

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

NAME OF APPLICANT

APPLICATION NUMBER

Lance Gruny for Albertson's
200 SR 312
St. Augustine, Fl. 32084

TUP-89-003

DECISION OF
COUNTY COMMISSION



GRANTED



GRANTED WITH
CONDITIONS



DENIED

LOCATION: 200 State Road 312 - Riverside Center - Albertson

TYPE OF USE REQUESTED: Temporary useage permit for sale of Christmas trees only

BEGINNING AND ENDING DATE OF USE: Present to December 24, 1989

*See Attached Copy of Minutes

DATE OF COMMISSION ACTION: DECEMBER 12, 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)

(12/12/89 - 8 - 3.1298)

At this juncture, Campbell returned to the BCC with information regarding R-89-050/Sokolay and Kluger, (section - 6 - 3.0775 of these minutes), having just spoken to Bobby Jones and Herb Van Der Mark, of ASD and reported that currently the county has transmission lines running down Old Moultrie Road; there are no lines running down Kings Estates; there is a need for transmission lines down to Kings Road which is the road coming down to this new subdivision. Further, Campbell reported that Jones is very interested in discussing the funding of transmission lines, much as the county has done with other projects, in a rebate to the developer who puts them in. Taylor reported that both of her clients are out of town today and she could not commit to something like this without discussing it with them. Taylor requested that the BCC continue this application until a time certain. Upon motion by Herold, seconded by Bailey, carried 5/0, to continue this application until January 9, 1990 at 1:45 P.M.

(12/12/89 - 8 - 3.1435)

Hearing on E-89-65/Dean and Deborah Sikes, appeal denial of exception for placement of mobile home on Cedar Lane. Proof of publication of notice of hearing on E-89-65 was received, having been published in The St. Augustine Record on November 16, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Marge Nichols, 4275 U.S. 1 North, representing the Sikes' requested the exception. Upon motion by Herold, seconded by Waldron. Discussion followed with respect to a serious problem regarding permit justification for a home on an unopened road to be developed. The definition for an unopened road was given by Maguire, which definition means that the county has not accepted any maintenance of it. The cost of moving in for the Sikes may be very costly, stated Maguire. Campbell checked with Linda Beason and Diane Boyce of the Engineering Department and reported that Cedar Lane is a platted road but is not opened and will require total limerocking on that road. Maguire recommended a condition of the seller that at the sole discretion of the buyers of the property, if the Sikes choose not to stabilize the surface, their deposit and binder will be completely refunded. Chuck Pacetti, 53 North 1st Street, reported that his real estate office is handling the sale of the property for the seller; further, the contract on the property was dated and has expired and the seller has agreed that he will wait and see what happens at the rezoning meeting. Thus, the binder has been held in the escrow deposit and if the rezoning does not work out and the buyers can't move on the property, his office will return the deposit and binder. Upon motion by Waldron, seconded by Herold, carried 5/0, to approve the exception, subject to the recommendations of staff on the stabilized surface and also the usual and customary conditions of a mobile home being placed on a lot. Sisco requested Napier to explain what non-transferrable means to which Napier responded that it means that a person can't sell the property without first coming back and applying for a new exception; the intent of that is that they are non-rental, family use only.

(12/12/89 - 8 - 3.2382)

Hearing on TUP-89-003/Albertson's Inc., sale of Christmas Trees at Riverside Centre - less than four weeks therefore does not require PZA hearing. Proof of publication of notice of hearing on TUP-89-003 was received, having been published in The St. Augustine Record on November 29, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Michael Burkhart, 2400 U.S. 1 South, spoke in opposition to the selling of christmas trees at Albertson's because he felt it is against zoning regulations as well as a fire hazard. Upon motion by Waldron, seconded by Herold, carried 5/0, to approve TUP-89-003.

(12/12/89 - 8 - 3.3042)

Hearing on ordinance amending the St. Johns County Comprehensive Noise Ordinance. Proof of publication of notice of hearing on ordinance amending the St. Johns County Comprehensive Noise Ordinance was received, having been published in The St. Augustine Record on November 17, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Campbell reported that under consideration today is draft #4 and the Board's policy has been to initiate an economic analysis for new ordinances that pertain to staff regulations; thus the BCC has been given the economic impact of this new ordinance. The second page contains signatures of persons who requested the change to this ordinance followed by the ordinance. Draft #4 of this ordinance addresses concerns of the Sheriff's Department as well as the State Attorney's concerns with the ordinance. Upon motion by Herold, seconded by Bailey with discussion following. Mary Kohnke, 29 South Roscoe, commented on the lack of enforcement of the noise ordinance with respect to Palm Valley, in particular Wards Landing, an establishment with live band music. (4.0157) Commander Roberts, 65 South Roscoe, commented on the lack of enforcement of the noise ordinance. Jim DuPont Director of Operations, Sheriff's Department, commented in favor of this draft #4 and was of the opinion that this amended draft is an enforceable ordinance. Robert O'Nath, 835 Cherry Tree Road commented on a number of citations that have been