

ST. JOHNS COUNTY

RESOLUTION NUMBER 2004- 155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, St. Augustine Associates (the Owners/Developers) have submitted a Notice of a Proposed Change to the St. Augustine Centre Development of Regional Impact (DRI) by letter dated October 29, 2003 (Notice), requesting reduction of retail land use, revised Phase 3 traffic mitigation, modification of phasing of previously approved land uses, and internal reconfiguration of approved uses; 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; and

WHEREAS, the Board of County Commissioners has reviewed the Notice and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at public hearings held on June 15 and 22, 2004, after required notice.

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

(a) The following facts are determined in connection with this Resolution:

a. The Notice of Proposed Change is consistent with the St. Johns County Comprehensive Plan, as amended.

b. The Notice of Proposed Change is consistent with the Land Development Code of St. Johns County, as amended.

(b) The Notice and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.

(c) The 1997 St. Augustine Centre DRI Development Order (Resolution No. 97-77), as previously amended to date, is hereby modified, as follows:

Substitute attached new Exhibit 2, DRI Master Plan (revised April 2004); new Exhibit 3, Phasing Schedule (revised April 2004); and new Exhibit 4, Roadway Improvement (revised April 2004) for Exhibits 2, 3, and 4, respectively.

Amend Development Order General Condition 2 to read as follows:

2. The DRI shall consist of no more than 130.66 acres and 868,407 gross square feet of retail service use (including 567,007 gross square feet of outlet retail use) with 4,946 parking spaces; 2,600 movie theatre seats with 446 parking spaces; 400 hotel rooms; 817 multifamily residential units; 22.7 acres and 300,000 square feet of industrial use with 310 parking spaces; and 87 acres of open space. Development shall be located as shown on the Master Development plan, attached hereto as Exhibit 2 and incorporated herein by reference.

Amend Development Order Special Condition 15 to read as follows:

15. The additional traffic improvements set forth in Exhibit 4 hereto and in this paragraph are presently projected to be required for Phase 3. For purposes of traffic mitigation, Phase 3 is divided into Phases 3A and 3B. Phase 3A itself shall consist of the additional development of no more than: 1) 242,400 gross square feet of retail use, including a maximum of 75,000 gross square feet of outlet retail use; 2) 146 hotel rooms; and 3) 345 multi-family dwelling units. Phase 3B itself shall consist of the additional development of no more than: 1) 254 hotel rooms; and 2) 300,000 gross square feet of light industrial use. The Applicant must satisfy the requirements of this paragraph to adequately and fully mitigate the traffic impacts of Phase 3 of the project.

(a) The Applicant shall be required to conduct an additional comprehensive traffic study of the I-95/S.R. 16 interchange to assess operational conditions prior to issuance of any building permits for Phase 3. The ramp analysis study shall be based on a methodology approved by FDOT, which may require different peak period analyses, and shall (1) provide written concurrence of the NEFRPC, St. Johns County, FDOT and DCA as to the adequacy of the study and the resulting recommendations and (2) assess any need for an Interchange Modification Report. If FDOT determines that additional improvements to the I-95/S.R. 16 ramp system are necessary because of development proposed in Phase 3 of the project, no building permits shall be issued for Phase 3 until the improvements are completed, under construction, or included in the first three years of the FDOT Five-Year Work Program.

(b) No building permits for development in Phase 3B of the project as defined above in this condition shall be issued unless the Applicant contributes \$2,587,449 (the "Pipelining Amount") in funded transportation

improvements, pursuant to Section 163.3180(12), Florida Statutes, to offset the impacts of Phase 3B, under the terms and conditions described below. The total Pipelining Amount consists of proportionate share payments pursuant to Section 163.3180(12), Florida Statutes, by the Applicant for its share of the cost of the following required improvements: the six-laning of S.R. 16 from I-95 to Inman Rd.; and the four-laning of S.R. 16 from CR 16A to International Golf Parkway, from International Golf Parkway to CR 2209, and from CR 2209 to West Mall Entrance. In addition, the total Pipelining Amount includes an additional voluntary proportionate share payment of \$649,386 related to the cost of six-laning S.R. 16 from I-95 to West Mall Entrance. This total Pipelining Amount shall be deemed sufficient to mitigate for the transportation impacts of the improved DRI through full DRI buildout, except for any additional mitigation as may be required pursuant to condition 15(a), above. The total Pipelining Amount is sufficient to pay for or construct required improvements that will benefit regionally significant transportation facilities and meet pipelining requirements. The provisions of Section 163.3180 (12), F.S., shall be deemed to meet the provisions of the County's concurrency management system and this DRI shall be deemed to be a Multi Use DRI meeting the statutory provisions of Section 163.3180(12), F.S.

The Applicant shall cause the construction, regardless of the cost stated in the Pipelining Amount, of the following road improvement, including design, engineering, permitting and the cost of any right-of-way acquisition, within the timeframes described: construct the four-lane divided rural roadway improvement of S.R. 16 from West Mall Entrance northwest for a distance of approximately 0.6725 mile (approximately 500 feet north of the entrance to the Whisper Ridge PUD). Construction of this improvement shall be commenced no later than September 1, 2007, and completed within two years after the construction is commenced. Construction of this segment of S.R. 16 shall be consistent with FDOT design and construction standards. Prior to issuance of building permits for vertical construction within Phase 3B of the DRI (as defined above in this condition), the Applicant must provide financial assurance in the form of a bond, letter of credit or other financial instrument acceptable to both St. Johns County and FDOT that construction of the improvement will be completed within two years of commencement.

Delete Development Order Special Conditions 16 and 17 in their entirety, and renumber subsequent conditions accordingly.

4. Except as modified by this Resolution, the existing 1997 St. Augustine Centre DRI 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, except that the provisions of this resolution related to mitigation for the traffic impacts of Phase 3B through the alternative of proportionate share payments and the pipelining of traffic improvements pursuant to Section 163.3180(12), F.S., shall take effect only upon the effective date of St. Johns County Comprehensive Plan Amendment 04-D2 in the related St. Johns County comprehensive plan amendment ordinance adopted simultaneously with this DRI resolution.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 22 DAY OF June 2004.

BOARD OF COUNTY COMMISSIONERS OF

ST. JOHNS COUNTY, FLORIDA

By: Bruce A. Maguire
Bruce A. Maguire, Vice Chair
ATTEST: CLERK

By: Patricia A. Grande
Deputy Clerk



Adopted Regular Meeting June 22, 2004
Effective: June 22, 2004 (See Section 6)

MAP H DEVELOPMENT PLAN EXHIBIT 2

LEGEND

PROPERTY LINE	
WETLANDS	45.74 ACRES
RETAIL SALES/HOTEL	145.66 ACRES
LIGHT INDUSTRIAL	22.74 ACRES
RESIDENTIAL	76.20 ACRES
RIGHT-OF-WAY	11.90 ACRES
ISOLATED UPLANDS	11.06 ACRES

TOTAL SITE AREA 315.30 ACRES

NOTE: RIGHTS OF WAY WITHIN DEVELOPMENT INCLUDE SIDEWALKS MINIMUM OF 5' WIDE, SEPARATE FROM ROADWAY, ON BOTH SIDES OF ROAD. LOCATION OF PEDESTRIAN WAY ON RESIDENTIAL PARCELS (EAST OF WETLAND) APPROXIMATE ONLY.

ST. AUGUSTINE CENTRE

1.95 ± S.R. 16, ST. JOHNS CO., FL.

OWNER:

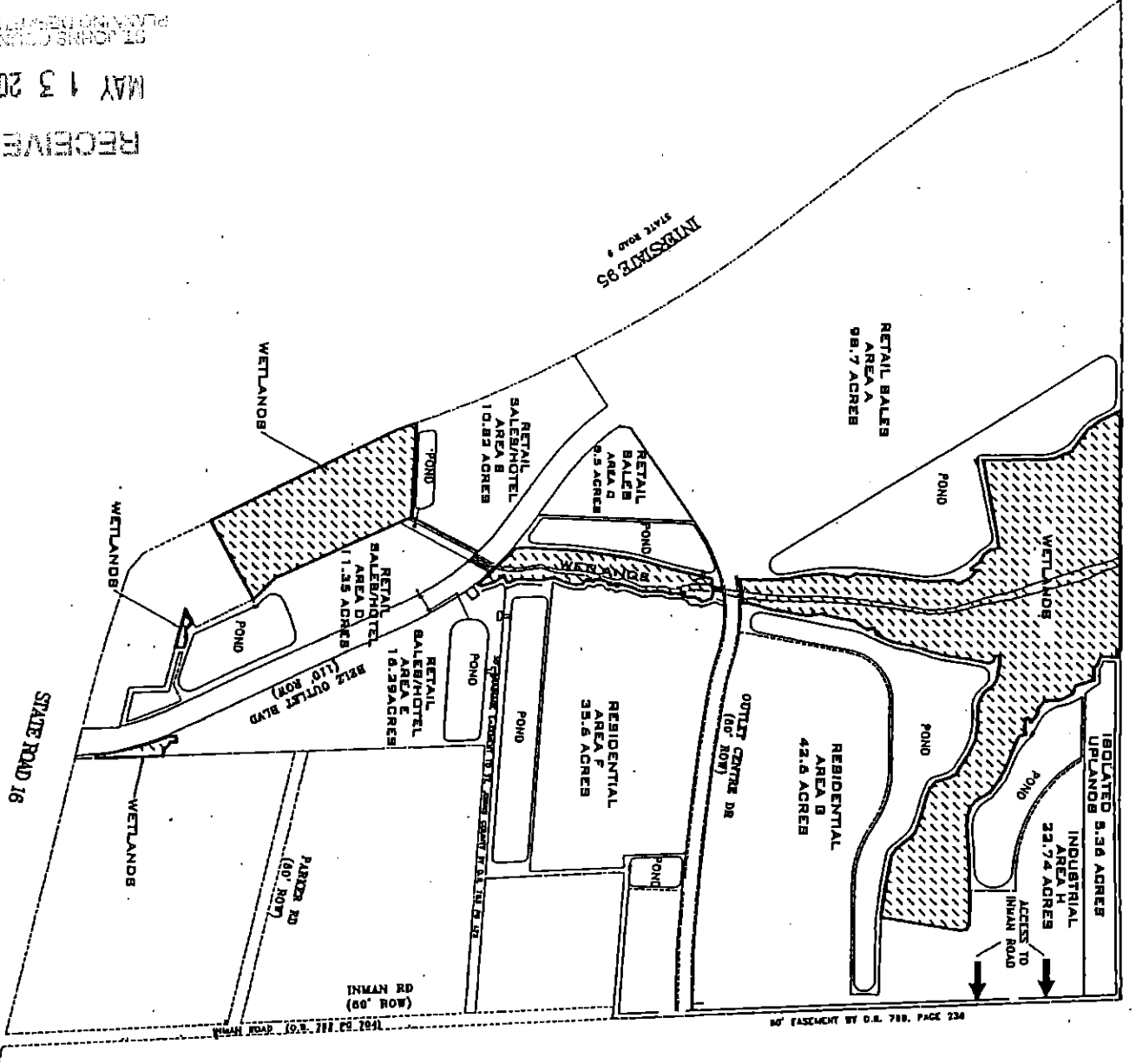
ST. AUGUSTINE ASSOCIATES

CONSULTING TEAM:

KING ENGINEERING ASSOCIATES, INC.
ELIZABETH C. BOWMAN, ESQ.
UNICURCH, BAKER & UNICURCH P.A.



JOB NUMBER: 96-05-11
DRAWN BY: ADI
REVISOR DATE: 04-20-04
CHECKED BY: WHT



RECEIVED
MAY 13 2004

ST. JOHNS COUNTY
PLANNING DEPARTMENT

RECEIVED

MAY 13 2004

ST. JOHNS COUNTY
PLANNING DEPARTMENTPhasing Schedule

EXHIBIT 3 (Revised May 2004)

Use	Phase 1 1997-2003 (12/31/03 end date)			Phase 2 2004-2005 (12/31/05 end date)			Phase 3*** 2005-2006 (12/31/06 end date)			Total		
	Acres	Gross Sq.Ft.	Units	Acres	Gross Sq.Ft.	Units	Acres	Gross Sq.Ft.	Units/ Rooms	Acres	Gross Sq.Ft.	Units
Retail Service 40.0	314,772	N/A		65.0	311,235	N/A	25.66	242,400	N/A	130.66	868,407	N/A
<u>including</u>												
Outlet Retail	314,772			177,235			75,000			567,007		
Hotel	—	—	—	—	—	—	15.0	N/A	400	15.0	N/A	400
Residential	30.0	N/A	250	21.6	N/A	222	26.6	N/A	345	78.2	N/A	817
Industrial	—	—	—	—	—	—	22.7	300,000	N/A	22.7	300,000	N/A
Movie Theater				N/A	(Retail Outlet 2600 seats Includes)		—	—	—	N/A	(Retail Outlet Includes)	2,600 seats

***Phase 3 consists of Phase 3A containing 242,000 gross sf of retail use (including a maximum of 75,000 sf of outlet retail), 146 hotel rooms, and 345 multifamily dwelling units; and Phase 3B containing 254 hotel rooms and 300,000 gross sf of light industrial use.

EXHIBIT 4
St. Augustine Centre
Roadway Improvements

Phase 3B - 2006

Link I.D.	Facility	Location	Needed Improvement
91.1	SR 16	CR 16A to International Golf Pkwy.	Widen existing 2 lane to 4 lanes.
91.2	SR 16	International Golf Pkwy. to CR 2209	Widen existing 2 lane to 4 lanes.
92.1	SR 16	CR 2209 to West Mall Entrance	Widen existing 2 lane to 4 lanes.
92.2	SR 16	West Mall Entrance to I-95	Widen existing 4 lane to 6 lanes.
93.1	SR 16	SR 9 (I-95) to Inman Rd.	Widen existing 4 lane to 6 lanes.

Note: Traffic study does not show SR 16 Segment 92.2 from West Mall Entrance to I-95 to be Significant and Adverse, but a Proportionate Share contribution is being offered by Applicant as a voluntary contribution.

ST. JOHNS COUNTY
PLANNING DEPARTMENT

MAY 13 2004

RECEIVED

THE ST. AUGUSTINE RECORD

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

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHRISTY SOLANO**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **NOTICE OF HEARING**
in the matter of **NOPC 0304/ST AUGUSTINE CENTRE**

in the Court, was published in said newspaper in the issues of
May 19, 2004

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **19TH** day of **MAY 2004**

by Christy Solano who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)



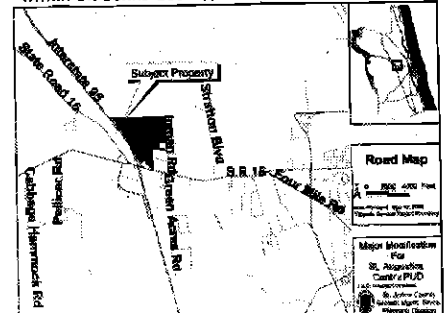
Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A BERGQUIST

NOTICE OF A PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI)

NOTICE IS HEREBY GIVEN that a public hearing
will be held on Thursday, June 3, 2004 at 1:30 p.m.
by the St. Johns County Planning and Zoning
Agency, and Tuesday, June 15, 2004 at 1:30 p.m. by
the Board of County Commissioners, in the County
Auditorium, County Administration Building, 4020
Lewis Speedway, St. Augustine, Florida, to consider
a Notice of Proposed Change to the St. Augustine
Centre DRI, to reduce the overall square footage of
outlet retail use at DRI bulldout; provide for revised
traffic mitigation for Phase 3; modify the internal
phasing of approved land uses and internally recon-
figure the location of approved land uses.
The subject property is located at 2320 Slate Road 16
within St. Johns County, Florida.



This file is maintained in the Planning Division of the
Growth Management Services Department, at the
County Administration Building, 4020 Lewis Speed-
way, St. Augustine, Florida, and may be examined
by interested parties prior to said public hearing.

**NOTICE TO PERSONS NEEDING SPECIAL
ACCOMMODATIONS AND TO ALL HEARING
IMPAIRED PERSONS:** In accordance with the
Americans with Disabilities Act, persons needing
special accommodations or an interpreter to par-
ticipate in this proceeding should contact David
Halstead, ADA Coordinator, at (904) 823-2500 or at
the County Administration Building, 4020 Lewis
Speedway, St. Augustine, Florida, 32084 For hear-
ing impaired individuals, call Florida Relay Service
at 1-800-955-8770, no later than 5 days prior to the
date of this meeting.

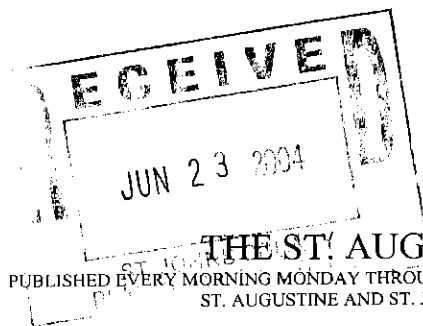
If a person decides to appeal any decision made with
respect to any matter considered at the meeting or
hearing, he will need a record of the proceedings
and for such purpose he may need to ensure that a
verbatim record of the proceedings is made, which
record includes the testimony and evidence upon
which appeal is to be based.

This matter is subject to court imposed quasi-judi-
cial rules of procedures. Interested parties should
limit contact with the Board of County Commis-
sioners or the Planning and Zoning Agency members on
this topic, except with compliance with Resolution
95-126, to properly noticed public hearings or to writ-
ten communication care of St. Johns County Plan-
ning Division, P.O. Drawer 349, St. Augustine,
Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KAREN STERN, CHAIR**

**PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
ROBERT TAYLOR, CHAIR
FILE NUMBER: NOPC 2003-04
St. Augustine Centre DRI**

L1145-4 May 19, 2004



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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **AMANDA N. BRUNK**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being **NOTICE OF HEARING**

In the matter of **NOPC 03-04 SACENTRE DRI**

in the Court, was published in said newspaper in the issues of

JUNE 18, 2004

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

SWORN TO AND SUBSCRIBED before me this **21ST** day of **JUNE 2004**

by Amanda N. Brunk who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Brian Fike

(Signature of Notary Public)



Brian Fike
My Commission DD327588
Expires June 09, 2008

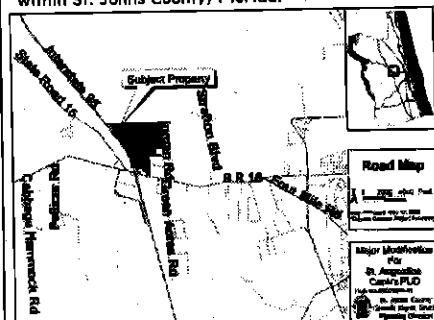
(Seal)

BRIAN FIKE

COPY OF ADVERTISEMENT

NOTICE OF A PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI)

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, June 22, 2004 at 1:30 p.m. by the Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider a Notice of Proposed Change to the St. Augustine Centre DRI, to reduce the overall square footage of outlet retail use at DRI buildout; provide for revised traffic mitigation for Phase 3; modify the internal churning of approved land uses and internally reconfigure the location of approved land uses. The subject property is located at 2320 State Road 16 within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Haislead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KAREN STERN, CHAIR
FILE NUMBER: NOPC 2003-04
St. Augustine Centre DRI
L1452-4 June 18, 2004