

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

RE: ALBERTSON'S
Pete Candis
200 State Road 312
St. Augustine, FL 32086

FILE NO: TUP-94-003

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a Temporary Use Permit (TUP) under the St. Johns County Zoning Ordinance to allow for outdoor sales events throughout 1994 as listed in their application, which is incorporated by reference and made a part hereof. Since the TUP is for four weeks or less, it was not reviewed by the Planning and Zoning Agency.

FINDINGS OF FACT
AND ORDER

Having considered the application and supporting documents; the applicant's statements at the April 12, 1994, Board of County Commissioner's meeting; the Board of County Commissioners makes the following findings of facts:

1. TUP-94-003 has been fully considered after public hearing pursuant to legal notice duly published as required by Section 10-12 of the St. Johns County Zoning Ordinance;
2. The request is inconsistent with the requirements of Section 10-12 of the St. Johns County Zoning Ordinance in that the nature, number, and length of Temporary Use Permits periods requested make this request beyond what the Board of County Commissioners deems as temporary uses;
3. Planning Department staff report otherwise has no objection to approval of the requested Temporary Uses, provided that the outdoor sales events do not create traffic or parking problems or a fire hazard;

NOW THEREFORE, the Board of County Commissioners hereby grants Temporary Use Permit, TUP-93-003 as follows:

OUTDOOR EVENTS FOR 1994- ALBERTSONS

<u>DATE</u>	<u>EVENT</u>
(1) May 20 through May 31, 1994	Memorial Day Sale
(2) July 1 through July 5, 1994	Fourth of July Sale
(3) September 2 through September 6, 1994	Labor Day Sale
(4) October 29 through October 31, 1994	Halloween Sale
(5) November 11 through November 30, 1994	Thanksgiving Day Sale
(6) December 1 through December 31, 1994	Christmas Tree Sale

Exhibit "A"

The application from Pete Candis on behalf of "Albertsons" for a Temporary Use Permit authorizing outdoor sales events in the year 1994 at Albertsons Store located at the Riverside Center, 200 State Road 312, St. Augustine, Florida as described on Exhibit A hereto is hereby granted in part and denied in part. That is, the application is granted for one sale, not to exceed seven days, in each of the six holiday periods listed in Exhibit A. All other Temporary Use Permit periods applied for by the applicant in this matter are denied for the reason stated above. The applicants shall conduct the granted outdoor sales events on the store's sidewalk and parking area in the front of the building. The requested sales shall be conducted in such a manner that no traffic or parking problems or fire hazards are created.

Any appeal of this decision 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 of the filing of this order with the Clerk.

Date of Commission action APRIL 12, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allan Roberts
Chair - Allan Roberts

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia De Grande
Deputy Clerk

Date filed with the Clerk: MAY 2, 1994

cc: Pete Condis, Albertsons
200 SR 312
St. Augustine, FL 32086
Planning and Zoning Dept.

HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3 TO CHT WITH CONDITION; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(04/12/94 - 14 - 4.1312)

PUBLIC HEARING - ORDER - TUP-94-004 - ALBERTSONS REPRESENTED BY PETE CANDIS. THE REQUEST IS FOR WEEK-END EVENTS, SALES AND PROMOTIONS TO BE HELD DURING THE YEAR OF 1994 AT THE ALBERTSONS STORE IN RIVERSIDE CENTER, SR 312. IN THAT THE USES ARE LESS THAN FOUR WEEKS DURATION EACH, THE REQUEST IS NOT CONSIDERED BY THE PLANNING AND ZONING AGENCY. ALBERTSONS RECEIVED A SIMILAR TEMPORARY USE PERMIT IN 1993. THE REQUEST IS USUALLY CONDITIONED THAT ALL SALES AND ACTIVITIES SHOULD BE CONDUCTED IN SUCH A MANNER THAT THE TRAFFIC WILL NOT BE BLOCKED AND THE FLOW SHALL NOT BE HINDERED AND THAT NO ACTIVITIES SHALL PRESENT A FIRE HAZARD. SET FOR 1:30 P.M.

Proof of publication of notice of public hearing on TUP-94-004 - Albertsons was received, having been published in The St. Augustine Record on March 28, 1994.

Napier reviewed the request for the TUP. Pete Candis, 502 Raintree Trail, was present representing Albertsons. Ward expressed concern with the number of dates being requested. Discussion ensued on the requested TUP being restricted to a certain number of events each year. Roberts questioned which days were allowed for the last TUP that the Board approved. Napier relayed that the K-Mart TUP restricted them to choose from a two week period for each event, not exceeding seven (7) days each, for six (6) holiday events each year, Memorial Day, Labor Day, Halloween, Thanksgiving, Christmas, and 4th of July. Michael Burkhardt, 2400 U.S. 1 South, expressed that he would like a committee formed to review this. Roberts reported that the issue of TUP's was to go before the Community and Economic Development Committee. (4.1840) Motion by Maguire, seconded by Ward, carried 4/1 with Brinkhoff dissenting and Floyd and Balsavage absent, to grant to Albertsons the same Temporary Use Permit for outdoor events that was granted to K-Mart on March 22, 1994, the same dates, the same terms, and the same conditions. Discussion followed on placing the TUP issue on the agenda of the Community and Economic Development Committee on May 3, 1994. Discussion continued. *It was the consensus of the Board that the order clarify that the other dates requested that are not included in the stated holidays are being denied because there are so many dates that they do not constitute a temporary use anymore.*

(04/12/94 - 14 - 4.1928)

PUBLIC HEARING ON A PETITION TO VACATE A PORTION OF BORROW PIT ROAD. SET FOR 1:30 P.M.

Proof of publication of notice of public hearing on a petition to vacate a portion of Borrow Pit Road was received, having been published in The St. Augustine Record on March 25, 1994.

Napier reviewed the request to vacate a portion of Borrow Pit Road, also know as Pond Gannett Lane. Jordan clarified that this vacating is for the section on the northside of Lake Beluthahatchee. (4.2040) Tim Wright, 1548 Greenridge Circle West, representing the residents of Greenridge, expressed support of the vacating. Peter Claflin, 1629 Pond Gannett Lane, representing the homeowners of the Lake Dwellers Association, provided photographs of the outfall in the lake; expressed support of the vacating. Bosanko remarked on whether the correct resolution and cover page were presented in the packet. (4.2282) Motion by Jordan, seconded by Ward, carried 5/0 with Floyd and Balsavage absent, to approve the resolution vacating of a portion of Borrow Pit Road.

RESOLUTION NO. 94-73