

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

NAME OF APPLICANT

APPLICATION NUMBER

Brooks & Helen Brown  
c/o John D. Bailey  
Upchurch, Bailey and Upchurch, P.A.  
780 N. Ponce de Leon Blvd.  
St. Augustine, Florida 32084

R-89-013

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS


DENIED

CONDITIONAL ORDINANCE NO. 89- 24

\*See Attached Copy of Minutes

DATE OF COMMISSION ACTION: MAY 23, 1989

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY:   
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) The property may be divided into no more than 3 lots, of a minimum width of 85 feet each and size of .96 of an acre, with no more than one dwelling unit per lot.

(2) The lots shall be served by no more than 2 driveways, constructed in accordance with St. Johns County and D.O.T. requirements.

(3) The lots shall be served by a central water and sewer system.

**Which conditions shall remain in full force and effect at all times until amended or changed by further ordinance of this Body.**

**SECTION 2.** Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provided in Section 1 above.

**SECTION 3.** The St. Johns County Building Department is authorized to issue construction permits allowed by classification as rezoned and conditioned hereby.

**SECTION 4.** This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Secretary of State to the Clerk of the Board of County Commissioners that same has been filed.

**SECTION 5.** This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official public records of St. Johns County, Florida, and indexed under the names of the property owners described on page one hereof.

developer would extend the mains to their area. Jones stated by June 15, 1989 staff will know exactly where they stand on all the commitments whether they come from the City or DER, allowing them to over-commit and modify their pumps; however, Jones stated he would like to commit no more than they can develop or build out in one year, thus by the one year time frame the new plant will be on line with much more capacity. Jones expects to have approximately 600-800 commitments and possibly 1,000 to be able to deal with developers on. Discussion followed on septic tanks and wetlands. Joca stated the final surveying has not been done on the wetlands area or uplands area. Discussion followed. Conditions were modified and added to with the agreement of Joca. Upon motion by Maguire, seconded by Herold, carried 5/0, to approve Ordinance No. 89-23 with conditions. (5/23/89 - 9 - 3.1629)

Jerry Sizemore, H. A. Durden, reported on Item #15 of the Regular Agenda, page 7 (3.0122) of these minutes; Sizemore asked for continuation until June 13. Upon motion by Brubaker, seconded by Bailey, carried 5/0, to continue the Final plat for Marsh Pointe at Marsh Landing Unit 16, Sawgrass, June 13, 1989 at 1:30 p.m. (5/23/89 - 9 - 3.1666)

Hearing on R-89-013/Brooks and Helen Brown, rezoning from OR to RS-3 with possible conditions, located on west side of A1A, south of and adjacent to Barrataria Island Development, Ordinance No. 89-24; proof of publication of notice of hearing on R-89-013 was received having been published in The St. Augustine Record on April 20, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. John Bailey, 780 No. Ponce de Leon Boulevard requested rezoning with conditions. Upon motion by Herold, seconded by Maguire, carried 5/0, to approve Ordinance No. 89-24 with conditions. (5/23/89 - 9 - 3.1738)

Hearing on E-89-011/Appeal/The Crescent Group Inc., appealing the denial for placement of on-site sign and variance to no lighting as required for signs in residential districts. Proof of publication for hearing on E-89-011 was received having been published in The St. Augustine Record on April 19, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Michael Trainor, 22 Cathedral Place representing the Crescent Group request an exception in an RG-2 area to move an existing sign 15' west of the previous location and for a variance to allow lighting for the sign; the property is located at 3rd street, Crescent Beach Ramp, a/k/a Sand Castle II Motel. Discussion followed. (3.2134) Alice Murphree, 6896 "A" Avenue, Crescent Beach submitted 11 letters to the Clerk opposing this item as well as photos were submitted. (3.2493) John Robinson, 3200 A1A South does not know where there would be a good place to place the sign. (3.2554) Clyde Murphree, 6896 "A" Avenue commented. Upon motion by Maguire, seconded by Herold, carried 5/0, to deny E-89-011. (5/23/89 - 9 - 3.2641)

Hearing on R-89-014/Ruth Powell, rezoning from IW to CG/with exception also applied for gasoline tanks (self-serve), the rezoning also contains possible conditions; located U.S. #1 North at Stokes Landing Road. Proof of publication of notice of hearing on R-89-014 was received having been published in The St. Augustine Record on April 22, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Katherine Edwards, 2400 No. Ponce de Leon Boulevard representing Mrs. Powell request rezoning. Deputy Clerk read the conditions to which Edwards to the conditions. Discussion followed regarding the proximity of the tanks to the drinking water supply. (3.3092) Rita Cornwell, 6810 U.S. 1 North commented in opposition to the gas tanks. Cornwell submitted photos and a petition with 196 signatures in opposition to the installation of gasoline tanks on the property at Stokes Landing Road and U.S. #1 North; Charley T. Powell, Jr, son of applicant commented on a discrepancy of petition with 196 petitions. Glenda Ryder, 336 Stokes Landing Road commented in opposition to the gas pumps; Catherine Edwards commented on gas stations versus the number of reports regarding accidents; Herold expressed concern with placing gas tanks; Napier reported that this conditional rezoning and the exception to it has been granted by the PZA subject to the rezoning; Upon motion by Herold, seconded by Bailey, carried 3/2, Brubaker and Waldron dissenting, to deny the rezoning of R-89-014/Ruth Powell (5/23/89 - 9 - 3.3788)

Continued hearing on R-89-009/James Dimsdale - Lyndale Investments; rezoning from OR to RS-2 with conditions; located on north side of Watson Road west of FEC, adjacent to property of R-89-008, Ordinance No. 89-25. (4.0123) J. E. Dimsdale, 107 May Street requested rezoning from OR to RS-2 with conditions. Deputy Clerk read conditions into the minutes to which Dimsdale agreed to the conditions; Upon motion by Brubaker, seconded by Herold, carried 5/0, to approve Ordinance No. 89-25. (5/23/89 - 9 - 4.0074)

Alice Murphree interjected at this point on E-89-011/Appeal/The Crescent Group Inc., questioning what the time limit on this denial of petition is; Napier responded