

AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Tuesday, May 7, 2019 at 2:00 p.m.

**Alcazar Room, City Hall
75 King Street**

-
1. **Roll Call**
 2. **General Public Comments for Items Not on the Agenda**
 3. **Approval of Minutes**
 4. **Conservation Overlay Zone Development**

~~(a) 2018-0167 Ryan Carter – Applicant~~

~~(Continued January 8, 2019 C/o Carter Environmental Services, Inc.~~

~~& March 5, 2019) Fish Island Development, LLC – Owners~~

~~PIN#: [1622100016](#) (Area roughly bounded by
Plantation Island Drive S. projected to the Matanzas
River, Matanzas River, State Road 312, then
Plantation Island Drive S.)~~

~~To approve removal of significant trees (Oaks &
Cedars) for a linear retention pond to serve the
neighboring parcel locate at PIN#: [1622100021](#).~~

Item withdrawn by Applicant

(b) 2019-0026

(Continued April 2, 2019)

Coastal Living Home Builders – Applicant

Solano Avenue Land Trust - Owner

[PIN#:2208800030](#) (Lot immediately north of
[9 Solano Avenue](#))

To approve removal of more than fifty (50) percent
of the tree canopy, including three (3) preserved
(significant) trees (Cedars) within Conservation
Overlay Zone 3.

(c) 2019-0040

Daniel C. Meissner – Applicant

Daniel & Gail Meissner – Owners

[PIN#:1590800000](#) & **Lew Boulevard Right-of-
Way** (Lot located at the SW corner of Lew
Boulevard and Flamingo Drive)

To approve removal of more than fifty (50) percent of the tree canopy, including one (1) significant tree (Cedar) within Conservation Overlay Zone 3.

5. Variance

(a) 2019-0037

Peachtree Development of Atlanta LLC – Applicant & Owner

9 Rohde Avenue

To approve a variance to decrease the minimum side yard building setback for a proposed single family home addition.

6. Use by Exception

(a) 2019-0039

Columbia Care Florida - Applicant
J & BFLP Ltd. – Owner

160 King Street

To waive the one (1) year waiting period to reapply for a use by exception; to approve a use by exception allowing a 3,500 square foot medical marijuana dispensary.

(b) 2019-0038

McCrorry's Sunny Hill Nursery LLC- Applicant
R & B Property V LLC – Owner

105 S. Ponce De Leon Boulevard

To approve a use by exception allowing a 5,400 square foot medical marijuana dispensary.

7. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person 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 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 7, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2019-0026**

AGENDA ITEM 4(b)

APPLICANT Coastal Living Home Builders

OWNER Solano Avenue Land Trust

LOCATION PIN#:2208800030 (Lot immediately north of
9 Solano Avenue)

REQUEST To approve removal of one (1) significant tree (Cedar)
within Conservation Overlay Zone 3.

-

PLANS DATED April 18, 2019

LAND USE Residential Low Density

ZONING Residential Single Family-one (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
 - (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
 - (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

At the April meeting the Board continued this item in order to allow modification to the tree removal plan to preserve trees, particularly within the right-of-way. The applicant has preserved a tree within the right-of-way and another along the north side and is only seeking removal of one (1) 24" Cedar. This revised tree removal plan and City arboriculture report completed by the applicant's arborist has been included in the packet. This indicates the applicant is removing this tree due to their location within the building footprint. The applicant has also preserved five (8) additional Cedars on-site. See credit/debit chart below:

Diameter	Species	Credit	Debit
24"	Cedar		3
24"	Cedar	8	
16"	Cedar	0	
24"	Cedar	8	
26"	Cedar	8	
12"	Cedar	6.5	
11"	Cedar	5	
20"	Cedar	8	
	Total	43.5	3

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate by planting new trees.

However, staff is concerned the applicant is placing a concrete driveway which would impact the preserved trees root systems. This is an impervious surface which would not allow the root system to absorb nutrients once it grows back into the area. Staff would recommend a condition to limit driveway construction to only permeable driveway pavers versus concrete.

1. Conservation Overlay Zone 3 Development to remove more than fifty (50) percent of the tree canopy, including three (3) preserved trees (Cedars) within Conserv. Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
According to the Arborist report, the tree is in poor overall condition with damage related to decay and reduction to live canopy. However placement of the home will necessitate removal of the trees because they fall within the footprint or would be greatly impacted by the home.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
The removals appear to be necessary to construct a home. Movement of the home or may cause additional tree removal.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
Since the site will be developed issues related to erosion will be lessened, soil moisture retention could be enhanced if irrigation is provided and it shows watering locations, increased surface water will result from the development however preservation or any additional vegetation should help. The site will also be required to adhere to City Codes regarding development.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
The neighborhood does have a mature tree canopy and removal of trees would thin this canopy. However this appears to be necessary to build a home and remove a tree in poor health. Since there are additional trees being preserved onsite this should continue the vegetation and not substantially affect property values.
- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Only one (1) tree being removed is a protected tree; the applicant is preserving more than removing.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must retain surface water.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
Ecological impacts. – *The removal of the tree will non-substantially affect ecology.*
Noise pollution. – *The removal of the tree should not increase noise pollution.*
Air movement. – *This project should not substantially affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The effect of tree removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
This could be difficult because of the size of the home and other trees on the property. Any movement of these items could trigger removal of additional trees. However plans could be revised to make the concrete driveway into permeable pavers to assist in the survival of preserved trees on the site.

The number of debits for tree removal is – **3 debits.**

The number of credits for tree preservation is + **Zero (0) credits.**

The number of credits for tree plantings (incl. relocation) is + **43.5 credits**

The number of remaining credits after calculating tree preservation and plantings: **+40.5 credits.**

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of one (1) significant tree (Cedar) within Conservation Overlay Zone 3. with the following conditions:

1. Permeable driveway pavers, grass pavers, or gravel to be used on the driveway construction and type/method shown on future building plans.

SUPPLIMENTS

Attachment 1 – Application & Narrative

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Arborist Report

Attachment 4 - Tree Removal and Replanting Plan

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1
Application



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

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APR 22 2019

Planning/Building Dept.

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Solano Ave Land Trust
Coastal Living Home Builders Contact Number: 904-314-6800
Business (if applicable): _____

Address: P.O. Box 1206 City: Ponte Vedra State: FL Zip: 32004

2. NAME OF PROPERTY OWNER: Solano Ave Land Trust
Coastal Living Home Builders Contact Number: 904-314-6800
Business (if applicable): _____

Address: P.O. Box 1206 City: Ponte Vedra State: FL Zip: 32004

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 3 Block: 49
Subdivision: Davis Shores Parcel Number: 220800030

4. PROJECT STREET ADDRESS: 5 Solano Ave

5. SPECIFIC PROPOSED USE: _____

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning

☒ Other: Cedar Tree Removal Permit

7. DESCRIPTION OF ACTION REQUESTED: Remove 1 Cedar Tree
obstructing in-side Foundation of Home

8. JUSTIFICATION FOR ACTION REQUESTED: Builder has moved Home location
on lot 3 & lot 2 to maximize space to
cedar tree #2 and has withdrawn request
to remove cedar tree #2 & #3. Builder agrees
to pay Concast \$990.19 to relocate Pole
and thus withdraws request to remove cedar
tree #3. Cedar tree #1 is only tree
request to remove. Updated Arborist report
notes poor health condition of this tree. See Attch 6

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9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: _____
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: _____
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: _____
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: _____
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

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.

1st month's meeting Agreed to carry over to this next meeting

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."

Signature of Applicant

Date

4/22/19

Signature of Property Owner

Date

4/22/19



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**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

PAUL HOFFMAN

Print name of applicant

Signature of applicant

4/22/19

Date



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[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
COASTAL LIVING HOME BUILDERS, LLC

Filing Information

Document Number	L10000083891
FEI/EIN Number	27-3228991
Date Filed	08/10/2010
Effective Date	08/06/2010
State	FL
Status	ACTIVE
Last Event	LC DISSOCIATION MEM
Event Date Filed	12/26/2017
Event Effective Date	NONE

Principal Address

4527 Middleton Park Circle, West
JACKSONVILLE, FL 32224

Changed: 03/27/2014

Mailing Address

PO BOX 1206
PONTE VEDRA BEACH, FL 32004

Changed: 12/06/2011

Registered Agent Name & Address

Hoffman, Mark
4527 Middleton Park Circle, West
JACKSONVILLE, FL 32224

Name Changed: 04/24/2017

Address Changed: 03/27/2014

Authorized Person(s) Detail

Name & Address

Title MGR

HOFFMAN, PAUL
PO BOX 1206

PONTE VEDRA BEACH, FL 32004

Annual Reports

Report Year	Filed Date
2016	03/25/2016
2017	04/24/2017
2018	03/09/2018

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Document Images

03/09/2018 -- ANNUAL REPORT	View image in PDF format
12/26/2017 -- CORLCDSMEM	View image in PDF format
04/24/2017 -- ANNUAL REPORT	View image in PDF format
03/25/2016 -- ANNUAL REPORT	View image in PDF format
02/24/2015 -- ANNUAL REPORT	View image in PDF format
10/27/2014 -- LC Amendment and Name Change	View image in PDF format
03/27/2014 -- ANNUAL REPORT	View image in PDF format
05/20/2013 -- ANNUAL REPORT	View image in PDF format
04/10/2012 -- ANNUAL REPORT	View image in PDF format
03/15/2011 -- ANNUAL REPORT	View image in PDF format
08/10/2010 -- Florida Limited Liability	View image in PDF format

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LAND TRUST AGREEMENT

Planning/Building Dept.

Purpose of Agreement

This Trust Agreement, dated August 6th, 2018 and known as the “**Solano Ave Land Trust**,” is to certify that **Coastal Living Home Builders, LLC**, as Trustee (a “Trustee”), is about to take title to that certain real properties (the “Property”) as described 1, 3 & 5 Solano Ave, St. Johns County, Florida.

When the Trustee has taken the title to this or any other property conveyed to it as Trustee, the Trustee will hold it and the proceeds, profits, and avails, if any, that may come into the Trustee’s possession by direction of the Beneficiaries (as defined below) or by the specific terms, in trust, for the ultimate use and benefit of the Beneficiaries and its assigns.

Beneficiaries

Omitted for animinty purposes

Interests of Beneficiaries as Personality

The interests of any Beneficiary under the this trust agreement shall consist solely of a power of direction to deal with title to the trust property, and the right to receive or direct the disposition of the proceeds from the rentals and from the mortgages, sales, or other disposition of the trust property. The foregoing rights shall be deemed to be personal property. The Beneficiaries have no interest in or to any proportion of the trust property, it being the intention of this instrument to vest the full legal and equitable title to the premises in the Trustee.

Reimbursement and Indemnification of Trustee

In case and whenever the Trustee shall make any advance of money on account of this trust or shall be made a party to any litigation on account of holding title to the trust property or in connection with this trust, or in case the Trustee shall be compelled to pay any sum of money on account of this trust or any property included, whether on account of breach of contract, injury to personal property, fines, or penalties under any law or otherwise, the Beneficiaries will, on demand, pay to the Trustee, all disbursements, advances, or payments made by the Trustee, together with the Trustee’s expenses, including reasonable attorneys’ fees. The Trustee shall be under no duty to convey or otherwise deal with the trust property at any time held until all of the disbursements, payments, advances, and expenses made or incurred by the Trustee have been fully paid, together with interest. The Trustee shall not be required to advance or to pay out any money on account of this trust or to commence or defend any legal proceedings involving this trust or any trust property or interest unless the Trustee shall be furnished with sufficient funds or be satisfactorily indemnified.

Resignation and Replacement of Trustee

The Trustee may resign at any time by sending a notice of its intention to do so by registered mail to the Beneficiaries at their address last known to the Trustee. In the event of the

Trustee's resignation, a successor or successors may be appointed by the Beneficiaries holding a majority of the beneficial interests of this trust pursuant to an instrument in writing lodged with the resigning Trustee, having endorsed the acceptance of the successor trustee. The resigning Trustee shall convey the trust property to the successor or successors in trust.

(b) Every successor trustee or trustees appointed shall become fully vested with all the estate, properties, rights, powers, trusts, duties, and obligations of its predecessor.

(c) In the event of the death of one of the Trustees, the surviving spouse of the deceased Trustee shall automatically, without further act, become a Trustee under this trust.

Powers and Duties of Trustee

The Trustee will deal with the Property only when authorized to do so in writing, and it will, on the written direction of the Beneficiaries holding a majority of the beneficial interests of this trust, such as, but not limited to, executing contracts or deeds for the sale of, mortgaging, encumbering, or otherwise dealing with the Property.

Compensation of Trustee

The Trustee shall be entitled to reimbursement of its expenses reasonably incurred. The Trustee shall have no obligation to advance any sums on behalf of the trust but may do so in its discretion. The grantors and any persons accepting an assignment of the interest of any Beneficiary agree to pay the fees and to reimburse the Trustee for the expenses and advances on demand. Notwithstanding any other provision of this Agreement, the Trustee shall be under no obligation to make any deed, mortgage, lease, or conveyance of the real estate, or to enter into any contractual obligation with respect to the real estate, until its fees are paid and its expenses reimbursed, or until the fees and expenses are secured to its satisfaction.

Binding Effect on Successors

The terms and conditions of this Agreement shall inure to the benefit of and be binding on any Successor trustee and on all successors in interest of the Beneficiaries.

The Agreement shall be construed and regulated and its validity and effect shall be determined by the laws of Florida as such laws may from time to time exist.

Valid Notice Requirements

Any notice in writing required or permitted to be given to the grantors or the Beneficiaries by the Trustee will be deemed to have been sufficiently given if personally delivered or mailed in an envelope addressed to the person at the address the person may specify by written notice to the Trustee. Any notice in writing required or permitted to be given to the Trustee will be sufficiently given if delivered to the Trustee at its principal office or at another address as the Trustee may specify.

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Amendment, Modification, Termination of Agreement, Counterparts

This Agreement contains the entire understanding between the parties, and may be amended, revoked, or terminated only by a written agreement signed by the Trustee and the Beneficiaries or their designees.

This Agreement may be executed in a number of identical counterparts (including facsimile counterparts), each of which for all purposes is deemed an original, and all of which constitute collectively one (1) agreement, but in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

Non-liability of Trustee

All obligations incurred by the Trustee shall be the obligations of the trust only, and shall not under any circumstances be the individual obligations of the Trustee. The Beneficiary shall not have any authority to contract for or in the name of the Trustee, or to bind the Trustee, unless its consent is first obtained in writing.

IN WITNESS WHEREOF, the undersigned have caused this Trust Agreement to be executed on their behalf on the day, month, and year first above written.

BENEFICIARIES:

Omitted for animinty purposes

Attachment 2

Property Appraiser Information & Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

Summary

Parcel ID 2208800030
 Location Address SOLANO AVE
 SAINT AUGUSTINE 32080-0000
 Neighborhood Davis Shores South (590)
 Tax Description* 3-101 DAVIS SHORES LOT 3 BLK 49 OR4616/1258
 *The Description above is not to be used on legal documents.
 Property Use Code Vacant Residential (0000)
 Subdivision Davis Shores Ocean View Section
 Sec/Twp/Rng 20-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.2171
 Acreage 0.140
 Homestead N

View Map

Owner

Owner Name Solano Ave Land Trust 100%
 Coastal Living Home Builders LLC Trustee C%
 Mailing Address PO BOX 1206
 PONTE VEDRA, FL 32004-0000

Valuation

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$85,500
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$85,500
Total Deferred	\$0
Assessed Value	\$85,500
Total Exemptions	\$0
Taxable Value	\$85,500

Values listed are from our working tax roll and are subject to change.

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	50	110	50	EF	\$85,500

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/25/2018	9/25/2018	\$385,000.00	WD	4616	1258	Q	V	NELSON JOHN W	SOLANO AVE LAND TRUST
7/14/2015	7/10/2015	\$475,000.00	WD	4056	1534	Q	I	STEWART LUTHER C III	NELSON JOHN W
2/5/2014	2/4/2014	\$0.00	OI	3843	716	U	I	US BANK NA TRUSTEE FOR CERT HOLDERS OF BANC OF AMERICA FUNDING CORP 2008-FT1 TRUST	STEWART LUTHER C III
8/23/2012	8/16/2012	\$0.00	LP	3605	229	U	I	US BANK NA TRUSTEE FOR CERT HOLDERS BANC OF AMERICA FUNDING CORP 2008-FT1 TRUST	STEWART LUTHER C III
6/5/2012	5/31/2012	\$0.00	QC	3570	348	U	I	STEWART ERICA L	STEWART LUTHER C III
	4/3/2002	\$20,000.00	QC	1741	523	U	I	STEWART LUTHER C III	STEWART LUTHER C III & ERICA L
	12/17/1999	\$170,000.00	WD	1462	906	Q	I	WARD GAIL S	STEWART LUTHER C III & ERICA L
	12/14/1999	\$0.00	OI	1462	905	U	I	WARD GAIL S & ROBERT E JR(DECED 9/12/94)	WARD GAIL S (AFFIDAVIT OF DEATH)

Area Sales Report

[Recent Sales in Area](#)

Clerk of Court

[Clerk of Court](#)

Tax Collector[My Tax Bill](#)**Tax Estimator**[Tax Estimator](#)**Map**

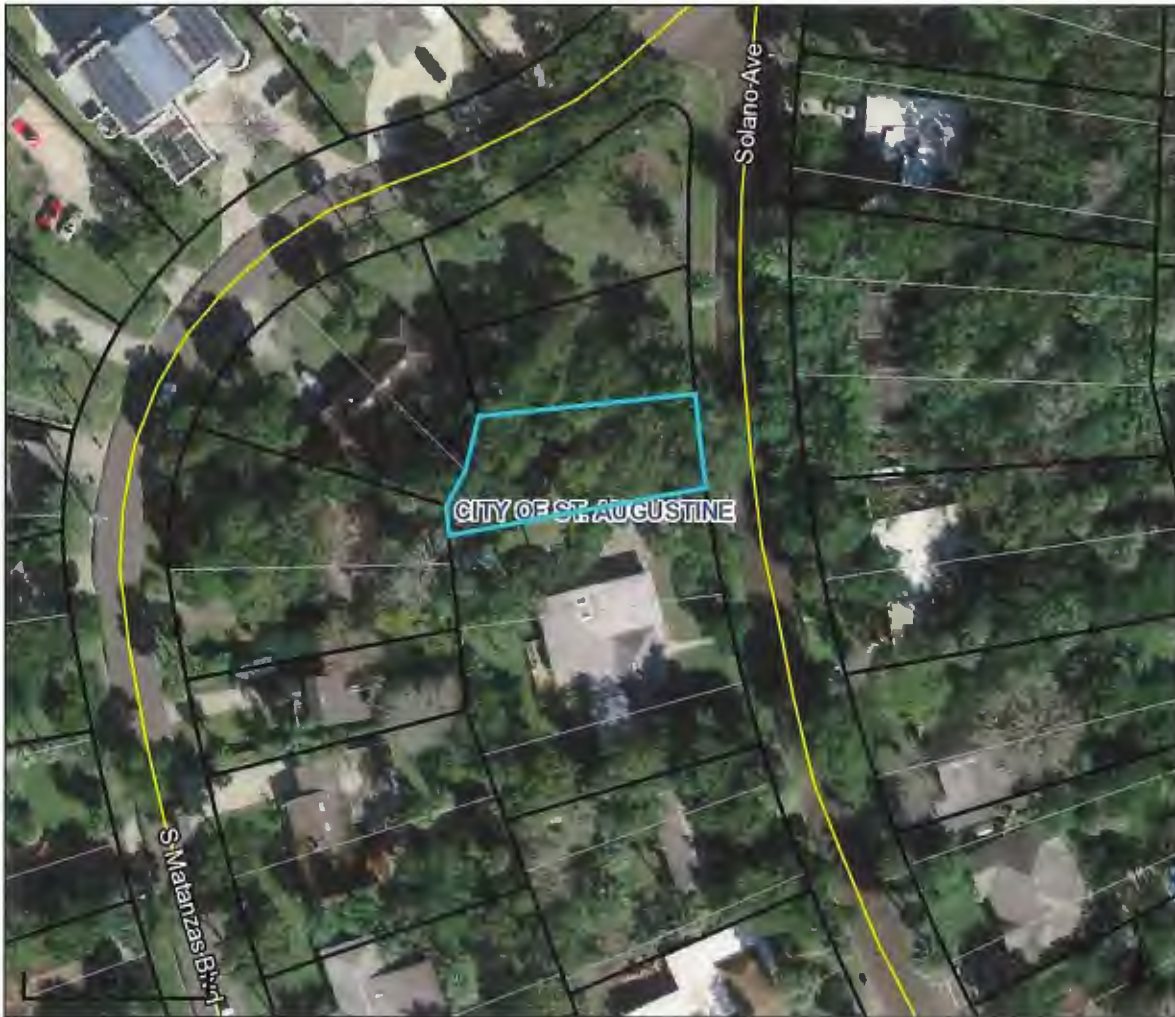
No data available for the following modules: 2018 TRIM Notice, 2017 TRIM Notice, Historical Assessments, Exemptions, Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

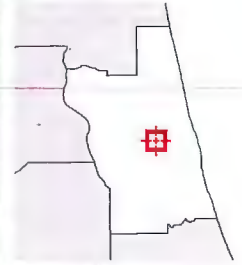
Last Data Upload: 3/5/2019, 11:40:57 PM

Version 2.2.3





Overview



Legend

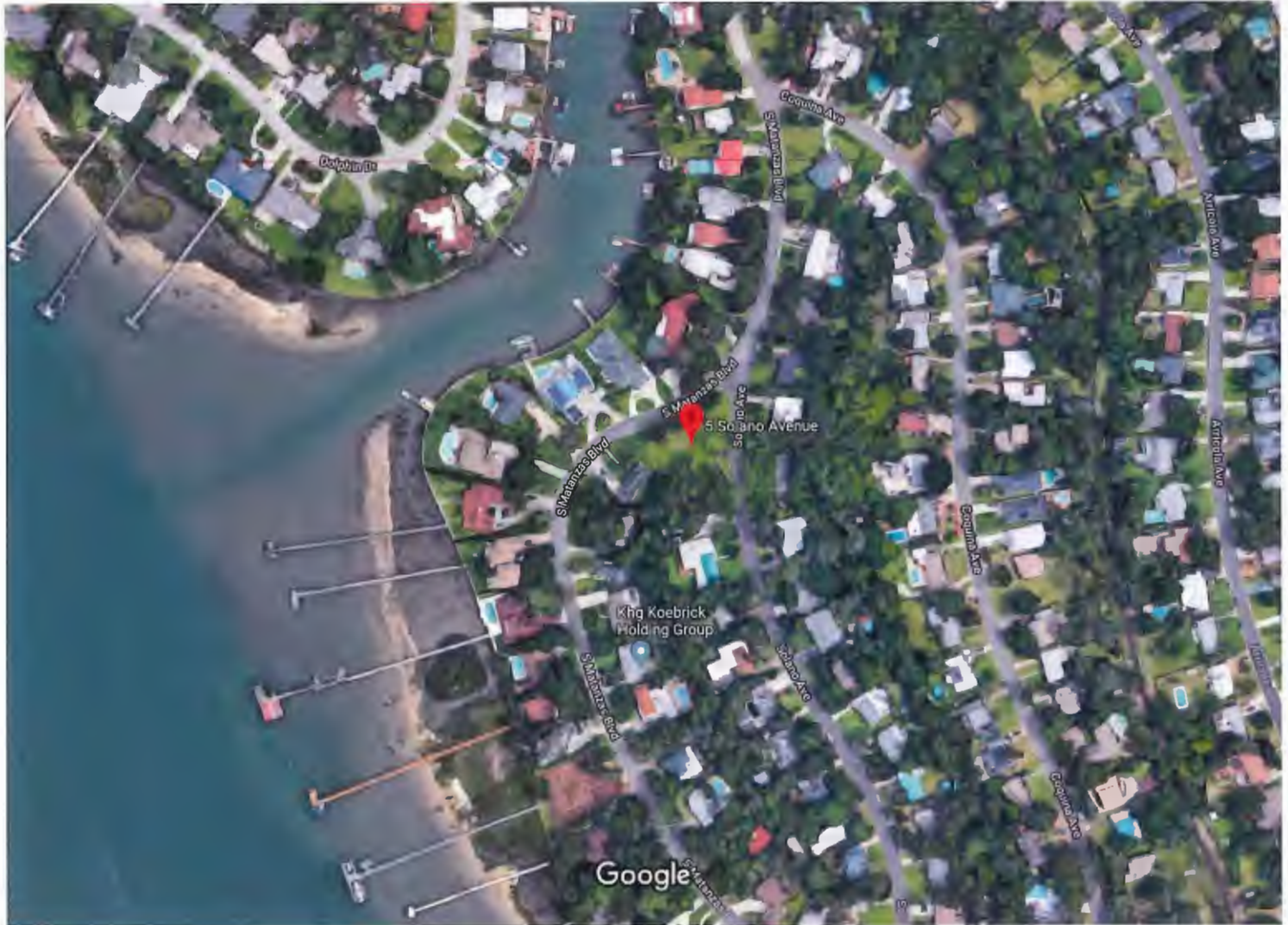
- Parcels
- Cities

Parcel ID	2208800030	Physical Address	SOLANO AVE	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	SOLANO AVE LAND TRUST	Total Land Value	\$85,500	9/25/2018	\$385000	05	Q
Acres	0.14		PO BOX 1206	Just Value	\$85,500	7/10/2015	\$475000	03	Q
			PONTE VEDRA FL 32004-0000	Total Deferred Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	\$85,500				

Date created: 3/6/2019
Last Data Uploaded: 3/5/2019 11:40:57 PM

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Google Maps 5 Solano Ave



Imagery ©2019 Google, Map data ©2019 Google

100 ft

**5 Solano Ave**

St. Augustine, FL 32080

Photos

Attachment 3
Arborist Report

RECEIVED

APR 22 2019

Planning/Building Dept.

City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant trees as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT Ray Taylor
 ISA Certification # FL9252A
 Business (if applicable) Trues Inc.
 Address 1216 South Prairie Lakes Dr.
 City St. Augustine State FL Zip Code 32084
 Daytime Telephone (904) 810-1033 Other Phone (904) 501-4039
 Email Address Ray@TruesFL.com

PROPERTY INFORMATION

STREET ADDRESS _____
 Legal Description: Lot _____ Block _____ Subdivision _____
 Parcel _____

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.
Remove three 1. cedar trees. These trees either fall inside
footprint of home or driveway.

TREE INVENTORY(attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
14	Cedar trees	Fair	Removal
24	Cedar trees	Fair	Removal
24	Cedar trees	Poor	Removal

TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.
Trees are inside footprint of house are not in their
greatest of health. Decay from old pruning cuts prominent. Vertical
decay through trees. Targets are cars, pedestrians, personal property

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)

Continue onto next sheet if applying for Significant Tree Removal and Building Permit

3/4/2019

5 Solano Ave - Google Maps

Google Maps 5 Solano Ave



Imagery ©2019 Google, Map data ©2019 Google 20 ft

Request to remove

Request to remove on revised application withdrawn

<https://www.google.com/maps/place/5+Solano+Ave,+St.+Augustine,+FL+32080/@29.8873582,-81.2982443,81m/data=!3m1!1s0x8e4279da383615f0x8e42722751a9c58m23d29.88...>

1/1

RECEIVED
APR 22 2019
Planning/Building Dept.



TREECO

LEADERS IN THE INDUSTREE

UPDated ARborist Report
Cedar Tree #1

4-16-19

5 Solano Ave
Lot 3
St. Augustine, FL 32080

RECEIVED

APR 22 2019

Planning/Building Dept.

To Whom it May Concern,

This letter is in regards to the Cedar tree located at the above property. Upon my inspection, it is apparent to me that the Cedar has excessive decay and is beginning to show signs of drastic decline such as reduced crown density, loss of bark and deadwood is present.

It is my professional opinion that this tree be removed prior to any structures being constructed on this property.

Please contact me with any questions or concerns.

Ray Taylor
ISA Certified Arborist
Tree Risk Assessment Qualified
FL-9252A

TREECO

4720 Salisbury Rd. Jacksonville, FL 32256 | 12655 Prairie Lakes Dr. St. Augustine, FL 32084

Phone: 904-810-7037 • TreeCoFL.com

RECEIVED**APR 22 2019**

Planning/Building Dept.

**Heart Nexus**

9822 Tapestry Park Cir. #208-9, Jacksonville, FL 32246 | 364 Potteson Dr. #529, Morgantown, WV 26505
Phone: 844-324-7323 • HeartNexus.com

RECEIVED**APR 22 2019**

Planning/Building Dept.

**Heart Nexus**

9822 Tapestry Park Cir. #208-9, Jacksonville, FL 32246 | 364 Patteson Dr. #529, Morgantown, WV 26505
Phone: 844-324-7323 • HeartNexus.com

Attachment 4
Tree Removal Plan

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 7, 2019

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2019-0040**

AGENDA ITEM 4(c)

APPLICANT Daniel C. Meissner

OWNER Daniel & Gail Meissner

LOCATION PIN#:1590800000 & Lew Boulevard Right-of-Way (Lot located at the SW corner of Lew Boulevard and Flamingo Drive).

REQUEST To approve removal of more than fifty (50) percent of the tree canopy, including one (1) preserved tree (Cedar) within Conservation Overlay Zone 3.

PLANS DATED April 9, 2019

LAND USE Residential Low Density

ZONING Residential Single Family-two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3,

- except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted, located within Conservation Overlay Zone 3 provided that:
- (1) At least twenty-five (25) percent of the tree canopy on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh) are retained; or
 - (2) Fifty (50) percent of the tree canopy on the site is retained.
- (d) Removal of preserved or protected trees shall be approved by the board of adjustments and appeals, or the planning and zoning board if such removal involves site plan review. All preserved or protected trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a preserved tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to approve removal more than fifty (50) percent of the tree canopy which consists of removing thirty-five (35) out seventy-six (76) trees; this also includes one (1) significant tree (Cedar) within Conservation Overlay Zone 3 for a proposed single family home and associated driveways. A tree removal plan indicating removal and preservation of trees along with an arborist report completed by the applicant's arborist has been included in the packet. This indicates the applicant is removing these trees due to their location and close distance within the building footprint and driveway. See credit/debit chart below:

* - Indicates tree in right of way; **Brown** indicates significant trees

Item	Diameter	Name	Credit	Debit
1	17"	Live Oak	4	
2	15"	Laural Oak	4	
3	8"	Live Oak	3	
4	9"	Live Oak	3	
5	24"	Live Oak	5	
6	6"	Laural Oak	2	
7	6"	Laural Oak		0.5
8	8"	Laurel Oak	3	
9	9"	Laural Oak	3	
10	20"	Laural Oak	5	
11	4"	Southern Red Cedar	3	
12	7"	Southern Red Cedar	4	
13	20"	Southern Red Cedar	6	
14	8"	Southern Red Cedar	4	
15-16	12"	Laurel Oak	0*	
17	7"	Laurel Oak	3	
18	18"	Laural Oak	4	
19	15"	Live Oak	4	
20	6"	Live Oak	2	
21	14"	Live Oak	4	
22	9"	Laural Oak	3	
23	8"	Laural Oak	3	
24	8"	Laural Oak	3	
25	6"	Laural Oak	2	
26	10"	Laural Oak	3	
27	4"	Southern Red Cedar	3	
28	8"	Live Oak	3	
29	6"	Live Oak	2	
Item	Diameter	Name	Credit	Debit

Item	Diameter	Name	Credit	Debit
30	10"	Live Oak	0*	
31	10"	Live Oak	3	
32	6"	Live Oak	0*	
33	10"	Live Oak	0*	
34	14"	Live Oak	0*	
35	4"	Southern Red Cedar	0*	
36	11"	Laural Oak	0*	
37	10"	Laural Oak	0*	
38	10"	Live Oak	0*	
39	9"	Live Oak	0*	
40	9"	Live Oak	0*	
41	7"	Laural Oak		1
42	7"	Laural Oak		1
43	12"	Southern Red Cedar	4	
44	8"	Southern Red Cedar		2
45	7"	Laural Oak		1
46	6"	Live Oak		0.5
47	6"	Live Oak		0.5
48	7"	Live Oak		1
49	8"	Live Oak		1
50	6"	Live Oak		0.5
51	8"	Live Oak		1
52	12"	Live Oak		1.5
53	9"	Live Oak		1
54	15"	Live Oak		1.5
55	8"	Live Oak		1
56	7"	Laural Oak		1
57	11"	Live Oak		1
58	10"	Laurel Oak		1
59	8"	Laurel Oak		1
60	6"	Live Oak		0.5
61	6"	Live Oak		0.5
62	6"	Live Oak		0.5
63	10"	Live Oak		0.5
64	7"	Laurel Oak		1
65	3"	Southern Red Cedar		1.5
66	2"	Southern Red Cedar		0
67	8"	Laural Oak		1
68	11"	Laural Oak		1
Item	Diameter	Name	Credit	Debit

Item	Diameter	Name	Credit	Debit
69	12"	Laural Oak		1.5
70	8"	Live Oak		1
71	7"	Live Oak		0*
72	16"	Live Oak		0*
73	9"	Laurel Oak		0*
74	10"	Laurel Oak		0*
75	3"	Southern Red Cedar	1	
76	2"	Southern Red Cedar	0	
77	4"	Southern Red Cedar		1.5
			96	29.5

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate by planting new trees.

1. Conservation Overlay Zone 3 Development to remove more than fifty (50) percent of the tree canopy, including one (1) preserved tree (Cedar) within Conserv. Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
According to the Arborist report, the trees are in fair to good overall condition with little damage on a few trees. However placement of the home and driveways will necessitate removal of the trees because they fall within the footprint or would be greatly impacted by the home and associated driveway.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
The removals appear to be necessary to construct a home and driveways. Movement of the home or driveway, particularly the driveway along Lew Boulevard, may cause additional tree removal.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
Since the site will be developed issues related to erosion will be lessened, soil moisture retention could be enhanced if irrigation is provided, and increased surface water will result from the development however preservation of additional vegetation should help. The site will also be required to adhere to City Codes regarding development.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
The neighborhood does have a mature tree canopy and removal of trees would thin this canopy. However this appears to be necessary to build a home and driveway. Since there

are additional trees being preserved onsite this should continue the vegetation and not substantially affect property values.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.
Only one (1) of the thirty-four (34) trees is designated as a significant tree; however the applicant is preserving more then removing.
- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must retain surface water.*
Water quality and aquifer recharge. – *The proposed new site must comply with storm water management regulations.*
Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*
Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
Air movement. – *This project should not substantially affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
This could be difficult because of the size of the home, location of the driveway, and other trees on the property. Any movement of these items could trigger removal of additional trees.

The number of debits for tree removal is – **29.5 debits.**

The number of credits for tree preservation is + **96 credits.**

The number of credits for tree plantings (incl. relocation) is **0 credits**

The number of remaining debits after calculating tree preservation and plantings: **+66.5 credits.**

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of more than fifty (50) percent of the tree canopy, including one (1) preserved trees (Cedar) within Conservation Overlay Zone 3 located at PIN#:1590800000 & Lew Boulevard Right-of-Way.

SUPPLIMENTS

Attachment 1 – Application

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – Arborist Report

Attachment 4 - Tree Removal Plan

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application



CITY OF ST AUGUSTINE

RECEIVED

APPLICATION TO PLANNING AND ZONING BOARD 2019

~~GAM WINDY @ G Mail~~

gamwindy@gmail.com

Planning / Building Dept.

Application Fee: \$165.00 (plus advertising costs) Project Number: 2019-0040

Receipt Number: 1586483 Meeting Date: May 7, 2019

Advertising Costs: \$ Paid On: Receipt Number:

1. NAME OF APPLICANT: DANIEL C. MEISSNER Contact Number: 248-858-8050

Business (if applicable):

Address: 14 ANASTASIA PARK DR City: ST AUGUSTINE State: FL Zip: 32080

2. NAME OF PROPERTY OWNER: DANIEL & GAIL MEISSNER Contact Number: 248-858-8050

Business (if applicable):

Address: 14 ANASTASIA PARK DR City: ST AUGUSTINE State: FL Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 24

Block: UNIT 2

Subdivision: BORDE DEL MAR

Parcel Number: 1590900000

4. PROJECT STREET ADDRESS: N/A 924 LEW BLVD

5. SPECIFIC PROPOSED USE: SINGLE FAMILY HOME / TREE REMOVAL

6. ACTION REQUESTED:

☒ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other:

7. DESCRIPTION OF ACTION REQUESTED: REMOVAL OF MORE THAN 50% OF CANOPY AND SIGNIFICANT TREES.

8. JUSTIFICATION FOR ACTION REQUESTED: BUILDING OF NEW HOME ON VACANT LOT

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully: _____
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: _____
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: _____
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: _____
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

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."

Signature of Applicant

Date

Signature of Property Owner

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

DANIEL C. MEISSNER

Print name of applicant

[Signature]

Signature of applicant

04/01/2019

Date

Attachment 2

Property Appraiser Information & Location Map



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1590800000
 Location Address LEW BLVD
 SAINT AUGUSTINE 32080-0000
 Neighborhood Borde del Mar (632)
 Tax Description* 8-67 BORDE DEL MAR UT 2 LOT 24 OR4681/170
**The Description above is not to be used on legal documents.*
 Property Use Code Vacant Residential (0000)
 Subdivision Borde Del Mar Unit 2
 Sec/Twp/Rng 21-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.2171
 Acreage 0.310
 Homestead N

View Map

Owner

Owner Name Meissner Daniel C,Gail A 100%
 Meissner Gail A 100%
 Mailing Address 14 ANASTASIA PARK DR
 SAINT AUGUSTINE, FL 32080-0000

Map



Valuation

	2019
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$137,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$137,000
Total Deferred	\$0
Assessed Value	\$137,000
Total Exemptions	\$0
Taxable Value	\$137,000

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$0	\$0	\$137,000	\$0	\$0	\$137,000	\$137,000	\$0	\$137,000
2017	\$0	\$0	\$124,545	\$0	\$0	\$124,545	\$124,545	\$0	\$124,545
2016	\$0	\$0	\$124,545	\$0	\$0	\$124,545	\$124,545	\$0	\$124,545
2015	\$0	\$0	\$124,545	\$0	\$0	\$124,545	\$124,545	\$0	\$124,545
2014	\$0	\$0	\$124,545	\$0	\$0	\$124,545	\$124,545	\$0	\$124,545
2013	\$0	\$0	\$108,300	\$0	\$0	\$108,300	\$103,732	\$4,568	\$103,732
2012	\$0	\$0	\$94,302	\$0	\$0	\$94,302	\$94,302	\$0	\$94,302
2011	\$0	\$0	\$104,780	\$0	\$0	\$104,780	\$104,780	\$0	\$104,780
2010	\$0	\$0	\$116,422	\$0	\$0	\$116,422	\$116,422	\$0	\$116,422

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	114	110	114	EF	\$137,000

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/15/2019	2/15/2019	\$190,000.00	WD	4681	170	Q	V	WILKINSON KAREN D	MEISSNER DANIEL C,GAIL A
5/2/2017	4/20/2017	\$100.00	QC	4367	401	U	V	WILKINSON THOMAS C III,KAREN D	WILKINSON KAREN D
3/21/2013	3/19/2013	\$126,300.00	WD	3703	717	U	V	GAMSEY JEROME	WILKINSON THOMAS C III,KAREN D
9/27/2011	9/19/2011	\$0.00	LP	3477	823	U	V	REGIONS BANK/SUCC BY MERGER WITH UNION PLANTERS BA	GAMSEY JEROME

Area Sales Report

Recent Sales in Area

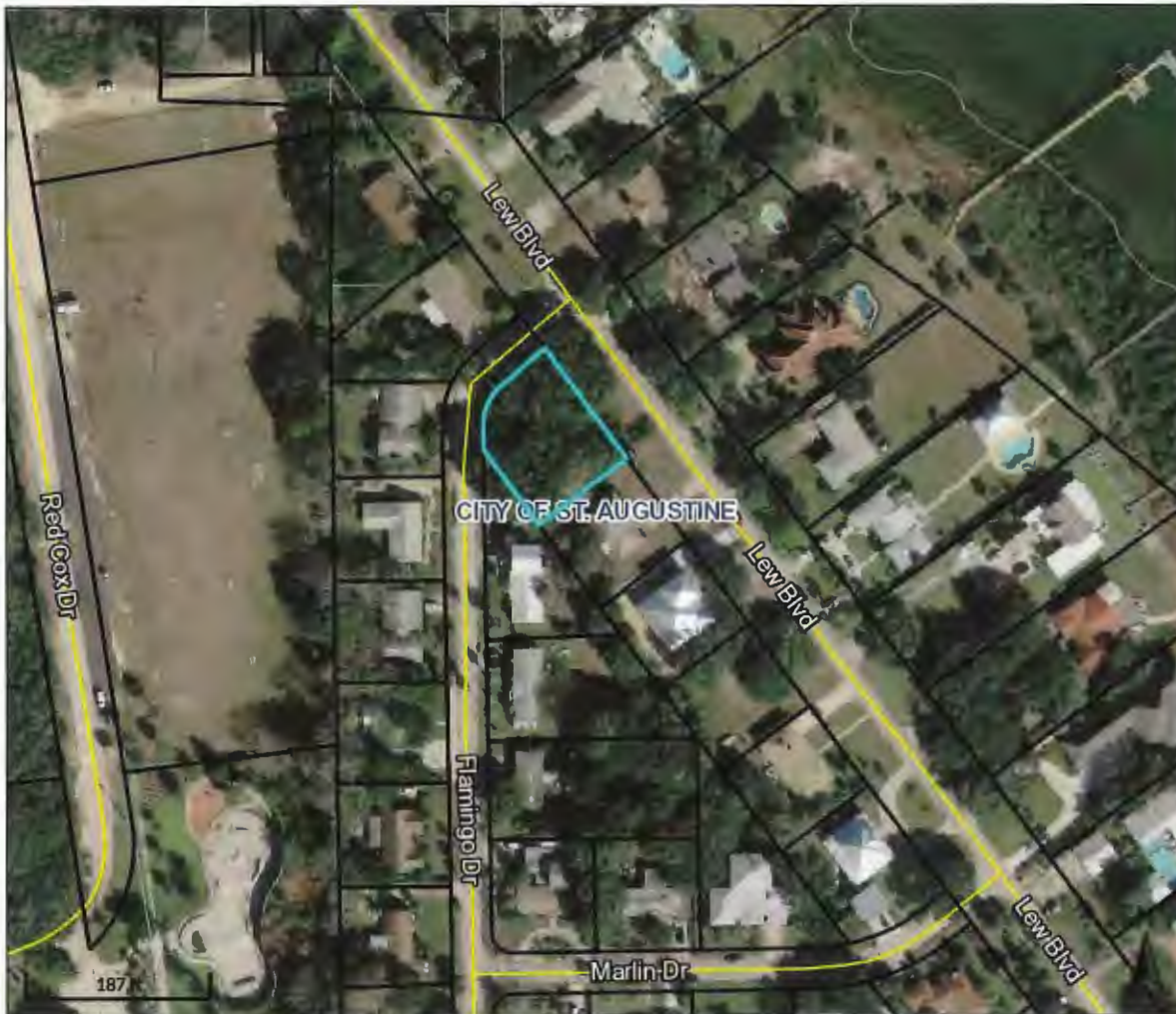
No data available for the following modules: Exemptions, Building Information, Extra Features, Sketches.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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 **Schneider**
 GEOSPATIAL



Overview



Legend

- Parcels
- Cities

Parcel ID	1590800000	Physical Address	LEW BLVD	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	MEISSNER DANIEL C,GAIL A	Total Land Value	\$137,000	2/15/2019	\$190000	01	Q
Acres	0.31		14 ANASTASIA PARK DR	Just Value	\$137,000	3/19/2013	\$126300	38	U
			SAINT AUGUSTINE FL 32080-0000	Total Deferred Assessed Value	\$137,000				
				Total	N/A				
				Exemptions					
				Taxable Value	\$137,000				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 4/5/2019
Last Data Uploaded: 4/5/2019 1:04:41 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 924 Lew Blvd



Imagery ©2019 Google, Map data ©2019 Google 200 ft



924 Lew Blvd
St. Augustine, FL 32080

Photos

Attachment 3
Arborist Report



City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant trees as defined in chapter 11 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT Chuck Lippi
 ISA Certification # FL-0501B
 Business (if applicable) Advanced Tree Care, Inc.
 Address 243 Shamrock Rd.
 City St. Augustine State FL Zip Code 32086
 Daytime Telephone 904-794-4200 Other Phone 904-347-9340 (cell) Best
 Email Address Info@ShadeTreeExpert.com

PROPERTY INFORMATION

STREET ADDRESS 924 LEW BLVD
 Legal Description: Lot 24 Block UNIT 2 Subdivision BORDE DEL MAR
 Parcel 159080-0000

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.
 I performed a condition survey of both the health and structural condition of 76 trees located by a licensed surveyor. These include trees both within and outside the proposed building footprint. Trees with a "poor" condition rating are not suitable, in my opinion, for preservation. Trees to be removed based upon their location are based on decisions of the builder/engineer, not the arborist.

TREE INVENTORY (attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
	See attached condition survey		

TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

See attached condition survey

ADDITIONAL REQUIRED MATERIALS

- Aerial photo of the subject property indicating the approximate location of the tree
- Photo(s) of the subject tree(s)



City of St. Augustine Arboriculture Report

This below information is to be submitted in conjunction with development plans when the removal of a significant tree is associated with improvements to the property and requires the issuance of a building permit.

CANOPY COVERAGE ESTIMATE

Provide an aerial view of the property indicating (a) the location of examined trees, (b) the approximate canopy coverage pre-development and (c) the approximate amount of canopy coverage post-development. Aerial measurements can be taken from the St. Johns County GIS website; www.co-st-johns.fl.us

(attach to application)

CONSERVATION OVERLAY ZONE DEVELOPMENT CRITERIA

Provide a response to the seventeen (17) "standards for review" listed in section 11-29 of the City of St. Augustine Land Development code

(attach to application)

SITE PLAN

Provide a scaled plan of the property to be developed, showing the locations of all structures and buildings, required yards, required parking, surface drive areas, loading spaces, stacking spaces, planting areas (both bufferyards and interior), dumpsters, exterior mechanical equipment, storm drainage retention areas, and all trees three (3) inches or larger dbh., by species and dbh (both to be removed and to be retained), and any other necessary details required for review.

Indicate "significant" trees to remain by marking them in green and "significant" to be removed by marking them in red. Indicate the tree protection zone (tpz of each "significant" tree at three times the diameter of the tree. Indicate the location of all tree barricades or tree protection fencing.

(attach to application)

IMPACT ANALYSIS & TREE PRESERVATION

Describe the impact the proposed development will have on the existing trees and if any consideration or development techniques are proposed to preserve trees on the site.

(attach to application)

Tree protection shall follow tree protection requirement in Chapter 25 Trees and Landscaping Article (5)(a) Tree protection that each tree will have a minimum tree protection zone (TPZ) of 100 sq ft. Indicated by a substantial barrier fence. In addition all trees with a DBH greater than 12 inches shall have a TPZ radius from the trunk that is equal or greater than a distance that is 6 times the DBH. (e.g., a 24 inch DBH trunk shall have a TPZ with a radius of 12 ft from the trunk ($6 \times 24/12 = 12$ ft.) Section (5)(b) A 6-inch layer of organic mulch (wood chips) shall be placed over the soil surface within the TPZ to avoid root damage if the TPZ is violated during construction. The TPZ barricade shall be in place around preserved trees BEFORE any site work including clearing begins.

924 LEW BLVD

Tree #	Species	DBH	Mallet test	Leaders	Health	Structure	Observations	Observations	Notes
1	Oak, Live	17	Negative	2	good	fair	Codominant Leaders w Included Bark		RECEIVED
2	Oak, Laurel	15	Negative	1	good	good	Dead Branches < 10%		APR 09 2019
3	Oak, Live	8	Negative	1	good	good			Planning / Building Dept.
4	Oak, Live	9	Negative	1	good	good			
4	Oak, Live	8	Negative	1	fair	poor	Previous Branch Failure		Tree is prostrate along ground. Not a good specimen to retain.
5	Oak, Live	24	Negative	1	good	excellent	None Apparent		Nice specimen tree.
6	Oak, Laurel	6	Negative	1	good	good			
7	Oak, Laurel	6	Negative	1	poor	poor	Previous Branch Failure		Top broke out
8	Oak, Laurel	8	Negative	1	good	fair	Dead Branches < 10%		
9	Oak, Laurel	9	Negative	1	good	fair	Dead Branches < 10%		
10	Oak, Laurel	20	Negative	1	good	fair	Dead Branches < 10%	Cavity/Decay - Appears Small	Some pruning may be necessary to accommodate this tree with the proposed building
11	Red cedar, Southern	4	Negative	1	good	good	Cavity/Decay - Appears Small		Excessive vines.

Tree #	Species	DBH	Mallet test	Leaders	Health	Structure	Observations	Observations	Notes
12	Red cedar, Southern	7	Negative	1	good	good	None Apparent		Excessive vines.
13	Red cedar, Southern	20	Negative	4	good	good	None Apparent		Excessive vines.
14	Red cedar, Southern	8	Negative	1	good	good	Cavity/Decay - Appears Small		Excessive vines.
15/16	Oak, Laurel	12	Negative	2	good	fair	Codominant Leaders w Included Bark		Single tree, 2 leaders
17	Oak, Laurel	7	Negative	1	good	good			
18	Oak, Laurel	18	Negative	2	good	good			
19	Oak, Live	15	Negative	1	good	good	Dead Branches < 10%		Nice specimen tree
20	Oak, Live	6	Negative	1	good	good			
21	Oak, Live	14	Negative	1	good	good			
22	Oak, Laurel	9	Negative	1	good	good			
23	Oak, Laurel	8	Negative	1	good	good			
24	Oak, Laurel	8	Negative	1	good	good			
25	Oak, Laurel	6	Negative	1	good	good			
26	Oak, Laurel	10	Negative	1	good	good			
27	Red cedar, Southern	4	Negative	1	good	good	None Apparent		

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Planning / Building Dept.

Tree #	Species	DBH	Mallet test	Leaders	Health	Structure	Observations	Observations	Notes
28	Oak, Live	8	Negative	1	good	good			
29	Oak, Live	6	Negative	1	good	good			
30	Oak, Live	10	Negative	1	good	good			
31	Oak, Live	10	Negative	1	good	good			
32	Oak, Live	6	Negative	1	good	good			
33	Oak, Live	10	Negative	1	good	good			
34	Oak, Live	14	Negative	1	good	good	Dead Branches < 10%		
35	Red cedar, Southern	4	Negative	1	good	good	None Apparent		Excessive vines.
36	Oak, Laurel	11	Negative	1	good	good			
37	Oak, Laurel	10	Negative	1	good	good			
38	Oak, Live	10	Negative	1	good	good			
39	Oak, Live	9	Negative	1	good	good			
40	Oak, Live	9	Negative	1	good	good			
41	Oak, Laurel	7	Negative	1	good	good			
42	Oak, Laurel	7	Negative	1	good	good			
43	Red cedar, Southern	12	Negative	1	good	good			
44	Red cedar, Southern	8	Negative	1	good	good			
45	Oak, Laurel	7	Negative	1	good	fair			This tree is crowded by adjacent cedar trees
46	Oak, Live	6	Negative	1	good	good			

Tree #	Species	DBH	Mallet test	Leaders	Health	Structure	Observations	Observations	Notes
47	Oak, Live	6	Negative	1	good	good			
48	Oak, Live	7	Negative	1	good	good			
49	Oak, Live	8	Negative	1	good	good			
50	Oak, Live	6	Negative	1	good	good			
51	Oak, Laurel	8	Negative	1	good	good			
52	Oak, Live	12	Negative	1	good	good			
53	Oak, Live	9	Negative	1	good	fair			Sideways lean. Excessive vines.
54	Oak, Live	15	Negative	2	good	fair	Codominant Leaders w Included Bark		
55	Oak, Live	8	Negative	1	good	fair			Sideways lean.
56	Oak, Laurel	7	Negative	1	good	good			
57	Oak, Live	11	Negative	1	good	good			Excessive vines.
58	Oak, Laurel	10	Negative	1	good	fair	Cavity/Decay - Appears Small		
59	Oak, Laurel	8	Negative	1	good	good			
60	Oak, Live	6	Negative	1	good	good			
61	Oak, Live	6	Negative	1	good	good			
62	Oak, Live	6	Negative	1	good	good			
63	Oak, Live	10	Negative	1	good	good			
64	Oak, Laurel	7	Negative	1	good	good			
65	Red cedar, Southern	3	Negative	1	fair	good			
66	Red cedar, Southern	2	Negative	1	fair	good			

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Planning / Building Dept.

Tree #	Species	DBH	Mallet test	Leaders	Health	Structure	Observations	Observations	Notes
67	Oak, Laurel	8	Negative	1	good	good			
68	Oak, Laurel	11	Negative	1	good	good			
69	Oak, Laurel	12	Negative	1	good	good			
70	Oak, Live	8	Negative	1	good	good			
71	Oak, Live	7	Negative	1	good	good			
72	Oak, Live	16	Negative	1	good	good			
73	Oak, Laurel	9	Negative	1	good	good			
74	Oak, Laurel	10	Negative	1	good	good			
75	Red cedar, Southern	3	Negative	1	good	good			
76	Red cedar, Southern	2	Negative	1	Fair	Fair	Cavity/Decay - Appears moderate		
77	Red cedar, Southern	4	Negative	1	good	good			

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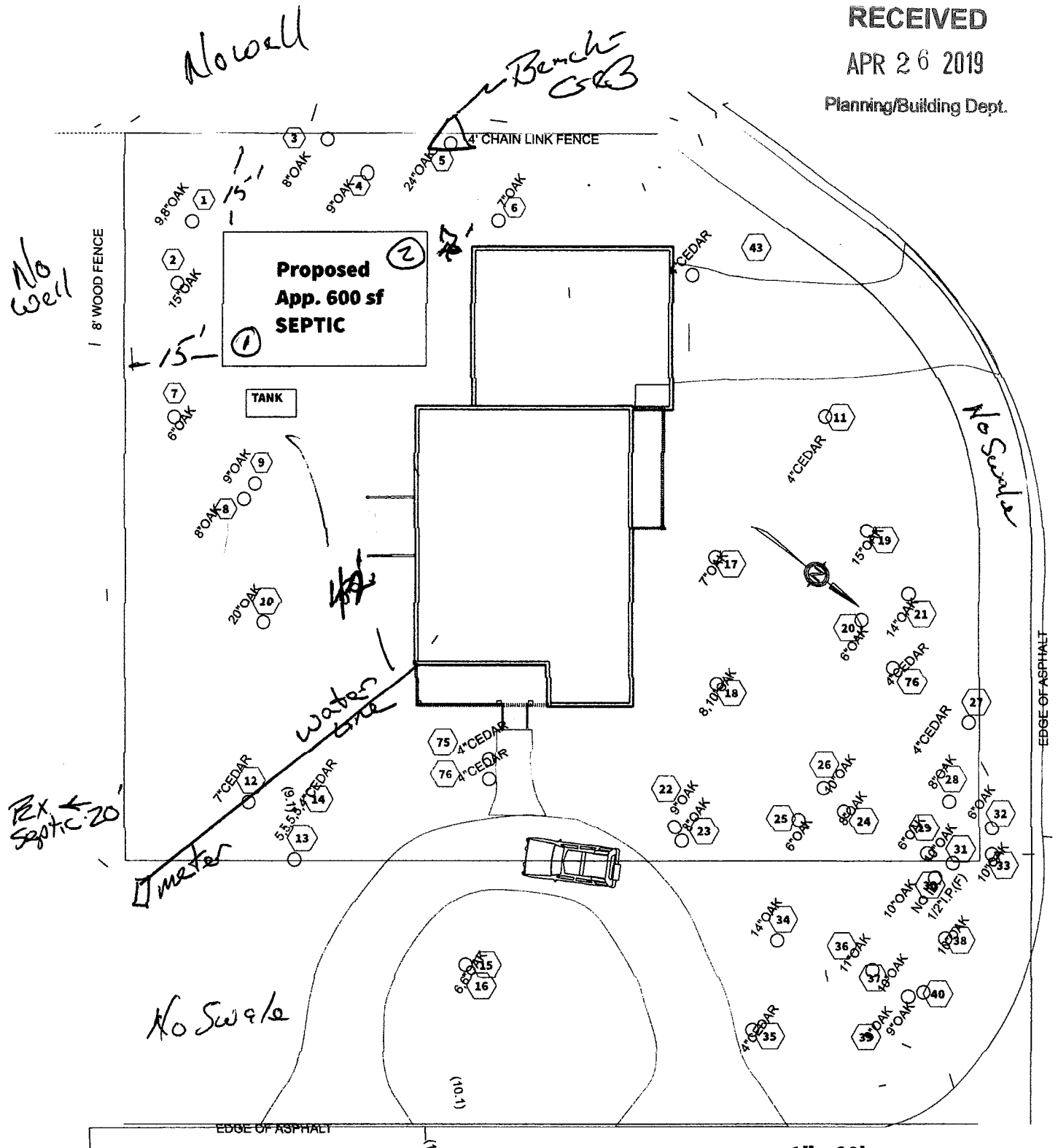
Planning / Building Dept.

Chuck Lippi

ISA Board Certified Master Arborist

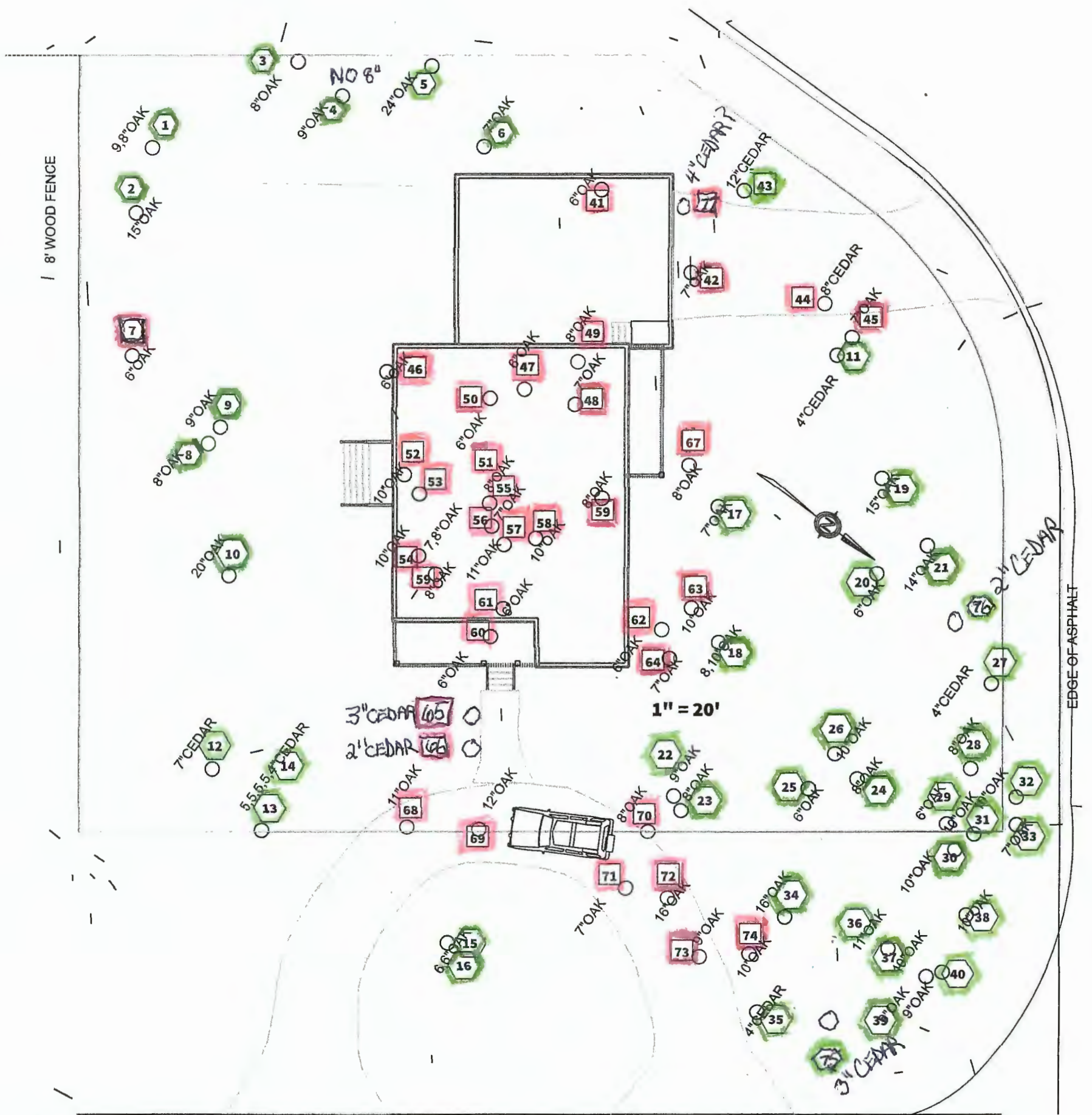
Attachment 4
Tree Removal Plan

Planning/Building Dept.



924 LEW BOULEVARD PARCEL# 159080-0000
ST. AUGUSTINE 32080

1" = 20'



924 LEW BOULEVARD PARCEL# 159080-0000
(A 100' RIGHT-OF-WAY)

Red = Removed
Green = Preserved

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 7, 2019

RE: **VARIANCE #2019-0037**

AGENDA ITEM 5(a)

APPLICANT & OWNER Peachtree Development of Atlanta LLC

LOCATION 9 Rohde Avenue

REQUEST To approve a variance to decrease the minimum side yard building setback for a proposed single family home addition.

PLANS DATED April 19, 2019

LAND USE Residential Low Density

ZONING Residential Single Family 2 (RS-2)

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant 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.

In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-162. - Residential, single-family-two: RS-2.

(6) *Minimum yard requirements*

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

STAFF SUMMARY AND ANALYSIS

The applicant desires to add ten (10) feet to the rear of an existing home in order to extend the first and second floor. In order to make the addition they are proposing to extend the existing side walls in order to square off the building (see attachment 3). Since the existing western side wall of the building is within the west side setbacks this would require a variance to place the new side walls. In particular, the applicant is proposing relief from the following side yard standard:

Request	Code	Existing	Proposed
(Min) Side Yard	10 feet	1.67 feet	1.67 feet

Staff interpretation of findings of fact in italics.

1. Variance to decrease the minimum side yard building setback for a proposed single family home addition.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;
Staff believes there is a singular disadvantage in this situation. The physical condition of the buildings pre zoning layout inhibits making an addition based on the buildings traditional footprint. Based on the buildings location, in order to make an addition that meets code standards, this would be offset by 8.33 foot. This offset would also need to be reflected on the opposite side. This potentially creates a situation where the back 10.1 feet of the building juts westerly from the footprint by 8.33 feet.
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;
The physical condition of the building on the lot makes it unreasonable to develop within our current code standards.
- c. This disadvantage does not exist because of conditions created by the owner or applicant;
The applicant did not originally construct the home and thereby did not create the disadvantage.

- d. Grant 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.

Granting of the variance would not be contrary to the public interest or affect neighboring properties due to the nature of the request and the homes location on the lot. The spirit, intent, and purpose are for the building of a home and therefore this is in harmony, intent, and purpose of this Section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to decrease the side setback from ten (10) feet to one point six seven (1.67) feet for a single family home addition at 9 Rohde Avenue.

SUPPLIMENTS

Attachment 1 – Application & Applicant Information

Attachment 2 – Location Maps / Property Appraiser Information

Attachment 3 – Site Plan/Floor plan.

David Harrell, AICP
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application & Applicant Information



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Lori Long 816-419-2145
lorilongdesign@gmail.com

Application Fee: \$350.00 (plus advertising costs) Project Number: 2019-0037
Receipt Number: 1581334 Meeting Date: 5/7/19
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: John Largent Contact Number: 904-238-7661
Business (if applicable): Peachtree Development of Atlanta, LLC
Address: 12638 Agatite Rd City: Jacksonville State: FL Zip: 32258
2. NAME OF PROPERTY OWNER: John Largent Contact Number: 904-238-7661
Business (if applicable): Peachtree Development of Atlanta, LLC
Address: 12638 Agatite Rd City: Jacksonville State: FL Zip: 32258
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4 Block: 1
Subdivision: COSA Rohde Add. Parcel Number: 792910-0000
4. PROJECT STREET ADDRESS: 9 Rohde Ave, St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Single family home.

6. ACTION REQUESTED:

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

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7. DESCRIPTION OF ACTION REQUESTED: The west side of the home currently has a 3.7' setback from the neighbor's property line. This setback runs the full length of the home. Home owner is requesting a variance to allow this 3.7' setback be continued for a 10' addition to the two story living space. This will allow home to conform to existing house setback dimensions.
8. JUSTIFICATION FOR ACTION REQUESTED: The original home was built in 1900 and the existing 3.7' setback on the western side of property has been that way since home was initially built. If the addition to the home was built with the 10' setback required by modern code, the home's footprint would not conform to the existing building in place for over 100 years. The proposed use for the property will not change the spirit of the neighborhood, nor infringe on a neighboring property owner's rights, use, or enjoyment of their own land.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

- (a) Does the property have a disadvantage, which is not common to other properties in the area?
Please explain fully: Existing home on west side has a 3.7' setback from neighbor, making conforming with current building statutes a burden upon the owner, creating undue hardship and negative financial impact.
- (b) Can you establish that this disadvantage is not due to the owner's actions?
Please explain fully: This 3.7' setback dates from 1960, when the original home was built. This pre-dates the current owner's possession of the property.
- (c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully: Having to comply with a modern 10' set back requirement would not allow the continuance of the vintage style of home. These restrictions unreasonably deny a permitted use of the owners property.
- (d) If granted, will the variance adversely affect other property in the area?
Please explain fully: by allowing the variance, it would not adversely affect any properties in the neighborhood. It would conform with other properties in the neighborhood.
- (e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: Variance will allow property to match other homes and properties in the neighborhood, and, meet with the code, in building the addition.

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10. PREVIOUS APPLICATIONS:

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."

Signature of Applicant

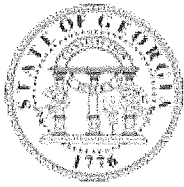
Date

3.28.19

Signature of Property Owner

Date

3.28.19



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CORPORATIONS
DIVISION

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Planning/Building Dept.

GEORGIA SECRETARY OF STATE

BRAD

RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

PEACHTREE
Business Name: **DEVELOPMENT OF ATLANTA, LLC** Control Number: **0204252**
Business Type: **Domestic Limited Liability Company** Business Status: **Active/Compliance**
Business Purpose: **NONE**
Principal Office Address: **12638 Agatite rd, Jacksonville, FL, 32258, USA** Date of Formation / Registration Date: **1/22/2002**
State of Formation: **Georgia** Last Annual Registration Year: **2019**

REGISTERED AGENT INFORMATION

Registered Agent Name: **John Iargent**
Physical Address: **225 W Broughton st, Savannah, GA, 31401, USA**
County: **Chatham**

Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Name History
Suite 813, Floyd West Tower Atlanta, GA 30334-1530, Phone: Filing History
(404) 656-2817 (tel:(404) 656-2817) Toll-free: (844) 753-7825 Return to Business Search
(tel:(844) 753-7825), WEBSITE: <http://www.sos.ga.gov/>

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Attachment 2
Location Map(s) /
Property Appraiser Info.



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1929100000
Location Address 9 ROHDE AVE
 SAINT AUGUSTINE 32084-0000
Neighborhood Rohde's Addition (603)
Tax Description* 1-59 CITY OF ST AUGUSTINE ROHDE ADDN LOT 4 BLK 1 OR4675/868
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Rhode's Addition to St. Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.150
Homestead N

View Map

Owner

Owner Name Peachtree Development Of Atlanta LLC 100%
Mailing Address 12638 AGATITE RD
 JACKSONVILLE, FL 32258-0000

Map



Valuation

	2019
Building Value	\$103,683
Extra Features Value	\$225
Total Land Value	\$122,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$226,308
Total Deferred	\$0
Assessed Value	\$226,308
Total Exemptions	\$0
Taxable Value	\$226,308

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$107,749	\$246	\$122,400	\$0	\$0	\$230,395	\$230,395	\$0	\$230,395
2017	\$99,617	\$422	\$122,400	\$0	\$0	\$222,439	\$219,468	\$2,971	\$219,468
2016	\$94,076	\$550	\$107,100	\$0	\$0	\$201,726	\$199,516	\$2,210	\$199,516
2015	\$83,802	\$676	\$96,900	\$0	\$0	\$181,378	\$181,378	\$0	\$181,378
2014	\$74,058	\$804	\$87,975	\$0	\$0	\$162,837	\$67,026	\$162,837	\$0
2013	\$76,751	\$825	\$87,975	\$0	\$0	\$165,551	\$66,035	\$165,551	\$0
2012	\$71,077	\$952	\$73,325	\$0	\$0	\$145,354	\$64,931	\$145,354	\$0
2011	\$72,282	\$1,079	\$81,472	\$0	\$0	\$154,833	\$63,040	\$154,833	\$0
2010	\$74,691	\$1,206	\$90,525	\$0	\$0	\$166,422	\$62,108	\$166,422	\$0

Building Information

Building 1
 Actual Area 2796
 Conditioned Area 2280
 Actual Year Built 1900
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Wood

Roof Structure Gable Hip
 Roof Cover Composite Shingle
 Interior Flooring Pine Wood
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths 2

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
FINISHED UPPER STORY	1231	1231
FRAME UTILITY	0	104
FINISHED OPEN PORCH	0	21
OUTSIDE STAIRS	0	82
BASE AREA	1049	1049
FINISHED OPEN PORCH	0	259
FINISHED OPEN PORCH	0	50
Total SqFt	2280	2796

Extra Features

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	162
Masonry Wall	0	0	0	0	60

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	50	130	50	EF	\$122,400

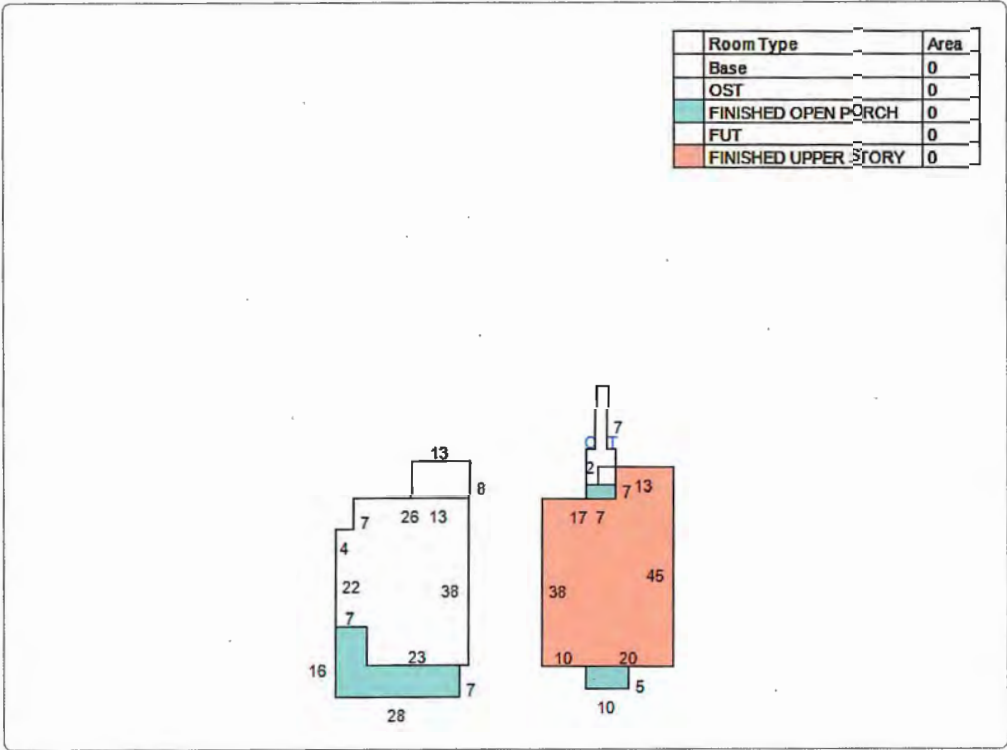
Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/4/2019	2/1/2019	\$201,000.00	WD	4675	868	U	I	FEDERAL NATIONAL MORTGAGE ASSOCIATION	PEACHTREE DEVELOPMENT OF ATLANTA LLC
9/24/2018	9/21/2018	\$0.00	CT	4615	1458	U	I	WORTHINGTON PATRICIA K ET AL	FEDERAL NATIONAL MORTGAGE ASSOCIATION
2/9/2018	2/9/2018	\$0.00	LP	4501	819	U	I	JAMES B NUTTER & COMPANY	WORTHINGTON PATRICIA K
7/25/2013	7/24/2013	\$0.00	LP	3767	91	U	I	JAMES B NUTTER & COMPANY	WORTHINGTON PATRICIA K
	10/15/2006	\$0.00	AF	3075	151	U	I	WORTHINGTON CLYDE EMERY (DECD)	WORTHINGTON PATRICIA (SURV SPOUSE)
	8/21/1975	\$0.00	WD	285	235	U	I	RIGSBY H E, AUDREY B	WORTHINGTON CLYDE, PATRICIA K

Area Sales Report

Recent Sales in Area

Sketches



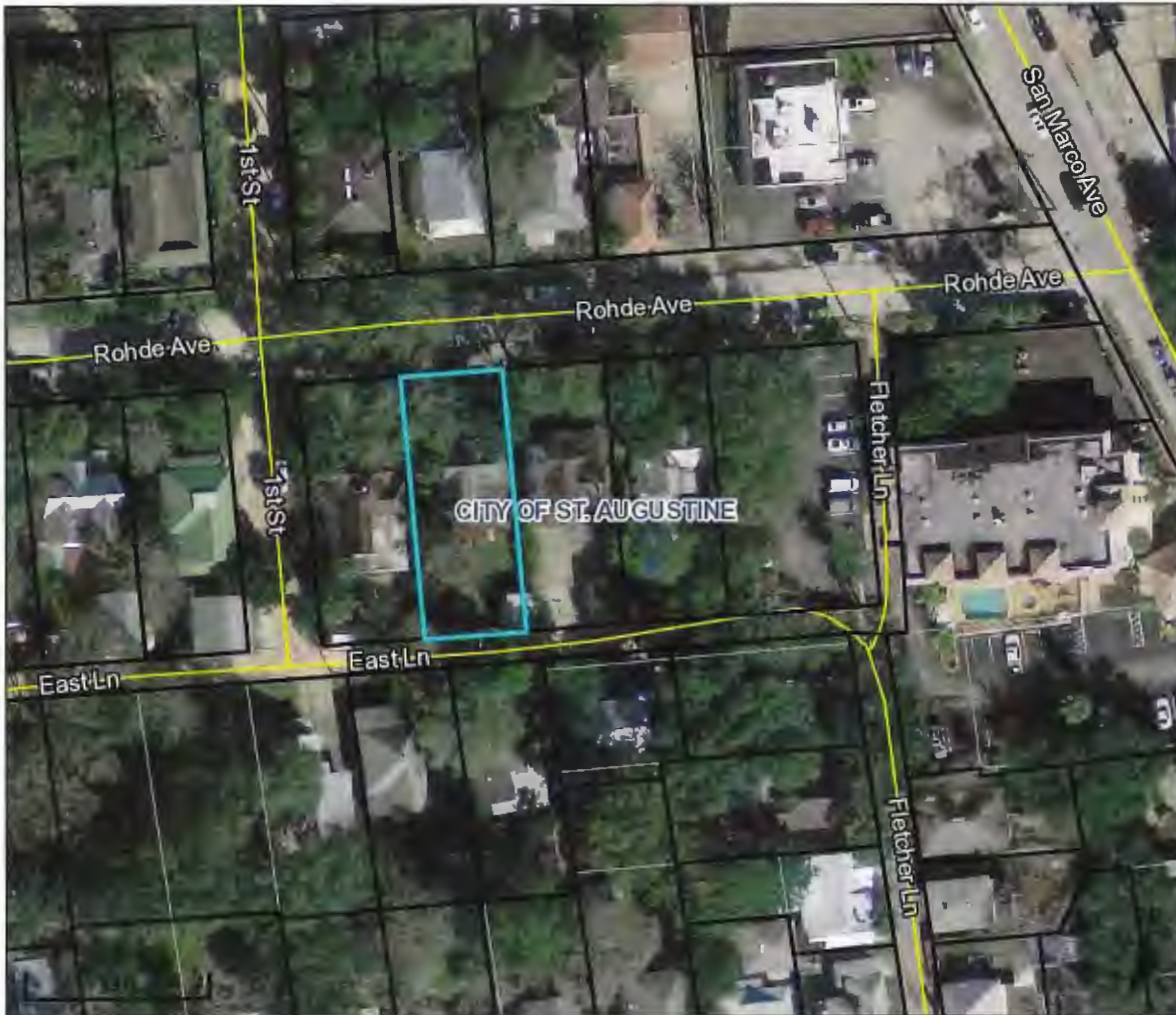
No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 4/1/2019, 11:47:21 PM

Version 2.2.9





Overview



Legend

- Parcels
- Cities

Parcel ID 1929100000
Property Class 0100 - Single Family
Taxing City of St Augustine
District Augustine
Acres 0.15

Physical Address
Mailing Address
Address

9 ROHDE AVE
SAINT AUGUSTINE
PEACHTREE DEVELOPMENT OF ATLANTA LLC
12638 AGATITE RD
JACKSONVILLE FL 32258-0000

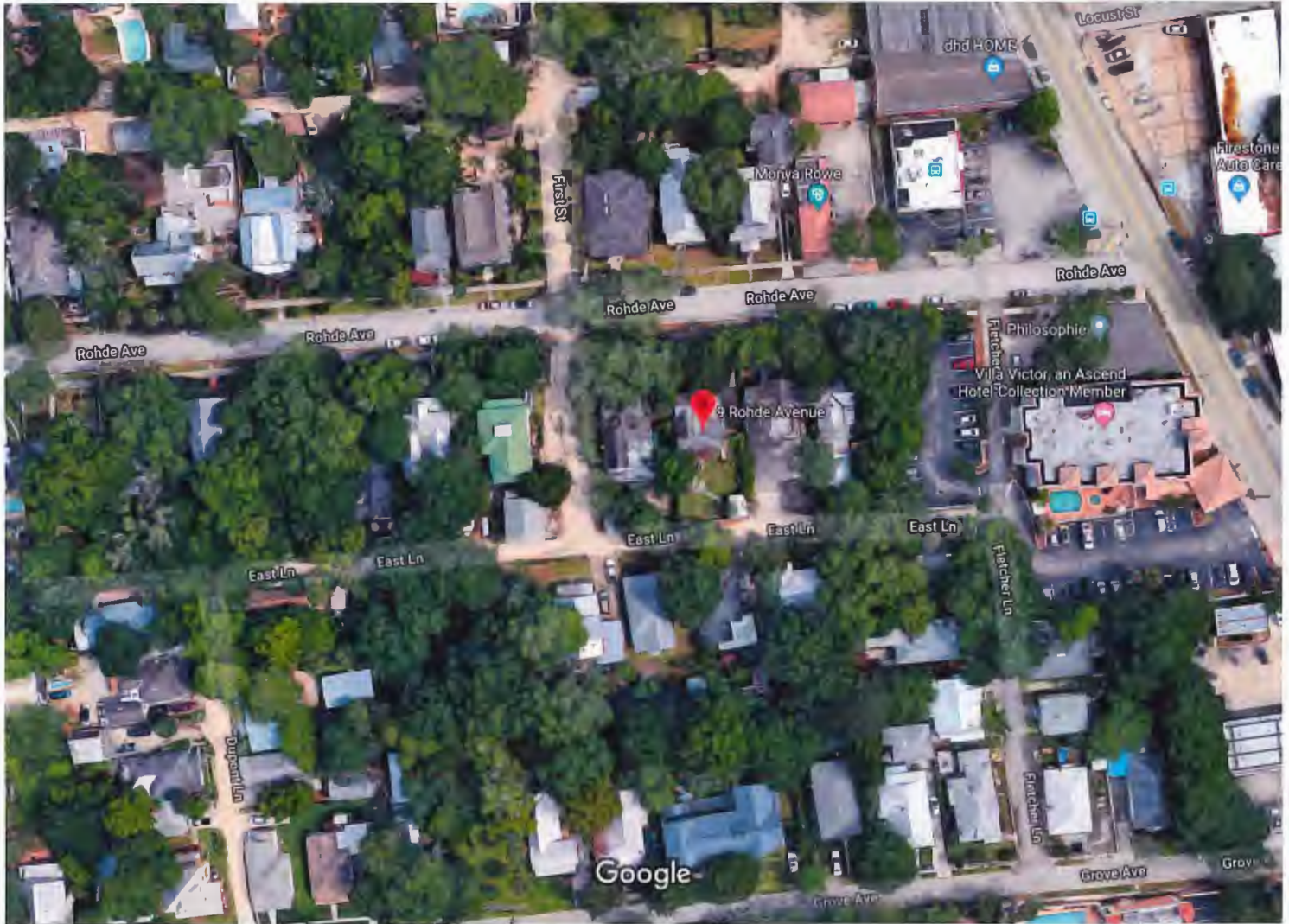
Building Value	\$103,683	Last 2 Sales			
Extra Feature Value	\$225	Date	Price	Reason	Qual
Total Land Value	\$122,400	2/1/2019	\$201000	12	U
Just Value	\$226,308	n/a	0	n/a	n/a
Total Deferred Assessed Value	N/A				
Total Exemptions	N/A				
Taxable Value	\$226,308				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 4/2/2019
Last Data Uploaded: 4/1/2019 11:47:21 PM

Developed by  Schneider
GEOSPATIAL

Google Maps 9 Rohde Ave



Imagery ©2019 Google, Map data ©2019 Google 50 ft



9 Rohde Ave

St. Augustine, FL 32084

Photos

Attachment 3
Site Plan/Floor plan

BOUNDARY SURVEY

9 RHODE AVENUE, SAINT AUGUSTINE, FL 32084

LEGAL DESCRIPTION:
BEGINNING IN THE SOUTH LINE OF RHODE AVENUE, IN THE CITY OF SAINT AUGUSTINE COUNTY OF ST. JOHNS, STATE OF FLORIDA, 50 FEET EAST OF FIRST STREET, RUNNING THENCE SOUTHERLY 131 FEET TO AN ALLEY, THENCE EASTERLY ALONG THE NORTH LINE OF SAID ALLEY 50 FEET, THENCE NORTHERLY 131 FEET TO THE SOUTH LINE OF RHODE AVENUE, THENCE WESTERLY IN THE SOUTH LINE OF RHODE AVENUE 50 FEET TO THE PLACE OF BEGINNING, ALL MEASUREMENTS BEING MORE OR LESS.

CERTIFIED TO:
JACK LARGENT

FLOOD ZONE:
12109C0314J
ZONE: AE
ELEV. 7 FT
EFF: 12/7/2018

SURVEY NOTES:
- This survey is for conveyance purposes only and not intended for construction purposes without permission of this surveyor.
- NO NOTABLE CONDITIONS FOUND

- LEGEND:
- | | | | | | |
|--------|---------------------|--------|-------------------------|----|-----------------------|
| A/C | AIR CONDITIONER | P.B. | PLAT BOOK | P4 | WATER VALVE |
| AL | ARC LENGTH | P.G. | PAGE | C | CENTERLINE |
| KJ | CALCULATED | P.D.E. | PUBLIC UTILITY EASEMENT | CB | CATCH BASIN |
| D.E. | DRAINAGE EASEMENT | R | RADIUS | HY | FIRE HYDRANT |
| INJ | MEASURED | IR | RECORD | PO | POLE |
| R.O.B. | POINT OF BEGINNING | U.E. | UTILITY EASEMENT | MA | MANHOLE |
| P.O.C. | POINT OF COMMENCING | WM | WATER METER | TE | TOPOGRAPHIC ELEVATION |
- FENCE:
NUMBER
ASPHALT
CONCRETE
PAVER/BRICK
WOOD
LIGHT POLE
WELL

www.NexGenSurveying.com

(561) 508-6272

5601 Corporate Way

West Palm Beach, FL 33407

NexGen

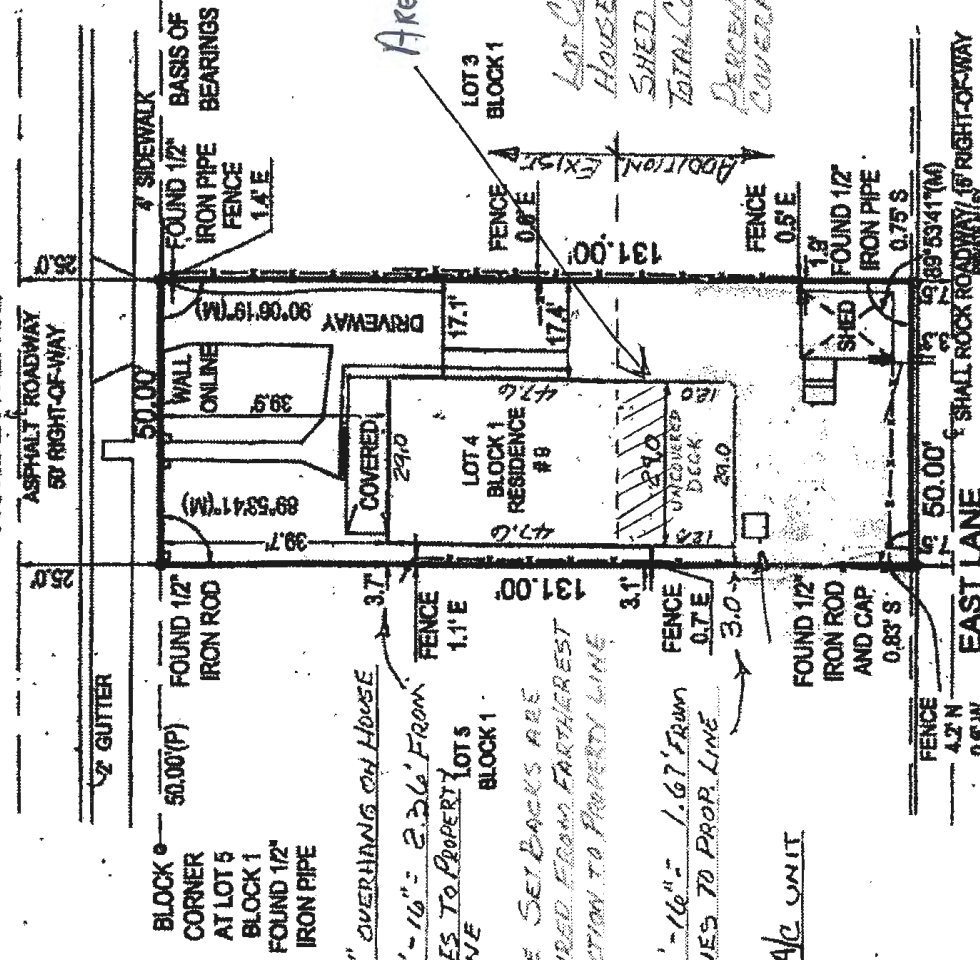
BOUNDARY SURVEY

9 RHODE AVENUE, SAINT AUGUSTINE, FL 32084



SCALE: 1"=30'

ROHDE AVENUE



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

NEXGEN
SURVEYING, LLC.

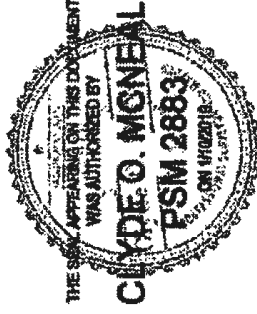
PHONE: 561.508.6272

FAX: 561.508.6309

LB 8111

5601 CORPORATE WAY, SUITE 103 WEST PALM BEACH, FL 33407

NexGenSurveying.com



RECEIVED

APR 09 2019

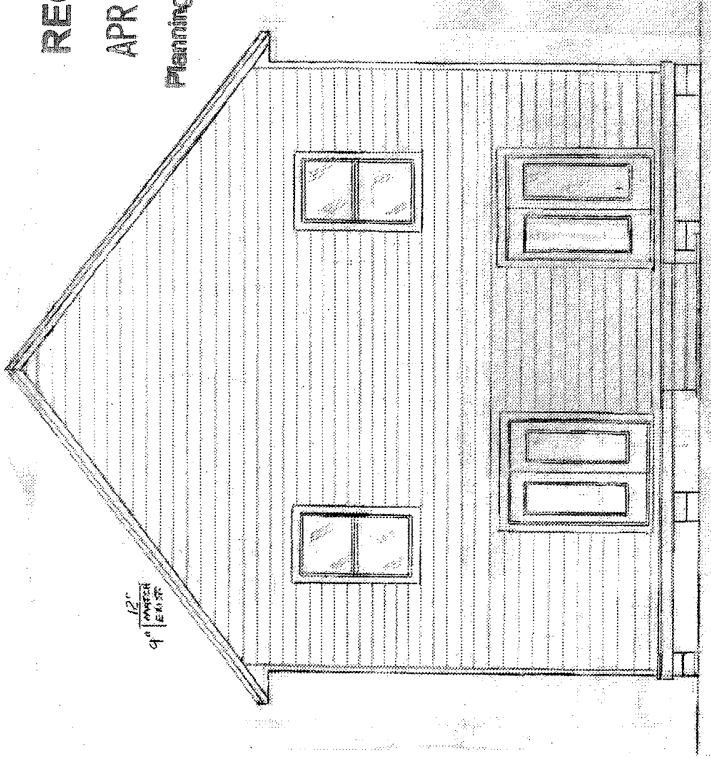
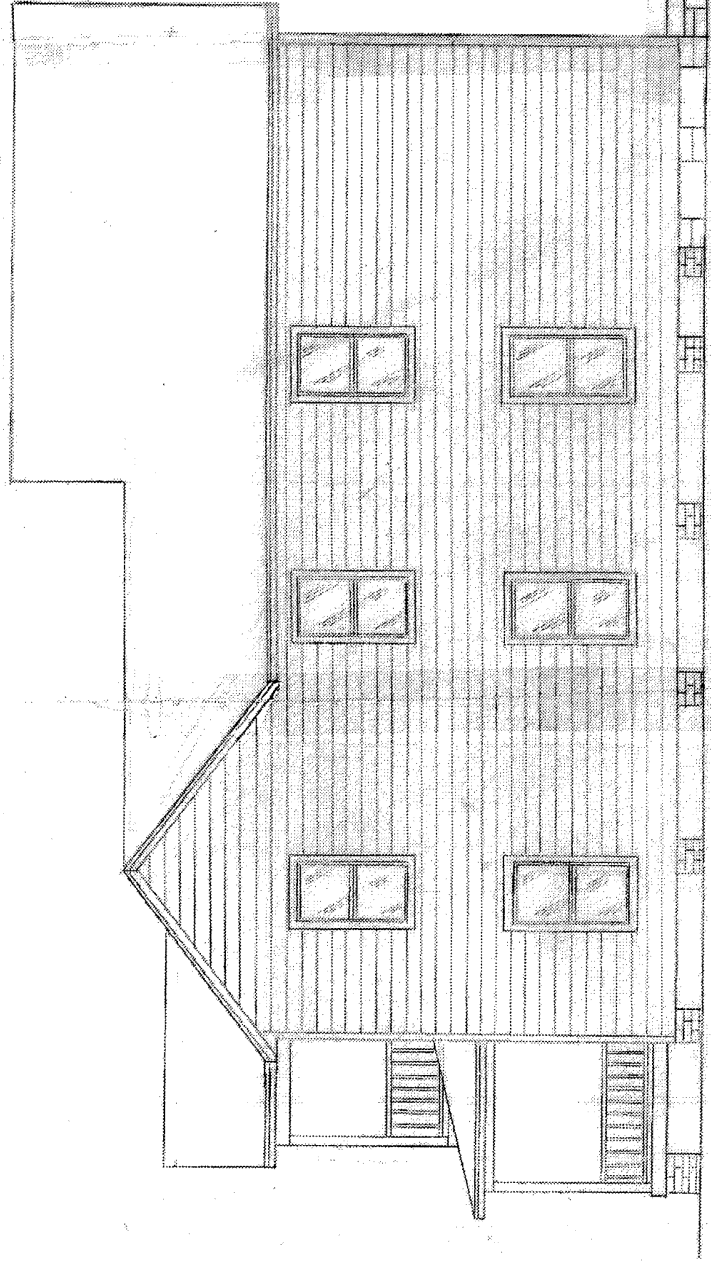
Planning/Building Dept.

AERIAL PHOTOGRAPH
10/15/2018

AREA OF
VARIANCE
D77

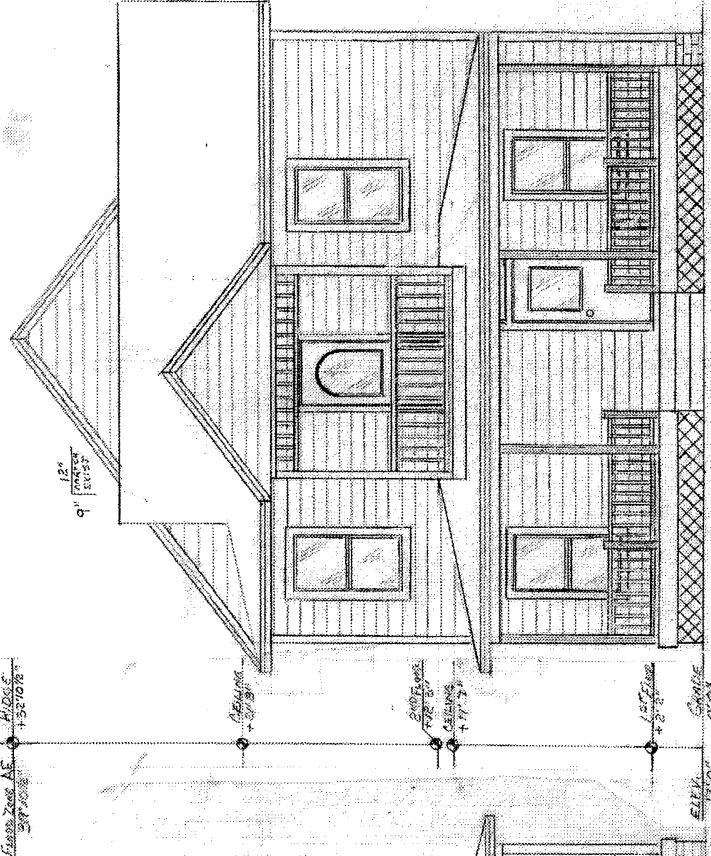
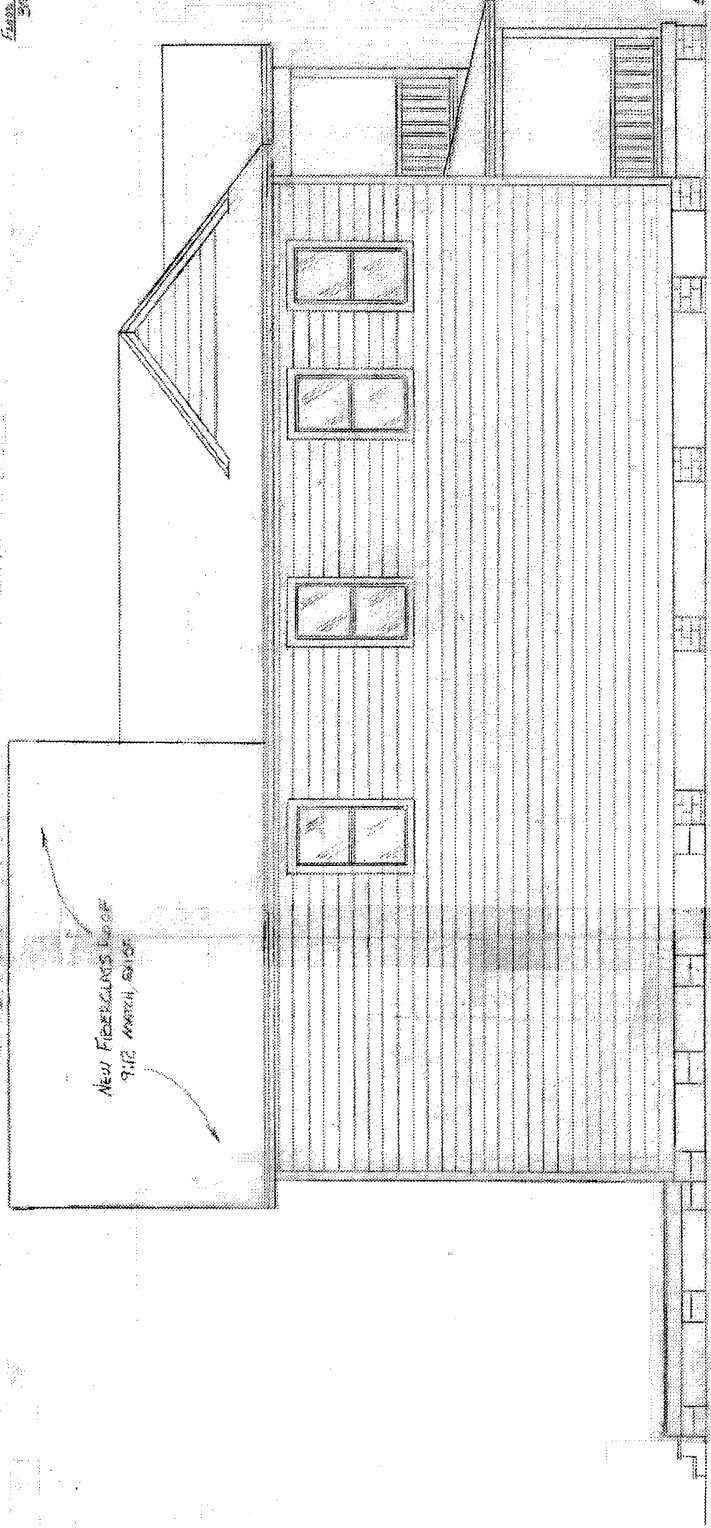
Lot Coverage 1650SF
House 1585SF
Shed 180SF
TOTAL COVERAGE 1865SF
PERCENT OF
COVERAGE 26.96%

RECEIVED
APR 09 2019
Planning/Building Dept.



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

REAR ELEVATION
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"

FRONT ELEVATION
SCALE 1/8" = 1'-0"

Square Footage	
First Floor Cond. Space	1382 Sq. Ft.
Second Floor Cond. Space	1382 Sq. Ft.
Total Conditioned Space	2764 Sq. Ft.
Front Porch	193 Sq. Ft.
Balcony	50 Sq. Ft.
Total Un-Conditioned Space	939 Sq. Ft.
Total Space Under Roof	3007 Sq. Ft.

All dimension MUST be verified in the field
and adjusted to suit existing conditions

ENGINEER OF RECORD: RONALD L. BONDYVANSKI, PE #42856
ANCHOR ENGINEERING OF FLORIDA, INC.
CIVIL ENGINEERING
3720 PARK STREET #218
JACKSONVILLE, FLORIDA 32205
ATTN: # 218

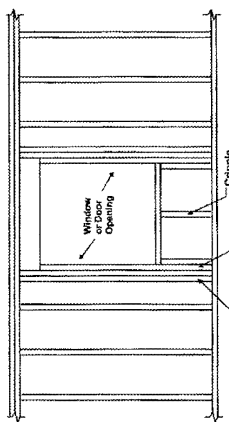
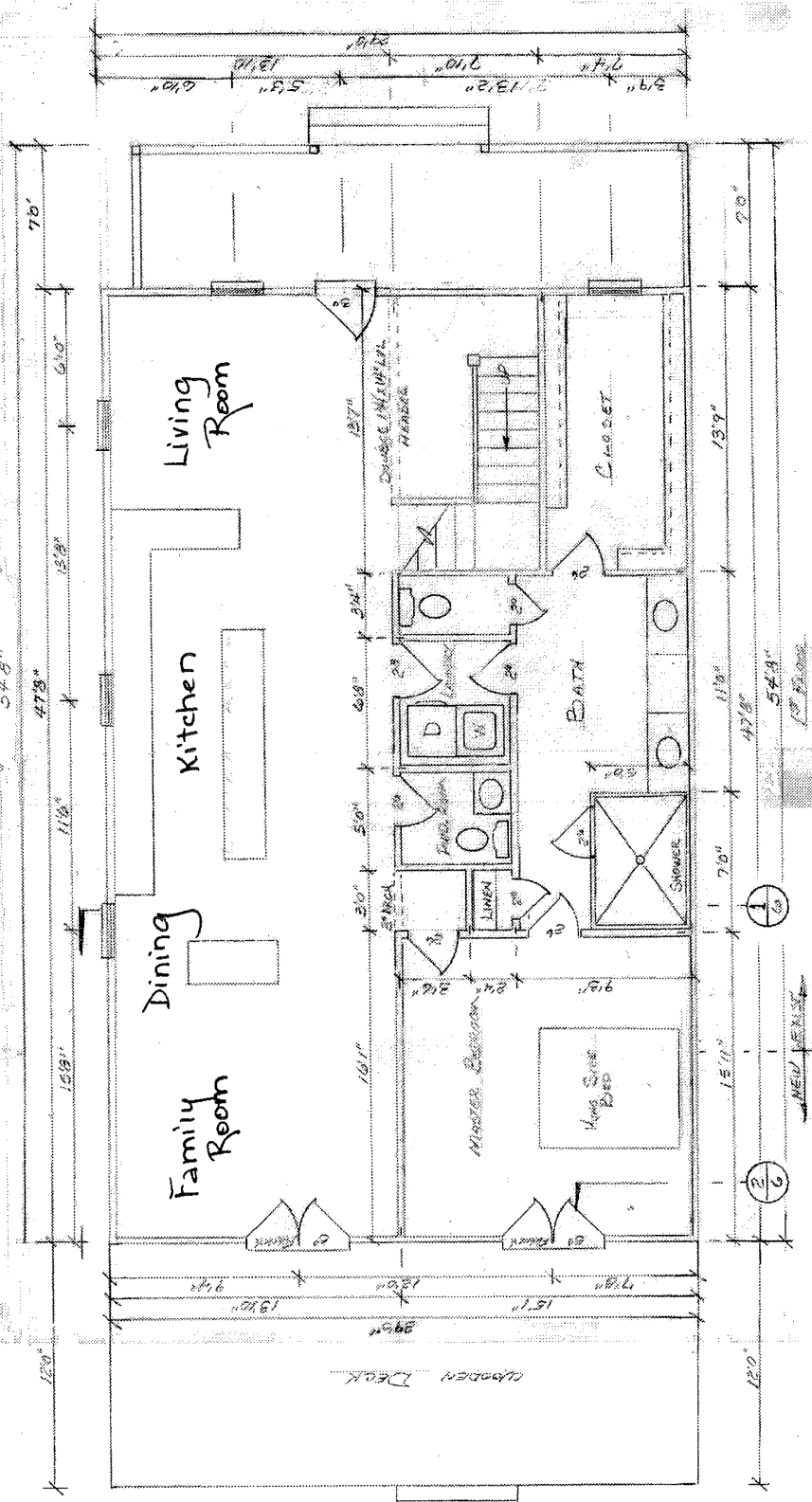
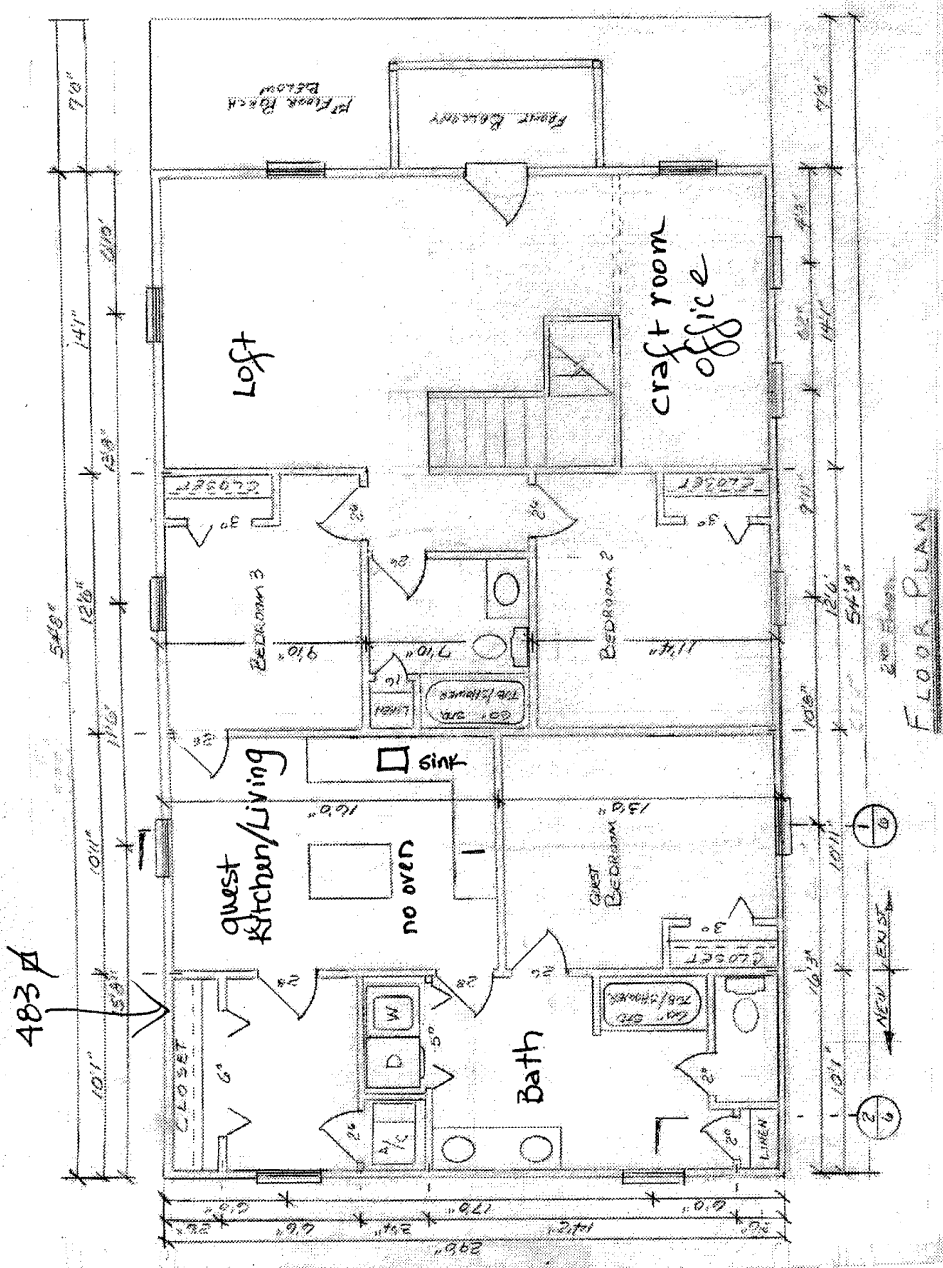
Custom Design By
John J. Crum
Residential Design and Drafting Services
"If You Can Dream It" "We Can Draw It"
Jacksonville, FL (904) 759-5585

Title
Renovations and Addition
for
**Jack Largent and
Peachtree Development**
9 Rohde Ave.
St. Augustine, Florida
Date: 02/25/19 Des. No.: 114-2013 Des. By: Joe Crum

04/06/19

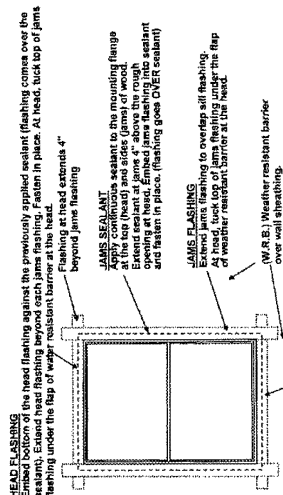
Sheet No. 1

Sheet No. 2



Header Requirements ~ 2"x4" Wall

Header Requirements



Notes: 1. The following formulas to determine the length of each strip of flashing for each window. The ASTM standard requires a flexible flashing minimum width of 9 in. (230 mm). Wider flashing materials, for example, 12 in. (305 mm), will allow, however the actual cut length figured by using the chart will increase. The use of self adhesive vinyl flashing is acceptable. For future discussion, self adhesive flashing can be used with wetting lines less than 9 in. (230 mm). Self adhesive type flashing must fasten to the weather side of the frame and not to the mounting flange. The flange must be properly attached, (forming a water tight joint), to the wall. 2. R.B.L. Ltd. the mounting flange material in order to be acceptable for use.

Insert the window to opening. Apply a 3/8" nom. dia. bead of sealant to the backside flange of the window frame, in line with any pre-punched holes or slots.

Window and Door Installation



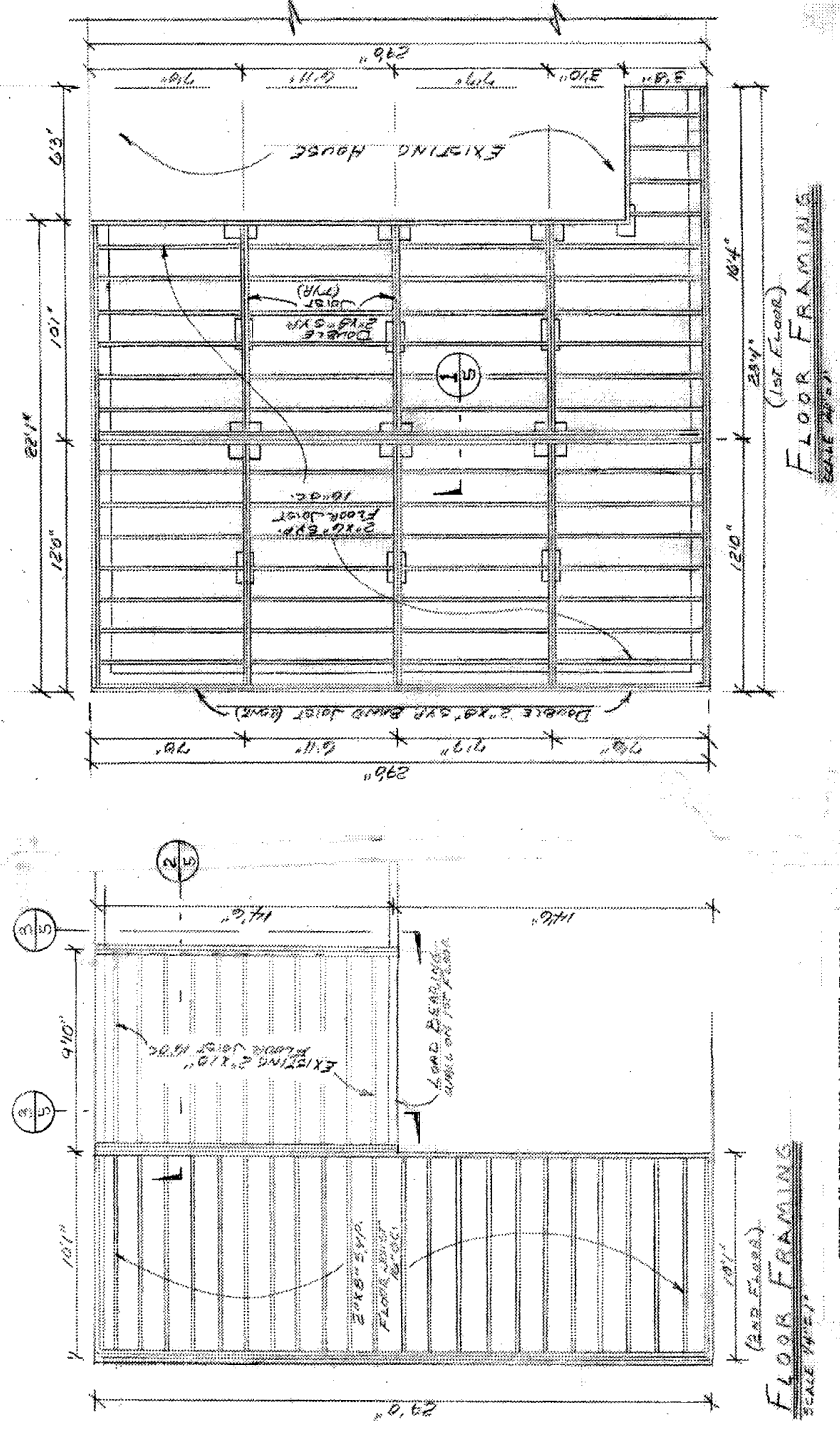
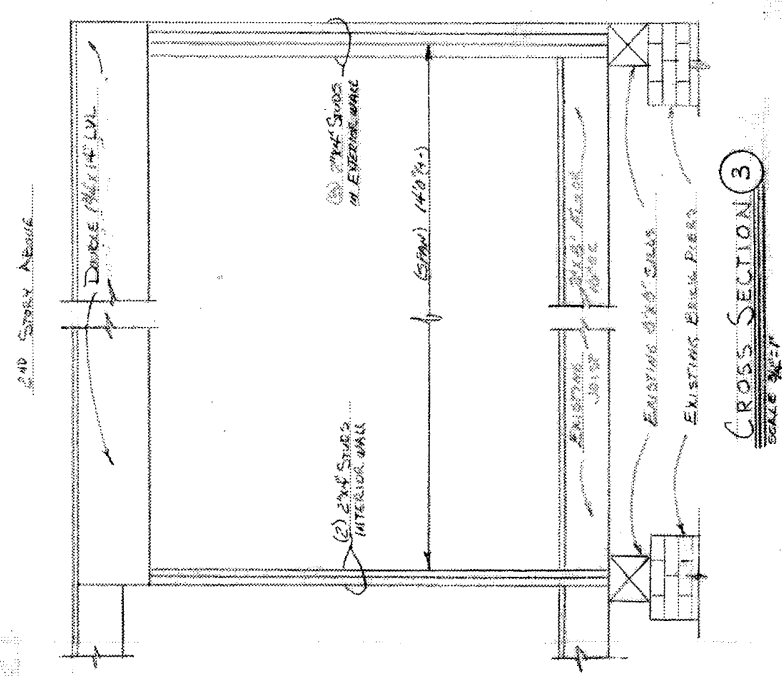
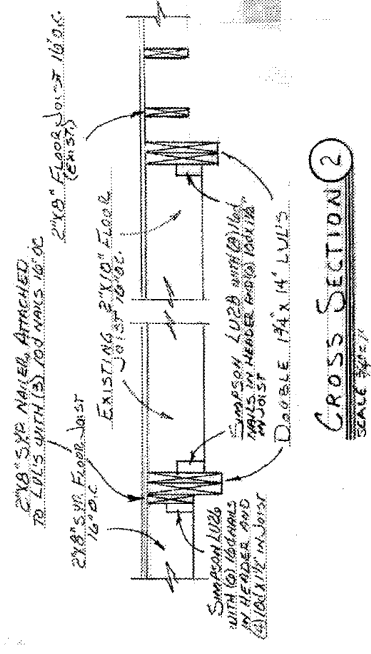
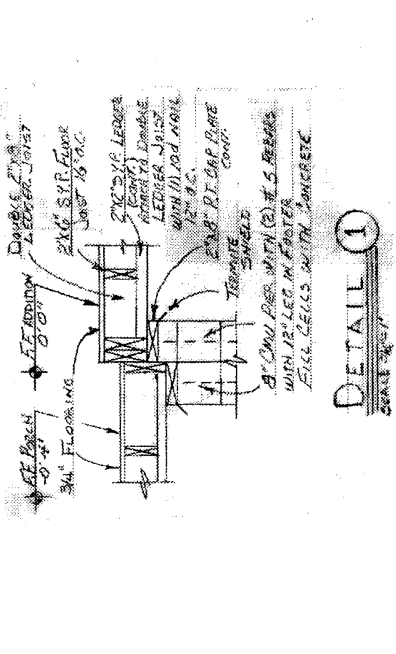
Section Through Window Jam flange

METHOD A-1

Weather resistive barrier applied prior to the window installation. Flashing applied OVER the face of the mounting flange.

Section Through Window Jam

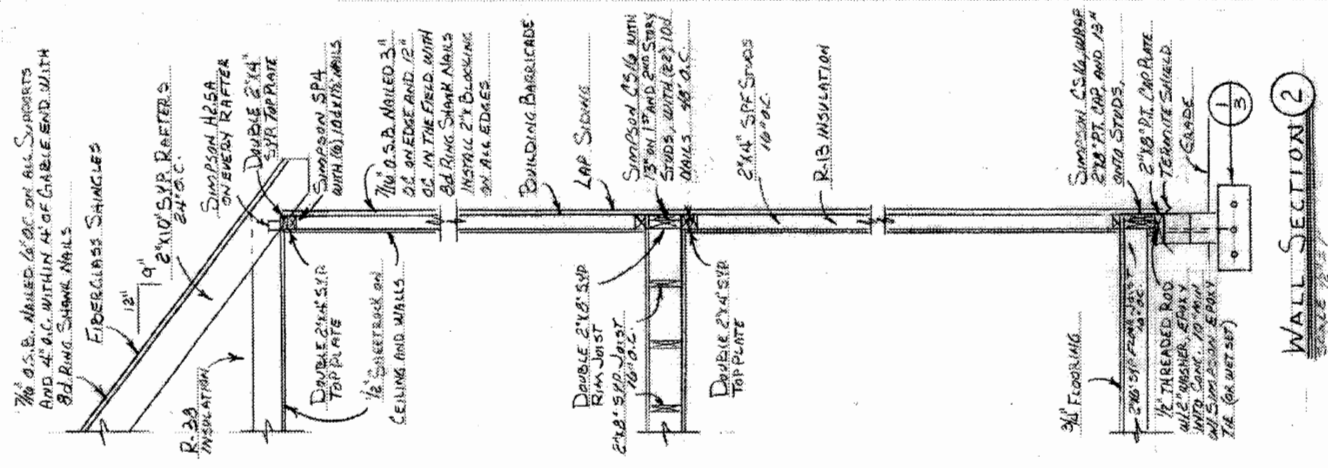
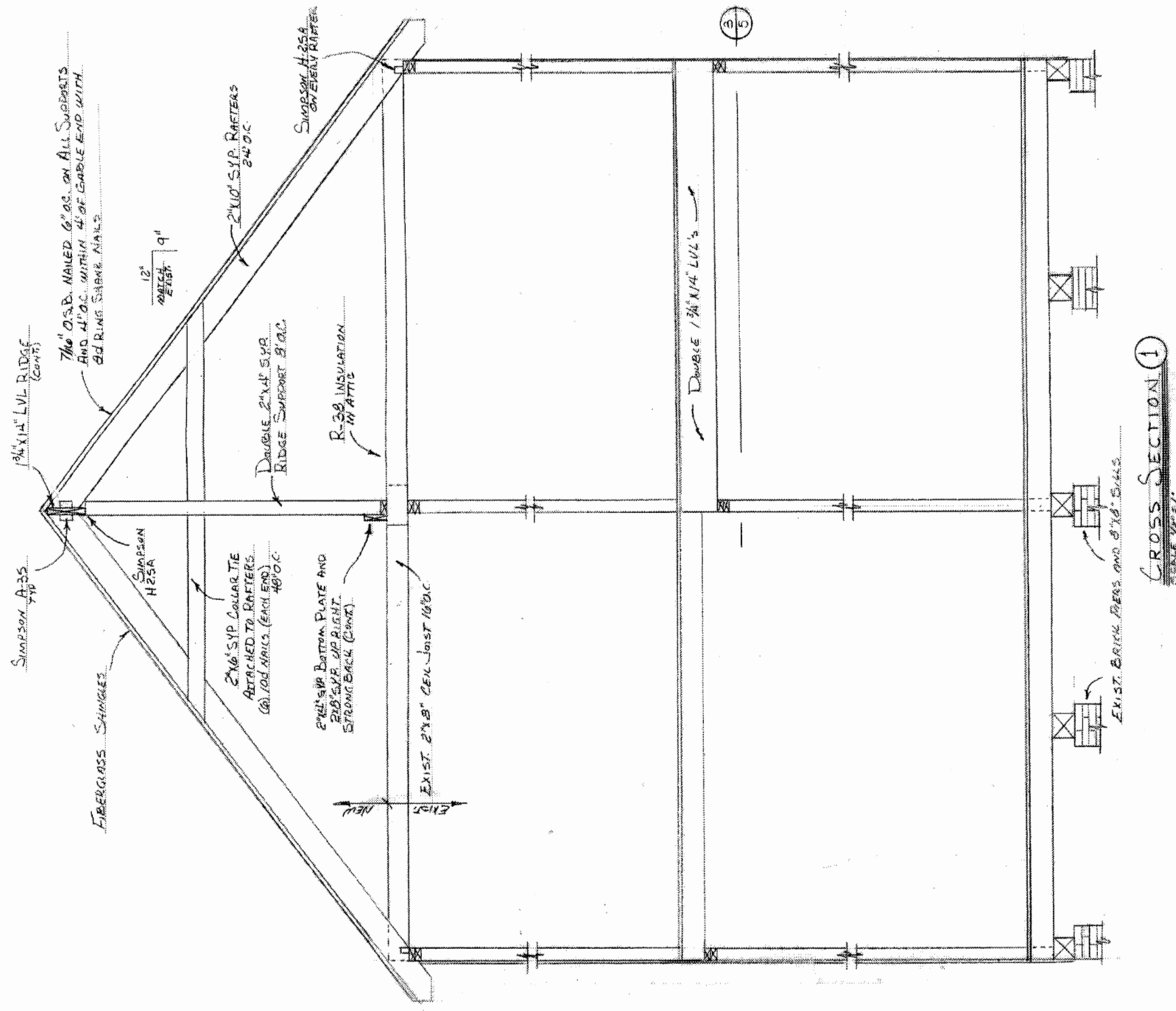
Weather resistive barrier applied prior to the window installation. Flashing applied BEHIND the mounting flange.



ENGINEER OF RECORD: RONALD J. BONGIOVANNI, P.E. #24556
ANCHOR ENGINEERING OF FLORIDA, INC.
CIVIL ENGINEERING
2720 PARK STREET, #210
JACKSONVILLE, FL 32216
DATE: 1/20/19

APR 09 2019

Planning Building Dept.



Conventional Frame Roof Area Shingle Roofs

SIZE	12' o.c.	12' o.c.	14' o.c.	14' o.c.
2" x 6"	14'-9"	13'-8"	11'-9"	11'-0"
2" x 8"	19'-6"	17'-1"	13'-11"	13'-11"
2" x 10"	25'-2"	21'-10"	17'-10"	17'-10"
2" x 12"	28'-0"	23'-10"	19'-6"	19'-6"

Span Table for No. 2 SYP Rafters
No Ceiling Joist
with Drywall Ceiling - 20 psf LL, 15 psf DL

SIZE	12' O.C.	16' O.C.	24' O.C.
2" x 6"	13'-8"	11'-8"	8'-8"
2" x 8"	17'-5"	14'-8"	12'-4"
2" x 10"	20'-3"	17'-8"	14'-4"

Span Table for No. 10 SYP Ceiling Joist 20psf LL, 10 psf DL			
SIZE	12" o.c.	16" o.c.	24" o.c.
2" x 8"	9' 3"	8' 0"	6' 7"
2" x 10"	13' 4 1/2"	12' 0"	9' 10"
2" x 12"	17' 2"	15' 3"	12' 5"
3" x 8"	11' 0"	9' 6"	8' 0"
3" x 10"	16' 0"	14' 0"	11' 0"
3" x 12"	20' 0"	18' 0"	14' 0"

Span Table for No. 2 SYP Floor Joist 40psf LL, 10 psf DL			
SIZE	12' o.c.	16' o.c.	24' o.c.
2"x8"	10'-3"	9'-4"	7'-7"
2"x8"	13'-5"	11'-10"	9'-8"
2"x10"	18'-2"	16'-0"	11'-5"

Roof Framing Notes:

1. Nail rafters to ceiling joist with 4 - 16d common nails.
2. Nail rafters to plates with 3 - 16d common nails.
3. All rafters and ceiling joist shall be No. 2 SYP or better.

Southern Yellow Pine
SPAN TABLE

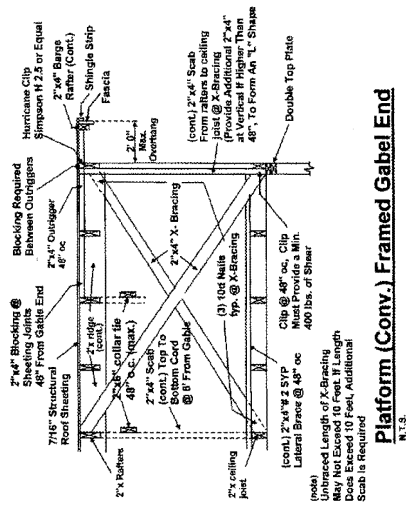
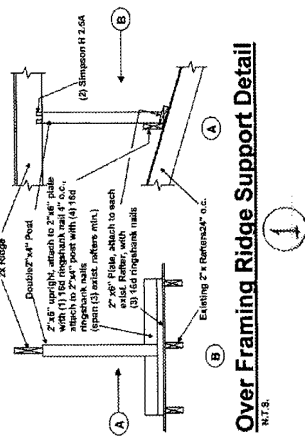
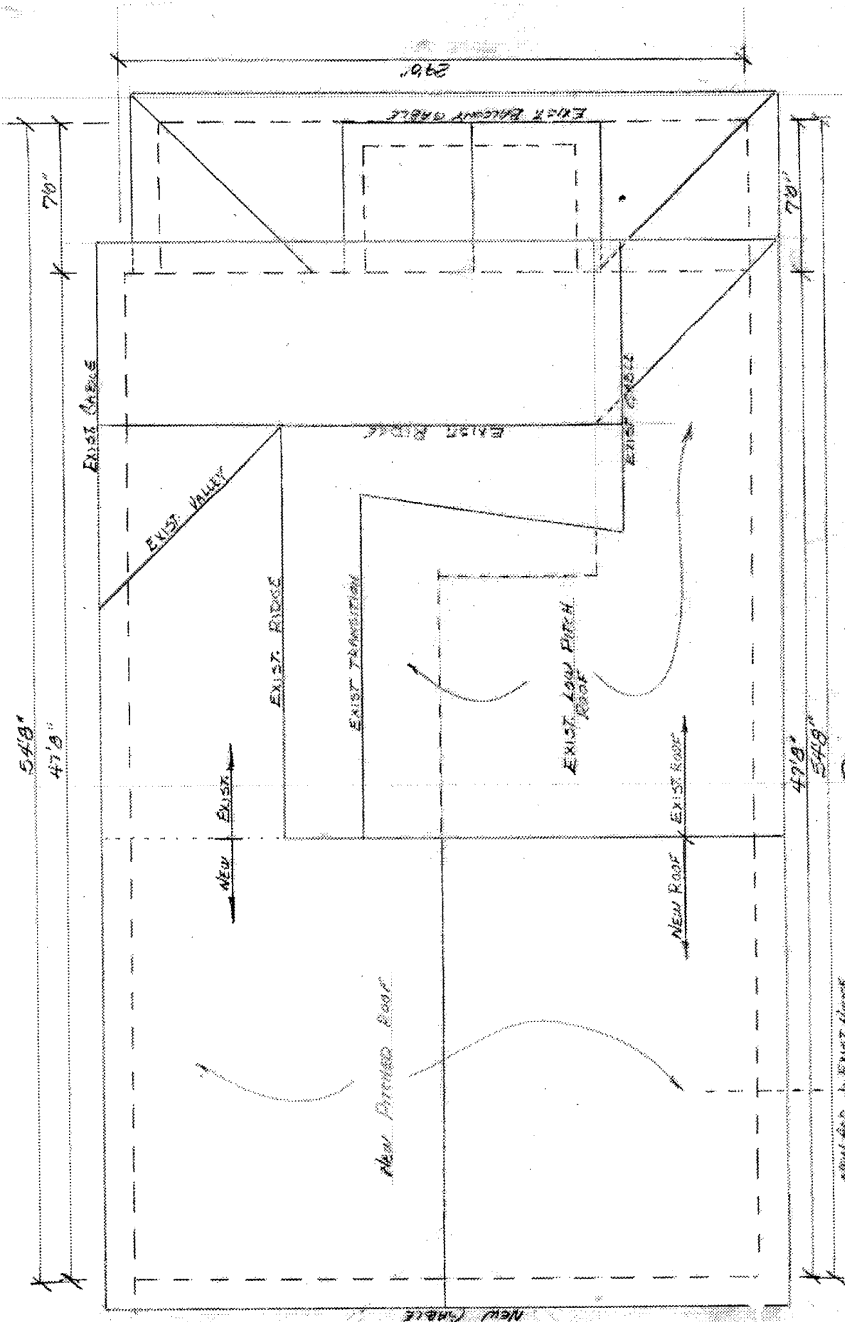
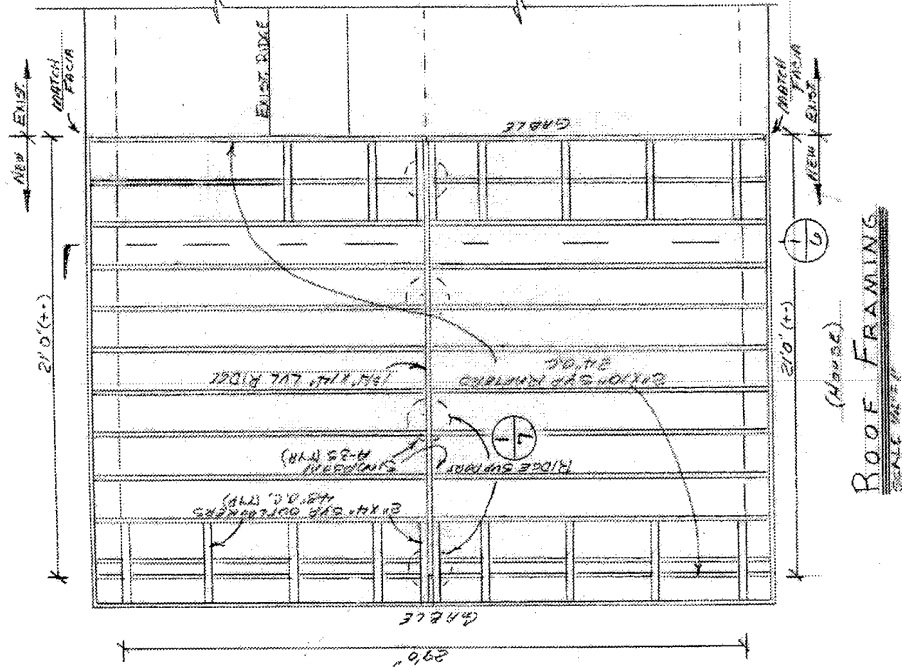
Florida Building Code 6th Edition (2017) Residential
SECTION R806 ROOF VENTILATION

Table 1. Ventilation requirements

Endocast sites and enclosed ratler spaces: Formed where ceilings are applied directly to the underside of roof rafters, shall have cross ventilation for each space of 1 sq ft per sq ft. Ventilation provided against the ceiling 1 1/2" (3.8 cm) high. Ventilation openings shall have at least 1 1/2" (3.8 cm) minimum and 1/4" (6.4 mm) maximum openings having a least 1/4" (6.4 mm) minimum. Ventilation openings having a least 1/4" (6.4 mm) shall be provided with dimension 14 gage wire cloth screening, hardware cloth, or similar material with openings having a least dimension of 1 1/2" (3.8 cm) minimum and 1/4" (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section 8.02.1. Required ventilation open directly to the outside air.

R806.2 Minimum Vent Area
The minimum net free ventilation area shall be 1/150 of the vented space.

Total Attic Space.....1382 Sq. Ft.
Vent Ratio Required.....1 sq. foot of vent per 150 sq feet of attic space

TOTAL Sq. Ft. of Attic = 1382 Sq. Ft. / 150 = 9.21 Sq. Ft. Required

2017 Florida Building Code
Residential Sixth Edition

SECTION R314 SMOKE ALARMS

R314.1 General.

R314.1 General.
Smoke alarms shall comply with NFPA 72 and Section R314.

R214.1.1 Listing.
Smoke alarms shall be listed in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be in accordance with UL 217 and UL 2034.

R314.2 Where required

RS14.2.1 New construction
Smoke alarms shall be provided in dwelling units.
RS14.2.2 Alterations, repairs and additions.
Where alterations, repairs or additions requiring a permit occur, or where one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings.

Exceptions

1. Work involving the exterior surface of dwellings, such as the replacement of roofing or siding, the addition or removal of windows or doors or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

F8C 2014 R314.3 Location

Smoke alarms shall be installed in the following locations:

- (1) In each sleeping room
- (2) Outside each separate sleeping area in the immediate vicinity of the bedrooms.
- (3) On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics, in dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(4) Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.3

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

(2) Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 20 feet (6048 mm) horizontally from a permanently installed cooking appliance.

(3) Photoelectric smoke alarms shall not be installed less than 5 feet (1525 mm) horizontally from a permanently

installed ceiling appliance.

13.14.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section 13.14.2, the alarm device shall be interconnected in such a manner that the activation of one alarm will activate all of the other alarms. The interconnection shall be accomplished by wiring the alarm devices in parallel with each other. Where alarm devices are installed and alarm sounders used, activation of one alarm.

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement that could provide access for subconnection without the removal of interior finishing.

3314.5 Combination alarms.
Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.

3314.6 Power source.
Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without disconnecting switch other than those required for overcurrent protection.

Exceptions:

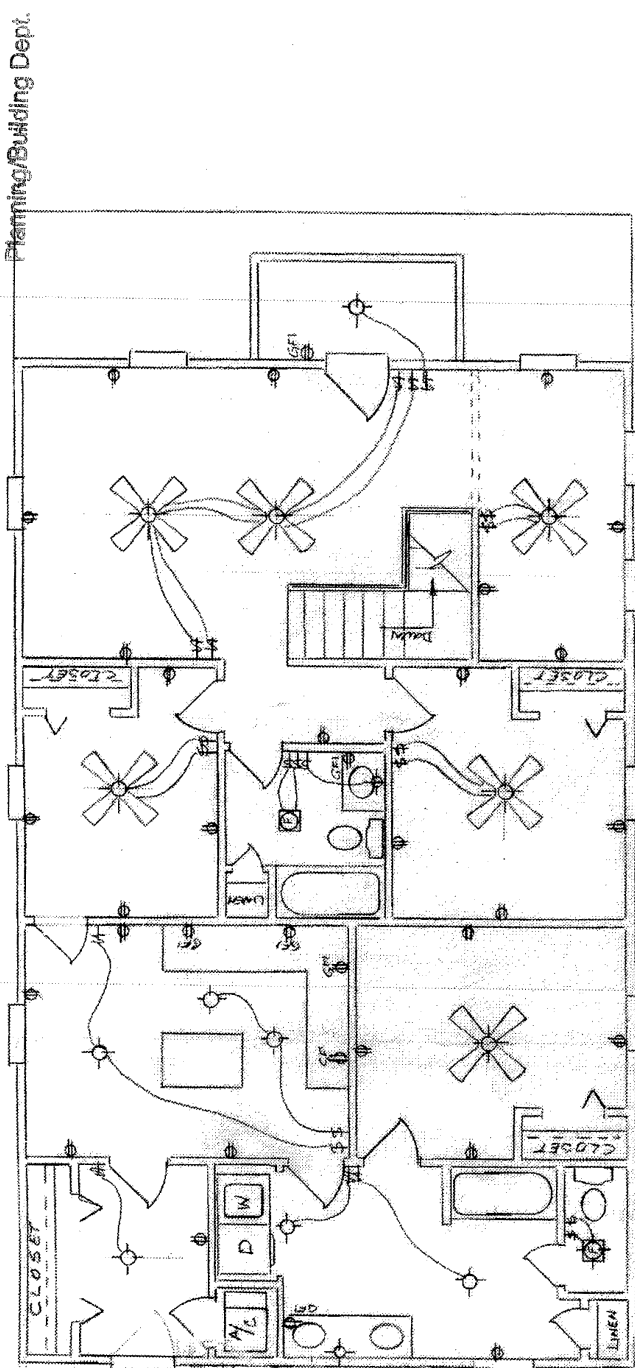
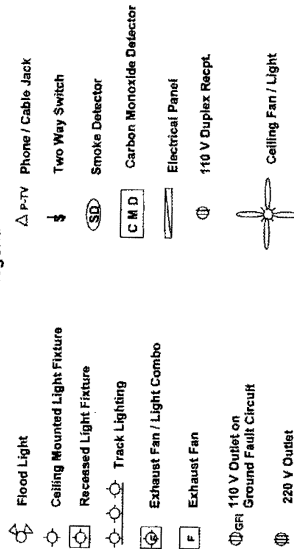
- 1) Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
- 2) Smoke alarms shall be permitted to be battery operated in buildings with commercial power, where the building is a residential building, a hospital, or a hotel. Alteration or addition to the existing building shall not be construed as a change in the use of the building.
- 3) Smoke alarms shall be permitted to be battery operated in buildings with commercial power, where the building is a residential building, a hospital, or a hotel, where the building is a residential building, a hospital, or a hotel, where the building is a residential building, a hospital, or a hotel.

ELECTRICAL NOTES:

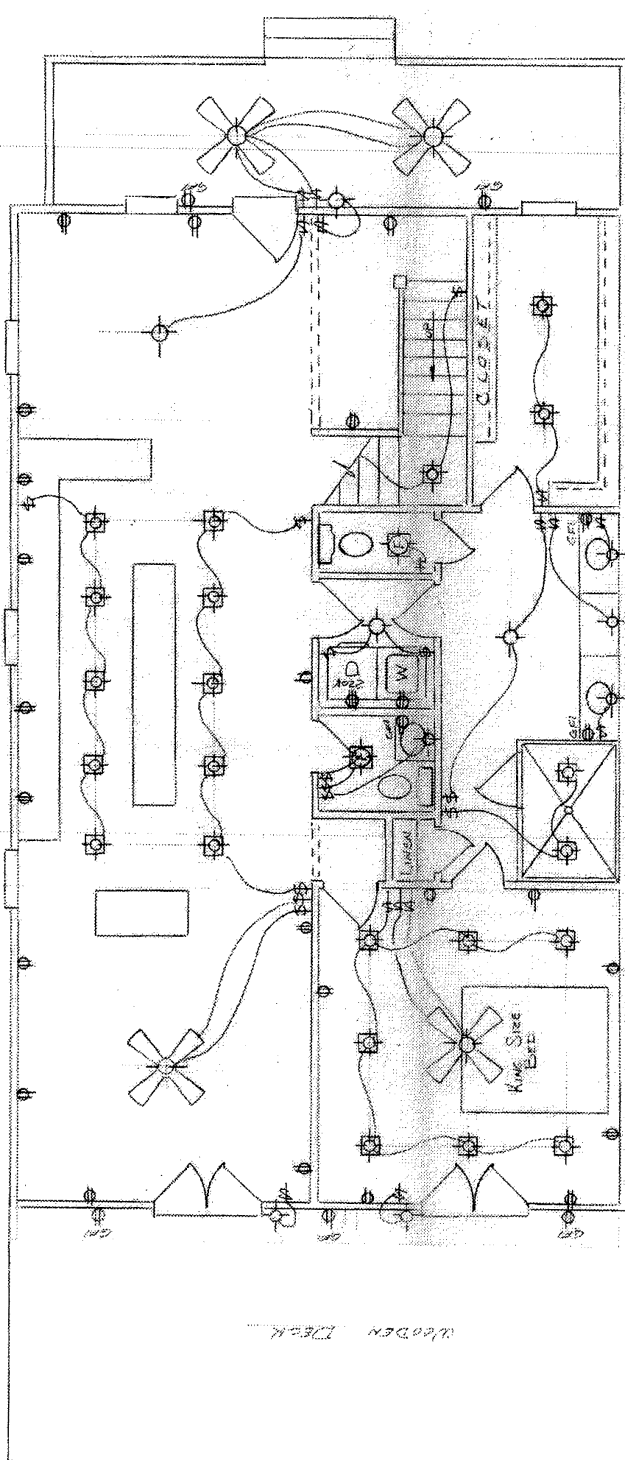
Unless Otherwise Noted

- | | | |
|---|--|--|
| 1 | Electrical outlet height as measured from finished floor to the center line of the box, to be 12" AFF (general) | = 34" AFF
= 39" AFF
= 38" AFF
= 12" AFF
= 12" AFF
= 42" AFF |
| 2 | All trim plates and devices to be ganged where possible. | |
| 3 | Electrical switches to be 42" AFF | |
| 4 | All work shall be done in strict accordance with the national electrical code, latest with a licensed electrical contractor who shall be responsible for the design and staging of the electrical wiring & accessories | |
| 5 | Smoke detectors shall be in accordance with the Florida Building Code, Section R313 (below) | |
| 6 | Provide AFC's (arc fault interrupters) in all dwelling unit bedrooms per National Electrical Code Section 210.12 | |
| 7 | Provide G.F.I.'s as required at baths and sinks. | |
| 8 | All outlets to be tamper proof | |

Electrical Legend



Electrical Plan
Scale 1/8" = 1'-0"



(1st Floor)
ELECTRICAL PLAN
DATE 4-2-77

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 7, 2019

RE: **USE BY EXCEPTION #2019-0039**

AGENDA ITEM 6(a)

APPLICANT Columbia Care Florida

OWNER J & BFLP Ltd.

LOCATION 160 King Street

REQUEST To approve a use by exception allowing a 3,500 square foot medical marijuana dispensary.

PLANS DATED February 20, 2019

LAND USE Commercial Medium Intensity
ZONING Commercial Medium-2 (CM-2)

SURROUNDING USE

South – Park & Commercial
West – Commercial
North & East – River

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application.

Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

(f) *Limitations on exceptions, variances and conservation zone developments.*

(3) Whenever the board has granted an exception or variance to the zoning code, it shall not then consider any petition for an exception or variance on any part or all of the same property for a period of one (1) year from the effective date of the order granting the exception or variance.

(4) Whenever the board has denied an application for an exception or variance no further application shall be filed for the same exception or variance on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same exception or variance on any part or all of the same property has been denied, no further application shall be filed for the same exception or variance on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.

(5) The time limits of subsections (3) and (4) may be waived by the affirmative votes of a majority of the board when such action is deemed necessary to prevent injustice or to facilitate the proper development of the city.

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

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood. Excluding

(3) *Permissible uses by exception:*

- a. As provided in section 28-347.
- b. Wholesale, warehouse, or storage use, to include mini-warehouses, 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. Tattoo parlor or studio.
 - k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
 - l. Uses and structures as for RG-1 (section 28-163).
 - m. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (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.

WAIVER OF TIMEPERIOD SINCE PREVIOUS DENIAL

Originally the applicant was heard before the Board on March 5, 2017 regarding a use by exception for a facility to sell legally available marijuana (medical marijuana facility). At that time the Board denied this use by exception. Under our Code if an item is denied no other applications for the same exception can be filed with the City for a timeframe of one (1) year. However, our Code does allow these timeframes to be waived by a majority vote of the Board when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City. The applicant is seeking this determination from the Board.

If the Board finds there has been an injustice or the request facilitates the proper development of the City, then it can open the new application request and begin a hearing. The applicant has provided an additional narrative in attachment 1, please read this item.

If it does not, the Board cannot open the new application or begin a hearing since it would not meet the one (1) year time period.

Staff is not providing a recommendation with this request.

STAFF SUMMARY AND ANALYSIS

The applicant has filed another request for an exception to allow for a medical marijuana dispensary at a parcel that has direct vehicular access to U.S. Highway 1. The use previously was a liquor store entirely within the 7,024 square feet of space. Plans call for dividing the building into three (3) separate units with the medical marijuana dispensary maximum size being 3,500 square feet (revised illustration is 3,403 square feet) and will locate within one (1) unit; there are no proposed uses for the other two (2) units. This use would utilize a drive thru to dispense product and this would be located on the north side of the building at their unit (see attachment 3). Originally approved plans included a drive-thru for the liquor store; however no drive-thru exists at this time.

This would be the second medical marijuana dispensary reviewed by the Board. The first one was approved at 2303 N. Ponce De Leon Boulevard in June 2018. Minutes of this meeting and the original denial from March 2019 for 160 King St. have been added as attachment 3 for reference.

Be aware the dispensary can only distribute medical marijuana to patients or caregivers that have a State issued Medical Marijuana Use Registry Identification (similar to a State driver's license) & has an order from a physician. There will be no growing at the site; product can only be brought to the site in accordance with State law. Only sales and storage will occur on the premises.

Under State law, only the following physician diagnosed medical conditions can use medical marijuana:

Cancer	Epilepsy
Glaucoma	Human Immunodeficiency Virus (HIV)
Acquired Immunodeficiency Syndrome (AIDS)	Post-Traumatic Stress Disorder (PTSD)
Amyotrophic Lateral Sclerosis (ALS)	Crohn's Disease
Parkinson's Disease	Multiple Sclerosis (MS)
Medical conditions of the same kind and class as comparable to those above this line.	A terminal condition diagnosed by a physician other than a qualified physician issuing the physical certification.
Chronic Malignant Pain	

Under State law the use is regulated to do the following:

1. Use cannot dispense more than seventy (70) day supply to a patient or caregiver.
2. An employee must enter their name and unique identifier before sale of any products.
3. Must verify the patient or caregiver has a valid registration in the Medical Marijuana Use Registry, a Medical Marijuana Use Registry ID card, amount/type of marijuana matches the physician certification in the Medical Marijuana Use Registry, and that the prescription not already been filled.
4. Verify that dispersal patient or caregiver is eighteen (18) years of age.
5. It may not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.
6. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.
7. Provide security that includes 24 hour cameras in controlled areas and entry/exit points which record in numerous directions with a minimum forty-five (45) day retainment, recorded images must have date/time stamps, adequate outdoor lighting, maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms.
8. Not dispense from its premises or deliver between 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.
9. Store marijuana in a secured, locked room or a vault.
10. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.
11. Require each employee or contractor to wear a photo identification badge at all times while on the premises and require each visitor to wear a visitor pass at all times while on the premises.
12. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

Since this is a new use, the site must meet current regulations regarding landscaping and parking. In review of submitted items and site visit to the location it currently meets minimum parking requirements as a shopping center (1 per 300 square feet minus storage space). Minimum landscaping standards will be reviewed during the permitting phase and they will upgrade landscaping if needed on their plans at that time.

The applicant has indicated their basis for the exception is that the rising levels of physicians licensed to prescribe medical marijuana (currently at 1,662 in the County) and statewide patients (currently at 136,000) will create market demand to necessitate additional distributions centers and a second facility would help address this need. Also, replacing an abandoned liquor store with a licensed medical marijuana dispensary, is a much less intense commercial use than the prior use and if approved with a drive thru, it will provide a unique opportunity for people with mobility impairments to have access to their prescriptions without having to park and transfer from their vehicles to their personal mobility device.

Based on the information provided by the applicant, site visits, and State law cited within this report Staff believes there is no evidence that the use would be a detriment to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. The site is located in a commercialized area with no residential uses and is bordered by a river and right-of-ways. The Board has the authority to place conditions on the approval of a use by exception in order to safeguard surrounding properties and the neighborhood.

STAFF RECOMMENDATION FOR OPENED USE BY EXCEPTION

Staff will not be providing a formal recommendation with this report. However recommended findings of fact are listed below:

Based on a review of Section 28-19, if the Board **CAN** find there is a need & justification for the special exception due to the number, area, location or relation to the neighborhood and that it would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare then the Board **CAN** approve of the special exception located at 160 King Street.

Based on a review of Section 28-19, if the Board **CANNOT** find there is a need & justification for the special exception due to the number, area, location or relation to the neighborhood and that it would **NOT** promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare then the Board **CANNOT** approve of the special exception located at 160 King Street.

SUPPLIMENTS

- Attachment 1 – Application & Applicant Narrative
- Attachment 2 – Property Appraiser Information & Location Map
- Attachment 3 – PZB Minutes of Previous Uses by Exception for Legally Available Marijuana
- Attachment 4 – Site Plan / Floor plan
- Attachment 5 – Board PowerPoint Presentation.

David Harrell, AICP
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application & Applicant Narrative



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

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Application Fee: 250⁰⁰ (plus advertising costs)

Project Number: 2019-0039

Receipt Number: 1586340

Meeting Date: May 7, 2019

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: [REDACTED] Columbia Care Florida Contact Number: _____

Business (if applicable): Represented by James G. Whitehouse, Esq. (St. Johns Law Group) - 904-495-0400

Address: _____ City: _____ State: _____ Zip: _____

2. NAME OF PROPERTY OWNER: J & BFLP, Ltd. Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: See Attached

Block: _____

Subdivision: _____

Parcel Number: _____

4. PROJECT STREET ADDRESS: 160 King Street

5. SPECIFIC PROPOSED USE: Use by Exception for sale/delivery of medical marijuana, as approved by Florida Statute, with conditions.

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

8. JUSTIFICATION FOR ACTION REQUESTED: _____

SEE ATTACHED

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9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

(a) Does the property have a disadvantage which is not common to other properties in the area?

Please explain fully: _____

(b) Can you establish that this disadvantage is not due to the owner's actions?

Please explain fully: _____

(c) Can you establish that this disadvantage prevents reasonable use of the property:

Please explain fully: _____

(d) If granted, will the variance adversely affect other property in the area:

Please explain fully: _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: _____

10. PREVIOUS APPLICATIONS:

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.

Application denied in a 4-3 vote due to lack of condition on approval of exception. Applicant hereby seeks year waiver and review with appropriate condition, as requested.

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."

Signature of Applicant JAMES E. WHITHOUSE, ESQ.

3/29/2019
Date

Signature of Property Owner Jacqueline H. Bailer

4/1/19
Date

VP of H&B Management Properties Inc.
the General Partner of J&BFLP, Ltd.



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**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

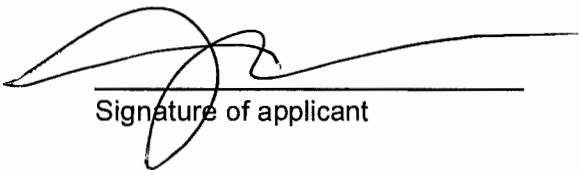
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

JAMES G. WHITEHOUSE, ESQ.

Print name of applicant


Signature of applicant

3/29/2019
Date

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Owner's Authorization For Agent

ST. JOHNS LAW GROUP / JAMES G. WHITEHOUSE, ESQ. is hereby authorized TO ACT ON BEHALF OF Better-Gro Companies LLC d/b/a Columbia Care Florida, the leaseholder on those lands described within the attached application and as described in any other such proof as may be required, in applying to the City of St. Augustine, for an application related to a EXCEPTION for and any other matter related to property located at 160 KING STREET, ST. AUGUSTINE, FL.

BY: 

Signature of Owner

David Hart

for Better-Gro Companies LLC d/b/a Columbia Care

Print Name of Owner

212-634-7100

Telephone Number

State of New York

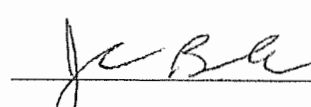
County of New York

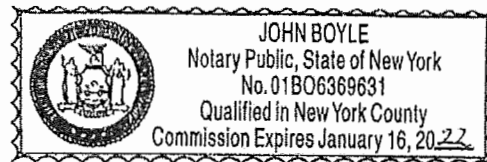
Signed and sworn before me on this 2 day of April, 2019

By David Hart

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: 



My Commission expires: 1/16/2022

JUSTIFICATION FOR TIME RESTRICTION WAIVER AND HEARING ON APPLICATION FOR EXCEPTION FOR 160 KING STREET

Pursuant to City Code, Section 28-29(f)(5), the Board may waive the one (1) year timeframe for rehearing of this item, by majority vote, when they determine that such action is necessary to prevent injustice or to facilitate the proper development of the City. (Sec 28-29.f, City Code)

Moreover, pursuant to City Code, Section 28-29(f)(5), the owner and applicant herein make re-application with the understanding that the Board can waive the one year limitation as allowed by city code, based upon the fact that such rehearing is necessary to prevent injustice and/or to facilitate the proper development of the City, and as a basis therefore, states as follows:

When this item, minus the conditioning language as requested, was just before you, at the time of discussion there were some issues regarding whether approval could be conditioned with restrictions as to any future use in regards to any future legislative action. Based upon that discussion, the applicant, in conjunction with the city staff, was hesitant to act as such. After having time to discuss these issues with the city attorney and staff, we do now have appropriate accepted language for such conditioning and ask for such consideration while waiving the year time period as provided. This will prevent the injustice of requiring the applicant to wait a year to gain approval for a request that a majority stated it would approve, particularly if conditioning language, as now included, could be agreed to by staff and applicant. Further, waiving this one year limitation and allowing this hearing to proceed will facilitate the proper development of the City pursuant to the guidelines for these types of uses under Ordinance 2014-27 and as provided for in §381.986(11), Florida Statutes, as well as allowing this building to begin to be renovated and fixed up with an allowable use under the city code, because currently it is now a bit of an eyesore since it has been boarded up and vacant after ABC Liquors left.

The applicant sincerely appreciates your review and thoughtful consideration of the waiver of this rehearing period as provided in the code to prevent injustice and/or to facilitate the proper development of the city. Moreover, we also appreciate your further consideration of the application for use by exception given the conditions as requested and afore-stated.

APPLICATION FOR EXCEPTION FOR 160 KING STREET

7. Request for approval of this site for a use by exception, specifically for a facility for the sale and distribution of medical marijuana, as approved by Florida Statute. Applicant hereby understands that this would be a conditional approval upon the caveat that any other use on this property related to any future legalization of the recreational use of marijuana is not approved by this action and would have to come back to the board for future review, if such ever becomes applicable.

8. Columbia Care is a patient-centered healthcare company setting the standard for compassion, professionalism, quality, caring and innovation in this field of care. This area of care has been officially recognized by the State of Florida as a formal part of Florida's Public Health system under Title 29 of the Florida Statutes. Columbia Care has been formally recognized and authorized by the Florida Department of Health as a licensed and authorized provider of this particular type of compassionate care. Columbia Care operates in very similar setting to a pharmacy and is recognized as such by the State of Florida. The owner intends to covert this building into two or three separate compatible uses while utilizing its wonderful commercial location along this arterial federal highway for the requested compatible pharmacy-type use. The property is already designated by the city for Commercial Medium Intensity uses within the City's Comprehensive Plan, and it is zoned for Commercial uses. The proposed pharmaceutical-type use fully complies with the goals, objectives and policies of this Commercial classification. This property specifically meets the criteria as established by the Commission in Ordinance 2014-27 for this use.

Pursuant to City Code, Section 28-29(f)(5), the owner and applicant herein make re-application with the understanding that the Board can waive the one year limitation as allowed by city code, based upon the fact that this was just before you and at the time of discussion there were some issues regarding whether approval could be conditioned with restrictions as to any future use in regards to any future legislative action. After having to time to discuss these issues with the city attorney and staff, we do now have appropriate accepted language for such conditioning and ask for such consideration while waiving the year time period as provided.

The applicant sincerely appreciates your review and thoughtful consideration of the waiver of this rehearing period as provided in the code to prevent injustice or to facilitate the proper development of the city. Moreover, we also appreciate your further consideration of the application for use by exception given the conditions as requested and afore-stated.

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APPLICATION FOR EXCEPTION FOR 160 KING STREET

City Code:

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

(3) Permissible uses by exception:

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

Proposed Approval:

This site is approved for a use by exception, specifically for a facility for the sale and distribution of medical marijuana, as approved by Florida Statute.

The Board hereby conditions this approval upon the caveat that any other use on this property related to any future legalization of the recreational use of marijuana is not approved by this action and would have to come back to the board for future review, if such ever becomes applicable.

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SPECIAL EXCEPTION APPLICATION FOR 160 KING STREET

1. PROPOSED PROJECT

Better-Gro Companies, LLC, d/b/a Columbia Care Florida ("Columbia Care"), is licensed as a medical marijuana treatment center ("MMTC") pursuant to section 381.986, Florida Statutes. Columbia Care's MMTC license permits it to cultivate, process, and dispense medical marijuana throughout the state of Florida.

Columbia Care is seeking an Exception to allow for the operation of a MMTC in full compliance with Florida law in a portion of an existing building located at 160 Kings Street in City of St. Augustine. The building is a vacant, existing building that was formerly used as an ABC liquor store. Columbia Care is proposing to lease approximately 3,407 square feet from the current property owner. The proposed site plan is attached.

The existing zoning for the site is commercial, which is specifically designated to accommodate a concentrated business core and that allows for pharmacies by right. Similar to many pharmacies, Columbia Care is proposing a drive-thru window to better serve customers, including those suffering from physical ailments affecting their mobility. For security purposes, this drive-thru will include only a pass-through window placing the customer and the representative in direct contact. Remote drive thru services will not be utilized. The drive-thru will include security cameras and exterior lighting ensuring to ensure safety of customers and Columbia Care.

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2. PROPOSED OPERATOR

Columbia Care Florida is a wholly owned subsidiary of Columbia Care LLC, an entity with extensive expertise in the medical marijuana industry. Columbia Care, along with its medical marijuana cultivator, processor and dispensary affiliates, operates in 8 highly regulated jurisdictions across the country (encompassing 10 distinct cultivator licensees either currently operating or in the process of constructing cultivation facilities across 7 different states). With over 200,000 square feet of greenhouse and indoor cultivation facilities expected to produce several hundred pounds of medical cannabis and tens of thousands of medical cannabis product units per month, Columbia Care is a reliable and tested provider of pharmaceutical grade medical cannabis to dispensaries in every jurisdiction where it operates. The company already has more than 10 licensed dispensaries up and running, including locations in major metropolitan areas like Boston, Chicago, New York and Washington D.C.

Columbia Care is fortunate to have had the capacity to develop collaborative, working relationships with leading academic, patient advocacy, research, and healthcare organizations as well as partnerships with academic, agricultural, policy, sustainability, and economic programs at a number of the most highly regarded institutions in the United States. Since its inception,

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Columbia Care has dedicated funding for research collaborations and initiatives with major academic medical centers across the country to enhance patient care, inform the policy debate, and empower stakeholders with data upon which they can draw objective conclusions. It has thus set itself apart from any other company in the medical marijuana arena by establishing "first-of-its-kind" research collaborations with some of the top medical and research institutions in the United States. Specifically, Columbia Care has established clinical partnerships with three of the top 15 research-focused medical schools in the United States (according to US News rankings).

Consistent with its mission, Columbia Care is committed to producing contaminant-free, pharmaceutical-grade medical marijuana products for patients seeking more effective medical alternatives to improve their lives. As a policy, Columbia Care does not serve recreational users or operate programs that lack a strictly medical focus. Having successfully cultivated tens of thousands of medical marijuana plants in both greenhouse and indoor facilities in both wholesale and vertically integrated models, and having successfully passed independently laboratory testing for hundreds of batches of medical marijuana, Columbia Care prides itself on having impeccable safety and compliance records in each of its markets. Columbia Care's business has been built upon disciplined operations, constant innovation, zero-tolerance compliance standards, and financial strength. Columbia Care has vast, legitimate experience cultivating, and its experience runs deeper than virtually every other competitor in the country. Columbia Care's cultivator affiliates are set to produce over 4 tons of medical marijuana in calendar year 2017 and expect to nearly double that figure in calendar year 2018 when it begins operating additional cultivation sites. Furthermore, Columbia Care's existing cultivation facilities across the country have successfully completed dozens of compliance and inventory audits with state regulators. One of Columbia Care's affiliates recently was awarded a Class 1 Schedule 1 Controlled Substance manufacturing license by a State Bureau of Narcotics Enforcement, underscoring Columbia Care's proven expertise in operational efficiency, inventory management, diversion control and security protocols.

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3. COMPLIANCE WITH STATE RULES REGULATIONS AND ST. AUGUSTINE CODE

Columbia Care will fully comply with all state regulations to ensure that all sales are legal and conducted in full compliance with the law.

Columbia Care will also fully comply with all City of St. Augustine codes and regulations governing the use and operation of an MMTC within the City limits.

4. SAFETY AND SECURITY

Columbia Care's MMTC will include stringent security measures, including 24/7 security. All entry points will be under surveillance 24 hours a day, 7 days a week in compliance with Florida Statutes

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and will be outfitted with access control technology. In compliance with section 381.986, Florida Statutes, the MMTC will include:

- A fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors and duress, panic, and hold-up alarms
- A video surveillance system that records continuously 24 hours a day and provides clear line of sight to:
 - point-of-sale rooms.
 - entrances and exits to the premises
- Video surveillance recordings will be retained for a minimum of 45 days or longer upon the request of a law enforcement agency
- Recorded images will clearly and accurately display the time and date.
- All security footage will be stored in a secured vault room.

All Medical marijuana products will be stored in a secured vault room in accordance with Columbia Care's internal policies and procedures and applicable Florida law.

Inventory at the proposed dispensary will be handled in compliance with CCF standard operating procedures, and each item will be tracked pursuant to Florida law. All medical marijuana products will be stored in the dispensary's vault room pursuant to Florida law

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REVISED NARRATIVE

The Applicant agrees to remove sheets A-006.00 thru A.-006.02 from the plans and acknowledges that there is a separate permitting process for permitting signage.

Compliance with Section 28-2 City of St. Augustine

Section 28-1 Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Justification

Approval of this application will promote public health, safety, moral, order, comfort and convenience and general welfare, by expanding consumer options beyond one single dispensary within the City limits. This site is appropriately located with access to US 1. It is approximately 2 miles from the other approved MMTC at 2303 N. Ponce De Leon Boulevard and is located on the opposite side of the San Sebastian Review.

Approval of this location will allow consumers the choice that is typically associated with the free market for all other retail goods. The sale of medical marijuana is highly regulated and while there is uniformity as to what types of product may be delivered and in what manner, consumers should be entitled to choice of customer experience.

In addition to the reason set for the above the Applicant will advance public, health, safety, moral, order and general welfare by strictly adhering to the following standards set forth in the Florida statutes and regulation governing MMTCs:

1. The MMTC will not dispense more than seventy (70) day supply to a patient or caregiver.
2. All employees will be required enter their name and unique identifier before sale of any products.
3. The MMTC will verify the patient or caregiver has a valid registration in the Medical Marijuana Use Registry, a Medical Marijuana Use Registry ID card, amount/type of marijuana matches the physician certification in the Medical Marijuana Use Registry, and that the prescription has not already been filled.
4. The MMTC will verify that dispersal patient or caregiver is eighteen (18) years of age.
5. The MMTC will not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana

delivery device required for the medical use of marijuana and which is specified in a physician certification.

6. The MMTC will, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.
7. The MMTC will provide security that includes 24 hour cameras in controlled areas and entry/exit points which record in numerous directions with a minimum forty-five (45) day retainment, recorded images must have date/time stamps, adequate outdoor lighting, maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms.
8. The MMTC will not dispense from its premises or deliver between 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.
9. The MMTC will store all medical marijuana in a secured, locked room or a vault.
10. The MMTC will have at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.
11. Each MMTC employee or contractor will be required to wear a photo identification badge at all times while on the premises and require each visitor to wear a visitor pass at all times while on the premises.
12. The MMTC must report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

The medical marijuana market is young and expanding. Its popularity as a safe and reliable treatment option is on the rise. Each year the state mandated Physician Certification Pattern Review Panel issues an annual report (the "Annual Report"), which revealed that approximately 136,000 patients statewide received certificates from their doctor in the first nine months of 2018. As the rules and regulations become more stabilized, the number of physicians that are willing to prescribe this as a treatment option increases as well. The Annual Report shows that there are currently 1662 Physician Certifications for medical marijuana in the St. John's County.

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Table 1 State and County Physician Certifications by Patient's Qualifying Condition from January 1, 2018 through September 30, 2018

Physicians by County	(a) Cancer	(b) Epilepsy	(c) Glaucoma	(d) Positive Status for HIV	(e) AIDS	(f) PTSD	(g) ALS	(h) Crohn's Disease	(i) Parkinson's Disease	(j) MS	(k) Medical Conditions of the Same	(l) Terminal Condition	(m) Chronic Non- Malignant Pain	Total
STATEWIDE	17,113	4,305	3,398	1,683	290	41,143	226	3,384	2,691	3,575	47,527	440	48,259	174,254
Palm Beach	1,777	305	329	145	28	3,477	16	353	329	301	2,147	28	6,735	15,970
Pasco	588	106	104	37	9	2,277	5	78	84	97	437	15	1,180	4,937
Pinellas	1,519	412	395	229	25	3,875	31	319	229	362	7,808	23	2,858	18,025
Polk	120	127	22	11	1	262		34	21	51	158	9	1,132	1,952
Santa Rosa	26	8	10	4		183		8	1	4	210	8	6	410
Sarasota	1,420	287	204	82	42	2,357	17	320	388	344	3,254	16	1,462	10,173
Seminole	185	42	20	22	7	503		45	30	38	376	11	1,104	2,383
St. Johns	328	49	28	11	1	228	1	38	38	58	738		888	2,498
St. Lucie	265	41	37	24	3	290	1	45	41	33	548	10	630	1,906
Sumter	4					7				1	1	2	1	18
Suwannee	1		1			8							2	12
Volusia	662	155	109	39		1,159	6	79	105	50	1,018	4	849	4,255
Walton	51	8	7	3		81		8	5	3	148		181	495
Washington	30	14	7	9		66		8	3	8	52		307	504
Not Practicing						2					16			18
Out of State	51	11	6	7		201		10	2	29	119		208	648

Columbia Care is confident that the market base is present to support another dispensary within the City limits of St. Augustine. The MMTC that was previously approved at 2303 N. Ponce De Leon location is only 1,150 square feet with limited parking. If that site remains as the only approved location within the City, it could become very difficult for them to adequately accommodate the growing demand particularly with the state limitation on the hours during which medical marijuana can be dispensed.

The subject site is an abandoned ABC Liquor Store, which is being repurposed with three new tenants. Replacing an abandoned liquor store with a licensed medical marijuana dispensary, is a much less intense commercial use than the prior use and if approved with a drive thru, it will provide a unique opportunity for people with mobility impairments to have access to their prescriptions without having to park and transfer from their vehicles to their personal mobility device.

There is no objective evidence to indicate that there is anything about a medical marijuana dispensary that threatens health safety, welfare or morals. The information in this application demonstrates that in addition to the evidence presented in conjunction with the application, there are adequate safeguards in place (e.g. the requirement to be located with access to US 1 and the state safety and security regulations) to ensure that the standard for the Zoning Exception have been satisfied.

Attachment 2

Property Appraiser Information & Location Maps



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

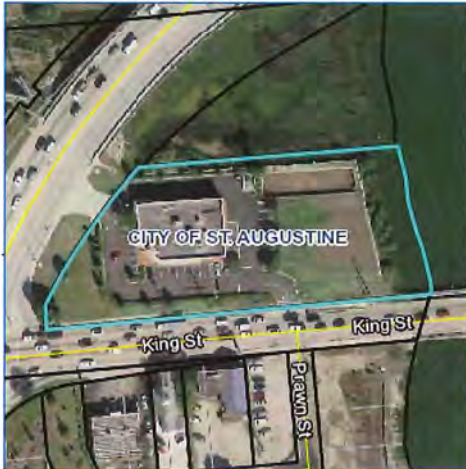
Parcel ID 1110300000
 Location Address 160 KING ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood Liquor Store Countywide (COM) (680.16)
 Tax Description* (2) DANCY TRACT LOT A-2 BLK A (EX R/W US 1 IN DB246/402) & (EX R/W KING ST IN OR660/1346) OR2344/1914
**The Description above is not to be used on legal documents.*
 Property Use Code Stores (1100)
 Subdivision Dancy Tract Resubdivision of Block 1
 Sec/Twp/Rng 37-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.2171
 Acreage 1.800
 Homestead N

View Map

Owner

Owner Name J & Bflp Ltd 100%
 Mailing Address PO BOX 593688
 ORLANDO, FL 32859-3688

Map



Valuation

	2019
Building Value	\$403,830
Extra Features Value	\$99,747
Total Land Value	\$835,257
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,338,834
Total Deferred	\$33,532
Assessed Value	\$1,305,302
Total Exemptions	\$0
Taxable Value	\$1,305,302

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$408,268	\$102,629	\$675,741	\$0	\$0	\$1,186,638	\$1,186,638	\$0	\$1,186,638
2017	\$481,624	\$92,909	\$675,741	\$0	\$0	\$1,250,274	\$1,250,274	\$0	\$1,250,274
2016	\$487,224	\$96,110	\$675,741	\$0	\$0	\$1,259,075	\$1,259,075	\$0	\$1,259,075
2015	\$492,824	\$99,311	\$675,741	\$0	\$0	\$1,267,876	\$1,267,876	\$0	\$1,267,876
2014	\$498,088	\$102,512	\$587,175	\$0	\$0	\$1,187,775	\$1,187,775	\$0	\$1,187,775
2013	\$503,622	\$105,712	\$587,175	\$0	\$0	\$1,196,509	\$1,196,509	\$0	\$1,196,509
2012	\$509,157	\$108,911	\$587,175	\$0	\$0	\$1,205,243	\$1,205,243	\$0	\$1,205,243
2011	\$436,643	\$112,111	\$665,465	\$0	\$0	\$1,214,219	\$1,214,219	\$0	\$1,214,219
2010	\$441,192	\$115,312	\$743,755	\$0	\$0	\$1,300,259	\$1,300,259	\$0	\$1,300,259

Building Information

Building 2
 Actual Area 7037
 Conditioned Area 7037
 Actual Year Built 2002
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Concrete Stucco

Roof Structure Rigid Frame
 Roof Cover Built Up, Concrete Tile
 Interior Flooring Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	80%
Roofing Cover	Concrete Tile	20%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	13 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	2" Fiberglass	100%
Floor System	Concrete Slab	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	7037	7037
Total SqFt	7037	7037

Extra Features

Code Description	BLD	Length	Width	Height	Units
Curb	0	0	0	0	1138
Asphalt Paving	0	0	0	0	17223
Concrete Paving	0	0	0	0	1206
Bulkhead (High)	0	0	0	0	2472
Pole Light	0	0	0	0	25
Masonry Wall	0	48	6	0	288
Gate	0	14	6	0	84
Metal Fence 6'	0	320	0	0	320

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Stores	0	0	53172	SF	\$797,580
Stores	0	0	25118	SF	\$37,677

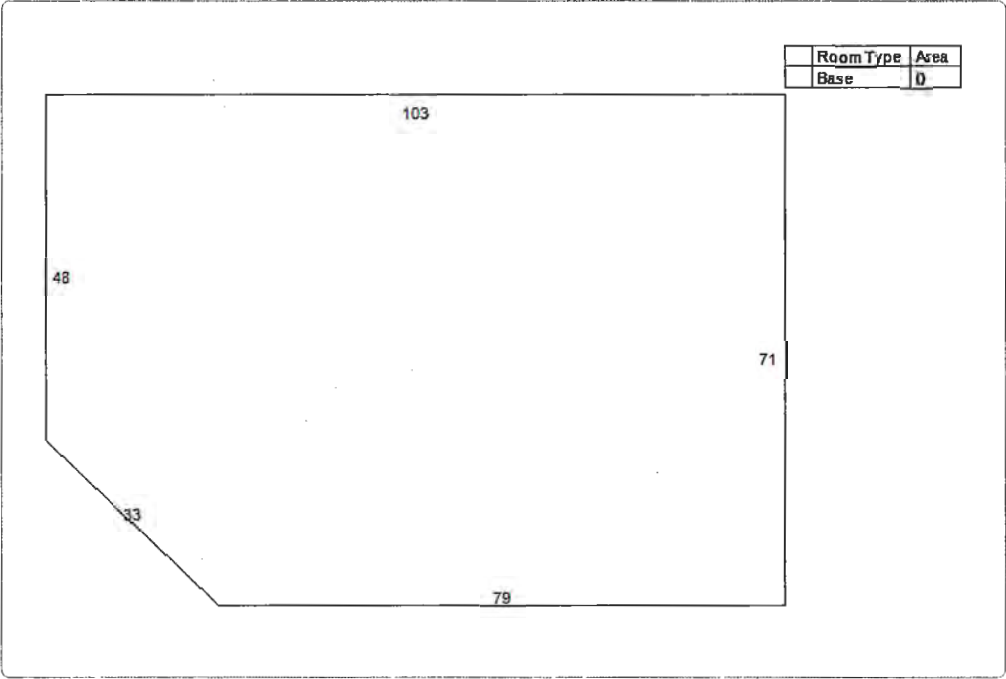
Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	12/13/2004	\$1,800,000.00	WD	2344	1914	Q	I	ABC LIQUORS INC	J & BFLP LTD
	3/1/1990	\$0.00		871	528	U	I		ABC LIQUORS INC
	3/1/1990	\$0.00		849	173	U	I		

Area Sales Report

Recent Sales in Area

Sketches



No data available for the following modules: Exemptions.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Last Data Upload: 4/5/2019, 1:04:41 AM

Version 2.2.10





Overview



Legend

- Parcels
- Cities

Parcel ID	1110300000	Physical	160 KING ST	Building Value	\$403,830	Last 2 Sales			
Property Class	1100 - Stores	Address	SAINT AUGUSTINE	Extra Feature Value	\$99,747	Date	Price	Reason	Qual
Taxing	City of St	Mailing Address	J & BFLP LTD	Total Land Value	\$835,257	12/13/2004	\$1800000	01	Q
District	Augustine	Address	PO BOX 593688	Just Value	\$1,338,830	n/a	0	n/a	n/a
Acres	1.8		ORLANDO FL 32859-3688	Total Deferred	\$33,532				
				Assessed Value	\$1,305,300				
				Total Exemptions	N/A				
				Taxable Value	\$1,305,300				

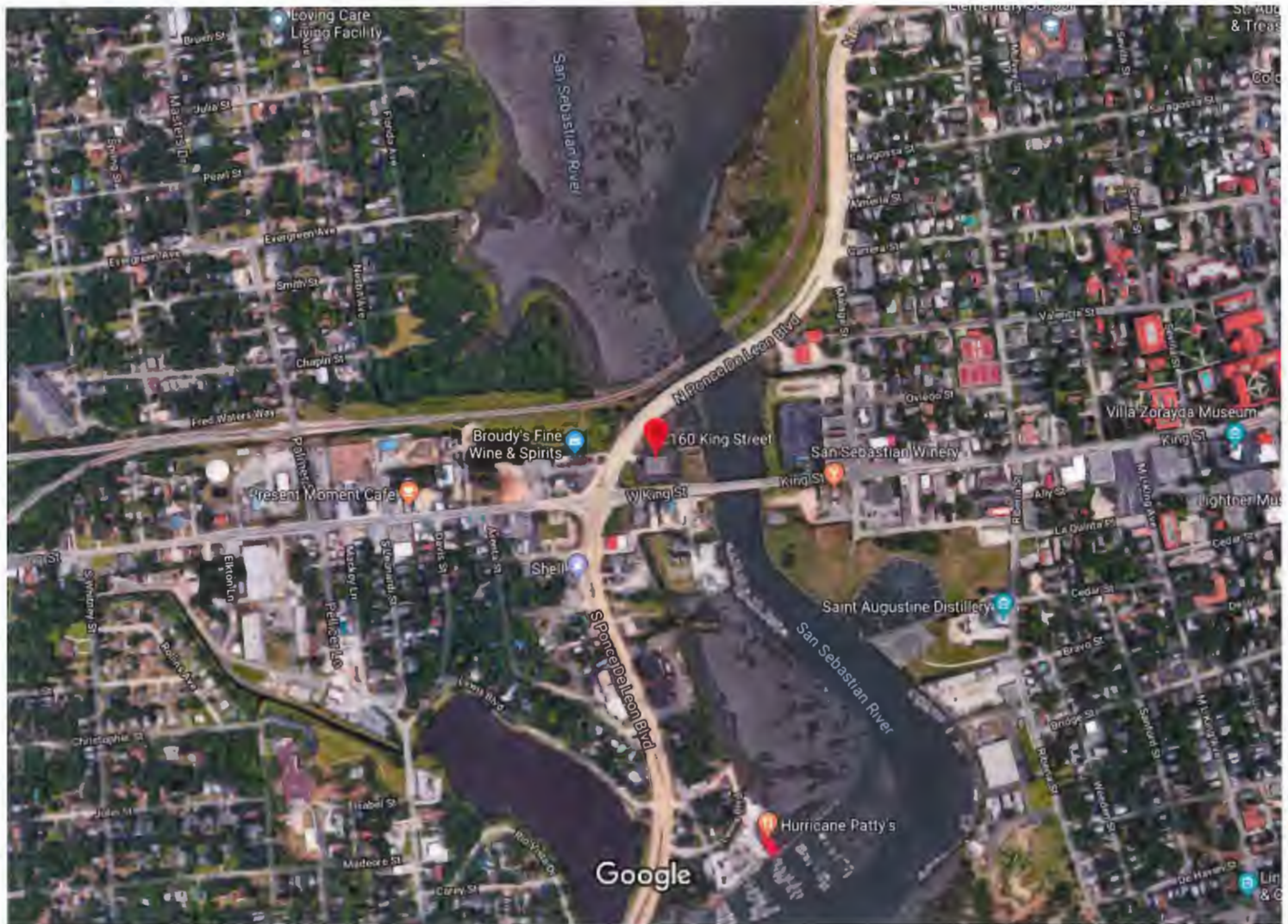
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 4/5/2019

Last Data Uploaded: 4/5/2019 1:04:41 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 160 King St



Imagery ©2019 Google, Map data ©2019 Google 500 ft



160 King St
St. Augustine, FL 32084

Photos

Attachment 3

PZB Minutes of Previous Uses by
Exception for Legally Available Marijuana

Agresta, Long, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. Use by Exception

**6. (a) 2018-0072 – George Hackney Inc.
d/b/a/ Trulieve – Applicant
J & J Mopar Inc. – Owner
2303 N. Ponce De Leon Boulevard**

To approve a use by exception, as allowed by Sec. 28-209, allowing a 1,150 square foot medical marijuana dispensary.

Mr. Harrell read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board may **APPROVE** a permitted use by exception, as allowed by Section 28-209, in order to allow a 1,150 square foot medical marijuana dispensary located at **2303 N. Ponce De Leon Boulevard** with the following condition:

- Applicant to lease additional area in railroad right-of-way or provide on-site for any necessary additional minimum parking of which any minimum parking issues must be satisfied before a building permit can be issued for the unit(s)

Victoria Walter and Virginia Hines reviewed the application with a presentation.⁴

The Board provided their ex parte communications

10 certified notices were sent, 1 was returned in favor, 2 returned opposed and 2 had comments and one hand-written letter in favor.

Public hearing was opened.

Lynnette Horwath spoke against the application citing concerns with negative impacts to community youth.

Dennis Maloney spoke in favor of the application as a current customer of the applicant.

Charles Pappis stated that a medical plaza would be a more positive location for the business.

Nicholas Andrews, commercial real estate/location expert for the applicant, said that the process he used to choose the subject location was in accordance with state and city laws.

B.J. Kalaidi had questions regarding the rear entrance and required amount of parking. She felt the location was not appropriate.

Ed Slavin spoke in favor of the application.

Clyde Taylor III spoke in favor of the application as neighboring business owner. He felt that it would benefit the community and supposed negative impacts were unfounded. He noted that the extra parking likely regarded the use of additional square footage that had not been used previously.

Public hearing was closed.

The Board discussed:

- Rear entrance and parking for employee use only
- Additional parking requirements if square footage used triggered the need
- Outward facing cameras would cover all parking lots and walkways leading to store front
- Hours of operation and traffic
- No use on premises or in public areas
- Square footage breakdown

⁴ Attached to original minutes

- Youth must be accompanied by a legal guardian who was a patient
- Signage did not include language indicating "marijuana" or any image indicating marijuana
- By ordinance, location had to have direct access to US1 for ease of law enforcement response
- Concerns for City liability should the application be approved
- Condition that applicant show consent for sub-lease
- Additional condition of complaint-driven review

MOTION

Mr. Shaffer MOVED to APPROVE Use by Exception application 2018-0072 to allow a medical marijuana dispensary conditional upon the applicant providing written consent of FDG, Flagler Station 2, LLC for the sub-lease of any part of their property relating to the business, leasing additional area in railroad right-of-way or provide on-site for any necessary additional minimum parking of which any minimum parking issues must be satisfied before a building permit can be issued for the unit(s), and that three or more complaints to the Police Department within one year would result in the applicant returning before the Board to review the Exception. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: Shaffer, Ryan, Zander, Misterly, Agresta, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

J & BFLP Ltd. – Owner
160 King Street

To approve a use by exception allowing a 3,500 square foot medical marijuana dispensary.

Mr. Harrell read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may **APPROVE** a permitted Use by Exception, as allowed by Sec. 28-209, in order to allow a 3,500 square foot medical marijuana dispensary located at **160 King Street**.

James Whitehouse reviewed the application with a presentation.²

There was a brief discussion to confirm that Mr. Whitehouse was an authorized representative of the applicant.

The Board provided their ex parte communications.

7 certified notices were sent, 1 was returned in favor, with comments. Additional e-mails in opposition and support were also included within the response packet.

Public hearing was opened.

B.J. Kalaidi gave a brief history of the property and spoke against the application because of the properties location on the King Street Entry Corridor.

Jeffrey Leibovitz cited concerns regarding the property's prominent location along the King Street Entry Corridor. He recommended that the Board put controls on the exception.

Melinda Rakoncay was not opposed to the dispensary but was concerned with the proposed location along the entry corridor and within close proximity to the Flagler College dormitory. She recommended

² Attached to original minutes

5. Use by Exception

5. (a) 2019-0017 – Kamala Corbett, Foley & Lardner LLP – Applicant

putting the dispensary along US1 South in a plaza or medical park.

George Anne Gillespie spoke in favor of the application. She stated that the medical marijuana process did not allow for students or the general public to purchase product from the dispensary. She noted rent may not be reasonable in other locations.

Charles Pappis felt that whether this was a dispensary or a pharmacy the location would not be appropriate. He noted that the ordinance may reference that medical marijuana dispensaries may require an address along US1.

Doreen Daugherty spoke in favor of the application citing that a prescription was required to receive medical marijuana. She stated she was in favor of having the drug available for those who needed it in St. Augustine.

Isabel Dickson spoke in favor of the application citing that the liquor store previously located at the property also sold controlled substances and other businesses would be located on the property as well.

Dan Allan Ditmore spoke in opposition citing that he felt marijuana was an addictive substance and should not be encouraged by such a location.

Public hearing was closed.

Mr. Cary read state law regarding medical marijuana facilities. He noted that the address did not have to be along US1 but the property did need direct vehicular access to US1.

The Board discussed:

- Bills submitted to the Florida Legislature to legalize marijuana could allow applicant to sell recreational marijuana without additional exception application

- Whether the existing medical marijuana facility could service the current population in the area that had medical marijuana prescriptions
- Only visual appearance of the structure was considered in Entry Corridor Guidelines
- Data which proved whether a medical marijuana dispensary had less traffic than a liquor store was not provided
- Signage would not indicate marijuana on the premises per state law and appearance may not be a concern
- Possibility of restricting activity to the sale of medical marijuana only

MOTION

Mr. DePreter MOVED to APPROVE the application 2019-0017 with the caveat that the signage will meet state code. The motion was SECONDED by Ms. Ryan

Mr. Misterly and Ms. Zander felt that the application did not meet the criteria for an exception as there was already an existing facility just north of the proposed location along US1 and therefore they would not support the application.

VOTE ON MOTION:

AYES: DePreter, Ryan, Opsahl

NAYES: Morrisette, Blow, Zander,

Misterly

MOTION FAILED 3/4

MOTION

Ms. Zander MOVED to DENY Use By Exception application 2019-0017, 160 King Street, to approve a use by exception allowing a 3,500 square foot medical marijuana dispensary because the application did not meet the criteria for an exception because it was too close to the pre-approved medical marijuana location and it did not

**promote appearance. The motion was
SECONDED by Mr. Morrisette.**

**Mr. Misterly concurred that the application
did not meet the criteria for location based
on its close proximity to the previously
approved dispensary.**

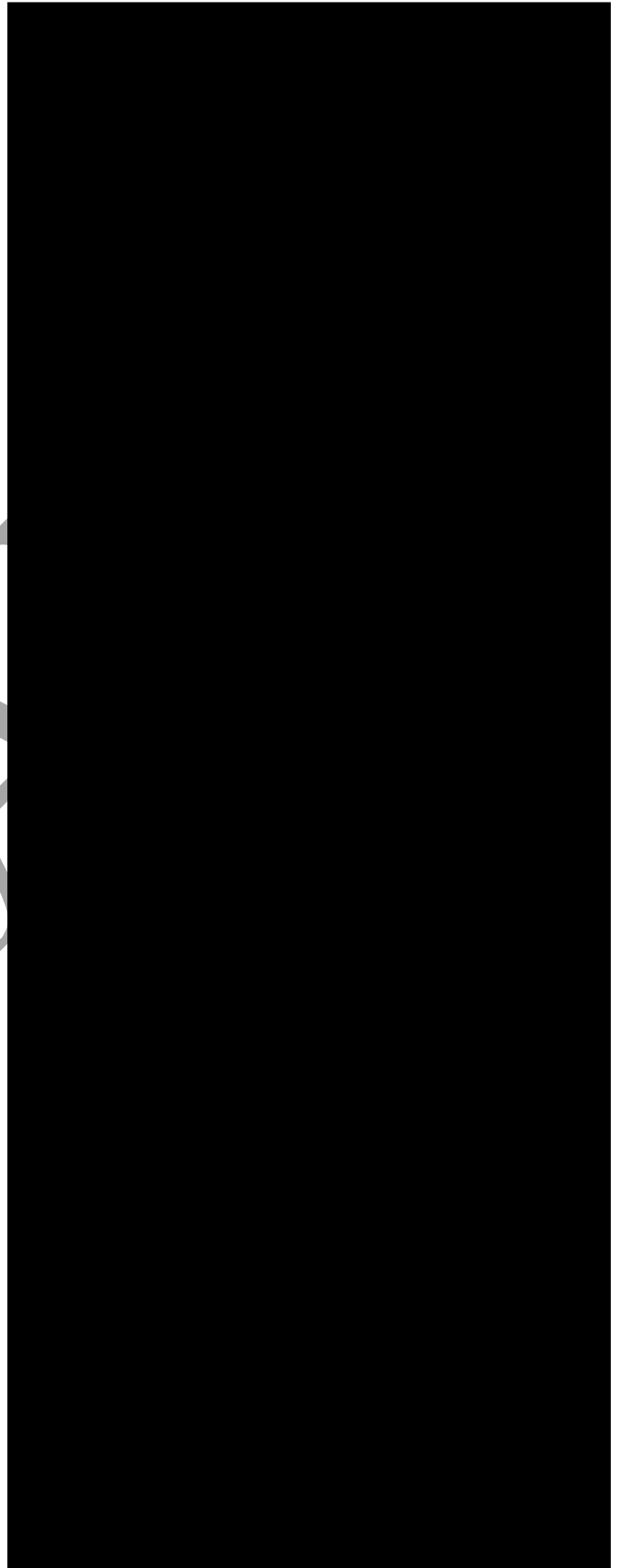
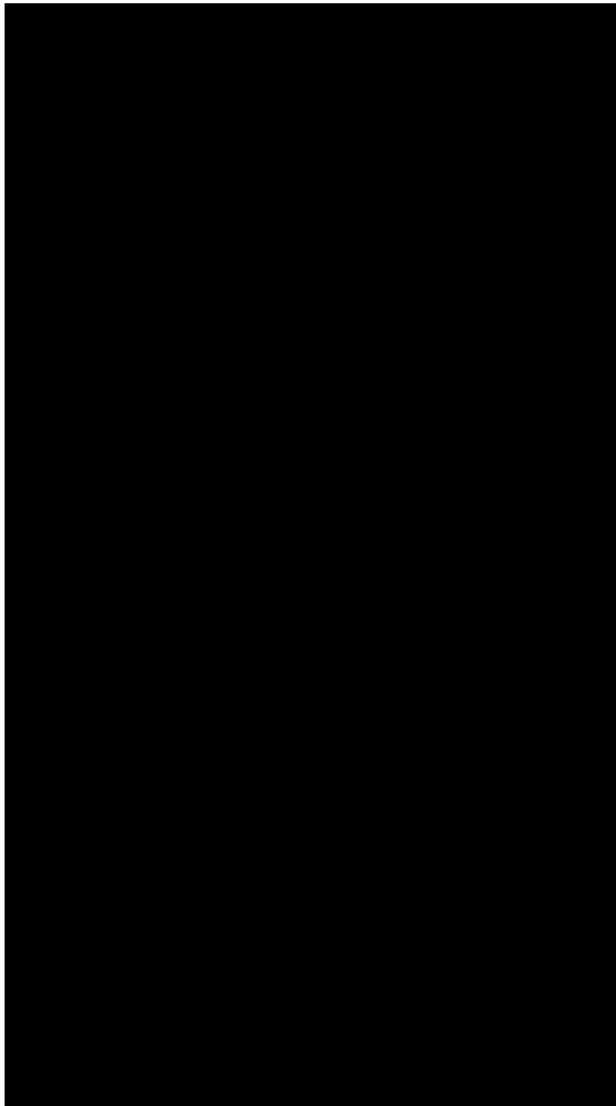
**Mr. Blow said he would have approved the
application had the applicant agreed to
restrict their activities to medical marijuana
only.**

VOTE ON MOTION:

AYES: Zander, Morrisette, Blow, Misterly

NAYES: Opsahl, DePreter, Ryan

MOTION CARRIED 4/3

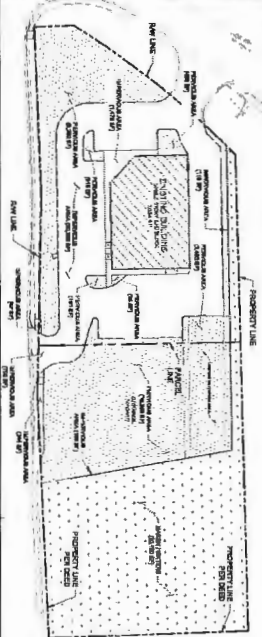


Attachment 4
Site Plan / Floor plan

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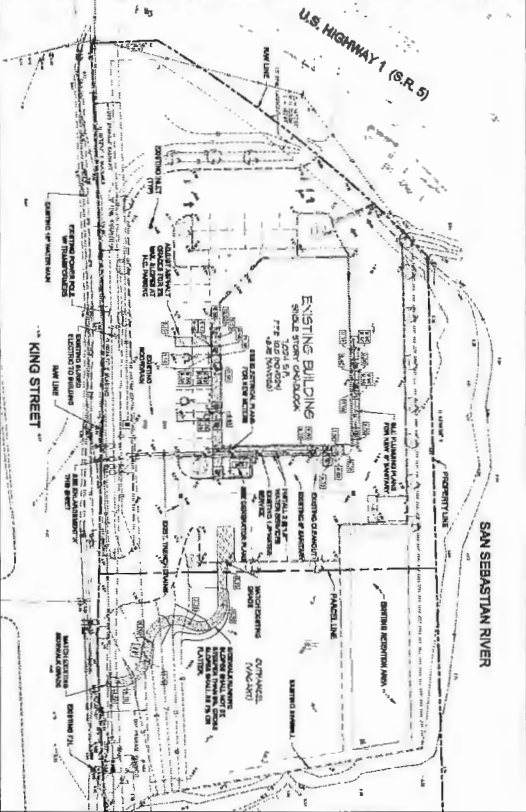
APR 05 2019

Planning/Building Dept.



EXISTING IMPERVIOUS DIAGRAM
SCALE 1"=50'

SITE AREA PER DEED:
DEVELOPABLE AREA
82,078 SF (2.11 ACRES)
EXISTING IMPERVIOUS:
81,088 SF (2.14 ACRES)
IMPERVIOUS REMOVAL:
20,769 SF (0.70 ACRES)
PROPOSED IMPERVIOUS:
60,319 SF (1.74 ACRES)
PERMITTED IMPERVIOUS:
60,319 SF (1.74 ACRES)

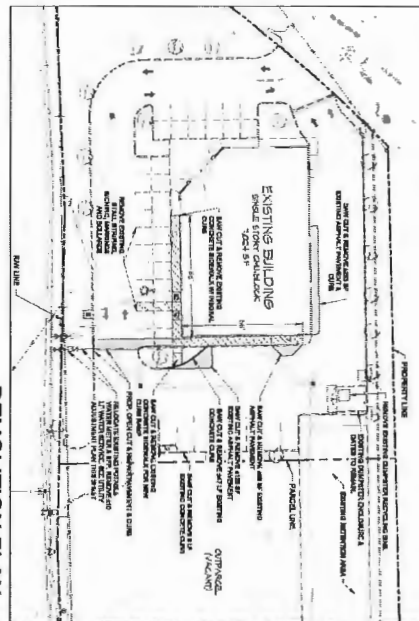


PROPOSED SIDEWALK & UTILITY ADJUSTMENT PLAN
SCALE 1"=50'

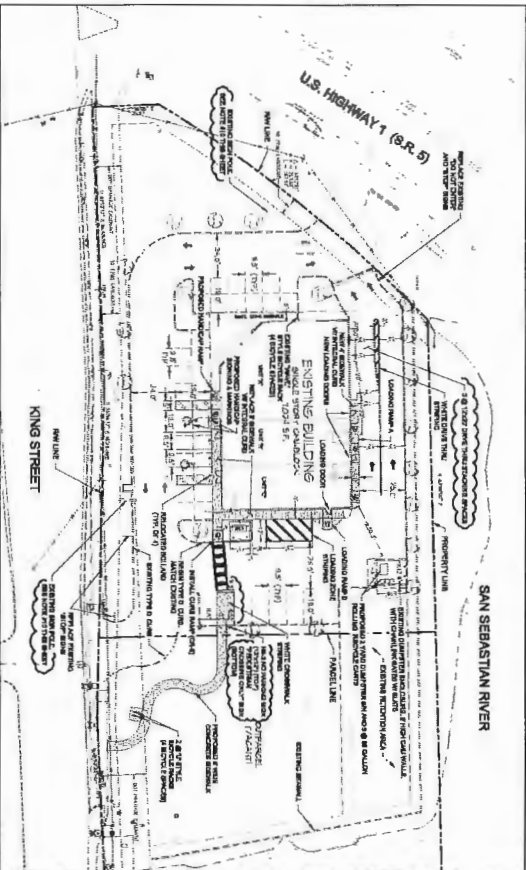
PROPOSED 1.5" WATER
SERVICES TO BUILDING
EXISTING 1.5" WATER
SERVICES TO BUILDING
EXISTING 1" WATER
& U.P. (R/R/C)
INSTALL 2" NEW 1" WATER
INSTALL 2" NEW 1" WATER
(TYP. OF 3)
INSTALL 3" TEE
REMOVE EXISTING ROUGHEN AND INSTALL 3" TEE



- GENERAL NOTES:
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 2. CONVICTION SHALL BE REQUIRED FOR EXISTING CURB AND GUTTER PAVEMENT REPAIRS.
 3. EXISTING IMPERVIOUS ARE SHOWN ON 2000 USGS AERIAL PHOTOGRAPH DATED JANUARY 2000 AS PROVIDED BY FRANKLIN & ASSOCIATES, INC. (F&A).
 4. THIS PROPERTY IS LOCATED IN ZONE "X" SHOWN RETURNED TO BE ZONE "X" PER THE 2000 USGS AERIAL PHOTOGRAPH DATED JANUARY 2000 AS PROVIDED BY FRANKLIN & ASSOCIATES, INC. (F&A).
 5. EXISTING IMPERVIOUS ARE SHOWN ON 2000 USGS AERIAL PHOTOGRAPH DATED JANUARY 2000 AS PROVIDED BY FRANKLIN & ASSOCIATES, INC. (F&A).
 6. CONTRACTOR SHALL SEE ALL AREAS AFFECTED BY CONSTRUCTION.
 7. EXISTING IMPERVIOUS ARE SHOWN ON 2000 USGS AERIAL PHOTOGRAPH DATED JANUARY 2000 AS PROVIDED BY FRANKLIN & ASSOCIATES, INC. (F&A).
 8. ALL IMPERVIOUS SHALL BE REMOVED AND REPAVED WITH ASPHALT.
 9. ALL IMPERVIOUS SHALL BE REMOVED AND REPAVED WITH ASPHALT.
 10. ALL IMPERVIOUS SHALL BE REMOVED AND REPAVED WITH ASPHALT.



DEMOLITION PLAN
SCALE 1"=50'



PROPOSED SITE PLAN
SCALE 1"=50'

SITE AREA PER DEED:
DEVELOPABLE AREA
82,078 SF (2.11 ACRES)
EXISTING IMPERVIOUS:
81,088 SF (2.14 ACRES)
IMPERVIOUS REMOVAL:
20,769 SF (0.70 ACRES)
PROPOSED IMPERVIOUS:
60,319 SF (1.74 ACRES)
PERMITTED IMPERVIOUS:
60,319 SF (1.74 ACRES)

PROPOSED 1.5" WATER
SERVICES TO BUILDING
EXISTING 1.5" WATER
SERVICES TO BUILDING
EXISTING 1" WATER
& U.P. (R/R/C)
INSTALL 2" NEW 1" WATER
INSTALL 2" NEW 1" WATER
(TYP. OF 3)
INSTALL 3" TEE
REMOVE EXISTING ROUGHEN AND INSTALL 3" TEE

SITE PLANS

C1

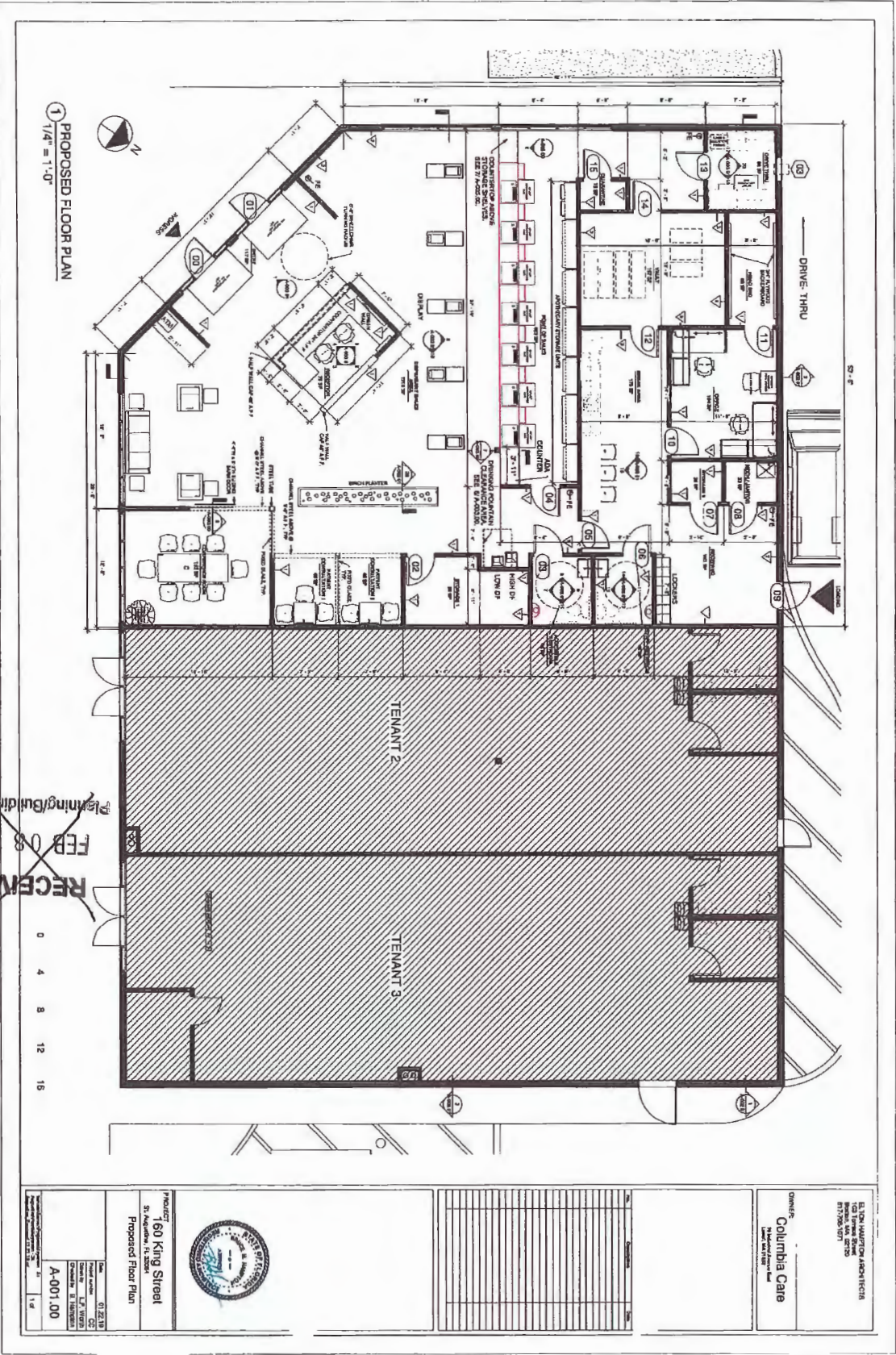
ABC LIQUORS, INC.
8969 S. ORANGE AVE. - ORLANDO, FLA. 32824
BUILDING NO. 190 TENANTS
160 KING STREET, ST. AUGUSTINE, FLORIDA 32084-0000

KPMFranklin
ENGINEERS • PLANNERS • SURVEYORS
8300 HAZELTINE NATIONAL DRIVE, STE. 118
FORT WORTH, TEXAS 76150-1188
CERTIFICATE OF AUTHORIZATION: 2009-00000000

RECEIVED

APR 05 2019

Planning/Building Dept.



Attachment 5

Board Power point Presentation



Columbia Care of Florida

RECEIVED

APR 05 2019

Planning/Building Dept.

Working in collaboration with some of the most renowned and innovative teaching hospitals and medical centers in the world,

**Columbia Care is a patient-centered healthcare
company setting the standard for compassion,
professionalism, quality, caring and innovation
in this field of care.**

Columbia Care of Florida

RECEIVED

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Planning/Building Dept.

This area of care has been officially recognized by the
State of Florida
as a formal part of Florida's Public Health system
under Title 29 of the Florida Statutes.

Columbia Care of Florida

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Planning/Building Dept.

In fact,

Columbia Care has been formally recognized and authorized
by the Florida Department of Health
as a licensed and authorized provider
of this particular type of compassionate care.

160 King Street

RECEIVED

APR 05 2019

Planning/Building Dept.

- The subject property is approximately 1.80 acre in size and contains one structure (approximately 7037 sq. ft) which is sufficiently suited and located to provide space for multiple low impact commercial uses, including the requested compatible pharmaceutical use.
- The owner and the applicant request recognition of this use by exception as provided for in the City's zoning code.
- The owner intends to covert this building into two or three separate compatible uses while utilizing its wonderful commercial location along this arterial federal highway for the requested compatible pharmacy-type use.

160 King Street

RECEIVED

APR 05 2019

Planning/Building Dept.

- The property is located in a Mixed Use Commercial node
- The property is situated on a parcel that abuts both the federal highway and state road.
- The property is already designated by the city for Commercial Medium Intensity uses within the City's Comprehensive Plan, and it is zoned for Commercial uses.
- The proposed pharmaceutical-type use fully complies with the goals, objectives and policies of this Commercial classification.
- In order to provide this compatible use, the owner has been required to seek your approval of a use by exception in CM-2.

City Regulation: Ordinance 2014-27

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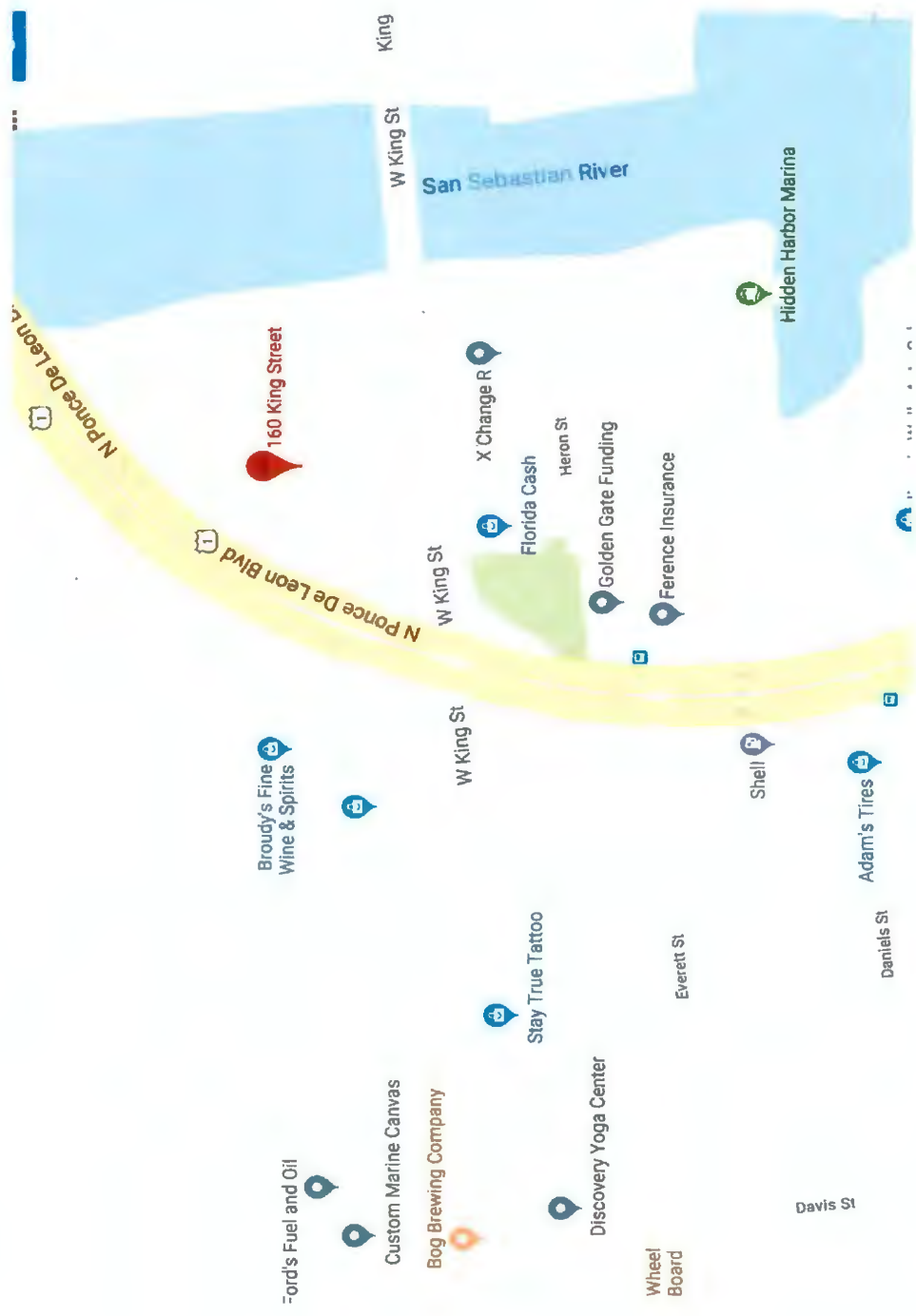
APR 05 2019

Planning/Building Dept.

- On November 4, 2014,
this Planning and Zoning Board recommended passage
of Ordinance 2014-27, which provided for this use by exception
in the CM-2 zoning category
- December 8, 2014,
the City Commission passed Ordinance 2014-27, which
provided for this use by exception in the CM-2 zoning category
with the specific provision that such would be located on US-1
- This property specifically meets the criteria as established by
the Commission in Ordinance 2014-27.

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APR 05 2019
Planning/Building Dept.

Location



RECEIVED

Location

APR 05 2019

Planning/Building Dept.



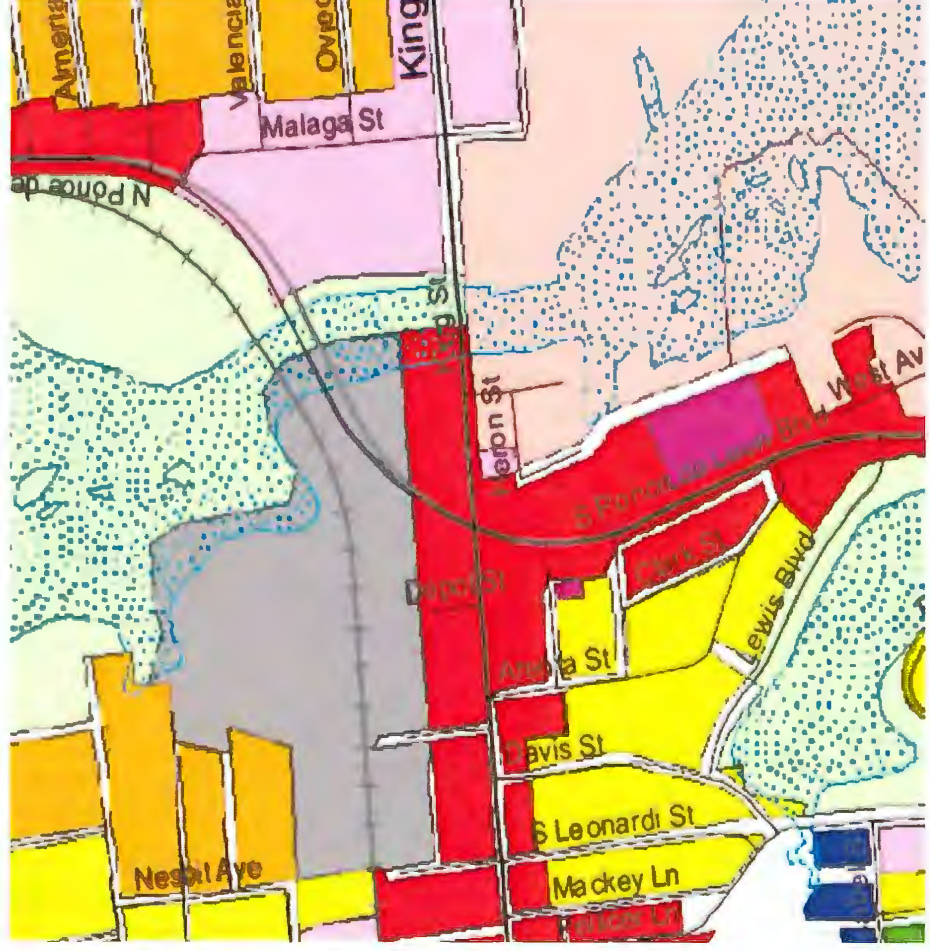
Future Land Use Map -

Commercial Land Use

RECEIVED

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Planning/Building Dept.



Zoning Map -

Commercial Zoning

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JUSTIFICATION

APPLICATION FOR 160 KING STREET MEETS THE GENERAL PLANNING PROGRAM:

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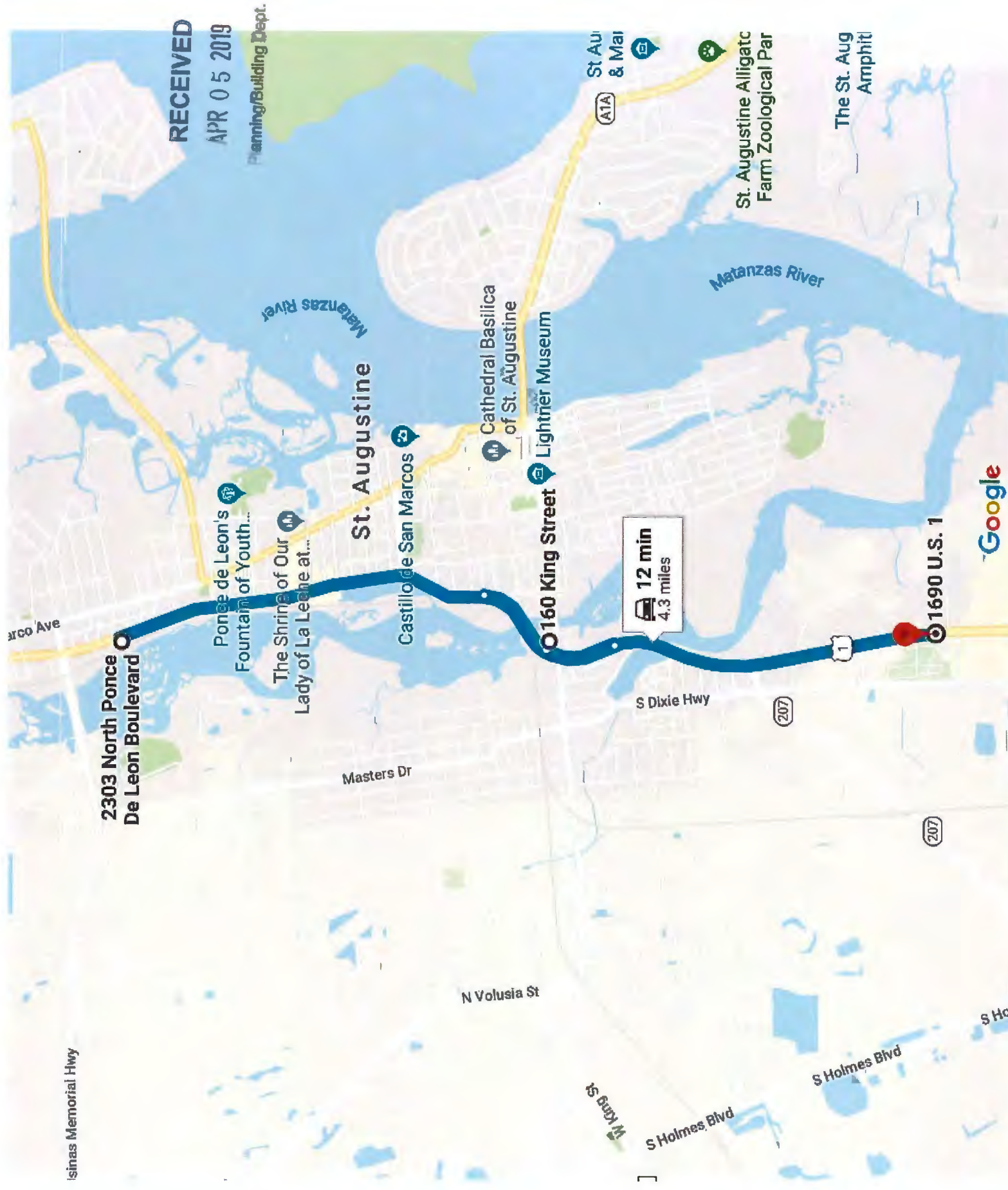
Planning/Building Dept.

- ✓ Approval of this application will promote public health, safety, moral, order, comfort and convenience and general welfare, by expanding consumer options beyond one single medical pharmaceutical-type dispensary within the City limits.
- ✓ This site is appropriately located with access to US 1. It is approximately 2 miles from the other approved medical dispensary at 2303 N. Ponce De Leon Boulevard, is located on the opposite side of the San Sebastian River, and is more than halfway away on the four (4) mile stretch of US-1, approved for these uses by ordinance, within the city limits.
- ✓ Approval of this location will allow patients the choice that is typically associated with choice of a pharmacy in the purchase of prescribed medications. The delivery of this care is highly regulated and while there is uniformity as to what types of product may be delivered and in what manner, consumers should be entitled to choice of pharmacy and customer experience.

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Planning/Building Dept.



2303 North Ponce
De Leon Boulevard

Ponce de Leon's
Fountain of Youth...

The Shrine of Our
Lady of La Leche at...

St. Augustine

Castillo de San Marcos

Cathedral Basilica
of St. Augustine

Lightner Museum

160 King Street

12 min
4.3 miles

S Dixie Hwy

(207)

1690 U.S. 1

(207)

Google

Matanzas River

St. Augustine Alligato
Farm Zoological Par

The St. Aug
Amphit

Isinas Memorial Hwy

N Volusia St

W Bay St

S Holmes Blvd

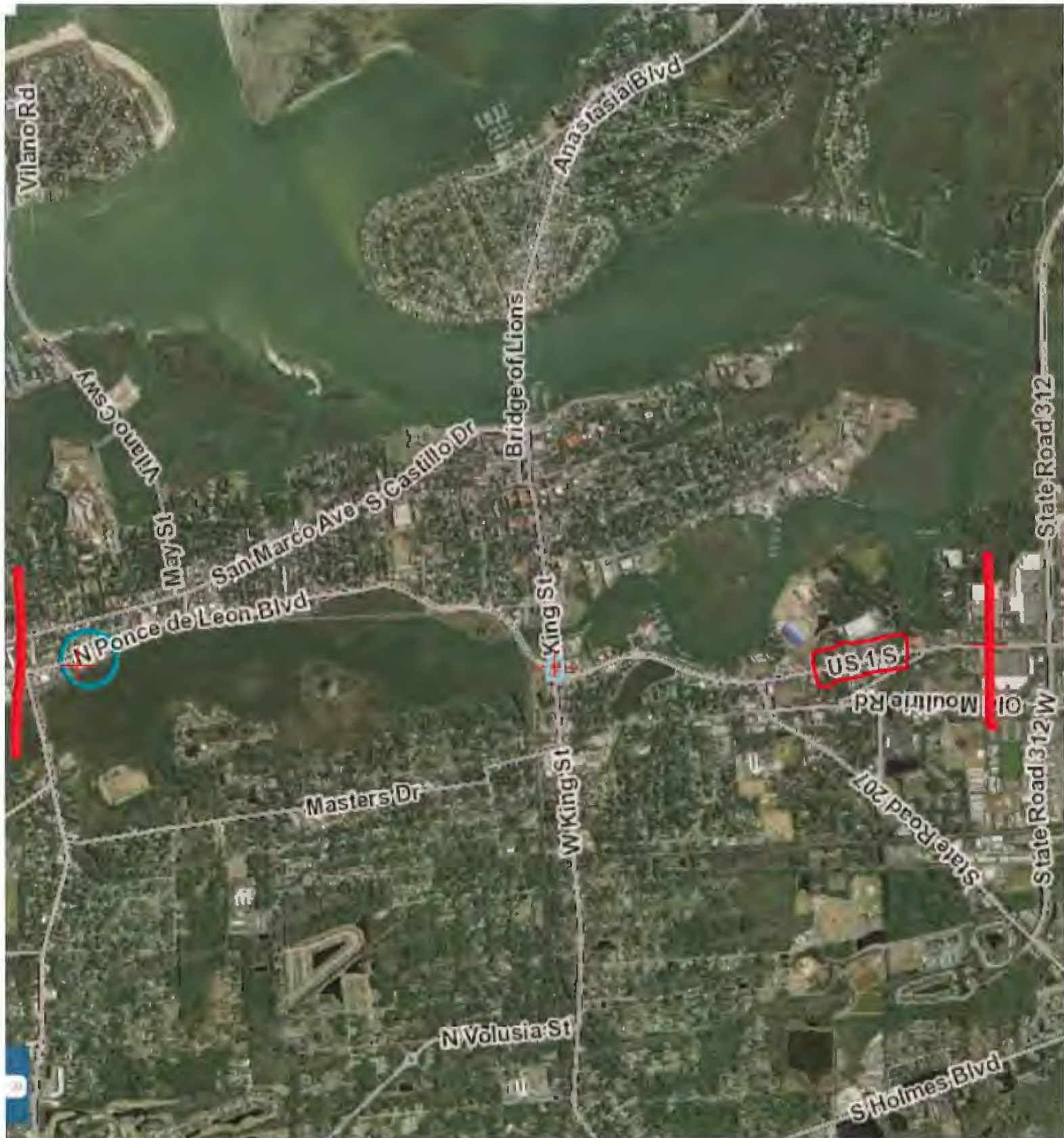
S Holmes Blvd

S Holr

RECEIVED

APR 05 2019

Planning/Building Dept.



COMPATIBILITY TO SURROUNDING COMMERCIAL AREA AND CORRIDOR APPLICATION FOR 160 KING STREET MEETS THE GENERAL PLANNING PROGRAM:

RECEIVED

APR 05 2019

Planning/Building Dept.

- ✓ The subject site is an abandoned ABC Liquor Store, which is being repurposed with two or three new tenants. Replacing an abandoned liquor store with a licensed pharmaceutical-type dispensary, is a much less intense commercial use than the prior use and if approved with a drive thru, it will provide a unique opportunity for people with mobility impairments to have access to their prescriptions without having to park and transfer from their vehicles to their personal mobility device.
- ✓ The information in this application demonstrates that in addition to the evidence presented in conjunction with the application, there are adequate safeguards in place (e.g. the requirement to be located with access to US 1 and the state safety and security regulations) to ensure that the standard for the Zoning Exception have been satisfied.

Commercial Node

RECEIVED

APR 05 2019

Planning/Building Dept.



US-1 & King Street Intersection View

RECEIVED

APR 05 2019

Planning/Building Dept.



181 King Street – Florida Cash Pawn

Across the Street on the Corridor

RECEIVED

APR 05 2019

Planning/Building Dept.



35 N. Ponce de Leon Blvd.

Across US-1 at the Intersection of the Corridor

RECEIVED

APR 05 2019

Planning/Building Dept.



US-1 at the Intersection of the Corridor

RECEIVED

APR 05 2019

Planning/Building Dept.



**COMPLIANCE WITH CITY CODE,
COMMERCIAL USES ALLOWED BY RIGHT:**

RECEIVED

APR 05 2019

Planning/Building Dept.

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

(1) Permitted principal uses and structures:

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.

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

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

(3) Permissible uses by exception:

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

Columbia Care of Florida

RECEIVED

APR 05 2019

Planning/Building Dept.

State law requires that this use be treated no different than that of a pharmacy.

In regulating the location of dispensing facilities such as the one before you today,

The State of Florida specifically prohibits regulations or actions that would be any more restrictive than those used in determining the location for PHARMACIES.

§381.986(11), Florida Statutes

**COMPLIANCE WITH CITY CODE,
COMMERCIAL USES ALLOWED BY RIGHT:**

RECEIVED

APR 05 2019

Planning/Building Dept.

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

(1) Permitted principal uses and structures:

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.

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

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

Chapter 381

PUBLIC HEALTH: GENERAL PROVISIONS

381.986 Medical use of marijuana. —

(11) **PREEMPTION.**—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers **is preempted to the state** except as provided in this subsection.

(b)1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. **A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.**

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), **a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465.** A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 7, 2019

RE: **USE BY EXCEPTION #2019-0038**

AGENDA ITEM 6(b)

APPLICANT McCrory's Sunny Hill Nursery LLC

OWNER R&B Property V LLC

LOCATION 105 S. Ponce De Leon Blvd.

REQUEST To approve a use by exception allowing a 5,400 square foot medical marijuana dispensary.

PLANS DATED April 26, 2019

LAND USE Commercial Medium Intensity
ZONING Commercial Medium-2 (CM-2)

SURROUNDING USE

North – Park & Commercial
South, East, & West – Commercial

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application.

Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

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

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood. Excluding

(3) *Permissible uses by exception:*

- a. As provided in section 28-347.
- b. Wholesale, warehouse, or storage use, to include mini-warehouses, 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. Tattoo parlor or studio.
- k. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
- l. Uses and structures as for RG-1 (section 28-163).
- m. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

- (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.

STAFF SUMMARY AND ANALYSIS

The applicant has filed a request for an exception to allow for a medical marijuana dispensary at a parcel that has direct vehicular access to U.S. Highway 1. This would be the third medical marijuana dispensary reviewed by the Board. The first one was approved at 2303 N. Ponce De Leon Boulevard in June 2018 with the second one potentially being reviewed at this meeting, which was originally denied at the March 2019 meeting; its location was/is at 160 King Street. Both sets of Minutes have been added for reference. Minutes from the March 5, 2019 meeting have been approved by the PZB but have not yet been signed by the Chair.

Be aware the dispensary can only distribute medical marijuana to patients or caregivers that have a State issued Medical Marijuana Use Registry Identification (similar to a State driver's license) & has an order from a physician. There will be no growing at the site; product can only be brought to the site in accordance with State law. Only sales and storage will occur on the premises.

Under State law, only the following physician diagnosed medical conditions can use medical marijuana:

Cancer	Epilepsy
Glaucoma	Human Immunodeficiency Virus (HIV)
Acquired Immunodeficiency Syndrome (AIDS)	Post-Traumatic Stress Disorder (PTSD)
Amyotrophic Lateral Sclerosis (ALS)	Crohn's Disease
Parkinson's Disease	Multiple Sclerosis (MS)
Medical conditions of the same kind and class as comparable to those above this line.	A terminal condition diagnosed by a physician other than a qualified physician issuing the physical certification.
Chronic Malignant Pain	

Under State law the use is regulated to do the following:

1. Use cannot dispense more than seventy (70) day supply to a patient or caregiver.
2. An employee must enter their name and unique identifier before sale of any products.
3. Must verify the patient or caregiver has a valid registration in the Medical Marijuana Use Registry, a Medical Marijuana Use Registry ID card, amount/type of marijuana matches the physician certification in the Medical Marijuana Use Registry ,and that the prescription not already been filled.
4. Verify that dispersal patient or caregiver is eighteen (18) years of age.
5. It may not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.
6. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.
7. Provide security that includes 24 hour cameras in controlled areas and entry/exit points which record in numerous directions with a minimum forty-five (45) day retainment, recorded images must have date/time stamps, adequate outdoor lighting, maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms.

8. Not dispense from its premises or deliver between 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.
9. Store marijuana in a secured, locked room or a vault.
10. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.
11. Require each employee or contractor to wear a photo identification badge at all times while on the premises and require each visitor to wear a visitor pass at all times while on the premises.
12. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

This would be a new use of the property and would be required to meet current regulations. However this building has existed since 1925 according to County Property Appraiser records and doesn't meet today's code standards regarding buffers, landscaping, and building setbacks. However with the new use these non-conforming characteristics are not changing and therefore are not increasing the non-conformity status of these items. The City has applied this standard to older historic development within the City that would be fundamentally changed if attempting to meet newer code standards.

The applicant has indicated their basis for the exception is its location along the U.S. 1 (Ponce De Leon Blvd.) corridor a heavily traveled vehicle corridor, reuse of an existing older building for commercial, other nearby commercial uses, heavy regulation by State law including but not limited to security standards, site is next to the Sunshine Bus Company's Blue and Purple lines (County mass transit), low number of legally granted licensed marijuana facilities, and the rising levels of physicians licensed to prescribe medical marijuana (currently at 1,662 in the County) are cited as reasons for the exception request.

Based on the information provided by the applicant, site visits, and State law cited within this report Staff believes there is no evidence that the use would be a detriment to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. The site is located in a commercialized area with no residential uses and is bordered by other commercial development, a park, and right-of-ways. The Board has the authority to place conditions on the approval of a use by exception in order to safeguard surrounding properties and the neighborhood.

STAFF RECOMMENDATION FOR OPENED USE BY EXCEPTION

Staff will not be providing a formal recommendation with this report. However recommended findings of fact are listed below:

Based on a review of Section 28-19, if the Board **CAN** find there is a need & justification for the special exception due to the number, area, location or relation to the neighborhood and that it would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare then the Board **CAN** approve of the special exception located at 105 S. Ponce De Leon Boulevard.

Based on a review of Section 28-19, if the Board **CANNOT** find there is a need & justification for the special exception due to the number, area, location or relation to the neighborhood and that it would **NOT** promote the public health, safety, welfare, morals, order, comfort, convenience, appearance,

prosperity or general welfare then the Board **CANNOT** approve of the special exception located at 105 S. Ponce De Leon Boulevard.

SUPPLIMENTS

Attachment 1 – Application & Applicant Narrative

Attachment 2 – Property Appraiser Information & Location Map

Attachment 3 – PZB Minutes of Previous Uses by Exception for Legally Available Marijuana

Attachment 4 – Applicant Pictures

Attachment 5 - Site Plan

David Harrell, AICP

Senior Development Review Planner

Planning & Building Department

Attachment 1

Application & Applicant Narrative



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

laradiettrich@gmail.com

Application Fee: \$350 (plus advertising costs) Project Number: 2019-0038
 Receipt Number: 1586223 Meeting Date: ~~4/26/19~~ 5/7/19
 Advertising Costs: \$ 72.39 Paid On: 4/26/19 Receipt Number: 1601141

1. NAME OF APPLICANT: McCrory's Sunny Hill Nursery, LLC Contact Number: 561-381-7877 xt. 309

Business (if applicable): Same as above.

Address: 515 Flagler Drive, Suite 1700 City: West Palm Beach State: Florida Zip: 33401

2. NAME OF PROPERTY OWNER: Barbara Bedard Contact Number: 904-501-7133

Business (if applicable): R & B Property V, LLC

Address: 336 Marshside Drive North City: St. Augustine State: Florida Zip: 32080

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 3-15 Wildwood Park Lots 9, 10, 11, 12 Block: F

Subdivision: N/A Parcel Number: 119280 0000

4. PROJECT STREET ADDRESS: 105 Ponce de Leon Boulevard, St. Augustine, FL 32084 South

5. SPECIFIC PROPOSED USE: Medical Marijuana Treatment Center (MMTC)

6. ACTION REQUESTED:

- | | |
|--|--|
| ☐ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☒ Exception | ☐ Land Use Plan Amendment |
| ☒ Variance | ☐ Rezoning |
| ☒ Other: <u>Multiple Variances</u> | |

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7. DESCRIPTION OF ACTION REQUESTED: The Applicant proposes an Exception for the use of a Medical Marijuana Treatment Center (MMTC) to be located at 105 Ponce de Leon Boulevard. The subject parcel has an existing structure located on it with a Commercial Medium 2 (CM-2) zoning district.
Due to the fact that the subject parcel is a fully developed site, the Applicant requests Variances to reduce the following: loading dock; buffers; reduce and relocate tree planting requirements; parking from 18 to 12 spaces (11 regular and 1 ADA); and access management for a few parking spaces adjacent to US 1 and Lewis Street.

8. JUSTIFICATION FOR ACTION REQUESTED: McCrory's Sunny Hill Nursery, LLC is an MMTC licensed by the State of Florida to provide compassionate care to only qualified patients with illnesses ranging from cancer and Crohn's Disease to Epilepsy and Parkinson's to PTSD and terminal conditions.
The City of St. Augustine requires MMTC's to seek an approval of a Use by Exception as the City deems this use as a "new use". This allows for an additional layer of scrutiny for this use, and also triggers an existing site with an existing structure to conform to current standards outlined in the Ordinance Code for Land Development Regulations. As this site has an existing structure on it, built in 1925, and has been in use by various businesses over the decades, it has been maintained and will undergo an internal renovation. The Variances, as referenced above, are necessary given only that the use proposed is treated as new development. Otherwise, the site is a legally non-conforming structure that has been allowed to operate with uses allowable in CM-2 zoning.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING:

~~(a) Does the property have a disadvantage which is not common to other properties in the area?~~

~~Please explain fully: The existing structure on-site was built in 1925 and is located in a CM-2 zoning district. It is a legally non-conforming building. It's disadvantages are Code changes over the decades. With limitation on parcel size, the site is constrained and can only afford space for current amenities.~~

~~(b) Can you establish that this disadvantage is not due to the owner's actions?~~

~~Please explain fully: Yes; the owner has not created the nuisance. The disadvantage is born out of time and Code changes over the decades. The disadvantage is a result of special treatment of this proposed use as if it were new construction.~~

~~(c) Can you establish that this disadvantage prevents reasonable use of the property?~~

~~Please explain fully: The disadvantage constrains the property for the proposed use in that it is considered a new use when in fact it is an existing structure with established setbacks, buffers, parking, and access. There are other Uses by Exception where it may be unreasonable for this existing structure to be utilized as the Code requires in CM-2 that the minimum lot width be 100 feet. This parcel is 98.3 feet in width.~~

~~(d) If granted, will the variance adversely affect other property in the area?~~

~~Please explain fully: No; the proposed use will not only be an attractive neighbor, but a use to rejuvenate the vacant building that has been left idle. The proposed use will be a secure one in providing a very much needed medical service to the community.~~

~~(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully: Yes; the proposed use is in keeping with the Code in that it is providing a valuable neighborhood~~

~~service to the community that the Code calls out by name as an allowable use by Exception. Furthermore, the intent of CM-2 zoning is for uses to have adequate traffic circulation capacity and is required to be located with its access on US Highway 1 (Ponce de Leon Boulevard).~~

10. PREVIOUS APPLICATIONS:

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."

Signature of Applicant

Date

Signature of Property Owner

Date

WRITTEN DESCRIPTION

McCrory's Sunny Hill Nursery, LLC
d/b/a GrowHealthy
Planning and Zoning Board Application
Application 2019-0038 - Use by Exception

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April 25, 2019

SUMMARY DESCRIPTION OF THE SUBJECT PARCEL

Parcel RE #: 119280-0000
Parcel Location: 105 Ponce de Leon Boulevard, St. Augustine, Florida 32084
Current Land Use Designation: Commercial Medium Intensity (CMI)
Current Zoning District: Commercial Medium – 2 (CM-2)
Proposed Use: Exception for a Medical Marijuana Treatment Dispensary
Subject Parcel Size: 0.31 +/- acres

GROWHEALTHY AND THE FLORIDA MEDICAL MARIJUANA PROGRAM

The intent of this proposed Exception is to allow for a Medical Marijuana Treatment Center (MMTC). McCrory's Sunny Hill Nursery, LLC d/b/a GrowHealthy ("GrowHealthy") is one of 14 vertically integrated MMTC licensed in the State of Florida. The company provides medical marijuana products to patients suffering from at least one of the following qualifying conditions:

- Amyotrophic Lateral Sclerosis (ALS)
- Cancer
- Crohn's Disease
- Chronic Pain
- Epilepsy
- HIV/AIDS
- Multiple Sclerosis
- Parkinson's Disease
- Post-Traumatic Stress Disorder (PTSD)
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification

GrowHealthy is committed to providing compassionate care to any qualified patient, but due to the list of qualifying medical ailments, the market demographics, and moderately priced products, GrowHealthy expects the majority of its patient base to be 40 years of age or older. Pursuant to the Florida medical marijuana statute and regulations, qualified and registered patients are allowed to purchase multiple forms of marijuana, including oils, vape pens, and capsules.

Section 381.986, Florida Statutes (Florida Compassionate Care Act), was first enacted in 2014, and includes a confidential Patient Registry, so that only those qualified patients who have been certified by a physician (with patient names entered into a secure database maintained by the Florida Department of Health), are allowed to purchase medical marijuana. By law, GrowHealthy dispensing facilities may only dispense authorized medical marijuana derivative products and authorized delivery devices in a confidential setting, and may not dispense any other type of cannabis, alcohol, or illicit drug related product.

APR 26 2019

SECURITY REQUIREMENTS

Planning/Building Dept.

GrowHealthy will and is required to ensure the safety and security of the premises with a fully operational security alarm system and video surveillance system, and GrowHealthy will and must also ensure that the outdoor premises have sufficient lighting from dusk until dawn. The internal premises will and must include a waiting area with sufficient space and seating to accommodate qualified patients and caregivers, and must include one or more private consultation areas. Medical marijuana and authorized delivery devices must be stored in a secured, locked room or a vault, and may not be displayed nor dispensed in the waiting area. Two employees or security personnel are required to be on site at all times, and to wear photo identification badges. No consumption of product is allowed on site.

GrowHealthy considers security and safety of our licensed premises and staff members to be of the utmost importance. It is critical that all security measures are maintained and compliant with State of Florida rules and regulations. Security plans are required for each facility. This summary highlights key components of the GrowHealthy Diversion and Trafficking Prevention Procedure relevant to all locations.

1. Security Alarm System
 - a. All licensed premises have a security alarm system on all perimeter entry points and windows
 - b. Continuously monitored 24/7
 - c. Records and existing contracts for each licensed premises that describe the alarm system and the name of the monitoring company are maintained up to date and kept onsite in a secured area
2. Lock standards
 - a. All points of ingress and egress use commercial grade, non-residential door locks
3. Video Surveillance
 - a. All camera views of limited access areas are continuously recorded 24/7.
 - b. Surveillance recordings are kept for a minimum of 45 days and in a format that can be easily accessed.
 - c. Recordings are archived in a format that ensures authentication of the recording and guarantees no alteration.
 - d. System has capability to produce a color still photograph from any camera image of the licensed premises.
 - e. Date and time stamps are embedded on all surveillance recordings.
4. Surveillance Records
 - a. Records applicable to the surveillance system are maintained at GrowHealthy's corporate facility at 309 South Acuff Road, Lake Wales, Florida.
5. Diversion and Trafficking Prevention
 - a. Inventory control and employee monitoring systems prevent diversion and trafficking in each facility.
 - b. GrowHealthy safeguards against diversion by limited access and visual surveillance in all areas where cannabis products are stored and handled.
 - c. Employees have limited RFID access to areas where cannabis is stored based upon specific job function.
 - d. Employees and property are subject to random searches and upon any suspicion of theft, diversion, or trafficking.
6. Human Resources Hiring Policies
 - a. Pre-employment screening includes a level-2 background check, drug screening, FDLE fingerprinting, criminal and substance abuse history.
7. On-Site Emergency Protocols
 - a. Facilities have designated key personnel responsible for safe and secure operations.
 - b. Key personnel and roles are posted and visible to all employees.

- c. Robust emergency reporting and evacuation procedures are maintained for each location, including fire, extended power loss, chemical spills, and severe weather.
- 8. File Storage
 - a. Authorized personnel maintain physical and electronic filing systems for key security protocols and records.
- 9. Security Personnel
 - a. Qualified security staff and plan with contractors of superior quality and experience.

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LOCATION, LOGISTICS, AND DESIGN

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The subject parcel and structure are located on US Highway 1 (Ponce de Leon) within the Commercial Medium Intensity 2 (CM-2) zoning district. In addition, this site is not located within an overlay, flood zone or Coastal High Hazard Area. The proposed use of an MMTC is a Permissible Use by Exception as a "facility for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana."

GrowHealthy will transport cannabis products from the GrowHealthy harvesting locations in finished form to the St. Augustine location in accordance with GrowHealthy transportation procedures and in accordance with the transportation amendments submitted and approved by the Florida Department of Health's Office of Medical Marijuana Use.

GrowHealthy has engaged 2+Architects, a top Florida architectural and interior design firm located in Coral Gables, Florida. The interior will be a modern retail space with elegant wood finishes, high-tech displays, and a tasteful mixed-medium industrial motif. Though the aesthetics of the space are extremely important, it will be designed with functionality and medical confidentiality in mind. There will be minimal changes to the exterior of the building other than reasonable identification signage with the GrowHealthy logo. Renderings of the proposed interior design have been provided. The renderings represent the natural yet professional design elements that reflect the Nursery's commitment to providing a secure and safe place for compassion, quality, and medical treatment.

COMPREHENSIVE PLAN CONSISTENCY SUMMARY

FUTURE LAND USE ELEMENT

Policy 1.3 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. It is not intended that this district become or be used for strip commercial purposes.

The proposed use of an MMTC is a Permissible Use by Exception in the CMI land use designation. Furthermore, it is located on a principal arterial-urban roadway, US Highway 1, which is required by the Ordinance Code.

Objective 2

Encourage the redevelopment and renewal of blighted areas. The measurable targets for this objective are: (1) the number of category 1, 2, 3 and 4 buildings citywide as measured by the land use and building condition survey or other mechanism that may be deemed appropriate; and (2) the occupancy status of the commercial buildings along King Street, West King Street, San Marco Avenue, Anastasia Boulevard and Ponce de Leon Boulevard.

The subject parcel has an existing, vacant structure on it. The proposed use would be an exceptional reuse of the existing structure, providing a significant health care service to the increasing population of certified patients with serious illnesses and chronic pain. The proposed use has specific locational criteria associated with it. The Applicant proposes the use for this vacant building as it is completely in line with the intent of the Comprehensive Plan and the Ordinance Code's specifications. In addition, the site will have full-coverage security cameras and downward, exterior lighting deterring crime and loitering. The proposed use is adjacent to active commercial uses, such as health care, health insurance, pest control, and the St. Johns County Professional Firefighters Local #3865.

Policy 4.1

In order to eliminate reliance on transportation facilities, maintain the mixed use zoning districts associated with the Open Land, Residential Low Density/Mixed Use, Residential Medium Density, Residential Medium Density/Mixed Use, Commercial Low Intensity and Commercial Medium Intensity land use classifications where the intent is to create mixes of uses. Continue to allow commercial uses within each sector to serve the residential districts within each sector. Close proximity of commercial service areas encourages pedestrian activity, and also serves the needs of special groups that do not readily have access to transportation facilities.

The proposed use of an MMTC is a Permissible Use by Exception in the Commercial Medium Intensity land use classification. It provides for a contributing mixture of commercial uses given its proximity to active commercial uses, such as health care, health insurance, pest control, and the St. Johns County Professional Firefighters Local #3865.

The proposed use is a service to the community and surrounding residential districts. The Compassionate Use of Medical Marijuana is highly regulated, licensed and certified only serving those who qualify and are certified. Qualifying patients are those who are most vulnerable amongst our citizens, including those with Amyotrophic Lateral Sclerosis (ALS), Cancer, Crohn's Disease, Chronic Pain, Epilepsy, HIV/AIDS, Multiple Sclerosis, Parkinson's disease, Post-Traumatic Stress Disorder (PTSD), and a terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.

The proposed use of a MMTC speaks exactly and specifically to "serving the needs of special groups that do not readily have access to transportation facilities" and shall be located in local, commercial areas within close proximity to residential neighborhoods with access to public transit. Many of our patients utilize public transit due to health conditions and are often not independently mobile. This site is located on US Highway 1, south of King Street. This subject parcel resides within the St. Augustine Existing and Future Bicycle Inventory Area with paved shoulders. Most importantly, the subject parcel is located on The Sunshine Bus Company's Blue Line and Purple Line for outbound and inbound public transit service.

The Sunshine Bus Company's Blue Line schedule provides service to this exact location for following times:

*US Highway 1 & King Street – Outbound Service
7:23am/9:33am/11:43am/2:08pm/4:18pm/6:28pm*

*US Highway 1 & King Street – Inbound Service
7:55am/10:25am/12:15pm/2:40pm/4:50pm/7:00pm*

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The Sunshine Bus Company's Purple Line schedule provides service to this exact location for following times:

*US Highway 1 & King Street – Outbound Service
5:35am/9:15am/12:55pm/4:20pm*

*US Highway 1 & King Street – Inbound Service
8:20am/11:55am/3:40pm/7:20pm*

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ORDINANCE CODE CONSISTENCY SUMMARY

The subject parcel is a completely developed site with an existing vacant structure located on it, having a Commercial Medium Intensity (CMI) land use designation and Commercial Medium 2 (CM-2) zoning district. The subject parcel and its structure currently provide for front/side/rear parking, an ADA ramp, front/rear/side building access, and pole and wall signage. The subject parcel meets the lot and vehicular access requirements per the Ordinance Code. For this particular proposed use, the Code requires that the site must have direct access to US Highway 1 (Ponce de Leon Boulevard), which is a principal arterial-urban roadway.

Per the direction of the City of St. Augustine's Planning and Building Department, it has been determined that the subject parcel and its existing vacant structure are considered legally non-conforming having served many businesses prior. As the proposed use will not change the footprint of the structure, no additional exterior or site improvements are required.

Pursuant to Section 28-2 of the Code, "Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter."

- The proposed use here would create only the second medical marijuana dispensary in the City. The number of dispensaries is clearly not excessive and the size of this site is modest.
- The site improvements are existing and have been used for various commercial uses for many years, indicating that the size and scope of the use is suitable in relation to the neighborhood.
- The use has been found by the Legislature of the State of Florida to promote the public health, safety and welfare.
- The safety and security plans and operational standards required by the Department of Health and proposed by the applicant will ensure that the operation of the dispensary will have no negative effect on public morals, order, the appearance of the neighborhood, prosperity or general welfare:
 - Exterior signage is regulated
 - Security plans will prohibit and deter loitering (See Security section, above)
 - Product will not be visible from the exterior of the building nor used on premises
 - High degree of security is an improvement upon the existing condition
- The proposed use will enhance the comfort, convenience and general welfare of the City and the immediately-surrounding area by providing access to necessary, palliative medications for the most vulnerable residents.

SUMMARY AND PURPOSE OF PROPOSED USE PERMISSIBLE BY EXCEPTION

The proposed use will be appropriate for its area, location and relationship to the neighborhood as it is located on US Highway 1 (Ponce de Leon Boulevard) as specifically required per the Ordinance Code. It is located within the Commercial Medium Intensity (CMI) land use designation area with a companion Commercial Medium 2 (CM-2) zoning district. The proposed use is compatible with its adjacent businesses in the area that front US Highway 1. The proposed reuse is adjacent to other commercial services that serve the community, such as health care providers, insurance, pest control, and the St. Johns County Fireman's Hall. The proposed use meets all criteria applicable to use-by-exception.

The proposed project will be beneficial to the surrounding neighborhood and community directly promoting public health, safety and welfare as it provides a much needed service for those who are approved and certified with diseases, chronic pain, and life-threatening illnesses.

The parcel's existing structure has been in existence since 1925 and the site is completely built out. Many previous businesses have functioned on this site with the amenities that are currently on site. The appearance of the subject parcel and existing structure have served previous commercial uses permitted by the City of St. Augustine. The prosperity and general welfare of its patients are critical in need and increasing in the City of St. Augustine, making this service in demand for public health reasons. There are 1,662 certified medical marijuana physicians in St. Johns County according to the Florida Department of Health.

The proposed Exception is consistent with the Comprehensive Plan and the Ordinance Code. The proposed use provides for an innovative plan for reuse of a vacant structure in an appropriate area that is provided with sufficient system capacity wastewater and potable water. Its location is directly linked to the precise requirements per the City's Goals, Objectives and Policies and Land Development Regulations outlined in the Comprehensive Plan and the Ordinance Code.

The Applicant respectfully requests that the proposed use, which is Permissible by Exception in the CM-2 zoning district, be approved in order for Compassionate Care to be provided to its local patients.

RECEIVED

APR 26 2019

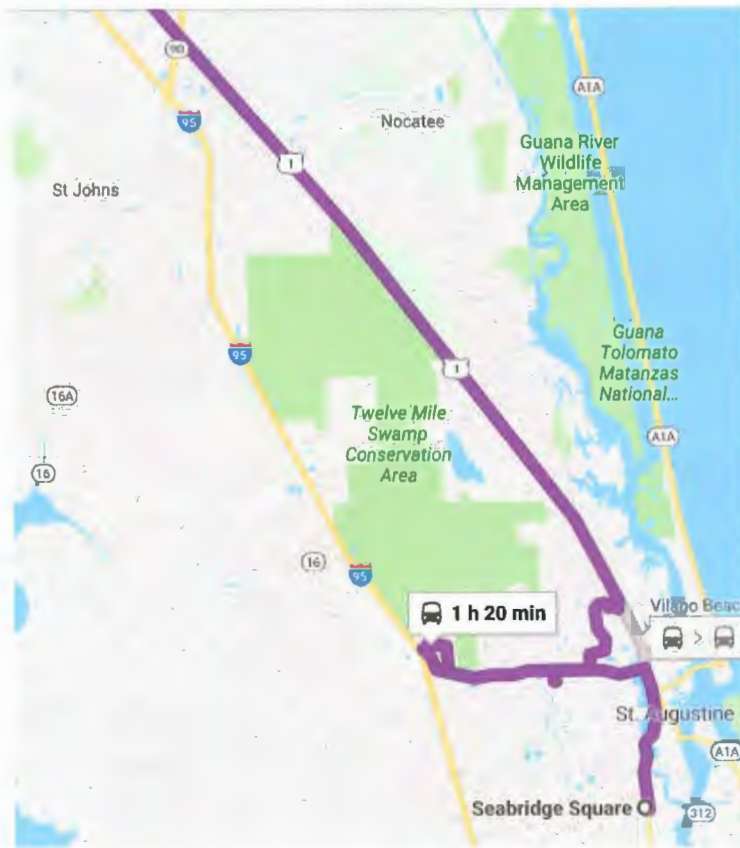
Planning/Building Dept.

HOME ABOUT US SCHEDULES TRIP PLANNER

Schedule – Purple Line

PURPLE LINE				
OUTBOUND				
SEABRIDGE (DEPARTS)	5:30	9:10	12:50	4:15
US 1 & KING ST	5:35	9:15	12:55	4:20
US 1 & SR 16	5:40	9:20	1:00	4:25
PRIME MALL	5:50	9:30	1:10	4:35
MISSION TR SJRSC	6:00	9:40	1:20	4:45
SR 16 & COLLINS	6:10	9:50	1:30	4:55
GOVT CENTER	6:15	9:55	1:40	5:00
US 1 & PALENCIA	6:25	10:05	1:50	5:10
US 1 GATE STATION	6:35	10:15	2:00	5:20
AVENUES MALL (ARRIVES)	6:50	10:30	2:20	5:35
INBOUND				
AVENUES MALL (DEPARTS)	7:00	10:45	2:30	6:00
US 1 GATE STATION	7:25	11:00	2:45	6:25
US 1 & PALENCIA	7:30	11:05	2:50	6:30
GOVT CENTER	7:40	11:15	3:00	6:40
SR 16 & COLLINS	7:45	11:20	3:05	6:45
PRIME MALL	7:55	11:30	3:15	6:55
MISSION TR SJRSC	8:05	11:40	3:25	7:05
US 1 & SR 16	8:15	11:50	3:35	7:15
US 1 & KING ST	8:20	11:55	3:40	7:20
SEABRIDGE (ARRIVES)	8:25	12:00	3:45	7:30

BLUE LINE						
OUTBOUND						
DEPOT (DEPARTS)	6:45	8:55	11:05	1:30	3:40	5:50
RIVERSIDE CENTER	6:50	9:00	11:10	1:35	3:45	5:55
SEABRIDGE SQUARE	6:52	9:02	11:12	1:37	3:47	5:57
PUBLIX (COBBLESTONE)	6:55	9:05	11:15	1:40	3:50	6:00
V.A. CLINIC	6:58	9:08	11:18	1:43	3:53	
WALMART	7:05	9:15	11:25	1:50	4:00	6:10
LEWIS PT PLAZA	7:10	9:20	11:30	1:55	4:05	6:15
FLAGLER HOSPITAL	7:15	9:25	11:35	2:00	4:10	6:20
US 1 & KING ST	7:23	9:33	11:43	2:08	4:18	6:28
FLAGLER AUDITORIUM (ARRIVES)	7:30	9:40	11:50	2:15	4:25	6:35
INBOUND						
FLAGLER AUDITORIUM (DEPARTS)	7:50	10:00	12:10	2:35	4:45	6:55
US 1 & KING ST	7:55	10:05	12:15	2:40	4:50	7:00
SEABRIDGE SQUARE	8:00	10:10	12:20	2:45	4:55	7:05
PUBLIX (COBBLESTONE)	8:03	10:13	12:23	2:48	4:58	7:08
V.A. CLINIC	8:06	10:16	12:26	2:51	5:01	
WALMART	8:13	10:23	12:33	2:58	5:08	7:18
LEWIS PT PLAZA	8:18	10:28	12:38	3:03	5:13	7:23
FLAGLER HOSPITAL	8:23	10:33	12:43	3:08	5:18	7:28
RIVERSIDE CENTER	8:28	10:38	12:48	3:13	5:23	7:33
DEPOT (ARRIVES)	8:35	10:45	12:55	3:20	5:30	7:40

[HOME](#) [ABOUT US](#) [SCHEDULES](#) [TRIP PLANNER](#)

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L14000116032
FILED 8:00 AM
July 23, 2014
Sec. Of State
thampton

Article I

The name of the Limited Liability Company is:

R & B PROPERTY V, LLC

Article II

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

318 FIDDLERS POINT
ST AUGUSTINE, FL. 32080

The mailing address of the Limited Liability Company is:

318 FIDDLERS POINT
ST AUGUSTINE, FL. 32080

Article III

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

HALL & EDWARDS, PA
3791 A1A SOUTH
SUITE B
ST AUGUSTINE, FL. 32080

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APR 26 2019

Planning/Building Dept.

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: CHARLEDS HALL

Article IV

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

Title: MGR
RONALD E BEDARD
318 FIDDLERS POINT
ST AUGUSTINE, FL. 32080

Title: MGR
BARBARA J BEDARD
318 FIDDLERS POINT
ST AUGUSTINE, FL. 32080

L14000116032
FILED 8:00 AM
July 23, 2014
Sec. Of State
thampton

Signature of member or an authorized representative

Electronic Signature: RONALD BEDARD

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.

RECEIVED

APR 26 2019

Planning/Building Dept.

RECEIVED

APR 26 2019

Planning/Building Dept.



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Brian Brasca CFO McCray's Sunny Hill Nursery, LLC

Print name of applicant

[Signature]

Signature of applicant

3/19/2019

Date



April 25, 2019

City of St. Augustine
Planning and Building Department
David Harrell, AICP
Senior Development Review Planner
P.O. Box 210
St. Augustine, Florida 32085

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APR 26 2019
Planning/Building Dept.

Re: 2019-0038 105 South Ponce de Leon Blvd. - Applicant Authorization Letter for Additional Speakers

Mr. Harrell,

As the Authorized Applicant on behalf of the Property Owner Barbara Bedard, I authorize the following additional speakers to act on behalf of McCrory Sunny Hill Nursery, LLC, d/b/a GrowHealthy, LLC, for application 2019-0038 Use by Exception for the location of 105 South Ponce de Leon Boulevard:

- Daniel Dietz, Manager of Real Estate, GrowHealthy, LLC
- Lara Dietrich, Land Planner, Dietrich Planning, LLC
- Tracy Lautenschlager, Legal Counsel, Greenberg Traurig, P.A.
- Matt Jurney, Landscape Architect, Matthews Design Group, Inc.

Thank you for the allowance of additional representation for this application.

Best regards,

A handwritten signature in blue ink, appearing to read "Brian Brescia".

Brian Brescia, Applicant/CFO
McCrory's Sunny Hill Nursery, LLC
d/b/a GrowHealthy, LLC

515 N Flagler Dr, Ste 210
West Palm Beach, FL 33401

Attachment 2

Property Appraiser Information & Location Maps



St. Johns County, FL

Quick Links

[My Tax Bill](#)
[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

Summary

Parcel ID 1192800000
Location Address 105 S PONCE DE LEON BLVD
 SAINT AUGUSTINE 32084-0000
Neighborhood Office (Class C) Countywide (COM) (202.03)
Tax Description* 3-15 WILDWOOD PARK LOTS 9 10 & 11 12 BLK F OR 3748/667 & 3914/4(Q/C)
**The Description above is not to be used on legal documents.*
Property Use Code Office Buildings (1Story) (1700)
Subdivision Wildwood Park, Plat Amending Blocks F &
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.310
Homestead N

[View Map](#)

Owner

Owner Name R & B Property V LLC 100%
Mailing Address 318 FIDDLERS POINT DR
 SAINT AUGUSTINE, FL 32080-5100

Valuation

	2019
Building Value	\$165,280
Extra Features Value	\$30,081
Total Land Value	\$203,265
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$398,626
Total Deferred	\$0
Assessed Value	\$398,626
Total Exemptions	\$0
Taxable Value	\$398,626

Values listed are from our working tax roll and are subject to change.

Historical Assessments

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2018	\$170,979	\$30,688	\$203,265	\$0	\$0	\$404,932	\$385,768	\$19,164	\$385,768
2017	\$159,862	\$29,466	\$203,265	\$0	\$0	\$392,593	\$350,698	\$41,895	\$350,698
2016	\$85,478	\$30,073	\$203,265	\$0	\$0	\$318,816	\$318,816	\$0	\$318,816
2015	\$198,308	\$30,680	\$203,265	\$0	\$0	\$432,253	\$432,253	\$0	\$432,253
2014	\$193,079	\$31,286	\$125,347	\$0	\$0	\$349,712	\$349,712	\$0	\$349,712
2013	\$154,284	\$16,233	\$125,347	\$0	\$0	\$295,864	\$295,864	\$0	\$295,864
2012	\$162,404	\$16,573	\$125,347	\$0	\$0	\$304,324	\$304,324	\$0	\$304,324
2011	\$170,524	\$16,912	\$138,898	\$0	\$0	\$326,334	\$326,334	\$0	\$326,334
2010	\$178,645	\$17,252	\$155,836	\$0	\$0	\$351,733	\$351,733	\$0	\$351,733

Building Information

Building 1
Actual Area 5491

Roof Structure Rigid Frame
Roof Cover Built Up, Metal

Conditioned Area 5400
Actual Year Built 1925
Use Office Buildings
Style 04
Class N
Exterior Wall Concrete Stucco

Interior Flooring Ceramic Tile
Interior Wall Drywall
Heating Type Air Duct
Heating Fuel
Air Conditioning Central
Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	50%
Roofing Cover	Metal	50%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	9 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Average	100%
Insulation	2" Fiberglass	100%

Description	Conditioned Area	Actual Area
BASE AREA	5400	5400
STOOP	0	56
STOOP	0	35
Total SqFt	5400	5491

Extra Features

Code Description	BLD	Length	Width	Height	Units
Concrete Paving	0	0	0	0	1029
Stops	0	0	0	0	8
Handicap Ramp	0	0	0	0	244
Curb	0	0	0	0	168
Sprinkler Wet	0	0	0	0	6155
Brick Pavers (1001-3000)	0	0	0	0	2442
Asphalt Paving	0	0	0	0	2871

Land Line

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Office Buildings (1 Story)	0	0	13551	SF	\$203,265

Sales

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/6/2014	7/28/2014	\$100.00	QC	3914	4	U	I	R & B MANAGEMENT GROUP INC	R & B PROPERTY V LLC
6/19/2013	6/14/2013	\$350,000.00	WD	3748	667	Q	I	KALLER JEFFREY, SOFIA	R & B MANAGEMENT GROUP INC
5/25/2011	5/20/2011	\$0.00	LP	3440	297	U	I	BANK OF AMERICA NA	KALLER JEFFREY, SOFIA
	11/21/2007	\$374,300.00	WD	3012	1748	U	I	HISTORIC RESTORATION TRUST(G A MORRIS, TRSTEE)	KALLER JEFFREY, SOFIA
	8/26/2003	\$443,200.00	WD	2032	84	U	I	PUTNAM STATE BANK	HISTORIC RESTORATION TRUST(G A MORRIS, TRSTEE)
	6/24/2002	\$1,000.00	CT	1775	1588	U	I	PRIME INVESTMENT LLC & DAVID F POWELL	PUTNAM STATE BANK
	1/25/1999	\$148,400.00	WD	1380	959	U	I	PRIME LAND CORPORATION	PRIME INVESTMENT LLC
	10/19/1998	\$275,000.00	WD	1357	602	Q	I	HARRY LILLIAN F TRUSTEE	PRIME LAND CORPORATION
	10/13/1992	\$100.00	QC	961	1232	U	I	HARRY LILLIAN F	HARRY LILLIAN F TRUSTEE

Area Sales Report

Recent Sales in Area

Clerk of Court

[Clerk of Court](#)

Tax Collector

[My Tax Bill](#)

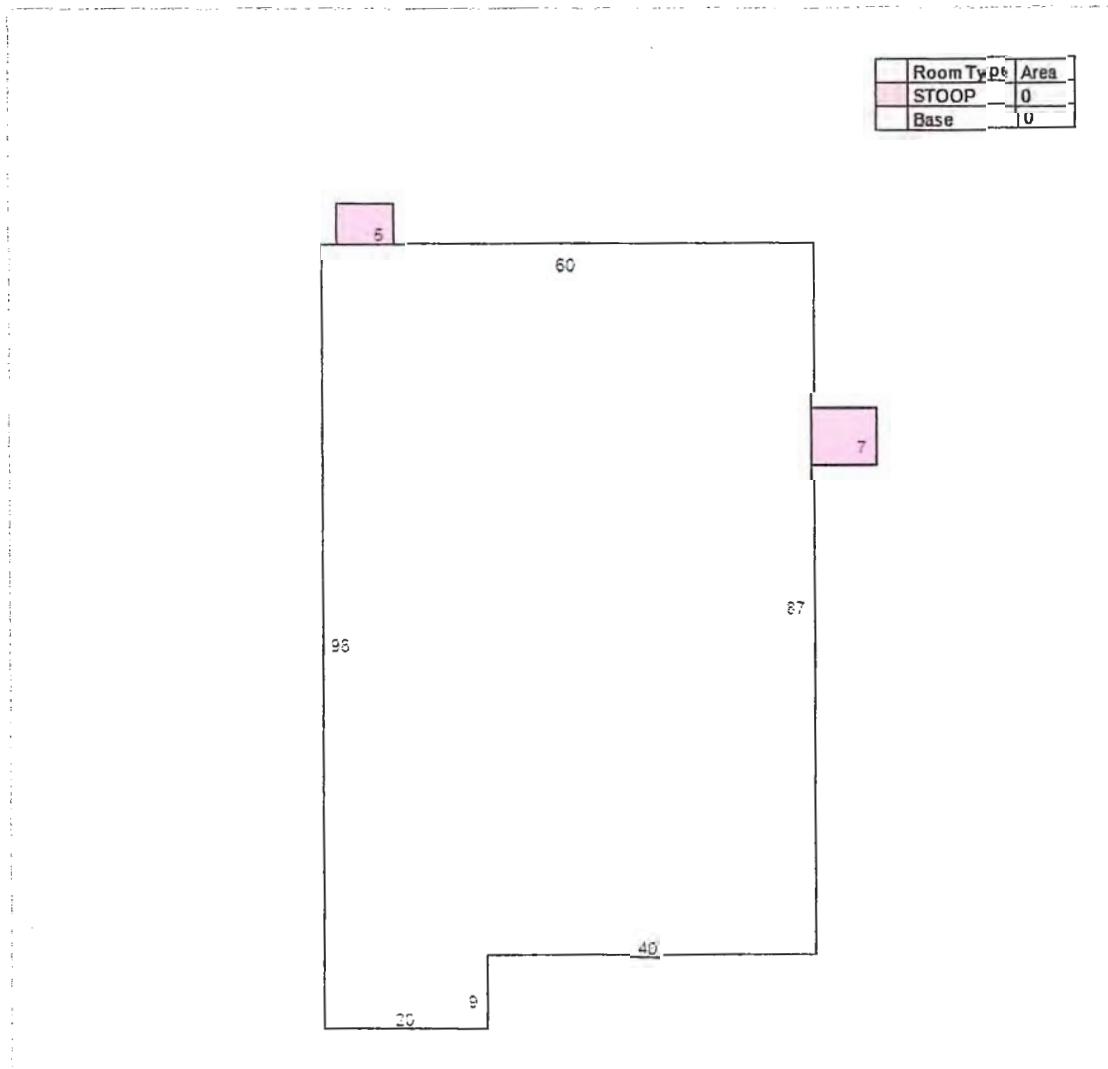
Tax Estimator

[Tax Estimator](#)

Map



Sketches



Attachment 3

PZB Minutes of Previous Uses by
Exception for Legally Available Marijuana

Agresta, Long, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. Use by Exception

**6. (a) 2018-0072 – George Hackney Inc.
d/b/a/ Trulieve – Applicant
J & J Mopar Inc. – Owner
2303 N. Ponce De Leon Boulevard**

To approve a use by exception, as allowed by Sec. 28-209, allowing a 1,150 square foot medical marijuana dispensary.

Mr. Harrell read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board may **APPROVE** a permitted use by exception, as allowed by Section 28-209, in order to allow a 1,150 square foot medical marijuana dispensary located at **2303 N. Ponce De Leon Boulevard** with the following condition:

- Applicant to lease additional area in railroad right-of-way or provide on-site for any necessary additional minimum parking of which any minimum parking issues must be satisfied before a building permit can be issued for the unit(s)

Victoria Walter and Virginia Hines reviewed the application with a presentation.⁴

The Board provided their ex parte communications

10 certified notices were sent, 1 was returned in favor, 2 returned opposed and 2 had comments and one hand-written letter in favor.

Public hearing was opened.

Lynnette Horwath spoke against the application citing concerns with negative impacts to community youth.

Dennis Maloney spoke in favor of the application as a current customer of the applicant.

Charles Pappis stated that a medical plaza would be a more positive location for the business.

Nicholas Andrews, commercial real estate/location expert for the applicant, said that the process he used to choose the subject location was in accordance with state and city laws.

B.J. Kalaidi had questions regarding the rear entrance and required amount of parking. She felt the location was not appropriate.

Ed Slavin spoke in favor of the application.

Clyde Taylor III spoke in favor of the application as neighboring business owner. He felt that it would benefit the community and supposed negative impacts were unfounded. He noted that the extra parking likely regarded the use of additional square footage that had not been used previously.

Public hearing was closed.

The Board discussed:

- Rear entrance and parking for employee use only
- Additional parking requirements if square footage used triggered the need
- Outward facing cameras would cover all parking lots and walkways leading to store front
- Hours of operation and traffic
- No use on premises or in public areas
- Square footage breakdown

⁴ Attached to original minutes

- Youth must be accompanied by a legal guardian who was a patient
- Signage did not include language indicating "marijuana" or any image indicating marijuana
- By ordinance, location had to have direct access to US1 for ease of law enforcement response
- Concerns for City liability should the application be approved
- Condition that applicant show consent for sub-lease
- Additional condition of complaint-driven review

MOTION

Mr. Shaffer MOVED to APPROVE Use by Exception application 2018-0072 to allow a medical marijuana dispensary conditional upon the applicant providing written consent of FDG, Flagler Station 2, LLC for the sub-lease of any part of their property relating to the business, leasing additional area in railroad right-of-way or provide on-site for any necessary additional minimum parking of which any minimum parking issues must be satisfied before a building permit can be issued for the unit(s), and that three or more complaints to the Police Department within one year would result in the applicant returning before the Board to review the Exception. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: Shaffer, Ryan, Zander, Misterly, Agresta, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

J & BFLP Ltd. – Owner
160 King Street

To approve a use by exception allowing a 3,500 square foot medical marijuana dispensary.

Mr. Harrell read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may **APPROVE** a permitted Use by Exception, as allowed by Sec. 28-209, in order to allow a 3,500 square foot medical marijuana dispensary located at **160 King Street**.

James Whitehouse reviewed the application with a presentation.²

There was a brief discussion to confirm that Mr. Whitehouse was an authorized representative of the applicant.

The Board provided their ex parte communications.

7 certified notices were sent, 1 was returned in favor, with comments. Additional e-mails in opposition and support were also included within the response packet.

Public hearing was opened.

B.J. Kalaidi gave a brief history of the property and spoke against the application because of the properties location on the King Street Entry Corridor.

Jeffrey Leibovitz cited concerns regarding the property's prominent location along the King Street Entry Corridor. He recommended that the Board put controls on the exception.

Melinda Rakoncay was not opposed to the dispensary but was concerned with the proposed location along the entry corridor and within close proximity to the Flagler College dormitory. She recommended

² Attached to original minutes

5. Use by Exception

5. (a) 2019-0017 – Kamala Corbett, Foley & Lardner LLP – Applicant

putting the dispensary along US1 South in a plaza or medical park.

George Anne Gillespie spoke in favor of the application. She stated that the medical marijuana process did not allow for students or the general public to purchase product from the dispensary. She noted rent may not be reasonable in other locations.

Charles Pappis felt that whether this was a dispensary or a pharmacy the location would not be appropriate. He noted that the ordinance may reference that medical marijuana dispensaries may require an address along US1.

Doreen Daugherty spoke in favor of the application citing that a prescription was required to receive medical marijuana. She stated she was in favor of having the drug available for those who needed it in St. Augustine.

Isabel Dickson spoke in favor of the application citing that the liquor store previously located at the property also sold controlled substances and other businesses would be located on the property as well.

Dan Allan Ditmore spoke in opposition citing that he felt marijuana was an addictive substance and should not be encouraged by such a location.

Public hearing was closed.

Mr. Cary read state law regarding medical marijuana facilities. He noted that the address did not have to be along US1 but the property did need direct vehicular access to US1.

The Board discussed:

- Bills submitted to the Florida Legislature to legalize marijuana could allow applicant to sell recreational marijuana without additional exception application

- Whether the existing medical marijuana facility could service the current population in the area that had medical marijuana prescriptions
- Only visual appearance of the structure was considered in Entry Corridor Guidelines
- Data which proved whether a medical marijuana dispensary had less traffic than a liquor store was not provided
- Signage would not indicate marijuana on the premises per state law and appearance may not be a concern
- Possibility of restricting activity to the sale of medical marijuana only

MOTION

Mr. DePreter MOVED to APPROVE the application 2019-0017 with the caveat that the signage will meet state code. The motion was SECONDED by Ms. Ryan

Mr. Misterly and Ms. Zander felt that the application did not meet the criteria for an exception as there was already an existing facility just north of the proposed location along US1 and therefore they would not support the application.

VOTE ON MOTION:

**AYES: DePreter, Ryan, Opsahl
NAYES: Morrisette, Blow, Zander,
Misterly**

MOTION FAILED 3/4

MOTION

Ms. Zander MOVED to DENY Use By Exception application 2019-0017, 160 King Street, to approve a use by exception allowing a 3,500 square foot medical marijuana dispensary because the application did not meet the criteria for an exception because it was too close to the pre-approved medical marijuana location and it did not

**promote appearance. The motion was
SECONDED by Mr. Morrisette.**

**Mr. Misterly concurred that the application
did not meet the criteria for location based
on its close proximity to the previously
approved dispensary.**

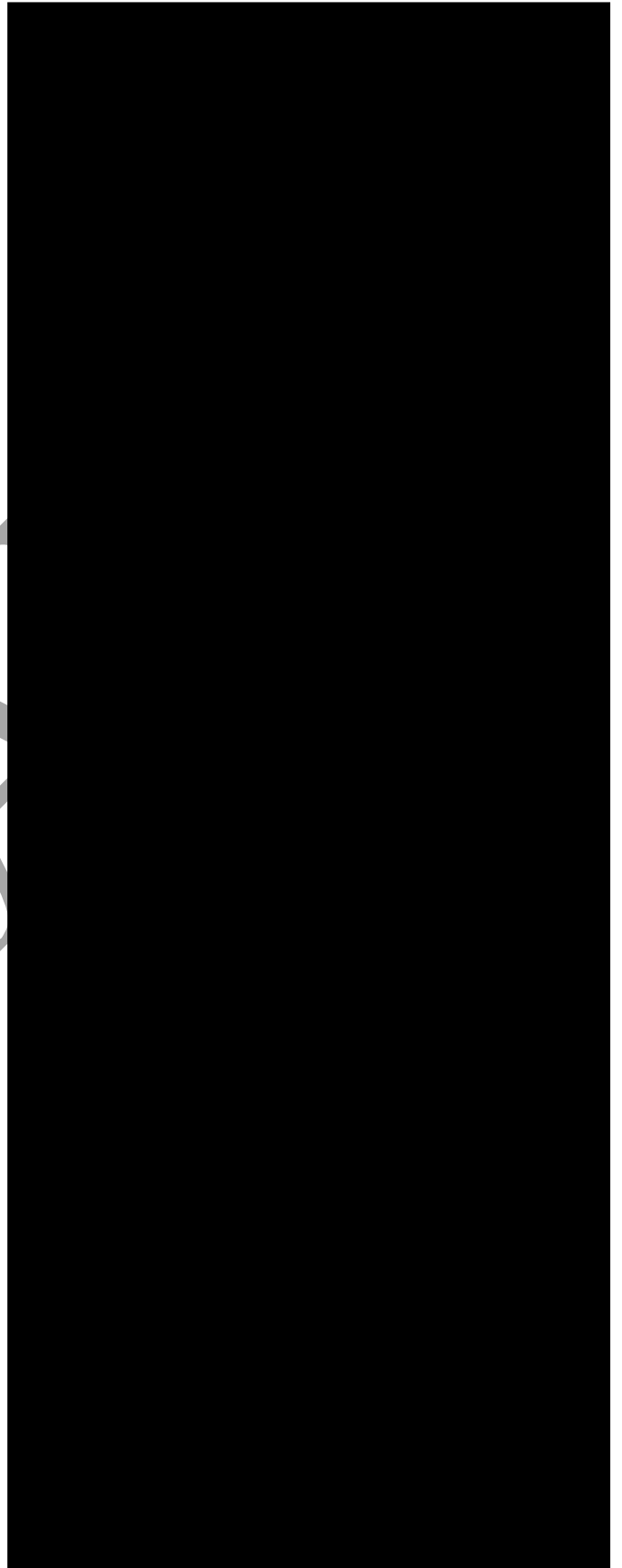
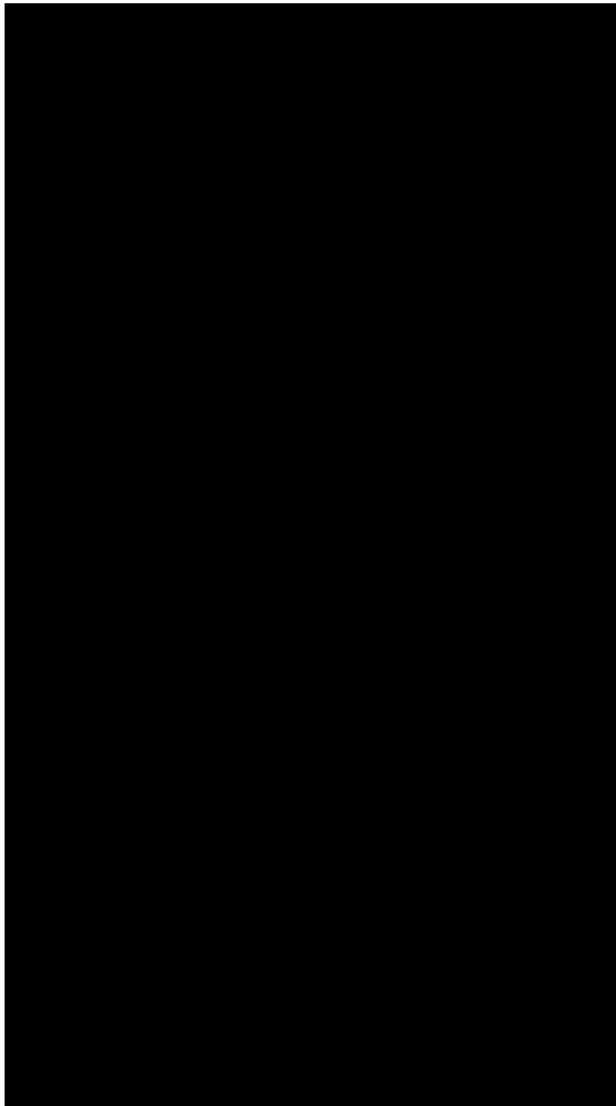
**Mr. Blow said he would have approved the
application had the applicant agreed to
restrict their activities to medical marijuana
only.**

VOTE ON MOTION:

AYES: Zander, Morrisette, Blow, Misterly

NAYES: Opsahl, DePreter, Ryan

MOTION CARRIED 4/3



Attachment 4
Applicant Photos

Pizzarello's
Chianti Room
117 ST. GEORGE STREET
2010 VOTED BEST ITALIAN RESTAURANT & BEST HAPPY HOUR
1483 S

**MORGAN
MORGAN**
LAW OFFICES
904-417-4170

MORGAN & MORGAN
For the people.com

NAI
2000-2002

**NORTH
BUSINESS**
1
7























Hallmark
naihallmark.com
AVAILABLE
904 363-9002
CT DANIEL BURKHARDT
904-404-4455

1-4170









QUALITY SERVICE



QUALITY PRODUCT





Attachment 5

Site Plan

PROPOSED SITE PLAN