ST. JOHNS COUNTY

RESOLUTION NUMBER 2004-155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, St. Augustine Associates (the Owners/Developers) have submitted a Notice of a Proposed Change to the St. Augustine Centre Development of Regional Impact (DRI) by letter dated October 29, 2003 (Notice), requesting reduction of retail land use, revised Phase 3 traffic mitigation, modification of phasing of previously approved land uses, and internal reconfiguration of approved uses; and

WHEREAS, the Owners/Developers have provided information showing that the proposed modifications of the DRI development order do not constitute a substantial deviation under any provision of Section 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners has reviewed the Notice and considered the evidence presented and whether the proposed modification constitutes a substantial deviation to the DRI requiring further DRI review at public hearings held on June 15 and 22, 2004, after required notice.

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

(a) The following facts are determined in connection with this Resolution:

a. The Notice of Proposed Change is consistent with the St. Johns County Comprehensive Plan, as amended.

b. The Notice of Proposed Change is consistent with the Land Development Code of St. Johns County, as amended.

(b) The Notice and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.

(c) The 1997 St. Augustine Centre DRI Development Order (Resolution No. 97-77), as previously amended to date, is hereby modified, as follows:
Substitute attached new Exhibit 2, DRI Master Plan (revised April 2004); new Exhibit 3, Phasing Schedule (revised April 2004); and new Exhibit 4, Roadway Improvement (revised April 2004) for Exhibits 2, 3, and 4, respectively.

Amend Development Order General Condition 2 to read as follows:

2. The DRI shall consist of no more than 130.66 acres and 868,407 gross square feet of retail service use (including 567,007 gross square feet of outlet retail use) with 4,946 parking spaces; 2,600 movie theatre seats with 446 parking spaces; 400 hotel rooms; 817 multifamily residential units; 22.7 acres and 300,000 square feet of industrial use with 310 parking spaces; 87 acres of open space. Development shall be located as shown on the Master Development plan, attached hereto as Exhibit 2 and incorporated herein by reference.

Amend Development Order Special Condition 15 to read as follows:

15. The additional traffic improvements set forth in Exhibit 4 hereto and in this paragraph are presently projected to be required for Phase 3. For purposes of traffic mitigation, Phase 3 is divided into Phases 3A and 3B. Phase 3A itself shall consist of the additional development of no more than: 1) 242,400 gross square feet of retail use, including a maximum of 75,000 gross square feet of outlet retail use; 2) 146 hotel rooms; and 3) 345 multi-family dwelling units. Phase 3B itself shall consist of the additional development of no more than: 1) 254 hotel rooms; and 2) 300,000 gross square feet of light industrial use. The Applicant must satisfy the requirements of this paragraph to adequately and fully mitigate the traffic impacts of Phase 3 of the project.

(a) The Applicant shall be required to conduct an additional comprehensive traffic study of the I-95/S.R. 16 interchange to assess operational conditions prior to issuance of any building permits for Phase 3. The ramp analysis study shall be based on a methodology approved by FDOT, which may require different peak period analyses, and shall (1) provide written concurrence of the NEFRPC, St. Johns County, FDOT and DCA as to the adequacy of the study and the resulting recommendations and (2) assess any need for an Interchange Modification Report. If FDOT determines that additional improvements to the I-95/S.R. 16 ramp system are necessary because of development proposed in Phase 3 of the project, no building permits shall be issued for Phase 3 until the improvements are completed, under construction, or included in the first three years of the FDOT Five-Year Work Program.

(b) No building permits for development in Phase 3B of the project as defined above in this condition shall be issued unless the Applicant contributes $2,587,449 (the “Pipelining Amount”) in funded transportation
improvements, pursuant to Section 163.3180(12), Florida Statutes, to offset the impacts of Phase 3B, under the terms and conditions described below. The total Pipelining Amount consists of proportionate share payments pursuant to Section 163.3180(12), Florida Statutes, by the Applicant for its share of the cost of the following required improvements: the six-laning of S.R. 16 from I-95 to Inman Rd.; and the four-laning of S.R. 16 from CR 16A to International Golf Parkway, from International Golf Parkway to CR 2209, and from CR 2209 to West Mall Entrance. In addition, the total Pipelining Amount includes an additional voluntary proportionate share payment of $649,386 related to the cost of six-laning S.R. 16 from I-95 to West Mall Entrance. This total Pipelining Amount shall be deemed sufficient to mitigate for the transportation impacts of the improved DRI through full DRI buildout, except for any additional mitigation as may be required pursuant to condition 15(a), above. The total Pipelining Amount is sufficient to pay for or construct required improvements that will benefit regionally significant transportation facilities and meet pipelining requirements. The provisions of Section 163.3180 (12), F.S., shall be deemed to meet the provisions of the County’s concurrency management system and this DRI shall be deemed to be a Multi Use DRI meeting the statutory provisions of Section 163.3180(12), F.S.

The Applicant shall cause the construction, regardless of the cost stated in the Pipelining Amount, of the following road improvement, including design, engineering, permitting and the cost of any right-of-way acquisition, within the timeframes described: construct the four-lane divided rural roadway improvement of S.R. 16 from West Mall Entrance northwest for a distance of approximately 0.6725 mile (approximately 500 feet north of the entrance to the Whisper Ridge PUD). Construction of this improvement shall be commenced no later than September 1, 2007, and completed within two years after the construction is commenced. Construction of this segment of S.R. 16 shall be consistent with FDOT design and construction standards. Prior to issuance of building permits for vertical construction within Phase 3B of the DRI (as defined above in this condition), the Applicant must provide financial assurance in the form of a bond, letter of credit or other financial instrument acceptable to both St. Johns County and FDOT that construction of the improvement will be completed within two years of commencement.

Delete Development Order Special Conditions 16 and 17 in their entirety, and renumber subsequent conditions accordingly.

4. Except as modified by this Resolution, the existing 1997 St. Augustine Centre DRI Development Order, as previously amended, shall remain in full force and effect.
5. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within 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 Planning Council.

6. This Resolution shall take effect upon its adoption, except that the provisions of this resolution related to mitigation for the traffic impacts of Phase 3B through the alternative of proportionate share payments and the pipelining of traffic improvements pursuant to Section 163.3180(12), F.S., shall take effect only upon the effective date of St. Johns County Comprehensive Plan Amendment 04-D2 in the related St. Johns County comprehensive plan amendment ordinance adopted simultaneously with this DRI resolution.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 22ND DAY OF JUNE 2004.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By:

Bruce A. Maguire, Vice Chair
ATTEST: CLERK

By:

Deputy Clerk

Adopted Regular Meeting June 22, 2004
Effective: June 22, 2004 (See Section 6)
### Phase 3 Phase Schedule

<table>
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<tr>
<th>Phase</th>
<th>Total Cross Courts</th>
<th>East 1</th>
<th>East 2</th>
<th>East 3</th>
<th>West 1</th>
<th>West 2</th>
<th>West 3</th>
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<td>Phase 3</td>
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</tbody>
</table>

*Note: The total cross courts area is 2.005-2.006.*

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### Phase 3 Summary

- **Total Cross Courts:** 2.005-2.006
- **East 1:** N/A
- **East 2:** N/A
- **East 3:** N/A
- **West 1:** N/A
- **West 2:** N/A
- **West 3:** N/A

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**EXHIBIT 3 (Revised May 2004)**
but a proportional share contribution is being offered by Applicant as a voluntary contribution.

Note: Traffic study does not show SR 16 Segment 923 from West Mall Entrance to SR 16 to be significant and adverse.

<table>
<thead>
<tr>
<th>Roadway Improvement</th>
<th>Location</th>
<th>Link ID</th>
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<tbody>
<tr>
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<td>SR 16</td>
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<td>CR 2203 to West Mall Entrance</td>
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<td>I-95 to I-95</td>
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<td>SR 90</td>
<td>96</td>
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<td>SR 16</td>
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<td>CR 16A to International Golf Pkwy</td>
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<tr>
<td>I-95 to SR 90</td>
<td>96</td>
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</tbody>
</table>

Phase 3B - 2006

Roadway Improvements

SL Augustine Centre

EXHIBIT 4
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHRISTY SOLANO
who on oath says that she 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 a NOTICE OF HEARING

in the matter of NOPC 0304/ST AUGUSTINE CENTRE

in the Court, was published in said newspaper in the issues of

May 19, 2004

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
she 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 19TH day of MAY 2004
by CHRISTY SOLANO who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

(Patricia A. Bergquist)
My Commission D0275991
Expires December 18, 2007

(Signature of Notary Public) (Seal)

PATRICIA A BERGQUIST

COPY OF ADVERTISEMENT

NOTICE OF A PROPOSED CHANGE (NPC) TO
THE ST. AUGUSTINE CENTRE DEVELOPMENT
OF REGIONAL IMPACT (DRI)
NOTICE IS HEREBY GIVEN that a public hearing will be held on Thursday, June 3, 2004 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and Tuesday, June 15, 2004 at 1:30 p.m. by the Board of County Commissioners, in the County Auditory, County Administration Building, 400 Lewis Speedway, St. Augustine, Florida, to consider a Notice of Proposed Change to the St. Augustine Centre DRI, to reduce the overall square footage of outlot retail use at DRI buildout; provide for revised traffic circulation for Phase 3; modify the internal storming of approved land uses and internally reconfigure the location of approved land uses.
The subject property is located at 2300 State Rd 16 within St. Johns County, Florida.

This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 400 Lewis Speed way, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS HAVING SPECIAL
ACCOMMODATIONS AND TO ALL HEARING
IMPAIRED PERSONS: in accordance with the
Americans with Disabilities Act, persons needing special accommodations or an interpreter to partici- pate in this proceeding should contact David Haines, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 400 Lewis Speed way, St. Augustine, Florida 32084. 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 rules of procedures, interested parties should contact the Board of County Commissioners or the Planning and Zoning Agency members on this file, except with compliance with Resolution 95-125, to properly notice public hearings or to written communications to the Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KAREN STERN, CHAIR
PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
ROBERT TAYLOR, CHAIR
FILE NUMBER: NOPC 2003-04
St. Augustine Centre DRI

L114-4 May 19, 2004
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **AMANDA N. BRUNK**
who on oath says that she 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 of **NOPC 03-04 SACENTRE DRI**
in the Court, was published in said newspaper in the issues of

**JUNE 18, 2004**

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
hereafter has 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
she 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.

Grown to and subscribed before me this **21**

by **AMANDA N. BRUNK** who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

(Brian Fike)

(Signature of Notary Public)