

**ST. JOHNS COUNTY**  
**RESOLUTION NUMBER 2008-123**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON SEPTEMBER 19, 2000, UNDER RESOLUTION 2000-139, PREVIOUSLY MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; AS MODIFIED BY RESOLUTION 2003-94, APPROVED MAY 21, 2003; AS MODIFIED BY RESOLUTION 2005-146, APPROVED JUNE 1, 2005; AS MODIFIED BY RESOLUTION 2006-52, APPROVED FEBRUARY 21, 2006; AND AS PREVIOUSLY MODIFIED BY RESOLUTION 2006-175, APPROVED MAY 30, 2006; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Bartram Park, Ltd., Bartram Park Associates, LLC and Winslow Farms, Ltd., have submitted a Notice of Proposed Change (NOPC) to the Bartram Park Development of Regional Impact (DRI) by letter dated August 24, 2007, as amended on November 2, 2007 and March 4, 2008, requesting modification of portions of the Development Order (the "Notice of Change"); and

WHEREAS, the Developer submits that the changes proposed in the NOPC 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 April 29, 2008, after required notice; and

**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 Bartram Park 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 change requested in the NOPC is consistent with and furthers the objectives of the St. Johns County Comprehensive Plan 2015.
2. The Bartram Park DRI Development Order is hereby modified by approval of the following specific changes:

A. **Phasing: General Condition 3**

3. **Phasing, Buildout and Expiration of DRI.** The phasing schedule of this portion of the DRI is revised as follows:

<u>Land Use</u>	<u>Phase I</u> (2000-2010)	<u>Phase II</u> (2011-2025)
Residential		367 units**
Office		44,830 square feet*
Retail/Commercial		374,084 square feet*

\* Subject to the Additional Transportation Condition set forth in Ordinance 2001-93 which allows development to proceed in Parcels 41, 42, 43, 44 once the four-laning of Racetrack Road from U. S. 1 to the East Spine Road (Bartram Parkway) is completed and payment has been made to St. Johns County for the PD& E Study, both of which have been accomplished. Subject also to the condition in Resolution 2006-52 which confirms that completion of improvements to Racetrack Road and the donation of Racetrack Road right of way shall satisfy all DRI transportation mitigation requirements of St. Johns County at which time any remaining development shall be allowed to proceed.

\*\*Notwithstanding the scheduling of the residential units in Phase II, once a construction bond in favor of St. Johns County or other assurance of construction satisfactory to St. Johns County is furnished for the four laning of Racetrack Road, construction may commence on the 367 residential units even if that occurs in Phase I.

The new Buildout date is December 31, 2025. The date for DRI Development Order termination and expiration is December 31, 2030. All other language in this section remains unchanged. Based on the previous NOPC approved by St. Johns County at Resolution Number 2006-52, residential was approved through the use of a conversion factor.

B. **Special Condition Transportation (24) Racetrack Road** (renumbered paragraph 25) is hereby amended to read as follows:

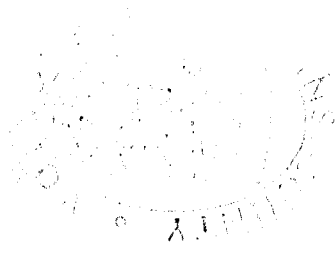
- (1) No Change
- (2) Delete existing language and replace with the following:

Construction for the final segment of Bartram Park Blvd. from its existing terminus to Racetrack Road shall be commenced on or before June 2006 and completed no later than February 2008. On or before February 2008, or as soon as sufficient land for right of way and stormwater ponds has been acquired by the County, whichever is later, Developer shall commence construction of the four-laning of Racetrack Road from Russell Sampson Road to East Spine Road including the I-95 bridge/flyover. Construction shall be completed within thirty months of commencement.

- (3) No Change

3. Except as modified by this Resolution, the existing Bartram Park 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 ten (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 Council.
5. This Resolution shall take effect upon its adoption.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 29<sup>th</sup> DAY OF April, 2008.**



BOARD OF COUNTY COMMISSISONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Thomas Manuel*  
Thomas Manuel, Chair

ATTEST: Cheryl Strickland, Clerk

RENDITION DATE 5/2/08

By: *Pam Halterman*  
Deputy Clerk