

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

NAME OF APPLICANT

APPLICATION NUMBER

March Investments, Jerry Whittle

PV-88-006

DECISION OF COUNTY COMMISSION GRANTED GRANTED WITH CONDITIONS DENIED
Conditional ORDINANCE NUMBER 88-68
RESOLUTION NUMBER: 88-283

*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: 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)

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

Owners Assn., spoke in favor of rezoning this property. (5.0714) Larry Slaba, 746 Sandy Oaks Court, President of Sandy Oaks Home Owners Assn., spoke in opposition to rezoning. (5.0781) Richard Eldridge, 103 Neptune Court, spoke in opposition to rezoning. (5.0954) Linda Steinmann, 246 N. Roscoe Blvd., she is also representing Mickey Kohnke, spoke in favor of rezoning. (5.1003) John Searles, 44 Tifton Way N., spoke in favor of rezoning. (5.1035) Jim Northern, Chairman of the Site Selection Committee for North East St. Johns County Branch Library, spoke in favor of rezoning; submitted to the Clerk for the record petitions signed by about 45 residents and owners of property surrounding the intersection of SR A1A and Solano Rd. supporting the rezoning. (5.1115) Shirley Needham, 203 La Pasada Circle East, spoke in opposition to rezoning. (5.1183) Kay Smead, 717 Ponte Vedra Blvd., also a member of the Ponte Vedra Community Assn. Board, spoke in opposition to rezoning. (5.1270) Amy Sanders, Palm Valley, spoke in favor of rezoning. (5.1298) Jean T. Shaw, 112 Nautilus Lane, President of Home Owners Assn Unit 8 Inlet Beach, spoke in opposition to rezoning. (5.1396) Jack Morgan, 9737 Preston Trail, spoke in favor of rezoning, board member and treasurer of an organization called Friends of the Library of N. E. St. Johns County, spoke in favor of rezoning. (5.1470) Charles Holbrook, member of the Ponte Vedra Zoning Board, spoke in opposition to rezoning. (5.1574) Weldon Johnson, Chairman of the Ponte Vedra Zoning Board, spoke at length in opposition to rezoning; spoke about comprehensive plan; commented the post office situation is dead; requested the people opposed to the rezoning stand, a number of people stood. Johnson indicated he wanted to submit a letter from Sid Golden for the record, letter was not submitted to the Clerk. Johnson read the meaning of the "precedent" from Websters dictionary. Johnson would recommend putting an end to this once and for all; vote against rezoning. (5.1936) Emil Minerva, 512 A1A, spoke in opposition to rezoning; also was concerned about the increased traffic in the area. (5.2068) Alberta Rattray, Library Advisory Board, spoke on a site study made by Mr. Waters, HBW Assoc. in Dallas; she feels there isn't enough land for the library. (5.2181) Gary Christian, attorney for March Investments, Inc., spoke on issues raised by the opposition to the rezoning; Christian read a letter dated September 15, 1988, from Chuck Baker, Real Estate Specialist with the U. S. Postal Service, into the record regarding the Post Office site, this letter was not submitted to the Clerk for filing. Christian commented that if a Post Office is not built on the site then these opponents have nothing to fear, because the zoning goes back to what it is today, it does not change. Christian commented that the Planning Staff for the County has indicated that with modifications which have been incorporated into the Amendment to the Declaration of Covenants and Restrictions this plan is consistent with the Comprehensive Plan now enforce. Christian referenced a letter dated October 12, 1988, from Walter Arnold, a member of Ponte Vedra Zoning Board, in support of the rezoning based on the five following factors: 1. Traffic and location is not conducive to residential property; 2. The property owned by March Investments at the present time is useless for home sites, with the increase of traffic on its borders it will become increasing useful only for commercial and governmental property, no one with any foresight would even consider the property for residential purposes; 3. This community is in dire need of a Post Office, the site is idea for such a project; 4. March Investments has made a generous offer to donate sites for a library and fire station; 5. The community of Ponte Vedra Beach is no longer a sleepy hamlet, a well designed office building will be an appropriate asset and a needed one at Ponte Vedra Beach; in addition an office building and a bank will substantially increase our tax base which is needed. Christian commented that Walter Arnold recommends the zoning application be granted. Christian thanked the Board for their consideration and urged their approval of this request. (5.2410) Jim Northern, Chairman of Library Site Selection Committee for the Branch Library, commented that in their original report dated July 7, 1986, which was submitted to the St. Johns County Library Advisory Board members and also to the Board of County Commissioners identifying six different locations for the proposed library; the number one location was the A1A and Solano Road site; the number two location was the Sawgrass shopping center area; the number three site was 210 and A1A, a site was offered there free of charge there but it was inadequate because it was only five/tenths of an acre in size and it would only support a building of about 3,000 square feet ultimate size; the number four recommendation was north of the Palm Valley/Ponte Vedra School; site number 5 was across from the school on the east side of A1A; the number six site was on the NE corner of Coruna Rd. and A1A; there was no property available at sites two, four, five and six and three was inadequate. (5.2565) Bailey inquired why Whittle doesn't give the County more land? (5.2582) Gary Christian responded on behalf of Jerry Whittle. (5.2610) Lydon commented that when this land was first offered to the County the entire piece, 1.86 acres, was being offered as library site; now a fire department site is being squeezed into the same site that was originally offered as a library site. Lydon feels the site would be adequate for one or the other, but not for both. (5.2674) Gary Christian responded to Lydon's

comments. (5.2729) Waldron pointed the site out on a map; discussed the need for a new fire department, this is the best site for the fire department; feels the plan is the proper use of the land; Waldron spoke on the need of a Community Center, combined parking facilities, and the traffic issue. Waldron commented that Ponte Vedra has a unique zoning program. A1A and Solano Road is one of the busiest intersections in the County. Waldron discussed the issues and the needs with Whittle regarding land use. (5.3168) Lydon wanted to straighten out some facts that were heard here today: 1. the petition submitted was for the County to purchase 15 acres for governmental use; 2. there was another request made without a petition to take 5 acres and go to a referendum and tax three precincts in the Ponte Vedra; Lydon doesn't feel the Library and Fire Station will fit on this piece of land. Lydon feels we do not need to rush into something just because it is being given to us for free when it may not suit our purposes. Considerable discussion followed regarding this rezoning issue with the following amendments made to the proposed Ordinance/Resolution and attachments: TRACT C was changed to TRACT D FROM R-1-C to R-3; Tract D was changed to TRACT C FROM R-1-C to R-3 WITH SOLE USE BY COUNTY FOR FIRE AND EMERGENCY RESCUE FACILITIES; Section 1. paragraph C. The existing zoning classification of R-1-C on Tract C is hereby changed to R-3 was changed to: The existing zoning classification of R-1-C on Tract D is hereby changed to R-3. Section 1 paragraph D. The existing zoning classification of R-1-C on Tract D is hereby changed to R-3 for the sole purpose of permitting said property to be used by St. Johns County for fire and emergency rescue facilities was changed to: The existing zoning classification of R-1-C on Tract C is hereby changed to R-3 for the sole purpose of permitting said property to be used by St. Johns County for fire and emergency rescue facilities. These changes were made due to typing errors On the second page Section 7. had the words "the later of (i)" inserted between the words "until receipt"; after the words "has been filed" the words "and (ii) November" were added. On the third page the following paragraph was added as a continuation of Section 7: "30, 1988. In the event that the Deed and the two mortgage releases described in the title opinion dated October 25, 1988, attached hereto - pertaining to the lands described in Exhibit B attached to said opinion - have not been duly executed, delivered to St. Johns County, accepted by the County, and recorded in the official public records of St. Johns County prior to November 30, 1988, then this rezoning ordinance and resolution shall automatically be void ab initio and of no force and effect whatsoever. In addition, in the event that the Amendment To Declaration Of Covenants And Restrictions, a copy of which is attached hereto, (i) has not been duly amended to delete all provisions in the Declarations of Covenants and Restrictions as amended that (a) restrict or regulate the uses or construction of, upon, or on Tract B and Tract D as such Tracts are described in said Declaration, and that (b) in any other manner hinders, regulate or effect said Tracts B and D, and (ii) as amended has not been duly executed by each of the parties thereto and recorded in the official public records of St. Johns County prior to November 30, 1988, then this rezoning ordinance/resolution shall automatically be void ab initio and of no force and effect whatsoever. On the thirteenth page "Exhibit B" a marginal notation was made beside TRACT B as follows: "Library"; a marginal notation was made beside TRACT C as follows: "Fire Station"; on page 3 of the AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS in the acknowledgment section the words "municipal corporation" were deleted after the words "Florida, a " and "political subdivision" were added; in the same section the last word of the paragraph "corporation" was deleted and the words "political subdivision" were added. Gary Christian, attorney for March Investments, concurred with the changes made by Sisco, County Attorney, to the proposed Ordinance/Resolution. (6.0281) Motion made by Waldron, seconded by Brubaker, carried 3/2, with Lydon and Bailey dissenting, that this Ordinance/Resolution is consistent with the Comprehensive Plan. (6.0576) Motion by Lydon, seconded by Bailey, with a roll call vote:

Lydon	Yes
Brubaker	No
Waldron	No
Bailey	Yes
Hartley	No

defeated 2/3 with Brubaker, Waldron and Hartley dissenting, to uphold the Ponte Vedra Zoning Board and deny their request. (6.0820) Motion made by Waldron, seconded by Brubaker, carried 3/2 with Lydon and Bailey dissenting, to adopt Ordinance 88-68/Resolution 88-283 as amended above.

ORDINANCE NO. 88-68/RESOLUTION NO. 88-283

**AN ORDINANCE AND RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER:
TRACT A FROM R-1-C TO R-3;**

**TRACT B FROM R-1-C TO R-3 WITH SOLE USE TO BE
BY COUNTY FOR LIBRARY FACILITIES;
TRACT D FROM R-1-C TO R-3;
TRACT C FROM R-1-C TO R-3 WITH SOLE USE TO BE
BY COUNTY FOR FIRE AND EMERGENCY RESCUE
FACILITIES;
TRACT E FROM R-2 SOLE USE FEDERAL POST OFFICE
TO R-2 SOLE USE FEDERAL POST OFFICE WITH
CONDITIONS;
SAID LANDS BEING WITHIN THE PONTE VEDRA ZONING
DISTRICT; AND PROVIDING AN EFFECTIVE DATE**

(10/25/88 11 6.0866)

Hearing and appeal to Exception for airport uses, on R-88-036/St. Augustine Airport Authority, represented by Attorney Charles E. Pellicer; rezoning from RS-3 to OR with a simultaneously filed exception for airport uses on same land and also currently zoned OR land contiguous; located North and Easterly of Estrella Avenue. Report of the Planning and Zoning Agency recommending denial, and further denied the concurrent exception request for airport Uses, based on the same inadequate information was received. Proof of publication of notice of intent to consider the adoption of an ordinance rezoning lands and a proof to consider an appeal to the Zoning Board decision on Zoning Exception were received having been published in The St. Augustine Record on September 13, 1988; upon a motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. (6.0882) Charles E. Pellicer, attorney for the St. Augustine Airport Authority, was present; Pellicer passed out a sheet headed Traffic Count In 24 Hour Period, a map of the area and conditions to an ordinance to members of the Board. Pellicer commented they are requesting two thing here: one is for rezoning some of the property that is zoned RS-3 to OR, which is the authorized zoning for airports and the other is to get an exception for airport use. On the legal descriptions of this property there is Parcel A and Parcel B; Parcel A includes all of the property which is currently OR; Parcel B includes all the property which is currently RS-3. On the map handed out by Pellicer the area shaded with the hash marks is the entire parcel being discussed, lots 28, 29 and 30 are not part of this request. Pellicer read the proposed conditions being offered to the Ordinance, he also made a request for a temporary use entrance over a portion of lots 2 and/or 3, it probably would be on one lot only of block O. This property would be used for aircraft hangers similar to the hangers that are on the other portion of the property. Pellicer addressed the issue of traffic on Estrella Av. ((6.1095) Waldron inquired if these conditions had been presented to the Zoning Board? (6.1113) Jerry Napier indicated no written conditions had been offer at the Zoning hearing; the Board is considering a straight rezoning ordinance request today not a conditional ordinance request. Considerable discussion ensued regarding the Master Plan of the Airport and traffic problems. Citizens commenting in opposition were. (6.1352) Melvin Harvey, 417 Indian Bend Road; (6.1450) Wendy Wolfe, 2736 Casa Cola Way, submitted for the record a petition signed by approximately 120 residents opposing this rezoning; and (6.1595) Carolyn McElroy, 353 Indian Bend Rd.; other concerns expressed were the Master Plan, entrances, parking, and the encroachment of the airport into a residential area. (6.1686) Pellicer responded to some of the citizens concerns. Considerable discussion followed regarding this request. (6.1965) Napier felt the data presented at the Zoning hearing was inadequate to make a decision on. (6.1980) Motion by Waldron, seconded by Lydon, carried 5/0, to deny request with waiver of the one year time limit to reapply.

(10/25/99 11 6.2055)

Hearing on R-88-041/Rayland Company, Inc., Fahringer Distribution, Inc.; rezoning from OR to IW with conditions; located on Watson Road east of FEC Railway. The Planning and Zoning Agency finds the request to be in compliance with the plan and recommends approval with inclusion of offered 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 September 22, 1988; upon a motion by Lydon, seconded by Brubaker, carried 5/0, was ordered filed. A. J. McGuinness was present representing Rayland Company, Inc. requesting approval and explained the proposed development. Conditions were read and accepted by the applicant. There were no citizens commenting. (6.2376) Motion by Lydon, seconded by Brubaker, carried 5/0, adopting Condition Ordinance No. 88-69.

(10/25/88 11 6.2389)

Hearing on E-88-072/Debbie Scott et al; appeal to denial of zoning exception to improve electrical on existing mobile home, but desires to have the unit as a rental; located at 263 North Roscoe Blvd. Proof of publication of notice of public hearing for the purpose of appeal to the Board of County Commissioners for action taken by