

ST. JOHNS COUNTY
RESOLUTION NUMBER. 2003-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, St. Augustine Associates (the Owners/Developers) have submitted a Notice of a Proposed Change to the St. Augustine Centre Development of Regional Impact (DRI) by letter dated December 12, 2002 (Notice), requesting modification of the phasing of previously approved land uses; and

WHEREAS, the Owners/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 Notice 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 April 8, 2003, after required notice.

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

(a) The following facts are determined in connection with this Resolution:

a. The Notice of Proposed Change is consistent with the St. Johns County Comprehensive Plan, as amended.

b. The Notice of Proposed Change is consistent with the Land Development Code of St. Johns County, as amended.

(b) The Notice and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.

(c) The 1997 St. Augustine Centre DRI Development Order (Resolution No. 97-77), as previously amended to date, is hereby modified, as follows:

Substitute attached new Exhibit 3, Estimated Phasing Schedule (revised January 2003 for Exhibit 3.

Amend Development Order General Condition 8 as follows:

8. The Applicant or its successors or assigns, shall submit a biennial report every two years on the anniversary date of the adoption of this development order, beginning in 1998, until the completion of the DRI. The report shall be submitted to St. Johns County, the Northeast Florida Regional Planning Council, Florida Department of Community Affairs, Florida Department of Environmental Protection, St. Johns River Water Management District, Florida Fish and Wildlife Conservation Commission, and any other affected permit agencies. Form RPM-BSP-ANNUAL REPORT-1 of the Florida Department of Community Affairs, as amended from time to time, may be used for the format of this report. In accordance with Section 380.06(18), F.S. (1996), failure to file a biennial report in a timely manner may result in the temporary suspension of this development order. The biennial report shall address the following:

- (a) A description of any changes made in the plan of development, or in the representations contained in the Application for Development Approval, or in the phasing for the reporting period and for the next reporting period. Any actions (substantial or non-substantial deviation determinations) taken by the local government to address these changes, including a cumulative history of such changes since adoption of the development order.
- (b) A summary comparison of development activity proposed and actually conducted for the preceding reporting period and projected for the coming reporting period.
- (c) Identification of undeveloped tracts of land, other than individual single family lots that have been sold to a separate entity or developer;

- (d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;
- (e) A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and subsequent sufficiency responses and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;
- (f) Any known incremental DRI applications for development approval or requests for a substantial deviation that were filed in the reporting period and to be filed during the next reporting period.
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued. Imposition of any moratorium imposed by a regulatory agency, including the type, duration, cause of and remedy for the moratorium;
- (h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose and activity of each;
- (i) Any other information specifically required by this development order;
- (j) A copy of the recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.
- (k) Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Urban Office in Jacksonville and the Regional Planning Office in St. Augustine, as well as the St. Johns County Planning Department, Northeast Florida Regional Planning Council, and the Department of Community Affairs. The first

traffic report shall be due concurrently with the first biennial report and then with each report thereafter until project buildout, unless otherwise agreed to by the Regional Planning Council and the Department of Community Affairs. The following information shall be included:

- i. A description of current development by land use, type, location, and amount of square footage, along with the proposed construction schedule for the ensuing reporting period, and appropriate maps.
- ii Traffic counts, turning movements, and actual levels of service for the past reporting period and projected for the ensuing reporting period including traffic estimates for the following roads and intersections. The report shall distinguish between St. Augustine Centre DRI traffic and total traffic volumes.

- I-95

From C.R. 210 to International Golf Parkway

From International Golf Parkway to S.R. 16

From S. R. 16 to S. R. 207

- Turn movements at all ramp locations (4 approaches) at the I-95/S.R. 16 interchange

- S.R. 16

From C.R. 16A to International Golf Parkway

From International Golf Parkway to existing outlet mall entrance west of I-95

From existing outlet mall entrance west of I-95 to C.R. 208

From C.R. 208 to I-95

From I-95 to project entrance

From project entrance to Four Mile Rd.

From Four Mile Rd. to Woodlawn

From Woodlawn to Masters Dr.

From Masters Dr. to Lewis Speedway

From Lewis Speedway to U.S. 1

- C.R. 208

From Joe Ashton Rd. to C.R. 13A

From C.R. 13A to S.R. 16

Note: Actual FDOT or St. Johns County traffic counts shall be used where possible. If actual FDOT or St. Johns County traffic counts are not available for a particular road or intersection, the Applicant shall retain, at its expense, a traffic engineering firm to collect the necessary counts. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

- iii. Daily and p.m. peak hour trip generation rates from the outlet retail use component of the project. The Applicant shall be responsible for calculating the trip generation from the occupied portion of the outlet retail use based on square footage occupied and the actual observed traffic counts from the outlet retail use.
- iv. As part of the DRI biennial report due in May 2004, the Applicant shall provide a traffic study to address and reconfirm certain traffic assumptions for the outlet retail and other retail commercial use contained in a

Notification of Proposed Change dated March 8, 2000 (March 2000 Notification). Specifically, the Applicant shall redetermine:

- (a) the daily and p.m. peak trip generation rates for the outlet retail uses;
- (b) the pass-by traffic capture and internal capture rates for the outlet retail use and for the other retail commercial use;
- (c) the trip distribution and assignment percentages from the outlet retail use.

This analysis shall address the number of DRI trips captured from I-95 traffic and the actual trip distribution and assignment percentages through a comprehensive patron survey or other professionally acceptable method. Prior to undertaking this study, the Applicant shall confer, by no later than November 2003, with St. Johns County, the Northeast Florida Regional Planning Council, Department of Community Affairs, and Florida Department of Transportation (the "traffic reviewing agencies") to review the proposed study methodology and address their comments on the proposed methodology. Provided, however, that the Applicant in all circumstances shall meet the May 2004 reporting deadline. The Applicant also shall re-analyze the cumulative traffic impacts of the project for Phase 3 based on the new revised trip generation and pass-by capture rates and trip distribution. If required as a result of that analysis, prior to issuance of any building permits for Phase 3, the Applicant shall amend the DRI development order to

provide for revised and adequate mitigation for the projected Phase 3 traffic impacts, in a manner meeting the requirements of the DCA's DRI Transportation Uniform Standard Rule, Rule 9J-2.045, Florida Administrative Code. The Applicant shall not be required to amend the development order if the May 2004 re-analysis shows that no change is needed in the Phase 3 traffic improvements already required by the then effective DRI development order.

- (l) A statement certifying that the Northeast Florida Regional Planning Council (with appropriate filing fee), the Florida Department of Community Affairs, St. Johns County, Florida Department of Transportation, Department of Environmental Protection, St. Johns River Water Management District, Florida Fish and Wildlife Conservation Commission, and the other affected permit agencies have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes.

Amend Development Order Special Condition 12 as follows:

12. The Applicant also shall be responsible for the full cost of and cause or be responsible for the construction of any S.R. 16/Inman Road and S.R. 16 project entrance improvements required for Transportation Subphases 1A and 1B, as set forth above, and hereby commits to fund such improvements. No certificates of occupancy for any portion of the DRI shall be issued until the intersection improvements sufficient to accommodate Transportation Subphases 1A and 1B traffic are operational. No certificates of occupancy shall be issued for development within a residential or industrial parcel adjacent to Inman Road (as shown on the Exhibit 2 Master Development Plan) until the completion of construction of access from such parcel to Inman Road. Two or more of those parcels may share an access facility to Inman Road as shown on Exhibit 2. The S.R. 16/Inman Road signalization and southbound left turn lane at S.R. 16 at Inman Road required under Special Condition 9 above shall be installed and constructed when warranted by the Florida Department of Transportation.

4. Except as modified by this Resolution, the existing 1997 St. Augustine Centre DRI Development Order shall remain in full force and effect.

5. 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.

6. This Resolution shall take effect upon its adoption.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 8 DAY OF APRIL 2003..

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: James L. Bryant

ATTEST: CLERK

By: Patricia A. [Signature]
Deputy Clerk

Adopted Regular Meeting 4-8-03

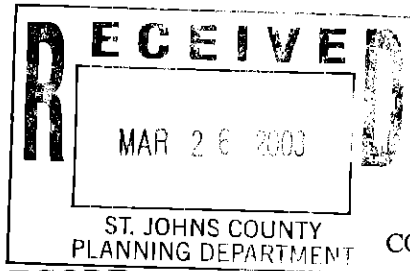
Effective: 4-8-03



Phasing Schedule

Use	Phase 1 1997-2003 (12/31/03 end date)			Phase 2 2004 (12/31/04 end date)			Phase 3 2005 - 2006 (12/31/06 end date)			Total		
	Acres	Gross Sq.Ft.	Units/ Rooms	Acres	Gross Sq.Ft.	Units/ Rooms	Acres	Gross Sq.Ft.	Units/ Rooms	Acres	Gross Sq.Ft.	Units
Retail Service including Outlet Retail	72.0	623,732	N/A	10.0	85,000	N/A	44.6	356,400	N/A	126.6	1,065,132	N/A
		583,732						180,000			763,732	
Hotel	2.0	N/A	100	—	—	—	13.0	N/A	300	15.0	N/A	400
Residential	30.0	N/A	250	—	—	—	44.7	N/A	364	74.7	N/A	614
Industrial	—	—	—	—	—	—	35.6	540,000	N/A	35.6	540,000	N/A
Movie Theater	—	—	—	—	—	—	N/A	N/A	2,280 seats	N/A	N/A	2,280 seats

EXHIBIT 3 (Revised January 2003)



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 MURRAY

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 2002-06

ST AUGUSTINE CENTRE

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

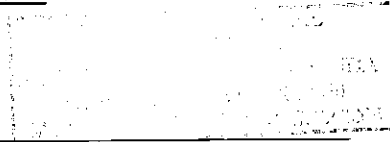
MARCH 24, 2003

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 MARCH 2003

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

[Signature of Notary Public] (Signature of Notary Public)

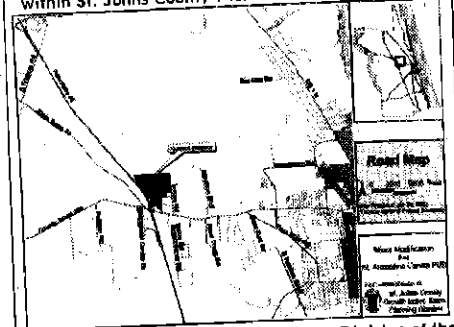


(Seal)

Zoe Ann Moss

NOTICE OF A PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI) RESTATED DEVELOPMENT ORDER

NOTICE IS HEREBY GIVEN that a public hearing will be held on the Tuesday, April 8, 2003 at 1:30 p.m. by the St. Johns County Board of County Commissioners, in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider a phasing extension. The subject property is located at 2330 Slate Road 16 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, call (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 1-800-955-8770, 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. 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.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA JAMES E. BRYANT, CHAIRMAN FILE NUMBER: NOPC 2002-06 St. Augustine Centre L674-3 Mar 24, 2003