



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

Thursday, October 5th, 2023 at 1:30pm

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, October 5, 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: Meagan Perkins, District 4, Chair
Jack Peter, District 4, Vice Chair
Gregory Matovina, District 1
Dr. Richard A. Hilsenbeck, District 3
Elvis G. Pierre, District 2

MEMBERS ABSENT: Eugene Wilson, District 3 (No school board representative)
Henry F. Green, District 5

STAFF PRESENT: Lex Taylor, Asst. County Attorney; Beverly Frazier, Assistant Director, Growth Management; Teresa Bishop, AICP, Planning Division Manager; Dominique Wintons, Application Review Technician; Jasmine Allen, GIS Technician; Tom Stalling, Communications Specialist; Marie Colee, Assistant Program Manager.

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- Call meeting to order at 1:30pm
 - Pledge of Allegiance
 - Reading of the Public Notice statement by Perkins
 - Public Comments: None

(02:35)

AGENCY ITEMS:

1. Election of Chair and Vice-Chair. The Planning and Zoning Agency is required to annually elect a Chair and Vice-Chair. Please see the attached recommended Nomination and Voting procedures. Alternatively, after public comment, the suggested motions for election may be made.

Staff: Teresa Bishop, AICP, Planning Manager

Presenter: Teresa Bishop, AICP, Planning Manager

Matovina: Explained he will ask for nominations of the Chair, and the process for the election of a new Chair and Vice Chair. That they will need a first and second put forward for the positions before voting for each role.

Discussion occurred amongst the Agency members with regard to nominations and motions to undertake these roles in going forward.

(03:38)

Motion by Peter, seconded by Dr Hilsenbeck, carries 5/0, to elect Ms. Megan Perkins as Chair.

(06:00)

Motion by Dr. Hilsenbeck, seconded by Pierre, carries 5/0, to elect Mr. Jack Peter as Vice Chair.

District 3

2. SUPMAJ 2023-08 Gate Car Wash. A request for a Special Use Permit to allow for a Car Wash Facility in Commercial General (CG) zoning, pursuant to Section 2.03.50 of the Land Development Code, located at the intersection of Hometown Lane and State Road 207.

Staff: Lauren Dwyer, Planner

Ex parte communication declared by Agency members:

Dr. Hilsenbeck: Spoke with Ms. Ellen Avery Smith on Monday regarding the Gate Car Wash. Would ask questions at this meeting.

Matovina: Spoke to Ms. Ellen Avery Smith on Tuesday regarding the Staff Report on Conditions number 3. Was not given an answer, so will discuss that at this meeting.

Pierre: Had a conversation with Ms. Ellen Avery Smith on Wednesday.

Perkins: Received a voice mail on Monday. Was not able to return call as was out of the country.

Presenter: Ellen Avery-Smith, (Rogers Towers, 100 Whetstone Place, St Augustine Fl) presented the special use permit request for a Car Wash facility.

Presenter: Matt Melchiori (Prosser Inc, 13901 Southern Park Drive, Jacksonville Fl 32224) Explained that a car wash at Gate will be about 50 gallons of water for the first wash and that it is then used as reclaimed water to wash the undercarriage. This water then goes into the sanitary sewerage system and not into ponds.

Public Speakers:

James Karcs (1515 SR 207, St Augustine Fl) NOT OPPOSED. The landlord of the Dollar General.

Concerned the Car Wash facility will add more traffic to the Hometown Lane that is like a driveway. Would like to see this new development have access onto SR 207, so cars will access the car wash property without causing more congestion on the smaller lane.

Applicant: Avery-Smith: Reminded everyone that this project is not the same property that was proposing to go through the Dollar General parking lot. This is a separate piece of property that will access a public road. The property is already zoned Commercial General. It has zoning rights to have a commercial office use.

Understands it is hard for people who own businesses next to vacant land to share public roads. Explained that Gate Car Wash cannot access SR 207. The access needs to come from Hometown Lane.

Dr: Hilsenbeck: You could access SR 207 if you went through the Florida Department of Transportation process.

Presenter: Matt Melchiori: Based on DOT standards we would be shocked if they would allow any kind of access from SR 207. Hometown Lane is the safest access point.

(20:47)

Motion by Matovina, seconded by Peter, carries 5/0, to a approve SUPMAJ 2023-08 Gate Car Wash based upon eight (8) findings of fact and six (6) conditions as provided in the Staff Report including the condition that it shall run with the title to the property and have three (3) years from the date of approval to commence construction.

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 Land Development 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 listed as a Special Use in the Commercial General (CG) Zoning District, complies with all required regulations and standards of Article II of the Land Development Code.
4. The request is in compliance with Section 2.03.50 and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Mixed Use.
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 Ocala Herlong and of the car wash facility.
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 is granted under the condition of continual use. A Special Use Permit that, once commenced, remains idle, discontinued or unused for a continuous period of one (1) calendar year shall no longer be valid and all rights granted herein shall become null and void.
5. 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.
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.

District 1

3. SUPMAJ 2023-10 Fruit Cove Plaza Outdoor Seating Area. A request for a Special Use Permit to allow onsite sales and consumption of alcoholic beverages pursuant to Section 2.03.02 of the Land Development Code, and to allow Outdoor Seating on a property zoned for commercial uses that is located within the Residential-B Future Land Use Map (FLUM) designation pursuant to Section 2.04.05.B, specifically located at 540 State Road 13 N.

No ex parte communication declared by the Agency.

Presenter: David Touring, (The Touring Company) presented the application for an existing restaurant tenant “Bella Vista” that has an existing Beer and Wine License. Requesting additional outside seating area of 551 square feet to serve food and beverages per the existing license. Presented overhead maps and aerial photograph of the retail center where the restaurant is located. Also presented architectural renderings showing how the extension would look going into the parking lot. Owner of the facility and the tenant were available for questions.

Further discussion occurred between the presenter and the Agency with relation to parking. Presenter confirmed that the 2 car spaces taken at the front for outdoor seating would be replaced with 10 additional spaces at the rear of the building. Presenter mentioned that they are meeting County code and have an additional 10 extra car spaces within the entire facility.

Questions were addressed around the distance to the closest residents.

Staff: Lauren Dwyer (Planning and Zoning) Confirmed that, from the extended outdoor seating, the distance to the nearest residences was 385 feet, as per the County GIS tools. The outdoor seating is along the SR 13 corridor.

Further questions were asked of the applicant with regard to live music. Restaurant owner confirmed that there will be no live music. Only soft music via small over-head speakers, similar to inside the restaurant, would be heard at the outside seating area.

Staff (Bishop): Confirmed that the property is located with the Residential-B, which is one of the reasons for the outdoor seating. It is allowed within in our Comprehensive Plan with a special use in connection with the Beer and Wine sales.

Matovina: According to the reviews on line, the restaurant is always packed. So they must be doing a great business.

(30:32)

Motion by Peter, seconded by Dr. Hilsenbeck, carries 5/0, to approve SUPMAJ 2023-10 Fruit Cove Plaza Outdoor Seating Area based upon eight (8) findings of fact and eleven (11) 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 Land Development 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 listed as a Special Use in the Commercial General (CG) Zoning District, complies with all required regulations and standards of Article II of the Land Development Code.
4. The request is in compliance with Section 2.03.01.A, Section 2.03.02, and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-B.
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 Bella Vista, doing business at 540 State Road 13 N. and shall be non-transferable to any other location or entity.
2. Approval is for the Use as regulated by the State of Florida Type 2COP license, specifically for on-site sales and consumption.

3. Sales and consumption area shall be limited to the area designated for such on the Site Plan labeled as Exhibit B submitted by the applicant and made a part of this application.
4. The hours of operation for the on-site sale and consumption of beer and wine are as follows:
 - Tuesday through Thursday: 4:00 PM- 9:00 PM
 - Saturday: 11:00 AM- 10:00 PM
 - Sunday: 11:00 AM- 8:00 PM
5. Special Use Permit shall be governed by the St. Johns County Alcohol Beverage Ordinance (Ord. 1990-48) as may be amended.
6. Special Use Permit shall be governed by the St. Johns County Sale or Service to persons under Twenty-One Ordinance (Ord. 2011-46) as may be amended.
7. Applicant agrees that St. Johns County may inspect the site for compliance with the Final Order and all other relevant requirements at the time the Special Use is being exercised.
8. This approval of the Special Use Permit may be revoked by the County Administrator or designee, at his/her sole discretion, upon a determination of violation of the conditions set forth herein or a violation of any 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.
9. The Special Use Permit is granted under the condition of continual use. A Special Use Permit that, once commenced, remains idle, discontinued or unused for a continuous period of one (1) calendar year shall no longer be valid and all rights granted herein shall become null and void.
10. 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.
11. 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.

District 1

4. NZVAR 2023-08 Walmart Fruit Cove Market Signs. Request for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for building wall signs to exceed the maximum Advertising Display Area (ADA) of 150 square feet per sign, and 200 square feet per business.
Staff: Trevor Steven, Planner

No ex parte communication declared by the Agency members.

Presenter: Mark Brenchley (3790 Beacon Ridge Way, Clermont, FL 34711) Presented the request on behalf of the applicant. Walmart building was built in 1988. Explained that Walmart is undertaking National rebranding. Walmart is now including the name of the community where they have the store located. This is

part of their rebrand. Presented slides that show how far back Walmart is from the street corner and that the distance highlights the need for visible signage.

Discussion occurred between the applicant and Agency members with regard to why they were not able to design with the current allowable square footage space.

(40:12)

Motion by Matovina, seconded by Pierre, carries 4/1 (dissent Peter), to approve NZVAR 2023-08 Walmart Fruit Cove Market Signs, subject to eight (8) findings of fact and subject to five (5) conditions as provided in the Staff Report.

FINDINGS:

1. The request for the Non-Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. There are practical difficulties in carrying out the strict letter of the regulation.
3. The Non-Zoning Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
4. The proposed Non-Zoning Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
5. The proposed Non-Zoning Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
6. The effect of the proposed Non-Zoning Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
7. The Copy, Face, or Message is not effectively viewable from the nearest road or street right-of-way.
8. The applicant, at the public hearing, has stated no objections to the proposed conditions.

CONDITIONS:

1. The Non-Zoning Variance will be non-transferable and will not run with the title to the property. The relief applies only to Planet Fitness as presented.
2. Approval of the Non-Zoning Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan, or any other Agency having jurisdiction.
3. The Non-Zoning 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 Development Review Division.
4. 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.

5. The Non-Zoning Variance 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 the application materials shall assist Staff in the 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.

District 5

5. REZ 2023-10 135 Nix Boat Yard. Request to Rezone approximately 0.59 acres of land from Open Rural (OR) to Commercial Warehouse (CW) with conditions, specifically located at 135 Nix Boat Yard Road.

Staff: Saleena Randolph, Senior Planner

No Ex parte communication declared by Agency members.

Presenter: Gary Davenport (212 South Shallow Wood, St Augustine) presented the rezoning request.

Discussion occurred between the applicant and Agency members with regard to where the day care center moved to that operated there previously. Applicant mention it was a nation chain that moves and closes based on market conditions. The building had been vacant for over a year.

Public Speakers:

Brittany Welkins (125 Nix Boat Yard) Owner of the Agency next door. Questioned as to where the buffer will be located. Questioned the site plan and traffic, and shipping, and if there will be semi-trucks. Wanted clarification on the kind of clientele. Does business next door, so they are right on the property line.

Terry Dillinger (104 Spanish Oaks Lane, St Augustine) Advised that they are not changing anything. That employees will be the only people parking there. Will be changing the gate structure so they have access to the back side and will move the gate down a little. Fencing will remain the same. No changes to the front. No changes inside the building. There will be packaging and light manufacturing. No shipping out of the building. Confirmed nothing is changing to the outside.

Presenter (Davenport): Confirmed the buffer will be 20 foot and vegetated with trees and a solid fence.

(49:20)

Motion by Peter, seconded by Dr. Hilsenbeck, carries 5/0, to recommend approval of REZ 2023-10 135 Nix Boat Yard based upon four (4) findings of fact and four (4) conditions 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 Warehouse (CW) with conditions** 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 Warehouse (CW) with conditions** is consistent with the St. Johns County Land Development Code.
 4. The zoning district of **Commercial Warehouse (CW) with conditions** is consistent with the land uses allowed in the land use designation of **Mixed-Use District (MD)** as depicted on the 2025 Future Land Use Map.

CONDITIONS:

1. Uses are limited to light manufacturing, production, packaging and shipping, and associated office space and showroom.
2. All uses shall be fully enclosed inside buildings with no outdoor storage.
3. Loading zones shall be permitted.
4. *The applicant waives any right to develop the property pursuant to the Live Local Act, Chapter 2023-17 Laws of Florida, and any subsequent amendment as a condition of this rezoning approval.*

District 3

6. REZ 2023-14 5461 & 5467 A1A S. Request to rezone approximately .84 acres of land from Commercial General (CG) to Residential, Single Family (RS-3).

Staff: Evan Walsnovich, Planner

No ex parte communication declared by the Agency members.

Presenter: Bill Miller presented the request to rezone four lots from Commercial General (CG) to Residential, Single-Family (RS3) to allow for the construction of four single family homes. Presented aerial views and overall full site plans with a rendering of the single family homes to be built.

Further discussion occurred between the presenter and Agency members with regard to access on A1A for the two homes facing A1A.

(53:30)

Motion by Peter, seconded by Pierre, carries 5/0, to recommend approval of REZ 2023-14 5461 & 5467 A1A S, based upon 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 **Residential, Single-Family (RS-3)** 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 **Residential, Single-Family (RS-3)** is consistent with the St. Johns County Land Development Code.
 4. The zoning district of **Residential, Single-Family (RS-3)** is consistent with the land uses allowed in the land use designation of **Residential-C (RES-C)** as depicted on the 2025 Future Land Use Map.
- **Staff Reports (Bishop):** None. Congratulated the new Chair and Vice Chair on their positions. Also thanked Mr. Matovina for his leadership the past two years.
 - **Agency Reports:**

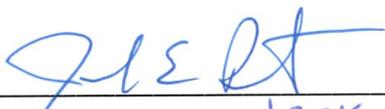
Perkins: Thanked Mr. Matovina on his excellent Chairmanship the past two years.

Peter: Asked as to what is occurring with the School Board seat that has been vacant.

Staff (Bishop): Advised that the Schools Board is looking at applications.

Dr. Hilsenbeck: Advised that the Schools Board has interviewed three people and they are expected to make a decision next week.
 - Meeting Adjourned at 2 : 26 pm.

Minutes approved on the 21ST day of December, 2023.



Chair / Vice-Chair
Planning and Zoning Agency



Clerk, Growth Management

*For more detailed Minutes, please visit the St. Johns County GTV video recording:
<http://www.sjcf.us/GTV/WatchGTV.aspx>