

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
DECEMBER 15, 2015  
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, 500 San Sebastian View, St. Augustine, Florida.

Present:       Jeb Smith, District 2, Chair  
                  James K. Johns, District 1, Vice Chair  
                  William A. McClure, District 3  
                  Jay Morris, District 4  
                  Rachael L. Bennett, District 5  
                  Michael Wanchick, County Administrator  
                  Patrick McCormack, County Attorney  
                  Sindy Wiseman, Deputy Clerk

Also present: Paolo Soria, Assistant State Attorney and Darrell Locklear, Assistant County Administrator.

(12/15/15 - 1 - 9:00 a.m.)  
CALL TO ORDER

Smith called the meeting to order.

(12/15/15 - 1 - 9:02 a.m.)  
ROLL CALL

The clerk called the roll: All Board members were present.

(12/15/15 - 1 - 9:03 a.m.)  
INVOCATION

Officer Kelly Kemp, St. Johns County Sheriff's Office, gave the invocation.

(12/15/15 - 1 - 9:04 a.m.)  
PLEDGE OF ALLEGIANCE

Smith led the Pledge of Allegiance.

(12/15/15 - 1 - 9:05 a.m.)  
PUBLIC COMMENT

Tom Reynolds, 880 A1A Beach Boulevard, commented on the workshop held December 8, 2015. He also spoke about the rules of the Board of County Commission, *Exhibit A*.

(9:08 a.m.) McCormack gave details of the Sunshine Law.

(12/15/15 - 1 - 9:09 a.m.)  
DELETIONS TO CONSENT AGENDA

There were no deletions. McClure clarified that on the cover sheet for Consent Item No. 13, where it read "if budgeted" stated "no" should have read "yes".

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

1. Motion to approve the Cash Requirement Report
2. Motion to authorize the county administrator, or designee, to execute the third of three available contract extensions with PFM Group, to provide financial advisory services from January 1, 2016, through December 31, 2016
3. Motion to declare items as surplus and authorize the county administrator, or his designee, to dispose of same in accordance with the Purchasing Policy 308 and Florida Statute 274
4. Motion to adopt **Resolution No. 2015-374**, authorizing the county administrator, or designee, to award Bid No. 15-82, SR 16 & Inman Road Intersection Improvements to Florida Safety Contractors, Inc., as the lowest responsive, responsible bidder; and to execute a contract in substantially the same form and format, as attached hereto, with Florida Safety Contractors, Inc., for completion of the project for a total contract price of \$844,937. Motion also requests transfer of \$325,000 from Impact Fee, Zone "B", Reserves to Impact Fee, Zone "B" to allow for award of the contract

**RESOLUTION NO. 2015-374**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 15-82; AND TO EXECUTE AN AGREEMENT FOR SR 16 & INMAN ROAD INTERSECTION IMPROVEMENTS**

5. Motion to adopt **Resolution No. 2015-375**, granting ad valorem tax exemption for historic property, located at 72 Spanish Street, St. Augustine; and to enter into a covenant with the property owner, establishing the parameters of the exemption agreement

**RESOLUTION NO. 2015-375**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY, LOCATED AT 72 SPANISH STREET, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 97-61, AND SECTION 196.1997, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

6. Motion to adopt **Resolution No. 2015-376**, authorizing the county administrator, or his designee, to enter into a contract to purchase four 2016 Ford Escape, Mid-Size, 4-Door, Sport Utility Vehicles, from Bartow Ford from Bid No: 16-07, in the amount of \$108,772

RESOLUTION NO. 2015-376

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD BID NO. 16-07; AND TO EXECUTE A PURCHASE ORDER FOR THE PURCHASE OF FOUR 2016 MID-SIZE, 4-DOOR, SPORT UTILITY VEHICLES, 4X4

7. Motion to approve a transfer in the amount of \$4,700,000 from Transportation Maintenance Projects (1149-55302) to Transportation Capital Projects (1114-56301), in order to properly account for the FY 2016 Pavement Management Program
8. Motion to approve the transfer of \$19,331 from General Fund Reserves to the Health and Human Services Building Fund, in order to facilitate final contractor payment
9. Motion to adopt **Resolution No. 2015-377**, authorizing the county administrator, or his designee, to enter into a piggyback agreement under PAEC contract number AEPA IFB 012-C, with ProGrass LLC., to replace existing turf at Plantation Park, in the amount of \$473,411

RESOLUTION NO. 2015-377

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD A NEGOTIATED CONTRACT BASED ON THE PIGGYBACKED PROCUREMENT, FOR THE REPLACEMENT OF THE SYNTHETIC TURE, AT PLANTATION PARK

10. Motion to adopt **Resolution No. 2015-378**, accepting a Warranty Deed for additional right-of-way along County Road 210, along with multiple Easements for Drainage and Utilities, in connection with the Twin Creek DRI; and authorizing the county administrator to join in the execution of the documents

RESOLUTION NO. 2015-378

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FOR ADDITIONAL RIGHT-OF-WAY ALONG COUNTY ROAD 210, ALONG WITH MULTIPLE EASEMENTS FOR DRAINAGE AND UTILITIES, IN CONNECTION WITH THE TWIN CREEKS DRI; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO JOIN IN THE EXECUTION OF CERTAIN DOCUMENTS

11. Motion to adopt **Resolution No. 2015-379**, declaring certain County owned property (Armstrong Road) as surplus; and authorizing a private sale to the adjoining property owner (Robert Lampkin and Audrey Lampkin), pursuant to the provisions set forth in Section 125.35(2), Florida Statutes

**RESOLUTION NO. 2015-379**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY OWNED PROPERTY AS SURPLUS; AND AUTHORIZING A PRIVATE SALE TO THE ADJOINING PROPERTY OWNER, PURSUANT TO THE PROVISIONS SET FORTH IN SECTION 125.32(2), FLORIDA STATUTES**

12. Motion to waive Purchasing Code, Section 302.6, and adopt **Resolution No. 2015-380**, authorizing the county administrator, or his designee, to execute a contract with the University of South Florida, for completion of the project, for a total contract price of \$117,435

**RESOLUTION NO. 2015-380**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN AGREEMENT FOR A COMPREHENSIVE OPERATIONS ANALYSIS OF THE ST. JOHNS COUNTY TRANSIT SYSTEM**

13. Motion to adopt **Resolution No. 2015-381**, approving the terms and conditions of the Memorandum of Understanding between the North Florida Transportation Planning Organization and the Board of County Commissioners of St. Johns County, in order to fund and complete a major update of the St. Johns County Transit Development Plan

**RESOLUTION NO. 2015-381**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION AND THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO FUND AND COMPLETE A MAJOR UPDATE OF THE ST. JOHNS COUNTY TRANSIT DEVELOPMENT PLAN**

14. Motion to adopt **Resolution No. 2015-382**, approving the final plat for Windward Ranch, Phase 2

**RESOLUTION NO. 2015-382**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR WINDWARD RANCH, PHASE 2**

15. Motion to adopt **Resolution No. 2015-383**, setting a Public Hearing date of January 19, 2016, at 9:00 a.m., to hear a request for the vacation of a portion of a non-access easement, within the Ponte Vedra by the Sea PSD

RESOLUTION NO. 2015-383

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING DATE OF JANUARY 19, 2016, AT 9:00 A.M., TO HEAR A REQUEST FOR THE VACATION OF A PORTION OF A 50 FOOT PORTION OF A NON-ACCESS EASEMENT, ALONG THE RIGHT OF WAY OF CORONA ROAD

16. Motion to adopt **Resolution No. 2015-384**, authorizing the county administrator, or his designee, to grant the request by Advanced Disposal Services, LLC., Pursuant to Section 9.3, for relief by waiving the fuel differential (fuel adjustment fee) to be paid to the County for all of its collection vehicles, operated in St. Johns County, commencing October 1, 2015, until such time as the County's Compressed Natural Gas Fueling Facility is operational, but no more than six months from October 1, 2015, at which time this request will be reevaluated

RESOLUTION NO. 2015-384

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT EXTRAORDINARY RELIEF OF ADVANCE DISPOSAL SERVICES, LLC., AS PERMITTED BY THE FRANCHISE EXTENSION AGREEMENT, FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE; AND WAIVING THE FUEL ADJUSTMENT FEE REQUIRED TO BE PAID TO THE COUNTY

17. Motion to adopt **Resolution No. 2015-385**, authorizing the county administrator, or his designee, to grant the request by Republic Services of Florida, L.P., pursuant to Section 9.3, for relief by waiving the fuel differential (fuel adjustment fee) paid to the County for up to nine of its collection vehicles, operated in St. Johns County, commencing October 1, 2015, until such time as the County's Compressed Natural Gas Fueling Facility is operational, but no more than six months from October 1, 2015, at which time this request will be reevaluated

RESOLUTION NO. 2015-385

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT EXTRAORDINARY RELIEF TO REPUBLIC SERVICES OF FLORIDA, L.P., AS PERMITTED BY THE FRANCHISE EXTENSION AGREEMENT, FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE; AND WAIVING THE FUEL ADJUSTMENT FEE REQUIRED TO BE PAID TO THE COUNTY

18. Motion to adopt **Resolution No. 2015-386**, relating to Florida Department of Environmental Protection State Revolving Loan Program; approving the terms, provisions, conditions, and requirements of a drinking water State Revolving Fund Loan Agreement Amendment, to include the construction and financing of the previously executed Loan Agreement DW550110; authorizing the execution and delivery of said Loan Agreement Amendment on behalf of St. Johns County; and providing an effective date.

RESOLUTION NO. 2015-386

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING LOAN PROGRAM; APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT AMENDMENT, TO INCLUDE THE CONSTRUCTION AND FINANCING OF THE PREVIOUSLY EXECUTED LOAN AGREEMENT DW550110; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LOAN AGREEMENT AMENDMENT ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING AN EFFECTIVE DATE

19. Motion to adopt **Resolution No. 2015-387**, approving the St. Johns County Insurance Committee recommendation; and authorizing the county administrator, or designee, to negotiate and enter into an agreement with Humana, to provide employee vision benefit coverage, effective January 1, 2016

RESOLUTION NO. 2015-387

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ACCEPT THE QUOTE AND ENTER INTO A LEGALLY SUFFICIENT AGREEMENT FOR VISION BENEFIT COVERAGE WITH HUMANA

20. Motion to approve the transfer of \$204,823 from the Health Insurance Fund Reserves [5500-59920], in order to renew the County's Stop Loss Insurance Policy, with Gerber/RMTS, for the calendar year 2016
21. Motion to adopt **Resolution No. 2015-388**, authorizing the county administrator, or his designee, to execute a contract in substantially the same form as attached, on behalf of the County, providing for Parry Pools, Inc. to complete resurfacing of the Solomon Calhoun swimming pool and deck, at a price not to exceed \$310,000

RESOLUTION NO. 2015-388

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR SOLOMON CALHOUN SWIMMING POOL AND DECK RESURFACING

(12/15/15 - 6 - 9:11 a.m.)  
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(12/15/15 - 7 - 9:11 a.m.)  
APPROVAL OF REGULAR AGENDA

**Motion by McClure, seconded by Johns, carried 5/0, to approve the Regular Agenda, as submitted.**

(12/15/15 - 7 - 9:11 a.m.)

1. A PRESENTATION BY THE CITIZENS TRAFFIC TASK FORCE (CTTF) RELATING TO TRAFFIC CONGESTION AND INFRASTRUCTURE NEEDS IN THE PONTE VEDRA/PALM VALLEY AREA. A PRESENTATION WILL BE PRESENTED BY GARY PHILLIPS, CHAIR OF THE CITIZENS TRAFFIC TASK FORCE. MR. PHILLIPS WILL ADDRESS TRAFFIC CONGESTION CONCERNS AND GROWING INFRASTRUCTURE NEEDS BOTH FOR SHORT-TERM AND LONG-TERM DEMAND IN PONTE VEDRA/PALM VALLEY AREA. THE CTTF IS SEEKING FUNDING FROM THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION (TPO) TO CONDUCT A COMPREHENSIVE TRAFFIC STUDY FOR PONTE VEDRA/PALM VALLEY AREA. THE CTTF IS ALSO SEEKING THE BOARD'S SUPPORT BY AUTHORIZING THE BCC CHAIR TO SIGN A LETTER OF FUNDING REQUEST TO THE NORTH FLORIDA TPO

Gary Phillips, acting Chairman, Citizens Traffic Task Force (CTTF), gave a presentation on the congestion and infrastructure needs for both short-term and long-term, in the Ponte Vedra/Palm Valley area.

(9:19 a.m.) Greg Leonard gave a presentation on the roadway concerns in northeast St. Johns County, its continuing growth, and the CTTF's vision for the northeast St. Johns County area, via PowerPoint. He explained that the strategy was to develop a plan, utilize contacts at the County and State level to achieve the roadway objectives, create a communication plan, and ways to handle the insufficient funding for the plan.

(9:32) Jim Sabo, 178 River Marsh Drive, President, Ponte Vedra Coalition, presented sample letters that the Ponte Vedra Coalition would like to send to the North Florida Transportation Planning Organization (TPO), *Exhibit A*. He requested a letter of support from the Board.

(9:40 a.m.) McClure mentioned action taken since before 2012 regarding hurricane evacuation, sidewalks, and residents' safety.

(9:45 a.m.) Andrea Anthony, 313 North Shipwreck Avenue, spoke on the continued growth and traffic in the Ponte Vedra area, voiced concerns with the future rezoning for additional homes, and cautioned adding additional cars to the road until the study was completed.

(9:48 a.m.) Morris spoke in support of a letter to the TPO.

(9:49 a.m.) **Motion by Morris, seconded by Bennett, carried 5/0, for the Chair to submit a letter supporting the funding request.**

*Items 2 and 3 were presented together.*

(12/15/15 - 7 - 9:50 a.m.)

2. PUBLIC HEARING - ZVAR 2015-07, RESORT LIFESTYLE COMMUNITIES. THIS IS A REQUEST FOR A ZONING VARIANCE TO THE LAND DEVELOPMENT CODE, TABLE 6.01, TO ALLOW AN INDEPENDENT LIVING FACILITY WITH A HEIGHT OF 48 FEET, IN LIEU OF THE MAXIMUM HEIGHT OF 35 FEET IN COASTAL AREAS. THE SUBJECT PROPERTY IS SITUATED AT THE INTERSECTION OF PALM VALLEY ROAD AND

LANDRUM LANE, SPECIFICALLY LOCATED AT 4410 PALM VALLEY ROAD.  
THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF  
ZVAR 2015-07, RESORT LIFESTYLE COMMUNITIES, WITH A VOTE OF 4-1 AT  
THE NOVEMBER 19, 2015, HEARING

Proof of publication for the notice of public hearing on ZVAR 2015-07, Resort, was received, having been published in *The St. Augustine Record* on November 30, 2015.

Soria noted that the Board should disclose any ex parte communications.

Bennett stated that she received numerous emails, had a conversation with the applicant's attorney, Susan Bloodworth, and various other people. Johns stated he received numerous emails, phone conversations, a meeting at the senior center where the topic came up, and with the applicant's attorney. Morris stated he had spoken with constituents, the applicant's attorney, the opposing attorney, and viewed it at the Planning and Zoning meeting. McClure stated he had received phone calls, and emails. Smith stated he had spoken with Doug Burnett, Susan Bloodworth, senior citizens, and had received emails and phone calls.

(9:52 a.m.) McCormack informed the Chair that he should take questions about the ex parte communications from the representatives. McCormack then gave the details of the hearing format.

(9:54 a.m.) Danielle Handy, Chief Planner, presented the request for variances for the Resort Lifestyle Communities, via PowerPoint. She noted changes submitted to the site plan, *Exhibit A*. She noted the height of the wings of the building dropped to 35 feet, and the building footprint was modified to comply with the 20 percent lot coverages. She stated that staff had concerns as to whether the hardship had been properly identified.

(10:02 a.m.) Doug Burnett, St. Johns Law Group, 104 Sea Grove, gave a presentation, via PowerPoint, showing the location of the project, and gave details of the surrounding area. He also spoke about the prototypical shape of the building.

(10:06) Bob Lewis, Resort Lifestyle Communities, 8040 Eiger Drive, Lincoln, Nebraska, 68516, stated that Resort Lifestyle Communities were the owner/operators of the all-inclusive community, and gave details of the amenities. He noted that the project was a monthly rental not a buy in community and the rent included all the amenities.

(10:12 a.m.) Burnett discussed the site selection, surrounding area uses, the planning of the project, adding additional buffering, and architectural features.

(10:25 a.m.) Bennett stated that the proof of hardship had not been shown nor had justifying the mass of the building for such a low profile area.

(10:28 a.m.) McCormack offered that the applicant could clarify how the application met the criteria. Soria stated that commercial uses were allowed in Residential-B future land use, however, only in a Planned Unit Development (PUD) zoning.

(10:29 a.m.) Morris questioned if the facility was assisted or independent living. Burnett responded. Discussion ensued on the type of facility that was allowed in open rural.

(10:33 a.m.) Morris also stated that with residents only being committed for a month that the facility was functioning like a high-end hotel. Burnett responded.

(10:35 a.m.) Johns questioned whether the only reference related to a hardship was needing capacity for smoke storage; and that the revision to the height was only presented in the last 24 hours. Burnett stated that he had additional information he



would present in his rebuttal, and stated that staff was made aware that the revision to the height was forth coming.

(10:38 a.m.) Soria clarified that the site plan was submitted in early December. He said it was reviewed in response to open comments from staff, the Planning and Zoning Agency's (PZA) recommendation for denial, as well as concern on the height. Soria read the definition of a hotel and stated it was determined the facility had more characteristics with special care housing.

(10:39 a.m.) Bennett questioned whether a hardship had been proven. Soria explained.

(10:42 a.m.) Gary Phillips, Palm Valley Community Association, 161 South Roscoe Boulevard, noted the changes in the project since its initial presentation to the Ponte Vedra constituents. He stated that there was not a hardship and that the developer was ignoring the Land Development Code, and the Ponte Vedra Overlay District. He requested the Board deny the project.

(10:52 a.m.) McCormack stated that the Board should consider the merits of the application with competent substantial evidence as opposed to the number of people in support of or opposed to an item.

(10:54 a.m.) Susan Bloodworth, 81 King Street, on behalf of Las Palmas Property Owners Association, quoted text from the Fifth District Court of Appeal, Town of Indialantic versus Nance, regarding the hardship, *Exhibit B*. She stated that that the facility would not fit on the property. She also spoke on the purpose of the Ponte Vedra Overlay District. On behalf of the Las Palmas property owners, she requested denial of the project.

(11:04 a.m.) Richard Lewis, 100 Whetstone Place, Suite 200, representing Carmen Properties, stated that the burden of proof to show undue hardship on the variance and the non-zoning variances had not been met by the applicant. Lewis pointed out that almost 50% of the property was wetlands that would have to be filled for the project, *Exhibit C*. He stated that the project was referenced as a planned development and argued that it was in fact a single contiguous building. He expressed his opposition and suggested the applicant had not met his burden of proof.

The meeting recessed at 11:09 a.m. and reconvened at 11:15 a.m.

(11:20 a.m.) Public Comment:

- David Reeves, 128 Sawbill Palm Drive, requested denial of the variances stating no hardship existed. He stated it should wait until the traffic study had been completed.
- Gary Easom, 125 Magnolia Hammock Drive, requested denial of the variances stating the opposition was merited.
- Greg Wells, 124 Old Mill Court, requested denial of the variances due to additional traffic on the roads and the lack of hardship.
- Rebecca Dykstra, 165 Bear Pen Road, said there may be the need for a deceleration lane which would cut into the buffer. She also questioned the age group for the residents, noting the possibility of families with children. She stated there was no hardship proven by developer and there was a disregard to the surrounding area. She requested denial of the request.
- Karen Jones, 114 Montura Drive, was opposed the variances and said they were inappropriate for the area.
- Danielle Wright, 128 Bear Pen Road, was opposed to the variances and said the project would cause too much congestion. She requested to deny the variances.

- Sandi Applegate, 208 Clearwater Drive, was opposed the project due to the effect on property values and requested a denial.
- Barbara Grassa, 132 Sawbill Palm Drive, opposed the variances presenting her reasons for denial, via PowerPoint.
- Frank Eckstein, 19 Palm Lane, opposed the variances and requested a denial.
- Mary Kohnke, 39 South Roscoe Boulevard, urged the Board to follow the Land Development Code and help control the growth. She gave details about the area with increased traffic and only two evacuation routes.
- Sean Haymes, 164A South Roscoe Boulevard, stated that with 124 units, there would be parking concerns, and the children's safety would be at risk. He requested a denial.
- Regina Durel, 377 Sawmill Lane, stated that the variances would cause safety, aesthetic, and traffic issues; and was inappropriate for the area.
- Robert Harding, 408 Clearwater Drive, stated that the presentation did not include Ocean Palms Elementary School, which contributed to at least 1/3 of the traffic in that area. He said the changes requested were too significant and had a huge impact on traffic congestion and property value. He encouraged the Board to deny the request.
- Ray Wolpert, 112 Meeting Way, said he was opposed to variances, as it would reduce property values, increase congestion, and cause safety issues. *Exhibit D*
- Debra Chapin, 531 N. Wilderness, stated that though it was important to support the seniors, this project was too big, the wrong location, and not appropriate.
- Sharon Lund Grant, 408 Big Tree Road, commented on the already stressed roads with the increased traffic flow from Nocatee. She said the children from the neighborhoods walked to school and the project would be detrimental to their safety. She also mentioned that there was no reference to the stress on fire rescue and law enforcement.
- Ben Williams, 1202 Salt Creek Point Way, requested denial due to traffic issues, emergency services depletion, and no competent substantial evidence given to prove a hardship.
- Henry O'Connor, 100 Cypress Pond Court, requested the commissioners to uphold existing codes, stating that the project was too large for the parcel. He suggested making the parcel a county park.
- Elizabeth Sandifer, 612 W. Moss Wood Trace, requested denial of the project.

(12:03 p.m.) McCormack explained his statement on the Board's rule to not consider the number of public comments in opposition or in support of an item.

- Jennifer Bruno, 924 W. Grist Mill Court, stated that the project would destroy the culture of Palm Valley, increase congestion, and the overall impact to the community would be detrimental.
- Suzanne Joyner, 140 Sawbill Palm Drive, said it was not the right development for the property. She stated there were already traffic issues and any additional traffic would put the children's safety at risk.
- Taye Hsu, 244 Clearwater Drive, stated that with the continued growth in the community, the roads were becoming increasingly unsafe. She urged the Board to consider the long term effects.
- Radu Chihdris, 8014 Holly Ridge Road, spoke in opposition of the project due to its size.
- Victoria Corlazzoli, 268 Clearwater Drive, opposed the project because the development structure was not compatible to the surrounding community in terms of its size, mass, bulk, and scale. She urged to deny the requests.
- Bill West, 4775 Palm Valley Road, owner of the property, spoke in support of project, noting the common traits with a school and a retirement center.
- Andrea Conover, 336 Pablo Terrace, stated that the project was too big for the property and requested a denial.

- Brian Hurdis, 177 South Roscoe Boulevard, stated the project was too big for the property, was not compatible to the community, and there was no hardship.
- Gene Bartels, 409 E Woodhaven Drive, requested a denial due to the size and safety concerns.
- Tom Reynolds, 880 A1A Beach Boulevard, requested a denial, stating that approving the variances would be breaking the rules of the building codes.
- Linda Halter, 99 N. Roscoe, stated that the building was designed with the knowledge that it violated building codes.
- Anastasia O'Connor, 100 Cypress Pond Court, stated that the building code should not be changed to meet the need of the developer. She also stated that the infrastructure was not designed to handle the development.
- Tommy West, 100 Possum Trot Road, Co-property Owner, commented that the original 8.4 buildable acres he owned had been reduced to 5 buildable acres because of wetlands and needed the variances in order to build.
- Pam Merrott, 499 Big Tree Road, pled to the Board to deny the variances and named several existing senior homes in close proximity.
- Larry Tallis, 313 Sawmill Lane, requested a denial because the project was too big, too dense, too high, and had no positive impact to the community.
- BJ Kalaidi, 8 Newcomb Street, stated that the spirit intent of the code involved a hardship. She requested a denial of the variances.
- Pete Braud, 373 Landrum Lane, stated that he opposed the project due to size and traffic concerns.
- Joy Jones, 401 Landrum Lane, voiced her concern with additional traffic.

(12:43 p.m.) Burnett presented his rebuttal, via PowerPoint, addressing some of the concerns of the constituents regarding traffic, age restrictions, purpose and intent of the code. He stated that there would be no school impacts from the use. Burnett referenced letters regarding the smoke evacuation system, *Exhibit E*.

(12:47 p.m.) Collin Nicholson, Coldwell Commercial, 4348 Southpoint Boulevard, Jacksonville, spoke on the selection process of the project's location.

(12:48 p.m.) Lewis spoke on the aging population. He stated that they provided 24 hour shuttle service and the more amenities provided, would continue to reduce the traffic count. He also stated that the average length of stay for residents was seven to ten years.

(12:51 p.m.) Burnett gave some comparison figures on the traffic trips between the facility and alternative businesses for the site. He elaborated on the site of the facility from the road, the proposed buffers, and the purpose for the additional parking. Lewis stated construction cost was approximately \$30,000,000.

(1:06 p.m.) McClure questioned staff if the project could be smaller in scope and not require variances or would it be possible for any other non-residential uses on the property without variances. Handley responded that it would be possible.

(1:10 p.m.) Johns questioned if the typical procedures could be followed if the project was processed through a PUD, on a property that would meet all the requirements of the code. Handley responded that some of the variances would not be needed.

(1:12 p.m.) Morris reviewed the requested variances vs the Land Development Code Rules. He also noted that the PZA denied the hardship and stated he would not support the application.

(1:20 p.m.) Bennett echoed Morris and stated that the spirit and purpose deemed Palm Valley as special and the area needed to be low intensity. She voiced concerned with

the ability for efficient emergency response. She said that the project was a great concept, however, the wrong location and stated that she would not support the application.

(1:24 p.m.) Johns concurred with Morris and Bennett and also stated he would not support the application.

(1:26 p.m.) Soria explained that with the zoning variance, the applicant would bear the burden of demonstrating that the variance would not be contrary to the public interest; and would also bear the burden to show that by reason of exceptional narrowness, shallowness, or unusual shape of the property, or by reason of topographical conditions, or other extraordinary situation or condition of such piece of property; or by reason of use or development of the property immediately adjacent to the property in question, the literal enforcement of the code would produce either a hardship or be contrary. He said it was the identification of a special condition of the property and the interaction with the code as it related to the 35 foot height limitation in the coastal areas. He said the applicant must demonstrate that the interaction produced a hardship or be contrary to the spirit and intent of the code. Soria then explained that the non-zoning variances must have met the criteria in the staff report.

**(1:30 p.m.) Motion by Morris, seconded by Bennett, carried 5/0, to deny ZVAR 2015-07, Resort Lifestyle Communities, zoning variance to the Land Development Code, Table 6.01, to allow an independent living facility with a height of 48 feet, in lieu of the maximum 35 foot height allowance in coastal areas, specifically located at 4410 Palm Valley Road, based on the four finding as provided in the staff report.**

(1:29 p.m.) Soria asked the maker of the motion to add to the second sentence to read: **substantial evidence has not been submitted to support a special condition of the property such that the literal enforcement of the code would produce a hardship or that denying the application would be contrary to the spirit of the Land Development Code, as defined by the code.**

**(1:30 p.m.) Morris and Bennett agreed to the addition language, carried 5/0.**

(12/15/15 - 12 - 9:50 a.m.)

3. PUBLIC HEARING - NZVAR 2015-06, RESORT LIFESTYLE COMMUNITIES. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO VARIOUS PROVISIONS OF THE PALM VALLEY OVERLAY DISTRICT REGULATIONS INCLUDING GROSS FLOOR AREA, MAXIMUM LENGTH OF BUILDINGS, MINIMUM YARD REQUIREMENTS/NUMBER OF STORIES, ACCESSORY USES AND STRUCTURES, MINIMUM SPACE REQUIRED BETWEEN THE PARKING AREA AND BUILDING, AND MINIMUM ROOF SLOPE. THE SUBJECT PROPERTY IS SITUATED AT THE INTERSECTION OF PALM VALLEY ROAD AND LANDRUM LANE, SPECIFICALLY LOCATED AT 4410 PALM VALLEY ROAD. THE PALM VALLEY ARCHITECTURAL REVIEW COMMITTEE RECOMMENDED APPROVAL OF NZVAR 2015-06, RESORT LIFESTYLE COMMUNITIES, WITH A VOTE OF 3-1 AT THE NOVEMBER 19, 2015, HEARING

Proof of publication for the notice of public hearing on NZVAR 2015-06, Resort, was received, having been published in *The St. Augustine Record* on November 30, 2015.

**(1:30 p.m.) Motion by Morris, seconded by Bennett, carried 5/0, to deny NZVAR 2015-06, Resort Lifestyle Communities, non-zoning variance to various provisions of the Palm Valley Overlay District regulations including gross floor area, maximum length of buildings, minimum yard requirements/number of stories, accessory uses and structures, minimum space required between the parking area and building, and**

**minimum roof slope, specifically located at 4410 Palm Valley Road, based on the five findings as provided in the staff report.**

(1:32 p.m.) Soria stated that the motion needed to read: **The Board did not find that the applicant met the five requirements. Morris and Bennett agreed to the additional language.**

The meeting recessed at 1:30 p.m. and reconvened at 2:15 p.m. with Deputy Clerk Bonnie Putman in attendance.

(12/15/15 - 13 - 2:18 p.m.)

4. PUBLIC HEARING, PUD 2014-04, THE RESERVE PUD. THIS IS A REQUEST TO REZONE APPROXIMATELY 62.1 ACRES OF LAND FROM OPEN RURAL (OR), RESIDENTIAL MOBILE HOME (RMH), AND COMMERCIAL HIGHWAY TOURIST (CHT) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW UP TO 153 DWELLING UNITS AND 40,000 SQUARE FEET OF NON-RESIDENTIAL USES. THE SUBJECT PROPERTY IS LOCATED OFF SR 207, NORTH OF WILDWOOD DRIVE AND EAST OF I-95. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS NOVEMBER 19, 2015, MEETING

Proof of publication of the notice of public hearing on the matter of PUD 2014-04, Reserve Parcel 2, was received, having been published in *The St. Augustine Record* on November 4, 2015.

Teresa Bishop, AICP, Planning Division Manager, presented on The Reserve PUD rezoning request, via PowerPoint.

The following was disclosed as ex parte communication: Bennett and Smith met with the applicant; McClure spoke with the applicant; Johns disclosed communication with the applicant via email and Morris stated he viewed the Planning and Zoning Agency (PZA) meeting associated with this item.

(2:23 p.m.) Kathryn Whittington, Whittington Law, PLLC, 24 Cathedral Place, Suite 600, applicant, spoke on the request for rezoning.

(2:30 p.m.) Bill Schilling, Kimley-Horn, and Associates, 12740 Gran Bay Parkway West, Suite 2350, spoke on the details of the Master Development Plan (MDP) map and site plan.

(2:39 p.m.) Whittington summarized the request for rezoning.

(2:40 p.m.) Discussion ensued on the road extension, the start date for construction, the price point for the homes, the interconnectivity map, and the maintenance of the PUD's waterway.

(2:45 p.m.) Neal Brockmeier, Prosser Inc., 101 Longwood Street, responded to Smith's question on the PUD's waterway.

(2:47 p.m.) McClure questioned the ownership of the roads. Whittington responded that proposals would take place at time of platting.

(2:49 p.m.) Schilling explained the PUD's recreation area.

(2:51 p.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke in support of the development and its' beauty.

(2:51 p.m.) Motion by McClure, seconded by Johns, carried 5/0, to enact Ordinance No. 2015-75 , PUD 2014-04, The Reserve PUD, adopting Findings of Fact 1-9.

**ORDINANCE NO. 2015-75**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR), RESIDENTIAL MANUFACTURED HOME (RMH), AND COMMERCIAL HIGHWAY TOURIST (CHT) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/15/15 - 14 - 2:53 p.m.)

5. PUBLIC HEARING, MAJMOD 2015-10, ST. AUGUSTINE 500,000 WAREHOUSE PUD. THIS IS A PUBLIC HEARING FOR MAJMOD 2015-10, KNOWN AS ST. AUGUSTINE 500,000 WAREHOUSE PUD, REQUESTING TO EXTEND THE PUD PHASING. STAFF RECOMMENDS APPROVAL OF THE REQUEST. PLEASE REFER TO THE STAFF REPORT FOR ADDITIONAL DETAILS. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM ON NOVEMBER 5, 2015, AND VOTED UNANIMOUSLY TO RECOMMEND APPROVAL OF THE APPLICATION

Proof of publication of the notice of public hearing in the matter of MAJMOD 2015-10, St. Augustine 500,000 Warehouse, was received, having been published in *The St. Augustine Record* on November 30, 2015.

Rebecca Dennis, Planner, presented on the St. Augustine 500,000 Warehouse PUD, via PowerPoint.

(2:55 p.m.) Raymond Spofford, EMM Properties LLC, 14775 Old St. Augustine Road, Jacksonville, applicant, was available for questions.

(2:56 p.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke in support of the modification and hoped it would bring jobs to this area.

(2:57 p.m.) Motion by Smith, seconded by Morris, carried 5/0, to enact Ordinance No. 2015-76, MAJMOD 2015-10, St. Augustine 500,000 Warehouse PUD, adopting upon Findings of Fact 1-6, to support the motion.

**ORDINANCE NO. 2015-76**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE 500,000 WAREHOUSE PROJECT PLANNED UNIT DEVELOPMENT, ORDINANCE NO. 2005-91, AS AMENDED; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(Items 6 & 7 were presented together)

(12/15/15 - 15 - 2:58 p.m.)

6. PUBLIC HEARING, CPA (SS) 2015-02, BATTEN PROPERTY. THIS IS A REQUEST TO AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO RESIDENTIAL - A. THE SUBJECT PROPERTY IS APPROXIMATELY 2.11 ACRES IN SIZE AND THE APPLICANT PROPOSES THAT POTENTIALLY TWO UNITS BE PERMITTED. THE PROPERTY IS LOCATED OFF BATTEN ROAD IN THE ORANGEDALE COMMUNITY. ALTHOUGH THE AREA IS DESIGNATED AS R/S, THERE IS AN EXISTING RURAL COMMUNITY ALONG BATTEN ROAD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS NOVEMBER 5, 2015, MEETING WITH A 6-0 VOTE

Proof of publication of the notice of public hearing in the matter of CPA(SS) 2015-02, Batten Property, was received, having been published in *The St. Augustine Record* on October 21, 2015.

Teresa Bishop, AICP, Planning Division Manager, presented on the amendment request, via PowerPoint.

(3:11 p.m.) **Motion by Johns, seconded by McClure, carried 5/0, to enact Ordinance No. 2015-77, CPA (SS) 2015-02, Batten Property, adopting Findings of Fact 1-3.**

#### ORDINANCE NO. 2015-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURAL (RS) TO RESIDENTIAL-A, FOR APPROXIMATELY 2.11 ACRES OF LAND, LOCATED OF BATTEN ROAD; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(12/15/15 - 15 - 2:58 p.m.)

7. PUBLIC HEARING, BATTEN ROAD, NZVAR 2015-012. THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.04.07.B.1, WHICH STATES THAT EASEMENTS FOR ACCESS SERVING MORE THAN TWO RESIDENTIAL DWELLING UNITS SHALL MEET ALL REQUIREMENTS OF PART 6.04.00 (ROADWAY, DRAINAGE & UTILITIES STANDARDS). IF APPROVED, THE COMPANION APPLICATION (CPA SS 15-02) WOULD ALLOW A MAXIMUM OF TWO ADDITIONAL RESIDENTIAL DWELLING UNITS TO BE CONSTRUCTED AND USE THE EXISTING EASEMENT. THIS WOULD BRING THE MAXIMUM NUMBER OF HOMES ACCESSING THE EASEMENT TO NINE

Proof of publication of the notice of public hearing in the matter of NZVAR 2015-12, was received, having been published in *The St. Augustine Record* on November 30, 2015.

(3:02 p.m.) John P. Burnham, P.E., Chief Engineer, spoke on the non-zoning variance, via PowerPoint.

(3:04 p.m.) Discussion ensued on the non-zoning variance, drainage/ utilities issues, and private roads.

(3:07 p.m.) Merle and Betty Batten, 8745 Batten Road, applicant, were available for questions. They requested that the process be simplified and more user-friendly.

(3:11 p.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke in support of the variance due to the honesty of the applicant.

**(3:11 p.m.) Motion by Johns, seconded by McClure, carried 5/0, to approve non-zoning variance 2015-012, Batten Road, based upon Findings of Fact 1-6, and subject to suggested conditions 1-4.**

(12/15/15 - 16 - 3:12 p.m.)

8. PUBLIC HEARING, SUNSHINE BUS FARE INCREASE. THE SUNSHINE BUS COMPANY SEEKS AN INCREASE IN THE FIXED ROUTE MONTHLY PASS FROM \$25 PER MONTH TO \$30 PER MONTH. IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THE MONTHLY PASS WILL INCREASE FROM \$12.50 TO \$15, FOR THOSE WITH DISABILITIES, AS WELL AS ELDERLY AND STUDENTS. THE CURRENT \$1 PER RIDE WILL REMAIN THE SAME. IN 2007, THE STATE OF FLORIDA MANDATED THAT TRANSIT SYSTEMS RECEIVING BLOCK GRANTS FROM THE STATE MONITOR FARE BOX RECOVERY RATES, IN AN EFFORT TO INCREASE THE RATE OF FARES COMPARED TO SYSTEM OPERATING COST. THIS INCREASE WILL HELP MEET THIS MANDATE. IN 2013, A FARE INCREASE WAS RECOMMENDED IN THE ST. JOHNS COUNTY TRANSIT DEVELOPMENT PLAN. THE FIRST PUBLIC HEARING WAS HELD BY THE LOCAL COORDINATING BOARD (LCB) ON JUNE 4, 2015, AT WHICH THE LCB RECOMMENDED APPROVAL OF THE PROPOSED INCREASE. THIS WILL BE THE FIRST FARE INCREASE SINCE FIXED ROUTE FARES WERE INTRODUCED IN 2002

Gary L. Mackey, Transit Grant Specialist, introduced the item and Becky Yanni, Executive Director of the St. Johns County Counsel of Aging.

(3:13 p.m.) Yanni, Counsel of Aging, 180 Marine Street, presented the proposal for the Sunshine Bus Fare increase.

(3:15 p.m.) Discussion ensued on the fare increase, the half-fare pass, and the increased ridership. Yanni reported that ridership had tripled since 2002. Mackey offered statewide data.

(3:21 p.m.) Michael Mann, 3B Milton Street, spoke in favor of the fare increase, an increase in bus routes and services. He also stated that better communication was needed.

(3:23 p.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke in opposition to the increase in bus fare and scrutinized the Sunshine Bus Company's funding.

(3:27 p.m.) Discussion ensued on the County's cost to operate a county transit system, the requirement for an open Request for Proposal (RFP), and additional bus routes. Yanni explained the process for the County's contract and stated there were no other bidders

**(3:32 p.m.) Motion by Bennett, seconded by Morris, carried 5/0, to adopt Resolution No. 2015-389, to approve an increase in the cost of Sunshine Bus monthly passes from \$25 to \$30, and the increase in half fare passes monthly from \$12.50 to \$15, for persons with disabilities, elderly, and students.**



RESOLUTION NO. 2015-389

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN INCREASE IN THE COST OF A SUNSHINE BUS COMPANY REGULAR MONTHLY FARE PASS FOR THE FIXED ROUTE SYSTEM FROM \$25 TO \$30 PER MONTH AND AN INCREASE IN THE COST OF MONTHLY HALF FARE PASS FROM \$12.50 TO \$15 PER MONTH

(12/15/15 - 17 - 3:33 p.m.)

9. PUBLIC HEARING, MAJMOD 2015-16, MARKETS AT MURABELLA, PHASE II. THIS IS A PUBLIC HEARING FOR MAJOR MODIFICATION 2015-16, KNOWN AS MARKETS OF MURABELLA, PHASE II, REQUESTING TWO WAIVERS TO MODIFY THE SUNSHINE 16 PUD, PARCEL 1, COMMERCIAL DEVELOPMENT. THE FIRST WAIVER IS A REQUEST TO REDUCE THE WIDTH OF THE WESTERN DEVELOPMENT EDGE FROM 35 FEET TO 20 FEET WITH ENHANCED LANDSCAPING, AND THE SECOND WAIVER SEEKS TO ALLOW LESS THAN A 1,000 FOOT SEPARATION BETWEEN A SCHOOL AND CHURCH FOR THE SALE OF ALCOHOLIC BEVERAGES, AS REQUIRED PER LAND DEVELOPMENT CODE SECTION 2.03.02. THE PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF MURABELLA PARKWAY AND STATE ROAD 16. THE ITEM WAS HEARD AT THE DECEMBER 3, 2015, PLANNING AND ZONING AGENCY (PZA) HEARING

Proof of publication of the notice of public hearing in the matter of MAJMOD 2015-16, Markets at Murabella, Phase II, was received, having been published in *The St. Augustine Record* on November 16, 2015.

Georgia Katz, Senior Planner, presented on the Markets of Murabella, Phase II, via PowerPoint.

(3:39 p.m.) Discussion ensued on the 20 foot waiver, and the distance of separation between alcohol sales and a school or church. Bennett suggested that the rule had lost its' validity and intent.

(3:47 p.m.) Kathryn Whittington, Whittington Law, PLLC, 24 Cathedral Place Suite, 600, commented on the modification and the waivers.

(3:52 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition to the project, due to the alcohol sales and the proximity to a school and a church. She commented on the Markets of Murabella, Phase One's lack of visual appeal.

(3:55 p.m.) Tom Reynolds, 880 A1A Beach Boulevard, spoke in opposition to the project, due to the alcohol sales near a church and a school.

(3:58 p.m.) Bennett questioned staff about the code and the distance requirements. She stated that regulating without proper intent becomes meaningless.

(4:00 p.m.) Discussion ensued about the distance requirements and its' relevance.

(4:06 p.m.) **Motion by Smith, seconded by McClure, carried 5/0, to enact Ordinance No. 2015-78, known as MAJMOD 2015-16, Markets at Murabella, Phase II, adopting Findings of Fact 1-6, to support the motion.**

ORDINANCE NO. 2015-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION KNOWN AS MARKETS AT MURABELLA, PHASE II, TO THE SUNSHINE 16 PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 2005-32, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

*McCormick requested Items 13 & 14 be heard at 4:08 p.m.*

*The meeting moved to Item 13.*

(12/15/15 - 18 - 4:32 p.m.)

10. CONSIDER APPOINTMENTS TO THE SOUTH ANASTASIA DESIGN REVIEW BOARD (DRB)

(4:32 p.m.) Melissa Lundquist, Assistant to the Board of County Commissioners, presented the South Anastasia Design Review Board (DRB) applicants' information.

(4:33 p.m.) Bennett stated the following boards, with appointments in Items 10-12, were comfortable with determining the term at the first hearing.

Regina Ross, Senior Assistant County Attorney entered the meeting at 4:34 p.m.

(4:35 p.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to sunset the current membership of the South Anastasia Design Review Board.**

(4:35 p.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to appoint Yvonne Chipman, to the South Anastasia Design Review Board (DRB), for a term to be determined at the first hearing of the DRB.**

(4:35 p.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to appoint Robert District Walker, to the South Anastasia Design Review Board (DRB) for a term to be determined at the first hearing of the DRB.**

(4:35 p.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to appoint Denise Knorr Nichols, to the South Anastasia Design Review Board (DRB) for a term to be determined at the first hearing of the DRB.**

(4:35 p.m.) **Motion by McClure, seconded by Bennett, carried 5/0, to appoint William McCormick, to the South Anastasia Design Review Board (DRB) for a term to be determined at the first hearing of the DRB.**

(12/15/15 - 18 - 4:36 p.m.)

11. CONSIDER APPOINTMENTS TO THE ARCHITECTURAL REVIEW COMMITTEE

Melissa Lundquist, Assistant to the Board of County Commissioners, presented the Architectural Review Committee applicants' information.

(4:37 p.m.) **Motion by Morris, seconded by McClure, carried 5/0, to reappoint Alison McCallum to the Architectural Review Committee for a full four-year term scheduled to expire December 15, 2019.**

(4:37 p.m.) Motion by Morris, seconded by McClure, carried 5/0, to reappoint Sean Mulhall to the Architectural Review Committee for a full four-year term scheduled to expire December 15, 2019.

(4:38 p.m.) Motion by Morris, seconded by McClure, carried 5/0, to appoint Thomas Baker to the Architectural Review Committee for a full four-year term scheduled to expire December 15, 2019.

(4:38 p.m.) Motion by Morris, seconded by McClure, carried 5/0, to appoint Gurpreet Misra to the Architectural Review Committee for a full four-year term scheduled to expire December 15, 2019.

(12/15/15 - 19 - 4:38 p.m.)

12. CONSIDER APPOINTMENTS TO THE MID-ANASTASIA DESIGN REVIEW BOARD

Melissa Lundquist, Assistant to the Board of County Commissioners, presented the Mid-Anastasia Design Review Board applicants' information.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to sunset the current membership of the Mid-Anastasia Design Review Board.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Thomas Ingle, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Edward H. Underhill, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Sheila Diane Leonardi, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Robert W. Cona, Jr, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Thomas Inman, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

(4:40 p.m.) Motion by Bennett, seconded by McClure, carried 5/0, to appoint Robert L. Boese, to the Mid-Anastasia Design Review Board, for a term to be determined at the first hearing of the DRB.

*The meeting moved to Commissioner Reports.*

(12/15/15 - 19 - 4:08 p.m.)

13. SILVERLEAF LITIGATION SETTLEMENTS. LITIGATION SETTLEMENTS FOR THREE PENDING LITIGATION RELATED MATTERS, AS FOLLOWS: FLORIDA LAND AND WATER ADJUDICATORY COMMISSION (FLWAC) CASE NO. APP-15-0007, DEPARTMENT OF ECONOMIC OPPORTUNITY VS. ST. JOHNS COUNTY AND WHITE'S FORD TIMBER, LLC., (THE "DRI APPEAL"); DIVISION OF ADMINISTRATIVE HEARINGS (DOAH) CASE NO. 15-5539 GM, FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY VS. ST. JOHNS COUNTY, (THE "COMPLIANCE PROCEEDINGS"); AND CASE

NO. 37-2015-CA-000223, WHITE'S FORD TIMBER, LLC. VS. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) & SAINT JOHNS COUNTY (SJC), CIRCUIT COURT, SECOND JUDICIAL DISTRICT, LEON COUNTY, FLORIDA, (THE "CIRCUIT COURT CASE")

Patrick F. McCormack, County Attorney, presented on the Silverleaf Litigation settlement, via PowerPoint.

(4:16 p.m.) Discussion ensued on the litigation settlement proposal.

(4:18 p.m.) Johns requested an explanation on the Silverleaf boundary and the First Coast Highway connection.

(4:19 p.m.) Bennett requested clarification from McCormack on disclosure of a conflict of interest.

(4:21 p.m.) McClure requested information from McCormack on his previous recusal and subsequently, formally recused himself from voting on this item.

**(4:23 p.m.) Motion by Johns, seconded by Smith, carried 4/0, with McClure recusing, to authorize the county administrator to execute an agreement regarding litigation substantially as recommended by the county attorney pertaining to FLWAC Case No. APP-15-0007 (referred to DOAH), Leon County 37-2015-CA-000223, and DOAH Case No. 15-5539GM.**

(12/15/15 - 20 - 4:24 p.m.)

14. PUBLIC HEARING, RECONSIDERATION OF COMPREHENSIVE PLAN AMENDMENT, COMPAMD 2015-02, VETERANS PARKWAY; AND REZONING APPLICATIONS, PUD 2015-4, VETERANS PARKWAY; AND MINMOD 2015, DURBIN CROSSING. COMPAMD 2015-02, VETERANS PARKWAY. THE BOARD OF COUNTY COMMISSIONERS HEARD THIS MATTER AT ITS DECEMBER 1, 2015, MEETING. AFTER THE PUBLIC HEARING, THE BOARD CONSIDERED A MOTION TO APPROVE, WHICH FAILED 2-2, CONSTITUTING A DENIAL. BECAUSE THE ENTIRE BOARD WAS NOT PRESENT, IN THIS INSTANCE THE CHAIR WOULD ASK THE ENTIRE BOARD WHETHER A RECONSIDERATION OF THE MATTER WOULD BE APPROPRIATE. AFTER COMPAMD 2015-02, VETERANS PARKWAY WAS DENIED AT ITS DECEMBER 1, 2015, MEETING, THE BOARD CONSIDERED AND APPROVED A REQUEST BY THE APPLICANT TO WITHDRAW COMPANION APPLICATIONS, PUD 2015-4, VETERANS PARKWAY AND MINMOD 2015-04, DURBIN CROSSING. IF THE BOARD APPROVES A MOTION TO RECONSIDER COMPAMD 2015-02 VETERANS PARKWAY, THE BOARD MAY ALSO DECIDE TO RECONSIDER ITS MOTION TO APPROVE THE WITHDRAWAL OF APPLICATIONS PUD 2015-4, VETERANS PARKWAY AND MINMOD 2015, DURBIN CROSSING. IN ANY EVENT, THE BOARD WILL NOT BE RE-HEARING ANY OF THE APPLICATIONS ON DECEMBER 15, BUT WILL ONLY BE ACTING ON ANY MOTION TO RECONSIDER (OR NOT). A MOTION TO RECONSIDER MAY ONLY BE MADE BY A COMMISSIONER ON THE PREVAILING SIDE, BUT THE MOTION MAY BE SECONDED BY ANY COMMISSIONER. IF RECONSIDERATION IS APPROVED, ANY APPLICATION TO BE RECONSIDERED SHALL BE RE-ADVERTISED FOR FUTURE PUBLIC HEARING

McCormack provided an explanation of the reconsideration.

(4:26 p.m.) Ellen Avery-Smith, Rogers Towers, 100 Whetstone Place Suite 200, clarified the reconsideration.

(4:28 p.m.) Bennett questioned the admissible information at a new hearing. McCormack responded.

(4:29 p.m.) **Motion by Smith, seconded by Morris, carried 4/1, with McClure dissenting, to reconsider COMPAMD 2015-02, Veterans Parkway.**

(4:31 p.m.) **Motion by Smith, seconded by Morris, carried 5/0, to reconsider the withdrawal of PUD 2015-04, Veterans Parkway and MINMOD 2015-04, Durbin Crossing.**

McCormack left the meeting at 4:32 p.m.

*The meeting moved to Item 10.*

(12/15/15 - 21 - 4:41 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Bennett

Bennett reported on the vacancy for a Library Advisory Board (LAB) member. She mentioned a letter, received from the St. Augustine Lighthouse and Maritime Museum, requesting support. She proposed the Chair write a letter of support.

(4:43 p.m.) **Motion from Bennett, seconded by Johns, carried 5/0 for the Chair to write a letter of support for the St. Augustine Lighthouse and Maritime Museum's funding requests.**

She congratulated McCormack for making the Pro Bono Honor Roll for Legal Aid again and thanked all the county attorneys for their work within the community. She detailed the weekend's "Laying of the Wreaths" ceremony and the Regatta of Lights.

Commissioner Johns

Johns reported on the number of holiday celebrations and hoped it equated to an improving economy.

Commissioner Morris

Morris wished all a Merry Christmas.

Commissioner McClure

McClure wished all a Merry Christmas.

Commissioner Smith

Smith expressed his condolences to the Chapman family. He spoke on the Hastings Christmas parade and the community as a whole. He provided an agricultural update and wished all a Merry Christmas.

(12/15/15 - 21 - 4:50 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Wanchick reported that the Ameris Bank sponsored radio show had been renewed for an additional six months. He wished all a Merry Christmas.

(12/15/15 - 22 - 4:51 p.m.)  
COUNTY ATTORNEY'S REPORT

Ross wished all a Merry Christmas.

(12/15/15 - 22 - 4:51 p.m.)  
CLERK OF COURT'S REPORT

No report.

(12/15/15 - 22 - 4:52 p.m.)  
ADJOURN

With there being no further business to come before the Board, Smith adjourned the meeting at 4:52 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 527277- 527298, totaling \$37,462.64 and Voucher Register, Voucher No. 22988, totaling \$184.62 (11/30/15)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher No. 22989- 22990, totaling \$10,983.88 (11/30/15)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 527299- 527313, totaling \$255,970.44 (11/30/15)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 527314- 527419, totaling \$598,257.61 and Voucher Register, Voucher Nos. 22991- 23013, totaling \$293,067.27 (12/01/15)
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 527420- 527455, totaling \$47,170.77 and Voucher Register, Voucher Nos. 23014- 23031 totaling \$25,715.07 (12/02/15)

CORRESPONDENCE:

1. Letter dated December 2, 2015, addressed to the Deputy Clerk, stating that the Florida Department of State had received the official signature of Jeb S. Smith, as Chairman and James K. Johns, as Vice Chairman of the Board of County Commissioners of St. Johns County, Florida, and the information was placed on file December 1, 2015.

Approved \_\_\_\_\_ February 16 \_\_\_\_\_, 2016

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Jeb S. Smith, Chair

ATTEST: HUNTER S. CONRAD, CLERK

By:   
Deputy Clerk

