

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 2, 2006
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, 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, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(05/02/06 - 1 - 9:04 a.m.)

Bryant called the meeting to order.

(05/02/06 - 1 - 9:04 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(05/02/06 - 1 - 9:05 a.m.)

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

(05/02/06 - 1 - 9:07 a.m.)
PROCLAMATION DESIGNATING MAY 2006 AS DRUG COURT MONTH

Bryant introduced Adam Warren from the State Attorney's Office, Public Defender, Brant Woolbright and Renee Morris, representative of the St. Augustine Police Department, Linda Mobley, St. Johns County Sheriff's Office, Ralph Higgins from the Probation Office, Francis Colland and Diane Thimason from EPIC Community Services, Ralph Cumberbatch of the Circuit Court and Debbie Duggan for the St. Johns County Mental Health Department. He then read the proclamation, which was received by Judge Berger, who gave a brief explanation of the Drug Court Program.

(05/02/06 - 1 - 9:15 a.m.)
PROCLAMATION DESIGNATING MAY 1-5, 2006 AS LIBERTY UNDER LAW:
SEPARATE BRANCHES BALANCED POWER WEEK

Bryant introduced Holly Faustine, 7th grade Social Studies Teacher, who introduced Cathedral Parish Catholic School students, Sarah Alkoury, John Alkoury, Stephanie Mas, and Anthony Guernon who read the proclamation. She noted the entire 7th grade class had assisted in the writing of the proclamation.

(05/02/06 - 2 - 9:21 a.m.)

PROCLAMATION DESIGNATING MAY 4, 2006 AS A DAY OF PRAYER

Maguire introduced Susan Alberti, Rose Britton, Alma Ferante, Jennifer Elder, Deborah Fisher, Pastor Randal McRae and Deborah Almadeo and read the proclamation. Susan Alberti received the proclamation and led the group in prayer.

(05/02/06 - 2 - 9:25 a.m.)

PROCLAMATION DESIGNATING MAY 2006 AS OLDER AMERICANS MONTH

Rich asked all senior citizens to come forward and to stand with him as well as Pat O'Donnell and the COA members. He presented the proclamation to all the seniors of our community.

(05/02/06 - 2 - 9:31 a.m.)

PROCLAMATION DESIGNATING LETTER CARRIERS FOOD DRIVE DAY, MAY 13, 2006

Stevenson read the proclamation and presented it to Julie Gustafson, Letter Carrier and Steve Kirkland, Postmaster. Gustafson explained the food drive program and gave a brief history of the prior collection efforts. She encouraged residents to participate and noted all food collected would stay in the local community.

(05/02/06 - 2 - 9:36 a.m.)

SPECIAL RECOGNITION OF MARY JANE LITTLE FOR RECEIVING FLORIDA LIBRARY ASSOCIATION'S LIBRARIAN OF THE YEAR AWARD

Bryant introduced Mary Jane Little and recognized her for receiving the prestigious Librarian of the Year Award. He stated our library system was the best in the state due to the leadership of Ms. Little.

(05/02/06 - 2 - 9:39 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Maguire carried 5/0, to accept the proclamations.

(05/02/06 - 2 - 9:40 a.m.)

PUBLIC COMMENT

(9:40 a.m.) Liam O'Meallie, 3346 North Heron Dr., Jacksonville Beach, stated he was a public insurance adjuster, there on behalf of Jena Lijoi for her case against St. Johns Service Company. He said he was there to inform them that her case was not settled, and the escrow account was still at issue. He said that in the event the case was settled through mediation, it still might not release their concerns on the escrow account because one of the issues in the case was Ms. Lijoi's costs in presenting the case, including legal counsel. He said if they did not win that cost in mediation, he would ask the board to review the tape of December 27, 2006, wherein the official representative for St. Johns Service Company said that Ms. Lijoi could use any adjuster that she wanted, and St. John Service Company would pick up the tab.

(9:42 a.m.) Xavier Pellicer, 3 Garcia Ave., licensed civil engineer, read a letter into the record regarding the May 1 deadline on the vested impact fee rates, the fact that it was extremely time consuming, and offered some possible solutions.

(9:49 a.m.) Maguire stated the issue would be reviewed during the meeting that day and would be included as the last item.

(05/02/06 - 3 - 9:51 a.m.)

DELETIONS TO THE CONSENT AGENDA

Maguire asked to pull Consent Agenda Items No. 6, 10 and 17 and stated they would be added at a later meeting.

Bosanko asked that Consent Agenda Item No. 23 be pulled and placed on the Regular Agenda as Item A1.

(05/02/06 - 3 - 9:52 a.m.)

APPROVAL OF THE CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
04/03/06 - BCC Special Meeting
04/05/06 - BCC Special Meeting
3. Sheriff's Office Bonds:
Approve: Mitchell McCormack Paul Beasley Michael Bianchetti
Jason Clark Robert Frigo Christopher Jones
Neil Bronner Pedro Valdes Wanda Spradling
Tami Fisher Deborah Elwell Jose Jimenez
Michael Bowman Craig Harrison Michael Pirkl

Cancel: Jamie Clements Bradley Wasson
4. Motion to adopt Resolution No. 2006-121 authorizing the County Administrator to execute Amendment No. 3 to DEP Contract No. RP565 to increase the funding increment amount of the Contract

RESOLUTION NO. 2006-121

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO DEP CONTRACT NO. RP565 TO PROVIDE LIFEGUARDS TO ANASTASIA STATE RECREATION AREA

5. Motion to schedule public hearings for May 16, 2006 at 5:30 p.m. and May 30, 2006 at 9:00 a.m. to consider amendments to the Land Development Code

This agenda item was pulled from the Consent agenda.
6. Motion to approve the speed limit zones on Ponte Vedra Boulevard per traffic study by the Traffic and Transportation Section as depicted on the attached location map of proposed speed limit zones

7. Motion to adopt Resolution No. 2006-122 recognizing unanticipated revenue in the amount of \$500 and increasing the Culture/Recreation Grant account (0001-33470) and increasing the State Aid Expenditures account (0001-55305) in the same amount, and authorizing the County Administrator to enter into the grant agreement with the State Library

RESOLUTION NO. 2006-122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM

8. Motion to approve the transfer of \$544,125 from 1230-59927 [Capital Outlay Reserve] to 1226-56200 [Fire District Capital Projects Buildings] for the Fire Administration Building Project
 9. Motion to authorize the transfer of \$225,000 from the West Augustine Community Center Project (3381-56200) to the Administration Building (3383-56200) for the additional funding necessary for architectural fees for the Admin Building
- This agenda item was pulled from the Consent Agenda.*
10. Motion to approve the transfer of \$204,000 from County Transportation Trust Fund Capital Outlay Reserve [1111-1131-59927] and approve the transfer of \$204,000 from Building Services Capital Outlay Reserve [1104-1190-59927] for additional costs associated with the Complex Entrance and Loop Road project [5123]
 11. Motion to adopt Resolution No. 2006-123 approving the terms and authorizing the County Administrator to execute certain Purchase and Sale Agreement for property needed for the Woodlawn Road and Lewis Speedway Intersection Improvements.

RESOLUTION NO. 2006-123

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE WOODLAWN ROAD AND LEWIS SPEEDWAY INTERSECTION IMPROVEMENTS

12. Motion to adopt Resolution No. 2006-124 approving the terms of Two Purchase and Sale Agreements and authorizing the County Administrator to execute said Agreements and take all action necessary to close and complete the acquisition in accordance with Section 125.355, Florida Statutes, for the acquisition of property near Stratton Road Transfer Station

RESOLUTION NO. 2006-124

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENTS AND TAKE ALL ACTION NECESSARY TO CLOSE AND COMPLETE THE ACQUISITION IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES, FOR THE ACQUISITION OF PROPERTY NEAR STRATTON ROAD TRANSFER STATION

13. Motion to adopt Resolution No. 2006-125 approving the terms and authorizing the Chairman to execute a Conservation Easement over 6.27 acres of wetlands off Greenbriar Road to mitigate for wetland impacts associated with a sidewalk project on Bishop Estates Road

RESOLUTION NO. 2006-125

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 6.27 ACRES OF WETLANDS OFF GREENBRIAR ROAD TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH A SIDEWALK PROJECT ON BISHOP ESTATES ROAD

14. Motion to adopt Resolution No. 2006-126 approving a Second Amendment to the Tower Attachment Communications Site Agreement with Nextel South Corp., to modify the Agreement and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2006-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SECOND AMENDMENT TO THE TOWER ATTACHMENT COMMUNICATIONS SITE AGREEMENT WITH NEXTEL SOUTH CORPORATION TO MODIFY THE AGREEMENT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

15. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, The Courthouse Café. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached, etc.
16. Motion to authorize the County Administrator, or his designee, to enter into a contract with the low bidder, LAS Contracting Corporation in the amount of \$327,650.00 for Bid 06-95 Hastings Main Street Sidewalks Restoration
17. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Jensen Civil Construction, Inc., in the amount of \$371,840.00 for Bid No. 06-86, Corona Road and A1A Intersection Improvements

This agenda item was pulled from the Consent Agenda.

18. Motion to authorize the County Administrator, or his designee, to purchase through Florida State Contract #760-480-200 one (1) Caterpillar 950G II Wheel Loader from Ring Power Corporation in the amount of \$169,462.00
19. Motion to authorize the County Administrator, or his designee, to enter into a Price Agreement under Bid No. 06-97 with Team Equipment, Inc., Municipal Equipment Co., Ten-8 Fire Equipment, Inc., and Fisher Scientific for the Purchase of misc. Fire Rescue Equipment for a term of one (1) year with two one (1) year renewal options
20. Motion to authorize the County Administrator, or his designee, to award a contract to Rose Services Inc., for a one-year agreement with three (3) one year renewal options contingent on fund availability and satisfactory contractor performance, for Bid # 06-93 Annual Striping Services for St. Johns County Roadways. The value of the agreement will be a not-to-exceed value of \$107,000.00 for the remainder of FY 06'
21. Motion to declare 10 stretchers surplus and donate them to First Coast Technical Institute
22. Motion to adopt Resolution No. 2006-127 approving a Final Plat for Beaver Creek Crossing Unit 3

RESOLUTION NO. 2006-127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR BEAVER CREEK CROSSING UNIT 3

23. Motion to accept the proposed St. Johns County Administrative Code and adopt a Resolution authorizing the County Administrator to make administrative changes to the Code

This agenda item was moved to the Regular Agenda as Item A1.

24. St. Johns County Legal Aid Report

(05/02/06 - 6 - 9:52 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire asked that the Impact Fee issue just discussed be added as Item No. 19 on the Regular Agenda, and that Item No. 7, Contractor Review Board Appointment, be pulled until he had a chance to interview the applicant.

Adams asked that Item No. 9 be pulled and continued until the June 27 meeting.

(05/02/06 - 6 - 9:54 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Stern, seconded by Rich carried 5/0, to approve the regular agenda as amended.

(05/02/06 - 7 - 9:54 a.m.)

A1. ST. JOHNS COUNTY ADMINISTRATIVE CODE (*Formerly Consent 23*)

Bosanko explained the resolution was for the approval of the County Administrative Code and also granted the County Administrator the authority to make necessary amendments. He said they wanted to add the language before the vote: "Now therefore be it resolved by the Board of County Commissioners of St. Johns County, Florida, that the St. Johns County Administrative Code, dated January 2006, be adopted and the authority to make administrative changes to the code be vested in the County Administrator, *subject to Section 125.74 Florida Statutes and the Florida Constitution.*" The words in italics were added to make it clear that that some changes would have to go before the BCC. He said each change would be reviewed by the County Attorney's office to ensure the County Administrator did not exceed the authority of that position.

There was discussion regarding FTE's and the authority of the County Administrator to change those positions. Zebrowski said it was a Human Resource function and was an objective process, which the County Administrator would then approve or deny.

(10:02 a.m.) **Motion by Stern, seconded by Maguire, carried 5/0 to adopt the proposed St. Johns County Administrative Code, and adopting Resolution 2006-128 authorizing the County Administrator to make administrative changes to the Code, with the addition of the new language: "subject to Section 125.74 Florida Statutes and the Florida Constitution."**

**RESOLUTION NO. 2006-128
ADMINISTRATIVE AUTHORITY**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,
RELATED TO ADMINISTRATIVE CODE; REVISING
AND UPDATING THE ADMINISTRATIVE CODE;
AMENDING ST. JOHNS COUNTY ORDINANCE
NUMBER 96-70 BY AUTHORIZING THE COUNTY
ADMINISTRATOR TO MAKE ALL ADMINISTRATIVE
CHANGES TO THE ADMINISTRATIVE CODE
ESTABLISHED BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY**

(05/02/06 - 7 - 10:03 a.m.)

1. PUBLIC HEARING - PUD 2004-35 TMI-ROLLING HILLS PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 62 ACRES FROM OPEN RURAL, COMMERCIAL INTENSIVE AND PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT TO PROVIDE FOR A MIXED USE PLANNED UNIT DEVELOPMENT CONSISTING OF 200,000 SQUARE FEET OF COMMERCIAL USES INCLUDING A MULTI-SCREEN THEATRE; UP TO 250 MULTI-FAMILY UNITS AND OPEN SPACE AND ACTIVE RECREATION. THE SITE IS LOCATED ON THE SOUTH SIDE OF S.R. 207 BETWEEN ROLLING HILLS DRIVE AND DOBBS ROAD CUTOFF. THE SITE CONTAINS APPROXIMATELY 7.63 ACRES OF WETLANDS WITH 1.142 ACRES OF WETLAND IMPACTS. TOTAL WETLAND PRESERVATION EQUALS 7.059 ACRES. THE MULTI-FAMILY WILL BE LOCATED AT THE SOUTH END OF THE PUD AND CONSIST OF EITHER TOWNHOMES OR CONDOMINIUMS AND ANCILLARY USES INCLUDING A POOL, TENNIS COURTS, BASKETBALL COURTS AND BICYCLE WALKING TRAILS. A VARIETY OF COMMERCIAL USES WILL BE ALLOWED AT THE FRONT OF THE PUD ADJACENT TO S.R. 207 AS LISTED IN THE PUD TEXT. THE MOVIE

THEATRE WILL BE LOCATED BETWEEN THE MULTI-FAMILY AND THE COMMERCIAL USES AND WILL SERVE AS AN ANCHOR TO THE PUD. THE PROJECT SITE PROPOSES FOUR VEHICULAR ACCESS POINTS: ONE FROM S.R. 207, TWO FROM ROLLING HILLS DRIVE AND ONE FROM DOBBS ROAD CUTOFF. FIVE-FOOT SIDEWALKS WILL BE CONSTRUCTED ON ONE SIDE OF ALL INTERNAL ROADWAYS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 18, 2005 HEARING

Proof of publication for the notice of public hearing regarding PUD 2004-35 TMI-Rolling Hills Planned Unit Development was received, having been published in *The St. Augustine Record* on April 21, 2006.

Teresa Bishop, Planning Director, gave the presentation. She noted that all staff concerns regarding the project had been addressed. She noted there were now three requests for waivers and staff did not object to those. Doug Burnette, 170 Malaga St., stated he was there on behalf of the applicant, TMI Rolling Hills and Epic Theatres of St. Augustine, and introduced Scott Stewart, KCG, Frank DeMarsh, Luigi DeMarsh from TMI and Anna Shay from Burnette's office. He gave a history of the project and presented the response to the staff report. He stated they had achieved a one-third concurrency at the last BCC meeting, through the developer's agreement. He reviewed the various components of the project. He reported a typographical error in the Master Development Plan on page 9, and stated that a corrected version would be submitted. He noted that concurrency allowed them to build the first phase of 12 screens for the movie theatre.

(10:11 a.m.) Frank DeMarsh, TMI, gave the presentation on the theatre and presented photos of the proposed project.

(10:12 a.m.) Maguire questioned the location of the eight (8) retail sites situated in front on the theatre. Burnette responded that was correct. Maguire questioned whether there were any plans for transit. Burnette said it could be addressed and there was ample space to handle that request. He addressed the roadway improvements proposed to handle the additional traffic that would be generated. Maguire objected to waiver number 3 for signage, and asked that it be limited to the construction period only.

(10:19 a.m.) Rich declared ex-parte with Burnette, staff and legal counsel. He asked Burnette to get together with the other applicants involved to submit a change to the Master Development Plan to address concurrency issues. Burnette said there were four developers in the Deerfield Preserve Developers Agreement and they would amend the development agreement with an LLC. Bishop stated she had no problem with that recommendation, but her office would need to be notified that the LLC had been created. Burnette said they would talk with Cathy Brown and see how they could accommodate the request for a site for transit. Maguire declared ex-parte with Burnette. Rich asked that concurrency issues be brought back as part of the Consent Agenda. Bosanko said a change to the Development Agreement might have to come back to a public hearing and he would check the rules.

(10:27 a.m.) Motion by Stevenson, seconded by Maguire, carried 5/0, to approve Ordinance 2006-44, known as PUD 2004-35 TMI-Rolling Hills PUD adopting findings of fact 1 through 7, to support the motion, excluding waiver 4 and modification to waiver 3 for temporary signage to remain only during the construction phase through 2011, correction of a typographical error on page 9, and inclusion of a transit stop plan to be addressed at the time construction plans were reviewed.

ORDINANCE NO. 2006-44

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

(10:32 a.m.) The meeting recessed for the morning break, and resumed at 10:39 a.m.

(05/02/06 - 9 - 10:39 a.m.)

2. PUBLIC HEARING - STORMWATER ORDINANCE - THE PROPOSED STORMWATER ORDINANCE IS REQUIRED BY THE FEDERAL CLEAN WATER ACT THROUGH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT PROGRAM. IN JUNE 2003, THE COUNTY WAS ISSUED THE GENERIC NPDES PH. II MS4 PERMIT (PERMIT) BY THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION (FDEP), AND SINCE THEN THE COUNTY HAS BEEN IMPLEMENTING THE PERMIT PROGRAM IN COMPLIANCE WITH FDEP REQUIREMENTS. THE PERMIT PROGRAM REQUIRES ADOPTION OF A COUNTY ORDINANCE PROHIBITING ILLICIT NON-STORMWATER DISCHARGES TO THE COUNTY'S MS4, INCLUDING SEDIMENT FROM CONSTRUCTION SITES AS WELL AS ANY OTHER NON-STORMWATER DUMPING, DISPOSAL, AND SPILLS. THE PRIMARY PURPOSE OF THE PROPOSED ORDINANCE IS TO PROTECT AND IMPROVE WATER QUALITY BY MANDATING PROPER OPERATION, MAINTENANCE AND INSPECTION OF THE COUNTY'S MS4, WHICH CONVEYS STORMWATER RUNOFF DIRECTLY INTO THE COUNTY'S, STATE, AND FEDERAL WATER BODIES SUCH AS WETLANDS, RIVERS, AND COASTAL WATERS. THE ORDINANCE WAS INITIALLY PREPARED BY THE COUNTY'S NPDES PERMIT CONSULTANT BASED ON SEVERAL EXISTING ORDINANCES CURRENTLY ADOPTED BY OTHER FLORIDA COUNTIES. THE COUNTY LEGAL DEPARTMENT AND THE COUNTY ENVIRONMENTAL PLANNING SECTION ASSISTED IN TAILORING THE ORDINANCE TO CORRESPOND WITH THE COUNTY'S LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN. OTHER COUNTY DEPARTMENTS IMPACTED BY THE ORDINANCE HAVE ALSO PARTICIPATED IN ITS REVIEW

Proof of publication for the notice of public hearing regarding proposed Stormwater Ordinance required by the Federal Clean Water Act through the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer (MS4) Permit Program was received, having been published in *The St. Augustine Record* on April 17, 2006.

Joe Stephenson, Public Works Director, introduced Debbie Christensen, County Engineering Division and NPDES Permit Coordinator, and Julia Polaschock, Consultant with Berryman and Henniger, helped with the presentation. He stated it was an Ordinance and required two hearings and they needed to set a date for the second hearing. Christensen gave a PowerPoint presentation, and said they were required by law to get a storm water ordinance in place to regulate their storm sewer system, and the purpose was to protect water quality through proper operation of the system. She

noted they had been educating the public and businesses about storm water pollution prevention. She said regulation at construction sites was the most challenging, and the ordinance would help with that the most.

(10:51 a.m.) Julia Polaschock, gave an overview of the Ordinance, and stated the purpose was to protect and enhance water quality and it was to apply to all of unincorporated St. Johns County. She noted there were a total of 19 exemptions in the Ordinance, and they were supported by Federal and State rules.

(10:58 a.m.) Stephenson reviewed the impacts expected by the Ordinance. He said they would have to develop enforcement capability in the future when they determined what the inspection and enforcement role would be.

(10:59 a.m.) There was discussion regarding whether or not incentives were appropriate to encourage the public to follow the Ordinance. Stephenson said it was the entire thrust of their educational program. He said no incentives had been included but they wanted the public to know the advantages of doing it right the first time.

(11:05 a.m.) Stevenson asked how it interacted with the TMDL requirements. Stephenson said it was the first step in addressing that issue.

Bryant announced that Tuesday, May 16 at 5:30 p.m. would be the next public hearing.

(05/02/06 - 10 - 11:14 a.m.)

3. PUBLIC HEARING - ST. AUGUSTINE BEACH SEWER SYSTEM IMPROVEMENTS - THE COUNTY'S UTILITY DEPARTMENT, IN COLLABORATION WITH THE CITY OF ST. AUGUSTINE BEACH, HAS DEVELOPED A PLAN TO UTILIZE STATE DEP GRANTS AND LOW INTEREST LOANS TO FINANCE THE INSTALLATION OF CENTRALIZED GRAVITY SEWER SYSTEMS WITHIN THE CITY

Proof of publication for the notice of public hearing regarding St. Augustine Beach Sewer System Improvements was received, having been published in *The St. Augustine Record* on April 25, 2006.

Bill Young, Utility Director, gave the presentation and Diane Kemp, Camp Dresser and McKee, Inc. (CDM), Tampa, assisted him. Ms. Kemp gave an overview of the Facilities Plan for the St. Augustine Beach Sewer System Improvements, and gave the background of the project and the service areas. She explained there were septic tank risks to the surrounding waters from 860 homes. She noted that it would not be a requirement initially to join the system, but would be required eventually. She explained that a gravity collection system was the selected alternative and gave the reasoning for that decision. She reviewed the financing options and costs of the project, including a State Revolving Fund Grant, and reviewed the proposed timeline for the project.

(11:26 a.m.) Bryant said there appeared to be overwhelming support of the project by the residents. He said this was one of the key reasons the County needed to own the utilities in Ponte Vedra, so the County could do the same things there that it was doing in St. Augustine Beach.

(11:29 a.m.) Maguire said he concurred with Bryant's comments and that by owning the system the County had flexibility in providing services to the community and was enabled to secure funding for such projects. He said it was critical for the County and the City to have an agreement to work together for funding endeavors. He asked if

costs to the homeowners had been calculated. Young responded that it was a congested area and the costs would be much less as they were receiving free lines in front of their homes. He also commented on incentives to join the system, and the precedent was there for the Board to waive the connection fee, and for grant money allocated to be taken off the connection fee. There was discussion on what impact absorbing the costs would have on the Utility Department. (11:40 a.m.) Stevenson clarified that capital costs would be two-thirds from the grant acquired by the City and 1/3 from a low cost loan through DEP to be repaid by the Utility Department. Young said there would be no impact on the system until year twelve. (11:41 a.m.) Maguire said he supported reduction of the fees because of the grants but would not support an extension. (11:43 a.m.) Stern praised staff for their efforts in working with St. Augustine Beach.

(11:44 a.m.) Don Terrill, 2200 A1A south, Commissioner and Vice Mayor of St. Augustine Beach, said it was a great opportunity to correct a problem that could only get worse. He thanked the Board for their help in correcting the problem and appreciated the support of the Utility Department.

(11:45 a.m.) Ellen Whitmer, 11708 Nature Hammock Rd. South, Fruit Cove, pointed out that JEA did not pay for such additions and it would be a 100 percent citizen responsibility.

(11:48 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution 2006-129 adopting a facility planning document titled "Facilities Plan for the St. Augustine Beach Sewer System Improvements" as the planning document for the Wastewater Management Plan and providing an effective date.**

RESOLUTION NO. 2006-129

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING A FACILITY PLANNING DOCUMENT TITLED "FACILITIES PLAN FOR THE ST. AUGUSTINE BEACH SEWER SYSTEM IMPROVEMENTS" AS THE PLANNING DOCUMENT FOR THE WASTEWATER MANAGEMENT PLAN, AND PROVIDING AN EFFECTIVE DATE.

(05/02/06 - 11 - 11:49 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION AMENDING THE ST. JOHNS COUNTY / ST. AUGUSTINE BEACH INTERLOCAL AGREEMENT

Young gave the presentation. There were no questions or comments.

(11:49 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to adopt Resolution 2006-130, approving the First Addendum to the St. Johns County/St. Augustine Beach Interlocal Agreement, and authorizing the Board of County Commissioners Chair to execute the agreement and all associated documents on behalf of St. Johns County.**

RESOLUTION NO. 2006-130

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FIRST ADDENDUM TO THE ST. JOHNS COUNTY/ST. AUGUSTINE BEACH INTERLOCAL AGREEMENT, AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS CHAIR TO

EXECUTE THE AGREEMENT AND ALL ASSOCIATED DOCUMENTS ON BEHALF OF ST. JOHNS COUNTY

(05/02/06 - 12 - 11:50 a.m.)

5. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PERFORMANCE CONTRACT AND ASSOCIATED DOCUMENTS TO IMPLEMENT THE UTILITY'S METER CHANGE OUT PROGRAM AND DEPLOY A FIXED BASE AUTOMATED METER READING SYSTEM

Frank Kenton, Utility Administrative Manager, gave the presentation. Shawn Warren, and Mike Wolf of Johnson Controls Inc. gave a PowerPoint presentation and reviewed the project description, benefits, funding, risk benefits, guarantee benefits, and timeline. Warren stated they had worked with the Utility Department for three years to get to the point they were today. She noted that financing had been given to Citigroup and had been approved by Alan McDonald. She said it was a \$7 million contract with an interest rate of 3.835 percent for an eleven (11) year project and would create a positive cash flow over the life of the project.

(12:02 a.m.) Stevenson said this was a dream project and she would support it. (12:04) Rich asked the number of meters to be replaced. Kenton said 17,000 to 18,000. He explained a battery with a 15 to 20 year lifespan powered the wireless system.

(12:06 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to adopt Resolution No. 2006-131 approving the terms and authorizing the County Administrator to execute the Performance Contract and associated documents to implement the Utility's meter change out program and deploy a fixed base automated meter reading system.**

RESOLUTION NO. 2006-131

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PERFORMANCE CONTRACT, BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JOHNSON CONTROLS, INC., FOR A METER CHANGE-OUT PROGRAM AND CONVERSION TO A FIXED BASE AUTOMATED METER READING SYSTEM, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT AND ALL ASSOCIATED DOCUMENTS ON BEHALF OF ST. JOHNS COUNTY

(05/02/06 - 12 - 12:08 p.m.)

6. CONSIDER APPOINTMENT TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist, Administrative Coordinator, gave the presentation and noted there was one vacancy due to the expiration to a member's term.

(12:10 p.m.) **Motion by Stern, seconded by Stevenson, to appoint Malinda Peeples to the Housing Finance Authority for a full four-year term scheduled to expire May 2, 2010.**

Motion by Maguire, seconded by Rich, to appoint Robert Murray for a full four-year term scheduled to expire February 19, 2010.

There was discussion on the applicants. Tom Crawford, Director of Housing and Community Services, said Murray had attended the majority of the meetings, and on May 1, Lundquist had received his response, dated April 23, that he was interested in serving. He said there was no failure to meet a minimum performance standard and Murray had contributed to the best of his ability. Stern indicated his delay in responding to inquiries regarding his desire to be reappointed had prompted them to talk with other nominees and that as a result Peeples had agreed to serve if appointed.

(12:21 p.m.) The vote on the first motion, to appoint Melinda Peeples, carried 3/2 to appoint Melinda Peeples, with Rich and Maguire in opposition.

7. CONSIDER APPOINTMENT TO THE CONTRACTORS REVIEW BOARD

This item was pulled from the agenda.

The meeting recessed at 12:20 p.m., and reconvened at 1:38 p.m. with Ted Zebrowsky, Assistant County Administrator, and Robin Platt, Deputy Clerk, now present. Commissioners Stern and Maguire were not yet in attendance.

(05/02/06 - 13 - 1:38 p.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION AMENDING THE LEGAL DESCRIPTION OF THE VILANO BEACH LIGHTING DISTRICT, AS ESTABLISHED IN 1968, TO DELETE THE CAMACHEE COVE AREA THEREFROM

Laura Barrow, Assistant County Attorney, explained that approval of the proposed resolution would correct an error in the legal description of the Vilano Beach Lighting District boundaries. She distributed a copy of the 1968 resolution creating the District, Exhibit A.

(1:40 p.m.) Motion by Rich, seconded by Stevenson, carried 3/0 with Stern and Maguire absent, to adopt Resolution No. 2006-132, amending the legal description of the Vilano Beach Lighting District, as established in 1968, to delete the Comachee Cove area therefrom.

(1:40 p.m.) Bosanko addressed how they County would make restitution for monies collected from parties who were not in the District. (1:41 p.m.) Stern entered the meeting.

RESOLUTION NO. 2006-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING AND CORRECTING THE LEGAL DESCRIPTION AND BOUNDARIES OF THE VILANO BEACH STREET LIGHTING DISTRICT TO REFLECT THE INTRACOASTAL WATERWAY AS THE WESTERN BOUNDARY THEREOF; AND PROVIDING AN EFFECTIVE DATE

9. CONSIDER AN APPEAL TO THE ISSUANCE OF A DEVELOPMENT PERMIT FOR THE QUADRILLE PROJECT FILED BY THE MARSH LANDING AT SAWGRASS MASTER ASSOCIATION, INC. (CONTINUED FROM APRIL 4, 2006 MEETING)

This item was pulled and moved to the June 27, 2006 BCC meeting.

(05/02/06 - 14 - 1:44 p.m.)

10. PUBLIC HEARING - PRD 2005-09, COUNTY ROAD 214 PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1,031.23 ACRES LOCATED IN WEST CENTRAL ST. JOHNS COUNTY, IN THE TOCOI AREA, FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF TWO HUNDRED FIVE (205) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY: DEVELOPMENT AREA EQUALS 103.12 ACRES AND RESERVE AREA EQUALS 928.11 ACRES. LOTS WILL RANGE IN SIZE FROM A MINIMUM OF ONE ACRE UP TO SIX ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY ¼ ACRE IN SIZE. THE TOTAL BUILDING COVERAGE WITHIN THE DEVELOPMENT AREAS SHALL NOT EXCEED THIRTY-FIVE PERCENT. THE RESERVE AREA WILL BE DIVIDED INTO DEEDED RESERVES AND COMMON RESERVES. EACH RESPECTIVE LOT OWNER WILL OWN THE DEEDED RESERVE AND THE COMMON RESERVES WILL INCLUDE THE COMMUNITY DOCK, COMMUNITY BARN AND PADDOCK, NEIGHBORHOOD PARK, STORMWATER PONDS AND PRESERVED WETLANDS WHICH WILL BE OWNED AND MAINTAINED BY THE HOA. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS MARCH 16 MEETING BY A VOTE OF 5-0

Proof of publication for the notice of public hearing regarding PRD-2005-09, County Road 214 PRD, was received, having been published in *The St. Augustine Record* on April 25, 2006.

Teresa Bishop, Planning Director, reviewed the details of the rezoning request. Stevenson questioned the frontage on County Road 13; Bishop displayed the MDP map to illustrate the frontage, Exhibit A, followed by discussion. (1:51 p.m.) Don Smith, 14775 St. Augustine Rd., representing the applicant, explained the river frontage, and discussion ensued regarding the community dock. Stevenson stated that she was concerned that the public did not receive adequate notice of the possibility that a dock could be erected in the area.

(1:54 p.m.) Rich questioned what could be done with the reserve/conservation areas; Bishop explained that they would remain as such unless an amendment to the Comprehensive Plan and the PRD were obtained. (1:56 p.m.) Ben Adams, County Administrator, entered the meeting.

(1:56 p.m.) Smith reviewed the density, the lot sizes, the waiver, and the equestrian and recreational amenities, including the community dock, of the PRD. Stern questioned what the development areas of the various lots would be; discussion followed on the parking area and the number and types of boat slips planned. (2:03 p.m.) Maguire entered the meeting.

(2:03 p.m.) Motion by Stern, seconded by Rich, to enact Ordinance No. 2006-45, known as PRD 2005-09, County Road 214 PRD, adopting findings of fact one through five to support the motion.

(2:04 p.m.) Patrick McCormack, Assistant County Attorney, stated that he reviewed the advertised notice, and that it did meet statutory and County requirements.

(2:04 p.m.) Rich asked that approval of the waiver to Section 6.04.07.C be included in the motion; Stern accepted the amendment to the motion.

(2:04 p.m.) Stevenson asked if the applicant's representative would commit to a maximum number of boat slips that they would apply for. Smith said they would commit to a maximum of 70 slips on one community dock. Stevenson stated that she was still concerned about the notice; Bishop addressed her concerns. (2:08 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2006-45

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

(05/02/06 - 15 - 2:08 p.m.)

11. PUBLIC HEARING - REZ 2005-66, OSCEOLA LANDING REZONING - THIS IS A REQUEST TO REZONE 9.9 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE-FAMILY (RS-3). THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE EAST SIDE OF US 1, APPROXIMATELY ¼ MILE NORTH OF SR 206 AND IS LOCATED WITHIN THE RESIDENTIAL-B LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY WILL PROVIDE WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR) AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 6, 2006 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding REZ 2005-66, Osceola Landing, was received, having been published in *The St. Augustine Record* on April 17, 2006.

Michael Blackford, Planning Department, reviewed the details of this rezoning request. Bryant questioned if there were any wetlands on the property; Blackford explained that it had not yet been reviewed for wetlands. (2:11 p.m.) Karen Taylor, 3070 Harbor Drive, representing the applicant, addressed the wetlands, and stated that they were planning for 16 lots.

(2:13 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-46, known as REZ 2005-66, Osceola Landing, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2006-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE-FAMILY (RS-3) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/02/06 - 16 - 2:13 p.m.)

12. PUBLIC HEARING - REZ 2005-50, VENETIAN BLVD. PROFESSIONAL OFFICE CENTER REZONING - THIS IS A REQUEST TO REZONE 1.0 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR THE CONSTRUCTION OF TWO BUILDINGS TOTALING 7,720 SQ FT OF OFFICE/PROFESSIONAL SPACE. THE PROPERTY'S CURRENT USE IS ONE MOBILE HOME. THE PARCEL IS LOCATED ON THE NORTH SIDE OF VENETIAN BLVD., JUST EAST OF US 1 AND IS IN MIXED USE DISTRICT (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER IS BEING PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE RESIDENTIAL SINGLE-FAMILY (RS-3), PLANNED SPECIAL DISTRICT (PSD) AND INDUSTRIAL WAREHOUSE (IW). THIS PROPERTY WAS ORIGINALLY HEARD BEFORE THE BCC AS REZONING 2005-25 AND WAS SEEKING COMMERCIAL NEIGHBORHOOD (CN) FOR OFFICE/MEDICAL USES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 16, 2006 HEARING BY A VOTE OF 4 /1

Proof of publication for the notice of public hearing regarding REZ 2005-50, Venetian Blvd. Professional Office Center, was received, having been published in *The St. Augustine Record* on April 17, 2006.

Michael Blackford, Planning Department, presented the details of this item. Discussion followed regarding the number of trips allotted to this request.

(2:17 p.m.) Maguire questioned what changes were made since the last time this request was rejected: Blackford explained that the last request was for a Commercial-Neighborhood designation, this time the request is for Office Professional.

(2:18 p.m.) Alex Pellerito, 8825 A1A South, applicant, explained that he wished to get rid of the septic tank on the property, and to help alleviate the traffic safety situation by removing some trees. Bryant stated that he thought some of the surrounding residential zonings were approved after the neighboring commercial was approved. Discussion followed regarding traffic safety. (2:22 p.m.) Rich declared having ex parte communication with the applicant.

(2:23 p.m.) Janice Anderson, 175 Venetian Blvd., stated that her main concern was safety on Venetian Blvd. She was opposed to commercial development in a residential neighborhood. She displayed a photo of her home, Exhibit A.

(2:27 p.m.) Maguire stated that he saw this as two issues: one, the traffic problems; and two, the commercial rezoning. He said that the commercial would not have an affect on traffic, but the poor design of the roads did. He stated further that Venetian Blvd. was a County road: He suggested redesigning the road and trying to open another ingress/egress point. (2:31 p.m.) Joe Stephenson, Public Works Director, stated that he would investigate the ownership of the roads and right-of-ways, and take action to correct the intersection.

(2:33 p.m.) McCormack advised the Board that traffic concerns would not be a valid reason for denial, where the issue of compatibility would be.

(2:34 p.m.) Roger Anderson, 175 Venetian Blvd., was opposed to commercial encroachment.

(2:35 p.m.) Bonnie Thibault, 6392 Old Dixie Dr., said she was concerned about the traffic generated by commercial development.

(2:36 p.m.) Carol Sullivan, 201 Venetian Blvd., explained that the current use of the property was residential, and that she was opposed to the request.

(2:38 p.m.) James Manucy, 6381 Pine Circle W., was against commercial development that was not accessible from US1.

(2:40 p.m.) David Owens, 165 Venetian Blvd., spoke in opposition to the request, and submitted a packet of documents, including a map, photos, petitions and a letter from the owner of the British pub, Exhibit B. He stated that after the PZA hearing, a for sale sign was put up indicating that the property was commercial.

Discussion ensued on the availability of sewer in the area, and the property being available for purchase at \$1.6 million. Stern stated that she would feel more comfortable with commercial in the area if it had access from US 1, and asked that the Sheriff work on traffic enforcement in the area. Bishop illustrated the surrounding zonings on the zoning map, Exhibit C. (2:53 p.m.) Pellerito addressed some of the comments made during public comment.

(2:55 p.m.) *Rich stated that he felt that the timing of this project was incorrect, and that since there was not access from US 1., but through a high-density residential area, it was therefore not compatible with the surrounding development.*

(2:56 p.m.) Motion by Rich, seconded by Stevenson, to deny rezoning application REZ 2005-50, Venetian Boulevard Professional Office Center, adopting the previously stated finding of fact that the request for rezoning is generally incompatible with the surrounding development. (2:58 p.m.) The motion for denial carried 4/1, with Bryant opposed.

The meeting recessed at 2:58 p.m., and reconvened at 3:05 p.m.

(05/02/06 - 17 - 3:05 p.m.)

13. PUBLIC HEARING - PNZVAR 2006-01, ISLAND CAFÉ - THIS REQUEST SEEKS APPROVAL OF A NON-ZONING VARIANCE REGARDING SIGNAGE, SPECIFICALLY SECTION 3.08.07.D.1 OF THE LAND DEVELOPMENT CODE. THE PARCEL IS LOCATED AT 1935 A1A SOUTH AND IS ZONED COMMERCIAL GENERAL (CG). THE APPLICANT WISHES TO PLACE A SECONDARY SIGN ON THE SIDE OF HIS BUSINESS FACING STATE ROAD 312. THIS SIGNAGE WILL BE THE EXACT SAME, IN TERMS OF DESIGN AND MEASUREMENTS, AS THE ORIGINAL SIGNAGE IN THE FRONT OF THE BUSINESS. THIS REQUEST WAS REVIEWED BY THE MID ANASTASIA DESIGN REVIEW BOARD (MADRB) AT THEIR DECEMBER 8, 2005 MEETING. THE DRB APPROVED A MOTION TO SUPPORT THE NON-ZONING VARIANCE WITH THE FOLLOWING EXCEPTIONS: (1) ILLUMINATION OF SIGNAGE SHALL CEASE AT 10:00 P.M. OR ONE-HALF HOUR AFTER BUSINESS CLOSING. (2) PRELIMINARY RECOMMENDATION OF APPROVAL FOR AN IDENTICAL SIGN WITH EXACT LAYOUT ON THE CORNER OF THE BUILDING, WHICH FRONTS STATE ROAD 312, IF A NON-ZONING VARIANCE IS GRANTED BY THE BOARD OF COUNTY COMMISSIONERS (BCC)

Proof of publication for the notice of public hearing regarding PNZVAR 2006-01, Island Café, was received, having been published in *The St. Augustine Record* on April 17, 2006.

Teresa Bishop, Planning Director, presented the details of the request. Two letters of correspondence were submitted for the record. (3:07 p.m.) John Strahin, 1270 Tangerine Dr., representing the owner, explained the request.

(3:10 p.m.) Motion by Rich, seconded by Stern, carried 5/0, to approve PNZVAR 2006-01, making findings of fact one through six to support the motion, including the recommendations by the Mid-Anastasia Design Review Board, including illumination of signage to cease at 10:00 p.m., or one-half hour after business closing, and the preliminary recommendation of approval for the identical sign with the exact layout on the corner of the building, which fronts State Road 312.

(05/02/06 - 18 - 3:11 p.m.)

14. PUBLIC HEARING - COMPAMD-2005-07, STATE ROAD 16 PROPERTY - APPLICATION NO. COMPAMD-2005-07, KNOWN AS THE STATE ROAD 16 PROPERTY, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FOR APPROXIMATELY 42.8 ACRES OF WOODED AND UNDEVELOPED LAND, LOCATED ON THE NORTHEAST SIDE OF STATE ROAD 16, ABOUT 1.25 MILES NORTHWEST OF I-95, JUST BEYOND THE ST. AUGUSTINE FACTORY OUTLET AND WHISPER RIDGE. THIS IS THE SECOND OF TWO PUBLIC HEARINGS REQUIRED FOR THE BCC TO TAKE ACTION ON THE APPLICANT'S DEVELOPMENT AGREEMENT, NO. DEVAGREE-2006-02, PROPOSED IN CONJUNCTION WITH COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. COMPAMD-2005-07. THE BCC HELD THE FIRST PUBLIC HEARING ON APRIL 4, 2006. AT ITS MEETING ON APRIL 4TH, THE BCC CONTINUED THIS CASE TO MAY 2ND TO ALLOW IT TO STAY ON TRACK WITH FOUR OTHER JUNE 2005 CYCLE COMPREHENSIVE PLAN AMENDMENTS, WHICH REQUIRE A 2ND PUBLIC HEARING DUE TO THEIR PROPOSED DEVELOPMENT AGREEMENTS

Proof of publication for the notice of public hearing regarding COMPAMD-2005-07 and DEVAGREE-2006-02, for State Road 16 Property, was received, having been published in *The St. Augustine Record* on April 11, 2006.

Teresa Bishop, Planning Director, announced that the Comp Plan Amendment Courtesy Information Sheets were available for persons who wished to receive additional information from DCA. She explained that this was the second of two required public hearings on the development agreement.

Donna Godfrey, Senior Planner, presented the details of the proposed comp plan amendments and development agreement.

(3:14 p.m.) Susan Green, Green & Cupperman, 200 First St., Neptune Beach, representing the landowner, explained the location, size and density of the development. Doug Burnett, 170 Malaga St., applicant's attorney, explained that they were requesting that the property's land use designation be changed to Residential B; and that the development agreement had been retooled since the PZA meeting to, primarily, make the agreement binding, to address school concurrency, and to include language recommended by the Utility Department regarding a water main. Discussion ensued regarding Section 4 (b) of the agreement: Transportation/Water and Sewer Transmission Line.

(3:19 p.m.) Isabelle Lopez, Assistant County Attorney, spoke on proportionate share agreements and the difficulty of making these agreements, due to the fact that the County had not yet adopted a proportionate share ordinance. Discussion ensued

regarding the placement of items on the County's Capital Improvements Element, via development agreements, the financial impact they could have on the County and the expectation of traffic concurrency.

(3:28 p.m.) Bill Hartmann, Transportation Planning Manager, explained how the language in the development agreement affected transportation funding.

(3:33 p.m.) Motion by Bryant, seconded by Stern, carried 4/1 with Rich opposed, to enact Ordinance No. 2006-47, amending the 2015 Future Land Use Map of the St. Johns County Comprehensive Plan from Rural Silviculture to Residential Density-B.

ORDINANCE NO. 2006-47

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - B, FOR PROPERTY LOCATED ON THE NORTHEAST SIDE OF SR 16, ABOUT 1.25 MILES NORTHWEST OF I-95, JUST BEYOND THE ST. AUGUSTINE FACTORY OUTLET MALL AND WHISPER RIDGE; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(3:34 p.m.) Motion by Bryant, seconded by Stern, carried 4/1 with Rich opposed, to enact Ordinance No. 2006-48, amending the Future Land Use Element of the St. Johns County Comprehensive Plan to add a policy to limit density and intensity of development.

ORDINANCE NO. 2006-48

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, FUTURE LAND USE ELEMENT, TO ADD NEW POLICY A.1.11.1(h)(8)(_), AS PERTAINING TO THE SITE-SPECIFIC LIMITATION ON DENSITY/INTENSITY FOR PROPERTY KNOWN AS THE STATE ROAD 16 PROPERTY, LOCATED ON THE NORTHEAST SIDE OF SR 16, ABOUT 1.25 MILES NORTHWEST OF I-95, JUST BEYOND THE ST. AUGUSTINE FACTORY OUTLET MALL AND WHISPER RIDGE; UNDER APPLICATION NO. COMPAMD 2005-07; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(3:35 p.m.) Motion by Bryant, seconded by Stern, carried 4/1 with Rich opposed, to approve Development Agreement No. DEVAGREE-2006-02, to construct water transmission lines and postpone development of the site until establishment of a school concurrency system, in conjunction with the proposed Comprehensive Plan amendments.

(3:36 p.m.) Motion by Bryant, seconded by Stern, carried 4/1 with Rich opposed, to enact Ordinance No. 2006-49, amending the Five-Year Capital Improvements Schedule of the Capital Improvements Element of the St. Johns County Comprehensive Plan to include said water transmission lines, in conjunction with the above noted development agreement.

ORDINANCE NO. 2006-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ADOPTING AN AMENDMENT TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE, 2003-2008 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/02/06 - 20 - 3:35 p.m.)

15. PUBLIC HEARING - COMPAMD-2005-09, MILL CREEK RANCH, LLC - APPLICATION NO. COMPAMD-2005-09, KNOWN AS THE MILL CREEK RANCH, LLC, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FOR APPROXIMATELY 181 ACRES OF UNDEVELOPED, MOSTLY AGRICULTURAL, LAND, LOCATED ON THE SOUTHWEST SIDE OF CR 16A, ABOUT ¾ OF A MILE NORTHWEST OF SR 16, AND ON THE NORTH SIDE OF SR 16, ABOUT ONE MILE WEST OF CR 16A. THIS IS THE SECOND OF TWO PUBLIC HEARINGS REQUIRED FOR THE BCC TO TAKE ACTION ON THE APPLICANT'S DEVELOPMENT AGREEMENT, NO. DEVAGREE-2006-04, PROPOSED IN CONJUNCTION WITH COMPREHENSIVE PLAN AMENDMENT, APPLICATION NO. COMPAMD-2005-09. THE BCC HELD THE FIRST PUBLIC HEARING ON APRIL 4, 2006. AT ITS MEETING ON APRIL 4TH, THE BCC CONTINUED THIS CASE TO MAY 2ND TO ALLOW IT TO STAY ON TRACK WITH FOUR OTHER JUNE 2005 CYCLE COMPREHENSIVE PLAN AMENDMENTS, WHICH REQUIRE A 2ND PUBLIC HEARING DUE TO THEIR PROPOSED DEVELOPMENT AGREEMENTS

Proof of publication of the notice of public hearing regarding COMPAMD-2005-09, Mill Creek Ranch, and DEVAGREE-2006-04, Ashley Oaks PUD and Mill Creek Ranch, was received, having been published in *The St. Augustine Record* on April 11, 2006.

Donna Godfrey, Senior Planner, presented the details of this item.

(3:37 p.m.) Frank Miller, 245 Riverside Ave., Suite 400, Jacksonville, speaking on behalf of the applicant, addressed the request to change the land use category to Residential B, and the density and location of the project. He explained that the developer wanted to take advantage of the affordable housing bonus, available under the Residential B category. He said that his client would commit to do 80 units of affordable housing.

(3:39 p.m.) Bryant asked Miller what kind of guarantee he could make to the Board on the number of affordable housing units. Miller responded that they would lose the density bonus if they tried to back away from their affordable housing commitment. Discussion ensued; and Miller addressed the commitments in the development agreement for the two projects: Mill Creek Ranch and Ashley Oaks, which were \$33 million for transportation, and \$1.9 million on water and wastewater.

(3:44 p.m.) Stevenson questioned if the applicant was requesting any amendments to the Capital Improvements Element (CIE): Miller responded that they were and he explained the requested amendments. Lengthy discussion ensued on who would be responsible for specific items on the CIE list. (4:08 p.m.) Lopez suggested a recess to discuss amending some of the language in the agreement. (4:11 p.m.) Maguire spoke on the planning process, and the issues involved therewith; discussion followed regarding the next steps in this planning process.

(4:17 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Robin Platt left the meeting.

(4:23 p.m.) Miller proposed the following language: in paragraph 3(a), insert the words "80 units, of which, shall be affordable housing." Also proposed that in section 4(b), strike "shall, at Developer's request" and replace it with "may." (5:47 p.m.) Subsequently, Miller proposed that the following language be inserted in the development agreement: in Section 3b, at the end of the sentence that begins reading "in the event, that the County adopts a fair share payment plan for concurrency prior to developer committing to or constructing the foregoing improvements, then the County and developer" change "shall" to "may" at developer's request; enter into an addendum to this agreement to substitute the payment of fair share for the foregoing improvements and insert, "so long as the County shall not thereby be made responsible for the improvements described herein and the County agrees to review the Capital Improvement Element regarding responsibility for funding such improvements at the time of the adoption of any fair share ordinance. Discussion followed regarding fair share. (5:51 p.m.) **Motion by Stevenson, seconded by Stern, carried 4/1 with Rich dissenting, to enact Ordinance No. 2006-55, amending the 2015 Future Land Use Map of the St. Johns County Comprehensive Plan from Agriculture-Intensive (A-I) and Rural Silviculture (R/S) to Residential Density-B for Mill Creek Ranch, LLC.**

ORDINANCE NO. 2006-55

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING 2015
COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS
AMENDED, TO CHANGE THE 2015 FUTURE LAND USE
MAP DESIGNATION FROM AGRICULTURAL
INTENSIVE (A-I) AND RURAL SILVICULTURE (R/S) TO
RESIDENTIAL DENSITY-B, FOR PROPERTY LOCATED
ON THE SOUTHWEST SIDE OF CR 16A, ABOUT $\frac{3}{4}$
MILE NORTHWEST OF SR16, AND ON THE NORTH
SIDE OF SR 16, ABOUT ONE MILE WEST OF CR 16A;
PROVIDING FOR FINDINGS OF FACT; FINDINGS OF
CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE
DATE

(5:52 p.m.) **Motion by Stevenson, seconded by Stern, carried 4/1 with Rich dissenting, to approve Development Agreement No. DEVAGREE-2006-04, proposed for Ashley Oaks PUD and Mill Creek Ranch, to construct transportation improvements and water and sewer transmission lines and postpone development until establishment**

of a school concurrency system, in conjunction with the proposed Comprehensive Plan Amendments.

(5:53 p.m.) Motion by Stevenson, seconded by Stern, carried 4/1 with Rich dissenting, to enact Ordinance No. 2006-56, amending the Five-Year Capital Improvements Schedule of the Capital Improvements Element of the St. Johns County Comprehensive Plan to include said public facilities, in conjunction with the above noted developer agreement.

ORDINANCE NO. 2006-56

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ADOPTING AN AMENDMENT TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE, 2003-2008 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS OF SCHEDULE; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/02/06 - 22 - 4:29 p.m.)

16. PUBLIC HEARING - COMPAMD-2005-06, CYNTHIA TAYLOR PROPERTY - APPLICATION NO. COMPAMD-2005-06, KNOWN AS THE CYNTHIA TAYLOR PROPERTY, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FOR APPROXIMATELY 101.5 ACRES OF LAND CURRENTLY DEVELOPED AS A SINGLE-FAMILY HOME SITE AND LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 1 SOUTH ABOUT ¼ MILE SOUTH OF STATE ROAD 206, EAST OF I-95. THIS IS THE SECOND OF TWO PUBLIC HEARINGS REQUIRED FOR THE BCC TO TAKE ACTION ON THE APPLICANT'S DEVELOPMENT AGREEMENT NO. DEVAGREE-2006-01, PROPOSED IN CONJUNCTION WITH COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. COMPAMD-2005-06. THE BCC HELD THE FIRST PUBLIC HEARING ON APRIL 4, 2006. AT ITS MEETING ON APRIL 4TH, THE BCC CONTINUED THIS CASE TO MAY 2ND TO ALLOW IT TO STAY ON TRACK WITH FOUR OTHER JUNE 2005 CYCLE COMPREHENSIVE PLAN AMENDMENTS WHICH REQUIRE A 2ND PUBLIC HEARING DUE TO THEIR PROPOSED DEVELOPMENT AGREEMENTS

Proof of publication for the notice of public hearing regarding Application No. COMPAMD-2005-06 and Development Agreement No. DEVAGREE-2006-01, Cynthia Taylor Property was received, having been published in *The St. Augustine Record* on April 11, 2006.

Donna Godfrey, Senior Planner, explained the comp plan amendment and the development agreement. (4:31 p.m.) George McClure, 81 King Street, Suite A, representing the applicant, presented his request by addressing the history of the project, the current surrounding uses, and other issues regarding the comp plan amendment.

(4:42 p.m.) Don House, 183 N. Roscoe Blvd., Palm Valley, commented in favor of the comp plan amendment.

(4:44 p.m.) Rich declared ex-parte communication with Mr. House, Cynthia Taylor, and George McClure. Bryant declared ex-parte communication with Mr. House. Stevenson declared ex-parte communication with Ms. Taylor, George Clure, and Mr. House. Stern declared ex-parte communication with Ms. Taylor, McClure and Mr. House and discussed the various aspects of the request. Maguire declared ex-parte communication with McClure.

(4:46 p.m.) Clay Seay, 1200 Plantation Island Drive, commented in favor of the comp plan amendment.

(4:50 p.m.) Beverly Green, 1725 CR 13-A South, commented in favor of the comp plan amendment.

(4:52 p.m.) Marc Sokolay, 8461 Hardwood Landing Road, commented in favor of the comp plan amendment.

(4:53 p.m.) Diana Jackson, 6824 Sea Cove Avenue E., commented in favor of the comp plan amendment.

(4:55 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-50, amending the 2015 Future Land Use Map of the St. Johns County Comprehensive Plan from Rural Silviculture (R/S) to Residential Density-B.**

ORDINANCE NO. 2006-50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B, FOR PROPERTY LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 1 SOUTH, ABOUT ¼ MILE SOUTH OF STATE ROAD 206; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(4:57 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to approve Development Agreement No. DEVAGREE-2006-01, proposed by Cynthia Taylor to construct water and sewer transmission lines and postpone vertical construction until establishment of School Concurrency System, in conjunction with the above-noted FLUM amendment.**

(4:58 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-51, amending the Five-Year Capital Improvements Schedule of the Capital Improvements Element of the St. Johns County Comprehensive Plan to include said water and sewer improvements, in conjunction with above-noted Development Agreement.**

ORDINANCE NO. 2006-51

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ADOPTING AN AMENDMENT

TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE, 2003-2008 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS OF SCHEDULE; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/02/06 - 24 - 4:59 p.m.)

17. PUBLIC HEARING- COMPAMD-2005-08, PACETTI'S MARINA APPLICATION NO. COMPAMD-2005-08, KNOWN AS PACETTI'S MARINA, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FOR APPROXIMATELY 23.1 ACRES OF LAND CURRENTLY DEVELOPED AS PACETTI'S MARINA AND RV PARK, LOCATED ON THE EAST SIDE OF STATE ROAD 13 AT TROUT CREEK. THIS IS THE SECOND OF TWO PUBLIC HEARINGS REQUIRED FOR THE BCC TO TAKE ACTION ON THE APPLICANT'S DEVELOPMENT AGREEMENT NO. DEVAGREE-2006-03, PROPOSED IN CONJUNCTION WITH COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. COMPAMD-2005-08. THE BCC HELD THE FIRST PUBLIC HEARING ON APRIL 4, 2006. AT ITS MEETING ON APRIL 4TH, THE BCC CONTINUED THIS CASE TO MAY 2ND TO ALLOW IT TO STAY ON TRACK WITH FOUR OTHER JUNE 2005 CYCLE COMPREHENSIVE PLAN AMENDMENTS WHICH REQUIRE A 2ND PUBLIC HEARING DUE TO THEIR PROPOSED DEVELOPMENT AGREEMENTS

Proof of publication for the notice of public hearing regarding Application No. COMPAMD-2005-08 and Development Agreement No. DEVAGREE-2006-03, for Pacetti's Marina was received, having been published in *The St. Augustine Record* on April 11, 2006.

Donna Godfrey, Senior Planner, explained the four issues to be acted on for this agenda item. (5:01 p.m.) John Metcalf, 81 King Street, representing the applicant, requested the Board adopt the comp plan amendment to change the designation of property from R/C to Residential-D with the limitation of no more than 224 multi-family units and a height limitation of no more than three stories.

(5:07 p.m.) Tracy Considine, 6700 Collier Road, expressed concerns with the high density of the project.

(5:12 p.m.) Vicky Wiseman, 7130 2nd Street, Elwood, expressed concerns with the density of the proposed project.

(5:14 p.m.) Susan Van Hoek, 7810 Atlantic Road, commented in favor of the project.

(5:16 p.m.) Duane Wendt, 6550 SR 13 North, Pacetti's Campground, commented in favor of the project.

(5:17 p.m.) Horace Dowling, 6463 Jack Wright Island, commented in favor of the project.

(5:19 p.m.) Mark Sokolay, 8461 Hardwood Landing Road, commented in opposition to the density of the project and the increased watercraft in the creek.

(5:20 p.m.) Beverly Griner, 3540 Pacetti Road, commented in favor of the project.

(5:21 p.m.) Larry Jordan, 2141 Forest Hollow Way, Fruit Cove, commented in favor of the project.

(5:25 p.m.) Kyndal Eppley, 212 Canton Court, Julington Creek Plantation, commented in favor of the project.

(5:26 p.m.) Paige Pacetti Carlyle, 212 Canton Court, Julington Creek Plantation, commented in favor of the project.

(5:27 p.m.) Pinkham Pacetti, 6550 SR 13, Orangedale, commented in favor of the project.

(5:29 p.m.) John Metcalf, 81 King Street, addressed the concerns regarding the watercraft and the current allowable uses.

(5:32 p.m.) **Motion by Stern, seconded by Bryant, to enact Ordinance No. 2006-52, amending the 2015 Future Land Use Map of the St. Johns County Comprehensive Plan from Rural Commercial (R/C) to Residential Density-D.** Discussion followed regarding density. (5:38 p.m.) **The motion carried 3/1 with Rich opposed and Maguire abstaining.**

ORDINANCE NO. 2006-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RURAL COMMERCIAL (R/C) TO RESIDENTIAL DENSITY-D; FOR PROPERTY LOCATED ON THE NORTHEAST SIDE OF STATE ROAD 13 AT TROUT CREEK; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

The meeting recessed at 5:39 p.m. and reconvened at 5:44 p.m.

(5:45 p.m.) **Motion by Stern, seconded by Bryant, carried 3/1 with Rich dissenting and Maguire abstaining, to enact Ordinance No. 2006-53, amending the Future Land Use Element of the St. Johns County Comprehensive Plan to add a policy to limit density and intensity of development.**

ORDINANCE NO. 2006-53

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES, FUTURE LAND USE ELEMENT, TO ADD NEW POLICY A.1.11.1(h)(8)(b), AS PERTAINING TO THE SITE-SPECIFIC LIMITATION ON DENSITY/INTENSITY FOR PROPERTY KNOWN AS PACETTI'S MARINA,

LOCATED ON THE NORTHEAST SIDE OF STATE ROAD 13 AT TROUT CREEK UNDER APPLICATION NO. COMPAMD 2005-08; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(5:45 p.m.) Motion by Stern, seconded by Stevenson, carried 3/1 with Rich dissenting and Maguire abstaining, to approve Development Agreement No. DEVAGREE-2006-03, to construct water and sewer transmission lines and postpone development of the site until establishment of a School Concurrency System, in conjunction with the proposed Comprehensive Plan Amendments.

(5:46 p.m.) Motion by Stern, seconded by Stevenson, carried 3/1 with Rich dissenting and Maguire abstaining, to enact Ordinance No. 2006-54, amending the Five-Year Capital Improvement Schedule of the Capital Improvements Element of the St. Johns County Comprehensive Plan to include said water and sewer transmission lines, in conjunction with above-noted Development Agreement.

ORDINANCE NO. 2006-54

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ADOPTING AN AMENDMENT TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE, 2003-2008 OF THE COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS OF SCHEDULE; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(05/02/06 - 26 - 5:54 p.m.)

18. PUBLIC HEARING-ACPA-2005-03, GOVERNOR'S PLANTATION-HEARTWOOD - APPLICATION NO. ACPA-2005-03, KNOWN AS GOVERNOR'S PLANTATION-HEARTWOOD, IS AN ADMINISTRATIVE COMPREHENSIVE PLAN AMENDMENT PROPOSED TO THE 2015 COMPREHENSIVE PLAN FOR APPROXIMATELY 90 ACRES OF LAND LOCATED ON WILDWOOD DRIVE, ADJACENT TO AND ACROSS FROM OLD PLANTATION DRIVE. AT ITS MEETING ON APRIL 4TH, THE BCC CONTINUED THIS CASE TO MAY 2ND TO ALLOW IT TO STAY ON TRACK WITH FOUR OTHER JUNE 2005 CYCLE COMPREHENSIVE PLAN AMENDMENTS WHICH REQUIRE A 2ND PUBLIC HEARING DUE TO THEIR PROPOSED DEVELOPMENT AGREEMENTS

Proof of publication for the notice of public hearing regarding Application No. ACPA-2005-03, Governor's Plantation-Heartwood was received, having been published in *The St. Augustine Record* on April 26, 2006.

Teresa Bishop, Planning Director, explained the County-initiated comp plan amendment to rezone property from Residential Density-C to Residential Density-B.

(5:55 p.m.) Motion by Maguire, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-57, amending the 2015 Future Land Use Map from Residential Density-C to Residential Density-B for Application No. ACPA-2005-03, for the Governor's Plantation-Heartwood, property located on Wildwood Drive, adjacent to and across from Old Plantation Drive.

ORDINANCE NO. 2006-57

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM REESIDENTIAL DENSITY-C TO RESIDENTIAL DENSITY-B, FOR PROPERTY LOCATED ON WILDWOOD DRIVE, ADJACENT TO AND ACROSS FROM OLD PLANTATION DRIVE; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(05/02/06 - 27 - 5:56 p.m.)

19. IMPACT FEE ORDINANCE DISCUSSION

Maguire requested an extension of the impact fee ordinance for 30 days. (5:59 p.m.) Lopez suggested some language to amend the impact fee manual to address maintaining the vesting. Discussion followed regarding the applicants and their submission dates. (6:08 p.m.) Motion by Maguire, seconded by Rich, carried 5/0, to amend Resolution 2005-99, amending the Impact Fees General Administrative Guidelines and Procedures Manual to add the following to Section 1: b) add a comma and the word "or" at the end of that paragraph; add a Section C, which reads, "applicants for nonresidential building permits must submit a complete application for construction plan (paving, drainage, and utilities) approval consistent with the requirements of Section 13.0 of the Development Review Manual, prior to May 2, 2006, in order to be assessed the impact fees in effect prior to May 2, 2005. These applicants must submit to the Building Department a completed application form with all necessary attachments, forms, plans, and items identified on the clearance sheet and commercial sufficiency check list on or before July 28, 2006 for the following applicants only: Wildwood Office, Cooksey Campground, North Beach Campground, AHDG at Durbin, Peppertree Town Center, and Overlook Five.

(05/02/06 - 27 - 6:11 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

No report.

(6:11 p.m.)

Commissioner Stevenson:

Stevenson reported on the Character Counts dinner that was held in honor of several outstanding students from each school.

(6:12 p.m.)

Commissioner Bryant:

Bryant questioned the RFP regarding the management of the Amphitheater. Adams said the draft RFP has been placed in the commissioners' office, and requested that each of them review and submit their concerns to him as soon as possible.

Bryant relayed a request from the St. Augustine Port Waterway and Beach District to regulate residential dock lights in unincorporated areas. Discussion followed on regulations for dock lights. (6:19 p.m.) *It was the consensus of the Board to have an ordinance drafted, in conjunction with the City of St. Augustine, regarding regulations for dock lights.*

(6:19 p.m.)

Commissioner Maguire:

Maguire reported that the City of St. Augustine was considering a mooring field ordinance.

Maguire commented further on the amphitheater RFP; suggested there be some type of provision for county use.

(6:22 p.m.) Maguire commended the Clerk of Courts Office for providing their agenda books on double sided paper.

Maguire reported that he would be attending the graduation of the Leadership Florida Class in Miami next week.

(6:23 p.m.)

Commissioner Stern:

Stern commented on the local impact regarding RFPs.

Stern announced that the Affordable Housing Bill, House Bill 1363, had passed.

Stern announced that she would be traveling to Gainesville on May 3, 2006, to serve on a panel at Green Trends 2006.

(05/02/06 - 28 - 6:26 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams relayed a request to schedule a special meeting on Wednesday, May 31, 2006 at 9:00 a.m. for the Fishkind Report.

(05/02/06 - 28 - 6:28 p.m.)

CLERK OF COURT'S REPORT

No report.

(05/02/06 - 28 - 6:28 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(6:28 p.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:28 p.m.

CORRESPONDENCE:

1. Letter to the Secretary of State, filing Ordinances No. 2006-38 through 2006-43 (04/25/06)

REPORTS:

1. St. Johns Board of County Commissioners Check Register; approving checks 382522 through 382875 totaling \$2,027,276.15 (04/10/06)
2. St. Johns Board of County Commissioners Check Register; approving checks 382902 through 383162 totaling \$2,899,238.10 (04/18/06)

3. St. Johns Board of County Commissioners Check Register; approving checks 383163 through 383165 totaling \$150.00 (04/21/06)
4. St. Johns Board of County Commissioners Check Register; approving checks 383533 through 383563 totaling \$56,924.63 (04/27/06)

Approved July 11, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Wenne King
Deputy Clerk