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**AGENDA ITEM
Planning & Zoning**

Meeting

10/5/2023

MEETING DATE

TO: Planning and Zoning Board Members

DATE: September 15, 2023

FROM: Trevor Steven, Planner

PHONE: 904 209-0587

SUBJECT OR TITLE: NZVAR 2023-08 Walmart Fruit Cove Market Signs

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

PRESENTER: Mark Brenchley

BACKGROUND INFORMATION:

Request for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for building wall signs to exceed the maximum Advertising Display Area (ADA) of 150 square feet per sign, and 200 square feet per business.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve NZVAR 2023-08 Walmart Fruit Cove Market Signs, subject to eight (8) findings of fact and subject to five (5) conditions as provided in the Staff Report

DENY: Motion to deny NZVAR 2023-08 Walmart Fruit Cove Market Signs, subject to seven (7) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Non-Zoning Variance
NZVAR 2023-08 Walmart Fruit Cove Market Signs

To: Planning and Zoning Agency

From: Trevor Steven, Planner

Date: September 28, 2023

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

Applicant: Mark Brenchley

Owner: Julington Square One LLC

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

Commissioner District: District 1

SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **NZVAR 2023-08 Walmart Fruit Cove Market Signs** based upon eight (8) findings of fact and five (5) conditions as provided in the Staff Report.

DENY: Motion to deny **NZVAR 2023-08 Walmart Fruit Cove Market Signs** based upon seven (7) findings of fact as provided in the Staff Report.

MAP SERIES

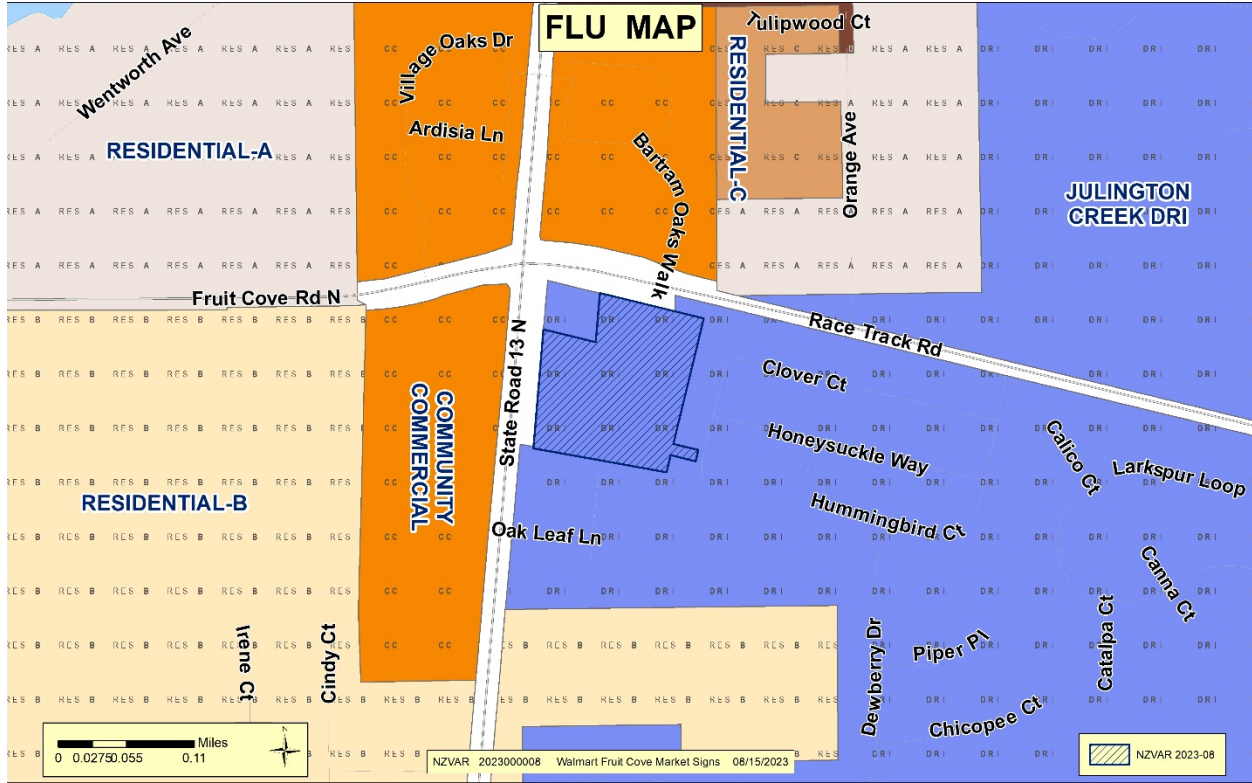
Location: The subject property is located on the southeast corner of State Road 13 N and Race Track Road.



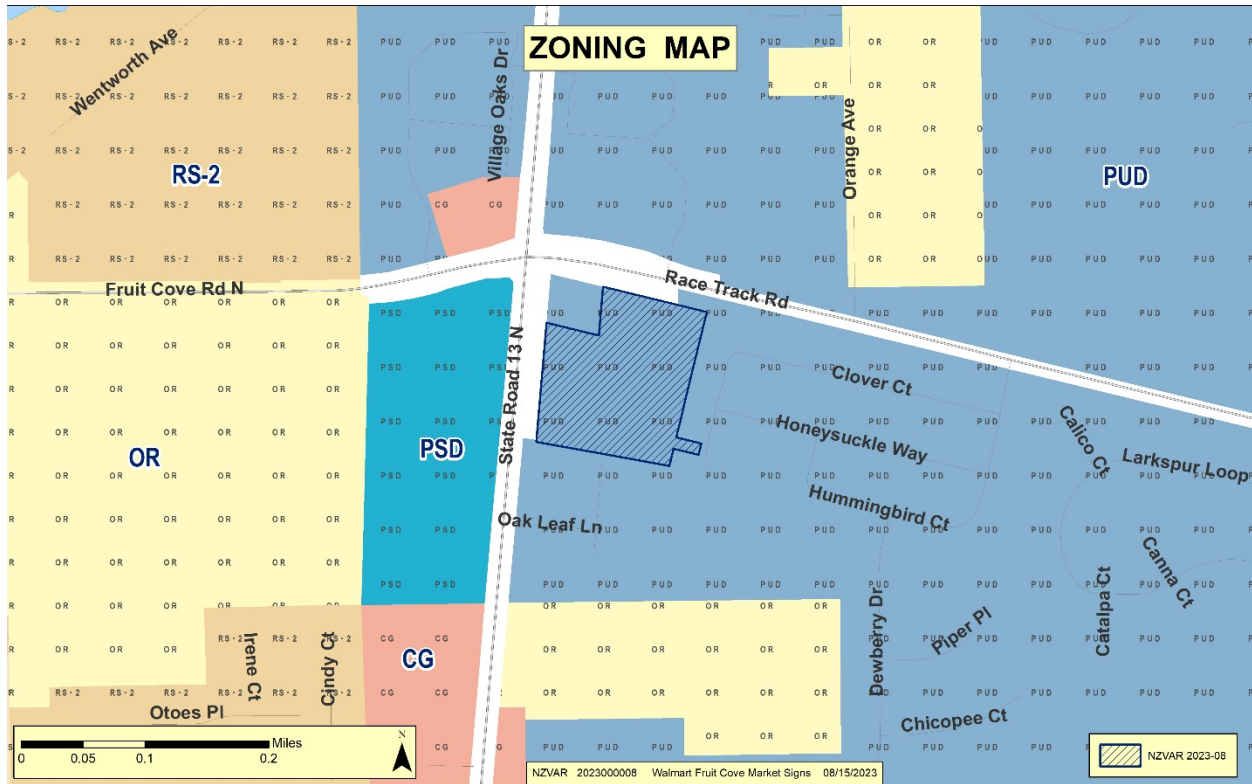
Aerial Imagery: The subject property currently consists of a shopping center.



Future Land Use: The subject property and surrounding properties are part of the Julington Creek DRI.



Zoning District: The subject property and surrounding properties are zoned Planned Unit Development (PUD).



APPLICABLE REGULATIONS

LDC, Section 7.02.04.C – On-Premise Signs at Non-Residential Projects

The following table describes Sign types, the maximum number allowed, and maximum Advertising Display Area.

Sign Type	Maximum Number of Signs Related To Frontage on Street		Maximum Square Footage Per Sign (Advertising Display Area)
	# of signs	Street Frontage	
Building Signs such as: Fascia, Marquee, Canopy, Building, Wall and similar Sign Structures		Number Not Limited	1.5 square feet per linear footage of Building Frontage. Maximum 150 square feet per Sign, not to exceed 200 square feet of Sign area per business (See Appendix C)

LDC, Section 7.02.04.D – Maximum Size

In no case shall any individual Sign described above exceed one hundred fifty (150) square feet of Advertising Display Area. Each building is allowed a maximum of two hundred (200) square feet of signage related to building frontage per business.

LDC, Article X – Non-Zoning Variance

Section 10.04.03.A – Recommendation of Approval and Authority

3. If a non-zoning variance involves a deviation from Article VII, Signs, excluding Part 7.08.00 Prohibited Signs for which no variance or waiver may be granted, the Planning and Zoning Agency, in lieu of the Board of County Commissioners will hear and determine whether to approve the requested non-zoning variance. The PZA must use the criteria in Section 10.04.03.B as well as supplemental criteria in Section 7.02.04.A.2.

Article XII, Definitions

Variance, Non-Zoning: A case-by-case deviation to the rules of this Code, when it is demonstrated that compliance with the Code would be a practical impossibility, and/or upon showing of good cause, an alternative to the Code is provided that conforms to the general intent and spirit of the Code. The Board of County Commissioners may require such conditions that will, in its judgement, substantially secure the same objectives of the standards or requirements so varied or modified.

Advertising Display Area: The advertising display surface area encompassed within any geometric figure which would enclose all parts of the Sign display, excluding the structural supports for a Sign, whether they be columns, pylons, or a building or part thereof. In computing area, standard mathematical formulas for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, trapezoids, triangles, circles, ovals, cylinders and other simple forms for which surface area formulas are established. The Administrator may break down complex forms into component simple forms; however, all pertinent area shall be included.

Frontage: Linear distance measured along all abutting street Rights-of-Way.

Frontage (As it applies to Article VII of this Code): For purposes of Sign placement under Article VII, frontage shall mean the length of the property line of any one premise, for which a Sign is permitted, parallel to and along each Right-of-Way it borders.

Frontage, Building: The length of a Building facing (1) the Right-of-Way, or (2) adjacent public or private travel lanes which house the main customer entrance to the business.

CRITERIA FOR ACTION

LDC, Section 7.02.04 On-Premise Permanent Sign

A. General; Additional Variance Criteria

2. In addition to the requirements for a request for a Non-Zoning Variance of this Code as indicated in Section 10.04.03 of this Code, the Applicant must prove that the Copy, Face, or Message would not be effectively viewable from the nearest road or street right-of-way, and the Board of County Commissioners may approve such request after considering the following:

- a. The distance of the Sign or Signs from the road or street right-of-way;
- b. The speed limit on the road or street right-of-way;
- c. The visible impact of the Sign or Signs from the nearest road or street right-of-way; and
- d. The integration of the Sign or Signs into the architecture of the Building.

B. On-Premise Signs in PUDs

6. Variances to Signs within PUDs:

- a. Deviations to signage standards in Planned Unit Developments that are limited to a specific sign and specific parcel may be approved by a Non-Zoning Variance application meeting the requirements of Sections 10.04.03 and 7.02.04.A, unless clearly prohibited by the PUD or Part 7.08.00.

LDC, Article X – Non-Zoning Variance

LDC, Section 10.04.03.B – Required Findings

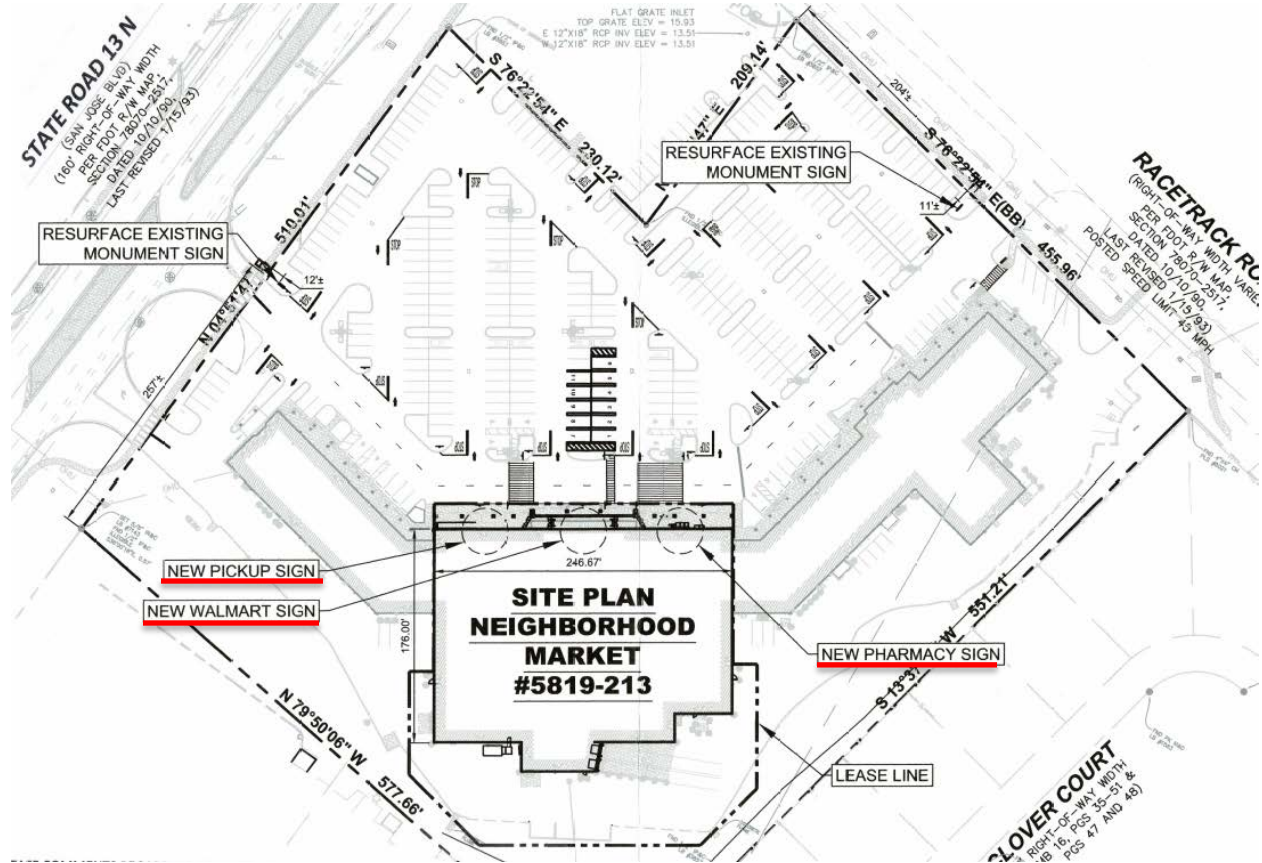
The Agency shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial evidence, on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation.
2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

APPLICATION SUMMARY

The applicant is requesting this Non-Zoning Variance to allow for an increased Advertising Display Area (ADA) to the total area of signage permitted for a single business. Article VII of the Land Development Code calculates the allowance of wall signage based on the building frontage at 1.5 square feet per linear footage, not to exceed a total of two hundred (200) square feet per business, and not to exceed one hundred and fifty (150) square feet per individual sign. The applicant is requesting to allow the maximum total signage ADA for the Walmart building to be 286.91 square feet in lieu of the 200 square foot allowance, and to have a single sign at 198.26 square feet in lieu of the 150 square foot allowance. The location of the proposed wall signage is shown below in Figure 1

Site Plan showing proposed sign locations (in red):



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:

This Request is a non-zoning variance application, therefore it is not a requirement for the application to identify a special condition such that the literal application of the Code results in a hardship. Rather, the requisite findings this Agency must make are whether there is competent substantial evidence received to meet the criteria in LDC section 10.04.03.B. The criteria is outlined in the Review below.

Competent substantial evidence is testimony that is specific, reliable and fact-based. Examples of competent substantial evidence include, but are not limited to, factual statements concerning: the character of the neighborhood (quiet or noisy, residential or commercial, etc.); lot sizes, width, typical for the area; density of

development (low density, spacious or high density, crowded); building heights existing in the area (maximum, average). General statements of like or dislike, or the sheer number of persons in a petition or poll, do not by themselves constitute competent substantial evidence. Any statements that draw conclusions or opinions should be supported by evidence, expertise, experience, documentation, and testimony from competent and relevant persons and documents. Statements on a technical issue should have the speaker establish expertise in that technical field.

The Agency may apply reasonable conditions to mitigate for the requested relief along with appropriate findings for each condition. The Agency may approve, approve with conditions, approve a lesser relief than the ones requested, or may deny the application.

Planning and Zoning Division Review:

According to LDC Section 7.02.04.A.2, the applicant must prove that the Copy, Face, or Message would not be effectively viewable from the nearest road or street right-of-way, and the Agency may approve such request after considering the following:

- a. The distance of the Sign from the road or street right-of-way;
- b. The speed limit on the road or street right of way;
- c. The visible impact of the Sign from the nearest road or street right of way;
- d. The integration of the sign into the architecture of the building.

The applicant proposes a total of 286.91 square feet of total wall signage. The existing three wall signs on the front elevation of the building currently total 271.62 square feet of ADA, and will be increased with the newly proposed “Fruit Cove Market” sign. Figure 1 below shows the proposed front elevation of the building, while Figures 2 and 3 show the sign schedules. Figure 4 shows the single sign exceeding the 150 square feet maximum. Full drawings provided by the applicant can be found in **Attachment 1**.

Figure 1: Front Building Elevation:

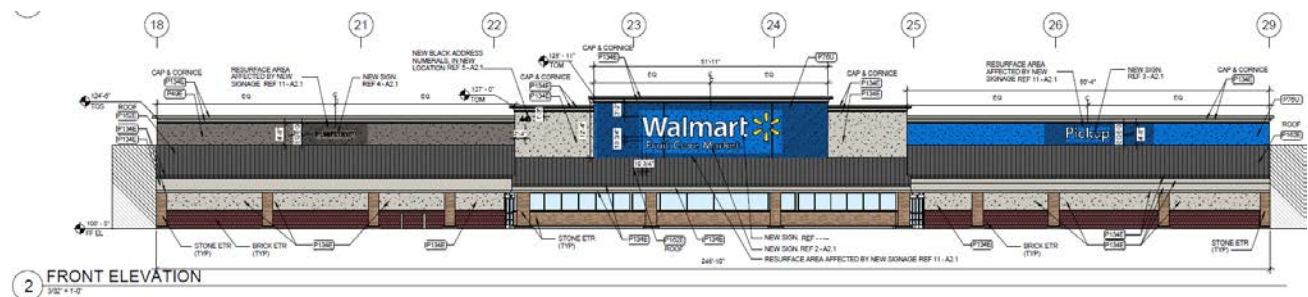


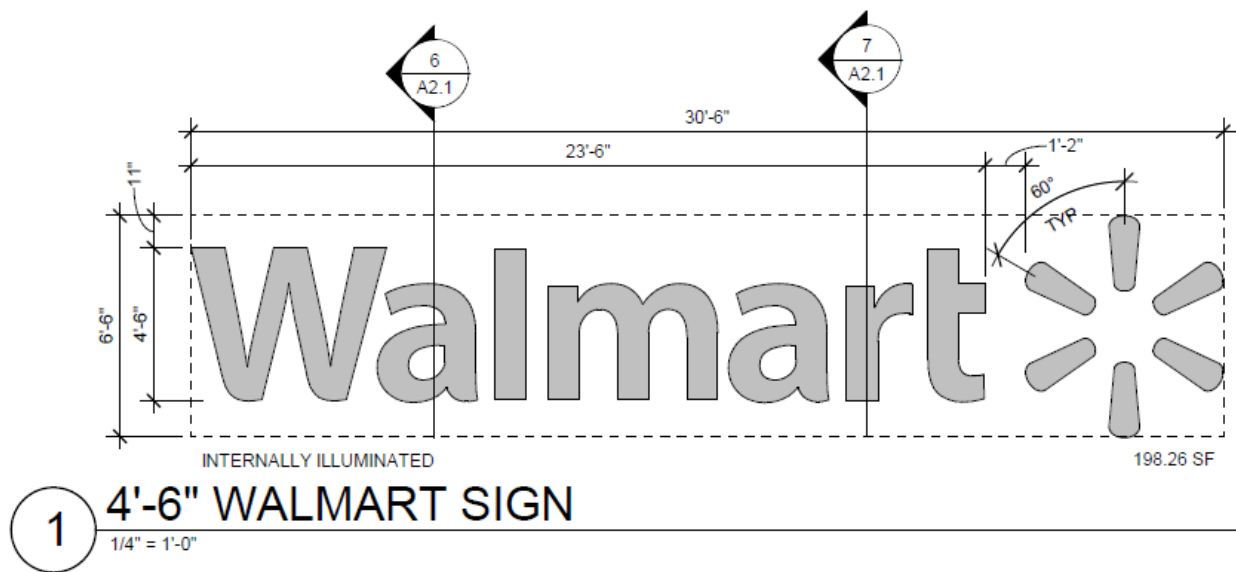
Figure 2: Existing Signage Schedule:

EXISTING SIGNAGE SCHEDULE							
SIGN	QTY	TYPE	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
FRONT ELEVATION							
WALMART * NEIGHBORHOOD MARKET	1	EXISTING	LED	WHITE/YELLOW/GREEN	3'-6"	188.26 SF	188.26 SF
* PICKUP	1	EXISTING	LED	YELLOW/WHITE	2'-6"	64.53 SF	64.53 SF
PHARMACY	1	EXISTING	NO	WHITE	1'-6"	18.83 SF	18.83 SF
ADDRESS NUMERALS 445	3	EXISTING	NO	BLACK	1'-0"	0.00 SF	0.00 SF
FRONT ELEVATION	6						271.62 SF
TOTAL BUILDING SIGNAGE	6						271.62 SF

Figure 3: Proposed Signage Schedule:

NEW SIGNAGE SCHEDULE							
SIGN	QTY	TYPE	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
FRONT ELEVATION							
WALMART *	1	NEW	LED	WHITE/YELLOW	4'-6"	198.26 SF	198.26 SF
FRUIT COVE MARKET	1	NEW	LED	WHITE	1'-10 1/2"	38.65 SF	38.65 SF
PICKUP	1	NEW	LED	WHITE	2'-6"	32.37 SF	32.37 SF
PHARMACY	1	NEW	NO	WHITE	1'-6"	17.63 SF	17.63 SF
ADDRESS NUMERALS 445	3	NEW	NO	BLACK	1'-0"	0.00 SF	0.00 SF
FRONT ELEVATION	7						286.91 SF
TOTAL BUILDING SIGNAGE	7						286.91 SF

Figure 4: Sign requesting relief from 150 square foot maximum per Land Development Code Section 7.02.04.C:



The shopping center, in which the Walmart is located, is at the intersection of Race Track Road and the William Bartram Scenic Highway. Section 7 of the Land Development Code has specific signage requirements for these roadways. Land Development Code Sections 7.07 and 7.10 that apply to these areas have no mention of specific requirements for Wall signage, and instead have requirements that pertain to on-premise entrance Signs, Ground Signs, Monument Signs or Pole Signs. LDC Sections 7.07 and 7.10 therefore do not apply for this specific Variance request.

Staff notes that due to both the distance from the roadway and numerous trees in the parking lot that have existed for a number of years, the view from the road is obscured from a number of places. An example street view image along with approximate distances from the building to roadway are included below.

Street view near corner of Race Track Road and State Road 13 N (Walmart location in red):



Approximate distances from Walmart storefront to roadway:



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 five (5) conditions to support a motion to approve or seven (7) 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. Draft Final Orders

SUGGESTED MOTION/FINDINGS/CONDITIONS TO APPROVE REQUEST

Motion to approve **NZVAR 2023-08 Walmart Fruit Cove Market Signs**, a request for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N. subject to the following conditions:

SUGGESTED 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.

SUGGESTED CONDITIONS

1. The Non-Zoning Variance will be non-transferable and will not run with the title to the property. The relief applies only to Planet Fitness as presented.
2. Approval of the Non-Zoning Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan, or any other Agency having jurisdiction.
3. The Non-Zoning Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Development Review Division.
4. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
5. The Non-Zoning Variance is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within the application materials shall assist Staff in the

interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

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

SUGGESTED MOTION/FINDINGS TO DENY REQUEST

Motion to deny **NZVAR 2023-08 Walmart Fruit Cove Market Signs**, a request for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N.

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 no practical difficulties in carrying out the strict letter of the regulation.
3. The Non-Zoning Variance request is based exclusively upon a desire to reduce the cost of developing the site.
4. The proposed Non-Zoning Variance will substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
5. The proposed Non-Zoning Variance will substantially diminish property values in, and alter the essential character of, the area surrounding the site.
6. The effect of the proposed Non-Zoning Variance is not 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 effectively viewable from the nearest road or street right-of-way.

(The Agency 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:

Date Property Tax ID No

Project Name

Property Owner(s) Phone Number

Address Fax Number

City State Zip Code e-mail

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

Applicant/Representative Phone Number

Address Fax Number

City State Zip Code e-mail

Property Location

Major Access Size of Property Cleared Acres (if applicable)

Zoning Class No. of lots (if applicable) Overlay District (if applicable)

Water & Sewer Provider Future Land Use Designation

Present Use of Property Proposed Bldg. S.F.

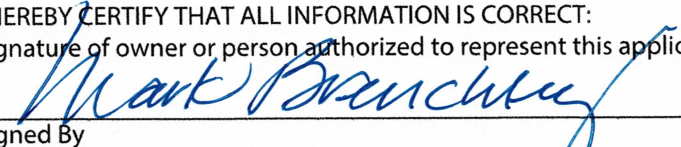
Project Description (use separate sheet if necessary)

Currently this Walmart building, built in 1988, is undergoing major exterior renovations and branding upgrades. The existing three wall signs on the front elevation (facing north to the intersection of St. Rd. 13 and Racetrack Rd) which total 271.62 SF will remain while one additional sign - "Fruit Cove Market" will be added to meet Walmart's new branding requirements. This additional sign which will increase the total wall sign area to 286.91 SF.

Non-zoning Variance required:
The non-zoning variance will seek relief from the code wall sign area maximum of 200 SF per business and the 150 SF wall sign area maximum for the 198.26 "Walmart" sign.

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

Walmart Neighborhood Market Fruit Cove #5819-213

Address: 445 State Road 13, Fruit Cove, FL 32259

RE: 2490001006

Property Legal Description:

PARCEL 1:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF St. Johns, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF TRACT "F", AS SHOWN ON THE PLAT OF JULINGTON CREEK, UNIT ONE,, AS RECORDED IN MAP BOOK 16, PAGES 35 THROUGH 51, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT "F"; THENCE SOUTH 76°22'54" EAST, ALONG THE NORTHEASTERLY LINE OF SAID TRACT "F", 230.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 76°22'54" EAST, ALONG SAID NORTHEASTERLY LINE, 455.96 FEET TO THE EASTERLY LINE OF SAID TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 551.21 FEET; THENCE SOUTH 73°22'54" EAST, 110.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CHICASAW COURT (A 60 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT ON JULINGTON CREEK, UNIT ONE); THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 49.76 FEET; THENCE NORTH 76°22'54" WEST, 110.00 FEET OT THE AFORESAID EASTERLY LINE OF TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 75.00 FEET TO THE SOUTHERLY LINE OF SAID TRACT "F"; THENCE NORTH 79°50'06" WEST, ALONG LAST SAID LINE, 577.66 FEET TO THE WESTERLY LINE OF SAID TRACT "F"; THENCE NORTH 04°51'47" EAST, ALONG LAST SAID LINE, 510.01 FEET; THENCE SOUTH 76°22'54" EAST, 230.12 FEET; THENCE NORTH 04°51'47" EAST, 209.14 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR ACCESS, DRAINAGE AND UTILITY FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THAT GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 716, AT PAGE 0684, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. INSTRUMENT.

This instrument was prepared by:
James D. Barnett, Esquire
GrayRobinson, P.A.
401 East Las Olas Boulevard
Suite 1850
Fort Lauderdale, Florida 33301

Parcel Identification No. 24900-1006

NCS-533283

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 18 day of September, 2012, between MONUMENT/JULINGTON ASSOCIATES LIMITED PARTNERSHIP, a Georgia limited partnership (the "Grantor"), whose post office address is 1805 US Highway 82 West, Tifton, Georgia 31974 and JULINGTON SQUARE ONE, LLC, a Delaware limited liability company (the "Grantee"), whose post office address is 888 East Las Olas Boulevard, Suite 600, Fort Lauderdale, Florida 33301.

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in St. Johns County, Florida, and more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

THIS conveyance is subject to the following:

1. Taxes and assessments for the year 2012, and subsequent years, not yet due and payable.
2. All of the matters of record set forth in Exhibit B attached hereto and made a part hereof, but this shall not serve to reimpose same.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none others.

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be executed in its name and its corporate seal to be hereunto affixed by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and Delivered
in the presence of:

GRANTOR:

MONUMENT/JULINGTON ASSOCIATES
LIMITED PARTNERSHIP, a Georgia
limited partnership

AMH
Print Name: Amanda Henderson

By: STAFFORD CAPITAL CORPORATION,
a Georgia corporation, its General Partner

Kim A. Lavigne
Print Name: Kim A. Lavigne

By: *T. Stephen Edwards*
T. Stephen Edwards, Vice President

STATE OF GEORGIA)
)SS:
COUNTY OF FULTON)

The foregoing instrument was acknowledged before me this 18th day of September, 2012, by T. Stephen Edwards, as Vice President of STAFFORD CAPITAL CORPORATION, a Georgia corporation, its General Partner of MONUMENT/JULINGTON ASSOCIATES LIMITED PARTNERSHIP, a Georgia limited partnership, on behalf of such entity, who (check one) is personally known to me or has produced _____ as identification.



Mariana Mayer
Print Name: Mariana Mayer
NOTARY PUBLIC
State of Georgia
My Commission Expires: June 21, 2015

EXHIBIT "A"**LEGAL DESCRIPTION OF THE PROPERTY**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

A PORTION OF TRACT "F", AS SHOWN ON THE PLAT OF JULINGTON CREEK UNIT ONE, AS RECORDED IN MAP BOOK 16, PAGES 35 THROUGH 51, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, (HAVING A 66 FOOT RIGHT-OF-WAY); THENCE SOUTH 76°22'54" EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT "F" AND SAID SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, 230.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 76°22'54" EAST ALONG SAID NORTHEASTERLY LINE, LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, (HAVING A 66 FOOT RIGHT-OF-WAY) 455.96 FEET TO THE EASTERLY LINE OF SAID TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 551.21 FEET; THENCE SOUTH 76°22'54" EAST, 110.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CHICASAW COURT (A 60.0 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF JULINGTON CREEK UNIT ONE); THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID RIGHT-OF-WAY LINE, 49.76 FEET; THENCE NORTH 76°22'54" WEST, 110.00 FEET TO THE AFORESAID EASTERLY LINE OF TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 75.00 FEET TO THE SOUTHERLY LINE OF SAID TRACT "F"; THENCE NORTH 79°50'06" WEST, ALONG LAST SAID LINE, 577.66 FEET TO THE WESTERLY LINE OF SAID TRACT "F" AND THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 13, (HAVING A 100 FOOT RIGHT-OF-WAY), THENCE NORTH 04°51'47" EAST, ALONG LAST SAID LINE AND THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 13, (HAVING A 100 FOOT RIGHT-OF-WAY), 510.01 FEET; THENCE SOUTH 76°22'54" EAST, 230.12 FEET; THENCE NORTH 04°51'47" EAST, 209.14 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR ACCESS, DRAINAGE AND UTILITY FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THAT GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 716, PAGE 684, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



Owner's Authorization Form

Mark Brenchley

is hereby authorized TO ACT ON BEHALF OF

Julington Square One, 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:

Non-Zoning Variance

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 (n/a), have been notified of the variance application (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

[Handwritten Signature]

Print Name

Brittany Hearst

Signature of Owner

Print Name

Telephone Number

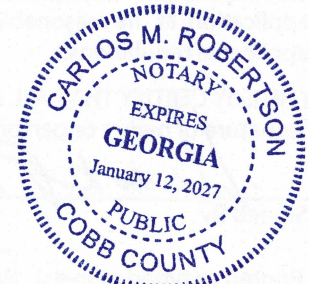
(404) 390-8362

STATE OF FLORIDA Georgia COUNTY OF Cobb

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 2 day of May, 2023 by Brittany Hearst as Authorized Agent for Julington Square One, LLC

[Handwritten Signature]

Notary Public, State of Florida Georgia Name: Carlos M. Robertson My Commission Expires: 1/12/2027 My Commission Number is:



Personally Known [X] OR Produced Identification

Type of Identification Produced N/A

ATTACHMENT 2
DRAFT FINAL ORDERS
APPROVAL/DENIAL



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Mark Brenchley
3790 Beacon Ridge Way
Clermont, FL 34711

FILE NUMBER: NZVAR 2023-08

LEGAL: Exhibit A

PARCEL ID: 249000-1006

DATE OF HEARING: October 5, 2023

ORDER GRANTING NON-ZONING VARIANCE REQUEST

The above referenced application for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N, 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; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

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.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N, subject to the following conditions:

1. The Non-Zoning Variance will be non-transferable and will not run with the title to the property. The relief applies only to Planet Fitness as presented.
2. Approval of the Non-Zoning Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan, or any other Agency having jurisdiction.
3. The Non-Zoning Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Development Review Division.
4. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
5. The Non-Zoning Variance is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within the application materials shall assist Staff in the interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

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

EXHIBIT "A"**LEGAL DESCRIPTION OF THE PROPERTY**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

A PORTION OF TRACT "F", AS SHOWN ON THE PLAT OF JULINGTON CREEK UNIT ONE, AS RECORDED IN MAP BOOK 16, PAGES 35 THROUGH 51, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, (HAVING A 66 FOOT RIGHT-OF-WAY); THENCE SOUTH 76°22'54" EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT "F" AND SAID SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, 230.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 76°22'54" EAST ALONG SAID NORTHEASTERLY LINE, LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF RACETRACK ROAD, (HAVING A 66 FOOT RIGHT-OF-WAY) 455.96 FEET TO THE EASTERLY LINE OF SAID TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 551.21 FEET; THENCE SOUTH 76°22'54" EAST, 110.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CHICASAW COURT (A 60.0 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF JULINGTON CREEK UNIT ONE); THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID RIGHT-OF-WAY LINE, 49.76 FEET; THENCE NORTH 76°22'54" WEST, 110.00 FEET TO THE AFORESAID EASTERLY LINE OF TRACT "F"; THENCE SOUTH 13°37'06" WEST, ALONG LAST SAID LINE, 75.00 FEET TO THE SOUTHERLY LINE OF SAID TRACT "F"; THENCE NORTH 79°50'06" WEST, ALONG LAST SAID LINE, 577.66 FEET TO THE WESTERLY LINE OF SAID TRACT "F" AND THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 13, (HAVING A 100 FOOT RIGHT-OF-WAY), THENCE NORTH 04°51'47" EAST, ALONG LAST SAID LINE AND THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 13, (HAVING A 100 FOOT RIGHT-OF-WAY), 510.01 FEET; THENCE SOUTH 76°22'54" EAST, 230.12 FEET; THENCE NORTH 04°51'47" EAST, 209.14 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR ACCESS, DRAINAGE AND UTILITY FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THAT GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 716, PAGE 684, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



DENIAL ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Mark Brenchley
3790 Beacon Ridge Way
Clermont, FL 34711

FILE NUMBER: NZVAR 2023-08

LEGAL: Exhibit A

PARCEL ID: 249000-1006

DATE OF HEARING: October 5, 2023

ORDER DENYING NON-ZONING VARIANCE APPROVAL

The above referenced application for Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N, 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 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 no practical difficulties in carrying out the strict letter of the regulation.
3. The Non-Zoning Variance request is based exclusively upon a desire to reduce the cost of developing the site.
4. The proposed Non-Zoning Variance will substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

5. The proposed Non-Zoning Variance will substantially diminish property values in, and alter the essential character of, the area surrounding the site.
6. The effect of the proposed Non-Zoning Variance is not 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 effectively viewable from the nearest road or street right-of-way.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the Non-Zoning Variance to Section 7.02.04.C of the Land Development Code to allow for a single sign to be 198.26 square feet in Advertising Display Area (ADA) lieu of the 150 square feet requirement, and 286.91 square feet in overall Advertising Display Area (ADA) in lieu of the 200 square feet requirement per business, specifically located at 445 SR 13 N.

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

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