

ST. JOHNS COUNTY

ST. AUGUSTINE, FLORIDA

BOARD OF COUNTY COMMISSIONERS

District 1 - James K Johns
District 2 - Jeb Smith, Vice Chair
District 3 - William (Bill) A. McClure
District 4 - Jay Morris
District 5 - Rachael L. Bennett, Chair



REGULAR MEETING AGENDA

County Auditorium
500 San Sebastian View

Michael D. Wanchick, County Administrator
Patrick F. McCormack, County Attorney

Tuesday, June 16, 2015 9:00 AM

Please be sure all cellular devices are turned off for the duration of the County Commission Meeting

REGULAR MEETING

- ❖ Call to Order by Chair
- ❖ Roll Call by the Clerk of the Court
- ❖ Invocation
- ❖ Pledge of Allegiance
- ❖ *Proclamation recognizing the Florida Chamber Music Project*
- ❖ Acceptance of Proclamation
- ❖ Public Comment
- ❖ Deletions to Consent Agenda
- ❖ Approval of Consent Agenda
- ❖ Additions/Deletions to Regular Agenda
- ❖ Approval of Regular Agenda

Presenter – Jesse Dunn, Assistant Director, OMB

1. **Constitutional Officers' Budget Presentations.** Presentation of the Constitutional Officer's tentative budgets for Fiscal Year 2016. Under F.S. 129.03(2), on or before June 1 of each year, Constitutional Officers shall submit to the Board of County Commissioners (BCC) a tentative budget for their respective offices for the ensuing fiscal year. Since the Tax Collector and Property Appraiser are fee-based, it is not required for their budgets to be submitted to the BCC at this time. Each Constitutional Officer will make a brief oral presentation to the BCC relative to their respective tentative budget. The tentative presentation order will be Supervisor of Elections Vicky Oakes, followed by the Clerk of Court Cheryl Strickland, followed by Sheriff David B. Shoar.

Presenter - Teresa Bishop, AICP, Planning Division Manager

District 4

2. **Public Hearing * CPA (SS) 2015-01 T's Learning Center.** This is a request to amend the Comprehensive Plan Future Land Use Map from Rural/Silviculture (R/S) to Intensive Commercial (IC) for approximately 2.37 acres of land located at 11300 US 1 North. The subject property is vacant and zoned Commercial Intensive (CI). The applicant is requesting the amendment to bring the Future Land Use Map into conformity with the zoning. The IC Future Land Use Map designation is consistent with the CI zoning. The CI zoning allows highway commercial and high intensity commercial uses with large offices, institutional and tourist-oriented uses and at this time, the applicant is proposing a 13,000 square foot day care center and 12,000 square feet of retail commercial. The Planning and Zoning Agency recommended approval with a 7-0 vote at its April 16, 2015 meeting.

Presenter - Melissa Glasgow, Director of Economic Development

District 3

3. **Ansbacher Law, P.A Economic Development Grant Agreement.** On June 2, 2015 the Board approved request to draft a grant agreement with Ansbacher Law, P.A. The first annual grant payment would be anticipated during FY 18, with an estimated annual payout of \$12,181. The total estimated value of the incentive is \$24,363.

Presenter - Marie Colee, Assistant Program Manager

District 5

4. **Public Hearing * REZ 2015-05 Moultrie Montessori School (additional land).** This is a public hearing for REZ 2015-05, known as Lots 6, 7,8, 25, 26 & all Lot 27 (ex W 22 feet), Block 10, Santa Rosa Subdivision, a request to rezone property from Residential, Single-Family (RS-3) to Commercial General (CG). This item has a companion application for a Special Use (SUPMAJ 2015-02) for a school. Staff supports the request based on consistency with the Future Land Use designation of Residential - C and compatibility as support to the existing approved Use of a Private School. The Planning and Zoning Agency heard this item on June 4, 2015.

District 5

5. **Public Hearing * SUPMAJ 2015-02 - Moultrie Montessori - additional land.** Request for Special Use Permit to allow for driveway, stacking lane, green space and play area in association with an approved Private School, specifically known as Lots 6, 7, 8, 25, 26 & all Lot 27 (ex W 22 feet), Block 10, Santa Rosa Subdivision. This application is companion to and contingent upon approval of REZ 2015-05 Moultrie Montessori School. Staff supports the request based on the applicant meeting all requirements of Section 2.03.17 Special Use criteria as well as any other applicable Land Development Codes, Building Codes and/or State regulations associated with the request as submitted. The Planning and Zoning Agency heard this item on June 4, 2015.

Presenter - Phong Nguyen, Transportation Development Manager

District 1

6. **Public Hearing * Nine Mile Gang Development Agreement Termination (DEVAGRMOD 2013-03).** The Nine Mile Gang Development Agreement (DEVAGREE 2009-03) was approved by the Board of County Commissioners on July 20, 2010 to demonstrate financial feasibility for public infrastructure for the Nine Mile Gang Comprehensive Plan Amendments (CPA). The request seeks to terminate the Agreement based on the results of the recent Application for Concurrency Determination (CONMAJ 2014-19) for the revised plan of development (Bannon Lakes PUD), consisting of 849 single family units, 150 multi-family units, 105,000 sq. ft. of retail space and 15,000 sq. ft. of office space. The Development Agreement is proposed to be replaced by a Proportionate Fair Share Agreement (PFS AGREE 2015-01) to mitigate transportation impacts, a School Concurrency Proportionate Share Mitigation Agreement to mitigate school impacts, and a separate Utility Agreement to address the utility infrastructure needs. Two public hearings are required to modify or terminate a Development Agreement. This is the second of two required public hearings. The first public hearing was held on June 2, 2015.

Presenter - Phong Nguyen, Transportation Development Manager

District 1

- 7. Bannon Lakes Proportionate Fair Share Agreement (PFS AGREE 2015-01).** Eastland Partnership, LLC (Developer) has proposed a Proportionate Fair Share Agreement (Agreement) to mitigate for proportionate transportation impacts to I-95 and International Golf Parkway (IGP) pursuant to Section 11.09.04.B of the Land Development Code in order to meet transportation concurrency requirements for the Bannon Lakes PUD. The project's proportionate fair share is calculated to be \$5,689,509.00 as detailed in Exhibit B of the Agreement. The Agreement provides for the donation of a total of 6.52 acres of right-of-way along the project frontage on IGP and in the curve area located east of the project. The subject right-of-way is needed for additional 4-lane widening of IGP (Link 74.2) to the east and realignment of the curve located east of Bannon Lakes. The subject right-of-way has been valued by appraisal at \$310,000.00. The Agreement requires dedication of the right-of-way within 18 months of the approval of the Agreement. In addition, the Applicant has proposed to widen a portion of IGP from 2 to 4 lanes from the existing 4-lane east to the Bannon Lakes entrance (IGP Improvements). The preliminary engineering cost estimate is \$5,700,000.00 for design, permitting and construction. The Agreement provides that the construction of the IGP improvements shall commence with approval of the first Subdivision Construction Plan and shall be complete within twenty-four (24) months of commencement. Road impact fee credit up to the combined total of the ROW value and IGP improvement cost, estimated at \$6,010,000.00, is included as a component of the Agreement to be awarded when right-of-way has been dedicated and improvements cost has been bonded.

Presenter – Rebecca Carr, Planner

District 3

- 8. Public Hearing * REZ 2015-06 Dobbs Road Warehouse.** This is a request to rezone property from Industrial Warehouse with conditions (IW) to Industrial Warehouse (IW) in order to remove the conditions. Staff recommends approval of the request based on the proposal's consistency with the Future Land Use designation of Mixed-Use and compatibility with surrounding properties. Please refer to the Staff Report for additional details. The Planning and Zoning Agency heard this item on May 7, 2015 and unanimously recommended approval.

Presenter - John Burnham, P.E., Chief Engineer

District 2

- 9. Public Hearing * NZVAR 2015-02 Canopy Oaks.** This is a request for a Non-Zoning Variance to multiple sections of the LDC as follows: 1) 6.02.01.B.3.a (use of an Easement in a platted subdivision), 2) 6.04.07.B.1 (Easements serving more than two (2) residential Dwelling Units shall meet all requirements of 6.04.00 (Roadway, Drainage & Utilities Standards), 3) 6.04.07.B.2.a-b (Easements for access shall be a minimum 30 feet wide, with a 20-foot minimum stabilized surface), and 4) 6.04.07.A.3 (previously platted Roadways which have not been constructed are subject to the requirements of 6.04.00. The complete Code citations are included as Attachment 4 of this report. The applicant is proposing a Habitat for Humanity development within the West Augustine area utilizing smaller lots that were platted many years ago. Construction of the roadway to current standards is the catalyst for several of the requests incorporated within this application.

Presenter - John Burnham, P.E., Chief Engineer

District 4

- 10. Public Hearing * PLNAPPL 2015-1 Ponte Vedra Beach Preserve (Appeal to PVZVAR 2015-02 Maximum Fill Variance).** Appeal of a decision by the Ponte Vedra Zoning & Adjustment Board denying the zoning variance (PVZVAR 2015-2) to Section VIII.I of the Ponte Vedra Zoning District Regulations (PVZDR) to allow fill in excess of the maximum allowances. This item was originally heard at the May 11, 2015 Ponte Vedra Zoning & Adjustment Board meeting. A motion to approve was made ending in a three to three tie vote, resulting in a technical denial for failure to obtain at least four votes for any motion. This appeal has a companion application (PLNAPPL 2015-02) for an optional preliminary subdivision approval.

Presenter - Valerie Pacetti, Application Review Supervisor

District 4

- 11. Public Hearing * PLNAPPL 2015-02 Ponte Vedra Beach Preserve (Appeal to OPSP 2015-01 Optional Preliminary Subdivision Plan).** Appeal of a decision by the Ponte Vedra Zoning and Adjustment Board denying an Optional Subdivision Plan for the Ponte Vedra Beach Preserve (OPSP 2015-01) pursuant to Section 5.01.02 of the LDC. This item was originally heard at the May 11, 2015 meeting of the Ponte Vedra Zoning and Adjustment Board. The Ponte Vedra Zoning and Adjustment Board voted on a motion to approve the project; however, the vote ended in a three to three tie, resulting in a technical denial for failure to obtain at least four votes for any motion. This appeal has a companion application (PLNAPPL 2015-01) for a zoning variance to allow fill in excess of the maximum allowances of the Ponte Vedra Zoning Regulations.

Presenter - Danielle Handy, Senior Planner

District 1

- 12. Public Hearing * MAJMOD 2014-17 The Preserve at St Johns.** Major Modification to Woodlands PUD (aka Cimarrone Golf and Country Club) to allow eighty-six (86) additional single-family residential dwelling units on an undeveloped parcel. The proposed single-family residential development is functionally independent of the existing Woodlands PUD, as the applicant is providing a separate access off of Cartwheel Bay Avenue, as well as independent infrastructure, such as parks, stormwater, and open space.

Presenter - Teresa Bishop, AICP, Planning Division Manager

District 2

- 13. Public Hearing * COMPAMD 2015-01 Wards Creek - Transmittal Hearing.** This is a request to transmit a Comprehensive Plan amendment to amend the Future Land Use Map from Agricultural-Intensive to Residential-B. The subject property contains 37.19 acres of land and is located off CR 16A. The applicant proposes 67 residential units. This is the transmittal hearing to allow for state and regional agency review. The Planning and Zoning Agency recommended approval at its June 4, 2015 regular meeting.

Presenter - Teresa Bishop, AICP, Planning Division Manager

District 3

- 14. Public Hearing * PUD 2014-06 King's Grant PUD.** This is a request to rezone approximately 772.1 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to allow a mixed use project, consisting of 999 dwelling units of which 74 will be age-restricted; 130,000 square feet of commercial retail and service; 200 hotel rooms; 80,000 square feet of professional and medical office; 120 bed rehabilitation hospital; and 260 bed assisted living/skilled nursing/memory care facility. The Planning and Zoning Agency recommended denial of this PUD application at its June 4, 2015 regular meeting with a 4-3 vote. The Agency cited urban sprawl, timing and the need for development standards in the southeast part of the County.

Presenter - Joseph C. Cearley, Special Projects Manager

District 2

- 15. Public Hearing * LDC Amendments - West Augustine Overlay District.** This is the final adoption hearing in a three part series to consider changes to Article III "Special Districts" of the Land Development Code by adding a new Part 3.11.00 West Augustine Overlay District. This amendment series creates a limited commercial overlay district within the boundaries of the West Augustine Community Redevelopment Agency boundaries along W. King St., N. Volusia Avenue and North and South Holmes Blvd. The West Augustine CRA was created in 2001 in an effort to encourage economic development within the community. In 2004, a Citizens vision plan was completed known as the "West Augustine Beyond Tomorrow" report. This Land Development Code amendment implements the vision plan by supporting the creation of a higher intensity mixed-use community to create jobs, and a range of housing opportunities, retail, dining, and entertainment uses in a neighborhood center that is compact and complementary to the surrounding neighborhoods. A majority of properties along these corridors are zoned only for residential uses and do not permit commercial or mixed uses except by rezoning to Planned Unit Development. The proposed commercial overlay district allows commercial and mixed use development by right along the West King St., N. Volusia Ave., CR 214 and Holmes Boulevard corridors in an effort to promote economic vitality and independence within the area. Additionally, new additional uses are proposed to be implemented within the West Augustine Overlay District. The Planning and Zoning Agency recommended approval of the new overlay by unanimous vote. The Agency did recommend that the Ordinance be amended to increase the permitted height limits from 35' to 45' to promote mixed use developments. The Agency also recommended that language be clarified to ensure that gas stations can be built along CR 214, especially at the future intersection of SR 313. Both changes have been incorporated into the Ordinance for the Board's consideration.

Presenter - David Migut, Senior Assistant County Attorney

District 3

- 16. Public Hearing * Second reading and enactment of Treasure Beach Canals Slow Speed, Minimum Wake Boating-Restricted Area Ordinance.** The proposed Treasure Beach Canals Slow Speed, Minimum Wake Boating-Restricted Area Ordinance had its first reading at the May 19, 2015 Board of County Commissioners meeting. This public hearing is for a second reading and enactment of the proposed Ordinance.

Presenter - Melissa Lundquist, Assistant to the Board of County Commissioners

- 17. Consider an appointment to the Health & Human Services Advisory Council.** There is currently one vacancy on the Health & Human Services Advisory Council due to a resignation. This position requires appointment of a professional from the disciplines in the Health & Human Services. Attached for your review and consideration are four applications (Shannon Nazworth - Dist 5, Holly Doucette - Dist. 5, Thomas Neilson - Dist 1, and Dr. Norman Plovnick - Dist. 4) and a recommendation from the Health & Human Services Advisory Council. County Resolution 2012-344 designates members shall serve a term of two years. The motion below reflects filling the unexpired term of 6 months plus an additional 2-year term to ensure that membership remains staggered.
- 18. Consider appointments to the Arts, Culture, Heritage Funding Panel.** There is currently one vacancy on the Arts, Culture, Heritage Funding Panel due to a resignation. This vacancy is for an alternate member with voting privileges only in the absence of one or more regular members. This alternate member shall be a resident of St. Johns County with demonstrated interest and knowledge in tourism/cultural development and promotion.

Presenter - Press Tompkins, Fair Housing Workshop

- District 2**
- 19. Fair Housing Workshop.** In conjunction with the 2014 CDBG 2nd Public Hearing, a Fair Housing Workshop will be conducted by a representative from Fred Fox and Associates to provide fair housing education for the general public, local elected officials and professional involved in housing activities.
- District 2**
- 20. Public Hearing * 2014 Community Development Block Grant (CDBG) Second Public Hearing.** The 2014 Community Development Block Grant requires two public hearings prior to submittal of the application. The first public hearing was held on the May 19, 2015 BCC meeting. The first public meeting provided an overview of the goals and objectives of the CDBG program. This 2nd Public Meeting and requires the County to list the specific projects within the CDBG program. The County's grant application will be to the Florida Department of Economic Opportunity (DEO) under the Neighborhood Revitalization category in the amount of \$750,000 under the 2014 Small Cities Community Development Block Grant (CDBG) program. As a requirement of the grant, for each activity that is proposed, at least 70% of the funds must benefit low and moderate income households.
- District 2**
- 21. 2014 Community Development Block Grant (CDBG) Small Cities Program Community Development Plan.** The 2014 Community Development Block Grant requires the County to adopt a Community Development Plan. The objectives for the County's Development Plan are: LONG TERM OBJECTIVES: 1. To improve the physical environment of the community to make it more functional, safe, and efficient and to preserve the integrity of the neighborhood. 2. To promote the public interest. 3. To inject long range considerations into the determination of short range decisions. 4. To bring professional and technical knowledge to bear on issues concerning social, economic, or physical development. 5. To facilitate effective cooperation and coordination between all concerned with community development. 6. To identify all available resources for major opportunities and to improve the way of life for all in the community. SHORT TERM OBJECTIVES: 1. To apply for Community Development Block Grant funds in the Neighborhood Revitalization category to make flood and drainage improvements, sewer hookups and street repaving in the West Augustine Area of St. Johns County. 2. To explore other possible resources for the purpose of improving the way of life for all citizen's, especially those who live in deteriorated housing and neighborhoods.

EVENING SESSION – 6:00 p.m.

Presenter - Regina D. Ross, Senior Assistant County Attorney

22. Time Certain - 6:00 p.m. - Second Reading of the Proposed One-Cent Infrastructure Sales Surtax Ordinance. On May 19, 2015, the Board of County Commissioners ("Board") directed the County Attorney to prepare an ordinance providing for a countywide precinct referendum election regarding the levy of a 1% local government infrastructure sales surtax. The initial draft was presented to the Board for first reading on June 2, 2015. In sum, the proposed ordinance provides for the following: (1) levy of a 1% local government infrastructure surtax upon all authorized taxable transactions occurring within the County (subject to voter approval); (2) statutory authorization to levy the surtax; (3) a general description of projects that may be funded by surtax revenues; (4) citizen review of public projects and surtax revenue expenditures; (5) a call for a countywide special election on November 3, 2015, seeking voter approval of imposing a 1% surtax; and (6) directions to the Supervisor of Elections to insure notice of the November 3, 2015 special election. The County has received the attached letter from the School Board dated June 9, 2015 requesting inclusion in the one-cent sales tax initiative. The Board may want to discuss that request during this meeting.

- ❖ Commissioners' Reports
- ❖ County Administrator's Report
- ❖ County Attorney's Report
- ❖ Clerk of Court's Report

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CONSENT MEETING AGENDA

County Auditorium
500 San Sebastian View

Michael D. Wanchick, County Administrator
Patrick F. McCormack, County Attorney

Tuesday, June 16, 2015 9:00 AM

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CONSENT AGENDA

1. **Motion to Adopt Resolution No. 2015-____, approving the terms and conditions of a Conditional Use Permit for Phase 1 of the Tillman Ridge Landfill Site between St. Johns County, Florida and St Augustine R/C Flyers and authorizing the County Administrator or designee to execute the Conditional Use Permit on behalf of the County.** *For more information, contact Wendy Hicks, Solid Waste Manager at 904 827-6982*
2. **Motion to approve the transfer of \$2,729 from the former HHS Operation Department [0093] to the new HHS Operation Department [0108] to accurately capture costs associated with the operation of the new Health and Human Services Facility for the remainder of Fiscal Year 2015.** *For more information, contact Katie Diaz, Building Operations Superintendant at 904 209-0653.*
3. **Motion to approve the Bannon Lakes School Concurrency Proportionate Share Mitigation Agreement (CONSCA 2015-07).** *For more information, contact Phong Nguyen, Transportation Development Manager at 209-0613.*
4. **Motion to approve the Lakes at Mill Creek Plantation School Concurrency Proportionate Share Mitigation Agreement (CONSCA 2015-09).** *For more information, contact Phong Nguyen, Transportation Development Manager at 209-0613*
5. **Motion to Adopt Resolution 2015-____, authorizing the County Administrator to execute the Impact Fee Credit Agreement with WFC Ashford Mills Owner VII, LLC for the Ashford Mills DRI (IFA 2015-03), with a total park impact fee credit of \$1,983,820.00.** *For more information, contact Phong Nguyen, Transportation Development Manager at 209-0613*
6. **Motion to approve the transfer of \$120,000 from the Communication Surcharge Fund Reserve [1503-59927] to upgrade the capability of both the Sheriff's Office and Fire Rescue PSAP's (Public Safety Answering Point) system.** *For more information, contact Jesse Dunn, Assistant Director, OMB at 904 209-0568*
7. **Motion to Adopt Resolution 2015-_____ approving the terms, provisions, conditions, and requirements of an Agreement for a Home Visitation Program (for expectant parents and parents of newborns) between the County and Children's Home Society, Inc. and authorizes the County Administrator, or his designee, to execute the Agreement on behalf of the County.** *For more information, contact Joy Andrews, Health and Human Services Director at 904 209-6088*

- 8. Motion to allow County staff to submit a grant application to the Department of Economic Opportunity seeking funding for a Technical Assistance Grant for the Parks and Recreation Master Plan at no financial cost to the County, and to allow the County Administrator to take any necessary actions for processing the grant application.** *For more information, contact Robin Moore, Cultural Resources Manager, at 209-0623.*
- 9. Approval of Minutes:** 5/5/15 Regular Meeting & 5/19/15 Regular Meeting
- 10. Proofs:**
- a. Proof: Notice to Bidders, Bid #15-64, published May 6, 2015 and May 13, 2015 in the St. Augustine Record.
 - b. Proof: Notice of Public Hearing by the St. Johns County Planning and Zoning Agency on May 21, 201, and Board of County Commissioners on June 16, 2015 on establishment of Ordinance No. 99-51, amending sub-section 6.04.04, published on May 21, 2015 in the St. Augustine Record.
 - c. Proof: Notice of Public Hearing by the St. Johns County Planning and Zoning Agency on May 21, 201, and Board of County Commissioners on June 16, 2015 on establishment of Ordinance No. 99-51, amending sub-section 3.07.14, published on May 21, 2015 in the St. Augustine Record.
 - d. Proof: Notice of Tax Impact of Value Adjustment Board, published May 21, 2015 in the St. Augustine Record.
 - e. Proof: Notice of Joint Meeting of the St. Johns County Board of County Commissioners and the St. Augustine City Commission on May 26, 2015, published May 19, 2015 in the St. Augustine Record.