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**MINUTES OF SPECIAL MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 9, 2005  
9:00 A.M.**

Proceedings of a special meeting of the Board of County Commissioners, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

Proof of publication of the notice of public hearing on the special meeting was received, having been published in *The St. Augustine Record* on November 2, 2005.

Present were:       Bruce A. Maguire, District 4, Chairman  
                          James Bryant, District 5, Vice Chairman  
                          Cyndi Stevenson, District 1  
                          Karen R. Stern, District 2  
                          Ben Rich, District 3  
                          Scott Clem, Assistant County Administrator  
                          Dan Bosanko, County Attorney  
                          Yvonne King, Deputy Clerk

(11/09/05 - 1 - 9:04 a.m.)  
CALL TO ORDER

Maguire called the meeting to order.

(11/09/05 - 1 - 9:04 a.m.)  
ROLL CALL

Maguire announced that all five commissioners were present.

(11/09/05 - 1 - 9:04 a.m.)  
INVOCATION & PLEDGE OF ALLEGIANCE

Bryant gave the invocation and Stevenson led the Pledge of Allegiance.

(11/09/05 - 1 - 9:05 a.m.)  
PROCLAMATION DESIGNATING NOVEMBER 11, 2005 AS VETERANS DAY

Maguire read the proclamation designating November 11, 2005 as Veterans Day and presented it to Tom Waskovitch and Joe McDermott, who thanked the County for the proclamation. Waskovitch then announced several functions that will be held around the County honoring veterans. (9:13 a.m.) Colonel Ed Taylor informed the Board that he and Peter Guinta would be flying to Washington, D.C. and would be at the wall at the reunion of the adrained valley survivors to request support of having a nursing home in St. Johns County and it being named after "Leo Chase," who was the first veteran death in St. Johns County during the Vietnam War.

(11/09/05 - 1 - 9:15 a.m.)  
PROCLAMATION DESIGNATING NOVEMBER 13-19, 2005 AS HUNGER & HOMELESS AWARENESS WEEK

Stern read the proclamation proclaiming the week of November 13 through November 19, 2005 as Hunger and Homeless Awareness Week, and presented it to Elaine Dilbeck,

who invited everyone to the Hunger and Homeless Awareness Week Dinner on November 17, 2005 at 6:00 p.m. at the First United Methodist Church on the corner of King and Riberia Street.

(9:19 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to accept the two proclamations.**

(11/09/05 - 2 - 9:20 a.m.)

PUBLIC COMMENTS

Rosemary Stapley, 3164 Coastal Highway, commented on the Stevens property acquisition that was proposed to be a park. Stapely displayed a map and photos. Discussion followed regarding the acquisition of the property.

(9:32 a.m.) Richard Tallman, 208 Silver Lake Terrace, Palatka, Treasurer of DAV Post #6, addressed the request for \$20,000+ from DAV for the purchase of a van to transport veterans to the VA hospital in Gainesville. Discussion followed regarding the purchase of the van.

(11/09/05 - 2 - 9:43 a.m.)

ADDITIONS/DELETIONS TO SPECIAL MEETING AGENDA

Rich requested that Joe Stevenson summarize the Summer Haven beach renourishment issue. Clem requested Item #1 be removed from the agenda.

(9:44 a.m.) Bryant left the meeting.

(11/09/05 - 2 - 9:44 a.m.)

APPROVAL OF SPECIAL MEETING AGENDA

**Motion by Stern, seconded by Stevenson, carried 4/0 Bryant absent, to approve the Special Meeting Agenda, as amended.**

(9:44 a.m.) Joe Stephenson, Public Works Director, reported on the Sumerhaven issue; said the temporary dune berm has been constructed; the road has been paved; and the dirt road has been improved.

(9:45 a.m.) Bryant returned to the meeting.

(11/09/05 - 2 - 9:43 a.m.)

1. CR 2209 PRELIMINARY ENGINEERING STUDY - ALTERNATIVES AND PREFERRED ALIGNMENT

*This item was removed from the agenda.*

(11/09/05 - 2 - 9:45 a.m.)

2. PUBLIC HEARING - MAJMOD 2005-09 BARTRAM PLANTATION PUD - THIS ITEM WAS POSTPONED FROM THE OCTOBER 18, 2005 BOARD MEETING TO ALLOW FOR CONTINUED DISCUSSION WITH THE RESIDENTS OF BARTRAM PLANTATION. A COMMUNITY MEETING WAS SCHEDULED FOR NOVEMBER 2, 2005 AT THE FRUIT COVE ELEMENTARY SCHOOL. AN UPDATE OF THAT MEETING WILL BE PROVIDED DURING THE SPECIAL MEETING. THE ORIGINAL BARTRAM PLANTATION PLANNED UNIT DEVELOPMENT CONTAINS 202.31 ACRES AND 150 SINGLE FAMILY UNITS. A PORTION OF THE BARTRAM PLANTATION PLANNED UNIT

DEVELOPMENT IS LOCATED WITHIN THE RIVERTOWN DEVELOPMENT OF REGIONAL IMPACT. THE MAJOR MODIFICATION WOULD REMOVE 15.76 ACRES FROM THE BARTRAM PLANTATION PUD AND ENABLE THE SITE TO BE REZONED WITHIN THE RIVERTOWN PLANNED UNIT DEVELOPMENT. THE 15.76 ACRES ARE DESIGNATED COMMUNITY COMMERCIAL ON THE 2015 FUTURE LAND USE MAP. THE REVISED SITE STATISTIC INFORMATION CONFIRMS DENSITY MEETS THE REQUIREMENTS OF THE RESIDENTIAL B LAND USE CATEGORY (2 DU/NET AC). THE SITE WILL CONTAIN 186.48 ACRES, 25.21 ACRES OF WETLANDS FOR A TOTAL NET ACREAGE OF 161.27 ACRES. THE PUD MAINTAINS 150 SINGLE FAMILY UNITS, YIELDING A NET DENSITY OF 0.9 DU/AC. THE REMAINING SUBJECT PROPERTY IS SERVED BY INDIVIDUAL WELL AND SEPTIC. ADJACENT ZONINGS INCLUDE RESIDENTIAL SINGLE FAMILY (RS-2), OPEN RURAL (OR) AND PLANNED UNIT DEVELOPMENT (PUD). ADDITIONAL CONCURRENCY REVIEW NOT REQUIRED

Proof of publication of the notice of public hearing on the major modification to Bartram Plantation PUD was received having been published in *The St. Augustine Record* on October 22, 2005.

Lindsay Haga, Planner III, explained the major modification; said the request was to remove 15.76 acres from the existing Bartram Plantation PUD so that it could be added to the RiverTown PUD; that the 15.76 acres was included within the RiverTown DRI boundary; and that it was designated as Community Commercial on the FLUM map. (9:48 a.m.) Nick Cassalla, Vice President/Project Manager for the St. Joe Company, gave a PowerPoint presentation, which included: the RiverTown Masterplan, the site location; the timeline for the project; the proposed FLUM Map 4; and the Bartram Plantation Phase II plat. (9:57 a.m.) Rich declared ex-parte communication: he spoke with Nick Cassalla regarding the project. Discussion followed regarding the original zoning designation of the property, the existing 25' buffer, and the 50' development edge. (10:04 a.m.) Stern declared ex-parte communication: she spoke with Morgan Brown and Nick Cassalla regarding the timeline issues. (10:04 a.m.) Stevenson declared ex-parte communication: she spoke with the residents, Morgan Brown, and Nick Cassalla. Discussion followed regarding the buffers and the requirements of the LDC. (10:10 a.m.) Bryant declared ex-parte communication: he spoke with Mr. Cassalla regarding the buffer issue and the height limit. (10:11 a.m.) Maguire declared ex-parte communication: he met with Mr. Cassalla regarding the project.

(10:12 p.m.) Dennis Simonson, 560 S. Bridge Creek Drive, hesitantly commented in favor of the major modification.

(10:14 a.m.) Rick Hammond, 616 Branchwater Drive, commented in opposition to the major modification.

(10:20 a.m.) Cecille Hammond, 616 Branchwater Drive, urged the Board to be considerate in making the decision on the major modification.

**(10:22 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance No. 2005-102, known as MAJMOD 2005-09, Bartram Plantation PUD; adopting findings of fact 1 - 6 to support the motion.**

#### ORDINANCE NO. 2005-102

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR

**MODIFICATION TO THE BARTRAM PLANTATION  
PLANNED UNIT DEVELOPMENT (PUD) RESOLUTION  
NUMBER 99-23, AS AMENDED, MAKING FINDINGS  
OF FACT; REQUIRING RECORDATION; AND  
PROVIDING FOR AN EFFECTIVE DATE**

The meeting recessed at 10:23 a.m. and reconvened at 10:32 a.m.

(11/09/05 - 4 - 10:32 a.m.)

3. PUBLIC HEARING - PUD 2005-14 SR 312 PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 12.66- ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF ONE HUNDRED TWENTY EIGHT (128) MULTI-FAMILY DWELLING UNITS. THE SITE IS LOCATED NORTHEAST OF SR 207, DIRECTLY ACROSS FROM THE INTERSECTION OF SR 312 WITH SR 207 AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO WHISPERING WOODS ROAD. ADDITIONAL FUTURE ACCESS IS PROVIDED IN TWO LOCATIONS ON THE SITE: SOUTHEASTERN EDGE AND SOUTHWESTERN EDGE. THE ADDITIONAL ACCESS ADDRESSES CONCERNS WITH SR 312 ACCESS. THE APPLICANT REQUESTS CONNECTION TO SR 312 UPON CONSTRUCTION THROUGH A SINGLE CURB CUT. THE MASTER DEVELOPMENT PLAN MAP DISPLAYS A PROPOSED FUTURE PEDESTRIAN CONNECTION TO THE SOUTHWEST. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG THE PARKING AREAS INSIDE THE DEVELOPMENT. THE DEVELOPMENT PROGRAM ALSO INCLUDES 1.75 ACRES OF RECREATION AND 2.97 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 55% OF THE PROJECT SITE (6.9 ACRES). THE BUILDING HEIGHT IS PROPOSED AS THIRTY-FIVE (35) FEET. THE MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) IS PROPOSED AS 75%. A TEN (10) FOOT PERIMETER BUFFER IS PROVIDED AROUND THE PROPERTY BOUNDARY. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: INDUSTRIAL WAREHOUSING (IW), PLANNED UNIT DEVELOPMENT, PLANNED SPECIAL DISTRICT, RESIDENTIAL MOBILE HOME AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE REZONING REQUEST BY A VOTE OF 5/0 DURING THE SEPTEMBER 1, 2005 MEETING. DISCUSSION CENTERED ON THE PROVISION OF MARKETING INFORMATION TO FUTURE RESIDENTS ANNOUNCING THE TYPE OF ACCESS THAT WILL BE PROVIDED AND THE FUTURE CONSTRUCTION OF THE SR 312 FACILITY. FURTHER, IN LIEU OF A POSITION STATEMENT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), A REPRESENTATIVE FROM THE FDOT ATTENDED THE MEETING TO SPEAK TO THE ACCESS ISSUE ON SR 312. THE STATEMENT RESOLVED CONCERNS WITH APPROVAL OF ACCESS

Proof of publication of the notice of public hearing on the SR 312 PUD was received having been published in *The St. Augustine Record* on October 25, 2005.

Lindsay Haga, Planner III, explained the request to rezone approximately 12.66 acres from OR to PUD to allow for a 128-unit multi-family development. Haga relayed the comments from a staff member from the Florida Department of Transportation who attended the PZA meeting and addressed the access issues. Haga then reported that the

PUD text has been revised to include a notification or a marketing requirement that the residents be notified of the type of access that would be provided. Discussion followed regarding compatibility. (10:38 a.m.) George McClure, 170 Malaga Street, explained the proposed project by addressing the surrounding properties, access to the site, density, school issues, and compatibility. (10:48 a.m.) Norman Gregory, 304 Bartram Trail, representing the Applicant, explained the type of construction. (10:53 a.m.) Stern declared ex-parte communication; she spoke with George McClure regarding the transportation issues and compatibility. Discussion followed regarding school disclosures being in the sales and closing documents, the location of the dumpster pads, transit operations, and the building height.

(11:11 a.m.) Joe Stich, 6334 S. Atlantic Avenue, New Smyrna Beach, requested that some considerations be agreed to regarding the quality of life of the residents in the area.

Discussion followed regarding compatibility, the location of the dumpsters, and fencing. (11:30 a.m.) **Motion by Stern, seconded by Bryant, carried 4/1 with Rich opposed, to enact Ordinance No. 2005-103, known as PUD 2005-14, SR 312 PUD; adopting findings of fact 1 - 7 to support the motion with the additional language indicating fencing around the indicated part of the parcel, moving the dumpster, and including the notification for the schools.**

#### ORDINANCE NO. 2005-103

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

(11/09/05 - 5 - 11:31 a.m.)

4. PUBLIC HEARING - PUD 2005-28 MILL CREEK PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 58.80 ACRES LOCATED IN NORTHWEST ST. JOHNS COUNTY ALONG ROBERTS RD, NORTH OF GREENBRIAR RD FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF EIGHTY THREE (83) RESIDENTIAL UNITS. THE PROPOSED DENSITY IS 1.97 UNITS PER NET ACRE, RESIDENTIAL-B LAND USE ALLOW FOR TWO UNITS PER NET ACRE. THE PROJECT WOULD BE SERVED BY CENTRAL WATER AND SEWER BY JEA UTILITIES. LOTS WILL BE A MINIMUM OF 6,000 SQUARE FEET IN SIZE WITH A MINIMUM LOT WIDTH OF SIXTY (60) FEET. THE APPLICANT IS PROVIDING 1.01 ACRES OF ACTIVE RECREATION, THE MINIMUM AMOUNT REQUIRED, AMENITIES INCLUDE A TOT LOT AND A GRASSED FIELD. OPEN SPACE IS 23.55 ACRES OR 40% OF THE SITE

Proof of publication of the notice of public hearing on the Mill Creek PUD was received having been published in *The St. Augustine Record* on October 25, 2005.

Bruce Ford, Chief Planner, relayed changes in the PUD text regarding the scenic edge on pages 3 & 6; the 30' minimum has been changed to 50'. Discussion followed regarding the waiver, which allows the applicant to supply the recreation/park details at a future date when owner preferences determine actual amenities. (11:35 a.m.) Rich suggested that the developer agree to place control of the homeowners association in

the hands of the residents upon 25% of buildout or upon 51% of the lots being sold, whichever comes first. (11:37 a.m.) Baron Bartlett, 185 N. Roscoe Blvd., Palm Valley, addressed the proposed recreation area. (11:55 a.m.) Bryant left the meeting. Discussion followed regarding the commencement date of the overall project, and the recreational facilities. (11:55 a.m.) Bartlett agreed that upon completion of 51% of the actual homes being constructed, the covenants and restrictions would contain a provision that requires a homeowners association to select the type of improvements they wish in their recreation area.

The meeting recessed at 12:02 p.m. and reconvened at 12:10 p.m.

(12:11 p.m.) Stevenson requested the school disclosures be included in the sales and closing documents; Bartlett agreed to enclose those documents in the sales and closing documents. **Motion by Stevenson, seconded by Stern, to enact Ordinance No. 2005-104, known as PUD 2005-28, Mill Creek Landing PUD; adopting findings of fact 1 - 7 to support the motion; the 30' scenic edge language being changed to 50'.** Discussion followed regarding the recreational facilities. (12:15 p.m.) **The motion carried 4/0 with Bryant absent.**

#### ORDINANCE NO. 2005-104

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

(11/09/05 - 6 - 12:16 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stern:

Stern requested an update on the Dori Slosberg Fund regarding the driver education program. McCormack reported that St. Johns County put out an RFQ pertaining to the driver education program; only one response was received, and that was the School Board. McCormack said the County would be receiving a summary letter from the School Board that would allow the County, which has oversight of the funds, to release the funds.

(12:19 p.m.)

Commissioner Stevenson:

Stevenson clarified that RiverTown would be using reclaimed water from JEA and stormwater for their golf courses; and they would go to groundwater from two surficial aquifers.

Stevenson questioned the state funding for transportation. Clem said the FDOT has allocated 75% of all of its capacity dollars towards the Strategic Intermodal System. Discussion followed on lobbying for transportation funding.

(12:29 p.m.)

Commissioner Rich:

Rich addressed the renaming of Coke Road to Whetstone Place. (12:30 p.m.) Motion by Rich, seconded by Stern, to reconsider Resolution No. 2005-123, which changed a road

name from Coke Road to Whetstone Place; also directs County Administration to provide notice to all property owners along the subject road and all owners of the subject road as to the date and time of a hearing to reconsider Resolution No. 2005-123. Discussion followed on the renaming of the road and the reconsideration of Res. 2005-123. (12:45 p.m.) Rich withdrew his motion; Stern withdrew her second to the motion. (12:46 p.m.) *It was the consensus of the Board that Bosanko find out whether Mr. Genovar accepts the proposal, but if not, this item be added to the agenda on November 15, 2005.*

(12:46 p.m.)

Commissioner Maguire:

No report.

(11/09/05 - 7 - 12:46 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Clem reminded the Board of the Northeast Regional Council awards ceremony on Friday, November 11, 2005; said two county employees, Tom Crawford and Linda Stoughton, would be receiving awards.

Clem followed up on some growth management issues staff has been working on: the school pilot program, proportionate share, impact review committee, Centry Commission, and the regional boundary study.

(11/09/05 - 7 - 12:49 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reminded the Board of the closed-door meeting on Thursday, November 17, 2005 regarding the Surfrider case.

(11/09/05 - 7 - 12:50 p.m.)

CLERK OF THE COURTS' REPORT

(12:50 p.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 12:50 p.m.

Approved \_\_\_\_\_ December 27 \_\_\_\_\_, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
*James E. Bryant*  
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_  
*Cheryl Strickland*  
Deputy Clerk