

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

NAME OF APPLICANT

APPLICATION NUMBER

MDB Development Corporation
c/o Eddie McDuffie

R-PSD-88-027

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
STIPULATIONS

DENIED

*See Attached

DATE OF COMMISSION ACTION: October 25, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Lawrence O. 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)

seconded by Brubaker, carried 5/0, reappointing Ms. Ellen Cole to the Northeast Florida Private Industry Council, Inc. for another term until July 31, 1991.

(08/23/88 - 7 - 3.0318)

Castle distributed a copy of a proposed ordinance and requested a hearing date be scheduled. He indicating this is an amendment to Ordinance No. 88-37 which is the St. Johns County Noise Ordinance. Sisco clarified this amendment pertains to railroad train whistles. Motion by Waldron, seconded by Bailey, carried 5/0, setting the public hearing date for September 13, 1988 at 11:00 a.m. (Please Note: the public hearing date was rescheduled by authorization of the Chairman to September 27, 1988 at 11:00 a.m. due to advertising requirements).

(08/23/88 - 7 - 3.0380)

Castle requested Board approval for an Agreement with Clay County for the temporary use of a "Menzi Muck" machine. Motion by Waldron, seconded by Brubaker, carried 5/0, approving said agreement and authorizing the Chairman to sign same.

(08/23/88 - 7 - 3.0485)

Castle requested the Board consider another date for the special meeting to consider adoption of a Final Budget and to set Final Millage Rates presently scheduled for September 27, 1988 at 6:00 p.m. indicating the School Board has also scheduled a public hearing for the same date. September 26, 1988 at 6:00 p.m. was tentatively set. Castle will check the availability of this date along with time requirements and report back later today. (See Page - 10 - 5.1430)

(08/23/88 - 7 - 3.0573)

Castle reported the golf course is progressing well; all greens are planted and they anticipate opening to golfers possibly by October 15th but no later than November 1st. He further indicated a job description for the Golf Professional has been prepared and requested authorization to advertise for same. Discussion followed regarding requirements for the position and it was the consensus of the Board a copy of the job description should be provided and further discussion is needed.

(08/23/88 - 7 - 3.0750)

Hearing on Application #R-88-035; Estate of Mattie J. Kellow represented by Jack Shoffner and B. Robert Tucker located west side of South Roscoe Boulevard, one-half mile north of State Road #210. Requesting change from RS-1 to RS-2 to divide 1.12 acre parcel into two lots. Report of the Planning & Zoning Agency recommending approval with conditions was received. Proof of publication of notice of intent to consider the adoption of an ordinance rezoning lands was received having been published in The St. Augustine Record on July 20, 1988; upon motion by Brubaker, seconded by Bailey carried 5/0, was ordered filed. Jack Shoffner, 254 Ocean Walk Drive South was present requesting approval. Conditions were read and accepted by the applicant. Motion by Waldron, seconded by Bailey, carried 5/0, adopting Conditional Ordinance No. 88-45.

(08/23/88 - 7 - 3.0820)

Hearing on Application #R-88-032; Edward Paucek as agent for James Weinstock, Trustee located approximately 2500 feet east of U.S. #1, south side of S.R. #206. Requesting change from OR to RS-2, to establish single family subdivision on 20 acres of land. Report of the Planning & Zoning Agency recommending approval with conditions was received. Proof of publication of notice of intent to consider the adoption of an ordinance rezoning lands was received and filed having been published in The St. Augustine Record on July 20, 1988. David Bruner, St. Johns Survey Company was present requesting approval; he distributed a Preliminary Lot Layout for Board review. Conditions were read by the Deputy Clerk and accepted by the applicant. Edward Paucek was also present and indicated they may acquire a small portion of property approximately three additional lots to the east and questioned whether this would be brought under this rezoning request or a separate rezoning request. Napier clarified the additional lots would require a separate rezoning application. Motion by Waldron, seconded by Bailey, carried 5/0, adopting Conditional Ordinance No. 88-46.

(08/23/88 - 7 - 3.1008)

Hearing on Application #R-88-033; Ted & Florence M. Woody located S.R. #207 east of I-95. Requesting change from OR to CHT. Report of the Planning & Zoning Agency recommending approval was received. Proof of publication of notice of intent to consider the adoption of an ordinance rezoning lands was received having been published in The St. Augustine Record on July 20, 1988; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Ted Woody, Bakersville, North Carolina was present requesting approval. Motion by Waldron, seconded by Brubaker, carried 5/0, adopting Ordinance No. 88-47.

(08/23/88 - 7 - 3.1063)

Hearing on Application #R-PSD-88-027; MDB Development Corporation c/o Mr. Eddie McDuffie located 102 S.R. #13, Julington Terrace Replat. Requesting change from RS-2 and CN to PSD to allow an addition to an existing structure. Report of the Planning & Zoning Agency recommending denial was received. Proof of publication of notice of intent to consider the adoption of an ordinance rezoning lands was

received having been published in The St. Augustine Record on July 20, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. Eddie McDuffie, 1938 Sasoma Circle West was present requesting a thirty day continuance in order to address issues of concern regarding the use of said property. Napier indicated he had no problem with granting the continuance. Many concerned citizens were present. Citizens commenting against the rezoning were: (3.1190 & 3.1500) R. L. Williams, 1301 Wentworth Avenue submitted an additional Petition requesting denial, (3.1317) Wade Weinberg, 1329 Wentworth Avenue, (3.1310) Patricia Brooks, 1395 Wentworth Avenue, (3.1350) Janice Dyer, 1319 Wentworth Avenue, (3.1389) Grady Snowden, Bishop Estates Road, (3.1575) Clark Bailey, 2202 Bishop Estates Road submitted a Petition of 62 residents requesting denial along with a letter from Veronica Andrews dated August 3, 1988, (3.1609) Joe Midge, 111 Warren Circle, (3.1648) Leonard Bowers, 1540 Wentworth Avenue and (3.1765) Corbett Bohannon, 120 Warren Circle. Some concerns addressed by citizens were traffic problems and the building not being conducive to the area. (3.1450) Don Patrick, 266 St. Johns River Place Lane representing the Northwest Council of the St. Augustine, St. Johns County Chamber of Commerce spoke in favor of the proposed rezoning. At this time Mr. McDuffie responded to comments made and requested a 60 day continuance in order to redesign and address concerns of citizens in the area. Discussion followed with a motion by Bailey to deny the rezoning request; motion dies due to the lack of a second. Motion by Bailey, seconded by Lydon, carried 5/0, continuing this rezoning request to October 25, 1988 at 2:00 p.m. with a condition the applicant readvertise and remail notification of said public hearing.

(08/23/88 - 8 - 3.2370)

Hearing on Application #V-88-023; John & Chrystal Sulik, appeal denial of Variance of height from 35 feet to 42 feet for single-family home located at 2403 South Ponte Vedra Boulevard. Report from the Planning & Zoning Agency recommending denial was received. Proof of publication of notice of public hearing on proposed zoning height exception was received having been published in The St. Augustine Record on August 2, 1988; upon motion by Bailey, seconded by Brubaker carried 5/0, was ordered filed. Attorney Rick Joyce was present and requested a continuance in order to provide additional information. Persons present and commenting were: (3.2488) Bill Johnson, Fire Chief South Ponte Vedra expressed concern indicating the structure will be 42' and fire ladders only go up to 36'. (3.2520) Marjorie Blocksidge, 1327 Coastal Highway representing the Ponte Vedra Association read into the record a letter from the Association to members of the Zoning Board (Please Note: This letter was only read into the record not submitted.) and indicated she is opposed to the extra height request. (3.2766) Harold Baker, 4240 Coastal Highway requested the right to speak in the event the continuance is not granted. Motion by Waldron, seconded by Bailey, carried 5/0, continuing this request to September 27, 1988 at 2:00 p.m.

(08/23/88 - 8 - 3.3089)

Hearing on Application #E-88-051; Cora Marie Thibodeau, appeal to denial of Exception for placement of mobile home and also appeal of 45-day time to remove existing violation mobile home located at 1809 and 1803 Old Beach Road, Menendez Park. Proof of publication of notice of public hearing for the purpose of appeal to the Board of County Commissioners for action taken by St. Johns County Planning and Zoning Agency was received having been published in The St. Augustine Record on August 5, 1988; upon motion by Waldron, seconded by Bailey, carried 5/0, was ordered filed. Cora Thibodeau was present requesting approval. Persons present and commenting against the exception were: (3.3165) Michael Drury, 1761 Shea Lane submitted a Petition against the exception, (4.0042) Katie Herzog, 1754 Leon Street, (4.0060) Jim McAdams, (4.0078) D. Stein, 206 San Tander and (4.0111) Stacy Drury, 1761 Shea Lane. (4.0088) Ralph Thibodeau indicated his wife has health problems and feels 45 days to remove the trailer is not enough time he submitted into the record papers to show they are trying to move from the area. Hartley submitted into the record letters from Maureen Long and Mrs. R. L. Raulerson, Jr. opposing the exception. Board discussion followed. Motion by Waldron, seconded by Brubaker, carried 4/1, with Hartley dissenting, denying the exception with the condition the trailer be removed within thirty-one (31) days

(08/23/88 - 8 - 4.0577)

Hearing on paving and drainage ordinance. Proof of publication of notice of public hearing to consider the passage of an ordinance was received having been published in The St. Augustine Record on August 2, 1988, upon motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. Holmes read the introductory paragraph and responded to questions. She indicated most of the revisions are minor in nature and were actually proposed to clarify the existing language. Lydon questioned the criteria for granting a Special Permit to allow access to a county or private road under Section 14.1; Mining and Borrow Pit Operations. Holmes indicated the criteria has not been identified in the ordinance because each request is very specific in nature and needs to be evaluated on its own merit. She further clarified any use of a currently unopened road does require County Commission

Sisco requested Mr. Prosser mark the blueprint attached to the proposed resolution with the correction. Motion by Brubaker, seconded by Lydon, carried 5/0, adopting Resolution No. 88-281.

RESOLUTION NO. 88-281

RESOLUTION OF THE COUNTY OF ST. JOHNS STATE OF FLORIDA APPROVING A FINAL DEVELOPMENT PLAN UNIT ONE-SINGLE-FAMILY LOTS AND MAINTENANCE FACILITY LOCATED WITHIN THE PARCEL OF LAND ZONED PUD KNOWN AS CIMARRONE GOLF AND COUNTRY CLUB PURSUANT TO ORDINANCE 87-48.

(10/25/88 - 7 - 3.1145)

Final Development Plan for Cimarrone Utility Site located approximately 50' north of C.R. #210 consisting of five acres to be utilized for a water and sewer treatment plant. Planning & Zoning Agency Summary recommending approval was received. Dick Prosser with Prosser, Hallock & Kristoff, Inc. representing Cimarrone Golf & Country Club was present requesting approval. Mr. Prosser submitted revised resolution explaining the only change is in Section #3. Motion by Waldron, seconded by Brubaker, carried 5/0, adopting Resolution No. 88-282.

RESOLUTION NO. 88-282

RESOLUTION OF THE COUNTY OF ST. JOHNS STATE OF FLORIDA APPROVING A FINAL DEVELOPMENT PLAN FOR THE UTILITY SITE KNOWN AS CIMARRONE GOLF AND COUNTRY CLUB PREVIOUSLY KNOWN AS THE WOODLANDS PUD (R-PUD-87-15) PURSUANT TO ORDINANCE 87-48.

(10/25/88 - 7 - 3.1428)

Hearing on SW-88-007 Ralph J. and Mary Beth Pacetti, waiver of Subdivision Regulations for the division of land into two lots with the creation of an easement in an RS-1 zoning district located off Andrew Avenue north of the Cross Creek Subdivision comprised of several acres of land and currently occupied by one single family residence. The surrounding zoning is RS-1. Proof of publication of notice of public hearing was received having been published in The St. Augustine Record on September 19, 1988; upon motion by Brubaker, seconded by Waldron, carried 5/0, was ordered filed. Planning & Zoning Agency Summary recommending denial based upon the proposed request being inconsistent with Subdivision Regulations was received. No one was present requesting approval. (3.1504) Gill Ethridge, resident of Cross Creek Subdivision commented in opposition to the request. Motion by Waldron, seconded by Lydon, carried 5/0, denying the request. (3.1550) Dan Park, 3200 Cross Creek Place questioned the denial vote. Napier responded.

(10/25/88 - 7 - 3.1584)

Hearing on SW-88-008 Henry W. Cagle, Jr., waiver of platting requirements due to division of land with creation of an easement located north side of C.R. #208. Proof of publication of notice of public hearing was received having been published in The St. Augustine Record on September 19, 1988; upon motion by Brubaker, seconded by Waldron, carried 5/0, was ordered filed. Planning & Zoning Agency Summary recommending approval contingent upon compliance with the paving and drainage Ordinance No. 86-4. No one was present requesting approval. Motion by Waldron, seconded by Bailey, carried 5/0, continuing this item until November 8, 1988 at 1:30 p.m.

(10/25/88 - 7 - 3.1774)

Continued hearing on R-PSD-88-027 MDB Development Corporation, change from RS-2 and CN to PSD to allow an addition to existing structure located at 102 S.R. #13, Jullington Terrace Replat. Report of the Planning & Zoning Agency recommending denial was received. Eddie McDuffie was present requesting approval and submitted into the Record an Affidavit confirming notice of public hearing was mailed 30 days prior to October 25th to all residences and businesses within 300' with attached proof of publication. Mr. McDuffie presented revised ordinance for Board approval and reviewed same. Many concerned citizens were present, those commenting were: (3.2040) Joe Midge, 111 Warren Circle spoke in opposition to the rezoning and submitted into the Record photos of the property in question and surrounding residences. (3.2246) Lane Koslow, 5482 Riverwood North part owner of the property in question spoke for the rezoning. (3.2445) Patricia Brooks, 1395 Wentworth Avenue commented against the rezoning and submitted into the Record Petition opposing the rezoning. (3.2585) Bob Becker, 289 St. Johns River Place Lane spoke in favor of the rezoning. (3.3130) Leonard Bowers, 1540 Wentworth commented against the rezoning. (3.3385) Patricia Blackwell,

Switzerland spoke for the rezoning. Some concerns addressed were increased traffic and removal of trees. Motion by Bailey to deny the rezoning, motion dies due to the lack of a second. Board discussion followed regarding land use, the transportation issue and the possible widening of S.R. #13. Motion by Waldron, seconded by Bailey, carried 5/0, to deny this request and waiving the rule to come back before a year.

(01/25/88 - 8 - 4.0680)

Hearing on PV-88-006 March Investments, Jerry Whittle; rezoning from R-1-C (Tracts A-D, the northerly 5 acres) and R-2/specific use post office (Tract E, the southerly 10 acres) to R-3 for specific mixed commercial and governmental uses. Proofs of publication of notice of public hearing were received having been published in The St. Augustine Record and The Ponte Vedra Recorder on September 16, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, were ordered filed. Attorney Gary Christian was present representing March Investments; addressing a technical problem regarding the release of certain mortgages held by Sandia Federal Savings & Loan Association against the library and fire station sites he explained an additional approval is now required due to the recent takeover of Sandia Federal by The Federal Home Loan Bank Board who will not provide their consent until after this rezoning is completed. As of 2:00 p.m. today a final confirmation from the The Federal Home Loan Bank Board has not been received; consent from Sandia Federal has been secured. Attorney Christian proposes March Investments will provide the required release within the next seven (7) days and should this not be accomplished March Investments will take no action with respect to the rezoning and the property will revert back to the present zoning. Sisco indicated the ordinance should address this matter with language that would have the ordinance become effective at a later date with a self-destruct clause in the event the required releases are not received. Sisco submitted into the Record letter dated October 21, 1988 from Attorney Gary I. Christian with supporting data regarding need for republication of notice of public hearing indicating he has reviewed same and concurs. Attorney Christian explained and submitted into the Record the following: 1) Declaration of Covenants and Restrictions. 2) Letter dated October 25, 1988 with Amendment to Declaration of Covenants and Restrictions. 3) Aerial photos of the site. and 4) Petition in support of the rezoning. In conclusion Attorney Christian requested the Board approve this rezoning stressing the proposal is good land use. Many concerned citizens were present, those commenting were: (4.1150) Richard Dawson, 149 Lapesata Circle spoke in opposition to the rezoning. (4.1235) Tom Johnson, 105 Lapesata Circle spoke in opposition to the rezoning. (4.1490) George Wisnovsky, 552 Lake Road with the use of an aerial map commented on the concerns of the Fire Service along with fire protection needs in this area. (4.1750) Gene Taylor, Fire Director commented on the size of the site for the proposed fire station indicating they usually ask for a two acre site but if approved a fire station could be put on this site. (4.1876) Bill Hill, 323 San Juan Drive urging denial stated the Board should consider the Comp Plan, adjacent property owners' objections to commercial and the land being offered is not adequate in size for a library or fire station. (4.2199) Ed Sovia, 40 Ramona Street spoke against the rezoning. (4.2303) Ronnie Fontum representing the Sawgrass Players Club Property Owners Association commented on the need for a library, fire station and post office in this area and urged the Board to support the proposed rezoning. (4.2450) David Conn, Attorney for The Ponte Vedra Zoning Board addressed the Board regarding legal considerations pertaining to the Declaration of Covenants and Restrictions explaining if the County signs the proposed Amendments & Restrictions the property will be limited in usage exclusively to fire station/emergency rescue services and library/related services for the next 30 years. At this time Deputy Clerk McDaniel replaced Deputy Clerk McDonald. (4.3095) Mary Kohnke, 29 S. Roscoe Blvd., Palm Valley, spoke in opposition to increasing taxes to purchase this proposed site; commented on the recent commercial rezoning for Stockton Land; presented a visual aid showing Solano Woods. (4.3395) Gloria Goelz, 77 Ponte Vedra Blvd., member of the Ponte Vedra Zoning Board, spoke of her concerns regarding rezoning this property. (4.3537) Edward Pierce, 8 E. Tarpon Rd, liaison officer of the de Leon Shores Community Assn., spoke in favor of rezoning. (5.0092) Frank Peirson, Solano Woods, showed a slide of the Solano Woods Subdivision, his wife pointed out Lot 43; this is where Peirson lives and it abutts a parcel of land at issue here; spoke in opposition to the proposed rezoning; submitted to the Clerk for the record an Outline of Comments Made By Frank H. Peirson. (5.0288) Laura Becker, Ponte Vedra, spoke in opposition to the proposed rezoning; recommends upholding the Ponte Vedra Zoning Board decision. (5.0371) Susan Greene, 816 Sandpiper Lane, representing the merchants of Ponte Vedra Square, spoke in favor of rezoning. (5.0472) William B. Hamilton, 417 Ponte Vedra Blvd., member of Ponte Vedra Community Assn., gave a comparison to commercialization of SR 13 - Mandarin to A1A in Ponte Vedra; also spoke in opposition to rezoning this parcel of land. (5.0667) Joe Davis, 40 Lake Julia Dr., representing Sawgrass County Club Property