

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

NAME OF APPLICANT

Greg Severt  
Severt Tree Co.  
1 Fern Street  
St. Augustine, FL 32084

APPLICATION NUMBER

TUP 89-002

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

\*See Attached

DATE OF COMMISSION ACTION: October 24, 1989



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Greg Walden*  
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Rosemary Jones*  
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)

The meeting thereupon recessed and reconvened at 1:30 p.m. with Waldron, Bailey, Brubaker, Herold, Maguire, Sisco, Castle, and Jones present. Also present was Planning Coordinator Jerry Napier.

(10/24/89 - 10 - 2.1309)

Waldron broached the subject of cancelling the December 26, 1989 BCC meeting. Upon motion by Bailey, seconded by Brubaker, carried 5/0, cancelling the December 26, 1989 BCC meeting.

(10/24/89 - 10 - 2.1338)

Hearing on TUP-89-002/Greg Severt, sale of pumpkins and christmas trees, located on U.S. #1 South at SR-#312. Proof of publication of notice of hearing on TUP-89-002 was received, having been published in The St. Augustine Record on September 23, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Patty Severt, 1 Fern Street, requested the temporary use permit. Brubaker reported the location on this application is the same as last year's and it appears that the Planning and Zoning Agency (PZA) recommended approval. Napier reported that the only difference in this year's than in previous years is that the county has construction ongoing on U.S. 1 and #312. Further, the PZA has recommended approval subject to the erection of suitable barriers on #312 but there is also a problem on the U.S. 1 access because of the decel lanes. Additionally, PZA is concerned about the christmas tree portion of this request. After next Tuesday, Halloween will be over but to continue to utilize that corner through the christmas season with the construction activity, staff would not recommend favorably, Napier stated. Holmes reported that she has observed over the weekend that persons were driving straight across the U.S. 1 right-of-way in the direct path of the county's construction vehicles and although the pumpkins are there now, they will be out within a week; staff is highly concerned about what point in the schedule the county's construction will be when the Severts start to sell christmas trees. It's a hazard to the traveling public; it is not permitted by DOT and staff does feel it will jeopardize the county's schedule if the contractor experiences delays in intermittent traffic crossing that right-of-way. Holmes stated staff would recommend against christmas trees. Discussion followed. Maguire asked if the Severts attempted to gain access across Andy's Lounge to which Patty Severt replied that they were planning to put poles down and rope this area off; showing by signs where to park and where to exist. Discussion followed. Upon motion by Herold, seconded by Maguire, carried 5/0, to approve the sale of pumpkins. Maguire requested the remainder of this application be tabled until verification is obtained for right-of-way access not off of U.S. 1. Waldron was in favor of this. Bailey stated that the next BCC meeting is not until November 14th and the Severts would need to know before this time if they have permission to use this location; thus, Bailey suggested amending the motion to include that staff would be able to declare and let the BCC know what they declared. Waldron stated he was not sure staff has the right to give exceptions. Maguire moved to grant the TUP of christmas trees subject to the applicant gaining access from the K-Mart parking lot and direct access from U.S. 1; seconded by Herold, carried 4/1, Waldron dissenting, to grant the TUP-89-002/Greg Severt.

(10/24/89 - 10 - 2.1713)

Continued hearing on R-PUD-86-063/Moultrie Lakes Industrial Park - Major Modification, representative Tim Gabriel, major modification to add to the Permitted Uses, two billboards to be located along the proposed SR-#312, Resolution No. 89-244, PUD Ordinance No. 86-83, also known as Moultrie Lakes. Court Reporter Present. Bob Harry, 5337 River View Drive, requested approval of the major modification to build two advertising signs along SR-312 extension. Discussion followed. Sam Ajloni, 1820 Old Moultrie Road, residing less than 300 feet from the PUD, commented in opposition to this application. Ajloni stated they received no notice of rezoning from the project. Napier responded that Ajloni's name is not on the list of adjacent property owners that was submitted by the applicant. Waldron asked Sisco to rule whether a notice was done. Sisco asked Ajloni how long had he owned the property to which Ajloni responded since 1981. Sisco asked if Ajloni was present at the last meeting as this is a continued hearing to which Ajloni responded that he was; Thus, Sisco stated that he did not see how Ajloni was hurt by not getting a notice because he knew enough to be present today. Ajloni replied they received notice through the newspaper. Sisco stated it is his opinion that if there was a defect it did not hurt Ajloni in any way because he is present today and thus the hearing can continue. Discussion followed. Robert Gernand, 1054 San Remo Road, real estate manager for Anastasia Advertising, responded to Ajloni's argument stating that his property is between 1/4 and 1/2 mile from this proposed PUD and Ajloni will not be able to see the sign from the PUD. Further Gernand stated the signs will be set back 15 feet. Discussion followed. Waldron suggested an additional section be placed in the resolution stating that the height of the structure will not exceed 35 feet. It was the general



1100 SPRING STREET, N.W., SUITE 550/ATLANTA, GEORGIA 30367 (404) 876-5511 FAX (404) 875-2629

October 26, 1989

Mr. Greg Severt  
1 Fern Street  
St. Augustine, FL 32086

Dear Mr. Severt:

Per our conversation, please accept this letter as written permission for you to cross over the old Andy's Lounge property, owned by Selig Enterprises, Inc., to gain access to your Christmas tree lot.

Sincerely,

SELIG ENTERPRISES, INC.

A handwritten signature in cursive script that reads "Mort Gilner".

Mort Gilner  
Property Manager  
Retail Division

MG/cc