

**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 RESTATED 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: James E. Bryant  
James E. Bryant, Chair

**ATTEST: Cheryl Strickland, Clerk**

By: Adrian S. Platt  
Deputy Clerk

RENDITION DATE May 21, 2003

Adopted Regular Meeting May 20, 2003

Effective: 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).

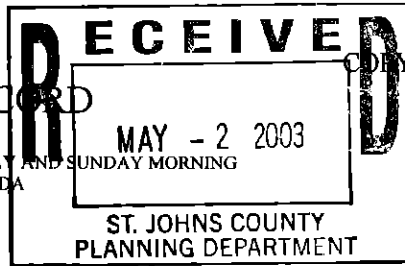
## SPECIAL CONDITIONS

### 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.

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA



COPY OF ADVERTISEMENT

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

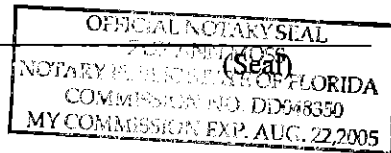
Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore been continuously published in said St. Johns County, Florida, each  
day and has been entered as second class mail matter at the 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 30<sup>th</sup> day of April 2003

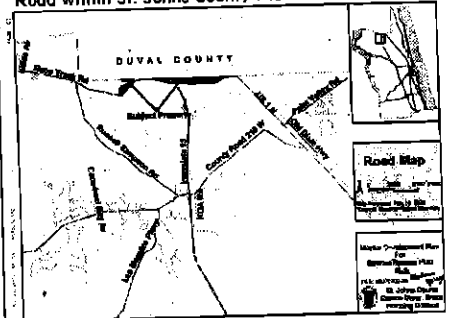
by *Linda Y. Murray* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Zoe Ann Moss*  
(Signature of Notary Public)

Zoe Ann Moss



**NOTICE OF A PROPOSED CHANGE (NOPC) TO THE BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT (DRI) TO BARTRAM PARK PUD**  
NOTICE IS HEREBY GIVEN that a public hearing will be held on the Thursday, May 15, 2003 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and on Tuesday, May 20, 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 and US1 North, St. Augustine, Florida, to consider a Notice of Proposed Change the development plan of the Bartram Park DRI/PUD, addressing the addition of language regarding the review of changes which only effect St. Johns County or Duval County. Generally addressing modifications necessary to the St. Johns County Development Order for Bartram Park to reflect an increase in the cap on wetland impacts within the Bartram Park DRI by 7.67 acres as to Parcel 45 in Duval County.  
The subject property is located at 5801 Racetrack Road 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 1-800-955-8770, 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. 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.

**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JAMES E. BRYANT, CHAIRMAN  
PLANNING AND ZONING AGENCY  
ST. JOHNS COUNTY, FLORIDA  
DON HOUSE, CHAIRMAN  
FILE NUMBER: NOPC 2003-01  
L948-3 Apr 30, 2003**