

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

**NAME OF APPLICANT**

**APPLICATION NUMBER**

Ruth Powell  
c/o Winston Jacobo  
Attn: Kathryn Edwards  
2400 N. Ponce de Leon Blvd.  
St. Augustine, FL 32084

R-PSD-89-034

**DECISION OF  
COUNTY COMMISSION**



**GRANTED**



**GRANTED WITH  
CONDITIONS**




**DENIED**

**ORDINANCE 89-43**

\*See Attached

**DATE OF COMMISSION ACTION: September 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)

requested the minor modification to increase the height to 40 feet to accommodate the different pitch on the road of a two-story home being built in Marsh Landing for Luther Coggins and his family. Waldron reported that some homes in this area have heights that exceed 40 feet due to architectural design; thus, at some point it may be feasible to adjust the modifications entirely. Napier stated that interest has been expressed in seeing the entire subdivision be covered under the modification; however, what is before the BCC today is specifically dealing with this item; if so desired, the developer could return at a later date and expand, rather than deal with it on a lot-by-lot basis. Prosser stated when this issue arises in the future, perhaps they will expand their application. Upon motion by Herold, seconded by Maguire, carried 4/0, Brubaker was absent, to approve Resolution No. 89-209, under the provisions of Ordinance No. 75-15.

RESOLUTION NO. 89-209

**RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF  
FLORIDA APPROVING A MINOR MODIFICATION TO  
MARSH LANDING AT SAWGRASS PUD ORDINANCE 75-15**

(9/12/89 - 10 - 2.2549)

Hearing on R-PSD-89-034/Ruth W. Powell, rezoning from IW to PSD for the location of convenience store and self serve gasoline pumps; located at corner of Stokes Landing Road and U.S. #1 North, Ordinance No. 89-43. Proof of publication of notice of hearing on R-PSD-034/ was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, was ordered filed. Winston Jacobo, 24 Cathedral Place, Suite 609, St. Augustine, representing Ruth Powell requested the rezoning. Jacobo submitted 4 letters in support of the rezoning as well as a petition of 167 signatures in favor of the rezoning. Jacobo stated this issue has been approved by staff and the Zoning Board; further, all the conditions have been met and applied for in accordance with staff recommendations and if approved, the convenience store will be owned and operated by Huntley-Jiffy. Discussion followed. Bailey stated that if this rezoning is approved, special attention be given to the retention area and maintenance as well as the green buffer at the rear of the property. Allen Gordon, 1890 Kingsley Avenue, Orange Park, representative of Huntley-Jiffy responded to Bailey's concerns stating that this site is the first one of its kind whereby Jiffy will be working with St. Johns County under PSD zoning and under the controls and what has been negotiated with staff, it would appear that there is significant controls that can be imposed for these concerns. With respect to landscaping, Gordon stated Jiffy has done their tree ordinance; there are a great bit of magnolias and oaks and pines there. Discussion followed. Maguire asked Gordon when would he have plans ready with the intention of the trees on the plan to which Gordon stated they are required to submit this plan along with their first review. Napier stated that a site plan is required and is very specific, as part of any planned special district, but it is recognized, with trees being on the site, there is flexibility in the text to allow for minor adjustments in the site plan to accommodate county requirements for preservation of trees. Gordon responded that the plan for the trees will be submitted with their first site plan in conjunction with their building plans; further, one of the reasons this was not done previously is because their initial tree survey was not done in great depth; however, Jiffy will go back and do a more significant tree survey and identify the trees, making it more palatable. Bailey requested that Jiffy set a precedent with regard to their signs, by not using a gaudy sign. Gordon stated that if the concern is signage, he would be willing to work with staff to make it work. Discussion followed. Herold responded that he is not comfortable with this project; he would prefer to have in writing what Jiffy intentions are rather than verbalizing them. Maguire inquired about the paperwork that the BCC received on this application, whether or not what is being discussed is stipulated in the text of the application itself to which Napier responded that these things are all part of that file. Herold addressed staff if it would be appropriate for staff to evaluate this piece of property and tag trees, if this application is approved, before anything takes place in the way of construction. Campbell responded to Herold's inquiry re the tagging of trees by asking Gordon if they would offer as an additional condition the review of the site plan before any land clearing, with the appropriate county staff, in submission of a tree survey to which Jacobo responded that the condition would be that, before the site is actually cleared, they would submit a landscaping tree plan and have someone from staff, as well as from his office, inspect the site to determine which trees should be saved; Jacobo stated they have no problem with offering this as a condition. Sisco responded that if what was just offered by staff and Jacobo is important to the BCC that this be placed in the ordinance, someone must draft the language to be submitted into the ordinance before this application is passed. (3.0146) Rita Cornwell, 6810 U.S. 1 North commented in opposition to the gas pumps being

installed; Jennifer Dekill, 6276 Cypress Drive, spoke in opposition to the rezoning; Glenda Ryder, 1205 Pine Allen Road, spoke in opposition to the gas pumps being installed; Charley T. Powell, Jr., 478 Coopers Cove Road commented in favor of the rezoning; Barbara Wright, property owner on Stokes Landing Road commented in favor of the rezoning; Butch Watkins, 124 Stokes Road, commented in favor of the rezoning. Gordon responded with respect to gas pumps; he stated the zoning presently includes a gas station being built; Napier responded that the land is zoned IW and would require exception; Gordon asked Napier what would some of the present uses be for IW; Napier stated there is a whole host of uses, including manufacture. Gordon stated that the Jiffy stores are part of the safe place program, statewide; in Duval County and several other counties in the State of Florida, Jiffy has made efforts to work out safety factors with respect to bus routes. Jacobo responded to the proposed amendment to the ordinance, with an additional condition, to add a Section 9 to the ordinance which reads: "All plans will be submitted to County Staff prior to any commencement of site clearings or constructions. Said plans will include a tree survey made with County Staff and approved by Staff to identify trees to be marked and saved. The County Staff will assist the Developer to insure an aesthetically acceptable development, to protect as many natural trees on site as practical". Discussion followed. Upon motion by Maguire, seconded by Waldron, carried 3/1, Bailey dissenting, Brubaker was absent, to approve Ordinance No. 89-43, with Section 9 added to the conditions, R-PSD-89/034.

(9/12/89 - 11 - 3.1063)

Hearing on R-89-026/David and Roland Pacetti, rezoning from OR to RS-2 to add six lots to existing subdivision; located adjacent to Wildwood Pines Subdivision, off Deer Chase Road, Ordinance No. 89-44. Proof of publication of notice of hearing on R-89-026 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Maguire, seconded by Herold, carried 4/0, Brubaker was absent, was ordered filed. Dick Prosser, Prosser, Hallock and Kristoff, representing David and Roland Pacetti requested the rezoning. Prosser stated they have worked out with staff and the Planning Board, and there were a couple of conditions which staff and the PZA asked be provided in the ordinance, which has been submitted to the BCC, addressing the extension of Eagle Chase Drive and the right-of-way, which could be 100 feet and also that they would not have access on Sea Eagle Circle which has been committed to as well and there will be central water for their hydrants with the project; this is committed to in the ordinance as well as the six lot limitation. Upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, to approve Ordinance No. 89-44.

(9/12/89 - 11 - 3.1130)

Hearing on R-PUD-89-035/K. S. Toney, owner with Frank DiMare applicant, represented by John D. Bailey, Jr.; rezoning from OR to PUD for the location of a single family subdivision, 65 acres with 60 single family lots; located northeast of Wildwood Drive and south of Cherry Tree Road, Ordinance No. 89-45. Proof of publication of notice of hearing on R-PUD-89-035 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, was ordered filed. Court Reporter was present. John Bailey, Upchurch, Bailey, and Upchurch, 780 No. Ponce de Leon Boulevard, was present representing the applicant Frank DiMare, requested the rezoning. Discussion followed. Upon motion by Herold, seconded by Bailey, carried 4/0, Brubaker was absent, to approve Ordinance No. 89-45.

(9/12/89 - 11 - 3.1241)

Hearing on R-89-029/Jack L. Poteat, rezoning from OR to RS-3 for development of residential subdivision of 36 lots; located south of Lightsey Road, 17 acres, Ordinance No. 89-46, with conditions. Proof of publication of notice of hearing on R-89-029 was received, having been published in The St. Augustine Record on August 9, 1989; upon motion by Bailey, seconded by Herold, carried 4/0, Brubaker was absent, was ordered filed. Chairman Waldron filed Form 8B, Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers. Tim Gabriel, 66 Cuna Street, representing Jack L. Poteat, requested the rezoning, to develop one-quarter acre lots; the project has been approved by PZA, with conditions added. Discussion followed. Napier asked Gabriel if the water provided for this is St. Johns County water and sewer to which Gabriel responded that the water and sewer is from Mainland system. Maguire stated that he has a problem with number 2 of the conditions, regarding central water and sewer to be provided; thus, there is a statement that will fit this situation very well, which reads: "central water and sewer will be provided/and fire protection. The developer agrees to hook up to the County's water and sewer supply at the developers expense". Discussion followed. Vice Chairman Maguire directed the deputy clerk to read the conditions to which the representative of the applicant agreed to all conditions. Upon motion by Herold, seconded by Bailey, carried 3/0, Brubaker was absent, Waldron abstained from voting on a measure which inures to his special private gain, to approve Ordinance No. 89-46, with conditions.