

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

NAME OF APPLICANT	APPLICATION NUMBER
James Drew Exposition P. O. Box 5559 Augusta, Ga. 30916	TUP-90-004

DECISION OF COUNTY COMMISSION GRANTED GRANTED WITH CONDITIONS DENIED

LOCATION: The subject property is located in a portion of Section 31, Township 7 South, Range 30 East, 2469 U.S. 1 South.

DESCRIPTION: The property is the undevelopment portion of the 20 acre shopping center site, and appears to be comprised of approximately 8 acres. The surrounding is OR, CN, PSD, CG, CI and RG-2.

REQUESTED CHANGE: The request is for a Temporary Use Permit to allow a carnival to be held at Lewis Point Plaza on US 1 South for a period of 6 days beginning February 26, 1991 and ending March 2, 1991, in a commercial PSD zoning district.

CONDITIONS ARE AS FOLLOWS:

The other conditions are attached to this document as Exhibit A. Further, the applicant shall acquire and maintain a 1 million dollar liability insurance policy with a "hold harmless clause" exempting St. Johns County.

*See Attached

DATE OF COMMISSION ACTION: AUGUST 28, 1990

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Craig A. Maguire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Connie E. McDaniel
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 No. 90-152, Final Plat for the Harbour at Marsh Landing Unit Four;
Resolution No. 90-154, Final Plat for the Harbour at Marsh Landing Unit Five,
providing there are no objections from staff.

RESOLUTION NO. 90-145

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA,
ADOPTING A FINAL PLAT FOR MARSH CREEK UNIT FOUR.

RESOLUTION NO. 90-148

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA,
ADOPTING A FINAL PLAT FOR THE HARBOUR AT MARSH
LANDING UNIT ONE.

RESOLUTION NO. 90-150

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA,
ADOPTING A FINAL PLAT FOR THE HARBOUR AT MARSH
LANDING UNIT THREE.

RESOLUTION NO. 90-152

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA,
ADOPTING A FINAL PLAT FOR THE HARBOUR AT MARSH
LANDING UNIT FOUR.

RESOLUTION NO. 90-154

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA,
ADOPTING A FINAL PLAT FOR THE HARBOUR AT MARSH
LANDING UNIT FIVE.

Commissioner Bailey arrived.

(08/28/90 - 8 - (3.0272)

Hearing on TUP-90-004 - James H. Drew Exposition, Temporary Use Permit, request to locate a carnival on the property at Lewis Point Plaza, February 26, 1991 to March 2, 1991. Proof of publication of notice of hearing was received, having been published in the St. Augustine Record on July 26, 1990, upon motion by Brubaker, seconded by Waldron, carried 5/0, to file the proof. (3.0323) Ted Tilson, 1590 Gately Road, Jacksonville, was present representing James H. Drew Exposition. Maguire inquired why no one appeared at the Planning and Zoning Agency hearing? Tilson responded the mail regarding the hearing had been misplaced and was not located until the day of the hearing. No one appeared at the PZA hearing to address numerous questions PZA had, therefore PZA had recommended denial of this request. An addendum to this request was presented to the Board by Jerry Napier; attached as Exhibit A to this addendum is an August 26, 1990, letter from Ted Tilson (with supporting communications from the St. Johns County Sheriffs' Department and Fire Service). The comments in this letter were provided in response to questions raised in the staff report to the Planning and Zoning Agency. In the addendum Napier recommended that the commitments set forth in Exhibit A be attached as minimum conditions to the Boards approval. (3.0359) Waldron inquired if this is a for profit carnival? (3.0363) Tilson responded that it is for for profit carnival. Tilson said this carnival will not cost the tax payers any money. (3.078) Bailey inquired about the insurance coverage. (3.0379) Tilson responded that there is \$1,000,000 in liability insurance and the County will be named harmless. Tilson explained that there will be 8 to 10 rides at the carnival; these rides will be inspected by appropriate local and state agencies prior to opening. (3.0425) The Board inquired about security, the number of people expected to attend this carnival. (3.0431) Tilson responded he has been in contact with the Sheriff's Dept. concerning Deputies being

present at the carnival for security. Tilson said they would only expect 300 or 400 people to be present at one time; this is a small carnival. Discussion followed. A motion was made by Bailey, seconded by Herold, carried 5/0, to approve TUP 90-004 James Drew Exposition, Temporary Use Permit to allow a carnival at Lewis Point Plaza on U. S. 1 South for a period of 6 days beginning February 26, 1991 and ending March 2, 1991, in a commercial PSD zoning district, with the conditions offered by the applicant in Exhibit A; further, the applicant shall acquire and maintain a 1 million dollar liability insurance policy with a "hold harmless clause" exempting St. Johns County. Tilson was instructed to send the insurance policy to Dan Castle, County Administrator.

(08/28/90 - 9 - 3.0584)

Commissioner Bailey requested to ask Richard Prosser some questions regarding the wetlands that are going to be mitigated in all of the The Harbour at Marsh Landing plans that were passed earlier in this meeting. (3.0603) Richard Prosser, with Prosser, Hallock and Kristoff, responded that basically this on the Intracoastal Waterway; there is very little wetlands; we have been permitted. (3.0621) Bob Johnson, Fletcher Land Corp., responded that there is a little than .75 acres, and that is actually the cuts that are being made out into the Intracoastal; we are mitigating that with 2 to 1; this is about 3 acres that we are creating marsh from uplands. (3.0629) Bailey requested to be shown that mitigation as it takes place. (3.0635) Johnson said he would be happy to comply with Bailey's request. (3.0655) Bailey inquired what is going to flush the area Marina. (3.0661) Johnson responded tide change will flush the Marina area.

(08/21/90 - 9 - 3.0725)

Andy Campbell, Assistant County Administrator, distributed a list of Staff Report Items that need to be discussed. The first item is correspondence from David Dee regarding Governor & Cabinet hearing on October 23, 1990 - Proposed Southeast Landfill, to be held in Tallahassee. October 23rd is a regular Board of County Commissioners meeting date. A motion was made by Waldron, seconded by Herold, carried 5/0, to cancel the regularly scheduled October 23, 1990, Board of County Commissioners meeting. (3.0827) Jim Sisco, County Attorney, related that the Solid Waste Bond issue may be coming before the BCC around this time period. (3.0865) Another BCC meeting date may need to be set at some point in time; no meeting date was set at this meeting.

(8/28/90 9 - 3.0873)

Maguire reported he had received a letter and a copy of a Resolution passed by the Board of County Commissioners of Levy County on August 21, 1990. Maguire reported this Resolution expresses the Board's concern regarding the unfunded mandates placed upon Cities and Counties in Florida by the Florida Legislature. These mandates have had an undetermined fiscal impact on cities and counties throughout Florida. Levy County would urge the St. Johns County Board of County Commissioners to join in their effort to support Amendment No. 3 on the November 1990 Ballot limiting unfunded State Mandates on Cities and Counties. (3.0921) Maguire read the NOW THEREFORE section to the end of the Resolution. Discussion followed regarding adopting the format of the Levy County Resolution. A motion was made by Brubaker, seconded by Herold, carried 5/0, to approve Resolution 90-155; St. Johns County will be inserted where Levy County appears; Section 2. will be deleted and the adoption date will be changed to August 28, 1990.

RESOLUTION NO. 90-155

A RESOLUTION OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, URGING AMENDMENT NO. 3 ON THE NOVEMBER 1990 BALLOT LIMITING UNFUNDED STATE MANDATES ON CITIES AND COUNTIES

(8/28/90 - 9 - 3.0989)

Castle reported on correspondence from David Dee, SJC's attorney for the Duval Landfill issue, regarding the Governor and Cabinet hearing on October 23, 1990 for the Southeast Landfill. Hearing will be held no earlier than 11:00 a.m. on October 23rd.

(8/28/90 - 9 - 3.1018)

Castle reported on a letter regarding the derelict vessel in Six Mile Creek. Grants were checked on, and they were due by August 1st, which the county missed the cut off dates.

(8/28/90 - 9 - 3.1056)

Castle mentioned the proposed adoption schedule for the SJC Comprehensive Plan and directed the discussion to Napier who requested the BCC continue the Comp Plan hearing of August 29th until September 5th at 9:00 a.m. Napier recommended the Coastal Conservation Element be scheduled for September 10th at 9:00 a.m. and