

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

NAME OF APPLICANT

APPLICATION NUMBER

Wildwood Too, Inc./Gerald Dake Associates
c/o Gerald Dake and Associates
7563 Phillips Highway
Jacksonville, FL 32256

R-PSD-89-004

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

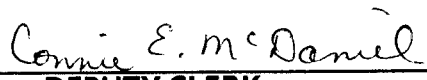
*See Attached

DATE OF COMMISSION ACTION: May 9, 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)

(5/9/89 - 10 - 3.0111)

Hearing on R-PSD-89-004/Wildwood Too Inc., representative Gerald Dake Associates; rezoning from RS-3 to PSD, a mixture of residential and commercial (professional and financial institutions); located on east side of A1A South, across from the 206 intersection and extending approximately 400 feet northerly. Proof of publication for hearing on R-PSD-89-004 was received having been published in The St. Augustine Record on April 5, 1989; upon motion by Brubaker, seconded by Herold, carried 5/0, was ordered filed. Gerald Dake, 7563 Phillips Highway, Jacksonville, agent for owner of subject property, requested rezoning of property. The subject property historically has been somewhat impacted by the construction of the bridge and brought the bulk of a very busy highway into Crescent Beach. Dake felt the comprehensive plan addresses this piece of property very well and Dake referred to a blow-up of Figure 15 on a map out of the comprehensive plan. Dake based his discussion on this map. Napier reported staff disagrees with this project in terms of the comprehensive plan. Napier referred to a larger scale map from the comprehensive plan and felt the more detailed elements of the comprehensive plan should prevail. Sisco responded that if the zoning does not meet the comprehensive plan it cannot be done. Phillip Hamilton, Crescent Beach commented that the land surrounding this application is presently zoned residential and would be completely contrary to PZA; Hamilton stated PZA has heard this application twice and have recommended to the BCC to deny it both times as being contrary to the comprehensive plan. Petitions were submitted as part of these minutes with 32 petitions in favor of this rezoning and 6 opposed to it. Persons in the audience who spoke in opposition: Judy Ginn, 6789 Avenue A, was in opposition to the rezoning. Patricia Laurencelle, 23 Versaggi Drive, spoke in opposition to the rezoning. Judy Ginn submitted a letter from the Anastasia Island Preservation Association which is in opposition to the rezoning and addresses the comprehensive plan.

(3.0548) Dake quoted from Page 110 of the comprehensive plan which he felt spoke in favor of this application. Napier commented on the map alluded to by Dake which was general in nature, as opposed to the map displayed by Napier which is more detailed and taken from the comprehensive plan. Napier discussed this map briefly which is found on Page 142 Z-1 of the comprehensive plan. Discussion followed. Upon motion by Bailey, seconded by Herold, carried 4/1, Waldron dissenting, that this application is in non-compliance with the comprehensive plan. Sisco stated he felt the BCC has the option that they do not have to vote on the rezoning at this time; if the rezoning has been advertised and the BCC voted on the rezoning it would be contingent upon a finding by a court that the application was not in conflict with the plan and this would save going through the entire process again of rezoning; if the BCC wishes to vote on the rezoning, they should vote it up and down based upon what they consider is proper zoning principles with an understanding that unless and until someone else determines that this project is in conformance with the comprehensive plan, that the rezoning would not take effect. Upon motion by Herold, seconded by Maguire, carried 5/0, to deny R-PSD-89-004.

(5/9/89 - 10 - 3.0915)

Hearing on Ordinance No. 89-18, R-89-011/Runk Construction Company Inc. and Mar-Wayne Associates; rezoning from CG and RS-3 to CI with conditions; located on west side of U.S. #1 South, between Calle Madrid and Calle Menendez. Proof of publication of notice of R-89-011 was received having been published in The St. Augustine Record on April 5, 1989; upon motion by Brubaker, seconded by Herold, carried 5/0, was ordered filed. Court Reporter present. Petitions were submitted and they are a part of these minutes, with 75 petitions opposed to this rezoning and 56 petitions in favor of this rezoning. John Bailey, 780 North Ponce de Leon Boulevard, representing Runk Construction and Mar-Wayne Associates spoke in behalf of this rezoning request. Bailey stated the proposal is to rezone this property to a very restrictive CI, allowing Mar-Wayne Associates to construct a Mazda dealership on the property. The application was originally submitted with conditions, which conditions were added to after conference with staff and supplemented further after application was presented to the PZA. Discussion followed. In his discussion, Bailey alluded to a map he displayed. Herold questioned Bailey with regard to the map and Herold felt, from viewing the map, this property would go into the backyard of residential lots already existing there, without a street in between. Bailey responded this property will abut residential lots, however, the zoning code requires a fence anytime commercial abuts residential. In addition, Bailey stated a buffer has been provided for in the ordinance itself which would be in addition to the required fence. Wayne Sharpes, 2898 U.S. 1 South, President of Scott/Honda, gave a presentation alluding to a blow-up of the section of property under discussion. Sharpes stated that the portion of property presently zoned CG does not have the depth that is required by Sharpes to operate an automobile dealership. Discussion followed. Herold read an advertisement from Runk Construction Company which alluded to the homes in this area as being