RESOLUTION NUMBER 2003-94

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT RESTATES DEVELOPMENT ORDER, RESOLUTION NO. 2000-139, AND AMENDED BY RESOLUTION NUMBER 2001-93, AS AMENDED; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pappas Metcalf Jenks & Miller, P.A., on behalf of Flagler Development Company have submitted a Notice of Proposed Change (NOPC) Development of Regional Impact (DRI) by letter dated March 21, 2003 (Notification) attached and included herein, requesting changes as provided in Exhibit A.

WHEREAS, the developers have provided information showing that the proposed modifications of the DRI Development Order do not constitute a substantial deviation under any provision of Section 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners has reviewed the NOPC and considered the evidence presented and whether the proposed modification does not constitute a substantial deviation to the DRI requiring further DRI review at a public hearing held on May 20, 2003, after required notice.

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

1. The NOPC meets the criteria for a non-substantial deviation as provided by Florida Law.

2. The request is consistent with the goals, objectives and policies of the Comprehensive Plan.

3. The NOPC and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.
4. The Bartram Park DRI Development Order as restated and adopted by Resolution 2000-139, as amended, and as subsequently modified is hereby modified by approval of the following specific changes as provided in Exhibit A.

5. Except as modified by this Resolution, the existing Bartram Park DRI Development Order, as previously amended, shall remain in full force and effect.

6. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within 10 days of its adoption by certified mail, return receipt requested to the Developer, the Florida Department of Community Affairs and the Northeast Florida Regional Planning Council.

7. This Resolution shall take effect upon its adoption.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 20TH OF MAY, 2003

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: [Signature]

James E. Bryant, Chair

ATTEST: Cheryl Strickland, Clerk

By: [Signature]

Deputy Clerk

RENDITION DATE [Signature] May 21, 2003


Effective: [Signature] May 20, 2003
EXHIBIT A

The DRI Ordinance Amendments

The following paragraphs in the Bartram Park Development of Regional Impact Order are amended in their entirety to read as follows:

GENERAL CONDITIONS

11. Application for Proposed Changes. The Applicant shall submit simultaneously to St. Johns County, the Northeast Florida Regional Planning Council and Florida Department of Community Affairs any applications for proposed changes to the DRI and shall comply with the requirements of Section 380.06(19), F.S. (1999), concerning substantial deviations.

Applications filed which propose changes only to the Development Order conditions within St. Johns County and which only (a) change the location and/or density of land uses; (b) affect the required mitigation for impacts other than transportation impacts; and/or (c) qualify as a nonsubstantial deviation under section 380.06(19)(e)(2); are not required to be reviewed by the City of Jacksonville ("City"). Similarly, applications filed which propose changes only to the Development Order conditions within the City and which only (a) change the location and/or density of land uses; (b) affect the required mitigation for impacts other than transportation impacts; and/or (c) qualify as a nonsubstantial deviation under section 380.06(19)(e)(2); are not required to be reviewed by the County. Any other proposed changes shall be reviewed by the City and the County. Further, any proposed changes determined by the reviewing local government or deemed by the Developer to constitute a substantial deviation from this Development Order shall be reviewed by the City and the County. The City and the County shall provide to one another fifteen (15) days prior written notice of any final action to be taken by them with respect to requested modification to this Development Order. All resolutions adopted by the County and the City amending this Development Order shall be forwarded to the other local governments' Planning Departments coincident with transmittal to the DCA, the NEFRPC, and the Developer. Notwithstanding anything contained herein to the contrary, the failure of any local government to meet the time frames set forth herein for transmittal of information to another local government shall not constitute a breach or default by the Owner or Developer as to the terms and conditions of this Development Order nor impact the validity of any modification approved by the reviewing local government. Nothing contained herein shall modify the right of review of the DCA as to any modifications of this Development Order pursuant to section 380.06(19).
SPECIAL CONDITIONS

Wetlands Impacts and Wetland/Upland Buffers.

13. Wetland Impacts. The Sale of the Preserve Property as described above pursuant to the conditions of the Agreement of Purchase and Sale between Applicant and the St. Johns River Water Management District shall serve as mitigation for impacts to sixteen (16) acres of wetlands within the DRI, either in Duval or St. Johns County. Any further wetlands impacts shall not exceed 100 acres total for the entire DRI (including the 16 acres which have already been mitigated); provided, however, that up to 7.67 acres of additional impact (above 100) may be located within Parcel 45 within Duval County. Any mitigation required for the additional wetland impacts of up to 84 acres shall be negotiated with the applicable agencies as a part of the permitting process. No development activities, as defined in Section 380.04, F.S., except for activities permitted by the appropriate environmental permitting agencies, shall be allowed in any of the wetland areas within the DRI. Wetland impacts will be mitigated through the regulatory permitting process.
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 Public Hearing
in the matter of NOPC 03-01 Bartram Park
in the Court was published in said newspaper in the issues of
April 30, 2003

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, for a period of one year 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 30th day of April 2003

by [Signature] who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss

(Signature of Notary Public)