

**ST. JOHNS COUNTY, FLORIDA**  
**ORDER**  
**Rezoning/Exception/Variance**

**NAME OF APPLICANT**

**APPLICATION NUMBER**

Olde Tyme Acres, c/o John Bailey, Jr.

SW-88-001

**DECISION OF  
COUNTY COMMISSION**

GRANTED

GRANTED WITH  
STIPULATIONS

DENIED

The request is to waive Section 90.6 of the Subdivision Regulations which requires fire hydrants in lieu of dedication of south 75' of Lot 16, Block 4 of Phase I Olde Tyme Acres which contains an irrigation well.

The property is located south of S.R. #16 and east of Usina Road.

**Stipulations:**

1. The irrigation well will be in working order to provide adequate fire protection at a rate of 500 gallons per minute for one hour.
2. The Applicant will submit a Certified Engineering Report to St. Johns County.
3. Upon receipt of the Certified Engineering Report St. Johns County will assume maintenance of the irrigation well.

\*See Attached

**DATE OF COMMISSION ACTION:** March 22, 1988

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By: Lawrence A. Hartley  
Chairman

**ATTEST: CARL "BUD" MARKEL, CLERK**

By: Lynn M. McDonald  
Deputy Clerk

(Pursuant to St. Johns County Zoning Code, Section 11-9-5b: failure to exercise an exception or variance by commencement of the use or action approved thereby within one year, or such longer time as approved by the Board, shall render the exception or variance invalid and all rights granted thereunder shall terminate.)

something back very soon. He requested the authority to call the Board for a special meeting should Board action be necessary; the Board was in agreement.

(03/22/88 - 6 - 2.2100)

Castle reported The Builder's Association has filed suite against the County regarding the Educational Impact Fee Ordinance and one part of the Public Facilities Impact Fee Ordinance. He indicated The School Board will meet this evening. He has spoken with the consultants who prepared the ordinances; Dr. Nicholas and Dr. Jurgensmeyer and they gave a list of three law firms they feel are well qualified to represent the County as well as The School Board. The School Board at the time the County adopted the Educational Impact Fee Ordinance took on the responsibility of defending it. He indicated he has contacted two of the firms; Siemon, Larsen & Purdy and Burke, Bosselman & Weaver and is in receipt of resumes along with a listing of their experience with regards to impact fee litigations. Both firms appear to be very well qualified; there does not seem to be a great deal of difference in the cost however staff is still evaluating the resumes. Motion by Lydon, seconded by Brubaker, carried 5/0, authorizing Sisco and Castle to make the decision regarding which firm to select and inform the School Board.

(03/22/88 - 6 - 2.2275)

Waldron reported The School Board has questioned the status of the Interlocal Agreement with the City of St. Augustine Beach in regards to the Educational Impact Fee. Castle indicated staff is working with David Conn in this regard. Lydon stated she would contact the City of St. Augustine Beach and report back at the next meeting on April 12th.

(03/22/88 - 6 - 2.2450)

Director of Public Works Bud Harris reported on the Miranda Road Bridge indicating it is still on schedule. Brubaker questioned the status of the bridge in his District; Harris reported specifications are being submitted to Purchasing and permits with DER are in the works. Harris further reported regarding culvert replacement on SR-#13-A indicating a request for permits has been filed with DER but no word has been received regarding same.

(03/22/88 - 6 - 2.2754)

Harold Baker, 4240 Coastal Highway commented regarding the issue of extending County water lines; feels the burden will be placed on the County should we adopt the policy of having the developer pay the full amount with reimbursement. Waldron responded.

(03/22/88 - 6 - 2.2928)

Bob Longo, 477 Alcalá Drive, St. Augustine Shores gave an update on the St. Augustine Shores Utility rate increase. The Public Council has filed a motion to reconsider the interim rates and a motion to stay the interim set for April 18th before the Public Service Commission. A Prehearing Conference on the proposed rates has been scheduled for May 6th and the Hearing on the proposed rates has been scheduled for May 18th and 19th in St. Augustine. Regarding County acquisition of the Utility he reported residents in the St. Augustine Shores area would pay for the debit service. Mr. Longo requested Board approval to work with Mr. Sisco and Mr. Castle on the details. Castle reported staff is working in this direction and indicated he would be willing to work with Mr. Long. It was the consensus of the Board to have staff work with Mr. Long in this regard.

The meeting thereupon recessed and reconvened at 1:30 p.m. with Hartley, Bailey, Brubaker, Waldron, Lydon, Sisco, Castle, Space and McDonald present. Also present was Planning Coordinator Jerry Napier.

(03/22/88 - 6 - 2.3649)

Hearing on application #SW-88-001 Olde Tyme Acres, Ltd. requesting waiver of Section 90.6 Subdivision Regulations which requires fire protection. Proof of publication of notice of hearing on waiver of St. Johns County Subdivision Ordinance No. 78-38 was received having been published in The St. Augustine Record on February 12, 1988, upon motion by Bailey, seconded by Waldron, carried 5/0, was ordered filed. Court Reporter Terri Toomer was present recording. Attorney Frank Upchurch was present representing the applicant Olde Tyme Acres. He gave a

description and history of the development and presented to the Clerk for the record a packet of Exhibits as follows:

- Exhibit - 1: Excerpt of minutes from the Planning & Zoning Board Meeting recommending approval.
- Exhibit - 2: Warranty Deed dated October 24, 1987, Olde Tyme Acres, LTD., Grantor to St. Johns County, Grantee.
- Exhibit - 3: Letter dated November 16, 1987 to Mr. James E. Dimsdale, General Partner Old Tyme Acres, LTD. from Frank McElroy, Fire Marshal.
- Exhibit - 4: Memorandum dated November 16, 1987 to Dan Castle, County Administrator from Frank McElroy, Fire Marshal.
- Exhibit - 5: Letter dated December 1, 1987 to Mr. James E. Dimsdale, General Partner Old Tyme Acres, LTD. from Dan Castle, County Administrator.
- Exhibit - 6: Certified copy of St. Johns County Ordinance No. 84-55.
- Exhibit - 7: Olde Tyme Acres, Preliminary Plan.
- Exhibit - 8: Copy Olde Tyme Acres Final Plat.
- Exhibit - 9: Letter dated December 2, 1987 to Mr. Loren N. Jones, Civil Engineer & Surveyor from Betty Sue Solana, Planning Technician.

Attorney Upchurch introduced Mr. John Lester one of the limited partners of Olde Tyme Acres. Mr. Lester stated his position in this case indicating they relied on the Preliminary Plat approval. At this time Attorney Upchurch introduced Mr. Warren Levie, Hydrologist from Jacksonville. Mr. Levie, 18 Walkers Ridge, Ponte Vedra gave his qualifications and reported regarding the well in question indicating the well is capable of producing at least 500 to 600 gallons per minute. Discussion followed with staff clarifying circumstances regarding approval of the Preliminary Plan; possible acceptance of the well in question by the County and the current request for waiver of Section 90.6 Subdivision Regulations. Frank McElroy, Fire Marshall reported regarding changes in requirements for fire protection in accordance with NFPA-24. Space indicated this change in requirements regarding fire protection came into effect following the approval of the Plat for Phase I. Motion by Brubaker, seconded by Waldron, carried 5/0, approving the request to waive Section 90.6 of the Subdivision Regulations which requires fire hydrants in lieu of dedication of south 75' of Lot 16, Block 4 of Phase I Olde Tyme Acres which contains an irrigation well subject to the following stipulations:

- 1) The irrigation well will be in working order to provide adequate fire protection at a rate of 500 gallons per minute for one hour.
- 2) The Applicant will submit a Certified Engineering Report to St. Johns County.
- 3) Upon receipt of the Certified Engineering Report St. Johns County will assume maintenance of the irrigation well.

(03/22/88 - 7 - 3.2350)

Hearing on appeal by Hall Properties Inc. of PZA Order denying minor modification to PUD for Cypress Lakes; the request was to lower the 1500 square feet required dwelling unit size to 1200 square feet. Court Reporter Terri Toomer was present recording.