

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

NAME OF APPLICANT

Vestcor-Ponte Vedra, Inc.  
c/o Perez Assoc. Architects, Inc.  
8431 Baymeadows Way  
Studio 1  
Jacksonville, FL 32256

APPLICATION NUMBER

V-89-052

DECISION OF  
COUNTY COMMISSION

GRANTED

GRANTED WITH  
CONDITIONS

DENIED

Requested Change

The request is for a variance in an RG-2 zoning district to allow an increase in the height from 35' to 40' for multi-family dwellings.

Location

The property is located at 1 Acorn Drive, Ponte Vedra Beach, AKA Society Woods. The Ponte Vedra School is immediately to the north of the subject property.

Description

The subject property consists of approximately 16.74 acres and presently has pre-manufactured homes on the property. The applicant is intending to remove these manufactured homes and construct new multi-family dwellings for which the height variance is requested. The surrounding zoning is RG-1, PUD and OR.

See attached list of conditions

\*See Attached

DATE OF COMMISSION ACTION: January 9, 1990

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, 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)

EXHIBIT D

CONDITIONS OFFERED BY VESTCOR-PONTE VEDRA, INC.  
FOR HEIGHT VARIANCE V-89-052

Conditions Offered Prior to Planning and Zoning Agency Hearing  
of December 21, 1989.

1. Total lot coverage will be reduced from the permitted 27% to 20.43%.

This provides more open space in keeping with the intent of the zoning ordinance.

2. Construction will be "Type 5 Classification" (concrete load bearing walls and concrete floors).

This provides additional fire safety as well as noise control within the units in addition to providing a higher quality, longer lasting building.

3. All windows shall be accessible with current county fire equipment.

This addresses fire safety.

4. Those buildings that exceed the 35-foot building height will be set back a minimum of 20 feet from water's edge to allow accessibility by fire personnel and equipment.

This addresses fire safety.

5. All of the living spaces would occur below the 35-foot height limit.

This addresses fire safety.

6. All buildings, including accessory buildings, and pavement, shall be set back a minimum of 15 feet from the Villa del Mar condominium property line.

This provides for additional open space, light and air as well as privacy.

7. The 15-foot setback from the Villa del Mar condominium property line shall be vegetated and, to the extent possible, the existing vegetation along that property line shall be preserved.

This provides additional privacy.

8. All runoff from the project's roofs, parking lots and other similar impervious surfaces would be directed to the retention pond or ponds located within the project to receive stormwater treatment prior to discharge into the existing drainage ditch.

EXHIBIT D, cont.

This provides assurance to neighboring property that their drainage will not be affected.

9. To the extent possible, the row of pine trees along Mosquito Control Road shall be preserved.

This provides a visual buffer from the school.

Additional Conditions Offered by Developer Subsequent to Planning and Zoning Agency Hearing.

1. The height variance would only apply to buildings having a minimum roof pitch equal to or greater than 6/12.

This insures the variance will only be used for the intended purpose. It also promotes Zoning Ordinance goal of promoting "civic amenities of beauty and visual interest."

2. No equipment, pipes, conduits or other similar items shall be located within the portion of the buildings exceeding 35 feet in height.

This provides additional fire safety assurance.

3. The area of that portion of the buildings that exceed the 35-foot height limitation shall not exceed 20% of the total area of the footprints of the buildings.

This minimizes the visual impact of the buildings.

4. All two and three story buildings shall be set back from the right-of-way of A1A and from the Villa del Mar property line a minimum of 70 feet.

This assures that the increased height will not be noticeable and that the project will be less obtrusive than if the Zoning Ordinance is strictly enforced.

5. The applicant shall develop a tree preservation plan for review and approval by County staff (including the County Forester, Kurt Stoughton) prior to land clearing. The tree preservation plan will include preservation of the existing row of pine trees immediately adjacent to the right-of-way of Mosquito Control Road.

This will promote tree preservation which is a county priority and addresses a legitimate concern of the neighboring land owners.

6. This application would be non-transferable to any other owner of the property prior to the issuance of the building permit.

publication of notice of hearing on SW-89-018 was received, having been published in The St. Augustine Record on November 15, 1989; upon motion by Brubaker, seconded by Herold, carried 4/0, Bailey was absent, was ordered filed. Napier called the BCC's attention to the December 14, 1989 letter attached to this application, requesting the application be withdrawn and signed by the applicants, Frank J. and Elizabeth Martin. Upon motion by Herold, seconded by Brubaker, carried 4/0, Bailey was absent, to accept the withdrawal request by the applicants.  
(1/9/90 - 10 - 3.1126)  
Bailey returned to the Meeting.

Waldron presented to Chairman Maguire, for approval of the BCC, a Certificate to Walter G. Arnold, who merits recognition for dedicated service on the Ponte Vedra Zoning Board from 1986 thru 1989. Upon motion by Waldron, seconded by Brubaker, carried 5/0, approving the presentation of a Certificate to Walter G. Arnold.

(1/9/90 - 10 - 3.1197)

Hearing on V-89-052/Vestor, Ponte Vedra Inc., requested height variance from 35 ft. to 40 ft., property located in Ponte Vedra (Society Woods). Proof of publication of notice of hearing on V-89-052 was received, having been published in The St. Augustine Record on November 29, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. John Metcalf, 3301 Independence Square, requested approval, as a representative of Vestor, Ponte Vedra Inc. Metcalf reported that the project will be known as the Arbor Club at Ponte Vedra and will occupy the site of the existing Society Woods Project, formerly known as Thousand Oaks Trailer Park. The proposed project variance is to allow an increase in the height from 35 feet to 40 feet, reason being, to allow a peaked roof on the buildings as designed making them less massive and obtrusive. Metcalf displayed sketches of the proposed project. John Rudd, President of Vestcor, Ponte Vedra, 3030 Hartley Road, Jacksonville responded that all buildings in the project will exceed 35 feet with the exception of two buildings. Metcalf submitted photos to the Clerk's Office. Rudd submitted photos to the Clerk's Office. Jose Perez, 8431 Baymeadows Way, Jacksonville answered questions regarding the height of the buildings. Mary Hoyt, 505-2 Villa del Mar commented on the access - sub-standard road with approximately 500 new cars. Jean Bell, 505-1 Villa del Mar commented in opposition to this application, and submitted 25 petitions in favor of this application and 2 petitions against this application. Renny Fontham, 142 Bermuda Court, commented against this application. Isabel Burgess, 606-2 Villa del Mar commented in favor of the application. Art Beal, 280 Deer Run Drive, commented in favor of the application. Lee Terrell, 54 South Nine Drive commented in opposition to the application. Harold Baker, 4240 Coastal Highway, commented in opposition to the application; further Baker did not feel there was any hardship for the developer. Margie Blocksidge, 3732 Coastal Highway, commented in opposition to the application. Bart Warkley, 336 Deer Run, commented in favor of the application. Cliff Petitt, 960 Alcala Drive, commented in opposition to the application. Linda Ten Broeck Balsavage, 2308 L'Atrium Circle North, commented on the road impact. Jack Hazard, 4230 Blue Heron Drive, commented in favor of the application. Herold questioned Napier with respect to his recommendations that went before PZA. Napier responded that, in addition to the recommendations that went before the PZA, there have been a number of other conditions offered which total 14. Staff met with the applicants both before the PZA meeting and as recent as last week again to go over other matters such as the extent of the variance, which meeting produced new conditions that deal with 20% of the roof area. Napier felt that all variances have to be adjudged on their own merit; however, when there are 14 conditions that ordinarily would not apply to a project, Napier stated that he can see the outcome of a variance resulting in a much more pleasing project than could be developed under existing regulations. Maguire questioned Metcalf regarding the hardship concept - why is there need to go in excess of 35 feet with a pitched roof and have the same floor space - Metcalf responded that the developer is attempting to present a higher quality, better appearance project. (4.0124) Campbell responded on the matter of PUD's stating that PUD conditions the height and in this case, which is RG-2, comes under a strict guideline of the county. Waldron asked Sisco if conditions are unique, are they enforceable to which Sisco replied that on the assumption of the county's existing zoning code, which is the law of the land of St. Johns County, provides that the county can place conditions on exceptions and variances then Sisco felt they are enforceable. Further, Sisco stated that the rule of thumb with respect to zoning changes and exceptions in a variance, which is a form of zoning - it's land control - is that they stay with the land, it does not depend upon who the owner is. Sometimes, as a condition, the county has been known to say that such variance or exception will terminate upon transfer, especially with regard to mobile homes. In that case, if the variance or exception terminates, then the structure is illegal, as it would not meet zoning. Maguire reported that prior to this meeting he had spoken with the developers requesting

that they agree to a non-transferrable variance on the basis that after the building is completed it becomes transferrable, at that point. However, this individual could not get the variance and sell the property to someone else who may not have his same desire to do as good a job. Maguire further stated that the developer is willing to agree to this non-transferrable condition. Herold responded in opposition to this application, stating the desire to hold to the 35 foot limit. In addition, Herold responded that unless there is a wisdom judgment made that this is wrong, then the law should be changed so that there is no need for variances. Moreover, Herold feels this is a violation of a law that has been put into place for very strong and substantial reasons. Maguire suggested adding one additional condition stating that this be non-transferrable before building permit. Metcalf interjected that the construction lender, when the developers go in for a construction loan, will want to be able to complete the project if the present developers don't complete the project. With reference to the wording: "prior to issuance of a building permit", Metcalf felt this would take care of the issue as the developer would not get the loan closed until there is a building permit issued; thus, Metcalf stated that the developers agree to the condition of this wording. Upon motion by Waldron, seconded by Brubaker, carried 3/2, Bailey and Herold dissenting, to approve V-89-052 to a limit of 39 feet, with 14 conditions plus 1 additional condition imposed and agreed to by the developer stating that this application would be non-transferrable to any other owner of the property prior to the issuance of the building permit.

(1/9/90 - 11 - 4.0672)

Hearing on R-89-028/owner Arnold and Jean Hagan - applicant Barry Kass, located at corner of Old Moultrie Road and Kings Estate Road, rezoning from OR to CG with exception for gasoline pumps; hearing contains an appeal to Zoning Board's denial of exception. Proof of publication of notice of hearing on R-89-028 was received, having been published in The St. Augustine Record on December 4, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Waldron reported that the applicant did not wish to continue his application; however, the application had to be processed accordingly. Upon motion by Waldron, seconded by Bailey, carried 5/0, to deny R-89-028 (denying the rezoning and the appeal on the exception). George Weedman, Moultrie Road, a resident south of the property, thanked the BCC for denial.

(1/9/90 - 11 - 4.0737)

Hearing on E-89-072/James R. Waller, appeal to denial of exception to place mobile home in RS-3 zoning district - located at 235 Monterey Avenue. Proof of publication of notice of hearing on E-89-072 was received, having been published in The St. Augustine Record on November 27, 1989; upon motion by Waldron, seconded by Bailey, carried 5/0, was ordered filed. James R. Waller, 1218 Cypress Road requested the approval of this application for a mobile home to be placed on property located at 235 Monterey Avenue, which is located near his mother's home on Monterey Avenue. Waller directed the BCC's attention to a statement submitted by Mrs. Drew Pacetti and requested that the Commission please read it. Arthur Powers, 75 Monterey Avenue, spoke in opposition to the application. Ray Emory, owns property at 238 Monterey Avenue (just recently moved), spoke in opposition to this application. Minnie Snyder, 256 Monterey Avenue spoke in opposition to this application. Jerry Aunchman, 229 Monterey Avenue spoke in opposition to this application. Debra Wrangle, 1636 Masters Drive spoke in opposition to this application. Valerie Birkett, 250 Monterey Avenue spoke in opposition to this application. Dan Delaney, 228 Monterey Avenue spoke in opposition to this application and submitted to the Clerk's Office a petition containing 46 signatures in opposition to this application. Upon motion by Herold, seconded by Brubaker, carried 5/0, to deny E-89-072.

(1/9/90 - 11 - 4.1298)

Hearing on V-89-054/Tim and Val Anderson - 2233 Hawcrest Drive East, Cunningham Creek III, increase in required maximum height from 33 ft. to 38 ft. Proof of publication of notice of hearing on V-89-054 was received, having been published in The St. Augustine Record on November 25, 1989; upon motion by Brubaker, seconded by Waldron, carried 5/0, was ordered filed. Tim Anderson, 2233 Hawcrest Drive requested approval of this application and reported that a stop work order was issued on November 14th; the developer was building in subdivision 3 of Cunningham Creek, it was zoned RS-1, where Phases I and II of this subdivision was zoned RS-2; at that time their building was about 60% complete; further, the top height of the building is approximately 33 feet; thus, a variance has been filed. There are existing homes in the area that are over 25 feet. Bailey responded that in this particular neighborhood there are three phases in Cunningham Creek and varies from one neighborhood to another - the reason is not known why, but they vary - and the builder is one in the area that had not realized the variations nor did the Building Department catch this. Upon motion by Bailey, seconded by Herold, carried 5/0, to approve V-89-054 due to hardship.

(1/9/90 - 11 - 4.1429)