

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

NAME OF APPLICANT

APPLICATION NUMBER

Christine Mier/Justice Development  
c/o Jan Bowman  
Prosser, Hallock & Kristoff, Inc.  
8101 Phillips Highway, Suite One  
Jacksonville, Fl. 32256

R-PSD-89-037

DECISION OF  
COUNTY COMMISSION



GRANTED



GRANTED WITH  
CONDITIONS



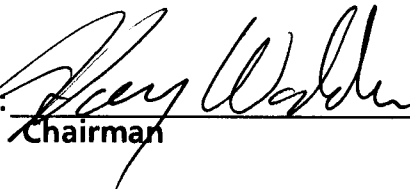
DENIED

Ordinance No. 89-48

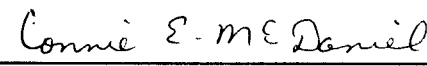
\*See Attached Copy of Minutes

DATE OF COMMISSION ACTION: September 26, 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)

Cove Springs. Stevenson requested that the BCC attend this public hearing with a list of St. Johns County's priorities as to what they would like to see done on state roads in this county. Further, of the three bridge programs, Vilano still has construction within DOT's five-year work program; Matanzas and Julington Creek do not; the latter two are outside the five-year work program, stated Stevenson. DOT is still proceeding with design; Matanzas does not have a right-of-way need, therefore that phase is not in there; there is also a 60% complete design now regarding Matanzas. In Julington Creek, they are still proceeding forward, there will be right-of-way needed, but this is not in the five-year work program, reported Stevenson.

(9/26/89 - 6 - 1.3634)

Hearing on R-PSD-89-037/Mier, Elder, owners; Justice Development, applicant; rezoning from RG-1 and RG-2 located 240 ft. west of 660 Ponte Vedra Blvd, Ordinance No. 89-48. Proof of publication of notice of hearing on R-PSD-89-037, was received, having been published in The St. Augustine Record on August 26, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Barron Bartlett, 127 No. Roscoe, requested approval of rezoning and referred to a map which was displayed. Discussion followed. Bartlett stated that they have attempted to conform to all setbacks and have specific requirements as outlined by the Planning and Zoning Agency in Section 6 of the ordinance showing the existing square footage of the lots. Bailey asked Bartlett if it is still cheaper to put in culverts than to have a bridge with pilings? Dick Prosser, PHK, who provided the engineering and planning on the project stated it is cheaper to use a culvert causeway system than to use a bridge system; however, what has been done in increasing the number of culverts that will exist from 4 to 12 and increasing the sizes, to more than double the size, as well as the placement of the culverts, more than adequately meet the flow requirements and has been supported and endorsed by the review agencies such as DER and CORE. Bartlett responded that there will be perpetual maintenance in the ordinance, which requires specifically that the culverts be perpetually maintained; further, the applicants are required to maintain this up to the turnover and there will be an association maintaining these with easement requirements. Discussion followed. Bartlett also stated there will be fire hydrants to meet water and sewer requirements. (2.0411) Weldon Johnson, P.O. Box 846, Ponte Vedra, spoke in opposition to the rezoning, citing the fact that this application directly relates to the flood damage prevention ordinance #87-14, adopted by the BCC on April 14, 1987. Johnson read a letter into the record stating that the ordinance relates to the National Flood Insurance Act of 1968, as amended, the purpose of such act being to control the alteration of natural flood plains, also including control of filling, grading, dredging and other development in these flood plains. Richard Cain, Ponte Vedra Boulevard, spoke concerning the causeway and in opposition to the rezoning. Maguire expressed concern with the ordinance, stating there is no reference made to the causeway, ownership of it, maintenance, etc., and feels the ordinance needs to provide that an association will maintain it as well as the paved road going into it. Maguire suggested specific language be written up to the effect that the association will own and maintain the causeway at their expense and property owners must be required to join the association. Herold stated that he has talked with Germaine, County's Director of the Building Department regarding his concerns about the drainage and wetland in the area and Germaine related that he had written to Tallahassee for information but has not received any correspondence back as of this date. Herold was of the opinion there is some question here that needs to be addressed before this matter is proceeded with further and recommended that this application be continued. Herold made a motion to table this application until the October 10, 1989 BCC meeting, seconded by Bailey. Holmes reported that what the applicant proposes is an increase in drainage capacity over what is existing; further, what is proposed is equivalent to the next downstream crossing, which is Seawalk Causeway; additionally, this would be an enhancement over what is existing presently. Discussion followed. Waldron related that he has been told that this is the last causeway that is haunting the county on the entire drainage system. Waldron was of the opinion that this is an opportunity to get this causeway fixed. Waldron referred to Germaine's letter dated September 1, 1989 addressed to the State of Florida with reference to drainage. Maguire related that he considers this application to be an enhancement and advantage to the county and residents but he was concerned with the causeway becoming a county maintenance problem. Herold withdrew his motion to table this application until October 10, 1989, seconded by Maguire. Bartlett related that the developer has agreed specifically to place a clause in Section 7 of the ordinance, that would require the developer to maintain the existing causeway and post a bond for that maintenance for a period of three years. Moreover, Bartlett has approved with staff the following language for Section 7: "Drainage and access including, but not limited to, culverts, roadways and all improvements thereon on lands located at the causeway entrance and its access contiguous to but outside the lands described within this PSD shall be perpetually maintained by the

applicant, subsequent owners within the PSD, and/or the applicable Homeowners Association of Oceanwood. All homeowners shall be required to join the Homeowners Association and their title shall be subject thereto." Herold questioned Bartlett with respect to the documents of the property owners association; if they so refer to that causeway and Bartlett replied yes it would be required, as it is an easement and their access is recorded in that documentation. Discussion followed. Germaine reported that as ordinances are adopted, which the federal government requires the county to do, any time a floodway is changed in any manner, there is need to file for a variance. His letter was written because there was significant fill being placed along the west right-of-way of CR-203 and he asked the State if any kind of activity is allowed to take place in this floodway. Further, he has asked in his letter to Tallahassee why other agencies of the State have apparently superceded federal government law. As of this date, he has not received a response from Tallahassee. Discussion followed. Upon motion by Maguire, seconded by Herold, carried 5/0, to approve Ordinance No. 89-48, subject to the ability to get the variance.

(9/26/89 - 7 - 2.1377)

Approval Final Development Plan, The Corridors at Ponte Vedra - Hill, Boring and Associates, Inc., Resolution No. 89-218. Mike Boyer of Hill, Boring and Associates, Jacksonville, requested approval of this application for a second time. Initially, there were outstanding offsite issues with regard to CR-210 and A1A which had not been resolved. Boring stated that at this time, to the best of his knowledge, the onsite and offset issues have been resolved with the County Engineer. Discussion followed. Holmes reported there has been a permit issued to the county for the work to be done by the developer; further, Holmes related this is a significant improvement. Upon motion by Maguire, seconded by Herold, carried 5/0, to approve Resolution No. 89-218, pursuant to Ordinance No. 75-15 and as amended.

#### RESOLUTION NO. 89-218

**RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN FOR ROADWAYS, UTILITIES & SUBPARCEL NO. 2 SITE PLAN; THE CORRIDORS AT PONTE VEDRA COMMERCIAL PARK, PARCEL "B" AND SUBPARCEL NO. 2 LOCATED WITHIN THE PARCEL OF LAND ZONED PUD PURSUANT TO ORDINANCE NO. 75-15, AND AS AMENDED.**

(9/26/89 - 7 - 2.1473)

Maguire reported that on October 4, 1989, St. Augustine Timber Growers Association will have their annual fish fry and all are invited to attend.

(9/26/89 - 7 - 2.1491)

Waldron reported on a memorandum from Don Germaine regarding the reappointments and replacements to the St. Johns County Code Enforcement Board as follows: Reappoint: Bruce Duff, Architect; Consider one of the three for appointment: (1) Ryan Wood; (2) Lewis Kenton and (3) Bud Travis. (Jerry Hollingsworth has resigned). Waldron requested the reappointment of Bruce Duff and appoint Lewis Kenton, to serve on the Code Enforcement Board. Upon motion by Bailey, seconded by Brubaker, carried 5/0, to reappoint Bruce Duff, Architect and appoint Lewis Kenton, to the St. Johns County Code Enforcement Board.

(9/26/89 - 7 - 2.1557)

Waldron alluded to a report received from Castle regarding Mickler's Cutoff. The summation is that staff will look into it and investigate this further at the next BCC meeting. Additionally, concept plans will be discussed for possible action and a report brought back to the BCC for further action. At this juncture, Waldron instructed staff to proceed with this input and bring a report back to the BCC. Upon motion by Herold, seconded by Maguire, carried 5/0, to instruct staff to proceed with this input and bring a report back to the BCC at the next Commission meeting.

#### REPORTS:

1. Building Department's Report of Fees Collected for the Month of August, 1989.
2. St. Johns County Welfare Federation Cases Receiving Aid for August, 1989.