



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

**Thursday, August 17, 2023 at 1:30 pm**

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, August 17, 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  
Dr. Richard A. Hilsenbeck, District 3  
Elvis G. Pierre, District 2  
Henry F. Green, District 5

**MEMBERS ABSENT:** Jack Peter, District 4  
Eugene Wilson, District 3 (No school board representative)

**STAFF PRESENT:** Lex Taylor, Asst. County Attorney; Michael Roberson, Director Growth Management; Teresa Bishop, AICP, Planning Division Manager; Debbie Willis, GIS Systems Analyst; Jasmine Allen, GIS Technician; 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: None

**Matovina:** Advised that PUD 2023-02 Ponte Vedra Resort, that was originally scheduled for this meeting, will be continued to the September 21, 2023 meeting.

**Matovina:** Advised a need to address two issues for the board.

Firstly, Growth Management staff do not work for the PZA board. That staff works for the St Johns County Manager, who then reports to the Board. There has been a lot of discussion around the PUD 2023-02 Ponte Vedra Resort, and Staff should not be asked to take direction from the PZA board with regard to this item.

Secondly, would like to address the potential for where there may be a conflict of interest. Explained that when we think about a conflict of interest we normally think about a monetary situation. Several, that were declared as a conflict of interest, have been because D.R. Horton is his biggest customer. When D.R. Horton has a rezoning at the PZA he declares the conflict of interest. There are non-monetary conflicts of interest. If you live next door to a development you probably have a non-monetary conflict of interest. Explained that the Board's charge is to not only avoid an actual conflict of interest but also the perception of a conflict of interest. There will be a lot of controversy surrounding the PUD 2023-02 Ponte Vedra Resort on September 21<sup>st</sup>. PZA members could potentially put any decision that is made, in danger, by not following rules that we are supposed to follow.

#### **AGENCY ITEMS:**

District 5

**1. ZVAR 2023-14 Marsh House.** Request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard Setback of 5'-10" in lieu of the 25 foot requirement, and a second Front Yard setback of 7'-10" in lieu of the 20 foot requirement in the Residential, Single Family (RS-3) zoning district, located at 3020 Third Street.

**Staff: Evan Walsnovich, Planner**

No ex parte communication declared by the Agency members.

**Presenter: Connor Downing** (Open City Architecture) working with **Michelle and Laurence Montello** for this variance application. Presented a plan to allow for rebuilding within the existing footprint of the current structure to help protect trees.

Various discussion occurred between the agency and the applicant. In particular whether or not they would need an extra permit to tear down a 1916 home.

**Staff (Bishop):** The historic Cultural Section did review this home. They said *"Please note that the existing structure on the site is qualified as a historic structure built in 1916. In accordance with the land development code 3.014 the structure maybe significant. If considered significant it must be 50 years or older and three of the recognized quality of integrity, location, design, setting, materials, workmanship, association, and it must meet one of the criteria listed in the land development code 3.014.0C d. This determination will be made during the demolition permitting process for the structure. A Cultural Research survey or American Building survey may be requested. If determined to be significant, further mitigation efforts may be required."*

Further discussion occurred between the Agency and the applicant with regard to whether or not the proposed house could fit within the setback if they ignored the trees.

#### **Public Speakers:**

**Cheryl Tillman** and **Carlson R. Tillman** (161 Sherwood Ave, 157 Sherwood Ave, 149 Sherwood Ave, St Augustine FL 32084) SUPPORTS. Would like to see the variance granted to protect the trees and the character of the neighborhood.

**Debi Hanks** ( 3025 3<sup>rd</sup> Street, St Augustine 32084) SUPPORTS the variance as she wants to see the trees preserved. Lives across the street, and is the sister of the Applicant.

**Matovina:** Mentioned that three of the trees would be difficult to save and the one near the driveway will probable be under stress. Has undertaken similar developments where had to build a swell around the tree. Not convinced the plan will work as presented. Based on the presentation it will be difficult to preserve the trees.

Further discussion occurred between the applicant and the Agency with regard to saving the trees.

( 27:30 )

**Motion by Perkins, seconded by Green, carries 3/2 (dissent Matovina, Pierre), to approve ZVAR 2023-14 Marsh House, based on seven (7) conditions and five (5) findings of fact as provided in the Staff Report.**

**FINDINGS:**

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.
3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C.

**CONDITIONS:**

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Approval is pursuant to site plan labeled as **Exhibit B**, submitted by applicant, and made a part of this application.
4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
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 Final Order, 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 4

**2. MINMOD 2023-07 Graves Pool.** Request for a Minor Modification the Ponte Vedra By-The-Sea Estates PSD (ORD. 2000-5) to allow a Rear Yard setback of six (6) feet in lieu of the ten (10) foot requirement to accommodate placement of a swimming pool.

No ex parte communication declared by the Agency.

**Presenter: Lindsay Graves** (Seawood Lane, Ponte Vedra) presented the request for the minor modification.

( 37:54 )

**Motion by Perkins, seconded by Hilsenbeck, carries 5/0, to approve MINMOD 2023-07 Graves Pool, based on seven (7) findings of fact and subject to seven (7) conditions, as provided within 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 is in compliance with Land Development Code Sections 5.03.05.B, 10.04.06.B, 10.04.02, and in compliance with Article XII, defining a Zoning Variance. Competent substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the Code would produce a hardship as defined by the Code, and that denying the application would be contrary to the spirit and purpose of the Land Development Code.
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-D Future Land Use designation.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.
7. The proposed Minor Modification is in compliance with Part XII of the Land Development Code, defining a Zoning Variance. Competent substantial evidence has been submitted to support a hardship as defined by the Code.

**CONDITIONS:**

1. Approval of the Minor Modification will be transferable and will run with title to the property.
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. Approval pursuant to the site plan labeled as Exhibit B submitted by applicant and made a part of this application.

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 PSD and Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the PSD, 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 PSD, 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 2

**3. MAJMOD 2023-04 Elevation Pointe.** Request for a Major Modification to the Elevation Pointe at Anderson Park PUD (Ordinance 1996-66, as amended) to increase wetland impacts with a corresponding decrease in preserved wetlands, open space and upland buffers; increase development area; reconfigure commercial outparcels; and decrease approved commercial entitlements from 190,000 SF to 170,000 SF.

**Staff:** Justin Kelly, Senior Planner

No ex parte communication declared by the Agency members.

**Presenter: Mike Rich** (Elevation Development, 189 South Orange Avenue, Orlando 32801) development manager, presented the request for a major modification to allow for Publix to be a key tenant.

**Bill Schilling**, (Kimley Horn & Associates, 12740 Grand Bay Parkway West, Suite 2350, Jacksonville Florida 32558 ) presented the technical, civil and transportation aspect of the development.

**Brian Deitsch** (Kimley-Horn) Answered questions relating to St Johns Utility department having a deficiency in sewer and water mains. That the project is doing a new design. The project is in the process of a memorandum of understanding and working with St Johns Utility department to reroute. No development will be completed without the sewer mains being completed.

**Jody Sisk**, (Atlantic Ecological Services, 201 Basque Road, St Augustine FL,32080) Answered questions from the Agency with regard to modifications or denials to projects. As most projects don't want a denial so they end up withdrawing their permits. Explained the mitigation credits process and that the credits had been purchased for this project. Explained the project is under construction and notice of commitment which included purchasing mitigation bank credits.

Further questions occurred between the agency and the applicant with regard to where the retention was going from the Publix site. Applicant confirmed it was being piped across the commercial area to the retention pond.

Applicant also explained that there are multiple users that are driving the impact on a parcel-by-parcel basis.

( 1:18:45 )

**Motion by Green, seconded by Perkins, carries 4/1 (dissent Dr. Hilsenbeck), to recommend approval of MAJMOD 2023-04 Elevation Pointe based on six (6) findings of fact, as provided within the Staff Report.**

**FINDINGS:**

1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
2. As modified, the Elevation Pointe at Anderson Park PUD is consistent with the goals, objectives and policies of the 2025 St. Johns County Comprehensive Plan.
3. As modified, the Elevation Pointe at Anderson Park PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
4. As modified, the Elevation Pointe at Anderson Park PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
5. The Master Development Plan Text and Map for the Elevation Pointe at Anderson Park PUD meets all requirements of Section 5.03.02.G of the St. Johns County Land Development Code.
6. As modified, the Elevation Pointe Anderson Park PUD does not adversely affect the orderly development of St. Johns County and is compatible and consistent with the development trends of the surrounding area.

District 5

**4. REZ 2023-06 Whole 9 Yards.** Request to rezone approximately 1.37 acres of land from Open Rural (OR) to Industrial Warehousing (IW), located at 5285 Big Oak Road S.

**Staff: Evan Walsnovich, Planner**

No ex parte communication declared by the Agency.

**Presenter: Matthew H. Lahti** (Gulfstream Design Group, 2225 A1A South, St Augustine Fl 32080) presented the request to rezone.

Further discussion occurred between the applicant and the Agency members with regard to an active environmental resource permit application in-house for the development of the 1.71 acres of preserved wetlands between the current site and the property further to the North West.

**Dr. Hilsenbeck:** Noted that in the application, Staff states that the subject property will unlikely tie into the adjacent property since it abuts the preserved wetlands that exist on the commercially utilized property.

**Staff (Evan Walsnovich):** Advised that was written because Staff did not have any plan development for the site and the adjacent at the time of writing the report.

**Public Speakers:**

**Joseph E Logan** (210 Big Oak Road, St Augustine FL 32095) OPPOSED Lives in the residential area that is surrounding this proposed development. Does not want another Commercial development.

**Jeff Logan** (5017 Avenue D. St Augustine FL 32095) Owns the property 5272 Big Oak Road South that is across the street from the proposed development. Rents this home to a family that has about 6 children. Big Oak Road South is very residential. Does not know of any other businesses in that area. Lots of children with bicycles live in that street. Does not appear to be a good fit to have it rezoned commercial.

**Darrell Harrelson II** (5261 Big Oak Road South, St Augustine, FL 32045) OPPOSED. Lives next door to this project. Very narrow street that would be difficult to accommodate trucks. Very residential area.

**Kimberly Locasale** (5296 Big Oak Road S. St Augustine FL 32095) OPPOSED There are lots of Oak trees on her property and also on the property opposite. Concerned as to what will happen to the trees. Concerned about the lighting, and security. Concerned for the residential property values decreasing with a commercial development. Mentioned that this developer is also talking to the property owners behind them and next door as they want those properties. If they are acquired then the area will become more commercial. Concerned about too much commercial and will be more noise.

**William (Bill) Rossiginol** (230 Big Oak Road, St Augustine) OPPOSED The area is currently residential. With so many trucks coming and going, his mail box has had damaged. The road will not handle a commercial operation.

**Presenter (Lahti):** Was invited to offer rebuttal. Addressed the access and the Big Oak Road component. The applicant is not intending to use Big Oak Road South in the Master Plan to access this commercial parcel. They are willing to create a buffering with landscaping and a wooden fence. Explained there was \$300,000 piece of equipment stolen in daylight. Hence the need for barbed wire fencing on this side. The applicant is trying to keep the property safe. Access will be through the main driveway connection off Big Oak Road which is already feeding numerous commercial developments in that corridor. All the trees will remain, all the lighting plans and noise ordinances will be handled in accordance within the Land Development Code. Explained that the wooden fencing, enhanced island landscaping and a driveway connection will eliminate concern of encroachment and heavy vehicle utilizing Big Oak Road South. The main commercial Access will be along Big Oak Road from US 1.

Further discussion occurred with the Agency and the applicant with regard to the wetlands.

Matovina: Questioned staff with regard to the Airport Land use and what the vision is for the Airport District

**Staff (Bishop):** Policy A 1-11 has the Airport district listed as a land use designation in St John's County. In our Land Development Code there are provisions how development occurs in the Airport District land use. One of the provisions is that we get a recommendation from the Airport Authority. If they have any concerns with what development is occurring within that district. That is before the Board of County Commissioners, and this application has been sent over to the Airport Authority where they are working on it and will have a recommendation prior to the County Commission meeting.

**Matovina:** Do you think that the Land Development Code encourages more residential versus commercial? Because typically Airports don't like residential near airports.

**Staff (Bishop):** The Land Development Code under the airport district allows for much of our land use that is allowed in the County.

Further discussion occurred after the first motion was put forward. Agency members discussed that the area is currently a single-family residential area that is shown with the compatibility analysis.

( 1:45:50 )

**Motion by Perkins, seconded by Dr. Hilsensbeck, carries 3/2 (dissent Green; Matovina) to recommend DENIAL of REZ2023-06 Whole 9 Yards, based on five (5) 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 **Industrial Warehousing (IW)** is not consistent with the Comprehensive Plan, in that:
  - 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 **Industrial Warehousing (IW)** is not consistent with the St. Johns County Land Development Code.
4. The zoning district of **Industrial Warehousing (IW)** is not consistent with the land uses allowed in the land use designation of **Airport District** as depicted on the 2025 Future Land Use Map.
5. Consistent with *Board of County Commissioners of Brevard County v. Snyder*, 627 So. 2d 469, the Board finds a legitimate public purpose in keeping the existing zoning.

District 2

**5. PUD 2023-05 Deer Run Road PUD.** Request to Rezone approximately 25.12 acres of land from Open Rural (OR) to Planned Unit Development (PUD) to allow up to 26 duplexes for a total of 52 dwelling units, specifically located at 2380 Deer Run Road, 1109 Fazio Road, and 1150 Fazio Road.

**Staff: Saleena Randolph**, Senior Planner

No ex parte communication declared for by the Agency.

**Presenter: Autumn Martinage**, (Matthews Design Group, 7 Waldo Street, St Augustine Fl 32084) presented the rezoning request.

Various discussion with the Agency and the Applicant who confirmed that the 26 duplexes will be For Sale residential units. The Applicant confirmed that the price point of a duplex is expected to be in the low 300,000's to attract workforce housing. Discussion occurred around the workforce housing limit that will be 260,000. That the proposed town houses were not close to that number. The applicant is not going for any density bonus



related to the workforce housing program. They are just trying to provide a quality product that is at the lower end of the average residential price for the region.

Further discussion occurred between the applicant and the Agency around the proposed traffic increase.

**Public Speakers:**

**Judy Spiegel** (101 Greenwillow Lane, St Augustine Fl 32086) OPPOSED. Concerned about the lack of transport infrastructure upgrades. Adding 427 daily trips appears excessive. Questioned the school impact. Appreciated the design layout and the preservation of the wetlands. Thinks there is a need for workforce housing products.

**Renee Leavines** (2170 Deer Run Road, St Augustine Fl 32084) OPPOSED Lives next door to this proposed development. For two years there were road closures when another large development occurred at the end of the street. This was an issue getting her husband to hospital in an ambulance. Will lose her nice backyard view of nature if this development is approved. Doesn't want low income renters living next door in these two story duplexes, as they will be renting for short periods and not staying.

**Pastor Davie Bliss** (2021 Four Mile Road, St Augustine Fl 32084) Concerned about the increase in traffic if this project is approved. Confirmed there were road closures on Deer Run Road when a large development was being undertaken. Wants to know if a commercial retail development will still be occurring on the 33 acres opposite his property on Four Mile Run. Has 6.5 acres that front both Four Mile Road and Deer Run Road.

**Chuck Labanowski** (1748 N Cappero Dr, St Augustine Fl 32084) OPPOSED. Presented an overhead showing the traffic back up on Four Mile Road. Questioned why we would approve another development without having a plan to expand Four Mile Road. Not against the house development. Just need to have a plan to fix Four Mile Road traffic congestion first.

**Jody A. Hunter** (2400 Deer Run Road, St Augustine Fl 32084) OPPOSED. Traffic is a major concern. As it is currently difficult to get off Deer Run Road.

**Rachelle Toske** (2180 Deer Run Road, St Augustine Fl 32084) OPPOSED. Traffic a major concern. Already difficult to get out of their home early in the mornings to go to work due to high traffic. Her two acre property butts up to the big field. Lives next door to her parents who have 6 acres. Currently their back yards are full of nature with big oaks, a big pond, and lots of birds and wildlife. Concerned that more homes will flood them out and that the new development will overshadow existing homes.

**Martinage:** Explained in the rebuttal that they are preserving the wetlands and that 67% of the property will remain open space. Their traffic study focused on Deer Run Road and Holmes Boulevard. Peak time trips are expected to only be 21 trips in the AM and 27 peak hour trips in the P.M.

Further discussion occurred within the Agency members with regard to the traffic and road issues and whether or not these town homes are compatible with homes in the area.

**Matovina:** Explained that to afford a 300,000usd home in this development, an owner would need to earn at least 50,000 to 60,000 per year. This price point will attract work force housing applicants such as police, firefighters and school teachers who are quality residents and much needed in the community.

**Staff (Bishop):** This property is designated Residential C and is allowed to go forward with a PUD application, as you are seeing with you today. The policy that applies to the comments that Dr. Hilsenbeck has made is policy A.1.3.11. This is the compatibility policy that addresses many of the issues Dr. Hilsenbeck mentioned.

( 2:09:40 )

**Motion by Perkins, seconded by Pierre, carries 3/2 (dissent Dr. Hilsenbeck; Pierre) to recommend approval of PUD 2023-05 Deer Run Road PUD based upon nine (9) 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 PUD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan, specifically Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The PUD is consistent with the Future Land Use Designation of Residential-C.
4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The PUD is consistent with the St. Johns County Comprehensive Plan, specifically Policy A.1.3.11 as it relates to compatibility of the project to the surrounding area.
6. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
7. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02.G.1, 5.03.02.G.2, and 5.03.02.F of the Land Development Code.
8. The PUD would not adversely affect the orderly development of St. Johns County.
9. The PUD as proposed is consistent with Objective A.1.11 of the St. Johns County Comprehensive Plan as it relates to an efficient compact land use pattern.


**\*\*\* The public hearing for PUD 2023-02 Ponte Vedra Resort, will be rescheduled to a date certain of September 21, 2023. The application will be re-advertised and noticed for the hearing date. \*\*\***

- Staff Reports: None
- Agency Reports: None
- Meeting Adjourned at 3:51 pm.

Minutes approved on the 21<sup>ST</sup> day of December, 2023.

  
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JACK PETER Chair / Vice-Chair  
Planning and Zoning Agency

  
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Clerk, Growth Management

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

