

RESOLUTION NO. 88- 248

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA,  
MODIFYING THE PROVISIONS OF ORDINANCE NO. 84-52,  
AS AMENDED IN ORDINANCE NO. 85-24 AND RESOLUTION NO. 86-181,  
AN ORDINANCE REZONING CERTAIN LAND TO  
PLANNED SPECIAL DEVELOPMENT (PSD),  
MODIFYING THE SCHEDULE OF DEVELOPMENT  
PROVIDED IN ORDINANCE NO. 85-24  
BY EXTENDING THE COMMENCEMENT AND COMPLETION DATES OF  
ALL PHASES OF THE PLANNED SPECIAL DEVELOPMENT

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

SECTION 1: Pursuant to a request of HUNTLEY JIFFY STORES, INC., a  
Florida corporation, the commencement and completion dates of all  
phases as specified in Ordinance No. 85-24 amending schedule of  
development incorporated by reference in Ordinance No. 84-52, an  
ordinance rezoning certain land to Planned Special Development (PSD),  
are hereby modified and shall henceforth read as follows:

THE DEVELOPMENT SHALL BE COMMENCED AUGUST 1, 1989,  
AND ALL PHASES COMPLETED BY AUGUST 1, 1994.

SECTION 2: All building code, zoning ordinance and land use de-  
velopment regulations of St. Johns County, as amended from time to  
time, are applicable to this development, except those permitting  
variances and special exceptions, and except to the extent that  
they conflict with specific provisions of the approved development  
plan. Modification to approved development plans by variance or  
special exception shall be prohibited.

SECTION 3: In all other respects, the remaining provisions con-  
tained in said Ordinance No. 84-52 and Resolution No. 86-181 shall  
remain in full force and effect.

ADOPTED by the Board of County Commissioners of St. Johns County,  
Florida this 13th day of                      BOARD OF COUNTY COMMISSIONERS,  
September, 1988.                                      ST. JOHNS COUNTY, FLORIDA

By Laurance O. Hatley  
Chairman

ATTEST: CARL "BUD" MARKEL

By: Spencer M. McDonald  
Deputy Clerk

Adopted regular meeting: September 13, 1988  
Effective: September 13, 1988

REQUEST FOR MODIFICATION OF  
PLANNED SPECIAL DEVELOPMENT ORDINANCE NO. 84-52  
AS AMENDED BY ORDINANCE NO. 85-24  
AND RESOLUTION NO. 86-181

APPLICANT:

HUNTLEY JIFFY STORES, INC.,  
a Florida corporation,  
and  
PROSPERITY BANK OF ST. AUGUSTINE,  
a State banking corporation

The Applicant, HUNTLEY JIFFY STORES, INC., a Florida corporation, as owner of the real property described in the aforesaid PSD Ordinance, as amended, requests the PSD be modified as follows:

The schedule of development incorporated within the Planned Special Development Ordinance No. 85-24 amending Ordinance No. 84-52, provides that development shall be commenced no later than August 1988 and the completion date for all phases shall be August 1993. The Applicant requests the schedule of development be modified to provide that the development shall be commenced August 1, 1989, and all phases completed by August 1, 1994.

In support of this request, the Applicant submits that paragraph 10 of Addendum to Major Modification to Planned Special Development Ordinance No. 84-52 dated November 19, 1986, provided:

"10. All applicable permits and/or letters of exemption from all regulatory agencies with jurisdiction over the property, including the Florida Department of Environmental Regulation, St. Johns River Water Management District and U. S. Army Corp of Engineers and Florida Department of Transportation, must be submitted to St. Johns County prior to the issuance of any building permits for construction on the property."

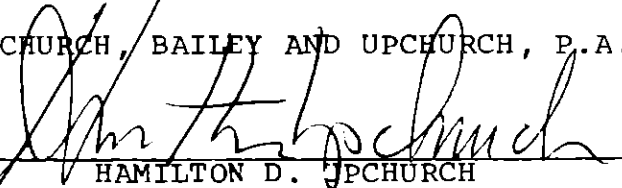
Applicant diligently sought all permitting as required above, but was substantially delayed in doing so in regard to the U. S. Army Corps of Engineers, which was only obtained on January 26, 1988. Permits from the Department of Environmental Regulation could not be finalized until after the permit from the Corps of Engineers was received as aforesaid. The Department of Environmental Regulation permitting has now been obtained. The permit application to the Florida Department of Transportation is pending approval at this time. As a result of said permitting delays, building permits cannot reasonably be obtained and construction commenced within the times provided by the applicable ordinance and resolution without undue hardship and excessive and unnecessary expense to Applicant.

All other terms and provisions of said PSD Ordinance No. 84-52 as amended by Ordinance No. 85-24 and Resolution No. 86-181, not in conflict herewith, shall remain in full force and effect.

Respectfully submitted this 7th day of July, 1988.

UPCHURCH, BAILEY AND UPCHURCH, P.A.

By

  
HAMILTON D. UPCHURCH

Attorneys for Applicant

501 First Union Bank Building

Post Office Box 170

St. Augustine, Florida 32085-0170

(904) 829-9066