CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JANUARY 9, 2023 - 5:00 PM
ALCAZAR ROOM

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1. CALL TO ORDER

- Roll Call
- Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Special presentation to City staff, Angels in the Architecture, and Heath Electric for their efforts to ensure the successful kick-off to the 2022 Nights of Lights season following Hurricanes Ian and Nicole. *(N. Sikes-Kline, Mayor)*

3.B. ***Proclamation 2023-01*** - Declaring January 2023 as Human Trafficking Awareness Month. *(B. Blonder, Commissioner)*

3.C. ***Proclamation 2023-03*** - Supporting Active People, Healthy Nation. *(N. Sikes-Kline, Mayor)*

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

6.A. Appeal of City Manager decision to deny application for three animal drawn carriage permits to include the rental of two stalls and two carriage parking spots at the City's transfer station located on Riberia Street. *(J. Regan, City Manager)*

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. ***Ordinance 2021-19***: Amends the zoning of 159 King Street from Planned Unit Development PUD) to Residential General Office (RGO). *(A. Skinner, Director Planning and Building)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.A.1. ***Ordinance 2023-01***: Prohibits fishing from any appurtenances to the seawall. *(I. Lopez, City Attorney)*

9.A.2. ***Ordinance 2023-02***: Amends the future land use designation of 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue from Commercial Medium Intensity to Residential Medium Density Mixed Use. *(A. Skinner, Director Planning and Building)*

9.A.3. ***Ordinance 2023-03***: Amends the zoning of 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue from Commercial Medium-Two (CM-2) to Residential General Office-A (RGO-A). *(A. Skinner, Director Planning and Building)*

9.A.4. ***Ordinance 2023-04***: Amends the future land use designation of 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue from Commercial Medium Intensity to Residential Medium Density Mixed Use. *(A. Skinner, Director Planning and Building)*

9.A.5. ***Ordinance 2023-05***: Amends the zoning of 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue from Commercial Medium - Two (CM-2) to Residential General Office A (RGO-A). *(A. Skinner, Director Planning and Building)*

9.B. Resolutions

9.B.1. ***Resolution 2023-01****: Supports the lease of state-owned land for a new City of St. Augustine Fire Station on Anastasia Island. (D. Birchim, Assistant City Manager)*

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

11.A. Legislative update for 2022 Special Session. (Information only, no presentation) *(D. Alston, Assistant City Attorney)*

12. ITEMS BY CITY CLERK

12.A. Review of current commission assignments to intergovernmental boards. *(D. Galambos, City Clerk)*

12.B. Request for use of the City Seal in perpetuity. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - JANUARY 9, 2023

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JANUARY 23, 2023:

- Ordinance 2023-01

CA.3. Reminder of Upcoming Meetings:

- January 23, 2023, 4pm, Community Redevelopment Agency Meeting
- January 23, 2023, 5pm, Regular City Commission Meeting
- February 13, 2023, 5pm, Regular City Commission Meeting
- February 27, 2023, 5pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- December 5, 2022 - Special City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- John Arbizzani - 46 Avenida Menendez, Inc - 70 Hypolita Street
- Mary E. and William T. Baker - 119 St. George Street

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

- Proclaims January 20, 2023 as Arbor Day in the City of St. Augustine.
  (N. Sikes-Kline, Mayor)

End Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, City Manager

RE: Special certificates of recognition

DATE: January 9, 2023

In recognition of the efforts made to ensure the successful launch of the 2022-2023 Nights of Lights season in the aftermath of Hurricanes Ian and Nicole, I would like to make a special public presentation at the January 9, 2023, City Commission meeting.

Those who will be recognized include city staff, Angels in the Architecture employees, and Heath Electric employees.

Thank you,

Nancy Sikes-Kline, Mayor

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

PROCLAMATION

WHEREAS, *human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of forced labor or sexual servitude; and*

WHEREAS, *victims of human trafficking are lured by false promises of employment, educational opportunities, false job promises, or even loving romantic relationships. The victims can be of any age, race, gender, sexual orientation, ethnicity, socioeconomic background, U.S Citizens, permanent residents, and foreign nationals; and*

WHEREAS*, in 2019, Florida had the third highest number of human trafficking cases in the United States and, in November of. 2020, nearly 200 people were arrested in a Florida human trafficking investigation on criminal charges which ranged from solicitation of prostitution to human trafficking of a minor; and*

WHEREAS, *aggressively identifying and prosecuting the buyers and sellers of trafficking victims is an effective strategy to end the commission of human trafficking; and*

WHEREAS, *assisting victims of human trafficking requires a coordinated community response among community groups, social services, schools, and law enforcement, and more awareness and education is crucial to eradicating human trafficking in our communities, state, and nation.*

NOW THEREFORE*, the City Commission of the City of St. Augustine does hereby declare* ***January 2023,*** *as* ***Human Trafficking Awareness Month,*** *and urges all citizens to recognize our vital roles in ending all forms of modern slavery and to observe this month with appropriate programs and activities aimed at ending and preventing all forms of human trafficking.*

IN WITNESS WHEREOF*, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 9th day of January in the year of our Lord two thousand twenty-three and the four hundred and fifty-seventh year of the founding of St. Augustine, the Nation's Oldest City.*

2023-01

Nancy Sikes-Kline, Mayor

"Most Loyal and Valorous"
Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

Est. 1565

PROCLAMATION

WHEREAS, *the City of St. Augustine is committed to supporting a thriving, vibrant, and healthier community for residents of all ages and abilities; and*

WHEREAS*, the City of St. Augustine recognizes the importance of providing access to safe and convenient places to be physically active for people regardless of age, race, income, socio-economic status, disability status, and geographic location; and*

WHEREAS, *physically active people generally live longer and are at less risk for serious health problems and physical activity is vital for healthy aging and can reduce the burden of chronic diseases and prevent early death; and*

WHEREAS, *walkable communities can improve traffic safety for people who walk, ride bicycles, and drive; and*

WHEREAS, *individual effort alone is insufficient to improve opportunities for people to be physically active and significant policy, systems, and environmental changes are needed to support and protect individual efforts to make healthier choice; and*

WHEREAS, *building active and walkable communities can help increase levels of retail economic activity and employment, increase property values, support neighborhood revitalization, and reduce health care costs; and*

WHEREAS, *the City of St. Augustine recognizes its ability to expand achievable, measurable, and sustainable efforts to increase physical activity across the community.*

NOW THEREFORE*, the City Commission of the City of St. Augustine hereby commits to supporting* ***Active People, Healthy Nation*** *strategies by implementing Activity-Friendly Routes to Everyday Destinations to help make it safe and easy to walk, bicycle, or wheelchair roll for people of all ages and abilities.*

IN WITNESS WHEREOF*, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 9th day of January in the year of our Lord two thousand twenty-three and the four hundred and fifty-seventh year of the founding of St. Augustine, the Nation's Oldest City.*

2023-03

_____

Nancy Sikes-Kline, Mayor

"Most Loyal and Valorous"
Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and City Commissioners

DATE: December 22, 2022

RE: **Appeal of Franchise Application Denial**

The City received an application for three (3) animal drawn carriage permits on November 29, 2022, and if approved,, the rental of two (2) stalls and two (2) carriage parking spots at the City's transfer station located on Riberia Street.

Section 27-127 (b) of the city code allows the City Manager or designee to enter into a franchise agreement. After a review of the application, the city code, and the city's Comprehensive Plan 2040, a decision to deny the application for three (3) animal drawn carriage permits was made. This decision was delivered to the applicant on December 21, 2022.

Section 27-149 of the city code allows an appeal of the City Manager's interpretation and determination to the City Commission within fifteen (15) calendar days after the date of the written notice of the interpretation or determination. An appeal of the decision was received by the City Manager's office on December 22, 2022.

Included with this memo is the original application for three (3) animal drawn carriage permits, the denial letter from the City Manager, and the appeal letter from the applicant's attorney's office.

Please place this appeal on the January 9, 2023, City Commission Agenda. If you have any questions, please do not hesitate to contact me.

John P. Regan, P.E.
City Manager

ST. AUGUSTINE
LAW GROUP

December 22nd, 2022

TO: City of St. Augustine
ATTN: John Regan, P.E., *City Manager*
75 King Street
St. Augustine, FL 32084

VIA: ELECTRONIC MAIL & HAND DELIVERY

RE: Coastal Carriages, LLC Franchise Application Denial

Mr. Regan,

Our firm has been retained by Coastal Carriages, LLC. We are in receipt of your denial letter dated December 21st, 2022 in response to our client's Franchise Agreement Application submitted with the city of St. Augustine.

Please take notice that this letter serves as a written appeal to your denial letter pursuant to Section 27-149 of the City of St. Augustine Code.

As of the date of this letter, our firm has submitted a public records request with the city of St. Augustine. Upon the receipt of these request records, we are requesting a public notice hearing on our client's Franchise Agreement Application submitted on November 29th, 2022.

Please reach out to my office with any questions. Thank you for your assistance.

Richard L. Brooks II, Esq.
FL Bar No.: 113529
2740 US Highway 1 South
St. Augustine, FL 32086
rich@staugustinelawgroup.com
julia@staugustinelawgroup.com
(904) 990 - 7777

Attorney for Coastal Carriages, LLC

CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

December 21, 2022

VIA ELECTRONIC AND U.S. MAIL

Lacey M. Sanchez
Coastal Carriages, LLC
110 Bellray Drive
Satsuma, FL 32189

Dear Ms. Sanchez,

The City of St. Augustine received your Franchise Application requesting three (3) permits for operation of animal drawn touring vehicles, and if approved, the rental of two (2) stalls and two (2) carriage parking spots.

Section 27-127 (b) of the City of St. Augustine Code allows the City Manager or designee to enter into a franchise agreement. Section 27-127 (d) states that "The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof."

The City of St. Augustine Comprehensive Plan 2040 was adopted in July 2020. The goals of the "Transportation and Mobility Element" of the plan are as follows:

- TME Goal 1 TRANSPORTATION "To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City's natural, cultural, and historical resources."
- TME Goal 2 MOBILITY "Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle users, rail and trail users, and is sensitive to the City of St. Augustine's natural, cultural, and historic resources."
- TME Goal 3 MOBILITY PLANNING "To enhance the quality of life for the City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets."

In my capacity as City Manager, I have determined that the addition of three (3) animal drawn touring vehicles is contrary to the goals of the City's Comprehensive plan, therefore the application for these permits is denied.

Pursuant to Section 27-149 of the City of St. Augustine Code you may appeal the City Manager's interpretation and determination to the City Commission within fifteen (15) calendar days after the date of this written notice.

Thank you,

John Regan, P.E.
City Manager

Cc: Richard Brooks
Julia Newton
Isabelle Lopez
Danyelle Alston
Shanna Lee
Meredith Breidenstein
Mark Simpson

FRANCHISE APPLICATION

This Application is being submitted pursuant to Chapter 27, Article V, Division 1 of the city ordinances for the City of St. Augustine. The applicant identified herein specifically requests that it be granted three (3) of the thirty (3) permits for operation of animal drawn touring vehicles allowed by 27-129(e). Applicant is happy to supplement this application with additional information as may be required by the relevant reviewing department.

APPLICANT:

Business Entity: Coastal Carriages, LLC

Principal/mailing address: 110 Bellray Drive, Satsuma, FL 32189

Business Entity Owner: Lacey M. Sanchez

INTENDED HOURS OF OPERATION:

Operate 7 days a week throughout the entire year. Hours being from 11:00am - 12:00am. There will be no horse working more than a 6 hour shift with a maximum of 5 days out of the week per a shift. It is the intention to have 2 - 3 shifts a day.

Operations will be suspended if weather conditions become unsafe and/or do not meet the city's ordinances.

LOCATION OF FACILITIES FOR HOUSING ANIMAL(S):

Housing location: 370 State Rte. 100, San Mateo, FL 32189

The above location consists of 6 acres with 2 pastures and a 3 stall barn. Pictures of the location are attached to this application as Exhibit A.

Provided that the Applicant is issued one or more permits to operate, Applicant is interested in renting 2 stalls and 2 carriages parking spots located at 665 Riberia Street St. Augustine, FL 32087 that it has reason to believe have recently become available as St. Augustine Horse and Carriage, LLC has ceased its operations. Applicant understands that horse carriages can stay in the parking spots located at the city barn and that horses are not allowed to be horses there overnight. Therefore, Applicant would be transporting the horses via trailer into the city for daily operations.

VETERINARY MEDICINE DOCTOR(S):

Primary Veterinarian:

Practice Name: Atlantic Veterinarian Office

Doctor Name: Dr. Herb Loeman (Florida Lic. # VM10184)

Physical Address: 11651 Philips Hwy., Jacksonville, FL 32256

The horses are regularly examined and up to date on all vaccines and coggins through Dr. Herb Loeman.

Secondary/Emergency Veterinarian:

Practice Name: Shelton Veterinary Clinic

Doctor Name: Dr. Allison Lockwood (Florida Lic. # VM11099)

Physical Address: 1105 S. State St., Bunell, FL 32110

Applicant has established a second veterinary clinic which is on call 24/7 should any issues arise and Atlantic Veterinarian Office be closed. Dr. Lockwood is the chief of staff at the practice.

APPLICANT'S PREVIOUS EXPERIENCE:

Applicant Lacey M. Sanchez has extensive experience handling and showing horses. Her experience spans over twenty years, and includes direct experience within the St. Augustine market for carriage tours. Applicant has been operating a commercial horse drawn carriage in St. Augustine, Florida for roughly 4 years through other qualified companies. Applicant is currently operating for Coastal Carriages, LLC.

NUMBER OF REQUESTED PERMITS:

3 requested permits.

NUMBER OF CARRIAGES TO BE OPERATED:

3 to 4 carriages. Carriages will only be deployed consistent with the awarded permits.

ACKNOWLEDGEMENTS:

Applicant acknowledges that any franchise shall be nonexclusive.

Applicant further acknowledges that upon the violation of any provisions as set forth in the Franchise Agreement in which Applicant is applying to receive, the Applicant/franchise, its agents, employees or persons acting on its behalf, shall be liable for any penalties prescribed with this article.

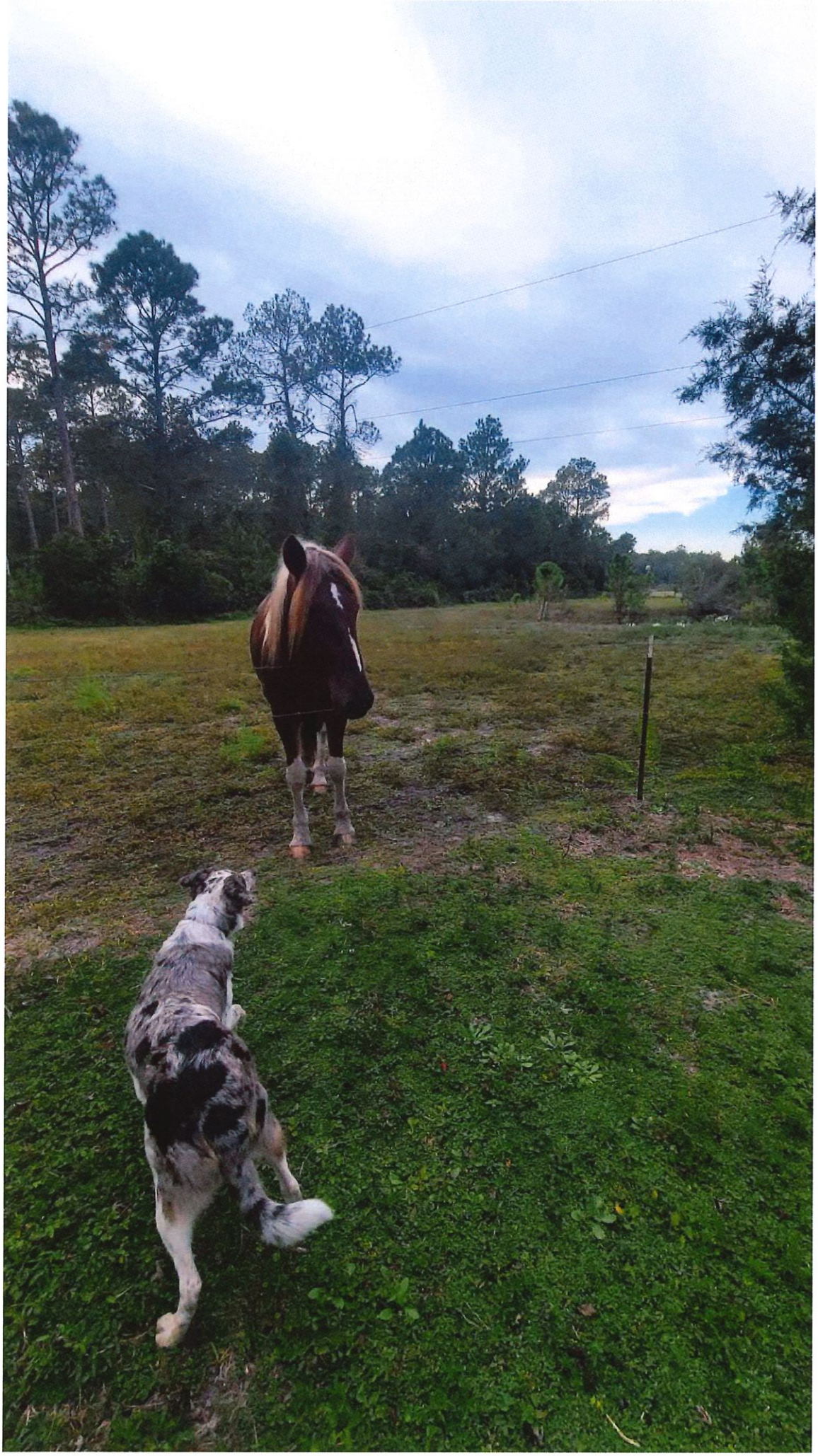
DOCUMENTATION/ATTACHMENTS:

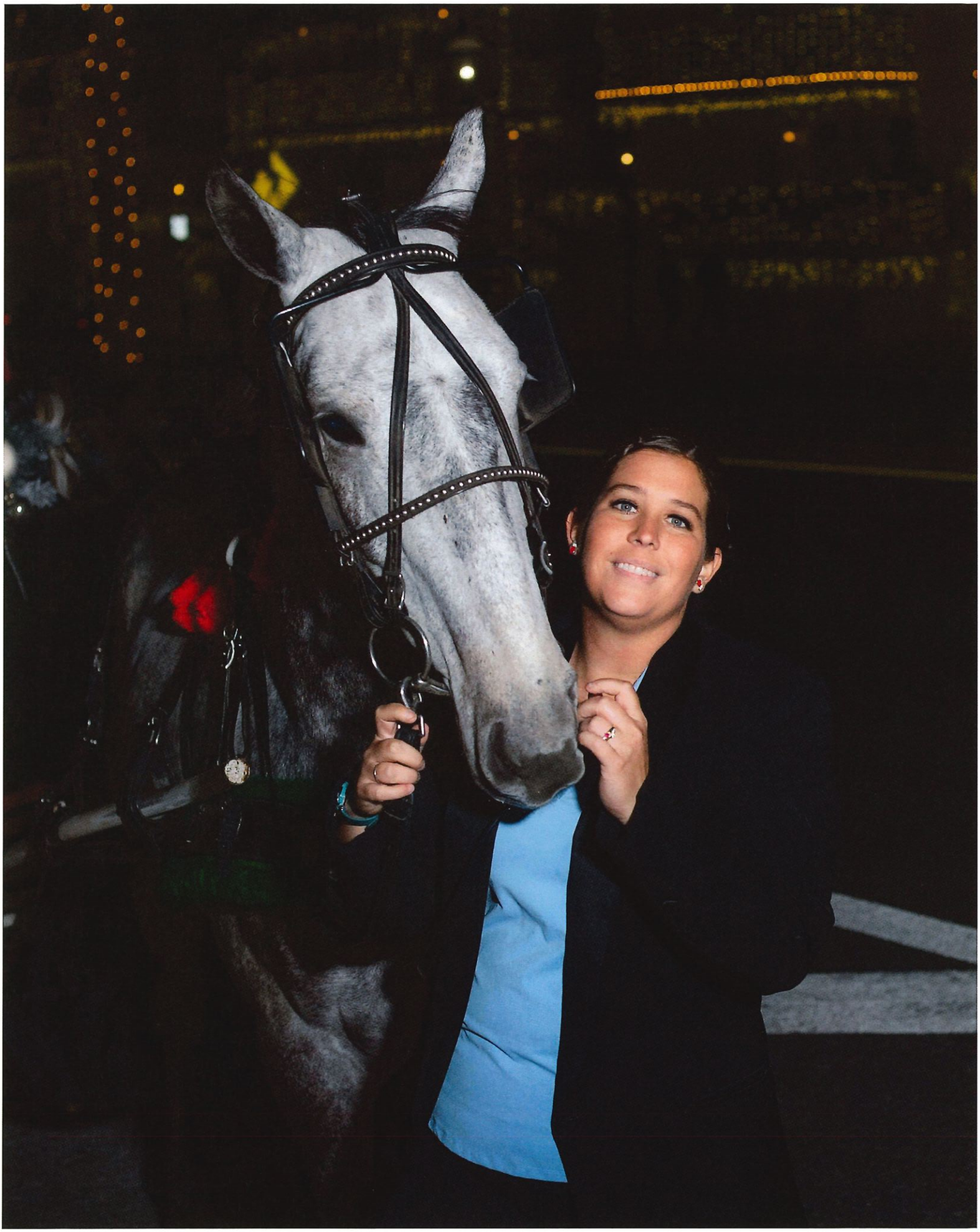
Exhibit B attached to application - documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits.

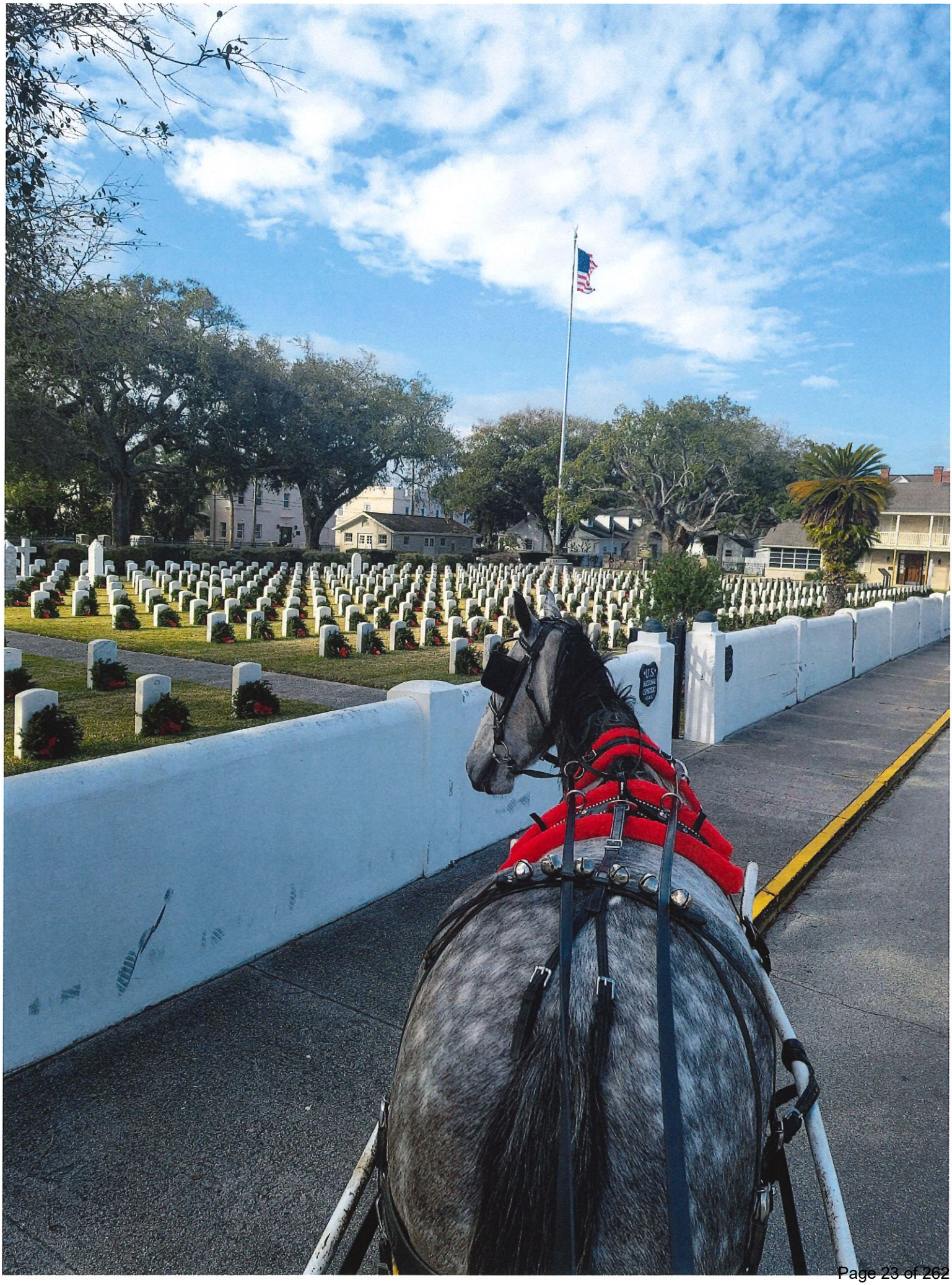
Exhibit C attached to application - proof that such animal-drawn vehicles will be insured under a liability insurance policy for personal injury or death and for injury to or destruction of property of one or more persons resulting from any one accident of not less than the minimum dollar amount of liability insurance coverage required by applicable vehicle and traffic statutes and laws to be maintained by owners of vehicles engaged in the business of carrying or transporting passengers for hire.

Exhibit D attached to application - Applicant's resume.

EXHIBIT A







BACK IN TIME
WITH PASTIME

St. Augustine
Historical Society
Research
Library

BOSTO
RED SOX

EXHIBIT B

Electronic Articles of Organization For Florida Limited Liability Company

L21000467805
FILED 8:00 AM
October 27, 2021
Sec. Of State
jsdennis

Article I

The name of the Limited Liability Company is:

COASTAL CARRIAGES LLC

Article II

The street address of the principal office of the Limited Liability Company is:

110 BELLRAY DRIVE
SATSUMA, FL. US 32189

The mailing address of the Limited Liability Company is:

110 BELLRAY DRIVE
SATSUMA, FL. US 32189

Article III

The name and Florida street address of the registered agent is:

OLD CITY LAW, PLLC
1 RIBERIA STREET
SAINT AUGUSTINE, FL. 32084

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: MARCUS THOMPSON

Article IV

L21000467805
FILED 8:00 AM
October 27, 2021
Sec. Of State
jsdennis

The name and address of person(s) authorized to manage LLC:

Title: MGR
LACEY M SANCHEZ
110 BELLRAY DRIVE
SATSUMA, FL. 32189 US

Signature of member or an authorized representative

Electronic Signature: MARCUS THOMPSON

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

This Receipt is issued pursuant to County ordinance 87-36

2022/2023 ST. JOHNS COUNTY LOCAL BUSINESS TAX RECEIPT

MUST BE DISPLAYED IN A CONSPICUOUS PLACE

Account 1093033

EXPIRES September 30, 2023

Business Type Misc. Public Serv.

Location 110 BELLRAY DR
Out Of Area FL 32189

New Business
Transfer

Business Name **COASTAL CARRIAGES LLC**

ST. JOHNS COUNTY
TAX COLLECTOR
DENNIS W. HOLLINGSWORTH, CFC

Owner Name LACEY M SANCHEZ

Mailing Address 110 BELLRAY DR
Out Of Area FL 32189

Tax	22.00
Penalty	0.00
Cost	0.00
Total	**22.00**

DENNIS W. HOLLINGSWORTH
ST. JOHNS COUNTY TAX COLLECTOR

This receipt does not constitute a franchise, an agreement, permission or authority to perform the services or operate the business described herein when a franchise, an agreement, or other county commission, state or federal permission or authority is required by county, state or federal law.

This form becomes a receipt only when validated below

Paid by receipt(s) 2022-5501512 on 11/23/22 for $22.00

EXHIBIT C

Specialty Insurance, LTD
430 Kelsey Avenue
West Haven, CT 06516
Phone: 203-931-7095
Mike@specialtyinsuranceltd.com

QUOTE SUMMARY

Date: 11/28/22

Coastal Carriages, LLC

General Liability Quotation

Insurance Carrier: United States Fire Ins. Co.
Policy Period: TBD
Deductible: 0

Coverages:

$2,000,000	Aggregate
$2,000,000	Products/Completed Operations
$1,000,000	Occurrence
$1,000,000	Personal & Advertising Injury
$300,000	Fire Damage
$5,000	Medical Expense

Premium including Taxes & Fees $7,924.00
25% Earned at Inception

Subjectives: Includes standard additional insureds. Includes coverage for the disabled carriage once it is repaired.

Premium financing is available with a deposit and monthly payments.

I have read & understand this insurance quotation along with its terms & conditions.

Signature: _____ Printed Name: _____ Date: _____

"AMERICA'S PREMIER SUPPLIER OF INSURANCE TO THE AMUSEMENT & ENTERTAINMENT INDUSTRIE'S"

Specialty INSURANCE
203-931-7095

(ALL fees are 100% earned at inception. This coverage contract is quoted & written on a seasonal basis; therefore, all premiums are 100% earned once seasonal business concludes, no refunds will be issued if the insured cancels. Conclusion of business will be determined by the last certificate issued or the last dated contract between the insured and their customer.)

Specialty Insurance, LTD
430 Kelsey Avenue
West Haven, CT 06516
Phone: 203-931-7095
Mike@specialtyinsuranceltd.com

QUOTE SUMMARY

"AMERICA'S PREMIER SUPPLIER OF INSURANCE TO THE AMUSEMENT & ENTERTAINMENT INDUSTRIE'S"

Specialty INSURANCE
203-931-7095

(ALL fees are 100% earned at inception. This coverage contract is quoted & written on a seasonal basis; therefore, all premiums are 100% earned once seasonal business concludes, no refunds will be issued if the insured cancels. Conclusion of business will be determined by the last certificate issued or the last dated contract between the insured and their customer.)

EXHIBIT D

110 Bellray Dr.
Satsuma, FL 32189

Phone 352-229-1678
E-mail plentyofpits@gmail.com

Lacey Sanchez

Education

August 2006-May 2010 Crystal River High School

Pre-med

Graduated with honors and a 3.5 GPA

June 2010-May 2012 University Florida

Associates of Science in Biology

Work

February 2012- July 2014 Archer Animal Hospital

Veterinary Technician

- Patient care, administration of anesthesia, anesthesia monitoring before, during, and after surgery, blood collection, surgical site preparation, diagnostic imaging, animal restraint.

July 2014-May 2015 Town and Country Animal Hospital

Veterinary Technician

- Patient care, administration of anesthesia, anesthesia monitoring before, during, and after surgery, blood collection, surgical site preparation, diagnostic imaging, dental scaling and polishing.

May 2016-September 2017 Clay County BOCC

Veterinary Technician

- Patient care, administration of anesthesia, anesthesia monitoring before, during, and after surgery, blood collection, surgical site preparation, diagnostic imaging, dental scaling and polishing. Supervised 5 kennel attendants during daily task and medical administration.

March 2019-2022 Country Carriages

Horse Drawn Carriage Driver

- Driving horse carriage in downtown Saint Augustine on a set 2.3 mile tour route, giving tourist a 45 minute narrated history tour, groomed horse daily, put tack on horse after looking over for any possible safety concerns, training new horses and Acclamating them to Saint Augustine traffic, site, sounds, and noises.

May 2020-Currently Employed

Practice Manager/Veterinary Technician

- Supervise a current staff of 18 in daily Hospital operations, Create staff schedules to ensure proper staffing, hiring and training new staff to include receptionist, techs, and kennel staff, weekly ordering of Hospital needs, keep Hospital up to date on OSHA protocols, staff evaluations and coaching, supporting the Hospital as a Veterinary Technician when help is needed.

References

Dr. Allison Schnoke	(321)-474-1774
Dr. Lani Mills	(352)-262-9326
Carlos Guterriez	(813)-918-4234

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Ordinance 2021-19 – Amending the Zoning of 159 King Street from Planned Unit Development (PUD) to Residential General Office (RGO) – Second Reading and Public Hearing

The property at 159 King Street is a 9.88-acre parcel that is south of Sebastian Harbor Drive, west of Riberia Street and bordered by the San Sebastian River.

The application is to rezone the property to Residential General Office (RGO) which is consistent with the existing land use category.

This item is on the City Commission Agenda following a Court Order.

Attached you will find the Ordinance, and a map illustrating the requested change. The packet of information provided to the City Commission in September of 2021 is also included.

Please place Ordinance 2021-19 on the City Commission agenda for Second Reading and Public Hearing.

If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director, Planning and Building Department

ORDINANCE NO. 2021 - 19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 9.88 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SEBASTIAN HARBOR DRIVE AND WEST OF RIBERIA STREET, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 9.88 acres located on the south side of Sebastian Harbor Drive, west of Riberia Street in the City of St. Augustine, being more fully described herein, should amend the zoning classifications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 9.88 acres located on the south side of Sebastian Harbor Drive, west of Riberia Street in the City of St. Augustine, is hereby amended from the zoning classification of Planned Unit Development (PUD) to the classification of Residential General Office, also known as Parcel # 203350 0030 and 203470 0000 and as more fully described in the attached legal description.

Section 2. The City Planning and Building Director is hereby authorized and directed to amend the zoning map for the City of St. Augustine, Florida to reflect the zoning classification assigned to the above-described lands.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

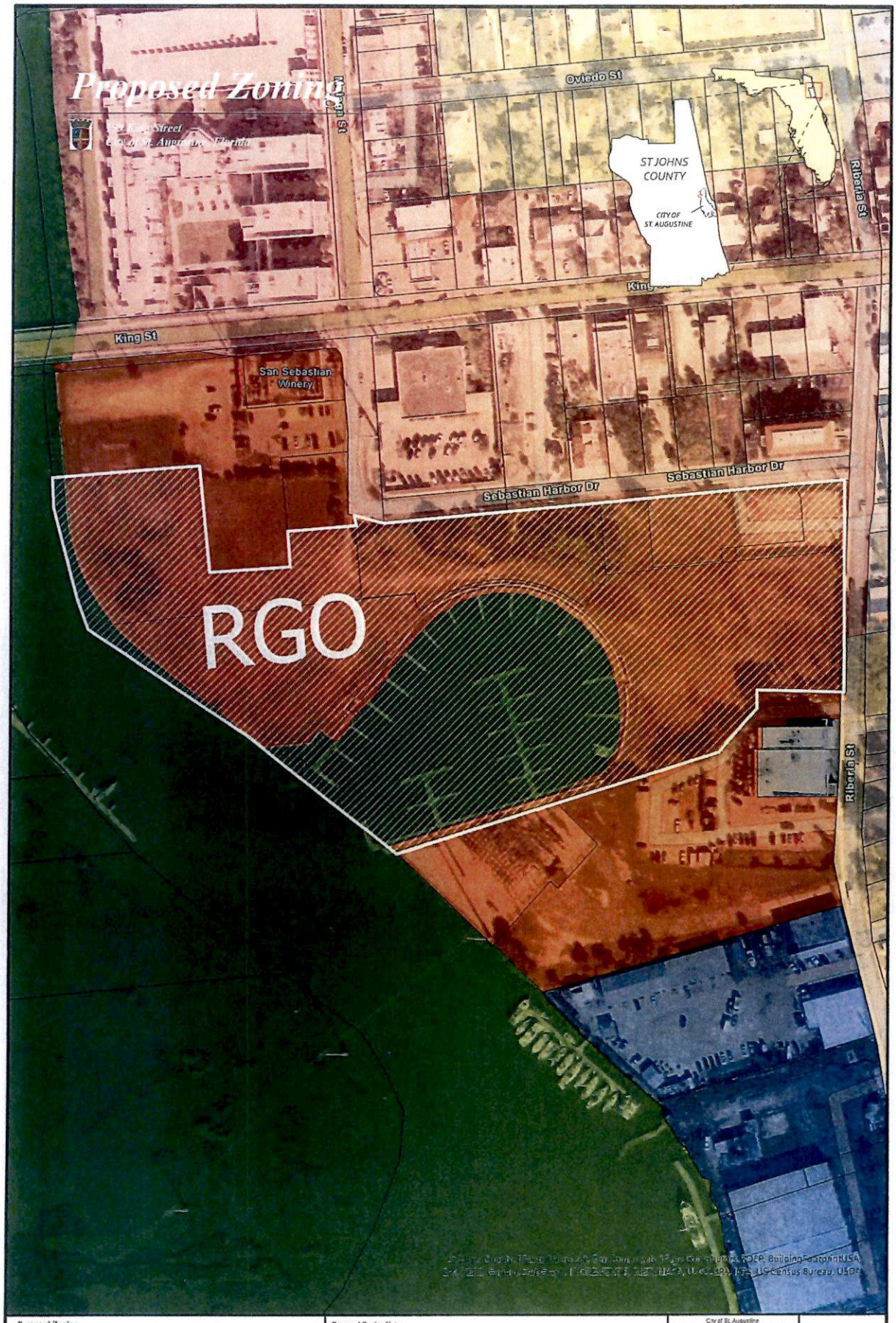
Section 5. This ordinance shall be effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)



Proposed Zoning

Proposed zoning of 159 King Street

Map Summary:

The purpose of this map is to effectively illustrate what the new zoning proposal includes

Proposed Zoning Notes

Data Source:

Zoning data is provided by the City of St. Augustine's GIS Division and is identified and approved by the City of St. Augustine's Planning, Building, & Zoning Division.

City of St. Augustine
Planning, Zoning, & Building Department
P.O. Box 210, St. Augustine, FL 32085
Phone: (904) 825-1065

DISCLAIMER

This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown hereon.

ST AUGUSTINE EST.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 13, 2021

RE: Ordinance 2021-19 – Rezoning the Sebastian Inland Harbor Planned Unit Development (PUD) to Residential General and Office (RGO) – 159 King Street (PID# 203350 0030, 203470 0000)

The Sebastian Inland Harbor Planned Unit Development property at 159 King Street and 90 Riberia Street (PID#203350 0030, 203470 0000) is owned by SA Marina Holdings, LLC and it is located south of Sebastian Harbor Drive. The property is undeveloped, it is approximately 9.88 acres in size and it is adjacent to the San Sebastian River on the west side and Riberia Street on the east side.

On August 10, 2021, the Planning and Zoning Board made a positive recommendation to amend the zoning of the property from Planned Unit Development (PUD) to Residential General and Office (RGO).

The existing PUD allows for all uses within the RGO zoning district, so this rezoning will not change the allowable uses for the property. (see attached PUD and RGO zoning descriptions)

The underlying Future Land Use Map (FLUM) designation of Residential Medium Density/Mixed Use will not change and the RGO zoning category is compatible with this future land use category.

I have included a chronology and zoning comparative analysis for your reference.

Please place Ordinance 2021-19 on the September 13, 2021 City Commission agenda for second reading and a public hearing.

David Birchim

David Birchim, AICP
Director, Planning and Building Department

CHRONOLOGY

- Pre-1987 - Property is zoned Industrial and Warehouse (IW)

- 1987 Zoning Change – Property is rezoned from IW to Residential and General Office (RGO)

- 1987 Comprehensive Plan FLUM Change – The Residential Medium Density/Mixed Use Future Land Use Map designation is assigned to the property with the update to the Comprehensive Plan.

- December 13, 2004 – property is rezoned from RGO to PUD and retains the underlying Residential Medium Density/Mixed Use FLUM designation (Ord. 2004-23)

- August 13, 2007 – PUD Amendment approved (Ord. 2007-14)

- May 23, 2016 - PUD Amendment approved (Ord. 2016-15)

- February 4, 2020 – PUD Amendment (proposed Ord. 2021-04) reviewed by the Planning and Zoning Board and the case is continued with 12 conditions by the Board

- January 5, 2021 – updated PUD Amendment (proposed Ord. 2021-04) reviewed by the Planning and Zoning Board that addressed the above 12 conditions is forwarded to the City Commission with 6 final conditions

- January 25, 2021 – the City Commission considers the PUD Amendment at first reading (proposed Ord. 2021-04) and asks the applicant to return with additional information and does not schedule a second reading.

- April 15, 2021 – the property owners revise the rezoning request from a PUD Amendment to rezoning the property to RGO

- August 10, 2021 - the Planning and Zoning Board recommends approval for the rezoning request to rezone the property from PUD to RGO

- August 23, 2021 – the City Commission passes Ordinance 2021-19 at first reading

COMPARATIVE ANALYSIS (Summary)

Existing Zoning

Sebastian Inland Harbor PUD

1. Uses – All uses allowed in the RGO zoning category and any additional uses that may be allowable in the RGO zoning category in the future
2. Height –
   a. 50 feet for all buildings (with an additional 15 feet above the roof for mechanical equipment and one architectural element on the Hotel)
   b. 90 feet for one tower
3. Maximum Lot Coverage – 50%
4. Building Setbacks – 10 feet and a zero (0) foot building setback for the Hotel portico on Sebastian Harbor Drive
5. Parking – 636 parking spaces (the PUD analysis indicated the city code requirement for this project would require between 637-682 parking spaces)
6. Tree Protection, Landscaping, Signage, Utilities, Stormwater/Drainage - per city code
7. Architecture - As per Architecture Review Committee (ARC) approval

Proposed Zoning

Residential and general office (RGO)

1. Uses – see attached RGO zoning description
2. Height – 50 feet (with an additional 5 feet above the roof for mechanical equipment)
3. Maximum Lot Coverage – 50%
4. Building Setbacks –
   a. Front – 15 feet
   b. Sides – 10 feet
   c. Rear – 10 feet
5. Parking- per city code
6. Tree Protection, Landscaping, Signage, Utilities, Stormwater/Drainage – per city code

Proposed Zoning

Sec. 28-165. - Residential and general office: RGO.

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures:*

a. Multiple-family dwellings.

b. Professional and business offices.

c. Restaurants, but not drive-in.

d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

j. Hotels, motels, conference centers, convention centers and spas.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.

b. Light manufacturing, processing, packaging and fabricating.

c. Housing for the cognitively impaired.

d. Housing for the elderly.

e. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

f. Retirement housing, which shall be defined as any building or buildings, section or distinct part of a building, private home, boarding house, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. Retirement housing: may provide non-invasive services such as assistance with: (i) medication management including: with medication administration (topical, oral, and by injection (although only a licensed nurse may administer any such injection)) and ordering medications from a pharmacy; (ii) arranging for the provision of independent medical services (both off the property and as "home health care" on the property); (iii) diabetes testing; (iv) diet control and administration; and (v) wellness services, which include quarterly health assessments, weight monitoring, blood pressure checks, contracting with medical professionals, and coordinating any special services required by the resident (such as acquisition of medical equipment and supplies). The term "retirement housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.

G. Commercial recreational and entertainment facilities including outdoor sports or activities such as tennis, paddle tennis, handball, racquestball, shuffleboard, miniature golf, archery range and horseshoe games but not shooting gallery, skating rinks, pony rides or go-cart tracks.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements:*

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Fifty (50) feet.

ORDINANCE NO. 2021 - 19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY 9.88 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF SEBASTIAN HARBOR DRIVE AND WEST OF RIBERIA STREET, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 9.88 acres located on the south side of Sebastian Harbor Drive, west of Riberia Street in the City of St. Augustine, being more fully described herein, should amend the zoning classifications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 9.88 acres located on the south side of Sebastian Harbor Drive, west of Riberia Street in the City of St. Augustine, is hereby amended from the zoning classification of Planned Unit Development (PUD) to the classification of Residential General Office, also known as Parcel # 203350 0030 and 203470 0000 and as more fully described in the attached legal description.

Section 2. The City Planning and Building Director is hereby authorized and directed to amend the zoning map for the City of St. Augustine, Florida to reflect the zoning classification assigned to the above-described lands.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. This ordinance shall be effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

_____
Tracy Upchurch, Mayor-Commissioner

_____
Darlene Galambos, City Clerk
(SEAL)

EXISTING ZONING

SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT (PUD)

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING ORDINANCE 2007-14, THE SEBASTAIN INLAND HARBOR PUD, CREATING THE SEBASTIAN INLAND HARBOR PLANNED UNIT DEVELOPMENT (PUD), PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, s. 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and,

WHEREAS, the City of St. Augustine Comprehensive Plan provides for the Residential Medium Density/Mixed Use designation for the subject property, and associated use and density criteria for development within said designation; and,

WHEREAS, Sec. 28-289 of the Code of the City of St. Augustine provides procedures for the establishment of a Planned Unit Development (PUD); and,

WHEREAS, the Sebastian Inland Harbor Planned Unit Development (PUD) was established by Ordinance 2004-23 and modified by Ordinance 2007-14, which became effective on August 23, 2007 and has a completion date of April 23, 2017; and,

WHEREAS, the Sebastian Inland Harbor Planned Unit Development (PUD) contains a mixed use commercial, residential and marina development as outlined in the Sebastian Inland Harbor PUD; and,

WHEREAS, the Sebastian Inland Harbor Planned Unit Development (PUD), applied for a minor modification to PUD Ordinance 2007-14 to add effectively ten (10) years to the completion date of the phase(s) of this project, from April 23, 2017, to a final completion date of January 1, 2027.

WHEREAS, on April 5, 2016, the City of St. Augustine Planning and Zoning Board reviewed a request to modify the Sebastian Inland Harbor PUD and made recommendations to the City Commission for approval of the PUD minor modification that included a commencement date of April 23, 2022, and a completion date of April 23, 2027. Commencement shall mean the City of St. Augustine's final acceptance, and approval of the plans for construction of the horizontal infrastructure for the project; and,

WHEREAS, the Sebastian Inland Harbor Planned Unit Development (PUD) development plan narrative dated April 14, 2016 contains the recommendations made on April 5, 2016 by the City of St. Augustine Planning and Zoning Board; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Minor Modification of Ordinance 2007-14, the Sebastian Inland Harbor PUD creating the Sebastian Inland Harbor Planned Unit Development (PUD). The Sebastian Inland Harbor PUD, created by Ordinance 2004-23 and modified by Ordinance 2007-14, is hereby modified in accordance with the terms and conditions provided herein.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Sebastian Inland Harbor PUD are as presented in the Development Plan Narrative submitted on April 14, 2016, and incorporated herein by reference. All terms and conditions expressly stated in Ordinance 2007-14 remain intact by the enactment of this Ordinance.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Effective Date. This ordinance shall be effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 23rd day of May, 2016.

Nancy E. Shaver, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

EXHIBIT "C"

Modification to
Sebastian Inland Harbor
Planned Unit Development

April 14, 2016

Applicants:

SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771

San Sebastian Retail, LLC
1 Independent Drive, Suite 1880
Jacksonville, Florida 32202

Authorized Agent for the Applicants:

Ellen Avery-Smith, Esq.
Rogers Towers, PA
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086
(904) 825-1615

Amended and Restated PUD Narrative

SAN SEBASTIAN INLAND HARBOR PUD

SECTION I

INTRODUCTION AND APPLICATION

This is an attachment to an application for a modification to the Sebastian Inland Harbor Planned Unit Development (Ordinance No. 2007-14) with accompanying documents as required by Section 28 (the "**Zoning Code**") of the St. Augustine, Florida Code of Ordinances ("**Code of Ordinances**"). This narrative is intended to amend and restate the terms and conditions of the PUD with respect to the 11 acres owned by SA Marina Holdings, LLC, a Florida limited liability company (the "**SA Property**") and 2.5 acres owned by San Sebastian Retail, LLC, a Florida limited liability company (the "**Retail Property**"). The SA Property and the Retail Property are sometimes collectively referred to herein as the "**Site**" or the "**Property**". This is **Exhibit "C"** to the application form. This application is filed on behalf of the Applicants:

SA Marina Holdings, LLC
1265 Upsala Road, Unit 1157
Sanford, Florida 32771

San Sebastian Retail, LLC
1 Independent Drive, Suite 1880
Jacksonville, Florida 32202

The Property is within a project known as "The Sebastian Inland Harbor Development" ("**Project**") and consists of approximately 13.5 acres of undeveloped land located on King Street and Sebastian Harbor Drive in the City of St. Augustine, and is more particularly described on the legal description attached to the application as **Exhibit "A"** (the "**Property**"). The Applicants are the successors in interest to the original developer of the Property. The Site is currently zoned Planned Unit Development ("**PUD**"), as defined within the Zoning Code. The

City Comprehensive Plan Future Land Use Map ("**FLUM**") designation of the Property is Residential Medium Density Mixed Use. This category allows for multiple-family dwellings, professional and business offices, restaurants, retail sales, marinas, museums, parking facilities and garages, bars and taverns, home offices, and hotels, motels, conference centers, convention centers and spas. The Project is exempt from the requirements of the Concurrency Management Ordinance of the City of St. Augustine (Ord. No. 91-23 and Article II, Section 21-26 through 21-60 of the Code of Ordinances).

A. **Location/Site Characteristics:** The Property is an irregular shaped parcel of land containing approximately 13.5 acres, of which approximately 10.88 acres are uplands. A copy of the topographical map of the Site is attached to this application as **Exhibit "E"**. The Project is located within the incorporated limits of the City of St. Augustine. A location map is attached to the application as **Exhibit "B"**. The Project is located on the south side of King Street and on the east bank of the San Sebastian River, which is a navigable waterway providing deep water access to the Intracoastal Waterway and the Atlantic Ocean. The Site contains approximately 260 feet of frontage along the south side of King Street, approximately 318.95 feet of frontage along the west side of Riberia Street, and approximately 922 feet of frontage on the San Sebastian River from the southern boundary north to King Street. The Site also has approximately 705.98 feet of frontage along Sebastian Harbor Drive, a two-lane thoroughfare that connects the southern section of what was formerly Malaga Street with Riberia Street. Site work for the Project has substantially commenced, including harbor dredging, construction of the bulkhead along the river and preliminary stormwater management work.

B. **Ownership/Agreement:** The Property is now owned by the Applicants, SA Marina Holdings, LLC and San Sebastian Retail, LLC. The Applicants have authorized Ellen

Avery-Smith, Esq. of Rogers Towers, P.A. to act on their collective behalf in this zoning modification request. The Applicants hereby agree and stipulate to proceed with the proposed development of the Property in accordance with the PUD Ordinance as adopted by the City of St. Augustine City Commission (the **"Commission"**) and all conditions and safeguards established by the Commission regarding the PUD modification. All successors in title to the Property shall be bound to the conditions of the approved PUD modification.

SECTION II

PLAN OF DEVELOPMENT

A. **Project Description:** The Project will be a mixed-use waterfront development consisting of residential condominium units, retail shops, a full-service hotel and spa, a marina, and a public riverwalk and amphitheater. Building heights will range from one (1) story on-grade to four (4) stories over parking as further specified below. The multi-story buildings will consist of a base treatment, a shaft and cap with sloped tile roofs to blend the appropriate scale and proportions with the surroundings buildings. Ornate cornice projections, roof overhangs, cantilevered balconies, window trim detailing and arches of hardcoat stucco and cast stone may be incorporated into the building facades to reinforce the historic St. Augustine architectural theme. The Project will incorporate roof design and finishes consistent with the historic St. Augustine architecture. The Project will also incorporate towers, as depicted on the MDP, to emulate the towers that are characteristic of the Flagler era buildings further east and to draw pedestrian traffic further west on King Street. The retail space to be located along King Street may have stucco facades and tile roofs with varying scales of storefront heights. All buildings will have stucco or brick facades. Shopfronts may be embellished with projecting canvas awnings, decorative light fixtures and signage. All architectural designs will be subject to review and approval of the Architectural Review Committee that has been established for the Project, as

further described below. The Project will comply with the Design Standards for Entry Road Corridors for the King Street Entry Corridor.

B. **Permitted Uses:** Allowable uses within the Site will include all uses currently allowed under the existing RGO zoning category and any additional uses that may be allowable in the future under the Zoning Code or the City of St. Augustine Comprehensive Plan, as may be amended from time to time, including, but not limited to, the following:

(1) Multiple-family dwellings;

(2) Professional and business offices;

(3) Restaurants with indoor and outdoor sales;

(4) Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry, art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted;

(5) Marina;

(6) Museums;

(7) Parking facilities and garages;

(8) Bar/tavern, with indoor and outdoor sales;

(9) Home office, private

(10) Hotels, motels, conference centers, convention centers and spas;

(11) Condominiums;

(12) Outdoor amphitheater; and

(13) All accessory uses and structures allowed by Section 28-348 of the Zoning Code in effect at the time of approval of the PUD.

C. **Development Standards:** As shown on the Master Development Plan ("**MDP Map**") attached hereto as **Exhibit "D"**, the Site will be developed as follows:

- Residential condominiums - up to 70 units
- Hotel - up to 225 rooms, with all typical hotel accessory uses allowed including, but not limited to:
  - Banquet Facility and Meeting Rooms
  - Spa and Exercise Facilities
  - Restaurants and Lounges
  - Gift Shops
  - Retail
- King Street Retail - up to 27,000 square feet
- Sebastian Harbor Drive Retail - up to 9,060 square feet
- Lorida Street Lofts - up to 15 units
- Marina with up to 65 slips (including 4 public slips) and a water taxi station;
- One multi-level parking garage and surface and subsurface parking lots;
- A public river walk connecting the marina to King Street (with access to King Street being through Sebastian Harbor Drive);[1] and
- Outdoor amphitheater, sculpture garden, and scenic water fountains.

D. **Minimum Setbacks:** The building setback from the exterior property boundaries shall be ten feet (10'), except that the Hotel portico located on Sebastian Harbor Drive may have a zero-foot (0') setback from the right-of-way and the multi-level parking garage shall have a minimum setback of ten feet (10') from the Riberia Street right-of-way at its southeastern corner and ten feet (10') from the southern property boundary. There shall be no building setbacks required within the interior of the Project.

[1] The public areas are, nonetheless, privately owned and Project owners, their successors and assigns, and the property owner's association, reserve the right to exclude persons and activities constituting a nuisance, a security risk or engaged in commercial activities. The Project owners may also close the public area between midnight and 7:00 a.m.

E. **Maximum Building Height:** The maximum building height allowable within the PUD shall be 50 feet (50') as measured in accordance with the Zoning Code for the existing RGO category, with an allowance of an additional fifteen feet (15') above the roof for mechanical equipment and architectural elements as described in the Zoning Code (to allow roof line variation). Additionally, one architectural element (such as towers, cupolas or icon) may exceed the roof of the Hotel. One tower may extend up to ninety feet (90'). A sketch depicting the building height cross section is attached as **Exhibit "F"**. The tower, including architectural design and location, will be subject to the approval of the Architectural Review Committee.

F. **Maximum Lot Coverage:** The Maximum Lot Coverage shall be 50 percent for buildings.

G. **Signage:** The signage for the Project shall comply with Commercial Zone 4 of Chapter 3 of the Code of Ordinances in effect at the time of approval of the PUD.

H. **Parking:** Parking for the PUD will be provided within surface and subsurface parking lots and the multi-level parking garage in the general location depicted on the MDP Map. Angular parking will be provided outside of the public right-of-way along Sebastian Harbor Drive as depicted on the MDP Map.

The total number of spaces provided will be a minimum of 636, as set forth in the table below. The final number will be determined by the actual residential unit sizes within the Project, and the final civil engineering plans approved for the site. The table below compares the number of spaces to be provided under this PUD and the number of spaces required under the Zoning Code:

Project Component	Spaces Required per Zoning Code	Spaces Provided per PUD
San Sebastian Winery	56	56

Condos — 70	148.751[1]	140[2]
Lofts — 15	31.5	32
Hotel — Guest Rooms — 225 (estimated)	225	225[3]
Hotel — Accessory Uses (Meeting Spaces, Restaurant, Spa, Gift Shop, etc.)	109	35
Sebastian Harbor Drive Retail — 9,060 sq. ft.	30.2	31
King Street Retail up to 27,000 sq. ft	51.6-90	73
Public Marina Slips - 4	4	4[5]
Public Use Spaces	0	40
Total Spaces	637.45-681.85	**636**

1 Based on 35 2-bedroom and 35 3-bedroom units.

2 2 parking spaces shall be provided for each unit.

3 1 parking space shall be provided for each Guest Room in the Hotel.

4 A total of 35 parking spaces will be provided for all accessory uses to the Hotel (e.g. Meeting Spaces, Spa, Restaurant and Lounge and Gift Shops and similar accessory uses). This is identical to the existing PUD.

5 1 parking space shall be provided for each public boat slip; no additional spaces are required for private slips for the condominium units.

Only the spaces associated with the residential units will be assigned and restricted (approximately 172); all of the other spaces within the development (approximately 460) will be unrestricted and available at all times for all other uses within the Project and for the public in general. The Project has not included in its calculations credits that would be available for allocating office space and storage to portions of the retail calculation or the effects of shared uses with parking demand occurring at different times of day or multiple uses (i.e., hotel guests who also shop). No recalculation on parking shall be required as tenants and uses change. All surface parking shall be free of charge at all time; however, the spaces in the parking garage may be subject to a market rate or fee. In addition to the parking required for the uses in the PUD, the Project will provide 40 extra public spaces.

I. **Hardscape / Landscape**: Exterior hardscape and landscaping within the Project will be done in accordance with a uniform "Master Hardscape and Landscape Plan" to be approved by the Architectural Review Committee and shall use local plant material and finishes indigenous to the St. Augustine area. The streetscape and public waterfront boardwalk may include, but shall not be limited to, decorative lampposts, benches and site furnishings, a sculpture garden, water fountains with accent lighting, a clock tower and a public amphitheatre to encourage an interactive pedestrian environment. A landscaped buffer will be installed between the south side of the Marina and the FPL sub-station which shall serve as additional "green space" and will shield the FP&L sub-station from view. The wall/boundary design between the pool and the public walkway area around the marina is depicted on **Exhibit "H"**.

J. **Tree Protection:** The PUD will be designed in accordance with the requirements of the tree protection provisions of Section 25-51 of the Code of Ordinances in effect at the time of approval of the PUD.

K. **Landscape Plan:** The final landscape plan will be designed in accordance with the Zoning Code requiring 25 percent shade trees with no more than 25 percent Palm Trees. More than 5 percent of these trees will be located inside the perimeter of the Project. As required by the Zoning Code, there will be 5 trees and 25 shrubs per 100 linear feet of perimeter. The only exception will be along the landscape buffer between the Marina and the FPL sub-station, where extensive use of Palm Trees may be necessary to effectively screen the sub-station and will be provided at the discretion of the Project owners. Further, this development will comply with "The Design Standards for Entry Corridors" as approved by the City of St. Augustine.

L. **Utilities:** All utilities for the Project will be located underground. The Project owners propose to bury the existing low-rise power lines along Sebastian Harbor Drive and will comply with all requirements of the City and Florida Power & Light ("**FP&L**") in connection with such activity. The utility providers for the Project as follows:

Water & Sewer	-	City of St. Augustine
Electric Service	-	FP&L
Telephone	-	Bell South
Law Enforcement	-	St. Augustine Police Department
Fire Protection	-	St. Augustine Fire Department

M. **Stormwater/Drainage:** Stormwater retention and drainage will be treated on site and may be located on the surface or underground (the "**System**"). All drainage structures and facilities for the System will be designed and constructed in compliance with City Ordinances and an Environmental Resource Permit issued by the Florida Department of Environmental Protection or St. Johns River Water Management District. The System will also provide on-site stormwater retention and drainage for the San Sebastian Winery and the Police Station located adjacent to the Site.

N. **Temporary Uses:** Temporary office(s) and construction trailers shall be allowed on site during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the building. Parking may be provided for the temporary offices and trailers in a temporary defined, but unpaved, area which meets the requirements of the Code of Ordinances in effect at the time of approval of the PUD.

O. **Access:** Access to the Site and the waterfront will be provided as generally depicted on the Site Plan. All entrances/exit driveways will be designed and permitted in compliance with City standards.

SECTION III

PHASING

The PUD is planned to be developed in one (1) phase. Construction must commence by April 23, 2022 and must be completed by April 23, 2027. "**Commencement**" shall be defined as the City's approval of construction plans for the horizontal infrastructure within the Property. Individual structures and uses may be built in sequence, and in such case all parking and other necessary support infrastructure will be built proportionately with the structures for which a certificate of occupancy is sought. By April 22, 2019, the Applicants will file any PUD amendment that they may seek. The Applicants will give written informational status reports to City Administration every six (6) months, from the date of this PUD modification until April 22, 2019.

SECTION IV

MAINTENANCE

The Project owners have recorded an Amended and Restated Declaration of Covenants and Restrictions for Sebastian Inland Harbor (the "**Covenants**") that are applicable to the Project as a whole and that will ensure that all elements and phases adhere to the original design. The Covenants are recorded in Official Records Book 2484, Page 974, Public Records of St. Johns County, Florida.

A. **Property Owners Association:** The Covenants establish a property owners association (the "**POA**") that is responsible for maintenance of the common elements of the Project. The POA has the power of assessment of maintenance fees and costs that provide for the ongoing maintenance of the stormwater system, lighting and other common areas and

facilities. A copy of the applicable maintenance and assessment provisions contained within the Covenants is attached hereto as **Exhibit "G"**.

B. **Architectural Review Committee:** An Architectural Review Committee ("ARC") has been established for the Project that will approve construction materials, exterior colors, landscaping, signage and exterior lighting among other features. The ARC will be comprised of one member chosen by the City Council, one member chosen by the Project owners or the owners' successors and assigns, and one member chosen by the other two members of the ARC. All development plans for the Project will be required to be submitted to the Architectural Review Committee for its approval prior to construction.

SECTION V

COMPLIANCE WITH CONSERVATION OVERLAY ZONE

The Project is located within Conservation Overlay Zones ("COZ") 1, 2 and 3. The Project will comply with all city and state requirements concerning development on altered shorelines. The Site will be bulkheaded as depicted on the site plan. Based upon the lack of tree canopy on the site, there is no impact on COZ 3. The Project shall be evaluated according to the following criteria:

(1) ***Site specific conditions.*** This is a vacant parcel of property adjacent to the San Sebastian River that contains no significant tree canopy.

(2) ***The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*** The Site is adjacent to the San Sebastian River. It does not have any significant tree canopy.

(3) ***Natural and proposed drainage patterns.*** The drainage patterns will be evaluated in the Saint Johns River Water Management District (the "**SJRWMD**") permitting process.

(4) ***Effect of point and nonpoint discharge in the marine environment.*** The Impacts on the marine environment will be reviewed in the Department of Environmental Protection (the "**DEP**") permitting process.

(5) ***Proposed soil stabilization and erosion control methods.*** Soil stabilization and erosion control methods will be addressed in the building permit/construction phase of the Project.

(6) ***Impact on floodplain.*** All construction will meet current FEMA guidelines for floodplain management.

(7) ***Impact of development on vegetative and animal communities.*** This is a vacant site that does not contain significant vegetation or known animal communities. Any impacts associated with dredging within the San Sebastian River will be addressed during the DEP and the Army Corps of Engineers (the "**ACOE**") permitting process.

(8) ***Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*** The Site is currently being monitored for previous contamination.

(9) ***Effect of shade on vegetation and shellfish.*** The effect of shade will be reviewed in the DEP and ACOE permitting process.

(10) ***Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*** The effect on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion is not known at this time because the marina has not yet been constructed.

(11) ***Impact of development on shoreline by linear feet and percent of site.*** There are 1975 linear feet of waterfront along the San Sebastian River and the Sebastian Inland Harbor. There are 875 linear feet of building structures on the waterfront, representing 44 percent of the total waterfront within the Project. However, a Riverwalk will be provided along the waterfront as depicted on the MDP Map. The Riverwalk will provide to the public an unobstructed view of the waterfront for the entire length of the Project. The Sebastian Inland Harbor waterfront and shoreline impacts comply with the requirements of Article II of the Code of Ordinance for COZ 1 and COZ 2.

(12) ***Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*** See Site Plan.

(13) ***Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*** The Project will comply with the landscaping requirements contained within Section 25 of the Zoning Code.

(14) ***Impact of development on plant and animal habitat and potential loss in acres and percent of site.*** The site contains no significant vegetation. The potential for impact to plant and animal habitat will be addressed in the marina permitting process.

(15) *Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)* Stormwater retention and drainage will be treated on site and will be designed and constructed in compliance with local and state permitting requirements.

(16) *Impact of development on shellfish and on commercial and sport fish and waterfowl.* Non-applicable because there is no potential for harm to commercial shell fishing, sport fishing and water fowl because there are no commercial shell fishing, sport fishing or water fowl hunting activities at this site.

(17) *Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck levation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.* The specific conditions applicable to docks will be reviewed in the Marina permitting process. The Project owners have no current plans to install boat lifts.

SECTION VI

JUSTIFICATION FOR REZONING

Justification for approval of this PUD, when developed in accordance with the conditions stipulated within the application and imposed by the adopting ordinance include the following:

(1) The Project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the Comprehensive

Plan. As described, this use is compatible with the surrounding zoning and Comprehensive Plan as well as the overall architectural trend of the area. The proposed PUD will be a benefit to the future occupants of the Project and to the residents of the City.

(2) The Project incorporates design principles that create an overall design that blends the various components of the Project around open, pedestrian-friendly spaces, both on the waterfront and throughout the interior portions of the Project.

(3) The Project will create a neighborhood/waterfront district that is a part of downtown St. Augustine - a place that will not only give tourists a new destination in the City, but a neighborhood that will bring St. Augustine residents back downtown to live, shop, eat and recreate.

(4) The Project will conform to the requirements of the City Concurrency Management Ordinance ("**Concurrency Ordinance**"). Construction will commence only after confirmation by the City in accordance with the standards and procedures of the Concurrency Ordinance that the availability of adequate public facilities and services support the PUD, as modified, and issuance of a concurrency certificate.

(5) The Project will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural environment or to the development of adjacent properties and will accomplish the objectives, standards and criteria set forth in the definition of a Planned Unit Development.

(6) The Project will address the City's immediate need for parking and conference space, and the conditions stipulated in the Covenants and PUD application and

imposed by the adopting ordinance provide for strict regulation and maintenance of the Project.

(7) Consistent with the architectural style prevalent within the City of St. Augustine, the buildings will draw upon the local Spanish style theme of architecture that symbolizes the strong local character with tile sloped roofs as the dominant architectural feature.

SECTION VII

SUMMARY AND CONCLUSION

THEREFORE, this Planned Unit Development modification request meets all of the City requirements for a PUD, is consistent with the City of St. Augustine Comprehensive Plan, and does not conflict with any of the elements of the Comprehensive Plan.

APPLICANTS:

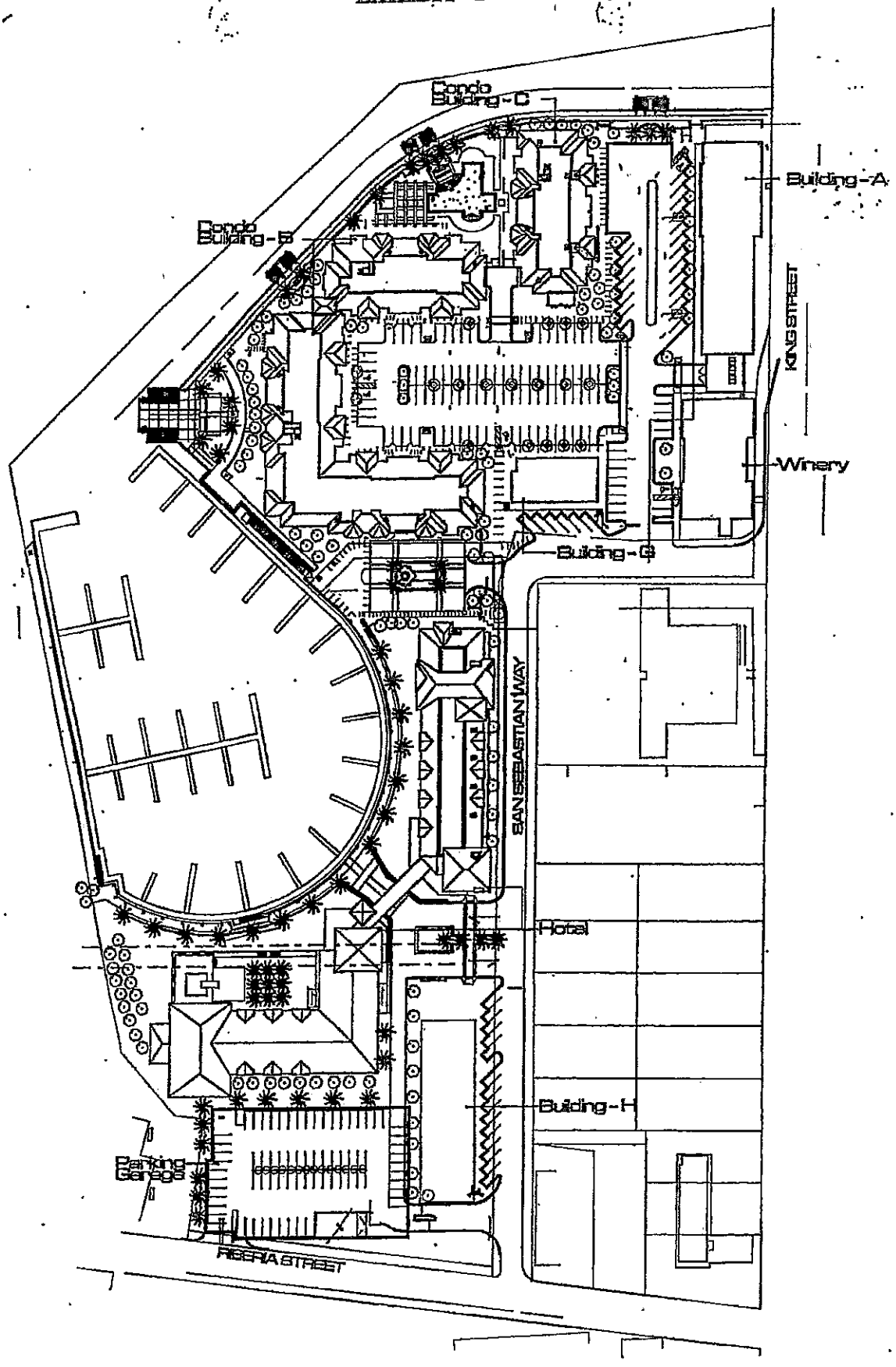
SA MARINA HOLDINGS, LLC

BY: _____
Gulamabbas Abdulhussein, Manager

SAN SEBASTIAN RETAIL, LLC

BY: _____
Leonard H. Grunthal III, Manager

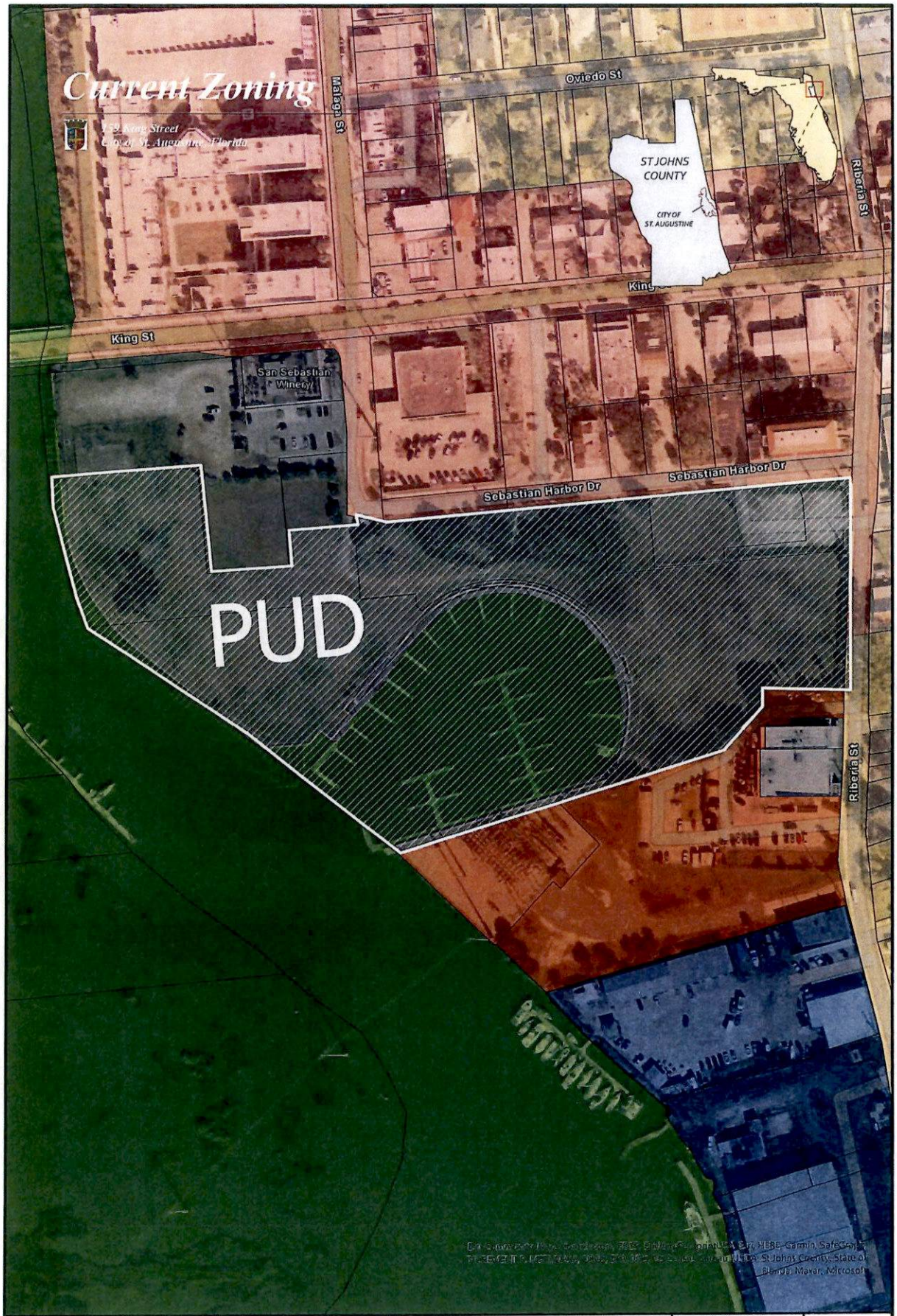
EXHIBIT "D"



San Sebastian Harbor Hotel - PUD Revision
SITE PLAN

O'DONNELL DANA WOLF + PARTNERS ARCHITECTS INC.

odp



Current Zoning

Current PUD zoning of 139 King Street

Map Summary:

The purpose of this map is to effectively illustrate the current zoning conditions

Current Zoning Notes

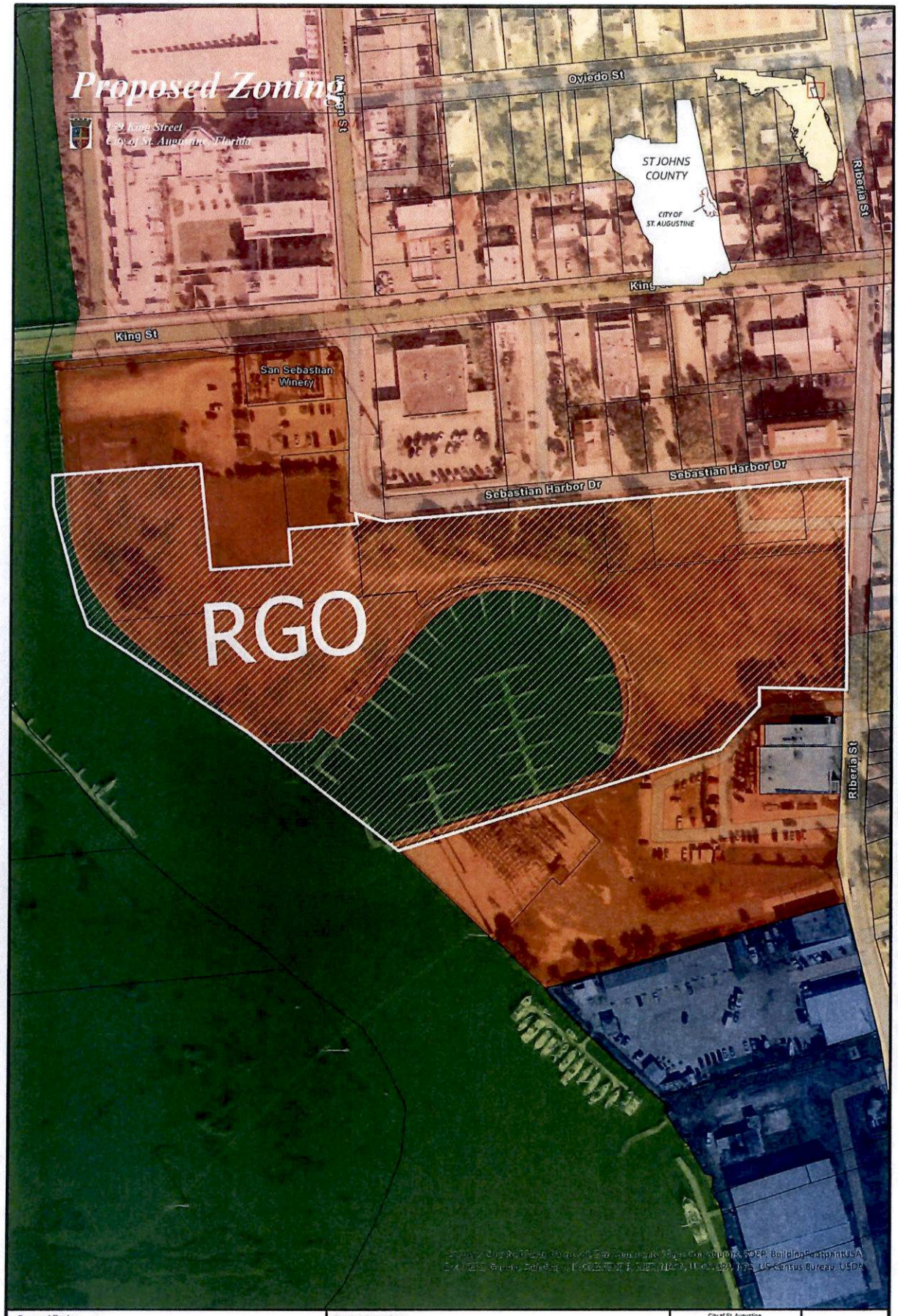
Data Source:

Zoning data is provided by the City of St. Augustine's GIS Division and is identified and approved by the City of St. Augustine's Planning, Building, & Zoning Division.

City of St. Augustine
Planning, Zoning, & Building Department
P.O. Box 210, St. Augustine, FL 32085
Phone: (904) 825-1065

DISCLAIMER

This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown hereon.



Proposed Zoning

Proposed zoning of 139 King Street

Map Summary:

The purpose of this map is to effectively illustrate what the new zoning proposal includes

Proposed Zoning Notes

Data Source:

Zoning data is provided by the City of St. Augustine's GIS Division and is identified and approved by the City of St. Augustine's Planning, Building, & Zoning Division.

City of St. Augustine
Planning, Zoning, & Building Department
P.O. Box 210, St. Augustine, FL 32085
Phone: (904) 825-1065

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ST AUGUSTINE

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: December 22, 2022

RE: **ORDINANCE 2023-01: PROHIBITING FISHING FROM APPURTENANCES TO THE SEAWALL**

Please find enclosed Ordinance 2023-01 prohibiting fishing from any appurtenances to the seawall, including the viewing platform at the North Park, or other items located on or upon the City's submerged lands.

Please place Ordinance 2023-01 on the regular City Commission agenda for first reading on January 9, 2023.

Thank you.

Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Ord 2023-01: Prohibits fishing from any appurtenances to the seawall.

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 7, ARTICLE I, SECTION 7-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROHIBITING FISHING FROM ANY APPURTENANCES TO THE SEAWALL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, section 7-2 of the municipal code prohibits fishing from or tying onto the seawall and the City wishes to further clarify that these prohibitions apply to the viewing platform and other appurtenances; and

WHEREAS, the City of St. Augustine was granted ownership of submerged lands within the City of St. Augustine by Chapter 11148 of the Laws of Florida, and was granted operational control of the North Park and South Park flanking the Bridge of Lions by the Florida Department of Transportation; and

WHEREAS, the North Park includes a viewing platform constructed upon the submerged lands of the City of St. Augustine; and

WHEREAS, the City Commission finds that fishing activity or boat tie-up from the viewing platform would interfere with anchored vessels and the normal operations of the bridge and adjacent public marina, would pose a hazard to the numerous pedestrians in the park and along the seawall, would detract from the intended use of the viewing platform and the decorative hardscape and landscape and introduce additional wear and tear and risk associated with those activities, and would attract scavenging birds and other wildlife in an urban environment increasing the risk to both wildlife and persons; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 7, Article I, Section 7-2. Chapter 7, Article I, Section 7-2 of the Code of the City of St. Augustine is hereby amended as follows:

Sec. 7-2. - Fishing from seawall prohibited.

(a) It shall be unlawful for any person to catch, trap, take or obtain fish, shrimp or other sea life by any means or methods while on or upon the seawall, the viewing platform at the North Park, or other appurtenances, located on or upon the city's submerged lands.

(b) It shall be unlawful for any person ~~or without permission of the city manager~~ to tie up any boat, dinghy or other vessel to the seawall, the viewing platform in the North Park, or other appurtenances, unless authorized by the city manager or other agency.~~described as follows:~~

The seawall is defined as that structure, and any appurtenances thereto, situated in the Matanzas River in the harbor of the City of St. Augustine, St. Johns County, Florida, beginning at a stone monument marked "US" on the line of the seawall on the Matanzas River 436 feet more or less, in a southerly direction from the most southeasterly point of the southeast bastion of Castillo de San Marcos National Monument and running thence southerly along the now existing seawall; meandering Avenida Menendez Street in the City of St. Augustine, Florida, to the southerly terminus of the seawall at a point near the St. Francis Barracks, and including coterminous structures through the North Park and South Park as described in Resolution 2010-08 and that certain Memorandum of Agreement between the City of St. Augustine and the Florida Department of Transportation dated March 8, 2010 granting operation, maintenance and repair authority of the North Park and South Park to the City of St. Augustine.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so

construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

_____
Nancy Sikes-Kline, Mayor-Commissioner

ATTEST:

_____
Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Ordinance 2023-02 – Amending the Future Land Use Designation of 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue from Commercial Medium Intensity to Residential Medium Density Mixed Use – First Reading

The property at 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue is a 0.71-acre parcel that is on Ponce de Leon Boulevard between Matanzas and Missouri Avenues. The property is surrounded by commercial property on three sides with the San Sebastian Riverine environment to the west across US 1 (Ponce de Leon Boulevard). This property is owned by Vista Hotel IV, Inc.

The city's Future Land Use Map (FLUM) identifies Commercial Medium Intensity as the land use category for these properties. The owner has requested to change the land use to the Residential Medium Density Mixed Use land use category. An application to rezone the property to Residential General Office-A (RGO-A), which is consistent with the proposed land use category has also been submitted. The owner is proposing a hotel for the property.

On December 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of these properties from Commercial Medium Intensity to Residential Medium Density Mixed Use. Attached you will find the Ordinance, and legal description, a map illustrating the requested change, and the packet of information regarding this application and the compatible rezoning provided to the PZB.

Please place Ordinance 2023-02 on the City Commission agenda for first reading.

If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 0.71 ACRES OF PROPERTY LOCATED AT 1700 NORTH PONCE DE LEON BOULEVARD AND 25 MISSOURI AVENUE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF COMMERCIAL MEDIUM INTENSITY TO A DESIGNATION OF RESIDENTIAL MEDIUM DENSITY MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 0.71 acres of land, located at 1700 North Ponce de Leon Boulevard (PIN #189790 0000), and 25 Missouri Avenue (PIN #189780 0000) commonly known as the former Bozard Property being more fully described herein, that the property's Future Land Use Map (FLUM) designation should be amended from Commercial Medium Intensity to Residential Medium Density Mixed Use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1 Amending Comprehensive Plan, Future Land Use Map. The following described property, containing approximately 0.71 acres commonly known as the former Bozard Property located on Ponce de Leon Boulevard between Matanzas and Missouri Avenues in the City of St. Augustine, and identified on the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2040 as Commercial Medium Intensity, is

hereby amended to the classification of Residential Medium Density Mixed Use. This property is also known as Parcel Numbers 189790 0000, and 189780 0000 and as more fully described in the attached legal description.

Section 2 Authorization. The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan for the City of St. Augustine, Florida to reflect the FLUM amendment of the above-described land.

Section 3 Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(SEAL)

Public Records of St. Johns County, FL Clerk # 2007006068, O.R. 2857 PG 1161,
01/26/2007 at 03:35 PM REC. $33.00 SUR. $36.50 Doc. D $19469.80

(6)

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

William C. Hagin, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
50 North Laura Street, Suite 2800
Jacksonville, Florida 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 23rd day of January, 2007, by BOZARD LAND, LLC, a Florida limited liability company, whose address is 1700 North Ponce de Leon Boulevard, St. Augustine, FL 32084, hereinafter called the Grantor to, VISTA HOTEL IV, INC., a Florida corporation, whose mailing address is 32 Avenida Menendez, St. Augustine, FL 32084, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Johns County, Florida, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
(THE "PROPERTY")

TOGETHER with all tenements, hereditaments, improvements (if any); easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the exceptions set forth on EXHIBIT B hereto:

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey the property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Wherever used herein the terms "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.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

BOZARD LAND, LLC

Signed, sealed and delivered in the presence of:

By: Harold William Shad, III
Name: Harold William Shad, III

Print Name: JOHN D BAILEY JR

Address: 1700 North Ponce de Leon Boulevard
St. Augustine, FL 32084

Print Name: GLORIA M BANTA

STATE OF FLORIDA)
COUNTY OF ST JOHNS)

The foregoing instrument was acknowledged before me this 23 day of January, 2007, by Harold William Shad, III the Manager of Bozard Land, LLC, a Florida limited liability company. He is either [✓] personally known to me or [ ] has produced a FL state driver's license as identification.

Name:
Notary Public, State and County aforesaid
Commission Number:
My commission expires:

[Notarial Seal]

GLORIA M. BANTA
MY COMMISSION # DD 211017
EXPIRES: May 11, 2007
Bonded Thru Notary Public Underwriters

1700 North Parce

EXHIBIT "A"

PARCEL 1:

EAST ½ OF LOT 2, BLOCK 5, GARNETT ADDITION, AS DESCRIBED IN THE OFFICIAL PLAT OF THE CITY OF ST. AUGUSTINE, MADE BY ROBERT RANSON, DATED JANUARY 1, 1905 ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 2:

THE WEST ½ OF LOT 2, BLOCK 5, GARNETT'S SUBDIVISION, AS SHOWN BY PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA IN DEED BOOK "SS" AT PAGE 189.

PARCEL 3:

THE WEST ½ OF LOT 3, BLOCK 8, BEING GARNETT AND CUNNINGHAM SUBDIVISION IN THE NORTH PART OF THE CITY OF ST. AUGUSTINE, AS BY REFERENCE TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGE 91 AND DESIGNATED AS LOT 3, BLOCK 8, THE ENTIRE LOT BEING IN FRONT 100 FEET AND IN THE DEPTH 110 FEET, MORE OR LESS, THE PROPERTY CONVEYED TO ALEX CAPO AND GERTRUDE CAPO JANUARY 13TH, A.D. 1893, RECORDED IN BOOK TT PAGE 180.

THE ABOVE PROPERTY BEING ALSO DESCRIBED AS THE WEST ½ OF LOT 3, BLOCK 5, GARNETT SUBDIVISION, AS PER OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA. EXCEPTING RIGHT OF WAY FOR ROAD AS DESCRIBED IN DEED BOOK 210, PAGE 405.

PARCEL 4:

THE SOUTH 50 FEET OF LOT 1, BLOCK 5, GARNETT ADDITION TO THE CITY OF ST. AUGUSTINE, ACCORDING TO MAP THEREOF DATED JANUARY 1, 1905 AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS FRONTING 50 FEET ON CUNNINGHAM CENTER ON THE EAST, 100 FEET ON GARNETT AVENUE ON THE SOUTH AND BEING BOUNDED ON THE NORTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 213, PAGE 183, OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

PARCEL 5:

THE NORTH ½ OF LOT 1, BLOCK 5 OF GARNETT'S SUBDIVISION OF ST. AUGUSTINE, AS SHOWN ON THE OFFICIAL MAP OF SAID CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923, SAID PLAT BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SAID NORTH ½ OF LOT 1, BLOCK 5 HAS A FRONTAGE OF 60 FEET ON THE CUNNINGHAM AVENUE AND A DEPTH OF 100 FEET, EXTENDING WEST OF LOT NOW OR FORMERLY OWNED BY STEVE MCCORMICK.

PARCEL 6:

ALL OF 6, BLOCK 5, GARNETT SUBDIVISION IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AND DRAWN BY ROBERT RANSON, EXCEPTING THAT PORTION OF SAID LAND IN DEED BOOK 209, PAGE 145, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, BLOCK 5 OF THE GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE DATED JANUARY 1, A.D. 1905, A COPY OF WHICH IS NOW OF RECORD AND ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 7:

THE SOUTH ½ OF LOT 8, BLOCK 5, GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF SAID CITY DATED JANUARY 1, 1905, OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 9:

IN THE CITY OF ST. AUGUSTINE, FLORIDA, THE SOUTH ½ OF LOT 1, BLOCK 3 OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF SAID CITY RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOT 2 AND LOT 3, BLOCK 3, GARNETT SUBDIVISION, ST. AUGUSTINE, FLORIDA, AS SHOWN BY OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, SAID PLAT BEING ON FILE AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 10:

THE NORTH ½ OF LOT 1, BLOCK 3, OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA.

PARCEL 11:

BLOCK 2 OF GARNETT'S ADDITION TO THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, ACCORDING TO OFFICIAL MAP OF ST. AUGUSTINE DATED JUNE 12, 1923.

A MORE PARTICULAR DESCRIPTION OF SAID BLOCK ACCORDING TO ITS PRESENT LINES AND BOUNDARIES IS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE, WITH THE SOUTHERLY PROPERTY LINE OF SAID BLOCK ON MATANZA STREET, AS MARKED BY A PERMANENT MONUMENT CONSISTING OF A 3 INCH IRON PIPE WHICH IS SET AT THAT POINT. SAID POINT BEING 32.5 FEET WESTWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF SAN MARCO AVENUE AND 25 FEET NORTHWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER OF MATANZA STREET; RUN THENCE SOUTH 84°30' WEST ALONG THE SOUTHERLY PROPERTY LINE OF SAID BLOCK, 222 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY PROPERTY LINE OF SAID BLOCK ON CUNNINGHAM AVENUE; RUN THENCE NORTH 5°15' WEST ALONG THE WESTERLY PROPERTY LINE OF SAID BLOCK, 110 FEET TO THE POINT OF INTERESECTION WITH THE NORTHERLY PROPERTY LINE OF SAID BLOCK ON MISSOURI STREET; RUN THENCE NORTH 83°39' EAST ALONG THE NORTHERLY PROPERTY LINE OF SAID BLOCK, 175.65 FEET MORE OR LESS TO THE POINT OF THE INTERSECTION WITH THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE; RUN THENCE SOUTH 27°54' EAST ALONG THE EASTERLY PROPERTY LINE OF SAID BLOCK, 121.5 FEET TO THE POINT OF BEGINNING, THIS PROPERTY BEING BOUNDED ON THE EAST BY SAN MARCO AVENUE, ON THE SOUTH BY MATANZA STREET, ON THE WEST BY CUNNINGHAM AVENUE AND ON THE NORTH BY MISSOURI STREET, AS SHOWN BY PLAT ATTACHED TO AND MADE PART OF WARRANTY DEED DATED SEPTEMBER 27, 1938 FROM ROCKLAND COUNTY REALTY CO. TO H. D. POLLARD. ALL COURSES ARE ON MAGNETIC BEARINGS.

PARCEL 12:

LOTS 4 AND 5, BLOCK 1, GARNETT ADDITION, CITY OF ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY. EXCEPTING RIGHT OF WAY OF STATE ROAD NO. 5. AND ALSO: LOTS 7,8 AND 9, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905. EXCEPTING THERE FROM RIGHT OF WAY OF STATE ROAD NO. 5, AND THAT PORTION OF SAID LAND CONVEYED TO STANFORD OIL CO., AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 10, PAGE 349, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. ALSO WITH: THAT PART OF LOTS 5 AND 6, SANCHEZ TRACT, AS SHOWN ON THE OFFICIAL MAP THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53' 30" EAST, 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5 AND THE NORTH LINE OF LOT 4, SAID GARNETT ADDITION; THENCE DUE WEST, ALONG SAID SOUTH LINE OF LOTS 5 AND 6, SANCHEZ TRACT, AND THE NORTH LINE OF SAID LOT 4, GARNETT ADDITION, 67.70 FEET TO THE POINT OF BEGINNING.

PARCEL 13:

BEING A PART OF LOTS 5 AND 6, SANCHEZ TRACT, CITY OF ST. AUGUSUTINE, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

IN THE CITY OF ST. AUGUSTINE, IN NORTH CITY, THE LOT DESIGNATED UPON THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AS LOT 5 OF THE SANCHEZ TRACT, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTH LINE OF A STREET AT THE NORTHERN LIMITS OF SAID CITY 150 FEET WESTERLY FROM ITS INTERSECTION WITH SAN MARCO AVENUE; THENCE SOUTHERLY 183'10" TO LAND OF R.B. GARNETT; THENCE WESTERLY 50 FEET; THENCE NORTHERLY 180'10" MORE OR LESS TO THE SOUTH LINE OF SAID STREET, AT THE NORTHERN LIMITS OF THE CITY; THENCE EASTERLY 50 FEET TO THE PLACE OF BEGINNING.

LOT 6 IN THE SANCHEZ SUBDIVISION IN THE CITY OF ST. AUGUSTINE, COUNTY OF ST. JOHNS AND STATE OF FLORIDA; BEGINNING IN THE NORTH LINE OF THE CITY LIMITS, 200 FEET WESTERLY FROM SAN MARCO AVENUE AND RUNNING THENCE WESTERLY 50 FEET; THENCE SOUTHERLY 183 FEET AND 10 INCHES MORE OR LESS TO LAND OF GARNETT; THENCE EASTERLY IN GARNETT'S NORTH LINE 50 FEET; THENCE NORTHERLY 183 FEET 10 INCHES MORE OR LESS TO PLACE OF BEGINNING.

THE ABOVE DESCRIBED LOTS 5 AND 6 ARE LESS AND EXCEPT THE FOLLOWING:

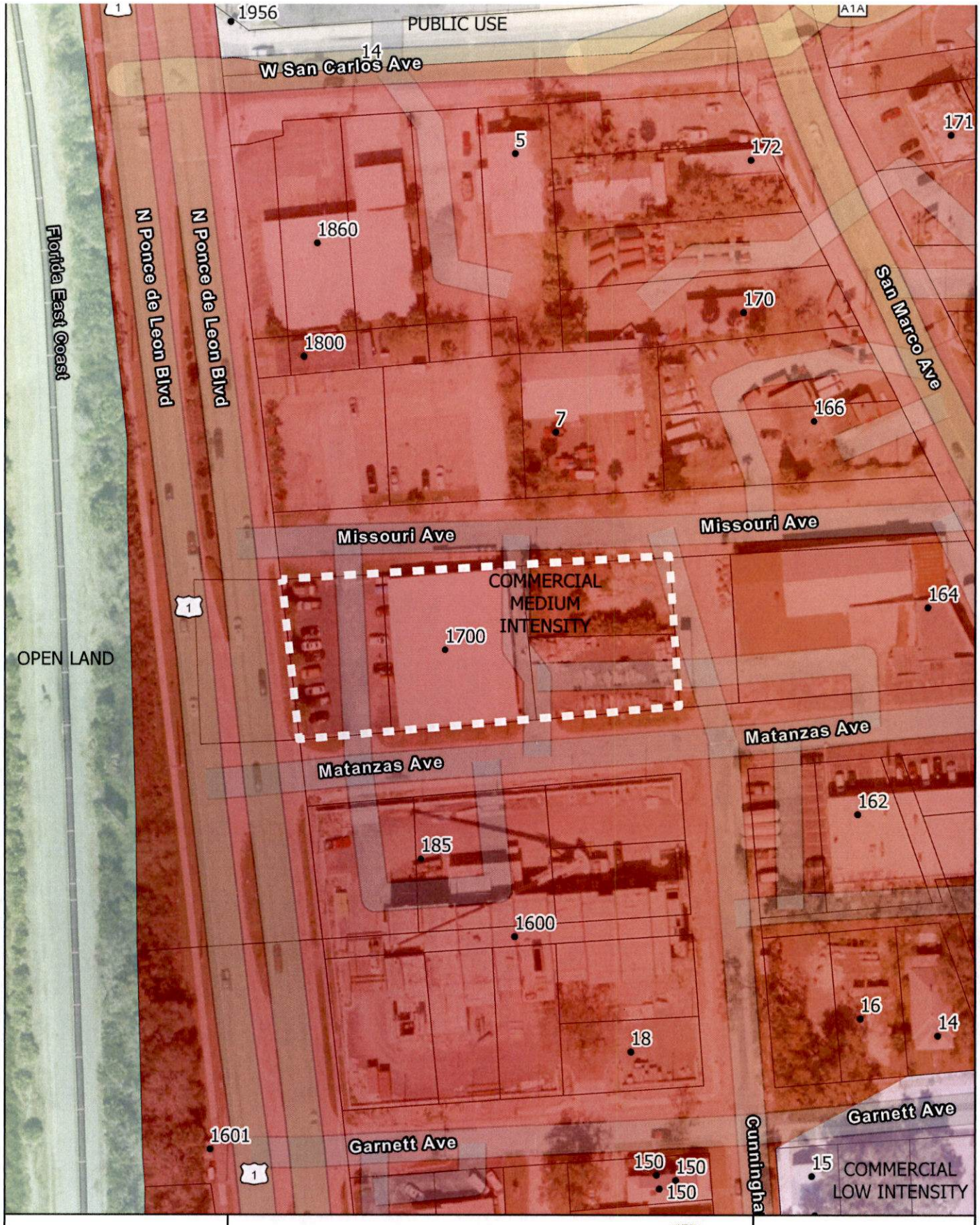
FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53'30" EAST, 67.85 FEET, THROUGH LOT 6 AND PART OF LOT 5, A DISTANCE OF 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE DUE WEST ALONG THE SAID SOUTH LINE OF LOTS 5 AND 6, A DISTANCE OF 67.7 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

SCHEDULE OF PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years, which are not yet due and payable.

JK239609.2



Current Land Use of

1700 N Ponce de Leon Boulevard and 25 Missouri Ave

CITY OF ST AUGUSTINE EST 1565

2022

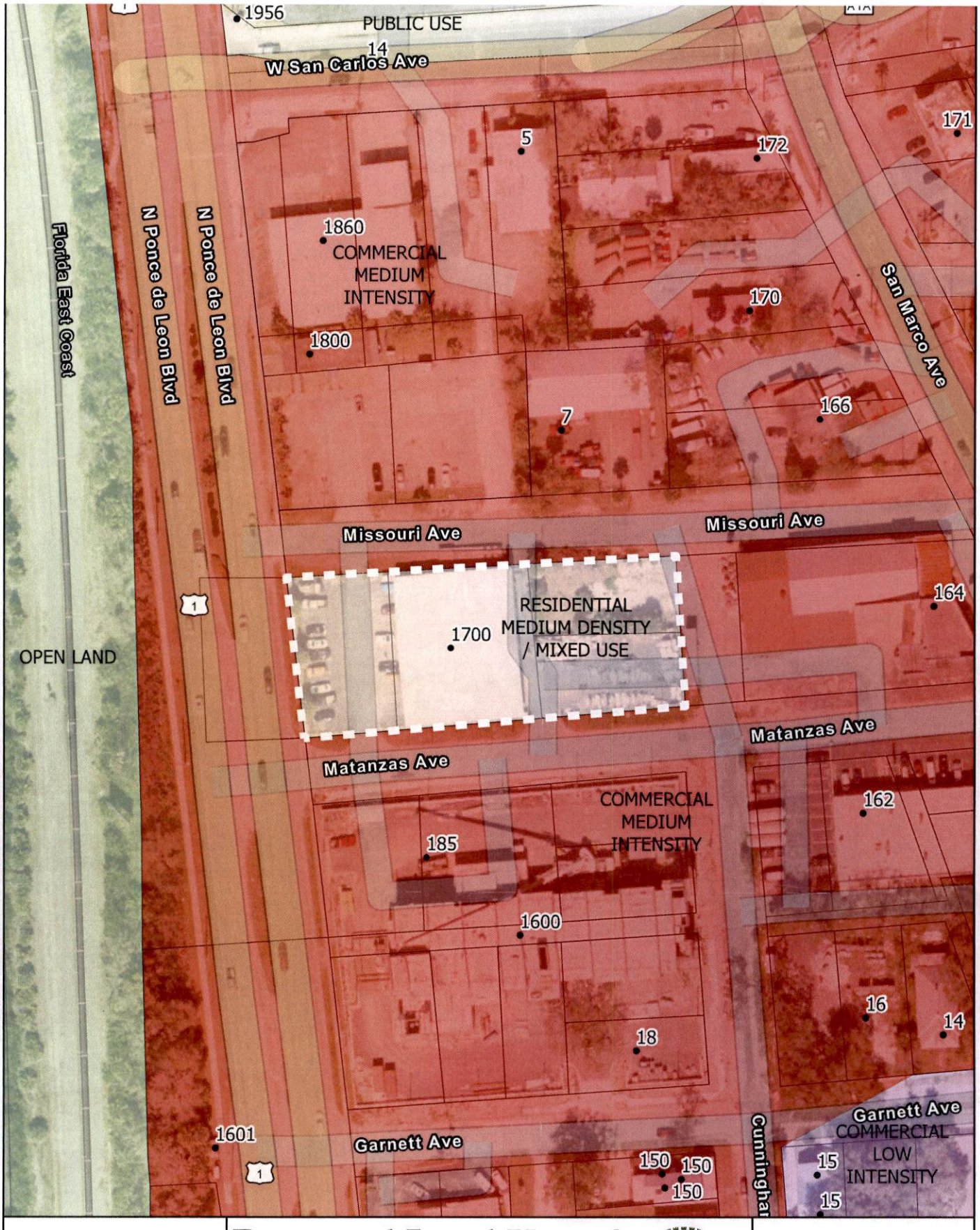
St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

N

0 0.01 0.03 Miles

0 62.5 125 US Feet



Proposed Land Use of

1700 N Ponce de Leon Boulevard and 25 Missouri Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

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Staff Report

Memorandum

TO:	Planning and Zoning Board
DATE:	December 6, 2022
RE:	**COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT AND REZONING 2022-0084**
AGENDA ITEM	9(a)
APPLICANT	James G. Whitehouse, Esq. c/o St. Johns Law Group
OWNER	Vista Hotel IV, Inc.
LOCATION	1800 N Ponce de Leon Boulevard / PID 189750-0000 1860 N Ponce de Leon Boulevard / PID 189670-0000 7 W San Carlos Avenue / PID 189640-0000 1700 N Ponce de Leon Boulevard / PID 189790-0000 25 Missouri Avenue / PID 189780-0000
REQUEST	To amend the current land use of Commercial Medium Intensity to Residential Medium Density-Mixed Use and to rezone the property from Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A) including all of the referenced properties.
CURRENT LAND USE	Commercial Medium Intensity
CURRENT ZONING	Commercial Medium-Two (CM-2)
PROPOSED LAND USE	Residential Medium Density-Mixed Use
PROPOSED ZONING	Residential General Office-A (RGO-A)

APPLICABLE CODES/ORDINANCES FOR COMPREHENSIVE PLAN AMENDMENTS AND REZONINGS

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the comprehensive plan.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Comprehensive Plan Land Use Plan Amendment

The current Comprehensive Plan land use designation of the property contained within the boundaries of US Highway 1 on the west, Matanzas Avenue on the south, property fronting Missouri Avenue, and W San Carlos Avenue on the north is Commercial Medium Intensity which is compatible with the zoning designation of Commercial Medium-Two (CM-2).

The applicant is requesting to change the land use designation to Residential Medium Density-Mixed Use to allow for the development of these properties as a branded hotel(s) which has certain floor height requirements.

The Commercial Medium Intensity land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.5.2

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to

area where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family units to a maximum of 16 units per acre.

- Not more than fifty percent (50%) of the Commercial Medium Intensity designation shall be permitted for residential use. Other uses maximum lot coverage of 70%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 25% and a maximum of 50% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 30% and a maximum of 70% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

The Residential Medium Density Mixed Use land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and medium intensity commercial mix of uses. A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), medium intensity commercial, public and institutional uses including schools, consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate. Low intensity industrial uses shall not be permitted near public schools unless a trade or technical school.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 40% and a maximum of 75% of the development area, unless otherwise approved by the PZB.
- Commercial uses shall occupy a minimum of 35% and a maximum of 50% of the development area, unless otherwise approved by the PZB.

Rezoning

The current Zoning designation for the properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue is Commercial Medium-Two (CM-2). The current uses of the properties that are not vacant are retail sales of automobiles, alternative off-road vehicles and repair, office use and the sale of building materials.

The request is a reduction in intensity for the sites compared to the existing commercial zoning district, however the proposed zoning district of RGO-A does allow five (5) more feet of height.

This rezoning and land use amendment request if recommended would allow for forty (40) feet of height within the RGO-A zoning district which is an increase from the thirty-five (35) foot height limit allowed in the CM-2 zoning district.

The increase in height allowed for buildings with this change also comes with a decrease in the list of permitted uses and level of intensity going from CM-2 to RGO-A. The most notable uses that would no longer be allowed after a rezoning would be drive-in restaurants, new or used car sales lots, and retail sales of heavy machinery and equipment, for example.

Below are the permitted uses for each zoning district for reference. The intended use of the property as stated by the applicant is for hotel development which would be compatible with surrounding uses and within reasonable proximity to the downtown.

Since the applicant is requesting to change the land use designation to Residential Medium Density Mixed Use a compatible zoning district needs to be in place. The Residential General Office-A (RGO-A) zoning district is compatible and limits the height allowed to 40 feet.

The specific zoning district regulations are included below:

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
e. Hotels and motels with or without kitchenettes.
f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
g. Multifamily dwellings as for RG-1.
h. Colleges.
i. Shopping plaza or shopping center.
j. Intermediate care facilities.
k. Home office, private.
l. Agricultural market, outdoor or indoor.
m. Special event venue as per section 28-347(8).
n. Craft alcohol industry. See also section 28-209(1)d. for limitations on any type of wholesale, jobber or distributorship business.

(2) *Permitted accessory uses.* See section 28-348.

(3) *Permissible uses by exception:*

a. As provided in section 28-347.
b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
c. Building trades contractor with outside storage yard and heavy construction equipment.
d. Boatyard.
e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
f. Bulk storage yards, including bulk storage of flammable liquids.
g. Open air theaters, but not drive-in theaters.

h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
k. Uses and structures as for RG-1 (section 28-163).
l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) *Minimum lot requirements (width and area):*
a. Minimum lot width, one hundred (100) feet.
b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.

(6) *Minimum yard requirements:*
a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
b. Side, five (5) feet.
c. Rear, five (5) feet.
d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

CM-1 uses are also allowed in the CM-2 Zoning District see below:

Sec. 28-208. - Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted principal uses and structures:*

a. Service station.

b. Hotels and motels with or without kitchenettes.

c. Shopping plaza and shopping center.

d. Reception and information center.

e. Museums.

f. Outdoor recreational facilities.

g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.

h. Banks and financial institutions.

i. Home office, private.

j. Multiple-family dwellings.

k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.

l. Business and professional offices.

m. Intermediate care facility.
n. Special event venue as per section 28-347(8).
o. Tattoo parlor or studio.
p. Micropigmentation clinic.

(2) *Permissible uses by exception:*

a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in section 28-2).
b. Churches.
c. Wholesaling from sample stock.
d. Uses and structures as for RG-1 (section 28-163).
e. Commercial parking facilities.
f. Drive-in uses for banks and financial institutions.
g. Single-family uses.
h. Miniwarehouses, and self-storage facilities.
i. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(3) *Minimum lot requirements:*

a. Lot width, one hundred (100) feet.
b. Lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(4) *Maximum lot coverage of all buildings.* Seventy (70) percent.

(5) *Minimum yard requirements:*

a. Front, zero feet minimum, thirty (30) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
b. Side, five (5) feet.
c. Rear, five (5) feet.
d. Off-street parking shall be permitted in any side or rear yard.

(6) *Maximum height of structures.* Thirty-five (35) feet.

(7) *Permitted accessory uses and structures:*

a. See section 28-348.
b. Parking lots complying with section 28-347(3).

(Code 1964, § 33-44; Ord. No. 99-11, § 3, 3-22-99; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

The proposed zoning district of RGO-A is outlined below:

Sec. 28-167. - Residential and general office-A: RGO-A.

a. *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.
   (1) *Permitted uses and structures.*
      a. Multiple-family dwellings.
      b. Professional and business offices.
      c. Restaurants, but not drive-in.
      d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
      e. Marina.
      f. Museums.
      g. Parking facilities and garages.
      h. Bar/tavern.
      i. Home office, private.
      j. Hotels, motels, conference centers, convention centers and spas.
      k. Craft alcohol industry.
   (2) *Permitted accessory uses and structures.* See section 28-348.
   (3) *Permissible uses by exception.*
      a. See section[s] 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
      b. Light manufacturing, processing, packaging and fabricating.
      c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.
   (4) *Minimum lot requirements.* As per planning and zoning board site plan review.
   (5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.
   (6) *Minimum yard requirements.*
      a. Front, fifteen (15) feet.
      b. Side, ten (10) feet.
      c. Rear, ten (10) feet.
   (7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

STAFF ANALYSIS & SUMMARY

Staff does not make a recommendation on comprehensive plan amendment or rezoning applications; the Board's role is to make a recommendation to the City Commission.

The properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue are approximately a 2.19 acre collection of property owned by Vista Hotel IV, Inc. with plans to eventually construct two (2) new hotels.

One property including 1800, 1860 N Ponce de Leon Boulevard and 7 W San Carlos is a total of 1.48 acres to be a future hotel site. And 1700 N Ponce de Leon Boulevard and 25 Missouri Avenue is the second site totaling 0.71 acres to be a future hotel site.

However, the PZB is charged with making a recommendation based on the whether the proposed request furthers the goals, objectives and policies laid out in the City of St. Augustine 2040 Comprehensive Plan, and the overall potential impact on the City's land use plan.

As stated in the code reference in the staff report and below:

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(c) Nature and requirements of board report. The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered (*Staff comments in italics*):

(1) The need and justification for the change.

The applicant states in the Justification for the Action Requested section of the PZB application that the height would be limited to 38 feet and the proposal would reduce the intensity of the allowed uses by changing the applicable land use and zoning designations.

A land use and zoning request can not place specific caveats on properties unless a site-specific limitation is part of the land use change recommendation.

If a recommendation to change the land use and zoning designations on property is made without a site specific limitation the description of the land use as adopted in the Comprehensive Plan and the permitted uses, permitted uses by exception and any other development limitations in the zoning district would apply to the property.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

In the case of this request the Residential Medium Density-Mixed Use land use is a mixed-use designation, with certain ratios of commercial to residential uses and maximum development limitations. The Future Land Use Policy 6.2.3 contains a Table 1 outlining the basic limitations in each category. This category allows 16 units per acre with 50% land area maximum of industrial low and commercial uses (See Table 1), and a maximum height of 50 feet.

The existing Commercial Medium Intensity category allows for 16 units per acre with 50% of a maximum land area of residential uses, lot coverage of 70% and a maximum height of 35 feet (See Table 1).

In the descriptions there are also mixed-use ratios in both categories. The Comprehensive Plan states specifically that these ratios can be applied within buildings, properties, or citywide.

FLUE Policy 6.2.3

The adopted FLUM contains and identifies appropriate locations for the following land use categories which are established to encourage preservation, mobility and livability, to provide for the protection of natural, historic and cultural resources and to balance quality of life and economic development:

Table 1: Proposed Future Land Use Categories in the Comprehensive Plan 2040

Future Land Use Categories	Maximum Density/Intensity
Historic Preservation	
Historic Preservation	24 units per acre
Residential Land Uses	
Low Density	8 units per acre; public/institutional Density/intensity most restrictive adjacent
Medium Density	16 units per acre; public/institutional Density/intensity most restrictive adjacent
Mixed Use	
Low Density	8 units per acre/50% land area max commercial low/public/institutional/recreation
Medium Density	16 units per acre/50% land area max industrial low/commercial low/public/institutional/recreation
Commercial Land Uses	
Commercial Low Intensity	16 units per acre/50% land area max residential use; lot coverage 60% max with 35 foot height

Commercial Medium Intensity	16 units per acre/50% land area max residential use; lot coverage 70% max with 35 foot height
Industrial Land Uses	
Industrial	2 units per acre: 80% lot coverage max with 35 foot height
Marine Industrial	2 units per acre:80% lot coverage max with 35 foot height; 50% lot coverage max with 50 foot height and PUD
Open Land Land Uses	
Open Land (Very Low Density)	2 units per acre; lot coverage 20% max with 35 foot height
Open Land (Conservation)	Not Developable
Recreation	Density/intensity most restrictive adjacent
Public Land Use	
Public	Density/intensity most restrictive adjacent
Institutional	Density/intensity most restrictive adjacent
Multimodal Land Use	
Mobility Oriented Development	50 units per acre; lot coverage 80% with 65 foot height

(3) Consistency with the comprehensive plan.

This request is consistent with the Comprehensive Plan and includes a compatible request for a rezoning that would reduce the intensity of potential uses with a marginal height increase from 35 feet to 40 feet.

STAFF RECOMMENDATION

Staff does not make recommendations concerning comprehensive plan amendments or rezonings of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding these items.

Jacob Fredriksson
Senior Planner, Planning and Building Department

RECEIVED

NOV 07 2022

Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $400 (plus advertising costs) Project Number: 2022-0084

Receipt Number: 2499567 Meeting Date: 12/6/22

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 904-495-0400
   Business (*if applicable*): St. Johns Law Group
   Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
   E-Mail Address: jameswhitehouse@sjlawgroup.com
2. NAME OF PROPERTY OWNER: Vista Hotel IV, Inc Contact Number:_____
   Business (*if applicable*):_____
   Address:_____ City:_____ State:_____ Zip:_____
   E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot:_____ Block:_____
   Subdivision:_____ Parcel Number: 1897500000; 1896700000; 1896400000
   1897900000 & 1897800000
4. PROJECT STREET ADDRESS: 1800 & 1860 & 1700 N. Ponce de Leon Blvd. (US-1) - including 7 San Carlos - 25 Missiouri
5. SPECIFIC PROPOSED USE: Hotel Use
6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Exception
   - ☐ Variance
   - ☐ Appeal of Staff Determination
   - ☒ Land Use Plan Amendment
   - ☒ Rezoning
   - ☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHED -
   Request to update the land use and zoning to allow for hotel use, as is currently allowed in the commercial land use and zoning, but to a Mixed Use land use and RGO-A zoning that will allow additional 2 and one half feet, as required for floor ceiling heights.
   Small Scale Comp Plan Amdmt - Commercial Medium to Res-Mixed Use
   Rezoning - CM2 to RGO-A with conditions
8. JUSTIFICATION FOR ACTION REQUESTED: SEE ATTACHED -
   Both the amended Mixed Use land use and RGO-A zoning will be conditioned with the caveat that the maximum height allowed will be 38 feet. Both the requested land use and zoning are compatible with the area and already allow the identical requested uses in the current commercial land use and zoning; additionally, this request actually decreases the intensity of uses by eliminating the high intensive uses of CM-2, including automobile service stations, repair shops, drive-in restaurants, etc.

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:_____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:_____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:_____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:_____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

_____

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

11/4/2022

Signature of Applicant — Date

* OWNER'S AUTHORIZATION ATTACHED

Signature of Property Owner — Date

04/18/2019

Owner's Authorization For Agent

[illegible] S. Whitehouse Esq. is/are hereby authorized TO ACT ON BEHALF OF [illegible]ste Hotel IV, Inc. / Kanti Pate, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: [redacted] 1800/1960/1700 N Ponce de Leon (US 1) + surrounding properties

BY: _____
Signature of Owner

Kanti Patel
Print Name of Owner

904 826 5504
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 3rd day of November, 2022

By Kanti Patel

Identification verified:

Oath sworn: ✓ Yes ____ No

Notary Signature: _____

My Commission expires: Mar 30, 2026

Holden Baker
Comm.:HH 247012
Expires: Mar. 30, 2026
Notary Public - State of Florida

Rev:022117

San Marco Ave
N Ponce de Leon Blvd
W Ponce de Leon Blvd
Magnolia Ave
Douglas Ave
Milton St
Nelmar Ave
May St
E San Carlos Ave
Dunlevin St
Gaul St
Williams St
Bernard Ave
Garnett Ave
Sanchez Ave
Malaga Ave
Missouri Ave
Ocean Ave
Sebastian Ave
Old Mission Ave
Bernard St
Pine St
Radio Rd
Coleman Dr
Esley St
Alfred St
Perpall St
Mission St
Hatley Pointe Rd
Moya Rd
400 ft

N Ponce de Leon Blvd
San Marco Ave
Magnolia Ave
Douglas Ave
May St
Milton St
Neimar Ave
E San Carlos Ave
Dufferin St
Gault St
Estey St
Williams St
Ballard Ave
Garnet Ave
Sanchez Ave
Sebastian Ave
Myrtle Ave
Ocean Ave
Old Mission Ave
Bernard St
Fiske Blvd
Alfred St
Barcelona St
Dismukes St
Coleman Dr
Frado Rd
Wisla Cove Rd
Haley Pointe Rd
Gulf Rd
400 ft

$700

RECEIVED
NOV 07 2022
Planning/Building Dept.

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	$300.00 + ads & notices
Rezoning: large scale	$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	$400.00 + ads & notices
Land Use Plan Amendment: large scale	$1,400.00 + ads & notices
Planned Unit Development	$400.00 or $35.00/acre, whichever is greater, $1,400 max + ads & notices
Zoning Variance	$350.00 + ads & notices
Zoning Exception	$250.00 + ads & notices
Conservation Overlay Zone Development	$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	$165.00 + ads & notices
Appeal of Staff Determination	$200.00 + ads & notices
Application to Amend Zoning Code	$600.00 + ads & notices
Subdivision Plat Review	$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 1800/1860/1700 US-1 North

Applicant's Name: James G. Whitehouse, Esq. Applicant's Signature: _____

Owner's Name: Vista Hotel IV, Inc. Owner's Signature: Owners Authorization Attached

E San Carlos Ave
Dufferin St
Williams St
San Marco Ave
May St
Ave
W San Carlos Ave
Missouri Ave
Malanzas Ave
Cunningham Ave
N Ponce de Leon Blvd
ce de Leon Blvd
1916500000
1916400000
1916300000
1916200000
1916100000
1915700000
1914000000
1907500001
1907100000
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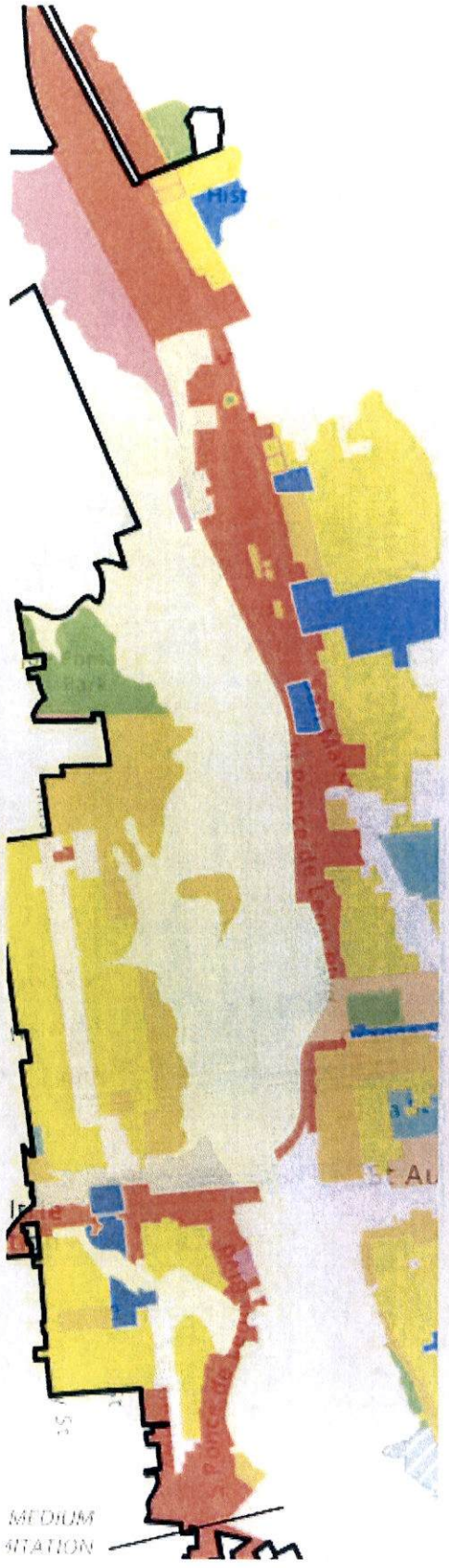
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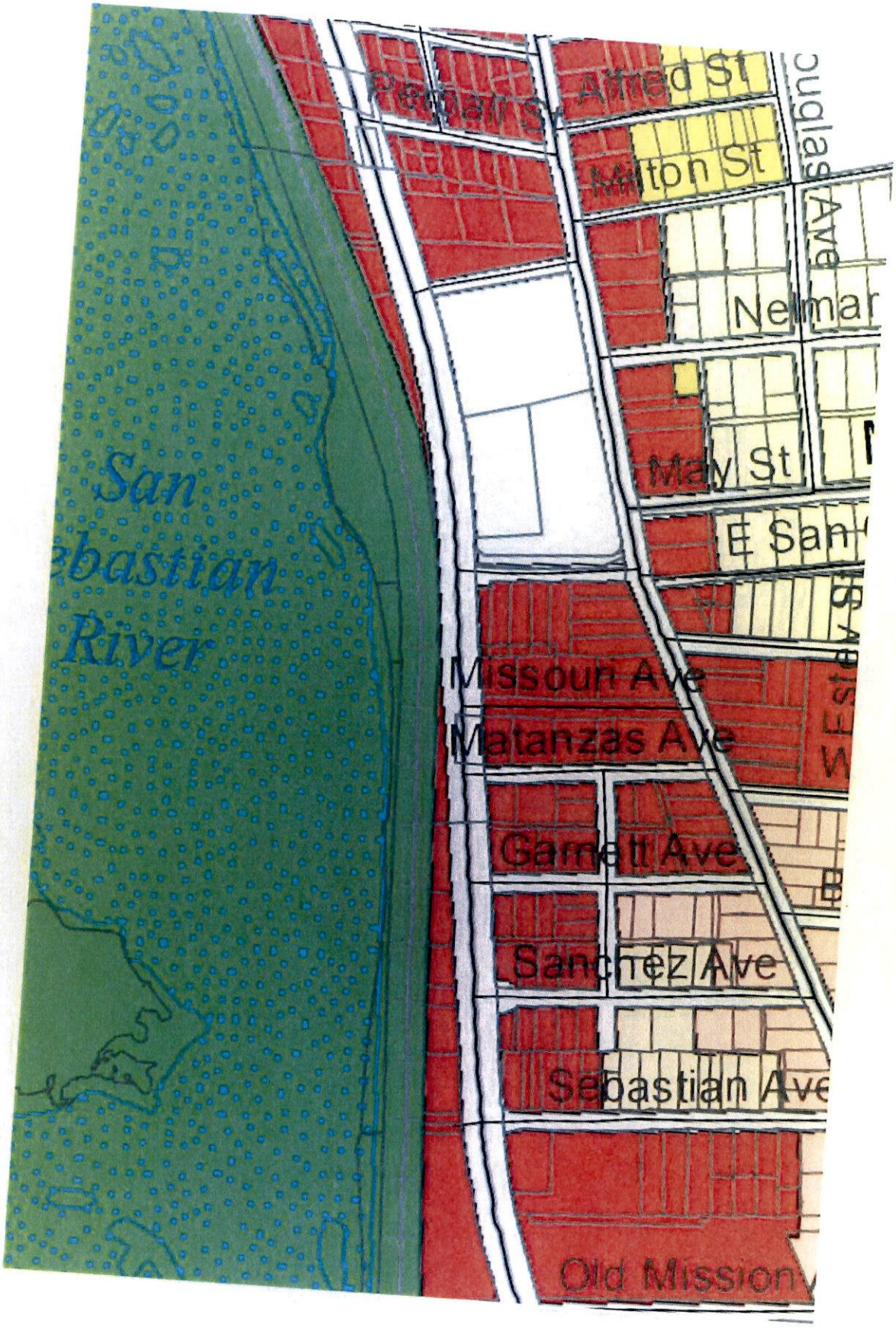
N Ponce de Leon Blvd
San Marco


Alfred St
Milton St
Douglas Ave
Nelmar
May St
E San
Missoun Ave
Matanzas Ave
Garnett Ave
Sanchez Ave
Sebastian Ave
Old Mission
San
Sebastian
River

FLUE Policy 6.5.2

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

FLUE Objective 6.5

Commercial Categories: The commercial category is established to encourage a mix of commercial uses that provide necessary businesses and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and medium intensity commercial mix of uses. A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), medium intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate. Low intensity industrial uses shall not be permitted near public schools unless a trade or technical school.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 40% and a maximum of 75% of the development area, unless otherwise approved by the PZB.
- Commercial uses shall occupy a minimum of 35% and a maximum of 50% of the development area, unless otherwise approved by the PZB.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.

c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.

d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.

e. Hotels and motels with or without kitchenettes.

f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.

g. Multifamily dwellings as for RG-1.

h. Colleges.

i. Shopping plaza or shopping center.

j. Intermediate care facilities.

k. Home office, private.

l. Agricultural market, outdoor or indoor.

m. Special event venue as per section 28-347(8).

n. Craft alcohol industry. See also section 28-209(1)d. for limitations on any type of wholesale, jobber or distributorship business.

(2) *Permitted accessory uses.* See section 28-348.

(3) *Permissible uses by exception:*

a. As provided in section 28-347.

b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.

c. Building trades contractor with outside storage yard and heavy construction equipment.

d. Boatyard.

e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.

f. Bulk storage yards, including bulk storage of flammable liquids.

g. Open air theaters, but not drive-in theaters.

h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.

i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.

j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

k. Uses and structures as for RG-1 (section 28-163).

l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) *Minimum lot requirements (width and area):*

a. Minimum lot width, one hundred (100) feet.

b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.

(6) *Minimum yard requirements:*

a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and

no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

b. Side, five (5) feet.

c. Rear, five (5) feet.

d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-165. - Residential and general office: RGO.

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures:*

a. Multiple-family dwellings.

b. Professional and business offices.

c. Restaurants, but not drive-in.

d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

j. Hotels, motels, conference centers, convention centers and spas.

k. Craft alcohol industry.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.

b. Light manufacturing, processing, packaging and fabricating.

c. Housing for the cognitively impaired.

d. Housing for the elderly.

e. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

f. Retirement housing, which shall be defined as any building or buildings, section or distinct part of a building, private home, boarding house, home for the aged, or other residential

facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. Retirement housing: may provide non-invasive services such as assistance with: (i) medication management including: with medication administration (topical, oral, and by injection (although only a licensed nurse may administer any such injection)) and ordering medications from a pharmacy; (ii) arranging for the provision of independent medical services (both off the property and as "home health care" on the property); (iii) diabetes testing; (iv) diet control and administration; and (v) wellness services, which include quarterly health assessments, weight monitoring, blood pressure checks, contracting with medical professionals, and coordinating any special services required by the resident (such as acquisition of medical equipment and supplies). The term "retirement housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.

g. Commercial recreational and entertainment facilities including outdoor sports or activities such as tennis, paddle tennis, handball, racquestball, shuffleboard, miniature golf, archery range and horseshoe games but not shooting gallery, skating rinks, pony rides or go-cart tracks.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements:*

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Fifty (50) feet.

(Code 1964, § 33-26; Ord. No. 95-16, § 1, 5-8-95; Ord. No. 99-11, § 2, 3-22-99; Ord. No. 03-10, § 1, 4-14-03; Ord. No. 04-20, § 1, 1-10-05; Ord. No. 12-01, § 1, 3-16-12; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-167. - Residential and general office-A: RGO-A.

(a) *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

a. Multiple-family dwellings.

b. Professional and business offices.

c. Restaurants, but not drive-in.

d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

j. Hotels, motels, conference centers, convention centers and spas.

k. Craft alcohol industry.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section[s] 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.

b. Light manufacturing, processing, packaging and fabricating.

c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements.*

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

Instr #2018050263 BK: 4580 PG: 463, Filed & Recorded: 7/16/2018 9:43 AM #Pgs:3
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $10,150.00

Prepared by and return to:
Garry M. Glickman, Esquire
Glickman, Witters and Marell, P.A.
1601 Forum Place Ste. 1101
West Palm Beach, Florida 33401

Property Control Number: 189670-0000

WARRANTY DEED

THIS WARRANTY DEED made this 11 day of July, 2018.

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

whose address is: 277 Royal Poinciana Way, Suite 156, Palm Beach, FL 33480

hereafter called the Grantor, to

VISTA HOTEL IV, INC., a Florida corporation

whose address is: 32 Avenida Menendez, St. Augustine, FL 32084

hereafter called the Grantee,

(Wherever used herein the terms "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 corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN ($10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF LOTS 7, 8 AND 9 OF SANCHEZ TRACT, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON OFFICIAL MAP OF CITY OF ST. AUGUSTINE DATED JANUARY 1, 1905, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 5 (PROJECT SECTION NO. 7801-203) 162.00 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT OF WAY LINE FROM THE SOUTH LINE OF HOPKINS (SAN CARLOS) STREET; THENCE NORTH 6 DEGREES 50 MINUTES WEST ALONG SAID RIGHT OF WAY LINE 144.97 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 30 SECONDS EAST 13.00 FEET; THENCE NORTH 73 DEGREES 37 MINUTES 30 SECONDS EAST 27.00 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 30 SECONDS WEST 11.00 FEET TO A POINT ON THE SOUTH LINE OF HOPKINS STREET; THENCE NORTH 86 DEGREES 30

MINUTES 30 SECONDS EAST 93.26 FEET ALONG THE SOUTH LINE OF HOPKINS STREET TO THE NORTHEAST CORNER OF LOT 7 OF SANCHEZ TRACT; THENCE SOUTH 4 DEGREES 34 MINUTES EAST 161.70 FEET ALONG THE EAST LINE OF SAID LOT 7; THENCE SOUTH 86 DEGREES 30 MINUTES 30 SECONDS WEST 127.15 FEET TO THE POINT OF BEGINNING.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

Subject to conditions, reservations, restrictions and easements of record, provided that this instrument shall not re-impose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE
PRINT: Tobi Mickle

WITNESS - SIGNATURE
PRINT: Teresa Cicchella

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
JAMIE MICKLE, as Manager

STATE OF FLORIDA
COUNTY OF SARASOTA

THE FOREGOING INSTRUMENT was acknowledged before me this 9th day of July, 2018 by JAMIE MICKLE, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☒ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:
SIGNATURE: Margaret A. Adorjan
PRINT: MARGARET A. ADORJAN
MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA
MARGARET A ADORJAN
Commission # GG 164821
Expires April 1, 2022
Bonded Thru Budget Notary Services

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE

PRINT: GARRY M. GLICKMAN

WITNESS - SIGNATURE

PRINT: Suzette L. Novey

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
LEE W. HEATON, as Manager

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this 10 day of July, 2018 by LEE W. HEATON, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☑ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: _____

PRINT: _____

MY COMMISSION EXPIRES:

GARRY M. GLICKMAN
Commission # FF 923422
Expires November 9, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Instr #2015030477 BK: 4029 PG: 1838, Filed & Recorded: 5/20/2015 12:56 PM #Pgs:3
Cheryl Strickland,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $536.90

THIS INSTRUMENT PREPARED BY:
Linda Logan Bryan, Esquire
Miller, Shine & Bryan, P.L.
97 Orange Street
St. Augustine, Florida 32084

TITLE TO PROPERTY NOT EXAMINED OR APPROVED - LAW OFFICES OF MILLER, SHINE & BRYAN, P.L.

SPECIAL WARRANTY DEED

THIS INDENTURE made this 19th day of May, 2015 by **PONCE HOTEL, INC.,** a Florida corporation, whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantor, and **VISTA HOTEL IV, INC.,** a Florida corporation whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise and release unto the Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, Florida, to-wit:

Legal Description:	See Attached Exhibit "A";
Parcel Account No.:	189640 0000
Street Address:	7 San Carlos Avenue, St. Augustine, FL 32084;

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; however, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2015 and Subsequent Years

AND the Grantor does hereby covenant with the Grantee that, except as above noted, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of:

PONCE HOTEL, INC.

Mary E Horn
Print Name: Mary E Horn

Mary Beth Peters
Print Name: Mary Beth Peters

By: Vikesh Patel
Its: President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, by Vikesh Patel, President of Ponce Hotel, Inc. who is personally known to me.

MARY BETH PETERS
Commission # FF 179327
Expires January 18, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Mary Beth Peters
Mary Beth Peters
Notary Public, State of Florida
My Commission Expires: 1/18/19

EXHIBIT "A"

PARCEL 2:

BEING A PORTION OF LOTS 5 AND 6, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 127.22' TO THE POINT OF BEGINNING; THENCE NORTH 04°31'25" WEST, A DISTANCE OF 161.70' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAN CARLOS AVENUE; THENCE NORTH 88°18'33" EAST ALONG SAID RIGHT-OF-WAY OF SAN CARLOS AVENUE, A DISTANCE OF 100.00' TO THE NORTHWESTERLY CORNER OF LOT 4, OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAN CARLOS AVENUE SOUTH 04°32'52" EAST, A DISTANCE OF 165.99' TO THE SOUTHWESTERLY CORNER OF LOT 1 OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE SOUTH 88°38'28" WEST, A DISTANCE OF 32.25'; THENCE NORTH 04°13'09" WEST, A DISTANCE OF 21.70'; THENCE SOUTH 88°35'02" WEST, A DISTANCE OF 67.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.39±. ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 180.22' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 15.00'; THENCE SOUTH 04°13'09" EAST, A DISTANCE OF 131.75' TO THE NORTHERLY RIGHT-OF-WAY LINE MISSOURI AVENUE; THENCE SOUTH 85°35'38" WEST ALONG SAID RIGHT-OF-WAY OF MISSOURI AVENUE, A DISTANCE OF 15.00'; THENCE LEAVING SAID RIGHT-OF-WAY OF MISSOURI AVENUE NORTH 04°13'09" WEST, A DISTANCE OF 132.10' TO THE POINT OF BEGINNING.

Public Records of St. Johns County, FL Clerk # 2007006068, O.R. 2857 PG 1161,
01/26/2007 at 03:35 PM REC. $33.00 SUR. $36.50 Doc. D $19469.80

(6)

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

William C. Hagin, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
50 North Laura Street, Suite 2800
Jacksonville, Florida 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 23rd day of January, 2007, by BOZARD LAND, LLC, a Florida limited liability company, whose address is 1700 North Ponce de Leon Boulevard, St. Augustine, FL 32084, hereinafter called the Grantor to, VISTA HOTEL IV, INC., a Florida corporation, whose mailing address is 32 Avenida Menendez, St. Augustine, FL 32084, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Johns County, Florida, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
(THE "PROPERTY")

TOGETHER with all tenements, hereditaments, improvements (if any), easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the exceptions set forth on EXHIBIT B hereto:

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey the property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Wherever used herein the terms "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.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

BOZARD LAND, LLC

Signed, sealed and delivered in the presence of:

By: Harold William Shad, III
Name: Harold William Shad, III

Print Name: JOHN D BAILEY JR

Address: 1700 North Ponce de Leon Boulevard
St. Augustine, FL 32084

Print Name: GLORIA M BANTA

STATE OF FLORIDA)
COUNTY OF ST JOHNS)

The foregoing instrument was acknowledged before me this 23 day of January, 2007, by Harold William Shad, III the Manager of Bozard Land, LLC, a Florida limited liability company. He is either [✓] personally known to me or [ ] has produced a FL state driver's license as identification.

Name:
Notary Public, State and County aforesaid
Commission Number:
My commission expires:

[Notarial Seal]

GLORIA M. BANTA
MY COMMISSION # DD 211017
EXPIRES: May 11, 2007
Bonded Thru Notary Public Underwriters

EXHIBIT "A"

PARCEL 1:

EAST ½ OF LOT 2, BLOCK 5, GARNETT ADDITION, AS DESCRIBED IN THE OFFICIAL PLAT OF THE CITY OF ST. AUGUSTINE, MADE BY ROBERT RANSON, DATED JANUARY 1, 1905 ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 2:

THE WEST ½ OF LOT 2, BLOCK 5, GARNETT'S SUBDIVISION, AS SHOWN BY PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA IN DEED BOOK "SS" AT PAGE 189.

PARCEL 3:

THE WEST ½ OF LOT 3, BLOCK 8, BEING GARNETT AND CUNNINGHAM SUBDIVISION IN THE NORTH PART OF THE CITY OF ST. AUGUSTINE, AS BY REFERENCE TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGE 91 AND DESIGNATED AS LOT 3, BLOCK 8, THE ENTIRE LOT BEING IN FRONT 100 FEET AND IN THE DEPTH 110 FEET, MORE OR LESS, THE PROPERTY CONVEYED TO ALEX CAPO AND GERTRUDE CAPO JANUARY 13TH, A.D. 1893, RECORDED IN BOOK TT PAGE 180.

THE ABOVE PROPERTY BEING ALSO DESCRIBED AS THE WEST ½ OF LOT 3, BLOCK 5, GARNETT SUBDIVISION, AS PER OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA. EXCEPTING RIGHT OF WAY FOR ROAD AS DESCRIBED IN DEED BOOK 210, PAGE 405.

PARCEL 4:

THE SOUTH 50 FEET OF LOT 1, BLOCK 5, GARNETT ADDITION TO THE CITY OF ST. AUGUSTINE, ACCORDING TO MAP THEREOF DATED JANUARY 1, 1905 AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS FRONTING 50 FEET ON CUNNINGHAM CENTER ON THE EAST, 100 FEET ON GARNETT AVENUE ON THE SOUTH AND BEING BOUNDED ON THE NORTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 213, PAGE 183, OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

PARCEL 5:

THE NORTH ½ OF LOT 1, BLOCK 5 OF GARNETT'S SUBDIVISION OF ST. AUGUSTINE, AS SHOWN ON THE OFFICIAL MAP OF SAID CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923, SAID PLAT BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SAID NORTH ½ OF LOT 1, BLOCK 5 HAS A FRONTAGE OF 60 FEET ON THE CUNNINGHAM AVENUE AND A DEPTH OF 100 FEET, EXTENDING WEST OF LOT NOW OR FORMERLY OWNED BY STEVE MCCORMICK.

PARCEL 6:

ALL OF 6, BLOCK 5, GARNETT SUBDIVISION IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AND DRAWN BY ROBERT RANSON, EXCEPTING THAT PORTION OF SAID LAND IN DEED BOOK 209, PAGE 145, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, BLOCK 5 OF THE GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE DATED JANUARY 1, A.D. 1905, A COPY OF WHICH IS NOW OF RECORD AND ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 7:

THE SOUTH ½ OF LOT 8, BLOCK 5, GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF SAID CITY DATED JANUARY 1, 1905, OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 9:

IN THE CITY OF ST. AUGUSTINE, FLORIDA, THE SOUTH ½ OF LOT 1, BLOCK 3 OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF SAID CITY RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOT 2 AND LOT 3, BLOCK 3, GARNETT SUBDIVISION, ST. AUGUSTINE, FLORIDA, AS SHOWN BY OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, SAID PLAT BEING ON FILE AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 10:

THE NORTH ½ OF LOT 1, BLOCK 3, OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA.

PARCEL 11:

BLOCK 2 OF GARNETT'S ADDITION TO THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, ACCORDING TO OFFICIAL MAP OF ST. AUGUSTINE DATED JUNE 12, 1923.

A MORE PARTICULAR DESCRIPTION OF SAID BLOCK ACCORDING TO ITS PRESENT LINES AND BOUNDARIES IS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE, WITH THE SOUTHERLY PROPERTY LINE OF SAID BLOCK ON MATANZA STREET, AS MARKED BY A PERMANENT MONUMENT CONSISTING OF A 3 INCH IRON PIPE WHICH IS SET AT THAT POINT. SAID POINT BEING 32.5 FEET WESTWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF SAN MARCO AVENUE AND 25 FEET NORTHWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER OF MATANZA STREET; RUN THENCE SOUTH 84°30' WEST ALONG THE SOUTHERLY PROPERTY LINE OF SAID BLOCK, 222 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY PROPERTY LINE OF SAID BLOCK ON CUNNINGHAM AVENUE; RUN THENCE NORTH 5°15' WEST ALONG THE WESTERLY PROPERTY LINE OF SAID BLOCK, 110 FEET TO THE POINT OF INTERESECTION WITH THE NORTHERLY PROPERTY LINE OF SAID BLOCK ON MISSOURI STREET; RUN THENCE NORTH 83°39' EAST ALONG THE NORTHERLY PROPERTY LINE OF SAID BLOCK, 175.65 FEET MORE OR LESS TO THE POINT OF THE INTERSECTION WITH THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE; RUN THENCE SOUTH 27°54' EAST ALONG THE EASTERLY PROPERTY LINE OF SAID BLOCK, 121.5 FEET TO THE POINT OF BEGINNING, THIS PROPERTY BEING BOUNDED ON THE EAST BY SAN MARCO AVENUE, ON THE SOUTH BY MATANZA STREET, ON THE WEST BY CUNNINGHAM AVENUE AND ON THE NORTH BY MISSOURI STREET, AS SHOWN BY PLAT ATTACHED TO AND MADE PART OF WARRANTY DEED DATED SEPTEMBER 27, 1938 FROM ROCKLAND COUNTY REALTY CO. TO H. D. POLLARD. ALL COURSES ARE ON MAGNETIC BEARINGS.

PARCEL 12:

LOTS 4 AND 5, BLOCK 1, GARNETT ADDITION, CITY OF ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY. EXCEPTING RIGHT OF WAY OF STATE ROAD NO. 5. AND ALSO: LOTS 7,8 AND 9, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905. EXCEPTING THERE FROM RIGHT OF WAY OF STATE ROAD NO. 5, AND THAT PORTION OF SAID LAND CONVEYED TO STANFORD OIL CO., AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 10, PAGE 349, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. ALSO WITH: THAT PART OF LOTS 5 AND 6, SANCHEZ TRACT, AS SHOWN ON THE OFFICIAL MAP THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53' 30" EAST, 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5 AND THE NORTH LINE OF LOT 4, SAID GARNETT ADDITION; THENCE DUE WEST, ALONG SAID SOUTH LINE OF LOTS 5 AND 6, SANCHEZ TRACT, AND THE NORTH LINE OF SAID LOT 4, GARNETT ADDITION, 67.70 FEET TO THE POINT OF BEGINNING.

PARCEL 13:

BEING A PART OF LOTS 5 AND 6, SANCHEZ TRACT, CITY OF ST. AUGUSUTINE, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

IN THE CITY OF ST. AUGUSTINE, IN NORTH CITY, THE LOT DESIGNATED UPON THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AS LOT 5 OF THE SANCHEZ TRACT, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTH LINE OF A STREET AT THE NORTHERN LIMITS OF SAID CITY 150 FEET WESTERLY FROM ITS INTERSECTION WITH SAN MARCO AVENUE; THENCE SOUTHERLY 183'10" TO LAND OF R.B. GARNETT; THENCE WESTERLY 50 FEET; THENCE NORTHERLY 180'10" MORE OR LESS TO THE SOUTH LINE OF SAID STREET, AT THE NORTHERN LIMITS OF THE CITY; THENCE EASTERLY 50 FEET TO THE PLACE OF BEGINNING.

LOT 6 IN THE SANCHEZ SUBDIVISION IN THE CITY OF ST. AUGUSTINE, COUNTY OF ST. JOHNS AND STATE OF FLORIDA; BEGINNING IN THE NORTH LINE OF THE CITY LIMITS, 200 FEET WESTERLY FROM SAN MARCO AVENUE AND RUNNING THENCE WESTERLY 50 FEET; THENCE SOUTHERLY 183 FEET AND 10 INCHES MORE OR LESS TO LAND OF GARNETT; THENCE EASTERLY IN GARNETT'S NORTH LINE 50 FEET; THENCE NORTHERLY 183 FEET 10 INCHES MORE OR LESS TO PLACE OF BEGINNING.

THE ABOVE DESCRIBED LOTS 5 AND 6 ARE LESS AND EXCEPT THE FOLLOWING:

FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53'30" EAST, 67.85 FEET, THROUGH LOT 6 AND PART OF LOT 5, A DISTANCE OF 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE DUE WEST ALONG THE SAID SOUTH LINE OF LOTS 5 AND 6, A DISTANCE OF 67.7 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

SCHEDULE OF PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years, which are not yet due and payable.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Ordinance 2023-03 – Amending the Zoning of 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue from Commercial Medium-Two (CM-2) to Residential General Office-A (RGO-A) – First Reading

The property at 1700 North Ponce de Leon Boulevard and 25 Missouri Avenue is a 0.71-acre parcel that is on Ponce de Leon Boulevard between Matanzas and Missouri Avenues. The property is surrounded by commercial property on three sides with the San Sebastian Riverine environment to the west across US 1 (Ponce de Leon Boulevard). This property is owned by Vista Hotel IV, Inc.

The city's Future Land Use Map (FLUM) designates Commercial Medium Intensity as the land use category for these properties. The owner has also requested to change the land use to the consistent category of Residential Medium Density Mixed Use. The application is to rezone the property to Residential General Office-A (RGO-A), which is consistent with the proposed land use category. The owner is proposing a hotel for the property.

On December 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the zoning of these properties from CM-2 to RGO-A. Attached you will find the Ordinance, and legal description and a map illustrating the requested change. The packet of information provided to the PZB is included with the land use plan amendment material.

Please place Ordinance 2023-03 on the City Commission agenda for first reading.

If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 0.71 ACRES OF PROPERTY LOCATED AT 1700 NORTH PONCE DE LEON BOULEVARD AND 25 MISSOURI AVENUE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE-A (RGO-A); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property identified by the St. Johns County Property Appraiser as containing approximately 0.71 acres of land, located at 1700 North Ponce de Leon Boulevard (PIN #189790 0000) and 25 Missouri Avenue (PIN #189780 0000) commonly known as the former Bozard Property being more fully described herein, should be rezoned;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 0.71 acres commonly known as the former Bozard Property located on Ponce de Leon Boulevard between Matanzas and Missouri Avenues in the City of St. Augustine, and identified by the St. Johns County Property Appraiser as containing approximately 0.71 acres of land, located at 1700 North Ponce de Leon Boulevard (PIN #189790 0000), and

25 Missouri Avenue (PIN #189780 0000), is hereby rezoned from the classification of Commercial Medium-two (CM-2) to the City of St. Augustine classification of Residential General Office-A (RGO-A), and as more fully described in the attached legal description.

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2023-02 or, if Ordinance No. 2023-02 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(SEAL)

Public Records of St. Johns County, FL Clerk # 2007006068, O.R. 2857 PG 1161,
01/26/2007 at 03:35 PM REC. $33.00 SUR. $36.50 Doc. D $19469.80

(6)

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

William C. Hagin, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
50 North Laura Street, Suite 2800
Jacksonville, Florida 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 23rd day of January, 2007, by BOZARD LAND, LLC, a Florida limited liability company, whose address is 1700 North Ponce de Leon Boulevard, St. Augustine, FL 32084, hereinafter called the Grantor to, VISTA HOTEL IV, INC., a Florida corporation, whose mailing address is 32 Avenida Menendez, St. Augustine. FL 32084, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Johns County, Florida, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
(THE "PROPERTY")

TOGETHER with all tenements, hereditaments, improvements (if any), easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the exceptions set forth on EXHIBIT B hereto:

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey the property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Wherever used herein the terms "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.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

BOZARD LAND, LLC

Signed, sealed and delivered in the presence of:

Print Name: JOHN D BAILEY JR

By: Harold William Shad, III
Name: Harold William Shad, III

Print Name: GLORIA M BANTA

Address: 1700 North Ponce de Leon Boulevard
St. Augustine, FL 32084

STATE OF FLORIDA)
COUNTY OF ST JOHNS)

The foregoing instrument was acknowledged before me this 23 day of January, 2007, by Harold William Shad, III the Manager of Bozard Land, LLC, a Florida limited liability company. He is either [✓] personally known to me or [ ] has produced a FL state driver's license as identification.

Name:
Notary Public, State and County aforesaid
Commission Number:
My commission expires:

[Notarial Seal]

GLORIA M. BANTA
MY COMMISSION # DD 211017
EXPIRES: May 11, 2007
Bonded Thru Notary Public Underwriters

1700 North Parce

EXHIBIT "A"

PARCEL 1:

EAST ½ OF LOT 2, BLOCK 5, GARNETT ADDITION, AS DESCRIBED IN THE OFFICIAL PLAT OF THE CITY OF ST. AUGUSTINE, MADE BY ROBERT RANSON, DATED JANUARY 1, 1905 ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 2:

THE WEST ½ OF LOT 2, BLOCK 5, GARNETT'S SUBDIVISION, AS SHOWN BY PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA IN DEED BOOK "SS" AT PAGE 189.

PARCEL 3:

THE WEST ½ OF LOT 3, BLOCK 8, BEING GARNETT AND CUNNINGHAM SUBDIVISION IN THE NORTH PART OF THE CITY OF ST. AUGUSTINE, AS BY REFERENCE TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGE 91 AND DESIGNATED AS LOT 3, BLOCK 8, THE ENTIRE LOT BEING IN FRONT 100 FEET AND IN THE DEPTH 110 FEET, MORE OR LESS, THE PROPERTY CONVEYED TO ALEX CAPO AND GERTRUDE CAPO JANUARY 13TH, A.D. 1893, RECORDED IN BOOK TT PAGE 180.

THE ABOVE PROPERTY BEING ALSO DESCRIBED AS THE WEST ½ OF LOT 3, BLOCK 5, GARNETT SUBDIVISION, AS PER OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA. EXCEPTING RIGHT OF WAY FOR ROAD AS DESCRIBED IN DEED BOOK 210, PAGE 405.

PARCEL 4:

THE SOUTH 50 FEET OF LOT 1, BLOCK 5, GARNETT ADDITION TO THE CITY OF ST. AUGUSTINE, ACCORDING TO MAP THEREOF DATED JANUARY 1, 1905 AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS FRONTING 50 FEET ON CUNNINGHAM CENTER ON THE EAST, 100 FEET ON GARNETT AVENUE ON THE SOUTH AND BEING BOUNDED ON THE NORTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 213, PAGE 183, OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

PARCEL 5:

THE NORTH ½ OF LOT 1, BLOCK 5 OF GARNETT'S SUBDIVISION OF ST. AUGUSTINE, AS SHOWN ON THE OFFICIAL MAP OF SAID CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923, SAID PLAT BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SAID NORTH ½ OF LOT 1, BLOCK 5 HAS A FRONTAGE OF 60 FEET ON THE CUNNINGHAM AVENUE AND A DEPTH OF 100 FEET, EXTENDING WEST OF LOT NOW OR FORMERLY OWNED BY STEVE MCCORMICK.

PARCEL 6:

ALL OF 6, BLOCK 5, GARNETT SUBDIVISION IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AND DRAWN BY ROBERT RANSON, EXCEPTING THAT PORTION OF SAID LAND IN DEED BOOK 209, PAGE 145, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, BLOCK 5 OF THE GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE DATED JANUARY 1, A.D. 1905, A COPY OF WHICH IS NOW OF RECORD AND ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 7:

THE SOUTH ½ OF LOT 8, BLOCK 5, GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF SAID CITY DATED JANUARY 1, 1905, OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 9:

IN THE CITY OF ST. AUGUSTINE, FLORIDA, THE SOUTH ½ OF LOT 1, BLOCK 3 OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF SAID CITY RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOT 2 AND LOT 3, BLOCK 3, GARNETT SUBDIVISION, ST. AUGUSTINE, FLORIDA, AS SHOWN BY OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, SAID PLAT BEING ON FILE AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 10:

THE NORTH ½ OF LOT 1, BLOCK 3, OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA.

PARCEL 11:

BLOCK 2 OF GARNETT'S ADDITION TO THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, ACCORDING TO OFFICIAL MAP OF ST. AUGUSTINE DATED JUNE 12, 1923.

A MORE PARTICULAR DESCRIPTION OF SAID BLOCK ACCORDING TO ITS PRESENT LINES AND BOUNDARIES IS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE, WITH THE SOUTHERLY PROPERTY LINE OF SAID BLOCK ON MATANZA STREET, AS MARKED BY A PERMANENT MONUMENT CONSISTING OF A 3 INCH IRON PIPE WHICH IS SET AT THAT POINT. SAID POINT BEING 32.5 FEET WESTWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF SAN MARCO AVENUE AND 25 FEET NORTHWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER OF MATANZA STREET; RUN THENCE SOUTH 84°30' WEST ALONG THE SOUTHERLY PROPERTY LINE OF SAID BLOCK, 222 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY PROPERTY LINE OF SAID BLOCK ON CUNNINGHAM AVENUE; RUN THENCE NORTH 5°15' WEST ALONG THE WESTERLY PROPERTY LINE OF SAID BLOCK, 110 FEET TO THE POINT OF INTERESECTION WITH THE NORTHERLY PROPERTY LINE OF SAID BLOCK ON MISSOURI STREET; RUN THENCE NORTH 83°39' EAST ALONG THE NORTHERLY PROPERTY LINE OF SAID BLOCK, 175.65 FEET MORE OR LESS TO THE POINT OF THE INTERSECTION WITH THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE; RUN THENCE SOUTH 27°54' EAST ALONG THE EASTERLY PROPERTY LINE OF SAID BLOCK, 121.5 FEET TO THE POINT OF BEGINNING, THIS PROPERTY BEING BOUNDED ON THE EAST BY SAN MARCO AVENUE, ON THE SOUTH BY MATANZA STREET, ON THE WEST BY CUNNINGHAM AVENUE AND ON THE NORTH BY MISSOURI STREET, AS SHOWN BY PLAT ATTACHED TO AND MADE PART OF WARRANTY DEED DATED SEPTEMBER 27, 1938 FROM ROCKLAND COUNTY REALTY CO. TO H. D. POLLARD. ALL COURSES ARE ON MAGNETIC BEARINGS.

PARCEL 12:

LOTS 4 AND 5, BLOCK 1, GARNETT ADDITION, CITY OF ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY. EXCEPTING RIGHT OF WAY OF STATE ROAD NO. 5. AND ALSO: LOTS 7,8 AND 9, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905. EXCEPTING THERE FROM RIGHT OF WAY OF STATE ROAD NO. 5, AND THAT PORTION OF SAID LAND CONVEYED TO STANFORD OIL CO., AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 10, PAGE 349, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. ALSO WITH: THAT PART OF LOTS 5 AND 6, SANCHEZ TRACT, AS SHOWN ON THE OFFICIAL MAP THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53' 30" EAST, 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5 AND THE NORTH LINE OF LOT 4, SAID GARNETT ADDITION; THENCE DUE WEST, ALONG SAID SOUTH LINE OF LOTS 5 AND 6, SANCHEZ TRACT, AND THE NORTH LINE OF SAID LOT 4, GARNETT ADDITION, 67.70 FEET TO THE POINT OF BEGINNING.

PARCEL 13:

BEING A PART OF LOTS 5 AND 6, SANCHEZ TRACT, CITY OF ST. AUGUSUTINE, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

IN THE CITY OF ST. AUGUSTINE, IN NORTH CITY, THE LOT DESIGNATED UPON THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AS LOT 5 OF THE SANCHEZ TRACT, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTH LINE OF A STREET AT THE NORTHERN LIMITS OF SAID CITY 150 FEET WESTERLY FROM ITS INTERSECTION WITH SAN MARCO AVENUE; THENCE SOUTHERLY 183'10" TO LAND OF R.B. GARNETT; THENCE WESTERLY 50 FEET; THENCE NORTHERLY 180'10" MORE OR LESS TO THE SOUTH LINE OF SAID STREET, AT THE NORTHERN LIMITS OF THE CITY; THENCE EASTERLY 50 FEET TO THE PLACE OF BEGINNING.

LOT 6 IN THE SANCHEZ SUBDIVISION IN THE CITY OF ST. AUGUSTINE, COUNTY OF ST. JOHNS AND STATE OF FLORIDA; BEGINNING IN THE NORTH LINE OF THE CITY LIMITS, 200 FEET WESTERLY FROM SAN MARCO AVENUE AND RUNNING THENCE WESTERLY 50 FEET; THENCE SOUTHERLY 183 FEET AND 10 INCHES MORE OR LESS TO LAND OF GARNETT; THENCE EASTERLY IN GARNETT'S NORTH LINE 50 FEET; THENCE NORTHERLY 183 FEET 10 INCHES MORE OR LESS TO PLACE OF BEGINNING.

THE ABOVE DESCRIBED LOTS 5 AND 6 ARE LESS AND EXCEPT THE FOLLOWING:

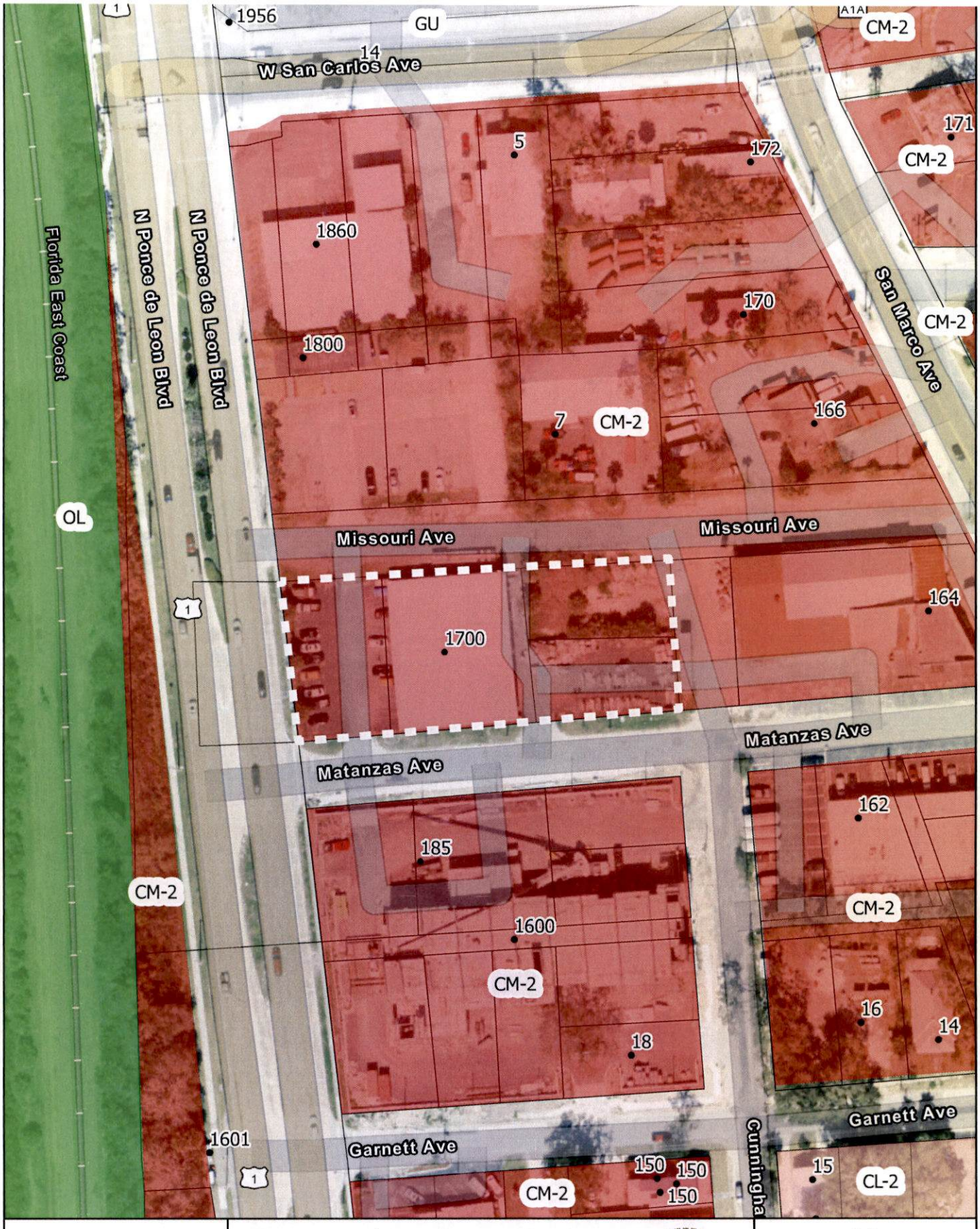
FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53'30" EAST, 67.85 FEET, THROUGH LOT 6 AND PART OF LOT 5, A DISTANCE OF 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE DUE WEST ALONG THE SAID SOUTH LINE OF LOTS 5 AND 6, A DISTANCE OF 67.7 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

SCHEDULE OF PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years, which are not yet due and payable.

JK239609.2



Current Zoning of

1700 N Ponce de Leon Boulevard and 25 Missouri Ave

CITY OF ST AUGUSTINE EST. 1565

2022

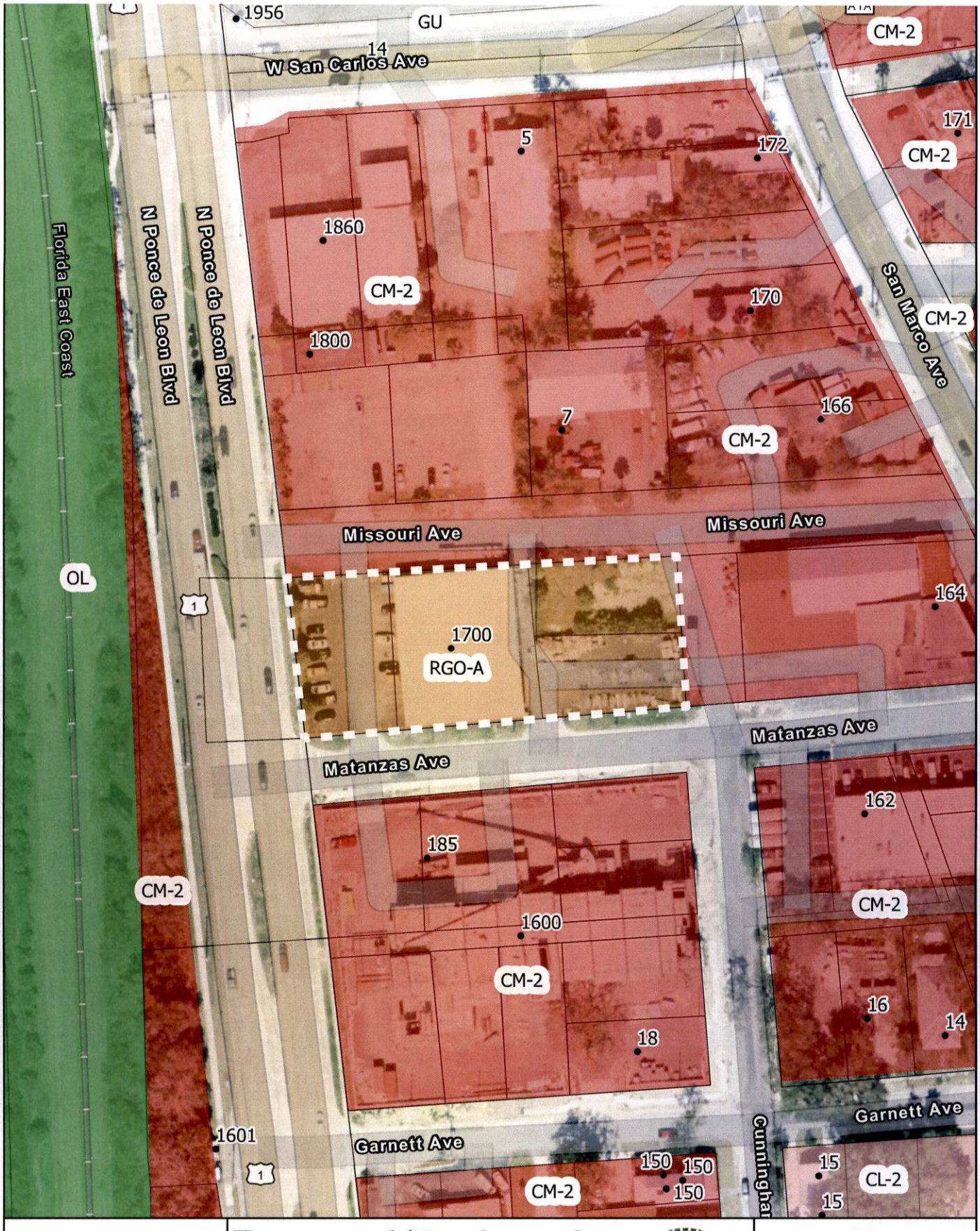
St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

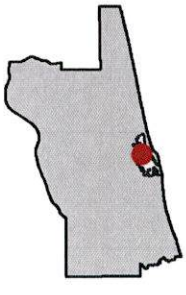
Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

N

0 0.01 0.03 Miles

0 62.5 125 US Feet





Proposed Zoning of

1700 N Ponce de Leon Boulevard and 25 Missouri Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

N

0 0.01 0.03 Miles

0 62.5 125 US Feet

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Ordinance 2023-04 – Amending the Future Land Use Designation of 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue from Commercial Medium Intensity to Residential Medium Density Mixed Use – First Reading

The property at 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue is a 1.48-acre parcel that is on Ponce de Leon Boulevard between Missouri and West San Carlos Avenues. The property is surrounded by commercial property on two sides with the San Sebastian Riverine environment to the west across US 1 (Ponce de Leon Boulevard) and Public Use property to the north that includes the St. Johns County main library. This property is owned by Vista Hotel IV, Inc.

The city's Future Land Use Map (FLUM) identifies Commercial Medium Intensity as the land use category for these properties. The owner has requested to change the land use to the Residential Medium Density Mixed Use land use category. An application to rezone the property to Residential General Office-A (RGO-A), which is consistent with the proposed land use category has also been submitted. The owner is proposing a hotel for the property.

On December 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of these properties from Commercial Medium Intensity to Residential Medium Density Mixed Use. Attached you will find the Ordinance, and legal description, a map illustrating the requested change, and the packet of information regarding this application and the compatible rezoning provided to the PZB.

Please place Ordinance 2023-04 on the City Commission agenda for first reading.

If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director, Planning and Building Department

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 1.48 ACRES OF PROPERTY LOCATED AT 1800 NORTH PONCE DE LEON BOULEVARD, 1860 NORTH PONCE DE LEON BOULEVARD AND 7 SAN CARLOS AVENUE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF COMMERCIAL MEDIUM INTENSITY TO A DESIGNATION OF RESIDENTIAL MEDIUM DENSITY MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 1.48 acres of land, located at 1800 North Ponce de Leon Boulevard (PIN #189750 0000), 1860 North Ponce de Leon Boulevard (PIN #189670 0000), and 7 San Carlos Avenue (PIN #189640 0000) commonly known as the Powersports Property being more fully described herein, that the property's Future Land Use Map (FLUM) designation should be amended from Commercial Medium Intensity to Residential Medium Density Mixed Use;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Comprehensive Plan, Future Land Use Map. The following described property, containing approximately 1.48 acres commonly known as the Powersports Property, and identified on the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2040 as Commercial Medium Intensity, is hereby amended to the

classification of Residential Medium Density Mixed Use. This property is also known as Parcel Numbers 189750 0000, 189670 0000 and 189640 0000 and as more fully described in the attached legal description.

Section 2 Authorization. The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan for the City of St. Augustine, Florida to reflect the FLUM amendment of the above-described land.

Section 3 Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(SEAL)

Instr #2018050263 BK: 4580 PG: 463, Filed & Recorded: 7/16/2018 9:43 AM #Pgs:3
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $10,150.00

Prepared by and return to:
Garry M. Glickman, Esquire
Glickman, Witters and Marell, P.A.
1601 Forum Place Ste. 1101
West Palm Beach, Florida 33401

Property Control Number: 189670-0000

WARRANTY DEED

THIS WARRANTY DEED made this 11 day of July, 2018.

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

whose address is: 277 Royal Poinciana Way, Suite 156, Palm Beach, FL 33480

hereafter called the Grantor, to

VISTA HOTEL IV, INC., a Florida corporation

whose address is: 32 Avenida Menendez, St. Augustine, FL 32084

hereafter called the Grantee,

(Wherever used herein the terms "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 corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN ($10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF LOTS 7, 8 AND 9 OF SANCHEZ TRACT, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON OFFICIAL MAP OF CITY OF ST. AUGUSTINE DATED JANUARY 1, 1905, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 5 (PROJECT SECTION NO. 7801-203) 162.00 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT OF WAY LINE FROM THE SOUTH LINE OF HOPKINS (SAN CARLOS) STREET; THENCE NORTH 6 DEGREES 50 MINUTES WEST ALONG SAID RIGHT OF WAY LINE 144.97 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 30 SECONDS EAST 13.00 FEET; THENCE NORTH 73 DEGREES 37 MINUTES 30 SECONDS EAST 27.00 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 30 SECONDS WEST 11.00 FEET TO A POINT ON THE SOUTH LINE OF HOPKINS STREET; THENCE NORTH 86 DEGREES 30

MINUTES 30 SECONDS EAST 93.26 FEET ALONG THE SOUTH LINE OF HOPKINS STREET TO THE NORTHEAST CORNER OF LOT 7 OF SANCHEZ TRACT; THENCE SOUTH 4 DEGREES 34 MINUTES EAST 161.70 FEET ALONG THE EAST LINE OF SAID LOT 7; THENCE SOUTH 86 DEGREES 30 MINUTES 30 SECONDS WEST 127.15 FEET TO THE POINT OF BEGINNING.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

Subject to conditions, reservations, restrictions and easements of record, provided that this instrument shall not re-impose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE
PRINT: Tobi Mickle

WITNESS - SIGNATURE
PRINT: Teresa Cicchella

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
JAMIE MICKLE, as Manager

STATE OF FLORIDA
COUNTY OF SARASOTA

THE FOREGOING INSTRUMENT was acknowledged before me this 9th day of July, 2018 by JAMIE MICKLE, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☒ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:
SIGNATURE: Margaret A. Adorjan
PRINT: MARGARET A. ADORJAN
MY COMMISSION EXPIRES:

MARGARET A ADORJAN
Commission # GG 164821
Expires April 1, 2022
Bonded Thru Budget Notary Services

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS - SIGNATURE

PRINT: GARRY M. GLICKMAN

WITNESS - SIGNATURE

PRINT: Suzette L. Novey

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
LEE W. HEATON, as Manager

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this 10 day of July, 2018 by LEE W. HEATON, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☑ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: _____

PRINT: _____

MY COMMISSION EXPIRES:

GARRY M. GLICKMAN
Commission # FF 923422
Expires November 9, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Instr #2015030477 BK: 4029 PG: 1838, Filed & Recorded: 5/20/2015 12:56 PM #Pgs:3
Cheryl Strickland,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $536.90

THIS INSTRUMENT PREPARED BY:
Linda Logan Bryan, Esquire
Miller, Shine & Bryan, P.L.
97 Orange Street
St. Augustine, Florida 32084

TITLE TO PROPERTY NOT EXAMINED OR APPROVED - LAW OFFICES OF MILLER, SHINE & BRYAN, P.L.

SPECIAL WARRANTY DEED

THIS INDENTURE made this 19th day of May, 2015 by **PONCE HOTEL, INC.**, a Florida corporation, whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantor, and **VISTA HOTEL IV, INC.**, a Florida corporation whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise and release unto the Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, Florida, to-wit:

Legal Description:	See Attached Exhibit "A";
Parcel Account No.:	189640 0000
Street Address:	7 San Carlos Avenue, St. Augustine, FL 32084;

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; however, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2015 and Subsequent Years

AND the Grantor does hereby covenant with the Grantee that, except as above noted, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of:

PONCE HOTEL, INC.

Print Name: Mary E Horn

Print Name: Mary Beth Peters

By: Vikesh Patel
Its: President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, by Vikesh Patel, President of Ponce Hotel, Inc. who is personally known to me.

MARY BETH PETERS
Commission # FF 179327
Expires January 18, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Mary Beth Peters
Notary Public, State of Florida
My Commission Expires: 1/18/19

7 San Carlos

EXHIBIT "A"

PARCEL 2:

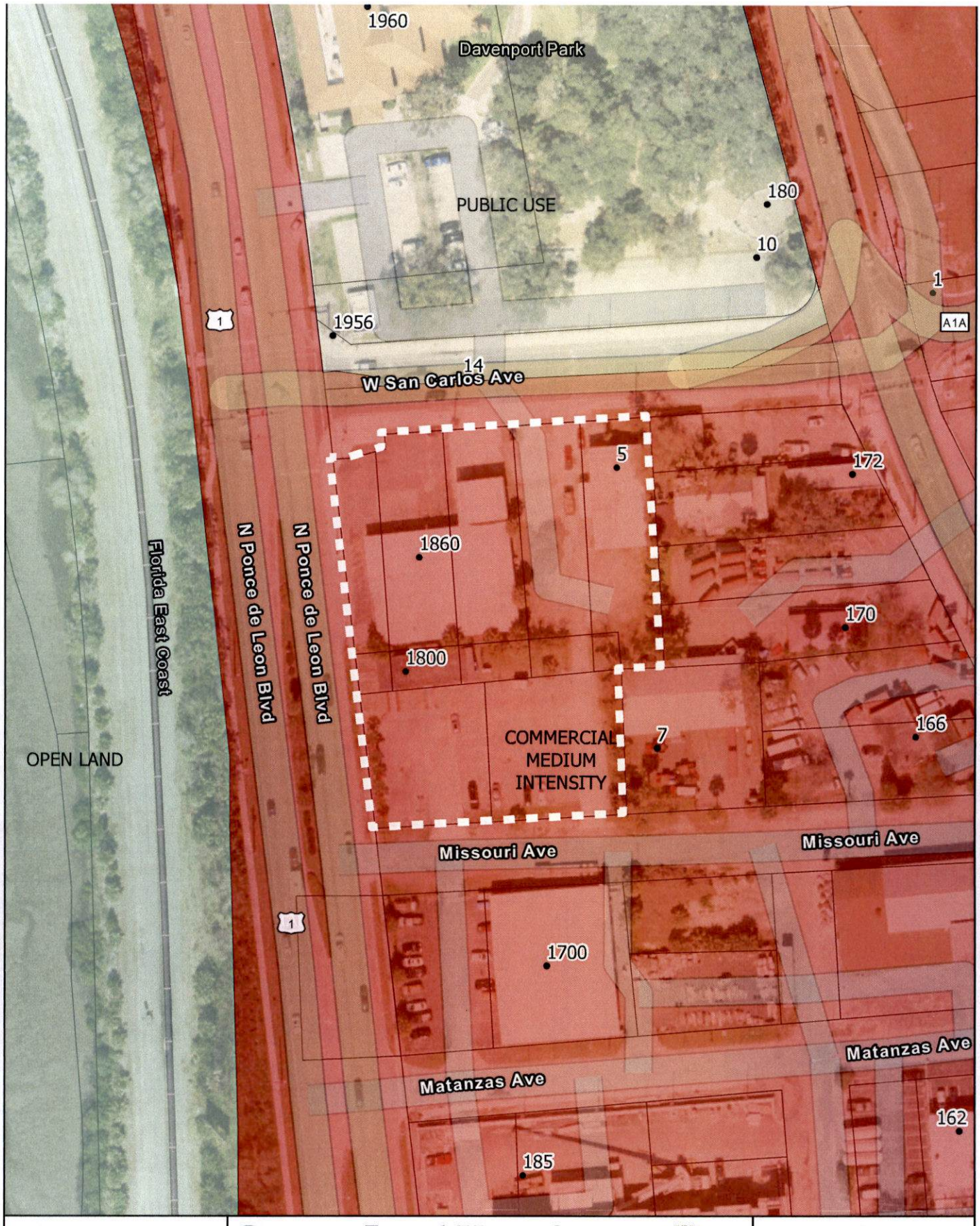
BEING A PORTION OF LOTS 5 AND 6, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°40'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 85°35'02" EAST, A DISTANCE OF 127.22' TO THE POINT OF BEGINNING; THENCE NORTH 04°31'25" WEST, A DISTANCE OF 161.70' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAN CARLOS AVENUE; THENCE NORTH 85°10'53" EAST ALONG SAID RIGHT-OF-WAY OF SAN CARLOS AVENUE, A DISTANCE OF 100.00' TO THE NORTHWESTERLY CORNER OF LOT 4, OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAN CARLOS AVENUE SOUTH 04°32'58" EAST, A DISTANCE OF 165.29' TO THE SOUTHWESTERLY CORNER OF LOT 1 OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE SOUTH 85°30'28" WEST, A DISTANCE OF 32.25'; THENCE NORTH 04°13'00" WEST, A DISTANCE OF 21.70'; THENCE SOUTH 85°35'02" WEST, A DISTANCE OF 67.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.35± ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°40'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 85°35'02" EAST, A DISTANCE OF 160.22' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 85°35'02" EAST, A DISTANCE OF 15.00'; THENCE SOUTH 04°13'00" EAST, A DISTANCE OF 131.70' TO THE NORTHERLY RIGHT-OF-WAY LINE MISSOURI AVENUE; THENCE SOUTH 85°35'02" WEST ALONG SAID RIGHT-OF-WAY OF MISSOURI AVENUE, A DISTANCE OF 15.00'; THENCE LEAVING SAID RIGHT-OF-WAY OF MISSOURI AVENUE NORTH 04°13'00" WEST, A DISTANCE OF 132.10' TO THE POINT OF BEGINNING.



Current Land Use of

1800 & 1860 N Ponce de Leon Boulevard and 7 San Carlos Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

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0 0.01 0.03 Miles

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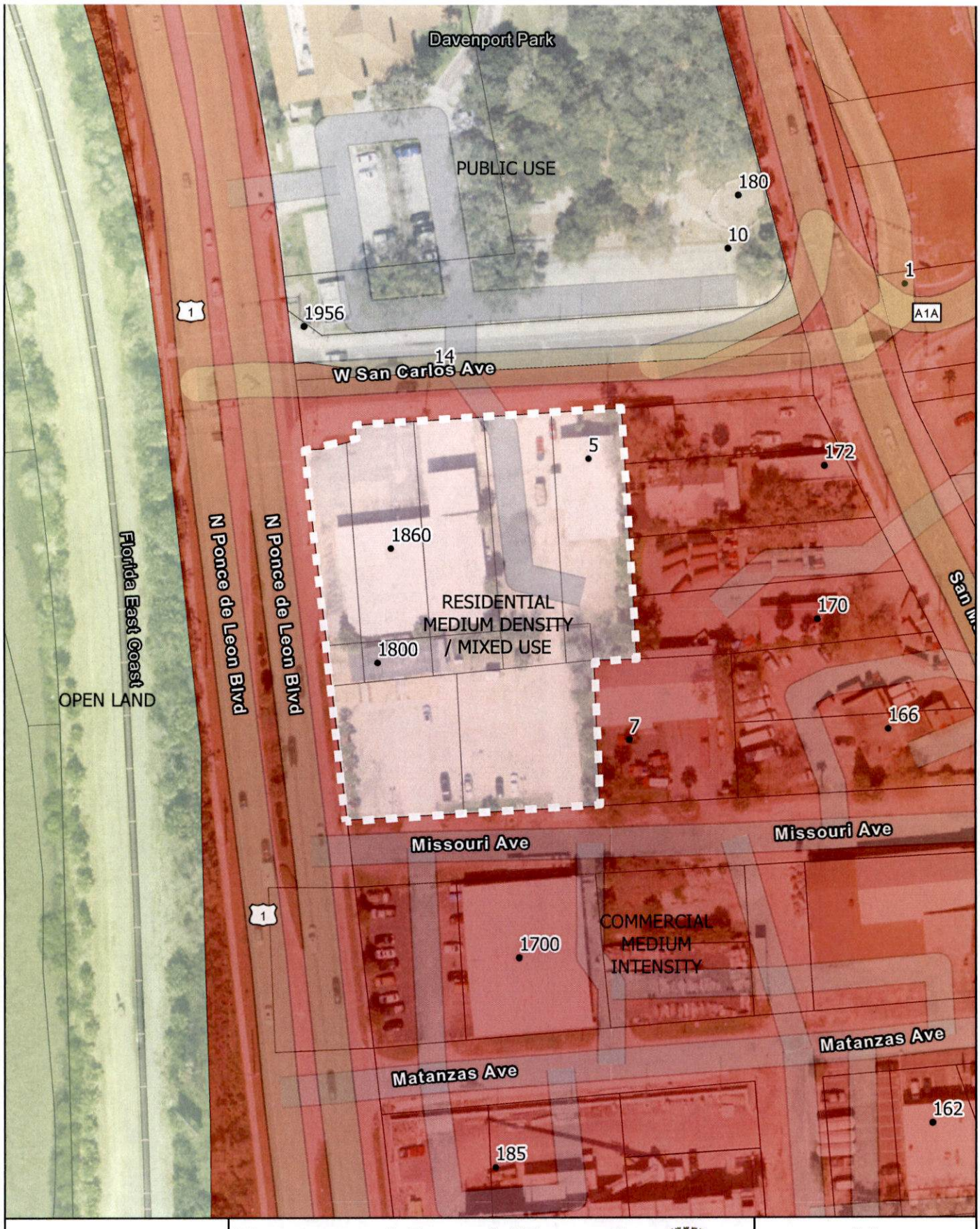

Proposed Land Use of

1800 & 1860 N Ponce de Leon Boulevard and 7 San Carlos Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

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0 0.01 0.03 Miles

US Feet 0 62.5 125

Staff Report

Memorandum

TO:	Planning and Zoning Board
DATE:	December 6, 2022
RE:	**COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT AND REZONING 2022-0084**
AGENDA ITEM	9(a)
APPLICANT	James G. Whitehouse, Esq. c/o St. Johns Law Group
OWNER	Vista Hotel IV, Inc.
LOCATION	1800 N Ponce de Leon Boulevard / PID 189750-0000 1860 N Ponce de Leon Boulevard / PID 189670-0000 7 W San Carlos Avenue / PID 189640-0000 1700 N Ponce de Leon Boulevard / PID 189790-0000 25 Missouri Avenue / PID 189780-0000
REQUEST	To amend the current land use of Commercial Medium Intensity to Residential Medium Density-Mixed Use and to rezone the property from Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A) including all of the referenced properties.
CURRENT LAND USE	Commercial Medium Intensity
CURRENT ZONING	Commercial Medium-Two (CM-2)
PROPOSED LAND USE	Residential Medium Density-Mixed Use
PROPOSED ZONING	Residential General Office-A (RGO-A)

APPLICABLE CODES/ORDINANCES FOR COMPREHENSIVE PLAN AMENDMENTS AND REZONINGS

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the comprehensive plan.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

Comprehensive Plan Land Use Plan Amendment

The current Comprehensive Plan land use designation of the property contained within the boundaries of US Highway 1 on the west, Matanzas Avenue on the south, property fronting Missouri Avenue, and W San Carlos Avenue on the north is Commercial Medium Intensity which is compatible with the zoning designation of Commercial Medium-Two (CM-2).

The applicant is requesting to change the land use designation to Residential Medium Density-Mixed Use to allow for the development of these properties as a branded hotel(s) which has certain floor height requirements.

The Commercial Medium Intensity land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.5.2

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to

area where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family units to a maximum of 16 units per acre.

- Not more than fifty percent (50%) of the Commercial Medium Intensity designation shall be permitted for residential use. Other uses maximum lot coverage of 70%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 25% and a maximum of 50% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 30% and a maximum of 70% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

The Residential Medium Density Mixed Use land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and medium intensity commercial mix of uses. A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), medium intensity commercial, public and institutional uses including schools, consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate. Low intensity industrial uses shall not be permitted near public schools unless a trade or technical school.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 40% and a maximum of 75% of the development area, unless otherwise approved by the PZB.
- Commercial uses shall occupy a minimum of 35% and a maximum of 50% of the development area, unless otherwise approved by the PZB.

Rezoning

The current Zoning designation for the properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue is Commercial Medium-Two (CM-2). The current uses of the properties that are not vacant are retail sales of automobiles, alternative off-road vehicles and repair, office use and the sale of building materials.

The request is a reduction in intensity for the sites compared to the existing commercial zoning district, however the proposed zoning district of RGO-A does allow five (5) more feet of height.

This rezoning and land use amendment request if recommended would allow for forty (40) feet of height within the RGO-A zoning district which is an increase from the thirty-five (35) foot height limit allowed in the CM-2 zoning district.

The increase in height allowed for buildings with this change also comes with a decrease in the list of permitted uses and level of intensity going from CM-2 to RGO-A. The most notable uses that would no longer be allowed after a rezoning would be drive-in restaurants, new or used car sales lots, and retail sales of heavy machinery and equipment, for example.

Below are the permitted uses for each zoning district for reference. The intended use of the property as stated by the applicant is for hotel development which would be compatible with surrounding uses and within reasonable proximity to the downtown.

Since the applicant is requesting to change the land use designation to Residential Medium Density Mixed Use a compatible zoning district needs to be in place. The Residential General Office-A (RGO-A) zoning district is compatible and limits the height allowed to 40 feet.

The specific zoning district regulations are included below:

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
e. Hotels and motels with or without kitchenettes.
f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
g. Multifamily dwellings as for RG-1.
h. Colleges.
i. Shopping plaza or shopping center.
j. Intermediate care facilities.
k. Home office, private.
l. Agricultural market, outdoor or indoor.
m. Special event venue as per section 28-347(8).
n. Craft alcohol industry. See also section 28-209(1)d. for limitations on any type of wholesale, jobber or distributorship business.

(2) *Permitted accessory uses.* See section 28-348.

(3) *Permissible uses by exception:*

a. As provided in section 28-347.
b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
c. Building trades contractor with outside storage yard and heavy construction equipment.
d. Boatyard.
e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
f. Bulk storage yards, including bulk storage of flammable liquids.
g. Open air theaters, but not drive-in theaters.

h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
k. Uses and structures as for RG-1 (section 28-163).
l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) *Minimum lot requirements (width and area):*
a. Minimum lot width, one hundred (100) feet.
b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.

(6) *Minimum yard requirements:*
a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
b. Side, five (5) feet.
c. Rear, five (5) feet.
d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

CM-1 uses are also allowed in the CM-2 Zoning District see below:

Sec. 28-208. - Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted principal uses and structures:*

a. Service station.
b. Hotels and motels with or without kitchenettes.
c. Shopping plaza and shopping center.
d. Reception and information center.
e. Museums.
f. Outdoor recreational facilities.
g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.
h. Banks and financial institutions.
i. Home office, private.
j. Multiple-family dwellings.
k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.
l. Business and professional offices.

m. Intermediate care facility.
n. Special event venue as per section 28-347(8).
o. Tattoo parlor or studio.
p. Micropigmentation clinic.

(2) *Permissible uses by exception:*

a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in section 28-2).
b. Churches.
c. Wholesaling from sample stock.
d. Uses and structures as for RG-1 (section 28-163).
e. Commercial parking facilities.
f. Drive-in uses for banks and financial institutions.
g. Single-family uses.
h. Miniwarehouses, and self-storage facilities.
i. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(3) *Minimum lot requirements:*

a. Lot width, one hundred (100) feet.
b. Lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(4) *Maximum lot coverage of all buildings.* Seventy (70) percent.

(5) *Minimum yard requirements:*

a. Front, zero feet minimum, thirty (30) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
b. Side, five (5) feet.
c. Rear, five (5) feet.
d. Off-street parking shall be permitted in any side or rear yard.

(6) *Maximum height of structures.* Thirty-five (35) feet.

(7) *Permitted accessory uses and structures:*

a. See section 28-348.
b. Parking lots complying with section 28-347(3).

(Code 1964, § 33-44; Ord. No. 99-11, § 3, 3-22-99; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

The proposed zoning district of RGO-A is outlined below:

Sec. 28-167. - Residential and general office-A: RGO-A.

a. *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

a. Multiple-family dwellings.
b. Professional and business offices.
c. Restaurants, but not drive-in.
d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
e. Marina.
f. Museums.
g. Parking facilities and garages.
h. Bar/tavern.
i. Home office, private.
j. Hotels, motels, conference centers, convention centers and spas.
k. Craft alcohol industry.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section[s] 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
b. Light manufacturing, processing, packaging and fabricating.
c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements.*

a. Front, fifteen (15) feet.
b. Side, ten (10) feet.
c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

STAFF ANALYSIS & SUMMARY

Staff does not make a recommendation on comprehensive plan amendment or rezoning applications; the Board's role is to make a recommendation to the City Commission.

The properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue are approximately a 2.19 acre collection of property owned by Vista Hotel IV, Inc. with plans to eventually construct two (2) new hotels.

One property including 1800, 1860 N Ponce de Leon Boulevard and 7 W San Carlos is a total of 1.48 acres to be a future hotel site. And 1700 N Ponce de Leon Boulevard and 25 Missouri Avenue is the second site totaling 0.71 acres to be a future hotel site.

However, the PZB is charged with making a recommendation based on the whether the proposed request furthers the goals, objectives and policies laid out in the City of St. Augustine 2040 Comprehensive Plan, and the overall potential impact on the City's land use plan.

As stated in the code reference in the staff report and below:

Sec. 28-30. - Comprehensive plan amendments, rezonings and amendment of chapter.

(c) Nature and requirements of board report. The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered (*Staff comments in italics*):

(1) The need and justification for the change.

The applicant states in the Justification for the Action Requested section of the PZB application that the height would be limited to 38 feet and the proposal would reduce the intensity of the allowed uses by changing the applicable land use and zoning designations.

A land use and zoning request can not place specific caveats on properties unless a site-specific limitation is part of the land use change recommendation.

If a recommendation to change the land use and zoning designations on property is made without a site specific limitation the description of the land use as adopted in the Comprehensive Plan and the permitted uses, permitted uses by exception and any other development limitations in the zoning district would apply to the property.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

In the case of this request the Residential Medium Density-Mixed Use land use is a mixed-use designation, with certain ratios of commercial to residential uses and maximum development limitations. The Future Land Use Policy 6.2.3 contains a Table 1 outlining the basic limitations in each category. This category allows 16 units per acre with 50% land area maximum of industrial low and commercial uses (See Table 1), and a maximum height of 50 feet.

The existing Commercial Medium Intensity category allows for 16 units per acre with 50% of a maximum land area of residential uses, lot coverage of 70% and a maximum height of 35 feet (See Table 1).

In the descriptions there are also mixed-use ratios in both categories. The Comprehensive Plan states specifically that these ratios can be applied within buildings, properties, or citywide.

FLUE Policy 6.2.3

The adopted FLUM contains and identifies appropriate locations for the following land use categories which are established to encourage preservation, mobility and livability, to provide for the protection of natural, historic and cultural resources and to balance quality of life and economic development:

Table 1: Proposed Future Land Use Categories in the Comprehensive Plan 2040

Future Land Use Categories	Maximum Density/Intensity
Historic Preservation	
Historic Preservation	24 units per acre
Residential Land Uses	
Low Density	8 units per acre; public/institutional Density/intensity most restrictive adjacent
Medium Density	16 units per acre; public/institutional Density/intensity most restrictive adjacent
Mixed Use	
Low Density	8 units per acre/50% land area max commercial low/public/institutional/recreation
Medium Density	16 units per acre/50% land area max industrial low/commercial low/public/institutional/recreation
Commercial Land Uses	
Commercial Low Intensity	16 units per acre/50% land area max residential use; lot coverage 60% max with 35 foot height

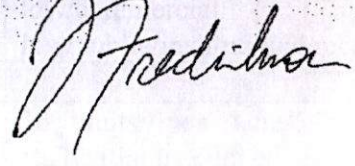
Commercial Medium Intensity	16 units per acre/50% land area max residential use; lot coverage 70% max with 35 foot height
Industrial Land Uses	
Industrial	2 units per acre: 80% lot coverage max with 35 foot height
Marine Industrial	2 units per acre:80% lot coverage max with 35 foot height; 50% lot coverage max with 50 foot height and PUD
Open Land Land Uses	
Open Land (Very Low Density)	2 units per acre; lot coverage 20% max with 35 foot height
Open Land (Conservation)	Not Developable
Recreation	Density/intensity most restrictive adjacent
Public Land Use	
Public	Density/intensity most restrictive adjacent
Institutional	Density/intensity most restrictive adjacent
Multimodal Land Use	
Mobility Oriented Development	50 units per acre; lot coverage 80% with 65 foot height

(3) Consistency with the comprehensive plan.

This request is consistent with the Comprehensive Plan and includes a compatible request for a rezoning that would reduce the intensity of potential uses with a marginal height increase from 35 feet to 40 feet.

STAFF RECOMMENDATION

Staff does not make recommendations concerning comprehensive plan amendments or rezonings of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding these items.



Jacob Fredriksson
Senior Planner, Planning and Building Department

RECEIVED

NOV 07 2022

Planning/Building Dept.

CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: $400 (plus advertising costs) Project Number: 2022-0084

Receipt Number: 2499567 Meeting Date: 12/6/22

Advertising Costs: $_____ Paid On:_____ Receipt Number:_____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 904-495-0400
   Business (*if applicable*): St. Johns Law Group
   Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
   E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: Vista Hotel IV, Inc Contact Number:_____
   Business (*if applicable*):_____
   Address:_____ City:_____ State:_____ Zip:_____
   E-Mail Address:_____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
   Lot:_____ Block:_____
   Subdivision:_____ Parcel Number: 1897500000; 1896700000; 1896400000
   1897900000 & 1897800000

4. PROJECT STREET ADDRESS: 1800 & 1860 & 1700 N. Ponce de Leon Blvd. (US-1) - including 7 San Carlos - 25 Missiouri

5. SPECIFIC PROPOSED USE: Hotel Use

6. ACTION REQUESTED:
   - ☐ Conservation Zone Development
   - ☐ Appeal of Staff Determination
   - ☐ Exception
   - ☒ Land Use Plan Amendment
   - ☐ Variance
   - ☒ Rezoning
   - ☐ Other:_____

7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHED -
   Request to update the land use and zoning to allow for hotel use, as is currently allowed in the commercial land use and zoning, but to a Mixed Use land use and RGO-A zoning that will allow additional 2 and one half feet, as required for floor ceiling heights.
   Small Scale Comp Plan Amdmt - Commercial Medium to Res-Mixed Use
   Rezoning - CM2 to RGO-A with conditions

8. JUSTIFICATION FOR ACTION REQUESTED: SEE ATTACHED -
   Both the amended Mixed Use land use and RGO-A zoning will be conditioned with the caveat that the maximum height allowed will be 38 feet. Both the requested land use and zoning are compatible with the area and already allow the identical requested uses in the current commercial land use and zoning; additionally, this request actually decreases the intensity of uses by eliminating the high intensive uses of CM-2, including automobile service stations, repair shops, drive-in restaurants, etc.

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:_____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:_____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:_____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:_____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

_____

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

11/4/2022

Signature of Applicant — Date

* OWNER'S AUTHORIZATION ATTACHED

Signature of Property Owner — Date

04/18/2019

Owner's Authorization For Agent

James G. Whitehouse Esq. is/are hereby authorized TO ACT ON BEHALF OF Vista Hotel IV, Inc. / Kanti Pate, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: [redacted] 1800/1960/1700 N Ponce de Leon (US1) + surrounding properties

BY: _____
Signature of Owner

Kanti Patel
Print Name of Owner

904 526 5504
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 3rd day of November, 2022

By Kanti Patel

Identification verified:

Oath sworn: ✓ Yes ____ No

Notary Signature: _____

My Commission expires: Mar 30, 2026

Holden Baker
Comm.:HH 247012
Expires: Mar. 30, 2026
Notary Public - State of Florida

Rev:022117

Perpall St
Alfred St
Milton St
Dismukes St
Nelmar Ave
Douglas Ave
Magnolia Ave
May St
E San Carlos Ave
W San Carlos Ave
Dufferin St
Esley St
Gault St
Coleman Dr
Rado Rd
Missouri Ave
Matanzas Ave
Williams St
Garnett Ave
Ballard Ave
Sanchez Ave
Myrtle Ave
Sebastian Ave
Ocean Ave
Old Mission Ave
Bernard St
Pine St
N Ponce de Leon Blvd
San Marco Ave
Mesa Cove Rd
Harry Ponce Rd
400 ft
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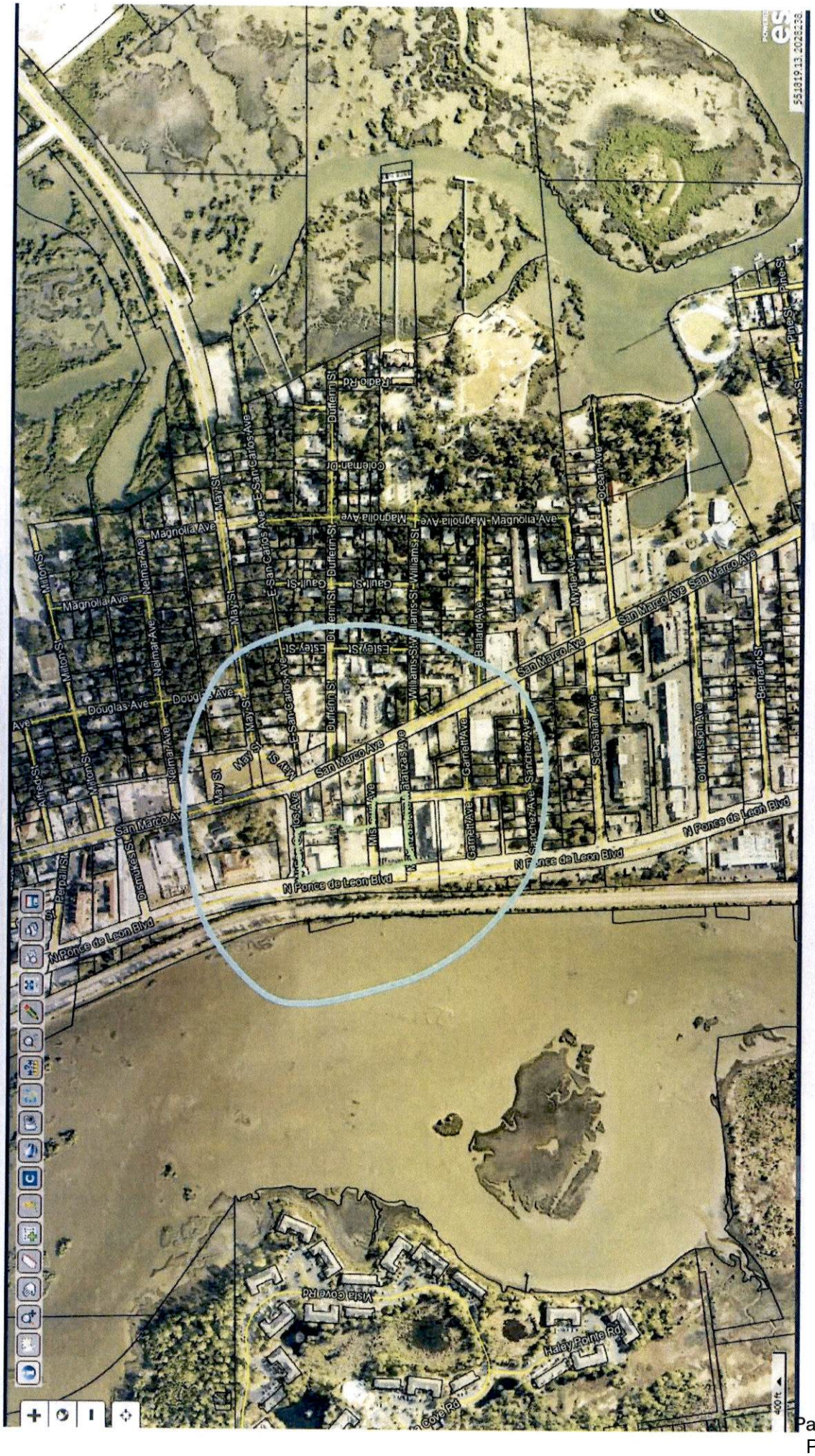
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Sanchez Ave
Magnolia Ave
Magnolia Ave
Dufferin St
Dufferin St
Coleman Dr
Radio Rd
Gaul St
Gaul St
Estey St
Estey St
E San Carlos Ave
May St
May St
May St
Neimar Ave
Neimar Ave
Milton St
Milton St
Douglas Ave
Douglas Ave
Magnolia Ave
Alfred St
Bernard St
Bienvenidos St
N Ponce de Leon Blvd
N Ponce de Leon Blvd
N Ponce de Leon Blvd
Haley Pointe Rd
Gove Rd
Gove Rd
400 ft

$700

RECEIVED
NOV 07 2022
Planning/Building Dept.

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	$300.00 + ads & notices
Rezoning: large scale	$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	$400.00 + ads & notices
Land Use Plan Amendment: large scale	$1,400.00 + ads & notices
Planned Unit Development	$400.00 or $35.00/acre, whichever is greater, $1,400 max + ads & notices
Zoning Variance	$350.00 + ads & notices
Zoning Exception	$250.00 + ads & notices
Conservation Overlay Zone Development	$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	$165.00 + ads & notices
Appeal of Staff Determination	$200.00 + ads & notices
Application to Amend Zoning Code	$600.00 + ads & notices
Subdivision Plat Review	$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

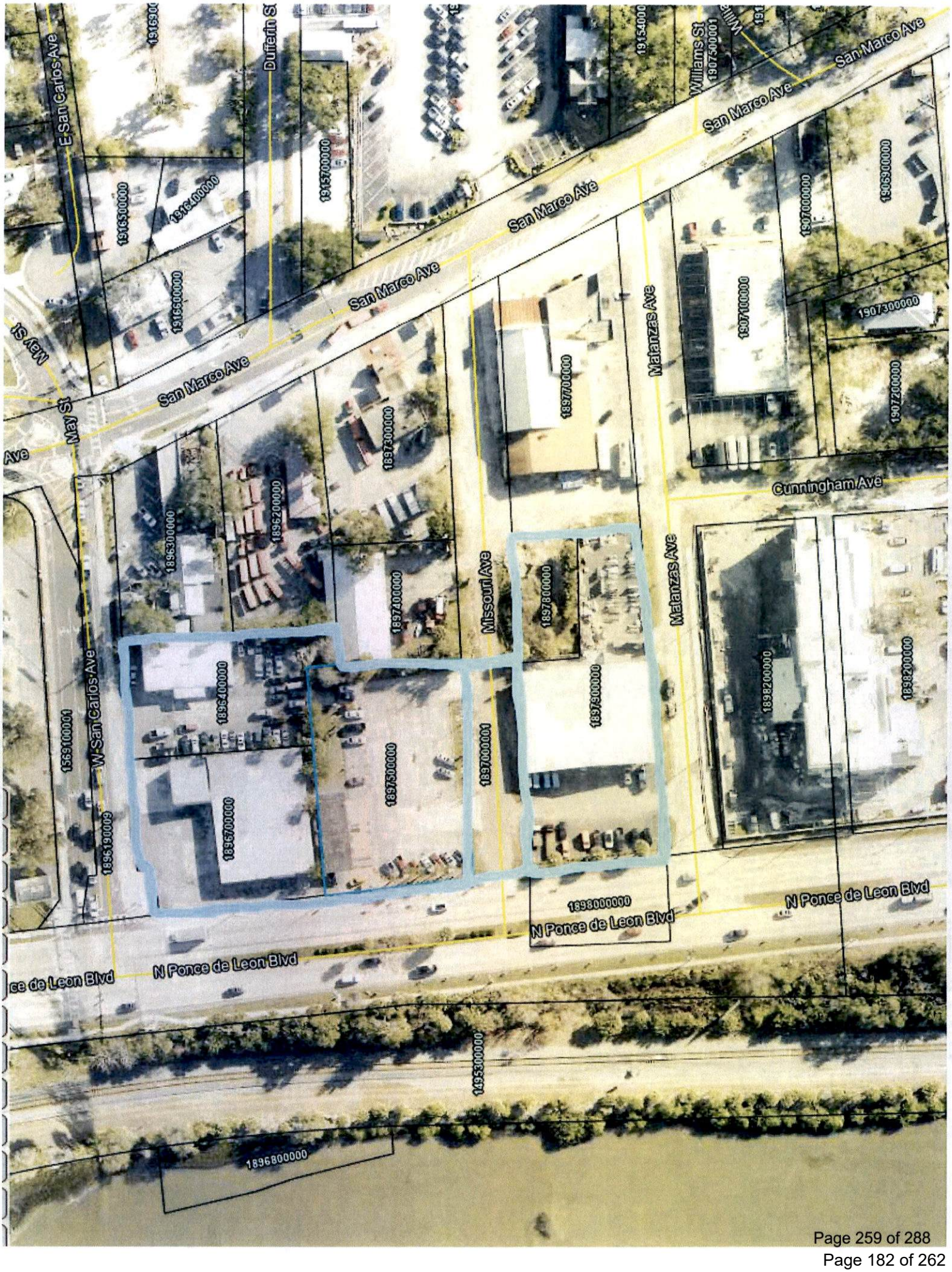
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 1800/1860/1700 US-1 North

Applicant's Name: James G. Whitehouse, Esq. Applicant's Signature: _____

Owner's Name: Vista Hotel IV, Inc. Owner's Signature: Owners Authorization Attached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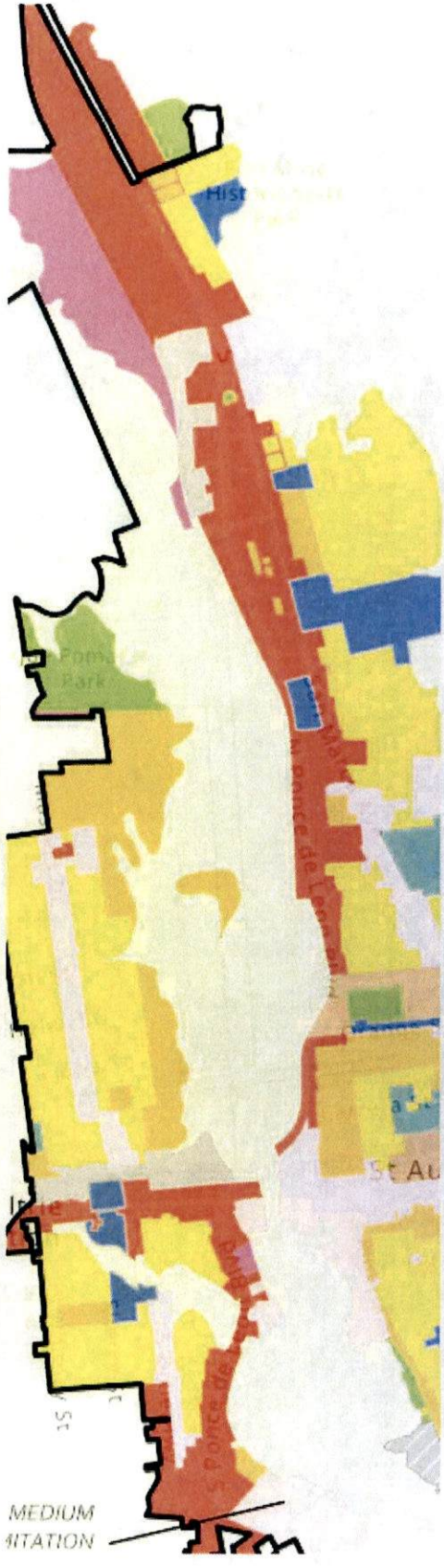
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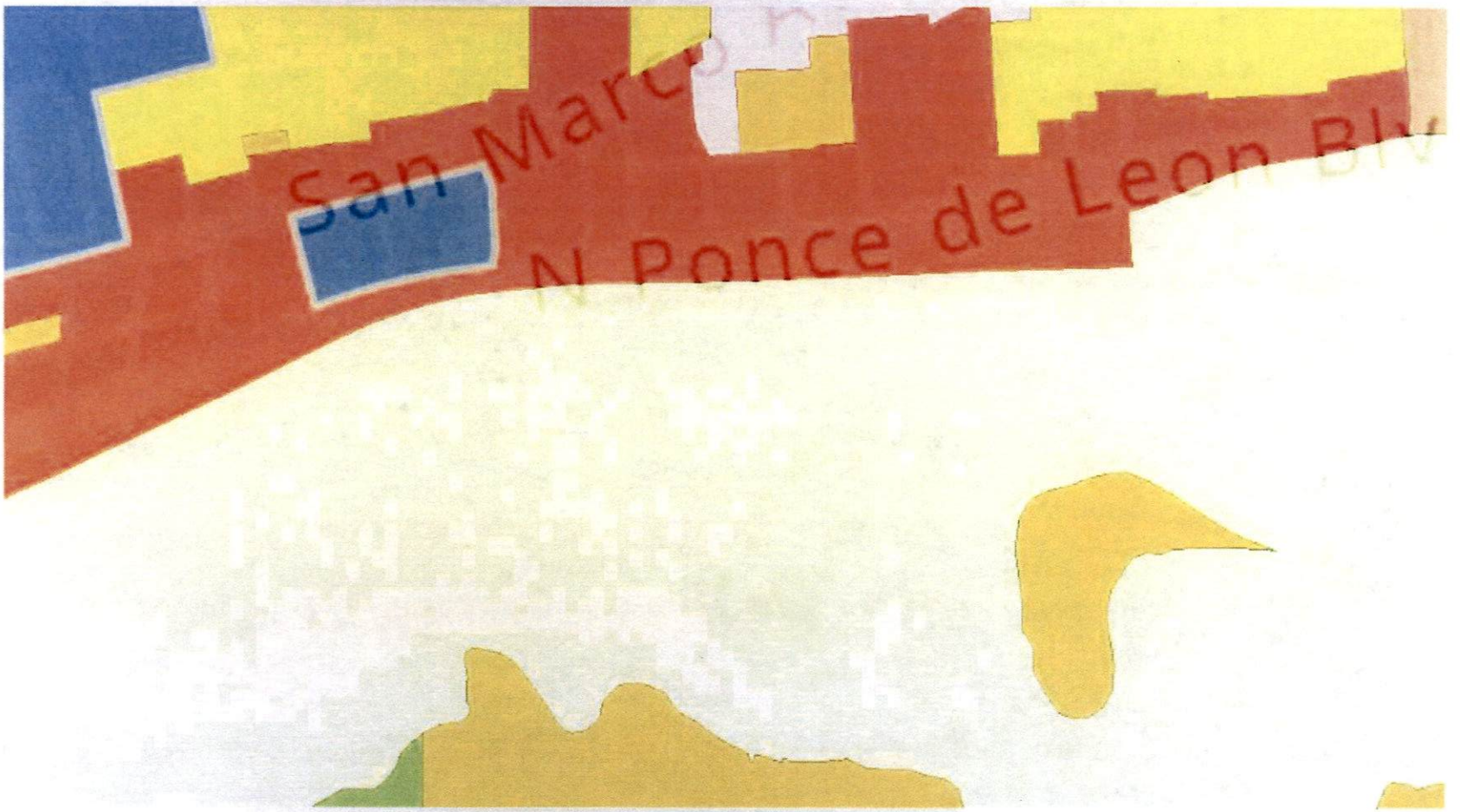
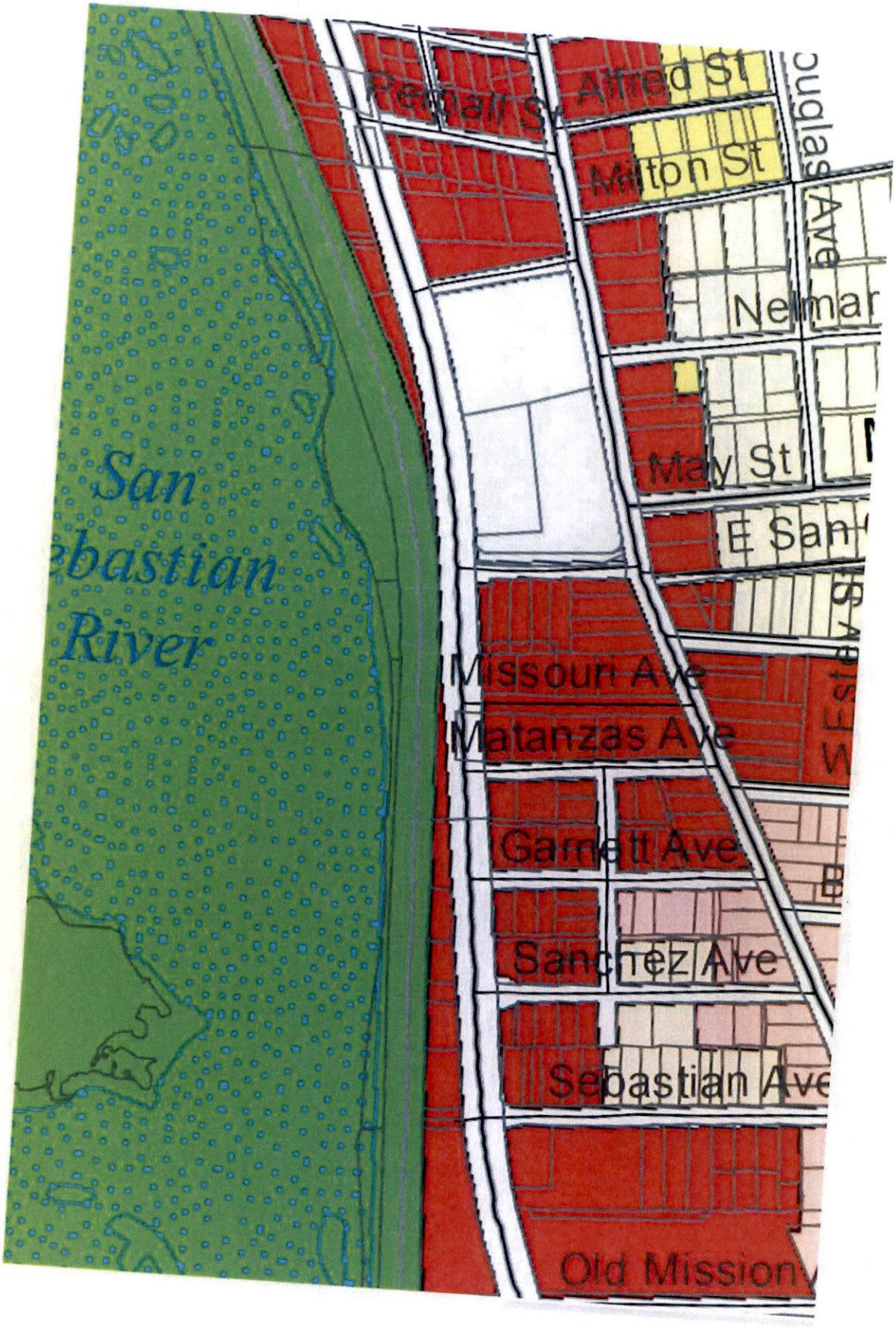

San Marc
N Ponce de Leon Blv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River
Missouri Ave
Matanzas Ave
Garnett Ave
Sanchez Ave
Sebastian Ave
Old Mission

FLUE Policy 6.5.2

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

FLUE Objective 6.5

Commercial Categories: The commercial category is established to encourage a mix of commercial uses that provide necessary businesses and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and medium intensity commercial mix of uses. A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), medium intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate. Low intensity industrial uses shall not be permitted near public schools unless a trade or technical school.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 40% and a maximum of 75% of the development area, unless otherwise approved by the PZB.
- Commercial uses shall occupy a minimum of 35% and a maximum of 50% of the development area, unless otherwise approved by the PZB.

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.

c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.

d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.

e. Hotels and motels with or without kitchenettes.

f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.

g. Multifamily dwellings as for RG-1.

h. Colleges.

i. Shopping plaza or shopping center.

j. Intermediate care facilities.

k. Home office, private.

l. Agricultural market, outdoor or indoor.

m. Special event venue as per section 28-347(8).

n. Craft alcohol industry. See also section 28-209(1)d. for limitations on any type of wholesale, jobber or distributorship business.

(2) *Permitted accessory uses.* See section 28-348.

(3) *Permissible uses by exception:*

a. As provided in section 28-347.

b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.

c. Building trades contractor with outside storage yard and heavy construction equipment.

d. Boatyard.

e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.

f. Bulk storage yards, including bulk storage of flammable liquids.

g. Open air theaters, but not drive-in theaters.

h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.

i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.

j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

k. Uses and structures as for RG-1 (section 28-163).

l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) *Minimum lot requirements (width and area):*

a. Minimum lot width, one hundred (100) feet.

b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.

(6) *Minimum yard requirements:*

a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and

no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

b. Side, five (5) feet.

c. Rear, five (5) feet.

d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-165. - Residential and general office: RGO.

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures:*

a. Multiple-family dwellings.

b. Professional and business offices.

c. Restaurants, but not drive-in.

d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

j. Hotels, motels, conference centers, convention centers and spas.

k. Craft alcohol industry.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.

b. Light manufacturing, processing, packaging and fabricating.

c. Housing for the cognitively impaired.

d. Housing for the elderly.

e. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

f. Retirement housing, which shall be defined as any building or buildings, section or distinct part of a building, private home, boarding house, home for the aged, or other residential

facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. Retirement housing: may provide non-invasive services such as assistance with: (i) medication management including: with medication administration (topical, oral, and by injection (although only a licensed nurse may administer any such injection)) and ordering medications from a pharmacy; (ii) arranging for the provision of independent medical services (both off the property and as "home health care" on the property); (iii) diabetes testing; (iv) diet control and administration; and (v) wellness services, which include quarterly health assessments, weight monitoring, blood pressure checks, contracting with medical professionals, and coordinating any special services required by the resident (such as acquisition of medical equipment and supplies). The term "retirement housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.

g. Commercial recreational and entertainment facilities including outdoor sports or activities such as tennis, paddle tennis, handball, racquestball, shuffleboard, miniature golf, archery range and horseshoe games but not shooting gallery, skating rinks, pony rides or go-cart tracks.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements:*

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Fifty (50) feet.

(Code 1964, § 33-26; Ord. No. 95-16, § 1, 5-8-95; Ord. No. 99-11, § 2, 3-22-99; Ord. No. 03-10, § 1, 4-14-03; Ord. No. 04-20, § 1, 1-10-05; Ord. No. 12-01, § 1, 3-16-12; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-167. - Residential and general office-A: RGO-A.

(a) *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

a. Multiple-family dwellings.

b. Professional and business offices.

c. Restaurants, but not drive-in.

d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

j. Hotels, motels, conference centers, convention centers and spas.

k. Craft alcohol industry.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception.*

a. See section[s] 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.

b. Light manufacturing, processing, packaging and fabricating.

c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements.*

a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

Instr #2018050263 BK: 4580 PG: 463, Filed & Recorded: 7/16/2018 9:43 AM #Pgs:3
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $10,150.00

Prepared by and return to:
Garry M. Glickman, Esquire
Glickman, Witters and Marell, P.A.
1601 Forum Place Ste. 1101
West Palm Beach, Florida 33401

Property Control Number: 189670-0000

WARRANTY DEED

THIS WARRANTY DEED made this 11 day of July, 2018.

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

whose address is: 277 Royal Poinciana Way, Suite 156, Palm Beach, FL 33480

hereafter called the Grantor, to

VISTA HOTEL IV, INC., a Florida corporation

whose address is: 32 Avenida Menendez, St. Augustine, FL 32084

hereafter called the Grantee,

(Wherever used herein the terms "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 corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN ($10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF LOTS 7, 8 AND 9 OF SANCHEZ TRACT, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON OFFICIAL MAP OF CITY OF ST. AUGUSTINE DATED JANUARY 1, 1905, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 5 (PROJECT SECTION NO. 7801-203) 162.00 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT OF WAY LINE FROM THE SOUTH LINE OF HOPKINS (SAN CARLOS) STREET; THENCE NORTH 6 DEGREES 50 MINUTES WEST ALONG SAID RIGHT OF WAY LINE 144.97 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 30 SECONDS EAST 13.00 FEET; THENCE NORTH 73 DEGREES 37 MINUTES 30 SECONDS EAST 27.00 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 30 SECONDS WEST 11.00 FEET TO A POINT ON THE SOUTH LINE OF HOPKINS STREET; THENCE NORTH 86 DEGREES 30

MINUTES 30 SECONDS EAST 93.26 FEET ALONG THE SOUTH LINE OF HOPKINS STREET TO THE NORTHEAST CORNER OF LOT 7 OF SANCHEZ TRACT; THENCE SOUTH 4 DEGREES 34 MINUTES EAST 161.70 FEET ALONG THE EAST LINE OF SAID LOT 7; THENCE SOUTH 86 DEGREES 30 MINUTES 30 SECONDS WEST 127.15 FEET TO THE POINT OF BEGINNING.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

Subject to conditions, reservations, restrictions and easements of record, provided that this instrument shall not re-impose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE
PRINT: Tobi Mickle

WITNESS - SIGNATURE
PRINT: Teresa Cicchella

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
JAMIE MICKLE, as Manager

STATE OF FLORIDA
COUNTY OF SARASOTA

THE FOREGOING INSTRUMENT was acknowledged before me this 9th day of July, 2018 by JAMIE MICKLE, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☑ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:
SIGNATURE: Margaret A. Adorjan
PRINT: MARGARET A ADORJAN
MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA
MARGARET A ADORJAN
Commission # GG 164821
Expires April 1, 2022
Bonded Thru Budget Notary Services

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS - SIGNATURE

PRINT: GARRY M. GLICKMAN

WITNESS - SIGNATURE

PRINT: Suzette L. Novey

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
LEE W. HEATON, as Manager

COPY

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this 10 day of July, 2018 by LEE W. HEATON, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☑ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: _____

PRINT: _____

MY COMMISSION EXPIRES:

GARRY M. GLICKMAN
Commission # FF 923422
Expires November 9, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Instr #2015030477 BK: 4029 PG: 1838, Filed & Recorded: 5/20/2015 12:56 PM #Pgs:3
Cheryl Strickland,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $536.90

THIS INSTRUMENT PREPARED BY:
Linda Logan Bryan, Esquire
Miller, Shine & Bryan, P.L.
97 Orange Street
St. Augustine, Florida 32084

TITLE TO PROPERTY NOT EXAMINED OR APPROVED - LAW OFFICES OF MILLER, SHINE & BRYAN, P.L.

SPECIAL WARRANTY DEED

THIS INDENTURE made this 19th day of May, 2015 by **PONCE HOTEL, INC.**, a Florida corporation, whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantor, and **VISTA HOTEL IV, INC.**, a Florida corporation whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise and release unto the Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, Florida, to-wit:

Legal Description:	See Attached Exhibit "A";
Parcel Account No.:	189640 0000
Street Address:	7 San Carlos Avenue, St. Augustine, FL 32084;

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; however, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2015 and Subsequent Years

AND the Grantor does hereby covenant with the Grantee that, except as above noted, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of:

PONCE HOTEL, INC.

Mary E Horn
Print Name: Mary E Horn

Mary Beth Peters
Print Name: Mary Beth Peters

By: Vikesh Patel
Its: President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, by Vikesh Patel, President of Ponce Hotel, Inc. who is personally known to me.

MARY BETH PETERS
Commission # FF 179327
Expires January 18, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Mary Beth Peters
Mary Beth Peters
Notary Public, State of Florida
My Commission Expires: 1/18/19

EXHIBIT "A"

PARCEL 2:

BEING A PORTION OF LOTS 5 AND 6, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1909 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 127.22' TO THE POINT OF BEGINNING; THENCE NORTH 04°31'25" WEST, A DISTANCE OF 161.70' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAN CARLOS AVENUE; THENCE NORTH 88°18'33" EAST ALONG SAID RIGHT-OF-WAY OF SAN CARLOS AVENUE, A DISTANCE OF 100.00' TO THE NORTHWESTERLY CORNER OF LOT 4, OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAN CARLOS AVENUE SOUTH 04°32'32" EAST, A DISTANCE OF 163.99' TO THE SOUTHWESTERLY CORNER OF LOT 1 OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE SOUTH 88°38'28" WEST, A DISTANCE OF 32.25'; THENCE NORTH 04°13'09" WEST, A DISTANCE OF 21.70'; THENCE SOUTH 88°35'02" WEST, A DISTANCE OF 67.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.384± ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 160.22' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 88°35'02" EAST, A DISTANCE OF 15.00'; THENCE SOUTH 04°13'09" EAST, A DISTANCE OF 131.75' TO THE NORTHERLY RIGHT-OF-WAY LINE MISSOURI AVENUE; THENCE SOUTH 88°38'28" WEST ALONG SAID RIGHT-OF-WAY OF MISSOURI AVENUE, A DISTANCE OF 15.00'; THENCE LEAVING SAID RIGHT-OF-WAY OF MISSOURI AVENUE NORTH 04°13'09" WEST, A DISTANCE OF 132.10' TO THE POINT OF BEGINNING.

Public Records of St. Johns County, FL Clerk # 2007006068, O.R. 2857 PG 1161,
01/26/2007 at 03:35 PM REC. $33.00 SUR. $36.50 Doc. D $19469.80

6

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

William C. Hagin, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
50 North Laura Street, Suite 2800
Jacksonville, Florida 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 23rd day of January, 2007, by BOZARD LAND, LLC, a Florida limited liability company, whose address is 1700 North Ponce de Leon Boulevard, St. Augustine, FL 32084, hereinafter called the Grantor to, VISTA HOTEL IV, INC., a Florida corporation, whose mailing address is 32 Avenida Menendez, St. Augustine, FL 32084, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Johns County, Florida, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
(THE "PROPERTY")

TOGETHER with all tenements, hereditaments, improvements (if any), easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the exceptions set forth on EXHIBIT B hereto:

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey the property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Wherever used herein the terms "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.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

BOZARD LAND, LLC

Signed, sealed and delivered in the presence of:

By: Harold William Shad, III
Name: Harold William Shad, III

Print Name: JOHN D BAILEY JR

Address: 1700 North Ponce de Leon Boulevard
St. Augustine, FL 32084

Print Name: GLORIA M BANTA

STATE OF FLORIDA)
COUNTY OF ST JOHNS)

The foregoing instrument was acknowledged before me this 23 day of January, 2007, by Harold William Shad, III the Manager of Bozard Land, LLC, a Florida limited liability company. He is either [✓] personally known to me or [ ] has produced a FL state driver's license as identification.

Name:
Notary Public, State and County aforesaid
Commission Number:
My commission expires:

[Notarial Seal]

GLORIA M. BANTA
MY COMMISSION # DD 211017
EXPIRES: May 11, 2007
Bonded Thru Notary Public Underwriters

EXHIBIT "A"

PARCEL 1:

EAST ½ OF LOT 2, BLOCK 5, GARNETT ADDITION, AS DESCRIBED IN THE OFFICIAL PLAT OF THE CITY OF ST. AUGUSTINE, MADE BY ROBERT RANSON, DATED JANUARY 1, 1905 ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 2:

THE WEST ½ OF LOT 2, BLOCK 5, GARNETT'S SUBDIVISION, AS SHOWN BY PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA IN DEED BOOK "SS" AT PAGE 189.

PARCEL 3:

THE WEST ½ OF LOT 3, BLOCK 8, BEING GARNETT AND CUNNINGHAM SUBDIVISION IN THE NORTH PART OF THE CITY OF ST. AUGUSTINE, AS BY REFERENCE TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGE 91 AND DESIGNATED AS LOT 3, BLOCK 8, THE ENTIRE LOT BEING IN FRONT 100 FEET AND IN THE DEPTH 110 FEET, MORE OR LESS, THE PROPERTY CONVEYED TO ALEX CAPO AND GERTRUDE CAPO JANUARY 13TH, A.D. 1893, RECORDED IN BOOK TT PAGE 180.

THE ABOVE PROPERTY BEING ALSO DESCRIBED AS THE WEST ½ OF LOT 3, BLOCK 5, GARNETT SUBDIVISION, AS PER OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA. EXCEPTING RIGHT OF WAY FOR ROAD AS DESCRIBED IN DEED BOOK 210, PAGE 405.

PARCEL 4:

THE SOUTH 50 FEET OF LOT 1, BLOCK 5, GARNETT ADDITION TO THE CITY OF ST. AUGUSTINE, ACCORDING TO MAP THEREOF DATED JANUARY 1, 1905 AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS FRONTING 50 FEET ON CUNNINGHAM CENTER ON THE EAST, 100 FEET ON GARNETT AVENUE ON THE SOUTH AND BEING BOUNDED ON THE NORTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 213, PAGE 183, OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

PARCEL 5:

THE NORTH ½ OF LOT 1, BLOCK 5 OF GARNETT'S SUBDIVISION OF ST. AUGUSTINE, AS SHOWN ON THE OFFICIAL MAP OF SAID CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923, SAID PLAT BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SAID NORTH ½ OF LOT 1, BLOCK 5 HAS A FRONTAGE OF 60 FEET ON THE CUNNINGHAM AVENUE AND A DEPTH OF 100 FEET, EXTENDING WEST OF LOT NOW OR FORMERLY OWNED BY STEVE MCCORMICK.

PARCEL 6:

ALL OF 6, BLOCK 5, GARNETT SUBDIVISION IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AND DRAWN BY ROBERT RANSON, EXCEPTING THAT PORTION OF SAID LAND IN DEED BOOK 209, PAGE 145, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, BLOCK 5 OF THE GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE DATED JANUARY 1, A.D. 1905, A COPY OF WHICH IS NOW OF RECORD AND ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 7:

THE SOUTH ½ OF LOT 8, BLOCK 5, GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF SAID CITY DATED JANUARY 1, 1905, OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 9:

IN THE CITY OF ST. AUGUSTINE, FLORIDA, THE SOUTH ½ OF LOT 1, BLOCK 3 OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF SAID CITY RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOT 2 AND LOT 3, BLOCK 3, GARNETT SUBDIVISION, ST. AUGUSTINE, FLORIDA, AS SHOWN BY OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, SAID PLAT BEING ON FILE AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 10:

THE NORTH ½ OF LOT 1, BLOCK 3, OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA.

PARCEL 11:

BLOCK 2 OF GARNETT'S ADDITION TO THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, ACCORDING TO OFFICIAL MAP OF ST. AUGUSTINE DATED JUNE 12, 1923.

A MORE PARTICULAR DESCRIPTION OF SAID BLOCK ACCORDING TO ITS PRESENT LINES AND BOUNDARIES IS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE, WITH THE SOUTHERLY PROPERTY LINE OF SAID BLOCK ON MATANZA STREET, AS MARKED BY A PERMANENT MONUMENT CONSISTING OF A 3 INCH IRON PIPE WHICH IS SET AT THAT POINT. SAID POINT BEING 32.5 FEET WESTWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF SAN MARCO AVENUE AND 25 FEET NORTHWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER OF MATANZA STREET; RUN THENCE SOUTH 84°30' WEST ALONG THE SOUTHERLY PROPERTY LINE OF SAID BLOCK, 222 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY PROPERTY LINE OF SAID BLOCK ON CUNNINGHAM AVENUE; RUN THENCE NORTH 5°15' WEST ALONG THE WESTERLY PROPERTY LINE OF SAID BLOCK, 110 FEET TO THE POINT OF INTERESECTION WITH THE NORTHERLY PROPERTY LINE OF SAID BLOCK ON MISSOURI STREET; RUN THENCE NORTH 83°39' EAST ALONG THE NORTHERLY PROPERTY LINE OF SAID BLOCK, 175.65 FEET MORE OR LESS TO THE POINT OF THE INTERSECTION WITH THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE; RUN THENCE SOUTH 27°54' EAST ALONG THE EASTERLY PROPERTY LINE OF SAID BLOCK, 121.5 FEET TO THE POINT OF BEGINNING, THIS PROPERTY BEING BOUNDED ON THE EAST BY SAN MARCO AVENUE, ON THE SOUTH BY MATANZA STREET, ON THE WEST BY CUNNINGHAM AVENUE AND ON THE NORTH BY MISSOURI STREET, AS SHOWN BY PLAT ATTACHED TO AND MADE PART OF WARRANTY DEED DATED SEPTEMBER 27, 1938 FROM ROCKLAND COUNTY REALTY CO. TO H. D. POLLARD. ALL COURSES ARE ON MAGNETIC BEARINGS.

PARCEL 12:

LOTS 4 AND 5, BLOCK 1, GARNETT ADDITION, CITY OF ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY. EXCEPTING RIGHT OF WAY OF STATE ROAD NO. 5. AND ALSO: LOTS 7,8 AND 9, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905. EXCEPTING THERE FROM RIGHT OF WAY OF STATE ROAD NO. 5, AND THAT PORTION OF SAID LAND CONVEYED TO STANFORD OIL CO., AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 10, PAGE 349, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. ALSO WITH: THAT PART OF LOTS 5 AND 6, SANCHEZ TRACT, AS SHOWN ON THE OFFICIAL MAP THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53' 30" EAST, 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5 AND THE NORTH LINE OF LOT 4, SAID GARNETT ADDITION; THENCE DUE WEST, ALONG SAID SOUTH LINE OF LOTS 5 AND 6, SANCHEZ TRACT, AND THE NORTH LINE OF SAID LOT 4, GARNETT ADDITION, 67.70 FEET TO THE POINT OF BEGINNING.

PARCEL 13:

BEING A PART OF LOTS 5 AND 6, SANCHEZ TRACT, CITY OF ST. AUGUSUTINE, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

IN THE CITY OF ST. AUGUSTINE, IN NORTH CITY, THE LOT DESIGNATED UPON THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AS LOT 5 OF THE SANCHEZ TRACT, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTH LINE OF A STREET AT THE NORTHERN LIMITS OF SAID CITY 150 FEET WESTERLY FROM ITS INTERSECTION WITH SAN MARCO AVENUE; THENCE SOUTHERLY 183'10" TO LAND OF R.B. GARNETT; THENCE WESTERLY 50 FEET; THENCE NORTHERLY 180'10" MORE OR LESS TO THE SOUTH LINE OF SAID STREET, AT THE NORTHERN LIMITS OF THE CITY; THENCE EASTERLY 50 FEET TO THE PLACE OF BEGINNING.

LOT 6 IN THE SANCHEZ SUBDIVISION IN THE CITY OF ST. AUGUSTINE, COUNTY OF ST. JOHNS AND STATE OF FLORIDA; BEGINNING IN THE NORTH LINE OF THE CITY LIMITS, 200 FEET WESTERLY FROM SAN MARCO AVENUE AND RUNNING THENCE WESTERLY 50 FEET; THENCE SOUTHERLY 183 FEET AND 10 INCHES MORE OR LESS TO LAND OF GARNETT; THENCE EASTERLY IN GARNETT'S NORTH LINE 50 FEET; THENCE NORTHERLY 183 FEET 10 INCHES MORE OR LESS TO PLACE OF BEGINNING.

THE ABOVE DESCRIBED LOTS 5 AND 6 ARE LESS AND EXCEPT THE FOLLOWING:

FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53'30" EAST, 67.85 FEET, THROUGH LOT 6 AND PART OF LOT 5, A DISTANCE OF 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE DUE WEST ALONG THE SAID SOUTH LINE OF LOTS 5 AND 6, A DISTANCE OF 67.7 FEET TO THE POINT OF BEGINNING.

COPY

Exhibit "B"

SCHEDULE OF PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years, which are not yet due and payable.

JK239609.2

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Ordinance 2023-05 – Amending the Zoning of 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue from Commercial Medium-Two (CM-2) to Residential General Office-A (RGO-A) – First Reading

The property at 1800 North Ponce de Leon Boulevard, 1860 North Ponce de Leon Boulevard and 7 San Carlos Avenue is a 1.48-acre parcel that is on Ponce de Leon Boulevard between Missouri and West San Carlos Avenues. The property is surrounded by commercial property on two sides with the San Sebastian Riverine environment to the west across US 1 (Ponce de Leon Boulevard) and Government Use (GU) property to the north that includes the St. Johns County main library. This property is owned by Vista Hotel IV, Inc.

The city's Future Land Use Map (FLUM) designates Commercial Medium Intensity as the land use category for these properties. The owner has also requested to change the land use to the consistent category of Residential Medium Density Mixed Use. The application is to rezone the property to Residential General Office-A (RGO-A), which is consistent with the proposed land use category. The owner is proposing a hotel for the property.

On December 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the zoning of these properties from CM-2 to RGO-A. Attached you will find the Ordinance, and legal description and a map illustrating the requested change. The packet of information provided to the PZB is included with the land use plan amendment material.

Please place Ordinance 2023-05 on the City Commission agenda for first reading.

If you have any questions, please let me know.

Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 1.48 ACRES OF PROPERTY LOCATED AT 1800 NORTH PONCE DE LEON BOULEVARD, 1860 NORTH PONCE DE LEON BOULEVARD AND 7 SAN CARLOS AVENUE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE-A (RGO-A); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property identified by the St. Johns County Property Appraiser as containing approximately 1.48 acres of land, located at 1800 North Ponce de Leon Boulevard (PIN #189750 0000), 1860 North Ponce de Leon Boulevard (PIN #189670 0000), and 7 San Carlos Avenue (PIN #189640 0000) commonly known as the Powersports Property being more fully described herein, should be rezoned;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 1.48 acres commonly known as the Powersports Property located on Ponce de Leon Boulevard between Missouri and West San Carlos Avenues in the City of St. Augustine, and identified by the St. Johns County Property Appraiser as containing approximately 1.48 acres of land, located at 1800 North Ponce de Leon Boulevard (PIN #189750 0000),

1860 North Ponce de Leon Boulevard (PIN #189670 0000), and 7 San Carlos Avenue (PIN #189640 0000), is hereby rezoned from the classifications of Commercial Medium-two (CM-2) and to the City of St. Augustine classification of Residential General Office-A (RGO-A), and as more fully described in the attached legal description.

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2023-04 or, if Ordinance No. 2023-04 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

_____
Nancy Sikes-Kline, Mayor-Commissioner

_____
Darlene Galambos, City Clerk

(SEAL)

Instr #2018050263 BK: 4580 PG: 463, Filed & Recorded: 7/16/2018 9:43 AM #Pgs:3
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $10,150.00

Prepared by and return to:
Garry M. Glickman, Esquire
Glickman, Witters and Marell, P.A.
1601 Forum Place Ste. 1101
West Palm Beach, Florida 33401

Property Control Number: 189670-0000

WARRANTY DEED

THIS WARRANTY DEED made this 11 day of July, 2018.

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

whose address is: 277 Royal Poinciana Way, Suite 156, Palm Beach, FL 33480

hereafter called the Grantor, to

VISTA HOTEL IV, INC., a Florida corporation

whose address is: 32 Avenida Menendez, St. Augustine, FL 32084

hereafter called the Grantee,

(Wherever used herein the terms "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 corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN ($10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF LOTS 7, 8 AND 9 OF SANCHEZ TRACT, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON OFFICIAL MAP OF CITY OF ST. AUGUSTINE DATED JANUARY 1, 1905, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 5 (PROJECT SECTION NO. 7801-203) 162.00 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT OF WAY LINE FROM THE SOUTH LINE OF HOPKINS (SAN CARLOS) STREET; THENCE NORTH 6 DEGREES 50 MINUTES WEST ALONG SAID RIGHT OF WAY LINE 144.97 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 30 SECONDS EAST 13.00 FEET; THENCE NORTH 73 DEGREES 37 MINUTES 30 SECONDS EAST 27.00 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 30 SECONDS WEST 11.00 FEET TO A POINT ON THE SOUTH LINE OF HOPKINS STREET; THENCE NORTH 86 DEGREES 30

MINUTES 30 SECONDS EAST 93.26 FEET ALONG THE SOUTH LINE OF HOPKINS STREET TO THE NORTHEAST CORNER OF LOT 7 OF SANCHEZ TRACT; THENCE SOUTH 4 DEGREES 34 MINUTES EAST 161.70 FEET ALONG THE EAST LINE OF SAID LOT 7; THENCE SOUTH 86 DEGREES 30 MINUTES 30 SECONDS WEST 127.15 FEET TO THE POINT OF BEGINNING.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

Subject to conditions, reservations, restrictions and easements of record, provided that this instrument shall not re-impose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE
PRINT: Tobi Mickle

WITNESS - SIGNATURE
PRINT: Teresa Cicchella

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
JAMIE MICKLE, as Manager

STATE OF FLORIDA
COUNTY OF SARASOTA

THE FOREGOING INSTRUMENT was acknowledged before me this 9th day of July, 2018 by JAMIE MICKLE, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☒ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:
SIGNATURE: Margaret A. Adorjan
PRINT: MARGARET A. ADORJAN
MY COMMISSION EXPIRES:

MARGARET A ADORJAN
Commission # GG 164821
Expires April 1, 2022
Bonded Thru Budget Notary Services

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE

PRINT: GARRY M. GLICKMAN

WITNESS - SIGNATURE

PRINT: Suzette L. Novey

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

By: _____
LEE W. HEATON, as Manager

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this 10 day of July, 2018 by LEE W. HEATON, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☑ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: _____

PRINT: _____

MY COMMISSION EXPIRES:

GARRY M. GLICKMAN
Commission # FF 923422
Expires November 9, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Instr #2015030477 BK: 4029 PG: 1838, Filed & Recorded: 5/20/2015 12:56 PM #Pgs:3
Cheryl Strickland,Clerk of the Circuit Court St. Johns County FL Recording $27.00 Doc. D $536.90

THIS INSTRUMENT PREPARED BY:
Linda Logan Bryan, Esquire
Miller, Shine & Bryan, P.L.
97 Orange Street
St. Augustine, Florida 32084

TITLE TO PROPERTY NOT EXAMINED OR APPROVED - LAW OFFICES OF MILLER, SHINE & BRYAN, P.L.

SPECIAL WARRANTY DEED

THIS INDENTURE made this 19th day of May, 2015 by **PONCE HOTEL, INC.**, a Florida corporation, whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantor, and **VISTA HOTEL IV, INC.**, a Florida corporation whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise and release unto the Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, Florida, to-wit:

Legal Description:	See Attached Exhibit "A";
Parcel Account No.:	189640 0000
Street Address:	7 San Carlos Avenue, St. Augustine, FL 32084;

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; however, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2015 and Subsequent Years

AND the Grantor does hereby covenant with the Grantee that, except as above noted, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of:

PONCE HOTEL, INC.

Print Name: Mary E Horn

Print Name: Mary Beth Peters

By: Vikesh Patel
Its: President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, by Vikesh Patel, President of Ponce Hotel, Inc. who is personally known to me.

MARY BETH PETERS
Commission # FF 179327
Expires January 18, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Mary Beth Peters
Notary Public, State of Florida
My Commission Expires: 1/18/19

7 San Carlos

EXHIBIT "A"

PARCEL 2:

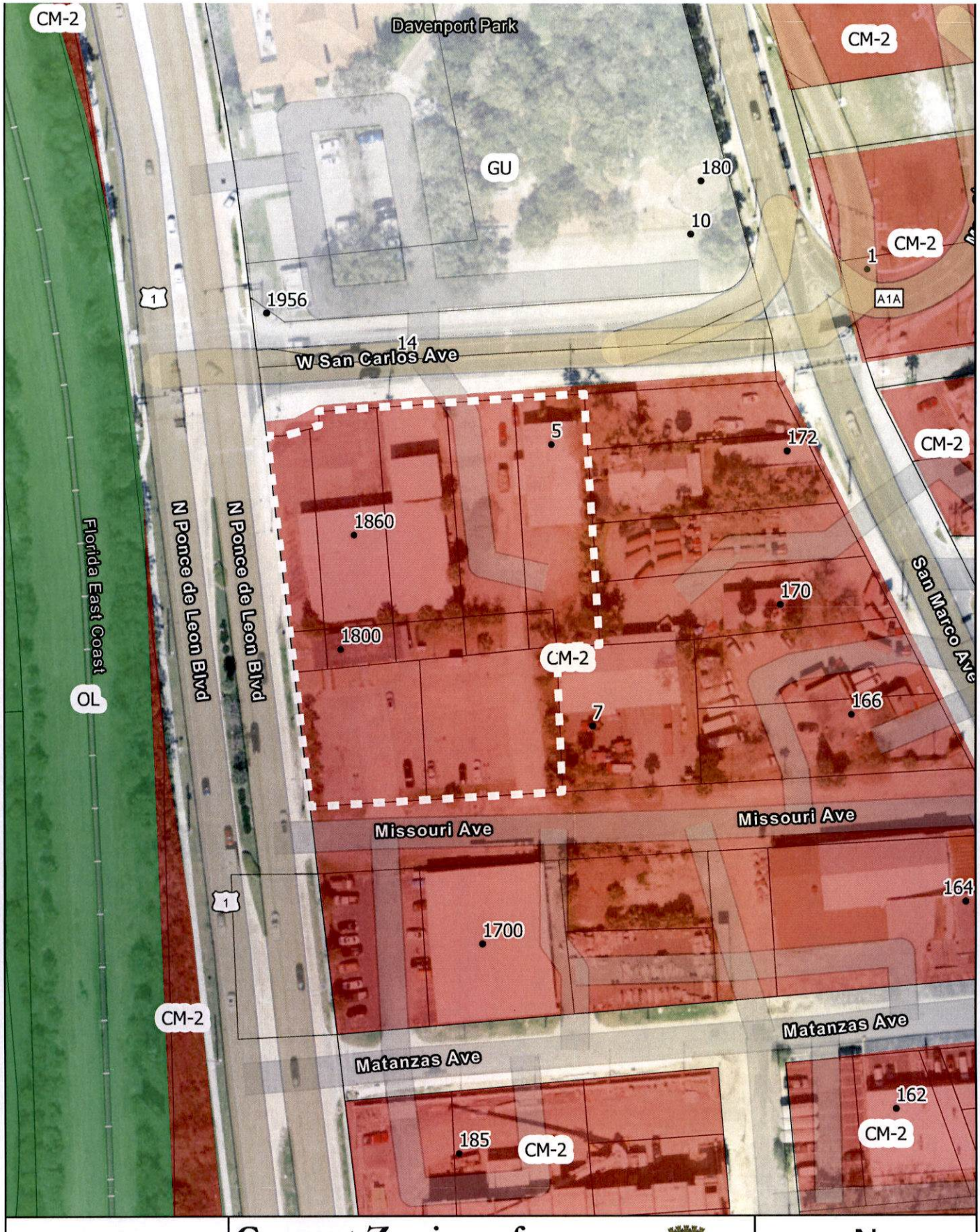
BEING A PORTION OF LOTS 5 AND 6, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 85°55'02" EAST, A DISTANCE OF 127.22' TO THE POINT OF BEGINNING; THENCE NORTH 04°31'25" WEST, A DISTANCE OF 161.70' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAN CARLOS AVENUE; THENCE NORTH 85°16'33" EAST ALONG SAID RIGHT-OF-WAY OF SAN CARLOS AVENUE, A DISTANCE OF 100.00' TO THE NORTHWESTERLY CORNER OF LOT 4, OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAN CARLOS AVENUE SOUTH 04°33'53" EAST, A DISTANCE OF 163.99' TO THE SOUTHWESTERLY CORNER OF LOT 1 OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE SOUTH 85°30'28" WEST, A DISTANCE OF 32.25'; THENCE NORTH 04°13'00" WEST, A DISTANCE OF 21.70'; THENCE SOUTH 85°55'02" WEST, A DISTANCE OF 67.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.364± ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 06°49'41" WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH 85°55'02" EAST, A DISTANCE OF 180.22' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 85°55'02" EAST, A DISTANCE OF 15.00'; THENCE SOUTH 04°13'00" EAST, A DISTANCE OF 131.75' TO THE NORTHERLY RIGHT-OF-WAY LINE MISSOURI AVENUE; THENCE SOUTH 85°55'39" WEST ALONG SAID RIGHT-OF-WAY OF MISSOURI AVENUE, A DISTANCE OF 15.00'; THENCE LEAVING SAID RIGHT-OF-WAY OF MISSOURI AVENUE NORTH 04°13'00" WEST, A DISTANCE OF 132.10' TO THE POINT OF BEGINNING.



Current Zoning of

1800 & 1860 N Ponce de Leon Boulevard and 7 San Carlos Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

N

0 0.01 0.03 Miles

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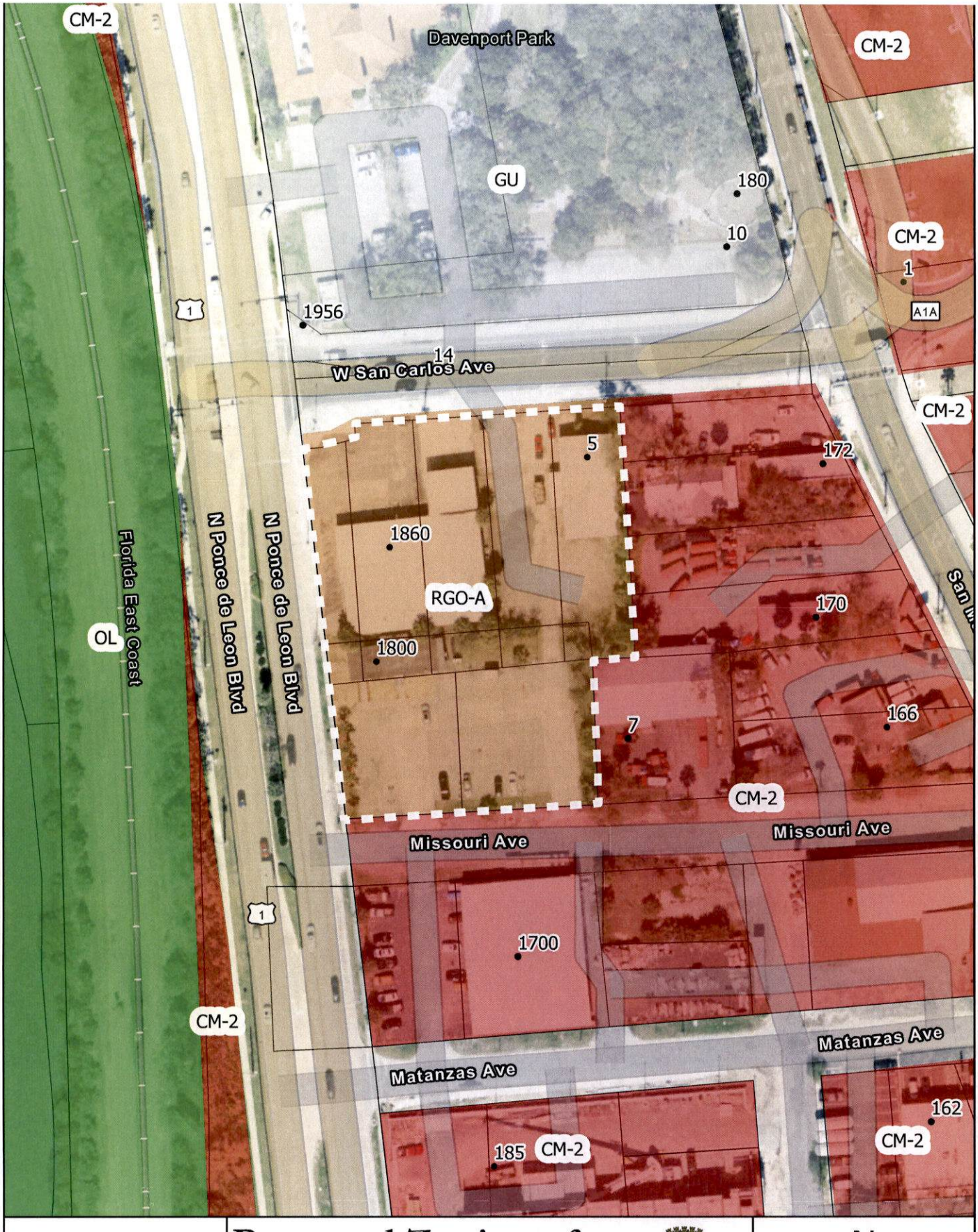


Proposed Zoning of

1800 & 1860 N Ponce de Leon Boulevard and 7 San Carlos Avenue

CITY OF ST AUGUSTINE EST. 1565

2022

N

0 0.01 0.03 Miles

US Feet 0 62.5 125

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: January 9, 2023

RE: Resolution 2023-01 – Supporting the Lease of State-Owned Land for a new City of St. Augustine Fire Station on Anastasia Island

The Florida Department of Transportation (FDOT) intends to make safety improvements to the intersection of Red Cox Road and A1A, a dangerous intersection in our community. The new design of this intersection will incorporate City Fire Station #2 property, which eliminates the city's only fire station on Anastasia Island. City Fire Station #2 is a circa 1955 fire station that is functionally inadequate and needs to be replaced. The city will donate City Fire Station #2 to FDOT to redesign the Red Cox Road/A1A intersection if the state can provide land for a new city fire station.

The State of Florida owns a vacant parcel of land on the west side of A1A South (aka 1340 A1A S) across from the "Amp" entertainment venue. (see attached aerial photograph) This property is suitable for development of a new fire station when City Fire Station #2 on Red Cox Road is decommissioned and donated to the Florida Department of Transportation (FDOT). In support of this, the city is applying for a long-term lease (50 years) for the property and the application to lease state-owned land must include a Resolution in support of this lease from the City Commission. The property has a zoning designation of Government Use (GU) and Future Land Use Map (FLUM) designation of Recreation/Open Space and development of a fire station will not require a zoning change or FLUM designation change to the property.

Please place Resolution 2023-01 on the City Commission agenda which supports the lease of state-owned land for a new city fire station on Anastasia Island.

If you have any questions, please let me know.

David Birchim

David Birchim, AICP
Assistant City Manager

attachments

RESOLUTION 2023-01

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA SUPPORTING A LEASE WITH THE STATE OF FLORIDA TO LEASE APPROXIMATELY 5 ACRES OF STATE-OWNED LAND ON THE WEST SIDE OF A1A SOUTH (PID # 159310 0000) FOR A NEW CITY FIRE STATION.

WHEREAS, on January 3, 2023, the City Planning and Zoning Board determined that a public fire station on a vacant parcel of land on the west side of A1A South, part of 1340 A1A South (PID# 159310 0000) is consistent with the city's adopted Comprehensive Plan 2040.

WHEREAS, the State of Florida, Department of Transportation (FDOT) needs to obtain City Fire Station #2 on Red Cox Road in order to redesign the intersection of Red Cox Road and A1A for critical safety improvements; and

WHEREAS, the City of St. Augustine will apply for a long term lease of approximately 5 acres of state-owned land on the west side of A1A South, part of 1340 A1A South, (PID# 159310 0000) for a new city fire station to replace City Fire Station #2; and

WHEREAS, the State of Florida application for lease of state-owned lands requires a resolution in support of this lease to be approved by the City Commission of the City of St. Augustine.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of St. Augustine, Florida hereby supports the lease of state-owned land on the west side of A1A South, part of 1340 A1A South (PID# 159310 0000) for a new city fire station to replace City Fire Station #2.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this 9th day of January, 2023.

ATTEST: CITY OF ST. AUGUSTINE, FLORIDA

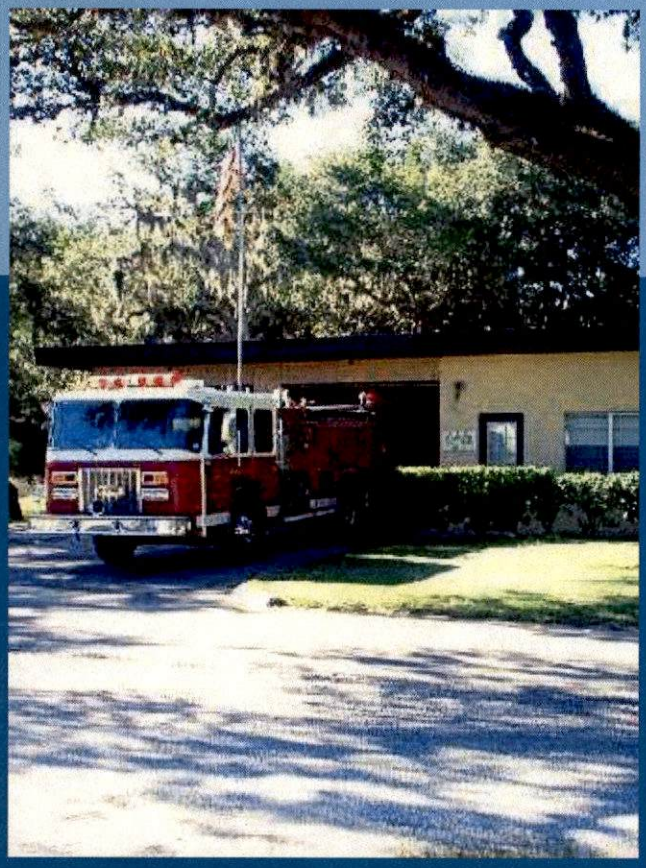
Darlene Galambos, City Clerk
(Seal)

Nancy Sikes-Kline, Mayor-Commissioner

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: 12/14/2022

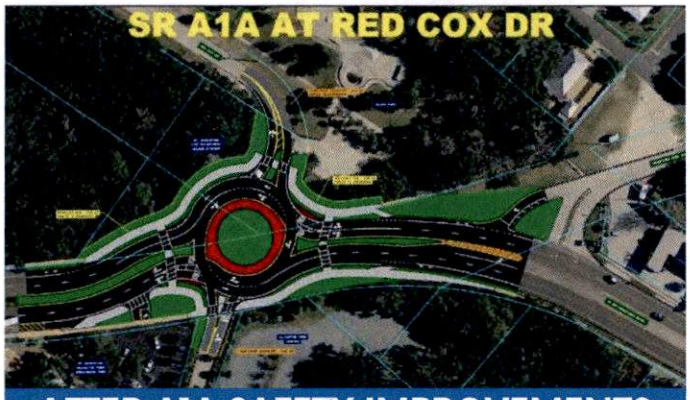


CITY OF ST AUGUSTINE EST. 1565

ANASTASIA ISLAND FIRE STATION FUNDING REQUEST

The City of St. Augustine includes the northern part of Anastasia Island, a barrier island in the Atlantic Ocean. The city provides fire and rescue services to the northern portion of Anastasia Island, which includes Anastasia State Park, a beachfront state park

BEFORE A1A SAFETY IMPROVEMENTS



AFTER A1A SAFETY IMPROVEMENTS

CITY FIRE STATION #2

Out of date City Fire Station #2 (cir.1955) need to be replaced.

INTERSECTION IMPROVEMENTS

FDOT needs Fire Station #2 for critical intersection improvements at A1A/Red Cox Rd. intersection, site of pedestrian and vehicular deaths.

CALLS FOR SERVICE

Fire Station #2 responds to 1300 calls for service annually. This will increase due to the largest residential growth the area has seen in the past 20 years.

EMERGENCY RESPONSE

Anastasia State Park does not have lifeguards, so they call Fire Station #2 to respond to emergencies such as drownings, heart attacks, heat stroke, etc.

CITY OF ST AUGUSTINE EST. 1565

ANASTASIA ISLAND FIRE STATION

The City of St. Augustine is committed to protecting and serving its residents and visitors, and needs your help to continue to do so!

Help the City of St. Augustine protect its community and visitors of Anastasia State Park, as well as help the State of Florida correct a dangerous FDOT intersection, by reaching out to the State. This is an internal land transfer between state agencies for public safety improvements.

If this internal land transfer is not feasible, help the City obtain state funding for the purchase of this surplus land from the State. The city can not purchase land on Anastasia Island on its own due to cost constraints; the land is too expensive.

PROPOSED NEW FIRE STATION

ANASTASIA STATE PARK

State Park owns 5 acres of vacant land that it has identified as "surplus" property, ideal for new city Fire Station to serve community and State Park.

LAND DONATION

City will donate Fire Station #2 to FDOT to fix intersection if State will give it's surplus land for new fire station.

LAND TRANSFER

FDEP will not transfer land to FDOT for a land swap with city, it will only sell the surplus property. The City is trying to protect the community and visitors to Anastasia State Park and help the State of Florida correct a dangerous FDOT intersection.

MORE INFORMATION

David Birchim, Assistant City Manager
904.209.4323
DBirchim@CityStAug.com

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and Commissioners

DATE: January 9, 2023

RE: **SPECIAL LEGISLATIVE SESSION UPDATE**

❖ **SB 4A (2002A) (Hutson) – Disaster Relief**

Current Status – Passed on 12/14/22; YEAS 116, NAYS 0 – Signed by Officers and Presented to the Governor

This bill is aimed at providing several disaster relief packages for local governments, homeowners, and renters impacted by Hurricanes Ian and Nicole.

- Property owners whose property was destroyed or rendered uninhabitable by either hurricane will receive an extension on their due dates for property taxes levied in 2022. Property taxes shall be due and payable on January 1, 2023.
- Residential properties that were made uninhabitable for at least 30 days by either hurricane will receive a property tax refund for the portions of the year that the residence was unusable. Procedures and requirements to receive a refund will be provided.
- The bill appropriates $350 million from the General Revenue Fund to the Division of Emergency Management (DEM) to provide the full match requirement (the Legislature intends to provide the entire match requirement for Public Assistance Program grants to local governments) for FEMA Public Assistance grants to local governments affected by the two hurricanes. Funds will be distributed on a first-come, first-served basis.
- The bill appropriates $150 million from the General Revenue Fund to the Florida Housing Finance Corporation.
    - From those funds, $60 million will be provided to local governments to assist persons with the repair or replacement of housing, relocation costs, housing reentry assistance (security deposits, utility deposits, and temporary storage of household furnishings) and insurance deductibles (up to $25 million may be used)
    - The remaining $90 million will be used to fund the Rental Recovery Loan Program to promote development and rehabilitation of affordable housing in affected areas.
- The bill appropriates $251.5 million from the General Revenue Fund to the Department of Environmental Protection for:
    - Beach erosion projects ($100 million)
    - Hurricane Restoration Reimbursement Grant Program ($50 million)
    - Hurricane Stormwater and Wastewater Assistance Grant Program ($100 million)
    - DEP for administrative costs ($1.5 million)

ACTION REQUIRED

The City must enter into an agreement with the Division of Emergency Management to have their portions of the matching requirements waived and must agree to use an equal amount of funds toward further disaster recovery or mitigation.

Please place this item on the agenda for the January 9, 2023 City Commission meeting under 11.A - City Attorney items, for information only, no presentation necessary.

Thank you,

Danyelle S. Alston
Assistant City Attorney

xc: John Regan, City Manager
Isabelle Lopez, City Attorney

Agenda Title:

Legislative update for 2022 Special Session.

CITY ATTORNEY LEGISLATIVE BILL TRACKING
2022 SPECIAL SESSION

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	VOTE HISTORY
HB 3A	Disaster Relief	McClain; Leek	Authorizes DEP to waive or reduce match requirements for certain local governments; authorizes refund of certain ad valorem taxes; provides procedures & requirements to receive refund; provides requirements for property appraisers & tax collectors; provides for extension & suspension of payments & discounts of certain taxes & assessments; provides duties of Division of Emergency Management; provides for organization & operation of Florida Emergency Management Assistance Foundation; authorizes Department of Revenue to adopt emergency rules; provides duties of Florida Housing Finance Corporation; creates Hurricane Restoration Reimbursement Grant Program within DEP; creates Hurricane Stormwater & Wastewater Assistance Grant Program within DEP. APPROPRIATION: $751,500,000.	Filed 12/09/22; Referred to Ways & Means Committee; Referred to Appropriations Committee; In Ways & Means Committee; Bill released to House Calendar, 12/13/22; Laid on Table, 12/14/22.	HOUSE - Favorable by Ways & Means Committee, 12/13/22; HOUSE - Favorable by Appropriations Committee, 12/13/22
SB 4A	Disaster Relief	Hutson	Authorizing the Department of Environmental Protection to waive or reduce match requirements for certain local governments; authorizing the refund of ad valorem taxes for residential improvements rendered uninhabitable by certain hurricanes; providing for the extension and suspension of payments and discounts of certain taxes and assessments; requiring the Division of Emergency Management and local governments to enter into certain agreements to receive specified funds; providing for the organization and operation of the Florida Emergency Management Assistance Foundation within the division, etc. APPROPRIATION: $751,500,000.	Filed 12/09/22; Referred to Community Affairs; Fiscal Policy; On Committee agenda-- Community Affairs, 12/12/22; On Committee agenda-- Fiscal Policy, 12/12/22.; Placed on Calendar, on 2nd reading, Placed on Special Order Calendar, 12/13/22; Introduced -SJ 3; Amendment(s) adopted (541526); Bill referred to House Calendar, 12/14/22; Bill added to Special Order Calendar, 12/14/22; HOUSE - Read 2nd time, 12/14/22; HOUSE - Read 3rd time; Ordered enrolled, 12/14/22; Signed by Officers and presented to Governor, 12/14/22; Approved by Governor, 12/16/22.	Favorable by Community Affairs; YEAS 7 NAYS 0 -SJ 3; Favorable by- Fiscal Policy; YEAS 20 NAYS 0 -SJ 3, 12/12/22; SENATE - Passed as amended; YEAS 38 NAYS 0; HOUSE - Passed; YEAS 116, NAYS 0, 12/14/22.

CS = Committee Substitute filed.

*** Bills with no counterpart in Senate or House have minimal chance of passage.**

COMMISSION ASSIGNMENTS
(as of December 2022)

1. Mayor Nancy Sikes-Kline - Tourist Development Council (TDC): (904) 209-4420. The meetings are held on the third Monday of every month in the County Auditorium at 500 San Sebastian View at 1:30 p.m.

2. Mayor Nancy Sikes-Kline - North Florida Transportation Planning Organization (904) 306-7500, Meets monthly, 2nd Thursday, Time: 10 AM, TPO Board Room - 1022 Prudential Drive, Jacksonville.

3. VACANT - Sister Cities Association (904/825-1004).

4. Commissioner Roxanne Horvath - Northeast Florida Regional Planning Council (904.279.0880, info@nefrc.org) - Monthly - 1st Thursday at 10:00 a.m. - location: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216

6. Melissa Wissel - Visitor & Convention Bureau (VCB) (904.829.1711 www.visitoldcity.com) - Monthly – 4th Tuesday, except for May, September, and December. - location, varies,

7. Assistant Chief Anthony Cuthbert - Continuum of Care - (904) 819-4328 Meets monthly, 100 Whetstone Place, Suite 303 St. Augustine, FL 32086

8. Commissioner Barbara Blonder - Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) 3rd Wednesday quarterly (March, June, September, December) from 6:00 p.m. to 8:00 p.m. at alternating locations 5:00 pm to 6:00 pm

9. Commissioner Nancy Sikes-Kline - Florida League of Cities Voting Delegate

10 Commissioner Nancy Sikes-Kline – Bartram Trail Conference Representative

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: December 29, 2022

RE: Request for use of the City Seal

Clifford Wright, Silver Dollar City, LLC is seeking permission for the use of the City seal on the back of a Collector Token for local attractions as an ongoing tourism campaign and promotional tool for local businesses. The application and other required documents are attached along with Resolution 2020-28 outlining the City's criteria for the use of the City Seal.

Per City Code Section 2.1, permission to use the City Seal may only be granted by the City Commission. Should you concur, please place this matter on the Consent Agenda for the January 9, 2023, regular meeting.

Darlene Galambos

Darlene Galambos
City Clerk

Darlene Galambos

From: noreply@civicplus.com
Sent: Monday, December 12, 2022 4:12 PM
To: Lucy Fountain; Darlene Galambos
Subject: Online Form Submittal: Application for Use of City Seal

Application for Use of City Seal

First Name	Clifford
Last Name	Wright
Mailing Address	2447 us1 south
City	St.Agustine
State	fl
Zip Code	32086
Phone Number	9047977570
Email Address	wright_clifford@bellsouth.net
Applying As	For-Profit Corporation
Corporation/Fictitious Name	Silver Dollar City LLC
Upload Division of Corporations form:	articles of organization.pdf
Written Description of Intended Use of City Seal	Reverse of Collector Token in an ongoing Tourism Campaign.
Upload Sketch/Visual Depiction	Reverse of St. Augustine Collector Series.pdf
Number of Objects Intended to Include the City Seal	undetermined number of tokens first of an ongoing series featuring different attractions
Duration of the Requested Approval	undetermined
How will the requested use of the City Seal further the City's Vision Plan and the	Promotional tool for local businesses

goals of livability, authenticity, vitality, and character of St. Augustine as a distinctive community	
Requested Use in Conjunction with City Sponsored Event or Other Government Sponsored Event	No
Requested Use in Conjunction with a Private Event	No
Electronic Signature Agreement	I agree.
Electronic Signature	Clifford E. Wright
Date	12/12/2022

Email not displaying correctly? View it in your browser.

Electronic Articles of Organization
For
Florida Limited Liability Company

L220004
FILED 8
Septem
Sec. Of
oisimmons

Article I

The name of the Limited Liability Company is:

SILVER DOLLAR CITY LLC

Article II

The street address of the principal office of the Limited Liability Company is:

2447 US HIGHWAY 1 S
ST AUGUSTINE, FL. 32086

The mailing address of the Limited Liability Company is:

2447 US HIGHWAY 1 S
ST AUGUSTINE, FL. 32086

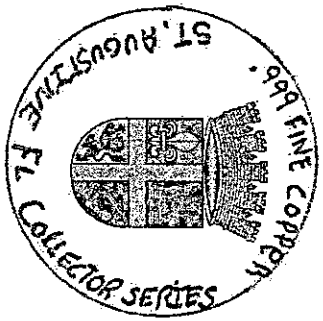
Article III

The name and Florida street address of the registered agent is:

CLIFFORD E WRIGHT
2447 US HIGHWAY 1 S
ST AUGUSTINE, FL. 32086

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: CLIFFORD E WRIGHT


ST. AUGUSTINE
FL Collector Series
.999 Fine Copper

RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA PROVIDING FOR CRITERIA FOR EVALUATING REQUESTS TO USE THE CITY SEAL.

WHEREAS, the municipal code at Section 2-1 requires written consent of the City Commission for the use of the City Seal for purposes other than the official business of the City; and

WHEREAS, the unauthorized use of the City Seal is a crime punishable as a second-degree misdemeanor pursuant to Section 165.043, Florida Statutes, and

WHEREAS, the authorized use of the City Seal is intended to further the public purpose, goals, and Vision Plan of the City, and

WHEREAS, the City Commission finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1 - Application. Individuals or entities wishing to use the City of St. Augustine City Seal must first submit an application in writing to the City Commission, filed at the City Manager's office.

Section 2 - Information. Each application for use of the City Seal must include the following information:

a) The name, address, and contact information of the applicant, and whether the applicant is applying as an individual, a for-profit corporation, a not-for-profit corporation, or using a fictitious name ("doing business as").

b) If applying as a corporation or "doing business as" a fictitious name, include a copy of the Division of Corporations form showing the registration is currently active and in good standing.

c) A written description of the intended use of the City Seal, along with a sketch or other visual depiction of the location, size, and placement of the City Seal on the intended finished product. If the City Seal will be used with other visual elements, or other text, include a description of those items.

d) A statement describing the number of objects intended to include the City Seal. For example, if an artist's limited print, include the number of prints.

e) A statement describing the duration of the requested approval to use the City Seal. For example, for printing on a charity calendar for the year 2021.

f) A narrative statement describing how the requested use of the City Seal furthers the City of St. Augustine's Vision Plan. Specifically, identify how the requested use of the City Seal will further the goals of Livability, Authenticity, Vitality, and Character of St. Augustine as a distinctive community.

g) Identify if the requested use of the City Seal is in conjunction with a City sponsored event or other government sponsored event. If the use of the City Seal is intended for a private event, please describe the public benefit of the event, if any.

Section 3 - Completeness Review. Each application will be reviewed by the City Manager or designee for compliance with the required information. If the application is found to be complete, it will be placed on the next reasonably available City Commission regular agenda.

Section 4 - Criteria and Conditions. The City Commission will review and determine whether the complete application furthers the City's public purpose and the goals of the City's Vision Plan. The Commission may deny the use, may approve the use as requested, or may modify the use as it deems appropriate. The Commission may also place conditions on the use of the City Seal. Any violation of the terms of approval will be deemed an unauthorized use of the City Seal and punishable by law. Any request to renew a prior approval will be subject to the same review as provided herein, and no prior approval should be deemed a pre-approval of the renewal application.

Section 5 - Effective Date. This Resolution shall become effective upon passage.

ADOPTED in Regular Session of the City Commission of the City of St. Augustine, Florida, this 27th day of July, 2020.

T. W. Upchurch

Tracy Upchurch, Mayor-Commissioner

ATTEST

Darlene Galambos

Darlene Galambos, City Clerk

(SEAL)

THE CITY OF ST. AUGUSTINE CORPORATION

CITY OF ST. AUGUSTINE

Special City Commission Meeting
Monday, December 5, 2022

The City Commission met in formal session Monday, December 5, 2022, at 7:30 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Also Present: Cynthia Garris, Commissioner Elect
Jim Springfield, Commissioner Elect
John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Reuben Franklin, Director, Public Works
Cindy Walker, Communications Specialist
Todd Grant, Director, Utilities
Jennifer Michaux, Police Chief
Carlos Aviles, Fire Chief
Colleen Kuhn, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Dr. Hunter Camp of Memorial Presbyterian Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. GENERAL PUBLIC COMMENTS (3 MINUTES PER INDIVIDUAL)

Public comment was opened; however, there was no response.

3. COMMENTS BY CURRENT SITTING COMMISSION

Mayor Upchurch recognized Commissioner Valdes' service to the City.

Vice Mayor Sikes-Kline recognized Mayor Upchurch's service to the City.

4. OATHS OF OFFICE

Cindy Walker, Communications Specialist, introduced the Honorable Judge Alexander Christine to administer the Oaths of Office.

Judge Alexander Christine delivered the Oaths of Office for Mayor Sikes Kline, and Commissioners Garris, and Springfield.

Ms. Walker noted the swearing-in ceremony had concluded.

5. ELECTION OF VICE MAYOR

Mayor Sikes-Kline opened the floor to nominations for the position of Vice Mayor.

MOTION

Commissioner Blonder MOVED to nominate Commissioner Horvath as

Vice-Mayor. The motion was SECONDED by Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

6. COMMISSION POLICIES AND PROCEDURES

6.A. ***Resolution 2022-40*****: Discussion and adoption provides for the operating policies, reorganization rules and procedures of the City of St. Augustine City Commission.** ***(I. Lopez, City Attorney)***

Commissioner Blonder asked if the Health and Safety page of the Resolution should be changed to eliminate the sanitation process.

Isabelle Lopez, City Attorney stated that the Resolution allowed for modification of the rules by the City Manager.

MOTION

Commissioner Blonder MOVED to pass Resolution 2022-40. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

7. CLOSING COMMENTS BY CITY COMMISSIONERS

All Commissioners made closing comments.

8. CLOSING COMMENTS BY MAYOR

Mayor Sikes-Kline made closing comments.

8.A. Poetry reading by Poet Laureate Norma Sherry

Norma Sherry, Poet Laureat shared a poem with the Commission.

9. Adjournment

There being no further business, the meeting was adjourned at 8:10 P.M.[1]

_____
Nancy Sikes-Kline, MAYOR

_____
Darlene Galambos, CITY CLERK

[1] Transcribed by Colleen Kuhn

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: December 15, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 70 HYPOLITA STREET**

Enclosed is a Satisfaction and Release of Mortgage for 70 Hypolita Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and L. John Arbizzani for 46 Avenida Menendez, Inc. The mortgage was recorded in the Public Records of St. Johns County on October 7, 2014. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the January 9, 2023 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Danyelle Alston

Danyelle S. Alston
Assistant City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **L. JOHN ARBIZZANI for 46 AVENIDA MENENDEZ, INC.**, whose address is 44 Avenida Menendez, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated September 30, 2014, recorded at Official Records Book 3939, Page 1607, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein, also known as 70 Hypolita Street, St. Augustine, Florida 32084.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 3939, Page 1607, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

_____
Darlene Galambos, City Clerk
(S E A L)

By:_____
Nancy Sikes-Kline, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 9, BLOCK 17, CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY DATED JUNE 1, 1905, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, ST. JOHNS COUNTY, FLORIDA, EXCEPTING THEREFROM THE EAST PART OF SAID LOT 9 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9, ON THE NORTH LINE OF HYPOLITA STREET, THENCE NORTH 7 DEGREES 52 MINUTES WEST, ON THE EAST LINE OF LOT 9, A DISTANCE OF 43.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 81 DEGREES 35 MINUTES 15 SECONDS WEST, ON THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 42.20 FEET; THENCE SOUTH 8 DEGREES 02 MINUTES 09 SECONDS EAST, 6 INCHES WEST OF AND PARALLEL WITH THE WEST LINE OF A CONCRETE BLOCK WALL, 20.85 FEET; THENCE NORTH 84 DEGREES 12 MINUTES 13 SECONDS EAST, 6 INCHES SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF A CONCRETE BLOCK WALL, 2.85 FEET; THENCE SOUTH 7 DEGREES 43 MINUTES EAST, 8 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF BUILDING AT NO. 66 HYPOLITA, 21.80 FEET; THENCE NORTH 83 DEGREES 00 MINUTES EAST, ON THE NORTH LINE OF HYPOLITA STREET 39.35 FEET TO THE POINT OF THE BEGINNING.

AND

THE SOUTH 25 FEET OF THE FOLLOWING DESCRIBED PROPERTY: IN THE CITY OF ST. AUGUSTINE, THAT LOT ON EAST SIDE OF CORDOVA STREET, BEGINNING AT A POINT 46 FEET NORTHERLY, FROM CORNER OF HYPOLITA AND CORDOVA STREETS, THENCE RUNNING NORTHERLY LONG CORDOVA STREET 50 FEET MORE OR LESS TO LOT VIRGINIA COLEE, THENCE EASTERLY ON SOUTH LINE OF SAID COLEE'S LOT 100 FEET, THENCE SOUTHERLY 50 FEET, THENCE WESTERLY 100 FEET TO CORDOVA STREET AT POINT OF BEGINNING.

PARCEL ID NUMBER(S): 198095-0000 and 198080-0000

LOCATION ADDRESS: 70 HYPOLITA STREET, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2014058922
BK: 3939 PG: 1607
10/7/2014 12:51 PM
Recording $52.50
Doc M: $61.60
Int. Tax $35.02

UNIT CONNECTION FEE
MORTGAGE

THIS MORTGAGE, by and between **L John Arbizzani**, for 46 Avenida Menendez, Inc., whose address is 44 Avenida Menendez, St. Augustine, FL (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA,** a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Department, St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as September be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity September be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee September foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $170.36 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal this ~~xx~~30th day of September, 2014.

Signed, sealed and delivered
in the presence of:

Barbara J Muench
Witness

Printed Name: BARBARA J. MUENCH

Witness
Printed Name: John Augustus

BY: L John Arbizzani
(Printed Name) L John Arbizzani
for 46 Avenida Menendez, Inc.
(Address) 44 Avenida Menendez
(Telephone) 904- 829-5578

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **L John Arbizzani**, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this ~~xx~~30th day of September, 2014.

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

Barbara J. Muench

Notary Public, State of Florida

LEGAL DESCRIPTION

Lot 9, Block 17, City of St. Augustine, according to the Official Map of said city dated June 1, 1905, on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, EXCEPTING THEREFROM the East part of said Lot 9 described as follows:

Beginning at the Southeast corner of Lot 9, on the North line of Hypolita Street, thence North 7 Degrees 52 minutes West, on the East line of Lot 9, a distance of 43.75 feet to the Northeast corner of said Lot 9; thence South 81 degrees 35 minutes 15 seconds West, on the North line of said Lot 9, a distance of 42.20 feet; thence South 8 degrees 02 minutes 09 seconds East, 6 inches West of and Parallel with the West line of a concrete block wall, 20.85 feet; thence North 84 degrees 12 minutes 13 seconds East, 6 inches South of and parallel with the South line of a concrete block wall, 2.85 feet; thence South 7 degrees 43 minutes East, 8 feet West of and parallel with the West line of building at No. 66 Hypolita, 21.80 feet; thence North 83 degrees 00 minutes East, on the North line of Hypolita Street 39.35 feet to the Point of the Beginning.

Parcel ID #: 198095-0000

The South 25 feet of the following described property: In the City of St. Augustine, that lot on East side of Cordova Street, beginning at a point 46 feet Northerly, from corner of Hypolita and Cordova Streets, thence running Northerly long Cordova Street 50 feet more or less to lot Virginia Colee, thence Easterly on South line of said Colee's lot 100 feet, thence Southerly 50 feet, thence Westerly 100 feet to Cordova Street at Point of Beginning.

Parcil ID #: 198080-0000

Exhibit "A"

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **L. John Arbizzani**
ADDRESS: **for 46 Avenida Menendez, Inc.**
44 Avenida Menendez
St. Augustine, FL 32084

$17,508.50 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **70 Hypolita Street,** Scarlett O'Hara's, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof September from time to time require, the principal sum of **17508.50 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.16 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **170.36 Dollars** each, commencing on the date hereof and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof September prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **Dated as of: September ~~xx~~ 30, 2014,** in the presence of:

Barbara J. Muench
Witness

Printed Name: BARBARA J. MUENCH

Witness
Printed Name: John Augustus

BY: L John Arbizzani

(Printed Name) L John Arbizzani
for 46 Avenida Menendez, Inc.
(Address) 44 Avenida Menendez
(Telephone) 904- 829-5578

STATE OF FLORIDA

COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **L John Arbizzani**, who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this ~~xx~~ 30th day of September, 2014.

Barbara J. Muench
Notary Public, State of Florida

Notary Public State of Florida
Barbara J Muench
My Commission EE078260
Expires 06/05/2015

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: December 21, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 119 ST. GEORGE STREET**

Enclosed is a Satisfaction and Release of Mortgage for 119 St. George Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine, William T. Baker, and Mary E. Baker. The mortgage was recorded in the Public Records of St. Johns County on December 15, 2016. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the January 9, 2023 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

Danyelle Alston

Danyelle S. Alston
Assistant City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085

SATISFACTION AND
RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **WILLIAM T. BAKER and MARY E. BAKER**, whose address is 36 Treasury Street, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "Mortgagors"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated October 31, 2016, recorded at Official Records Book 4301, Page 1443, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein, also known as 119 St. George Street, St. Augustine, Florida 32084.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4301, Page 1443, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2023.

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

ATTEST:

_____
Darlene Galambos, City Clerk
(S E A L)

By:_____
Nancy Sikes-Kline, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of [_] physical presence or [_] online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

_____

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: CITY OF ST AUG LOTS 4 & N25FT OF GENOVAR REPLAT OF W160FT OF LOT 5 BLK 9 (LOT C) OR 786/624 & 2240/929

PARCEL ID NUMBER: 196920-0000

LOCATION ADDRESS: 119 ST. GEORGE STREET, ST. AUGUSTINE, FLORIDA 32084

Instr #2016082052 BK: 4301 PG: 1443, Filed & Recorded: 12/15/2016 8:44 AM #Pgs:7
Hunter S. Conrad,Clerk of the Circuit Court St. Johns County FL Recording $61.00 Doc M: $528.50 Int. Tax $301.81

UNIT CONNECTION FEE
MORTGAGE

THIS MORTGAGE, by and between **William T Baker and Mary E Baker**, whose address is 36 Treasury Street (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

COPY

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

BK: 4301 PG: 1444

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of $2095.62 for 60 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 31st day of October, 2016.

Signed, sealed and delivered in the presence of:

COPY

Witness
Printed Name: Andrew Olson

Witness
Printed Name: Joy P Gossett

BY: William T Baker Jr

(Printed Name) William T Baker
(Address) 36 Treasury Street
(Telephone) 904-829-2357

Witness
Printed Name: Andrew Olson

Witness
Printed Name: Joy P Gossett

BY: Mary E Baker

(Printed Name) Mary E Baker
(Address) 36 Treasury Street
(Telephone) 904-829-2357

*** * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * ***

BK: 4301 PG: 1445

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **William T Baker,** who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 31st day of October, 2016.

Joy P Gossett

Notary Public, State of Florida

JOY P GOSSETT
Notary Public - State of Flor
My Comm. Expires Jul 15, 2018
Commission # FF 142198

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Mary E Baker,** who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

COPY

Witness my hand and official seal, this 31st day of October, 2016.

Joy P Gossett

Notary Public, State of Florida

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BK: 4301 PG: 1446

LEGAL DESCRIPTION

CITY OF ST AUG LOTS 4 & N25FT OF GENOVAR REPLAT OF W160FT OF LOT 5 BLK 9 (LOT C) OR 786/624 & 2240/929

COPY

Exhibit "A"

BK: 4301 PG: 1447

UNIT CONNECTION FEE
PROMISSORY NOTE

APPLICANT(S) NAME: **William T Baker and Mary E Baker**
ADDRESS: **36 Treasury Street**
St. Augustine, FL 32084

$150,905.10 St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **119 St. George Street**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof May from time to time require, the principal sum of **150,905.10 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **4.22percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **2095.62 Dollars** each, commencing on the date hereof and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

COPY

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

BK: 4301 PG: 1448

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of October 31, 2016,** in the presence of:

Witness
Printed Name: Andrew Olson

BY: William T Baker Jr.
(Printed Name) William T Baker.
(Address) 36 Treasury Street
(Telephone) 904-829-2357

Witness
Printed Name: Joy P Gossett

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **William T Baker,** who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 31st of October, 2016.

COPY

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JOY P GOSSETT
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Commission # FF 142186

BK: 4301 PG: 1449

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of October 31, 2016,** in the presence of:

Witness
Printed Name: Andrew Olson

BY: Mary E Baker
(Printed Name) Mary E Baker
(Address) 36 Treasury Street
(Telephone) 904-829-2357

Witness
Printed Name: Joy P Gossett

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Mary E Baker,** who is personally known to me or who has produced _____ as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 31st of October, 2016.

COPY

Notary Public, State of Florida

JOY P GOSSETT
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Commission # FF 142196

City of St. Augustine

La Lealisíma y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, Arbor Day *began in 1872 with the planting of more than one million trees in Nebraska, and is observed in St. Augustine as well as the rest of the state of Florida each year on the third Friday in January, and*

WHEREAS, *the planting and nurturing of trees cuts heating and cooling costs, moderates temperatures, cleans the air, produces oxygen, reduces erosion and provides habitat for wildlife, and*

WHEREAS, *trees are renewable resources as well as providing paper, wood for our homes, fuel for our fires and countless other products, and*

WHEREAS, *trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and,*

WHEREAS, *St. Augustine has been recognized as a Tree City USA by the National Arbor Day Foundation for forty years, and is committed to continuing its tree planting program, and*

WHEREAS, *trees, wherever they are planted, are a source of joy and spiritual renewal.*

NOW, THEREFORE, *the City Commission of the City of St. Augustine, does hereby proclaim Friday, January 20th, 2023, as* ***ARBOR DAY*** *in the City of St. Augustine, and urges all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and to plant trees to bring joy to the heart and promote the well-being of present and future generations.*

IN WITNESS WHEREOF *I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 20th day of January in the year of our Lord two thousand and twenty-three, in the four hundred and fifty-seventh year of the founding of St. Augustine, the Nation's Oldest City*

_____

Nancy Sikes-Kline, Mayor

2023-02