

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

NAME OF APPLICANT

APPLICATION NUMBER

Syndate Six, Inc.
Charles C. Vensel

R-88-022

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE 88-64

Conditions - see attached sheet.

AND

Exception for placement of self serve gasoline pumps/underground tanks in connection with convenience store. Located at Arthur Street and Derry Avenue, on S.R. #16. Condition: Test monitoring wells and double liner gas tanks with interior and exterior sensors.

*See Attached

DATE OF COMMISSION ACTION: October 11, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By Lawrence D. Hartley
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Spencer 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)

Is hereby changed to CG:

Subject to the following conditions:

1. Permitted uses on the property shall be limited to Section 5-8-1, paragraphs (a); (i); (t) including barber/beauty shop and those uses permitted by Exception in Section 5-8-4, when approved in accordance with the provisions of Section 11-9-1 of the St. Johns County Zoning Code.
2. Prior to any clearing, construction activity or building permits being issued on the site, the owner shall deed to St. Johns County the eastern and western 20 feet of the property for additional right-of-way for Arthur Street and Derry Avenue, respectively. Said dedications shall extend southward from the South right-of-way line of SR#16 approximately 400 feet, more or less, to the southern terminus of the property.
3. Owner/developer shall pay all costs for design, engineering, permitting and construction of Derry Avenue and Arthur Street to DOT/County Paving and Drainage Ordinance standards from their respective connections with State Road #16 southward through the most distant access/egress points to the subject property.
4. The southerly 150 feet of the property shall remain as an undeveloped buffer area.
5. Prior to any clearing, construction activity or issuance of a building permit the owner/developer shall acquire all necessary permits from other agencies (i.e. DOT/SJRWMD, Health Department, etc.) and have a site drainage plan approved by the Engineering Department.

requested clarification on what the ordinance should address; it was the consensus of the Board height should be limited to 35-feet and should cover the entire coastal area within the County. Waldron commented on the need to limit the height to 35-feet in coastal areas for density and hurricane evacuation, fire safety and the ability for these buildings to withstand high winds and erosion. Staff indicated they would work on this and report back later today. (See Page - 10 - 4.3585)

The meeting thereupon recessed and reconvened at 1:30 p.m. with Hartley, Bailey, Brubaker, Waldron, Lydon, Sisco, Castle and McDonald present. Also present was Planning Coordinator Jerry Napier.

(10/11/88 - 7 - 2.1383)

Final Plat for Summer Island located Rattlesnake Island, 66 lots on approximately 30 acres, water and sewer to be provided by ASD. Planning & Zoning Agency Summary recommending approval was received. Napier reported Mr. Wilcox is requesting a continuance until the next BCC meeting. Staff and Mr. Wilcox are still working on items relative to the dedication of park lands. Motion by Bailey, seconded by Waldron, carried 5/0, continuing this item until October 25, 1988 at 1:30 p.m.

With no further business to come before the Board at this time the meeting recessed until 2:00 p.m.

(10/11/88 - 7 - 2.1482)

Hearing on R-88-045, American Legion Lincolnville Post 184 Inc., Joseph Logan, Post Commander located 1029 W. Pearl Street rezoning from RS-3 to OR to enlarge grandfathered private club. Report of the Planning & Zoning Agency recommending approval with conditions was received. Proof of publication of notice of public hearing to consider passage of an ordinance was received having been published in The St. Augustine Record on September 9, 1988; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Joseph Logan was present requesting approval. Proposed conditions were read by the Clerk and accepted by the applicant. Motion by Brubaker, seconded by Waldron, carried 5/0, adopting Conditional Ordinance No. 88-63.

(10/11/88 - 7 - 2.1565)

Hearing on R-88-022, Syndate Six, Inc. a rezoning and an appeal to denial of exception: rezoning from CG with conditions to CG with different conditions and Exception for self-serve gasoline pumps, located on south side of S.R. #16 between Arthur Street and Derry Avenue. (PZA recommended approval of the rezoning with conditions but denied the exception for gasoline pumps) Report of the Planning & Zoning Agency recommending approval of the rezoning with conditions but denying the exception was received. Proofs of publication of notice of public hearing to consider passage of an ordinance and appeal for action taken by St. Johns County Planning and Zoning Agency were received having been published in The St. Augustine record on September 9, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, were ordered filed. Charles Vensel representing Syndate Six, Inc. was present requesting approval and offered an additional condition to the application of test monitoring wells and double liner gas tanks with interior and exterior sensors. Napier clarified if this condition is imposed it will become part of the exception should the Board choose to grant the exception. Citizens present and commenting were: (2.1690 & 2.1962) Gary McCormick, 407 St. George Avenue requested the Board continue this item for two weeks in order for him to obtain a petition in opposition to this request. (2.1775) Terry Pacetti requesting Board approval explained the property in question is 400-feet deep from S.R. #16; they have worked with staff and the DOT to come up with a project conducive to the area and at the present time they plan only to develop the portion fronting S.R. #16 and have no plans at the present time to develop the back section. (2.1890) Barbara LaGasse, 337 S.R. #16 spoke in favor of the rezoning and exception. (2.2003) Irene ?, 416 Dairy Avenue stated she would rather see some stores and restaurants rather than another gas station. (2.2057) Mr. Vensel addressed the Board regarding the length of time since the date of this application, 4/27/88 and commented on conditions being offered. At this time the item was brought back to the Board. Proposed conditions were read by the Clerk and accepted by the applicant. Discussion followed regarding the location of the property in question and the proposed conditions. Napier questioned if the exception is denied do they still want the rezoning; Pacetti responded should the exception be denied they will withdraw the rezoning request. Motion by Brubaker, seconded by Lydon, carried 4/1 with Bailey dissenting, granting the exception for placement of self serve gasoline pumps/underground tanks in connection with convenience store located at Arthur Street and Derry Avenue, on S.R. #16 subject to the following condition: Test monitoring wells and double liner gas tanks with interior and exterior sensors. Motion by Brubaker, seconded by Lydon, carried 4/1 with Bailey dissenting,

Adopting Conditional Ordinance No. 88-64 rezoning lands from CG with conditions to CG with different conditions.

(10/11/88 - 8 - 2.3126)

Hearing on R-88-038, Sofran Company, Mr. Robert Rouleau represented by Prosser, Hallock and Kristoff, Inc. located on west side of U.S. #1 South, south of Jack Wilson Chevrolet rezoning from OR to CG with conditions for the location of shopping center. Report of the Planning & Zoning Agency recommending approval with conditions was received. Proof of publication of notice of public hearing to consider passage of an ordinance was received having been published in The St. Augustine Record on September 9, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. Court Reporter Sherrie Smith was present recording. Attorney John Bailey, Jr., 780 N. Ponce De Leon Blvd. representing Sofran Company was present requesting approval. Attorney Bailey explained the parcel is a 22 acre parcel next to Jack Wilson Chevrolet and the Sofran Company proposes to develop a shopping center; the proposed conditions were summarized and accepted by Attorney Bailey. Motion by Waldron, seconded by Brubaker, carried 5/0, adopting Conditional Ordinance No. 88-65

(10/11/88 - 8 - 3.0075)

Hearing on R-88-026, William and Carol Gormley located S.R. #16, north side, east of Fox Welding rezoning from OR to CN with conditions for the use of cleaning service business, lot size currently in violation of OR (present classification). Report of the Planning & Zoning Agency recommending approval with conditions was received. Proof of publication of notice of public hearing to consider passage of an ordinance was received having been published in The St. Augustine Record on September 9, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. Attorney Michael Traynor, 22 Cathedral Place representing the applicant was present requesting approval. Proposed conditions were read and accepted by Attorney Traynor. Motion by Waldron, seconded by Brubaker, carried 5/0, adopting Conditional Ordinance No. 88-66.

(10/11/88 - 8 - 3.0165)

Continued hearing on appeal by Broudy Brothers, Inc. of Exception E-86-056 Jax Liquors, Inc. and St. Johns Trading Company. Exception for a drive-in window in connection with package store and sale of alcoholic beverages, bar or tavern for on-premises consumption of alcoholic beverages on land in Block-29 Menendez Park and Section-28, Township-7 South, Range-30 East, fully described in Application E-86-056. 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 & Zoning Agency was received having been published in The St. Augustine Record on September 8, 1988; upon motion by Waldron, seconded by Brubaker, carried 5/0, was ordered filed. Court Reporter Sherrie Smith was present recording. Chairman Hartley submitted into the record three letters in opposition. Attorney Linda Bryan, with Miller, Shine & Bryan, 97 Orange Street representing Broudy Brothers, Inc. indicated this is an appeal of a zoning exception granted by the Planning & Zoning Agency. Ms. Bryan requested a procedure be established that would apply throughout the presentation and requested all persons speaking or introducing facts be sworn and that she be allowed if necessary to ask them additional questions. Ms. Bryan also requested she be allowed to retain the three letters introduced into the record by Chairman Hartley; Sisco requested these letters be marked by Ms. Bryan as County Records and returned to the Clerk to become part of the record. Ms. Bryan marked the letters as follows: County Record #1 - letter dated September 25, 1988 from Patricia W. Glenn, County Record #2 - Open Letter To The St. Johns County Commission dated September 27, 1988 from Joyce Rogero, County Record #3 - Composite consisting of letter dated September 26, 1988 from Peter J. Lardner with attached letter dated September 21, 1988 from Thomas C. Emmel and County Record #4 - letter dated October 10, 1988 from Ethel DeVito with attached letter to Ms. DeVito dated September 27, 1988 from Joseph Stephenson, Regional Planning Administrator FL DOT. Sisco clarified contents of the Board packet regarding this item as follows: Order of the St. Johns County Planning & Zoning Board E-86-056 dated June 19, 1986 with Exhibit "A", Order Granting Plaintiff's and Denying Defendant's Motions for Summary Judgment Case No. 86-941 CA dated May 1, 1987 pages 1 through 12, copy of Agenda listing Item #6 as Hearing on resolution repealing the 1957 County resolution prohibiting sale of alcoholic beverages . . . , copy Pages-6 & 7 St. Johns County Commissioners minutes dated 7/22-23/86, copy Pages-9 & 10 St. Johns County Commissioners minutes dated 8/12-19/88, copy Page-8 St. Johns County Commissioners minutes dated 8/9/88 and Proof of Publication No. L346 dated 9/8/88; Sisco stated this is all that is before the record right now. Attorney Bryan at this time addressed the Board explaining the circumstances which have led to the appeal presently before the Board today; she submitted the following items as exhibits and explained same:

- 1) Broudy Brothers Exhibit #1 - Copy of the definition of "Exception" from the St. Johns County Code, Page-60.