



Minutes
Regular Meeting of the St. Johns County
PLANNING AND ZONING AGENCY

Thursday, February 16, 2023 at 1:30:00 PM

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, February 16th, 2023 at 1:30 p.m. in the County Auditorium at the St. Johns County Administrative Complex located at 500 San Sebastian View, St. Augustine, Florida.

MEMBERS PRESENT: Gregory Matovina, District 1 Chair
Meagan Perkins, District 4, Vice Chair
Eugene Wilson, District 3
Dr. Richard A. Hilsenbeck, District 3
Elvis G. Pierre, District 2
Henry F. Green, District 5

MEMBERS ABSENT: Jack Peter, District 4

STAFF PRESENT: Kealey West, Sr. Assistant Attorney; Christine Valliere, Asst. County Attorney; Teresa Bishop, AICP, Planning Division Manager; Lauren Dwyer, Planner; Justin Kelly, Senior Planner; Evan Walsnovich, Planner; Thomas Stalling, Communications Specialist; Hali Barkley, GIS Technician and Marie Colee Assistant Program Manager.

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- Call meeting to order at 1:30 pm
 - Pledge of Allegiance
 - Reading of the Public Notice statement by Perkins
 - Approved Minutes for March 3, 2022 and January 5, 2023
 - Public Comments: None

No audio and transcript available for Agenda Items 1 and 2, visuals only.

No transcript available for Items 3 and 4, visuals and a hand held taped audio only.

AGENCY ITEMS:

District 2

1. SUPMAJ 2022-11 SEA Resource Center. Request to allow for a Resource Center in the RS-3 zoning district. The property is located along the northeast side of Armstrong Road, south of the Rails to Trails bike trail, currently **addressed as 6284, 6312 and 6324 Armstrong Road.**
Staff: Teresa Bishop, AICP, Planning Division Manager

Presenter: Karen Taylor, Land Planner presented the request, with **Malinda Teeple** (6231 Armstrong Road, Elkton Fl) as the representative of the Sea Resource Center. Both presenters confirmed the need for the approval of the application and explained the purpose of SEA.

(0:14:34)

Motioned by Dr Hilsenbeck and seconded by Pierre, carries 6/0, to approve, SUPMAJ 2022-11 SEA Resource Center, based on eight (8) findings of fact, and subject to eight (8) conditions, as provided in the Staff Report.

FINDINGS:

1. The Special Use can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the St. Johns County Comprehensive Plan or this Code.
2. The use is compatible with the contiguous and surrounding area and will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.
3. The use, which is considered as a non-listed use in the Land Development is consistent with Section 2.03.00 of the Land Development Code, complies with all required regulations and standards of Article II of the Land Development Code.
4. The request is in compliance with Section 2.03.00 and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Agriculture-Intensive (A-I).
6. The requested Use, although not generally appropriate or without restriction throughout the zoning district, when controlled as to the number, location and relationship to the neighborhood, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the residents of the area.
7. The requested Use is not in conflict with the development patterns of the area.
8. The applicant, at the public hearing, has stated no objections to the proposed conditions.

CONDITIONS:

1. The Special Use Permit is granted to SEA Community Help Resource Center, currently addressed as 6284, 6312 and 6324 Armstrong Road, and shall be non-transferable to any other location or entity.
2. Applicant agrees that St. Johns County may inspect the site for compliance with the Final Order and all other relevant requirements at any time the Special Use is being exercised.
3. This approval of the Special Use Permit may be revoked by the County Administrator or designee, in his/her sole discretion, upon a determination of violation of the conditions set forth herein or a violation of Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator or designee to revoke the Special Use Permit may be appealed to the Board of County Commissioners.
4. The Special Use Permit shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
5. The Special Use Permit is granted under condition of continual use. A Special Use that, once commenced, remains idle, discontinued or unused for a period of one (1) calendar year shall no longer be valid and all rights granted herein shall become null and void.
6. Approval of the Special Use Permit does not release the project from adherence to all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, Florida Building Code, and any other Agency having jurisdiction.
7. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding

conditions and limitations.

8. Development shall be consistent with improvements depicted on the site plan labeled **Exhibit B** and shall be made part of this Order; any change or addition shall constitute a violation of the Special Use approval unless such change is submitted to and approved by the Planning and Zoning Agency.

District 2

2. ZVAR 2022-09 10240 Dillon Ave. ZVAR 2022-09 10240 Dillon Variance, a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a one (1) foot one (1) inch Side Yard Setback in lieu of the ten (10) feet required in Open Rural (OR) zoning to allow the existing mobile home to remain in its current location on the property.

Staff: Lauren Dwyer, Planner

Applicant: Ramona Paluh. Owner: Candy Hendel (10240 Dillon Avenue), presented the request for a zoning variance. They presented the need for approval for family hardships and the cost for displacement of the family if they needed to move the structure.

Matovina: Referred to the building photo in the Agency packet. This photo showed the stake of the property line in relation to the placement of the mobile home.

Speakers:

Michael Haney (3660 Pine Circle South). OPPOSED. Purchased the property adjacent to 10240 Dillon Avenue for retirement purposes. Did not consider there was a hardship on the applicant. Explained there was discussion about placing a fence as a buffer. Discussed diminishing property values. There was discussion with the applicant on potential purchase of his property.

Jolene Martyn (9835 Light Avenue). SUPPORT. Works with Land Title company. Against the fence idea. Questioned how the placement of the mobile home would affect the land values of the neighbor. Understood that the issue at hand was the applicant's responsibility. Part of the issue was that several surveys had conflicting lot lines. Potential hardship for the applicant.

Dr. Hilsenbeck: Questioned if there was a Pride complaint listed with the County.

Owner (Hendel): Presented the rebuttal. Advised they moved in the property in May and were notified in December that they were not compliant. Offered market value of \$30,000 for the land next door. Offer was declined by Mr. Haney.

Dr. Hilsenbeck: Asked Mr. Haney what he would accept as remediation.

Haney: Advised he paid \$28,000 for the land. Asked how a Certificate of Occupancy was obtained, by the applicant, when the mobile home was placed so close to his land.

Perkins: Questioned as to whom will pay for the removal of the home if the zoning variance is denied.

Applicant (Paluh): Unsure at this time. Maybe forced to take out a loan.

General discussion occurred within the Agency.

Green: Mentioned it was a hard decision to make.

Dr Hilsenbeck: Mentioned the hardships due to deaths and financial issues. Tough item to decide.

(0:41:10)

Motioned by Green and seconded by Perkins to approve, motion failed 4/2 (Green; Perkins voted to approve) to approve ZVAR 2022-09 10240 Dillon Variance. Application denied based on four (4) findings as provided in the Staff Report.

FINDINGS:

1. The request is not in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Competent substantial evidence has not been submitted to support a hardship as defined by the Code.
2. The request is contrary to the public interest and is in conflict with the surrounding development.
3. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.
4. The request is in conflict with the Future Land Use designation of Rural Silviculture.

District 3

3. ZVAR 2022-25 De Novo Village. Request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a reduced second Front Yard setback of ten (10) feet in lieu of the required 25 feet for three (3) Through Lots, and Section 6.01.03.E.4 to allow for reduced Front Yard setbacks of eight (8) feet and ten (10) feet along the northern and western property boundary for a Corner Through Lot in lieu of the required fifteen (15) feet in Residential, Single Family (RS-3) zoning.

Staff: Justin Kelly, Senior Planner

Presenter: Richard Diaz | Card Holding, LLC/Land First North, LLC presented the request.

Speakers:

Don MacGibbon (6865 A1A South) Not opposed to Mr. Diaz building on his lots. Yet opposed to an 8 foot setback.

Nancy Tomaski (6800 Avenue D) OPPOSED. Need to ensure Mr. Diaz has a 15 foot set back.

Jude Tomaski (6800 Avenue D) OPPOSED. Water retention is an issue. Mr. Diaz needs to adhere to the 15 foot setback.

Applicant (Diaz): presented the rebuttal.

Various discussion occurred between the applicant and the Agency.

(1:19:23)

Motioned by Perkins and seconded by Pierre, carries 5/1 (dissent Green) to approve ZVAR 2022-25 De Novo Village, based on seven (7) conditions and five (findings of fact as provided in the Staff Report.

CONDITIONS:

1. The Variance will be transferable and will run with title to the property.
2. Approval of Variance does not release project from compliance with all relevant requirements of the St Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. Approval pursuant to site plan labeled as Exhibit B submitted by applicant and made a part of this application.
4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
6. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
7. The applicant, at the public hearing, has stated no objections to the proposed conditions.

FINDINGS:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.
3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request supports the Goals, Objectives, and Policies of the St. Johns County Comprehensive Plan.

District 3

4. REZ 2022-26 Continental Truck Service Rezoning. Request to rezone approximately 6.1 acres of land from Commercial Highway and Tourist (CHT) to Commercial Intensive (CI). The property is located within the southwest quadrant of the SR 206 and I-95 interchange.

Staff: Evan Walsnovich, Planner

Presenter: Christina Evans, Matthews Design Group presented the request.

Discussion occurred between the Agency and the presenter.

(1:23:21)

Motioned by Perkins and seconded by Green, carries 6/0, to recommend approval of REZ 2022-26 Continental Truck Service Rezoning, based on four (4) findings of fact, as provided in the Staff Report.

FINDINGS:

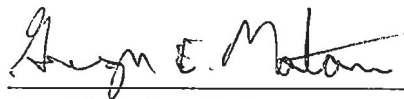
1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to **Commercial Intensive (CI)** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (c) The proposed project is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **Commercial Intensive (CI)** is consistent with the St. Johns County Land Development Code.
4. The zone district of **Commercial Intensive (CI)** is consistent with the land uses allowed in the land use designation of **Mixed Use District** as depicted on the 2025 Future Land Use Map.

Staff Reports: None

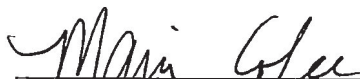
Agency Reports: None

Meeting Adjourned at 2:55 pm

Minutes approved on the 16th day of March, 2023.



Greg Matovina, Chair
Planning and Zoning Agency



Clerk, Growth Management