

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 13, 2002
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: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Robin Platt, Deputy Clerk

(09/13/02 - 1 - 9:07 a.m.)

The meeting was called to order by Chairman Bryant.

(09/13/02 - 1 - 9:07 a.m.)

The Pledge of Allegiance was led by Jacalone.

(09/13/02 - 1 - 9:08 a.m.)

ROLL CALL

Bryant acknowledged that all five Board members were present.

(09/13/02 - 1 - 9:08 a.m.)

1. PUBLIC HEARING - PUD 2002-02 - NOCATEE PLANNED UNIT DEVELOPMENT. THIS IS A REQUEST TO REZONE APPROXIMATELY 11,332 ACRES OF LAND FROM OR TO PUD TO PROVIDE THE ZONING FOR THE NOCATEE DRI. THE SUBJECT PROPERTY IS DESIGNATED AS NEW TOWN ON THE 2015 FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS GENERALLY BOUNDED ON THE WEST BY US 1 AND DUVAL COUNTY, ON THE EAST BY THE INTERCOASTAL WATERWAY, UNDEVELOPED PROPERTY AND THE NOCATEE PRESERVE, ON THE SOUTH BY PINE ISLAND ROAD, AND ON THE NORTH BY UNDEVELOPED PROPERTY AND DUVAL COUNTY. THE PROPOSED PROJECT IS PROJECTED TO DEVELOP WITHIN FIVE 5-YEAR PHASES WITH AN ANTICIPATED BUILDOUT IN 2025. AT BUILDOUT, THE PROPOSED PUD INCLUDES 12,039 DWELLING UNITS, 540 ASSISTED LIVING UNITS, 2,872,000 SQUARE FEET OF OFFICE USES, 968,000 SQUARE FEET OF RETAIL/SERVICE USES, AND 250,000 SQUARE FEET OF INDUSTRIAL USES. THERE ARE 485 HOTEL ROOMS, THREE GOLF COURSES AND 270 ACRES OF COMMUNITY AND NEIGHBORHOOD PARKS ALSO PROPOSED. DEVELOPMENT WITHIN NOCATEE IS ORGANIZED IN A VILLAGE, VILLAGE CENTER AND TOWN CENTER DESIGN. THE TOWN CENTER IS DESIGNED TO SERVE THE ENTIRE NOCATEE POPULATION. THE TOWN CENTER IS PROPOSED TO CONTAIN THE HIGHEST DENSITY AND MOST INTENSE DEVELOPMENT WITHIN NOCATEE. THE TOWN CENTER INCLUDES EMPLOYMENT, SHOPPING, LEISURE, CIVIC AND LIVING OPPORTUNITIES FOR NOCATEE. ALTHOUGH NOCATEE IS NOT YET COMPLETELY DESIGNED, THE

APPLICANT WILL ADHERE TO A COMMUNITY AND URBAN PATTERN OF DEVELOPMENT. WITHIN THE WAIVER SECTION, THE APPLICANT HAS REQUESTED THE ABILITY TO SUBMIT INCREMENTAL MASTER DEVELOPMENT PLANS AND DESIGN CRITERIA AS THE PROPOSED PROJECT PROCEEDS THROUGH DEVELOPMENT REVIEW. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE NOCATEE PUD WITH A 4-2 VOTE. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE NO OUTSTANDING COMMENTS. IN THE EVENT OF APPROVAL, ALL ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS SHALL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS AND IS SUBJECT TO ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. STAFF HAS NO OBJECTIONS TO APPROVAL. PLANNING STAFF IS OF THE OPINION THAT THE PROPOSED NOCATEE PUD IS CONSISTENT WITH THE NOCATEE DRI, THE COMPREHENSIVE PLAN AND WITH APPROVAL OF THE REQUESTED WAIVERS, THE REQUEST COMPLIES WITH APPLICABLE SECTIONS OF THE LAND DEVELOPMENT CODE.

Proof of Publication of Notice of Public Hearing regarding the Nocatee PUD 2002-02 was received having been published in *The St. Augustine Record* on August 29 and September 6, 2002.

Cindy Silverberg, Court Reporter, was also in attendance.

(9:08 a.m.) The Commissioners disclosed their exparte communications. (9:15 a.m.) Theresa Bishop gave a presentation, utilizing visual display, on the Nocatee PUD rezoning request. She stated that the applicant is meeting, and in most cases, exceeding the wetland buffering requirements of the Land Development Code. The applicant has requested several waivers to the LDC. These waivers will enable Nocatee to be designed as a compact urban type of community. This application has been in review for about a year and was routed to all reviewing departments, including six DRC meetings. The applicant has cooperated very much with Staff on trying to achieve the waivers that are needed. Staff is of the opinion that, with the waivers, this application is in compliance with the Comprehensive Plan. There was further discussion between Mrs. Bishop and the Board regarding the Nocatee Preserve Management Plan, concurrency, roadway standards and land uses. (9:29 a.m.) Kohnke suggested that the language in the Community Parks section be changed to read "75 acres will be primarily uplands." She also questioned the requirements for tree surveys, commented on accessory apartments and equitable estoppels regarding upland buffers. (9:35 a.m.) Meiszer questioned access points being provided for all adjoining properties and stated concerns that the access points could shift around and would like to see them more definitively set. (9:38 a.m.) Jacalone commented on property access rights and relocation of trail roads. He clarified that if trail roads are moved they have to be brought up to county standards, if not impacted they can stay a trail road. Discussion followed regarding the requirements involved in moving roadways to gain access to out-parcels. (9:44 a.m.) Reardon asked how to keep Twenty Mile Road from being used as a construction road. (9:51 a.m.) Greg Barbour, President of the Parc Group, 4314 Pablo Oaks Dr., Jacksonville, applicant, introduced Don Fullerton of Prosser Hallock. (9:54 a.m.) Don Fullerton, Chief Planner at Prosser Hallock, 13901 Sutton Park Dr. So., Jacksonville, made the presentation regarding the PUD, utilizing visual display. He reviewed the preserve, greenway systems, villages and village centers, specific requirements for each neighborhood, retail areas, churches, common areas, hotel rooms, pedestrian connections, main streets, parking locations, civic spaces, affordable housing

and central parks. He addressed the realignment of County Road 210 and the new roadway characteristics. He detailed the waivers that are being requested and stated the rationale for the waiver requests, which included a waiver to the Ponte Vedra/Palm Valley Coastal Corridor Overlay District Architectural Review Committee signage, buffers, landscaping and lighting requirements, waivers to parking requirements and alcohol sales distance requirements. They have also requested to be allowed to count palm trees as canopy trees in the town centers, as space would be limited. He requested that a tree inventory be accepted as opposed to actual location for park and lake areas. They would like to promote the use of garage apartments and guesthouses through out Nocatee, so they would need a waiver for building height and they are also requesting a 50% increase to the allowable size for bed and breakfasts. (10:25 a.m.) Jacalone asked for clarification regarding accessory apartments counting as a unit for density purposes. (10:28 a.m.) Kohnke requested that the Community Parks section be amended to read the 75 acres shall be uplands. There was further discussion regarding roadways.

The meeting recessed at a 10:31 a.m. and reconvened at 10:41 a.m., with Reardon absent.

(10:42 a.m.) Lynn Pappas, 200 W. Forsythe St., Jacksonville, stated that all of the information that has been submitted to the Planning Department has also been delivered to the Clerk's Office. She clarified that they have suggested some changes in language to address concerns about the relocation of roadways and continued access to the out-parcels. She suggested the following amendment to the end of Section 5.1.3., to be substituted for the final sentence: "Notwithstanding any other provision of this PUD, to the extent the developer shall relocate any portion of Pine Island Rd., Twenty Mile Road or Old Dixie Highway these roadways shall be constructed to applicable county standards." (10:46 a.m.) Bryant read a memo into the record addressed to the Board of County Commissioners from the Ponte Vedra/Palm Valley ARC dated, 9/11/2002, regarding the waiver request.

(9/13/02 - 3 - 10:47 a.m.)

PUBLIC COMMENT:

Frank Upchurch, 780 N. Ponce de Leon Blvd., representing the McCormick Family, stated that Ms. Pappas' presentation cleared up some of their concerns regarding roadway relocation, but there some other issues that need to be clarified, which he illustrated using visual display. (10:50 a.m.) Reardon returned to the meeting. (10:50 a.m.) He also proposed alternative language to Section 5.1.3. to better show the location of the road on the map. Discussion followed regarding the suggested language change and right-of-way. (11:13 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, requested that the PUD rezoning request be denied as she is still involved in litigation and this is premature as there are many issues that have not yet been addressed; i.e. need, financing, schools and infrastructure. (11:16 a.m.) Louis H. Ritter, 985 Palm Valley Rd., is concerned about the cost of having to hook up to new sewer lines, as well as, the water supply with so many residents, drainage and the demand on emergency services. (11:27 a.m.) Marie Seifert, 109 Buck Island Ct., Ponte Vedra, read a letter into the record from Mr. McDevitt, President of the Ponte Vedra Beaches Coalition, requesting that the Board not grant the requested waiver from the Ponte Vedra/Palm Valley Overlay District. (11:31 a.m.) Roger Van Ghent, 4005 Moultrie Foreside, representing the St. Johns County Audubon Society, stated that they are interested in the way this project will handle environmental issues and made some suggestions. (11:42 a.m.) Deborah Andrews, 11 N. Roscoe Blvd., representing the Sierra Club, requested that the Board deny this application as it is not in compliance with the Land Development Code or the Comp Plan. (11:42 a.m.) Adams left the meeting. (11:44 a.m.) Reardon left the meeting. (11:46 a.m.) Adams returned to the meeting. (11:48 a.m.) Reardon returned to the meeting. (11:58 a.m.) Doug Laidlaw, 120 Stokes Landing Rd.,

agreed with others in opposition, as there are many unanswered questions. (12:02 p.m.) David Wiles, Chairman of the PZA, 8220 A1A South, was disappointed that the document was not refined from the time it was presented to the PZA, he stated it just became a collection of waivers. He made some suggestions and requested that the decision be postponed or continued until 2003. (12:10 p.m.) Shannon Larsen, 6915 Middleton Ave., St. Augustine, spoke on behalf of the animals and trees and questioned where all of the water will come from to support this development and where all of the waste will go.

(12:16 p.m.) Bosanko requested a recess to try to work out the language regarding Section 5.1.3. (12:17 p.m.) Kohnke addressed some comments made during the Public Comment portion of the meeting.

The meeting recessed at 12:23 p.m. and reconvened at 12:30 p.m.

(12:31 p.m.) Ms. Pappas suggested the following language changes to the second full sentence of Section 5.1.3: "These out-parcels are shown on the PUD Master Plan and includes the lands to the north of the PUD currently accessed from Twenty Mile Rd., including the McCormick lands. The developer, or successor Home Owner's Association or Community Development District, will provide access over land within the Nocatee PUD to these out-parcels with access which is as efficient, serviceable and useable as currently provided by these existing access roads." She further stated that some of the issues that were raised in Public Comment have already been discussed and decided in the DRI process and are not applicable to this phase of the application process. (12:36 p.m.) Meiszer questioned the objection to showing Twenty Mile Road on the map. (12:36 p.m.) Pappas responded that she has no objection to showing the road on the map, but stated that she does not see what purpose it would serve. (12:40) Don Fullerton, reviewed the Allowable Uses Within Zoning Districts Table, right-of way design, tree credits, shared parking and utility location waivers. (1:01 p.m.) **Motion by Jacalone, seconded by Kohnke, approved 4/1, with Meiszer dissenting, to adopt Ordinance Number 2002-46, to include the language offered by Ms. Pappas and accepted by Mr. Upchurch, who is representing the McCormicks, and amending the 75 acres to say "uplands" in relation to Community Parks, with Findings of Fact 1 through 6, as amended, to support the motion.**

Roll call vote:

Meiszer	nay
Reardon	aye
Jacalone	aye
Kohnke	aye
Bryant	aye

ORDINANCE NO. 2002-46

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

With there being no further business to come before the Board, the meeting adjourned at 1:05 p.m.

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Approved October 1, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Juanne King
Deputy Clerk