

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HEREINAFTER FROM PRESENT  
ZONING CLASSIFICATION OF RS-3 TO PLANNED  
SPECIAL DEVELOPMENT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA:

Section 1. That, upon the request of Porpoise Point Partnership, A Fla. Corp. for a zoning change on the following described lands, dated May 5, 1986, and upon a determination by the St. Johns County Planning and Zoning Agency and this Board of County Commissioners that the PSD zoning classification hereby created is an appropriate zoning classification for the subject lands based upon proper zoning concepts, the zoning classification of the lands described on the attached Exhibit A is hereby changed from RS-3 to Planned Special Development.

Section 2. That development of the lands within this PSD shall proceed in accordance with the Exhibits labeled B and C and as supplemented by the provisions of this ordinance. In the case of conflict between the Exhibits and the below described provisions of this Ordinance, the below described provisions shall prevail.

Section 3. All building code, zoning ordinance, and other land use development regulations of St. Johns County are applicable to this development except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of this PSD Ordinance. Modification to this ordinance by variance or special exception shall be prohibited.

Section 4. That all roads and parking areas within the project either public or private shall be constructed to approved County Standards.

Section 5. That all easements required for drainage purposes shall be granted to the County at no cost, at the County's Request.

Section 6. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7: The Zoning Inspector is authorized to issue approval for construction permits allowed by zoning classification as rezoned hereby.

Section 8: This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that the same has been filed.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA:

BY: Francis M. Boulder  
chairman

ATTEST: CARL "BUD" MARKEL, CLERK

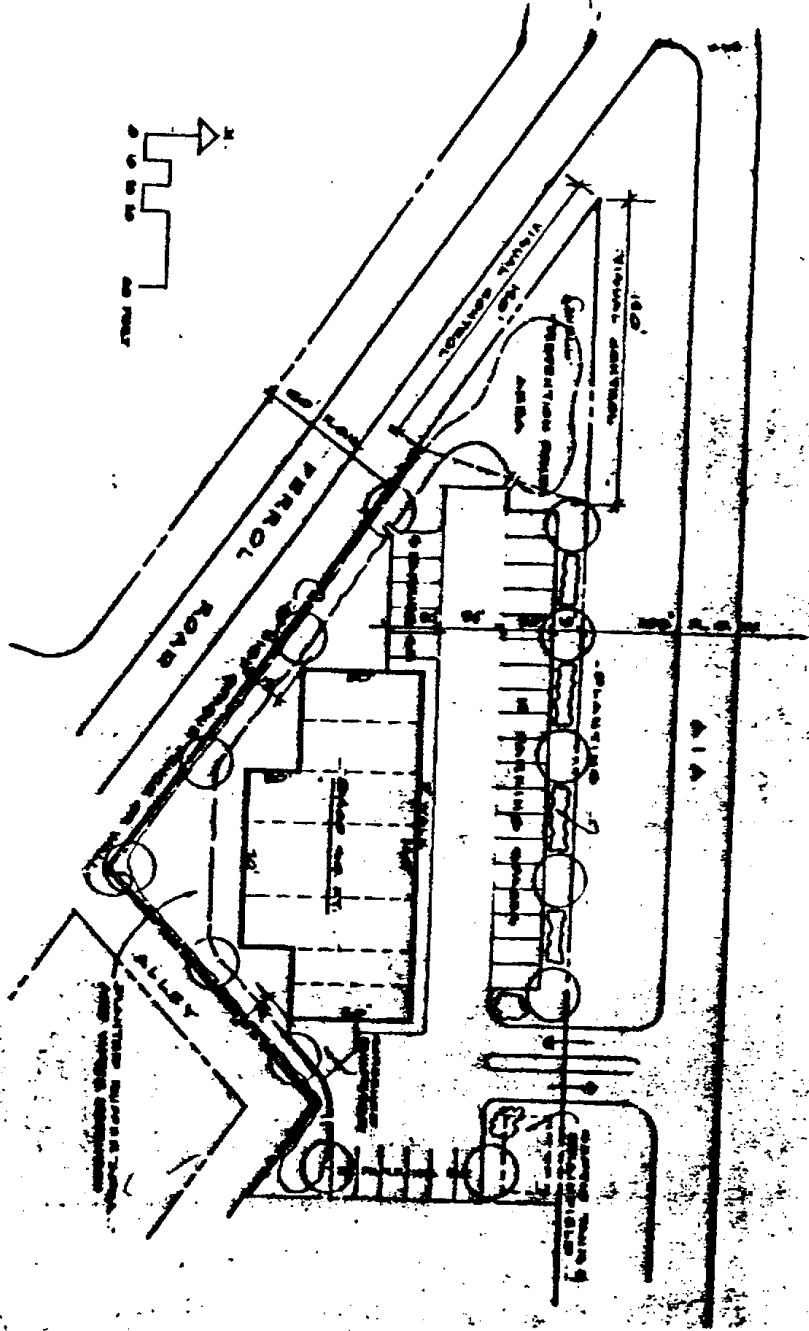
BY: Cheryl Kent  
Deputy Clerk

adopted this 9th day of September 1986. (regular meeting)  
effective this 12th day of September 1986.

**EXHIBIT A - Legal description:**

**Lots 1,2,3,4,5,6,7,8,9,10, 11, 12, and 13, of Block "A" Vilano Beach Amended, according to plat thereof recorded in Map Book 7, page 10, public records of St. Johns County, Florida.**

Exhibit B.





# BOARD OF COUNTY COMMISSIONERS

*Historical St. Johns County, Florida*

PLANNING & ZONING DEPARTMENT  
P. O. DRAWER 349  
ST. AUGUSTINE, FLORIDA  
32085-0349

Exhibit C  
Pages

TELEPHONE 824-8121  
EXT. 422 OR 423

## MEMORANDUM

TO: St. Johns County Planning & Zoning Agency

SUBJECT: Proposed Planned Special Development for Porpoise Point Partnership

DATE: July 11, 1986

## INTRODUCTION

The property to be rezoned consists of 13 lots fronting on A1A. The lots (Lots 1 thru 13 of Block "A", Vilano Beach Amended Subdivision - Map Book 7, Page 10, Public Records of St. Johns County) are located on the south side of Highway A1A approximately 300' east of Vilano Beach Bridge. The site is currently zoned RS-3 and is occupied by a temporary development/sales office for the Porpoise Point Development. Properties to the east, west and north of the site are commercially zoned, while all properties to the south are currently zoned RS-3.

Attached as Exhibit 1 is the rezoning application filed May 5, 1986 with the legal description of the property involved which is owned by Porpoise Point Partnership, 4133 Corralwood Village Drive, Tampa, Florida 33624.

Exhibit 2 attached hereto is the general site plan which graphically illustrates the proposed plan of development for the PSD. It should be pointed out that the site plan is intended to set the basic framework and conceptual design for development of the site and must be viewed in conjunction with the following text which provides for certain discretionary flexibility in the final detailed design and construction of the site.

Finally, Exhibit 3 attached hereto provides additional background information regarding previous zoning applications; county staff reports; and Planning and Zoning Agency/County Commission/Court actions on the property.

BASIC PLAN OF DEVELOPMENT

As stated in the introduction, the site is currently occupied by a temporary mobile unit with support facilities which has been utilized as a sales/development office for Porpoise Point Partnership. Although the granted "temporary" time period has expired this use has been allowed to continue pending final action on the rezoning request. It is the intention that this temporary use will be discontinued following site rezoning and a permanent office/commercial development will proceed in conformance with the Planned Special Development as herein set forth.

Development of the site will conform to the basic elements of the site plan (Exhibit 2) and the specific provisions set forth below:

1. Access/Egress: Consistent with County Ordinance #86-4 which does not allow two driveways to a single parcel, traffic flow will be facilitated by one entrance/exit on A1A as generally illustrated on the site plan, with the specific location, design and construction standards to be in compliance with all state DOT and County standards.
2. Drainage: All drainage for the site will conform to State/County requirements and will be accomplished with appropriately located retention/detention ponds capable of handling the first 7 inches of runoff.
3. Utilities: All utilities will be provided for on-site. Water will be provided by a well (or wells) for potable water and irrigation. Sewage will be handled by an on-site septic tank with location and design to be in conformance with all Health Department permitting requirements. Electric power will be provided by Florida Power and Light Company.
4. Lighting: Any exterior lighting on the site will be directed internally so as not to create a nuisance to surrounding residential properties.
5. Signage: All signage on the site will be so oriented to provide visibility from Highway A1A and not from the residential areas to the south of the site.
6. Buffering: In order to provide adequate screening for the residential properties lying to the south and southeast of the site a six foot high opaque fence or wall will be provided and maintained along the alleyway and Ferrol

Road perimeter. However, to maintain visual control and avoid a sight hazard near the intersection of Ferrol Road and A1A, fencing will not be provided within 120' of the right-of-way intersection at the west end of the property. Recognizing a similar sight problem exists on A1A, the entire west point of the property (120' along Ferrol Road and 120' along A1A from intersection of the two right-of-way) will remain free of buildings, structures or other visual obstructions. However as indicated on the site plan this area may be utilized for landscaping, utilities and drainage retention/detention areas.

7. Landscaping: All landscaping of the building site and parking areas will conform to County Greenlaw requirements.
  
8. Building(s) Parking and Land Use: Land uses on the property shall conform to the standards of the CN Commercial Neighborhood District unless otherwise modified herein. Land uses on the site may include any permitted use in the CN District except Section 5-6-2(d) churches, since churches require a minimum of 2 acres. Also, permitted would be all uses permitted in the CG District with exception of the following: Section 5-8-1 (d) (n) (o) & (r)§(s). Building(s) shall be located within the buildable area as generally defined on the site plan. However, the developer retains the right to deviate from the building size, design, configuration and exact location indicated on the conceptual site plan provided the basic constraints of buffering, access/egress, drainage, and visual controls herein set forth are adhered to. Parking areas shall conform to standard St. Johns County requirements regarding number of spaces, surfacing and general layout.

With regard to building(s) size (square footage) it is understood that the maximum size of building space that can be accommodated on the site will, to a large degree, be dictated by the constraints of the site with regard to the areas required for drainage, buffering, parking and other support facilities. Given these constraints, it is estimated that the maximum square footage of building space will be approximately 8,400 and will not exceed 10,000 square feet.

9. Waste Containers: Waste containers will be located within the site so as to be accessible to collection vehicles but shall be screened from public view and adjacent residential properties.

10. All building code, zoning ordinance, and other land use and development regulations of St. Johns County shall be applicable to this development excepting those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of this Planned Special Development Ordinance. Modification to approved development plans by variance or special exception is hereby prohibited. Any modification shall follow the amendment procedures for Planned Special Development as outlined in the St. Johns County Zoning Ordinance.
11. Schedule of Development: Construction on the project will commence within 12 months of approval of the PSD Ordinance and construction will be completed within 3 years thereafter. It is understood however, that no Certificates of Occupancy will be issued until the buffering, fencing and other residential safeguard are completed and in place.

This PSD was prepared by St. Johns County Staff at the direction of the Planning and Zoning Agency in order to affirmatively address the Court Order (Case No. 85-274) to rezone the subject property to an "appropriate zoning classification based on proper zoning concepts rather than on any specific proposed use". Given the rather unique characteristics and constraint of the site a PSD was deemed the most appropriate classification for site pursuant to the following objectives as set forth in the zoning regulations.

- a. Permit a specific and creative approach to the development of land; and
- b. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance;
- c. Provide for an efficient use of land and;
- d. Enhance the appearance of neighborhoods through preservation and;
- e. Provide an environment of stable character compatible with surrounding areas and.
- f. Retain property values over the years.

Finally, it is hereby found and determined that all owners of the lands within this PSD have requested that the subject site be rezoned to allow commercial uses. It is further found and determined that because of the heavy residential nature



Memorandum  
7/11/86  
Page 5

of the lands on two sides of the property, rezoning the property to a commercial district without the minimum protections provided to the nearby residential areas by this PSD would not be consistent with proper zoning concepts and the protection of existing residential development. By approval of this PSD it is found and determined that this PSD is appropriate commercial classification for the subject lands providing sufficient commercial uses with appropriate protection to the nearby residential neighborhood. It is further determined that by submittal of their rezoning application, the owners and successor owners of the lands within this PSD are bound to the rezoning established hereby.

ST. JOHNS COUNTY PLANNING AND ZONING DEPARTMENT DATE: 5-5-80

APPLICATION FOR ZONING CHANGE, VARIANCE, EXCEPTION, OR OTHER

CASE NUMBER: 6-80-146 receipt number: 01A Per 510

LEGAL DESCRIPTION OF PROPERTY: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, of Block "A", Volusia Beach Amenity, according to plat there recorded in Map Book 7, Page 10, Public Records of St. Johns County, Florida 211005. (See street address or detailed directions to lot, say East of Volusia Beach Bridge.

For want of Resolution of the Board of County Commissioners, as approved from the Engineering Department must be secured prior to completion of the rest of this form. The clearance is to provide information regarding wetlands.  
DEF. JURISDICTION LETTER:  Required  Not required  
If Required, Received: \_\_\_\_\_ date

ENGINEERING Department: S. Hahn Date 5-5-80

NAME, ADDRESS AND TELEPHONE NUMBER OF OWNER(S) OF ABOVE DESCRIBED PROPERTY: Porpoise Point Partnership, a Florida General Partnership, 4133 Corralwood Village Drive, Tampa, FL 33624

CURRENT ZONING CLASSIFICATION: RS-3

CHANGE, VARIANCE OR EXCEPTION REQUESTED: Rezone to Commercial General-E (CG-E)

ATTACH LIST OF ADJACENT PROPERTY OWNERS WITHIN 300 FEET, LIST MUST SHOW NAME, ADDRESS AND BRIEF FORM LEGAL DESCRIPTION THAT APPEARS IN THE CURRENT TAX ROLLS OF ST. JOHNS COUNTY.

PRESENT USE OF PROPERTY: Construction and sales office for Porpoise Point development

SPECIFIC REASON FOR ABOVE STATED REQUEST: To obtain relief from current unreasonable and unlawful zoning per the order of the Fifth District Court of Appeal reversing previous ruling of the Commission and Circuit Court denying relief.

SIZE OF PROPERTY: (dimensions or acreage) Approximately 1/4 acre.

APPLICANTS NAME, ADDRESS AND PHONE NUMBER: Porpoise Point Partnership, a Florida General Partnership, 4133 Corralwood Village Drive, Tampa, 33624 (PH): 849-7261

PROOF OF OWNERSHIP, DEED OR CERTIFICATE BY LAWYER OR ABSTRACT CO. OF TITLE INSURANCE COMPANY THAT STATES THE RECORD OWNER AS INDICATED ABOVE: If the owner and the applicant are different parties, a LETTER OF AUTHORIZATION MUST BE ATTACHED TO THIS APPLICATION  
Giving the applicant permission to place this request before the UPCHURCH, BAILLY AND UPCHURCH, F.A.

SIGNATURE OF APPLICANT: Ed D. Bickel

ADDRESS AND PHONE NUMBER OF CONTACT PERSON REGARDING THIS REQUEST: John L. Bailey, Jr., Upchurch, Bailey and Upchurch, F.A., P. O. Box 170, St. Augustine, FL 32085 904 829-5064

(Signature of applicant certifies that all information is correct and that the attached list of adjacent property owners is from the current tax rolls of St. Johns County, Fla.)

If a person decides to appeal any decision made by the Board(s) with respect to any matter considered at the public hearings, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is based.

Appl. R-86-040

Porpoise Point Partnership  
4133 Corralwood Village Drive  
Tampa, FL 33624

Requested Change

The request is to rezone the subject property containing approximately 1/2 acre from its current RS-3 classification to an unconditional CG-B category.

Location

The subject property is located on the south side of SRA1A approximately 300' east of Vilano Beach Bridge (Lots 1 thru 13 of Block "A", Vilano Beach Amended Subdivision).

Description

The property consists of 13 lots fronting on A1A with 8 lots also fronting on Ferrol Road. The property is currently occupied by a temporary development office for Porpoise Point Development. Located immediately to the west of the property is a marina. The property is sided on the east and north by commercial zoned property and property to the south on Ferrol Road is currently zoned RS-3.

This same property was before this Agency on July 7, 1983 and a recommendation of denial was given to the Board of County Commissioners. At the Board hearing on September 13, 1983 the Board denied the request. The applicant appealed to the Circuit Court who has directed St. Johns County to consider a petition to rezone to commercial "based on proper zoning concepts rather than on any specific proposed use." A copy of the Court Order is attached (as Exhibit A) for your review. The previous action denying the request noted that commercial zoning would not be in conflict with the Comprehensive Plan. The principle concerns did not center on the specific commercial use of the property but rather the compatibility of development on the site given the double frontage of the site (A1A & Ferrol Road), the traffic patterns in the area and the lack of insulation for the residential properties to the south and east of the site. Therefore, it was recommended by the Planning and Zoning Agency and confirmed by the Board of County Commissioners that a PSD would be the appropriate category if the property were to be rezoned. In lieu thereof, it was felt that if proper conditions were offered by the applicant that would address the major concerns (i.e. access/egress, buffering, etc.), the CG-B request could have been both consistent with the Comprehensive Plan and compatible with surrounding development. The applicant did not however, choose to pursue a PSD or offer conditions. Since the County could not unilaterally impose conditions, the denial ensued. A copy of the previous PZA report and minutes is attached as Exhibit B.

Comments/Recommendations

In that there has been no significant changes in the general area since the 1983 request was reviewed, it continues to be Staff's basic opinion that a straight CG-B rezoning would not be in conflict with the Comprehensive Plan or the prevailing zoning pattern along this portion of A1A frontage but may present compatibility and public safety problems without proper site planning. Possible options may be considered by the Applicant, Agency and Board which would mitigate the primary compatibility concerns. Staff suggests the following options in order of priority:

- a) Rezoning property to a PSD category based on an approved site plan.
- b) Rezoning to CG-B or CN with conditions (if offered by the applicant) addressing access/egress, use and buffering.
- c) If no conditions are offered, it is Staff's opinion, that a CN category would provide a greater compatibility with the adjacent residential development.

Supplemental Staff Comments (6/12/86)

At the June 5th, 1986 Planning and Zoning Agency meeting, the foregoing report was considered within the content of the Hearing on the rezoning request. After hearing testimony, the Agency requested the applicant give consideration to the above outlined options relating to the possible rezoning of the site. The applicant did not choose to pursue a PSD nor offer conditions relating to access/egress or buffering. The applicant did however, offer one condition if appended to a CG-B zoning. That condition was to buffer (fence) the eastern boundary of the site abutting the residential property. This condition however, was not offered with a CN classification. As a result of the persisting concerns regarding access/egress and buffering, this item was continued to provide the applicant's representative an opportunity to discuss possible conditions that may be offered by the owner. Also, Staff was requested to review the matter further and advise the Agency of pertinent items that could be included in a PSD or applied as conditions to a commercial base zoning. Category to make the zoning change more compatible with surrounding development.

Recommendations

Staff has given further consideration to the request and offers the following observations/recommendations:

1. Comprehensive Plan Consistency:

A rezoning from RS-3 to either CN, CG-B or a PSD with appropriate provision would not be in conflict with the Comprehensive Plan.

2. Compatibility with location and surrounding development:

Given the somewhat unique configuration and location of this site as compared with other commercially zoned properties along A1A, (i.e. traffic circulation in the area, dual frontage on commercial/residential streets, direct exposure to residential properties to the south and east), Staff is of the opinion, that the key items that could be addressed to make commercial development of the site more compatible with the area are as follows:

- 1) Limiting public access/egress to the site to A1A in conformance with State DOT and County Standards.
- 2) Buffering/screening residential properties to the south and east.
- 3) Practically speaking, given the self-limiting factors of the site, uses permitted in either the CN or CG-B category would not appear to present a compatibility problem. The size, shape and economic demand in the area would tend to limit the uses and any development would be required to conform to all County building, paving, drainage, parking, and greenlw requirements. Given the location of the site, however, the CN category would appear to be more compatible than the CG-B category.

The above listed items could be addressed by the applicant in a PSD or appended as conditions to a base commercial zoning category. Should the applicant not offer conditions or choose to pursue a PSD and the County by virtue of Court Order takes affirmative action to rezone to an "appropriate zoning classification based on proper zoning concepts rather than on any specific proposed use", the Planning Staff recommends that the most appropriate commercial category is the CN, Commercial Neighborhood category. Conditions could be applied to make rezoning and site development more compatible with surrounding development. As a minimum conditions should include:

- 1) One access/egress point along A1A frontage designed and constructed to State DOT and County Standards.
- 2) Screening/buffering portions of the southern and eastern boundaries of the site so as to minimize adverse impacts to adjacent residential properties.

Supplemental Staff Comments (For July 19, 1986 PZA Meeting)

At the June 19, 1986 Planning and Zoning Agency Meeting, the hearing was continued on the subject item. Following applicant presentation, staff report and public testimony, the Planning & Zoning Agency took action continuing the Hearing to July 17, 1986 with instructions to staff to prepare a Planned Special Development (PSD) incorporating those key issues of concern that were expressed in all previous hearings on the matter.

Pursuant to that direction staff has prepared and submitted herewith a proposed PSD site plan and text.

PORTSIDE POINT PARTNERSHIP, etc.,  
Petitioner,  
v.  
ST. JOHN'S COUNTY, etc.,  
Respondent.

DO NOT FILE UNTIL THE TAX EXEMPT  
STATUS HEARING METHOD AND  
IS FILED DEPOSITED OF.  
CASE NO. 85-274

Ordinance filed June 13, 1981

Petition for Writ of Certiorari,  
A Case of Original Jurisdiction.

John E. Bailey, Jr., of  
Upham, Bailey and Upham, P.A.,  
St. Augustine, for Petitioner.

James B. Syco, St. Augustine,  
for Respondent.

COMPLAINT

Certiorari review is sought of a trial court order denying certiorari or review of the denial of rezoning, by the zoning authority of St. Johns County.

Alleging that it had previously inadvertently included a certain parcel of its property located on highway A1A north in a prior general rezoning request that resulted in a zoning change from commercial general (CG-E) to residential (RS-3), petitioner requested the Board of County Commissioners of St. Johns County, Florida, to rezone its parcel from residential use back to commercial general. The requested commercial general classification is consistent with the county comprehensive zoning plan.<sup>1</sup> The county zoning authority denied the rezoning on the ground that the petitioner presented no plan for the specific use the petitioner intended to make of the parcel in question.

The circuit court found that even under the "fairly debatable" test the property was improperly zoned residential but denied certiorari review on the basis that it was "fairly debatable" whether the property should be rezoned general commercial (CG-E) or some other restrictive commercial classification.

<sup>1</sup> See § 163.2194(1), Fla. Stat.

A property owner is entitled to have his property properly zoned based on proper zoning concepts without regard to the one particular use which the owner might then intend to make of the various uses permitted under a proper zoning classification. A zoning authority's insistence on considering the owner's specific use of a parcel of land constitutes not zoning but direct governmental control of the actual use of each parcel of land which is inconsistent with constitutionally guaranteed private property rights.

The petition for certiorari review is granted, the order of the circuit court is quashed and the cause is remanded for entry of an order remanding to the county zoning authority for a determination of the appropriate commercial zoning classification based on proper zoning concepts rather than on any specific proposed use.

PETITION GRANTED, CAUSE REMANDED.

CORE, C.J., and BRANSON, J., concur.





# BUILDING AND ZONING DEPARTMENT

St. Johns County, Florida

July 25, 1953

COUNTY COURTHOUSE  
ST. AUGUSTINE, FLORIDA  
Office: City of the United States

ALLEN F. POWERS  
Director of Community Development  
DONALD G. BERMAN  
Assistant Director

ADMINISTRATION BUILDING  
USING ROOM  
P.C. DRAWING DESK  
ST. AUGUSTINE, FLORIDA 32084  
PHONE: 321-7111 - EXT. 222  
321-4444 - 400  
321-7111 - Main Office  
321-7111 - City Council

Board of County Commissioners  
St. Johns County, Florida

RE: R-53-32 Porpoise Point Partnership

Gentlemen:

Pursuant to section 11-10-4 the following report and recommendation is presented for the above captioned

1. Subject property consists of 13 lots located on the South side of A1A north, East of the Vilano Beach Bridge. The property is currently occupied by an office building for Porpoise Point Development and was included in error, in the request for rezoning of the residential area of Porpoise Point development. The original use of the land was entrance to the development, however is not intended for such use at this time.
2. Persons appeared in objection, noting that the property fronts on Ferrol Road as well as A1A and is unique in that none of the other commercial along A1A fronts on Ferrol Road.
3. In review of the comprehensive plan it appears that commercial use of the property would be in compliance, however because of the possibility of intrusion into the residential area, the PZA feels PSC would be a more appropriate classification, allowing for control of buffering, use, etc. No conditions were offered by the applicant concerning the areas of discussion.

Based on the foregoing comments it is a recommendation of the PZA that the request for CG-3 be denied, although the request appears to be in compliance with the Plan.

By: Dale K. Hensel Chairman  
Dale K. Hensel

Mr. Rowlett commented that the access from State Road 16 appeared to be a trail. Mr. Gabriel stated that the road is private but has been more or less excepted by the County. Mr. Powers stated that Mr. Gabriel would have to come back before the Agency for plat approval and would have to provide answers regarding access at that time.

Persons Present: None  
Correspondence: None

Mr. Rowlett commented that there is a need for this type of zoning within the County and recommended approval of R-83-30, consistent with the St. Johns County Comprehensive Plan and with the surrounding area, with a minimum lot size of 3/4 of an acre. Motion seconded by Mr. Cooksey, unanimous.

R-PSD-83-31, Dana Burton, Cardinal Industries  
Proof of publication, verification of mailing in file.

Ms. Burton explained that the proposal is for a 79 unit apartment complex which would be developed similar to Stone Cove Apartments. The complex will consist of nine buildings. Ms. Burton also requested that the rezoning be made contingent upon all governmental approvals being obtained and if not that the property revert back to C1, to protect the interest of Jack Wilson Cheveroleet. Mr. Conn explained that that decision would have to be made by the Board of County Commissioners.

Persons Present: None  
Correspondence: None

Mr. Connors offered a motion recommending approval of R-PSD-83-31, not in conflict with the St. Johns County Comprehensive Plan, contingent upon application as submitted, seconded by Mr. Cooksey, unanimous.

P-63-32, John Bailey, Porpoise Point Partnership  
Proof of publication, verification of mailing in file.

Mr. Bailey explained that the request is for 13 lots on A-1-A North stating that these lots had been zoned CO-B for a number of years. The lots were intended to be used as the entrance to the Porpoise Point development and were included in the request for PUD zoning. When this request was turned down it was agreed to rezone Porpoise Point to RS-3 and in the advertisement the same legal was used as for the PUD request and included the 13 lots. It was never the intention of the Developers to rezone the lots in question to RS-3. The one year time limit to refile has expired and the Developers wish to reapply for the CO-B zoning classification. It is proposed that the temporary sales office and construction trailer which is now located on the property will remain until the project is completed, approximately two years. Mr. Bailey also mentioned the staff report which states that the request would not be in conflict with the Comprehensive Plan. Mr. Usina questioned if the rest of the contents of the staff report had been noted? Mr. Bailey responded that when this property was proposed as the entrance originally there was considerable opposition, the planning department included. This opposition stemmed from the fact that a portion of Ferrol Road (lying behind the lots) would have to be vacated. Further, that an entrance has since been developed and it is too late to change it now.

Mr. Usina questioned if Mr. Bailey could make a stipulation that there would be no access from Ferrol Road to the lots? Mr. Bailey stated that he did not have the authority to offer any conditions, at this time.

Persons Present: Mary E. Hoppers, 157 Ferrol Road, opposed, requested information

PZA MINUTES  
July 7, 1983  
SECTION B, Page 2

asked if Green Law would apply as the property fronts A-1-A and backs up to Ferrol Road. Frank Dunder, 203 Ferrol Road, opposed, the corner of Ferrol Road and A-1-A is already a hazard and this rezoning would be a nuisance to the adjacent residents. Dorothy Boset, 11 Manressa, opposed, garbage behind property. Jack Brusso, 320 Ferrol Road, opposed, ferrol Road serves entire area and the entrance is already deteriorated badly, more services would be in demand. Dick Blocksidge, Coastal Highway, feels that there is no urgency for the rezoning and suggest they come back with plans after the completion of Porpoise Point. Jo Hamilton, agrees with Mr. Blocksidge. Dot Maronell, Ferrol Road, opposed.

Correspondence: Passed to members for review.

Mr. Bailey in rebuttal, stated that it was not intended that the property not be used for two years and that he felt the owners should be allowed the use of their land. He again stated that he was not in the position to offer any conditions.

Mr. Usina stated that he would like to hear an offer for a buffer in the area, asking if Mr. Bailey would like to postpone the decision of the Agency until his clients could be consulted? Mr. Bailey responded that he would like a decision today or that the rezoning be approved with recommended stipulations. It was explained that the Agency would not be able to impose any conditions on the rezoning.

Mr. Powers suggested that a PSD classification may be better due to the uniqueness of the property.

Ralph Swartz, from the audience, stated that there is no commercial along Ferrol Road.

Mr. Usina stated that there appears to be the same situation as in the Porpoise Point rezoning because of the inability to come to a reasonable decision. Mr. Usina further stated that because of the residential nature of the adjoining property and the uniqueness of the subject property fronting on A-1-A (commercial) and Ferrol Road (residential) and due to the direct bearing on the residents he recommends disapproval, not in conflict with the St. Johns County Comprehensive Plan, seconded by Mr. Taylor.

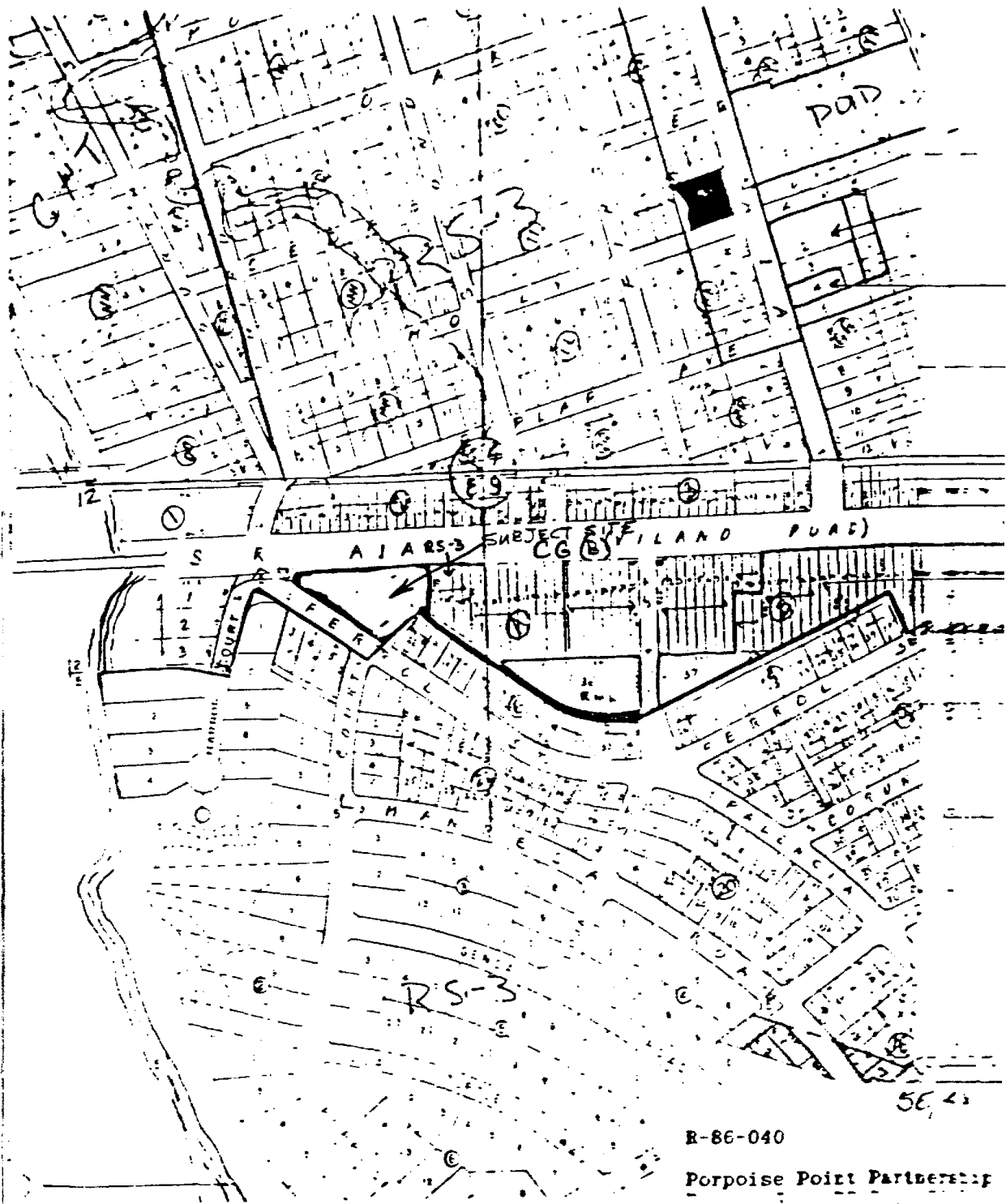
Mr. Conrad stated that he agreed with Mr. Usina's feelings and that even though the request is in a commercial area he would much rather see a PSD.

A vote was called and the motion carried unanimously.

R-88-88, Imilio Longo  
Proof of publication, verification of mailing in file.

Mr. Long explained that the request was to rezone from CH to CE-E to put professional people on Village Beach.

Mr. Ferrel asked what kind of retail businesses were planned and Mr. Long re-



**The St. Augustine Record**  
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared \_\_\_\_\_  
 Kathi Cook \_\_\_\_\_ who on oath says that he is  
 Legal Advertising Clerk \_\_\_\_\_ of the St. Augustine Record, a  
 daily newspaper published at St. Augustine in St. Johns County, Florida;  
 that the attached copy of advertisement, being a \_\_\_\_\_  
 Meeting of County Commissioners \_\_\_\_\_  
 \_\_\_\_\_ in the matter of \_\_\_\_\_  
 Application of Porpoise Point Partnerships \_\_\_\_\_  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
 August 8, 1986 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me \_\_\_\_\_  
 this \_\_\_\_\_ 11 \_\_\_\_\_ day of August \_\_\_\_\_  
 A.D. 19 86  
 \_\_\_\_\_  
 (SEAL) \_\_\_\_\_ Notary Public

Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Standard Surety Fidelity Insurance, Inc.

**COPY OF ADVERTISEMENT**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 9TH DAY OF SEPTEMBER, 1986 AT 1:30 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RS-3 TO CG-8 WITH THE POSSIBILITY ADDED CONDITIONS, OR TO PSD (PLANNED SPECIAL DEVELOPMENT).

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of Porpoise Point Partnerships, a Florida General Partnership, owners of the following described land, zoning classification of RS-3, single family residential on the following described lands:

§ Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Block "A", Viano Beach Amended, according to the plat thereof recorded in Map Book 7, page 10, public records of St. Johns County, Florida

IS HEREBY CHANGED TO: PSD, Planned Special Development, permitting the use of Commercial in accordance with documentation submitted by staff, memorandum of July 11, 1986, filed in zoning file, R-86-040

OR IS HEREBY CHANGED TO: CG-8, Commercial General, with the possibility of added conditions, as applied by applicant in application file number R-86-040.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district wherein said lands are located.

SECTION 3. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
 By: s/ Carl "Bud" Martel  
 Its Clerk  
 If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
 L986 August 8, 1986



FLORIDA DEPARTMENT OF STATE

George Firestone  
Secretary of State

RECEIVED  
ST. JOHNS COUNTY, FLORIDA

'86 SEP 12 P2:32

September 11, 1986

*Carl Bud Markel*  
CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel  
Clerk of Circuit Court  
St. Johns County Courthouse  
Post Office Drawer 300  
St. Augustine, Florida 32084

Attn: Tami J. Tedder

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of Letter/s of September 10, 1986  
and certified copy/ies of St. Johns  
County Ordinance(s) 86-71
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_
3. We have filed this/~~these~~ Ordinance(s) in this office  
on September 11, 1986.
4. The original/duplicate copy/ies showing the filing  
date is/are being returned for your records.

Cordially,

*Liz Cloud*  
(Mrs.) Liz Cloud, Chief  
Bureau of Administrative Code

LC/ mb

**FLORIDA-State of the Arts**