

**ST. JOHNS COUNTY
RESOLUTION NUMBER 2009- 326**

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, PREVIOUSLY MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; AS MODIFIED BY RESOLUTION 2003-94, APPROVED MAY 21, 2003; AS MODIFIED BY RESOLUTION 2005-146, APPROVED JUNE 1, 2005; AS MODIFIED BY RESOLUTION 2006-52, APPROVED FEBRUARY 21, 2006; AS PREVIOUSLY MODIFIED BY RESOLUTION 2006-175, APPROVED MAY 30, 2006; AND AS PREVIOUSLY MODIFIED BY RESOLUTION 2008-123, APPROVED APRIL 29, 2008; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Bartram Park, Ltd., Bartram Park Associates, LLC and Winslow Farms, Ltd., have submitted a Notice of Proposed Change (NOPC) to the Bartram Park Development of Regional Impact (DRI) by letter dated August 4, 2009, requesting modification of portions 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 on November 3rd, 2009, 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 changes requested in the NOPC are 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. Phasing: General Condition 3

3. Phasing, Buildout and Expiration of DRI. The phasing schedule of the DRI is revised to take advantage of the 2 year automatic extension approved by the 2009 Legislature in Senate Bill 360. The phasing schedule of this portion of the DRI is revised as follows to move commercial square feet from Phase II to Phase I. Approved Development Rights after the revisions are:

<u>Land Use</u>	<u>Phase I</u> (2000-2012)***	<u>Phase II</u> (2013-2025)
Residential		367 units**
Office		44,830 square feet*
Retail/Commercial	32,500 square feet	374,084 square feet*

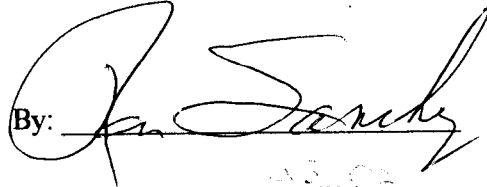
***The Developer has applied the 2 year extension under Senate Bill 360 to extend the phasing schedule for Phase I since it currently expires in 2010 and qualifies for the 2 year extension to 2012. The 2 year extension also applies to any expiration date and build-out date within the DRI Development Order and related building permits which have an expiration date between September 1, 2008 and January 1, 2012.

All other language in this section remains unchanged.


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 3rd DAY OF November, 2009.

BOARD OF COUNTY COMMISSISONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 11/5/09