

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

NAME OF APPLICANT

APPLICATION NUMBER

Wayne T. Ellison

R-88-046

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE 88-70

Conditions

*See Attached

DATE OF COMMISSION ACTION: November 8, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Ray Walden*
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)

is hereby changed to IW, Industrial Warehousing

subject to the following conditions:

1) SITE PLAN REVIEW

- a) Prior to land clearing or issuance of any construction permits within the subject tract, a site plan approval by the Planning and Zoning Agency shall be required.
- b) Site plan approval shall be based upon compliance with all conditions herein as well as all other applicable zoning and land development regulations and standards in effect at the time of site plan submission which includes lighting and the size, height and location of all signage.
- c) A 25' natural or landscaped growth buffer will be left along the rear of the property. A 10' natural or landscaped growth buffer will be left along the north side which adjoins the White Castle Baptist Church. A 25' setback on the west side (US #1) and a 10' set back on the south side shall also be included for building purposes.
- d) When construction occurs within 100' of the rear and north side a 6' visual (opaque) barrier fence will be constructed along said rear and north property lines.

2) PERMITTED USES

- a) Eliminate from the permitted uses, paragraphs d, f, k and n of section 5-10-1.
- b) Maximum height of any building or structure shall not exceed 35 feet.

3) USES BY EXCEPTION

- a) All uses permitted by Exception when approved in conformance with Section 11-9 of the Zoning Code excluding the following: Junk Yards or automobile wrecking yards and storage of heavy land clearing equipment for sales or repairs.

4) WASTE DISPOSAL

- a) All trash and solid waste shall be removed on a timely basis and properly disposed of off site.
- b) Solid waste pickup containers shall be placed on easily accessible concrete pads and be properly screened from public view.

5) ACCESS AND EGRESS

- a) Access to the site will be limited to one access/egress point to US 1 located and improved to DOT requirements and standards with accel/decel lanes as required to be supplied by the applicant, at his own expense.

6) INDUSTRIAL NOISE

- a) No industrial activity, such as would constitute a nuisance either of sound or of odor that would impede the quiet use and enjoyment of the proposed homeowner's property to the east or White Castle Baptist Church to the North, shall be allowed on the parcel within approved site plan area after 6:00 P.M.— In addition, all development and uses shall comply with all applicable governmental laws and/or regulations pertaining to noise or odor that currently exists or are hereafter enacted.

which conditions shall remain in full force and effect at all times until

amended or changed by further ordinance of this Body.

the area out on a large colored map indicating the ingress and egress to the property; questioned if we desire this to be another U.S. 1 and he questioned if this kind of project is needed now. The commercial issue is the major problem for the use of this land. Dobson feels this plan should be rejected; it is premature and it is not in reality a mixed PUD use; it is actually two applications for zoning. Dobson feels this request should be turned down. At this point, citizens in the audience expressed their comments; Patrick Hamilton, broker of Southern Realty, whose address is corner of AIA and Owens Avenue is in opposition of the project. At this point Commissioner Waldron had to leave. Stan Bond, 418 Ocean Drive, St. Augustine Beach, is opposed to commercialization of AIA. Edith Nock, 5591 Atlantic View, Anastasia Hills, oppose commercialization of this property. Bob Keane, 5494 Atlantic View, oppose commercialization of property. Sandra Marvin, corner of Madoris and Magnolia, oppose commercialization of property; Don Thorson, 5336 Atlantic View, President of Anastasia Hills Homeowners Association,, opposes application to commercialize the property. Wayne Byerly, 5566 Atlantic View, oppose this proposal to commercialize the property; Sandy Gleeson, 5198 Holly Road, Westwood Subdivision, oppose commercialization of property; Scott _____, Red Bird Road, Westwood Subdivision, oppose the development of property; Jane Miller, 5199 Red Bird Road, Westwood Subdivision, oppose development of property; Sandy Kaplan, Crescent Beach, oppose commercialization of property; Rick Gleeson, 5198 Holly Road, oppose commercialization of property; Henry Trapido-Rosenthal, 519 West Tropic Way, Hidden Harbor Subdivision, presented petitions oppose commercialization of property; Bill Hamilton, landscape contractor with Southern Horticulture, corner of Owens Avenue and AIA South, (presented photos) request denying zoning of Griffins Point; Geoffrey Dobson, 16 Palmetto Ave., oppose commercialization of property; Vickie Sellner, 403 Anastasia Blvd, oppose commercialization of property; Judy Ginn, 6789 Ave. A., Crescent Beach, oppose further development on island; Walter Dusseau, 4600 AIA, favors development of commercialization of property; Jim Dale, 7260 AIA South, favors commercialization of property; Cathy Larson, Red Bird Road, favor Griffin Points Project; Cliff Petitt, 968 Alcala Drive, in favor of development within comprehensive plan and zoning restrictions; Further, George McClure, attorney for Griffin Point, addressed the perception that is being perpetuated that this rezoning seems to be the only problem existing on Anastasia Island. There are going to be increasing demands on the traffic system as well as all other basic services that it is the government's obligation to provide. A considerable discussion ensued, after which questions were presented from BCC and responded to by McClure. Napier addressed the traffic problem on AIA mentioned by Lydon. Ron Jadon, senior planner with Housel & Associates, Inc., in Tampa, who has been a city planner also addressed traffic issue comparing residential use to commercial use. A considerable discussion ensued. Sisco, county attorney, mentioned that language needs to be put in to the PUD ordinance to be voted on. Considerable discussion ensued between BCC, McClure McClure also referred to plats showing exact specs of project in question; Bailey at this point presented letters for project and against project; considerable discussion followed with comments from audience as well; upon motion by Bailey, seconded by Brubaker, carried 2/2, Waldron was absent, to accept Ordinance as amended; McClure mentioned motion and second for denial which has failed; a motion for passage and second which is tied 2/2. An avenue of response would be to request that the matter to waive the one year to go back and request the matter be redone with respect to the commercial component and come back with something else. McClure request BCC to move to reconsider this issue and if passed delete from this planned unit development any reference to the commercial phase three and existing zoning of OR and CG remain as is and only thing to pass is the residential phase of the development and leave the rest intact. Upon motion by Brubaker, seconded by Lydon, carried 4/0, Waldron was absent, to waive time limit of one year for waiver to be redone with respect to the commercial component and come back with something else. The PUD has been denied.

(11/08/88 -11- 4.2510)

Hearing on R-88-046/Wayne T. Ellison, requesting rezoning from OR to IW with conditions, to located industrial use warehouse and distribution; located on U.S. #1 North, east side, south of White Castle Baptist Church. The Planning and Zoning Agency finds the request to be in compliance with the Comprehensive Plan and hereby recommends approval; a variance for relaxing paving for a period of two years has been granted by the Planning and Zoning Agency. Proof of publication of notice of intention to consider adoption of an ordinance rezoning lands of Wayne T. Ellison from OR to IW with conditions was received having been published in The St. Augustine Record on October 5, 1988; upon motion by Brubaker, seconded by Lydon, carried 4/0, Waldron was absent, was ordered filed. Wayne T. Ellison, White Castle, was present requesting approval. Conditions were read and accepted by the applicant. There were no citizens commenting. (4.2706) Motion by Brubaker, seconded by Bailey, carried 4/0, Waldron was absent, to adopt Conditional Ordinance No. 88-70.