



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

**Thursday, November 2nd, 2023 at 1:30pm**

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, November 2nd, 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  
Gregory Matovina, District 1, Acting Vice Chair  
Dr. Richard A. Hilsenbeck, District 3  
Henry F. Green, District 5  
Judy Spiegel (School Board Representative)

**MEMBERS ABSENT:** Jack Peter, District 4, Vice Chair  
Elvis G. Pierre, District 2

**STAFF PRESENT:** Lex Taylor, Asst. County Attorney; Beverly Frazier, Assistant Director, Growth Management; Teresa Bishop, AICP, Planning Division Manager; Cynthia May, Principal Planner; Kiesha Fink, Principal 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 Matovina
  - **Perkins:** Advised that:
    - Item 2. NZVAR 2023-15 Mavis Tire Supply Signs was withdrawn.
    - The public hearing for CPA(SS) 2023-9 Preserve at Wards Creek and PUD 2023-18 Preserve at Wards Creek, will be rescheduled to a date certain of December 21, 2023. The applications will be re-advertised and noticed for the hearing date.
  - **Green:** Related his condolences for Mr. Robert Taylor who was a long-time Planning and Zoning Board member. Mr. Taylor was a good mentor and a great community leader who will be missed.

**AGENDA ITEMS:**

District 3

**1. ZVAR 2023-06 Woodlawn Apartments.** Request for a Zoning Variance to Table 6.17 of the Land Development Code regarding parking requirements for Apartments in order to replace 24 unused parking spaces with an approximately 7,560 square foot recreation area, located at 200 S. Woodlawn Street.

Ex parte communication declared by the Agency members:

**Spiegel:** Visited the site.

**Presenter: Joseph Eddy** (President, JE Properties LLC, 150 Mt. Vernon St, Boston MA 02125) presented the request for a zoning variance to replace and convert 24 unused parking spaces to a recreation area for the 200 children who live there.

Further discussion occurred between the Agency and the presenter.

Public Speakers:

**Shevonica M Howell** (14200 Duval Rd, Apt 924, Jacksonville FL 32218) SUPPORTS. Teaches a program with the students located at Woodlawn. Mentioned that parents are in support of having an additional recreational area for the students to use.

**Alanta Yopp** (200 South Woodlawn Street, Apt B13, St Augustine FL 32084) SUPPORTS. Lives in the community. Likes the upgrades recently made to the grounds. The children would benefit from having a play area for football and such.

**Jade Adams** (200 South Woodlawn Street, Apt E42, St Augustine FL 32084 ) SUPPORTS having a new playground. The current owners take good care of the apartments by way of maintenance and repairs.

**Tory Wilson** (200 South Woodlawn Street, Apt E 35, St Augustine FL 32084 ) SUPPORTS. The children need this playground.

**Catrina Sparrow** (200 South Woodlawn Street, Apt B20, St Augustine FL 32084 ) SUPPORTS, having a new playground. Conditions are currently dangerous for children to play outside.

**John Farrell** (90 Point Pleasant Drive, Palm Coast FL 32164) SUPPORTS. Manages Woodlawn Apartments for JE Properties who have invested close to 3 million dollars into improving the property. Prior to acquiring the asset, it was deteriorating. It was continually frequented by law enforcement from St Johns County Sheriff's office. Have been able to turn this property around in the past two years due to the ownership and investment by JE Properties. Keeping the children on the site, with things to do, will be a tremendous benefit for the residents. Advised the Agency that dumpsters are not blocking any handicap parking. Service coordinator for the apartments confirmed the children want a safe place to play.

**Tammy Hill** (200 South Woodlawn Street, Apt B15, St Augustine FL 32084) SUPPORTS having the playground. The community needs it.

( 21:34 )

**Motion by Matovina, seconded by Dr Hilsenbeck, carries 5/0, to approve ZVAR 2023-06 Woodlawn Apartments based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.**

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 Variance 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 is not in conflict with the Future Land Use Map designation of Residential-D.

CONDITIONS:

1. The Variance will be transferable and apply only to the 24 unused parking spaces as submitted for this approval. Should the property be conveyed, the requested relief will run with the property.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Development of the recreation area shall be consistent with improvements depicted on the site plan labeled **Exhibit B** submitted by the applicant and made part of this Order.
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.
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.

District 3

**2. NZVAR 2023-15 Mavis Tire Supply Signs** withdrawn from the hearing.

District 5

**3. NZVAR 2023-17 Texas Roadhouse Pole Sign.** Request for a Non-Zoning Variance pursuant to Section 7.02.04.B.6 of the Land Development Code to allow for a Pole Sign height of 120 feet in lieu of the 85-foot maximum height requirement prescribed within the St. Augustine Centre PUD (ORD. 2021-83, as amended).

Ex parte declared by Agency members:

**Green:** Driven by the site many times.

**Spiegel:** Driven by the site in several directions.

**Presenter: Emily Bernahl** (Bernahl Development Services, Consultant for Texas Road House) presented the request for a non-zoning variance to allow for a Pole Sign of 120 feet in height.

Various discussion occurred between the Agency and the presenter with regard to the height of the sign and the comparison with other signs that are 120 feet tall. Questions were asked of Staff with regard to procedural questions should the sign not be approved and the applicant would need to come back to present more information.

**Staff (Frazier):** Confirmed that the Buc'ees Sign is 120 feet. That if this current item is denied it can be appealed to the Board.

( 38:30 )

**Motion by Matovina, seconded by Green, carries 3/2 (dissent Spiegel; Dr. Hilsenbeck), for approval of NZVAR 2023-17 Texas Roadhouse Pole Sign, based on eight (8) findings of fact, and subject to five (5) conditions, as provided within 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 Texas Roadhouse, 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 3

**4. SUPMIN 2023-08 Collier Residence.** 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 900 West 4th Street.

Ex parte declared by the Agency:

**Spiegel:** Drove by the site.

**Presenter: Geoffrey C. Batteiger** (102 Oakleaf Point, Palatka FL 32177 ) presented the request for a special use permit. Mentioned that this request was approved over two years ago but due to unforeseen circumstances the applicant could not proceed. Mentioned there are surrounding mobile homes in the neighborhood including two adjacent to this property. There were no objections on the first hearing on this property. Will be a new mobile home, fully skirted.

( 44:04 )

**Motion by Matovina, seconded by Dr. Hilsenbeck, carries 5/0, to approve SUPMIN 2023-08 Collier Residence based upon eight (8) findings of fact and ten (10) conditions as provided in the Staff Report.**

FINDINGS:

1. The Special Use Permit is granted to Shakia Monique Collier 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 Development Review 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.

CONDITIONS:

1. The Special Use Permit is granted to Shakia Monique Collier 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 Development Review 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.

District 2

**5. SUPMAJ 2023-13 Down Yonder.** Request for a Special Use Permit to allow on-site sales and consumption of alcoholic beverages under the regulation of the State of Florida Type 4COP-SFS license pursuant to Land Development Code, Section 2.03.02 in conjunction with a proposed restaurant.

Ex Parte declared by the Agency:

**Spiegel:** Drove by the location

**Green:** Familiar with the location.

**Presenter: Philip Smith,** Owner, presented a request for a special use permit to allow on-site sales and consumption of alcoholic beverages along with food.

( 48:00 )

**Motion by Matovina, seconded by Green, carries 5/0. to approve SUPMAJ 2023-13 Down Yonder 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 **Down Yonder**, doing business at 2455 State Road 16, 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 4COP-SFS license, specifically for on-site sale/consumption of alcoholic beverages in connection with a proposed restaurant.
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 1

**6. SUPMAJ 2023-07 2353 State Road 13 North Venue & Events.** Request for a Special Use Permit to allow for an indoor/outdoor wedding and special event venue, meeting the general special use criteria of Land Development Code Section 2.03.01.A; specifically located at 2353 State Road 13 N; request includes the Emergency Vehicle Access to the Pole Barn is by way of adjoining property at 2369 State Road 13 N.

Ex parte declared by the Agency:

**Spiegel:** Visited the site.



**Presenter: Jennifer Corbitt** (2353 SR 13 N, St Augustine FL 32259 ) presented the request for a special use permit.

Various discussion occurred between the Agency and the applicant. The Agency received several letters from neighbors concerned about noise issues. As there are no barriers nor trees, the Agency members asked the applicant how they were going to address this. Concerns were also raised that this venue is situated within a residential neighborhood. Applicant confirmed that venue hours would be no later than 10 pm. Applicant mentioned that the property had previously been used as a school. Agency members raised the issue of music being played outdoors, with traffic leaving late at night. Agency also asked how emergency vehicles can obtain access to the back area. Agency raised an issue of whether or not the venue was compatible with the surrounding neighborhood, as this issue was also listed as unknown in the Staff report.

(1:13:30 – 1:23:50 )

Public Speakers:

**Justin Garrett** (239 Towers Ranch Drive, St Augustine FL 32092) Mentioned that there is a 911 Emergency Services sign posted at the end of the road where Alpine Grove State Park is located. Suggested the Applicant obtain a similar sign for the barn pole area.

**Luis Caballero** (530 Black Forest Drive, St Johns FL 32259) OPPOSED Lives next door. Very concerned about noise, especially outdoor events occurring every weekend. Does not want to hear weddings and other receptions just across the stream where he lives. These activities could become a nuisance and the special use activity may cause a nuisance. Deprived enjoyment of his property if an event occurs every weekend. When it was a school, the noise was not an issue as it was operating during the day.

**Brian Eberly** (2375 SR 13 N, St Johns, FL 32259) OPPOSED Lives on the property behind. Explained that there is already activity on this property. Either rented out for short term rental or small events. So there is already loud noise occurring. Likes the property, yet highly concerned about it being a venue with loud noise. Has not met the applicants. Their vehicle drives through his property several times and they have not stopped to talk to him, nor his family, about their proposed plans for the property. Mentioned that there were not 300 cars coming in and out when a school was there. There has been speeding up and down the driveway. While there is a sign up that says slow down, this is not being followed, especially between 1 to 3 am.

**Jeff Diamond** (2357 SR 13 N, St Johns, FL 32259 ) OPPOSED. Noise a major factor. Lives just 100 feet from the proposed event venue. There are no trees nor bushes between the venue and his fence. Currently a short term rental venue with different people every weekend. Applicant did not speak to him until after they got the approval the first time. They did not speak to anyone about trying to make the venue also work within the community. Did not buy his property to have public events next door.

(1:24:00)

**Applicant (Corbitt):** was invited to present a rebuttal. Mentioned that they were still in planning stages and had not got to the stage to discuss the final plans with the neighbors. Mentioned the short term rental house only became an issue for neighbors after their last approval. The barn had been destroyed. The rented house is not included in this request for event space. They have cleaned up the driveway so there is access for emergency vehicles and deliveries. Have placed a lighted sign on that driveway.

Further discussion occurred between the Agency and the applicant who confirmed that the short term rental house is registered with the County. May rent it out to a bridal party if requested. Mentioned the ultimate goal is for the applicants to be living there in the future. Explained that in the future, there will be an onsite manager to ensure the noise is cut off at and being packed up.

**Spiegel:** Directed a question for Staff with regard to the noise ordinance and how it works.

**Staff (Taylor):** The County has a plainly audible standard for noise. Even during the day they have to meet that requirement. Noise cannot be too loud or it will become a noise violation. The County is currently in the process of examining its noise ordinances to see if they need to be updated or changed. There is a lot of opportunity for that to improve. There are noise standards during the day. They increase later in the evening. They are hard and challenging to enforce sometimes. When we are talking about weekends and evenings, they are enforced by law enforcement. The plainly audible standard is what holds up in court. It is what we have success with when we are able to enforce.

**Spiegel:** Doesn't see this has to be a lose, lose for everyone. Mentioned that some of the speakers said they had not been consulted about this proposed venue. Recommended the applicants get to know the neighbors, by becoming part of the community. Suggested they communicate with the neighbors and gain their feedback. Having a hard time with the compatibility, especially with the noise ordinance as is.

**Matovina:** Mentioned he had voted for this a year ago. Yet now has concerns about the applicants not having met with people, who are going to be affected by noise, in the neighborhood. Not too concerned about traffic from this location. Thinks the venue would be great for the area, yet there are a number of people living adjacent to it that are not compatible to this venue.

**Green:** Suggested that some of these concerns could be worked out.

**Perkins:** Agreed this venue could be good for the area. Yet the neighborhood has legitimate concerns. Mentioned the applicants had a year and a half to address the concerns. Suggested they meet with the neighbors and come to some sort of compromise. Voted for this the first time, yet hesitant to vote again because the applicant did not do any work in between with neighbors, other than work on the property.

**Dr. Hilsenbeck:** Did not think this is a compatible use. It is a great idea for usage but does not belong in the middle of single family residences. Neighbors are clearly objecting.

( 1:32:18 )

**Motion by Matovina, seconded by Spiegel, carries 5/0, to deny SUPMAJ 2023 - 07 2353 State Road 13 North Venue & Events based upon seven (7) findings of fact as provided in the Staff Report.**

Further discussion occurred with the Agency and legal Staff regarding waiving a one year requirement.

( 1:35:56 )

**Motion by Green, no second, therefore was denied, to waive the 12 month requirement and allow SUPMAJ 2023-07 2353 State Road 13 North Venue and Events to return within 12 months.**

**FINDINGS:**

1. The Special Use cannot be granted without substantial detriment to the public good and will substantially impair the intent and purpose of the St. Johns County Comprehensive Plan or Land Development Code.

2. The Use is not compatible with the contiguous and surrounding area and will 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 an Unlisted Use in the Open Rural (OR) zoning district, does not comply with all required regulations and standards of Article II of the Land Development Code.
4. The request is not in compliance with Section 2.03.01.A and Article XII of the Land Development Code.
5. The request is in conflict with the Future Land Use Map designation of Residential-B (RES-B).
6. The requested Use does not promote 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 in conflict with the development patterns of the area.

District 5

**7. ZVAR 2023-18 DeArment Residence.** request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 25 feet, and to allow for the placement of a swimming pool within the required Second Front Yard setback, adjacent to the platted, unopened Right-of-Way, located at 3780 Coastal Highway.

Ex parte declared by the Agency members:

**Spiegel:** Visited the site, and walked around extensively.

**Presenter: Ellen Avery-Smith** (Rogers Towers, 100 Whetstone Place, St Augustine Fl 32086) presented the request for a zoning variance.

**Applicant: Cora Johnston** (Generation Homes, 5860 US Hwy 1 N, St Augustine Fl 32095) presented the proposed building and the reason for the hardship.

(1:52:50)

Various discussion occurred between the Agency and the applicant. In particular with regard to setbacks. Agency requested clarification on where the CCC line is located.

**Applicant (Johnson):** Confirmed the CCC line is in the middle of the coastal highway. That all the houses along A1A North from Vilano to Ponte Vedra are Eastward of the Coastal Construction Control line. That the DEP allows for a 25 foot deep house and that the houses to the North and South are also 25 feet. In order to build, we have to request a setback of 15 feet, that is a 10 foot variance, which many of the homes along the coast there have received. There will be a fence along the southern property line so no public access into the pool area.

Further discussion occurred around the pool and why that was not deemed part of the hardship request. Applicant explained that the pool was in the design because the width of the lot allowed for a pool. This is because the owners were not building a home on all available land. Agency mentioned that in the Code, corner through lots are considered to have two front yards and one side yard. Agency questioned the two side yards and one front yard of this corner lot. Applicant explained they are asking for two separate variances in this application. One is from the coastal highway setback. The second is from the South side.

Applicant explained that they were told by the County there is a third side yard setback. It used to be on the East side of the property.

**Dr. Hilsenbeck:** Explained that this area is in the DEP report as being in the middle of a critically eroded beach segment.

**Presenter: Avery-Smith:** Explained that when the owners purchased the lot it was a complete lot. Then a hurricane came through and washed two thirds of the lot out because it was unprotected by a seawall. So now the owners are building a seawall costing \$250,000 to protect their lot and the County's property that is also critically eroded, so the County's property does not wash out to sea, and also rebuild the staircase. Explained to the Agency that this is a wonderful compromise with a public benefit.

**Applicant (Johnson):** Explained the property owners closed on the property in July 2022 and then Hurricane Ian came through in October.

**Spiegel:** Asked staff if setbacks are determined by how far the property line structure is built.

**Staff (Frazier):** Confirmed that to be the case. Also mentioned there have been several variances for this area to move houses forward. That these requests are fairly common. It may not be in the Staff report, yet on this coastal highway we have previously seen these requests.

**Presenter: Avery-Smith :** Explained that the applicant, Ms. Johnson, did provide property cards with dimensions for many of those houses. That this is not a precedent. That it has been requested a number of times previously.

**Matovina:** Mentioned that if we have a "through lot" in this application, that means we have three front yards. So if we have a "through lot" you would need the setback for part of the yard that faces the Atlantic Ocean. If we don't consider that to be a front yard, we will not have a "through lot". It would just be a corner lot. Then Code 6.01.03.4.E does not apply. A "through lot" is one with a right of way on the front, and on the back of the lot, limiting this area.

**Staff (Frazier):** It is platted that way so does have that platted right-of-way. Just like the road that is in between that platted right-of-way, that is not developed, yet is part of that plat. So we would look at that as an additional front. It is unusual to have this on a corner through lot.

**Matovina:** So they can only have it one way. You can say there is a right of way there, and they meet the setback. Or you can say there isn't a right of way there, and this provision does not apply then.

Public Speakers:

**Bob Goff** (215 23<sup>rd</sup> Street, St Augustine Fl ) OPPOSED. Lives across the street from the property. Concerned that it is a sliver lot where they want to build a large home with a pool. In the process, they want to move the home closer to the street. Mentioned there are a lot of car accidents on the street corner opposite this property. Many people park in the right of way out front to check the surf. This happens every day. People also park on the right of way because there is no other parking and there is no sidewalk. There is a bike path on the East side of A1A that gets a lot of sand blown onto it, so the cyclists swerve onto the road. People have been hurt. Concerned the home will be built for an AIR B&B, which will mean parties occurring at all times of an evening. Does not see any hardship demonstrated in this request.

**Colonel James Toomey** (219 23<sup>rd</sup> Street, St Augustine, Fl ) OPPOSE May make sense from a legal standpoint but not common sense. Does not understand why this has three front yards. Considers the home will be one of the biggest in the neighborhood with a pool on a property that does not support it. . They are basing their building plans on a property that no longer exists as part of it has washed away. Thinks the home will be in violation of several sections of the code. Quoted several codes relating to public safety, comfort and welfare. Concerned about the traffic on this section of A1A as it is a 50mph zone. There is a public park next door. Overflow parking occurs on the right of way on A1A often. Concerned about traffic trying to do multiple point turns, slowing down 50mph traffic, and adding to the already intense parking congestion on the road.

**Nancy Rey** (3771 Coastal Highway, St Augustine Fl) OPPOSED The lot was eroded before Hurricane Matthew due to North Easter storms. Presented an overhead showing a local area map with the dangerous intersection of A1A and 23<sup>rd</sup> Street that is opposite the beach access walkover. Explained that the pre-1999 encroachments were common. Concerned there are now a lot more accidents. Showed photos of several accidents and parking on the right of way. Presented information showing that this proposed home will be the biggest house on the smallest lot in the stretch along the East side of A1A.

**Steve Piotrowski** (3790 Coastal Highway, St Augustine Fl ) Resides to the North of this proposed building. Not opposed to building a home here as it will increase the value of the neighborhood and improve the taxes. Did sign up on the bulkhead because it does connect to his home. What they are proposing to do will increase the safety of the dune.

Biggest concern is the setback request. Maybe they can reduce the size of the home a little. Maybe they can have a taller fence around the pool for safety.

Mentioned his home is 20 feet deep by 32 feet wide. Has no issue with this proposed house size except for the depth of the house to the beach. It will be 5 feet further towards the beach than his home. Concerned about losing his view and his personal privacy.

**Ken Trailor** (302 23<sup>rd</sup> Street, St Augustine Fl ) OPPOSED. Road safety the main concern because of the number of rental properties. Considers that Generation Homes builds quality homes. By moving the property closer to the highway is a public safety concern. Wants the walkway to be retained.

(2:26:40)

**Presenter (Avery-Smith):** Presented a rebuttal. Explained this is a legally platted buildable lot. Has a Residential C land use, and RS 3 zoning. From a legal perspective, the owners have a right to construct a home on the lot. Explained that while the lot is vacant now, under Florida law there is no such thing as a view easement. That no one is taking away the view over the public right of way at the end of 23<sup>rd</sup> street. The owner is enhancing the area by building a seawall along there. The zoning variance request has nothing to do with traffic accidents nor drainage. Whether or not it becomes an AIR B&B, all we are requesting is the front yard setback, and a second front yard setback zoning variance. The Code deals with drainage and we will have to comply with any regulations related to drainage. There is no such thing as a view easement, either across the property or diagonally across the property.

**Applicant (Johnson):** Explained that the home will be 3638 square feet and will not be the largest home in the neighborhood. By today's standards it is average size. The lot is 99 feet wide and the home is 72 feet wide. At 25 feet deep, that is what you get for that size of house. The house is intended to be a second home for a family. Some of the owner's family members have ocean house in the North East. This is his home here. The owner has connectivity to this area. It is a house meant for the owner and his family. This will enhance access to the beach by actually retaining public beach on the public right of way and replacing the staircase of the seawall there. People park in a right of way because it currently is a vacant lot. This home may ease up that

traffic and people parking in front of it if there is a home there. Most people park on the West side of Coastal Highway and not on park on the East side.

**Dr. Hilsenbeck:** Does not question the legality of building a house on this lot. Questioned the applicant about asking for two setback variances here. Questioned the front yards on the lot given one has been washed into the ocean. County staff said there was a road there.

**Staff (Frazier):** Explained there was not a road. That it is a platted right-of-way.

Further discussion occurred between the Agency and the Applicant with regard to the main high water line and if it was within 50 feet of the proposed property. Applicant confirmed they are working with the Florida Department of Environmental protection that has regulatory jurisdiction over that section of coast line. The variance request does not have an impact on the 50 feet as it is from the rear, the East side of the property. Applicant stressed the two variances being requested today. That they have 3 front yards, as in property lines from which setbacks are measured. Applicant explained that they are only seeking second and main setbacks in the variances. Everything else, such as drainages, significant natural communities and habitat has to comply with the code. All other things will be complied with when they get to the permit stage.

( 2:39:40 )

**Motion by Matovina, seconded by Green, carries 3/2 (dissent Spiegel; Dr. Hilsenbeck) to approve ZVAR 2023-18 DeArment Residence lased upon five (5) findings of fact and eight (8) conditions as provided in the Staff Report.**

#### 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 Variance 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 is not in conflict with the Future Land Use Map designation of Residential-C.

#### CONDITIONS:

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.

3. Approval is 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.
8. The approval requested within the application is subject to the approval of the construction of the seawall to the southern adjacent County-owned Right-of-Way.

(2:40:27)

**Recess: 5 minutes (return at 4:15pm)**

District 4

**8. ZVAR 2023-20 Smith Driveway Gatehouse.** Request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a 0' front yard setback in lieu of the 25' required to accommodate the construction of a gate building, and Section 2.02.04.B.12.b to allow for a 6'-foot-tall fence attached to the gate building in lieu of the 4' maximum in Residential, Single Family (RS-3) zoning, located specifically at 51 Cat Road.

Ex parte declared by the Agency members.

**Green:** Had a brief conversation with the applicant, Mr. Whitehouse.

**Dr. Hilsenbeck:** Called Mr. Whitehouse yesterday.

**Matovina:** Spoke to Mr. Whitehouse and expressed his views on variances.

**Presenter: James Whitehouse** (St. Johns Law Group, 104 Seagrove Main Street, St Augustine Fl 32080) presented the request for the zoning variances. Explained that this item was before the PZA board in September 2021. It is a previously approved variance. The one year time frame to address the variances had run out so this is before the Board again today.

Various discussion occurred with the agency with regard to the location of the gate and the unusual depth of the property.

( 2:49:45 )

**Motion by Green, seconded by Dr. Hilsenbeck, carries 4/1 (dissent Matovina) to approve ZVAR 2023-20 Smith Driveway Gatehouse, based on seven (7) conditions and five (5) findings of fact as provided in the Staff Report.**

**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 Variance 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 is not in conflict with the Future Land Use Map designation of Residential-A.

**CONDITIONS:**

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Approval is 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.



**9. ZVAR 2023-22 Sushi 99 St. Augustine.** Request for a Zoning Variance to Section 2.03.02.A of the Land Development Code to allow for the on-site sale and consumption of alcoholic beverages in conjunction with a restaurant within one thousand (1,000) feet of an existing church.

Ex parte declared by the agency members:

**Spiegel:** Drove by and had a phone discussion with the Pastor of Family Worship.

**Presenter: Qiaomin Ye** (270 Plaza Boulevard, Suite 1 and 2, St Augustine Fl 32086) presented the request for both Item number 9 and 10 together to be allowed to have on-site sale and consumption of alcoholic beverages within 1,000 feet of an existing church.

Discussion ensued with the Agency with regard to this restaurant being within a Publix shopping center and that the center still had a few more retail shops to fill. That it was in a good location and would not be an issue to be within 1,000 feet of the church.

( 2:52:45 )

**Motion by Matovina, seconded by Green, carries 5/0, to approve ZVAR 2023-22 Sushi 99 St Augustine, based on five (5) conditions, and five (5) findings of fact, as provided in the Staff Report.**

**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 is not in conflict with the Future Land Use Designation of Mixed Use.

**CONDITIONS:**

1. The Variance shall be transferable and will run with the title to the property.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Comprehensive Plan, Land Development Code and any other agency having jurisdiction.
3. 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 herein shall become null and void. Commencement shall be defined as issuance of a Development Review Permit by St. Johns County Growth Management Department.

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 approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this application shall not operate as approval or waiver of any other provision of the Land Development 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.

District 3

**10. SUPMAJ 2023-11 Sushi 99 St. Augustine.** Request for a Special Use Permit to allow on-site sales and consumption of alcoholic beverages under the regulation of the State of Florida Type 2COP license pursuant to Land Development Code, Section 2.03.02 in conjunction with a proposed restaurant.

**Presenter: Qiaomin Ye** presented the request for both Item number 9 and 10 together to be allowed to have on-site sale and consumption of alcoholic beverages with a proposed restaurant.

( 2:54:20 )

**Motion by Matovina, seconded by Green, carries 5/0, to approve SUPMAJ 2023-11 Sushi 99 St. Augustine 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 Intensive (CI) 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 2.03.02 and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use 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 Sushi 99 doing business at 270 Plaza Boulevard, Suite B1 and B2, 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. Special Use Permit shall be governed by the St. Johns County Alcohol Beverage Ordinance (Ord 1990-48) as may be amended.
5. The hours of on-site sale and consumption of alcohol are limited by the St. Johns County Alcohol Beverage Ordinance (Ord 1990-48) as may be amended and no more than Monday-Thursday 11 am – 9:30pm, Friday-Saturday 11 am – 10:30 pm, and Sunday 12 pm - 9:30 pm.
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 any time the Special Use is being exercised.
8. 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.
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 5

**11. MAJMOD 2023-17 New Twin Creeks Light Industrial Access.** Request for a Major Modification to the Twin Creeks PUD (Ordinance 2015-52, as amended) to add a new access connection point along CR 210 West for the Light Industrial parcel located to the south. The proposed change is to the MDP Map, Map H of the Twin Creeks DRI. The current MDP Text and all other provisions of Ordinance 2015-52, as amended remain the same.

Ex parte declared by the Agency members:

**Spiegel:** Drove by the site.

**Presenter: Tony Robbins**, AICP (Prosser, Inc. 13901 Sutton Park Dr S # 20, Jacksonville Fl 32224) presented the request for a major modification to the Twin Creeks PUD.

Various discussion occurred between the Agency and the applicant with regard to access to CR 210 and prohibiting a left turn lane on the road now and a divided medium there. The Applicant confirmed they will comply with any “right in” and “right out” criteria.

( 3:00:00 )

**Motion by Matovina, seconded by Green, carries 5/0, to recommend approval of MAJMOD 2023-17 New Twin Creeks Light Industrial Access 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 New Twin Creeks PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the New Twin Creeks 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 New Twin Creeks 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 New Twin Creeks PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.
6. As modified, the New Twin Creeks 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.

- **Staff Reports: (Frazier):** Advised that the Planning Division has hired two Principal Planners; Keisha Fink, and Cynthia May. That they will be assisting Theresa Bishop at future meetings. Advised that Board Members positions will be expiring in December. That Staff have received applications for those positions. That the Agency members will be able to review those applications at the next meeting and then make recommendations to the Board of County Commissioners.
- **Agency Reports:** None

- Meeting Adjourned at 4:32 pm.

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Chair  
Planning and Zoning Agency

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Clerk, Growth Management

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

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