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**AGENDA ITEM
Planning & Zoning**

Meeting

10/5/2023

MEETING DATE

TO: Planning and Zoning Board Members

DATE: September 22, 2023

FROM: Evan Walsnovich, Planner

PHONE: 904 209-0596

SUBJECT OR TITLE: REZ 2023-14 5461 & 5467 A1A S.

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

PRESENTER: Bill Miller

BACKGROUND INFORMATION:

Request to rezone approximately .84 acres of land from Commercial General (CG) to Residential, Single Family (RS-3).

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to recommend approval of REZ 2023-14 5461 & 5467 A1A S. based upon four (4) findings of fact as provided in the Staff Report.

DENY: Motion to recommend denial of REZ 2023-14 5461 & 5467 A1A S. based upon five (5) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Rezoning
REZ 2023-14 5461 & 5467 A1A S

To: Planning and Zoning Agency

From: Evan Walsnovich, Planner

Date: September 22, 2023

Subject: **REZ 2023-14 5461 & 5467 A1A S.**, a request to Rezone approximately 0.84 acres of land from Commercial General (CG) to Residential, Single Family (RS-3), specifically located at 5461 & 5467 A1A S.

Applicant: Bill Miller

Owner: J. Russell Collins Trustee

Hearing Dates: Planning and Zoning Agency – October 5, 2023
Board of County Commissioners – November 21, 2023

Commissioner District: District 3

SUGGESTED MOTION/ACTION

APPROVE: Motion to recommend approval of **REZ 2023-14 5461 & 5467 A1A S.** based upon four (4) findings of fact as provided in the Staff Report.

DENY: Motion to recommend denial of **REZ 2023-14 5461 & 5467 A1A S.** based upon five (5) findings of fact as provided in the Staff Report.

MAP SERIES

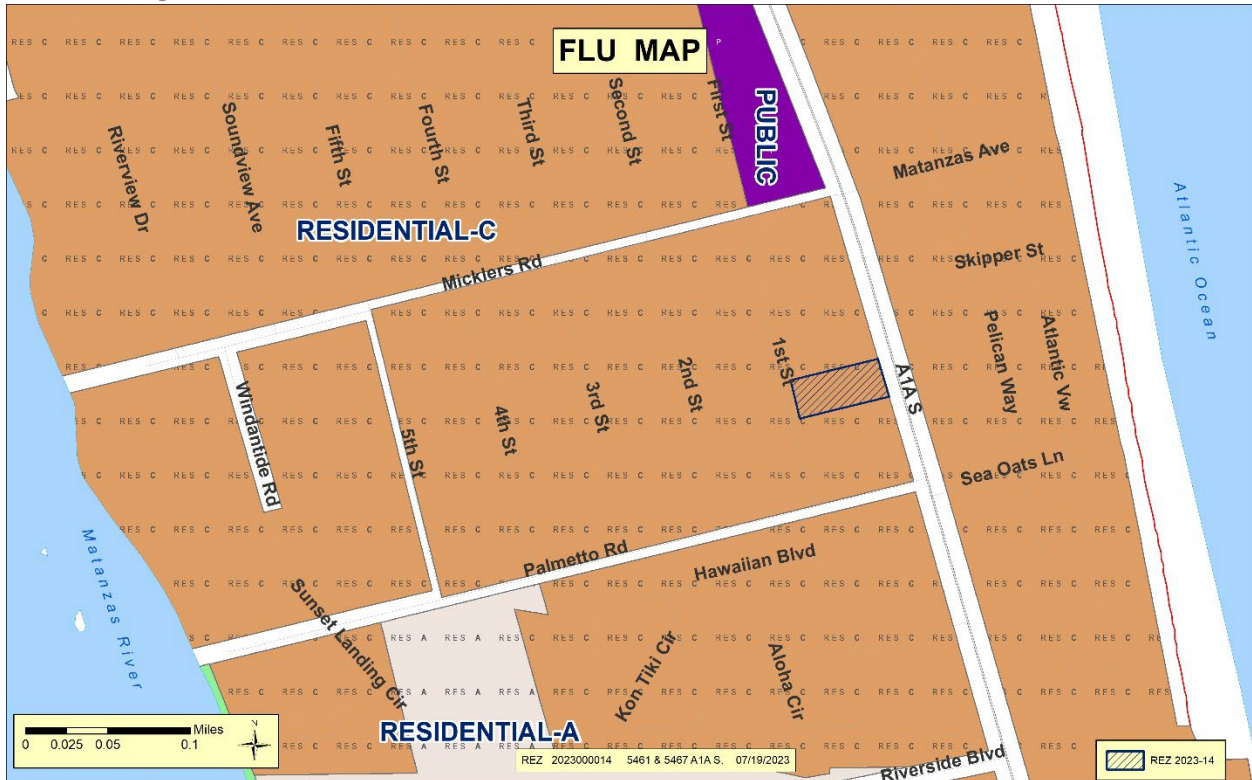
Location: The subject property is located west of A1A South, south of Micklers Road and north of Palmetto Road.



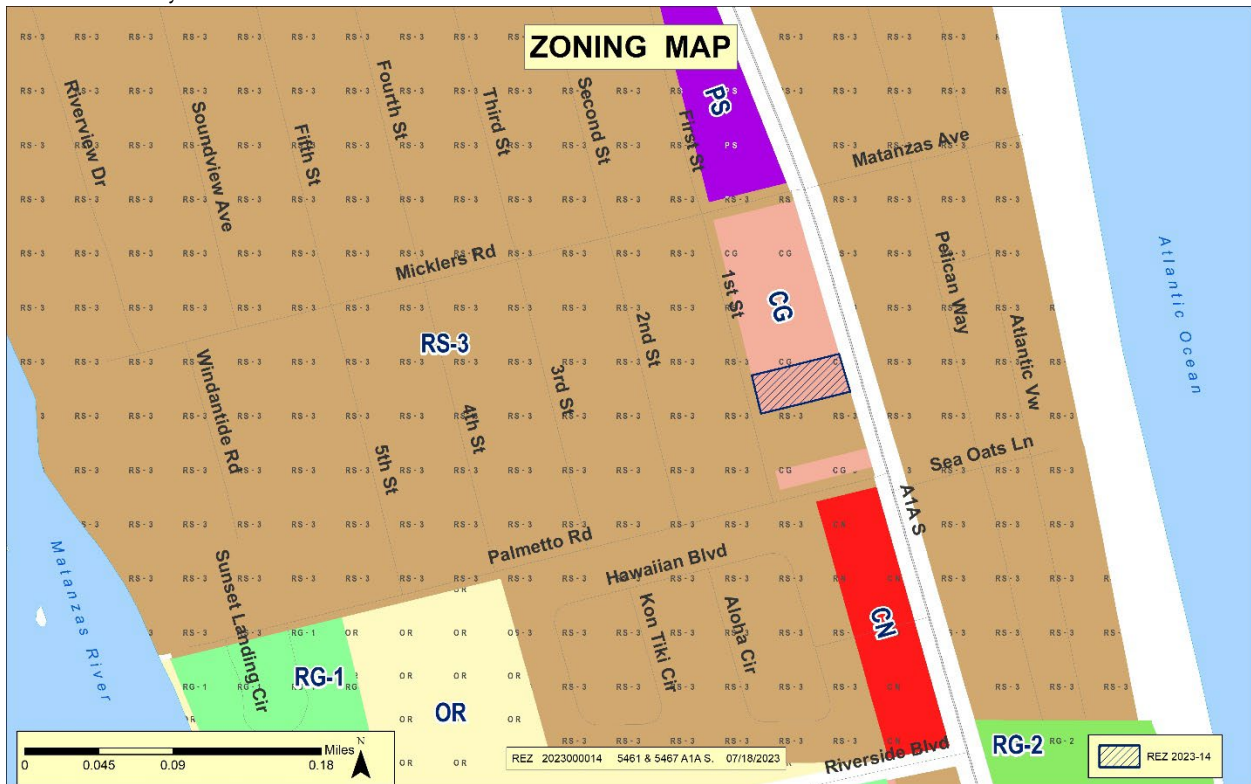
Aerial Imagery: The subject property is located on the west side of A1A S. According to property records, the parcel has an area of approximately 0.84 acres and consists of four (4) platted lots. The paved portion coming from the adjacent northern office property is planned to be abandoned according to the applicant. The surrounding area is primarily developed with single family residential. The property to the north is developed with an office building.



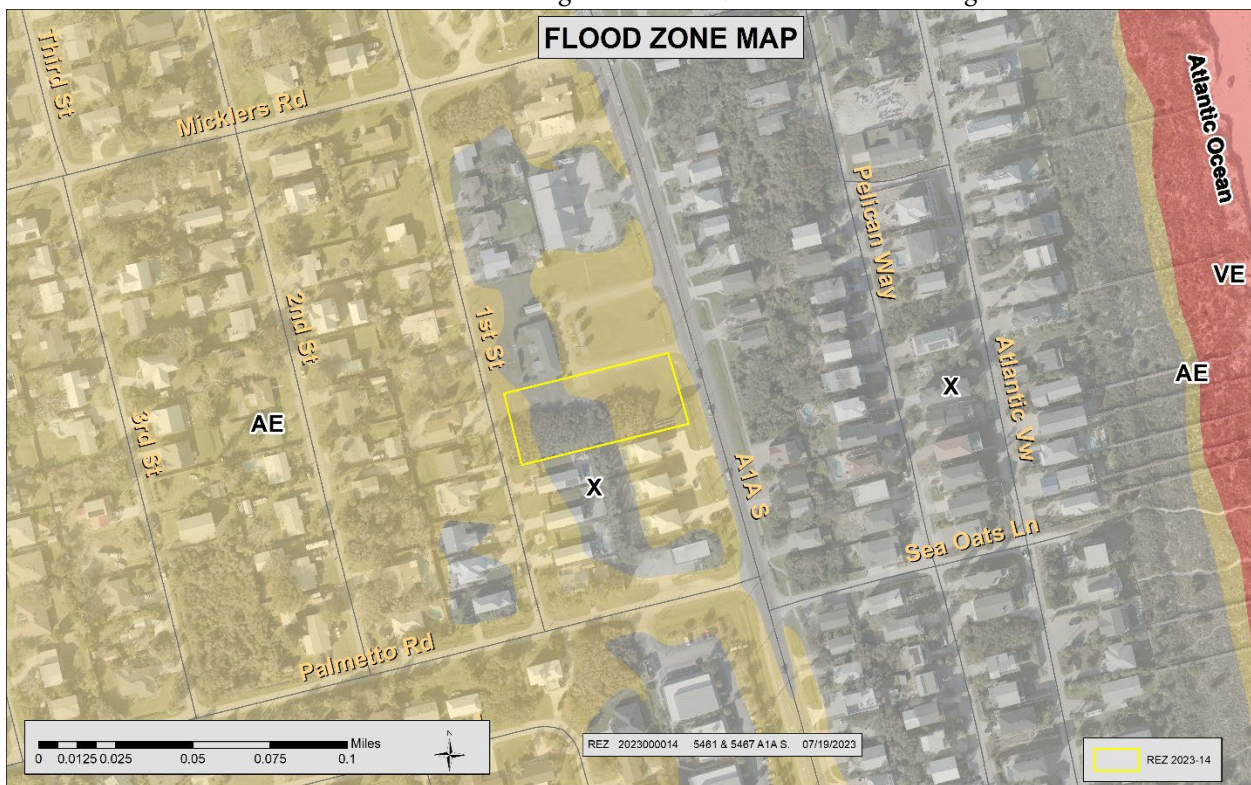
Future Land Use: The subject properties and surrounding area are designated Residential-C on the Future Land Use Map.



Zoning District: The subject property and adjacent lands to the north are zoned Commercial, General (CG). Adjacent properties to the west and south are zoned Residential, Single Family (RS-3), as well as the properties located directly across A1A South to the east.



Flood Zone: Portions of the subject property are currently located in Flood Zones X and AE. Flood Zone X is considered a low risk of flooding. Flood Zone AE is considered a high flood risk area.



APPLICATION SUMMARY

The Applicant is seeking to rezone approximately 0.84 acres of land from Commercial, General (CG) to Residential, Single Family (RS-3). Based on application materials provided, the owner intends to construct four (4) single-family homes on the subject property, which is comprised of four (4) separate platted lots. Under the existing CG zoning designation, the owner is not permitted to construct a single-family residence on the subject property unless such use is an accessory to a commercial establishment. Therefore, the applicant is requesting to rezone the property to RS-3, . The existing survey, proposed floor plans, and proposed lot layouts, 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.

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 178330-0090, as well as the current primary fire station location at 5865 A1A S and creditable water supply, ISO would assign a rating of Class 3.

Planning and Zoning Division Review:

The requested rezoning from Commercial General (CG) to Residential, Single Family (RS-3) is consistent with the Future Land Use designation of Residential-C. Furthermore, the RS-3 zoning designation allows for the residential use proposed within the application materials.

Records indicate that the subject property is comprised of Lots 9, 10, 19, and 20 of the Mickler's Subdivision, which was platted in 1952. Each of these lots measure approximately 63 feet in width and 170 feet in length, which is an approximate lot area of 10,700 square feet. As configured, the lots would not meet the minimum lot width requirement of 75 feet prescribed in RS-3 zoning. However, each of the four (4) lots are considered a Nonconforming Lot of Record pursuant to Section 10.03.02.G.1 of the Land Development Code. The subject property can be developed as proposed without a variance because this provision exempts lots recorded before the adoption of the current Code from meeting the required Minimum Lot Area and Minimum Lot Width of the RS-3 Zoning District. All other yard dimensions and requirements shall conform to the regulations prescribed within the Land Development Code. Those requirements are listed in the table below (Table 6.01).

TABLE 6.01

| SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS | | | | | | | |
|--|--------------------|---------------------|---------------------------------------|------------------|--------------------------|---------------------------------|--------------------------------|
| Zoning Districts | Minimum Lot Widths | Minimum Lot Area | Maximum Lot Coverage by All Buildings | Floor Area Ratio | Impervious Surface Ratio | Min. Yard Req. Front/ Side/Rear | Maximum Height of Structures ⊕ |
| RS-3 | 75 feet * | 7,500 square feet * | 35% | N/A | 70% | 25/8/10 feet | 35 feet |

**Nonconforming Lot of Record is exempt from lot width and lot area requirements*

Review by Staff shows that there have been two similar rezoning applications that were previously approved for the same request in the area:

REZ 2017-15 was previously approved for the three (3) adjoining residential lots to the southwest per Ordinance 2018-06. This request rezoned lots 16, 17, and 18 from Commercial General (CG) to Residential, Single Family (RS-3) to allow for three (3) single-family homes.

REZ 2020-01 was previously approved for three adjoining residential lots to the southeast per Ordinance 2020-21. That request rezoned lots 11, 12, and 13 from Commercial General (CG) to Residential, Single Family (RS-3) to allow for three (3) single-family homes.

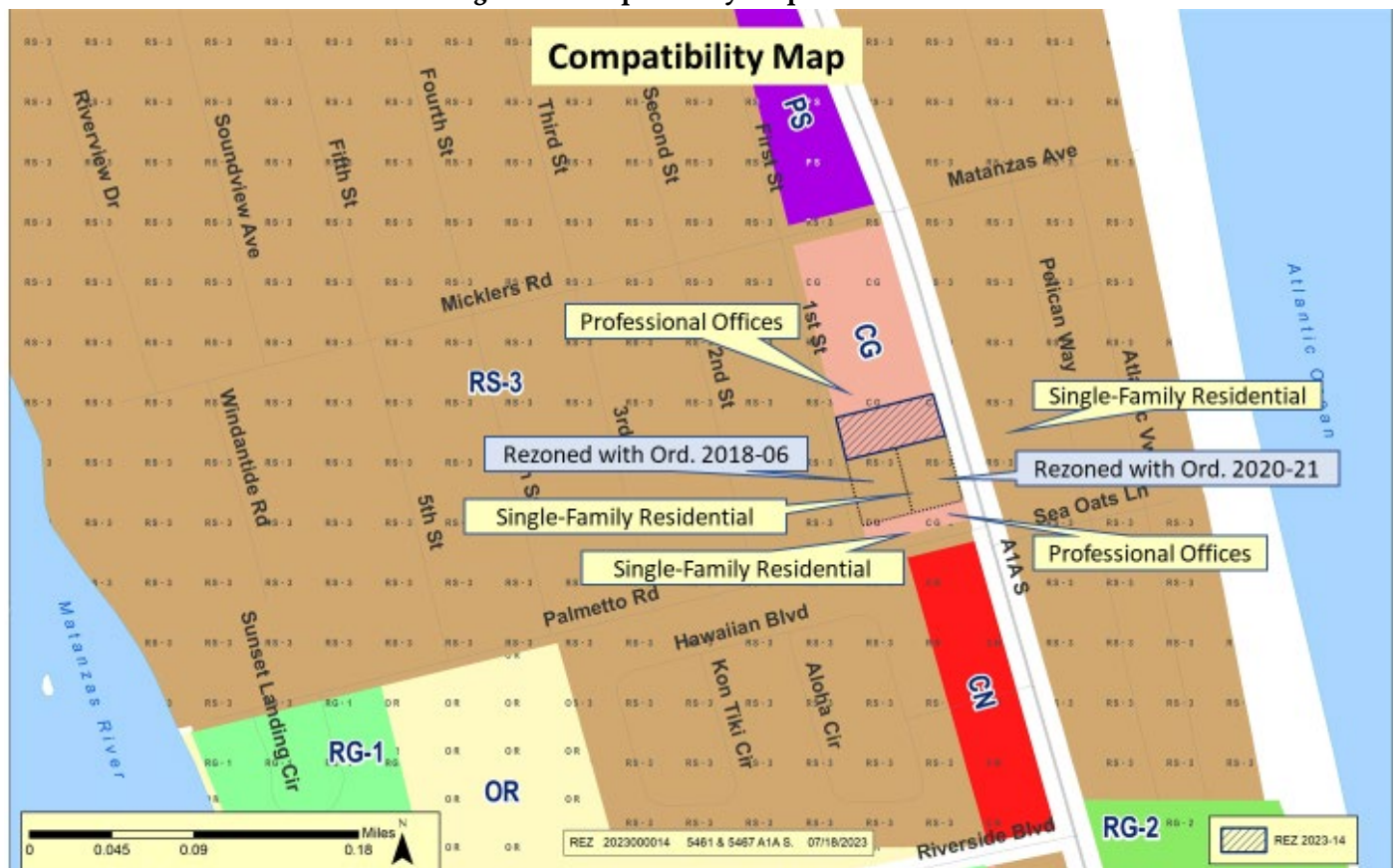
Figure 1 provides a compatibility analysis of adjacent lands. The subject property is surrounded by existing commercial and residential uses.

Figure 1: Compatibility Analysis

| Criteria | Subject Property (Proposed) | North | South | East (Across A1A S) | West (Across 1 st Street) |
|----------------------|-----------------------------|----------------------|-------------|---------------------|--------------------------------------|
| FLUM | RES-C | RES-C | RES-C | RES-C | RES-C |
| Zoning | RS-3 | CG | RS-3 | RS-3 | RS-3 |
| Present/Proposed Use | Undeveloped/ Residential | Office/ Professional | Residential | Residential | Residential |

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 to the north and south zoned as Commercial General (CG) are being utilized for office space while the rest of the area is largely single-family residential. The two areas that were recently rezoned through similar rezoning applications have been tagged in to illustrate the rezoning trend happening in this area along A1A South.

The adjacent parcel to the north with the existing office uses has one building located approximately ten (10) feet from the property line of lot 20. The parcel to the north also has ingress/egress driveway that is located along the property line and appears to be located within Lots 9 and 20. The owners of these lots would be responsible for providing required buffering and screening as per Land Development Code Section 6.04.04.A. The buffer requirement between office and single-family uses is a 20-foot buffer and a “B” screening standard.

Figure 3 depicts the uses allowed within the current zoning classification of Commercial General (CG) in comparison to the proposed uses allowed in the rezoning classification of Residential Single-Family (RS-3).

Figure 3: Zoning Designation Allowable Use Comparison

| Permitted Use Categories | RS-3 (proposed) | CG |
|---|--------------------|----|
| Residential | X | X* |
| Agricultural | | |
| Cultural / Institutional | | X |
| Neighborhood Business | | X |
| General Business | | X |
| Office & Professional | | X |
| Outdoor / Passive | X | |
| Neighborhood Public Service | X | X |
| * = accessory to Commercial per LDC 2.02.04 | | |

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 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 2023-14 5461 & 5467 A1A S.

| 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 Residential, Single-Family (RS-3) 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 Residential, Single-Family (RS-3) 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 Residential, Single-Family (RS-3) is consistent with the St. Johns County Land Development Code. | 3. The rezoning to Residential, Single-Family (RS-3) is not consistent with the St. Johns County Land Development Code. |
| 4. The zoning district of Residential, Single-Family (RS-3) is consistent with the land uses allowed in the land use designation of Residential-C (Res-C) as depicted on the 2025 Future Land Use Map. | 4. The zoning district of Residential, Single-Family (RS-3) is not consistent with the land uses allowed in the land use designation of Residential-C (Res-C) 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. |

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 COMMERCIAL GENERAL (CG) TO RESIDENTIAL, SINGLE FAMILY (RS-3); 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 July 6, 2023 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2023-14 5461 & 5467 A1A S.**, 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 **Residential, Single-Family (RS-3)** 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 **Residential, Single-Family (RS-3)** is consistent with the St. Johns County Land Development Code.
4. The zoning district of **Residential, Single-Family (RS-3)** is consistent with the land uses allowed in the land use designation of **Residential-C (RES-C)** as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application **File Number REZ 2023-14 5461 & 5467 A1A S.**, the zoning classification of the lands described within the attached legal description, Exhibit “A”,

is hereby changed to Residential, Single-Family (RS-3)

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

Legal Descriptions

#1783300090 / 5461 A1A S

Lots 9 and 20, Block 1, MICKLERS SUBDIVISION, according to plat thereof as recorded in Map Book 8, Page 1, of the Public Records of St. Johns County, Florida.

#1783400000 / 5467 A1A S

Lots 10 and 19, Block 1, MICKLERS SUBDIVISION, according to plat thereof as recorded in Map Book 8, Page 1, of the Public Records of St. Johns County, Florida.

**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)

Rezone 4 lots from CG to RS-3. School concurrency has been submitted. The following documents were attached with online submittal:
1) Water/Sewer Availability Request Form 4) Site Plans 7) Legal Description
2) Future Land Use Map 5) Rendering / Floor Plan 8) Owners Authorization
3) Current Zoning Map 6) Warranty Deed 9) Multi Use Application

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.

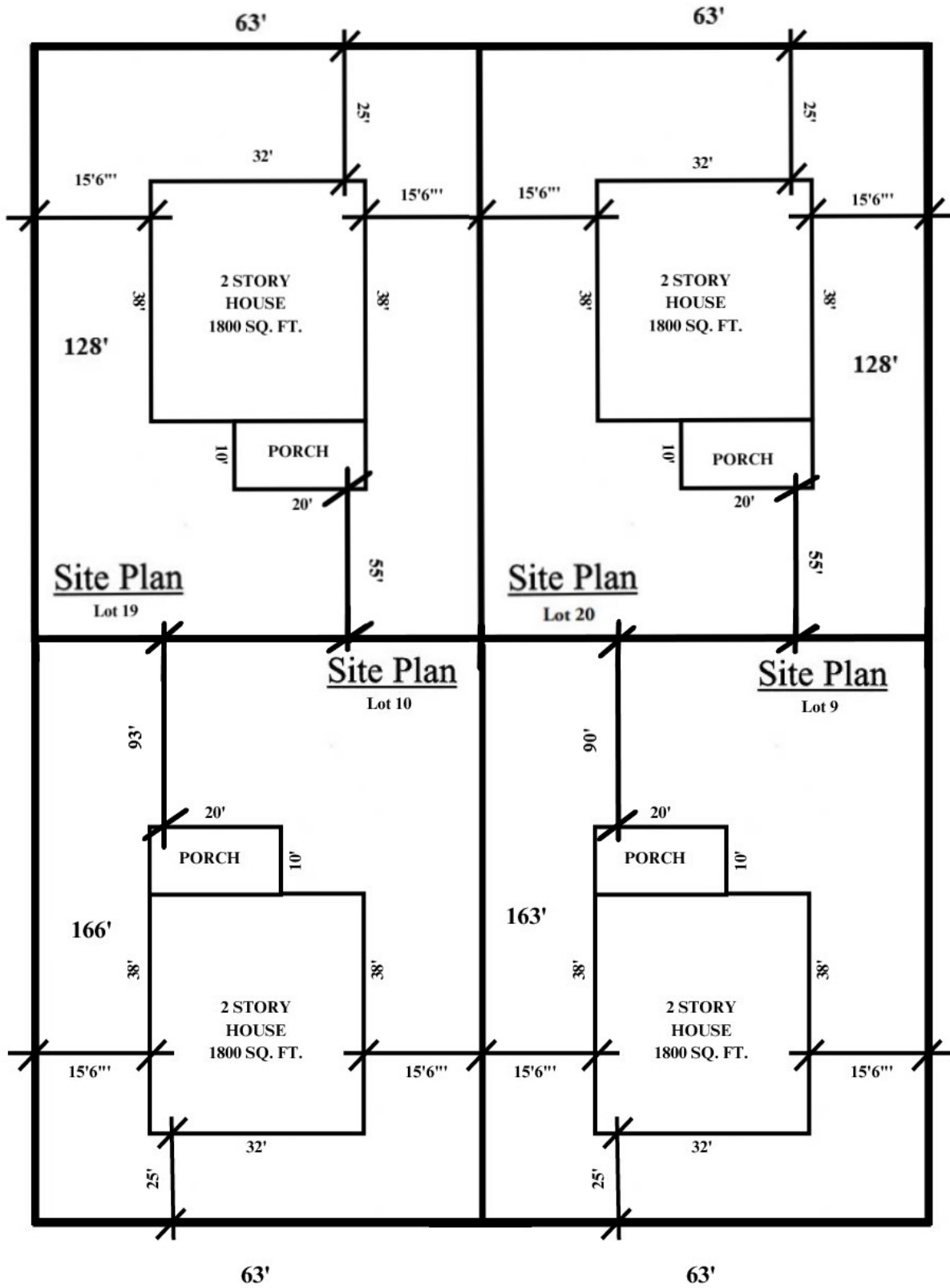
I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:
Signature of owner or person authorized to represent this application:


Signed By

Printed or typed name(s):

SOUTH

NORTH



SOUTH

NORTH

