

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 28, 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  
James G. Sisco, County Attorney  
Yvonne King, Deputy Clerk

(05/28/02 - 1 - 9:06 a.m.)

Bryant called the meeting to order.

(05/28/02 - 1 - 9:07 a.m.)

Rev. Bessie Forest, Palmo Street Church of God, gave the Invocation. Bryant led the Pledge of Allegiance.

(05/28/02 - 1 - 9:08 a.m.)

ROLL CALL

Bryant announced that all Commissioners were present.

(05/28/02 - 1 - 9:09 a.m.)

Bryant read a letter from the Honorable Ander Crenshaw, United States House of Representatives, recognizing Commissioner Kohnke on her birthday.

(05/28/02 - 1 - 9:10 a.m.)

PUBLIC COMMENTS

Louise Thrower, 288 Orange Avenue, addressed the proposed bridge between St. Johns and Clay counties.

(05/28/02 - 1 - 9:15 a.m.)

DELETIONS TO CONSENT AGENDA

Sisco requested that Item #9 be removed from the agenda entirely; and Item #7 be moved to the afternoon session of the Regular Agenda as Item #8a.

(05/28/02 - 1 - 9:18 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:  
Approve: William J. Tattenbaum
3. Motion to adopt **Resolution No. 2002-97** recognizing unanticipated revenue in the amount of \$2,248.65 from a donation by the St. Augustine Outlet Center and its merchants and appropriating it to Fire Services Operating Supplies (1224-55200)

**RESOLUTION NO. 2002-97**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RECOGNIZING AND APPROPRIATING UNANTICIPATED REVENUE FROM DONATIONS BY MERCHANTS AT THE ST. AUGUSTINE OUTLET CENTER TO ITS FY 2002 FIRE SERVICES BUDGET

4. Motion to adopt **Resolution No. 2002-98** approving the 1<sup>st</sup> Amendment to Purchase and Sale Agreement to extend rental of the property adjacent to the existing Road and Bridge Complex on SR 16

**RESOLUTION NO. 2002-98**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING 1<sup>ST</sup> AMENDMENT TO PURCHASE AND SALE AGREEMENT TO EXTEND RENTAL OF THE PROPERTY ADJACENT TO THE EXISTING ROAD AND BRIDGE COMPLEX ON STATE ROAD 16

5. Motion to adopt **Resolution No. 2002-99** approving the transfer of certain County owned rights-of-way to the State of Florida Department of Transportation for the improvement of State Road 207

**RESOLUTION NO. 2002-99**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING TRANSFER OF CERTAIN COUNTY OWNED RIGHTS-OF-WAY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO STATE ROAD NO. 207

6. Motion to adopt **Resolution No. 2002-100** authorizing a Joint Reimbursement Agreement with the Florida Department of Transportation for improvements to the State Road A1A Corona Drainage Outfall

**RESOLUTION NO. 2002-100**

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

7. Motion to adopt a Resolution approving a Final Plat for South Hampton Unit Three (*This item was removed from the Consent Agenda and added to the Regular Agenda as Item #8a; see page 11.*)
8. Motion to adopt **Resolution No. 2002-101** setting a Public Hearing for June 25, 2002 at 1:30 p.m. to consider a petition to vacate a portion of Ocean Shore Blvd/Old A1A Road

**RESOLUTION NO. 2002-101**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, SETTING A PUBLIC HEARING FOR JUNE 25, 2002 AT 1:30 P.M. TO CONSIDER A PETITION TO VACATE A PORTION OF OCEAN SHORE BLVD/OLD A1A ROAD**

9. Motion to approve a contract with Gardnyr Michael Capital, Inc. for consulting services for the preparation of an application to USDA Rural Development to fund the first phase of expanded water & sewer service within the West Augustine Community Redevelopment Agency (*This item was removed from the Agenda entirely.*)
10. Proofs:  
Proof, Public Notice, Application for Special Master, May 17, 2002

(05/28/02 - 3 - 9:19 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add Item #2a; consideration of a continuance of the Taylor/Woodrow public hearing. Adams requested to add Item #2b; HVAC Control Funding.

(05/28/02 - 3 - 9:20 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/28/02 - 3 - 9:20 a.m.)

1. PRESENTATION ON THE PROPOSED BUSINESS INCENTIVE PROGRAM

Ted Zebrowsky, Director of Intergovernmental Relations, introduced A.J. McGuinness, Chairman of the Economic Development Committee. (9:21 a.m.) A.J. McGuinness, 5167 Holly Road, reviewed the proposed business incentive program, as follows: assumptions, new industry scoring system, agriculture incentives, and existing industry scoring system. Discussion followed on the water and sewer fees being waived, ad valorem taxes being waived, the Target Industry Study being adopted, and the projected wage rate. (10:11 a.m.) Sisco recommended that A.J. McGuinness and Ted Zebrowsky prepare a plan, which addresses the comments of the Commissioners; then, the County Attorney's Office will prepare a resolution that will establish a fund in the General Fund for this and will establish a program where there will be memoranda of understanding between the company and the County. (10:20 a.m.) John Hewins, 188 Edge of Woods Road, World Golf Village, commented in support of the incentive

program. (10:24 a.m.) Carry Hall, Chamber of Commerce, 1 Riberia Street, commented in support of the incentive program. (10:26 a.m.) Ben Williams, 1096 Oakvale Road, Fruit Cove, commented in opposition to the incentive program. (10:35 a.m.) Rick Burke, 301 Edge of the Woods Road, commented in support of the incentive program. (10:37 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to direct the County Attorney to develop a document (ordinance or policy letter) supporting incentives in accordance with the comments that the Commissioners have made today.**

The meeting thereupon recessed at 10:37 a.m. and reconvened at 10:45 a.m. Reardon was not present. Deputy County Attorney Daniel Bosanko entered the meeting.

(05/28/02 - 4 - 10:45 a.m.)

2. **CONSIDER AN APPOINTMENT TO THE WATER & SEWER AUTHORITY**

Patsy Heiss, Assistant to the Administrator, addressed the vacancy on the Water & Sewer Authority. (10:46 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Reardon absent, to reappoint Ken Forrester to the Finance position on the Water and Sewer Authority for a term of one year, scheduled to expire June 8, 2003.**

(10:47 a.m.) Reardon returned to the meeting.

(05/28/02 - 4 - 10:47 a.m.)

2a. **CONTINUANCE OF THE TAYLOR WOODROW PUD PUBLIC HEARING**

Barry Ansbacher requested the Board continue the Taylor Woodrow PUD public hearing. (10:50 a.m.) Attorney George McClure, 170 Malaga Street, commented in opposition to a continuance. Discussion followed on whether to continue the public hearing. (11:05 a.m.) **Motion by Jacalone, seconded by Bryant, failed 2/3 by a roll call vote, for the Taylor Woodrow PUD public hearing to remain on the agenda for June 4, 2002.**

**Roll call vote:**

Meiszer    nay  
Reardon    nay  
Jacalone    aye  
Kohnke    nay  
Bryant    aye

**Motion failed 2/3.**

(11:05 a.m.) **Motion by Reardon, seconded by Kohnke, carried 3/2 by a roll call vote, to continue the Taylor Woodrow PUD public hearing to June 11, 2002 at 1:30 p.m.**

**Roll call vote:**

Reardon    aye  
Jacalone    nay  
Kohnke    aye  
Bryant    nay  
Meiszer    aye

**Motion carried 3/2.**

(05/28/02 - 5 - 11:06 a.m.)

2b. **HVAC CONTROL FUNDING**

Joe Vonasek, Director of the Office of Management and Budget, explained the request for a transfer from reserves. (11:08 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the transfer of \$109,000 from the General Fund Reserve (0083-59920) to the Flagler West Maintenance Department Building Improvements Line (0093-56300).**

(05/28/02 - 5 - 11:08 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Jacalone:

No report.

(11:08 a.m.)  
Commissioner Meiszer:

No report.

(11:08 a.m.)  
Commissioner Reardon:

No report.

(11:08 a.m.)  
Commissioner Kohnke:

Kohnke said the Dog Park would open on Saturday, June 1, 2002 at 9:00 a.m.

(11:09 a.m.)  
Commissioner Bryant:

Bryant requested the Ponte Vedra Overlay District be readdressed.

Bryant requested that when a special service is conducted in each district, such as dedication services, that the district commissioner be one of the speakers for the event.

(05/28/02 - 5 - 11:13 a.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams commented on the backlog of projects in the Building Department. Adams said they have consulted with a private firm to assist with the reviews.

Adams said a complete review is being conducted of the permitting process.

(05/28/02 - 5 - 11:15 a.m.)  
COUNTY ATTORNEY'S REPORT

No report.

(05/28/02 - 6 - 11:15 a.m.)  
CLERK OF COURT'S REPORT

Strickland requested a special BCC Meeting be held sometime within the last two weeks of August to approve a Cash Requirement Report.

The meeting thereupon recessed at 11:16 a.m. and reconvened at 1:30 p.m. with Bryant, Reardon, Meiszer, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

Commissioner Jacalone and Commissioner Kohnke were not yet present at the meeting.

(05/28/02 - 6 - 1:36 p.m.)

3. PUBLIC HEARING - NZVAR 02-0010 THOMPSON DRIVEWAY. THIS IS A NON-ZONING VARIANCE REQUEST TO THE ACCESS MANAGEMENT REQUIREMENTS OF THE LAND DEVELOPMENT CODE (SECTION 6.04.05). THE APPLICANT'S PROPERTY IS LOT 43 OF THE BRIDGESTONE AT CUNNINGHAM CREEK PLANTATION UNIT TWO PLAT. THE LOT IS LOCATED AT THE INTERSECTION OF NORTH BRIDGESTONE AVENUE AND HAMPTON DOWNS COURT WITH APPROXIMATE FRONTAGE OF 191 FEET AND 80 FEET RESPECTIVELY. BOTH STREETS ARE COUNTY MAINTAINED LOCAL STREETS WITH CURB AND GUTTER. THE APPLICANT HAS RECENTLY CONSTRUCTED A HOME ON THE PROPERTY. THE APPROVED SITE PLAN SHOWED A SINGLE DRIVEWAY ON NORTH BRIDGESTONE AVENUE. AT THE TIME OF THE FINAL ON-SITE INSPECTION, THE NON-CONFORMING, CIRCULAR DRIVEWAY LOCATED ON HAMPTON DOWNS COURT WAS DISCOVERED. THE CIRCULAR DRIVEWAY DOES NOT CONFORM TO SECTION 6.04.05 OF THE LAND DEVELOPMENT CODE BASED ON THREE CRITERIA: SECTION 6.04.05.C.1 REQUIRES TEN (10) FEET FROM THE INTERSECTION RADIUS RETURN TO THE EDGE OF THE DRIVEWAY. THE CIRCULAR DRIVEWAY WAS CONSTRUCTED ZERO (0) FEET FROM THE RADIUS RETURN. SECTION 6.04.05.C.3 STATES "SINGLE FAMILY RESIDENTIAL UNITS SHALL GENERALLY BE LIMITED TO ONE (1) DRIVEWAY. THIS LOT HAS TWO DRIVEWAYS - ONE ON NORTH BRIDGESTONE AVENUE AND ONE ON HAMPTON DOWNS COURT. SECTION 6.04.05.C.3 STATES "CIRCULAR DRIVEWAYS WITH TWO CONNECTIONS SHALL BE PERMITTED WITH A MINIMUM ONE HUNDRED FIFTY (150) FOOT FRONTAGE." THE CIRCULAR DRIVEWAY IS LOCATED ON THE SIDE WITH 80 FEET FRONTAGE. THE APPLICANT HAS BEEN ISSUED A TEMPORARY CO CONDITIONED UPON THE REMOVAL OF THE DRIVEWAY IF THIS VARIANCE IS NOT GRANTED. STAFF DOES NOT RECOMMEND APPROVAL OF THIS VARIANCE REQUEST

Proof of publication of notice of public hearing on File #NZVAR 02-010 Thompson Driveway 589 Bridgestone Avenue North, was received having been published in The St. Augustine Record on May 10, 2002.

Jacalone entered the meeting. Darrell Locklear, Development Review Engineering Manager, reviewed this item, stating that this was a non-zoning variance request to the Access Management requirements of the Land Development Code (Section 6.04.05). (1:38 p.m.) Kohnke entered the meeting.

Beverly Thompson, 615 Hampton Downs Court, applicant, stated that they were totally ignorant of the building code. They just thought it would be nice to have a circular driveway. **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve NZVAR 2002-0010 based upon the evidence provided for all of the Five Findings of Fact.**

(05/28/02 - 7 - 1:42 p.m.)

4. PUBLIC HEARING - NZVAR - 02-007 CARRIAGE HORSE STABLES NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE TO THE

ROADWAY DESIGN REQUIREMENTS (SECTION 6.04.10) OF THE LAND DEVELOPMENT CODE. THE APPLICANT'S DESIRE IS TO BECOME A COMMERCIAL HORSE BOARDING FACILITY WITH A MAXIMUM OF 10 STALLS. THE 15-ACRE PROPERTY IS LOT 5 WITHIN THE LA HACIENDA SUBDIVISION PLAT WITH A PHYSICAL ADDRESS OF 3170 MONUMENT BAY ROAD. ACCESS IS ALONG PELLICER ROAD; A COUNTY MAINTAINED STABILIZED BASE (COLD MIX) ROAD, AND MONUMENT BAY ROAD, A PRIVATE DIRT ROAD. BOTH ROADS HAVE A 60 FEET RIGHT-OF-WAY. THE LA HACIENDA OF ST. JOHNS COUNTY SERVICE CORPORATION IS RESPONSIBLE FOR THE MAINTENANCE OF MONUMENT BAY ROAD. THE APPLICANT IS REQUESTING TO UTILIZE THE ROADWAYS IN THEIR EXISTING CONDITIONS. THE LAND DEVELOPMENT CODE REQUIRES BOTH ROADS TO BE IMPROVED TO CURRENT STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT. THIS WOULD REQUIRE AN ASPHALTED OVERLAY OF ONE MILE OF PELLICER ROAD AND FULL STABILIZATION AND PAVEMENT OF ONE MILE OF MONUMENT BAY ROAD. THE ROAD AND BRIDGE DEPARTMENT STATES: "PELLICER ROAD IS A SUB-STANDARD COUNTY ROAD WHICH WILL NOT SUPPORT ADDITIONAL TRAFFIC; ESPECIALLY TRUCKS PULLING TRAILERS. MONUMENT BAY IS A PRIVATE ROAD THAT IS IN EXTREMELY POOR CONDITION, WHICH DOES NOT NEED ANY MORE TRAFFIC THAN IT HAS NOW. WE CANNOT SUPPORT THIS VARIANCE." PLEASE NOTE THAT ALL PROPERTY OWNERS ON MONUMENT BAY ROAD HAVE BEEN NOTIFIED OF THIS PUBLIC HEARING. STAFF CANNOT SUPPORT THIS VARIANCE REQUEST

Proof of publication of notice of public hearing on File #NZVAR 02-007 Carriage Horse Stables, was received having been published in The St. Augustine Record on May 10, 2002.

Locklear reviewed this item, stating that this was a non-zoning variance to the Roadway Design requirements (Section 6.04.10) of the Land Development Code. Meiszer explained the definition of fast tracking.

(1:50 p.m.) Tony Tunison, 3170 Monument Bay Road, applicant, spoke on clearing his property, building a barn, and plans of paving the road in the future. Discussion followed on clearing the land, what was built on the property, the problem with designing the roadway according to County standards, maintaining the road, and how to correct the problem. **Motion by Reardon, seconded by Jacalone, to approve NZVAR 2002-007 based upon the evidence provided for all of the Findings of Fact 1 through 5.**

(1:58 p.m.) Raymond Nadeau, 3130 Monument Bay Road, spoke on not having any problems with what Tunison wanted to do. **The motion carried 4/1 with Meiszer dissenting.**

(05/28/02 - 8 - 2:00 p.m.)

5. PUBLIC HEARING - NZVAR 2002-12 OCEAN BLUE HOTEL. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.09.07.C.2.A OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT) TO HAVE A 38 SQUARE FOOT COMMERCIAL WALL SIGN THAT IS LARGER THAN THE PERMITTED 24 SQUARE FEET. THE SUBJECT PROPERTY IS LOCATED AT 2701 ANAHMA

DRIVE IN THE VILANO BEACH TOWN CENTER. ON JAN. 23, 2002, THE NORTH COASTAL CORRIDOR DESIGN REVIEW BOARD CONDITIONED UPON APPROVAL OF THIS NON-ZONING VARIANCE APPROVED THE PROPOSED SIGN DESIGN. BECAUSE THE DESIGN REVIEW BOARD HAS SHOWN ITS SUPPORT IN THE ATTACHED DOCUMENTATION, STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS NON-ZONING VARIANCE REQUEST. THE BOARD MUST CONSIDER WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE PROVISIONS AS SET FORTH IN SECTION 10.04.03.B OF THE LAND DEVELOPMENT CODE APPLY TO DEVELOPMENT OF THIS SITE

Proof of publication of notice of public hearing on File #PNZVAR 2002-12 Ocean Blue II, was received having been published in The St. Augustine Record on May 13, 2002.

Danielle Mayoros, Planner II, stated that this request seeks a non-zoning variance to waive Section 3.09.07.C.2.a of the Land Development Code (a provision of the North Coastal Corridor Overlay District) to have a 38 square foot commercial wall sign that is larger than the permitted 24 square feet and the subject property is located at 2701 Anahma Drive in the Vilano Beach Town Center. There were 12 letters in opposition. Bryant disclosed having ex-parte communication with Mr. Burke and Mr. McGinnis regarding the overall size and the color of sign going on the wall, and the decision made by the DRB over in Vilano. Discussion followed on not receiving the opposing letters until today, being properly advertised and on why the Architectural Review people agreed on a larger sign.

(2:07 p.m.) Terry Burk, 2738 Valencia Street, and Arthur McGinnis, 212 Porpoise Point Drive, introduced themselves for the record. Burke spoke on the design of the sign. McGinnis spoke on having a sign to tell people that it is a motel and where it will be placed on the motel. **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve PNZVAR 2002-12, adopting Findings of Fact 1 through 6 to support the motion.**

(05/28/02 - 8 - 2:20 p.m.)

6. PUBLIC HEARING - NZVAR-2002-10 TAVERN AT SAWGRASS NON-ZONING VARIANCE. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.06.09.C.2 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT) TO HAVE A 29 SQUARE FOOT COMMERCIAL WALL SIGN WHICH IS LARGER THAN THE PERMITTED 24 SQUARE FEET. THE SUBJECT PROPERTY IS LOCATED AT 43 PGA TOUR BOULEVARD IN THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT. IF THE BOARD APPROVES THE SUBJECT NON-ZONING VARIANCE, THE PONTE VEDRA/PALM VALLEY ARCHITECTURAL REVIEW COMMITTEE PRIOR TO INSTALLATION MUST APPROVE THE PROPOSED SIGN DESIGN. IN CONSIDERING THE REQUESTED NON-ZONING VARIANCE, THE BOARD MUST CONSIDER WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE PROVISIONS AS SET FORTH IN SECTION 10.04.03.B OF THE LAND DEVELOPMENT CODE APPLY TO DEVELOPMENT OF THIS SITE

Proof of publication of notice of public hearing on File #PNZVAR 2002-10 Tavern at Sawgrass, was received having been published in The St. Augustine Record on May 13, 2002.



Mayoros stated that this request seeks a non-zoning variance to waive Section 3.06.09.C.2 of the Land Development Code (a provision of the Ponte Vedra/Palm Valley Coastal Corridor Overlay District) to have a 29 square foot commercial wall sign which is larger than the permitted 24 square feet and the subject property is located at 43 PGA Tour Boulevard in the Ponte Vedra/Palm Valley Coastal Corridor Overlay District. Kohnke voiced concern about this non-zoning variance appearing before the BCC before they go before the ARC. Bishop relayed to the BCC that the ARC Board does not approve a variance, the BCC does.

(2:35 p.m.) Keith Beavers, 230 Industrial Loop, Orange Park, spoke on the design of the sign.

(2:36 p.m.) Eddie Limon, 3037 Cypress Creek Drive, Ponte Vedra, spoke on the design of the sign. Linda Limon explained why the process took so long. **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve PNZVAR 2002-10, making Findings of Fact 1 through 6 to support the motion.**

(05/28/02 - 9 - 2:44 p.m.)

7. PUBLIC HEARING - MAJMOD-2002-01 EQUESTRIAN WAY PRD. THE SUBJECT PROPERTY IS LOCATED AT 5115 COUNTY ROAD 210 WEST AND IS COMPRISED OF 157.09 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PRD TO REVISE THE DEVELOPMENT PLAN TO CHANGE THE LOCATION OF THE LAKES, TO MODIFY THE SCHEDULE OF DEVELOPMENT AND DELETE THE TEXT STATING THAT A BORROW PIT EXISTS ON THE SITE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR MAY 2, 2002 MEETING WITH A 7-0 VOTE

Proof of publication of notice of public hearing on File #CPA SS 2002-01 Esturaries Limited Liability Company, was received having been published in The St. Augustine Record on May 13, 2002.

Teresa Bishop, AICP, Planning Director, stated that this request is to modify the approved PRD to revise the development plan to change the location of the lakes, to modify the schedule of development and delete the text stating that a Borrow Pit exists on the site. Kohnke questioned why they still wanted to dig a borrow pit, when they wanted to remove the non-existence borrow pit from the language. Bishop explained. (2:46 p.m.) Hunt left the meeting and Bosanko entered the meeting. Beth Breeding spoke on the borrow pit issue. She mentioned that they were correcting an error that was made-listing a borrow pit when there was not one. **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance 2002-30, known as Equestrian Way PRD (MAJMOD 2002-01) adopting Findings of Fact 1 through 6 to support the motion.**

#### ORDINANCE NO. 2002-30

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE EQUESTRIAN WAY PLANNED RURAL DEVELOPMENT (PRD) ORDINANCE NUMBER 2000-50, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 2:54 p.m. and reconvened at 3:00 p.m.

(05/28/02 - 10 - 3:01 p.m.)

8 PUBLIC HEARING - THE ESTUARIES SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FILE CPA (SS) 2002-01 ADOPTION HEARING. THIS IS A REQUEST TO CHANGE THE 2015 FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL DENSITY - A TO RESIDENTIAL - D. THE APPLICANT IS REQUESTING THIS AMENDMENT PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON NOVEMBER 26, 2001. GENERAL TERM 1 OF THE SETTLEMENT AGREEMENT PROVIDES THAT THE APPLICANT WILL FILE A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. ADDITIONAL GENERAL TERMS OF THE AGREEMENT REQUIRE THE COUNTY TO REVIEW THE REVISED CONSTRUCTION PLANS CONCURRENT WITH ITS REVIEW OF THE PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, THE EXISTING CERTIFICATE OF CONCURRENCY REMAIN VALID, CONSTRUCTION CODES IN EFFECT AS OF NOVEMBER 13, 2001 APPLY TO THE PROJECT AND THE TERMS OF THE VESTING LETTER DATED SEPTEMBER 27, 1999 CONTINUE TO APPLY TO THE PROPOSED PROJECT. THE SUBJECT PROPERTY IS LOCATED PROPERTY IS LOCATED ON THE SOUTH SIDE OF RIVERSIDE BOULEVARD, WEST OF STATE ROAD A1A SOUTH AT BUTLER BEACH AND CONTAINS APPROXIMATELY 9.99 ACRES. SMALL SCALE AMENDMENTS ARE SUBMITTED TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE REGIONAL PLANNING COUNCIL FOLLOWING ADOPTION BY THE LOCAL GOVERNMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT ITS APRIL 18, 2002 REGULAR MEETING

Proof of publication of notice of public hearing on File # MAJMOD 2002-01 Equestrian Way 5115 CR 210 West, was received having been published in The St. Augustine Record on April 17, 2002.

James Sisco, County Attorney, entered the meeting. Bishop stated that this request was to change the 2015 Future Land Use Map (FLUM) designation from Residential Density - A to Residential - D and explained. Jacalone questioned whom the settlement agreement was between and when it happened. Bishop replied that the settlement agreement was between the Esturaries Limited Liability Company and St. Johns County. Sisco explained the negotiations. Discussion followed on the division of the property and what it was used for, on Comp Plan amendments, and final development plan approval.

(3:28 p.m.) George McClure spoke on the size of units and how many would be permitted, the issue of who speaks for the County, and on the legal aspect of this issue.

(3:46 p.m.) Terrell Arline, 3205 Brentwood Way, lawyer from Tallahassee, representing the Friends of Matanzas, spoke on this amendment not being in compliance, this not being a small scale amendment, the Burt Harris Claim and the Vested Rights Claim, directing Staff to come up with an ordinance on vested rights, and the public having the right to intervene. Kohnke mentioned making a motion that would include the condition of that the plans that they have submitted will go along with the amendment and nothing else. Sisco recommended not doing that because the plans may be flawed and suggested adding to this amendment that no hotels and motels would be allowed. McClure spoke on the settlement agreement, and the Esturaries site only being used for residential purposes. Sisco suggested putting in the condition that land couldn't be used for hotels or motels or similar business enterprises. McClure suggested placing in the Settlement Agreement or as a condition in the motion; that the Comp Plan

Amendment or the Settlement Agreement is subject to only residential development, and no commercial development is authorized, limited to 56 units. Arline remarked that McClure's suggestion would be acceptable. Jacalone spoke on the settlement agreement and making a condition.

(4:12 p.m.) Otis Mason, 390 Riverside Blvd., offered an alternative, stating that history is involved and there is a need to reserve the area. Discussion followed on historical significant of the property.

(4:23 p.m.) Julie Parker, 290 Palmetto Road, voiced her concern with this issue and stated that she agreed with Mason on making it a park.

(4:27 p.m.) Melvine McCall, 952 Deer Chase Drive, spoke on the Esturaries. Meiszer spoke on this not being a small-scale amendment and on vested rights. Bosanko spoke on vested rights. He offered as a possibility to consider, is a new Section 2 in the Ordinance with the other sections being renumbered and no sections being dropped; *"The land uses allowed by this small scale Comprehensive Plan Amendment shall be limited to not more than 56 residential units, built in not more than four buildings with residential uses, not more than 35 feet in height, and make that part of the Ordinance which would be County law. McClure accepted it. Bosanko mentioned that it should be in the motion not the ordinance. Motion by Jacalone, seconded by Kohnke, carried 5/0, to approve Ordinance No. 2002-31 encompassing the new Section 2 that was recited by Deputy County Bosanko and that the motion would also require putting in the western portion of property in the conservation easement as described by the applicant's representative, also the portion on the eastern side between two pieces, and clean up the misspelling of the word Board on the now therefore be it.*

#### ORDINANCE NO. 2002-31

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, AMENDING THE FUTURE LAND  
USE MAP FROM RESIDENTIAL COASTAL-A TO  
RESIDENTIAL COASTAL-D AND PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE

(05/28/02 - 11 - 4:38 p.m.)

8a. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR SOUTH HAMPTON UNIT THREE (Consent #7)

Kathy Nielsen, Application Review Coordinator, stated that this item was pulled from the Consent Agenda for some clarification on the Title Opinion and has since been redelivered and the County Attorney's Office has signed off on it. **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution 2002-102 approving a Final Plat for South Hampton Unit Three.**

#### RESOLUTION NO. 2002-102

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

Kohnke spoke on the Dog Park at Davis Park, opening Saturday at 9:00 a.m.

**Motion by Jacalone, seconded by Reardon, carried 5/0 to adjourn.** There being no further business to come before the Board, the meeting adjourned at 4:39 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register Check #319248 through #319274 dated May 16, 2002.
2. St. Johns Board of County Commissioners Check Register Check #319275 through #319654.

CORRESPONDENCE:

1. Letter dated May 15, 2002 from CNA Surety regarding canceling Bond #42930392 Danielle L. Fountain.

Approved June 25, 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