

ST. JOHNS COUNTY, FLORIDA
ORDER
REZONING/EXCEPTION/VARIANCE

NAME OF APPLICANT

APPLICATION NUMBER

Charles D. Towers, as Trustee, and John K. Sisk as applicant

R-88-054

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

89-8

Conditions

Continued until 2-14-89 at 2:00 PM
*See Attached

**Continued until 2-14-89 at 2:00 PM*

DATE OF COMMISSION ACTION: February 14, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Ray Wald*
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)

(2/14/89 - 11 - 4.0839)

Hearing on Resolution No. 89-38, Major Modification to PUD, Ordinance No. 84-17, Island Lakes R-PUD-84-4, located south of Sixteenth Street west of A1A; change in number of units, types or units, and construction dates, and other miscellaneous items. Proof of publication of notice of hearing on Major Modification to PUD, Island Lakes, was received having been published in The St. Augustine Record on January 11, 1989; upon motion by Bailey, seconded by Brubaker, carried 5/0, was ordered filed. Tim Gabriel, representing John Bailey and A. Runk requested the Board to modify the planned unit development granted in 1984, Ordinance No. 84-17 also known as Island Lakes; Gabriel reported on an alternate land use plan which has been designed from multi-family to single family; Bailey questioned where project is to which Gabriel stated in vicinity of Mizell Road and 16th Street; Herold questioned if traffic light will be placed at SR-3 and Pope Road also asked about water and sewer permits; Napier answered in the affirmative concerning traffic light; D. Schroeder commented on light at Pope Road; Discussion ensued; upon motion by Maguire, seconded by Herold, carried 5/0, to approve Resolution No. 89-38, Major Modification to PUD, Ordinance No. 84-17, Island Lakes.

RESOLUTION NO. 89-38

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO PUD ORDINANCE NUMBER 84-17, ALSO KNOWN AS ISLAND LAKES

(2/14/89 - 11 - 4.1324)

Hearing on R-88-058/Marc A. Jacalone, located U.S. #1 South, South of St. Augustine Center for the Living, rezoning from OR to CI. Proof of publication of notice of hearing on R-88-058/Marc A. Jacalone, rezoning from OR to CI was received having been published in The St. Augustine Record on January 11, 1989; upon motion by Bailey, seconded by Brubaker, carried 5/0, was ordered filed. Pat Farrell, 251 Dorado Drive, representing Marc Jacalone requested rezoning from OR to CI to put in a used car lot with one building for repair work on cars; pointed out location of property from map drawing; D. Schroeder commented on location of property and is not in favor of rezoning; Herold commented on PZA recommendations to deny rezoning as it is in conflict; Scott, St. Augustine Center for the Living spoke in opposition of rezoning; Cliff Pettitt commented in opposition of rezoning; Mark Jacalone, developer of property spoke concerning of zoning of property; Waldron stated need to address issue that rezoning does not comply with the Comprehensive Plan; upon motion by Herold, seconded by Bailey, carried 5/0, that this project is not in compliance with the Comprehensive Plan; Sisco suggested Board need to address zoning issue; upon motion by Herold, seconded by Maguire, carried 5/0 to deny Ordinance No. 89- R-88-058/Marc A. Jacalone, located U.S. #1 South of St. Augustine Center for the Living, rezoning from OR to CI.

(2/14/89 - 11 - 4.1893)

Continued hearing on Ordinance No. 89-8, R-88-054/Charles D. Towers as trustee, rezoning from OR to RS-1 with offered conditions, located adjacent to Swiss Oaks Subdivision off SR-#13 John Bailey, representing, Charles Towers, request approval with conditions of rezoning for this project. Owners of project are willing to change maximum number of lots to 22 from 23 formerly. Sisco read the six conditions into the record to which John Bailey agreed to all six; Jack Pierson, 791 Swiss Oaks Court, commented on conditions with respect to upstream drainage; Castle responded to mention of name on temporary CO regarding a lot; Castle noted County Engineer gave approval of drainage plan and it will be in place also all of the property owners have agreed to it; John Helms, 1606 Swiss Lane, commented on survey he had done in 1985; presented a map of said survey done by Frank Jones and Associates and Helms urged the Board to deny this rezoning; Thomas Collier, 2012 Myron Road, commented in opposition of project; Maguire asked Helms if the cypress pond contain a portion of his property to which Helms responded that when it rains the water from the pond is on his property; Maguire related a pond can be filled in with a national permit without going to the Core of Engineers; Discussion ensued on wetlands; Sisco related in PUDs we refer to files but on a conditional ordinance what is on the face of the ordinance is what is there; Sisco mentioned he did not think permits supercede zoning nor the common law that says a pond can be dammed up if it is creating a problem to the uplands; permit only signifies Washington D.C.s regulations have been met; however there are some permits that will supercede but not the ones referred to here. Waldron mentioned the issue in front of them is rezoning not the plat; Napier related the issue today is to rezone property from OR to RS-1 with certain conditions that speak to the future development of the property, however, platting of the property is a separate issue. Discussion ensued; John Bailey put in condition on condition 5 to which Sisco

entered it into ordinance; Castle commented on jurisdictional boundaries to be determined when plan to develop the property is brought in; however, the wetlands may be larger than shown on map; Sisco related wetlands and cypress pond may be one and the same, however on zoning, section 4 states: "area designated as cypress pond..." Discussion ensued. Waldron suggested putting in verbage mentioning wherever the jurisdictional wetlands are, none can be disturbed; Bailey alluded to problem of the ravines, where developers will come in and disturb vegetation and ruin the area; Brubaker related purpose today is rezoning of land, however developer cannot build anything until plan is brought back before Board again. Considerable discussion ensued. Bob Pirtle, 760 Matterhorn Court, commented on fill dirt being brought in; Judy Chandler, 794 Swiss Oaks Court is opposed to school bus shelter; Waldron addressed drainage problems in Swiss Oaks and suggested a committee be set up drainage committee with folks in area to rectify the situation. Castle commented on another drainage study being done presently (Moultrie/Moses Creek Basin), is funded by Water Management District primarily, and very little local dollars is going into the study; previously, a drainage taxing district in Palm Valley area was started whereby a tax could be imposed to cover the cost of the engineering study and the implementing of that, so this may be one avenue to be looked at in this situation as well; Sisco stated another change be made to the conditions of the ordinance to which John Bailey mentioned deletion of the school bus shelter and; "walking access to the St. Johns River shall be provided to residence of the development"; upon motion by Brubaker, seconded by Maguire, carried 4/1, Bailey dissenting, to approve Ordinance No. 89-9, rezoning from OR to RS-1, with offered conditions. The meeting was recessed until February 16, 1989 at 9:00 a.m.

(2/16/89 - 12 - 5.0793)

Continuation of regular meeting of the Board of County Commissioners of St. Johns County, Florida on February 16, 1989 at 9:00 a.m. with Waldron, Bailey, Maguire, Herold, Brubaker was absent until 10:00 a.m.

(2/16/89 - 12 - 5.0794)

The meeting was called to order by Chairman Waldron.

(2/16/89 - 12 - 5.0862)

Castle introduced Dr. Walter Sobel, whose firm was employed to perform the study for the St. Johns County facility. His report is finalized for the courts and offices with recommendations; a copy of Sobel's study was given to Commissioners. Sobel related he will discuss a study involving the courts and constitutional officers and is only projected until the year 2000; however, with additional input presently, projections will be until the year 2015. Based upon population growths and case histories which has been discussed with the judges, an analyses of the numbers of cases that will occur in the future in the target years can be predicted; moreover, file space has been considered as well. There is also a need to accommodate computer systems. Sobel stated with courthouse it would be imperative to expand horizontally, thus a need to predict the amount of land is required and what land is available. Sobel also pointed out three conceptual designs at the back of the study; county administration and building a new courthouse - this may be 100 feet apart or constructed in a way which the two could be connected, this would not change the costs respectively; Further, Sobel pointed a design for the courthouse which would be a standalone building to handle the courts and constitutional officers. After some discussion, a cost range was discussed; Sobel prepared preliminarily to discuss cost range; to build space required for year 2015 - would need \$7.5 million roughly 5% per year with escalation, the entire county administration facility would need approximately \$8.1 million; and alternative would be to only build to the year 2005. Considerable discussion ensued. Clerk of Court Carl "Bud" Markel mentioned a viable funding mechanism was found; Markel spoke to Mr. Mitchell from W. R. Hough, Jacksonville, as well as had meetings on the practicality of the financing mechanism with PFM; Markel introduced Mr. Mitchell from W. R. Hough to explain financing mechanism; Mitchell reported; the fund that comes into the County which is the local government 1/2 cent sales tax which has been a strong increasing revenue source over the last several years; there is an outstanding issue which county passed in 1986 which incorporates a very short term pledge of these funds; based on current market conditions Mitchell propose a wraparound type of financing, utilizing the outstanding low rates county has on the 1/2 cent tax wrapping around long term rates now which are at an 8 to 10 year low as far as long term rates; the wrapping around would be placing the long term rates on top of the short term rates already in place, creating a level debt service, but taking advantage of those lower rates to lower cost to county on a long term basis and create flexibility.

Brubaker arrived at the meeting.

The county has revenues capable of funding programs Sobel discussed in his report previously. Another advantage to this type program is to use the parity bond test