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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 22, 2005
8:00 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.

Present were: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Scott Clem, Assistant County Administrator
Isabelle Lopez, Senior Assistant County Attorney
Lenora Newsome, Deputy Clerk

Proof of publication for a special meeting of the St. Johns County Board of County Commissioners was received, having been published in *The St. Augustine Record* on November 18, 2005.

(11/22/05 - 1 - 8:00 a.m.)
Bryant called the meeting to order.

(11/22/05 - 1 - 8:02 a.m.)
ROLL CALL

Bryant announced that all five Commissioners were present.

(11/22/05 - 1 - 8:03 a.m.)
Stern gave the invocation and Rich led the Pledge of Allegiance.

(11/22/05 - 1 - 8:05 a.m.)
ADDITIONS/DELETIONS TO SPECIAL MEETING AGENDA

There were neither additions nor deletions to the Special Meeting Agenda.

(11/22/05 - 1 - 8:05 a.m.)
APPROVAL OF SPECIAL MEETING AGENDA

Motion by Maguire, seconded by Rich, carried 5/0, to approve the agenda as submitted.

(11/22/05 - 1 - 8:06 a.m.)

1. PUBLIC HEARING - PUD 2005-01 WINDING CREEK BLUFF - THIS ITEM WAS POSTPONED FROM THE NOVEMBER 15, 2005 BOARD MEETING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 29.53 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF ONE HUNDRED SEVENTY SIX (176) MULTI-FAMILY DWELLING UNITS. THE SITE IS LOCATED EAST OF US 1, SOUTH OF ROEHRS ROAD. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE AND RESIDENTIAL - C ON THE FUTURE LAND USE MAP. THE APPLICANT PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO

ROEHRS ROAD. ADDITIONAL VEHICULAR ACCESS IS NOT PROPOSED. THE MASTER DEVELOPMENT PLAN MAP DISPLAYS A PROPOSED FUTURE PEDESTRIAN CONNECTION TO THE WEST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST WITH A 3-2 VOTE AT THEIR AUGUST 18 MEETING. THE AGENCY EXPRESSED CONCERNS WITH THE PUD'S IMPACT ON THE ADJACENT HYDRO ALUMINUM PLANT BEING ADJACENT TO THE PROPOSED PROJECT

Janet Beason, Court Reporter, was present. Teresa Bishop, AICP Planning Director, reviewed this item, stating that it was continued from November 15th meeting. She stated that this property was adjacent to the Hydro Aluminum Plant and the continuance was based upon the compatibility issue. Stevenson asked if the question about the transportation interconnectivity had been resolved. Bishop replied yes, that it had basically been resolved.

(8:07 a.m.) George McClure, 170 Malaga Street, Suite A, representing Kendale Land Development, spoke on Riveria Blvd., on having an existing agreement with Veranda Homes to build housing, requiring no waivers, and being 100% in compliance.

(8:14 a.m.) Sid Ansbacher, Upchurch, Bailey & Upchurch, on behalf of Hydro Aluminum, 780 Ponce de Leon Blvd., spoke on the site, filed the PZA transcript into the record, regarding a sound wall being close to the source or close to the receptor. He replied on the PZA vote.

(8:26 a.m.) James Carmody, 285 Deportivo Drive, voiced his concern on the traffic issues. He asked how many units per acre the new development was going to be, and what kind of units. Stern voiced concern about compatibility.

(8:31 a.m.) McClure stated that they were sorry that things didn't work out. He cross-examined Teresa Bishop regarding meeting buffer requirements, the boundary line, the principal uses allowed, mixed use, and no permits being allowed for non conforming use.

(8:38 a.m.) Ken Atlee, President of Kendale Land Development, 4501 Beverly Avenue, Jacksonville, gave his credentials. McClure cross-examined Atlee, on traffic around the site in question, and on commercial use for the site. McClure spoke on decimal levels, noise coming up before the PZA meeting, and presented a chart on the decimal level of noise. He reviewed the letter regarding the Sound Study per the MACTEC Report dated 10/24/05, and recent reports from the Sheriff's Office on noise in the area. He spoke on adopting rules and complying with the Comp Plan. Stevenson spoke on uses for the area other than residential, and asked if the additions by Hydro caused more noise. McClure responded.

(8:55 a.m.) Ansbacher spoke on issues mentioned by McClure, nonconforming uses, the MACTEC Report, and stated that they would like to stay, but would move out of state if residential moved in. Stern spoke on the Comp Plan, APAC and the compatibility issue. McClure stated that non-conforming uses were declared by the code to be incompatible with permitted uses in the district involved. Stern stated that they had to consider all the facts and information that was presented to them. (9:09 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to deny PUD application No. PUD 2005-01, adopting findings of fact mentioned previously to support the motion. Bryant recommended to amend the motion with the following: Goals and Objections Comp Plan A.1.3 Economic Protection, A.1.3.12 Compatibility factors, in the PUD LDC 5.03.01 existing neighborhood characters and 5.03.02 the negative impacts on**

neighborhood compatibility. Rich amended his motion to include Bryant's recommendations.

(11/22/05 - 3 - 9:10 a.m.)

2. OTHER BUSINESS AS NECESSARY

Isabelle Lopez, Senior County Attorney, spoke on the purchase of the mitigated wetlands and the decontamination cost being passed on to the CDD.

(11/22/05 - 3 - 9:13 a.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich expressed his appreciation to the Board for taking a good, long, hard look at this issue and coming to a reasonable and fair conclusion.

Rich spoke on residential versus commercial on U.S. 1.

Rich asked the Board for permission regarding the Board approaching the owners of the property that were dealt with today, in reference to the County partnering with Hydro in obtaining this property for park or recreational facility. *It was the consensus of the Board to give Rich the permission he requested.*

(9:17 a.m.)

Commissioner Bryant:

Bryant spoke on not turning down the other two developments.

(9:18 a.m.)

Commissioner Stern:

Stern asked Rich if he had any concerns about the traffic issues on Old Moultrie Road. Scott Clem replied that they did traffic counts on Old Moultrie Road on an annual basis. Bryant suggested to Stern to get the traffic accident report from Stephenson's office to use as an initial basis to look at the number of accidents that had occurred on that road. Rich mentioned that Old Moultrie Road had become the cut through from SR 207 to U.S. 1, and stated that it was maxed out on concurrency. Stern requested a copy of the accident report.

(9:22 a.m.) Joe Stephenson, Public Works Director, spoke on doing a corridor study on Old Moultrie Road, as soon as the accident report was available, he would make sure all Commissioners got a copy. Stephenson replied that a traffic signal was warranted at the south end of Old Moultrie Road and U.S. 1.

(9:25 a.m.) Stern mentioned that there was a request to have a joint meeting between St. Johns County and Clay County Boards in January to discuss the River Crossing, in order to, at a future time, make a determination of an appropriate or preferred route. Bryant replied that he would support one initial meeting with both boards, but not both boards meeting every quarter. He suggested appointing one Commissioner to be the liaison to the board and then report back to the BCC. Stern stated that she agreed to do that and volunteered to handle it. Maguire spoke on having the joint meeting between the Boards. Stern suggested starting with a workshop in January.

(9:31 a.m.)

Commissioner Stevenson:

Stevenson spoke on traffic concerns regarding the intersection at CR 210 and I-95.

Stevenson mentioned getting complaints from the Fruit Cove area regarding Race Track Road and SR 13 William Bartram Scenic Highway on safety and traffic issues. She stated that she would like to see some of the problem areas brought forward and discussed. She mentioned that she was interested in the County adding to the Legislative Delegation priority list the financing for transportation improvements. Bryant replied that it was late in the process to add to the priority list. Maguire also replied that it was kind of late to start changing the list around.

(9:36 a.m.)

Commissioner Bryant:

Bryant mentioned that they could have a better transportation system regarding SR 312 and U.S. 1.

Bryant gave a word of caution on purchasing land or any kind of capital project, as there needed to be consideration for the five-year CIP.

(9:38 a.m.) Tina Wilson, 125 F International Golf Parkway, spoke on her house burning down, the County issuing her a permit to put a mobile home in and not having an access easement which stopped her from getting a letter of occupancy to move into the mobile home. Maguire asked if this issue could be waived. Lopez stated that she would encourage the applicant to work with Staff and figure out what the issue was, then, she could look at the legal end of it. Maguire stated that they had a prescriptive right to get to the house, but the adjoining property owners refused to give a legal documented recorded easement to them. Bryant suggested to Adams to assign a Staff member as soon as possible to work with her and get the attorney's office to clear up any legal issues. Scott Clem, Assistant County Administrator, replied that Staff was aware of the issue and had been trying to work with the Wilson's to get legal access. He stated that they couldn't issue the CO until they have proof of legal access. Lopez stated that if it was the Board's direction, the attorney's office could help facilitate, if it needed to go to a court hearing. Maguire recommended that legal work with it. Lopez mentioned that she could facilitate it. Clem stated that the real estate office was working with the property owner to try to obtain an easement. Bryant mentioned that direction was given for Staff to help her.

Motion by Stern, seconded by Maguire, carried 5/0, to adjourn the meeting. With no further business to come before the Board, the meeting adjourned at 9:44 a.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

