

NOTE:

Minutes of the March 9, 2005 St. Johns County Board of County Commissioner's Meeting.

The minutes contain links that enable you to listen to the audio for each item.

To listen to the audio of an item in the minutes, click on the blue highlighted date and time that precedes each item.

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 9, 2005 (Revised)
8:00 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, Vice Chair
Cyndi Stevenson, District 1
Karen R. Stern, District 2
Ben Rich, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Diane Gorski, Deputy Clerk

1. CLOSED SESSION - THIS IS A PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN MARCUS FULLER, SURVIVOR OF MARQUIS FULLER AND ST. JOHNS COUNTY. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Commissioner Bryant called the Special Meeting to order at 8:03 a.m.

(8:03 a.m.) Dan Bosanko, County Attorney, announced that the Private Attorney/Client Meeting would commence.

(8:04 a.m.) Bryant stated that the Closed Client/Attorney Meeting would be held in Conference Room "A" and announced that he, Commissioners Rich, Stern and Stevenson, County Administrator Ben W. Adams, Jr., J. Dickson Bridges III, Esquire, Dan Bosanko, County Attorney, and Cathy Upchurch, Court Reporter, would be attending the meeting. The meeting attendees moved to Conference Room "A" for the Closed Session at 8:04 a.m.

(8:38 a.m.) The Chair reconvened the Special Meeting and announced the termination of the Closed Attorney/Client Settlement Meeting.

(03/09/05 - 1 - 9:00 a.m.)
Bryant called the meeting to order.

(03/09/05 - 1 - 9:00 a.m.)
ROLL CALL

Bryant announced that Maguire was in Washington D.C., and that he, Stern, Stevenson, and Rich were present.

(03/09/05 - 1 - 9:01 a.m.)
Stevenson gave the Invocation and Stern led the Pledge of Allegiance.

(03/09/05 - 2 - 9:02 a.m.)

RECOGNITION OF ACHIEVEMENT AWARD FROM THE FLORIDA DEPARTMENT OF CHILDREN & FAMILIES TO ST. JOHNS COUNTY

Bryant introduced Caryn Zink, Program Administrator of the Family Integrity Program; Jaime Bavier, Adoptions Specialist for the Family Integrity Program; Katie Arnold, Children's Home Society; Sherry Russell, Assistant Director, Network and Program for Community Based Care; Sandra Sawhill, Assistant Director Finance, Community Based Care; Dr. Maria Colavito, Director of Health and Human Services Department; and then read the Recognition of Achievement Award aloud.

(9:04 a.m.) Zink thanked the Commissioners, supporting organizations and the citizens of St. Johns County for their continued support of the program, and for helping them achieve twenty-three adoptions since March of 2005, and accepted the award.

(9:05 a.m.) Bavier thanked Dr. Colavito for her support over the past year, and stated that this had been the most rewarding year of her life.

(03/09/05 - 2 - 9:07 a.m.)

PROCLAMATION DESIGNATING MARCH 2005 AS PREVENT BLINDNESS MONTH

Stevenson introduced Dennis Hollingsworth, St. Johns County Tax Collector, and Terri Wiseman, Representative for the Florida School for the Deaf and Blind (FSDB). Stevenson read the proclamation aloud.

(9:09 a.m.) Hollingsworth said that the Tax Collector's Office would continue to raise money for the cause by giving each citizen purchasing a driver's license the opportunity to donate a dollar to Prevent Blindness Florida.

(9:09 a.m.,) Terri Wiseman, FSDB Representative, said that they were honored and privileged to work with St. Johns County and the Tax Collector.

(03/09/05 - 2 - 9:11a.m.)

PROCLAMATION DESIGNATING MARCH 22, 2005 AS INTERNATIONAL WOMEN'S DAY

Stern introduced Catherine Grexa, Marilyn Wiles, Olymphina Hankerson, and Helen Rake, members of the Enterprising Women's Leadership Institute (EWLI) and then read the proclamation aloud.

(9:13 a.m.) Gretzka said that one woman truly could make a difference in today's world and invited interested parties to join ELWI. She thanked the Board for their endorsement.

(03/09/05 - 2 - 9:16 a.m.)

PROCLAMATION DESIGNATING MARCH 13-19, 2005 AS SURVEYORS' WEEK

Rich introduced Damon Kelly, Gail Oliver, County Survey Manager, and Staff, and read the proclamation aloud.

(9:19 a.m.) Kelly expressed his appreciation to the Board and St. Johns County for recognizing surveyors and their role in society today.

(9:20 a.m.) Oliver said that it was an honor to be recognized by the Board of County Commissioners, and to be recognized next week by the President of the United States. She explained the surveyor role in the community and all phases of government.

(03/09/05 - 3 - 9:22 a.m.)

ACCEPTANCE OF THE PROCLAMATIONS

Motion by Stevenson, seconded by Stern, carried 4/0, with Maguire absent, to accept the proclamations.

(03/09/05 - 3 - 9:22 a.m.)

PUBLIC COMMENT

Carl Blessing, 12 LaVista Drive, spoke on the Ponte Vedra Municipal Service District meeting with Joe Stephenson, Public Works Director, and Stone, Joca and Mahoney, who had explained the reconstruction project on Solano Road. He suggested that County Staff attend all public meetings.

(9:24 a.m.) John Grexa, 548 Domenico Circle, asked the County Attorney for an update on the status of the Wembly Gardens property in the Shores and whether or not it could be demolished. (9:25 a.m.) Bosanko explained that the property owners were currently in compliance with County law and that the structure was secured properly, deemed safe, and therefore could not be demolished. (9:27 a.m.) Stern asked Bosanko to explain the status of the property and Bosanko answered that he would provide a written report to the Board regarding the building, the owners and the property. Stern said that she hoped that the property owners would explain their intentions to the community. (9:29 a.m.) Rich said that he had received requests from the community about this issue and that he would continue to share information as it was gathered.

(9:29 am.) Daniel MacDonald, 24501 Deer Trace Drive, addressed the benefits of having a property transfer fee (Exhibit A) and asked the Board to support the bill that was currently being considered for adoption in Tallahassee. (9:35 a.m.) Bryant urged the citizens who were in favor of the transfer fee to contact their local representative. (9:35 a.m.) Rich spoke in support of the property transfer fee. (9:36 a.m.) Stevenson and MacDonald responded. (9:37 a.m.) Stern supported the fee and asked citizens to contact their delegation.

(03/09/05 - 3 - 9:38 a.m.)

DELETIONS TO CONSENT AGENDA

Rich asked to move Item Numbers 11, 12, 13, 14 and 15 to the end of the Regular Agenda.

Bosanko asked that Item Number 11 be pulled and rescheduled to a date uncertain.

Bryant moved Item Numbers 12, 13, 14, and 15 to the Regular Agenda as Item Numbers 17a, 17b, 17c and 17d, respectively.

(03/09/05 - 3 - 9:40 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Stevenson, seconded by Stern, carried 4/0, with Maguire absent, to approve the consent agenda, as amended.

1. Approval of the Cash Requirement Report

2. Minutes:
02/09/05 – BCC Regular Meeting
3. Sheriff's Bonds:
Approve: Michael Gold Mark Simpson

Cancel: Gary Buchanan Matthew Cooper Letriona Emanuel
Dale Gribble Terry Rhodes Regan Shimp
4. Motion to adopt **Resolution No. 2005-52**, accepting the terms of an Agreement Amendment between the Florida Department of Children and Families and St. Johns County, recognizing and accepting the increased funding for the Mental Health Department and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2005-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE BUSINESS ASSOCIATE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CHILDREN & FAMILIES AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

5. Motion to approve the transfer of funds from the Juvenile Justice Department [0039-53120] to Judicial Center Maintenance [0032-56301] in the amount of \$30,000, in order to begin the design and permitting of the loop road for the Judicial Center Complex
6. Motion to approve the transfer of funds from the Juvenile Justice Department [0039-53120] to Circuit Court – Court Appointed Attorneys [0023-53142] in the amount of \$150,000, and to Circuit Court – Expert Witnesses [0023-53144] in the amount of \$75,000, due to several expensive court cases that were in process prior to July 1, 2004
7. Motion that overpayments of co-pays caused by the First Coast Service Options error be refunded to secondary insurers and individuals, who are identified as eligible for such refund, up to \$ 7,378.58

RESOLUTION NO. 2005-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE REFUND OF OVERPAYMENTS OF CO-PAYS CAUSED BY THE MEDICARE OVERPAYMENTS OF JANUARY THROUGH MAY 2004

8. Motion to approve the transfer of \$226,400 from the E-911 Capital Reserve Fund [1168-59927] to E-911 Transfer to Officers [1168-59101] for the purchase of E-911 related software
9. Motion to adopt **Resolution No. 2005-54**, recognizing unanticipated revenue in the amount of \$16,993.93, and increasing the expenditure budget of the Law Enforcement Trust Fund (#1105-1194-56400) in the same amount

RESOLUTION NO. 2005-54

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 LAW ENFORCEMENT TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SHERIFF

10. Motion to adopt **Resolution No. 2005-55**, approving a final plat for Kemps Hideaway

RESOLUTION NO. 2005-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR KEMPS HIDEAWAY

11. Motion to adopt a resolution approving a final plat for Cascades at World Golf Village

This item was pulled and will be rescheduled at a later date.

12. Motion to adopt a resolution approving a final plat for Whisper Ridge, Unit Six

This item was moved to the Regular Agenda as Item Number 17a.

13. Motion to adopt a resolution approving a final plat for Marshall Creek DRI, Unit EV-1

This item was moved to the Regular Agenda as Item Number 17b.

14. Motion to adopt a resolution approving a final plat for Southwood PUD Phase 1B, Phase C

This item was moved to the Regular Agenda as Item Number 17c.

15. Motion to adopt a resolution approving a final plat for Kensington Unit Two

This item was moved to the Regular Agenda as Item Number 17d.

16. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a contract with the low bidder, Core Construction Company, for the lump sum amount of \$138,000.00, for construction of the Health & Human Services Parking Lot Improvements, Phase II

17. Motion to approve the name change of The St. Johns County Golf Course to St. Johns Golf Club

18. Motion to adopt **Resolution No. 2005-56**, approving the terms of a Termination of Grant of Easement and New Grant of Easement, for water and sewer service to Marshall Creek Subdivision Village Center, Unit Two

RESOLUTION NO. 2005-56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINATION OF GRANT OF EASEMENT AND NEW GRANT OF EASEMENT FOR WATER AND SEWER SERVICE TO MARSHALL CREEK SUBDIVISION, VILLAGE CENTER UNIT TWO

19. Motion to adopt **Resolution No. 2005-57**, granting an irrevocable license agreement to Florida Power & Light Company, to use certain portions of County rights-of-way to allow an upgrade of an existing distribution line

RESOLUTION NO. 2005-57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE AGREEMENT TO FLORIDA POWER & LIGHT COMPANY TO USE CERTAIN PORTIONS OF COUNTY RIGHTS-OF-WAY TO ALLOW AN UPGRADE OF AN EXISTING DISTRIBUTION LINE

20. Motion to adopt **Resolution No. 2005-58**, approving the terms of two purchase and sale agreements for the acquisition of property near an existing rail crossing, for construction of a solid waste transfer station, and authorizing the County Administrator to execute said agreements, and take all action necessary in order to close and complete the acquisition, in accordance with Section 125.355, Florida Statutes

RESOLUTION NO. 2005-58

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENTS AND TAKE ALL ACTION NECESSARY TO CLOSE AND COMPLETE THE ACQUISITION IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES, FOR THE ACQUISITION OF PROPERTY NEAR AN EXISTING RAIL CROSSING FOR CONSTRUCTION OF A SOLID WASTE TRANSFER STATION

21. Motion to approve the transfer of ownership of St. Johns County stenograph machines 008581, 008590, 008597, and 008598 and donate them to the State of Florida
22. Motion to approve the transfer of \$36,300 from the Court Modernization Trust Fund Reserves [1257-34800] as follows: \$31,050 to Court Technology Trust Fund Capital (1258-56403); \$4,600 to Court Technology Fund Software (1258-55102); \$650 to Court Technology Operating Supplies (1258-55200); to support court related technology needs

**Please note: The motion on the cover sheet incorrectly identified the fund number, the correct fund number is: 1258-59920 and is identified correctly in the background information and as a funding source.*

23. Motion to approve the interlocal agreement with the Florida Inland Navigation District (FIND) for the purpose of removing free dredged material; and motion to approve a resolution authorizing the County Administrator to execute the interlocal agreement on behalf of St. Johns County

RESOLUTION NO. 2005-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN ST. JOHNS COUNTY AND FLORIDA INLAND NAVIGATION DISTRICT, FOR THE PROVISION OF OBTAINING FREE DREDGE MATERIAL AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

24. Proofs:
- a. Proof, Notice of Public Hearing, Board of County Commissioners, Establishment of Ordinance/Regulations affecting the Use of Land, Wednesday, February 23, 2005 at 5:30 p.m. and Wednesday, March 9, 2005 at 9:00 a.m.
 - b. Proof, Notice to Bidders, RFP No. 05-55
 - c. Proof, Notice of Public Hearing, St Johns County Water & Sewer Authority, Application of Intercoastal Utilities, Inc for Limited Proceeding, Docket No. 40-0007-0011-0001, January 12, 2005 at 1:30 p.m. and continuing on January 13, 2005 from 9:00 a.m. to 5:00 p.m.
 - d. Proof, Notice of Public Hearing, St Johns County Board of County Commissioners, Ordinance providing for the removal of certain unsafe trees, Wednesday, February 23, 2005 at 9:00 a.m.
 - e. Proof, Notice of Meeting, Northwest Business Council of the St. Augustine Chamber of Commerce, Wednesday, February 16, 2005 from 11:30 a.m. to 1:00 p.m.
 - f. Proof, Notice to Bidders, RFQ No. 05-73
 - g. Proof, Notice of Meeting, St Johns County Board of County Commissioners, Special Meeting, Oath of Office to newly elected St Johns County Commissioners, Tuesday, November 16, 2004 at 9:00 a.m.
 - h. Proof, Notice to Bidders, RFP No. 05-67
 - i. Proof, Notice to Bidders, Bid No. 05-68
 - j. Proof, Notice to Bidders, Bid No. 05-70
 - k. Proof, Notice to Bidders, Bid No. 05-69
 - l. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special Meeting, Lake Beluthahatchee Community Development District, Wednesday, March 2, 2005 at 9:00 a.m.
 - m. Proof, Notice to Bidders, Bid No. 05-54
 - n. Proof, Notice of Meeting, Joint Special Meeting of St Johns County Board of County Commissioners and St Johns County School Board, Tuesday, February 22, 2005 at 9:00 a.m.
 - o. Proof, Certificate of Liability Insurance, American Parks & Play, Inc.
 - p. Proof, Certificate of Liability Insurance, Callaway Contracting, Inc.
 - q. Proof, Certificate of Liability Insurance, Psychological Services

r. Proof, Certificate of Liability Insurance, Godard Design Assoc., Inc.

(03/09/05 - 8 - 9:40 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern asked that Item Number 10 be heard after 1:30 p.m. and Bryant supported the request.

Rich asked that Item Numbers 11 and 12 be heard in reverse, for continuity.

Adams said that Staff had asked to pull Item Numbers 12, 13 and 16, and that they would be resubmitted, if required, at a later date.

(03/09/05 - 8 - 9:43 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Stern, seconded by Rich, carried 4/0, with Maguire absent, to approve the regular agenda, as amended.

(03/09/05 - 8 - 9:43 a.m.)

1. UPDATE ON THE NORTHWEST NAME DESIGNATION

Angela Lane, Director, St. Augustine and St. Johns County Chamber of Commerce, 3237 Sequoia Circle, and Chris Thompson, President, Northwest Area Business Council, 321 Sweetbriar Branch Lane, introduced themselves to the Board. Thompson reviewed the process involved in designating a name for the northwest area. He said that Congressman Mica and the Postmaster had explained that the default name of Jacksonville would need to be replaced so that the area could be released to St. Johns County. He explained the process of collecting names from the community and the purpose of the change: to establish a post office within the community. He said that volunteers were assisting with the voting process and that the voting day was set for April 19, 2005 from 7 a.m. to 7 p.m. at the Publix Center on C.R. 210 and State Road 13. He said that once a name had been chosen, the post office would send ballots to all of the households in the area and that the public would have the final decision. He asserted that Fruit Cove and Switzerland would keep their names regardless of the outcome. There was a discussion regarding the designation of one name to cover the 32259 zip code area and the voting procedures.

(10:03 a.m.) Ray Dever, 1279 DeGrove Road, spoke in support of keeping Fruit Cove and Switzerland on the ballot so that the residents had the opportunity to include them in their choice.

(03/09/05 - 8 - 10:06 a.m.)

2. CONSIDER APPROVING THE TRANSFER OF \$170,000 FROM GENERAL FUND RESERVES (0083-59920) TO JUDICIAL MAINTENANCE (0032-56400) FOR THE ACQUISITION OF A 350KW GENERATOR FOR THE ADMINISTRATION BUILDING

Wayne Pacetti, Building Superintendent, explained that the Board had directed Staff to look into providing an emergency back-up generator for the Administration Building. (10:07 a.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Maguire absent, to approve the transfer of \$170,000 from General Fund Reserves (0083-59920) to Judicial Maintenance (0032-56400) for the acquisition of a 350KW generator for the Administration Building.**

(03/09/05 - 9 - 10:08 a.m.)

3. CONSIDER ADOPTING A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR EXPANSION OF PALMO BOAT RAMP AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

Mary Ann Blount, Land Management Director, explained the reasons why the acquisition of the property would be beneficial to the County. (10:10 a.m.) Rich thanked Staff for their efforts and the property owners for keeping the price below market value. (10:11 a.m.) Stevenson asked if there would be a boat ramp at the location and Blount responded that the property would provide an area for additional parking and that the ultimate goal would be to permit for a new boat ramp. (10:12 a.m.) Stern spoke in favor of the acquisition. (10:12 a.m.) **Motion by Stevenson, seconded by Stern, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-60, approving the terms of a Purchase and Sale Agreement for the acquisition of property for expansion of Palmo Boat Ramp, and authorizing the County Administrator to execute the Purchase and Sale Agreement and take action necessary in order to close and complete the purchase in accordance with Section 125.355, Florida Statutes.**

RESOLUTION NO. 2005-60

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR EXPANSION OF PALMO BOAT RAMP AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

(03/09/05 - 9 - 10:13 a.m.)

4. FEASIBILITY AND CORRIDOR STUDY FOR AN ALTERNATE STATE ROAD 16

Shawn Collins, AICP, Transportation Planning Manager, provided a status report on the corridor and the feasibility study for alternate State Road 16 and introduced Dan Kelly, Ayres and Associates, primary consultant on the project, and acknowledged David Kemp and Jeff Buckholtz in absentia. He explained that the main purpose of the feasibility study was to determine the need, feasibility and benefits of an alternative facility to State Road 16, and that the study had been initiated due to the depleted capacity along the corridor. He said that State Road 16 was a hurricane evacuation route and needed improvements. He gave a brief overview of what the study entailed and the processes involved in making recommendations for a future project. (10:29 a.m.) Stevenson asked that bicycle lanes or a wider multi-purpose path be considered during the planning stages of the expansion and Collins answered that those issues would be considered during the projects design phase, and mentioned that none of the alternatives worked without the State Road 312 extension in place.

The meeting recessed at 10:31 a.m. and reconvened at 10:42 a.m. with Bryant, Stevenson, Rich and Patrick McCormack, Assistant County Attorney, Ben Adams, and Diane Gorski, Deputy Clerk, present; and with Stern absent.

(03/09/05 - 10 - 10:43 a.m.)

5. PUBLIC HEARING - NZVAR 04-006 GATCHELL/1813 SR 207 - THE APPLICANT IS REQUESTING A VARIANCE TO BUILD A NEW HOME ON THEIR FIVE (5) ACRE PROPERTY AND ALLOW TWO EXISTING MOBILE HOMES TO REMAIN ON THE PROPERTY FOR FAMILY USE. THEIR PROPOSED PLAN SHOWS THE RELOCATION OF ONE OF THE MOBILE HOMES AND THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT THE SAME LOCATION. THE PROPERTY CURRENTLY HAS ACCESS BY WAY OF AN EASEMENT GRANTED TO THE APPLICANT BY OTHERS TO SR 207. IMPROVEMENTS WITHIN THE EXISTING GRAPHICALLY DEPICTED EASEMENT CONSIST OF A SINGLE LANE UNPAVED DRIVE THAT MAY BE RELOCATED AT THE WILL OF THE GRANTOR. THE EXISTING EASEMENT IS TO BE MAINTAINED BY THE APPLICANT

Proof of publication of the notice of public hearing on NZVAR 04-006 Gatchell was received, having been published in *The St. Augustine Record* on February 22, 2005.

Charles Kohler, P.E., Development Review Chief, reviewed the proposed plan and Staff recommendations. (10:45 a.m.) Stern entered the meeting.

(10:45 a.m.) Ken Gatchell, 1813 State Road 207, explained the history of the easement and reason the non-zoning variance was needed. (10:45 a.m.) Patrick McCormack, Assistant County Attorney, clarified that the County did not own the property. (10:46 a.m.) Stevenson said that the owner of the easement could relocate the easement and change its access; Kohler concurred, and said that access and maintenance were issues. (10:48 a.m.) Bryant stated that the owners were responsible for the maintenance of the easement. (10:48 a.m.) Stern mentioned that the applicant was currently living on the property and was requesting permission to add another home; Gatchell concurred, further explaining that there were two trailers on the site, one of which he wanted to move so that he could build a house. (10:48 a.m.) A discussion relating to the ownership of the easement ensued.

(10:55 a.m.) Karen Taylor, 3070 Harbor Drive, spoke on behalf of the grantor, who objected to the variance, and explained that the easement did not meet standard safety or easement requirements and that the owners did not plan on relocating the easement or improving it. (11:00 a.m.) Bryant could not support the request without the applicant having an agreement with the owner of the easement. (11:02 a.m.) Stevenson said that the parties needed to work out the details of the issue before the Board could make a decision. (11:03 a.m.) Bryant said he was in favor of Gatchell building his home, but could not support the variance request without the grantor's support and Stern concurred. (11:06 a.m.) **Motion by Rich, seconded by Stevenson, carried 4/0, with Maguire absent, to deny NZVAR 2004-006, based upon the failure to provide substantial evidence for a solution of items two and five of the Findings of Fact.**

(03/09/05 - 10 - 11:07 a.m.)

6. PUBLIC HEARING - REZ 2004-37, FRAWLEY REZONING - THIS IS A REQUEST TO REZONE 2.02 ACRES FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI) FOR AN EMERGENCY VETERINARY CLINIC. THE PARCEL IS LOCATED ON THE WEST SIDE OF OLD MOULTRIE ROAD AND IS APPROXIMATELY 1,200 FT WEST OF US 1 AND IS IN THE MIXED USE LAND USE AREA, AS DEPICTED

ON THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITY WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED SPECIAL DEVELOPMENT (PSD), AND COMMERCIAL NEIGHBORHOOD (CN). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4 TO 0 AT THEIR FEBRUARY 3, 2005 MEETING

Proof of publication of the notice of public hearing on REZ2004-37, Frawley Rezoning, was received, having been published in *The St. Augustine Record* on February 22, 2005.

Bruce Ford, Chief Planner, announced that he had no additional information or changes to the application that had been provided to the Board.

(11:08 a.m.) Bob Frawley, 286 Monterey Avenue, applicant, explained his rezoning request. (11:09 a.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to enact Ordinance No. 2005-18, known as REZ 2004-37, Frawley Rezoning, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-18

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/09/05 - 11 - 11:09 a.m.)

7. PUBLIC HEARING - PUD 2004-30, CENTURY PROFESSIONAL PARK PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2.0 ACRES LOCATED IN THE NORTH OF STATE ROAD 16, EAST OF FIFTH STREET AND WEST OF FOURTH STREET. THE PLAN OF DEVELOPMENT INCLUDES 20,346 SQUARE FEET OF PROFESSIONAL OFFICE SPACE. THE PROJECT DOES NOT CONTAIN ANY ONSITE WETLANDS, AS IT WAS PREVIOUSLY USED FOR CHURCH FACILITIES AND ASSOCIATED USES. THE PROJECT IS LOCATED IN THE RESIDENTIAL C LAND USE CATEGORY. OPEN SPACE WILL BE PROVIDED THROUGH 21,872 SQUARE FEET (0.50 AC) INCLUDING THE BUFFERS AND DESIGNATED OPEN SPACE. FOUR (4) FOOT WIDE SIDEWALKS WILL BE PROVIDED FROM THE BUILDING AREA TO THE SIDEWALK ALONG SR 16. INTERNAL SIDEWALKS, A MINIMUM OF 3' IN WIDTH, WILL BE PROVIDED FROM THE BUILDING FRONTS TO PARKING AREAS. THE PROJECT SITE IS ACCESSED BY DRIVEWAY CONNECTIONS FROM FOURTH AND FIFTH STREETS, OFF OF STATE ROAD 16. PROPOSED VEHICULAR ACCESS INCLUDES TWO ACCESS POINTS FROM FOURTH STREET AND TWO ACCESS POINTS FROM FIFTH STREET. THE CENTURY PROFESSIONAL PARK PUD WILL BE DEVELOPED IN ONE (1) PHASE, TO COMMENCE WITHIN ONE YEAR OF APPROVAL OF THE PUD (2006). FOR PURPOSES OF THIS SCHEDULE OF DEVELOPMENT THE TERM "COMMENCEMENT OF DEVELOPMENT" SHALL MEAN APPROVAL OF CONSTRUCTION PLANS AND "COMPLETION OF THE DEVELOPMENT" SHALL MEAN APPROVAL OF "AS BUILTS" SURVEYS. A FINAL CERTIFICATE OF CONCURRENCY (CONMIN 2004-08) WAS APPROVED OCTOBER 4, 2004 FOR 20,000 SQUARE

FET OF GENERAL OFFICE SPACE. THE REVISED REZONING APPLICATION WAS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS AT THE JANUARY 26, 2005 MEETING. GIVEN THE STRONG DENIAL VOTE BY THE PLANNING AND ZONING AGENCY OF 6/0, THE BOARD OF COUNTY COMMISSIONERS VOTED TO REMAND THE REZONING APPLICATION BACK TO THE PLANNING AND ZONING AGENCY FOR RECONSIDERATION. THE PLANNING AND ZONING AGENCY CONSIDERED THE REVISED REZONING APPLICATION AT THEIR FEBRUARY 17, 2005 MEETING. THE PLANNING AND ZONING COMMISSIONERS VOTED TO RECOMMEND APPROVAL BY A VOTE OF 7/0 AT THE FEBRUARY 17, 2005 MEETING

Proof of publication of the notice of public hearing on PUD2004-30, Century Professional Park, was received, having been published in *The St. Augustine Record* on February 1, 2005.

Lindsay Haga, Planner II, said that there was no new information, and that the item had been heard at the January 26, 2005 meeting, and had been remanded back to the Planning and Zoning Agency, who recommended approval by a vote of 7/0.

(11:10 a.m.) George McClure, Esquire, 170 Malaga Street, Suite A, spoke on behalf of the applicant and offered to answer questions. He said that the applicant had met with the neighbors and improvements to the plan had been made.

(11:11 a.m.) John Chapman, 509 Turnberry Lane, applicant, said that they had met with the neighbors whose concerns had been met and that there was no opposition. (11:12 a.m.) Stern said that residents had been concerned with traffic at the intersection and that St. Johns County would complete a traffic study. (11:13 a.m.) McClure explained that the design was modified to alleviate the stacking issue at the driveway entry and exit (Exhibit A). (11:14 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0, with Maguire absent, to enact Ordinance No. 2005-19, known as PUD 2004-30, Century Professional Park PUD, adopting Findings of Fact 1 through 7 to support the motion.**

ORDINANCE NO. 2005-19

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

(03/09/05 - 12 - 11:15 a.m.)

8. PUBLIC HEARING - PUD 2003-18, PLAYA RIVE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 5.13 ACRES OF LAND FROM RG-2(B) AND RG-1 TO PUD TO ALLOW THE DEVELOPMENT OF AN 18-UNIT CONDOMINIUM COMPLEX WITH PRIVATE AMENITIES. THE SUBJECT PROPERTY IS LOCATED ON BOTH THE EAST AND WEST SIDES OF SR A1A, APPROXIMATELY THREE MILES NORTH OF THE VILANO BRIDGE. THE SUBJECT PROPERTY IS BORDERED ON THE EAST BY THE ATLANTIC OCEAN, ON THE WEST BY MARSHLANDS AND IS DISSECTED BY SR A1A. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-C-COASTAL ON THE FUTURE LAND USE MAP, ALLOWING FOUR UNITS PER

ACRE. THE SURROUNDING ZONING INCLUDES RG-1, PSD, OR AND RG-2B. THE PROPOSED PUD HAS A DENSITY OF 3.99 UNITS PER ACRE WITH 18 PLANNED MULTI-FAMILY DWELLING UNITS. WATER AND SEWER SERVICE IS PROVIDED BY JEA. THREE DRIVEWAY CONNECTIONS ARE PROPOSED FROM SR A1A: TWO ALONG THE EAST SIDE AND ONE ALONG THE WEST SIDE. THE APPLICANT HAS RECEIVED AN FDOT PERMIT FOR THE CONSTRUCTION OF THESE DRIVEWAYS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL WITH A 4-0 VOTE AT ITS FEBRUARY 3, 2005 MEETING

Proof of publication of the notice of public hearing on PUD2003-18, Playa Rive, was received, having been published in *The St. Augustine Record* on February 22, 2005.

Teresa Bishop, AICP, Planning Director, said that the applicant had met with adjacent property owners to resolve pending issues and that one waiver request remained, which was to a fifty foot set back along State Road A1A for residential structures. She said that the applicant had requested to go within fifteen feet of State Road A1A, noted changes to the request, and said that the PZA had approved recommendation of the project with a vote of 4/0, which had generated additional meetings with the adjacent community. She said that the applicant had accepted certain conditions, and a type of settlement with the adjacent community, and that the agreed upon changes were included in the packet. She said that the applicant had not agreed to move the buildings five feet to the north property line, which would require an additional waiver to the PUD.

(11:18 a.m.) John Lapshaw, Esquire, 158 Barberrry Lane, representing the Playa Rive developer, reviewed the project and waiver request. He said that there would be minor amendments to the text that had been agreed upon by all parties that addressed the issues of landscaping, lighting, the location of construction trailers and staging areas. (11:21 a.m.) A discussion regarding the surrounding properties, zoning and designation ensued.

(11:28 a.m.) Mack McCuller, Esquire, 225 Water Street, Jacksonville, on behalf of the South Beach residents, said that a settlement agreement had been reached, that opposition to the development had been withdrawn, and that the residents were requesting that the developer move the project to the north by five feet to increase the buffer. (11:31 a.m.) Rich, Stevenson and Stern disclosed ex parte communications with concerned citizens. Discussion regarding the South Beach resident's requests ensued. (11:38a.m.) Bryant gave the legal representatives from both sides of the issue the opportunity to work out the details of the requests and moved on to Item No. 17, stating the Board would return to this item.

(11:47 a.m.) Subsequently, Bishop said that both sides had come up with the language necessary to accept the waiver if the Board so chose, and mentioned that the applicant would need to revise the PUD text and MDP map. She read the text changes to the waiver section of the PUD, as follows: "A waiver to section 503.03.A4 of the Land Development Code reducing the required ten foot natural landscaped buffer to five foot along the north property line, at the locations immediately adjacent to the easterly most and westerly most buildings on the west parcel, as shown on the MDP, and that the applicant must revise their section G32 for side yard setbacks from seven and a half feet to five feet to include the easterly most and westerly most buildings on the west parcel." (11:49 a.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Maguire absent, to enact Ordinance No. 2005-21, approving PUD 2003-18, Playa Rive, adopting Findings of Fact 1 through 7 to support the motion, including the changes in the setbacks and buffer waiver as presented by Bishop: "A waiver to section 503.03.A4 of the Land Development Code reducing the**

required ten foot natural landscaped buffer to five foot along the north property line, at the locations immediately adjacent to the easterly most and westerly most buildings on the west parcel as shown on the Master Development Plan; the applicant must revise their section G32 for side yard setbacks from seven and a half feet to five feet to include the easterly most and westerly most buildings on the west parcel;" authorizing the applicant to make changes and the Staff to review and make changes, as needed, and present the changes to the Clerk's office.

ORDINANCE NO. 2005-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL GENERAL (RG-1) AND RG-2(B) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting proceeded to Item Number 14.

The meeting recessed at 11:56 a.m. and reconvened at 1:32 p.m., with Bryant, Rich, Stern, Stevenson, Bosanko, Lopez, and Deputy Clerk Lenora Newsome present; Commissioner Maguire was absent.

(03/09/05 - 14 - 1:32 p.m.)

9. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA-2004-04, TWENTY MILE PARCELS - FILE # CPA-2004-04, KNOWN AS TWENTY MILE PARCELS, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-C. THIS PROPOSED FLUM AMENDMENT CONSTITUTES A REGULAR COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. THIS REQUEST WAS FIRST TRANSMITTED BY THE BCC ON OCTOBER 20, 2004, TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER STATE AND REGIONAL AGENCIES AS A COMPONENT OF THE DCA NO. 05-1 PACKAGE. ON JANUARY 4TH, THE DCA ISSUED AN "OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT," WHICH INCLUDED OBJECTIONS TO THE PROPOSED AMENDMENT. THE SUBJECT PROPERTY INCLUDES TWELVE SEPARATE PARCELS, TOTALING APPROXIMATELY 40.1 ACRES OF LAND LOCATED ON TWENTY MILE ROAD, APPROXIMATELY ¾ MILE NORTH OF PALM VALLEY ROAD (CR 210 EAST). THE SITE IS LOCATED IN THE NORTHEAST PLANNING DISTRICT, AND IS SURROUNDED ON ALL FOUR SIDES BY THE NOCATEE NEW TOWN DESIGNATION. MOST OF THE PROPERTY IS DEVELOPED WITH LARGE-LOT, SINGLE-FAMILY HOMES AND OUTBUILDINGS. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR). AT ITS PUBLIC HEARING ON FEBRUARY 17TH, THE PLANNING AND ZONING AGENCY WAS UNANIMOUS IN ITS RECOMMENDATION TO THE BCC TO APPROVE FILE #CPA-2004-04 FOR TWENTY MILE PARCELS, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - C

Proof of publication of the notice of public hearing on COMPAMD2004-04 was received, having been published in *The St. Augustine Record* on February 1, 2005.

Donna Godfrey, AICP, Senior Planner, made a public announcement that the comprehensive plan citizen courtesy information list was located at that back of the room for people to provide their name and address, if they wished to receive information from the Department of Community Affairs regarding the notice of intent that was published by the DCA for any of the Comp Plan Amendment items that were approved today. She distributed an addendum provided by the applicant, to be attached to the ordinance as Exhibit B (Exhibit A).

(1:35 p.m.) Don Smith, 14775 St. Augustine Road, Jacksonville, gave a presentation on the Comprehensive Plan Amendment regarding the Twenty Mile Parcels (Exhibit B). Discussion followed on how much property would be commercial and how much would be residential, and how many families were on the property.

(1:42 p.m.) Mary Kohnke, 29 S. Roscoe Blvd., spoke on not having an objection to a land change, but she questioned going to Residential C, displaying a map (Exhibit C). She stated that she though it was poor planning and incompatible.

(1:50 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke in opposition and asked the Board to deny the amendment.

(1:52 p.m.) Chris Beladi, 1029 17th Street N., spoke in favor of this project.

(1:55 p.m.) David Wiles, 8220 A1A South, spoke on Nocatee not handling the utilities, villages for persons 55 years and older, and if the developer mentioned putting in the roads and infrastructure and wanting to dedicate it to the County, he asked the County to deny it.

(1:58 p.m.) John Metcalf, 245 Riverside Ave., representing the applicant, addressed comments made by the public. Bryant asked how much uplands were included on the property: Smith replied that about ten acres were wetlands and approximately 30 acres were uplands. Bryant asked what percentage of the land could be used for community commercial. (2:04 p.m.) Teresa Bishop, AICP, Planning Director, replied that in Residential C all of it could be used for community commercial. Rich expressed concern about how the property abuts the residential area. (2:12 p.m.) **Motion by Stern, seconded by Stevenson, carried 3/1 with Rich opposed and Maguire absent, to enact Ordinance No. 2005-24, amending the Future Lane Use Map from Rural Silviculture (R/S) to Residential Density-C, for File #CPA-2004-04, Twenty Mile Parcels, located on the east side of Twenty Mile Road, approximately ¾ mile north of Palm Valley Road (CR 210 East), adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING 2015
COMPRESHENSIVE PLAN, ORDINANCE NO. 2000-34,
AS AMENDED, TO CHANGE THE FUTURE LAND USE
MAP DESIGNATION FROM RURAL SILVICULTURE
(R/S) TO RESIDENTIAL DENSITY-C FOR PROPERTY
LOCATED ON TWENTY MILE ROAD
APPROXIMATELY ¾ MILE NORTH OF PALM VALLEY
ROAD (CR 210 EAST); PROVIDING FOR FINDINGS OF
FACT; FINDINGS OF CONSISTENCY; SEVERABILITY;
AND AN EFFECTIVE DATE

(03/09/05 - 16 - 2:13 p.m.)

10. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA-2004-05, S-CURVES PARCELS - FILE # CPA-2004-05, KNOWN AS S-CURVES PARCELS, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC). THIS PROPOSED FLUM AMENDMENT CONSTITUTES A REGULAR COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. THIS REQUEST WAS FIRST TRANSMITTED BY THE BCC ON OCTOBER 20, 2004, TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER STATE AND REGIONAL AGENCIES AS A COMPONENT OF THE DCA NO. 05-1 PACKAGE. ON JANUARY 4TH, THE DCA ISSUED AN "OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT," WHICH INCLUDED OBJECTIONS TO THE PROPOSED AMENDMENT. THE SUBJECT PROPERTY INCLUDES EIGHTEEN SEPARATE PARCELS, TOTALING APPROXIMATELY 32 ACRES OF LAND LOCATED ON THE NORTH SIDE OF PALM VALLEY ROAD (CR 210 EAST). THE SITE IS LOCATED IN THE NORTHEAST PLANNING DISTRICT, AND IS SURROUNDED ON THREE SIDES BY THE NOCATEE NEW TOWN DESIGNATION. MOST OF THE PROPERTY IS DEVELOPED WITH LARGE-LOT, SINGLE-FAMILY HOMES AND OUTBUILDINGS. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR). AT ITS PUBLIC HEARING ON FEBRUARY 17TH, THE PLANNING AND ZONING AGENCY WAS UNANIMOUS IN ITS RECOMMENDATION TO THE BCC TO APPROVE FILE #CPA-2004-05 FOR S-CURVES PARCELS, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC)

Proof of publication of the notice of public hearing on COMPAMD2004-05 was received, having been published in *The St. Augustine Record* on February 1, 2005.

Donna Godfrey, AICP, Senior Planner, reviewed this item. Bryant asked about the compatibility of the overlay. Bishop responded that there was no limitation on uses, but it did place limitations on architectural design. She gave the definition from the Land Development Code of the intensive commercial categories.

(2:18 p.m.) Don Smith, 14775 St. Augustine Road, Jacksonville, representing property owners, gave a presentation on the Comprehensive Plan Amendment S-Curve Parcels (Exhibit A). Bryant spoke on the current overlay covering the current CR 210 alignment and asked if the overlay would cover both the new and current roads. Bishop responded that the only portion that was exempted out of the overlay was the boundaries of Nocatee. Discussion followed on what area the road would cover, the realignment, the Twenty Mile Village, and the most intense and the less intense category to go on the land.

(2:30 p.m.) Carl Bloesing, 12 La Vista Drive, spoke in opposition of this item and asked that the presently proposed reclassification to Intensive Commercial be denied.

(2:34 p.m.) Jacquelin Woloseheck, 355 Ranch Road, spoke in opposition to the intensive commercial. Bishop gave a definition of community commercial type uses.

(2:39 p.m.) Chris Beladi, 1029 17th Street North, stated it would be a benefit to the county to approve the project.

(2:42 p.m.) Les McDevitt, 209 Settlers Row N., spoke on the s-curves and the constant accidents on this road.

(2:46 p.m.) Clara Cowan, 244 Patrick Mill Circle, asked the Board to deny the project.

(2:48 p.m.) Clara Spellman, 2510 Palm Valley Road, spoke in favor of the project.

(2:50 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of the project.

(2:51 p.m.) Richard Thomas, 4322 Palmetto Street, spoke in opposition of the project.

(2:53 p.m.) Dan MacDonald, 24501 Deer Trace Drive, spoke in opposition of the project.

(2:57 p.m.) Marcy Silkebaken, 1145 Neck Road, asked the Board to deny the change to Commercial Intensive.

(2:59 p.m.) Bob Kroner, 1298 Ponte Vedra Blvd., spoke in opposition of the project.

(3:02 p.m.) Mary Kohnke, 29 South Roscoe Blvd., spoke in opposition of the project, asking if conditions were allowed on land use designations. Bishop replied there was nothing that said that you couldn't add conditions.

(3:06 p.m.) Annette Smith, 2370 Palm Valley Road, spoke in favor of the project.

(3:11 p.m.) David Wiles, 8220 A1A South, spoke in favor of the project.

(3:16 p.m.) Stern read into the record a statement from Otto Gruhn, who supported the project.

(3:18 p.m.) John Metcalf, 245 Riverside Avenue, responded to comments made by the public, utilizing a map (Exhibit B). He stated that the Board had the ability to change the designation of the property with a footnote providing whatever limitations they desired. He asked the BCC to consider approval. (3:28 p.m.) Stern stated that losing tax dollars to Duval County was a good reason to give the land use designation serious consideration. Also, to the resident on Palm Valley Road who spoke in favor of the designation, it would be significant to note the s-curve would not always be in place, because a new road would replace it and development on the parcel would make the area safer. (3:30 p.m.) Bosanko left the meeting. Bishop stated that she would distribute a handout during break, of the actual high intensity or the intensive commercial uses from the Land Development Code. Adams left the meeting and Scott Clem, Assistant County Administrator, entered the meeting.

The meeting recessed at 3:34 p.m. and reconvened at 3:45 p.m.

(3:45 p.m.) Metcalf stated that they went through the list that was listed under the high intensity commercial uses and had identified about eight or nine of those uses that would be excluded. He stated that the suggestion would be to approve the intense commercial land use, provided, however, the following uses would not be allowed: large scale discount centers, super centers, big box retailers, automobile dealerships, dealerships for recreational vehicles and mobile home sales, truck stops, body shops, livestock auctions, racetracks, garbage haulers, and flea markets. He suggested that the building supply centers would stay in.

(3:47 p.m.) Rich commented that a lack of objection from Nocatee raised suspicions in his mind as to why they don't have a concern in reference to this. This is land that abuts land that could be used for residential purposes. They were not approving something

for a Jiffy Store; they were approving something for commercial intensive use. He worried about the possible compatibility problems that they could have with this land being up against residential land, although Nocatee was not concerned with that. There was a comment by one of the speakers who lived there and he was very sympathetic to that speaker, but they said it was not going to hurt anyone and this remained to be seen. They don't know what was going to be done with that land, and they don't know what was going on it. Its been mentioned that this was inconsistent with the Ponte Vedra Beach and Palm Valley zoning, but it was not inconsistent with the Nocatee zoning. The difficulty in reversing a Future Land Use Map change after already having it designated one way was, after talking with staff, relatively impossible.

(3:51 p.m.) Jackie Woloseheck explained to Stevenson the location of Ranch Road. (3:58 p.m.) *Motion by Rich to deny CPA-2004-05, S-Curves Parcels, based on the fact that the intensive commercial was not compatible with the surrounding community, as well as it would be high intensity impact for the area. Motion failed for lack of a second. (3:58 p.m.) Motion by Bryant, seconded by Stern, carried 3/1 with Rich opposed and Maguire absent, to enact Ordinance No. 2005-25, amending the Future Land Use Map from Rural Silviculture (R/S) to Intensive Commercial (IC), for File CPA2004-05, S-Curves Parcels, located on the north side of Palm Valley Road (CR 210 East), across from Davis Park, adopting Findings of Fact 1 through 3, with number 2 [as follows:] "the amendment was consistent with the State Comprehensive Plan, Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code, with the exclusions of uses: large scale discount centers, super centers, big box retails, automotive dealerships, RV dealerships, mobile home sales, truck stops, body shops, livestock auctions, racetracks, garbage haulers and flea markets."*

ORDINANCE NO. 2005-25

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) FOR PROPERTY LOCATED ON THE NORTH SIDE OF PALM VALLEY ROAD ACROSS FROM DAVIS PARK; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(03/09/05 - 18 - 4:00 p.m.)

11. PUBLIC HEARING - ADOPTION HEARING FOR FILE NO. ACPA-2004-18, HELOW INTENSIVE COMMERCIAL SITE - FILE NO. ACPA-2004-18, KNOWN AS HELOW INTENSIVE COMMERCIAL SITE, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE TO INTENSIVE COMMERCIAL. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT SUBMITTED TWICE PER YEAR AND WAS SUBMITTED BY THE COUNTY AS AN ADMINISTRATIVE CHANGE TO THE FUTURE LAND USE MAP. THE PROPOSED AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ON OCTOBER 20, 2004. THE DCA HAS COMPLETED ITS REVIEW AND ISSUED AND OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT IN JANUARY 2005. THE DCA HAS OBJECTED TO THE PROPOSED AMENDMENT. UNDER STATE LAW, THE COUNTY MUST ADDRESS THE OBJECTIONS IN A MANNER

SIMILAR TO THE RECOMMENDATION. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 217 ACRES OF LAND. IT IS ZONED OPEN RURAL (OR), DESIGNATED AS RURAL/SILVICULTURE (R/S) ON THE FUTURE LAND USE MAP AND IS CURRENTLY VACANT. IT IS ACCESSED FROM GREENBRIAR ROAD. THE AREA IS DESIGNATED AS A MIXED USE COMMERCE CENTER DISTRICT ON THE NORTHWEST SECTOR OVERLAY MAP. ALTHOUGH THERE ARE NO SPECIFIC PLANS FOR DEVELOPMENT, IT IS ENVISIONED THE PROPERTY WILL BE DEVELOPED WITH A VARIETY OF COMMERCIAL AND BUSINESS USES TO SERVE THE NORTHWEST SECTOR. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS AMENDMENT WITH A 4-3 VOTE. THE AGENCY EXPRESSED CONCERN WITH THE TIMING AND PROVISION OF ROADS TO SERVE FUTURE DEVELOPMENT OF THIS PROPERTY. FURTHER THE AGENCY EXPRESSED CONCERN WITH THE AMENDMENT BEING CONSIDERED AS AN ADMINISTRATIVE CHANGE

Proof of publication of the notice of public hearing on COMPAMD2004-18 was received, having been published in *The St. Augustine Record* on February 1, 2005.

Teresa Bishop, Planning Director, reviewed this item stating that Staff and the DCA were concerned with timing. Stevenson voiced concern regarding transportation. Bishop replied that any project that came in had to meet concurrency. She stated that the County had a deficiency in transportation. (4:08 p.m.) Bosanko entered the meeting. Bryant voiced concern about Helow owning a lot of property at Roberts Road and mentioned trying to convince him to transfer those development rights over to a different area. Stevenson asked if there was a mechanism for doing that. Bishop replied that it would require a Comprehensive Plan amendment. (4:12 p.m.) *Motion by Rich, to deny ACPA-2004-18, adopting the Department of Community Affairs objections 1, 3 and 4, as well as the Planning and Zoning objections regarding the questionable administrative practice of administratively amending the Comprehensive Plan, and their concerns over timing and anticipated failure of service standards with special consideration to transportation needs. The motion failed due to the lack of a second.* Bishop explained the reason for the problems with this item. Stern asked if this was approved today, could DCA deny it. Bishop answered that DCA could find it not in compliance with the State's planning law. Stern asked if this could be approved with strong comments regarding addressing the traffic concerns. Bishop responded yes.

(4:16 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Diane Gorski entered the meeting.

(4:19 p.m.) **Motion by Stern, seconded by Bryant, carried 3/1, with Rich opposed and Maguire absent, to enact Ordinance No. 2005-26, amending the Future Land Use Map from Rural/Silviculture (R/S) to Intensive Commercial, as depicted in File No. ACPA-2004-18, adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-26

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) DESIGNATION FOR PROPERTY LOCATED ON THE NORTH SIDE OF GREENBRIAR ROAD-COUNTY ROAD 210, ACROSS FROM DAM ROAD; PROVIDING

**FOR FINDINGS OF FACT; FINDINGS OF
CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE
DATE**

The meeting moved to Item Number 17a.

12. PUBLIC HEARING - ADOPTION HEARING FOR FILE NO. ACPA-2004-16, HELOW PARKS AND OPEN SPACE SITE - FILE NO. ACPA-2004-16, KNOWN AS HELOW PARKS AND OPEN SPACE SITE, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL-B AND MIXED USE DISTRICT TO PARKS AND OPEN SPACE. THE PROPOSED AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ON OCTOBER 20, 2004. DCA HAS COMPLETED ITS REVIEW AND ISSUED NO OBJECTIONS, RECOMMENDATIONS AND COMMENTS ON THIS AMENDMENT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT SUBMITTED TWICE PER YEAR AND WAS SUBMITTED BY THE COUNTY AS AN ADMINISTRATIVE CHANGE TO THE FUTURE LAND USE MAP. THE SUBJECT PROPERTY INCLUDES APPROXIMATELY 112 ACRES OF VACANT LAND LOCATED ON THE WEST SIDE OF ROBERTS ROAD, SOUTH OF GREENBRIAR ROAD. THE SITE IS LOCATED IN THE NORTHWEST DEVELOPMENT AREA, IN THE NORTHWEST PLANNING DISTRICT. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY CONSIDERED A MOTION TO DENY THIS REQUEST. THIS MOTION FAILED WITH A 4-3 VOTE. IN TURN, THE AGENCY CONSIDERED A MOTION TO APPROVE WHICH AGAIN FAILED WITH A 4-3 VOTE. THE AGENCY REQUESTED THE BCC KNOW THEY RECOGNIZE THE IMPORTANCE OF PARKS AND OPEN SPACE IN THE NORTHWEST PART OF THE COUNTY AND REALIZES THE COUNTY HAS LOOKED FOR PROPERTY IN THIS AREA FOR QUITE SOME TIME. HOWEVER, THE AGENCY EXPRESSED CONCERNS WITH THE COST OF THE PROPOSED PARKLAND PARCEL

This item was pulled from the agenda and will be rescheduled to a later date.

13. PUBLIC HEARING - ADOPTION HEARING FOR FILE NO. ACPA-2004-17, HELOW MIXED USE SITE - FILE NO. ACPA-2004-17, KNOWN AS HELOW MIXED USE SITE, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE TO MIXED USE DISTRICT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT SUBMITTED TWICE PER YEAR AND WAS SUBMITTED BY THE COUNTY AS AN ADMINISTRATIVE CHANGE TO THE FUTURE LAND USE MAP. THE PROPOSED AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ON OCTOBER 20, 2004. DCA HAS COMPLETED ITS REVIEW AND ISSUED AN OBJECTIONS, RECOMMENDATION AND COMMENT REPORT IN JANUARY 2005. UNDER STATE LAW, THE COUNTY MUST ADDRESS THE OBJECTIONS IN A MANNER SIMILAR TO THE RECOMMENDATION. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 194 ACRES OF LAND. IT IS ZONED OPEN RURAL (OR), DESIGNATED AS RURAL/SILVICULTURE (R/S) ON THE FUTURE LAND USE MAP AND IS CURRENTLY VACANT. IT IS ACCESSED FROM ROBERTS ROAD THROUGH THE EXISTING MIXED USE DISTRICT TO THE WEST AND GREENBRIAR ROAD TO THE NORTH.

ALTHOUGH THERE ARE NO SPECIFIC PLANS FOR DEVELOPMENT, IT IS ENVISIONED THE PROPERTY WILL BE DEVELOPED AS A MIXED USE DEVELOPMENT TO SERVE THE NORTHWEST RESIDENTS. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS AMENDMENT WITH A 4-3 VOTE. THE AGENCY EXPRESSED CONCERN WITH THE TIMING AND PROVISION OF ROADS TO SERVE FUTURE DEVELOPMENT OF THIS PROPERTY. FURTHER THE AGENCY EXPRESSED CONCERN WITH THE AMENDMENT BEING CONSIDERED AS AN ADMINISTRATIVE CHANGE

This item was pulled from the agenda and will be rescheduled to a later date.

(03/09/05 - 21 - 11:51 a.m.)

14. PUBLIC HEARING - ADOPTION HEARING FOR FILE #ACPA-2004-13 VAIL POINT TRACT - FILE #ACPA-2004-13, KNOWN AS THE VAIL POINT TRACT, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL -C TO PARKS AND OPEN SPACE. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. THE BOARD OF COUNTY COMMISSIONERS FIRST TRANSMITTED THIS REQUEST ON NOVEMBER 3, 2004, TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER STATE AND REGIONAL AGENCIES AS A COMPONENT OF THE DCA NO. 05-1 PACKAGE. ON JANUARY 5, 2005, THE DCA COMMENDED THE COUNTY FOR PLANNING TO ENSURE AVAILABILITY OF ADEQUATE SITES FOR OPEN SPACE AND RECREATIONAL ACTIVITIES WITHIN THE COUNTY, AND ISSUED NO OBJECTIONS TO THE PROPOSED AMENDMENT. THE SUBJECT PROPERTY CONTAINS 23 ACRES. IT IS CURRENTLY VACANT AND ZONED OR. THE SUBJECT PROPERTY IS ACCESSED FROM US 1 TO VAIL POINT ROAD AND ONTO STURDIVANT ROAD. THE PROJECT BOUNDARIES ARE DEFINED TO THE NORTH BY MOULTRIE CREEK, TO THE SOUTH BY MOULTRIE FORESIDE UNIT 1 AND VAIL POINT TERRACE UNIT 1, TO THE EAST BY MATANZAS RIVER AND TO THE WEST BY MOULTRIE FORESIDE. AT ITS PUBLIC HEARING ON FEBRUARY 17TH, THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE PROPOSED AMENDMENT

Proof of publication of the notice of public hearing on Comprehensive Plan Amendment 2004-13, was received, having been published in *The St. Augustine Record* on February 1, 2005.

Teresa Bishop, AICP, Planning Director, explained that the property was owned by St. Johns County and asked that the zoning be designated as Parks and Open Space so that the area could be used as a park. (11:52 a.m.) Stern mentioned that the DCA had commended the County for taking the steps to designate the area as Parks and Open Space and had no objections to the amendment. (11:52 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Maguire absent, to enact Ordinance No. 2005-22, approving Application #APCA-2004-13, to amend the 2015 Future Land Use map from Residential Density - C to Parks and Open Space, for the Vail Point Tract, adopting Findings of Fact in support of the motion.**

ORDINANCE NO. 2005-22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL C TO PARKS AND OPEN SPACE DESIGNATION FOR PROPERTY BOUNDED IN PART BY THE INTRACOASTAL WATERWAY, MOULTRIE CREEK, VAILL POINT ROAD, AND STURDIVANT ROAD; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(03/09/05 - 22 - 11:53 a.m.)

15. PUBLIC HEARING - ADOPTION HEARING FOR FILE #ACPA-2004-12 LARSON TRACT - FILE #ACPA-2004-12, KNOWN AS THE LARSON TRACT, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL DENSITY -B AND -C TO PARKS AND OPEN SPACE. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. THE BOARD OF COUNTY COMMISSIONERS FIRST TRANSMITTED THIS REQUEST ON NOVEMBER 3, 2004, TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER STATE AND REGIONAL AGENCIES AS A COMPONENT OF THE DCA NO. 05-1 PACKAGE. ON JANUARY 5, 2005, THE DCA COMMENDED THE COUNTY FOR PLANNING TO ENSURE AVAILABILITY OF ADEQUATE SITES FOR OPEN SPACE AND RECREATIONAL ACTIVITIES WITHIN THE COUNTY, AND ISSUED NO OBJECTIONS TO THE PROPOSED AMENDMENT (LETTER ATTACHED). THE SUBJECT PROPERTY INCLUDES APPROXIMATELY 15.95 ACRES OF VACANT LAND AT THE NORTHEAST CORNER OF WILDWOOD DRIVE AND OSCEOLA RAIL ROAD. THE SITE IS LOCATED IN THE SOUTHEAST PLANNING DISTRICT. THE SUBJECT PROPERTY IS CURRENTLY ZONED OPEN RURAL (OR). AT ITS PUBLIC HEARING ON FEBRUARY 17TH, THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE PROPOSED AMENDMENT

Proof of publication of the notice of public hearing on Comprehensive Plan Amendment 2004-12, was received, having been published in *The St. Augustine Record* on February 1, 2005.

Teresa Bishop, AICP, Planning Director, explained that the proposed change to the current designation to Parks and Open Spaces and said that the property was state owned. She said that the County had agreed to manage the property, which consisted of wetlands, some uplands and would probably be open space inventory for St. Johns County. (11:54 a.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Maguire absent, to enact Ordinance No. 2005-23, approving Application #ACPA-2004-12, to amend the 2015 Future Land Use Map from Residential Density -B and -C, to Parks and Open Space, for Larson Tract, adopting the Findings of Fact 1-3 to support the motion.**

ORDINANCE NO. 2005-23

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING 2015
COMPREHENSIVE PLAN ORDINANCE NO. 2000-34, AS
AMENDED, TO CHANGE THE FUTURE LAND USE
MAP DESIGNATION FROM RESIDENTIAL C AND
RESIDENTIAL B TO PARKS AND OPEN SPACE
DESIGNATION FOR PROPERTY BOUNDED IN PART
BY OSCEOLA TRAIL, WILDWOOD DRIVE AND
MOULTRIE CREEK; PROVIDING FOR FINDINGS OF
FACT; FINDINGS OF CONSISTENCY; SEVERABILITY;
AND EFFECTIVE DATE**

16. PUBLIC HEARING - ADOPTION HEARING FOR FILE #ACPA-2004-10 GONZALEZ TRACT - FILE #ACPA-2004-10, KNOWN AS THE GONZALEZ TRACT, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL DENSITY -B TO PARKS AND OPEN SPACE. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. THE BOARD OF COUNTY COMMISSIONERS FIRST TRANSMITTED THIS REQUEST ON NOVEMBER 3, 2004, TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AND OTHER STATE AND REGIONAL AGENCIES AS A COMPONENT OF THE DCA NO. 05-1 PACKAGE. ON JANUARY 5, 2005, THE DCA COMMENDED THE COUNTY FOR PLANNING TO ENSURE AVAILABILITY OF ADEQUATE SITES FOR OPEN SPACE AND RECREATIONAL ACTIVITIES WITHIN THE COUNTY, AND ISSUED NO OBJECTIONS TO THE PROPOSED AMENDMENT. THE PROPERTY OWNER (STATE OF FLORIDA) APPROACHED THE PLANNING AND ZONING AGENCY AND EXPRESSED CONCERN WITH THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT. IN THAT THE STATE IS CONCERNED WITH THE CHANGE AND ITS IMPACT UPON THE MANAGEMENT OF THE SUBJECT PROPERTY, STAFF RECOMMENDS THIS AMENDMENT BE DELAYED AT THIS TIME AND BE BROUGHT BACK IN A FUTURE AMENDMENT CYCLE. FURTHER THE PLANNING AND ZONING AGENCY RECOMMENDED THE BCC CONSIDER THIS AMENDMENT AT ANOTHER TIME

This item was pulled from the agenda and will be rescheduled to a later date.

[\(03/09/05 - 23 - 11:39 a.m.\)](#)

17. PUBLIC HEARING - AMENDMENTS TO ART. II, ART. IV & ART. V OF THE LAND DEVELOPMENT CODE - THIS IS THE SECOND PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE II, ARTICLE IV AND ARTICLE V OF THE LAND DEVELOPMENT CODE ARE PROPOSED TO ADDRESS A NUMBER OF ISSUES AS DIRECTED BY THE BOARD OF COUNTY COMMISSIONERS OR AS RECOMMENDED BY STAFF. SINCE THE FIRST PUBLIC HEARING HELD ON FEBRUARY 23, 2005, CHANGES HAVE BEEN MADE TO ARTICLE II AND ARTICLE IV TO ADDRESS PUBLIC COMMENTS AND DIRECTION FROM THE BOARD. SPECIFICALLY, BANKS WITH DRIVE-THROUGH FACILITIES HAVE BEEN ADDED TO THE NEIGHBORHOOD BUSINESS AND COMMERCIAL USE CLASSIFICATION IN SECTION 2.02.01.D.2 (P. II-5), ALLOWANCES FOR CERTAIN AGRICULTURAL LANDS HAVE BEEN ADDED IN SECTION 4.01.05.F.1.B. (P. IV-16), AND THE PROVISIONS IN SECTION 4.01.06.C. (P. IV-20) HAVE BEEN REWRITTEN BASED ON DISCUSSION AND DIRECTION AT THE FIRST

Proof of publication of the Notice of Public Hearing on amending and supplementing, adding and repealing Sections of Article II, IV, and V was received, having been published in *The St. Augustine Record* on February 12, 2005. Also published in *The Ponte Vedra Record* on February 18, 2005.

Scott Clem, Assistant County Administrator, explained that this was the second of two required hearings for changes to the Land Development Code and reviewed the changes that had been made since the first hearing. (11:46 a.m.) **Motion by Stern, seconded by Bryant, carried 4/0, with Maguire absent, to enact Ordinance No 2005-20, amending Article II, Article IV, and Article V of the Land Development Code.**

ORDINANCE NO. 2005-20

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE II, ARTICLE IV AND ARTICLE V OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS; SPECIFICALLY REVISING SECTION 2.02.01 USE CLASSIFICATIONS AND DEFINITIONS; AMENDING PART 2.03.00 SPECIAL USES; SPECIFICALLY REVISING SECTION 2.03.01 ALLOWABLE SPECIAL USES BY ZONING DISTRICTS; ADDING SECTION 2.03.42 RECREATIONAL VEHICLE/BOAT STORAGE; AMENDING PART 2.04.00 PROHIBITED USES; SPECIFICALLY REVISING SECTION 2.04.06 SALES, DISPLAY AND PREPARATION OF PRODUCTS IN COMMERCIAL DISTRICTS; AMENDING PART 4.01.00 NATURAL RESOURCES; SPECIFICALLY REVISING SECTION 4.01.05 TREES AND OTHER VEGETATION; REVISING SECTION 4.01.06 ENVIRONMENTALLY SENSITIVE AREAS - WETLAND, ESTUARIES, AND NATURAL WATER BODIES; AMENDING PART 5.01.00 SUBDIVISION; SPECIFICALLY REVISING SECTION 5.01.01.C APPLICABILITY; AMENDING PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; SPECIFICALLY REVISING SECTION 5.03.02 GENERAL STANDARDS; REVISING SECTION 5.03.03 SPECIFIC STANDARDS; REVISING SECTION 5.03.05 CHANGES IN APPROVED PLANNED UNIT DEVELOPMENTS; ADDING SECTION 5.03.13 DEVELOPMENTS OF REGIONAL IMPACT USING AN APPROVED CONVERSION TABLE; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

The Board returned to Item Number 8.

(03/09/05 - 25 - 4:23 p.m.)

17a. MOTION TO ADOPT RESOLUTION NO. 2005-61 APPROVING A FINAL PLAT FOR WHISPER RIDGE UNIT SIX (Formerly Consent Item 12)

Rich stated that he had issues with plats on the Consent Agenda and had requested that they be added to the regular agenda for discussion. He expressed his concerns with the approval of the final plats because the County was close to finalizing the Impact Fee Ordinance, and he feared that builders would rush to get permitting prior to the ordinance being enacted to avoid paying the increased fees. He said that he did not see a problem with delaying decisions by the Board for a short period of time and placing some of the plat approvals on the back burner until the Impact Fee Schedule was implemented.

(4:26 p.m.) Isabelle Lopez, Assistant County Attorney, explained that platting was a quasi-judicial type hearing and that applicants who complied with the requirements had the right to ask to plat. She stated that the Board could not choose to delay plats legally, that otherwise complied with the State Law, Chapter 177 and all of the County's requirements for platting. Lopez explained the processes involved. Rich recommended delaying approval of all plats until the Impact Fee Ordinance was in place. He said that he was concerned with people trying to avoid paying for the actual impact to the existing citizens of the county and that by approving the plats the citizens would be indebted to unfunded infrastructure. He said that the potential loss to the citizens was worth fighting for in court and that if there was no convincing reason not to turn the plats down he suggested that the Board do so. (4:30 p.m.) Bryant explained that once something was in the application pipeline the County could not pass a law that would effectuate the application that was already in house. (4:30 p.m.) Dan Bosanko, County Attorney concurred with Lopez and stated that the only way to achieve Rich's request was to pass some type of a moratorium ordinance on platting. He said that moratoriums were greatly disfavored by the courts and that before an ordinance could be passed, the County would have to properly notice the hearing, explain its purpose, and give beginning and ending dates. He said that if the applicant met the qualifications they could not be turned down because the new Impact Fee schedule was not in affect.

(4:32 p.m.) John Metcalf, 245 Riverside Drive, explained the process of platting and stated that the plats had been years in the making. He said that there was no rush by the applicants and that all of the St. Johns County's requirements had been met; Staff had approved the construction plans and the Land Development Code requirements had been met. He said that Impact Fees were paid when the clearance sheet was issued and that the Impact Fees paid were based on what was in affect at the time the clearance sheet was obtained, not at the time of platting. (4:35 p.m.) Rich said that those were the rules currently in place, but that the Board was reconsidering when the Impact Fees would be paid and who would pay them. (4:36 p.m.) Bosanko explained the process involved once the Impact Fee Ordinance was approved. He said that the new fees would not go into affect until mid-April. (4:37 p.m.) Rich thanked everyone for their input.

(4:38 p.m.) Angela Bunkelman, St. Augustine Shores, representing the Developer of the Southwood PUD, said that she was appalled by Rich's comments and suggested that he become better informed with the platting process. She was opposed to an increase in impact fees and said that the County had placed the developers in a position to explain the increases and the County's taxing process to buyers. She said that she was a member of the Board of Directors of the St. Johns County Builders Council, was well informed on the Impact Fee status, that there was no mechanism in place to deny approval of plats once they had met all of the requirements and that if the Board was

not prepared to be sued as Rich suggested, they should vote no. (4:40 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-61, approving final plat for Whisper Ridge Unit Six.**

RESOLUTION NO. 2005-61

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

(03/09/05 - 26 - 4:40 p.m.)

17b. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR MARSHALL CREEK DRI, UNIT EV-1. F *(Formerly Consent Item 13)*

(4:40 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-62, approving final plat for Marshal Creek DRI Unit EV-1.**

RESOLUTION NO. 2005-62

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT EV-1

(03/09/05 - 26 - 4:40 p.m.)

17c. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR SOUTHWOOD PUD, PHASE 1B, PHASE C *(Formerly Consent Item 14)*

(4:41 p.m.) **Motion by Stern, seconded by Bryant, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-63, approving final plat for Southwood PUD Phase IB, Phase C.**

RESOLUTION NO. 2005-63

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTHWOOD PUD PHASE 1B, PHASE C

(03/09/05 - 26 - 4:41 p.m.)

17d. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR KENSINGTON, UNIT TWO *(Formerly Consent Item 15)*

(4:41 p.m.) **Motion by Stern, seconded by Bryant, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-64, approving final plat for Kensington Unit Two.**

RESOLUTION NO. 2005-64

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

(03/09/05 - 26 - 4:42 p.m.)

COMMISSIONER REPORTS

Commissioner Rich

No report.

Commissioner Bryant

No report.

(4:42 p.m.)

Commissioner Stern

Stern said that motorists trying to avoid the speed humps on Masters Drive were using Spring Street as a by pass. She said that Joe Stephenson, Public Works Director, was working with the City of St. Augustine who had been reviewing the traffic issues at Spring and Palmer Streets, and would be bringing a report to the Board in the near future.

Stern asked if the Board meeting times could be set for a specific time with a lunch break at a specific time, land use items being heard in the morning and having the Board meeting on Wednesday following a Monday holiday and a discussion between the County Attorney, Assistant County Administrator and the Commissioners ensued.

(4:49 p.m.) Bryant said that further discussion regarding the order in which the agenda was heard could be discussed when Maguire returned.

(4:49 p.m.)

Commissioner Stevenson

Stevenson asked Shawn Collins if the County had the ability to address future impacts to traffic from development and he responded that the code allowed the County to require a developer to address the issue.

(03/09/05 - 27 - 4:52 p.m.)

COUNTY ADMINISTRATOR REPORT

Scott Clem, Assistant County Administrator, said that Ben Adams, County Administrator had acknowledged Blessings comments for Staff to attend committee and community meetings and said that Staff would be willing to represent the County by attending meetings if requested to do so.

(03/09/05 - 27 - 4:52 p.m.)

CLERK OF COURT'S REPORT

No report.

(03/09/05 - 27 - 4:52 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(4:52 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0, with Maguire absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 4:52 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Numbers 3633867-364269, totaling \$1,981,470.32 (02/17/05)
2. St. Johns County Board of County Commissioners Check Register, Check Numbers 364270-364624, totaling \$2,598,859.57 (02/23/05)

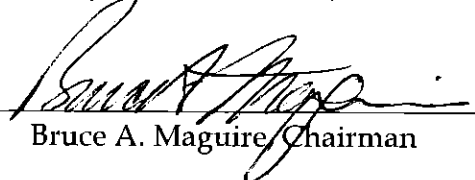
3. St. Johns County Board of County Commissioners Check Register, Check Numbers 364625-364626, totaling \$3,451.22 (02/24/05)
4. St. Johns County Board of County Commissioners Check Register, Check Numbers 364627-364653, totaling \$34,989.95 (03/03/05)
5. St. Johns County Board of County Commissioners Check Register, Check Numbers 364654-364659, totaling \$133,549.92 (03/04/05)

CORRESPONDENCE:

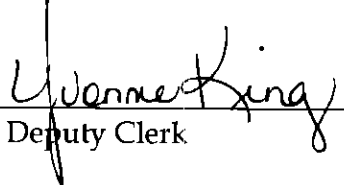
1. Letter dated February 28, 2005 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Number 2005-13 through 2005-16
2. Letter dated March 3, 2005 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Number 2005-17

Approved May 4, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk