

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

NAME OF APPLICANT

APPLICATION NUMBER

Frank Nelson, Sr.
c/o John D. Bailey
Upchurch, Bailey & Upchurch, PA
P.O. Drawer 3007
St. Augustine, FL 32085

R-PUD-90-025

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

*See Attached

DATE OF COMMISSION ACTION: September 25, 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)

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN FOR UNIT FIVE LOCATED WITHIN THE PARCEL OF LAND ZONED PUD KNOWN AS MARSH CREEK COUNTRY CLUB PURSUANT TO ORDINANCE 86-79 FILE NO. (R-PUD-86-060)

(9/25/90 - 9 - 2.0830)
Final Plat Azalea Point Unit One, Fairfield PUD, Resolution No. 90-174. Dan Crisp, 9440 Phillips Highway, requested approval of this application. Sisco reported that there are two construction bonds - one in the amount of \$129,055 and the other is in the amount of \$152,186; the warranty bond is \$0. Motion by Brubaker, seconded by Herold, carried 3/0, Bailey and Waldron were absent, to approve Resolution No. 90-174.

RESOLUTION NO. 90-174

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

(9/25/90 - 9 - 2.0912)
Napier reported that staff is proceeding ahead with getting the Comp Plan transmitted; all the goals, objectives, policies in the adoption document are ready; staff is working on the ORC comments; the maps are being completed today, and are in hopes of having it out by the end of the week. Campbell responded that the Comp Plan requires the county to do land regulations some of which are required one year after date of submission - March 1 - and some are due one year after the actual date of submission - April. Staff are working on land development regulations presently; the new land development regulations will be under the new advertising requirements from the State which requires two public notices after 5:00 p.m. for these type ordinances and regulations. Further, the second notice will be the first BCC meeting in February, therefore, the first notice would be the last BCC meeting in January, going before the PZA approximately the end of December or the first of January, attempting to get drafts out around Thanksgiving.

(9/25/90 - 9 - 2.0984)
Maguire reported that he has had numerous requests recently for the BCC to look into and seriously consider scheduling at least one night meeting per month or inviting Cablevision into the meetings to record them. Brubaker responded that Cablevision approached the BCC in the past about recording commission meetings and the BCC gave their approval; as a consequence Cablevision never appeared. Herold responded in favor of having Cablevision come in and record commission meetings, as this may be enlightening to the public. Napier responded that many ordinances the county will consider will have to be discussed after 5:00 p.m. Herold requested authorization to converse with Bob Brady of Cable-TV to ascertain if there is interest on the part of Cable-TV to record commission meetings. Maguire responded in favor of this suggestion and stated that he will look into a reasonable concept to night meetings.

(9/25/90 - 9 - 2.1188)
Hearing on TUP-90-005 Summerhomes Inc. - location of temporary sales office/model at 3059 S. Ponte Vedra Blvd. Proof of publication of notice of hearing was received, having been published in The St. Augustine Record on August 14, 1990; motion by Brubaker, seconded by Herold, carried 3/0, Bailey and Waldron were absent, was ordered filed.

Commissioner Bailey arrived at the meeting.

Charlie Brown, President of Summerhomes, Inc., Fruit Cove, requested approval of this application. Motion by Brubaker, seconded by Bailey, carried 4/0, Waldron was absent, to approve TUP-90-005 Summerhomes Inc., with the conditions offered by the applicant.

(9/25/90 - 9 - 2.1272)

Court Reporter was present.
Hearing on R-PUD-90-025 Frank J. Nelson Sr., Crescent Cove Ent. Inc. - located off SR-206 adjacent to existing Crescent Cove Subdivision; rezoning from PUD to PUD to extract a portion of currently expired PUD and rezone to PUD for single family lots, 65 lots on 65 acres of land, Ordinance No. 90-61. Proof of publication of notice of hearing was received, having been published in the St. Augustine Record on August 24, 1990; motion by Brubaker, seconded by Herold, carried 4/0, Waldron was absent, was ordered filed. John Bailey, Upchurch, Bailey, representing the applicant, requested approval of this application.

Commissioner Waldron arrived at the meeting.

John Bailey illustrated a site plan for which approval is being requested and directed his discussion to the site plan. Ed Hays, Senior Geologist with Law Engineering, continued with the discussion of this application reporting on soil conditions taken from borings and directed attention to the site plan illustration as well. Byron Peacock, Environmental Services, Inc., 9124 Cypress Green Drive continued his discussion of this application reporting on the preliminary environmental study of the property to identify constraints to development mainly in terms of wetlands and wildlife. Mike Boyer, Hill, Boring and Associates, Consulting Engineers directed discussion to the existing water plant with reference to sufficiency capacity for this application and reported that the utility management company has assured him the plant, with capacity, can adequately serve both the existing and the proposed phases for both domestic average daily flow and power flow. Hamilton Upchurch, Upchurch, Bailey, counsel with John Bailey in this matter reported further on the water plant stating that the plant is owned by a separate corporation which Mr. Nelson, applicant, owns all of the stock. Considerable discussion ensued. (2.2265) Motion by Herold, seconded by Brubaker, carried 5/0, to approve Ordinance No. 90-61, with conditions offered by the applicant.

ORDINANCE NO. 90-61

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF "PUD" TO "PLANNED UNIT DEVELOPMENT"

(9/25/90 - 10 - 2.2292)

St. Augustine Beach request for land at west end of 16th Street at Mizell Road. Max Royle, City Manager of St. Augustine Beach requested consideration of the BCC in providing St. Augustine Beach with some land at the end of 16th Street, for a proposed public works facility between 1-1/2 to 2 acres, and displayed a sketch illustration of the proposed area. Stuart Craig, Contracting Agent of SJC's Engineering Department, reported that if the BCC approve this request, it could possibly be leased or sold to St. Augustine Beach. Waldron responded in favor of the county taking a look at this request, but suggested that a purchase price should be sought for the land. Herold suggested that staff work with the Beach and make a recommendation to the BCC before a decision is made. Maguire responded that the intent would be to sell the land as opposed to giving or leasing the land to the Beach. Motion by Brubaker, seconded by Herold, carried 5/0, directing staff to negotiate sale of up to 2 acres of land with the City of St. Augustine Beach out of Mizell Tract and the sale price not to exceed \$300,000.

(9/25/90 - 10 - 2.2602)

Ms. Lambert, Gallaudet Regional Center at Flagler College, requesting resolution proclaiming September 23-29, 1990 National Deaf Awareness Week, Resolution No. 90-175. Sherri Lambert, Assistant Director of Gallaudet Regional Center, reported on the events taking place at Flagler College this week. Don Cooler, of the Gallaudet Regional Center reported, through interpretation by Ms. Lambert, on deaf service centers in the State as well as the center in St. Augustine. Motion by Waldron, seconded by Brubaker, carried 5/0, to approve Resolution No. 90-175.

RESOLUTION NO. 90-175

PROCLAMATION DESIGNATING THE WEEK OF SEPTEMBER 23-29 AS NATIONAL DEAF AWARENESS WEEK

(9/25/90 - 10 - 2.3182)

Request from Badcock Lady All-Stars Softball Team for \$2,000 assistance from Tourist Development Funds. (2.3187) Motion by Waldron, seconded by Brubaker, for discussion. Maguire responded that this type of funding was done for the winter guard one year, but the next year winter guard was turned down as well as several other organizations requesting that the county support similar things of this nature. Waldron responded that this application is absolutely representing St. Augustine and St. Johns County and should have support from somewhere; Waldron stated that it should come from the bed tax that persons use to develop it. Herold responded in favor of Waldron's response and further stated that usually he is against such requests; however, this is an exception and the BCC should entertain the approval of this request. Clerk of Court, Carl "Bud" Markel, responded that each Commissioner was given a copy of David Conn's letter addressed to Markel regarding this expenditure and in essence Conn stated that the BCC has the authority, being that this is not the full appropriation for the trip which will be taken by the softball team to Kingman, Arizona, if they find this is promoting advertisement for St. Johns County to an amount of \$2,000. Pat Weddell,