

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 3, 2001
(1:30 P.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
 Daniel Bosanko, Deputy County Attorney
 Judy Hamilton, Deputy Clerk

(04/03/01 - 1 - 1:30 p.m.)
CALL TO ORDER

The special meeting was called to order by Chair Kohnke.

(04/03/01 - 1 - 1:30 p.m.)
PUBLIC HEARING - R-00-043 SEA PINES REZONING. THIS REQUEST SEEKS TO REZONE 85.85 ACRES FROM RS-2 WITH CONDITIONS TO RS-2 ZONING. THE PROPERTY IS LOCATED NORTH OF STATE ROAD 206. THE PROPERTY IS LOCATED IN THE B-RESIDENTIAL FUTURE LAND USE. THE PROPERTY IS CURRENTLY VACANT; THE APPLICANT HAS RECEIVED A CERTIFICATE OF CONCURRENCY FOR A 155 LOT SINGLE-FAMILY SUBDIVISION. IT IS STAFF'S OPINION THAT THE PROPOSED ZONING DISTRICT DESIGNATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE B-RESIDENTIAL FUTURE LAND USE DESIGNATION, AND THAT DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL IS CONSISTENT WITH THE SURROUNDING AREA. THE PLANNING AND ZONING AGENCY, BY A FOUR TO THREE VOTE, RECOMMENDED DENIAL OF THE REZONING AT THE JANUARY 18, 2001 MEETING.

Proof of publication was received for Notice of Special Meeting in the matter of Proposed Rezoning, #R-00-043 Sea Pines, having been published in *The St. Augustine Record* on January 26, 2001 and March 5, 2001.

Cathy Upchurch, Court Reporter, was in attendance.

(1:31 p.m.) Kohnke stated the hearing would be conducted under the quasi judicial process rules.

(1:32 p.m.) Ex-parte' communications were disclosed by the Board. Bryant stated he had a phone call with Nancy Lowe; numerous letters and e-mails, submitted to the Clerk; substance was the lot incompatibility, Moses Creek, environmental concerns, and, capacity on SR 206. (1:33 p.m.) Reardon stated he had received correspondence, submitted to the Clerk; a meeting with Nancy Lowe to discuss the situation; concerns from residents about the project, density, compatibility in surrounding area; brief meeting yesterday with Karen Taylor, who apprized him of concerns on that side of the project of what they are doing. (1:34 p.m.) Kohnke stated she spoke with Nancy Lowe on the phone; received

correspondence, submitted to the Clerk; met with Karen Taylor and McClure, who told her their side of the story about why they should be allowed to have RS-2; letters received, the general gist being that they do not want it, it's an environmental problem, the densities are not there, they do not want the densities there, they understood when they bought it, there would be certain things, et cetera. (1:35 p.m.) Jacalone stated he met with George McClure and talked about the applicant's request and the general aspects of the request, nothing specific that they talked about, other than general items relating to the request; the same held true for the applicant himself, Hahnemann, generally about what his plans were and why he was requesting the rezoning; met with Lou Masters, Gian Basili, Edgar Lowe, and Nancy Lowe, talking about their ideas and thoughts on the request and concerns, who thought the property should remain in its current state and the intensity should not be increased; numerous one-way correspondence in the form of mail and e-mail, submitted to the Clerk. (1:37 p.m.) Meiszer stated he had received several letters opposing the change; met with neighborhood residents, with maybe 10 present; met with the applicant's attorney, McClure, and the planning consultant, Taylor, briefly to hear the pros and cons of the application; stating residents were concerned about the Sea Pines rezoning and the removal of the restrictions which are there, one of which dealt with density, and lot size. Meiszer further advised he had a discussion with the Planning Director.

(1:38 p.m.) Sonya Doerr, Chief Planner, addressed the Board, stating this hearing was properly noticed, explaining the request for rezoning with visual display, and voicing the comments and recommendations of the Planning Department. Discussion was held on the rezoning request.

(1:42 p.m.) George McClure, 170 Malaga Street, Suite A, St. Augustine, representing St. Augustine Development Corporation and its principal, Bob Hahnemann, introduced the team and client. McClure made opening statement for the applicant with visual display. He stated this was an application to make the zoning conform to the Comprehensive Plan, both the one that was passed in 1990 and as it was completely amended and restated in May, 2000, the 2015 Plan. The function of the application was to remove conditions that were applied during an entirely different era, and the two predominant conditions were that it is .8 acre lots and a 67 lot maximum on this site. McClure further expounded on the application.

(1:44 p.m.) Opening statements were then made by the opponent's representative, Dennis Bayer, 306 S. Oceanshore Blvd., Flagler Beach, attorney appearing on behalf of the Hidden Creek Homeowners Association members, stated that the Board was being asked to revisit a decision made by predecessors approximately 11 years ago. He stated it was apparent that in 1990 the developer came to the Board and a compromise was reached in which the property was rezoned from OR to RS-2 with conditions. The Board was being asked today to eliminate those conditions. Bayer made further presentation of their objection.

(1:49 p.m.) Karen Taylor, 3070 Harbor Drive, gave her credentials in environmental design as a planner and in engineering. She stated they were talking about a standard rezoning and discussed the application with use of an aerial map and visual display. She stated they had a letter outlining that the Water Management District as the owner of the adjacent conservation lands has no objection to the development. (2:03 p.m.) Bayer questioned Taylor on her report. Discussion ensued on the application. (2:15 p.m.) McClure asked questions of Taylor. Further discussion ensued on the application and reports. (2:27 p.m.) Bayer had no rebuttal.

(2:28 p.m.) McClure introduced Robert Hahnemann, President of St. Augustine Development Corporation, 509 Anastasia Blvd., St. Augustine, who made a statement as the developer of Sea Pines. He stated the facts had been presented relative to the technical aspects of the community. He spoke on his company's commitment and track record ability and quality of homes and communities in St. Johns County. He responded he was

open to negotiations. Minor discussion was held. (2:31 p.m.) There were no questions from Bayer.

(2:31 p.m.) McClure called Teresa Bishop, Planning Director, and asked her pertinent questions. (2:34 p.m.) Bayer asked questions of Ms. Bishop.

(2:36 p.m.) McClure submitted a letter from Wesley Smith, dated December 21, 2000, who owns the property on the south side, indicating no objection to the rezoning; a letter dated June 22, 2000, from Patricia C. Griffin, expressing appreciation to Hahnemann for the manner in which he dealt with her; and 250 signatures on a petition in support of the application for rezoning. Kohnke directed McClure to give those to the Clerk. McClure stated this concluded their presentation.

(2:37 p.m.) Bayer then presented witnesses and evidence. Bayer introduced Stan Rieger, 1095 Anastasia Blvd., their planner. Rieger stated his credentials in city planning and engineering. He then spoke on urban sprawl and density. (2:41 p.m.) McClure asked questions of Rieger. (2:47 p.m.) Discussion was held by the Board on various aspects of the proposed rezoning.

The meeting recessed at 2:59 p.m. and reconvened at 3:29 p.m.

(3:30 p.m.) Wesley Smith, 8770 CR 13 South, Hastings, spoke in favor of the rezoning. (3:31 p.m.) Edward Paucek, 970 Irma Way, St. Augustine, spoke in opposition to the change in zoning. (3:35 p.m.) Louis Master, 917 Eagle Drive, spoke in opposition to removal of the conditions and presented a video tape into evidence. (3:42 p.m.) Nancy Lowe, 929 Eagle Dr., St. Augustine, President of Hidden Creek Homeowners Association, with visual display and letter given to the Chair, spoke in opposition to the rezoning. (3:48 p.m.) Paul J. Linser, 6713 Hidden Creek Blvd., St. Augustine, commented in opposition to the rezoning. (3:54 p.m.) Paul Bateman, 901 Eagle Drive, St. Augustine, spoke in opposition to the development plans. (3:56 p.m.) Leona Michaud, 6794 Crescent Cove Drive, St. Augustine, asked the Board to uphold RS-2 with current conditions. (3:57 p.m.) Gian Basili, 5385 Pelican Way, St. Augustine, stated he did not buy the economic argument as the 67 being unbuyable. (3:59 p.m.) Tom Smith, 924 Eagle Drive, St. Augustine, spoke in opposition and presented petitions in opposition. (4:04 p.m.) Terry Bottom, 6916 Cypress Lake Ct., St. Augustine, spoke in opposition to the application. (4:10 p.m.) Ed Lowe, 929 Eagle Drive, St. Augustine, spoke in opposition to the proposed rezoning, representing the Hidden Creek Homeowners Association. (4:14 p.m.) Barrie Higgins, 902 San Remo Rd., St. Augustine, representing the Southeast St. Johns County Visioning Project, spoke in opposition to the rezoning. (4:15 p.m.) Tom Marsh, 193 Estancia St., St. Augustine, spoke in favor this proposed project. (4:18 p.m.) Charles Barr, 133 Jackson Blvd., St. Augustine, spoke in favor of the rezoning.

(4:20 p.m.) Bayer made his rebuttal and closing statement. (4:30 p.m.) McClure continued with his closing comments for the applicant.

(4:45 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Judy Hamilton left the meeting.

Bosanko spoke on the Board not being permitted to consider just pure numbers for or against the issue, they consider issue information. The Comprehensive Plan in this County does provide for density limitations that are firm, not averages. Kohnke spoke on receiving a letter from Mr. Burns stating that his idea in this development was, that the two would be compatible. She stated that she would have to set aside the economic argument and that she had a great deal of difficulty removing conditions. Bryant relayed that he did not hear any objective reasons to turn this down. Discussion followed on, if rezoning from RS2 with conditions to RS2 would put a number on units; what that number would be dictated by;

the main reason Staff recommended approval of this project; not being required to approve the maximum number of lots; how to go about approving a certain number of lots; the only decision today is whether or not to rezone this as requested without conditions; imposing a condition with a number of lots; not being able to legally rezone property that does not comply with the Comprehensive Plan; meeting the Comprehensive Plan and the five concurrency items that the County looks at: traffic for transportation road capacity, water, sewer, drainage, recreation, mass transit, and solid waste, and there being no question that this project is consistent with the Comprehensive Plan. Bosanko pointed out that the Comprehensive Plan does include the compatibility requirements. He stated that if the motion passes, the Board will be finding that this proposal does not comply with the Comprehensive Plan because in part it is incompatible and non-complementary to adjacent land uses and fails to protect and enhance existing communities and neighborhoods. Jacalone questioned Kohnke to explain the point of mentioning Mr. Burns letter. Kohnke read the letter; *I want to make it clear that my intent in offering the conditions was to create a development that was more compatible with Hidden Creek Phase I. The Sea Pines Tract was to become Hidden Creek Phase II. The two developments were to comprise a unified community design to offer a life style in tune with the local environment.* She stated that Burns is saying that Phase II is supposed to be like Phase I. Jacalone mentioned the things that will make it difficult to come to some kind of conclusion; conditions that were part of the zoning that was attached to Phase II, zoning classifications that run from Industrial Warehouse to Commercial General to RS2 with no conditions surrounding the property, and how people are going to be impacted. Jacalone asked McClure what condition he may be offering. McClure stated that if the applicant offers conditions, then the Board is entitled to accept those conditions, and stated that he offered the condition with respect to the installation of fire hydrants regardless of the outcome of this vote. He stated that what they have proposed all along, is to try and make themselves as compatible as they can by making all the lots which abut Hidden Creek, not less than an acre in size, adhering to natural pesticides and natural fertilizers, offering low level street lights, stated his proposal is, if they do the one acre lots, it reduces the number of lots that can be achieved in the area and they offer a maximum of 134 units. Bayer spoke on RS2 being part of the conservation area. Reardon requested clarification on, if RS2 is part of the Moses Creek grounds. Discussion followed, using visual display, on clarification of the RS2 area, and on not having any reason to turn this project down. **Motion by Reardon, seconded by Kohnke, carried 3/2 by roll call vote, to deny the rezoning application R-00-043, adopting Findings of Fact, 1) the request for rezoning has been fully considered after public hearing with legal notice duly published as required by law, 2) the rezoning is incompatible and non-complementary to adjacent land uses and fails to protect and enhance existing communities and neighborhoods, 3) the rezoning encourages an inefficient and expansive land use pattern and may cause unbalanced growth and over development, 4) the rezoning is contrary to the health, safety, public welfare due to the increased density, and 5) an increase in density is not mandated as stated and supported by this case.**

Roll Call Vote

Reardon	yes
Jacalone	no
Kohnke	yes
Bryant	no
Meiszer	yes

Motion passed 3/2 to deny the rezoning.

Reardon left the meeting.

Motion by Bryant, seconded by Jacalone, carried 4/0 with Reardon absent, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 5:37 p.m.

REPORTS:

1. St. Johns County Board Database Check Register, dated 03/22/01, Check Number 301588 through 301935, totaling \$1,608,296.73
2. St. Johns County Board Database Check Register, dated 03/30/01, Check Number 301937 through 302296, totaling \$2,701,051.34

CORRESPONDENCE:

1. Letter from Lodestar Towers, Inc., with payment for copy of tower ordinance, dated March 22, 2001
2. Letter to Bureau of Administrative Code, Attn: Liz Cloud, regarding Ordinances 2001-22, 2001-23, 2001-24, and 2001-25, dated March 28, 2001
3. Receipt and shipping bill to CSI Consulting for copies of cable franchises, dated April 2, 2001
4. Letter to Bureau of Administrative Code, Attn: Liz Cloud, regarding Ordinances 2001-26, 2001-27, and 2001-28 , dated April 2, 2001

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