



Minutes
Regular Meeting of the St. Johns County
PLANNING AND ZONING AGENCY

Thursday, June 15, 2023 at 1:30 pm

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, June 15, 2023 at 1:30 p.m. in the County Auditorium at the St. Johns County Administrative Complex located at 500 San Sebastian View, St. Augustine, Florida.

MEMBERS PRESENT: Gregory Matovina, District 1, Chair
Meagan Perkins, District 4, Vice Chair
Jack Peter, District 4
Elvis G. Pierre, District 2
Eugene Wilson, District 3
Dr. Richard A. Hilsenbeck, District 3

MEMBERS ABSENT: Henry F. Green, District 5

STAFF PRESENT: Lex Taylor, Asst. County Attorney; Michael Roberson, AICP, Director Growth Management; Teresa Bishop, AICP, Planning Division Manager; Debbie Willis, GIS Systems Analyst; Tom Stalling, Communications Specialist; Marie Colee, Assistant Program Manager.

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- Call meeting to order at 1:30 pm
 - Pledge of Allegiance
 - Reading of the Public Notice statement by Perkins
 - Public Comments:
Geoffrey Batteiger (105 Oak Tree Point, Palatka Fl 32177) Requested that the County provide a planner for those who are unable to afford a professional planner to undertake presentations. Mentioned that this was undertaken by County Planning Staff a few years ago.
 - Matovina: Advised that Item 5 would be heard first.

AGENCY ITEMS:

District 5

1. SUPMIN 2023-01 Porter MH- 2980 Bay Street. Request for a Special Use Permit to allow for the placement of a Manufactured/Mobile Home as a residence in Residential, Single Family (RS-3) zoning, pursuant to Section 2.03.08 of the Land Development Code.

Staff: Lauren Dwyer, Planner

(12:39)

No ex parte communication by the Agency.

Presenter: Geoffrey Batteiger, (102 Oak Leaf Point, Palatka Fl 32177) with **Jamie Porter** (2988 Bay Street St Augustine Fl), property owners requesting this Special Use Permit. Mentioned that there are approximately 26 mobile homes located within the area. Showed plans for the location and type of mobile home. Property has been owned by the family for over 50 years.

(16:15)

Motion by Perkins, seconded by Dr. Hilsenbeck, carries 6/0, to approve SUPMIN2023-01 Porter MH-2980 Bay Street subject to ten (10) conditions and eight (8) findings of fact, as provided in the Staff Report.

FINDINGS:

1. The Special Use can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the St. Johns County Comprehensive Plan or this Code.
2. The use is compatible with the contiguous and surrounding area and will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.
3. The use, which is listed as a Special Use in Residential, Single-Family (RS-3) zoning designation complies with all required regulations and standards of Article II of the Land Development Code.
4. The request is in compliance with Section 2.03.01 and Section 2.03.08 and Article XII of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map Designation of Residential C (RES-C).
6. The requested Use, although not generally appropriate or without restriction throughout the zoning district, when controlled as to the number, location and relationship, to the neighborhood, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the residents of the area.
7. The requested Use is not in conflict with the development patterns of the area.
8. The applicant, at the public hearing, has stated no objections to the proposed conditions.

CONDITIONS:

1. The Special Use Permit is granted to Wade Kenneth Porter at the above location, and shall be transferable and shall run with the title to the property.
2. Development shall be consistent with improvements depicted on the site plan labeled "Exhibit B" and shall be made a part of this Order; any change or addition shall constitute a violation of the Special Use approval unless such change is submitted and approved by the Planning and Zoning Agency.

3. Applicant agrees that St. Johns County may inspect the site for compliance with the Final Order and all other relevant requirements at the time the Special Use is being executed.
4. This approval of the Special Use Permit may be revoked by the County Administrator or designee, in his/her sole discretion, upon a determination of violation of the conditions set forth herein or a violation of any Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator may be appealed to the Board of County Commissioners.
5. The Special Use Permit shall be commenced within one (1) year of the signing of the Order; otherwise all rights granted herein shall be null and void. Commencement will be defined as issuance of a Development Permit by the St. Johns County Operations Division.
6. The Special Use Permit is granted under the conditions of continual use. A Special Use that, once commenced, remains idle, discontinued or unused for a continuous period of one (1) calendar year shall no longer be valid and all rights granted herein shall become null and void.
7. Approval of the Special Use does not release project from compliance with all relevant requirements of the St Johns County Land Development Code, Comprehensive Land Use Plan, Florida Building Code and any other Agency having jurisdiction.
8. All towing gear shall be removed.
9. Exterior skirting shall be installed to provide a visual barrier for all underfloor mechanical, electrical, and plumbing installations. Skirting shall extend from the underside of the perimeter of the Structure to the adjacent surrounding grade. Skirting may be constructed of pressure treated wood or natural durable wood such as redwood or cedar, or skirting material manufactured specifically for the purpose of installation on manufactured/mobile homes. Skirting shall be permanently maintained free from broken or missing sections, pieces or cross members. Exceptions to these skirting requirements may be made in areas where an enclosed underfloor is prohibited due to storm surge, or where the lowest portion of the first floor joists, measured vertically, exceeds seven (7) feet from grade throughout the entire underfloor area.
10. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.

District 3

2. MINMOD 2023-02 St. Augustine Shores Daycare and Preschool. Request for a Minor Modification to the St. Augustine Shores PUD (ORD 1974-16) to allow for a Daycare and Preschool.

Staff: Evan Walsnovich, Planner

Ex parte communication declared by the Agency:

Perkins: Spoke with Mr. Wester this morning, who answered her question.

Matovina: Received a voice mail from Mr. Wester yesterday. Called back this morning and got voice mail. Mentioned he had questions that could be answered at the presentation today.

(17:33)

Presenter: Brad Wester, (Driver McAfee Hawthorne & Diebenow, One Independent Drive Suite 1200, Jacksonville, Fl) Presented the request for a minor modification to allow for a Daycare and Preschool named Kids City USA. The company has over 100 locations.

Discussion occurred between the presenter and the Agency with regard to the pine trees removal and that replanting will be undertaken within the code.

Public Speakers:

Robert Stanton (452 Graciela Circle, St Augustine FL 32086) OPPOSED. Mentioned that the deed restriction of 79.73 is specific to St Augustine Shores. Listed in that ordinance there is nothing mentioned about a child care facility. There has been no communication with the Architectural Control Committee for St Augustine Shores. Two signage boards have already gone up on the property which is in contravention to 79.73 as it mentions just one board. The owners have not been to the ACC to obtain approval to install the current boards. Requesting the County change the ordinance to allow for a child care facility.

Manuel Lopez Mendez (400 Gianna Way, St Augustine Fl 32086) SUPPORTS. Head Elder of the St Augustine Adventist Church that is an adjacent neighbor to the property. The church supports having the Child Care and Preschool facility. Very compatible with the community as it is much needed.

Dirk Schroeder (428 Gallardo Circle, St Augustine Fl 32086) SUPPORTS. Broker for the Deltona Corporation, the owner of the property. Explained why there is no need to change the deed restrictions specific to St Augustine Shores to allow for the child care facility.

Wester: Presented a rebuttal. Explained that a letter had been written to the St Augustine Shores HOA regarding this rezoning request going to the PZA today. Presented an overhead copy of an email received from a Staff member of the HOA in relation to their reply. Also read the email from the Executive Vice President of Delta Corporation explaining a deed restriction would not serve as a viable purpose. Applicant is here today to clarify that through the minor mod process. Explained they have a lot of permits to undertake on this property, including an approval to get from the HOA which is well documented. Explained the engineer has confirmed they will be retaining oak trees and bigger trees in the playground area.

(41.13)

Motion by Perkins, seconded by Peter, carries 6/0, to approve MINMOD 2023-02 St Augustine Shores Daycare and Preschool based on six (6) findings of fact and subject to seven (7) conditions, as provided in the Staff Report.

Matovina: Explained that the PZA board makes decisions with regard to the Comprehensive Plan and Land Development Code. PZA does not make decisions with regard to private matters such as covenants and restrictions. PZA also does not make decisions as to boundary disputes.

FINDINGS:

1. The request for this Minor Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. The Minor Modification is in compliance with Land Development Code, Section 5.03.05, which provides criteria for Minor Modifications.
3. The proposed Minor Modification is not contrary to the public interest and is not in conflict with the surrounding development.

4. The request is consistent with applicable portions of the St. Johns County Comprehensive Plan.
5. The request is not in conflict with the Residential-C Future Land Use designation.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.

CONDITIONS:

1. Approval of the Minor Modification will be non-transferable and will apply only to the proposed use as described in the attached Master Development Plan Text labeled "Exhibit B".
2. Approval of the Minor Modification does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. The Master Development Plan Text labeled "Exhibit B" shall be made a condition of approval. Any change or variation shall constitute a violation of the Minor Modification approval in accordance with LDC, Section 5.03.05.
4. This approval of the Minor Modification may be revoked by the County Administrator or designee, at his/her sole discretion, upon a determination of violation of the conditions set forth herein or a violation of any Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator may be appealed to the Board of County Commissioners.
5. Minor Modification shall commence within one (1) year of the signing of the Resolution. Failure to commence within the prescribed time shall render the Resolution invalid and all rights granted herein shall be come null and void. Commencement shall be defined as issuance of a Development Permit/Clearance Sheet by the St. Johns County Operations Division.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the PUD and Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the PUD, Land Development Code or Comprehensive Plan. Representations and depictions within the application materials shall assist Staff in the interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the PUD, Land Development Code or Comprehensive Plan.
7. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Resolution, except as may be modified by preceding conditions and limitations.

District 3

3. MINMOD 2023-04 Case Residence (104 Seychelles Ct). Request for a Minor Modification to the Seychelles PSD (ORD 1987-71) to allow for a living space on the first floor of a residential dwelling unit, and to allow for a reduction in the required Side Yard setback to two (2') feet in lieu of the five (5') foot requirement to accommodate placement of an Air Conditioning Unit.

Staff: Sloane Stephens, Planner

No ex parte communication declared by the Agency.

Presenter: Ellen Avery Smith (Rogers Towers, 100 Whetstone Place, St Augustine) and **Cora Johnston**, Generation Homes, LLC presented the request.

(46:52)

Motion by Perkins, seconded by Dr. Hilsenbeck, carries 6/0, to approve SUPMIN 2023-1, subject to seven (7) conditions and eight (6) findings of fact, as provided in the Staff Report.

FINDINGS:

1. The request for this Minor Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. The Minor Modification complies with the Land Development Code, Section 5.03.05, which provides criteria for Minor Modifications.
3. The proposed Minor Modification is not contrary to the public interest and is not in conflict with the surrounding development.
4. The request is consistent with applicable portions of the St. Johns County Comprehensive Plan.
5. The request is not in conflict with the Residential-C Future Land Use Map designation.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.

CONDITIONS:

1. Approval of the Minor Modification will be transferable and will apply only to the proposed use as described in the attached Site Plan "Exhibit B"
2. Approval of the Minor Modification does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. The Minor Modification shall commence within one (1) year of the signing of the Resolution. Failure to commence within the prescribed time shall render the Resolution invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
4. The site plan labeled as Exhibit B shall be made a condition of approval.
5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with any other provision of the Land Development Code or Comprehensive Plan.
6. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Resolution, except as may be modified by preceding conditions and limitations.
7. The applicant at the public hearing has stated no objections to the proposed conditions.

District 2

4. REZ 2023-03 Elkton Center. REZ 2023-03 Elkton Center, a request to rezone approximately .76 acres of land from Commercial General (CG) and Residential Single Family (RS-3) to Commercial Rural (CR), located at 4855 State Road 207.

Staff: Lauren Dwyer, Planner

No ex parte communication declared by the Agency.

Presenter: Karen Taylor (Land Planner, 77 Saragossa Street, St Augustine Fl) presented the rezoning request

Further discussion occurred between the Agency and the presenter with regard to the size of the land.

(54:32)

Motion by Perkins, seconded by Pierre, carries 6/0, to approve REZ 2023-03 Elkton Center, based on four (4) findings of fact as provided in the Staff Report.

FINDINGS:

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 Rural (CR)** 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 Rural (CR)** is consistent with the St. Johns County Land Development Code.
4. The zone district of **Commercial Rural (CR)** is consistent with the land uses allowed in the land use designation of **Rural Commercial (RC)** as depicted on the 2025 Future Land Use Map.

District 3

5. REZ 2023-05 Strickland Oil Brothers. REZ 2023-05 Strickland Oil Brothers, a request to rezone approximately .86 acres of land from Open Rural (OR) to Commercial Intensive (CI), located at 980 S. Holmes Blvd.

(4:24)

No ex parte communication was declared by the Agency.

Presenter: Evan Futch, (Avid Group, Tampa, Lake Mary Florida) presented the re-zoning request from Open Rural to Commercial Intensive to allow for a quick lube oil change facility. Presented maps that that showed the request is consistent with the Comprehensive Plan and is surrounded within a mixed use district.

(11:56)

Motion by Perkins, seconded by Peter, carries 6/0, to recommend approval of REZ 2023-05 Strickland Oil Brothers based on four (4) findings of fact, as provided in the Staff Report.


FINDINGS:

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 zone district of **Commercial Intensive (CI)** is consistent with the land uses allowed in the land use designation of **Mixed Use (MU)** as depicted on the 2025 Future Land Use Map.
- Staff Reports: None
 - Agency Reports: Early July meeting is cancelled. Ms. Perkins advised she will not be attending the second meeting in July.
 - Meeting Adjourned at 2.25pm.

Minutes approved on the 3rd day of August, 2023.



Greg Matovina, Chairman
Planning and Zoning Agency



Clerk, Growth Management

*For more detailed Minutes, please visit the St. Johns County GTV video recording:
<http://www.sjcf1.us/GTV/WatchGTV.aspx>