

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

NAME OF APPLICANT	APPLICATION NUMBER
Ponce de Leon Resort and Convention Center, Inc. Florida Golf Resources c/o John Bailey, Esq. Upchurch, Bailey and Upchurch, P.A. 780 N. Ponce de Leon Blvd. St. Augustine, Fl 32084	R-PUD-89-017

DECISION OF COUNTY COMMISSION GRANTED GRANTED WITH CONDITIONS DENIED

[Faint illegible text]

Ordinance No. 89-28

*See Attached

DATE OF COMMISSION ACTION: June 13, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *[Signature]*
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *[Signature]*
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)

staff recommended to the developer several times that a PUD was expected. Herold stated he is uncomfortable with all the conditions because of the fact that when there is a PUD and Variance it should be presented to PZA and they make their decision; however, with the number of conditions presented in this item, the developer would have to go to the PZA and ask for approval then return to the BCC for approval and Herold felt it was a very unwieldy way to work. With regard to the property behind the shopping center, Herold stated he would feel more comfortable if the developer would have presented it as a PUD for the shopping center and the additional acreage that's behind it. Prosser responded to Herold's concerns saying that staff did originally recommend the developer come back with a PUD, but part of the problem is that there are two different developers picking up one piece of property put on the market for two different purchases and it was not practicable for them, Prosser stated, from the commercial aspect to put it into the PUD. Discussion followed. (3.3306) Waldron suggested a modification of Item #4 of the conditions, which was agreed to. (3.3407) Further, Bailey suggested Item #12(f) of the conditions be modified with respect to the sign and this was agreed to. Herold questioned Prosser with regard to Item #6 of the conditions (...the St. Augustine style of architecture). Prosser explained this would be a stucco structure with a roof line very similar to what is at the National Park Headquarters at the base of the Fort. Deputy clerk read the conditions. Discussion followed. Cliff Pettit felt this item should be zoned PUD. Napier commented this item has undergone a long process and staff continues to recommend PUDs for this type of development. During the process of several hearings it started out with very few conditions, staff has suggested changes and it has resulted in conditions that are not dissimilar to what a PUD is and in fact in many ways is stronger than a PUD. Also, Napier mentioned staff did not recommend this under the requested zoning classification as it takes more time to deal back and forth with conditions. Upon motion by Brubaker, seconded by Maguire, carried 4/1, Herold dissenting, to approve Ordinance No. 89-26 with conditions.

(6/13/89 - 11 - 4.0246)

Hearing on R-89-012/Susan Scott Cesaritti, rezoning from OR to RS-E with possible conditions; located at 270 North Roscoe Boulevard, Palm Valley Gardens, Ordinance No. 89-27 with conditions. Proof of publication of notice of R-89-012 was received having been published in The St. Augustine Record on May 9, 1989; upon motion by Brubaker, seconded by Maguire, carried 5/0, was ordered filed. H. C. Stone, 216 Center Street, Green Cove Springs requested the rezoning. Waldron expressed his concern stating this road cannot take any more capacity and an area that is the highest polluting area in St. Johns County. Napier reported this parcel is zoned OR now and with five acres, if remained in private ownership, a person could place five mobile homes on the property; however, this rezoning would only allow four lots as RS-E requires an acre more and would not permit mobile homes, as it is restricted to single family homes. (4.0461) Herold made a motion for denial. Brubaker stated that after analyzing what could be placed on the property now, certainly RS-E is a better zoning as there would be better facilities and better housing than Open Rural with trailers. Bailey questioned how the fire protection request had been addressed. Napier stated they have agreed to plat prior to any construction activity or request a waiver from the platting. This will have to be addressed at that time; however, if the developer plat and don't receive a waiver of fire requirements, then some means of fire protection will have to be provided. Bailey questioned what the wetlands would be and Stone stated the wetlands run across the front of one of the lots. Maguire felt the issue is greater than just an approval or denial and stated if a denial is chosen this needs to be done with a plan as there will probably more coming and the BCC has responsibility to provide direction to the public as to what will happen. There is need for a plan that this denial would lead into such as to widen, build, rebuild the road, or provide sewage. Discussion followed. (4.0690) Herold withdrew his previous motion to deny this rezoning. Deputy clerk read the conditions; upon motion by Brubaker, seconded by Maguire, carried 5/0, to approve Ordinance No. 89-27 with conditions.

(6/13/89 - 11 - 4.0744)

Hearing on R-PUD-89-017/(Fla. Golf Resources) now known as Ponce de Leon Resort and Convention Center Inc.; land located on U.S. #1 North occupying the land of the Ponce de Leon Motor Lodge, motel, restaurant, golf course, and is an addition to the remaining lands to PUD, to add residential, golf course expansion, and multi-family. The applicant amended the application to reduce the multi-family units total and to decrease height to 45 feet maximum, Ordinance No. 89-28. Court Reporter present. Proof of publication of notice of hearing on R-PUD-89/017 was received, having been published in The St. Augustine Record on May 3, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. John Bailey, 780 No. Ponce de Leon Boulevard, representing the applicant, reported on this item. John Bailey introduced the two principals of the company, who will be developing the project which are: Frank Swope, President, and Henry Muller, the company's Development Coordinator. John Bailey stated that as the project stands

now it has been recommended for approval by staff and the PZA Board and he felt it is a well-planned project and one that will be an asset to the county. The developers were required by staff, early on, to go to the Department of Community Affairs and obtain a clearance letter which indicates to the staff and county that this project, should it be approved, would not qualify as a DRI. John Bailey reported the letter was obtained and it is now in the county's file. Discussion followed. William Cox, Architect from Miami, reported on sketch drawings of the master plan prepared by Mosley Company in Atlanta and himself. Discussion followed. In summary, Cox stated that as far as the St. Johns County regulations, the developer has gone a step further to try to assure that Robinson Creek will be protected and the other environmentally-sensitive areas as best they can. Commissioner Bailey asked Cox if the percentage of the pervious coverage for sidewalks have been determined as yet as the density is extremely high. Cox responded that in the development of the run-off rates that go into the stormwater master plan, an assessment was made in the report which details how much anticipated building coverage and road coverage would occur and this is incorporated into factors which determine how much run-off comes off the site for various type storms that would occur. Discussion followed. Nancy Zisky, Environmental Services, Jacksonville, firm selected to identify and delineate all of the wetland areas pursuant to the regulations of the Army Corp of Engineers, the St. Johns River Water Management District and the Florida Department of Environmental Regulations. Zisky reported on the 1988 aerial which she exhibited. (4.1602) Ms. DeKay, 2602 Shore Drive, read a letter in opposition of the rezoning and submitted a petition with 800 signatures in opposition to the rezoning. Jean _____, 5155 B SR-13 spoke regarding water shortage with respect to the golf course. Margaret Carter, 42 Hibiscus, spoke in opposition to condos; however, was in favor of single family housing. Phil Frank, 5095 Madores Avenue, requested the BCC take into consideration what effect the high density of people in housing will have on the wetland and uplands in the area of this project. Jo Hamilton, Crescent Beach commented on the height of the structures. Karen Lewis, representative of Take Responsibility for the Environment Ecological Society (TREES) spoke in opposition to the rezoning of the six acres known as Kurth's Island located in Robinson Creek from Open Rural to PUD and the proposed construction of 90 condominiums on this marsh wilderness area. Robin Nadeau, 26 Mlickler Boulevard, spoke in opposition of this project. Cecil Carter, 42 Hibiscus Avenue, gave a presentation in opposition to the rezoning. Carter submitted photos as well as a report entitled: "Comprehensive Shellfish Growing Area Survey" and also reported from graph charts which he displayed. Further, Carter referred to page 89 of the Survey and posted charts on fecal chloroform. Discussion followed. Steve Muller responded to some problems posed in Carter's presentation regarding run-offs and indicated the plan for which the developers propose to maintain the quality of Robinson Creek through the design, which meets and exceeds the ordinance. Discussion followed. (4.3708) Commissioner Bailey asked Napier if there is anyone on staff that calculates pervious coverage and figures the run-off in amounts of gallons? Napier responded this is done by the Engineering Department under the paving and drainage ordinance. (5.0104) Campbell further mentioned that this particular project has not actually presented specific site plans and he did not know if they have a St. Johns Water Management permit yet, thus they do not have the specifics yet. However, in order to obtain a St. Johns Water Management permit they have got to give staff those details and in turn the Engineering Department review the St. Johns Water Management permit to determine that this is what is done on site. (5.0122) Zisky responded to the gopher tortoise issue; further, she stated the Core of Engineers has visited the site of the proposed project and spent two grueling days in the northwest corner of the site, and identified all the wetland areas that were flagged and did approve the line. With regard to the water quality issue to Robinson Creek Zisky stated that from her experience pollution will come from two sources; (1) run-off generated from the site and (2) from sewage. The DNR does test for chloroform bacteria and the sewage from the development is to be sent to the St. Augustine plant and discharged from there. (5.0194) Henry Muller, Development Coordinator for the project commended Carter for his intent with regard to clean water and maintaining the ecology. Muller discussed the development with regard to pollution, and the run-off problems as well as the cost to develop the site. Discussion followed. Muller reported that for the local trade people in St. Augustine, this project will mean about \$50 million in construction activity. With regard to the watering of the golf course, Muller stated there will be two artesian wells that go down 800 feet which he felt are adequate for the additional needs of the project. Muller addressed the focus of the attention of all concerned individuals, that is, the development on Kurth Island, opposite the home of the Carters. Muller felt the island is rather restrictive and tight to build and has decided not to build on the island; further, the woodstorks nest along the entire line of trees on the island. Muller stated he will pull the development back toward the golf course away from the island. Herold asked Muller if he would offer this as a

condition in the ordinance to which he stated yes. Discussion followed. Commissioner Bailey stated that she was in favor of the plan, but the densities are so high that she did not understand how the calculations were made. John Bailey suggested to Muller that he delineate the portion that will not be developed on a site plan that staff has, and delineate it as Parcel E-1 and add a provision to the ordinance which states: "there shall be no development on the portion of Parcel E designated as Parcel E-1 on the site plan". Muller agreed with this suggestion. Discussion followed. (5.0588) Margaret Carter asked Muller how the sewer system would cross the creek to which Muller stated the sewer line will cross where the present road goes over, where the causeway is and be buried in that; further, the developer will redo the causeway to provide a better flow in and out of Robinson Creek. Waldron questioned the special lighting area, and the sidewalks. John Bailey stated the interior roads to the project will all be private, so more than likely the street lighting will be maintained by the homeowners association. Commissioner Bailey questioned how the tree line would not be obstructed with a 45 foot building height; further, she would like to get the height cut back to 35 feet. Muller stated a number of the buildings in the project will be 35 feet and most or all of the buildings are not more than two stories; further, the higher foot buildings are right near the hotel that presently exist in the area; which is 45 feet. Muller mentioned this is a development for older, mature people, retired/semi-retired persons. Discussion followed. Commissioner Bailey asked how many multi-family and single-family homes will exist in the project to which Muller stated there will be approximately 250 single-family homes and approximately 250 multi-family homes. Upon motion by Brubaker, seconded by Maguire, carried 5/0, to approve Ordinance 89-28 with the noted change on the portion of Parcel E, designated in Section 3 of the Ordinance.

(6/13/89 - 13 - 5.1070)

Hearing on R-PSD-89-015/James R. Boyd, III and Benita S. Boyd, owners with applicant, Philip J. Edwards represented by Karen M. Taylor; land located on the east side of A1A in Crescent Beach, just north of the intersection of SR-A1A/SR-206; rezoning from RS-3 to PSD for patio homes. Court Reporter present. Proof of publication on hearing of R-PSD-89-105 was received having been published in The St. Augustine Record on May 4, 1988; upon motion by Brubaker, seconded by Maguire, carried 5/0, was ordered filed. Karen Taylor, representative of the Boyds, requested the rezoning. Taylor reported on sketch drawings. Discussion followed. Bailey asked Taylor if there would be a homeowners association to revamp the dune walkover and the road when they need repairs to which Taylor responded in the affirmative. (5.1509) Maguire discussed the denial of this application by PZA; further, the applicants have come to the BCC with a major change seeking approval, which Maguire felt the PZA should review what is now being proposed; thus on this basis, Maguire requested the BCC refer this application back to the PZA with the proposals to a time certain by the PZA on July 20, at 1:00 p.m., and to be brought back to the BCC on July 25 at 1:45 p.m. Napier suggested it be referred back to the PZA to a time certain otherwise re-notifications have to be sent out again. Herold supported Maguire's suggestion. Herold went on record as stating that when an application goes through PZA with a denial and comes to the BCC with a variance, then this is really not the same presentation that was brought initially before the PZA; thus it should not come before the BCC but should go back to the PZA for their approval to come to the BCC. Discussion followed. (5.1761) Judy Guinn, 6789 Avenue A, was in favor of Maguire's recommendation to continue until July 25th. Upon motion by Maguire, seconded by Herold, carried 5/0, to move this application back to the PZA on July 6, 1989. Upon motion by Herold, seconded by Maguire, carried 5/0, to continue this application before the BCC on July 25, 1989 at 1:45 p.m. Campbell entered into the record that staff has received 12 individual letters addressed to the Board of County Commissioners concerning this project and one person has written 5 individual letters to each Commissioner. This documentation is attached to the correspondence for this application.

(6/13/89 - 13 - 5.1944)

Hearing on V-89-010/Steven and Anita Stombock, appeal to denial of zoning variance to reduce the required setback for horse barn; located lot 7, Hodges unrecorded subdivision, 1090 SR 13, Orangedale. Court Reporter present. Proof of publication of hearing on V-89-010 was received having been published in The St. Augustine Record on May 5, 1989; upon motion by Bailey, seconded by Brubaker, carried 5/0, was ordered filed. Hamilton Upchurch, 780 No. Ponce de Leon Boulevard, representing the Stombocks requested the variance. Upchurch referred to sketch drawings on display. Upchurch stated this variance has been denied by the PZA before any conditions could be proposed by the Stombocks. Therefore, Upchurch presented conditions that will give the neighborhood substantially greater protection than any other lot that might be 120 feet wide in an OR zone. Upchurch further stated that the section of OR that this application addresses is 5112 (Permitted Principle Uses and Structures). Discussion followed from the sketch drawings. (5.2751) Bailey asked how can an individual have a hardship on property