

RESOLUTION 95-193

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA,
APPROVING A FINAL DEVELOPMENT PLAN
FOR
COMMODORE'S CLUB - PHASE 2A
LOCATED WITHIN THE PARCEL OF LAND ZONED PUD
PURSUANT TO ORDINANCE 84-17
AS MODIFIED BY R-PUD-84-4,
COMMODORE'S CLUB PUD RESOLUTION 91-179

PROVIDING FOR MODIFICATIONS IN RESPONSE TO THE
BERT J. HARRIS PRIVATE PROPERTY RIGHTS
JUDGMENT OR ORDER

WHEREAS, the Final Development Plan for Commodore's Club-Phase 2A, has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns Zoning Ordinance; and

WHEREAS, the request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 84-17 as modified by R-PUD-84-4, Commodore's Club PUD Resolution 91-179 (the "PUD Ordinance"); and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on 10/19/95; and
- B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area; and
- C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance.

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

SECTION 1: Pursuant to a request for approval made by Runk Properties, Inc. in accordance with Section 8-3 of the St. Johns County Zoning Ordinance and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development

In & Ret: *R. Lewis,*
Min. of Rec.
Record in P.U.D.

Plan attached as Exhibit A to this Resolution is hereby approved in reliance upon, and in accordance with the representations and statements made in the written submission statement attached as Exhibit B to this Resolution which are incorporated into and made a part of this Final Development Plan, and which shall be complied with and based on the above referenced findings which are hereby incorporated by reference.

SECTION 2. All building code, zoning ordinance and other land use and development regulations of St. Johns County as may be amended from time to time (the "Land Development Regulations"), shall be applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or the PUD Ordinance. Modifications to approved development plans by variance or special exception shall be prohibited. All such modifications shall follow the PUD amendment procedures provided for in the St. Johns County Zoning Ordinance.

Nothing in this section shall, however, be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in the Florida Statutes including Section 163.3167 (8) of the Florida Statutes or that may be provided in any such future building code, zoning ordinance or other land use and development regulations unless the Board of County Commissioners demonstrates that compliance with the Land Development Regulations is essential to the public health, safety, or welfare; (b) supersede any concurrency exceptions or concurrence determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance; or (c) constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance, other land use and development regulations as applied to this development under the Florida or United States Constitutions.

SECTION 3: The developer may continue land clearing, site preparation, and lake construction in accordance with the St. Johns County Tree Clearing Permits referenced in Section I of Exhibit B. Additional land clearing, site preparation, and lake construction within the lake depicted on the Final Development Plan attached as Exhibit A may be commenced upon issuance of the appropriate land clearing permit pursuant to St. Johns County Ordinance 90-11. All permanent construction shall require review and approval of signed and sealed construction plans by the St. Johns County Engineering Department.

SECTION 4: All attachments included herein are incorporated herein and made a part of RESOLUTION 95-193.

SECTION 5: This grant of Final Development Plan is subject to the following condition subsequent and possible modification: In the event a request for relief under the Bert J. Harris, Jr., Private Property Protection Act (Florida 1995) is timely filed against St. Johns County based in whole or in part on the County's enactment of this Resolution and such request for relief ultimately proceeds to or results in a final (all available appeals having been taken or waived) court order, opinion or judgment that adversely affects the County or that modifies this Resolution, this Resolution may be further modified by the St. Johns County Board of County Commissioners to the minimum extent necessary to alleviate or remedy the inordinate burden to real property that the final judgment, order or opinion determines was created by this Resolution. Such modifications if made, shall comply with or mirror the court order, opinion or judgment to the extent such modifications are set out, described, or implied in or by such court order, opinion, or judgment. The Runk Properties, Inc. reliance or use of this Resolution to the benefit of the Runk Properties, Inc. shall constitute the Runk Properties, Inc. waiver of all claims of the Runk Properties, Inc. against St. Johns County that may be based in whole or in part on such modifications. However, the foregoing provisions of this section shall be null and void if the Florida Attorney General responds to the St. Johns County Board of County Commissioners Attorney General's Opinion request authorized on October 10, 1995, and opines in substance that the Bert J. Harris, Jr., Private Property Rights Protection Act (1995) solely provides for a cause of action for owners of property or property owners who are the specifically named subject or object of government action upon which the particular Bert J. Harris, Jr., Private Property Rights Protection claim is based. If the Florida Attorney General does not respond or does not opine as so stated, this Section shall remain in full force and effect until otherwise amended by the St. Johns County Board of County Commissioners or by judicial determination.



BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Its Chairperson

Attest: Carl "Bud" Markel, Clerk

By: Rosemary Lewis
Deputy Clerk

Adopted Regular Meeting November 14, 1995

Effective: November 14, 1995

EXHIBIT "B"

P.U.D. OFF. REC.
BOOK I PAGE 284

FINAL DEVELOPMENT PLAN
for
COMMODORE'S CLUB - PHASE 2A
within
COMMODORE'S CLUB P.U.D.

SUBMITTED: October 10, 1995

OWNER & APPLICANT: Runk Properties, Inc.
180 State Road No. 207
St. Augustine, FL 32095
(904)824-4337

ENGINEERING FIRM: Jones & Pellicer, Inc.
906 Anastasia Blvd., Suite A
St. Augustine, FL 32084
(904)824-6115

SECTION I.
INTRODUCTION

P. U. D. OFF. REC.
BOOK I PAGE 285

Runk Properties, Inc. hereby submits, for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for Commodore's Club - Phase 2A within Commodore's Club Planned Unit Development. The Final Development Plan consists of a one page map identified as Exhibit A to the Resolution (the "Map"), and this text identified as Exhibit B to the Resolution (the "Text"). This Final Development Plan encompasses a fractional part of the land zoned Planned Unit Development ("PUD") pursuant to Ordinance 84-17 as modified by R-PUD-84-4, Commodore's Club PUD Resolution 91-179 (the "PUD Ordinance").

The property encompassed by this Final Development Plan (the "Property") has received authorization from the United States Army Corps of Engineers under Permit No.199301728(IP-CB) dated August 9, 1994. The Property has also received approval from the St. Johns River Water Management District ("SJRWMD") under Permit No.40-109-0070M dated August 9, 1995.

The foregoing permits authorize, among other things, construction of a master drainage system to serve Commodore's Club.

In addition to the foregoing permits, the Property is covered under St. Johns County Tree Clearing Permit No. _____, dated _____.

This Final Development Plan does not depict any commercial, industrial, office, recreational, or other uses for the Property. The purpose of this Final Development Plan is to depict a detention lake that shall serve future phases of Commodore's Club and to allow land clearing, site preparation and construction of the detention lake. Permanent construction of the detention lake must be in accordance with signed and sealed construction plans submitted to and approved by the St. Johns County Engineering Department pursuant to St. Johns County Ordinance 86-4.

Final development plans submitted subsequent to this final development plan for residential parcels within the Commodore's Club PUD shall depict the detention lake within or bordering such parcels. The configuration of the lake may change due to construction plan requirements which will be submitted at a later date.

SECTION II

REQUIREMENTS OF SECTION 8-4 OF ZONING ORDINANCE

The requirements of Section 8-4-1 through 8-4-8 of the St. Johns County Zoning Ordinance are addressed below:

8-4-1 Density of Development

No residential improvements are addressed in this Final Development Plan. Accordingly, this section is not applicable.

8-4-2 Open Space

Tract "B" is 0.38 acres of open space and shall serve as a natural buffer. Tract "B" and all other areas encompassed by this Final Development Plan shall continue to be owned and maintained by Runk Properties, Inc. until approval and recordation of subsequent Final Development Plans for specific parcels.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria, and Use Restriction.

No vertical improvements are proposed under this Final Development Plan. Accordingly, this section is not applicable.

8-4-4 Project Size

The property encompassed by this Final Development Plan contains approximately 2.71 acres.

8-4-5 Support Legal Documents for Open Space

Tract "B" and all other areas encompassed by this Final Development Plan shall continue to be owned and maintained by Runk Properties, Inc. until approval and recordation of subsequent final development plans for specific parcels.

8-4-6 Access

No roadway improvements are proposed under this Final Development Plan. Accordingly, this section is not applicable. Access for maintenance shall be from the western end of Commodore's Club Boulevard and across land owned by Runk Properties, Inc. within Commodore's Club PUD.

8-4-7 Privacy

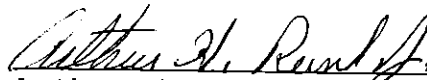
This section is not applicable.

8-4-8 Community Facilities

This Section is not applicable.

SUBMITTED BY

Runk Properties, Inc.



Arthur H. Runk, Jr.
Its Vice-President

STATE OF FLORIDA

COUNTY OF ST. JOHNS

P. U. D. OFF. REC.

BOOK I PAGE 289

I, CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

RESOLUTION NO. 95-193

Adopted by the Board of County Commissioners of St. Johns County, Florida, at a regular meeting of said Board held November 14, 1995

FILED AND RECORDED IN PUBLIC RECORDS OF ST. JOHNS COUNTY, FLA.
95 NOV 20 PM 2:32
Carl "Bud" Markel
CLERK OF CIRCUIT COURT

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 20th day of November, 1995.

CARL "BUD" MARKEL,
CLERK OF THE CIRCUIT COURT
Ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida

By: Rosemary Lewis
Rosemary Lewis, Deputy Clerk

