

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

NAME OF APPLICANT

APPLICATION NUMBER

Thomas C.
20 North SR 13
Jacksonville, Fl. 32259

SW - 89-012

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

LOCATION: The property is located at the eastern end of the Fruit Cove Woods Subdivision

WAIVER OF SECTION: Article V - to allow creation of easement to serve not more than
four residential lots, and Section 90.6 which requires fire hydrants.

DESCRIPTION: The property is comprised of approx 12 acres and is currently zoned
OR. Surrounding zoning is also OR. It is intended for this parcel to be divided into
four lots.

COMMENTS/CONDITIONS/RECOMMENDATIONS: The Planing & Zoning Agency made
a unanimous recommendation of approval contingent upon meeting the requirements of
Fire Service for fire protection.

PLEASE NOTE REPORT FROM FIRE SERVICE, ATTACHED, RECOMMENDING
DENIAL OF WAIVER OF FIRE HYDRANT PORTION OF THIS APPLICATION.

*See Attached Copy of Minutes

DATE OF COMMISSION ACTION: SEPTEMBER 12, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Fay Walk*
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Connie E. McDaniel*
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)

(9/12/89 - 9 - 2.1892)

Waldron stated that the pro shop at the golf course has been moved and the restaurant will be opened in October for the Commissioners to have lunch there. Castle stated there is a formal dedication being looked into for this either the first or second meeting in October.

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.

(9/12/89 - 9 - 2.1911)

Final plat, Casa Cola Landing, Old Dixie Highway north of Gun Club Road. Sisco requested this item be deferred until later due to a discrepancy on the documents.

(9/12/89 - 9 - 2.1920)

Hearing on SW-89-012/Thomas C. Turner et al, waive Article V to allow creation of easement to serve not more than four residential lots, and 90.6 which requires fire hydrants. Proof of publication of hearing on SW-89-012 was received, having been published in The St. Augustine Record on July 17, 1989; upon motion by Maguire, seconded by Bailey, carried 4/0, Brubaker was absent, was ordered filed. William R. Nash, 20 North SR 13, Jacksonville, owner of the property was available. Napier reported that the recommendation before the BCC is to approve the subdivision waiver provided the paving and drainage ordinance has been complied with; but the recommendation of the waiver for the fire hydrants is denial, as there is water in the area and the Fire Service feels that the hydrants should be provided. Nash reported there has been many problems with the water system that presently exist; individuals living in the area complain they don't get the water pressure they desire; however, the problem is with the roadway that Nash is being required to put in instead of a private drive that he wishes. Further, Nash stated that the attorney he is purchasing this land from has indicated that he will put the fire hydrant in if it is required. Additionally, Nash stated that at the time he placed this application, a subdivision waiver to serve no more than 4 dwellings, he felt he had requested a private driveway, but three days before the hearing at the Planning and Zoning Agency, staff showed it as being a stabilized base road. Nash stated that he cannot afford a 1100 foot stabilized base road at \$21,400, which is the cheapest estimate he has received to put this road in. Holmes reported that Nash is requesting a waiver of the subdivision regulations and the manner in which the BCC normally consider such, is in lieu of full pavement of the road and platting of a right-of-way, minimum of 50 feet in width; staff considered allowing Nash to record a 30 foot easement and install a 16 foot wide stabilized driving surface as a major concession. This is the only condition staff has ever recommended a waiver of the subdivision regulations on; however, Nash is asking that he be allowed to not stabilize and this is not consistent with the ordinance, primarily because he is going to be selling off property and there will be more than one owner involved, stated Holmes. Additionally, Holmes mentioned that the Engineering Department is concerned that the the three new owners be provided suitable access for emergency vehicles as well as normal transportation traffic. Holmes mentioned that staff has never reduced the requirements beyond the 30 foot easement and 16 foot stabilized surface yet. Discussion followed. Holmes mentioned that this is a trail road; there is no access and staff has no documentation as to an easement or anything else being recorded in the area. Nash responded that he has a problem with being caught by the two-year rule on re-investing the capital from the sale of his last house - he has a deadline of December 10, 1989 to locate a parcel of land in which to build on; thus the longer this issue is debated, the shorter the deadline is getting. Further, the attorney gave him interest-only payments for the first year to allow time for the sale of the property, Nash stated. Bailey stated that perhaps Nash will be able to locate one buyer for the entire property; however, Nash replied that the issue is the road, not whether he will locate one buyer or a number of buyers. Holmes reported that the waiver of the subdivision triggers the county's requirements for the stabilized access. Discussion followed. Maguire asked whether or not the lots will be deed restricted against further development of subdivision, to which Nash replied that they are deed restricted to two acres each. Discussion followed. Upon motion by Maguire, seconded by Bailey, carried 4/0, Brubaker was absent, to deny SW-89-012/Thomas C. Turner, et al.

(9/12/89 - 9 - 2.2426)

Minor Modification to Lot 5 Unit 11 Marsh Landing at Sawgrass, Resolution No. 89-209, Ordinance No. 75-15. Proof of publication of notice of hearing on minor modification to Lot 5 Unit 11, Marsh Landing at Sawgrass was received, having been published in The St. Augustine Record on July 13, 1989; upon motion by Bailey, seconded by Maguire, carried 4/0, Brubaker was absent, was ordered filed. Dick Prosser, Prosser, Hallock and Kristoff representing Fletcher Land Corporation