

ST. JOHNS COUNTY
RESOLUTION NUMBER 2004-24

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF
FLORIDA, MODIFYING THE MARSHALL CREEK DRI
DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY
ST. JOHNS COUNTY ON OCTOBER 13, 1998, UNDER
RESOLUTION 98-191 AND AS PREVIOUSLY MODIFIED BY
RESOLUTION 98-220 APPROVED DECEMBER 10, 1998; AND
RESOLUTION 2002-103 APPROVED JUNE 4, 2002;
FINDING THE MODIFICATION DOES NOT CONSTITUTE A
SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Marshall Creek, Ltd. has submitted a Notice of Proposed Change (NOPC) to the Marshall Creek Development of Regional Impact (DRI) by letter dated October 30, 2003, requesting modification of certain terms of the Development Order (the "Notice of Change"); and

WHEREAS, the changes incorporate tolling periods into the phasing and buildout dates and provide clarification to and correction of one of the DRI Transportation Conditions;

WHEREAS, the Developer submits that the changes proposed in the NOPC, as modified, do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) 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 of County Commissioners has reviewed the NOPC and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at a public hearing held on January 29, 2004, after required notice.

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

1. The following facts and conclusions of law are established by clear and convincing evidence to support this Resolution:

- A. The requested changes do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes because there is no change in either the number of development rights or increase in impacts from those approved in the original Marshall Creek DRI Development Order as amended prior to this change.

- B. The changes requested in the NOPC are consistent with the Land Development Code of St. Johns County, as amended.
- C. The changes requested in the NOPC are compatible with the surrounding area and the future development trends of the area.
- D. The changes requested in the NOPC are consistent with and further the objectives of the St. Johns County Comprehensive Plan 2015.

2. The Marshall Creek DRI Development Order is hereby modified by approval of the following specific changes:

- A. The date the DRI shall commence physical development is June 15, 2003.
- B. The Phasing dates are as follows:

Phase I--June 15, 2000 through June 15, 2005
Phase II--June 16, 2005 through February 28, 2011
- C. The Buildout date for the DRI is February 28, 2011.
- D. The DRI termination and Development Order expiration shall be February 28, 2021.
- E. Section 29 (a) of the Development Order shall be amended to incorporate the following language:

29 (a) Transportation Improvements to Significantly Impacted Off-Site Roadways

For purposes of applying Transportation Conditions to monitor the following roadway links:

- International Golf Parkway (SR-16 to I-95)
- SR-16 (CR 16A to International Golf Parkway)
- San Marco Avenue (SR-16 to US 1)

Phase I shall be deemed to be the amount of development which is estimated to generate 1,261 external p.m. peak hour trips. At such time as 1,261 p.m. peak hour trips are estimated to be generated, Phase I shall be considered built out. Therefore, Phase II shall commence when more than 1,261 p.m. peak hour trips are estimated to be generated. For the purpose of this section, the estimated number of p.m. peak hour trips shall be considered generated at such time as: i) a residential plat is approved for single family residential units or ii) building construction plans are approved for a multi-family or commercial retail or office building. At such time as any residential plat or multi-family/retail/office

building construction plan is filed for any portion of the development, the application shall include a determination of external p.m. peak hour trips to be generated by that development. The determination of external p.m. peak hour trips shall include both the number of trips generated by the development to be approved in the plat or construction plan and the total number of external p.m. peak hour trips generated by all approved plats and construction plans to date. The determination of external p.m. peak hour trips shall be accomplished by submitting an updated Table 7.0 (d) in form similar to Exhibit A with each plat or construction plan application.

All references to the link identified as San Marco Avenue (May Street to US 1) shall be revised to be San Marco Avenue (SR 16 to US 1)

3. Except as modified by this Resolution, the existing Marshall Creek DRI Development Order shall remain in full force and effect.

4. 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 Department.

5. This Resolution shall take effect upon its adoption.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 27 DAY OF January 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

By: Robin S. Platt
Deputy Clerk

RENDITION DATE 1/30/2004



Table 7.0 (d)
Palencia (Marshall Creek)
DRI TRAFFIC CONDITIONS CHECKLIST

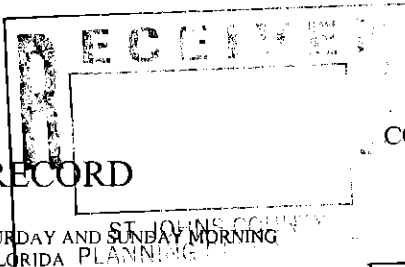
Date: December 12, 2003

Total Approved/Requested Development					
District	Single Family	Multi Family	Golf Course	Retail	Office
Mixed-Use A&B	278	298		0	0
Village Center	86	41	18	1,061	22,941
North Village	40	0		0	0
East Village	70	0		0	0
Midtown Village	143	40		0	0
South Village	197	0		0	0
TOTALS	814	379	18	1,061	22,941

Trip Generation					
Land Use	ITE Code	Trip Equation	Units	Development Amount (X)	PM Peak Hour Trip Ends (T)
Single Family	210	$\text{Ln}(T) = 0.902\text{Ln}(X) + 0.528$	DU	814	716
Multi Family	220	$\text{Ln}(T) = 0.928\text{Ln}(X) - 0.118$	DU	379	220
Golf Course	430	$T = 3.500(X) - 2.600$	Holes	18	60
General Office	710	$\text{Ln}(T) = 0.737\text{Ln}(X/1000) + 1.83$	SF	22,941	63
Commercial	820	$\text{Ln}(T) = 0.637\text{Ln}(X/1000) + 3.55$	SF	1,061	36

External Trip Estimate						
Land Use	ITE Code		PM Peak Hour Trip Ends (T)	Internal Capture	Pass-By Deduction	External PM Pk Hr Trips
Single Family	210		716	20%	0%	573
Multi Family	220		220	20%	0%	176
Golf Course	430		60	75%	0%	15
General Office	710		63	10%	0%	57
Commercial	820		36	25%	20%	20
TOTAL EXTERNAL PM PEAK HOUR TRIPS						841

Development Order Traffic Conditions				
Road	Limits	Required Improvement	Improvement Status	External Trips Point
Int'l Golf Pkwy	SR-16 to I-95	4 Lane Divided	Committed	1,261
SR-16	CR-16A to Int'l Golf Pkwy	4 Lane Divided		1,261
Int'l Golf Pkwy	I-95 to US-1	2 Lane, Realign w/ shoulders		1,641
CR-210	US-1 to Roscoe Blvd	4 Lane Divided		2,117
US-1	King St to SR-16	6 Lane Divided		1,654
US-1	San Marco Ave to CL	6 Lane Divided		2,630
San Marco Ave	SR-16 to US-1	4 Lane Divided		1,261
San Marco Ave	May St to SR-16	4 Lane Divided		2,267
SR-16	Masters Dr to Lewis Spwy	6 Lane Divided		2,427
SR-16	SR-13 to CR-16A	4 Lane Divided		2,882



COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 MURRA

who on oath says that she is an 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 FILE # NOPC 2003-05

MARSHALL CREEK DRI 7502 US 1 SOUTH

in the Court, was published in said newspaper in the issues of

DECEMBER 24, 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 24TH day of DECEMBER 2003 by Linda Y Murra who is personally known to me or who has produced PERSONALLY KNOWN as identification.

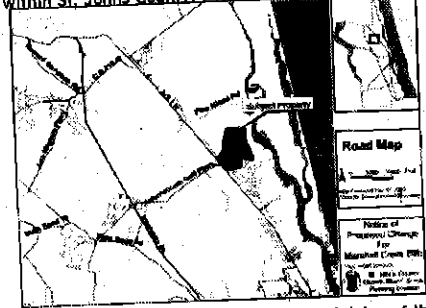
Zoe Ann Moss (Signature of Notary Public)



(Seal)

Zoe Ann Moss

NOTICE OF A PROPOSED CHANGE TO THE MARSHALL CREEK DRI NOTICE IS HEREBY GIVEN that a public hearing will be held on Thursday, January 15, 2004 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and Tuesday, January 27, 2004 at 1:30 p.m. by the Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider a Notice of Proposed Change to the Marshall Creek DRI to restore the commencement, phasing and buildout dates to incorporate the tolling periods and define the end of Phase I based on trips generated. The subject property is located at 7502 US 1 South within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8779, no later than 5 days prior to the date of this meeting. If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based. This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085. PLANNING AND ZONING AGENCY ST. JOHNS COUNTY, FLORIDA ROBERT TAYLOR, CHAIRMAN FILE NUMBER: NOPC 2003-05 Marshall Creek DRI BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA KAREN STERN, CHAIR L2875-3 Dec 24, 2003