

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

**NAME OF APPLICANT**

**APPLICATION NUMBER**

The Crescent Group  
50 Cabbage Road  
St. Augustine, Florida 32086

E-89-011

**DECISION OF  
COUNTY COMMISSION**

**GRANTED**

**GRANTED WITH  
CONDITIONS**

**DENIED**

**Location:** The property is located at 3rd Street, Crescent Beach Ramp, AKA Sand Castle II Motel

**Requested Change:** The request is for an exception in an RG-2 area to move an existing sign 15' west of the previous location and for a variance to allow lighting for the sign.

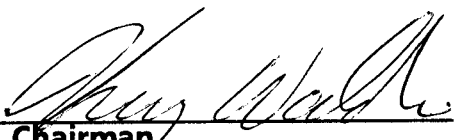
**Description:** The subject property is comprised 100' x 265' and is currently occupied by the existing Sand Castle Motel. Surrounding zoning is RS-3 to the north, CG to the west across A1A, and CHT (B) to the South.

See attached for Comments/Observations and Comments/Recommendations

\*See Attached Copy of Minutes

**DATE OF COMMISSION ACTION: MAY 23, 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)

Comments/Observation

Section 7-15-1 (4) of the St. Johns County Zoning Ordinance states the following regarding signage in Residential Districts:

"On-site signs in connection with a permitted or permissible use in any Residential District shall be limited to those specifically approved in the grant of exception."

Although "Motels" are not normally permitted in RG-2 zoning the applicant is operating under a grandfathered use, and therefore the original sign was grandfathered in. With this in mind, the attached zoning clearance sheet was issued by Planning Staff since the clearance sheet applicant (Ben's Signs) indicated the request was to replace a grandfathered sign.

However, to keep a grandfathered status the square footage or size of the grandfathered use cannot be increased nor can a structure (sign) be relocated. It seems apparent that the clearance sheet indicates that the sign company implied by its statement "replacing grandfathered on-site sign", that the sign size was not being increased or relocated and therefore Planning Staff accepted this statement as to the applicant's intent and therefore the clearance sheet received approval.

It is the applicant's responsibility to be informed whether on-site modifications would permit the continuation of a grandfathered use and consequently to inform County Staff of the exact circumstances of the request at time of application. As with all variances and exceptions the appropriate procedure would be to apply for the exception prior to making alterations.

In addition site inspection has indicated that a total of four (4) signs currently exist on the property. The exception is for only one sign to be permitted on the subject property in a residential district.

Comment/Recommendation

Although Staff would have no objection to the granting of the current exception for the subject sign - Staff feels approval of this request should be subject to the removal of the other three (3) signs, which appears excessive in number and not permitted under the current zoning classification unless individually approved by exception. Staff suggests that the other three signs be subject to removal within 30 days of approval of this request.

developer would extend the mains to their area. Jones stated by June 15, 1989 staff will know exactly where they stand on all the commitments whether they come from the City or DER, allowing them to over-commit and modify their pumps; however, Jones stated he would like to commit no more than they can develop or build out in one year, thus by the one year time frame the new plant will be on line with much more capacity. Jones expects to have approximately 600-800 commitments and possibly 1,000 to be able to deal with developers on. Discussion followed on septic tanks and wetlands. Joca stated the final surveying has not been done on the wetlands area or uplands area. Discussion followed. Conditions were modified and added to with the agreement of Joca. Upon motion by Maguire, seconded by Herold, carried 5/0, to approve Ordinance No. 89-23 with conditions. (5/23/89 - 9 - 3.1629)

Jerry Sizemore, H. A. Durden, reported on Item #15 of the Regular Agenda, page 7 (3.0122) of these minutes; Sizemore asked for continuation until June 13. Upon motion by Brubaker, seconded by Bailey, carried 5/0, to continue the Final plat for Marsh Pointe at Marsh Landing Unit 16, Sawgrass, June 13, 1989 at 1:30 p.m. (5/23/89 - 9 - 3.1666)

Hearing on R-89-013/Brooks and Helen Brown, rezoning from OR to RS-3 with possible conditions, located on west side of A1A, south of and adjacent to Barrataria Island Development, Ordinance No. 89-24; proof of publication of notice of hearing on R-89-013 was received having been published in The St. Augustine Record on April 20, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. John Bailey, 780 No. Ponce de Leon Boulevard requested rezoning with conditions. Upon motion by Herold, seconded by Maguire, carried 5/0, to approve Ordinance No. 89-24 with conditions. (5/23/89 - 9 - 3.1738)

Hearing on E-89-011/Appeal/The Crescent Group Inc., appealing the denial for placement of on-site sign and variance to no lighting as required for signs in residential districts. Proof of publication for hearing on E-89-011 was received having been published in The St. Augustine Record on April 19, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Michael Trainor, 22 Cathedral Place representing the Crescent Group request an exception in an RG-2 area to move an existing sign 15' west of the previous location and for a variance to allow lighting for the sign; the property is located at 3rd street, Crescent Beach Ramp, a/k/a Sand Castle II Motel. Discussion followed. (3.2134) Alice Murphree, 6896 "A" Avenue, Crescent Beach submitted 11 letters to the Clerk opposing this item as well as photos were submitted. (3.2493) John Robinson, 3200 A1A South does not know where there would be a good place to place the sign. (3.2554) Clyde Murphree, 6896 "A" Avenue commented. Upon motion by Maguire, seconded by Herold, carried 5/0, to deny E-89-011. (5/23/89 - 9 - 3.2641)

Hearing on R-89-014/Ruth Powell, rezoning from IW to CG/with exception also applied for gasoline tanks (self-serve), the rezoning also contains possible conditions; located U.S. #1 North at Stokes Landing Road. Proof of publication of notice of hearing on R-89-014 was received having been published in The St. Augustine Record on April 22, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Katherine Edwards, 2400 No. Ponce de Leon Boulevard representing Mrs. Powell request rezoning. Deputy Clerk read the conditions to which Edwards to the conditions. Discussion followed regarding the proximity of the tanks to the drinking water supply. (3.3092) Rita Cornwell, 6810 U.S. 1 North commented in opposition to the gas tanks. Cornwell submitted photos and a petition with 196 signatures in opposition to the installation of gasoline tanks on the property at Stokes Landing Road and U.S. #1 North; Charley T. Powell, Jr, son of applicant commented on a discrepancy of petition with 196 petitions. Glenda Ryder, 336 Stokes Landing Road commented in opposition to the gas pumps; Catherine Edwards commented on gas stations versus the number of reports regarding accidents; Herold expressed concern with placing gas tanks; Napier reported that this conditional rezoning and the exception to it has been granted by the PZA subject to the rezoning; Upon motion by Herold, seconded by Bailey, carried 3/2, Brubaker and Waldron dissenting, to deny the rezoning of R-89-014/Ruth Powell (5/23/89 - 9 - 3.3788)

Continued hearing on R-89-009/James Dimsdale - Lyndale Investments; rezoning from OR to RS-2 with conditions; located on north side of Watson Road west of FEC, adjacent to property of R-89-008, Ordinance No. 89-25. (4.0123) J. E. Dimsdale, 107 May Street requested rezoning from OR to RS-2 with conditions. Deputy Clerk read conditions into the minutes to which Dimsdale agreed to the conditions; Upon motion by Brubaker, seconded by Herold, carried 5/0, to approve Ordinance No. 89-25. (5/23/89 - 9 - 4.0074)

Alice Murphree interjected at this point on E-89-011/Appeal/The Crescent Group Inc., questioning what the time limit on this denial of petition is; Napier responded

that theoretically the county could site the applicant tomorrow for having an illegal sign up however, normally they are given 10 days to remove it; upon motion by Herold, seconded by Bailey, carried 5/0, to instruct The Crescent Group Inc., to remove sign by June 15, 1989.

(5/23/89 - 10 - 4.0374)

Waldron stated for information purposes Item #9 from the Consent Agenda this morning was pulled as there is work which has to be done on this item.

(5/23/89 - 10 - 4.0388)

Sisco reported on the garbage assessment ordinance which will require a great deal of coordination on the part of county staff, Bucky Powers staff including our computer staff. Sisco stated that Powers has indicated to him that it is absolutely imperative that all persons involved with the ordinance's implementation have a meeting to get an idea of what tasks each will perform. Discussion followed with regard to the true capability of computer hardware and software with regard to Ludy Beaver's staff.

(5/23/89 - 10 - 4.0629)

Maguire submitted the name of individual, Charles E. Pellicer, he has chosen to represent him on the study committee for different forms of government

(5/23/89 - 10 - 4.0649)

Charles T. Powell, Jr., 478 Coopersville Road asked for a time frame to appeal rezoning on R-89-014/Ruth Powell. Sisco responded that this issue can be appealed in Circuit Court within 30 days, with the possibility the Circuit Court will overturn the decision made by the BCC or you can ask for a waiver of time to reply; Maguire suggested a time waiver be accepted until a new application can be issued. Upon motion by Maguire, seconded by Bailey, carried 5/0, to waive time limit to reapply.

There being no further business to come before the Board the meeting recessed until May 25, 1989 at 10:00 a.m. There were present, Maguire, Brubaker, Waldron, Bailey, Herold, and McDaniel. Also present were: Allen Powers, Property Appraiser, Carl "Bud" Markel, Clerk of Court, Penny Hallyburton, Supervisor of Elections, Cheryl Kent, Chief Deputy Clerk, Henry Hendrix, Finance Director, Mr. White from the Courthouse Committee.

(5/25/89 - 10 - 5.371)

Waldron stated the purpose of the meeting today was to follow-up on the last public hearing regarding the courthouse issue, whereby staff and Dr. Sobel was instructed to attain a point on size, financing and whatever questions that were brought up at the previous meeting.

(5/25/89 - 10 - 5.385)

The BCC decided at this point to take care of Item #15 from the Regular Agenda on Tuesday; Final plat for Marsh Pointe at Marsh Landing Unit 16, Sawgrass, Resolution No. 89-116. All the paperwork has been submitted with regard to this item; upon motion by Bailey, seconded by Brubaker, carried 5/0, to approve Resolution No. 89-116.

#### RESOLUTION NO. 89-116

#### **RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**

(5/25/89 - 10 - 5.391)

Waldron reported on issue by DNR writing the rule re driving on the beach, which the major request by St. Johns County was that DNR allow the county to fly the beaches to take pictures. Discussion followed.

(5/25/89 - 10 - 5.418)

Dr. Sobel made a presentation on St. Johns County Facilities Study in outline form. An outline of the study was submitted and are enclosed with a copy of these minutes. The following projected costs identify several scenarios to be reviewed, evaluated and reconciled with appropriate funding.

Option A: County Administrative Facility - 48,331 sq. ft. - this includes construction of space needs to 2015, finishing the needs for 2005 and shell remainder; for Constitutional offices - 56,357 sq. ft. - this includes construction of space needs to 2015, finishing the needs for 2005 and shell remainder; Lastly, the Courts and related offices - 80,224 sq. ft. - this includes construction of space needs to 2015, finishing the needs for 2005 and shell remainder.

Option B: County Administrative Facility - 44,400 sq. ft. - including construction and finishing space needs to 2005 and space in existing building to be renovated; Courts and Constitutional Offices - 74,678 sq. ft. - this includes construction space needs to



# BOARD OF COUNTY COMMISSIONERS

*Historical St. Johns County, Florida*

PHONE (884) 824-8131

CARL "BUD" MARKEL, CLERK  
POST OFFICE DRAWER 300  
ST. AUGUSTINE, FLORIDA  
32085

May 25, 1989

SARAH W. BAILEY  
2202 Bishop Estates Road  
Jacksonville, FL 32259  
(District No. 1)

FRANCIS N. BRUBAKER  
Box 1975, CR 117, South  
Elkton, FL 32011  
(District No. 2)

DONALD H. HEROLD  
4600 ATA South, P. 5 5  
St. Augustine, FL 32084  
(District No. 3)

HARRY WALDRON  
118 Colon Avenue  
St. Augustine, FL 32084  
(District No. 4)

CRAIG A. MACUIRE  
P.O. Box 1011  
St. Augustine, FL 32085  
(District No. 5)

The Crescent Group, Inc.  
50 Cabbage Road  
St. Augustine, FL 32086

Re: E-89-011

Dear Sir:

After your exception was denied on May 23, 1989, and you had left the premises, Mrs. Alice Murphree asked the Board of County Commissioners to set a time limit for the removal of the sign in question. A motion was made by Commissioner Herold, seconded by Commissioner Bailey, carried 5/0, to have the sign removed by June 15, 1989.

This letter is to notify you of the decision made by the Board of County Commissioners regarding a time limit for removal of the sign.

Sincerely,  
Carl "Bud" Markel, Clerk  
Board of County Commissioners  
St. Johns County, Florida

Connie E. McDaniel  
Deputy Clerk

cc: Michael Traynor  
Attorney for Applicant  
Planning and Zoning Dept.