

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO RESOLUTION NO. 81-76, A FINAL DEVELOPMENT PLAN FOR CONTINENTAL CABLEVISION SITE LOCATED WITHIN THE PARCEL OF LAND ZONED PUD PURSUANT TO ORDINANCE 73-8 AND 80-5, PROVIDING FOR MODIFICATION IN RESPONSE TO A BERT J. HARRIS PRIVATE PROERTY RIGHTS JUDGEMENT OR ORDER

WHEREAS, the Major Modification to the Final Development Plan for the Continental Cablevision Site has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning 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 October 5, 1995; and

B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area;

C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 80-5; and

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

Section 1. Pursuant to a request for approval of a major modification of the Final Development Plan made by Continental Cablevision of Jacksonville, Inc. in accordance with Section 8-3 of St. Johns County Zoning Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development Plan attached hereto as Exhibit A relating to that portion of the PUD, the legal description of which is set

In & At: *R. Lewis,*
Min. & Rec.
Put in P.U.D. Book

forth on Exhibit B attached hereto, and which is known as Continental Cablevision Site are hereby approved in reliance upon, and in accordance with the representation and statements made therein and in the Final Development Plan Narrative attached hereto as Exhibit C, and the letter from Pate Engineering dated July 14, 1995, and based on the above referenced findings which are hereby incorporated herein by reference.

Section 2. Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the county under this Ordinance except as is specifically provided for and described in the Ordinance or the incorporated PUD narrative.

Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in the Florida Statutes or that may be provided in any such future building code, zoning

ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the Applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of any additional improvements shown on the Final Development Plan attached as Exhibit 2 until:

- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Management District Management and Storage of Surface Waters Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and
- d. Compliance with all other applicable land use and

development regulations of St. Johns County.

Section 4. This approval 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 Ordinance 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 judgement that adversely affects the County or that modifies this Ordinance, this Ordinance 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 Ordinance. Such modifications if made, shall comply with or mirror the court order, opinion, or judgment to the extent that such modifications are set out, described, or implied in or by such court order, opinion or judgment. The Owner's reliance or use of this Ordinance shall constitute the Owner's waiver of all claims of the Owner against St. Johns County that may be based in whole or in part on such modifications.

Section 5. All attachments included herein are incorporated herein and made a part of Resolution 95-199.

PASSED AND ADOPTED this 14th day of November, 1995.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

By: Barbara Ward
Chair

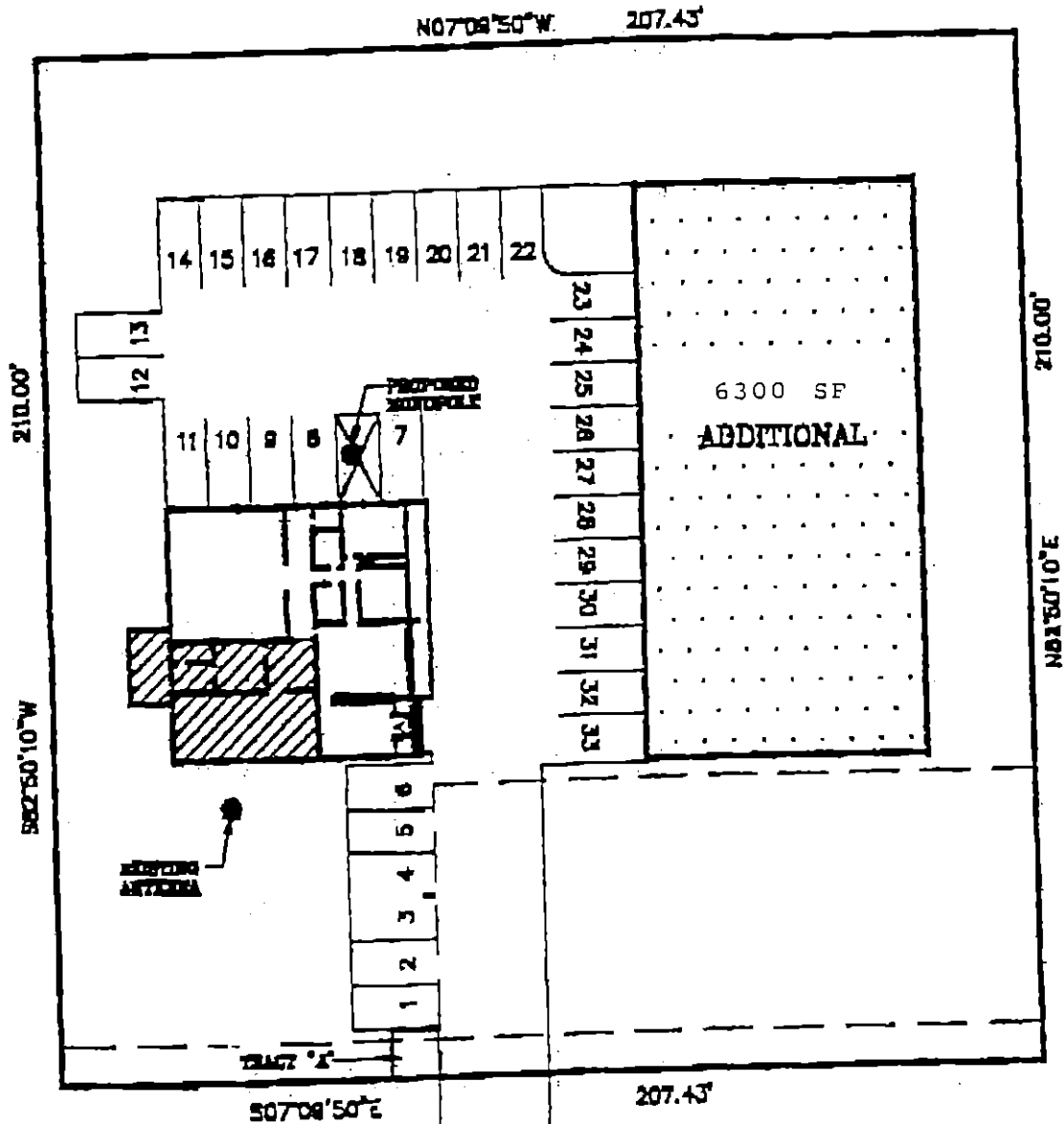
ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel

P. U. D. OFF. REC.
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Scale: 1" = 40'



1651 A - 1 - A

EXHIBIT "A" - 1

**Hill,
Boring &
Associates, Inc.**

Civil Engineers / Land Planners

Associates:
SESSELL W. BORING
VINCENT J. DUNN, P.E.
MICHAEL R. BOYER
ROBERT W. PEVY

August 25, 1995

P.U.D. OFF. REC.
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Ms. Beth Breeding
SILVERFIELD DEVELOPMENT
7865 Southside Blvd.
Jacksonville, FL 32256

RE: Sawgrass CATV Building
Enginners Project No. 9506-471

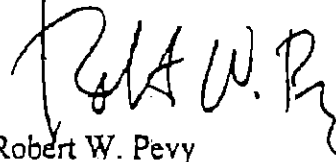
Dear Beth:

The Sawgrass CATV Building is located within the Sawgrass P.U.D. and the drainage for the Sawgrass P.U.D. was master planned for the entire P.U.D.. Since the master drainage system will provide stormwater runoff treatment, you will not need additional storm water treatment basins on the CATV Building site.

If you have any questions, please call me at (904) 281-1121.

Sincerely,

HILL, BORING & ASSOCIATES, INC.



Robert W. Pevy
Vice President - Land Development

RWP:scs

EXHIBIT "A" - 2

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The Land is described as follows:

A part of Section 3, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: Commence at the intersection of the Easterly right of way line of Ponce De Leon Boulevard (State Road A1A, a 100 foot right of way as now established) with the Northerly right of way line of Sawgrass Drive West, a 100 foot right as now established, as shown on the map of Sawgrass Unit One, as recorded in Map Book 12, Pages 3 through 18, inclusive, of the public records of said county; thence South $07^{\circ}09'50''$ East, along the Easterly right of way line of said Ponce De Leon Boulevard, State Road A1A, 1302.57 feet to the point of beginning; thence continue South $07^{\circ}09'50''$ East, along said Easterly right of way line, 207.43 feet; thence North $82^{\circ}50'10''$ East, 210.00 feet; thence North $07^{\circ}09'50''$ West, 207.43 feet; thence South $82^{\circ}50'10''$ West, 210 feet to the Point of Beginning.

EXHIBIT B

EXHIBIT C

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FINAL DEVELOPMENT PLAN FOR
CONTINENTAL CABLEVISION SITE
WITHIN PUD ORDINANCE 73-8 and 80-5

Applicant: Continental Cablevision of Jacksonville, Inc.
Submitted by: Lynda R. Aycock

Developer hereby submits, for approval by the St. Johns County Planning and Zoning Board and the St. Johns County Board of County Commissioners, a major modification of the final development plan (the "Final Development Plan") for the development known as the Continental Cablevision Site (the "Property") which is part of the Sawgrass PUD and located within that parcel of land zoned PUD per Ordinance 73-8 and 80-5.

The revised Final Development Plan consists of a 1-page map identified as Exhibit A to the Resolution (the "Map"), the legal description identified as Exhibit B, this text which is identified as Exhibit C to the Resolution (the "Text"), and a letter from Pace Engineering dated July 14, 1995 which is identified as Exhibit D to the Resolution (the "Pace Letter"). The Property is currently within the area of the PUD identified as Utilities.

The Property is presently improved with a 2,700 square foot building which was previously used for Developer's office purposes and electronic equipment, 20 parking spaces, multiple satellite dishes, and a 125' tripod antenna. Contemporaneous with this request for a major modification of the current Final Development Plan, the Developer has requested a modification of the approved Master Plan for the Sawgrass PUD to change the land use designation of the Property from Utility Use to Commercial Use. Under the approved Master Plan for the Sawgrass PUD, commercial lands within the PUD may be used for any use permitted under the CG zoning District regulations, including permissible uses by exception. The Property is no longer suitable for all of Developer's cable television business activities and the existing use of the Property is limited by the Master Plan and Final Development Plan to Utility Use. Developer anticipates that it may continue to use a small portion of the existing structure for housing its electronics, but there are no utility users for the balance of the Property (other than for the tower).

The revised Final Development Plan reflects an increase in the permitted building area on the Property from 2,700 square feet to 9,000 square feet and, at Developer's option, replacement and relocation of the existing 125' tripod antenna with a 150' monopole antenna in accordance with the Map and Pace Letter. Existing satellite dishes will be removed from the Property.

Prior to commencement of additional land clearing, site preparation, or construction of any additional improvements depicted on the Map, the Developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance No. 90-11; (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with

Ordinance 86-4 and including a Landscape Plan; and (d) Comply with all other applicable land use and development regulations of St. Johns County. Once the foregoing conditions to construction have been met the Developer may proceed to construction of horizontal improvements.

Other than existing covenants and restrictions applicable to the Sawgrass PUD, there are no additional covenants and restrictions proposed for this Property.

8-4-1 Density of Development

This section relates to residential structures. Developer proposes a total of 9,000 square feet of office structures which total includes the existing 2,700 square feet office structure.

8-4-2 Open Space

There are no jurisdictional wetlands to be preserved. The final development plan does not include any open space to be dedicated to St. Johns County or to be maintained by a community association. The area designated as Tract A on the Map will be used for signage and landscaping. If the additional offices space is constructed, retention will be provided in accordance with the requirements of the St. Johns River Water Management District. The entry feature, entry road, and landscaped areas will provide open space.

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

With the exception of the antenna, structures on the Property will be limited to 35 feet in height. If the antenna is relocated, the antenna will be limited a maximum 150 feet in height.

Temporary construction trailers may be used within the Property during the construction period (not to exceed 60 months from the date of the approval of the final development plan). A modular unit may be used in conjunction with the antenna use. The proposed total square footage will include any square footage in the modular unit.

8-4-4 Project Size

The Sawgrass PUD consists of 1125 acres. This Final Development Plan consists of 1 acre.

8-4-5 Support Legal Documents for Open Space

There is no open space so this section is inapplicable.

8-4-6 Access

The Property abuts U.S. A1A and has existing direct access to

U.S. Highway A1A.

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8-4-7 Privacy

No residential proposed so this section is inapplicable.

8-4-8 Community Facilities

None are proposed for dedication to St. Johns County therefore this section is not applicable.

All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically below.

9-1-1 Drainage

The general drainage plan for the Property so as to prevent damage to abutting parcels is graphically depicted on the Final Development Plan. All storm water will be collected on site and transported to the nearby off-site lake.

9-1-2 Separation from Walkway and Street

Any walkways for access to the building will be separated from the roadway using curbs or raised walks.

9-1-3 Entrances and Exits

The location and design of the entrance/exits to A1A will be in accordance with County specifications. Ingress/egress into the site will be controlled by landscaping.

9-1-4 Interior Drives

As shown on the Final Development Plan, interior parking aisle will be 24" width for 90 degree parking and two-way parking.

9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, interior parking aisle will be painting of parking spaces to indicate individual spaces. Signs will be used as necessary for traffic operation.

9-1-6 Lighting

Lighting within the Property will meet or exceed minimum lumens of 100 watt high pressure sodium fixture lights affixed 16 feet above the parking area to provide lighting to serve the building at night.

9-1-7 Screening

There is no parking within 40 feet of a residential district, so screening is not required; however, the entire area will be buffered from adjacent land uses within extensive berming and landscaping.

9-2 Location

The required off-street parking facilities will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Parking; Number Required

Parking equivalent to a minimum of 4 spaces per 1,000 square feet of building area will be provided. Thirty-three (33) parking spaces are depicted on Exhibit A.

9-4-1 Off-Street Loading Requirements

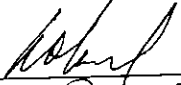
One space is required and provided for off-street loading; however, additional spaces have been provided.

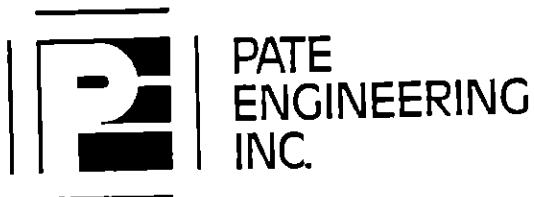
(A) The site demonstrates the accessibility for large vehicles (i.e., fire trucks, debris removal).

(B) All utilities serving the property, including telephone, power, cable television, sewer lines, and water lines will be installed underground. Storm sewer facilities will be provided and the grading of the site facilitating proper drainage of storm waters and prevention of erosion and the formation of dust.

(C) Since there are no streets within the Property, Section 8-4-8(e) is inapplicable to this Final Development Plan.

APPLICANT:
Continental Cablevision of Jacksonville, Inc.

By: 
Print Name: DAVID H. CARL
As its ASST. SEC.



July 14, 1995

P. U. D. OFF. REC.
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Re: Proposed 150 Ft. Monopole Structure
For Cellular One
Ponte Verda Beach Site
St. Johns County, Florida

To Whom It May Concern:

The proposed structure is a 150 foot communications monopole which would be located in St. Johns County, Florida.

Steel communications towers and monopoles are designed in accordance with ANSI/EIA/TIA 222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This standard has been approved by ANSI and is accepted as a nationally recognized standard by SBCCI, BOCA and other building codes. The wind loading requirements are based on ASCE-7 which is recognized by the same building codes. This standard addresses all aspects of tower and monopole design and analysis which are not usually addressed by building codes.

The basic wind speed map used in this Standard is based on a 50 year recurrence interval, which is a .02 probability each year of the basic wind speed occurring. The basic wind speed is the wind speed as measured 33 feet above ground in open country.

ANSI/EIA 222E criteria requires that the wind speed be increased with the height above ground by incorporating several factors. For example, this monopole could be designed for a basic wind speed of 120 MPH as determined by the ANSI/EIA Standard. The basic wind speed for St. Johns County is 100 MPH. The wind pressure varies as the square of the wind speed. Therefore, the monopole would be designed for a wind pressure of 44% higher than the EIA 222E requirements. The design wind speed at the 150 foot height, the top of the monopole is 149 MPH which further increases the design load on the monopole.

Communications structures are designed with a Factor-of-Safety (F.S.) of 1.25 per EIA 222E and AISC. A 1.25 F.S. means that the theoretical survival wind speed at the 33 foot height would be 134 MPH. The theoretical survival wind speed at the 150 foot level, the top, would be increased to 166 MPH.

Communications towers and monopoles are designed, fabricated and erected by professionals who specialize in this type of structures.

Re: Proposed 150 Ft. Monopole Structure
St. Johns County, Florida

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As a result, these structures are generally of higher quality, engineering, control and construction than commercial construction. Therefore, should an unusual storm event occur, a monopole so designed would survive after the surrounding structures, designed to a lesser wind speed would be severely damaged or destroyed.

It is also possible to design monopoles with a "bend over" arrangement. In this case the lower part of the monopole would be designed stronger than the upper part. For the proposed monopole, I recommend that the lower part, the bottom 120 feet, be designed to a basic wind speed of 120 MPH and the upper part, from the 120 foot level up, be designed for a basic wind speed of 115 MPH. This would cause the monopole to "bend over" at the 120 foot level.

In the unlikely event that the monopole should become overloaded, the pole steel shell would buckle or "kink" at about the 120 foot level. This would cause the pole to bend over at that point. This does not mean the upper part of the pole would fall free. When the pole bends over several things happen. First, the wind loading on the pole is reduced because the moment arm with the wind force is reduced. Secondly, the stresses in the buckled portion of the pole are redistributed and other parts of the pole steel are used in resisting the loads. Thirdly, the nature of wind loading is transitory and a gust is soon dissipated. After the peak wind has passed, the stress on the pole is reduced. Fourth, the material, steel, used in the pole construction is a fairly ductile material. It will bend and stretch before parting. This property would allow the pole to stay in one piece throughout a storm event.

As outlined herein, the monopole would be overdesigned. Therefore, the outlined scenario is very unlikely to occur. The basic wind speed of 120 MPH is well above the EIA 222E basic wind speed of 100 MPH.

Based on the wind loads, as outlined herein, it is my professional opinion that the proposed monopole would remain in one piece and stay within the property lines.

The monopole must be designed and constructed to the criteria outlined herein.

If you have any questions concerning this matter, please feel free to call.

Respectfully,

Pate Engineering, Inc.

By: Leroy L. Pate

Leroy L. Pate, P.E.


7/14/95

STATE OF FLORIDA
COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
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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:

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.
95 NOV 30 AM 9:32
Carl "Bud" Markel
CLERK OF CIRCUIT COURT

RESOLUTION NO. 95-199

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

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 29th 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

(seal)