

2

**AGENDA ITEM
Planning & Zoning**

Meeting

10/5/2023

MEETING DATE

TO: Planning and Zoning Board Members

DATE: September 25, 2023

FROM: Lauren Dwyer, Planner

PHONE: 904 209-0693

SUBJECT OR TITLE: SUPMAJ 2023-08 Gate Car Wash

AGENDA TYPE: Business Item, Ex Parte Communication, Recommendation, Report

PRESENTER: Ellen Avery-Smith, Rogers Towers

BACKGROUND INFORMATION:

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

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve SUPMAJ 2023-08 Gate Car Wash based upon eight (8) findings of fact and six (6) conditions as provided in the Staff Report.

DENY: Motion to deny SUPMAJ 2023-08 Gate Car Wash based upon six (6) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Special Use Permit
SUPMAJ 2023-08 Gate Car Wash

To: Planning and Zoning Agency

From: Lauren Dwyer, Planner

Date: September 22, 2023

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

Applicant: Ellen Avery-Smith, Rogers Towers

Owner: Ocala Herlong, LLC

Hearing Dates: Planning and Zoning Agency – October 5, 2023

Commissioner District: District 3

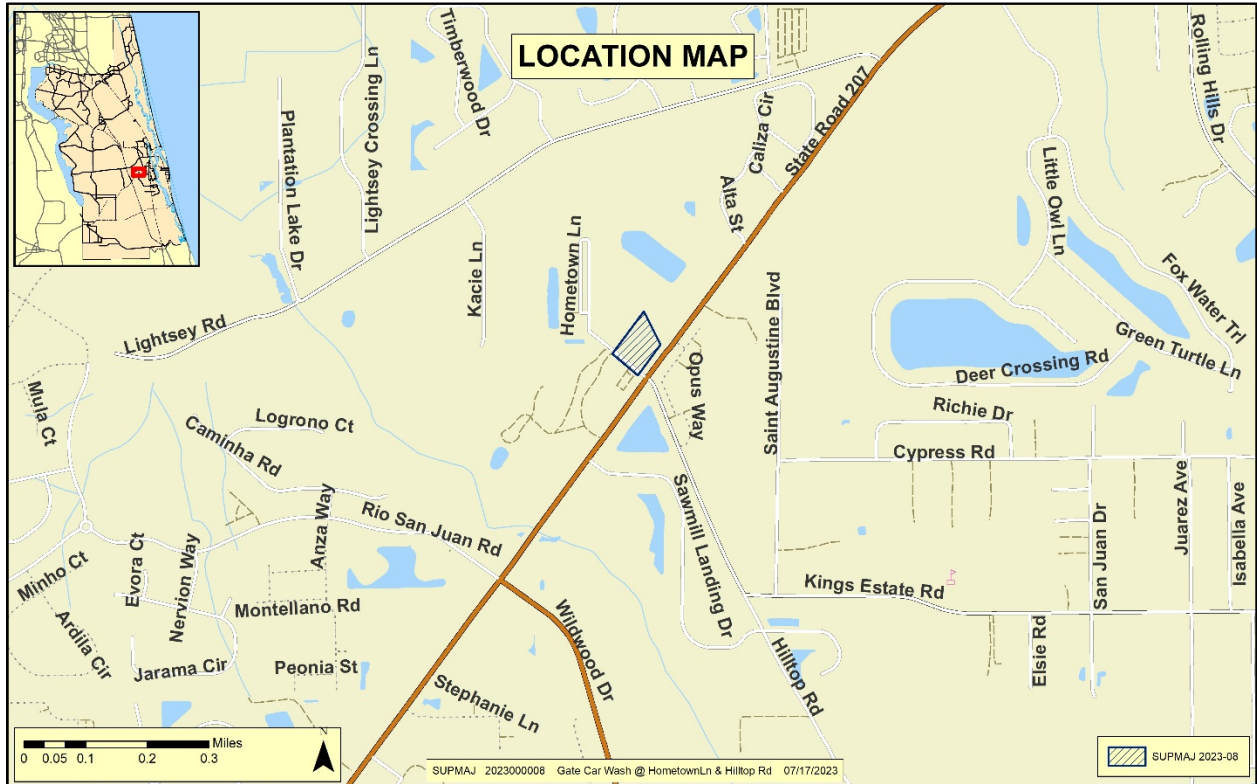
SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **SUPMAJ 2023-08 Gate Car Wash** based upon eight (8) findings of fact and six (6) conditions as provided in the Staff Report.

DENY: Motion to deny **SUPMAJ 2023-08 Gate Car Wash** based upon six (6) findings of fact as provided in the Staff Report.

MAP SERIES

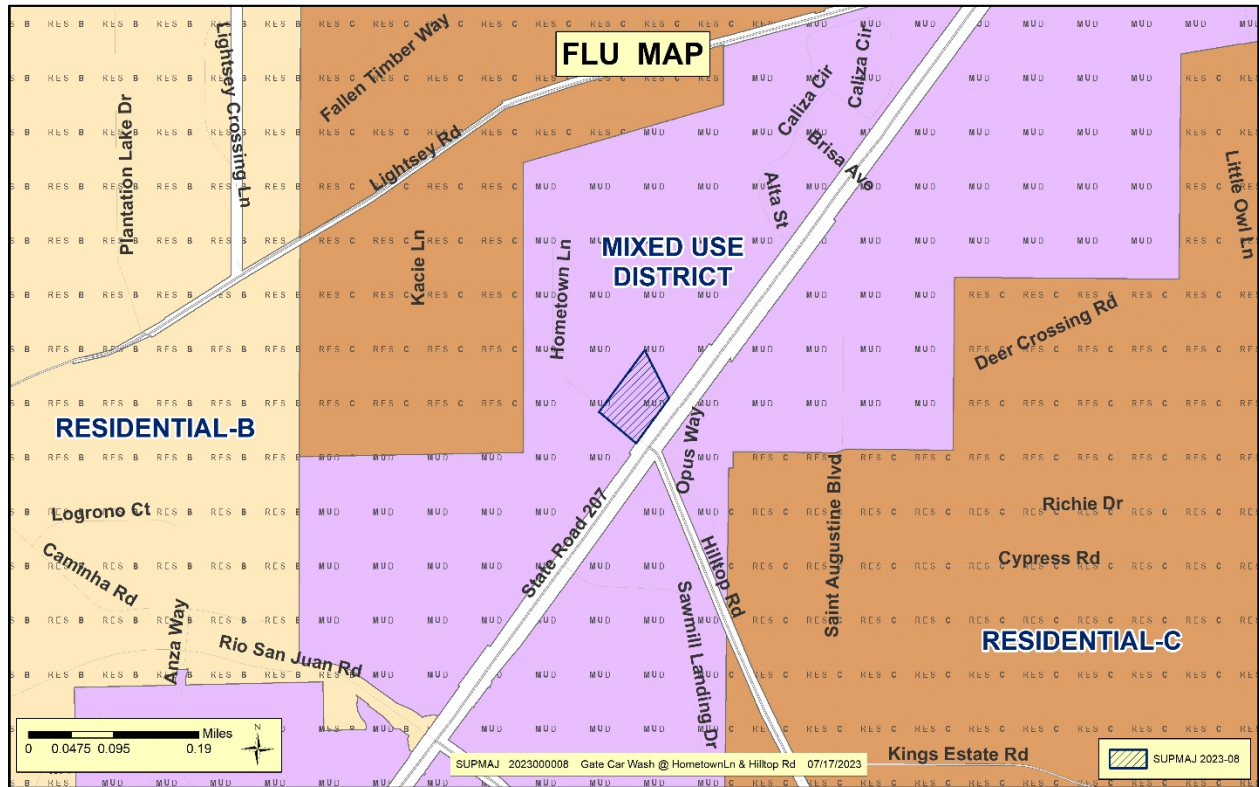
Location: The subject property is located on the north side of State Road 207, at the intersection of Hometown Lane.



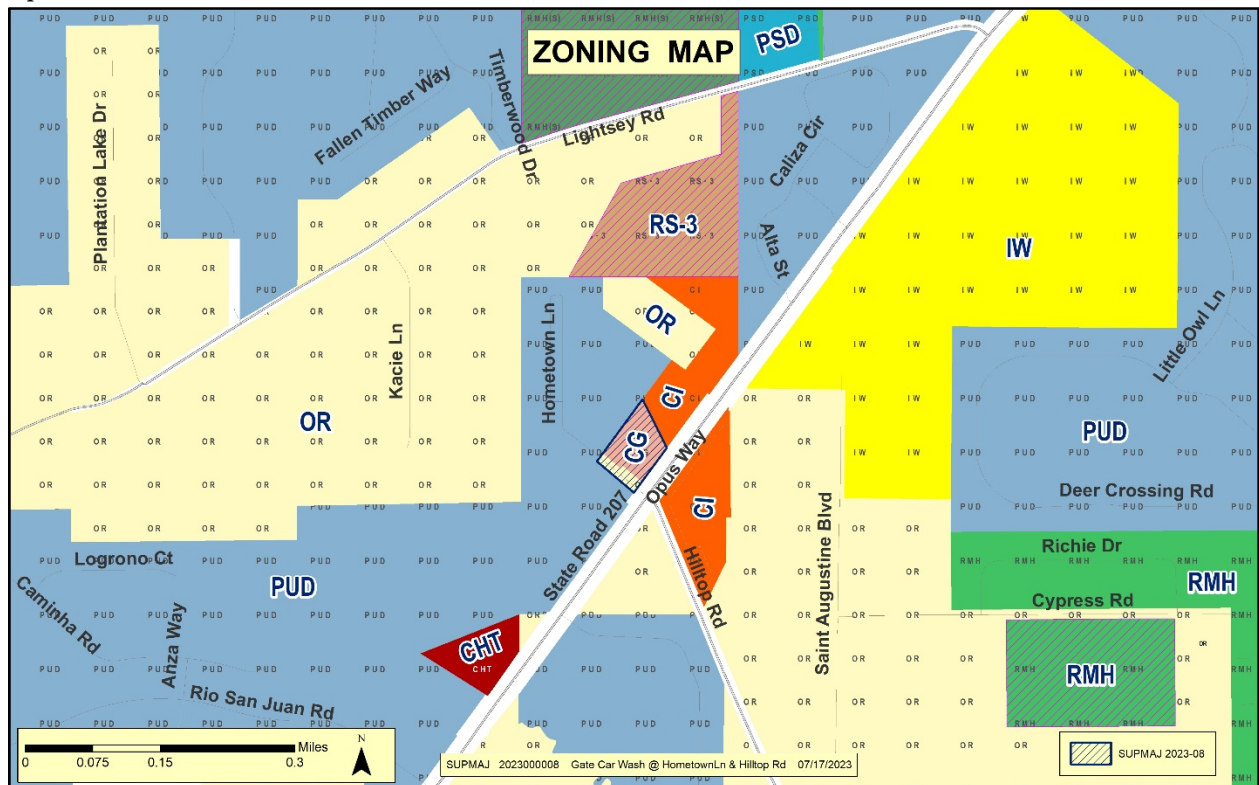
Aerial Imagery: The subject property is located off of Hometown Lane, across from the entrance to Dollar General, and in front of the entrance to San Marcos Heights Apartments. The surrounding area is developed with a mixture of residential and non-residential uses. The property is currently vacant.



Future Land Use: The subject property and adjacent properties are designated Mixed Use (MU) on the Future Land Use Map. Other properties are designated Residential-B and Residential-C.



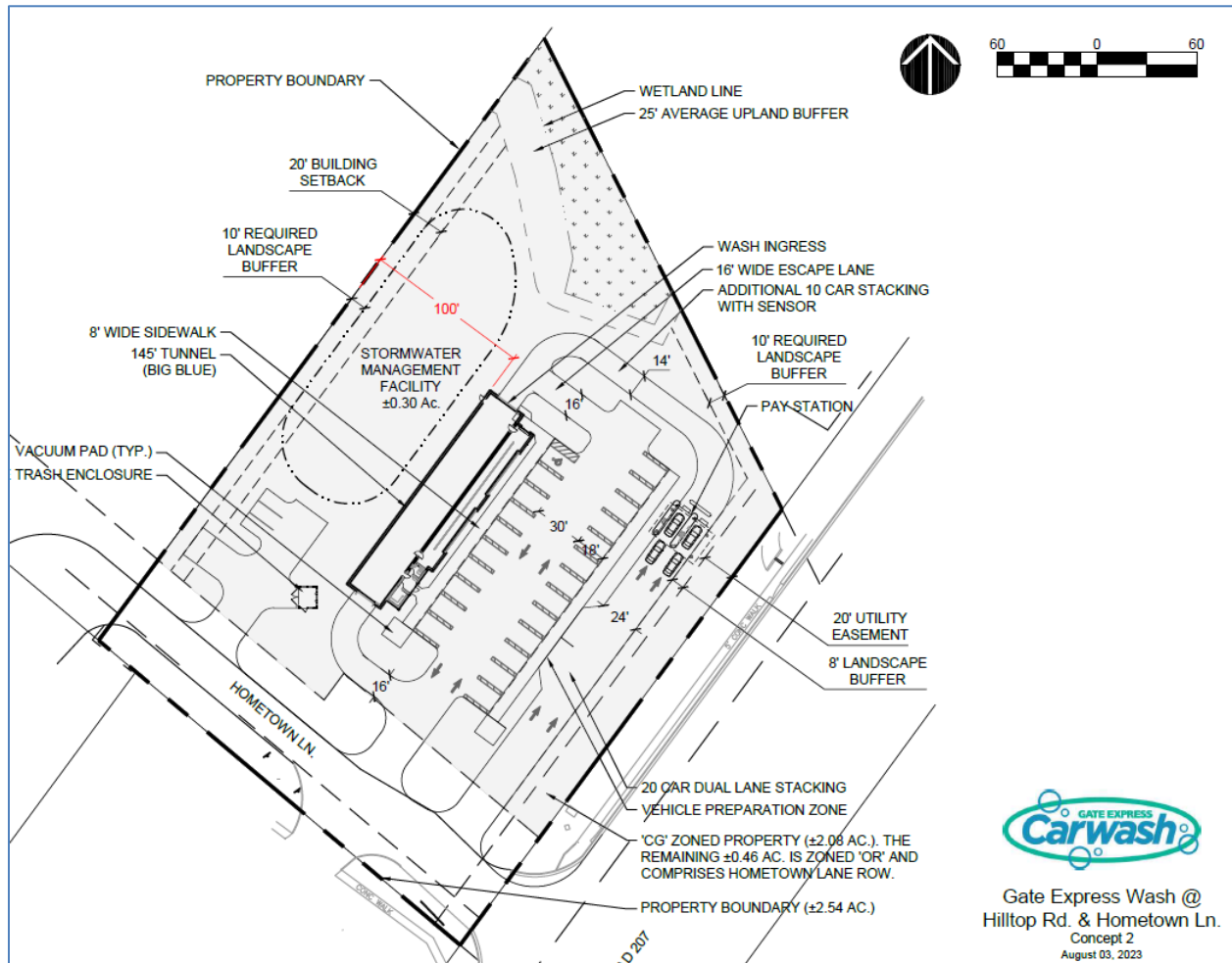
Zoning District: The subject property is zoned Commercial General (CG), with the access on Hometown Lane zoned Open Rural (OR). Surrounding properties are zoned Planned Unit Development (PUD), Commercial Intensive (CI), Commercial Highway Tourist (CMT), Residential, Single Family (RS-3), Industrial Warehousing (IW), Planned Special Development (PSD), Residential Mobile Home (RMH), and Open Rural (OR).



APPLICATION SUMMARY

The applicant is requesting 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. The applicant states the proposed car wash facility is compatible with the surrounding areas and will be a benefit for the nearby residents.

Proposed Site Plan:



The above proposed site plan, provided by the applicant, depicts the layout of the car wash. The full Site Plan is included in **Attachment 1 Supporting Documents**.

DEPARTMENTAL REVIEW

The Planning and Zoning Division has routed this request to all appropriate reviewing departments. There are no open comments.

Office of the County Attorney Review:

Applicant bears the burden of demonstrating by competent substantial evidence that the request meets the general standards of LDC section 2.03.01 as well as any specific standards required by that special use. The Agency may consider competent substantial evidence that the general or specific standards are not met and is, in fact, adverse to the public interest. Special Uses are uses, if the specific conditions are met, that would be allowable unless there is a determination that the use would adversely affect the public interest. Pursuant to

LDC section 2.03.01.F, the Agency may prescribe appropriate conditions to mitigate for any evidenced incompatibility and to assure that potential adverse and negative effects are avoided.

Per LDC 2.03.01.C: A detailed site plan, drawn to scale, shall show the location and dimensions of all existing and proposed structures and other improvements and setbacks of same, signs, and provisions for off-street parking is required. The plan shall become a condition upon which the permits is permitted and any change or addition shall constitute a violation of the special use approval unless such change is submitted to and approved by the Planning and Zoning Agency.

As required by Section 2.03.01.D, the Special Use must be compatible with the adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (“Growth Management Act”) include, but are not limited to, permitted Uses, Structures, and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no Use or condition is unduly negatively impacted directly or indirectly by another Use or condition. The compatibility of land uses is dependent on numerous characteristics which may impact adjacent or surrounding Uses. These include: type of Use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, dust, vibration, traffic generation, sanitation, litter, drainage, risk of fire, air quality, protection of Listed Species or Essential Habitat, maintenance of public infrastructure, availability of potable water and other necessary public services, and nuisances.

Technical Division Review:

Staff has concerns with the proposed connections to Hometown Lane that may necessitate adjustments once construction plans are submitted. It is noted the submitted Site Plan does not show the existing sidewalks or vehicular connection that services the Affordable Housing units to the north. The adjacent property has previously raised concerns about increased traffic at the intersection onto State Road 207. All future site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable local regulations and permitting requirements. No permits will be issued prior to compliance with all applicable regulations.

Planning and Zoning Division Review:

The subject property is located within Commercial General (CG) zoning, with the access off Hometown Lane zoned as Open Rural (OR). According to Table 2.03.01 of the LDC, CG zoning requires a Special Use Permit to allow for a Car Wash Facility. The applicant is requesting to have three years from the date the Special Use Permit application is approved to commence construction on the car wash facility. According to the narrative, this term will give the Applicant ample time to design, permit, and construct the proposed car wash. Provided below is an analysis of the site regarding the applicable regulations found in the St. Johns County Land Development Code (LDC).

Land Development Code Reference and Criteria for Action:

Article XII, Definitions

Special Use: Means a Use that would not be appropriate, generally or without restriction, throughout a zoning division or district but which if controlled as to number, area, location, or in relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such Uses may be permissible in a zoning classification or district upon the granting of a Special Use and meeting the requirements of this Code.

LDC, Part 2.03.00 - Allowable and Special Uses (provided in part)

The Special Uses contained in this Part shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code Part 9.01.00 for the issuance of Development Permits. The following Special Uses if allowed in a zoning district according to Section 2.02.02 and identified in Section 2.03.01 or allowed in this Part by reference to a zoning district may only be permitted upon demonstration of compliance with all of the requirements of this Part.

LDC, Sec. 2.03.01.A - General Provisions on Special Uses

A Special Use shall be approved by the Planning and Zoning Agency only upon determination that the application and evidence presented establish that:

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

The proposed car wash facility is allowed by Special Use Permit in CG zoning. An approval of the request does not appear to impair the intent of the Comprehensive Plan or the 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; and

Based on Staff review, the subject property is designated Mixed Use on the Future Land Use Map and is zoned as Commercial General (CG). The proposed special use would allow a car wash in the current CG zoning. The surrounding properties on State Road 207 are primarily commercial. The immediate surrounding properties include a Dollar General and San Marcos Heights Apartments. There were traffic concerns for a proposed coffee shop (MAJMOD 2022-02) that was planning a connection to the existing Dollar General. This project was denied by the Board of County Commissioners on 09/06/2022.

3. If access is provided by a street maintained by the Florida Department of Transportation (FDOT) a copy of the results of a pre-application meeting with FDOT is required unless otherwise deemed not necessary by the County Administrator; and

The business is located directly on State Road 207 and is accessed by Hometown Lane.

4. The Use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards of this Article II, unless greater or more stringent regulations are contained or provided in the Comprehensive Plan or elsewhere in this Code for the Special Use.

The applicant is proposing a Special Use that is allowed within the CG Zoning District and Mixed-Use Future Land Use Map designation. Based on review of the applicant's provided documents, the site will comply with the Special Use requirements provided in LDC Section 2.03.50.

LDC, Sec. 2.03.50 Car Wash Facilities

Facilities which the primary activity is the cleaning of vehicles such as automobiles, motorcycles, and water craft may be permitted as a Special Use within districts as defined in Section 2.03.01, subject to the following conditions and limitations.

A. Intensity

1. Generally, such facilities shall be limited to three (3) vehicle cleaning areas, unless a waiver is granted by the Planning and Zoning Agency.

The proposed Site Plan depicts two vehicle cleaning areas.

2. The request shall elaborate on the type of facility to be provided, manned or unmanned; hours of operation; screening; and other details as necessary.

The applicant's narrative states the car wash will be manned with a minimum of two full time employees. The car wash will be open from 8 AM to 8 PM. The car wash will have a 25-foot average upland buffer in the northwest corner of the property, as well as a 10-foot landscape buffer and retention pond abutting the property of San Marcos Heights.

B. Setbacks, Orientation, and Design

1. The vehicle cleaning area shall be located a minimum of 100' from the nearest Lot Line of any Residential Use, Residential zoning or residential portion of a Planned Development.

The proposed Site Plan depicts the car wash tunnel 100 feet from the property line of San Marcos Heights PUD.

2. The entry bays for the vehicle cleaning areas shall be either screened from view with fencing or vegetation, or located so that the entry bays are not visible from any major collector roadway and any Residential Use, Residential zoning or Residential portion of Planned Development.

The proposed Site Plan depicts an 8-foot landscape buffer along State Road 207 and a 10-foot landscape buffer along the property line abutting San Marcos Heights Apartments.

3. Screening shall be provided with Evergreen plants six (6) feet in height at the time of planting and an overall screening opacity of seventy-five percent (75%) or greater; or a solid wooden, PVC, or similar material fence at least six (6) feet in height; or masonry or concrete block wall at least six (6) feet in height. If masonry or block wall is provided, it shall be painted and architecturally finished on both sides.

4. The facility shall provide for adequate lighting to address the safe operation of the site. Lighting shall be compliant with Part 6.09.00 of this Code and shall be depicted on the site plan.

The applicant's narrative states compliance with all applicable requirements of LDC Section 2.03.50.

CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has received no correspondence or phone calls regarding this request.

ACTION

Staff offers eight (8) findings of fact and six (6) conditions to support a motion to approve or six (6) findings of fact to deny. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Application and Supporting Documents
2. Final Draft Orders

SUGGESTED MOTION / FINDINGS / CONDITIONS TO APPROVE REQUEST

Motion to approve **SUPMAJ 2023-08 Gate Car Wash**, a request for a Special Use Permit to allow for a Car Wash Facility in Commercial General (CG) zoning, pursuant to Section 2.03.50 of the Land Development Code, located at the north intersection of Hometown Lane and State Road 207, subject to the following findings and conditions:

SUGGESTED 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.

SUGGESTED CONDITIONS

1. The Special Use Permit is granted to Ocala Herlong and shall run with the title to the property. The applicant is requesting to have three (3) years from the date of approval to commence construction of the car wash facility.
2. Applicant agrees that St. Johns County may inspect the site for compliance with the Final Order and all other relevant requirements at any time the Special Use is being exercised.
3. This approval of the Special Use Permit may be revoked by the County Administrator or designee, in his/her sole discretion, upon a determination of violation of the conditions set forth herein or a violation of Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator or designee to revoke the Special Use Permit may be appealed to the Board of County Commissioners.
4. The Special Use Permit is granted under the condition of continual use. A Special Use Permit that, once commenced, remains idle, discontinued or unused for a continuous period of one (1) calendar year shall no longer be valid and all rights granted herein shall become null and void.
5. Approval of the Special Use Permit does not release the project from adherence to all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, Florida Building Code, and any other Agency having jurisdiction.
6. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become

part of the Final Order, except as may be modified by preceding conditions and limitations.

(Additional conditions may be added as a result of the public hearing)

SUGGESTED MOTION / FINDINGS TO DENY REQUEST

Motion to deny **SUPMAJ 2023-08 Gate Car Wash**, a request for a Special Use Permit to allow for a Car Wash Facility in Commercial General (CG) zoning, pursuant to Section 2.03.50 of the Land Development Code, located at the north intersection of Hometown Lane and State Road 207, subject to the following findings:

SUGGESTED 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 a Special Use in the Commercial General (CG) 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 2.03.50 and Article XII of the Land Development Code.
5. The request is in conflict with the Future Land Use Map designation of Mixed-Use.
6. The requested Use is in conflict with the development patterns of the area.

(The Board may choose any or all of the above Findings or may provide additional Findings to support the motion.)

ATTACHMENT 1
Application and
Supporting Documents



St. Johns County Growth Management Department

Application for: Special Use

Date 7/12/23 Property Tax ID No 101570-0000

Project Name GATE Car Wash/Hometown Lane Site

Property Owner(s) Ocala Herlong LLC Phone Number

Address 8650-12 Old Kings Road S Fax Number

City Jacksonville State FL Zip Code 32217 e-mail

Are there any owners not listed? [X] No [] Yes If yes please provide information on separate sheet.

Applicant/Representative Ellen Avery-Smith Esq. Phone Number 904-825-1615

Address 100 Whetstone Place, Suite 200 Fax Number 904-396-0663

City St. Augustine State FL Zip Code 32086 e-mail eaverysmith@rtlaw.com

Property Location North side of State Road 207 at its intersection with Hometown Lane/Hilltop Road

Major Access Hometown Lane Size of Property 2.08 Cleared Acres (if applicable) N/A

Zoning Class CG No. of lots (if applicable) N/A Overlay District (if applicable) N/A

Water & Sewer Provider St. Johns County Utility Department Future Land Use Designation MD

Present Use of Property Vacant Commercial Proposed Bldg. S.F.

Project Description (use separate sheet if necessary)

Applicant requests a Special Use Permit to construct a car wash facility on the Property.

Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT: Signature of owner or person authorized to represent this application:

Signed By [Handwritten Signature]

Printed or typed name(s) Ellen Avery-Smith Esq.



Owner's Authorization Form

Ellen Avery-Smith Esq. of Rogers Towers, P.A.

is hereby authorized TO ACT ON BEHALF OF

Ocala Herlong LLC

the owners(s) of those lands described within

the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a development Permit or other action pursuant to a: application for:

Special Use Permit

By signing, I affirm that all legal owners(s), as listed on the Recorded Warranty Deed on file with the St. Johns County Clerk of Courts or otherwise stated () , have been notified of the Special Use Permit

(Identify what document)

I further understand incomplete or false information provided on this form may lead to revocation of permits, termination of development activity.

Signature of Owner

Michael Setz, Manager

Print Name

Ocala Herlong LLC

Signature of Owner

Print Name

Telephone Number

904- 743- 0880

STATE OF FLORIDA COUNTY OF Dural

The foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 10th day of July, 2023, by Michael Setzer as Manager for Ocala Herlong LLC.

Pamela D Howard

Notary Public, State of Florida

Name: Pamela D Howard

My Commission Expires:

My Commission Number is:

Personally Known OR Produced Identification

Type of Identification Produced

Revised August 30, 2011



PAMELA D. HOWARD Commission # HH 027427 Expires August 17, 2024 Bonded Thru Budget Notary Services

BK: 4343 PG: 1767

EXHIBIT "A"

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 01 DEGREES 14 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 35 A DISTANCE OF 329.96; THENCE SOUTH 88 DEGREES 46 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, 334.24 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 05 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 A DISTANCE OF 143.72 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE NORTH 37 DEGREES 45 MINUTES EAST, 451.07 FEET; THENCE SOUTH 25 DEGREES 32 MINUTES 41 SECONDS EAST, 317.80 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207 (145 FOOT RIGHT OF WAY); THENCE SOUTH 37 DEGREES 45 MINUTES WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 326.68 FEET TO THE SAID NORTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276; THENCE NORTH 48 DEGREES 32 MINUTES 05 SECONDS WEST ALONG SAID NORTHEAST LINE 284.50 FEET TO THE POINT OF BEGINNING.

COPY

Exhibit "B"

GATE Car Wash/Hometown Lane Site

Special Use Application

Our client, BFC Property Holdings, Inc. (the "**Applicant**"), is the contract purchaser of approximately 2.08 acres located on the north side of State Road 207 at its intersection with Hometown Lane/Hilltop Road (the "**Property**"). The Property is a portion of St. Johns County Parcel Identification No. 101570-0000 and is described on Exhibit "A" included with the application package. The Property does not include the approximately 0.4 acres of the remainder of the land within Parcel Identification No. 101570-0000, which is used as the private right-of-way for Hometown Lane.

The Property has a Future Land Use Map ("**FLUM**") designation of Mixed Use District. The Property is zoned Commercial General ("**CG**"). The Applicant desires to construct a car wash facility on the Property, subject to applicable provisions of St. Johns County Land Development Code (the "**Code**" or "**LDC**") Section 2.03.50. A conceptual site plan (the "**Site Plan**") for the car wash provided on Exhibit "C" to this application. The Site Plan shows the locations of the car wash tunnel, vacuum stations, stormwater pond, access driveways and other improvements.

The Property and adjacent lands located to the north, west and south have FLUM designations of Mixed Use District. State Road 207 borders the site on the southeast. The zoning district of the lands to the north and east (across State Road 207 from the site) is Commercial Intensive. The zoning of the parcel to the west is Planned Unit Development ("**PUD**"), for a project called San Marcos Heights, which includes 132 units of multi-family affordable housing (Ordinance No. 2020-47). The zoning of the parcel to the south is PUD (Ordinance. No. 2007-76), for a project called Indian Forest Campground and Commercial Park, which includes 183 recreational vehicle ("**RV**") and tent sites (Sun Outdoors St. Augustine) and 23,000 square feet of commercial space (Dollar General, St. Johns Builders Council and others).

In order to develop a car wash facility on the Property, the Applicant must obtain a Special Use approval, pursuant to LDC Section 2.03.01.A. That provision allows a Special Use to be approved upon the determination that the application meets the following criteria:

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

RESPONSE: The Property is located adjacent to primarily commercially zoned and developed properties, which contain a Dollar General store, the St. Johns Builders Council office, an RV park, and others. The only adjacent residential use is the San Marcos Heights PUD, which includes multi-family units and contains a wooded buffer along the southeast portion of the PUD site, which will act as a buffer to the proposed car wash facility. As depicted on the Site Plan, the Property will provide buffering from the San Marcos Heights land by retaining an on-site wetland on the northwest corner and constructing the project's stormwater retention/detention pond along the rest of the northwestern boundary. The existing wetland in the northwest corner

of the Property will buffer it against the adjacent CI-zoned land to the north. Hometown Lane and State Road 207 will provide a buffer between the Property and other adjacent commercial and office uses. Thus, the requested Special Use Permit can be granted without substantial detriment to the public good and will not impair the intent and purpose of the St. Johns County Comprehensive Plan or the 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.

RESPONSE: As stated above, the Property is located adjacent to commercial and office uses to the north, east and south, and multi-family residential use to the west. Those uses are buffered from the Property as described in Section 1 above. Additionally, the car wash tunnel will provide a visual and noise buffer from the adjacent multi-family project, as depicted on the Site Plan. Vacuum stations and parking areas are located east of the car wash tunnel, along State Road 207. The car wash will be open from 8 a.m. to 8 p.m. daily and will have a minimum of two (2) full-time employees on site when the business is open. Public water and sewer utilities are available to the site. The car wash will have access onto the existing Hometown Lane, in the locations depicted on the Site Plan. Thus, the proposed car wash facility is compatible with the contiguous and surrounding areas and will not impose any burden or have a negative impact on surrounding or adjacent uses or on community facilities or services.

3. If access is provided by a Street maintained by the Florida Department of Transportation (FDOT) a copy of the results of a pre-application meeting with FDOT is required unless otherwise deemed not necessary by the County Administrator.

RESPONSE: Access to the Property is via Hometown Lane, which is a private road.

4. The Use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards of this Article II, unless greater or more stringent regulations are contained or provided in the Comprehensive Plan or elsewhere in this Code for the Special Use.

RESPONSE: The Applicant will comply with all applicable requirements of LDC Section 2.03.50, including setbacks, orientation and design, as well as other applicable Code criteria.

The proposed car wash facility will be of great benefit to residents of the area. The use is compatible the adjacent land uses, given the existing buffer provided in the San Marcos Heights PUD and in the Site Plan for the Property.

The Applicant requests that this Special Use Permit run with title to the Property. The Applicant is the contract purchaser of the Property. Once the Applicant purchases the site, it will spend a significant amount of money to construct the car wash facility on the Property. Thus, it is necessary for the Special Use Permit to run with title to the land.

The Applicant also requests to have three (3) years from the date on which this Special Use Permit application is approved to commence construction of the car wash facility on the

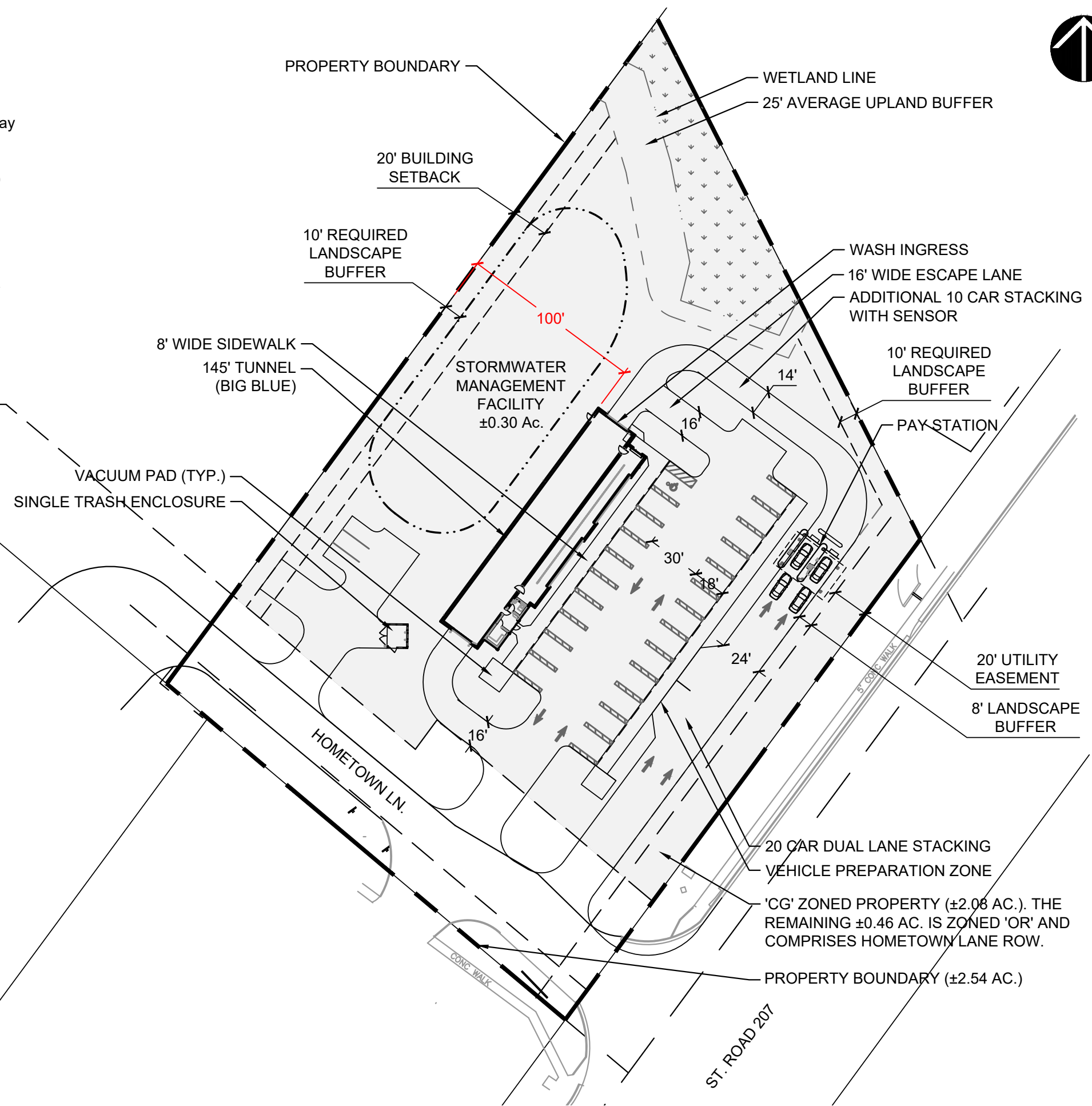
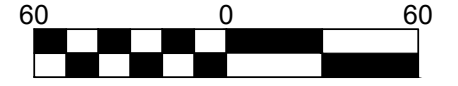
Property. This term will give the Applicant ample time to design, permit and construct the car wash.

Site Data

- Parcel 1015700000: ± 2.54 Ac.
- 145' Tunnel Car Wash (Big Blue)
- 22 Vacuum Bays & 1 ADA Service Bay
- One Single Trash Enclosure
- (2) Vacuum Pad enclosures
- 20 Car Dual Lane stacking (30 Total)
- Onsite Stormwater Pond: .30 AC

Notes

±2.08 AC. CG zoning district will require a special use permit for a car wash.



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This conceptual site plan is based on limited information and is subject to change based on site conditions and surveys, jurisdictional wetland delineation and agency approvals, engineering analysis and design, and final approvals by all applicable city, state, and federal regulatory and environmental permitting agencies.



Gate Express Wash @
Hilltop Rd. & Hometown Ln.
Concept 2
August 03, 2023

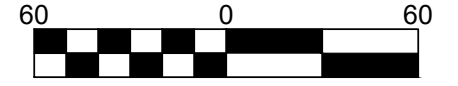
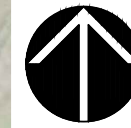


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Gate Express Wash @
Hilltop Rd. & Hometown Ln.
Concept 2
August 03, 2023



ATTACHMENT 2
Final Draft Orders



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Ocala Herlong, LLC
0 State Road 207
St. Augustine, FL 32084

FILE NUMBER: SUPMAJ 2023-08

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 101570-0000

DATE OF HEARING: October 05, 2023

ORDER GRANTING SPECIAL USE APPROVAL

The above referenced application 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, specifically located at the north side of the Hometown Lane and State Road 207, came before the Planning & Zoning Agency for public hearing on October 5, 2023.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

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.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants Special Use Permit to allow for a Car Wash Facility in Commercial General (CG) zoning, pursuant to Section 2.03.50 of the Land Development Code, located at the north intersection of Hometown Lane and State Road 207, subject to the following conditions:

1. The Special Use Permit is granted to Ocala Herlong and shall run with the title to the property. The applicant is requesting to have three (3) years from the date of approval to commence construction of the car wash facility.
2. Applicant agrees that St. Johns County may inspect the site for compliance with the Final Order and all other relevant requirements at 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.

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.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DATED THIS _____ DAY OF _____, 2023.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed

BK: 4343 PG: 1767

EXHIBIT "A"

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 01 DEGREES 14 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 35 A DISTANCE OF 329.96; THENCE SOUTH 88 DEGREES 46 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, 334.24 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 05 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 A DISTANCE OF 143.72 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE NORTH 37 DEGREES 45 MINUTES EAST, 451.07 FEET; THENCE SOUTH 25 DEGREES 32 MINUTES 41 SECONDS EAST, 317.80 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207 (145 FOOT RIGHT OF WAY); THENCE SOUTH 37 DEGREES 45 MINUTES WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 326.68 FEET TO THE SAID NORTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276; THENCE NORTH 48 DEGREES 32 MINUTES 05 SECONDS WEST ALONG SAID NORTHEAST LINE 284.50 FEET TO THE POINT OF BEGINNING.

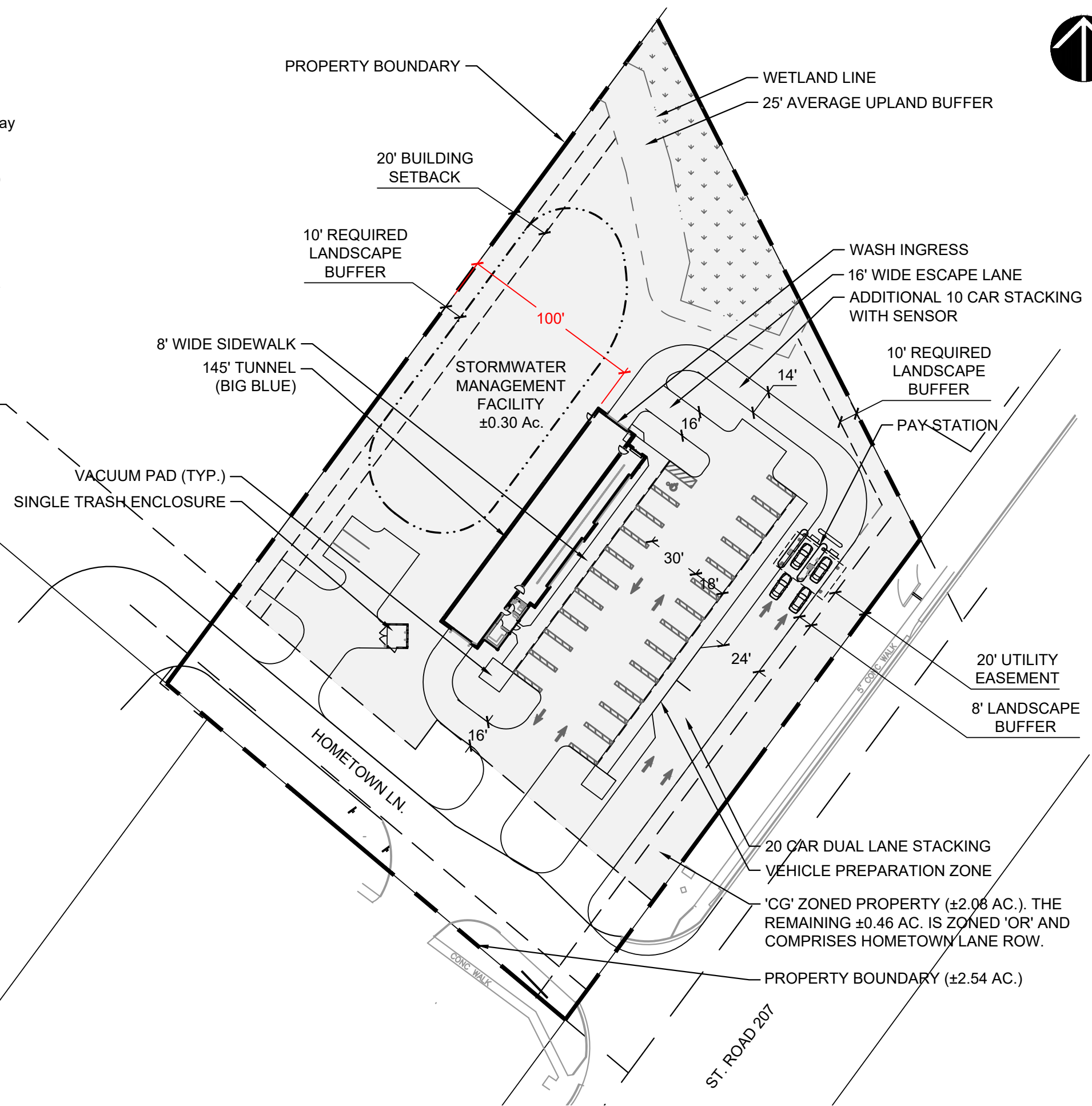
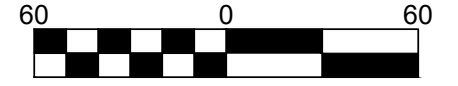
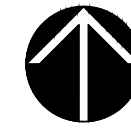
COPY

Site Data

- Parcel 1015700000: ± 2.54 Ac.
- 145' Tunnel Car Wash (Big Blue)
- 22 Vacuum Bays & 1 ADA Service Bay
- One Single Trash Enclosure
- (2) Vacuum Pad enclosures
- 20 Car Dual Lane stacking (30 Total)
- Onsite Stormwater Pond: .30 AC

Notes

±2.08 AC. CG zoning district will require a special use permit for a car wash.



L:\123\123024.01 Gate Wash @ Hilltop\Production\Drawings\Exhibits\123024.01 c-spdsign-Concept 2.dwg [Layout1] 8/3/2023 2:13:24 PM Tim O'Reilly

This conceptual site plan is based on limited information and is subject to change based on site conditions and surveys, jurisdictional wetland delineation and agency approvals, engineering analysis and design, and final approvals by all applicable city, state, and federal regulatory and environmental permitting agencies.



Gate Express Wash @
Hilltop Rd. & Hometown Ln.
Concept 2
August 03, 2023

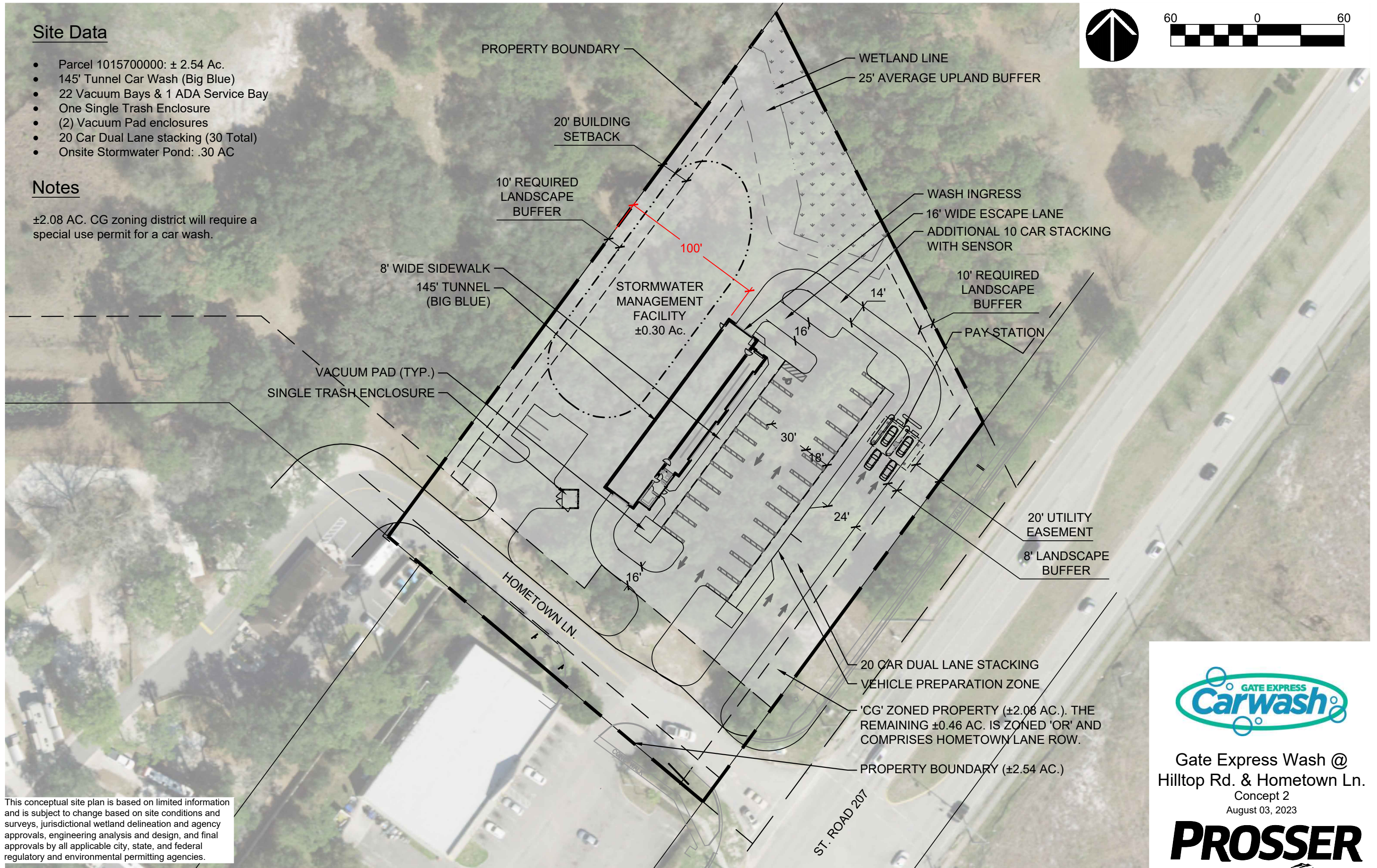
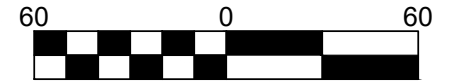
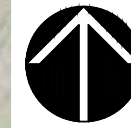


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0 State Road 207
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FILE NUMBER: SUPMAJ 2023-08

LEGAL: Exhibit A

PARCEL ID: 101570-0000

DATE OF HEARING: October 05, 2023

ORDER DENYING SPECIAL USE

The above referenced application 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, specifically located at the north side of the Hometown Lane and State Road 207, came before the Planning & Zoning Agency for public hearing on October 5, 2023.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

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 a Special Use in the Commercial General (CG) 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 2.03.50 and Article XII of the Land Development Code.

5. The request is in conflict with the Future Land Use Map designation of Mixed-Use.
6. The requested Use is in conflict with the development patterns of the area.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the Special Use Permit to allow for a Car Wash Facility in Commercial General (CG) zoning, pursuant to Section 2.03.50 of the Land Development Code, located at the north intersection of Hometown Lane and State Road 207.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

DATED THIS _____ DAY OF _____, 2023.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed