

ST. JOHNS COUNTY  
RESOLUTION NUMBER 2005 146

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON SEPTEMBER 19, 2000, UNDER RESOLUTION 2000-139 AND PREVIOUSLY MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Bartram Park, Ltd., Bartram Investments, LLC and Winslow Farms, Ltd., have submitted a Notice of Proposed Change (NOPC) to the Bartram Park Development of Regional Impact (DRI) dated March 17, 2005, requesting modification of portions of the Development Order and Master Plan Map H of the Development Order (the "Notice of Change"); and

WHEREAS, the Developer submits that the changes proposed in the NOPC do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes and the Developer has provided evidence that such changes do not constitute a substantial deviation under any provision of Section 380.06(19) of the Florida Statutes; and

WHEREAS, the Board of County Commissioners has reviewed the NOPC and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at a public hearing held June 1, 2005, after required notice; and

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

1. The following facts and conclusions of law are established by clear and convincing evidence to support this Resolution:
  - A. The requested changes do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes because there is no change in either the number of development rights or increase in impacts from those approved in the original Bartram Park DRI Development Order as amended prior to this change.
  - B. The changes requested in the NOPC are consistent with the Land Development Code of St. Johns County, as amended.
  - C. The change requested in the NOPC is consistent with and furthers the objectives of the St. Johns County Comprehensive Plan 2015.
2. The Bartram Park DRI Development Order is hereby modified by approval of the following specific changes:
  - A. **Special Conditions** Paragraphs 36 and 39 of the Special Conditions are hereby amended to read as follows:

**Community Services/Fire Protection**

36. Six (6) months after approval of construction drawings for the improvements to Racetrack Road or five years from the effective date of this Resolution whichever is earlier, the Developer shall donate to St. Johns County, Parcel 46 (not to exceed 3.02 acres) as depicted on approved Map H Development Plan. The site is to be used at the county's discretion for community services of fire, police protection, emergency services, library, or county offices, including drainage and stormwater retention. The deed of conveyance shall contain covenants, restrictions and easements insuring that the property will be used for its intended purpose. In the event that the property is not utilized by the county within five years (5) years after the conveyance to the County, the Developer, its successors and/or assigns shall have the right to repurchase the site for the value of the donation and to release the covenant. The value of the donation will be determined by an appraisal to be performed at the time the Developer asserts its right to repurchase the site pursuant to the terms and conditions of this section.

**Recreation and Open Space**

39. The Developer shall create a two acre canoe access park as depicted on Map H or on a site acceptable to the county. The park shall have a natural graded parking area with a cleared trail and elevated walkway over the wetlands as necessary from the parking area to the canoe launch and take out area. Canoe access improvements will be completed and ready for use no later than six months after approval of construction drawings for the improvements to Racetrack Road or five years from the effective date of this Resolution whichever is earlier.

3. Except as modified by this Resolution, the existing Bartram Park DRI Development Order shall remain in full force and effect.
4. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within ten (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 Council.
5. This Resolution shall take effect upon its adoption.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 1st DAY OF June, 2005.**

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 6-6-05

MAY 23 2005

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 CHARLES BARRETT who on oath says that he 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 NOPC 04-04 / BARTRAM PK was published in said newspaper in the issues of MAY 17, 2005.

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 he 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 17TH day of MAY, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

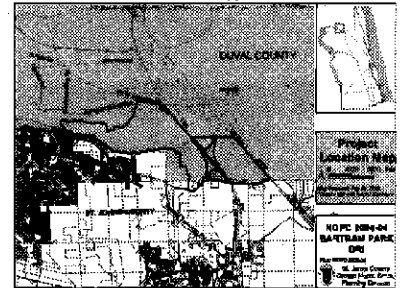
[Signature of Patricia A. Bergquist] (Signature of Notary Public)

[Seal of Notary Public Patricia A. Bergquist]

PATRICIA A. BERGQUIST

NOTICE OF A PROPOSED CHANGE (NOPC) TO THE BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT (DRI)

NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, June 1, 2005 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider a Notice of Proposed Change (NOPC) to the Bartram Park DRI to request modifications to the DRI Development Order (DO) and Map H. The subject property is located North of Race Track Road 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 the County's ADA Coordinator at (904) 823-2235 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. 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 BRUCE A. MAGUIRE, CHAIRMAN FILE NUMBER: NOPC 2004-04 Bartram Park DRI L1198-5 May 17, 2005