

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 20, 2004
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, 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
 Dan Bosanko, County Attorney
 Laura Barrow, Assistant County Attorney
 Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts, and Allen Mac Donald, Finance Director

(04/20/04 - 1 - 9:07 a.m.)
Chair Stern called the meeting to order.

(04/20/04 - 1 - 9:08 a.m.)
Bryant gave the Invocation and Maguire led the Pledge of Allegiance.

(04/20/04 - 1 - 9:09 a.m.)
ROLL CALL

Stern stated that all five Commissioners were present.

(04/20/04 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING APRIL 18 THROUGH 24, 2004, AS COUNTY GOVERNMENT WEEK

Bryant read the Proclamation and presented it to Bryan Norris, Christy Sandy and Dexter Taylor, with the Council on Aging, who accepted it. Norris said a few words of thanks and commented on the new Sunshine Bus schedule and the new fair structure.

(04/20/04 - 1 - 9:14 a.m.)
PROCLAMATION DESIGNATING APRIL 18-24, 2004, AS CRIME VICTIMS WEEK

Sheriff Neil Perry, Kim Booker, Donna Hazel and Donna Miller, accepted the Proclamation, as read and presented by Jacalone. Perry commended the Victim's Advocates for their work.

(04/20/04 - 1 - 9:18 a.m.)
PROCLAMATION DESIGNATING APRIL 18-24, 2004, AS VOLUNTEER WEEK

Betty Goyings and Frances Neelands accepted the Proclamation, as read and presented by Stern. Adams spoke on an appreciation luncheon that was planned for all of the County's volunteers and Goyings said a few words to express her gratitude.

RESOLUTION NO. 2004-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT OVER 0.56 ACRES OF UPLANDS IN DAVIS PARK TO MITIGATE FOR WETLAND IMPACTS AT THE COUNTY ROAD 210 AND MICKLER ROAD INTERSECTION

5. Motion to adopt **Resolution No. 2004-74**, accepting a Deed of Dedication from D. R. Horton, Inc.-Jacksonville, to St. Johns County conveying the roads and easements appurtenant thereto within Saint Johns Six Mile Creek West Unit 1 Subdivision

RESOLUTION NO. 2004-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FROM D. R. HORTON, INC.-JACKSONVILLE, TO ST. JOHNS COUNTY CONVEYING THE ROADS AND EASEMENTS APPURTENANT THERETO WITHIN SAINT JOHNS SIX MILE CREEK WEST UNIT 1 SUBDIVISION

6. Motion to adopt **Resolution No. 2004-75**, authorizing the Clerk of the Courts, under Section 95.361, Florida Statutes, to file the survey map for St. Augustine Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing V. Bird, 100 SO.2D 57 (Fla. 1958)

RESOLUTION NO. 2004-75

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR ST. AUGUSTINE ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1958)

7. Motion to direct the County Administrator to move forward with the design and construction of the Growth Management Service Center

This item was moved to the Regular Agenda as Item 5A.

8. Motion to authorize the County Administrator to enter into an agreement with Psychological Services of St. Augustine, for therapeutic services for children
9. Motion to authorize the County Administrator to enter into an agreement with Dr. Sherry Risch, for therapeutic services for children

10. Motion to adopt **Resolution No. 2004-76**, authorizing the County Administrator to sign the Letter of Agreement between St. Johns County and Florida Baptist Children's Homes

RESOLUTION NO 2004-76

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR TO
SIGN THE LETTER OF AGREEMENT BETWEEN ST.
JOHNS COUNTY COMMUNITY BASED CARE ("CBC")
AND FLORIDA BAPTIST CHILDREN'S HOMES**

11. Motion to authorize the Chair to sign the Memorandum of Agreement between St. Johns County and Helow Property, Ltd., for construction to extend a drainage ditch along Greenbriar Road, and to direct the Public Works Department to implement the provisions of the Memorandum of Agreement

(04/20/04 - 4 - 9:52 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

There were none.

(04/20/04 - 4 - 9:52 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Regular Agenda.

(04/20/04 - 4 - 9:53 a.m.)

1. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT UNDER BID NO. 04-69, WITH APAC-SOUTHEAST, INC., IN THE AMOUNT NOT TO EXCEED \$1,722,755.82 (*See Attachment A*)

Laura Barrow, Assistant County Attorney, gave a brief history of this item and handed out copies of possible amendments to the contract for the Board to consider. She stated that this item had been continued from the April 6th meeting, in order to allow for the resolution of some issues between APAC-Southeast, the Department of Environmental Protection (DEP) and some of the residents who live in the area of the APAC asphalt plant. She said that she understood that APAC was being very cooperative with the DEP, in order to resolve their violations, and they have installed a new control device in the plant to help control the emissions. Barrow stated that some changes were made to the contract since it was last brought before the Board. The changes were on pages 9 and 17 of the contract. The changes would provide the County the option, if they granted the contract, to terminate the contract if the plant were in violation of any environmental regulations and would require the plant operators to notify the County if they received any warnings or notices of violation.

On page 9, paragraph 7.2, Barrow suggested modifying the second sentence to read, "*That the contractor shall immediately notify the Owner of the receipt of any notices or warnings from any Federal, State or Local agencies, pertaining to possible violations within St. Johns County, of any environmental or noise regulations.*"

(9:57 p.m.) Jacalone questioned the modification, in that the APAC representative had stated that even if the plant here, in St. Johns County, became inoperable, they could still fulfill the contract from one of their other plants. Stern explained that the request

ST. JOHNS COUNTY
BID TABULATION



BID TITLE
 2004 ROADWAY MAINTENANCE PROJECT

BID NUMBER
 BID NO. 04-69

OPENING DATE/TIME
 MARCH 24, 2004 3:00 P.M.

POSTING TIME/DATE
 FROM 03/24/2004 4:00 PM UNTIL 03/29/2004 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY-TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY
 TABULATED BY
 VERIFIED BY
 LEIGH DANIELS
 SARAH BARNETT

[Handwritten Signature]

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL COLUMN "E" BID	ADDENDUM #1	BID BOND				
DUVAL ASPHALT PRODUCTS	\$1,749,450.00	✓	✓				
APAC-SOUTHEAST, INC.	\$1,722,755.82	✓	✓				
ATLANTIC COAST ASPHALT CO.	\$2,212,627.90	✓	✓				

BID AWARD DATE - _____

4/20/04- Regular #1 - Attachment A

for the modification was made by the President of APAC.

(9:59 p.m.) David Church, Division President for APAC, stated that they had plants from Florida to Kansas, and if there was a violation in the Kansas plant he would have no way of knowing about it here in Florida. They have about 250 plant locations, nationwide, that could supply the asphalt for this contract. He suggested amending the language to cover the plants located within the same DEP Region as this plant. Meiszer commented that he did not care where the asphalt came from as long as the County did not have to pay extra shipping charges for the asphalt if it came from another plant, and as long as the asphalt was supplied in accordance with the contract.

(10:02 a.m.) Stern supported changing the language to "*within the DEP Region.*" Meiszer stated that it was beyond the scope of this contract to require that the asphalt come from a certain plant, as it was not in the specifications of the bid. Jacalone stated that the intent was never to identify where the asphalt came from, but that there had been complaints about the local plant. He stated that he believed that these were separate issues.

(10:05 a.m.) Maguire questioned the provision, on page 17, paragraph 12.2.2.1, of the contract that would allow the County to cancel the contract if the Contractor did not comply with all applicable Federal, State or Local environmental regulations. He stated that it made it look like the County was trying to use this contract to enforce a DEP issue. Barrow stated that they were going to suggest the insertion of a provision that would limit it to St. Johns County, or to the Northeast District of the DEP. Maguire agreed with Jacalone, that these were two separate issues and discussion followed.

(10:11 a.m.) Stern asked Church if the addition of the suggested language to the contract would prevent APAC from fulfilling their contractual duties in anyway. He responded that it could affect the contract, in that it would allow the Commission to pull the contract. He also reminded the Board that he was putting up a bond for the contract, as well. Jacalone stated that he did not feel that the provision to terminate the contract, due to a DEP violation, should be added.

(10:13 a.m.) Dan Bosanko, County Attorney, explained that the revisions were presented as options for the Board's consideration, and that the option to cancel the contract would be a way for the Board to enforce regulations that were applicable within the county. He explained that other governmental bodies do this practice routinely.

(10:14 a.m.) Eunice Ruddy, 290 Sunrise Blvd., addressed the noise and odor pollution and the health hazards created by the emissions of the asphalt plant.

(10:18 a.m.) Cecelia Nelson, 290 Las Olas Rd., commented on the odors and health hazards created by the asphalt plant.

(10:21 a.m.) Thelma Austin, 52 Sunrise Blvd., stated that she had been hospitalized due to the fumes and odors generated by the plant, as stated in a letter from her doctor, Exhibit A.

(10:22 a.m.) Dominic Nicklo, 288 Chapel Rd., submitted petitions and letters, Exhibit B, and addressed the noise and air pollution created by the asphalt plant. He commented on the past and current zoning of the facility. Additionally, he read some information from the Environmental Health Alliance regarding the dangers of asphalt fumes. Meiszer pledged to do everything possible to assist the residents.

(10:30 a.m.) Chris Kirts, 7825 Baymeadows Way, Jacksonville, Northeast District Office of the DEP, stated that this facility was permitted by the DEP, and that they have had complaints regarding this facility for about two years, and have done close to 100 inspections in response to the citizen complaints. It was noted in January, of this year, that the plant had numerous events of excess emissions of particulate matter, fumes, smoke, fog and smog. The DEP informed APAC and they acted swiftly to install an air duct system to correct the problem. The new system was put into effect last week and, upon inspection, seemed to be working. Discussion followed regarding who had the authority to regulate and enforce air quality and emissions regulations; how the plant came to be located where it was; and the types and amounts of chemicals that were being emitted from the plant.

(10:42 a.m.) **Motion by Jacalone, seconded by Stern, to award Bid No. 04-69, 2004 Roadway Maintenance Project, with both changes to page 9 and 17 that were included in our material, and adding "within the DEP Region" to Section 7.2 on page 9.** Discussion followed, Bryant called the question, and the motion carried 5/0 at 10:49 a.m.

The meeting recessed at 10:50 a.m. and reconvened at 10:57 a.m., with Strickland and Barrow no longer in attendance.

(04/20/04 - 6 - 10:57 a.m.)

2. CONSIDER A MOTION TO APPROVE LAMP BOARD RECOMMENDATIONS FOR FCT APPLICATION AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN THE TRANSMITTAL LETTER

Shorty Robbins, Recreation and Parks Administrative Manager, presented the 2004 Land Acquisition Management Plan, that will be presented to the Florida Communities Trust (FCT). She explained that the LAMP Board had made several on-site visits over the past months and had recommended two properties for submission. The first, known as Wildwood Trails, was a 50 acre site, with an asking price of \$3.5 million. The second, known as Canopy Shores, was located in the St. Augustine Shores subdivision. It had an asking price of \$5.5 million for 33 acres. In addition, she gave a brief overview of the FCT program, and the funding that would be available.

(11:03 a.m.) Jacalone commented that both proposed acquisitions were stunning properties and that they would make great recreation sites. Discussion ensued regarding whether the properties would be eligible for Water Management District assistance, match funding and points. Maguire questioned if a marina could be put in at the Canopy Shores property, Robbins replied no.

(11:09 a.m.) Van Ghent, 4005 Moultrie Foreside Blvd., representing the LAMP Board, commented on why these sites were selected. Maguire questioned if there were any properties in the northwest area of the county that were comparable to the properties that were chosen. Robbins responded that they were looking at properties in the northwest for active recreation, which they will apply for next year; they currently have JEA funds to use in that area. Discussion followed regarding appraisals on the properties. Meiszer and Stern, both, supported the acquisition of these properties.

(11:17 a.m.) **Motion by Jacalone, seconded by Maguire, to approve the LAMP Board recommendations for FCT applications, and authorize the County Administrator to sign the transmittal letters.**

(11:17 a.m.) Kathy Yerves, 670 Polo Ct., President of the Service Corporation, expressed concern regarding the use of the Canopy Shores property and the impact that it would

have on the homeowner's in the Shores. Jacalone explained that they would work with the residents on devising a management plan for the park.

(11:22 a.m.) Phil Ham, 903 San Remo Rd., urged the Board to pass the motion for the possible acquisition of this property.

(11:24 a.m.) **The motion carried 5/0.**

(04/20/04 - 7 - 11:24 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS FOR THE ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A ST. JOHNS COUNTY UTILITY DEPARTMENT ADMINISTRATION AND OPERATIONS FACILITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASES IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

Bill Young, Utility Department Director, presented the details of this item and the proposed use of the new building. He addressed the appraisals and the purchase prices of the properties. Discussion ensued regarding the location of the property and proposed developments in the county. (11:30 a.m.) Jacalone recused himself from this item, as he was retained by Caldwell Banker Commercial Properties, who had the listing on this property. Maguire questioned how many acres of wetlands were on the properties.

(11:31 a.m.) Mary Ann Blount, Real Estate Manager, explained that, based on the preliminary aerial views, about half of the approximately 55 acres were wetlands. She explained further that there were no contingencies in the contracts, just the standard 120 day due diligence period. Discussion followed regarding site planning, the price per acre of the properties, access and storm water.

(11:37 a.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone recused, to adopt Resolution No. 2004-77, approving the terms of two purchase and sale agreements for the acquisition of property for construction of the St. Johns County Utility Department Administration and Operations Facility, and authorizing the County Administrator to execute the agreement and take all action necessary in order to close and complete the purchases in accordance with Section 125.355, Florida Statutes.**

RESOLUTION NO 2004-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS FOR THE ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A ST. JOHNS COUNTY UTILITY DEPARTMENT ADMINISTRATION AND OPERATIONS FACILITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENTS AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASES IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

(04/20/04 - 8 - 11:38 a.m.)

4. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO MOVE FORWARD WITH THE RELOCATION AND CONSTRUCTION OF THE FACILITIES MAINTENANCE COMPLEX ON DOBBS ROAD AND A MOTION TO APPROVE THE TRANSFER OF \$760,000 FROM THE CTTF RESERVE TO THE GENERAL FUND AND A MOTION TO APPROVE THE TRANSFER OF \$570,000 FROM GENERAL FUND TO THE UTILITIES FUND

Mary Ann Blount, Real Estate Manager, stated that the next phase of the Holmes Boulevard project would realign the Kenton Morrison Road/Woodlawn Road intersection at SR16. This realignment would displace the County's Facilities Maintenance Department. She explained that the County already owned a 10-acre tract on Dobbs Road that would suit the needs of the relocation of this department. She also explained the financing needed, and asked for the Board's support on the transfers relating to this item. Jacalone stated that the Dobbs Road location would be ideal for this department. Blount explained how the financing was set up, in response to a query from Meiszer.

(11:45 a.m.) Mike Rubin, Construction Manager, stated that construction and design would go through the normal RFP process. They proposed 7,000 sq. ft. for offices/workshops and 13,000 sq. ft. for storage.

(11:46 a.m.) Motion by Bryant, seconded by Jacalone, carried 5/0, to direct the County Administrator to move forward with the relocation and construction of the Facilities Maintenance Complex on Dobbs Road.

(11:47 a.m.) Motion by Jacalone, seconded by Bryant, carried 5/0, to approve the transfer of \$760,000 from the Transportation Trust Fund Reserve to the General Fund.

(11:47 a.m.) Motion by Bryant, seconded by Jacalone, carried 5/0, to approve the transfer of \$570,000 from the General Fund to the Utilities Fund.

(04/20/04 - 8 - 11:47 a.m.)

5. CONSIDER A REQUEST FOR ENDORSEMENT OF THE PROPOSED WILLIAM BARTRAM SCENIC AND HISTORIC HIGHWAY DESIGNATION APPLICATION AND CORRIDOR MANAGEMENT PLAN

Donna Godfrey, Senior Planner, handed out a flyer regarding the William Bartram Scenic and Historic Highway, Exhibit A. She clarified that what was needed was the Board's endorsement of the application, which would enable the final Corridor Management Plan to be sent to the Florida Department of Transportation (FDOT) for technical review. They would then make recommendations to the Secretary of the Department of Transportation, who would then approve or deny the designation. Discussion followed regarding the number of citizens, who live in the affected area, who supported this application.

(11:51 a.m.) Motion by Meiszer, seconded by Bryant, to approve the Designation Application for the Corridor Management Plan to the Florida Department of Transportation's Scenic Highway Designation for State Road 13.

There was a brief discussion regarding the possibility of conflicts of interest relating to the application.

(11:55 a.m.) Pat Greason, Florida Department of Transportation, addressed the conflict of interest issue. Jacalone left the meeting.

(11:56 a.m.) Margaret Jenness, 224 Saint Johns Golf Dr., supported the designation application, as it would be an asset for RiverTown, as well as the entire community.

(12:00 p.m.) Louise Throer, 288 Orange Ave., addressed the RiverTown development and presented excerpts from the Special Conditions section of their Development Order, as Exhibit B. She expressed concern about protecting the oak trees along the corridor.

(12:03 p.m.) Mary Cornwell, 2652 SR 13, stated that the majority of residents along SR13 wanted the historical and scenic designation. Meiszer questioned if there was any opposition to the designation. Cornwell responded not to her knowledge. There was a brief exchange regarding the oak trees and a possible parallel highway.

(12:11 p.m.) Godfrey explained how the designation would affect the corridor. She also explained that the designation would not change the portions of the Land Development Code that pertained to this area of the county. (12:12 p.m.) **The motion carried 4/0, with Jacalone absent.**

Item 5A and Reports were moved to the afternoon session and the meeting recessed at 12:13 p.m. and reconvened at 1:41 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present. Also present was Allen MacDonald, Finance Director.

(04/20/04 - 9 - 1:41 p.m.)

5A. MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO MOVE FORWARD WITH THE DESIGN AND CONSTRUCTION OF THE GROWTH MANAGEMENT SERVICE CENTER (*Formerly Consent #7*)

Meiszer explained why he pulled this item, voicing concern about the new building-the One Stop Permit Center-and about what would be done with the space being vacated in the old building. Bryant stated that there had been a lot of discussion over the last few years about Staff needing space. Discussion followed on the funding and keeping the Board informed of the progress. (1:56 p.m.) **Motion by Jacalone, seconded by Bryant, to direct the County Administrator to move forward with the design and construction of the Growth Management Service Center.** Meiszer asked how the plan got from 28,000 square feet to 60,000 square feet. Rubin responded that there were actually two projects and this one was the smaller of the two. Adams mentioned that this was the first stage, and that they would be going through several months of input for the new building. He stated that there was not going to be a new auditorium built. Discussion followed on how many departments the new building would hold. (2:01 p.m.) **The motion carried 4/1, with Meiszer opposed.** MacDonald left the meeting.

(04/20/04 - 9 - 2:02 p.m.)

6. PUBLIC HEARING - MAJMOD 2003-14, CHELSEA WOODS PUD - THIS REQUEST IS TO MODIFY THE APPROVED PUD TO EXTEND THE TIME FOR PHASE II, AND TO ALLOW FOR ALLEYS AND LOTS WITH REAR ENTRY GARAGES, AND TO CHANGE THE APPROVED FINAL DEVELOPMENT PLAN (FDP) TO INCREMENTAL MASTER DEVELOPMENT PLAN (MDP) FOR PHASES I AND II. THE SUBJECT PROPERTY IS LOCATED AT 2400 ROLLING HILLS, AND IS COMPRISED OF 10.91 ACRES. FOR ZERO LOT LINE PATIO HOMES, THE FRONT, SIDE AND REAR YARD SETBACKS WILL BE 20 FEET, 0-5 FEET AND 10 FEET, RESPECTIVELY. FOR ALLEY LOTS, THE FRONT, SIDE AND REAR YARD SETBACKS WILL BE 10 FEET, 5 FEET AND 15 FEET, RESPECTIVELY. PHASE II WILL CONSIST OF 48 SINGLE FAMILY AND PATIO HOMES, AND THE RECREATION FACILITY, WHICH WILL

COMMENCE PRIOR TO JULY 1, 2005, WITH COMPLETION BY JULY 1, 2008. FINAL CERTIFICATES OF CONCURRENCY, 94-CD-13 AND 97-CD-07, REMAIN VALID FOR THE DEVELOPMENT OF A TOTAL OF 135 SINGLE FAMILY RESIDENTIAL UNITS

Proof of publication of the Notice of Public Hearing on MAJMOD 03-14 Chelsea Woods was received, having been published in *The St. Augustine Record* on April 1, 2004.

Bruce Ford, Chief Planner, reviewed this item, explaining what they were asking for by utilizing the site plan, Exhibit A. Jacalone asked if the alley created another front yard. Ford responded yes. Jacalone asked if they were asking for the waiver to allow accessory uses in front yards. Ford replied yes. Maguire asked if there were any waivers for the setbacks or if they were standard. Ford replied that they were standard.

(2:07 p.m.) Karen Taylor, 3070 Harbor Drive, illustrated what they wanted to do with an aerial of the property, Exhibit B and Exhibit C, a picture of the houses and site plans. Jacalone questioned the width of the alley lots. Taylor responded. Property forms in opposition of, or in favor of, this project were turned in at the meeting, Exhibit D.

(2:13 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-24, known as MAJMOD 2003-14, Chelsea Woods PUD, adopting Findings of Fact 1 through 6 to support the motion.**

ORDINANCE NO. 2004-24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE CHELSEA WOODS PLANNED UNIT DEVELOPMENT (PUD) (FORMERLY ROLLING HILLS PLACE PLANNED UNIT DEVELOPMENT PUD) ORDINANCE NUMBER 96-37, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(04/20/04 - 10 - 2:13 p.m.)

7. PUBLIC HEARING - MAJMOD 2003-01, ANDERSON PARK PUD - THIS REQUEST IS TO MODIFY THE APPROVED PUD TO EXTEND THE PHASING SCHEDULE OF DEVELOPMENT, AND TO ALLOW FOR OVERLAPPING PHASES. THE SUBJECT PROPERTY IS LOCATED AT 2705 STATE ROAD 16, AND IS COMPRISED OF 196.76 ACRES. THE PUD WAS ORIGINALLY APPROVED WITH THE FOLLOWING PHASING: PHASE 1 - 1996-1999; PHASE 2 - 2000-2003; AND PHASE 3 - 2004-2006. THE REQUESTED PHASING IS AS FOLLOWS: PHASE 1 - 2005-2008; PHASE 2 - 2008-2010; AND PHASE 3 - 2010-2012. THE MAJOR MODIFICATION REQUEST IS CONSISTENT WITH FINAL CERTIFICATE OF CONCURRENCY, CONMAJ 2003-01, APPROVED FOR PHASE 1 (2003-2005), CONSISTING OF 100,000 SQUARE FEET OF LIGHT INDUSTRIAL SPACE, 30,000 SQUARE FEET OF GENERAL OFFICE SPACE, AND 100,000 SQUARE FEET OF SPECIALTY RETAIL; PHASE 2 (2005-2007), CONSISTING OF 100,000 SQUARE FEET OF LIGHT INDUSTRIAL SPACE AND 100,000 SQUARE FEET OF SPECIALTY RETAIL; AND PHASE 3 (2007-2009), CONSISTING OF 50,000 SQUARE FEET OF SPECIALTY RETAIL AND 120 MULTI FAMILY UNITS

Proof of publication of the Notice of Public Hearing on MAJMOD 03-01, Anderson Park PUD was received, having been published in *The St. Augustine Record* on April 1, 2004.

Ford reviewed this item, stating that the request was to extend the phasing of a PUD and to allow for overlapping phases. Maguire asked if there was anything other than the phasing schedule being requested. Ford replied no. (2:15 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance No. 2004-25, known as MAJMOD 2003-01, Anderson Park PUD, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2004-25

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ANDERSON PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 95-32; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(04/20/04 - 11 - 2:16 p.m.)

8. PUBLIC HEARING - REZ 2003-19, HUNTERS CREEK - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 4.0 ACRES, LOCATED AT 2369 HAWKCREST DRIVE EAST FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY, (RS-2) TO ALLOW THE PROPERTY TO BE SUBDIVIDED INTO ELEVEN SINGLE FAMILY LOTS. CURRENTLY, THE PROPERTY IS DESIGNATED RESIDENTIAL B ON THE FUTURE LAND USE MAP, WHICH ALLOWS UP TO TWO UNITS PER ACRE. THE PARCEL IS ALSO ZONED OPEN RURAL (OR), WHICH REQUIRES A MINIMUM LOT SIZE OF ONE ACRE PER DWELLING UNIT. THE APPLICANT IS PROPOSING A REZONING FROM OR TO RS-2, TO ALLOW THE SUBDIVISION OF THE PROPERTY TO CREATE ELEVEN LOTS. THE RS-2 ZONING WILL ALLOW FOR MORE FLEXIBILITY IN LOT DESIGN, AS WELL AS MEETING THE REQUIREMENTS FOR THE 35 FOOT DEVELOPMENT EDGE AROUND THE PERIMETER OF THE PARCEL ,WHILE STILL MEETING THE OVERALL DENSITY OF TWO UNITS PER ACRE REQUIRED BY THE LAND USE. FINAL CERTIFICATE OF CONCURRENCY, CONMIN 2003-19, WAS APPROVED ON SEPTEMBER 24, 2003, FOR 11 UNITS AND MEETS THE REQUIREMENTS OF SECTION 11.00.01, REQUIRING CONCURRENCY APPROVAL FOR A MINIMUM OF 1/3 OF THE MAXIMUM DEVELOPMENT ALLOWED BY THE PROPOSED REZONING (17 UNITS - BASED ON 8.5 ACRES @ 2 UNITS/ACRE). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING BY A VOTE OF 6 TO 1 AT THEIR APRIL 1, 2004 MEETING

Proof of publication of the Notice of Public Hearing on Hunter's Creek Subdivision was received, having been published in *The St. Augustine Record* on March 12, and April 16, 2004.

Dan Bosanko, County Attorney, entered the meeting and Lopez left the meeting. Ford spoke on the agreement between the Cunningham Hideaway Homeowners' Association and Heritage Development Enterprises, Inc., regarding the maintenance of the bridge. Bosanko recommended that the agreement not be made a part of the zoning, as it should be a private agreement between the parties. Property owner forms showing support for or opposition to the project, were turned in. (2:19 p.m.) **Motion by Meiszer,**

seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-26, known as REZ 2003-19, Hunters Creek, adopting Findings of Fact to support the motion.

ORDINANCE NO. 2004-26

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO SINGLE FAMILY RESIDENTIAL (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/20/04 - 12 - 2:20 p.m.)

9. DISCUSSION OF WAIVERS AND VARIANCES TO THE LAND DEVELOPMENT CODE REQUIREMENTS

Scott Clem, Director of Growth Management, stated that this workshop was in response to some questions from the County Commissioners regarding PUD waivers and the nature and number of waivers that had been requested recently. He gave a presentation on this item, Exhibit A. Bosanko stated that Staff and the Legal Department had been discussing what kind of recommendations to make to the Board. He stated that there had been a long history of case law, where courts had ruled on what variances were and were not. He spoke on zoning variance requests by hardship. Clem continued by outlining the five criteria for non-zoning variances. Meiszer stated that a non-zoning variance, or any kind of variance, should be limited to not more than 50% of the original requirement. Clem replied that the Board could put a cap on it, but that there still needed to be an avenue for at least requesting a relief to a cap like that. Clem gave suggestions on LDC changes. Jacalone spoke on developers asking for relief from the sidewalk requirements. Discussion followed on fire suppression requirements, and wetland buffer requirements. Bosanko stated that none of these types of variances should be used to allow something that was prohibited. He recommended, using the words instead of "*non-zoning variance*," the words "*non-zoning waiver*." Clem continued with reviewing the PUD waivers. Discussion followed on phasing within the PUD, concurrency phasing, having commencement dates, not needing completion dates by phases, and the number of variances and waivers requested in 2002-2003. Jacalone mentioned that they needed to do something with the sign regulations. Clem spoke on Staff recommendations. Bosanko spoke on procedural waivers. (3:28 p.m.) Meiszer and Maguire left the meeting.

The meeting recessed at 3:28 p.m. and reconvened at 3:37 p.m.

(3:37 p.m.) George McClure, 170 Malaga Street, spoke on zoning and not requiring a hardship for non-zoning variances. (3:43 p.m.) Michael Hunt entered the meeting. McClure stated that a PUD was an alternative, not a requirement.

(3:46 p.m.) John Metcalf, 245 Riverside Avenue, Jacksonville, spoke on St. Johns County not having any history of real problems with PUDs that the Board had approved. He applauded the Board for noticing when there were a lot of waivers being requested, and that maybe the rules needed to change, but it shouldn't be a reason to turn down a waiver request. Jacalone asked why anything over ten acres had to apply for PUD status and Clem responded.

(04/20/04 - 13 - 3:57 p.m.)

10. DISCUSSION OF A SPECIFIC WAIVER REQUEST TO SECTION 5.03.05, MADE IN THE WORLD COMMERCE CENTER PUD APPLICATION, AND DENIED BY THE BOARD OF COUNTY COMMISSIONERS

Teresa Bishop, Planning Director, gave a brief history on this item, speaking on the conversion table. Bosanko voiced concern about changing it in the Land Development Code for all the DRIs. Jacalone asked for the Planning Department's recommendation. Bishop replied that this item was for discussion purposes and discussion followed on handling the changes.

(4:07 a.m.) Anthony Robbins, 13901 Sutton Park Drive South, Suite 200, Jacksonville, AICP Prosser Hallock, Inc., representing the World Commerce Center, LLC, cleared up some of the questions that were expressed. (4:08 p.m.) Hunt left the meeting. Robbins spoke on the change, utilizing the Master Development Plan Map, Exhibit A. He walked through the changes, explaining the conversion table, Exhibit B. Discussion followed on changing the rules on all DRIs. Robbins spoke on the mixed-use center and the beverage zone requirement in the Code. Jacalone asked what the intent of the distance requirement between establishments that sell alcohol was and Clem responded. Clem stated that there was allowances for restaurants that served alcoholic beverages that did not meet the 3,000-foot distance requirement. Bosanko spoke on there being a special kind of license for an establishment that sells just liquor. McClure spoke on liquor licenses and conversion tables. Robbins mentioned the concept for the town center in the middle of the project. Jacalone suggested that Staff address the alcoholic beverages distance requirement, and bring it back before the Board.

(04/20/04 - 13 - 4:34 p.m.)

11. DISCUSSION OF THE ST. JOHNS COUNTY TRANSPORTATION IMPROVEMENTS

Scott Clem, Growth Management Services Director, gave a general overview of the list of the major roadway improvements in the County. Clem made the Board aware that there were other improvements made through private funding that were not yet listed on the map; totaling approximately \$50 million in pipelining funds that will come to the County and would go toward other types of improvements. Clem then informed the Board that there were approximately \$200 million of privately funded roadway improvements, through DRI pipelining, and other developer agreement commitments. Clem reviewed some of the projects that were currently under construction: the six-laning of I-95 and four-laning of SR 207. Clem reminded the Board of some recently completed projects: the four-laning of a portion of Racetrack Road near U.S. 1. Clem reviewed several other projects: four-laning of the Nocatee DRI; realigning a portion of CR 210; and CR 223 and CR 244 through the Aberdeen and Durbin Crossing DRIs that were scheduled to be under construction within the next six to nine months. An extension of CR 305 South was being studied. Some significant transportation projects that would be done in conjunction with the FDOT were: the SR 9B extension, SR 312, the river crossing, and the US 1/CR 210 Interchange. Clem then reviewed the funding sources of the roadway projects, and discussion followed. (4:49 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Yvonne King entered the meeting. Discussion followed regarding some changes that were requested by the World Commerce Center.

(04/20/04 - 13 - 4:54 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant

No report.

(4:54 p.m.)

Commissioner Jacalone

No report.

(4:54 p.m.)

Commissioner Stern

Stern reported that she attended several functions at the Southeast Branch Library over the past few weeks. One of the functions was the Holocaust Memorial Day called "No Time for Silence."

(04/20/04 - 14 - 4:55 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams distributed copies of the Agenda for the joint meeting of the Board of County Commissioners and the School Board, to be held on Wednesday, April 21, 2004 at 9:00 a.m. in the conference room of the Office of the Supervisor of Elections.

(04/20/04 - 14 - 4:55 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reported that the County Attorney's Office had realized approximately \$10,000 in savings in their budget by shifting the upkeep of the law books to electronic research services. He then requested to use one half of that savings to hire an intern for the summer in the County Attorney's Office.

Bosanko then requested authorization to work with Staff on rewriting the LDC provision relating to right-of-way intrusions by private structures.

Hunt reported that the Recreation Department had a contract with the State with respect to certain beach renourishment scooping and tilling that had been completed at Anastasia State Park. In the past, the State budgeted money for reimbursement to the County for this type of work. For this current budget cycle, the State did not allocate money for this reimbursement; therefore, the County would be responsible for paying for it all, which totaled \$2,000.

Bosanko informed the Board that he was preparing some RFQs for bond counsel.

(04/20/04 - 14 - 5:04 p.m.)

CLERK OF COURT'S REPORT

No report.

(5:04 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/0, with Maguire and Meiszer absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 5:04 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Checks #349648 through #349962, totaling \$1,815,549.39 (04/13/04)
2. St. Johns Board of County Commissioners Check Register, Check #349963, totaling \$16.92 (04/13/04)

CORRESPONDENCE:

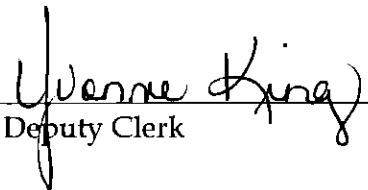
1. Letter dated April 12, 2004 to Liz Cloud, Chief of the Bureau of Administrative Code, regarding filing St. Johns County Ordinances No. 2004-22 and 2004-23

Approved May 25, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

