

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 12, 2020  
8:30 A.M.**

Proceedings of a special meeting of the Board of County Commissioners (BCC) of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Proof of publication of the notice of a special meeting of the St. Johns County Board of County Commissioners was received, having been published in *The St. Augustine Record* on Friday, May 8, 2020.

Present:       Jeb S. Smith, District 2, District 2, Chair  
                  James K. Johns, District 1  
                  Paul M. Waldron, District 3  
                  Henry Dean, District 5  
                  Hunter S. Conrad, County Administrator  
                  Patrick McCormack, County Attorney  
                  Natasha McGee, Deputy Clerk

Also present: Brad Bradley, Assistant County Administrator; and Joy Andrews, Assistant County Administrator

(05/12/20 - 1 - 8:30 a.m.)  
CALL TO ORDER

Smith called the meeting to order. He provided opening comments regarding remote public participation.

(05/12/20 - 1 - 8:32 a.m.)  
ROLL CALL

The clerk called the roll. Commissioners Smith, Waldron, Johns, and Dean were in attendance. Commissioner Blocker was absent.

(05/12/20 - 1 - 8:32 a.m.)  
INVOCATION

Pastor Jeff Gatlin, Freedom Church, gave the invocation.

(05/12/20 - 1 - 8:34 a.m.)  
PLEDGE OF ALLEGIANCE

Commissioner Smith led the pledge of allegiance.

(05/12/20 - 1 - 8:34 a.m.)  
PUBLIC COMMENT

(8:35 a.m.) Maggie Kostka, 570 A1A Beach Boulevard, expressed her appreciation for Brian Law, the City of St. Augustin Beach, Building Department, for his innovative and creative approach in helping local businesses overcome operational challenges, due to COVID-19. She also thanked the Board for creating additional funding opportunities for local businesses; and thanked administration and staff for being instrumental in helping to create opportunities for local businesses and the community.

(8:39 a.m.) Tom Reynolds, 50 Brigantine Court, spoke on his concerns regarding the spread of COVID-19, with regard to alcohol consumption; and requested a ban on alcoholic beverages at the St. Johns County Ocean and Fishing Pier.

(05/12/20 - 2 - 8:40 a.m.)

#### ADDITIONS AND DELETIONS TO THE SPECIAL AGENDA

There were none.

**(8:41 a.m.) Motion by Waldron, seconded by Johns, carried 4/0, with Blocker absent, to approve the Special Agenda, as submitted.**

(05/12/20 - 2 - 8:41 a.m.)

#### 1. EMERGENCY MANAGEMENT UPDATE

Hunter S. Conrad, County Administrator, provided an update on St. Johns County's response to COVID-19. He reviewed testing statistics; the economic recovery task force; and the St. Johns County small business emergency grant and Community Development Block Grant (CDBG) funding assistance opportunities. Additionally, he provided an update on the small businesses care packages/kits; and on the St. Johns County COVID-19 Resident and Business Assistance Hotlines.

(8:45 a.m.) Dr. Dawn Allicock, Medical Director of the St. Johns County Health Department, provided a COVID-19 update. She reviewed testing statistics; the Florida COVID-19 Data Surveillance Dashboard; the hospitalization rate; the mortality rate; transmission statistics, including the Centers for Disease Control's (CDC) mask recommendations; mitigation strategies (social distancing and testing, including asymptomatic testing); and on monitoring and contact tracing procedures. Discussion between Johns and Allicock ensued on testing, including types of testing and location; and on retesting recommendations.

(9:02 a.m.) Linda Stoughton, Emergency Management Director, provided an update on the Emergency Operations Center's (EOC) response to COVID-19. She reported on the distribution of personal protective equipment; and on receiving and the distribution of cloth face coverings for the critical infrastructure inside of the St. Johns County community.

(9:04 a.m.) Tom Reynolds, 50 Brigantine Court, thanked Florida Representative Cyndi Stevenson's and Senator Travis Hutson's offices for providing unemployment assistance to the community. Additionally, he spoke on his concerns regarding COVID-19 and alcohol consumption at future St. Johns County Ocean and Fishing Pier events; and on the redaction of death statistics (reasoning) from the Florida Department of Law Enforcement.

(05/12/20 - 2 - 9:08 a.m.)

#### 2. EXTENSION OF LOCAL STATE OF EMERGENCY

Patrick McCormack, County Attorney, referenced the emergency proclamation, *Exhibit A*; and presented the details of the extension.

**(9:09 a.m.) Motion by Waldron, seconded by Johns, carried 4/0, with Blocker absent, to approve Emergency Proclamation No. 2020-13, to extend the local state of emergency.**

EMERGENCY PROCLAMATION NO. 2020-13

**A PROCLAMATION EXTENDING THE DECLARATION  
OF A STATE OF LOCAL EMERGENCY, AS PROVIDED BY  
CHAPTER 252, PART I, FLORIDA STATUTES AND BY ST.  
JOHNS COUNTY ORDINANCE NO. 2019-40**

(9:10 a.m.) Alice Morris, Assistant County Attorney, entered the meeting.

(05/12/20 - 3 - 9:10 a.m.)

3. PUBLIC HEARING, REZ 2019-16, STRATTON BOULEVARD REZONING. REQUEST TO REZONE APPROXIMATELY 8.34 ACRES OF LAND FROM OPEN RURAL (OR), RESIDENTIAL GENERAL (RG-1), COMMERCIAL NEIGHBORHOOD (CN), AND COMMERCIAL GENERAL (CG) TO COMMERCIAL WAREHOUSE (CW), WITH CONDITIONS TO ALLOW FOR COMMERCIAL INTENSIVE AND LIGHT INDUSTRIAL USES. THIS ITEM WAS HEARD BY THE BOARD OF COUNTY COMMISSIONERS AT THEIR REGULARLY SCHEDULED PUBLIC HEARING ON FEBRUARY 4, 2020, AND WAS CONTINUED TO THE APRIL 7, 2020, PUBLIC HEARING TO ALLOW THE APPLICANT TO MEET WITH NEIGHBORING PROPERTY OWNERS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THE REQUEST, BY A VOTE OF 7-0, ON DECEMBER 19, 2019

Proof of publication of the notice of public hearing on REZ 2019-16, Stratton Boulevard Rezoning, was received, having been published in *The St. Augustine Record* on March 13, 2020, and May 1, 2020.

Board ex parte disclosures: Dean stated that he spoke to the applicant's Land Use Planner Consultant Karen Taylor on March 30, 2020, via phone. Taylor outlined the status of the negotiations. Dean noted that there seemed to be agreements between the applicant and the Homeowner Association (HOA). Waldron stated that he had met with Taylor, staff, and the development contractor Frank Dimare on January 23, 2020. They discussed drainage, project changes, and the general outlay of the property. He also met with Taylor, staff, and the applicant Hank Whetstone on March 26, 2020. They discussed changes to the building location, and increased buffers. Additionally, he disclosed a site visit the week of March 2, 2020. Johns stated that he had met with Taylor and Dimare on January 23, 2020. They discussed the subject site's layout, drainage, conversations with surrounding property owners, which included stormwater drainage, buffering, and distancing of the buildings between property boundaries. He also met with Taylor and Whetstone on March 26, 2020. They discussed site changes, conversations with surrounding property owners, which included increased buffering. Additionally, he disclosed that he drives by the subject site on a regular basis, due to personal business. Smith stated that he had met with Taylor, Dimare, and Teresa Bishop, St. Johns County Planning Division Manager, Growth Management, on January 23, 2020. They discussed the zoning request to CW, clearing of the current site, current construction, current property elevations, objections with regard to traffic noise, density and compatibility, screening, and what was necessary to move the project forward. He also met with Taylor and Whetstone, with St. Johns County Assistant Attorney Alice Morris present, on March 26, 2020. Topics of discussion were submitted for the record, *Exhibit A*. Additionally, he stated that he had received emails from landowner's daughter Christine Bentley.

(9:16 a.m.) Justin Kelly, Planner, Growth Management, presented the details of the rezoning request, via PowerPoint. He noted that correspondence had been received, via email, from the HOA and the HOA's legal counsel, in support of the request and the agreed upon conditions, *Exhibit B*.

(9:22 a.m.) Karen Taylor, 77 Saragossa Street, representing the applicants, provided details of the request, via PowerPoint.

(9:32 a.m.) Scott Yeoman, 4960 Vogel Road, and Mr. Hall, 1414 Kumkuat Lane, adjacent landowners to the subject property, stated for the record that they were both in support of the request, with the proposed conditions.

**(9:33 a.m.) Motion by Dean, seconded by Waldron, carried 4/0, with Blocker absent, to enact Ordinance No. 2020-17, a request to rezone approximately 8.34 acres of land to Commercial Warehouse (CW), with conditions, based on four findings of fact, as provided in the Staff Report.**

#### ORDINANCE NO. 2020-17

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL, GENERAL (RG-1), OPEN RURAL (OR), COMMERCIAL NEIGHBORHOOD (CN), AND COMMERCIAL GENERAL (CG) TO COMMERCIAL WAREHOUSE (CW), WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(9:35 a.m.) The Board moved to Commissioners' Reports. Morris left the meeting.

(05/12/20 - 4 - 10:30 a.m.)

4. PUBLIC HEARING, 10:30 A.M., PLNAPPL 2020-02 AND ARC APPEAL 2020-01, GATE C-STORE/GAS STATION AND CARWASH. REQUEST TO APPEAL THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD (PVZAB) AND PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE (PVARC) APPROVALS FOR THE PROPOSED GATE C-STORE/GAS STATION AND CARWASH, LOCATED AT 330 A1A NORTH. PVZAB APPROVED VARIANCES (PVZVAR 2019-10 AND NZVAR 2019-16), BY A 6-1 VOTE, TO ALLOW RELIEF FROM SIGNAGE, ROOF DESIGN, BUILDING LENGTH, AND BUFFER REGULATIONS, AS OUTLINED IN THE PONTE VEDRA ZONING DISTRICT REGULATIONS. PVARC APPROVED THE SITE AND BUILDING DESIGN (ARC 2019-08), CONTINGENT ON APPROVALS OF THE ASSOCIATED VARIANCES, BY A 3-0 VOTE, FOR ALL BUT THE 120-FOOT LIMIT FOR BUILDINGS, WHICH WAS APPROVED BY A 2-1 VOTE. THE ATTACHED GROWTH MANAGEMENT STAFF REPORT PROVIDES DETAILS REGARDING THE REQUESTED VARIANCES AND PROPOSED SITE PLAN FOR THE PROJECT

Proof of publication of the notice of public hearing on PLNAPPL 2020-02 and ARC APPEAL 2020-01, Gate C-Store/Gas Station and Carwash, was received, having been published in *The St. Augustine Record* on March 13, 2020, and May 1, 2020.

McCormack read Mr. Carroll's request to delay the appeal for the record. He stated that the appellant requested that the item be delayed until the Board resumed meetings under established non-emergency hearing procedures. He described the request to delay the appeal, Ponte Vedra Zoning and Adjustment Board, and Planning and Zoning Agency (Land Development Code) code provisions regarding the continuance request, and background information and history on public noticing. Additionally, he noted that email correspondence received by the appellant, applicant, members of the public, staff, and commissioners, regarding the appeal, were submitted for the record, *Exhibit A*.

(10:43 a.m.) Cornelius Carroll, on behalf of Appellant Neil Carroll, 14402 Marina San Pablo Place, Unit 502, Jacksonville, Florida, requested that the appeal hearing be delayed, due to insufficient public notice.

(10:45 a.m.) Bulthuis spoke on public notice compliance. He stated that confirmation of adjacent property owners' notices were submitted for the record, *Exhibit A*.

(10:46 a.m.) Ellen Avery-Smith, Rogers Towers, 100 Whetstone Place, representing the appellee Ponte Vedra Commercial Properties, Inc., requested that the appeal hearing not be delayed. She stated that the hearing was properly noticed.

(10:49 a.m.) Board ex parte disclosures: Dean stated that he had met with Ellen Avery-Smith and Drew Frick on May 7, 2020. They discussed the totality of the project, and the basis of the requested zoning and non-zoning variances. He also met with Herbert Peyton, via phone, on May 11, 2020. They discussed the proposed gas station/car wash and the need for the variances. Waldron stated that he had met with Avery-Smith, Tom Mundy, and Lindsay Haga on June 13, 2019. They discussed the Durbin Development. He met with Avery-Smith and Frick on January 23, 2020. They discussed the Durbin Development. He met with Avery-Smith and Frick on March 12, 2020, and March 26, 2020. They discussed the Durbin Development and that the appeal would be forthcoming. He also met with Avery-Smith and Frick on May 7, 2020. They presented their position to the appeal and Waldron stated that they would have to prove a need for hardship. Additionally, he stated that he had received emails and disclosed site visits to the following locations on May 10, 2020: 1) the subject property, 2) Mr. Carroll's property, 3) the property to the north, 4) the Nocatee GATE station, 5) the GATE station at US-1 and County Road 210, and 6) and the GATE and BP stations on State Road A1A. Johns stated that he had met with Avery-Smith and Frick on January 23, 2020, March 12, 2020, and March 26, 2020. They discussed the Durbin Development. He noted that the appeal was mentioned without significant detail in two of the meetings. He also stated that he had met with Avery-Smith and Frick on May 7, 2020. They discussed the appeal, the property ownership history and development, potential development of surrounding properties, the evolution of development in the area, including the timing of developments and the developers, and on the comparison of those developments with the current development. Additionally, he spoke to Neil Carroll, via phone, on May 11, 2020. They discussed the agenda item, and correspondence that the appellant had received (emails were submitted to Johns). Smith stated that he had met with Avery-Smith, Frick, and Paolo Soria on March 26, 2020. They discussed Durbin Development and that the appeal was forthcoming. Smith stated that he had met Avery-Smith, Frick, Patrick McCormack, and Teresa Bishop. They discussed hardship for the variances, the differences between zoning and non-zoning variances, signage hardship, the setback requirement, due to the restricted covenants, and the variances as one component. He also disclosed site visits to the existing GATE station on A1A, the applicant's property, and Mr. Carroll's property. Additionally, he stated that he had received emails. He noted that he had provided clarity on exactly what the Board would be hearing regarding the appeal to the following recipients: Gary Coulliette on March 31, 2020, and Laura Atkinson on May 7, 2020.

(10:57 a.m.) Smith briefed the Board on the proposed public hearing template.

(10:58 a.m.) Teresa Bishop, Planning Division Manager, Growth Management, presented the details of the appeal, via PowerPoint. She noted that the subject property was zoned Residential-3 Commercial and allowed for a gas station. Additionally, she stated that staff had received correspondence (phone calls and emails), and that the emails were submitted for the record, *Exhibit B*.

(11:04 a.m.) Appellant Carroll presented additional details in support of the appeal. He stated that the applicant must demonstrate a hardship in order to obtain a variance, and that a hardship created by any act of the owner was not considered a hardship to justify a variance. He noted the private agreement regarding the restricted setback.

(10:24 a.m.) Appellee representative Avery-Smith, presented additional details in opposition of the appeal, via PowerPoint. She noted that there were no wetlands on the subject property. She also reviewed the legal requirements for zoning and non-zoning variances regarding hardship qualifications. Additionally, she stated that the appellee requested denial of the appeal.

(11:21 a.m.) Anthony Robbins, American Institute of Certified Planners (AICP), PROSSER, Inc., 13901 Sutton Park Drive South, Suite 200, Jacksonville, Florida, representing the appellee, presented additional details on signage, the increased building length request, and the landscaping plan, via PowerPoint.

(11:24 a.m.) Mike Koppenhafer, Fisher Kppenhafer Architecture and Interior Design, 9104 Cypress Green Drive, Jacksonville, Florida, representing the appellee, presented additional details of the flat roof lines, via PowerPoint, and photos, *Exhibit C*.

(11:32 a.m.) Joe McAnarney, 1005 Blackberry Lane, spoke in support of the appeal.

(11:36 a.m.) Robert, McVay, 8 Tarpon Drive, representing residents of Dolphin Cove, spoke in support of the appeal.

(11:40 a.m.) Mary Kohnke, 29 South Roscoe Boulevard, spoke on Ponte Vedra Overlay District regulations.

(11:44 a.m.) Hunter Matthews, 611 Ponte Veda Lakes Boulevard, spoke in support of the appeal, due to environmental (animal habitat) concerns.

(11:45 a.m.) Sandra Clark, 62 Pine Valley Lane, spoke in support of the appeal, due to environmental (animal habitat) concerns.

(11:47 a.m.) Lore Eliason, 38 Dolphin Boulevard, spoke in support of the appeal, due to environmental (animal habitat) concerns.

(11:49 a.m.) Mary Bartlett, 62 Fawn Gully Lane, spoke in support of the appeal, due to environmental (animal habitat) concerns.

(11:50 a.m.) McCormack advised the Board that discussion regarding wetlands or ponds were not part of the application and not criteria for action.

(11:54 a.m.) Patricia Powell, 312 Pablo Road, spoke in support of the appeal.

(11:56 a.m.) McCormack, on behalf of Jane Rollinson, 543 Granada Terrace, read and submitted written public comment on Regular Agenda Item 4, *Exhibit D*, for the record. Her written public comment included testimony and community survey results in support of the appeal.

(12:00 p.m.) McCormack advised the Board that per case law on quasi-judicial hearings, the Board's decision should be made on competent substantial evidence.

(12:02 p.m.) Carroll provided rebuttal for the appellant. He stated that GATE created the mutually binding Declaration of Easements and Restrictive Covenants document between the two properties, and therefore was not a hardship.

(12:05 p.m.) Avery-Smith provided rebuttal for the appellee. She stated that there had been no competent substantial evidence presented by the appellant or members of the public that would warrant the overturning of decisions by the PVZAB and PVARC. She also noted that there was proof of hardship within the Declaration of Easements and Restrictive Covenants.

**(12:08 p.m.) Motion by Dean, seconded by Johns, carried 4/0, with Blocker absent, to deny PLANAPPL 2020-02, and ARC APPEAL 2020-01, Gate C-Store/Gas Station and Carwash, upholding the decisions of the Ponte Vedra Zoning and Adjustment Board and Ponte Vedra Architectural Review Committee, which approved the requests for Zoning Variance (PVZVAR 2019-10), Non-Zoning Variance (NZVAR 2019-16), and associated Design Approval (ARC 2019-08), subject to seven findings of fact and four conditions, as previously listed on each associated Order.**

(12:10 p.m.) The Board moved to Adjournment.

(05/12/20 - 7 - 9:35 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Dean

Dean spoke on the local economic impacts to the tourism industry, due to COVID-19. He stated that the BCC may need to take action to assist the local tourism community with marketing and advertising. He also suggested that a discussion item be added to the regular May 19, 2020, BCC agenda.

Commissioner Waldron

(9:37 a.m.) Waldron requested that staff obtain information on the St. Augustine Amphitheater and Ponte Vedra Concert Hall Ticketmaster refunds. He also reminded the community to practice social distancing guidelines and remain positive and courtesy to local business as they learn to manage at a 25 percent building capacity.

Commissioner Johns

(9:40 a.m.) Johns expressed his appreciation to residents for safely conducting themselves and for remaining considerate and courtesy in the community; and for staff's preparation of meetings and obtaining capital asset grants, during COVID-19. He stated that local government was able to adapt and meet the needs of the community.

Commissioner Smith

(9:43 a.m.) Smith gave an agricultural report. He also reported that Dr. J. Scott Angle had been named the new vice president for the University of Florida's Institute of Food and Agricultural Sciences. He noted that the position was now a vice president position and no longer a senior vice president position.

(05/12/20 - 7 - 9:44 a.m.)  
COUNTY ADMINISTRATOR'S REPORT

Conrad presented Mike Roberson for ratification as growth management director. Dean, Johns, and Waldron spoke in support of the ratification. McCormack reviewed the statutory requirement to approve department directors.

**(9:48 a.m.) Motion by Dean, seconded by Johns, carried 4/0, with Blocker absent, to ratify Mike Roberson's appointment as growth management director.**

(9:49 a.m.) Conrad presented the ratification of Building Services to be separated from Growth Management and placed as a direct report to Assistant County Administrator Brad Bradley. McCormack recommended ratification.

(9:50 a.m.) Motion by Dean, seconded by Johns, carried 4/0, with Blocker absent, [to ratify that Building Services report directly to Assistant County Administrator].

(9:51 a.m.) Conrad presented a discussion item that would allow Administration to pursue grant opportunities without Board approval. He stated that awarded grant funds would be presented before the Board for approval to receive and appropriate. He also provided information regarding the grant development manager position. He stated, if approved, the resolution would allow the grant development manager, on behalf of the County, without Board approval, and unencumbered, to pursue grants. Discussion ensued on pursuing grants that required county, state, or federal participation. Dean and Smith requested that any matched funds or funds with conditions that may need oversight be subject to Board approval. Johns requested a briefing on the focus of grant prioritization. He requested that the briefing include the general topics, time periods, and the benefit to the County. Conrad summarized the Board's comments. Conrad stated a proposal, outlining conditions, would be brought back to the Board, at a future meeting.

(05/12/20 - 8 - 9:56 a.m.)  
COUNTY ATTORNEY'S REPORT

No report.

(05/12/20 - 8 - 9:56 a.m.)  
CLERK OF COURT'S REPORT

No report.


The Board recessed the meeting at 9:56 a.m. and reconvened at 10:30 a.m., with Brad Bulthuis, Senior Assistant County Attorney, entering the meeting. The Board moved to Special Agenda Item 4.

(05/12/20 - 8 - 12:10 p.m.)  
ADJOURN

With there being no further business to come before the Board, Smith adjourned the meeting at 12:10 p.m.

Approved \_\_\_\_\_ June 16 \_\_\_\_\_, 2020

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Jeb S. Smith, Chair

ATTEST: BRANDON PATTY, CLERK

By:   
Deputy Clerk

