

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

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NAME OF APPLICANT	APPLICATION NUMBER
W. CONWAY OWINGS C/O GEORGE M. MCCLURE P.O. BOX 3504 ST. AUGUSTINE, FL 32085	R-87-071

DECISION OF COUNTY COMMISSION  GRANTED  GRANTED WITH CONDITIONS  DENIED

ORDINANCE #91-38

A request to be rezoned CHT, Commercial Highway Tourist, or other Appropriate Commercial Category, as remanded to the County by the Circuit Court, Seventh Judicial Circuit, St. Johns County, Fla. Case No. 88-277 CA; Case No. 75,554 DCA-5; 89-557 DCA-5.

\*See Attached

DATE OF COMMISSION ACTION: September 10, 1991

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Frederick B. B. B.  
Vice Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: [Signature]  
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)

ORDINANCE NO. 91-38

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM THE PRESENT ZONING  
CLASSIFICATION OF RG-2 TO CHT (B)

WITH CERTAIN CONDITIONS: REQUIRING  
RECORDATION: AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, W. CONWAY OWINGS filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on the 15th day of August, 1991, at 1:30 o'clock p.m. on said application; and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, found as to the requested rezoning classification of CHT (B) as follows: (a) the proposed rezoning promotes the public welfare and complements the St. Johns County Comprehensive Plan; (b) the requested change of zoning is justifiable or fairly debatable without special conditions; (c) the proposed rezoning is desirable at this time and in this general location; (d) prior to the enactment of this Ordinance and in the interest of public health, safety and general welfare, and without promise, prerequisite, or inducement to the enactment of this Ordinance, applicant agreed to limit his use of said lands and has consented to restrictions or limitations on the applied for rezoning of CHT (B) as hereinafter provided; and (e) such restrictions or limitation are for the benefit of the general public and not just the applicant, and they are reasonable and nondiscriminating;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of W. CONWAY OWINGS zoning classification of RG-2 on the following described lands:

Lots 12-36, Block B, Vilano Beach Subdivision, as recorded in Map Book 7, Page 10, Public Records of St. Johns County, Florida.

IS HEREBY CHANGED TO: CHT (B).

SUBJECT TO THE FOLLOWING CONDITIONS:

(a) Flea markets, automobile service stations, travel trailer parks, and camp grounds shall not be permitted uses. which conditions shall remain in full force and effect at all times until amended or changed by further ordinance of this Body.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations, or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provided in Section 1 above.

SECTION 3. 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 approval of this ordinance, 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).

SECTION 4. The St. Johns County Building Department is authorized to issue construction permits allowed by classification as rezoned and conditions hereby.

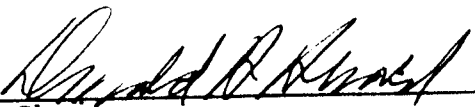
SECTION 5. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

SECTION 6. Nothing in this Ordinance shall be construed to relieve or waive any applicable requirement for applicant to obtain a Concurrency Exemption, Concurrency Determination or Conditional Determination as a condition of any further development order.


SECTION 7. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official Public Records of St. Johns County, Florida, and indexed under the name of the property owner described in Section 1 hereof.

PASSED THIS 10th day of September, 1991.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By:   
Deputy Clerk

Adopted September 10, 1991 meeting Board of County Commissioners  
Effective: September 24, 1991

RESOLUTION NO. 91-137

**A RESOLUTION AUTHORIZING THE EXECUTION OF  
ADDENDUM TO THE CONTRACT FOR SALE AND  
PURCHASE OF CERTAIN PROPERTY NECESSARY FOR THE  
CONSTRUCTION OF A ROAD FOR ADDITIONAL ACCESS TO  
THE ST. JOHNS COUNTY ADMINISTRATION COMPLEX.**

(09/10/91 - 7 - 2.3206)

Continuation of Regular Agenda Item No. 2: Release of construction bond for Cunningham Creek Unit IV in the amount of \$854,523.00.

Campbell reported that after the inspection of the area by Road & Bridge and the Engineering Department, Staff recommends release of the construction bond be placed on hold until the discovered erosion and wash out were cleared up. Brinkhoff restated his original motion to approve the release of construction bond for Cunningham Creek Unit IV in the amount of \$854,523.00, and modified it to approve the release "as soon as the exceptions were cleared up", seconded by Maguire, carried 7/0 to approve the release of construction bond for Cunningham Creek Unit IV in the amount of \$854,523.00 "as soon as the exceptions were cleared up".

(09/10/91 - 7 - 2.3533)

**XI. R-87-071 - W. CONWAY OWINGS**

Hearing on R-87-071 - W. Conway Owings - As remanded to St. Johns County by the Circuit Court, 7th Judicial Circuit Case No. 88-277 CA; Case No. 75,554 DC-A-5, 89,557 DC-A-5, Vilano Beach on Vilano Road, south side at intersection of AIA - Rezoning to CHT or other appropriate commercial category. Proof of publication of notice of hearing on on R-87-071 was received, having been published in The St. Augustine Record on July 29, 1991; upon motion by Brinkhoff, seconded by Maguire, carried 7/0, was ordered filed. George McClure, Attorney, 81 King Street, representing the applicants, gave a brief history of the application for rezoning, and requested approval of the rezoning to CHT pursuant to the information presented.

David Bruner, 37 Furrow Road, commented in opposition to approving the rezoning to CHT. Bruner further passed out and discussed a paper which listed the basic zoning differences in a CN and CHT classification. Bruner suggested the Board classify the rezoning as CN versus CHT, and to state in any motion made by the Board that the CHT zoning does not meet the criteria of the new comprehensive land plan.

Brinkhoff commented in favor of granting the CHT zoning. Upon motion by Brinkhoff, seconded by Roberts, to approve Ordinance No. 91-38 granting the zoning to CHT.

Harold Baker, 4240 Coastal Highway, commented in opposition to granting the CHT rezoning. An indepth discussion of the subject followed.

(09/10/91 - 7 - 3.0834)

McClure stated that if it would put an end to the matter, and if it would result in a CHT classification, his client would be agreeable to the conditions that: flea markets, automobile service stations, travel trailer parks, and camp grounds shall not be permitted uses. Discussion between the Board members regarding McClure's offer followed. Brinkhoff amended his motion and moved for the adoption of Ordinance 91-38 as amended by the applicant, seconded by Roberts, carried 6/1 with Bailey dissenting to approve Ordinance No. 91-38 rezoning to CHT with outlined conditions.

ORDINANCE NO. 91-38

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FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER  
FROM THE PRESENT ZONING CLASSIFICATION OF RG-2 TO  
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