

5

**AGENDA ITEM
Planning & Zoning**

Meeting

2/1/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 16, 2024

FROM: Saleena Randolph, Senior Planner

PHONE: 904 209-0688

SUBJECT OR TITLE: REZ 2023-22 One North Commercial

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

PRESENTER: Karen Taylor, Land Planner

BACKGROUND INFORMATION:

Request to rezone approximately 1.01 acres of land from Commercial Intensive (CI) with conditions to Commercial Intensive (CI), specifically located at 6241 W. Cypress Drive and unaddressed lots on W. Cypress Drive.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to recommend approval of REZ 2023-22 One North Commercial based upon four (4) findings of fact as provided in the Staff Report.

DENY: Motion to recommend denial of REZ 2023-22 One North Commercial based upon five (5) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Rezoning
REZ 2023-22 One North Commercial

To: Planning and Zoning Agency

From: Saleena Randolph, Senior Planner

Date: January 17, 2024

Subject: **REZ 2023-22 One North Commercial**, a request to remove conditions from approximately 1.01 acres of land by Rezoning from Commercial Intensive (CI) with conditions to Commercial Intensive (CI), specifically located at 6241 W. Cypress Drive and unaddressed lots on W. Cypress Drive.

Applicant: Karen Taylor, Land Planner

Owner: Timuquan Capital, LLC

Hearing Dates: Planning and Zoning Agency – February 1, 2024
Board of County Commissioners – March 5, 2024

Commissioner District: District 5

SUGGESTED MOTION/ACTION

APPROVE: Motion to recommend approval of **REZ 2023-22 One North Commercial** based upon four (4) findings of fact as provided in the Staff Report.

DENY: Motion to recommend denial of **REZ 2023-22 One North Commercial** based upon five (5) findings of fact as provided in the Staff Report.

MAP SERIES

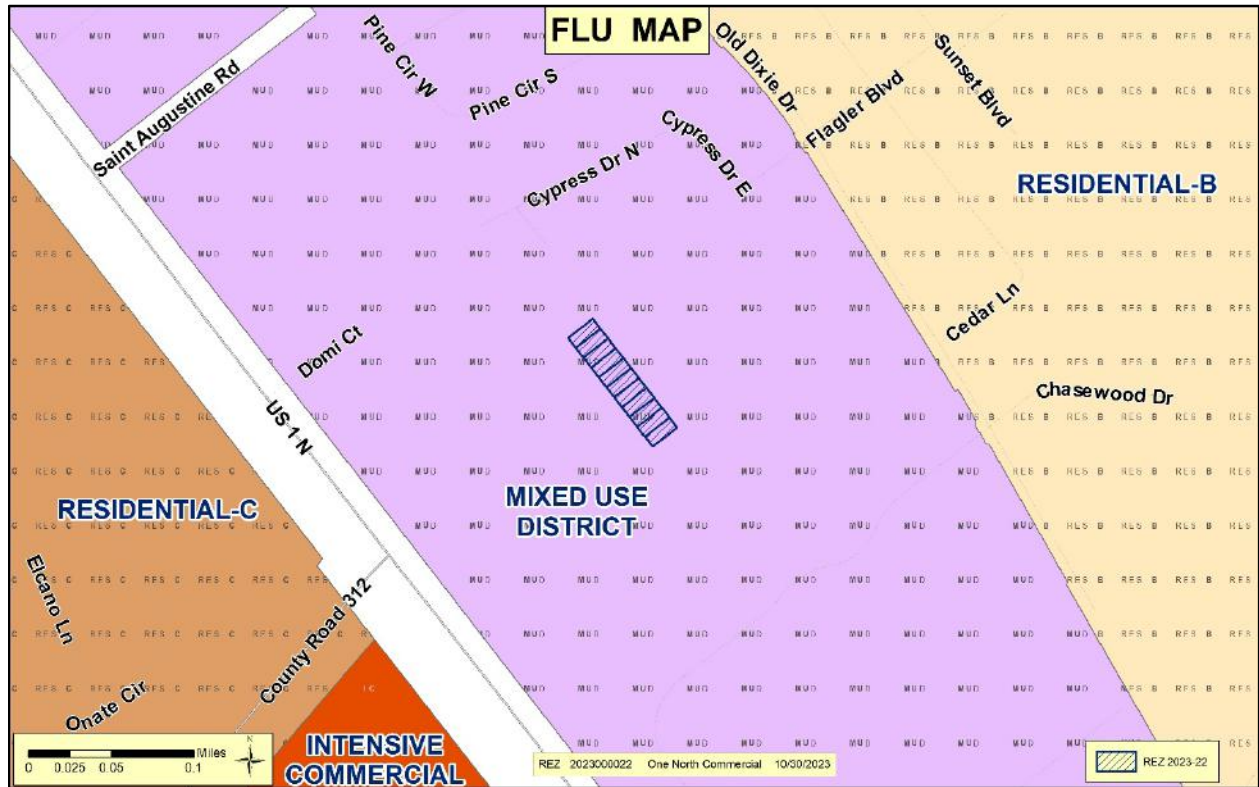
Location: The subject property is located on the east side of US Highway 1 North, south of St. Augustine Road, west of Old Dixie Drive and immediately northeast of 6236 US Highway 1 North. The property is specifically located at 6241 West Cypress Drive, and includes ten (10) unaddressed lots on West Cypress Drive.



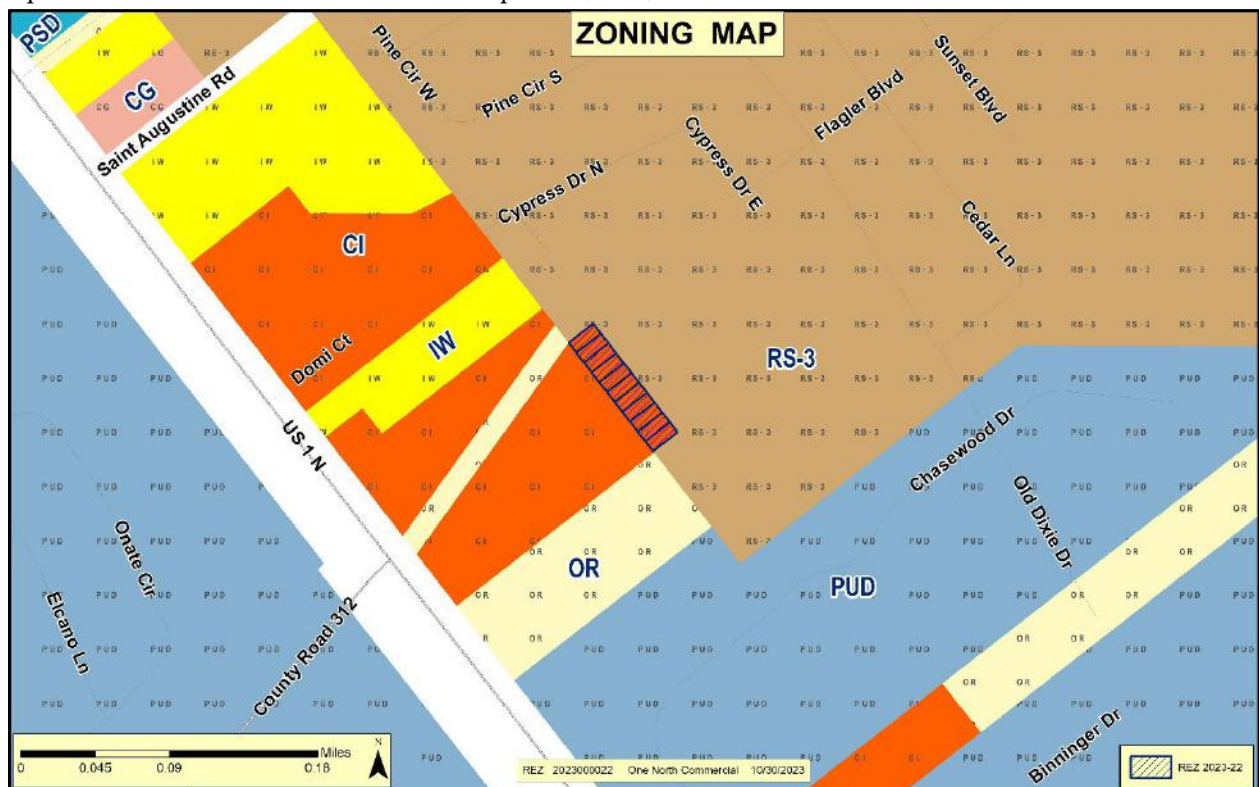
Aerial Imagery: The subject property consists of 11 lots totaling approximately 1.01 acres of land. To the north, east and south are vacant residential lots. To the west is the newly developed storage facility, RV/Boat parking, and office/retail buildings.



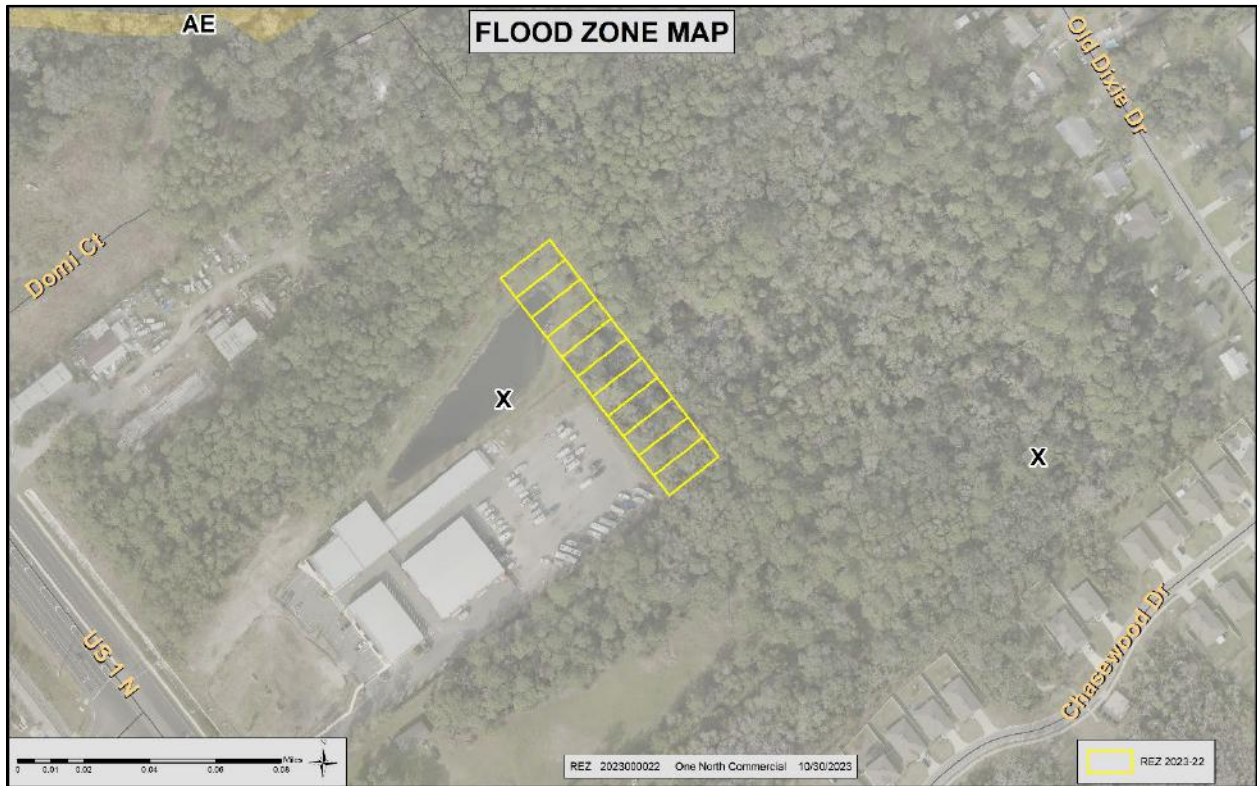
Future Land Use: The subject property and surrounding areas are designated Mixed Use District on the Future Land Use Map.



Zoning District: The subject property is currently zoned Commercial Intensive (CI) with conditions. The property to the west is zoned Commercial Intensive (CI). Adjacent properties to the north, east and south are zoned Residential, Single Family (RS-3). The surrounding properties are zoned Industrial Warehouse (IW), Open Rural (OR) and Planned Unit Development (PUD).



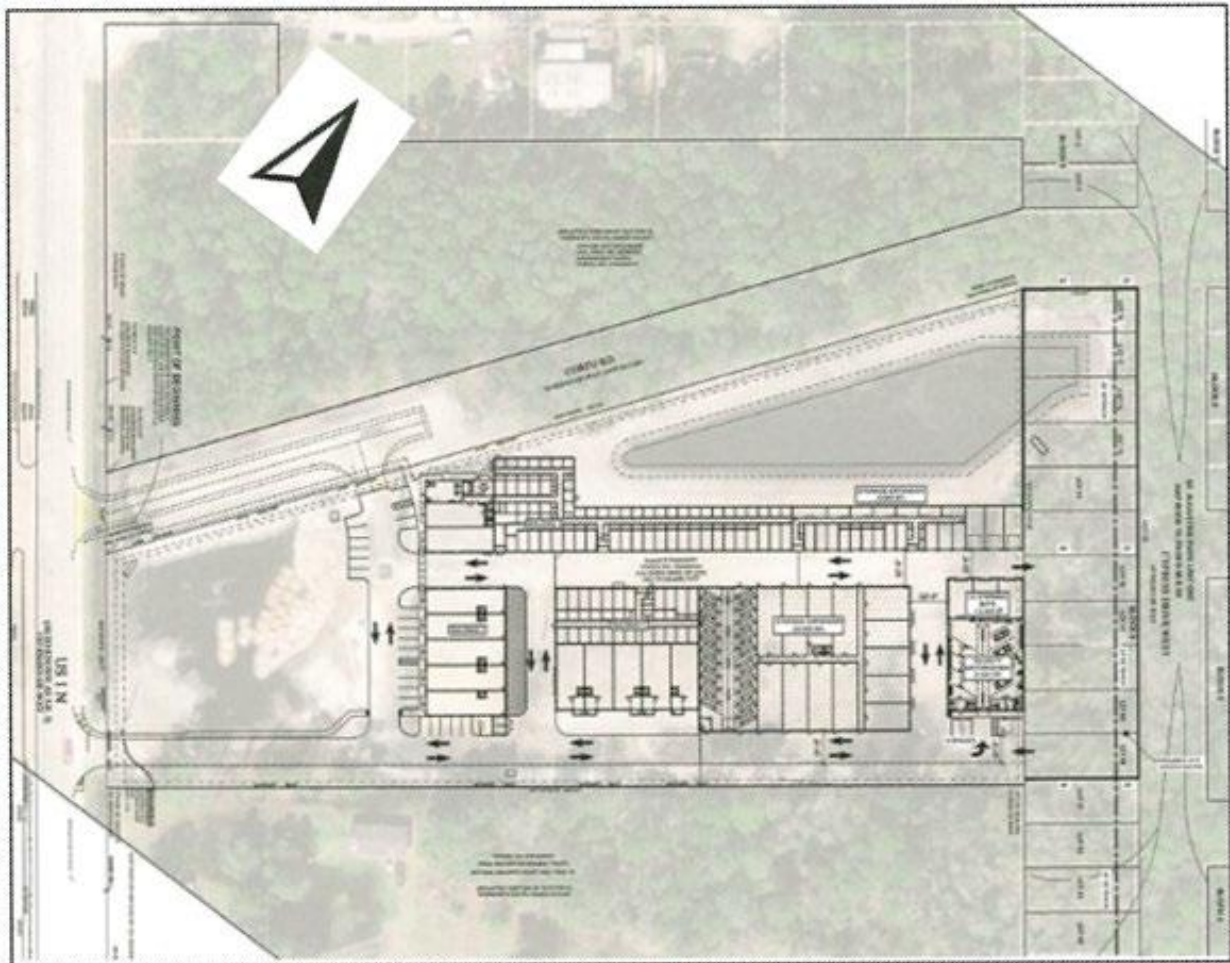
Flood Zone Map: The subject property and surrounding properties are located within the flood zone designation X. There are wetlands in the area. For comparison, the applicant has provided a wetland delineation map which is included within **Attachment 2 – Application and Supporting Documents**

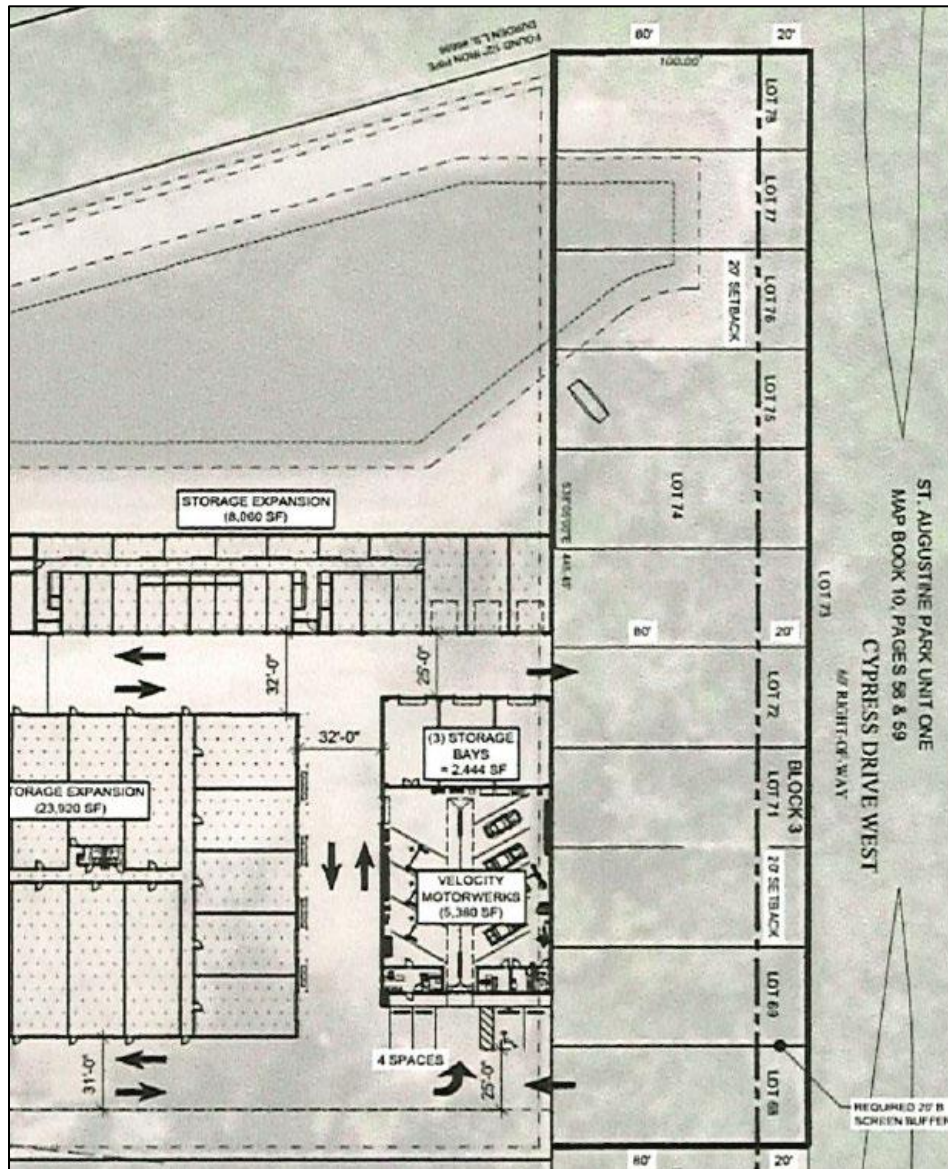


APPLICATION SUMMARY

The Applicant is seeking to remove conditions from approximately 1.01 acres of land by Rezoning from Commercial Intensive (CI) with conditions to Commercial Intensive (CI) removing the existing condition. The condition applicable to this specific parcel, pursuant to Ordinance 2020-51, provides the following: *the uses on the property are limited to buffering and stormwater retention*. The applicant's narrative states the request would be to allow expansion to the parent site located at 6236 US Highway 1 North. With approval of a rezoning to CI, the applicant proposes to allow for a portion of the stormwater pond, provide the required buffers, and add developable area. The narrative, provided by the applicant, is included within **Attachment 2 – Application and Supporting Documents**.

Proposed Site Plan to include Main Use Parcel (provided in part):



Close-up of Site Plan (provided in part):

The proposed Site Plan, provided by the applicant, depicts the approximate placement of adjacent storage buildings/bays, drive aisles, and a 20/B buffer on the east side of the property. The full Site Plan is included in **Attachment 2 – Application and Supporting Documents**. Please note that Site Plans are not required as part of a Rezoning application; however, any combination of uses permitted under CI zoning would be allowed if this request were approved. It is unclear if additional buildings will be constructed on the subject property. If approved, any proposed buildings would need to meet the zoning placement standards found in LDC Table 6.01 for CI zoning.

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).

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 10- property beyond 5 road miles of a recognized fire rescue station.

Based on this project submitted, parcel 075730-0650, as well as the current primary fire station location at 4505 Ave A and creditable water supply, ISO would assign a rating of Class 3.

Environmental Division Review:

A wetland delineation was provided by LG2 Environmental Solutions Inc. which identifies approximately 0.80 acres of wetlands within the subject parcels. A St. Johns River Water Management District (SJRWMD) Environmental Resource Permit is required prior to commencement of construction, including any site clearing or grading, for any proposed wetland impacts (4.01.06 SJC LDC). At the time of future construction plan review, any wetland impacts proposed shall be clearly identified on the site plan by acreage and a copy of the approved SJRWMD Environmental Resource Permit shall be provided to St. Johns County Environmental for review and recording.

Technical Division Review:

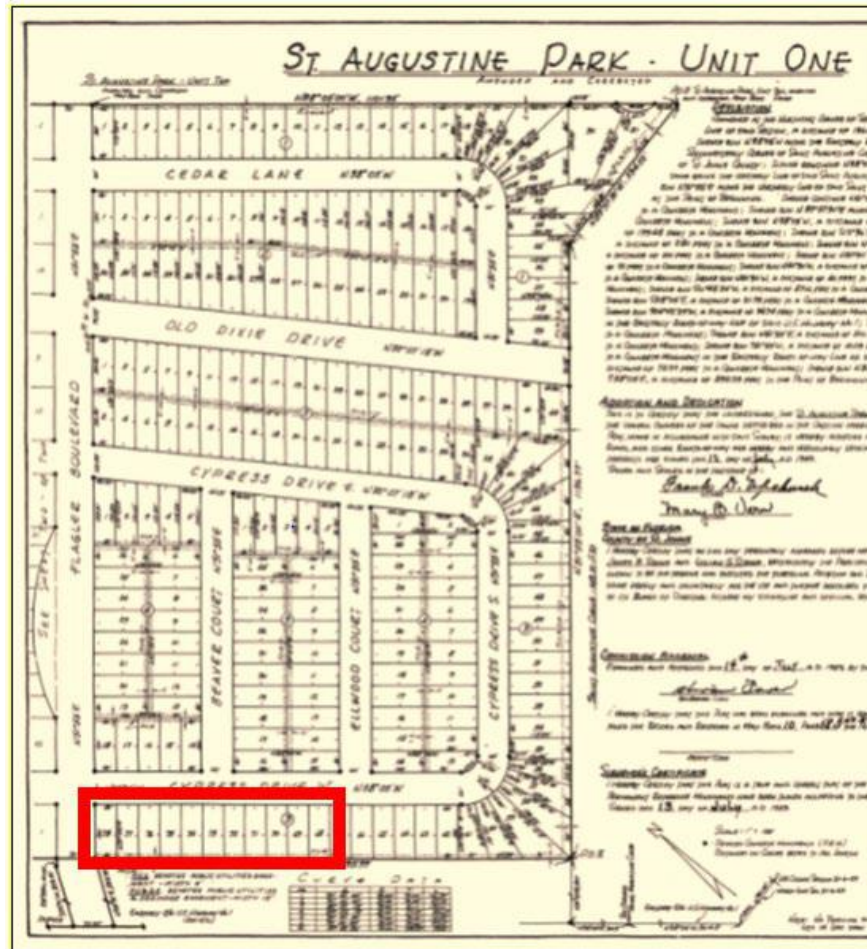
All future site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable local regulations and permitting requirements. No permits will be issued prior to compliance with all applicable regulations.

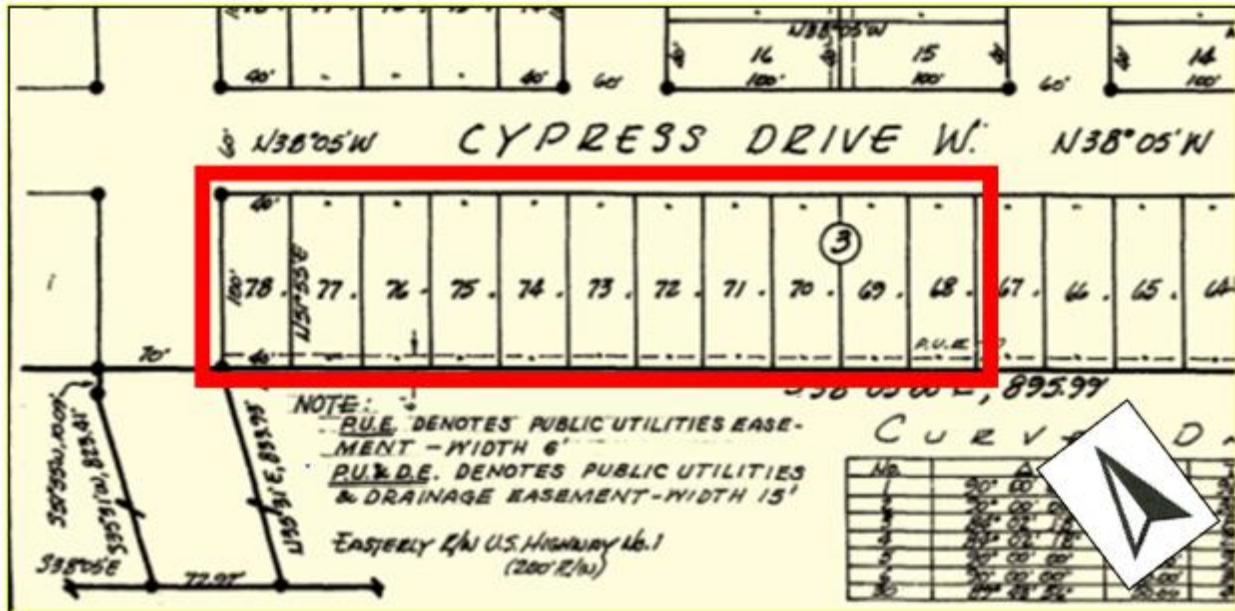
Planning and Zoning Division Review:

The property currently has a zoning designation of Commercial Intensive (CI) with conditions and the site's Future Land Use Map (FLUM) classification is Mixed Use District (MD). The applicant's request to rezone to Commercial Intensive (CI), removing the conditions, is consistent with the FLUM designation of MD.

The subject property is located in the St. Augustine Park, Unit One plat. The 11 lots that make up the subject property are currently developed with a portion of the stormwater pond, with the rest of the area currently wooded and undeveloped. As shown in the below plat, the adjacent roads to the north and northeast of the subject property are undeveloped.

Plat of St. Augustine Park, Unit One:



Close-up of Plat:

The subject property is located in an area of numerous zoning designations and land uses. The proposed commercial use of the property should be compatible with the property to the west on which the main commercial site is located. The requested rezoning will allow the owner to provide the buffering, a portion of the existing stormwater pond, as well as allow the extension of any buildings, storage, and drive aisles. Although the proposed commercial use of the property should be compatible with the property to the west, staff questions compatibility of the proposed CI zoning with the property to the north, east, and south.

The neighboring sites to the north, east and south are currently undeveloped but are zoned for Residential use. According to Land Development Code (LDC) Section 6.06.04.A, an incompatibility buffer will be required. The proposed site is a General Business Commercial and High Intensity Commercial use while the adjacent site to the north, east, and south are a Residential, Single Family use; thus, a 20/B buffer will be required on the more intense site which is the proposed rezoning site. Buffering would be required and reviewed on any commercial site plans or site modifications. A "20/B" buffer would include a 20' wide buffer with screening standard "B". The screening standard "B" as provided in LDC Section 6.06.04.B would include the following options: 6' evergreen plants with 75% opacity; or 6' masonry wall; or 6' solid wood fence; or a 6' berm; and ground cover plants; and 10' high evergreen Canopy Trees spaced not more than 20' apart.

The proposed rezoning from Commercial Intensive (CI) with conditions to Commercial Intensive (CI) would remove the one condition applicable to this specific parcel, pursuant to Ordinance 2020-51. The following condition is found in Ordinance 2020-51 (provided in part):

1. The uses on the property are limited to buffering and stormwater retention

The Planning and Zoning Agency (PZA) heard the request to rezone the 1.01-acre subject property from RS-3 to CI on October 1, 2020 through project REZ 2020-16. During the PZA hearing, discussion was made of the potential development and use of the property in close proximity to the residential properties; this discussion resulted in one (1) added condition to the rezoning to allow only buffering and stormwater retention uses. The Agency unanimously voted to recommend approval of REZ 2020-16 with the added condition. Project REZ 2020-16 went forward to the Board of County Commissioners (BCC) in a public hearing on November 3, 2020; the BCC approved the request with a vote of 5-0; Ordinance 2020-51 was enacted with one (1) condition as listed above.

Figure 1 provides a compatibility analysis of adjacent lands. Staff finds that the requested rezoning would result in a development with similar characteristics to nearby properties fronting US Highway 1 North. The undeveloped residential roadways and residential sites located to the north, east, and south of the subject property are not compatible with the requested rezoning, and if approved, would require an incompatibility buffer on the subject property.

Figure 1: Compatibility Analysis

Criteria	Subject Property	North	South	East	West (Main Use Parcel)
Current / Proposed Zoning	Currently Commercial Intensive (CI) with conditions; Proposed Commercial Intensive (CI)	Residential, Single Family (RS-3)	RS-3	RS-3	CI
FLUM	Mixed Use District (MD)	MD	MD	MD	MD
Current / Proposed Use	Currently buffer and retention for the western Commercial parcel; Proposed buffering, portion of retention, and allow the extension of any buildings, storage, and drive aisles	Undeveloped Residential and 70' ROW	Undeveloped Residential	Undeveloped Residential and 60' ROW	Main Use Parcel currently developed as office/retail buildings, RV/boat parking, and storage facility

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

Figure 2: Compatibility Map



Figure 3 depicts the uses allowed within the current zoning classification of Commercial Intensive (CI) with conditions in comparison to the proposed uses allowed in the rezoning classification of Commercial Intensive (CI). The current zoning has a condition that the site would only be allowed buffering and retention. The proposed rezoning would remove the current conditions and increase the number of uses permitted on the subject property.

Figure 3: Zoning Designation Allowable Use Comparison

Permitted Use Categories	CI (proposed)	CI with conditions
Residential	X*^	X**^
Neighborhood Business	X	X**
General Business	X	X**
High Intensity Commercial	X	X**
Highway Commercial	X	X**
Office & Professional	X	X**
Neighborhood Public Service	X	X**
General Public Service	X	X**
Regional Business & Commercial	X	X**
Regional Cultural & Entertainment	X	X**
*= accessory to Commercial per LDC 2.02.04 **= limited to buffering and retention ^= High density (13 units/acre) multi-family apartments developed pursuant to the Live Local Act, Ch. 2023-17, Laws of Florida, are an entitlement subject to administrative approval.		

Figure 4 depicts the development standards required within the current zoning classification of CI with conditions in comparison to the proposed standards allowed in the rezoning classification of CI. As shown below, the current zoning with conditions would not allow any structures on the subject property. The rezoning to remove the conditions would allow construction limited to the CI development standards.

Figure 4: Zoning Designation Development Standards Comparison

Development Standard	CI (Proposed)	CI with conditions
Maximum Floor Area Ratio (FAR):	50%	N/A**
Maximum Impervious Surface Ratio (ISR):	75%	N/A**
Minimum Setbacks:	Front: 15 ft Side: 5 ft Rear: 10 ft	N/A**
Maximum Height of Structures:	40 ft *	N/A**
*= 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 **= conditional zoning is limited to only buffering and retention; no buildings allowed		

Live Local Act:

The request is for a commercial rezoning to remove the conditions limiting the use of the property; if approved, the property could be utilized for development under the Live Local Act. Pursuant to section 125.01055(7)/section 166.04151(7) of the Florida Statutes, as created by Chapter 2023-17, Laws of Florida (the “Live Local Act”), St. Johns County must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least 40 percent of the residential units are at or below 120% AMI in the proposed multifamily or mixed-use rental development for a period of at least 30 years,

affordable as defined in 420.0004, Fla. Stats. The applicant has not confirmed with Staff if the intent of the proposed rezoning is to pursue redevelopment under Chapter 2023-17 Law of Florida (the “Live Local Act”).

Background:

The subject property was rezoned from the previous zoning of Residential Single Family (RS-3) to Commercial Intensive (CI) with conditions on November 3, 2020 through project REZ 2020-16. The Planning and Zoning Agency heard the request to rezone 1.01 acres from RS-3 to CI on October 1, 2020. The Agency voted 7-0 to recommend approval of REZ 2020-16 with the added condition to limit uses on the property; discussion of the potential development and use of the property in close proximity to the residential properties resulted in one (1) added condition to the rezoning to allow only buffering and stormwater retention uses. The applicant agreed with the recommended condition and the request went forward to BCC on November 3, 2020 when the rezoning was approved 5-0.

CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has received one phone call with the caller wanting general information of the proposed site changes. Staff has received no other 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 2023-22 One North Commercial

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 Intensive (CI) 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 Intensive (CI) 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 Intensive (CI) is consistent with the St. Johns County Land Development Code.	3. The rezoning to Commercial Intensive (CI) is not consistent with the St. Johns County Land Development Code.
4. The zoning district of Commercial Intensive (CI) 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 Intensive (CI) 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.

ATTACHMENT 1
RECORDED DOCUMENTS SECTION

**BEGIN DOCUMENTS
TO BE RECORDED**

ORDINANCE NUMBER: 2024 - _____

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL INTENSIVE (CI) WITH CONDITIONS TO COMMERCIAL INTENSIVE (CI); 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 October 23, 2023 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2023-22 One North Commercial**, 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 Intensive (CI)** 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 Intensive (CI)** is consistent with the St. Johns County Land Development Code.
4. The zoning district of **Commercial Intensive (CI)** 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 2023-22 One North Commercial**, the zoning classification of the lands described within the attached legal description, Exhibit “A”,

is hereby changed to Commercial Intensive (CI).

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 _____ 2024.

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

**BY: _____
Sarah Arnold, Chair**

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

**BY: _____
Deputy Clerk**

EFFECTIVE DATE: _____

EXHIBIT A
Legal Description (Revised)
One North Commercial Addition

LOTS 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, AND 78 OF BLOCK 3, ST. AUGUSTINE PARK, UNIT 1 AS PER MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN MAP BOOK 10, PAGES 58 AND 59, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

**END DOCUMENTS
TO BE RECORDED**

ATTACHMENT 2
APPLICATION AND SUPPORTING
DOCUMENTS

One North Commercial Addition

Rezoning from Commercial Intensive (CI) with Conditions to Commercial Intensive (CI)

SUBMITTAL DATE:

October 23, 2023

Response: November 14, 2023

SUBMITTED ON BEHALF OF:

Mary Leshner, Timuquan Capital, LLC
411 Sebastian Square, St. Augustine, FL 32095
(904) 430-3973 / (386) 864-0788 cell / marylesher@gmail.com

AUTHORIZED AGENT FOR THE APPLICANT:

Karen Taylor, Karen M Taylor Land Planner
77 Saragossa St., St. Augustine, FL 32084
(904) 826-0600 / (904) 501-4373 cell / taylorplanner@bellsouth.net

APPLICATION

EXHIBITS

EXHIBIT A	Legal Description
EXHIBIT B	Maps
EXHIBIT C	Authorization
EXHIBIT D	Proof of Ownership (Deed)
EXHIBIT E	Adjacent Property Owners
<u>EXHIBIT F</u>	<u>Statement of Facts for Requested Change</u>
<u>EXHIBIT G</u>	<u>Site Plan – Rezoning Exhibit</u>
EXHIBIT H	Environmental Mapping

PARCEL IDENTIFICATION NUMBER(S): 0757300650 & 0757400000



St. Johns County Development Review

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)

The request is to rezone the property from CI with conditions (limiting the use to stormwater retention and buffers) to CI (without conditions) to allow for inclusion into the existing adjacent commercial business park. (See attached Statement of Facts, Exhibit F).

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)

EXHIBIT A
Legal Description (Revised)
One North Commercial Addition

LOTS 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, AND 78 OF BLOCK 3, ST. AUGUSTINE PARK, UNIT 1 AS PER MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN MAP BOOK 10, PAGES 58 AND 59, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



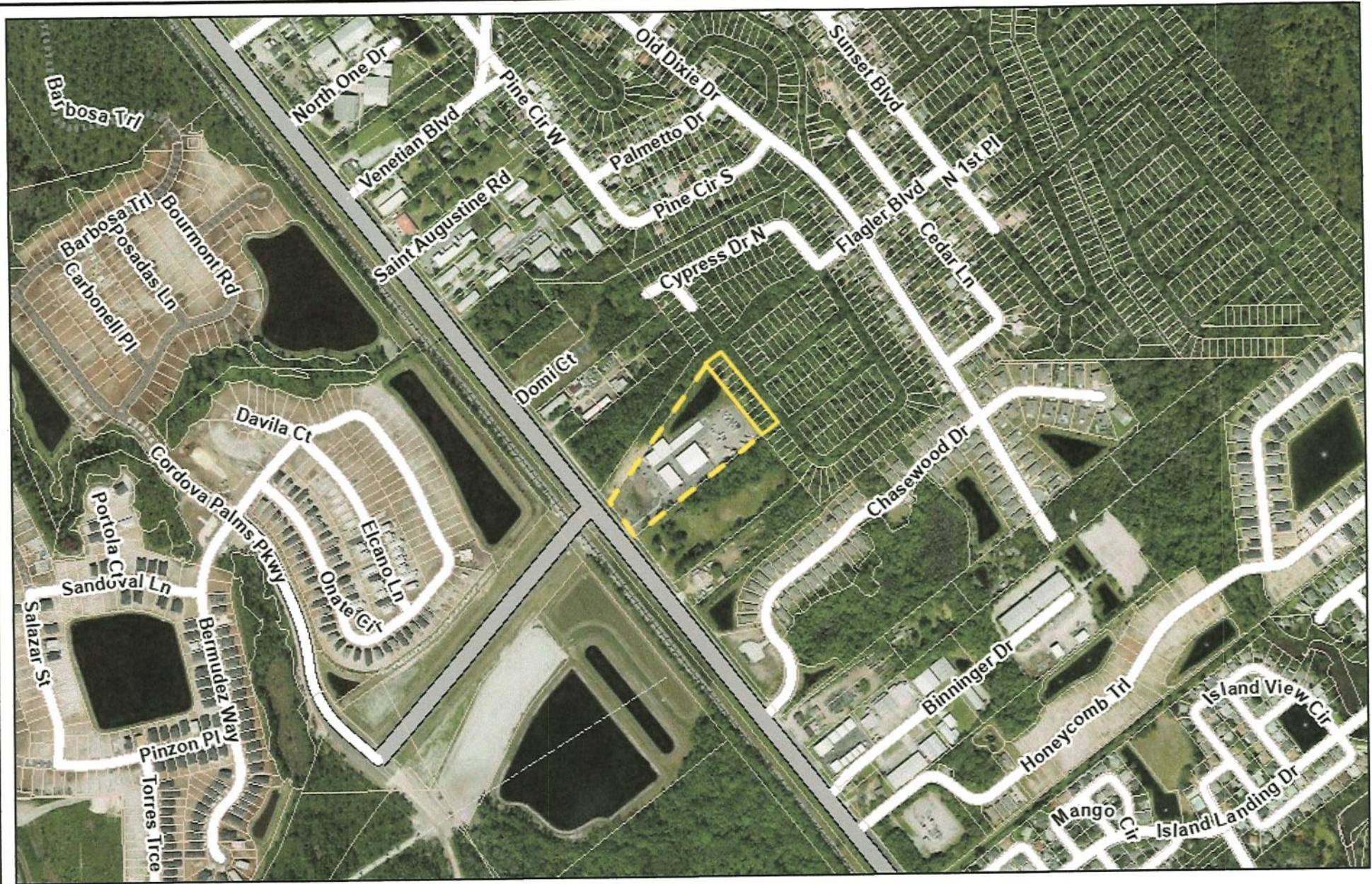
Map created with St. Johns County's iMap

DISCLAIMER:
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date Created: 10/11/2023

EXHIBIT B - Location - One North Commercial Rezoning





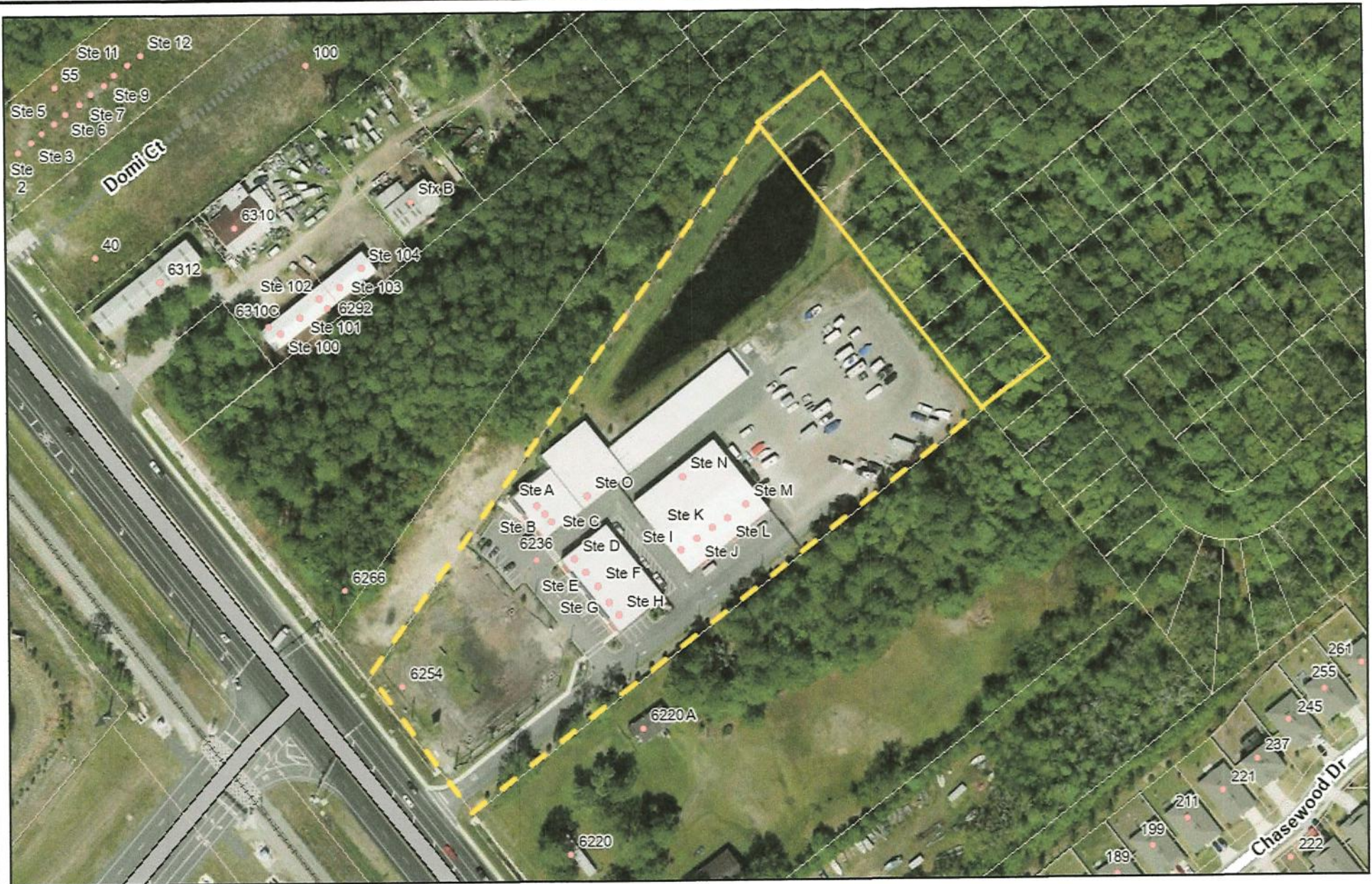
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Date Created: 10/11/2023

EXHIBIT B - Location - One North Commercial Rezoning





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Date Created: 10/11/2023

EXHIBIT B - Aerial - One North Commercial Rezoning





Map created with St. Johns County's iMap

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Date Created: 10/11/2023

EXHIBIT B - Aerial - One North Commercial Rezoning





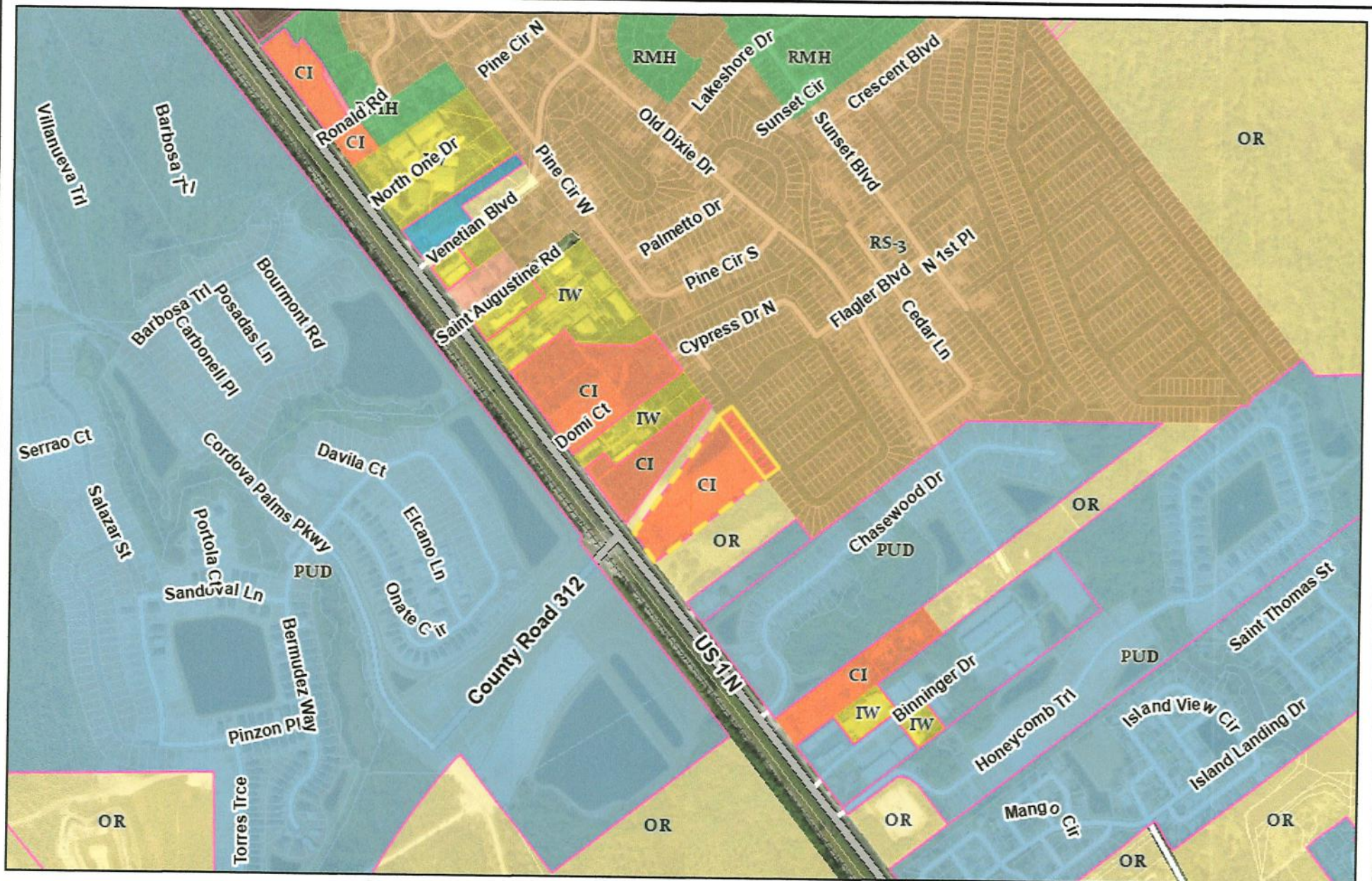
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Date Created: 10/11/2023

EXHIBIT B - Future Land Use - One North Commercial Rezoning





Map created with St. Johns County's iMap

DISCLAIMER:
 This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date Created: 10/11/2023

EXHIBIT B - Zoning - One North Commercial Rezoning



EXHIBIT C
Authorization
One North Commercial Addition



Owner's Authorization Form

Karen M. Taylor

is hereby authorized TO ACT ON BEHALF OF

Timuquan Capital, 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 (deed), have been notified of the Rezoning

(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

Michael B. Leshner

Signature of Owner

[Handwritten Signature]

Print Name

Mary Leshner

Telephone Number

386-864-0788

State of Florida County of St. Johns

Signed and sworn before me on this 27th day of September 20 23

By Michelle Russell

Identification verified: FI D/L

Oath sworn: Yes ___ No

Notary Signature *[Handwritten Signature]*

My Commission expires: 8/3/2026

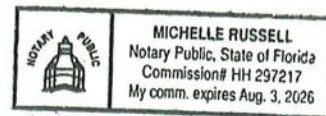


EXHIBIT D
Proof of Ownership (Deed)
One North Commercial Addition

Instr #2020103224 BK: 5099 PG: 422, Filed & Recorded: 11/16/2020 11:13 AM #Pgs:2
Brandon J. Patty, Clerk of the Circuit Court and Comptroller St. Johns County FL Recording \$18.50 Doc. D S0.70

Prepared by:
Zachary R. Roth
Ansbacher Law
8818 Goodbys Executive Drive
Jacksonville, Florida 32217
Parcel ID Nos.: 075730-0650
 and 075740-0000
Consideration: \$10.00

Quit Claim Deed

THIS INDENTURE made this November 12, 2020 A.D. by **Mary Lesher and Michael Lesher, husband and wife**, whose post office address is: 100 Leaning Tree Drive, St. Augustine, Florida 32095, hereinafter called the Grantor, to **Timuquan Capital, LLC, a Florida limited liability company**, whose post office address is: 100 Leaning Tree Drive, St. Augustine, Florida 32095, hereinafter called the Grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)



Witnesseth, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, confirms and quit claims unto the Grantee, all of the right, title, interest, claim and demand that Grantor has in that certain land situate in St. Johns County, Florida, viz:

Lots 65 through 78, Block 3, St. Augustine Park Unit 1, per plat recorded at Map Book 10, Pages 58-59, of the Public Records of St. Johns County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon as Grantor has vacated the property prior to execution of this deed.

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

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

Signatures to Follow on Next Page

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Mary Lesher
Mary Lesher

Michael Lesher
Michael Lesher

Witnesses :

1. Alex Aguilera

2. Corinne Prusinski

1. Alex Aguilera
Printed Name

2. Corinne Prusinski
Printed Name

COPY

STATE OF FL
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 13 day of November, 2020, by Mary Lesher and Michael Lesher, who is/are personally known to me or who has produced FLDL as identification.

Corinne Prusinski
Notary Public
Printed Name: Corinne Prusinski
My Commission expires:
July 12, 2022

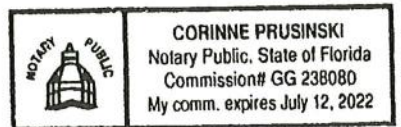


EXHIBIT F
STATEMENT OF FACTS FOR REQUESTED CHANGE
One North Commercial Addition

This request is to rezone 1.01 acres of property east of U.S. Highway One, from Commercial Intensive (CI) with Conditions to Commercial Intensive (CI) to provide for the addition of property for the adjacent CI zoned property for development beyond those established within the conditional ordinance. The subject property consists of 11 lots, within an undeveloped block of St. Augustine Park, Unit 1 subdivision. The lots are 40' wide by 100' deep and located along the southerly portion of Cypress Drive West. Cypress Drive West is not opened and connects to Flagler Boulevard, which is also not opened.

These lots we rezoned to CI with conditions that limits their use to buffer and stormwater retention. A number of the Northerly lots have been used for a portion of the retention pond for the adjacent property and establishment of the required 20' buffer to the residential properties to the East. The remaining lots are currently vacant and contain a fairly large portion of isolated jurisdictional wetlands. These lots have been incorporated into a larger parcel to the West, which is 6.0 acres in size, and has access to U.S Highway One. That parcel is zoned CI, without any conditions and development has commenced. Development includes the 6 undeveloped lots plus the 5 lots already used for the primary portion of the retention pond. So, the 6.0 acres, plus the 11 lots listed here have already been incorporated into one cohesive development, which has access on U.S. Highway One and is served by central water and sewer.

The 6.0 acre parent site runs from U.S. Highway One to the west boundary of the lots. It was rezoned to CI to allow for business and service uses along the U.S. Highway One frontage with a self-storage facility along the rear of the site. As noted, the intent of the original rezoning for these lots, was to provide for a portion of the stormwater retention facility and provide for the required buffers.

Since the northerly lots were planned to be used for a portion of the retention pond and to provide for the required buffer, and the southerly lots contained some jurisdictional wetlands, the applicant was not considering any particular use for at the time of the rezoning and was not familiar with wetlands mitigation. So, the applicant agreed to the condition that the "lots" would be used for retention and buffering.

The applicant has commenced with development of the site and due to some changes in business circumstances in the area, has reworked their plans and would like to use the area represented by the 6 lots as a part of the development, not just for buffer and retention. The use of these lots are important to their plans, rather than leave fully natural. As a note, the applicants original plans, as indicated, were for some commercial up front but primarily for self-storage. Since that time, 2 major self-storage players also started actively working on some very large facilities. So, the applicants have reworked their business plan, including their site plan, to provide for more commercial and larger storage (business, not personal household), and have secured a tenant that wants to move his long-time auto repair facility from St. Augustine to their site. So, with these changes, the addition of the remaining lots, even with the mitigation costs, adds critical additional space to the overall development, and still can provide for the required buffering to the East.

As noted above, these lots are part of a subdivision that was platted many years ago, and is undeveloped in the area adjacent to this site and these lots. A large portion of the remainder of the subdivision, particularly the portion in this general location is also undeveloped and contains significant jurisdictional wetlands and very little uplands. The only portion of the subdivision that is developed is along Old Dixie Drive and Cypress Drive to the East and to the North. Otherwise, most of the roads in this area are unopened. So, these lots are a part of that subdivision that cannot be developed without intensive wetland mitigation or a

whole new subdivision plan. Either of which would be complicated by the number of owners. So, although the applicants lots are adjacent to a subdivision, the chance of development is low. However, the applicant has no issue with providing the 20' B screening buffer and/or fencing as required.

The property is located within a Mixed Use Land Use corridor that stretches along U.S. Highway One. It is at the intersection of U.S, Highway One and the initial of a portion of State Road 313 (SR 313), that will eventually connect to State Road 16 (SR 16). Properties along this corridor include a number of small commercial and industrial projects to the North and a mixture of commercial, industrial and residential projects to the South. The property immediately to the North of the parent site, was rezoned to CI as well. Properties to the East consist of residential (St. Augustine Park and Venetian Estates) and the west side is the parent site. Zoning along U.S. Highway One both to the North and to the South of the property is a mixture of CI, IW, Open Rural (OR), and PUD. Zoning for the remainder of the single family residential to the East is RS-3 and the Cordova Palms community is zoned PUD, which is primarily for residential development.

The Legal Description attached as Exhibit A describes the site. As the site is 1.01 acres in size and located within the Mixed Use District as designated on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, the applicant is requesting a standard zoning of CI.

A. Development of the subject property is consistent with the St. Johns County Comprehensive Plan as follows:

1. Land Use: The Property, described by the attached Exhibit A- Legal Descriptions, is within a Mixed Use Area as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan. Mixed Use areas are appropriate for this zoning request as described within ***Objective A.1.9 Mixed Use Development***, which provides that the "County shall provide a mixture of land uses with designated Mixed Use Districts to encourage large concentrated areas of commercial, office, light industrial, residential, recreation, and cultural facilities at a scale which is capable of serving large segments of the County and the region" and subsequent Policies, including ***Policy A.1.9.1*** that allows for "all land uses" as provided for in the County Comprehensive Plan and County Land Development Regulations. This rezoning upholds ***Objective A.1.2 Control of Urban Sprawl***, which provides that the "County shall control urban sprawl, characterized by leapfrog development, strip development and low-density residential use over a large area". It sets a standard for general business and commercial development requests within a commercial area within the County, that are uses located adjacent to residential areas. In addition, the development is consistent with the Comprehensive Plan as embodied in ***Objective A.1.3, Surrounding Land Use***, as the project includes uses allowable within the County Comprehensive Plan and land development regulations consisting of retail and office uses, which are compatible with the surrounding properties. It is consistent with Policy A.1.3.11. Compatibility, whereas the property provides buffers to adjacent land uses and along the major roadways and Policy ***A.1.3.9***, that limits the scale and scope of these uses. The allowable uses provided for within the rezoning request are also supported by ***Objective A.1.11 Provision of Efficient, Compact Development***, and subsequent ***Policy A.1.11.3***, which establishes the intensity and bulk of types of non-residential development and impervious surface ratios.

The proposed use is an allowable use within both the St. Johns County Comprehensive Plan and the Land Development Code. The change from CI with conditions to CI to allow for a small expansion to the parent site, will allow for a portion of the stormwater to serve the site and add developable area, while still providing for the required buffers between the CI uses and the residentially zoned property. The CI zoning is requested because it will allow for one cohesive zoning category for the whole development. So, buffer standards and setbacks will remain the same.

As noted previously, this category provides for more typical business and service uses, as well as the self-storage, allows for the less intense uses found in the light industrial category. The CI category will provide for the more traditional business and service uses found in the area and these "lots" can help expand the site enough to make a big difference for the owners. The commercial zoning is consistent with the surrounding area and compatible with the surrounding uses. This rezoning application promotes the efficient, compact and mixes of uses with the Mixed Use area as intended by the St. Johns County Comprehensive Plan by establishing the specific zoning category of CI along U.S. Highway One, which will enhance the existing site and provide for the consolidated commercial activity area that is consistent with the other commercial uses in the general area. Site development will conform to the required buffers and separation as provided for within the St. Johns County Land Development Code.

The site will provide for the LDC requirements for buffers and fencing and the site will be buffered from the adjacent residential and rural uses by meeting these requirements, within this property. The required buffer would be a 20' B Screening buffer. As noted, the remainder of the residential lots to the East (including those adjacent to these) are not developed and the roadways have not been constructed and they contain a considerable amount of jurisdictional wetlands. This creates a natural buffer from the developed portion of the subdivision further to the East, on top of the buffer provided within the lots.

This zoning category promotes orderly, compact and mixed development as called for by the St. Johns County Comprehensive Plan, but also establishes an appropriate buffer and scale for future development along U.S. Highway One. Additionally, the subject property meets the intent of the Comprehensive Plan to provide commercial services and business within concentrated areas, which will be easily accessible to nearby residential development areas, without directly accessing the residential neighborhood. It will promote infill development in an existing developed area and an area established for future commercial and mixed-use type development. The site is served by a major access road, U.S. Highway One, and central water and sewer facilities.

2. Compatibility: The proposed uses are compatible with the area and the overall community and meet the criteria established within *Objective A.1.3 Surrounding Land Use, Policy A.1.3.11*, which states that: "When a Comprehensive Plan amendment, rezoning or development application is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, include but are not limited to permitted uses, structures, and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is unduly negatively impacted directly or indirectly by another use. Compatibility does not mean "the same as". Compatibility refers to the sensitivity of development proposals in maintaining the character of existing development and environments. The compatibility of land uses is dependent on numerous characteristics which may impact adjacent or surrounding uses. These include, but are not limited to: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, dust, vibration, traffic generation, sanitation, litter, drainage, fire risk, air quality, vegetation, topography, soil conditions, wildlife, aquifer recharge, surface waters, drainage, protection of Listed Species or Essential Habitat, maintenance of public infrastructure, availability of potable water, sanitary sewer and other necessary public services and nuisances."

It would appear that the surrounding uses do meet the criteria within the previous Policy, whereby the County must determine whether the request is compatible as follows: "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties."

Adjacent land uses surrounding this property would be deemed compatible. Many of the properties along this section of U.S. Highway One, both to the North and to the South, as noted, have intensive commercial and light industrial uses. And, as previously noted, the portion of the residentially zoned single family subdivision to the East has not been developed and contains unopened roadways and non-accessible lots and are interspersed with wetland areas that will provide for additional vegetative buffering and separation. The addition of this property, without the conditions, will still meet the required buffers adjacent to the residential properties or uses, and comply with the Land Development Code to provide the required "B" screening standards. As also noted, Cordova Palms is across U.S. Highway One and beyond the railroad and includes significant buffering for the activities along U.S. Highway One. The area is an appropriately "mixed use" area in accordance with the Comprehensive Plan, as it contains a variety of zoning categories and associated uses that reflect the diversity of the area.

Therefore, the proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby:

- a. The permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area;
- b. The proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway;
- c. The proposed permitted uses will not cause a public nuisance;
- d. The rezoning will not result in urban sprawl determined by Chapter 163, Florida Statutes;
- e. The rezoning will not unreasonably or unduly impact the natural environment; and
- f. The proposed permitted uses, structures and activities within the CI category are allowable within the Future Land Use Designation of Mixed Use.

It should be noted that this change to rezone the property from CI with conditions to CI for the proposed uses will be compatible with the other commercial categories in the vicinity. Buffers and setbacks for the development will meet or exceed the current Land Development Code (LDC) standards and *Policy A.1.9.7* of the Comprehensive Plan, Mixed Use District periphery buffers, which will ensure separation of activities associated with both land use types.

3. Concurrency: The rezoning for the property is consistent with *Objective A.1.2* Control of Urban Sprawl, specifically *Policy A.1.2.1* which states: "The County shall only issue development orders or development permits consistent with the provision of the County's Concurrency Management System, as provided in *Policy A.1.9.6* which states that all new development within Mixed Use Districts shall be required to be served by central water and sewer services, except for...non-residential development that is projected to generate less than 500 gallons per day demand of potable water or sanitary sewer service. The applicant has connected to central water and sewer.

B. The subject project will meet the criteria required for Commercial Intensive (CI) uses as outlined within Section 2.02.02 of the Land Development Code and more specifically allowable within the associated Use categories found within Section 2.02.02 (A) Residential, (C) Cultural/Institutional, (D)

Neighborhood Business and Commercial, (E) General Business and Commercial, (G) Highway Commercial Uses, (H) High Intensity Commercial, (M) Office and Professional, and (O) Neighborhood Public Service and Emergency Service Uses, (P) General Public Service, (Q) Regional Business and Commercial and (R) Regional Cultural and Entertainment, as well as the site development criteria as established within Section 6.01.00.

C. The subject project will meet all requirements of applicable general zoning, subdivision and other regulations and meet all the requirements of the Land Development Code, including required buffers and separation.

EXHIBIT H
Environmental Mapping
One North Commercial Addition

