

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

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NAME OF APPLICANT

APPLICATION NUMBER

Marc A. Jacalone for Mary and Byron Bell

R-88-058

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

Conditions

\*See Attached

DATE OF COMMISSION ACTION: February 14, 1989

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BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Kary Walsh*  
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