



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

Thursday, October 19th, 2023 at 1:30pm

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, October 19th, 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
Dr. Richard A. Hilsenbeck, District 3
Elvis G. Pierre, District 2
Henry F. Green, District 5
Judy Spiegel (School Board Representative)

MEMBERS ABSENT: Gregory Matovina, District 1

STAFF PRESENT: Lex Taylor, Asst. County Attorney; Mike Roberson, Director, Growth Management; Teresa Bishop, AICP, Planning Division Manager; Cynthia May, Principal Planner; Kiesha Fink, Principal Planner; Eric Clark, Engineer; Jan Trantham, Snr Transportation Planner; 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 Peter
 - **Perkins:** Welcomed Ms. Judy Spiegel to the PZA Board.
Advised the meeting that public hearing for CPA(SS) 2023-4 4400 South Francis and PUD 2023-6 4400 South Francis, will be rescheduled to a date certain of November 16, 2023. The item will not be heard today and there will not be a vote on it. The applications will be re-advertised and noticed for the hearing date.
 - Public Comments:
Marie Colee, (5949 CR 208, St Augustine Fl 32092) Spoke on domestic violence awareness that is recognized during the month of October. Quoted statistics on this issue nationally and also what has occurred in St Johns County this past year. For those in crisis, recommended people reach out to the Betty Griffin Center on 904 824 1555 or their website bettygriffin.org.

(6:52)

AGENCY ITEMS:

District 5

1. SUPMIN 2023-06 Mobile Home at 2979 Bradford Street. Request for a Special Use Permit to allow for a Manufactured/Mobile Home as a residence in Residential, Single Family (RS-3) zoning, pursuant to Land Development Code, Section 2.03.08, located at 2979 Bradford Street.

Ex parte communication declared by Agency members:

Dr. Hilsenbeck: Drove by the site today.

Presenter: Geoffrey Batteiger (102 Oakleaf Point, Palatka, Fl 32117) Presented the request for a Special Use Permit to replace an existing mobile home with a new mobile home. Mentioned there are at least 25 mobile homes in the streets within three to four blocks.

(09:22)

Motion by Peter, seconded by Dr. Hilsenbeck, carries 6/0, to approve SUPIN 2023-06 Mobile Home at 2979 Bradford Street based upon eight (8) findings of fact and ten (10) 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 Residential, Single-Family (RS-3) 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, Section 2.03.08, and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C.
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 Irene Bouranis and Michaela Kontis at the above location, and shall not be transferable.
2. Development shall be consistent with improvements depicted on the site plan labeled "Exhibit B" and shall be made a part of this Order; any change or addition shall constitute a violation of the Special Use approval unless such change is submitted and approved by the Planning and Zoning Agency.
3. 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 executed.
4. 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 any Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator may be appealed to the Board of County Commissioners.
5. The Special Use Permit shall be commenced within one (1) year of the signing of the Order; otherwise all rights granted herein shall be null and void. Commencement will be defined as issuance of a Development Permit by the St. Johns County Operations Division.
6. The Special Use Permit is granted under the conditions of continual use. A Special Use 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.
7. Approval of the Special Use does not release project from compliance with all relevant requirements of the St Johns County Land Development Code, Comprehensive Land Use Plan, Florida Building Code and any other Agency having jurisdiction.
8. All towing gear shall be removed.
9. Exterior skirting shall be installed to provide a visual barrier for all underfloor mechanical, electrical, and plumbing installations. Skirting shall extend from the underside of the perimeter of the Structure to the adjacent surrounding grade. Skirting may be constructed of pressure treated wood or natural durable wood such as redwood or cedar, or skirting material manufactured specifically for the purpose of installation on manufactured/mobile homes. Skirting shall be permanently maintained free from broken or missing sections, pieces or cross members. Exceptions to these skirting requirements may be made in areas where an enclosed underfloor is prohibited due to storm surge, or where the lowest portion of the first-floor joists, measured vertically, exceeds seven (7) feet from grade throughout the entire underfloor area.
10. 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.

2. SUPMAJ 2023-06 Car Wash at 1720 US 1 S. 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 1720 US 1 S.

Staff: Lauren Dwyer, Planner

Ex parte declared by Agency members:

Dr. Hilsenbeck: Drove by the site.

Presenter: Robert Shelnett DCI (944 West Tennessee Trace, St John's. Fl 32259), representing Los Cabos Properties, presented the request for a special use permit.

Various discussion occurred between the presenter and Agency members with regard to the operations of the car wash, the proposed PVC fencing, and the feed back from the retail neighbors. Applicant confirmed they had received support for the project from two immediate neighbors, Chick-fila and Home Depot. Applicant also confirmed they will comply with whatever the zoning codes are for landscaping and buffering. Discussion also occurred around traffic congestion on US 1 in that location. Applicant estimated that there will be 400 or fewer trips per day. Expected to be less trips than another quick serve restaurant.

(16:30)

Motion by Green, seconded by Peter, carries 5/1 (dissent Spiegel) , to approve SUPMAJ 2023-06 Car Wash at 1720 US 1 S Based upon eight (8) findings of fact and six (6) 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 2.03.50 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 Los Cabos Properties Inc. and shall run with the title to the property.
2. 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.
3. 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.
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 3

3. SUPMAJ 2023-14 Nuthouse Enterprise, Inc. 3PS Beverage License. Request for a Special Use Permit to allow for the package sale only of alcoholic beverages under the regulation of the State of Florida Type 3PS license pursuant to Section 2.03.02 of the Land Development Code, specifically located at 9980 US 1 South.
Staff: Marie Colee, Asst. Program Mgr.

Presenter: Edward Danial Griffin II, Owner (444 Gianna Way, St Augustine Fl 32086) presented the request for a special use permit.

Various discussion occurred between the applicant and Agency members with regard to the hours offered for the sale of alcohol. County attorney confirmed the applicant would not be given any special advantage. That they would need to comply with the County's rules on the sales of alcohol.

(22:34)

Motion by Green, seconded by Pierre, carries 6/0, to approve SUPMAJ 2023-14 Nuthouse Enterprise Inc., 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 Highway Tourist (CHT) 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 Mixed Use (MD).
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 Nuthouse Enterprises, Inc. doing business at 9980 US 1 South, 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 3PS license, specifically for package sale only of alcoholic beverages.
3. Sales 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. Special Use Permit shall be governed by the St. Johns County Alcohol Beverage Ordinance (Ord. 1990-48) as may be amended.
5. 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.
6. 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.
7. 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.

8. The Special Use Permit shall be commenced within one (1) year of the signing of the Final Order; otherwise all rights granted herein shall become null and void. Commencement shall be defined as issuance, from the appropriate authority, of an alcoholic beverage license that is in accordance with the type of alcoholic beverage service stipulated in the Special Use Permit request.
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 2

4. NZVAR 2023-10 The Home Depot - World Commerce Center. Request for a Non-Zoning Variance to Sections 7.02.04.C and 7.02.04.D of the Land Development Code to allow 610.5 square feet of total Advertising Display Area (ADA) for the Home Depot building wall signage in lieu of the maximum 200 square feet of signage per business, and to allow a maximum size of 438 square feet of ADA per sign in lieu of the maximum 150 feet of ADA per sign.

Staff: Evan Walsnovich, Planner

Presenter: Julie Kendig-Schrader, (Greenberg Traurig, P.A., 450 South Orange Avenue, Suite 650, Orlando, FL 32801) presented the request for a non-zoning variance regarding signage for the proposed Home Depot.

Various discussion occurred between the presenter and the Agency on the size of the signage.

Public Speakers:

Chuck Labanowski (1748 N. Cappero Drive, St Augustine FL 32092) **OPPOSED.** Presented an overhead of the site plan with the existing oak trees that will be removed and replaced with shrubs to allow for the new turn lane. Showed, on the overhead, how people would have already driven by the site before turning left to go into the site at the traffic light. That they would not need to have the signs larger if the trees were already removed. Does not agree with allowing the signage to be larger than what the code allows.

Applicant: Kendig-Schrader: Presented a rebuttal with regard to the visibility issue. Mentioned there will be a few trees that will be removed in the median to allow for the left turn lane. This lane will not only be there for Home Depot but also by used by customers of other retail stores within the development. Pointed out that not all the signs in this variance request are not on the front of the building.

Staff (Bishop): Mentioned the applicant had requested to do a small tweak to this plan. Advised it would be better to allow those changes to happen in the permitting process because this application was advertised with a certain amount. The applicant will have to stay within whatever approval this Board makes.

Green: Mentioned that when the Commerce Park was designed, that the Board had previously expected big box stores to be located there. This Home Depot would be the best buffered one of the three, including Buc-ee's and Costco.

Discussion occurred between the Agency and Staff with regard to the square footage being increased from 611 to 639.

Staff (Bishop): Advised that as it was advertised for a certain square footage, and that the applicant is increasing that on the floor here, it probably should be advertised again.

Dr. Hilsenbeck: Mentioned he was not on the Board when the Costco signage was voted on. Was on the Board for the Buc-ee's sign and had voted against that.

(47:39)

Motion by Green, seconded by Pierre, carries 4/2 (dissent Spiegel; Dr Hilsenbeck) to approve NZVAR2023-10 The Home Depot – World Commerce Center, to allow for the increase in the Advertising Display Area (ADA), subject to eight (8) findings of fact and subject to five (5) conditions as provided in the Staff Report and allowing Home Depot to adjust numbers within the total allowed and allowing Staff to make that determination.

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 Home Depot 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 applicant is allowed to reasonably modify the square footage of the signs listed in the provided documentation at the time of permitting so long as the total Advertising Display Area (ADA) for the building does not exceed the 609.68 SF advertised and approved.
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 2

5. MINMOD 2023-10 Ashford Mills Planned Unit Development (Shearwater). Request for a Minor Modification to the Ashford Mills PUD (ORD. 2006-119, as amended) to allow for Outdoor Events such as food trucks and open air markets, including the sale of alcoholic beverages, to be located at the Amenity Center and Outpost recreational area.

Staff: Brandon Tirado, Planner

Ex parte was declared by Agency members:

Green: Mentioned he had sat on the CDD for several years prior to being on this board. Has no property here and hence no financial gain. Was advised by the County attorney that he has no reason not to give advice on this item.

Presenter: Ellen Avery-Smith, Esq., (Rogers Towers, P.A., 100 Whetstone Place, St Augustine FL 32086) Introduced Mike McCullum of Ashford Mills as a presenter. Explained that Ashford Mills is known as the Shearwater community. Presented the request that two amenities, the main amenity center and the kayak club, are permitted to house outdoor events, such as festivals, concerts, community markets, open air markets, food truck events and other gatherings.

Discussion occurred between Agency members and the presenter with regard to the hours of operation for serving alcoholic beverages.

Belinda Tharp (General Manager, Trout Creek CDD Shearwater, 353 Rivercliff Trail, St Augustine Fl 32092) Explained the hours are on weekends, Friday night, Saturday and Sunday afternoons for 2 or 3 hours. The food trucks are all staffed.

Public Speakers:

Frank Murphy (247 Dalton Circle, St Augustine Fl 32092) SUPPORTS. The Shearwater community currently has 6,000 residents. Explained they have 20 to 30 community events a year. The residents would like to have the option of food trucks, trade and craft shows. This is not only good for the local community, it also promotes local businesses. Requested the Board approve this minor modification.

Ronnie Murphy (247 Dalton Circle, St Augustine Fl 32092) SUPPORTS. Enjoys having the food trucks. Shearwater was promoted as a lifestyle community with lifestyle events. It is very family oriented. Parents enjoy not having to cook food and allow the neighborhood do crafts and sell their wares in an open air market. They have been doing this for a while, until someone realized they were not allowed. Would like events to continue, as it is a benefit to the community.

Chris Farlow (108 Permit Court, St Augustine Fl 32092) SUPPORTS. Enjoys having the food trucks. As it is a way of bringing the residents together to meet, greet and socialize. Asked that the food trucks and open air events be allowed to continue.

Staff (Taylor): Confirmed for clarification, that condition 8 and condition 9 require the applicant to comply with St Johns County alcohol beverage ordinances and sale to persons under 21 ordinances. Those are general conditions. They would be conditions regardless of whether or not the conditions are in there. The conditions are added so there is no confusion. Those should not be concerns for the Board.

Discussion occurred between Agency members and the presenter to possibly having the Land Development Code amended for PUD's to recognize modern day food trucks and open air events.

(1:02:01)

Motion by Peter, seconded by Dr. Hilsenbeck, carries (6/0), to approve MINMOD 2023-10 Ashford Mills PUD (Shearwater), based on seven (7) findings of fact and subject to ten (10) conditions, as provided within the Staff Report.

FINDINGS:

1. The request for this Minor Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. The Minor Modification is in compliance with Land Development Code Sections 5.03.05.B, 10.04.06.B, 10.04.02, and in compliance with Article XII, defining a Zoning Variance. Competent 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, and that denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The proposed Minor Modification is not contrary to the public interest and is not in conflict with the surrounding development.
4. The request is consistent with applicable portions of the St. Johns County Comprehensive Plan.
5. The request is not in conflict with the Residential-C Future Land Use designation.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.
7. The proposed Minor Modification is in compliance with Part XII of the Land Development Code.

CONDITIONS:

1. Approval of the Minor Modification will be transferable and will run with title to the property.
2. Approval of the Minor Modification does not release the 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 the site plan labeled as Exhibit B submitted by applicant and made a part of this application.
4. This approval of the Minor Modification 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 may be appealed to the Board of County Commissioners.
5. Minor Modification shall commence within one (1) year of the signing of the Resolution. Failure to commence within the prescribed time shall render the Resolution invalid and all rights granted herein shall be come null and void. Commencement shall be viewed as the approval of this Resolution.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the PUD and Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the PUD, 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 PUD, Land Development Code or Comprehensive Plan.
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 Resolution, except as may be modified by preceding conditions and limitations.
8. The Outdoor Events shall be governed by the St. Johns County Alcohol Beverage Ordinance (Ord. 1990-48) as may be amended.
9. The Outdoor Events shall be governed by the St. Johns County Sale or Service to persons under Twenty-One Ordinance (Ord. 2011-46) as may be amended.
10. Sales area shall be limited to the area designated for such on the Site Plan labeled as **Exhibit C** submitted by the applicant and made a part of this application.

6. MINMOD 2023-11 Guthrie Pool @ 397 Marsh Cove Dr. Request for a Minor Modification to the Lakes at Ponte Vedra PUD (ORD. 2015-37) to allow for the placement of a swimming pool within the required Rear Yard setback, located at 397 Marsh Cove Drive.

No ex parte communication declared by Agency members.

Presenter: Lukas Guthrie, (Owner, 397 Marsh Cove Drive, Ponte Vedra Beach Fl 32082) presented the request for a minor modification to allow for the placement of a swimming pool.

(1:06:29)

Motion by Peter, seconded by Pierre, carries (6/0), to approve MINMOD 2023-11 Guthrie Pool @ 397 Marsh Cove Dr., based on seven (7) findings of fact and subject to seven (7) conditions, as provided within the Staff Report.

FINDINGS:

1. The request for this Minor Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. The Minor Modification is in compliance with Land Development Code Sections 5.03.05.B, 10.04.06.B, 10.04.02, and in compliance with Article XII, defining a Zoning Variance. Competent 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, and that denying the application would be contrary to the spirit and purpose of the Land Development Code.
3. The proposed Minor Modification is not contrary to the public interest and is not in conflict with the surrounding development.
4. The request is consistent with applicable portions of the St. Johns County Comprehensive Plan.
5. The request is not in conflict with the Residential-D Future Land Use designation.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.
7. The proposed Minor Modification is in compliance with Part XII of the Land Development Code.

CONDITIONS:

1. Approval of the Minor Modification will be transferable and will run with title to the property.
2. Approval of the Minor Modification does not release the 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 the site plan labeled as Exhibit B submitted by applicant and made a part of this application.

4. This approval of the Minor Modification 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 may be appealed to the Board of County Commissioners.
5. Minor Modification shall commence within one (1) year of the signing of the Resolution. Failure to commence within the prescribed time shall render the Resolution invalid and all rights granted herein shall be come null and void. Commencement shall be defined as issuance of a Development Permit/Clearance Sheet by the St. Johns County Development Review Division.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the PUD and Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the PUD, 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 PUD, Land Development Code or Comprehensive Plan.
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 Resolution, except as may be modified by preceding conditions and limitations.

District 1

7. MAJMOD 2023-06 Race Track Road PUD. Request for a Major Modification to the Race Track Road PUD (Ordinance 2006-61) to revise currently allowed commercial and office square footage to accommodate construction of a Personal Property Mini-Warehouse (Self-Storage) facility, which is an allowable use within the PUD. The project is specifically located at 3635 Race Track Road.

Ex parte declared by the Agency members:

Green: Had a brief conversation with applicant before the meeting.

Dr. Hilsenbeck: Spoke to Mr. Al Pantano, Director of Transportation, for the St Johns County School District as he wrote a letter objecting to this request.

Spiegel: Received an email, forwarded by the School District, with regard to this item.

Presenter: Katherine Wittington Project Legal Counsel (236 San Marco Avenue, St Augustine FL 32084) presented the request for a major modification to the Race Track Road PUD and introduced the team.

Hunter Dawkins, (Principal, 4 Rivers Property Group, 1033 Glendalyn Circle, Spartanburg, SC. 29302) Presented a history of his company and explained the new Class A facilities that his company intended to mimic office buildings, retail higher end design. They are viewed as a neighborhood service. They have built 20 of these projects throughout the South East totaling 3 million square feet the past decade.

Bill Schilling, P.E. (Transportation Engineer, Kimley-Horn and Associates, Inc, 12740 Gran Bay Parkway West, Suite 2350, Jacksonville, FL 32558) Presented on the reduction in the traffic impacts of the project and their interior circulation path that will allow vehicles and trucks to circulate in front of the site and not impact other users further into the site.

Discussion occurred between the Agency, Presenter and Staff with regard to section 2.03.16 - J of the Land Development Code, that states personal property warehousing facilities being within 500 feet of residential portions of land development.

Staff (Bishop): Confirmed that Staff are currently not working on any changes to those sections of the code that relate to a mini warehouse facility. The code has that 500 feet designation there to try to protect the residential areas from the visual impact of a warehouse type facility.

Presenter also referenced the maximum height, of 35 feet for the building, will be no higher than any other commercial building. That the architectural design will match the existing buildings in the PUD. Provided a comparison with Atlantic Storage that was approved in 2015 and is .86 miles East of the proposed new site. Pointed out that there is barely 75 feet between that building and other buildings. Confirmed that Atlantic Storage is also a 3 story structure.

Dr. Hilsenbeck: Mentioned the two letters the Agency received in opposition to this project. One from Ms. Teresa Cruz, Director of the Guardian Montessori School, and the other from Mr. Al Pantano, Director of Transportation, for the St Johns County School District who both objected on safety reasons.

Presenter confirmed that the proposed storage facilities have already been deemed compatible use. That the developer will be using some native trees in the landscape plan.

Spiegel: Requested clarification on the right to develop because it is a PUD and if they can automatically put in a storage facility. Questioned if the PUD is allowed alcohol.

Staff (Bishop): The use is allowed by right. However it will be subject to all the special use standards which has been brought to this board today.

Wittington: Explained that the alcohol use is being taken out as it is no longer needed, because they are eliminating the retail and commercial uses. As of today, the applicant can build an Applebee's or a two story CVS or any similar use with no approval needed other than their construction plans. The applicant is not adding a use, they are just substituting square feet to be able to accommodate the facility plus the waiver. Explained that the two schools are day care preschools, that are not part of the 1000 square feet separation to schools. Explained why alcohol was an allowed use in the PUD and why they are proposing it be removed.

Public Comment:

Teresa Cruz (Director of Guardian Montessori Academy, 145 Doctors Village Drive, St Augustine FL 32259) OPPOSED. Concerned that there is a request to increase the commercial and office floor square feet PUD from 55,440 square feet to 115,000 square feet. This increases the PUD by 84,560 square feet. The proposed rezoning for self-storage unit is not consistent with the goals, objectives and policies of the original comprehensive PUD. Explained there are currently three self-storage units within three miles of this PUD and ten self-storage facilities within five miles. Raised the concern of having trailers and trucks that will cause an alert for safety of children not only within the PUD but those that walk to one of the three schools located

within a 2.5 mile radius of the PUD. All established business in the PUD are currently health and education related single story.

Wittington: Provided a rebuttal for Ms. Cruz concerns. Mentioned there had been a minor modification to the PUD in 2018 to allow for the Montessori School. The original uses say retail and medial offices. The school had to be added to this. It was never proposed that the original retail and office space had to be one story. It has always been 35 feet. It has been demonstrated there will be reduced traffic with this store facility.

Schilling: Provided a rebuttal for the four concerns of Mr. Pantano that he wrote in his letter. One was the increase in traffic volumes. Another was the general increase in truck traffic. The third was conflicts between the additional traffic, and the fourth was students going to and from the schools and the overall safety of the entrance intersection. The data shows that this storage facility will show a significant 80 to 85 percent reduction in the potential traffic generated by the site. The ITE data shows that personal property mini-warehouses do not generate a significant amount of truck traffic. Mentioned they have a high visibly painted crosswalk across the driveway. Based on observations they found there was not a huge amount of student traffic in the afternoons. They are delaying their start times to 9am so they will not be adding traffic to the morning peak hour. Explained that if this was a restaurant, or a CVS, or a medical office or more office space there would be more traffic. Pointed out that the intersection has been in place for over a decade and that there are no know safety issues at this intersection. It does restrict left turns out, for reasons of safety and spacing.

Wittington: Mentioned that an RV Storage facility could be placed there and used for all kinds of trucks and vehicles coming in at not restricted hours. Addressed also the Gabby's Law Florida Statute 1006.23 that was mentioned in Mr. Pantano's email in relation to walkways parallel to the road. Explained that a hazard walking condition exists if there is less than a 4 foot wide path for a student to walk adjacent to the road. At this PUD they have a 5 feet clear sidewalk to walk to the adjacent road. Presented the argument that Atlantic Storage unit is closer to Race Track Road and when approved there were no written objections and it was not considered a hazardous walking condition for children.

Perkins: Asked Staff if they considered whether or not this is going to be an issue or a hazardous problem.

Staff: Dick D'Souza, (Growth Management, Assistant Director Transport) Advised that the Schools Board does contact the County when they identify a hazardous walking condition. That occurs when construction is occurring and it disrupts a sidewalk. In this issue we don't see an issue where a sidewalk would be disrupted. It is coming into the back of an established PUD in a vertical building. The only traffic would be what goes in and out of the building. Does on consider this development would put any sidewalk out of commission. If this development did, then the County would make sure that MOT is there to route pedestrian traffic to the other side.

Further discussion occurred between the Agency and the applicant with regard to how long it would take to build this particular mini warehouse. The applicant advised four to six months in permitting and then approximately 10 months for construction. Agency wanted to know what sort of safe guards they had to

ensure people were not living in the storage units. Applicant advised that the facility is only opened when it is manned. That it is professionally managed and monitored 24/7 with security cameras, and it is locked.

(2:06:36)

Motion by Green, seconded by Pierre, carries (5/1, dissent Spiegel), to approve MAJMOD 2023-06 Race Track Road PUD based on six (6) findings of fact, as provided in the Staff Report.

FINDINGS:

1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. As modified, the Race Track Road PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the Race Track Road PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
4. As modified, the Race Track Road PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
5. The Master Development Plan Text and Map for the Race Track Road PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.
6. As modified, the Race Track Road PUD does not adversely affect the orderly development of St. Johns County and is compatible and consistent with the development trends of the surrounding area.

District 5

8. MAJMOD 2023-15 Villages of St. Augustine. Request for a Major Modification to the Villages of St. Augustine PUD (Ordinance No. 2007-35, as amended) to add Class III Geriatric Acute Care Psychiatric Specialty Hospital for seniors 55 and older as an allowed use within the PUD. The property is located at 150 Village Crossing Court.

Staff: Teresa Bishop, Planning Manager

Presenter: Brenna M. Durden, Esq. (Lewis Longman Walker, 245 Riverside Avenue, Suite 510, Jacksonville Fl 32202) presented the request for a major modification to the Villages of St Augustine PUD.

Discussion occurred between the Agency and the applicant with regard to the occupancy rate of the current 130 bed assisted living facility and what will happen to the current occupants of the facility.

Applicant: Dewayne Long (12037 Leighton Court, Carmel, IN 46032) Advised that the last time they spoke to the owners it was approximately 45 percent occupancy. That there is usually a 60 to 90 day process to

relocate those already there in the assisted living facility. In this case they will grant a longer period of time to ensure everyone has a place to live.

Dr. Hilsenbeck: Asked Staff concerning notices, signage, and letters sent out regarding this item being heard at this meeting.

Staff (Bishop): Advised that letters were mailed out to people up to 300 feet of the property, and that the property notices were posted on each roadway. If there was an adjacent roadway Growth Management would have published that as well.

Discussion occurred between the Agency members mentioning that this facility is needed, and that the footprint did not need to be changed, as it is already established.

Public Speakers:

Terrence McKercher (809 Oakland Avenue, St Augustine Fl 32084) Next door neighbor. Wanted to ensure the existing 15 foot set back variance between his property, with the pond, and their parking lot remains. Concerned that fire regulations are maintained. Wanted to ensure the environmental setback between the properties and the 6 foot fence be maintained at all times. Wanted to make sure that the pond remains and that their natural flora will not be disturbed. Also mentioned Monday garbage picks ups.

Applicant (Long): Advised that the only changes to the fire regulations is internally. They will be adding a lot more sprinkler systems and going to a two hour fire rated building. Nothing on the outside will be changing.

(2:33:25)

Motion by Peter, seconded by Pierre, carries (6/0), to recommend approval of MAJMOD 2023-15 Villages of St. Augustine, based on six (6) findings of fact, as provided within the Staff Report.

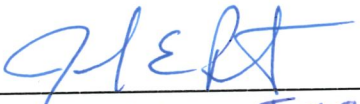
FINDINGS:

1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. As modified, the Villages of St. Augustine PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the Villages of St. Augustine PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
4. As modified, the Villages of St. Augustine PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location; (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
5. The Master Development Plan Text and Map for the PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.

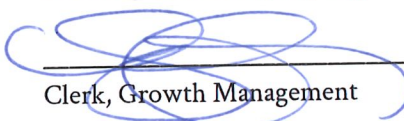
6. As modified, the Villages of St. Augustine PUD is consistent with Policy A.1.3.11 of the 2025 St. Johns County Comprehensive Plan in that it does not adversely affect the orderly development of St. Johns County and is compatible with the development trends of the surrounding area.

- **Staff Reports (Bishop):** Welcomed new member, Ms. Judy Spiegel, to the PZA Board.
- **Agency Reports:** None
- Meeting Adjourned at 4 : 04 pm.

Minutes approved on the 21ST day of December, 2024.



Chair / Vice-Chair Jack Peter
Planning and Zoning Agency



Clerk, Growth Management

*For more detailed Minutes, please visit the St. Johns County GTV video recording:

<http://www.sjcfi.us/GTV/WatchGTV.aspx>