



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

Thursday, September 7, 2023 at 1:30 pm

The regularly scheduled public meeting of the St. Johns County Planning and Zoning Agency was held on Thursday, September 7, 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
Jack Peter, District 4

MEMBERS ABSENT: 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 meeting that public hearing for ZVAR 2023 -06 Woodlawn Apartments and REZ 2023-10 NIX Boat Yard rezoning will be rescheduled and re-advertised.

Invited Staff to update Agency on Item No 3.

(0:02:55)

Staff (Taylor): There was an error in the legal description that created an advertising issue. So Item 3 has not been properly advertised. We have a request from the applicant that it be moved to the second meeting in October.

Matovina: We will now hear comment from the Applicant or Public comment on this Item 3.

AGENCY ITEMS:

District 1

3. MAJMOD 2023-06 Race Track Road PUD. Request for a Major Modification to the Race Track Road PUD (Ordinance 2006-61) to revise currently allowed commercial and office square footage to accommodate construction of a Personal Property Mini-Warehouse (Self-Storage) facility, which is an allowable use within the PUD. The project is specifically located at 3635 Race Track Road.

Staff: Brandon Tirado, Planner

(0:3:41)

Public Speaker:

David Dougherty (1412 Candy Ct) OPPOSED Advised his home is within a football field distance of where the Warehouse is proposed to be built in the Julington Creek Plantation. The builder is asking for waivers on the restrictions and wants to build a 3 story warehouse which was basically a small office building for a medical facility. Placed a copy of the Adjacent Property Owners letter on his face book page and got an overwhelming amount of negative responses to this proposed development. Also spoken to businesses in the area and they are opposed to it.

Applicant advised the Agency they will present at the second hearing in October.

(0:06:30)

Motion by Green, seconded by Perkins, carries 5/0, to move the MAJMOD 202306 Race track Road PUD hearing to PZA meeting scheduled for October 19, 2023.

District 1

1. MINMOD 2023-06 Demeester Pool. Request for a Minor Modification the Bartram Park PUD (ORD. 2006- 102, as amended) to allow a maximum Impervious Surface Ratio (ISR) of 60% in lieu of the 55% requirement, in order to accommodate placement of a swimming pool, specifically located at 180 Arella Way.

Staff: Lauren Dwyer, Planner

Ex Parte communication was declared by the Agency.

Pierre: Drove by the property.

(0:07:30)

Presenter: Paul Curtis (Epic Pools, 180 Arella Way, St Johns, Fl 32259) Presented the request for the minor modification.

Various discussion occurred between the applicant and the agency members.

Green: Asked Staff if this was a non-conforming lot considering it is "V " shaped at the back.

Staff (Bishop): It is not a non-conforming lot. It was created in the PUD. It meets the standards of the PUD.

(0:11:40)

Motion by Perkins, seconded by Peter, carries 4/2, (dissent Matovina; Green) to approve MINMOD 2023-6 Demeester 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-B 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 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 2

2. MINMOD 2023-08 350 Saint Vincent Drive. A request for a Minor Modification to the Windward Ranch PUD (ORD. 2014-10, as amended) to allow for mechanical equipment to encroach into the required five (5) foot Side Yard setback, specifically located at 350 Saint Vincent Drive.

Presenter: Russell and Patricia Van Zile, Owner presented the minor modification request with a letter of approval from the neighbor.

(0:15:39)

Motion by Peter, seconded by Green, carries 5/1 (dissent Matovina) to approve MINMOD 2023-08 350 Saint Vincent Drive 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-B 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 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 2

4. TOWER 2023-01 Flagler Estates Wireless Communication Tower. Request for a Special Use Permit pursuant to Land Development Code Section 2.03.26 to allow for the construction of a 250-foot AGL self-support style wireless communication tower and support facility in Open Rural (OR) zoning, specifically located at 4400 Helena Street.

Staff: Saleena Randolph, Senior Planner

Presenter: Kathleen O. Berkey, Esq., (Becker and Poliakoff, 12140 Carissa Commerce Court, Suite 200 , Ft. Myers Fl 33966) presented the request for a Special Use Permit. Introduced the presenting team. Provided resumes of all the speakers to go onto the record.

Mark Shelton (Kimley Horn & Associates, 12740 Grand Bay Parkway West, Suite 2350, Jacksonville Fl 32258) explained that the tower will be 250 feet standalone with four carriers, one being TMobile who has a void in coverage in this area. Their antenna will stand at 245 feet.

Tony Dawson (Project Manager for Kimley Horn & Associates, 201 N. Franklin Street, Tampa Fl 33602) explained the site design and a high level view of the Tower. Explained that SBA Network services will be installing security camera. Adding additional trees and shrubs to help hide some of the equipment.

Brett Anderson (Terracon Consultants, 8001 Baymeadows Way, Suite 1, Jacksonville Fl 32256) explained they undertook an environmental review on the site.

Berkley: Requested that all speakers today be sworn in.

Staff (Taylor): Swore in all speakers on behalf of the applicant.

Sanjay Dhwani (VP of Technology and Operations for SBA Network Services, 805 Congress Avenue., Boca Raton Fl) presented the existing coverage for the area versus the expected new coverage for broadband, 5G and internet that Flagler Estates will receive inside their homes, that will be provided with the additional antenna. The objective is to place the new carrier at a higher level so they have better coverage.

(0:43:40)

Chris Monzingo (VP, Omnicom Consulting Group, 2814 Mill Creek Court, Suite 2, Tallahassee FL 32308) Explained he is a consultant for the County. Reviews all applications for Special Use for Tower applications. Explained that the existing Tower will provide sufficient coverage for T Mobile. Does not believe there is a need for another Tower in the area of that substantial size.

(0:45:00)

Various discussion occurred between the applicants, the consultant for the County, and the agency members. Several major concerns were discussed. Those included the 10 homes within 500 feet radius of the proposed new tower. That no cell towers have collapsed into 45 feet nor equipment has come off in a hurricane. It was confirmed by the Applicant that cell towers are made to withstand hurricanes. That the additional coverage of a new tower may only deliver an extra 10% coverage within Flagler Estates. Discussion occurred around the cost to build the tower.

(0:50:52)

Applicant: Chiyu Zhang, (Structural Engineer, Allpro Consulting Group, 9221 Lyndon B Johnson Freeway, Dallas TX 75243) Advised that with a 5G upgrade on the existing County tower by the other two carriers, and then upgrade it to accommodate an additional carrier, the cost to fix the tower would approximately be \$95,000. It is comparable almost to a new tower construction. It is more problematic to upgrade the existing County tower as the existing carriers would need down time and the County equipment would require down time to allow for the modifications. New tower would fit into the current standard of code better and serve all the carriers and serve the community with a better service.

County Consultant: Monzingo: Advised it would cost between \$1000 to \$1200 a foot to construct and install a new tower. With a compound and a fence, the total cost of a new tower may not be much less than \$500,000.

Further discussion occurred with the Agency and the County consultant as to the strategy for T Mobile if this application was not approved. It was discussed that T Mobile would need an approved application to be added to the existing Tower. As the existing tower does not cover the South end of Flagler Estates, another Tower would need to be installed at the Southern end of Flagler Estates. County Consultant agreed that \$95,000 would be a reasonable estimate to upgrade the existing tower to add another carrier.

Applicant: Chiyu Zhang: Advised that, based on a 2017 report by USA Engineering, the existing tower usage had already reached 95.5% structurally. Adding a new carrier means that all the tower supports would need to be replaced. They are stressed, particularly on the top half of the tower. Adding a new carrier will cause interference with the existing equipment. The \$95,000 cost of improvements would bring the existing tower to Code compliance.

County Consultant: Monzingo: Advised that if an additional carrier, after T Mobile, wanted to be added to the County tower, then further cost and modification would need to be undertaken again.

Further discussion occurred between the applicants and the agency members with regard to the existing coverage and additional coverage between using the existing tower versus installing a new tower. County applicant confirmed they collect a lease fee from the carriers on the tower. So if T Mobile was added to the existing tower it would provide more revenue to the County.

(1:11:50 - 1:28:35)

Speaker Cards:

Angel Echegoyen, 4415 Gladys Street, Hastings Fl 32145) OPPOSED Advised he also owns 4410 and 4420 Helena Street in Hastings. All those within the vicinity of the existing tower get 5G. The only people who don't get reception are those that live on the South side of Flagler Estates. If this new tower goes up, that area will still not get reception. Unless there is a cell tower on the South side of Flagler Estates, those residents will still not get reception from the proposed new tower. All immediate neighbors are opposed to the new tower. Concerned that light from the tower will be very bright. Bird droppings an issue. Home is only 113 feet from this proposed Tower. Drain field is 30 feet from the proposed property line. The proposed 250 foot tower, will be towering over his home. This will eventually affect the price of his properties.

Agency asked questions of speaker. Confirmed that speaker's properties are within the 45 feet collapsed zone of the proposed Tower.

David Williams (10460 Turpin Ave, Flagler Estates, Hastings Fl 32145) OPPOSED. Lives on the West side of the creek. Chairman of the Flagler Estates Redevelopment Steering Committee. His committee got a \$3.5 million matching grant from Comcast to put in fiber optic cable in all of the unserved areas. Expecting them to come out in 2 weeks to update the community. Concerned about the look of the proposed new tower.

Rodney Graham (4265 Theresa Street, Flagler Estates, Hastings Fl 32145) SUPPORTS. Lives on the South side. Currently has no cell service and no internet. Called 911 and got a national dispatcher that had to confirm his address. Then 911 had to rely it to St Johns County. Wife is a ten year stroke survivor, and he has heart conditions. They have to wait for emergency service because they are not on AT&T or Verizon. When the County tower went in, he attended all the meetings. Yet the contract that AT&T and Verizon have, does not allow other carriers. A T-Mobile tower would not only advance the coverage, it may save someone's life. Concerned mostly about safety and having access to 911 that can be provided by a T Mobile tower.

Craig Bernstein (4350 Gladys Street, Flagler Estates, Hastings F 32145l) OPPOSED. This new Tower will not service any of the people who live West of Deep Creek, nor South of Melody Street where the majority of the people have service issues. A property owner, with multiple properties, in the far South of Flagler Estates, has offered one of his properties to have a tower installed. Spoke to the presenter, Ms. Berkley, about this and was advised there was not enough development to the South to warrant a tower there. If someone goes trail riding, South of Division Street, and gets stuck there will be zero service to assist them. The new tower is not going to improve service, versus the County tower, for people who actually need the service. Concerned that only residents who lived within 300 feet of this proposed tower were informed of the PZA meeting. Majority of people who live in Flagler Estates are over 300 feet from the Tower property. Moved from New York 14 years ago and does not want to see a chain link fence, with barbed wire, in front of his house.

William Fisher (10130 McMahon Ave, Flagler Estates, Hastings Fl 32145) OPPOSED. President of Flagler Estates Road and Water Control District. Did two unofficial surveys at the local Dollar General Store over two Sundays. Asked residents if they were either for or against a new cell phone tower. 35 people said they were for a new tower and 71 were against it. 87 out of the group suggested they install a Tower on the other side of Deep Creek or Division Street as that is where it is most needed.

(1: 28:47)

Applicant: Sanjay Dhwani provided the rebuttal and explained they examined placing a tower at the Southern end of Flagler Estates. Results showed it would provide limited coverage versus what would be covered with the proposed new tower application.

Applicant: Kathleen O. Berkey Addressed the need for the site. That complaints, and a lack of coverage from existing subscribers, are what drives the search RING for the tower. They look for a willing landlord, the most innocuous location, in terms of visibility and the least impactful in terms of environmental impact. As a business decision, SBA and T Mobile was not going to make an investment in the site unless it was going to be worth while for their customers. Not just currently, but also the population growth that is expected in this neighborhood. One of the public speakers mentioned 200 families have moved into Flagler Estates in the past year. They are trying to serve new customers today, and also those in the future. The site will allow public safety agencies to expand their systems and services. Submitted a list of 911 calls made within the last month from August 5th to September 5th received from the St Johns County Sheriffs office. There were 244 calls in this last month. Mentioned that many of these possibly don't have reliable service to make these calls. Mentioned that the collapse of 45feet will occur within the current lot line. It will collapse upon itself. No adverse impacts with regard to radio wireless frequencies. No adverse health impacts. Local governments can only consider the location of wireless facilities under their zoning regulations. Local governments are prohibited from considering environmental effects. Environmental impacts are pre-empted under Federal law as they under the jurisdiction of the Federal Communications Commission. There is no evidence that being able to see a tower creates a negative impact. Substantial vegetation will shield the visibility of the chain link fence and barbed wire. Applicant has complied with all the neighbor meetings which was a 500 foot radius. And the 300 foot notice for this hearing today.

Staff: Saleena Randolph, (Senior Planner, Growth Management) presented the 300 foot mailings map and confirmed that the neighborhood meeting had mailings for properties within 500 feet.

Further discussion occurred between the Applicant and the Agency with regard to why they did not choose to locate and provide coverage in the Southern Area. Applicant advised that if the tower was too far South, the antenna rays are not pointed towards the more populated areas. There are diminishing returns if the tower is too far South. If not approved they intended to appeal to the BCC. Will adhere to any further conditions suggested by the Agency.

Before voting, several Agency members mentioned that the new tower would not provide significant additional coverage to warrant a new tower. That the County tower, with upgrades, could provide what is needed for a third service provided.

(1:43:55)

Motion by Perkins, seconded by Pierre, carries 6/0, to deny TOWER 2023-01 Flagler Estates Wireless Communication Tower based upon ten (10) findings of fact as provided in the Staff Report.

FINDINGS:

1. The Special Use cannot be granted without substantial detriment to the public good and will substantially impair the intent and purpose of the St. Johns County Comprehensive Plan or Land Development Code.
2. The use is not compatible with the contiguous and surrounding area and will 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 the Open Rural (OR) Zoning District, does not comply with all required regulations and standards of Article II of the Land Development Code.
4. The request is not in compliance with Sections 2.03.01, 2.03.26, and 6.08.12, and Article XII of the Land Development Code.
5. The request is in conflict with the Future Land Use Map designation of Rural Silviculture (R/S).
6. The requested use is not appropriate in relationship to the neighborhood and does not promote 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 in conflict with the development patterns of the area.
8. The requested use results in adverse visual and aesthetic impacts.
9. The requested use will not accommodate the growing demand for wireless communication services.
10. The request does not avoid or minimize the potential damage to adjacent properties from tower failure through engineering and siting of tower structures.

District 4

5. COMPAMD 2023-03 11280 US 1 North Self-Storage (FAR). Adoption hearing for a for a site-specific Text Amendment to Policy A.1.11.3 of the 2025 Comprehensive Plan to allow a Floor Area Ratio (FAR) of 110% in lieu of the required maximum of 50% in the Intensive Commercial Future Land Use Map designation to accommodate construction of a Self-Storage Facility, specifically located at 11280 US 1 North.

Staff: Justin Kelly, Senior Planner

Presenter: Brad Wester (Driver McAfee Hawthorne & Diebenow, I Independent Drive, Suite 1200, Jacksonville) presented the request for a site-specific Text Amendment of the 2025 Comprehensive Plan. Transmittal round went to PZA on 5/18/2023 and BCC on 6/20/2023 with approvals from the State.

Dr. Hilsenbeck: Asked Staff why was the 50% Floor Area Ratio (FAR) originally placed in the code.

Staff (Roberson): Advised it was possibly copied from another jurisdiction at the time of writing the Comprehensive Plan. When undertaken the review of the Comprehensive Plan, mentioned he intends to bring up the fact that several Self Storage Units in St Johns County have needed to increase their FAR based on new industry standards. Will recommend the Board of County Commissioners look at revising the Code based on what appears to be needed.

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

(2:04:58)

Motion by Green, seconded by Peter, carries 6/0, to recommend approval of the adoption of COMPAMD 2023-03 11280 US 1 North Self Storage (FAR) based upon four (4) findings of fact as provided in the Staff Report.


FINDINGS:

1. The amendment was fully considered after public hearing pursuant to legal notice duly published as required by Law.
 2. The amendment is consistent with the Northeast Florida Strategic Regional Policy Plan.
 3. The amendment is consistent with the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.
 4. The amendment is consistent with the Goals, Objectives, and Policies of the St. Johns County comprehensive Plan, including Policies A.1.2.5, A.1.2.7, A.1.3.11, A.1.15.2, and with other provisions provided during the public hearing.
- **Staff Reports: (Roberson):** Advised the Ponte Vedra Resort item will be heard by the PZA on 09/21/2023 at 11am. The PVZAB meeting on 09/11/2023 will also commence at 11am.
Staff (Bishop): Advised the Ponte Vedra Resort item will be heard 11am to 1pm. Then the other three (3) items at 1:30pm. If the Ponte Vedra item needed more time it will be resumed after those three (3) items.
 - **Agency Reports:** Mr. Green advised he will not be attending the first meeting in October (10/05/2023).
 - Meeting Adjourned at 3:51 pm.

Minutes approved on the 21ST day of December, 2023.



Chair / Vice-Chair Jack Peter
Planning and Zoning Agency



Clerk, Growth Management

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