

Draft B

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

RE: All American Mini Storage
c/o Ernest E. Lee
228 Charlotte Street
St. Augustine, FL 32084

RE: Appeal of Planning and Zoning Agency's denial of E-92-060

ORDER REVERSING ACTION OF
PLANNING AND ZONING AGENCY
AND GRANTING EXCEPTION

The above-referenced applicant appeared before the Planning and Zoning Agency (Agency) on September 3, 1992 requesting an exception pursuant to the St. Johns County Zoning Ordinance to eliminate a condition of a formerly approved exception (E-85-060) which permitted the placement of personal property mini warehouses on Lots 21-30, Butler Beach, Unit 1 subdivision, currently zoned CG. E-85-060 was granted with several conditions, one of which requires the owner to construct an acceleration/deceleration lane on A1A as approved by DOT. In the current request, E-92-060, the applicant requests that that the condition to construct the acceleration/deceleration lane be eliminated. On September 11, 1992, the Agency entered its order denying the exception.

The applicant timely filed an appeal to the Agency's action on October 2, 1992. On November 10, 1992, the matter came

before the St. Johns County Board of County Commissioners (Board) on appeal.

FINDINGS OF FACT AND ORDER

Having considered the application for appeal and supporting documents; the September 3, 1992 Agency minutes; the Agency order dated September 11, 1992; the Planning and Zoning Department staff report dated September 3, 1992 and its supporting documents; and statements from the appellant, the Board of County Commissioners makes the following findings of fact:

1. The appeal of the Agency's action was properly filed in a timely manner;

2. The appeal of the Agency's action denying the request for an exception to eliminate the requirement for construction of an acceleration/deceleration land on A1A has been fully considered after public hearing pursuant to legal notice as required by law and the Zoning Ordinance;

3. Based on statements from the appellant at the November 10, 1992 hearing, the Board hereby reverses the Agency's order denying the exception for the following reasons:

A. The mini-warehouses have been in existence for 7 years without a traffic problem;

B. The mini-warehouses are a low intensity use and do not create a lot of traffic; and

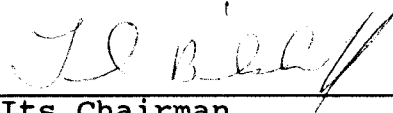
C. Highway A1A is under consideration for widening, and it is probable that, if constructed, the acceleration/deceleration lanes would be torn up.

ACCORDINGLY, E-92-060 is hereby granted, and the condition included in E-85-060 requiring an acceleration/deceleration lane on A1A is hereby eliminated.

Any appeal of this decision of the Board of County Commissioners may be made by filing a petition for writ of certiorari with the Clerk of the Circuit Court of St. Johns County within 30 days.

Date of Commission action: NOVEMBER 10, 1992 .

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: 
DEPUTY CLERK

cc: All American Mini Storage
c/o Ernest Lee
Planning and Zoning Agency

(3.2090) John Metcalf continued speaking of the project. Discussion ensued. John McDonald stated that he was the Chairman of the PZA when this project was considered and voted affirmatively for the project. Mel Kutzer, 3385 Coastal Highway, commented. (3.2532) William Gunby, Jr. discussed why he chose this site. John Metcalf commented regarding a traffic problem and the possibility of a turn lane. Discussion followed. (3.3158) Motion by Floyd, seconded by Bailey, failed 2/5, with Maguire, Balsavage, Roberts, Herold, and Brinkhoff dissenting, to continue this item until the next regular Board meeting, November 24, 1992 at 6:00 p.m. Discussion followed. (3.3400) Motion by Floyd, seconded by Herold, carried 7/0, to deny for reasons of devaluing existing properties, increasing an already crowded roadway, and not compatible with the existing residents of St. Johns County in that area.

(11/10/92 - 9 - 4.0060)

PUBLIC HEARING - ORDER - V-92-021 - APPEAL - ARIBBA, INC., DOUG BURNETT, PRESIDENT - THE REQUEST IS TO REDUCE THE REQUIRED FRONT YARD SET BACK ON TWO PARCELS OF LAND LOCATED ON A1A NORTH FROM 25 FEET TO 15 FEET. ON SEPTEMBER 17, 1992, THE PLANNING AND ZONING AGENCY DENIED THE REQUEST BY VIRTUE OF THE LACK OF FIVE VOTES (A MAJORITY) AS REQUIRED BY SECTION 11-7-3 OF THE ZONING CODE. THE STAFF HAS NO OBJECTION IF THE APPLICANT CAN PROVIDE SUFFICIENT TURN-AROUND ROOM FOR VEHICULAR TRAFFIC ONTO A1A AND COMPLIANCE WITH ALL OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on zoning variance V-92-021 Arribba, Inc. was received having been published in The St. Augustine Record on October 13, 1992. Court Reporter Brenda Rutgers was present. (4.0061) Jewel Kutzer, 3385 Coastal Highway, urged the Board to deny the request. (4.0163) Doug Burnett, 11080 Phillips Highway, Jacksonville, spoke regarding his request for a variance. Jerry Napier commented. Kevin Partel, 23 Bayview Drive, urged denial of the request. (4.0310) Barbara Naler, 3385 Coastal Highway, requested the Board to please deny the request. (4.0390) Bob Suttle, 7160 A1A South, commented. (4.0445) Josh VonKoschembahr, 3395 N. Coastal Highway, requested the Board deny the request. (4.0530) Ray Carter, 3385 Coastal Highway, requested denial of the variance. Discussion followed. Hurst suggested adding a finding to Draft "A" based on Maguire's comments that the applicant created any hardship that might be present. (4.0784) Motion by Balsavage, seconded by Herold, carried 7/0 to approve Order Draft "A" affirming action of the Planning and Zoning Agency and denying variance with the added finding as suggested by Assistant County Attorney Linda Hurst.

(11/10/92 - 9 - 4.0894)

PUBLIC HEARING - ORDER - V-92-019 - APPEAL - LAWRENCE AND MARIA SCHINELLER - THE REQUEST WAS FOR A VARIANCE TO THE REQUIRED REAR YARD SET BACK FROM 10 FEET TO 6 INCHES IN ORDER TO CONSTRUCT A SCREEN ENCLOSURE AROUND AN EXISTING POOL. THE PLANNING AND ZONING AGENCY DID NOT APPROVE THE 6 INCHES REQUEST, HOWEVER GRANTED THE VARIANCE TO REDUCE FROM 10 FEET TO 2 FEET ON SEPTEMBER 3, 1992 BY UNANIMOUS VOTE. THIS APPEAL IS TO REQUEST THE REDUCTION TO 6 INCHES BE ALLOWED. STAFF CONCURS WITH THE AGENCY'S APPROVAL: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on zoning variance V-92-019 was received having been published in The St. Augustine Record on October 16, 1992. Lawrence Schineller was present and explained why the variance was being requested. Discussion followed. (4.1060) John Demo, 61 Catalina Circle, spoke opposing the request. (4.1245) Maria Schineller commented. (4.1326) Motion by Maguire, seconded by Roberts, carried 6/1 with Bailey dissenting, to approve Order Draft "B" reversing action of the Planning and Zoning Agency and granting variance.

(11/10/92 - 9 - 4.1494)

PUBLIC HEARING - ORDER - E-92-060 - APPEAL - ALL AMERICAN MINI STORAGE - REPRESENTED BY ERNEST LEE - THE REQUEST WAS TO ELIMINATE A CONDITION OF AN EXCEPTION GRANTED FOR THE PLACEMENT OF MINI-WAREHOUSES IN 1985 (E-85-060) WHICH WAS TO PROVIDE ACCELERATION/DECELERATION LANE ON A1A. ON SEPTEMBER 3, 1992 THE PLANNING AND ZONING AGENCY DENIED THE REQUEST WITH A VOTE OF 4-3. THE STAFF REPORT GENERALLY RECOMMENDED DENIAL, HOWEVER, IF THE REQUEST IS GRANTED, THE REPORT REFLECTS CERTAIN CONDITIONS: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on E-92-060 was received having been published in The St. Augustine Record on October 13, 1992. Ernest Lee was present and explained the request. Discussion followed. (4.1844) Motion by Roberts, seconded by Herold, carried 7/0, to approve Order Draft "B" reversing action of the Planning and Zoning Agency and granting variance with the following findings:

that (1) Mini-warehouses have been in existence for 7 years without a traffic problem. (2) The mini-warehouses are a low intensity use and do not create a lot of traffic and (3) Highway A1A is under consideration for widening.

(11/10/92 - 10 - 4.1895)

PUBLIC HEARING - ORDER - TUP-92-009 - PATTY SEVERT, THE REQUEST IS TO ALLOW A TEMPORARY USE PERMIT FOR THE SALE OF CHRISTMAS TREES FROM NOVEMBER 25, 1992 UNTIL DECEMBER 25, 1992 AT 1 SOUTH PARK DRIVE. SECTION 10-12 OF THE ZONING CODE ALLOWS TEMPORARY USE PERMITS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS; NO PLANNING AND ZONING AGENCY HEARING FOR USE LASTING LESS THAN FOUR WEEKS IS REQUIRED: Proof of publication of the public hearing to consider TUP-92-009 Patty Severt was received having been published in The St. Augustine Record on October 26, 1992. Motion by Herold, seconded by Bailey, carried 7/0 to approve Order granting Temporary Use Permit - 92-009 - Patty Severt.

(11/10/92 - 10 - 4.3051)

COMMISSIONERS REPORTS:

Motion by Balsavage, seconded by Herold, to direct Nicholas Meiszer and Michael Givens to look at the options either from impact fees or the turn backs from the constitutional officers, or any other funding source they might feel appropriate, to see if they can come up with the necessary funding to purchase the books that need to be ordered for the Ponte Vedra Library that was included in the Five Year Plan. Michael Rouse, County Librarian, reported that the amount of money approved for the first year of the Five Year Plan is \$1,000,000. (4.3290) Jack Morgan, 9737 Preston Trail, commented on the library plan. Balsavage suggested around \$350,000 for now. Discussion followed. (4.3489) Markel reported that he is having his attorney, David Conn, review the question of using funds from the impact fees. Balsavage withdrew her motion and Herold withdrew his second to the motion. Discussion followed. (5.0119) Motion by Balsavage, seconded by Herold, after the reorganization of the Board of County Commissioners on November 17, 1992, that Mr. Markel provide an opinion from Mr. Conn and for Mr. Rouse to have a recommendation of the amount of books that would need to be ordered now in order to be prepared when the library opens, then Mr. Meiszer can look at the opportunities for those funds. Discussion followed. (5.0168) Balsavage withdrew her motion and Herold withdrew his second to the motion. Barbara Thornton, 450 Osprey Point, commented. (5.0223) Motion by Balsavage, seconded by Herold, carried 7/0, directing Mr. Meiszer to come up with a plan for the funding of \$350,000 or whatever amount he can come up to now, with the balance in six (6) months, for the books for the opening of the library.

(5.0239)

Commissioner Roberts expressed pleasure in working with Commissioner Bailey and Commissioner Herold on the Board.

(5.0319)

Commissioner Bailey reported that the Regional Planning Council has sent word to counties to pay their allotment as soon as possible; please pay our bill as soon as it arrives.

Bailey commented on Roberts Road.

Bailey reported there will be a legislative reception at the Regional Planning Council on December 16, 1992.

(5.0332)

Commissioner Floyd spoke of receiving 10 acres of property to replace a fire station and recreational facility; will report further in the near future.

(5.0352)

Commissioner Maguire reported that he attended a meeting at St. Augustine Beach concerning the Beach Renourishment Program, they requested the County get involved as sponsor and appoint a commissioner to meet with boards and agencies involved. Maguire was appointed to work with them on this program. Discussion followed.

(5.0460)

Motion by Floyd, seconded by Bailey, carried 7/0 to approve Resolution Number 92-194

RESOLUTION NO. 92-194