

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

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NAME OF APPLICANT	APPLICATION NUMBER		
Frank Dimare c/o John Bailey, P.A. Upchurch, Bailey & Upchurch 780 Ponce de Leon Blvd. St. Augustine, FL 32084	R-PUD-89-035		
DECISION OF COUNTY COMMISSION	<input checked="" type="checkbox"/> GRANTED	<input type="checkbox"/> GRANTED WITH CONDITIONS	<input type="checkbox"/> DENIED
ORDINANCE 89-45			

\*See Attached


DATE OF COMMISSION ACTION: September 12, 1989

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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)

installed; Jennifer Dekill, 6276 Cypress Drive, spoke in opposition to the rezoning; Glenda Ryder, 1205 Pine Allen Road, spoke in opposition to the gas pumps being installed; Charley T. Powell, Jr., 478 Coopers Cove Road commented in favor of the rezoning; Barbara Wright, property owner on Stokes Landing Road commented in favor of the rezoning; Butch Watkins, 124 Stokes Road, commented in favor of the rezoning. Gordon responded with respect to gas pumps; he stated the zoning presently includes a gas station being built; Napier responded that the land is zoned IW and would require exception; Gordon asked Napier what would some of the present uses be for IW; Napier stated there is a whole host of uses, including manufacture. Gordon stated that the Jiffy stores are part of the safe place program, statewide; in Duval County and several other counties in the State of Florida, Jiffy has made efforts to work out safety factors with respect to bus routes. Jacobo responded to the proposed amendment to the ordinance, with an additional condition, to add a Section 9 to the ordinance which reads: "All plans will be submitted to County Staff prior to any commencement of site clearings or constructions. Said plans will include a tree survey made with County Staff and approved by Staff to identify trees to be marked and saved. The County Staff will assist the Developer to insure an aesthetically acceptable development, to protect as many natural trees on site as practical". Discussion followed. Upon motion by Maguire, seconded by Waldron, carried 3/1, Bailey dissenting, Brubaker was absent, to approve Ordinance No. 89-43, with Section 9 added to the conditions, R-PSD-89/034.

(9/12/89 - 11 - 3.1063)

Hearing on R-89-026/David and Roland Pacetti, rezoning from OR to RS-2 to add six lots to existing subdivision; located adjacent to Wildwood Pines Subdivision, off Deer Chase Road, Ordinance No. 89-44. Proof of publication of notice of hearing on R-89-026 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Maguire, seconded by Herold, carried 4/0, Brubaker was absent, was ordered filed. Dick Prosser, Prosser, Hallock and Kristoff, representing David and Roland Pacetti requested the rezoning. Prosser stated they have worked out with staff and the Planning Board, and there were a couple of conditions which staff and the PZA asked be provided in the ordinance, which has been submitted to the BCC, addressing the extension of Eagle Chase Drive and the right-of-way, which could be 100 feet and also that they would not have access on Sea Eagle Circle which has been committed to as well and there will be central water for their hydrants with the project; this is committed to in the ordinance as well as the six lot limitation. Upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, to approve Ordinance No. 89-44.

(9/12/89 - 11 - 3.1130)

Hearing on R-PUD-89-035/K. S. Toney, owner with Frank DiMare applicant, represented by John D. Bailey, Jr.; rezoning from OR to PUD for the location of a single family subdivision, 65 acres with 60 single family lots; located northeast of Wildwood Drive and south of Cherry Tree Road, Ordinance No. 89-45. Proof of publication of notice of hearing on R-PUD-89-035 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, was ordered filed. Court Reporter was present. John Bailey, Upchurch, Bailey, and Upchurch, 780 No. Ponce de Leon Boulevard, was present representing the applicant Frank DiMare, requested the rezoning. Discussion followed. Upon motion by Herold, seconded by Bailey, carried 4/0, Brubaker was absent, to approve Ordinance No. 89-45.

(9/12/89 - 11 - 3.1241)

Hearing on R-89-029/Jack L. Poteat, rezoning from OR to RS-3 for development of residential subdivision of 36 lots; located south of Lightsey Road, 17 acres, Ordinance No. 89-46, with conditions. Proof of publication of notice of hearing on R-89-029 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Bailey, seconded by Herold, carried 4/0, Brubaker was absent, was ordered filed. Chairman Waldron filed Form 8B, Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers. Tim Gabriel, 66 Cuna Street, representing Jack L. Poteat, requested the rezoning, to develop one-quarter acre lots; the project has been approved by PZA, with conditions added. Discussion followed. Napier asked Gabriel if the water provided for this is St. Johns County water and sewer to which Gabriel responded that the water and sewer is from Mainland system. Maguire stated that he has a problem with number 2 of the conditions, regarding central water and sewer to be provided; thus, there is a statement that will fit this situation very well, which reads: "central water and sewer will be provided/and fire protection. The developer agrees to hook up to the County's water and sewer supply at the developers expense". Discussion followed. Vice Chairman Maguire directed the deputy clerk to read the conditions to which the representative of the applicant agreed to all conditions. Upon motion by Herold, seconded by Bailey, carried 3/0, Brubaker was absent, Waldron abstained from voting on a measure which inures to his special private gain, to approve Ordinance No. 89-46, with conditions.