

ST. JOHNS COUNTY
RESOLUTION NO. 97-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE JULINGTON CREEK PLANTATION DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 93-159), AS AMENDED BY RESOLUTION NO. 95-185; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Julington Partners Limited Partnership (the Owners/Developers) have submitted a Notification of a Proposed Change to the Julington Creek Plantation Development of Regional Impact (DRI) by letter dated September 26, 1996 (Notification), requesting modification of certain traffic improvement conditions and the master plan and phasing schedule map and table for the DRI; and

WHEREAS, the Owners/Developers have provided information showing that the proposed modifications of the DRI development order do not constitute a substantial deviation under any provision of Section 380.06(19), Florida Statutes (1995); and

WHEREAS, the Board of County Commissioners has reviewed the Notification and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at a public hearing held on February 11, 1997 after required notice.

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

b. The proposed development, as modified herein, is consistent with the Zoning Ordinance of St. Johns County.

2. The Notification received provides clear and convincing evidence that the requested modification does not constitute a substantial deviation to the DRI.

3. The 1993 Julington Creek Plantation Restated DRI Development Order (Resolution No. 93-159) is hereby modified, as follows:

Additions are underlined and deletions are stricken through.

The revised Master Development Plan (Map H) and Master Phasing Plan (Map H-1) attached hereto are substituted for former Development Order Exhibits A and B. The revised Table 12B.a, Master Phasing Schedule, attached hereto is substituted for former Development Order Exhibit C.

Amend Condition 1.1 on page 5 as follows:

1.1 Developer. As used in this Development Order, the term Developer shall refer to ~~Atlantic Gulf Communities Corporation~~ Julington Partners Limited Partnership. Subsequent owners and developers within the DRI are referred to Section 29, Notice to be Recorded, concerning the potential effect of this Development Order on them.

. . .

Amend Condition 3, last paragraph, on page 9 as follows:

If the Developer has not established a Community Development District (CDD) pursuant to Chapter 190, F.S., and obtained CDD bond funds sufficient to cover the costs of the transportation improvements required by this Development Order by ~~December 31, 1995~~ June 1, 1997, then the Developer, St. Johns County, Florida Department of Transportation, the Jacksonville Area Metropolitan Planning Organization, Northeast Florida Regional Planning Council and Florida Department of Community Affairs shall establish and approve a methodology for traffic-related annual reporting prior to submission of the 1996 1997 annual traffic report.

...

Amend Condition 5 on p. 10, (as previously amended by Resolution No. 95-185) as follows:

5. Phasing. The projected dates for development of the phases described in the ADA shall be as follows: Phase I (1984-1990); Phase II (1991-December 15, 1999); Phase III (December 16, 1999-December 15, 2009). The DRI buildout date has been extended from 2002 to December 15, 2009. Any further extensions to this DRI buildout date shall be subject to a substantial deviation determination pursuant to Section 380.06(19), F.S. The property encompassed by each Phase is shown on the Master Phasing Plan (Map H-1), also know as Exhibit B. Attached as Exhibits B and C are Master Phasing Plan and the Master Phasing Schedule that control the maximum residential units and commercial and office square footages that can be developed in any phase. The area shown for development in Phase II and Phase II/III in Exhibit B exceeds the area needed for the number of units and square feet shown in the Master Phasing Schedule of Phase II alone. Development in Phase II can occur anywhere in the areas identified on the Master Phasing Plan (Exhibit B) as Phase II or II/III but can not exceed the 295 multi-family and 2001 single family units, and the 80,000 square feet of commercial use, 17.6 15.3 acres of worship, and 5,000 square feet of office use, identified in Exhibit C, providing all of the necessary infrastructure is in place. In addition, (1) after completion of all traffic improvements and other traffic mitigation obligations required by this development order (Condition 6 and Exhibit F) (except for any signalization not yet warranted) and (2) provided all other necessary infrastructure is available, residential and non-residential development authorized in Phase III also may occur during Phase II.

Amend Conditions 6.D. and 6.E., beginning on page 11, as follows:

- D. Racetrack Road. Developer shall acquire or dedicate to the County the right-of-way required to four-lane Racetrack Road and shall cause, if a Community Development District is established pursuant to Chapter 190, F.S., and ~~CDD-bond~~ funds sufficient to cover the cost of the Racetrack Road improvements are obtained by the CDD by December 31, 1995 June 1, 1997, or if such deadline is missed, the Developer shall be responsible for the four-laning of Racetrack Road according to County specifications at Developer's expense from the intersection of Racetrack Road and State Road 13 to the intersection of Racetrack Road and Bishop Estates Road, subject to the following conditions:
- (a) The required four-laning shall include all costs associated with the acquisition or dedication of needed right-of-way and with the design and construction of the facility to St. Johns County Paving and Drainage standards.
 - (b) Acquisition or dedication of the right-of-way needed for the four-laning of Racetrack Road from S.R. 13 to Bishop Estates Road, plus dedication of right-of-way owned by the Developer as of May 4, 1993, that is needed for the future four-laning from Bishop Estates Road to the eastern DRI project boundaries shall occur by the deadlines described in Section 23 (Timing of Dedication of Certain Public Lands), but in all events, shall occur by the time needed to satisfy construction deadlines set forth in this Development Order.
 - (c) If the Developer has established a Community Development District (CDD) pursuant to Chapter 190, F.S., and the CDD has obtained ~~CDD-bond~~ funds sufficient to cover the costs of this improvement of Racetrack Road from S.R. 13 to Bishop Estates Road by ~~December 31, 1995 June 1, 1997~~, construction of this improvement shall commence by ~~January 1997 September 1, 1997~~. The Developer shall make good faith efforts to establish the CDD and obtain such bond funds in an expeditious manner in order to meet this construction deadline.
 - (d) In the event the deadline related to CDD establishment and bond funding is missed, then the Developer shall be responsible for the four-laning of Racetrack Road from S.R. 13 to Bishop Estates Road to occur, one section at a time. Such obligation shall arise for the first section when the annual traffic survey projects that the p.m. peak hour level of service on that section of

Racetrack Road will fall below level of service D in the p.m. peak hour within one year. The first section shall be the section that extends from State Road 13 easterly to Durbin Creek Boulevard. As soon as the obligation for the first section of Racetrack Road arises, no further building permits shall be issued for development within the DRI until construction of the improvement of this section has commenced. Such obligation shall arise for the second section when the annual traffic survey projects that the p.m. peak hour level of service on that section will fall below level of service D in the p.m. peak hour within one year. The second section (including the bridge structure) shall be the section that extends from Durbin Creek Boulevard to Flora Branch Boulevard. As soon as the obligation of the second section of Racetrack Road arises, no further building permits for development within the DRI shall be issued until construction of the improvement of this section has commenced. Such obligation shall arise for the third section when the annual traffic survey projects that the p.m. peak hour level of service on that section will fall below level of service D in the p.m. peak hour within one year. The third section shall be the section that extends from Flora Branch Boulevard to Bishop Estates Road. As soon as the obligation for the third section of Racetrack Road arises, no further building permits for development within the DRI shall be issued until construction of the improvement of this section has commenced. The four-laning of Racetrack Road between State Road 13 and the Flora Branch Boulevard must be completed under all circumstances by the end of Phase II.

(e) In addition, if the Developer is able to meet the CDD-related deadline set forth in subsection (c) above, the Developer shall place in escrow, within 60 days of the rendition of the 1996 amendments to this section of this Development Order, by December-31,-1995, \$1.8 million, by a construction bond or other acceptable methods, in an appropriate county construction fund for use toward the future paving or other improvement of Russell Sampson Road by the County from Racetrack Road to C.R. 210 or the continued four-laning of Racetrack Road to the eastern DRI project limits, as determined by County. The Developer may advance payment of all or part of the \$1.8 million at its option at

any time, and any amounts so advanced shall be deducted from the total amount due within 60 days of the rendition of the 1996 amendments to this Development Order. Under all circumstances, the \$1.8 million shall be placed in escrow by a construction bond or other acceptable methods no later than December 15, 1999. Any interest earned on such funds while the funds may be in escrow prior to December 15, 1999, shall be paid to the Developer. These funds shall be expended for the use set forth above by no later than December 31, 2004.

(f) The traffic monitoring requirements described in Section 3 above shall end, insofar as they relate to Racetrack Road and any intersections along Racetrack Road upon completion of construction of the required four-lane improvement of Racetrack Road described herein, or upon completion of the construction of any section and related intersections of Racetrack Road from S.R. 13 to Bishop Estates Road, as those three sections are described herein.

- E. S.R. 13. The Developer shall cause, if a Community Development District (CDD) is established pursuant to Chapter 190, F.S., and ~~CDD bond~~ funds sufficient to cover the cost of the S.R. 13 improvements are obtained by the CDD by December 31, 1995 ~~June 1, 1997~~, or, if such deadline is missed, the Developer shall be responsible for the four-laning of S.R. 13 from the intersection of Racetrack Road south to Davis Pond Boulevard, subject to the following conditions:

(a) To the extent the Developer is unable to use design plans and specifications completed by Florida Department of Transportation (FDOT) prior to construction deadlines imposed herein, the required four-laning shall include all costs related to the design and construction of the facility to FDOT standards.

(b) To the extent land is owned by the Developer and the County as of August 15, 1993, the Developer and the County shall dedicate, within 90 days of a request by FDOT based on an FDOT preliminary design and engineering study, Tracts A and E (60' Wide) of the Julington Creek Unit One Plat right-of-way needed for the four-laning of S.R. 13 from the Racetrack Road

intersection to Davis Pond Boulevard. Developer owns Tract E of Julington Creek Unit 1 and County owns Tract A. This accounts for all right-of-way contiguous to SR 13 and the Julington Creek DRI boundaries for this road segment. Further, the Developer shall contribute \$100,000 for the acquisition of any additional right-of-way needed for this section of S.R. 13 (between Racetrack Road and Davis Pond Boulevard) and this contribution shall be placed in a county escrow account by December 31, 1995. The right-of-way purchased with this contribution shall be deeded to FDOT or the agency maintaining the road. Any additional funds remaining in the escrow account shall be returned to the Developer. The Developer shall have no further obligation for right-of-way acquisition related to construction of this road segment.

(c) If the Developer has established a Community Development District (CDD) pursuant to Chapter 190, F.S., and the CDD has obtained CDD bond funds sufficient to cover the costs of the above described improvement of S.R. 13 by December 31, 1995 June 1, 1997, and all needed right-of-way has been acquired, construction of the above described improvement shall commence by January 1997 September 1, 1997. The obligation shall be tolled during any period of time after ~~January 1997~~ September 1, 1997, in which needed right-of-way has not been acquired. The Developer shall make good faith efforts to establish the CDD and obtain such bond funds in an expeditious manner in order to meet this deadline.

(d) In the event (i) the deadline related to CDD establishment and bond funding is missed or (ii) all needed right-of-way has not been acquired to allow construction to commence by ~~January 1997~~ September 1, 1997, then the Developer shall be responsible for the four-laning of S.R. 13 from the Racetrack Road intersection to Davis Pond Boulevard when the annual traffic survey projects that the level of service on this section of S.R. 13 will fall below level of service D in the p.m. peak hour within one year. When the annual traffic survey indicates that this condition is present, then no further building permits for development within the Julington Creek DRI shall be issued until construction of the described improvement to S.R. 13 has commenced.

[The remainder of Condition 6.E. is unchanged.]

. . .

Amend Paragraphs A and B of EXHIBIT F to the development order as follows:

Developer shall assure the provision of the following off-site improvements in accordance with the related specific Development Order conditions:

- A. Racetrack Road - SR-13 to Bishop Estates Road. Four Lanes. Developer to provide and acquire right-of-way as described in Section 6. Timing of road improvements to be determined by traffic monitoring program or available Community Development District (CDD) funds. If CDD funds are available, construction to commence by ~~January-1997~~ September 1, 1997. Consistent with the specific Development Order conditions, Developer shall cause or be responsible for the four laning of road to be completed to Flora Branch Boulevard by the end of Phase II; four-laning from Flora Branch Boulevard to Bishop Estates Road to be completed by the end of Phase III.
- B. SR-13 - Racetrack Road south to Davis Pond Boulevard. - Four lanes. Timing of road improvement to be determined by traffic monitoring program or available Community Development District or other taxing district funds. If CDD funds are available, construction to commence by ~~January-1997~~ September 1, 1997. Consistent with the specific Development Order conditions, Developer shall cause or be responsible for the construction of the required improvement. Right-of-way and right-of-way funds to be provided as described in Section 6 of the Development Order.

[The remainder of Exhibit F is unchanged.]

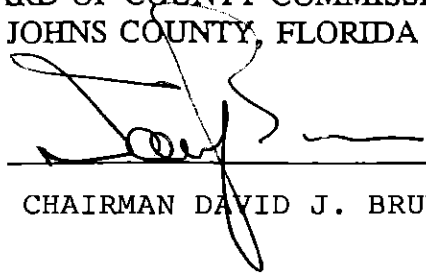
4. Except as modified by this Resolution, the existing St. Johns County Julington Creek Plantation DRI 1993 Restated Development Order, as previously amended, shall remain in full force and effect.

5. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within 10 days of its adoption by certified mail, return receipt requested to the Developer, the Florida Department of Community Affairs and the Northeast Florida Regional Planning Council.

6. This Resolution shall take effect upon its adoption.

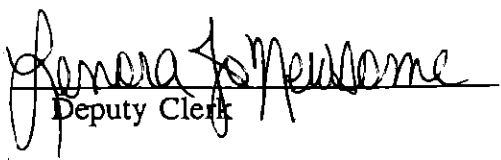
PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA, THIS 11th DAY OF February, 1997

BOARD OF COUNTY COMMISSIONER OF
ST. JOHNS COUNTY, FLORIDA

By: 

CHAIRMAN DAVID J. BRUNER

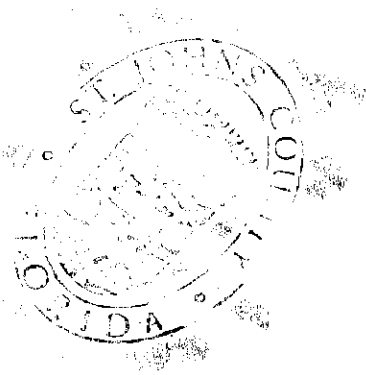
ATTEST: CHERYL STRICKLAND

By: 

Deputy Clerk

Adopted Regular Meeting February 11, 1997

Effective: February 11, 1997



1993 Restated DRI Development Order

Revised Exhibits A, B and C

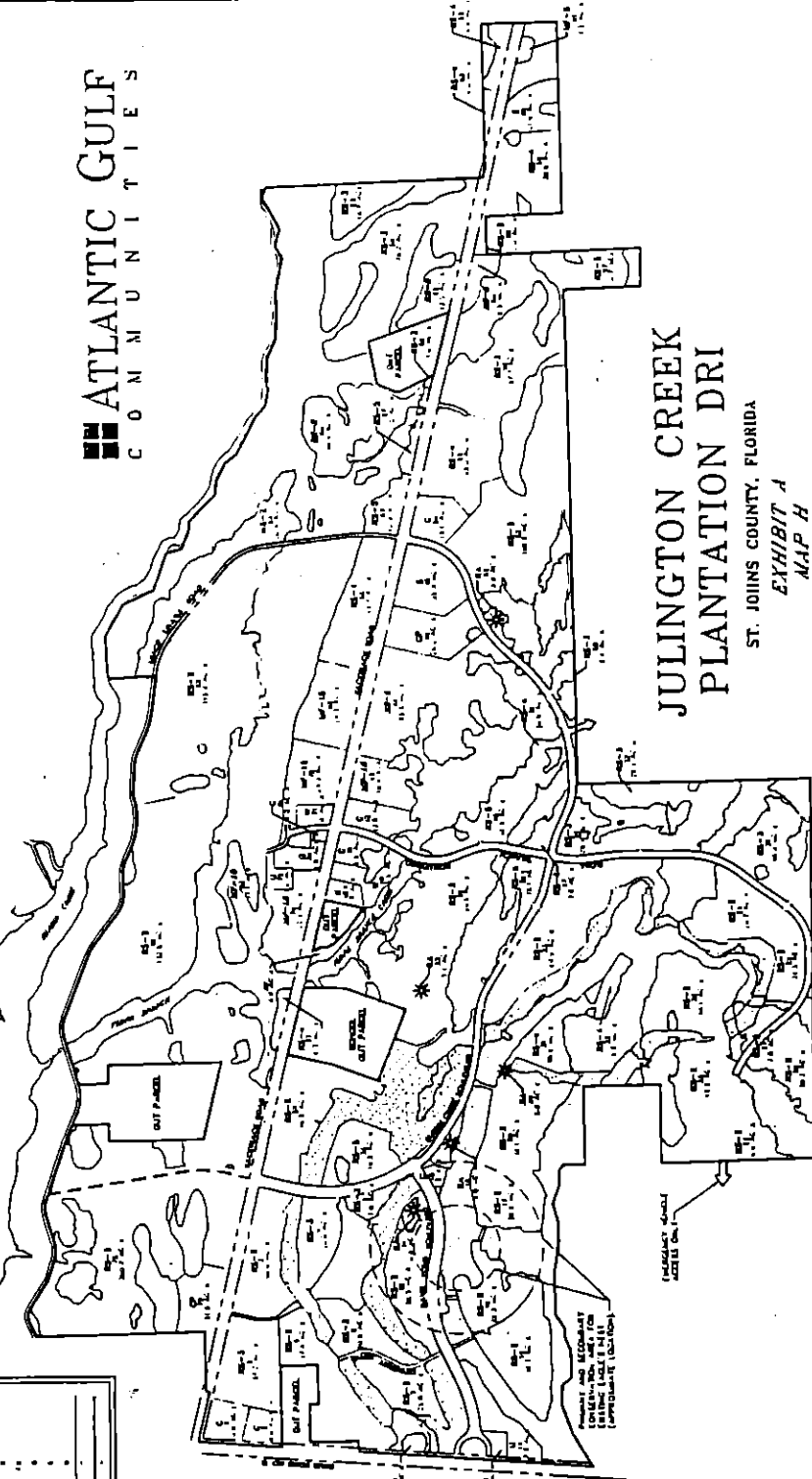
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ST-1	Length (mm) ST-1 (97 mm/4,000 S.F. max.)
ST-2	Length (mm) ST-2 (70 mm/2,700 S.F. max.)
ST-3	Length (mm) ST-3 (97 mm/4,000 S.F. max.)
ST-4	Length (mm) ST-4 (127 mm/4,900 S.F. max.)

10-10	10-11	10-12	10-13	10-14	10-15	10-16	10-17	10-18	10-19	10-20	10-21	10-22	10-23	10-24	10-25	10-26	10-27	10-28	10-29	10-30	10-31	10-32	10-33	10-34	10-35	10-36	10-37	10-38	10-39	10-40	10-41	10-42	10-43	10-44	10-45	10-46	10-47	10-48	10-49	10-50	10-51	10-52	10-53	10-54	10-55	10-56	10-57	10-58	10-59	10-60	10-61	10-62	10-63	10-64	10-65	10-66	10-67	10-68	10-69	10-70	10-71	10-72	10-73	10-74	10-75	10-76	10-77	10-78	10-79	10-80	10-81	10-82	10-83	10-84	10-85	10-86	10-87	10-88	10-89	10-90	10-91	10-92	10-93	10-94	10-95	10-96	10-97	10-98	10-99	10-100	10-101	10-102	10-103	10-104	10-105	10-106	10-107	10-108	10-109	10-110	10-111	10-112	10-113	10-114	10-115	10-116	10-117	10-118	10-119	10-120	10-121	10-122	10-123	10-124	10-125	10-126	10-127	10-128	10-129	10-130	10-131	10-132	10-133	10-134	10-135	10-136	10-137	10-138	10-139	10-140	10-141	10-142	10-143	10-144	10-145	10-146	10-147	10-148	10-149	10-150	10-151	10-152	10-153	10-154	10-155	10-156	10-157	10-158	10-159	10-160	10-161	10-162	10-163	10-164	10-165	10-166	10-167	10-168	10-169	10-170	10-171	10-172	10-173	10-174	10-175	10-176	10-177	10-178	10-179	10-180	10-181	10-182	10-183	10-184	10-185	10-186	10-187	10-188	10-189	10-190	10-191	10-192	10-193	10-194	10-195	10-196	10-197	10-198	10-199	10-200	10-201	10-202	10-203	10-204	10-205	10-206	10-207	10-208	10-209	10-210	10-211	10-212	10-213	10-214	10-215	10-216	10-217	10-218	10-219	10-220	10-221	10-222	10-223	10-224	10-225	10-226	10-227	10-228	10-229	10-230	10-231	10-232	10-233	10-234	10-235	10-236	10-237	10-238	10-239	10-240	10-241	10-242	10-243	10-244	10-245	10-246	10-247	10-248	10-249	10-250	10-251	10-252	10-253	10-254	10-255	10-256	10-257	10-258	10-259	10-260	10-261	10-262	10-263	10-264	10-265	10-266	10-267	10-268	10-269	10-270	10-271	10-272	10-273	10-274	10-275	10-276	10-277	10-278	10-279	10-280	10-281	10-282	10-283	10-284	10-285	10-286	10-287	10-288	10-289	10-290	10-291	10-292	10-293	10-294	10-295	10-296	10-297	10-298	10-299	10-300	10-301	10-302	10-303	10-304	10-305	10-306	10-307	10-308	10-309	10-310	10-311	10-312	10-313	10-314	10-315	10-316	10-317	10-318	10-319	10-320	10-321	10-322	10-323	10-324	10-325	10-326	10-327	10-328	10-329	10-330	10-331	10-332	10-333	10-334	10-335	10-336	10-337	10-338	10-339	10-340	10-341	10-342	10-343	10-344	10-345	10-346	10-347	10-348	10-349	10-350	10-351	10-352	10-353	10-354	10-355	10-356	10-357
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[illegible]

ATLANTIC GULF
COMMUNITIES



JULINGTON CREEK
PLANTATION DRI

ST. JOHNS COUNTY, FLORIDA

EXHIBIT P 1181HX3

MAP H
DRI MASTER PLAN

DATE: 9-12-98

98-12-11 : (TS/AM)

AS AMENDED BY RESOLUTION 88-

EXHIBIT C - TABLE 12B.a

JULINGTON CREEK MASTER PHASING SCHEDULE

LAND USE CATEGORY	TOTAL ACRES	PHASE I 1984 - 1990	PHASE II ^{1,5} 1991 - 1999	PHASE III ² 2000-2009	TOTAL UNITS
RESIDENTIAL					
SINGLE FAMILY (du's)	2,223.8	⁴ 126	2,001	3,019	5,146
MULTI-FAMILY (du's)	109.5	0	295	959	1,254
TOTAL	2,333.3	126	2,296	3,978	6,400
COMMERCIAL (sf)					
COMMERCIAL	-	100,000	80,000	171,950	351,950
OFFICE	-	0	³ 5,000	³ 35,000	³ 40,000
TOTAL	51.9	100,000	85,000	206,950	391,950
INSTITUTIONAL (ac)					
WORSHIP CENTER	20.3	5.0	15.3	0	
UTILITIES	21.9	21.9	0	0	
GOVERNMENT SITE	⁶ 11.0	-	-	-	
SCHOOLS	⁶ 46.3	-	-	-	
RIGHT-OF-WAYS	⁴ 64.2	-	-	-	
TOTAL	263.7	-	-	-	
RECREATIONAL/WETLAND/ NATURAL AREAS/ OPEN SPACE					
COMMUNITY PARKS (PUBLIC)	48.4	12.0	36.4	0	
RECREATION AREAS (PRIVATE)	21.0	0	14.0	7.0	
OTHER UPLANDS	17.5	0	17.5	0	
GOLF COURSE	195.5	122.5	73.0	0	
WETLANDS/NATURAL AREAS	1,218.7	1,218.7	0	0	
TOTAL	1,501.1	-	-	-	
TOTAL ACREAGE	4,150.0	-	-	-	

NOTES

1. PHASE II - 1991 - 12/15/99.
2. PHASE III - 12/16/99 - 12/15/2009.
3. OFFICE DEVELOPMENT INCORPORATED WITHIN COMMERCIAL SITES.
4. 69 UNITS IN PARCELS 3, 9 AND 37 SHOWN IN PHASE I ON THE MASTER PHASING PLAN, EXHIBIT B WILL BE CONSTRUCTED IN PHASE II.
5. THE MAXIMUM AMOUNT OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT WHICH CAN OCCUR IN PHASE II/III THROUGH 1999 IS THE AMOUNT OF DEVELOPMENT ALLOCATED FOR PHASE II, AS STIPULATED IN SECTION 5 OF THE RESTATED DEVELOPMENT ORDER.
6. GOVERNMENT AND SCHOOL SITES AND ROAD RIGHT-OF-WAYS WILL BE DEVELOPED IN PHASE II/III.
7. THE UPLAND ACREAGE SHOWN HEREON IS BASED UPON AN AERIAL INTERPRETATION OF THE JURISDICTIONAL WETLAND BOUNDARIES. ONCE A FINAL DETERMINATION OF THE LIMITS OF THE JURISDICTIONAL WETLAND IS ESTABLISHED BY THE APPROPRIATE ENVIRONMENTAL AGENCY, THE ACTUAL ACREAGE AND CORRESPONDING NUMBER OF DWELLING UNITS MAY BE MODIFIED ACCORDINGLY WITHIN THE MASTER DEVELOPMENT PLAN AND MASTER PHASING SCHEDULE. THE TOTAL NUMBER OF RESIDENTIAL UNITS, SQUARE FOOTAGE DESIGNATED FOR COMMERCIAL AND OTHER LAND USES BY ACRES, SHALL NOT EXCEED THE MAXIMUM LIMITS SET FORTH IN THE MASTER DEVELOPMENT PLAN AND MASTER PHASING SCHEDULE AS SHOWN HEREIN. THE DENSITIES OF DWELLING UNITS BY ACRES SHALL BE CONSISTENT WITH THE MASTER DEVELOPMENT PLAN. THE DETERMINATION OF WETLAND BOUNDARIES WILL NOT PERMIT INCREASED CUMULATIVE IMPACT OF ANY LAND USE SET FORTH IN THE MASTER PHASING SCHEDULE SHOWN HEREON. ANY CHANGES TO THE WETLAND LIMITS AS A RESULT OF WETLAND PERMITTING REQUIREMENTS, SHALL BE SUBMITTED PURSUANT TO 380.06(19) F.S. AND PRESUMED NOT TO BE A SUBSTANTIAL DEVIATION.