

Filed with the
Clerk of the BCC
on: 10/24/94

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

RE: John D. Nock
6741 Hidden Creek Boulevard
St. Augustine, FL 32086

FILE NUMBER: SW-94-002

ORDER GRANTING SUBDIVISION WAIVER

The above-referenced applicant requested a subdivision waiver (SW) pursuant to St. Johns County Residential Regulations to waive the platting/recording, and fire hydrant requirements of the Subdivision Regulations to allow the division of a parcel on the north side of State Road 206 adjacent to Hidden Creek Boulevard and abutting Lot 1 of Hidden Creek Estates Subdivision into two one acre lots and the remainder of the subject property (the north 132') which is to be used solely as a portion of the applicant's Lot 1 of Hidden Creek Estates Subdivision. The additional lots are to be accessed by a 30' easement extending from State Road 206.

On August 18, 1994, this matter came before the Planning and Zoning Agency (PZA) for public hearing, and the PZA recommended approval. This matter was set for public hearing before the St. Johns County Board of County Commissioners on October 11, 1994.

FINDINGS OF FACT AND ORDER

Having considered the application, supporting documents, staff report, testimony and the PZA recommendation, the Board of County Commissioners makes the following Findings of Fact.

1. The application, SW 94-002, has been fully considered after public hearing pursuant to legal notice duly published as required by law and the St. Johns County Residential Subdivision Regulations.

2. The application for subdivision waiver meets the criteria for a hardship as established by Article XI, Section 110.0 of the Residential Subdivision Regulations;
3. The requested subdivision waiver meets the general standards and objectives of the Residential Subdivision Regulations;
4. The request for variance is not detrimental to the surrounding property owners and land uses;
5. The request for subdivision waiver is not detrimental to the health, safety and welfare of the residents or workers in the area.

NOW THEREFORE, the Board of County Commissioners hereby **grants** the requested subdivision waiver to divide the subject property into one parcel to be used as a part of Lot 1 of Hidden Creek Estates Subdivision and into two additional one acre lots accessed by a 30' stabilized easement as described in the application, extending north from State Road 206, subject to the conditions that the new lots and/or portions of or allowed to be created by this waiver be properly rezoned to RS-1 within one year of the date of this commission action. It shall be the responsibility of the applicant and/his successors in interest to properly apply for and obtain said rezoning or this waiver shall become null and void. St. Johns County Board of County Commissioners is not hereby committed to granting said rezoning, which shall only be granted in accordance with applicable State law and County ordinances upon due application.

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: October 11, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia DeGrande
Deputy Clerk

cc: Planning and Zoning Dept.
John D. Nock

(3.0456) Sisco left the meeting.

(10/11/94 - 10 - 3.0456)

PUBLIC HEARING - SW-94-002 - SUBDIVISION WAIVER - JOHN D. NOCK.
THE REQUEST IS TO WAIVE PLATTING AND RECORDING REQUIREMENT FOR THE DIVISION OF PROPERTY INTO TWO ONE ACRE LOTS, ARTICLE V., AND FURTHER TO WAIVE THE FIRE HYDRANT REQUIREMENT OF SECTION 90.6 ST. JOHNS COUNTY SUBDIVISION REGULATIONS, LOCATED ON THE NORTHWEST CORNER OF S.R. 206 AND HIDDEN CREEK BOULEVARD

Proof of publication of the notice of public hearing regarding SW-94-002 was received, having been published in The St. Augustine Record on September 20, 1994.

Development Coordinator Betty Sue Solano reviewed the request and provided the following information: Approval would allow the division of the property into two one acre lots to be accessed by a 30' easement extending from State Road 206. The remainder of the subject property (the north 132') is to be added to lot 1 of Hidden Creek Estates (owned by the applicant). Solano noted that staff has three concerns related to this request: 1) that adjacent driveways are not desirable (the Hidden Creek entrance road and the proposed easement) however, SR 206 is not under the County's jurisdiction and the driveway connection was in place prior to the approval of Hidden Creek subdivision; 2) that the subject property be rezoned to RS-2 consistent with Hidden Creek and platted with a replat of the Hidden Creek entrance road to allow direct access from Hidden Creek Boulevard. The applicant has indicated that the owners of Hidden Creek are not willing to replat the entrance road; and 3) the applicant is proposing to deed restrict the subject property with the same restrictions as are recorded for Hidden Creek in order to alleviate the incompatibility of the OR zoning with Hidden Creek. Staff is of the opinion that in the event a problem arises from the incompatibility the County may be in the position of defending the subdivision's private deed restrictions, due to the approval of the subdivision waiver. The Planning and Zoning Agency recommended approval with a 4 to 2 vote at their regular meeting of August 18, 1994. Discussion followed. Bosanko offered comments concerning deed restrictions enforcement. John Nock, 6741 Hidden Creek Boulevard, was present and answered questions by the Board. Maguire questioned if Mr. Nock would be willing to bring this back for a rezoning if this was passed today; Nock replied in the affirmative. (3.0898) Motion by Maguire, seconded by Floyd, to authorize staff to prepare an order relative to Subdivision Waiver Application SW-94-002 based on Findings of Fact, allowing for subdivision of two lots with a 30' easement, no restrictions, no requirements for deed restrictions. Bosanko questioned if this would be conditional on rezoning of the property. Maguire withdrew his previous motion and Floyd withdrew his second. Discussion followed concerning a waiver of fees for rezoning. Bosanko offered comments. Discussion continued. (3.1168) Motion by Maguire, seconded by Floyd, carried 6/0 with Brinkhoff absent, to authorize staff to prepare an order relative to Subdivision Waiver Application SW-94-002 based on Findings of Fact listed 1 through 5, and conditional on rezoning to RS-2 within 12 months of today's date.

Floyd left the meeting. -

(10/11/94 - 10 - 3.1211)

PUBLIC HEARING - ORDINANCE - REZONING - R-94-013 - DAVID POWELL.
THE REQUEST IS TO REZONE A PARCEL OF LAND LOCATED ON DOBBS ROAD FROM IW, INDUSTRIAL WAREHOUSE, TO CI, COMMERCIAL INTENSIVE, TO ALLOW THE LOCATION OF AN AIR CONDITIONING AND HEATING CONTRACTOR BUSINESS AND THE PLACEMENT OF A MOBILE HOME ON THE PROPERTY FOR OWNER OR EMPLOYEE OCCUPANCY. THE USES DESCRIBED ARE ALLOWABLE BY EXCEPTION IN THE CI CLASSIFICATION. THE PROPERTY LIES WITHIN THE MIXED USE FUTURE LAND USE AREA OF THE COMPREHENSIVE PLAN. ON JULY 21, 1994, THE PLANNING AND ZONING AGENCY CONSIDERED THE REQUEST AND BY UNANIMOUS VOTE RECOMMENDED APPROVAL OF THE REZONING AND SUBJECT