said Southerly line, 967.45 feet to the Easterly right of way line of State Road No. 13 (a 100.0 foot right of way as now established) said Easterly right of way line lying in a curve concave Westerly; thence Southwesterly along said Easterly right of way line and along and around the arc of said curve having a radius of 2342.01 feet, an arc distance of 721.77 feet, said arc being subtended by a chord bearing and distance of South 19 degrees 54 minutes 58 seconds West, 718.92 feet to a point on said curve; thence South 02 degrees 29 minutes 20 seconds East, 4147.93 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 25; thence South 88 degrees 34 minutes 00 seconds West, along the Northerly line of said Southeast 1/4 of the Northwest 1/4, 160 feet, more or less, to the Easterly waters of Six Mile Creek, thence Southeasterly along said waters, 3450 feet more or less, to the Northerly line of those lands described and recorded in Official Records Book 492, page 847, of the public records of said County; thence North 72 degrees 24 minutes 07 seconds East, along last said line, 2220 feet, more or less, to the Easterly line of said lands; thence South 28 degrees, 56 minutes 09 seconds East along last said line, 207.04 feet to the Southerly line of said lands; thence South 72 degrees 24 minutes 07 seconds West, along said

Southerly line, 2110 feet, more or less, to the aforesaid Easterly waters of Six Mile Creek, thence Southeasterly along said waters, 1150 feet, more or less, to the Northerly line of those lands described and recorded in Official Records Book 494, page 165, of the public records of said County; thence North 61 degrees 07 minutes 29 seconds East, along last said line, 1640 feet, more or less, to the Easterly line of said lands, thence South 28 degrees 56 minutes 09 seconds East, along last said line, 200.00 feet to the Southerly line of said lands; thence South 61 degrees 07 minutes 29 seconds West, along last said line, 1670 feet, more or less, to the aforesaid Easterly waters of Six Mile Creek; thence Southeasterly along said waters 1100 feet, more or less, to a line common to Section 46, Township 6 South, Range 27 East, and Section 38, Township 6 South, Range 28 East, St. Johns County, Florida; thence South 02 degrees 35 minutes 54 seconds East, along last said line, 110 feet, more or less, to the center line of aforesaid Six Mile Creek; thence Southerly along said center line of Six Mile Creek, 7950 feet, more or less, to a line common to Section 6 and Section 38 of Township 7 South, Range 28 East, St. Johns County, Florida; thence Easterly along a section line common to said Section 6 and Section 38, to the Easterly waters of aforesaid Six Mile Creek; thence Southeasterly along said Easterly waters, 5035 feet, more or less, to the Easterly line of said Section 38, Township 7 South, Range 28 East, St. Johns County, Florida; thence North 03 degrees 12 minutes 06 seconds West, along last said line, 1238 feet, more or less, to an angle point in said section line, thence North 03 degrees 18 minutes 26 seconds West along said Easterly section line and along the Easterly line of Section 6, Township 7 South, Range 28 East, St. Johns County, Florida, 3052.00 feet to a point on a line common to Sections 5, 6 and 41, Township 7 South, Range 28 East, St. Johns County, Florida; thence South 60 degrees 05 minutes 46 seconds East, along the line common to Section 5 and 41 of Township 7 South, Range 28 East, 1737.76 feet; thence continue along said line, South 71 degrees 16 minutes 57 seconds East, 4096.79 feet to the Westerly right of way line of State Road No. S-13A (a 100.0 foot right of way as now established); thence Northeasterly along said Westerly right of way line, 4210 feet, more or less, to the Southerly line of a 30.0 foot drainage right of way as described in Deed Book 182, page 133, of the public records of St. Johns County, Florida; thence Northwesterly along last said line, 1025 feet, more or less, to the Southerly line of Section 37, Township 6 South, Range 28 East, St. Johns County Florida; thence South 88 degrees 18 minutes 38 seconds West, along last said line, 1234 feet, more or less, to the Southwest corner of said Section 37; thence North 00 degrees 54 minutes 29 seconds West, along the Westerly line of said Section 37, 5063.0 feet, thence North 88 degrees, 28 minutes 14 seconds East, 702.28 feet to a point on the Westerly right of way line of State Road S-13A (Pacetti Road, a 100.0 foot right of way as now established); thence North 19 degrees 35 minutes 08 seconds East along said

Westerly right of way line, 250.48 feet; thence South 88 degrees 28 minutes 14 seconds West, 848.0 feet; thence South 77 degrees 22 minutes 58 seconds West, 1586.22 feet; thence North 40 degrees 04 minutes 50 seconds West, 110.35 feet; thence North 84 degrees 17 minutes 57 seconds West, 250.02 feet; thence South 83 degrees 25 minutes 31 seconds West, 325.42 feet; thence North 79 degrees 06 minutes 42 seconds West, 585.44 feet; thence South 10 degrees 53 minutes 18 seconds West, 13.78 feet; thence North 78 degrees 30 minutes 32 seconds West, 2622.77 feet; thence North 28 degrees 41 minutes 32 seconds East, 951.47 feet; thence North 37 degrees 53 minutes 52 seconds West, 466.13 feet; thence North 46 degrees 02 minutes 53 seconds East, 245.00 feet; thence North 51 degrees 22 minutes 33 seconds East, 202.09 feet; thence North 40 degrees 04 minutes 41 seconds West, 594.4 feet; thence North 49 degrees 58 minutes 19 seconds East, 1302.78 feet; thence South 53 degrees 44 minutes 12 seconds East, 190.00 feet; thence South 32 degrees 27 minutes 37 seconds East, 511.83 feet; thence North 54 degrees 46 minutes 53 seconds East, 359.01 feet; thence North 46 degrees 25 minutes 13 seconds East, 1060.54 feet; thence North 32 degrees 26 minutes 08 seconds East, 553.53 feet; thence South 38 degrees 15 minutes 05 seconds East, 1317.63 feet; thence North 73 degrees 16 minutes 23 seconds East, 265.00 feet; thence North 79 degrees 01 minute 51 seconds East, 1074.93 feet; thence North 85 degrees 08 minutes 13 seconds East, 581.92 feet; thence North 54 degrees 42 minutes 58 seconds East, 179.26 feet; thence South 74 degrees 23 minutes 52 seconds East, 1539.58 feet to the Westerly right of way line of State Road S-13A (Pacetti Road, a 100.0 foot right of way as now established); thence North 19 degrees 35 minutes 08 seconds East, along said Westerly right of way line, 2235.08 feet to the Southerly line of the North 1/2 of the Northeast 1/4 of Section 38, Township 6 South, Range 28 East, St. Johns County, Florida; thence North 72 degrees 21 minutes 19 seconds West along last said line, 2613.11 feet to the Southwest corner of the said North 1/2 of the Northeast 1/4; thence North 61 degrees 20 minutes 58 seconds West, 339.77 feet; thence South 24 degrees 01 minutes 13 seconds West, 160.99 feet; thence South 38 degrees 42 minutes 38 seconds West, 1063.03 feet; thence South 68 degrees 59 minutes 38 seconds West, 350.00 feet; thence North 50 degrees 29 minutes 38 seconds West, 2806.24 feet; thence North 33 degrees 54 minutes 24 seconds East, 2706.72 feet; thence North 70 degrees 30 minutes 54 seconds West, 679.17 feet; thence North 26 degrees 43 minutes 23 seconds East, 285.18 feet; thence North 70 degrees 30 minutes 54 seconds West, 626.57 feet; thence South 21 degrees 29 minutes 13 seconds West, 655.91 feet to the Northerly line of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 38; thence North 72 degrees 26 minutes 25 seconds West, along last said line and along the Northerly line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 38, 2242.24 feet to the Southerly right of way line of State Road No. 16 (a 66.0 foot right of way as now established); thence South 70 degrees 39 minutes 33



seconds West, along said Southerly right of way line, 312.6 feet to the point of curvature of a curve to the right; thence continue along said Southerly right of way line and around the arc of a curve concave Northerly and having a radius of 988.37 feet, an arc distance of 378.36 feet, said arc being subtended by a chord bearing and distance of South 81 degrees 57 minutes 33 seconds West, 376.05 feet to the point of tangency of said curve, said point of tangency being the Northeast corner of those lands described and recorded in Official Records Book 492, page 826, of the current public records of said county; thence South 02 degrees 55 minutes 33 seconds West, along the Easterly line of said lands, 943.94 feet; thence continue along the Easterly line of said lands, South 20 degrees 15 minutes 25 seconds West, 1916.53 feet to the Southerly line of said lands; thence North 31 degrees 54 minutes 57 seconds West, along said Southerly line, 506.42 feet to the Westerly line of said lands; thence North 20 degrees 15 minutes 25 seconds East, along said line 1700.01 feet; thence North 02 degrees 55 minutes 33 seconds East along said Westerly line, 735.00 feet to the aforesaid Southerly right of way line of State Road No. 16; thence North 87 degrees 04 minutes 27 seconds West, along said Southerly right of way line, 695.77 feet to the point of curvature of a curve to the left; thence continue along said Southerly right of way line and along and around the arc of a curve concave Southerly and having a radius of 1399.69 feet, an arc distance of 238.80 feet, said arc being subtended by a chord bearing and distance of South 88 degrees 02 minutes 18 seconds West, 238.51 feet to the point of tangency of said curve; thence South 83 degrees 09 minutes 03 seconds West, along said Southerly right of way, a distance of 155.68 feet to the Easterly line of those lands described and recorded in Official Records Book 845, page 1081, of the public records of said County, thence South 02 degrees 35 minutes 54 seconds East along said Easterly line a distance of 466.09 feet to the Southerly line of said lands; thence South 83 degrees 09 minutes 03 seconds West along the Southerly line of said lands, 300.00 feet to a point on the Easterly line of those lands described and recorded in Official Records Book 516, page 74, of the public records of said County; thence South 02 degrees 35 minutes 54 seconds East, along said Easterly line a distance of 764.91 feet; thence South 87 degrees 24 minutes 06 seconds West, 1372.21 feet; thence North 02 degrees 35 minutes 54 seconds West, 1127.97 feet to the aforesaid Southerly right of way line of State Road No. 16, said Southerly right of way line lying in a curve leading Southwesterly; thence along said Southerly right of way line and along and around the arc of a curve concave Southerly and having a radius of 922.37 feet, an arc distance of 224.52 feet, said arc being subtended by a chord bearing and distance of South 71 degrees 07 minutes 45 seconds West, 223.97 feet to the POINT OF BEGINNING.

Six Mile Creek Parcel containing 3897.57 acres, more or less

SJH38(1-4)

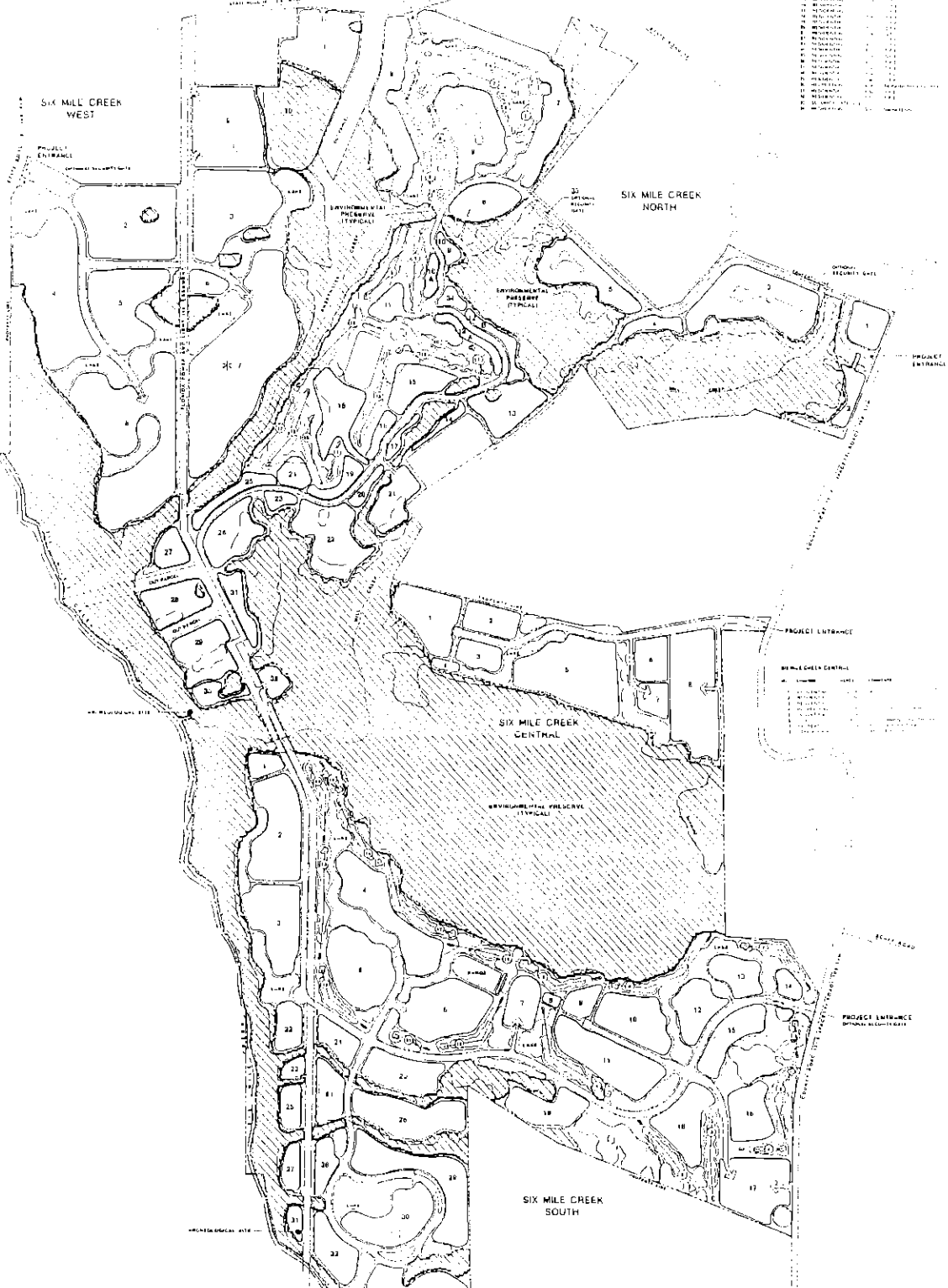
EXHIBIT B

PUD MASTER PLAN MAP  
MAP H

PROJECT ENTRANCE  
PROJECT ENTRANCE  
PROJECT ENTRANCE

SIX MILE CREEK NORTH

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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**SAINT JOHNS**

A DENAVANT ENTERPRISES INC. DEVELOPMENT

1000 WEST 10TH ST. SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1111  
WWW.SAINTJOHNS.COM

MASTER DEVELOPER  
CONSULTING ARCHITECTS  
TEL: 303.733.1111  
WWW.SAINTJOHNS.COM

SIX MILE CREEK NORTH

Lot	Location	Area	Comments
1	1000 West 10th St	0.10	Subsidiary
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99	1000 West 10th St	0.10	Subsidiary
100	1000 West 10th St	0.10	Subsidiary



EXHIBIT 4 - PROJECT EXHIBIT A - 1000 ORDINANCE  
MAP H  
MASTER DEVELOPMENT PLAN  
SIX MILE CREEK PARCEL

# 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 \_\_\_\_\_

LINDA Y MURRAY who on oath says that she is  
ACCOUNTING CLERK 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 PROPOSED CHANGE

in the matter of ST. JOHNS DEVELOPMENT OF REGIONAL IMPACT  
DEVELOPMENT ORDER

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of DECEMBER 15, 1998

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 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 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 this 16th day of DECEMBER 19 98,

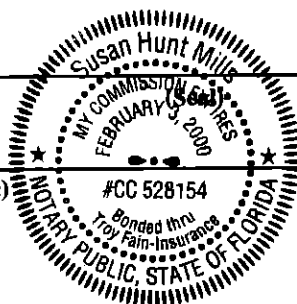
by [Signature] who is personally  
known to me or who has produced PERSONALLY KNOWN as  
(Type of Identification)  
identification.

[Signature]

(Signature of Notary Public)

SUSAN HUNT MILLS

(Print, Type or Stamp Commissioned Name of Notary Public)



## NOTICE OF PROPOSED CHANGE (NOPC) TO THE SAINT JOHNS DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER

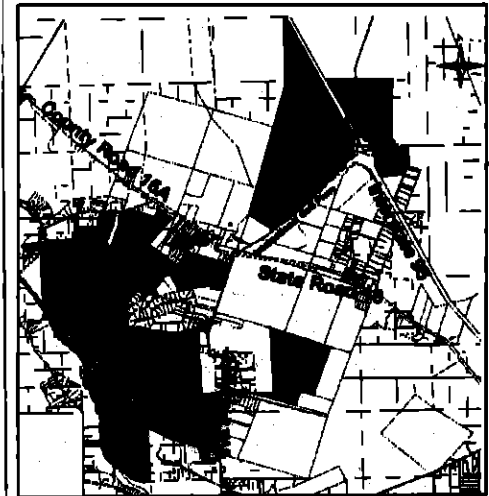
NOTICE IS HEREBY GIVEN that the Planning & Zoning Agency and the Board of County Commissioners of St. Johns County, Florida will hold public hearings on a Notice of Proposed Change to the previously approved Saint Johns DRI as approved by St. Johns County Resolution Numbers 91-130, 91-183, 94-211, 96-06, 96-102, 96-233, 96-126, and 96-179. The applicant, SJ Land Associated, LLC, c/o Davidson Development, Inc. are proposing an amendment to the Development of Regional Impact at the Six Mile Creek North Parcel.

Public hearings will take place Thursday, January 7, 1999 at 1:30 p.m. before the Planning and Zoning Agency. The Board of County Commissioners hearing will be take place on Tuesday, January 26, 1999 at 1:30 p.m. Said hearings will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida. At such hearings, comments from the public will be heard and the Boards will consider whether the proposed changes constitute a Substantial Deviation to the Development Order and will require further review. The Board of County Commissioners will also consider and take action on the following Resolution:

### RESOLUTION 99-\_\_\_\_

A Resolution of the Board of County Commissioners of the County of St. Johns, State of Florida, modifying the Saint Johns DRI Development Order as previously approved by St. Johns County Resolution Nos. 91-130, 91-183, 94-211, 96-06, 96-102, 96-233, 96-126, and 96-179; finding the modifications are consistent with the St. Johns County Comprehensive Plan 1990-2006, Ordinance 90-63 and consistent with the St. Johns County Zoning Ordinance; and providing for an effective date.

The proposed change is to reassign the land use designations within the Six Mile Creek North Parcel. There will be no change in the number of residential units or commercial square feet of the overall development.



The subject property is located between State Road 13 and State Road 16 and South of State Road 16 within a portion of Sections 18, 19, 31, and 38, Township 6 South, Range 26 East; Section 6, 36, 41 Township 7 South, Range 26 East; and a portion of Sections 23, 24, 25, and 46, Township 6 South, Range 27 East, St. Johns County, Florida, as generally depicted on the map. (A complete legal description is available in the Planning Department.)

File number: NOPC- SAINT JOHNS DRI 11/98 is available for review at the St. Johns County Planning Department.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Cheryl Strickland, Its Clerk

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodations or an interpreter to participate in this proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32086. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

Interested parties may appear at the meeting and be heard with respect to the proposed request.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings and for such purpose he/she 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.

This matter is subject to court imposed quasi-judicial rules of procedure.

Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 96-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32086.

Subject to a proper and timely objection of a party at the beginning of the hearing, the record of the Planning & Zoning Agency hearing of this matter, including the tape recording of the proceedings before the Planning & Zoning Agency, shall be part of the record and file of this matter submitted to the Board of County Commissioners for its consideration in this hearing. The Planning & Zoning Agency record and file of this case is available to