

RESOLUTION 97- 24

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MODIFYING THE CABALLOS DEL MAR DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON JULY 8, 1975, AND AS PREVIOUSLY MODIFIED BY RESOLUTION 83-36 APPROVED APRIL 26, 1983; RESOLUTION 83-75 APPROVED JULY 26, 1983; RESOLUTION APPROVED MARCH 13, 1984; RESOLUTION 84-54 APPROVED MAY 22, 1984; RESOLUTION 84-146 APPROVED NOVEMBER 20, 1984; RESOLUTION 85-128 APPROVED SEPTEMBER 24, 1985; RESOLUTION 86-176 APPROVED NOVEMBER 25, 1986; RESOLUTION 88-250 APPROVED SEPTEMBER 13, 1988; RESOLUTION 94-210 APPROVED NOVEMBER 8, 1994; AND RESOLUTION 96-223 APPROVED NOVEMBER 26, 1996; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fletcher Realty III, Inc. has submitted a Notice of Proposed Change to the Development of Regional Impact dated July 17, 1996 as modified by submission of additional information including a Letter Modification dated November 27, 1996, requesting modification of certain terms of the Development Order (the "Notice of Change"); and

WHEREAS, the Developer submits that the changes proposed in the Notice of Change, as modified, 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 Notice of Change as modified 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 December 10, 1996.

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 requested changes do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes.

b. The request is consistent with and furthers the objectives of the Comprehensive Plan.

c. The request is compatible with the surrounding area and the future development trends of the area.

d. The request does not appear to be detrimental to the surrounding area with respect to the health, safety and welfare of the area.

e. The proposed development, as modified by this Resolution, is consistent with the St. Johns County Comprehensive Plan 1990-2005, adopted September 14, 1990, in Ordinance No. 90-53.

f. The proposed development, as modified by this Resolution, is consistent with the St. Johns County Zoning Ordinance.

2. The Notice of Proposed Change as modified provides clear and convincing evidence that the requested changes does not constitute a substantial deviation to the Development Order, because there will be no additional regional impact resulting from any of the requested changes.

3. The Caballos del Mar DRI Development Order as restated and adopted by Resolution 83-36 and as subsequently modified is hereby modified by approval of the following specific changes:

a. Remove the community support designation from the 14 acre tract west of Marsh Landing Parkway and the 5.7 acre tract east of Marsh Landing Parkway. In lieu of the provisions of Section 12 of the Restated Development Order, the developer shall:

i. Convey a minimum of 4 acres of usable land and donate \$150,000 in cash to the Marsh Landing Master Association (or a trust for its benefit) (the "Association") for recreational use. The land shall be conveyed at no cost to the Association. The land shall be conveyed and the \$150,000 shall be donated to the Association on the day of closing of the sale by the developer of the 14 acre tract west of Marsh Landing Parkway. The land which is to be conveyed to the Association under this provision must be adequate to build a 120' by 180' park or athletic field; a 150' by 180' park or athletic field; and a 200' by 200' park or athletic field. The recreation committee of the Association would determine the exact use of the fields based on a survey of the Marsh Landing homeowners. The land to be conveyed must be in the vicinity of the existing basketball court and soccer field or in another location directly accessible by roadways within Marsh Landing and approved by the recreation committee of the Association in its reasonable discretion.

ii. Convey 3.7 acres of the 5.7 acre tract east of Marsh Landing Parkway to the Association for a buffer or for passive recreational uses compatible with the adjacent residential

areas. Up to 1 acre of the 3.7 acres may be subject to an easement reserved by the developer to allow construction and maintenance of a retention pond. The land shall be conveyed at no cost to the Association on the day of closing of the sale by the developer of the 14 acre tract west of Marsh Landing Parkway.

b. Designate the 14 acre tract west of Marsh Landing Parkway for single family residential use for no more than 19 dwelling units with no increase in the total number of units within the PUD and DRI.

c. Move the 2 acre commercial designation from the parcel on Solano Road west of Marsh Landing Parkway to the east side of Marsh Landing Parkway on Solano Road. This will result in a single commercial parcel north of Solano Road and east of Marsh Landing Parkway containing 6.3 acres. This 6.3 acre commercial parcel shall be subject to the following development limitations:

i. The allowable uses would be limited to a residential scale office park with no more than 10% of the square footage usable for commercial retail purposes. There would be no freestanding retail development. Gas stations, package stores, drive-in restaurants, and discount stores would be prohibited. Hard tile roofs would be required. The property would be fenced consistent with fencing in existence in other areas of Marsh Landing. The property would not have an entrance from Marsh Landing Parkway.

ii. In the event that the commercial development uses 1 acre of the 3.7 acres to be conveyed to the Association under Section 1(b) above, the developer shall donate an additional \$25,000 to the Association prior to commencement of construction of such retention area. The location and configuration of the 1 acre retention area shall be subject of approval by the Association.

d. Redesignate the 2 acre tract on Solano Road west of Marsh Landing Parkway to single family residential use with a maximum of 4 dwelling units with no increase in total number of units within the PUD and DRI.

e. Change the designation of 4.78 acres of the 5.5 acre commercial tract located on Ponte Vedra Lakes Boulevard and Marsh Landing Parkway to single family residential for no more than 5 dwelling units with no increase in the total number of units within the PUD and DRI.

f. Allow limited land clearing and site preparation without final development plan approval for excavation required for the development of permitted drainage facilities, stripping and stockpiling of topsoil, placement of barren material excavated from

permitted drainage facilities and minimum grading necessary to establish and maintain permitted hydrological flows.

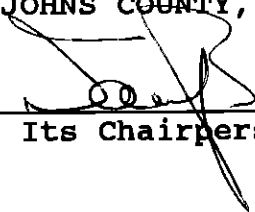
g. The revised Master Development Plan for Marsh Landing attached as Exhibit "A" to this Resolution is hereby adopted as the approved Master Plan for Marsh Landing.

4. Except as modified by this Resolution, the Caballos del Mar DRI Development Order shall remain in full force and effect.

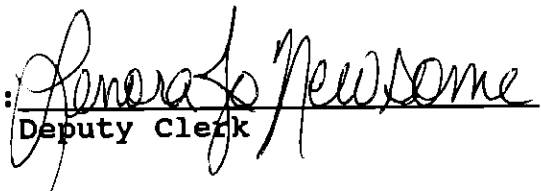
5. This Resolution shall become effective immediately upon adoption.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 11th DAY OF FEBRUARY, 1997.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By: 
Its Chairperson David J. Bruner

Attest: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Adopted Regular Meeting:

February 11, , 1997

Effective:

February 11 , 1997



EXHIBIT "A"

