

ST. JOHNS COUNTY, FLORIDA

ORDER

REZONING/EXCEPTION/VARIANCE

NAME OF APPLICANT

APPLICATION NUMBER

Alex and Virginia Hein

R-88-047

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS

DENIED

CONDITIONAL ORDINANCE 88-73

Conditions

\*See Attached

DATE OF COMMISSION ACTION: November 22, 1988

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Connie E. McDaniel  
DEPUTY CLERK

(Pursuant to St. Johns County Zoning Code, Section 11-9-5b: failure to exercise an exception or variance by commencement of the use or action approved thereby within one year, or such longer time as approved by the Board, shall render the exception or variance invalid and all rights granted thereunder shall terminate)

is hereby changed to CG, Commercial General

subject to the following conditions:

1. Structures shall have a maximum height of thirty-five (35) feet.
2. A twenty-five foot (25') non building buffer shall be maintained along the eastern property line. Said buffer shall be surveyed and staked prior to any construction activity on the site.
3. An eight (8") foot opaque, visual barrier, fence shall be constructed along the Eastern property line.
4. All outside lighting on buildings and/or parking areas shall be directed to the subject property and away from adjacent residential properties.
5. All entrance/exits to the site shall be restricted to U.S. #1 and will be subject to site plan review and approval by D.O.T. and County Staff prior to issuance of any permits or any construction activity occurring on the site.
6. Only the following uses currently provided under CG classification shall be allowed on the subject property: Section 5-8, paragraphs a., b., c., e., f., g., i., j., l., m. (excluding funeral home and marinas), and p.

variance to paving requirement and the set back for structure on Parcel 2). Motion by Brubaker, seconded by Herold, carried 5/0 approving the ordinance to rezone from RMH to CHT (Ordinance No. 88-72).

(11/22/88 - 8 - 3 1089)

Hearing on R-88-047/Alex and Virginia Hein, represented by Frank DiMare; rezoning from RG-2 to CG with certain condition, request to allow professional and business offices; located on U.S.#1 South, east side, at St. Augustine South Drive. Proof of publication of notice of public hearing for rezoning from RG-2 to CG with certain conditions; published in The St. Augustine Record, October 22, 1988; upon motion by Brubaker, seconded by Bailey, carried 5/0 approving rezoning from RG-2 to CG with certain conditions; Conditions were read and amended and accepted by applicant as follows: #5- All entrance/exits to the site shall be restricted to U.S. #1 and will be subject to site plan review and approval by D.O.T. and County Staff prior to issuance of any permits or any construction activity occurring on the site.. Motion made by Maguire, seconded by Bailey, carried 5/0 to approve rezoning from RG-2 to CG with certain conditions. (Ordinance No. 88-73)

(11/22/88 - 8 - 3 1526)

Hearing on appeal to denial of minor modification to PUD, Seaside Capers, Lot 8 (Keith Martin), located within the parcel of land zoned PUD pursuant to Ordinance 77-21. Proof of publication of notice of public hearing published in The St. Augustine Record, October 19, 1988; upon a motion made by Bailey, seconded by Herold, carried 5/0 to appeal a denial of minor modification to PUD, Seaside Capers, Lot 8, located within the parcel of land zoned PUD pursuant to Ordinance 77-21.

(11/22/88 - 9 - 3 1650)

Waldron suggested since all parties involved in the Saks-Martin matter was not present other business should be considered at this time and return to this matter; at this point the County Attorney's report was considered. Sisco filed the Canvassing Board Certificate, particularly the portion of the certificate pertaining to the jail bond election results. ; upon motion by Bailey, seconded by Brubaker to file the Certificate of County Canvassing Board.

(11/22/88 - 9 - 3 1676)

Sisco submitted to the Board of County Commissioners Resolution No. 88-302, determining and declaring the results of the bond election held in the County on November 8, 1988; upon motion by Bailey, seconded by Brubaker, carried 5/0 to accept Resolution No. 88-302, determining and declaring the results of the bond election held in the County on November 8, 1988.

(11/22/88 - 9 - 3 1711)

Sisco further mentioned County is being sued in the Jax Liquors/Broudy Brothers ongoing saga. Sisco recommended County authorize him to retain on behalf Linda Bryan, attorney handling the last appeal. Upon motion by Brubaker, seconded by Bailey, carried 5/0 to have Sisco retain attorney Linda Bryan, with the law firm of Shine and Bryan, who handled the last appeal.

(11/22/88 - 9 - 3 .1895)

Waldron recognized the presence of Rick Joyce, attorney for Saks-Martin, whom had just arrived. Joyce requested minor modifications to the Seaside Capers PUD. A request to move the rear setback from 10 feet to 9 feet. (Minor modification to Ordinance 77-21, which is an ordinance rezoning lands to PUD, Seaside Capers.) Considerable discussion ensued with regard to this matter. Upon motion made by Bailey, seconded by Herold, carried 5/0, to deny appeal of minor modification to PUD, Seaside Capers, Lot 8.

(11/22/88 - 9 - 3 .3149)

Castle mentioned the City of St. Augustine has appointed Bill Bassford to represent the municipality of St. Augustine and the other municipalities in the County on the Northeast Florida Regional Planning Council. Upon motion made by Bailey, seconded by Maguire, carried 5/0, supporting Bassford's appointment to the RPC.

(11/22/88 - 9 - 3 .3281)

Castle discussed a resolution incorporating a provision for charging fees for DRI in Florida Quality Development reviews into the Interlocal Agreement. Currently it's only done by rule of the RPC. A request is made from the Board through these resolutions amending the Interlocal Agreement to approve provisions for assessing a fee for Regional Planning Council review of DRI's and Florida Quality Developments. Upon motion made by Bailey, seconded by Brubaker, carried 5/0 to incorporate a provision for charging fees for DRI in Florida Quality Development reviews into the Interlocal Agreement.

### RESOLUTION NO. 88-303

**THE NORTHEAST FLORIDA REGIONAL PLANNING  
COUNCIL WISHES TO PROVIDE UNDER SEPARATE  
AUTHORITY AS A COMPANION TO THE DEVELOPMENTS  
OF REGIONAL IMPACT AND FLORIDA QUALITY**