

Filed with the Clerk
of the BCC on:

10/21/94

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

RE: Environmental Education Resource Council
of NEFE (EERC) and SIERRA
2202 Bishop Estates Road
Jacksonville, FL 332259

FILE NUMBER: TUP 94-008

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a temporary use permit (TUP) under the St. Johns County Zoning Ordinance to allow an outdoor musical event (Bluegrass/Newgrass concert) as a fund raiser for Sierra and EERC at 2202 Bishop Estates Road, St. Johns County, Florida. Since the requested TUP is for 4 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, and the applicant's statements at the October 11, 1994, Board of County Commissioners meeting, the Board of County Commissioners makes the following findings of fact:

1. The application for a Temporary Use has been fully considered after a public hearing pursuant to legal notice as required by law and the Zoning Code;
2. The request is consistent with the requirements of Section 10-12 of the St. Johns County Zoning Code, and is not inconsistent with the Comprehensive Plan;
3. Planning Department staff report that they have no objection to the approval in that there appears to be adequate parking and access and maneuvering area;
4. The requested Temporary Use Permit is not detrimental to the land uses in the area;

5. Due to the Non-profit, charitable nature of the applicants, it would be a hardship to impose or assess the applicants for the \$150.00 application fee.

NOW THEREFORE, the Board of County Commissioners hereby grants the temporary use permit, TUP-94-008 as follows:

The subject application for a TUP authorizing an outdoor musical event on November 12, 1994 at 2202 Bishop Estates Road, St. Johns County, Florida is hereby granted. This permit is granted on condition that the applicant shall conduct the event in such a manner to avoid any impediment to traffic or pedestrians. The \$150.00 application fee is hereby waived.

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: OCTOBER 11, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Delean Roberto
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia De Grande
Deputy Clerk

cc: Brian Vonn for
Sierra and EERC

#377. THE REQUEST IS FOR A TEMPORARY USE PERMIT TO ALLOW OUTSIDE SALES TO BE CONDUCTED ON THE COVERED SIDEWALK AREA OF THE GRASSY AREA IN FRONT OF THE STORE, AT PUBLIX LOCATED IN MOULTRIE SQUARE SHOPPING CENTER, 4255 U.S. 1 SOUTH. THE REQUEST FOR A "FALL KICKOFF SALE" OF PUMPKINS, AND OUTDOOR COOKOUT ON OCTOBER 11, 1994 TO NOVEMBER 1, 1994 AND A "CHRISTMAS TREE SALE" OF CHRISTMAS TREES, FLOWERS AND OTHER HOLIDAY RELATED ITEMS ON NOVEMBER 25, 1994 TO DECEMBER 24, 1994. PURSUANT TO SECTION 10-12 OF THE ZONING CODE, THIS REQUEST IS NOT HEARD BY THE PLANNING AND ZONING AGENCY, BUT IS PERMITTED BY APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS. THE PLANNING AND ZONING STAFF HAS NO OBJECTION TO THE REQUEST IN THAT THERE APPEARS TO BE ADEQUATE SPACE TO ACCOMMODATE THE REQUESTED SALE OF ITEMS. HOWEVER, IT RECOMMENDED THAT THE APPROVAL BE CONDITIONED UPON THE ACTIVITIES NOT HINDERING THE FLOW OF TRAFFIC AND PEDESTRIANS NOR CREATING A FIRE HAZARD

Proof of publication of the notice of public hearing on TUP-94-009 was received, having been published in The St. Augustine Record on September 14, 1994.

Jerry Napier reviewed the request for a Temporary Use Permit by the Publix Store in Moultrie Square Shopping Center. Ward aired that she thought a new ordinance was being created to clearly define Temporary Use Permits. Discussion followed. Roberts expressed concern with the length of time for the outdoor cookout. Discussion continued. Michael ?, Assistant Manager, was present representing Mr. Cribbs, he stated that there would not be an objection to eliminating the outdoor cookout. Maguire requested that Napier research the earlier TUP's that were granted to see how much time the Board allowed on their Fall events and also if there were product restrictions. There were no public comments. (3.1780) Balsavage left the meeting. (3.1792) Motion by Maguire, seconded by Ward, carried 4/0 with Balsavage, Floyd, and Brinkhoff absent, to adopt the order approving the Temporary Use Permit with the recommended conditions, adopting Findings of Fact listed 1 through 4 to support the motion and the additional condition that the October to November sale or the Christmas Tree sale not exceed any length of time in total number of days that were granted to either K-Mart, Wal-Mart, Albertson's or other Publix for this year's season.

(10/11/94 - 12 - 3.1927)

PUBLIC HEARING - ORDER - TUP-94-008 - TEMPORARY USE PERMIT - BRIAN VONN FOR SIERRA AND ENVIRONMENTAL EDUCATION RESOURCE COUNCIL. THE REQUEST IS FOR A TEMPORARY USE PERMIT TO ALLOW OUTDOOR MUSICAL EVENT (BLUEGRASS NEWGRASS CONCERT) AS A FUND RAISER FOR THE SIERRA AND ENVIRONMENTAL EDUCATION RESOURCE COUNCIL FOR ONE TIME ONLY ON NOVEMBER 12, 1994 AT 2202 BISHOP ESTATES ROAD. PURSUANT TO SECTION 10-12 OF THE ZONING CODE, IT IS NOT HEARD BY THE PLANNING AND ZONING AGENCY, BUT IS PERMITTED BY APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS. THE APPLICANT IS ALSO REQUESTING A WAIVER OF THE FILING FEE AS AUTHORIZED BY RESOLUTION NO. 92-117 FOR COMMUNITY SUPPORT VOLUNTEER ORGANIZATIONS WHICH WILL BENEFIT ST. JOHNS COUNTY. THE PLANNING AND ZONING STAFF HAS NO OBJECTION TO THE REQUEST IN THAT THE AREA IS LARGE ENOUGH TO ACCOMMODATE THE PARKING AND THE PREVIOUS YEAR'S IDENTICAL EVENT DID NOT RESULT IN ANY ADVERSE REACTION FROM THE GENERAL PUBLIC

Proof of publication of the notice of public hearing on TUP-94-008 was received, having been published in The St. Augustine Record on September 8, 1994.

Napier reviewed the requested Temporary Use Permit and waiver of filing fee. Discussion followed. There were no public comments. Motion by Jordan, seconded by Maguire, carried 4/0 with Balsavage, Floyd and Brinkhoff absent, to adopt the order approving the Temporary Use Permit, adopting Findings of Fact 1 through 5 and the suggested condition to support the motion.