

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

NAME OF APPLICANT

APPLICATION NUMBER

Towers of Love, Inc.
c/o Charles Bassett
Bassett & Bassett
215 Century 21 Drive
jacksonville, FL 32216

R-PUD-90-036

DECISION OF
COUNTY COMMISSION



GRANTED



GRANTED WITH
CONDITIONS



DENIED

Ordinance No. 91-17

This project shall comply with the standards, policies, and requirements in effect at the time of final approval and permitting of this project for development, including any successor or new policies, financing mechanism, plans and ordinances adopted by St. Johns County after the date of the Planned Unit Development Ordinance approval including, without limitation, any concurrency management programs adopted pursuant to Florida Statutes 163.3202 (2)(g), as amended, and Objective J.01.05 of the St. Johns County Comprehensive Plan dated September 14, 1990, including any amendments or successor policies of land development regulations adopted to implement Florida Statutes 163.3202 (2)(g).

*See Attached

DATE OF COMMISSION ACTION: April 23, 1991

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)

Campbell asked for discussion of Consent Agenda Items 7 - 10 at this time. Herold said that he would like Campbell to try to fill these positions by transferring existing employees and not hiring new employees. Herold asked for more justification to fill these positions. Campbell stated that 4 of these positions are required by the Department of Environmental Regulation and must be certified plant operators. Campbell said that he would review county staff to see if some shifting of jobs could be done; said that these utility plants are coming on line and requested approval to fill the positions as soon as possible so that the plants could be opened. Herold asked that Campbell report by April 30, 1991. It was the general consensus of the Board that Campbell advertise for certified operators but not hire anyone until he had reviewed current staff.

(04/23/91 - 8 - 2.2477)

Request for Budget Amendment in the amount of \$43,740.00 from Reserves For Contingencies to purchase 18 radar units for donation to Florida Highway Patrol - St. Johns County Sheriffs Department. Captain Jim DuPont, Director of Operations, SJC Sheriffs Office, requested this and explained that the Sheriff's Office traditionally supplied these radar units to the FHP. Dupont answered questions from the Board; said that this was not included in the Sheriff's budget. Major Thomas Sigman, Florida Highway Patrol, answered questions from the Board. Sigman said that for the period of October, 1990, through March, 1991, there were 3,932 radar speed cases resulting in \$168,494.25 which averaged \$28,066 per month; said that total cases including those involving radar and other methods brought in \$49,063 over a 9 month period. County Finance Director Mike Givens said that of the \$168,000, only 45% goes into the General Fund; the other 55% goes into police training; said that it would be unbudgeted; Givens said that he was not in favor of this expenditure. Discussion followed. Motion by Brinkhoff, seconded by Bailey, carried 6/0 with Balsavage absent, to deny the request and bring it back in the next budgetary year.

(04/23/91 - 8 - 3.0291)

Court Reporter Brenda Rutgers was present.

Continuation of hearing on R-PUD-90-035 O.A. Shatila, located on north side of SR #16 adjacent to St. Augustine Collision; Rezoning from OR to PSD to locate automobile storage business. Paul Martz, representing O.A. Shatila, said that there were commissioners' comments made at their appearance on January 22, 1991, to which they would like to respond; wanted to double check with the Commission the commitments which they were making; submitted photographs of Shatila's 207 property showing that he had removed all the automobiles from the front of said property; said that Shatila offered to confine his 207 operations to a line which runs down the front of his buildings on 207. Martz submitted photographs showing where the storage building would be located; offered to have the fence placed in the trees parallel to the back of the property. Karen Taylor, 3070 Harbor Drive, Land Planner, reviewed Exhibit D, an outline of the conditions offered; felt these conditions responded to the concerns outlined in the Staff report. Discussion followed. Herold said that he felt that this matter should be reheard by the Planning and Zoning Agency (PZA). Discussion followed. Martz requested a continuance for the PZA to rehear the request for rezoning. Motion by Maguire, seconded by Brinkhoff, carried 6/0 with Balsavage absent that this request be continued until such time that the PZA has a chance to review it and that it come back to the Board on May 28, 1991.

(04/23/91 - 8 - 3.0833)

Hearing on TUP-91-002 Fraternal Order of Eagles, located on SR #16 west of Francis Road; Temporary Special Use: Club/Social Facility. Proof of publication of the notice of the hearing was received, having been published in the St. Augustine Record on March 13, 1991; upon motion by Brinkhoff, seconded by Bailey, carried 6/0 with Balsavage absent, was ordered filed. No one appeared to request approval. Motion by Bailey, seconded by Maguire, carried 6/0 with Balsavage absent, to deny the request.

(04/23/91 - 8 - 3.0861)

Court Reporter Brenda Rutgers was present.

Hearing on R-PUD-90-036 Towers of Love, 179.5 acres rezoning from OR to PUD to permit a mixed religious oriented development which will include commercial retail uses, worship activities, residential and 5,000 seat auditorium; located at the intersection of Nine Mile Road and Interstate 95. Proof of publication of the notice of the hearing was received, having been published in the St. Augustine Record on March 22, 1991; upon motion by Brinkhoff, seconded by Bailey, carried 6/0 with Balsavage absent, was ordered filed. Todd Demming, Genesis Professional Services, 8380 Baymeadows Road, representing Towers of Love, Inc., requested approval of the request for rezoning; introduced the other members of the project: Charlie Bassett, project engineer; Ward Koutnik, project traffic engineer; Brian Wheeler, project planner. Demming said that they would give a brief technical presentation outlining their plan for the property; requested the zoning change; used charts and a map of the area; said the project was in compliance with the Comp Plan and compatible with present use in the area. (3.0987) Wheeler, 25045 Marsh Landing

Parkway, described the master plan; requested approval of the Master Plan as a PUD. (3.1168) Ward Koutnik, president of Ward Koutnik & Associates, Inc., Jacksonville, highlighted the information resulting from the detailed traffic study which his firm completed; said that at the worst, with build out of St. Johns Harbor Development of Regional Impact (DRI), Riverton DRI, St. Johns Forest DRI and the Johns Creek DRI, anticipated that the Levels of Service on the affected roadways would be B or C, which meet county standards. He further stated that if the St. Johns DRI does not develop before the Towers project, then the Towers development will provide a T- intersection improvement with a west bound by pass lane, to set up a separate left turn lane into the project; will also have a right turn decel lane into the main entrance as well as the proper laneage coming out of the intersection; if the St. Johns project does go before or at the same time as the Towers project, that improvement which the Towers group will do will be integrated into the St. Johns intersection improvements. He said that they would work with St. Johns DRI to totally tie the improvements together; the other intersection at Wolfe Boulevard will also feature a by pass lane, left turn lane, and a right turn lane to provide a safe intersection; also provide minor improvements at Francis Road at State Road 16, a right turn lane off State Road 16 and a right turn lane off Francis Road to go north on State Road 16; also, provide a right turn lane on 9 Mile Road turning north on State Road 16 as well; said those key improvements would be undertaken in the near future. Demming described the phasing of the project using charts and drawings. (These charts and drawings were not submitted to the Clerk's office.) Demming said that on the issue of the DRI, on February 20, 1991, they had received a request from the Department of Community Affairs (DCA) to send them information for review for a clearance letter; they have done that but have not received the clearance letter yet but did receive a call from DCA. DCA told them they were below the presumptive threshold. Demming submitted a copy of a letter from an independent consultant who has evaluated the project; said that it would be on the tax rolls; would generate approximately \$652,447 at build out. Demming said that the project met the recreation requirements; commented on a letter from Jim Davidson of St. Johns Harbor expressing concern about an out parcel which had been conveyed to St. Johns Harbor; said the parcel would be conveyed back to the Towers. (3.1660) Bailey asked if there would be hotels in the area; Demming said that there would be hotels within the St. Johns project. Bailey asked about provision for water and sewer if they could not use St. Johns Harbor facilities. Charles Bassett, 215 Century 21 Boulevard, Jacksonville, replied that they would construct their own package plants until St. Johns Harbor came on line. Bailey asked if foliage would be removed to make retention ponds and was told that the ponds would be put in what are now grassy areas. (3.1745) Roberts asked if this project would continue if the St. Johns Harbor project blew up and Demming replied that it would. Roberts said that he had spoken to Mrs. Wolfe and she supported the project; asked about the property being on the tax roll. Demming said that they were requesting an exemption for part of the auditorium, the office space for the Towers of Love, Inc.; the rest would be on the tax roll. (3.1968) Maguire asked about a letter submitted from DCA dated December 1988; asked if there were more current information available. Demming said that the letter was based on a previous application; DCA was in receipt of the current application and they (Towers) were awaiting DCA's response. Maguire asked if there were a provision for maintenance of common facilities if Towers ceases to do so; asked if they would put in a clause which automatically provides that the homeowners and commercial owners take over ownership of the common ground if Towers cease to maintain them. Wheeler said that there would be a homeowners association which would have assessment and maintenance responsibilities for all common areas; all the roadways would remain private; none would be dedicated to the County; Towers of Love, Inc. plans to own it all and provide long term leases; planned to be responsible for the maintenance. Maguire asked that they put into the PUD a clause requiring the property owners association to take over control of the property if Tower of Love fails to do so; asked if they would offer that as a condition. Demming said that he believed that it was already in the PUD application; if it wasn't, they were willing to offer it as a condition. (3.2323) Campbell read into the record an additional condition concerning concurrency; said that it was a standard clause which will be part of all future PUD's for concurrency. Subsequently, Campbell said that the County is making sure that the developer is aware that the final development is based on concurrency of the roads at final development time; not concurrency of today. Demming said that the phrase which Campbell read was included in the PUD application; Herold said that it should be part of the ordinance. Demming said that the PUD application would be amended on page 39 to add the words "perpetual maintenance" and check with Staff to see if that is acceptable. (3.2420) Floyd commented in favor of the request. (3.2514) Herold asked if it was a joint venture with St. Johns; Demming responded that it was not. (3.2540) Fleming replied in answer to Herold that the radio tower would be for a Christian radio and television station; the application has been approved by the FCC and FAA; would generate

ads. Wheeler said that only a part of the office space in the auditorium would be exempt. Wheeler said that the project's gross density would be 1.25 per acre; subtract the auditorium and commercial, gross residential would be 1.2 per acre; looking at just residential, would be 2.8 per acre; commercial floor area ratio is .20 square feet. (3.2718) Bailey asked about the lease arrangements; Wheeler said that he didn't have that information; said that Towers of Love, Inc. would own each house; there would be no homestead exemption. Fleming said that the Towers would own the ground and lease it to the homeowners for a 99 year lease; therefore, the owners would be entitled to homestead exemption; none of the land is to be sold. (3.2830) Holmes said it met with engineering approval at this stage. (3.2845) Don Bement, Planning Department, recommended approval. Subsequently, Maguire said that the PZA denied this because it would be 5 years before development commenced; that construction would begin as soon as fee title were vested in the applicant; asked if the title were in Vergie Wolfe's name. Demming said that the title was still in the name of the Vergie Wolfe trust; the agreement is that by December, 1995, there will have been funding raised to match the equivalent of the value of the land; 4 years was not a long time for a project of this size. Maguire expressed concern that the funding would never show up; in 5 years, this project might be sold or abandoned; asked if this PUD could be non-transferable. Hurst said that she would need time to research that question. Discussion followed. Herold said that the Board would still have the option to turn down any future changes. Campbell stated that a minor modification would only go before the PZA; a major modification would come before PZA and the Board. (3.3218) Fleming said that the project could not be sold to a commercial venture because that would violate the terms of the foundation and all gifts made to it would be null and void; reiterated that the Towers project would apply for the exemptions they would be entitled to as a non profit organization for the office space in the auditorium and homestead where applicable. Subsequently, motion by Roberts, seconded by Floyd, carried 6/0 with Balsavage absent, to approve the application for PUD with the additional language from St. Johns Harbor and the clause for owners to take over the roads if necessary and the clause for concurrency requirements as read into the record by the Interim County Administrator, Ordinance No. 91-17.

ORDINANCE NO. 91-17

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

(04/23/91 - 10 - 3.3420)

Court Reporter Brenda Rutgers was present.
Continuation of hearing on R-PUD-90-038 T.A.W. Nursery Inc., 20.4 acres, rezoning from OR to PUD for a residential development of 23 single family lots; located on west of CR-210 and north of Canal Boulevard. George McClure, 81 King Street, representing TAW Nursery, Inc., requested approval of the application for rezoning; reviewed the application; described off site mitigations; offered as a condition that, if required by County Staff, a left turn lane would be installed at developer's expense at the time of final development review; said that the access was safe based on County, FDOT and the Institute of Traffic Engineers standards; the issue of a left turn lane would be worked out on a professional level with Staff. (4.0232) Brinkhoff asked if this ordinance had been reviewed by Staff. Hurst replied that to her knowledge, it had not. Bement explained that Staff reviews all ordinances for consistency. McClure said that it was customary that once the PZA had recommended approval, the applicant would draft the ordinance based on the format that Staff provided. (4.0299) Mary Kohnke, 29 South Roscoe, commented in opposition to the proposed ordinance. (4.0529) Kathleen Hughes, 4925 Palm Valley Road, commented in opposition to the proposed ordinance. (4.0628) Bill Brooks, 255 Canal Boulevard, commented in favor of the proposed ordinance. (4.0689) Hurst said that she had not had an opportunity to review all the attachments listed but that the form was consistent; Hurst amended Section 9 as follows: *The applicant shall construct a deceleration storage lane and a deceleration taper lane adjacent to County Road 210 and northbound left turn lane to a design as approved by the County Engineering Staff.* McClure agreed to the change; explained that the materials in the attachment are the application and the narrative which are typically not attached to the ordinance but reference is made to them. McClure submitted photographs of the area of the proposed entrance on CR 210 to the development; described the pictures of the road's curves; submitted a letter from Fire Chief S.B. Sciotto of the Palm Valley Fire Department who stated that he had no objection as long as deceleration and acceleration lanes were provided. McClure quoted from *The Beaches Leader* of June 13, 1990, which stated that the entrance to the proposed