

RESOLUTION No. 2001- 212

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESOLUTION 2001-212 ADOPTING A MEDIATION SETTLEMENT AGREEMENT BETWEEN THE FLORIDA WILDLIFE FEDERATION AS PETITIONER, ST. JOHNS COUNTY, FLORIDA AND STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, RESPONDENTS AND SONOC COMPANY, LLC AND THE PARC GROUP, INC. AS INTERVENORS IN CASE NO. 01-1798GM, STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA SHALL CONSIDER FOR ADOPTION CERTAIN AMENDMENTS TO OBJECTIVE A.1.19 (NEW TOWN DEVELOPMENT) OF THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN AT SUCH TIME AS THE COUNTY SHALL CONSIDER FUTURE AMENDMENTS TO THE COMPREHENSIVE PLAN IN THE NEXT CYCLE OF COMPREHENSIVE PLAN AMENDMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County adopted that certain Ordinance No. 2001-18 effecting certain amendments to the St. Johns County 2015 Comprehensive Plan (the "Plan") dated February 23, 2001; and

WHEREAS, the Board of County Commissioners of St. Johns County adopted that certain Resolution No. 2001-30, a Development Order for Nocatee, a Development of Regional Impact under Chapter 380, Florida Statutes, dated February 23, 2001 (the "Nocatee DRI Order"); and

WHEREAS, the Florida Department of Community Affairs issued its Notice of Intent to Find Ordinance 2001-18 in Compliance pursuant to Sections 163.3184, 163.187 and 163.3189, Florida Statutes on April 18, 2001 (the "Notice of Intent"); and

WHEREAS, the Florida Wildlife Federation, Petitioner, instituted certain proceedings challenging the Notice of Intent pursuant to Case No. 01-1798GM, St. Johns County, Florida and State of Florida Department of Community Affairs, Respondents and SONOC Company, LLC and The PARC Group, Inc., Intervenors; and

WHEREAS, the proceedings referenced in the foregoing recitals are hereinafter collectively referred to as the "Legal Proceedings"; and

WHEREAS, the Florida Wildlife Federation, St. Johns County, Florida, the State of Florida Department of Community Affairs, SONOC Company, LLC and The PARC Group, Inc. participated in mediation conferences on October 9, 2001 and October 16, 2001 conducted by Bob Cambric pursuant to the Order of the Honorable Charles A. Stampelos, Administrative Law Judge, dated October 2, 2001, related to the Legal Proceedings and have agreed to the settlement of all issues in the Legal Proceedings with respect to these parties as provided for under the terms of Mediation

Settlement Agreement, a true and complete copy of which is attached to this Resolution as Exhibit "A" (the "Settlement Agreement"), which Settlement Agreement has been executed on behalf of all parties other than St. Johns County; and

WHEREAS, in order to effect the terms of the Settlement Agreement the Board of County Commissioners of St. Johns County must approve the terms of the Settlement Agreement and must adopt this Resolution under which terms it will agree to consider for adoption certain future amendments to Objective A.1.19 of the Plan and Policies thereunder as to the New Town land use category such future amendments, if adopted, to be applicable to amendments to the Future Land Use Map designating lands "New Town" under Objective A.1.19 of the Plan, adopted by the County only from and after the date of the adoption of this Resolution; and

WHEREAS, the St. Johns County Board of County Commissioners has duly noticed and on \_\_\_\_\_ held a public hearing as required pursuant to Section 125.66(2), Florida Statutes;

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of St. Johns County, Florida:

1. The terms of the Settlement Agreement are hereby approved and the County Administrator is authorized to execute and deliver the Settlement Agreement in order to effectuate the terms thereof.
2. In consideration of execution and delivery of the Settlement Agreement on behalf of Florida Wildlife Federation, the County agrees that it shall consider for adoption the following amendments to Objective A.1.19 of the Plan and Policies thereunder at such time as the County shall consider future amendments to the Plan in the next cycle of Plan amendments reviewed by the County pursuant to Section 163.3187(1), Florida Statutes, provided however, any amendments adopted pursuant to the terms of this Resolution shall apply only to modifications to the Future Land Use Map of the Plan designating land areas as "New Town" under Objective A.1.19 adopted by the County subsequent to the date of this Resolution.
  - a. Consider deletion of the credit for external Retail and Workplace development as currently provided for in Policy A.1.19.9 of the Plan.
  - b. Consider modification of the final sentence of Policy A.1.19.4 of the Plan to require fifty percent (50%) of the affordable housing intended to serve a New Town to be located within the New Town and fifty percent (50%) to be located within 20 minute drive time from the New Town.
  - c. Consider addition of language to Objective A.1.19 and Policy A.1.19.1 of the Plan which would include the definition of "New Town" as contained in Rule 9J-5.003(80) as follows: "New town" means a new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or

geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses.”

d. Consider that a minimum percentage equal to two-thirds of the residential units within a New Town to be located within one-half mile from the edge of the Town Center Mixed Use Core or Village Centers to be added as part of Policy A.1.19.8 of the Plan.

e. Consider an increase of the minimum requirement of Residential Multifamily in Table 2 of Policy A.1.19.3 from twenty percent (20%) to thirty percent (30%).

f. Consider deletion of the term “light industrial areas” from the first sentence of Policy A.1.19.10 of the Plan and include in Policy A.1.19.10 light industrial areas as an allowable, but not required use.

g. Consider addition of a requirement to Policy A.1.19.8 of the Plan requiring Town Center Villages to include grid roadway patterns where feasible, given environmental constraints.

h. Consider addition of a minimum acreage size for the Town Center Village Mixed Use Core to be included in Policy A.1.19.11 of the Plan.

Nothing contained herein shall be construed to require the Board of County Commissioners of the County to adopt any such amendments. The parties acknowledge that such amendments may be considered for adoption by the Board only in accordance with the public notice, public hearing, transmittal and adoption procedures set forth in Chapter 163, Florida Statutes.

3. In consideration of the execution and delivery of this Settlement Agreement on behalf of SONOC Company, LLC and The PARC Group, Inc., the County and Florida Wildlife Federation agree that this Resolution and any amendments to the Plan adopted pursuant to it shall not be applicable to and shall have no effect upon Resolution No. 2001-30 nor Ordinance No. 2001-18, which shall remain in full force and effect as written.

4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 6<sup>th</sup> DAY OF November, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

Rendition date: 11-09-01

Attest: Cheryl Strickland, Clerk

By: Patricia Lopez  
Deputy Clerk



**EXHIBIT "A"**

**[ Settlement Agreement ]**

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA WILDLIFE FEDERATION     )  
                                  Petitioner,     )  
  Case No. 01-1798GM  
vs.                                     )  
ST. JOHNS COUNTY, FLORIDA, and)  
STATE OF FLORIDA, DEPARTMENT  
OF COMMUNITY AFFAIRS,             )  
                                  Respondents,     )  
and                                     )  
SONOC COMPANY, LLC, and THE     )  
PARC GROUP, INC.,                     )  
                                  Intervenors.     )  
\_\_\_\_\_

**MEDIATION SETTLEMENT AGREEMENT**

The undersigned parties participated in mediation conferences on October 9 and 16, conducted by Bob Cambric pursuant to the Order of the Honorable Charles A. Stampelos, Administrative Law Judge, dated October 2, 2001, related to the 2015 St. Johns County Comprehensive Plan and amendments thereto adopted by Ordinance 2001-18 of the Board of County Commissioners of St. Johns County (the "Plan") and the Nocatee Development of Regional Impact ("Nocatee Development") approved pursuant to Resolution No. 2001-30 adopted by the Board of County

Commissioners of St. Johns County (the "Nocatee DRI Order"), and have agreed to the settlement of all issues in the above-styled cases with respect to these parties on the following terms:

1. The terms of this Agreement shall remain confidential until executed by the attorneys and a duly authorized representative of the above-named Petitioner (Florida Wildlife Federation) and the Intervenor (SONOC Company, LLC and The PARC Group, Inc.). Following execution by those parties, the Agreement may be made public but shall not become effective until (i) executed by the attorneys and a duly authorized representative of each of the Respondents (St. Johns County, Florida, and the Florida Department of Community Affairs) and (ii) adoption of the Resolution referenced in paragraph 2 below.

2. The effectiveness of this Agreement shall be conditioned upon adoption of the Resolution attached hereto as Exhibit "A" (the "Resolution") prior to November 13, 2001 by the Board of County Commissioners of St. Johns County. Any changes to the Plan or the New Town land use category as defined in the Plan, hereinafter enacted by the Board of County Commissioners pursuant to the Resolution will be prospective only and will have no effect on the Nocatee Development and will not require any changes or amendments to the Nocatee DRI Order or related development approvals.

3. Upon request of Petitioner; the Florida Department of Community Affairs, St. Johns County and the Intervenors will join with the Petitioner in requesting that the Florida Department of Transportation ("FDOT") construct a wildlife crossing over or under U.S. 1 near the westerly border of the Nocatee Development at the expense of FDOT.

4. Intervenors will construct, as a part of the Nocatee Development, and at their expense, wire mesh wildlife fencing (minimum 4 to 5 feet) at each of four major Greenway crossings, at the locations identified on Exhibit "B" so as to better facilitate wildlife access to the associated Greenways provided by the Nocatee Development, with a minimum of an aggregate of 6,400 feet of fencing required for the four crossings. The fencing will be constructed coincident with the construction of the wildlife crossings in these four locations.

5. Intervenors agree that the Planned Unit Development rezoning application submitted by Intervenors to St. Johns County for the Nocatee Development will permit garage apartments as accessory uses and will permit multi-family units as a matter of right within the Town Center and Village Centers, as such terms are defined in the Nocatee DRI Order.

6. Upon execution of this Agreement by all parties, and upon adoption of the Resolution by the Board of County

Commissioners of St. Johns County prior to November 13, 2001, the parties will immediately cause the above-styled action to be dismissed with prejudice, each party to bear its own costs and attorneys fees.

7. The undersigned attorneys for the Petitioner agree that neither they nor the experts assisting them in these cases will participate or assist the Petitioners Ellen A. Whitmer or The Sierra Club in litigation against the Respondents and the Intervenors in Case No. 01-1852GM, Case No. 1851GM, Division of Administrative Hearings or Case No. CA01-972 Division 55, The Sierra Club vs. St. Johns County, Defendant, and SONOC Company, LLC, The PARC Group, Inc., Intervenors, in the Circuit Court Seventh Judicial Circuit in and for St. Johns County, Florida.

8. Intervenors agree that they do not oppose the concepts set forth in amendments to be considered for adoption pursuant to paragraph 2 of the Resolution, provided they reserve the right to address the proposed amendments with the County based on the final recommendations of the County staff and the final form and content of those amendments when presented for transmittal or adoption to the Board of County Commissioners.

9. This Agreement may be executed in multiple counterparts.

*James G. Sisco*

James G. Sisco  
County Attorney  
Florida Bar No. 144113  
Daniel J. Bosanko  
Deputy County Attorney  
Florida Bar No. 332992  
St. Johns County, Florida  
4020 Lewis Speedway  
St. Augustine, Florida 32085  
Telephone: (904) 823-2458  
Facsimile: (904) 823-2575

Date **NOV 14 2001**

Attorneys for St. Johns  
County, Florida

DEPARTMENT OF COMMUNITY AFFAIRS

By:  
Its:

Shaw P. Stiller  
Assistant General Counsel  
Florida Bar No. 936110  
Florida Department of  
Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100  
Telephone: (850) 488-0410  
Facsimile: (850) 922-2679

Date:

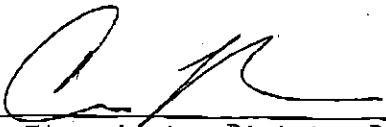
Attorneys for Department  
of Community Affairs

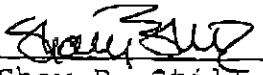
James G. Sisco  
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4020 Lewis Speedway  
St. Augustine, Florida 32085  
Telephone: (904) 823-2458  
Facsimile: (904) 823-2575

Date: \_\_\_\_\_

Attorneys for St. Johns  
County, Florida

DEPARTMENT OF COMMUNITY AFFAIRS

By:   
Its: Acting Division Director

  
Shaw P. Stillier  
Assistant General Counsel  
Florida Bar No. 936110  
Florida Department of  
Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100  
Telephone: (850) 488-0410  
Facsimile: (850) 922-2679

Date: 10/30/01

Attorneys for Department  
of Community Affairs

SONOC COMPANY, LLC

By: *H. Shelton*  
Its: *President*

Date: *10/25/01*

THE PARC GROUP, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

John A. DeVault, III  
Florida Bar No. 103979  
Robert H. Farnell II  
Florida Bar No. 0019267  
Jane A. Lester  
Florida Bar No. 0469467  
BEDELL, DITTMAR, DeVAULT,  
PILLANS & COXE, P.A.  
The Bedell Building  
101 East Adams Street  
Jacksonville, Florida 32202  
Telephone: (904) 353-0211  
Facsimile: (904) 353-9307

Date: \_\_\_\_\_

-and-

M. Lynn Pappas  
Florida Bar No. 0220371  
Marcia P. Tjoflat  
Florida Bar No. 700150  
Thomas O. Ingram  
Florida Bar No. 144241  
200 West Forsyth St., Suite 1400  
Jacksonville, Florida 32202-4327  
Telephone: (904) 353-1980  
Facsimile: (904) 353-5217

Date: \_\_\_\_\_

Attorneys for Intervenors  
SONOC Company, LLC, and  
The PARC Group, Inc.

SONOC COMPANY, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_ Date: \_\_\_\_\_

THE PARC GROUP, INC.

By: Robert M. Ogle  
Its: Chairman Date: 10-26-01

John A. DeVault, III  
Florida Bar No. 103979  
Robert H. Farnell II  
Florida Bar No. 0019267  
Jane A. Lester  
Florida Bar No. 0469467  
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Date: \_\_\_\_\_

Attorneys for Intervenors  
SONOC Company, LLC, and  
The PARC Group, Inc.

SONOC COMPANY, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_ Date: \_\_\_\_\_

THE PARC GROUP, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_ Date: \_\_\_\_\_

*M. Lynn Pappas*

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Facsimile: (904) 353-9307

Date: October 26, 2001

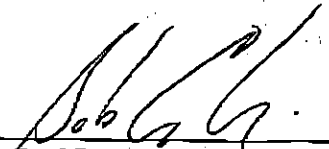
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Facsimile: (904) 353-5217

Date: October 26, 2001

Attorneys for Intervenors  
SONOC Company, LLC, and  
The PARC Group, Inc.

F:\WDOX\CLIENTS\130\00068159.WPD

  
\_\_\_\_\_  
BOB CAMBRIC, MEDIATOR

Date: 10/30/01

FLORIDA WILDLIFE FEDERATION

By \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS W. REESE  
Florida Bar No. 310077  
2951 61st Avenue South  
St. Petersburg, Florida 33712  
Telephone: (727) 867-8228  
Facsimile: (727) 867-2259

Date: \_\_\_\_\_

Attorney for Florida  
Wildlife Federation

ST. JOHNS COUNTY, FLORIDA

By \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

BOB CAMBRIC, MEDIATOR

Date: \_\_\_\_\_

FLORIDA WILDLIFE FEDERATION

By Thomas W Reese  
Its: Authorized Agent

Date: 10/29/01

Thomas W Reese

THOMAS W. REESE  
Florida Bar No. 310077  
2951 61st Avenue South  
St. Petersburg, Florida 33712  
Telephone: (727) 867-8228  
Facsimile: (727) 867-2259

Date: 10/29/01

Attorney for Florida  
Wildlife Federation

ST. JOHNS COUNTY, FLORIDA

By \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

FLORIDA WILDLIFE FEDERATION

By Manley K. Fuller III

Its: President

Date: Nov. 5, 2001

BOB CAMBRIC, MEDIATOR

Date:

FLORIDA WILDLIFE FEDERATION

By

Its: \_\_\_\_\_

Date:

THOMAS W. REESE  
Florida Bar No. 310077  
2951 61st Avenue South  
St. Petersburg, Florida 33712  
Telephone: (727) 867-8228  
Facsimile: (727) 867-2259

Date:

Attorney for Florida  
Wildlife Federation

ST. JOHNS COUNTY, FLORIDA

By

Its: Marc Jordan  
Chairman

Date: 11-09-01

EXHIBIT "A"

The Resolution

RESOLUTION No. 2001- 212

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESOLUTION. 2001-212 ADOPTING A MEDIATION SETTLEMENT AGREEMENT BETWEEN THE FLORIDA WILDLIFE FEDERATION AS PETITIONER, ST. JOHNS COUNTY, FLORIDA AND STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, RESPONDENTS AND SONOC COMPANY, LLC AND THE PARC GROUP, INC. AS INTERVENORS IN CASE NO. 01-1798GM, STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA SHALL CONSIDER FOR ADOPTION CERTAIN AMENDMENTS TO OBJECTIVE A.1.19 (NEW TOWN DEVELOPMENT) OF THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN AT SUCH TIME AS THE COUNTY SHALL CONSIDER FUTURE AMENDMENTS TO THE COMPREHENSIVE PLAN IN THE NEXT CYCLE OF COMPREHENSIVE PLAN AMENDMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County adopted that certain Ordinance No. 2001-18 effecting certain amendments to the St. Johns County 2015 Comprehensive Plan (the "Plan") dated February 23, 2001; and

WHEREAS, the Board of County Commissioners of St. Johns County adopted that certain Resolution No. 2001-30, a Development Order for Nocatee, a Development of Regional Impact under Chapter 380, Florida Statutes, dated February 23, 2001 (the "Nocatee DRI Order"); and

WHEREAS, the Florida Department of Community Affairs issued its Notice of Intent to Find Ordinance 2001-18 in Compliance pursuant to Sections 163.3184, 163.187 and 163.3189, Florida Statutes on April 18, 2001 (the "'Notice of Intent"); and

WHEREAS, the Florida Wildlife Federation, Petitioner, instituted certain proceedings challenging the Notice of Intent pursuant to Case No. 01-1798GM, St. Johns County, Florida and State of Florida Department of Community Affairs, Respondents and SONOC Company, LLC and The PARC Group, Inc., Intervenors; and

WHEREAS, the proceedings referenced in the foregoing recitals are hereinafter collectively referred to as the "Legal Proceedings"; and

WHEREAS, the Florida Wildlife Federation, St. Johns County, Florida, the State of Florida Department of Community Affairs, SONOC Company, LLC and The PARC Group, Inc. participated in mediation conferences on October 9, 2001 and October 16, 2001 conducted by Bob Cambric pursuant to the Order of the Honorable Charles A. Stampelos, Administrative Law Judge, dated October 2, 2001, related to the Legal Proceedings and have agreed to the settlement of all issues in the Legal Proceedings with respect to these parties as provided for under the terms of Mediation

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WHEREAS, the St. Johns County Board of County Commissioners has duly noticed and on \_\_\_\_\_ held a public hearing as required pursuant to Section 125.66(2), Florida Statutes;

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of St. Johns County, Florida:

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  - a. Consider deletion of the credit for external Retail and Workplace development as currently provided for in Policy A.1.19.9 of the Plan.
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4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 6<sup>th</sup> DAY OF November, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

Rendition date: 11-09-01

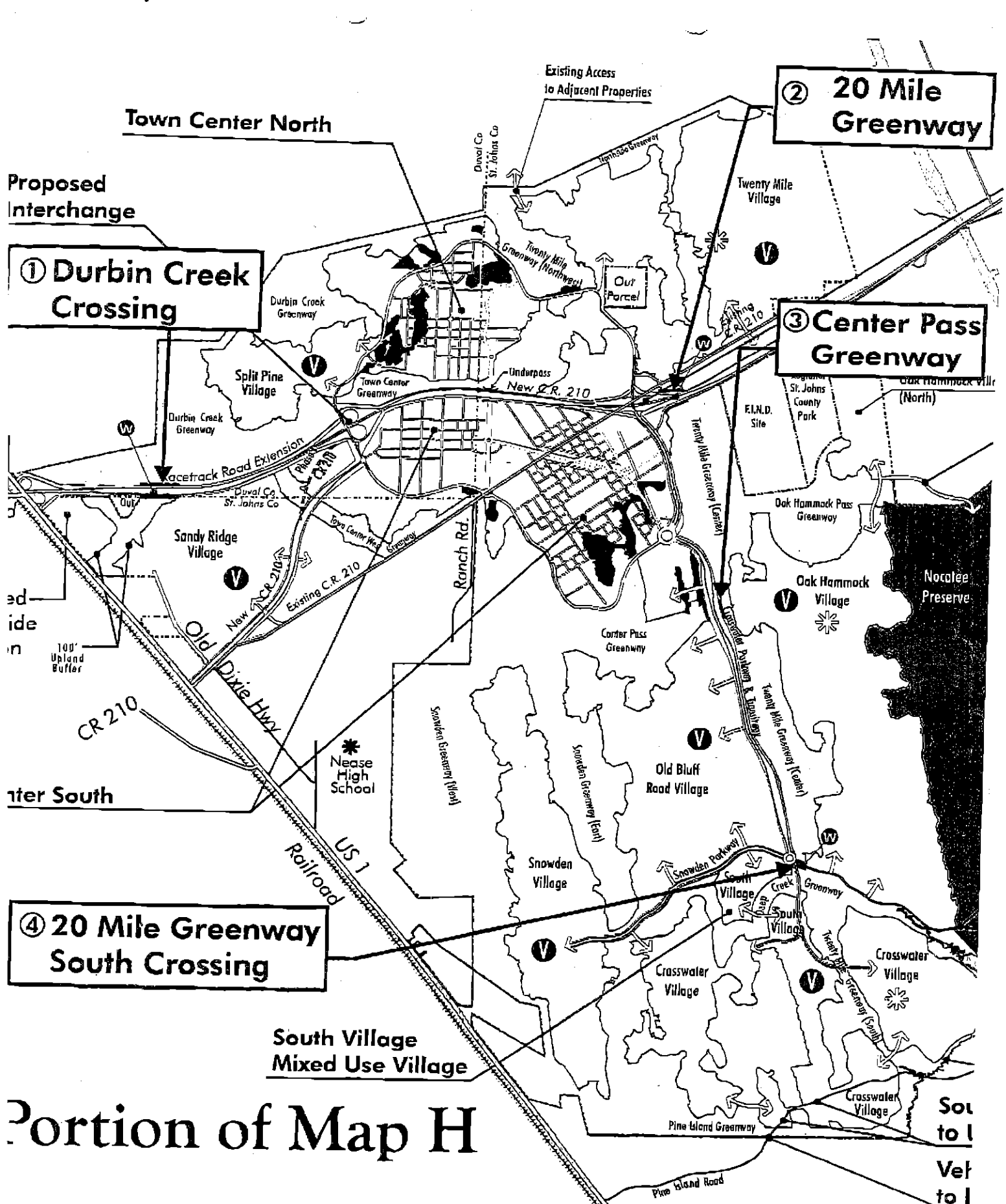
Attest: Cheryl Strickland, Clerk

By: Patricia A. Grande  
Deputy Clerk



**EXHIBIT "B"**

Fencing (Map / Locations)



**① Durbin Creek Crossing**

**② 20 Mile Greenway**

**③ Center Pass Greenway**

**④ 20 Mile Greenway South Crossing**

Portion of Map H

**NOCATEE  
FENCING FOR MAJOR WILDLIFE UNDERPASSES**

- 1. Durbin Creek Crossing**  
Northside fencing installed across wetland road frontage including a minimum of 25 feet into the adjacent upland on each side of the crossing.

Southside fencing installed from the outparcel property line east to the landward extent of the required upland buffer.
- 2. Twenty Mile Greenway Crossing**  
Both north and south side fencing installed along the entire wetland crossing frontage and extended a minimum of 25 feet into the upland on each end of the crossing.
- 3. Center Pass Greenway Crossing at Crosswater Parkway**  
Both east and west side fencing installed the entire width of the Center Pass Greenway frontage on Crosswater Parkway on each side of the roadway not to exceed 650 feet on each side. This is an upland crossing.
- 4. Twenty Mile Greenway South Crossing**  
Both north and south side fencing installed the entire length of the wetland frontage on the roadway including a minimum of 25' into the upland on both ends.

The location of the above crossings are shown on the attached portion of Map H.

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**PROSSER  
HALLOCK**