

ST. JOHNS COUNTY
RESOLUTION NUMBER 2002- 53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233 AND 98-126; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On August 27, 1991, a Development of Regional Impact Development Order (the "Development Order") was issued by the Board of County Commissioners of St. John's County, pursuant to Resolution No. 91-130, authorizing development of the property known as St. Johns; and,

WHEREAS, the Development Order was modified by the Board by adoption of Resolution No. 91-183, incorporating Development Order changes pursuant to the Settlement Agreement between the Department of Community Affairs (the "DCA"), the Developer, and St. Johns County; and,

WHEREAS, the Development Order was subsequently amended by the Board by adoption of Resolutions 94-211, 95-06, 96-102, 96-233 and 98-126; and,

WHEREAS, the Developer has submitted a Notice of Proposed Change to the Development of Regional Impact Dated January 11, 2002, requesting modification of certain terms of the Development Order (the "NOPC"); 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 has reviewed the NOPC and has considered the issue of whether such modifications constitute a substantial deviation requiring further Development of Regional Impact review at a public hearing held on March 26, 2002.

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

1. The following facts are determined in connection with this Resolution:
 - a. The NOPC is consistent with the St. Johns County Comprehensive Plan, as amended.
 - b. The NOPC is consistent with the Land Development Code of St. Johns County, as amended.
2. The NOPC and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.
3. The legal description of the property with the Saint Johns DRI remains unchanged and is attached as Exhibit A to this Resolution. The Application for Development Approval (“ADA”), Response to Request for Additional Information submitted January 30, 1991, and Response to Second Request for Additional Information submitted March 18, 1991, are described on Exhibit B to Resolution No.91-130 and the development shall be carried out in conformance

with the ADA as approved by Resolution No. 91-130 as previously modified by resolutions 91-183; 94-211; 95-06; 96-102; 96-233 and 98-126 and as further modified by this Resolution. The Master Development Plan for the Interchange Parcels and Six Mile Creek parcel of Saint Johns identified as Map H, page 1 of 2 approved by resolution 98-126 shall remain unchanged.

4. The Development Order adopted by Resolution 91-130, as amended by Resolution 91-183, Resolution 94-211, Resolution 95-06, Resolution 96-102, Resolution 96-233 and Resolution 98-126, is hereby modified by approval of the changes requested in the NOPC and adoption of the specific changes:

(a) Special Condition II is deleted and replaced with the following condition: In order to insure an adequate supply of housing affordable by low and very low income households to meet the demand for such housing generated by the Saint Johns project on, proximate to, or otherwise reasonably accessible to the Saint Johns project the Developer shall contribute \$300,000 to St. Johns County for the provision of affordable housing within the West Augustine Community. The \$300,000 shall be payable in installments as follows:

1. \$75,000 – Within 60 days of the effective date of Resolution 2002-_____:
2. \$100,000 – By January 31, 2004;
3. \$125,000 – By January 31, 2006.

(b) Development Commitments 42-44 shall be intentionally deleted consistent with this paragraph.

(c) The text of the approved Development Order for the Saint Johns DRI is hereby revised by the adoption of the Amended and Restated Saint Johns Development Order Conditions attached as Exhibit C to this resolution, and

restated Saint Johns DRI/DO Developer Commitments attached as Exhibit D to this resolution, in place of Exhibits C and D, respectively, originally attached to Resolution 91-130, as amended

5. Except as modified by this Resolution, the existing St. Johns DRI Development Order 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 26th DAY OF MARCH 2002.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By: Marc Jacaloni
Marc Jacaloni, Chair

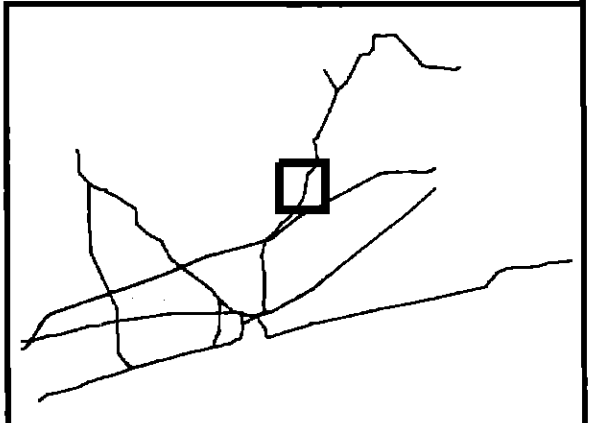
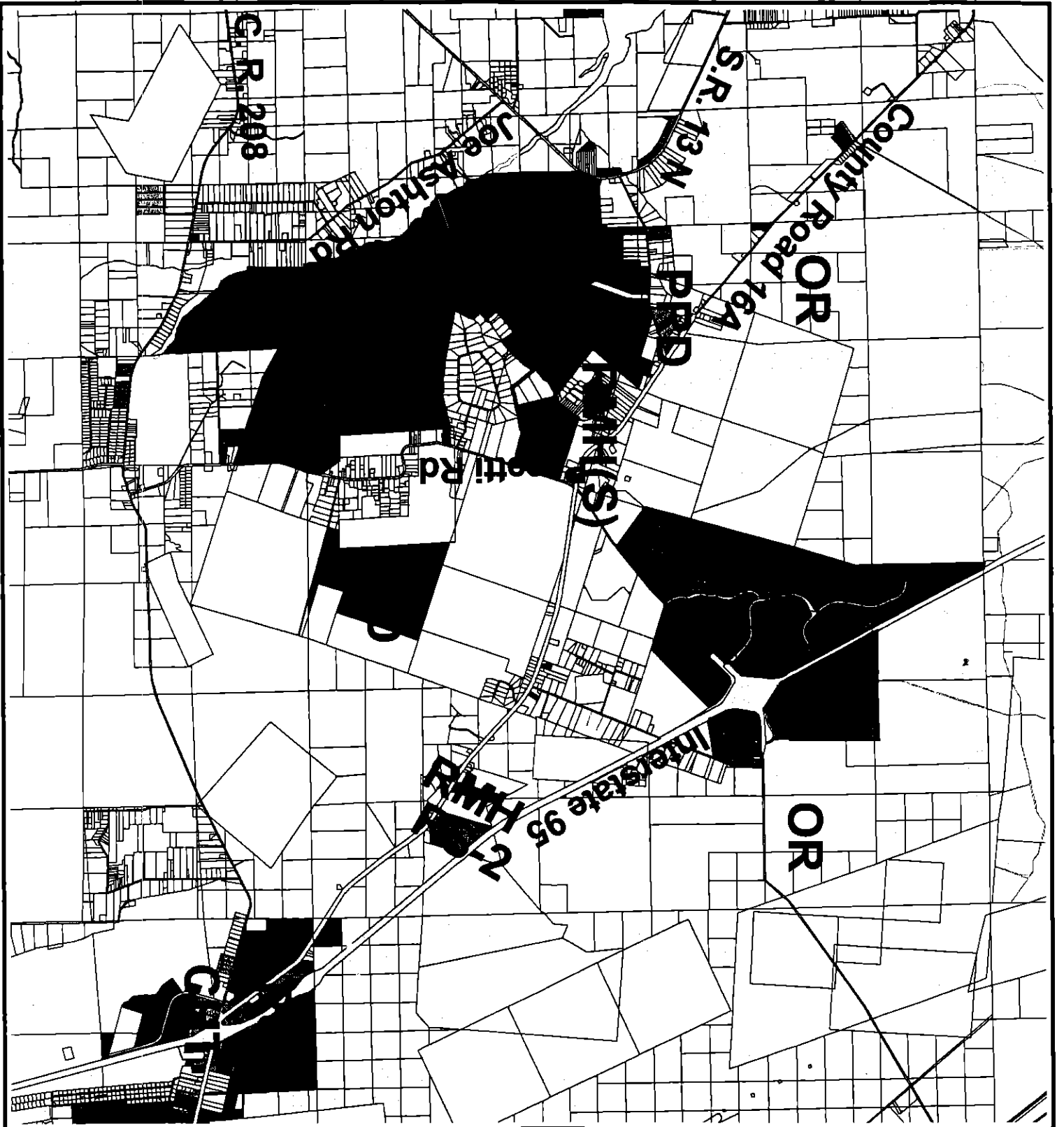
ATTEST: CLERK
Cheryl Strickland, Clerk

By: Patricia DeGrande
Deputy Clerk

RENDITION DATE 3-28-02

Adopted Regular Meeting 03-26-02

Effective: 03-26-02



General Zoning Map

Map Prepared: Mar. 14, 2002
 *Depicts General Project Boundary

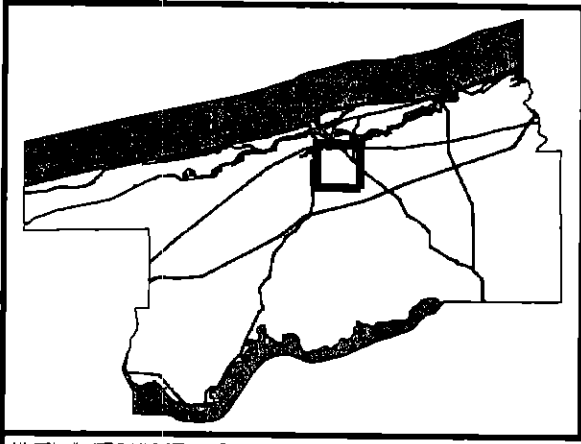
0 3000 6000 Feet

NOPC FOR St. Johns DRI

File Number: NOPC2002-01

St. Johns County
 Growth Mgmt. Svcs.
 Planning Division





Project Location Map

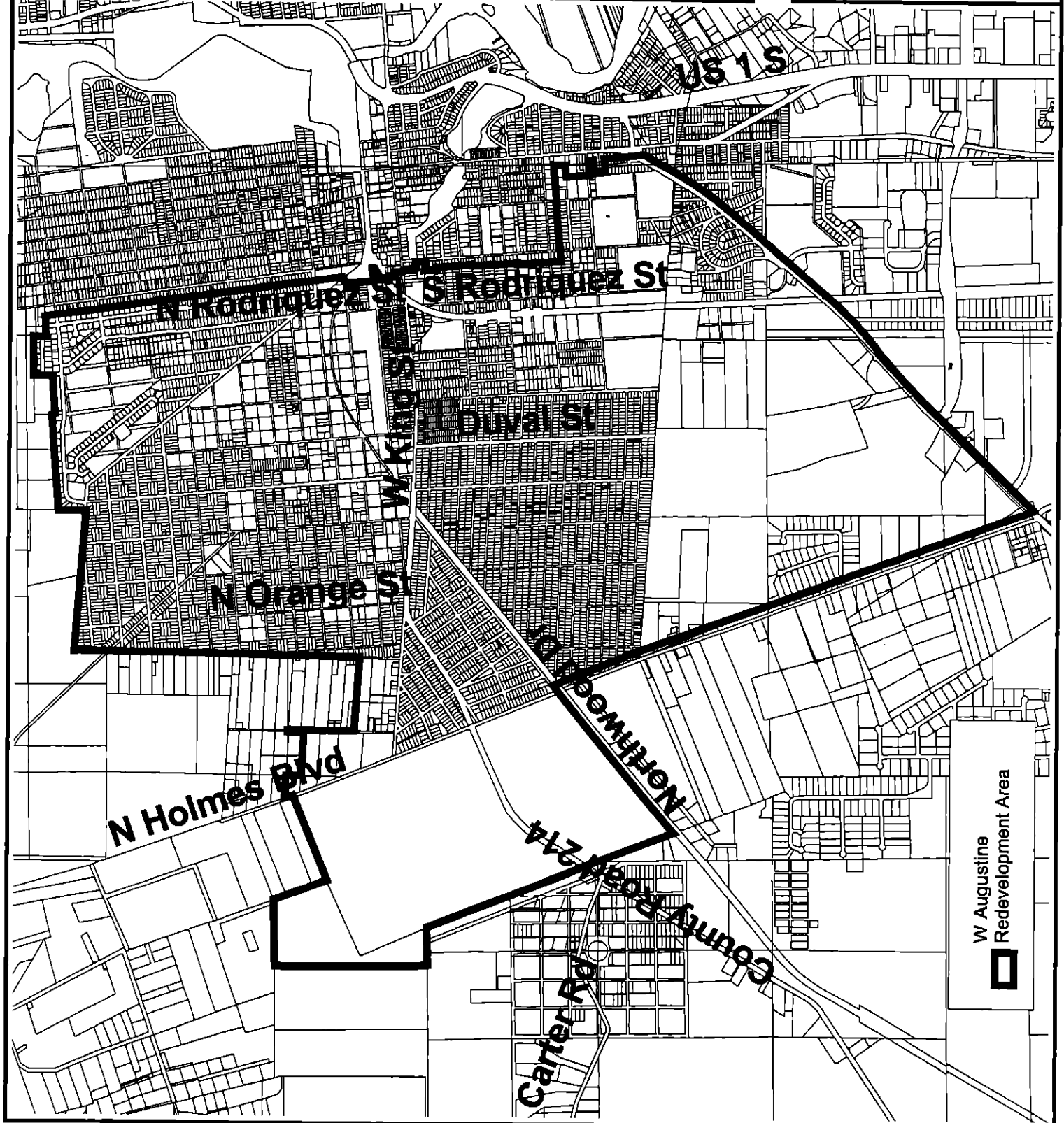

0 1000 2000 Feet

Map Prepared: Mar 14, 2002
• Depicts General Project Boundary


NOPC For St. Johns DRI

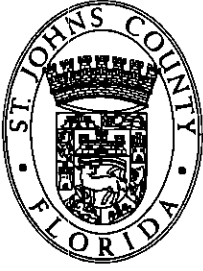
FILE: NOPC2002-01

St. Johns County
Growth Mgmt. Svcs.
Planning Division



W Augustine
Redevelopment Area





PLANNING DIVISION STAFF REPORT
March 21, 2002 Public Hearing
Notice of Proposed Change to the
St. Johns DRI

To: Planning and Zoning Agency

From: Joseph Bornstein, Planner III

Date: March 13, 2002

Subject: Notice of Proposed Change (NOPC) to the Saint Johns DRI
Development of Regional Impact (DRI)

Applicant: SJ Land LLC and IT Land LLC
c/o Davidson Development
101 East Town Place, Suite 200
St. Augustine, FL 32092

PROJECT DATA

Location: The Saint Johns DRI is located on the Northwest Quadrant of I-95 and International Golf Parkway.

Existing Zoning: Planned Unit Development

Future Land Use: DRI

Concurrency Status: Approved prior to Concurrency, so the project is exempt from concurrency pursuant to Section 11.08.04 of the Land Development Code

NARRATIVE SUMMARY

This Notice of Proposed Change (NOPC) to the Saint Johns DRI Restated Development Order seeks to amend developer commitments 42-44 and Specific Condition II, and replace them with a revised Specific Condition II requiring the developer to pay \$300,000 in three installments to St. Johns

County for an affordable housing program in West Augustine. Specifically, the payment schedule would be as follows:

- \$75,000 within 60 days of the effective date of the approved Resolution.
- \$100,000 by January 31, 2004
- \$125,000 by January 31, 2006

There are no changes in land uses or any phasing in the Saint Johns DRI.

The existing Development Order requires the Developer to conduct an affordable housing study by either 2002, or upon reaching 1,471 full-time employees, whichever occurred first. It is the opinion of St. Johns County Housing & Community Services that the monies earmarked for the affordable housing study would be better used to assist the West Augustine Community Redevelopment Agency. Also, the \$300,000 contribution exceeds the current applicant commitment of \$0.02 per square foot of non-residential uses for affordable housing provisions, and is more in line with the recent payment of \$0.05 per square foot by other DRI's.

Staff has no objections to this NOPC and finds it consistent with the Comprehensive Plan and applicable requirements of the Land Development Code.

RECOMMENDATIONS

SUGGESTED ACTION TO RECOMMEND APPROVAL OF THE NOPC:

The Agency may consider a motion to recommend approval of the Saint Johns DRI NOPC 2002-01 to the Board of County Commissioners, provided,

(Provide findings of fact similar to the following.)

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.

SUGGESTED ACTION TO RECOMMEND DENIAL OF THE NOPC:

The Agency may consider a motion to recommend denial of the Saint Johns DRI NOPC 2002-

01 to the Board of County Commissioners, provided,

(Provide findings of fact similar to the following.)

1. The NOPC does not meet the criteria for a non-substantial deviation as provided by Florida Law because _____.

2. The request is inconsistent with the goals, objectives and policies of the Comprehensive Plan because _____.

EXHIBIT A

LEGAL DESCRIPTION

Interchange Northeast

A part of Sections 2 and 3, together with a part of Government Lot 1, Section 11, together with all of Section 10, lying East of Interstate 95 right-of-way, together with all of Section 11 less and except the East 1/2 of and the Southeast 1/4 of the Southwest 1/4 and that part lying in and West of Interstate 95 right-of-way, and part of Section 14 lying East of Interstate 95 right-of-way and Northwesterly of the Northwesterly right-of-way line of old Nine Mile Road, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Southeast corner of said Section 11; thence South $89^{\circ}02'10''$ West along the South line of said Section 11 and along the center line of Nine Mile Road, County Road S13A (a 66 foot right-of-way as now established) a distance of 1915.72 feet; thence North $00^{\circ}27'50''$ West a distance of 33.00 feet to a point on the Northerly right-of-way line of said Nine Mile Road and the POINT OF BEGINNING; thence along said Northerly right-of-way line of Nine Mile Road run the following five courses; Course No. 1 - thence South $89^{\circ}32'10''$ West a distance of 1043.00 feet; Course No. 2 - thence North $00^{\circ}27'50''$ West a distance of 17.00 feet; Course No. 3 - thence South $89^{\circ}32'10''$ West along said Northerly right-of-way line of Nine Mile Road (a 100 foot right-of-way as now established) a distance of 205.04 feet to the point of curve of a curve concave Southeasterly having a radius of 1195.92 feet; Course No. 4 - thence Southwesterly along the arc of said curve an arc distance of 347.04 feet, said arc being subtended by a chord bearing of South $81^{\circ}13'23''$ West and a chord distance of 345.82 feet; thence leaving said Northerly right-of-way line of Nine Mile Road, South $89^{\circ}32'10''$ West along the aforementioned Southerly line of Section 11, a distance of 468.92 feet to the Southwest corner of aforementioned Government Lot 1; thence continue South $89^{\circ}32'10''$ West along the aforementioned Southerly line of Section 11 a distance of 589.15 feet; thence South $44^{\circ}35'20''$ West a distance of 252.80 feet to a point on the Northeasterly right-of-way line of said Interstate 95 (a 300 foot right-of-way as now established); thence North $27^{\circ}32'59''$ West along said Northeasterly right-of-way line a distance of 6210.81 feet; thence North $89^{\circ}18'55''$ East leaving said Northeasterly right-of-way line a distance of 4946.39 feet; thence South $00^{\circ}11'37''$ East along the West line of said East 1/2 of Section 11 and a Northerly projection thereof a distance of

4057.34 feet; thence South 89°11'13" West along the North line of said Southeast 1/4 of the Southwest 1/4 of Section 11 a distance of 1311.89 feet; thence South 00°23'04" West along the West line of said Southeast 1/4 of the Southwest 1/4 of Section 11, said west line also being the Westerly line of said Government Lot 1, Section 11, a distance of 988.89 feet to a point on a curve, said curve being concave Northerly having a radius of 625.00 feet; thence Easterly along the arc of said curve an arc distance of 610.60 feet, said arc being subtended by a chord bearing of North 88°27'18" East and a chord distance of 586.60 feet to the point of tangency of said curve; thence North 60°28'02" East a distance of 415.00 feet to the point of curve of a curve concave Southwesterly having a radius of 375.00 feet; thence along the arc of said curve an arc distance of 715.92 feet, said arc being subtended by a chord bearing of South 64°50'26" East and a chord distance of 612.04 feet to the end of said curve; thence South 26°09'10" East a distance of 70.00 feet; thence South 00°27'50" East a distance of 70.00 feet; thence South 79°57'27" East a distance of 531.96 feet to the POINT OF BEGINNING.

Containing 413.64 acres, more or less

Together with:

That portion of Section 14, Township 6, South Range 28 East, St. Johns County, Florida, lying south of the northerly right of way line of old Nine Mile Road, as now abandoned, east of the easterly right of way line of Interstate 95, a 300.00 foot right of way as now established, and north of the northerly right of way line of Nine Mile Road, County Road S13A, a county right of way of varying width as now established.

Containing 6.62 acres, more or less

LESS AND EXCEPT:

Parcel 100, Part "A"

A part of Section 11, together with a part of Government Lots 2 and 3, Section 14, together with a part of Section 10 all lying in Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Southeast corner of said Section 11; thence South 89°32'10" West along the South line of said Section 11 and along the centerline of Nine Mile Road, County Road S13A (a 66 foot right-of-way as now established) a distance of 2603.77 feet; thence North 00°27'50" West a distance of 33.00 feet to a point of the Northerly right-of-way line of said Nine Mile Road and the POINT OF BEGINNING; thence South 89°32'10" West along the said Northerly

right-of-way line of Nine Mile Road a distance of 354.95 feet; thence North $00^{\circ}27'50''$ West a distance of 17.00 feet; thence South $89^{\circ}32'10''$ West continuing along said Northerly right-of-way line of Nine Mile Road a distance of 205.04 feet to the point of curve of a curve concave Southeasterly having a radius of 1195.92 feet and a central angle of $27^{\circ}02'30''$; thence Southwesterly continuing along the said Northerly right-of-way line of Nine Mile Road and along the arc of said curve an arc distance of 564.43 feet, said arc being subtended by a chord bearing of South $76^{\circ}00'55''$ West and a chord distance of 559.21 feet to the point of tangency of said curve; thence South $62^{\circ}29'40''$ West continuing along said Northerly right-of-way line of Nine Mile Road a distance of 316.13 feet; thence South $65^{\circ}00'23''$ West continuing along said right-of-way line to its intersection with the Northeasterly right-of-way line of Interstate 95, State Road No. 9 (a 300 foot right-of-way as now established) a distance of 650.97 feet; thence North $27^{\circ}32'59''$ West along said Northeasterly right-of-way line a distance of 3535.33 feet; thence leaving said Northeasterly right-of-way line South $28^{\circ}21'52''$ East a distance of 1695.35 feet to the point of curve of a curve concave Northeasterly having a radius of 1051.92 feet and a central angle of $28^{\circ}47'48''$; thence Southeasterly along the arc of said curve an arc distance of 528.69 feet, said arc being subtended by a chord bearing of South $42^{\circ}45'46''$ East and a chord distance of 523.14 feet to the point of tangency of said curve; thence South $57^{\circ}09'40''$ East a distance of 1048.98 feet to the point of curve of a curve concave Northeasterly having a radius of 706.00 feet and a central angle of $38^{\circ}37'04''$; thence Southeasterly along the arc of said curve an arc distance of 475.85 feet, said arc being subtended by a chord bearing of South $76^{\circ}28'12''$ East and a chord distance of 466.89 feet to the point of tangency of said curve; thence North $84^{\circ}13'16''$ East a distance of 259.24 feet to the beginning of a non-tangent curve, said curve being concave Southerly having a radius of 3948.72 feet and a central angle of $06^{\circ}36'14''$; thence Northeasterly along the arc of said curve an arc distance of 455.12 feet, said arc being subtended by a chord bearing of North $86^{\circ}14'03''$ East and a chord distance of 454.87 feet to the end of said curve; thence North $89^{\circ}32'10''$ East a distance of 399.83 feet; thence South $00^{\circ}27'50''$ East a distance of 96.00 feet to the POINT OF BEGINNING.

Containing 21.33 acres, more or less

Parcel 101, Part "A"

A part of Section 11, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, Commence at the Southeast corner of said Section 11, thence South $89^{\circ}32'10''$ West along the South

line of said Section 11 and along the centerline of Nine Mile Road, County Road S13A (a 66 foot right-of-way as now established) a distance of 1915.72 feet; thence North 00°27'50" West a distance of 33.00 feet to a point on the Northerly right-of-way line of said Nine Mile Road and the POINT OF BEGINNING; thence South 89°32'10" West along the said Northerly right-of-way line of Nine Mile Road a distance of 688.05 feet; thence North 00°27'50" West a distance of 96.00 feet; thence North 89°11'12" East a distance of 165.01 feet; thence South 79°57'27" East a distance of 531.96 feet to the POINT OF BEGINNING.

Containing 0.95 acres, more or less

Interchange Northeast containing 397.98 acres, more or less

Interchange Southeast

All of Government Lots 1, 2 and 3, Section 14, Township 6 South, Range 28 East, St. Johns County, Florida, lying East of I-95, South of the Southerly right-of-way of Nine Mile Road (as now established with a varying right-of-way), and West of the West right-of-way of Francis Road (as now established for a 66 foot right-of-way) and a portion of Section 38, Township 6 South, Range 28 East, St. Johns County, Florida, lying East of I-95 and West of Francis Road; all of the above lands being more particularly described as follows:

For a Point of Commencement use the intersection of Sections 11, 12, 13 and 14, being marked by a railroad spike and lying in the center of said Nine Mile Road; thence South $89^{\circ}34'52''$ West along the North line of said Section 14, 1390.91 feet; thence South $00^{\circ}26'58''$ West, 33.00 feet to the intersection of the South right-of-way line of said Nine Mile Road and the West right-of-way line of said Francis Road, said point being the POINT OF BEGINNING; thence continue South $00^{\circ}26'58''$ West along said West right-of-way line of Francis Road 1183.65 feet to the P.C. of a curve to the right having a radius, chord and chord bearing of 583.89 feet, 213.51 feet and South $10^{\circ}59'04''$ West; thence Southwesterly around the arc of said curve 214.72 feet to the P.T. of said curve; thence continuing on said Westerly line South $21^{\circ}31'10''$ West, 206.71 feet to the Northeast corner of lands as described in Official Records Volume 272, page 645, public records of said County, thence South $81^{\circ}22'40''$ West along the North line of said lands 198.00 feet to the Northwest corner; thence South $21^{\circ}31'10''$ West along the West line of said lands, 216.68 feet; thence South $81^{\circ}22'40''$ West, 435.88 feet, thence South $25^{\circ}09'28''$ West along a fence line 281.02 feet; thence South $81^{\circ}21'39''$ West, 647.32 feet along said fence line, thence South $12^{\circ}17'16''$ East 149.91 feet along said fence line to the North line of lands as described in Official Records Volume 170, page 329, public records of said County; thence South $81^{\circ}22'40''$ West along the North line of said lands, 599.89 feet to the Easterly right-of-way of I-95; thence North $27^{\circ}30'20''$ West along said Easterly line, 2077.02 feet to the Southerly right-of-way line of said Nine Mile Road; thence North $59^{\circ}48'06''$ East along said Southerly line 650.62 feet; thence North $62^{\circ}27'43''$ East along said line, 316.13 feet to the P.C. of a curve to the right having a radius, chord and chord bearing of 1101.46 feet, 516.49 feet and North $76^{\circ}01'17''$ East; thence Northeasterly around the arc of said curve 521.34 feet to the P.T. of said curve; thence North $89^{\circ}34'52''$ East, 200.53 feet; thence North $00^{\circ}50'22''$ West, 16.79 feet; thence North $89^{\circ}34'52''$ East along said Southerly line, 1567.81 feet to the POINT OF BEGINNING.

Containing 127.02 acres, more or less

LESS AND EXCEPT:

Parcel 100, Part "B"

A part of Lot 1 of the Antonio Huertas Grant, Section 38, together with a part of Government Lots 1, 2 and 3, Section 14, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Northeast corner of said Section 14; thence South $89^{\circ}32'10''$ West along the North line of said Section 14 and along the centerline of Nine Mile Road, County Road S13A (a 66 foot right-of-way as now established) a distance of 2603.77 feet; thence South $00^{\circ}27'50''$ East a distance of 33.00 feet to a point on the Southerly right-of-way line of Nine Mile Road and the POINT OF BEGINNING; thence continue South $00^{\circ}27'50''$ East a distance of 96.00 feet; thence South $89^{\circ}32'10''$ West a distance of 399.83 feet to the beginning of a non-tangent curve concave Southerly having a radius of 3690.72 feet and a central angle of $06^{\circ}29'08''$; thence Southwesterly along the arc of said curve an arc distance of 417.77 feet, said arc being subtended by a chord bearing of South $86^{\circ}17'36''$ West and a chord distance of 417.55 feet to the end of said curve; thence South $78^{\circ}06'12''$ West a distance of 210.20 feet to the point of curve of a curve concave Southeasterly having a radius of 336.00 feet and a central angle of $70^{\circ}21'11''$; thence Southwesterly along the arc of said curve an arc distance of 412.57 feet, said arc being subtended by a chord bearing of South $42^{\circ}55'36''$ West and a chord distance of 387.14 feet to the point of tangency of said curve; thence South $07^{\circ}45'01''$ West a distance of 682.79 feet to the point of curve of a curve concave Northeasterly having a radius of 1051.92 feet and a central angle of $32^{\circ}18'00''$; thence Southeasterly along the arc of said curve an arc distance of 593.01 feet; said arc being subtended by a chord bearing of South $08^{\circ}23'59''$ East and a chord distance of 585.19 feet to the point of tangency of said curve; thence South $24^{\circ}32'59''$ East along a line to its intersection with the Northeasterly right-of-way line of Interstate 95, State Road No. 9 (a 300 foot right-of-way as now established) a distance of 676.83 feet; thence North $27^{\circ}32'59''$ West along said Northeasterly right-of-way line of Interstate 95 to its intersection with the Southerly right-of-way line of aforementioned Nine Mile Road, a distance of 1922.57 feet; thence North $59^{\circ}47'52''$ East along said Southerly right-of-way line of Nine Mile Road a distance of 650.52 feet; thence North $62^{\circ}24'17''$ East continuing along said Southerly right-of-way line a distance of 317.24 feet to the beginning of a non-tangent curve said curve being concave Southeasterly having a radius of 1093.00 feet and a central angle of $27^{\circ}04'45''$; thence Northeasterly continuing along said Southerly right-of-way line, an arc distance of 516.57 feet, said arc being subtended by a

chord bearing of North 75°59'48" East and a chord distance of 511.78 feet to the end of said curve; thence North 89°32'10" East continuing along said Southerly right-of-way line, a distance of 204.95 feet; thence North 00°27'50" West a distance of 17.00 feet; thence North 89°32'10" East continuing along said ~~Southerly right-of-way line, a distance of 354.95 feet~~ to the POINT OF BEGINNING.

Containing 11.57 acres, more or less

Parcel 101, Part "B"

A part of Government Lot 1, Section 14, Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Northeast corner of said Section 14; thence South 89°32'10" West along the North line of said Section 14 and along the centerline of Nine Mile Road, County Road S13A (a 66 foot right-of-way as now established) a distance of 1820.67 feet; thence South 00°27'50" East a distance of 33.00 feet to a point in the Southerly right-of-way line of said Nine Mile Road and the POINT OF BEGINNING; thence South 71°47'29" West a distance of 314.99 feet; thence South 89°32'10" West a distance of 483.10 feet; thence North 00°27'50" West along a line to its intersection with the aforementioned Southerly right-of-way line of Nine Mile Road, a distance of 96.00 feet; thence North 89°32'10" East along said Southerly right-of-way line, a distance of 783.10 feet to the POINT OF BEGINNING.

Containing 1.39 acres, more or less

Interchange Southeast containing 114.06 acres, more or less

Interchange Northwest

All of Section 3 lying West of Interstate 95 right-of-way, all of Section 10 lying West of Interstate 95 right-of-way, all of Section 11 lying West of Interstate 95 right-of-way, all of Section 14 lying West of Interstate 95, all of Section 15, all of Section 43, all of Section 44, together with a part of Section 38 lying Northwest of Nine Mile Road, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a POINT OF BEGINNING, commence at the intersection of the Northwestern right-of-way line of Nine Mile Road (County Road S13A, a 160 foot right-of-way as now established) with the Southwesterly right-of-way line of Interstate 95 (a 300 foot right-of-way as now established); thence Southwesterly along said Northwestern right-of-way line of Nine Mile Road, the following eight courses; Course No. 1 - thence South $60^{\circ}09'09''$ West a distance of 752.14 feet to an angle point in said right-of-way line; Course No. 2 - thence South $62^{\circ}26'20''$ West along said Northwestern right-of-way line of Nine Mile Road (a 110 foot right-of-way as now established); a distance of 15.32 feet to the point of curve of a curve concave Southeasterly having a radius of 1185.13 feet; Course No. 3 - thence Southwesterly along the arc of said curve an arc distance of 170.00 feet, said arc being subtended by a chord bearing of South $58^{\circ}19'47''$ West and a chord distance of 169.85 feet to the point of compound curve; Course No. 4 - thence Southwesterly along the arc of a curve, said curve being concave Southeasterly and having a radius of 1185.11 feet an arc distance of 201.09 feet, said arc being subtended by a chord bearing of South $49^{\circ}21'34''$ West and a chord distance of 200.85 feet to the point of tangency of said curve; Course No. 5 - thence South $44^{\circ}29'54''$ West a distance of 204.46 feet; Course No. 6 - thence South $45^{\circ}30'05''$ East a distance of 17.00 feet; Course No. 7 - thence South $44^{\circ}29'54''$ West along said Northwestern right-of-way line of Nine Mile Road (a 66 foot right-of-way as now established) a distance of 5256.56 feet to an angle point in said Northwestern right-of-way line; Course No. 8 - thence South $50^{\circ}29'50''$ West a distance of 2475.39 feet; thence North $53^{\circ}13'38''$ West, leaving said Northwestern right-of-way line, a distance of 2258.70 feet; thence North $14^{\circ}55'52''$ East along the Northwestern line of aforesaid Section 44 and its Southwesterly projection thereof a distance of 7123.49 feet; to the Northwestern corner of said Section 44; thence North $16^{\circ}14'53''$ East along the Northwestern line of aforesaid Section 43 a distance of 2983.85 feet to a point on said Northwestern line of Section 43; thence North $01^{\circ}01'14''$ West along the West line of aforesaid Sections 10 and 3 to the Northwest corner of said Section 3 a distance of 6098.77 feet; thence North $88^{\circ}54'53''$ East along the line dividing Township 5 South and Township 6 South and the North

line of said Section 3 to its intersection with the aforesaid Southwesterly right-of-way line of Interstate 95 a distance of 136.50 feet; thence South 27°32'59" East along said Southwesterly right-of-way line a distance of 12,538.84 feet to the POINT OF BEGINNING.

Containing 1456.88 acres, more or less

LESS AND EXCEPT:

Parcel 100, Part "E"

A part of Section 10, lying West of Interstate 95 right-of-way, together with all of Section 11, lying West of Interstate 95 right-of-way, together with all of Section 14, lying west of Interstate 95, together with a part of Section 15, together with a part of Lots 1 and 2 of the Antonio Huertas Grant, Section 38, lying Northwest of Nine Mile Road, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Northwest corner of said Section 14; thence North 89°32'10" East along the North line of said Section 14 to its intersection with the Southwesterly right-of-way line of Interstate 95, State Road No. 9 (a 300 foot right-of-way as now established), a distance of 128.63 feet, said intersection being the POINT OF BEGINNING; thence South 27°32'59" East, along said Southwesterly right-of-way line, to its intersection with the Northwesterly right-of-way line of Nine Mile Road, County Road S13A (a right-of-way of varying width), a distance of 701.62 feet; thence South 60°09'09" West along said Northwesterly right-of-way line of Nine Mile Road a distance of 752.14 feet; thence South 62°26'19" West continuing along said right-of-way line a distance of 15.32 feet to the point of curve of a curve concave Southeasterly having a radius of 1185.11 feet and a central angle of 17°56'25"; thence Southwesterly continuing along said Northwesterly right-of-way line and along the arc of said curve an arc distance of 371.08 feet, said arc being subtended by a chord bearing of South 53°28'07" West and a chord distance of 369.56 feet to the point of tangency of said curve; thence South 44°29'54" West continuing along said Northwesterly right-of-way line a distance of 204.46 feet; thence South 45°30'06" East a distance of 17.00 feet; thence South 44°29'54" West continuing along said Northwesterly right-of-way line a distance of 176.42 feet; thence North 45°30'06" West leaving said Northwesterly right-of-way line, a distance of 143.00 feet; thence North 44°29'54" East a distance of 362.79 feet; thence North 41°20'46" East a distance of 224.57 feet to the beginning of a non-tangent curve concave Northwesterly having a radius of 336.00 feet and a central angle of 35°44'59"; thence

Northeasterly along the arc of said curve an arc distance of 209.65 feet, said arc being subtended by a chord bearing of North 23°28'17" East and a chord distance of 206.26 feet to the end of said curve; thence North 05°35'47" East a distance of 1120.99 feet to the point of curve of a curve concave Southwesterly having a radius of 1051.92 feet and a central angle of 30°08'46"; thence Northwesterly along the arc of said curve an arc distance of 553.47 feet, said arc being subtended by a chord bearing of North 09°28'36" West and a chord distance of 547.10 feet to the point of tangency of said curve; thence North 24°32'59" West along a line to its intersection with the aforementioned Southwesterly right-of-way line of Interstate 95, State Road No. 9 a distance of 676.83 feet; thence South 27°32'59" East along said Southwesterly right-of-way line of Interstate 95 a distance of 1670.02 feet to the POINT OF BEGINNING.

Containing 19.65 acres, more or less

Parcel 101, Part "D"

A part of Lot 2 of the Antonio Huertas Grant, Section 38, Township 6 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Reference, Commence at the Northwest corner of Section 14 of said Township and Range; thence North 89°32'10" East along the North line of said Section 14 to its intersection with the Southwesterly right-of-way line of Interstate 95, State Road No. 9 (a 300 foot right-of-way as now established), a distance of 128.63 feet; thence South 27°32'59" East along said Southwesterly right-of-way line to its intersection with the Northwesterly right-of-way line of Nine Mile Road, County Road S13A (a right-of-way of varying width) a distance of 701.62 feet; thence South 60°09'09" West along said Northwesterly right-of-way line of Nine Mile Road a distance of 752.14 feet; thence South 62°26'19" West continuing along said Northwesterly right-of-way line a distance of 15.32 feet to the point of curve of a curve concave Southeasterly having a radius of 1185.11 feet and a central angle of 17°56'25"; thence Southwesterly continuing along said Northwesterly right-of-way line, and along the arc of said curve an arc distance of 371.08 feet; said arc being subtended by a chord bearing of South 53°28'07" West and a chord distance of 369.56 feet to the point of tangency of said curve; thence South 44°29'54" West continuing along said Northwesterly right-of-way line a distance of 204.46 feet; thence South 45°30'06" East a distance of 17.00 feet; thence South 44°29'54" West continuing along said Northwesterly right-of-way line a distance of 176.42 feet to the POINT OF

BEGINNING; thence continue South 44°29'54" West along said Northwesterly right-of-way line, a distance of 1003.52 feet; thence North 31°14'07" East a distance of 623.28 feet; thence North 44°29'54" East a distance of 396.87 feet; thence South 45°30'06" East a distance of 143.00 feet to the POINT OF BEGINNING.

Containing 2.30 acres, more or less

Interchange Northwest containing 1434.93 acres, more or less

SJH36

EXHIBIT A

SIX MILE CREEK PARCEL

A portion of Sections 18, 19, 31 and 38, Township 6 South, Range 28 East and a portion of Sections 6, 38 and 41, Township 7 South, Range 28 East, and a portion of Sections 23, 24, 25 and 46, Township 6 South, Range 27 East, all lying in St. Johns County, Florida, being more particularly described as follows:

Commence at the intersection of the Westerly line of said Section 18, with the Southerly right of way line of State Road No. 16 (a 66.0 foot right of way as now established); thence North 63 degrees 25 minutes 15 seconds East, along said Southerly right of way line, 55.67 feet to the point of curvature of a curve to the right; thence continue along said Southerly right of way line along and around the arc of a curve concave Southerly and having a radius of 922.37 feet, an arc distance of 11.83 feet, said arc being subtended by a chord bearing and distance of North 63 degrees 46 minutes 47 seconds East, 11.83 feet to the POINT OF BEGINNING; thence South 02 degrees 35 minutes 54 seconds East, 2680.00 feet to the Southeast corner of those lands described and recorded, in Official Records Book 492, page 812, of the public records of said county; thence South 87 degrees 24 minutes 06 seconds West, along the Southerly line of said lands, 1586.89 feet; thence North 65 degrees 14 minutes 26 seconds West, continuing along said Southerly line, 967.45 feet to the Easterly right of way line of State Road No. 13 (a 100.0 foot right of way as now established) said Easterly right of way line lying in a curve concave Westerly; thence Southwesterly along said Easterly right of way line and along and around the arc of said curve having a radius of 2342.01 feet, an arc distance of 721.77 feet, said arc being subtended by a chord bearing and distance of South 19 degrees 54 minutes 58 seconds West, 718.92 feet to a point on said curve; thence South 02 degrees 29 minutes 20 seconds East, 4147.93 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 25; thence South 88 degrees 34 minutes 00 seconds West, along the Northerly line of said Southeast 1/4 of the Northwest 1/4, 160 feet, more or less, to the Easterly waters of Six Mile Creek, thence Southeasterly along said waters, 3450 feet more or less, to the Northerly line of those lands described and recorded in Official Records Book 492, page 847, of the public records of said County; thence North 72 degrees 24 minutes 07 seconds East, along last said line, 2220 feet, more or less, to the Easterly line of said lands; thence South 28 degrees, 56 minutes 09 seconds East along last said line, 207.04 feet to the Southerly line of said lands; thence South 72 degrees 24 minutes 07 seconds West, along said

Southerly line, 2110 feet, more or less, to the aforesaid Easterly waters of Six Mile Creek, thence Southeasterly along said waters, 1150 feet, more or less, to the Northerly line of those lands described and recorded in Official Records Book 494, page 165, of the public records of said County; thence North 61 degrees 07 minutes 29 seconds East, along last said line, 1640 feet, more or less, to the Easterly line of said lands, thence South 28 degrees 56 minutes 09 seconds East; along last said line, 200.00 feet to the Southerly line of said lands; thence South 61 degrees 07 minutes 29 seconds West, along last said line, 1670 feet, more or less, to the aforesaid Easterly waters of Six Mile Creek; thence Southeasterly along said waters 1100 feet, more or less, to a line common to Section 46, Township 6 South, Range 27 East, and Section 38, Township 6 South, Range 28 East, St. Johns County, Florida; thence South 02 degrees 35 minutes 54 seconds East, along last said line, 110 feet, more or less, to the center line of aforesaid Six Mile Creek; thence Southerly along said center line of Six Mile Creek, 7950 feet, more or less, to a line common to Section 6 and Section 38 of Township 7 South, Range 28 East, St. Johns County, Florida; thence Easterly along a section line common to said Section 6 and Section 38, to the Easterly waters of aforesaid Six Mile Creek; thence Southeasterly along said Easterly waters, 5035 feet, more or less, to the Easterly line of said Section 38, Township 7 South, Range 28 East, St. Johns County, Florida; thence North 03 degrees 12 minutes 06 seconds West, along last said line, 1238 feet, more or less, to an angle point in said section line, thence North 03 degrees 18 minutes 26 seconds West along said Easterly section line and along the Easterly line of Section 6, Township 7 South, Range 28 East, St. Johns County, Florida, 3052.00 feet to a point on a line common to Sections 5, 6 and 41, Township 7 South, Range 28 East, St. Johns County, Florida; thence South 60 degrees 05 minutes 46 seconds East, along the line common to Section 5 and 41 of Township 7 South, Range 28 East, 1737.76 feet; thence continue along said line, South 71 degrees 16 minutes 57 seconds East, 4096.79 feet to the Westerly right of way line of State Road No. S-13A (a 100.0 foot right of way as now established); thence Northeasterly along said Westerly right of way line, 4210 feet, more or less, to the Southerly line of a 30.0 foot drainage right of way as described in Deed Book 182, page 133, of the public records of St. Johns County, Florida; thence Northwesterly along last said line, 1025 feet, more or less, to the Southerly line of Section 37, Township 6 South, Range 28 East, St. Johns County Florida; thence South 88 degrees 18 minutes 38 seconds West, along last said line, 1234 feet, more or less, to the Southwest corner of said Section 37; thence North 00 degrees 54 minutes 29 seconds West, along the Westerly line of said Section 37, 5063.0 feet, thence North 88 degrees, 28 minutes 14 seconds East, 702.28 feet to a point on the Westerly right of way line of State Road S-13A (Pacetti Road, a 100.0 foot right of way as now established); thence North 19 degrees 35 minutes 08 seconds East along said

Westerly right of way line, 250.48 feet; thence South 88 degrees 28 minutes 14 seconds West, 848.0 feet; thence South 77 degrees 22 minutes 58 seconds West, 1586.22 feet; thence North 40 degrees 04 minutes 50 seconds West, 110.35 feet thence North 84 degrees 17 minutes 57 seconds West, 250.02 feet; thence South 83 degrees 25 minutes 31 seconds West, 325.42 feet; thence North 79 degrees 06 minutes 42 seconds West, 585.44 feet; thence South 10 degrees 53 minutes 18 seconds West, 13.78 feet; thence North 78 degrees 30 minutes 32 seconds West, 2622.77 feet; thence North 28 degrees 41 minutes 32 seconds East, 951.47 feet; thence North 37 degrees 53 minutes 52 seconds West, 466.13 feet; thence North 46 degrees 02 minutes 53 seconds East, 245.00 feet; thence North 51 degrees 22 minutes 33 seconds East, 202.09 feet; thence North 40 degrees 04 minutes 41 seconds West, 594.4 feet; thence North 49 degrees 58 minutes 19 seconds East, 1302.78 feet; thence South 53 degrees 44 minutes 12 seconds East, 190.00 feet; thence South 32 degrees 27 minutes 37 seconds East, 511.83 feet; thence North 54 degrees 46 minutes 53 seconds East, 359.01 feet; thence North 46 degrees 25 minutes 13 seconds East, 1060.54 feet; thence North 32 degrees 26 minutes 08 seconds East, 553.53 feet; thence South 38 degrees 15 minutes 05 seconds East, 1317.63 feet; thence North 73 degrees 16 minutes 23 seconds East, 265.00 feet; thence North 79 degrees 01 minute 51 seconds East, 1074.93 feet; thence North 85 degrees 08 minutes 13 seconds East, 581.92 feet; thence North 54 degrees 42 minutes 58 seconds East, 179.26 feet; thence South 74 degrees 23 minutes 52 seconds East, 1539.58 feet to the Westerly right of way line of State Road S-13A (Pacetti Road, a 100.0 foot right of way as now established); thence North 19 degrees 35 minutes 08 seconds East, along said Westerly right of way line, 2235.08 feet to the Southerly line of the North 1/2 of the Northeast 1/4 of Section 38, Township 6 South, Range 28 East, St. Johns County, Florida; thence North 72 degrees 21 minutes 19 seconds West along last said line, 2613.11 feet to the Southwest corner of the said North 1/2 of the Northeast 1/4; thence North 61 degrees 20 minutes 58 seconds West, 339.77 feet; thence South 24 degrees 01 minutes 13 seconds West, 160.99 feet; thence South 38 degrees 42 minutes 38 seconds West, 1063.03 feet; thence South 68 degrees 59 minutes 38 seconds West, 350.00 feet; thence North 50 degrees 29 minutes 38 seconds West, 2806.24 feet; thence North 33 degrees 54 minutes 24 seconds East, 2706.72 feet; thence North 70 degrees 30 minutes 54 seconds West, 679.17 feet; thence North 26 degrees 43 minutes 23 seconds East, 285.18 feet; thence North 70 degrees 30 minutes 54 seconds West, 626.57 feet; thence South 21 degrees 29 minutes 13 seconds West; 655.91 feet to the Northerly line of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 38; thence North 72 degrees 26 minutes 25 seconds West, along last said line and along the Northerly line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 38, 2242.24 feet to the Southerly right of way line of State Road No. 16 (a 66.0 foot right of way as now established); thence South 70 degrees 39 minutes 33

seconds West, along said Southerly right of way line, 312.6 feet to the point of curvature of a curve to the right; thence continue along said Southerly right of way line and around the arc of a curve concave Northerly and having a radius of 988.37 feet, an arc distance of 378.36 feet, said arc being subtended by a chord bearing and distance of ~~South 81 degrees 57 minutes~~ 33 seconds West, 376.05 feet to the point of tangency of said curve, said point of tangency being the Northeast corner of those lands described and recorded in Official Records Book 492, page 826, of the current public records of said county; thence South 02 degrees 55 minutes 33 seconds West, along the Easterly line of said lands, 943.94 feet; thence continue along the Easterly line of said lands, South 20 degrees 15 minutes 25 seconds West, 1916.53 feet to the Southerly line of said lands; thence North 31 degrees 54 minutes 57 seconds West, along said Southerly line, 506.42 feet to the Westerly line of said lands; thence North 20 degrees 15 minutes 25 seconds East, along last said line 1700.01 feet; thence North 02 degrees 55 minutes 33 seconds East along said Westerly line, 735.00 feet to the aforesaid Southerly right of way line of State Road No. 16; thence North 87 degrees 04 minutes 27 seconds West, along said Southerly right of way line, 695.77 feet to the point of curvature of a curve to the left; thence continue along said Southerly right of way line and along and around the arc of a curve concave Southerly and having a radius of 1399.69 feet, an arc distance of 238.80 feet, said arc being subtended by a chord bearing and distance of South 88 degrees 02 minutes 18 seconds West, 238.51 feet to the point of tangency of said curve; thence South 83 degrees 09 minutes 03 seconds West, along said Southerly right of way, a distance of 155.68 feet to the Easterly line of those lands described and recorded in Official Records Book 845, page 1081, of the public records of said County, thence South 02 degrees 35 minutes 54 seconds East along said Easterly line a distance of 466.09 feet to the Southerly line of said lands; thence South 83 degrees 09 minutes 03 seconds West along the Southerly line of said lands, 300.00 feet to a point on the Easterly line of those lands described and recorded in Official Records Book 516, page 74, of the public records of said County; thence South 02 degrees 35 minutes 54 seconds East, along said Easterly line a distance of 764.91 feet; thence South 87 degrees 24 minutes 06 seconds West, 1372.21 feet; thence North 02 degrees 35 minutes 54 seconds West, 1127.97 feet to the aforesaid Southerly right of way line of State Road No. 16, said Southerly right of way line lying in a curve leading Southwesterly; thence along said Southerly right of way line and along and around the arc of a curve concave Southerly and having a radius of 922.37 feet, an arc distance of 224.52 feet, said arc being subtended by a chord bearing and distance of South 71 degrees 07 minutes 45 seconds West, 223.97 feet to the POINT OF BEGINNING.

Six Mile Creek Parcel containing 3897.57 acres, more or less

SJH38(1-4)

TURNBULL CREEK PARCEL

A part of Government Lots 15, 16 and 17, Section 38, Township 6 South, Range 28 East and that part of Government Lot 17, lying in Section 41, Township 7 South, Range 27 East, all lying in St. Johns County, Florida, being more particularly described as follows:

Begin at the Westerly line of Government Lot 17, Section 38, Township 6 South, Range 28 East and the Northerly line of Scaff Road (County maintained); thence South 76 degrees 33 minutes 35 seconds East, along the Northerly line of Scaff Road, 4608.66 feet to its intersection with the Northeasterly line of said Government Lot 17, Section 41, Township 7 South, Range 28 East; thence North 72 degrees 15 minutes, 59 seconds West 1942.6 feet to a point on said Northeasterly line of Government Lot 17, Section 38, Township 6 South, Range 28 East; thence North 19 degrees 01 minute 28 seconds East, 1344.79 feet; thence South 72 degrees 19 minutes 24 seconds East, 988.52 feet; thence North 18 degrees 47 minutes 30 seconds East, 4037.03 feet to the Northeasterly line of Government Lot 16; thence North 72 degrees 29 minutes 39 seconds West, along the Northeasterly line of Government Lots 15 and 16, 4654.07 feet to the Easterly line of Section 37, Township 6 South, Range 28 East; thence South 00 degrees 58 minutes 50 seconds East, along said Easterly line of Section 37, 5072.54 feet to the Southwest corner of said Section 37; thence South 88 degrees 18 minutes 30 seconds West, along the South line of said Section 37, 1680.68 feet to its intersection with the Southwesterly line of Government Lot 15; thence South 72 degrees 15 minutes 59 seconds East, along the Southwesterly line of said Government Lot 15, 874.26 feet to the Northwesterly corner of the aforementioned Government Lot 17; thence South 19 degrees 15 minutes 32 seconds West, along the Westerly line of said Government Lot 17, 345.11 feet to the POINT OF BEGINNING.

Containing 455 acres, more or less

SJH38(5)

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
DIVISION OF STATE PLANNING
2740 CENTERVIEW DRIVE
TALLAHASSEE, FLORIDA 32399
904/488-4925

**MODIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.0619, Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, JOHN G. METCALF, the authorized representative of **SJ LAND LLC and IT LAND LLC**, (developer), hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **SAINT JOHNS DRI** (project name) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to St. Johns County, Florida (local government), to the Northeast Florida Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

Date: _____ Signature: _____

2. Applicant (Name, Address, Phone): SJ Land LLC and IT Land LLC
C/O Davidson Development
101 East Town Place, Suite 200
St. Augustine, FL 32092
(904) 540-5050
3. Authorized Agent (Name, Address, Phone): John G. Metcalf, Esq.
Pappas Metcalf Jenks & Miller, P.A.
200 West Forsyth Street, # 1400
Jacksonville, FL 32202
Phone: (904) 353-1980
Fax: (904) 353-5217

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.
St. Johns County

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

A blacklined version of the proposed Amended and Restated Development Order is attached. Developer commitments 42-44 and Specific Condition II will be replaced by a revised Specific Condition II requiring the Developer to pay \$300,000.00 to St. Johns County for an affordable housing program in West Augustine.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

No change to Master Plan. Text change only.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

The completed chart is attached.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The dates and resolution numbers are recited in the attached Resolution. There has been no change in local government jurisdiction.

8. Describe any lands purchased or obtained within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

Not applicable

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Not applicable

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S. Yes _____ No <u> X </u>

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

No

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S. and 9J-2.025, Florida Administrative Code.

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Not Applicable

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

See attached Resolution and blacklined version of the proposed Amended and Restated Development Order.

- A. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

See above.

- B. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

- C. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable?

Not applicable.

- D. A proposed amended development order termination date that reasonably reflects the time required to complete the development.

Not applicable.

- E. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable, and

No change.

- F. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

No change.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
ATTRACTION/ RECREATION	# Parking Spaces # Spectators # Seats Site location changes Acreage inc. drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A		
AIRPORTS	Runway (length) Runway (strength) Terminal (gross square feet) # Parking Spaces # Gates Apron Area (gross square feet) Site locational changes Airport Acreage, inc. drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A		

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
HOSPITALS	# Beds # Parking Spaces Building (gross square feet) Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A		
INDUSTRIAL	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels and lbs.) Site locational changes # External Vehicle Trips D.O. conditions ADA representations	No Change		
MINING OPERATIONS	Acreage mined (year) Water Withdrawal (Gal/day) Size of Mine (acres), inc. drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions ADA representations	N/A		

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
OFFICE	Acreage, inc. drainage, ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	No Change		
PETROLEUM/ CHEMICAL STORAGE	Storage Capacity (barrels and/or lbs.) Distance to Navigable Waters (feet) Site locational changes Facility Acreage, inc. drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A		
PORTS (MARINAS)	# boats, wet storage # boats, dry storage Dredge and fill (cu. yds.) Petroleum storage (gals.) Site locational changes Port Acreage, inc. drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A		

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
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RESIDENTIAL	# dwelling units Type of dwelling units # lots Acreage, inc. drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions ADA representations	No Change		
WHOLESALE, RETAIL SERVICE	Acreage, inc. drainage, ROW, easements, etc. Floor Space (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	No Change		
HOTEL / MOTEL	# Rental Units Floor Space (gross square feet) # Parking Spaces # Employees Site locational changes Acreage, inc. drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	No Change		

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
R.V. PARK	Acreage, inc. drainage, ROW, easements, etc. # Parking Spaces Buildings (gross square feet) # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	N/A		
OPEN SPACE (All Natural And Vegetated Non- impervious Surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations	No Change		
PRESERVATION, BUFFER OR SPECIAL PROTECTION AREAS	Acreage Site locational changes Type of open space D.O. conditions ADA representations	No Change		
NOTE: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.				

**SUBJECT MATTER INDEX
SAINT JOHNS DEVELOPMENT
ORDER CONDITIONS AND COMMITMENTS**

1. Description of Development Order. General Condition A.
2. Subsequent Owners. General Condition B.
3. Time for Commencement. General Conditions C and E.
4. Responsible Official. General Condition D.
5. Down Zoning Protection. General Condition F.
6. Impact Fee Credits. General Condition G; Specific Condition KK (Subsection 6).
7. Level of Service Standards. General Condition H and K; Specific Conditions K (wastewater), S (drainage), X (potable water), CC (solid waste), FF (roads).
8. Monitoring. General Condition I and J.
9. Applicability of Other Ordinances. General Condition K; Developer Commitment 2.
10. Substantial Deviations. General Condition L.
11. Development Totals. Specific Condition A.
12. Restriction Against Mineral Extraction. Specific Condition B.
13. Floodplain Requirements. Specific Condition C; Developer Commitments 1, 5 and 24.
14. Gopher Tortoise Mitigation. Specific Condition E.
15. Wetland Protection and Environmental Preservation. Specific Conditions F, G, H, P, and Q; Developer Commitments 14 and 16.
16. Archeological Resources. Specific Conditions I and J; Developer Commitment 25.
17. Wastewater. Specific Condition K and L; Developer Commitments 3, 6, 26 and 27.
18. Groundwater and Well Protection. Specific Conditions M, U, V, W and X; Developer Commitments 8 and 9.
19. Surface Water Quality. Specific Conditions N, O, P, R and S; Developer Commitments 2, 4, 18, 19 and 20.

20. Reuse and Water Conservation. Specific Conditions T, U and Y; Developer Commitments 6, 7, 8, 26 and 28.
21. Erosion Control. Specific Condition H; Developer Commitments 18 - 23.
22. Solid Waste and Recycling. Specific Conditions CC and DD; Developer Commitment 10.
23. Transportation. Specific Conditions FF, GG, HH and LL; Developer Commitments 36, 39 and 40.
24. Affordable Housing. Specific Condition II; (Amended ____, 2002) [Developer Commitments 42 - 44 (Deleted _____, 2002)].
25. Conveyances to School Board and County. Specific Condition KK; Developer Commitment 32.
26. Electrical Power and Energy. Specific Condition Z; Developer Commitments 29 and 38.
27. Pedestrian Circulation. Developer Commitments 39 - 40.
28. Landscaping. Developer Commitment 41.

Exhibit C

**AMENDED AND RESTATED SAINT JOHNS
DEVELOPMENT ORDER CONDITIONS**

I. **General Conditions.**

- A. The Saint Johns Development Order is the Development Order approved by the St. Johns Board of County Commissioners (the "Board") in Resolution 91-130, together with the exhibits attached to and made a part of Resolution 91-130 as amended by the Board in Resolution 91-183; Resolution 94-211; Resolution 95-06; Resolution 96-102; Resolution 96-233, Resolution 98-126 and Resolution 2002-____ together with the schedules and exhibits attached to and made a part of such resolutions. This Amended and Restated Saint Johns Development Order Conditions restates the Conditions to Development Order approval, as amended through June 23, 1998. The Saint Johns Development Order may be referred to below as the SJH/DO or DO.
- B. Any subsequent owner/developer or assignee shall be subject to the provisions contained in the SJ/DO issued by St. Johns County, including, but not limited to, provisions concerning the conveyance of land to St. Johns County.
- C. The Development shall be subject to further review in the event significant development has not commenced within three years of the effective date of the SJ/DO. The three year time period shall be tolled during any period of time that the Applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the Applicant. (For purposes of this condition, significant physical development includes land preparation, streets, and infrastructure, as defined in Section 380.06, Florida Statutes, but does not include the interchange at Interstate 95 and Nine Mile Road.) Note: This condition has been met.
- D. The Director of Planning for St. Johns County shall be responsible for monitoring the development for compliance with the Development Order.
- E. The deadline for commencing physical development shall be December 19, 1995 and the termination date shall be December 19, 2019, unless sooner terminated pursuant to the terms of this DO or by law. Note: Physical development commenced prior to December 19, 1995.

- F. St. Johns County agrees that the Saint Johns DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 19, 2019, unless it is demonstrated that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by St. Johns County to be essential to the public health, safety, or welfare.
- G. The Developer shall be eligible to receive credit towards any present and/or future impact fees that may be adopted by St. Johns County for any contribution of land or money made by the Developer for public facilities pursuant to the guidelines stipulated in Section 380.06(16), Florida Statutes and St. Johns County Impact Fee Ordinances 87-57, 87-58, 87-59 and 87-60. Impact fee credit shall not be allowed for expenditures made by the Developer in connection with acquisition of right of way or construction of improvements for the interchange at Interstate 95 and International Golf Parkway within the right of way to be dedicated to FDOT (which includes a part of Nine Mile Road) unless St. Johns County uses impact fees for improvements to Interstate 95.
- H. Excluding the development approved under the St. Johns Harbour Incremental Development Order issued by St. Johns County May 27, 1986 (the "IDO"); 2,910 dwelling units and 71,500 square feet of retail commercial, 120,000 square feet of office, 55,000 square feet of industrial warehouse, and 60,000 square feet of manufacturing development, the development shall be required to meet the Level of Service Standards in the adopted St. Johns County Comprehensive Plan as provided in General Condition K below with the exception of impacts to Interstate 95.
- I. An annual monitoring report shall be prepared by the Applicant or subsequent developer(s) in accordance with Section 380.06, Florida Statutes, and submitted to the NEFRPC, Department of Community Affairs, St. Johns County, and all reviewing agencies no later than January 15 of each year until buildout, commencing January 15, 1992. The annual report shall include the items described in the Restated Saint Johns DRI/DO Annual Monitoring Report Requirements.
- J. Each annual report shall be accompanied by a statement certifying that the NEFRPC, Department of Community Affairs, St. Johns County, Florida Department of Environmental Regulation, Florida Department of Transportation and the St. Johns River Water Management District have been sent copies of the annual monitoring report in conformance with Subsections 380.06(15) and (18), Florida Statutes. It is the responsibility of the Applicant to guarantee that all appropriate agencies receive a copy of the annual reports.
- K. All building code, zoning ordinance and other land use and development regulations of St. Johns County, including Level of Service Standards for public facilities, as may be amended from time to time, shall be applicable to the Development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or resolution.

Modification to approved development plans by variance or special exception shall be prohibited. Nothing in this section shall, however, be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in the Florida Statutes including Section 163.3167(8) of the Florida Statutes or in any such future building code, zoning ordinance, other land use and development regulations or provisions establishing Level of Service Standards for public facilities; (b) supersede any concurrency exemption determination made by the Concurrency Review Committee or the Board; or (c) constitute a waiver of the Applicant's right to contest application of any such building code, zoning ordinance, other land use and development regulations or provisions establishing Level of Service Standards for public facilities as applied to this project under the Florida or United States Constitutions.

- L. Any change to the Development which constitutes a substantial deviation pursuant to Section 380.06(19), Florida Statutes shall cause the Development to be subject to further development of regional impact review.

II. Specific Conditions.

- A. Development of the Saint Johns DRI shall not exceed the following cumulatively for the entire project:

LAND USE	SCOPE
Residential	7,200 d.u.
Office	2,493,000 s.f.
Retail / Commercial	562,000 s.f.
Industrial / Warehouse	2,464,000 s.f.
Golf	54 holes
Hotel	1,225 rooms
PGA Hall of Fame and Tour Productions	75,000 s.f.

It is the intent of this condition that the Saint Johns project be developed in a single phase, commencing in 1995 and running through project build-out in 2019.

- B. Prior to the initiation of any activities associated with the capture, extraction, and/or control of subsurface oil, natural gas, or fugitive hydrocarbons on the Saint Johns site, the Applicant shall provide detailed information on such proposed activities to the Northeast Florida Regional Planning Council, Department of Community Affairs, St. Johns County Planning Department, and all other reviewing agencies for approval. The Applicant shall be required to meet all conditions recommended by

the reviewing agencies for such activities. Failure to meet this condition shall constitute a substantial deviation, and the project will be subject to further review.

- C. Prior to application for any construction permits within the 100 year floodplain, the Applicant shall determine, through engineering studies to be approved by St. Johns County, the base flood elevation of the site. This data will include the site specific base flood elevation and the local and area wide effect of elevating the site for construction. This data will be submitted to the Regional Planning Council for review. No development within the 100 year floodplain shall receive a construction permit until the data has been submitted and approved by St. Johns County.

Floor level construction within the 100 year floodplains shall be at an elevation consistent with the requirements of St. Johns County Floodplain Ordinance and Drainage Ordinance, Ordinance 86-4.

- D. The condition relating to the solid waste transfer station site had been intentionally deleted because the transfer station site has been dropped from the Master Plan.
- E. Prior to any development activities within the boundaries of Parcel 7 of Six Mile Creek West or the lake adjacent to the northerly boundary of Parcel 7 of Six Mile Creek West as shown on Map H, the Applicant shall set aside adequate habitat and acreage to offset the impact to the gopher tortoise and associated commensal species found on the project site. The Applicant shall have the option of addressing these impacts on-site or off-site.

On-Site Option:

The Applicant shall set aside 25 acres of Xeric oak and an additional 4 acres of temperate hammock in Parcel 7 of Six Mile Creek West (Map H), where gopher tortoise burrows presently exist. The exact boundaries for the habitat on-site shall conform to the Sandhill Preserve and Wildlife Mitigation Plan (the "Plan") approved by the FGFWFC in its letter to Buford Pruitt, Jr. dated August 29, 1991. The on-site option will also require the Applicant to develop and implement a management program for the acreage set aside as described in the Plan, which will guarantee the long term viability of the habitat and species population. The management program shall be reviewed by NEFRPC and DCA, and reviewed and approved by FGFWFC. The areas set aside for habitat protection and the approved management program shall be incorporated into the Saint Johns Development Order prior to any development activities within Parcel 7 of Six Mile Creek West or the lake adjacent to the northerly boundary of Parcel 7 of Six Mile Creek West.

Off-Site Option:

The Applicant shall provide funds for the purchase of 40 acres of gopher tortoise habitat within the Northeast Florida Mitigation Land Bank or other mitigation area approved by FGFWFC. The funds shall be submitted to the Trust for Public Lands to be deposited in the Northeast Wildlife Mitigation Trust Fund (or other fund approved by FGFWFC), at least 30 days prior to issuance of any final development plan for Parcel 7 of Six Mile Creek West or the lake adjacent to the northerly boundary of Parcel 7 of Six Mile Creek West as shown

on Map H. The fund amount shall be based on the per acre cost for participation in the off-site mitigation program at the time the funds are paid. If no off-site mitigation program exists at that time, on-site mitigation will be the only option for mitigation.

- F. Buffer areas of native upland vegetation shall be retained between all golf course areas and adjacent preserved wetlands on the Six Mile Creek Parcel. These buffer areas will average 50 feet with a minimum of 25 feet in width measured landward from the SJRWMD jurisdictional line to the edge of the maintained area of the golf courses. The use of herbicides, pesticides, fungicides, nematicides, and insecticides, as well as vegetative removal will be prohibited in these buffer areas. These areas may be used for road crossings and golf cart crossings as identified on Map H of the ADA. At the time the golf course areas are submitted to the SJRWMD for MSSW Individual Permit review, the Applicant will provide the NEFRPC with copies of the plans for review for compliance with this condition of the DO.

As committed by the Applicant, upland buffers of 50' will be placed around 90% of FDER jurisdictional wetlands and a minimum of 25' upland buffers will be placed around all preserved wetlands except where development encroaches on the wetland. The Applicant will identify and provide to the NEFRPC those areas where development encroaches on wetlands when those areas are platted or submitted to the SJRWMD for MSSW Individual Permit review.

All buffer areas, as well as the adjacent wetlands, shall be regarded as preservation with no development activities, vegetative removal, or application of herbicides, pesticides, etc. allowed.

- G. The status of the preserved wetlands shall be monitored through the submittal of aerial photographs every three years through buildout of the project, as the Applicant has committed. The aerial photos will be flown during the same time period of the year, during the winter months. Copies of the aerial photos will be submitted to SJRWMD, FDER, FGFWFC, SJC and the NEFRPC. If the reviewing agencies have concerns with the quality or quantity of the preserved wetlands, ground truthing and site visit shall be undertaken in coordination with the Applicant. Copies of dredge and fill and stormwater permits shall be submitted to FDER, NEFRPC and St. Johns County.

If site development has caused degradation to wetland quality and/or quantity beyond that permitted, then the Applicant shall take positive actions to correct or mitigate the degradation. Corrective measures shall be approved by SJRWMD, FDER and NEFRPC. Any corrective actions or mitigation shall be accomplished consistent with other conditions of the development order and applicable regulatory programs. Failure to timely undertake corrective actions (within one year from identification of problem) shall constitute a substantial deviation of the development order.

- H. To reduce erosion, all swales, detention slopes and drainage ways constructed by the Applicant shall be vegetated, sodded or seeded. Only those areas needed for development will be cleared. Vegetative cover will be restored immediately after construction on all disturbed areas not covered with an impervious surface, and maintained. If needed to prevent dust, a water sprinkling program will be instituted.

Sedimentation of wetlands shall be prevented through adherence to the erosion and sediment control plan submitted as part of the stormwater permit.

- I. Archaeological Site 8SJ2533 and Historic Site 8SJ2536, as identified in the August 13, 1990 Saint Johns Archaeological/Historical Survey and Site Assessment, shall be preserved in perpetuity, unless otherwise stipulated by the Florida Division of Historical Resources (FDHR), as the Applicant has committed. The Applicant shall immediately consult FDHR to determine sufficient acreage to be set aside in passive park/open space status to preserve Site 8SJ2533 and Site 8SJ2536, and the sites shall be protected from construction activities at all times. Preservation in-place shall be recorded in a deed restriction or easement, and copies of such restrictions or easements shall be forwarded to the FDHR. The acreage to be set aside to buffer Site 8SJ2533 and Site 8SJ2536 shall be identified on the Master Plan incorporated into the Saint Johns amended Development Order.
- J. All project construction personnel shall be notified, through posted advisories or other methods, of the potential for historical and/or archaeological resources on the project site and shall immediately report suspected findings to the project manager. If any historical and/or archaeological resources are discovered on the Saint Johns site during the development process, the Applicant shall immediately notify the Florida Division of Historical Resources, the Northeast Florida Regional Planning Council, and the St. Johns County Planning Department. No disruption of the findings shall be permitted, and no development as defined under Section 380.04, Florida Statutes, shall occur within a minimum 100-foot radius of the site(s) until such time as the Division of Historical Resources has surveyed the findings and determined significance and appropriate measures to mitigate any potential adverse impacts to the resources. The Applicant and any subsequent owner/developer or assignee shall be subject to all conditions determined by the Florida Division of Historical Resources and the Northeast Florida Regional Planning Council.
- K. Development of Saint Johns shall occur concurrent with the provision of adequate central wastewater treatment service by a permitted regional wastewater treatment facility. The Saint Johns project shall meet the adopted sewage LOS in the St. Johns County Comprehensive Plan 1990-2005 as provided in General Condition K. Septic tanks shall not be allowed to occur on the Saint Johns site with the exception of halfway houses on the golf course which may temporarily use septic tanks until central sewer is available.

- L. Prior to any construction as defined in Section 380.04, Florida Statutes, in the industrial parcels on the site, all industrial tenants of Saint Johns shall be required to coordinate with the central wastewater treatment utility to determine wastewater pretreatment requirements for each industry, as the Applicant has committed. The generation of hazardous wastewater shall be prohibited unless adequate facilities are constructed and used for hazardous effluent storage (temporary and/or permanent), treatment and/or removal, and appropriate sludge disposal methods are used in accordance with the rules and policies of the U.S. Environmental Protection Agency (USEPA), Florida Department of Environmental Regulation (FDER) and the St. Johns County Department of Public Works. Hazardous effluent shall be separated from the remainder of the development's wastewater and handled by the approved facilities, in accordance with USEPA and FDER criteria.
- M. Measures which will significantly decrease the travel time of contaminants from the golf course into the ground water shall be minimized.
- N. The Restated Surface Water Monitoring Program is hereby incorporated by reference. The Restated Surface Water Monitoring Program should include tests for any pesticides and herbicides applied to the golf course. Pesticides and herbicides which cannot be analyzed in the laboratory will be prohibited from application to the golf course in this project.

Those stormwater retention/detention ponds which discharge into Waters of the State or directly into the preserved wetland areas shall be included in the surface water monitoring program. This will help prevent excess pollution and nutrient loads from being discharged into wetlands and Waters of the State. At the time of permitting of the stormwater management system, the ponds which will discharge into wetlands and Waters of the State will be identified and submitted to FDER and NEFRPC.

If the monitoring program indicated violations of the State of Florida Water Quality Standards, in the receiving Waters of the State, the Applicant shall take actions to meet State standards within a reasonable time-frame. The actions required to address the identified exceedence and the time-frame for implementation of the addition shall be agreed upon by NEFRPC, FDER, and SJRWMD. Failure to implement the agreed upon action in the time-frame identified will be a violation of this condition.

- O. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf courses the Applicant, successors, or assigns shall implement an integrated pesticide management program and a nutrient management program. The Applicant shall receive approval of a Integrated Pesticide Management Plan from the SJRWMD prior to application of any pesticides to any golf course area on the project site. The Plan will be submitted for comments to the FDER, St. Johns County, and the NEFRPC. The Plan will specify, at a minimum, the usage of non-chemical or cultural means as a defense against pests. These non-chemical measures should include practices such as the planting and maintenance of native

vegetation, the proper selection and application of fertilizer, proper supplemental watering, and proper maintenance practices including mowing frequency, mowing height, etc.

The Plan must also include the following information:

Insecticides, nematicides, fungicides or herbicides to be used;

Method(s) of application;

Time frames for use and application; and

For the pesticides that will be used, specification of:

Half-lives

N-Octanol/water partition coefficient (Kow)

Lethal dose coefficient (LD50)

Solubility

Any pesticides utilized on the golf courses within the Saint Johns project shall exhibit short half-life (<10 weeks), a low n-octanol:water coefficient (<5.0), and be suitable for use with local soils and groundwater pH conditions. Only EPA and State approved pesticides can be used.

The Applicant, his successors or assigns shall adhere to the fertilizer recommendations set forth in the Manual For Commercial Turf Grass Management by the University of Florida compiled by the Florida Turf Grass Association, or any future manual accepted by the reviewing agencies which may succeed this manual. The nutrient loading attributable to the application of effluent shall be considered a source of fertilizer for the golf courses and additional non-effluent fertilizer sources shall be utilized only as a supplement.

- P. Roadway designs in and adjacent to preserved wetland areas will provide for the capture and diversion of stormwater runoff from the roadway surface in wetland areas upland stormwater retention/detention for treatment prior to discharge to receiving water bodies or into preserved wetlands.
- Q. Development activities within the Saint Johns project shall not adversely impact the hydroperiod of any wetlands identified for preservation (environmental preserve) on Map H of the ADA. The minimum distance between each stormwater retention/detention pond and adjacent preserved wetlands or other mitigative measure to maintain the hydroperiod of preserved wetlands shall be determined by the St. Johns River Water Management District.

- R. Wet stormwater management detention ponds shall be constructed and maintained to provide a vegetated littoral zone with side slopes less steep than four foot:one foot (horizontal:vertical) out to a depth of three feet below normal water surface, at a minimum, and shall be planted with appropriate native vegetation. Littoral zones shall be concentrated around the outfall structure of each detention pond. The percentage of stormwater management pond area which shall be used to calculate the size and extent of littoral zones shall be as approved by the St. Johns River Water Management District.
- S. Development of Saint Johns shall occur concurrent with a contiguous, functioning, permitted stormwater management system. The Saint Johns project shall meet the adopted drainage LOS in the St. Johns County Comprehensive Plan 1990-2005 as provided in General Condition K.
- T. Treated wastewater effluent shall be the primary source of non-potable water for Saint Johns, in accordance with the rules and policies of the St. Johns River Water Management District and the Florida Department of Environmental Regulation, as the Applicant has committed. Stormwater management ponds shall be the secondary source of non-potable water for this project, with wells as a tertiary source only. During the interim period when reclaimed water and storm water ponds are not adequate to provide the needed water for the grow-in period of the first golf course of the Six Mile Creek Parcel and the Interchange Parcel, ground water may be utilized to supplement the reclaimed water and water from storm water ponds in the initial grow-in period of two of the golf courses, if permitted by SJRWMD. The Applicant shall provide information in the Annual Monitoring Report on the volume of wastewater treated at each wastewater treatment plant, the volume of reclaimed water used for non-potable purposes, and the total volume of water required for irrigation of the golf courses. Once adequate reclaimed water is available to support the irrigation needs of the first golf course in each Parcel, neither the Floridan aquifer, the surficial aquifer, nor public potable supply system water shall be used for irrigation purposes on Saint Johns, with the exception of residential irrigation and those areas where it can be demonstrated to the SJRWMD that effluent and/or stormwater would not be practical. This is not applicable to the golf course areas.
- U. The Applicant shall coordinate permit application submittals for the wastewater treatment plants and the ground water wellfields/treatment plants in order to ensure a functioning wastewater reuse system on Saint Johns. At the time of permit application submittal, the Applicant shall provide the Master Development Plan included in the Saint Johns Application for Substantial Deviation to the individuals reviewing the permit applications at the St. Johns River Water Management District and the Department of Environmental Regulation, clearly delineating the golf courses and on-site wastewater treatment plans.

- V. Within sixty days of issuance of the Saint Johns amended Development Order, the Applicant shall review the SJRWMD records for all recorded ground water wells on the Saint Johns property and shall survey the property for existing wells. The Applicant shall immediately report the location, and diameter of the existing ground water well(s) on the Saint Johns site to the SJRWMD for their records. All other existing ground water wells and all wells discovered during the development process shall be reported immediately to the SJRWMD. Prior to any construction activities on the Saint Johns site, all wells shall be adequately identified and protected from construction activities by such means as notifying the construction contractor of the well locations, identifying the well locations on the construction plans, and fencing the wells. As the Applicant has committed, a ground water well plugging program shall be developed for the site, in coordination with the SJRWMD, and all wells which are not currently in use shall be properly plugged and abandoned by a SJRWMD licensed water well contractor and registered driller. The water well plugging program shall include a schedule for plugging of abandoned wells. Any wells discovered during development, as well as those wells currently in use, shall be properly plugged and abandoned by a SJRWMD licensed water well contractor and registered driller prior to any construction activity in each respective parcel of the site, unless otherwise stipulated by the SJRWMD. The Applicant shall be responsible for all ground water wells which are discovered before and during development of this property.
- W. The Applicant shall ensure compatible land uses in the vicinity of all ground water wells by providing a well field protection zone of 200-foot radius around each well within which all sanitary hazard sources (including but not limited to all sewage disposal, stormwater retention/detention ponds, drain lines, storm sewers) and all discharges of hazardous substances shall be prohibited, unless otherwise stipulated, by the SJRWMD. All wells shall be clearly identified and protected during all phases of construction to avoid any damage to the wells.
- X. Prior to any development activities, as defined under Section 308.04, Florida Statutes, beyond that development approved in the IDO, the Applicant shall submit to the NEFRPC the existing Consumptive Use Permit for the project to verify the availability of adequate quantity and quality of ground water from both the surficial and Floridan aquifers to support the development of the project. If the information provided indicates that an adequate quantity and/or quality of ground water is not available to meet the demands of the project through buildout, any development beyond that which the test indicates can be supported shall constitute a substantial deviation. Any modifications to the Consumptive Use Permit shall be submitted to the NEFRPC at the same time as submittal to the SJRWMD.

The Applicant shall meet the adopted LOS for potable water as stipulated in the St. Johns County Comprehensive Plan 1990-2005 as provided in General Condition K.

- Y. Water conservation measures shall be incorporated in all development at Saint Johns. These measures may include the use of water-saving plumbing devices, the use of wastewater reuse, drought resistant native vegetation for landscaping, the promotion of xeriscape landscaping, limited irrigation periods, and all requirements of Chapter 553.14, Florida Statutes.
- Z. In the annual reports to be submitted 2000, 2005, 2010, and 2015, the developer, its successors or assigns, shall present documentation from FP&L or some other electricity supplier that there is sufficient capacity to provide electrical service to the project through the projected build-out of the next five (5) years. If there is not sufficient capacity to serve the project through the next five (5) years, a substantial deviation will be deemed to have occurred. [Resolution 96-102]
- AA. This condition has been intentionally deleted. All provisions regarding conveyances to St. Johns County or the School Board are now found in Specific Condition KK.
- BB. This condition has been intentionally deleted. All provisions regarding conveyances to St. Johns County or the School Board are now found in Specific Condition KK.
- CC. If the Level of Service (LOS) identified in the St. Johns County Comprehensive Plan 1990-2005, as provided in General Condition K for solid waste is not met, then no new permits for development shall be issued for this DRI until such time as the LOS can be met.

The Applicant shall develop a solid waste recycling program for the Saint Johns project. The program and implementation of the program shall be reviewed for comments by FDER and NEFRPC, and reviewed and approved by the St. Johns County Director of Utilities. Verification of an agreed upon recycling program with timing for implementation shall be provided to NEFRPC from the Director of Utilities within 30 days of issuance of the amended development order for the Saint Johns project.

- DD.
 - 1. No building permit shall be issued within Saint Johns for any use which has as its primary purpose the generation or processing for disposal of significant quantities of hazardous materials on-site.
 - 2. No on-site disposal of hazardous wastes shall occur within Saint Johns. All disposal must be done by properly permitted waste disposal companies.
 - 3. No hazardous materials shall be disposed of within the sewage treatment system serving Saint Johns. All potentially disruptive materials to be disposed of in the wastewater treatment system must have handwritten approval of the system operator and be adequately pretreated prior to introduction into the system.
 - 4. All final development plans approved by St. Johns County within the industrial areas of Saint Johns shall contain the following elements:

- a. A provision requiring any developer applying for a building permit for any use which will generate or dispose of hazardous materials in amounts that exceed state and federal small quantity generator upper limits to submit to St. Johns County prior to issuance of the building permit a detailed management plan that specifies handling, shipping, storage, disposal, spill, reporting and regulatory compliance procedures.
 - b. A provision requiring that all structures where hazardous materials are to be stored, transferred, manufactured or used in significant quantities must be properly designed to contain any spills or releases without loss to soils, ground water, adjoining property, wastewater or stormwater treatment system or surface waters.
 - c. A requirement to comply with the terms of any applicable area-wide hazardous waste and hazardous management for hazardous materials management plan developed by St. Johns County.
- EE. This specific condition has been intentionally deleted. It addressed special monitoring requirements prior to construction of the interchange at Interstate 95/Nine Mile Road (i.e. International Golf Parkway). The interchange has been completed.
- FF. The timing of roadway improvements necessary to allow development to proceed without requiring a level of service determination for each final development permit shall be based on the total external traffic volume generated by the project by TAZ (as defined in the ADA and as shown on Figure 31.C.1 attached as Schedule 1) as reported under Annual Monitoring Requirement Number 14 (see Restated Saint Johns DRI/DO Annual Monitoring Report Requirements) or the dates as specified in the conditions below. Each annual monitoring report shall distinguish between project traffic and total traffic, shall include the required traffic information for all project access points onto the external road network, and shall show the information by TAZ. The annual monitoring report shall be reviewed and approved by St. Johns County and the DCA in consultation with the NEFRPC and FDOT. The DCA and St. Johns County shall have thirty (30) days from receipt of the report to approve or request additional information. If either of these parties do not respond in thirty (30) days, this shall be recognized as approval of the annual monitoring report by that party. If additional information is submitted at the request of either party, there shall be an additional fifteen (15) days to review and approve or request additional information based on the submitted information. A roadway improvement shall be considered committed for construction if the roadway improvement is completed, under construction, or incorporated under the first three (3) years of the appropriate work program and there is a dedicated source of funding for the improvement.

St. Johns County shall not approve any additional final development permit (as defined in Section 5.35 of the St. Johns County Concurrency Management Ordinance 95-15) or any PUD Final Development Plan that establishes the Applicant's right to proceed with development without further review or conditions regarding roadway improvements ("Final Development Permit") unless the following roadway improvements are committed for construction in accordance with the schedule noted in bold faced type for each such improvement, or unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years;

- a. Four-laning of International Golf Parkway (f/k/a Nine Mile Road) from the middle entrance of the Interchange Northwest Parcel to I-95. Interchange construction at I-95/International Golf Parkway (f/k/a Nine Mile Road) shall include the four-laning of International Golf Parkway (f/k/a Nine Mile Road) from the Interchange Northeast/Interchange Southeast entrance to I-95. **This roadway link shall be committed by 2002, or when the Annual Monitoring Report projects that the external traffic volume generated by the project in the ensuing year will equal or exceed eighteen thousand eight hundred eighty-one (18,881) daily trips or when the Annual Monitoring Report projects that the external traffic volume generated by the project in the ensuing year within TAZs 1-5 will equal or exceed seventeen thousand seven hundred eighty-nine (17,789) daily trips, whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**
- b. Signalization of International Golf Parkway (f/k/a -Nine Mile Road)/I-95 ramp intersections. **When warranted.**
- c. Signalization of International Golf Parkway (f/k/a Nine Mile Road)/Interchange Northeast Parcel Access and International Golf Parkway (f/k/a Nine Mile Road) /Interchange Northwest Parcel Access. **When warranted.**
- d. Four-laning of S.R. 16 from C.R. 16A to International Golf Parkway (f/k/a Nine Mile Road) . **This roadway link shall be committed by 2005, or when the Annual Monitoring Report projects that the external traffic volume generated by the project in the ensuing year will equal or exceed forty-two thousand three hundred eighty-six (42,386) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the**

project in the ensuing year within TAZs 6-10 will equal or exceed eight thousand two hundred sixty-eight (8,268) daily trips, whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.

- e. **Four-laning of International Golf Parkway (f/k/a Nine Mile Road) from Interchange Northwest Parcel entrance to S.R. 16. This roadway link shall be committed by 2005, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed forty-two thousand three hundred eighty-six (42,386) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year within TAZs 6-10 will equal or exceed eight thousand two hundred sixty-eight (8,268) external trips per day, whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**

- f. **Improvements at International Golf Parkway(f/k/a Nine Mile Road)/S.R. 16 intersection including SB left and right turn lanes on International Golf Parkway (f /k/a Nine Mile Road), and WB right turn lane on S.R. 16. This roadway link shall be committed by 2005, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed forty-two thousand three hundred eighty-six (42,386) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year within TAZs 6-10 will equal or exceed eight thousand two hundred sixty-eight (8,268) external trips per day, whichever occurs earlier. Signalization when warranted and approved by FDOT, but not sooner than 2002. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**

- g. **Signalization of International Golf Parkway (f/k/a Nine Mile Road)/U.S. 1 intersection. When warranted and approved by FDOT, but not sooner than 2000.**

- h. Signalization of S.R. 16/C.R. 16A intersection. **When warranted and approved by FDOT, but not before an Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year within TAZs 6-10 will equal or exceed eight thousand two hundred sixty-eight (8,268) daily trips.**
- i. Signalization at Interchange Northwest/International Golf Parkway (f/k/a Nine Mile Road) southern access point. **When warranted.**
- j. Signalization at S.R. 16/Six Mile Creek Parcel entrance. **When warranted and approved by FDOT.**
- k. Improvement of International Golf Parkway (f/k/a Nine Mile Road) to a two-lane arterial, to include turn lanes at major intersections and shoulder improvements from four-lane section at the Interchange Northeast Parcel entrance to U.S. 1 as approved by the St. Johns County Engineer. **This roadway link shall be committed by 2010, or when the Annual Monitoring Report projects that external traffic volume generated by the Project in the ensuing year will equal or exceed seventy-two thousand five hundred ninety-four (72,594) daily trips, or when the Annual Monitoring Report projects that external traffic flow generated by the project in the ensuing year within TAZs 1-5 will exceed forty-two thousand two hundred forty-four (42,244) daily trips, whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**
- l. Improvement of Pacetti Road from S.R. 16 to C.R. 208 to a two-lane arterial, to include turn lanes at major intersections, shoulder improvements, and improvements to the horizontal curvature of the roadway, as approved by the St. Johns County Engineer. **This roadway link shall be committed by 2010, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed seventy-two thousand five hundred ninety-four (72,594) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year within TAZs 6-10 will equal or exceed thirty thousand three hundred fifty (30,350) external trips per day, whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT,**

NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.

- m. **Signalization at C.R. 210/I-95 ramps. When warranted, but not sooner than, the earlier of 2010 or seventy-two thousand five hundred ninety-four (72,594) external trips per day.**
- n. **Four-laning of S.R. 16 from the Six Mile Creek central entrance to C.R 16A. This roadway link shall be committed by 2015, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed ninety-one thousand five hundred (91,500) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the project within TAZs 6-10 will equal or exceed forty-one thousand seven-hundred thirty (41,730), whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**
- o. **Four-laning of Pacetti Road from S.R. 16 to central Six Mile Creek entrance. This roadway link shall be committed by 2015, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed ninety-one thousand five hundred (91,500) daily trips, or when the Annual Monitoring Report projects that external traffic volume generated by the project within TAZs 6-10 will equal or exceed forty-one thousand seven hundred thirty (41,730), whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.**
- p. **Signalization at Pacetti Road/C-R- 208. When warranted.**
- q. **Improvements at C.R. 16A from Maguire Road to S.R. 16 to a two-lane arterial, including shoulder improvements and turn lanes, as necessary, as approved by the St. Johns County Engineer. This roadway link shall be committed by 2015, or when the Annual Monitoring Report projects that external traffic volume generated by the project in the ensuing year will equal or exceed ninety-one thousand five hundred (91,500) daily trips, or when the Annual Monitoring Report projects that external traffic**

volume generated by the project in the ensuing year within TAZs 6-10 will equal or exceed forty-one thousand seven hundred thirty (41,730), whichever occurs earlier. Until such time as the roadway is committed as required above, no further Final Development Permits shall be issued unless the Applicant demonstrates to the satisfaction of FDOT, NEFRPC, St. Johns County, and DCA that the roadway will be operating at the adopted LOS over the next five years.

- r. Signalization at Pacetti Road and Six Mile Creek entrance. **When warranted.**
- s. Signalization at C.R. 13 and Six Mile Creek entrance. **When warranted.**
- t. The Developer shall contribute \$800,000.00 (adjusted for inflation) to St. Johns County to assist in mitigating impacts to I-95 through satisfaction of the conditions to the Order Granting Petition For Variance issued by FDOT under DOT case number 98-0044 (the "FDOT Rule Variance"). **The inflation adjusted \$800,000.00 developer contribution shall be paid in four (4) equal installments of \$200,000.00 (adjusted) each on September 1, 1998, December 31, 1998, December 31, 1999 and December 31, 2000.** St. Johns County may use up to \$100,000.00 of the first installment of the developer contribution for the transportation and related land use aspects of sector planning within the northwest planning district. The balance of the developer contribution shall be used for right-of-way acquisition, engineering studies and construction of the north/south arterial road as described in the FDOT Rule Variance. St. Johns County shall report annually to the FDOT on the use of the funds beginning on December 31, 1999 and continuing until all of the funds are spent or paid to FDOT. Any part of the developer contribution that is not spent or committed to a construction project by December 31, 2005 shall be paid to FDOT for use in the northwest portion of St. Johns County. The \$800,000.00 contribution shall be adjusted for cumulative inflation from 1991-1992 Present Day Cost to the date of the contribution using the composite Price Trend Index for Florida Highway Construction Composite Fiscal Year published by the FDOT State Estimates Engineer prior to the payment of the initial installment by the developer. The Developer's contributions and the interest accrued from the contributions shall be held by the County and shall be segregated, shall earn interest, and the contributions and all interest earned on the contributions shall be used in accordance with the provisions stated above.

- u. After December 31, 2015 or after the external trip threshold set forth below has been met or exceeded, the developer shall be required to comply with St. Johns County Concurrency Management Ordinance requirements relating to the level of service for I-95 as established in the St. Johns County Comprehensive Plan. **The requirement to undergo concurrency review relating to I-95 shall apply to any portion of the project for which a final development plan or other final development permit is submitted on or after December 31, 2015, or after the Annual Monitoring Report projects that the external traffic volume generated by the project in the ensuing year will equal or exceed ninety one thousand five hundred (91,500) daily trips.**

The Applicant shall be responsible for completely funding all needed intersection improvements at all project entrances. These may include signalization when warranted and as indicated above, the construction of acceleration and deceleration lanes, and the construction of separate lanes, if required. This shall not be deemed to preclude St. Johns County from requiring other developers to fund their fair share of shared entrance improvements.

The foregoing schedule of necessary roadway improvements was developed assuming that the external traffic volume generated by the project would be generated by TAZ in accordance with the following schedule:

SAINT JOHNS TRIP SUMMARY BY TAZ (EXTERNAL TRIPS/DAY)

<u>TAZ</u>	<u>2000</u>	<u>2005</u>	<u>2010</u>	<u>2015</u>
1	3,821	8,357	11,701	11,814
2	2,859	6,513	7,517	10,128
3	6,039	10,387	13,320	18,028
4	3,834	3,860	4,801	4,848
5	1,236	5,001	4,905	4,952
6	0	2,924	12,390	12,510
7	0	0	3,268	4,267
8	1,092	5,344	5,880	7,105
9	0	0	5,888	14,896
10	<u>0</u>	<u>0</u>	<u>2,924</u>	<u>2,952</u>
TOTAL	18,881	42,386	72,594	91,500

TAZs 1-2 represent the Interchange Southeast Parcel and Interchange Northeast Parcel, respectively, and both connect with the public road system at International Golf Parkway east of I-95. TAZs 3-5 represent the easterly, middle, and westerly

portions of the Interchange Northwest Parcel, respectively, and all connect with the public road system at International Golf Parkway west of 1-95. TAZs 6-9 represent various portions of the Six Mile Creek Parcel, and TAZ 10 is the public park proposed for the Turnbull Creek Parcel.

- GG. The Applicant will cooperate with the Jacksonville Transportation Authority and/or St. Johns County in any efforts to establish park and ride mass transit service in St. Johns County. The Applicant will coordinate with the Jacksonville Transportation Authority and/or St. Johns County and FDOT in any efforts to establish a park and ride lot for mass transit service by investigating the possibility of providing park and ride facilities on-site if it is determined that a park and ride service is feasible for the Interstate 95 corridor in St. Johns County. The Applicant shall meet the adopted LOS for mass transit as stipulated in the St. Johns County Comprehensive Plan, 1990-2005 as provided in General Condition K on Page 2 of 14 of Exhibit C.
- HH. The Developer of the Saint Johns DRI, his successors or assigns shall be subject to the provisions of the St. Johns County Traffic Impact Fee Ordinance in order to generate funding for needed roadway improvements. The County should enter into an agreement with the FDOT to contribute a certain percentage of the impact fees for this project to FDOT, with FDOT agreeing to utilize these funds for the construction of the improvements to State Roads significantly impacted by this project at such time as the FDOT could schedule the improvements in the work program, as total funding becomes available.
- II. In order to insure an adequate supply of housing affordable by low and very low income households to meet the demand for such housing generated by the Saint Johns project on, proximate to, or otherwise reasonably accessible to the Saint Johns project the Developer shall contribute \$300,000.00 to St. Johns County for the provision of affordable housing within the West Augustine Community. The \$300,000.00 shall be payable in installments as follows:
 - A. \$75,000 - Within 60 days of the effective date of Resolution 2002-_____;
 - B. \$100,000 - By January 31, 2004;
 - C. \$125,000 - By January 31, 2006.
- JJ. This condition has been intentionally deleted because the entire Turnbull Creek Parcel has already been conveyed to St. Johns County. Also, all provisions regarding conveyances to St. Johns County or the School Board are now found in Specific Condition KK.
- KK. This condition addresses the required conveyances by the Developer to St. Johns County or the St. Johns County School Board.

1. School Sites: The Developer shall convey the three school sites identified below to the St. Johns County School Board on or before December 31, 1998 unless the School Board refuses to accept one or more of the conveyances. The sites to be conveyed to the St. Johns County School Board are: (1) Parcel 1 of Six Mile Creek West containing 30.7 acres; (2) Parcel 8 of Six Mile Creek Central containing 40 acres; and (3) Parcel 17 of Six Mile Creek South containing 18.5 acres. The Developer shall deliver a boundary survey of each of the three school sites identified above within fifteen (15) days after approval of this Revised Development Order. The School Board shall have access to the school sites identified above after approval of this Revised Development Order through October 15, 1998 during normal business hours upon twenty-four (24) hours notice to the Developer in order to allow it to conduct its due diligence review. If the School Board notifies the Developer of a physical or environmental defect on any of the three school sites before October 15, 1998, then the Developer shall propose an alternative school site within the Six Mile Creek Parcel in the same vicinity as the rejected site within sixty (60) days of the receipt of the School Board's notice and the School Board shall have one hundred twenty (120) days after delivery of the boundary survey for the new site within which to conduct additional due diligence. Any site proposed by the Developer and found acceptable by the School Board shall be conveyed by the Developer to the School Board within sixty (60) days after the School Board notifies the Developer that the site is acceptable. If the School Board elects not to accept a site, then the site may be used by the Developer for residential, public service (as defined in Section 7-14 of the Zoning Code in effect as of May, 1998); church or recreational uses provided that any such use does not increase the overall number of residential units or non-residential square footage allowable within the project as a whole and provided that the Developer obtains an appropriate minor modification of the PUD. All conveyances to the School Board made pursuant to this paragraph shall be subject to the provisions of Paragraph 5 below.
2. Turnbull Creek Parcel. The Developer conveyed the entire Turnbull Creek Parcel to St. Johns County in 1996.
3. Parcel 20 - Interchange Northwest. The Developer shall convey Parcel 20 within the Interchange Northwest Parcel containing 7.5 acres to St. Johns County within one hundred twenty (120) days of being requested to do so by the St. Johns County Board of County Commissioners or the County Administrator, provided that the request occurs on or before December 31, 2005. If the Board of County Commissioners or the County Administrator does not request conveyance of Parcel 20 of the Interchange Northwest

Parcel by December 31, 2005, then the Developer shall provide written notice of its final offer to convey the property to St. Johns County by Certified Mail delivered to the Planning Director, the Chairman of the St. Johns County Board of County Commissioners, the St. Johns County Administrator, and the St. Johns County Attorney's Office requesting that its offer be scheduled for a public hearing. If the St. Johns County Board of County Commissioners does not accept the Developer's final offer to convey the property within one hundred twenty (120) days after receipt of the Developer's final offer to convey, then the Developer shall be allowed to use the property for residential, public service (as defined in Section 7-14 of the Zoning Code in effect as of May 1998) church or recreational uses after receipt of final development plan approval and other applicable permits and approvals provided that there is no increase in the number of residential units or nonresidential square footage and provided that the Developer obtains approval of a minor modification to the PUD for such use.

4. Parcel 6 - Six Mile Creek Central. The Developer shall convey Parcel 6 within Six Mile Creek Central Parcel containing 8.5 acres to St. Johns County within one hundred twenty (120) days of being requested to do so by the St. Johns County Board of County Commissioners or the County Administrator, provided that the request occurs on or before December 31, 2008. If the Board of County Commissioners or the County Administrator does not request conveyance of Parcel 6 of the Six Mile Creek Central by December 31, 2008, then the Developer shall provide written notice of its final offer to convey the property to St. Johns County by Certified Mail delivered to the Planning Director, the Chairman of the St. Johns County Board of County Commissioners, the St. Johns County Administrator, and the St. Johns County Attorney's Office requesting that its offer be scheduled for a public hearing. If the St. Johns County Board of County Commissioners does not accept the Developer's final offer to convey the property within one hundred twenty (120) days after receipt of the Developer's final offer to convey, then the Developer shall be allowed to use the property for residential, public service (as defined in Section 7-14 of the Zoning Code in effect as of May 1998) church or recreational uses after receipt of final development plan approval and other applicable permits and approvals provided that there is no increase in the number of residential units or nonresidential square footage and provided that the Developer obtains approval of a minor modification to the PUD for such use.

5. Environmental Learning Parcel - Six Mile Creek West . The Developer shall convey the 40.49 acre portion of the environmental preserve lying between Parcel 1 and Parcel 9 of Six Mile Creek West as shown on Map H (the "Environmental Learning Center Parcel"), to the St. Johns County School Board simultaneously with conveyance of Parcel 1 of Six Mile Creek West to the School Board if the St. Johns County School Board agrees to accept the conveyance. If the St. Johns County School Board does not accept the conveyance of the Environmental Learning Parcel, then the Developer shall convey the Environmental Learning Center Parcel to St. Johns County within 120 days of being requested to do so by the St. Johns County Board of County Commissioners or the County Administrator, provided that the request occurs on or before December 31, 2008. If the Board of County Commissioners or the County Administrator does not request conveyance of the Environmental Learning Center Parcel by December 31, 2008, then the Developer shall provide written notice of its final offer to convey the property to St. Johns County by Certified Mail delivered to the Planning Director, the Chairman of the St. Johns County Board of County Commissioners, the St. Johns County Administrator and the St. Johns County Attorney's Office requesting that its offer be scheduled for a public hearing. If the St. Johns County Board of County Commissioners does not accept the Developer's final offer to convey the property within 120 days after receipt of the Developer's final offer to convey, then the Developer may convey the Environmental Learning Center Parcel to the property owner's association having responsibility for maintenance of common areas within the Six Mile Creek Parcel, or to any other governmental entity agreeing to accept the conveyance and to comply the terms of the conservation easement to be recorded by the Developer.
6. Terms of Conveyances. All parcels to be conveyed pursuant to this Specific Condition KK shall be conveyed in fee simple, free of all liens and monetary encumbrances at no charge to St. Johns County or to the St. Johns County School Board. The Developer shall, however, be allowed a credit against the applicable St. Johns County impact fee or fees. The amount of the credit shall be determined prior to the conveyance in accordance with the provisions of the applicable St. Johns County Impact Fee Ordinance. Notwithstanding anything to the contrary in this Development Order, if the County accepts conveyance of Parcel 20 within the Interchange Northwest Parcel and/or Parcel 6 within the Six Mile Creek Central Parcel on or before December 23, 1999, then the Developer shall receive impact fee credits in an amount equal to the lesser of the appraised fair market value or \$13,500 per acre for Parcel 20 within the Interchange Northwest Parcel and

in an amount equal to the lesser of the appraised fair market value or \$6,000 per acre for Parcel 6 within the Six Mile Creek Central Parcel. All conveyances shall be made subject to appropriate conditions, covenants and restrictions and reservations which limit the uses to those intended, ensure that the site will be compatible with surrounding uses, provide for proper maintenance and provide for provide for proper drainage and access. Also such conditions, covenants and restrictions shall allow for modification or release by the Developer or identifiable successors and the St. Johns County School Board or St. Johns County Board of County Commissioners as the case may be, all subject to review and approval by the St. Johns County Board of County Commissioners or the St. Johns County School Board, as the case may be in its reasonable discretion. All properties conveyed to St. Johns County or to the St. Johns County School Board pursuant to Specific Condition KK shall be provided appropriate and necessary easements for access, drainage and utilities.

- LL. The Developer shall create a Transportation Demand Management Association for the non-residential components of the Saint Johns project (TDMA). The Board of Directors of the TDMA shall include the Executive Director of the NEFRPC or his designee. The purpose of the Transportation Demand Management Association is to reduce the peak traffic impacts of the project, particularly as such traffic may impact between S.R. 210 and S.R. 16 by employing a variety of Transportation Demand Management Techniques. The Transportation Demand Management Techniques employed by the TDMA shall include, but not be limited to a mix of such innovative planning and implementing actions as securing staggered work hour agreements among various employers located within the project; van pooling projects; ride-sharing projects; transportation projects for the disadvantaged, etc. The TDMA shall be established within six (6) months after commencement of construction of non-residential improvements and shall remain in effect through buildout of the project. Within three (3) months of its establishment, the TDMA shall submit proposed transportation demand management techniques to the DCA and County for review and comments. The programs finally adopted and implemented by the Transportation Demand Management Association shall be described in the Annual Monitoring Report.

Exhibit D

AMENDED AND RESTATED SAINT JOHNS DRI/DO

DEVELOPER COMMITMENTS

The following Developer Commitments supplement the Development Order Conditions.

1. The 100-year flood elevations will be determined in detail and accordingly all floor slab construction shall be at a level higher than these 100-year flood elevations.
2. The proposed development will be constructed in accordance with the St. Johns County Paving and Drainage Ordinance Sections.
3. All non-residential customers will be required to complete an Industrial Wastewater Discharge Application supplied by the utility, which will include a complete description and analysis of the wastewater. Wastewater that will be detrimental to the wastewater treatment process or the environment that receives the treated wastewater will be required to be treated to the minimum level of strong domestic wastewater by the customer prior to discharge to the public wastewater system. Each industrial customer will be responsible for the disposal of any hazardous or toxic wastewater that it generates.
4. Each industrial site will be made subject to recorded covenants and restrictions which will require maintenance of the site in a neat, clean, orderly condition and will prohibit the discharge of surface water requiring stormwater treatment or any other pollutants or materials into the adjacent wetlands.
5. There will be no encroachment into the ten-year floodplain and floodways by commercial, industrial, office, residential, recreational, or other similar development.
6. Reuse of treated wastewater will be included as part of any permit application for construction of a wastewater treatment plant submitted to the Department of Environmental Protection.
7. Indigenous vegetation will be used as much as possible in landscaping. Use of low water demand plumbing fixtures will be encouraged.
8. All existing wells that remain in use and new wells will be plainly marked and protected by barriers. Wells that obtain water from the surficial aquifer will be protected by restricting parking and refueling of construction equipment to designated areas at least 200 feet from any well and by prevention of possible contamination from stormwater runoff from parking and refueling areas.

9. All new wells will be protected from accidental damage after construction by the installation of submersible pumps and below-grade discharge piping and appurtenances. Ground water sampling and analysis will begin in any area proposed for new potable water wells not later than 6 months prior to construction for the interchange Parcel and not later than 12 months prior to construction for the Six Mile Creek Parcel. New Floridan aquifer wells will be marked and protected by barriers during construction and protected by barriers and security fencing after construction.
10. The Applicant will participate in the St. Johns County recycling program and in recycling programs that are operated by the solid waste collection service.
11. Intentionally deleted.
12. See Specific Condition KK.
13. See Specific Condition KK.
14. The Developer will preserve in its natural state the approximately 63 acre "upland wildlife and vegetation preserve" located on the Northwest Interchange Parcel which was previously identified for preservation in the St. Johns Harbour DRI. This area has been made subject to a preservation area on the Interchange Northwest Parcel.
15. See Specific Condition E.
16. The Developer will propose, as part of a mitigation plan to be submitted in connection with the ACOE dredge/fill applications, SJRWMD MSSW application, and DER dredge/fill applications, the preservation of approximately 2774.5 acres. The acreage to be reserved for preservation is identified on Map H. The 2774.5 acres includes the 63 acre upland wildlife and vegetation preserve identified in Developer Commitment 14 above. It also includes 377 acres of preservation on the Turnbull Creek Parcel which has been conveyed to St. Johns County. The 377 acre Turnbull Creek Parcel contains approximately 227 acres of uplands and approximately 150 acres of wetlands.
17. See Specific Condition KK.
18. Only those portions of the property which are necessary for development and construction will be cleared. The Developer will comply with the St. Johns County land clearing and tree preservation ordinance.
19. Clearing and grubbing activities will be staged with the appropriate phase of development to reduce the period of soil exposure.
20. Exposed soil will be dampened periodically with water to reduce dust.
21. Construction machinery will be equipped with proper exhaust systems to reduce submissions.

22. Soil erosion will be minimized during construction by limiting the amount of soil exposed at any time and by revegetating cleared areas rapidly when construction is complete.
23. Slope protection and energy dissipaters will be used, where necessary, in high velocity and outfall areas. Where necessary, temporary measures such as silt barriers, straw bails, and mulching will be used during construction to prevent erosion insulation.
24. No residential floor construction will occur below the 100-year flood elevations.
25. Prehistoric site 8SJ2533 and historic site 8SJ2536 will be incorporated within passive recreational green space in the project. Upon approval of the ADA, appropriate deed restrictions will be recorded. A copy will be provided to the Florida Department of Historical Resources ("FDHR"). In the event that the parks containing these sites are improved with facilities such as restrooms at some point in the future, the siting of such facilities and any subsurface construction undertaken in connection with such facilities will be performed in consultation with a professional archaeologist and plans will be reviewed by FDHR prior to construction.
26. Disposal of treated sewage effluent will be accomplished by land application.
27. All residential, commercial, office, and industrial development within the project will be served by central water and sewer.
28. Irrigation of the project's golf courses and common open space will use treated sewage effluent as the primary source and stored surface water from the project lake system as a secondary source with surficial wells used only during the growing period for the golf courses.
29. Construction within the project will be required to meet, as a minimum, the standards as set forth in the State Model Energy Code.
30. See Specific Condition KK.
31. The Developer has donated \$45,000 to St. Johns County for improvement of the public park and boat ramp on county property located adjacent to Trout Creek. This was done prior to approval of the SJ/DO. No impact fee credits were requested or granted for this donation.
32. The Developer has conveyed to St. Johns County the 455 acre Turnbull Creek Parcel. Approximately 69 acres of upland field and 4 acres of silvicultural roads of the parcel are available for development by St. Johns County for a community park. The remaining approximately 382 acres of the Turnbull Creek Parcel are required to be maintained in a natural condition subject to exceptions and requirements specified by a recorded conservation easement.
33. See Specific Condition KK.
34. See Specific Condition KK.

35. See Specific Condition KK.
36. The Developer has constructed the interchange at International Golf Parkway and I-95 and has completed the necessary relocation of Francis Road and the related improvements to International Golf Parkway in the vicinity of the interchange. All right-of-way for this work was acquired by the developer and was donated to the Florida Department of Transportation or St. Johns County, as appropriate.
37. See Specific Condition FF.
38. All outdoor lighting systems in areas such as parking and recreation shall use energy efficient lighting such as high pressure sodium or low pressure sodium, or its equivalent.
39. The Applicant will provide bicycle and jogging trails in the Six Mile Creek Parcel along the major roadways. These trails will be separated from vehicular traffic and will link together the individual development parcels within this Parcel. Internal bicycle movement within each development Parcel of the Six Mile Creek Parcel will be by the local road system.

The Interchange Parcel will be provided with a jogging trail along the major road systems which will be separated from vehicular traffic.
40. The Applicant shall install, or cause to be installed, bike racks or similar devices at the commercial and recreational facilities.
41. The Applicant shall comply with the St. Johns County Tree Ordinance and Landscape Ordinance. The Applicant shall plant or cause to be planted, a minimum of two native trees with a total diameter equaling a minimum of 7 inches with no single tree having a caliper of less than 2.5 inches to shade each single family residential unit if fewer exist on the lot. The diameter shall be measured at 48 inches above ground level.
42. [INTENTIONALLY DELETED, SEE SPECIFIC CONDITION II]
43. [INTENTIONALLY DELETED, SEE SPECIFIC CONDITION II]
44. [INTENTIONALLY DELETED, SEE SPECIFIC CONDITION II]

**RESTATED
SAINT JOHNS DRI/DO
ANNUAL MONITORING REPORT REQUIREMENTS**

1. A description of any change made in the plan of development, phasing, or in the representations contained in the Application for Substantial Deviation since the Substantial Deviation received approval, and any actions (substantial deviation or non-substantial deviation determinations) taken by the local government to address these changes. Provide a cumulative history of such annually.
2. A summary comparison of development activity proposed and actually conducted during the preceding calendar year, and projected for the ensuing calendar year, to include: site improvements, gross floor area constructed by land use type, location, and phase with appropriate maps. Residential development activity shall be identified by reference to subdivision plats or final development plans proposed, approved or under review, building permits issued and certificates of occupancy issued within the Parcels identified on Map H of the ADA or other similar objective and readily obtainable data. An estimate of the sales price of residential units constructed (as evidenced by building permits issued) will also be provided. Commercial development activity shall be identified by reference to final development plans proposed, approved or under review, building permits issued and certificates of occupancy issued within the Parcels identified on Map H of the ADA or other similar objective and readily obtainable data. Other development activity, such as golf course construction, shall be identified by appropriate narrative description. Prior to submission of the first annual report, the Developer shall meet with appropriate County staff and the Developer and County staff shall agree on the specific data, data sources and format to be used for the annual report.
3. An identification by location, size, and buyer of any undeveloped tracts of land in the development that have been sold to a separate entity or developer and the amount of development rights available to the purchaser, with map(s) which show the parcel(s) or sub-parcel(s) involved.
4. A cumulative summary of all development that has taken place within the project including gross floor areas constructed -by land use type and location. A cumulative summary of location, size (acreage), development rights purchase (land use type and square footage), and buyer of all parcels purchased within the project boundaries. The cumulative summaries shall be consistent with the reporting methodology specified in items 2 and 3 above.

5. A description of any lands purchased or optioned within one mile of the original Substantial Deviation site by any individual having fee simple or lesser interest in the site as listed in the Application for Substantial Deviation, subsequent to issuance of the Development Order. Identify such land, its size, and intended use on a site plan and map.
6. A listing of any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, parcel, location(s), and activity for each.
7. Describe any moratorium on development imposed by a regulatory agency. Specify the type of moratorium, duration, cause, and remedy.
8. Provide a synopsis of the operating parameters of the potable water, wastewater management, and solid waste facilities serving the development area for the preceding year.
9. An assessment of the applicant's, any successor's and local government's compliance with all conditions and commitments contained in the Development Order and the commitments contained in the Application for Substantial Deviation.
10. Any change to the previously reported stormwater plans, design criteria, or planting and maintenance programs shall be reported each year in the monitoring reports.
11. All requests for a substantial deviation determination and non-substantial deviations that were filed in the reporting year and to be filed during the next year.
12. Any change in local government jurisdiction for any portion of the development since the Development Order was issued.
13. Copies of monitoring reports completed during the previous year on the created wetlands and stormwater/wetland systems as required by permitting agencies.
14. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Urban Office in Jacksonville, as well as the St. Johns County Planning Department, NEFRPC, and Department of Community Affairs. The first traffic report shall be due concurrently with the first annual monitoring report and then annually thereafter until project buildout, unless otherwise specified by the NEFRPC. The following information shall be included:
 - a. A description of current development by land use, type, location, and amount of square footage, along with the proposed construction schedule for the ensuing 12 month period, and appropriate maps (i.e. the information required in items 2 and 3 above).

- b. Traffic counts, turning movements, and levels of service actual for the past 12 months and projected for the ensuing 12 months, including traffic estimates for the following roads and intersections. Distinguish between Project related traffic and total traffic volumes.
- CR 208 from CR 13A to SR 16
 - I-95 north of Nine Mile Road
 - CR 13A from SR 16 to CR 208
 - Nine Mile Road from SR 16 to US 1
 - SR 16 from Shands Bridge to I-95
 - CR 16A from CR 210 to SR 16
15. The status of the Preserved wetlands shall be monitored through the submittal of aerial photographs every three years through buildout of the project. The aerial photographs will be flown during the same time period of the year, during the winter months. Copies of the aerial photographs will be submitted to SJRWMD, FDEP, FGFWFC, SJC and the NEFRPC. See Specific Condition G.
16. See Specific Condition II.
17. The annual report due January 15, 1992 shall include a copy of any recorded notice of the adoption of the SJ/DO and each subsequent report shall include a copy of any recorded notice of the adoption of any subsequent modification of the SJ/DO that was recorded by the Developer pursuant to paragraph 380.06(15)(f), Florida Statutes.
18. Each annual report shall be accompanied by a statement certifying that the NEFRPC, Department of Community Affairs, St. Johns County, Florida Department of Environmental Protection, Florida Department of Transportation and the St. Johns River Water Management District have been sent copies of the Annual Monitoring Report in conformance with subsections 380.06(15) and (18), Florida Statutes. It is the responsibility of the Applicant to guarantee that all appropriate agencies receive a copy of the annual reports.

**RESTATED
SURFACE WATER MONITORING PROGRAM**

As initial development will begin on the Interchange Parcel, water quality monitoring will begin at Station 7 as identified in the ADA. When development begins on the Six Mile Creek Parcel, water quality monitoring will be conducted at Station 3 or Station 4, depending upon the drainage basin affected by development. Station 3b in Six Mile Creek is the exit point for discharge from the development. Station 3b will be sampled initially with subsequent samples taken only if results from Station 3 or Station 4 indicate that downstream monitoring is warranted. Stations 1 and/or 2 will not be monitored unless results at Station 3 and/or 4 indicate the need for additional monitoring. Those stormwater retention/detention ponds which discharge into Waters of the State or directly into the preserved wetlands shall be included in the surface water monitoring program.

The surface water parameter list will be composed of the following items:

Surface Water.

Mercury
Orthophosphate
TKN
Ammonia Nitrogen
Nitrate Nitrogen
Biochemical Oxygen Removed Fecal Streptococcus Bacteria Total Coliform Bacteria
Dissolved Oxygen
Temperature
Specific Conductance
pH Values
Shannon-Weaver Diversity of Macroinvertebrates (number of taxa, species list)
Turbidity
Color
Total Phosphorous
TOC
Chlorophyll A, corrected for Pheophytin
TSS
TDS
Chloride
Total Arsenic
Oils and Grease
Pesticides and Herbicides used on golf courses once golf courses are in operation

Sample frequency will be as follows.

1. Surface water with exception of Shannon-Weaver Diversity Index of Macroinvertebrates - initially and quarterly.
2. Shannon-weaver Diversity Index of Macroinvertebrates - initially and annually.

A site specific quality assurance plan will be submitted to the Department of Environmental Regulation within thirty days after approval of the water quality monitoring plan. Background sampling at station 7 will begin within 15 days after approval of the site specific quality assurance plan. The Applicant will attempt to commence background sampling within the relevant basin on the Six Mile Creek Parcel one year prior to the beginning of construction in such basin, but, in any event, such background sampling shall be initiated no later than the date of submission of an application for final development plan approval for such basin to St. Johns County.

Reports of quarterly sampling and cumulative annual reports shall be submitted to the Florida Department of Environmental Protection and the St. Johns River Water Management District within 15 days following receipt of analytical results from the contract lab. In addition to the items listed for the report, quality assurance information of the laboratory shall be submitted.

The applicant is aware that the reviewing agencies may seek changes in sampling frequency, parameters or stations if trends in the data so warrant. The applicant may also seek such changes. In particular, after a data base is established, it may be possible to eliminate some of the parameters if it is found that those parameters are closely correlated with some indicator parameter or parameters.



STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 "Dedicated to making Florida a better place to call home"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary

March 5, 2002

Ms. Teresa Bishop
 Planning Director
 St. Johns County
 P.O. Box 349
 Saint Augustine, Florida 32085-0349

RECEIVED
 MAR 8 2002
 ST. JOHNS COUNTY
 PLANNING DEPARTMENT

RE: St. Johns DRI; Notice of Proposed Change
 File No. ADA-485-015

Dear Ms. Bishop:

The Department has reviewed the proposed changes to the St. Johns Development of Regional Impact (DRI), submitted in the Notification of Proposed Change (NOPC) dated January 14, 2002 and received in the Department on January 15, 2002, from Mr. John Metcalf, Pappas, Metcalf, Jenks and Miller, representative of the SJ Land LLC and IT Land LLC. The following paragraph provides a description of the proposed change and the criteria under Section 380.06(19), F.S. under which the change was reviewed.

The applicant proposes revising the development order to include developer contributions for affordable housing. The revised development order conditions for affordable housing were reviewed under Chapter 380.06(19)(e)3, F.S., which states that any changes not addressed in subparagraph (b) and (c), are presumed to create a substantial deviation. The applicant has provided clear and convincing evidence to rebut the presumption.

Based on our review of the application, we are notifying you pursuant to Section 380.06(19)(f), Florida Statutes, that we do not object to the proposed changes to the St. Johns DRI.

If you have any questions or comments concerning this matter please call Susan Poplin, AICP, Planning Manager at (850) 922-1821, or James Stansbury, Community Program Administrator, at (850)922-1818.

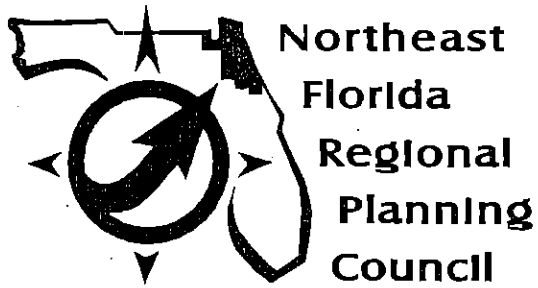
Sincerely,

Michael F. Sherman, AICP
 Growth Management Administrator

MS/sp

cc: Mr. Ed Lehman, Northeast Florida Regional Planning Council
 Mr. John G. Metcalf, Pappas, Metcalf, Jenks and Miller

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
 Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
 Internet address: <http://www.dca.state.fl.us>



RECEIVED
MAR 5 2002
ST. JOHNS COUNTY
PLANNING DEPARTMENT
Bringing Communities Together

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

March 1, 2002

Mr. James Stansbury
Resource Planning and Management
Dept. of Community Affairs
2555 Shumard Oak Drive
Tallahassee, Florida 32399-2100

Re: Saint Johns DRI Notice of Proposed Change

Dear Mr. Stansbury:

NEFRPC staff has reviewed the Notice of Proposed Change for the Saint Johns DRI located in St. Johns County, received January 11, 2002. The following recommendation is based upon our review and coordination with County Housing and Planning staff. The comments should serve to aid the DCA in determining whether the proposed changes constitute a substantial deviation.

At the request of the County, the applicant proposes to substitute the adopted affordable housing conditions with an amended and restated Specific Condition II. The existing development order conditions require the developer to conduct an affordable housing analysis, by 2002 or upon reaching 1,471 full time equivalent permanent employees, whichever occurs first in order to determine the appropriate mitigation, or the appropriate provision, of affordable housing. The affordable housing analysis methodology is to be verified by the Department of Community Affairs, the County, and the NEFRPC, consistent with Rule 9J-2.048 F.A.C. The NOPC would substitute this adopted condition with a proposal to contribute a total of \$300,000 dollars, to be paid in three phased installments to St. Johns County for the West Augustine Affordable Housing Effort.

Staff has analyzed the 2001 Annual Monitoring Report, Section 380.06(19), FS, Rule 9J-2.048 FAC and provides comments for your review.

Staff Recommendation:

The existing adopted development order sets forth two triggers for initiation of an affordable housing analysis to be used to determine the appropriate mitigation schedule: by 2002 or 1,471 FTE employees, whichever occurs first. The analysis will be used in accordance with Rule 9J-2.048, FAC to provide acceptable mitigation for any potential impact. To date, the applicant has not submitted affordable housing analysis

and research indicates the project has not yet generated 1,471 FTE employees. Special Condition II does not define the appropriate mitigation for affordable housing, instead hinges mitigation upon the results of the housing analysis pursuant to Rule 9J-2.048 F.A.C. or other innovative solutions not specified in the Rule language.

Coordination with St. Johns County Housing Director Tom Crawford has provided information regarding the feasibility of \$300,000 in West Augustine in terms of providing for affordable housing immediately. In addition to Special Condition II, the current applicant commitment is \$0.02 per square foot of non-residential uses. According to Mr. Crawford, the county believes benefits provided for in this NOPC application overshadow the current development order conditions and commitments. For example, recent affordable housing conditions for DRI projects of comparable nature have been to apply a \$0.05/sq.ft fee for non-residential uses, payable to affordable housing trust funds or programs. Similarly, the \$300,000 monetary contribution exceeds what would be the \$0.05/sq.ft total payment if this methodology were used for the St. Johns DRI. However, it must be noted that recent DRIs allowing for the payment of \$0.05/sq. ft. were for projects in Duval County that submitted affordable housing analyses showing an adequate supply of affordable housing. The letter from Tom Crawford stresses the importance of receiving the contribution within a designated time period of four years. The installment payments, to be completed by 2006, will ensure the affordable housing effort in West Augustine is funded. **(Refer to attached letter).**

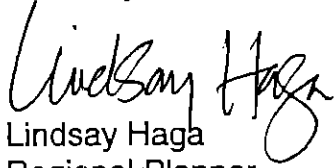
Staff cannot determine from the NOPC application whether the technical requirements of Section 380.06 (19), F.S. have been met because of the absence of affordable housing analysis demonstrating the \$300,000 monetary contribution adequately mitigates for project impacts regarding affordable housing. However, staff believes the additional information provided by Mr. Tom Crawford regarding potential use of the money for affordable housing in West Augustine adequately justifies the proposal. The County has implemented an innovative solution for a current affordable housing need outside the technical parameters of Rule 9J-2.048, FAC. Therefore, staff accepts the County's proposal and believes any affordable housing needs have been mitigated for and recommends this proposal does not constitute a substantial deviation. Furthermore, the County is actively implementing programs and various projects to increase affordable housing opportunities, as evidenced by the West Augustine Housing Effort as well as recent actions of the St. Johns County Board of County Commissioners.

This recommendation should not be seen as a precedent that all other DRI projects may avail themselves of this type of 'monetary' mitigation absent an affordable housing analysis which indicates that said payment adequately mitigates for affordable housing impacts. The NEFRPC will apply the standards outlined in Rule 9J-2.048 regarding affordable housing mitigation to all future DRIs.

Mr. James Stansbury
Saint Johns DRI NOPC
Page 3 of 3

Should you have any questions regarding the above recommendation, please give me a call at (904) 279-0880.

Sincerely,



Lindsay Haga
Regional Planner

cc: Mr. Joseph Bornstein ✓
Mr. John G. Metcalf
Mr. Tom Crawford



ST. JOHNS COUNTY, FLORIDA
Board of County Commissioners

*Growth Management Services
Housing & Community Services Division*

*P.O. Drawer 349
Saint Augustine, FL
32085-0349*



*PHONE (904) 823-2779
FAX (904) 823-2481*

March 4, 2002

N. E. FL Regional Planning Commission
Attn: Lindsay Haga
9143-Phillips Highway, Suite 350
Jacksonville, FL 32256

Re: St. Johns DRI - Modification

Dear Ms. Haga:

This letter is in response to our meeting last Wednesday and supplements my earlier correspondence. This will provide you with some specific data in terms of numbers of affordable units. Earlier we did a comparison with the Bartram Park and Freedom Commerce Center DRI's. I will explain the County's comparative logic used in calculating the \$300,000 relative to the recently approved Nocatee DO. I will also provide more detail on the County's affordable housing efforts within the newly created West Augustine CRA.

In determining the \$300,000 for the St. Johns DRI we also considered the Nocatee DRI. When you compare the number of residential units, St. Johns is 58% of what's planned for Nocatee. Nocatee has provisions for 50 acres and the payment of \$800,000 over the 25 year buildout. If apply the percentage to the land at a value of \$30,000 per acre and factor in the cash payment, you get a total value of \$1,334,000. Using an interest rate of 6% we calculated a present value of \$310,800. Therefore, we came up with approximately \$300,000 using the logic of the Nocatee DRI as well as looking at Bartram Park and the Freedom Commerce Center DRI's.

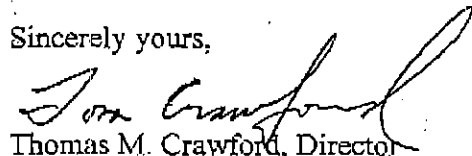
We have previously discussed the formation of the West Augustine CRA in September 2000. The Community Redevelopment Plan was approved in November of 2001 and the Redevelopment Trust Fund was established in December 2001. We have completed the first sewer project for a small portion of West Augustine and are working with the St. Johns Housing Partnership to develop approximately 38 new homes. Another affordable housing subdivision has been approved for 136 new affordable homes. Combined, we expect these subdivisions will apply this spring for 110 units of HOME funding through FHFC. The County has budgeted \$297,000 for local contribution.

The proposed agreement negotiated by County staff with the St. Johns DRI will provide us with seed money, which will be leveraged with grant and low interest loans to build additional infrastructure, which will encourage the development of more affordable housing in the area. We estimate that in addition to the previously mentioned units, three hundred more affordable rental and single-family units will be in various stages of development over the next 5 years within the CRA.

One of your concerns is to insure that the County remains committed to affordable housing within a DRI whenever possible. The County does not see this proposal as a weakening of our position on affordable housing within future DRI's. St. Johns DRI is one of our earliest. The more recent Nocatee DRI has a D.O. that requires 50 acres within the DRI and \$800,000 for additional affordable housing initiatives within the DRI. Our goal is to require the affordable housing within the DRI if at all possible. With the St. Johns DRI proposed modification, we have a predictable stream of income, which we believe increases the affordable housing requirement. It will enable us to redevelop a nearby under served community and provide affordable housing within less than 20 minutes of the St. Johns DRI.

We sincerely appreciate the support of the RPC for the proposed modification.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Crawford". The signature is fluid and cursive, with a large loop at the end.

Thomas M. Crawford, Director
Housing & Community Services

ST. JOHNS COUNTY, FLORIDA
Board of County Commissioners

*Growth Management Services
Housing & Community Services Division*

*P.O. Drawer 549
Saint Augustine, FL
32085-0349*



*PHONE (904) 823-2779
FAX (904) 823-2481*

February 21, 2002

N. E. FL Regional Planning Commission
Attn: Lindsay Haga
9143 Phillips Highway, Suite 350
Jacksonville, FL 32256

Re: St. Johns DRI – Modification

Dear Ms. Haga:

This correspondence is in response to our conversation yesterday and is intended to set forth county staff's position on the proposed modification.

I will begin by putting forth the logic behind the proposed payment of the \$300,000 and deletion of the requirement for an additional housing study.

The Saint Johns DRI/DO already contains a developer commitment to make payments equal to \$.02 per square foot of office, retail/commercial and industrial/warehouse development if the required affordable housing study shows an unmet need. The total amount of square footage approved for the project that would come under this requirement is 5,519,000 square feet. At \$.02 per square foot, the maximum payment due to St. Johns County for the entire buildout of the project would be \$110,380.00. The existing Development Order provisions allow for the payment to be made in increments.

Two comparable DRI development orders, Bartram Park and the Freedom Commerce Center, located in Duval County, have somewhat similar provisions. Bartram Park requires the developer to make a contribution of \$.05 per square foot of nonresidential construction to the City of Jacksonville for its Community Alliance Program. The \$.05 per square foot contribution is to be made at the time of building permit issuance. The Freedom Commerce Center DRI Development Order also calls for a \$.05 per square foot contribution at the time of building permit issuance. The Department of Community Affairs had no objection to either of these affordable housing provisions.

If the \$.05 per square foot contribution were applied to the Saint Johns DRI Development Order, it would result in a total payment of \$275,950.00. Under the provisions of the other recent development orders, the payment would be spread over the entire life of the project and would be paid to the County as building permits are issued. Using an implied interest rate of six percent, and assuming that the \$275,950.00 were paid in equal annual installments over the next 15 years, it would yield a present value of \$189,393.00.

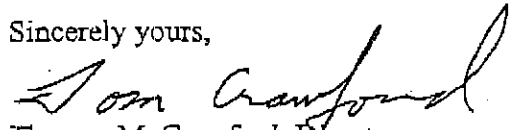
The County is concluding an extensive affordable housing needs study under a consulting contract with Strategic Planning Group (SPG). A copy of this will be provided to the RPC. The Saint Johns DRI developers and the county do not see the need to duplicate this effort which will calculate the need based upon the anticipated growth through 2015. County staff believes a payment to the West Augustine Redevelopment Trust Fund of \$300,000.00 for affordable housing initiatives will benefit both parties. This would be payable in three installments. We propose an installment of \$75,000.00 payable within 60 days of approval by all parties; \$100,000.00 payable by January 31, 2004; and \$125,000.00 payable by January 31, 2006.

Although the Board of County Commissioners (BCC) has not yet voted on the proposed modification, they waived the County's NOPC application fee recognizing that the proposed modification was initiated by staff for the developer to pursue. In September of 2000, the BCC created the West Augustine Community Redevelopment Agency and defined the area, which is known as West Augustine including over 300 acres owned by Florida Memorial College. In November of 2001 the Community Redevelopment Plan was adopted and in December of 2001 a Redevelopment Trust Fund was established.

The West Augustine area is within a 20 minute drive of the St. Johns DRI. The creation of affordable housing is a key component of the revitalization of this community. The Redevelopment Trust Fund is funded through tax increment financing which will take several years to build up. This agreement will enable us to immediately move forward with our affordable housing initiatives.

We sincerely appreciate the support of the RPC for the proposed modification.

Sincerely yours,



Thomas M. Crawford, Director
Housing & Community Services