

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

NAME OF APPLICANT	APPLICATION NUMBER
Vestcor-Ponte Vedra Inc. c/o John D. Rood 3030 Hartley Road, Suite 100 Jacksonville, FL 32257	V-89-052 AMENDED

DECISION OF COUNTY COMMISSION GRANTED GRANTED WITH CONDITIONS DENIED

The request is amending an existing variance file #V-89-052 by modifying the existing height requirement, eliminating requirements for Type V construction.

*See Attached

DATE OF COMMISSION ACTION: August 13, 1991

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)

John Pfeil, 547 Solo Court, presented a copy of the St. Augustine Beach Ordinance No. 91-5 regarding garage sales; requested a similar ordinance be considered for the County.

The meeting thereupon recessed and reconvened at 1:00 p.m. with Herold, Brinkhoff, Roberts, Bailey, Floyd, Balsavage, Maguire, Meiszer, Sisco and DeGrande present. Also present were Clerk of Courts Carl "Bud" Markel, Assistant County Administrator Andy Campbell, Assistant County Attorney Linda Hurst, Executive Director of Utilities Michael Breit, Planning and Zoning Director Jerry Napier, and Director of Utilities Bobby Jones

(8/13/91 - 6 - 3.0219)

Solid Waste rate study report - HDR Engineering, Inc.: Red McCormick, Senior Vice President of HDR Engineering, briefly discussed the cost of solid waste disposal. Fred Sebesta of HDR Engineering, presented an overview of the Solid Waste Rate Study report. Sebesta pointed out that once the landfill is closed there will still be some work required for the next 20 years such as, post closure, maintenance, monitoring and permit compliance; the permit will have to be renewed every 5 years. Sebesta presented a slide program with graphs and discussed the C & D landfill, recycling, tipping fees, assessment fees, leachate and the closing of the transfer stations. (3.0730) Balsavage left the meeting. (3.0854) Balsavage returned to the meeting. Sebesta discussed the recommendations outlined in the report. (3.1093) Brinkhoff left the meeting. (3.1150) Brinkhoff returned to the meeting. Sebesta reviewed 6 recommendations listed of page 25 and 26 of the Rate Study Report. Discussion followed. (3.1440) G. W. Leve, President of GWL, Inc., presented a slide presentation and reviewed the groundwater monitoring program. Discussion followed and it was decided that the information as presented would be too technical to present at the public hearing, on August 20, 1991, it needs to be simplified. E. A. Rowe, 6 Alice Street, stated that this information was not what the public is interested in; feels the public will want a chance to speak. (3.2140) Markel questioned Leve on the number of other counties that he is doing groundwater monitoring on and why St. Johns County is paying the highest assessment; expressed great concern with the difference in the figures that are being presented, anywhere from \$13,000,000 to \$31,000,000. Leve responded. Discussion regarding the information that needs to be presented at the public hearing on August 20, 1991 followed. Brinkhoff requested the presentation contain information on why the \$65.00 is needed. Markel urged the Board to let staff present realistic figures for assessments and tipping fees and go with those figures. Brinkhoff stated that if a different presentation is going to be prepared he wants to hear how and what will be said before it's presented to the public. Mandatory collection was discussed. (3.2723) Direction by the Board was given to Meiszer regarding the presentation for the August 20, 1991 hearing. Meiszer reviewed what he feels should be provided at the hearing; need to breakdown the \$65.00 assessment charge and explain what it covers, if there is a need for an increase explain why. Bailey suggested having posters for the public to view before the meeting.

(08/13/91 - 6 - 3.2887)

Continued hearing on R-91-005 Barnett Bank of St. Johns, rep: Ernest R. Lee, rezoning from CHT to CN, located at 3750 U. S. 1 South, south of Brainard Road: Proof of publication to consider an ordinance for rezoning lands from present zoning classification of CHT to CN with the possibility of added conditions was received having been published in The St. Augustine Record on June 26, 1991, upon motion by Brinkhoff, seconded by Balsavage, carried 7/0, was ordered filed. Ernest Lee, 228 Charlotte Street, was present to request the rezoning and agrees to the conditions. Planning and Zoning Agency report recommending approval with conditions was received. Discussion followed. Motion by Floyd, seconded by Brinkhoff, carried 7/0, adopting Ordinance No. 91-32

ORDINANCE NO. 91-32

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF CHT TO CN WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(08/13/91 - 6 - 3.3103)

Vestcor - Ponte Vedra, Inc. - V-89-052 request for amendment to approved height variance at 1 Acorn Drive, Ponte Vedra: Proof of publication notice of a public hearing to consider an amendment to approved height variance on V-89-052 Vestcor-Ponte Vedra, Inc. was received having been published in The St. Augustine

Record on July 12, 1991, motion by Brinkhoff, seconded by Floyd, carried 7/0, was ordered filed. Sharon Parks, 3301 Independence Square, was present representing Vestcor regarding a request to modify a condition to the previously approved variance, V-89-052. She stated they are requesting to modify the condition concerning the construction type that would be used; the new condition requested would say "based on the approval of the fire marshal", instead of Type 5 construction. She reviewed some of the other conditions being offered. (3.3232) Motion by Brinkhoff, seconded by Floyd, to approve subject to conditions and (4.0380) Subsequently, Brinkhoff withdrew his motion to approve subject to conditions and Floyd withdrew his second to the motion. Discussion followed. Harold Baker, 4240 Coastal Highway, stated he was speaking on behalf of The Ponte Vedra Group, Player's Club, Sawgrass, DeLeon Shores, Palm Valley and North Shores; expressed his concern and requested compliance of the Height Ordinance. David Bruner, 37 Ferrol Road, spoke in opposition to the request. Marge Blocksedge, 3272 Coastal Highway, agreed with Harold Baker's comments. Talmadge Skinner, 3017 Coastal Highway, agreed with Harold Baker's previous comments. Tom ?, 1442 Cricket Hollow Lane, stated the request is for a height of 39 feet 9 inches. Discussion followed. (4.0463) Parks stated it was her understanding that his would be an approval or denial of the modification, not approval or denial of the entire variance that was approved in 1989; requested clarification. Napier stated it's his opinion that it is a modification that's being requested. Baker stated he feels once an issue is reopened for whatever reason, it reopens the entire issue. Hurst stated that the issue before the Board is the issue that was presented in the application for an amendment to the variance; they already have a variance to construct a building taller than 35 feet, as long as it is of a certain type of construction for fire safety reasons; what they have asked for is permission to build a building over 35 feet without the Type 5 construction; they have offered some conditions and the fire marshal has said that those conditions would work; Board needs to vote on whether to approve the modification to the variance which is already in place. Hurst stated that she does not feel that the Board's action today will remove the original variance. Herold asked if the Board elects to reopen the 35 feet limit, does it have that capability. Hurst replied, with proper notice and at some other time. Discussion continued. (4.0659) Motion by Roberts, seconded by Bailey, carried 6/1 with Balsavage dissenting, to deny the request for amendment to approved height variance. Subsequently (5.0416) John Rude, 10351 Sylvan Lane West, Jacksonville, requested the Board reconsider the vote and allow this item to be deferred and give them the opportunity to respond to the opposition. He stated another reason for requesting this item be reconsidered is that Attorney John Metcalf, who represents Vestcor in this issue, had a conflict in Tallahassee and was unable to attend this Board meeting today. Herold questioned Sisco on his legal opinion of this request. Discussion continued. Motion by Balsavage, died for lack of a second, to reconsider and revisit this item. Balsavage stated that she was unaware of opposition until shortly before it became apparent today. Subsequently (5.1714) Motion by Bailey, seconded by Balsavage, to allow this request to be brought back to the Board. Maguire stated a motion to bring reconsider was made earlier and died for lack of a second, he feels a motion to bring this item back on the floor is needed before it is discussed. Bailey withdrew her motion. Subsequently (5.2067) Motion by Bailey, seconded by Balsavage, carried 4/3 with Maguire, Herold and Brinkhoff dissenting, to waive the 1 year requirement and allow the applicant to go back to the Zoning Board.

(08/13/91 - 7 - 4.0709)

Mark Kowlsen - Discussion of mandatory connection to County water and sewer as required by Ordinance No. 89-21: Mark Kowlsen, 3650 Ft. Peyton Circle, representing Strate Welding Supply and Vanguard Fire Equipment was present. He explained that on April 17, 1991 they were issued a notification to connect to a new County sewer and water line within 90 days; it would be very costly to connect to this line because the businesses are on the opposite side of the road from where the line is run on State Road 207. They have received verbal quotes from 3 different contractors and it will cost between \$7,000 to \$10,000 just to connect to the sewer line. Jones discussed the possible cost that would be involved if the work was done by the County. Discussion ensued. Jim Tharp, 8220 Forbes Court, questioned why the lines were run on one side of the road instead of the other side. Jones responded, and Campbell offered additional information. Campbell and Jones were directed to check on any workable financial relief that might be available, such as recommending other customers that could tie together in order to reduce the cost.

(08/13/91 - 7 - 4.1299)

Discussion concerning surplus lands offered by the State located at 61-63A Hypolita Street: Ken Rouse an attorney with the Department of State in Tallahassee was present; explained that Florida Statute requires notice be given to the County informing them that the property is for sale and to offer them first opportunity to acquire the property. He explained that bids will be accepted on this property for