

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

NAME OF APPLICANT

Moultrie, Inc.

APPLICATION NUMBER

Major Modification

DECISION OF
COUNTY COMMISSION

GRANTED

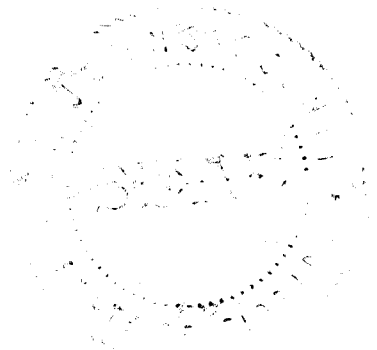
GRANTED WITH
CONDITIONS

DENIED

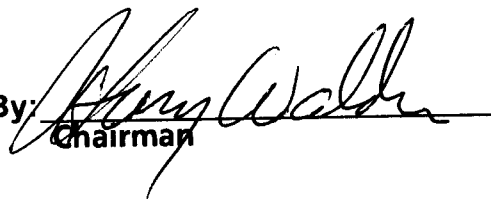
CONDITIONAL ORDINANCE

*See Attached

DATE OF COMMISSION ACTION: October 10, 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)

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

consensus of the BCC that an additional section be added and the applicant agreed thereto. Moreover, two additional sections were suggested to be added to the resolution and they are: (1) The end of the sign will be 15 feet from the right-of-way and; (2) Access to the sign will be within the PUD. Cliff Petitt, 960 Alcala Drive commented on the variations of this to the proposed sign ordinance. Napier responded that as far as the proposed sign ordinance, this application would be in conformance with that, in fact it would be lower than what would be required in the sign ordinance. Discussion followed. Upon motion by Brubaker, seconded by Herold, carried 4/1, Bailey dissenting, to approve Resolution No. 89-244, with the requested three additional conditions added thereto. Those conditions are as follows: Section 3 (a) The height of the structure will not exceed 35 feet. (b) The leading edge of the sign will be a minimum of 15 feet from the right-of-way of SR-312. (c) Access for maintenance of the sign will be from within the PUD and shall not be accessed from SR-312.

RESOLUTION NO. 89-244

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO PUD ORDINANCE NUMBER 86-83 ALSO KNOWN AS MOULTRIE LAKES

(10/24/89 - 11 - 2.2710)

Hearing on SW-89-014/James R. Blakney, waive Article V and Section 90.6, creating one additional parcel with easement and waive fire hydrants. Proof of publication of notice of hearing on SW-89-014 was received, having been published in The St. Augustine Record on September 2, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. James R. Blakney, 967 Manatee Avenue requested the subdivision waiver. Napier recommended that if the waiver is granted it be exclusively for access to this 1.1 acre parcel and that it be limited to one dwelling unit on that parcel. Discussion followed. Upon motion by Herold, seconded by Brubaker, carried 5/0, to approve this application and that it be restricted to no more than one dwelling unit on the 1.1 acre parcel and the easement would comply with the Engineering Department requirements - 30 foot wide recorded easement constructed to county standards and subject to the conditions outlined on the staff report.

(10/24/89 - 11 - 2.3103)

Final Plat, Greenwood III, off Datil Pepper Road, Resolution No. 89-245. Court Reporter Present. Michael Traynor, 22 Cathedral Place requested approval of the final plat on behalf of J. W. Jones, owner and developer of the Greenwood III subdivision. Discussion followed. Holmes reported that Traynor approached staff shortly before the BCC meeting today and offered to agree to staff's recommendation to extend the asphalt surface from the limit of the road paving petition southward to his most distant driveway; that is in concept what staff had asked him for since rezoning time. Traynor asked Holmes about alternatives to implement this condition, one of which was if he would agree to a dollar value rather than trying to worry about a contractual arrangement with the county; thus, staff obtained two quotes on what the asphalt would cost and it is approximately \$13,600 and this was rounded to \$15,000 which Holmes was fairly sure will cover the costs per staff's recommendation. If for some reason the amount is slightly less than the \$15,000, Holmes stated she has no objection to refunding the difference to him, but this is entirely at the BCC's discretion. (3.0112) Traynor stated a condition to the effect that was mentioned by Holmes will be added as a condition to the resolution. Discussion followed. Sisco stated that if this application is approved, a memorandum be written and signed by Traynor to be placed in the file pertaining to the suggestion by Holmes, to which Traynor agreed to. Discussion followed. Bailey asked about the preserve - who will own the preserve and pay the taxes on it to which Traynor replied the developer will own and pay the taxes on it. When the developer sells off all their lots a homeowners association will be formed to take care of this issue, Traynor stated. Discussion followed. Upon motion by Maguire, seconded by Herold, carried 4/1, Bailey dissenting, to approve Resolution No. 89-245 with the following added condition: "Developer agrees to contribute \$15,000.00 toward the paving (asphalt surfacing) of Datil Pepper Road from a point known as "station 40 + 00" to the furthest most entrance (including driveways) of the subdivision (Lot 43). In the event the costs of material and labor do not reach \$15,000.00 the Developer will be refunded any difference. In order to guarantee payment the Developer agrees to provide the County with acceptable security in the event the County has not positioned itself to finish the asphalt surfacing by the date the construction bond would be discharged. Offered by owner/applicant: J. W. Jones".