

ST. JOHNS COUNTY  
RESOLUTION NUMBER 2016- 133



A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY BY RESOLUTION 2001-30 DATED FEBRUARY 23, 2001, AND AS PREVIOUSLY MODIFIED BY RESOLUTION 2006-95 DATED MARCH 21, 2006, RESOLUTION 2007-127 DATED MAY 1, 2007, RESOLUTION 2007-305 DATED OCTOBER 16, 2007, RESOLUTION 2009-87 DATED APRIL 7, 2009, RESOLUTION 2009-356 DATED DECEMBER 1, 2009, RESOLUTION 2010-163 DATED AUGUST 3, 2010, RESOLUTION 2012-77 DATED MARCH 6, 2012, AND RESOLUTION 2015-307 DATED OCTOBER 6, 2015, WHICH RESOLUTION AMENDED AND RESTATED THE NOCATEE DRI DEVELOPMENT ORDER, TO MODIFY THE NOCATEE DRI DEVELOPMENT ORDER AFFORDABLE HOUSING AND SOUTHERN ACCESS REQUIREMENTS, ADD NEW DRI DEVELOPMENT ORDER SPECIAL CONDITION 32(C), EDUCATION; MODIFY MAP H-1 (MASTER PLAN) AND MAP H-2 (MASTER CIRCULATION PLAN); MODIFY DRI DEVELOPMENT ORDER EXHIBIT 4 (CONVERSION TABLE); AND ADD NEW DRI DEVELOPMENT ORDER EXHIBITS 23 AND 24 (RELATED TO PINE ISLAND ROAD); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA WITNESS MY HAND AND OFFICIAL SEAL THIS 19 DAY OF May 2016  
ST. JOHNS COUNTY CLERK OF COURT  
Ex-Officio Clerk of the Board of County Commissioners

BY: Jan Halterma D.C.

WHEREAS, SONOC Company, L.L.C. ("Applicant"), has submitted a Notice of Proposed Change ("NOPC") to the Nocatee Development of Regional Impact ("DRI") dated October 29, 2015, as subsequently amended, requesting modification of portions of the Development Order; and

WHEREAS, the Applicant 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 Applicant has provided evidence that such changes do not constitute a substantial deviation under any provision of Section 380.06(19) of the Florida Statutes; and

WHEREAS, the Board of County Commissioners has reviewed the NOPC and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at a public hearing held May 17, 2016, after required notice.

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

1. The following facts and conclusions of law are established by clear and convincing evidence to support this Resolution:
  - A. The requested changes do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes because there is no change in either the number of development rights, or increase in impacts from those approved in the Nocatee DRI Development Order, Resolution 2001-30, as amended, prior to this change.
  - B. The changes requested in the NOPC are consistent with the Land Development Code of St. Johns County, as amended.

- C. The changes requested in the NOPC are consistent with and further the objectives of the St. Johns County Comprehensive Plan 2025.
3. The Nocatee DRI Development Order, Resolution 2001-30, as amended (including Resolution 2015-307, which amended and restated the DRI Development Order), is hereby modified by approval of the following specific changes:
- a. **Modification of Special Conditions 25(i), 28(a), and 28(b), deletion of Special Condition 25(j), and addition of new Special Condition 32(c) to the Nocatee DRI Development Order all as shown on Exhibit 1 attached hereto.**
  - b. **Revised Nocatee DRI Development Order Master Plan Map (Map H-1) and Master Circulation Map (Map H-2) as shown on Exhibit 2 attached hereto.**
  - c. **Revised Nocatee DRI Development Order Conversion Table (Exhibit 4) as shown on Exhibit 3 attached hereto.**
  - d. **Add new DRI Development Order Exhibits 23 and 24 as shown on Exhibits 4 and 5, respectively attached hereto.**
4. Except as modified by this Resolution, the existing Nocatee DRI Development Order shall remain in full force and effect.
5. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within ten (10) days of its adoption by certified mail, return receipt requested to the Developer, the Florida Department of Economic Opportunity, Division of Community Planning, and the Northeast Florida Regional Council.
6. This Resolution shall take effect upon its adoption.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 17 DAY OF May, 2016.**

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

RENDITION DATE May 19, 2016

By: [Signature]  
Jeb Smith, Chairman

ATTEST: Hunter S. Conrad, Clerk

By: [Signature]  
Deputy Clerk

RENDITION DATE 5/19/16



## EXHIBIT 1

### Revised Special Conditions

A. Modify County DRI/DO Special Condition 25(i) as follows:

(i) **South Access.** Upon completion of the internal roadway network in Crosswater Village, the Developer shall connect the internal road system to Pine Island Road to provide a southern connection to U.S. 1 (the "Pine Island Connection"). Pine Island Road must be paved by the Developer from the point of connection with Nocatee to U.S. 1, prior to the provision of this connection. The limits of paving of Pine Island Road to U.S. 1 is shown on the Proposed Paving of Existing Pine Island Road Map Exhibit 23. The Pine Island Connection shall conform to standards that will allow for emergency evacuation, ~~as approved by the St. Johns County Public Works Department.~~ The design and construction of the paving of Pine Island Road shall generally be consistent with the Pine Island Road Paving Detail Exhibit 24.

B. Modify County DRI/DO Special Condition 28(a) as follows:

**28. Housing.**

(a) **Contribution of Funds.** The Developer shall fund an Employer-Assisted Downpayment Assistance Fund (EADAF) to the City of Jacksonville and an affordable housing contribution to St. Johns County. The EADAF program is the result of the City of Jacksonville's recent designation as an "Alliance Community" by the Freddie Mac Corporation, a designation that will provide funding for home ownership products. As a Development of Regional Impact, Nocatee is anticipated to become a designated employer assisted home ownership area which will allow employers within Nocatee to match local government and/or EADAF downpayment assistance forgivable loans to qualifying households within Nocatee. Payments shall also be made to a 501(c)(3) corporation, other fund or County agency designated by St. Johns County (the "St. Johns

County Housing Fund”) which payments shall be used for the purposes of ~~developing~~ providing affordable housing or developing shelter for homeless persons within St. Johns County. A cash payment of \$202,000 to the EADAF Fund has been made by the Developer. Within thirty (30) days of the beginning of Phases II, III, IV and V, respectively, Developer shall pay \$200,000 to the EADAF Fund. ~~Payments made to the St. Johns County Housing Fund shall be made within thirty (30) days of the commencement of Phases II, III, IV and V as follows.~~ The Developer has made ~~the~~ a \$150,000 contribution to the St. Johns County Housing Fund pertaining to Phase II and will make an additional cash payment of \$650,000 upon approval of this DRI Modification (DRI MOD 2015-5) and expiration of the appeal period. ~~Commencement shall mean the date of construction plan approval for the initial units within that Phase.~~

Phase II	—————	\$150,000
Phase III	—————	\$200,000
Phase IV	—————	\$200,000
Phase V	—————	\$250,000

C. Modify County DRI/DO Special Condition 28(b) as follows:

**28. Housing.**

**(b) Land Contribution.** The Developer donated a 10-acre site to St. Johns County on July 28, 2006 for the purpose of constructing affordable housing. No additional land contribution for affordable housing will be required. ~~will donate to the County or a 501(c)(3) corporation designated by the St. Johns County Board of County Commissioners 50 net developable acres at mutually acceptable locations for the purpose of constructing affordable housing (the “Housing Locations”). The Housing Locations shall allow for multifamily or single family uses in five increments of 10 contiguous acres each and may be consolidated into one (1)~~

~~or more affordable housing sites as provided for herein. The first 10 acres was donated on July 28, 2006. The remaining 40 acres of affordable housing sites shall be located in South Village, Crosswater Village or Snowden Village as depicted on Map H (the "Villages"). The donations for the remaining 40 acres shall occur as follows (i) not later than 18 months after issuance of the first building permit in the Villages, the Developer shall donate not less than 20 acres as provided for herein (the "Second Housing Donation") and (ii) not later than five years after the Second Housing Donation, the Developer shall donate the remaining portion of the 40 acres not previously donated as provided for herein. The sites to be contributed by the Developer shall be conveyed free and clear of liens and encumbrances. The County may convey such sites at its discretion, but they shall be deed restricted to use for development of moderate, low and very low income housing (as defined by the Florida Housing Finance Corporation and within their applicable program income limits) for rental and/or for sale housing and shall be donated to the County subject to the Nocatee PUD and uniform covenants generally applicable to development within Nocatee, including architectural review. As used in this Development Order, the term, "net developable" refers to acreage that is exclusive of jurisdictional wetlands or the Greenway or other designated conservation easement areas.~~

D. Delete County DRI/DO Special Condition 25(j) as follows:

~~(j) — **Connection to Lands to the South.** Recognizing that St. Johns County may wish to provide for connectivity between Nocatee and lands located to the south of Nocatee, upon request of the County, the Developer shall allow for such Pine Island Connection to further connect to lands of others at the southerly boundary of Nocatee, provided that any direct connection at the southerly Nocatee boundary shall be limited to a road with a design capacity~~

consistent with that of the Nocatee connection from Crosswater Village and to development uses which are consistent with the residential character of Crosswater Village.

E. Add County DRI/DO Special Condition 32(c) as follows:

**32. Education**

(c) Upon and subject to the terms below, the Developer will donate or cause to be donated to a private post-secondary educational institution or a private developer therefor (the "Educational Institution") approximately twenty (20) net-developable acres within the Town Center District, as generally depicted on Exhibit 2 (Map H-1) to this Development Order. The donation shall occur within sixty (60) days of written request by the County to Developer (the "Conveyance Notice"). The Conveyance Notice shall (i) be delivered after the submittal by the Educational Institution of an application for master development plan approval to the County for development of such land, (ii) identify the specific Educational Institution grantee, and (iii) include the number of square feet of office development rights (up to a maximum of 200,000) required for full buildout of such land and to be assigned at the closing. The Developer shall provide a legal description sufficient for use in preparing and submitting the aforementioned master development plan application within sixty (60) days of written request by the County to Developer. Such land shall be conveyed by Special Warranty Deed subject to Tolomato Community Development District (CDD) assessments corresponding with the amount of assigned development rights, with Developer to pay all real estate taxes and annual CDD assessments for such land as to the period of time up to the closing date with the Educational Institution. Such land shall be deed restricted for use only for a private post-secondary educational institution and subjected to covenants generally applicable to development within Nocatee, including Developer architectural review. The deed shall also include a Reversion

Date, defined as five (5) years after the approval of this DRI Modification (DRI MOD 2015-5) and expiration of the appeal period, and provide that if bona fide vertical construction of improvements has not commenced on the land by the Reversion Date, then ownership of such land shall revert and be deeded back to the Developer at its option. The deed shall provide that the reversion option must be exercised by written notice from Developer to the County and Educational Institution given within one (1) year of the Reversion Date or it is deemed waived, in which event the County may require that the Educational Institution deed such land to the County for no monetary consideration (whereupon the use restriction in such deed shall automatically terminate). Upon exercise of the reversion option, the reconveyance shall occur within thirty (30) days of such exercise, whereupon all such office development rights shall be assigned back to Developer and all use restrictions imposed in the initial conveyance to the Educational Institution shall be revoked and the Developer shall pay the County or its designee the sum of \$1,640,000 in full satisfaction of the conditions of this paragraph. If the Conveyance Notice is not provided to Developer in accordance with the above provisions by the Reversion Date, then Developer shall elect to either (i) pay the County or its designee the sum of \$1,640,000 and be released of any condition as to the conveyance of such land, or (ii) to deed such land to the County (which deed shall include such generally applicable covenants but shall not include a use restriction), in either case in full satisfaction of the conditions of this paragraph. If Developer elects clause (ii) in the preceding sentence, the County will be assigned development rights under the Development Order of up to a maximum of 200,000 square of office rights or its equivalent through the Development Order conversion table. If the County takes title to such land pursuant to this paragraph and only for so long as the County owns such land, no CDD assessments may be imposed against the County in contravention of applicable

law. Notwithstanding the above, should the County and Developer mutually agree, the Reversion Date referenced above may be accelerated.



## **EXHIBIT 2**

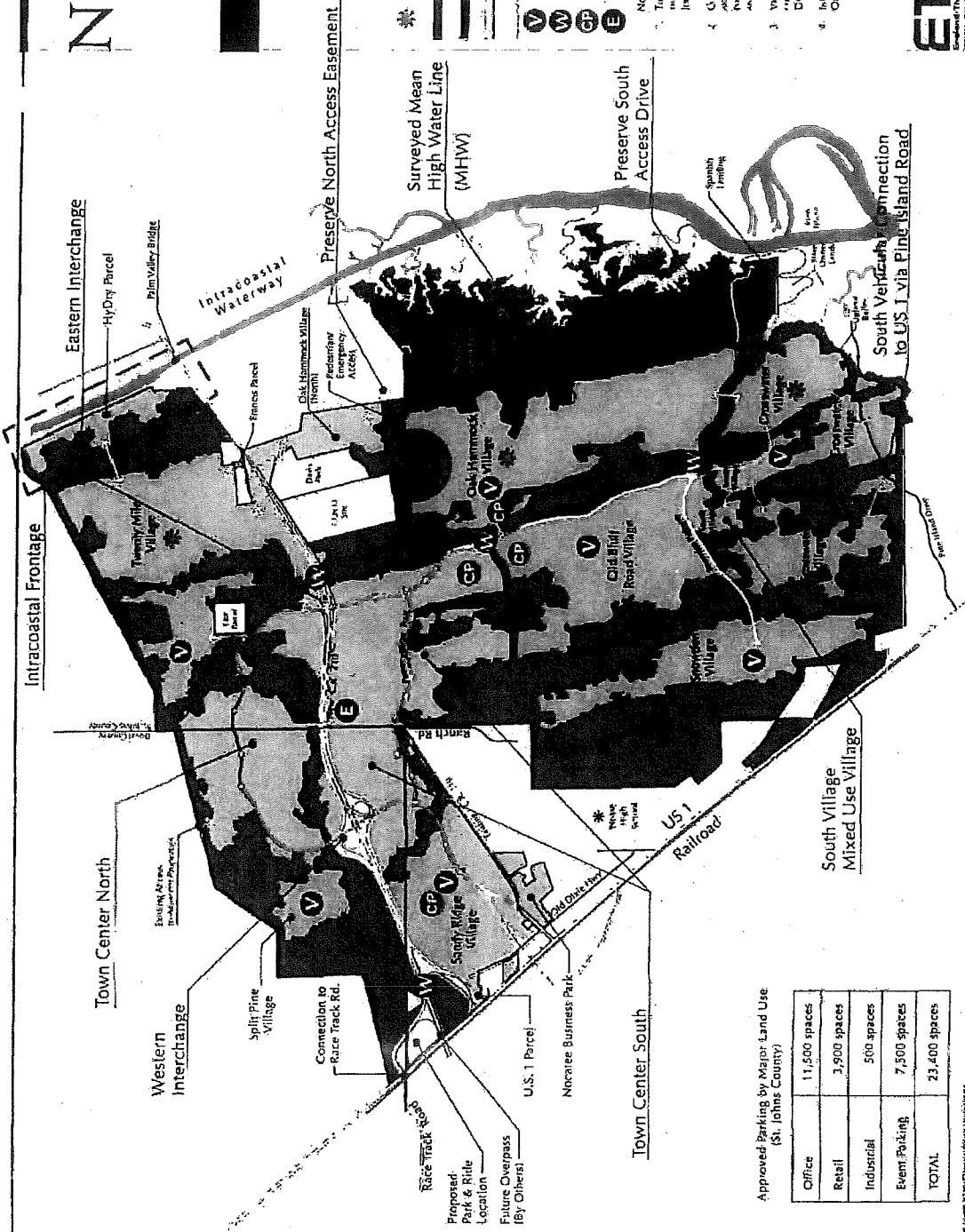
Revised Nocatee DRI Development Order Master Plan Map (Map H-1)  
and Master Circulation Map (Map H-2)

# TOWN OF NOCATEE

St. Johns County  
MASTER PLAN

Map H-1

December 2015



### LEGEND

- City Center (Zoned)
- Village Center
- Community Place
- Major Waterway
- Ecological Reserve
- Major Road
- Minor Road
- Surveyed Mean High Water Line (MHW)
- Preserve North Access Easement
- Preserve South Access Drive
- Village Center
- Major Waterway
- Community Place
- Ecological Reserve
- Village Center
- Major Waterway
- Community Place
- Ecological Reserve

The map is intended for informational purposes only and does not constitute a contract or warranty of any kind. The Town of Nocatee is not responsible for any errors or omissions on this map. The Town of Nocatee is not responsible for any damages or liabilities arising from the use of this map. The Town of Nocatee is not responsible for any damages or liabilities arising from the use of this map.

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Approved Parking by Major Land Use (St. Johns County)

Office	11,500 spaces
Retail	3,900 spaces
Industrial	500 spaces
Event Parking	7,500 spaces
<b>TOTAL</b>	<b>23,400 spaces</b>



ETM ENGINEERING, INC. 10000 N. W. 10th St., Suite 100, Ft. Lauderdale, FL 33309-4400  
Phone: (954) 571-1100 Fax: (954) 571-1101  
www.etm-engineering.com

# TOWN OF NOCATTEE

St. Johns County  
MASTER  
CIRCULATION PLAN

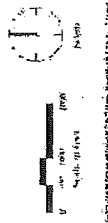
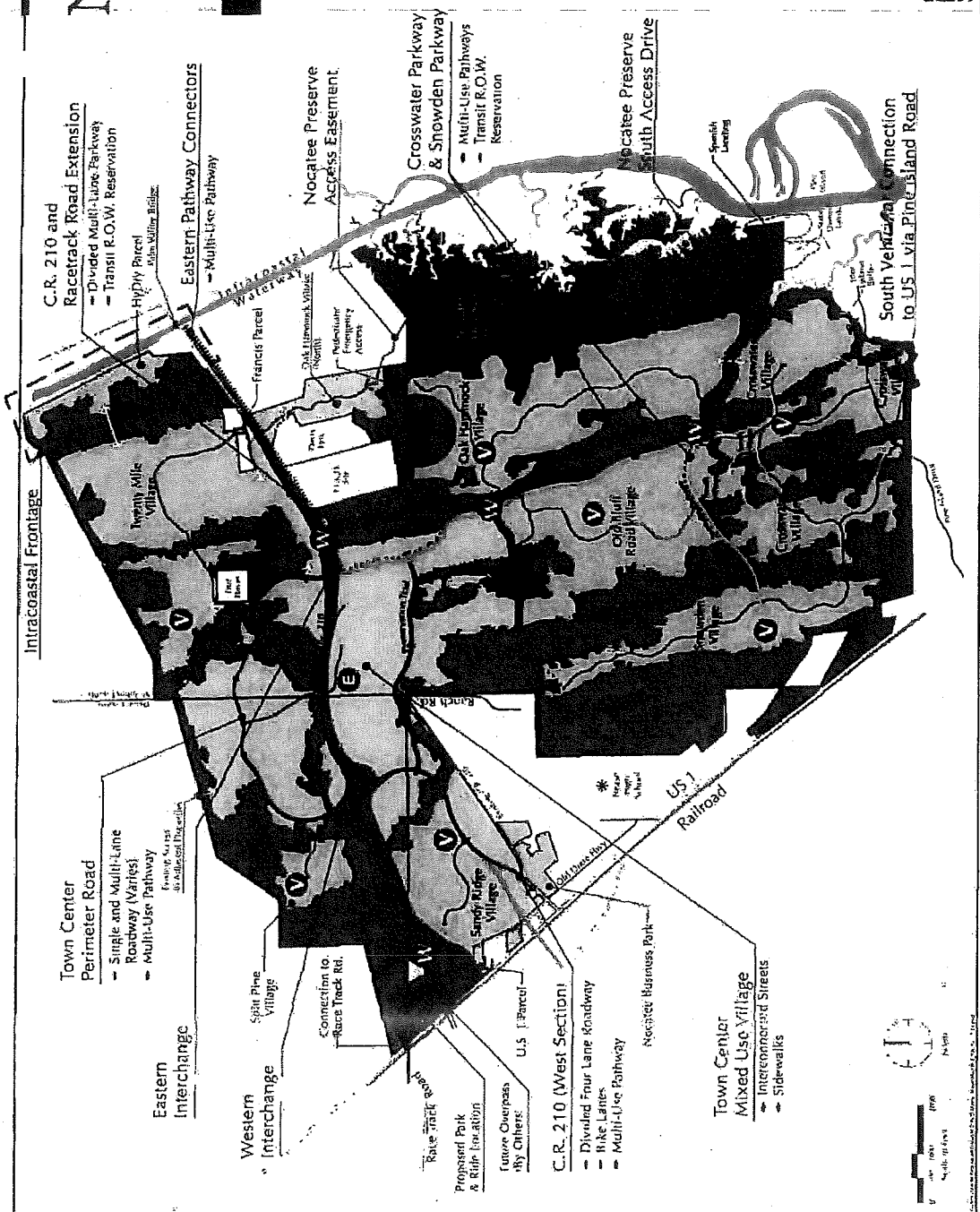
## Map H-2

December 2015

### LEGEND

- Crossover Pathway and Schematic Pathway
- New C.R. 210 Overlay (By Other)
- Existing C.R. 210
- New C.R. 210 (West Section)
- New C.R. 210 and Extension Road Extension
- Town Center Pathway Road
- Non-Right of Way Access Easement
- Gateways, Pairs and Trails
- Pathway Connector
- Internal Village Paths
- Village Crossing
- Village Center
- Encouraged Interchange

- 1 The plan is intended to be a guide for the town and its citizens. It is not intended to be a legal document. It is subject to change without notice.
- 2 Certain items are shown on this map as they exist. They are not intended to be a legal document. It is subject to change without notice.
- 3 The plan is intended to be a guide for the town and its citizens. It is not intended to be a legal document. It is subject to change without notice.
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## **EXHIBIT 3**

Revised Nocatee DRI Development Order Exhibit 4

**EXHIBIT 4**

Conversion Table

**Conversion Table Land Uses – St. Johns County**

Land Use	Proposed Amount	Minimum Allowable <sup>2</sup>	Maximum Allowable <sup>2</sup>	ITE Code	ITE Trip Rate PM Peak Hour	Per
Golf Course (Holes)	54	N/A	72	430	2.74	Hole
Hotel (Rooms)	485	350	600	310	0.61	Room
Light Industrial (SF)	250,000	N/A	350,000	110	0.98	1000 sf
Office (SF)	2,872,000	2,250,000	3,000,000	750	1.5	1000 sf
Single- Family (Units)	8,811	6,000	11,000	210	1.01	Unit
Multi-Family (Units)	3,228	2,500	4,000	220	0.62	Unit
Retail Commercial (SF)	968,000	675,000	1,210,000	820	3.74	1000 sf
Assisted Living (Unit)	540	0	800	252	0.17	Unit

**Conversion Table – St. Johns County**

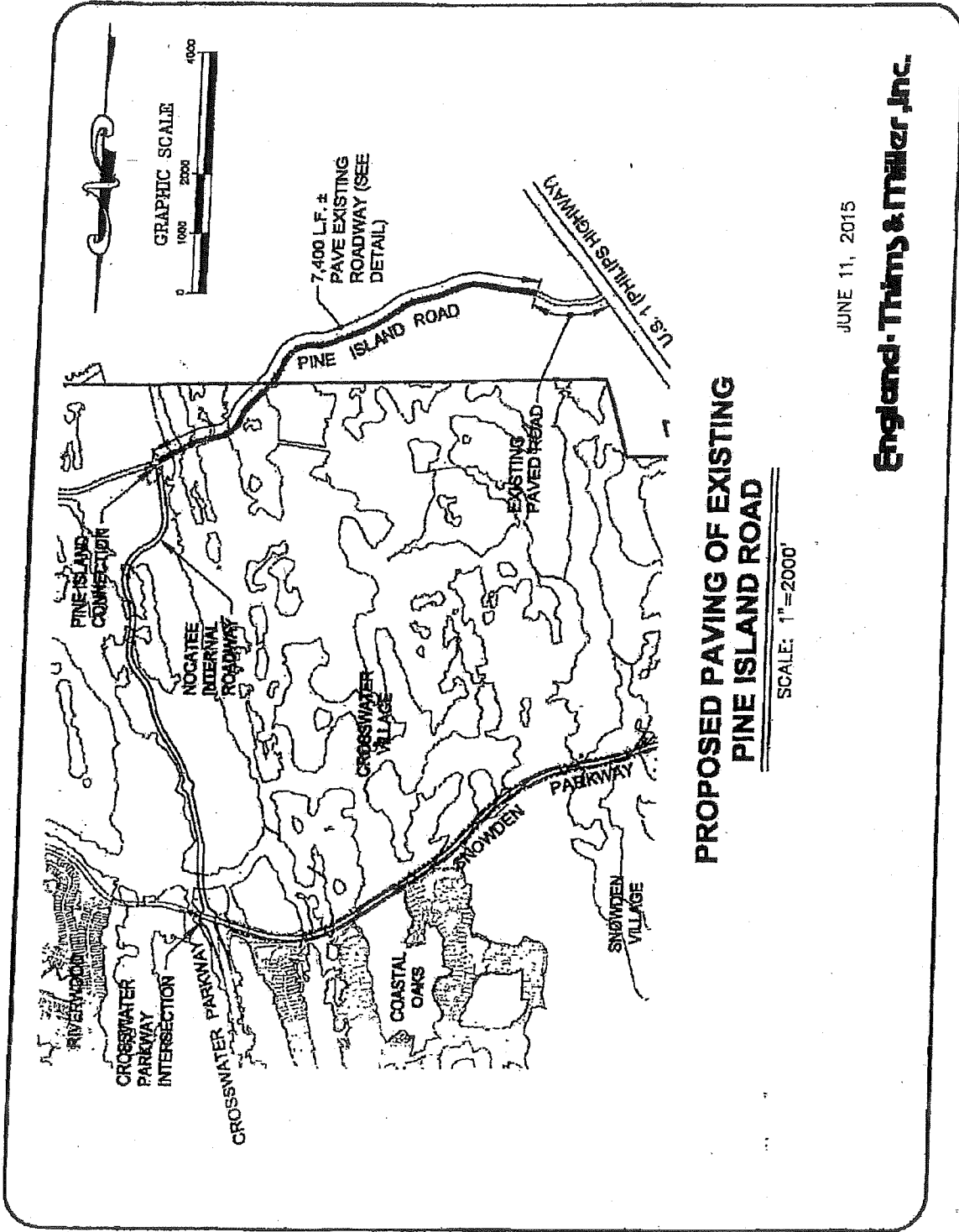
	Golf Course	Per	Hotel	Per	Light Industrial	Per	Office	Per
Golf Course (Holes)	N/A	N/A	4.81	Rooms	3.30	000 SF	2.37	000 SF
Hotel (Rooms)	0.21	Holes	N/A	N/A	0.69	000 SF	0.49	000 SF
Light Industrial (1000 SF)	0.30	Holes	1.46	Rooms	N/A	N/A	0.72	000 SF
Office (1000 SF)	0.42	Holes	2.03	Rooms	1.39	000 SF	N/A	N/A
Single-Family (Units)	0.29	Holes	1.38	Rooms	0.94	000 SF	0.68	000 SF
Multi-Family (Units)	0.19	Holes	0.91	Rooms	0.62	000 SF	0.45	000 SF
Retail Commercial (1000 SF)	1.05	Holes	5.05	Rooms	3.46	000 SF	2.49	000 SF
Civic (1000 SF)	1.76	Holes	8.45	Rooms	5.79	000 SF	4.17	000 SF
Assisted Living (Units)	0.16	Holes	0.28	Rooms	0.17	000 SF	0.11	000 SF
	Single-Family	Per	Multi-Family	Per	Retail Commercial	Per	Assisted Living	Per
Golf Course (Holes)	3.49	Units	5.31	Units	0.95	000 SF	16.12	Units
Hotel (Rooms)	0.73	Units	1.10	Units	0.20	000 SF	3.59	Units
Light Industrial (1000 SF)	1.06	Units	1.61	Units	0.29	000 SF	5.76	Units
Office (1000 SF)	1.47	Units	2.24	Units	0.40	000 SF	8.82	Units
Single-Family (Units)	N/A	N/A	1.52	Units	0.27	000 SF	5.94	Units

Multi-Family (Units)	0.66	Units	N/A	N/A	0.18	000 SF	3.65	Units
Retail Commercial (1000 SF)	3.67	Units	5.58	Units	N/A	N/A	22.00	Units
Assisted Living (Units)	0.17	Units	0.27	Units	0.05	000 SF	N/A	N/A

1. Land uses which are consistent with this Conversion Table shall take precedence over any acreage amounts by land use set forth in the Development Order.
2. The minimum and maximum allowable amounts of development are for purposes of land use conversions only.

**EXHIBIT 4**

New County DRI/DO Exhibit 23  
Proposed Paving of Existing Pine Island Road Map



**PROPOSED PAVING OF EXISTING  
PINE ISLAND ROAD**

SCALE: 1"=2000'

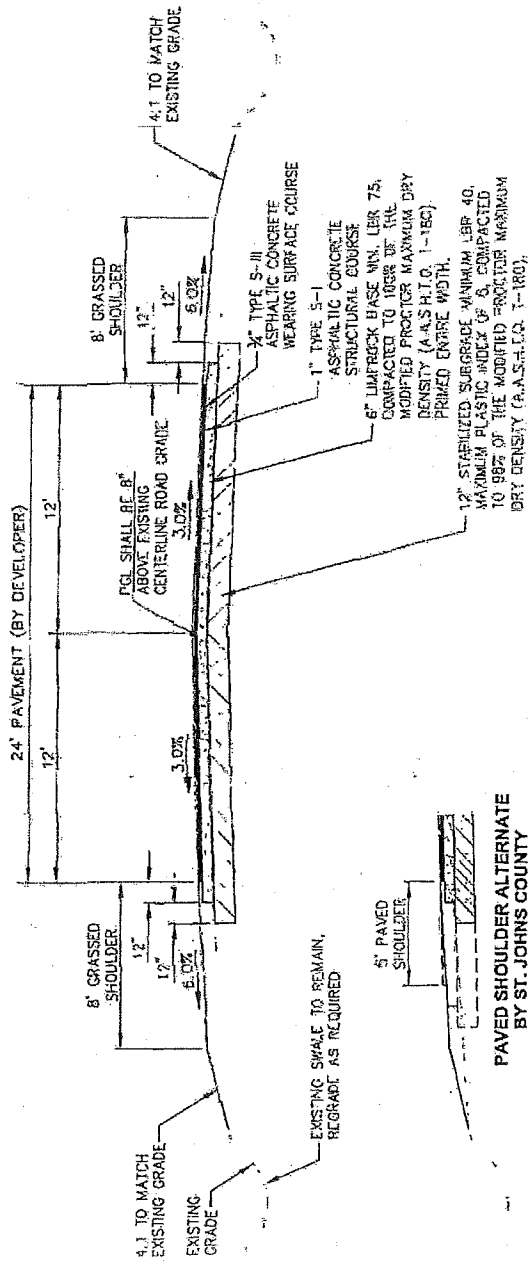
JUNE 11, 2015

**England-Thoms & Miller, Inc.**



**EXHIBIT 5**

New County DRI/DO Exhibit 24  
Pine Island Road Paving Detail



**PROPOSED PAVING OF EXISTING  
PINE ISLAND ROAD**

SCALE: 1"=5'

**EXHIBIT "A-2"**

JANUARY 19, 2016

**Englund-Thims & Miller, Inc.**