

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 2, 2001
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and 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: Marc Jacalone, District 3, Chair
 James E. Bryant, District 5, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 Mary Kohnke, District 4
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, Deputy County Attorney
 Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director, Clerk's Office

(10/02/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Jacalone.

(10/02/01 - 1 - 9:01 a.m.)

The Invocation was given by Jacalone. The Pledge of Allegiance was led by Reardon.

(10/02/01 - 1 - 9:01 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(10/02/01 - 1 - 9:03 a.m.)

PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER, 2001 AS DOMESTIC VIOLENCE AWARENESS MONTH

Meiszer read the Proclamation into the record, which proclaimed the month of October, 2001, as Domestic Violence Awareness Month.

(10/02/01 - 1 - 9:06)

PROCLAMATION PROCLAIMING THE MONTH OF OCTOBER, 2001 AS NATIONAL PHYSICAL THERAPY MONTH

Kohnke read the Proclamation into the record, which proclaimed the month of October, 2001, as National Physical Therapy Month.

(9:09 a.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to adopt both Proclamations.**

(10/02/01 - 1 - 9:09 a.m.)

PUBLIC COMMENT

Janie Coleman, Waste Management, spoke on waste from Putnam County, stating that as of yesterday they had worked out a resolution with Putnam to return that waste to Putnam

and all issues and concerns have been addressed. Additional matters will be brought to the Board.

(10/02/01 - 2 - 9:10 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(10/02/01 - 2 - 9:10 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Approval of minutes:
09/18/01 - BCC Regular Meeting
3. Sheriff's Bonds
Approve: Pat Greenhalgh Cancel: Jason Berke
Cancel: Raymond Jodlowski Cancel: Stephen Conover
Cancel: Timothy Sturman Cancel: Eric Stevens
4. Motion to approve the Revision to the St. Johns County BCC and the St. Johns County Professional Firefighters and Paramedics Contract
5. Motion to adopt **Resolution No. 2001-194**, approving a Final Plat for Julington Creek Plantation Parcel 55 Phase 3

RESOLUTION NO. 2001-194

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 55 PHASE 3

6. Proofs:
 - a. Proof, Notice of Public Hearings, Special Masters, SJC Value Adjustment Board, September 27 and 28, 2001
 - b. Proof, Notice of Meeting, St. Johns County Economic Development Committee, September 20, 2001
 - c. Proof, Certificate of Liability Insurance, Susan Yastrzemeski
 - d. Proof, Certificate of Liability Insurance, Environmental Services, Inc.
 - e. Proof, Public Notice, Redistricting Meeting, August 9, 2001
 - f. Proof, Public Notice, Redistricting Meetings, July 30, August 2 and 9, 2001
 - g. Proof, Public Notice, Redistricting Meetings, July 30, August 2 and 9, 2001
 - h. Proof, Public Notice, Redistricting Meetings, July 19, 23, 30, August 2 and 9, 2001
 - i. Proof, Public Notice, Redistricting Meetings, July 16, 19, 23, 30, August 2 and 9, 2001
 - j. Proof, Public Notice, Redistricting Meetings, July 19, 23, 30, August 2 and 9, 2001
 - k. Proof, Public Notice, Redistricting Meetings, July 9, 12, 16, 19, 23, 30, August 2, and 9, 2001
 - l. Proof, Public Notice, Redistricting Meetings, August 2 and 9, 2001
 - m. Proof, Public Notice, Redistricting Meetings, July 23, 30, August 2 and 9, 2001

- n. Proof, Public Notice, Redistricting Meetings, July 23, 30, August 2 and 9, 2001
- o. Proof, Public Notice, Redistricting Meeting, August 9, 2001
- p. Proof, Public Notice, Redistricting Meeting, August 9, 2001
- q. Proof, Public Notice, Redistricting Meetings, July 30, August 2 and 9, 2001
- r. Proof, Public Notice, Redistricting Meetings, July 30, August 2 and 9, 2001
- s. Proof, Public Notice, Redistricting Meetings, July 23, 30, August 2 and 9, 2001
- t. Proof, Public Notice, Redistricting Meetings, July 23, 30, August 2 and 9, 2001
- u. Proof, Notice of Public Hearing, SJC Value Adjustment Board, October 1, 2001
- v. Proof, Notice to Bidders, Bid No. 02-05
- w. Proof, Notice to Bidders, Bid No. 02-07
- x. Proof, Bond Continuation Certificate, Solid Waste Container Service

(10/02/01 - 3 - 9:11 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Kohnke requested Item #12 be heard before Item #11. Adams pulled Item #4 to be rescheduled.

(10/02/01 - 3 - 9:13 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Reardon, seconded by Bryant, carried 5/0, to approve the Regular Agenda, as amended.

(10/02/01 - 3 - 9:14 a.m.)

1. CONSIDER A REQUEST FOR THE DISTRIBUTION OF FUNDS FROM THE COMMUNICATION SURCHARGE TRUST FUND

St. Johns County Sheriff Neil J. Perry addressed the Board, presenting the request for distribution of funds. Brief discussion was held. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the transfer of \$326,400 from the Communication Surcharge Trust Fund Reserves (1503-59920) to Transfers to Officers Line Item 1503-59101.**

(10/02/01 - 3 - 9:25 a.m.)

2. UPDATE ON THE PROPOSED BUILDING AND SITE PLANS FOR THE NEW SOUTHEAST MAIN LIBRARY AND ADMINISTRATION COMPLEX

Mike Rubin, Director of Construction Services, addressed the Board, and introduced architect Roxanne Peter, CRG Architects/Planners, who made a schematic presentation, with visual display. Discussion ensued on the proposed plans, including design, energy efficiency, drop-off areas, cracker style, interior style, vegetation, screening, retention ponds, Christmas tree of birds, parking, and highest and best use of the remainder of the property. (9:54 a.m.) Leo O'Farrell, 85 Catalina Cir., stated he did not like what he saw and asked where does this project go from here. (10:00 a.m.) Barrie Higgins, 902 San Remo Rd., spoke on walls, nothing reminded them of the cracker style, and multipurpose bike trails. (10:02 a.m.) Mike Piesco, 655 Aleida Dr., a member of the visioning group, said this did not go with anything in the area, and that it was far from what their vision was. (10:04 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke as a member of the visioning committee and a resident of the area, stating it should be cracker style, pillars are not cracker at all, roof, roosting trees in center of pond, and a more rural and small village approach. (10:08 a.m.) Phil Ham, 903 San Remo Road, stated he was disappointed, and would like it to be rural and they needed a hip roof. Discussion followed on questions and comments from the visioning committee, process elimination, orientation of building and parking, walls, institutional look, grant time frame, more design meetings, satisfying the

visioning group, and cost of changes. (10:22 a.m.) Jacalone said he would be the conduit of anybody who was interested in the appearance of the Southeast Library, as the contact person, and would get with Staff. *It was the consensus of the Board that a community meeting will be scheduled with Staff, the architect, Jacalone and the visioning group for input.*

The meeting recessed at 10:29 a.m. and reconvened at 10:37 a.m.

(10/02/01 - 4 - 10:37 a.m.)

3. CONSIDER A PROPOSAL FROM A1A TV/TV22 TO BROADCAST THE BOARD OF COUNTY COMMISSIONERS MEETING AT A COST OF \$25,000 PER YEAR, FOR A TWO-YEAR PERIOD

Joe Vonasek, Director of Management and Budget, addressed the Board, with this proposal. Discussion was held about certified viewer survey, things coming before the Board without going through the budget process, paying for broadcast, becoming a sponsor, franchisers required by law to carry government channel, informative programs. (11:02 a.m.) Bob Peterson, A1A TV, Channel 22, spoke to the Board and answered questions. Vonasek made points of clarification. (11:13 a.m.) Lisa Franklin, 317 Orchis Road, spoke in favor of Channel 22. (11:14 a.m.) Greg Bailey, 3505 US 1 South, spoke in favor of the issue. (11:16 a.m.) Carol Wright, 2901 Del Rio Dr., stated there was no cable in Flagler Estates, and was in favor of this. (11:17 a.m.) *Motion by Reardon to bring back a modified contract, to direct the County Administrator or his designee to negotiate an agreement for the live broadcast of BCC meetings over TV 22, and for them to address any concerns heard today; motion died for lack of a second. It was the consensus of the Board to take no action.*

(10/02/01 - 4 - 11:24 a.m.)

4. CONSIDER A TRANSFER OF FUNDS FROM INSURANCE RESERVES

This item was pulled by Adams to be rescheduled to another meeting.

(10/02/01 - 4 - 11:24 a.m.)

5. CONSIDERATION OF PAYMENT FOR THE STUDY OF A1A AND SOLANA ROAD INTERSECTION IMPROVEMENTS

Dan Bosanko made the presentation of this issue. **Motion by Reardon, seconded by Jacalone, carried 4/1 with Kohnke dissenting, to adopt Resolution No. 2001-195.**

RESOLUTION NO. 2001-195

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING A PUBLIC COUNTY PURPOSE AND BENEFIT ATTRIBUTABLE TO A CERTAIN TRAFFIC STUDY SUBMITTED TO THE COUNTY IN ITS DELIBERATIONS CONCERNING ROAD IMPROVEMENTS AND FURTHER DIRECTING THAT UPON COMPLETION OF CERTAIN REQUIREMENTS THE PRODUCER OF THE REPORT BE REIMBURSED FOR ITS COST TO THE PRODUCTION IN AN AMOUNT NOT TO EXCEED \$3,000.00

(10/02/01 - 4 - 11:33 a.m.)

6. CONSIDER AN APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Patsy Heiss, Assistant to the Administrator, made presentation of this appointment to the Board. **Motion by Reardon, seconded by Bryant, carried 5/0, to appoint Judy**

Stevanovich to the Alternate General Public position on the Code Enforcement Board for a one-year term, scheduled to expire October 2, 2002.

(10/02/01 - 5 - 11:34 a.m.)

7. CONSIDER APPOINTMENTS TO THE LIBRARY ADVISORY BOARD

Heiss presented the proposed appointments. **Motion by Meiszer, seconded by Reardon, carried 5/0, to reappoint David Spiller to the District 4 position on the Library Advisory Board for a four-year term, scheduled to expire October 2, 2006; and, to reappoint Kenney Withers to the At Large position on the Library Advisory Board for a four-year term, scheduled to expire October 2, 2005.**

(10/02/01 - 5 - 11:35 a.m.)

8. CONSIDER AN APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMITTEE

Heiss made presentation of the appointments. **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Frederic Owen to the District 4 position on the Economic Development Committee to complete a term scheduled to expire June 22, 2003.**

(10/02/01 - 5 - 11:35 a.m.)

9. CONSIDER APPOINTMENTS TO THE HEALTH AND HUMAN SERVICES ADVISORY COUNCIL

Heiss asked the Board to consider these appointments. **Motion by Bryant, seconded by Kohnke, carried 5/0, to reappoint Reuben Plant to the Health Professional position on the Health & Human Services Advisory Council for a four-year term, scheduled to expire October 2, 2005; and, to reappoint Billy Ross to the At Large position on the Health & Human Services Advisory Council for a four-year term, scheduled to expire October 31, 2005. Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Nancy Ellington to the At Large Position on the Health & Human Services Advisory Council to complete a term scheduled to expire October 17, 2004.**

(10/02/01 - 5 - 11:38 a.m.)

COMMISSIONERS REPORTS

Commissioner Meiszer:

Meiszer announced his appointment to the National Association of Counties Steering Committee on Finance and Intergovernmental Relations.

Commissioner Bryant:

(11:39 a.m.) Bryant spoke on meetings on Primary Care Center, Flagler West Complex, Specialist, Hastings Clinic, and Access to Medical Facilities after hours.

Commissioner Reardon:

No report.

Commissioner Kohnke:

No report.

Commissioner Jacalone:

(11:41 a.m.) Jacalone mentioned architectural review committee hearings and attendance problems.

(10/02/01 - 6 - 11:45 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the joint BCC/ Airport Authority meeting on October 10. He reminded the Board of the joint BCC/School Board October 18 meeting at the School Board offices. *It was Board consensus to cancel the November 20, 2001 meeting; the December 25, 2001 meeting, and the January 1, 2002 meeting.*

(10/02/01 - 6 - 11:47 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko spoke on Nocatee mediation, and the redistricting meeting would be on October 16 rather than October 9.

(10/02/01 - 6 - 11:49 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:49 a.m. and reconvened at 1:32 p.m. with Jacalone, Bryant, Meiszer, Kohnke, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Reardon was not yet present at the meeting.

(10/02/01 - 6 - 1:32 p.m.)

1. PUBLIC HEARING - NZVAR - 01-0019 HIERS FAMILY. THE APPLICANT, EDWARD M. HIERS, IS REQUESTING A NON-ZONING VARIANCE TO SECTION 5.01.01.C.1 (PLATTING) AND 6.04.07 (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE. THE APPLICANT WISHES TO DIVIDE A 7.8 ACRE PARCEL OF PROPERTY ON FAVER DYKES ROAD INTO 3 PARCELS AS SHOWN ON THE ATTACHED SURVEY. ACCESS IS PROPOSED VIA A 30' EASEMENT ALONG THE NORTHERN SIDE OF THE 3 PROPOSED PARCELS - SECTION 6.04.07 OF THE LAND DEVELOPMENT CODE REQUIRES THAT ACCESS TO MORE THAN 2 RESIDENTIAL UNITS BE PROVIDED VIA A 60' RIGHT-OF-WAY WITH A PAVED ROAD THAT MEETS THE TECHNICAL STANDARDS OF THE CODE. SINCE THIS REQUEST DOES NOT COMPLY WITH THE LAND DEVELOPMENT CODE, STAFF CANNOT SUPPORT THIS NON-ZONING VARIANCE.

Proof of publication of notice of public hearing on NZVAR 01-0019 Faver Dykes Road, was received having been published in The St. Augustine Record on September 20, 2001.

Darrell Locklear, Development Review Engineering Manager, using visual display, stated that the applicant is requesting a non-zoning variance to section 5.01.01.C.1 and 6.04.07 of the Land Development Code and since this request does not comply with the Land Development Code, Staff cannot support this non-zoning variance. Discussion followed on the surrounding property, and access being provided for emergency vehicles. (1:36 p.m.) Reardon entered the meeting. Meiszer questioned how many people objected to this item. Locklear responded there were five in favor of this item and one opposed. Bryant disclosed having ex-parte in the form of a letter opposing it, with drainage being the main issue. Jacalone disclosed having ex-parte communication with Mr. Hiers Senior and Junior

discussing the request and what they intended to do with the property. Reardon disclosed having ex-parte communication with someone and received a letter from someone opposing this item with the general concern being the drainage issue. Kohnke questioned if the road would have to be stabilized, if this is granted today. Locklear answered yes. Kohnke spoke on the wetlands and people being worried about the drainage problems.

(1:39 p.m.) Edward Hiers, 245 Indian Bend, explained the land, using visual display and how it was being divided. Discussion followed on the park in the area.

(1:41 p.m.) Bill McIntosh, 877 Faver Dykes Road, mentioned that he would like to see it stay in its natural state and that he was in favor of the variance. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve NZVAR 2001-0019 based upon the evidence provided for all of the Five Findings of Fact.**

The meeting moved to item 12.

(10/02/01 - 7 - 2:29 p.m.)

2. PUBLIC HEARING - PNZ-VAR - 01-005 - VILANO 19 LOTS. THIS ITEM WAS CONTINUED FROM THE 9/25/01 COMMISSION MEETING. THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.04.10 (SPECIAL EXCEPTION) AND 6.04.07 (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE TO ALLOW THE USE OF SWALED ROADWAY CROSS SECTION INSTEAD OF CURB AND GUTTER IN THE PUBLIC RIGHT-OF-WAY. THE APPLICANT WISHED TO OPEN APPROXIMATELY 300 LINEAR FEET OF SEVENTEENTH STREET (A 60' PUBLIC RIGHT-OF-WAY) IN THE NORTH BEACH SUBDIVISION FROM OAK STREET EASTWARD. OAK STREET IS A COUNTY MAINTAINED PAVED ROAD. OPENING SEVENTEENTH STREET WILL PROVIDE ACCESS TO 14 PLATTED LOTS. ALL OF THE EXISTING STREETS WITHIN THE NORTH BEACH SUBDIVISION, INCLUDING THE STREET IMMEDIATELY ADJACENT TO SEVENTEENTH STREET, ARE FUNCTIONING, SWALED SYSTEMS. HOWEVER, THE LAND DEVELOPMENT CODE DOES NOT ALLOW FOR SWALED DRAINAGE IN PUBLIC RIGHT-OF-WAYS. THEREFORE STAFF CANNOT RECOMMEND APPROVAL OF THIS NON-ZONING VARIANCE.

Proof of publication of notice of public hearing on proposed non-zoning variance PNZ-VAR 01-005 Vilano 19 Lots, was received having been published in The St. Augustine Record on September 28, 2001.

Locklear reviewed this item, using visual display, stating that the applicant is requesting a non-zoning variance to Section 6.04.10 and 6.04.07 of the Land Development Code to allow the use of a swaled roadway cross section instead of curb and gutter in a public right-of-way and that Staff cannot recommend approval of this non-zoning variance. He reviewed the basis in the Land Development Code for not allowing the swales in the LDRs.

(2:32 p.m.) Joe Stephenson, Public Works Director, showed some slides on a swale ditch drainage system that was recently installed in the Vilano Oakes Subdivision. (2:35 p.m.) Jacalone returned to the meeting. Stephenson showed slides all around the neighborhood, and spoke on if the developer is going to be required to put in curb and gutter drainage, what has been built out there being a County drainage system and what is not, water runoff retention, and permit requirements. Discussion followed on if approved, who enforces fixing drainage, who makes the decision on the retention pond, and two options for retaining and treating the water. Stephenson gave an overview of residents' concerns, reviewed the ditch using visual display, displayed a sketch plan on the flowing of the water, and stated that there are three issues; money, Water Management only permitting

so much, and a permitting issue. Jacalone stated that what they wanted to do was to address the drainage problems in the area and solve them.

(3:04 p.m.) Eileen Adams, 410 Boating Club Road, expressed needing some kind of retention.

(3:05 p.m.) Xavier Pellicer, speaking on behalf of Gary McCumber, the applicant, stated that this project will not adversely affect the drainage in this area and no more stormwater runoff will be allowed to leave the site than what is already existing.

(3:12 p.m.) Tom Phillips, 308 17th Street, spoke on having a retention pond.

(3:13 p.m.) Phillip Milliken, 215 16th Street, spoke on having drainage problems and how they could be corrected.

(3:16 p.m.) Charles Holthoff, 409 17th Street, agreed with Stephenson that the swale project should be completed.

(3:18 p.m.) Discussion followed on having a form of retention with curb and gutter and underground drainage and using swales. **Motion by Kohnke, seconded by Jacalone, carried 4/1 with Reardon opposing, to approve PNZVAR 2001-005 based upon the evidence provided for all of the Five Findings of Fact.**

The meeting recessed at 3:20 p.m. and reconvened at 3:31 p.m.

The meeting moved to item #13.

(10/02/01 - 8 - 1:42 p.m.)

3. PUBLIC HEARING - REZ-2001-11 - PACETTI SUBDIVISION. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 21 PLATTED LOTS LOCATED ON THE WEST SIDE OF SR A1A, ON THE NORTHEASTERLY CORNER OF BOATING CLUB ROAD AND OAK STREET IN VILANO BEACH FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO RESIDENTIAL-SINGLE FAMILY (RS-3). THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE RESIDENTIAL C-COASTAL DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO RESIDENTIAL SINGLE FAMILY (RS-3) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. PROJECT IS EXEMPT FROM CONCURRENCY PURSUANT TO SECTION 11.08.04 OF THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY UNANIMOUS VOTE AT THEIR SEPTEMBER 6, 2001 MEETING. THE PLANNING DIVISION HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING.

Proof of publication of notice of public hearing on Pacetti Subdivision REZ-2001-11, was received having been published in The St. Augustine Record on September 17, 2001.

Teresa Bishop, AICP, Planning Director, reviewed this item and stated that Staff finds this request consistent with the Comprehensive Plan and the Land Development Code and has no objection to approval. Discussion followed on subdividing the lot and meeting zoning requirements.

(1:48 p.m.) Gary McCumber, 244 Gulf Circle, Ponte Vedra Beach, applicant, gave his credentials and spoke on rezoning the property. Discussion followed on the size of the lots, the difference between RS3 and RG2, the existing plat being utilized, and drainage.

(1:58 p.m.) Tom Phillips, 308 17th Street, spoke in opposition because of the drainage problems.

(1:58 p.m.) Tammy Milliken, 215 16th Street, voiced concern on item 11 and 12 being tied very closely together and on the size of the lots.

(2:01 p.m.) Eileen Adams, 410 Boating Club Road, voiced concern on flooding in this area, and on restricting how much building can go in that one little area.

(2:03 p.m.) Phillip Milliken, 215 16th Street, stated that he was not against the development, that the density was wrong, there should be no less than 75 foot lots, and addressed drainage situations.

(2:06 p.m.) Terry Moore, 605 17th Street, voiced concern on health issues, drainage problems, and three letters he presented from neighbors in the area voicing concern on the health issue. (2:09 p.m.) Jacalone left the meeting. Moore asked the Board before doing anything to seriously consider the drainage problems. Motion by Kohnke to enact Ordinance 2001-57, adopting Findings of Fact to support the motion for rezoning. Motion died for lack of a second. Lopez stated that the lots are what they are and will remain what they are; non-conforming lots of record, they were not looking at a replat, and this was a straight rezoning. Bishop stated that this request is consistent with the Comprehensive Plan. Discussion followed on the different parcels, differences between RS3 and RG2, minimum lot size, the number of lots that the property owners were required to buy, and what can be built on the property. **Motion by Kohnke, seconded by Meiszer, carried 3/1 with Reardon opposing and Jacalone absent, to approve Ordinance No. 2001-57, adopting Findings of Fact 1, 2-it is consistent with the Comprehensive Plan and the Land Development Code, that these are non-conforming lots, and 4-to support the motion.**

ORDINANCE NO. 2001-57

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

The meeting returned to item #11.

(10/02/01 - 9 - 3:32 p.m.)

4. PUBLIC HEARING - PUD-2001-08 - RAVENSWOOD PLANNED UNIT DEVELOPMENT (PUD). THIS REQUEST SEEKS TO REZONE 47.41 ACRES FROM RESIDENTIAL MANUFACTURED/MOBILE HOME OR SINGLE FAMILY (RMH (S)) AND RESIDENTIAL-SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 136 SINGLE FAMILY AFFORDABLE HOUSING RESIDENTIAL UNITS WITH LOTS SIZES RANGING FROM 5,000 TO 6,000 SQUARE FEET, INCLUDING STANDARD BUILT AND MODULAR IN ACCORDANCE WITH THE LDC. THE PUD TEXT AS PRESENTED TO THE PZA ALSO ALLOWED FOR MANUFACTURED AND MOBILE HOMES. THESE TYPES OF DWELLINGS WERE REMOVED AT THE HEARING, BY THE REQUEST OF THE PZA AND AT THE AGREEMENT OF THE APPLICANT. THE PROJECT WILL BE ACCESSED FROM RAVENSWOOD DRIVE. THE PROJECT WILL BE CONSTRUCTED IN TWO PHASES, EACH PHASE COMPRISED OF FIVE (5) YEARS. THE PLANNING AND ZONING

AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE REQUEST AT THE SEPTEMBER 6, 2001 MEETING WITH THE REMOVAL OF MANUFACTURED AND MOBILE HOMES FROM THE ALLOWABLE SINGLE-FAMILY RESIDENTIAL DWELLING TYPES. THE PLANNING DIVISION HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING.

Proof of publication of notice of public hearing on PUD 2001-008 Ravenswood, was received having been published in The St. Augustine Record on September 17, 2001.

Bishop mentioned a typographical error in the new proposed ordinance that was corrected and distributed it. She reviewed this item, stating that this is a request to rezone 47.41 acres from Residential Manufactured Mobile Home or Single Family (RMH(S)) and Residential-Single Family (RS-3) to Planned Unit Development (PUD) to allow the development of up to 136 single family affordable housing residential units with lots sizes ranging from 5,000 to 6,000 square feet, including standard built and modular in accordance with the LDC. Originally this applicant proposed to allow mobile homes within the project and after much discussion with the Planning and Zoning Agency about this issue, that provision for mobile homes had been removed. Jacalone questioned the current zoning and land use designation allowing for 142 units to be constructed. Bishop replied that the current configuration of the lots is about 140 lots. Bishop spoke on the building consisting of stick houses and modular type homes. Karen Taylor, speaking on behalf of the applicant, spoke on the difference between modular homes and stick homes. She spoke on, using visual display, what the property was currently zoned, explained the lot area, spoke on providing sidewalks within the subdivision, and reviewed the general guidelines that they have to meet. (3:34 p.m.) Mike Griffin, Director of Development Review, spoke on what houses should be required to be built on. Discussion followed on placing the homes on a regular foundation instead of blocks, the difference between a modular home, a manufactured home, and a mobile home, and sidewalks and drainage ditches. (3:54 p.m.) Scott McCastal spoke on the ditches on Ravenswood Drive, the sidewalk requirement that they are seeking a variance from, and the right-of-way and property line. Taylor mentioned that this is an affordable housing project and they have been trying to look for ways to make it meet the criteria that they have to for affordable housing.

(4:00 p.m.) Diane Mills, 3455 Lewis Speedway, spoke on not being against the development in general, but have problems in that area, that need to be taken care of. She spoke on two letters that the Board of County Commissioners had received, dated September 18, 1991 and January 16, 1997 regarding drainage. Mills mentioned that she had a letter from Mr. Thomas in opposition. McCastal stated that there is an historic drainage problem in that area and the County is working on it.

(4:10 p.m.) John George, 446 Ravenswood Drive, stated that he was not against the subdivision, but asked to have the entrance to the subdivision moved about three lots to the west and not to put the driveway in front of his house.

(4:13 p.m.) Marilyn McMulkin, 1033 Hibiscus Street, spoke on flooding problems from 1996 to now and stated that she disapproved of the project until they could guarantee that she would not be flooded. Jacalone stated that Staff would investigate her problem.

(4:17 p.m.) Taylor, utilizing visual display of a map, explained the entrance to the project. Reardon spoke on the water retention on the site. (4:23 p.m.) Tom Crawford explained the affordable housing part of it. **Motion by Kohnke, seconded by Bryant, carried 4/1 with Jacalone opposing, to approve Ordinance No. 2001-58, known as the Ravenswood PUD, (PUD-2000-04), adopting Findings of Fact 1 through 6 to support the motion, with the stipulation that the modular homes will have slab or block foundation and the man living across the street will receive a fence or landscaping to block the lights from his house.**

ORDINANCE NO. 2001-58

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL MANUFACTURED/MOBILE HOME OR SINGLE FAMILY (RMHS) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(10/02/01 - 11 - 4:27 p.m.)

5. PUBLIC HEARING - PV APPEAL COL WALKER PALM VALLEY MARKET & DELI - APPEAL OF A DECISION BY THE PONTE VEDRA/ PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE. THE APPLICANT FIRST APPEARED BEFORE THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE ON MAY 9, 2001 AND WAS CONTINUED TO THE JUNE 13, 2001 MEETING TO ALLOW THE APPLICANT TO SUPPLY ADDITIONAL INFORMATION. THE APPLICANT PROPOSES A COMMERCIAL GROUND SIGN, 20 SQUARE FEET IN SIZE AND 16 FEET IN HEIGHT AND A COMMERCIAL WALL SIGN 24 SQUARE FEET IN SIZE FOR COL. WALKERS PALM VALLEY MARKET AND DELI LOCATED AT 2 SOUTH ROSCOE BOULEVARD. FURTHER, THE APPLICANT PROPOSED THESE SIGNS BE EXTERNALLY ILLUMINATED. THE ARCHITECTURAL REVIEW COMMITTEE DENIED THE REQUEST DUE TO THE LACK OF ADEQUATE INFORMATION AND FINDING THE REQUEST INCONSISTENT WITH SECTION 3.06.09 OF THE LAND DEVELOPMENT CODE AND POLICY A.1.3.7 OF THE COMPREHENSIVE PLAN.

Proof of publication of notice of public hearing on ARC 2001-01 Col. Walker, was received having been published in The St. Augustine Record on September 17, 2001.

Bishop reviewed this item. Kohnke questioned once the business changes, doesn't the sign have to change. Bishop replied that the sign was already in existence and they weren't changing any part of the sign, just the face of the sign to reflect a new business name. Discussion followed on if the sign on the building was illegal, and the colors of the sign.

(4:33 p.m.) Col. Robert F. Walker, 1104 Marsh Cove Court, Ponte Vedra, applicant, stated if he had known that he needed to get the colors approved, he would have. He also mentioned that he had offered to change the color to whatever they thought would be appropriate. (4:37 p.m.) Daniel Bosanko, Deputy Chief Attorney, entered the meeting and Lopez left the meeting.

(4:40 p.m.) Jerry McCoy, 24 Sea Trout Street, Ponte Vedra, spoke in favor of the signs and their colors. **Motion by Reardon, seconded by Jacalone, carried 4/1 with Kohnke opposed, to approve ARC Appeal 2001-01, known as the Col. Walkers Palm Valley Market and Deli appeal, adopting Findings of Fact 1 to support the motion.**

(10/02/01 - 11 - 4:45 p.m.)

6. PUBLIC HEARING - MAJOR MODIFICATION TO THE FAIRFIELD PLANNED UNIT DEVELOPMENT (PUD). THE SUBJECT PROPERTY IS LOCATED AT 220 VALLEY CIRCLE, PONTE VEDRA BEACH (WEST SIDE OF SR A1A NORTH, SOUTH OF COUNTY ROAD 210). THE APPLICANT APPEARED BEFORE THE

PLANNING AND ZONING AGENCY ON SEPTEMBER 6, 2001 FOR REVIEW AND RECOMMENDATION OF A MAJOR MODIFICATION TO THE FAIRFIELD PLANNED UNIT DEVELOPMENT (PUD) FOR AN ADDITIONAL VEHICULAR ACCESS POINT OFF OF PALM VALLEY ROAD (CR 210). THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL TO THE BOARD OF COUNTY COMMISSIONERS BY A VOTE OF 5-1 (LAMPE). IT IS STAFF'S POSITION THAT THIS PUD HAS SUFFICIENT ACCESS POINTS TO SERVE ALL COMMERCIAL ACTIVITIES AND USES WITHIN THE PUD. FURTHER, INTERNAL CIRCULATION WITHIN THIS DEVELOPED COMMERCIAL AREA IS SOMEWHAT PROBLEMATIC, AS IT CURRENTLY EXISTS. IT IS STAFF'S POSITION THAT AN ADDITIONAL ACCESS IS LIKELY TO FURTHER IMPEDE SMOOTH INTERNAL TRAFFIC FLOW. IN ORDER TO BE APPROVED, THE APPLICANT MUST CLEARLY DEMONSTRATE HOW AN ADDITIONAL ACCESS TO SERVE ONE BUSINESS WILL CONTRIBUTE TO UNIFIED, SMOOTH TRAFFIC FLOW, CONTROLLED AND SAFE TURNING MOVEMENTS, AND GENERALLY NOT FURTHER CONTRIBUTE TO INTERNAL AND EXTERNAL ACCESS PROBLEMS WITHIN THIS PUD. BASED ON INFORMATION PROVIDED, STAFF CANNOT FIND THAT THE REQUESTED ADDITIONAL ACCESS COMPLIES WITH APPLICABLE PROVISIONS OF ARTICLE 5.03 OF THE LAND DEVELOPMENT CODE.

Proof of publication of notice of public hearing on MAJMOD 2001-01 Fairfield PUD, was received having been published in The St. Augustine Record on September 17, 2001.

Cathy Upchurch, Court Reporter, was present. Bishop distributed a fax she had received this morning. She reviewed this item, using visual display, stating that this is a request for a major modification to add a vehicular access onto CR 210 to access the Goodwill Industries which is located within the Fairfield PUD. Staff does not support this request. Jacalone mentioned receiving a letter from the applicant regarding being allowed to build a driveway. Bishop explained what a right-of-way permit was. Meiszer disclosed ex-parte communication regarding meeting with the applicant to discuss the project relaying, if a possibility of a traffic safety hazard could be removed or minimized, and if the traffic was restricted to right hand turns only. Bryant disclosed having ex-parte communication with Waldron and Taylor being similar to Meiszer's discussion. Kohnke disclosed having ex-parte communication with Karen Taylor, telling her that she would not meet with her. Jacalone disclosed having ex-parte communication with the president of the Goodwill Industries, Taylor and Waldron.

(4:56 p.m.) Tracy Consedine, 4395 Lenoir Avenue, Jacksonville, representing Goodwill Industries, distributed a stack of documents and exhibits and explained what they were asking for. He asked the County Attorney to swear in their witnesses. Bosanko swore in three witnesses; Karen Taylor, Bob Thayer, and Tony Mahfoud. (5:01 p.m.) Bob Thayer spoke on Goodwill Industries' history and explained the reason for their relocation. He stated that this was a drop off center only and they do not sell there. (5:09 p.m.) Karen Taylor, 3070 Harbor Drive, using visual display, reviewed the Land Development Code and what it referenced to and spoke on access points. (5:23 p.m.) Antonio Mahfoud, Engineer, spoke on the traffic in the area in regards to the driveway. Consedine gave closing comments.

(5:29 p.m.) George Meyer, 103 Harbour Island Court, Ponte Vedra Beach, spoke in opposition of this item and recommended denial of this request.

(5:33 p.m.) Bill Tunstall, 115 Glen Cove Place, spoke in opposition of this item and stated that it is a safety issue.

(5:35 p.m.) Daniel MacDonald, 24501 Deer Trace Drive, read into the record a letter from Marie Seifert in opposition, and gave his remarks in opposition of this item. Reardon stated that he cannot support this request because he is concerned about the safety issues. Meiszer questioned if tenants in commercial facilities can request modifications. Bishop replied that tenants can as long as the property owner has authorized it to occur. Bosanko gave a couple of technical points; Olson Tire should be considered independently of this case and the Board may want to have Bishop's Transportation person to clarify their position on this. He mentioned to give the applicant a chance to rebutt. Meiszer questioned if this is denied, does the driveway get removed. Bosanko replied that the Department has a bond to insure removal. Meiszer questioned how the applicant got a permit to put the driveway in and to post a bond without getting the proper amendment to the PUD. Bishop explained what occurred. Kevin Feldt, Transportation Manager, stated that the safety issue is on CR 210, Palm Valley Road itself, the fact that the new entrance would significantly reduce the current decel lane for the existing access point is of major concern to the Staff, and the additional left turns that would be stopping onto CR 210 to make a left turn into the site would not be very safe. Bryant questioned why the Fairfield PUD would not be consistent with the goals, policies, and objectives of the 2015 St. Johns County Comprehensive Plan. Bishop stated that the Staff is of the opinion that it does not comply with portions of the St. Johns County Comprehensive Plan due to the fact that this is a PUD and PUDs are limited in unified type developments. Bryant also questioned why the Fairfield PUD would not be consistent with Part 5.03.00 of the St. Johns County Land Development Code, specifically Section 5.03.06. Bishop responded that they do not feel like this project is providing a smooth traffic flow on CR 210. Feldt spoke on the decel lane. Jacalone questioned reconfiguring the intersection to allow for a longer decel lane. Feldt replied that the access point would have to be moved to the other side and Staff stated it is not a workable solution. Bosanko mentioned that Bishop made him aware that they may not have the proper owners authorization. He requested a recess to talk to the applicant.

The meeting recessed at 6:06 p.m. and reconvened at 6:13 p.m.

Bosanko stated that Bishop did find the proper authorization sheet. Consedine spoke on the decel lane and stated that one can't base a decision upon the fact that people might violate the law. Jacalone entered the following statement into the record; that the right-of-way permit that the County issued did not say anything about the requirement to comply with all other County requirements and all authorized work shall be completed in accordance with this approved application, the provision of the St. Johns County Roadway and Drainage Standards Ordinance No. 96-40, County Water and Wastewater Design Standard and Specifications Resolution No. 92-189 with provisions and requirements of all other Federal, State and Local Agencies having jurisdiction over the project. **Motion by Reardon, seconded by Kohnke, carried 5/0, to deny MAJMOD-2001-01, known as the Major Modification to the Fairfield Planned Unit Development (PUD), adopting Findings of Fact 1 through 5 to support the motion.**

Motion by Kohnke, seconded by Reardon, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:18 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #309258 through 309543 (09/25/01)

CORRESPONDENCE:

1. Letter dated September 13, 2001, to Every and All Clerks of Circuit Court regarding Certificate of Public Convenience and Necessity

2. Letter dated September 27, 2001, to Brian Teeple, Director NEFRC regarding a certified copy of Resolution No. 01-177
3. Letter dated September 27, 2001, to Laura Cooper, Clerk, St. Johns County School Board, regarding the original Interlocal Agreement between St. Johns County and the School Board on the renovation of the Ketterlinus Gymnasium Building
4. Letter dated September 27, 2001, to Laura Cooper, Clerk, St. Johns County School Board, regarding certified copies of the St. Johns County Board of County Commissioners and School Board minutes of the joint special meetings for June 28, 2001 and July 9, 2001 regarding Redistricting
5. Letter dated September 27, 2001, to Liz Cloud, Chief of Bureau of Administrative Code, regarding filing St. Johns County Ordinance Number 2001-56
6. Letter dated September 27, 2001, to Liz Cloud, Chief of Bureau of Administrative Code, regarding filing St. Johns County Ordinance Numbers 2001-54 and 2001-55

Approved _____ October 23 _____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk