

Date filed with Clerk

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

RECEIVED
ST. JOHNS COUNTY CLERK

RE: Kenly McGee
480 Watson Road
St. Augustine, FL 32086

'95 FEB -3 P12:21

FILE NO: E-94-068

Carl Paul Mandel
CLERK, COUNTY COMMISSION

ORDER ON APPEAL REVERSING ACTION OF PZA
AND GRANTING EXCEPTION

The above referenced applicant appeared before the Planning and Zoning Agency (Agency) on November 3, 1994 requesting an Exception to allow the keeping of horses for private use at 480 Watson Road, St. Augustine, FL. On November 3, 1994, the Agency considered the request and by unanimous vote denied the request finding that it resulted in a compatibility problem for the area and was inconsistent with the development trends of the area.

The applicant filed an appeal of the Agency's decision on December 7, 1994. On January 24, 1995, the matter came before the Board of County Commissioners of St. Johns County (Board) for hearing on the appeal.

FINDINGS OF FACT

Having considered said application for an exception, supporting documents in the record, the staff report of November 3, 1994, and statements from the applicant, staff and the public made at the public hearing, the Board of County Commissioners makes the following findings of fact:

1. The request for appeal was filed in a timely manner as provided by the Zoning Code and the law;
2. The request to keep horses is not in conflict with the surrounding development trends of the area and is compatible with adjacent land development provided the requested use is limited as stated in the conditions to this order;
3. The request is not in conflict with the health, safety and welfare of residents or workers in the area provided the

requested use is limited as stated in the conditions to this order; and

4. The request meets the criteria pursuant to Section 6-1-26 of the Zoning Code.

ACCORDINGLY, the decision of the Agency denying the request for an exception is hereby reversed, and the request for an exception is **granted**, conditional on and limited to: the maximum number of horses kept on the subject property shall be 3 and such horses shall be kept for a maximum period of 2 years from the date of Commission action; this exception shall be non-transferable and shall not run with the sale of land; the fencing and structures for housing of the horses must conform to Section 7-16-1 of the Zoning Code within 30 days of the approval; and the exception shall cease with the approval of any rezoning or platting of the property subject to the exception.

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.

Date of Commission action:

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Anna Pavetti
Deputy Clerk

cc: Planning and Zoning Agency
Kenly McGee

requested exemption. Discussion followed with questions being presented to the Usina's. The video raised questions by the Board concerning the animals, such as, hogs and chickens, on land in Venetian Isles Subdivision. (4.0190) Clyde Wolfe, attorney representing Ed Booth, Sr., a neighbor of the Usina's who opposes the requested exception, requested the exemption be denied and the previous decision upheld. (4.0341) Ed Booth, Capri Isle, stated that he has never allowed a relative to have a horse on his property. Usina presented a color coded lot map for placement in the record. Discussion followed. Maguire questioned who owns the sand canals that are in that area. Meiszer stated that research back to when the subdivision was platted would be needed to see if they were dedicated to the county or exactly who owns them. Maguire suggested to delay action on this issue to get additional information and let staff do research to find out to what extent the violations exist on the animals and what is needed to get the area into compliance. Discussion continued. Wolfe aired that ownership of the canals is not relative to this appeal; offered additional comments. Discussion continued regarding the code enforcement process. (4.0909) Motion by Roberts, seconded by Maguire, to grant the appeal and adopt the proposed Findings of Fact to support reversal of the Planning and Zoning Agency decision, approving the request for exception/variance with the stipulation that the horse will be removed within a six month time period. Discussion followed. (4.1175) Motion by Maguire, seconded by Cody, carried 5/1 with Roberts opposing, to table the motion until the February 14, 1995 meeting.

(01/24/95 - 11 - 4.1239)

PUBLIC HEARING - E-94-068 - APPEAL - ORDER - KENLY MCGEE. THE APPLICANT REQUESTED AN EXCEPTION TO ALLOW THE KEEPING OF HORSES FOR PRIVATE USE AT 480 WATSON ROAD. ON NOVEMBER 3, 1994, THE PLANNING AND ZONING AGENCY CONSIDERED THE REQUEST AND BY UNANIMOUS VOTE DENIED THE REQUEST FINDING THE REQUEST RESULTING IN A COMPATIBILITY PROBLEM FOR THE AREA AND INCONSISTENT WITH THE DEVELOPMENT TRENDS OF THE AREA. THE APPLICANT FILED AN APPEAL IN A TIMELY MANNER PURSUANT TO THE ZONING CODE AND LAW. Set for 1:30 P.M.

Proof of publication of notice of public hearing on E-94-068 - Appeal - Kenly McGee was received, having been published in The St. Augustine Record on January 6, 1995.

Jerry Napier reviewed the appeal on the denial of the exception. Ken McGee and Leigh Gowdy, 480 Watson Road, were present to present the appeal. (4.1351) Clint Mulligan, 211 Spring Street, expressed that he is familiar with the area on Watson Road and spoke in favor of allowing the exception. Gowdy submitted photographs for the record. Discussion ensued. Napier noted the suggested conditions if the exception is approved as follows: 1) The exception shall be limited to a maximum of three (3) horses, for a period of two (2) years; 2) the exception shall be non-transferable and shall not run with the sale of the land; 3) the fencing and structures for housing of the horses conforming to Section 7-16-1 of the Zoning Code within 30 days of the exception approval. Discussion ensued concerning a suggested 4th condition, to limit the duration of this exception to the time when the densities, for whatever reason, would start to increase on this property or on immediately surrounding property to a certain extent. Bosanko requested direction for the order. Maguire clarified that his concern is more on this property and less on surrounding property; further explained. Maguire questioned if McGee and Gowdy would agree to the first 3 conditions as stated by staff and the 4th condition that this exception shall cease with the approval of any rezoning or platting of the property. McGee and Gowdy indicated in the affirmative. Bosanko indicated that it would assist him in drafting the order if he were directed that the Findings of Fact that support the order would be based only on the conditions as listed; that the facts are true as it not being detrimental if this is limited as stated. Maguire agreed that he would offer that in his statement as a directive. Discussion followed. (4.1950)

Motion by Maguire, seconded by Jordan, carried 6/0, to approve the exception to keep horses on the RS-2 property subject to conditions 1, 2, 3, and 4 as enumerated with the Findings of Fact as stated and provided by Mr. Bosanko.

(01/24/95 - 12 - 4.1997)

PUBLIC HEARING - MAJOR MODIFICATION TO FINAL DEVELOPMENT PLAN - SAWGRASS COUNTRY CLUB GOLF CLUBHOUSE COMPLEX - DONALD FULLERTON, PHK REPRESENTATIVE. THE REQUEST IS FOR A MAJOR MODIFICATION TO THE SAWGRASS COUNTRY CLUB FINAL DEVELOPMENT PLAN TO ALLOW A 20,012 SQ. FT. EXPANSION OF THE GOLF CLUBHOUSE FOR ADMINISTRATION, FREE STANDING SNACK/FOOD BAR, CLUB, SERVICE, DINING, STORAGE AND RETAIL AND OTHER GOLF RELATED USES. THE REQUEST ALSO CHANGES THE PARKING TO ACCOMMODATE THE EXPANSION. THE PROPERTY IS LOCATED IN SAWGRASS UNIT ONE, A PLANNED UNIT DEVELOPMENT. ON JANUARY 5, 1995 THE PLANNING AND ZONING AGENCY CONSIDERED THE REQUEST AND WITH THE SUBMITTAL OF A REVISED EXHIBIT "B" DATED JANUARY 4, 1995, RECOMMENDED APPROVAL BY UNANIMOUS VOTE. EXHIBIT "B" HAS BEEN SUBMITTED AND IS INCORPORATED IN THE PROPOSED ADOPTING RESOLUTION. Set for 1:30 P.M. (5 min.)

Proof of publication of notice of public hearing on Major Modification to FDP - Sawgrass Country Club Golf Clubhouse Complex - Donald Fullerton was received, having been published in The St. Augustine Record on December 8, 1995

Napier reviewed the Major Modification and noted that staff recommends approval of the resolution. (4.2034) Patricia Dill, 8101 Phillips Highway, representing the applicant, was present but did not speak. (4.2050) Motion by Roberts, seconded by Cody, carried 6/0, to approve and adopt Resolution No. 95-18 with Findings of Find to support the approval.

RESOLUTION NO. 95-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SAWGRASS COUNTRY CLUB, INC. FACILITIES (CLUBHOUSE) FINAL DEVELOPMENT PLAN MODIFYING PREVIOUSLY APPROVED RESOLUTIONS 84-154 AND 88-228.

(01/24/95 - 12 - 4.2087)

PUBLIC HEARING - ORDINANCE - REZONING - GEOWASTE INCORPORATED - R-PSD-94-018. JOHN D. BAILEY, JR. ESQUIRE, REPRESENTING THE APPLICANT NOTIFIED THE PLANNING AND ZONING DEPARTMENT OF THE REQUEST TO CONTINUE THE REZONING TO MARCH 21, 1995 AT 1:30 P.M. TO ALLOW TIME FOR NEGOTIATIONS BETWEEN THE CITY, COUNTY AND GEOWASTE.

Proof of publication of notice of public hearing on proposed ordinance on rezoning - GeoWaste Inc. - R-PSD-94-018 was received, having been published in The St. Augustine Record on December 22, 1994.

Commissioner Rowe filed Form 8B Conflict of Interest and removed himself from the meeting.

Court Reporter Janet Beeson was present recording. Bosanko pointed out that a letter was received from the attorney for GeoWaste Incorporated, John Bailey, requesting a continuance and agreeing to pay for any necessary readvertisement to place this back on the agenda.

(4.2199) Bud Travis, President of Manning Building Supplies of St. Augustine, on Dobbs Road, aired his frustration regarding postponement of this item; offered additional comments and questions.

(4.2395) Kent Fleming, owner of Fleming and Sons, a business at