

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
FEBRUARY 17, 2004  
(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:           Karen Stern, District 2, Chair  
                          Bruce Maguire, District 4, Vice Chair  
                          Nicholas Meiszer, District 1  
                          Marc Jacalone, District 3  
                          James E. Bryant, District 5  
                          Ben W. Adams, Jr., County Administrator  
                          Isabelle Lopez, Senior Assistant County Attorney  
                          Lenora Newsome, Deputy Clerk

Also present:           Cheryl Strickland, Clerk of Courts

(02/17/04 - 1 - 9:06 a.m.)

The meeting was called to order by Chair Stern.

(02/17/04 - 1 - 9:06 a.m.)

The Invocation was given by Stern and the Pledge of Allegiance was led by Meiszer.

(02/17/04 - 1 - 9:07 a.m.)

ROLL CALL

Stern stated that all five Commissioners were present.

(02/17/04 - 1 - 9:08 a.m.)

PUBLIC COMMENT

Archie Tucker, 5314 Shore Drive, spoke on disabled people being able to enter county property by the river in St. Augustine South.

(02/17/04 - 1 - 9:10 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested to pull Item 9, because it was missing a resolution, and stated it would be rescheduled.

(02/17/04 - 1 -9:10 a.m.)

APPROVAL OF CONSENT AGENDA

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

1.     Approval of the Cash Requirement Report

2. Approval of Minutes:  
02/03/04 – BCC Regular Agenda  
02/10/04 – BCC Regular Agenda
3. Motion to accept \$9,717.49 for damages to County property in consideration for the County releasing Ms. Cleary, et al, from further litigation in this matter and to adopt **Resolution No. 2004-36**, to receive and appropriate unanticipated revenue

**RESOLUTION NO. 2004-36**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 UTILITIES BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE**

4. Motion to approve the transfer from Court Facilities Trust Fund Reserve (1301-59920) \$3,493 to Court Facilities Trust Fund Building Improvements (1301-56300); \$626 to Court Facilities Trust Fund Software (1301-55102); \$200 to Court Facilities Trust Fund Operating Supplies (1301-55200) and \$5,000 to Court Facilities Trust Fund Office Equipment (1301-56401) to complete the courtroom renovations at the Judicial Center
5. Motion to adopt **Resolution No. 2004-37**, approving the Final Plat for Whisper Ridge Unit Two

**RESOLUTION NO. 2004-37**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WHISPER RIDGE UNIT TWO**

6. Motion to accept and approve the contract for CDM, to accomplish loan administration, site visits, payment review and final inspection according to the FDEP loan requirements for the State Revolving Loan - PVMSD Sewer Project, and authorize the County Administrator to execute the contract in the amount of \$54,843
7. Motion to adopt **Resolution No. 2004-38**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for a strip of property needed for the improvements to Roberts Road

**RESOLUTION NO. 2004-38**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO ROBERTS ROAD**

8. Motion to adopt **Resolution No. 2004-39**, accepting an Easement for Utilities for water service to Hilden Subdivision, and accepting a Bill of Sale conveying all personal property associated with the water and sewer system

**RESOLUTION NO. 2004-39**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO HILDEN SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

9. Motion to approve and authorize the Chair to execute the two Joint Participation Agreements between the County and FDOT District 2, administered in the form of Locally Funded Agreements (LFAs) and Memorandum of Agreements (MOAs), and a motion to adopt a Resolution allocating a total of \$2,400,000 for County funding of three FDOT roadway projects utilizing Transportation Bond Revenue

*This item was pulled from the Agenda.*

(02/17/04 - 3 - 9:10 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull Item 5, because it had a noticing problem, and stated it would be rescheduled at a later date.

(02/17/04 - 3 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/17/04 - 3 - 9:11 a.m.)

1. PUBLIC HEARING - PUD 2003-21, SURFSIDE LODGE PLANNED UNIT DEVELOPMENT (CONTINUED ITEM) - THIS REQUEST WAS CONTINUED FROM THE JANUARY 13 AND JANUARY 27, 2004, BCC MEETINGS TO ALLOW THE APPLICANT TIME TO REVISE THE PUD MDP TEXT AND MAP, REDUCING THE AMOUNT OF DEVELOPMENT ON THE SITE. THE APPLICANT HAS PROVIDED A REVISED MDP TEXT AND MAP REDUCING THE NUMBER OF HOTEL UNITS FROM 25 TO 20. THIS IS A REQUEST TO REZONE 0.66 ACRES OF LAND FROM CHT TO PUD, TO ALLOW FOR A 20-UNIT EXTENDED STAY HOTEL. THE SUBJECT PROPERTY IS LOCATED AT 3080 COASTAL HIGHWAY AND IS DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP, PURSUANT TO AN AMENDMENT APPROVED ON JANUARY 13, 2004. THE APPLICANT IS REQUESTING THE PUD ACCORDING TO A SETTLEMENT AGREEMENT APPROVED SEPTEMBER 14, 2001. THE PROJECT WILL COMMENCE CONSTRUCTION WITHIN THREE YEARS OF THE PUD APPROVAL AND BE COMPLETED WITHIN FIVE YEARS OF THE PUD APPROVAL. COMMENCEMENT IS DEFINED AS APPROVAL OF FINAL CONSTRUCTION PLANS FOR HORIZONTAL IMPROVEMENTS AND PAYMENT OF REQUIRED

INSPECTION FEES. COMPLETION IS DEFINED AS THE ISSUANCE OF A  
CERTIFICATE OF OCCUPANCY

Proof of publication of the Notice of Public Hearing regarding the Notice of Proposed Rezoning on File# PUD 2003-21, Surfside Lodge, was received, having been published in *The St. Augustine Record* on December 3, 2003, January 16, 2004, and January 31, 2004.

Maguire rescued himself because his family owns property in the area. Teresa Bishop, Planning Director, stated that this request had been continued twice from the January 13<sup>th</sup> and the January 27<sup>th</sup> meeting to allow the applicant time to revise the Master Development Plan and the PUD to decrease the density. The applicant had decreased the hotel units from 25 to 20. She stated the request was to rezone 0.66 acres of land from CHT to PUD to allow for a 20-unit extended stay hotel. Bishop stated that the applicant had requested four waivers from the Land Development Code and she reviewed them. Staff did not support the sidewalk waiver. There were eight letters in opposition from the previous meeting date and with one in favor. Jacalone spoke on the setback waiver and the sidewalk issue. He stated that he had a problem with the setbacks and that it was an intense project for this piece of property. Meiszer questioned when construction would begin. Bishop responded. Stern questioned the second waiver. Bishop replied that the waiver was for all the sides.

(9:24 a.m.) George McClure, 70 Malaga Street, representing the applicant, reviewed the site plan, utilizing visual display. He spoke on the setbacks, and the amount and type of units. Jacalone questioned reducing the number of units and McClure responded.

(9:30 a.m.) Deborah Andrews, 11 North Roscoe Blvd., representing a property owner three lots north of this property, requested the Board turn down this request for the PUD and the package of waivers that were presented. She explained why the waivers should be turned down. Meiszer stated that he had a problem with this project, that the development was too big for the site. Bryant questioned the lot on the north side being a residential unit. Bishop responded and discussion followed on the lots around the project.

(9:45 a.m.) Sally Murdock, 3088 Coastal Hwy., stated that she was directly adjacent to the property in question, about seven feet away. Discussion followed on the size of the lots and the residences around the project.

(9:47 a.m.) Lyle Spencer and Edie Pepper, 3100 Coastal Hwy., with Spencer speaking in objection to this item. He spoke on the density, the traffic, and the amount of units in the project. Meiszer asked what the provisions were for storm drainage. McClure replied that the storm drainage was an underground system. Jacalone asked about the settlement agreement. McClure spoke on the settlement agreement. Jacalone asked if the Board were to approve this request without the requested waivers, would it kill his client's deal. McClure replied yes and he explained. McClure suggested tabling this item until after the next item, to give them time to discuss things. Meiszer requested that they address the storm drainage methodology.

(10:01 a.m.) Bob Solano, 11229 East Riverview Drive, Riverview's, Concessions, Inc., spoke on the retention area and gave a brief history on this item. Discussion followed on setbacks and zoning. McClure requested the item be tabled for two weeks to have time to look at the revised site plan to see if they could incorporate the changes. (10:14 a.m.) **Motion by Bryant, seconded by Jacalone, to continue this item until March 2nd at 9:00 a.m.** Bishop stated that it might not be enough time. **Bryant made a correction to the motion to change the date from March 2nd to March 9<sup>th</sup> at 9:00 a.m., seconded**

by Jacalone, carried 4/0 with Maguire rescuing himself. Lopez left the meeting and Michael Hunt, Deputy County Attorney, entered the meeting.

(02/17/04 - 5 - 10:16 a.m.)

2. PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT 2004 APPLICATION - THE DEPARTMENT OF COMMUNITY AFFAIRS HAS ANNOUNCED THE ANTICIPATED FUNDING AVAILABILITY UNDER THE FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT. THE BOARD OF COUNTY COMMISSIONERS PREVIOUSLY APPROVED A CONTRACT WITH JORDAN & ASSOCIATES TO PREPARE AN APPLICATION FOR THE 2004 FUNDING CYCLE FOR AN AMOUNT NOT TO EXCEED \$750,000 EACH FOR ECONOMIC AND COMMUNITY DEVELOPMENT. STAFF ANTICIPATES THE FUNDS WILL BE USED IN THE AREA OF REHABILITATION, NEIGHBORHOOD REVITALIZATION, COMMERCIAL REVITALIZATION, OR ECONOMIC DEVELOPMENT TO BENEFIT LOW AND MODERATE INCOME PERSONS, AID IN THE PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT OR TO MEET COMMUNITY DEVELOPMENT NEEDS. APPLICATIONS ARE BEING PREPARED AS FOLLOWS: WEST AUGUSTINE - HOUSING REHABILITATION AND VILANO BEACH TOWN CENTER - ECONOMIC DEVELOPMENT. THIS WOULD BE THE FIRST OF TWO PUBLIC HEARINGS REQUIRED TO RECEIVE CITIZEN'S VIEWS CONCERNING THE COMMUNITIES ECONOMIC AND DEVELOPMENT NEEDS. ALSO, BETTY JORDAN OF JORDAN & ASSOCIATES WILL BE AVAILABLE TO ADDRESS QUESTIONS

Proof of publication of the Notice of Public Hearing on applying to the Florida Department of Community Affairs for a Small Cities CDBG Grant was received, having been published in *The St. Augustine Record* on February 12, 2004.

Tom Crawford, Director of Housing and Community Services, reviewed this item and introduced Derek Hankerson.

(10:17 a.m.) Derek Hankerson, Housing and Community Services, mentioned that they were in the process of applying for the Department of Community Affairs Small Cities Community Development Block Grant 2004 for up to \$750,000, for the purpose of housing rehabilitation in West Augustine and economic development in Vilano Beach.

(10:18 a.m.) Steve Massey, Director of Economic Development of Jordon and Associates, spoke on the application process. Jacalone asked about the match requirements required of the County. Massey spoke on the match requirements. Discussion followed on storm drainage, the countywide program, this item being the first public hearing for two applications, who controlled the money from the grants, St. Augustine being an urbanized community affecting the Small Cities Grant Application, the bonds and the Main Street Program. Jacalone asked Adams to get a scorecard on how the County had done with grant applications, versus what they had spent for the last two years. (10:38 a.m.) Meiszer left the meeting.

(10:41 a.m.) Bill Lazar, Director of the St. Johns Housing Partnership, spoke in favor of this item.

(10:43 a.m.) Vivian Browning, 40 BeachComber Way, spoke in favor of this item. (10:43 a.m.) Meiszer returned to the meeting.

(10:45 a.m.) Nicole Bafford, 4020 Grande Vista Blvd, #306, spoke in favor of this item and offered her assistance with this project.

The meeting recessed at 10:47 a.m. and reconvened at 10:59 a.m.

(02/17/04 - 6 -10:59 a.m.)

3. WORKSHOP - FAIR HOUSING AND EQUAL OPPORTUNITY - IN CONJUNCTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING, STAFF IS CONDUCTING A FAIR HOUSING WORKSHOP TO PROVIDE FAIR HOUSING EDUCATIONAL PROGRAMS FOR THE GENERAL PUBLIC, LOCAL ELECTED OFFICIALS AND PROFESSIONALS INVOLVED IN HOUSING ACTIVITIES

Tom Crawford, Director of Housing and Community Services, reviewed this item. Massey gave a brief presentation on this item. He spoke on the rental or sale of housing and mentioned a booklet on Fair Housing prepared by HUD in 1993. Jacalone spoke on the Fair Housing exemption.

(02/17/04 - 6 -11:04 a.m.)

#### COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(11:04, a.m.)

Commissioner Maguire:

Maguire voiced concern on the way the County grants waivers, asking if a study had ever been done on waivers to see if they were granting too many of the same kind. If not, he questioned that research be done on waivers granted over the last year or two. Scott Clem, Director of Growth Management, spoke on scheduling a workshop to talk about waivers and variances.

Maguire recommended having more specific details on Staff's statement of "no objections" to the items. Bryant asked when asking for a variance; check to see if it was for financial gain or hardship. Clem stated that Staff discouraged waivers and that the waivers were hardly ever a hardship. Jacalone mentioned that they would have to allow waiver requests by law. Clem mentioned there were some exceptions. Meiszer asked for a legal opinion. Hunt replied that he would look into it.

Maguire announced that on March 4th the Republican Club of Ponte Vedra would be having a dinner and Mayor Payton would be the guest speaker.

(11:15 a.m.)

Commissioner Stern:

Stern spoke on the Board approving a Resolution in November, 2003, which authorized the execution of a Local Agency Program Agreement to facilitate the Scenic and Historic A1A Master Plan and was sent to FDOT. She stated that language needed to be changed in that Resolution and that Bosanko already initiated and approved the changes. She distributed a handout on the changes and reviewed them. She asked for approval of the changes. Maguire questioned if they had approved the Master Plan or the Corridor Study.

(11:18 a.m.) Vickie Renna, replied that it was the Corridor Study and she explained. She stated that the money was already budgeted. Maguire asked if this was going to be a plan that put demands on the County. Renna responded no. (11:22 a.m.) Bryant left the meeting. Maguire stated that he was not opposed to this, but would like to get more information on it. Stern asked Renna to get with Maguire on this information. Discussion followed on the Master Plan and Corridor Study. (11:34 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Bryant absent, to authorize the changes that had been presented to the Board, and that had been approved by the Attorney's Office and the Local Agency Program Agreement.**

(11:35 a.m.)

Commissioner Jacalone:

Jacalone mentioned that he received comments on the tile roof that was replaced on the Main Library. Adams responded that there were several leaks under the roof that they were not able to repair, so it had to be replaced.

Jacalone also mentioned receiving a letter from Mr. Martin regarding not giving any consideration to local residents on fees being charged at the golf course. He stated that he would look at it again and see what he could do.

Jacalone stated that he was getting letters from a lot of the people using the senior centers and was questioning what was prompting them to send the letters.

(02/17/04 - 7 - 11:39 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams mentioned that Teresa Bishop just informed him that they pulled the wrong item in the afternoon. They pulled Item 5 and they should have pulled Item 4.

(11:39 a.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to revisit the Agenda.**

Adams requested to pull Item 4 and place Item 5 back on the Agenda. (11:39 a.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to approved the Agenda, as amended.** (11:40 a.m.) **Jacalone left the meeting.**

(02/17/04 - 7 - 11:42 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(02/17/04 - 7 - 11:42 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:42 a.m. and reconvened with Stern, Meiszer, Jacalone, Bryant, Adams, Lopez, and Diane Gorski, Clerk's Office, present. Maguire arrived later in the meeting.

4. PUBLIC HEARING - MAJMOD 2003-16 BARTRAM DOWNS PRD - THIS REQUEST IS TO MODIFY THE APPROVED PRD TO ADD UNIT 3 WHICH WILL ALLOW THE ADDITION OF 197 ACRES AND AN ADDITIONAL 53 UNITS. THE SUBJECT PROPERTY IS LOCATED AT 7200 COUNTY ROAD

16A. THIS WILL BRING THE TOTAL ACREAGE OF THE PRD TO 383.75. THE PROJECT WILL PROVIDE A 75-FOOT SCENIC EDGE ADJACENT TO THE RESERVED RIGHT-OF-WAY ALONG CR 16 A AND A 35 FOOT DEVELOPMENT EDGE AROUND THE PERIMETER CONSISTENT WITH THE NORTHWEST SECTOR PLAN A. FINAL CERTIFICATE OF CONCURRENCY, CONMAJ2003-15, WAS APPROVED FOR THE DEVELOPMENT OF 53 SINGLE-FAMILY UNITS IN BARTRAM DOWNS PRD UNIT 3. THE APPLICANT IS ASKING FOR TWO WAIVERS. THE FIRST WAIVER IS TO SECTION 5.04.03.F: WAIVER TO REQUIRED UNDERGROUND UTILITIES CONSISTENT WITH UNITS 1 AND 2 AND TO MAINTAIN THE RURAL CHARACTER OF THE COMMUNITY. THE SECOND WAIVER IS TO SECTION 6.02.06.B.1: WAIVER TO REQUIRED EXTERNAL SIDEWALKS AND A WAIVER TO THE REQUIREMENT FOR PAYMENT INTO THE SIDEWALK FUND. THIS WAIVER WAS APPROVED FOR UNITS 1 AND 2. IN LIEU OF A SIDEWALK, THE APPLICANT IS PROPOSING TO PROVIDE A 10-FOOT WIDE EQUESTRIAN AND PEDESTRIAN EASEMENT TRAIL PARALLEL AND ADJACENT TO THE RESERVED RIGHT-OF-WAY ALONG CR 16A, CONSISTENT WITH UNIT 2

*This item was pulled from the Regular Agenda.*

(02/17/04 - 8 - 1:41 p.m.)

5. PUBLIC HEARING - PUD 2003-22, BARTRAM EXECUTIVE PARK PUD - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 4.74 ACRES, LOCATED AT 340 ORANGE AVENUE, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR CONSTRUCTION OF UP TO 46,200 SQUARE FEET OF OFFICE AND NEIGHBORHOOD COMMERCIAL SPACE. THE PROJECT WILL BE SERVED BY CENTRAL WATER AND SEWER FROM JACKSONVILLE ELECTRIC AUTHORITY (JEA), AND HAVE ACCESS ON RACE TRACK ROAD AND ORANGE AVENUE. THE PROJECT WILL PROVIDE A 35 FOOT DEVELOPMENT EDGE ON THE NORTH AND EAST SIDES AND A 10 FOOT LANDSCAPE BUFFER WILL BE PROVIDED ON THE WEST SIDE ADJACENT TO THE BARTRAM VILLAGE PUD. FINAL CERTIFICATE OF CONCURRENCY (CONMAJ2003-03) WAS APPROVED ON NOVEMBER 12, 2003, FOR THE DEVELOPMENT OF 15,000 SQ. FT. OF OFFICE SPACE; 25,200 SQ. FT. OF SHOPPING CENTER SPACE; AND A 6,000 SQ. FT. HIGH-TURNOVER (SIT-DOWN) RESTAURANT. THE APPLICANT REQUESTS A WAIVER TO POLICY A.2.1.4 (A), WHICH REQUIRES A (30) FOOT SCENIC EDGE (ALONG RACE TRACK ROAD) SINCE THE SITE IS LESS THAN FIVE HUNDRED (500) FEET IN DEPTH AND ALLOWS FOR ENCROACHMENT. THIS APPLICATION IS REQUESTING TO ENCROACH UPON THE SCENIC EDGE, WITH A MINIMUM DEPTH OF (20) FEET, ALONG A PORTION OF THE SITE, WITH INCREASED LANDSCAPE MATERIALS, TO BE IN ACCORDANCE WITH THE ADJACENT BARTRAM VILLAGE PUD. THE APPLICANT WILL CONSTRUCT "ENHANCED" LANDSCAPE TREATMENT, AS ALLOWED, TO COMPENSATE FOR THE ENCROACHMENT AND PROVIDE FOR CONSISTENCY BETWEEN THE DEVELOPMENTS

Proof of publication of the Notice of Public Hearing on the Bartram Executive Park PUD was received, having been published in *The St. Augustine Record* on January 28, 2004.

Bruce Ford, Chief Planner, PUD 2003-22, Bartram Executive Park, stated that the request was to rezone approximately 4.74 acres of property from OR to PUD, for an office and neighborhood commercial space. The parcel is located on Racetrack Road and Orange



Avenue. Ford reviewed the plan and stated that the applicant requested a waiver to the 30' scenic edge at the property front. Staff had no objections to this request and found that it was consistent with the Comprehensive Plan Residential A land use and was consistent with Section 5.03 of the Land Development Code and the future land use element. The Planning and Zoning Agency approved the request by a vote of 5/0.

(1:46 p.m.) George McClure, 170 Malaga Street, Suite A, representing the applicant, further explained the request.

(1:53 p.m.) Maguire entered the meeting.

(1:52 p.m.) Louise Thrower, 288 Orange Avenue, commented in opposition to the rezoning. Meiszer questioned Thrower's reference to condemnation of property by the Development District. Thrower clarified her reference.

(2:06 p.m.) McClure explained that the applicant had obtained storm water permits and that an engineering firm would be hired to assure compliance with all of the criteria of St. Johns County and the St. Johns Water Management District.

(2:09 p.m.) Isabelle Lopez, Senior Assistant County Attorney, provided legal clarification for some language in the packet.

(2:10 p.m.) Meiszer questioned the relationship between the developer and the Community Development District. McClure clarified and discussion followed regarding the entrance locations.

(2:15 p.m.) Jacalone commented in favor of the design, the location of new businesses providing services and employment opportunities.

(2:16 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-12, known as PUD 2003-22 Bartram Executive Park PUD, adopting findings of fact to support the motion.**

#### ORDINANCE NO. 2004-12

**AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(02/17/04 - 9 - 2:16 p.m.)

6. PUBLIC HEARING - PUD 2003-17, KOTRADY HUDGINS CROYLE FUNERAL HOME PUD - THIS REQUEST SEEKS TO REZONE 2.43 ACRES FROM OPEN RURAL AND RESIDENTIAL SINGLE FAMILY TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW CONSTRUCTION OF A CREMATORIUM, CHAPEL, ADMINISTRATION OFFICES AND PREPARATION FACILITIES. THE PARCEL IS LOCATED AT 1425 HIGHLANDER DRIVE WITH FRONTAGE ON CR 207 APPROXIMATELY ½ MILE WEST OF U.S. 1. THE PROJECT WILL HAVE AN ACCESS ON CR 207 AND AN ACCESS ON HIGHLANDER DRIVE. A SIX FOOT HIGH FENCE WILL BE INSTALLED ON THE NORTH AND WEST SIDES OF THE PARCEL

ALONG WITH A SIX FOOT LANDSCAPE BUFFER TO PROVIDE A BUFFER TO ADJACENT RESIDENTIAL USES. THE PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE AS A SMALL PROJECT, ESTIMATED TO GENERATE LESS THAN FOUR AVERAGE WEEKDAY PEAK HOUR TRIPS BASED ON A 5,678 SF CHURCH. NO FURTHER CONCURRENCY REVIEW IS REQUIRED. THE APPLICANT IS REQUESTING ONE WAIVER TO SECTION 2.03.14 OF THE LAND DEVELOPMENT CODE TO ALLOW A CREMATORIUM WITHIN 1,000 FEET DISTANCE TO ANY RESIDENTIALLY ZONED PROPERTY

Proof of publication of the Notice of Public Hearing on the Kotrady Hudgins Croyle Funeral Home PUD was received, having been published in *The St. Augustine Record* on January 28, 2004.

Bruce Ford, Chief Planner, explained the request to rezone 2.43 acres of property from OR and RS 3 to PUD to allow construction of a crematorium, chapel, administrative offices and preparation facilities. Ford also explained the applicant's request for a waiver to the minimum distance of 1,000 feet from a crematorium and any residentially zoned property.

Staff found that the zoning and the plan of development complied with the Comprehensive Plan and the mixed use and Residential D land use categories are consistent with Section 5.03. The Planning and Zoning Agency approved the request by a vote of 5/0. Discussion followed regarding the distance from this site to the nearest residential site.

(2:24 p.m.) Mac McCloud, 1200 Plantation Island South, representing Kotrady Hudgins Croyle Funeral Home, further explained the request and then responded to questions from the Board regarding the distance of the property to any residentially zoned property. McCloud explained that the state of the art facility met all of the Department of the Environment's standards.

**(2:32 p.m.) Motion by Maguire, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-13: PUD 2003-17, Kotrady Hudgins Croyle Funeral Home; adopting findings of fact to support the motion.**

#### **ORDINANCE NO. 2004-13**

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

(02/17/04 - 10 - 2:33 p.m.)

7. PUBLIC HEARING - PNZVAR 2003-07, LULU'S WATERFRONT GRILLE - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.06.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT) TO REDUCE A NORTH SIDE YARD REQUIREMENT FROM 50 FEET TO 20 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY

ZONED LANDS, THE MINIMUM ADJOINING YARD REQUIREMENT (WHETHER IT IS A SIDE OR REAR YARD, OR BOTH) IS 50 FEET FOR A TWO STORY BUILDING. THE APPLICANT PROPOSES TO CONSTRUCT A SECOND STORY ON AN EXISTING RESTAURANT (LULU'S) WHICH HAS A CURRENT NORTH SIDE YARD SETBACK OF 20 FEET. LULU'S IS DESIGNATED RESIDENTIAL A LAND USE AND IS ZONED COMMERCIAL HIGHWAY TOURIST (CHT). IT IS LOCATED AT 301 ROSCOE BOULEVARD. SINCE THE SUBJECT SITE ADJOINS RESIDENTIALLY ZONED LAND, THE 50 FOOT SIDE YARD REQUIREMENT APPLIES. THIS VARIANCE IS NOT SUBJECT TO CONCURRENCY, PURSUANT TO SECTION 11.03.04.C OF THE LAND DEVELOPMENT CODE

Proof of publication of the Notice of Public Hearing on the variance request of Lulu's Waterfront Grille was received, having been published in *The St. Augustine Record* on January 28, 2004.

Bruce Ford, Chief Planner, stated that this was a request for a non-zoning variance waiver to Section 3.06.05.A.5 of the Land Development Code, located in the Palm Valley overlay district, to reduce a north side yard requirement from 50- 20'. Applicant must meet the buffering provisions of the section 3.06.06.84 requirement for an 8' masonry wall or 8' high vegetative buffer. Fire Services requests expansion not start until central water lines have been improved. Jacalone and Maguire questioned the applicant about the water line increase time line. The applicant stated that sewer service has been hooked up to the restaurant. The code required that a sprinkler system be installed if the current output was less than 1,500 gallons per minute. The current output was estimated at 500 gallons per minute. Jacksonville Electric Authority was currently working on enhancing the water supply.

(2:37 p.m.) Jeff Sneed, 599 Atlantic Boulevard, Suite 4, Atlantic Beach, spoke on behalf of Lulu's Restaurant and provided photographs and artists renderings and explained the purpose of a non-zoning variance request. Improvements to the building would allow upstairs administrative offices and increased restaurant seating by 40 to 50 seats.

(2:45 p.m.) Chris Gordon 310 N. Roscoe Blvd opposed expansion of restaurant due to increased traffic, alcohol consumption, and noise in a residential area.

(2:48 p.m.) Scott Parks 309 Roscoe Blvd, opposed expansion. Parks stated that there was no buffer between commercial and residential zoning. Traffic, alcohol consumption, and noise were currently a problem and, in his opinion, would only worsen with expansion.

(3:01 p.m.) Patrick Finley, 141 Vera Loma Lane, owner of Lulu's stated that they had never received a formal noise complaint in seven years.

**(3:03 p.m.) Motion by Maguire, seconded by Bryant, carried 5/0, to approve PNZVAR 2003-07, adopting findings of fact to support the motion.**

**(3:03 p.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:03 p.m.

#### REPORTS:

1. St. Johns Board of County Commissioners Check Register; approving check number 346450 through 346782, totaling \$962,242.74 (02/05/04)

2. St. Johns Board of County Commissioners Check Register; approving check number 346445 through 346449, totaling \$120,815.81 (02/10/04)
3. St. Johns Board of County Commissioners Check Register; approving check number 346783 through 346885, totaling \$111,286.15 (02/10/04)

CORRESPONDENCE:

1. Letter to the Department of Environmental Protection regarding a Sovereign Submerged Lands Easement for St. Johns County Riverdale Park (02/09/04)

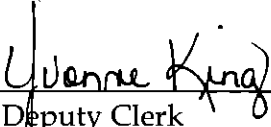
Approved March 16, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

RENDITION DATE 03/31/04

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

