

RESOLUTION 2017- 190

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2017 - 190, AN AMENDMENT TO APPROVED AMENDED AND RESTATED DEVELOPMENT ORDER 2015-239 ("AMENDMENT") FOR A PORTION OF TWIN CREEKS, A DEVELOPMENT OF REGIONAL IMPACT UNDER CHAPTER 380, FLORIDA STATUTES; AUTHORIZING DEVELOPMENT OF APPROXIMATELY 630+/- ACRES IN NORTHERN ST. JOHNS COUNTY; ESTABLISHING MITIGATION REQUIREMENTS FOR REGIONAL IMPACTS; PROVIDING DEVELOPMENT BUILDOUT DATES; ESTABLISHING AN EFFECTIVE DATE.

LET IT BE KNOWN that, pursuant to Section 380.06, Florida Statutes, the St. Johns County Board of County Commissioners heard at duly noticed public hearing convened on June 6, 2017, an application for amendment to a Previously Approved Application for Development Approval for a portion of Twin Creeks, pursuant to Section 380.06(19)(e)2 (2016) in the manner described herein.

RECITALS

WHEREAS, the St. Johns County Board of County Commissioners considered the report and recommendations of the St. Johns County staff, and the documents and comments upon the record made before the St. Johns County Board of County Commissioners; and

WHEREAS, a development order was originally approved by the St. Johns County Board of County Commissioners by Resolution No. 2005-208 (the "Original Development Order") which created the Twin Creeks Development of Regional Impact ("DRI"); and

WHEREAS, the DRI is a proposed mixed-use development of approximately 3,037 +/- acres located on the North and South portions of County Road 210, west of U.S. 1;

WHEREAS, a Notice of Proposed Change was approved by Resolution 2006-10 removing thirteen (13) acres from the DRI for workforce housing; and

WHEREAS, a Notice of Proposed Change was approved by Resolution 2015-239, which approved a separate amended and restated development order, including separate mitigation for transportation, school and environmental impacts, for approximately 630 +/- acres of the DRI owned by Heartwood 23, LLC (the "Amended and Restated Development Order");

WHEREAS, the Applicant has submitted an application for amendment to approved development order, pursuant to Section 380.06(19)(2)e, Florida Statutes (2016), to amend the portion of the existing Amended and Restated Development Order concerning school mitigation

so that said section is consistent with the Amended School Proportionate Share Mitigation Agreement approved by the School Board of St. Johns County on December 13, 2016 and recorded in Official Records Book 4333, Page 408 of the Public Records for St. Johns County, Florida;

WHEREAS, the Amendment substitutes Section 30 of the Amended and Restated Development Order with a revised Section 30, attached hereto as **Exhibit 1** and incorporated herein by reference;

WHEREAS, the St. Johns County Board of County Commissioners finds the changes set forth in the Amendment submitted by the Applicant do not constitute a substantial deviation and meet the criteria under Section 380.06(19)(2)e, Florida Statutes (2016); and

WHEREAS, the St. Johns County Board of County Commissioners duly noticed and on June 6, 2017, held a public hearing on the application as required by Section 380.06, Florida Statutes, and afforded the public and all affected parties an opportunity to be heard and to present evidence.

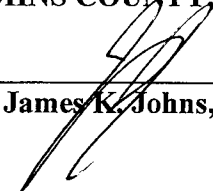
FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The proposed Amendment to the DRI is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes (2017).
2. The proposed Amendment to the DRI is consistent with the State Comprehensive Plan.
3. The proposed Amendment is consistent with the Strategic Regional Policy Plan adopted by the Northeast Florida Regional Council.
4. The proposed Amendment to the DRI is consistent with the 2025 St. Johns County Comprehensive Plan and the St. Johns County land development regulations.
5. The proposed Amendment to the DRI meets the applicable criteria under Section 380.06(19)(2)e, Florida Statutes (2016) for a non-notice of proposed change amendment to an existing development of regional impact.
6. The revised Section 30 attached as Exhibit 1 does hereby replace the current Section 30 contained in the Amended and Restated Development Order. Otherwise all other terms and conditions of the Amended and Restated Development Order are unchanged.

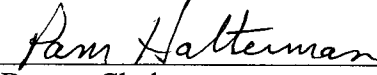
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, in public hearing duly constituted and assembled on June 6, 2017 that the DRI is hereby amended and approved,

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST.
JOHNS COUNTY FLORIDA, THIS 6 DAY OF JUNE, 2017.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

BY: 
James K. Johns, Chair

ATTEST: Hunter S. Conrad, Clerk

By: 
Deputy Clerk

Effective Date: 6/8/17

RENDITION DATE 6/8/17



EXHIBIT 1

30. Education. The Applicant, its successor and assigns, shall pay education proportionate share equaling \$12,765 per single family residential dwelling unit and \$3,766 per multi-family residential dwelling unit constructed on the applicable parcel(s), for either: 1) a total of \$17,871,550 in Proportionate Share Mitigation (if 1,400 single family units are built); 2) a total of \$17,077,369 in Proportionate Share Mitigation (if 1,280 single family units are developed and 196 multi-family units are developed) or 3) a combination of more than 1,280 single family units and less than 196 multi-family units for a total Proportionate Share Mitigation between the two total figures above, all of which are necessary to maintain the Level of Service Standard for school capacity in the affected School Concurrency Area(s). A Proportionate Share Mitigation shall be paid for all of the lots or units for the subject parcel or parcels. The payment of Proportionate Share Mitigation shall be governed by that Amended School Proportionate Share Mitigation Agreement between the Applicant and the School Board of St. Johns County dated December ___, 2016. Notwithstanding anything else in this Development Order to the contrary, if the Applicant, its successors or assigns, develop(s) more than 1,400 single-family detached dwellings within the parcel(s) subject to this Development Order, the Applicant shall pay to the School Board \$12,765 per each such additional single-family residential dwelling unit above 1,400 single-family detached dwelling units. Notwithstanding anything else in this Development Order to the contrary, if the Applicant, its successors or assigns, develop(s) more than 196 multi-family dwelling units within the parcel(s) subject to this Development Order, the Applicant shall pay the School Board \$3,766 per each additional multi-family residential unit above 196 multi-family dwelling units.

THE ST. AUGUSTINE RECORD

LAW OFFICE OF PAUL HARDEN
501 RIVERSIDE AVE SUITE 901
JACKSONVILLE FL 32202

Ref#: 17220249D
P.O.#:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **JAMIE WILLIAMS**

who on oath says that he/she is an Employee 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 **DRIMOD 2017-02 HEART - DRIMOD 2017-02 HEART**

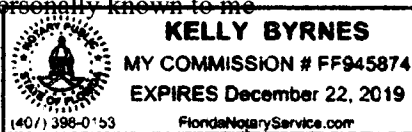
was published in said newspaper on **04/17/2017**

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 has 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 he/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 _____ day of **APR 17 2017**

by *Jamie Williams* who is personally known to me
or who has produced as identification

Kelly Byrnes
(Signature of Notary Public)

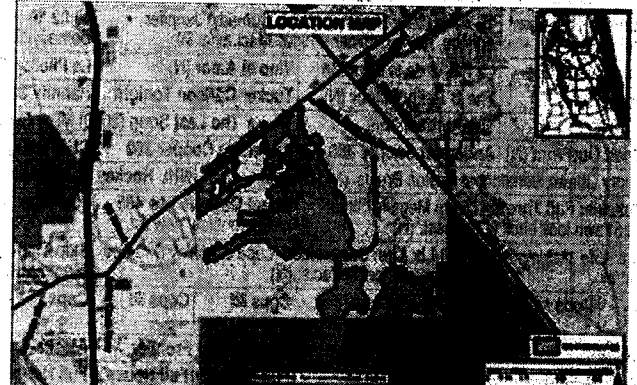


(Seal)

NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED CHANGE TO TWIN CREEKS (HEARTWOOD) DRI

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on **Thursday, 5/4/2017 at 1:00 p.m.** and the St. Johns County Board of County Commissioners on **Tuesday, 4/18/2017 at 1:00 p.m.**, will each hold public hearings to consider a request to amend the DRI to update Section 30, the school proportionate share mitigation section, to match the revised agreement between the applicant and the St. Johns County School District.

The subject property includes 630 acres and is located on South of CR 210, East of I-95, within St. Johns County, Florida. See attached map generally depicting the location (Exhibit A). A complete description is available in the St. Johns County Planning and Zoning Office.



Said hearings will be held in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding any or all of the proposed changes. Board of County Commissioner Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The proposed change is known as File Number DRI MOD-201700002 and is available for review in the Planning and Zoning Division of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida and may be examined by interested parties prior to said public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the meetings or hearings, he/she will need a record of the proceedings and for such purpose may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which appeal is to be based.

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 the County's ADA Coordinator at (904) 209-0655 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 3 days prior to the meeting.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JAMES K. JOHNS, CHAIR

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
JEFF MARTIN, CHAIR

File Number: DRI MOD-201700002 Twin Creeks (Heartwood)
17220249D April 17, 2017