

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

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**NAME OF APPLICANT**

*Irene Batenic*  
*c/o Upchurch & Alexander, P.A.*  
*P.O. Box 3956*  
*St. Augustine, FL 32085*

**APPLICATION NUMBER**

*E-90-015*

**DECISION OF  
COUNTY COMMISSION**

**GRANTED**

**GRANTED WITH  
CONDITIONS**

**DENIED**

\*See Attached

**DATE OF COMMISSION ACTION: MAY 08, 1990**

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**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By: *Craig H. McGuire*  
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)

received, having been published in The St. Augustine Record on March 29, 1990; upon motion by Bailey, seconded by Brubaker, carried 5/0, was ordered filed. Daniel Palmer and Jenny Henningsen, 1821 Prunier Road, requested approval of this application. Napier reported that this is a conditional request. Upon motion by Waldron, seconded by Herold, carried 5/0, to approve Ordinance No. 90-27 with conditions.

**ORDINANCE NO. 90-27**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-1 TO OR WITH CERTAIN CONDITIONS: REQUIRING RECORDATION: AND PROVIDING AN EFFECTIVE DATE.**

(5/8/90 - 9 - 3.0388)

Hearing on E-90-015/Irene Batenic, request to place storage of live lobsters for sale, wholesale and retail, on property zoned OR, located at 4955 Porter Road. Proof of publication of notice of hearing on E-90-015/Irene Batenic was received, having been published in The St. Augustine Record on April 20, 1990; upon motion by Waldron, seconded by Bailey, carried 5/0, was ordered filed. The applicant did not appear. Frankie Pacetti, 36 Hildreth Drive, questioned if this matter is over, to which Maguire replied this application can come before the BCC in one year's time. Upon motion by Herold, seconded by Bailey, carried 5/0, to deny this application for lack of appearance.

(5/8/90 - 9 - 3.0454)

Hearing on TUP-90-002/Alicia Branagan, Temporary Use Permit, with conditions, for the location of outdoor entertainment activity, weekend of May 19-20, located 170 Vilano Road. Proof of publication of notice of hearing on TUP-90-002/Alicia Branagan was received, having been published in The St. Augustine Record on April 23, 1990; upon motion by Brubaker, seconded by Waldron, carried 5/0, was ordered filed. Alicia Branagan, 104 Jarez requested approval of this application. Considerable discussion ensued with regard to the sale of alcoholic beverages outside of the Branagan establishment. Campbell suggested that if this activity will exceed the decibel level the applicant should apply for a special event noise permit. Margie Blocksidge, 3272 Coastal Highway commented in opposition to the drinking of alcoholic beverages at this event. Thomas Branagan, 104 Jarez commented in favor of this application. Considerable discussion ensued. (3.1140 to 2140) Upon motion by Herold, seconded by Bailey, carried 2/3, Waldron, Brubaker, Bailey dissenting to deny TUP-90-002/Alicia Branagan. The motion failed. Discussion ensued. (3.2149) Motion by Waldron, seconded by Brubaker, carried 4/1, Herold dissenting, to approve the TUP-90-002/Alicia Branagan for outside entertainment on the conditions that there will be no alcoholic beverages outside of the Branagan building and that the applicant will apply to obtain a noise permit. Herold requested that the Sheriff's Department be advised of this event, and that extra patrol personnel to control traffic be requested.

(5/8/90 - 9 - 3.2307)

Maguire requested consideration from the BCC of the separation of judicial and non-judicial functions of government to separate site locations. Maguire presented an offer for another site for the construction of a courthouse facility, and stated that there are two available sites inside of St. Augustine, the northern edge of the City with no less than 15 acres. Considerable discussion ensued. (3.3526) Waldron suggested a site off of 207, 30 acres of land free of charge, that may be considered as a possible site for the courthouse facility. Discussion ensued. (4.0173) Maguire requested endorsement by the BCC for staff to look into the three sites mentioned here and get the costs immediately; further, Maguire requested authorization to go before the City of St. Augustine asking for their support on the rezoning of the two sites inside of the City Limits, take a look at the City's Comp Plan, and address the issue of the lawsuit. Upon motion by Waldron, seconded by Herold, carried 5/0, authorizing Maguire to go before the City of St. Augustine asking for their support on the rezoning of the two sites inside of the City Limits, take a look at the City's Comp Plan, and address the issue of the lawsuit. Maguire suggested that staff be directed to immediately look into getting appraisals on each of the three properties or the two parcels that money is required for, including in the appraisals the cost to develop each. Cliff Petitt, 960 Alcala Drive commented in favor of the BCC going forward with the plans that have been made by the BCC for a new judicial complex on the Lewis Speedway site. Tracy Upchurch, 285 St. George Street, assured the BCC that the City of St. Augustine's staff will be more than available and delighted to have any of the BCC meet with them at any time. Steve Kuvick commented regarding roadblocks with the courthouse issue. J. H. Rollins, 1870 SR 207, commented in opposition to the downtown site for the courthouse.

(5/8/90 - 9 - 4.1040)