

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

**NAME OF APPLICANT**

**APPLICATION NUMBER**

Hayes M. Herschler, represented  
by Michael Traynor

R-88-021

**DECISION OF  
COUNTY COMMISSION**

**GRANTED**

**GRANTED WITH  
STIPULATIONS**

**DENIED**

**CONDITIONAL ORDINANCE**

**Conditions**

1. If the property is not used for a Midas Muffler shop, or if said Midas Muffler Shop ceased to continue operation, then the zoning classification of the parcel shall revert to CG.
2. A detailed site plan shall be submitted and approved by the Planning and Engineering Departments prior to obtaining building permits.
3. Any repair of vehicles shall be restricted to being done within an enclosed building.
4. An eight (8) foot solid fence along the eastern border of the property line shall be placed prior to the commencement of the use of the property.
5. All necessary permits from the Florida Department of Transportation and the St. Johns River Water Management District, and County Engineering Departments shall be obtained prior to commencement of use on the property.
6. Any exterior lighting shall be directed so as not to shine on any neighboring properties.
7. Any Vehicles left overnight will be stored within the building.
8. A minimum rear yard shall be maintained along the eastern end of the property and shall be defined by a straight line connecting a point on the north property line which is 10' from northeast corner of the property to a point on the south property line which is 25' from the southeast corner of the property.
9. The hours of operation shall only be from 7:00 A.M. to 8:00 P.M. daily with no activity on Sunday.

\*See Attached

**DATE OF COMMISSION ACTION: August 9, 1988**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By: Lawrence D. Hartley  
Chairman

**ATTEST: CARL "BUD" MARKEL, CLERK**

BY: Lynn M. McDonald  
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)

**RESOLUTION NO. 88-224**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY STATE OF FLORIDA, APPROVING THE FINAL DEVELOPMENT PLAN OF UNITY CHURCH FOR CREATIVE LIVING, LOCATED WITHIN THE JULINGTON CREEK PUD.**

(08/09/88 - 9 - 2.1375)

Plat; Marsh Pointe Patio Homes at Marsh Landing Unit 15 located north of Bridle Way. Planning & Zoning Agency Summary recommending approval was received. Jerry Sizemore, Durden Survey was present requesting approval. Sisco questioned the plat having only one witness for the mortgagee signature. Sizemore suggested the Board approve the plat today with the stipulation another witness signature be obtained. Sisco submitted resolution indicating the Construction Bond and the Warranty Bond are waived. Motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, adopting Resolution No. 88-225 with the condition the plat be returned within fourteen days with the second witness signature.

**RESOLUTION NO. 88-225**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA FOR APPROVAL TO RECORD A SUBDIVISION PLAT KNOWN AS MARSH POINTE PATIO HOME AT MARSH LANDING UNIT FIFTEEN.**

(08/09/88 - 9 - 2.1700)

Roland Pacetti representing Wildwood Pines Properties was present requesting permission to recover a portion of their investments through transmission line unit connection fees on that portion of the main they participated in. He explained the water line in question is approximately one (1) mile from the entrance of Moultrie Oaks Mobile Home Park on Wildwood Drive westerly to Wildwood Pines Subdivision. David Halstead, Director Administrative Services indicated Mr. Pacetti is requesting if the County adopts an ordinance regarding transmission lines he be allowed to recover through credits some of his investment from other developers who may tap into the portion of line he participated in. Sisco indicated this could be done but suggested the ordinance setting the policy be drafted and passed prior to granting any credits. Sisco further expressed concern should a policy be set involving retroactive credits. Bobby Jones, Utilities Director suggested Mr. Pacetti install the line but not deed the line to the County until a later date. This was discussed and Sisco stated the line could be installed but should remain inoperable until deeded to the County. The time involved to draft and adopt an ordinance was discussed. It was the consensus of the Board staff should continue to pursue drafting the ordinance concerning reimbursement of water lines. No action was taken regarding the request of Mr. Pacetti to obtain transmission line credits.

(08/09/88 - 9 - 2.2440)

Hearing on application R-88-019; James Weinstock, Trustee and Crescent "95", Inc located south side of S. R. #206, approximately 3/4 mile from I-95 and S.R. #206; request for rezoning from OR to RS-E for single family development. Proof of publication of notice to consider passage of an ordinance rezoning lands was received having been published in The St. Augustine Record on July 8, 1988; upon motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, was ordered filed. Planning & Zoning Agency Report recommending approval was received. Ed Paucek was present requesting rezoning. The conditions were read by Napier and accepted by the applicant. Motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, adopting Conditional Ordinance No. 88-44.

(08/09/88 - 9 - 2.2745)

Hearing on application R-88-021; Hayes M. Herschler located U.S. #1 South, north of Sherwin Williams Paint and across from the Ponce De Leon Mall; request for rezoning from CG to CI for the location of a Midas Muffler Shop. Proof of publication of notice to consider passage of an ordinance rezoning lands was received having been published in The St. Augustine Record on July 8, 1988; upon motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, was ordered filed. Planning & Zoning Agency Report recommending approval was received. Attorney Michael Traynor representing the applicant requested withdrawal along with a waiver of time limit for reapplication within one

year. Motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, denying the conditional ordinance. Motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, approving the waiver of time limit for reapplication within one year.

(08/09/88 - 10 - 2.2867)

Bailey reported the Occupational License Committee is requesting the addition of three more members. They are suggesting Greg Wardell and Jim Pennington with the third member open at this time. Motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, approving the appointment of Greg Wardell and Jim Pennington with the third member to be named at a later date.

(08/09/88 - 10 - 2.2910)

Bailey reported on the "Task Force" to draft an Adult Literacy Plan for St. Johns County reporting a copy of the State Adult Literacy Plan was received and a form was indicating to each agency for completion regarding services provided to enable illiterate adults to become literate. The form has been given to Karen Van Volkinburg, Personnel Manager for review and any ideas regarding this should be submitted to Ms. Van Volkinburg.

#### REPORTS:

1. Review of The Riverton DRI Application for Development Approval from Joan Pellerin, Regional Planner dated July 11, 1988.
2. Report of Activities and Expenditures compared to the Contract Plan for the three major service levels; Public, Personal and Primary Care; submitted by Dr. W. W. O'Connell, Medical Director dated August 4, 1988.

There being no further business to come before the Board; upon motion by Lydon, seconded by Bailey, carried 3/0, with Brubaker and Waldron absent, the meeting adjourned.

Approved \_\_\_\_\_, 1988

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By \_\_\_\_\_  
Deputy Clerk