

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
OCTOBER 3, 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  
Patrick McCormack, County Attorney  
Lenora Newsome, Deputy Clerk

(10/03/06 - 1 - 9:08 a.m.)  
CALL TO ORDER

Bryant called the meeting to order.

(10/03/06 - 1 - 9:08 a.m.)  
ROLL CALL

Bryant announced that four commissioners were present, with Rich absent.

(10/03/06 - 1 - 9:09 a.m.)  
INVOCATION & PLEDGE OF ALLEGIANCE

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

(10/03/06 - 1 - 9:09 a.m.)  
SPECIAL RECOGNITION OF MR. LARRY DAVENPORT

Bob Peters, Human Resources Department, spoke on recognizing a long-time employee who is retiring with quite a number of years of service. Bill Young, Utility Director, recognized the long time employee, Larry Davenport, reviewing his time as an employee. He presented Larry Davenport with a watch for his retirement.

(10/03/06 - 1 - 9:13 a.m.)  
PROCLAMATION DESIGNATING OCTOBER 8-14, 2006 AS FIRE APPRECIATION WEEK

Maguire read the proclamation and Frank McElroy received it, thanking everyone.

(10/03/06 - 1 - 9:17 a.m.)  
PROCLAMATION DESIGNATING OCTOBER 2006 AS BREAST CANCER AWARENESS MONTH

Stern read the proclamation with Ann Hassel and Cecelia Aldrich receiving it. Ann Hassel thanked everyone for participating. Aldrich reminded everyone about self-exams.

(10/03/06 - 2 - 9:21 a.m.)

PROCLAMATION DESIGNATING OCTOBER 2006 AS DOMESTIC VIOLENCE AWARENESS MONTH

Stevenson read the proclamation and Beth Hughes thanked everyone, speaking on domestic violence.

(10/03/06 - 2 - 9:26 a.m.)

ACCEPTANCE OF PROCLAMATIONS

**Motion by Stern, seconded by Maguire, carried 4/0 with Rich absent, to adopt the previously read proclamations.**

(10/03/06 - 2 - 9:27 a.m.)

PUBLIC COMMENT

Barbara Boyer, 4338 Gadsden Court, spoke on rewriting the Road Use Agreement and access to her family's farm.

(9:28 a.m.) David Bruner, 37 Ferrol Road, requested that Item 8 be pulled and stated his objection; then, submitted his formal objection into the record. Bryant asked McCormack if he had reviewed this item. McCormack responded that he had, and that it should not be pulled off of the agenda.

(9:36 a.m.) Vivian Browning, 40 Beachcomber Way, stated that it was very important for Item 8 to be heard today.

(9:38 a.m.) Rick Hodgkins, 161 Manresa Road, spoke on being opposed to the height variance on Item 8 and asked for a delay on this variance request.

(9:41 a.m.) David Wiles, 8220 A1A South, spoke on the danger of creating ordinances that endanger the 42 miles of coastline.

(9:44 a.m.) Paul Sargent, 113 Carcaba Road, spoke on being opposed to the height variance on Item 8.

(9:46 a.m.) Bryant mentioned the Council On Aging, Cathy Brown, Director, had won one of five awards across the nation; the Federal Transit Administrators National Award for Outstanding Public Service.

(10/03/06 - 2 - 9:47 a.m.)

DELETIONS TO CONSENT AGENDA

Adam requested to pull Consent Item 12, at the applicant's request, to be rescheduled later. McCormack requested to pull Consent Item 6.

(10/03/06 - 2 - 9:48 p.m.)

APPROVAL OF CONSENT AGENDA

**Motion by Stern, seconded by Maguire, carried 4/0 with Rich absent, to approve the Consent Agenda as amended.**

1. Approval of the Cash Requirement Report

2. Minutes:  
09/05/06 - BCC Regular Meeting
3. Sheriff's Office Bonds:
 

Approve:	Victoria Baker	Kristi Hazel	Joseph Lukaszewski
	Michael Clark	Keith Melton	Dale Pittenger
	Aaron Braddock	Matthew Trizis	Donald Darland
	Cathy Parham	Nadyne Sneyd	Elizabeth McDevitt
Cancel:	Rosemarie Smith	Alyn Nelson	Robert Frigo
	Vicki Haslauer		
4. Motion to approve the Sheriff to transfer funds in the amount of \$415,000 from the Sheriff's Law Enforcement Fund to the Sheriff's Corrections Fund to cover unanticipated expenses in the Sheriff's Corrections Fund for FY 2006
5. Motion to approve the payment of \$681,598.99 to the Florida State Retirement System pursuant to Chapter 121.0515 (9)(a) F.S.
6. Motion to adopt a Resolution approving a Final Plat for The Plantation At Ponte Vedra Unit Twelve

*This item was pulled from the agenda.*

7. Motion to adopt **Resolution No. 2006-321**, approving a Final Plat for Samara Lakes Parcel B Phase Two

**RESOLUTION NO. 2006-321**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAMARA LAKES PARCEL B PHASE TWO**

8. Motion to adopt **Resolution No. 2006-322**, approving a Final Plat for South Hampton Unit Five

**RESOLUTION NO. 2006-322**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTH HAMPTON UNIT FIVE**

9. Motion to adopt **Resolution No. 2006-323**, approving the terms and authorizing the Chairman to execute a Conservation Easement of approximately 4.5 acres of wetlands off of Jack Wright Island Road to mitigate for wetland impacts associated with a sidewalk project on Roberts Road

**RESOLUTION NO. 2006-323**

**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 OF APPROXIMATELY 4.5 ACRES OF**

**WETLANDS OFF OF JACK WRIGHT ISLAND ROAD TO  
MITIGATE FOR WETLAND IMPACTS ASSOCIATED  
WITH A SIDEWALK PROJECT ON ROBERTS ROAD**

10. Motion to adopt **Resolution No. 2006-324**, approving the terms and authorizing the Chairman to execute a Conservation Easement of approximately 1.012 acres of wetlands along Old Moultrie Creek as a buffer located within Vaill Point Park

**RESOLUTION NO. 2006-324**

**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 OF APPROXIMATELY 1.012 ACRES OF  
WETLANDS ALONG OLD MOULTRIE CREEK AS A  
BUFFER LOCATED WITHIN VAILL POINT PARK**

11. Motion to adopt **Resolution No. 2006-325**, approving the terms and conditions and authorizing the County Administrator to execute a Purchase and Sale Agreement for the right-of-way of a portion of Toms Road and additional right-of-way along County Road 208 and approve budget transfer of \$345,924.00 from TTF Reserve (1131-59920) to Road and Bridge Land (1122-56100)

**RESOLUTION NO. 2006-325**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING THE TERMS AND CONDITIONS AND  
AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE A PURCHASE AND SALE AGREEMENT FOR  
THE RIGHT-OF-WAY OF A PORTION OF TOMS ROAD  
AND ADDITIONAL RIGHT-OF-WAY ALONG COUNTY  
ROAD 208**

12. Motion to adopt a Resolution approving the terms and conditions of two Purchase and Sale Agreements for acquisition of a 2.75 acre parcel for construction of a Fire Station Site on Pine Island Road and authorizing the County Administrator to execute the Purchase and Sale Agreements and take all action necessary in order to close and complete the transaction in accordance with Section 125.355, Florida Statutes

*This item was pulled from the agenda.*

13. Motion to authorize the County Administrator, or his designee, to award a contract to ADB Utility Contractors for work for the Lump Sum Base Bid amount of \$217,672.21 for Bid # 06-136 Health Department Force Main Extension
14. Motion to authorize the County Administrator, or his designee, to award a contract to C.A.P. Contracting, Inc. for work in the Base Bid amount of \$406,000.00 for Bid # 06-137 Greenbriar Road Sidewalk Improvements.
15. Motion to adopt **Resolution No. 2006-326**, expressing the County's intention to be reimbursed from the proceeds of tax-exempt obligations for certain capital expenditures to be paid for prior to the issuance of such obligations

RESOLUTION NO. 2006-326

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING THE COUNTY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN TRANSPORTATION CAPITAL EXPENDITURES TO BE PAID BY THE COUNTY PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE

16. Motion to authorize the County Administrator or his designee to enter into contract with The Stellar Group for \$121,160.56 to upsize water main along Old Dixie Highway
17. Motion to adopt **Resolution No. 2006-327**, approving the terms, and conditions of a Contract between St. Johns County, Florida, and the St. Johns County Chamber of Commerce, for the purpose of promoting economic development through the CORNERSTONE organization, and authorizing the Chairman of the Board of County Commissioners to execute the Contract on behalf of the County

RESOLUTION NO. 2006-327

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR THE BCC CHAIRMAN TO EXECUTE A CONTRACT WITH THE ST. JOHNS COUNTY CHAMBER OF COMMERCE FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT THROUGH THE CORNERSTONE ORGANIZATION

18. Motion to adopt **Resolution No. 2006-328**, approving the terms, provisions, conditions and requirements of an agreement between St. Johns County, Florida and Drug Lab, Inc., for the provision of drug screening services and related services for 2006-2007 and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2006-328

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND DRUG LAB, INC., FOR THE PROVISION OF DRUG SCREENING SERVICES, AND RELATED SERVICES FOR 2006-2007, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

19. Motion to adopt **Resolution No. 2006-329**, approving the terms, and conditions of a Contract between the Board of County Commissioners of St Johns County,

Florida and the Council on Aging, Inc., in order to provide sunshine bus service, paratransit service DOT/ VANS and enhanced veteran services for a period of 12 months, and authorizing the Chairman of the Board of County Commissioners to execute the Contract on behalf of the County

**RESOLUTION NO. 2006-329**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND CONDITIONS OF A CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. IN ORDER TO PROVIDE SUNSHINE BUS SERVICE, PARATRANSIT SERVICE, DOT/VANS AND ENHANCED VETERAN SERVICES FOR A PERIOD OF 12 MONTHS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY**

20. Motion to adopt **Resolution No. 2006-330**, approving the terms and conditions of Joint Participation Agreement between the Board of County Commissioners of St. Johns County, and the Florida Department of Transportation, for purposes of being the recipient of two-year service development grant for \$166,000 and authorizing the Chairman of the Board of County Commissioners to execute the Agreement on behalf of the County

**RESOLUTION NO. 2006-330**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A JOINT PARTICIPATION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGNATING ST. JOHNS COUNTY AS THE RECIPIENT OF A SERVICE DEVELOPMENT GRANT FOR \$166,000 AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY**

21. Motion to authorize the County Administrator or his designee to award a Lump Sum Contract in the amount of \$403,000 to the low bidder, Diversified Development Southeast, Inc for Bid # 06-140, Construction of Human Resources Office Renovations
22. Motion to approve the transfer of \$207,607 from General Fund Reserves (0083-59920) to 0054-56301 Fairground Improvement Other Than Buildings for the completion of the Fairgrounds Multi-Purpose Arena Phase II
23. Motion to adopt **Resolution No. 2006-331**, approving the terms and authorizing the County Administrator to execute a certain purchase and sale agreement for

property needed for the Race Track Road four-laning project (First of five parcels)

**RESOLUTION NO. 2006-331**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE RACE TRACK ROAD FOUR-LANING PROJECT**

24. Motion to adopt **Resolution No. 2006-332**, approving the terms and authorizing the County Administrator to execute a certain purchase and sale agreement for property needed for the Race Track Road four-laning project (Second of five parcels)

**RESOLUTION NO. 2006-332**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE RACE TRACK ROAD FOUR-LANING PROJECT**

25. Motion to adopt **Resolution No. 2006-333**, approving the terms and authorizing the County Administrator to execute a certain purchase and sale agreement for property needed for the Race Track Road four-laning project (Third of five parcels); and Motion to approve budget transfer of \$40,760 from Race Track Reserves (3313-59927) to Race Track Land (3313-56100; 5050-56100)

**RESOLUTION NO. 2006-333**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE RACE TRACK ROAD FOUR-LANING PROJECT**

26. Motion to adopt **Resolution No. 2006-334**, accepting Grants of Drainage Easement to allow access under Railroad Avenue to install drainage culverts as part of the West King Street Improvement Project (Fourth of 13 easements)

**RESOLUTION NO. 2006-334**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING GRANTS OF DRAINAGE EASEMENT TO ALLOW ACCESS UNDER RAILROAD AVENUE TO INSTALL DRAINAGE CULVERTS AS PART OF THE WEST KING STREET IMPROVEMENT PROJECT**

27. Motion to adopt **Resolution No. 2006-335**, approving the terms and authorizing the Chairman to execute a Conservation Easement over 44.85 acres (40.95 acres of wetlands and 3.9 acres of uplands) on Spengler Island to mitigate for future County projects

**RESOLUTION NO. 2006-335**

**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 44.85 ACRES (40.95 ACRES OF WETLANDS AND 3.9 ACRES OF UPLANDS) ON SPENGLER ISLAND TO MITIGATE FOR FUTURE COUNTY PROJECTS**

(10/03/06 - 8 - 9:48 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add, Property Insurance Update, as Item A2. Maguire requested to add, considering an appointment to the First Coast Workforce Development Board of Directors, as Item A1. Adams requested to pull Items 5, per the applicant's request, and 14 to reschedule them to November 14, 2006.

(10/03/06 - 8 - 9:50 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Stern, seconded by Maguire, carried 4/0 with Rich absent, to approve the Regular Agenda as amended.**

(10/03/06 - 8 - 9:50 a.m.)

A1. CONSIDER APPOINTMENT TO THE FIRST COAST WORKFORCE DEVELOPMENT BOARD OF DIRECTORS (WORKSOURCE)

Maguire stated that he had a phone call from the WorkSource Development Board requesting that the BCC add a new director representing the Ponte Vedra Beach area and requested that the BCC appoint Jeffrey Oliasami, General Manager of the Marriott Hotel. (9:51 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to appoint Mr. Jeffrey Oliasami to the First Coast Workforce Development Board of Directors.**

(10/03/06 - 8 - 9:51 a.m.)

A2. PROPERTY INSURANCE UPDATE

Marcella F. Bridier, Risk Manager, stated that Greg Baker, Thompson Baker Agency, would be giving a brief update on the current challenges facing the Florida property insurance market.

(9:52 a.m.) Greg Baker, 39 Valencia Street, gave a brief overview of the insurance market place in Florida. Maguire stated that he was not comfortable with the cost associated with shifting the risk to insurance companies, but that he was comfortable with the risk as Baker expressed with the five million wind coverage as it stands now. Bryant suggested looking at this a little harder and stated that it was a little more involved. He



asked when they needed to address the coverage that they had. Baker stated that the Board needed to come to an agreement on their comfort level on the windstorm part on those properties that were not in the 91 million. He asked if they were comfortable with five million or ten million. Baker mentioned that there was Option 1, which was 5 million and Option 2, which was 10 million. Stern stated that it was important for them to make a decision today. (10:05 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to approve Option 2.** Discussion followed on reserves.

(10/03/06 - 9 - 10:08 a.m.)

1. CONSIDER MOTION TO AUTHORIZE THE WRITE OFF OF UN-COLLECTIBLE EMS AND UTILITY SERVICES ACCOUNTS

Dawn Cardenas, Office of Management & Budget, reviewed this item.

(10:11 a.m.) Steve Canfield, Fire and Rescue Chief of Finance, introduced himself. Stevenson asked if it was charge offs for a one-year period and Cardenas replied that it was for an 18-month period. Stevenson spoke on the insurance company paying to the insured instead of the provider and asked if the provider was having a hard time getting the money from the insured for services rendered. Canfield replied that it was hard to collect from the insured for services rendered. He stated that they were looking into legal methods for collecting. Bryant mentioned that they had come a long way since he had been on the Board and that it had gotten better because of the qualified personnel that knew the billing system. Stern stated that she had seen a great improvement in attempts to collect since she had been on the Board. (10:21 a.m.) **Motion by Stevenson, seconded by Stern, carried 4/0 with Rich absent, to approve the write-off of 3,141 EMS accounts totaling \$1,244,772.94 and 1246 Utility Services accounts totaling \$166,245.95 from the appropriate accounts receivable effective for September 30, 2006.**

(10/03/06 - 9 - 10:21 a.m.)

2. CONSIDER AN EXTENSION TO AMERICAN CULINARY FEDERATION'S ECONOMIC DEVELOPMENT GRANT AGREEMENT

Karen Johnson, Intergovernmental Relations, reviewed this item, stating that the American Culinary Federation was asking for an extension to enable them to get their incentives. (10:23 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to approve ACF's request for an extension of their Economic Development Grant Agreement and to instruct the County Attorney's Office to prepare an amendment to the agreement to be placed on a future consent agenda.**

(10/03/06 - 9 - 10:23 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD BID # 06-111, CONSTRUCTION OF ABERDEEN REGIONAL PARK TO V.J. USINA CONTRACTING

Mike Rubin, Director of Construction Services, reviewed this item. (10:25 a.m.) **Motion by Stevenson, seconded by Stern, carried 4/0 with Rich absent, to authorize the County Administrator, to award Bid #06-111, Construction of Aberdeen Regional Park to V. J. Usina Contracting in the amount of \$5,727,000.**

The meeting recessed at 10:27 a.m. and reconvened at 10:38 a.m.

(10/03/06 - 9 - 10:38 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION REPLACING THE EXISTING WATER AND WASTEWATER DESIGN STANDARDS AND

SPECIFICATIONS MANUAL PREPARED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT FOR COUNTY OWNED AND/OR OPERATED WATER AND SEWER UTILITIES AS ADOPTED BY THE EXISTING COUNTY RESOLUTION NUMBER 92-189; ADOPTING A NEW WATER, WASTEWATER, AND RECLAIMED WATER DESIGN STANDARDS AND SPECIFICATIONS MANUAL PREPARED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT FOR COUNTY OWNED AND/OR OPERATED WATER AND SEWER UTILITIES; PROVIDING FOR AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on the resolution replacing the existing water and wastewater design standards and specifications manual was received, having been published in *The St. Augustine Record* on September 19, 2006.

Bill Young, Utility Director, commented on updating and replacing their design standards and specifications that were officially approved by the BCC back in 1992.

(10:40 a.m.) Neil Shinkre, Utility Engineering Manager, gave a PowerPoint presentation, Exhibit A. He noted that it all started with the manual, including the purpose, which was to promote uniformity of construction and inferior quality etc. He said the new manual provided a new format, which made it easier to access the code. He stated the manual provided requirements for engineering and construction of water, wastewater and reclaimed water systems installed within St. Johns County. He gave a summary of the manual updates.

(10:51 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to adopt Resolution 2006-336 replacing the existing water and wastewater design standards and specifications manual prepared by the St. Johns County Utility Department for County owned and/or operated water and sewer Utilities as adopted by the existing County Resolution Number 92-189; adopting a new water, wastewater, and reclaimed water design standards and specifications manual prepared by the St. Johns County Utility Department for County owned and/or operated water and sewer utilities; providing for an effective date.**

**RESOLUTION NO. 2006-336**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPLACING THE EXISTING WATER AND WASTEWATER DESIGN STANDARDS AND SPECIFICATIONS MANUAL PREPARED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT FOR COUNTY OWNED AND/OR OPERATED WATER AND SEWER UTILITIES AS ADOPTED BY THE EXISTING COUNTY RESOLUTION NUMBER 92-189; ADOPTING A NEW WATER, WASTEWATER, AND RECLAIMED WATER DESIGN STANDARDS AND SPECIFICATIONS MANUAL PREPARED BY THE ST. JOHNS COUNTY UTILITIES DEPARTMENT FOR COUNTY-OWNED AND/OR OPERATED WATER AND SEWER UTILITIES; PROVIDING FOR AN EFFECTIVE DATE**

5. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE VILLAGES OF VALENCIA IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$304,101.94 IN ROAD IMPACT FEE CREDITS

*This Item was pulled from the agenda and rescheduled for November 14, 2006.*

(10/03/06 - 11 - 10:53 a.m.)

6. PUBLIC HEARING - NZVAR 06-09 143 BLOCKER STREET - THE APPLICANT (MS. KELLI FORTNER AND MR. MICHAEL MEEKS) CLOSED ON THE PROPERTY ON APRIL 27, 2005 WITH THE UNDERSTANDING THAT A SINGLE FAMILY HOME COULD BE CONSTRUCTED ON THE LOT WITH ACCESS TO BLOCKER STREET. ACCORDING TO THE APPLICANT, THEY RECEIVED NO INFORMATION DURING THE TRANSACTION THAT INDICATED THE ROADWAY WOULD NEED TO BE BUILT TO COUNTY STANDARDS IN ORDER TO SECURE A BUILDING PERMIT. THE APPLICANT RECENTLY ATTEMPTED TO SELL THE LOT AS THEY WISH TO BUILD ELSEWHERE; HOWEVER, THE PROSPECTIVE BUYER'S RESEARCH INDICATED THAT THE ROADWAY WAS PLATTED BUT UNOPENED. THE APPLICANT INDICATED THAT THE ROADWAY HAS PROVIDED ACCESS TO ANOTHER PROPERTY (LOTS 10 & 12) FURTHER DOWN BLOCKER STREET AS SHOWN IN AN APRIL 9, 1990, LETTER FROM THE COUNTY ENGINEER AT THAT TIME. THIS CORRESPONDENCE IS INCLUDED IN THE PACKAGE, AND GRANTED THE VARIANCE WITH TYPICAL CONDITIONS SUCH AS THE ROADWAY WOULD BE PRIVATELY MAINTAINED, AND THAT THE RIGHT OF USE IS NON-EXCLUSIVE

Proof of publication of the notice of public hearing regarding NZVAR 06-09, 143 Blocker St. was received, having been published in *The St. Augustine Record* on September 19, 2006.

John Burnham, Development Review Chief Engineer, reviewed this item. Maguire asked the applicant about the lot.

(10:56 a.m.) Michael Meeks, 143 Blocker Street, explained that when he purchased the lot through the real estate agent, it was advertised as buildable. Maguire asked Meeks for the name of the agent and firm that told him that the lot was buildable because he was going to make a complaint to the Board of Realtors about this issue. He stated since this was the second variance for this area, the County needed to look at doing some kind of special assessment to open up the road. Stevenson mentioned that she did not have in her packet, what property the County owned, so she would not be able to make a meaningful decision. Stern mentioned that it was very confusing and that she needed more information before deciding on this issue. Bryant asked what the lots were selling for in the area. Meeks said that the lots sold in the low \$20,000. Stern agreed with Maguire on lodging a complaint with the Association of Realtors. (11:02 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to continue this item to October 17th.** Maguire requested a letter to be drafted to lodge a formal complaint signed by the Chairman to the Board of Realtors on this issue. McCormack stated that they would draft a letter to the Board of Realtors.

*The meeting moved to Item 9.*

(10/03/06 - 11 - 1:37 p.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SECOND AMENDMENT FOR LEASED SPACE BY THE JUNIOR SERVICE LEAGUE OF ST. AUGUSTINE, INC.

Kathy Fleming, Executive Director, St. Augustine Lighthouse, introduced the Board of Directors of the Lighthouse, and members of the group who came out to support them.

Fleming asked to modify the property boundary of the St. Augustine Lighthouse lease to include the area of the public tennis courts. She noted the intent of the modification was to provide space for the St. Augustine Lighthouse and Museum Inc. to construct a Maritime Educational Center. She stated that the proposed building had an approximate footprint of 2,500 square feet, and that they would do all the fundraising necessary for the project. She said that per Rich's request, they had filmed and recorded the use of the tennis court for 186 hours, of that there were only five hours of usage, and that adjacent courts remained vacant during those hours.

(1:48 p.m.) Maguire expressed concerns about the location. He said he had received many e-mails favoring tennis courts rather than what they were proposing. He said he would support the program but in a new location.

(1:53 p.m.) Stevenson applauded the work done there, and said she had received inquiries from other people interested in the property. She said she did not want to be in the position of not approving their request. Fleming said she would be happy to include a recreational element if that was what they wanted.

(1:56 p.m.) Maguire asked if they had talked with the City Recreation Department to see what their position was on the issue. Fleming said they had not, because it was on County owned property. Maguire asked if they had looked at the parking issue. Fleming said there would not be a big need for additional parking, as all functions were already in existence on site. Karen Strandhagen, President-elect of the Junior Service League, said the entire board of directors was in support of the request.

(2:01 p.m.) Kayla Douglas, 74 Lighthouse Ave., said she was in opposition and that citizens had not received proper notice. She said the restoration of artifacts was an issue because they did not know what kinds of chemicals were used in the process.

(2:03 p.m.) Wendy Stratton, 441 Ocean Vista Ave., spoke highly of the program at the Lighthouse, but said that they wanted to remain a residential neighborhood. She said that corner was utilized by the neighborhood, especially children, and noted that the lighthouse had 190,000 paying visitors each year and the neighborhood was not set up to sustain that kind of traffic. She added that there had been no official notification regarding the project, though the Lighthouse had invited them to a coffee to tell them about the proposed project.

(2:06 p.m.) Kathleen Floryan, 204 Islamarada Court, said she was there as a member of the St. Augustine Yacht Club. She presented a proposal regarding the leased space for the restaurant at the site. Bryant said the City owned the property and the request should be made to them.

(2:11 p.m.) Bob Stephens, 1937 Lymington Way East, President St. Augustine Archeological Association, spoke about the importance of the work of LAMP. He said the use of the land would be going from public to public, and it was an archeological lab and training opportunity that they had never seen before, and at no cost to the public.

(2:12 p.m.) Chuck Meide, 46 Menendez Road, Director of LAMP, stated he also lived in that neighborhood. He said the plans were clearly in the public benefit, and noted that he had never seen more than two tennis courts out of the four being used. He said he would rather see more green space than tennis courts.

(2:14 p.m.) Kathleen McCormick, 770 Bahia, St. Augustine Shores, stated she was the Chief Conservator for the St. Augustine Lighthouse Museum, and reassured them that

very few, if any, toxic chemicals were being used in their labs. She said the design for the new labs would provide better space and would provide viewing for visitors, including school groups.

(2:16 p.m.) Emili Aronchick, 26 Ponce de Leon Ave., stated she was in support of the request. She said it was educational and no one else was doing anything like it. She noted the courts were not being taken care of and there were not even any nets.

(2:17 p.m.) Edith Stein, 4 Ponce de Leon Ave., said she had lived in Lighthouse Park for 16 years. She said the issue was giving away public land, they used the land and children played there. She said the footprint of the area would take the entire area and there would be no other place to put a public area except on Federal land. She said they all loved the Lighthouse, but they should keep the public land for the public.

(2:20 p.m.) Lynn Blow, 100 Santa Monica Ave., former board member of the Lighthouse, said she supported the request. She said the tennis court was the last site they wanted to go after, but real estate values had gone extremely high, and if they could find another spot for the tennis courts, they would.

(2:24 p.m.) Ron Asner, 37 Magnolia Dr., stated he was a single father of 11 year-old triplets, and his children played in that area. He noted 3 two-story houses had just been built right across the street from where they were proposing to build their new building. He said if nothing else, it should be postponed because the neighborhood did not know about it. He said they should utilize the space they already have.

(2:27 p.m.) Stern said no one was opposed to the Lighthouse and the work they were doing, but the residents of the neighborhood felt like they had not been notified and had not received enough information. Fleming said notices had been hand delivered to all of the residents. Stern said they needed to do more in working with the neighborhood. Fleming asked if they could go ahead and vote on the issue and perhaps build on another part of the property. She said they had been working on it for six years, and the lease required them to get permission to build on any part of the property. Stern said she would also like to hear from the County Recreation Department.

(2:34 p.m.) Michael Hunt, Deputy County Attorney, stated that the matter before them that day was the lease for the property and the requested amendment.

(2:35 p.m.) Stevenson said it required additional communication and two votes today would be a negative vote. She suggested they wait for the vote.

(2:36 p.m.) Dan Weimer, Director of Parks and Recreation, stated he wanted to dispel the notion that the department had been negligent. He said the courts were built in 1990 on inappropriate soil, and they could not keep net posts in because of damage to the tree roots and ultimately to the trees. Stern said most of the residents didn't use the courts for tennis, but for recreational areas. She asked if building a building would damage the trees. Fleming said they were working with an arborist and they wanted to preserve the trees. Discussion ensued about the trees

(2:39 p.m.) Stevenson said that Shorty Robbins had been working on the project, and she asked Weimer if they had approved it today if they would release the land to the area. She said it was a 99-year lease. Weimer said it was for the entire Lighthouse area.

(2:41 p.m.) Maguire said he had complaints that people did not know about the issue until last night, and he also wanted the City to give their position on the issue. He said

there were unanswered questions and they needed to wait. He read some e-mail messages into the record.

(2:46 p.m.) **Motion by Stevenson, seconded by Stern, to continue the item for 2 weeks, to re-notice the residents and explore the potential of building on another site.** McCormack said it was not the County responsibility to notice all the residents. Bryant said it would be the Lighthouse's responsibility.

**Motion carried 4/0.**

Meeting recessed at 2:47 p.m. and resumed at 3:06 p.m.

(10/03/06 - 14 - 3:06 p.m.)

8. PUBLIC HEARING - PNZVAR 2006-05 VILANO TOWN CENTER GROCERY STORE/MIXED USE PROJECT - THIS REQUEST SEEKS APPROVAL OF EIGHT NON-ZONING VARIANCES TO PART 3.10.00 OF THE LAND DEVELOPMENT CODE, WHICH PERTAINS TO THE VILANO BEACH TOWN CENTER OVERLAY DISTRICT. THESE NON-ZONING VARIANCES ARE PROPOSED BY THE APPLICANT IN ORDER TO ALLOW THE FUTURE DEVELOPMENT OF THE SUBJECT PROPERTY WITH A GROCERY STORE AND MIXED-USE PROJECT. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 4.5 ACRES OF LAND AND IS LOCATED BETWEEN POPLAR AVENUE, VILANO ROAD AND COASTAL HIGHWAY WITHIN THE VILANO TOWN CENTER. THE SUBJECT PROPERTY IS DESIGNATED AS TOWN CENTER MIXED USE DISTRICT (TCMUD) ON THE FUTURE LAND USE MAP (FLUM) AND ZONED TOWN CENTER MIXED USE (TCMU). THE APPLICANT PRESENTED THIS REQUEST TO THE NORTH COASTAL OVERLAY DESIGN REVIEW BOARD (DRB) ON SEPTEMBER 6, 2006 AND SEPTEMBER 13. MANY RESIDENTS WERE PRESENT AT THE SEPTEMBER 6 MEETING AND EXPRESSED CONCERNS WITH HEIGHT, DENSITY AND INTENSITY OF THE PROPOSED PROJECT. THE DRB UNANIMOUSLY RECOMMENDED APPROVAL OF THESE NON-ZONING VARIANCES WITH ONE MEMBER RECUSED FROM VOTING AFTER DECLARING A CONFLICT OF INTEREST. THE DRB ASKED THE APPLICANT TO WORK WITH STAFF TO DETERMINE A MAXIMUM HEIGHT AND HOW HEIGHT MAY BE MEASURED WITHIN PROJECT. IN ADDITION, THE DRB REQUESTED THE APPLICANT WORK WITH STAFF AND THE BOARD IN REACHING ACCEPTABLE LANDSCAPING/SCREENING FOR THE LOADING DOCK AND THE SURFACE PARKING LOT ALONG POPULAR AVENUE

Proof of publication of the notice of public hearing regarding PNZVAR 2006-05, Vilano Town Center Grocery Store/Mixed Use Project was received, having been published in *The St. Augustine Record* on September 21, 2006.

Teresa Bishop gave the presentation and said the request was to approve eight non-zoning variances to part 3.10.00 of the Land Development Code, for the Vilano Beach Town Center. She said the first variance to section 3.10.05.A1, was requesting that the office space be allowed at 50 percent rather than the 30 percent permitted. She said this had been worked out with staff, and noted staff's concern was that they did not want to start an office park, and wanted a vibrant business community, but they did agree to the request. The second variance was regarding the maximum height, and how the height was measured. She said they were asking for a 57-foot height limit as measured by FEMA determination and elevation. She said the height would vary depending on where it was being measured. She noted that staff did accept a 57-foot height, but had not seen the documents from the applicant. She stated that staff had concerns that it might appear massive for that area, however it was the original development at that site

and could be reasonable in that location, but that the height should not be allowed throughout the Town Center. She said the applicant needed to work with staff on that issue. She noted they were now going to measure the elevation according to code. The third issue regarded retail frontages on the Regulatory Plan. She noted an elevated porch or walkway was supposed to be included, and the porch would flow through the Town Center, providing a very desirable look for the overall community. The fourth concern was regarding the resident's parking garage, which the applicant proposed to incorporate into the building on the second floor of their mixed-use building. She said staff believed it was needed, was hidden from view and would be uniform in appearance. She said staff had not objected, and it was an innovative alternative. The fifth issue pertained to loading docks and service areas and the applicant was proposing a loading dock on Poplar Avenue, which staff had determined was the only location where it would work, and to which they did not object. She said it needed to be and could be screened. The sixth variance pertained to landscaping buffers and the applicant had proposed an alternate plan for screening and landscaping. She reported that they had considered a drive-through bank, where cars would actually drive through the building, but staff did not support it. Another issue was parking along Coastal Highway and staff was opposed to that on the basis of a lack of right-of-way creating a safety issue. She said the Design Review Board had voted favorably on all of the requests for the non-zoning variances, but expressed concerns about height and the landscaping and screening.

(3:21 p.m.) Stevenson reviewed that staff concerns were height, parking on Coastal A1A with safe right-of-way, with screening on the surface parking lot on Poplar, and the drive through. Maguire asked who comprised the Design Review Board. Bishop said they had five members and Vivian Browning was the chair.

(3:24 p.m.) Stern said they had resolved the measurement of height, screening of loading dock, and screening of parking on Poplar. She asked if they would hear from them on those issues. Bishop said she suspected they would hear from them. She said until she had seen them she could not say that staff approved.

(3:25 p.m.) Stevenson questioned why the issues had not been vented through the PZA process. She said low-density development of the ocean front areas was important to all residents of St. Johns County and it was one of the things that set them apart from other parts of Florida.

(3:27 p.m.) McCormack said the BCC reviewed and approved non-zoning variances and zoning variances went before the PZA. He stated that in this particular application there was a debate about whether the height increase should be treated as a non-zoning variance or a zoning variance. He gave cases for both. He said zoning variances were listed out, and the special use Town Center District, under Article 3, was a non-zoning variance because it was not listed, and that was how staff had interpreted it. However, he said one of the categories caught things from different sections and was called, The Schedule of District Area Height Bulk and Placement Regulations. He said it was a table, included in Article 6, which did list town center mixed use as a zoning variance. However, he noted, there was a footnote that referred to Article 3. He said it could be argued either way, and it was his recommendation to process it as a zoning variance, as it would be the most cautious approach.

(3:31 p.m.) Stern asked how tall the Vilano Bridge was. Joe Stephenson said it was 65 feet from mean sea level to the lowest member of the bridge.

(3:32 p.m.) Doug Burnett, 170 Malaga St., returned to the issue of the County Attorney's interpretation. He said they did not agree with him. He said everything in Ponte Vedra

had been treated as a non-zoning variance, as it appeared in the Code, and challenged the interpretation. He said the maximum height in Vilano Beach was not 40 feet, but was 40 feet for living space. He said maximum height was measured to the tallest peak of the structure. He said there was 40 feet for habitable space, an additional 10 feet for roofline, and an additional 10 feet above that for cupolas, chimneys, towers, spires etc. He said that allowed for 60 feet in the Vilano Town Center mixed used district as the code had been adopted. Stevenson noted there were other buildings in the area that were three stories with a parking level that did not exceed 35 feet. She said height in the coastal overlay was a countywide concern.

(3:37 p.m.) McCormack responded that the applicant had been upfront with what they wanted regarding height. He noted there was only one special district that was specifically within the chart that was required to have zoning variances, and that was the town center. He said the footnote which might allow it to be moved back under Article 3, was an argument. But, as their Counsel, he said it would be a significant risk to move away from the chart. He said the 40 feet pertained to habitable space or height and they were trying to get an increase to 47 feet for the habitable space. He said he believed that the table should be the controlling factor.

(3:39 p.m.) Maguire asked if 60 feet was what the Code allowed. McCormack said it was higher than what the Code would allow. Burnett maintained that it was 60 feet for maximum external height, including 40 feet of habitable space per Section 3.10.15. Maguire asked if it was a waiver of the 40 feet or a waiver of the 60 feet. Burnett said it would be a waiver to the 40 feet, but it did not change the 60 feet. Maguire asked if the 20 extra feet would be habitable or uninhabitable. Burnett said they were not proposing to go beyond the 60 feet. Maguire said if they did not do anything right now, they could build a building 60 feet tall on that site. He said they were proposing a change in the 40 and 50-foot dimensions but not in the 60-foot dimension. Burnett said that was correct. He said Article 3 supported that statement.

(3:42 p.m.) Bishop read the section that Burnett was referring to and interpreted it. She said she thought she agreed with what Burnett said, and clarified what she had just read. She said the way she interpreted it, a 40-foot building was allowed outright, additional design was allowed up to 10 feet, which included the roof structure, and additional design elements would be permitted as long as it did not go 60 feet above grade. Maguire asked if they were talking about changing the 40 feet of habitable space to 47 feet, the roofline would be at 57 feet and everything would be below 60 feet.

(3:46 p.m.) Stevenson challenged that they were one foot from the addition of a fourth occupiable level. She said it would become a precedent for four occupiable levels.

(3:47 p.m.) Maguire said it was for three occupiable levels plus a parking facility. He said the height was never intended to go over 60 feet.

(3:48 p.m.) McCormack stated that Maguire and Burnett indicated that under some circumstances the extra height up to 60 feet could be allowed. Nevertheless, he said, the chart was important and in his view, procedural wise, it fell under the section of the code, which fell under the zoning variance, and should be treated that way. He advised them to take a cautious approach and it would be prudent to treat it as a zoning variance.

(3:50 p.m.) Burnett said a zoning variance could be argued on another day. He asked the Board to move forward to eliminate the issue one way or another. He said they clearly had a problem with the code.



(3:52 p.m.) Burnett introduced members of the development team. He said they had dropped Variance No. 6, regarding how height was to be measured.

(3:54 p.m.) Mike Brown, 4500 Salisbury Rd., Wakefield Beasley Architects, gave the PowerPoint presentation. He said they had chosen the Florida Vernacular style of architecture. He explained that the parking level supported the residential units and was not for public use. He said the requirements of the anchor tenant were driving much of the demand, and the requested variances. He said the first request was to increase retail space to 50 percent from the required 30 percent, as they needed a larger retail mix to make the site viable. The second variance, relating to the 40-foot limitation was also being requested to increase to 4 levels and a height of 60 feet. He said that 36 parking spaces would be solely for the residents, and it would eliminate a need for a parking garage.

*The meeting moved to continued item 8 at 4:20 p.m.*

(10/03/06 - 17 - 11:08 a.m.)

9. PUBLIC HEARING - USP 2006-04 WILLOW COVE COMPREHENSIVE SIGNAGE PLAN (NOCATEE PUD/DRI) - THE NOCATEE PLANNED UNIT DEVELOPMENT TEXT AND SUBSEQUENT INCREMENTAL MASTER DEVELOPMENT PLANS FOR INDIVIDUAL VILLAGES PROVIDES FOR UNIFIED SIGNAGE PLANS (USP). THE PROPOSED WILLOW COVE USP IDENTIFIES PROJECT SIGNAGE FOR THE TOWN CENTER SOUTH NEIGHBORHOOD OF THE NOCATEE DRI/PUD. THE USP CONSISTS OF A PROJECT IDENTIFICATION SIGNAGE, DIRECTIONAL/WAYFARER SIGNAGE, DIRECTIONAL/TRAFFIC SIGNAGE, AMENITY IDENTIFICATION SIGNAGE (MAJOR/MINOR SIGNS), COMMUNITY/EVENT SIGNAGE, AND ADDRESS/BUSINESS NAME SIGNAGE

Proof of publication of the notice of public hearing regarding USP 06-04 Willow Cove was received, having been published in *The St. Augustine Record* on September 18, 2006.

Teresa Bishop, Growth Management Director, reviewed this item, stating there was a revised text, Exhibit A.

(11:10 a.m.) Doug Burnett, 170 Malaga Street, stated that he was here for questions.

**(11:10 a.m.) Motion by Stern, seconded by Maguire, carried 4/0 with Rich absent, to adopt Resolution 2006-337, known as USP 2006-04 Willow Cove Comprehensive Signage Plan adopting findings of fact 1 through 4 to support the motion.**

#### RESOLUTION NO. 2006-337

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A UNIFIED SIGNAGE PLAN (USP) TO THE NOCATEE PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 2002-65, AS AMENDED**

(10/03/06 - 17 - 11:11 a.m.)

10. PUBLIC HEARING - MAJMOD 2006-11 NOCATEE PUD - THE SUBJECT PROPERTY IS LOCATED NORTH AND SOUTH OF CR 210/PALM VALLEY ROAD, EAST OF US 1 AND WEST OF THE INTRACOASTAL WATERWAY. THE 11,332-ACRE SITE IS BOUNDED TO THE WEST BY THE NOCATEE

PRESERVE, TO THE SOUTH BY THE MARSHALL CREEK (PALENCIA) DRI, TO THE EAST BY MIXED USE DEVELOPMENT CONSISTING OF SINGLE FAMILY DEVELOPMENT AND COMMERCIAL PROPERTIES. THE CHANGES REQUESTED UNDER THIS MAJOR MODIFICATION INCLUDE MINISTERIAL CHANGES TO INCLUDE MODIFICATIONS THAT HAVE BEEN APPROVED SINCE THE ADOPTION OF THE ORIGINAL PUD ORDINANCE IN 2002 FROM SMALL AND MINOR CHANGES TO THE PUD AS WELL AS CHANGES IN EACH VILLAGE MASTER DEVELOPMENT PLAN. IN ADDITION, THE REQUEST INCLUDES CHANGES TO REMOVE THE REQUIREMENT FOR THE PZA AND BCC TO APPROVE EACH MASTER DEVELOPMENT PLAN (MDP), CLARIFICATION OF TIMING AND PHASING FOR THE RESIDENTIAL AND NON RESIDENTIAL DEVELOPMENT FOR TRACKING PURPOSES RELATING TO MITIGATION REQUIREMENTS, INCLUDING ACCESSORY FAMILY UNITS (AFU) AS PROVIDED BY THE LAND DEVELOPMENT CODE, ALLOWING CHURCHES AS A USE WITHIN THE VILLAGE RESIDENTIAL PORTIONS OF NOCATEE, DEFINING TEMPORARY USES AND HOW TEMPORARY USES MAY OCCUR WITHIN THE DEVELOPMENT, REDEFINING ROADWAY DESIGNS WITH REGARD TO WIDTH, AND REPLACING CREDITS WITH INCHES REGARDING TREE MITIGATION. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE SEPTEMBER 7, 2006 HEARING AND VOTED UNANIMOUSLY TO RECOMMEND APPROVAL (7/0 VOTE)

Proof of publication of the notice of public hearing regarding MAJ 06-11, Nocatee was received, having been published in *The St. Augustine Record* on September 18, 2006.

Lindsay Haga, AICP, Chief Planner, presented this item reviewing the changes.

(11:14 a.m.) Don Smith, 14775 Old St. Augustine Road, stated this issue was a cleanup and updating of the PUD and that he would be happy to answer any questions.

(11:15 a.m.) Louis Ritter, 985 Palm Valley Road, voiced his concerns.

(11:21 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of this item.

(11:24 a.m.) Haga spoke in regards to the Master Development Plan removal. She stated that this was a new concept of the new town. Discussion ensued.

(11:28 a.m.) Doug Miller, 14775 Old St. Augustine Road, spoke on the utility.

(11:30 a.m.) **Motion by Stevenson, seconded by Stern, carried 4/0 with Rich absent, to enact Ordinance 2006-115, known as MAJMOD 2006-11, Nocatee MDP adopting findings of fact 1 through 6 to support the motion.**

#### ORDINANCE NO. 2006-115

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE NOCATEE PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2006-46, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(10/03/06 - 19 - 11:30 a.m.)

11. PUBLIC HEARING - MAJMOD 2006-14 TOWN CENTER SOUTH MDP/ NOCATEE PUD - THIS IS AN EXISTING MASTER DEVELOPMENT PLAN, APPROVED WITHIN THE NOCATEE PLANNED UNIT DEVELOPMENT. THE MDP FOR TOWN CENTER SOUTH BY RESOLUTION 2006-24. THEREFORE, CHANGES TO THE ADOPTED MDP MUST FOLLOW THE PROCEDURES OF SECTION 5.03.03 OF THE LAND DEVELOPMENT CODE. THIS MAJOR MODIFICATION REQUEST SEEKS TO MODIFY THE APPROVED MASTER DEVELOPMENT PLAN TO REVISE THE LOT CONFIGURATION IN PARCEL A (MULTI-FAMILY) AND PARCEL B (SINGLE FAMILY). THE TOTAL NUMBER OF UNITS HAS INCREASED FROM 542 UNITS TO 601. THE INCREASE FALLS WITHIN THE ESTABLISHED DENSITY RANGE FOR THIS VILLAGE. SPECIFICALLY, THE SINGLE FAMILY UNITS ARE REDUCED FROM 382 TO 341 UNITS. THE MULTIFAMILY UNITS ARE INCREASED FROM 160 TO 260 UNITS. PARCEL A HAS BEEN MODIFIED TO REMOVE THE 52 SINGLE FAMILY UNITS AND REPLACE WITH 100 MF UNITS (CONDOMINIUM OR TOWNHOMES). PARCEL B SINGLE FAMILY UNITS ARE INCREASED FROM 330 TO 341. THE MULTIFAMILY OF PARCEL C (CONSISTING OF 160 MF UNITS) REMAINS UNCHANGED. THE SITE IS WITHIN THE NOCATEE PUD; SOUTH OF THE TOWN CENTER, GENERALLY EAST OF THE INTRACOASTAL WATERWAY AND SOUTH OF THE FUTURE PRESERVATION TRAIL (FKA SOUTH PERIMETER LOOP RD). THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE AUGUST 17, 2006 HEARING. GRAYSON/BARRETT MOTION TO RECOMMEND APPROVAL BASED UPON THE SIX FINDINGS OF FACT; PASSED BY A UNANIMOUS VOTE OF 6/0 (ONE MEMBER ABSENT). DISCUSSION DURING THE HEARING REQUESTED CLARIFICATION OVER THE UNIT INCREASES AND DECREASES BY PARCELS A AND B

Proof of publication of the notice of public hearing regarding MAJ 2006-14, Town Center South MDP/Nocatee PUD was received, having been published in *The St. Augustine Record* on September 18, 2006.

Lindsay Haga reviewed this item.

(11:33 a.m.) Don Smith, 14775 Old St. Augustine Road, gave a brief presentation. Stevenson asked if this was JEA's service area. Smith replied that it was.

(11:38 a.m.) Jason Perry, 12740 Grandbay Parkway, Centex Homes, spoke on finding out who the contactors were for a demonstration.

(11:39 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of this project. Smith stated that there was no change to the overall plan for Nocatee, just a shifting of units, putting some town home units adjacent to the residential center.

(11:41 a.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Rich absent, to enact Ordinance 2006-116, known as MAJMOD 2006-14, Town Center South MDP adopting findings of fact 1 through 6 to support the motion.**

#### ORDINANCE NO. 2006-116

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR  
MODIFICATION TO THE TOWN CENTER SOUTH  
MASTER DEVELOPMENT PLAN (MDP) RESOLUTION**

**NUMBER 2006-24, MAKING FINDINGS OF FACT;  
REQUIRING RECORDATION; AND PROVIDING FOR  
AN EFFECTIVE DATE**

(10/03/06 - 20 - 11:42 a.m.)

12. PUBLIC HEARING - NOPC 2006-07, SILVERLEAF PLANTATION DEVELOPMENT OF REGIONAL IMPACT (DRI) - THE SILVERLEAF PLANTATION DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER WAS APPROVED MARCH 20, 2006 BY RESOLUTION 2006-65. THE NOTICE OF PROPOSED CHANGE REQUEST PROPOSES TO MODIFY THE DEVELOPMENT ORDER TO ADD IN A 15-ACRE TRACT "POLI PARCEL", REALIGN CR16A EXTENSION, ADJUST ADJACENT PARCELS ACCORDINGLY, AND MODIFY THE GOPHER TORTOISE HABITAT IN ACCORDANCE WITH FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FFWCC) METHODOLOGY. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE SEPTEMBER 21, 2006 MEETING AND ISSUED A UNANIMOUS RECOMMENDATION FOR APPROVAL BASED UPON THE FINDINGS OF FACT

Proof of publication of the notice of public hearing regarding NOPC 06-07, SilverLeaf Plantation was received, having been published in *The St. Augustine Record* on September 5, 2006.

Lindsay Haga reviewed Items 12 and 13 together. She said there were three changes and reviewed the modified waivers.

(11:49 a.m.) John Metcalf, 245 Riverside Avenue, Jacksonville, gave a brief presentation.

(11:56 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Rich absent, to adopt Resolution 2006-338, approving a Notice of Proposed Change to the SilverLeaf Plantation DRI Development Order, adopting findings of fact 1 through 4 to support the motion.**

**RESOLUTION NO. 2006-338**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE SILVERLEAF PLANTATION DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON MARCH 20, 2006, UNDER RESOLUTION 2006-65; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

(10/03/06 - 20 - 11:56 a.m.)

13. PUBLIC HEARING - PUD 2006-18, SILVERLEAF PLANTATION PUD/ DEVELOPMENT OF REGIONAL IMPACT - THIS IS A REQUEST TO REZONE 5,532 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO IMPLEMENT THE DEVELOPMENT ALLOWANCES AS APPROVED UNDER THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, ADOPTED BY RESOLUTION 2006-65, MARCH 20, 2006. THE DRI DEVELOPMENT ORDER PROVIDES FOR A TOTAL OF 10,700 DWELLING UNITS (6,800 SF UNITS; 3,900 MF UNITS); 1,140,000 SQUARE FEET OF RETAIL; 300,000 SQUARE FEET OF OFFICE; 330,000 SQUARE FEET OF INDUSTRIAL; OVER 200 ACRES OF REGIONAL, COMMUNITY AND

NEIGHBORHOOD PARKS, THE ACADEMIC VILLAGE, FOUR SCHOOL SITES AND MILES OF PEDESTRIAN PATHS AND BIKE LANES. THE SITE WILL BE ACCESSED FROM CR 210 FROM THE CONNECTION WITH CR 2209, FROM LEO MAGUIRE PARKWAY, INTERNATIONAL GOLF PARKWAY FROM CONNECTION TO CR 2209, CR 16A THROUGH THE EXTENSION INTO THE PROJECT AND SR 16 THROUGH THE EXTENSION INTO THE PROJECT. THE PROJECT INCLUDES PEDESTRIAN CONNECTIVITY WITHIN THE INTERNAL NEIGHBORHOODS AS WELL AS TO OUTSIDE, ADJACENT PROPERTIES THROUGH THE PROVISION OF TEN AND TWELVE FOOT MULTI-USE PATHS AND ON STREET BIKE LANES. THE PROJECT PROPOSES TO CONSERVE, AT THE END OF DEVELOPMENT/CONSTRUCTION, 1,778 ACRES OF JURISDICTIONAL WETLANDS. THE PROJECT PROPOSES TO IMPLEMENT TRADITIONAL NEIGHBORHOOD DESIGN ELEMENTS. THE RESIDENTIAL DEVELOPMENT IS PROPOSED AS LOW DENSITY (UP TO 5 DU/AC); MEDIUM DENSITY (UP TO 12 DU/AC) AND HIGH DENSITY (UP TO 20 DU/AC). THE APPLICANT REQUESTS TO UTILIZE THE PUBLIC LAND OPTION DENSITY BONUS IN ORDER TO ACHIEVE THE DENSITY RANGES LISTED ABOVE AND PROVIDE INCREASED UNITS WITHIN THE MIXED USE AND RESIDENTIAL C AREAS OF THE SITE. THE TOTAL AMOUNT OF UNITS (10,700 DU) WILL NOT BE INCREASED. THE PUD INCLUDES SEPARATE SETBACKS FOR SINGLE FAMILY DEVELOPMENT, TOWN HOME/DUPLEX HOME DEVELOPMENT, ZERO LOT LINE, MULTI-FAMILY DEVELOPMENT. ADDITIONAL SETBACKS HAVE BEEN PROVIDED FOR AND STYLE SINGLE FAMILY, TOWN HOME/DUPLEX, ZERO LOT LINE AND MULTI-FAMILY DEVELOPMENT. THE LOTS WILL BE IDENTIFIED DURING CONSTRUCTION PLAN REVIEW TO APPLY THE APPROPRIATE SETBACK REGULATION. THE PUD INCLUDES NINETEEN WAIVER REQUESTS IN ORDER TO IMPLEMENT THE TRADITIONAL NEIGHBORHOOD DESIGN ELEMENTS. THE PLANNING AND ZONING AGENCY CONSIDERED THIS PLANNED UNIT DEVELOPMENT REZONING REQUEST AT THE SEPTEMBER 21, 2006 MEETING AND ISSUED A UNANIMOUS RECOMMENDATION FOR APPROVAL INCLUDING ALL WAIVER REQUESTS AND THE DENSITY BONUS REQUEST. DISCUSSION DURING THE HEARING CENTERED ON THE WAIVER REQUEST REDUCING THE DISTANCE REQUIREMENT FOR ALCOHOL SALES AND CLARIFYING THE AREAS DESIGNATED AS CONSERVATION THAT ABUT EXISTING RESIDENTIAL DEVELOPMENTS. THE PLANNING AND ZONING AGENCY CONSIDERED THIS PLANNED UNIT DEVELOPMENT REZONING REQUEST AT THE SEPTEMBER 21, 2006 MEETING AND ISSUED A UNANIMOUS RECOMMENDATION FOR APPROVAL INCLUDING ALL WAIVER REQUESTS AND THE DENSITY BONUS REQUEST. DISCUSSION DURING THE HEARING CENTERED ON THE WAIVER REQUEST REDUCING THE DISTANCE REQUIREMENT FOR ALCOHOL SALES AND CLARIFYING THE AREAS DESIGNATED AS CONSERVATION THAT ABUT EXISTING RESIDENTIAL DEVELOPMENTS

Proof of publication of the notice of public hearing regarding PUD 06-18, SilverLeaf Plantation was received, having been published in *The St. Augustine Record* on September 5, 2006.

Adjacent Property Owner Response Forms were handed in, Exhibit A. Haga distributed revised text, Exhibit B. McCormack asked that staff substitute a clean copy of the revised text without lines to the clerk, Exhibit C.

(11:56 p.m.) Motion by Stern, seconded by Stevenson, carried 4/0 with Rich absent, to enact Ordinance 2006-117, known as PUD 2006-18, SilverLeaf Plantation PUD adopting findings of fact 1 through 7 to support the motion, including all waivers, plus the optional density bonus and to authorize staff to substitute a clean copy of the revised PUD text.

ORDINANCE NO. 2006-117

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

The meeting recessed for lunch at 11:58 a.m. and reconvened at 1:37 p.m. Commissioners Bryant, Stevens, Maguire and Stern present. Terry Bulla, Deputy Clerk, was in attendance.

*The meeting moved to item 7.*

Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Terry Bulla left the meeting at 4:20 p.m.

(4:21 p.m.) Burnett addressed the 12' setback, the parking garage, the loading dock, and the buffer. (4:28 p.m.) Jeff Crammond, Vice President of Traffic Engineering/Transportation Planning, England Timms, & Miller, 14775 St. Augustine Road, addressed angled parking and the safety of it along Coastal Highway.

(4:36 p.m.) Madalan Marine, 42 11<sup>th</sup> Street, North Beach, commented in favor of the project.

(4:37 p.m.) Lisa Hodgkins, 161 Manresa Road, commented in opposition to the project.

(4:40 p.m.) Edwin Brackett, 313 Genoa Road, Porpoise Point, commented in favor of the project.

(4:41 p.m.) Richard Ornstein, 3815 Wahoo Drive, commented in favor of the project.

(4:43 p.m.) Sam McDonald, 425 N. Ocean Grande Drive, commented in favor of the project.

(4:44 p.m.) Mary Ellen Davidson, 201 S. Ocean Grande Drive, submitted a petition; then, commented in favor of the project.

(4:47 p.m.) Sacha Martin, 133 Coastal Hollow Circle, commented in favor of the project.

(4:55 p.m.) John Baird, Vice President of Casa Del Mar, 95 Vilano Road, commented in favor of the project.

(4:55 p.m.) Joseph Cesario, 81 Manresa Road, commented in favor of the project; but opposed to the height variance.

(4:59 p.m.) Brenda Libby, 2721 Harbor Court, commented in favor of the project.

(5:00 p.m.) Bob Cross, 4270 Palmetto Street, commented in favor of the project.

(5:03 p.m.) Faralyn Jaquith, 3008 N. Coastal Hwy., commented in favor of the project.

(5:04 p.m.) Joan Edwards, 166 Ocean Hollow Lane, commented in favor of the project; then, submitted some petitions.

(5:06 p.m.) Mel Longo, 620 21<sup>st</sup> Street, North Beach, commented in favor of the project; but, was opposed to the height variance.

(5:08 p.m.) Stern declared ex-parte communication; she spoke with Doug Burnett, Kelley Smith, Tom Fleming, Vivian Browning, David Bruner, and County Staff and discussed various aspects of the project, including the height and parking. (5:10 p.m.) Maguire declared ex-parte communication; he had meetings with Scott, Kelley, Karen Taylor, and County Staff regarding the height, parking, landscaping, and other issues. (5:10 p.m.) Stevenson declared ex-parte communication; she spoke with Georgia Katz, Karen Taylor, Sacha Martin, Vivian Browning and Doug Burnett regarding height, and the difficulty regarding the infill site. (5:11 p.m.) Bryant declared ex-parte communication; he spoke with David Bruner regarding a legal issue involving the project; spoke with various residents of the community, County Staff, Mr. Smith, Scott, and Tom Fleming regarding the project.

(5:13 p.m.) Karen Taylor, 3070 Harbor Drive, addressed the size of the project, the height, the grocery store, the separation in the buildings, storefronts being accessed from both sides, and the entire site being permitted and constructed at the same time.

(5:19 p.m.) Betty Johnson, 143 Ocean Hollow Way, commented in favor of the project.

(5:20 p.m.) Dave Brandstetter, 201 S. Ocean Grande Drive, commented in favor of the project.

(5:22 p.m.) Steve McBride, 201 S. Ocean Grande Drive #203, commented in favor of the project.

(5:22 p.m.) Jim Lucas, 2836 Coastal Highway #5, commented in favor of the project.

(5:24 p.m.) Charles Snell, 2721 Harbor Court, commented in favor of the project.

(5:25 p.m.) Dick Schwarz, 205 S. Ocean Grande Dr., #201, commented in favor of the project.

(5:27 p.m.) Richard Keith, 159 Ocean Hollow Lane, commented in favor of the project.

(5:27 p.m.) Steven Klecka, 9 Beachcomber Way, commented in favor of the project; but, was opposed to the density, the height, and the magnitude of the building.

(5:30 p.m.) Keith Willard, 66 Ferrol Road, commented in favor of the project.

(5:31 p.m.) Roberta Jennings, 3041 Second Street, commented in opposition to the project.

(5:34 p.m.) The meeting recessed, and the 5:30 p.m. public hearing was opened. The 5:30 p.m. public hearing was recessed, and the regular meeting reconvened.

(5:35 p.m.) Vivian Browning, 40 Beachcomber Way, commented in favor of the project.

(5:39 p.m.) Ed Paucek, representing concerned citizens, expressed concerns with the height variance.

(5:41 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., commented in opposition to the project.

(5:44 p.m.) Regina Cesario, 81 Manresa Rd., commented in opposition to the height variance.

(5:46 p.m.) Kevin Partel, Coastal Consulting and Restoration, P.A., 4230 Myrtle Street, commented in opposition to the project.

(5:52 p.m.) Barbara Jenness, 313 Porpoise Point, commented in favor of the project; but, was opposed to the height variance.

(6:00 p.m.) David Bruner, 37 Ferrol Road, was sworn in by the County Attorney, at his request; then commented, in great detail, in opposition to the project; also expressed that Items 2 and 4 of the non-zoning variances were inconsistent with the Comprehensive Plan and presented a booklet containing a formal analysis. Bruner requested that the video tape of the proceedings be given to the Clerk of the Court.

(6:08 p.m.) Bruner was cross-examined by Burnett.

(6:14 p.m.) Steve Jarrett, 2417 S. Ponte Vedra Blvd., commented in favor of the project.

(6:17 p.m.) Irene Kaufman, 2537 S. Ponte Vedra Blvd., member of the Design Review Board, commented in opposition to the height variance.

(6:22 p.m.) Press Tompkins, Acting County Engineer, addressed the parking issue along Coastal Highway. (6:26 p.m.) Mike Brown, 4500 Salisbury Road, addressed that the maps were drawn to scale. (6:27 p.m.) Burnett commented further regarding the variances. Discussion followed regarding the required number of parking spaces. (6:35 p.m.) Tom Fleming, 121 W. Forsythe Blvd., Jacksonville, addressed the parking requirement. Discussion followed regarding the parking requirement and the height variance. (7:01 p.m.) **Motion by Bryant, seconded by Maguire, carried 3/1 with Stevenson dissenting and Rich absent, to approve PNZVAR 2006-05, approving non-zoning variances to Part 3.10.00 of the Land Development Code pertaining to the Vilano Beach Town Center Overlay District, adopting findings of fact 1-5 to support the motion, with the following conditions: 22% of the roof top shall not exceed a 50 ft. height; 78% shall be 50 feet or below; the grocery store must be a part of the project and developed at the site; the grocery store is the driving force for the request and the Board's approval; variance #6 was no longer pursued by the applicant; variance #2 would comply with the way height is measured in the Land Development Code rather than request for it to be measured from FEMA; that the project be completed substantially in the form as the design submitted by the applicant, with the changes included with the motion to be incorporated as reasonably determined by Staff; include as an interpretation of its Comprehensive Plan that the parking design described in non-zoning variance #2 is not a parking structure as stated in the Comprehensive Plan due to the unique design features provided by the applicant; and finding that the Land Development Code allows for a total height of 60 ft; and that the design submitted by the applicant and as modified by the applicant during the hearing is significantly less than the 60 ft. maximum and that there has been competent and substantial evidence that the extra 7 ft. would not be reasonably detrimental to the surrounding area.**



(7:06 p.m.) Burnett questioned whether parking could be allowed along Coastal Highway. Discussion followed regarding parking. (7:12 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to approve angled parking on the west side of A1A from Poplar down to just before the corner, as depicted on the site plan map.**

The meeting recessed at 7:13 p.m. and reconvened at 7:23 p.m. with Maguire not present.

(10/03/06 - 25 - 7:23 p.m.)

15. PUBLIC HEARING - RESOLUTION TO ENTER INTO A STIPULATED COMPLIANCE AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA), AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RAISED IN THE DIVISION OF ADMINISTRATIVE HEARINGS (DOAH) PROCEEDINGS DCA VS. ST. JOHNS COUNTY AND HELOW PROPERTIES LTD., DOAH CASE NO. 05-1787GM - IN MARCH 2005, THE BOARD ADOPTED A COUNTY-INITIATED COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) FOR APPROXIMATELY 217 ACRES OF LAND LOCATED ALONG GREENBRIAR ROAD. THE OVERALL AMENDMENT INCLUDED RELOCATING DEVELOPMENT RIGHTS FROM THE MIXED USE DESIGNATION AT ROBERTS ROAD TO THE GREENBRIAR ROAD PARCEL. STAFF INDICATED THE AMENDMENT WAS JUSTIFIED SINCE THE NORTHWEST SECTOR PLAN SHOWED A MIXED USE COMMERCE CENTER DISTRICT IN THE GENERAL LOCATION ALONG GREENBRIAR ROAD. IN APRIL 2005, DCA FOUND THE AMENDMENT NOT IN COMPLIANCE BECAUSE IT WAS NOT SUPPORTED BY ADEQUATE TRANSPORTATION, WATER AND SEWER FACILITIES. PURSUANT TO FLORIDA STATUTES SECTION 163.3184(10), DCA INITIATED FORMAL ADMINISTRATIVE PROCEEDINGS AGAINST THE COUNTY. THE PROPERTY OWNER, MR. JOE HELOW, INTERVENED INTO THE CASE. AFTER 18 MONTHS OF NEGOTIATION DCA, THE COUNTY AND THE PROPERTY OWNER HAVE REACHED AN AGREEMENT. GENERALLY, THE AGREEMENT PROVIDES FOR THE REDUCTION OF LAND 217 ACRES TO 145 ACRES, AN INTENSITY OF DEVELOPMENT LIMIT OF 10,000 SQUARE FEET PER ACRE, A PORTION OF THE PROPERTY ALONG ROBERTS ROAD TO BE DESIGNATED AS R/S AND A PORTION OF THE PROPERTY ALONG GREENBRIAR ROAD TO BE DESIGNATED AS IC. IN ADDITION, THE COUNTY SHALL REVIEW THE LONG-TERM TRANSPORTATION NEEDS OF THE NORTHWEST SECTOR AND DETERMINE HOW THOSE NEEDS ARE ADDRESSED AS PART OF THE EVALUATION AND APPRAISAL REPORT

Proof of publication of the notice of public hearing regarding a Stipulated Compliance Agreement with DCA to settle DOAH Case No. 05-1787GM was received, having been published in *The St. Augustine Record* on September 21, 2006.

Teresa Bishop, Growth Management Services, explained the resolution to enter into a stipulated compliance agreement with DCA as a final settlement of all claims raised in the DOAH proceedings of DCA vs. St. Johns County and Helow Properties, Ltd. (7:27 p.m.) Stevenson disclosed ex-parte communication; she spoke with Mr. Helow and Ms. Tjoflat. (7:28 p.m.) Stern disclosed ex-parte communication; she met with Joe Helow and discussed the reasons and benefits of addressing this issue in this manner. (7:30 p.m.) **Motion by Stevenson, seconded by Stern, carried 3/0 with Maguire and Rich**

absent, to adopt Resolution No. 2006-339, approving a Stipulated Compliance Agreement with DCA to settle DOAH Case NO. 05-1787GM.

RESOLUTION NO. 2006-339

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ENTERING INTO OF A STIPULATED COMPLIANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RAISED IN THE DIVISION OF ADMINISTRATIVE HEARINGS PROCEEDINGS DEPARTMENT OF COMMUNITY AFFAIRS VS. ST. JOHNS COUNTY AND HELOW PROPERTIES LTD. DOAH CASE NO. 05-1787GM

(10/03/06 - 26 - 7:30 p.m.)

16. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS WAS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE III AND ARTICLE VI. THE ATTACHED ORDINANCE IS PROVIDED IN STRIKETHROUGH AND UNDERLINING FORMAT TO HIGHLIGHT THE PROPOSED CHANGES

Proof of publication of the notice of public hearing on the Land Development Code Amendments, Article III and Article VI, was received, having been published in *The St. Augustine Record* on September 20, 2006.

Teresa Bishop, Growth Management Services, explained that the amendments were to Article III and VI regarding the Design Review Boards membership. (7:32 p.m.) Press Tompkins, Acting County Engineer, addressed the changes to Article VI to amend the code on the right and left turn lanes, to encompass more of the truck traffic, to try to require the turn lane to get the trucks on and off the travel lanes at a faster rate. The other change was to have the traffic signals to be mast arms design for all county signals instead of the strand wire.

(7:35 p.m.) John Trivento, 9531 Old Cypress Ct., representing Advanced Drainage System, expressed concerns with the proposed amendments.

(7:39 p.m.) Jamie Lewis, 4616 W. Catbriar Court, addressed the standard and alternative pipe material. Tompkins responded to questions of Lewis regarding the pipe material.

(7:44 p.m.) **Bryant announced the second public hearing date for October 17, 2006 at 9:00 a.m.**

(10/03/06 - 26 - 7:45 p.m.)

17. PUBLIC HEARING - PROPOSED AMENDMENT TO ARTICLE IV - UPLAND BUFFERS - THIS WAS A PROPOSED AMENDMENT TO ARTICLE IV, NATURAL RESOURCES, OF THE LAND DEVELOPMENT CODE TO AMEND SECTION 4.01.06.C, RELATING TO THE CRITERIA TO APPLY WHEN REVIEWING THE UPLAND BUFFER. SPECIFICALLY THIS PROPOSAL WAS TO REVISE SUBSECTION 4.01.06.C PERTAINING TO THE CRITERIA THAT SHALL BE APPLIED WHEN REVIEWING THE UPLAND BUFFER SUCH THAT IT WOULD PROVIDE FOR THE BANK OF A STORMWATER SYSTEM TO BE PLACED IN AND BECOME A PART OF THE UPLAND BUFFER AND

WOULD PROVIDE FOR UNAVOIDABLE WETLAND IMPACT TO INCLUDE  
WETLAND IMPACTS AS PERMITTED BY STATE AND/OR FEDERAL  
REGULATING AGENCIES

Proof of publication of the notice of public hearing on the Land Development Code Amendments, Article IV, was received, having been published in *The St. Augustine Record* on September 20, 2006.

Jan Brewer, Environmental Manager, explained the amendments to Article IV relating to the criteria to apply when reviewing the upland buffer. Discussion followed regarding the amendment. (7:48 p.m.) **Bryant announced the second public hearing to be held on October 17, 2006 at 9:00 a.m.**

(10/03/06 - 27 - 7:49 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson explained her reasoning for voting the way she did on the Vilano Beach issue.

(7:51 p.m.)

Commissioner Maguire:

Maguire reported on his meeting with Commander Megget and Joe McDermott regarding a personal donation of money for a van for DAV to transport disabled veterans to and from Gainesville Medical Center. Maguire then announced that anyone wishing to donate towards the van to please contact Commander Megget or Joe McDermott.

(7:52 p.m.)

Commissioner Stern:

Stern announced the article in the Florida Times Union recognizing David Dinkins, St. Johns Agriculture Extension Agent, for the recognition he received nationally for his excellent work in St. Johns County.

Stern said the Northeast Florida Regional Council would be giving regional awards in various areas.

(7:55 p.m.)

Commissioner Bryant:

Bryant announced that the GTMNERR would be having two upcoming public scoping meetings on November 1, 2006 at the Whitney Lab at Marineland in Flagler County; and November 2, 2006 at the GTMNERR Environmental Education Center in South Ponte Vedra Beach.

Bryant commented on his meeting with Henry Dean and Marty Fiorintino regarding representation in Tallahassee for the legislative session; then, suggested renewing the contract with Fiorintino & Associates, on a limited basis, to represent the County at the committee meetings in Tallahassee. (7:58 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Rich absent, to authorize the County Administrator to negotiate the contract with Fiorintino and Associates to extend through the end of the regular session.**

(10/03/06 - 27 - 7:58 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams reported that a program would be developed to assess all facilities and find out what could be done to have them withstand hurricanes.

(10/03/06 - 28 - 7:59 p.m.)  
COUNTY ATTORNEY'S REPORT

No report.

(10/03/06 - 28 - 7:59 p.m.)  
CLERK OF COURT'S REPORT

No report.

(7:59 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Rich absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 7:59 p.m.

REPORTS:

1. St. Johns Board of County Commissioners, Check Register; approving checks 390377 through 390407; totaling \$55,438.11 (09/14/06)
2. St. Johns Board of County Commissioners, Check Register; approving checks 390102 through 390376; totaling \$2,739,926.64 (09/12/06)
3. St. Johns Board of County Commissioners, Check Register; approving checks 390408 through 390705; totaling \$3,472,906.60 (09/19/06)
4. St. Johns Board of County Commissioners, Check Register; approving checks 390706 through 390707; totaling \$2,721.68 (09/20/06)

CORRESPONDENCE:

1. Letter from the Secretary of State, acknowledging receipt of Ordinances No. 2006-106 through 2006-107 (09/12/06)
2. Letter from the Office of the Governor, acknowledging receipt of St. Johns County Resolution No. 2006-273 (09/13/06)
3. Letter from the Department of Community Affairs regarding the establishment of Treaty Oaks CDD (09/21/06)
4. Letter to the Secretary of State, filing Ordinances No. 2006-108 & 109 (09/27/06)
5. Letter to the Secretary of State, filing Ordinances No. 2006-110 through 2006-114 (10/03/06)

Approved \_\_\_\_\_ November 14 \_\_\_\_\_, 2006

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