

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 22, 2001
(9:00 A.M.)**

Proceedings of a regular 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
Judy Hamilton, Deputy Clerk

(05/22/01 - 1 - 9:00 a.m.)

CALL TO ORDER

The meeting was called to order by Chair Kohnke.

(05/22/01 - 1 - 9:01 a.m.)

The Invocation was given by Rev. Cordell Holloway of the Church of Christ. The Pledge of Allegiance was led by Meiszer.

(05/22/01 - 1 - 9:02 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(05/22/01 - 1 - 9:02 a.m.)

PUBLIC COMMENT

Allen Selbe, 5808 Perry Road, Elkton, spoke on bringing back the Amphitheater for use of amateur actors, for The Passion Play, The Cross and The Sword, and The Nativity. Jacalone recommended that Selbe get with Adams for contact with the director of the Amphitheater and the committee which meets regularly, and discuss such issues. Selbe stated he had talked with Glenn Hastings, Director of Tourism, and stated the rents were too high. Jacalone recommended Selbe meet with him. The meeting recessed at 9:05 a.m. and reconvened at 9:11 a.m. Bryant suggested, as the liaison to the Amphitheater Board, that Selbe approach the TDC Category II funding to see if they could get funding to pay the rents.

(9:12 a.m.) Hutch Stevens, 239 S. Roscoe Blvd., Palm Valley, spoke on double-striping yellow lines on highways and problems resulting therefrom. Discussion was held on ticketing by law enforcement and going around a stopped vehicle, if it was safe to do so.

(9:19 a.m.) Ronnie Malin, 13 N. Roscoe Blvd., addressed the Board, stating he had chaired a community center meeting in Palm Valley in the absence of the president, and the main topic was Roscoe Blvd., double yellow lines, and the speed limit. He recommended the Board wait until the study was complete and what the consultants recommendations were on how the taxpayers would be better served.

(9:34 a.m.) Don House, 183 N. Roscoe, Palm Valley, spoke on delaying action until results of the new survey were received. Adams stated the contract for striping Roscoe was to begin June 4.

(9:37 a.m.) Col. Ed Taylor, 3665 Crazy Horse Trail, St. Augustine, gave a proposed resolution and by-laws for establishing the Veterans Council of St. Johns County. He spoke on the volunteer effort and introduced those who would run the committees. Kohnke advised that Assistant County Attorney Lopez would work with Col. Taylor on the resolution for future placement on the agenda.

(9:45 a.m.) Bob Bond, 1815 Asterias St., spoke on the paving of Castile Street. Bryant stated he would investigate the issues with the Road and Bridge people.

(9:55 a.m.) Dan Weimer, Parks and Recreation, showed a video and gave an update on the Skate Park.

(05/22/01 - 2 - 10:01 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(05/22/01 - 2 - 10:01 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Consent Agenda.

1. Motion to adopt **Resolution No. 2001-102**, approving the terms of a Special Use Permit from the State of Florida Department of Transportation to St. Johns County to construct the Nature Boardwalk at Vilano Beach and authorizing the County Administrator to apply for said permit

RESOLUTION NO. 2001-102

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A SPECIAL USE PERMIT FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO ST. JOHNS COUNTY TO CONSTRUCT THE NATURE BOARDWALK AT VILANO BEACH

2. Motion to approve the surplusing of the water and sewer plant equipment located at the former County maintained Eagle Creek Water and Wastewater Facilities
3. Motion to adopt **Resolution No. 2001-103**, approving a 2nd Amendment to Project Special Care's Lease Agreement to extend their respective commencement date and expiration date

RESOLUTION NO. 2001-103

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A 2ND AMENDMENT TO PROJECT SPECIAL CARE'S LEASE AGREEMENT TO EXTEND THEIR RESPECTIVE COMMENCEMENT DATE AND EXPIRATION DATE

4. Motion to adopt **Resolution No. 2001-104**, authorizing the Clerk of Courts to file the survey map of Morrison Road, claiming a vested interest in St. Johns County in the right of way

RESOLUTION NO. 2001-104

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF MORRISON ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT OF WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW *BERGER VS. CITY OF CORAL GABLES SO.2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)*

5. Motion to adopt **Resolution No. 2001-105**, authorizing the Clerk of Courts to file the survey map of Francis Road, claiming a vested interest in St. Johns County in the right of way

RESOLUTION NO. 2001-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF FRANCIS ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT OF WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW *BERGER VS. CITY OF CORAL GABLES SO.2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)*

6. Motion to adopt **Resolution No. 2001-106**, authorizing the execution of a Certain Agreement, Warranty Deed, Grant of Easement and Assignment of Easement between Charles R. Usina and St. Johns County whereby St. Johns County will accept and maintain that certain right of way known as Commercial Drive

RESOLUTION NO. 2001-106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT, WARRANTY DEED, GRANT OF EASEMENT AND ASSIGNMENT OF EASEMENT BETWEEN CHARLES R. USINA AND ST. JOHNS COUNTY WHEREBY ST. JOHNS COUNTY WILL ACCEPT AND MAINTAIN THAT CERTAIN RIGHT OF WAY KNOWN AS COMMERCIAL DRIVE

7. Proofs:
 - a. Proof, Notice of Public Hearing, Adoption of Price Index, May 2, 2001
 - b. Proof, Notice of Public Hearing, Administrative Appeal of a Decision of the County Administrator - Good Year Tire Store, May 22, 2001
 - c. Proof, Request for Proposals, RFP 01-64
 - d. Proof, Request for Proposals, RFP 01-66
 - e. Proof, Notice to Bidders, Bid No. 01-56

- f. Proof, Request for Proposals, RFP 01-65
- g. Proof, Notice of Meeting, Economic Development Committee, May 10, 2001
- h. Proof, Certificate of Liability Insurance, Sims Trucking, Inc.
- i. Proof, Certificate of Liability Insurance, Walter J. O'Kon
- j. Proof, Certificate of Liability Insurance, Angle Tower Corporation
- k. Proof, Certificate of Liability Insurance, Shapell's Inc.

(05/22/01 - 4 - 10:01 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested the addition of Item #7a - Double Yellow Line Striping Contract for Roscoe Boulevard, for discussion.

(05/22/01 - 4 - 10:02 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Reardon, carried 5/0, to approve the Regular Agenda, as amended.

(05/22/01 - 4 - 10:05 a.m.)

1. PUBLIC HEARING - PNZ-2001-03 - NON-ZONING VARIANCE FOR A PROPOSED TIRE KINGDOM. THIS REQUEST SEEKS A NON-ZONING VARIANCE, PURSUANT TO SECTION 10.04.03 OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AND SEEKS A WAIVER FROM TWO PROVISIONS OF SECTION 3.06 OF THE CODE, KNOWN AS THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT, SPECIFICALLY SECTIONS 3.06.04.A.1 AND A.2, WHICH STATE: *FLAT ROOFLINES, OR THE APPEARANCE OF FLAT ROOFLINES, ARE NOT ALLOWED. WORK AREAS OR STORAGE DOORS AND OPEN BAYS SHALL NOT OPEN TOWARD, FACE OR OTHERWISE BE VISIBLE FROM ANY PONTE VEDRA/PALM VALLEY OVERLAY DISTRICT DELINEATED ROADWAY AS DESCRIBED IN SECTION 3.06.02* TIRE KINGDOM HAS PROPOSED TO OCCUPY TWO VACANT COMMERCIAL SPACES WITHIN THE PONTE VEDRA POINTE SHOPPING CENTER, WHICH IS WITHIN THE COMMERCIAL PORTION OF THE FAIRFIELD PUD, AND LOCATED AT 880 STATE ROAD A1A NORTH IN THE PONTE VEDRA BEACH AREA

Proof of publication on the notice of public hearing in the matter of Non-Zoning Variance Tire Kingdom (PNZ-2001-03) was received, having been published in *The St. Augustine Record* on May 8, 2001.

Cathy Upchurch, Court Reporter, was present.

Sonya Doerr, Chief Planner, made a presentation to the Board on this issue, with visual display.

(10:10 a.m.) Ron Kolins, on behalf of Tire Kingdom and the owner of the shopping center, IMA Ponte Vedra Limited, made a presentation to the Board for the applicant, with visual and board display. At Kolins' request, Chair Kohnke confirmed that records of the previous two relevant hearings were incorporated by reference. Kolins said the applicant met all criteria and highlighted ARC's recommendations.

(10:22 a.m.) Ex-parte communications were disclosed by the Commissioners: Bryant, phone call from Mr. Kolins, in which Kolins said he was pleased to talk to him again and he would be here Tuesday and they did not discuss the issue; Reardon, none; Kohnke, none; Jacalone, none; and, Meiszer, none. There were no questions of Kolins from the Board.

Public comments were then received. (10:23 a.m.) Daniel MacDonald, 24501 Deer Trace, Ponte Vedra Beach, as a representative of the Ponte Vedra Beaches Coalition, and as a private citizen, spoke in opposition to the variance. (10:25 a.m.) Joy Schultz, 203 Governors Road, stated she would like to see the strict letter of the variance enforced. (10:28 a.m.) Leslie Seward, 1238 Neck Road, spoke in opposition to the requested variance. (10:33 a.m.) Kolins made closing comments. (10:36 a.m.) Discussion was held by the Board on various aspects of the requested variance.

(10:54 a.m.) **Motion by Jacalone, seconded by Bryant, carried 3/2 via roll call vote:**

Jacalone	yes
Kohnke	no
Bryant	yes
Meiszer	yes
Reardon	no

to approve NZV-2001-03, adopting Findings of Fact 1 through 5, subject to the conditions of the Architectural Review Committee of Ponte Vedra/Palm Valley hearing on May 2, 2001, six of them being included in this motion, the last being deleted; adding a seventh one, that the applicant must go back to the ARC with enhanced landscaping and signage plans.

- *The first three bays, starting with the North end, rear elevation shall have a gable end roof and skirt roof installed to match the North elevation and centered over the first three bay doors.*
- *The front elevation windows shall have a dark transparent glass with the wall behind it to be painted a deep gray.*
- *The new exit door on the North elevations shall be metal panel.*
- *The building colors of the building addition shall match the existing building colors.*
- *The bays doors and exit doors colors shall match the existing wall color.*
- *Down spouts at two locations on the west elevation, encased in stucco columns shall be installed avoiding the gable roof upon installation.*
- ~~*The order is subject to the approval of a non-zoning variance by the St. Johns County Board of County Commissioners from Sections 3.06.04a.1 and 2 of the Land Development Code.*~~
- *The applicant must go back to the ARC with enhanced landscaping and signage plans.*

The meeting recessed at 10:55 a.m. and reconvened at 11:06 a.m, with Allen MacDonald, Finance Director, in attendance.

(05/22/01 - 5 - 2.0658)

2. CONSIDER A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PROFESSIONAL GOLF HALL OF FAME PROJECT

Ted Zebrowsky, Director of Intergovernmental Services, made a presentation to the Board on this item. Zebrowsky gave a revised resolution to the Board and to the Deputy Clerk, and explained the revisions to the Board. There were no public comments. Further discussion ensued on various aspects of the bond issue. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2001-107, approving the issuance of Industrial Development Authority Refunding Revenue Bonds, Series 2001, in the amount not exceeding \$29,000,000 for the Professional Golf Hall of Fame Project.**

RESOLUTION NO. 2001-107

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE OF NOT EXCEEDING

\$29,000,000 INDUSTRIAL DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 2001 (PROFESSIONAL GOLF HALL OF FAME PROJECT), BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO ADVANCE REFUND THE AUTHORITY'S OUTSTANDING INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 1996 (PROFESSIONAL GOLF HALL OF FAME PROJECT) AND TO FURTHER FINANCE AND REIMBURSE THE COSTS OF IMPROVING AND EQUIPPING THE WORLD GOLF HALL OF FAME FACILITY LOCATED WITHIN ST. JOHNS COUNTY; APPROVING SUCH ISSUANCE OF INDUSTRIAL DEVELOPMENT REFUNDING REVENUE BONDS PURSUANT TO CHAPTER 159, FLORIDA STATUTES, AS AMENDED, AND SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE

Lopez left the meeting and Doug Burnett, Assistant County Attorney, entered the meeting.

(05/22/01 - 6 - 2.0822)

3. CONSIDER A STATEWIDE MUTUAL AIDE AGREEMENT FOR CATASTROPHIC DISASTER RESPONSE AND RECOVERY WITH THE STATE OF FLORIDA

Ray Ashton, Director of Emergency Services deferred this issue to Burnett, who advised the Board this item needed to be pulled and that it would be brought back to the Board as soon as possible at a future meeting. **Motion by Jacalone, seconded by Reardon, carried 5/0, to pull this item and that it be brought back to the Board at the next meeting.**

Ashton advised that several months ago they had applied for a state grant to retrofit some of the middle schools as hurricane shelters, by adding wind protection to them, and the contracts had been received yesterday for Cunningham Creek, Mill Creek Elementary, Osceola, and Otis Mason; said contracts will be before the Board in approximately two weeks for approval.

(05/22/01 - 6 - 2.0907)

4. CONSIDER A RESOLUTION TO SUSPEND RULE 4.101 OF THE RULES/POLICIES OF THE BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF ALLOWING THE BOARD TO TAKE ACTION AT A SPECIAL MEETING HELD OUTSIDE THE COUNTY SEAT FOR MATTERS RELATED TO THE ST. JOHNS COUNTY UTILITY DEPARTMENT ON JUNE 6, 2001

Douglas Burnett, Assistant County Attorney, made a presentation to the Board on this item. There were no public comments. **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt Resolution No. 2001-108, suspending Rule 4.101 of the Rules/Policies of the Board.**

RESOLUTION NO. 2001-108

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A MOTION TO SUSPEND RULE 4.101 OF THE RULES/POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, READOPTED BY RESOLUTION NO. 98-176, AS AMENDED FROM TIME TO TIME, FOR THE PURPOSE OF ALLOWING THE BOARD TO TAKE ACTION AT A SPECIAL MEETING

**HELD OUTSIDE OF THE COUNTY SEAT; TO WIT: A
PUBLIC HEARING HELD ON JUNE 6, 2001 AT RAWLINGS
ELEMENTARY SCHOOL IN PONTE VEDRA BEACH IN
ST. JOHNS COUNTY**

(05/22/01 - 7 - 2.0947)

5. CONSIDER A RESOLUTION APPROVING A FLORIDA DEPARTMENT OF TRANSPORTATION REIMBURSEMENT AGREEMENT FOR THE SCENIC AND HISTORIC A1A CORRIDOR MANAGEMENT PLAN

Teresa Bishop made a presentation to the Board on this issue and presented a revised Resolution, which had been approved by the County Attorney's Office. There was no public comment on this item. **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve Resolution No. 2001-109.**

RESOLUTION NO. 2001-109

**A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS OF THE STATE OF
FLORIDA, AUTHORIZING EXECUTION OF A LOCAL
AGENCY AGREEMENT AND PROVIDING WHEN THIS
RESOLUTION WILL TAKE EFFECT**

(05/22/01 - 7 - 2.0986)

6. CONSIDER A REQUEST FOR FUNDING OF THE COUNTY-WIDE HOUSING ABATEMENT PROGRAM

Reardon stated this issue was brought to him by John Schwab and the Code Enforcement Department, wherein they indicated they were ready to move on with the Code Enforcement Abatement process. Daniel Bosanko, Deputy County Attorney, entered the meeting. Code Enforcement had an initial list of 10 buildings, which would ultimately require demolition and disposal, at an estimated cost of \$50,000. To implement the process at this time, those funds needed to be appropriated from the General Fund. Staff answered questions from the Board, regarding various aspects of the issue, including the budget process, razing of buildings, County performing work, bidding out the work, TIF financing, legal costs, establishment of the fund and placement of liens on properties. Public comment was then received.

(2.1018) Nathaniel Jackson, 135 N. Rodriguez, spoke in favor of the abatement program progressing. Reardon expressed appreciation to the Sheriff's Office via John Donlon, 909 Deer Chase Dr., St. Augustine. Rev. Eugene Israel, Jr., 175 N. Orange St., commended the Commissioners for the abatement program. (2.2394) **Motion by Reardon, seconded by Bryant, carried 5/0, to approve the transfer of \$50,000 from 0083-59920 (General Fund Reserves) for the establishment of a Housing Abatement Fund.**

(05/22/01 - 7 - 2.2412)

7. REVIEW OF THE PROPOSED ANNEXATION BY THE CITY OF ST. AUGUSTINE OF THE RADISSON RESORT (FORMERLY THE PONCE DE LEON GOLF COURSE AND HOTEL) AND ANNEXATION BY THE CITY OF ST. AUGUSTINE BEACH OF COOKSEY'S CAMPGROUND PROPERTIES

Isabelle Lopez made presentation to the Board with visual display of maps. Burnett left the meeting at 11:53 a.m. Board members expressed their various concerns and asked questions of Staff. Public comments were then received. (2.3363) Deborah Andrews, 11 N. Roscoe Blvd., on behalf of Martin and Jeanne Toder, with visual display of handouts, spoke

on various concerns that her clients had with the annexation. (3.0178) Martin Toder, 30 Poinciana Ave., spoke on the adverse effects this annexation would have on their neighborhood and Kurth Island, being in opposition to the annexation. (3.0269) Robin Nadeau, 26 Mickler Blvd., St. Augustine Beach, spoke on saving Kurth Island. (3.0299) Gary C. Carter, 431 Hibiscus Ave. North, spoke on environmental concerns with the proposed annexation. Various concerns of the Commissioners were discussed. *It was the consensus of the Board that Staff meet with the City and negotiate to reach an interlocal agreement or meeting of the minds on concerns voiced at this meeting; Lopez will bring this issue back to the Board.*

(3.0725) **Motion by Jacalone, seconded by Reardon, carried 5/0, to reorder the agenda for Item #7a and Reports to be heard after Item #11, before Item #12.** The meeting recessed at 12:40 p.m. and reconvened at 1:30 p.m. with Kohnke, Jacalone, Meiszer, Reardon, Bryant, Adams, Assistant County Attorney Isabelle Lopez, Assistant County Attorney Doug Burnett, and Deputy Clerk Yvonne King present.

(05/22/01 - 8 - 3.0732)

8. PUBLIC HEARING REZ-2005-05 - REZONING AT 2305 STATE ROAD 16. THE SUBJECT PROPERTY IS LOCATED AT 2305 STATE ROAD 16. THE PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR) AND IS REQUESTING TO BE REZONED TO COMMERCIAL HIGHWAY TOURIST (CHT). THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN DESIGNATION OF MIXED USE (MD), AND THE ZONING CHANGE TO CHT IS CONSISTENT WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT THEIR APRIL 19, 2001 MEETING

Proof of publication of the notice of public hearing on the rezoning of REZ-2000-05 was received having been published in The St. Augustine Record on May 4, 2001.

Sonya Doerr, Chief Planner, explained the request to rezone property from OR to CHT. Karen Taylor, 3070 Harbor Drive, representing the applicant, was present. (3.0772) **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2001-35, adopting Findings of Fact 1 - 4 to support the motion.**

ORDINANCE NO. 2001-35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL HIGHWAY TOURIST (CHT); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/22/01 - 8 - 3.0787)

9. PUBLIC HEARING - PUD 2000-04 - OLD MOULTRIE ROAD APARTMENTS PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF OLD MOULTRIE ROAD BEHIND THE FORMER BARNETT BANK OPERATIONS CENTER. THIS REQUEST SEEKS TO REZONE 18.53 ACRES FROM OPEN RURAL (OR) AND COMMERCIAL GENERAL (CG) WITH CONDITIONS TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 178 MULTI-FAMILY UNITS IN EIGHT (8) BUILDINGS ALONG WITH ASSOCIATED AMENITIES. IT IS STAFF'S OPINION

THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF MIXED USE DISTRICT. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED-USE DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN, SPECIFICALLY RELATED TO THE PROVISION OF A MIXTURE OF LAND USES AND RESIDENTIAL DENSITIES, WHICH DISCOURAGE URBAN SPRAWL AND PROVIDE FOR DIVERSE LIVING OPPORTUNITIES. STAFF FINDS THE DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE REQUEST AT THE APRIL 5, 2001 MEETING

Proof of publication of the notice of public hearing on the rezoning of PUD-2000-04, was received having been published in The St. Augustine Record on May 4, 2001.

Sonya Doerr, Chief Planner, explained the request to rezone approximately 18½ acres from OR and CG with conditions to PUD. (3.0870) John Bailey, representing the Applicant, was present. (3.0885) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-36, known as the Old Moultrie Road Apartments PUD (PUD-2000-04), adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2001-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OR (OPEN RURAL) AND CG (COMMERCIAL GENERAL) WITH CONDITIONS TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/22/01 - 9 - 3.0890)

10. PUBLIC HEARING - REZ-2000-04 - 725 STATE ROAD 207 REZONING. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF SR 207 AND SR 312 EXTENSION AND IS CURRENTLY ZONED OPEN RURAL (OR). THE APPLICANT HAS REQUESTED THAT THE PROPERTY BE REZONED TO COMMERCIAL GENERAL (CG). THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN DESIGNATION OF MIXED USE (MD). THE ZONING CHANGE TO CG IS CONSISTENT WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS APRIL 5, 2001 MEETING

Proof of publication of the notice of public hearing on the rezoning of REZ-2000-04 was received having been published in The St. Augustine Record on May 4, 2001.

Sonya Doerr, Chief Planner, explained the request to rezone property from OR to CG. Karen Taylor, representing the applicant, was present. (3.0940) **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2001-37, known as S.R. 207 Rezoning, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2001-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/22/01 - 10 - 3.0948)

11. PUBLIC HEARING - REZ-2001-01 - PINECREST UTILITY SITE REZONING. THE LOCATION OF THE PROPERTY IS THE WEST SIDE OF MARSH LANDING PARKWAY, NORTH OF MARSH LANDING UNIT 14. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR) AND OPEN RURAL (OR) WITH ESSENTIAL PUBLIC SERVICE (EPS) ZONING EXCEPTION. THE EXCEPTION (EPS 84-4) WAS GRANTED BY THE PLANNING AND ZONING AGENCY FOR THE LOCATION OF A WATER PLANT FACILITY. THE APPLICANT HAS REQUESTED THAT THE PROPERTY BE REZONED TO PUBLIC SERVICE (PS) TO PROVIDE FOR THE NORTHWARD EXPANSION OF THE WATER PLANT. THIS REZONING WOULD ALSO ELIMINATE THE NEED FOR THE ZONING EXCEPTION OR A FUTURE SPECIAL USE PERMIT. THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN DESIGNATION OF RESIDENTIAL-B COASTAL. THE ZONING CHANGE TO PS IS CONSISTENT WITH AND SUPPORTIVE OF THE SURROUNDING DEVELOPMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST AT THE APRIL 5, 2001 MEETING

Proof of publication of the notice of public hearing on the rezoning of REZ-2001-01 was received having been published in The St. Augustine Record on May 4, 2001.

Sonya Doerr, Chief Planner, explained the request to rezone property from OR to PS. (3.1000) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-38, known as Pinecrest Utility Site rezoning, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2001-38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND OPEN RURAL (OR) WITH ESSENTIAL PUBLIC SERVICE (EPS) ZONING EXCEPTION TO PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/22/01 - 10 - 3.1015)

- 7a. ROSCOE BOULEVARD SAFETY

Jacalone expressed concerns with the double striping of the entire length of Roscoe Boulevard. Discussion followed regarding the double striping of the entire length of Roscoe Boulevard.

(05/22/01 - 11 - 3.1302)
COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant commented on the paving of roads in Menendez Park on SR A1A. Bryant said that of the residents he contacted approximately half of them wanted the roads paved and approximately half of them did not want the roads paved.

(3.1435)

Commissioner Reardon:

Reardon relayed a request from a group of people wanting the pier part at the beach renamed to Veterans Memorial Pier Park in honor of the veterans.

(3.1465)

Commissioner Kohnke:

Kohnke announced the Volunteers Luncheon scheduled for Thursday, May 24, 2001 in Ponte Vedra.

(3.1478)

Commissioner Jacalone:

Jacalone said Flagler County is still the fastest growing county in the State of Florida with a 27% increase in population from 1995 to 2000. Sumpter County has moved into the second position with a 25% increase. St. Johns County is in third position with a 21% increase.

Jacalone addressed the flyers that were distributed to property owners regarding Item #12 on the agenda. Jacalone explained that the new buffer zones apply only to new lots of record.

(3.1595)

Commissioner Meiszer: No report.

(05/22/01 - 11 - 3.1612)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the Annual Conference of the Florida Association of Counties Trust to be held at the World Golf Village on August 9 and 10, 2001.

Adams informed the Board of a letter from a retired county commissioner thanking the Board for standing by him during his lawsuit.

(3.1638) Kohnke said she received a letter from the Putnam County Board of Commissioners. She requested this solid waste issue be placed on the agenda in two weeks.

The meeting recessed at 1:58 p.m. and reconvened at 2:10 p.m. Daniel Bosanko, Deputy County Attorney, entered the meeting.

(05/22/01 - 11 - 3.1724)

12. PUBLIC HEARING - AMENDMENT TO ARTICLE IV -NATURAL RESOURCES- LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND

DEVELOPMENT CODE ARTICLE IV - NATURAL RESOURCES. THE PROPOSED AMENDMENT TO ARTICLE IV REVISES SECTION 4.01.06 ENVIRONMENTALLY SENSITIVE AREAS - WETLANDS, ESTUARIES AND NATURAL WATER BODIES TO INCLUDE NEW UPLAND BUFFER STANDARDS AND DELETES SUBSECTIONS 4.01.02.E PERTAINING TO LOTS OF RECORD, 4.01.02.F PERTAINING TO SHORELINE STABILIZATION AND 4.01.02.G PERTAINING TO RIPARIAN ACCESS WHICH ARE NOW INCLUDED IN THE REVISED SECTION 4.01.06. THE PROPOSED CHANGES TO SECTION 4.01.06 INCLUDE PROVISIONS FOR CONVENTIONAL UPLAND BUFFERS, INNOVATIVE UPLAND BUFFERS, A SETBACK, VEGETATION REMOVAL, SPECIAL EXCEPTIONS, RIPARIAN ACTIVITIES, VESTED RIGHTS, PROPERTY RIGHTS, VIOLATIONS AND CORRECTIONS

Proof of publication of the notice of public hearing on the amendment to Article IV of the Land Development Code was received having been published in The St. Augustine Record on May 15, 2001.

Scott Clem, Director of Growth Management Services, gave a general overview of the ordinance amendment. Clem then reviewed some of the major sections of the ordinance as follows: wetland delineation, measurements of wetlands, location of wetlands on the site, calculation of the baseline upland buffer, the areas of special concern for the St. Johns River, areas of special concern for the Intracoastal Waterway, and alternatives to buffers. (4.0000) Discussion followed on wetland impacts, unavoidable wetland impacts, and filling in of wetlands. Clem continued reviewing the major sections of the ordinance as follows: qualitative upland buffers, land banking, buffer restoration, land exchange, vegetation removal, special exceptions, conservation easements, man-made excavations, riparian activities, vested rights and property rights. Discussion followed on innovative and qualitative buffer sections, the removal of trees, and enforcement.

The meeting thereupon recessed at 3:33 p.m. and reconvened at 3:51 p.m.

Discussion continued regarding the mean high water line from the wetland jurisdictional line. (4.1605) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, commented in favor of the ordinance with several changes. (4.2064) Danielle Lee, Environmental Services, Inc., 2825 Lewis Speedway, Suite 101, read a letter from Rhodes Robinson, Vice President and Technical Director of Environmental Services, Inc., expressing his concerns regarding wetland draw down, water quality, and wildlife in relation to the proposed ordinance amendment. (4.2224) John Metcalf, 1104 Mill Creek Drive, expressed his concerns with several issues in the ordinance. (4.2490) Lynn Pappas, 200 West Forsythe Street, Jacksonville, addressed qualitative buffers and buffer averaging. (4.2670) Dave Tillis, St. Joe Company, 410 Tradewind Lane, expressed his concerns with the ordinance. (4.2935) Gordon Lowman, 7648 A1A South, representing the South Anastasia Community Association, commented on the areas of special concern for the Intracoastal Waterway. (4.3040) Paul Fritsch, 6725 SR 13 North, addressed concerns with the ordinance. (4.3300) Sarah Bailey, 2202 Bishop Estates Road, commented in favor of the ordinance. (4.3470) Bert Charest, 110 Neptune Road, commented in favor of the ordinance. (4.3595) Larry Griggs, 200 Malaga Street, Suite 8, expressed his concerns with the ordinance.

(5.0122) Deputy Clerk Lenora Newsome entered the meeting; Deputy Clerk Yvonne King left the meeting at 4:45 p.m.

(5.0123) Tom Ingram, 200 W. Forsythe Street, Ste. 1400, Jacksonville, spoke on making the buffer width west of the Intercoastal, south of the power lines, at 25 feet. He spoke on where the buffer width applies, looking at the characteristics of the wetlands, and the 25%

maximum. (4:55 p.m.) Reardon left the meeting. He stated that averaging should be allowed by rights.

(5.0308) Carl Vautier, 6171 Costanero Road, spoke in opposition to the Amendment to Article IV.

(5.0344) John Masters, 5970 Don Manuel Road, Elkton, speaking in behalf of Frances Morrows, 1823 Arden Way, Jacksonville Beach, questioned how many people worked on this proposal, what their titles were, and spoke on making an example of averaging. Discussion followed on how many people worked on this proposal, and their titles.

(5.0518) George McClure spoke generally about the ordinance. (5:05 p.m.) Reardon returned to the meeting. McClure stated that this ordinance would affect a great number of people, directed the Board's attention to a couple of items in the ordinance and relayed the history of the wetlands.

(5.0859) Frank Pepe, Jr., 7136 A1A South, spoke in opposition of this ordinance.

(5.0959) Paul Myrick, 11270 U.S. 1 North, spoke on this ordinance addressing what does not need to be addressed, and has been addressed thoroughly by the Florida Department of Environmental Protection, St. Johns River Water Management District, many agencies and by the developers themselves.

(5.1021) William Carr, 603 Mariposa Street, spoke in favor of the ordinance. (5:20p.m.) Daniel Bosanko, Deputy County Attorney, entered the meeting. He explained what the ordinance is designed to do.

(5.1080) Brenna Durden, 9428 Baymeadows Road, Suite 625, Jacksonville, spoke on agreeing with many of the attorney's comments, voiced concern about the Board considering buffer requirements that don't have anything to do with a wetlands function, and spoke on the 25% provision.

(5.1283) Kohnke questioned if there were any comments by the Board, and the reply was none. Kohnke spoke on Marshall Creek being one of the things that led the Board to do this ordinance.

(5.1351) Bosanko spoke on having regular meetings only and no more workshops. *It was a consensus of the Board to have regular meetings only.*

Motion by Reardon, seconded by Jacalone, carried 5/0, to adjourn the meeting. The meeting thereupon adjourned at 5:30 p.m.

REPORTS:

1. St. Johns Board of County Commissioner's Check Register, checks number 304130 through 304491 totaling \$1,174,406.80

CORRESPONDENCE:

1. Letter from Pappas, Metcalf, Jenks & Miller with payment for audio tapes and minutes that were reproduced (05/16/01)

Approved June 19, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk