

ST. JOHNS COUNTY, FLORIDA

ORDER

REZONING/EXCEPTION/VARIANCE

NAME OF APPLICANT

APPLICATION NUMBER

Marsh Creek Partnership
c/o John Bailey, Jr.
Upchurch, Bailey & Upchurch, P. A.
780 N. Ponce de Leon Blvd.
St. Augustine, Fl. 32084

R-PUD-89-032

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

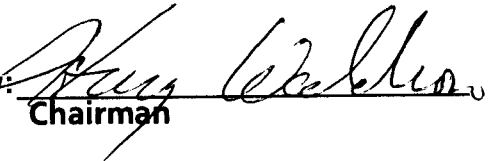
DENIED

ORDINANCE NO. 89-41

*See Attached Copy of Minutes

DATE OF COMMISSION ACTION: AUGUST 22, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Connie E McDaniel
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)

Maguire reported on the TDC and audit stating that the TDC meeting of Monday, August 21, 1989 was continued until Monday, August 28, 1989 and Markel has agreed to attend the TDC meeting to help in resolving this issue on audit; thus a report will be forthcoming to the BCC. Herold commented that in evaluating some of the financing of bed tax money, there is need for very definite guidelines and policies for the payment of submitted bills. Herold mentioned one example for advertising in the amount of approximately \$40,000 paid to an advertising agency for services performed; the bill was available with a date and letterhead which said, four color full-page ad southern living, x number of dollars. There were no tear sheets attached, there was no verification of the distribution of where it ran as southern living is a regional magazine and it was not stated what regions it ran in. Maguire responded that the TDC itself is highly frustrated at not being able to get things accomplished that they want and they recognize a need for those policies, decisions and guidelines. Maguire stated that the reason for the problem is that TDC went from \$0 dollars to \$1 million in 3 years; the TDC is trying to catch up and need all the help that can be given. Discussion followed. Herold commented on the Price Waterhouse audit and the way it was prepared does not single out portions of money; all were clumped together with all other monies. Herold asked the BCC to consider an outside independent audit of these funds.

(8/22/89 - 8 - 3.0325)

Hearing on R-89-027/Greg Bailey and Michael Pounds, rezoning from OR to IW with conditions; located on Dobbs Road, 310 north of Pine View, Ordinance No. 89-40. Proof of publication of notice of hearing on R-89-027 was received, having been published in The St. Augustine Record on July 13, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Ray Larsen, 736 Kings Estate Road, commented in opposition to the rezoning and submitted a petition containing 7 names of other property owners in the area in opposition to the rezoning. Waldron reported the records should show that the BCC received a letter and he has filed his letter with the Clerk. Greg Bailey, 307 Ponce de Leon Boulevard, owner of the property who is selling it to Michael Pounds requested approval of the rezoning which is consistent with all of the zoning on Dobbs Road. Napier reported on the intent of the industrial district stating that there is allowed bulk storage yards, outdoor storage yards, heavy industrial uses; however, what this application is about is a request for rezoning with restrictions on the uses. Napier stated from a Planning and Zoning standpoint that there would be great concern over rezoning this tract of land to a straight IW use with all the potential uses in there. Clerk read the conditions into the record and the applicant offered the conditions. Michael Pounds, 8 11th Street, St. Augustine Beach commented that he proposes to build a storage facility to land his merchandise, whether it is imported from overseas or from his local distributors and suppliers. Discussion followed. Upon motion by Maguire, seconded by Brubaker, carried 3/2, Bailey and Herold dissenting, to approve Ordinance No. 89-40.

(8/22/89 - 8 - 3.0873)

Hearing on R-PUD-89-032 and Major Modification to Ordinance 86-79; rezoning from OR to PUD in order to incorporate 40 acres into existing PUD without changing existing approved density; located adjacent to existing Marsh Creek PUD, SR-#3, Ordinance No. 89-41. Proof of publication of notice of hearing on R-PUD-89-032 was received, having been published in The St. Augustine Record on July 13, 1989; upon motion by Brubaker, seconded by Maguire, carried 5/0, was ordered filed. Hamilton Upchurch, 780 Ponce de Leon Boulevard, represented Marsh Creek Limited Partnership requested approval of the Major Modification of the existing PUD of Marsh Creek and also requested approval of the rezoning from OR to PUD. Upchurch referred to a map in his presentation. Discussion followed. Napier reported that the terminology contained in Section 5 of the Ordinance is before the BCC. Upon motion by Herold, seconded by Maguire, carried 5/0, to approve Ordinance No. 89-41. Proof of publication of notice of hearing on Major Modification to Ord. 86-79, as amended, also known as R-PUD-86-60, Resolution No. 89-199, was received having been published in The St. Augustine Record on June 9, 1989; upon motion by Brubaker, seconded by Herold, carried 5/0, was ordered filed. Upon motion by Herold, seconded by Maguire, carried 5/0, to approve Resolution No. 89-199.

RESOLUTION NO. 89-199

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, STATE OF FLORIDA APPROVING A MODIFICATION TO ORDINANCE NO. 86-79 AS AMENDED ALSO KNOWN AS R-PUD-86-60, THE MARSH CREEK PUD

(8/22/89 - 8 - 3.1229)