

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

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NAME OF APPLICANT

APPLICATION NUMBER

William E. Pellicer, Sr. and Dorothea Pellicer

R-88-051

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS

DENIED

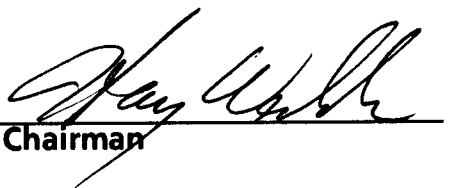
ORDINANCE NO. 88-72

\*See Attached

DATE OF COMMISSION ACTION: November 22, 1988

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BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
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)

(11/22/88 - 7 - 2.1932)

Hearing on Variance Fee Application #88-031/Brianne L. and Houston D. Beesley, variance to maximum height, located at 8960 Old AIA. Requesting change, Variance or Exception Requested: Height variance from 35 ft. to 37 ft.3 inches.. Reason for above stated request: contractor built the house too high off the ground. Proof of publication of notice of public hearing on proposed zoning height exception was received having been published in The St. Augustine Record on November 3, 1988. Houston Beesley, 2991 Woodrow Way, Atlanta, GA and also 8960 Old AIA. request variance due to height of house which contractor built 37 feet high rather than 35 feet. Beesley requests allowance of a variance of 37 feet. 3 inches. Planning and Zoning Agency feels the hardships shown were not a result of the owner, and find the request to be in compliance with the Comprehensive Plan and does not create a precedent or undue hardship on any surrounding lands, and hereby recommend approval of the request. Motion by Brubaker, seconded by Maguire, carried 3/2, adopting variance from 35 feet to 37 feet 3 inches.

(11/22/88 - 7 - 2 2082)

Vivian Zaricki, Florida Association of Counties, spoke at this point with regard to shared risk program. Duane Benjamin of the firm Bliss McKnight, commented on the coverages that are not available in the commercial market. After considerable discussion by Zaricki, Nickerson and Benjamin, the Commissioners posed questions to the aforementioned threesome.

(11/22/88 - 8 - 2 3590)

Greg Baker, President of Thompson, Bailey, Baker Agency, agent of record for the County's property and liability insurance program. , read excerpts from report of actual cases where lawsuits were initiated against insurance companies that were liquidated. Baker opionated the County should not affiliate with something that you must make a decision right away. Baker felt County should study this insurance program.

(11/22/88 - 8 - 3 079)

Baker passed out a one page summary enumerating serious problems with the F.A.C.T. proposal.

The discussion at this point was opened up to the Commissioners. After considerable discussion the shared risk program was postponed until November 29, at 10:30 a.m.

(11/22/88 - 8 - 3 0545)

Hearing on R-88-049/Steve Adelstein (for Cecil, Charles, Clifford, and Louis Hunter, owners) represented by Tom Atkins of Landers Atkins Planners; rezoning from OR to RS-E with conditions of minimum lot of one acre and maximum 135 units, and other conditions; located on State Road 16A in vicinity of 6505 SR-#16A. A formal letter of withdrawal was submitted by the Chairman from Thomas W. Atkins, Senior Vice President of Landers-Atkins Planners stating the applicant does not wish to continue the rezoning process without a date certain for closing nor to jeopardize the owner's use of the property if the closing does not occur. Motion made by Brubaker, seconded by Bailey, carried 5/0, to deny the rezoning process without a date certain for closing.

(11/22/88 - 8 - 3 0655)

Hearing on R-88-053/A. J. McGuinness, rezoning from CI with conditions to CI with change in conditions: adding specific uses; located at 2135 State Road #3 south of car wash. Proof of publication of notice of public hearing for the proposed change from CI with conditions to CI, adding conditions, published in the St. Augustine Records, October 21, 1988; upon a motion by Brubaker, seconded by Bailey, carried 5/0 to change from CI with conditions, to CI, adding conditions. Conditions were read and amended as follows: Paragraph 5 - professional and business offices excluding Doctor's offices. Paragraph 8. Limit the height of all buildings to 35 feet maximum, and accepted by the applicant. The PZA finds the request to add off-site sign, professional and business offices, retail establishment, and service establishments, and limited height of 35 feet to be in compliance with the Comprehensive Plan and hereby recommend approval. Motion by Brubaker, seconded by Maguire, carried 5/0, approving rezoning from CI with conditions to CI with change in conditions (Ordinance No. 88-71).

(11/22/88 - 8 - 3 0912)

Hearing on R-88-051/William and Dorothea Pellicer, rezoning from RMH to CHT in order to add continuous lands zoned CHT on which is located boat storage and marina; located off Nix Boatyard Road (variances for relaxation of paving requirement and set back for structures was approved concurrently, contingent upon final approval of rezoning). Proof of publication of notice of public hearing, published in The St. Augustine Record, October 21, 1988; for proposed change from RMH to CHT to add lands to contiguous CHT property for the increasing of parking area; upon Motion by Brubaker, seconded by Bailey, carried 5/0 to change from RMH to CHT to add lands to contiguous CHT property for the increasing of parking area; The PZA finds the request to be compatible and in compliance with the Comprehensive Plan and recommends approval (the PZA simultaneously approved

[ variance to paving requirement and the set back for structure on Parcel 2). Motion by Brubaker, seconded by Herold, carried 5/0 approving the ordinance to rezone from RMH to CHT (Ordinance No. 88-72).

(11/22/88 - 8 - 3 1089)

Hearing on R-88-047/Alex and Virginia Hein, represented by Frank DiMare; rezoning from RG-2 to CG with certain condition, request to allow professional and business offices; located on U.S.#1 South, east side, at St. Augustine South Drive. Proof of publication of notice of public hearing for rezoning from RG-2 to CG with certain conditions; published in The St. Augustine Record, October 22, 1988; upon motion by Brubaker, seconded by Bailey, carried 5/0 approving rezoning from RG-2 to CG with certain conditions; Conditions were read and amended and accepted by applicant as follows: #5- All entrance/exits to the site shall be restricted to U.S. #1 and will be subject to site plan review and approval by D.O.T. and County Staff prior to issuance of any permits or any construction activity occurring on the site.. Motion made by Maguire, seconded by Bailey, carried 5/0 to approve rezoning from RG-2 to CG with certain conditions. (Ordinance No. 88-73)

(11/22/88 - 8 - 3 1526)

Hearing on appeal to denial of minor modification to PUD, Seaside Capers, Lot 8 (Keith Martin), located within the parcel of land zoned PUD pursuant to Ordinance 77-21. Proof of publication of notice of public hearing published in The St. Augustine Record, October 19, 1988; upon a motion made by Bailey, seconded by Herold, carried 5/0 to appeal a denial of minor modification to PUD, Seaside Capers, Lot 8, located within the parcel of land zoned PUD pursuant to Ordinance 77-21.

(11/22/88 - 9 - 3 1650)

Waldron suggested since all parties involved in the Saks-Martin matter was not present other business should be considered at this time and return to this matter; at this point the County Attorney's report was considered. Sisco filed the Canvassing Board Certificate, particularly the portion of the certificate pertaining to the jail bond election results. ; upon motion by Bailey, seconded by Brubaker to file the Certificate of County Canvassing Board.

(11/22/88 - 9 - 3 1676)

Sisco submitted to the Board of County Commissioners Resolution No. 88-302, determining and declaring the results of the bond election held in the County on November 8, 1988; upon motion by Bailey, seconded by Brubaker, carried 5/0 to accept Resolution No. 88-302, determining and declaring the results of the bond election held in the County on November 8, 1988.

(11/22/88 - 9 - 3 1711)

Sisco further mentioned County is being sued in the Jax Liquors/Broudy Brothers ongoing saga. Sisco recommended County authorize him to retain on behalf Linda Bryan, attorney handling the last appeal. Upon motion by Brubaker, seconded by Bailey, carried 5/0 to have Sisco retain attorney Linda Bryan, with the law firm of Shine and Bryan, who handled the last appeal.

(11/22/88 - 9 - 3 .1895)

Waldron recognized the presence of Rick Joyce, attorney for Saks-Martin, whom had just arrived. Joyce requested minor modifications to the Seaside Capers PUD. A request to move the rear setback from 10 feet to 9 feet. (Minor modification to Ordinance 77-21, which is an ordinance rezoning lands to PUD, Seaside Capers.) Considerable discussion ensued with regard to this matter. Upon motion made by Bailey, seconded by Herold, carried 5/0, to deny appeal of minor modification to PUD, Seaside Capers, Lot 8.

(11/22/88 - 9 - 3 .3149)

Castle mentioned the City of St. Augustine has appointed Bill Bassford to represent the municipality of St. Augustine and the other municipalities in the County on the Northeast Florida Regional Planning Council. Upon motion made by Bailey, seconded by Maguire, carried 5/0, supporting Bassford's appointment to the RPC.

(11/22/88 - 9 - 3 .3281)

Castle discussed a resolution incorporating a provision for charging fees for DRI in Florida Quality Development reviews into the Interlocal Agreement. Currently it's only done by rule of the RPC. A request is made from the Board through these resolutions amending the Interlocal Agreement to approve provisions for assessing a fee for Regional Planning Council review of DRI's and Florida Quality Developments. Upon motion made by Bailey, seconded by Brubaker, carried 5/0 to incorporate a provision for charging fees for DRI in Florida Quality Development reviews into the Interlocal Agreement.

#### RESOLUTION NO. 88-303

**THE NORTHEAST FLORIDA REGIONAL PLANNING  
COUNCIL WISHES TO PROVIDE UNDER SEPARATE  
AUTHORITY AS A COMPANION TO THE DEVELOPMENTS  
OF REGIONAL IMPACT AND FLORIDA QUALITY**