

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

**NAME OF APPLICANT**

**APPLICATION NUMBER**

Virginia Hein and Ruth Shugart, with applicants as  
Sofran Company, Robert Rouleau

R-88-038

**DECISION OF  
COUNTY COMMISSION**

**GRANTED**

**GRANTED WITH  
CONDITIONS**

**DENIED**

CONDITIONAL ORDINANCE 88-65

Conditions - see attached sheet.

\*See Attached

**DATE OF COMMISSION ACTION: October 11, 1988**

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

By Louise 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)

1. A thirty five (35) foot natural or landscaped buffer shall be provided along the southern boundary of the property. A retention pond with landscaped screening may be located within the buffer. Said buffer area shall be surveyed and staked prior to any development activities on the property.

2. The shopping center will be served by a maximum of one major and one minor access from both U.S. 1 and Moultrie Road located, designed, and constructed to County and/or State D.O.T. standards.

3. Both major access points (U.S. 1 and Moultrie Road) shall be signalized by the developer when required and approved by the State D.O.T. and/or the County.

4. The developer shall at its expense deed or dedicate to St. Johns County additional right-of-way adjacent to Moultrie Road described on the attached Exhibit B. Such additional right-of-way shall be dedicated prior to the issuance of any building permits for the property.

5. All structures on the property shall not exceed thirty five (35) feet in height.

6. All development within the 22.5 acre subject parcel shall occur as a unified shopping center with customary out-parcels.

7. To assure compliance with Zoning Ordinance conditions and all other applicable land development regulations, the Developer shall submit a detailed site development plan for County staff review/approval prior to issuance of building permits or any construction activity occurring on the property. Said site plan shall include the proposed size, height and location of all free standing signage.

8. Water and sewer will be provided by an off site central water and sewer system, with evidence of availability being provided prior to building permits being issued.

9. A ten (10) foot landscaped buffer shall be provided along U.S. 1, which shall be free of structures, except for decorative entrance gates.

10. All permits from regulatory agencies with jurisdiction shall be obtained prior to final engineering approval.

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.