

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 12, 2002
(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: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
David Halstead, Assistant County Administrator
Michael Hunt, Assistant County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(11/12/02 - 1 - 9:09 a.m.)

The meeting was called to order by Chair Bryant.

(11/12/02 - 1 - 9:09 a.m.)

The Invocation was given by Meiszer and the Pledge of Allegiance was led by Kohnke.

(11/12/02 - 1 - 9:10 a.m.)

ROLL CALL

Bryant mentioned that all five Commissioners were present.

(11/12/02 - 1 - 9:10 a.m.)

PUBLIC COMMENT

Jack Boyd, 1419 Cricket Hollow Lane, thanked everyone for voting on getting the necessary funds for the new ballpark in the northwest. He presented pictures of the existing Ballfield, Exhibit A. He requested for the Board to allocate enough funds to hire at least two additional recreation staff to help them maintain their fields. Boyd spoke on how many maintenance workers were employed to take care of all the fields. He spoke on increasing the registration fee per child to cover the maintenance. Joe Vonasek, Director of Management and Budget, stated the money for the two proposed additional positions would have to come out of the General Fund. Jacalone voiced concern about making motions on personnel decisions at the request of citizens without Staff's recommendation. (9:27 a.m.) Troy Blevins, Recreation Supervisor, spoke on putting maintenance positions in the budget. Discussion followed on the need for maintenance workers being placed in the budget and Staff asking for new personnel positions instead of the public. (9:44 a.m.) **Motion by Reardon, seconded by Meiszer, carried 4/1, with Jacalone opposing, to fund the two new Maintenance Worker II positions out of the General Fund Reserves, with the review of Dan Weimer, for the northwest area.**

(11/12/02 - 2 - 9:44 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(11/12/02 - 2 - 9:45 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
10/22/02 - BCC Regular Meeting
3. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 02-92 (Construction of Mickler Weir & Sluice Gates) with US Docks, Inc. in the amount of \$150,000 and to execute Change Order #01 in the amount of \$30,808. (*See Attachment "A"*)
4. Motion to approve the revision to the St. Johns County Board of County Commissioners and the St. Johns County Professional Firefighter contract.
5. Motion to adopt **Resolution No. 2002-246**, recognizing unanticipated revenue in the amount of \$9,334 from the State of Florida and appropriating it to Aid to Private Organizations (1264-1266-58200) for uses approved within Florida Statute 320.08058(30) for "Choose Life License Plate" funds.

RESOLUTION NO. 2002-246

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE

6. Motion to declare a Water Treatment Plant Facility and Miscellaneous Buildings as surplus and authorize the County Administrator or his designee to dispose of them in accordance with the County Surplus Property Policy.
7. Motion to officially name the park on Highway A1A North that was donated by the Usina Family as the "North Beach Park".
8. Motion to approve the transfer of \$39,152 for the construction of road improvements and the initial year's maintenance for the Rusty Anchor/Wendover MSBU.
9. Motion to transfer \$106,163 for the construction of road improvement and the initial year's maintenance for the CH Arnold MSBU.
10. Motion to authorize the County Administrator to sign the Racetrack Road Rail Crossing License Agreement.

11. Motion to authorize the County Administrator to execute the Economic Development Grant Agreement with Ring Power Corporation and St. Johns County.
12. Motion to adopt **Resolution No. 2002-247**, authorizing James E. Bryant to act on behalf of the Chairman in connection with the signing and delivery of the County's Water and Sewer Revenue Refunding Bonds Series A & B and their supporting documents.

RESOLUTION NO. 2002-247

RESOLUTION AUTHORIZING JAMES E. BRYANT TO ACT ON BEHALF OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE DOCUMENTATION TO BE EXECUTED AND DELIVERED ON BEHALF OF THE COUNTY IN CONNECTION WITH THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$4,500,000 PRINCIPAL AMOUNT OF ITS WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2002A AND NOT EXCEEDING \$1,500,000 PRINCIPAL AMOUNT OF ITS TAXABLE WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2002B; AND PROVIDING AN EFFECTIVE DATE

13. Motion to adopt **Resolution No. 2002-248**, approving a Final Plat for Julington Creek Plantation Parcel 53, Phase 2.

RESOLUTION NO. 2002-248

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 53, PHASE 2

14. Motion to adopt **Resolution No. 2002-249**, approving the terms of a Lease Agreement authorizing the temporary use of certain unopened County Roadways within Hilden Subdivision.

RESOLUTION NO. 2002-249

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LEASE AGREEMENT AUTHORIZING TEMPORARY USE OF CERTAIN UNOPENED COUNTY ROADWAYS WITHIN HILDEN SUBDIVISION

15. Motion to allow the County Administrator, or his designee, to amend the contract with PBS&J to include the Phase II work required at Summer Haven and to expend up to \$883,361, which includes FEMA funds of \$775,049 and County matching funds of \$108,312.

16. Proofs:
- a. Proof, Notice of Public Hearing, Exemptions Taxing Authorities/Special Districts, St. Johns County Community Redevelopment Agency, November 12, 2002
 - b. Proof, Public Notice, Tax Impact, Value Adjustment Board
 - c. Proof, Notice of Meeting Cancellation, SJC Intergovernmental Committee, November 6, 2002
 - d. Proof, Notice of Public Hearings, Land Use Affect of the Establishment of Ordinance/Regulations, October 1, October 15, 2002
 - e. Proof, Notice of Intent, Special Assessments Municipal Service District of Ponte Vedra Non Ad Valorem Wastewater Collection
 - f. Proof, Notice to Bidders, Bid No. 03-15
 - g. Proof, Notice to Bidders, Bid No. 03-23
 - h. Proof, Notice to Bidders, Bid No. 03-28
 - i. Proof, Notice to Bidders, Bid No. 03-12
 - j. Proof, Notice to Bidders, Bid No. 03-24
 - k. Proof, Notice of Hearings, SJC Value Adjustment Board, October 14, 2002
 - l. Proof, Certificate of Liability Insurance, Action Garage Door Services of Florida, Inc.
 - m. Proof, Certificate of Liability Insurance, PBM Constructors, Inc.
 - n. Proof, Certificate of Insurance, Masteller, Moler, & Pullium, Inc.
 - o. Proof, Certificate of Insurance, Phillips of Jax LLC.
 - p. Proof, Certificate of Liability Insurance, Moore Sand & Septic Inc.

(11/12/02 - 4 - 9:45 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Halstead requested to pull Item 2 from the Agenda, stating that Mr. Bennett from DOT was not able to make it to the meeting.

(11/12/02 - 4 - 9:45 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/12/02 - 4 - 9:45 a.m.)

1. CONSIDER APPROVAL OF THE ST. JOHNS COUNTY LEGISLATIVE ACTION PLAN

Ted Zebrowsky, Intergovernmental Relations, reviewed the priority issues for St. Johns County Legislative Delegation, 2003 Session; SR 312 extension bypass, SR 9B extension, U.S. 1 interchange at CR 210, stormwater and non-functional septic tank replacements, State Aid for libraries, unfunded state mandates of Human Services Programs, Legislative Polices adopted by the Florida Association of Counties, the St. Johns County Beach Nourishment Performance Monitoring, the St. Johns County Shore Reconnaissance Study, the Historical Resources Special Category Grant Funding, Cultural Facilities Grant Funding, the Council on Aging Transportation Facility and an add on from Flagler Estates requesting to construct some water control facilities in their area. Discussion followed on the Flagler Estates request, the SR 312 bypass, and the monitoring of the Sunshine Bus Service.

(10:16 a.m.) Jackie Van Horn, 9810 Light Avenue, Hastings, mentioned that Flagler Estates Road and Water Control District supports the Commission's Legislative Plans and will work with them to accomplish those plans.

(10:17 a.m.) Mike Kelter, 24 Cathedral Place, spoke on having \$150,000 of grant money marked for the Flagler Estates Project waiting to be matched. He proposed filing a local bill. Zebrowsky stated that they could assist Flagler Estates in filing a local bill. Bryant replied that the Governor, two years ago, set some preferred guidelines that the line items were not part of the budget. (10:22 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt the priority issues for the St. Johns County Legislative Delegation 2003 Session that has been presented by Staff with the deletion of the item Council on Aging Transportation Facility.**

(11/12/02 - 5 - 9:45 a.m.)

2. REPORT BY THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE RESURFACING OF US1 FROM STATE ROAD 206 TO MOULTRIE CREEK

This item was pulled from the Regular Agenda.

The meeting recessed at 10:24 a.m. and reconvened at 10:37 a.m.

(11/12/02 - 5 - 10:37 a.m.)

3. PRESENTATION OF THE ROSCOE BOULEVARD SAFETY STUDY, PHASE I

Greg Kennedy, Traffic and Transportation Manager, reviewed the phases of this item. (10:40 a.m.) Christina Price, Project Engineers, Consultant HDR, utilizing a video, Exhibit A, on Roscoe Blvd., reviewed the project overview, comment form and several cross-sectional views depicting existing conditions and proposed improvement options. Discussion followed on figuring the right-of-way cost, putting concrete in the ditches, and the new method of public hearings, not hearing public comments.

(11:05 a.m.) Greg Leonard, 49 South Roscoe Blvd., thanked all the Commissioners for their support with the improvements on Roscoe Blvd. He recognized members of the County Staff who listened to input from the public for a positive process. Kohnke suggested that the comment form be mailed to all the residents on Roscoe Blvd. and also on Canal and Wilderness Trail.

(11:08 a.m.) Garry Phillips, 161 South Roscoe Blvd., spoke on the success of the Study relying on many different things and there still being a very important danger on Roscoe Blvd. Strickland left the meeting.

(11/12/02 - 5 - 11:12 a.m.)

4. CONSIDER A RESOLUTION SUPPORTING AN INITIATIVE TO AMEND THE FLORIDA CONSTITUTION TO CONSERVE & PROTECT FLORIDA SCENIC BEAUTY BY PROVIDING LOCAL GOVERNMENTS GREATER HOME RULE AUTHORITY TO REQUIRE BILLBOARD REMOVAL

Bill Brinton, 1835 Challen Avenue, Jacksonville, addressed the proper use of the initiative and referendum process, spoke on the amendments and stated that there was no cost involved. He spoke in favor of this item.

(11:18 a.m.) Wilson Rook, 151 Santa Monica Avenue, spoke on collecting over a thousand petitions in favor of this item. (11:20 a.m.) Allen MacDonald, Finance Director, entered the meeting. Rook showed a picture of a billboard labeled as Exhibit A.

(11:21 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on supporting this petition and the elimination of the law that was passed to take the county's beauty

away. (11:25 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt Resolution No. 2002-250.**

Kohnke turned in a packet of e-mails regarding the upcoming Resolution on the Billboard Constitutional Amendment, Exhibit B.

RESOLUTION NO. 2002-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING AN INITIATIVE TO AMEND THE FLORIDA CONSTITUTION TO CONSERVE AND PROTECT FLORIDA'S SCENIC BEAUTY BY PROVIDING LOCAL GOVERNMENTS GREATER HOME RULE AUTHORITY TO REQUIRE BILLBOARD REMOVAL; PROVIDING AN EFFECTIVE DATE

(11/12/02 - 6 - 11:26 a.m.)

5. CONSIDER THE APPROVAL OF END-OF THE YEAR BUDGET TRANSFERS FOR FISCAL YEAR 2002

Joe Vonasek, Director, Office of Management and Budget, reviewed this item, stating that he has some changes and will restate a motion to cover all of them. The changes he stated were; three transfers including beach renourishment, Executive Cove MSBU and Thompson Bailey Road MSBU be accomplished with an entry in the Comprehensive Annual Financial Report at the end of the year instead of now, and transfer funds for the Supervisor of Elections Department from the Elections Budget. He stated the motion he recommended, *to approve the end of year budget transfers presented by Staff with the amendments as stated.* **Motion by Meiszer, seconded by Jacalone, carried 5/0, to approve the motion recommended by Vonasek.**

(11/12/02 - 6 - 11:30 a.m.)

COMMISSIONERS' REPORTS

Commissioner Jacalone:

Jacalone spoke on the appropriate steps to take on addressing the problems with the Treasure Beach Canal System.

(11:31 a.m.)

Commissioner Meiszer:

No report.

(11:31 a.m.)

Commissioner Reardon:

No report.

(11:31 a.m.)

Commissioner Kohnke:

Kohnke suggested that the new Board review some of the standing committees to see if they want to continue with them.

(11:32 a.m.)

Commissioner Bryant:

Bryant mentioned having a critical situation at Flagler West; the VA needing more space and a new position added. There is a need to control money that is sent down from Tallahassee.

Bryant spoke on Project Special Care receiving a \$500,000 Grant to expand their services.

Bryant spoke on needing extra space at the Public Health Department.

(11/12/02 - 7 - 11:34 a.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(11/12/02 - 7 - 11:34 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(11/12/02 - 7 - 11:35 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:35 a.m. and reconvened at 1:40 p.m. with Bryant, Meiszer, Kohnke, Reardon, Assistant County Administrator David Halstead, Assistant County Attorney Laura Barrow and Cecelia Aldrich, Clerk, present.

(11/12/02 - 7 - 1:40 p.m.)

6. PUBLIC HEARING - SPECIAL DISTRICT REQUESTS FOR EXEMPTIONS FROM ST. JOHNS COUNTY CRA REDEVELOPMENT TRUST FUND. UNDER SECTION 163.387, FLORIDA STATUTES, THERE ARE TWO WAYS A SPECIAL DISTRICT/TAXING AUTHORITY MAY BE EXEMPTED FROM PAYING INTO A COMMUNITY REDEVELOPMENT TRUST FUND. THE BOARD MAY GRANT AN EXEMPTION, EITHER IN ITS SOLE DISCRETION, OR IN RESPONSE TO A WRITTEN REQUEST FROM A SPECIAL DISTRICT. IF A SPECIAL DISTRICT SUBMITS A WRITTEN REQUEST FOR EXEMPTION, THE BCC MUST HOLD A PUBLIC HEARING AND MUST CONSIDER THE SPECIFIC CRITERIA LISTED IN THE STATUTE IN REACHING ITS DECISION (THE STATUTORY CRITERIA THE BOARD MUST CONSIDER IS LISTED IN THE ATTACHED SUPPORTING MATERIAL). TWO SPECIAL DISTRICTS HAVE SUBMITTED WRITTEN REQUESTS FOR EXEMPTION. THEY ARE THE ANASTASIA MOSQUITO CONTROL DISTRICT AND THE ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT. AT THE TIME THEIR REQUESTS FOR EXEMPTION WERE SUBMITTED, THE ONLY REDEVELOPMENT AREA THAT EXISTED WAS THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA. SINCE THESE TWO REQUESTS WERE IN WRITING, THE BOARD MUST CONSIDER THE STATUTORY CRITERIA IN REACHING ITS DECISIONS ON THESE TWO SPECIAL DISTRICTS' REQUESTS FOR EXEMPTION FROM THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA ACCOUNT, WHICH IS NOW A SEPARATE ACCOUNT WITHIN THE ST. JOHNS COUNTY COMMUNITY

REDEVELOPMENT AGENCY TRUST FUND. NOW THAT THERE ARE TWO OTHER COMMUNITY REDEVELOPMENT AREAS IN ADDITION TO THE WEST AUGUSTINE, THOSE BEING VILANO BEACH AND FLAGLER ESTATES, THE BOARD MAY EXERCISE ITS DISCRETION IN GRANTING EXEMPTIONS TO MOSQUITO CONTROL AND THE PORT DISTRICT FROM THOSE TWO REDEVELOPMENT AREA ACCOUNTS, IF IT SO CHOOSES. THE BOARD MAY ALSO EXERCISE ITS DISCRETION GRANTED UNDER THE STATUTE IN DECIDING WHETHER TO EXEMPT ANY OTHER TAXING AUTHORITIES/SPECIAL DISTRICTS FROM MAKING PAYMENTS TO ANY OR ALL COMMUNITY REDEVELOPMENT AREA ACCOUNTS CURRENTLY EXISTING WITHIN THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AREA TRUST FUND.

Proof of Publication was received regarding the Notice of Public Hearing to consider exemptions for taxing authorities/special districts from the payment of tax increment revenues to the St. Johns County CRA Redevelopment Trust Fund, having been published in *The St. Augustine Record* on October 26, 2002.

Tom Crawford, Director of Housing and Community Services, explained that written requests were received from the Anastasia Mosquito Control District and the St. Augustine Port, Waterway and Beach District, pertaining to the West Augustine Community Redevelopment Area (CRA). He gave an overview of the request and its requirements. Crawford noted that he left out an important factor, that the Mosquito Control District significantly enhances the quality of life for those served by it. He noted that representatives from both Districts were present at the meeting.

There was discussion regarding the language of the motion, as it appeared on the Item Cover Sheet. It was noted that there was additional proposed language for the Board, within the Agenda packet.

(1:44 p.m.) Barrow pointed out that, at the time the written requests were originally filed by the two Special Districts, the only Community Redevelopment Area (CRA) that existed was the West Augustine CRA, and the Board may want to address the districts separately. After discussion it was decided that the three districts could be addressed in one motion.

(1:45 p.m.) Motion by Reardon, seconded by Kohnke, carried 4/0, with Jacalone absent, to exempt the Anastasia Mosquito Control District and the St. Augustine Port, Waterway and Beach District from the three Redevelopment Areas that St. Johns County currently has, Vilano Beach, West Augustine and Flagler Estates and authorize the County Administrator to execute the Interlocal Agreement that would be required.

(1:47 p.m.) Crawford noted that the next motion would be to consider exemptions from the three CRAs of other special districts, which have not submitted written requests to include Transportation, Fire and other districts in the county. At Kohnke's request, Barrows assisted with language for the motion.

(1:49 p.m.) Motion by Kohnke, seconded by Reardon, carried 4/0, with Jacalone absent, that the Board of County Commissioners, in its sole discretion, exempts any and all taxing districts in St. Johns County that are not otherwise automatically exempt. Discussion followed regarding 2001 being the applicable tax year.

(1:50 p.m.) Motion by Kohnke, seconded by Reardon, carried 4/0, with Jacalone absent, that exemptions for all taxing districts as well as Mosquito Control be retroactive through the year 2001.

(1:51 p.m.) Barrow interjected that the Board needed to address the length of time of the exemptions, as exemptions have to be addressed pursuant to the Statute. There was discussion regarding life of exemptions as they relate to the CRAs.

(1:53 p.m.) Motion by Kohnke that the exemptions shall exist for as long as the CRA exists. Motion failed for lack of a second.

(1:53 p.m.) Bryant directed Halstead to ensure that Administration includes in the Interlocal Agreements that the exemptions be for the life of the CRA.

(11/12/02 - 9 - 1:54 p.m.)

7. PUBLIC HEARING - NZVAR 02-0022 DAVID SMITH/HOLLYBERRY LANE NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO SECTIONS 5.01.01 (PLATTING), 6.02.01B3 (EASEMENTS IN A PLATTED SUBDIVISION) AND 6.04.07.B.2 (EASEMENT REQUIREMENTS) OF THE LAND DEVELOPMENT CODE. THE APPLICANT DESIRES TO DIVIDE A 9.5 ACRE PLATTED LOT INTO TWO PARCELS AND USE AN EASEMENT FOR ACCESS. THE LOT IS LOCATED AT THE WEST END OF HOLLYBERRY LANE (PRIVATE DIRT ROAD) OFF OF S.R. 13. THE 30' WIDE EASEMENT EXTENDING OFF THE WEST END OF HOLLYBERRY LANE IS CONFIGURED SUCH THAT THE EASEMENT IS ONLY 17' WIDE AT THE POINT WHERE THE EASEMENT AND HOLLYBERRY LANE CONNECT (SEE ATTACHED SURVEY). SECTION 5.01.01 OF THE LAND DEVELOPMENT CODE REQUIRES PLATTING FOR ANY INCREASE IN THE NUMBER OF LOTS INSIDE OF AN EXISTING PLAT. SECTION 6.02.01.B.3 OF THE LAND DEVELOPMENT CODE DOES NOT ALLOW EASEMENTS TO BE USED FOR ACCESS IN SINGLE-FAMILY RESIDENTIAL PLATTED SUBDIVISIONS. SECTION 6.04.07.B.2 OF THE LAND DEVELOPMENT CODE REQUIRES A 30' EASEMENT WITH A 20' WIDE STABILIZED SURFACE FOR ACCESS TO A SECOND RESIDENTIAL UNIT. OTHER THAN THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, STAFF HAS NO OTHER OBJECTIONS.

Proof of Publication was received regarding the Notice of Public Hearing to consider a request for a Variance for land located at Hollyberry Lane Parcel ID #000380-0000, having been published in *The St. Augustine Record* on November 1, 2002.

(1:55 p.m.) Barrow left the meeting and Isabelle Lopez, Assistant County Attorney entered.

Darrell Locklear, Development Review Engineer Manager, explained the item and handed out an Adjacent Property Owner Response Form (Exhibit A) that he received late.

(1:58 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, addressed the Board. Using a visual Site Plan (Exhibit B), he described the layout of the property including the easement/access. He gave an overview of the existing home and mobile homes that were previously on the property. He also gave the rationale for dividing the property.

(2:01 p.m.) John Collings, 1570 State Road 13, introduced himself and stated that he was an adjacent landowner. He said he had no issue with subdividing the land if the

property at the riverfront would stay consistent with the existing area, and was divided evenly.

(2:03 p.m.) Motion by Reardon, seconded by Meiszer, approved 4/0, with Jacalone absent, to approve NZVAR 2002-0022 based upon the evidence provided for in all of the five Findings of Fact.

(11/12/02 - 10 - 2:04 p.m.)

8. PUBLIC HEARING - MAJMOD 2002-04 ST. AUGUSTINE INDUSTRIAL PARK. THE SUBJECT PROPERTY IS LOCATED AT 3953 DEERPARK BOULEVARD AND IS COMPRISED OF 199 ACRES. THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD TO ALLOW AN INCREASE IN THE ALLOWABLE INDUSTRIAL SQUARE FOOTAGE WITHIN THE MCGHEE TRACT BY 300,000 SF, REVISE THE PHASING SCHEDULE, AND TO MODIFY THE WATER/SEWER FIGURES ACCORDINGLY. THE MODIFICATION ALSO PROVIDES FOR AN INCREASED SILO HEIGHT OF 85 FEET. THE INDUSTRIAL LOTS HAVE BEEN REVISED TO CREATE FIVE LOTS OUT OF THE PREVIOUSLY APPROVED LOT 8. THE APPLICANT ALSO REQUESTS WAIVERS. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED-USE DISTRICT (MD) AND INDUSTRIAL (I) FUTURE LAND USE DESIGNATIONS. THE PROJECT WILL ACCESS FROM SR 207. WATER AND SEWER SERVICE IS PROVIDED BY ST. JOHNS COUNTY UTILITIES. STAFF'S OPINION IS THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF MIXED-USE. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE OF THE COMPREHENSIVE PLAN. SUBJECT TO THE APPROVAL OF THE BOARD FOR THE WAIVERS REQUESTED, THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION, SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS FOR THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR OCTOBER 17, 2002 MEETING WITH A VOTE OF 4-0.

Proof of Publication was received regarding the Notice of Public Hearing to consider a request for a Major Modification to the development plan of the St. Augustine Industrial Park Planned Unit Development (PUD), having been published in *The St. Augustine Record* on October 28, 2002.

Nicole Clayton, Planner II, located the subject property under request for zoning modification. She used the map on the screen to locate the lots, including where waivers are being requested and indicated the planned revisions to the PUD. She explained that changes were made, thus the addition of late items in the Agenda Packets. She noted that waivers were approved in the original PUD.

(2:09 p.m.) Kohnke asked for information relating to the construction of an 85' silo. Clayton responded that the proposed silo is in conjunction with a concrete plant, but it is unclear at this time as to how the parcels will develop.

(2:10 p.m.) George McClure, 170 Malaga St., Suite A, representing the applicant, confirmed that the silo, or 'hopper,' is related to a concrete mix plant. He went on to explain how they operate and gave an historical account of the development. McClure

expanded on the changes being requested and illustrated where existing businesses are located.

(2:15 p.m.) Reardon stated he had no problem with the request and asked McClure about specific properties. The aerial photo and the Future Land Use Map were viewed to better determine ownerships and uses. It was determined that the properties being discussed were Mixed Use and Industrial.

(2:17 p.m.) Motion by Reardon, second by Kohnke, carried 4/0, with Jacalone absent, to enact Ordinance 2002-67, known as MAJMOD 2002-04, St. Augustine Industrial Park PUD adopting Findings of Fact numbered 1 through 6 that support the motion.

(2:18 p.m.) In response to a question from Meiszer, it was determined that the operation is to be a concrete plant, for the distribution of concrete, as opposed to a manufacturing facility.

ORDINANCE NO. 2002-67

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE INDUSTRIAL PARK PUD, ORDINANCE NUMBER 2001-40, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(11/12/02 - 11 - 2:20 p.m.)

9. PUBLIC HEARING - MAJMOD 2002-09 WHITELOCK FARMS PLANNED UNIT DEVELOPMENT. THE REQUESTED ACTION SEEKS TO MODIFY THE PREVIOUSLY APPROVED WHITELOCK FARMS PLANNED RURAL DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED AT COUNTY ROAD 210 WEST AND IS COMPRISED OF 474 ACRES. THIS REQUEST SEEKS TO MODIFY THE APPROVED PRD TO REVISE THE DEVELOPMENT PLAN TO DESIGNATE TRACTS E-1 AND E-2 AS DEEDED RESERVE AREA AND TO ALLOW ANY ADJACENT LOT OWNER TO OWN EITHER OF THE SUBJECT TRACTS. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RURAL SILVICULTURE (R/S). THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED RURAL DEVELOPMENTS. STAFF ALSO FINDS THAT THE MODIFICATION IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR OCTOBER 17, 2002 MEETING WITH A 6-0 VOTE.

Proof of Publication was received regarding the Notice of Public Hearing for Whitelock Farms PUD, having been published in *The St. Augustine Record* on October 28, 2002.

(2:20 p.m.) Bruce Ford, Chief Planner, reviewed the request and its location. He referred to the site plan (Exhibit A) on the screen, to indicate the proposed deeded reserve areas.

He explained that the original map that was approved had 64 lots but the text had 62 lots. Two lots were removed so the map and text would match. Ford explained what the common and deed reserve areas are, the accessory uses that are allowed, and gave a brief background of the PRD. He noted that staff received 15 letters; seven for and eight against the modification.

(2:26 p.m.) Meiszer asked about the two subject lots and density.

(2:29 p.m.) Reardon made a public service announcement that a tornado had been spotted in the near vicinity. He then asked about violation of open space requirements and/or the PRD. Ford responded that the PRD, as approved, doesn't assign a development area to the two subject lots and this does not change the open space requirement. He said all the deeded reserve and common areas are included.

(2:32 p.m.) Kohnke asked about property owners of both PRDs and how the homeowner fees are applied. Ford indicated the two tracts on the screen shot and where the two PRDs are located. It was clarified that property owners from either PRD could buy the two subject lots and would be required to pay into the homeowners association.

(2:34 p.m.) Beth Breeding, applicant, identified Whitelock Farms on the site map (Exhibit C#) and proceeded to give explanation of the usage and an historical account of the development. She commented that no house could ever be built in the reserve area. She also stated that Countryside (a legal subdivision) was added, as part of the Master Association, to the covenants and restrictions of Whitelock Farms. It was noted that everyone pays the same association fee. In response to a letter that had been circulating, Breeding stated that all adjacent property owners had been notified about both hearings.

(2:39 p.m.) Andrew DeCandis, 409 Triple Crown Lane, identified himself as "a directly affected property owner." He indicated, on the Whitelock Farms Phase II and Whitelock Farms maps (Exhibits D & E), the location of his property. DeCandis identified the Countryside tract and reviewed what was originally approved. He said the lots had not just been removed, that the section had been replatted. He expressed concern that reserve area ratios were not going to be maintained and were being removed from Whitelock and put into Countryside. DeCandis also expressed concern that required buffers will not be retained and PRD requirements will be compromised. He showed some photos (Exhibit F) of some of the wildlife inhabiting the area and land that had been cleared in the area. Finally, DeCandis expressed frustration and queried whether the homeowners association is controlled by the developers or property owners.

(2:52 p.m.) Kohnke stated Staff had previously confirmed to her that the ratio had not changed in the PRD. There was discussion between Kohnke and DeCandis about which development the reserve would be in.

(2:55 p.m.) In response to questions from Kohnke relating to the homeowners association, Lopez nodded in agreement that it would be a Civil issue and not for the Board.

(2:58 p.m.) Meiszer asked for clarification on ability to sell a deeded reserve. Lopez responded that anyone could hold the deed to the property. She stated that common areas are dedicated to homeowners associations and often times developers retain ownership rights to those tracts.

(3:03 p.m.) Bryant asked the applicant for clarification on the lots. Breeding responded that they were selling acreage and not lots and said they simply came back with a major modification.

(3:05 p.m.) Motion by Reardon, seconded by Kohnke, approved 4/0, with Jacalone absent, to enact Ordinance No. 2002-68, known as Whitelock Farms PRD (MAJMOD 2002-09) adopting Findings of Fact 1 through 6, that support the motion.

ORDINANCE NO. 2002-68

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE WHITELOCK FARMS PLANNED RURAL DEVELOPMENT (PRD) ORDINANCE NUMBER 97-60, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(3:06 p.m.) Motion by Kohnke, seconded by Bryant, carried 4/0 with Jacalone absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 3:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 326488 through 326927 totaling \$2,112,04.22 (11/05/02)
2. St. Johns County Board of County Commissioners Check Register, Check No. 326928 through 326931 totaling \$40,104.00 (11/06/02)

Approved _____ December 3 _____, 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