

Developers pursue litigation against county

Debate over Outpost property raging for over four years

BY JAKE MARTIN St. Augustine Record

It seems developers behind the controversial Vista Tranquila project in Ponte Vedra Beach are proceeding with litigation against St. Johns County rather than pursuing a public hearing before the County Commission, as requested in April by Judge Michael Traynor of the 7th Judicial Circuit Court.

Traynor had signed an order holding the case in abeyance on the condition the commission hear the application for a planned unit development in a timely manner, under the county's current Comprehensive Plan.

The judge told counsel for both sides he thought "in all candor" his decision essentially put the application back into the county's administrative process, "which is where I think it initially should be, which is, I think, where you wanted it and I think where it can be resolved."

However, a hearing before the commission has yet to occur.

On Nov. 20, Ponte Vedra Corporation filed a motion to lift the abatement, arguing the county hasn't held up its end of the bargain, but has instead deployed a series of stall tactics and provided evasive responses to the developers' inquiries.

The county, time and time again, has said Ponte Vedra Corporation will have to seek a Comprehensive Plan amendment if they want to build on a piece of property called the Outpost. Disagreement between the county and developers over the conservation designation and other land use issues has kept the project at more or less of a standstill for more than four years.

The land in question is situated at the southern end of Neck Road, bordering the Guana River in the northern reaches of the Guana Tolomato Matanzas National Estuarine Research Reserve, or GTMNERR. Developers want to build 66 single-family homes on the 99.3-acre parcel.

In its motion, Ponte Vedra Corporation claims it's being denied a point of entry to determination "without which (the company) cannot adequately plan or have a fair chance to prepare for the quasi-judicial hearings on its PUD application."

Ponte Vedra Company says the county has continued its refusal to make a boundary determination based on field surveys, as the developers claim is "clearly" required by the existing Comprehensive Plan. Further, the company says the county has refused to process a renewed request on Aug. 31 for a formal administrative interpretation, from County Administrator Michael Wanchick, of the exact development/conservation boundary.

County Attorney Patrick McCormack had provided a response Oct. 4, saying interpretation of the Comprehensive Plan as they had requested "is ultimately a matter for the Board of County Commissioners and is most appropriately done in the context of your client's rezoning application, rather than in the abstract."

He said the entirety of the Outpost property that is the subject of the rezoning application is currently depicted as conservation and that the Comprehensive Plan only says the exact boundaries of land use designations on the Future Land Use Map “may” (rather than “shall”) require interpretation in order to determine appropriate use. He said the plan only allows for “minor deviations,” “when necessary,” assuming the specific boundary location is “not clearly delineated” on the Future Land Use Map.

McCormack also said the commission may base a decision to approve or deny a rezoning application on grounds other than the designation issue. (In its motion, Ponte Vedra Corporation said this statement “portends yet another thinly veiled attempt” to “deprive” the company of its right to application of the existing Comprehensive Plan “concerning the actual boundaries of conservation areas on its property, in violation of state law, the County’s in-court stipulation, and this Court’s Order.”)

In closing, McCormack said the rezoning application may proceed to a public hearing before the commission upon written request. But he also said multiple other concerns of county staff that were provided to developers on their latest application, if unaddressed, will be raised again in the staff analysis provided to the commission.

On Monday, Save Guana Now, a group of citizens and organizations advocating the preservation of the Outpost property as conservation land, shared written comments from their attorney, Jane West, in response to the motion.

“The notion that St. Johns County staff is somehow acting defiantly in pursuit of some hidden agenda is nonsensical,” West wrote. “Ponte Vedra Corporation has never had an issue obtaining variances or land use changes in the past — but here, they simply refuse to accept that they have to play by the same rules that every other property owner in the county is subject to.”

West said the developers have repeatedly sought a determination from the county it did not feel was appropriate or warranted.

“(Ponte Vedra Corporation), displeased with that determination, opted not to have a public hearing that would engage the public and ran back to the Court,” West wrote.

However, in its motion, the company says distinguishing between conservation areas and developable portions of a certain parcel “fairly informs” a landowner’s site planning and preparation for public hearings on site plan related applications.

“To do otherwise, unfairly forces a landowner to guess and plan in a vacuum,” the motion continues.

A hearing before Traynor on Ponte Vedra Corporation’s motion has yet to be scheduled.



The entrance to The Outpost sits in an overgrown cul-de-sac at the end of Neck Road in Ponte Vedra Beach. (Bob Mack/ The Florida Times-Union)

Developers brought a case against the county last year claiming officials were “stonewalling” their project by refusing to issue an administrative interpretation of the property’s land use designation and by, instead, requiring an application for a Comprehensive Plan amendment. This would mean a longer, more costly process for developers that opens the door to further regulation.

Ponte Vedra Corporation, a subsidiary of Gate Petroleum, said the county was dragging its feet, ignoring its own rules and denying the company’s rights to develop its long-held property without any chance for appeal. The suit was filed Sept. 12, 2016, just two months after the company’s PUD application was submitted, but even that came after years without a formal determination by the county on the property’s designation on the Future Land Use Map.