

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

RE: Sierra Club of N.E. Florida
c/o John and Sarah Bailey
2202 Bishop Estates Road
Jacksonville, FL 32259

FILE NUMBER: Planning TUP-92-010

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a temporary use permit pursuant to the St. Johns County Zoning Ordinance to allow for a special event fund-raiser with outdoor music for the Sierra Club of Northeast Florida on November 7, 1992. The fund-raiser would be held at 2202 Bishop Estates Road on the south side, west of Flora Branch, legally described as Parcel 2, Section 49, Township 4, Range 27 as recorded at Book 2, pages 285-287 of the St. Johns County official records. In addition, the applicant has requested a waiver of fees.

FINDINGS OF FACT

Having considered the application and supporting documents, and the applicant's statements at the October 27, 1992 Board of County Commissioners meeting, the Board of County Commissioners makes the following findings of fact:

1. TUP-92-010 has been fully considered after public hearing pursuant to legal notice duly published as required by law in the St. Johns County Zoning Ordinance;

2. The request is consistent with the requirements of section 10-22 of the St. Johns County Zoning Ordinance;

3. The application is for a fund-raiser for a nonprofit environmental organization, and assessment of the \$150.00 application fee would present a hardship to the organization. The fund-raiser is in the County's best interest and serves a valid public purpose as contemplated by Resolution No. 92-117. The Sierra Club is recognized nationwide as an important force in promotion and protection of the environment.

NOW THEREFORE, the Board of County Commissioners hereby grants the temporary use permit, TUP-92-010 as follows:

1. The Sierra Club of Northeast Florida may hold a special event fund-raiser with outdoor music on November 7, 1992 from 5:00 P.M. to 11:00 P.M. at the location described above.

2. The applicant shall provide adequate parking for the people attending the fund-raiser so that traffic flow on Bishop Estates Road is not impeded in any way.

3. Pursuant to Resolution No. 92-117, the application fee is hereby waived.

DATE OF COMMISSION ACTION: October 27, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *JL Billp*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Erma Pasetti*
Its Clerk

Copy to: Sierra Club of N.E. Florida
c/o John and Sarah Bailey

Napier noted that this was public hearing on an appeal of an action of the Planning and Zoning Board on August 6, 1992, denying an exception for the sale of beer and wine. The property is located at the intersection of SR 207 and I-95. Napier noted the applicant had two exceptions before the PZA, one for a convenience store, he presently has a service station at the site where he sells beer and wine, he was adding an additional building for the sale of convenience goods and wanted the beer and wine in that facility. Napier stated that the Agency did approve the exception for the convenience store, but by a 4/3 vote denied the exception for the wine. Napier noted that the Board had two Draft Orders; Draft A would reverse the action of the Planning and Zoning Agency, and grant the exception; Draft B would affirmed the action of the Planning and Zoning Agency, and deny the exception. Napier further stated that at the Planning & Zoning hearing regarding the exception, staffs opinion that the sale of beverages at the convenience store would be not be incompatible with the area, nor inconsistent with the Comprehensive Plan (3.0482) Xavier Pellicer, 906 Anastasia Boulevard, representing Mr. Koleilat concurred with Napier's statement; pointed out that they were not asking for anything unreasonable, and asked the Commissioners for approval. Discussion ensued. Motion by Roberts, seconded by Floyd, carried 7/0, for approval of Draft A Order. Discussion continued. Motion made by Floyd, seconded by Maguire, carried 7/0, to amend the wording of Draft A Order. Motion by Maguire, seconded by Balsavage, carried 7/0, to table this item for 15 minutes. Subsequently, Hurst stated that the last paragraph, page 3, of the Draft 'A' Order, would retain the existing language in the ad, with the condition that beer and wine would be sold by the applicant either from the building existing on this date (service station) or the proposed new building (convenience store) and not from both at the same time. In addition, the exception to sell beer and wine for off premises consumption shall be nontransferrable. Motion by Floyd, seconded by Herold, carried 7/0, to approve the wording of the amendment.

(10/27/92 - 11 - 3.0898)

19 Order - TUP-92-010 Sarah Bailey/Sierra of N.E. Florida - The request is for a temporary use permit to allow outdoor musical event as special event fundraiser on property located at 2202 Bishop Estates Road. The request is for one time only and pursuant to section 10-12 of the Zoning code is permitted by approval of the Board of County Commissioners and is not heard by the Planning & Zoning Agency. Note: The applicant is also requesting a waiver of filing fee as authorized by Resolution No. 92-117 for Community Support volunteer Organizations which benefit St. Johns County.

Proof of publication on a notice of public hearing for a request for a temporary use permit to allow outdoor musical event on property located at 2202 Bishop Estates Road was received having been published in The St. Augustine Record on October 14, 1992.

Napier stated that item #19 was a public hearing on a temporary use permit to allow outdoor musical event as a fund raiser for the Sierra Club of North East Florida, to be held at 2202 Bishop Estates Road, on November 7, 1992. Napier aired that they also are requesting waiver of the filing fee. Approval of the Order would permit the event and also waive the \$150.00 fee. Motion by Herold, seconded by Balsavage, carried 7/0, for approval of the Order for a temporary use permit, and waiver of the filing fee.

(10/27/92 - 11 - 3.0982)

Consent Agenda Item #6 - Authorization for Staff to exercise the Letter of Credit for Oakland Subdivision. Roberts referenced to a letter from Prosperity Bank extending the Letter of Credit until December 2, 1992. Maguire asked Campbell if the 30 days would be sufficient, or should the County grant the developer 60 days with the understanding that this would be that last extension. Extensive discussion followed. Givens stated that the term of the extension and the term of the Letter of Credit need to coincide. Motion by Maguire, seconded by Floyd, carried 7/0, to extend the expiration date up to January 15, 1993 upon receipt of their letter. Motion amended by Roberts, seconded by Herold, carried 6/1, with Maguire dissenting, to extend the expiration date to December 2, 1992.

(10/27/92 - 11 - 3.1178)

Consent Agenda #8 - Authorization for County Administrator to proceed with Manresa Road under Paving Assessment Program. Balsavage aired she was concerned that it did not clearly state that this was a 50/50 petition. Motion by Balsavage, seconded by Floyd, carried 7/0, to table until the next regular meeting on November 10, 1992.