

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 3, 2001
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Mary Kohnke, District 4, Chair
 Marc Jacalone, District 3, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Isabelle Lopez, Assistant County Attorney
 Yvonne King, Deputy Clerk

(04/03/01 - 1 - 9:01 a.m.)
CALL TO ORDER

The meeting was called to order by Chair Kohnke.

(04/03/01 - 1 - 9:01 a.m.)
ADDITIONS TO SPECIAL MEETING AGENDA

There were no additions to the Special Meeting Agenda.

(04/03/01 - 1 - 9:01 a.m.)
APPROVAL OF SPECIAL MEETING AGENDA

Motion by Jacalone, seconded by Bryant, carried 5/0, to approve the Special Meeting agenda.

(04/03/01 - 1 - 9:02 a.m.)
PLN ADM 2001-001/002, APPEAL OF AN ADMINISTRATIVE DECISION KNOWN AS THE TIRE KINGDOM APPEAL. THIS APPEAL SEEKS TO OVERTURN AN ADMINISTRATIVE DECISION OF THE COUNTY ADMINISTRATOR (PLANNING DIRECTOR AS HIS DESIGNEE) IN ACCORDANCE WITH SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE. THE SUBJECT OF THIS APPEAL INVOLVES A PROPOSED TIRE KINGDOM, WHICH SEEKS TO LOCATE WITHIN THE FAIRFIELD PUD, LOCATED ON STATE ROAD A1A NORTH IN THE PONTE VEDRA BEACH AREA. (THE SPECIFIC LOCATION IS THE SPACE FORMERLY OCCUPIED BY THE PONTE VEDRA POST OFFICE BRANCH IN THE PONTE VEDRA POINTE SHOPPING CENTER.) THE SUBJECT SITE IS LOCATED WITHIN A COMMERCIAL FUTURE LAND USE CATEGORY AS DESIGNATED BY THE 2015 COMPREHENSIVE PLAN

Proof of publication of the notice of public hearing on consideration of and response to an Administrative Appeal to a decision of the County Administrator was received having been published in The St. Augustine Record on March 24, 2001.

Bryant disclosed that he met with Mr. Kolins, and they discussed the allowable uses in the LDRs. Reardon disclosed the same as Bryant. Kohnke disclosed that she met with Mr. Kolins and briefly discussed whose interpretation of the law was correct. Jacalone

disclosed that he also met with Mr. Kolins, and they discussed the applicant's position on the County's position. Meiszer disclosed that he also met with the attorney for the applicant. Lopez distributed excerpts from the Land Development Code. Lopez also distributed a certified copy of the Comp Plan and the Land Development Code. Lopez said the two issues that will be addressed are the use issue and the overlay requirement issue. Theresa Bishop, Planning Department, explained the appeal; then, reviewed the allowable uses in Commercial General and High-Intensity Commercial. Discussion followed regarding the allowable uses in CG zoning, High-Intensity Commercial zoning, overlay district requirements, and open bays. (9:37 a.m.) Ronald Kolins, representing both parties appealing the Staff decision, Tire Kingdom and IMA Ponte Vedra, Inc., requested that all County files, documents, and records related to this matter be incorporated into the record. Kolins submitted a booklet entitled "Composite Exhibit 1;" then, displayed a rendering of what the Tire Kingdom Store looks like.

(9:49 a.m.) Deputy County Attorney Daniel Bosanko and Assistant County Attorney Doug Burnett entered the meeting.

Kolins displayed a photograph of the rear of the Shopping Center; he labeled it as TK/IMA Exhibit A; then, submitted photographs of Olsen Tire; they were labeled as TK/IMA Exhibit B and Exhibit C. (9:58 a.m.) Charles Zacharias, 8764 Steeplechase Drive, Palm Beach Gardens, addressed the service that will be provided to the customers. (10:03 a.m.) Kolins addressed the traffic implications of the Tire Kingdom Store; then, submitted a Trip Generation Study by Wayne Petrone, P.E. of Buckholz Traffic; addressed Section 3 of Ordinance No. 84-29; the allowable uses in the CG zoning classification; the language in the current Land Development Code regarding allowable uses in the General Business and Commercial areas; and High Intensity uses. Kolins submitted copies of email messages, handwritten notes, and letters from Staff regarding the Fairfield PUD and various applications made to the County by users in Fairfield PUD Shopping Center in 2000.

The meeting recessed at 10:26 a.m. and reconvened at 10:33 a.m.

Kolins submitted a resume' of Professor Paul Hendrick. (10:35 a.m.) Paul M. Hendrick, 4427 Goodbees Hideaway Drive N., Jacksonville, gave a legal opinion of Ordinance No. 84-29. (10:40 a.m.) Kolins submitted a resume' of Professor Joel Mintz. (10:41 a.m.) Joel Mintz, 2060 N.E. 209th Street, Miami, addressed the allowable land uses. (10:48 a.m.) GiGi Pelletier, 110 Bay Hill Court, Ponte Vedra Beach, requested the Board place conditions on the project, which she stated, if approved. (10:51 a.m.) Marie Seifert, 109 Buck Island Court, Ponte Vedra Beach, representing the Ponte Vedra Beaches Coalition, commented in opposition to the appeal. (10:53 a.m.) Chris Demme, 157 Woodlands Creek Drive, Ponte Vedra Beach, urged the Board to reject the appeal. (10:55 a.m.) Bruce Maguire, 5202 Pheasant Run Court, Ponte Vedra Beach, commented in opposition to the appeal; then, submitted a petition signed by persons opposed to the proposal to allow a Tire King store to operate within the Ponte Vedra Pointe Shopping Center. (10:59 a.m.) Les McDevitt, 209 Settlers Row N., Ponte Vedra Beach, commented in opposition to the appeal. (11:03 a.m.) Lopez addressed some issues regarding the uses allowed in CG zoning. (11:08 a.m.) Kolins addressed the comments on several speakers regarding Ordinance No. 84-29 and the allowable uses. Discussion followed regarding the appeal. (11:32 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 3/2 by a roll call vote, that after reviewing all the material that has been provided to the Board, considering Staff's opinion, and the opinion of the applicant, to approve the Planning Department's Administrative Appeal, 2001-001/002, known as the Tire Kingdom appeal.**

Roll Call Vote

Meiszer aye
Reardon nay

Jacalone aye
Kohnke nay
Bryant aye

Motion carried 3/2.

There being no further business to come before the Board, the meeting adjourned at 11:35 a.m.

Approved April 17, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk