

5

**AGENDA ITEM
Planning & Zoning**

Meeting

10/5/2023

MEETING DATE

TO: Planning and Zoning Board Members

DATE: September 18, 2023

FROM: Saleena Randolph, Senior Planner

PHONE: 904 209-0688

SUBJECT OR TITLE: REZ 2023-10 135 Nix Boat Yard

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

PRESENTER: Gary Davenport

BACKGROUND INFORMATION:

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

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to recommend approval of REZ 2023-10 135 Nix Boat Yard based upon four (4) findings of fact and four (4) conditions as provided in the Staff Report.

DENY: Motion to recommend denial of REZ 2023-10 135 Nix Boat Yard based upon five (5) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Rezoning
REZ 2023-10 135 Nix Boat Yard

To: Planning and Zoning Agency

From: Saleena Randolph, Senior Planner

Date: September 18, 2023

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

Applicant: Gary Davenport

Owner: Kings Estate Partners LLC

Hearing Dates: Planning and Zoning Agency – October 5, 2023
Board of County Commissioners – November 7, 2023

Commissioner District: District 5

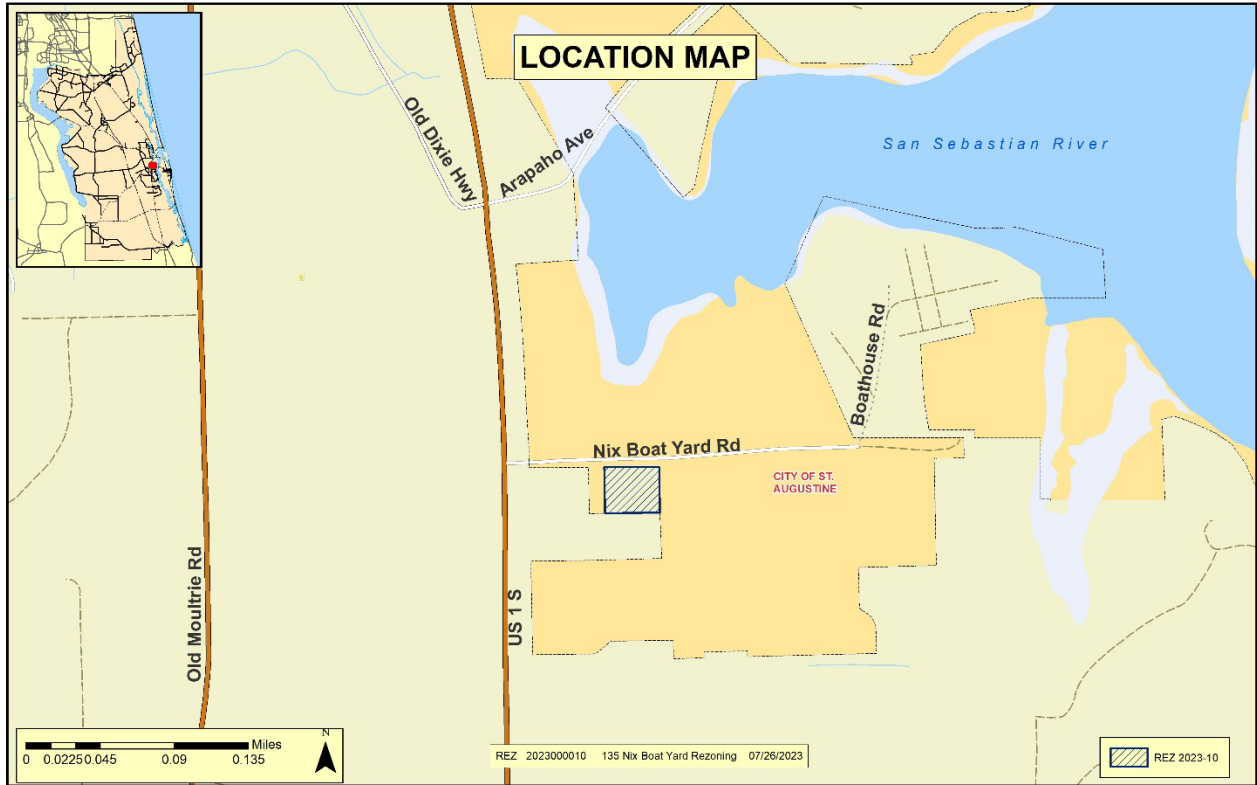
SUGGESTED MOTION/ACTION

APPROVE: Motion to recommend approval of **REZ 2023-10 135 Nix Boat Yard** based upon four (4) findings of fact and four (4) conditions as provided in the Staff Report.

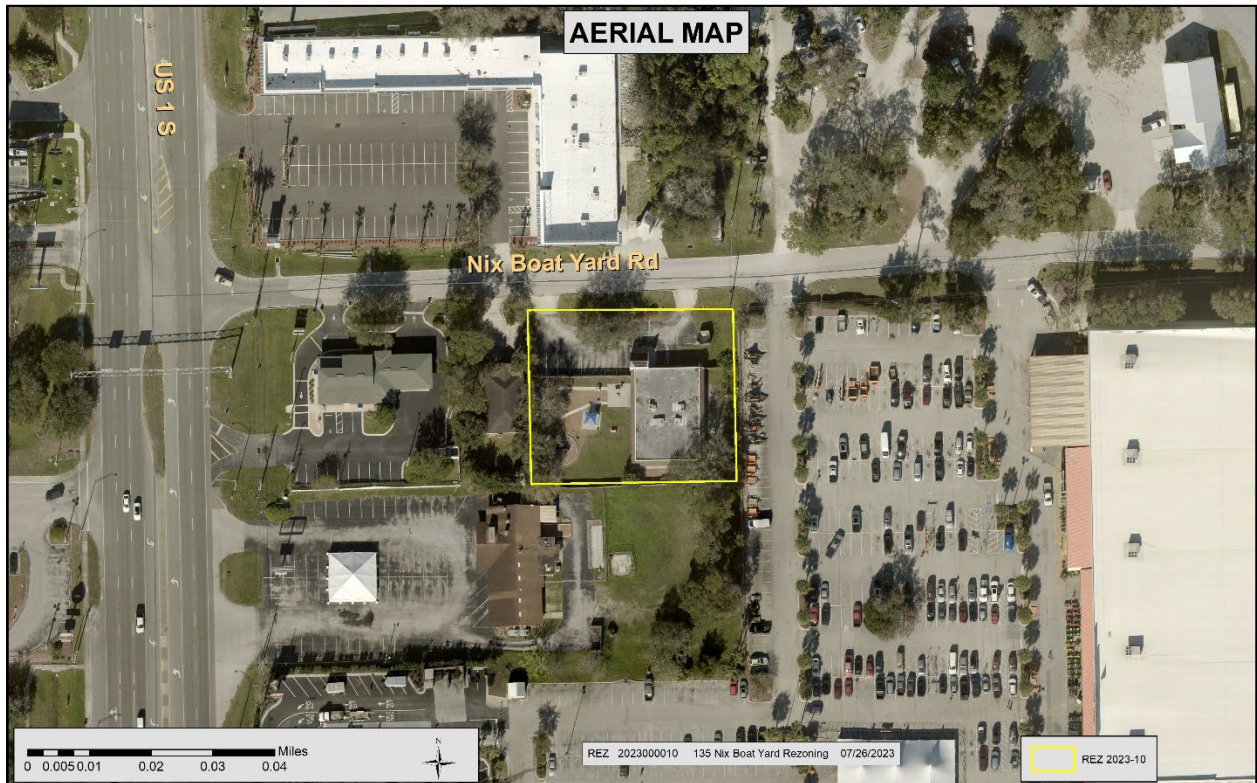
DENY: Motion to recommend denial of **REZ 2023-10 135 Nix Boat Yard** based upon five (5) findings of fact as provided in the Staff Report.

MAP SERIES

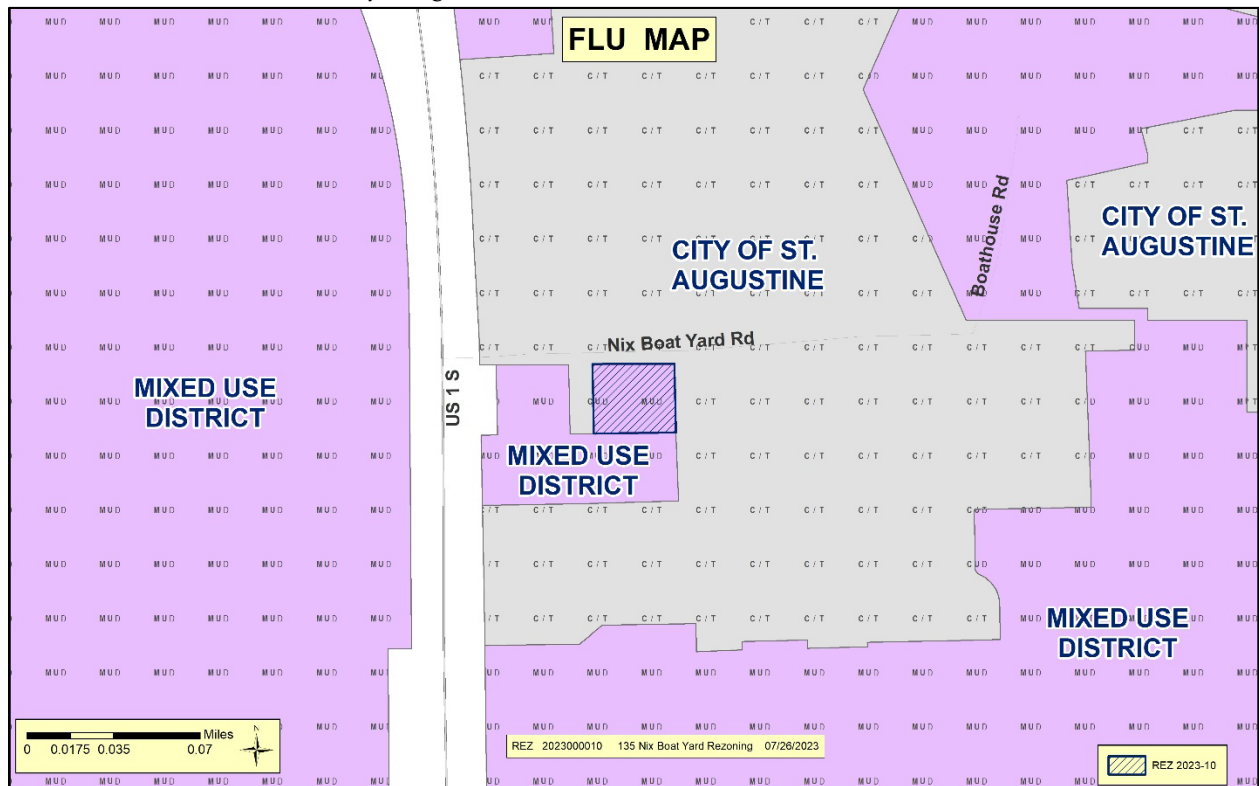
Location: The subject property is located on the south side of Nix Boat Yard Road, east of US Highway 1 South and north of State Road 312.



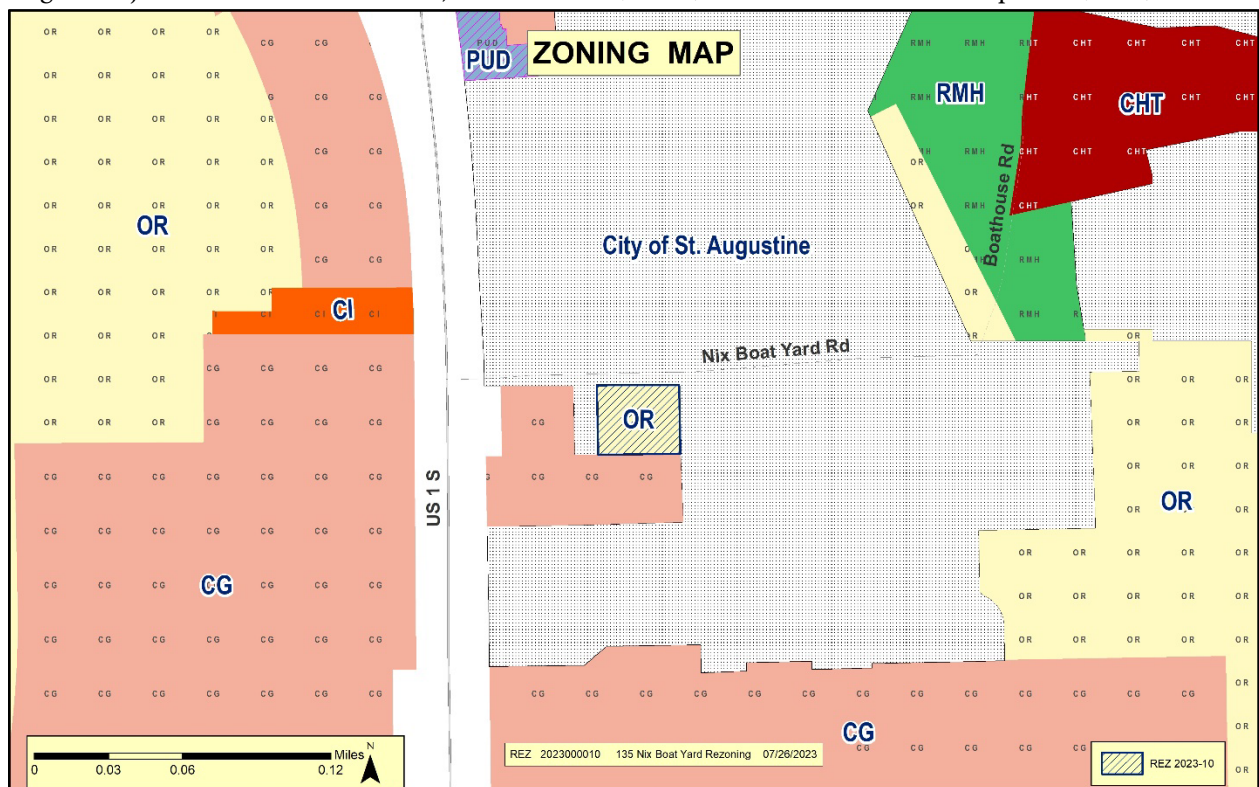
Aerial Imagery: The subject property contains approximately 0.59 acres and is currently developed with a building which was constructed in 1981. The surrounding area is primarily developed with non-residential uses.



Future Land Use: The subject property and adjacent property to the south are designated as Mixed-Use District (MD). The subject property to the east, north, and west are part of the City of St. Augustine and have a Commercial Medium Intensity designation.



Zoning District: The subject property is zoned Open Rural (OR). Surrounding property to the south has a Commercial General (CG) designation. Properties to the east, north, and west are part of the City of St. Augustine jurisdiction of Commercial, Medium-two (CM-2) and Planned Unit Development (PUD).



APPLICATION SUMMARY

The Applicant is seeking to rezone approximately 0.59 acres of land from Open Rural (OR) to Commercial, Warehouse (CW) with conditions. The applicant's narrative states the recent use of the property was a day care center and points out that the surrounding properties are commercial. It also states that the request for a Commercial Warehouse zoning would allow a local business to further grow. The applicant provides the following conditions to the zoning:

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

The narrative, provided by the applicant, is provided in **Attachment 2 – Application and 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:

This application is subject to the general standards outlined in Board of County Commissioners of Brevard County v. Snyder, 627. So. 2d 468 (Fla. 1993). Applicant bears the initial burden of demonstrating that the proposed rezoning is a) consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, and b) complies with the procedural requirements of the Land Development Code. The Board of County Commissioners may still deny the application if there is evidence that maintain the existing zoning serves a legitimate public purpose. A legitimate public purpose of keeping the existing zoning includes, but is not limited to, that the rezoning: produces an urban sprawl pattern of development; is spot zoning; produces an incompatibility or deviation from an established or developing logical and orderly development; produces significant adverse impact upon property values of the adjacent or nearby properties; or detracts from the character and quality of life in the neighborhood by creating excessive noise, lights, vibration, fumes, odors, dust, physical activities and other detrimental effects or nuisances, and impact on environmentally sensitive features.

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 record of the decision consists of all documents and exhibits submitted to the advisory board and/or the decision-making board, together with the minutes of the meeting(s) at which the application is considered. The record may include the application; staff report; photographs, plans, maps and diagrams; studies and reports prepared by the applicant; documents presented by opposing parties; video recordings and all of the testimony presented at the evidentiary hearing(s).

Technical Division Review:

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.

Concurrency/Transportation Planning Review:

The applicant is aware that site access design must be in compliance with all requirements of Section 6.04.05 of the St. Johns County Land Development Code, including pedestrian access via a sidewalk, as applicable.

Fire Services:

ISO's Public Protection Classification (PPC) information plays an important part in the decisions many insurers make affecting the underwriting and pricing of property insurance. ISO analyzes the relevant data and assigns a PPC- grading from 1 (lowest risk) to 10 (highest risk). A higher ISO rating could mean higher homeowner insurance. This information is provided for the consideration of future homeowners. It is important to note, St. Johns County Fire Rescue does and will continue to respond to all properties within the County regardless of the ISO rating.

As of August 2016, ISO applies the following classification to properties in St Johns County:

- Class 3- property within 5 road miles of an existing fire rescue station and within 1000 feet of a creditable water supply such as a fire hydrant, suction point, or dry hydrant.
- Class 3X- property within 5 road miles of an existing fire rescue station but beyond 1000 feet of a creditable water supply.
- Class 10W- property beyond 5 road miles but less than 7 road miles from an existing fire rescue station, and has a creditable water source.
- Class 10- property beyond 5 road miles of a recognized fire rescue station.

Based on this project submitted, parcel 134883 0040, as well as the current primary fire station location at 3370 US 1 S and creditable water supply, ISO would assign a rating of Class 3.

Planning and Zoning Division Review:

The property currently has a zoning designation of Open Rural (OR) and the site's Future Land Use Map (FLUM) classification is Mixed Use District (MD). The applicant's request to rezone to Commercial Warehouse (CW) with conditions is consistent with the FLUM designation of MD.

According to the SJC Property Appraiser records, the site contains 0.59-acres of land. If approved, the CW zoning designation will bring the parcel's current non-conformity regarding the minimum lot size into compliance. According to Table 6.01 of the Land Development Code, the current OR zoning requires a minimum 1-acre lot size and the lot is only 0.59 acres, making it a non-conforming lot. Commercial Zonings, to include the proposed CW zoning, do not have a minimum lot size requirement.

Furthermore, according to the SJC Property Appraiser records, the existing structure on site was built in 1981; based on the applicant's provided survey, the existing structure will meet the minimum setback requirements as provided in Table 6.01 of the Land Development Code for the proposed zoning of CW.

Properties in the immediate area are developed with commercial uses. Staff finds that the requested rezoning from Open Rural (OR) to Commercial Warehouse (CW) would result in a development with similar characteristics to nearby commercial properties located within the area under County jurisdiction and City jurisdiction. The existing sites surrounding the property are all commercial in nature.

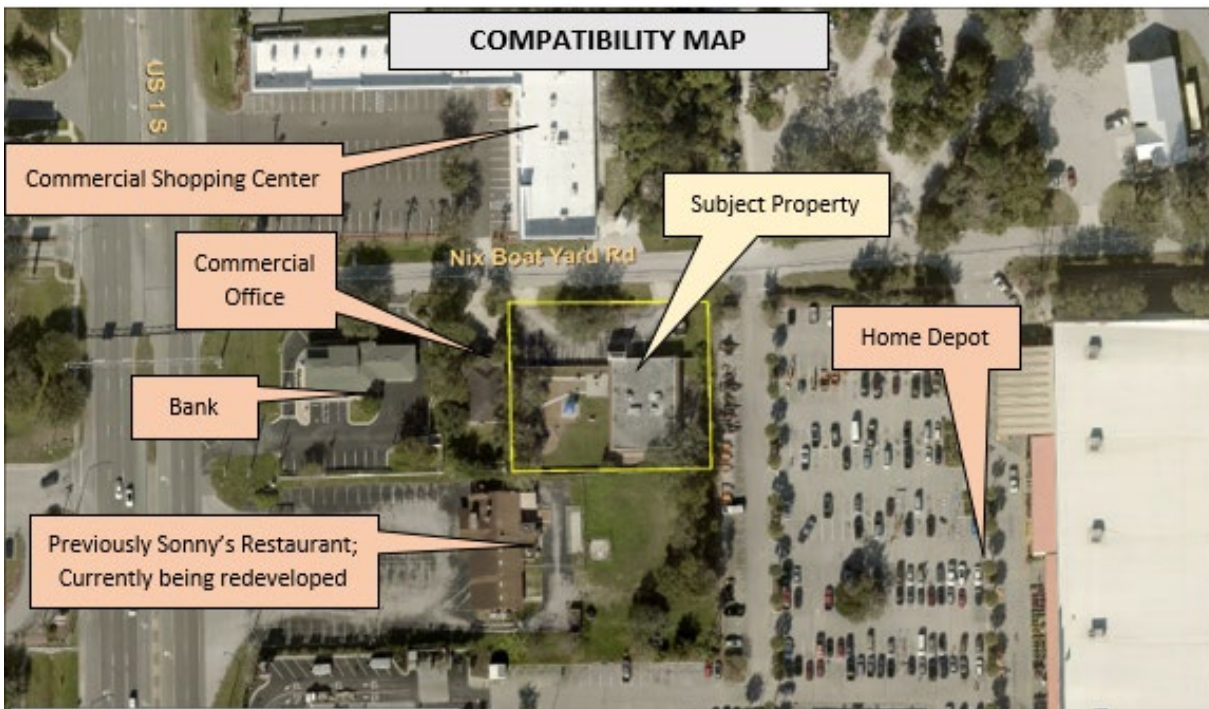
Figure 1 provides a compatibility analysis of adjacent lands. The subject property is surrounded by existing commercial uses.

Figure 1: Compatibility Analysis

Criteria	Subject Property	North	South	East	West
Address	135 Nix Boat Yard Rd	1690 US Hwy 1 South	1720 US Hwy 1 South	1750 US Hwy 1 South	125 Nix Boat Yard Road
Property Area	0.59 acres	1.72 acres	1.43 acres	12.6 acres	0.17 acres
Current / Proposed Zoning	Currently Open Rural (OR); Proposed Commercial Warehouse (CW) with conditions	City Zoning – CM-2	CG	City Zoning - PUD	City Zoning – CM-2
FLUM	Mixed Use District (MD)	City FLUM-Commercial Medium Intensity	MD	City FLUM-Commercial Medium Intensity	City FLUM-Commercial Medium Intensity
Current / Proposed Use	Previously Day Cay; Currently unoccupied; Proposed light manufacturing, production, packing, shipping, office and showroom	Currently Commercial Shopping Center	Previously Sonny's Restaurant; Pending SUPMAJ for a Car Wash	Currently Home Depot	Currently Commercial Office

Figure 2 provides a compatibility map of the surrounding properties as listed above in the Compatibility Analysis.

Figure 2: Compatibility Map



As provided above, the properties located to the immediate north and west are zoned Commercial Medium-Two (CM-2) as part of the City of St. Augustine zoning district. The uses allowed within the City’s CM-2 district allows a variety of uses including, but not limited to, the following: retail sales, auto service station, hotel, motel, shopping plaza, outdoor agricultural market, etc. The City’s CM-2 zoning district would allow a light manufacturing, processing, packaging, and fabricating facility through a Special Use Permit.

Figure 3 depicts the uses allowed within the current zoning classification of Open Rural (OR) in comparison to the proposed uses allowed in the rezoning classification of Commercial, Warehouse (CW). Although the proposed rezoning would increase the number of uses permitted on the subject property, the added conditions restrict the uses to only light manufacturing, production, packaging and shipping, and associated office space and showroom. The figure below would be applicable without the added conditions.

Figure 3: Zoning Designation Allowable Use Comparison

Permitted Use Categories	CW (proposed)	OR
Residential	X*	X
Agricultural		X
Cultural / Institutional		X
High Intensity Commercial	X	
Light Industrial	X	
Mining & Extraction		X
Outdoor / Passive		X
Neighborhood Public Service	X	X
General Public Service	X	
Solid Waste & Correctional Facilities		X
*= accessory to Commercial per LDC 2.02.04		

Figure 4 depicts the development standards required within the current zoning classification of OR in comparison to the proposed standards allowed in the rezoning classification of CW.

Figure 4: Zoning Designation Development Standards Comparison

Development Standard	CW (Proposed)	OR – Single Family or Mobile Home	OR – All Other Uses
Minimum Lot Width:	N/A	100 ft	100 ft
Minimum Lot Area:	N/A	1 acre	1 acre
Maximum Lot Coverage by All Buildings:	N/A	35%	20%
Floor Area Ratio (FAR)	70%	N/A	N/A
Maximum Impervious Surface Ratio (ISR):	75%	70%	75%
Maximum Height of Structures:	40 ft *	35 ft	None *
Setbacks:	Front: 15 ft Side: 15 ft Rear: 15 ft	Front: 25 ft Side: 10 ft Rear: 10 ft	Front: 25 ft Side: 10 ft Rear: 10 ft
*Maximum height of Structures is 35 feet unless protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the Florida Fire Prevention Code and NFPA 13.			

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 four (4) findings of fact and four (4) conditions to support a motion to recommend approval or five (5) findings of fact to recommend denial. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Recorded Documents Section
2. Application and Supporting Documents

PROPOSED FINDINGS OF FACT
REZ 2023-10 135 Nix Boat Yard

APPROVE	DENY
1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.	1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Commercial Warehouse (CW) with conditions is consistent with the Comprehensive Plan, in that: <ul style="list-style-type: none"> a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11) b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11) c) The proposed project is consistent with the goals, policies, and objectives of the 2025 St. Johns County Comprehensive Plan. 	2. The rezoning to Commercial Warehouse (CW) with conditions is not consistent with the Comprehensive Plan, in that: <ul style="list-style-type: none"> a) The rezoning is not compatible and not complementary to conforming adjacent land uses. (Objective A.1.3.11) b) The rezoning does not encourage an efficient and compact land use pattern and does not support balanced development. (Objective A.1.11) c) The proposed project is not consistent with the goals, policies, and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to Commercial Warehouse (CW) with conditions is consistent with the St. Johns County Land Development Code.	3. The rezoning to Commercial Warehouse (CW) with conditions is not consistent with the St. Johns County Land Development Code.
4. The zoning district of Commercial Warehouse (CW) with conditions is consistent with the land uses allowed in the land use designation of Mixed-Use District as depicted on the 2025 Future Land Use Map.	4. The zoning district of Commercial Warehouse (CW) with conditions is not consistent with the land uses allowed in the land use designation of Mixed-Use District as depicted on the 2025 Future Land Use Map.
	5. Consistent with <i>Board of County Commissioners of Brevard County v. Snyder</i> , 627 So. 2d 469, the Board finds a legitimate public purpose in keeping the existing zoning.

PROPOSED CONDITIONS
REZ 2023-10 135 Nix Boat Yard

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

ATTACHMENT 1
RECORDED DOCUMENTS SECTION

**BEGIN DOCUMENTS
TO BE RECORDED**

ORDINANCE NUMBER: 2023 - _____

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL WAREHOUSE (CW) WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this rezoning shall proceed in accordance with the application, dated August 10, 2023 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2023-10 135 Nix Boat Yard**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to **Commercial Warehouse (CW) with conditions** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (c) The proposed project is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **Commercial Warehouse (CW) with conditions** is consistent with the St. Johns County Land Development Code.
4. The zoning district of **Commercial Warehouse (CW) with conditions** is consistent with the land uses allowed in the land use designation of **Mixed-Use District (MD)** as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application **File Number REZ 2023-10 135 Nix Boat Yard** the zoning classification of the lands described within the attached legal description, Exhibit “A”, **is hereby changed to Commercial Warehouse (CW) with the following conditions:**

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

SECTION 3. To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this Ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non-Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein. Notwithstanding any provision of this Ordinance, no portion of any use restriction, title conditions, restriction or covenant shall be deemed waived or varied by any provision herein.

SECTION 4. It is the intent of the St. Johns County Board of County Commissioners that scrivener and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

SECTION 5. This Ordinance shall take effect upon receipt by the Secretary of State.

SECTION 6. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS _____ DAY OF _____ 2023.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

**BY: _____
Christian Whitehurst, Chair**

**ATTEST: BRANDON J. PATTY, CLERK
OF THE CIRCUIT COURT &
COMPTROLLER**

**BY: _____
Deputy Clerk**

EFFECTIVE DATE: _____

EXHIBIT "A"

LOCATION: 135 Nix Boat Yard Road
Saint Augustine, FL 32084

A portion of the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

For a point of reference, commence at the Southwest corner of the San Lorenzo Cemetery, said corner lying in the East line of the Old Moultrie Road; run thence Easterly along the South line of said San Lorenzo Cemetery, a distance of 1003.2 feet to the Southeast corner thereof; run thence North 48 degrees 46 minutes East, a distance of 27.26 feet to a point in the Easterly Right of Way line of U. S. Highway No. 1, as now established; run thence South 00 degrees 24 minutes 00 seconds East, along said Easterly line, a distance of 120.49 feet to an iron pipe at the Southerly Right of Way line of a 60 foot county road known as Nix Boat Yard Road; run thence South 89 degrees 30 minutes 00 seconds East, along said Southerly Right of Way line, a distance of 240.81 feet to an iron pipe and the point of beginning for this description.

From the point of beginning thus described, continue South 89 degrees 30 minutes 00 seconds East, along said Southerly Right of Way line, a distance of 175.59 feet to an iron pipe; run thence South 00 degrees 24 minutes 00 seconds East, a distance of 146.55 feet to an iron pipe; thence North 89 degrees 57 minutes 00 seconds West, a distance of 175.57 feet to an iron pipe; run thence North 00 degrees 24 minutes 00 seconds West, a distance of 147.93 feet to the point of beginning.

**END DOCUMENTS
TO BE RECORDED**

ATTACHMENT 2
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)

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

Printed or typed name(s)

NARRATIVE

The property is currently unoccupied but was previously used as a day care. The Property is approximately .59 acres and is improved with a building of approximately 4500 square feet. The Property is in the Mixed Use District but zoned Open Rural. The day care was allowed as an existing non-conforming use. In order to use the property for commercial purposes it must be rezoned to a commercial zoning classification. The surrounding properties in the County are zoned Commercial General. The surrounding properties within the City are Commercial Medium 2 and PUD for commercial uses. This request is to rezone the subject property to Commercial Warehouse, with conditions.

The proposed purchaser of the Property is Carr Specialty Baits, Inc. (CSB). CSB is a family owned local business established in 2001 and based in St Augustine at 164 and 190 Nix Boat Yard Rd. CSB manufactures and distributes artificial bait under the brand name of Fishbites. CSB also sells fishing equipment and apparel. CSB has out grown its facility at 164 and 190 Nix Boat Yard Rd and needs additional space for storage of inventory and supplies with future potential for manufacturing and distribution, etc.

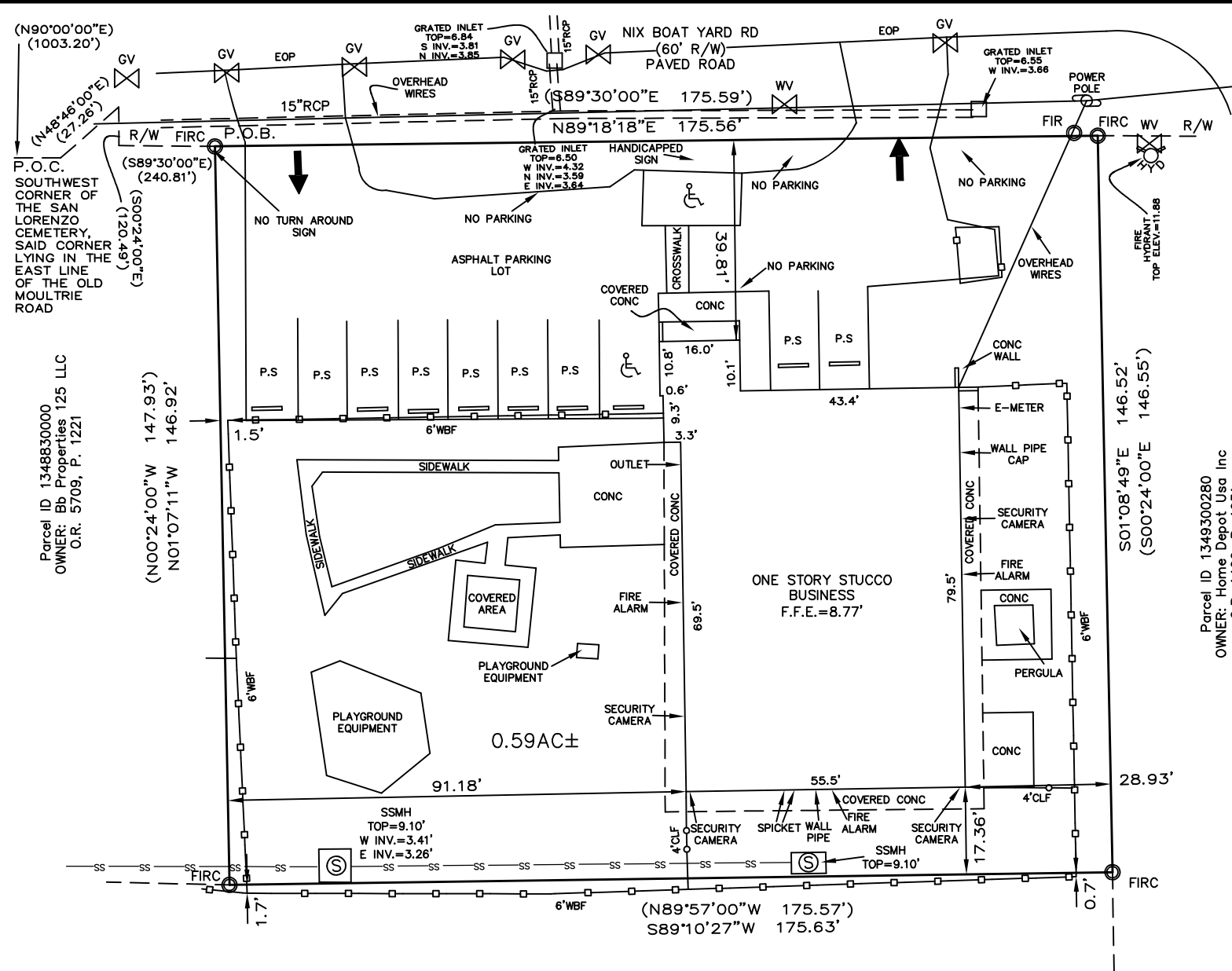
The Applicant proposes to rezone the Property to CW with conditions in order to permit light manufacturing and associated packaging, shipping and office uses. The Applicant proposes the following conditions on the CW zoning:

Uses are limited to light manufacturing, production, packaging and shipping and associated office space and showroom.

All uses shall be fully enclosed inside buildings with no outdoor storage.

Loading zones shall be permitted.

The applicant waives any right to develop the property pursuant to the Live Local Act, Chapter 2023-17 Laws of Florida, and any subsequent amendment as a condition of this rezoning approval.



Parcel ID 1348830060
 OWNER: Peach Kpj LLC
 O.R. 5449, P. 428

NOTES:

1. THERE ARE NO VISIBLE ENCROACHMENTS ON THIS PROPERTY, UNLESS SHOWN.
2. THIS SURVEY IS BASED ON THE INSTRUMENT RECORDED IN TITLE COMMITMENT FILE NO. NCS-1175145-PHX1; DATED APRIL 17, 2023.
3. RECORD, DEED, AND COMPUTED MEASUREMENTS ARE SHOWN IN PARENTHESIS
4. THIS PROPERTY LIES IN FLOOD ZONE "X", AS PER FLOOD INSURANCE MAP PANEL NO. 12109C0377J, DATED 12/7/2018.
5. IT IS POSSIBLE THERE ARE OTHER DRAINAGE STUDIES DONE SINCE THE PUBLISHED DATE OF THE FLOOD INSURANCE RATE MAP PANEL, THAT MAY AFFECT FLOOD ZONE DESIGNATION, THAT THIS SURVEYOR HAS NOT BEEN PROVIDED.
6. ADJOINERS, UNLESS NOTED WERE NOT FURNISHED TO THIS SURVEYOR
7. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS WERE NOT LOCATED
8. UNLESS NOTED OTHERWISE SURVEY BEARINGS ARE BASED ON GRID NORTH, FLORIDA EAST ZONE PER N.A.D. 1983 DATUM
9. TABLE A ITEM #17 NOTE:
 NO PROPOSED CHANGES IN THE STREET RIGHT-OF-WAY LINES OR EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR WAS OBSERVED.

SYMBOLS & ABBREVIATIONS

- | | | |
|-------------------------------------|-----------------------------------|------------------|
| △ - CENTRAL ANGLE | IF - IRON FENCE | WV - WATER VALVE |
| AC - ACRES ± | L - ARC LENGTH | GV - GAS VALVE |
| CLF - CHAIN LINK FENCE | P.O.C. - POINT OF COMMENCEMENT | |
| O.R. - OFFICIAL RECORD BOOK | P.O.B. - POINT OF BEGINNING | |
| D.B. - DEED BOOK | R - RADIUS OR RANGE | |
| PG. - PAGE | R/W - RIGHT OF WAY | |
| EOP - EDGE OF PAVEMENT | SEC. - SECTION | |
| FCM - FOUND CONCRETE MONUMENT | SIR - SET 5/8" IRON ROD/CAP #6590 | |
| FIR - FOUND IRON ROD | SNC - SET NAIL AND CAP #6590 | |
| (5/8" UNLESS NOTED.) | UNREC. - UNRECORDED | |
| FIRC - FOUND IRON ROD AND CAP | LB. - LICENSED BUSINESS | |
| F.I.R.M. - FLOOD INSURANCE RATE MAP | T - TOWNSHIP OR TANGENT | |
| FIP - FOUND IRON PIPE | VF - VINYL FENCE | |
| FPIP - FOUND PINCHED IRON PIPE | WBF - WOOD BOARD FENCE | |
| FNC - FOUND NAIL AND CAP | | |
| P.S. - PARKING SPACE | | |

LEGAL DESCRIPTION

(Taken from Title Commitment File No. NCS-1175145-PHX1; Dated April 17, 2023 @ 7:30 AM; Issuing Agent: First American Title Insurance Company National Commercial Services)

The Land referred to herein below is situated in the County of St. Johns, State of Florida, and is described as follows:

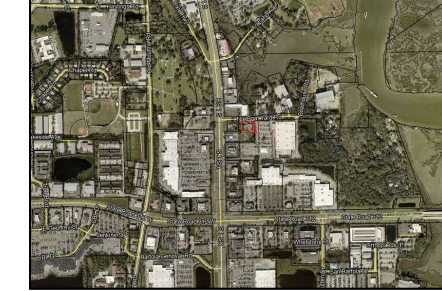
A PORTION OF THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF THE SAN LORENZO CEMETERY, SAID CORNER LYING IN THE EAST LINE OF THE OLD MOULTRIE ROAD; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SAN LORENZO CEMETERY A DISTANCE OF 1003.2 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTH 48 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF 27.26 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, AS NOW ESTABLISHED; RUN THENCE SOUTH 00 DEGREES 24 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 120.49 FEET TO AN IRON PIPE AT THE SOUTHERLY RIGHT OF WAY LINE A 60 FOOT COUNTY ROAD KNOWN AS NIX BOAT YARD ROAD; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 240.81 FEET TO AN IRON PIPE AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 175.59 FEET TO AN IRON PIPE; RUN THENCE SOUTH 00 DEGREES 24 MINUTES 00 SECONDS EAST, A DISTANCE OF 146.55 FEET TO AN IRON PIPE; THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST, A DISTANCE OF 175.57 FEET TO AN IRON PIPE; RUN THENCE NORTH 00 DEGREES 24 MINUTES 00 SECONDS WEST, A DISTANCE OF 147.93 FEET TO THE POINT OF BEGINNING.

ADDRESS:

135 NIX BOAT YARD RD
 ST. AUGUSTINE, FLORIDA 32084

VICINITY MAP



PARKING
 REGULAR PARKING: 9
 HANDICAP SPACES: 2
 TOTAL PARKING: 11
ZONING NOTES:
 ZONING LETTER WAS NOT PROVIDED. ZONING REGULATIONS ARE SUBJECT TO INTERPRETATION

SCHEDULE B - SECTION II

(Taken from Title Commitment File No. NCS-1175145-PHX1; Dated April 17, 2023 @ 7:30 AM; Issuing Agent: First American Title Insurance Company National Commercial Services)

EXCEPTIONS

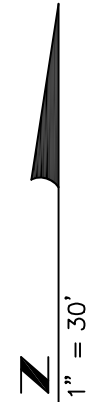
Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- | | |
|---------------------|---|
| NOT A SURVEY MATTER | 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment. |
| NOT A SURVEY MATTER | 2. Any rights, interests, or claims of parties in possession of the land not shown by the Public Records. |
| NONE SHOWN OR FOUND | 3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land. |
| NOT A SURVEY MATTER | 4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein. |
| NOT A SURVEY MATTER | 5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the Land prior to Date of Policy, and any adverse claim to all or part of the Land that is, at Date of Policy, or was previously under water. |
| NOT A SURVEY MATTER | 6. Taxes or special assessments not shown as liens in the Public Records or in the records of the local tax collecting authority, at Date of Policy. |
| NOT A SURVEY MATTER | 7. Any minerals or mineral rights leased, granted or retained by current or prior owners, without right of entry. |
| NOT A SURVEY MATTER | 8. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable. |
| NOT A SURVEY MATTER | 9. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s). |
| NOT A SURVEY MATTER | 10. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §5499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws. |

Consideration for the deletion of this exception is highly fact intensive. Please contact the underwriter assigned to your file as soon as possible to discuss.

Note: All of the recording information contained herein refers to the Public Records of St. Johns County, Florida, unless otherwise indicated. Any reference herein to a Book and Page is a reference to the Official Record Books of said county, unless indicated to the contrary.



THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6a&b, 7a, 8-9, 11, 13 & 16-19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 04/28/2023.

Alan D. Platt
 ALAN D. PLATT, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 FLORIDA LICENSED No. 4664

5/2/2023
 DATE SIGNED

4/28/2023
 DATE SURVEYED

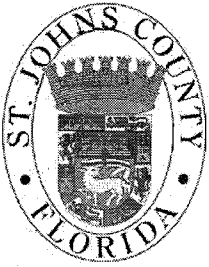
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

CERTIFIED TO:
 REALTY INCOME INCORPORATION
 ENDLESS SUMMER REALTY

A.D. Platt
 & ASSOCIATES, INC. • LAND SURVEYORS
 3712 CARRINGTON PLACE, TALLAHASSEE, FL. 32303
 PHONE: (850) 385-1036 FAX: (850) 385-1108
 LICENSED BUSINESS NO. 6590

ALTA/ASCM SURVEY OF:
 A PORTION OF THE G. W. PERPALL
 GRANT, SECTION 41 TOWNSHIP 7
 SOUTH RANGE 30 EAST
 0.591 AC ±
 ST. JOHNS COUNTY FLORIDA

DRAWING:
 26679-B5
 PROJECT:
 26679



Owner's Authorization Form

Gary B Davenport PA

is hereby authorized TO ACT ON BEHALF OF

Kings Estate Partners, 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:

Rezoning/Modification

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 (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 of Jesse Killebrew]

Print Name

Jesse Killebrew

Signature of Owner

[Blank line]

Print Name

[Blank line]

Telephone Number

[Blank line]

STATE OF FLORIDA COUNTY OF St Johns

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 31 day of May, 2023 by Jesse Killebrew as manager for Kings Estate Partners LLC.

[Handwritten signature of Amanda Spettel] Notary Public, State of Florida Name: Amanda Spettel My Commission Expires: 4/11/2026 My Commission Number is: HH 207119

Personally Known [X] OR Produced Identification

Type of Identification Produced Revised August 30, 2011

