

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 15, 2004
(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: Karen Stern, District 2, Chair
Bruce Maguire, District 4, Vice-Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts and Allen MacDonald, Finance Director

(06/15/04 - 1 - 9:11 a.m.)
Chair Stern called the meeting to order.

(06/15/04 - 1 - 9:12 a.m.)
Commissioner Stern gave the Invocation and Meiszer led the Pledge of Allegiance.

(06/15/04 - 1 - 9:13 a.m.)
ROLL CALL

Stern stated that all five Commissioners were present.

(06/15/04 - 1 - 9:13 a.m.)
PUBLIC COMMENT

Richard Thomas, 4322 Palmetto Street, presented a report, Exhibit A, from the Board of Directors of the Round Table, regarding their budget hearings. He spoke on loosing people, because of salaries, in the St. Johns County Fire Rescue Dept. to the Jacksonville Fire Rescue Dept. (9:19 a.m.) Laura Barrow, Assistant County Attorney, entered the meeting. Thomas asked the BCC to take this report under advice.

(9:21 a.m.) Mary Kohnke, 295 Roscoe Blvd., spoke on the contract with Flagler Hospital and the Hastings Clinic. (9:25 a.m.) Barrow left the meeting.

(9:26 a.m.) Thomas relayed the Round Table's recommendations, Exhibit B; an increase in training for all the staff and a better computer system. He read a letter, Exhibit C, to the BCC from the Board of Directors, dated June 15, 2004. Meiszer recommended scheduling a workshop to discuss the above issues in detail. Discussion followed on scheduling a workshop.

(06/15/04 - 1 - 9:45 a.m.)
DELETIONS TO CONSENT AGENDA

Meiszer requested to pull Item 3 and place it on the Regular Agenda as Item 6A.

(06/15/04 - 2 - 9:46 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 05/18/04 - BCC Regular Meeting
 - 05/25/04 - BCC Regular Meeting
 - 06/01/04 - BCC Regular Meeting
 - 06/02/04 - BCC Special Meeting
3. Motion to adopt a Resolution recognizing unanticipated revenue in the amount of \$80,000 (3336-36603) and increasing the expenditure budget of the Park Construction Department (3314-56301) for improvements to the Alpine Groves Park

This item was pulled and placed on the Regular Agenda as Item 6A.

4. Motion to adopt **Resolution No. 2004-125**, recognizing unanticipated revenue in the amount of \$1,000 (0001-36603) and increasing the expenditure budget of the Recreation Programs Department (0079-58200) for use as scholarship funds for youth athletics

RESOLUTION NO. 2004-125

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2004 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION PROGRAMS DEPARTMENT

5. Motion to approve a new Reimbursement Agreement between St. Johns County and the St. Augustine Little League (SALL) at a cost not to exceed \$16,000, under the same terms and conditions of the original Agreement, except for allowing for future year automatic annual renewals; and also allowing for a one-time reimbursement of electrical charges for the months of March, April, and May, 2004
6. Motion to adopt **Resolution No. 2004-126**, recognizing unanticipated revenue in the amount of \$3,500 and increasing the expenditure budget of the Detention Facility Subsidy (0042-56301) in the same amount; and a motion to approve the transfer of \$15,000 from General Fund Reserves (0083-59920), to Detention Facilities Subsidy Improvements o/t Building (0042-56301)

RESOLUTION NO. 2004-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2004

GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY DETENTION FACILITIES SUBSIDY

7. Motion to adopt **Resolution No. 2004-127**, approving a Final Plat for William Bartram Scenic Trails

RESOLUTION NO. 2004-127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR WILLIAM BARTRAM SCENIC TRAILS

8. Motion to adopt **Resolution No. 2004-128**, approving a Final Plat for Sunshine Acres

RESOLUTION 2004-128

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR SUNSHINE ACRES

9. Motion to adopt **Resolution No. 2004-129**, approving the terms of, and authorizing the County Administrator to execute, certain Purchase and Sale Agreements needed for the improvements to Winifred Masters Bridge

RESOLUTION 2004-129

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS NEEDED FOR THE IMPROVEMENTS TO WINIFRED MASTERS BRIDGE

10. Motion to adopt **Resolution No. 2004-130**, to approve the terms of, and authorize the execution of, a Conservation Easement over 3.95 acres of uplands and wetlands in Davis Park to mitigate for wetland impacts at the County Road 210 and Mickler Road intersection

RESOLUTION 2004-130

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT OVER 3.95 ACRES OF UPLANDS AND WETLANDS IN DAVIS PARK TO MITIGATE FOR WETLAND IMPACTS AT THE COUNTY ROAD 210 AND MICKLER ROAD INTERSECTION

11. Motion to adopt **Resolution No. 2004-131**, approving the 6.29 acres of mitigation land, as provided for in the Conservation Easement, and acknowledging the satisfaction of the Nocatee Development Order's requirement related to mitigation land for the wetland impacts at the County Road 210 and Mickler Road intersection

RESOLUTION NO. 2004-131

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE MITIGATION SITE OF APPROXIMATELY 6.29 ACRES OF SONOC COMPANY, LLC, LAND AND ACKNOWLEDGING THE SATISFACTION OF THE NOCATEE DEVELOPMENT ORDER'S MITIGATION REQUIREMENTS RELATED TO THE IMPROVEMENT OF THE COUNTY ROAD 210 AND MICKLER ROAD INTERSECTION

12. Motion to adopt **Resolution No. 2004-132**, authorizing the County Administrator to sign a Subgrant Agreement for equipment for Florida Strategy between St. Johns County, on behalf of the Fire Rescue Department, and the State of Florida, Department of Financial Services

RESOLUTION NO. 2004-132

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN A SUBGRANT AGREEMENT FOR EQUIPMENT BETWEEN ST. JOHNS COUNTY, ON BEHALF OF THE COUNTY FIRE RESCUE DEPARTMENT, AND THE STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES

(06/15/04 - 4 -9:46 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(06/15/04 - 4 - 9:46 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/15/04 - 4 - 9:46 a.m.)

1. PRESENTATION OF CONSTITUTIONAL OFFICER'S BUDGETS:

Doug Timms, Interim Director of Management and Budget, stated that according to the Florida Statutes, the Board of County Commissioners provide for the funding of the budgets of the County's five constitutional officers, and that June 1st was the deadline for submission of their budget requests.

- A. Supervisor of Elections - Penny Halyburton

(9:50 a.m.) Penny Halyburton, Supervisor of Elections, reviewed her budget, stating that she was budgeting for one election this year, voter registration software, and the voter system with touch screens for the disabled, with discussion following.

(10:02 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of how well the Supervisor of Election's Office operated.

B. Clerk of the Court - Cheryl Strickland

(10:03 a.m.) Cheryl Strickland, Clerk of Courts, reviewed her budget; including personnel, Article V County related court expenditures, and court revenues. Maguire questioned the revenues from Legal Aid, the Law Library and Teen Court. Strickland responded. Bosanko mentioned that he had a little more information about the Legal Aid, the Law Library, and the Teen Court funding issues, which he would present later on this morning. Strickland continued with the final recap, with discussion following.

C. Sheriff's Office - Sheriff Neil Perry

(10:17 a.m.) Neil Perry, Sheriff, reviewed his budget, explaining the budget request increase; needing five new positions for Corrections and the Corrections Division becoming accredited this month, the substantial increases in salaries for the deputies, Worker's Compensation increasing, health insurance increasing, vehicle and liability insurance increasing, maintenance increasing, fuel increasing, water expense, and prison health services. He stated that they had eight open positions in the Sheriff's Office needing to be filled within the next two or three months. Jacalone asked what the substantial increase would be for the certified deputies. Perry replied that for a certified road deputy, they were looking at an 11% increase in the starting salary. Jacalone stated that he would like to see the study on the pay scale for the surrounding counties. Bryant spoke on healthcare and insurance costs. Perry spoke on Super Bowl 2005 security costs; for the two teams staying here and for the one practice the team would have in this county, with the bill for law enforcement totaling around \$300,000. He spoke on loosing the School Guard Crossing funding, which caused a shortfall of over \$200,000. Perry spoke on St. Johns County being one of the counties responsible for taking care of the security for major events. Homeland Security approved the additional equipment needed and the County may have to purchase it, and then get reimbursed for it.

The meeting recessed at 10:53 a.m. and reconvened at 10:59 a.m. Laura Barrow, Assistant County Attorney, entered the meeting.

(06/15/04 - 5 - 10:59 a.m.)

2. PUBLIC HEARING - ZVAR 2004-003, FOURTH STREET/VILANO - THE APPLICANT SEEKS A NON-ZONING VARIANCE TO REDUCE THE 25-FOOT UPLAND BUFFER SQUARE FOOTAGE, TO NOT PROVIDE A MINIMUM 10 FOOT UPLAND BUFFER AND TO CONSTRUCT A PILINGS HOME OVER THE REMAINING UPLAND BUFFER. THE 25-FOOT UPLAND BUFFER PROVISION IS IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing of a Notice of a Proposed Zoning Variance PNZVAR 04-03, Fourth Street/Vilano, was received, having been published in *The St. Augustine Record* on May 26, 2004.

Jan Brewer, Environmental Manager, reviewed this item, stating that this request was for all six lots where the applicant sought to reduce the total square footage of the

upland buffer, with pictures of the area, Exhibit A. Bosanko stated that he was not personally familiar with the details of these lots, but that there were some major legal issues on this case that the County had been in litigation about. Jacalone asked if the Board approved this request, what the chance was that they would get sued for giving this type of variance to the Comprehensive Plan and the Land Development Code. Bosanko responded that he did not have that information on this case, but the Department of Community Affairs was now examining the litigation that the County was in, concerning the setbacks in general. Jacalone suggested reviewing Items 2 and 3 at the same time, but doing a separate motion on each.

(11:28 a.m.) Rosemary Yeoman, Zoning Manager, explained how the height was measured on Item 3. She gave a presentation on Item 3, stating that this was a request to measure the height from a different standard than the Land Development Code required. (11:33 a.m.) Bosanko left the meeting.

(11:34 a.m.) Gary Davenport, 3266 Pacetti Road, representing the owners of the lots, spoke on the history of the lots. (11:36 a.m.) Bosanko re-entered the meeting. Davenport spoke on the buffers and the setbacks. Meiszer asked what the land use was, across from the lots. Davenport responded. Jacalone questioned the difference in what the applicant was asking for in height to what Yeoman said they could authorize. Yeoman responded. Bosanko reviewed the decision that the Board would have to make. Laura Barrow, Assistant County Attorney, suggested having Brewer clarify the buffer on the lots. Brewer reviewed the upland buffer. Barrow spoke on the lots and Brewer responded. Discussion followed on the waivers. (12:02 p.m.) Bryant left the meeting. Bosanko mentioned that he didn't see an exhibit showing the ten-foot line. Davenport showed it on the map. (12:05 p.m.) Bryant re-entered the meeting.

(12:05 p.m.) Nancy Ziske, 1597 The Greensway, Suite 200, Jacksonville, clarified the permitting, speaking on the less damaging environmental aspect. Discussion followed on the vegetation.

(12:10 p.m.) Vivian Browning, 40 Beachcomber Way, spoke on the lots and urged the Board to let the families build on these lots.

(12:13 p.m.) Cathleen Burns, 2864 Pellicer Road, supported this request and urged the Board to consider all the factors involved.

(12:14 p.m.) Laura Moritz, 492 Big Tree Road, Ponte Vedra Beach, spoke in favor of this request.

(12:15 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on behalf of the St. Johns Audubon Society, was sworn in by Bosanko at his request, spoke on the three kinds of impacts involved and stated that this project would destroy the area of the wetland that they were planning to build on. Bosanko stated that one could grant less than the variance requested, but not more.

(12:20 p.m.) Davenport addressed the vegetation and stated that the community supported this request. He also stated that if the Board couldn't grant the whole thing, they were not interested in a partial approval.

(12:23 p.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to deny the request for the Non-Zoning Variance 2004-003, adopting Findings contained in the package to support the motion, for the non-zoning variance request to the 25-foot upland buffer.

(06/15/04 - 7 - 12:24 p.m.)

3. PUBLIC HEARING - ZVAR 2004-12 FOURTH STREET/VILANO - THIS REQUEST IS A ZONING VARIANCE TO SECTION 6.07.01 OF THE LAND DEVELOPMENT CODE, WHICH REGULATES HOW HEIGHT IS MEASURED. THE REQUEST IS TO MEASURE 35 FEET ABOVE THE MINIMUM FINISHED FLOOR ELEVATION, WHICH IS 10 FEET ABOVE SEA LEVEL, INSTEAD OF MEASURING FROM THE LOWEST POINT OF THE ESTABLISHED GRADE SURROUNDING THE PERIMETER OF THE STRUCTURE. THE SUBJECT PROPERTY CONSISTS OF SIX LOTS, WEST OF FOURTH STREET, VILANO BEACH, BETWEEN MEADOW AVENUE AND SURFSIDE AVENUE. THE ZONING VARIANCE IS FILED PURSUANT TO SECTION 10.04.02 OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing of a Proposed Zoning Variance ZVAR 04-12, 3039 Fourth Street, was received, having been published in *The St. Augustine Record* on May 21, 2004.

Motion by Maguire, seconded by Jacalone, carried 5/0, to deny ZVAR 2004-12, a Zoning Variance to Section 6.07.01 of the LDC, which regulates how height is measured, with the Findings of Fact.

Stern mentioned moving Items 4, 5, 6, 6A and Reports to the end of the day. Bosanko requested to do the two Ordinances, Items 4 and 5, at the beginning of the afternoon at 1:30 p.m.

The meeting recessed at 12:26 p.m. and reconvened at 1:48 p.m. with all five Commissioners, Ben Adams, Dan Bosanko, and Diane Gorski, Deputy Clerk present.

Also present: Cheryl Strickland, Clerk of Courts and Allen MacDonald, Finance Director

(06/15/04 - 7 - 1:48 p.m.)

4. PUBLIC HEARING - AN ORDINANCE ESTABLISHING AN INNOVATIONS AND SUPPLEMENTAL COURT FUNDING. THE RECENTLY PASSED CS/CS/SENATE BILL 2962 AUTHORIZES COUNTIES TO ASSESS \$65 TO PERSONS FOUND GUILTY, ETC., IN CRIMINAL CASES. THE \$65 FEE CAN BE ASSESSED TO ANYONE WHO PLEADS GUILTY OR NOLO CONTENDRE TO, OR ARE FOUND GUILTY OF A FELONY, MISDEMEANOR OR CRIMINAL TRAFFIC OFFENSE. MONEY RAISED BY THIS FEE WOULD BE SPLIT INTO QUARTERS AND COULD BE APPLIED TO THE FOLLOWING PURPOSES: 25% TO INNOVATIVE COURT PROGRAMS TO SUPPLEMENT STATE FUNDING REQUIREMENTS IN STATUTE 29.004 OR LOCAL REQUIREMENTS IN STATUTE 29.008(2)(A) 2; 25 % TO LEGAL AID PROGRAMS REQUIRED IN STATUTE 29.008(3)(A); 25% TO LAW LIBRARY PERSONNEL AND MATERIALS; AND 25% TO TEEN COURT, JUVENILE ASSESSMENT CENTERS OR OTHER JUVENILE PROGRAMS. IT IS ESTIMATED THAT THIS FEE WOULD INITIALLY RAISE A TOTAL OF ABOUT \$350,000 PER YEAR IN ST. JOHNS COUNTY. THIS ORDINANCE IMPOSES THE \$65 COURT FEE AND ESTABLISHES FOUR ACCOUNTS: AN INNOVATIONS AND SUPPLEMENTAL COURT FUNDING ACCOUNT; A LAW LIBRARY AID ACCOUNT; A TEEN COURT, JUVENILE ASSESSMENT CENTER AND JUVENILE ALTERNATIVE PROGRAMS ACCOUNT; AND A LEGAL AID ACCOUNT AND PROVIDES FOR ACCOUNTING FOR AND ALLOCATING OF REVENUES

Proof of publication of the notice of public hearing to consider adoption of an ordinance, ORD LEGAL AID/LAW was received, having been published in *The St. Augustine Record* on June 1, 2004.

Dan Bosanko, County Attorney, mentioned major changes to county finances based on a change to the Constitution two years ago, regarding court funding. He explained that several of the fees received for certain programs would end June 30, 2004 and that legal aide and the Law Library would be affected. He explained that a legislative bill had been passed recently, allowing the county to assess an additional \$65 fee to anyone pleading guilty or nolo contendere to a felony, misdemeanor or criminal traffic offense. He stated that the law required the collections be placed into four separate funds and explained that no other use of these funds would be allowed. A discussion regarding disbursement of funds ensued. (1:58 p.m.) Meiszer questioned utilization of the Law Library. Sol Hirsch, Assistant Library Director, explained that everyone could access the Law Library databases electronically from any library branch and proposed expanding the databases, providing certain subscription print volumes to most of the other library locations, and providing the public with training sessions by the Bar Association on various aspects of the law, which would encourage them to do research. He mentioned hiring outside help to hold citizen workshops on how to do legal research and providing trained Staff. (2:03 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-41.**

ORDINANCE No. 2004-41

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
PROVIDING DEFINITIONS; ESTABLISHING AN
INNOVATIONS AND SUPPLEMENTAL COURT
FUNDING ACCOUNT; ESTABLISHING A LEGAL AID
ACCOUNT; ESTABLISHING A LAW LIBRARY
ACCOUNT; ESTABLISHING A TEEN COURT,
JUVENILE ASSESSMENT CENTER AND JUVENILE
ALTERNATIVE PROGRAMS ACCOUNT; IMPOSING
COURT COSTS; ACCOUNTING FOR AND
ALLOCATING REVENUES; PROVIDING FOR
REPORTS; REPEALING ORDINANCES; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE**

(06/15/04 - 8 - 2:03 p.m.)

5. PUBLIC HEARING - ORDINANCE PROVIDING FOR IMPOSITION OF A SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTIONS OR CERTAIN CRIMINAL VIOLATIONS. THE RECENTLY PASSED CS/CS/SENATE BILL 2962 AUTHORIZES COUNTIES TO ASSESS \$15 TO PERSONS PAYING TRAFFIC VIOLATION TICKETS. A \$15 FEE CAN BE ASSESSED TO PERSONS RECEIVING TRAFFIC TICKETS AND COULD BE USED FOR COUNTY OBLIGATIONS TO FUND COURT FACILITIES. MARY BRATOS, ASSISTANT COURT ADMINISTRATOR, HAS ATTACHED A MEMO DESCRIBING USES FOR THE FUNDS. THE BOARD WOULD DESIGNATE THE ACTUAL USE OF THE FUNDS IN CONSULTATION WITH THE CHIEF JUDGE OF THE 7TH JUDICIAL CIRCUIT, OR HIS OR HER DESIGNEE

Proof of publication of the Notice of Public Hearing to consider adoption of an ordinance for an additional \$15.00 assessment on traffic tickets was received, having been published in *The St. Augustine Record* on June 5, 2004.

Dan Bosanko, County Attorney, explained the optional fee allowed by the State Legislature for consideration of adoption by most counties. He stated that the \$15.00 fee would be applied to non-criminal traffic and parking violations and explained that the fee would go to the court system to help them deal with special problems. He introduced Mary Bratos, Assistant Court Administrator, and mentioned that she had provided a memorandum to the Board explaining what she would propose to use the monies for and that she would be able to provide answers to questions from the Board if necessary. (2:05 p.m.) Cheryl Strickland, Clerk of the Court, stated that approximately \$450,000 a year would be generated by the assessment and discussion ensued. (2:06 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-42.**

ORDINANCE NO. 2004-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA PROVIDING FOR IMPOSITION OF SURCHARGE ON NON-CRIMINAL TRAFFIC VIOLATIONS; ALLOCATION OF FUNDS RECEIVED FROM THE SURCHARGE; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(06/15/04 - 9 - 2:07 p.m.)

7. PUBLIC HEARING - COMPAMD 2004-02 SIX MILE CREEK OUTPARCELS (ADOPTION). THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A MAP AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM RESIDENTIAL A TO SAINT JOHNS DRI. THIS IS A DRI-RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE SECTION 380.06(16). THE BOARD OF COUNTY COMMISSIONERS (BCC) HAS TRANSMITTED THIS APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND REQUESTED THAT IT NOT BE REVIEWED. THE DCA ISSUED A LETTER DATED MAY 14, 2004 STATING THAT THE APPLICATION WOULD NOT BE REVIEWED. THE REQUEST DOES NOT APPEAR TO BE INCONSISTENT WITH THE ST. JOHNS COUNTY COMPREHENSIVE PLAN, STRATEGIC REGIONAL POLICY PLAN NOR THE STATE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED TO YOU AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing to consider adoption of an ordinance amending the Comprehensive Plan Ordinance No. 2000-34, was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, announced that Items 7, 8, 9, & 10 were interrelated but would require four separate motions and asked if the Board would prefer she present them all at once. Stern concurred. Cubbedge announced that a sign up sheet for Comprehensive Plan Citizen Courtesy Information List was available for those wishing to receive information from the Department of Community Affairs, regarding the Notice of Intent on the Comprehensive Plan Amendment. She explained that the first part of the application was a Comprehensive Plan Amendment to change the future land use designation of two out of three parcels within the St. Johns DRI. She stated that the applicant wished to incorporate the parcels into the DRI as a Single-Family Estate designation and mentioned that the proposed amendment would not result in an increase in any of the dwelling units in St. Johns DRI and that there would

be no additional impacts to facilities or services. She explained that the request would be consistent with the State Comprehensive Plan, St. Johns County Comprehensive Plan and the Strategic Regional Policy Plan. She said that the Planning and Zoning Agency (PZA) had recommended approval of this request with a vote of 6/0. She announced that she had provided the Board with a memorandum explaining that the agenda sheet had been modified to correct an omission in the motion which had been corrected to read "A motion to enact Ordinance No. 2004 - (?), known as Comprehensive Plan..." and provided a correction in the short title of the resolution. (2:34 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-43, known as COMPAMD 2004-02 Six Mile Creek Out parcels, to amend the 2015 Future Land Use Map from Residential A to Saint Johns DRI, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2004-43

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RESIDENTIAL A TO DEVELOPMENT OF REGIONAL IMPACT (DRI), FOR PROPERTY KNOWN AS THE PHILPOTT AND LAMBERT OUTPARCELS OF THE SIX MILE CREEK PUD, WITHIN THE SAINT JOHNS DRI, GENERALLY LOCATED SOUTH OF SR 16, WEST OF PACETTI ROAD, EAST OF CR 13, NORTH AND NORTHEAST OF JOE ASHTON ROAD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

(06/15/04 - 10 - 2:11 p.m.)

8. PUBLIC HEARING - NOPC 2003-06 SAINT JOHNS DRI. A COMPREHENSIVE PLAN AMENDMENT, REZONING TO PUD FOR SIX MILE CREEK PUD AND A MAJOR MODIFICATION TO THE INTERCHANGE PARCELS PUD WERE SUBMITTED SUBSEQUENTLY WITH THIS APPLICATION. THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE SAINT JOHNS DRI DEVELOPMENT ORDER (DO) TO MAKE THE FOLLOWING REVISIONS: THIS REQUEST SEEKS TO ALLOW THE INCORPORATION OF THE PHILPOTT AND LAMBERT OUTPARCELS INTO THE DRI. THE PHILPOTT OUTPARCEL CONSISTS OF 10.08 ACRES AND THE LAMBERT OUTPARCEL CONSISTS OF 7.60 ACRES. THESE OUTPARCELS WILL BE INCORPORATED INTO PARCELS 27, 28 AND 29 OF SIX MILE CREEK NORTH AND DESIGNATED AS SINGLE FAMILY ESTATE (SFE). NO ADDITIONAL RESIDENTIAL UNITS ARE TO BE ADDED FOR THESE OUTPARCELS. MAP H HAS ALSO BEEN MODIFIED TO SHOW THE RESULTING PARCELS 27, 28 AND 29. AN UPDATED LEGAL DESCRIPTION HAS BEEN PROVIDED TO INCLUDE THESE OUTPARCELS. THE NORTHEAST FLORIDA REGIONAL COUNCIL HAS REVIEWED THIS REQUEST AND FOUND THAT THE PROPOSED NOPC DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE APPLICATION WAS HEARD BY THE PLANNING AND ZONING AGENCY AT THEIR JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BOARD MEETING

Proof of publication of the Notice of Public Hearing of a proposed change (NOPC) to the Saint Johns Development of Regional Impact (DRI) was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, reviewed these requested revisions: (1.) Add the Philpot and Lambert outparcels to the DRI and show them on Map H. (2.) Seek to redesignate parcels 1-6 in the northwest quadrant of the interchange parcel to single-family conventional for a age-restricted, gated residential single-family community, to reduce the industrial and office acreage and redesignation of parcels 1-4 and 6-13 in the northeast quadrant of the interchange parcels to a combined office/industrial category. She explained that this would allow multi-use and that Staff had always recommended choosing one-use categories for each parcel and that the applicant had agreed to leave parcels 4, 5 and 15 as currently designated. (3.) The applicant sought a modification of the DO to state that specific conditions FFE, FFF and FFM had been satisfied relating to the four-laning of International Golf Parkway from the Interchange Northwest parcel to State Road 16, which had been committed to by the World Commerce Centre DRI; the signal at International Golf Parkway, SR 16 and Pacetti Road and the signal at CR 210 and I-95 ramps which had been installed. She stated that the applicant requested utilization of bi-annual reporting, rather than annual reporting and that the PZA recommended approval of this item with a vote of 6/0. (2:35 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve Resolution No. 2004-133, approving a Notice of Proposed Change to the Saint Johns DRI Development Order, adopting Findings contained in the package to support the motion.**

RESOLUTION NO. 2004-133

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233, 98-126, 98-179, 99-20, M99-173, 2002-53 AND 2003-116; FINDING THE MODIFICATIONS ARE CONSISTENT WITH ST. JOHNS COUNTY COMPREHENSIVE PLAN 2015, ORDINANCE NO. NO> 2000-34 AND CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE; FINDING THAT THE MODIFICATIONS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE

(06/15/04 - 11 - 2:16 p.m.)

9. PUBLIC HEARING - PUD 2004-04 SIX MILE CREEK PUD- SAINT JOHNS DRI. A COMPREHENSIVE PLAN AMENDMENT, NOTICE OF PROPOSED CHANGE (NOPC) TO THE SAINT JOHNS DRI AND A MAJOR MODIFICATION TO THE INTERCHANGE PARCELS PUD HAVE BEEN FILED CONCURRENTLY WITH THIS APPLICATION. THE SUBJECT PROPERTY IS WITHIN THE SIX MILE CREEK PUD AND THE SAINT JOHNS DRI, WHICH IS COMPRISED OF 4329.23 ACRES. THIS REQUEST SEEKS TO REZONE LANDS FROM OR AND PUD TO PUD TO ALLOW THE INCORPORATION OF THE PHILPOTT AND LAMBERT OUTPARCELS. THE PHILPOTT OUTPARCEL CONSISTS OF 10.08 ACRES AND THE LAMBERT OUTPARCEL CONSISTS OF 7.60 ACRES. THESE OUTPARCELS WILL BE INCORPORATED INTO PARCELS 27, 28 AND 29 OF SIX MILE CREEK NORTH AND DESIGNATED AS SINGLE FAMILY ESTATE (SFE). NO ADDITIONAL RESIDENTIAL UNITS ARE TO BE ADDED FOR THESE OUTPARCELS. THIS REQUEST WILL ALSO TRANSFER 236 SFC RESIDENTIAL UNITS TO THE INTERCHANGE PARCELS PUD AND REDISTRIBUTES UNITS AMONG THE RESIDENTIAL

CATEGORIES AS SHOWN IN TABLE III. MAP H HAS ALSO BEEN MODIFIED TO SHOW THE RESULTING PARCELS 27, 28 AND 29. THE APPLICATION ALSO REQUESTS ONE NEW WAIVER WITH REGARD TO COMMERCIAL SETBACKS. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING COMPLIES WITH THE COMPREHENSIVE PLAN AND THE DRI DEVELOPMENT ORDER, SUBJECT TO THE APPROVAL OF THE CORRESPONDING COMPREHENSIVE PLAN AMENDMENT AND NOPC APPLICATION. SUBJECT TO THE APPROVAL OF THE WAIVER REQUESTED, THE REVIEW PROCESS IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS REZONING, SUBJECT TO THE BOARD'S APPROVAL OF THE WAIVER REQUESTED. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 3, 2004 PUBLIC HEARING AND THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing of a Proposed Rezoning of PUD 0404/Six Mile Creek-Saint Johns DRI, was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, explained that the request included transferring two hundred and thirty-six single-family conventional units from the Six Mile Creek PUD into the Interchange PUD to provide for the units necessary for the adult, age-restricted, gated community and that Map H had been revised to incorporate outparcels into parcels 27, 28 and 29 and the PUD requested one waiver in regard to commercial setbacks. She stated that the Land Development Code (LDC), Section 5.03.03 B2, required that commercial uses had a twenty foot setback from buildings, parking and storage areas along the property lines, adjacent to road rights-of-way or residential uses and that the applicant had requested a waiver to not require parking areas to be setback twenty feet. She explained that the developer wished to continue the plan of development for future parcels and submitted that a substantial amount of urban space had already been provided for throughout the DRI and stated that this requirement did not exist in straight zoning categories. She said that Staff had approved this waiver request and that the PZA had recommended approval of this item with a 6/0 vote, having received three items in favor of the request and six items opposed to the request. (2:35 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-44, known as PUD 2004-04 Six Mile Creek PUD-Saint Johns DRI adopting Findings of Fact to support the motion, including the waiver requested with regard to commercial setbacks.**

ORDINANCE NO. 2004-44

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

(06/15/04 - 13 - 2:16 p.m.)

10. PUBLIC HEARING - MAJMOD 2004-03 INTERCHANGE PARCELS PUD - SAINT JOHNS DRI. A NOTICE OF PROPOSED CHANGE (NOPC) TO THE SAINT JOHNS DRI AND A REZONING TO PUD FOR THE SIX MILE CREEK PUD HAVE BEEN FILED CONCURRENTLY WITH THIS APPLICATION. THE SUBJECT PROPERTY IS WITHIN THE INTERCHANGE PARCELS PUD AND THE SAINT JOHNS DRI. IT IS COMPRISED OF 1932.94 ACRES. THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD TO RE-DESIGNATE PARCELS 1-6 IN THE NORTHWEST QUADRANT TO SFC FOR AN AGE-RESTRICTED, SINGLE-FAMILY COMMUNITY. THIS CHANGE RESULTS IN A REDUCTION IN THE ALLOCATED INDUSTRIAL ACREAGE BY 82.16 ACRES AND THE OFFICE ACREAGE BY 32.39 ACRES. REQUESTED TO BE TRANSFERRED ARE 450 UNITS TO THE INTERCHANGE PARCELS PUD. OF THESE 450 UNITS: 236 ARE TO BE TRANSFERRED FROM THE SIX MILE CREEK PUD AND 214 ARE UNITS ALLOWED BY THE DRI THAT WERE NOT ALLOCATED TO EITHER PUD. THESE PROPOSED CHANGES DO NOT INCREASE THE TOTAL NUMBER OF ALLOWED RESIDENTIAL UNITS WITHIN THE DRI. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE DRI DEVELOPMENT ORDER SUBJECT TO THE APPROVAL OF THE REQUESTED NOPC. SUBJECT TO THE APPROVAL OF THE WAIVERS REQUESTED, THE REVIEW PROCESS IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY 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 BOARD'S APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 3, 2004 PUBLIC MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing of a Proposed Major Modification of MAJ 0403/St. Johns Interchange was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, reviewed the applicants request to redesignate parcels 1-6 to single family conventional from office and industrial zoning to incorporate two hundred and thirty-six units from the Six Mile PUD and two hundred and fourteen units that were left out of the original DRI resulting in the four hundred fifty units necessary for the development. The applicant requested redesignation of parcels 1-4 and 6-13 as office/industrial and redesignation of parcel 11 to allow for flexibility for single family or multi-family in accessory to the spa facility. She stated that Map H had been changed to incorporate the requests and that the applicant had also requested three additional waivers: (1.) A waiver request to Section 5.03.03 B1B, Section 6.01.03 H1 and the definition of yard. She explained that the applicant requested that their sideyard setbacks be measured to the foundation wall of the structure and to be a minimum of five feet and that certain projections as allowed in LDC Section 6.01.03 H1 to be located within any setback with a minimum of seven-foot separation provided from eave to eave. She stated that on inner lots with a setback less than seven and a half feet the applicant proposed that no air conditioning unit or similar structure would be allowed in the sideyard and that no structure would be closer than five feet to the property line. She said that the applicant felt that the waiver was justified because the setbacks had already been approved in the Six Mile Creek PUD and other subdivisions and that these setbacks would be necessary to maintain a consistent pattern of development. She stated that Staff objected to this waiver request

based on a modification of the LDC in 2003, to allow that all PUD's be uniform. (2.) Waiver requested to Section 6.01.03 E3 and 6.01.03 E4, in which the LDC allowed for a separate front yard to have an automatic reduction of twenty percent. She stated that the applicant had requested the waiver to allow the second front yard to be considered as a rear yard and to allow a ten foot setback and submits that the waiver is justified in that these setbacks had already been approved in the PUD and the Six Mile Creek PUD and that the waiver was necessary to maintain a consistent pattern of development and that Staff had no objections to this waiver. (3.) A waiver requested to Section 5.03.04 B2, the commercial setback that required the twenty-foot setback for builders, parking and storage along the property lines, adjacent to road rights-of-way and adjacent to residential uses. She stated that Staff had no objections to this waiver and that the PZA recommended approval of this item with a vote of 4/2 and one item of correspondence in opposition had been received. (2:23 p.m.) Maguire asked about the two PZA descending votes and Cubbedge replied that no formal statement had been made on the record. Maguire opposed the first waiver. (2:24 p.m.) Jacalone asked for clarification on the waiver request relating to sideyards. Cubbedge explained that the applicant was requesting a different way of measuring the sideyards and Jacalone responded that the applicant wanted to use their own way to measure and Cubbedge concurred. Jacalone explained that the County required five feet from the property line to the farthest projection on the house including eaves or balconies and that he supported Staff's recommendation to not deviate from the recommended sideyard measurement and Stern concurred. (2:25 p.m.) John Metcalf, 245 Riverside Avenue represented SJ Land Associates and IT Land Associates addressed the Board. He gave a brief history of the project. He explained that in the summer of 2003 the Commission had granted a waiver to the Six Mile Creek PUD allowing for sideyard setbacks of five feet, measured to the wall and allowing an eighteen-inch projection by the eaves into the sideyard setback, requiring a minimum seven foot separation, eave to eave and establishing that in any area where the sideyard measured to the wall was less than seven and a half feet, the air conditioning units and other things would have to be placed in the backyard. He requested that the setbacks in the Interchange parcel be made to be consistent with the Six Mile Creek parcel. He mentioned that an age-restricted community was working its way through the master plan approval process with no objections from Staff to the setbacks or the proposed design except that the design and setbacks were contingent upon approval of this setback waiver request and said that approval of the waiver would not interfere with any safety requirements. (2:31 p.m.) Meiszer asked if the age-restriction applied to occupancy or ownership or both and Metcalf answered that it applied to the occupancy. Meiszer asked for clarification on age-restricted communities and discussion ensued. (2:36 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-45, known as MAJMOD2004-03 Interchange Parcels PUD-Saint Johns DRI, adopting Findings of Fact to support the motion contained in the package, not supporting waiver request number one, but supporting waiver requests two and three.**

ORDINANCE NO. 2004-45

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE INTERCHANGE PARCELS
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
NUMBER 91-36, AS AMENDED, MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING FOR AN EFFECTIVE DATE**

(06/22/04 - 15 - 2:37 p.m.)

11. PUBLIC HEARING - COMPAMD 2003-03 ST. AUGUSTINE CENTRE DRI (ADOPTION) PUBLIC HEARING TO CONSIDER COMPAMD 2003-03, A PROPOSED TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN. THIS REQUEST IS TO AMEND OBJECTIVE H.1.6 TO ADD POLICY H.1.611 TO ALLOW THE ST. AUGUSTINE CENTRE DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN THE FLORIDA STATUTE SECTION 163.3180(12) TO SATISFY TRANSPORTATION CONCURRENCY BY A PAYMENT OF PROPORTIONATE SHARE CONTRIBUTION (PIPELINING). THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN, AMENDING OBJECTIVE H.1.6 TO ADD POLICY H.1.611. THIS IS A DRI-RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE SECTION 380.06(16). THE BOARD HAS TRANSMITTED THIS APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS. THE DCA ISSUED A LETTER DATED APRIL 16, 2004, WHICH RAISED NO OBJECTIONS TO THE PROPOSED AMENDMENT. THE ST. AUGUSTINE CENTRE DRI COMPRISES 315.3 ACRES AND IS LOCATED AT SR 16 AND BELZ OUTLET BLVD. THE PROJECT IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) OF THE 2015 FUTURE LAND USE MAP AND IS ZONED PUD. THE REQUEST DOES NOT APPEAR TO BE INCONSISTENT WITH THE COUNTY COMPREHENSIVE PLAN, STRATEGIC REGIONAL POLICY PLAN NOR THE STATE COMPREHENSIVE PLAN. THE APPLICANT HAS BEEN ADVISED THAT, IF THE BOARD APPROVES THE PROPOSED AMENDMENT FOR TRANSMITTAL AT THIS PUBLIC HEARING STAGE, ADDITIONAL REVIEW AND CONCERNS BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD BE REQUESTED PRIOR TO THE FINAL ADOPTION HEARING. PUBLIC COMMENT AND/OR CONCERNS EXPRESSED BY THE DCA WOULD BE CONSIDERED AT THAT TIME. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing to consider an Ordinance of the County of St. Johns, State of Florida, amending the Comprehensive Plan Ordinance No. 2000-34, as amended, to amend Comprehensive Plan goals, objectives and policies was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, stated that items 11, 12 and 13 were interrelated, but that the NOPC and the MAJMOD contained items not related to the Comprehensive Plan Amendment and explained that all portions of these items needed to be considered when a motion was made. She stated that the Comprehensive Plan Amendment was to the St. Augustine Centre DRI Development Order that had been originally approved by Resolution NO. 97-77 and included phased transportation improvements to mitigate the impacts of the multi-use DRI. She explained that the applicant had completed a traffic study that included the impacts for Phase III and based on the results of the study, the applicant had requested to utilize the standards and guidelines set forth in the Florida Statutes, Section 163.318.012 to satisfy transportation concurrency by a payment of a proportionate share contribution. She explained that each project utilizing pipelining must come before the Board and request a textural amendment to the County Comprehensive Plan to add a policy to objective H16 to allow pipelining in its specific occasion, and if approved, it would become Policy H16-11. Cubbedge explained that Special Commission Fifteen set forth a list of improvements that would have to be completed before commencement of any development in Phase III and that the DO allowed the developer alternatives. She reviewed the mandatory improvements and said that the request did not appear to be inconsistent with the St. Johns County

Comprehensive Plan, the Strategic Regional Policy Plan or the State Comprehensive Plan and that the PZA recommended approval of this item with a vote of 4/2. She mentioned that there had been a typo in the motion and that a corrected version had been given to the Board. (2:46 p.m.) Jacalone clarified that the proposal was basically a total payment of 2.5 million dollars to FDOT to improve the segments described in the proposal and asked when these improvements would be made. Cubbedge answered that when the applicant had reached the time in the development to start Phase III, that the payment to FDOT would be made. Jacalone stated that the developer's portion would be 2.5 million dollars but asked when the road project would be completed with Cubbedge answering that no date was available. Jacalone stated that the developer would be obligated to pay before they would be eligible to develop, but the obligation to pay would not identify a completion date for the road project. (2:48 p.m.) Shawn Collins, Transportation Concurrency Planner, explained that when FDOT accepted the monies, the project would be added to the work program and that the developer's donation would determine the time frame. Discussion regarding the proposed improved segments on SR 16 and the voluntary contribution ensued. (2:52 p.m.) Jacalone explained that he did not want to accept the agreement, have the money given to FDOT and then not see improvements for eight to ten years and asked how this could be avoided. Cubbedge stated that specific language could be added to the Development Order addressing this issue. (2:56 p.m.) Bishop mentioned that most of the pipelined improvements within the county had been identified as time certain and explained that the applicant could be asked to make the improvement in lieu of funneling monies into the FDOT's work program. (2:58 p.m.) Discussion regarding FDOT's Work Program schedule ensued. (3:03 p.m.) Collins explained that the total cost of the project would not directly correlate with the fair share contribution, which is based on the cost of improvements to the facilities to a level of service determined by the county, which would bear impact. He explained that the fair share was based on impacts to the portion of SR 16 affected by the project. (3:09 p.m.) Bosanko mentioned the Statute that disallowed money for this type of project to be given directly to the County and suggested studying the information further and developing an alternate plan. Stern asked Collins if FDOT indicated a timeframe for the four-laning of State Road 16 and Collins answered that FDOT had to have a project 100% funded before it would be added to the work program and that this project was not in the current work program. (3:11 p.m.) Scott Clem, Director, Growth Management Services, explained that the County could require the developer to make the improvement and make the improvement time certain. Discussion ensued. (3:15 p.m.) John Bailey, 780 North Ponce de Leon Blvd., local counsel for the developer, explained that the 2.5 million dollars was based on a FDOT formula that would cover six-tenths of a mile of four-laning and that four miles would cost at least sixteen million dollars. He mentioned it would not be economically feasible for the applicant to four-lane over four miles of roadway. (3:16 p.m.) Betsy Bowman, DRI counsel for the project, addressed the pipelining aspects and the existing DRI development order requirements. She stated that the applicant was not required to build anything, but they were required to stop if a certain list of improvements had not been made prior to Phase III. She mentioned a State Statute that directs the monies solely to FDOT where they would be responsible for the road maintenance and that the money would need to be applied to improvements required by the developer's impacts. (3:22 p.m.) Jacalone suggested that the agreement be contingent on the developer doing the improvement and Bowman replied that her client would consider this, but asked for a stipulation stating that the improvement would need to be committed or under construction within three years. Clem stated that the County had considered commitments, through DRI DO's that involved pipelining on both state and county roads, if they were date certain commitments and send that a bond or letter of commitment would need to be given to the county to guarantee that the improvement would be made as a form of insurance for the county. Bowman mentioned that Phases 3A and B were scheduled to start on January 1, 2005 and that the

developer would not be physically able to commence or complete construction by that date and asked that a reasonable amount of time be allotted for starting and completing the project. She suggested that the DO contain a commitment but allow the Phases to proceed. Clem said that Staff would accept a reasonable timeframe for permitting and getting construction underway. (3:27 p.m.) Bosanko announced that some sort of bonding would give the county assurance that the project would be completed and asked for additional time to review the documents to redraft the provisions and Bowman concurred and then clarified that the suggestion would be to take the pipelining amount and insure that it be sufficient to build the six-tenths of a mile, so that the developer would bear the risk of inflation and Clem concurred. (3:28 p.m.) Jacalone requested that this condition be included in the Development Order. (3:30 p.m.) Stern asked that the developer be allowed to have enough time to obtain permitting. Discussion regarding determination of a commencement and completion dates ensued. (3:32 p.m.) Bowman requested a continuance, so that an agreement could be brought back to the Board and Stern asked that this item be heard on July 13, 2004. (3:34 p.m.) *Motion by Jacalone, seconded by Stern, to continue the COMPAMD 2003-03 St. Augustine Centre DRI to July 13, 2004 at 1:30 p.m.*

(3:34 p.m.) Catherine Grexa, 548 Domenico Circle, questioned transportation costs allocated to the developer and asked how it was calculated. She explained that FDOT would have a schedule of costs to build roadways. (3:36 p.m.) Collins stated that it would cost approximately four million dollars per mile. Grexa expressed her opinion that pertinent information be required before Commissioners vote on any particular project and that often times this data was missing. Jacalone explained that calculating their transportation impacts on a particular phase of a project derived the fair share amounts. Discussion ensued. (3:39 p.m.) Stern assured Miss Grexa that staff provided the Commission with all pertinent data necessary to make informed decisions.

(3:40 p.m.) Cubbedge explained that there was no way to split the NOPC into two-parts because it was directly connected to the Comprehensive Plan Amendment. She requested continuing all three items to the June 22, 2004 meeting. (3:41 p.m.) Adams said that these items would be added to the June 22, 2004 afternoon meeting. (3:42 p.m.) Stern requested that the maker of the motion amend the motion. (3:42 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to continue COMPAMD 2003-03 St. Augustine Centre DRI until June 22, 2004.**

(3:43 p.m.) Motion by Bryant, seconded by Maguire, carried 5/0, to continue the NOPC 2003-04 St. Augustine Centre DRI Development Order and the MAJ MOD 2004-10 St. Augustine Centre PUD to June 22, 2004.

(Items 11, 12 and 13 were continued to June 22, 2004.)

12. PUBLIC HEARING - NOPC 2003-04 ST. AUGUSTINE CENTRE DRI. THIS NOPC HAS BEEN SUBMITTED CONCURRENTLY WITH A COMPREHENSIVE PLAN AMENDMENT AND MAJOR MODIFICATION TO THE PUD. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER, PROPOSES TO DIVIDE PHASE 3 INTO 3A AND 3B FOR TRANSPORTATION MITIGATION PURPOSES. PHASE 3A WILL CONSIST OF 242,000 SQUARE FEET OF RETAIL USE (INCLUDING A MAXIMUM OF 75,000 SQUARE FEET OR OUTLET RETAIL), 146 HOTEL ROOMS AND 345 MULTI-FAMILY DWELLING UNITS. PHASE 3B WILL CONSIST OF 254 HOTEL ROOMS AND 300,000 SQUARE FEET OF LIGHT INDUSTRIAL. THE APPLICANT HAS SET FORTH THE PROPOSED PROPORTIONATE SHARE CONTRIBUTION/PIPELINE PROPOSAL FOR PHASE 3B. BASED ON THE FINDINGS OF THE TRAFFIC

STUDY, THE APPLICANT HAS REQUESTED TO UTILIZE A PROPORTIONATE SHARE PAYMENT TO SATISFY THE TRANSPORTATION CONCURRENCY REQUIREMENTS FOR PHASE 3. THE TRAFFIC STUDY INDICATES THAT THE PROJECT PROPORTIONATE SHARE OF THESE TRANSPORTATION IMPACTS DUE PRIOR TO THE COMMENCEMENT OF PHASE 3B IS \$1,938,063. THE APPLICANT HAS ALSO INCLUDED A VOLUNTARY CONTRIBUTION BASED ON LINK 92.2 (WEST MALL ENTRANCE TO I-95) OF \$649,386. THE PROPORTIONATE SHARE CONTRIBUTION TOTALS \$2,587,449. THE NORTHEAST FLORIDA REGIONAL COUNCIL HAS PROVIDED THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. STAFF HAS NO OBJECTIONS TO APPROVAL AND TO A FINDING THAT THE PROPOSED NOPC DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION, SUBJECT TO THE APPROVAL OF THE PROPOSED COMPREHENSIVE PLAN AMENDMENT TO ALLOW A PROPORTIONATE SHARE CONTRIBUTION. THIS APPLICATION WAS HEARD BY THE PLANNING AND ZONING AGENCY AT THE JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BOARD MEETING

Proof of publication of the Notice of Public Hearing of a Proposed Change (NOPD) to the St. Augustine Centre Development of Regional Impact, was received, having been published in *The St. Augustine Record* on May 19, 2004.

(Items 11, 12 and 13 were continued to June 22, 2004.)

13. PUBLIC HEARING - MAJMOD - 2004-10 ST. AUGUSTINE CENTRE PUD. THE ST. AUGUSTINE CENTRE PUD CONSISTS OF 315.3 ACRES AND IS LOCATED AT 2320 STATE ROAD 16, WITHIN THE ST. AUGUSTINE CENTRE DRI. THE MAJOR MODIFICATION PROPOSES TO: REDUCE THE OVERALL OUTLET RETAIL USE BY 196,725 SQUARE FEET AT PUD BUILDOUT, PROVIDE FOR SUBPHASING OF PHASE 3 INTO PHASES 3A AND 3B FOR TRAFFIC PURPOSES, INTERNALLY RECONFIGURE THE PREVIOUSLY APPROVED LAND USES. THE APPLICANT HAS FILED FOR PERMITS TO FILL FOUR (4) ACRES OF WETLANDS ADJACENT TO I-95. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY 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. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED TO YOU AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing of a Proposed Major Modification to the MAJ 0410/St. Augustine Centre, was received, having been published in *The St. Augustine Record* on May 19, 2004.

(Items 11, 12 and 13 were continued to June 22, 2004.)

(06/15/04 - 19 - 3:46 p.m.)

6. MOTION TO ADOPT A RESOLUTION, RECOGNIZING UNANTICIPATED REVENUE IN THE AMOUNT OF \$3,500, AND INCREASING THE EXPENDITURE BUDGET OF THE DETENTION FACILITY SUBSIDY (0042-56301) IN THE SAME AMOUNT AND A MOTION TO APPROVE THE TRANSFER OF \$15,000 FROM GENERAL FUND RESERVES (0083-59920), TO THE DETENTION FACILITIES SUBSIDY IMPROVEMENTS O/T BUILDING (0042-56301)

(3:44 p.m.) Dan Bosanko, County Attorney, requested an extension to the current contract with the Jacksonville Area Legal Aide (JALA), Inc., a non-profit organization that provides legal aide services. He explained that JALA had been taking care of legal aide services for St. Johns County since January and that the original contract had been for six months, which had been funded, using state mandated fees, but that by state law these funds run out at the end of June. He stated that the funding for these services would be addressed in the next fiscal budgeting process, but July, August and September needed to be funded. He stated that the original contract provided for a three-month extension and that the estimated amount of these fees would be \$18,000.00. He asked the Board to authorize the contract extension and transfer of funds. (3:47 p.m.) Jacalone asked what would happen if the contract was left to expire until a new contract was negotiated and Bosanko answered that there were on-going cases that would be affected. (3:48 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to authorize the County Administrator to extend the existing contract with JALA from July 1, 2004 through September 30, 2004 with eighteen thousand dollars for such extension coming from General Fund Reserves.**

RESOLUTION NO. 2004-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2004 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZED ITS EXPENDITURE BY THE ST. JOHNS COUNTY DETENTION FACILITIES SUBSIDY

(06/15/04 - 19 - 3: 48 p.m.)

- 6A. MOTION TO ADOPT A RESOLUTION, RECOGNIZING UNANTICIPATED REVENUE IN THE AMOUNT OF \$80,000 (3336-36603) AND INCREASING THE EXPENDITURE BUDGET OF THE PARK CONSTRUCTION DEPARTMENT (3314-56301) FOR IMPROVEMENTS TO THE ALPINE GROVES PARK.

Meiszer asked for some editorial changes in the final paragraph. He asked that a reference be added to express gratitude and that after the words "State of Florida", the words "with grateful appreciation" be added and that a copy of the resolution be sent to the Volunteer Fire Department. (3:49 p.m.) **Motion by Meiszer, seconded by Maguire, carried 5/0, approving the resolution with the words with grateful appreciation inserted to the resolution before "and be it further resolved" and that a copy of the resolution be sent to the Volunteer Fire Department.**

RESOLUTION NO. 2004-135

A RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2004 PARK CONSTRUCTION FUND BUDGET TO RECEIVE

**UNANTICIPATED REVENUE AND AUTHORIZED ITS
EXPENDITURE BY THE ST. JOHNS COUNTY PARK
CONSTRUCTION DEPARTMENT**

(06/15/04 – 20 - 3:50 p.m.)

Commissioners' Reports

Commissioner Meiszer

Meiszer read an article from The Tampa Tribune on June 7, 2004, titled "Finally Putting a Price tag on Fast Residential Growth". The article stated that a development of 490 single-family homes, with an average taxable value of \$110,288.00 (after homestead exemption), created a shortfall of 1.4 million dollars, which the other tax payers must help these homeowners to pay for roads, schools and other services, or if the budget is tight, the result is overcrowded schools, traffic jams and water shortages. The article mentioned Hillsborough County hiring a consultant to determine the affect of growth on surrounding communities. He read that the deficit could approach over 500 million dollars over twenty years and that it appeared that growth does not appear to pay for itself.

Commissioner Maguire

No report.

Commissioner Stern

No report.

Commissioner Jacalone

No report.

Commissioner Bryant

No report.

County Administrator's Report

(2:53 p.m.) Ben Adams announced that Jim Dickinson would be the new CEO of JEA at the end of August. He announced dates for the budget review:

July 13, 2004 Adams will present his recommended budget to the Board.

July 22, 2004 Adams suggested having the Budget workshop at 9:00 a.m. with the constitutional officers starting off with the workshop to take place in the County Auditorium.

July 27, 2004 Adams stated that the tentative millage rates (the TRIM) would be set on this date.

Adams and Bosanko presented a proposal to change the County Commission meeting schedule. Bosanko suggested changing the Commission meetings to Wednesday beginning August 11, 2004 and meeting every other Wednesday thereafter. He suggested advertising all hearings to begin at 9 a.m. and discussion ensued. (4:13 p.m.) Bosanko asked for Board Direction. **The Board directed Bosanko to change the**

Commission Meetings to Wednesday beginning August 11, 2004 with meetings to be held every other week from that point on and to advertise the meetings to begin at 9 a.m.

(4:15 p.m.) John Metcalf, 245 Riverside requested that the Board reconsider their decision on excluding the first waiver on Item #10. The Board denied the request.

County Attorney's Report

No report.

Clerk of Court's Report

No report.

Motion by Jacalone, seconded by Stern, carried 5/0 to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 4:18 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check Nos. 352654 through 352867, totaling \$937,915.10 (06/08/04)
2. St. Johns Board of County Commissioners Check Register Check No. 352652, totaling \$948.00 (06/07/04)

CORRESPONDENCE:

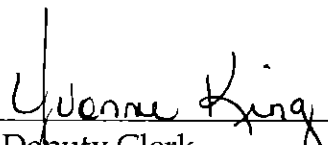
1. Letter dated June 8, 2004 to Liz Cloud, Chief of the Bureau of Administrative Code, regarding filing St. Johns County Ordinances No. 2004-36 and 2004-39

Approved July 13, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk