

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

RECEIVED
ST. JOHNS COUNTY

94 DEC 20 09:54

RE: Bertha Heaton
6200 SR 13 North
St. Augustine, FL 32092

FILE NUMBER: TUP 94-013

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a Temporary Use Permit (TUP) under the St. Johns County Zoning Ordinance to allow the following outdoor events: 12 barbeque and/or fish fry events to be held in the year 1995, once a month, on the second Saturday of the month from 10:00 a.m. to 6:00 p.m., with the third Saturday reserved as a rain day; placement of recycling newspaper bin, turkey shoots in October, November and December on Saturday and Sundays from 12:00 noon until 6:00 p.m. or sunset whichever comes first with security and safety provided; Santa Claus for one day only, on a Saturday or Sunday two weeks prior to Christmas; Easter Egg Hunt one day only, on a Saturday or Sunday one week prior to Easter; and 6 barn dances per year with local entertainment to be held within the barn, on the first Saturday of even months, beginning at 9:00 p.m. and ending at 12:00 p.m. midnight. All events will be held at 6200 SR 13 North, Parcel 3, Section 45, Township 6 South, Range 27 East, St. Johns County.

FINDINGS OF FACT AND ORDER

Having considered the application and supporting documents, the November 4, 1994 report and recommendations of the Planning and Zoning Agency from a public hearing held on November 22, 1994, and the applicant's and public statements at the December 13, 1994 Board of County Commissioners meeting, the Board of County Commissioners makes the following findings of fact:

1. The request was duly considered in accordance with law and the Zoning Code;
2. The request meets the criteria for Temporary Use Permit in accordance with Section 10-12 of the Zoning Code;
3. The request with conditions and limitations is not detrimental to the health, safety, or welfare of residents or workers in the area and is compatible with the development trends of the area; and
4. The request with conditions and limitations is consistent with the Comprehensive Plan and with the standards and criteria as embodied in the Zoning Ordinance.

NOW THEREFORE, the Board of County Commissioners hereby grants the temporary use permit, TUP-94-013 as follows:

The application from Bertha Heaton for a Temporary Use Permit (TUP) at 6200 SR 13 North, Parcel 3, Section 45, Township 6 South, Range 27 East, St. Johns County, Florida authorizing the following outdoor events: 12 barbeque and/or fish fry events, placement of recycling newspaper bin, turkey shoots, Santa Claus, Easter Egg Hunt, and 6 barn dances is granted. The following conditions shall apply to this TUP:

1. The turkey shoots will be held October, November and December on Saturday and Sundays from 12:00 noon until 6:00 p.m. or sunset whichever comes first with security and safety provided. There will be no alcoholic beverages within 100 feet of guns;

2. Twelve barbecue and/or fish fry events will be held per year, once a month, on the second Saturday of the month from 10:00 a.m. to 6:00 p.m., with the third Saturday reserved as a rain day;

3. Six barn dances per year with local entertainment to be held within the barn, on the first Saturday of even months, beginning at 9:00 p.m. and ending at 12:00 p.m. midnight;

4. A recycling newspaper bin, placed so as not to obstruct parking and traffic flow;

5. Santa Claus for one day only, on a Saturday or Sunday two weeks prior to Christmas; and

6. Easter Egg Hunt one day only, on a Saturday or Sunday one week prior to Easter.

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: December 13, 1994

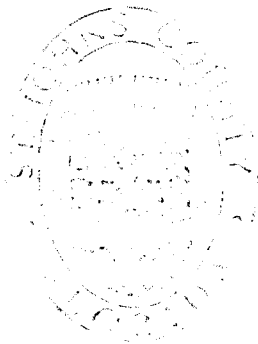
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Bertha Heaton
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Yvonne Carter
Deputy Clerk

cc: Bertha Heaton



(12/13/94 - 14 - 4.1869)

PUBLIC HEARING - TEMPORARY USE PERMIT - TUP-94-013 - BERTHA HEATON.
THE REQUEST IS FOR A TEMPORARY USE PERMIT IN THE CG, COMMERCIAL GENERAL, ZONING DISTRICT TO ALLOW FOR VARIOUS OUTSIDE USES THROUGHOUT THE YEAR, 1995. THE REQUEST SUBMITTED ON OCTOBER 14, 1994 INCLUDED 12 BARBECUE AND/OR FISH FRY EVENTS, PLACEMENT OF RECYCLING NEWSPAPER BIN, TURKEY SHOOT, SANTA CLAUS, EASTER EGG HUNT, AND 6 BARN DANCES. AT THE PUBLIC HEARING OF NOVEMBER 17, 1994, THE PLANNING AND ZONING AGENCY CONSIDERED THE APPLICATION AS PRESENTED AND MADE RECOMMENDATION OF APPROVAL SUBJECT TO CHANGES AND SPECIFIC CLARIFICATIONS OF THE USES SHOWN IN APPLICATION, A-F. THE PLANNING AND ZONING AGENCY STAFF REPORT REFLECTS THE SUGGESTED CONDITIONS OF THE APPROVAL OF TEMPORARY USE PERMIT ON PAGE 2 OF REPORT. PLANNING AND ZONING AGENCY VOTE WAS UNANIMOUS. SET FOR 1:30 P.M.

Proof of publication of the notice of public hearing regarding Temporary Special Use Permit 94-013 was received having been published in The St. Augustine Record on October 24, 1994.

Commissioner Craig Maguire filed a conflict of interest and refrained from acting on this issue. Napier gave a general overview of the requested temporary use permit. (4.1967) Barry Valentine, 8144 Wendover Road, on behalf of the Colee Cove Fire Department, commented in favor of the requested TUP. (4.2049) Betty Lester, 8301 Colee Cove Road, commented in favor of the requested TUP. (4.2164) W.E. Gilstrap, 8255 Colee Cove Branch Road, commented in favor of the requested TUP. (4.2239) Bertha Heaton, 96200 State Road 13 N., commented in favor of the requested TUP. (4.2265) William D. Ferris Jr., 6451 Jack Wright Island Road, commented in opposition to the requested TUP. (4.2353) Robert Heaton, 6235 Jack Wright Island Road, commented in favor of the requested TUP and submitted pictures. (4.2398) Phyllis Wade, Assistant Chief of Colee Cove Volunteer Fire Department Station #3, 6461 Jack Wright Island Road, commented in favor of the requested TUP. (4.2621) David Ellinor, 6411 Jack Wright Island Road, commented in opposition to the requested TUP. (4.2716) Melody Benson, 6419 Jack Wright Island Road, commented in opposition to the requested TUP. (4.2858) Lt. Bob Jerrard, Sheriffs Office, addressed the safety concerns. Discussion followed. Motion by Roberts, seconded by Jordan, carried 6/0 with Maguire abstaining due to a conflict of interest, to approve Temporary Use Permit 94-013 with the conditions and limitations contained in the PZA Report; adopting Findings of Fact 1 - 4 to support the motion. (4.3519) Subsequently, the Board had a brief discussion regarding a refund of the \$150 filing fee. After the discussion, the filing fee was not waived.