

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

NAME OF APPLICANT

APPLICATION NUMBER

Griffins' Point Associates

R-PUD-88-031

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

Conditions

*See Attached

DATE OF COMMISSION ACTION: November 8, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Ray Wilson*
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)

SECTION 3. In addition to the conditions and limitations contained within the Application and supporting documents, the Applicant, and its successors and assigns shall comply with each and every of the following:

(a). The buffer area along Highway AIA shall be 80' in width. All buffer areas shall be surveyed, staked and flagged before any construction activity.

(b). In the area described in paragraph 3 (a), above, no trees over 6" shall be removed except as required for entrances and exits. All underbrushing shall be by hand, only. The landscape plan shall be developed in consultation and agreement with staff.

(c). The two and one-half acres of pavement located behind the buildings on the commercial tract will be obscured from the public by buildings, walls and landscaping and will be served by a separate service entrance.

(d). Not less than forty (40%) percent of the commercial area will be landscape/greenspace.

(e). Commercial building square footage shall not exceed 80,000 square feet with the configuration in general conformance with the site plan. The commercial buildings shall be grouped as generally indicated on the site plan. One one (1) building may be separated from the main grouping and it shall be a minimum of 120 feet from the right-of-way of State Road AIA.

(f). Maximum height of parking area lights in the commercial area will be 25 feet with full cut off lights, directed downward.

(g). Development of Phase I and Phase II may overlap. Phase III may not procure a certificate of occupancy for three (3) years from passage of this Ordinance.

(h). Developer will pay all costs associated with signalization of the commercial entrance at AIA prior to issuance of any certificate of occupancy within the commercial area or at such prior time as requested by D.O.T. or County. Costs shall be bonded prior to final development plan approval for the commercial area.

(i). In the event of any conflict between the provisions of this schedule and the terms and conditions of the application, as amended, the more restrictive shall apply.

(11/08/88 -10- 3.0156)

Hearing on R-PUD-88-031/Griffin's Point Associates, requesting rezoning from OR and CG to PUD, 161 units and 14.7 acres of commercial; total 147 acres of land located A1A South and Owens Avenue. Proof of publication of notice of intention to consider adoption of an ordinance rezoning lands of Griffin's Point Associates from OR/CG to PUD was received having been published in The St. Augustine Record on October 6, 1988; upon motion by Brubaker, seconded by Lydon, carried 5/0, was ordered filed. The Planning and Zoning Agency finds this request in compliance with the Comprehensive Plan, subject to inclusion within the adopting ordinance amendments added to application during meeting and additions as noted in Staff Report dated August 4, 1988 and letter from George McClure dated July 21, 1988, as amended at the public hearing; therefore the PZA recommends approval. (3.0187) Waldron explained he has to be at the Courthouse before 3:00 pm today to count absentee ballots for the election being held today. Court Reported, Kathy Upchurch, was present recording. (3.0197) George McClure, 81 King St., attorney for Griffin Point Associates; McClure explained that Griffin Point Associates is a General Partnership; the Partnership is composed of people who live and work in the St. Augustine area. McClure distributed a map of the proposed site plan; McClure explained the location of the property and the use of the surrounding property. The current zoning on this property is Commercial General along the highway, 1065 feet frontage on A1A by an average of approximately 100 feet in depth; the north end is about 86 feet and the south end is about 116 feet; the remainder of the property is zoned OR; McClure passed out a boundary map. McClure is present to request rezoning to Planned Unit Development. McClure explained this project has been in the formulating stages for over two years; McClure spoke about the previous owners of the property up to the current owners; McClure spoke on the acquisition of the property and the planning phase of the property; McClure explained the applicants own the site, it is not under contract, it is not contingent upon the rezoning, therefore this matter is of great consequence to them. McClure indicated they have worked closely with the County Staff regarding this matter. It is the desire of the partners to begin this project immediately; it is not being rezoned in order sell off to someone else; an engineer has been retained and is in the process of developing the actual lot lay out and applying for the necessary permits to then come before the Board with a final development plan. McClure discussed the density of the project; the units planned per acre; McClure pointed out all the areas planned for this project on a site plan map and explained same at length. McClure explained the deed restriction on the residential lots planned for this project; McClure explained that the deed restrictions will be part of this ordinance. McClure spoke on the park and conservation areas proposed for this site; lot sizes; he spoke on the Comprehensive plan for this area; addressed the issue of the water and sewer system for this site. McClure spoke in regard to the 19 points of ingress and egress along A1A. McClure gave a graphic description of Griffin Center commercial area; discussed the buffer zones and square footage requested; he feels this commercial will attract the number of shoppers needed to support the proposed businesses; he discussed the road planned for the site. McClure indicated no certificate of occupancy will be issued for any use in there for three years from the effective date of this PUD. McClure addressed the concerns of some citizens regarding the need for more commercial building in this area. McClure spoke at length regarding the commercial part of this request; spoke on some of the conditions offered by the applicants. McClure feels this plan will be a credit to the south beaches area. McClure commented this is a package proposal, commercial and residential. (3.1087) Geoffrey Dobson, 66 Cuna St., here on behalf of the owners of some of the adjacent properties and some of the residents in the area and neighbors to the property. Dobson spoke primarily in regard to the commercial use of the property; Dobson indicated that this application is for a mixed use PUD but in reality it is two separate zonings; one zoning is residential in character and then the other portion of the project is for a shopping center of 80,00 square feet. Dobson spoke on the issue of strip zoning; the 80,00 square feet shopping center; Dobson spoke at length regarding the traffic problems a commercial development of this size would create. Dobson had blown up size letters written by a citizen to the Planning and Zoning Board regarding the draft staff report before it was finalized; Dobson explained same. Dobson compared this area to U.S. 1 South and SR 312 to the Ponce de Leon Mall and the K-Mart area; spoke on all the traffic lights in this area. Dobson passed out photo's of the Southern Realty building which is in the immediate area of proposed commercial development for the Board to see, he filed the photo's with the Clerk. Dobson addressed the landscaping requirements, the exits onto A1A and the permits that must be gotten from the Dept. of Transportation. Dobson pointed out on a map Seminole Av., Owens Av. and Magnolia Av. Dobson addressed the issue of Seminole Av. and Magnolia Av. being vacated. Dobson discussed at length the purpose of zoning; the major impact on the area with a shopping center and the traffic problems created. Dobson pointed

the area out on a large colored map indicating the ingress and egress to the property; questioned if we desire this to be another U.S. 1 and he questioned if this kind of project is needed now. The commercial issue is the major problem for the use of this land. Dobson feels this plan should be rejected; it is premature and it is not in reality a mixed PUD use; it is actually two applications for zoning. Dobson feels this request should be turned down. At this point, citizens in the audience expressed their comments; Patrick Hamilton, broker of Southern Realty, whose address is corner of AIA and Owens Avenue is in opposition of the project. At this point Commissioner Waldron had to leave. Stan Bond, 418 Ocean Drive, St. Augustine Beach, is opposed to commercialization of AIA. Edith Nock, 5591 Atlantic View, Anastasia Hills, oppose commercialization of this property. Bob Keane, 5494 Atlantic View, oppose commercialization of property. Sandra Marvin, corner of Madoris and Magnolia, oppose commercialization of property; Don Thorson, 5336 Atlantic View, President of Anastasia Hills Homeowners Association,, opposes application to commercialize the property. Wayne Byerly, 5566 Atlantic View, oppose this proposal to commercialize the property; Sandy Gleeson, 5198 Holly Road, Westwood Subdivision, oppose commercialization of property; Scott _____, Red Bird Road, Westwood Subdivision, oppose the development of property; Jane Miller, 5199 Red Bird Road, Westwood Subdivision, oppose development of property; Sandy Kaplan, Crescent Beach, oppose commercialization of property; Rick Gleeson, 5198 Holly Road, oppose commercialization of property; Henry Trapido-Rosenthal, 519 West Tropic Way, Hidden Harbor Subdivision, presented petitions oppose commercialization of property; Bill Hamilton, landscape contractor with Southern Horticulture, corner of Owens Avenue and AIA South, (presented photos) request denying zoning of Griffins Point; Geoffrey Dobson, 16 Palmetto Ave., oppose commercialization of property; Vickie Sellner, 403 Anastasia Blvd, oppose commercialization of property; Judy Ginn, 6789 Ave. A., Crescent Beach, oppose further development on island; Walter Dusseau, 4600 AIA, favors development of commercialization of property; Jim Dale, 7260 AIA South, favors commercialization of property; Cathy Larson, Red Bird Road, favor Griffin Points Project; Cliff Pettitt, 968 Alcala Drive, in favor of development within comprehensive plan and zoning restrictions; Further, George McClure, attorney for Griffin Point, addressed the perception that is being perpetuated that this rezoning seems to be the only problem existing on Anastasia Island. There are going to be increasing demands on the traffic system as well as all other basic services that it is the government's obligation to provide. A considerable discussion ensued, after which questions were presented from BCC and responded to by McClure. Napier addressed the traffic problem on AIA mentioned by Lydon. Ron Jadon, senior planner with Housel & Associates, Inc., in Tampa, who has been a city planner also addressed traffic issue comparing residential use to commercial use. A considerable discussion ensued. Sisco, county attorney, mentioned that language needs to be put in to the PUD ordinance to be voted on. Considerable discussion ensued between BCC, McClure McClure also referred to plats showing exact specs of project in question; Bailey at this point presented letters for project and against project; considerable discussion followed with comments from audience as well; upon motion by Bailey, seconded by Brubaker, carried 2/2, Waldron was absent, to accept Ordinance as amended; McClure mentioned motion and second for denial which has failed; a motion for passage and second which is tied 2/2. An avenue of response would be to request that the matter to waive the one year to go back and request the matter be redone with respect to the commercial component and come back with something else. McClure request BCC to move to reconsider this issue and if passed delete from this planned unit development any reference to the commercial phase three and existing zoning of OR and CG remain as is and only thing to pass is the residential phase of the development and leave the rest intact. Upon motion by Brubaker, seconded by Lydon, carried 4/0, Waldron was absent, to waive time limit of one year for waiver to be redone with respect to the commercial component and come back with something else. The PUD has been denied.

(11/08/88 -11- 4.2510)

Hearing on R-88-046/Wayne T. Ellison, requesting rezoning from OR to IW with conditions, to located industrial use warehouse and distribution; located on U.S. #1 North, east side, south of White Castle Baptist Church. The Planning and Zoning Agency finds the request to be in compliance with the Comprehensive Plan and hereby recommends approval; a variance for relaxing paving for a period of two years has been granted by the Planning and Zoning Agency. Proof of publication of notice of intention to consider adoption of an ordinance rezoning lands of Wayne T. Ellison from OR to IW with conditions was received having been published in The St. Augustine Record on October 5, 1988; upon motion by Brubaker, seconded by Lydon, carried 4/0, Waldron was absent, was ordered filed. Wayne T. Ellison, White Castle, was present requesting approval. Conditions were read and accepted by the applicant. There were no citizens commenting. (4.2706) Motion by Brubaker, seconded by Bailey, carried 4/0, Waldron was absent, to adopt Conditional Ordinance No. 88-70.