

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
May 14, 2002  
(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: James E. Bryant, District 5, Chair  
Nicholas Meiszer, District 1, Vice Chair  
John Reardon, District 2  
Marc Jacalone, District 3  
Mary Kohnke, District 4  
Ben W. Adams, Jr., County Administrator  
Isabelle Lopez, Assistant County Attorney  
Yvonne King, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; and Allen MacDonald, County Finance Director

(05/14/02 - 1 - 9:13 a.m.)

Chair Bryant called the meeting to order.

(05/14/02 - 1 - 9:13 a.m.)

Bryant gave the Invocation. Meiszer led the Pledge of Allegiance.

(05/14/02 - 1 - 9:14 a.m.)

Bryant announced that all Commissioners were present.

(05/14/02 - 1 - 9:14 a.m.)

PUBLIC COMMENTS

Bill Cotton, 8650 Hastings Blvd., Hastings, informed the Board that the Institute of Food and Agricultural Sciences (IFAS) of the University of Florida is scheduled to close the Hastings AREC as of June 30, 2002 and locate its facility elsewhere. Cotton distributed a copy of a resolution that was adopted by the Board of Directors of the North Florida Growers Exchange. The resolution strongly recommends that the Board of County Commissioners encourage the Cooperative Extension Service of IFAS to support a position in vegetable crop production, staffed by a person having vegetable crop production and educational experience, who can and will conduct education programs across county lines in Flagler, Putnam, and St. Johns counties. Discussion followed regarding the need for extension services. (9:26 a.m.) Helen Tobey, 205 E. Lattin Street, Hastings, informed the Board of the quick response from the Road & Bridge Department to a safety issue at the corner of Lattin and Main Street in Hastings.

(05/14/02 - 1 - 9:29 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(05/14/02 - 2 - 9:30 a.m.)

APPROVAL OF CONSENT AGENDA

**Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Consent Agenda, as follows:**

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:  
Approve: George Dandelake III  
Cancel: Kimberly A. Hersey  
Cancel: Harry W. Grage, Jr.  
Cancel: Francis P. Houle  
Cancel: Michelle R. Jewell
3. Motion to confirm the appointment of Robert V. Hall, Jr., as Fire Chief, as required by County Ordinance 96-70, Section K
4. Motion to adopt **Resolution No. 2002-82** approving an exchange of real property pursuant to Section 125.37, Florida Statutes, to facilitate the construction and provide the required right-of-way for the Holmes Boulevard Extension

**RESOLUTION NO. 2002-82**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO FACILITATE THE CONSTRUCTION AND PROVIDE THE REQUIRED RIGHT-OF-WAY FOR THE HOLMES BOULEVARD EXTENSION**

5. Motion to adopt **Resolution No. 2002-83** approving the terms of a Purchase and Sale Agreement for the acquisition of property for the construction of the Holmes Boulevard Extension

**RESOLUTION NO. 2002-83**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE HOLMES BOULEVARD EXTENSION**

6. Motion to adopt **Resolution No. 2002-84** authorizing the Clerk of Courts to file the survey map of Riverdale Park claiming a vested right by St. Johns County in the right-of-way

**RESOLUTION NO. 2002-84**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF RIVERDALE PARK CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE PARK DESCRIBED IN THIS SURVEY**

**BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE  
LAW DOWNING VS. BIRD AND CITY OF HOMESTEAD  
100 SO. 2d 57 (FLA. DIST. CT. APP.-1958)**

7. Motion to adopt **Resolution No. 2002-85** authorizing the Clerk of Courts to file survey map of Deer Run Road claiming a vested right by St. Johns County in the right-of-way

**RESOLUTION NO. 2002-85**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF DEER RUN ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW BERGER VS. CITY OF CORAL GABLES 101 SO. 2d 396 (FLA. DIST. CT. APP.-3d DIST. 1958)**

8. Motion to adopt **Resolution No. 2002-86** approving a Final Plat for St. Johns Golf & Country Club, Unit Three Phase One

**RESOLUTION NO. 2002-86**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF & COUNTRY CLUB UNIT THREE PHASE ONE**

9. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 02-67, Construction of a Subaqueous 14-inch Force Main Crossing of the Matanzas River, with UTILX Corporation in the amount of \$1,999,985.00 (*See Exhibit "A"*)
10. Motion to approve the disposal of 152 cubic feet of County Finance Records in accordance with Florida Statutes
11. Proofs:
- a. Proof, Notice of Final Hearing, Application for Extension of Service Territory by Intercoastal Utilities Inc., May 7, 2002
  - b. Proof, Notice of Hearing, Investigation of Possible Overearnings of Intercoastal, Inc., May 8, 9, 10, 11, 2002
  - c. Proof, Notice of Meeting Cancellation, St. Johns County Water & Sewer Authority, May 1, 2002
  - d. Proof, Notice of Public Hearing, Investigation of Possible Overearnings of Intercoastal, Inc., May 8, 9, 10, 11, 2002
  - e. Proof, Notice to Bidders, Bid No. 02-83
  - f. Proof, Notice to Bidders, Bid No. 02-86
  - g. Proof, Notice to Bidders, Bid No. 02-91
  - h. Proof, Notice to Bidders, Bid No. 02-77
  - i. Proof, Certificate of Liability Insurance, Florida Ground Works, Inc.
  - j. Proof, Certificate of Liability Insurance, Meadors Construction Company, Inc.
  - k. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC.
  - l. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC.

m. Proof, Certificate of Liability Insurance, Shapell's, Inc.

(05/14/02 - 4 - 9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add Item A; a letter of support regarding the lighthouse acquisition. Adams requested to add Item B; introduction of the new fire chief.

(05/14/02 - 4 - 9:32 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/14/02 - 4 - 9:32 a.m.)

A. LETTER OF SUPPORT REGARDING THE LIGHTHOUSE ACQUISITION

**Motion by Reardon, seconded by Bryant, carried 5/0, to approve the letter to Kathy Fleming in regards to support of the lighthouse acquisition.**

(05/14/02 - 4 - 9:33 a.m.)

B. INTRODUCTION OF THE NEW FIRE CHIEF

Adams introduced the new fire chief, Robert V. Hall, Jr. The Commissioners commented on the services Hall has provided in the Fire Rescue Department as Interim Fire Rescue Chief. Hall responded to the accolades of the Board; then, introduced some of his staff.

(05/14/02 - 4 - 9:42 a.m.)

1. PRESENTATION ON THE STATUS OF THE SR A1A PROJECT DEVELOPMENT AND ENVIRONMENTAL STUDY

Jim Parks, Environmental Management Office, Florida Department of Transportation, explained the State Road A1A Mickler Road to CR 210 4-lane project. Parks announced the public hearing set for June 6, 2002 from 5:00 p.m. to 7:00 p.m. at Palm Valley/Ponte Vedra Elementary School. Parks then entertained questions from the Board. (9:48 a.m.) Jewel Glen, Environmental Management Office, FDOT, informed the Board that prior to the public meetings, they would meet with the County Commission on May 21, 2002.

(05/14/02 - 4 - 9:52 a.m.)

2. REVIEW OF THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL (HHS) FUNDING RECOMMENDATIONS FOR FY 2002-2003

Gloria Benischeck, Community Services Manager, was present. (9:54 a.m.) Ellen Walden, Chair of the HHS, reviewed the responsibility of the HHS; then, informed the Board that they have experienced a significant increase in funding requests from the independent agencies. (9:58 a.m.) Dr. Max Wilson, Member of the HHS, identified and communicated the community's health and human services needs in the county. (10:30 a.m.) Francis Neelands, Vice Chair of the HHS, reviewed the individual funding requests to the HHS for fiscal year 2002-2003.

The meeting recessed at 10:43 a.m. and reconvened at 10:51 a.m.

(10:52 a.m.) Tom Patania, 7007 Beach Blvd., Jacksonville, requested the Board approve the funding for the Youth Crisis Center. (10:55 a.m.) Debbie Adams, 240 Bluebird Lane,

addressed the funding for the Kids Bridge program. (10:56 a.m.) Tara Regan, 229 Golden Oaks Lane, addressed the need for a visitation center. (11:04 a.m.) Holly Sheppard, 29 Seminole Drive, addressed the need for the visitation center. (11:10 a.m.) Cathy Brown, 20 Sevilla Street, Director of the Council on Aging, addressed the services provided by the HHS. (11:15 a.m.) Alex Farrimond, 101 Coquina Avenue, expressed her support for Kids Bridge and projects of the Junior Service League. (11:16 a.m.) Stephanie Enfante, 11 Beach Street, expressed her support for Kids Bridge and the Junior Service League. (11:16 a.m.) Cheryl O'Steen, 202 Azalea Court, expressed her support for Kids Bridge. (11:17 a.m.) Lauren Abell, 346 Graciella Circle, urged the Board to support Kids Bridge. (11:17 a.m.) Lynn Straughan, 504 Salt Wind Court, expressed her support for Kids Bridge. (11:19 a.m.) Helen Tobey, 205 E. Lattin Street, Hastings, addressed the services provided by the HHS. (11:25 a.m.) Beth Hughes, 1375 Arapaho Street, addressed the funding requested by the Betty Griffin House.

(05/14/02 - 5 - 11:31 a.m.)

3. CONSIDER REQUEST FOR PROPOSALS 02-49, AGREEMENT FOR THE CONSTRUCTION, OPERATION AND MANAGEMENT OF A FACILITY AT THE VILANO BOAT BASIN

Dan Weimer, Director of Parks & Recreation, reviewed the Vilano Boat Basin project. Discussion followed regarding parking, the size of the building, and the full-service restaurant. (11:49 a.m.) Gary Howell, 2201 SR 16, commented on the proposed facility at the Vilano Boat Basin. (11:54 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm E.J. LeDuc, Inc.**

(05/14/02 - 5 - 11:54 a.m.)

4. CONSIDER CONSTRUCTION OF INTERSECTION IMPROVEMENTS AND A TRAFFIC SIGNAL ON U.S. 1 AT LEWIS SPEEDWAY (Advance/Reimbursement Joint Participation Agreement)

Joe Stephenson, Director of Public Works, explained the intersection improvements. (11:56 a.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-87 to enter into an agreement with the Florida Department of Transportation for advance/reimbursement joint participation for the improvements and signalization of U.S. 1 and Lewis Speedway Road.**

#### RESOLUTION NO. 2002-87

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, TO CONSIDER ENTERING INTO A JOINT REIMBURSEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT INTERSECTION IMPROVEMENTS AND A TRAFFIC SIGNAL ON U.S. 1 AT LEWIS SPEEDWAY ROAD**

(05/14/02 - 6 - 11:56 a.m.)

5. DISCUSSION OF THE BACKGROUND AND STATUS OF ST. JOHNS COUNTY'S EXISTING AND PROPOSED MUNICIPAL SERVICE BENEFIT UNITS (MSBU)

**Motion by Kohnke, seconded by Jacalone, to continue this agenda item to the afternoon session of the meeting to be the first item discussed at 1:30 p.m. (See page 7.)**

(05/14/02 - 6 - 11:56 a.m.)

6. CONSIDER A RESOLUTION CLARIFYING THE PURPOSE AND MISSION OF THE ST. JOHNS COUNTY CHILDREN'S COMMISSION

*This agenda item was continued to a later date because the presenter had a family emergency.*

(05/14/02 - 6 - 11:56 a.m.)

7. CONSIDER APPOINTMENTS TO THE CHILDREN'S COMMISSION

*This agenda item was continued to a later date because the presenter had a family emergency.*

(05/14/02 - 6 - 11:57 a.m.)

8. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD

**Motion by Reardon, seconded by Meiszer, failed 2/3 with Jacalone, Bryant, and Kohnke dissenting, to appoint David Jezek to the District 2 representative position on the Recreation Advisory Board to complete a term scheduled to expire June 11, 2003. (11:59 a.m.) Motion by Jacalone, seconded by Kohnke, carried 3/2 with Meiszer and Reardon dissenting, to appoint Pal Howell, to the District 2 representative position on the Recreation Advisory Board to complete a term scheduled to expire June 11, 2003.**

(05/14/02 - 6 - 11:59 a.m.)

COMMISSIONERS' REPORTS

Commissioner Jacalone:

No report.

(11:59 a.m.)

Commissioner Meiszer:

No report.

(12:00 p.m.)

Commissioner Kohnke:

Kohnke informed that she distributed a list of projects currently under construction for the Duval area. She said she would provide regular updates.

Kohnke informed the Board that the Recreation Department is developing a committee to develop an ordinance that will govern certain behaviors in the parks.

Kohnke announced the Davis Park grand opening scheduled for May 19, 2002 at 1:00 p.m. A passport will be introduced at the grand opening. It is a passport to the parks of St. Johns County. It will be in effect from May 19<sup>th</sup> to June 14<sup>th</sup>. Once a child visits all parks in the County, they will have a chance at winning the following: a parent-child

round of golf at the St. Johns County Golf Course at First Tee, a dinner for two at a local restaurant, and a round of golf for two at Marsh Creek.

Kohnke said there is a group in Ponte Vedra who has come together with a plan for the land behind the expanded library.

(12:06 a.m.)

Commissioner Reardon:

Reardon addressed the promotional program regarding the passports for the St. Johns County parks.

(12:09 p.m.)

Commissioner Bryant:

Bryant announced that the renourishment of the St. Augustine Beach would begin on Wednesday, May 15, 2002.

Bryant relayed a request of the Sheriff for a budget amendment. Bryant forwarded the request to the County Administrator.

(05/14/02 - 7 - 12:10 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams informed the Board that the Office of Management & Budget has again been awarded the Distinguished Budget Presentation Award given by the Government Finance Officers Association.

(05/14/02 - 7 - 12:11 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(05/14/02 - 7 - 12:11 p.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 12:11 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Jacalone, Kohnke, Reardon, Adams, Lopez, Strickland, MacDonald, and Deputy Clerk Judy Hamilton in attendance.

(05/14/02 - 7 - 1:37 p.m.)

5. DISCUSSION OF THE BACKGROUND AND STATUS OF ST. JOHNS COUNTY'S EXISTING AND PROPOSED MUNICIPAL SERVICE BENEFIT UNITS (MSBU's)

Joe Stephenson, Public Works Director, presented this item to the Board for consideration and for subsequent direction to Staff. Visual display was utilized by Stephenson. Presentation was given on publicly-owned facilities and privately-owned facilities. Lopez gave an overview of the legal ramifications of MSBU's. Discussion ensued. MacDonald gave the financial perspective of MSBU's. Further discussion was held on MSBU's. **Motion by Meiszer, seconded by Kohnke, carried 5/0, to continue this item at a future workshop.**

(05/14/02 - 8 - 2:48 p.m.)

9. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE (NOPC) FOR CABALLOS DEL MAR (MARSH LANDING PUD). DRI 2001-04. THIS NOTICE OF PROPOSED CHANGE (NOPC) IS FOR THE MARSH LANDING PUD, PART OF THE CABALLOS DEL MAR DRI. THE APPLICANT PROPOSES TO ADD 82.2 ACRES DISTRIBUTED AMONGST 4 PARCELS; THESE 4 PARCELS WILL BE DIVIDED INTO 20 LOTS, ACCOUNTING FOR A MAXIMUM OF 40 UNITS, INCLUDING GUESTHOUSES. THE PRESENT APPROVED NUMBER OF SINGLE-FAMILY UNITS IS 1167; 910 HAVE BEEN BUILT AS OF THE END OF 2001. THERE WILL BE 2 ACCESS POINTS OFF OF MARSH LANDING PARKWAY AND SIX DRIVEWAY ACCESSSES ARE PLANNED TO SERVE FUTURE PARCELS. FLORIDA STATUTES, SECTION 380.06(19)(E) 2.F, STATES CHANGES TO A DRI THAT ADDS LAND IS CONSIDERED A SUBSTANTIAL DEVIATION TO THE DRI UNLESS REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPOSAL IS NOT A SUBSTANTIAL DEVIATION. THE APPLICANT HAS PROVIDED TO THE COUNTY, NEFRPC AND DCA THAT THIS REQUEST ONLY ADDS LAND WITHOUT ANY NEW OR ADDITIONAL UNITS BEING ADDED TO THE TOTAL ALREADY APPROVED FOR THE CABALLOS DEL MAR DRI, SO THERE IS NO ADDITIONAL IMPACT ABOVE WHAT HAS PREVIOUSLY BEEN REVIEWED AND APPROVED. THE NEFRPC AND DCA HAVE DETERMINED THAT THE REQUEST DOES NOT RESULT IN A SUBSTANTIAL DEVIATION. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS NOPC, AND A RECOMMENDATION FOR APPROVAL WAS MADE BY THE PZA ON APRIL 18, 2002 BY A VOTE OF 7-0.

Proof of publication for notice of public hearing on Notice of Proposed Change in the matter of File # NOPC 2001-04, Marsh Landing was received, having been published in *The St. Augustine Record* on April 29, 2002.

Strickland and MacDonald left the meeting at 2:48 p.m. Bryant stated Item #9 and Item #10 would be heard simultaneously. Lopez left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting. Joe Bornstein, Planner III, made a presentation to the Board, utilizing visual display. Kohnke disclosed ex-parte with people from Marsh Landing, whom she referred to Fletcher to answer their questions, and she had spoken with Fletcher regarding some of their misunderstandings. Discussion was held on the proposed change. Gary Davenport, representing the applicant, was in attendance. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-88, approving a Notice of Proposed Change to the Caballos del Mar DRI (Marsh Landing) Development Order, adopting Findings of Fact to support the motion.**

#### RESOLUTION NO. 2002-88

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE CABALLOS DEL MAR DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON JULY 8, 1975, AND AS PREVIOUSLY MODIFIED BY RESOLUTION 83-36 APPROVED APRIL 26, 1983; RESOLUTION 83-75 APPROVED JULY 26, 1983; RESOLUTION APPROVED MARCH 13, 1984; RESOLUTION 84-54 APPROVED MAY 22, 1984; RESOLUTION 84-146 APPROVED NOVEMBER 20, 1984; RESOLUTION 85-128



APPROVED SEPTEMBER 24, 1985; RESOLUTION 86-176  
APPROVED NOVEMBER 25, 1986; RESOLUTION 88-250  
APPROVED SEPTEMBER 13, 1988; RESOLUTION 94-210  
APPROVED NOVEMBER 8, 1994; RESOLUTION 96-223  
APPROVED NOVEMBER 26, 1996; AND RESOLUTION  
97-24 APPROVED FEBRUARY 11, 1997; FINDING THE  
MODIFICATION DOES NOT CONSTITUTE A  
SUBSTANTIAL DEVIATION; AND PROVIDING FOR  
AN EFFECTIVE DATE

(05/14/02 - 9 - 2:58 p.m.)

10. PUBLIC HEARING - PUD 2001-24 MARSH LANDING. THIS REQUEST SEEKS TO REZONE 82.2 ACRES OF THE PINECREST/SURFSIDE SUBDIVISION FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADD THE PROPERTY TO THE MARSH LANDING PUD, PART OF THE CABALLOS DEL MAR DRI. THE APPLICANT PROPOSES TO ADD 20 LOTS, WITH A MAXIMUM OF 40 UNITS, INCLUDING GUEST HOUSES. THERE WILL BE TWO (2) ACCESS POINTS OFF OF MARSH LANDING PARKWAY, WHICH WILL SERVE 15 LOTS. IT APPEARS THERE IS NO INCREASE TO PUBLIC FACILITIES AND SERVICES; THE PROJECT WILL REMAIN EXEMPT FROM CONCURRENCY. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL B. SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS FOR THE WAIVERS REQUESTED, THE REVIEW PROCESS AND APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 5.03, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS AND THEIR MODIFICATION. STAFF FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING, SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS APPLICATION AT THEIR MAY 2, 2002 MEETING WITH A 6-0 VOTE.

Proof of publication for notice of public hearing on Notice of Proposed Rezoning and Major Modification in the matter of File #PUD 2001-24, Marsh Landing was received, having been published in *The St. Augustine Record* on April 17, 2002.

Nicole Clayton, Planner II, answered questions from the Board on this item. (3:00 p.m.) Brief discussion was held. **Motion by Reardon, seconded by Kohnke, carried 4/1 with Meiszer dissenting, to enact Ordinance No. 2002-28, known as PUD 2001-24, Marsh Landing, and adopting Findings of Fact to support the motion, including the waivers.**

#### ORDINANCE NO. 2002-28

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PUD (PLANNED UNIT DEVELOPMENT) AND A MAJOR MODIFICATION TO THE MARSH LANDING

**PUD ORDINANCE NUMBER 75-15, AS AMENDED;  
PROVIDING FOR SPECIAL CONDITIONS;  
PROVIDING FINDINGS OF FACT; PROVIDING A  
SAVINGS CLAUSE; REQUIRING RECORDATION; AND  
PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 3:03 p.m. and reconvened at 3:06 p.m. Bryant advised that Item #11 and Item #12 would be opened and presented at the same time.

(05/14/02 - 10 - 3:06 p.m.)

11. PUBLIC HEARING - DEV AGREE 2001-01 - TW ACQUISITIONS INC. DEVELOPMENT & IMPACT FEE AGREEMENT FOR TAYLOR WOODROW/ST. JOHNS FOREST PLANNED UNIT DEVELOPMENT. THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD ON MAY 7, 2002. THE DEVELOPMENT AGREEMENT WAS AMENDED ON PAGE 10 AS REQUESTED BY DAN BOSANKO AT THE MAY 7, 2002 BCC MEETING. THE DEVELOPERS (T W ACQUISITIONS, INC.) OF THE ST. JOHNS FOREST PUD HAVE PROPOSED A DEVELOPMENT AGREEMENT WITH ST. JOHNS COUNTY. THE PROPOSED DEVELOPMENT AGREEMENT WILL SERVE AS THE DEVELOPERS' COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY ON LINK #35 (CR 210 FROM LEO MAGUIRE PARKWAY TO INTERSTATE 95) TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. A REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDITS IS INCLUDED IN THE AGREEMENT. COUNTY ROAD 210 IS CONSIDERED AN "OFF-SITE" ROADWAY AND IS CLASSIFIED AS A MAJOR COLLECTOR BY THE COUNTY, THUS THE COST OF THE IMPROVEMENTS TO CR 210 ARE ELIGIBLE FOR IMPACT FEE CREDITS. THE CONCURRENCY REVIEW COMMITTEE (CRC) REVIEWED THE PROPOSED AGREEMENT ON APRIL 10, 2002. THE CRC VOTED (3-0) TO SUPPORT THE PROPOSED AGREEMENT IN THAT THE PROPOSED IMPROVEMENT IS SUFFICIENT TO PROVIDE ADEQUATE CAPACITY ON CR 210 TO ACCOMMODATE IMPACTS FROM THE PROJECT. THE CRC DID NOT PROVIDE A RECOMMENDATION ON THE REQUEST FOR IMPACT FEE CREDITS, WHICH DO NOT FALL WITHIN THE JURISDICTION OF THE CONCURRENCY REVIEW COMMITTEE.

Proof of publication for public hearing for a Notice of Intent in the matter of PUD SJ Forest was received, having been published in *The St. Augustine Record* on April 22, 2002.

(05/14/02 - 10 - 3:06 p.m.)

12. PUBLIC HEARING - PUD 2001-06 TAYLOR WOODROW / ST. JOHNS FOREST. THIS REQUEST SEEKS TO REZONE 452 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 587 SINGLE-FAMILY RESIDENTIAL UNITS AND ASSOCIATED RECREATIONAL AMENITIES AND 75,000 SF OF COMMERCIAL SPACE. THE RESIDENTIAL LOTS WILL BE A MINIMUM OF 6,600 SF. A FINAL CERTIFICATE OF CONCURRENCY 99-CD-29 WAS APPROVED ON APRIL 10, 2002 FOR THE DEVELOPMENT OF 516 SINGLE FAMILY UNITS AND 75,000 SF OF SHOPPING CENTER SPACE. THE APPROVED CERTIFICATE OF CONCURRENCY IS CONDITIONED UPON EXECUTION OF THE TW ACQUISITIONS, INC. DEVELOPMENT AND

IMPACT FEE AGREEMENT TO PROVIDE ADEQUATE CAPACITY ON CR 210, AND COMPLIANCE WITH THE DEVELOPER COMMITMENTS CONTAINED THEREIN. BASED ON THE OUTSTANDING ISSUES RAISED BY THE REVIEWING DEPARTMENT, THE PLANNING DIVISION FINDS THAT THE APPLICATION AS SUBMITTED IS INCONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PROPOSED REQUEST SPECIFICALLY IS INCONSISTENT WITH THE COMPREHENSIVE PLAN IN THAT THE APPLICANT PROPOSES TO USE R/S DESIGNATED PROPERTY FOR THE PROJECT'S RETENTION PONDS. IN ADDITION, THE REVIEW PROCESS AND APPLICATION ARE NOT CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. AT THIS TIME, STAFF CANNOT SUPPORT THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS APPLICATION AT THEIR MAY 2, 2002 MEETING WITH A 5-1 VOTE. PLANNING STAFF AND THE APPLICANT HAVE DISCUSSED THE OUTSTANDING ISSUES AT GREAT LENGTH. THE APPLICANT HAS INDICATED THAT A REVISED TEXT MAY BE SUBMITTED. THIS REVISED TEXT MAY ADDRESS SOME OF THE OUTSTANDING COMMENTS. HOWEVER, AT THIS WRITING, PLANNING STAFF DOES NOT HAVE THE REVISED TEXT; IF IT IS PROVIDED PRIOR TO THE BCC MEETING IT WILL BE FORWARDED TO THE COMMISSIONERS.

Proof of publication of notice of public hearing in the matter of PUD 01-06 Taylor Woodrow was received, having been published in *The St. Augustine Record* on April 22, 2002.

Cathy Ardito, Court Reporter, was present.

Teresa Bishop, Planning Director, presented these items to the Board, utilizing visual display. Ex-parte communication was disclosed: Bryant had met with McClure regarding retention ponds. Kohnke spoke with Ansbacher on the phone, met with McClure and went over changes in the plan given to the Board, spoke with Susan Bloodworth, and she had received a stack of stuff which she submitted to the Vice Chair, the nature of which was for the most part negative regarding the project in general, Russell Sampson Road, and the only positive thing was that they wanted a Publix. Kohnke also had conversation with their attorney in relation to the changes they had made in the plan. Jacalone disclosed conversation with McClure on this request and the nature of the conversation was about different general aspects of the project, location of retention ponds, paving and access road, and a conversation with Bishop about County policy on retention areas outside development areas. Reardon disclosed conversation with McClure about the project, a phone conversation with Ansbacher, a brief conversation with Bishop regarding Northwest Sector Plan concerns, status with DCA, and concerns as a resident on Sampson in relation to the 210 corridor area. Kohnke stated she had discussion with McClure about wetland impacts and Stephenson about transportation. Meiszer had the same conversation with McClure and Ansbacher and received a number of written communications, most of which were in opposition.

Further discussion was held on the issues of the project, elimination of waivers, and removal of the temporary use issue. (3:48 p.m.) George McClure, 170 Malaga Street, St. Augustine, representing Taylor Woodrow Communities, waived his opening statement. Karl Sanders, 200 N. Laura Street, Jacksonville, Edwards and Cohen, PA, representing Citizens in Opposition, presented their case. Janis Fleet, Fleet & Associates, 4041 Sunbeam Road, consultant planner, gave expert witness for the opposition. McClure then questioned Fleet. (4:11 p.m.) McClure made presentation, with visual display.

(4:45 p.m.) Deputy Clerk Hamilton left the meeting and Deputy Clerk Lenora Newsome entered the meeting.

(4:48 p.m.) McClure spoke on the code requirement, and PUDs being allowed in every category. Jacalone questioned how much retention the two ponds represent for the project. (4:51 p.m.) Ben Dunn, 7950 Belford Parkway, Suite 1600, Jacksonville, Hill, Boring, Dunn, and Associates, Inc., spoke on the different ponds. McClure spoke on setbacks. Jacalone questioned the last updated site plan. McClure responded. Meiszer questioned if he was asking for a reduction in the size of buffer. McClure responded. McClure spoke on County Code.

The meeting recessed at 4:59 p.m. and reconvened at 5:11 p.m.

(5:12 p.m.) Karl Sanders, 200 N. Laura Street, Jacksonville, Edwards and Cohen, PA, spoke on, if change was desirable right now, believing this proposal not being consistent with the Comp Plan, and adequacy of the facilities in the area. He submitted correspondence from Bill Kinser, area businesses, in particular from Glen Smith. He also spoke on why DOT approved the variance in 1998, and submitted an order from that approval for the record. Discussion followed on adequate public schools, and the Snyder Case. Reardon stated that he stands by Staff's recommendation that this does not comply with the Comp Plan. Jacalone spoke on the letter from Water and Air Research from Mr. Kinser. Bosanko stated that it was a two-stage process, compliance with the Comp Plan, and compliance with the Land Development Code. Bosanko summarized on how it could be denied.

(5:39 p.m.) Ward Koutnik, 6620 Southpoint Drive South #120, Transportation Planner, gave his credentials and spoke on doing a one-day count of the traffic at the intersection of CR 210 and Russell Sampson Road. He spoke on pictures he distributed and reviewed a map of the area, utilizing visual display. McClure cross-examined Koutnik on the traffic count on Russell Sampson Road.

#### Public Comments:

(5:52 p.m.) Robert Wheeler, 10805 Russell Sampson Road, spoke in opposition of Taylor Woodrow's construction as it is shown and on being one of the people who did the traffic count.

(5:57 p.m.) Bill Thomason, 10785 Russell Sampson Road, spoke in opposition of this project, and on being one of the people who did the traffic count.

(6:02 p.m.) Elaine Ansbacher, 10545 Russell Sampson Road, spoke in opposition of this project and showed a five-minute video of the area.

(6:09 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, asked the Board to deny the application for Taylor Woodrow/St. Johns Forest to rezone 452 acres from Open Rural to Planned Unit Development.

(6:13 p.m.) Sarah Bailey, 2202 Bishop Estates Road, asked that this project be stopped unless they can come in with a sustainable development.

(6:17 p.m.) Barry Ansbacher, 10545 Russell Sampson Road, spoke on the issue about the Comp Plan Amendment, and the drainage.

(6:24 p.m.) John Bennett, 10150 Tarrell Pappy Road, Jacksonville, spoke in opposition of the PUD.

(6:26 p.m.) Will Pitts, 1017 Meadow View Lane, strongly urged the Board to approve this project.

(6:33 p.m.) Lamar Morris, 2470 CR 210 West, spoke on being concerned about being an adjacent property owner.

(6:34 p.m.) Freddie Rowland, 10425 Russell Sampson Road, spoke on issues that should be discussed prior to giving the green light to any developer.

(6:39 p.m.) Paula Rowland, 10425 Russell Sampson Road, expressed that she was opposed to any development that looks to dramatically change the continuity or flow of the open rural environment, and asked the Board to consider the impact already out of control.

(6:41 p.m.) Emily Harrington, 2470 CR 210 W, voiced concern about wetlands flooding her land and presented a signed petition from adjacent property owners.

(6:46 p.m.) Bryan Tebbe, 1414 Sea Turtle Way, spoke in favor of this project for Taylor Woodrow.

(6:49 p.m.) A gentleman spoke for Peter Fraser, 8917 Western Way, Suite 6, Jacksonville, Hallmark Partners, stating that Fraser wanted the Board to know that Winn Dixie would be starting in June and would be ready to go in April.

(6:50 p.m.) Jeffrey C. Mons, 699 Hampton Downs Court, Jacksonville, mentioned that he was a proponent of this issue.

(6:55 p.m.) Bill Watson, 1901 Island Walkway, Fernandina Beach, representing Rayland Company, spoke in favor of this project.

(6:58 p.m.) Robert Esposito, 308 Aster Trace South, stated that he was here to support Taylor Woodrow and their development plans.

(6:59 p.m.) Fred Cheek, 2927 Bishop Estates Road, spoke in support of Taylor Woodrow's proposal.

(7:01 p.m.) Jim Wheeler, 4240 Leaping Deer Lane, Jacksonville, spoke in favor of this project.

(7:06 p.m.) Louise Thrower, 288 Orange Avenue, spoke in opposition of this project, utilizing the overhead projector.

(7:13 p.m.) Mike Everage, 1936 George Jenkins Blvd., Lakeland, Publix Supermarket, spoke in favor of this project.

(7:14 p.m.) Bosanko stated that each, the applicant and the opponent, should be given a chance to close. George McClure spoke on the Comp Plan, rural silviculture, and the north south connector alignment. (7:21 p.m.) McClure cross-examined Bill Hartman, 6272 Dupont Station Court, Registered Engineer with King and Robinson, regarding the traffic counts under I-95 and 210.

Meeting recessed at 7:26 p.m. and reconvened at 7:29 p.m.

(7:29 p.m.) McClure cross-examined Vince Dunn, from Hill, Boring, Dunn and Associates, 7950 Belford Parkway, Registered Engineer, regarding drainage, flooding and the wetlands. McClure spoke on contributing the right-of-way along the north south corridor only when the County request it, will grant a 30-foot buffer in that location, and agreed with locating the ponds within the development boundaries.

(7:32 p.m.) Karl Sanders, closed with; is change desirable, the evidence is there for denial, and they requested that this proposal be denied. Bosanko mentioned that there was a problem with bringing the retention ponds back into the development area and explained. Sanders responded to what Bosanko mentioned and stated that the Board should vote on what was before them today.

(7:36 p.m.) McClure responded to what Bosanko mentioned. Bosanko stated that one option was to continue, the offer of removing ponds, would require another waiver to the Master Development Plan and the Board could grant it. He stated that the Board could deny all the waivers and still approve this project. Bosanko spoke on waivers, and voting on the Development Agreement. Reardon voiced his concerns on traffic, children going to school, evacuation, and validating the Comp Plan. Kohnke voiced her concerns. Kohnke stated that she doesn't want it back until the applicant has had an opportunity to come to some understanding, that Stephenson and Brewer find satisfactory. **Motion by Jacalone, seconded Kohnke, carried 3/2 with Meiszer and Reardon opposing, to continue both the Impact Fee Agreement and the rezoning request for TW Acquisitions.** Motion by Jacalone, seconded by Bryant, to continue this item to June 4 at 9:00 a.m. Jacalone withdrew his motion and Bryant withdrew the second. Bosanko stated that the Board could limit the next hearing to new information only, and limit public comments to comments about the changes. **Motion by Jacalone, seconded by Kohnke, carried 4/1 with Meiszer opposed, that the continuance be scheduled to June 4 at 1:30 p.m.** Sanders requested that anything that is turned into the County by McClure, be given to them ahead of time to give them ample time to review it.

Motion by Jacalone, seconded by Kohnke, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 8:13 p.m.

Approved \_\_\_\_\_ June 4, \_\_\_\_\_ 2002

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Deputy Clerk