

CITY OF
ST. AUGUSTINE
EST. 1565

**CITY OF ST. AUGUSTINE
PLANNING AND ZONING BOARD
AGENDA
TUESDAY, JANUARY 7, 2020 - 2:00 PM
ALCAZAR ROOM**

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from December 3, 2019.
4. **Variance**
 - (a) 2019-0070 Troy Blevins & Anish Patel – Applicant
(continued July 2, 2019) c/o Best Western
Kanti Patel – Owner
[16 Avenida Menendez](#)
To approve a variance to decrease the minimum building setback requirement and to increase the maximum lot coverage for ADA compliance.
 - (b) 2019-0129 Steven Yesner – Applicant/Owner
[19 Park Avenue](#)
To approve a variance to reduce the front yard setback in RG-1 from 15’ to 12’.

5. Conservation Overlay Zone Development

- (a) 2019-0131 Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.
Darrell Poli– Owner
c/o Fisherman’s Harbor Marina, Inc.
[142, 144, 150 Riberia Street](#)
To approve a fifteen foot (15’) by fifteen foot (15’) observation platform, a gangway and a eight foot (8’) wide by seventy five foot (75’) long floating dock within Conservation Overlay Zone 1.

6. Use by Exception

- (a) 2019-0125 PJ Patel – Applicant
Umabhagu, LLC - Owner
[841 Anastasia Blvd](#)
To approve a use by exception for a drive through for a liquor store within Commercial Low-two (CL-2) zoning.
- (b) 2019-0133 Richard Diaz – Applicant
c/o Card Holding, LLC
St. Johns County Welfare Federation - Owner
[169 M.L. King Avenue](#)
To approve a use by exception for Housing for the Elderly within Residential, Single-Family-two (RS-2) zoning.

7. Use by Exception & Variance

- (a) 2019-0130 Ryan Cornelison – Applicant/Owner
c/o Cornelison, LLC
[124 King St](#)
To approve a use by exception for off-site parking and to approve a variance to the off-street parking and loading requirements for interior drive aisle width and maneuverability for a cafe.

8. Use by Exception, Variance & Conservation Overlay Zone Development

- (a) 2019-0132 Jennifer White – Applicant
White’s Wharf LLC - Owner
Ryan Carter - Applicant
c/o Carter Environmental Services
[135 Avenida Menendez](#)
To approve a use by exception for off-site parking, or to approve a variance to eliminate parking requirements for additional restaurant seating and commercial boat slips. To approve an eight foot (8’) wide by fifty-four-foot-long (54’) switchback gangway to a ten foot (10’) wide by one hundred eighty foot (180’) long floating dock within Conservation Overlay Zone 1.

9. Rezoning

- (a) 2019-0115 Paul Harden – Applicant
(continued Dec. 2, 2019) John Wilson – Owner
c/o West Sebastian, LLC
[San Sebastian View](#) – PID #: 084560-, 102990, 102810-, 154860-, and 155540-0000
A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, Low-One (RL-1).

10. Other Business

- (a) Ordinances 2019-50, Ordinance 2019-51, and Ordinance 2019-52 will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the City Commission, with recommendations from the Short-Term Rental Committee.
- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
 - 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.

- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.
- (b) Discussion and Recommendation of Ordinance 2020-01, to modify fence, wall and hedge requirements within Chapter 28 of the City Code.

10. 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.

"Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body."

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 3, 2019

The Planning and Zoning Board met in formal session Tuesday, December 3, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Karen Zander, Chairperson and the following were present:

1. Roll Call:

Karen Zander, Chairperson
Jon DePreter, Vice Chairperson
Grant Misterly
Sarah Ryan
Mike Davis

Absent: Christina Opsahl

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
John Cary, Assistant City Attorney
Candice Seymour, Recording Secretary

Modifications to the Agenda

Ms. Zander announced a request to move item 5(a) to a later portion of the meeting made by a member of the public that wished to speak on the subject.

Jim Wilson, representing the person who made the request, clarified that the change was no longer necessary.

Ms. Zander announced a request by the applicant to continue item 5(b) to the February 4, 2020 meeting.

MOTION

Mr. DePreter MOVED to CONTINUE application 2019-0086 to the February 4, 2020 meeting. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: DePreter, Misterly, Davis, Ryan, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Doty advised a request to continue item 8(a) to January 7, 2019 due to changes in the application.

MOTION

Mr. DePreter MOVED to CONTINUE application 2019-0115 to the January 7, 2020 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

2. General Public hearings for Items Not on the Agenda

The Board heard from the following member of the public:

- Ed Slavin

3. Approval of Minutes

Mr. Cary noted a small error in the list of staff present, adding that he had informed the recording secretary of the issue prior to the meeting.

MOTION

Ms. Ryan MOVED to APPROVE the November 5, 2019 minutes as revised. The motion was SECONDED by Ms. Zander and APPROVED BY UNANIMOUS VOICE VOTE.

4. Variance

4. (a) 2019-0102 – James Solana – Applicant Sisters of St. Joseph – Owner 243 St. George Street

Ms. Zander recused herself from the application.¹

Mr. Davis clarified that he had done work with the applicant in the past but his work was unrelated to the application and he did not have to recuse himself.

To exceed the maximum lot coverage for construction of a 705 square foot addition to the existing residential facility.

Mr. Doty 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 be able to **APPROVE** a Variance to add a 705 square foot addition to the main building at **243 St. George Street.**

James Solana reviewed the application.

Ex Parte Communication:

(None)

¹ Form attached to original minutes.

60 certified notices were sent, 5 were returned in favor, and 1 had comments.

Public hearing was opened.

Ed Slavin spoke in favor of the application.

Public hearing was closed.

The Board discussed that the application met the variance criteria as detailed in the staff report.

MOTION

Ms. Ryan MOVED to APPROVE application 2019-0102 as presented. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: Ryan, Misterly, Davis, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2019-0120 – Quinn M. Robert – Applicant and Owner 14 Avista Circle

To exceed the maximum lot coverage for construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport.

Mr. Doty 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 be able to **DENY** a Variance to exceed the maximum lot coverage in RS-1 zoning district for the construction of an 811 square foot addition to the existing single-family home and a 545 square foot covered carport at **14 Avista Circle/PIN 214520-0000.**

The Board provided their ex parte communications.

10 certified notices were sent, 3 were returned in favor, and 3 had comments.

Quinn Robert reviewed the application with an additional list of neighbors in support of the application.²

The Board discussed:

- Finished floor elevation was 7.74 feet and the applicant intended to lift the interior floor to approximately 8.3 feet
- Lack of a singular disadvantage as the applicant had other, conforming options to meet his intent
- Variance could allow future property owners to build up to 33% lot coverage at any allowed height

Public hearing was opened.

Ed Slavin spoke in favor of the application due to his support of aging-in-place accommodations and the applicant's consideration of surrounding property owners in not building above the existing home in larger scale.

Public hearing was closed.

The Board continued discussion regarding the following:

- Size of the existing house was approximately 1,250 square feet
- Clarification of the square footage being added, which included a footprint of 1,700 square foot
- Application did not meet variance criteria in part because the property was a conforming lot
- Applicant had an additional square footage available to add to the existing structure without needing a variance
- Applicant was willing to remove proposed car port from the application as well as additional covered areas included for aesthetics

- Possibility of approving a 28% variance for addition to the home without the carport
- Keeping neighborhood scale and not building over neighboring houses
- Aging-in-place hardship was not within code criteria

MOTION

Mr. DePreter MOVED to DENY application 2019-0120 because there was no singular disadvantage to the property and there was still reasonable use on the property as there were 360 square feet still available and the potential for a second story. The motion was SECONDED by Ms. Zander.

Mr. Misterly explained that applications needed to meet all four criteria to be approved, and criteria number two: Because of the disadvantage the owner is not able to make reasonable use of the effected property," was not met.

VOTE ON MOTION:

AYES: DePreter, Zander, Ryan, Misterly

NAYES: Davis

MOTION CARRIED 4/1

5. Conservation Overlay Zone Development

5. (a) 2019-0101 – Ryan Carter, Carter Environmental Services, Inc. – Applicant Ernest Little – Owner 5 Lighthouse Avenue

To approve dock modifications to an existing two hundred twenty nine (229') foot dock including and a three (3') foot by eighteen (18') foot gangway that connects the existing dock to a ten (10') foot by twenty (20') foot floating platform within Conservation Overlay Zone 1.

Mr. Doty read the staff report and said based on a review of Section 11-29 and without the support of evidence to the contrary, staff finds that the Board can

² Attached to original minutes

APPROVE the construction of a floating dock platform. Gangway, and four (4) associated piling in Conservation Overlay Zone 1 located at **5 Lighthouse Avenue/PIN: 157040-0000**. Mr. Doty added that, in light of new information provided by the applicant which shows that the dock was located within the City's mooring field, and the PZB approval with a condition that the dock should not infringe on the adjacent mooring field, staff deferred to the PZB their recommendation for approval or denial.

Ryan Carter reviewed the application with additional information regarding the location of the dock which was built in a different alignment than what was approved.

The Board provided their ex parte communications.

26 certified notices were sent, 4 were returned in favor, 1 returned opposed and 3 had comments.

The Board discussed the following:

- Concern for the dock being constructed within the mooring field
- City request that the property owner rent the mooring ball from the City if the dock remained close to the mooring ball

John Goebler, the contractor who constructed the dock, spoke regarding the construction of the dock without a City building permit and in the wrong location. He described the difficulty in moving the dock.

Board discussion continued regarding the following:

- Clarification of the dock within the mooring field
- Illustration provided by the applicant showing that neighboring property's riparian rights were not affected

- City staff and Board did not have authority over riparian rights
- Possibility of shortening the dock out of the mooring field
- DEP and Army Corps permits were for the previously approved alignment

Public hearing was opened.

Jim Wilson, attorney representing Tom and Pilar Hartman who were not in favor of the application, requested that the floating dock be placed on the north side of the property if not denied. He spoke against the application on behalf of his client based upon the new evidence that the dock was in the wrong location and without a building permit

Charles Pappas noted that the dock was built incorrectly. He reminded the Board of the previous concerns regarding the mooring fields. He felt this was an issue between the property owner and the contractor to move the dock to the approved location before considering the remainder of the application for the gangway and floating platform.

Ed Slavin spoke against the application and believed that case law would support the demolition of the existing dock.

Public hearing was closed.

Mr. Carter addressed public comments made regarding incorrect construction of the dock which was discovered only recently.

The Board discussed:

- Contractor should be responsible for the wrong alignment of the dock
- Steps the applicant would have to take if the Board were to deny the application
- The Board did not have the authority to request removal of the dock

- Concern that misalignment of the dock was not part of the advertised application for approval and the application could be challenged if approved
- Location of the dock within the mooring field made the application difficult to approve based upon City Code
- Options for the property owner moving forward including:
 - Shortening the dock so it was no longer within the mooring field
 - Flipping the floating dock to the north side
- Clarification that the previous approval included a condition that the dock did not interfere with the mooring field

Earnest Little, property owner, gave a brief history of the property. He added that he was not fully aware of his riparian rights in relation to the City mooring field and clarified that the proposed length of the dock was based upon the need to reach navigable water. He said he had agreed to rental of the mooring ball as a possible solution to the issue.

There was a brief discussion regarding the possibility of continuing the application to allow the applicant time to consider other options for the dock.

Clarification regarding the mooring ball radius as illustrated by the applicant in the first application and the mooring field which was marked with channel markers.

Mr. Carter reiterated the importance of the dock length in reaching sufficient water depth.

MOTION

Mr. Misterly MOVED to DENY Conservation Overlay Zone 1

Development application 2019-0101. The motion was SECONDED by Ms. Zander.

VOTE ON MOTION:

AYES: Misterly, Zander, Davis, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

5. (b) 2019-0086 – Scott Patrou, Ginn & Patrou Holdings, LLC – Applicant and Owner **435 Flagler Boulevard**

To approve the construction of a four hundred sixty-five foot (465') long dock with three (3) associated boat lifts and a bulkhead within Conservation Overlay Zone 1. To approve the construction of three (3) condominium units in Conservation Overlay Zone 2.

Applicant requested a continuance to the February 4, 2020 meeting. See motion to continue under Modifications to the Agenda.

5. (c) 2019-0118 – Cora Johnston, Generation Homes – Applicant **Anthony & Kathleen Pretera – Owner** **111 Fiddler Crab Lane**

To approve the removal of three (3) significant trees (Southern Red Cedars) within Conservation Overlay Zone 3.

Mr. Doty read the staff report and said 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 the trees at the subject property including three (3) significant trees (southern red cedars) within Conservation Overlay Zone 3 located at **111 Fiddler Crab Lane/PIN 158571-9090**. Mr. Doty noted that two of the three trees were dead as noted in the arborist report.

Cora Johnston reviewed the application.

³ Brief recess from 4:02p.m. to 4:16p.m.

Ex Parte Communication:

(None)

9 certified notices were sent, and 1 was returned in favor.

The Board discussed:

- The condition requiring ten southern red cedar trees on the property after construction of the home
- The living tree proposed for removal had a severe lean

Public hearing was opened; however, there was no response.

MOTION

Mr. Davis MOVED to APPROVE application 2019-0118. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (d) 2019-0117 – Herbert Vandermark, Yelton Construction Co., Inc. – Applicant
Kenton Morrison – Owner
25 Dolphin Drive

To approve the construction of a ten foot (10') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1.

Mr. Davis recused himself as he worked for the current property owner.⁴

Mr. Doty read the staff report and said based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a terminal platform and two (2) associated boat lifts in

⁴ Form attached to original minutes

Conservation Overlay Zone 1 located at 25 Dolphin Drive/PIN: 220070-0000.

Taylor Yelton was available for questions.

The Board provided their ex parte communications.

26 certified notices were sent, 1 was returned in favor.

The Board discussed:

- Modification to an existing dock to add boatlifts
- Proposed dock was landward of existing dock
- Existing dock protruded more north than the proposed dock
- Proposed dock was wider and closer to the riparian lines but applicant said it maintained the proper setback
- Existing floating dock was badly damaged

Public hearing was opened; however, there was no response.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development application 2019-0117 because, as noted in the staff report, it already received approval from the U.S. Army Corps of Engineers and the Florida DEP and it meets all the criteria for Overlay Development. The motion was SECONDED by Ms. Ryan

VOTE ON MOTION:

AYES: DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2019-0114 – Vallery Clouse – Applicant and Owner 166 Marine Street

To approve a home occupation for cranial sacral & lymphatic massage.

Mr. Doty 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 can **APPROVE** a home occupation as a permitted use by exception for cranial sacral and lymphatic massage at **166 Marine Street/PIN 201180-0000**.

Vallery Clouse was present for questions.

The Board discussed:

- Three units on the property, one room and one restroom in apartment A would be utilized
- Parking requirements were computed by square footage
- Ensuring parking requirements were met for the entire tri-plex
- Desire to see a site-plan with parking

Ex Parte Communication:

37 certified notices were sent, 2 were returned in favor, 7 returned opposed and 6 had comments.

Public hearing was opened.

Blanch Judd was concerned about parking and congestion on the street. She felt that if it was only one customer at a time the business could be acceptable.

Public hearing was closed.

Ms. Clouse stated that she felt confident her clients would be able to park in the existing driveway.

The Board discussed:

- Determining whether the property was utilized as a tri-plex to determine proper parking requirements
- Low intensity of the proposed use
- Possibility of approving a use by exception with terms that if the business received three or more founded complaints within a year, the applicant would have to come before the Board again for review

MOTION

Mr. Misterly MOVED to APPROVE Use By Exception application 2019-0114 with the following conditions:

1. City Staff evaluate the use of the property (whether it is single, family, duplex, or tri-plex) and assess the required parking; and, if it meets the required parking, then the application can be approved
2. If there are three code enforcement complaints within the next year, then the applicant must return before the Board for review

The motion was SECONDED by Ms. Ryan

VOTE ON MOTION:

AYES: Misterly, Ryan, Davis, DePreter

NAYES: Zander

MOTION CARRIED 4/1

7. Use by Exception & Conservation Overlay Zone Development

7. (a) 2019-0116 – Shannon Acevedo, Matthews Design Group – Applicant Windward Marina St. Augustine South, LLC – Owner 400 & 404 Riberia Street

To approve a use by exception for a restaurant. To approve for the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2.

Mr. Doty read the staff report and said the following:

- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception for a restaurant at **404 Riberia Street**.
- Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a replacement twelve foot (12') by fourteen hundred foot (1400') dock, placement of riprap, placement of a bulkhead, shoreline stabilization, performance of maintenance dredging, and wetland mitigation, with a condition of 1 for 1 replacement of all wetland impacts, within Conservation Overlay Zone 1 and the proposed restaurant within Conservation Overlay Zone 2 located at **400 and 404 Riberia Street**.

Shannon Acevedo reviewed the application regarding the use by exception with a presentation.⁵

The Board provided their ex parte communications.

49 certified notices were sent, 1 was returned in favor, 1 returned opposed and 1 had comments.

The Board discussed the following regarding the use by exception:

- Development would create 81% impervious surface
- Possible upgrades and connectivity to Riberia Street
- Seating arrangements
- Possibility of acoustic music
- Parking calculations
- Liquor licensing
- Open-air seating area

Stefan Johansson gave a brief history of the property, his purchase of the property, and his vision for the uses on the property moving forward.

Ms. Acevedo reviewed the number of seats on the site plan, noting that the seating under the pavilion was over one hundred and fifty (150) seats.

Steve Mask, in response to comments from the Board and a statement published in the St. Augustine Record, noted that the proposed restaurant would allow docking space for a food truck, enabling the restaurant to serve multiple styles of food with the additional commissary area to support food service.

The Board continued discussion regarding:

- Doubt in the accuracy of the traffic study, particularly in pedestrian estimates
- Consideration of all property uses for parking calculations
- Concern for the full liquor license in an area where alcohol had not been previously served
- Restaurant as an ancillary use in other, similar zoning categories
- Concern for the intensity of the use, particularly traffic impacts affecting the residential atmosphere of the neighborhood

⁵ Attached to original minutes

and potential lighting and noise impacts which should be mitigated

Paulina Johansson spoke regarding lighting and sound concerns stating that they were passionate about minimizing light pollution in the area and the noise level of the restaurant would not surpass the industrial warehouse machinery which was operational during the day.

Public hearing was opened.

Barbara Brottman was concerned that the proposed restaurant would utilize the public parking across the street from her house. She was also concerned about future growth of the restaurant.

Lauren Giber spoke against the application citing concerns with traffic, which was already congested and prone to speeders.

Charles Pappas thought the project was unique. He felt that the project would improve that area and integrate with future means to create a more pedestrian and cyclist-friendly environment. He added that the inclusion of the liquor license was reasonable to cater to all tastes. He noted that there was a processing plant proposed on the property and asked that the applicant clarify that use.

James Whitehouse testified that the applicant, whom he was representing on the Shipyards project, had been working towards improving mobility in the City. He understood concerns of impacting the surrounding neighborhood but noted that there were large buffers between the neighborhood and the project site. He added that there was enough acreage to provide all the parking required.

Public hearing was closed.

Mr. Johansson noted that the processing plant, which was a permitted use on the property, would be a sustainable fishing operation where fresh fish would be

prepared for sale. He added that he would be happy to allow only non-amplified music. He stated that the property was 31 acres and they had ability to provide ample parking. He re-stated that they would do everything possible to limit or eliminate light pollution.

The Board discussed:

- Separating the Customs and Border Patrol secure area from the proposed public space with fencing and gates
- Uses by exception were to control density of certain uses
- History of the surrounding area and its former, potentially more-intense, uses
- Additional intensity would have to return before the Board
- Adding conditions to the approval, including:
 - Minimizing light pollution by requiring lights to not be directed toward residential areas and utilization of lower lumen lights
 - Encouraging use of impervious pavers
 - Hours of operation no later than 11:00p.m.
 - Encouragement of multi-modal connections

Mr. Johansson was amenable to 11:00 pm closing time.

There was a brief discussion regarding how the mobility fee would affect the applicant during development.

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception application 2019-0116 with the following conditions:

- **No amplified music**

- **Lighting be low-lumen down light with no lights directed towards the residential neighborhood**
- **That the restaurant and bar closes by 11:00p.m.**

The motion was **SECONDED** by Ms. Ryan.

VOTE ON MOTION:

AYES: Misterly, Ryan, Davis, DePreter

NAYES: Zander

MOTION CARRIED 4/1

Ryan Carter continued the presentation and reviewed the application regarding Conservation Overlay Zone Development.

The Board discussed:

- Use for extended dock as a place to stage boats and boat parking for the restaurant
- Possible **FIND** restrictions in regards to the San Sebastian channel
- Wetlands mitigation as proposed did not meet City requirement of one to one replacement because there were still some wetlands function to the open water being dredged
- Possibility of allowing off-site wetlands mitigation within the San Sebastian watershed to meet City requirements
- Concern for proposed dock blocking wetlands access to the public
- Proposed capacity of dock would be approximately 40 boats
- Water taxi was intended to be along the proposed dock
- Need for added dockage space in the city
- Ensure parking was created for the water taxi and dock uses
- No long-term docking was intended
- Encouragement of working waterfront uses over marina uses

Public comment was opened; however, there was no response.

MOTION

Mr. Davis **MOVED** to **APPROVE** Conservation Overlay Zone Development application 2019-0116 to approve the construction of a replacement twelve foot (12') by fourteen hundred foot (1,400') dock, placement of riprap, shoreline stabilization, performance of maintenance dredging, and wetland mitigation within Conservation Overlay Zone 1 & 2 with the condition that the wetlands replacement meet the City Code requirements. The motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Rezoning

8. (a) 2019-0115 – Paul Harden – Applicant
John Wilson, West Sebastian, LLC – Owner
San Sebastian View – PID #: 084560-, 102990, 102810-, 154860-, and 155540-0000

To A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential, General-One (RG-1).

Applicant requested a continuance prior to the meeting. See Modifications to the agenda for motion to continue.

**8. (b) 2019-0119 – James Whitehouse, St. Johns Law Group – Applicant
Columbia Restaurant of St. Augustine, LLC – Owner
98 St. George Street**

To request to amend PUD 2011-03 to allow for additional 312 square feet of lot coverage.

Mr. Doty read the staff report and advised that staff did not make recommendations concerning the rezoning of land.

Mr. Whitehouse reviewed the application.

There was discussion regarding the smaller square footage of the proposed walk-in cooler versus the requested amount of square footage which was meant to provide the owner of the property some leeway and avoid having to re-apply for similar minor modifications to the PUD.

There was Board consensus to reduce the lot coverage from 28% to 27% to allow some additional square footage for the applicant if necessary.

The Board provided their ex parte communications.

27 certified notices were sent, 2 returned opposed, and 1 had comments.

Public hearing was opened; however, there was no response.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL of application 2019-0119 to the City Commission because it met the purpose of the PUD; and, with the condition that the allowed lot coverage be 27%. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

9. (a) Discussion and Recommendation of Ordinance 2019-34, zoning requirements for Tattoo Studios and Micropigmentation

Mr. Cary reviewed the ordinance.

Mr. Cary clarified that micropigmentation was restricted in more zoning categories than tattoos were because micropigmentation was not protected under the First Amendment as a form of artistic expression the way tattoos were. He added that there needed to be strong public health and safety concerns to regulate tattoos, and the HP districts, with limited or no on-site parking, posed such concerns when regarding the safe removal and disposal of tattoo needles.

Public comment was opened; however, there was no response.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL of the Ordinance 2019-34 for tattoo studios and micropigmentation to the City Commission. The motion was SECONDED Ms. Ryan.

VOTE ON MOTION

AYES: DePreter, Ryan, Davis, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. (b) Discussion and Recommendation of Ordinance 2019-53, to codify and provide guidance for establishing a city tree mitigation fund within chapter 25, section 25-56 of City Code

Mr. Cary reviewed the ordinance.

Ms. Zander recommended that section 25-56 language be tightened to clarify that tree mitigation locations were to be determined by the City.

Public comment was opened; however, there was no response.

MOTION

Mr. Davis MOVED to RECOMMEND APPROVAL of Ordinance 2019-53 to codify and provide guidance for establishing a city tree mitigation fund within Chapter 25, Section 25-56 of City Code as amended by the Chair to the City Commission. The motion was SECONDED by Ms. Zander.

VOTE ON MOTION

AYES: Davis, Zander, Ryan, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Comments

Ms. Zander asked that the Board require title blocks for submittals provided by professional architects, engineers, landscape architects, etc. to ensure there were no conflicts of interest. There was a brief discussion regarding the information that should be required in the title block and the difficulties staff may face in trying to enforce such a requirement.

There was Board consensus to revisit the subject during a subsequent meeting, with Ms. Zander dissenting.

10. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 7:42 P.M.⁶

Karen Zander, Chairperson

⁶ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **VARIANCE #2019-0070**

AGENDA ITEM 4(a)

APPLICANT Troy Blevins & Anish Patel

OWNER Kanti Patel – Owner

LOCATION 16 Avenida Menendez / PIN 196250-0000

REQUEST To approve a variance to decrease the minimum building setback requirement and to increase the maximum lot coverage for ADA compliance.

LAND USE Historic Preservation

ZONING Historic Preservation-Two (HP-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:

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

Sec. 28-188. - Lot, yard and height requirements for historic preservation districts 1, 2 and 3.

(b)(2) Maximum lot coverage by all buildings:

a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.

b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

STAFF SUMMARY AND ANALYSIS

The applicant seeks to exceed to maximum lot coverage on site to accommodate handicap accessibility on site. The request is to exceed 2,500 square feet for the existing 14,245 square foot hotel by adding 461 square feet for a total square footage of the main structure being 14,706 square feet, these changes are shown in the provided site plan (Attachment 2).

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed
Maximum lot coverage, main building	2,500 ft ²	14,245 ft ²	14,706 ft ²

Staff interpretation of findings of fact in *italics*

Within Historic Reservation Districts 1, 2 and 3, the Board may grant a variance so long as it is not 1) contrary to the public interest, 2) will not adversely affect other properties and structures in the district, and 3) will be in harmony with the spirit, intent and purpose of this section. :

- a. Granting this variance will not be contrary to the public interest;

Staff does not find this request is contrary to the public interest. The request is to retrofit an existing structure within HP-2 zoning to accommodate modern accessibility requirements. The request is strictly limited to the amount need to accommodate accessibility, this will further public interest by increasing accessibility to and within the site.

- b. Granting this variance will not adversely affect other property in the vicinity;

This request should have no adverse impact to other properties within the general vicinity of the subject property.

- c. Granting this variance will be in harmony with the spirit, intent and purpose of this section.

The applicant has proposed a design that was approved by HARB on August 15, 2019 (Attachment 3). This approval would indicate the architectural character of the changes are consistent with district and surrounding properties. The applicant has provided additional renderings (attachment 2) that show the consistency with the existing architecture of the building. Staff finds granting this variance would be in harmony with the purpose, intent and spirit of the code.

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 the maximum lot coverage for the main building in HP-2 zoning district at 16 Avenida Menendez / PIN 196250-0000.

Attachments

Attachment 1 – Application, Narrative, Property Info

Attachment 2 – Site plan, survey, and Architectural Renderings

Attachment 3 – HARB Approval 2019-0064

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application, Narrative, Property Records



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JUN 07 2019

Application Fee: 350.00 (plus advertising costs) Project Number: 2019-0070 Planning/Building Dept.

Receipt Number: _____ Meeting Date: 7/2/19

Advertising Costs: \$ 64.39 Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Troy Blevins and Anish Patel Contact Number: 904-669-7901
Business (if applicable): 16 Avenida Menendez Best Western
Address: 16 Avenida Menendez City: St Augustine State: FL Zip: 32084
E-Mail Address: troy.blevins@jalaramhotels.com

2. NAME OF PROPERTY OWNER: Kanti Patel Contact Number: 904 826 5504
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: _____ Block: _____
Subdivision: _____ Parcel Number: 1962500000

4. PROJECT STREET ADDRESS: 16 Avenida Menendez

5. SPECIFIC PROPOSED USE: New walkways and Elevators For ADA compliance

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 letter

8. JUSTIFICATION FOR ACTION REQUESTED: See attached letter

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Planning/Building Dept.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: see attach letter
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: see attach letter
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: see attach letter
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: see attach letter

10. PREVIOUS APPPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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

July 18
Signature of Applicant

Date

Signature of Property Owner

Date



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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 Chapter 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.

Troy Blevins

Print name of applicant

Troy Blevins

Signature of applicant

6-6-19

Date

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16 AVENIDA MENENDEZ

Description of Action Proposed –

The existing 2-story motel does not have elevator or ADA / accessible access for the guests. The proposed work includes two new elevators and a second floor walkway. The second floor walkway will connect a currently separate building so the entire motel is accessible. The walkway will be built above an existing wall adjacent to Hypolita Street. The current setback of the existing wall is 1'-0". The new second floor walkway will be continuous with the existing first floor wall with a setback of 1'-0". The roof over hang is 12" and will therefore be on the property line.

Does the property because of size, shape, topography, or other physical conditions suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: Yes the property is in the HP-2 district and was built in 1954.

Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The added elevators and walkway will make the hotel fully accessible to current ADA standards.

Can you establish that this disadvantage does not exist because of the conditions created by the owner or applicant: The current property owner purchased the property in 2006 and therefore did not create the disadvantage. The property was built in 1954.

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

Granting the variance will be beneficial to the public interest by allowing ADA accessibility to the entire building.



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New Construction – Existing Photo location where walkway connecting the second floors will be constructed – viewed from parking.



New Construction – Existing Photo location where walkway connecting the second floors will be constructed - viewed from Hypolita Street



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Owner's Authorization For Agent

Troy Blevins and Anish Patel is/are hereby authorized TO ACT ON BEHALF
OF Kanti Patel, the owner(s) of those lands described within ☐
the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Historic Architectural Review Board, for an application
related to a Certificate of Demolition for the structure located at:

BY: [Signature]
Signature of Owner
Kanti Patel
Print Name of Owner
904-826-5504
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 7th day of Jun, 2019

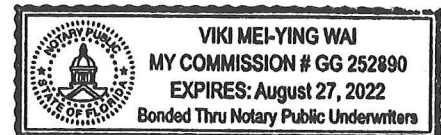
By Kanti Patel

Identification verified: ☒

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: Aug 27, 2022





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

2017 TRIM Notice

[2017 TRIM Notice](#)

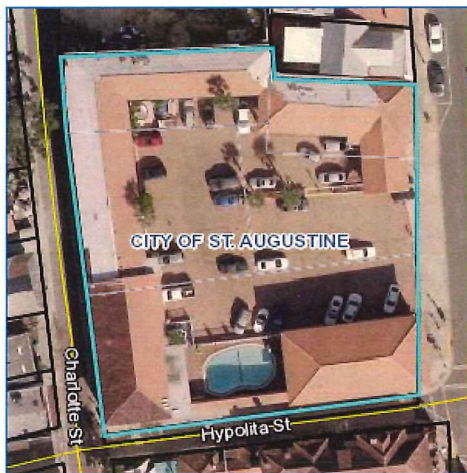
Summary

Parcel ID 1962500000
Location Address 16 AVENIDA MENENDEZ
 SAINT AUGUSTINE 32084-0000
Neighborhood Motels (Midscale/Limited) Bayfront (COM) (610.79)
Tax Description* CITY OF ST AUGUSTINE LOTS 3 4 6 7 & ALL LOT 5 (EX SSFT & R/W OF A1A) BLK 2 58 UTS OR2747/806
**The Description above is not to be used on legal documents.*
Property Use Code Hotels & Motels (3900)
Subdivision City of St Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.2171
Acreage 0.780
Homestead N

Owner Information

Owner Name Vista Hotel III Inc 100%
 Konti Patel 0%
Mailing Address 32 AVENIDA MENENDEZ
 SAINT AUGUSTINE, FL 32084-3601

Map



Valuation Information

	2019
Building Value	\$1,341,673
Extra Features Value	\$82,558
Total Land Value	\$2,050,080
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,474,311
Total Deferred	\$37,790
Assessed Value	\$3,436,521
Total Exemptions	\$0
Taxable Value	\$3,436,521

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

Historical Assessment Information

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	\$1,247,732	\$82,558	\$1,793,820	\$0	\$0	\$3,124,110	\$3,124,110	\$0	\$3,124,110
2017	\$1,282,879	\$80,557	\$1,793,820	\$0	\$0	\$3,157,256	\$2,967,063	\$190,193	\$2,967,063
2016	\$823,766	\$79,744	\$1,793,820	\$0	\$0	\$2,697,330	\$2,697,330	\$0	\$2,697,330
2015	\$831,997	\$88,274	\$1,793,820	\$0	\$0	\$2,714,091	\$2,714,091	\$0	\$2,714,091
2014	\$803,938	\$91,344	\$1,793,820	\$0	\$0	\$2,689,102	\$2,689,102	\$0	\$2,689,102
2013	\$824,819	\$94,414	\$1,793,820	\$0	\$0	\$2,713,053	\$2,713,053	\$0	\$2,713,053
2012	\$662,848	\$37,197	\$1,793,820	\$0	\$0	\$2,493,865	\$2,493,865	\$0	\$2,493,865
2011	\$681,009	\$37,197	\$1,998,828	\$0	\$0	\$2,717,034	\$2,717,034	\$0	\$2,717,034
2010	\$1,007,711	\$37,197	\$2,436,590	\$0	\$0	\$3,481,498	\$3,481,498	\$0	\$3,481,498

Building Information

Building 1
 Actual Area 22000
 Conditioned Area 16912
 Actual Year Built 1954
 Use Motel
 Style 07
 Class N
 Exterior Wall Concrete Stucco, Concrete Block

Roof Structure Wood Truss
 Roof Cover Clay Tile
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Concrete Stucco	80%
Exterior Wall	Concrete Block	20%
Roofing Structure	Wood Truss	100%
Roofing Cover	Clay Tile	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	168 FIXTURES	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	16912	16912
CANOPY (COMMERCIAL)	0	1823
CANOPY (COMMERCIAL)	0	460
FINISHED OPEN PORCH	0	180
FINISHED OPEN PORCH	0	72
MASONRY UTILITY	0	135
MASONRY UTILITY	0	135
FINISHED OPEN PORCH	0	1823
FINISHED DECK	0	460
Total SqFt	16912	22000

Building 2
 Actual Area 4990
 Conditioned Area 3820
 Actual Year Built 1954
 Use Motel
 Style 07
 Class N
 Exterior Wall Stucco, Concrete Block

Roof Structure Wood Truss
 Roof Cover Clay Tile
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths

Category	Type	Pct
Exterior Wall	Stucco	50%
Exterior Wall	Concrete Block	50%
Roofing Structure	Wood Truss	100%
Roofing Cover	Clay Tile	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	31 FIXTURES	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
-------------	------------------	-------------

Description	Conditioned Area	Actual Area
UNFINISHED STORAGE	0	84
RESTAURANT (AVERAGE)	688	688
CANOPY (COMMERCIAL)	0	88
CANOPY (COMMERCIAL)	0	413
BASE AREA	1176	1176
UNFINISHED STORAGE	0	52
CANOPY (COMMERCIAL)	0	51
CANOPY (COMMERCIAL)	0	446
OUTSIDE STAIRS	0	36
FINISHED UPPER STORY	1956	1956
Total SqFt	3820	4990

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Pool (Concrete)	0	0	0	0	720
Kool Deck	0	0	0	0	1128
Masonry Wall	0	0	0	0	336
Commercial Aluminum/Vinyl Fence (Commercial)	0	0	0	0	56
Brick Pavers (3001-9999)	0	0	0	0	13903

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Hotels	166	192	34168	SF	\$2,050,080

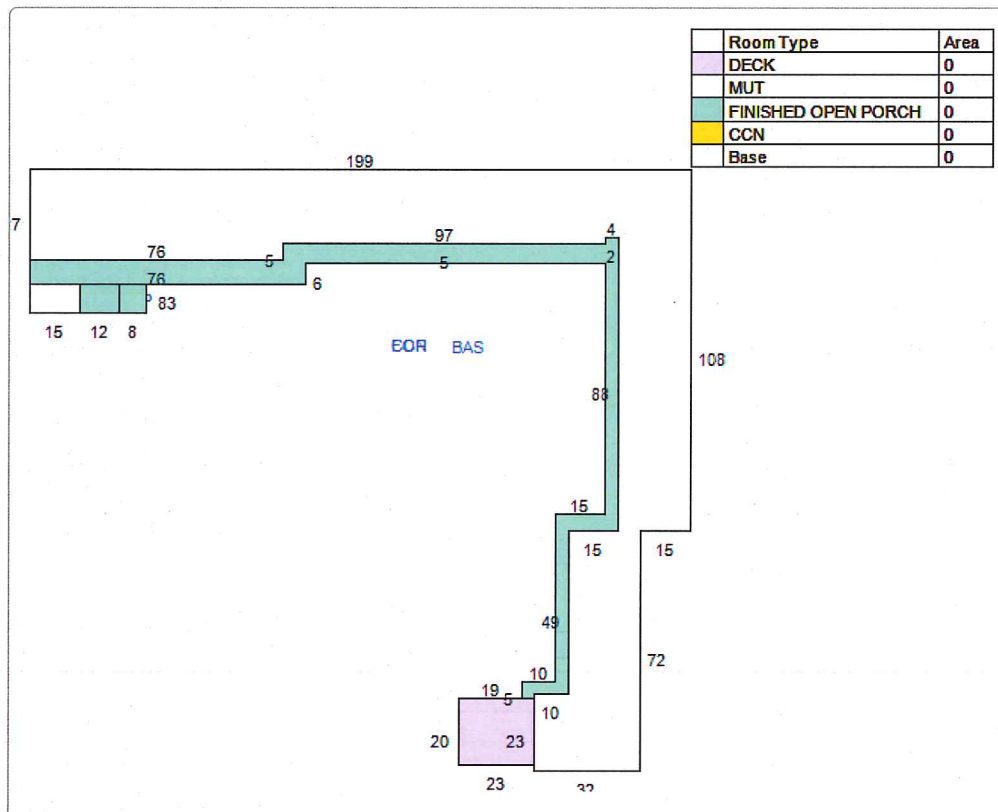
Sale Information

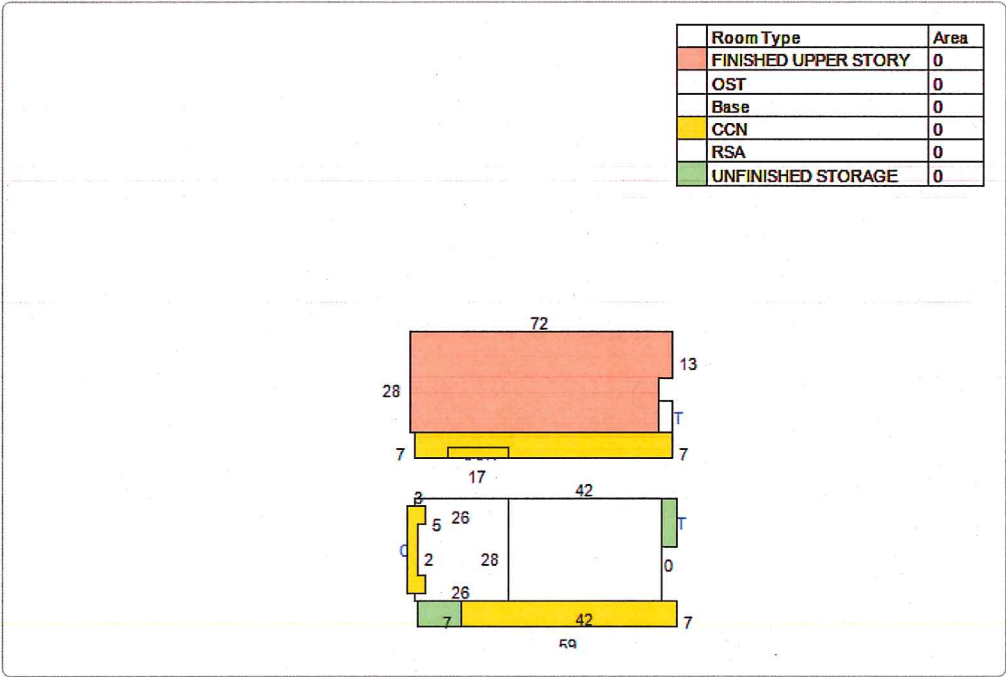
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/18/2006	\$8,746,078.00	WD	2747	806	Q	I	MONTEREY MOTEL INC	VISTA HOTEL III INC
	1/1/1978	\$0.00		415	188	U	I		MONTEREY MOTEL INC

Area Sales Report

[Recent Sales in Area](#)

Sketch Information





No data available for the following modules: Exemption Information.

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.

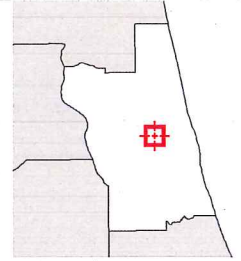
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 Schneider
GEOSPATIAL

Version 2.2.22



Overview



Legend

- Parcels
- Cities

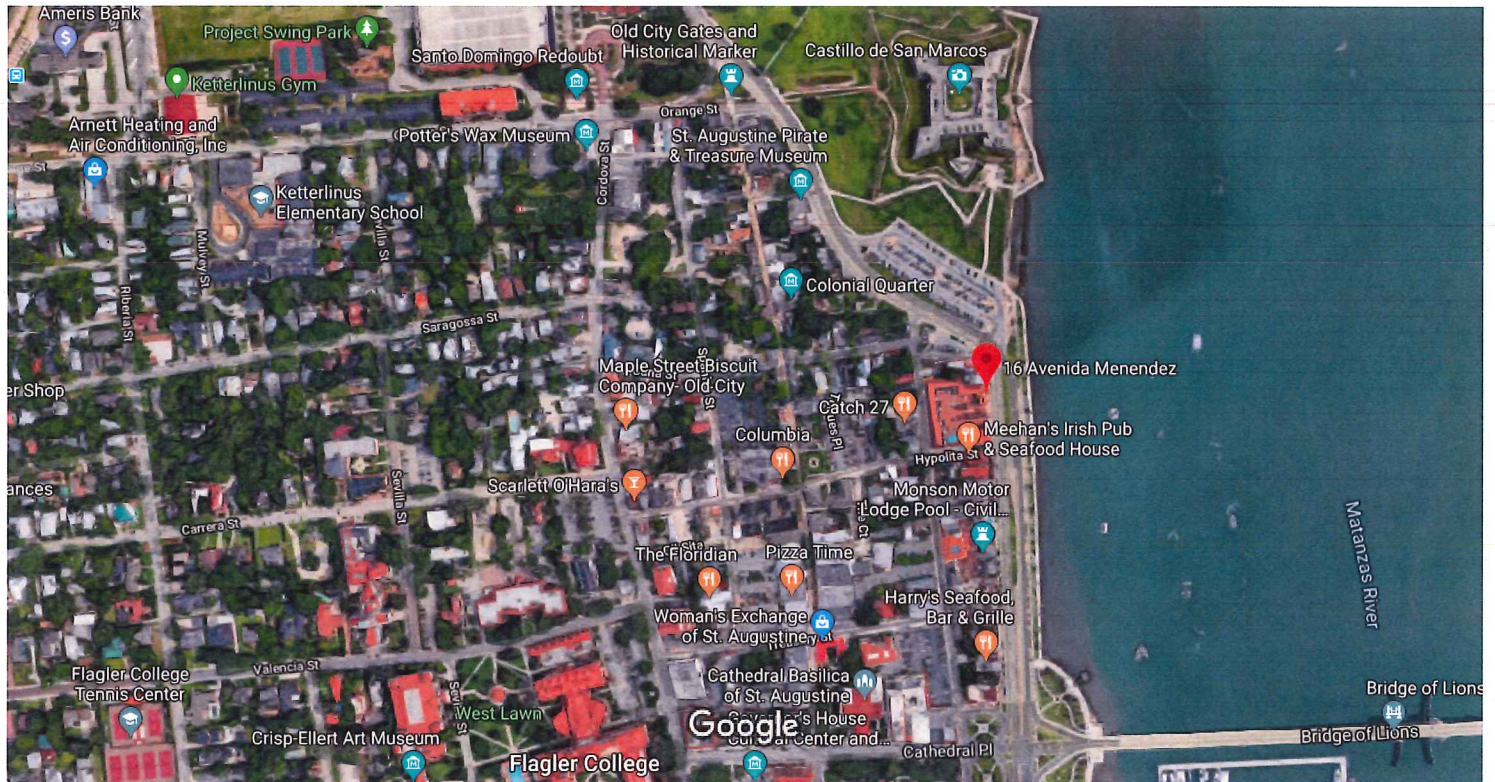
Parcel ID	1962500000	Physical Address	16 AVENIDA MENENDEZ SAINT AUGUSTINE	Building Value	\$1,341,670	Last 2 Sales			
Property Class	3900 - Hotels	Mailing Address	VISTA HOTEL III INC	Extra Feature Value	\$82,558	Date	7/18/2006	Price	\$8746078
Taxing District	City of St Augustine		32 AVENIDA MENENDEZ SAINT AUGUSTINE FL 32084-3601	Total Land Value	\$2,050,080		n/a		0
Acres	0.78		32 AVENIDA MENENDEZ SAINT AUGUSTINE FL 32084-3601	Just Value	\$3,474,310	Reason	03	Qual	n/a
				Total	\$37,790				
				Deferred Assessed Value	\$3,436,520				
				Total Exemptions	N/A				
				Taxable Value	\$3,436,520				

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: 6/7/2019
Last Data Uploaded: 6/6/2019 11:17:15 PM

Developed by  Schneider
GEOSPATIAL

Google Maps 16 Avenida Menendez



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



16 Avenida Menendez

St. Augustine, FL 32084



Directions



Save



Nearby

Send to your
phone

Share



VMWQ+6F St. Augustine, Florida

Photos



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

Detail by Entity Name

Florida Profit Corporation
VISTA HOTEL III, INC.

Filing Information

Document Number	P03000068065
FEI/EIN Number	57-1178502
Date Filed	06/17/2003
State	FL
Status	ACTIVE

Principal Address

16 AVENIDA MENEDEZ
SAINT AUGUSTINE, FL 32084

Changed: 04/07/2008

Mailing Address

32 AVENIDA MENENDEZ
SAINT AUGUSTINE, FL 32084

Changed: 04/07/2008

Registered Agent Name & Address

Patel, Anish
1 Riberia Street
ST. AUGUSTINE, FL 32084

Name Changed: 01/03/2019

Address Changed: 01/03/2019

Officer/Director Detail

Name & Address

Title PD

PATEL, KANTIBHAI M
32 AVENIDA MENENDEZ
ST AUGUSTINE, FL 32084

Title STD

PATEL. KALAVATI M

32 AVENIDA MENENDEZ
ST AUGUSTINE, FL 32084

Annual Reports

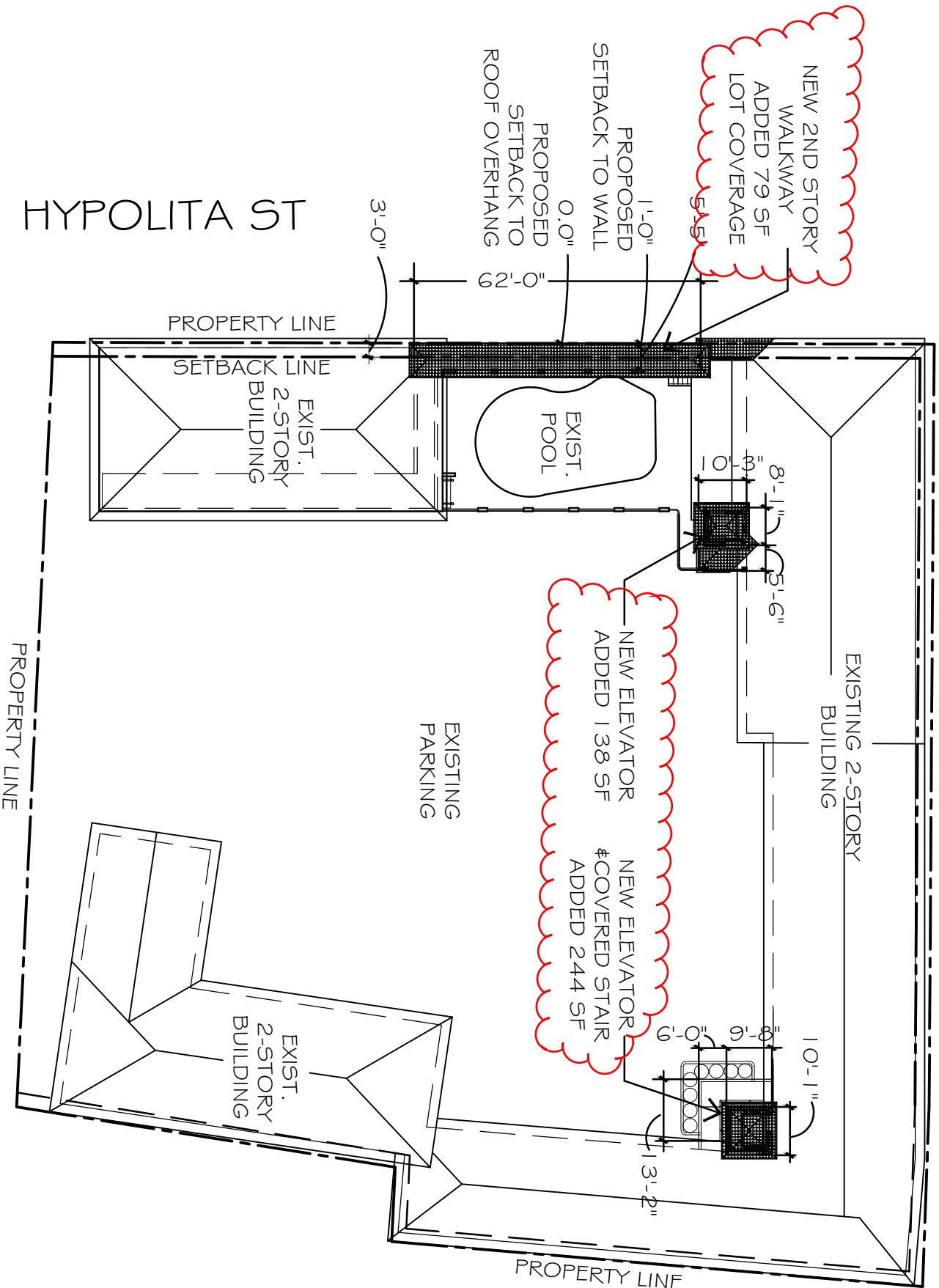
Report Year	Filed Date
2017	01/17/2017
2018	03/16/2018
2019	01/03/2019

Document Images

01/03/2019 -- ANNUAL REPORT	View image in PDF format
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03/01/2016 -- ANNUAL REPORT	View image in PDF format
03/23/2015 -- ANNUAL REPORT	View image in PDF format
02/27/2014 -- ANNUAL REPORT	View image in PDF format
02/27/2013 -- ANNUAL REPORT	View image in PDF format
04/12/2012 -- ANNUAL REPORT	View image in PDF format
04/21/2011 -- ANNUAL REPORT	View image in PDF format
03/31/2010 -- ANNUAL REPORT	View image in PDF format
04/14/2009 -- ANNUAL REPORT	View image in PDF format
04/07/2008 -- ANNUAL REPORT	View image in PDF format
04/30/2007 -- ANNUAL REPORT	View image in PDF format
04/10/2006 -- ANNUAL REPORT	View image in PDF format
04/27/2005 -- ANNUAL REPORT	View image in PDF format
05/05/2004 -- ANNUAL REPORT	View image in PDF format
06/17/2003 -- Domestic Profit	View image in PDF format

Attachment 2
Site Plan, Survey, Renderings

CHARLOTTE ST



AVENIDA MENENDEZ

NOTE: THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY,
FOR LOCATION PURPOSES ONLY.

ZONING ANALYSIS 12/6/19

ADDRESS:	16 AVENIDA MENENDEZ, ST AUGUSTINE FL
PARCEL ID:	1962500000
ZONING:	HP-2
EXISTING USE:	2-STORY MOTEL
PROPOSED USE:	NO CHANGE
EXISTING LOT COVERAGE:	14,245 SF / 33,106 SF = 43% BUILDING SF / SITE
PROPOSED LOT COVERAGE:	14,706 SF / 33,106 SF = 44.4% BUILDING SF / SITE
MINIMUM YARD SETBACK REQUIREMENTS:	FRONT 0' / SIDE 3' / REAR 3'
EXISTING AND PROPOSED YARD SETBACKS:	FRONT / EAST SIDE / WEST SIDE SETBACK - NO CHANGE SOUTH SETBACK @ WALKWAY - EXISTING - 1'-0" - PROPOSED - 0' ** TO ROOF OVERHANG
HEIGHT OF STRUCTURE:	WALKWAY : 23'-10" FROM HYPOLITA ST WALKWAY : 19'-1" FROM POOL DECK

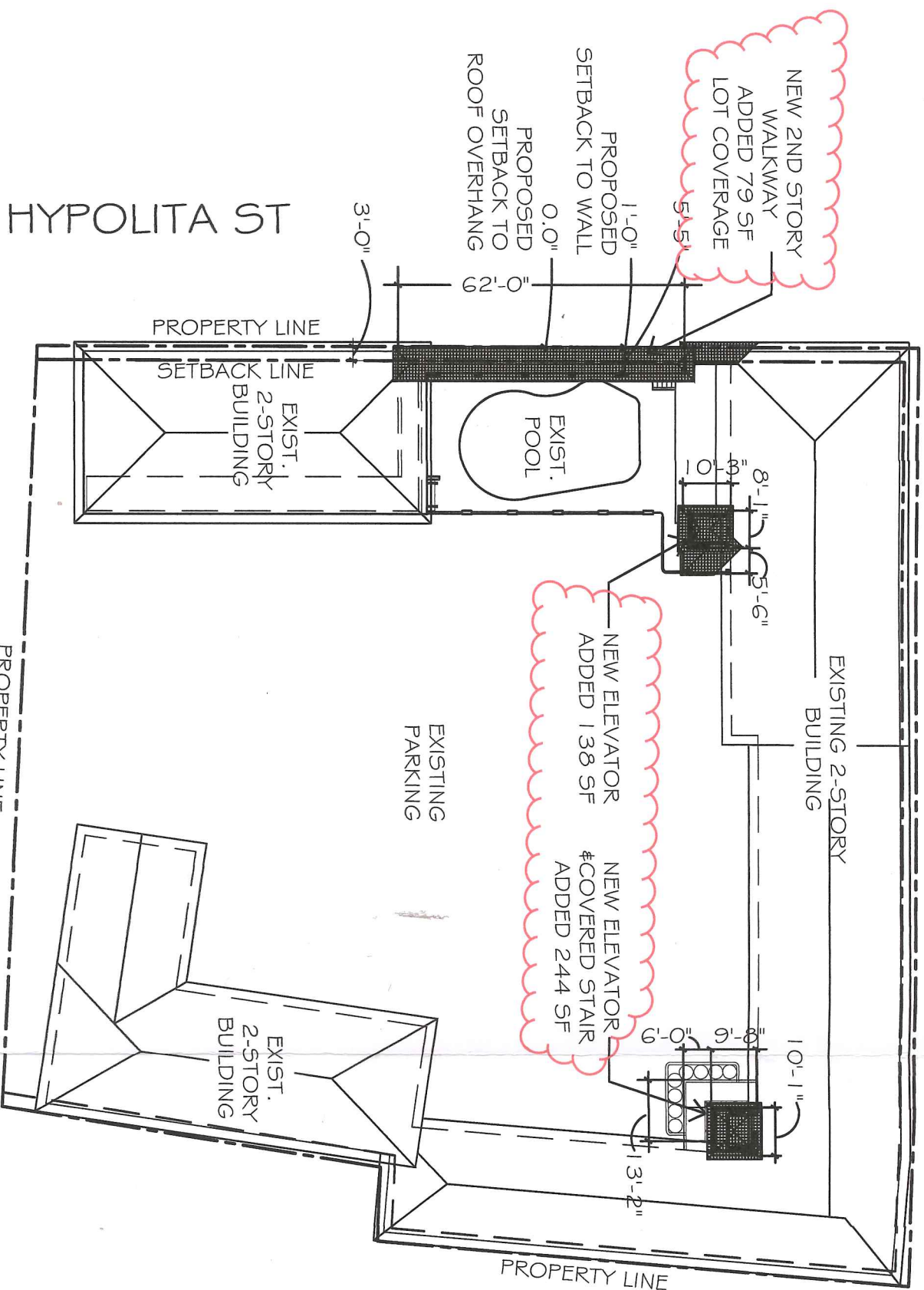
PROPOSED SITE PLAN

SARAH RYAN ARCHITECT, LLC

SCALE 1:30

1
12/6/19

CHARLOTTE ST
PROPERTY LINE



ZONING ANALYSIS

12/6/19

ADDRESS:	16 AVENIDA MENENDEZ, ST AUGUSTINE FL
PARCEL ID:	1962500000
ZONING:	HP-2
EXISTING USE:	2-STORY MOTEL
PROPOSED USE:	NO CHANGE
EXISTING LOT COVERAGE:	14,245 SF / 33,106 SF = 43% BUILDING SF / SITE
PROPOSED LOT COVERAGE:	14,706 SF / 33,106 SF = 44.4% BUILDING SF / SITE
MINIMUM YARD SETBACK REQUIREMENTS:	FRONT 0' / SIDE 3' / REAR 3'
EXISTING AND PROPOSED YARD SETBACKS:	FRONT / EAST SIDE / WEST SIDE SETBACK - NO CHANGE SOUTH SETBACK @ WALKWAY - EXISTING - 1'-0" - PROPOSED - 0' ** TO ROOF OVERHANG
HEIGHT OF STRUCTURE:	WALKWAY : 23'-10" FROM HYPOLITA ST WALKWAY : 19'-1" FROM POOL DECK

NOTE: THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY,
FOR LOCATION PURPOSES ONLY.

PROPOSED SITE PLAN

SARAH RYAN ARCHITECT, LLC

SCALE 1:30
1
12/6/19

RECEIVED

DEC 06 2019

Planning/Building Dept.

RECEIVED

DEC 06 2019

Planning/Building Dept.

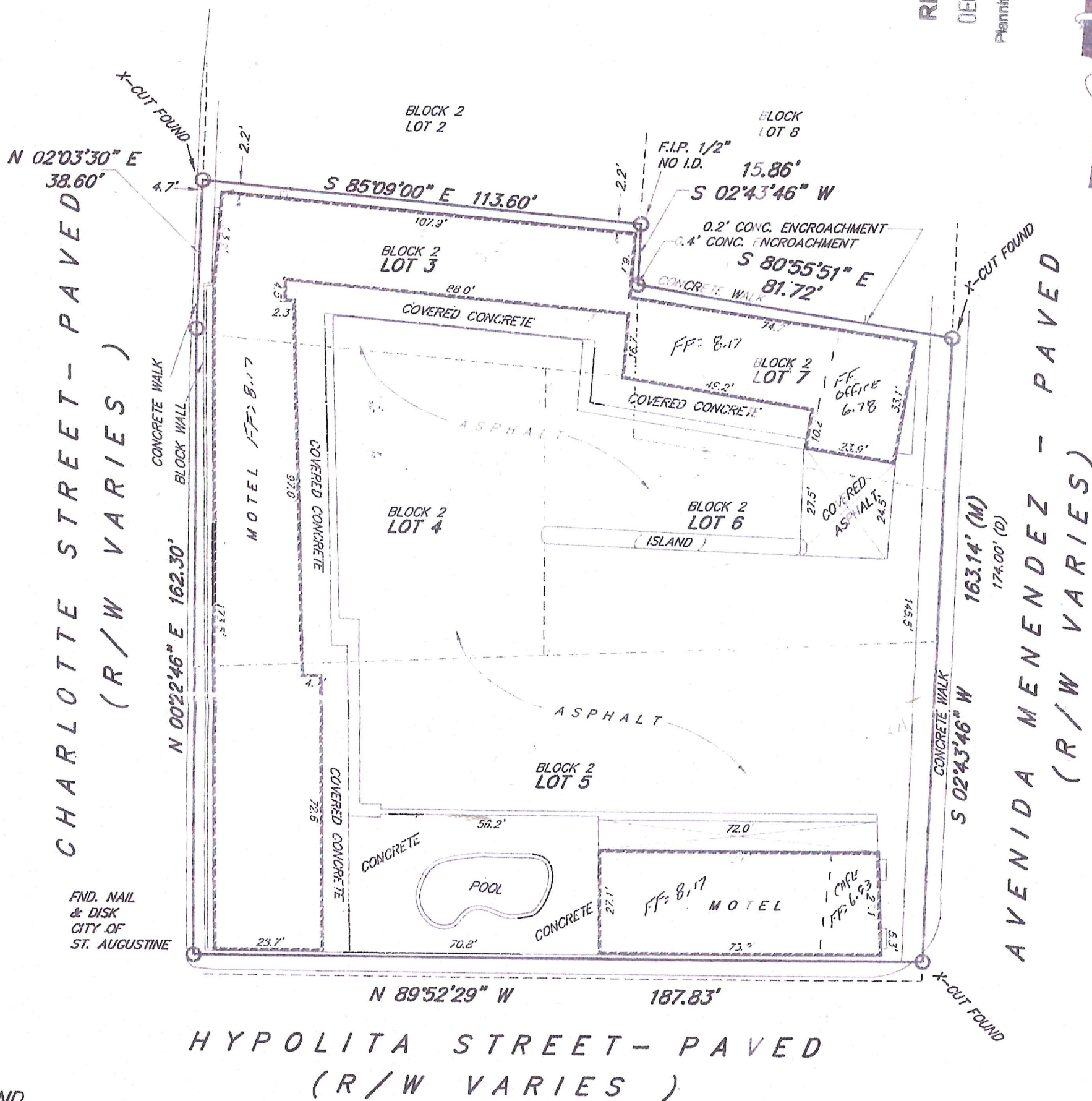
MAP SHOWING SURVEY OF

See Exhibit "A"

RECEIVED

DEC 06 2019

Planning/Building Dept.



LEGEND

A/C	AIR CONDITIONER PAD
CONC.	CONCRETE
(D)	DEED
ENC.	ENCROACHMENT
ID.	IDENTIFICATION
I.P.(F)	IRON PIPE FOUND
(M)	MEASURED
R/W	RIGHT-OF-WAY
sq. ft.	SQUARE FEET
N	NORTH
S	SOUTH
E	EAST
W	WEST
EXPOSED	EXPOSED CONCRETE
COVERED	COVERED AREA

GENERAL NOTES:

- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. Nothing herein shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plot measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.

- This survey is certified to the last field date.
- This survey does not reflect on determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

VISTA HOTEL III, INC.

ESTATE TITLE OF ST. AUGUSTINE, INC.
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANYAREA = 0.81± ACRES
OR 35,440 sq. ft.

GRAPHIC SCALE

30 0 15 30

1"=30'

According to the Federal Emergency Management Agency FIRM Map No. 125715 0318R effective date: 7-2-04, the property described hereon appears to lie in Zone AE9

Basis of bearing structure: NORTHWESTERLY RIGHT-OF-WAY OF AVENIDA MENENDEZ

SOUTH 02°43'46" WEST

Basis of elevations: N.G.V.D. 1929

DATE	LAST FIELD DATE	SCALE	F.B. PAGE	CHK. BY	DWG. BY
05-0746	04/13/05	1"=30'	LL	B.J.C.	G.C.C.

TYPE: BOUNDARY LOCATION

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DEVINO &
Associates, Inc.
ENGINEERS & SURVEYORS93 A ORANGE ST.
ST. AUGUSTINE, FLORIDA 32084
(904) 823-3600 FAX (904) 823-3650

Without the signature and the original seal of a Florida licensed surveyor and mapper, additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

NICHOLAS H. FRANKLIN, P.L.S. #4820
FOR DEVINO AND ASSOCIATES, INC.

16 AVENIDA MENENDEZ, ST AUGUSTINE FL

ZONING ANALYSIS

ADDRESS: 16 AVENIDA MENENDEZ, ST AUGUSTINE FL
PARCEL ID: 1962500000
ZONING: HP-2

EXISTING USE:

2-STORY MOTEL

PROPOSED USE:

NO CHANGE

EXISTING LOT COVERAGE:

14,245 SF / 33,106 SF = 43%
Building / Property

PROPOSED LOT COVERAGE:

14,706
~~14,571 SF~~ / 33,106 SF = 44%
Building / Property

MINIMUM YARD SETBACK REQUIREMENTS:

FRONT 0' / SIDE 3' / REAR 3'

EXISTING AND PROPOSED YARD SETBACKS:

FRONT / EAST SIDE / WEST SIDE SETBACK

- NO CHANGE
- SOUTH SETBACK @ WALKWAY
- EXISTING - 1' 0"
- PROPOSED - 0' ** TO ROOF OVERHANG

HEIGHT OF STRUCTURE:

WALKWAY : 23'-10" FROM HYPOLITA ST
WALKWAY : 19'-1" FROM POOL DECK
ELEVATOR SHAFT HEIGHTS : 23'-9"

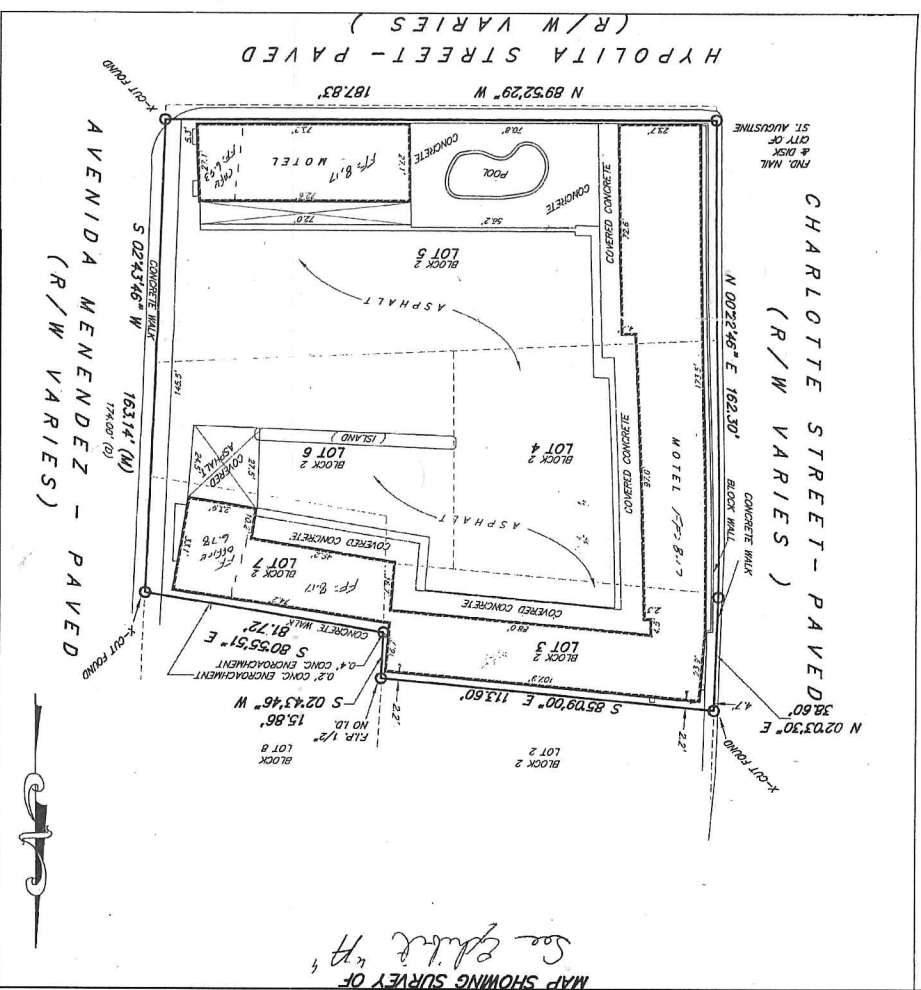
SHEETS

A400 I	COVER SHEET - SITE PLAN
A100 O	OVERALL EXISTING DEMO PLAN
A100A	OVERALL PROPOSED PLAN
A101	EXISTING FLOOR PLANS - POOL AREA
A102	FLOOR PLAN - POOL AREA
A103	ROOF PLAN - POOL AREA
A104	EXISTING AND PROPOSED FLOOR PLANS - CORNER AREA
A106	STAIR PLAN
A200	EXISTING AND PROPOSED ELEVATIONS POOL AREA
A200A	EXISTING AND PROPOSED ELEVATIONS HYPOLITA STREET
A301	SECTIONS
A302	SECTIONS
A303	SECTIONS
A304	SECTIONS

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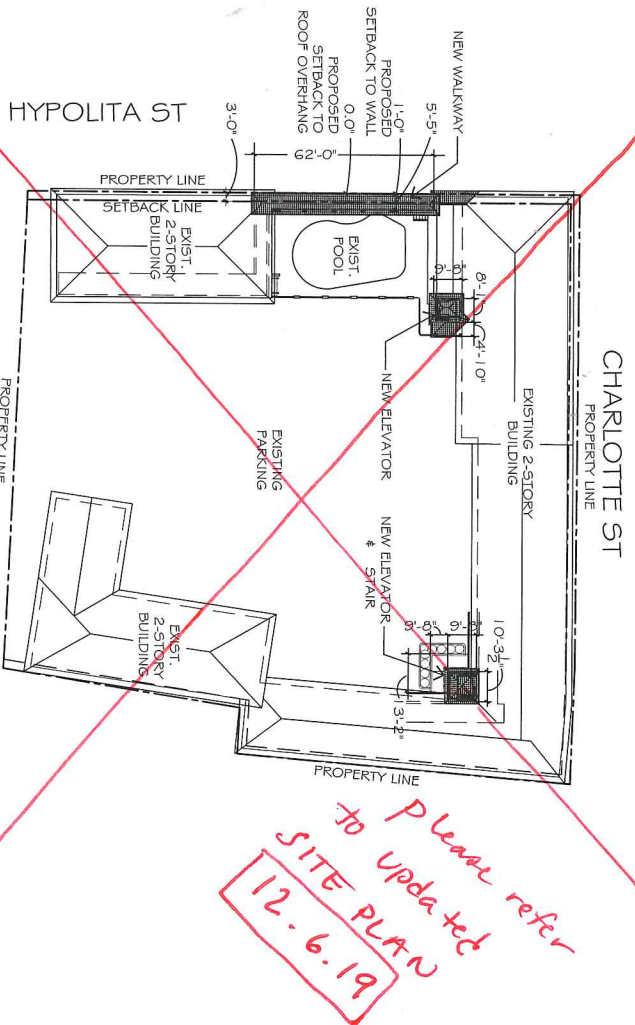
DEC 06 2019

Planning/Building Dept.



EXISTING SITE PLAN

SCALE 1:30



CHARLOTTE ST

PROPERTY LINE

Please refer
to updated
SITE PLAN
12.6.19

AVENIDA MENENDEZ

NOTE: THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY,
FOR LOCATION PURPOSES ONLY.

NOTE: SITE SURVEY PROVIDED TO SARAH RYAN ARCHITECT LLC
BY THE OWNER, SARAH RYAN, ARCHITECT LLC ASSUMES
NO RESPONSIBILITY FOR ACCURACY OF SURVEY

PROPOSED SITE PLAN

Best Western
Bayfront

Owner Contact

Jalaram Hotels Inc.
Kanti and Vik Patel
1 Riberia Street
St Augustine FL 32084
888-525-2726

PROJECT LOCATION

St. Augustine, FL 32084

CONTRACTOR

James Mounouris
Ribeira Street
St. Augustine, FL 32084
904-338-3995

ARCHITECT

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-547-9430

COVER SHEET

No.	Date:	Description:	Revisions:
1	05.15.19	HAAB SUBMISSION	
2	06.07.19	P2B SUBMISSION	

[illegible]

Sheet title

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DEC 06 2013
Planning/Building De

Sheet
Number

A0.01

NOT FOR
CONSTRUCTION

Owner Contact

Jalaram Hotels Inc.
Kanti and Vik Patel
1 Ribera Street
St Augustine FL 32084
888-525-2728

PROJECT LOCATION

16 Avenida Menendez
St. Augustine, FL 32084

CONTRACTOR:

Omega Construction Services
James Mounouris
1 Ribera Street
St. Augustine, FL 32084
904-338-3995

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-947-9430

OVERALL EXISTING DEMO PLAN

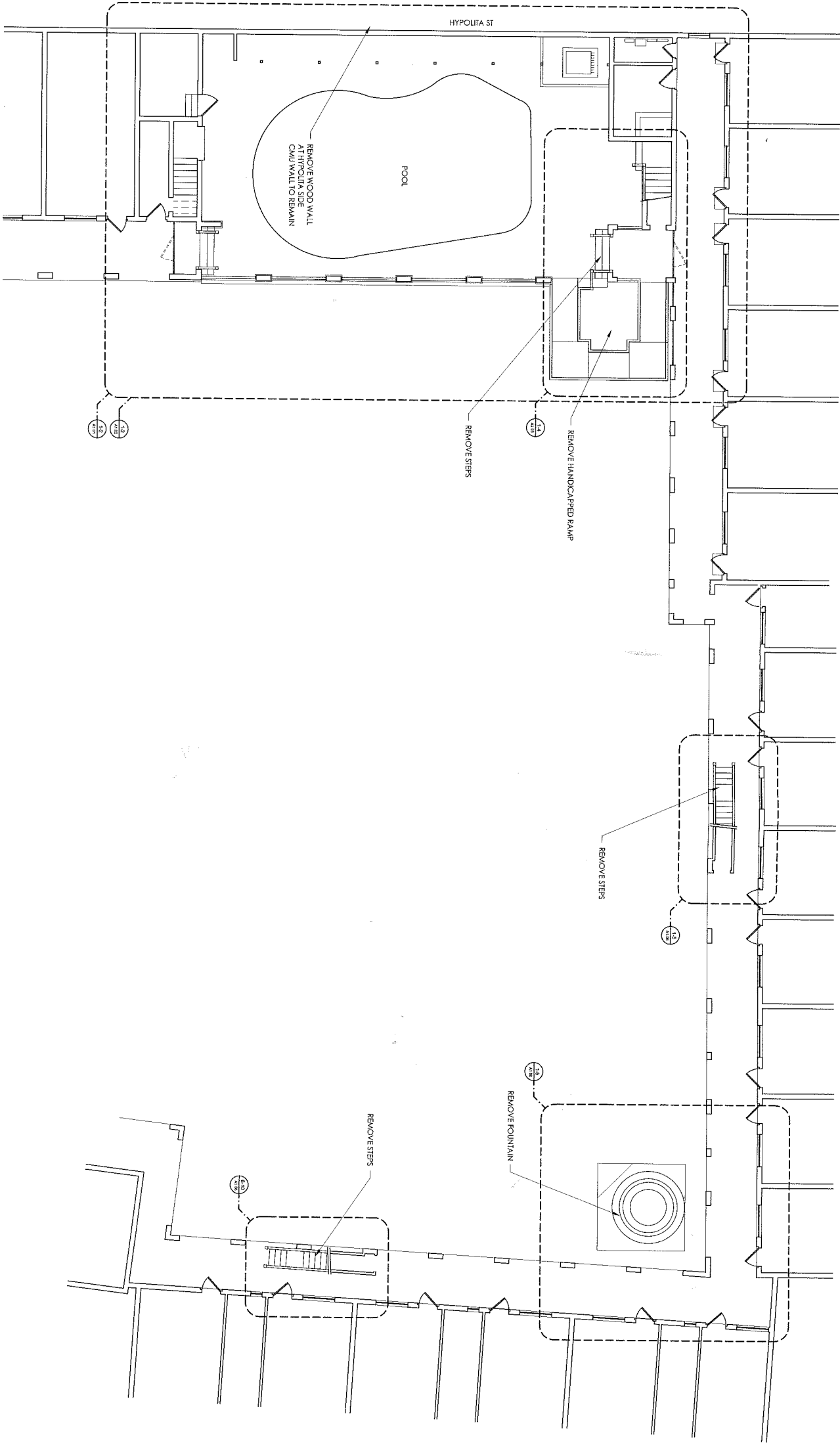
No.	Date	Description	Revision
1	05.15.19	HAS SUBMISSION	
2	06.07.19	P22 SUBMISSION	

Scale AS NOTED

Sheet title

Sheet Number A1.00

NOT FOR
CONSTRUCTION



SHEET NOTES:

Jaiaram Hotels Inc.
Kanti and Vik Patel
1 Riberia Street
St Augustine FL 32084
888-525-2726

CONTRACTOR:

904-338-3995

904-547-9430

No.	Date:	Description	Revision
1	05.15.19	HARE SUBMISSION	
2	06.07.19	PZB SUBMISSION	

[illegible]

Sheet title

Number

NOT FOR
CONSTRUCTION

SHEET NOTES:

Best Western
Bayfront

Owner Contact

Jalaram Hotels Inc.
Kanti and Vik Patel
1 Ribera Street
St Augustine FL 32084
888-525-2726

PROJECT LOCATION

16 Avenida Menendez
St Augustine, FL 32084

CONTRACTOR:

Omega Construction Services
James Moulhousis
1 Ribera Street
St. Augustine, FL 32084
804-338-3895

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-547-9430

OVERALL PROPOSED PLAN

No.	Date	Description	Revision
1	05.15.19	HAAS SUBMISSION	
2	06.07.19	P2S SUBMISSION	

Scale AS NOTED

Sheet title

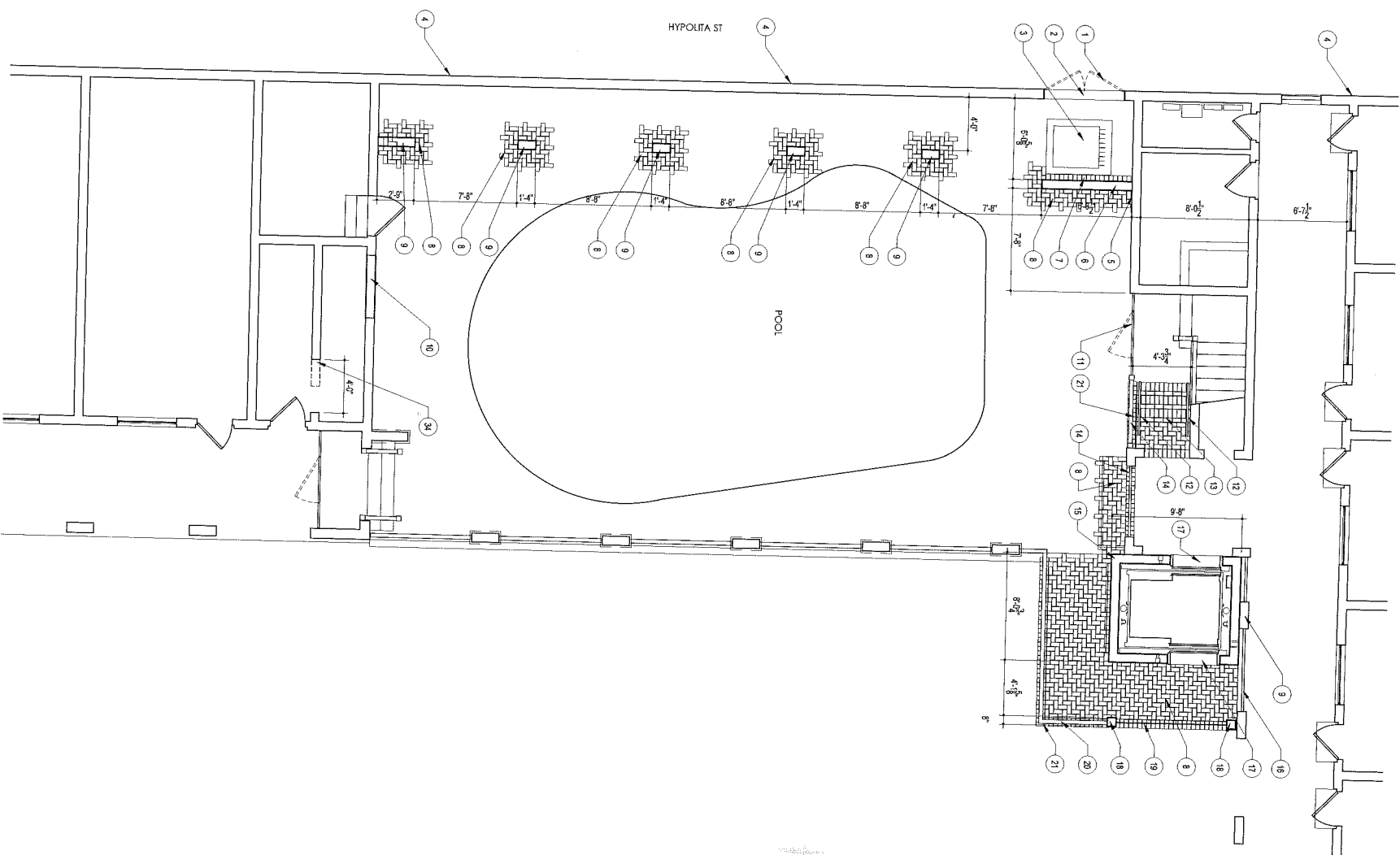
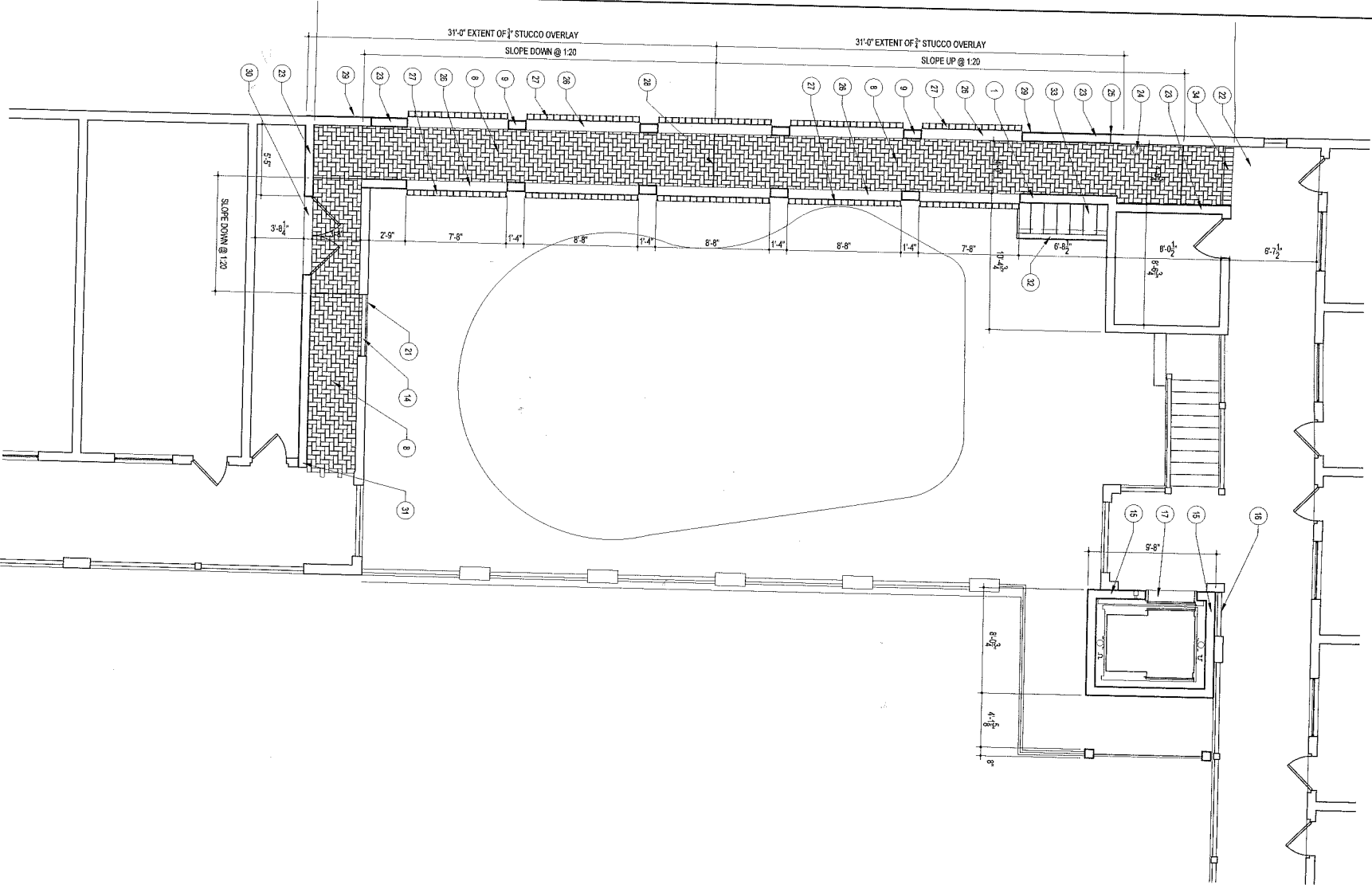
Sheet Number A1.00a

NOT FOR
CONSTRUCTION

FLOOR PLANS
POOL AREA

1. NEW PAIR 5'-0" x 7'-0" GALVANIZED STEEL DOOR WITH 1/2" ALUMINUM THRESHOLD TO FIT UNDER ROND BEAM. PAINT TO MATCH EXISTING ADJACENT WALL. NO HARDWARE ON EXTERIOR OF DOOR.
2. NEW CAST-IN-PLACE SILL FROM NEAREST FLOOR FINISH TO 2" ABOVE INTERIOR FLOOR LEVEL.
3. EXISTING TRANSOMER.
4. REPAIR ATTACHMENT POINTS AND ANY SCAFFOLDING OR CHAIR WALL CAUSED BY THE PAINT TO MATCH EXISTING WALLS.
5. REPAIR ATTACHMENT POINTS OF EXISTING ROOF (REMOVE) INSIDE OF THESE POINTS WOULD BE VISIBLE AFTER NEW CONSTRUCTION IS IN PLACE.
6. EXISTING STUCCO WALL WITH STUCCO TO MATCH EXISTING. SEE STRUCTURAL DRAWINGS FOR REINFORCEMENT.
7. PATCH BACK FLOOR SLAB AND BRICK FINISH TO MATCH EXISTING.
8. 4" CONCRETE SLAB PATCH OVER TO MATCH EXISTING. SEE STRUCTURAL DRAWINGS TO FIT TOOTH INTO EXISTING PATTERN. WITH TILES TO MATCH.
9. 8" x 16" CAST-IN-PLACE CONCRETE PIER WITH STUCCO AND PAINT FINISH TO MATCH EXISTING. SEE STRUCTURAL DRAWINGS.
10. EXISTING ADJACENT CHAIR WALL SO THAT NOT DISGUISEABLE FROM EXISTING. PAINT TO MATCH EXISTING.
11. RE-INSTALL GATE AND FENCE GALVANIZED DURING RECONSTRUCTION.
12. GROUND-MOUNTED HANDRAIL. EXTEND 12" BEYOND TOP AND BOTTOM RISERS.
13. BRICK TILE PAVING OVER CAST-IN-PLACE EXISTING STUCCO. BRICK TILES TO MATCH EXISTING.
14. NEW WOOD PAVING TO MATCH EXISTING. NEW CHAIR ELEVATOR SHAFT WALL WITH STUCCO AND PAINT TO MATCH EXISTING.
15. SEE STRUCTURAL DRAWINGS.
16. REPAINTED.
17. ALUMINUM THRESHOLD BY ELEVATOR MANUFACTURER.
18. 8" SQUARE GALVANIZED STEEL COLUMN. SEE STRUCTURAL DRAWINGS.
19. EXISTING STUCCO WALL FINISH TO REMAIN BETWEEN COLUMNS.
20. NEW PAINTING SECTION AND POST TO MATCH EXISTING. WHITE.
21. SMOOTH COURSE BRICK TILE BORDER. EDGE OF BRICK PROJECTS 1/2" BEYOND FACE OF EXISTING STUCCO.
22. CONCRETE SLAB.
23. NEW 1/2" INCH CHAIR WALL WITH LADDER COARSE WITH STUCCO AND PAINT FINISH TO MATCH EXISTING. CONCRETE TO REMAIN AND BE PAINTED TO MATCH WALL.
24. JOINT BETWEEN NEW AND EXISTING CHAIR WALLS. PROVIDE EXPANSION JOINT WITH BRICKER ROD AND SEALANT.
25. NEW STUCCO FINISH. CONCRETE COVERED WITH STUCCO. FINISH TO MATCH EXISTING.
26. WROUGHT IRON TROUSER STYLE CUSTOM WINDOW BASKET.
27. HIGH-POINT IN SLOPED WALKWAY.
28. 3/4" THICK STUCCO OVERLAY.
29. CONCRETE CURB 4" ABOVE FLAT.
30. CONCRETE SLAB ON INTERIOR OF CLOSET. THIS IS THE SILL OF THE DOOR. CHAIRPERS.
31. TOOTH NEW CHAIR WALL INTO EXISTING.
32. BOX GUTTER AND DOWNSPOUT TO MATCH OTHERS ON PROJECT.
33. PATCH FLOOR PATCH IF REMOVAL OF EXISTING WALL HAS EXTENDED BELOW FLOOR SLAB.

SHEET NOTES:



FIRST FLOOR PLAN - POOL AREA

SECOND FLOOR PLAN - POOL AREA

No.	Date	Description	Revision
1	06.15.19	HASB SUBMISSION	
2	06.17.19	FINAL SUBMISSION	

Scale	AS NOTED
Sheet title	

Sheet Number	A1.02
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NOT FOR
CONSTRUCTION

SHEET NOTES:

1. NEW CLAY TILE ROOFING INSTALLED OVER EXISTING SHEDS
2. NEW CLAY TILE ROOFING INSTALLED OVER ICE AND WATER SHIELD OVER 7" SFGS OVER STICK FRAMING
3. NEW CLAY TILE ROOFING INSTALLED OVER ICE AND WATER SHIELD OVER 7" SFGS OVER WOOD TRUSSES
4. EXISTING CLAY TILE ROOFING
5. EXISTING ROOFING
6. NEW BOX GUTTER TO MATCH EXISTING
7. EXISTING GUTTER
8. METAL ROOF

Best Western
Bayfront

Owner Contact

Jalaram Hotels Inc.
Kanti and Vik Patel
1 Ribierla Street
St. Augustine FL 32084
888-525-2728

PROJECT LOCATION

16 Avenida Menendez
St. Augustine, FL 32084

CONTRACTOR:

Omega Construction Services
James Mounouritis
1 Ribierla Street
St. Augustine, FL 32084
904-338-9995

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-547-9430

PROPOSED FLOOR PLANS
POOL AREA

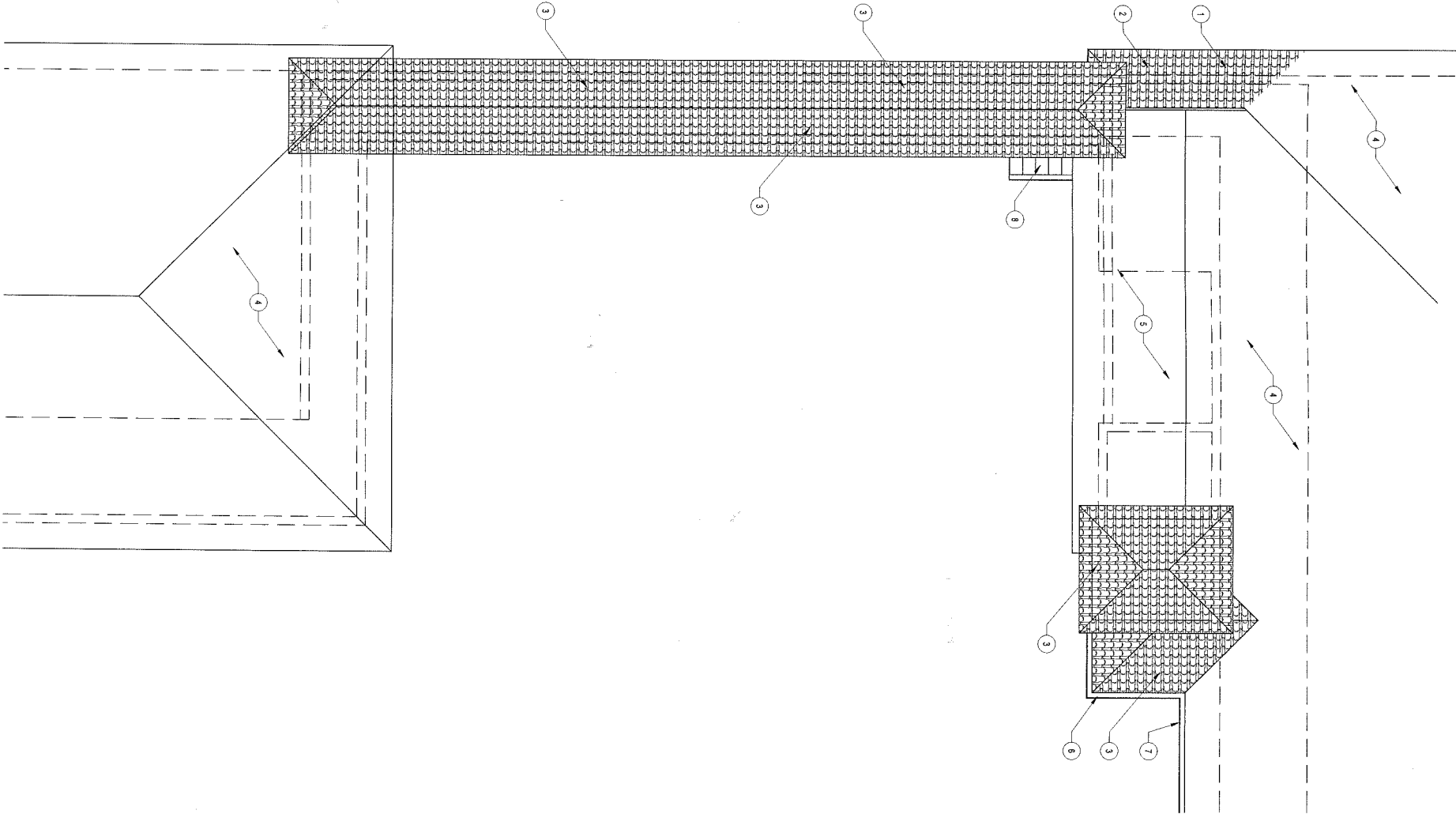
No.	Date	Description	Revisions
1	05.15.19	HAZOP SUBMISSION	
2	06.07.19	F22 SUBMISSION	

Scale AS NOTED

Sheet title

Steel
Number
A1.03

NOT FOR
CONSTRUCTION



ROOF PLAN

SHEET NOTES:

EXISTING
NEW CLAY TILE ROOFING ON JOE AND

WATER SHIELD ONE SHITS OVER STICK
FRAMING
RETURN ROOF TO MEET NEW WALL
NEW PAUL SIMULAR EXISTING BUT METAL
PAINTED TO MATCH
WROUGHT IRON THOUSANDS STYLE CUSTOM
WOODEN BASKET

Jalaram Hotels Inc.
Karati and Vik Patel
1 Ribena Street
St Augustine FL 32064
888-525-2726

St. Augustine, FL 32084

EXISTING PAINTED OMI WALL
PAINTED WOOD BRACKET TOTAL 6'
PROJECTION
12 TALL x 2 DEEP PAINTED BEAM TRIM
BOARD
EXISTING BOX GUTTER
EXISTING 3" WOOD TRIM

Omega Construction Services
James Mountrits
1 Ribertia Street
St. Augustine, FL 32084
904-338-3995

EXISTING PIER WITH PAINTED STUCCO

ARCHITECT:

METAL ROOF
ART INSTALLATION - STEEL SCREEN
BETWEEN STRUCTURAL MEMBERS, TO
PROTECT ELEVATOR DOORS.
STRUCTURAL COLUMN

Sarah Ryan Architect, L
201 Owens Ave
St Augustine FL 32080
904-547-9430

MENORCIZA
NEW SLOPED CONCRETE SLAB - ELEVATED
BALCONY - POOL ACCESS COVERED GATE
NEW PLANT AND SECTION AND POST TO
MATCH EXISTING WHITE
MATCH STUDIO FINISH TO MATCH
EXISTING CONCRETE STRUCTURE
NEW PLANT SECTION AND POST TO
MATCH EXISTING
EXISTING CLAY TILE ROOFING TO BE
CAREFULLY REMOVED AND STORED FOR
RE-USE ON THIS PROJECT
WALL TO BE REMOVED
WOOD POST TO BE REMOVED (7/9)
TO BE PAINTED STUDIOS ON OLD WALL
TO MATCH
EXISTING WOOD PANELING TO BE REMOVED
EXISTING WOOD FENCE TO BE REMOVED
EXISTING STEPS TO BE REMOVED
EXISTING WOOD ROOF STRUCTURE TO BE
REMOVED IN ITS ENTIRETY REMOVE PLATE
BE REMOVED IN ITS ENTIRETY
EXISTING CONCRETE RAUP STRUCTURE TO
BE REMOVED IN ITS ENTIRETY 8' BELOW
ADJACENT GRADE
EXISTING WOOD CHAIR ENCLOSURE TO BE
REMOVED IN ITS ENTIRETY RELOCATE
EXISTING WOOD CHAIR ENCLOSURE TO
CHANG TO CHAIR AND PAINT TO MATCH
ART INSTALLATION STEEL SCREEN
INTERVALLY ILLUSTRATED

EXISTING AND PROPOSED ELEVATIONS

[illegible]

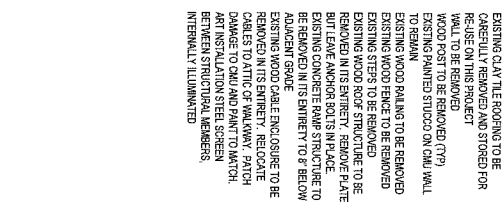
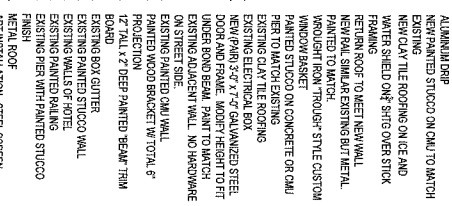
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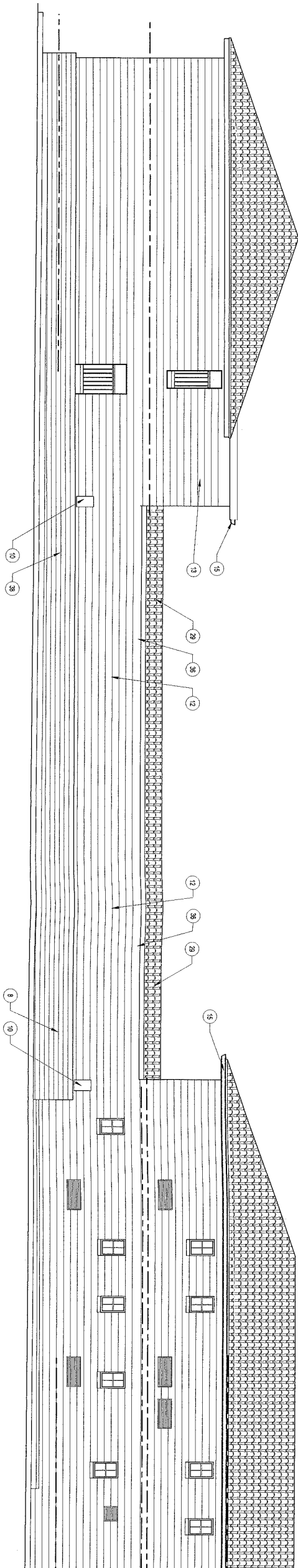
NOT FOR
CONSTRUCTION



No.	Date	Description	Revisions
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2	06.07.19	FDS SUBMISSION	

SHEET NOTES:

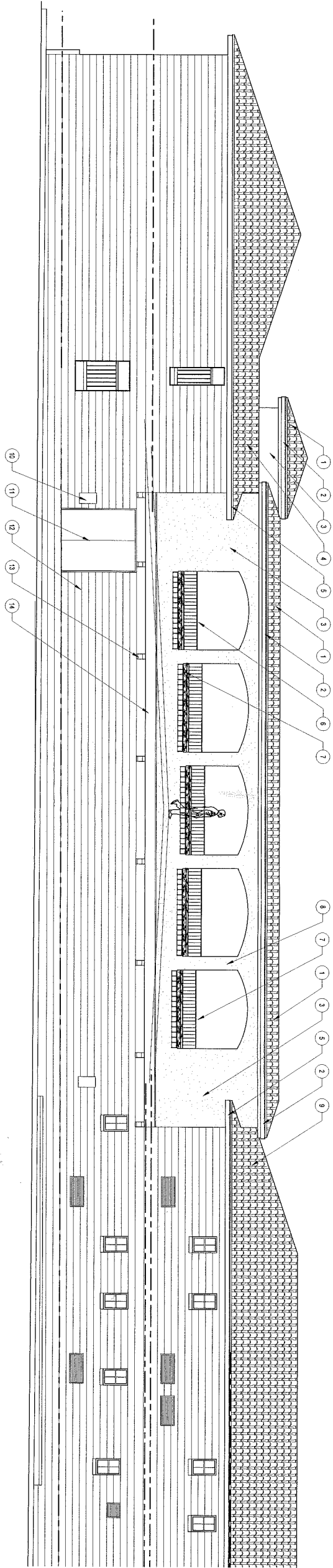
1. NEW CLAY TILE ROOFING INSTALLED OVER EXISTING ROOFING. OVERLAP SHINGLES OVER EXISTING SHINGLES.
2. NEW FASCIA WITH 4" TYP. BOARD AND ALUMINUM Drip.
3. NEW PAINTED STUCCO ON CMU TO MATCH EXISTING.
4. NEW CLAY TILE ROOFING ON ICE AND SNOW LOADS. 12" OVER SHINGLES.
5. RETURN ROOF TO MEET NEW WALL. NEW WALL SHALL EXIST BUT METAL PAINTED TO MATCH.
6. REMOVE NEW "TROUGH" STYLE CUSTOM PAINTED STUCCO ON CONCRETE OR CMU. PER TO MATCH EXISTING.
7. EXISTING CLAY TILE ROOFING.
8. EXISTING ELECTRICAL BOX.
9. NEW PAINT 1/2" x 7" GALVANIZED STEEL UNDER SHINGLES. PAINT TO MATCH EXISTING ADJACENT WALL. NO HARDWARE ON STREET SIDE.
10. EXISTING PAINTED CMU WALL.
11. EXISTING WOOD BRACKET IN TOTAL 5' 12" TALL 2" DEEP PAINTED "BEAM" FROM BOARD.
12. EXISTING BOX GUTTER.
13. EXISTING PAINTED STUCCO WALL.
14. EXISTING PAINTED STUCCO WALL.
15. EXISTING PAINTED STUCCO WALL.
16. EXISTING PER WITH PAINTED STUCCO FINISH.
17. METAL ROOF.
18. ART INSTALLATION STEEL SCREEN. REMOVE EXISTING STEEL SCREENS TO PROTECT ELEVATOR DOORS.
19. STRUCTURAL COLUMN.
20. NEW ROOF STRUCTURE - CONTAINING LIGHTS AND ELECTRICAL SERVICE TO BUILDING AT HYPOLITA AND AVENIDA MENENDEZ.
21. NEW SLOPED CONCRETE SLAB - ELEVATED WALKWAY.
22. RELOCATED POOL ACCESS CONTROL GATE.
23. NEW PAINTING SECTION AND POST TO MATCH EXISTING. PAINT TO MATCH.
24. EXISTING OVER CONCRETE STRUCTURE.
25. MATCH EXISTING WHITE.
26. EXISTING CLAY TILE ROOFING TO BE REMOVED. NEW ROOFING TO BE RE-USE ON THIS PROJECT.
27. WOOD POST TO BE REMOVED (PP).
28. EXISTING PAINTED STUCCO ON CMU WALL.
29. TO REMAIN.
30. EXISTING WOOD RAILING TO BE REMOVED.
31. EXISTING STEPS TO BE REMOVED.
32. EXISTING WOOD ROOF STRUCTURE TO BE REMOVED. IN ITS ENTIRETY. REMOVE PLATE BUT LEAVE ANCHOR BOLTS IN PLACE. TO BE REMOVED IN ITS ENTIRETY TO 8' BELOW ADJACENT GRADE.
33. REMOVE IN ITS ENTIRETY. RELOCATE RAILS TO CITY OF PALM BEACH. MATCH EXISTING STEEL SCREEN BETWEEN STRUCTURAL MEMBERS. INTERNALLY ILLUMINATED.



NORTH (POOL) ELEVATION - EXISTING ON HYPOLITA

3/8"=1'-0"

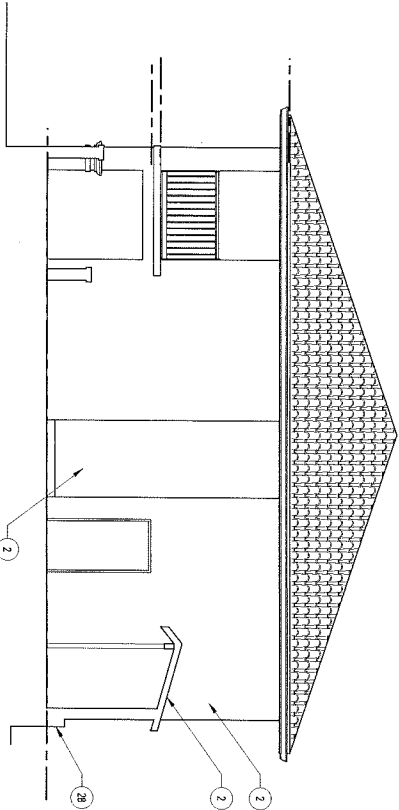
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NORTH (POOL) ELEVATION - PROPOSED ON HYPOLITA

3/8"=1'-0"

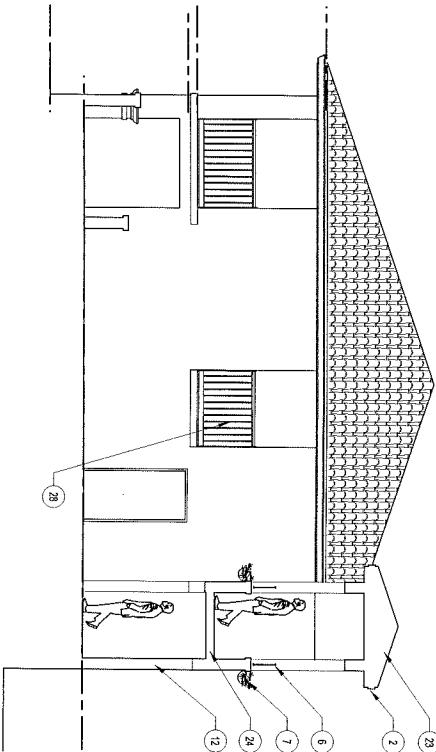
2



EAST (POOL) ELEVATION - EXISTING

3/8"=1'-0"

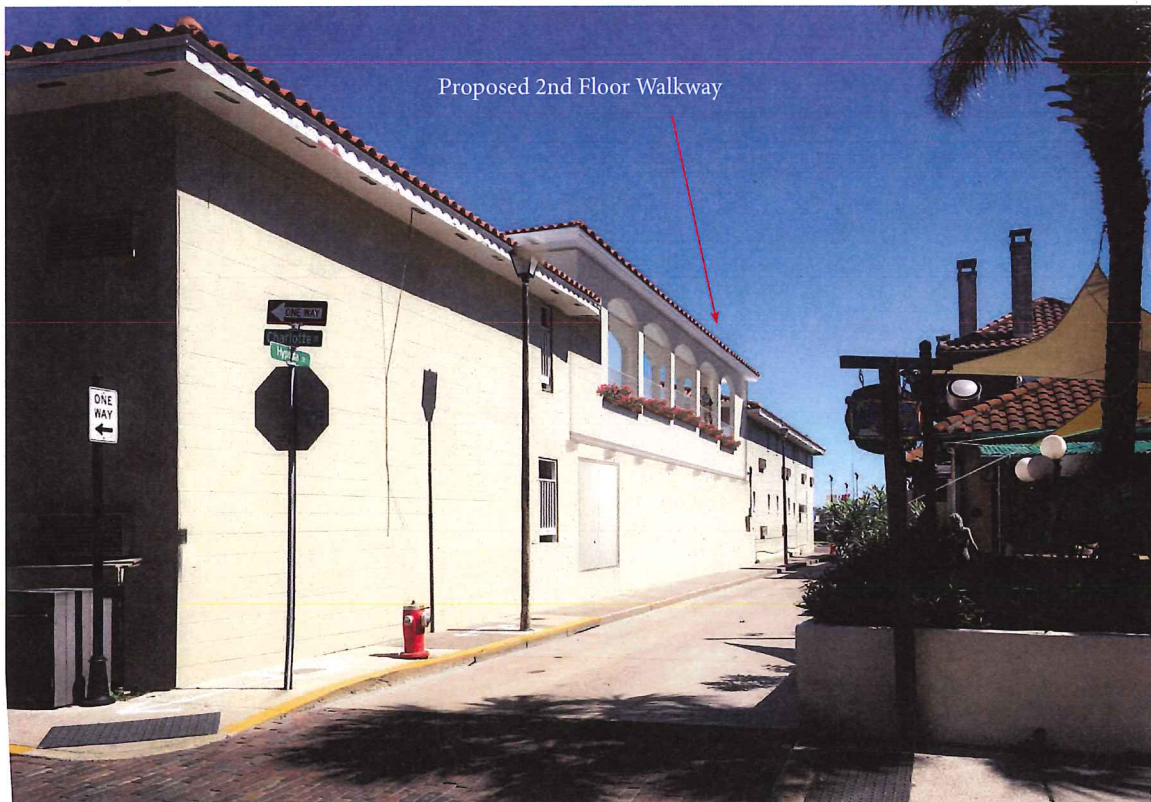
3



EAST (POOL) ELEVATION - PROPOSED

3/8"=1'-0"

4

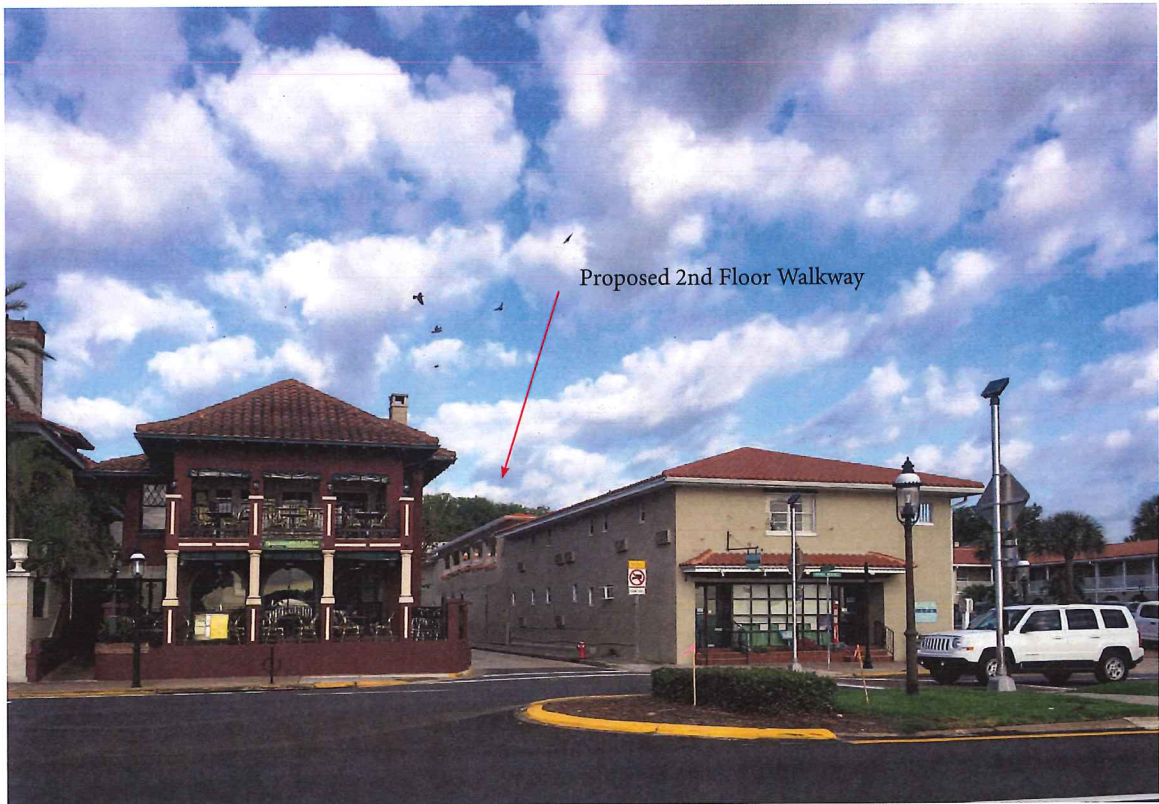


Proposed 2nd Floor Walkway

16 Avenida Menendez - Hypolita Street Proposed View



16 Avenida Menendez - Hypolita Street Existing View



16 Avenida Menendez - Proposed View



16 Avenida Menendez - Existing View



16 Avenida Menendez - Proposed Corner Elevator and Stair View



16 Avenida Menendez - Proposed Pool Side Elevator and Walkway View



16 Avenida Menendez - Proposed Pool Side Elevator and Walkway View

Attachment 3
HARB Approval 2019-0064

BEFORE THE
HISTORIC ARCHITECTURAL REVIEW BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- ☐ Appeal of Architectural Review Official
- ☒ Certificate of Appropriateness
- ☐ Certificate of Demolition
- ☐ Certificate of Relocation
- ☐ Certificate of Appropriateness for Preservation Approach for Ad Valorem Tax Exemption

- ☐ Preliminary Design Approval for Entry Corridors
- ☐ Certificate of Completeness and Recommendation for Historic Property Tax Exemption
- ☐ Opinion of Appropriateness
- ☐ Variance to Design Standard

IN THE MATTER OF:

Case No.: 2019-0064
Applicant: Vista Hotels III, Inc.
Owner: Vista Hotels III, Inc.
Address: 16 Avenida Menendez
Parcel Number: 196250-0000

RE: Certificate of Appropriateness, pursuant to Section 28-89, City of St. Augustine Code, to make alterations to an existing hotel to include constructing new elevators and a second story walkway.

THE HISTORIC ARCHITECTURAL REVIEW BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON AUGUST 15, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant or representative ☒ was present at the August 15, 2019 Historic Architectural Review Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a zoning classification of Historic Preservation Two (HP-2).
4. The above-described Certificate of Appropriateness is subject to Section 28-89 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Historic Architectural Review Board determined that the requested action MEETS / **DOES NOT MEET** the requirements of Section 28-89, City of St. Augustine Code, and APPROVES / **DENIES/ CONTINUES** the Applicant's request to make alterations to an existing hotel to include constructing new elevators and a second story walkway.

Subject to the following conditions:

- obtain necessary planning + zoning approval for
- any zoning issues
- finding that alterations meet 2, 3, and 9 of Secretary
- of the Interior's Standard
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 15th day of August, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

Case No. 2019-0064

REQUEST APPROVED / DENIED/CONTINUES


Sign Name

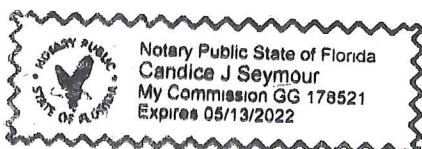
Cathy Duncan
Print Name

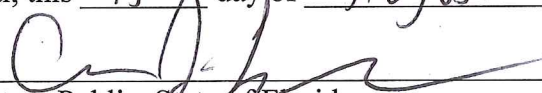
HISTORIC ARCHITECTURAL REVIEW BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Cathy Duncan who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 15th day of August, A.D., 2019.




Notary Public, State of Florida

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **VARIANCE #2019-0129**

AGENDA ITEM 4(b)

APPLICANT & OWNER Steven Yessner

LOCATION 19 Park Avenue / PIN 152010-0000

REQUEST To approve a variance to reduce the front yard setback from 15' to 12'.

LAND USE Residential Medium Density

ZONING Residential, General-One (RG-1)

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. 28-163. - Residential, general-one: RG-1.

(6) Minimum yard requirements:

a. Residential uses:

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

STAFF SUMMARY AND ANALYSIS

The applicant seeks to reduce the front yard setback from 15 feet to 12 feet to accommodate the existing covered porch on the home as well as an 11' x 19' covered patio. The applicant has provided a narrative (Attachment 2) which states that the covered patio to the porch stoop is necessary for safe access to the front door because the sidewalk and stairs are slippery when they are wet.

In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed
Front yard setback	15'	12'	12'

Staff interpretation of findings of fact in *italics*.

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 home was constructed in 1958, and it appears that the front porch stoop that protrudes into the front yard setback of the house was part of the original construction (and has existed at least since 2002). The existing stoop has encroached into this front yard setback well before the applicant purchased the property. This variance would memorialize this nonconformity and allow a covered patio to encroach in a similar manner into the front yard setback.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The applicant is able to make reasonable use of their property without granting this variance; however, the applicant argues that this request will allow "safe access to the front door."

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The applicant did not originally construct the building, and if the applicants request is approved, it would only increase the nonconformity with the proposed covered patio to the existing porch stoop.

- 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 in that it would be consistent with the pre-existing nonconformity and will meet the secondary front yard setback. This request would not affect neighboring properties in a significant way due to the nature of the request and the location of the covered patio.

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 reduce the front yard setback from 15' to 12' in RG-1 zoning district at 19 Park Avenue / PIN 152010-0000.

Attachments

Attachment 1 – Application, Narrative, Location and Property Records

Attachment 2 – Survey, Site Plan and Architectural Renderings

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application, Narrative, Property Records



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

DEC 04 2019

Planning/Building Dept.

Application Fee: \$350⁰⁰ (plus advertising costs)

Project Number: 2019-0129

Receipt Number: 1744473

Meeting Date: 1/7/2020

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: STEVEN YESNER Contact Number: 505-480-7634

Business (if applicable): _____

Address: 905 SIERRA PL SE City: ALBUQUERQUE State: NM Zip: 87108

E-Mail Address: BOB BONES@GMAIL.COM

2. NAME OF PROPERTY OWNER: STEVEN YESNER Contact Number: 505-480-7634

Business (if applicable): _____

Address: 19 PARK AVE City: ST AUGUSTINE State: FL Zip: 32084

E-Mail Address: BOB BONES@GMAIL.COM

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 55

Block: 3

Subdivision: FULLERWOOD PARK

Parcel Number: 1520100000

4. PROJECT STREET ADDRESS: 19 PARK AVE, ST AUGUSTINE, FL 32084

5. SPECIFIC PROPOSED USE: REPLACE PORCH STEPS AND EXTEND PATIO COVER OVER FRONT WALK

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED:

The owner requests a variance to replace unsafe front porch steps, and if allowed, extend an adjacent side yard patio cover over the steps and a portion of the front walk leading to the steps.

8. JUSTIFICATION FOR ACTION REQUESTED:

Built in 1958, the existing front porch and steps encroach within the distance from the property line that is now the required front yard setback distance along Douglas Ave.

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

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

See attached sheet.

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

If reasonable use of the property includes, safe access to the front door, then the current conditions are a disadvantage to the owner in this way.

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

The disadvantage described herein ~~existing prior~~ existed prior to purchase of the property by the owner in May 2015.

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

See attached sheet.

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]
Signature of Applicant

12/04/2019
Date

[Signature]
Signature of Property Owner

12/04/2019
Date

VARIANCE REQUEST DESCRIPTION AND JUSTIFICATION

Applicant: Steven Yesner

Address: 19 Park Avenue, St Augustine 32084

RECEIVED

DEC 04 2019

Planning/Building Dept.

- 9.a) *Does the property, because of size, shape, topography, or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity?*

The existing porch steps do not conform to the Building Code, are unsafe, and should be replaced with steps that have shorter, more uniform risers. One riser is 9.25 inches high and the other is 5.75 inches high. The existing treads are constructed with a glazed tile finish that is very slippery when wet.

Additionally, access to the front porch from the driveway is difficult during inclement conditions, requiring one to either cross the side yard lawn (which is also slippery when wet) or walk back to the street, down the sidewalk along the street, and then up the walkway to the porch. To improve access from the driveway, the Owner proposes to build a patio with pavers in the side yard between the driveway and the existing walkway to the porch, and cover the patio with a freestanding roof structure. The Owner will submit a building permit for the proposed patio cover.

If a variance is needed to replace the steps, then this request also seeks to include a 3-ft extension of the proposed freestanding patio cover into the required front yard setback in order to cover the steps and a portion of the walkway leading to the porch. The proposed encroachment would be the same as the existing front porch encroachment and would substantially improve access conditions between the porch and the driveway during inclement weather.

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

A variance to replace the unsafe front steps would serve the public interest since they provide access to the porch and mailbox for visitors and delivery personnel. Extending the proposed patio cover across the steps and a portion of the walkway to the porch would not be contrary to such public interest. These proposed property improvements would not affect other property in the vicinity or existing street sight lines, and would be in harmony with both the existing house rooflines and the character of this residence built in 1958.

A front yard encroachment that improves conditions of safety and access for the Owner and the public, without extending beyond the existing front yard encroachment, would seem to be in harmony with the spirit, intent, and purpose for granting a variance in this case.



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.

The applicant attests that all documents and statements submitted as part of its application are truthful and applicant agrees to resolve conflicts with other legal documents consistent with the procedures in section 28-37 of the city code.

Steven Yesner

Print Name of Applicant

[Signature]

Signature of Applicant

12/04/2019

Date



Owner's Authorization For Agent

Christine Newman is/are hereby authorized TO ACT ON BEHALF
OF Steven Yesner, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: [Signature]
Signature of Owner
Steven C. Yesner
Print Name of Owner
505-480-7634
Telephone Number

State of Florida

County of St. John's

Signed and sworn before me on this 4th day of December, 2019.

By Steven Yesner

Identification verified:

Oath sworn: ✓ Yes No



SHERINE AKL
Commission # GG 198572
Expires March 21, 2022
Bonded thru Budget Notary Services

Notary Signature: [Signature]

My Commission expires: March 21, 2022



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1520100000
Location Address 19 PARK AVE
 SAINT AUGUSTINE 32084-0000
Neighborhood Fullerwood Park (702)
Tax Description* 2-18 FULLERWOOD PARK LOT 55 BLK 3 OR4032/1705
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Fuller Wood Park Addition to St. Augusti
Sec/Twp/Rng 6-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.160
Homestead N

Owner Information

Owner Name Newman Gretchen Et AL 100%
 Yesner Steven C 100%
Mailing Address 905 SIERRA PL SE
 ALBUQUERQUE, NM 87108-0000

Map



Valuation Information

	2020
Building Value	\$101,639
Extra Features Value	\$0
Total Land Value	\$81,536
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$183,175
Total Deferred	\$0
Assessed Value	\$183,175
Total Exemptions	\$0
Taxable Value	\$183,175

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$104,031	\$0	\$81,536	\$0	\$0	\$185,567	\$185,567	\$0	\$185,567
2018	\$108,634	\$0	\$61,152	\$0	\$0	\$169,786	\$169,786	\$0	\$169,786
2017	\$99,818	\$1,095	\$61,152	\$0	\$0	\$162,065	\$162,065	\$0	\$162,065
2016	\$101,066	\$796	\$61,152	\$0	\$0	\$163,014	\$163,014	\$0	\$163,014
2015	\$56,287	\$597	\$50,450	\$0	\$0	\$107,334	\$99,453	\$57,881	\$49,453
2014	\$53,830	\$597	\$50,450	\$0	\$0	\$104,877	\$98,664	\$56,213	\$48,664
2013	\$46,059	\$697	\$50,450	\$0	\$0	\$97,206	\$97,206	\$50,000	\$47,206
2012	\$46,768	\$796	\$50,450	\$0	\$0	\$98,014	\$98,014	\$50,000	\$48,014
2011	\$48,186	\$896	\$50,450	\$0	\$0	\$99,532	\$99,532	\$50,000	\$49,532
2010	\$48,894	\$995	\$56,056	\$0	\$0	\$105,945	\$105,945	\$50,000	\$55,945

Building Information

Building 1
 Actual Area 1153
 Conditioned Area 812
 Actual Year Built 1958
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Block

Roof Structure Shed
 Roof Cover Roll Composite
 Interior Flooring Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Heating Fuel
 Air Conditioning Central
 Baths 1.5

Category	Type	Pct
Exterior Wall	Concrete Block	100%
Roofing Structure	Shed	100%
Roofing Cover	Roll Composite	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	7 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
BASE AREA	812	812
ENCLOSED GLASS PORCH	0	313
FINISHED OPEN PORCH	0	28
Total SqFt	812	1153

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	120
Residential Fence	0	0	0	0	56

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	52	120	52	EF	\$81,536

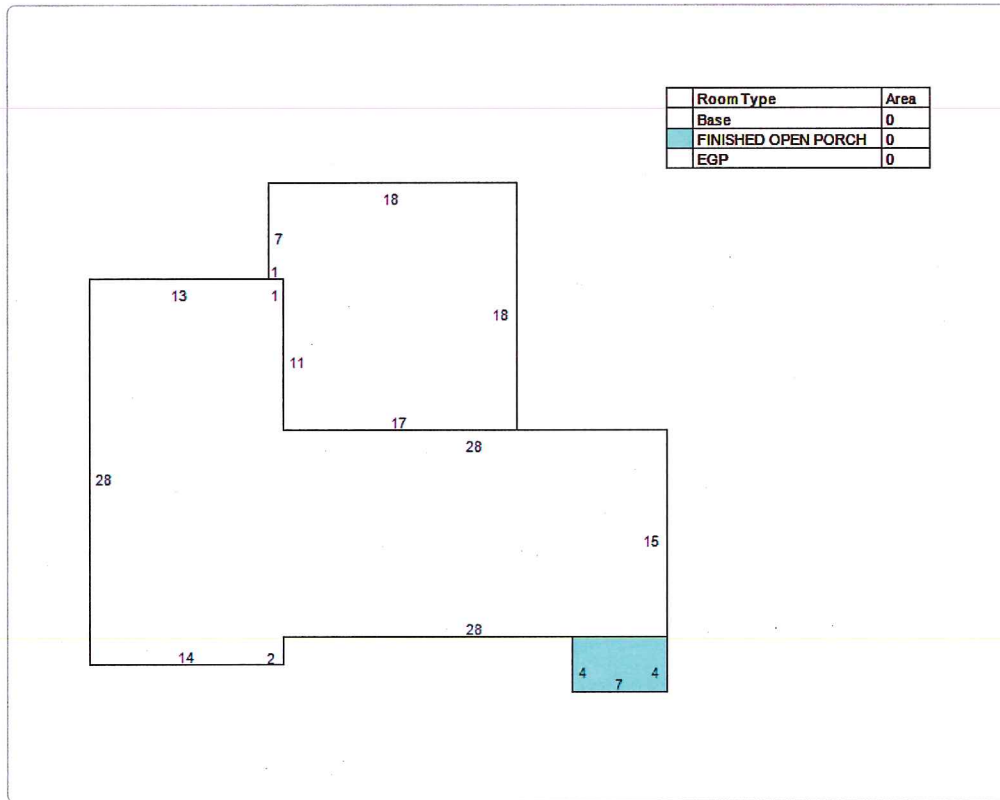
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/27/2015	5/22/2015	\$225,000.00	WD	4032	1705	Q	I	SITTAUER KATHLEEN	NEWMAN GRETCHEN ET AL
	4/15/2005	\$203,500.00	WD	2421	432	Q	I	NICHOLS PATRICIA L	SITTAUER KATHLEEN
	7/29/2003	\$0.00	DC	2134	793	U	I	NICHOLS RONALD WADE (DECEASED)	
	11/12/1998	\$64,000.00	WD	1365	601	Q	I	PROCTOR WILLIAM L P/REP FOR CUSTIS ESTATE	NICHOLS RONALD W & PATRICIA L
	11/12/1998	\$0.00	PR	1365	599	U	I	PROCTOR WILLIAM L P/REP FOR CURTIS ESTATE	NICHOLS RONALD W & PATRICIA L
	12/19/1994	\$0.00	SA	1360	616	U	I	MATTHEWS ROSE N (DIED 12/19/94)	PROCTOR WILLIAM L P/R
	12/1/1988	\$51,000.00		806	310	Q	I		MATTHEWS ROSE N
	11/1/1986	\$48,000.00		726	267	Q	I		
	9/1/1984	\$0.00		655	1076	U	I		

Area Sales Report

Recent Sales in Area

Sketch Information



No data available for the following modules: Exemption Information.

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.

User Privacy Policy
GDPR Privacy Notice

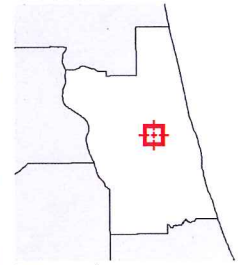
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Schneider
GEOSPATIAL

Version 2.3.24



Overview



Legend

- Parcels
- Roads
- Cities

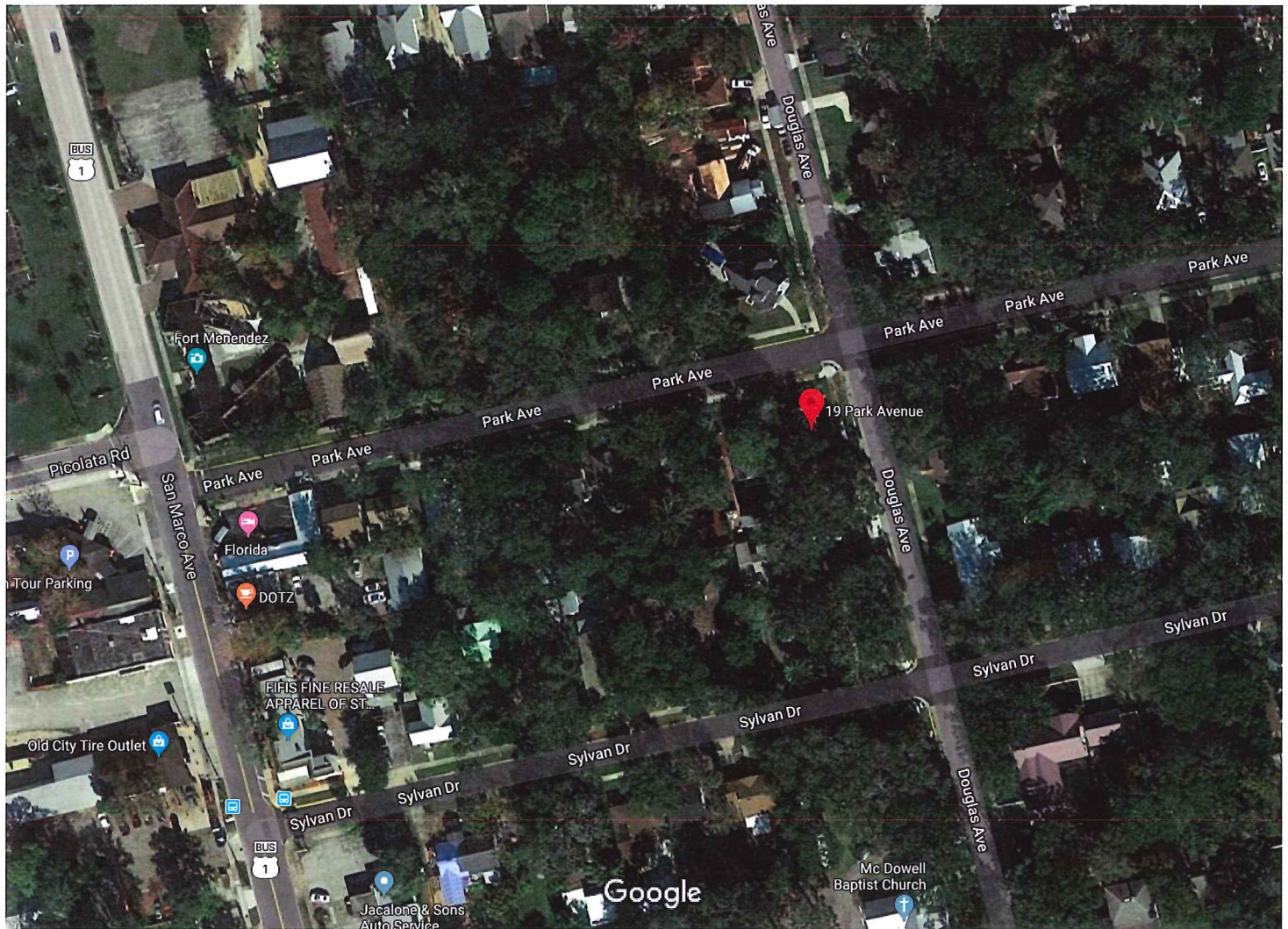
Parcel ID	1520100000	Physical	19 PARK AVE	Building Value	\$101,639	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Family	Mailing	NEWMAN GRETCHEN ET AL	Value		5/22/2015	\$225000	01	Q
Taxing	City of St	Address	905 SIERRA PL SE	Total Land Value	\$81,536	4/15/2005	\$203500	01	Q
District	Augustine		ALBUQUERQUE NM 87108-	Just Value	\$183,175				
Acres	0.16		0000	Total Deferred	N/A				
				Assessed Value	\$183,175				
				Total Exemptions	N/A				
				Taxable Value	\$183,175				

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.

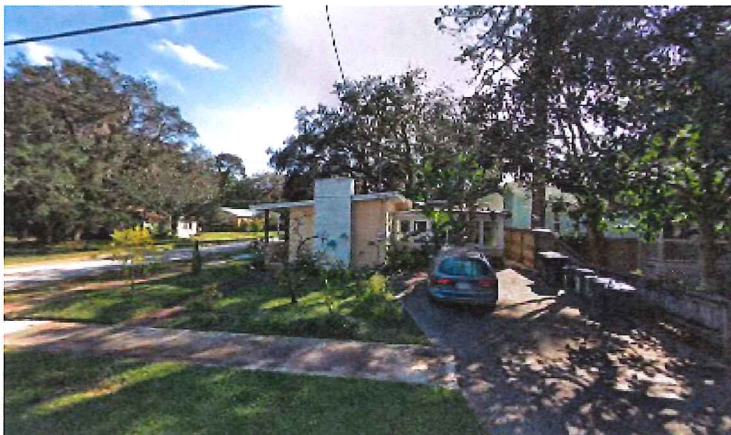
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Developed by  **Schneider**
GEOSPATIAL

Google Maps 19 Park Ave



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft



19 Park Ave

St. Augustine, FL 32084



Directions



Save



Nearby

Send to your
phone

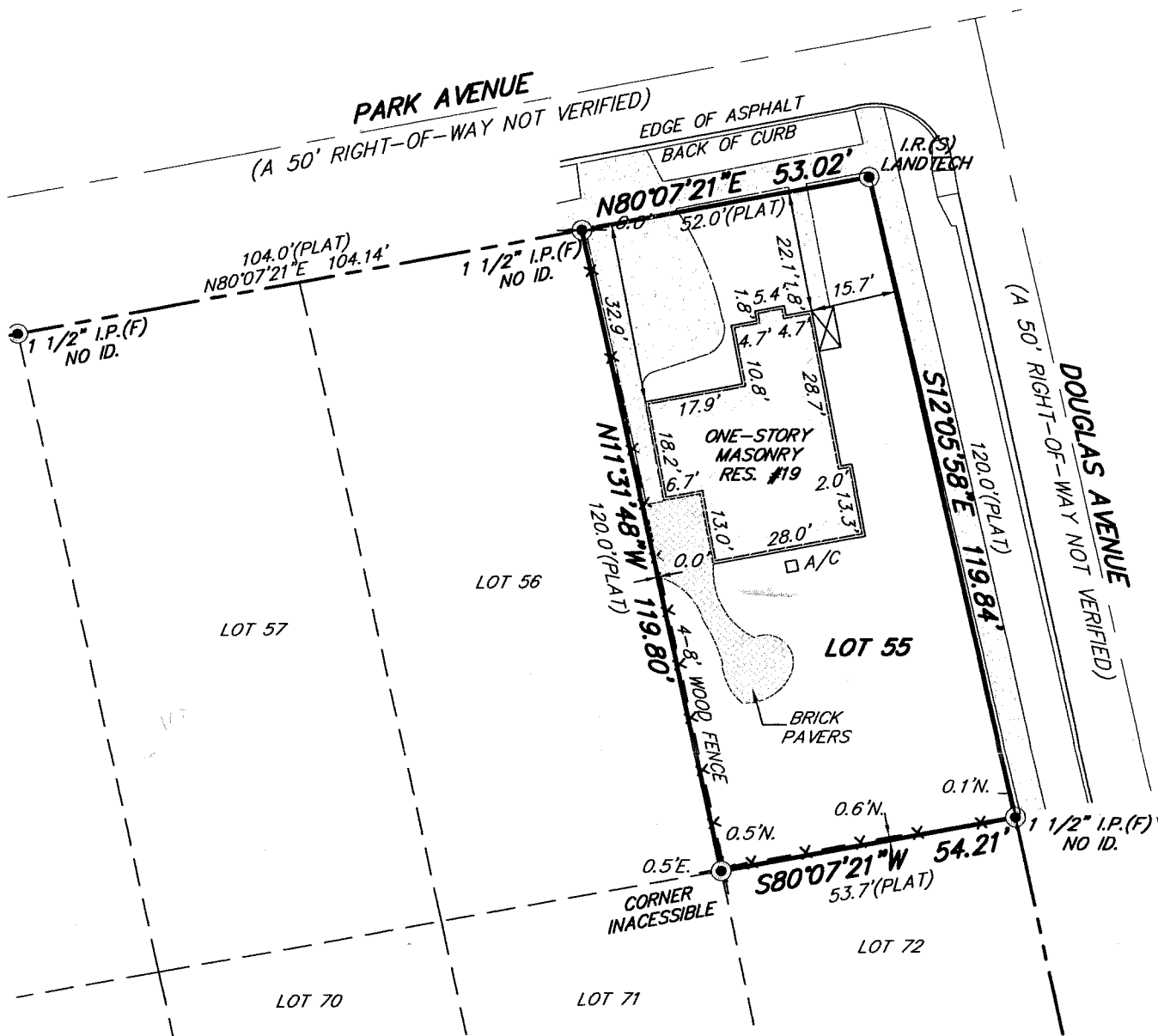
Share

Attachment 2
Survey Site Plan,
Architectural Rendering

MAP SHOWING SURVEY OF

LOT 55, BLOCK 3, FULLERWOOD PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
GRETCHEN NEWMAN AND STEVEN C. YESNER
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
ESTATE TITLE OF ST. AUGUSTINE



AREA = ±0.15 ACRES
OR ±6,389 sq. ft.

LEGEND

A/C	- AIR CONDITIONER PAD	RES.	- RESIDENCE
ID.	- IDENTIFICATION	CL	- CENTERLINE
N.G.V.D.	- NATIONAL GEODETIC VERTICAL DATUM	+	- DENOTES NOT TO SCALE
sq. ft.	- SQUARE FEET	W	- WATER METER
I.P.(F)	- IRON PIPE FOUND	□	- EXPOSED CONCRETE
I.R.(F)	- IRON ROD FOUND	▨	- COVERED AREA
I.R.(S)	- 5/8" IRON ROD SET (LANDTECH)		

GRAPHIC SCALE



1"=30'

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- The specific rights implied by this survey are not transferable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- This survey is certified to the last field date.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTES:

- According to the Federal Emergency Management Agency FIRM Map No: 125145 0312 H effective date: 09/02/04, the property described hereon appears to lie in Zone AE 9'
- Basis of bearing structure: SEE SURVEY (ASSUMED)
- Job Address: 19 PARK AVENUE ST. AUGUSTINE, FL 32084
- Basis of elevations: N.G.V.D.

JOB NO.	LAST FIELD DATE	SCALE:	F.B./PAGE	CHK. BY:	DWG. BY:
15-0419	05/13/15	1"=30'	679/33	N.H.F.	M.P.F.

TYPE: BOUNDARY

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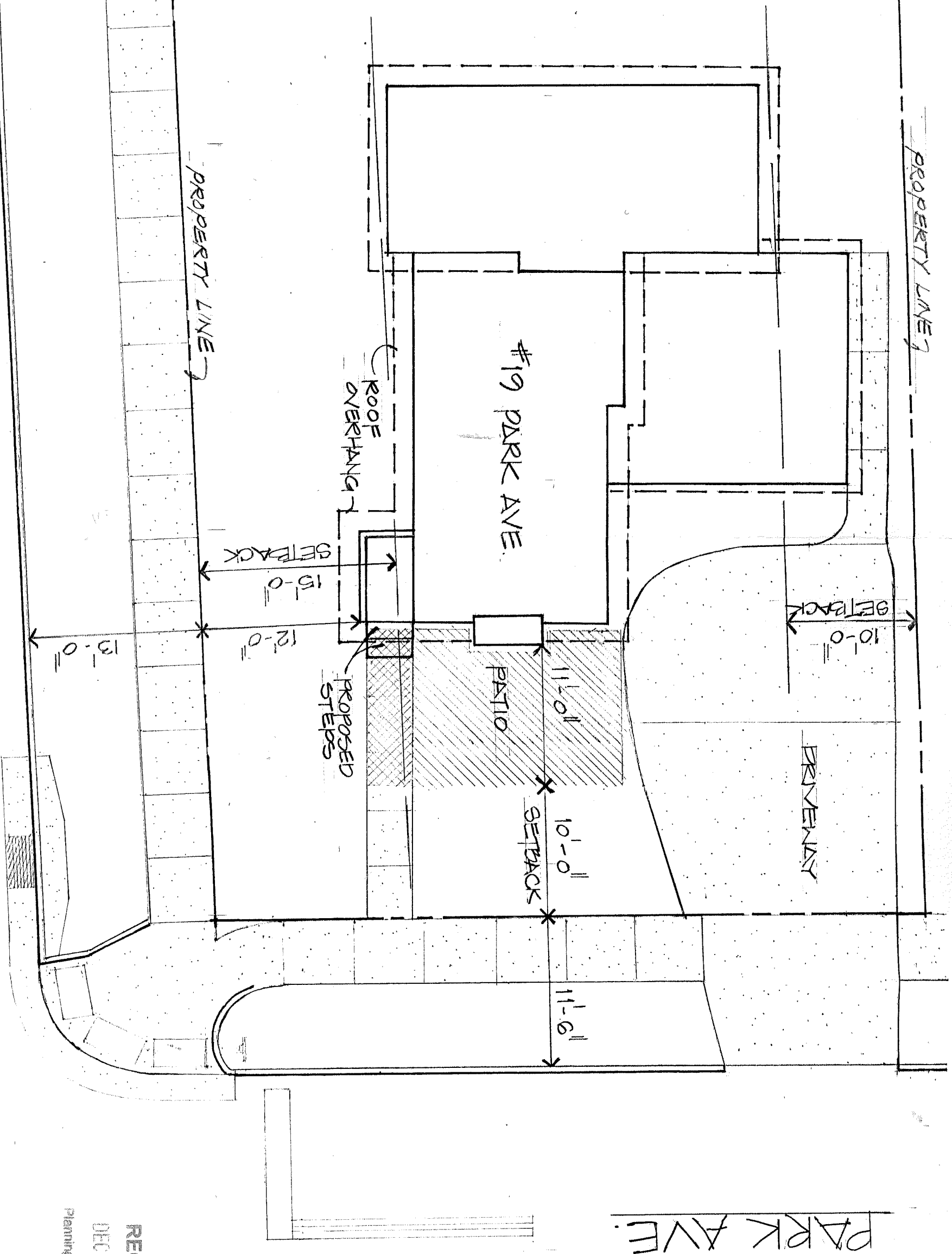
LANDTECH
Associates, Inc.
LAND SURVEYOR'S

5100 A1A SOUTH, SUITE A
ST. AUGUSTINE, FLORIDA 32080
(904) 471-6877 FAX (904) 471-6876

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

Nicholas H. Franklin
NICHOLAS H. FRANKLIN, P.L.S. #4620
FOR LANDTECH AND ASSOCIATES L.B. #7537

FULLERWOOD PARK
LOT 55, BLOCK 3
ZONE RG-1

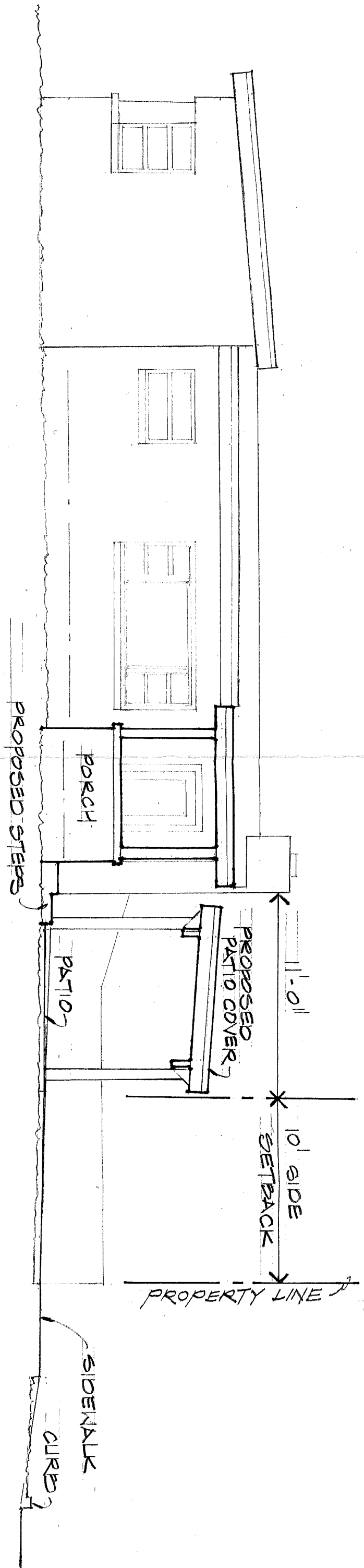


SITE PLAN

1/8" = 1'-0"

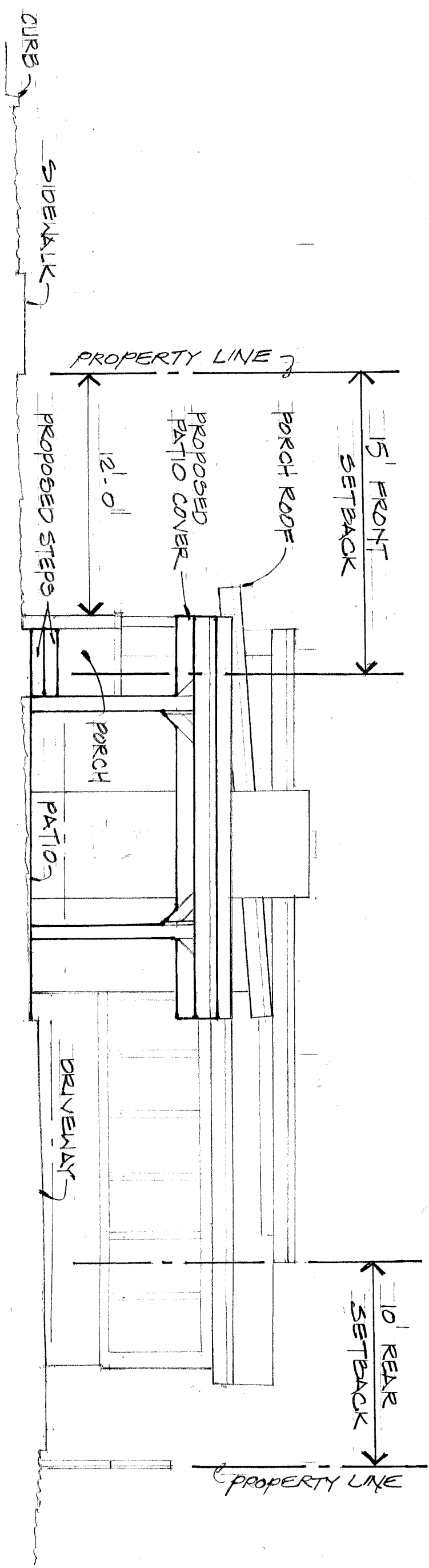
NORTH

RECEIVED
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Planning/Building Dept.



DOUGLAS AVE ELEVATION

3/16" = 1'-0"



PARK AVE ELEVATION

3/16" = 1'-0"

Attachment 3
Site Photos





CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2019-0131**

AGENDA ITEM 5(a)

APPLICANT Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.

OWNER Darrell Poli

LOCATION 142, 144, 150 Riberia St / PIN 213370-0000

REQUEST To approve a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and an eight foot (8') wide by seventy-five foot (75') long floating dock within Conservation Overlay Zone 1.

PLANS DATED November 22, 2019

LAND USE Residential Medium Density/ Mixed Use

ZONING Maritime Use District (MUD)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

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 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

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.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Addressed in Staff Summary & Analysis*

STAFF SUMMARY AND ANALYSIS

The proposed dock and observation platform are requested to be recognized and reconstructed within the existing footprint. The proposed platform will have a footprint of approximately 882 square feet, having a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and an eight foot (8') wide by seventy five foot (75') long floating dock.

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site is currently under construction for a restaurant.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

Other neighboring sites have docks generally parallel to the shore. This proposed dock will be perpendicular to shore. The general area is a marine use dependent area with established working waterfronts.

- (3) Natural and proposed drainage patterns.

Patterns aren't expected to change, and the site will continue to discharge into the San Sebastian River.

- (4) Effect of point and nonpoint discharge in the marine environment.

There is no anticipated point- or non-point discharge from the construction of the proposed dock and platform.

- (5) Proposed soil stabilization and erosion control methods.

The impacts are expected to be limited, and will be mitigated, if need be, by silt fencing and turbidity barriers.

- (6) Impact on floodplain.

N/A

- (7) Impact of development on vegetative and animal communities.

It would be a minimal impact apart from disturbance during the construction process which would only be a temporary impact.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

N/A

- (9) Effect of shade on vegetation and shellfish.

It should be minimal given the dimensions of the dock and location to adjacent docks and water fronts.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

No additional effect since this proposed dock is within a heavily trafficked area on the San Sebastian River.

- (11) Impact of development on shoreline by linear feet and percent of site.

The impact would be limited to the 15' x 15' observation platform.

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

Minimal, if any, due to multiple existing docks in the area.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

Minimal, if any.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Minor impacts from the placement of pilings, but there will be long term benefits in the form of artificial habitat for aquatic life.

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

As proposed, the proposed dock and observation platform meets all standards set forth in LDC Sec. 11-29. No portion of the existing dock will exceed 6 feet above the mean highwater line as it is a floating dock. No boat lifts are proposed. The applicant has provided a narrative and graphics associated with the application which has been included in attachment 2. Staff finds the narrative response to be accurate to site conditions and the development of the dock and platform proposed at the subject property.

City Public Works department has made note of existing utilities on site (attachment 3) and will require that any development on this site will be well clear of these utilities and any digging done on site is verified with the City prior to construction.

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** the construction of a fifteen-foot (15') by fifteen-foot (15') observation platform, a gangway and a eight foot (8') wide by seventy-five foot (75') long floating dock in Conservation Overlay Zone 1 located at 142, 144, 150 Riberia St / PIN 213370-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Attachments

Attachment 1 – Application & Property Appraiser Information
Attachment 2 – Conservation Overlay Narrative & Graphics
Attachment 3 – Public Works Utilities Locations

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Application, Narrative, Property Records

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330

BDAC Project No. _____

Receipt No. _____

Meeting Date: _____

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Darrell Poli Daytime Telephone: _____

Business (if applicable): Fishermen's Harbor Marina Inc.

Address: 89 Magnolia Ave. City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: 28, 29, 1 Block: 46

Subdivision: Lincolnvillle Parcel Number: 2133700000

4. PROJECT STREET ADDRESS: 142, 144, 150 Riberia St.

5. SPECIFIC PROPOSED USE: Dock Repair/Replace

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

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

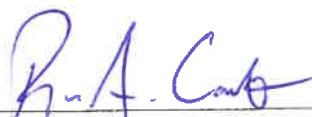
Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

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.

12. 
Signature of Applicant

12-4-19
Date

13. _____
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.

Ryan Carter

Print name of applicant

RAC

Signature of applicant

12-4-19

Date

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

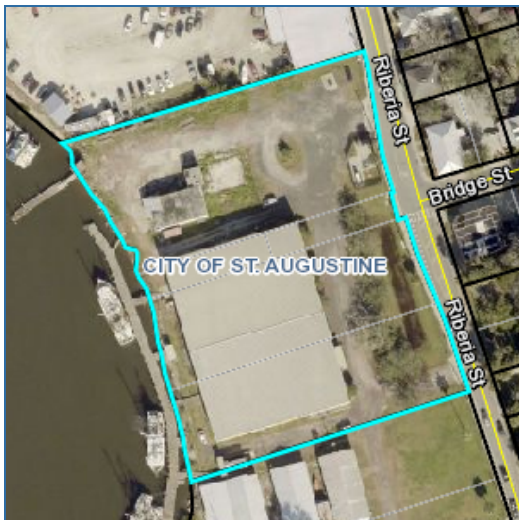
Summary

Parcel ID	2133700000
Location	142 RIBERIA ST
Address	144 RIBERIA ST 150 RIBERIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Transit Terminal Riberial St (COM) (625.02)
Tax Description*	MARSH LOTS WEST OF RIBERIA LOTS 28 & 29 & LOT 1 BLK 46-L CITY & RIP RGTS TO SAN SEBASTIAN RIVER - DB172/412 231/229 233/460 238/18 244/457 225/615 & OR12/424 66/558 318/788 & 789 & 591/643 (EX ADD'L R/W TO CITY IN OR3386/1938 & 3386/1944) & INCL PT OF VACATED BRIDGE ST PER CITY ORD#2010-39 IN OR3388/385 - BEING ALL OF OR3154/742 (EX THAT PART IN LINCOLNVILLE CRA) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Wholesale Outlets (2900)
Subdivision	Marsh Lots West of Riberia
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	2.710
Homestead	N

Owner Information

Owner Name	Fishermen's Harbor Marina Inc 100%
Mailing Address	PO BOX 513 SAINT AUGUSTINE, FL 32085-0513

Map



Attachment 2

Conservation Overlay Narrative & Graphics

**St. Augustine Fish Camp Center Re-Development
Overlay Zone Development Application Supplement
December 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development application for the repair/replacement of a dock for the St. Augustine Fish Camp Restaurant located at 142 Riberia Street (PID: 2133700000).

The St. Augustine Fish Camp is currently under construction and is leasing the northern portion of the subject property from Fishermens Harbor Marina Inc. The property owner requests approval to repair and/or replace the existing northern dock for restaurant patrons. The dock consists of a 15' x 15' observation platform and gangway leading to an 8' x 75' floating dock. The existing and proposed square footage over water is +/- 882 sq. ft.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed works will have a benefit to the public as a whole.*

The public will be able access the new restaurant via the water. Patrons will be able to walk out on the dock and enjoy river views.

2. *The proposed works will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The dock footprint will remain the same, thus no new impacts will occur.

3. *The proposed works will not block or disrupt any vista or scenic opportunities.*

The profile of the dock will not change, and the new dock should greatly improve the appearance of this waterfront area.

4. *The proposed works will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The public is welcome to come visit the restaurant and enjoy the new revitalized waterfront.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

The project is located on the San Sebastian River along the existing developed waterfront. The existing dockage has been damaged by past storms and is unsafe.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is situated between Riberia St. (east) and the San Sebastian River (west). Commercial property exists to the north and south.

3. *Natural and proposed drainage patterns.*

Drainage naturally flows overland to the west, no changes in drainage are proposed.

4. *Effect of point and non-point discharge in the marine environment.*

There will be no point or non-point discharge into the marine environment from the proposed dockage. No new water, sewer or utility service will be provided.

5. *Proposed soil stabilization and erosion control methods.*

Soil erosion should not be a concern with these works, but control methods such as silt fences and floating turbidity barriers will be employed as needed.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: None

Lighting of the open water areas at night: Lighting will remain consistent with the current approved lighting for the development.

Increased noise from day users: The property is adjacent to other commercial uses – both on land and along the River. Noise from pedestrians using the facility will have a minimal impact.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

No pollutants or poisonous chemicals will be stored at this site.

9. *Effect of shade on vegetation and shellfish.*

None

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The surrounding waterway is already heavily trafficked, and the proposed works should pose no new threat to manatees, vegetation, shellfish and wildlife, or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

No new impact is proposed

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

The proposed works will enhance the vistas over the San Sebastian River compared to the existing shoreline.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Existing native plants will be retained as much as possible and greater than 50% of species used in landscaping will be native.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

None anticipated

15. *Impact of development on water quality.*

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed works on commercial and sport fish are as follows:

Positive: None

Negative: None

- b) The effects of the proposed works on shellfish are as follows:

Positive: Potential for colonization on new surfaces

Negative: Potential loss from removal of old structures serving as a substrate.

- c) The effects of the proposed works on water fowl are as follows:

Positive: None

Negative: None

17. *Specific conditions applicable to docks.*

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

No boathouse is proposed.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will now exceed six feet over mean high water.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable



Legend

Subject Property +/- 2.71 ac.



Sources: ESRI Streets Basemap
Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Location Map

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

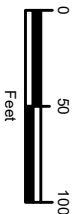
1





Legend

-  Subject Property +/- 2.71 ac.
-  Fish Camp Lease Area +/- 1.11 ac.



Sources: ESRI Streets Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Aerial Map

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

2





**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Alignment

St. Augustine Fish Camp

Project:

5.19375

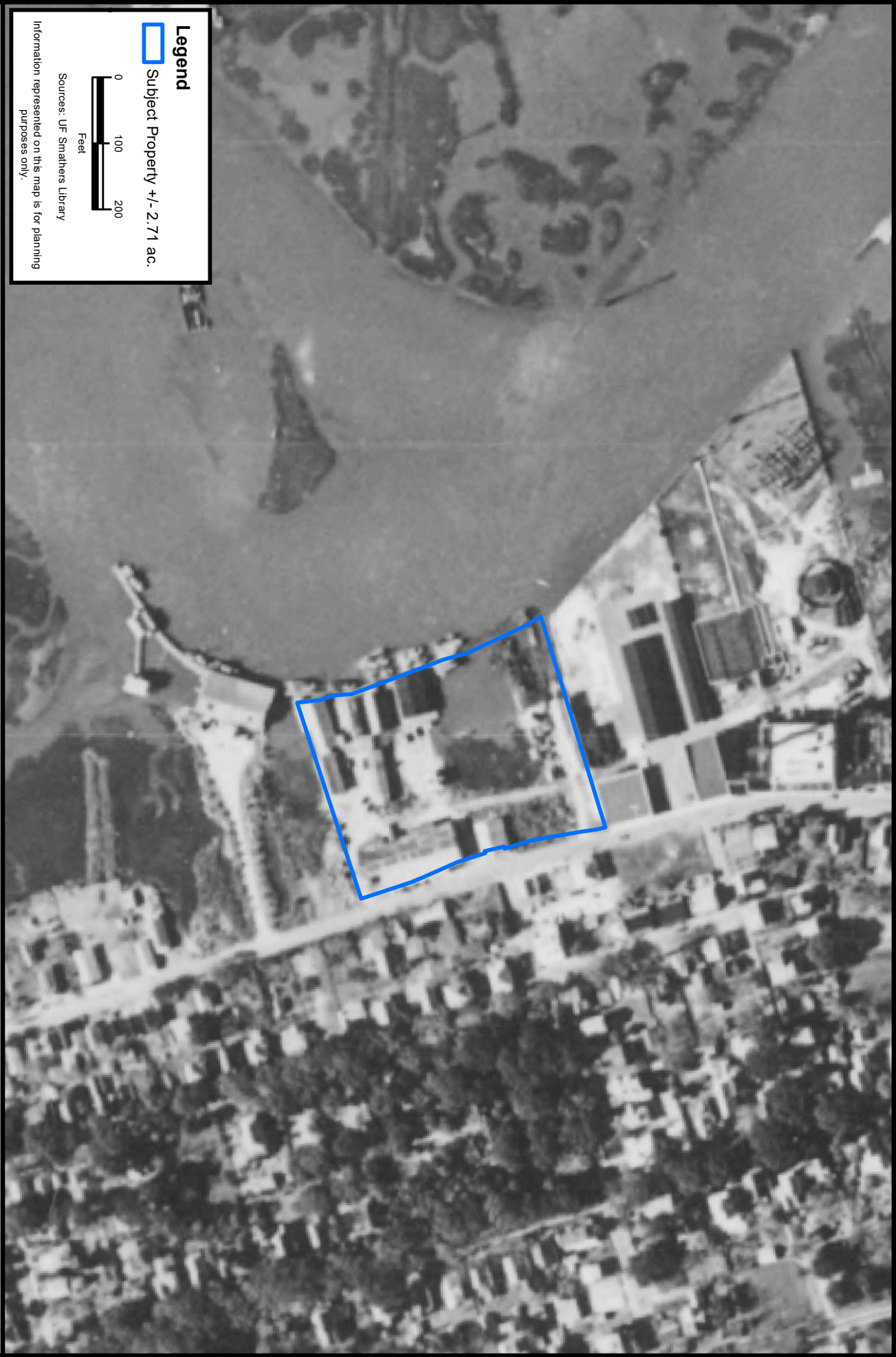
St. Augustine, FL

Date: Nov 22 2019

Figure:

3





Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

1943 Aerial

St. Augustine Fish Camp

Project:

5.19375

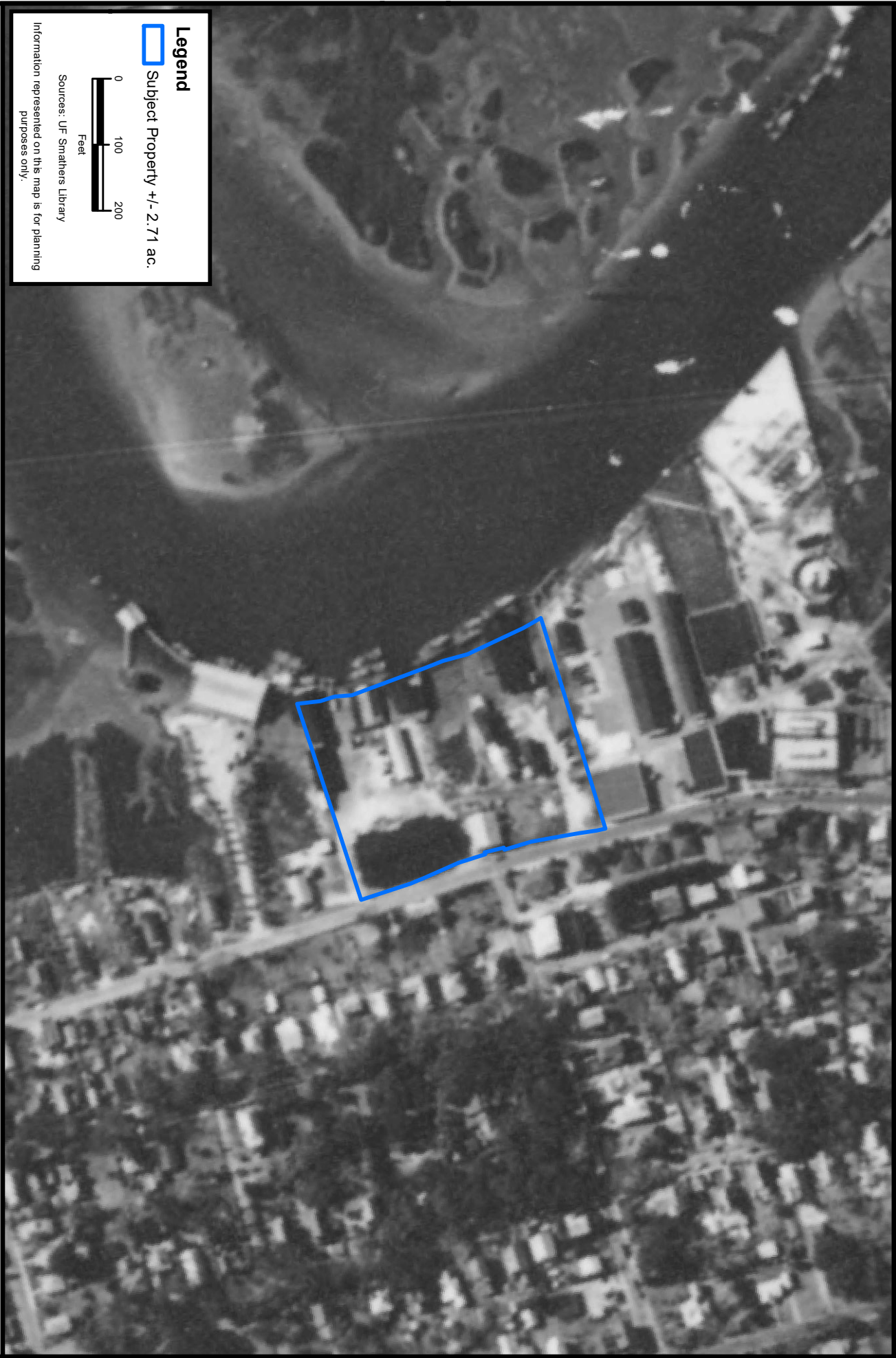
St. Augustine, FL

Date: Nov 22 2019

Figure:

6





Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

1952 Aerial

St. Augustine Fish Camp

Project:

5.19375

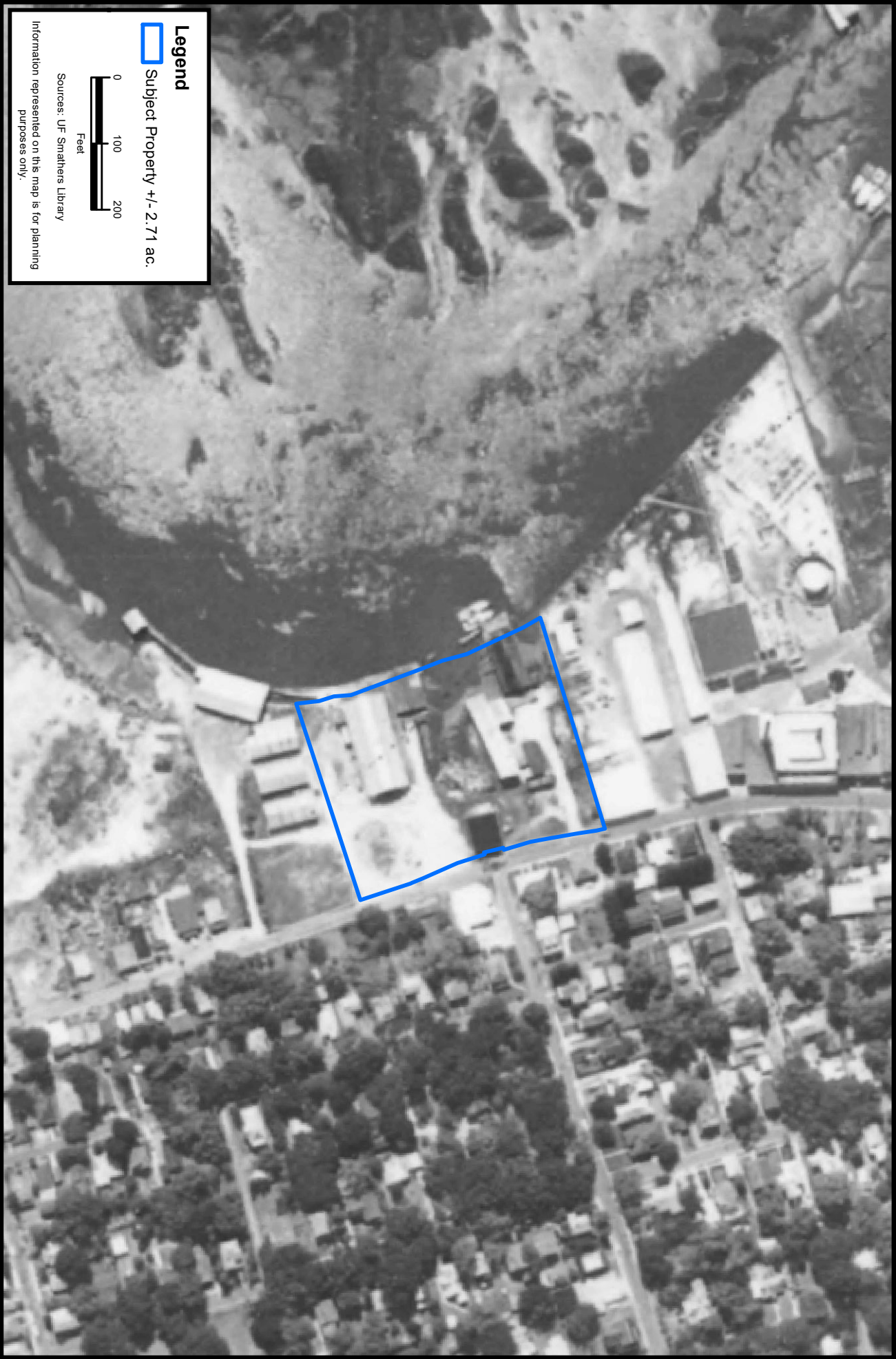
St. Augustine, FL

Date: Nov 22 2019

Figure:

7





Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

1960 Aerial

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

8





Legend

 Subject Property +/- 2.71 ac.



Sources: UF Smathers Library

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Project:

5.19375

St. Augustine, FL

St. Augustine Fish Camp

1980 Aerial

Date: Nov 22 2019

Figure:





Legend

 Subject Property +/- 2.71 ac.



Sources: FDOT Aerials

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

2009 Aerial

St. Augustine Fish Camp

Project:

5.19375

St. Augustine, FL

Date: Nov 22 2019

Figure:

11



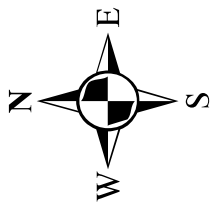






Attachment 3

Public Works on-site utilities



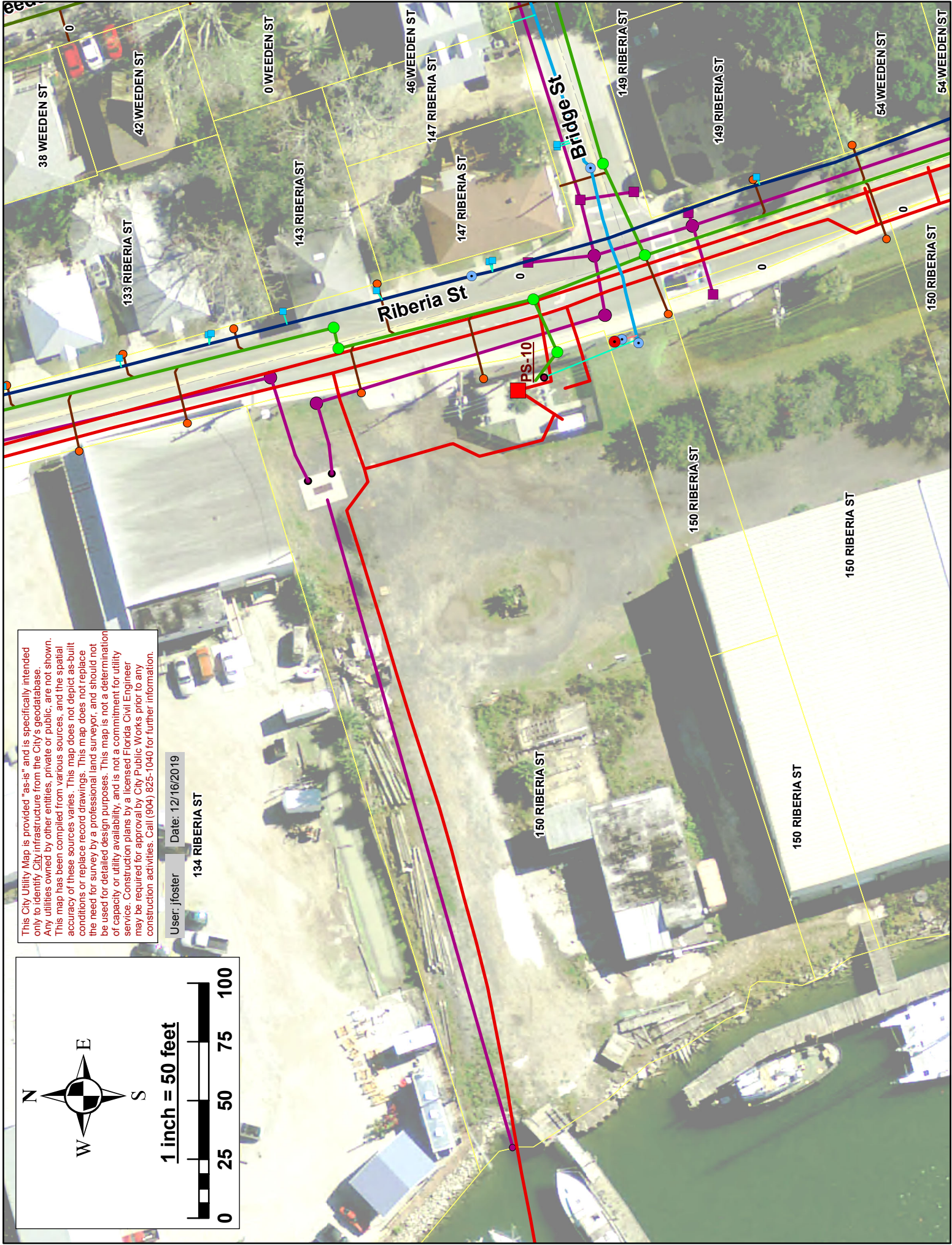
1 inch = 50 feet



This City Utility Map is provided "as-is" and is specifically intended only to identify City infrastructure from the City's geodatabase. Any utilities owned by other entities, private or public, are not shown. This map has been compiled from various sources, and the spatial accuracy of these sources varies. This map does not depict as-built conditions or replace record drawings. This map does not replace the need for survey by a professional land surveyor, and should not be used for detailed design purposes. This map is not a determination of capacity or utility availability, and is not a commitment for utility service. Construction plans by a licensed Florida Civil Engineer may be required for approval by City Public Works prior to any construction activities. Call (904) 825-1040 for further information.

User: jfoster Date: 12/16/2019

134 RIBERIA ST



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **USE BY EXCEPTION #2019-0125**

AGENDA ITEM 6(a)

APPLICANT PJ Patel

OWNER Umabhagu Equities, LLC

LOCATION 841 Anastasia Blvd / PIN 158040-0000

REQUEST To approve a use by exception for a drive through for a liquor store.

LAND USE Commercial Low Intensity

ZONING Commercial Low-Two (CL-2)

SURROUNDING USES Multi-tenant Commercial Building, Vacant Land

APPLICABLE CODES/ORDINANCES

Sec. 28-2.

Drive-in use means an establishment which by design, physical facilities, services, or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

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. 28-207. - Commercial low-two: CL-2.

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

- (1) *Permitted uses and structures.*
 - f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in)..
- (3) *Permissible uses by exception.*
 - b. Drive-in restaurant and other drive-in uses.

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a use by exception for the drive-in(through). The Applicant provided a narrative (attachment 2) to provide context of how this request will meet the provisions of a use by exception. In a brief summary, the Applicant proposed that the use would be less impactful than a drive through restaurant as there will be no call boxes, only a single window and located at the rear of the building out of sight from the right-of-way, for patrons to drive up to purchased packaged goods. The applicant suggests this store will develop an empty site and improve the Anastasia boulevard corridor's overall appearance by developing this lot. This application has received approval from HARB on October 17, 2019 (attachment 3) for the design of the façade and for the driveway width.

Regarding convenience and prosperity, the drive through is requested because customers, especially repeat customers, of liquor stores have come to expect a drive through option when purchasing packaged goods and provides a higher level of convenience. In addressing the safety and welfare of this proposed use by exception, the applicant states that safety of both pedestrians and motorists were considered in the site planning of this project, especially in relation to the drive through. The applicant utilized one-way traffic flows to create a more predictable traffic flow on site and allow for safe use of the drive-in (through) though.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff will defer to the Board's opinion and judgement to make a determination on the requested use by exception for a drive through for a liquor store within Commercial Low-two (CL-2) zoning at 841 Anastasia Blvd / PIN 158040-0000.

Attachments

Attachment 1 – Application & Property Appraiser Information

Attachment 2 – Use by Exception Narrative, Location Maps & Graphics

Attachment 3 – HARB Approval – 2019-0091

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1
Application & Property Records



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
NOV 13 2019
Planning/Building Dept. PD

Application Fee: \$250.⁰⁰ (plus advertising costs) Project Number: 2019-0125
Receipt Number: 1730438 Meeting Date: 1/7/19
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: PJ Patel Contact Number: _____
Business (if applicable): _____
Address: 3501 N Ponce de Leon Blvd Ste K City: St. Augustine State: FL Zip: 32084
E-Mail Address: pankajsapna98@gmail.com

2. NAME OF PROPERTY OWNER: Umabhagu Equities LLC Contact Number: _____
Business (if applicable): _____
Address: 3501 N Ponce de Leon Blvd Ste K City: St. Augustine State: FL Zip: 32084
E-Mail Address: pankajsapna98@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 2 & 3 Block: 35
Subdivision: Carvers Sub Parcel Number: 158040-0000

4. PROJECT STREET ADDRESS: 841 Anastasia Blvd

5. SPECIFIC PROPOSED USE: Retail liquor store with drive-thru

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

7. DESCRIPTION OF ACTION REQUESTED: This request is to allow a drive-thru window at a retail liquor store in Commercial low-two (CL-2) zoning. Sec. 28-207(1)f states regarding permitted uses: "An establishment or facility for the retail sale and service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in)." However, further in Sec. 28-207(3)b regarding permissible uses by exception provides for "Drive-in restaurant and other drive-in uses". Given that these two code references are somewhat contradictory, but other drive-in uses are mentioned as permissible uses by exception, this application requests the allowance for a drive-thru use for the intended liquor store either by special exception or appeal of code interpretation by staff given the inconsistency.

8. JUSTIFICATION FOR ACTION REQUESTED: A drive-thru request for is justified, because it is in keeping with the level of impact and intensity associated with a CL-2 zoned property. In addition, it is in keeping with the spirit of the Anastasia Blvd Entry Corridor design standards. Please see the attached narrative for further details.

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

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

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

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

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

10. PREVIOUS APPPLICATIONS:

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

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

An application has not went to the PZB, but this site plan was submitted to HARB for approval of a variance to building frontage standards.

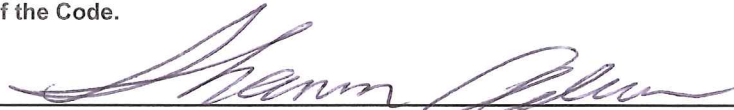
11. AGREEMENT:

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

11/11/19

Date



Signature of Property Owner

11/12/19

Date



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

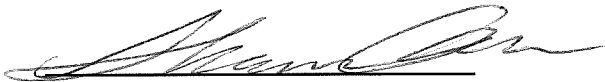
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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.

Shannon Acevedo

Print name of applicant



Signature of applicant

11/11/19

Date



Owner's Authorization For Agent

Matthews Design Group is/are hereby authorized TO ACT ON BEHALF
OF Umabhagu Equities LLC, the owner(s) of those lands described within

☒ the attached application, or ☐ described within the previously filed

Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
75 King Street, St. Augustine, FL

BY: Pankaj Patel
Signature of Owner
PANKAJ PATEL
Print Name of Owner
904-501-3506
Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 12 day of November, 2019.

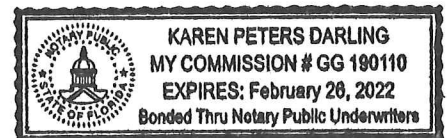
By Karen Peters Darling

Identification verified: Florida Drivers License

Oath sworn: _____ Yes ☒ No ☐

Notary Signature: _____

My Commission expires: _____





St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1580400000
 Location Address 841 ANASTASIA BLVD
 SAINT AUGUSTINE 32080-0000
 Neighborhood Anastasia Blvd Restaurants (COM) (590.04)
 Tax Description* 1-58 CARVERS SUB ANASTASIA LOT 2 & 3 BLK 35 & SANCHEZ AVE LYING E TO RD A1A & 5FT OF ALLEY LYING W OR 4584/1272
**The Description above is not to be used on legal documents.*
 Property Use Code Restaurants & Cafeterias (2100)
 Subdivision Anastasia, Map Of
 Sec/Twp/Rng 58-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 0.280
 Homestead N

Owner Information

Owner Name Umabhagu Equities LLC 100%
 Mailing Address 3501 N PONCE DE LEON STE K
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$5,121
Total Land Value	\$221,760
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$226,881
Total Deferred	\$0
Assessed Value	\$226,881
Total Exemptions	\$0
Taxable Value	\$226,881

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$5,205	\$221,760	\$0	\$0	\$226,965	\$226,965	\$0	\$226,965
2018	\$0	\$13,289	\$147,840	\$0	\$0	\$161,129	\$161,129	\$0	\$161,129
2017	\$0	\$11,465	\$147,840	\$0	\$0	\$159,305	\$159,305	\$0	\$159,305
2016	\$0	\$6,286	\$147,840	\$0	\$0	\$154,126	\$154,126	\$0	\$154,126
2015	\$0	\$6,286	\$147,840	\$0	\$0	\$154,126	\$154,126	\$0	\$154,126
2014	\$61,502	\$2,286	\$118,272	\$0	\$0	\$182,060	\$182,060	\$0	\$182,060
2013	\$68,879	\$2,286	\$118,272	\$0	\$0	\$189,437	\$189,437	\$0	\$189,437
2012	\$73,799	\$2,286	\$118,272	\$0	\$0	\$194,357	\$194,357	\$0	\$194,357
2011	\$90,337	\$5,886	\$132,440	\$0	\$0	\$228,663	\$228,663	\$0	\$228,663
2010	\$94,101	\$5,886	\$246,400	\$0	\$0	\$346,387	\$346,387	\$0	\$346,387

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Wood Fence (Commercial)	0	0	0	0	128
Asphalt Paving	0	0	0	0	5243

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Restaurants & Cafeterias	112	110	12320	SF	\$221,760

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/24/2018	7/5/2018	\$500,000.00	WD	4584	1272	Q	I	SALE VITA LLC	UMABHAGU EQUITIES LLC
10/2/2014	9/24/2014	\$275,000.00	WD	3937	1236	Q	I	GIANOTTA JOANN	SALE VITA LLC
8/20/2014	8/20/2014	\$0.00	SA	3919	1484	U	I	GUARINO ALICE D ESTATE	GIANNOTTA JO-ANN
6/5/2008	7/10/2006	\$0.00	DC	3089	1916	U	I	GUARINO ALICE D DECEASED	
6/5/2008	4/26/1988	\$0.00	DC	3089	1915	U	I	GUARINO FRANK A DECEASED 4-26-1988	
7/16/2014	8/25/1978	\$0.00	WL	3904	1555	U	I	GUARINO ALICE D TESTATRIX	
	1/1/1978	\$0.00		386	249	U	I	GUARINO FRANK A,ALICE D	GIANNOTTA RALPH,JO-ANN
	11/19/1972	\$0.00	WD	221	693	U	I	GRISOM GRANVILLE H,MARGUERITE O	GUARINO FRANK A,ALICE D

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Sketch Information.

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.

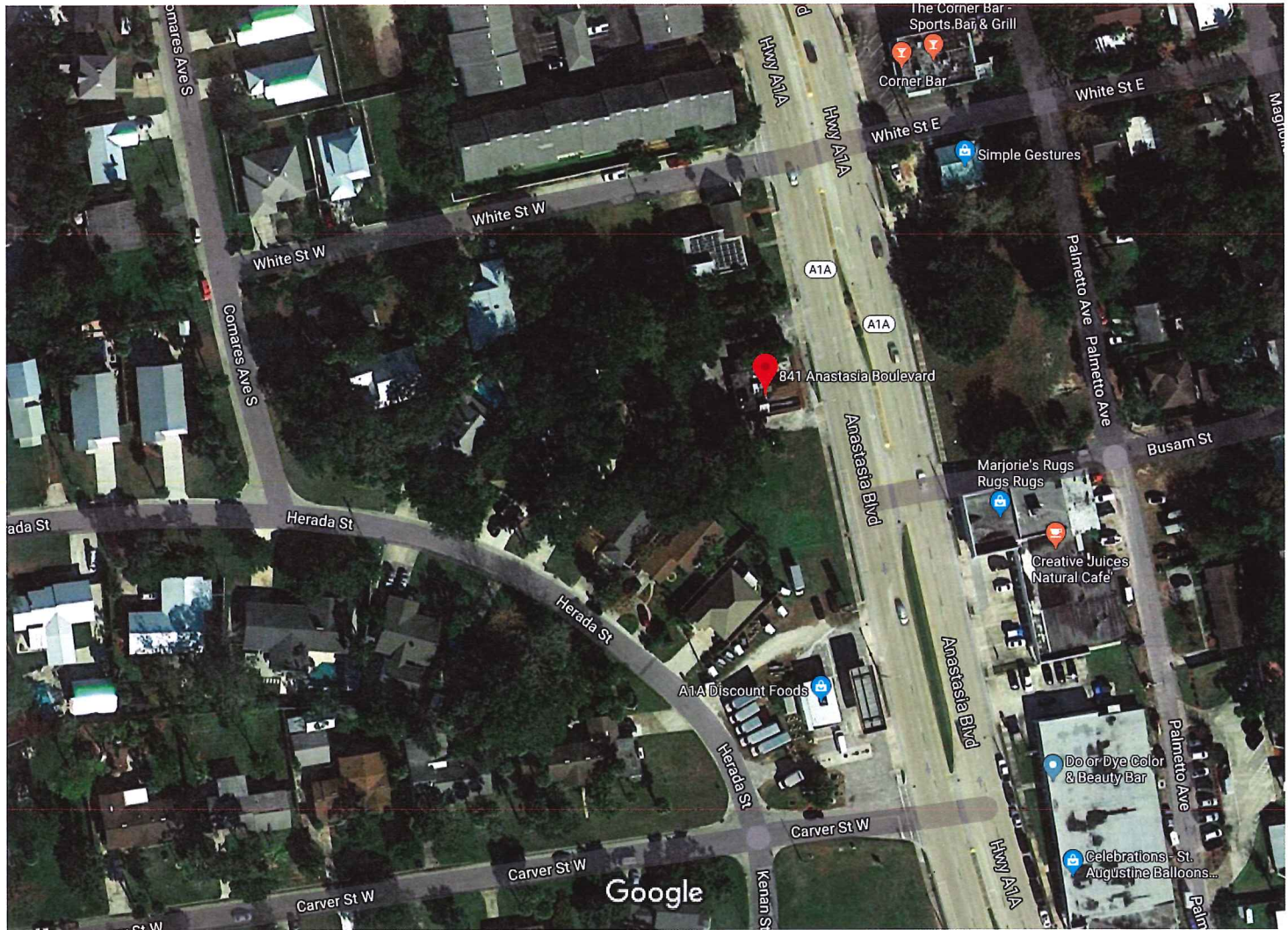
User Privacy Policy
GDPR Privacy Notice

Last Data Upload: 11/29/2019, 11:05:12 PM

Developed by
 Schneider
GEOSPATIAL

Version 2.3.23

Google Maps 841 Anastasia Blvd



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft



841 Anastasia Blvd

St. Augustine, FL 32080



Directions



Save



Nearby

Send to your
phone

Share

Attachment 2
Narrative, Site Plan, Survey,
Architectural Renderings

841 Anastasia Blvd Drive-Thru Special Exception Narrative

This application requests a special exception to allow a drive-thru for a liquor store planned at 841 Anastasia Blvd. located within the Commercial Low-Two (CL-2) zoning district. Sec. 28-207(1)f states the following regarding permitted uses in CL-2: "An establishment or facility for the retail sale and service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in)." However, further in Sec. 28-207(3)b regarding permissible uses by exception provides for "Drive-in restaurant and other drive-in uses". Given that these two code references are somewhat contradictory, but other drive-in uses are mentioned as permissible uses by exception, this application requests the allowance for a drive-thru use for the intended liquor store either by special exception or appeal of code interpretation by staff given the inconsistency.

The City Code defines "Exception" as 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."

This project at 841 Anastasia Blvd proposes a drive-thru toward the rear of the site achieved by a subtle, low-impact design that is controlled in an appropriate way in keeping with this area of Anastasia Island. Specifically, this narrative addresses how the proposed drive-thru meets the elements required to warrant this special exception request by confirming the limitation of the drive-thru design itself, making a case for the project's contribution to convenience and prosperity, describing the positive attributes of the project's appearance, and speaking to safety considerations and welfare in general.

Limitations of Request

The intent of the CL-2 zoning district is to encourage the development of low intensity commercial uses that may serve one or more neighborhoods with a focus on low traffic generating commercial uses. Distinguishing retail, business services, and restaurants that have drive-thrus or do not have drive-thrus is a logical way to distinguish low to medium/high intensity of commercial uses. However, the traffic generation expected of a liquor store is significantly less than what is typically expected of a fast-food restaurant, for example. The 10th Edition ITE Trip Generation Manual provides estimated trip generation for many uses and provides the generation of peak PM hour or rush hour, typically between 4 pm and 6Pm in the evening. Analyzing data available in this manual, it was discovered that while the afternoon PM peak hour trips are estimated at 28.34 trips per 1,000 square feet of built space for a fast-food restaurant without a drive-thru, that number increases to 32.67 trips per 1,000 square feet of built space for a fast-food restaurant with a drive-thru. This is an increase of approximately 15%. In comparison, a typical liquor store generates PM peak hour trips of only 16.37 trips per 1,000 square feet. If we assume approximately the same increase for a drive-thru for a liquor store (15%), we could estimate that the PM peak hour rate would be about 18.82 trips per 1,000 square feet for a liquor store with a drive-thru. This estimated trip generation is still far below that of a restaurant without a drive-thru which would be an allowed use by right in the CL-2 zoning district.

In addition, the drive-thru proposed for a liquor store would be less impactful to the surrounding property owners than other types of drive-thru such as that of a restaurant. While a fast-food restaurant

expects a heavy breakfast, lunch, and dinner crowd, with planned queues, call boxes to take orders in advance, and sometimes multiple windows to serve customers, the proposed “drive-thru” is limited to one window, where a customer can drive up to purchase packaged goods. No call box or associated structures are proposed. For details on what the drive-thru window is intended to look like, please see the attached rear elevation concept.

Convenience and Prosperity

The proposed business already runs a successful shop across the street and is looking to expand. The previous building on the project site was vacant for years, leaving much to be desired; it has since been demolished. Developing a commercial business in keeping with today’s construction and design standards will promote the prosperity of the Anastasia Blvd entry corridor. This corridor has enjoyed positive redevelopment in the past few years and building a new retail store will only keep the momentum going. The proposed building is envisioned to have a Mid-Century Modern feel with contemporary flair as shown in the attached elevation. The horizontal emphasis, classic yet geometric design, and flat roof fits in well with the Anastasia Boulevard Design Standards.

Drive-thru windows are becoming more popular and are often expected of customers for this industry. It offers convenience for repeat customers, or customers who simply prefer to order ahead of time and pick-up rather than go into a store. Having the drive-thru option for a liquor store allows the business to remain competitive in reaching all targeted demographics. It is important to note that while the store will have drive-thru capabilities, it will not look like a typical drive-thru facility. As shown in the front elevation, the main entrance and focal point of the building will be accessed by foot facing Anastasia Blvd.

Appearance and HARB Review

The proposed site plan, elevations, and rendering have been reviewed by the Historic Architectural Review Board (HARB) and approved. The site plan strives to meet the character and vision of the Anastasia Boulevard Entry Corridor design standards. It orients the building and main entrance toward the street, focuses parking toward the rear, and encourages pedestrian traffic from the front of the site. A variance to the Entry Corridor was required as the code requires 50% of the lot frontage to be built space. With such a shallow, long lot, this was not feasible. However, the building is much longer than it is deep providing 75 feet of building frontage along the parcel which spans 205 feet along Anastasia Blvd. Street walls and ample landscaping help to make up the difference and offer a façade along the corridor including a provision of 4 trees and 20 shrubs per 100 linear feet along Anastasia Blvd. In addition to the frontage variance request, while most parking is focused toward the rear, two spots were needed to be placed along the side due to the orientation of the site and the need to place a handicap space near the entrance. Again, the landscaping and street wall help manage the aesthetics from the perspective of Anastasia Blvd deemphasizing the parking.

Given that only one driveway is typical for a site within the Anastasia Boulevard Entry Corridor, the HARB also needed to review the driveways which are depicted to be a single driveway with a separate one-way entrance and exit, and the adjacent aisle for the drive-thru which in combination creates a total width of drive and aisle space of 24 feet. The site plan submitted to HARB for review also depicted 16-foot wide driveway widths at both the entrance and exit, where the Entry Corridor standards limit widths up to 14-feet. Whether or not vehicles could safely maneuver the site at 14-foot wide drives for

the entrance and exit were discussed during the HARB meeting, and the Applicant agreed to reduce the driveways to 14-feet in width at their entrance and exit. This edit is included within the site plan for this package.

As mentioned earlier, the drive-thru is positioned toward the rear of the site and will not be visible from the right of way or hinder the character and feel of this area of Anastasia Island. There will be no call box or disturbance caused by the drive-thru; the provision of a drive-up window to a retail liquor store is comparable in impact to other low intensity commercial uses compatible within the CL-2 zoning district. The site plan and elevations illustrate this point and convey that the spirit of the entry corridor vision is still maintained.

Safety and General Welfare

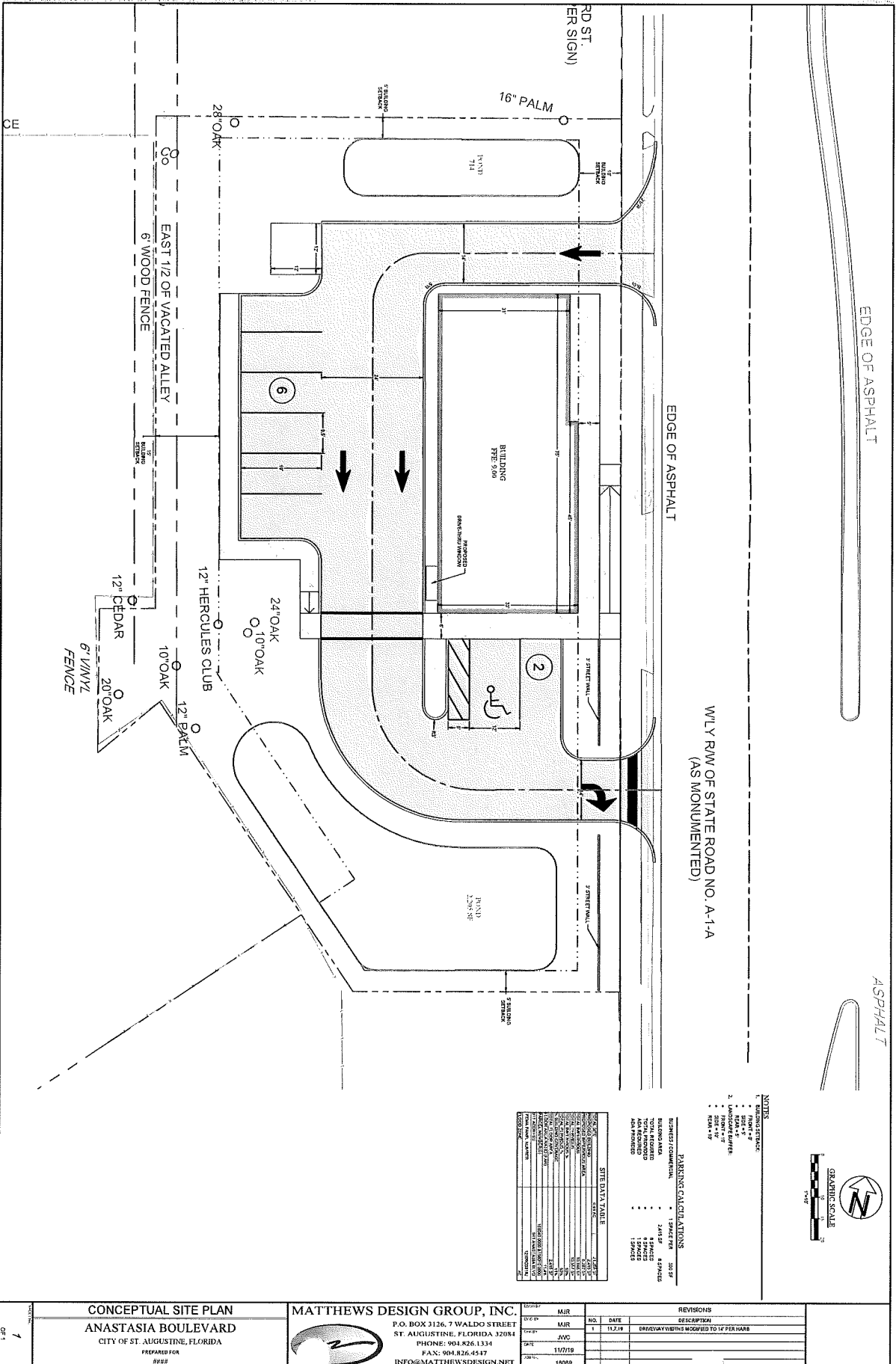
Safety of both pedestrians and motorists were considered in the site planning of this project and especially in relation to the proposed drive-thru. One-way driveways are proposed in order to control the flow and direction of traffic, and a separate drive-thru aisle is planned in order to keep fluidity and separation between drive-in and walk-in customers. The handicap space was designed to be along the side of the building to prevent these customers from having to cross a drive aisle and to provide convenient access to the ramp leading to the main entrance.

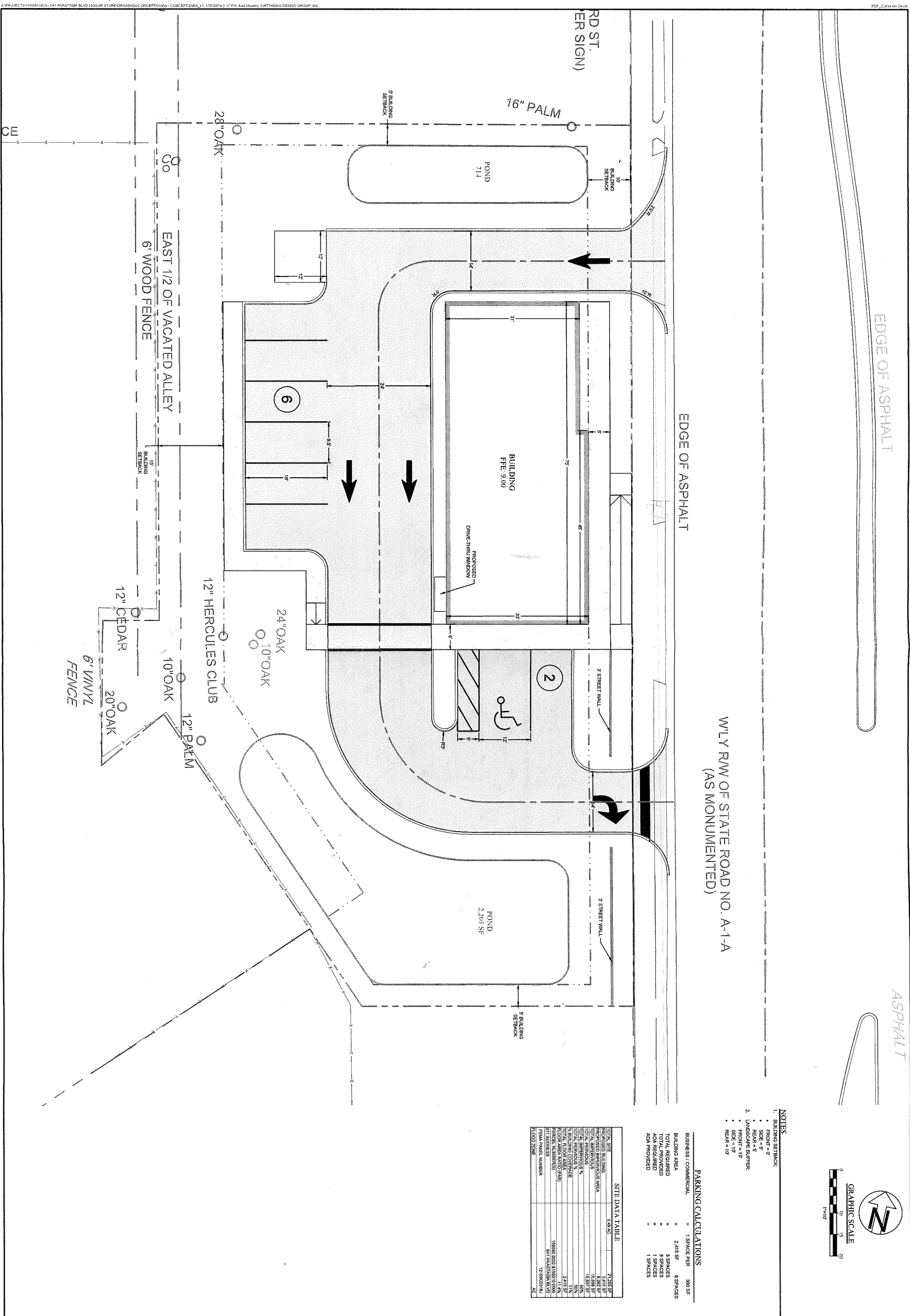
In general, redevelopment of sites often leads to more thoughtful design that meets current code requirements and priorities. As mentioned earlier, landscaping standards of the Anastasia Blvd Entry Corridor will be met which will offer shade and comfortable walking opportunities for residents and visitors. In addition, even with the shallowness and odd configuration of the site, several large trees will be preserved as marked on the site plan. These trees are toward the rear of the site and will help to provide a buffer to the adjacent residential development. Drainage will be treated on-site, and space has been properly accounted for stormwater management as depicted on the site plan.

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NOV 13 2019

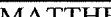
Planning/Building Dept.



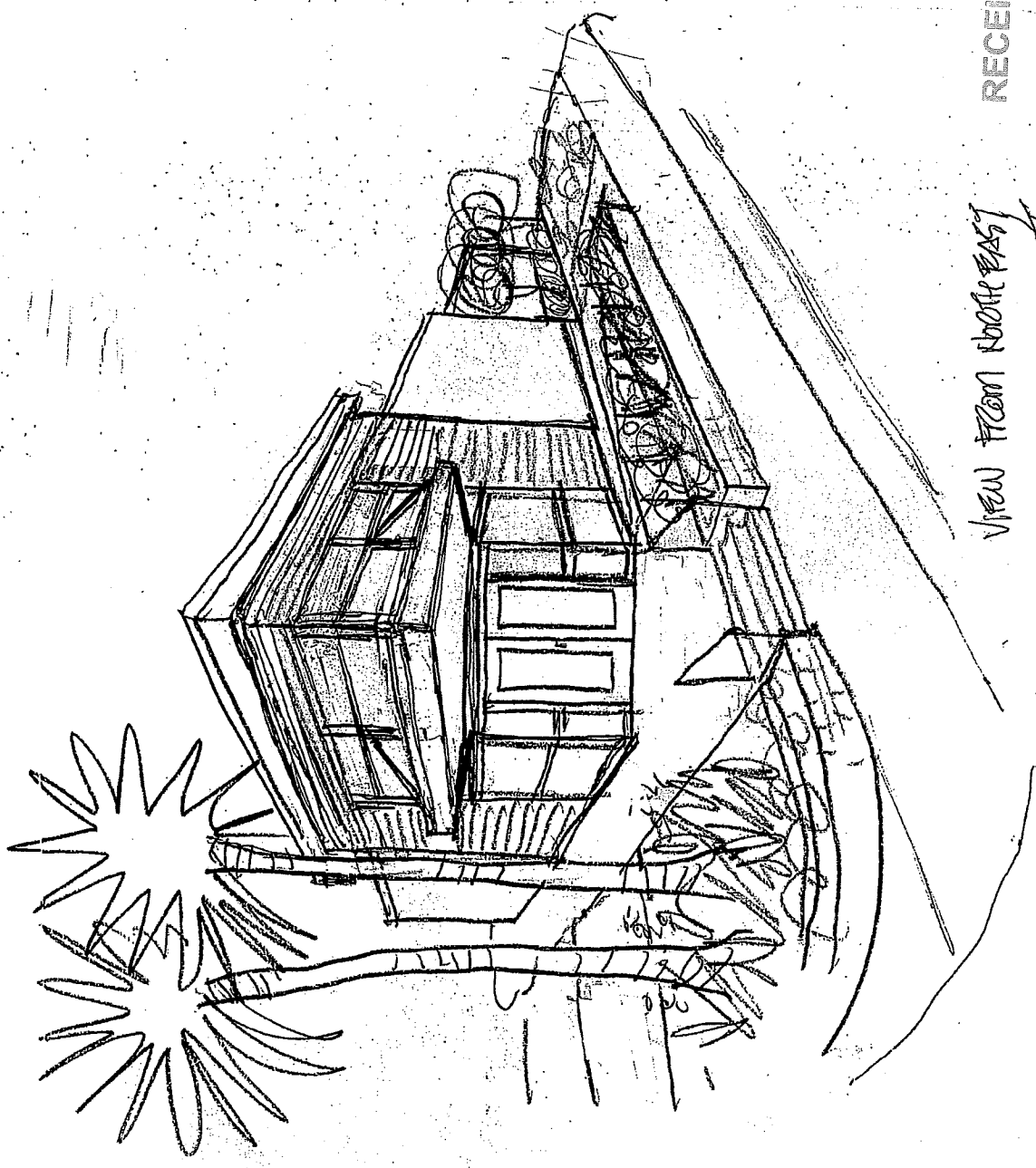


REVISIONS		
NO.	DATE	DESCRIPTION
1	11.7.19	DRIVEWAY WIDTHS MODIFIED TO 14' PER HARB

DSGN BY:	MJR
DWG BY:	MJR
CHK BY:	JWC
DATE:	11/7/19
JOB No.:	18089

MATTHEWS DESIGN GROUP, INC.

P.O. BOX 3126, 7 WALDO STREET
ST. AUGUSTINE, FLORIDA 32084
PHONE: 904.826.1334
FAX: 904.826.4547
INFO@MATTHEWSDESIGN.NET

CONCEPTUAL SITE PLAN
ANASTASIA BOULEVARD
CITY OF ST. AUGUSTINE, FLORIDA
PREPARED FOR
####



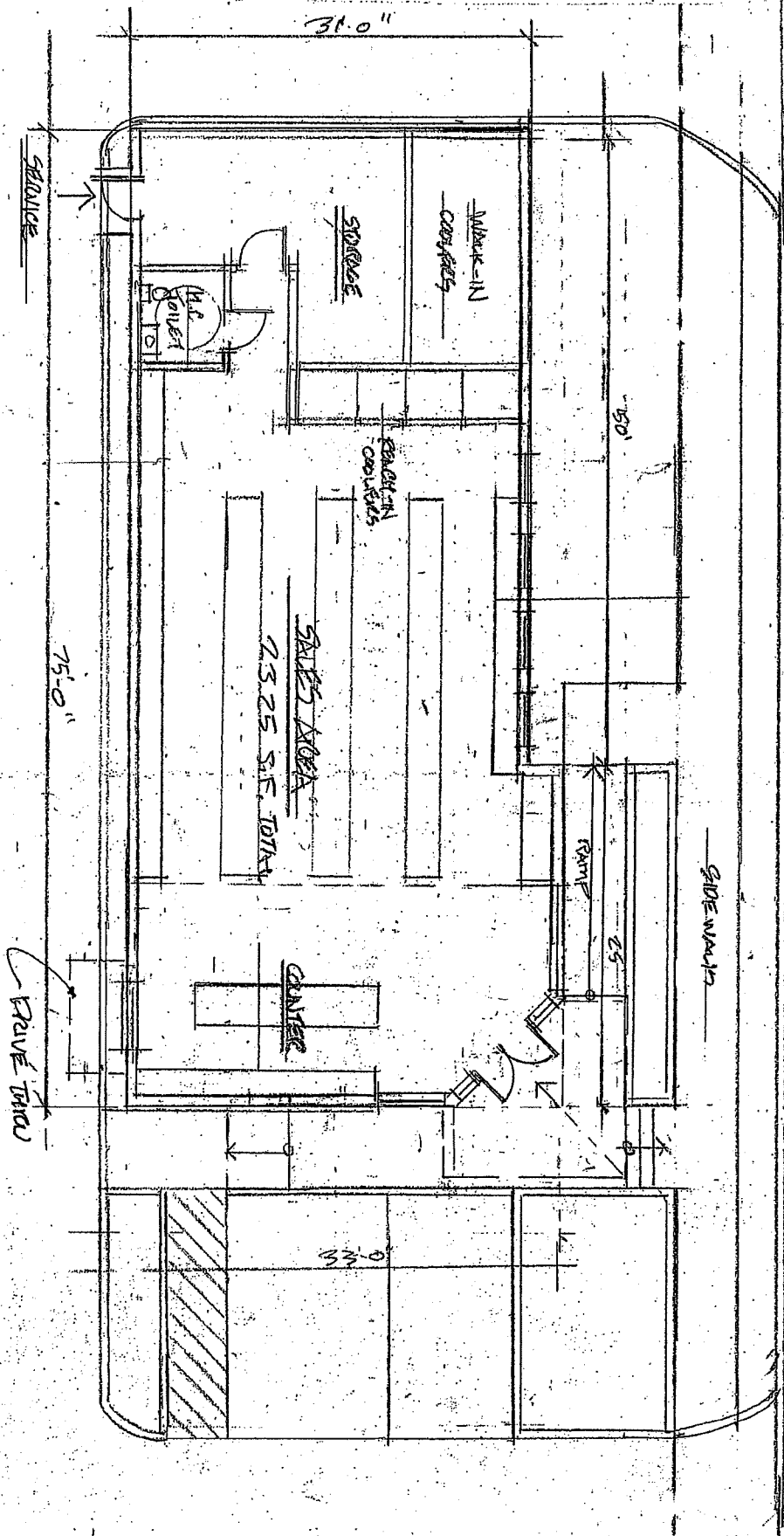
View from North East
A

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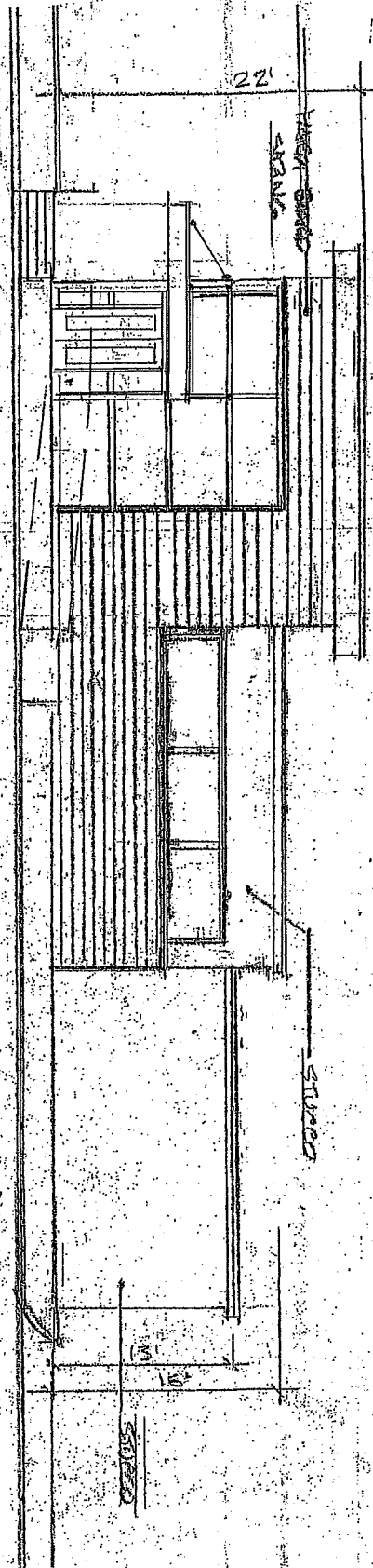
Planning/Building Dept.

ANASTASIA BLDG.



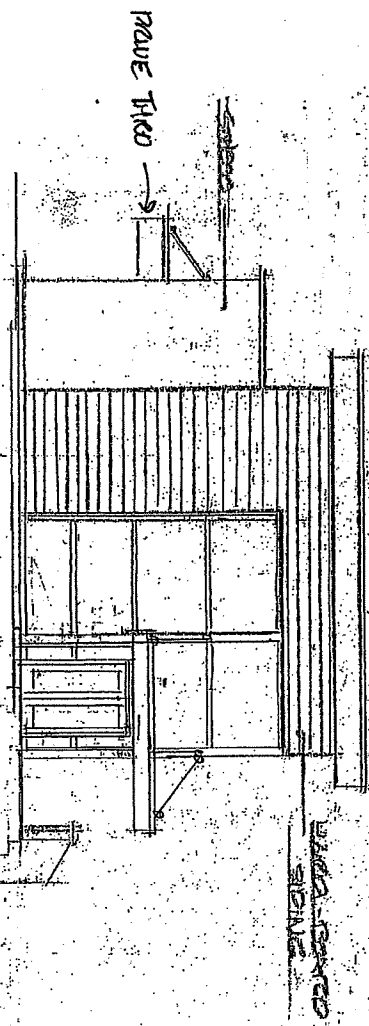
~~FLOOR PLAN~~ 1/8"=1'-0"

11-12-17



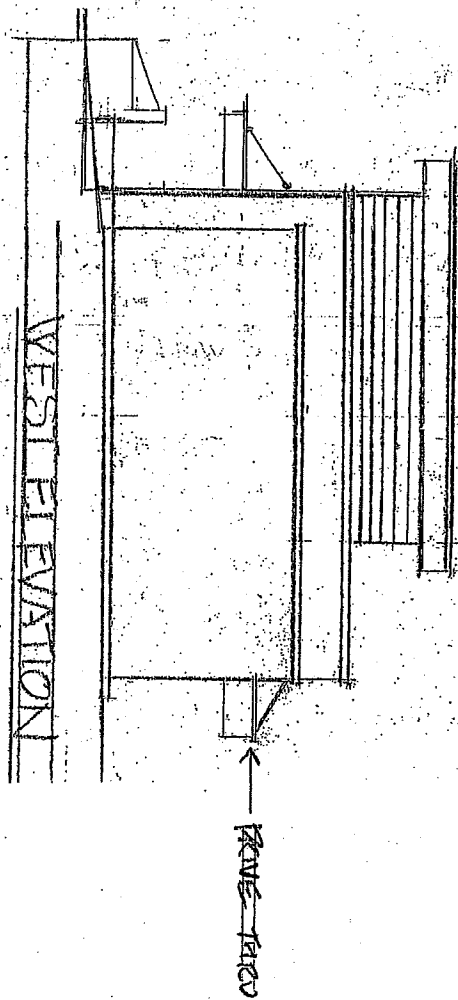
NORTH ELEVATION

ANASTASIA BLDG.

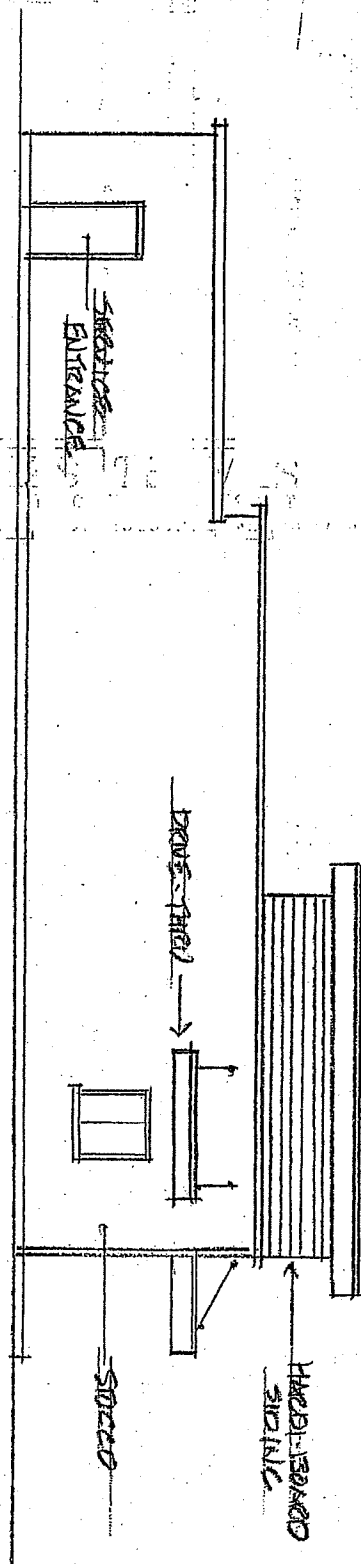


EAST ELEVATION

ANASTASIA BLDG.



WEST ELEVATION



REAR ELEVATION

A3

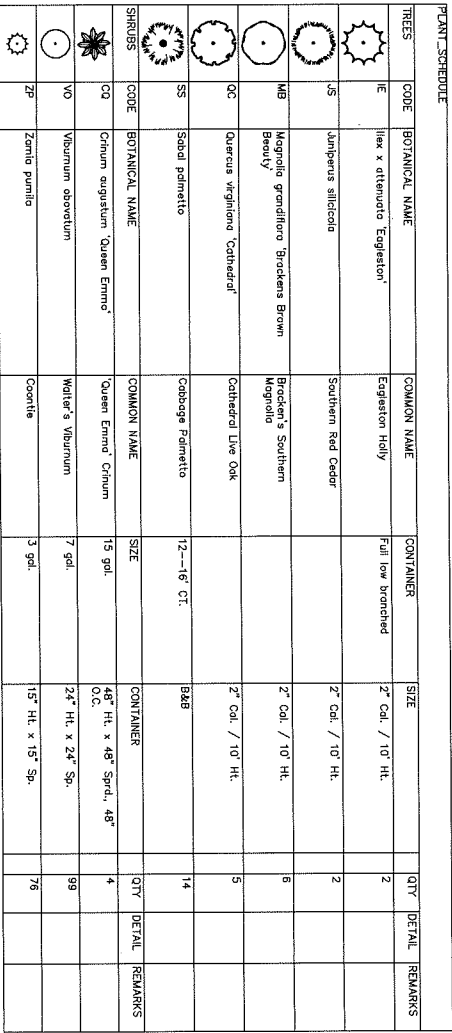
SHEET

DATE	11-1-82
SCALE	AS NOTED
BY	LES THOMAS
CHECKED	

NEW PACKAGE STORE
P.J. T. RUIKOS
841 ANASTA BLVD., ST. AUGUSTINE, FLORIDA

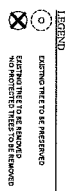
LES THOMAS
ARCHITECT

32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508



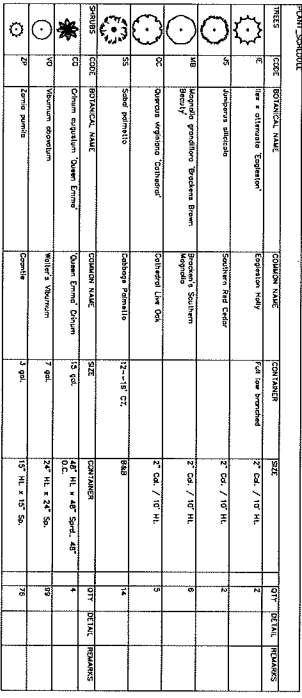
PERMETER PLANTINGS CALCULATIONS									
PLANTINGS PROVIDED									
FRONT YARD									
AAANASTASIA BLVD.	206	FT. -	4 TREES PER 100 FT. =	8 TREES	AND 20 SHRUBS PER 100 FT. =	41 SHRUBS			
NORTH RESIDENTIAL	110	FT. -	4 TREES PER 100 FT. =	5 TREES	AND 20 SHRUBS PER 100 FT. =	22 SHRUBS			
WEST RESIDENTIAL	230	FT. -	4 TREES PER 100 FT. =	9 TREES	AND 20 SHRUBS PER 100 FT. =	46 SHRUBS			
SOUTH COMMER.	62	FT. -	0 TREES PER 100 FT. =	0 TREES	AND 0 SHRUBS PER 100 FT. =	0 SHRUBS			
			TREES PER 100 FT. =	#####	AND	SHRUBS PER 100 FT. =	#####		
			TREES PER 100 FT. =	#####	AND	SHRUBS PER 100 FT. =	#####		
TOTAL TREES REQUIRED =	22								
			TOTAL SHRUBS PROVIDED =	109					
PLANTINGS PROVIDED (INCLUDING EXISTING TREES PRESERVED)									
FRONT YARD									
AAANASTASIA BLVD.	8 TREES		2 REQUIRED TREES.	41 SHRUBS		2 REQUIRED SHRUBS			
NORTH RESIDENTIAL	5 TREES		2 REQUIRED TREES.	22 SHRUBS		2 REQUIRED SHRUBS			
WEST RESIDENTIAL	9 TREES		2 REQUIRED TREES.	46 SHRUBS		2 REQUIRED SHRUBS			
SOUTH COMMER.	0 TREES		2 REQUIRED TREES.	0 SHRUBS		2 REQUIRED SHRUBS			
			2 REQUIRED TREES.			2 REQUIRED SHRUBS			
TOTAL TREES PROVIDED =	22								
			TOTAL SHRUBS PROVIDED =	109					

3



 **MATTHEWS
DESIGN GROUP**
P.O. BOX 3126, 7 WALDO STREET
ST. AUGUSTINE, FL 32084
TE: 904.826.1334 • FAX: 904.826.4547
INFO@MDGINC.COM

4-7
OF 1



PERIMETER PLANTINGS CALCULATIONS									
PLANTINGS REQUIRED									
ARIZONA SAND	105	FT.	1	THREE PER 100 F.	3 TREES	AND 25 SHRUBS PER 100 F.	15 SHRUBS		
NORTH RESIDENTIAL	205	FT.	1	THREE PER 100 F.	5 TREES	AND 25 SHRUBS PER 100 F.	15 SHRUBS		
WEST RESIDENTIAL	205	FT.	1	THREE PER 100 F.	5 TREES	AND 25 SHRUBS PER 100 F.	15 SHRUBS		
WEST COMMERCIAL	205	FT.	1	THREE PER 100 F.	5 TREES	AND 25 SHRUBS PER 100 F.	15 SHRUBS		
(TOTAL TREES REQUIRED)	FT.			THREE PER 100 F.	15 TREES	AND 25 SHRUBS PER 100 F.	15 SHRUBS		
PLANTINGS REQUIRED INCLUDING DOUBLE TREE PLANTING									
PLANT WARD	1 TREES			2 REQUIRED TREES	3 TREES		2 REQUIRED SHRUBS		
WEST COMMERCIAL	1 TREES			2 REQUIRED TREES	3 TREES		2 REQUIRED SHRUBS		
NORTH RESIDENTIAL	1 TREES			2 REQUIRED TREES	4 TREES		2 REQUIRED SHRUBS		
WEST RESIDENTIAL	1 TREES			2 REQUIRED TREES	4 TREES		2 REQUIRED SHRUBS		
SCOTT HOMEW.	0 TREES			2 REQUIRED TREES	0 TREES		2 REQUIRED SHRUBS		
(TOTAL TREES PROVIDED)	4 TREES			2 REQUIRED TREES	11 TREES		2 REQUIRED SHRUBS		
TOTAL TREES PROVIDED = 11									

Attachment 3
HARB Approval 2019-0091

BEFORE THE
HISTORIC ARCHITECTURAL REVIEW BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- ☐ Appeal of Architectural Review Official
- ☐ Certificate of Appropriateness
- ☐ Certificate of Demolition
- ☐ Certificate of Relocation
- ☐ Certificate of Appropriateness for Preservation Approach for Ad Valorem Tax Exemption

- ☐ Preliminary Design Approval for Entry Corridors
- ☐ Certificate of Completeness and Recommendation for Historic Property Tax Exemption
- ☐ Opinion of Appropriateness
- ☒ Variance to Design Standard

IN THE MATTER OF:

Case No.: 2019-0091
Applicant: P.J. Patel
Owner: Umabhagu Equities, LLC
Address: 841 Anastasia Boulevard
Parcel Number: 158040-0000

RE: Design Standards for Entry Corridors Request for a Variance, pursuant to Section 28-353, City of St. Augustine Code, to request modifications to the Anastasia Boulevard Design Standards including the frontage requirement, driveways, and parking.

THE HISTORIC ARCHITECTURAL REVIEW BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON OCTOBER 17, 2019, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant or representative ☒ was present at the October 17, 2019 Historic Architectural Review Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☐ members of the public testified under oath, or ☒ no members of the public spoke on this issue.
3. The subject property has a zoning classification of Commercial Low Two (CL-2).
4. The above-described Design Standards for Entry Corridors Variance is subject to Section 28-353 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Historic Architectural Review Board determined that the requested action MEETS / DOES NOT MEET the requirements of Section 28-353, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to request modifications to the Anastasia Boulevard Design Standards including the frontage requirement, driveways, and parking.

Subject to the following conditions:

- (driveways reduced to 14' width)
- approve modifications as presented
- consistent w/ intent of DDEC's Comp Plan
- no material negative impact
- compliance is technically impractical & results in improved design

DONE AND ORDERED, at a public hearing on the 17th day of October, A.D., 2019, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

Case No. 2019- 0091

REQUEST APPROVED / DENIED / CONTINUES


Sign Name

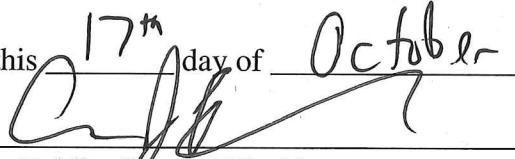
Catherine Duncan
Print Name

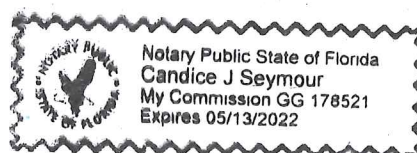
HISTORIC ARCHITECTURAL REVIEW BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Catherine Duncan who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 17th day of October, A.D., 2019.


Notary Public, State of Florida



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **USE BY EXCEPTION #2019-0133**

AGENDA ITEM 6(b)

APPLICANT Richard Diaz
c/o Card holding, LLC

OWNER St. Johns County Welfare Federation

LOCATION 169 M.L. King Ave / PIN 212280-0000

REQUEST To approve a use by exception for housing for the elderly.

LAND USE Public / Semi-Public
(Proposed: Institutional in Comp Plan 2040)

ZONING Residential, Single Family-two (RS-2)

SURROUNDING USES Single Family Homes

APPLICABLE CODES/ORDINANCES

Sec. 28-2.

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.

Housing for the elderly means a facility licensed by the state department of health and rehabilitative services for the care of the elderly housed in an existing structure, with no provision for routine nursing or medical care. Where this chapter permits housing for the elderly, such housing shall be used only for this purpose; provided further that, except as to a husband and wife, no more than one (1) person shall be housed per bedroom.

Upon research of these requirements this definition is outdated. Based on the best available information, there is not a state department of health and rehabilitative services license available. The definition will be updated in the City's 2020 Land Development Code updates.

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

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

- (3) *Permissible uses by exception; housing for the elderly.*

STAFF SUMMARY AND ANALYSIS

The applicant is proposing a use by exception for housing for the elderly. The Applicant provided a narrative (attachment 2) to provide context of how this request will meet the provisions of a use by exception. The site is the location of the previous Buckingham Smith Nursing home, this property is known to have been used in this capacity as far back as 1969. In a brief summary, the Applicant is requesting the use by exception to operate the existing facility as an independent living facility for people 55 year or older.

The applicant is proposing that the existing facilities be renovated to accommodate up to 26 individual rooms for residents, however there will be no nursing care administered on-site. There is an existing kitchen on-site that the applicant will be using to provide meals for the residents.

Staff finds that this use is generally consistent with the historical use of the site and would serve as a benefit to the general public to accommodate housing for the elderly. At the time of publishing this report, Staff was not provided with a survey that showed the amount of parking on-site, therefore no parking analysis was completed for the proposed use. According to LDC Sec. 28-373(33), parking required for adult congregate living facility would require 1 space per bedroom, which would require 26 spaces for the proposed use at this site. There are three (3) existing parking lots on the property, the number of actual spaces is subject to confirmation.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and all information provided within and attached to this report for review, Staff finds the Board can **APPROVE** the use by exception for housing for the elderly within Residential, Single Family-two (RS-2) zoning at 169 M.L. King Ave / PIN 212280-0000.

Attachments

Attachment 1 – Application & Property Appraiser Information

Attachment 2 – Use by Exception Narrative, Floor Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1

Application, Narrative, Property Records



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

DEC 09 2019 **7**

Planning/Building Dept.

Application Fee: \$250⁰⁰ (plus advertising costs) Project Number: 2019-0133
Receipt Number: _____ Meeting Date: 1/7/20
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Card Holding LLC, Richard Diaz Contact Number: 904-755-7564
Business (if applicable): _____
Address: P.O. Box 56601 City: Pinecrest State: FL Zip: 33256
E-Mail Address: DXCARD@gmail.com

2. NAME OF PROPERTY OWNER: St Johns County Welfare F Contact Number: 904-829-6514
Business (if applicable): St. Johns County Welfare Federation
Address: PO Box 1379 City: St. Augustine State: FL Zip: 32085
E-Mail Address: llake@bay-view.org

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 9 and 10 Block: 6 and 17
Subdivision: Buena Esperanza Sub. Parcel Number: 212280-0000

4. PROJECT STREET ADDRESS: 169 Martin Luther King Ave

5. SPECIFIC PROPOSED USE: Independent living facility for elderly housing

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

7. DESCRIPTION OF ACTION REQUESTED: Approval of special use exception for housing
for elderly care and independent living with no one under 55 years of age

8. JUSTIFICATION FOR ACTION REQUESTED: The building located on this property
operated as an assisted nursing facility and is under contract to be sold.
The new owner would like to operate an independent living facility for senior citizens
at the property.

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

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

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

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

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

10. PREVIOUS 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.

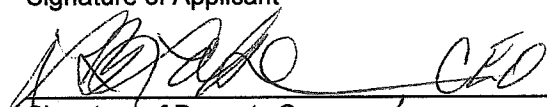
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided 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

Dec 9, 2019

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 Chapter 166.033, Florida Statutes.

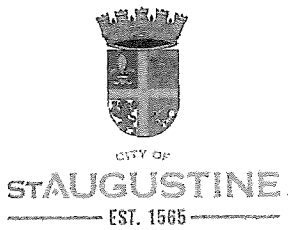
The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling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

RICHARD LIAZ
Print name of applicant CHAD HOLDING LLC.

[Signature]
Signature of applicant

12-5-19
Date



Owner's Authorization For Agent

Card Holding LLC is/are hereby authorized TO ACT ON BEHALF
OF St. Johns County Housing Fe, the owner(s) of those lands described within

☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: [Signature]
Signature of Owner
LARRY D. LAKE, CEO
Print Name of Owner
904.806.5825
Telephone Number

State of _____

County of _____

Signed and sworn before me on this _____ day of _____, 20__.

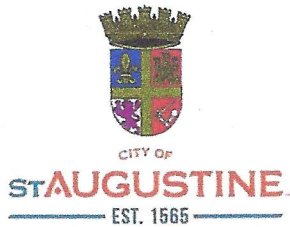
By _____

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____



Owner's Authorization For Agent

Card Holding LLC is/are hereby authorized TO ACT ON BEHALF
OF St. Johns County Housing Fe, the owner(s) of those lands described within

☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: _____

Signature of Owner

LARRY B. LAKE

Print Name of Owner

904. 806. 5825

Telephone Number

State of Florida

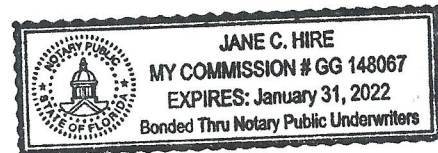
County of Saint Johns

Signed and sworn before me on this 10 day of December, 2019

By Larry B. Lake

Identification verified:

Oath sworn: X Yes No



Notary Signature: Jane C. Hire

My Commission expires: 1/31/2022

EXHIBIT "A"

Lot Nine (9) of Block Six (6) of the BUENA ESPERANZA SUBDIVISION of the City of St. Augustine, as per Official Map of said City, dated January 1st, A.D. 1905,

And

Lots Ten (10) through Seventeen (17), both inclusive, of Block Six (6), Buena Esperanza Subdivision, as per map or plat thereof recorded in the public records of St. Johns County, Florida,

as described in that certain Quit-Claim Deed dated July 31, 1998, from BUCKINGHAM SMITH BENEVOLENT ASSOCIATION, a Florida non-profit corporation to ST. JOHNS COUNTY WELFARE FEDERATION, a Florida non-profit corporation, recorded on August 7, 1998 in Official Records Book 1339, page 1237, of the public records of St. Johns County, Florida.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 2122800000
 Location Address 169 MARTIN LUTHER KING AVE
 SAINT AUGUSTINE 32084-0000
 Neighborhood Group Care (Smaller, Older) COSA Historic (Comm) (610.24)
 Tax Description* BUENA ESPERANZA SUB CITY LOTS 9 THRU 17 BLK 6 OR1339/1237Q/C
 *The Description above is not to be used on legal documents.
 Property Use Code Assisted Living (Owner Occupied) (7415)
 Subdivision Buena Esperanza Subdivision
 Sec/Twp/Rng 19-7-30
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 1.120
 Homestead N

Owner Information

Owner Name St Johns County Welfare Federation 100%
 Mailing Address PO BOX 1379
 SAINT AUGUSTINE, FL 32085-1379

Map



Valuation Information

	2020
Building Value	\$425,274
Extra Features Value	\$24,072
Total Land Value	\$725,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,174,746
Total Deferred	\$57,643
Assessed Value	\$1,117,103
Total Exemptions	\$1,117,103
Taxable Value	\$0

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$437,600	\$24,072	\$725,400	\$0	\$0	\$1,187,072	\$1,015,548	\$1,187,072	\$0
2018	\$388,294	\$21,931	\$513,000	\$0	\$0	\$923,225	\$923,225	\$923,225	\$0
2017	\$400,620	\$15,733	\$513,000	\$0	\$0	\$929,353	\$929,353	\$929,353	\$0
2016	\$412,947	\$15,916	\$513,000	\$0	\$0	\$941,863	\$941,863	\$941,863	\$0
2015	\$425,274	\$16,100	\$513,000	\$0	\$0	\$954,374	\$951,309	\$954,374	\$0
2014	\$411,859	\$16,284	\$513,000	\$0	\$0	\$941,143	\$864,826	\$941,143	\$0
2013	\$423,461	\$16,469	\$346,275	\$0	\$0	\$786,205	\$786,205	\$786,205	\$0
2012	\$416,384	\$17,334	\$346,275	\$0	\$0	\$779,993	\$779,993	\$779,993	\$0
2011	\$460,803	\$18,200	\$567,506	\$0	\$0	\$1,046,509	\$1,046,509	\$1,046,509	\$0
2010	\$473,428	\$19,065	\$630,562	\$0	\$0	\$1,123,055	\$1,123,055	\$1,123,055	\$0

Exemption Information

Exemption Type	Amount
Non-Profit	\$1,117,103

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Asphalt Paving	0	0	0	0	8250
Curb	0	0	0	0	553
Commercial Metal Fence 4'	0	0	0	0	40
Handicap Ramp	0	0	0	0	490
Pole Light	0	0	0	0	20
Steel Building	0	0	0	0	360

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Assisted Living Facilities	450	110	450	EF	\$725,400

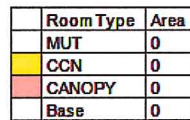
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	7/31/1998	\$100.00	QC	1339	1237	U	I	BUCKINGHAM SMITH BENEVOLENT ASSOCIATION	ST JOHNS COUNTY WELFARE FEDERATION

Area Sales Report

[Recent Sales in Area](#)

Sketch Information

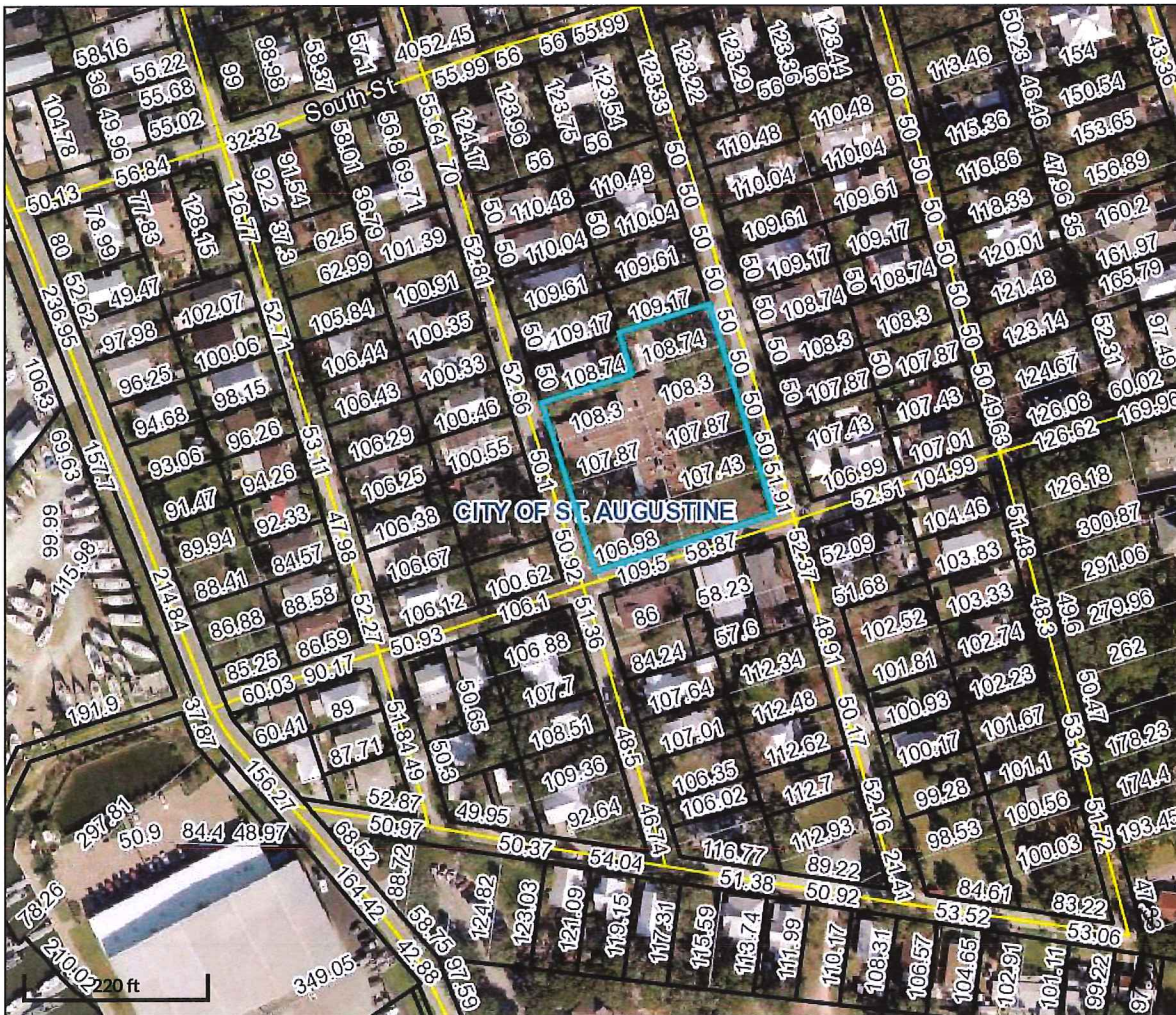


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Developed by



Version 2.3.26



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2122800000	Physical Address	169 MARTIN LUTHER KING AVE	Building Value	\$425,274	Last 2 Sales			
Property Class	7415	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$24,072	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	ST JOHNS COUNTY WELFARE FEDERATION	Total Land Value	\$725,400	n/a	0	n/a	n/a
Acres	1.12		PO BOX 1379	Just Value	\$1,174,750	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32085-1379	Total Deferred	\$57,643				
				Assessed Value	\$1,117,100				
				Total	\$1,117,100				
				Exemptions					
				Taxable Value	N/A				

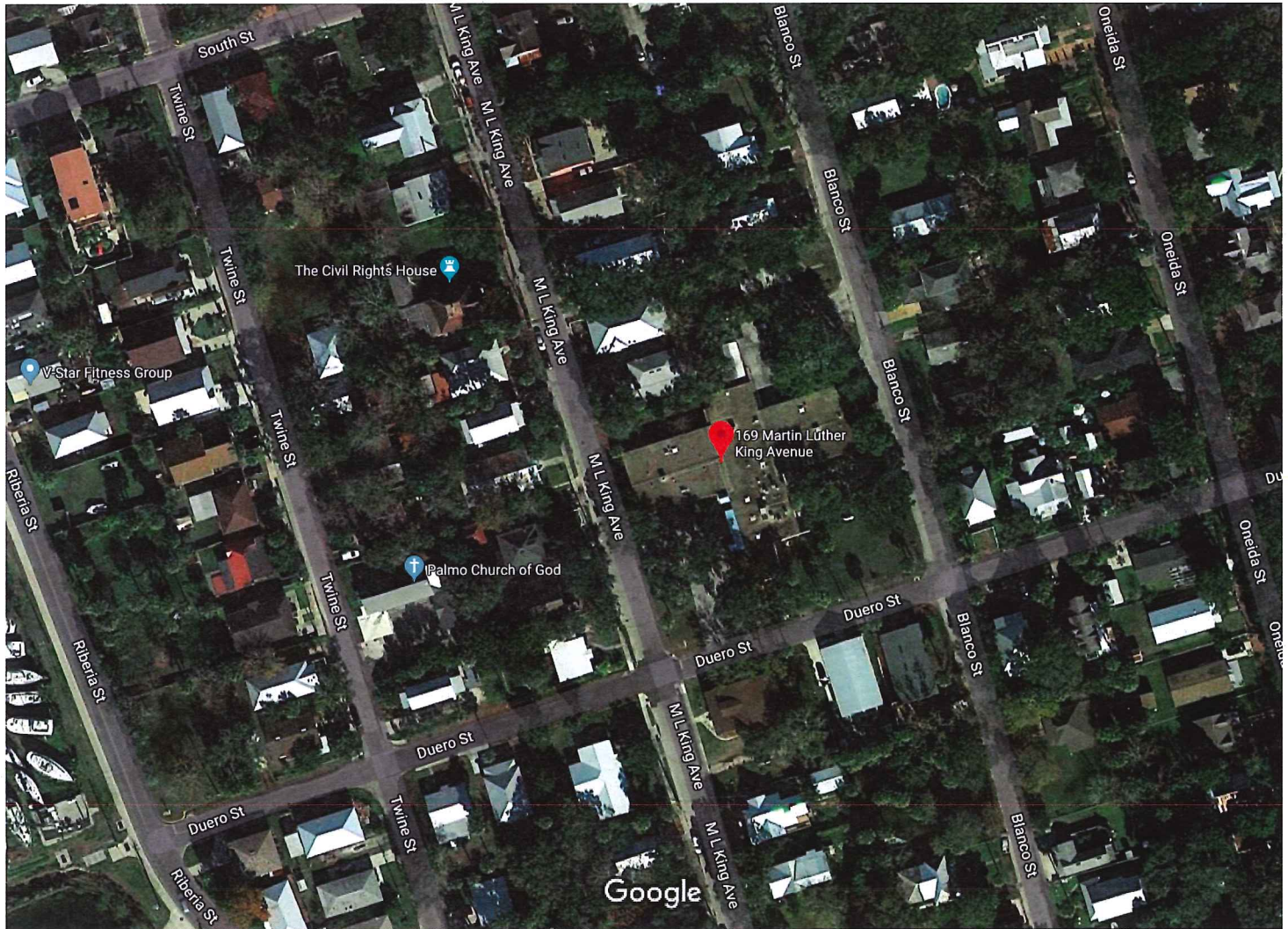
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 12/10/2019

Last Data Uploaded: 12/9/2019 11:49:24 PM

Developed by  Schneider
GEOSPATIAL

Google Maps 169 M L King Ave



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft



169 M L King Ave

St. Augustine, FL 32084



Directions



Save



Nearby

Send to your
phone

Share

Photos



At this location

Bayview Home Health
5.0 ★★★★★ (1)
Assisted living facility · 169 M L King Ave



St John's Welfare Foundation
Assisted living facility · 169 M L King Ave



Attachment 2
Narrative & Floor Plan

In regards to the building located at 169 Martin Luther King Blvd, the Buckingham Smith assisted living facility, we are looking to utilize the zoning exception for housing for the elderly. The facility has operated as the Buckingham Smith assisted living facility since 1959, and has been most recently operated by the St Johns County Welfare Federation. It has been known and established in the community as a place for the elderly.

We intend to continue the use for the senior community, and operate the facility for the purpose of independent living for individuals that are 55 years of age and older. There will be no skilled nursing available, but there will be staff at the facility. Independent living facilities that do not administer nursing care do not require a specific license in the state of Florida. The facility will have a maximum of 26 rooms total, and availability for double occupancy for married couples and units available for individuals.

There is currently a commercial kitchen at the facility that will be utilized for providing meals for the residents. Every unit will consist of a private bath, and a small kitchenette, consisting of a sink, hot plate and microwave. Each unit will also have an individual entrance that is accessible through a secured interior hallway.

The building will be renovated both internally and externally to modernize the property and make is aesthetically appealing to residents and the neighborhood. Structurally there will be no changes made to the building.

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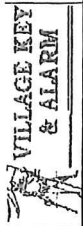
DEC 09 2019 *PD*

Planning/Building Dept.

RECEIVED

DEC 09 2019

Planning/Building Dept



Buckingham Smith Nursing Home

169 M. L. KING ST., ST. AUGUSTINE, FL. 32084

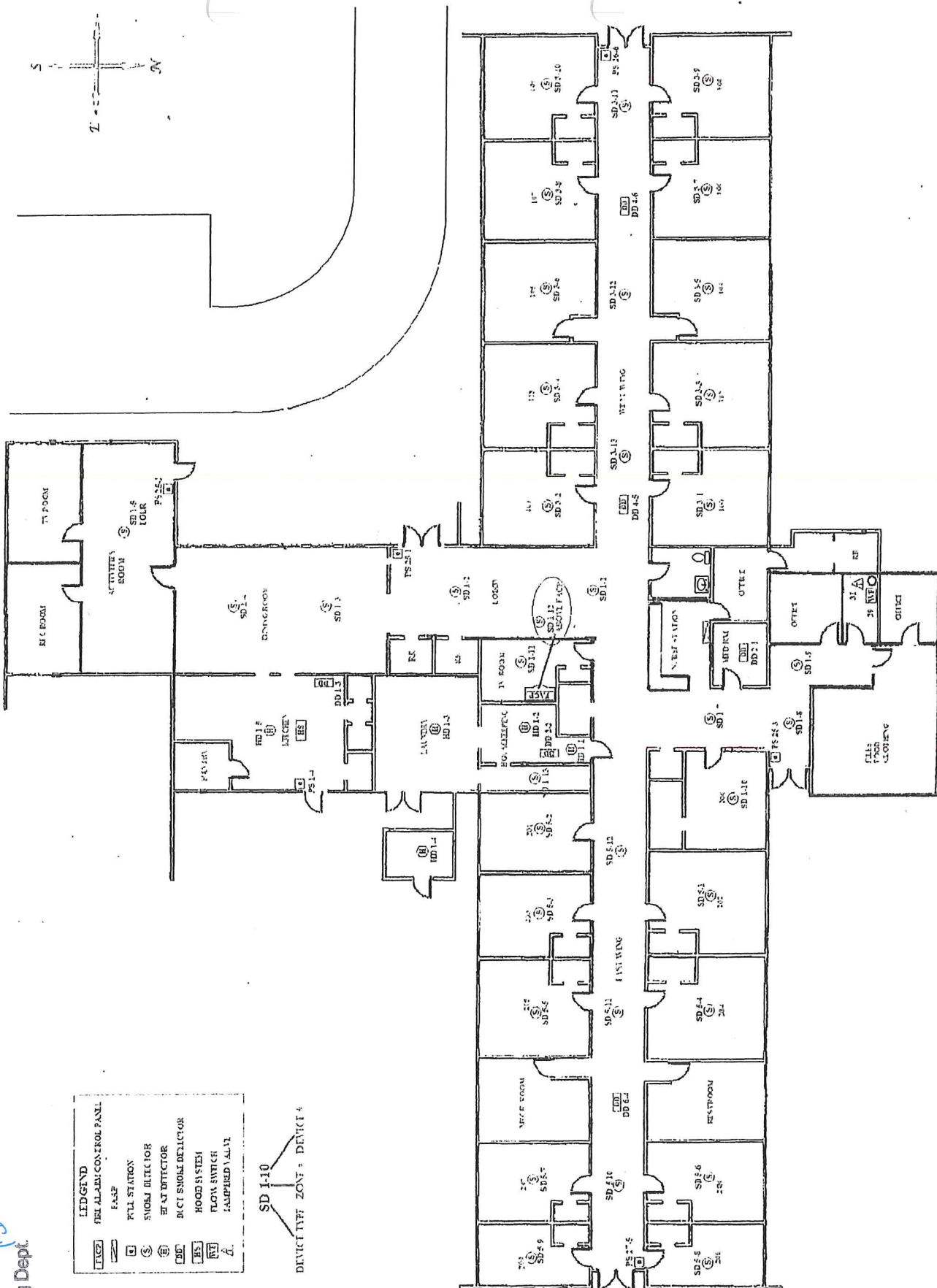
FIRE ALARM

BJ REVISED 8-24-2014

INITIATING DEVICES

LEGEND	
	FIRE ALARM CONTROL PANEL
	EXIT
	PULL STATION
	SMOKE DETECTOR
	HEAT DETECTOR
	DUCT SMOKE DETECTOR
	HOOD SYSTEM
	FLOOR SWITCH
	LAMPED ALARM

SD 1-10
DEVICE TYPE ZONE - DEVICE #



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **USE BY EXCEPTION & VARIANCE – 2019-0130**

AGENDA ITEM 7(a)

APPLICANT & OWNER Ryan Cornelison
c/o Cornelison, LLC

LOCATION 124 King St / PIN 204750-0000

REQUEST To approve a use by exception for off-site parking and to approve a variance to the off-street parking and loading requirements for interior drive aisle width and maneuverability for a cafe.

PLANS DATED December 23, 2019

LAND USE Commercial Low Intensity

ZONING Commercial Low-Two (CL-2)

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:

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(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.

28-371. – [Required Parking] Location.

(a) A required off-street parking and loading facility shall be located on the same lot or parcel of land it is intended to serve. However, an off-street parking and loading facility within four hundred (400) feet of the premises may be allowed as a permitted use by exception.

(b) The planning and zoning board may grant an exception when practical difficulties prevent the placing of all or part of the facility on the premises they are designated to serve. The board shall review the proposal for impact upon pedestrian and vehicular traffic patterns and user safety, impact upon surrounding properties from noise, glare, visual quality, nuisance and traffic generation.

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.

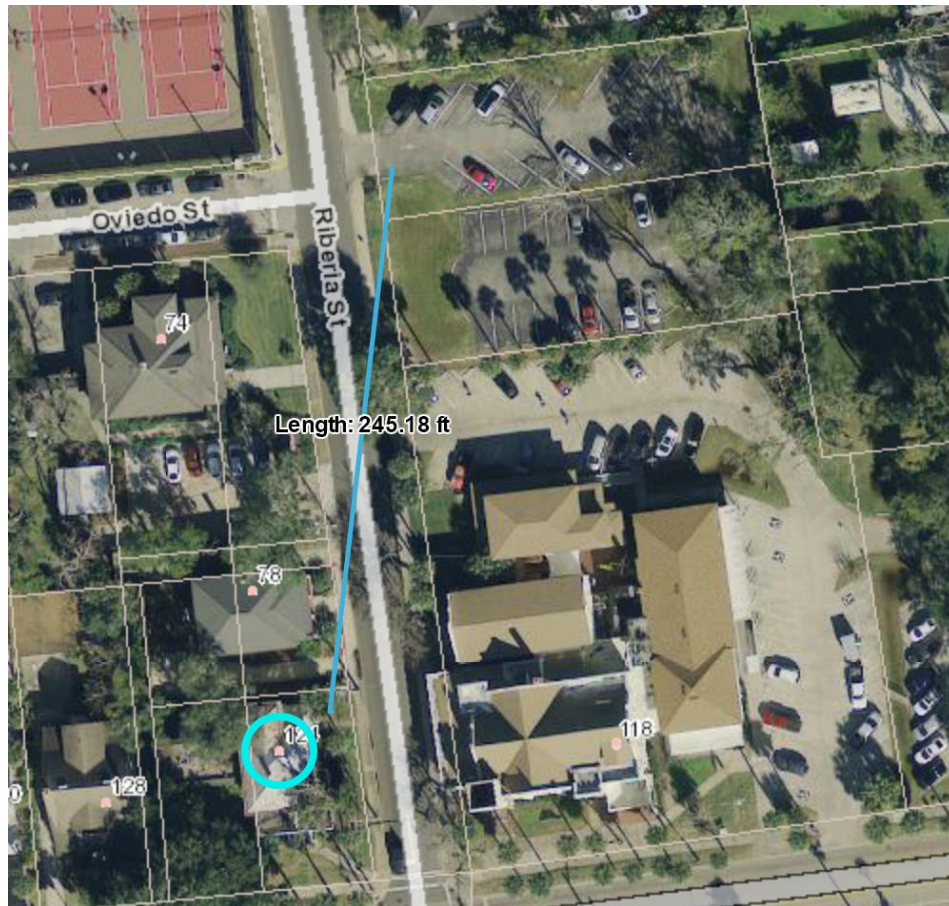
In passing upon a request for variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district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

STAFF SUMMARY AND ANALYSIS

Use By exception; Off-site Parking

The applicant is requesting off-site parking for the thirty (30) seats within the café proposed on the first floor of the existing structure. The applicant has leased the required eight (8) parking spaces within the existing parking lot at 118 King St, which is approximately 116 feet from the subject property (see the graphic below).

The request for off-site parking is due to existing site constraints that limit safe vehicular access to the property, as well as difficulties with permitted access to the site from the Florida Department of Transportation right-of-way (FDOT ROW). The site is developed with a structure from 1930 which is sited in such a way that meeting the basic parking requirements for permitted uses is not possible. This limitation combined with the lack of site access from King St through FDOT ROW created a unique situation that substantiates this request for offsite parking to accommodate the proposed permitted use.



STAFF SUMMARY AND ANALYSIS

The applicant seeks relief from the minimum aisle width and maneuverability requirements for site access of City Code. The site plan provided by the applicant is proposing that two (2) parking spaces be located off Riberia Street (attachment 2) to accommodate the parking requirement for the dwelling unit proposed above the café. The spaces will back directly into City right-of way. The applicant is requesting these two spaces be located on site to provide a convenient, safe parking place for the residents to park to access the site.

Staff interpretation of findings of fact in *italics*.

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 location of the building on the property creates practical difficulties in addressing current parking requirements on site, the structure was built in 1930 and no parking was provided on site at that time.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The sites configuration and lack of established parking spaces, or space to establish compliant parking creates a difficulty in making reasonable use of the property.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This building was constructed in 1930 and no parking spaces have ever been established on the site. The applicant purchased this property in 2019 to renovate it and has not taken any action that created this hardship.

- 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 is not contrary to public interest as this variance is part of a request to renovate and re-establish an existing historic structure within the King Street Entry Corridor of the City. The approval of this request likely would not adversely affect, but positively affect neighboring properties by improving a dilapidated structure.*

** - The design of the structure will have to obtain approval by HARB to ensure compliance with the King Street Entry Corridor Design Standards.*

STAFF RECOMMENDATION

- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE the use by exception for off-site parking at 124 King St / PIN 204750-0000
- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the variance to the off-street parking and loading requirements for interior drive aisle width and maneuverability at 124 King St / PIN 204750-0000.

ATTACHMENTS

Attachment 1 – Application, Property Records & Narrative

Attachment 2 – Site Plan & Floor Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Use by Exception & Variance Application & Narrative,
Property Records



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

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

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Ryan Cornelison Contact Number: 904-347-6166

Business (if applicable): Cornelison LLC.

Address: 21 Marion St City: St. Augustine State: FL Zip: 32084

E-Mail Address: ryan@cornerconstruction.net

2. NAME OF PROPERTY OWNER: Ryan Cornelison Contact Number: 904-347-6166

Business (if applicable): Cornelison LLC

Address: 21 Marion St City: St. Augustine State: FL Zip: 32084

E-Mail Address: ryan@cornerconstruction.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 30 Block: G-2 OR4750/1335

Subdivision: _____ Parcel Number: 2047500000

4. PROJECT STREET ADDRESS: 124 King Street, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Cafe & Short-Term Rental (2nd Floor)

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

A variance allowing the minimum parking requirement to be partially met through the use of off-site parking via a long-term lease of parking spaces from a nearby property. The minimum parking requirements for the proposed uses is a total of 10 spaces. Five parking spaces, including one ADA accessible space, are to be located on-site with an additional five spaces being leased from the First United Methodist Church located on 118 King St.; approximately 300 feet from the business entrance. Due to existing constraints, a reduced drive or 22'-0" is requested.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

The historic property, located on the highly visible corner of King St. and Riberia St., was in a neglected state. The Owner acquired the property with the intention of

restoration, stewardship, and fortification of the community. Per the CL-2 zoning, the property will house a cafe and short-term rental unit. However, the lot size prevents the placement of more than five spaces on site.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: The historic property, located on a commercial corridor with CL-2 zoning, does not have sufficient open space to accommodate the minimum parking requirements of the approved uses.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Yes. The CL-2 requires commercial uses which require more parking spaces than the site can accommodate.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: Yes. The zoning and siting of the building were not established by the owner/applicant.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes. The requested variance would be in harmony with the commercial/institutional nature of this section of King Street and is in keeping with the vision of the King Street Corridor Guidelines: to help create a vibrant and walkable environment along King St.

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



St. Johns County, FL

Tax Bill

My Tax Bill

Estimate Taxes

Tax Estimator

2019 TRIM Notice

2019 TRIM Notice

2018 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID	2047500000
Location Address	124 KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug King St (COM) (610.19)
Tax Description*	1-170 MODEL LAND CO SUB CITY S99 OF E42FT OF LOT 29 & S99FT OF LOT 30 BLK G-2 OR4750/1335 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision	Model Land Co's Subdivision Of Block G
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.0503
Acreage	0.210
Homestead	N

Owner Information

Owner Name	Cornelison LLC 100%
Mailing Address	21 MARION ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$65,294
Extra Features Value	\$4,264
Total Land Value	\$276,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$345,558
Total Deferred	\$0
Assessed Value	\$345,558
Total Exemptions	\$0
Taxable Value	\$345,558

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$131,124	\$4,264	\$276,000	\$0	\$0	\$411,388	\$352,917	\$411,388	\$0
2018	\$84,475	\$4,264	\$276,000	\$0	\$0	\$364,739	\$320,834	\$364,739	\$0
2017	\$63,041	\$4,264	\$276,000	\$0	\$0	\$343,305	\$291,667	\$343,305	\$0
2016	\$66,193	\$4,264	\$276,000	\$0	\$0	\$346,457	\$265,152	\$346,457	\$0
2015	\$69,346	\$4,264	\$276,000	\$0	\$0	\$349,610	\$241,047	\$349,610	\$0
2014	\$72,270	\$4,264	\$142,600	\$0	\$0	\$219,134	\$219,134	\$219,134	\$0
2013	\$85,254	\$4,264	\$142,600	\$0	\$0	\$232,118	\$232,118	\$232,118	\$0
2012	\$87,878	\$4,264	\$142,600	\$0	\$0	\$234,742	\$234,742	\$234,742	\$0
2011	\$90,501	\$4,264	\$158,700	\$0	\$0	\$253,465	\$253,465	\$253,465	\$0
2010	\$93,124	\$4,264	\$177,100	\$0	\$0	\$274,488	\$274,488	\$274,488	\$0

Building Information

Building	1
Actual Area	3584
Conditioned Area	2800
Actual Year Built	1930
Use	Mixed Use (Store/Office/Residential Combo)
Style	04
Class	N
Exterior Wall	Wood

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

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Wood Truss	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	12 Fixtures	100%
Electrical	Minimum	100%
Foundation	Piers and Posts	100%
Insulation	2" Fiberglass	100%
Condition	Fair	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
FINISHED SCREEN PORCH	0	280
BASE AREA	1956	1956
CANOPY (COMMERCIAL)	0	470
BASE AREA	844	844
OUTSIDE STAIRS - FORCED	0	34
Total SqFt	2800	3584

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Handicap Ramp	0	68	4	0	272

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	92	100	9200	SF	\$276,000

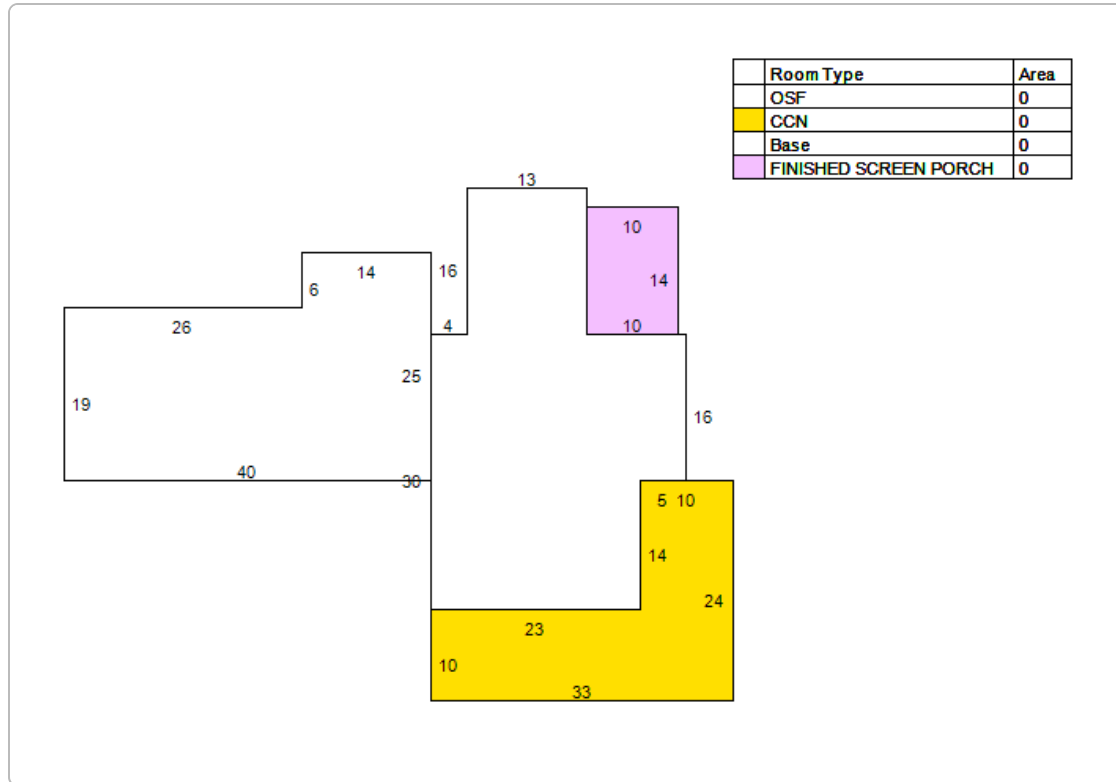
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/1/2019	6/28/2019	\$350,000.00	WD	4750	1335	Q	I	CATHOLIC DAUGHTERS CLUB ST AUG	CORNELISON LLC

Area Sales Report

Recent Sales in Area

Sketch Information



No data available for the following modules: Exemption Information.

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.

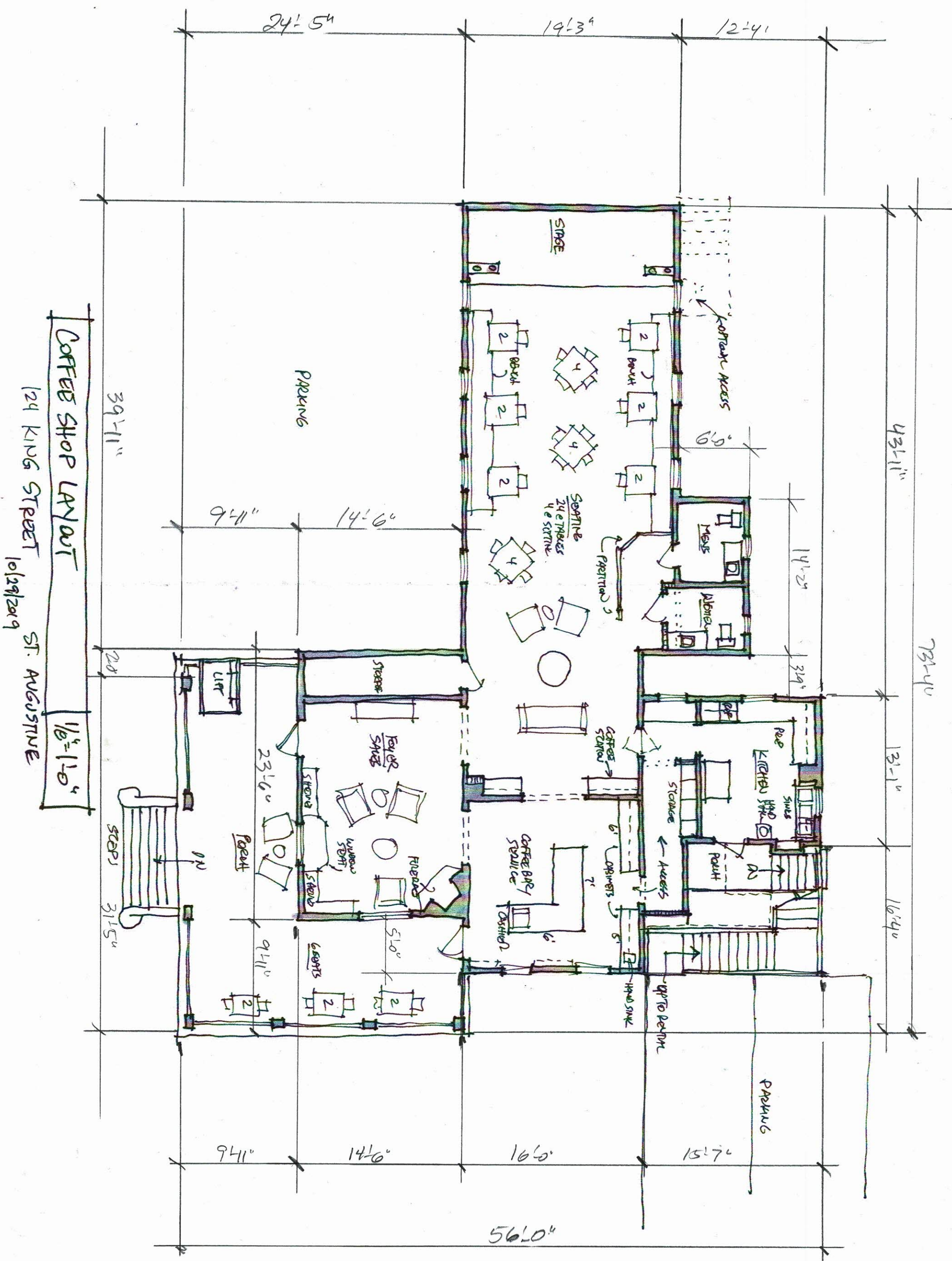
User Privacy Policy
GDPR Privacy Notice

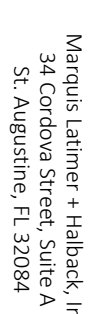
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Developed by
Schneider
GEOSPATIAL

Version 2.3.31

Attachment 2
Site Plan & Floor Plan



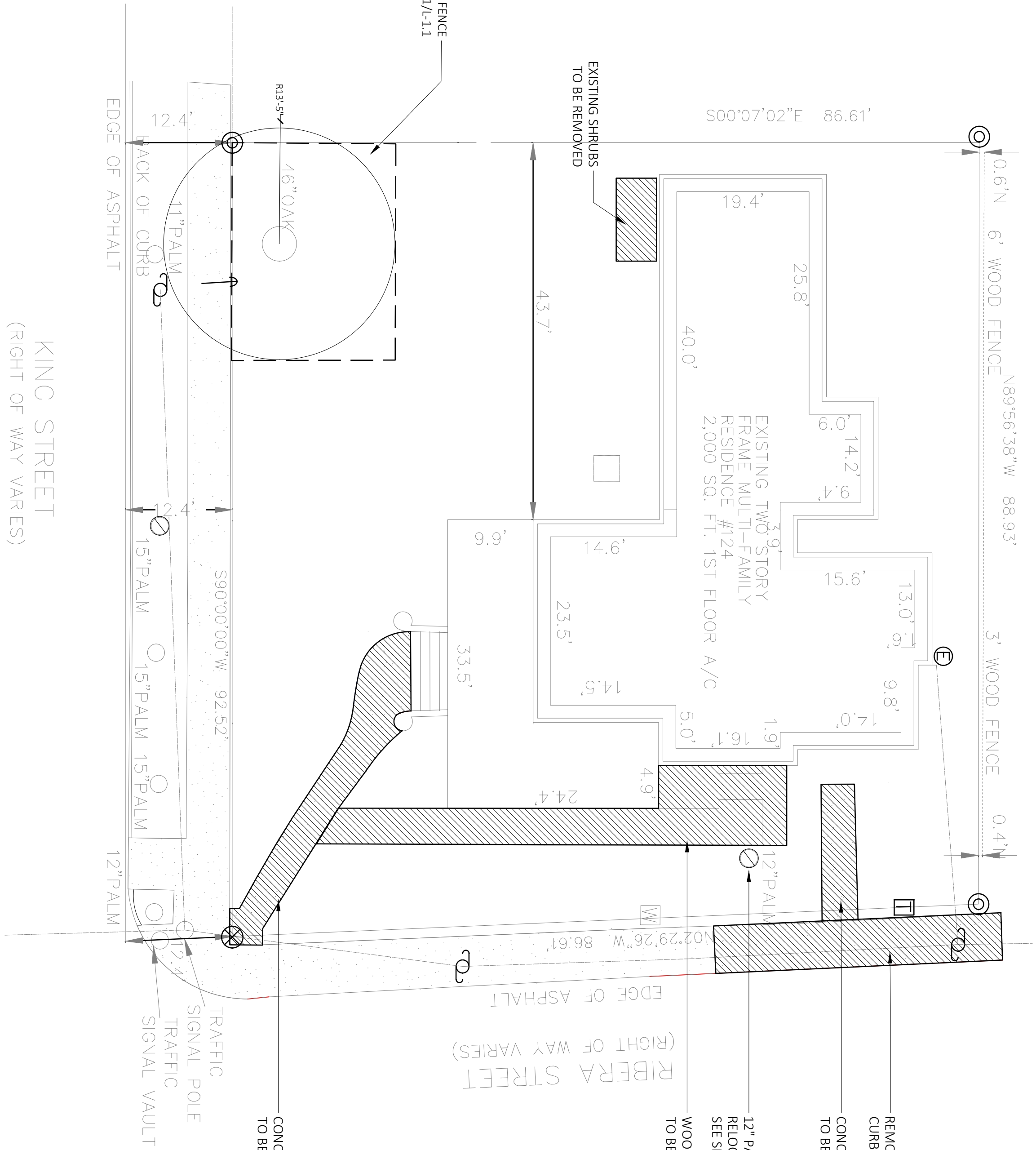
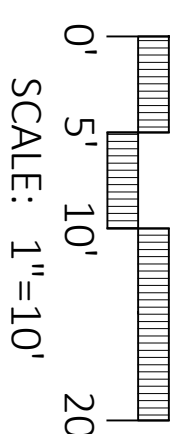


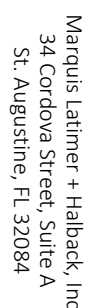
124-128 King St., St. Augustine, Florida

DEMOLITION + SITE PREPARATION PLAN

[illegible]

SIZE: AN
PRIME PROJECT #:
ML+H PROJECT #: 19.3
DRAWING NO.:





TREE PROTECTION DETAILS

L-1.1

 $1/4" = 1'-0"$

Y

Marquis Latimer + Halback, Inc.

St. Augustine, FL 32084

St. Augustine, FL 32084

904.825.6747 www.halback.com
0000391

DEANAY MABOIII

AWN BY: AC/F

a

KING STREET

ing St., St. Augustine, Flor

HARDSCAPE PLAN

relevance)

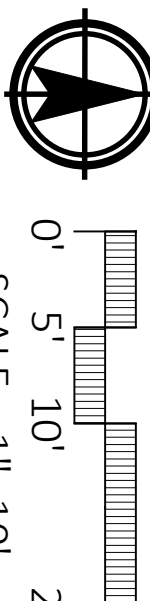
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	PZB SUBMITTAL	12.2.2
A	DESCRIPTION	DATE

SIZE: ANS

PRIME PROJECT #:

ML+H PROJECT #: 19.3



124-128 King St., St. Augustine, Florida

HARDSCAPE PLAN

124 KING STREET
124-128 King St., St. Augustine, Florida
HARDSCAPE PLAN

[illegible]

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **USE BY EXCEPTION, VARIANCE, CONSERVATION OVERLAY ZONE
DEVELOPMENT – 2019-0132**

AGENDA ITEM 8(a)

APPLICANT Jennifer White c/o White's Wharf, LLC
Ryan Carter c/o Carter Environmental Services, Inc.

OWNER White's Wharf , LLC

LOCATION 135 Avenida Menendez / PIN 196210-0000

REQUEST To approve a use by exception for off-site parking, or to approve a variance to eliminate parking requirements for additional restaurant seating and commercial boat slips. To approve an eight-foot (8') wide by fifty-four-foot-long (54') switchback gangway to a ten foot (10') wide by one hundred eighty foot (180') long floating dock within Conservation Overlay Zone 1.

PLANS DATED December 11, 2019

LAND USE Open Land (Comp. Plan 2040)

ZONING Open Land (OL)

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.

28-371. – [Required Parking] Location.

(a) A required off-street parking and loading facility shall be located on the same lot or parcel of land it is intended to serve. However, an off-street parking and loading facility within four hundred (400) feet of the premises may be allowed as a permitted use by exception.

(b) The planning and zoning board may grant an exception when practical difficulties prevent the placing of all or part of the facility on the premises they are designated to serve. The board shall review the proposal for impact upon pedestrian and vehicular traffic patterns and user safety, impact upon surrounding properties from noise, glare, visual quality, nuisance and traffic generation.

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.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area

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.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1;

Sec. 11-29 Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

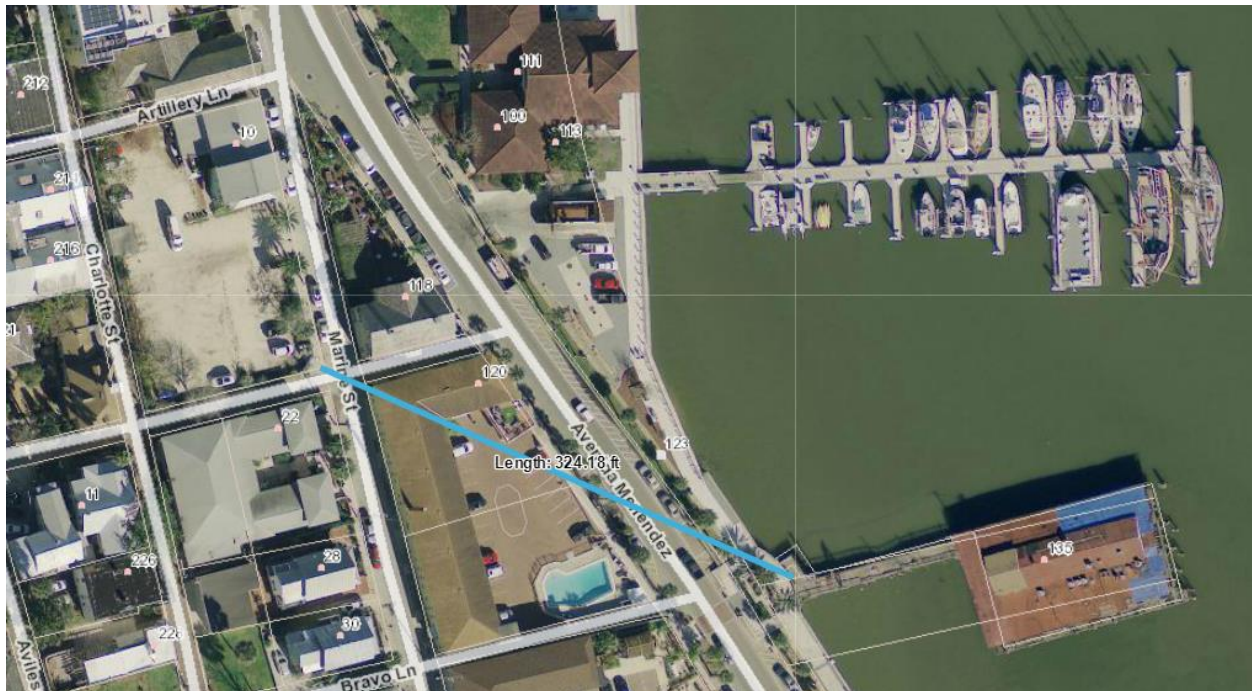
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

The Criteria and Staff analysis are provided below under “Conservation Overlay Zone 1 Development”

STAFF SUMMARY AND ANALYSIS

Use By exception; Off-site Parking

The applicant is proposing that the required parking for the boat slips and additional restaurant seats are to be accommodated off-site at the property located at 10 Marine Street (see the graphic below) which is located approximately 325 feet away from the subject property. At the time of publishing this report, Staff was not provided with a survey that showed the amount of parking at this site, therefore no parking analysis was completed for the proposed use. Given the approximate 0.30 acres of parking area, Staff believes this area could accommodate the required 26 spaces, however this is subject to confirmation. The applicant has suggested that this use by exception could be approved for a set number spaces off site and would request a variance (see below) for the remainder of required parking spaces. The applicant suggests that the offsite parking should be sufficient as the area is dominated by foot traffic, in addition to the restaurant being located completely over the water. The applicant has provided a brief narrative within the application describing the use (attachment 1).



STAFF SUMMARY AND ANALYSIS

The applicant seeks to eliminate the parking requirements for the proposed 14 boat spaces on the proposed dock, as well as for the requested 102 additional seats. The applicant has sought a use by exception to accommodate off-site parking, this request for a variance is either to be considered for all parking (as shown below) or for the remainder of parking not addressed by the use by exception.

In particular, the applicant is proposing the following:

Requested Changes to Off-Street Parking requirements for:	Code	Required	Proposed
102 additional seats in vested restaurant	1 space per 4 seats/ 200 sq. ft. of non-patron area	26	0
Parking for Boat Sips	1 space per 2 slips	7*	0

*- This calculation is based on an estimate proved by the applicant of 7 boats per side of the dock, for maximum of 14 boats.

Staff interpretation of findings of fact in *italics*.

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, unique disadvantage in this situation. The physical location of the building being entirely over submerged lands, as well as the building being constructed in 1900 creates a situation that applies solely to this property and no other properties within the vicinity. The property has no uplands to accommodate parking onsite.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

As there are no uplands associated with this property, the owner is unable to provide parking spaces on site. This disadvantage substantiates their request to offset required off-street parking by allowing for up to fourteen (14) spaces for boats that creates water access to the restaurant and potentially reduces the number of vehicular trips to the site and associated parking demands. The applicant has stated that there will be no overnight slip rentals and that the dock is solely to serve as boat parking for restaurant patrons.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This building was constructed in 1900, over submerged lands. The applicant neither constructed the building nor established a restaurant over the water. However, they are requesting an additional 102 seats that requires 26 additional off-street parking spaces.

- 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 is not contrary to public interest as this variance is part of a request to renovate and re-establish a restaurant within the urban core of St. Augustine. The approval of this request likely would not adversely affect neighboring properties in a significant way due to the fact that the structure currently exists in a dilapidated state and this request would initiate a full renovation of the structure.

Conservation Overlay Zone 1 Development

The applicant is proposing the following within Conservation Overlay Zone 1, these requests are outlined in the application narrative and graphics (attachment 4). The requested actions include:

1. The construction of an eight-foot (8') wide by fifty-four-foot-long (54') switchback gangway;
2. The construction of a ten foot (10') wide by one hundred eighty foot (180') long floating dock)

At the time of publishing this staff report there are still aspects of this request that are not finalized, including: the submerged land ownership, the submerged land lease, and the total number of boat slips (between 6-14 boats per the applicants).

City of St. Augustine General Services Director, Jim Piggott, provided the following information:

The dock configuration is sufficient for adjacent marine travel so long as there is no side stacking of boats at the proposed dock.

Staff has analyzed the Conservation Overlay Zone Requests below:

Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria (*Staff analysis in italics*)

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The site has a structure located completely over submerged lands.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

It is located within a commercial area on the Matanzas River where the area property to the north is the St. Augustine City Marina.

- (3) Natural and proposed drainage patterns.

No changes proposed. The structure is located completely over the Matanzas River, all discharge has and will continue to be discharged into the river.

- (4) Effect of point and nonpoint discharge in the marine environment.

There will be no change in point or non-point discharge into the marine environment from the proposed day use restaurant dockage. No water, sewer or utility service will be provided.

- (5) Proposed soil stabilization and erosion control methods.

n/a

- (6) Impact on floodplain.
n/a
- (7) Impact of development on vegetative and animal communities.
The proposed dock will not affect any emergent or submerged aquatic vegetation, since the construction of the dock is entirely over deep water. The owner will comply with all rules and regulations of applicable local, state and federal agencies regarding the protection of manatees in waterways near the proposed dock. The owner will post the information and signage required by the Florida Fish and Wildlife Conservation Commission on the pier to educate guests about the presence of manatees in area waterways and the rules and regulations related to protection of those mammals.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
n/a
- (9) Effect of shade on vegetation and shellfish.
Since the dock is proposed entirely over open water, no shading will take place over vegetation or shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
There is an existing no-wake zone of 500 feet near the Bridge of Lions. Similar to the City Marina, boats using the proposed dock will be operating at no wake speed within the area. The proposed floating dock will have a wave attenuation benefit to the City Marina that will significantly decrease the wave energy before reaching boats docked at the Marina.
Boats entering and exiting the docking facilities will be operating at no wake speeds. In addition, no submerged aquatic vegetation exists under the dock that would attract manatees. The property is not located in a manatee protection zone. However, the owner will comply with all applicable local, state and federal regulations related to the protection of manatees.
- (11) Impact of development on shoreline by linear feet and percent of site.
n/a
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
The proposed dock will be a floating dock that will have a similar scenic impact as the docks located within the City Marina given the proximity. The scenic vistas from land will be altered but given the location of the dock directly off the back of the proposed restaurant, the impact to the scenic vista will be limited and consistent with the existing view of the restaurant.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
n/a

(14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
n/a

(15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
n/a

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
Limited, if any.

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

The proposed dock and gangway appear to meet all standards; there are no boat lifts proposed, the dock will be a floating dock, and no structures are proposed on the dock.

Staff Recommendations

- Staff recommends approval of the Use by Exception for off-site parking as the use will benefit the restaurant use that has a unique location over the water and will promote the general welfare, convenience, appearance of the property and area.
 - Staff recommends approval of the variance to the parking requirements for the proposed commercial boat slips and for the additional 102 seats within the restaurant.
 - Staff recommends approval for conservation overlay request as the proposed dock provides an alternative parking option for patrons and helps reduce the anticipated vehicular traffic to the site.
-

STAFF RECOMMENDATION

- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception for off-site parking at 135 Avenida Menendez / PIN 196210-0000.
- Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the variance to parking requirements for additional restaurant seating and commercial boat slips at 135 Avenida Menendez / PIN 196210-0000.
- Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of an eight-foot (8') wide by fifty-four-foot-long (54') switchback gangway to a ten foot (10') wide by one hundred eighty foot (180') long floating dock within Conservation Overlay Zone 1 located at 135 Avenida Menendez / PIN 196210-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

ATTACHMENTS

Attachment 1 – Application & Narrative for Use by Exception & Variance

Attachment 2 – Property Appraiser Information

Attachment 3 – Site Plan & Renderings

Attachment 4 – Application, Narrative, Site Plans & Graphics for Conservation Overlay Development

Patrick Doty, CFM
Senior Development Review Planner
Planning & Building Department

Attachment 1

Use by Exception & Variance Application & Narrative,
Property Records

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350

BDAC Project No. 2019-0132

Receipt No. 1746192

Meeting Date: January 7, 2020

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Jennifer White Daytime Telephone: 9043775943

Business (if applicable): _____

Address: 118 Avenida Menendez City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: White's Wharf LLC Daytime Telephone: 9048249056

Business (if applicable): _____

Address: 135 Avenida Menendez City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: (7) CITY OF ST AUG CORBETTS DOCK WATER LOT LYING E OF BAY ST ON W SHORE OF MATANZAS BAY Block: _____

Subdivision: City of St Augustine OR4004/1509 Parcel Number: 1962100000

4. PROJECT STREET ADDRESS: 135 Avenida Menendez

5. SPECIFIC PROPOSED USE: off site parking, variance for boat slip parking, variance for additional parking.

6. ACTION REQUESTED

☒ Exception

☐ Rezoning

☐ Land Use Plan Amendment

☐ Appeal of Staff Determination

☒ Variance

☐ Conservation Zone Development

☐ Other: _____

RECEIVED

DEC 06 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: _____

An additional 102 seats with a use by exception for off site parking within 400 feet in combination with a variance for additional parking spaces required. Variance to eliminate the required parking for commercial boat slips are the boat slips will be for restaurant patrons and not as transient overnight boat slips.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

Restaurant is over completely submerged land and does not have upland for parking. The Property is in the overlay district.

Boat slips are for restaurant patrons only and not transient overnight boat slips.

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 restaurant is completely over submerged land and surrounded by water without any upland to provide for additional parking which is completely unique and would not set precedence as there is no other restaurant in the City of St. Augustine over submerged land and surrounded by water.

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____
The age of the building and unique location has been in place prior to 1900 before codes and ordinances were adopted in 1975.

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____
There is enough square footage to comply with fire code and restrictions for a 300 seat restaurant; however there is no upland to the property for parking. With the investment to improve the property, 300 seats is needed to make it a sustainable restaurant business.

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____
The parking offered in the parking lot 400 feet away along with adding boat slips for restaurant patrons to park will alleviate the need for parking for the additional 102 seats being requested. Additionally, if granted and implemented the changes will greatly increase the value of surrounding properties.

(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, however the standard building code has difficulty addressing this property specifically because it is a one-off unique property over submerged land and surrounded by water.

RECEIVED

DEC 06 2019

Planning/Building Dept.

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, 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.

12. _____
Signature of Applicant

12/6/19
Date

13. _____
Signature of Property Owner

12/6/19
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.

Print name of applicant

Signature of applicant

12-4-19

Date

RECEIVED
DEC 06 2019
Planning/Building Dept.

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee. _____

BDAC Project No. _____

Receipt No. _____

Meeting Date: January 7, 2020

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-540-1786

Business (if applicable): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: White's Wharf LLC Daytime Telephone: 9048249056

Business (if applicable): _____

Address: 135 Avenida Menedez City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: (7) CITY OF ST AUG CORBETTS DOCK WATER LOT LYING E OF BAY ST ON W SHORE OF MATANZAS BAY Block: _____

Subdivision: City of St Augustine Parcel Number: 1962100000

4. PROJECT STREET ADDRESS: 135 Avenida Menendez

5. SPECIFIC PROPOSED USE: Installation of Dock

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other: _____

RECEIVED

DEC 06 2019

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

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.

Ryan Carter

Print name of applicant

RAC

Signature of applicant

12-4-19

Date

RECEIVED
DEC 06 2019
Planning/Building Dept.

Attachment 2
Site Plan & Floor Plan

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

CRONK DUCH
ARCHITECTURE

1906 San Marco Boulevard, Suite 101 Jacksonville, Florida 32207
Office: 904.626.3454 Fax: 904.302.9850
24 Cathedral Place, Suite 405, St. Augustine, Florida 32095

CONSULTANTS:

STRUCTURAL :
S.K. ENGINEERS, P.C.
9 Beachcenter Way, St. Augustine, Florida 32084
Tel. No. 904.825.0026

MECHANICAL ELECTRICAL AND PLUMBING :
CUSICK ENGINEERING & CONSTRUCTION, LLC
4200 W. 10th Avenue, Jacksonville, Florida 32217
Tel. No. 904.438.7807

FIRE PROTECTION:
STEPHEN KOWALSKI
NEPTUNE FIRE PROTECTION ENGINEERING
10000 W. 10th Avenue, Jacksonville, Florida 32223
Tel. No. 904.652.4200

REVISIONS: DATE
1. REVISIONS AND FIRE DEPARTMENT COMMENTS 08/02/18
2. SEATING ARRANGEMENT & COUNT REVISION 08/04/18

ARCHITECT'S SEAL

CADD DRAWN FILE NO.

SCALE:

AS SHOWN

CADD USER ID:

EDGE

LEGAL CHECKER TCHL

SEE SURVEY

PROJECT PHASE:

PERMIT SET

PROJECT NUMBER:

CD00016122015

NEW

PROJECT

105 AVENIDA MENSAJEZ
ST. AUGUSTINE, FLORIDA 32084

SANTA MARIA
RESTAURANT SITE

FIRST FLOOR
PLAN W/ LSP

LS1.10

NOTE:

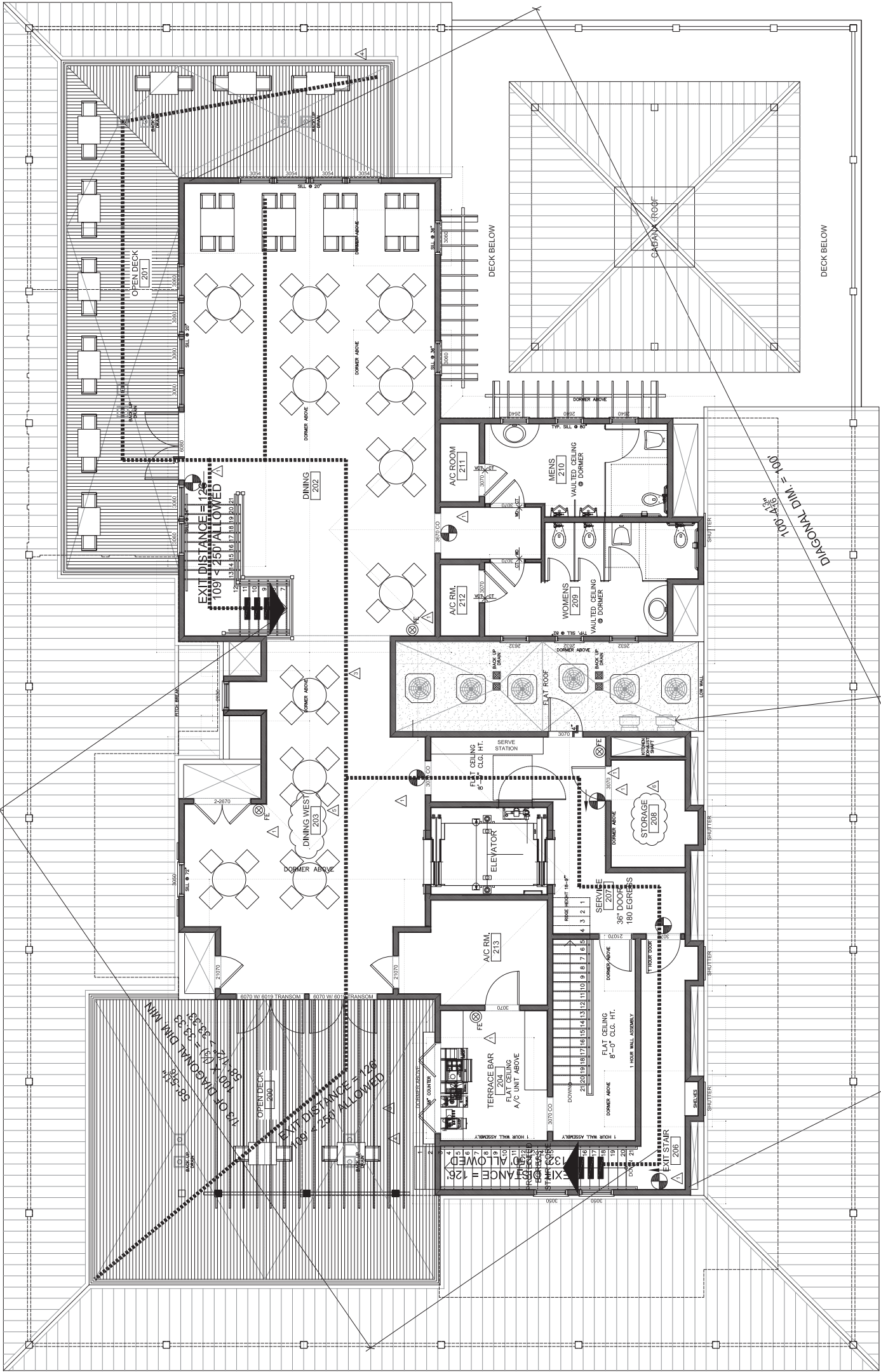
ALL ROOMS ARE TO HAVE SIGNAGE (FIRE SPRINKLER
RISER ROOM, FIRE ALARM CONTROL PANEL AND SUCH)

1 FIRST FLOOR PLAN WITH LIFE SAFETY PLAN

SCALE: 1/4" = 1'-0"

0 2 4 6

PERMIT SET - 12.11.2019
SJC Building Department Comments



1 SECOND FLOOR PLAN WITH LIFE SAFETY PLAN

SCALE: 1/4" = 1'-0"



NOTE:

ALL ROOMS ARE TO HAVE SIGNAGE (FIRE SPRINKLER RISER ROOM, FIRE ALARM CONTROL PANEL AND SUCH)

CRONK DUCH ARCHITECTURE
1936 San Marco Boulevard, Suite 101 Jacksonville, Florida 32207
Office: 904.302.9848 Fax: 904.302.9850
24 Cathedral Place, Suite 405, St. Augustine, Florida 32095
Office: 904.626.3454 Fax: 904.302.9850

CONSULTANTS:
STRUCTURAL : STEVEN KOWALSKI & SONS, INC. S.K. ENGINEERING, LLC
9 Beachcenter Way, St. Augustine, Florida 32084
Tel. No. 904.265.0006
MECHANICAL ELECTRICAL AND PLUMBING : CUSICK ENGINEERING & CONSTRUCTION, LLC
401 S. Duval Street, Jacksonville, Florida 32217
Tel. No. 904.438.7507
FIRE PROTECTION : STEPHEN KOWALSKI & SONS, INC. S.K. ENGINEERING, LLC
9 Beachcenter Way, St. Augustine, Florida 32084
Tel. No. 904.265.0006

REVISION	DESCRIPTION AND DATE	DATE
1	REVISIONS AND PRELIMINARY COMMENTS	08/02/18
2	8-4 SEATS TABLE TOPS	08/02/18
3	ADDED @ PRIVATE DECK (200)	08/02/18
4	OPEN DECK SEATING ADDED	08/02/18
5	REVISED ROOM NAME	12/11/19
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ARCHITECT'S SEAL

CADD DRAWING FILE NO.

SCALE:

AS SHOWN

CADD USER ID:

EDGE

LEGAL DESCRIPTION:

SEE SURVEY

PROJECT PHASE:

PERMIT SET

PROJECT NUMBER:

CD00016122015

NEW

PROJECT

105 AVENUE MENESSEZ

ST. AUGUSTINE, FLORIDA 32084

SANTA MARIA

RESTAURANT SITE

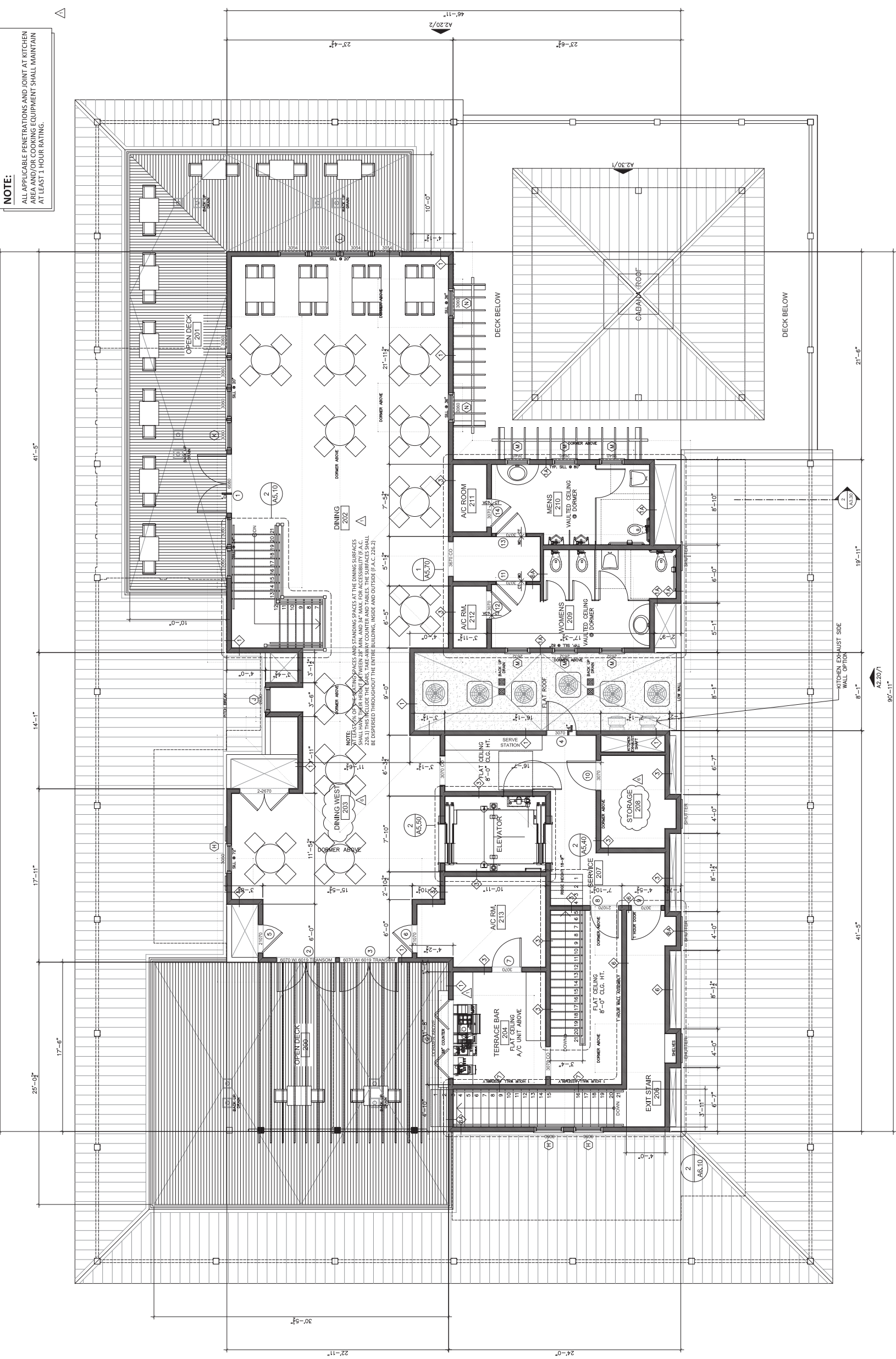
SECOND FLOOR

PLAN W/ LSP

LS1.20

PERMIT SET - 12.11.2019
SJC Building Department Comments

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES



1 SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

SECOND FLOOR AREA TABULATION

CONDITIONED AREA : 2,401 SQ. FT.
NON-CONDITIONED AREA : 1,659 SQ. FT.
2ND FLR. TOTAL GROSS AREA : 4,060 SQ. FT.

CRONK DUCH ARCHITECTURE

1936 San Marco Boulevard, Suite 101 Jacksonville, Florida 32207
Office: 904.626.3454 Fax: 904.302.9850
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CONSULTANTS:
STRUCTURAL :
STEPHEN KOWALSKY
S.K. ENGINEERING LLC
9 Beachcenter Way, St. Augustine, Florida 32084
Tel. No. 904.626.0006
MECHANICAL ELECTRICAL AND PLUMBING :
CLUSCK ENGINEERING & CONSTRUCTION LLC
4000 Atlantic Blvd., Jacksonville, Florida 32217
Tel. No. 904.638.7807
FIRE PROTECTION:
STEPHEN KOWALSKY
STEPHENS FIRE PROTECTION ENGINEERING
1000 Atlantic Blvd., Jacksonville, Florida 32217
Tel. No. 904.626.4200

REVISIONS:
DATE
DESCRIPTION
REVISION COMMENTS
12/11/19

ARCHITECT'S SEAL

SCALE:
AS SHOWN
CARD USER ID:
EDGE
LEGAL DESCRIPTION:
SEE SURVEY

PROJECT PHASE:
PERMIT SET
PROJECT NUMBER:
CD00016122015

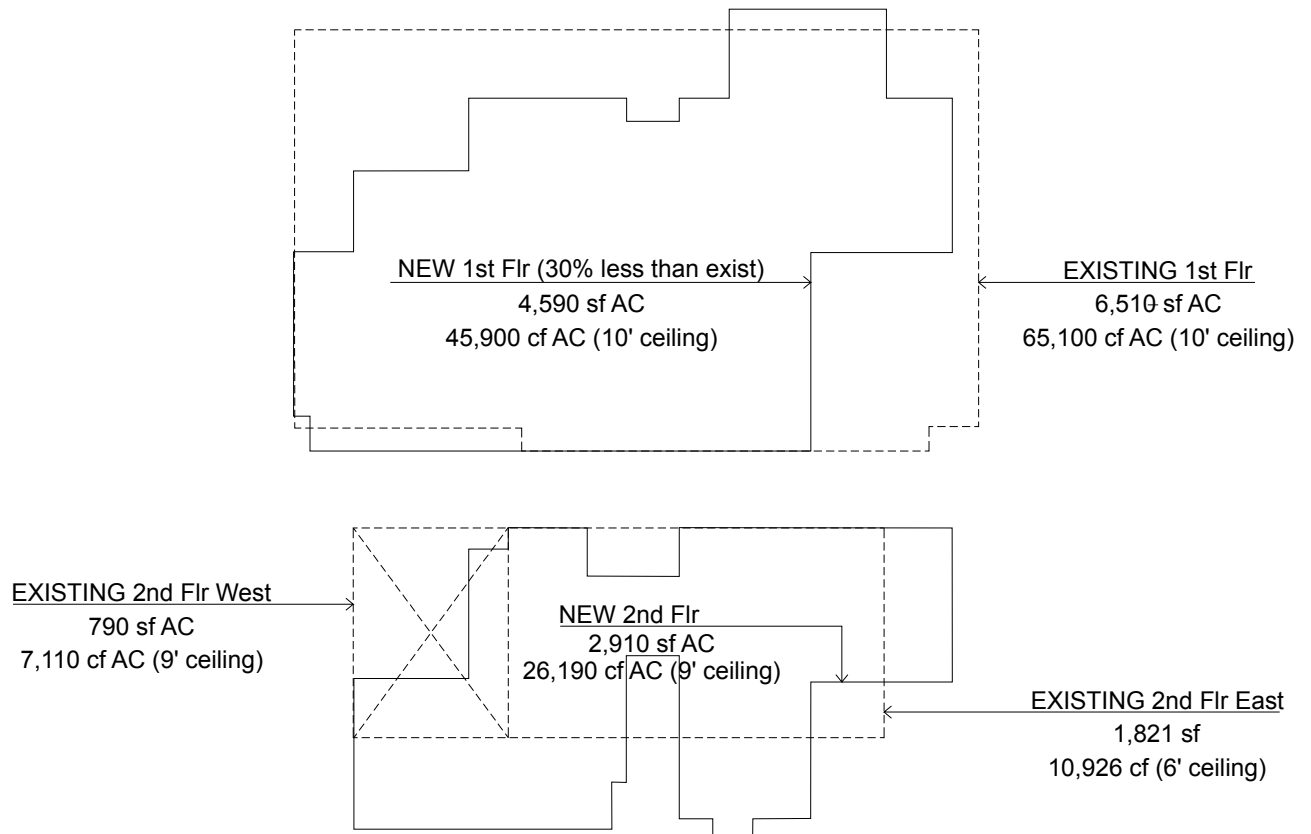
NEW
PROJECT

SANTA MARIA
RESTAURANT SITE

SECOND FLOOR
PLAN

A1.20

PERMIT SET - 12.11.2019
SJC Building Department Comments



SANTA MARIA CF ANALYSIS

<u>NEW TOTAL</u>		<u>EXISTING TOTAL</u>
7,500 sf AC Total		9,121 sf AC Total
72,090 cf AC Total	<	83,136 cf AC Total

Attachment 3
Conservation Overlay Development Application,
Narrative & Graphics

**Santa Maria “The Wharf” Day Use Dockage
Conservation Overlay Zone Development Application Supplement
December 2019**

This narrative is intended to supplement the Conservation Overlay Zone Development application for a day use floating dock associated with the Whites Wharf (FKA Santa Maria Restaurant). This restaurant is proposed to be restored by the property owner and a dock is desired to allow restaurant patrons to access the restaurant from the water. The dock is proposed to be constructed within the property and within bottom lands owned by the City of St. Augustine.

The proposed dock will consist of a gangway over a floating section parallel to the restaurant's water frontage and another perpendicular floating dock extending 180' to the east. Total dock area over open water will be 2,350 sf. Please see the attached maps for dimension and alignment details.

An application to the St. Johns River Water Management District (SJRWMD) and the U.S. Army Corps of Engineers (ACOE) will be submitted for the dock once reasonable assurance of permitability is obtained from the City of St. Augustine.

The construction proposed in this application would occur on lands located within Conservation Overlay Zone 1, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed dock will have a benefit to the public as a whole.*

Members of the public will be able to visit the restaurant via boat, adding to the public's benefit.

2. *The proposed dock will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There are no direct or secondary wetland impacts to the Mantanzas River resulting from the work proposed in this application. The proposed dock will have no significant cumulative negative impact on natural system.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

The proposed dock will be floating and thus low-profile. This would not impede any scenic vistas.

4. *The proposed observation pier will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The revitalized restaurant and new dock should enhance the appearance of the area.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

The property includes 60 feet of frontage along Aveinda Menendez Road, and 78 feet of frontage on the Matanzas River. The proposed dock will provide day use dockage opportunities for patrons to access the restaurant from the water. All of the proposed dock is located over open, deep water. No dredging or impact to any submerged aquatic vegetation is necessary.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The existing Santa Maria Restaurant is over the Matanzas River, and east of Avenida Menendez. The City of St. Augustine Marina is to the north, and open water is to the east and south.

3. *Natural and proposed drainage patterns.*

Since the restaurant is entirely pile-supported over open water, drainage naturally goes to the river. No changes to existing drainage patterns are proposed.

4. *Effect of point and non-point discharge in the marine environment.*

There will be no change in point or non-point discharge into the marine environment from the proposed day use restaurant dockage. No water, sewer or utility service will be provided

5. *Proposed soil stabilization and erosion control methods.*

Since the proposed dockage is within deep water, 7 to 12 feet deep, no soil stabilization or erosion control methods are necessary.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

The proposed dock will not affect any emergent or submerged aquatic vegetation, since the construction of the dock is entirely over deep water.

Further, no dredging is necessary as part of this proposed dock. Therefore, the only potential adverse secondary impacts associated with the dock would be:

The owner will comply with all rules and regulations of applicable local, state and federal agencies regarding the protection of manatees in waterways near the proposed dock. The owner will post the information and signage required by the Florida Fish and Wildlife Conservation Commission on the pier to educate guests about the presence of manatees in area waterways and the rules and regulations related to protection of those mammals.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

The proposed observation pier at the River House will utilize concrete pilings similar to those in the City Marina.

9. *Effect of shade on vegetation and shellfish.*

Since the dock is proposed entirely over open water, no shading will take place over vegetation or shellfish.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

There is an existing no-wake zone of 500 feet near the Bridge of Lions. Similar to the City Marina, boats using the proposed dock will be operating at no wake speed within the area. The proposed floating dock will have a wave attenuation benefit to the City Marina that will significantly decrease the wave energy before reaching boats docked at the Marina.

Boats entering and exiting the docking facilities will be operating at no wake speeds. In addition, no submerged aquatic vegetation exists under the dock that would attract manatees. The property is not located in a manatee protection zone. However, the owner will comply with all applicable local, state and federal regulations related to the protection of manatees.

11. *Impact of development on shoreline by linear feet and percent of site.*

None

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Since the proposed dock is east of the existing Santa Maria, future White's Wharf, Restaurant it will not further disrupt any of the eastern vista from the downtown historic district. The view from guests at the City Marina would be augmented and boaters may consider it an enhancement to the vista.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

The effects of the dock on commercial and sport fish are as follows:

Positive: The proposed facility will provide shelter for larval, juvenile, and adult fish. The dock and terminal platform provide shelter in an area void of shelter sites (open water).

Negative: None anticipated

The effects of the dock on shellfish are as follows:

Positive: The pilings used to construct the boardwalk and terminal platform will be colonized by oysters and mussels. This will be an addition of habitat.

Negative: None anticipated

The effects of the observation pier on water fowl are as follows:

Positive: The observation pier will be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat from the placement of pilings.

17. a. *No boathouse, roofed structure or wall shall be constructed on any dock.*

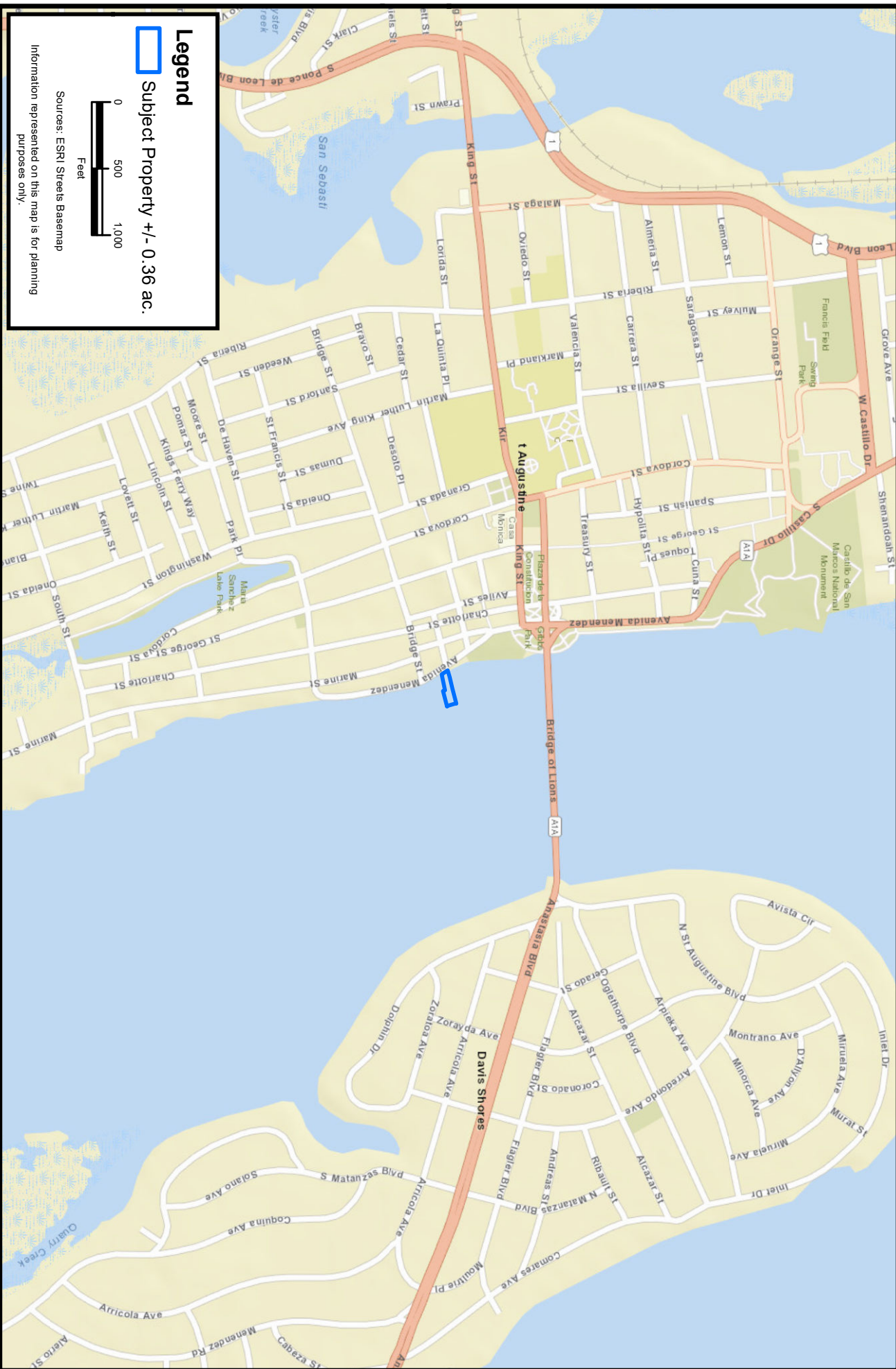
There are no proposed plans for any boathouse, roofed structure or wall within the dock.

- b. *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

Not applicable.

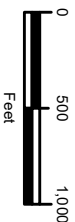
- c. *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable.



Legend

 Subject Property +/- 0.36 ac.



Sources: ESRI Streets Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Location Map

Santa Maria Restaurant

Project:

5.14084

St. Augustine, FL

Date: Dec 10 2019

Figure:

1





Legend

 Subject Property +/- 0.36 ac.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Aerial Map

Santa Maria Restaurant

Project:

5.14084

St. Augustine, FL

Date: Dec 10 2019

Figure:

2

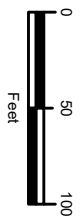




Legend

 Subject Property +/- 0.36 ac.

 Dock Area: 2,232 sf.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Alignment

Santa Maria Restaurant

Project:

5.14084

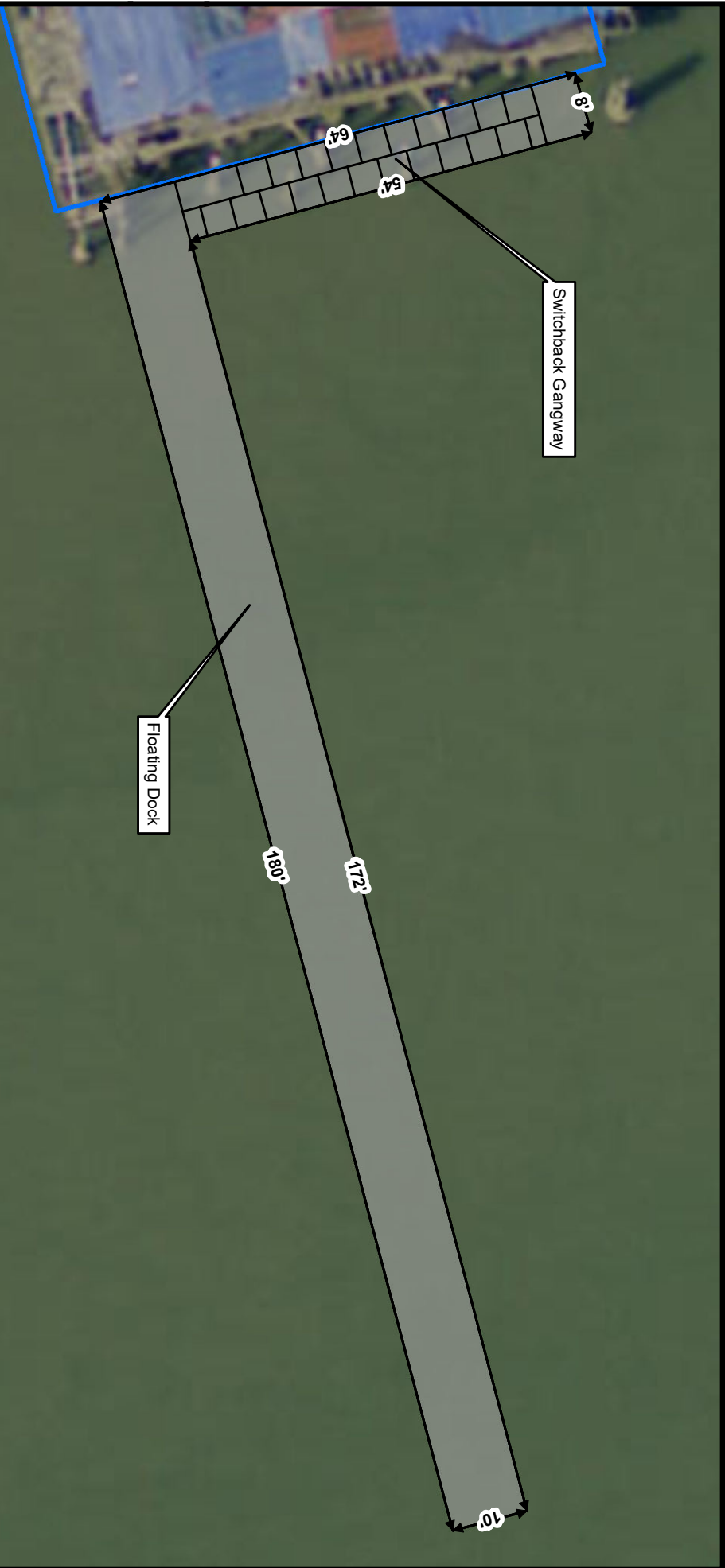
St. Augustine, FL

Date: Dec 10 2019

Figure:

3

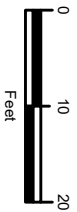




Legend

 Subject Property +/- 0.36 ac.

 Dock Area: 2,232 sf.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Dimensions

Santa Maria Restaurant

Project:

5.14084

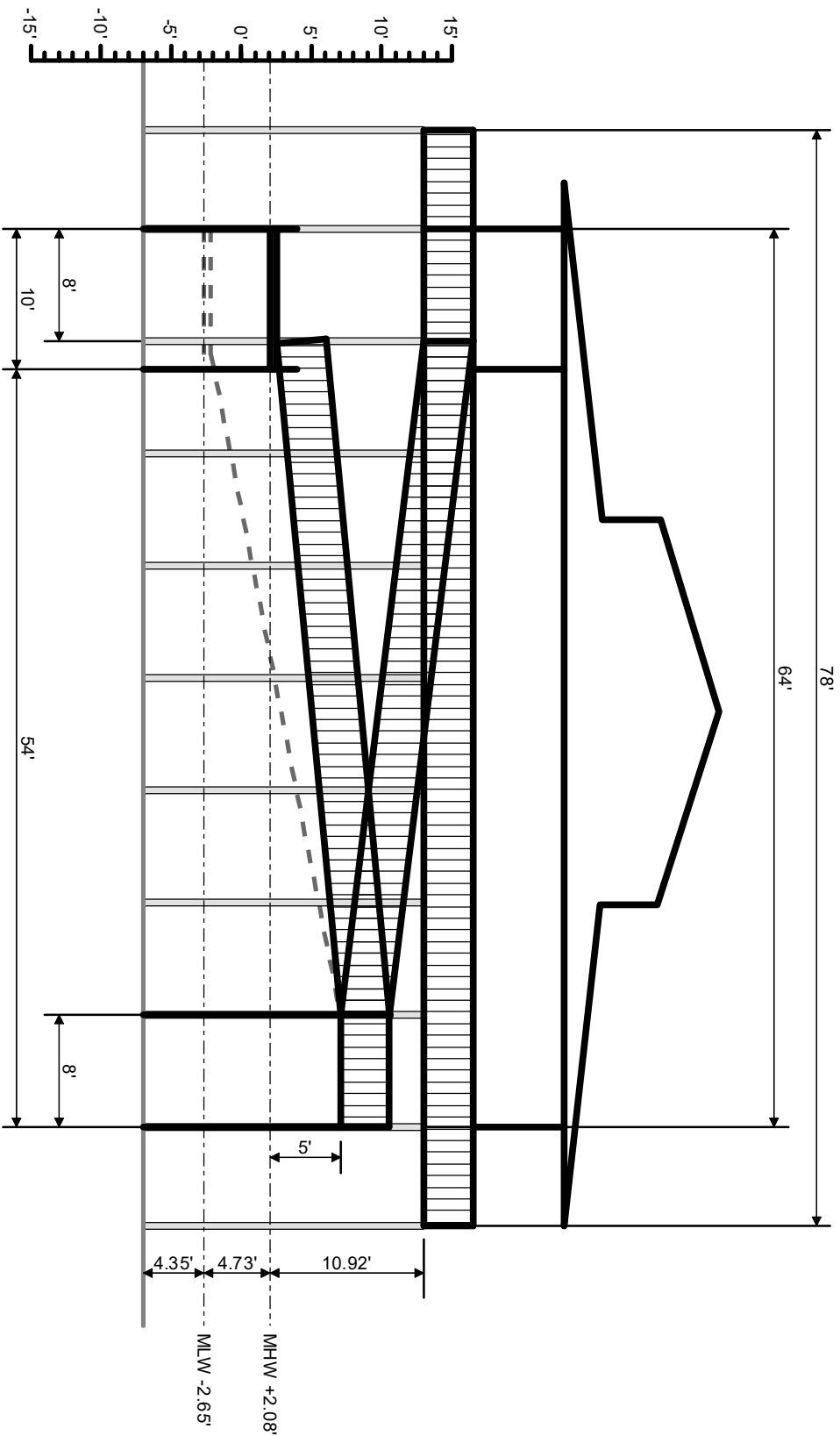
St. Augustine, FL

Date: Dec 10 2019

Figure:

4





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.

CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Cross-Section

Santa Maria Restaurant

Project:

5.14084

St. Augustine, FL

Date: Dec 10 2019

Figure:

5





1 - View looking west



2 - View to the north



3 - View from the City Marina

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: January 7, 2020

RE: **REZONING - 2019-0115**

AGENDA ITEM 9(a)

APPLICANT Paul Harden

OWNER West Sebastian LLC, LLC

LOCATION [San Sebastian View](#)/PIN 084560-, 102990-, 102810-, 154860-, 154870-, and 155540-0000

REQUEST A request to Rezone Flagler Crossing PUD (Ord. 2013-18) to Residential Low-One (RL-1).

APPLICABLE CODES/ORDINANCES FOR REZONING

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

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the comprehensive plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

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

STAFF ANALYSIS & SUMMARY

Continued from December 3, 2019 meeting.

Staff does not make a recommendation on rezoning applications, however all information provided will be submitted to the Board and analyzed by staff with a comparative analysis of the existing and proposed zoning districts. The applicant has stated that the zoning request is to allow for multiple-family housing and uses complimentary with medium-density residential uses. Staff has provided an analysis of the existing PUD, the proposed use of Multiple-family housing and corresponding site development criteria of both the existing PUD and proposed Residential, Low-One (RL-1) zoning (attachment 2).

Future Land Use: The site has a future land use designation of Residential Low Density/Mixed Use, which allows a maximum of 8 dwelling units per acre for residential uses. The requested RL-1 zoning district is a compatible zoning district with this future land use category.

PARCEL/EXISTING PUD SUMMARY

The property's existing zoning is a Planned Unit Development approved under Ordinance 2006-31 and amended with Ordinance 2013-18 (attachment 3). The parcel is approximately 133.90 acres of land per the provided survey by Arc Surveying & Mapping, Inc. Dated 06/04/2018 (attachment 4). In reviewing the previous amendment to the PUD, a conceptual plan (attachment 5) was approved with a land area of approximately 135.2 acres, however, 80.5 acres were set aside for preservation (under conservation easements), 12.6 acres are existing ponds, leaving approximately 42 acres developable on site. The 4.3 acres of parks and 7.5 acres of buffers, stipulated in PUD Ord. 2013-18, are not required to be part of the parcel should it be rezoned.

Adjacent Zoning Districts

<u>Subject Property</u>	<u>Current Zoning - PUD</u>	<u>Proposed - RL-1</u>
<u>North</u>	County Jurisdiction	n/a
<u>South</u>	Open Lands - OL	n/a
<u>East</u>	Commercial Medium, Two – CM-2	n/a
<u>West</u>	Open Lands - OL	n/a

Allowed Uses Comparison

<u>USE</u>	<u>PUD</u>	<u>RL-1</u>
<u>Single Family Dwelling</u>	X	X
<u>Multiple-Family Dwelling</u>	Not allowed	X

Density Comparison Table

<u>Residential Density</u>	<u>PUD</u>	<u>RL-1 (at 42 acres of dev. land)</u>
<u>Single Family</u>	107 units or 1.5 units/acre	Maximum 336 units or 8 units/acre
<u>Multiple -Family</u>	Not permitted	Maximum 336 units or 8 units/acre

Site Development Comparison Table

	<u>PUD (single family)</u>	<u>RL-1 (multi-family)</u>
<u>Min. Lot Width</u>	50'	50'
<u>Min. Setbacks (Front, Side, Rear)</u>	20'/5'/10'	15'/10'/10'
<u>Max. Lot Coverage</u>	50%	30%
<u>Max. Building Height</u>	35'	35'

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding the rezoning of land.

ATTACHMENTS

Attachment 1 – Application & Property Record Card

Attachment 2 – RL-1 Zoning

Attachment 3 – Existing PUD Ord. 2013 -18

Attachment 4 - Survey

Attachment 5 – Ord. 2013-18 Conceptual Map/Plan

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attachment 1
Application
&
Property Record
Cards

PAUL M. HARDEN

ATTORNEY AT LAW

SUITE 901
501 RIVERSIDE AVENUE
JACKSONVILLE, FLORIDA 32202
(904) 396-5731
FAX (904) 399-5461
E-mail: paul_harden@bellsouth.net

October 21, 2019

Via Courier

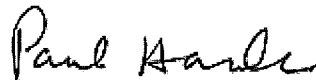
Planning & Building Department
City of St. Augustine
75 King St.
Lobby B, 4th Floor
St. Augustine, FL 32084

**Re: Application to Planning and Zoning Board
Flagler Crossing**

Dear Sirs/Madams:

Please find enclosed an Application to Planning and Zoning Board, along with a check in the amount of \$1,000.00 for the filing fee. If you have questions or need anything further, please let me know. Thank you for your attention.

Sincerely,



Paul M. Harden

PMH/jc
enclosure



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
OCT 21 2019
Planning/Building Dept.

Application Fee: \$1,000.00 (plus advertising costs) Project Number: 2019-0115
Receipt Number: 1719539 Meeting Date: Dec 3, 2019
Advertising Costs: \$ _____ Paid On: 10/28/19 Receipt Number: _____

1. NAME OF APPLICANT: Paul Harden Contact Number: 904-396-5731
Business (if applicable): _____
Address: 501 Riverside Ave. Ste. 901 City: Jacksonville State: Florida Zip: 32202
E-Mail Address: paul_harden@bellsouth.net
2. NAME OF PROPERTY OWNER: John H. Wilson Contact Number: 214-762-4242
Business (if applicable): West San Sebastian LLC
Address: 8383 Preston Center Plaza Dr. City: Dallas State: Texas Zip: 75225
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY: See Attached

Parcel Numbers: 084560-0000, 102990-0000, 102810-0000, 154860-0000, 155540-0000, 154870-0000

4. PROJECT STREET ADDRESS: 0 Ponce de Leon Blvd
5. SPECIFIC PROPOSED USE: RG-1 Rezoning
6. ACTION REQUESTED:
- | | |
|--|--|
| ☐ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☐ Exception | ☐ Land Use Plan Amendment |
| ☐ Variance | ☒ Rezoning |
| ☐ Other: _____ | |

7. DESCRIPTION OF ACTION REQUESTED: Rezone property from Flagler Crossing PUD to RG-1
Conventional zoning district to allow for multiple-family dwellings and uses complementary with Medium-density residential uses.

8. JUSTIFICATION FOR ACTION REQUESTED: _____
Allows property to become compatible with adjoining commercial medium-two and
Industrial/Warehousing zoning districts and uses. This Promotes consistency in the
area in regards to density and intensity of uses. Rezoning will also allow for preservation of surrounding
wetlands.

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

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

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

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

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

10. PREVIOUS 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.

Paul M. Hader

Signature of Applicant

10-18-19

Date

Signature of Property Owner

Date

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

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

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

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

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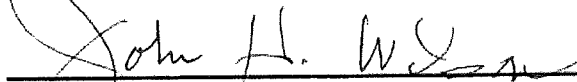
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Signature of Applicant

Date



Signature of Property Owner

Date

04/18/2019



Owner's Authorization For Agent

Paul Harden, Zach Miller & Alexander Harden is/are hereby authorized TO ACT ON BEHALF OF West San Sebastian, LLC the owner(s) of those lands described within HWP Parks Arlington, LTD
☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 0 Ponce de Leon Blvd

BY John H. Wilson - Manager
Signature of Owner
JOHN H. WILSON
Print Name of Owner
214. 762-4242
Telephone Number

State of Texas

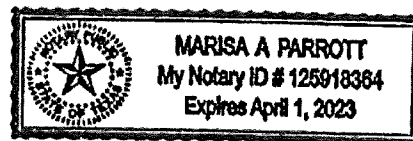
County of Dallas

Signed and sworn before me on this 17th day of September, 2019.

By John H. Wilson

Identification verified: TKDL

Oath sworn: ✓ Yes No



Notary Signature: Marisa A. Parrott

My Commission expires: 4/1/2023

Patrick Doty

From: Alex Harden <alexanderhdb@gmail.com>
Sent: Wednesday, November 27, 2019 11:32 AM
To: Patrick Doty
Subject: Re: Flagler Crossing PUD Submittal

Patrick,

Per our discussion, it has come to my attention that the application is a request for rezoning to RG-1, when the intent is to go to the RL-1 category. It appears as though these categories are significantly comparable except in respect to density. This was a typographical error, as we do not intend to develop more than the comp. plan allows. Please revise the application to reflect a request to the RL-1 category.

Thanks for your cooperation,

Alex Harden
(904)859-2257

On Tue, Oct 22, 2019 at 10:42 AM Patrick Doty <pdoty@citystaug.com> wrote:

Alex,

We received the application yesterday. We are processing it in now and I will let you know if we need anything else. The item is set to be heard at the Regularly schedule PZB meeting on December 3rd, 2019. Please feel free to reach out to me with any questions.

Patrick H. Doty, CFM

Senior Planner

City of St. Augustine

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Alexander Harden <alexanderhdb@gmail.com>
Sent: Monday, October 21, 2019 11:48 AM
To: Patrick Doty <pdoty@citystaug.com>
Subject: Flagler Crossing PUD Submittal

Patrick,

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A **POINT OF REFERENCE**, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH $77^{\circ}33'46''$ WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH $12^{\circ}26'14''$ WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH $77^{\circ}33'46''$ WEST, 231.51 FEET; COURSE 2) THENCE SOUTH $12^{\circ}26'14''$ EAST, 3.75 FEET; COURSE 3) THENCE SOUTH $77^{\circ}33'46''$ WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $22^{\circ}38'36''$ WEST, 35.04 FEET) TO THE **POINT OF BEGINNING**; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH $33^{\circ}13'24''$ WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH $12^{\circ}25'57''$ WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH $77^{\circ}34'03''$ WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH $12^{\circ}25'57''$ EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH $77^{\circ}34'03''$ WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH $23^{\circ}51'02''$ WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH $53^{\circ}04'16''$ EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $66^{\circ}23'52''$ EAST, 764.47 FEET) TO THE POINT OF TANGENCY; THENCE NORTH $62^{\circ}08'31''$ EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE

INTERSECTION OF LAST SAID RIGHT OF WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS

LESS AND EXCEPT:

Conservation Easement 1A

A portion of Section 44 of the Estopa Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point on a curve concave Northeasterly, having a radius of 2914.79 feet, said point also lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence Northwesterly, departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of 01 °41 '25", an arc length of 85.99 feet to a point on said curve and the Point of Beginning, said point also being the Northeasterly corner of those lands described and recorded in Official Records Book 1462, page 1783, of the public records of said St. Johns County, said arc being subtended by a chord bearing and distance of North 23°07'45" West, 85.98 feet.

From said Point of Beginning, thence South 77°33'46" West, departing said Westerly right of way line of the Florida East Coast Railroad and along the Northerly line of said lands of Official Records Book 1462, page 1783, a distance of 129.33 feet to a point lying on said Northerly line, said point also being Reference Point "A"; thence Northerly, departing said Northerly line, 37 feet more or less, to a point lying on the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, along said Easterly Mean High Water Line, 52 feet more or less, to point lying on the Northerly line of the second parcel described and recorded in Deed Book 61, page 512 of said public records; thence North 72°29'59" East, departing said Easterly Mean High Water Line and along said Northerly line 15 feet, more or less to a point on said Northerly line, said point bearing North 24°40'08" West, 106.00 feet from said Reference Point "A"; thence North 72°29'59" East, continuing along said Northerly line, 134.64 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southeasterly, departing said Northerly line, along said Westerly right of way line and along the arc of said curve, through a central angle of 02 ° 17' 4 7", an arc length of 116. 83 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 21 °08'09" East, 116.82 feet.

Conservation Easement 1B

A portion of Sections 6 and 7, together with a portion of Section 44 of the Estopa Grant, and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Northerly departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of 04°22'48", an arc length of 222.83 feet to a point lying on the Southerly line of the first parcel described and recorded in Deed Book 61, page S 12 of the Public Records of said St. Johns County, said point also being the Point of Beginning and a point on said curve, said arc being subtended by a chord bearing and distance of North 21 °4T03" West, 222.77 feet.

From said Point of Beginning, thence South 72°29'59" West, departing said Westerly right of way line and along said Southerly line of Deed Book 61, page 512 a distance of 117.57 feet to Reference Point "A"; thence South 72°29'59" West, continuing along said Southerly line 35 feet more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, departing said Southerly line and along the meanderings of said Easterly Mean High Water Line, 494 feet, more or less; thence Northeasterly, continuing along said meanderings 246 feet, more or less, to a point lying on said Westerly right of way line of the Florida East Coast Rail Road, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southerly, departing said Easterly Mean High Water Line, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°04 '01 ", an arc length of 3 feet, more or less, to a point on said curve. and Reference Point "B", said point bearing North 02°54'37" West, 638.46 feet from said Reference Point "A", said arc being subtended by a chord bearing and distance of South 07°21 '45" East, 3 feet, more or less; thence Southerly, continuing along said Westerly right of way line, and along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 12°11'53", an arc length of 620.55 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of South 13°29'42" East, 619.38 feet.

Conservation Easement 2A

A portion of Section 1, a portion of Section 50 of the E.S. Robertson Grant, a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with a portion of Section 6, a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33' 46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26' 14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following eight courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course two, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of 01 °20'56", and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04°17'00" West, 68.62 feet; Course four, thence North 03°47'34" West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of 01°07'39", an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03° 13'45" West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 01 °25'00", an arc length of 69.60 feet, to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°22'25" West, 69.60 feet; Course seven, thence North 04°04'55" West, 86.74 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; Course eight, thence Northwesterly, along the arc of said curve, through a central angle of 05°44 '41 ", an arc length of 282.23 feet to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County, and the Point of Beginning, said arc being subtended by a chord bearing and distance of North 06°57' 16" West, 282.11 feet.

From said Point of Beginning, thence South 85°30'00" West, departing said Westerly right of way line, and along said Southerly line of Deed Book 8, page 558, a distance of 174 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, departing said Southerly line, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 1828 feet, more or less; thence South 45°33'10" East, departing said Easterly Mean High Water Line, 18 feet, more or less to Reference Point "A", said point bearing North 50°46'41" West, 1788.99 feet from said Point of Beginning; thence South 16°54'33" East, 31.83 feet; thence South 78°28'39" East, 49.65 feet; thence South 79°27'24" East, 33.43 feet; thence South 25°33'04" East, 41.64 feet; thence South 12°30'58" East, 40.30 feet; thence South 45° 16' 10" East, 43.39 feet; thence South 27°32'56" East, 48.65 feet; thence South 45°17'51" East, 55.35 feet; thence South 60°56'52" East, 52.26 feet; thence South 82°19'57" East, 26.16 feet; thence South 14°53'23" East, 33.00 feet; thence South 75°39'43" East, 58.32 feet; thence South 87° 05'46" East, 57.33 feet; thence South 66°32'08" East, 31.41 feet; thence South 81°03'10" East, 42.49 feet; thence North 83°11'40" East, 40.57 feet; thence North 40°51'07" East, 27.18 feet; thence North 56°39'02" East, 31.40 feet; thence North 58°51'23" East, 35.86 feet; thence North 56°10'36" East, 34.05 feet; thence North 67°20'18" East, 54.23 feet; thence North 72°04'25" East, 57.64 feet; thence North 71°04'19" East, 20.64 feet; thence North 05°53'15" East, 41.40 feet; thence South 58°21'24" East, 40.07 feet; thence North 39°50'08" East, 35.74 feet; thence South 59°42'37" East, 34.59 feet; thence South 84°07'47" East, 29.22 feet; thence North 50°30' 18" East, 23.31 feet; thence South 11 °27'22" East, 36.16 feet; thence South 05°40'44" West, 32.09 feet; thence South 39°20'01" East, 47.38 feet; thence North 66° 07'32" East, 30.82 feet; thence North 18° 19'13" West, 59.58 feet; thence North 55°10'55" East, 37.80 feet; thence North 18°30'51" West, 76.08 feet; thence North 33°13'21" West, 55.28 feet; thence North 36°34'22" West, 18.18 feet; thence North 10°24'53" East, 24.27 feet; thence North 43°01'56" West, 57.32 feet; thence North 62°39'40" East, 40.51 feet; thence South 49° 13'23" East, 82.62 feet to a point lying on said Westerly right of way line of the Florida East Coast Rail Road; thence South 27°42'36" East, along said Westerly right of way line, 324.17 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; thence Southeasterly, along the arc of said curve, through a central angle of 17° 52'59", an arc length of 878.55 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 18°46'06" East, 874.99 feet.

Conservation Easement 2B

A portion of Section 1, Township 7 South, Range 29 East, together with a portion of Section 6 and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26' 14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following six courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course two, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of 01 °20'56", and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04° 17'00" West. 68.62 feet; Course four; thence North 03°47'34" West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of 01 °07'39", an arc length of 226.46 feet to Reference Point "A", said point also being a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03°13'45" West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 00°32'54", an arc length of 27 feet, more or less, to a point on said curve at an intersection with the Easterly Mean High Water Line of the San Sebastian River, said point also being the Point of Beginning, said arc being subtended by a chord bearing and distance of North 02°56'22" West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 480 feet, more or less to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County; thence North 85°30'00" East, departing said Easterly Mean High Water Line, and along said Southerly line, 5 feet, more or less to Reference Point "B", said point bearing North 26°45'27" West, a distance of 473.44 feet from said Reference Point "A"; thence North 85°30'00" East, continuing along said Southerly line, 169.24 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southeasterly, along said Westerly right of way line, departing said Southerly line, and along the arc of said curve, through a central angle of 05°29'49", an arc length of 270.05 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 07°04'42" East, 269.95 feet; thence South 82° 11 '23" West, departing said Westerly right of way line, 0.50 feet; thence South 09°24'37" East, 5.57 feet to a point lying on said Westerly right of way line, said point also being a point on a curve concave Westerly, having a radius of 2814. 79 feet; thence Southerly, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°08'03", an arc length of 6.59 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 04°08'57" East, 6.59 feet; thence South 04°04'55" East, continuing along said Westerly right of way line, 86.74 feet to a point bearing North 03°22'25" West, 69.60 feet from said Reference Point "A", said point also being the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, continuing along said Westerly right of way line, and along the arc of said curve through a central angle of 00°52'06", an arc length of 43 feet, more or less, to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 03°38'52" East, 43 feet, more or less.

Conservation Easement 3

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of San Marco Avenue (U.S. Highway No. 1), a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North 12°26'14" West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly and Northwesterly along said Westerly right of way line the following ten courses: Course 1, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of 18°00'54", an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 13°57'56" West, 912.69 feet; Course 2, thence North 04°57'29" West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of 01°20'56", and arc length of 68.63 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 04° 17'00" West, 68.62 feet; Course 4, thence North 03°47'34" West, along a non tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of 01 °07'39", an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North 03° 13'45" West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of 01°25'00", an arc length of 69.60 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°22'25" West, 69.60 feet; Course 7, thence North 04°04'55" West, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 8, thence Northerly along the arc of said curve through a central angle of 23°37'40", an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 15°53'46" West, 1152.57 feet; Course 9, thence North 27°42'36" West, 660.97 feet; Course 10, thence North 27°53'10" West, 791.45 feet; thence South 62°06'50" West, departing said Westerly right of way line. 629.12 feet to the Point of Beginning.

From said Point of Beginning, thence South 03°14'19" East, 55.53 feet; thence South 43°10' 19" East, 53.10 feet; thence South 10°48'53" East, 59.30 feet; thence South 52°44'43" West, 73.55 feet; thence South 07°43'26" East, 58.32 feet; thence South 21°03'22" West, 68.81 feet; thence South 07°37'29" West, 38.63 feet; thence South 33°03'46" West, 48.90

feet; thence South 29°30'42" East, 25.45 feet; thence South 58°28'15" East, 21.33 feet; thence North 59°04'00" East, 27.10 feet; thence North 39°16'15" East, 47.67 feet; thence South 85°49'18" East, 68.28 feet; thence South 54°22'18" East, 57.05 feet; thence South 62°40'22" East, 31.36 feet; thence South 36°16'14" East, 80.60 feet; thence South 33° 13'41" West, 2.54 feet; thence South 81°56'42" West, 33.27 feet; thence South 33°13'41" West, 39.32 feet; thence North 67°41'10" West, 46.73 feet; thence South 30°47'42" West, 29.66 feet; thence South 03°22'02" West, 26.51 feet; thence South 02°11'08" West, 53.01 feet to Reference Point "A"; thence South 16°37'10" East, 15 feet more or less to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, Northeasterly, Northwesterly and Westerly along the meanderings of said Easterly Mean High Water Line the following eight courses; Course 1, thence Northwesterly, 320 feet more or less; Course 2, thence Northeasterly, 119 feet more or less; Course 3, thence Westerly, 205 feet more or less; Course 4, thence Northwesterly, 362 feet more or less; Course 5, Northeasterly, 178 feet more or less; Course 6, thence Northerly, 190 feet more or less; Course 7, thence Northwesterly, 148 feet more or less; Course 8, thence Westerly, 84 feet more or less; thence North 70°24'29" East, departing said Easterly Mean High Water Line, 16 feet more or less to Reference Point "B", said point bearing North 27°51 '26" West, 1288.06 feet from said Reference Point "A"; thence North 08°13' 17" East, 31.24 feet; thence South 18°01'25" East, 26.31 feet; thence South 81°28'27" East, 24.67 feet; thence North 18°22'36" West, 38.56 feet; thence North 29°00'14" West, 40.20 feet; thence North 74°38'08" East, 13.48 feet; thence South 23°22'07" East, 47.87 feet; thence South 41°14'30" East, 53.74 feet; thence South 65°16'15" East, 61.91 feet; thence South 20°02'31" East, 30.32 feet; thence South 31°11'19" East, 67. 99 feet; thence North 64°18'31" East, 39.61 feet; thence North 68°42'51" East, 38.69 feet; thence North 46°23'46" West, 15.61 feet; thence South 68°54'40" East, 25.33 feet; thence North 48°08'33" East, 28.07 feet; thence South 68°54'40" East, 40.04 feet; thence South 60°25'18" West, 109.44 feet; thence South 73°09'55" West, 21.93 feet; thence South 35°01'53" East, 7.92 feet; thence South 01°24'55" East, 54.15 feet; thence South 73°38'46" West, 25.84 feet; thence South 02°53'25" East, 8.96 feet; thence North 73°33'42" East, 25.72 feet; thence South 02°53'25" East, 62.50 feet; thence South 03°37'04" West, 57.76 feet; thence South 12°41'11" West, 81.12 feet; thence South 04°35'30" East, 45.62 feet; thence South 29°15'00" West. 41.19 feet; thence South 33°55'28" West, 41.58 feet; thence South 01°44'54" East, 42.53 feet; thence South 23°37'11" West, 21.13 feet; thence South 26°57'38" East, 39.38 feet; thence South 00°01'14" East, 46.27 feet; thence South 37°59'03" East, 17 .04 feet; thence South 46°48'03" East, 41.34 feet; thence South 10°31'23" West, 49.44 feet; thence South 10°56'12" West, 20.25 feet; thence South 30°20'46" East, 11.17 feet; thence South 56°59'57" West, 25.03 feet; thence South 30°20'46" East, 10.11 feet; thence North 56°26'04" East, 25.04 feet; thence South 30°20'46" East, 6.24 feet; thence South 87°37'03" East, 38.27 feet; thence South 67°44'04" East, 26.76 feet; thence North 60°11'45" East, 32.63 feet; thence North 28°22'09" East, 41.89 feet; thence North 12°17'22" West, 45.82 feet; thence North 07°28'09" East, 52.80 feet; thence North 24°02'31" West, 25.41 feet; thence North 05°16'28" West, 80.99 feet; thence South 43°39'52" East, 57.55 feet; thence North 01°16'02" East, 53.99 feet; thence South 89°30'37" East, 56.41 feet; thence North 82°50' 12" East, 7.57 feet; thence North 50°49'44" East, 82.85 feet; thence South 67°46'11" East, 44.72 feet to the Point of Beginning.

Conservation Easement 4

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway Nb. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South 77°33'46" West, along said centerline of State Road No. 16, a distance of 449.56 feet; thence North 12°26'14" West, departing said centerline, 50.00 feet to a point lying on the Northerly right of way line of said State Road No. 16; thence Westerly and Northerly, along said Northerly right of way line the following four courses: Course one, thence South 77°33'46" West, 731.76 feet; Course two, thence North 23°50'52" West, 14.98 feet; Course three, thence North 12°26'14" West, 55.32 feet; Course four, thence South 77°33'46" West, 11.16 feet to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said county; thence North 23°50'52" West, departing said Northerly right of way line and along said Westerly line, 5077.84 feet to the Point of Beginning.

From said Point of Beginning, thence continue North 23°50' 52" West, along said Westerly line of Deed Book 66, page 168, a distance of 38 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northeasterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 306 feet, more or less; thence South 36°00'41" East, departing said Easterly Mean High Water Line, 14 feet, more or less to a point, said point bearing North 43°41'36" East, 297.13 feet from said Point of Beginning; thence South 11°44'37"

West, 36.00 feet; thence South $01^{\circ}30'37''$ West, 300.25 feet; thence South $30^{\circ}37'55''$ East, 80.82 feet; thence South $43^{\circ}16'19''$ East, 39.71 feet to a point, said point bearing South $49^{\circ}43'06''$ East, 338.74 feet from said Point of Beginning; thence North $71^{\circ}21'31''$ East, 43 feet, more or less to an intersection with said Easterly Mean High Water Line; thence Southwesterly, along the meanderings of said Easterly Mean High Water Line, 46 feet, more or less; thence Northwesterly, continuing along the meanderings of said Easterly Mean High Water Line, 372 feet, more or less, to an intersection with said Westerly line of Deed Book 66, page 168; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 38 feet, more or less to the Point of Beginning.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1029900000
 Location Address LEWIS SPEEDWAY
 SAINT AUGUSTINE 32084-0000
 Neighborhood M&B MA9 G1 (SF) (4910)
 Tax Description* 1 E 67ACS OF GRANT TO JOSEPH DELESPINE - PT OF PARCEL E OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
 Property Use Code Marshes, Wetlands, Waste Lands (9600)
 Subdivision N/A
 Sec/Twp/Rng 56-7-29
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 45.700
 Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
 Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$11,424
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$11,424
Total Deferred	\$0
Assessed Value	\$11,424
Total Exemptions	\$0
Taxable Value	\$11,424

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2018	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2017	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2016	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2015	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2014	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2013	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2012	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2011	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424
2010	\$0	\$0	\$11,424	\$0	\$0	\$11,424	\$11,424	\$0	\$11,424

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Marshes & Tidal Lands	0	0	42.25	AC	\$10,562
Conservation Easements	0	0	3.45	AC	\$862

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

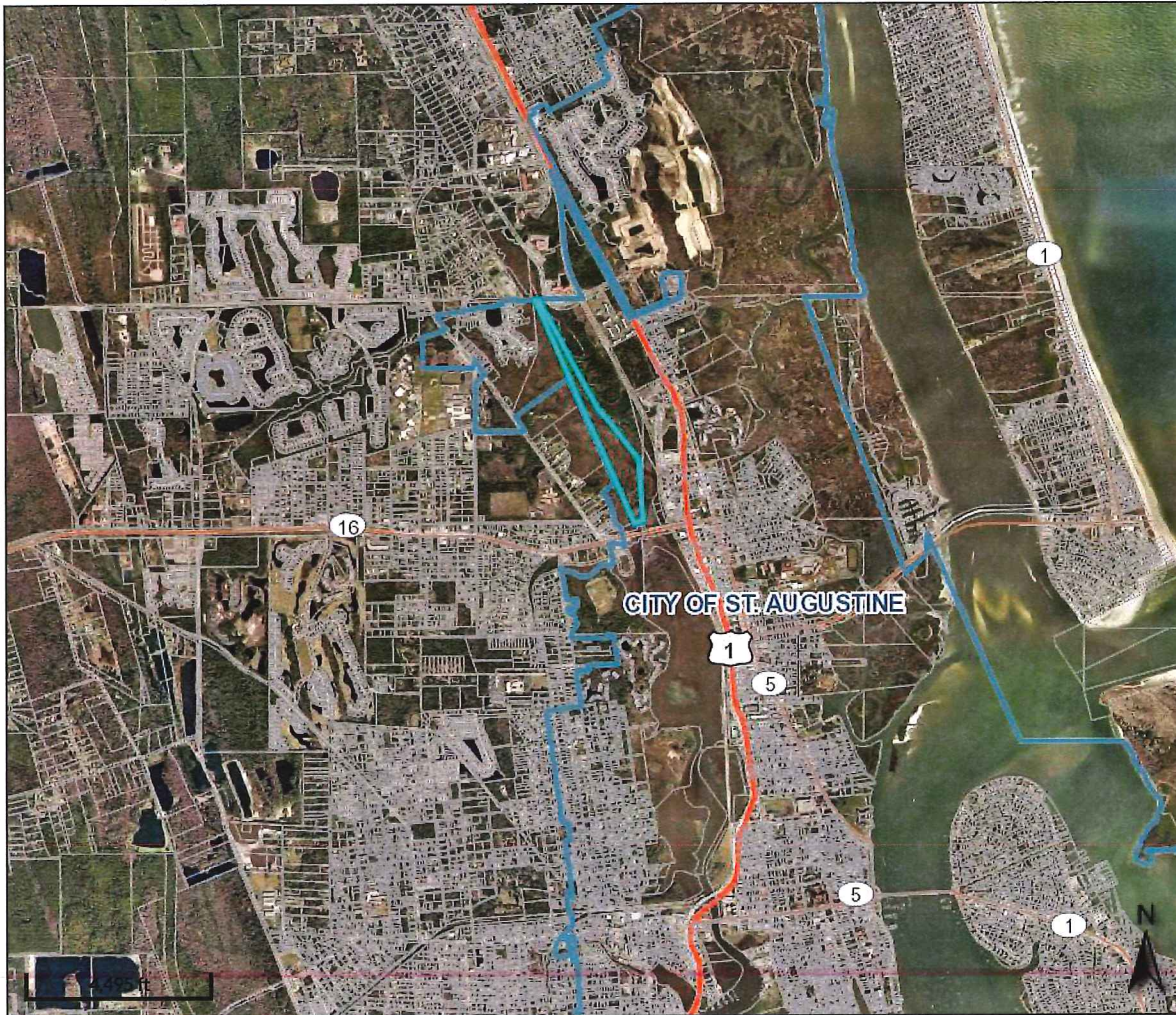
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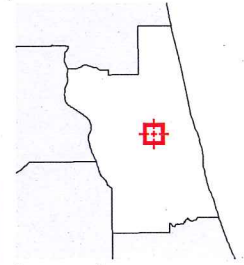
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1029900000	Physical Address	LEWIS SPEEDWAY	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC	Total Land Value	\$11,424	2/21/2014	\$2657500	05	Q
Acres	45.7		ET AL	Just Value	\$11,424	n/a	0	n/a	n/a
			8383 PRESTON CENTER PLAZA DR	Total Deferred	N/A				
			SUITE 360	Assessed Value	\$11,424				
			DALLAS TX 75225-0000	Total	N/A				
				Exemptions					
				Taxable Value	\$11,424				

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Summary

Parcel ID 1028100000
 Location Address LEWIS SPEEDWAY
 SAINT AUGUSTINE 32084-0000
 Neighborhood M&B MA9 G1 (SF) (4910)
 Tax Description* 1 GRANT TO E S ROBERTSON (EX PT LYING E OF RELOCATED MAIN TRACK R/W ASSES SED WITH SEC 1-7-29 RE 084561-0000) OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
 Property Use Code Marshes, Wetlands, Waste Lands (9600)
 Subdivision Estopa Grant 44 And E.S. Robinson Grant
 Sec/Twp/Rng 50-7-29
 District City of St Augustine (District 452)
 Millage Rate 20.0503
 Acreage 2.900
 Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
 Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$3,553
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,553
Total Deferred	\$0
Assessed Value	\$3,553
Total Exemptions	\$0
Taxable Value	\$3,553

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2018	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2017	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2016	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2015	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2014	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2013	\$0	\$0	\$3,553	\$0	\$0	\$3,553	\$3,553	\$0	\$3,553
2012	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528
2011	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528
2010	\$0	\$0	\$4,528	\$0	\$0	\$4,528	\$4,528	\$0	\$4,528

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
ROWs, Roads, Irrigation Channels, Ditches etc	0	0	0.39	AC	\$2,925
Marshes & Tidal Lands	0	0	2.51	AC	\$628

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHN'S RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

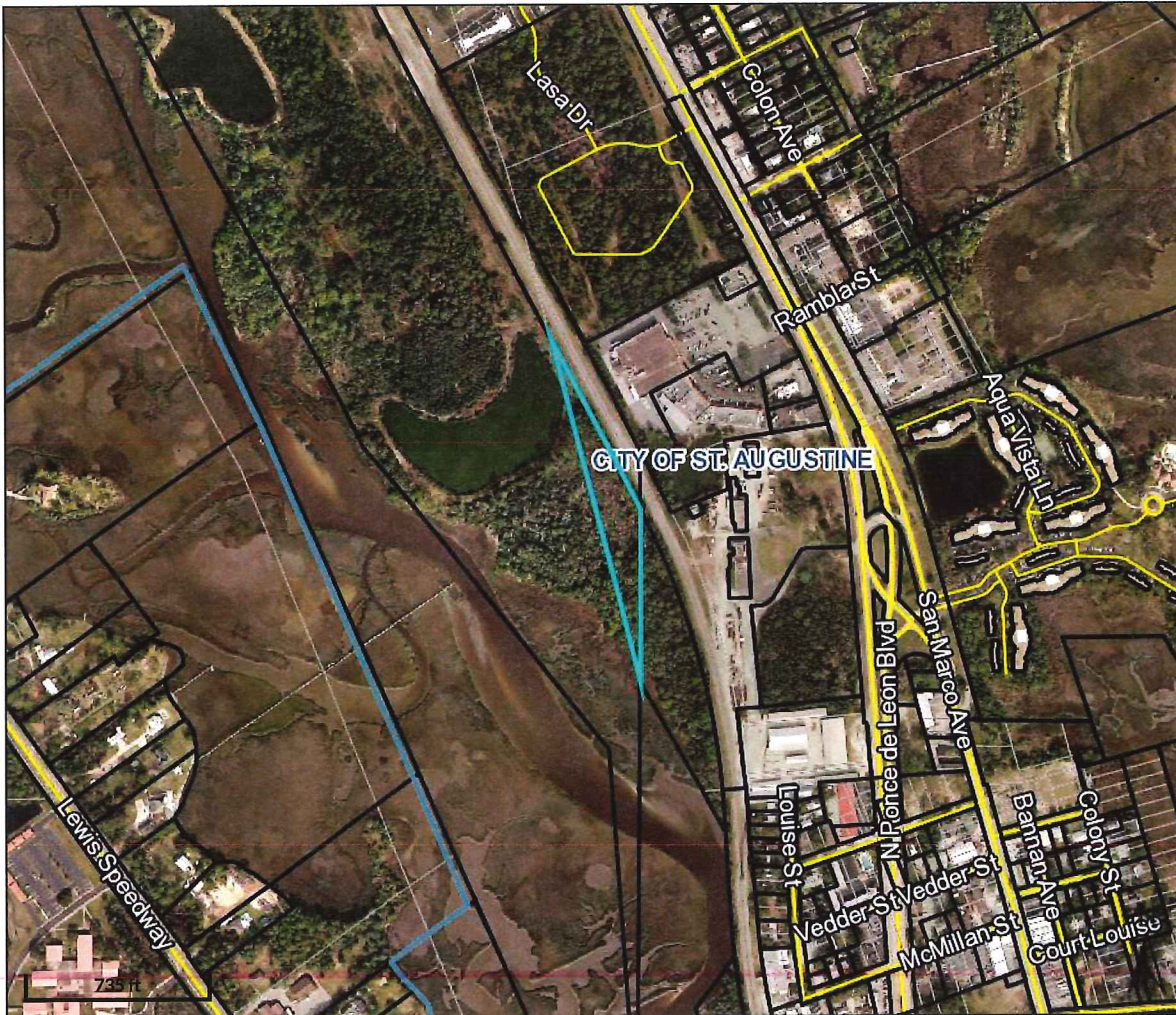
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Overview



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- Parcels
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- Cities

Parcel ID	1028100000	Physical Address	LEWIS SPEEDWAY	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$3,553	2/21/2014	\$2657500	05	Q
Acres	2.9		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$3,553	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$3,553				
				Total	N/A				
				Exemptions					
				Taxable Value	\$3,553				

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Summary

Parcel ID 1548600000
Location Address MCMILLAN ST
 SAINT AUGUSTINE 32084-0000
Neighborhood Robinson Grant (709)
Tax Description* 2-82 (2-2) ROBINSON GRANT SUB ALL LOT 55-C LYING W OF FEC RY INCLUDING RIPARIAN RIGHTS OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
Property Use Code Marshes, Wetlands, Waste Lands (9600)
Subdivision Estopa Grant 44 And E.S. Robinson Grant
Sec/Twp/Rng 55-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.650
Homestead N

Owner Information

Owner Name [West San Sebastian LLC Et AL 53%](#)
[Hwp Parks Arlington II Ltd 47%](#)
Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$162
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$162
Total Deferred	\$0
Assessed Value	\$162
Total Exemptions	\$0
Taxable Value	\$162

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2018	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2017	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2016	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2015	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2014	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2013	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2012	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2011	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162
2010	\$0	\$0	\$162	\$0	\$0	\$162	\$162	\$0	\$162

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Wetlands	0	0	0.65	AC	\$162

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGEMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

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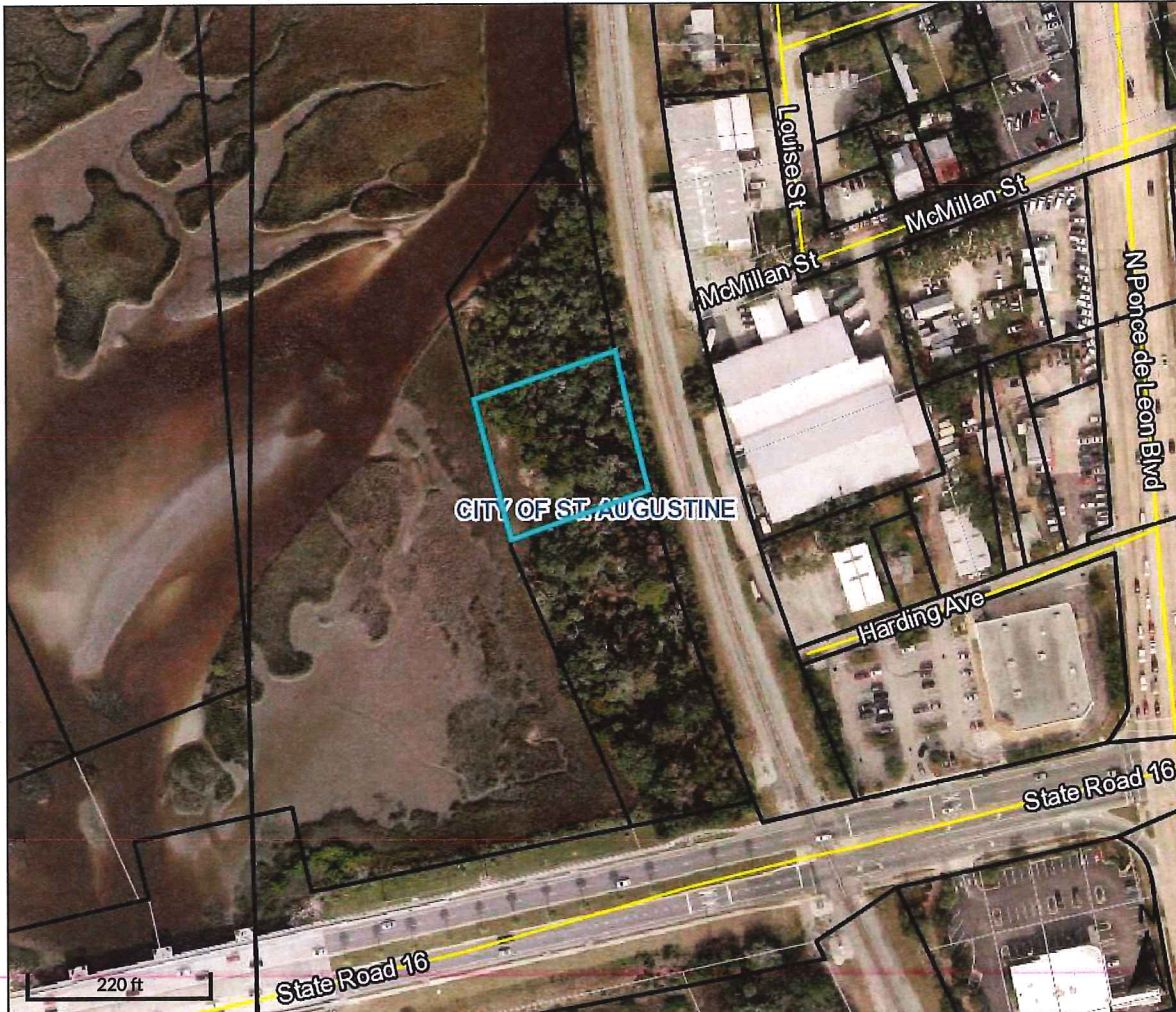
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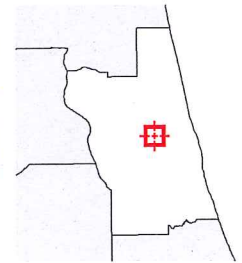
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Overview



Legend

- Parcels
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- Cities

Parcel ID	1548600000	Physical Address	MCMILLAN ST	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$162	2/21/2014	\$2657500	05	Q
Acres	0.65		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$162	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$162				
				Total	N/A				
				Exemptions					
				Taxable Value	\$162				

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Summary

Parcel ID 1555400000
Location Address HARDING AVE
 SAINT AUGUSTINE 32084-0000
Neighborhood Estopa (696)
Tax Description* 2-82 (10) ESTOPA GRANT SUB LOT44-H (EX ADD'L R/W TO FDOT PARCEL 103 IN OR1462/1783) OR3849/1506 & 1527
**The Description above is not to be used on legal documents.*
Property Use Code Marshes, Wetlands, Waste Lands (9600)
Subdivision Estopa Grant 44 And E.S. Robinson Grant
Sec/Twp/Rng 44-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 1.300
Homestead N

Owner Information

Owner Name West San Sebastian LLC Et AL 53%
 Hwp Parks Arlington II Ltd 47%
Mailing Address 8383 PRESTON CENTER PLAZA DR
 SUITE 360
 DALLAS, TX 75225-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$335
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$335
Total Deferred	\$0
Assessed Value	\$335
Total Exemptions	\$0
Taxable Value	\$335

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2019	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2018	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2017	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2016	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2015	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2014	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2013	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2012	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2011	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325
2010	\$0	\$0	\$325	\$0	\$0	\$325	\$325	\$0	\$325

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Wetlands	0	0	1.26	AC	\$315
Rivers, Lakes & Submerged Lands	0	0	0.04	AC	\$20

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/26/2014	2/21/2014	\$100.00	WD	3849	1527	U	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$2,657,500.00	WD	3849	1506	Q	V	FDG FLAGLER CROSSING LLC	WEST SAN SEBASTIAN LLC ET AL
2/26/2014	2/21/2014	\$0.00	QC	3849	1462	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
2/26/2014	2/21/2014	\$100.00	CD	3849	1456	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	2/19/2008	\$100.00	CD	3054	1210	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	11/16/2007	\$100.00	WD	3012	1650	U	V	FLORIDA EAST COAST RAILWAY LLC	FDG FLAGLER CROSSING LLC
	9/27/2007	\$100.00	CE	2988	717	U	V	FLORIDA EAST COAST RAILWAY LLC	ST JOHNS RIVER WATER MANAGMENT DIST
	9/15/2000	\$0.00	OI	1534	1011	U	I	FLORIDA EAST COAST RAILWAY (MERGER)	FLORIDA EAST COAST RAILWAY LLC

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.

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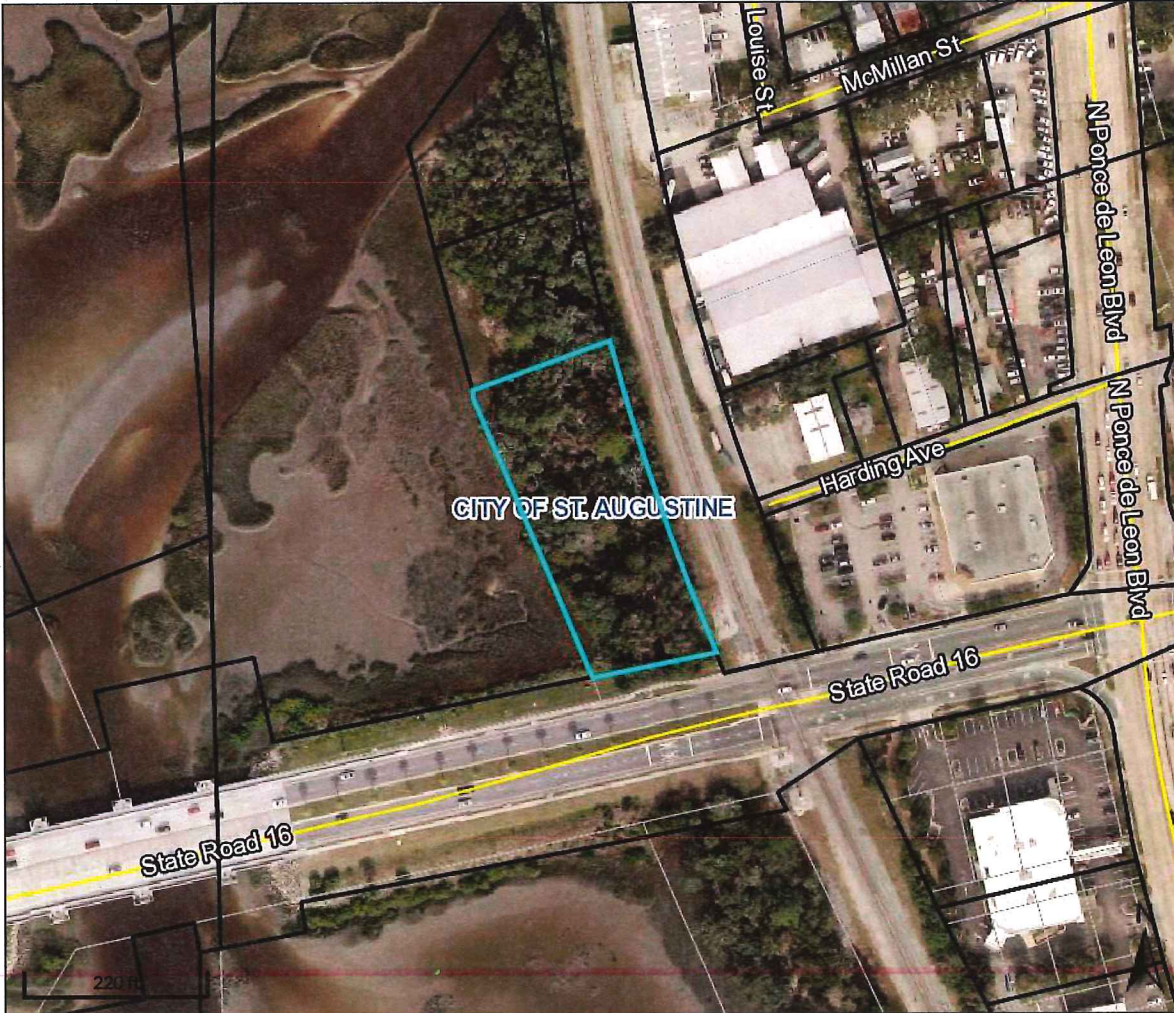
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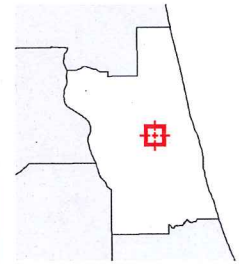
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Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1555400000	Physical Address	HARDING AVE	Building Value	N/A	Last 2 Sales			
Property Class	9600 - Marshes & Tidal Lands	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	WEST SAN SEBASTIAN LLC ET AL	Total Land Value	\$335	2/21/2014	\$2657500	05	Q
Acres	1.3		8383 PRESTON CENTER PLAZA DR SUITE 360 DALLAS TX 75225-0000	Just Value	\$335	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	\$335				
				Total	N/A				
				Exemptions					
				Taxable Value	\$335				

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Attachment 2

RL-1 Zoning

Sec. 28-166. - Residential, low-one: RL-1.

Intent. This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Accessory apartments.
- c. Multiple-family dwellings.
- d. Home office, private.

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

(3) *Permitted uses by exception:*

- a. Tourist homes and bed and breakfasts.
- b. Rooming and boarding houses.
- c. Housing for the elderly.
- d. Neighborhood recreation facility.
- e. Hotels and motels, thirty (30) units maximum.
- f. Restaurants and/or bars in connection with hotels or motels.
- g. Intermediate care facilities.
- h. See section 28-347.

(4) *Minimum lot requirements:*

a. *Single-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

b. *Multiple-family dwellings:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, ten thousand nine hundred (10,900) square feet for the first two (2) units and five thousand four hundred (5,400) square feet for each additional unit, to a maximum of eight (8) units per acre.

c. *Nonresidential uses:*

1. Minimum lot width, fifty (50) feet.
2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures:* Thirty (30) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- b. *Nonresidential uses:*
1. Front, fifteen (15) feet.
 2. Side, twenty (20) feet.
 3. Rear, twenty (20) feet.
- (7) *Maximum heights of structures:* Thirty-five (35) feet.

(Ord. No. 96-07, § 1, 5-13-96)

Attachment 3
Existing PUD
Ord. 2013-18

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FLAGLER CROSSING PLANNED UNIT DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO ORDINANCE NO. 2006-31 IN ORDER TO PROVIDE FOR DEVELOPMENT OF THE PROPERTY WITH 107 SINGLE FAMILY DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality which change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, on October 13, 2008, the City Commission passed and adopted Ordinance No. 2006-31 establishing the Flagler Crossing Planned Unit Development (PUD); and

WHEREAS, Section 28-289 of the Code of the City of St. Augustine provides procedures for the modification of a PUD; and

WHEREAS, on July 2, 2013, the City of St. Augustine Planning and Zoning Board (PZB) reviewed a request to modify the Flagler Crossing PUD, attached as Exhibit "A" and incorporated herein by reference, and made recommendation to the City Commission;

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

Section 1. Modification of Planned Unit Development. The Flagler Crossing PUD established pursuant to Ordinance No. 2006-31 for property described in Exhibit "B," incorporated herein by reference and attached hereto, is hereby modified in accordance with the Development Plan Narrative Revised August 26, 2013, incorporated herein by reference as Exhibit "C" and attached hereto.

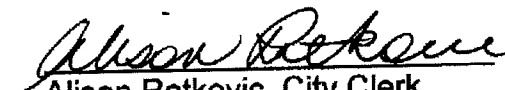
Section 2. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

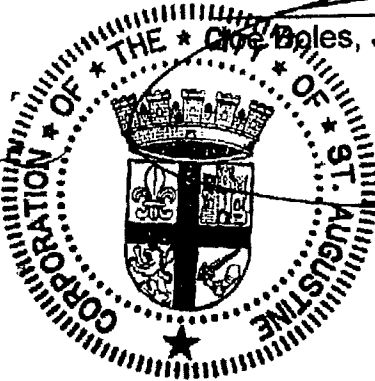
Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage pursuant to s. 166.041(4), Florida Statutes.

PASSED AND ADOPTED by the City Commission of the City of St. Augustine, Florida, this 26th day of August, 2013.

ATTEST:


Alison Ratkovic, City Clerk

(SEAL)



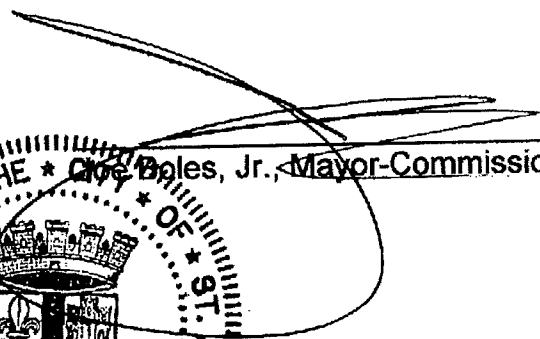

City Bales, Jr., Mayor-Commissioner

Exhibit "A" Application

CITY OF ST. AUGUSTINE A3 – APPLICATION TO PLANNING AND ZONING BOARD

Application Fee \$220.00

BDAC Project No. _____

Receipt No. _____

Meeting Date _____

PLEASE PRINT OR TYPE

1. **NAME OF APPLICANT:** Tom Jones **Daytime Phone:** c/o 904-825-4343
Business (if applicable):
Address: c/o McClure Bloodworth, P.L. **City:** St. Augustine **State:** FL **Zip:** 32084
2. **NAME OF PROPERTY OWNER:** FDG Flagler Crossing LLC **Daytime Phone:** c/o 904-825-4343
Business (if applicable): ATTN: Adam Furstein
Address: 2855 S Lejeune Rd. **City:** Coral Gables **State:** FL **Zip:** 33134
3. **LEGAL DESCRIPTION OF PROJECT PROPERTY:**
Lot: N/A **Block:** N/A
Subdivision: Flagler Crossing **Parcel Number:** 084560-0000, 102990-0000,
102810-0000,
154860-0000, 155540-0000
4. **PROJECT STREET ADDRESS:** Ponce de Leon Blvd
5. **SPECIFIC PROPOSED USE:** 107 Single Family Homes
6. **ACTION REQUESTED:**

☐ Exception ☐ Rezoning ☐ Land Use Plan Amendment	☐ Appeal of Staff Determination ☐ Variance ☐ Conservation Zone Development
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☒ **Other:** Modification of the Flagler Crossing PUD (Ord. 2006-31)
7. **DESCRIPTION OF ACTION REQUESTED:** The Applicant seeks to reduce the density of the 73-acre PUD from 248 multi-family townhome units to 107 single-family residences.
8. **JUSTIFICATION FOR ACTION REQUESTED:** See attached redline/strike-through version of the previously approved PUD narrative. And pursuant to Ord. 2013-08, the required responses to criteria 1 through 10 as well as all additional new text requirements are attached.

RECEIVED

JUN 06 2013

Planning/Building Dept.

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. N/A
- b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully.
N/A
- c) Can you establish that this disadvantage prevents reasonable use of the property?
Please explain fully. N/A
- d) If granted, will the variance adversely affect other property in the area? Please explain fully.
N/A
- e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code? Please explain fully. N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year? ☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes 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 288.0105 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.

12. _____
SIGNATURE OF APPLICANT DATE

13. EDG Flayler Crossings LLC
Kopco LLC
SIGNATURE OF PROPERTY OWNER DATE
Vice President



Exhibit "B"
Legal Description

Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

14775 St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

November 1, 2005
Miller Tract West
Page 1 of 2

Work Order No. 05-231.02
File No. 118C-29(MHW)

73 ACRE PARCEL

A portion of Section 1, Section 50 of the E. S. Robertson Grant, Section 51 of the Delespine or Delespine Grant, Section 52 of the Fatio or Delespine Grant, and Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with Section 6, and Section 55 of the E. S. Robertson Grant, Township 7 South, Range 30 East, all lying in the City of St. Augustine, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the centerline intersection of San Marco Avenue, also known as U.S. Highway No. 1, a variable width right of way as now established, with the centerline of State Road No. 16, a variable width right of way per Florida Department of Transportation Right of Way Map, Section 78060-2506; thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as now established, said point also being a point on a curve concave Easterly, having a radius of 2914.79 feet; thence along said Westerly right of way line the following six courses: Course 1, thence Northerly, departing said centerline and along the arc of said curve, through a central angle of $19^{\circ}00'59''$, an arc length of 967.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $14^{\circ}27'58''$ West, 962.97 feet; Course 2, thence North $04^{\circ}57'29''$ West, 24.60 feet to a point on a non-tangent curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, an arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course 4, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $00^{\circ}32'54''$, an arc length of 27 feet, more or less, to a point on said curve; said point also being a point lying on the Easterly Mean High Water Line and the Point of Beginning, said arc being subtended by a chord bearing and distance of North $02^{\circ}56'22''$ West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of the Easterly Mean High Water Line of the San Sebastian River, 4923 feet, more or less, to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said St. Johns County, said line also being a line from the centerline of a

73 Acre Parcel

bridge to the centerline of the Dome of the Flagler Memorial Church of St. Augustine; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 76 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 673 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 121 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northeasterly, Southeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 192 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 191 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Southeasterly, Southwesterly, Northeasterly and Northwesterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 555 feet, more or less, to a point lying on said Westerly line; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 29 feet, more or less, to a point lying on said Easterly Mean High Water Line; thence Northerly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 111 feet, more or less to a point lying on the Southerly line of Section 98 of the J. Delespine Grant, Township 6 South, Range 29 East, thence South $89^{\circ}11'41''$ East, departing said Easterly Mean High Water Line, along said Southerly line and along the Southerly line of Section 36 of said Township 6 South, Range 29 East, a distance of 184 feet, more or less, to a point on a curve concave Northerly, having a radius of 488.46 feet; thence Easterly, departing said Southerly line and along the arc of said curve, through a central angle of $92^{\circ}00'30''$, an arc length of 784.40 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $71^{\circ}52'55''$ East, 702.79 feet; thence North $62^{\circ}06'50''$ East, 228.73 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad; thence Southerly, along said Westerly right of way line the following five courses: Course 1, thence South $27^{\circ}53'10''$ East, 2423.56 feet; Course 2, thence South $27^{\circ}42'36''$ East, 660.97 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 3, thence Southerly, along the arc of said curve, through a central angle of $23^{\circ}37'40''$, an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $15^{\circ}53'46''$ East, 1152.57 feet; Course 4, thence South $04^{\circ}04'55''$ East, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 5, thence Southerly, along the arc of said curve, through a central angle of $00^{\circ}52'06''$, an arc length of 43 feet, more or less, to a point on said curve, said point also being a point lying on the Easterly Mean High Water Line and the Point of Beginning, said arc being subtended by a chord bearing and distance of South $03^{\circ}38'52''$ East, 43 feet, more or less.

Containing 72.86 acres, more or less.

Exhibit "C"

**DEVELOPMENT PLAN NARRATIVE
FLAGLER CROSSING PLANNED UNIT DEVELOPMENT**

PUD Ordinance 2006-31

Revised July 9, 2013

Submittal Date:

June 7, 2013

Request:

Rezone approximately 73 acres from Planned Unit Development (PUD) to PUD to allow for construction of up to 107 single family dwelling units.

Owner:

FDG Flagler Crossing, LLC
ATTN: Keith Tickell
4601 Touchton Rd. E., Bldg. 300
Suite 3200
Jacksonville, Florida 32246

Applicant:

San Sebastian Group, LLC
105 Plantation Circle
Ponte Vedra Beach, FL 32082

Authorized Agents for the Applicant:

Susan Bloodworth, Esquire
McClure Bloodworth, P.L.
81 King Street, Suite A
St. Augustine, FL 32084

John Valdes
John Valdes & Associates
1395 U.S. Highway 1 South, Suite A
St. Augustine, Florida 32084

England-Thims & Miller, Inc.
14775 Old St. Augustine Road
Jacksonville, Florida 32258

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	General Location/Context Plan
Exhibit E	Extent of Coastal High Hazard Area (CHHA)

Exhibit F	Proof of Ownership/Deed
Exhibit G	Ordinance 2013-08 PUD Development Plan Responses
Exhibit H	Conceptual Site Plan and Typical Sections
Exhibit I	Tree Protection/Mitigation Plan
Exhibit J	Recorded Conservation Easement

Parcel Identification Numbers: 084560-0000, 102990-0000, 102810-0000, 154860-0000, 155540-0000.

SECTION I- INTRODUCTION AND REQUEST

This is an attachment to the application for a major modification of the Flagler Crossing PUD, Ordinance 2006-31, with accompanying documents as required by the City of St. Augustine Zoning Code ("Zoning Code"). This petition is filed on behalf of the Applicant, San Sebastian Group, LLC. The Applicant is requesting a modification of the previously approved Flagler Crossing PUD to allow up to 107 single family homes. A completed application form for rezoning is included as **Exhibit "A."** The future land use is Residential Low Density/Mixed Use as approved by City of St. Augustine Ordinance 2006-03.

A. Location/Surrounding Areas and Access: The subject property (the "Property") consists of land located landward of the mean high water line of the San Sebastian River resulting in two separate parcels of land. The Property is more particularly described by the Legal Description, which is attached as **Exhibit "B."** All land waterward of the mean high water line will remain in the Open Land category. The Property is approximately 73 acres in size and located immediately west of the FEC railroad, south of San Sebastian View, east of the San Sebastian River and north of State Road 16 as shown on the General Location/Context Plan **Exhibit "D."**

The Property is surrounded by the St. Johns County administration and judicial center to the north; vacant land to the east between the railroad and US Highway 1; SR 16 to the south and the San Sebastian River to the west. The Property will be accessed by San Sebastian View, an extension of Avenue D that was constructed by Flagler and dedicated to St. Johns County. This road now provides an alternate access to the County complex from U.S. 1 and provides relief to the Lewis Speedway/U.S. 1 intersection. (**Exhibit "D"**). Across U.S. 1 to the east is the approved Madeira development, which is approved for 749 residential dwelling units and approximately 150,000 square feet of office and retail space at buildout. The proposed project will provide for supporting housing opportunities in close proximity to two of the County's largest employers, St. Johns County government and Northrop Grumman. The proposed project also preserves existing native vegetation and open space for significant areas of the site as shown on the Community Plan and Typical Sections in **Exhibit "H."**

B. Ownership/Agreement: The Property is owned by FDG Flagler Crossing LLC as shown by the Proof of Ownership (deed) which is attached as **"Exhibit F,"** who has authorized Susan S. Bloodworth, McClure Bloodworth, P.L., England-Thims & Miller, Inc. and John Valdes & Associates to represent the Application.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department, the Planning & Zoning Board (PZB), and the City of St. Augustine City Commission.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner. The only permitted uses will be single-family homes, not to exceed one hundred seven (107) units with associated active and passive recreation uses and accessory uses. The Conceptual Site Plan and Typical Sections, **Exhibit "H,"** shows a total of 107 single-family with passive and active recreation and park areas. The active recreation areas may include playgrounds, playing fields, and exercise stations. The passive recreation areas may include walking trails to scenic vistas and up to two optional community docks or fishing piers.

Development of the PUD will occur in one or more phases over the next ten (10) years. Development of the PUD shall commence within eighteen (18) months of approval of this modification, which shall be defined as City adoption of the Ordinance modifying the original PUD Ordinance 2006-31. Commencement shall be defined as approval of construction plans based on the PUD, as modified herein.

This PUD shall not release the Applicant, its successors and assigns, or their obligations to comply with all Federal, State and local applicable laws and does not otherwise limit nor expand the authority of the City of St. Augustine to enforce such laws nor limit nor expand defenses available to the property owner.

B. Development Standards for Development within the PUD: The attached Conceptual Site Plan and Typical Sections **Exhibit "H"** depicts the appropriate site plan and layout of the proposed lots. No material departures from the Site Plan are permitted without authorization of the PZB. In recognition of the PUD's unified site plan, an individual homeowner may seek an amendment of his or her property, with only the prior approval of the Applicant, or his assignee, such as the homeowner's association, which is required by the City's Code, to be created for the management and ownership of the common elements, stormwater system and any private roadways. Such individual homeowner need not obtain the signatures of all homeowners within the PUD, as long as the applicant for any requested change is the Applicant or the Applicant's designee, such as the homeowners' association. The following specific criteria shall apply.

1. **Minimum lot width:** Fifty (50) feet.
2. **Minimum Lot Area:** Six thousand (6,000) square feet
3. **Minimum Setbacks for Structures**

Front ~ 20 feet
Side – 5 feet
Rear – 10 feet

Setbacks will be measured from the property line to the face of the vertical wall or structure.

4. **Maximum lot coverage:** Fifty (50) percent for structures.
5. **Maximum building height:** Thirty-five (35) feet.

6. **Parking:** Subdivision roads shall be constructed within a 50 foot right of way with a 5 foot easement on both sides and 20-ft of pavement. Because of the width of the pavement, no on-street parking will be allowed and off-street parallel guest parking, off of the 20 ft. pavement, has been provided throughout the neighborhood. The installation of striping and warning signage shall occur at the time of construction of the roadways within the PUD. The prohibition against on-street parking shall be reflected in the homeowner's association regulatory documents. Enforcement, including towing of improperly parked vehicles, will be handled by the homeowner's association. Traffic control signage shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).

Signage: The entry feature signage for the subdivision will be no greater than commercial signage per City Code, and residential signage internal to the subdivision will comply with residential signage per City Code with appropriate wayfinding and traffic signage. These signs may be lighted (providing lights are not directed towards traffic) and shall not obstruct visibility.

The existing billboards located on the south parcel adjacent to SR 16 will be removed from the Property upon issuance of the first vertical building permit(s). This is consistent with Comprehensive Plan CCM Policy 30 that encourages property owners not to renew leases for the billboards, which are located along State Road 16.

7. **Stormwater:** Stormwater will be retained on site within the retention areas shown on the Community Plan and Typical Sections **Exhibit "H."** The drainage structures and facilities will be designed and constructed in compliance with the regulations of the City of St. Augustine and will conform with the permit requirements established by the St. Johns River Water Management District and the City of St. Augustine Stormwater Regulations. Typical lot grading plans shall be provided in construction plans.
8. **Access:** Vehicular and pedestrian access to the property will be provided from San Sebastian View.
9. **Buffers:** All development will be located outside Conservation Overlay Zone 1 except for walking trails, boardwalks and community docks. Conservation Overlay Zone 1 includes all wetlands within the State's Wetlands Jurisdiction Line. All development other than walking trails, boardwalks, community docks or private docks will occur a minimum of 25 feet landward of Conservation Overlay Zone 1. Any activity within Conservation Overlay Zone 1 shall be in compliance with Article II of the City of St. Augustine's Code of Ordinances. No reduction of this 25-foot Conservation Zone 1 restriction will be allowed. Any parcel-specific change proposed within any of the Conservation Zones shall be by application for a Conservation Zone Permit and the only applicant for such Conservation Zone permits shall be the Applicant herein or its assignee, such as the homeowners' association formed pursuant to City requirements.

A landscaped berm will be created along the railroad within a minimum 90-foot wide buffer to create a visual and noise buffer from development. A typical section of this buffer is shown on **Exhibit "H"** Conceptual Site Plan and Typical Sections.

10. **Utilities:** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Florida Power and Light Company or other franchised utility provider. A five (5) ft. easement on each side of the road right of way

will provided to accommodate the utility lines. Security lighting will be provided at intersections and the ends of cul de sacs. Applicant will grant the City utility department easements necessary for the installation of such utilities.

- 11. Potable Water:** Potable water will be provided by the City of St. Augustine via existing connections located along San Sebastian View. Design and construction will be in accordance with current permit standards and requirements. Applicant will grant the City utility department any easements necessary for the installation of such utilities.
- 12. Fire Protection/Assessment:** Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.
- 13. Sanitary Sewer:** The development will be served by central sewer collection from the City of St. Augustine and service is available along San Sebastian View. A lift station will be constructed on the subject property and dedicated to the City of St. Augustine. Such dedication shall be by deeded conveyance of the lift station parcel, and shall include required ingress/egress and utility easements. Any extensions or new connections shall be in accordance with City requirements and design and construction shall conform to current permit standards and requirements. Applicant will grant the City utility department any easements necessary for the installation of such utilities.
- 14. Roads:** Subdivision roads shall be "Miami curb and gutter" and shall be constructed with 20 ft. of pavement, centered within a 50 foot right of way, a 4 foot sidewalk and 5 foot easement on both sides. There will be an unpaved 9-foot area between the pavement and the sidewalk on each side of the road that can be used for off-street parking. The Applicant will grant the City utility department any easements necessary for the installation of utilities.
- 15. Sidewalks:** Applicant will install sidewalks along both sides of the local roads and will connect to sidewalks along San Sebastian View.
- 16. General Design Standards:** All homes shall have a finished floor elevation above the base flood elevation as established by the Federal Emergency Management Agency (FEMA)
- 18. Recreation and Open Space:**
 - a. Applicant will provide passive and active recreational opportunities on site that exceed the City of St. Augustine requirements. Neighborhood parks are located through the community as shown on the Conceptual Site plan. The parks may include playground equipment, play fields and exercise stations. Passive recreational opportunities will also be provided on site by walking trails to scenic vistas along the San Sebastian River. Up to two (2) community docks/fishing piers may be constructed. Picnic areas may also be located along the walking trails.
 - b. The owner has recorded a conservation easement consistent with the preservation areas shown on the conceptual site plan. A copy is provided as Exhibit "J." Such conservation easement shall prohibit development of the portions of the site

and similar passive recreational uses and structures subject to obtaining any applicable federal, state and local permits. Areas depicted in the site plan, which are not subject to the recorded conservation easement, or which may in the future be released or modified from the lands subject to the recorded conservation easement, are still intended to be preserved pursuant to the commitments made in this PUD.

19. **Concurrency:** The City of St. Augustine has eliminated traffic concurrency.
20. **Coastal High Hazard Area (CHHA):** All single-family homes will be clustered outside the Coastal High Hazard Area (CHHA). The CHHA is defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricane (SLOSH) computerized storm surge model. The Northeast Florida Storm Tide Atlas published in 2010 by the Northeast Florida Regional Council was utilized to determine the extent of the CHHA. The Atlas maps identify those areas subject to potential storm tide flooding from the five categories of hurricane on the Saffir Simpson Hurricane Wind Scale as determined by NOAA's numerical storm surge model, SLOSH. The location and extent of the CHHA is shown on **Exhibit "E."**
21. **Tree Protection/Mitigation:** Significant areas of native vegetation will be preserved on the site. Exhibit I Tree Protection/Mitigation Plan, includes an existing tree survey showing preserved and removed trees, a tree information chart listing trees by type and size and a credit/deficit chart. The chart shows that the tree credits will far exceed the tree deficits.
22. **Education:** The Applicant, concurrent with the approval of this PUD, is processing a Proportionate Fair Share Agreement with the St. Johns County School District and upon approval by the St. Johns County School Board of the proposed Agreement (which is anticipated to occur prior to the final hearing on this Application) shall address all school impacts created by the development proposed herein.

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its successors and assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All common areas and facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV-SUMMARY AND CONCLUSIONS

Approval of this Application for Modification of the Flagler Crossing Planned Unit Development, Ordinance 2006-31, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding uses and zonings. The project allows control over the size and intensity of development and assurance of compatibility with surrounding uses.

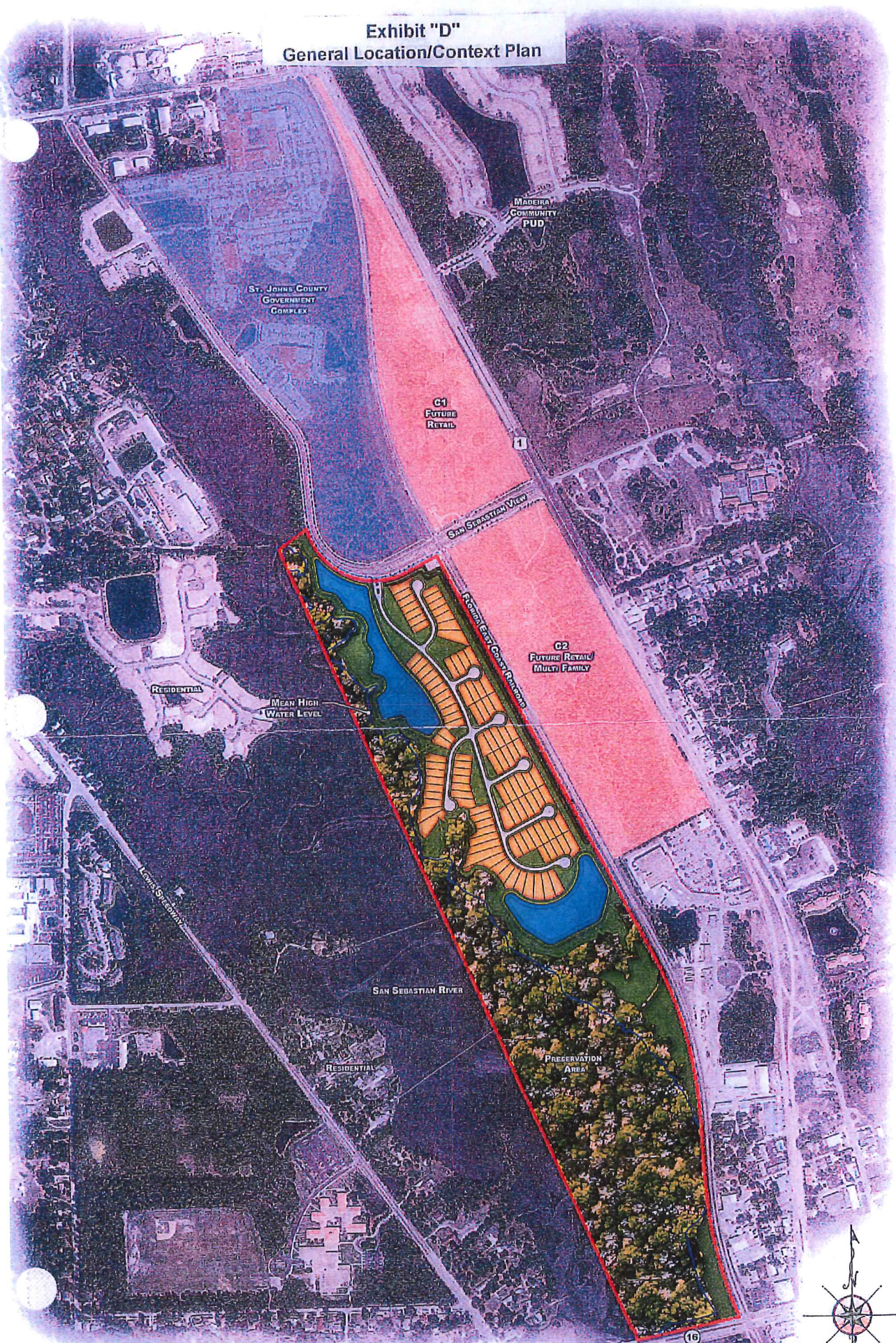
2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objectives, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Modification to Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Plan and is consistent with the City Plan.

Exhibit "D"
General Location/Context Plan



ETM

Note: This land plan and/or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was prepared for informational purposes only.

FLAGLER CROSSING
GENERAL LOCATION/ CONTEXT PLAN

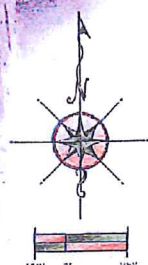
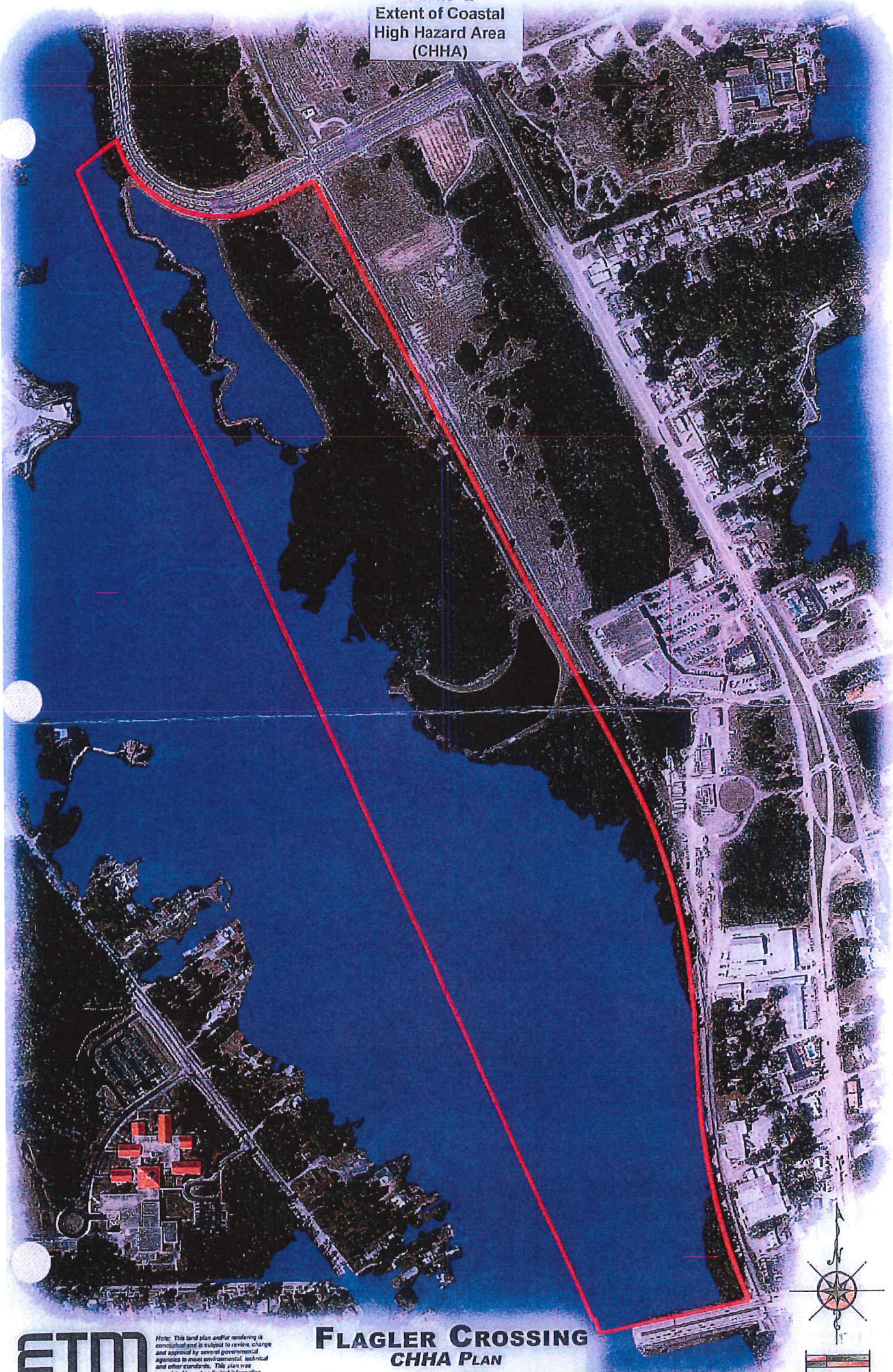


EXHIBIT E
Extent of Coastal
High Hazard Area
(CHHA)

3" x 3"



ETM
England-Thim & Miller, Inc.
VISION • EXPERIENCE • RESULTS

Note: This land plan and/or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was completed based on limited information; therefore all acreage figures are unofficial and are subject to change.

**FLAGLER CROSSING
CHHA PLAN**
MAY 2013



Exhibit "F"
Proof of Ownership/Deed

PREPARED BY AND RETURN TO:

Christine M. DeMott, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive, Suite 2100
Chicago, IL 60606

Tax Numbers:

Space above this Line for Recording Data

CORRECTIVE SPECIAL WARRANTY DEED

THIS CORRECTIVE SPECIAL WARRANTY DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION ATTACHED TO THAT CERTAIN SPECIAL WARRANTY DEED RECORDED ON NOVEMBER 29, 2007, IN OFFICIAL RECORDS BOOK 3012, PAGE 1650 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THIS CORRECTIVE SPECIAL WARRANTY DEED is made and executed this 19th day of February, 2008, by FLORIDA EAST COAST RAILWAY, L.L.C., whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantor"), to FDG FLAGLER CROSSING LLC, whose mailing address is 2855 S. LeJeune Road, Coral Gables, FL 33134 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, certain real property located in St. Johns County, Florida, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; and

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

AND Grantor hereby specially warrants title to the Property as hereby described, and will defend the Property against the lawful claims and demands of all persons claiming by, through, or under Grantor, but against none other, and covenants that the Property is free of all liens and encumbrances, except real property taxes and assessments accruing subsequent to December 31, 2007, zoning and other regulatory laws and ordinances affecting the Property, and covenants, easements, reservations and restrictions of record, if any, provided that this reference shall not serve to reimpose same.

Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and their respective successors and assigns.

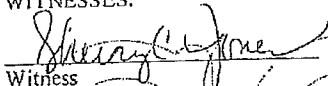
NOTE TO RECORDING CLERK:

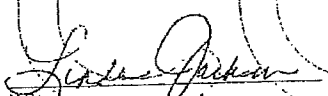
The Special Warranty Deed recorded on November 29, 2007 in Official Records Book 3012, Page 1650 of the Public Records of St. Johns County, Florida, which has been modified hereby to correct the legal description attached to such deed, conveyed unencumbered property for nominal consideration from the Grantor to a limited liability company wholly-owned by Grantor and was therefore exempt from Florida documentary stamp taxes pursuant to Crescent Miami Center, LLC vs. Florida Department of Revenue, No. SC03-2063 (Fla. 2005).

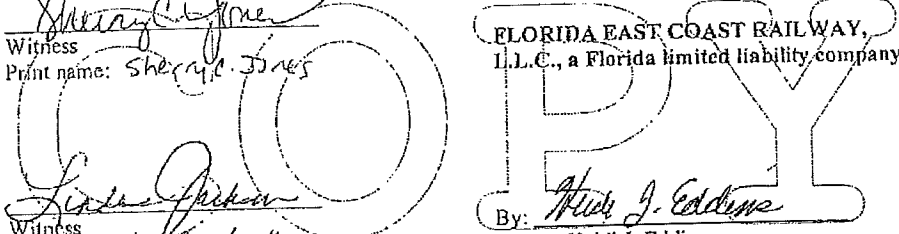
[SIGNATURE PAGE TO CORRECTIVE SPECIAL WARRANTY DEED]

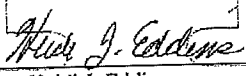
IN WITNESS WHEREOF, Grantor has caused this Corrective Special Warranty Deed to be executed the day and year first above written.

WITNESSES:


Witness
Print name: Sherry C. Jones

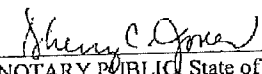

Witness
Print name: Linda Jackson


FLORIDA EAST COAST RAILWAY,
L.L.C., a Florida limited liability company

By: 
Name: Heidi J. Eddins
Its: Executive Vice President, General
Counsel and Secretary

STATE OF Florida)
) SS:
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 19th day of February, 2008, by Heidi J. Eddins, Executive Vice President, General Counsel and Secretary of Florida East Coast Railway, L.L.C., who is personally known to me.


NOTARY PUBLIC, State of Florida
Sherry C. Jones
Print Name
My Commission expires: _____

(SEAL)
 SHERRY C. JONES
Notary Public, State of Florida
My Comm. Expires Jan. 22, 2010
Comm. No. DD 595409

[SIGNATURE PAGE TO CORRECTIVE SPECIAL WARRANTY DEED]

IN WITNESS WHEREOF, Grantee has caused this Corrective Special Warranty Deed to be executed the day and year first above written.

WITNESSES:

[Signature]
Witness
Print name: Ruth M Ligo

[Signature]
Witness
Print name: Erika Aenle

[Signature]
FDG FLAGLER CROSSING LLC,
a Delaware limited liability company

By: [Signature]
Name: Kolleen Cobb
Its: Vice President and Secretary

STATE OF FLORIDA)
COUNTY OF Miami Dade) SS:

The foregoing instrument was acknowledged before me this 13 day of February 2008, by Kolleen Cobb, the Vice President and Secretary of FDG Flagler Crossing LLC, who is personally known to me.

[Signature]
NOTARY PUBLIC, State of Florida

Print Name Rayda Masdeu
My Commission expires: 1/23/12

(SEAL)

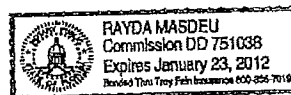


Exhibit "A"

Property

PARCEL E:

A PORTION OF SECTION 36, SECTION 55, THE FRANCIS J. PATIO GRANT, SECTION 56, THE PATIO OR DELESPINE GRANT, SECTION 79, THE PATIO OR DELESPINE GRANT, AND SECTION 98, THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH SECTION 1, SECTION 12, SECTION 50, THE J.S. SANCHEZ GRANT, SECTION 52, THE PATIO OR DELESPINE GRANT, AND SECTION 56, THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH SECTION 6, SECTION 7, SECTION 44, THE ESTOPA GRANT, AND SECTION 55, THE E.S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, WITH THE CENTERLINE OF STATE ROAD NO. 16, A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506; THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12 DEGREES 26 MINUTES 14 SECONDS WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 231.51 FEET; COURSE 2, THENCE SOUTH 12 DEGREES 26 MINUTES 14 SECONDS EAST; 3.75 FEET; COURSE 3, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 25.51 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16 THE FOLLOWING FOUR COURSES: COURSE 1, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 706.25 FEET; COURSE 2, THENCE NORTH 23 DEGREES 50 MINUTES 52 SECONDS WEST, 14.98 FEET; COURSE 3, THENCE NORTH 12 DEGREES 26 MINUTES 14 SECONDS WEST, 55.32 FEET; COURSE 4, THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, 11.16 FEET TO A POINT LYING ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 66, PAGE 168, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE; THENCE NORTH 23 DEGREES 50 MINUTES 52 SECONDS WEST, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, AND ALONG SAID WESTERLY LINE, 5893.95 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF SECTION 52; THENCE SOUTH 82 DEGREES 27 MINUTES 09

SECONDS WEST, DEPARTING SAID WESTERLY LINE, AND ALONG SAID SOUTHERLY LINE, 233.88 FEET TO A POINT LYING ON THE NORTHEASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 141, PAGE 1, OF SAID PUBLIC RECORDS; THENCE NORTH 28 DEGREES 30 MINUTES 26 SECONDS WEST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID NORTHEASTERLY LINE, 1884.83 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2103, PAGE 1233, OF SAID PUBLIC RECORDS; THENCE NORTH 76 DEGREES 10 MINUTES 52 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, AND ALONG ITS EASTERLY PROLONGATION, 590.25 FEET TO THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, OF SAID PUBLIC RECORDS; THENCE SOUTH 33 DEGREES 34 MINUTES 45 SECONDS EAST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHWESTERLY LINE, 346.69 FEET TO THE SOUTHERLY MOST CORNER OF SAID LANDS; THENCE NORTH 60 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG THE SOUTHEASTERLY LINE OF LAST SAID LANDS, 1069.62 FEET TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, A 100 FOOT RIGHT OF WAY, AS NOW ESTABLISHED, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THIRTEEN COURSES: COURSE 1, THENCE SOUTHERLY, DEPARTING SAID SOUTHEASTERLY LINE, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AN ARC LENGTH OF 42.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 21 MINUTES 31 SECONDS EAST, 42.81 FEET; COURSE 2, THENCE SOUTH 03 DEGREES 55 MINUTES 23 SECONDS EAST, 567.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 3, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 57 MINUTES 52 SECONDS, AN ARC LENGTH OF 1219.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 54 MINUTES 19 SECONDS EAST, 1210.26 FEET; COURSE 4, THENCE SOUTH 27 DEGREES 53 MINUTES 10 SECONDS EAST, 2753.52 FEET; COURSE 5, THENCE SOUTH 27 DEGREES 42 MINUTES 36 SECONDS EAST, 660.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; COURSE 6, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 37 MINUTES 40 SECONDS, AN ARC LENGTH OF 1160.78 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 53 MINUTES 46 SECONDS EAST, 1152.57 FEET; COURSE 7, THENCE SOUTH 04 DEGREES 04 MINUTES 55 SECONDS EAST, 86.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.79 FEET; COURSE 8, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREES 25 MINUTES 00 SECONDS, AN ARC LENGTH OF 69.60 FEET TO A POINT OF REVERSE CURVATURE, SAID ARC BEING

SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03 DEGREES 22 MINUTES 25 SECONDS EAST, 69.60 FEET; COURSE 9, THENCE SOUTHERLY, ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 11509.16 FEET, THROUGH A CENTRAL ANGLE OF 01 DEGREES 07 MINUTES 39 SECONDS, AN ARC LENGTH OF 226.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03 DEGREES 13 MINUTES 45 SECONDS EAST, 226.46 FEET; COURSE 10, THENCE SOUTH 03 DEGREES 47 MINUTES 34 SECONDS EAST, 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 11, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREES 20 MINUTES 56 SECONDS, AN ARC LENGTH OF 68.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 17 MINUTES 00 SECONDS EAST, 68.62 FEET; COURSE 12, THENCE SOUTH 04 DEGREES 57 MINUTES 29 SECONDS EAST, 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 13, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18 DEGREES 00 MINUTES 54 SECONDS, AN ARC LENGTH OF 916.46 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13 DEGREES 57 MINUTES 56 SECONDS EAST, 912.69 FEET.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.
ALSO LESS AND EXCEPT THAT PART CONTAINED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.
FURTHER EXCEPTING ANY PART LYING WITHIN ANY ROAD OR STREET RIGHT OF WAY.

AND LESS AND EXCEPT (OR 2635/1760):

A PORTION OF SECTION 36 AND A PORTION OF SECTION 55 FRANCIS J. FARIO GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 29 EAST, CITY OF ST. AUGUSTINE. ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS US HIGHWAY NO. 1, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, WITH THE CENTERLINE OF STATE ROAD NO. 16, A VARIABLE WIDTH RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506; THENCE SOUTH 77 DEGREES 33 MINUTES 46 SECONDS WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 1171.22 FEET TO ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE, OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 66, PAGE 168 OF THE PUBLIC RECORDS OF SAID ST JOHNS COUNTY; THENCE NORTH 23 DEGREES 50 MINUTES

52 SECONDS WEST, DEPARTING SAID CENTERLINE AND ALONG SAID SOUTHERLY PROLONGATION AND SAID WESTERLY LINE, 6016.37 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF SECTION 52, FATLO OR DELESPINE GRANT OF SAID TOWNSHIP 7 SOUTH, RANGE 29 EAST; THENCE SOUTH 82 DEGREES 27 MINUTES 09 SECONDS WEST, DEPARTING SAID WESTERLY LINE, AND ALONG SAID SOUTHERLY LINE, 233.88 FEET TO ITS INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 141, PAGE 1, OF SAID PUBLIC RECORDS; THENCE NORTH 28 DEGREES 30 MINUTES 26 SECONDS WEST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID NORTHEASTERLY LINE, 1884.83 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2103, PAGE 1233, OF SAID PUBLIC RECORDS; THENCE NORTH 76 DEGREES 10 MINUTES 52 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, AND ALONG ITS EASTERLY PROLONGATION, 590.25 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, OF SAID PUBLIC RECORDS; THENCE SOUTH 33 DEGREE 34 MINUTES 45 SECONDS EAST, DEPARTING SAID SOUTHERLY LINE, AND ALONG SAID SOUTHWESTERLY LINE, 346.69 FEET TO THE SOUTHERLY MOST CORNER OF SAID LANDS AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE NORTH 60 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG SAID SOUTHEASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1876, PAGE 1922, A DISTANCE OF 1069.62 FEET TO A POINT ON A CURVE, SAID POINT LYING ON THE WESTERLY LINE OF A FLORIDA EAST COAST RAILROAD, RIGHT ON WAY, A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE SOUTHERLY, DEPARTING SAID SOUTHEASTERLY LINE AND ALONG SAID WESTERLY RIGHT OF WAY LINE, THE FOLLOWING FOUR COURSES: COURSE 1, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2814.79 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 52 MINUTES 17 SECONDS, AN ARC LENGTH OF 42.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04 DEGREES 21 MINUTES 31 SECONDS EAST, 42.81 FEET; COURSE 2, THENCE SOUTH 03 DEGREES 55 MINUTES 23 SECONDS EAST, 567.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2914.79 FEET; COURSE 3, THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 57 MINUTES 52 SECONDS, AN ARC LENGTH OF 1219.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15 DEGREES 54 MINUTES 19 SECONDS EAST, 1210.26 FEET; COURSE 4, THENCE SOUTH 27 DEGREES 53 MINUTES 10 SECONDS EAST, 179.96 FEET THENCE SOUTH 62 DEGREES 06 MINUTES 50 SECONDS WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, 287.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 350.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 112 DEGREES 18 MINUTES 26

SECONDS, AN ARC LENGTH OF 686.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 43 MINUTES 58 SECONDS WEST, 581.37 FEET, THENCE NORTH 05 DEGREES 34 MINUTES 45 SECONDS WEST, 423.34 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 440.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 00 MINUTES 00 SECONDS, AN ARC LENGTH OF 261.10 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 34 MINUTES 45 SECONDS WEST, 257.29 FEET; THENCE NORTH 39 DEGREES 34 MINUTES 45 SECONDS WEST, 557.12 FEET; THENCE NORTH 36 DEGREES 09 MINUTES 10 SECONDS WEST, 214.71 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT LANDS DESCRIBED IN THE FOLLOWING INSTRUMENTS, ALL AMONG THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA:

DEED BOOK	214, PAGE 592
OFFICIAL RECORDS BOOK	983, PAGE 22
OFFICIAL RECORDS BOOK	642, PAGE 284
OFFICIAL RECORDS BOOK	651, PAGE 1551
OFFICIAL RECORDS BOOK	954, PAGE 273
OFFICIAL RECORDS BOOK	954, PAGE 277
OFFICIAL RECORDS BOOK	1554, PAGE 936
OFFICIAL RECORDS BOOK	1876, PAGE 1922
OFFICIAL RECORDS BOOK	2103, PAGE 1233
OFFICIAL RECORDS BOOK	2635, PAGE 1760

BUT INCLUDING ADDITIONAL LANDS DESCRIBED BY OFFICIAL RECORDS BOOK 95, PAGE 607 AND OFFICIAL RECORDS BOOK 1165, PAGE 165.

LESS AND EXCEPT LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 95, PAGE 599, OFFICIAL RECORDS BOOK 1165, PAGE 168; AND IN OFFICIAL RECORDS BOOK 1165, PAGE 175.

Tax Numbers

084560-0000
073620-0000
154930-0001
154880-0000
154890-0030
154940-0080

Exhibit "G"
Ordinance 2013-08 PUD
Development Plan Responses

FLAGLER CROSSING PUD
DEVELOPMENT PLAN RESPONSES
TO ORDINANCE 2013-08 REQUIREMENTS

1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future land Use Map category for the property.

Response: Please see the attached consistency analysis

2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Response: The proposed development is not within any of the historic districts.

3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

Response: Please see the attached redline/strike-through version of the currently-approved PUD narrative.

4. Compliance with the intent and criteria in section 28-286.

Response: Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

Response: The redline/strike-through of the currently-approved PUD Narrative attached as part of this Application, demonstrates Applicant's compliance with section 28-288.

5. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." The property is located within the Residential Low Density Mixed Use category under the City of St. Augustine's 2030 Comprehensive Plan. Residential Low Density Mixed Use allows for a maximum density of eight (8) units per acre and a minimum lot size of 5,450 square feet. The proposed modification is for 107 units on 73 acres, which is a density of approximately 1.5 units per acre. The proposed minimum lot size is 6,000 square feet.

6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance, or other related permit.

Response: The project is planned to be commenced as a single phase, within eighteen (18) months of the approval of the Ordinance modifying the PUD and completed within ten (10) years of commencement.

7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are

not to be provided, operated or maintained by the city pursuant to written agreement.

Response: The Applicant will form a homeowner's association for the continuing operation and maintenance of all common areas, stormwater systems, and any roadways not dedicated to the City of St. Augustine. It is the Applicant's intent to dedicate the potable water and sewer infrastructure to the City of St. Augustine.

8. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: It is the landowner's understanding and intent that should this modification application be denied, the existing Flagler Crossing PUD zoning, and uses approved therein, shall remain unchanged. Should the development proposed in the Flagler Crossing PUD, once approved and as modified herein not be completed as indicated in Response 6 above, then the zoning for the Property shall revert to its pre-modification approvals, not its pre-PUD approvals, as the approvals granted in the original Flagler Crossing PUD, Ordinance 2006-31 are vested rights held by the landowner.

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the

time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

Response: The Applicant asserts on behalf of the landowner that all development approvals previously granted under the Flagler Crossing PUD Ordinance 2006-31 have been vested and any reversion will be only to the pre-Modification sought herein, which are consistent with the Comprehensive Plan.

10. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

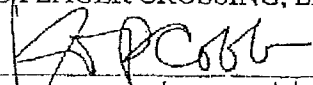
[SIGNATURES FOLLOW]

OWNER:

FDG FLAGER CROSSING, LLC

By:

Its:


Kathleen Cobb
Vice President

APPLICANT:

SAN SEBASTIAN GROUP, LLC

By:

Its:

OWNER:

FDG FLAGER CROSSING, LLC

By: _____

Its: _____

APPLICANT:

SAN SEBASTIAN GROUP, LLC

By:  _____

Its: *Manager*

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN

The applicable Goals, Objectives and Policies (GOPs) are listed below followed by a brief analysis to demonstrate consistency.

FLU - FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions that cannot be overcome with conventional engineering methods. The upland soils on the site are rated either medium or high for community development. Water and wastewater lines are available within close proximity to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policies

- 1.1 The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. The City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property within the city limits and the County's development area boundary demonstrate that development of the subject site is essentially considered infill

development. The provisions of the PUD regarding parking, environmental protection and utilities are fully consistent with these policies.

- 7.2 Public facilities and utilities shall be located to maximize the efficiency of services provided, minimize their cost, and minimize their impacts on the natural environment by locating public facilities on land having the appropriate land use classification for the proposed use. This policy implements FLU Objectives 11 and 12.**

Public facilities and utilities will be provided from existing lines located adjacent to the Commercial Medium Intensity-designated land adjacent and to the east of the subject property. Development of the subject property must go through conservation overlay zone review and demonstrate there is no significant negative impact on the natural environment.

- 7.3 Future extension of City roads shall promote compact and contiguous patterns of development. This policy implements FLU Objective 11.**

The construction of San Sebastian View promotes compact, contiguous development patterns on the subject site and allows for alternative access points for surrounding land that would allow greater connectivity among proximate land uses. This alternative roadway alleviates traffic congestion due to the previous single roadway access configuration for the County Administration and Judicial Center via Lewis Speedway.

- 8.1 The City shall use the following land use classifications in the coastal high hazard areas as depicted in the Coastal High Hazard Area Map adopted as part of the Future Land Use Map Series for future land use map amendments and annexations: Residential Low Density, Residential Low Density/Mixed Use, Public/Semi-public, Recreation/Open Space and Open Land. This policy implements FLU Objective 10.**

The Coastal High Hazard Area is defined in Rule 9J-5.003(17) of the Florida Administrative Code as the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government. The subject site is located at the outer limits of the Category 1 hurricane evacuation zone. The Residential Low Density Mixed Use classification, which is the designation for the subject property, is one of the acceptable land use classifications listed in this policy.

TC - TRAFFIC CIRCULATION ELEMENT

TC Objective 1.1

The City shall provide a safe, convenient and efficient motorized and non-motorized transportation system. This objective is implemented by TC Policies 1.1.1, 1.1.2, 1.1.5, 1.1.6, 1.1.11, 1.3.1, 3.1.1, 3.1.3 and F. The measurable targets for this objective are: (1) the continued enforcement of development regulations related to on-site parking and maneuvering; and (2) the continued maintenance of adopted levels of service standards for roadways in the city.

The maximum amount of development that would be allowed by this proposed modification has no significant impact on any of the roadways with adopted levels of service in the City of St. Augustine. The directly accessed segment has plenty of remaining capacity at the adopted level of service with project traffic. The development of San Sebastian View has increased safety, convenience and efficiency of the immediately surrounding roadway network.

TC Objective 1.4

The traffic circulation system shall be consistent with and support the Future Land Use Plan as depicted on the Future Land Use Map series and subsequent amendments. This objective is implemented by TC Policies 2.1.2, 3.1.1, 4.3.5, C, D, and E. The measurable target for this objective is that development shall only be permitted as intended by the Future Land Use Plan and that adopted levels of service for such development shall be maintained.

The proposed development will not adversely affect the level of service on any roadway. The construction of San Sebastian View is designed to accommodate project traffic, including the necessary turn lanes.

TC Objective 4.1

Coordinate the City's traffic circulation plan with the plans and programs of the Florida Department of Transportation and St. Johns County. This objective is implemented by TC Policy 4.2.1. The measurable target for this objective is that levels of service standards for all roads inside the city limits shall be maintained for future development.

TC Policies

- 1.1.1** The City adopts the following level of service standards for traffic circulation:

<u>Facility</u>	<u>Average Daily Traffic</u>	<u>Peak Hour</u>
Local roadway	D	D
Collector	D	D
Minor Arterial	D	E
Principal Arterial	C	D
Limited Access Facility	D	D

The minimum acceptable level of service on any State road operating in a backlogged condition on October 1, 1991, shall be 10% below the traffic volume existing at that time. The minimum acceptable level of service on

any constrained roads shall be 11.5% below the volume existing on October 1, 1991. The minimum acceptable level of service on constrained roads within historical corridors shall be 15.5% below the volume existing on October 1, 1991. The minimum acceptable level of service on all county and City roads is level of service D peak hour. This policy implements TC Objective 1.1

The density proposed by this modification will not degrade the adopted level of service on any impacted roadway.

- 1.2.1** The City shall continue to enforce Chapter 23 of the City Code (subdivisions) which requires that all subdivisions platted in the future designate permanent rights-of-way providing access to each lot or parcel in the subdivision on the subdivision plat. The City shall continue to enforce the Right-of-Way permitting process established in Chapter 22 (streets, sidewalks, parks and miscellaneous public places) of the City Code which regulates connections and access points of driveways to roadways, the installation, repair or replacement of utilities and prohibits the construction of any buildings or structures in any public right-of-way. Connections to City roadways shall be regulated according to local standards. Connections to state roadways shall be regulated by FDOT standards. The City shall continue to enforce Chapter 28 of the City Code (zoning and on-site parking) which requires all structures and buildings to be constructed on private property, and which also establishes minimum required yards (setbacks) in the zoning districts associated with each land use classification. This policy implements TC Objective 1.2.

The proposed modification to single-family residential units will be sold as fee simple ownership and a subdivision plat will be submitted for approval. The access connection from the subject property to San Sebastian View will meet County and City standards.

- 2.1.2** The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to: Chapter 28 (zoning and on-site parking); Chapter 11 (environmental protection and conservation overlay zones); Chapter 21 (concurrency management and on-site storm drainage); Chapter 3 (signs); Chapter 25 (landscaping); Chapter 23 (subdivisions); Chapter 8 (building code); Chapter 26 (utilities – potable water, sanitary sewer, solid waste and city storm sewer); Chapter 6 (archaeology); and Chapter 12 (flood control). All subdivisions shall be reviewed, platted and recorded as required by Chapter 23 of the City Code prior to a building permit being issued. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. The City Code shall be on display for the public in the City Clerk's office. This policy implements TC Objectives 1.4.

Most of the standards associated with the two policies above are implemented through the specific provisions of the proposed modification to the Flagler Crossing PUD.

- A. For all new subdivisions and new developments requiring or providing public or private roadways, rights-of-way of sufficient width shall be provided for adequate stormwater management and utilities facilities, and to accommodate the minimum pavement widths established by TC Policy B. This policy implements TC Objective 1.2.
- B. The following minimum pavement widths shall apply to all new public and private roadways:

One way, one traffic lane:
No on street parking 12 feet
Parking on one side 18 feet
Parking on both sides 26 feet

One way, two traffic lanes:
No on street parking 18 feet
Parking on one side 26 feet
Parking on both sides 34 feet

Two way, two traffic lanes:
No on street parking 20 feet
Parking on one side 28 feet
Parking on both sides 36 feet

Two way, four traffic lanes:
No on street parking 38 feet
Parking on one side 48 feet
Parking on both sides 56 feet

OR

Residential Development:
Marginal access 20 feet
Minor street 20 feet
Collector 24 feet

Commercial or Industrial Development:
Marginal access 20 feet
Minor street 24 feet
Collector 28 feet

This policy implements TC Objective 1.1

The projects roadways will comply with these roadway standards.

H - HOUSING ELEMENT

This policy implements Objectives 1 and 3.

Topography and soil conditions of the subject site are suitable for the proposed development. Water and sewer service is readily available to the site.

SS - SANITARY SEWER ELEMENT

Goal

Wastewater facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

SS Objective 1.6

The City shall act to discourage the proliferation of urban sprawl and minimize the use of the existing wastewater facilities. This objective is implemented by SS Policies 1 and 6. The measurable target for this objective is the area serviced by the City wastewater system.

The development of the subject site is considered infill development as indicated by the availability of water and sewer service.

SS Objective 1.7

The City shall provide wastewater facilities at the adopted level of service standard within the service areas for both existing and future development. This objective is implemented by SS Policies 1, 5, and 6. The measurable target for this objective is the provision of wastewater facilities at the adopted level of service in the service area.

The subject site is located within the City's service area and will meet the adopted level of service. The projections of wastewater use provided Section IV, Public Facility Impacts, utilized the adopted level of service standard.

SS Policies

- 1 The City will continue to enforce the City Code, which requires developers to connect to the city's sanitation sewer system if available. Septic tanks are only permitted in the City if the determination has first been made that gravity sewer is not available. Septic tank permits are issued by the St. Johns County Health Department. This policy implements SS Objective 1.6 and 1.7.**

The proposed development will connect to the City's sewer system. Septic tanks will not be used.

SW - SOLID WASTE ELEMENT

Goal

Solid waste services and facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

SW Objective 1

The City shall continue to provide solid waste service and facilities for existing and future needs of the City. This objective is implemented by SW Policies 1 and 2. The measurable target for this objective is the provision of solid waste facilities at the adopted level of service standard.

SW Policies

- 1 The City establishes as its solid waste level of service the ability to dispose of 6.75 pounds of solid waste per day per capita. This policy implements SW Objective 1.

Development of the subject property will comply with the adopted level of service for solid waste.

SM - STORMWATER MANAGEMENT ELEMENT

Goal

Stormwater management shall be provided which supports the intended development depicted by the Future Land Use Map, and which protects the function of natural drainage features.

SWM Objective 1.4

The City shall protect the functions of natural drainage features. This objective is implemented by SWM Policy 7 and CCM Policies 1 and 5. The measurable target for this objective is water quality in City water bodies as measured by the Department of Environmental Protection (DEP).

Development permitting of the subject property will be required to demonstrate there will be no degradation of surface water quality. If approved, proposed development must obtain conservation overlay zone review and approval.

PW - POTABLE WATER ELEMENT

Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.7

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water

system.

PW Policies

- 1 The City shall continue to enforce the City Code, which requires development inside the City limits to connect to the City's potable water system is a city water line is within two hundred (200) feet of the development. This policy implements PW Objective 1.7.
- 12 The City will provide a water system level of service consisting of a minimum of 156.9 gallons capacity per equivalent connection (i.e., an "average" single family residence) per day at a minimum pressure of 20 psi. The City does not use specific water consumption rates as a basis for determining the availability of facility capacity and the demand generated by a new connection or development. Instead, each development proposal is required to submit data the City that is sufficient to determine the service demands of the new development. These demands are then determined by the City on a case-by-case basis for each development. Connection charges are calculated based upon these specific demands. If actual demands prove to be significantly greater than those calculated during review of the development proposal, then the developer is required to pay additional connection charges to reserve the additional capacity required by the development. The City maintains an accounting of plant capacity to keep track of presently used capacity, capacity that has been obligated to new and future development for which connection charges have been paid, and available uncommitted capacity. This policy implements PW Objectives 1.7 and 1.8.

The proposed development will connect to the City's potable water system. The proposed development is within the City's service area and will comply with the adopted level of service.

CCM - CONSERVATION AND COASTAL MANAGEMENT ELEMENT

CCM Objective 1.7

Protect coastal wetlands, coastal barriers, estuaries, tidal marshes, wildlife habitat, marine habitat and living marine resources. This objective is implemented by CCM Policies 1, 5, 6, 9, 11, 12, 13, 14, 15, 17, 19, 20, 24, 25, 30, 49 and 51. The measurable target for this objective is the continued enforcement of all City development regulations related to development in or adjacent to environmentally sensitive areas.

CCM Objective 1.7B

The City shall protect native vegetation and wildlife habitat by adopting land development regulations, which establish measures for the protection of native vegetation (trees, shrubs and grasses) and wildlife habitat. The City shall pursue retaining 50% of the native vegetation on development sites. The measurable target for this policy is the amount of native vegetation and wildlife habitat at the time of adoption minus the amount of native vegetation and wildlife habitat at the time of the next Evaluation and Appraisal Report, based on information provided by the St. Johns River Water Management District.

The proposed development will comply with all City regulations related to the protection of

natural resources. There were no endangered or threatened species observed on the subject site, and the likelihood of any species listed by FWS or FWC occurring as permanent residents or nesting on the subject property is very low. A couple of active gopher tortoise burrows were observed on the site. The development will comply with FWC management guidelines for the protection of gopher tortoises and their habitat.

CCM Objective 3.6

The City shall limit population densities in coastal high hazard areas as depicted in the Coastal High Hazard Area map adopted as part of the Future Land Use Map series. The coastal high hazard area for the City shall be considered the evacuation zone for a category 1 hurricane. This objective is implemented by CCM Policy 44. The measurable target for this objective is allowing only the following land use classification in the coastal high hazard areas: Residential Low Density, residential Low Density/Mixed Use, Public/Semi-public, Recreation/Open Space and Open Land.

The subject site is located at the outer limits of the Category 1 hurricane evacuation zone. The land use of Residential Low Density Mixed Use is consistent with this policy.

CCM Policies

- 1 Conservation Overlay Zone 1 comprises the most environmentally sensitive areas in the city. It includes all wetlands within the State's Wetlands Jurisdiction Line (as established by Chapter 403 Florida Statutes) and generally includes the estuarine and riverine environments of the San Sebastian and Matanzas Rivers and their tributaries. Wetlands shall mean those areas considered wetlands pursuant to Rule 9J-5.002(149) Florida Administrative Code (1999).**

No development is proposed within Conservation Overlay Zone 1.

Conservation Overlay Zone 2 is the buffer zone between these estuarine environments and the uplands environments. It consists of the area one hundred (100) feet landward of either the mean high water line or the State's Wetlands Jurisdictional Line, whichever is more landward.

It is anticipated there will be minimal development within Conservation Overlay Zone 2. Any development in this zone will demonstrate there is no significant negative impact.

Conservation Overlay Zone 3 contains areas considered to be special flood hazard areas and areas of significant tree canopy. It consists of all property in the city landward of Conservation Overlay Zone 1.

The boundaries of the Conservation Overlay Zones, generally indicated on the Conservation Overlay Zone Map adopted as part of the Future Land use Map series, shall be determined on a site specific basis during site plan review of each development proposal. This policy implements CCM Objectives 1.3, 1.4, 1.7 and 3.4.

Development within Conservation Overlay Zone 3 will demonstrate that there will be no adverse impact to the estuarine system of the San Sebastian River.

- 5 The City shall continue to implement the adopted comprehensive plan by**

including all land development regulations governing the use of land in the City Code.

In addition, application for building permits for development in Conservation Overlay Zones 1, 2 and 3 shall be accompanied by a copy of any permits required by the U.S. Army Corps of Engineers, the St. Johns River Water management District and the Florida Department of Environmental Protection.

Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses located within Conservation Overlay Zone 1 shall be issued only for structures and uses which have received permits under provisions of applicable federal and state regulations and, will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction or use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to the animal, fish or shellfish contained therein; avoid blocking or disrupting vistas and scenic opportunities and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Only water dependent structures and uses shall be permitted in Conservation Overlay Zone 1; all other structures and uses shall be prohibited.

No development is proposed within Conservation Overlay Zone 1.

Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and uses, which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to any animal, fish or shellfish life contained therein; avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. In those cases where proposed development will occur near an altered shoreline or will be within 150 feet of existing development (development landward of the most restrictive jurisdictional line and along the existing line of development or the most restrictive jurisdictional line, whichever is more landward. In those cases where proposed development will occur near a natural shoreline and there is no existing development within 150 feet, development must occur at least 20 feet landward of the most restrictive jurisdictional line. High-density development such as residential development in excess of thirteen (13) units per acre shall be prohibited in Conservation Overlay Zone 2 (100 feet landward of the most restrictive jurisdictional line) when there exists a natural shoreline.

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 hydrology or tree canopy cover, or cause the removal of preserved or protected trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and use 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.

Development in Conservation overlay Zone3 must retain either: (1) at least twenty five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

Development in Conservation Overlay Zones shall conform to all requirement of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation established by FEMA. Prior to a Certificate of Occupancy being issued for the structure, the City shall continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or above the established base flood elevation.

The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation Overlay Zone 2 for the protection of natural habitat one hundred (100) feet landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred (100) feet landward of the most restrictive jurisdictional line.

Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions
- (2) The relationship of the site to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and wildlife.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality.
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) The City shall pursue not net loss in wetlands by both amount and type of community.
- (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species, and protecting native vegetative communities from destruction by development activities.

This policy implements CCM Objectives 1.3, 1.4, 1.7 and 3.4.

A separate site plan review and approval process will be required for any development in Conservation Overlay Zones 2 and 3, and must demonstrate no significant negative impact on the adjoining natural system.

- 17 Require use of silt curtains, grass swales and other techniques during construction to prevent soil erosion and sedimentation of area waterways. This policy implements CCM Objectives 1.4 and 1.7.**

A sediment and erosion control plan will be prepared and submitted for review with engineering construction plans prior to any development and following land use change and rezoning approval.

- 19 No additional waterways shall be impounded or altered to restrict or interfere with the natural tidal flow. This policy implements CCM Objectives 1.3, 1.4 and 1.7.**

The natural tidal flow of the adjoining San Sebastian River will not be altered or restricted by development in any manner.

- 30 Encourage Florida East Coast Railway officials and other property owners not to renew leases for the billboards, which are located along Ponce De Leon Boulevard (U.S. 1) and State Road 16 near the marsh when those leases are considered for renewal. This policy implements CCM Objective 1.6.**

The Applicants will affect the removal of the existing billboards on the parcel of land adjacent to SR 16 upon the issuance of the first building permits.

ROS - RECREATION AND OPEN SPACE

- 4.4 The City shall continue to enforce the Future Land Use Plan and the development regulations contained in the City Code to preserve open**

space. The Recreation and Open Space classification is intended to designate parks, natural reservations and active recreation sites. The Open Land classification is intended to designate open space. Additionally, open space is determined on a site-specific basis during site plan review and through the conservation overlay zone development process. Open space so determined is defined as being marshland, swamp, natural or manmade bodies of water, and environmentally sensitive lands where local, state or federal regulations prohibit development. This policy implements ROS Objective 4.

The area and location of open space reflected on the site plan provided with this modification application demonstrates compliance with this policy.

ICE - INTERGOVERNMENTAL COORDINATION ELEMENT

Goal

To coordinate the plans and activities of the City with the plans and activities of other governmental agencies to ensure that necessary public services are provided in the most effective and efficient manner possible, and that development in one jurisdiction does not degrade the quality of life for residents in adjacent jurisdictions.

CI - CAPITAL IMPROVEMENTS ELEMENT

CI Objective 3

The City shall not issue or approve development orders or land use plan amendments unless the present or projected availability of financial resources is sufficient to maintain the adopted levels of service standards for all public facilities needed to support the development, including existing and projected facility needs. All capital improvement facilities needed to support the development, and associated present and projected availability of financial resources shall be incorporated into the Five-Year Schedule of Capital Improvement according to CI Policy 1.1. This objective is implemented by CI Policies 3.1, 3.2 and 6.1. The measurable target for this objective is that development orders or land use plan amendments will only be approved for which adequate facilities are available to support the adopted level of service standards.

The proposed development will not cause a degradation of any adopted level of service for public facilities and services.

Exhibit "H"

Conceptual Site Plan and Typical Sections

Revised July 9, 2013

TOTAL SITE AREA: +/-135.2 Ac.
 TOTAL PRESERVATION AREA: +/-80.5 Ac.
 TOTAL POND AREA: +/-12.6 Ac.
 TOTAL PARK AREA: +/-4.3 Ac.
 TOTAL BUFFER AREA: +/-7.5 Ac.
 TOTAL DWELLING UNITS: 107 D.U.
 (50'x125')

OPTIONAL
COMMUNITY
DOCK ACCESS

WALKING TRAIL

MEAN HIGH
WATER LEVEL

OPTIONAL
COMMUNITY
DOCK ACCESS

PRESERVATION
AREA

8' HIGH BERM
WITH WALL/FENCE

90' LANDSCAPE BUFFER

EXISTING
POND

EXISTING
POND

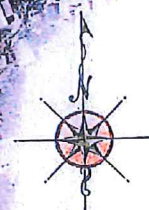
PRESERVATION
AREA

FLAGLER CROSSING CONCEPTUAL SITE PLAN

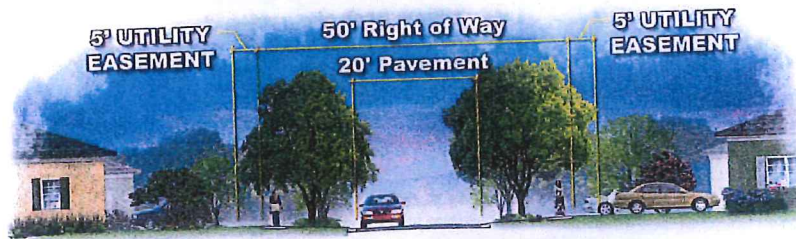
MAY 2013

ETM
 England-Thims & Miller, Inc.
 VISION • EXPERIENCE • RESULTS

Note: This land plan and/or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was completed based on limited information, therefore all acreage figures are unofficial and are subject to change.



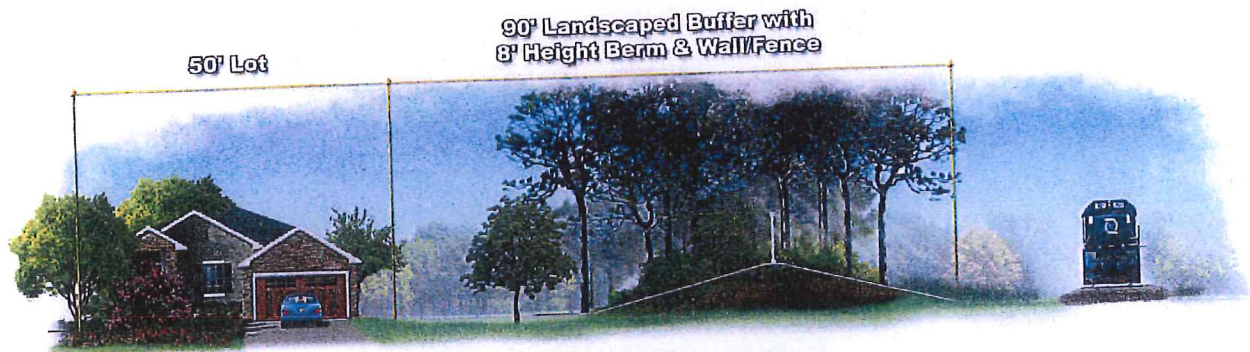
100' 0' 200'
 S:\Photos\100174101_057_PLOT Site Plan.dwg



Typical Community Streetscape

Note:
Trees planted within the ROW to be palms or other urban street trees as approved by the City.

Scale 1" = 10'



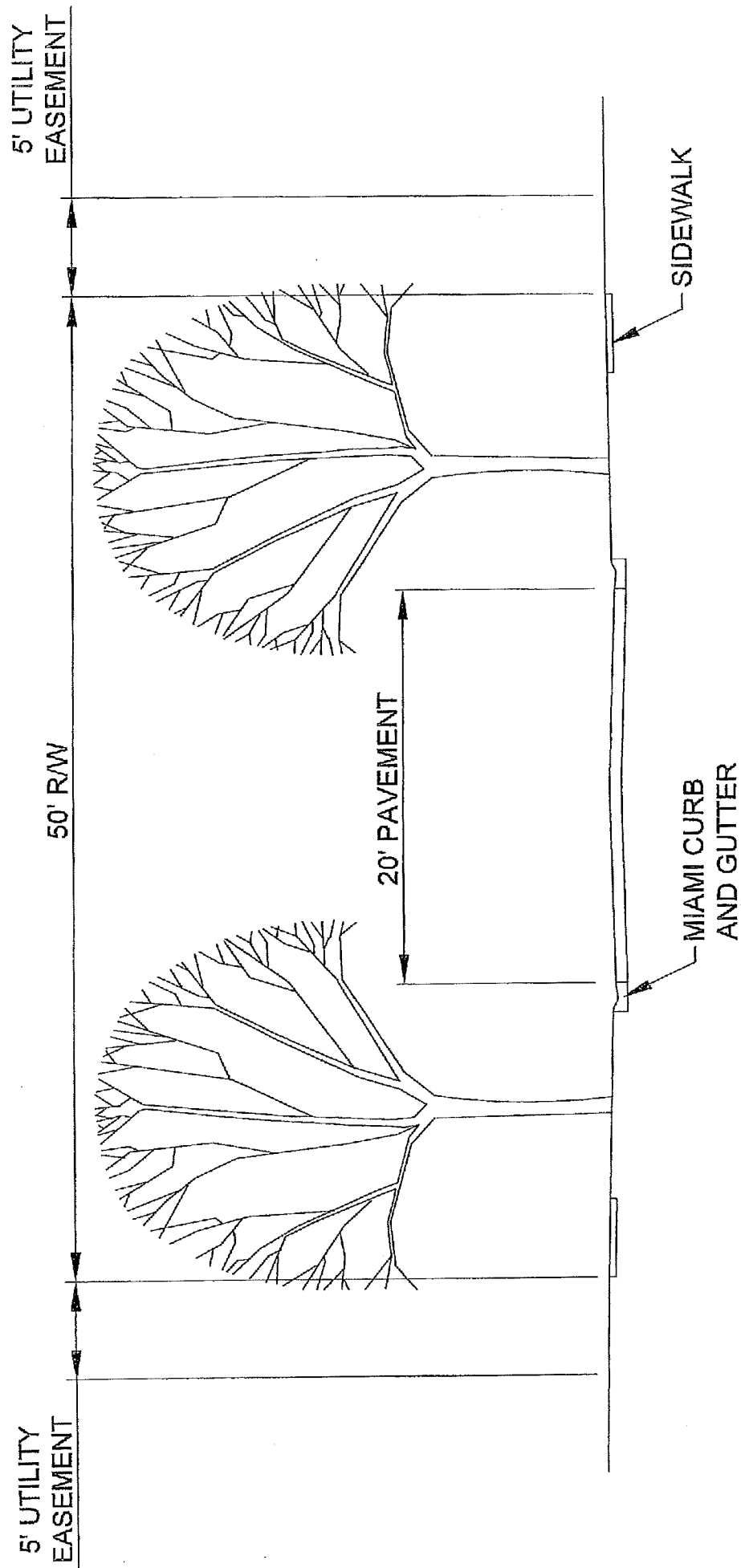
Typical Berm alongside Road/Railway

Scale 1" = 10'



Typical Streetscape along Avenue "D"

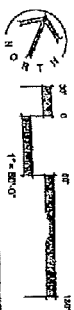
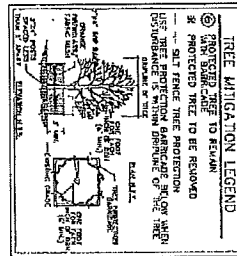
Scale 1" = 10'



TYPICAL COMMUNITY STREETSCAPE

N.T.S.

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
48 HOURS. MIN. PRIOR TO CONSTRUCTION
811



SEE SHEET TM-02

**FLAGLER CROSSING
SAN JUAN INVESTEMENT COMPANY**



Employed-Thomas & Miller, Inc.
5175 Old St. Augustine Road
Jacksonville, FL 32254
TEL: (904) 842-8000
FAX: (904) 848-2466
CA - 00007554 LC - 0000318

4 MAY 1964 13-057

DATE	BY	REV
------	----	-----

[illegible]

RECEIVED IN N.C.

Q110000 300 2.5

RENSOIS

PLANS PREPARED UNDER THE
DIRECTION OF:

RYAN W. CLARK, RIA
LA NUMBER: 1AEG57DS3

SEE SHEET TM-01

CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
811
PRIOR TO CONSTRUCTION



TREE MITIGATION LEGEND

- ① PROTECTED TREE TO REMAIN
- ② PROTECTED TREE TO BE REMOVED
- ③ SELECTED TREE PRESERVED FOR RELOCATION
- ④ TREE PRESERVED OUTSIDE OF THE TREE

SEE SHEET TM-03

TREE MITIGATION PLAN

FLAGLER CROSSING



England-Thompson & Miller, Inc.
11115 Old US Highway Road
Jacksonville, FL 32204
TEL: 904/414-2900
FAX: 904/414-2900
WWW.ETM-INC.COM

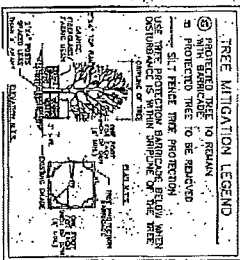
ETM NO. 15-087	REMOVED
DRAWN BY: K.C.	
DESIGNED BY: K.C.	
CHECKED BY: K.C.	

PLANS PREPARED UNDER THE DIRECTION OF:

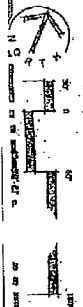
RYAN M. CLARK, R.A.



SEE SHEET TM-01
SEE SHEET TM-02



CALL BEFORE YOU DIG
SUNSHINE STATE ONE CALL
800-4-A-SUNSHINE
811



TREE MITIGATION PLAN

FLAGLER CROSSING
SAN JUAN INVESTMENT COMPANY



Englund-Thompson & McLean, Inc.
14715 Old St. Augustine Road
Jacksonville, FL 32214
TEL: (904) 442-9900
FAX: (904) 442-9910
GA-10003344 IC-1000011

ETM NO. 12-057	REVISION
DRAWN BY: A.C.	
CHECKED BY: R.E.	
DESIGNED BY: K.S.	

PLANS PREPARED UNDER THE
DIRECTION OF:

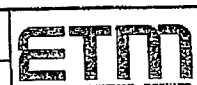
RYAN M. CLARK, RLA

TM-0

TREE MITIGATION FOR REMOVED TREES									
SPECIES	DBH	HEIGHT	CONDITION	LOCATION	DATE	REASON	MITIGATION	STATUS	REMARKS
Live Oak	14	24	1.5	1	1	1	1	1	1
Live Oak	14	24	1.5	2	2	2	2	2	2
Live Oak	14	24	1.5	3	3	3	3	3	3
Live Oak	14	24	1.5	4	4	4	4	4	4
Live Oak	14	24	1.5	5	5	5	5	5	5
Live Oak	14	24	1.5	6	6	6	6	6	6
Live Oak	14	24	1.5	7	7	7	7	7	7
Live Oak	14	24	1.5	8	8	8	8	8	8
Live Oak	14	24	1.5	9	9	9	9	9	9
Live Oak	14	24	1.5	10	10	10	10	10	10
Live Oak	14	24	1.5	11	11	11	11	11	11
Live Oak	14	24	1.5	12	12	12	12	12	12
Live Oak	14	24	1.5	13	13	13	13	13	13
Live Oak	14	24	1.5	14	14	14	14	14	14
Live Oak	14	24	1.5	15	15	15	15	15	15
Live Oak	14	24	1.5	16	16	16	16	16	16
Live Oak	14	24	1.5	17	17	17	17	17	17
Live Oak	14	24	1.5	18	18	18	18	18	18
Live Oak	14	24	1.5	19	19	19	19	19	19
Live Oak	14	24	1.5	20	20	20	20	20	20
Live Oak	14	24	1.5	21	21	21	21	21	21
Live Oak	14	24	1.5	22	22	22	22	22	22
Live Oak	14	24	1.5	23	23	23	23	23	23
Live Oak	14	24	1.5	24	24	24	24	24	24
Live Oak	14	24	1.5	25	25	25	25	25	25
Live Oak	14	24	1.5	26	26	26	26	26	26
Live Oak	14	24	1.5	27	27	27	27	27	27
Live Oak	14	24	1.5	28	28	28	28	28	28
Live Oak	14	24	1.5	29	29	29	29	29	29
Live Oak	14	24	1.5	30	30	30	30	30	30
Live Oak	14	24	1.5	31	31	31	31	31	31
Live Oak	14	24	1.5	32	32	32	32	32	32
Live Oak	14	24	1.5	33	33	33	33	33	33
Live Oak	14	24	1.5	34	34	34	34	34	34
Live Oak	14	24	1.5	35	35	35	35	35	35
Live Oak	14	24	1.5	36	36	36	36	36	36
Live Oak	14	24	1.5	37	37	37	37	37	37
Live Oak	14	24	1.5	38	38	38	38	38	38
Live Oak	14	24	1.5	39	39	39	39	39	39
Live Oak	14	24	1.5	40	40	40	40	40	40
Live Oak	14	24	1.5	41	41	41	41	41	41
Live Oak	14	24	1.5	42	42	42	42	42	42
Live Oak	14	24	1.5	43	43	43	43	43	43
Live Oak	14	24	1.5	44	44	44	44	44	44
Live Oak	14	24	1.5	45	45	45	45	45	45
Live Oak	14	24	1.5	46	46	46	46	46	46
Live Oak	14	24	1.5	47	47	47	47	47	47
Live Oak	14	24	1.5	48	48	48	48	48	48
Live Oak	14	24	1.5	49	49	49	49	49	49
Live Oak	14	24	1.5	50	50	50	50	50	50
Live Oak	14	24	1.5	51	51	51	51	51	51
Live Oak	14	24	1.5	52	52	52	52	52	52
Live Oak	14	24	1.5	53	53	53	53	53	53
Live Oak	14	24	1.5	54	54	54	54	54	54
Live Oak	14	24	1.5	55	55	55	55	55	55
Live Oak	14	24	1.5	56	56	56	56	56	56
Live Oak	14	24	1.5	57	57	57	57	57	57
Live Oak	14	24	1.5	58	58	58	58	58	58
Live Oak	14	24	1.5	59	59	59	59	59	59
Live Oak	14	24	1.5	60	60	60	60	60	60
Live Oak	14	24	1.5	61	61	61	61	61	61
Live Oak	14	24	1.5	62	62	62	62	62	62
Live Oak	14	24	1.5	63	63	63	63	63	63
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Live Oak	14	24	1.5	65	65	65	65	65	65
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Live Oak	14	24	1.5	70	70	70	70	70	70
Live Oak	14	24	1.5	71	71	71	71	71	71
Live Oak	14	24	1.5	72	72	72	72	72	72
Live Oak	14	24	1.5	73	73	73	73	73	73
Live Oak	14	24	1.5	74	74	74	74	74	74
Live Oak	14	24	1.5	75	75	75	75	75	75
Live Oak	14	24	1.5	76	76	76	76	76	76
Live Oak	14	24	1.5	77	77	77	77	77	77
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Live Oak	14	24	1.5	80	80	80	80	80	80
Live Oak	14	24	1.5	81	81	81	81	81	81
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Live Oak	14	24	1.5	83	83	83	83	83	83
Live Oak	14	24	1.5	84	84	84	84	84	84
Live Oak	14	24	1.5	85	85	85	85	85	85
Live Oak	14	24	1.5	86	86	86	86	86	86
Live Oak	14	24	1.5	87	87	87	87	87	87
Live Oak	14	24	1.5	88	88	88	88	88	88
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Live Oak	14	24	1.5	90	90	90	90	90	90
Live Oak	14	24	1.5	91	91	91	91	91	91
Live Oak	14	24	1.5	92	92	92	92	92	92
Live Oak	14	24	1.5	93	93	93	93	93	93
Live Oak	14	24	1.5	94	94	94	94	94	94
Live Oak	14	24	1.5	95	95	95	95	95	95
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Live Oak	14	24	1.5	97	97	97	97	97	97
Live Oak	14	24	1.5	98	98	98	98	98	98
Live Oak	14	24	1.5	99	99	99	99	99	99
Live Oak	14	24	1.5	100	100	100	100	100	100

TREE MITIGATION CHARTS

FLAGLER CROSSING



Flagler Crossing
1775 Old St. Augustine Road
St. Augustine, FL 32084
Tel: 321-281-4400
Fax: 321-281-4401
www.flaglercrossing.com

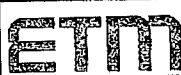
ENV. NO. 13-007
DRAWN BY: R.C.
DESIGNED BY: R.C.
CHECKED BY: R.C.

PLANS PREPARED UNDER THE
DIRECTION OF:
RYAN V. CLARK, RIA

TRANSMISSION CORRELATION TABLE									
LINE	TYPE	NO.	DATE	TIME	STATUS	REMARKS	LOCATION	COORDINATES	UTM
1	Line	1	19	15	1				
2	Line	2	20	15	2				
3	Line	3	21	15	3				
4	Line	4	22	15	4				
5	Line	5	23	15	5				
6	Line	6	24	15	6				
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9	Line	9	27	15	9				
10	Line	10	28	15	10				
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13	Line	13	31	15	13				
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15	Line	15	33	15	15				
16	Line	16	34	15	16				
17	Line	17	35	15	17				
18	Line	18	36	15	18				
19	Line	19	37	15	19				
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21	Line	21	39	15	21				
22	Line	22	40	15	22				
23	Line	23	41	15	23				
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26	Line	26	44	15	26				
27	Line	27	45	15	27				
28	Line	28	46	15	28				
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34	Line	34	52	15	34				
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40	Line	40	58	15	40				
41	Line	41	59	15	41				
42	Line	42	60	15	42				
43	Line	43	61	15	43				
44	Line	44	62	15	44				
45	Line	45	63	15	45				
46	Line	46	64	15	46				
47	Line	47	65	15	47				
48	Line	48	66	15	48				
49	Line	49	67	15	49				
50	Line	50	68	15	50				
51	Line	51	69	15	51				
52	Line	52	70	15	52				
53	Line	53	71	15	53				
54	Line	54	72	15	54				
55	Line	55	73	15	55				
56	Line	56	74	15	56				
57	Line	57	75	15	57				
58	Line	58	76	15	58				
59	Line	59	77	15	59				
60	Line	60	78	15	60				
61	Line	61	79	15	61				
62	Line	62	80	15	62				
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66	Line	66	84	15	66				
67	Line	67	85	15	67				
68	Line	68	86	15	68				
69	Line	69	87	15	69				
70	Line	70	88	15	70				
71	Line	71	89	15	71				
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74	Line	74	92	15	74				
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97	Line	97	115	15	97				
98	Line	98	116	15	98				
99	Line	99	117	15	99				
100	Line	100	118	15	100				

TREE MITIGATION CHARTS

FLAGLER CROSSING



England-Thoms & Moser, Inc.
10701 Old Highway Road
Jacksonville, FL 32216
904/444-4400
FAX 904/444-4401

ENV. NO. 13-057
DRAWN BY: R.C.
DESIGNED BY: R.C.
CHECKED BY: R.C.

PLANS PREPARED UNDER THE
DIRECTION OF:

BY: M. CLARK, RJA

Year	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1981	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																				

PLANS PREPARED UNDER THE
DIRECTION OF:

174 MD 13-037

DRAMA 67. N.C.

DESIGNED BY: R.C.

CHECKED BY: R.S.

ETNA

FLAGLER CROSSING

DRAWING NO.
TH-6

Exhibit "J"
Recorded Conservation
Easement

24
Return to:
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529

COPY

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 27th day of September, 2007
by FLORIDA EAST COAST RAILWAY, L.L.C., a Florida limited liability company
("Grantor"), having an address at 7411 Fullerton Street, Suite 300, Jacksonville, Florida 32256,
in favor of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body
existing under Chapter 373, Florida Statutes (the "Grantee"), having a mailing address at 4049
Reid Street, Palatka, Florida 32177-2529.

WITNESSETH:

WHEREAS, Grantor solely owns in fee simple certain real property in St. Johns County,
Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this
reference (collectively, the "Property");

WHEREAS, Grantor grants this conservation easement as a condition of permit #4-109-
65095-5, as modified by Letter Modification Permit No. 4-109-65095-8 issued by Grantee,
solely to offset adverse impacts to natural resources, fish and wildlife, and wetland functions;
and

WHEREAS, Grantor desires to preserve the Property in its natural condition in
perpetuity;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms,
conditions and restrictions contained herein and pursuant to the provisions of section 704.06,
Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a conservation

easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons claiming by, through, or under Grantor.

1. Purpose. The Purpose of this Conservation Easement is to assure that the Property will be retained forever in its existing natural condition and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.

2. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;

(b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials;

(c) Removal or destruction of trees, shrubs, or other vegetation, except for exotic species of plants. Exotic plant removal requires written prior approval from the Grantee;

(d) Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances in such a manner as to affect the surface;

(e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas; and

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. Reserved Rights. Grantor reserves unto itself, and its successors and assigns, all

rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property, that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement.

4. Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:

(a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; and

(b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with this Conservation Easement.

5. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at their discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

6. Grantee's Liability. Grantor will assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from Grantor's ownership of the Property. Neither Grantors, nor any person or entity claiming by or through Grantors, shall hold Grantee liable for any damage or injury to person or personal property which may occur on the Property.

7. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement

shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property or to persons resulting from such causes.

8. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of St. Johns County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

9. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day
and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

GRANTOR:

FLORIDA EAST COAST RAILWAY, L.L.C.,
a Florida limited liability company

Signature: JAH

Print Name: James A. Hoener

Signature: Heidi J. Eddins

Heidi J. Eddins
Its Secretary

Signature: Susan Blount

Print Name: Susan Blount

STATE OF FLORIDA

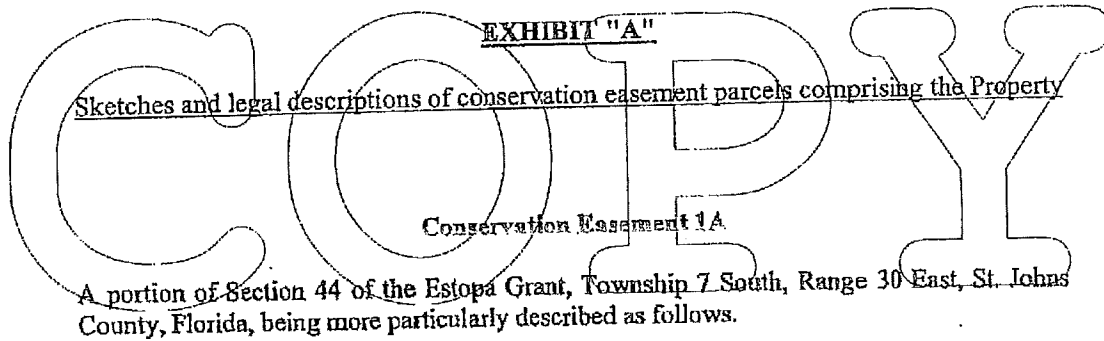
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 27th day of September,
2007, by Heidi J. Eddins, as Secretary of Florida East Coast Railway, L.L.C., a Florida limited
liability company, on behalf of the company, who did not take an oath.



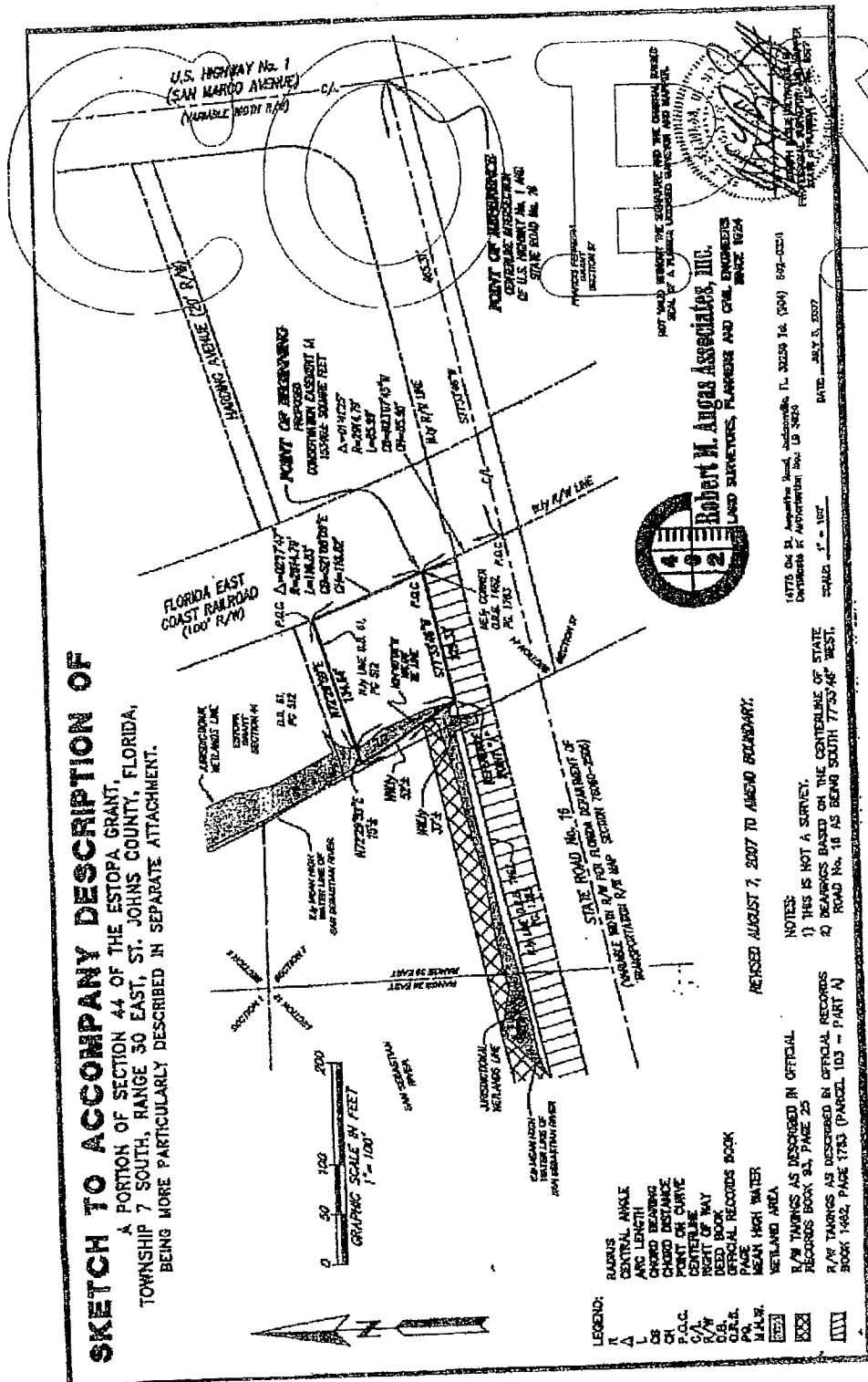
Susan Blount
Notary Public, State of Florida at Large
My Commission Expires: _____
Serial No. _____

Personally known X OR produced identification _____
Identification produced _____



For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point on a curve concave Northeasterly, having a radius of 2914.79 feet, said point also lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence Northwesterly, departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of $01^{\circ}41'25''$, an arc length of 85.99 feet to a point on said curve and the Point of Beginning, said point also being the Northeasterly corner of those lands described and recorded in Official Records Book 1462, page 1783, of the public records of said St. Johns County, said arc being subtended by a chord bearing and distance of North $23^{\circ}07'45''$ West, 85.98 feet.

From said Point of Beginning, thence South $77^{\circ}33'46''$ West, departing said Westerly right of way line of the Florida East Coast Railroad and along the Northerly line of said lands of Official Records Book 1462, page 1783, a distance of 129.33 feet to a point lying on said Northerly line, said point also being Reference Point "A"; thence Northerly, departing said Northerly line, 37 feet more or less, to a point lying on the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, along said Easterly Mean High Water Line, 52 feet more or less, to point lying on the Northerly line of the second parcel described and recorded in Deed Book 61, page 512 of said public records; thence North $72^{\circ}29'59''$ East, departing said Easterly Mean High Water Line and along said Northerly line 15 feet, more or less to a point on said Northerly line, said point bearing North $24^{\circ}40'08''$ West, 106.00 feet from said Reference Point "A"; thence North $72^{\circ}29'59''$ East, continuing along said Northerly line, 134.64 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southeasterly, departing said Northerly line, along said Westerly right of way line and along the arc of said curve, through a central angle of $02^{\circ}17'47''$, an arc length of 116.83 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South $21^{\circ}08'09''$ East, 116.82 feet.

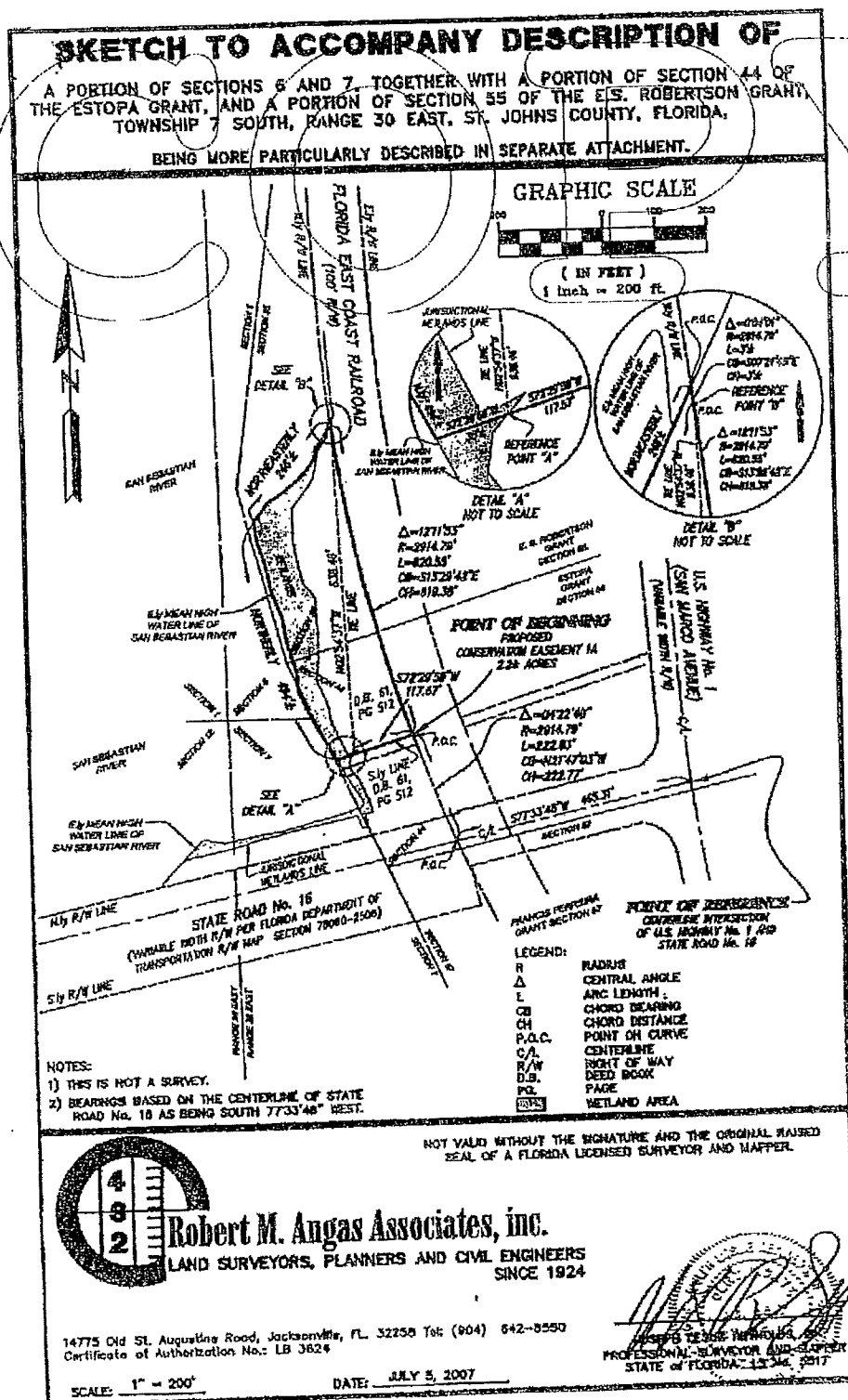


Conservation Easement 1B

A portion of Sections 6 and 7, together with a portion of Section 44 of the Estopa Grant, and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, with State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 465.31 feet to a point lying on the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Northerly departing said centerline, along said Westerly right of way line and along the arc of said curve, through a central angle of $04^{\circ}22'48''$, an arc length of 222.83 feet to a point lying on the Southerly line of the first parcel described and recorded in Deed Book 61, page 512 of the Public Records of said St. Johns County, said point also being the Point of Beginning and a point on said curve, said arc being subtended by a chord bearing and distance of North $21^{\circ}47'03''$ West, 222.77 feet.

From said Point of Beginning, thence South $72^{\circ}29'59''$ West, departing said Westerly right of way line and along said Southerly line of Deed Book 61, page 512 a distance of 117.57 feet to Reference Point "A"; thence South $72^{\circ}29'59''$ West, continuing along said Southerly line 35 feet more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, departing said Southerly line and along the meanderings of said Easterly Mean High Water Line, 494 feet, more or less; thence Northeasterly, continuing along said meanderings 246 feet, more or less, to a point lying on said Westerly right of way line of the Florida East Coast Rail Road, said point also being a point on a curve concave Northeasterly, having a radius of 2914.79 feet; thence Southerly, departing said Easterly Mean High Water Line, along said Westerly right of way line, and along the arc of said curve, through a central angle of $00^{\circ}04'01''$, an arc length of 3 feet, more or less, to a point on said curve, and Reference Point "B", said point bearing North $02^{\circ}54'37''$ West, 638.46 feet from said Reference Point "A", said arc being subtended by a chord bearing and distance of South $07^{\circ}21'45''$ East, 3 feet, more or less; thence Southerly, continuing along said Westerly right of way line, and along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $12^{\circ}11'53''$, an arc length of 620.55 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of South $13^{\circ}29'42''$ East, 619.38 feet.



Conservation Easement 2A

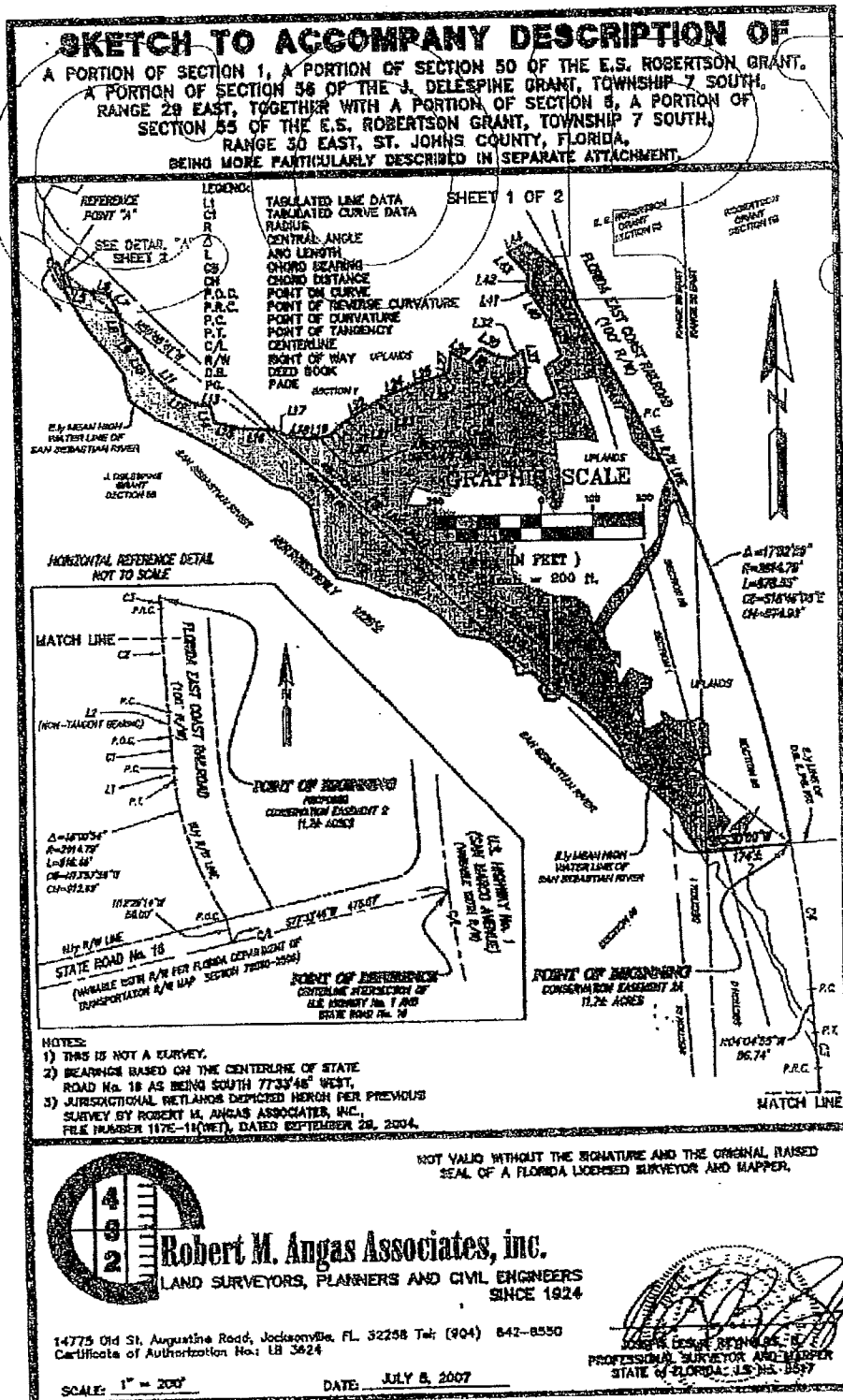
A portion of Section 1, a portion of Section 50 of the E.S. Robertson Grant, a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, together with a portion of Section 6, a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following eight courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course two, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course four, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $01^{\circ}25'00''$, an arc length of 69.60 feet, to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $03^{\circ}22'25''$ West, 69.60 feet; Course seven, thence North $04^{\circ}04'55''$ West, 86.74 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; Course eight, thence Northwesterly, along the arc of said curve, through a central angle of $05^{\circ}44'41''$, an arc length of 282.23 feet to an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County, and the Point of

Conservation Easement 2A Continued

Beginning, said arc being subtended by a chord bearing and distance of North 06°57'16" West, 282.11 feet.

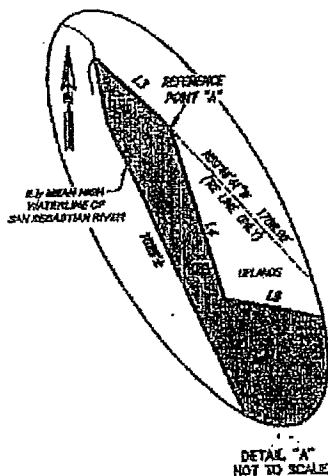
From said Point of Beginning, thence South 85°30'00" West, departing said Westerly right of way line, and along said Southerly line of Deed Book 8, page 558, a distance of 174 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northwesterly, departing said Southerly line, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 1828 feet, more or less; thence South 45°33'10" East, departing said Easterly Mean High Water Line, 18 feet, more or less to Reference Point "A", said point bearing North 50°46'41" West, 1788.99 feet from said Point of Beginning; thence South 16°54'33" East, 31.83 feet; thence South 78°28'39" East, 49.65 feet; thence South 79°27'24" East, 33.43 feet; thence South 25°33'04" East, 41.64 feet; thence South 12°30'58" East, 40.30 feet; thence South 45°16'10" East, 43.39 feet; thence South 27°32'56" East, 48.65 feet; thence South 45°17'51" East, 55.35 feet; thence South 60°56'52" East, 52.26 feet; thence South 82°19'57" East, 26.16 feet; thence South 14°53'23" East, 33.00 feet; thence South 75°39'43" East, 58.32 feet; thence South 87°05'46" East, 57.33 feet; thence South 66°32'08" East, 31.41 feet; thence South 81°03'10" East, 42.49 feet; thence North 83°11'40" East, 40.57 feet; thence North 40°51'07" East, 27.18 feet; thence North 56°39'02" East, 31.40 feet; thence North 58°51'23" East, 35.86 feet; thence North 56°10'36" East, 34.05 feet; thence North 67°20'18" East, 54.23 feet; thence North 72°04'25" East, 57.64 feet; thence North 71°04'19" East, 20.64 feet; thence North 05°53'15" East, 41.40 feet; thence South 58°21'24" East, 40.07 feet; thence North 39°50'08" East, 35.74 feet; thence South 59°42'37" East, 34.59 feet; thence South 84°07'47" East, 29.22 feet; thence North 50°30'18" East, 23.31 feet; thence South 11°27'22" East, 36.16 feet; thence South 05°40'44" West, 32.09 feet; thence South 39°20'01" East, 47.38 feet; thence North 66°07'32" East, 30.82 feet; thence North 18°19'13" West, 59.58 feet; thence North 55°10'55" East, 37.80 feet; thence North 18°30'51" West, 76.08 feet; thence North 33°13'21" West, 55.28 feet; thence North 36°34'22" West, 18.18 feet; thence North 10°24'53" East, 24.27 feet; thence North 43°01'56" West, 57.32 feet; thence North 62°39'40" East, 40.51 feet; thence South 49°13'23" East, 82.62 feet to a point lying on said Westerly right of way line of the Florida East Coast Rail Road; thence South 27°42'36" East, along said Westerly right of way line, 324.17 feet to the point of curvature of a curve concave Southwesterly, having a radius of 2814.79 feet; thence Southeasterly, along the arc of said curve, through a central angle of 17°52'59", an arc length of 878.55 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 18°46'06" East, 874.99 feet.



A PORTION OF SECTION 1, A PORTION OF SECTION 50 OF THE E.S. ROBERTSON GRANT,
A PORTION OF SECTION 50 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH,
RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 8, A PORTION OF
SECTION 55 OF THE E.S. ROBERTSON GRANT, TOWNSHIP 7 SOUTH,
RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

CURVE TABLE				
CURVE	CENTRAL ANGLE	RADIUS	LENGTH	BEARING
C1	0120.56°	8914.79'	89.61'	N01°12'00"W
C2	0107.30°	11508.18'	228.45'	N01°15'45"W
C3	0124.00°	2814.72'	88.40'	N01°22'25"W
C4	0544.11°	2014.79'	282.23'	N05°17'16"W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°37'20"W	24.60'
L2	N01°47'34"W	50.00'
L3	S45°33'02"E	18.54'
L4	S18°54'02"E	31.83'
L5	S78°28'02"E	49.65'
L6	S77°27'24"E	33.43'
L7	S65°10'42"E	51.64'
L8	S12°30'59"E	40.30'
L9	S45°18'02"E	44.39'
L10	S27°32'06"E	58.65'
L11	S45°17'51"E	55.35'
L12	S02°36'33"E	52.28'
L13	S82°18'52"E	26.18'
L14	S14°33'21"E	31.00'
L15	S72°12'42"E	38.52'
L16	S87°02'46"E	37.31'
L17	S86°32'08"E	31.41'
L18	S81°01'02"E	42.49'
L19	N01°11'40"E	40.50'
L20	N40°31'02"E	27.18'
L21	N08°20'38"E	31.40'
L22	N58°31'23"E	33.86'
L23	N58°10'38"E	34.05'
L24	N47°30'18"E	54.23'
L25	N72°04'25"E	52.84'
L26	N71°04'19"E	20.84'
L27	N05°33'15"E	41.40'
L28	S82°12'41"E	40.07'
L29	N18°30'08"E	35.70'
L30	S84°40'02"E	34.59'
L31	S84°10'12"E	28.32'
L32	N50°30'18"E	23.31'
L33	S11°27'22"E	38.18'
L34	S01°40'44"W	38.04'
L35	S10°20'12"E	42.39'
L36	N88°07'38"E	31.88'
L37	N10°19'23"W	58.56'
L38	N55°10'38"E	17.80'
L39	N18°30'51"W	26.08'
L40	N15°13'21"W	33.88'
L41	N08°24'28"W	38.18'
L42	N10°24'32"E	24.27'
L43	N43°01'36"W	57.37'
L44	N08°30'40"E	40.51'
L45	S45°13'23"E	62.62'



SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR GENERAL NOTES AND LEGEND.

DATE: JULY 8, 2007

PREPARED BY
ROBERT M. ANGAS ASSOCIATES, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32228 (904) 842-0580

Conservation Easement 2B

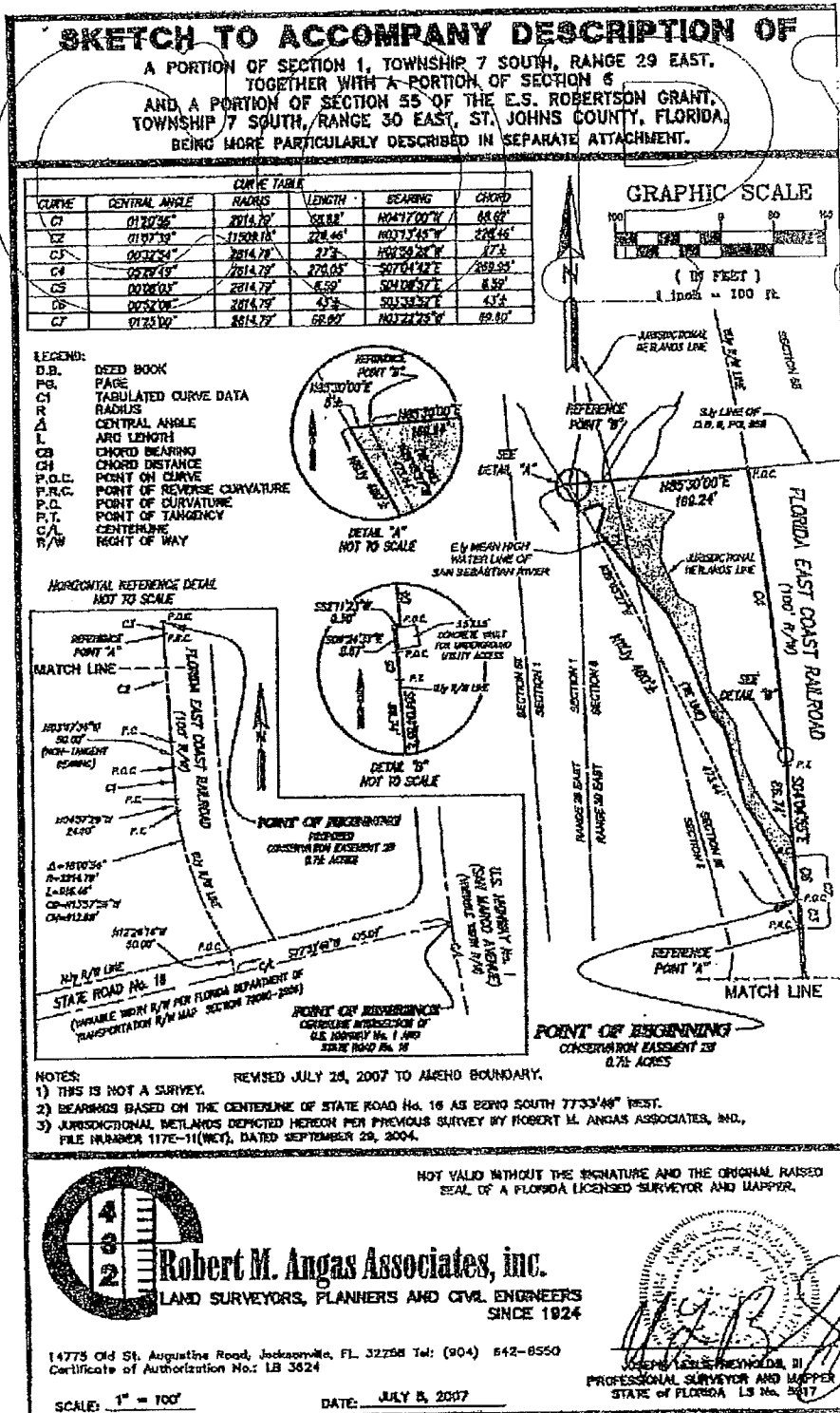
A portion of Section 1, Township 7 South, Range 29 East, together with a portion of Section 6 and a portion of Section 55 of the E.S. Robertson Grant, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly, along said Westerly right of way line the following six courses: Course one, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course two, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.62 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course four, thence North $03^{\circ}47'34''$ West, along a non-tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course five, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to Reference Point "A", said point also being a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course six, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $00^{\circ}32'54''$, an arc length of 27 feet, more or less, to a point on said curve at an intersection with the Easterly Mean High Water Line of the San Sebastian River, said point also being the Point of Beginning, said arc being subtended by a chord bearing and distance of North $02^{\circ}56'22''$ West, 27 feet, more or less.

From said Point of Beginning, thence Northwesterly, departing said Westerly right of way line of the Florida East Coast Railroad, and along the meanderings of said Easterly Mean High Water Line of the San Sebastian River, a distance of 480 feet, more or less to

Conservation Easement 2B Continued

an intersection with the Southerly line of those lands described and recorded in Deed Book 8, page 558 of the public records of said St Johns County; thence North 85°30'00" East, departing said Easterly Mean High Water Line, and along said Southerly line, 5 feet, more or less to Reference Point "B", said point bearing North 26°45'27" West, a distance of 473.44 feet from said Reference Point "A"; thence North 85°30'00" East, continuing along said Southerly line, 169.24 feet to a point lying on said Westerly right of way line of the Florida East Coast Railroad, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southeasterly, along said Westerly right of way line, departing said Southerly line, and along the arc of said curve, through a central angle of 05°29'49", an arc length of 270.05 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 07°04'42" East, 269.95 feet; thence South 82°11'23" West, departing said Westerly right of way line, 0.50 feet; thence South 09°24'37" East, 5.57 feet to a point lying on said Westerly right of way line, said point also being a point on a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, along said Westerly right of way line, and along the arc of said curve, through a central angle of 00°08'03", an arc length of 6.59 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 04°08'57" East, 6.59 feet; thence South 04°04'55" East, continuing along said Westerly right of way line, 86.74 feet to a point bearing North 03°22'25" West, 69.60 feet from said Reference Point "A", said point also being the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; thence Southerly, continuing along said Westerly right of way line, and along the arc of said curve through a central angle of 00°52'06", an arc length of 43 feet, more or less, to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South 03°38'52" East, 43 feet, more or less.



Conservation Easement 3

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of San Marco Avenue (U.S. Highway No. 1), a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 475.07 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying at the intersection of the Northerly right of way line of said State Road No. 16 with the Westerly right of way line of the Florida East Coast Rail Road, a 100 foot right of way as presently established, said point also being a point on a curve; thence Northerly and Northwesterly along said Westerly right of way line the following ten courses: Course 1, thence Northerly, along the arc of a curve concave Northeasterly, having a radius of 2914.79 feet, through a central angle of $18^{\circ}00'54''$, an arc length of 916.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $13^{\circ}57'56''$ West, 912.69 feet; Course 2, thence North $04^{\circ}57'29''$ West, 24.60 feet to the point of curvature of a curve concave Easterly, having a radius of 2914.79 feet; Course 3, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}20'56''$, and arc length of 68.63 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}17'00''$ West, 68.62 feet; Course 4, thence North $03^{\circ}47'34''$ West, along a non tangent bearing, 50.00 feet to the point of curvature of a curve concave Easterly, having a radius of 11509.16 feet; Course 5, thence Northerly, along the arc of said curve, through a central angle of $01^{\circ}07'39''$, an arc length of 226.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $03^{\circ}13'45''$ West, 226.46 feet; Course 6, thence Northerly, along the arc of a curve concave Westerly, having a radius of 2814.79 feet, through a central angle of $01^{\circ}25'00''$, an arc length of 69.60 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $03^{\circ}22'25''$ West, 69.60 feet; Course 7, thence North $04^{\circ}04'55''$ West, 86.74 feet to the point of curvature of a curve concave Westerly, having a radius of 2814.79 feet; Course 8, thence Northerly along the arc of said curve through a central angle of $23^{\circ}37'40''$, an arc length of 1160.78 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $15^{\circ}53'46''$ West, 1152.57 feet; Course 9, thence North $27^{\circ}42'36''$ West,

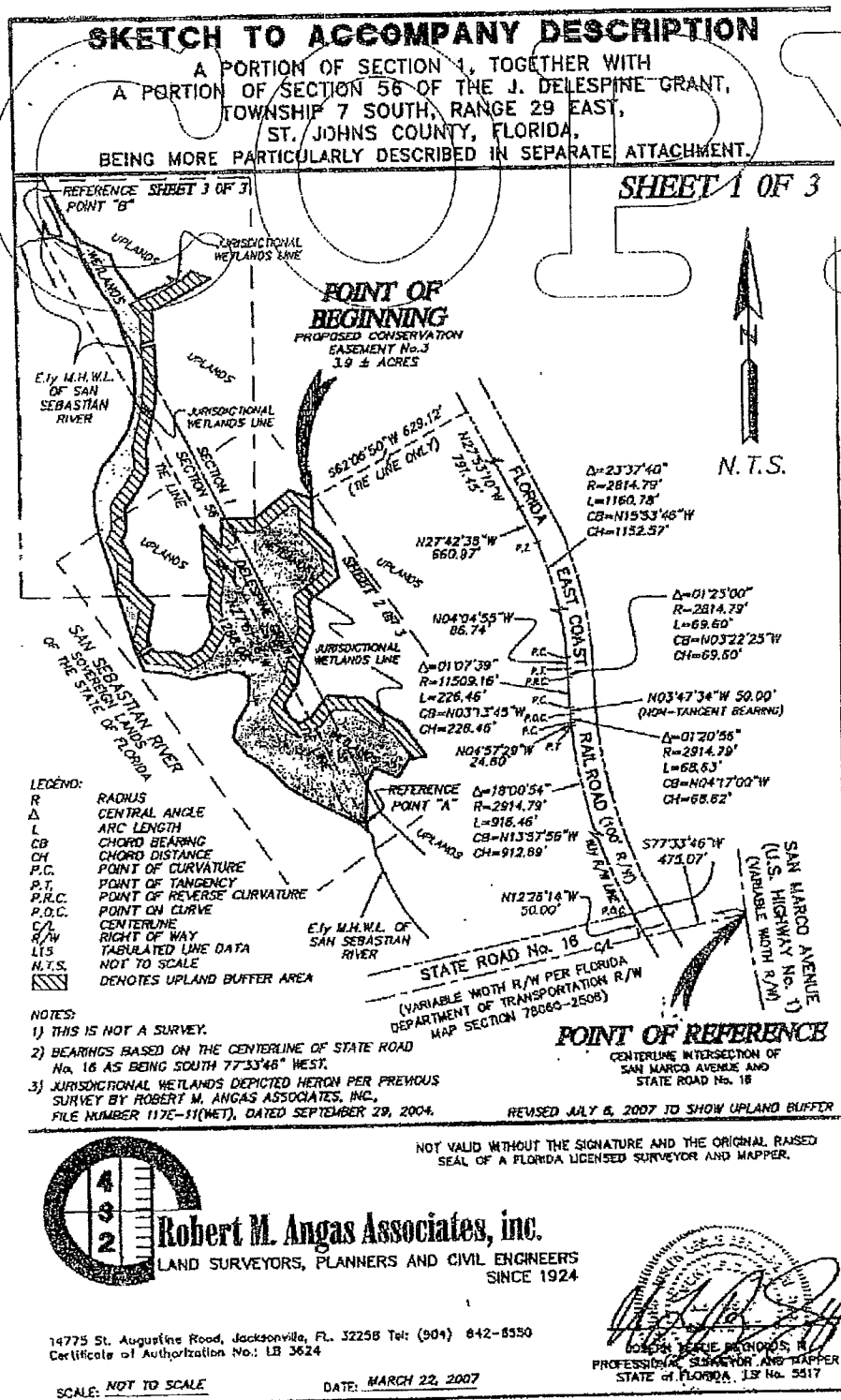
Conservation Easement 3 (cont.)

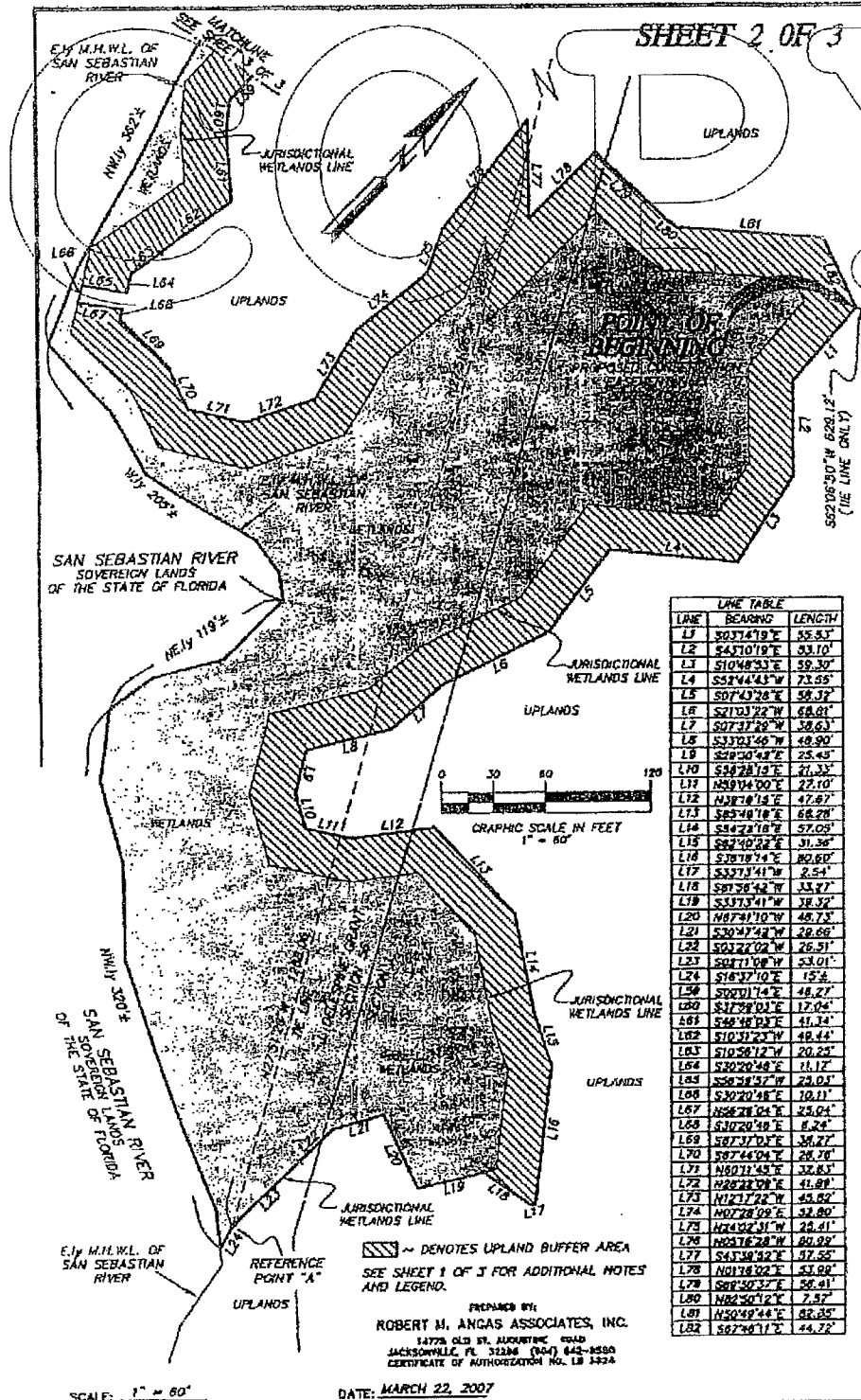
660.97 feet; Course 10, thence North 27°53'10" West, 791.45 feet; thence South 62°06'50" West, departing said Westerly right of way line, 629.12 feet to the Point of Beginning.

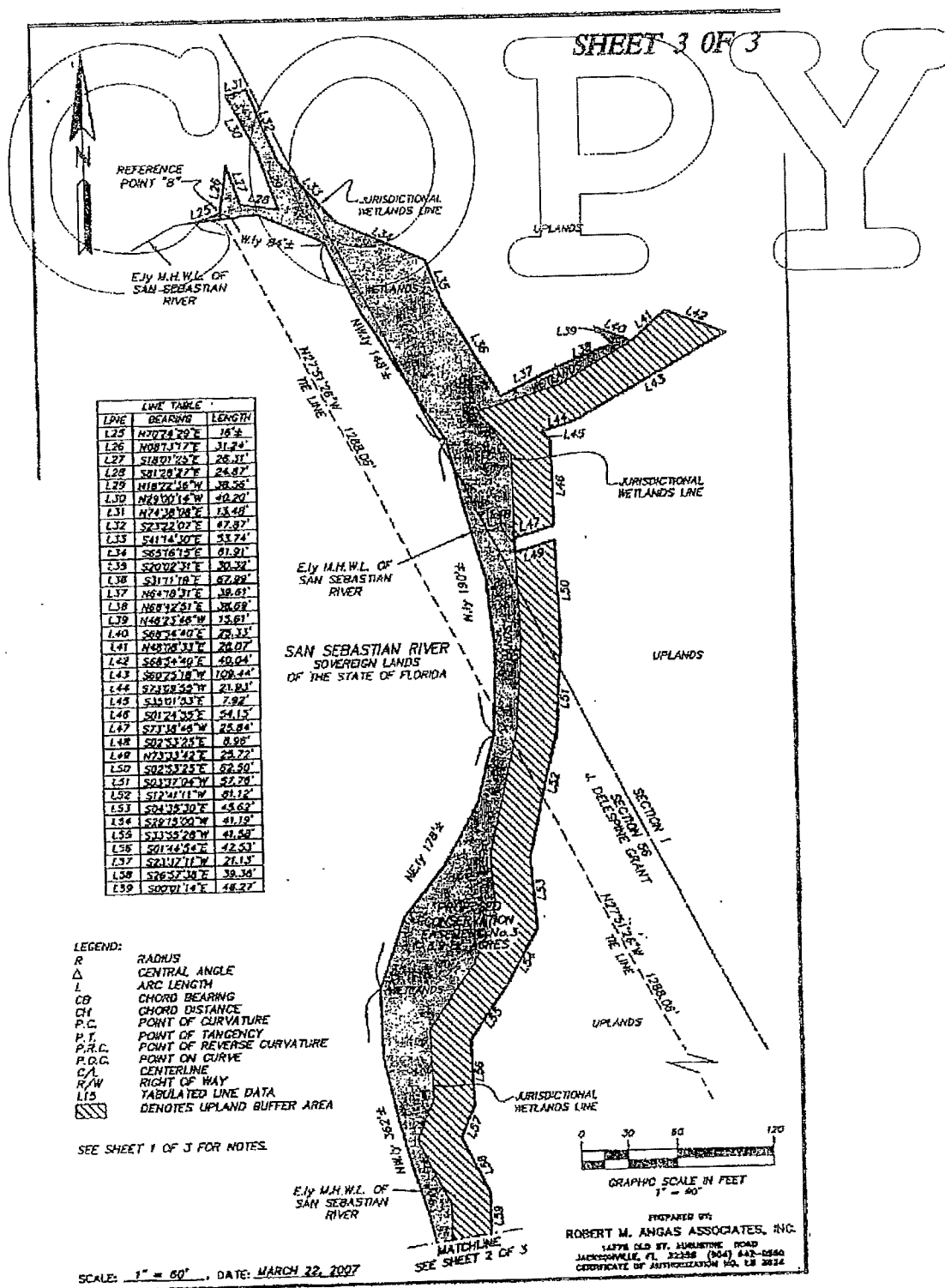
From said Point of Beginning, thence South 03°14'19" East, 55.53 feet; thence South 43°10'19" East, 53.10 feet; thence South 10°48'53" East, 59.30 feet; thence South 52°44'43" West, 73.55 feet; thence South 07°43'26" East, 58.32 feet; thence South 21°03'22" West, 68.81 feet; thence South 07°37'29" West, 38.63 feet; thence South 33°03'46" West, 48.90 feet; thence South 29°30'42" East, 25.45 feet; thence South 58°28'15" East, 21.33 feet; thence North 59°04'00" East, 27.10 feet; thence North 39°16'15" East, 47.67 feet; thence South 85°49'18" East, 68.28 feet; thence South 54°22'18" East, 57.05 feet; thence South 62°40'22" East, 31.36 feet; thence South 36°16'14" East, 80.60 feet; thence South 33°13'41" West, 2.54 feet; thence South 81°56'42" West, 33.27 feet; thence South 33°13'41" West, 39.32 feet; thence North 67°41'10" West, 46.73 feet; thence South 30°47'42" West, 29.66 feet; thence South 03°22'02" West, 26.51 feet; thence South 02°11'08" West, 53.01 feet to Reference Point "A"; thence South 16°37'10" East, 15 feet more or less to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northerly, Northeasterly, Northwesterly and Westerly along the meanderings of said Easterly Mean High Water Line the following eight courses; Course 1, thence Northwesterly, 320 feet more or less; Course 2, thence Northeasterly, 119 feet more or less; Course 3, thence Westerly, 205 feet more or less; Course 4, thence Northwesterly, 362 feet more or less; Course 5, Northeasterly, 178 feet more or less; Course 6, thence Northerly, 190 feet more or less; Course 7, thence Northwesterly, 148 feet more or less; Course 8, thence Westerly, 84 feet more or less; thence North 70°24'29" East, departing said Easterly Mean High Water Line, 16 feet more or less to Reference Point "B", said point bearing North 27°51'26" West, 1288.06 feet from said Reference Point "A"; thence North 08°13'17" East, 31.24 feet; thence South 18°01'25" East, 26.31 feet; thence South 81°28'27" East, 24.67 feet; thence North 18°22'36" West, 38.56 feet; thence North 29°00'14" West, 40.20 feet; thence North 74°38'08" East, 13.48 feet; thence South 23°22'07" East, 47.87 feet; thence South 41°14'30" East, 53.74 feet; thence South 65°16'15" East, 61.91 feet; thence South 20°02'31" East, 30.32 feet; thence South 31°11'19" East, 67.99 feet; thence North 64°18'31" East, 39.61 feet; thence North 68°42'51" East, 38.69 feet; thence North 46°23'46" West, 15.61 feet; thence South 68°54'40" East, 25.33 feet; thence North 48°08'33" East, 28.07 feet; thence South 68°54'40" East, 40.04 feet; thence South 60°25'18" West, 109.44 feet; thence South 73°09'55" West, 21.93 feet; thence South 35°01'53" East, 7.92 feet; thence South 01°24'55" East, 54.15 feet; thence South 73°38'46" West, 25.84 feet; thence South 02°53'25" East, 8.96 feet; thence North 73°33'42" East, 25.72 feet; thence South 02°53'25" East, 62.50 feet; thence South

Conservation Easement 3 (cont.)

03°37'04" West, 57.76 feet; thence South 12°41'11" West, 81.12 feet; thence South
 04°35'30" East, 45.62 feet; thence South 29°15'00" West, 41.19 feet; thence South
 33°55'28" West, 41.58 feet; thence South 01°44'54" East, 42.53 feet; thence South
 23°37'11" West, 21.13 feet; thence South 26°57'38" East, 39.38 feet; thence South
 00°01'14" East, 46.27 feet; thence South 37°59'03" East, 17.04 feet; thence South
 46°48'03" East, 41.34 feet; thence South 10°31'23" West, 49.44 feet; thence South
 10°56'12" West, 20.25 feet; thence South 30°20'46" East, 11.17 feet; thence South
 56°59'57" West, 25.03 feet; thence South 30°20'46" East, 10.11 feet; thence North
 56°26'04" East, 25.04 feet; thence South 30°20'46" East, 6.24 feet; thence South
 87°37'03" East, 38.27 feet; thence South 67°44'04" East, 26.76 feet; thence North
 60°11'45" East, 32.63 feet; thence North 28°22'09" East, 41.89 feet; thence North
 12°17'22" West, 45.82 feet; thence North 07°28'09" East, 52.80 feet; thence North
 24°02'31" West, 25.41 feet; thence North 05°16'28" West, 80.99 feet; thence South
 43°39'52" East, 57.55 feet; thence North 01°16'02" East, 53.99 feet; thence South
 89°30'37" East, 56.41 feet; thence North 82°50'12" East, 7.57 feet; thence North
 50°49'44" East, 82.85 feet; thence South 67°46'11" East, 44.72 feet to the Point of
 Beginning.





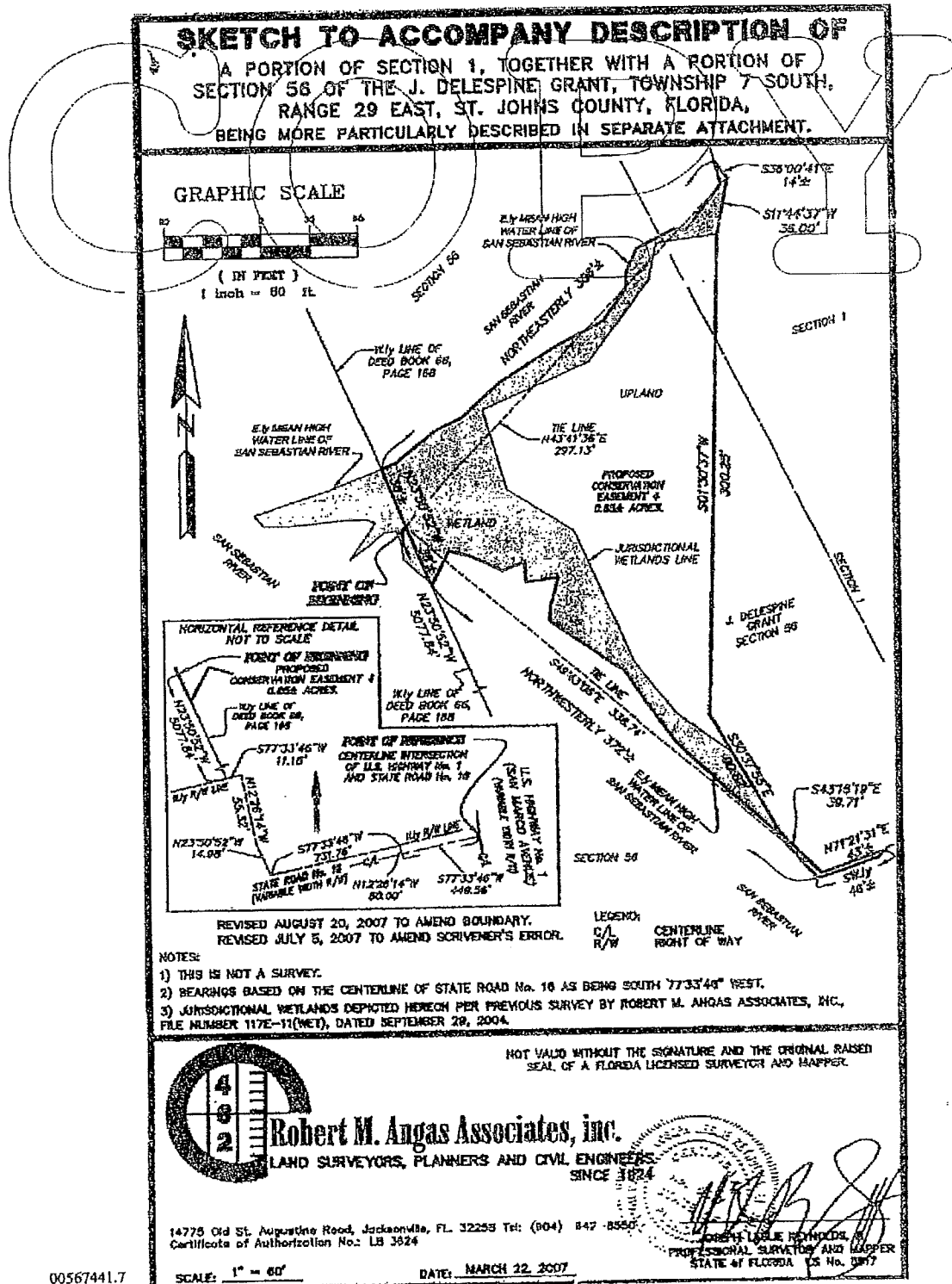


Conservation Easement 4

A portion of Section 1, together with a portion of Section 56 of the J. Delespine Grant, Township 7 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows.

For a Point of Reference, commence at the centerline intersection of U.S. Highway No. 1, a variable width right of way as presently established, and State Road No. 16, a variable width right of way as presently established, thence South $77^{\circ}33'46''$ West, along said centerline of State Road No. 16, a distance of 449.56 feet; thence North $12^{\circ}26'14''$ West, departing said centerline, 50.00 feet to a point lying on the Northerly right of way line of said State Road No. 16; thence Westerly and Northerly, along said Northerly right of way line the following four courses: Course one, thence South $77^{\circ}33'46''$ West, 731.76 feet; Course two, thence North $23^{\circ}50'52''$ West, 14.98 feet; Course three, thence North $12^{\circ}26'14''$ West, 55.32 feet; Course four, thence South $77^{\circ}33'46''$ West, 11.16 feet to a point lying on the Westerly line of those lands described and recorded in Deed Book 66, page 168 of the public records of said county; thence North $23^{\circ}50'52''$ West, departing said Northerly right of way line and along said Westerly line, 5077.84 feet to the Point of Beginning.

From said Point of Beginning, thence continue North $23^{\circ}50'52''$ West, along said Westerly line of Deed Book 66, page 168, a distance of 38 feet, more or less, to an intersection with the Easterly Mean High Water Line of the San Sebastian River; thence Northeasterly, departing said Westerly line and along the meanderings of said Easterly Mean High Water Line, 306 feet, more or less; thence South $36^{\circ}00'41''$ East, departing said Easterly Mean High Water Line, 14 feet, more or less to a point, said point bearing North $43^{\circ}41'36''$ East, 297.13 feet from said Point of Beginning; thence South $11^{\circ}44'37''$ West, 36.00 feet; thence South $01^{\circ}30'37''$ West, 300.25 feet; thence South $30^{\circ}37'55''$ East, 80.82 feet; thence South $43^{\circ}16'19''$ East, 39.71 feet to a point, said point bearing South $49^{\circ}43'06''$ East, 338.74 feet from said Point of Beginning; thence North $71^{\circ}21'31''$ East, 43 feet, more or less to an intersection with said Easterly Mean High Water Line; thence Southwesterly, along the meanderings of said Easterly Mean High Water Line, 46 feet, more or less; thence Northwesterly, continuing along the meanderings of said Easterly Mean High Water Line, 372 feet, more or less, to an intersection with said Westerly line of Deed Book 66, page 168; thence North $23^{\circ}50'52''$ West, departing said Easterly Mean High Water Line and along said Westerly line, 38 feet, more or less to the Point of Beginning.



00567441.7

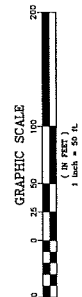
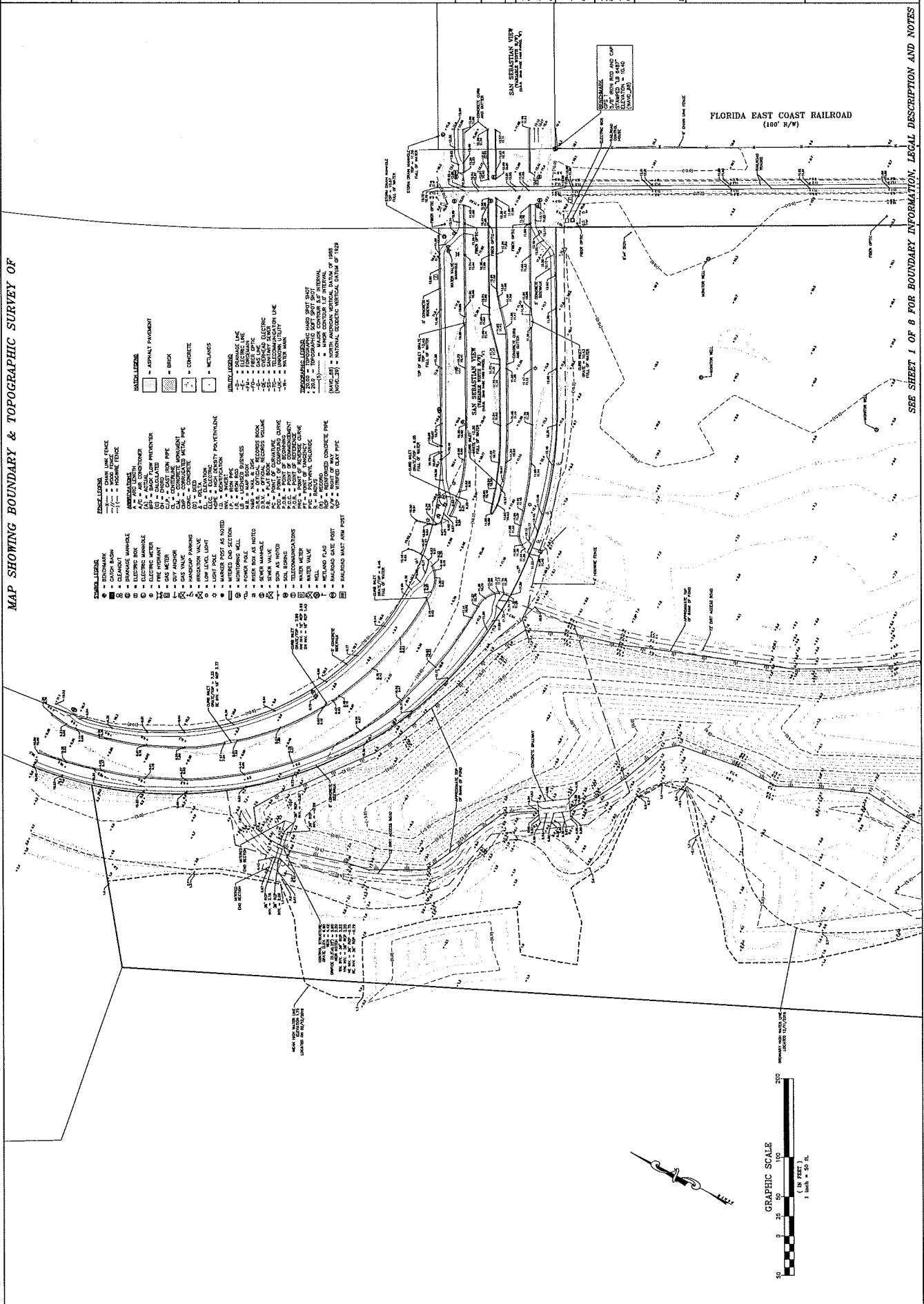
Attachment 4

Survey

6/4/2018

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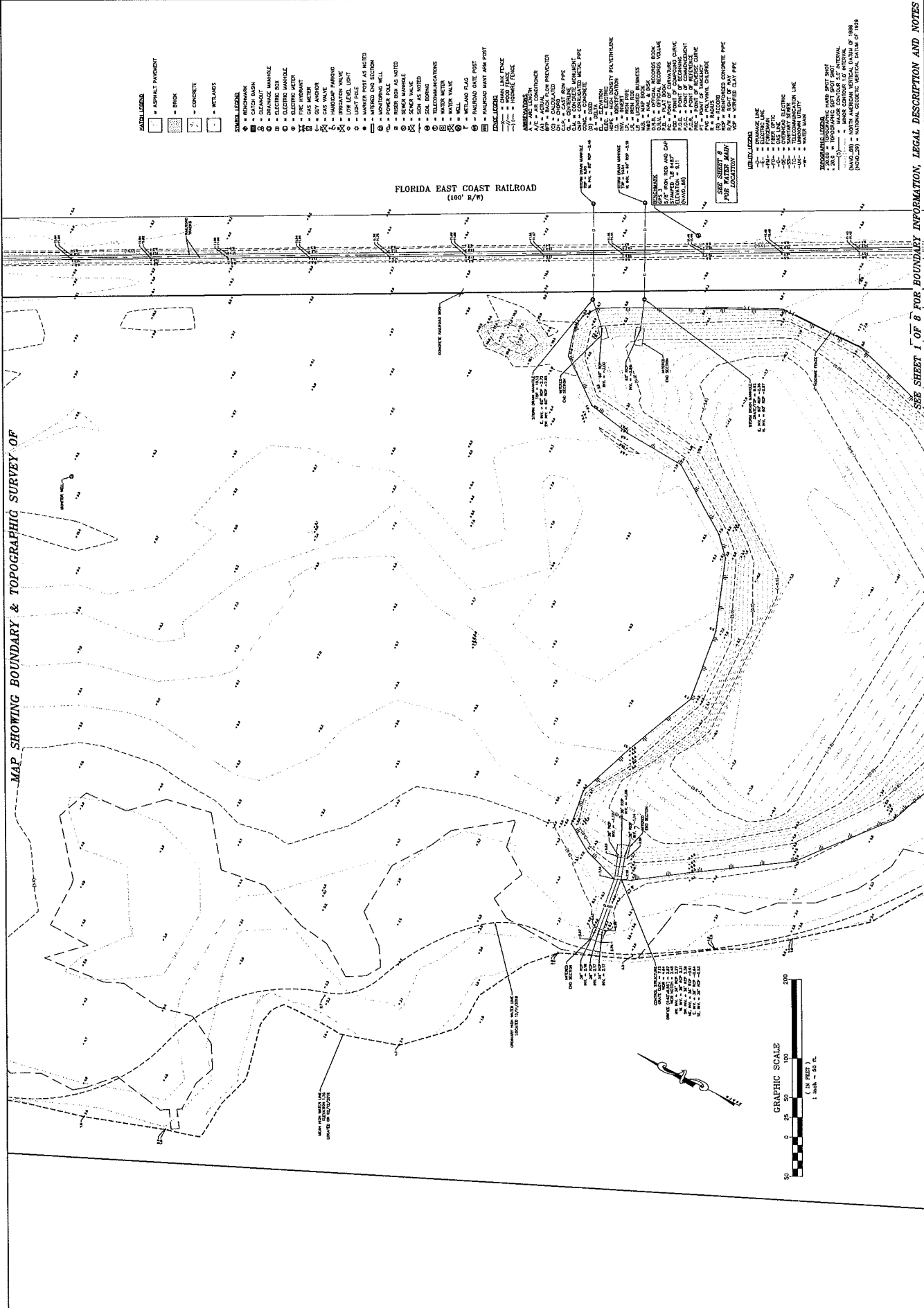
MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



JOHNS COUNTY, FLORIDA
ST. AUGUSTINE

COM. (TELEPHONE GROUP)		CHARGED TO		DATE		DESCRIPTION	
1	WP	04-04-18	Ad by Sunnyvale	04-04-18	APPROVAL, SHOWN, SPECIFIC DATA REQUEST		
2	WP	04-04-18	Ad by Sunnyvale	04-04-18	APPROVAL, SHOWN, SPECIFIC DATA REQUEST		

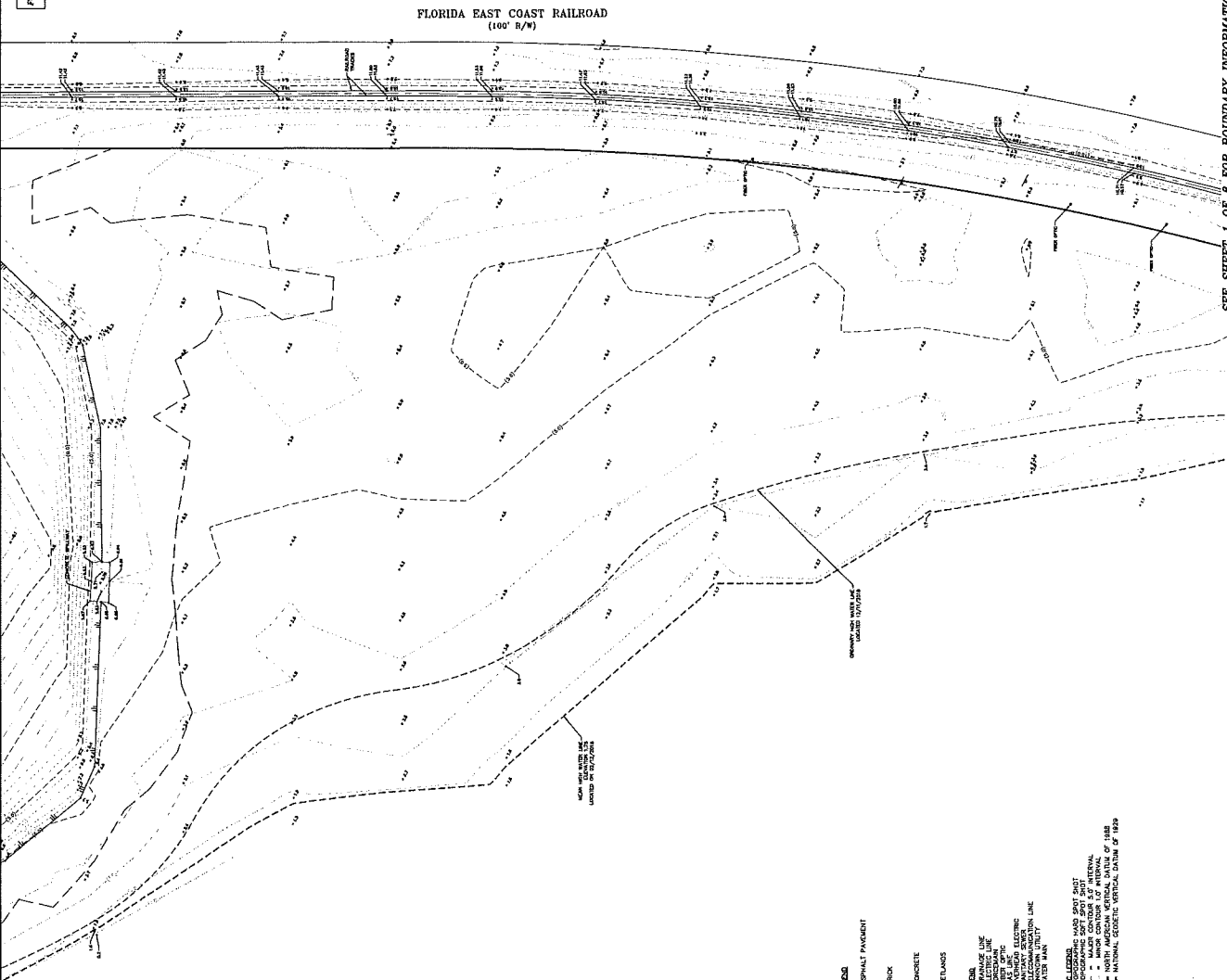
PROJECT NO.	17-11-23
FILE NO.	17-11-23
SHEET 4 OF 8	



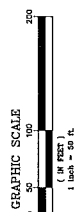
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PROJECT NO.	7-11-23
FILE NO.	7-11-23
EST 5 OF 8	

MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF



SEE SHEET 1 OF 8 FOR BOUNDARY INFORMATION, LEGAL DESCRIPTION AND NOTES



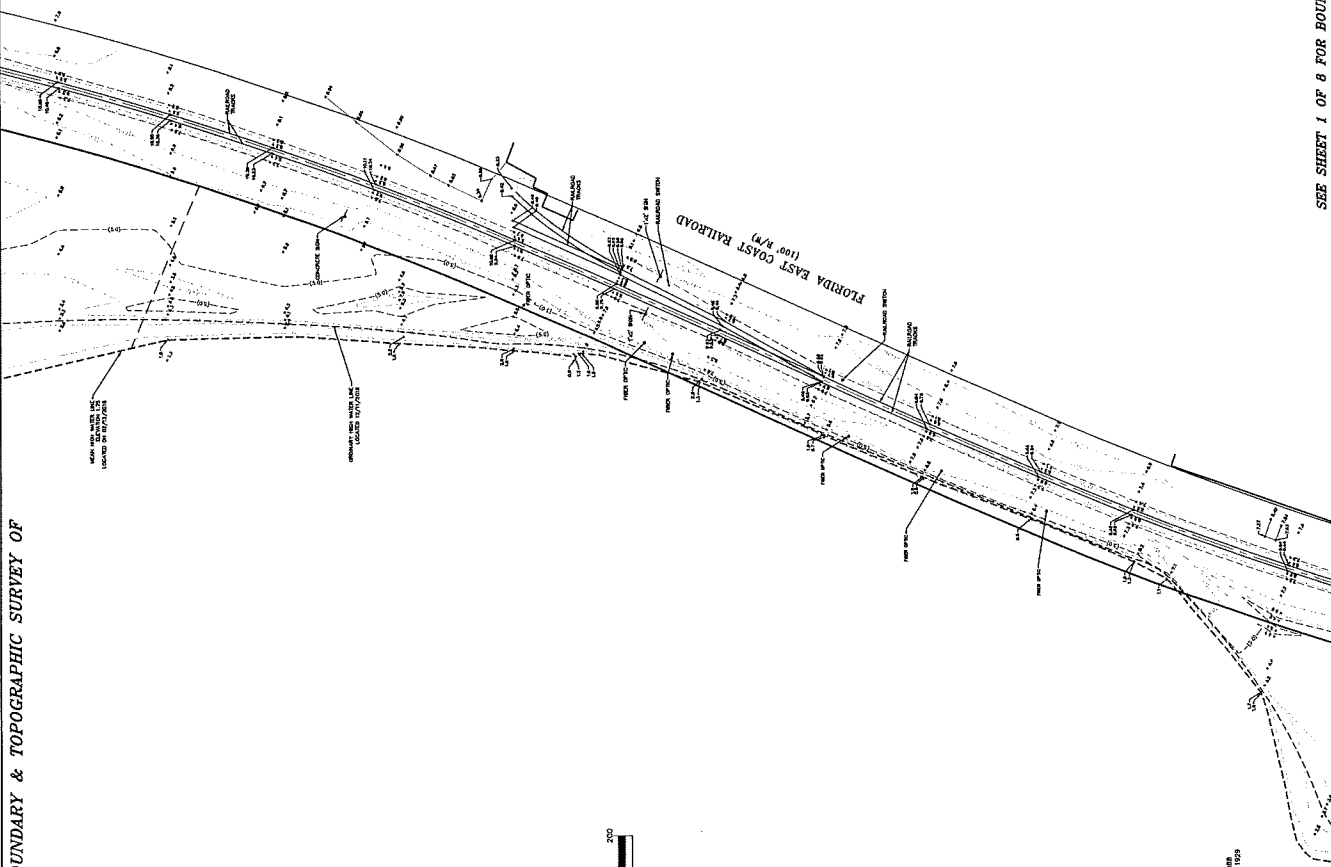
- | | |
|------------------------|-------------------------|
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| 1 - BACKPACK | 1 - BACKPACK |
| 2 - CATCH BASIN | 2 - CATCH BASIN |
| 3 - CLAMNET | 3 - WOOD FENCE |
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Field No./g	Site	Collected by	Survey date
08	08	MB	06-05-18
Party Chief	Drawn by	Collected by	Survey date
		MB	06-05-18

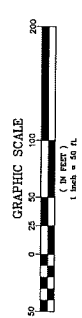
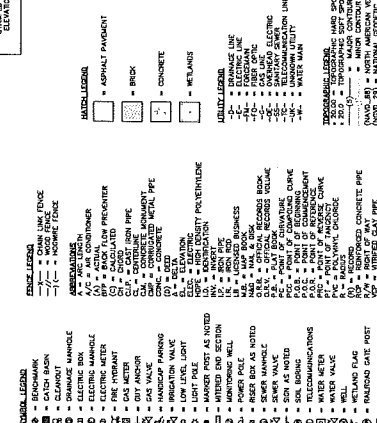
Approved Date	Description
01-01-18	ADDITIONAL ANALYSIS STRUCTURE DATA INCLUDED
01-05-18	ADDITIONAL WATER MAIN LOCATION FOR CLIENT REQUEST

THIS IS TO CERTIFY THAT THE ABOVE LISTED WORKS SHOWN AND
 IDENTIFICATION DOCUMENTS IDENTIFY ASSETS OF THE UNITED STATES OF
 AMERICA. THESE ASSETS ARE NOT TO BE LOANED, REPRODUCED, COPIED,
 OR IN ANY MANNER DISCLOSED TO ANY OTHER PERSON OR ORGANIZATION
 WITHOUT THE WRITTEN PERMISSION OF THE NATIONAL ARCHIVES.
 NO. 1437

PROJECT NO.	17-11-23
FILE NO.	17-11-23
SHEET 6 OF 8	



BENCHMARK VICINITY MAP
(NOT TO SCALE)



1



NOTES

Attachment 5
Conceptual Map
Ord. 2013-18

TOTAL SITE AREA: +/-135.2 AC.
 TOTAL PRESERVATION AREA: +/-80.5 AC.
 TOTAL POND AREA: +/-12.6 AC.
 TOTAL PARK AREA: +/-4.3 AC.
 TOTAL BUFFER AREA: +/-7.5 AC.
 TOTAL DWELLING UNITS: 107 D.U.
 (50'x125')

OPTIONAL
COMMUNITY
DOCK ACCESS

WALKING TRAIL

MEAN HIGH
WATER LEVEL

OPTIONAL
COMMUNITY
DOCK ACCESS

PRESERVATION
AREA

8' HIGH BERM
WITH WALL/FENCE

90' LANDSCAPE BUFFER

EXISTING
POND

EXISTING
POND

PRESERVATION
AREA

FLAGLER CROSSING CONCEPTUAL SITE PLAN

MAY 2013

ETM
 England-Thim & Miller, Inc.
 VISION • EXPERIENCE • RESULTS

Note: This land plan and/or rendering is
 conceptual and is subject to review, change
 and approval by several governmental
 agencies to meet environmental, technical
 and other standards. This plan was
 completed based on limited information.
 Therefore all acreage figures are unofficial
 and are subject to change.



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

DATE: November 13, 2019

RE: **SHORT-TERM RENTALS**

This memo includes highlights of Ordinance 2019-50, Ordinance 2019-51, and Ordinance 2019-52. Together they will form the new codified sections of 28-145 through 28-156 encompassing vacation rentals (also known as short-term rentals). This is part of the ongoing review of the effects of vacation rentals initiated by the city commission, with recommendations from the Short-Term Rental Committee.

Part One: New Regulations

The proposed new regulations do not restrict frequency or duration of stays, consistent with state preemption law. The proposed regulations came out of the Short-Term Rental Committee's public meetings, staff discussion, and city commission direction.

Public Policy Issues to be Discussed:

1. What should be the parking requirements?
 - After input from the city commission, the requirements have been revised to include multiple alternatives: onsite, offsite use by exception, street parking permits, or parking garage permits.
 - HP-1 through HP-4 zoning districts do not require onsite parking for uses such as hotels; should the parking requirements for vacation rentals exempt those zoning districts entirely or require them to use one of the alternatives to onsite parking?
 2. Should there be less vacation rental regulations for rooms rented within someone's full-time residence?
 - For instance relaxing the parking requirement, or the emergency lighting requirement.
- ❖ City Commission may raise any other public policy questions for discussion and direction.

Part Two: Existing Regulations

- (a) Confirmation and codification of Ordinance 2010-24 regarding RS-1 and RS-2 zoning
 - This ordinance re-iterates and codifies Ordinance 2010-24 and explains in clear language the existing requirement of weekly rentals for RS-1 and RS-2 zoning as it pertains to vacation rentals. The City Commission at its previous meeting requested that all relevant ordinances be re-stated in this section of the code in order to make it more user friendly for individuals to find and understand vacation rental regulations in one place.
- (b) Confirmation and re-statement of restrictions on Submerged Lands and HP-1 zoning

- Similarly, this ordinance re-states the existing restrictions on income generating uses of the City's submerged lands, and the existing zoning limitation of monthly rentals in HP-1 zoning. Residential docks do not require a submerged land lease, but any income generating use of the dock would trigger the need for obtaining a submerged land lease from the city; for instance, if a boat is docked on a residential dock and used as a vacation rental. Existing commercial operations, such as marinas, are already required to obtain a submerged land lease, therefore use of boats in those marinas would already comply.

Enforcement Issues:

1. Current complaint driven enforcement:

- Historically, the City has enforced all code compliance, whether zoning or other land development regulation, by responding to citizen complaints. The City does not actively monitor websites and social media for code compliance due to staffing limitations.

2. New web-based data aggregator:

- New forms of technology can now provide continuous web-based monitoring and issue reports regarding possible violations of our codes (ie: Host Compliance).

3. Existing Regulations versus New Regulations that affect short-term rentals:

- State law, as interpreted by the court (*Miami v. AirBnB*) and the Attorney General (AGO 2019-07), does not allow the City to modify frequency and duration rules for vacation rentals. The City can enforce duration and frequency rules that pre-date 2011 (ie: RS-1, RS-2 weekly rentals, HP-1 monthly rentals). The City is also legally allowed to repeal those ordinances, but it cannot modify them. The City can also enact new regulations that do not affect frequency or duration at all (*Cinnamon Beach v. Flagler*), such as maximum occupancy, parking requirements, etc.

4. Practical example of compliance with weekly rental requirement:

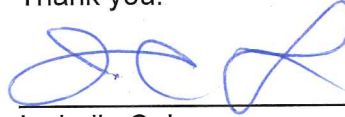
- Assuming a week to be from Sunday through Saturday, a rental must be booked by a customer for the entire week and cannot be double booked. For example, the Smiths book the week of December 8th through the 14th. They are not required to stay the entire week, they can choose to only occupy the rental for some of those nights, but they 'own' that week and that week cannot be booked to someone else.

5. Transient lodging, short-term rentals, vacation rentals:

- *Transient lodging* is an older terminology that encompasses all types of shorter-term rentals (including nightly rentals) than a typical year-to-year lease. It is found in numerous local codes (including the City's definition of 'motel'), it is described in the state's revenue requirements (aka 'bed tax'), and in the state's public lodging statutes.
- *Short-term rental* is also a term that is found in some local codes, and in the City's case it is found in Ord. 2010-24 describing a particular subset of transient lodging allowing weekly rentals for RS-1 and RS-2 zoning.
- *Vacation rental* is a term created by state law, and it describes a particular subset of transient rentals located in condos, single-family homes and multi-family homes.

The three ordinances are being placed for First Reading on the December 9, 2019 City Commission agenda. Based on the discussion and direction given, the ordinances will be forwarded to the Planning and Zoning Board for its recommendation before coming back to the City Commission for Second Reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

xc: John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk

Agenda Titles:

- 1) Ordinance 2019-50 provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts, and violations and penalties.
- 2) Ordinance 2019-51 codifies the findings, intent, purpose, and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.
- 3) Ordinance 2019-52 confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 9, 2019

RE: **Short Term Rental Committee Final Report**

On July 8, 2019 the City Commission created a short term rental committee composed of 7 citizen volunteers with the task of reviewing potential regulations for short term (vacation) rentals and to make recommendations to the City Commission regarding new regulations. The City Commission gave the short term rental committee 60 days to complete this project.

The short term rental committee held public meetings on August 1, August 7 and August 14. These meetings were productive, they were very well attended by the public and the committee was presented with viewpoints from both residents, short term rental owners and the business community. Technical details were presented to the committee by the City Police Chief, City Fire Marshall and City Building Official.

The committee's final report is broken down into individual "key issues", such as parking, noise, life safety, etc. In the report, each key issue is introduced and includes staff comments as well as the committee's recommendations. There was not unanimous consensus by the committee on each key issue and the final report includes individual board members' dissenting opinions. The committee was also tasked with reviewing policy objectives. A list of potential policy objectives was discussed by the committee, but no recommendation was made.

Included with the final report is the back-up material that was submitted to the committee during their tenure.

Please place the final report of the short term rental committee on the September 9, 2019 City Commission agenda.

If you have any questions, please let me know.



David Birchim, AICP
Director, Planning and Building

Short Term Rental Committee

Final Report

Key Issue - Registration

Introduction

Registration will....

1. Form the database of all properties that are required to comply with new rules;
2. Create a "file" on each individual short-term rental property;
3. Memorialize and track compliance with each new rule for each individual property;
4. Identify a "responsible party" that will be the point of contact for code compliance and citizen complaints. This could be the property owner, long term tenant, or a management company. A time frame in which citizen complaints must be addressed by the responsible party can be identified in the registration document.

Staff Comments...

1. Registration is done on an annual basis, using the city's fiscal year calendar (Oct 1-Sept 30).
2. Failure to register a short-term rental is a code violation.
3. A property's registration can be revoked for non-compliance with the code.
4. A precondition of registration is an annual inspection to verify compliance with all city codes, state codes (building codes), and life-safety codes, etc., that may apply to the property.
5. The registration can require details of compliance with other new rules; such as floor plans to identify bedrooms, a site plan to identify parking, contact information for a responsible party, etc.
6. Effective date, revocation of registration and annual inspection provisions which allow the city access to the property, and which are agreed to by the property owner, are all part of the registration process.
7. An annual registration fee is collected to offset the city's costs for the administration of this program.
8. A component of registration is to cooperate with the County Tax Collector and State by sending rental registration to these agencies.
9. A timeframe will be set for the minimum response time that a host must respond to complaints.

Short Term Rental Committee

Final Report

Key Issue - Registration (continued)

Committee Recommendations

1. Short term rentals shall be registered with the City and the Police and Fire Departments shall have access to the rental registration information.
2. The City shall send registration forms to the appropriate agencies to notify them of a new rental registration.
3. A rental registration form will take the place of a City business tax receipt.
4. Registration will state that property owners will need to comply with County and State regulations if the property is receiving a homestead exemption on the same property that will be used as a rental unit.
5. Registration will state that owners and/or operators of rental units will be required to pay the bed tax through the County Tax Collector's office.
6. The rental registration form will clearly indicate the response time in which complaints will be addressed and resolved. *(30, 60, and 90 minute response times were discussed: Mr. Tom Day and Mr. Brian Funk stated the response time should be 30 minutes maximum; Ms. Pat Dobosz recommended a 90-minutes, Ms. Melinda Rakonczay recommended 60 minutes or less. Mr. Brian Funk added that an owner or agent should be available 24 hours a day)*
7. The City will provide formal notification to adjacent property owners of a new rental unit with contact information of the responsible party.
8. A Code of Conduct for short term rentals that includes operating regulations will accompany the registration form and will be provided on the City's web page for reference.
9. There are no pre-existing rights (grandfathered status) of short term rentals that operated prior to establishment of these requirements.
10. A full interior building sketch must be submitted with the rental registration form to indicate the locations of fire extinguishers, smoke detectors, carbon monoxide detectors, emergency exits and exit signs, and a full floor plan documenting all sleeping areas (including sleeper sofas) for each rental unit.
11. An exterior site plan sketch of the grounds of the rental property must be submitted with the rental registration form to indicate parking, any swimming pools, or other outdoor features.

Short Term Rental Committee Final Report

Key Issue - Registration

Committee Recommendations (continued)

12. The website address for the rental unit will be included on the registration form and the City license or registration number will be included on any advertisements of the rental unit.
13. No exterior signs will be posted. *(Mr. Brian Funk did not indicate he agreed that there should be no sign posting the contact information of the rental management company)*

Additional Comments:

There was significant concern regarding a potential requirement that sex offenders notify their status on the registration form. Ms. Cindy Wasserbauer, Ms. Pat Dobosz, and Mr. Parrish Jones indicated this may not be realistic. Ms. Debi Sauls added that she would like to be provided language that can be added to a listing legally if a guest is required by law to register and she recognized that it may not be feasible to get them to register. Ms. Melinda Rakonca believes this is important to pursue.

Short Term Rental Committee

Final Report

Key Issue - Intensity of Use

Introduction

The number of guests in a Short Term Rental may influence the impact the property has on neighboring residents. If a property is overcrowded, this could lead to parking, noise and garbage problems for people living nearby. In order to address this, occupancy limits can be created.

Staff comments...

1. Apply limitations to the number of bedrooms per rental unit.
2. Apply limitations for the number of guests per bedroom.
3. Apply limitations to the number of total guests per property.
4. Apply limitations to visitors who are not staying at the property to certain hours on the property.
5. For reference, the City's Special Events Venue Ordinance provides rules governing where special event venue businesses are allowed and the requirements for special event venue businesses.

Committee Recommendations

1. The maximum occupancy is two (2) persons per bedroom plus two (2) additional guests per unit.
2. The minimum requirements for a rental unit include one (1) full bath per two (2) bedrooms.
3. The total maximum overnight occupancy is eight (8) to twelve (12) persons per property. *(Ms. Debi Sauls suggests an exception or a variance to the maximum number of guests be provided based on the nature of the property, for example a 6 bedroom with 16 person short-term rental on Marine Street and Mr. Brian Funk agreed for a case by case basis; Ms. Melinda Rakoncay does not want the occupancy increased)*
4. Non-overnight guests are not allowed on the property between the hours of 10:00 pm on weekdays and 11:00 pm on weekends and 8:00 on all mornings. *(Ms. Debi Sauls recommended that visitor hours be set at 7:00 am for morning based on the noise ordinance; Ms. Melinda Rakoncay indicated that a 10:00 pm time for all evenings be used especially in residentially-zoned areas)*

Short Term Rental Committee

Final Report

Key Issue - Life/Safety

Introduction

In conjunction with the Intensity of Use, life/safety rules can be a means to protect short term rental guests and neighboring properties.

Staff comments...

1. Require annual inspections by the City Fire Marshall to address fire hazards, ingress/egress from the building, emergency lights, fire extinguishers, fire sprinklers, etc.
2. Require fire extinguishers in the rental unit as per the City Fire Marshal.
3. Require an automatic fire sprinkler system for buildings over a certain number of stories.
4. Require a posted emergency exit plan in each bedroom.
5. Require a posted 911 phone list in a prominent location in the rental unit.
6. Require illuminated emergency exit lights and lighting with battery back-up for emergency exits.

Committee Recommendations

1. All rental units will be required to follow applicable City Fire and Building code requirements.
2. Submission of a rental registration form to the City will act as the property's owner permission for the City to conduct annual inspections.
3. Smoke detectors, carbon monoxide detectors, fire extinguishers, and a first-aid kit commensurate with the size of the rental property will be provided in the rental unit and maintained to ensure a working condition. Also, two (2) means of egress from the unit will be maintained and operable.
4. An emergency contact template form will be provided for the owner/operator along with hurricane and emergency evacuation information that must be posted in the rental unit.

Short Term Rental Committee

Final Report

Key Issue - Handicap Accessibility

Introduction

The issue of requiring handicapped accessibility to Short Term Rentals has been forwarded as a discussion topic by the City Commission. Full compliance with the Federal (and State) Americans with Disabilities Act may not be feasible, for example, it would require an on-site handicapped parking space. However, there may be some rules that can be adopted that eliminate barriers to handicap access.

Staff comments...

1. Require a wheelchair ramp or lift to an entrance/exist of the rental unit and doorway and hallway widths that allow wheelchair access. The ADA requires a 1:12 slope for a ramp and a minimum 32-inch doorway width.
2. Require vertical accessibility for rental units above the first floor.
3. Require stabilized on-site parking with a clear path of travel from the parking space to the ramp/lift leading to the entrance to the rental unit.
4. Require a handicap accessible bedroom and restroom.
5. Require handicap accessibility rules to be enacted if the short-term rental exceeds a certain intensity. For example, the following language could be added: "If a rental property has more than 3 rental bedrooms, then it must provide one handicapped accessible bedroom and bathroom to its guests."

Committee Recommendations

1. The City will enforce any federal or state rules that apply now or in the future for short-term rentals but will not enact local ADA regulations.
2. If a short term rental states on their advertisement that they are ADA compliant, then they must be ADA compliant and the city can verify.

Short Term Rental Committee

Final Report

Key Issue - Parking

Introduction

The residential character of a district can be negatively impacted when a Short Term Rental does not have adequate on-site parking for its guests. The use of public parking on the street to accommodate transient rental guests erodes the stability and familiarity of a neighborhood, leading to irritated residents. In conjunction with the Intensity of Use, parking can be a means to limit the impact of Short Term Rental properties on the stable residential character of a neighborhood.

Staff comments...

1. Require on-site parking as a companion to occupancy limitations. For example, if there is a limit to the number of bedrooms and persons per bedroom, then one (1) on-site parking space could be required per bedroom.
2. Require a parking plan that shows the location of parking on the site as part of the property registration.
3. If a neighborhood participates in a residential parking program in which homeowners can purchase a permit to park on the street there may be consideration to allow a permit for the short-term rental property as well as on-site parking.
4. If a property cannot accommodate on-site parking, is there a mechanism for approving off-site parking to accommodate guests if parking is provided elsewhere in a commercial parking lot or garage? Can a front yard be used/converted into a parking lot to comply with on-site parking rules?
5. Clear rules for the parking of RV's and campers should be included in the parking plan. Currently, the city code does not allow people to live in a vehicle and RV's and campers cannot be parked in the front yard, which is the front building setback area.

Short Term Rental Committee

Final Report

Key Issue - Parking (continued)

Committee Recommendations

1. Short term rentals shall provide parking on site.
2. One (1) parking space per rental bedroom will be required. *(Ms. Debi Sauls adds that all other cars, including non-overnight guests, must ferry to public parking)*
3. If parking is not feasible on site, then the property owner may apply to the Planning and Zoning Board for a use by exception for offsite parking within 400ft of the premise or the City Parking Garage as determined by the Planning and Zoning Board.
4. The City Commission should consider the use of street parking under a permit basis as needed for short-term rentals. *(Ms. Debi Sauls added that areas like Lincolnville with narrow streets need limits to street parking)*
5. Unimproved parking in the front yard is not permitted and is only appropriate in the front yard area if it is on a driveway. *(Mr. Tom Day notes that new improvements to a property to create front yard parking meeting these standards will need to be evaluated, Ms. Debi Sauls notes that improvements to front yard parking must include aesthetic requirements requiring review and approval which was echoed by Ms. Melinda Rakoncay, Ms. Pat Dobosz reiterated there should be no yard parking)*
6. It will be clear to the industry of short-term rentals that living in a vehicle on the property is illegal including the use of RVs, or other vehicles.

Additional Comments:

Ms. Debi Sauls pointed out that vehicles parked on the property from on-site hosts and guests may unintentionally increase the number of vehicles on site.

Ms. Melinda Rakoncay suggested that boats in commercial marinas may be used as short-term rentals if they are registered.

Short Term Rental Committee

Final Report

Key Issue - Noise

Staff Comments...

1. If a property has had a certain number of noise complaints, sound monitors may be installed.
2. Adjusting the regulated decibel limits can increase management of noise through code infractions.
3. Outdoor speakers can be prohibited or limited.
4. The outdoor use of the property can be regulated with set hours and limiting the number of guests or visitors.

Committee Recommendations

1. Additional discussion was provided after a presentation and comments by the Chief of Police. No formal recommendation to change the current noise ordinance was made.

Additional Comments:

Ms. Debi Sauls suggested that the notice to the neighbors of a short-term rental should encourage them to call the owner/manager first, Host Compliance if needed, then to call the Police. She further recommended compliance with the city noise ordinance.

Short Term Rental Committee

Final Report

Key Issue - Miscellaneous

Staff Comments

1. Require "truth in advertising" as a condition of registration and making a violation of "truth in advertising" a code violation.
2. Outdoor trash bins can be regulated by size and area and include identifying outdoor trash bin location on a site/parking plan which is required to accompany the short term rental registration.
3. Regulations can address outdoor lighting fixtures to restrict light from projecting into neighboring properties.
4. Include less restrictive regulations for properties that are homestead exempt.
5. Include less restrictive regulations for properties that have on-site hosting. On-site hosting is when the property owner or tenant is physically living on the site when the property is being used as short term rental.

Committee Recommendations

1. The City Solid Waste Department shall monitor and provide recommendations on handling garbage rates at short term rental properties. The host is responsible to ensure that trash cans are taken in and out and in compliance with the trash receptacles locations as indicated on the exterior site plan provided with the rental registration.
2. Safety lighting shall be addressed in residential parts of the zoning code (a general issue).
3. A reduction in the annual registration fee for homestead exempt properties with a host on site can be offered.
4. There will be no rental limits for a host that is on site for at least eleven (11) of twelve (12) months on average.. *(Ms. Cindy Wasserbauer recommends that there is no 'minimum' weekly rental limits as does Mr. Parrish Jones and Mr. Brian Funk; Mr. Tom Day had additional comments striking this recommendation entirely and Ms. Pat Dobosz also struck this item; Ms. Debi Sauls suggests no minimum rental limit for an on-site host for 9 months; Ms. Melinda Rakoncay wants to ensure continuation of existing rental limitations unless the host is living on the site at least 11 months of the year)*

Short Term Rental Committee Final Report

Key Issue – Miscellaneous Items

Committee Recommendations (continued)

Additional Comments:

Ms. Debi Sauls included questioned whether RS1/RS2/HP1 with the minimum rental period requires guests on-site for the 7 or 30 days or whether they can have only 1 guest/group for 1-7 or 30 days. She continues comments to include increasing budget for additional Code Enforcement officer and a Special Magistrate directed to enforcement of these regulations as adopted by the City Commission which Mr. Brian Funk also supports additional staff for enforcement purposes. The violations and consequences need to be identified along with the process and up to and including loss of registration and inclusion of 7 or 30-day minimum stays.

Ms. Pat Dobosz recommends that the City launch an educational component and social media program for all residents regarding short term rental requirements.

Sec. 28-145 – Regulation of Vacation Rentals

(a) Definitions:

- (1) *Bedroom.* A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) *Rental Unit.* A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) *Short term Rental.* A short-term rental is synonymous to a vacation rental.
- (4) *Vacation Rental.* A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

The registration will include the following:

- (i) Address of the vacation rental.
- (ii) Name, address, and contact information of the property owner.
- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 24-147 of this code.

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

Sec. 28-149 – Ancillary Use

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to

operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

Sec. 28-152 Solid Waste

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

Sec. 28-153 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) *Codification of Findings and Intent of Ordinance 2010-24.*

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) *Code definition of motel enacted by Ordinance 1974-37.*

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) *RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.*

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) *Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.*

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Sec. 28-156. Existing regulations confirmed.

(a) *Short-term rentals on submerged lands require submerged land lease.*

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.*

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) *Other regulations continue in effect.*

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

ORDINANCE NO. 2019-50

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and,

WHEREAS, the City Commission appointed a Short-Term Rental Committee to take public comment, hear expert testimony, accept into the public record evidence, and provide an opportunity to industry members and community stakeholders to give input into possible regulations affecting short term or vacation rentals; and

WHEREAS, the City Commission at its September 9, 2019 public meeting, received the Short-Term Rental Committee's findings and recommendations; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption has been interpreted in the Seventh Circuit case of 30 Cinnamon Beach v. Flagler County (2015 CA 167) to allow other types of local regulations of vacation or short-term rentals; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

WHEREAS, the City Commission heard testimony at numerous public hearings from residents, homeowners, professional property managers, bed and breakfast operators, and individuals who self-manage vacation rental units in their homes or as investment properties; and

WHEREAS, the City Commission weighed the negative effects of vacation rentals on quality of life, safety, commercialization, intensification of traditional residential neighborhoods, degradation of community life and cohesion to those neighborhoods and availability and affordability of long-term rental stock, against the positive effects on property values, property maintenance, economic vitality, and diversification of household incomes created by vacation rentals in residential neighborhoods; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Sections 28-145 through 28-154.
Chapter 28, Article III, Division 2., Sections 28-145 through 28-154 of the Code of the City of St. Augustine, are hereby created as follows:

Sec. 28-145 – Regulation of Vacation Rentals

(a) Definitions:

- (1) Bedroom.** A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.
- (2) Rental Unit.** A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.
- (3) Short term Rental.** A short-term rental is synonymous to a vacation rental.
- (4) Vacation Rental.** A vacation rental shall have that same meaning as defined in Section 509.242, Florida Statutes.

(b) Supplemental intent of these regulations:

The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. Each listing of a vacation rental must accurately reflect the information submitted on the registration form. Listings that do not conform to the registration form information will be considered a separate violation of this code.

The registration will include the following:

- (i) Address of the vacation rental.**
- (ii) Name, address, and contact information of the property owner.**

- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 24-147 of this code.

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the life-safety code, zoning code, and property maintenance code.

Sec. 28-148 – Intensity of Use

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons.

Sec. 28-149 – Ancillary Use

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 pm and 8:00 am. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke detector, a carbon monoxide detector, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the life-safety or building code.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the building code. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Sec. 28-151 Parking

- (i) Each vacation rental will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass.
- (iii) Vacation rentals in all zoning districts will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. In the alternative, the owner may obtain parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, the owner may obtain residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

Sec. 28-152 Solid Waste

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with City regulations at Sections 30-7 and 30-8 of this code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to Section 30-10 of this code.

Sec. 28-153 Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance 2019-50 remain unaffected by the terms of this ordinance.

Sec. 28-154 Violations and Penalties

If the City provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond to the preliminary compliance complaint within thirty (30) minutes of notification by the City or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of Sections 28-145 through 28-156, as well as Section 28-159 may be prosecuted pursuant to Article VI: Code Enforcement, or pursuant to any other procedure and remedy available to the City, including but not limited to, revocation of the vacation rental registration.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Sections 28-145 through 28-154 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

Section 4. Effective Date. This ordinance shall become effective on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2019.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and,

WHEREAS, on April 28, 1975, Ordinance 1974-37 enacted a comprehensive scheme of zoning regulations including definitions for motel uses and limitations on permitted uses in Residential Single Family 1 and 2 (RS-1 and RS-2) zoning districts;

WHEREAS, Ordinance 2010-24 was adopted by the St. Augustine City Commission on August 23, 2010; and

WHEREAS, Ordinance 2010-24 included factual findings, described the legislative intent, promulgated the purpose of the regulation, and provided the enacting governmental agency's interpretation of the relevant municipal code; and

WHEREAS, the editorial codification of Ordinance 2010-24 omitted the preamble, also known as the "whereas" clauses, found in the originally adopted ordinance; and

WHEREAS, consistent with Dills v. City of Marietta, 674 F. 2d 1377 (11th Cir. 1982), and Florida Attorney General Opinion 077-49, preambles establish contemporaneous findings of fact and law, as well as, the interpretation, purpose and intent of the enactment; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in RS-1 and RS-2 zoning during the required registration process found in Ordinance 2010-24 and the City's website also provides information regarding RS-1 and RS-2 weekly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding RS-1 and RS-2 weekly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to codify language “identical in its material provisions” to that found in the 2010 enacted ordinance; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-155. Chapter 28, Article III, Division 2., Section 28-155 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-155. – Effect of Ordinance 2010-24 on RS-1 and RS-2 Short-Term Rentals.

(a) Codification of Findings and Intent of Ordinance 2010-24.

The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts.

(b) Code definition of motel enacted by Ordinance 1974-37.

The definition for motel, referenced in Ordinance 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.

(c) RS-1 and RS-2 zoning districts enacted by Ordinance 1974-37.

RS-1 and RS-2 zoning districts, referenced in Ordinance 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.

(d) Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.

Ordinance 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-155 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

Section 4. Effective Date. This ordinance shall become effective on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day
of _____, 2019.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and,

WHEREAS, Ordinance 1995-35, enacted on January 8th, 1996, regulates the use of the City's submerged lands and requires a submerged lands lease for use of the City's bottomlands in any revenue generating activity; and

WHEREAS, Ordinance 1989-51, enacted on August 14th, 1989, specifically limits rental units in the Historic Preservation 1 (HP-1) zoning district to monthly or greater periods of time; and

WHEREAS, the City's Planning and Building department provides information to short-term rental and vacation rental property owners regarding restrictions in HP-1 zoning and the City's website also provides information regarding HP-1 monthly rental restrictions as part of its informational outreach, in addition to partnering with local neighborhood groups to distribute paper pamphlets regarding HP-1 monthly rental restrictions; and

WHEREAS, Florida Statutes at Section 509.032(7)(b), preempts local government from prohibiting vacation rentals, and from regulating the duration or frequency of the rentals, however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, consistent with City of Miami v. AirBnb, Inc., 260 So. 3d 478 (Fla. 3^d DCA 2018), this ordinance seeks to confirm language "identical in its material provisions" to that found in the 1989 and 1996 enacted ordinances; and,

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its _____, 20__ regular meeting; and

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

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

Section 1. Creating Chapter 28, Article III, Division 2., Section 28-156. Chapter 28, Article III, Division 2., Section 28-156 of the Code of the City of St. Augustine, is hereby created as follows:

Sec. 28-156. Existing regulations confirmed.

(a) Short-term rentals on submerged lands require submerged land lease.

Ordinance 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.

(b) Short-term rentals in HP-1 zoning require monthly or greater rental period of time.

Ordinance 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in Historic Preservation One zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.

(c) Other regulations continue in effect.

In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Section 28-156 of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

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

Section 4. Effective Date. This ordinance shall become effective on March 1, 2020, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day
of _____, 2019.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

TO: PLANNING & ZONING BOARD

FROM: PATRICK DOTY, CFM, - SENIOR PLANNER

SUBJECT: LAND DEVELOPMENT CODE CHANGE - FENCES

DATE: JANUARY 7, 2020

Staff was directed by City Commission to update certain aspects of City Code regarding fence setbacks, location, and to provide clarification for corner and multiple frontage lots.

Staff has updated the code to include language for nonconforming fences, screening for mechanical equipment, as well as define setbacks for multiple frontage lots.

Patrick Doty, CFM
Senior Development Review Planner
Planning and Building Department

Attached:
Proposed Changes to LDC Sec 28-331 & 28-348

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDNING SECTION 28-331 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR FENCES IN ZONES WITH RESIDENTIAL USES; PROVIDING REGULATIONS FOR SCREENING FOR MECHANICAL EQUIPMENT; PROVIDING FOR EXCEPTIONS AND NONCONFORMING FENCES; REPEALING PROVISIONS RELATING TO MECHANICAL EQUIPMENT; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, fences, walls and hedges are currently regulated by the Code of the City of St. Augustine; and

WHEREAS, the City of St. Augustine regulates fences on residential lots in order to improve the general welfare and public safety of the city; and

WHEREAS, fences in residential zones and zones with residential uses impede views and sightlines for pedestrians and vehicular traffic; and

WHEREAS, high fences on or near lot lines particularly impact corner lots as they impede vehicular sight triangles; and

WHEREAS, the City Commission finds that a limit of 4 feet in height is in the best interest of the public welfare and safety; and

WHEREAS, the City Commission of the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.02(4), Florida Statutes.

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

Section 1. Amending Code Section 28-331. Section 28-331 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-331 – Fences, walls, and hedges.

(a) Generally.

(1) Notwithstanding other provisions of this chapter, fences, walls and hedges may be permitted in any required yard or along the edge of any yard; provided that no fence or wall in excess of eight (8) feet in height shall be permitted in any residential district, or in any zoning district with a residential use, except as specifically outlined in section 28-348 and this section. No fence or wall in excess of four (4) feet in height shall be permitted to encroach into the required front yard of any lot in a residential district except as provided in section 28-348 or, in the case of a nonconforming front yard setback, a fence may not extend past the front building line of the structure. In the case of a corner lot or a lot with multiple road frontages, no fence or wall in excess of four (4) feet shall be permitted to encroach into the

required front yard and yards adjacent to the road frontages, not to include alleyways. No fence, wall, hedge or other visual barrier exceeding thirty (30) inches in height shall be permitted within twenty-five (25) feet of any intersection, except in historic preservation districts 1, 2 and 3.

(2) It shall be unlawful for any person to construct or cause to be constructed barbed wire line fences on any of the streets or along any property lines within the corporate limits of the city, except where the barbed wire lines are placed, erected or affixed on the tops of fences six (6) feet in height or more, measured from ground level, and the barbed wire lines are turned, pointed or directed inward toward the property enclosed by the fence.

(b) Screening for mechanical equipment.

(1) Except for the exceptions in subsection (2) below, air conditioning compressors serving central systems (other than window units) or other affixed mechanical equipment designed to serve the main structure and accessory uses may be located in any required rear yards, but not in any required front yard, and not less than ten (10) feet from any side lot line.

(2) Exceptions apply in the following situations:

- a. When a compressor or mechanical equipment described above is proposed within a yard and is enclosed by a masonry wall at least five (5) feet high, it may be located within two (2) feet of any side lot line.
- b. When a compressor or mechanical equipment described above is proposed within a yard and is enclosed by a solid board fence at least five (5) feet high, it may be located within five (5) feet of any side lot line.

- c. Industrial and Warehousing (IW) zoned parcels abutting IW zoned parcels, public utility facilities, and railroad right-of-way shall be exempted from the above screening requirements so long as they maintain a minimum two (2) foot setback from the lot line.

(c) Nonconforming fences.

- (1) No nonconforming fence shall be altered, repaired, or extended unless brought into conformance with the requirements of this ordinance. Fences, walls, and similar structures located on properties with buildings or structures of Exceptional Significance, as defined in this chapter, may or may not be considered nonconforming and are subject to staff review, appealable to the Historical Architectural Review Board, on a case-by-case basis.

- (2) Chain link fences are allowed subject to section 28-112.

Section 3. Amending Code Section 28-331. Section 28-331 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 28-348 – Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:

- a. On multiple-frontage lots, through lots and corner lots, accessory uses and structures may be located in any required side yard but not less than three (3) feet from any side lot line.
- b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.
- c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.
- ~~d. Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the main structure may be located in any required rear yards, but not in any required front yard, and not less than ten (10) feet from any side lot line, except in the following instances:~~
 - ~~1. When a compressor is proposed within a yard and is enclosed by a masonry wall at least five (5) feet high, it may be located within two (2) feet of any side lot line.~~
 - ~~2. When a compressor is proposed within a yard and is enclosed by a solid board fence at least five (5) feet high, it may be located within five (5) feet of any side lot line.~~
- e. d. Tennis courts may be located in a required side or rear yard but not in any required front yard (see subsection (5)).

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)