

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

APPLICATION NUMBER

R-PUD-89-048

NAME OF APPLICANT

The Fountains of St. Augustine
c/o Prosser, Hallock & Kristoff
Richard Prosser
8101 Phillips Highway
Suite 1
Jacksonville, FL 32256

DECISION OF
COUNTY COMMISSION
ORDINANCE

GRANTED

GRANTED WITH
CONDITIONS

DENIED

89-56

*See Attached

DATE OF COMMISSION ACTION: November 28,

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Craig Maguire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Rosemary Jones
DEPUTY CLERK

(Pursuant to St. Johns County Zoning Code, S-9-5b: failure to exercise an exception or variance by commencement of the use or activity 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)

(11/28/89 - 6 - 2.2354)

Continued hearing on SW-89-016/Richard F. Johnson, waive platting requirements for division of land into 4 lots with 30' easement and waive fire hydrants. Richard Johnson, 280 South Roscoe, requested approval of this application. Upon motion by Waldron, seconded by Herold, carried 5/0, to deny SW-89-016. Waldron made a motion to waive the 12 month time limit, if applicable, enabling the applicants to return to the BCC when the issues are worked out. Motion was seconded by Herold, carried 5/0, to waive the 12 month time limit, if applicable, enabling the applicants to return to the BCC when the issues are worked out.

(11/28/89 - 7 - 2.2569)

Final Plat approval, Sea Island Country Club Unit No. 11 at Sawgrass, Resolution No. 89-270. Sharon Parks, 3301 Independence Square, Jacksonville, requested approval. Sisco reported that the construction bond is waived and the warranty bond is waived. Upon motion by Waldron, seconded by Brubaker, carried 5/0, to approve Resolution No. 89-270.

RESOLUTION NO. 89-270

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

(11/28/89 - 7 - 2.2708)

Final Plat approval, Pool Villas Unit #3, Fairfield at Ponte Vedra, Resolution No. 89-271. Dan Chriss, 9440 U.S. 1 requested approval of this application. Sisco reported there is a resolution with the construction bond set in the amount of \$317,398 and the warranty bond is \$0. Upon motion by Brubaker, seconded by Waldron, carried 5/0, to approve Resolution No. 89-271.

RESOLUTION NO. 89-271

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

(11/28/89 - 7 - 2.2889)

At this juncture, Allen Powers, Property Appraiser appeared before the Commission and reported on the agreement entered into by the Tax Collector, Property Appraiser and the BCC as broached in section (-6-2.1996) of these minutes. Powers stated that during the week before Thanksgiving he spent in Tallahassee talking to some of the tax collectors' lobbyists and attorneys and they are going to implement serious changes to the uniform method of collection. Further, Powers stated that the tax collectors' lobbyists and attorneys are very adamant on a particular point which is in direct conflict with property appraisers. Powers requested that the BCC draft a letter to the tax collectors association recommending that they leave the law alone for one year at least. Powers responded that the contract, as it is written now, he has no problem with so long as the law remains the same as it is; however, if the law is changed, then there are serious problems with the property appraiser. Additionally, Powers reported that he will take his copy of the agreement between the Tax Collector, the BCC and himself to David Conn, immediately, asking him if inserts can be worded into the agreement in such a way that if the 1990 Legislature changes the law, he would only be responsible for one year. Herold asked Powers for an explanation of why he would have a problem with the uniform method of collection and Powers replied that the intent is to have the property appraiser include in his notice of proposed taxes the non-ad valorem assessments which has absolutely nothing to do with his office; it's a function of this Board or any other taxing authority that wish to go to uniform collection. Consequently, the citizens aren't blaming the taxing authorities, but the property appraiser. If the non-ad valorem assessment is put on the Trim Bill, he will get the blame for this as well. Powers stated he will have his contract, with revisions, to the BCC tomorrow (11/29).

(11/28/89 - 7 - 2.3417)

Hearing on R-PUD-89-048/The Fountains of St. Augustine Inc., rezoning from OR and RS-3 to PUD to develop single-family/golf course community located on SR-#16, south side, in area of Inspection Station Road and Four Mile Road, Ordinance No. 89-56. Proof of publication of notice of hearing on R-PUD-89-048 was received, having been published in The St. Augustine Record on October 27, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Dick Prosser, Prosser, Hallock and Kristoff, representing Underwood Development requested approval of this application. Prosser displayed sketches and gave a synopsis of the application. Discussion followed. Joe Stephenson, 1101 No. Ponce de Leon Blvd, representative from the Florida Department of Transportation, reported on traffic signalization at Inspection Station Road. A revised modification of Section 9 regarding the traffic impact study was submitted and agreed to by both Prosser and the BCC. Further, a revised modification of Section 10 regarding the

date whereby a mutual easement agreement will be initiated and approved granting the county a perpetual right for effluent disposal conforming to all appropriate state regulations on the lands constituting the proposed golf course was submitted and agreed to by both Prosser and the BCC. (3.1406) Upon motion by Waldron, seconded by Herold, carried 5/0, to approve Ordinance No. 89-56 with changes made in Sections 9 and 10, and agreed to by Prosser, Hallock and Kristoff and the BCC.

(11/28/89 - 8 - 3.1433)

Waldron related to Joe Stephenson, FDOT, the BCC's actions of this morning regarding the 312 extension and to loan the FDOT \$1 million to get the PD&E study completed as quickly as possible as reported on in section (-4-1.3348) of these minutes. Stephenson reported that his instructions from Secretary Miller were to do whatever is necessary to the Department's work program to allow FDOT to use the funding to position them to pay the county at the earliest possible time and get the work moving forward. Moreover, Stephenson reported that he is scheduled to talk with FDOT's district legal counsel tomorrow (11/29) at the latest; the final details are being worked out as to how this can get done quickest and best. They are in hopes that the process of bidding and selecting for this project that has already been done by the DOT can somehow be utilized to get this project underway without the county having to go through the same process again and the legal ramifications are being worked on in this regard. Further, as far as the DOT is concerned this will be a joint project agreement, joint participation agreement for the project and that will constitute a contract, stated Stephenson.

(11/28/89 - 8 - 3.1537)

Sisco reported that Powers, the Property Appraiser, just called stating that he will sign the contract agreement with regard to the uniform method of collection, which agreement is between the BCC, Tax Collector and the Property Appraiser. Upon motion by Waldron, seconded by Herold, carried 5/0, authorizing the Chairman of the BCC to sign the agreement between the Property Appraiser, Tax Collector and the Board of County Commissioners.

(11/28/89 - 8 - 3.1570)

Maguire requested an update on the land purchase for the sewer and septic system on SR-16. Castle reported that the county is in position presently to acquire approximately 100 acres; DER has been on the site and it looks as though the county will be able to get a wetlands discharge permit for effluent and initially dispose of 250,000 gallons of treated effluent per day. The appraisal on the property has been completed; the county can purchase it at the appraisal price and the county does have the money to acquire the property. Staff is in the process of preparing a contract for purchase with the owner of the property and will return before the BCC at the December 12th meeting with further update.

(11/28/89 - 8 - 3.1641)

Castle reported on the figures for the operation of the golf course for FY-89 and they are: operating revenues - in excess of \$500,000; operating expenses - approximately \$450,000; net revenue over operating expense in excess of \$51,000. These figures cover the period from October 1, 1988 through September 30, 1989. The golf course was actually opened for play January 5, 1989 (with the first 9 holes) and it was not until the middle or end of March before 18 holes were opened.

(11/28/89 - 8 - 3.1684)

Maguire reminded the BCC of the county's public service commission nominations that have to be in very soon as appointments should be done by the January 9, 1990 BCC meeting. Maguire requested that nominations be in by December 12th BCC meeting. Castle reported the formal application process for director of the public service commission will be closed at the end of December; giving all the periodicals and professional journals that the county advertised in approximately 3 weeks from the publication date to respond. Presently, there are quite a number of applications received thus far (approximately 20 to 25).

(11/28/89 - 8 - 3.1792)

Maguire reported on the TDC regarding a letter dated November 22, 1989 from Henry Hendrix, Finance Director regarding 6 items to be carried forward from last year to this year. These were approved by the BCC on 10/10/89 and were to come out of 1988/89 funds. Upon motion by Waldron, seconded by Bailey, carried 5/0, to approve the 6 items, as outlined in the November 22, 1989 letter from Henry Hendrix.

(11/28/89 - 8 - 3.1830)

Maguire reported on a letter which is on BCC stationery, with the statement: "Approved by TDC on November 20, 1989 - \$43,000 through September 30, 1990". This is in reference to the St. Augustine Historical Society and their request to fund the Columbus Commission. The request was for \$50,000 for 12 months. The Columbus Commission is working as a committee of the Historical Society, and the Historical Society will be accountable for everything spent, Maguire reported. Moreover, the TDC, after review, voted 5/1, to support giving \$43,000 from now through the end of this fiscal year, stated Maguire. There is need for clarification