



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

CMT/Virtual Hearing

Tuesday, August 4, 2020 at 2:00 p.m.

Pursuant to the Charter of the City of St. Augustine and Resolution 2019-21, as modified and amended by Resolution 2020-23 and Resolution 2020-25. The procedures adopted provide for the use of Communications Media Technology (CMT) under the authority granted by the Governor of the State of Florida pursuant to Executive Order 20-69, as amended.

The Alcazar Room at City Hall will be open for attendance with limited capacity consistent with the public health, and life safety requirements as promulgated by the CDC. These include mandated capacity and distancing requirements. Physical attendance will be prioritized as follows until maximum capacity is reached:

Commission Members

City Attorney

City Manager

City Clerk

Required staff for public records and multi-media operation

Public participants

HOW TO VIEW THE MEETING:

The meeting will be broadcast live at:

The City's website <http://CityStAugTV.com>

Government Comcast Channel 3

FOR ITEMS REQUIRING A SEPARATE PUBLIC HEARING: these items include quasi-judicial hearings, second readings of ordinances, and resolutions or other matters identified in the agenda as requiring separate public hearings pursuant to law.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (5:00pm ONE BUSINESS DAY PRIOR TO MEETING). All public comment will be limited to three (3) minutes. The City Staff will forward all written public comments to each Board Member, and preserve all written comment consistent with Florida Public Records law, but will only read into the record the equivalent of three (3) minutes or 400 words. Any

public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

- **PHONE**

Members of the public who wish to participate utilizing CMT are requested to dial in 904-293-4330 only when prompted for the specific item on the agenda or at open public comment. The callers will be placed on hold and queued for each agenda item public comment period.

All other Rules of Decorum shall apply to the extent they do not conflict or are not applicable. The meeting moderator will monitor adherence to the Rules of Decorum and may mute any persons determined to be in violation.

FOR REGULAR BUSINESS ITEMS ON THE AGENDA: these items include first readings of ordinances, most resolutions or other matters identified in the agenda as requiring a vote or decision of the City Commission, but not requiring a separate public hearing.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Staff will forward all written public comments to each Board Member, and preserve all written comment consistent with Florida Public Records law, but will only read into the record a brief synopsis of each written comment and a tally of the number of comments in support or in opposition to the agenda item. Any public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

FOR GENERAL PUBLIC COMMENT: this comment period is for items not on the agenda, nor anticipated for a vote or decision of the City Commission.

HOW TO PROVIDE PUBLIC COMMENT:

- **EMAIL/WRITTEN**

Members of the public wishing to provide public comment prior to the meeting may submit comments via email at PZB@citystaug.com, or via drop box or U.S. Mail addressed to the City Planning Department and identified as public comment for the particular item on the Agenda. All comments must be received by (2 BUSINESS DAYS PRIOR TO MEETING). The City Staff will forward all written public comments to each Board Member and preserve all written comment consistent with Florida Public Records law. If multiple comments received relate to a common identifiable issue, the City Clerk will tally the number of comments in support of, or in opposition to, the issue and read that tally into the record. Any public comments received after the deadline will be forwarded to the Board Members as soon as reasonably possible.

- **PHYSICALLY PRESENT**

Members of the public physically present in chambers may make public comment consistent with adopted administrative rules and rules of decorum.

- 1. Roll Call**

- 2. General Public Comments for Items Not on the Agenda**

- 3. Approval of Minutes**

- a. CMT/Virtual Hearing Minutes from July 7, 2020.

- 4. Conservation Overlay Zone Development**

- a. 2020-0083

James Whitehouse – Applicant

David Watkinson – Owner

8 DeSoto Place

To approve the removal of six (6) significant trees (5 red cedars and 1 live oak) within Conservation Overlay Zone 3.

- b. 2020-0079

Ryan Carter – Applicant

c/o Carter Environmental Services

Jason Hoffnagle – Owner

7 Inlet Place

To approve the expansion of an existing dock to extend the dock platform, to add two (2) enlarged platforms, to add a boat lift, and to add a floating dock and associated gangway within Conservation Overlay Zone 1.

- c. 2020-0080 Ryan Carter – Applicant
c/o Carter Environmental Services
Stefan Johansson – Owner
c/o Winward Shipyard, LLC
[Dockside Drive](#) – PID 134230-0030, 127920-0000
To approve the expansion of an existing marina facility by expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1.

5. Use by Exception

- a. 2020-0058 Don Crichlow – Applicant
(continued July 7, 2020) Hewlett Enterprises, LP - Owner
[24 Avenida Menendez](#)
To approve a use by exception for lounge/tavern within Historic Preservation (HP-2) zoning district.
- b. 2020-0062 Christopher Gugel - Applicant
(continued July 7, 2020) Gregory Dettra - Owner
[213 W King St](#)
To approve a use by exception for light manufacturing for a winery and off-site parking within Commercial, medium-two (CM-2) zoning district. Or a variance to eliminate the required on-site parking.
- c. 2020-0063 Greg Lord Jr – Applicant
(continued July 7, 2020) Jimmy Wells Long - Owner
[303 S Ponce de Leon Blvd](#)
To approve a use by exception for auto & boat sales within Commercial, medium-two (CM-2) zoning district.
- d. 2020-0077 Nache Nielson – Owner/Applicant
c/o Coldwater Capital - Owner/Applicant
[520 S Ponce de Leon Blvd a.k.a Lot 12](#)
To approve a use by exception for a parking lot & drive aisles within Residential, Single Family two (RS-2) zoning.

6. Preliminary Plat

a. 2020-0081

Kevin Dooley – Applicant

c/o Gulfstream Design, Inc

Philip A. Fremento – Owner

c/o D.R. Horton, Inc. - Jacksonville

[Lewis Speedway – PID 102820-0009](#)

To approve a preliminary subdivision plat for one hundred two (102) multi-family units within Residential and General Office (RGO) zoning district

7. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

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.

The materials prepared and presented are part of the City’s ongoing Florida Public Records and Government in the Sunshine compliance, and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Communications Media Technology Meeting July 7, 2020

The Planning and Zoning Board met via Communication Media Technology (CMT) Tuesday, July 7, 2020, at 2:00 p.m. with limited 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
Christina Opsahl
Mike Davis
Carl Blow

City Staff: David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Isabelle Lopez, City Attorney
Maria Lopes, Office Assistant
Laura Morse, Recording Secretary
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the March 3, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Ms. Ryan MOVED to APPROVE the May 5, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Ms. Ryan MOVED to APPROVE the June 2, 2020 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Ryan, Blow, Davis, Opsahl,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2020-0032 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0270

To reduce the required side yard setback from 10' to 7'.

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 reduce the side yard setback in RS-2 zoning district at **Davis St / PIN 119920-0270**

Kurt McAteer reviewed the application.

The Board provided their ex parte communications.

20 certified notices were sent and 7 were returned opposed and 2 had comments.

The Board asked questions and made comments regarding the following:

- The possibility of filling a portion of the pond on the property to increase buildable area and remove the necessity of a variance
- Confirmation that applicant would only be removing one cabbage palm and avoiding two other trees by shifting the house as proposed
- Proposed shift would move the house farther away from that of the concerned neighboring property owner

Public hearing was opened.

B.J. Kalaidi spoke against the application, stating that the owner was aware of the site limitations prior to purchasing the property and that there was no qualifying hardship. She also voiced concerns regarding vehicular safety.

Public hearing was closed.

Mr. McAteer felt the application qualified as a geographical hardship. He confirmed that the new structure would not impose on the existing

The Board discussed:

- Application met the four requirements for a variance, particularly for site topography
- Applicant had met recommendations by the Board from the last meeting, shifting the home to protect most of the trees on the lot
- State and local tree removal regulations

MOTION

Mr. DePreter MOVED to APPROVE application 2020-0032 because the application met the four requirements for a Variance in section 28-29. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: DePreter, Ryan, Davis, Misterly, Zander

NAYES: Blow

MOTION CARRIED 6/1.

5. Conservation Overlay Zone Development

5. (a) 2020-0021 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0270

To approve the removal of two (2) significant trees (live oaks) within Conservation Overlay Zone 3.

Applicant withdrew the application prior to the meeting.

5. (a) 2020-0022 – Kurt McAteer – Applicant
Eric Piard – Owner
Davis St – PID 119920-0250

To approve the removal of one (1) significant tree (live oak) 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 one (1) significant tree at the subject property within Conservation Overlay Zone 3 located at **Davis Street / PID: 119920-0250**.

Mr. McAteer reviewed the application.

The Board provided their ex parte communications.

25 certified notices were sent, 1 was returned in favor, 8 returned opposed and 1 had comments.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

Bridget Yunker spoke against the application citing that the lot was unbuildable due to the tree and the applicant was aware of the lot's condition when they bought it. She recommended that the size of the home be reduced to keep the tree on the property.

Public hearing was closed.

Mr. McAteer responded that the lot was not unbuildable and it was not uncommon for trees to be removed to allow for the construction of a home.

The Board discussed:

- Proposed structure met code in terms of lot coverage

MOTION

Ms. Ryan MOVED to APPROVE application 2020-0022, to approve the removal of one significant tree within Conservation Overlay Zone 3. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Ryan, Opsahl, David, Misterly, DePreter, Zander

NAYES: Blow

MOTION CARRIED 6/1

5. (b) 2020-0035 – Herbert Vandermark, Yelton Construction – Applicant
Alan Stevenson, St. Augustine Beach Investments, LLC – Owner
34. N St. Augustine Blvd

Ms. Ryan recused herself from the application.¹

To approve a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts in 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 **APPROVE** the construction of a five-foot (5') by one hundred twenty-foot (120') dock with a twelve-foot (12') by twenty foot (20') terminal platform with two (2) associated boat lifts within Conservation Overlay Zone 1 located at **34 N. St. Augustine Blvd. / PIN 213510-0000**.

Herbert Vandermark and Sidney Ansbacher reviewed the application.

The Board provided their ex parte communications.

Public hearing was opened.

¹ Form attached to original minutes

Margaret Edmiston spoke in opposition to the width of the terminal end of the dock and asked that the size of the terminal end be reconsidered.

Ann Fitzgibbons also spoke against the size of the terminal end of the dock as blocking neighborhood scenic vistas. She asked that the Board consider the application based on reasonable access to the waterway.

B.J. Kalaidi gave a brief history of the property and spoke against the application, voicing concern that a dock permit was being pulled prior to a permit for a house, which was a city requirement.

Public hearing was closed.

Mr. Birchim addressed Ms. Kalaidi's concern that a dock permit was being pulled prior to the permit for a home, noting that approval of Conservation Overlay Zone development was only part of the permit approval process and that the final permit for a dock would be held until construction of a house had begun.

Mr. Vandermark said that the proposed dock was moving 5 feet farther from Ms. Edmiston's family property. He felt that the application was in compliance with City requirements.

The Board discussed

- Terminal platform appeared to be excessive in size and was larger in comparison to all neighboring docks
- Possibility of putting the jet-ski lift on the same side as the boat lift to decrease the width of the terminal platform
- Terminal platform size was determined using percentage of property width
- Both lifts were designed to be within deepest portion of the channel to mitigate future issues with shoreline shifting

Mr. Vandermark responded that the dock appeared to be within appropriate setbacks. He added that the owner of the property was adamant about maintaining the design as submitted.

MOTION

Mr. Misterly MOVED to DENY Conservation Overlay Zone 1 Development application 2020-0035 because it does not meet criteria 11, the impact of development by linear feet, and 12, the impact of development on scenic vistas by linear feet. The motion was SECONDED by Mr. DePreter.

There was a brief discussion regarding setbacks from the property line which was not an issue for the Board to consider.

VOTE ON MOTION:

AYES: Misterly, DePreter, Blow, Davis,

NAYES: Opsahl, Zander

MOTION CARRIED 4/2.

5. (c) 2020-0057 – Ryan Carter, Carter Environmental Services – Applicant
Joe Tringali – Owner
211 Inlet Drive

To approve the expansion of an existing dock to allow for a one hundred twenty nine (129') foot long by five foot (5') wide dock with two (2) boat lifts, a ten foot (10') by thirty six foot catwalk between them, a fourteen (14') by twenty six foot (26') terminal platform and a forty foot (40') by twelve foot (12') floating dock accessed by a thirty foot (30') long by four foot (4') wide gangway in 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 **APPROVE** the expansion of an existing dock to allow for a one hundred twenty nine (129') foot long by five foot (5') wide dock with two (2) boat lifts, a ten foot (10') by thirty six foot catwalk

between them, a fourteen (14') by twenty six foot (26') terminal platform and a forty foot (40') by twelve foot (12') floating dock accessed by a thirty foot (30') long by four foot (4') wide gangway in Conservation Overlay Zone 1 located at **211 Inlet Drive / PIN 213710-0000**.

Ryan Carter reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

B.J. Kalaidi spoke against the application stating the dock was too big and may be for sale to be used for commercial purposes.

Public hearing was closed.

Mr. Ryan responded to public comment stating that whether the property was for sale was not germane to the application, and the dock was being built for residential use only.

The Board discussed:

- Concern for construction material and size of the floating dock
- Applicant's intent to construct a modular floating dock system
- Consideration to redesign the gangway to pull the floating dock in closer to the main dock and lessen impacts to the scenic vista
- Length of 30 foot gangway was predicated on the slope of the gangway at low tide and could not be shorter without being unsafe

MOTION

Mr. Blow MOVED to APPROVE application 2020-0057 with the stipulation that the floating dock be constructed

utilizing a plastic modular floating dock system as discussed. The motion was SECONDED by Ms. Opsahl.

Mr. Misterly voiced concern for the approval of larger and larger docks in Davis Shores and felt that he could not support the application as submitted.

There was a brief discussion regarding the options of the applicant if the motion failed.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan, Zander

NAYES: Misterly, DePreter
MOTION CARRIED 5/2²

6. Use by Exception

6. (a) 2020-0037 – Shane Sheltra, Pizzalley's, LLC – Applicant
Baker Revocable Trust – Owner
121 St. George St

To approve a use by exception to allow for a lounge/tavern and a special event venue within Historic Preservation (HP-2) zoning district.

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** the use by exception to allow for a lounge/tavern at **121 St. George St / PIN 196920-0000**; and, based on a review of Section 28-29 and 28-347(8) and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the use by exception to allow for a special event venue with the conditions outlined above at **121 St. George St / PIN 196920-0000**.

Shane Sheltra reviewed the application.

Chief Barry Fox addressed Ms. Zander's concerns in reference to liquor licensing and stated that his only concern was that there

² There was a brief recess from 4:08p.m. to 4:19p.m.

was a large opening between the Roosevelt Room and Prohibition Kitchen, and it would be difficult to enforce prohibiting utilizing that space as overflow for Prohibition Kitchen. He noted that the Police Department had worked any complaints in reference to inappropriate alcohol service at the applicant's other establishments.

The Board provided their ex parte communications.

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

Public hearing was opened.

Al Akras voiced concerns regarding a gazebo constructed on the property without a permit. He was advised to file a formal complaint with the Planning and Building Department.

B.J. Kalaidi said that the application should not be heard via Zoom meeting and recommended the item be tabled. She added she was concerned about the negative impact of nightlife on the livability of the City.

Public hearing was closed.

The applicant responded to late-night alcohol sales concerns by noting the hour restrictions set by code for special event venues which required a closing time of 11:00 P.M.

Board discussion included:

- Business only currently operating as a breakfast location without serving alcohol
- Details regarding state liquor licensing
- Applicant sought additional event venue exception to be able to host events without complaint
- Reasons for having an events venue and restaurant in the same space to

allow for additional uses in the space at different times

- Occupancy of 49 people was determined via square footage and based upon the fire code and established by the Fire Marshal
- Brunch hours versus special events hours
- Possible conditions to include in the approval

MOTION

Ms. Opsahl MOVED to APPROVE use by exception application 2020-0037 for a lounge/tavern with closing hours of 10:00 P.M. Sunday-Thursday and 11:00 P.M. Friday, Saturday and recognized holidays and with the condition that the approval runs with the applicant. The motion was SECONDED by Mr. Davis.

There was a brief discussion regarding occupancy with a Board consensus to let the Fire Marshall determine occupancy per fire code.

VOTE ON MOTION:

AYES: Opsahl, Davis, Blow, Ryan, Misterly, DePreter

NAYES: Zander

MOTION CARRIED 6/1

MOTION

Mr. Blow MOVED to APPROVE use by exception application 2020-0037 for a special event venue with closing hours of 10:00 P.M. Sunday-Thursday and 11:00 P.M. Friday, Saturday and recognized holidays and with the condition that the approval runs with the applicant. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan, Misterly, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2020-0058 – Don Crichlow – Applicant
Hewlett Enterprises, LP – Owner
24 Avenida Menendez

To approve a use by an exception for lounge/tavern within Historic Preservation (HP-2) zoning district.

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** the amended use by exception for a lounge/tavern at **24 Avenida Menendez / PIN 196310-0020**.

Don Crichlow reviewed the application.

There was discussion regarding seating for the lounge/tavern use which appeared to be designated for restaurant use according to City records.

Chief Barry Fox noted that the Tini Martini Bar had been notified of non-compliance and failed to respond in the past. He clarified that the 4COP existing for the business was tied to 51% of room sales and not the restaurant use, which would require a different liquor license. He advised that clarification of the liquor license was necessary and the applicant may need to re-file with the State. He said the application before the Board was his recommendation to the applicant to take appropriate steps towards clarifying the licensing and use.

The Board provided their ex parte communications.

15 certified notices were sent, 2 were returned in favor, 1 returned opposed and 2 had comments.

The Board discussed:

- Possibility that the city classified the seats under a restaurant use as the higher rate for utility services,

including areas that were bar seats with food service

- Need to clarify lounge/tavern site plan
- Previous use by exception was approved for 16 bar seats
- Concerns that the business owners had not taken steps to come into compliance after being notified of the issues by the police department.

Jim Wilson, attorney representing the business owner, responded to Board concerns noting that he was not aware of non-compliance issues and said he would work with the owner to bring the business into compliance. He added that in many cases the entire property was registered with the state for alcohol sales and service and he would look more into the status of the existing state license.

MOTION

Mr. DePreter MOVED to CONTINUE application 2020-0058 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Blow, Opsahl, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2020-0059 – John Tipton, Altmed Florida – Applicant
Phillip Forbes – Owner
400 S. Ponce de Leon Blvd

To approve a use by an exception for a legally available marijuana dispensary within Commercial, medium-two (CM-2) zoning district.

Mr. Doty read the staff report and said based on a review of Section 28-29 and 28-209, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the by exception for a legally available marijuana dispensary at **400 S. Ponce De Leon Ave / PIN 118940-0000**.

Jesse Balaity, a representative for the applicant, was available for questions.

The Board provided their ex parte communications.

9 certified notices were sent; however, there were no responses.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing concerns for the businesses proposed location at an entrance to the City.

Public hearing was closed.

Mr. Balaity addressed public comment, stating the architectural design of the site could be beautified and its location would be considered within the design.

The Board discussed:

- Potential drive through would be reviewed during the permitting process
- Proposed ATMs within the store.
- Controlling crowding within the parking lot
- Desire to have signage that did not include "medical cannabis"
- Concern with creating a cluster of dispensaries in the same area
- Limited area along US1 that allowed for medical marijuana dispensaries per city code
- Distance from nearest existing dispensary was approximately 1,500 feet

Mr. Balaity addressed concerns about signage on the property, stating the company name was approved as-is, and the company would need to seek an exception from the state to change it. He added they may be able to have a primary sign without "cannabis" in the title, and a smaller sign with the full name.

MOTION

Mr. Blow MOVED to APPROVE exception application 2020-0059 on the basis that it will run with the applicant. The motion was SECONDED by Mr. DePreter.

There was further discussion regarding possible prohibition of marijuana or cannabis on the signage.

VOTE ON MOTION:

AYES: Blow, DePreter, Davis, Opsahl, Ryan, Zander

NAYES: Misterly

MOTION CARRIED 6/1.³

6. (d) 2020-0061 – James Whitehouse – Applicant
Patti Southard, Casa De Vino 57 and
Dept of State – University of Florida – Owners
57 Treasury St

To approve a use by an exception for a tavern/lounge within Historic Preservation (HP-2) zoning district.

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** the amended use by exception for a lounge/tavern at **57 Treasury St / PIN 197730-0000**

James Whitehouse reviewed the application.

The Board discussed the following:

- Request was to allow amplified music
- Occupancy of interior and exterior of the business
- Placing a condition that the application return for review if three or more complaints were submitted within a year

³ Brief recess from 6:30p.m. to 6:40p.m.

- Decibel restrictions set per code
- No directional speakers out to St. George Street
- Concern that applicant did not follow original condition for no amplified music as detailed in the original exception approval

Chief Fox advised that the application was a direct result of officers noticing that amplified music was not approved under their use by exception. He added that there had not been any complaints or calls against the business. He recommended that the Board consider approving a lower level of amplification. He noted that the business had an external speaker directed out towards the street; however, the applicant fixed the issue immediately once notified of the problem.

The Board provided their ex parte communications.

17 certified notices were sent, 1 returned opposed and 1 had comments. In addition, the applicant submitted three letters in support of the application from surrounding residents just prior to the meeting⁴.

Public hearing was opened.

B.J. Kalaidi spoke against the application, stating that the city didn't need amplified music downtown.

Van Cogley spoke against the application citing that music at the subject location was heard down Treasury Street.

Mr. Whitehouse responded to public comment noting that the applicant was asking for amplified music that ended by 10:00 p.m. and they would be willing to point all speakers into their property. He understood board and public concerns; however, the request was made to come into compliance with city codes and to maintain a business during difficult economic times.

⁴ Attached to original minutes

Public hearing was closed.

The Board discussed:

- Material need for amplified music was mainly due to performers who brought their own amplification with no intent to broadcast it outside of the property
- Condition that the exception run with the applicant

MOTION

Mr. DePreter MOVED to APPROVE use by exception application 2020-0061 to allow electronic/amplified music with the conditions that there be no music after 10:00 P.M., the approval retains the existing conditions including hours of operation as identified in the application, three noise complaints in 12 months would cause the application to return before the Board for consideration, the speaker directions would be directed internal to the property and not out towards the street, and the exception will run with the applicant. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Davis, Opsahl, Ryan

NAYES: Misterly, Zander

MOTION CARRIED 5/2.

6. (e) 2020-0062 – Christopher Gugel – Applicant
Gregory Dettra – Owner
213 W King St

To approve a use by an exception for light manufacturing for a winery within Commercial, medium-two (CM-2) zoning district.

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** the use by exception for light manufacturing at 213 W. King St / PIN 119860-0010.

Chris Gugel and Gregory Dettra reviewed the application.

There was a brief discussion wherein the applicant clarified that a 2COP license was still required for him to have a tasting room on the premises.

The Board provided their ex parte communications.

17 certified notices were sent, 2 were returned in favor, and 1 had comments.

Public hearing was opened.

B.J. Kalaidi asked for further clarification of the application and was concerned with the lack of parking and traffic safety in the area.

Bridget Yunker, who lived nearby, spoke in favor of the application and offered to rent two of her own parking spaces for the business if needed.

Public hearing was closed.

Mr. Gugel responded to public comment clarifying that his intent was not to have a full-fledged bar; however, the 2COP license was required for him to provide tastings.

The Board discussed:

- Concern for lack of parking for the use which could include beer and wine service as well as a winery
- Possibility of limiting alcohol sales to wine only, which could be problematic from an enforcement perspective
- Desire to see applicant return with parking solutions and clarification of

the business since the 2COP with potential beer and wine service were not clearly presented in the original application

- If parking could not be found, then a variance to eliminate parking requirements or a use by exception for off-site parking may be required

There was discussion regarding how the application related to governor's orders limiting the operation of bars, and the possibility of approving the manufacturing use separate from the tasting room use.

MOTION

Mr. DePreter MOVED to CONTINUE the application 2020-0062 to the August 4, 2020 meeting to allow the applicant time to return with further information regarding parking requirements for wine-tasting aspect of the business. The motion was SECONDED by Mr. Blow

VOTE ON MOTION:

AYES: DePreter, Blow, Davis, Opsahl, Ryan, Misterly, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (f) 2020-0063 – Greg Lord Jr – Applicant
Jimmy Wells Long – Owner
303 S Ponce de Leon Blvd

To approve a use by an exception for auto & boat sales within Commercial, medium-two (CM-2) zoning district.

Mr. Doty advised that the application was incomplete, and staff recommended continuing the item.

MOTION

Mr. Blow MOVED to CONTINUE application 2020-0063 to the August 4, 2020 meeting. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Blow, Opsahl, Davis, Ryan,
Misterly, DePreter, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

7. Preliminary Plat

7. (a) 2020-0060 – James Whitehouse – Applicant
David Watkinson – Owner
8 DeSoto Place

To approve a preliminary subdivision plat for 5 townhomes within Residential, General-one (RG-1) zoning district.

Ms. Lopez clarified the administrative nature of preliminary plat review at the request of the Board.

Mr. Doty read the staff report and said based on a review of the applicable city codes, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the preliminary subdivision plat for this property as submitted.

James Whitehouse was available for questions.

The Board provided their ex parte communications.

15 certified notices were sent; however, there were no responses.

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

MOTION

Mr. Blow MOVED to APPROVE preliminary subdivision plat for application 2020-0060. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Davis, Opsahl,
Ryan, Misterly, Zander
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. Rezoning

8. (a) 2020-0023 – James Whitehouse – Applicant
Sea-wall Motor Lodge, Inc. – Owner
32 Avenida Menendez

Ms. Zander, Ms. Ryan, and Mr. Davis recused themselves.⁵

To amend the Hilton Bayfront Inn PUD (Ord 2009-02) to increase the maximum lot coverage.

Mr. Doty read the staff report and said Staff does not make recommendations concerning the rezoning of land. He added, if the PZB required a second public hearing, then the PZB should announce the required second public hearing date for the item beginning at 2:00 P.M. on August 4, 2020, Alcazar Room, City Hall, 75 W. King St., Saint Augustine, FL; or, if the PZB did not require a second public hearing, and the Board **CAN** find there was a need and justification for the rezoning and it finds that the rezoning **DOES** support the general planning program and Comprehensive Plan then the Board **CAN** approve the rezoning; or, if the PZB did not require a second public hearing, and the Board **CANNOT** find there was a need and justification for the rezoning and it finds that the rezoning **DOES NOT** support the general planning program and Comprehensive Plan then the Board **CANNOT** approve the rezoning.

Mr. Whitehouse reviewed the application.

The Board provided their ex parte communications.

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

Public hearing was opened.

B.J. Kalaidi spoke against the application.

⁵ Forms attached to original minutes

Public hearing was closed.

There was Board consensus that the applicant's request was minor.

MOTION

Ms. Opsahl MOVED to APPROVE rezoning application 2020-0023 to amend the Hilton Bayfront Inn PUD (Ord 2009-02) to increase the maximum lot coverage and to waive the second hearing. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Opsahl, Blow, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Future Land Use Map Amendment and Rezoning

9. (a) 2020-0039 – Ross Galbraith, KPM Franklin – Applicant
Phyllis Fitzpatrick, ABC Liquors, Inc. – Owner
1830 A1A S

To request to amend the Future land Use Map (FLUM) designation from St. Johns County Commercial Land Use to Commercial Medium Intensity in conjunction with an annexation from St. Johns County. A request to rezone the parcel from St. Johns County Commercial, General (CG) zoning to Commercial Medium-two (CM-2) zoning in conjunction with an annexation from St. Johns County.

Mr. Doty read the staff report and said staff does not make recommendations regarding amending the land use of property or the rezoning of land.

Ross Galbraith, Steve Rivera, and John Kelly reviewed the application.

The Board provided their ex parte communications.

9 certified notices were sent 1 returned opposed and 1 had comments. In addition, 38 written comments were received opposed.⁶

Ms. Zander read comments into the record.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing that it provided no benefit to the city through impact fees because the city did not assess them.

Paul Dixon spoke in opposition to the application citing concerns for the lack of congruency with surrounding zoning designations, tree removal on the property, and intensity of the proposed car wash use.

Maureen Long spoke in opposition to the application citing loss of significant trees and tree canopy, as well as negative impacts to the surrounding area from the high intensity use including loud sound and traffic issues.

Public hearing was closed.

The applicant expressed interest in continuing their application to allow for neighborhood outreach and to respond to feedback received by the Board which they had not yet seen.

The Board discussed:

- ABC Liquor would maintain ownership and operation of the proposed car wash
- Justification of the car wash was to compliment the storage facility across the street and county zoning did not allow a car wash
- CM-1 appeared to be a more appropriate zoning category based on surrounding zoning categories

⁶ Comments attached to original minutes

- Concern for which government entity would have jurisdiction over the access roadway surrounding the property in reference to emergency response, since the neighboring parcels remained under county jurisdiction
- Annexation of the property would increase City tax income

Karen Zander, Chairperson

MOTION

Mr. Misterly MOVED to CONTINUE Rezoning/Future Land Use Map Amendment application 2020-0039 to the September 1, 2020 meeting. The motion was SECONDED by Ms. Opsahl

VOTE ON MOTION:

AYES: Misterly, Opsahl, Blow, Davis, Ryan, DePreter, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Member Comments

Ms. Ryan requested that the Board reconsider the portion of the code relating to nonconforming lot sizes in RS-1 and RS-2 that limited roof slope to 5 and 12. She proposed a code change to allow lower roof slopes because the height limit for nonconforming sites was already shorter at 30 feet and limited creativity on houses.

Mr. Davis cautioned the Board to monitor their tone towards applicants, particularly during longer meetings.

Ms. Zander thanked staff for facilitating the virtual meeting.

10. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 9:25 P.M.⁷

⁷ Transcribed by Candice Seymour

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2020-0083**

AGENDA ITEM 4(a)

APPLICANT James Whitehouse, Esq.

OWNER David Watkinson

LOCATION 8 DeSoto Place / PIN 203230-0000

REQUEST To approve the removal of six (6) significant trees (5 red cedars and 1 live oak) within Conservation Overlay Zone 3.

PLANS DATED March 23, 2020

LAND USE Residential Medium Density

ZONING Residential General-one (RG-1)

APPLICABLE CODES/ORDINANCES

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

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

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

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards of Review. *Staff review 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 an existing surface parking lot.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
The site is located within a developed, built out area of St. Augustine with commercial and residential uses surrounding it.
- (3) Natural and proposed drainage patterns.
The site has established drainage on site flows to city ROW.
- (4) Effect of point and nonpoint discharge in the marine environment.
N/A
- (5) Proposed soil stabilization and erosion control methods.
As required per city code.
- (6) Impact on floodplain.
The development would meet all current FEMA requirements.
- (7) Impact of development on vegetative and animal communities.
This request does impact existing, established vegetation on site. There are fourteen (14) trees requested to be removed, the significant trees are outlined in the table below.
- (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.
N/A
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
N/A
- (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.
N/A
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
There are eleven (11) native trees requested to be removed, ten (10) native trees to be retained and nine (9) native trees and seven (7) cabbage palms proposed in the replanting plan for the site.

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
The site is already predominantly cleared and there will be no significant loss in habitat except from the removal of the existing trees on site.
- (15) Impact of development on water quality.
N/A
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
N/A
- (17) Specific conditions applicable to docks.
N/A

Conservation Overlay Zone 3 Development to remove one (1) significant tree (22” Live Oak).

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

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

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

The arborist completed a spreadsheet of the trees on site(attachment 3). The trees vary in overall health and condition according to the report, the table below indicates the health and structure of each tree. Please note, dead and invasive trees are not included in the credit/debit calculation.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

Based on the proposed site plan (attachment 2) the removal appears to be necessary to construct the townhomes, driveways and storm water management facilities.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

Since the site will be developed per City development standards, issues related to erosion will be lessened. A drainage plan is reviewed by the Building Official during the building permit review process to ensure stormwater runoff flows to the proper conveyance.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree

would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The neighborhood does have an established tree canopy and removal of the tree does not appear to significantly alter the area tree canopy.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

Nine (9) of the twenty four (24) trees are significant trees. Two of the significant trees are dead.

- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed site plan must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*
 - Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
 - Air movement. – *This project should not substantially affect air movement.*
 - Air quality. – *This project should not affect air quality.*
 - Wildlife habitat. – *The effect of tree (s) removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

All but one (1) tree proposed to be removed fall within the proposed footprint of the development. The remaining trees outside the development footprint are either invasive or dead.

STAFF SUMMARY AND ANALYSIS

This application seeks to construct five (5) townhomes which includes the proposed removal of twenty four (24) trees on site; this includes six (6) significant trees, five (5) southern red cedar trees and one (1) live oak tree within Conservation Overlay Zone 3. A tree removal plan indicating removal and preservation of trees along with an arborist report completed by the applicant's arborist has been included in the packet as attachment 3. This project was approved for preliminary subdivision plat at the July 7, 2020 Planning & Zoning Board Hearing. See the credit/debit chart below:

Bold indicates significant trees

Tree #	Status/Health/Structure	Diameter	Name (Sig.)	Credit	Debit
1	Remove/Damaged/const. impact	20"	Live Oak	-	2
2	Remove/ Dead /Poor	33"	Water Oak	-	-
3	Remove / Invasive	14"	Camphor	-	-
4	Retain/ Good	12"	Live Oak (not on property)	-	-
5	Remove/Fair/Poor	8"	Live Oak	-	1
6	Remove/Poor/Poor	6"	Southern Red Cedar	-	.5
7	Remove/Poor/Failed	10"	Southern Red Cedar	-	1
8	Remove/ Dead	9"	Southern Red Cedar	-	-
9	Remove/Poor/Failed	11"	Southern Red Cedar	-	1
10	Remove/Fair/Fair	12"	Southern Red Cedar	-	1.5
11	Remove/Fair/Poor	10"	Southern Red Cedar	-	1
12	Remove/ Good/ Good	17"	Southern Red Cedar	-	1.5
13	Remove/Good/Good	8"	Laurel Oak	-	1
14	Good/Retain	6", 4", 4"	Live Oak	3	-
15	Good/Retain	5", 4", 3", 3"	Laurel Oak	3	-
16	Good/Retain	8", 6", 5"	Live Oak	3	-
17	Remove/Poor/Poor	7", 4"	Red Mulberry	-	-
18	Good/Retain	7"	Live Oak	2	-
19	Good/Retain	15"/10'	Cabbage Palm	3	-
20	Good/Retain	10"	Cabbage Palm	2	-
21	Good/Retain	18"	Cabbage Palm	3	-
22	Good/Retain	15"	Cabbage Palm	3	-
23	Good/Retain	15"	Cabbage Palm	3	-
24	Remove/Good	18"/25' ht.	Cabbage Palm	-	2.5
	<i>Southern Red Cedar Multiplier (+1/-1 per tree, excludes dead trees)</i>			-	6
	<i>Native tree credit</i>			3	
	Total Tree Credits				
	Total Tree Debits			28	17
			Totals		

Since the applicant has more credits than debits there is no requirement for the applicant to mitigate by planting new trees. [Ref. LDC Sec. 25-53(d)(2)].

The number of debits for tree removal is – **17 debits**.

The number of credits for tree preservation is **28 credits**.

The number of credits for tree plantings (incl. relocation) is **N/A**

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 removal of removal of six (6) significant trees (5 red cedars and 1 live oak) within Conservation Overlay Zone 3 located at **8 DeSoto Place / PIN 203230-0000**.

SUPPLIMENTS

Attachment 1 – Application, Property Appraiser Information & Location Map

Attachment 2 – Site Plan

Attachment 3 – Tree Removal Plan & Arborist Report

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

Attachment 1

Application & Supporting Materials



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JUN 05 2020

Planning / Building Dept.

Application Fee: 275.00 (plus advertising costs) Project Number: 2020-0060
Receipt Number: 1876986 Meeting Date: July 7, 2020
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 9044950400
Business (if applicable): St. Johns Law Group
Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: David Watkinson Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 7 and 8 Block: 46-J
Subdivision: City of St. Augustine Parcel Number: 203230 0000

4. PROJECT STREET ADDRESS: 8 DeSoto Place

5. SPECIFIC PROPOSED USE: Townhomes (as a use allowed by right)

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Prelim Plat Approval & Tree Retention/Removal Plan (per certified arborist report)

7. DESCRIPTION OF ACTION REQUESTED: _____

SEE ATTACHED

8. JUSTIFICATION FOR ACTION REQUESTED: _____

SEE ATTACHED

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

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.

JAMES G WHITEHOUSE, ESQ.

Print name of applicant

A handwritten signature in blue ink, consisting of a stylized 'J' and 'W' followed by 'HITEHOUSE, ESQ.'.

Signature of applicant

6/4/2020

Date



Owner's Authorization For Agent

James G. Whitehouse, Esq. is/are hereby authorized TO ACT ON BEHALF
OF David Watkinson, 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:
8 De Soto Place

BY: _____

Signature of Owner

DAVID WATKINSON

Print Name of Owner

210-669-4312

Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 15TH day of MAY, 2020

By DAVID WATKINSON, By MEANS OF
PHYSICAL PRESENCE.

Identification verified: YES - FL driver's license

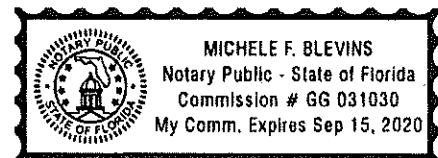
Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

Michele F. Blevins

My Commission expires: _____

9/15/2020



1
4
This Instrument Prepared By:
John D. Bailey, Jr.
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
FN. 6-07-095

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 16 day of August, 2007 by ARNETT ARMS, INC., a Florida corporation ("Grantor"), to DAVID WATKINSON, a married man, whose post office address is 83 Cedar Street, St. Augustine, Florida 32084 ("Grantee").

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100's Dollars (\$10.00), and other good and valuable considerations to it in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described land in St. Johns County, Florida, to wit:

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

PARCEL IDENTIFICATION NO: 203230-0000

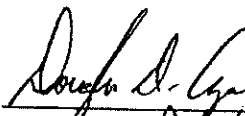
**SUBJECT TO: Those matters listed on Exhibit "B",
attached hereto and by reference made a part hereof.**

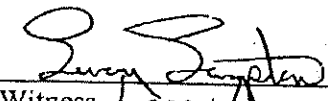
And Grantor does hereby warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor, its successors and assigns, and not otherwise.

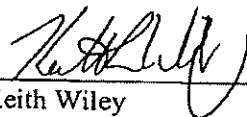
IN WITNESS WHEREOF, said Grantor has caused these presents to be duly executed on the day and year first hereinabove written.

Signed, sealed and delivered
in the presence of:

Arnett Arms, Inc., a Florida
corporation,


Witness Douglas D. Ayers
(type or print name)


Witness Leroy Langston
(type or print name)

By: 
Keith Wiley
Its President
c/o Bank of America
390 North Orange Avenue
Orlando, Florida 32801-1640

STATE OF Florida
COUNTY OF St. Johns

THE FOREGOING instrument was acknowledged before me this 16 day of August, 2007, by Keith Wiley as President of Arnett Arms, Inc., a Florida corporation, on behalf of the corporation, who (☒) is personally known to me or (☐) has produced a valid driver's license as identification.

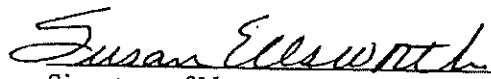

Signature of Notary
Susan Ellsworth
(Name of notary, typed/printed/stamped)
Commission number: _____
Commission expires: 10-27-09

EXHIBIT "A"
LEGAL DESCRIPTION

BEGIN AT A POINT ON THE NORTH LINE OF DESOTA PLACE, 135 FEET WEST OF THE WEST LINE OF GRANADA STREET, SAID POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF PROPERTY NOW OF PARRISH; THENCE WEST ALONG THE NORTH LINE OF DESOTA PLACE, 150 FEET TO THE SOUTHEAST CORNER OF PROPERTY OF A.H. RAMOS; RUN THENCE NORTHERLY ALONG RAMOS' EAST LINE 125.66 FEET TO A FENCE LINE; RUN THENCE EASTERLY ALONG SAID FENCE LINE 149.50 FEET TO LAND OF DOYLE; RUN THENCE SOUTHERLY ALONG THE WEST LINE OF DOYLE AND PARRISH, 124.7 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY OF VASA E. STOLBRAND, DATED FEBRUARY 3, 1956, BEING A PORTION OF BLOCK 46J, CITY OF ST. AUGUSTINE.

LESS AND EXCEPT PROPERTY DESCRIBED IN DEED BOOK 245, PAGE 76.

SAID PROPERTY ALSO DESCRIBED IN A SURVEY BY ELWOOD L. RENN, R.L.S. 3647 DATED JULY 18, 2007 AS FOLLOWS:

BEING ALL OF LOT 7 AND A PORTION OF LOT 8 BLOCK 46-J, CITY OF ST. AUGUSTINE, FLORIDA RECORDED IN THE OFFICIAL RECORDS IN THE CLERK OF THE CIRCUIT COURT OFFICE OF ST. JOHNS COUNTY, FLORIDA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A POINT ON THE NORTH LINE OF DESOTO PLACE, 142.00 FEET WEST OF THE WEST LINE OF GRANADA STREET, SAID POINT BEING THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND AND THE POINT OF BEGINNING; THENCE RUN NORTH 88 DEGREES 50 MINUTES 45 SECONDS WEST 143.00 FEET TO THE SOUTHWEST CORNER OF DESCRIBED PARCEL; THENCE RUN NORTH 00 DEGREES 23 MINUTES 20 SECONDS EAST 127.27 FEET, TO THE NORTHWEST CORNER OF DESCRIBED PARCEL; THENCE SOUTH 87 DEGREES 50 MINUTES 54 SECONDS EAST 142.50 FEET TO THE NORTHEAST CORNER OF DESCRIBED PARCEL; THENCE SOUTH 00 DEGREES 07 MINUTES 40 SECONDS WEST 124.80 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

1. Taxes for the year 2007 and subsequent years.
2. Applicable zoning and other governmental regulations.
3. Covenants, restrictions and easements of record, if any. This reference to which shall not operate to reimpose the same.





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 2032300000
Location Address 8 DE SOTO PL
 SAINT AUGUSTINE 32084-0000
Neighborhood City of St Aug Granada/Riberia Corridor (COM) (610.18)
Tax Description* CITY OF ST AUG LOT 7 & LOT 8 (EX E7FT) BLK 46-J 143FT ON DESOTO PL OR2969/1371
**The Description above is not to be used on legal documents.*
Property Use Code Parking Lots (2810)
Subdivision City of St Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.410
Homestead N

Owner Information

Owner Name [Watkinson David](#) 100%
Mailing Address 83 CEDAR ST
 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$397
Total Land Value	\$268,125
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$268,522
Total Deferred	\$0
Assessed Value	\$268,522
Total Exemptions	\$0
Taxable Value	\$268,522

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	\$397	\$268,125	\$0	\$0	\$268,522	\$258,015	\$10,507	\$258,015
2018	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2017	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2016	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2015	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2014	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2013	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2012	\$0	\$397	\$234,162	\$0	\$0	\$234,559	\$234,559	\$0	\$234,559
2011	\$0	\$173	\$259,188	\$0	\$0	\$259,361	\$259,361	\$0	\$259,361
2010	\$0	\$173	\$286,000	\$0	\$0	\$286,173	\$286,173	\$0	\$286,173

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Stops	0	0	0	0	22
Metal Fence 6'	0	0	0	0	240

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Parking Lots	143	125	17875	SF	\$268,125

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	8/16/2007	\$535,000.00	WD	2969	1371	Q	I	ARNETT ARMS INC	WATKINSON DAVID
	9/29/2004	\$100.00	WD	2293	1466	U	I	ARNETT DONALD E	ARNETT ARMS INC
	9/29/2004	\$0.00	TR	2293	1464	U	I	ARNETT DONALD E TRUSTEE	ARNETT DONALD E
	7/16/2001	\$0.00	OI	1636	538	U	I	ARNETT MARY JANE TRUSTEE (DECD 5/16/01)	ARNETT MARY JANE TRUST (LETT OF ADMIN)
	8/7/2000	\$100.00	WD	1523	435	U	I	ARNETT MARY JANE	ARNETT MARY JANE TRUSTEE
	8/7/2000	\$0.00	PR	1519	258	U	I	ARNETT J D ESTATE BY PERS REP	ARNETT MARY JANE
	10/19/1999	\$0.00	WL	1636	535	U	I	ARNETT MARY JANE TRUSTEE	ARNETT MARY JANE TRUSTEE (WILL)
	3/22/1999	\$0.00	OI	1397	923	U	I	ARNETT J D (DECD 1/24/99)	ARNETT J D ESTATE (LETT OF ADMIN)
	4/4/1989	\$0.00	WL	1397	919	U	I	ARNETT J D	ARNETT J D (WILL)

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.

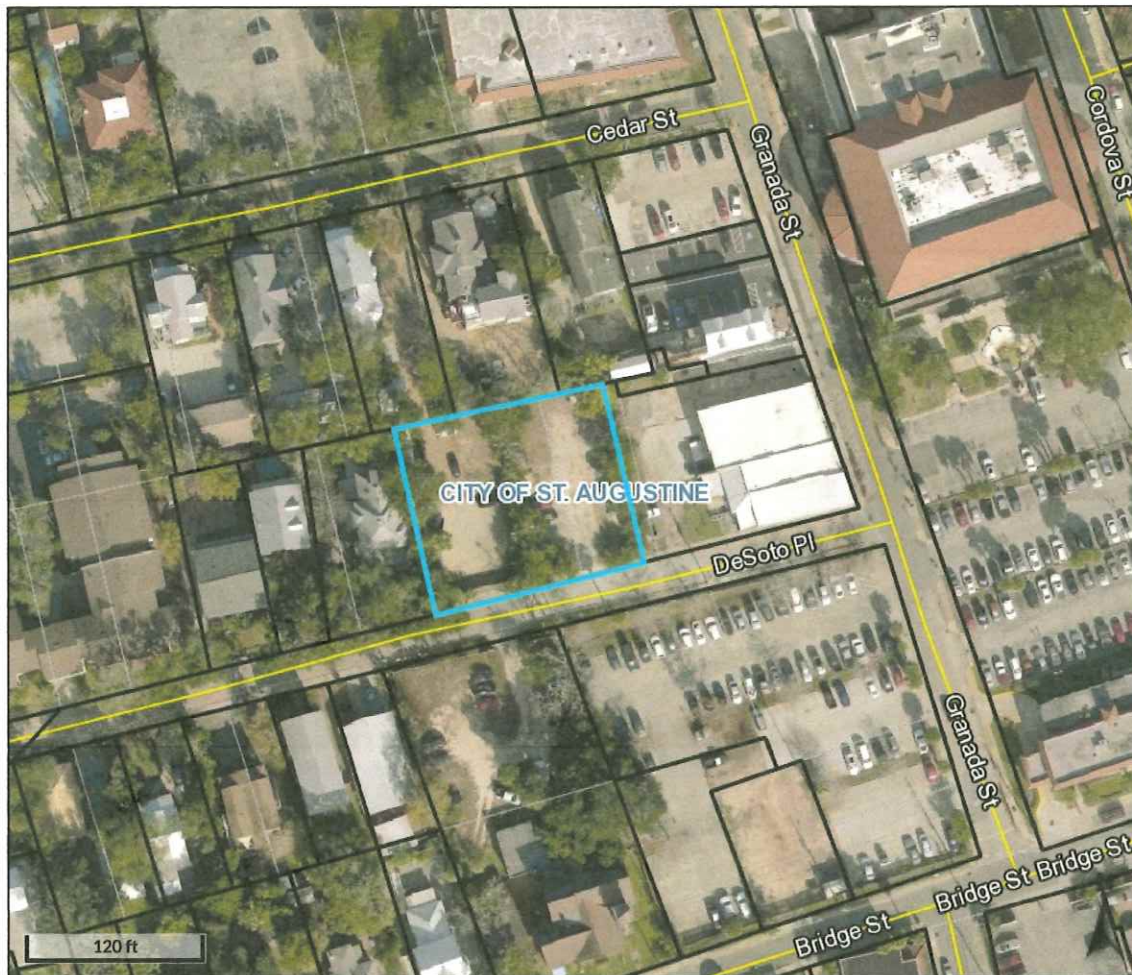
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Last Data Upload: 6/6/2020, 12:00:20 AM

Developed by



Version 2.3.62



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	2032300000	Physical	8 DE SOTO PL	Building Value	N/A	Last 2 Sales			
Property Class	2810 - Parking Lots	Address	SAINT AUGUSTINE	Extra Feature Value	\$397	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	WATKINSON DAVID	Total Land Value	\$268,125	8/16/2007	\$535000	01	Q
Acres	0.41	Address	83 CEDAR ST	Just Value	\$268,522	n/a	0	n/a	n/a
			SAINT AUGUSTINE FL 32084-0000	Total Deferred	N/A				
				Assessed Value	\$268,522				
				Total Exemptions	N/A				
				Taxable Value	\$268,522				

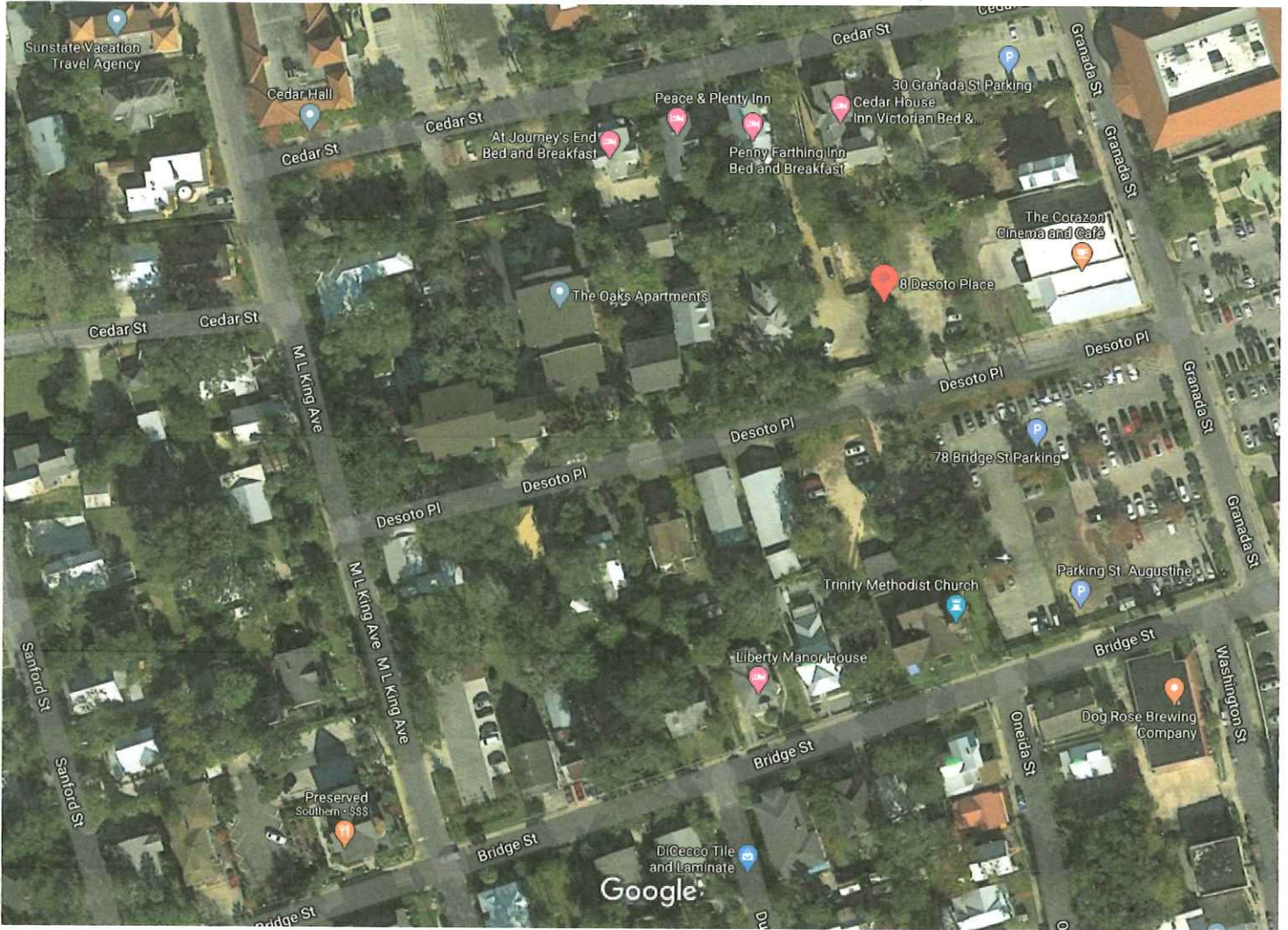
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Date created: 6/8/2020

Last Data Uploaded: 6/6/2020 12:00:20 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 8 Desoto Pl



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft



8 Desoto Pl

St. Augustine, FL 32084



Directions



Save



Nearby



Send to your
phone

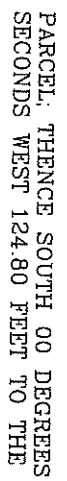


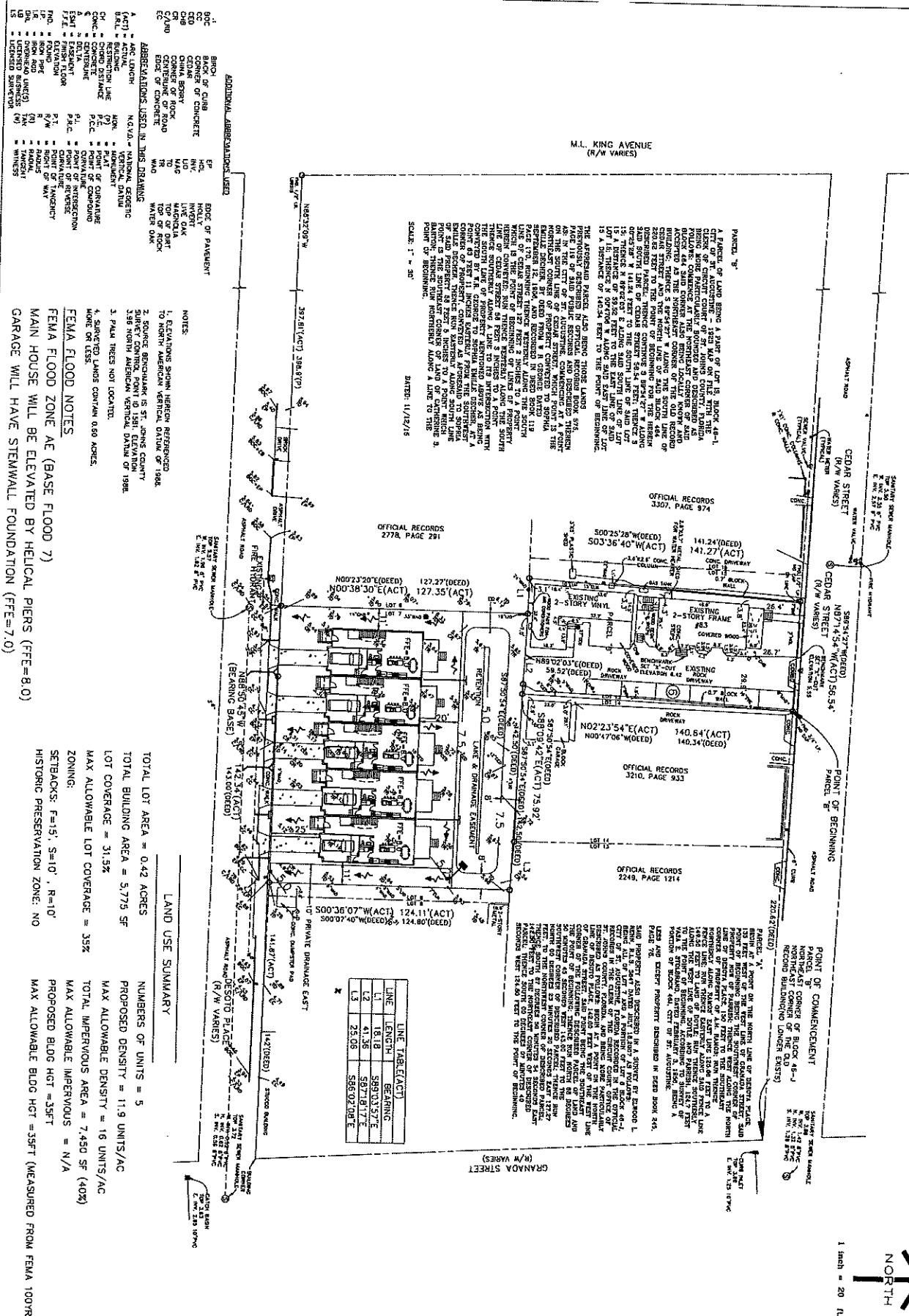
Share

Attachment 2

Site Plan

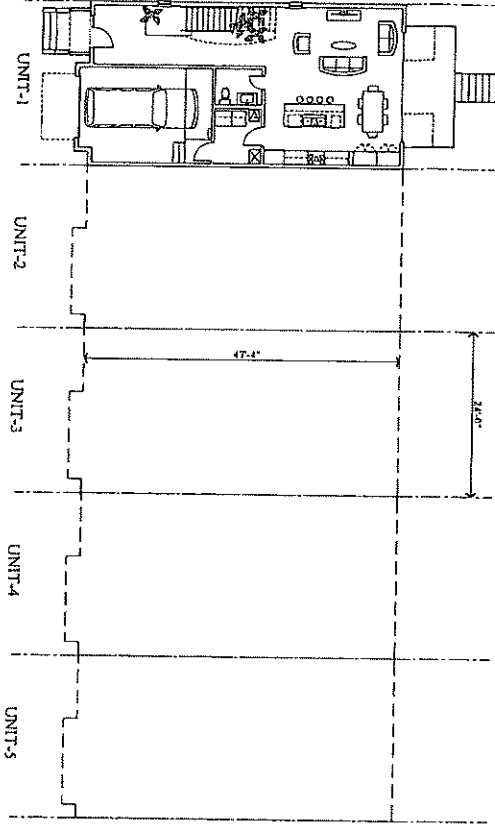
LINE	
LINE	LENGTH
L1	18.18
L2	41.36
L3	25.00



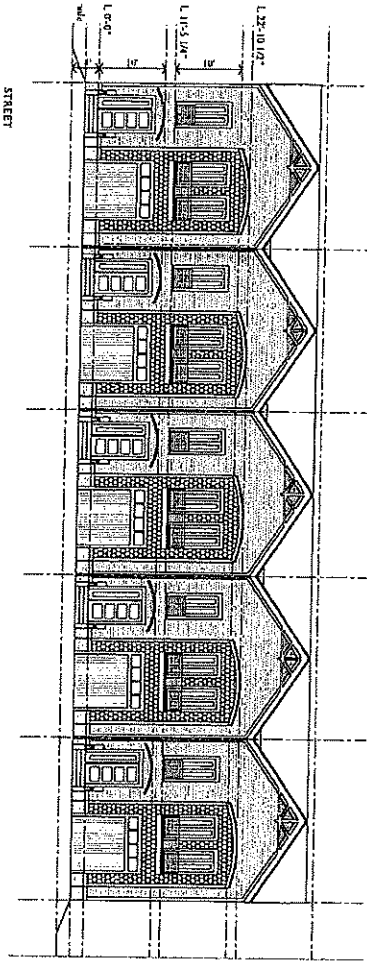


SHEET	SITE IMPROVEMENTS	REVISIONS	SEAL	BUEME ENGINEERING, INC. CERTIFICATE OF AUTHORIZATION 00007262 975 ARTHUR MOORE DRIVE • GREEN COVE SPRINGS, FLORIDA 32043 PHONE: (904) 790-3001 • FAX: (904) 455-9140
	FOR	DESCRIPTION		
	WATKINSON PLACE	DATE		
CONCEPTUAL DESIGN PLAN		PROJECT NO.		PROJECT NO. DATE DESIGNED BY DRAWN BY CHECKED BY
		2015-0		
		FEB 2010 M.J. BUENE M.J. BUENE M.J. BUENE		

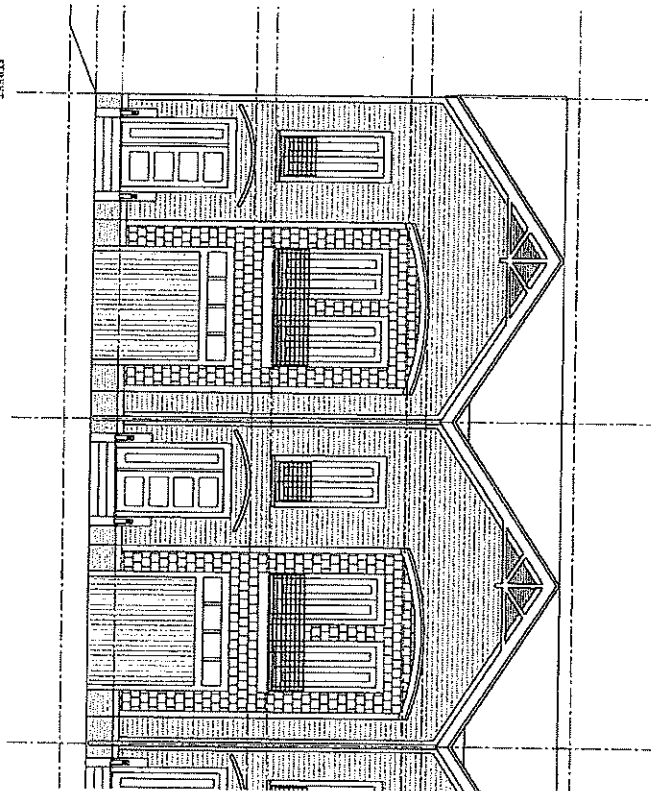
Building Plan
SCALE: 1/8" = 1'-0"



Building Elevation
SCALE: 3/8" = 1'-0"



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



St. Augustine Townhomes
De Soto Place (lot 8 block 47j)

ST. AUGUSTINE, FLORIDA 32084

RAM Robert A. Maurer, Architect
ARCHITECTURE
1636 N. Laura Street
Jacksonville, FL 32206
904.877.5184
FL Lic. Architect



2.0

ISSUE: 02.1
DATE: 12-2-19
PROJECT NUMBER: 1923



STREET
Building Elevation

Townhomes
at
8 DeSoto Place
St. Augustine, FL

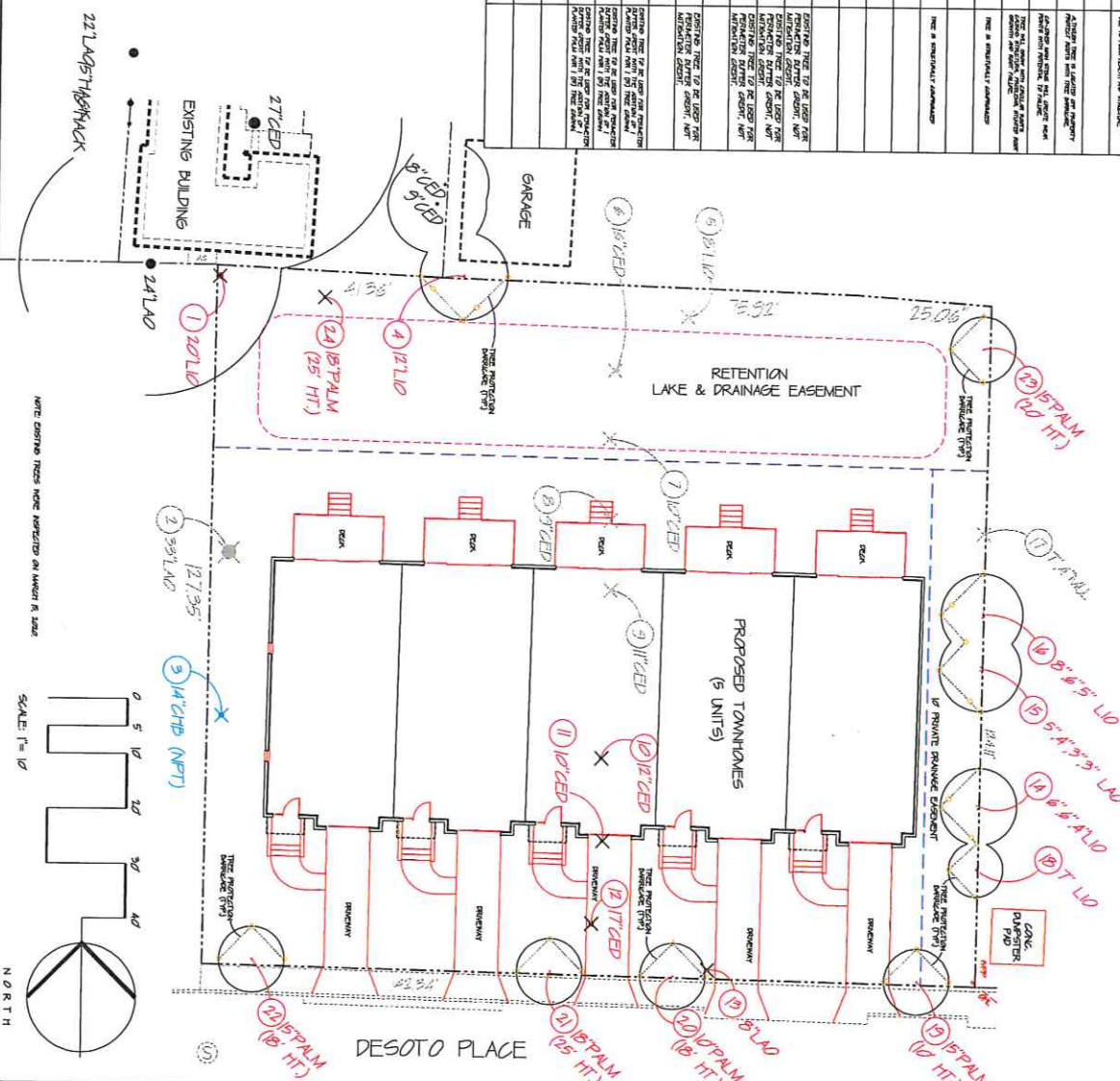


Attachment 3

Tree Removal, Arborist Report, Landscape Plan

[illegible][illegible]

THE POLARIZATION DEPENDS ON IT	THE POLARIZATION DEPENDS ON IT	THE POLARIZATION DEPENDS ON IT	THE POLARIZATION DEPENDS ON IT
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[illegible] $\omega = 1$: True

NORTH

C. JAMES KING, RLA, PA.
URBAN DESIGN • LANDSCAPE ARCHITECTURE
PLANNING • AGRICULTURE
2701 SHARPS CROWN DRIVE
JACKSONVILLE, FLORIDA 32217
(904) 363-8278

PROPOSED TOWNHOMES
8 DESOTO PLACE
ST. AUGUSTINE, FLORIDA

TREE ANALYSIS & ARBORIST'S REPORT

DSGN. BY: CJK
 DRWN. BY: CJK
 CHK. BY: CJK
 DATE: MAR. 23, 2020
 SCALE: 1" = 10'

SEAL

NO.	REVISIONS	DATE	BY
-----	-----------	------	----

TREE ANALYSIS & ARBORIST'S REPORT

TREE NUMBER	TRUNK SIZE IN DBH FEET	POTENTIAL NAME (N) NATIVE (N) INVASIVE	COMMON NAME	TREE DIAGNOSIS (HEALTH & STRUCTURE)	COURSE OF ACTION	TREE CREDITS	TREE DEFICITS	NOTES
1	20"	QUERCUS VIRGINIANA (N)	LIVE OAK	SEVERE VINE DAMAGE, LOCATED CLOSE TO INN BUILDING	REMOVE	-	-2	ROOT DAMAGE WILL OCCUR DUE TO CONSTRUCTION OF RETENTION POND TREE STABILITY QUESTIONABLE NEXT TO INN BUILDING
2	35"	QUERCUS NIGRA (N)	WATER OAK	RESIN DIPS ON UPPER LIMBS, CANKER, NECROSIS, PEELING BARK ON UPPER STEMS, STEM BREAKAGE, BALS, BENEVOLENCE, SLIGHT LEAN	REMOVE W/O MITIGATION	-	-	TREE POSSES RISK TO LIFE AND PROPERTY DUE TO POOR HEALTH AND STRUCTURE
3	14"	MELIA AZEDRACH (I)	CHINA PERRY / Camphor	INVASIVE SPECIES, NOT PROTECTED	REMOVE	-	-	
4	12"	QUERCUS VIRGINIANA (N)	LIVE OAK	TREE LOCATED JUST NORTH OF PROPERTY LINE	PROTECT ROOTS W/ BARRICADE	-	-	ALTHOUGH TREE IS LOCATED OFF PROPERTY PROTECT ROOTS WITH TREE BARRICADE
5	8"	QUERCUS VIRGINIANA (N)	LIVE OAK	MAIN STEMS GROWING TOGETHER OR JOINING CAUSING NECK POINTS IN EACH STEM, INSECT DAMAGE	REMOVE W/O MITIGATION	-	-	CO-JOINED MAIN STEMS WILL CREATE NECK POINTS WITH POTENTIAL TO FAIL
6	6"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	LARGE CIRCULAR ROOTS, LEAN IN TRUNK, INDICATIVE OF POOR ROOT DEVELOPMENT AND FAILURE	REMOVE W/O MITIGATION	-	-	TREE WILL GROW WITH CIRCULAR ROOTS CAUSING STRUCTURAL PROBLEMS, STUNTED ROOT GROWTH AND ROOT FAILURE
7	10"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	BROKEN/ DAMAGED TOP, OVER 50% OF TREE IS DEAD	REMOVE W/O MITIGATION	-	-	TREE IS STRUCTURALLY COMPROMISED
8	9"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	DEAD TREE	REMOVE W/O MITIGATION	-	-	
9	11"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	BROKEN/ DAMAGED TOP BRANCHES	REMOVE W/O MITIGATION	-	-	TREE IS STRUCTURALLY COMPROMISED
10	12"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	VINE DAMAGE, OPEN TOP CANOPY	REMOVE DUE TO LOCATION WITHIN BUILDING FOOTPRINT	-	-2.5	
11	10"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	POOR CROWN DEVELOPMENT, NO CENTRAL LEADER	REMOVE DUE TO LOCATION WITHIN BUILDING FOOTPRINT	-	-2	
12	17"	JUNIPERUS SILLIGUEA (N)	SOUTHERN RED CEDAR	NO ISSUES NOTED	REMOVE DUE TO LOCATION WITHIN DRIVEWAY FOOTPRINT	-	-2.5	
13	8"	QUERCUS LAURIFOLIA (N)	LAUREL OAK	NO ISSUES NOTED	REMOVE DUE TO LOCATION WITHIN DRIVEWAY FOOTPRINT	-	-1	
14	6" & 4"	QUERCUS VIRGINIANA (N)	LIVE OAK	TREDDANT STEMS	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT, NOT MITIGATION CREDIT.
15	5" & 3" & 3"	QUERCUS LAURIFOLIA (N)	LAUREL OAK	MULTI-TRUNK	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT, NOT MITIGATION CREDIT.
16	5" & 5"	QUERCUS VIRGINIANA (N)	LIVE OAK	TREDDANT STEMS	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT, NOT MITIGATION CREDIT.
17	7" & 4"	MORUS RUBRA (N)	RED MULBERRY	NO TOP, BROKEN STEMS, CAVITY AT BASE	REMOVE W/O MITIGATION	-	-	
18	7"	QUERCUS VIRGINIANA (N)	LIVE OAK	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT, NOT MITIGATION CREDIT.
19	15" (10' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	+4	-	
20	10" (10' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT WITH THE ADDITION OF 1 PLANTED PALM FOR 1 (5) TREE CROWN
21	10" (25' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT WITH THE ADDITION OF 1 PLANTED PALM FOR 1 (5) TREE CROWN
22	15" (25' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	SEE NOTE	-	EXISTING TREE TO BE USED FOR PERIMETER BUFFER CREDIT WITH THE ADDITION OF 1 PLANTED PALM FOR 1 (5) TREE CROWN
23	15" (20' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	NO ISSUES NOTED	SAVE, PROTECT W/ TREE BARRICADE	+4	-	
24	10" (25' HT.)	SABAL PALMETTO (N)	CADDOUSE PALM	TREE LOCATED IN RETENTION POND AREA	REMOVE DUE TO LOCATION WITHIN POND FOOTPRINT	-	-2.5	
TOTAL CREDITS & DEFICITS						+8	-2.5	



May 19, 2020

To Whom It May Concern,

I was asked to review the findings of a survey completed by C. James King RLA. PA. at 8 Desoto Place. Upon my site visit it is my professional opinion that I agree with the findings in this survey. The only correction I would make would be that Tree #3 on the survey is not a chinaberry tree, it is camphor tree (*Cinnamomum camphora*) native to China and is considered an invasive species in Florida.

Thank You,

Daniel LeBlanc,

A handwritten signature in black ink, appearing to read "Daniel LeBlanc", is written over the printed name.

Certified Arborist #FL-6402A

ISA Tree Risk Assessment Qualification (TRAQ)

Taylor Tree Services, Inc.

4873 Winton Circle

St Augustine, FL 32086

(904)-692-2008

info@taylor-tree.com

EAST HALF



WEST HALF



CENTER







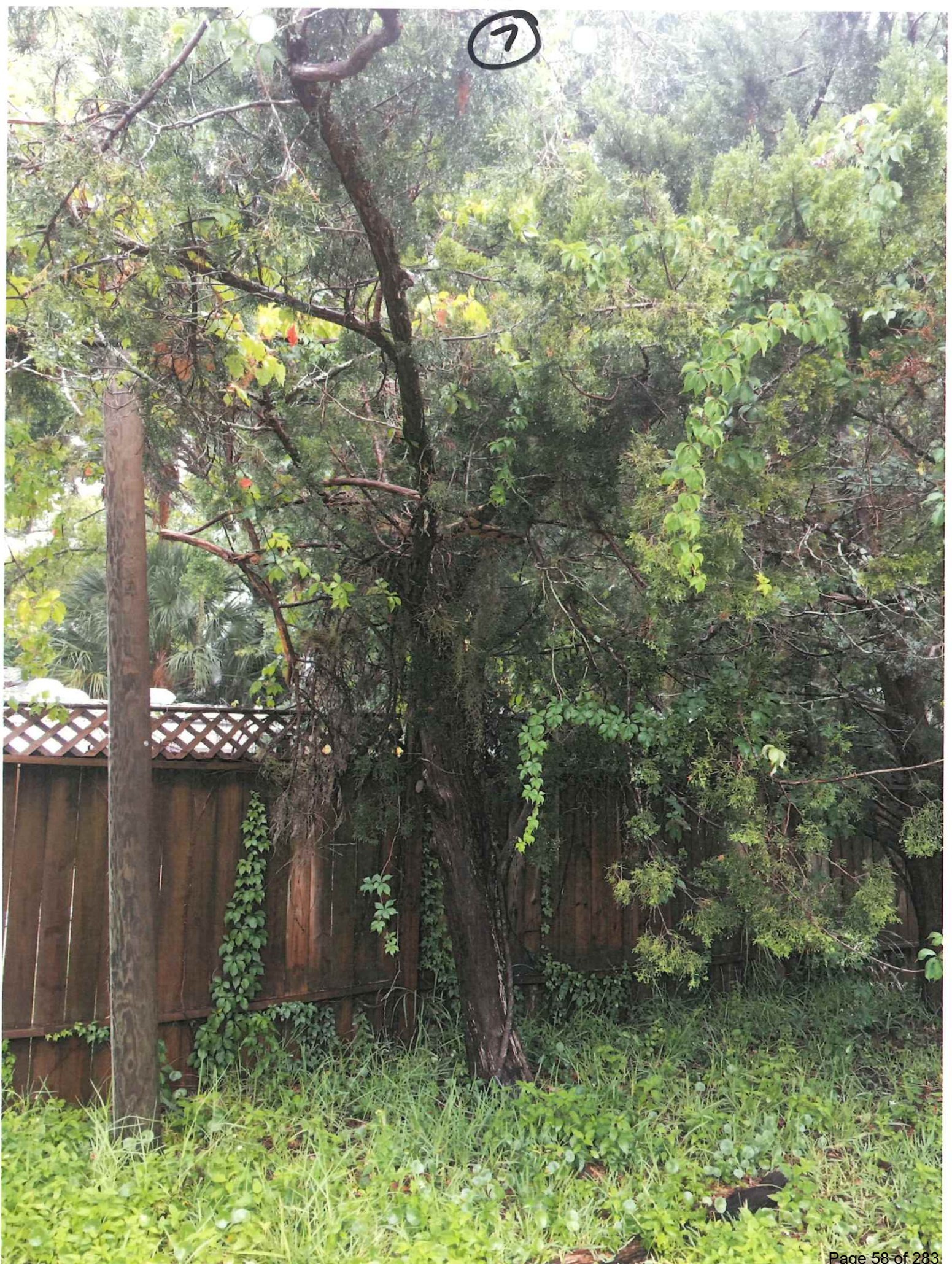


9



8







CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2020-0079**

AGENDA ITEM 4(b)

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

OWNER Jason Hoffnagle

LOCATION 7 Inlet Place / PIN 214090-0000

REQUEST To approve the expansion of an existing dock to extend the dock platform, to add two (2) enlarged platforms, to add a boat lift, and to add a floating dock and associated gangway within Conservation Overlay Zone 1.

PLANS DATED June 24, 2020

LAND USE Residential Low Density
ZONING Residential Single Family-One (RS-1)

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: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This proposed expansion of an existing one hundred seventy eight (178') foot long by five foot (5') wide dock with an 8' x 22' terminal platform to add an eighteen foot (18') long gangway to a twelve foot (12') by twenty foot (20') floating dock, as well as extend the deck platform forty-five feet (45') to a twelve foot (12') by twenty foot (20') terminal platform with a boat lift. The total length of the dock is extending approximately twenty-five (25') additional feet for a total length of two hundred forty-three feet (243'). See attachment 2 graphics for details for the request.

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 occupied by a single-family home and existing dock.

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

Neighboring sites have docks and platforms of varying lengths generally perpendicular to the shore and extending into the water with terminal platforms and boat lifts.

- (3) Natural and proposed drainage patterns.

Patterns are not expected to change since improvements are over the water.

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

Only potential effects would be from the use and storage of motorized vessels already experienced in the immediate and general area. This proposal would add to and modify the area of a previous dock.

- (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.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

- (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 in nature given the dimensions of the existing dock.

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

No additional effect since this proposal is like other residential docks in the area.

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

It would be limited to the existing dock at the site, no increase in width is proposed.

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

There are multiple existing docks within the area. The dock platform is five feet (5') wide and the dock is proposed to be extended twenty-five feet further out in to Salt Run for a total length of 243'. The terminal platform and boat lift will occupy a 24' wide area at the end of the dock, expanding the overall width by 9'.

- (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.

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, extended platform, terminal platforms and floating dock does meet all standards set forth in LDC Sec. 11-29. There is an increase in the potential impacts to scenic vistas, but the vista is already occupied by similar sized docks. The proposed boat lift will be rated at 12,000 pounds and will be low-profile and will not exceed 32 feet in length. The deck will not exceed 6' above the MHW.

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 expansion of an existing dock to extend the dock platform, to add two (2) enlarged platforms, to add a boat lift, and to add a floating dock and associated gangway in Conservation Overlay Zone 1 located at **7 Inlet Place / PIN 214090-0000**.

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 Record Card

Attachment 2 – Conservation Overlay Zone Narrative & Graphics

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

Attachment 1

Application & Property Record Card



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

By Patrick Doty at 11:37 am, Jul 08, 2020

Application Fee: \$330 (plus advertising costs) Project Number: _____
Receipt Number: _____ Meeting Date: _____
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084
E-Mail Address: ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Jason Hoffnagle Contact Number: _____
Business (if applicable): _____
Address: 7 Inlet Place City: St. Augustine State: FL Zip: 32080
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 137 Block: 1
Subdivision: Carvers Sub Parcel Number: 2140900000

4. PROJECT STREET ADDRESS: 7 Inlet Place

5. SPECIFIC PROPOSED USE: Proposed Dock

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

7. DESCRIPTION OF ACTION REQUESTED: Please see attached narrative and graphics

8. JUSTIFICATION FOR ACTION REQUESTED: Boating access

04/18/2019

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.

Ryan Carter



6-25-20

Signature of Applicant

Date

Jason Hoffnagle



06 July 2020

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.

Ryan Carter

Print name of applicant

A handwritten signature in black ink, appearing to read "Ryan Carter".

Signature of applicant

6-25-20

Date



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF
OF Jason and Jamie Hoffnagle, 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
Jason Hoffnagle
Print Name of Owner
904 436 8389
Telephone Number

State of FL

County of ST JOHNS

Signed and sworn before me on this 8th day of July, 2020

By Jason Hoffnagle

Identification verified: FL Driver's License

Oath sworn: ☒ Yes ☐ No



Mary Law
State of Florida
My Commission Expires 12/17/2022
Commission No. GG 263265

Notary Signature: Mary Law

My Commission expires: 12/17/2022

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 2140900000
Location Address 7 INLET PL
SAINT AUGUSTINE 32080-0000
Neighborhood Davis Shores North (589.01)
Tax Description* 3-100 DAVIS SHORES LOT 137 BLK 1 & CARVERS SUB LOT 2 BLK 28 & PT OF LOTS 1 & 2 BLK 39 & PT OF VACATED SANCHEZ LYING BETWEEN OR4571/1475(T/R)
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Davis Shores Ocean View Section
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.290
Homestead Y

Owner Information

Owner Name [Hoffnagle Jason M, Jamie L](#) 100%
[Hoffnagle Jamie L](#) 100%
Mailing Address 7 INLET PL
SAINT AUGUSTINE, FL 32080-4676

Map



Valuation Information

	2020
Building Value	\$742,722
Extra Features Value	\$39,674
Total Land Value	\$337,250
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,119,646
Total Deferred	\$124,191
Assessed Value	\$995,455
Total Exemptions	\$50,000
Taxable Value	\$945,455

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

Attachment 2

Conservation Overlay Zone Narrative and Graphics

**7 Inlet Place
Overlay Zone Development Application Supplement
June, 2020**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock and boat lift at 7 Inlet Place. The proposed dock extension will allow the owners boat lift access to Salt Run. The property owner would like to add to the existing design and reconfigure per the attached plans. Existing area is approximately 1,342 sf. while the proposed access pier extension, terminal platform and boat lift addition would add 633 sf., totaling 1,975 sf. The structure will be built six feet above mean high water and have a minimum depth below the boat lift of two feet at mean low water per State requirements. Turbidity control measures such as floating turbidity curtains, siltation fences and hay bales may be employed during construction, but impacts will be temporary, and no long-term erosional impacts should occur.

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 work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work 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.*

All additional work will be done over open water.

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

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

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

A new dock will be added increasing the overall scenic vista.

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.*

This property has approximately 44 feet of river frontage. There is salt marsh vegetation and oyster colonies present along the shoreline.

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

The property is adjacent to other single-family homes along Salt Run.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

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: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials

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 area is a no wake zone and the additional use by the owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

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

Not applicable.

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

Not applicable.

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.*

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

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

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

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: None

Negative: None

17. Dock specifications:

- 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.*

The deck will be built at 6' above MHW.

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

Boat lift will be low-profile and not exceed 12,000 pounds.



**CARTER ENVIRONMENTAL
SERVICES, INC.**

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

Project:

5.20151

St. Augustine, FL

Date: May 28 2020

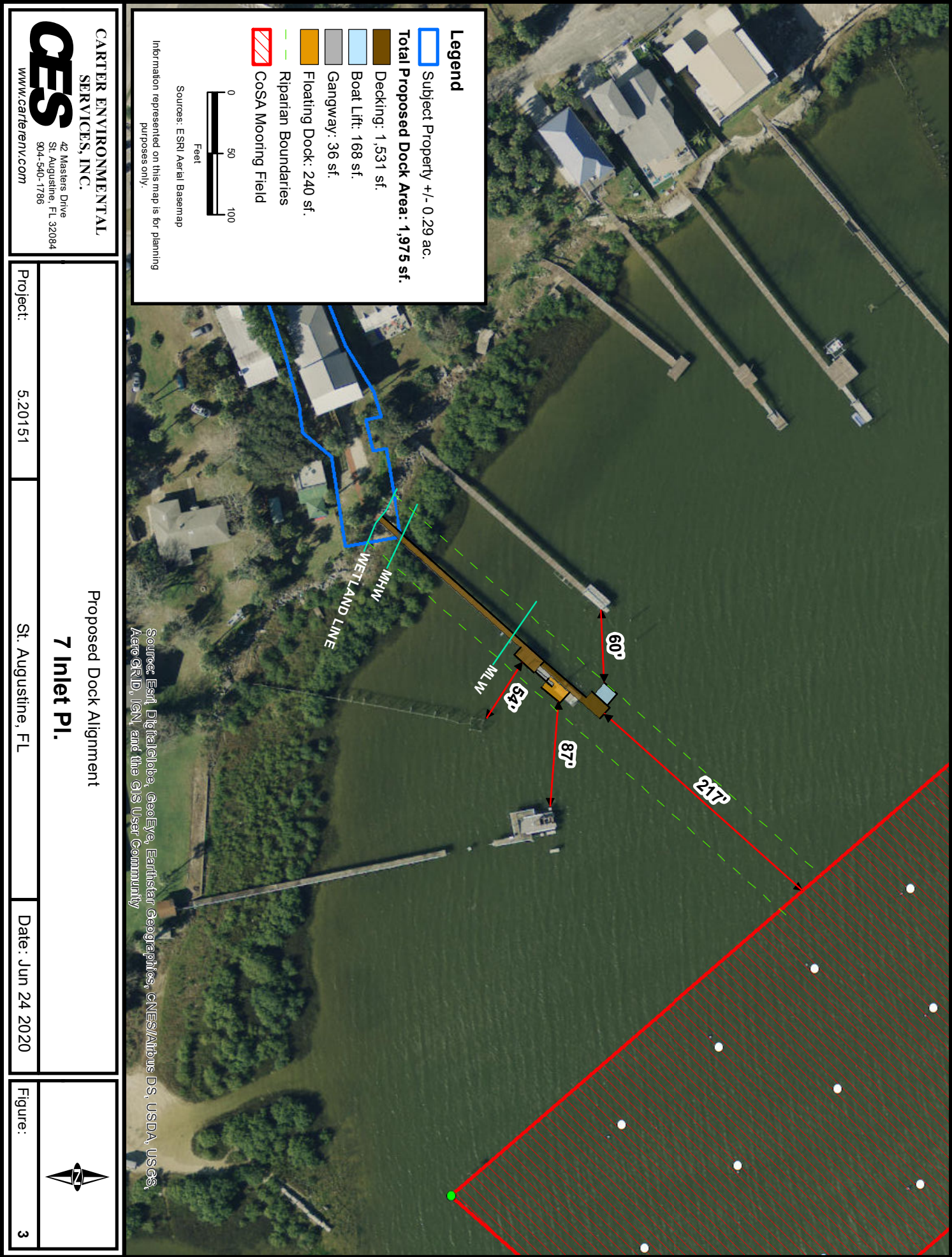
Figure:

2

Aerial Map

7 Inlet Pl.





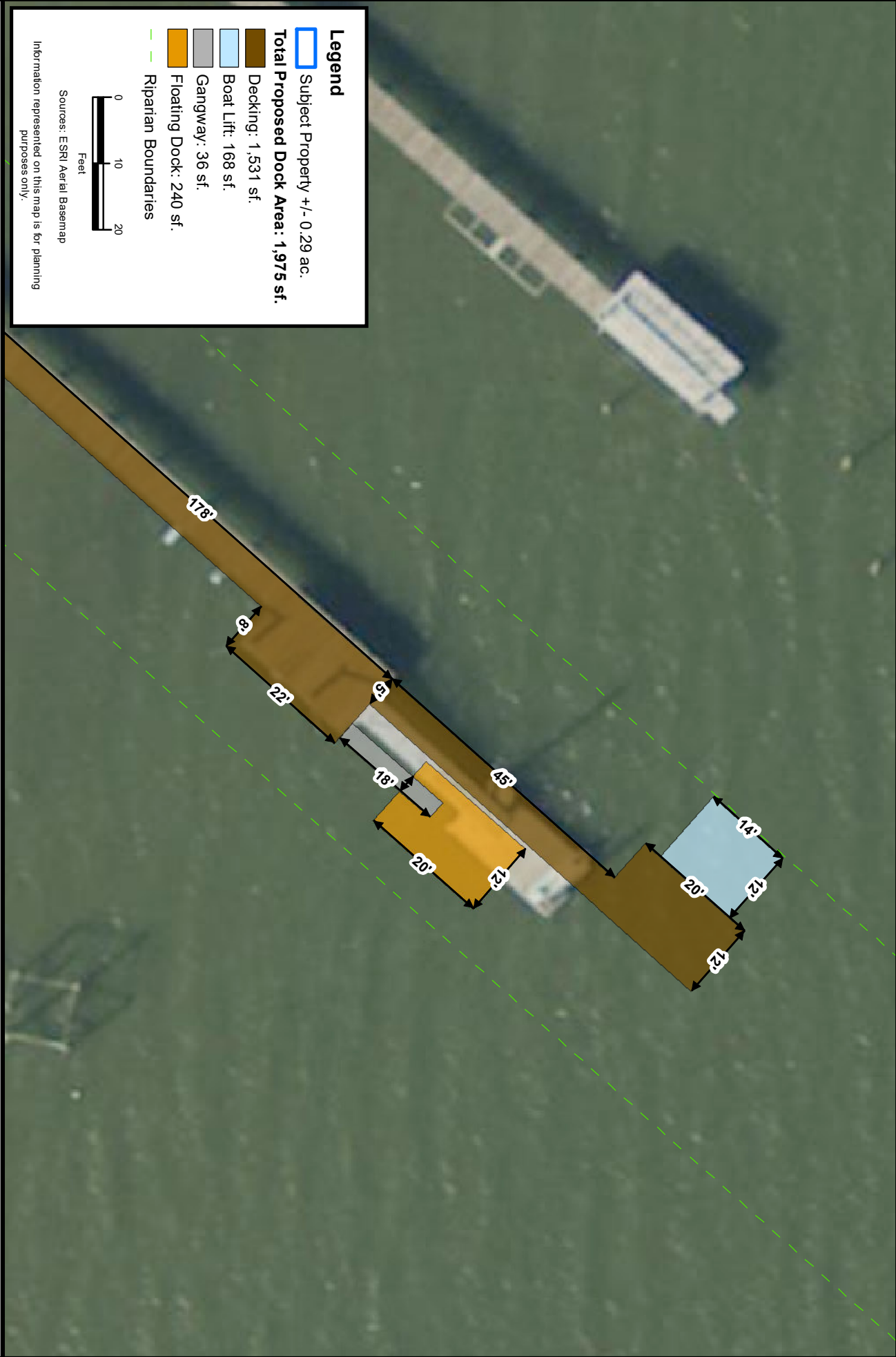
**CARTER ENVIRONMENTAL
SERVICES, INC.**

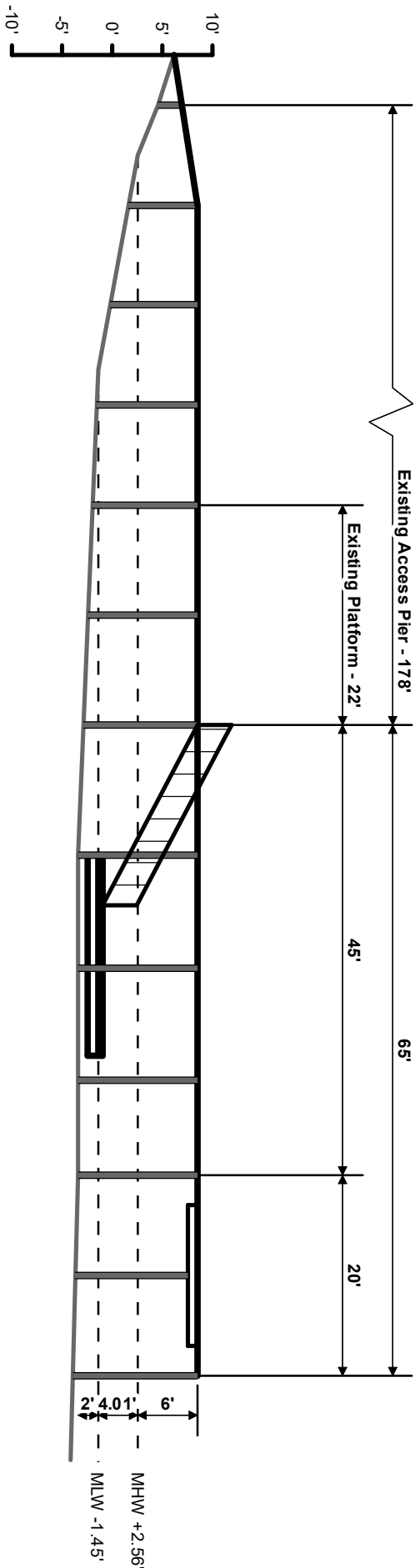
CES

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

Proposed Dock Dimensions 7 Inlet Pl.		
Project:	5,20151	St. Augustine, FL
		Date: Jun 24 2020

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

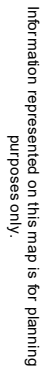
Project: 5.20151

Proposed Dock Profile View
7 Inlet Pl.

St. Augustine, FL

Date: Jun 24 2020

Figure: 5



ACES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenvy.com

7 Inlet PI.

Date: Jun 24 2020

9





CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2020-0080**

AGENDA ITEM 4(c)

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

OWNER Stefan Johansson
c/o Winward Shipyard, LLC

LOCATION Dockside Drive – PID 134230-0030, 127920-0000

REQUEST To approve the expansion of an existing marina facility by expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1.

PLANS DATED July 3, 2020

LAND USE Residential Medium Density / Mixed Use

ZONING Residential General Office (RGO) as of July 2019

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. 11-29. 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: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This application is a proposed expansion of an existing marina facility by expanding the existing docks with 15 additional boat slips along a proposed 6' dock adjacent to the existing bulkhead and along the existing dock as well as constructing a thirty two foot (32') breakwater into the San Sebastian River at the north edge of the property. The total length of the dock is extending 33' feet further into the San Sebastian River from the existing 159-foot floating dock for a proposed length of one hundred ninety two (192') feet with a parallel to the channel ten foot (10') wide by two hundred fifty nine (259') foot long dock with a proposed fueling station. See attachment 2 graphics for details for the request.

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 occupied by an existing marina

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

Neighboring sites have docks with boat slips and platforms of varying lengths generally parallel to the shore all located along the San Sebastian River.

- (3) Natural and proposed drainage patterns.

Patterns are not expected to change.

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

Potential effects would be from the proposed fueling station and use/storage of motorized vessels already experienced in the immediate area.

- (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.

It would be a minimal impact towards these communities apart from disturbance during the construction process.

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

The proposed fueling station does pose an increased risk of spill, however the applicant provides the following: "No contaminated drainage will be allowed. Storage of pollutants or the use of poisonous chemicals and materials will remain consistent and contained within the existing boat repair and service areas and are handled and disposed of in accordance with all laws and regulations. A fueling station is proposed to offer fuel to the public. The fueling station will be permitted and follow all state and federal safety requirements."

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

It should be minimal, given the nature of the existing marina.

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

The area is already subject to heavy boat traffic, no additional impact is anticipated.

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

The site already has improved shorelines with a 135' bulkhead, this request adds boat slips and a perpendicular breakwater.

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

There are multiple existing docks established within the area. The proposed breakwater would extend out into the San Sebastian River 32 feet, however it would not extend past the existing dock. The new dock platform is proposed at ten feet (10') wide and two hundred fifty nine (259') long, which would result in approximately 90% of the site being occupied by the proposed dock expansion. The dock is proposed to be extended thirty-three (33') feet further out for a total length of 192'.

- (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.

The proposed dock expansion, boat slips and terminal dock does meet all standards set forth in LDC Sec. 11-29. This site is an established marina use and this request expands this operation. The proposed floating dock will not exceed 6' above the MHW, no lifts and no on dock structures are proposed.

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 expansion of an existing marina facility by expanding the existing docks and constructing a breakwater into the San Sebastian River within Conservation Overlay Zone 1 located at **Dockside Drive – PID 134230-0030, 127920-0000**.

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 Record Card

Attachment 2 – Conservation Overlay Zone Narrative & Graphics

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

Attachment 1

Application & Property Record Card



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

By Patrick Doty at 11:22 am, Jul 08, 2020

Application Fee: \$330 (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786

Business (if applicable): Carter Environmental Services

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

E-Mail Address: ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Stefan Johansson Contact Number: 305-298-2967

Business (if applicable): Winward Shipyard LLC

Address: 404 Riberia Street Unit A City: St. Augustine State: FL Zip: 32084

E-Mail Address: stefan@staugustinemarine.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1-5 Block: B, D

Subdivision: St. Augustine Shipyards Parcel Number: 1342300030, 1279200000

4. PROJECT STREET ADDRESS: Dockside Drive, Iroquois Street

5. SPECIFIC PROPOSED USE: Marina - North Docks

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Proposed dock, dredge and breakwater

8. JUSTIFICATION FOR ACTION REQUESTED: Proposed marina boat basin, mitigation will be provided through wetland creation in larger contiguous area.

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

Date

7-3-20

Signature of Property Owner

Date

7-6-20

04/18/2019



**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.

Ryan Carter

Print name of applicant

A handwritten signature in black ink that reads "R. A. Carter".

Signature of applicant

7-3-20

Date



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF OF Winward Shipyard 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: _____

BY: _____

Signature of Owner

Stefan Johansson

Print Name of Owner

904-824-4394

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 7th day of July, 2020

By

Stefan Johansson

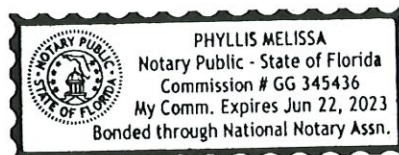
Identification verified:

Oath sworn: Yes No

Notary Signature:

Phyllis Melissa

My Commission expires:



Attachment 2

Conservation Overlay Zone Narrative and Graphics

**St. Augustine Shipyard – North Docks
Overlay Zone Development Application Supplement
July 2020**

This narrative is intended to supplement the Conservation Overlay Zone Development application for the development of the St. Augustine Shipyard North Docks located at 117 Dockside Drive.

The St. Augustine Shipyard currently offers a wide array of marine services, sales, retail/commercial space, dry rack storage and dockage for day use. The owners would like to expand their boat basin capacity to the north to accommodate growing demand. To accomplish these goals, additional dockage, shoreline stabilization and dredging are requested. These proposed works can be seen in the attached graphics depicting modifications that already have State and Federal permits. To mitigate for these works, the applicant has already completed salt marsh creation located at the southern portion of the owner's property.

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.*

More dockage slips will be available for the public to access the new commercial development via the water and relieve crowding from high demand public boat ramps. Patrons will be able to visit restaurants and retail spaces.

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.*

There's approximately 0.27 acres of salt marsh dredge for this project. The compensation for this impact is 0.28 acres of salt marsh creation. The salt marsh creation has already been completed at the southern end of the property and been approved by the St. Johns River Water Management District and the US Army Corps of Engineers, so there will be no net loss of ecological function.

This creation area was filled by the FDOT in the 1950's as the beginning of a vehicular road that included an above grade causeway and bridge over the San Sebastian River. The project was abandoned, but the above grade causeway remained. We removed the fill, returned the grade to match adjacent salt marsh grade and planted it with salt marsh species.

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

The proposed property renovations will update the appearance of the property which will increase aesthetic value.

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 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 an existing developed waterfront. The additional dockage, dredge and shoreline stabilization is requested to meet the business's needs.

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

The property is situated between US1 and the San Sebastian River. The proposed works are located within conservation zones 1 and 2.

3. *Natural and proposed drainage patterns.*

Drainage naturally flows overland to the east, this drainage pattern will be maintained.

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

There shall be point or non-point discharge into the marine environment from the proposed dockage. No new water, sewer or utility service will be provided. Floating turbidity curtains will surround construction during its entirety.

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

Soil and erosion control may be necessary during construction, but impacts will be temporary, and no long-term erosional impacts will take place.

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: Dredge of 0.27 ac. of salt marsh vegetation is proposed. These impacts will be mitigated for via wetland creation.

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 contaminated drainage will be allowed. Storage of pollutants or the use of poisonous chemicals and materials will remain consistent and contained within the existing boat repair and service areas and are handled and disposed of in accordance with all laws and regulations. A fueling station is proposed to offer fuel to the public. The fueling station will be permitted and follow all state and federal safety requirements.

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

Not applicable

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.*

The existing retaining wall totals 135 ft.

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.

Salt marsh dredge will result in a reduction of 0.27 ac. of plant and animal habitat. The additional 0.21 ac. open dredge will have no vegetative impacts, but minimal impacts to animal habitat. The 0.28 ac. wetland creation area will off-site the plant and animal habitat and potential loss.

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: Loss from dredging or removal of old structures serving as a substrate.

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

Positive: None

Negative: Loss of wading/foraging habitat

17. Specific conditions applicable to docks.

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*
- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

Docks will be lifted and next exceed six (6) feet in height above the mean high water line.

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

Boat lifts shall not exceed 12,000 pounds.



Legend
 Project Area +/- 1.29 ac.



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

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community.

CARTER ENVIRONMENTAL SERVICES, INC.

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

Aerial Map

St. Augustine Shipyard - North Docks

Project:

5.13125

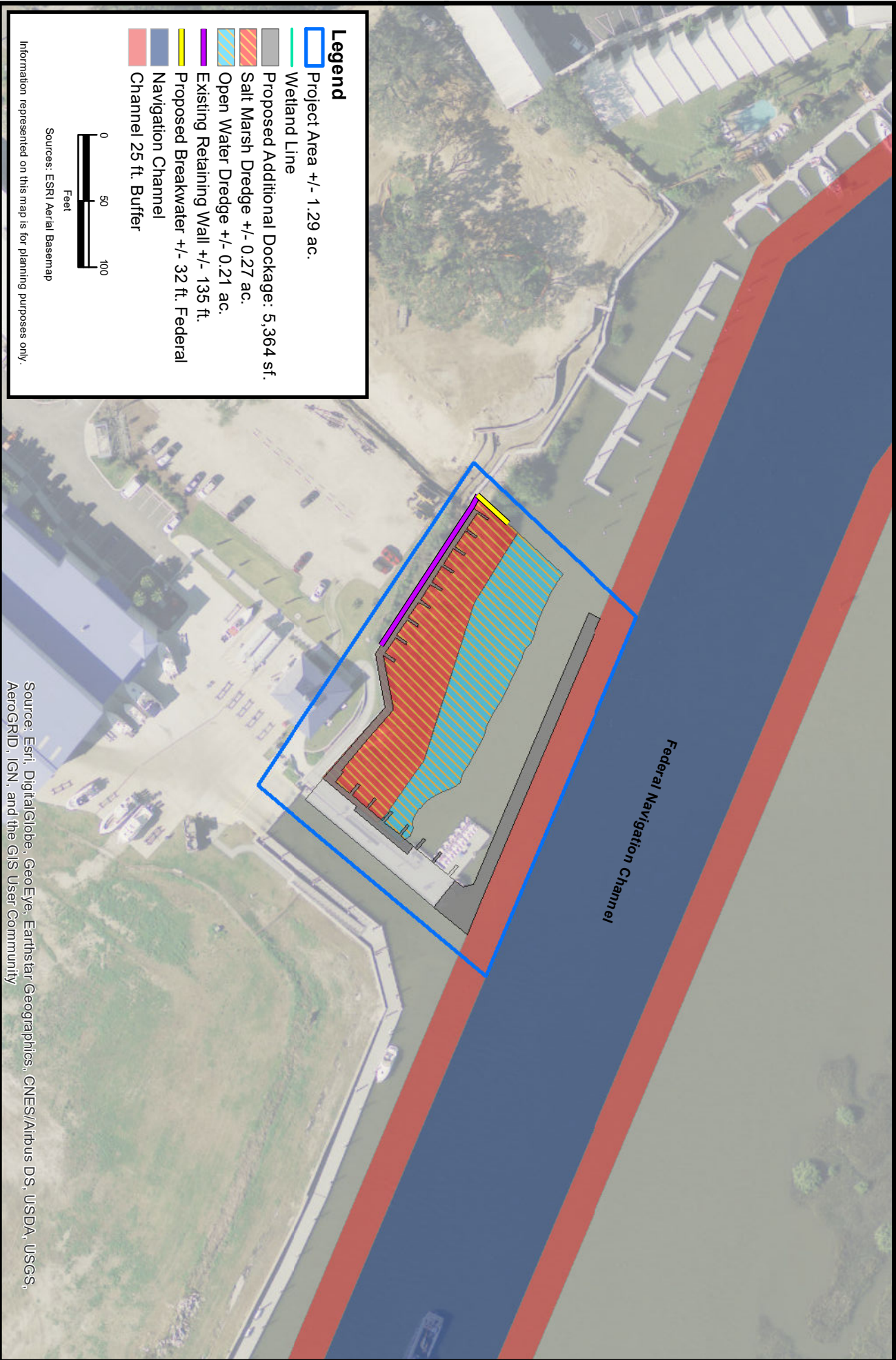
St. Augustine, FL

Date: Jul 03 2020

Figure:

2





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

Project: 5.13125

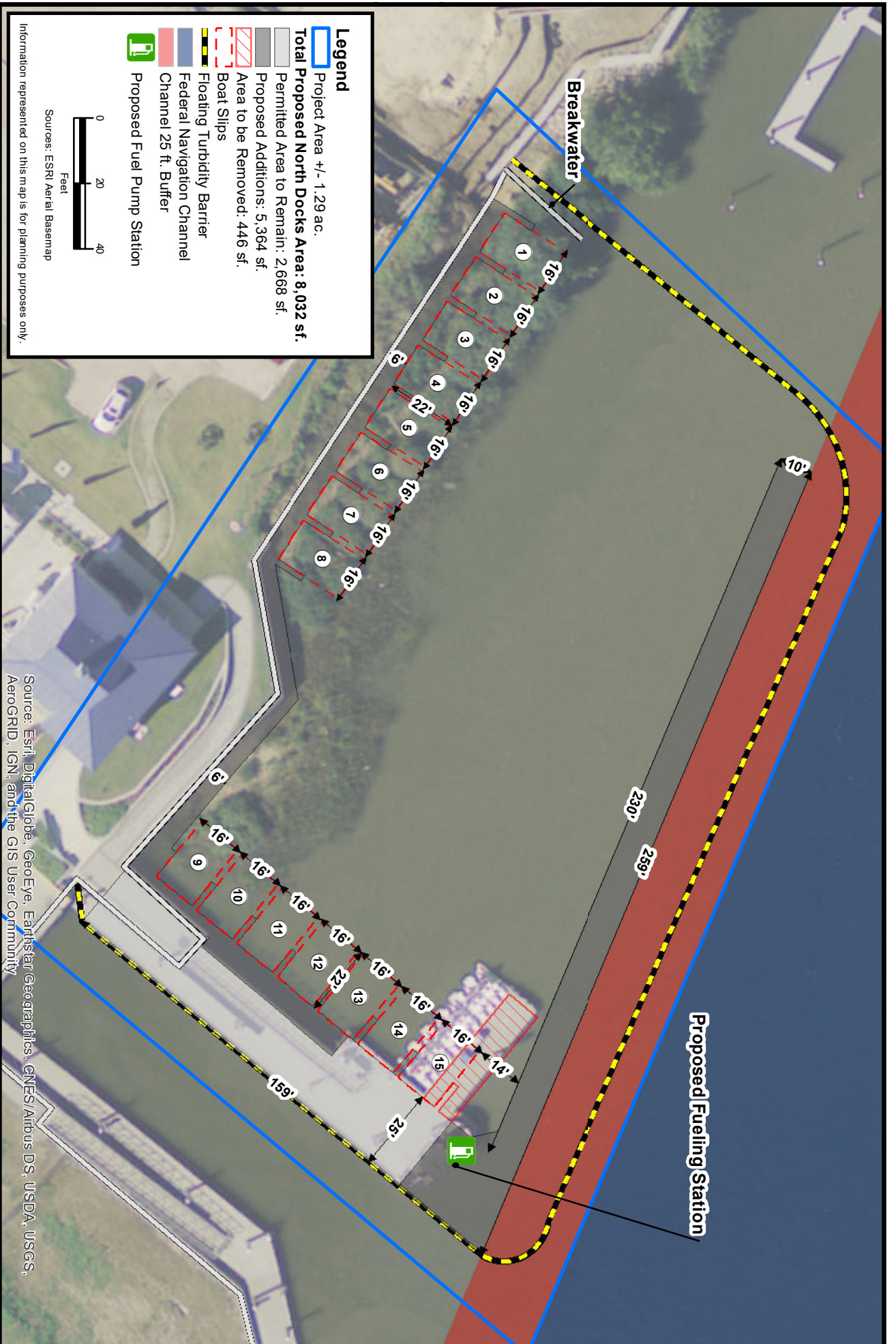
Proposed Site Conditions Overview

St. Augustine Shipyard - North Docks

St. Augustine, FL

Date: Jul 03 2020

Figure: 3A

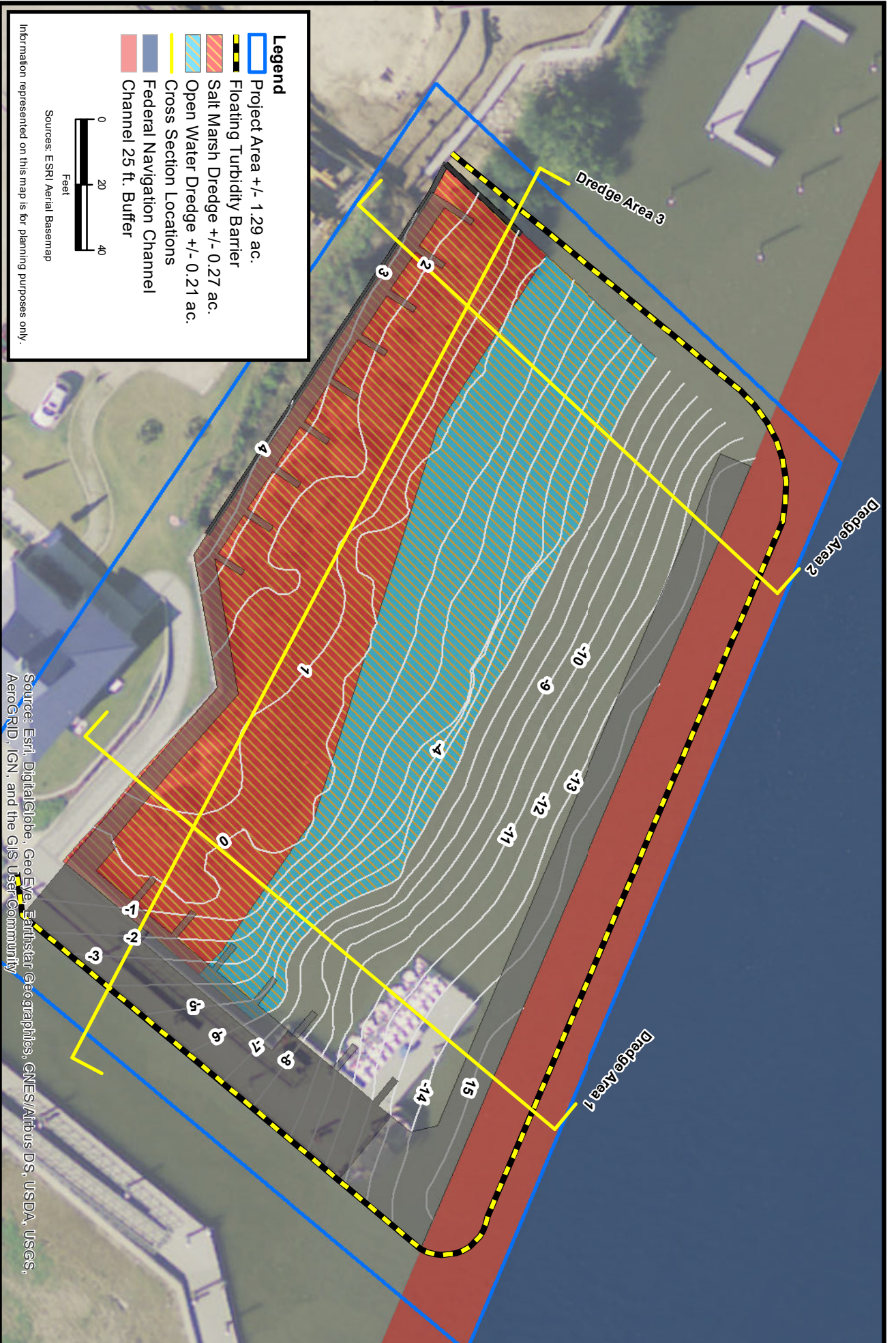


**CARTER ENVIRONMENTAL
SERVICES, INC.**
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Project: 5.13125 St. Augustine, FL

Date: Jul 03 2020

Figure: 3B



- Legend**
- Project Area +/- 1.29 ac.
 - Floating Turbidity Barrier +/- 0.27 ac.
 - Salt Marsh Dredge +/- 0.21 ac.
 - Open Water Dredge +/- 0.21 ac.
 - Cross Section Locations
 - Federal Navigation Channel
 - Channel 25 ft. Buffer
- Sources: ESRI Aerial Basemap
- Information represented on this map is for planning purposes only.

Source: Esri, DigitalGlobe, GeoEye, Earthstar/Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CARTER ENVIRONMENTAL SERVICES, INC.

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St. Augustine, FL 32084
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Proposed Dredge Area

St. Augustine Shipyard - North Docks

Project:

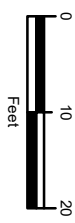
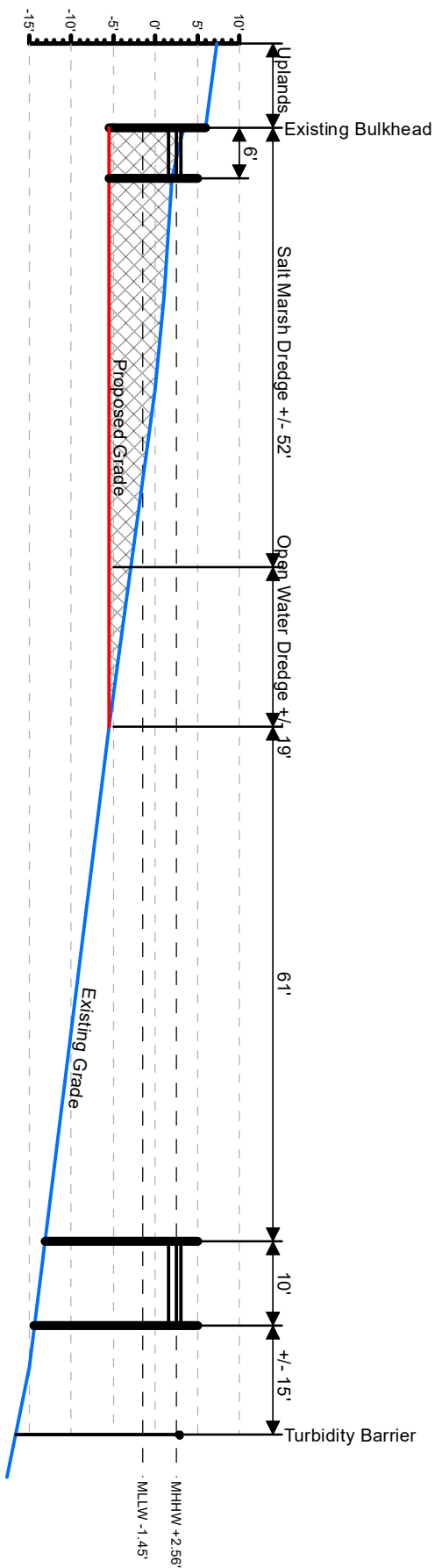
5.13125

St. Augustine, FL

Date: Jul 03 2020

Figure:

3C



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CARTER ENVIRONMENTAL SERVICES, INC.
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

Project: 5.13125

Dredge Area Cross Section 1

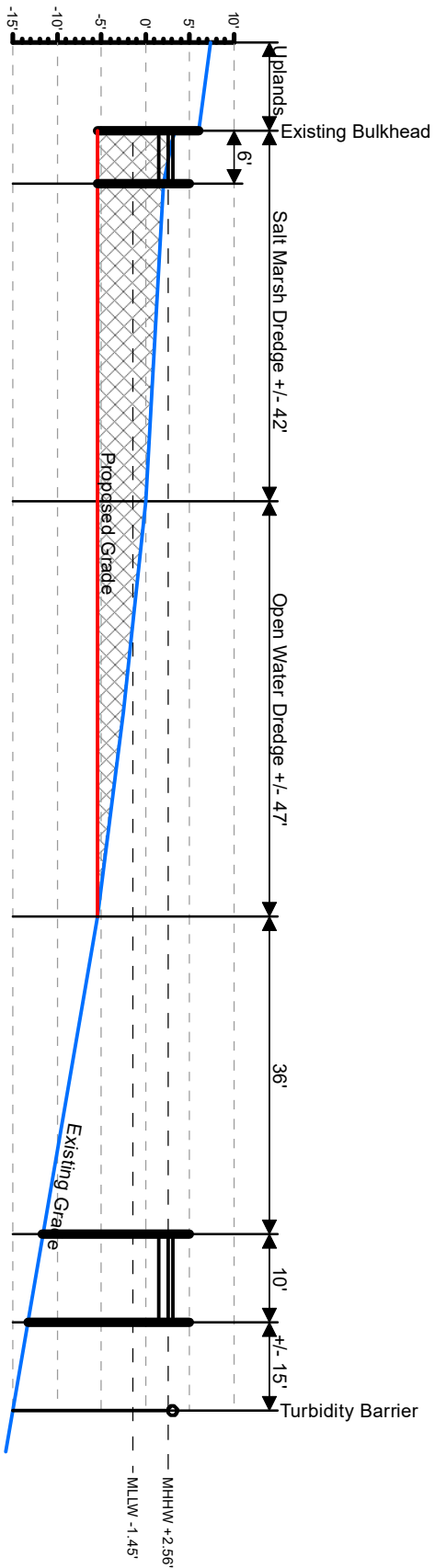
St. Augustine Shipyard - North Docks

St. Augustine, FL

Date: Jan 22 2020



Figure: 4A



Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES
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St. Augustine, FL 32084
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Dredge Area Cross Section 2

St. Augustine Shipyard - North Docks

Project:

5.13125

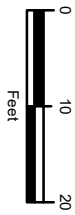
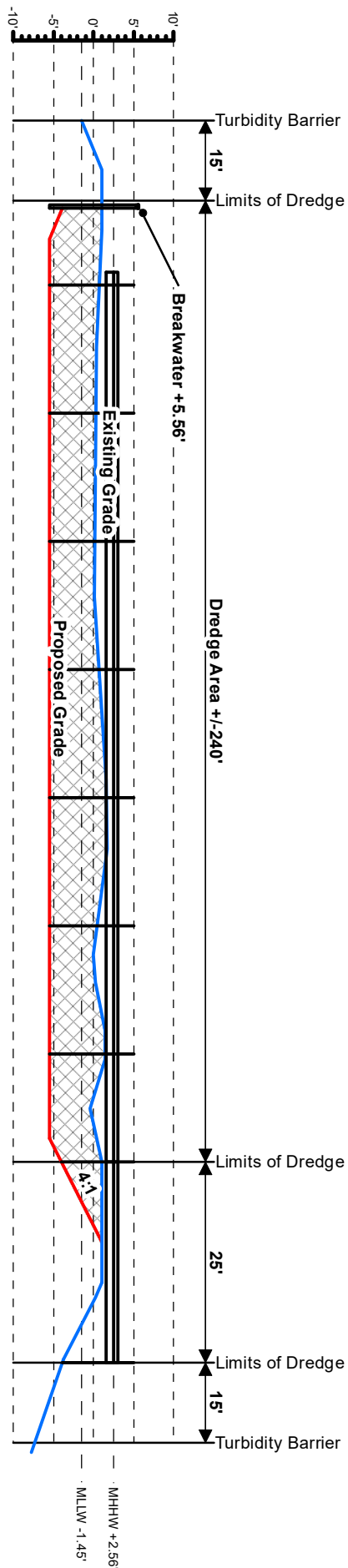
St. Augustine, FL

Date: Jan 22 2020

Figure:

4B





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42 Masters Drive
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Dredge Area Cross Section 3

St. Augustine Shipyard - North Docks

Project:

5.13125

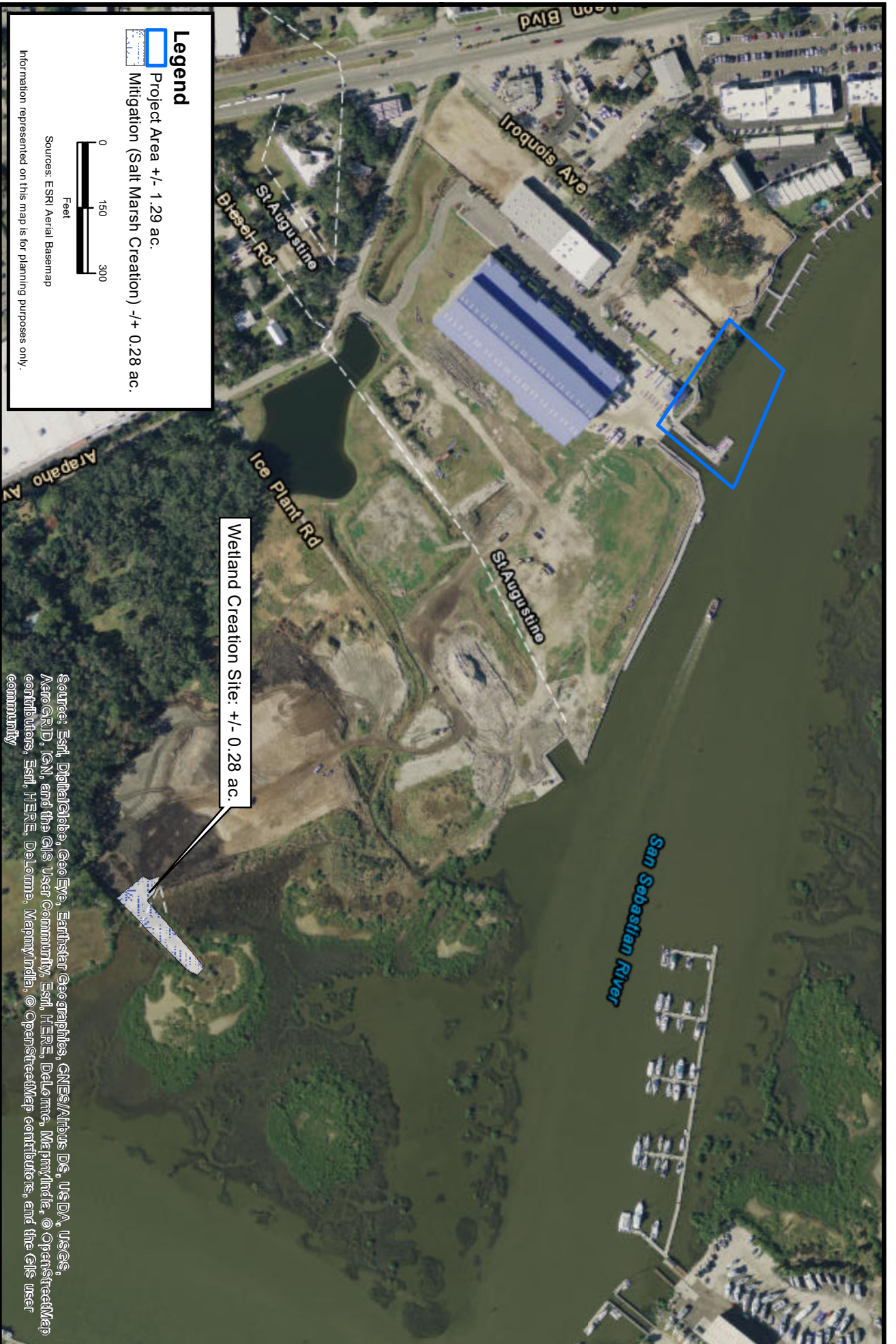
St. Augustine, FL

Date: Jan 22 2020

Figure:

4C





Legend

- Project Area +/- 1.29 ac.
- Mitigation (Salt Marsh Creation) +/- 0.28 ac.



Sources: ESRI Aerial, Basemap

Information represented on this map is for planning purposes only.

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Mitigation Area Location

St. Augustine Shipyard - North Docks

Project:

5.13125

St. Augustine, FL

Date: Jul 03 2020

Figure:

5

CES

www.carterenv.com

CARTER ENVIRONMENTAL
SERVICES, INC.

42 Masters Drive
St. Augustine, FL 32084
904-540-1786





Legend

Project Area +/- 19.54 ac.

Bathymetric Contours



Sources: 2016 FDOT Aerial

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

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Existing Bathymetry Map

St. Augustine Shipyard - North Docks

Project:

5.13125

St. Augustine, FL

Date: Jan 22 2020

Figure:

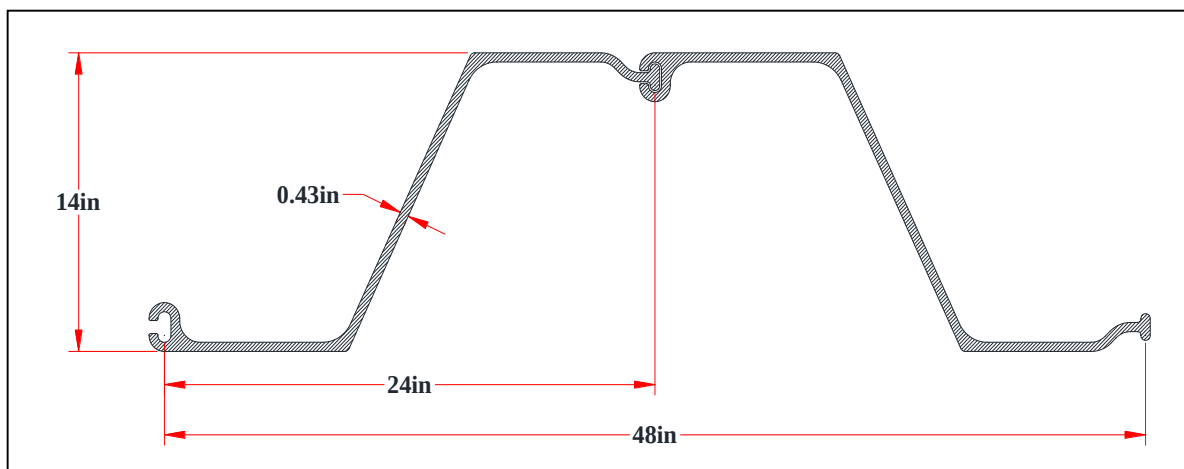
10



AL - Along length of sheet pile

AWS - Along width of sheet pile

Property	Symbol	Units	Results	ASTM Test Method
Flexural Stress:				
Ultimate (AL)	$\sigma_{ult AL}$	psi	68,800	D 790-03
Recommended Allowable Stress(AL)	$\sigma_{all AL}$	psi	20,000	-----
Modulus of Elasticity (AL)*	E_{AL}	psi	3,890,000	D 790-03
Ultimate (AWS)	$\sigma_{ult AWS}$	psi	20,000	D 790-03
Modulus of Elasticity (AWS)	E_{AWS}	psi	1,660,000	D 790-03
Tensile Stress:				
Ultimate (AL)	$\sigma_{ult AL}$	psi	62,500	D 638-03
Recommended Allowable Stress(AL)	$\sigma_{all AL}$	psi	20,000	-----
Modulus of Elasticity (AL)	E_{AL}	psi	5,200,000	D 638-03
Ultimate (AWS)	$\sigma_{ult AWS}$	psi	6,800	D 638-03
Modulus of Elasticity (AWS)	E_{AWS}	psi	1,150,000	D 638-03
Shear Stress:				
Ultimate (AL)	$T_{ult AL}$	psi	32,600	D 2344-00
Recommended Allowable Stress(AL)	$T_{all AL}$	psi	6,000	-----
Ultimate (AWS)	$\sigma_{ult AWS}$	psi	18,800	D 2344-00



Properties of Sheet Pile:				
Width	W	in	24.0	-----
Depth	D	in	14.0	-----
Thickness	t	in	0.43	-----
Section Modulus	Z	in ³ /ft	38	-----
Moment of Inertia*	I	in ⁴ /ft	268	-----
Radius of Gyration (pair)	r	in	5.65	-----
Area of Web	A_w	in ²	6.5	-----

*Note: Deflection should be limited and usually controls the design. Maximum deflection to be determined by the project's engineer. ESP recommends that max. deflection should be less than 2% of the span e.g. distance from lowest wale support to ground line.

The values shown are averages and may vary. No warranties of any kind are made as to the suitability of ESP sheet piling for particular applications



Everlast Synthetic Products, LLC

1000 Wyngate Pkwy, S-100

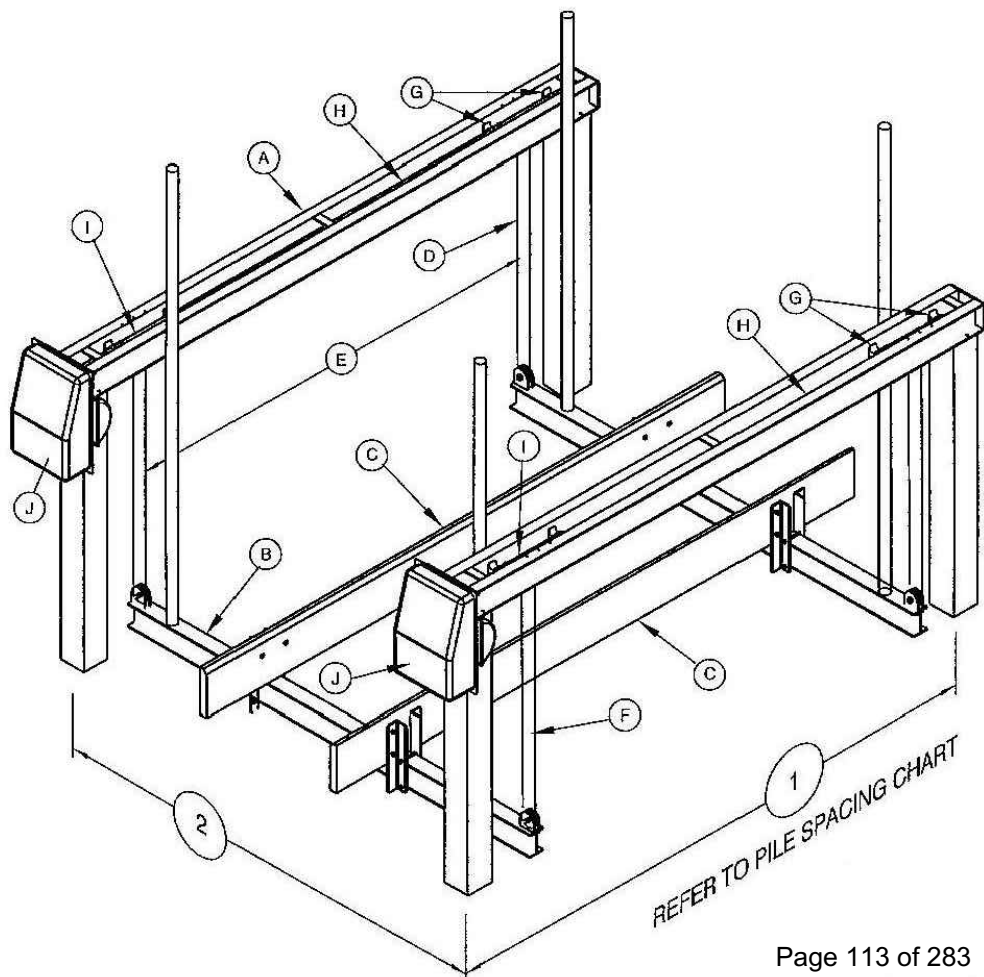
Woodstock, GA 30189

800-687-0036

800-687-0048 fax

www.everlastseawalls.com

Cut Sheet - Typical Lift Slip



SJRWMD Permitted UMAM Summary - No Net Loss

Uniform Mitigation Assessment Method Summary

Site/Project Name:	Application Number:	Date:
Shipyards	Item Number 1341395	October 25, 2018

Impact Summary

Assessment Area	Impact Type	Location and Landscape Support		Water Environment		Community Structure		Impact Delta	Acres	Functional Loss
		Current	w/Impact	Current	w/Impact	Current	w/Impact			
1	Dredge 1	7	3	9	3	9	1	0.60	0.27	0.162
2	-	-	-	-	-	-	-	-	-	-
3	-	-	-	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-	-
TOTAL									0.27	0.162

Mitigation Summary

Assessment Area	Mitigation Type	Location and Landscape Support		Water Environment		Community Structure		Mitigation Delta	Time Lag	Risk	PAF	RFG	Acres	Functional Gain
		w/o Mit	w/Mit	w/o Mit	w/Mit	w/o Mit	w/Mit							
1	WRWC	0	8	0	9	0	9	0.87	1.14	1.25	n/a	0.608	0.14	0.085
2	WRWC 2	0	8	0	9	0	8	0.83	1.25	1.25	n/a	0.533	0.14	0.075
3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL														0.160

TOTALS									
Impacts		Acres	Mitigation - Upland		Acres	Mitigation - Wetland		Acres	Acres
			Restoration		0.00	Creation			0.00
Direct Impacts		0.27	Enhancement		0.00	Enhancement			0.00
Secondary Impacts		0.00	Preservation		0.00	Preservation			0.00
Total Impacts		0.27	Total Upland Mitigation		0.00	Total Wetland Mitigation			0.14

Total Functional Loss	0.162
Total Functional Gain	0.160
Mitigation Deficit	-0.002

Wetland Creation Area Photo During
Construction 1-22-19



Wetland Creation Area Photo 11-20-19



CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020 (continued July 7, 2020)

RE: **USE BY EXCEPTION #2020-0058**

AGENDA ITEM 5(a)

APPLICANT Don Chrichlow

OWNER Hewlett Enterprises, LLC

LOCATION 24 Avenida Menendez / PIN 196310-0020

REQUEST To approve a use by exception to allow for a lounge/tavern within Historic Preservation (HP-2) zoning district.

LAND USE Historic Preservation

ZONING Historic Preservation-Two (HP-2)

SURROUNDING USES Hotels, Restaurants, Single Family Homes

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.

General Zoning Standards:

Sec. 28-184. - Historic preservation district: HP-2.

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

(3) *Permissible uses by exception.*

c. Cocktail lounges/taverns.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting an amendment to their existing use by exception (2006-0919) that was approved by the Planning and Zoning Board in October of 2006. The attached minutes indicate that the use by exception shall run with the land and that the bar shall close at 10:00 pm every night.

The applicant is requesting that the closing hours be amended to 12:00 AM midnight for weekdays (Monday - Thursday) and 1:00 AM for the weekends (Friday – Sunday). The minutes from the previous hearing, a justification by the applicant, and a floor plan are included as attachment 2. City Records show no complaints for noise violations for this property within the past 10 years.

This is an approved use by exception and staff finds that the applicant has demonstrated that the removal of the conditions is consistent and compatible with the existing established use and other similar uses within the city.

UPDATE: At the July 2020 Planning & Zoning Board hearing, questions were raised regarding the seat designation for the subject property, and if there were in fact any bar seats at all. The City Utilities Department provided context to these designations and that information is included as attachment 3.

The city Utilities Department assigns a seat designation for restaurants and bars based on flow rates. In the case of the subject property, the designation as a restaurant use is the highest possible flow that allows them to operate as a restaurant, it does not however, preclude those seat from being used as bar seats (a lower flow rate).

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 amended use by exception for a lounge/tavern at **24 Avenida Menendez / PIN 196310-0020**.

Attachments

Attachment 1 – Application, Property Record Card, Location map

Attachment 2 – Narrative, Floor Plan, 2006 PZB Meeting Minutes and Written Responses

Attachment 3 – City Utilities Correspondence regarding Flow Based fee designations

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

Attachment 1

Application, Property Record Card, Location Map



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JUN 04 2020 PD

Application Fee: \$250 (plus advertising costs)

Project Number: 2020-0058 Planning / Building Dept.

Receipt Number: 1876261

Meeting Date: 7/7/20

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Don Crichlow Contact Number: 904 377-0913

Business (if applicable): Don Crichlow and Associates

Address: 302 St. George St. City: St. Augustine State: FL Zip: 32084

E-Mail Address: crichlow@comcast.net

2. NAME OF PROPERTY OWNER: Hewlett Enterprises, LP Contact Number: 904 3151904

Business (if applicable): The Tini Martini Bar/Casablanca on the Bay

Address: 24 Avenida Menendez City: St. Augustine State: FL Zip: 32084

E-Mail Address: innkeeper@casablancainn.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: Parts of Lots 2 and 3 Block: 3

Subdivision: COSA Parcel Number: 196310-0020

4. PROJECT STREET ADDRESS: 24 Avenida Menendez

5. SPECIFIC PROPOSED USE: Cocktail Lounge/Jazz Bar

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

To modify a previously approved exception (2006-0919) and to extend the hours of operation from 10pm to 12 midnight on weekdays and 1am on weekends.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

Please see attached narrative.

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

6/4/20
Date


Signature of Property Owner

6/2/2020
Date
6/2/2020

04/18/2019

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID 1963100020
Location Address 24 AVENIDA MENENDEZ
SAINT AUGUSTINE 32084-0000
Neighborhood Bed & Breakfast (City Historic) (COM) (610.11)
Tax Description* CITY OF ST AUGUSTINE E118FT OF LOT 2 & E118 OF N4.5FT OF LOT 3 BLK 3 OR2409/911
**The Description above is not to be used on legal documents.*
Property Use Code Bed & Breakfasts (3910)
Subdivision City of St Augustine
Sec/Twp/Rng 18-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.180
Homestead N

Owner Information

Owner Name [Hewlett Enterprises Lp](#) 100%
[Nancy Cloud](#) 100%
Mailing Address 60 MARINE ST
SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2020
Building Value	\$982,344
Extra Features Value	\$5,260
Total Land Value	\$767,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,754,604
Total Deferred	\$107,160
Assessed Value	\$1,647,444
Total Exemptions	\$0
Taxable Value	\$1,647,444

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	\$879,987	\$4,089	\$613,600	\$0	\$0	\$1,497,676	\$1,497,676	\$0	\$1,497,676
2018	\$1,027,935	\$4,089	\$435,272	\$0	\$0	\$1,467,296	\$1,467,296	\$0	\$1,467,296
2017	\$423,092	\$4,089	\$435,272	\$0	\$0	\$862,453	\$862,453	\$0	\$862,453
2016	\$1,035,750	\$4,396	\$435,272	\$0	\$0	\$1,475,418	\$1,475,418	\$0	\$1,475,418
2015	\$1,064,127	\$4,396	\$435,272	\$0	\$0	\$1,503,795	\$1,365,980	\$137,815	\$1,365,980
2014	\$802,106	\$4,422	\$435,272	\$0	\$0	\$1,241,800	\$1,241,800	\$0	\$1,241,800
2013	\$824,082	\$4,449	\$435,272	\$0	\$0	\$1,263,803	\$1,263,803	\$0	\$1,263,803
2012	\$846,058	\$4,475	\$435,272	\$0	\$0	\$1,285,805	\$1,285,805	\$0	\$1,285,805
2011	\$868,033	\$4,501	\$483,210	\$0	\$0	\$1,355,744	\$1,299,514	\$56,230	\$1,299,514
2010	\$639,949	\$4,527	\$536,900	\$0	\$0	\$1,181,376	\$1,181,376	\$0	\$1,181,376

Building Information

Building	1	Roof Structure	Rigid Frame
Actual Area	9041	Roof Cover	Built Up
Conditioned Area	6081	Interior Flooring	Carpet, Hardwood
Actual Year Built	1900	Interior Wall	Drywall
Use	Bed & Breakfasts	Heating Type	Air Duct
Style	04	Heating Fuel	
Class	N	Air Conditioning	Central
Exterior Wall	Concrete Stucco, Wood	Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	90%
Exterior Wall	Wood	10%
Roofing Structure	Rigid Frame	100%
Roofing Cover	Built Up	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	50%
Interior Flooring	Hardwood	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	50 FIXTURES	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Insulation	1" Fiberglass	100%
Floor System	Wood Frame	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	3453	3453
CANOPY (COMMERCIAL)	0	634
PATIO	0	368
FINISHED DECK	0	372
FINISHED DECK	0	100
FINISHED UPPER STORY	2628	2628
FINISHED DECK	0	470
OUTSIDE STAIRS	0	128
BALCONY	0	96
FINISHED DECK	0	204
CANOPY (COMMERCIAL)	0	294
CANOPY (COMMERCIAL)	0	294
Total SqFt	6081	9041

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Wood Deck	0	0	0	0	400
Handicap Ramp	0	0	0	0	140
Sprinkler Wet	0	0	0	0	442

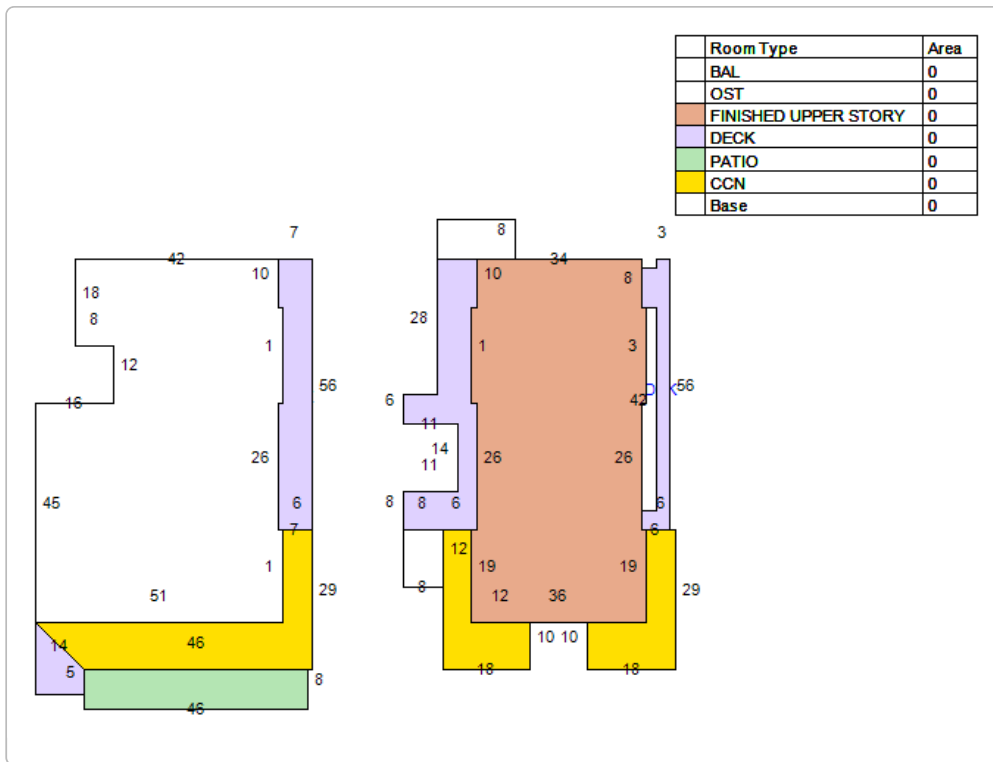
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Bed & Breakfasts	65	118	7670	SF	\$767,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/4/2017	4/29/2017	\$0.00	LP	4368	1851	U	I	BRANCH RECONSTRUCTION LLC	HEWLETT ENTERPRISES LP
	3/29/2005	\$4,867,891.00	WD	2409	911	Q	I	CASABLANCA BED & BREAKFAST INN INC & BUSHELL	HEWLETT ENTERPRISES LP
	1/1/1998	\$100.00	QC	1363	351	U	I	BUSHELL ANTHONY,BRENDA	CASABLANCA BED & BREAKFAST INN INC
	10/8/1992	\$350,000.00	WD	960	1419	Q	I	JEBCO INC	BUSHELL ANTHONY,BRENDA

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](#)

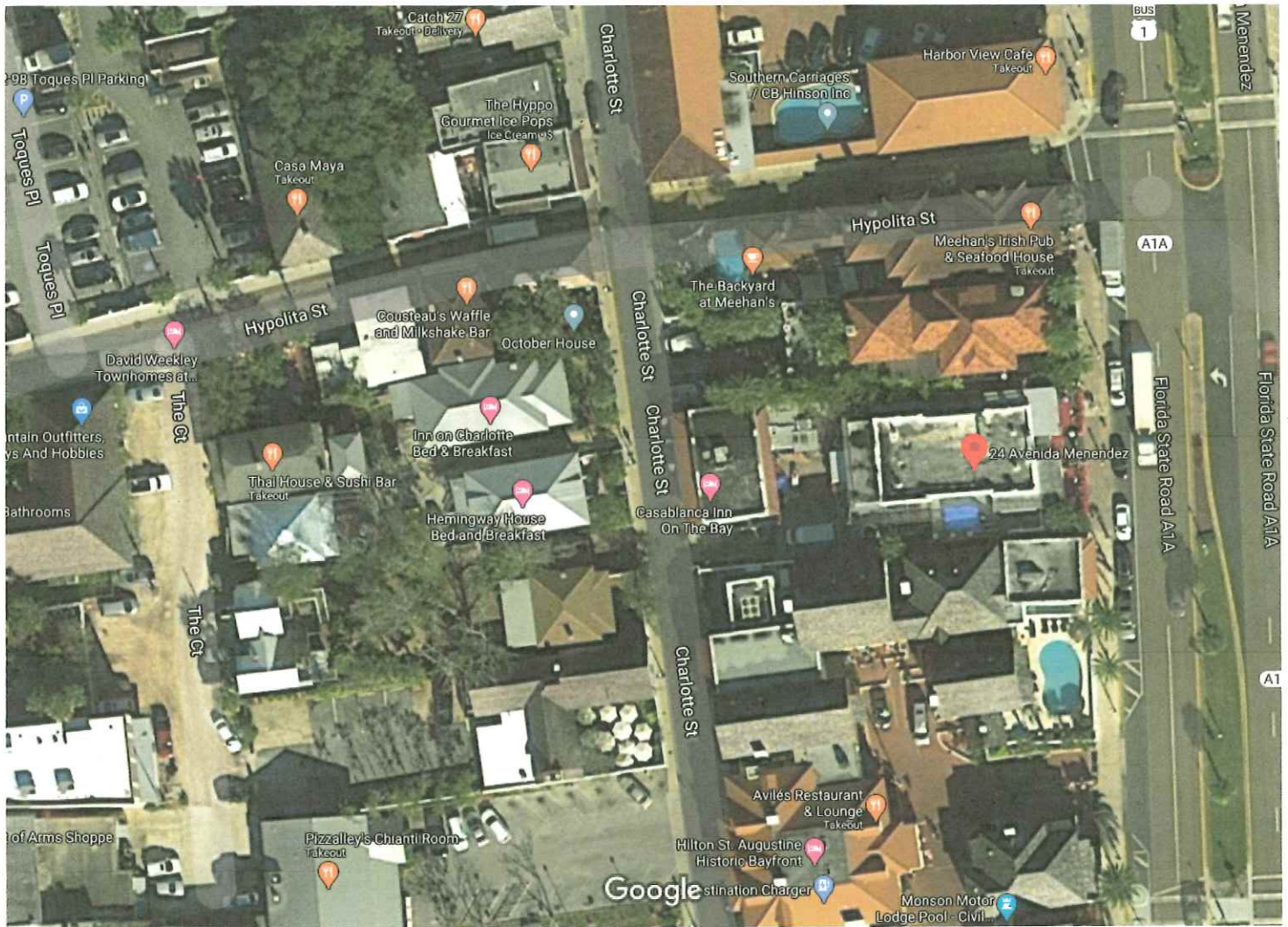
Last Data Upload: 6/4/2020, 1:52:07 AM

Developed by



Version 2.3.62

Google Maps 24 Avenida Menendez



Map data ©2020, Map data ©2020 20 ft



24 Avenida Menendez

St. Augustine, FL 32084



Directions



Save



Nearby



Send to your
phone



Share



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JUN 23 2020

Planning/Building Dept.

Owner's Authorization For Agent

DONALD CRICHLIN is/are hereby authorized TO ACT ON BEHALF OF HEWYET ENTERPRISES LP, the owner(s) of those lands described within ☐ the attached application, or ☒ described within the previously filed Application number: 2020-0058, 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: Nancy Cloud
Signature of Owner President
Nancy Cloud
Print Name of Owner President
904 315-1949
Telephone Number

State of Florida

County of ST Johns

Signed and sworn before me on this 23rd day of June, 2020

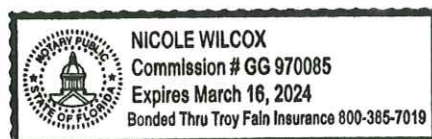
By Nicole Wilcox

Identification verified:

Oath sworn: X Yes No

Notary Signature: Nicole Wilcox

My Commission expires: 3-16-2024



Attachment 2

Narrative, Floor Plan, 2006 PZB Meeting Minutes and Written
Responses

Don Crichlow & Associates

St. Augustine, Florida

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JUN 08 2020

Planning/Building Dept.

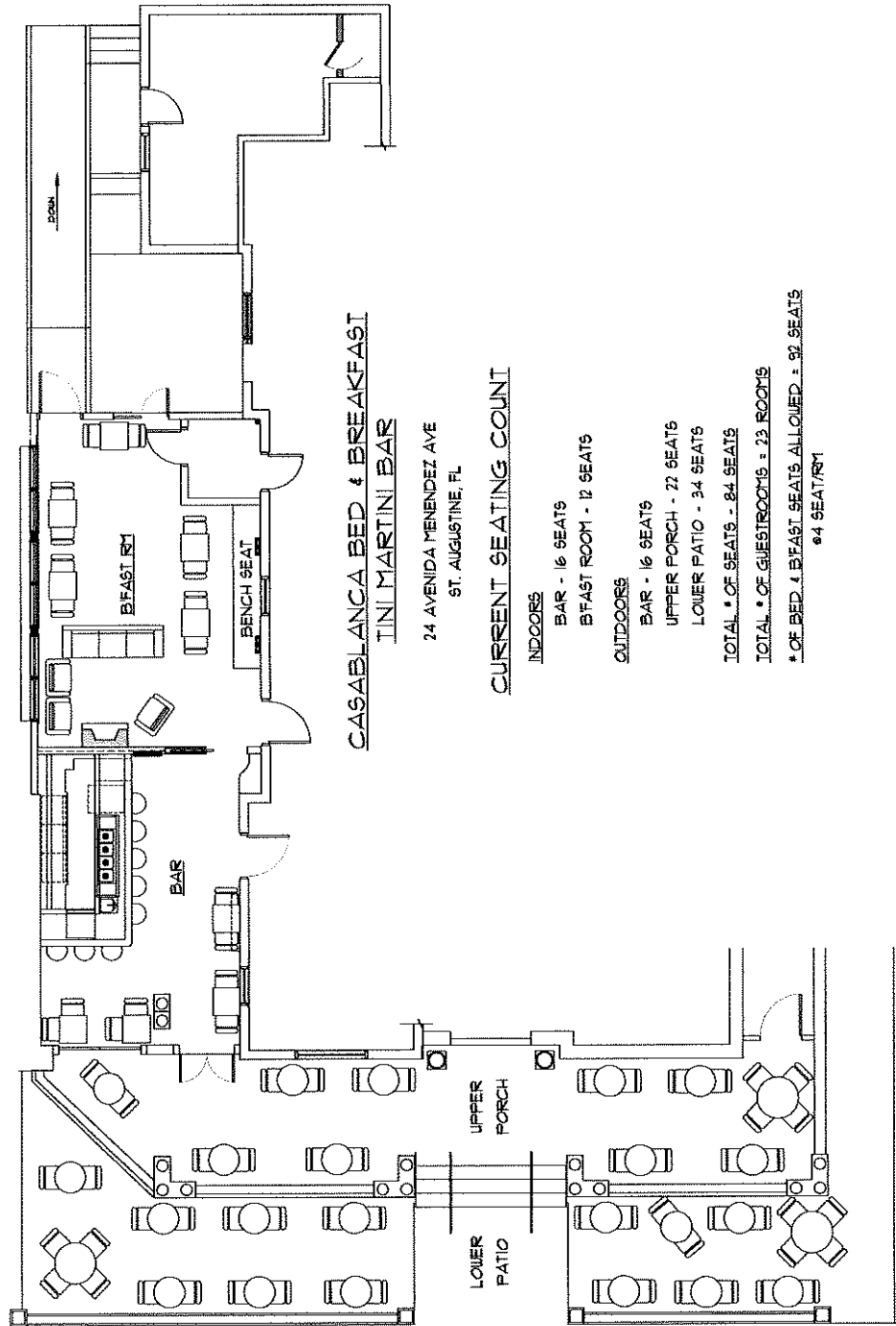
8. Justification For Action Requested:

The Tini Martini Bar, located at 24 Avenida Menendez, was granted a use by exception as a "Cocktail Lounge (Jazz Bar)" in October of 2006 with the understanding that it would close at 10pm. At the time, there was a B&B (Casa de la Paz) located next door at 22 Avenida Menendez which was concerned about music after 10 pm. thus the reason for the 10 pm restriction imposed by the Planning and Zoning Board. The owners were perfectly fine with this requirement at the time. Over the next couple of years, however, what had been the Bed and Breakfast next door became an empty building and the demand to stay open later than 10 pm increased and for the last 10 years the Tini Martini Bar has extended its hours of operation to accommodate this demand. Recently, however, the St. Augustine Police Dept. informed the management that they would be enforcing the 10pm closing time.

The Tini Martini Bar is an upscale lounge catering mainly to the 35-65 age group. It is a dog friendly lounge and over the past 10 to 12 years has become one of the most popular cocktail lounges in the city. They have won 1st Place in the Nights of Lights competition several times and have become almost a legendary destination for both locals and visitors alike. Many visitors return every year to stay at the Casablanca Inn and visit the Tini Martini Lounge. The lounge, adjacent inn and restaurant (Nero's) employs a staff of 44 to 48. The servers and bartenders currently make most of their income from 10 pm until closing time which is 12 midnight on weekdays and 1am on weekends. Unlike other venues in downtown, noise has never been a problem at the Tini Martini Lounge and although originally approved as a "Jazz Bar" the lounge has not provided music in the past several years. Likewise police reports of disturbances are extremely rare. Visitors staying at adjacent hotels in the area (i.e. Hilton, Best Western and several Bed and Breakfast Inn's) enjoy having a nice quite lounge to walk to later at night and the Tini Martini Lounge provides that venue.

As mentioned, although closing time for bars in the City of St. Augustine is 2 am Monday through Friday, the Tini Martini Lounge has a last call at 11:30 pm and closing at midnight on weekdays and last call at 12:30 am with closing at 1 am on weekends. The owners are therefore requesting that the closing time be extended from the currently allowed 10 pm to 12 midnight on weekdays and to 1am on weekends.

I might note that all cocktail lounges/taverns and hotels located in HP-2 and HP-3 are all "use by exceptions" and most are not restricted to special closing hours. The Tini Martini Lounge was limited to a 10 pm closing specifically because of the B&B next door in 2006. That situation no longer exists and the Tini Martini Lounge is requesting that the 10 pm restriction be removed from the exception.



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JUN 08 2020

Planning/Building Dept.

Mr. Birchim reported the following information to the board:

- › The applicant requested a use by exception to allow a home occupation
- › Request involved a silk-screening business in the attached garage
- › Home occupation was a low-impact business with little public contact that would not change the residential character of the property or generate traffic in greater volume, and it would not negatively impact surrounding properties
- › Owner planned to produce silk-screen t-shirts and products for sale off premises
- › The chemicals and inks to be used had been reviewed by the Fire Marshall and Public Works Department and were found to be non-toxic

Mr. Birchim stated that, based on review of Section 28-2, staff found that the board could approve a use by exception to allow a home occupation without the support of evidence to the contrary.

Sharon Ketner, 11 Estey Street, was sworn in.

Ms. Horvath opened the public hearing but there was no response. She noted that seventeen written response forms had been sent to surrounding property owners with six returned in favor and three returned in opposition.

Mr. Leary pointed out that responses included a letter from "a group of concerned neighbors", who offered

several reasons to deny the application. He questioned increased customers, traffic, or issues with the use of chemicals.

Ms. Ketner affirmed that no customers would visit the site, no sales would occur on-site and the chemicals were non-toxic and soap and water dissolvable. She added that a UPS truck would make deliveries; however, the area already had UPS trucks in the neighborhood. She explained that it was a two person operation which she and her finance would handle; however, if the business increased over time it would be moved to another site. She advised that the process would not generate noise.

MOTION

Mr. Leary moved to approve the application as submitted. Mr. Valdes seconded.

MOTION CARRIED UNANIMOUSLY

Item 3(b) 2006-0919

Don Crichlow

Hewlett Enterprises, LP

24 Avenida Menendez

To allow a bar as a permissible use by exception.

Mr. Valdes recused himself from the application due to his business relationship with Hewlett Enterprises.

Mr. Birchim reported the following details to the board:

- › The applicant requested a use by exception to allow a cocktail lounge or bar at the Casa Blanca Bed and Breakfast Inn
- › The property was located in HP-2 zoning which allowed cocktail lounges and jazz bars by exception for approval on an individual basis by the board
- › The operation of a cocktail lounge that was open to the public would be ancillary to the bed and breakfast

Mr. Birchim stated that it did not appear to negatively impact surrounding neighborhood properties; therefore, staff found that the board could approve a use by exception for a cocktail lounge without the support of evidence to the contrary.

Don Crichlow, 24 Cathedral Place, Suite #300, was sworn in. He noted that the board had previously approved a greenhouse/breakfast room for the B & B Inn, and the application currently before the board involved the vacated space of the old breakfast bar measuring approximately two-hundred and fifty square feet that would be converted into a martini bar. He stated that the conversion would comply with all requirements mentioned in Section 28-347 of the Code. He advised that no additional traffic or noise would be generated by the use, because the proposal was intended for hotel guests. He noted that the room had already been permitted for sixteen seats.

Ms. Horvath opened the public hearing but there was no response. She noted

that fifteen written response forms had been sent to surrounding property owners with one returned in favor and one returned in opposition. She pointed out that a letter had been received from owners of the Casa de la Paz and the Inn on Charlotte.

In response to the letter, Mr. Crichlow stated that the property owner would be willing to close the martini bar at 10:00 p.m.

Ms. Freeman agreed that the lounge was a nice idea and would not be disruptive due to its small size.

Ms. Horvath questioned whether the lounge would be open to the public.

Mr. Crichlow affirmed that it would be; although, the main purpose was an amenity for hotel guests.

In response to an inquiry, Mr. Knight advised that the use by exception would run with the applicant if not specified by the board to run with the property.

MOTION

Mr. Leary moved to approve the application with the condition that the owners abide by the 10:00 p.m. closing time and the exception shall run with the land. Ms. Long seconded.

Nancy Cloud, 60 Marine Street, property owner of the Casa Blanca Inn, was sworn in. She advised that the bar would be closed to the public at 10:00

p.m., but guests would utilize the area until 11:00 p.m.

Mr. Leary pointed out that it would not be allowed under the current motion by the board.

Ms. Cloud advised that other B & B Inns in the vicinity allowed wine and sherry to be purchased and served to hotel guests after 10:00 p.m.

Ms. Long pointed out that a difference existed between serving a drink to a guest and selling a drink.

**MOTION CARRIED UNANIMOUSLY
WITH MR. VALDES RECUSING
HIMSELF**

*The board returned to Item 4(b).

4. VARIANCES

Item 4(a) 2006-0845

Stephanie Funk

121 Washington Street

**To reduce the required side and rear
yard building setbacks for a
guesthouse.**

Ms. Horvath noted that the property owners' representative had requested tabling, because he was not able to provide the requested information the board mentioned at the September meeting due to recent surgery.

Ms. Horvath opened the hearing to public comment.

Carla Wright, 410 Arredondo Avenue, was sworn in. She said she remained opposed to the request because it would negatively impact her property that was currently rented to a good tenant. She stated that the proposed structure was too tall for the area.

Ms. Horvath closed the public hearing.

Mr. Blow pointed out that the property owner was out of the country and would not be returning soon, and he would like to speak with the property owner prior to making a decision. He noted that if the board tabled the application again, Ms. Wright would need to make a third trip to the meeting.

Mr. Valdes stated that Ms. Funk was in Africa, with the Peace Corps, and would not be returning to the States for approximately one year.

Mr. Blow said, if that was the case, Ms. Funk would not be occupying the property. He stated that it appeared that the property was for rent; therefore, the board should wait until Ms. Funk returned to the States.

Ms. Freeman suggested that the board give Ms. Funk's representative an opportunity to address the board.

Mr. Blow reiterated his concern with the application.

Ms. Horvath acknowledged that, under the circumstances, hiring Mr. Santoriello as representative to handle matters for Ms. Funk was appropriate.

PZB WRITTEN RESPONSE FORM

Meeting Date: **October 3, 2006**

Item on Agenda: **3(b)**

Property Address: **24 Avenida Menendez**

Applicant's Name: **Don Crichlow**

BDAC File Number: **2006-0919**

Total Number Sent: 15

1 In Favor

1 Opposed

3 Had Comments

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing by the Planning and Zoning Board to be held at 2:00 P.M., Tuesday, October 3, 2006 in the Alcazar Room, City Hall, St. Augustine, Florida, at which time comments are invited on the following:

APPLICATION TO ALLOW A BAR AS A PERMISSIBLE USE BY EXCEPTION ON PROPERTY LOCATED AT 24 AVENIDA MENENDEZ City of St. Augustine Subdivision East 118 Feet of Lot 2 and East 118 of North 4.5 Feet of Lot 3 Block 3, Parcel Identification Number 196310-0020.

APPLICANT'S NAME: **Don Crichlow #2006-0919**

SURROUNDING PROPERTY OWNER

RESPONSE FORM

☒ IN FAVOR OF APPLICATION

☐ OPPOSED TO APPLICATION

COMMENTS:

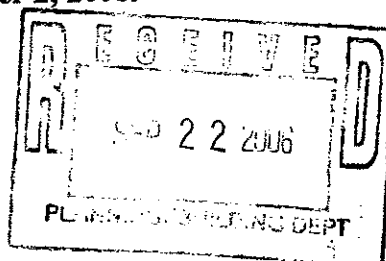
William T. Baker, Jr.
NAME (please print)

William T. Baker
SIGNATURE

36 TREASURY ST.
PROPERTY ADDRESS

To obtain additional information regarding this application, contact the Planning and Building Department at 825-1060 (Extension 504). Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, P.O. Box 210, St. Augustine, FL 32085-0210, no later than **Monday, October 2, 2006.**

(RE: 24 Avenida Menendez, #2006-0919)



LEGAL NOTICE

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APPLICANT'S NAME: **Don Crichlow #2006-0919**

SURROUNDING PROPERTY OWNER

RESPONSE FORM

 IN FAVOR OF APPLICATION

 X OPPOSED TO APPLICATION

COMMENTS:

No Thank you! We have enough in the neighborhood now. Come visit any Friday or Saturday night between 10 PM and 4 AM

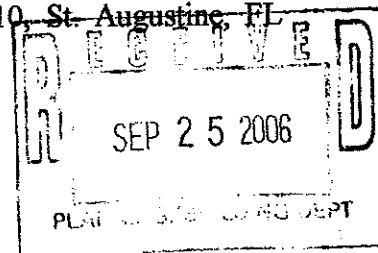
Denis M Cunningham
NAME (please print)

[Signature]
SIGNATURE

54 Charlotte ST
PROPERTY ADDRESS

To obtain additional information regarding this application, contact the Planning and Building Department at 825-1060 (Extension 504). Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, P.O. Box 210, St. Augustine, FL 32085-0210, no later than **Monday, October 2, 2006.**

(RE: 24 Avenida Menendez, #2006-0919)



RECEIVED
OCT 02 2006
Planning / Building Dept.

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APPLICANT'S NAME: Don Crichlow #2006-0919

SURROUNDING PROPERTY OWNER

RESPONSE FORM

 IN FAVOR OF APPLICATION OPPOSED TO APPLICATION

Support is conditional

COMMENTS:

see attached letter

George R. Dann

NAME (please print)

George R. Dann

SIGNATURE

22 Avenida Menendez

PROPERTY ADDRESS

To obtain additional information regarding this application, contact the Planning and Building Department at 825-1060 (Extension 504). Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, P.O. Box 210, St. Augustine, FL 32085-0210, no later than **Monday, October 2, 2006.**

(RE: 24 Avenida Menendez, #2006-0919)

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

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APPLICANT'S NAME: **Don Crichlow #2006-0919**

SURROUNDING PROPERTY OWNER

RESPONSE FORM

____ IN FAVOR OF APPLICATION

____ OPPOSED TO APPLICATION

COMMENTS:

Conditional Support
See attached letter

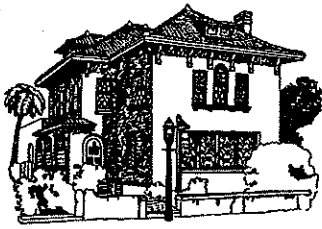
M. Lynne Fairfield
NAME (please print)

M. Lynne Fairfield
SIGNATURE

Inn on Charlotte
PROPERTY ADDRESS

To obtain additional information regarding this application, contact the Planning and Building Department at 825-1060 (Extension 504). Please mail or deliver this response form to the Planning and Building Department, City of St. Augustine, P.O. Box 210, St. Augustine, FL 32085-0210, no later than **Monday, October 2, 2006.**

(RE: 24 Avenida Menendez, #2006-0919)



Casa DE LA Paz
22 Avenida Menendez, St. Augustine, Florida 32084
(904) 829-2915 • (800) 929-2915

RECEIVED

OCT 02 2006

October 2, 2006

Planning and Building Department
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085-0210

Planning / Building Dept.

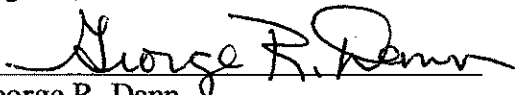
Re: Application to allow a bar as a permissible use by exception on property (Casablanca Inn) located at 24 Avenida Menendez.

This letter is intended to notify The Board that support of, or opposition to, this application is entirely conditional. Having spoken with the owners of the surrounding hospitality properties, I can say that the noise pollution resulting from a bar, frequented by the public, whose patrons loudly pour out on Charlotte Street and Avenida Menendez at a late hour, would be detrimental to the experience our guests expect when they come to St. Augustine.

Approximately five years ago a similar issue existed when the bar at the Tavern On The Bay was open until 1:00 am. The previous owners of the Casablanca Inn and the Casa de la Paz Bed & Breakfast complained constantly to Robert Nofal, the owner of the bar, about the loud noise of intoxicated patrons still on the streets at 1:00 am. Mr. Nofal's solution to the problem was to close the bar at 10:00 pm. This satisfied the inn owners, and to this day, The Tavern On The Bay does not serve alcohol after 10:00 pm. Mr. Nofal has indicated to me, that if the Casablanca Inn is permitted to have their bar serve alcohol past 10:00 pm, that he will follow suit. This will only cause problems for all of us.

With regard to the application; As long as the Planning and Zoning Board stipulates, in their documented approval, that the Casablanca Inn MUST close the bar and turn off the music no later than 10:00 pm, We have no objection to approval of the application.

Regards,


George R. Dann
Owner, Casa de la Paz Bed & Breakfast
22 Avenida Menendez
St. Augustine, FL 32084


Lynne Fairfield
Owner, The Inn on Charlotte
52 Charlotte Street
St. Augustine, FL 32084

Attachment 3

City Utilities Correspondence regarding Flow Based fee
designations

Patrick Doty

From: Don Crichlow <crichlow@comcast.net>
Sent: Friday, July 24, 2020 11:18 AM
To: Patrick Doty
Subject: Tini Martini at Casablanca Inn on the Bay

Patrick, attached is email from Bobbie Jo Manning regarding seating at Casablanca Inn on the Bay (Tini Martini). If you need anything else please let me know. Don

-----Original Message-----

From: Bobbie-Jo Manning [mailto:bmanning@citystaug.com]
Sent: Thursday, July 09, 2020 12:35 PM
To: Don Crichlow
Cc: Patrick Doty; Daniel Borrer
Subject: RE: Tini Martini

Don,

As I recall, at the time the restaurant was proposed at 24 Avenida Menendez, Public Works required that the flow capacity reservation for all seats be brought up to the highest use - restaurant. With these hybrid situations, where there is no practical way to distinguish or separate one use from another, Public Works charges flow for the highest use. This is solely for the purpose of assessing flow, and does not have any bearing whatsoever on the business operation or other codes, rules and laws.

There are many hybrid businesses where this is the case. For the couple you mentioned, Public Works does not have any electronic flow-based fee records for Harry's. There may be paper records someplace, but I have no knowledge if that is the case. For Meehan's, Public Works records show that all 170 seats (both on the Avenida Menendez side and the Charlotte Street side) were paid as restaurant seats.

I only have first-hand knowledge of businesses I've been involved with since employment with the City (in the fall of 2010). There may be cases where Public Works allowed hybrid uses to be paid for individually (in other words, X number of bar seats plus X number of restaurant seats at the same establishment). Below are a few examples that may be relatable to 24 Avenida Menendez.

Public Works records show 150 restaurant seats for Ocean Avenue/Mardi Gras Sports Bar at 123 San Marco Ave.
Prohibition Kitchen at 119 St. George Street has 212 restaurant seats, per Public Works records.
Public Works shows 70 restaurant seats for The Chatsworth Pub (formerly JP Henley's) at 10 Marine Street.
Sangrias at 35 Hypolita has 75 restaurant seats, per Public Works records.
Public Works shows 151 restaurant seats for Scarlets at 70 Hypolita.

Kind regards,

Bobbie-Jo Manning
Manager, Development & Management Support - Public Works Department
E: bmanning@citystaug.com | O: 904.209.4275 | W:
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.CityStAug.com&c=E,1,k61JP12280BNHVZp2gZKHqE00JF3ExfOTvUprS1DYalVXX6HgqvpM2nh6Y6Mvcu-HLj57YHCN1aISa72HOY2HFdOV7jrU_u0VKsooOybLdIVqzqvpJsslcwf&typo=1

City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

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.

-----Original Message-----

From: Don Crichlow <crichlow@comcast.net>
Sent: Thursday, July 9, 2020 9:13 AM
To: Bobbie-Jo Manning <bmanning@citystaug.com>
Subject: RE: Tini Martini

Bobbie Jo,

Thanks for the information. So as I understand it, in 2015 when all seats were converted to "restaurant" seats this was required by the City in order to assess the "highest use" at the property. This then was not a request by the Owner but mandated by the City. Correct? So places like Harry's or Meehan's only have restaurant seats and no bar seats as far as the City is concerned?

Don

-----Original Message-----

From: Bobbie-Jo Manning [mailto:bmanning@citystaug.com]
Sent: Wednesday, July 08, 2020 10:23 AM
To: 'Don Crichlow (crichlow@comcast.net)'
Cc: Daniel Borrer
Subject: Tini Martini

Hello Don,

I hope this helps clarify. Please see attached and below. When a business owner asks to operate a full-service restaurant, the flow for that use (in gallons per day per City Code) is usually well over and above other uses at that property, such as "bar" seats, as in Tini Martini's case. Unless there is a separate building where the proposed restaurant will be isolated from other uses, Public Works will seek to bring all seats up to full-service restaurant status. We do not consider the form or function of a seat or table - We are simply treating all seats, within one space, the same, for the purpose of assessing flow. Our job is to assess the "highest use" at a property.

On occasion, the way that Public Works assesses the flow rate for a business may differ on paper from various licensing the business obtains. The language and business classifications in the section of City Code we follow for flow rates doesn't always align perfectly with other sections of City and State codes.

In summary, Public Works has charged Tini Martini for full-service restaurant seats, because it operates as such, part of the day. That does not have any bearing on other operations, such as also being a bar. Full-service restaurant is simply the highest use at this property. It does not preclude the space from also operating as a bar.

Please let me know if there are any other questions. I'd be glad to discuss by phone, online, or in person. Thanks so much.

Kind regards,

Bobbie-Jo Manning

Manager, Development & Management Support - Public Works Department

E: bmannings@citystaug.com | O: 904.209.4275

| W:

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City of St. Augustine

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From: Bobbie-Jo Manning

Sent: Tuesday, July 7, 2020 1:09 PM

To: Karen Zander <karen@97park.com>

Cc: Daniel Borrer <dborrer@citystaug.com>

Subject: RE: **Urgent**

Hi Karen,

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Kind regards,

Bobbie-Jo Manning

Manager, Development & Management Support - Public Works Department

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<bmanning@citystaug.com<mailto:bmanning@citystaug.com>>

Subject: **Urgent**

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Our meeting starts at 2:00. So sorry I'm hitting you with this last minute.... it's a lot for me to weed through.

Thank you,

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Broker/Owner

Residential / Commercial Real Estate

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Email Karen@97Park.com<mailto:Karen@97Park.com>

Mobile +1 904-673-4764

Office +1 904-297-3471

Web

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.97Park.com&c=E,1,fH1vH0-4j4gwJAbYwNn8jBjW6RPFHuTXjVMZYg2pUXsao3LbZXUz-sEuAErB7_yJ6CKJ-yjyZnpBvIS

Patrick Doty

From: Don Crichlow <crichlow@comcast.net>
Sent: Friday, July 24, 2020 11:20 AM
To: Patrick Doty
Subject: Casablanca Inn on the Bay (Tini Martini)
Attachments: image001.png; image002.png; image005.png; image006.png; image007.png; image008.jpg; image009.jpg; A19 Avenida Menendez 24 - Convert to Restaurant.pdf; 24 Avenida Menendez restaurant conversion MSG 2015-02-02.pdf

Patrick, more info from Public Works. Don

-----Original Message-----

From: Bobbie-Jo Manning [mailto:bmanning@citystaug.com]
Sent: Wednesday, July 08, 2020 10:23 AM
To: 'Don Crichlow (crichlow@comcast.net)'
Cc: Daniel Borrer
Subject: Tini Martini

Hello Don,

I hope this helps clarify. Please see attached and below. When a business owner asks to operate a full-service restaurant, the flow for that use (in gallons per day per City Code) is usually well over and above other uses at that property, such as "bar" seats, as in Tini Martini's case. Unless there is a separate building where the proposed restaurant will be isolated from other uses, Public Works will seek to bring all seats up to full-service restaurant status. We do not consider the form or function of a seat or table - We are simply treating all seats, within one space, the same, for the purpose of assessing flow. Our job is to assess the "highest use" at a property.

On occasion, the way that Public Works assesses the flow rate for a business may differ on paper from various licensing the business obtains. The language and business classifications in the section of City Code we follow for flow rates doesn't always align perfectly with other sections of City and State codes.

In summary, Public Works has charged Tini Martini for full-service restaurant seats, because it operates as such, part of the day. That does not have any bearing on other operations, such as also being a bar. Full-service restaurant is simply the highest use at this property. It does not preclude the space from also operating as a bar.

Please let me know if there are any other questions. I'd be glad to discuss by phone, online, or in person. Thanks so much.

Kind regards,

Bobbie-Jo Manning
Manager, Development & Management Support - Public Works Department
E: bmanning@citystaug.com<mailto:bmanning@citystaug.com> | O: 904.209.4275
| W:
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Email Karen@97Park.com<<mailto:Karen@97Park.com>>

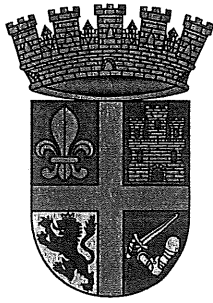
Mobile +1 904-673-4764

Office +1 904-297-3471

Web

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1565 - 2015
450 years

City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Public Works

February 2, 2015

Ms. Nancy Cloud
60 Marine Street
St. Augustine, Florida 32084

RE: 24 Avenida Menendez - Restaurant Conversion

Dear Ms. Cloud:

In our recent meeting you advised the City that the existing seats at the subject property were being converted to restaurant seats. The purpose of this letter is to inform you of the City of St. Augustine requirements for change in use of the property and its impact.

The City records indicate that the subject property currently retains 24 bar seats and 48 bed and breakfast seats, for a total of 72 seats, equal to 2,160 GPD (gallons per day) per City code. The conversion of these seats to full-service restaurant seats has a net impact to the utility services of 1,440 GPD per City Code, and will require payment of flow-based fees in the amount of \$16,977.60.

For your convenience, enclosed is a Request for Letter of Availability form that needs to be completed and returned to the City so that we can move forward with the next step in acquiring City approval for your restaurant business.

In addition to the above, the Planning & Building Department needs a Change of Use form completed; and additional requirements may need to be met by the Department prior to opening. Please contact Mr. Birchim to confirm those requirements.

Thank you for your attention to this matter and if you should have any questions please contact Bobbi-Jo Manning at 904-825-1040.

Sincerely,

Martha S. Graham, P. E.
Public Works Director

MSG: bjm

XC: John P. Regan, P. E., City Manager
David D. Birchim, Director, Planning and Building Department
Bobbie-Jo Manning, Manager, Development & Management Support
file

City of St. Augustine
Utility Commitment

CITY

Pump Station 0

PROJECT ADDRESS	24 AVENIDA MENENDEZ		
POINT OF CONTACT	Nancy Cloud	PHONE	904-315-1904
LOT NUMBER	PARCEL NUMBER: 196310-0020		
USE	EXISTING BED & BREAKFAST/INN; CONVERT TO 72 SEATS FULL-SERVICE RESTAURANT		
CONNECTION CHARGES ONLY; UTILITY ACCT # 07750			

LETTER OF AVAILABILITY DATED

November 20, 2014

UTILITY SERVICES

FLOW PER CITY CODE (GPD)

INSPECTIONS

TAPS

FLOW BASED FEES

OTHER CONSTRUCTION CHARGES

FORCEMAIN OVERLAY SURCHARGE

RESTORATION

PERMITS

SUBTOTAL

WATER

1,440

\$0.00

\$0.00

\$7,344.00

\$0.00

\$0.00

\$0.00

\$7,344.00

SEWER

1,440

\$0.00

\$0.00

\$9,633.60

\$0.00

\$0.00

\$0.00

\$9,633.60

SERVICE TO BE PROVIDED WITHIN

REVENUE
ACCOUNT AMOUNT

401343-34335 \$0.00

401343-34336 \$7,344.00

401343-34355 \$0.00

401343-34356 \$9,633.60

401343-34353 \$0.00

401369-36990 \$0.00

TOTAL \$16,977.60

DATE PAID BELOW

February 10, 2015

Materials Ordered _____

To T&D Division (date) _____

Field Work Completed _____

Locate Ticket # _____

Field Drawings Made _____

Set Meter / Device _____

SERVICE LOCATION:

Per Plans

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020 (continued July 7, 2020)

RE: **USE BY EXCEPTION #2020-0062**

AGENDA ITEM 5(b)

APPLICANT Christopher Gugel

OWNER Gregory Dettra

LOCATION 213 W. King St / PIN 119860-0010

REQUEST To approve a use by an exception for light manufacturing for a winery and off-site parking within Commercial, medium-two (CM-2) zoning district. Or a variance to eliminate the required onsite parking.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-two (CM-2)

SURROUNDING USES Retail, Brewery, Multi-Family, Single Family.

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.

General Zoning Standards:

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

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

(3) *Permissible uses by exception.*

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

STAFF SUMMARY AND ANALYSIS – Use by Exception – Light Manufacturing

The applicant is requesting a use by exception to allow for light manufacturing for a winery within an existing building. In the case of an existing, nonconforming building, some existing site conditions are “grandfathered”. Regarding the on-site parking, per LDC Sec. 28-368(h), when there is a change of use the parking requirement is the net difference between the previous use theoretical requirement and the new proposed use requirement. The building is currently retail/business type use (1 space per 300 sf). A winery use (1 space per 450 square feet) is an overall reduction in the parking needs and would be grandfathered in given the existing building and the resulting site constraints. The proposed use is to be located within the King Street Entry Corridor and will require review of any exterior changes to the building.

Staff finds that the proposed use is consistent with the existing commercial uses in the area, provide a benefit of bringing a new business to the City, and is located within an established commercial corridor along West King Street that will promote the prosperity of this area.

UPDATE: At the July hearing, the Board determine that the use is both light manufacturing as well as a bar, therefore additional parking is required for the proposed use. The applicant is proposing six (6) seats for the bar at this time, which would require two spaces, and 500 square feet of the building will be designated to the light manufacturing use for a winery would require two (2) parking spaces. An updated site plan has been provided under attachment 2. The application would require 4 parking spaces under its proposed configuration, which is one (1) more space than available onsite.

Due to the shortage of on-site parking and lack of viable off-site parking within the area, the application is also requesting a variance to on-site parking (review below).

STAFF SUMMARY AND ANALYSIS – *Variance to on-site parking requirements.*

The applicant seeks to eliminate the additional required on-site parking for the property beyond the existing, three (3) non-conforming parking spaces onsite. In particular, the applicant is proposing the following:

Requested Change to:	Code	Existing	Proposed
On-site Parking	4 spaces	3 spaces	3 spaces

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 site is developed with a structure that was constructed in 1915, prior to any city zoning code or parking requirements, in a manner that limits the ability to provide on-site parking.

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

The applicant does have difficulties in making reasonable use of their property without granting this variance as the existing site constraints limit the onsite parking and therefore limit the potential uses.

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

The configuration and size of the existing structure were established well before the current property owner requested to establish the proposed use.

- 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, the request may result in adverse effects to other properties in the vicinity in that it would approve a use without sufficient on-site parking, however, the site has been in this configuration since construction and the building has not provided parking in excess of that on site for previous uses. The request is in harmony with this section as there is a singular disadvantage of the property in that the lot is an irregular building configuration and parking lot.

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 light manufacturing at **213 W. King St / PIN 119860-0010**.

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 eliminate the additional on-site parking requirement at **213 W. King St / PIN 119860-0010**.

Attachments

Attachment 1 – Application & Property Record Card

Attachment 2 – Updated Site plan & Narrative

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

Attachment 1

Application & Property Record Card



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

By Patrick Doty at 7:59 am, Jun 08, 2020

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

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Christopher Gugel Contact Number: 904-868-1412
 Business (if applicable): Maestro Winery, LLC
 Address: 213 W King St City: St Augustine State: FL Zip: 32084
 E-Mail Address: gugelcm@gmail.com

2. NAME OF PROPERTY OWNER: Gregory Dettra Contact Number: 904-540-0009
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: gdettra@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1-43 BRAVO PARK Block: _____
 Subdivision: N41.24FT OF 110 F ST Parcel Number: _____

4. PROJECT STREET ADDRESS: 213 W King St

5. SPECIFIC PROPOSED USE: Winery

6. ACTION REQUESTED:

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

7. DESCRIPTION OF ACTION REQUESTED: I am requesting an exception
to conduct light manufacturing as part of the
winery.

8. JUSTIFICATION FOR ACTION REQUESTED: A winery requires retail
and light manufacturing on premises. The zoning at
this location already allows for the retail needed. However,
the light manufacturing requires an exception. The
light manufacturing component allows me to produce the
wine for the winery.

04/18/2019

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 size of the building structure in relation to the lot size, and the proximity of the building to the road, do not allow for additional parking to be created.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Yes, with this issue related to parking, the property, which has three noncompliant spots already, cannot be altered to accommodate more parking on site.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: These conditions were created long before the owner or applicant began work at the property; the issue stems from the construction/placement of the building structure.
- (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: Parking in St. Augustine is an issue in other parts of town. At this property, a small public lot is directly across the street. Between the current 3 spaces and the nearby public lot and considering the parking issue in town, this variance should not be contrary to the public interest or to other parking related issues already addressed by the city.

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.

July 7, 2020: continued to August 4, 2020 meeting

11. AGREEMENT:

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

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

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

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

Chie
Signature of Applicant

7/29/20
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: _____

(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.

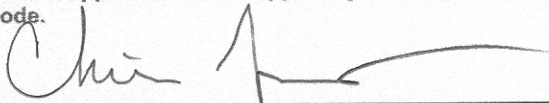
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In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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.

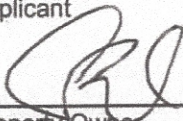
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided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

6/3/2020

Date



Signature of Property Owner

6/3/2020

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.

Christopher Gugel

Print name of applicant

Chris Gugel

Signature of applicant

6/3/2020

Date



Owner's Authorization For Agent

Christopher Gugel is/are hereby authorized TO ACT ON BEHALF
OF Gregory Dettora, 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:
213 W King St

BY: [Signature]
Signature of Owner
Gregory Dettora
Print Name of Owner
904-540-0069
Telephone Number

State of Florida
County of St. Johns

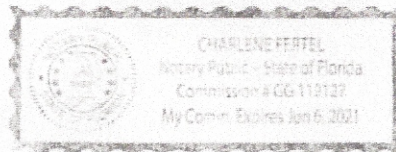
Signed and sworn before me on this 4 day of June, 2020
By Gregory Dettora

Identification verified:

Oath sworn: X Yes No

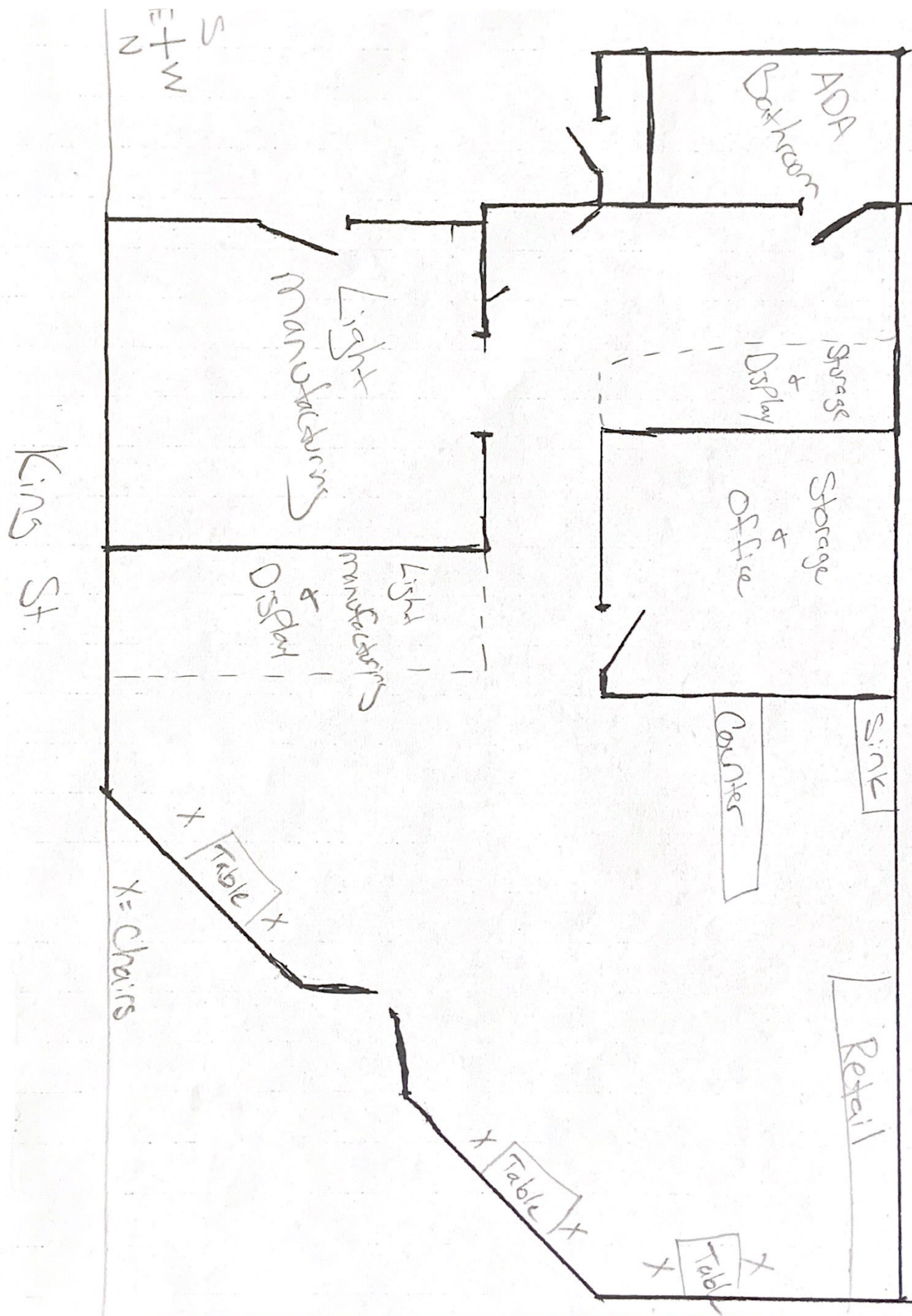
Notary Signature: _____

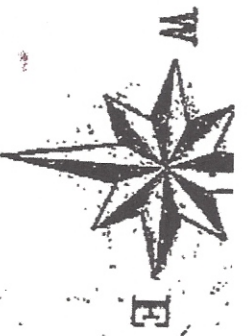
My Commission expires: _____



Attachment 2

Site Plan & Narrative





WEST KING STREET

40' R/W - PAVED

EDGE OF PAVEMENT

CONCRETE

BACK OF CURB

① N 86°00'00" E (M) 93.51'(M)

CONCRETE

SIGN

CONCRETE

EAVES

CONC.

2.42'

CONCRETE

5.40'

14.6'

1.3'

4.7'

6.1'

12.1'

EAVES

A/C

EDGE OF PAVEMENT

2.7'

WOOD FENCE

S 86°00'00" W (M)

6' WOOD FENCE

3.87'

47.07'

94.14'(M)

6' CHAIN LINK FENCE

ON LINE

N 05°18'49" W (M)
41.24'(R)(M)

CURB

EDGE OF PAVEMENT

Maestro Winery Operations Document

Document Purpose

The purpose of this document is to accompany the Maestro Winery, LLC Planning and Zoning Board Application to the City of St. Augustine. This document is designed to address questions and concerns from the Friday Review Public Works Comments. This document covers topics such as: the wine making process, the tasting room operations, cleaning of equipment, waste disposal, and a list of all winery equipment and cleaning agents.

Winery Overview

Maestro Winery is a boutique winery offering wines made from Florida fruit and grapes as well as some more traditional wines (*vitis vinifera*). Wine ingredients are all ordered in (not grown on site) and are locally sourced when possible. The wine is fermented and bottled on site and then sold on site through the tasting room.

The Wine Making Process

The wine making process includes fermentation, aging, finishing, and bottling. All steps of this process will take place at the winery.

The fermentation process is the first step. Ingredients are ordered for each wine and then placed into fermenting barrels to start the process. Some wines require nothing more than grapes; however, some wines, such as FL fruit wines and some muscadine wines, require the addition of water, sugar, and sometimes other ingredients such as food grade citric acid. If the fruit being used is whole fruit, it may be crushed and/or pressed to help extract more juice from the fruit. Once all ingredients are combined in the fermenting barrels, yeast is added to officially start fermentation. The wine will ferment for around 1 to 2 weeks or until the yeast has finished converting sugar to alcohol.

Once the wine is done fermenting, it is transferred to a clean barrel or vat and left to age. The wine is transferred from the fermenter to the secondary container by a small transfer pump. Depending on the volume of wine, it may be placed in glass carboys or a larger vat. The wine is left to age for 2 or more months (depending on the wine and its taste profile). While aging, the wine is occasionally racked into a clean secondary container as small fruit particles fall out of the aging wine and sink to the bottom of the secondary container.

When the wine has aged for its appropriate amount of time, it is then finished prior to bottling. The finishing process depends entirely on the wine's desired style and sweetness. Some wines require no adjustments in the finishing process. Others require any or all of the following: filtering to remove any small fruit particles from the wine, aging on oak for flavor profile, the addition of sugar post-fermentation (this makes the wine sweeter), blending two or more wines to create a new, unique wine.

Once the wine has been finished, it is bottled for sale. Bottles are ordered along with the wine ingredients. All bottles are rinsed with water and then sanitized (see table of chemicals used). The wine is transferred into the bottles using a small wine pump. Corks are then inserted using a small corking machine (powered by a small, 5 gallon air compressor), and foil shrink wraps are placed on the top of the bottles as part of the finished product look. Labels are hand applied using a manual label roller.

Tasting Room Operations

Maestro Winery is currently licensed with the Federal TTB and the State of FL for wine manufacturing. As part of the FL wine manufacturing license, a tasting room is permitted to sell our products. The tasting room must be a part of the manufacturing facility/building.

The tasting room will offer guests the chance to sample select wines, purchase wine by the glass or bottle for on site consumption, and purchase sealed wine bottles for off site consumption. All of these are standard practices at wineries across the state and country.

Tastings will be conducted in the manner that most boutique wineries follow: guests come in and will be able to follow a self-tasting plan. Guests will be able to select certain wines to taste small, 0.5-1oz samples. Most tastings last around 2-10 mins when conducted in this manner. Group tastings will be utilized if multiple guests would like a tasting at the same time. Group tastings will serve 0.5-1oz samples and will walk through select wines only (guests will not be able to select wines in a group setting). Most tastings will occur in groups of 1-4 people. Occasionally, groups will be as large as 10 people. Any more than 10, and the group will be split up to ensure all guests get the full tasting experience. For all of these tastings, wine glasses will be used whenever possible. If health concerns or the size of the group prohibit glassware, then disposable stemware will be used. Water usage in the tasting room will be from cleaning wine glasses and utensils and serving water to guests.

Winery Parking

*Information taken from discussion with Mr. Doty, Senior Planner for St. Augustine

Taking the setup of the winery and previous use of the location into consideration, 213 W King St should qualify to be grandfathered in for parking purposes.

Maestro Winery Production Profile

Maestro Winery has had a little over one year of production of wine under its wine manufacturing license. All of the figures below reflect actual numbers during production of that wine.

*Volume of wine produced: 826.6 gallons of wine (or 4,133 bottles or 344.4 cases)

*Water used in the production of wine: 369.61 gallons (or around 1 gallon per day averaged over a year)

*Waste water produced (from cleaning): 175 gallons (or 0.48 gallons per day averaged over a year)

*Waste material produced (fruit material left over from fermentation and aging): 150 lbs (or 0.41 lbs per day averaged over a year).

Production at 213 W King St will be very similar to the numbers above. Wine production will be between 750-1,000 gallons per year (numbers determined by wine equipment capacity and amount of time required to produce a finished product).

Waste Removal

Waste material produced from the wine making process includes waste water and fruit debris. Fruit that does not break down during the fermenting process (fruit debris) is pressed to remove all liquid and then disposed of as dry waste material in the trash. Fruit debris that falls out of the wine during the aging process

is first strained/filtered to remove all liquid, and then disposed of as dry waste material (since alcohol is highly regulated, all debris-filled wine is filtered to collect all liquid for recording purposes and to make disposal of material easier since the debris left is then dry). All waste water produced through the wine making process comes from the cleaning of equipment (see list of chemicals for details on detergents that are used for cleaning). Waste water will be disposed of through a sink in the winery.

*No floor drain will be installed at this time. The size of the winery does not warrant a floor drain.

All cardboard boxes will be broken down prior to disposal. Recycling will be utilized when possible, including for glass (all glass bottles are rinsed and allowed to air dry prior to disposal).

Winery Equipment Cleaning

Cleaning equipment at the winery typically involves removal of fruit debris/solids and then using a cleaning agent (chemicals listed below) and water to wash out equipment. Debris is removed from vats by dumping the debris into a straining container to separate liquid from solids. Solids are disposed of through the trash and liquids are disposed of through a sink.

Wine Making Equipment

Item	Description	Power Usage
Wine Vats	Stainless steel wine vats used to hold wine during fermentation and/or aging. Four 500 L and one 750 L tank, all with variable lids to accommodate any wine amount up to capacity.	None
Glass Carboys	Multiple carboys at sizes 1, 3, 5, and 6 gallons. Used for very small batches of wine.	None
Fruit Press	Stand alone unit with water hose hookup. A water filled bladder running through the middle presses the juice from the fruit.	None
Fruit Crusher	24" H x 22.4" W X 52.4" L (sits on a stand)	110 volt
Pump	½ hp pump.	115 volt
Filter	23" H x 12" W x 23" L, 10 plate filter with attached pump	110 volt
Bottle Filler	Single bottle semi-automatic filler, tabletop unit	112 volt
Corker	9" W X 16" D X 34" H tabletop unit, powered by an air compressor. Inserts corks into bottle, single bottle per cycle	N/A
Air Compressor	5 gallon tank capacity, powers the corker	120 volt
Labeler	Tabletop unit, manual label applicator	None
Shrink cap tunnel	Tabletop unit, small heating coil shrinks caps around bottle necks	115 volt

List of Chemicals

Name	Description	Ingredients Disclosure	Material Safety Data Sheet
OxiClean	Oxygen based cleaner that is safe and effective to use on food grade items. This is used to clean all wine production equipment.	https://churchdwight.com/ingredient-disclosure/launder-fabric-care/40002383-oxi-versatile-stain-remover-fragrance-free.aspx	https://www.bism.org/Documents/State/Old%20SDS/OXYCLEAN.pdf
Star San	Standard wine and beer equipment sanitizer. A diluted solution is sprayed on equipment/tools and allowed to dry before use on the wine. This is used on all wine production equipment after it has been thoroughly cleaned with OxiClean first.	https://fivestarchemicals.com/media/ingredient/Five_Star_-_Star_San_-_Ingredients.pdf	https://www.jstrack.org/brewing/msds/starsan.pdf

Additional Information

* No changes will be made to the property's water supply connection and/or sewer service lateral.

The following items will be installed in the space (see site plan for specific location):

Item	Description	Link
3 Compartment Sink	Needed as a source of water, to clean winery tools and equipment, and to properly clean tasting room glasses.	https://www.webstaurantstore.com/steelton-54-18-gauge-stainless-steel-three-compartment-commercial-sink-with-2-drainboards-10-x-14-x-12-bowls/522CS31014LR.html
Grease Trap	Used to ensure any debris from waste water is captured and kept from going into the city system.	https://www.webstaurantstore.com/watts-wd-4-8-lb-grease-trap/320WD4.html
Hand Sink	Used to wash hands behind the tasting room bar.	https://www.webstaurantstore.com/regency-17-x-15-wall-mounted-hand-sink-for-gooseneck-faucet/600HS172H.html

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **USE BY EXCEPTION #2020-0063**

AGENDA ITEM 5(c)

APPLICANT Greg Lord Jr.

OWNER Jimmy Wells Long

LOCATION 303 S. Ponce De Leon Boulevard

REQUEST To approve a use by an exception for auto & boat sales within Commercial, medium-two (CM-2) zoning district.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium Two (CM-2)

SURROUNDING USES Hotel and business offices

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.

General Zoning Standards:

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

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

(3) *Permissible uses by exception.*

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

STAFF SUMMARY AND ANALYSIS

This property has a business tax receipt from 2006 for Jimmie Wells Auto Sales. There is currently a vacant trailer on the property that the applicant would like to use as a sales trailer. The hours of operation will be seven days a week 9:00am to 5:00pm. The applicant intends to sell new and used boats, golf carts, and automobiles.

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** a use by exception for auto & boat sales at **303 S. Ponce De Leon Boulevard**.

Attachments

Attachment 1 – Application & Property Record Card

Attachment 2 – Location Map & Site Plan

Tracey Mullins
Planner I
Planning and Building Department

Attachment 1

Application & Property Record Card



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

Received via email 06/08/20 AC

Application Fee: \$250 (plus advertising costs) Project Number: 2020-0063
 Receipt Number: 1877604 Meeting Date: July 7, 2020
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Greg B. Lord Jr Contact Number: 904-687-4747
 Business (if applicable): _____
 Address: 2501 N. Ponce De Leon Blvd City: St Augustine State: FL Zip: 32084
 E-Mail Address: Glord75@gmail.com

2. NAME OF PROPERTY OWNER: Timmy Wells Long Contact Number: 824-6174
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 21-29 Block: _____
 Subdivision: Wildwood park Parcel Number: 119300-0000

4. PROJECT STREET ADDRESS: 303 S. Ponce De Leon Blvd 32084

5. SPECIFIC PROPOSED USE: Auto Sales / Marine & Specialty auto sales

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

7. DESCRIPTION OF ACTION REQUESTED: _____
Allow the use for Auto & marine sales. No sell golf carts, boats & cars.

8. JUSTIFICATION FOR ACTION REQUESTED: The property was approved for this use from 1980 until 2012. When the owner died & it closed it converted back to the old use. We feel the use will be an improvement to the desolate property & a demand in our area. We don't plan on modifying the layout or improving ground at all, we can construct just clean up & make the property presentable.

8

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.

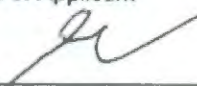
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Signature of Applicant

6/1/2020
Date


Signature of Property Owner

6-8-2020
Date



Owner's Authorization For Agent

Greg B. Lord Jr. _____ is/are hereby authorized TO ACT ON BEHALF
OF Jimmie D Wells Estate, the owner(s) of those lands described within
☐ the attached application, or ☐ described within the previously filed
Application number: 2020-0063, 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

George Wells, Successor Trustee

Print Name of Owner

904-824-6174

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 24th day of July, 2020.

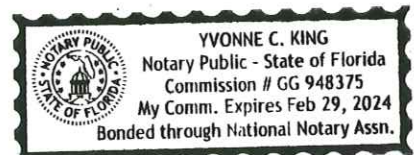
By George Wells

Identification verified:

Oath sworn: Personally Known Yes _____ No _____

Notary Signature: _____

My Commission expires: _____





**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.

George Wells

Print name of applicant

Signature of applicant

6-8-2020

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 1193200000
Location Address 303 S PONCE DE LEON BLVD
 SAINT AUGUSTINE 32084-0000
Neighborhood Auto Sales Countywide (COM) (647.7)
Tax Description* 3-15 WILDWOOD PARK LOTS 21 THRU 25 & 27(EX 52FT)& 28 & 29 BLK F OR1076/573 &1189/1231Q/C &1358/1161(Q/C)
**The Description above is not to be used on legal documents.*
Property Use Code Sales & Service (Automotive) (Owner Occupied) (2705)
Subdivision Wildwood Park, Plat Amending Blocks F &
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 1.040
Homestead N

Owner Information

Owner Name [Wells Jimmie D Sr Living Trust](#) 100%
Mailing Address 303 S PONCE DE LEON BLVD
 SAINT AUGUSTINE, FL 32084-4217

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$13,025
Total Land Value	\$679,185
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$692,210
Total Deferred	\$110,585
Assessed Value	\$581,625
Total Exemptions	\$0
Taxable Value	\$581,625

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	\$13,971	\$679,185	\$0	\$0	\$693,156	\$528,750	\$164,406	\$528,750
2018	\$0	\$9,086	\$679,185	\$0	\$0	\$688,271	\$480,682	\$207,589	\$480,682
2017	\$0	\$8,046	\$679,185	\$0	\$0	\$687,231	\$436,984	\$250,247	\$436,984
2016	\$0	\$8,931	\$679,185	\$0	\$0	\$688,116	\$397,258	\$290,858	\$397,258
2015	\$0	\$9,818	\$713,085	\$0	\$0	\$722,903	\$361,144	\$361,759	\$361,144
2014	\$0	\$8,114	\$439,736	\$0	\$0	\$447,850	\$328,313	\$119,537	\$328,313
2013	\$0	\$8,478	\$289,988	\$0	\$0	\$298,466	\$298,466	\$0	\$298,466
2012	\$0	\$8,843	\$289,988	\$0	\$0	\$298,831	\$298,831	\$0	\$298,831
2011	\$0	\$7,602	\$320,888	\$0	\$0	\$328,490	\$328,490	\$0	\$328,490
2010	\$0	\$7,703	\$356,542	\$0	\$0	\$364,245	\$364,245	\$0	\$364,245

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Metal Fence 6'	0	0	0	0	220
Concrete Paving (Commercial)	0	0	0	0	2034
Asphalt Paving	0	0	0	0	4420
Deck (Unattached)	0	0	0	0	220
Handicap Ramp	0	0	0	0	100

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Owner Occupied Sales & Service (Automotive)	0	0	45279	SF	\$679,185

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	5/29/1998	\$100.00	QC	1358	1161	U	I	WELLS JIMMIE D	WELLS JIMMIE D TRUSTEE
	7/8/1996	\$0.00	QC	1189	1231	U	V	CHEVRON USA INC (TERMINATING EASE)	WELLS JIMMIE D
	9/30/1994	\$130,000.00	WD	1076	573	U	V	CHEVRON USA INC	WELLS JIMMIE D

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.

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Version 2.3.62





Overview



Legend

- ☐ Parcels
- ☐ Roads
- ☐ Cities

Parcel ID	1193200000	Physical Address	303 S PONCE DE LEON BLVD	Building Value	N/A	Last 2 Sales Date	9/30/1994	Price	\$130000	Reason	11	Qual	U
Property Class	2705 - Owner Occupied Sales & Service (Automotive)	Mailing Address	SAINT AUGUSTINE WELLS JIMMIE D SR LIVING TRUST	Extra Feature Value	\$13,025		n/a	0		n/a		n/a	
Taxing District	City of St Augustine		303 S PONCE DE LEON BLVD	Total Land Value	\$679,185								
Acres	1.04		SAINT AUGUSTINE FL 32084-4217	Just Value	\$692,210								
				Total	\$110,585								
				Deferred Assessed Value	\$581,625								
				Total	N/A								
				Exemptions Taxable Value	\$581,625								

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: 6/8/2020

Last Data Uploaded: 6/6/2020 12:00:20 AM

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Attachment 2
Location Map & Site Plan

A satellite map of Sebastian, Florida, showing the Sebastian River on the right side. The map features several streets, including S Ponce de Leon Blvd, Lewis Blvd, Davis St, and Arenta St. Various businesses and landmarks are labeled, such as Pegasus Gallery Tattoo, The Cheese Wheel & Sandwich Board Takeout, Big Bear Den Jewelry & Pawn, Stay True Tattoo, Florida Cash, Golden Gate Funding, Ference Insurance, Baker Pest Control, Adam's Tires, Episcopal Children's Services, Unify Tattoo, The Parts House, Healing Waters Clinic & Herb Shop, Oasis Outdoors, Boomstick Motorbikes, Power Sports and..., Discount Nursery, and Hurricane Patty's. A red pin is placed on S Ponce de Leon Blvd near the intersection with Davis St. The Google logo is visible at the bottom center of the map.

Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 100 ft



St. Augustine, FL 32084



Directions



Save



Nearby



Send to your phone



Share

[illegible]

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **USE BY EXCEPTION – 2020-0077**

AGENDA ITEM 5(d)

APPLICANT & OWNER Nache Nielsen
c/o Coldwater Capital

LOCATION 520 S Ponce de Leon Blvd / Lot 12 - PIN 127400-0000

REQUEST To approve a use by exception for a parking lot & drive aisles within Residential, Single Family two (RS-2) zoning.

PLANS DATED May 2020

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-Two (CM-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:

(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.

- (1) *Permitted uses and structures.* Single-family dwellings; home office, private.
- (2) *Permitted accessory uses and structures.* See section 28-348.
- (3) *Permissible uses by exception.* See section 28-347; housing for the elderly; neighborhood recreation facility.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, fifty (50) feet.
 - b. Minimum lot area, one-eighth acre (5,450 square feet).
- (5) *Maximum lot coverage by all buildings:*
 - a. Thirty (30) percent.
- (6) *Minimum yard requirements.* All permitted or permissible uses and structures:
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
 - a. Thirty-five (35) feet.

Sec. 28-335. - Use of residentially zoned property for access.

No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

28-347(3) Supplementary regulations for certain uses – Parking Lots

1. For a use by exception for a parking lot in residentially zoned districts, per LDC Sec. 28-347(3), the following applies:
 - a. A six-foot solid masonry wall or fence shall be erected along all property lines adjunct to residentially zoned property.
 - b. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
 - c. There shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.
 - d. There shall be no sales or service activity of any kind on such lots.

- e. Vehicles prohibited from being parked in residential districts by section 28-336 shall not be permitted to be parked on such lot.
 - f. All parking lots shall be paved with erosion-resistant material in accordance with city specifications (see division 2 of this article).
-

STAFF SUMMARY AND ANALYSIS

The applicant seeks a use by exception for entrance lanes, a stormwater pond and employee parking on the RS-2 zoned parcel (lot 12), of the larger CM-2 zoned subject parcel (see graphic below). The site plan provided by the applicant indicates two (2) drive aisles accessed from the existing entrance to the property are proposed on the RS-2 parcel. The site plan indicates no parking lot to be located within the RS-2 parcel, only the stormwater pond and drive aisles. However, LDC Sec. 28-335, specifically states “No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned.”

- a. A six-foot solid masonry wall or fence shall be erected along all property lines adjunct to residentially zoned property.
Inspection of the site shows a 6' solid board fence along the property line between the CM-2 Zoned Parcels and the RS-2 Zoned parcels to the west.
- b. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
No lighting plan was provided.
- c. There shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.
The business has operating hours of 8 a.m. to 8 p.m. Monday through Saturday and 9 a.m. to 6 p.m. Sunday.
- d. There shall be no sales or service activity of any kind on such lots.
These drive aisles would be utilized for customers of the car wash, resulting in a sales/service on the residentially zoned property.
- e. Vehicles prohibited from being parked in residential districts by section 28-336 shall not be permitted to be parked on such lot.
So noted.
- f. All parking lots shall be paved with erosion-resistant material in accordance with city specifications (see division 2 of this article).
The drive aisles are proposed as concrete pavement.



Similar applications were heard by the Board: One, denied in 2016 and the other, an overturned approval by way of appeal to the City Commission is 2003 (minutes included as an attachment 2). The reason for the appeal approval by City Commission was listed as nonresidential encroachment into a residential area. Additionally, per LDC Sec. 28-335, “no land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned.” Staff does not find that the request meets or qualifies for a use by exception for a parking lot within RS-2 zoning as it would be utilized as drive aisles for a commercial business, as prohibited by City Code 28-335.

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 DENY the use by exception for a parking lot & drive aisles within Residential, Single Family two (RS-2) zoning at **520 S Ponce de Leon Blvd / Lot 12 - PIN 127400-0000**.

ATTACHMENTS

Attachment 1 – Application, Property Records & Site Plan

Attachment 2 – Previous Meeting Minutes – 2016 PZB, 2003 City Commission & 2003 PZB

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

Attachment 1

Application, Property Record & Site Plan



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JUN 15 2020

Application Fee: \$250 (plus advertising costs)

Project Number: 2020-0677 Planning / Building Dept.Receipt Number: 1882296Meeting Date: Aug. 4, 2020

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Nache Nielson Contact Number: (435)459-1551Business (if applicable): Coldwater CapitalAddress: 3135 1300 East City: Salt Lake City State: UT Zip: 84106E-Mail Address: nn@coldwatercap.com2. NAME OF PROPERTY OWNER: SAME Contact Number: _____

Business (if applicable): _____

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

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 12, 13, 14, 15, 23, 24, & 25 Block: ASubdivision: Andalucia Parque Parcel Number: 12740000004. PROJECT STREET ADDRESS: 520 S. Ponce De Leon Blvd.5. SPECIFIC PROPOSED USE: Carwash

6. ACTION REQUESTED:

☐ Conservation Zone Development☐ Appeal of Staff Determination☐ Exception☐ Land Use Plan Amendment☐ Variance☐ Rezoning☒ Other: Use by Exception7. DESCRIPTION OF ACTION REQUESTED: Addition of entrance lanes and employee parking spaces

8. JUSTIFICATION FOR ACTION REQUESTED:

Provides additional on-site vehicular stacking to alleviate vehicular backups into the existing public road, River Road. Also provides for enhanced vehicular circulation and much needed on-site employee parking

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: Limited room for expansion due to public r/w on three sides and zoning restriction on the other side.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Portion of the property currently not being used
- (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: Will not adversely affect other properties due to landscaped/fenced buffer.

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.

DocuSigned by:

Nache Nelson

6/4/2020

4FD22AA643B54D3...

Signature of Applicant

Date

DocuSigned by:

Nache Nelson

6/4/2020

4FD22AA643B54D3...

Signature of Property Owner

Date

04/18/2019



**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.

Nache Nielson

Print name of applicant

DocuSigned by:

Nache Nielson

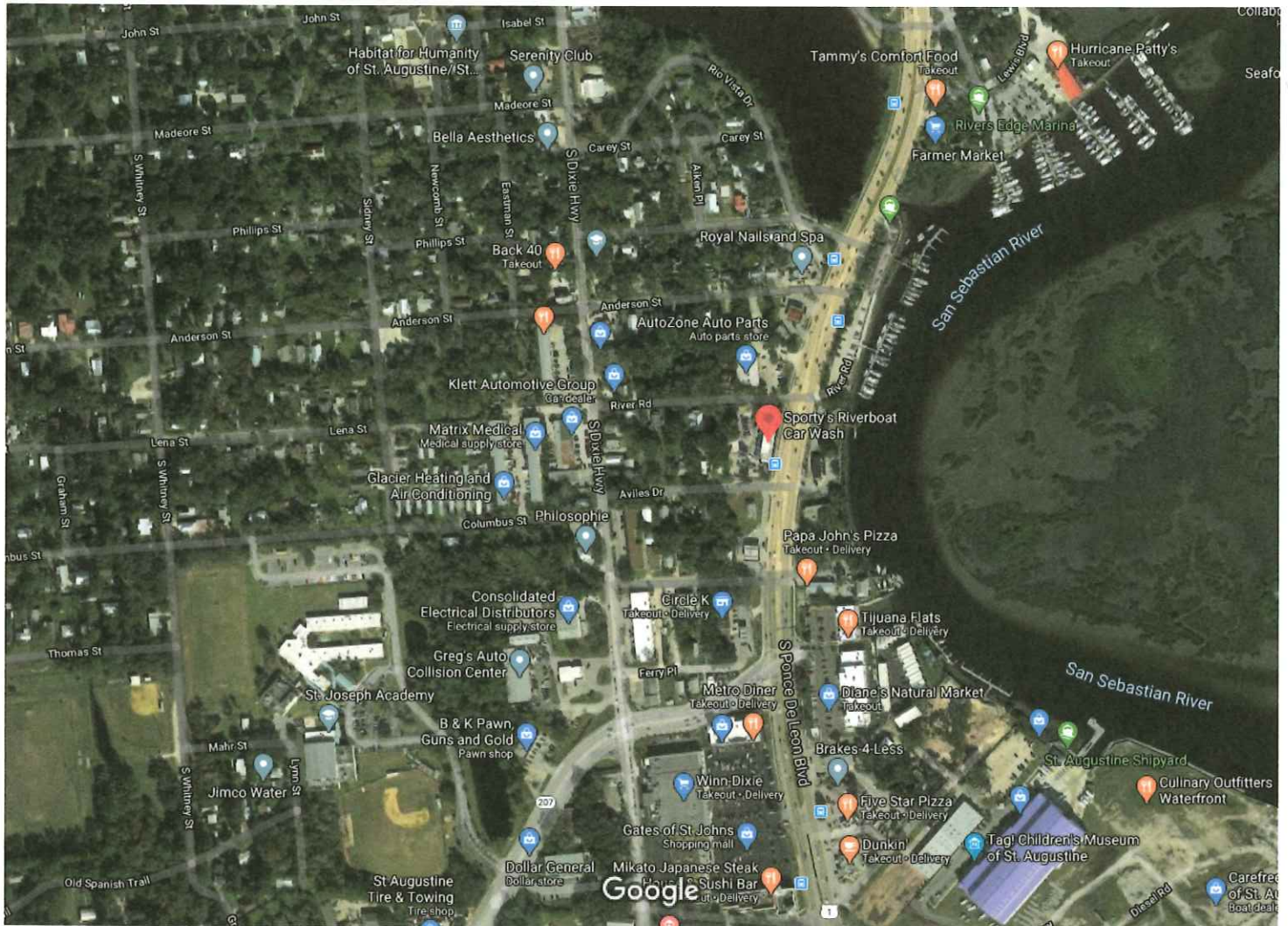
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Signature of applicant

6/4/2020

Date

Google Maps Sporty's Riverboat Car Wash



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 200 ft



Sporty's Riverboat Car Wash

4.0 ★ ★ ★ ★ (593)

Car wash





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 1274000000
Location Address 520 S PONCE DE LEON BLVD
 SAINT AUGUSTINE 32084-0000
Neighborhood Ponce Boulevard/US-1 South to SR-312 (COM) (681.02)
Tax Description* 3-14 ANDALUCIA PARQUE LOTS 12 13 14 15 23 24 25 & 26 BLK A (EX R/W SR5 IN DB247/610 DB248/114 & DB248/212) OR4705/778
**The Description above is not to be used on legal documents.*
Property Use Code Car Washes (2660)
Subdivision Andalusia Parque
Sec/Twp/Rng 39-7-30
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 0.960
Homestead N

Owner Information

Owner Name Coldwater-St Augustine Car Wash LLC 100%
Mailing Address 3135 S RICHMOND ST
 SALT LAKE CITY, UT 84106-0000

Map



Valuation Information

	2020
Building Value	\$877,445
Extra Features Value	\$115,984
Total Land Value	\$419,090
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,449,900
Total Deferred	\$0
Assessed Value	\$3,449,900
Total Exemptions	\$0
Taxable Value	\$3,449,900

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	\$285,404	\$110,947	\$419,090	\$0	\$0	\$3,449,900	\$845,204	\$2,604,696	\$845,204
2018	\$230,948	\$118,329	\$419,090	\$0	\$0	\$768,367	\$768,367	\$0	\$768,367
2017	\$283,397	\$123,071	\$335,272	\$0	\$0	\$741,740	\$741,740	\$0	\$741,740
2016	\$285,270	\$59,729	\$335,272	\$0	\$0	\$680,271	\$680,271	\$0	\$680,271
2015	\$288,405	\$65,508	\$314,318	\$0	\$0	\$668,231	\$668,231	\$0	\$668,231
2014	\$286,898	\$55,365	\$314,318	\$0	\$0	\$656,581	\$656,581	\$0	\$656,581
2013	\$289,983	\$60,296	\$314,318	\$0	\$0	\$664,597	\$664,597	\$0	\$664,597
2012	\$293,068	\$65,203	\$314,318	\$0	\$0	\$672,589	\$672,589	\$0	\$672,589
2011	\$296,153	\$70,133	\$356,226	\$0	\$0	\$722,512	\$722,512	\$0	\$722,512
2010	\$296,153	\$75,064	\$398,136	\$0	\$0	\$769,353	\$769,353	\$0	\$769,353

Building Information

Building 1
 Actual Area 8520
 Conditioned Area 6160
 Actual Year Built 2005
 Use Car Wash (Automatic-High)
 Style 04
 Class N
 Exterior Wall Wood

Roof Structure Flat
 Roof Cover Built Up
 Interior Flooring Concrete Finish
 Interior Wall Minimum
 Heating Type
 Heating Fuel
 Air Conditioning
 Baths

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Flat	100%
Roofing Cover	Built Up	100%
Interior Walls	Minimum	100%
Interior Flooring	Concrete Finish	100%
Frame	Wood Frame	100%
Plumbing	12 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	4400	4400
POINTER	0	0
FINISHED UPPER STORY	1760	1760
FINISHED OPEN PORCH	0	1660
FINISHED DECK	0	480
OUTSIDE STAIRS	0	150
FINISHED DECK	0	70
Total SqFt	6160	8520

Extra Feature Information

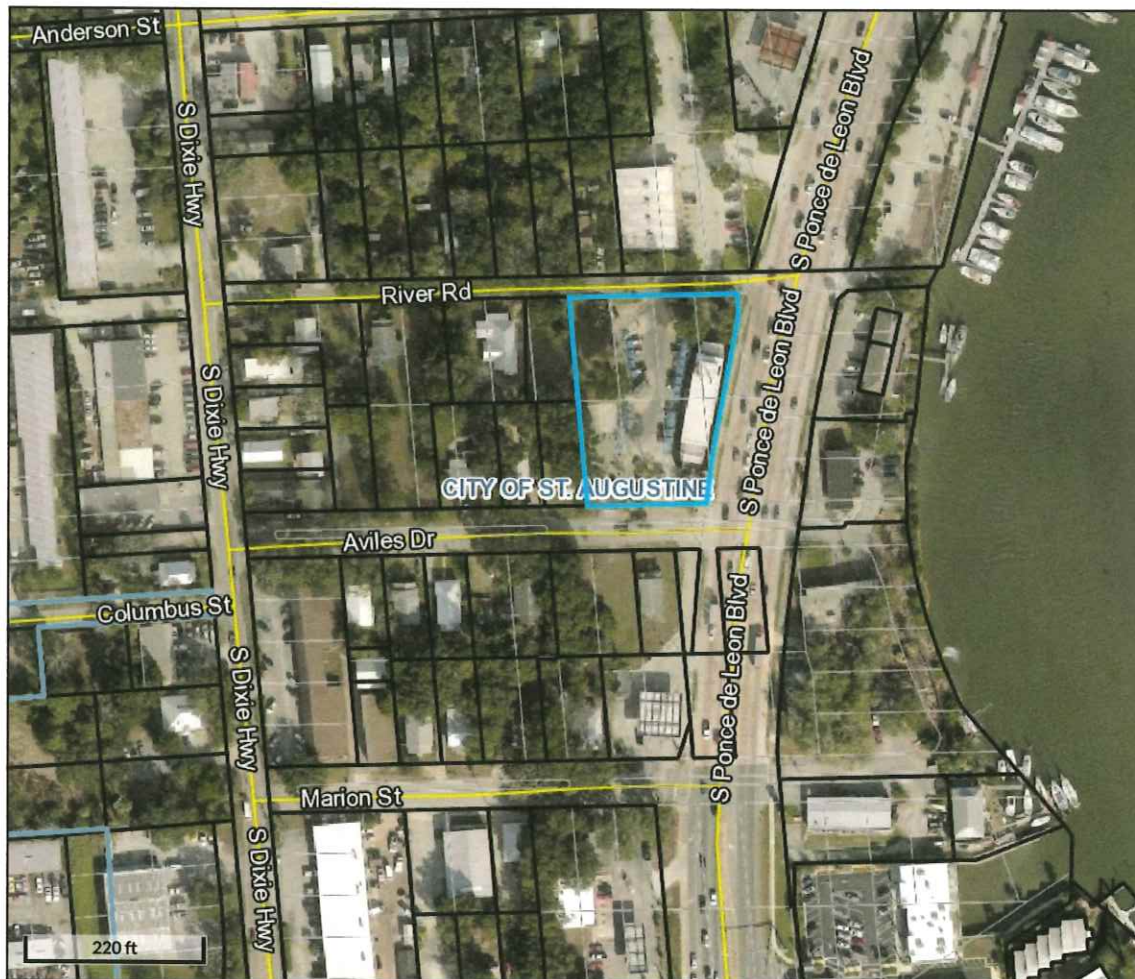
Code Description	BLD	Length	Width	Height	Units
Pergola	0	0	0	0	880
Concrete Paving	0	0	0	0	25183
Curb	0	0	0	0	776
Pole Light	0	0	0	0	308
Wood Fence	0	0	0	0	340
Storage Building	0	0	0	0	200
Bulkhead (Average)	0	0	0	0	3040
Gazebo (Commercial)	0	0	0	0	352

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Car Washes	0	0	41909	SF	\$419,090

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/5/2019	4/5/2019	\$6,408,000.00	WD	4705	778	U	I	ST AUGUSTINE AUTO SPA LLC	COLDWATER-ST AUGUSTINE CAR WASH LLC
6/17/2016	6/3/2016	\$3,100,000.00	WD	4208	902	U	I	CHARTERED ENTERPRISES JACKSONVILLE LLC	ST AUGUSTINE AUTO SPA LLC
4/28/2016	4/25/2016	\$100.00	CT	4183	1772	U	I	SHOWBOAT CAR WASH LTD PRTNRSH	CHARTERED ENTERPRISES JACKSONVILLE LLC
11/17/2014	11/13/2014	\$0.00	LP	3954	1115	U	I	CHARTERED ENTERPRISES JACKSONVILLE LLC	SHOWBOAT CAR WASH LTD PRTNRSH
6/11/2014	6/6/2014	\$0.00	FJ	3890	389	U	I	DANZEISEN KATHRYN C	DANZEISEN DAVID P
6/25/2013	6/6/2013	\$0.00	LP	3752	114	U	I	DANZEISEN KATHRYN C	SHOWBOAT CAR WASH LTD PRTNRSH



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1274000000	Physical	520 S PONCE DE LEON BLVD	Building Value	\$877,445	Last 2 Sales			
Property	2660 - Car	Address	SAINT AUGUSTINE	Extra Feature	\$115,984	Date	Price	Reason	Qual
Class	Washes	Mailing	COLDWATER-ST AUGUSTINE CAR	Value		4/5/2019	\$6408000	35	U
Taxing	City of St	Address	WASH LLC	Total Land	\$419,090	6/3/2016	\$3100000	37	U
District	Augustine		3135 S RICHMOND ST	Value					
Acres	0.96		SALT LAKE CITY UT 84106-0000	Just Value	\$3,449,900				
				Total	N/A				
				Deferred					
				Assessed	\$3,449,900				
				Value					
				Total	N/A				
				Exemptions					
				Taxable Value	\$3,449,900				

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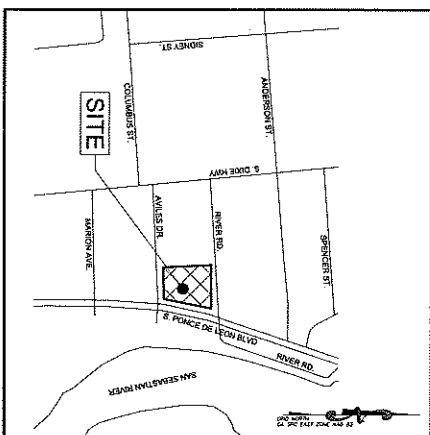
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GEOSPATIAL

PROJECT DATA

PROPERTY ANALYSIS				
IMPROVEMENT	SQ. FT.	ACRES	% PROPERTY AREA	REMARKS
TOTAL EXISTING PROPERTY AREA	44,964	1.012	100.00	
TOTAL PROJECT AREA	6,514	0.151	15.00	
EXISTING BUILDING	8,203			
EXISTING PAVEMENT	22,280			
TOTAL EXISTING IMPERVIOUS AREA	28,453	0.653	64.57	
PROPOSED IMPERVIOUS AREA REMOVED				
PROPOSED IMPERVIOUS AREA ADDED	2,840	0.061	5.99	
PROPOSED TOTAL SITE IMPERVIOUS AREA	31,293	0.714	70.56	



VICINITY MAP
NOT TO SCALE

NOT TO SCALE

GEORGIA811
www.Georgia811.com
Know what's below.
Call before you dig.

PROJECT LOCATION:
520 S. PONCE DE LEON BLVD
ST. AUGUSTINE, FLORIDA
EMC PROJECT# 20-0030



EMC
CORPORATION
MARLBOROUGH, MA 01901

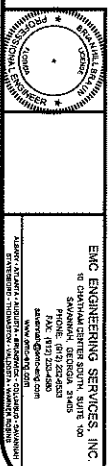
EMC ENGINEERING SERVICES, INC.
ENVIRONMENTAL - MARINE - CIVIL - SURVEY

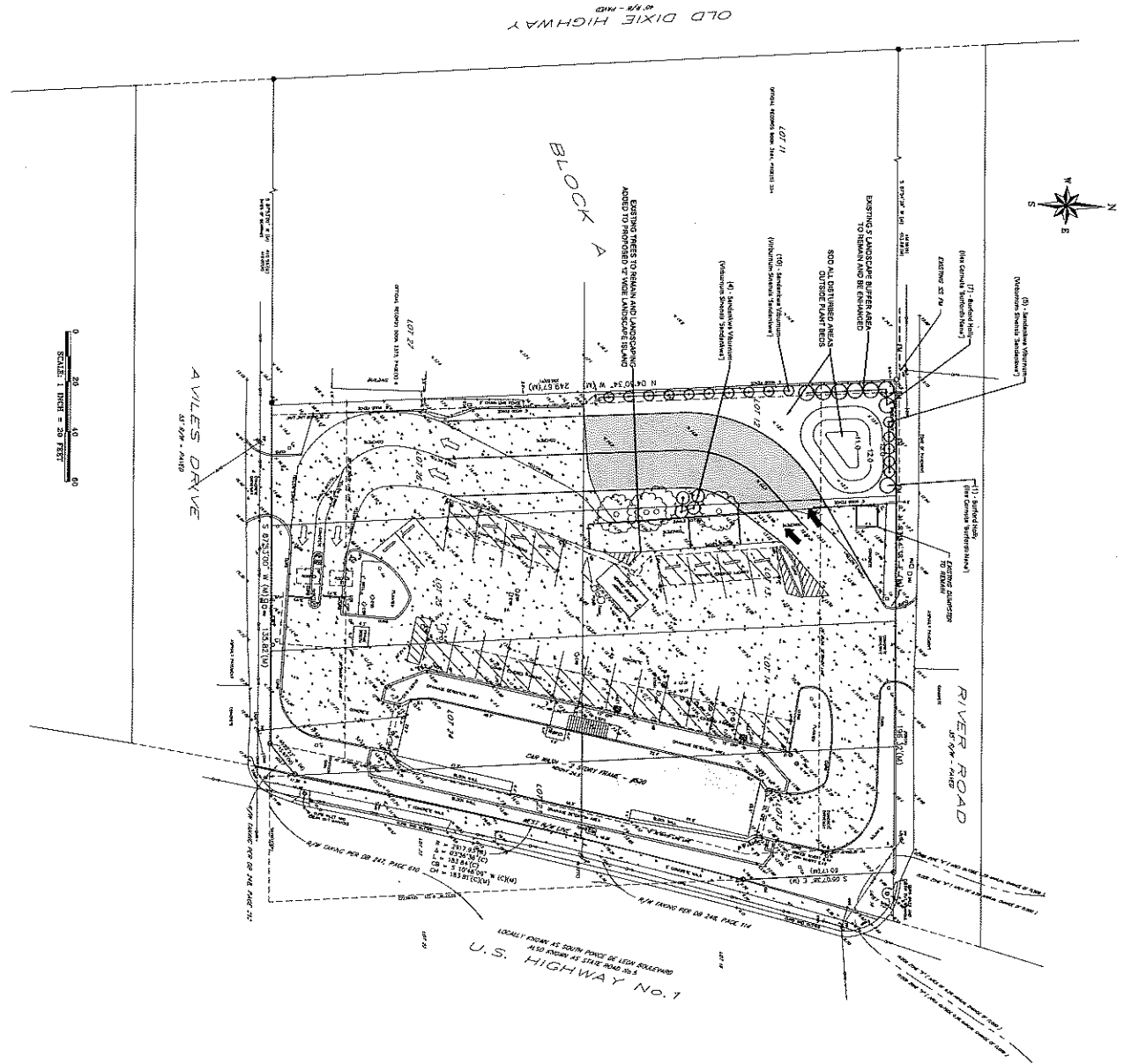
Sheet List Table	
Sheet Number	Sheet Title
1	COVER
2	GENERAL NOTES & LEGEND
3	SITE IMPROVEMENTS PLAN
4	LANDSCAPE PLAN

UTILITY LOCATION DISCLAIMER

THE UTILITIES ARE SHOWN AS PER THE LOCATION OF POLES, MASTHEADS, WINDMILLS, PROTECTORS, ETC. EXACTING COORDINATES AND INFORMATION PROVIDED BY UTILITIES ARE NOT GUARANTEED. THE QUALITY OF THE DATA IS NOT GUARANTEED. THE UTILITIES ARE SHOWN AS PER THE LOCATION OF POLES, MASTHEADS, WINDMILLS, PROTECTORS, ETC. EXACTING COORDINATES AND INFORMATION PROVIDED BY UTILITIES ARE NOT GUARANTEED. THE QUALITY OF THE DATA IS NOT GUARANTEED.

REGION	DESCRIPTION	
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Attachment 2
Previous Meeting Minutes –
2016 PZB, 2003 City Commission & 2003 PZB

VOTE ON MOTION:

**AYES: Shaffer, Long, Ryan, Brown,
Agresta**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Use by Exception

**4. (a) 2016-0055 – J. Mike Baxter,
Riverboat Carwash – Applicant
Chartered Enterprises – Jacksonville,
LLC – Owner
520 South Ponce de Leon Boulevard (Lot
12, BLK A, Andalucia Parque)**

**To allow a parking lot use in a residential
district as a permitted use by exception.**

Ms. Skinner read the staff report and said based on the City Commission denial of a substantially similar application for the use of this residentially zoned lot for a commercial drive-aisle in 2003, staff finds that the Board can **DENY** the proposed parking lot use as a permitted use by exception in a residential district at **520 South Ponce de Leon Boulevard**.

Mike Baxter reviewed the application.

The Board provided their ex parte communications.

21 certified notices were sent, 3 were returned in favor, 2 returned opposed and 3 had comments.

Public hearing was opened.

The following members of the public spoke against the application, citing concerns for commercial overdevelopment in a residential area, security and safety, traffic, and tree removal:

- B.J. Kalaidi¹
- Sara Fenwick
- Judy Thompson²

¹ Presented photographs attached to original minutes

² Presented photographs attached to original minutes

- Judy Shawless³

Wolfgang Schau spoke in favor of the application citing positive aesthetics and a solution to traffic problems.

Public hearing was closed.

Mr. Baxter reviewed some of the concerns voiced by the public. He stated the he did reach out to the neighborhood and received positive responses to the planned changes. He said security and lighting on the property were improved. He added he was not opposed to more landscaping, fencing, and other buffering elements.

The Board discussed:

- The term "parking lot use" to refer to the proposed drive aisle
- The traffic flow of the proposed
- Traffic congestion
- Potentially moving the detailing area
- The 2003 decision of the City Commission to deny a similar application

MOTION

Mr. Shaffer MOVED to DENY use by exception application 2016-0055. The motion was SECONDED by Ms. Long.

VOTE ON MOTION:

**AYES: Shaffer, Long, Ryan, Brown,
Agresta**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Rezoning

**5. (a) 2016-0056 – Karla Wagner, The
Corazon Cinema & Café – Applicant
Karla and Robert Wagner, Corazon
Cinema & Café – Owner
36 Granada Street**

³ Presented photographs attached to original minutes

MOTION CARRIED 4/1

10.C/ Public hearing and appeal of a Planning and Zoning Board's decision relative to property located at 13 River Road. (Tabled from the October 27, 2003).

Mark Knight, Director, Planning and Building Department, was sworn and stated that the application began as an exception to allow vehicular traffic to drive through a lot zoned residential single family at 13 River Road in conjunction with a proposed carwash on US 1. He said that staff considered the proposal a use by exception for a parking lot in residential zoning. He said that there was one parking space located in the residential zoned property in the original site plan. He explained that on September 2, 2003 the PZB approved the use by exception with the condition that the parking space be relocated outside the residential district, but on September 29, 2003 and October 1, 2003 neighbors filed an appeal to the PZB decision. He said that pursuant to section 28-29 of the City Code the City Commission must determine whether error had been made and affirm, reverse or modify the action appealed. He said that if the applicant presented additional information the Commission could deny the appeal or remand it to the PZB for further review. He offered to answer questions.

Exparte Communications

Commissioner Burk reported that she had spoken with Judy VanHouten, Chris Petrica and Gerald Dixon.

Commissioner Jones reported that he had spoken with Ms. VanHouten.

Mayor Gardner reported that he had spoken with Ms. VanHouten regarding tabling the appeal at the previous Commission meeting.

Mayor Gardner opened the public hearing.

Steve Sykes, 103 San Raphael, exhibited the site plan for the proposed project and indicated the residential and commercial parcels and the parcel for the use in question. He said that the applicant had felt that the use for the lot did not meet the definition of access according to the Code, which had required him to go before the PZB. He said that use by exception in a residential area for off site parking was permissible. He explained that as part of the approval the PZB had requested removing the parking space from the zone along with the conditions included in the Code. He pointed out that when the application was presented to the PZB it had been noted that the use did not require PZB approval. He indicated the circulation pattern for the carwash and stated that the business could be fit on the property without approval to use the residential lot, but their intent had been to keep the noise of the activity center further away from the residential component; therefore, the exception had been granted.

Mayor Gardner questioned what would be in the dark shaded area.

Mr. Sykes replied that it would be the cash center, convenience area and restrooms. He pointed out the finishing center where cars could be dried and vacuumed. He also pointed out the trees that could be saved if the Commission approved their proposal.

Mayor Gardner questioned where the egress and ingress would be located. He noted that none of the neighbors had sent in comment sheets regarding the project.

Mr. Sykes indicated the locations for egress and ingress pointing out that they did not draw traffic into the residential area.

A discussion ensued regarding the site plan.

Commissioner Burk questioned whether they had tried to work the situation out with the neighbors.

Mr. Sykes replied that the neighbors did not want a carwash. He said that his client believed that the PZB had not erred. He reserved the right to rebut the appellant's presentation.

Chris Petrica, 16 River Road, was sworn and stated that he owned the property directly across the street from the residential property the applicant was trying to get the exception for. He noted that the issue had really begun in November of 2002 and ten months later the issue went before the same board regarding the same proposal. He said that in November of 2002 the board had voted unanimously to deny the proposal, because it amounted to encroachment into a residential neighborhood. He pointed out that one member of the PZB had recused himself from voting, as he had drafted the site plan. He said that two of the board members thought the drawings were dandy; two said they were against the proposal but thought the approved plan was nicer, and one member stated that it was commercial encroachment and voted to deny. He said that the proposal should not have gone before the board for 12-months, plus the board had not discussed why the proposal had been denied 10 months earlier.

Mr. Petrica questioned why the exception was for parking and he read the definition of exception. He questioned why the property across the street from him should be given to the applicant. He said that in November 2002 the plans had been for a 6,000 square foot self service carwash, but currently the plan was almost 31,000 square feet including

a convenience store. He said that if approved it would be the fifth carwash within a mile radius. He explained that the reason the Commission had not received any comment sheets was because the people who sold the property in question owned that entire side of the block. He said that on the other side of the block there were four home owners and he and Ms. VanHouten filed the appeal, and the other two were opposed to the project. He questioned why they were there if the project fit so well on the commercial property, and the carwash was going to be constructed regardless of the results of the appeal.

Mr. Petrica said that his house was built in 1915 and there were pecan trees in the neighborhood that were over 100-years old. He said that the trees the applicant planned to save were not the large pecan trees. He questioned why the exception for parking was for a driveway and whether the retention around the proposed facility was proper. He suggested that the applicant reduce the plans to fit comfortably on the commercial property. He stated that his and his neighbor's property value would decrease if the applicant was allowed to encroach into the residential neighborhood. He pointed out that the Auto Zone on US1 and across River Road from the applicant had tried to encroach into the neighborhood, but they had been denied. He concluded that he could not see anyone benefiting from the proposal.²

Commissioner Burk questioned what the rule was regarding one year before taking a plan back to the PZB.

Mr. Knight replied that after action was taken by the PZB the board could not reconsider the same application for one year after the action had been denied. He said that in the current case the new

² End of audio tape two

plan had enough changes to qualify going before the board. He said the PZB could have considered the same plan not worthy of hearing, but they chose to go forward, as they believed it represented an alternative plan.

Commissioner Burk said the end result would have been a two month delay.

Judy VanHouten, 20 River Road, was sworn and pointed out that the ordinance provided that the board could not take any application for the same piece of property for one year. She said that the ordinance did not indicate that a different plan would be acceptable; therefore, she believed that PZB had erred. She said that she had been to three hearings within a 13-month period.

Ms. VanHouten said that Code section 28-162 indicated the uses for RS-2 and the use by exception for a parking lot. She said that the applicant had filed his exception under Code section 28-335 to allow vehicular traffic to drive on residentially zoned property, which was prohibited by the Code. She said there was exception for section 34-7 but it did not say exception for ingress and egress or maneuverability on the lot, which was clearly what they were asking for; therefore, the PZB had erred, because vehicles would be circulating on the property. She said that according to sections 28-335 and 28-347 sales or service activities of any kind were prohibited on such lots, and cars circulating on the property were in service not parked.

Ms. VanHouten stated that she had spoken with Mr. Sykes who notified her that the stormwater pond would be on the west section of the property, which was also prohibited by the Code. She stated that the only thing allowed was a parking lot, but that was not what the application was for. She said that they could do whatever they wanted in the

commercial zoning, but they could not with a residential lot. She added that what they wanted to do on the commercial lot would not fit, as the lot was not big enough. She said that to put a structure in a stormwater pond was bizarre. She noted that the activity did not contribute to the neighborhood whatsoever. She requested that the appeal be granted along with a two year injunction to stop them for applying for the same project for two years.

Gerald Dixon, 45 Cordova Street, was sworn and stated that he had been on the PZB when they turned the project down. He said that at that time the structures were up front, but six months later he had worked with the applicant to achieve his goal through a win, win solution. He referred to the site plan and pointed out that he wanted to get the actual carwash to the front of the property away from the residential areas, and he explained the circulation pattern in conjunction with the pay center and service center. He pointed out the existing trees and vegetation he had saved with his design of driving through the residential lot, and he noted that the business would only be operating during daylight hours. He stated that if the application was denied he would have to reverse the traffic flow, put the actual carwash to the rear of the property closer to the residential property, and lose some trees. He said the property would be developed one way or the other, and he thought the plan was a better solution.

A discussion resulted regarding the traffic flow and placement of the carwash on the property.

Mr. Sykes stated that the various alternatives had been discussed during the PZB meeting. He added that he respected the views of the neighbors. He said the question was whether the PZB had erred when considering the alternatives. He said that the application

had not been filed under section 28-335, as it was section 28-335 that gave rise to them to bring the plan before the PZB for exception. He said that the City had established that the one year provision did not apply to a different applicant with a different plan. He said that under the rules for exception it had been determined that keeping the carwash further away from the residential property preserved more trees and natural area, kept the noise away from the residents, and it was deemed to be a better solution for the residential area. He said that after examining the facts and the Code the PZB had determined 4/1 that the exception could be granted.

Mayor Gardner questioned whether the Auto Zone had access on River Road and the response was affirmative. He questioned whether there could be a curb cut on US 1 for the proposed carwash.

Mr. Sykes replied that from a safety point the proposed plan made more sense.

Mr. Petrica said that he was pleased that the applicant was concerned with what was best for the neighborhood; however, he did not see that his life would get any worse if the carwash was turned around compared to taking the residential lot across the street from his residence. He stated that if they could construct the business without taking the residential lot why not do so. He stated that if they had to downsize they should do so, as they should not use a residential lot to construct a carwash.

Commissioner Lennon noted that the blow dryer systems in a carwash were extremely loud, and if the actual carwash was placed to the rear of the property the residents would hear it better than if the building was placed closer to US 1.

Mr. Petrica replied that he supposed that was true; however, relative to his property the difference was negligible. He said that although he knew the property in question was commercial he had counted on the fact that the property across the street from him was residential. He added that the piece of residential property they wanted to rezone was approximately 180-190-feet to the end of the property line, which encroached well into the neighborhood. He concluded that noise would affect him one way or another, and he would probably have to build a fence to tone it down.

Ms. VanHouten referred to Zoning Code section 28-7 and noted that anything other than a parking lot by exception was strictly prohibited. She said there was no exception for traffic flow related to a car wash. She suggested that the matter might have to go back to the PZB with a site plan where the plan was reversed. She said that no matter how pretty the drawing was, taking a residential lot for traffic circulation was not allowed by exception. She said that an exception had to be filed under the right chapter and voted on accordingly, not slipped in through the back door by filing it ten months later under another section of the Code. She requested that the Commission preserve the integrity of the residential neighborhood, uphold the Code and honor their appeal.

Mayor Gardner closed the public hearing.

Commissioner Burk agreed with Mr. Petrica regarding not being able to complain about development of commercial property, but changing residential property was not right. She stated that it was clearly commercial encroachment, the application for exception did not meet the exception criteria, and the drive through circular traffic pattern did not appear to be an

allowable exception, as it was not a parking lot by any stretch of the imagination.

MOTION

Commissioner Burk MOVED to grant the appeal. Mayor Gardner SECONDED the motion.

Commissioner Crichlow questioned the setback from the residential property.

Mr. Knight replied that if the property was RS-1 the setback would be 20-feet and RS-2 would have a 10-foot side yard setback.

Commissioner Crichlow stated that it looked as though the trees were right on the property line; therefore, if there was a 10-foot setback the trees would not be lost.

Mr. Knight replied that setbacks applied to structures not to trees.

Commissioner Burk stated that she believed that the trees on the site plan were the ones that would exist after they had taken some of them out. She said that it looked as though all the trees were on the residential lot.

Commissioner Crichlow said that it looked as though they were on the property line.

Mr. Knight said that he believed that there were some smaller trees in the middle of the residential lot, but the larger ones were on the property line.

Commissioner Crichlow expressed concern that if the carwash was moved to the back of the property the trees would be lost, and he questioned whether they would be protected by setbacks.

Mr. Knight replied that his belief was the trees were on the residential lot, and if the appeal was granted the applicant could not encroach on the residential lot.

Mayor Gardner read the minutes from the PZB meeting of November 2003 in which the application had been denied based on the fact that it was encroachment of commercial use into a residential area. However, he said that 10-months later Mr. Baker had moved to approve the application with the condition that the parking space be removed from the property, and the exception remain with the property. He stated that it seemed to him that there was still a commercial encroachment into the residential area. He expressed support for the appellants.

VOTE ON MOTION

AYES: Burk, Gardner, Jones, Crichlow

NAYES: Lennon

MOTION CARRIED 4/1

10.D/ Public hearing and appeal of a Planning and Zoning Board's decision relative to property located at 501 Plantation Island Drive.

Mr. Harriss stated that he had requested delaying the item until a future meeting and the appellant had agreed.

MOTION

Commissioner Burk MOVED to table Item 10.D. at the appellant's request. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A / Resolutions

Item 5(d) 2003-0787

Steve Sykes

James R. Swanson

13 River Road

To allow a parking area in a residential district as a permissible use by exception.

Mr. Dixon recused himself from the application, as he was the architect on record for the project.

Mr. Knight reported that the applicant had requested an exception for a parking area in a residential district. He noted that the property was zoned RSF-2. He said the applicant planned to use the lot as part of a commercial carwash business with a convenient store along US 1, on seven platted lots with a portion of lots located in the CM-2 district. He noted that a portion of the parking area would be located on lot 1, which was classified as RSF-2. He explained that the application was only for the use of a parking area in the RSF-2 lot, which would consist of one parking space and a portion of the circulation area for the carwash business. He advised that a similar application had been previously denied by the PZB on November 5, 2002. He stated that the site plan for the project had been changed since that time. He said staff found that the board could approve the use by exception with the following conditions:

- ♦ A six foot tall masonry wall or fence shall be erected along the property line adjacent to the residentially zoned properties
- ♦ No source of illumination from such lots shall be directly visible from

any window in any residence in the residential district

- ♦ No movement of any vehicle on such lots between the hours of 11:00 pm and 7:00 am.
- ♦ No sales or service activity of any kind shall be held on such lots
- ♦ Vehicles prohibited from being parked in a residential district by City Code shall not be permitted to be parked on such lots
- ♦ All parking lots shall be paved with erosion resistant material in accordance with City's specifications

Steve Sykes, 5 Palm Row, stated that at the time that the zoning change took place, the board had stair-stepped the zoning in that area. He explained that no curb cut access existed with the lot closest to the adjacent street, but access would be handled within the commercial area. He noted that the owner planned to construct a storage facility in conjunction with a carwash and would heavily buffer the perimeter of the area with natural vegetation. He asked that the request be granted to run with the property and not the applicant.

Mr. Dufresne opened the hearing to public comment.

The following citizens spoke against the application:

- Chris Petrica, 16 River Road
- Catherine Barnard, 23 Anderson Street
- Judy Vanhouten, 20 River Road

Those citizens offered the following reasons to deny the application:

- To retain the wooded lot
- Would negatively affect four residential houses on River Road
- Increased traffic and noise
- Enough carwashes currently in the City
- Commercial encroachment into residential district
- Lessen property values for residents
- No indication of a stormwater conveyance system
- Demoralizing

Mr. Dufresne closed the public hearing.

Mr. Sykes stated that the carwash was a permissible use in the CM-2 zoned area.

Mr. Dufresne suggested that the public might have thought that the carwash was at issue that day, however, he said that was not the case and no variance or exception would be required to allow the carwash.

Mr. Sykes directed attention to the retention area colored in gray on the display. He noted that the carwash assembly would sit in the middle of the retention area. He explained that the bay in the finishing area had been adjusted in order to accommodate and retain as many trees as possible. He displayed a drawing and stated that it contained a possible configuration of the site that could be accomplished without the need to obtain approval from the board. He stated that the proposed site worked better for everyone involved and asked that the board approve their request.

Mr. Simms suggested that the second site plan would be much more visually acceptable. He voiced that if the board was to grant the exception, it would take away residential property from the neighborhood.

Ms. Horvath stated that it would depend upon how the carwash was managed. She suggested that it was a good location and the plan was creative with regard to the retention area. She commented that it was a more superior plan than the previously proposed plan and she was delighted to see the attempt with regards to saving trees on the property. She noted that the property was zoned commercial and the carwash was allowable on that property. In addition, she said that the applicant had moved the ingress and egress driveways as far away as possible in order to retain vehicle stacking close to US 1. She stated that she desired to have the southern exit closer to US 1 in order to remove the circulation away from the residential area.

Mr. Simms stated that his objection was more a matter of principle. He expressed that people had visually polluted US 1 and had encroached into the residential area.

Mr. Baker stated that "matter of principle" was a difficult topic. He said that he agreed with Ms. Horvath. He noted that he had voted against the previous application, because much of the infrastructure was located in the residential area of the property. He said that the property was zoned CM-2, which allowed the use of a carwash facility. He stated that the first site plan was less palatable because the carwash and finishing areas would be located in the

residential area. He expressed that he would be in favor of approving the proposed site plan.

Mr. Dufresne stated that he would prefer to locate the parking space in the commercially zoned area of the property.

Ms. Freeman questioned whether the applicant would need an exception if the parking space was located in the commercial portion of the property.

Mr. Knight advised that an exception would still be required for the drive aisle portion of the site plan, due to its location on the property.

Ms. Horvath questioned whether the parking space was required to obtain the needed count of parking spaces for the business.

Mr. Knight suggested that the parking space could be placed elsewhere on the site.

Mr. Dufresne questioned whether the applicant would be willing to withdraw the parking space from the residential area.

Mr. Sykes agreed that his client would be willing to locate the parking space in the commercial portion of the subject property.

Ms. Freeman commented that she had previously voted in opposition to allow parking lots in residential districts. She suggested that it was a better solution for the retention pond to be placed closer to the residential area as indicated on the submitted site plan. She reiterated that the carwash

was an allowable use and she would support the application request for an exception.

MOTION

Mr. Baker moved to approve the application with the condition that the parking space be removed from the property and that the exception remained with the property. Mr. Dufresne seconded.

Mr. Dufresne noted that sixteen written response forms had been sent to surrounding property owners with five returned in favor and three returned in opposition to the application.

Vote on the motion.

In Favor

Baker
Dufresne
Freeman
Horvath

Opposed

Simms

Motion carried with a 4/1 vote.

Item 5(c) 2003-0737

John Kordic

J & J Mopar, Inc.

2303 North Ponce de Leon Boulevard

To allow off site parking as a permissible use by exception.

Mr. Dufresne recused himself from the application, noting that his property was located adjacent to the applicants' property.

John Kordic, 34 Arenta Street was sworn in.

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: August 4, 2020

RE: **PRELIMINARY SUBDIVISION PLAT APPROVAL 2020-0081**

AGENDA ITEM	6(a)
APPLICANT	Kevin Dooley c/o Gulfstream Design, Inc.
OWNER	Philip A. Fremento c/o D.R. Horton, Inc. - Jacksonville
LOCATION	Lewis Speedway / PIN 102820-0009
REQUEST	To approve a preliminary subdivision plat for one hundred two (102) townhomes within Residential and General Office (RGO) zoning district.
PLANS RECIEVED	July 10, 2020
LAND USE	Residential Medium Density / Mixed Use
ZONING	Residential and General Office (RGO)
SURROUNDING USES	High School, Commercial strip center, single family residential

APPLICABLE CODES/ORDINANCES

Section 23-36 Generally.

The following procedures for securing subdivision plat approval shall be followed in submitting, reviewing and acting upon all subdivision plats within the city. The subdivider and/or his surveyor, engineer or land planner is encouraged, but not required, to discuss informally his preliminary studies and sketches for any subdivision of land with the city offices listed in section 23-38, as well as those other offices such as the county health department or county community

development department. Many times these discussions may lead to a more complete preliminary plan or plat as hereinafter set forth.

During this review process, the subdivider or his agent may be called upon for consultation. Each preliminary plan or plat for a subdivision shall be presented for review prior to detailed development of the plat. This preliminary plan will benefit the subdivider in accordance with the degree of completeness of the plan. Such preliminary plan shall be accompanied by a written statement describing the proposed subdivision. Such preliminary plan and statement shall be reviewed by the city planning and building department, public works department, fire department and police department and shall be submitted to the city planning and zoning board for preliminary approval subject to such revision as may be deemed necessary.

Section 23-38 Preliminary plat.

- (a) All of the following city departments must approve preliminary plats prior to submitting to the planning and zoning board. A preliminary plat submittal meeting is recommended involving the appropriate city departments and the agent(s) of the developer.
 - (1) Planning and building department.
 - (2) Public works department.
 - (3) City manager
 - (4) City attorney
 - (5) City fire department
 - (6) City police department
- (b) The city manager shall receive two (2) copies and each of the remaining offices shall be provided with one (1) legible reproduced copy of the proposed preliminary plat a minimum of three (3) weeks prior to submittal to the planning and zoning board for approval. Should any of these city offices or utility companies need to be involved, they may make necessary contacts and/or request additional reproduced copies for these offices and/or companies.
- (c) This preliminary plat shall be prepared on sheet sizes of twenty-four (24) inches by thirty-six (36) inches with at least a one-inch margin on the left side of the plat for binding purposes, and shall be in accordance with F.S. 177.091.
- (d) The plat will be reviewed by the city offices during the three week period prior to submittal of the preliminary plat to the city planning and zoning board. The developer or his agent will be contacted during this period of time should any discrepancies be apparent that would affect preliminary approval. However, the reviewing offices' agreement as to acceptability of format and content is not to be construed as assurance of final acceptance by the city.

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

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

(1) Permitted uses and structures:

- a. Multiple-family dwellings.
- b. Professional and business offices.
- c. Restaurants, but not drive-in.

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

e. Marina.

f. Museums.

g. Parking facilities and garages.

h. Bar/tavern.

i. Home office, private.

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

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

(3) *Permissible uses by exception.*

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

b. Light manufacturing, processing, packaging and fabricating.

c. Housing for the cognitively impaired.

d. Housing for the elderly.

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

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

housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.

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

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

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

(6) *Minimum yard requirements:*

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

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

*Note: As part of the Future Land Use Map Amendment establishing the Residential Medium Density/Mixed Use land use on the property the height was specifically limited to 35 feet in height for this property.

Sec. 28-342. - Townhouses.

Each structure containing townhouses, or each development of contiguous townhouse units shall comply with all regulations for multiple family dwellings of the districts where permitted (RG-1). In addition to regulations applicable to the entire building or development, the following regulations shall apply to individual single-family townhouse units in such buildings or developments:

- (1) No side yards shall be required for individual interior townhouse units. Exterior units shall have a side yard requirement of ten (10) feet.
- (2) Each townhouse unit shall have access to a public or private street.

STAFF SUMMARY AND ANALYSIS

Preliminary Subdivision Plat

The subdivision platting process is defined by Florida Statutes as well as the local municipal code. The board's role in the process is to suggest potential design improvements and provide a public forum to introduce the development plan.

In this case, the lot being subdivided has minimum lot requirements "as per planning and zoning board site plan review" for RGO zoning. the resulting townhome lots will range in size from 15 to 29.1 feet wide, with lot areas ranging from 1,069 to 2,073 square feet of area. The development does not exceed the maximum allowed density, which is 16 units per acre in residential medium density /mixed use (which is 1 unit per 2,722 square feet) and is proposed at 13 units/acres.

As these lots are platted for town homes, the provisions of LDC Sec. 28-342 shall apply and no interior side yards are required, and each townhouse has access to a public street. City comments have been provided to the applicant for required changes to the plat prior to final plat adoption by the City Commission.

STAFF RECOMMENDATION

Based on a review of the applicable city codes, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the preliminary subdivision plat for this property as submitted.

Attachments

Attachment 1 – Application, Supporting Materials

Attachment 2 – Preliminary Plat

Patrick Doty
Senior Planner
City of St. Augustine

Attachment 1

Application & Supporting Materials



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED
By Patrick Doty at 9:21 am, Jul 13, 2020

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

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Gulfstream Design Group, LLC Contact Number: (904) 794-4231

Business (if applicable): Gulfstream Design Group, LLC

Address: 906 Anastasia Boulevard, Suite A City: St. Augustine State: FL Zip: 32080

E-Mail Address: kevin@gulfstreamdesign.com

2. NAME OF PROPERTY OWNER: Philip A. Fremento Contact Number: 904-268-2845

Business (if applicable): D.R. Horton, Inc. - Jacksonville

Address: 4220 Race Track Road City: Saint Johns State: FL Zip: 32259

E-Mail Address: JRGislason@drhorton.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: N/A Block: N/A

Subdivision: N/A Parcel Number: 1028200009

4. PROJECT STREET ADDRESS: Lewis Speedway

5. SPECIFIC PROPOSED USE: Multi-Family Townhome Development (as a use allowed by right)

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☒ Other: Preliminary Plat Approval

7. DESCRIPTION OF ACTION REQUESTED: _____

Preliminary Plat approval for the proposed 102-unit multi-family development project (as allowed by right). See attached documentation for further information.

8. JUSTIFICATION FOR ACTION REQUESTED: See attached documentation.

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: N/A

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

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

(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: N/A

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.

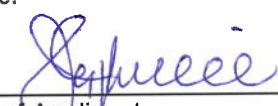
11. AGREEMENT:

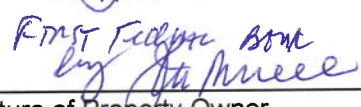
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

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 7-2-2020
Date


Signature of Property Owner 7-2-2020
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.

Philip A. Fremento, Vice President of D.R. Horton, Inc. - Jacksonville

Print name of applicant



Signature of applicant

7/1/2020
Date



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF OF D.R. Horton, Inc. - Jacksonville, 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: Lewis Speedway (PIN: 1028200009)

BY: _____

Signature of Owner

Philip A. Fremento, Vice President of D.R. Horton, Inc. - Jacksonville

Print Name of Owner

904-268-2845

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 1st day of July, 2020

By Philip A. Fremento as Vice President of D.R. Horton, Inc. - Jacksonville

Identification verified: Personally known to me

Oath sworn: _____ Yes X No

Notary Signature: _____

Deborah E. McClure

My Commission expires: _____



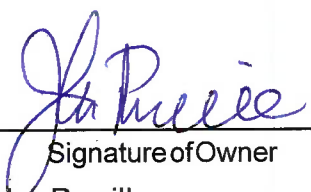
DEBORAH E. MCCLURE
MY COMMISSION # GG 009987
EXPIRES: July 10, 2020
Bonded Thru Budget Notary Services



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF
OF First Federal Bank - CBC National Bank, 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:
Lewis Speedway (PIN: 1028200009)

BY: 
Signature of Owner
John Perrill
Print Name of Owner
904-398-7859
Telephone Number



State of SOUTH CAROLINA

County of BEAUFORT

Signed and sworn before me on this 2nd day of July, 2020

By Robert E. Askew II

Identification verified ✓

Oath sworn: ✓ Yes _____ No

Notary Signature: 

My Commission expires: 5/30/2024

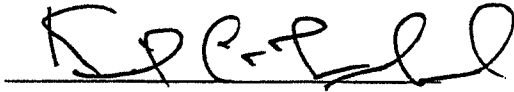
CORPORATE RESOLUTION

I, **THE UNDERSIGNED**, as President & CEO of First Federal Bank, do hereby certify that:

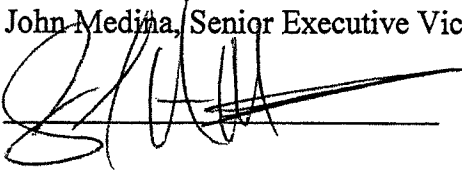
The following is a true and correct copy of resolutions duly adopted by the Board of Directors of First Federal Bank, at which a quorum was present and acting throughout, which resolutions have been duly incorporated into the minutes of such meeting which have been duly transcribed and have not been revoked, modified, amended, or rescinded and are still in full force and effect:

RESOLVED, that the following persons are authorized to sign deeds, loan documents and other documents on behalf of First Federal Bank:

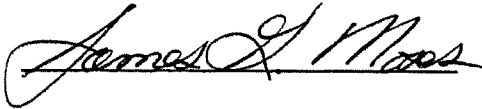
1. Keith C. Leibfried, President & CEO



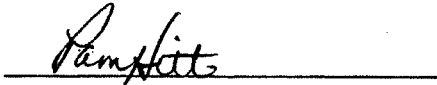
2. John Medina, Senior Executive Vice President, Chief Banking Officer



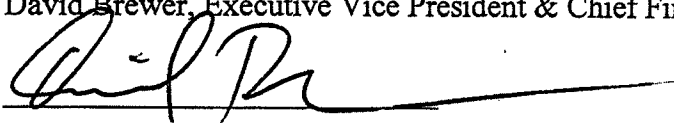
3. James G. Moses, Senior Executive Vice President, Chief Risk Officer,



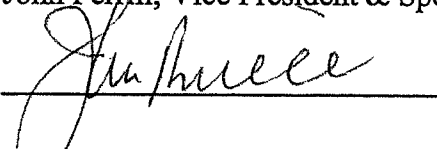
4. Pam Hitt, Senior Executive Vice President & Chief Operating Officer



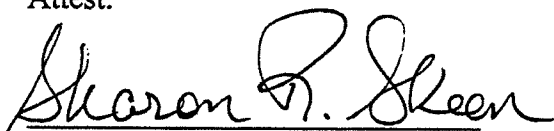
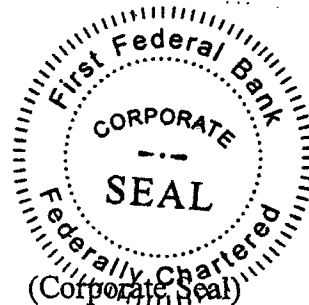
5. David Brewer, Executive Vice President & Chief Financial Officer



6. John Perrill, Vice President & Special Assets Officer


Keith C. Leibfried, President & CEO

Attest:


Sharon R. Skeen, Assistant Secretary

Attachment 2

Preliminary Plat



VIA Electronic and Hand Delivery

July 10, 2020

Mr. David Birchim
Director, Planning and Zoning
City of St. Augustine
75 King Street, 4th Floor
St. Augustine, FL 32084

Re: **Whispering Creek Multi-Family**
Preliminary Plat Project Narrative
GDG No. 19-055

Dear Mr. Birchim:

On behalf of our client, D.R. Horton, Inc. -Jacksonville, Gulfstream Design Group, LLC is providing the following information for City of St. Augustine staff for review of our July 10th submittal for recommendation for approval to the Planning and Zoning Board of a Preliminary Plat for the Whispering Creek Multi-Family project, located at Lewis Speedway within the City of St. Augustine.

Property Information

Address:	Not yet determined (at Lewis Speedway, southwest of 100 Center Creek Road St. Augustine, FL 32084)
PIN:	102820-0009
Zoning:	RGO (Residential and General Office)
FLUM:	Residential Medium Density Mixed Use
Setbacks:	15'/10'/10' (Front/Side/Rear)
Existing Use:	None (Vacant/Previously Cleared)
Max. Density:	16 Units/Acre
Lot Size:	14.1 Acres (+/-)
Developable Area:	8.0 Acres (+/-)

Proposed Development

The project, a subdivision to be known as "Whispering Creek" will contain 102 Multi-Family units within 15 townhome buildings on approximately 8.0 acres of developable area within the 14.1-acre lot. The townhomes will be sold as "fee-simple" units. The proposed density for the development will be 13 Units/Acre on the site, with all required improvements, such as parking, sidewalks, stormwater management facilities, utility services, landscaping, fire access, and other necessary infrastructure on the 8.0 acres of developable area.

The stormwater system will be private and be contained within the general use areas (such as Private Right-of-Way or Drainage Tracts) to be owned and maintained by the homeowners association established by the developer.

The potable water and sanitary sewer infrastructure will be owned and maintained by the City of St. Augustine up to the point of service at meters and cleanouts beyond the parking and sidewalks at the lot frontage. Access for ingress, egress, and maintenance of these City-owned utilities will be provided via the

specific private Right-of-Ways of Center Creek Road, Crooked Branch Way, and Whispering Creek Circle, with additional access for utilities provided on tracts and within specific easements 3-feet beyond the edge of sidewalks where meters and points-of-connection are located. Additionally, private franchise utilities will be located within specific easements beyond the City-owned infrastructure along lot frontages, and within general use/open space tracts.

Please see Attachments A, B, and E (Location Map, Proposed Site Plan, and Preliminary Plat Map)

Property Ownership

Gulfstream's client, DR Horton, Inc. -Jacksonville, is currently under contract to purchase the property from First Federal Bank (formally known as CBC National Bank). The Preliminary Plat approval from Planning and Zoning is being requested by our client prior to closing under current zoning by right. Copies of existing title information, title searches, and other information are provided for staff information regarding the ownership of the property for the proposed project.

Please see Attachment C Deeds and Legal Documents.

Previous Project Review History

Gulfstream Design Group, LLC and DR Horton, Inc. -Jacksonville have been in correspondence via meetings and conceptual plan review on several occasions since September of 2019. A summary of previous meetings held include the following:

- September 26, 2019: Friday Review with COSA staff
- November 8, 2019: 2nd Friday Review with COSA staff
- February 14, 2020: Zoning Verification Review for Conservation Overlay and PZB
- March 5, 2020: Preliminary Engineering Review with Public Works

This project is within Conservation Overlay Zone 2, the tree retention and removal plan as shown on the site plan was reviewed by staff and confirms no protected specimen trees are to be removed from the site as a part of the development. Total tree removal meets the current zoning and land development code requirements, and more than 50% of all trees will remain onsite.

St. Johns County School Board is finalizing a School Concurrency Agreement for the proposed project.

Please see Attachment D (Zoning Verification Correspondence).

Enclosed is an application for the August Planning and Zoning Board meeting, along with the required submittal fee check for \$275.00. Gulfstream requests that City staff review the included documentation associated with this Preliminary Plat submittal, as defined by Chapter 23 of the City of St. Augustine Municipal Code, and recommend approval to the Planning and Zoning board.

Should any questions or comments be generated during the review process prior to the August Planning



and Zoning Board meeting, please do not hesitate to contact me via email at kevin@gulfstreamdesign.com or at (904) 729-42312, ext. 220, should you have any questions concerning the any of the above or attached.

Respectfully Submitted,

The Offices of
Gulfstream Design Group

Kevin F. Dooley, P.E.
Senior Project Manager

Enclosures: Attachment A – Location Map
Attachment B – Proposed Site Plan
Attachment C – Deeds and Legal Documents
Attachment D – Previous Zoning Verification Correspondence
Attachment E – Preliminary Plat Map (Full Size)

Cc: John Gislason (JRGislason@drhorton.com)
Anthony Sharp (AKSharp@drhorton.com)
Matt Lahti, P.E. (matt@gulfstreamdesign.com)
Kevin Dooley, P.E. (kevin@gulfstreamdesign.com)
Justin Spicer (justin@gulfstreamdesign.com)



Attachment A

Location Map

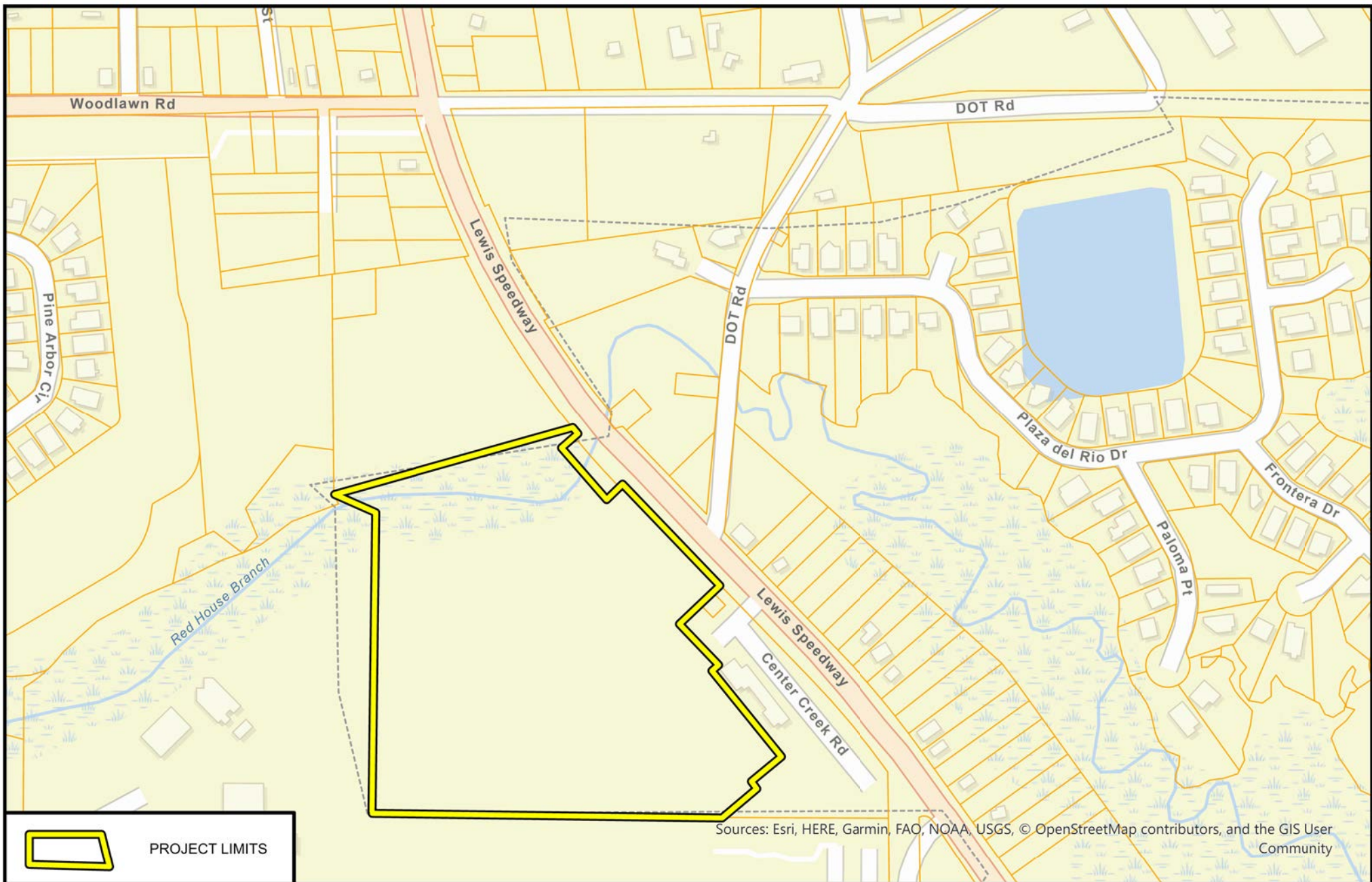


Image Source: ESRI 2020
Date: 05-22-2020
Project Number: 19-055

US Feet
0 205 410



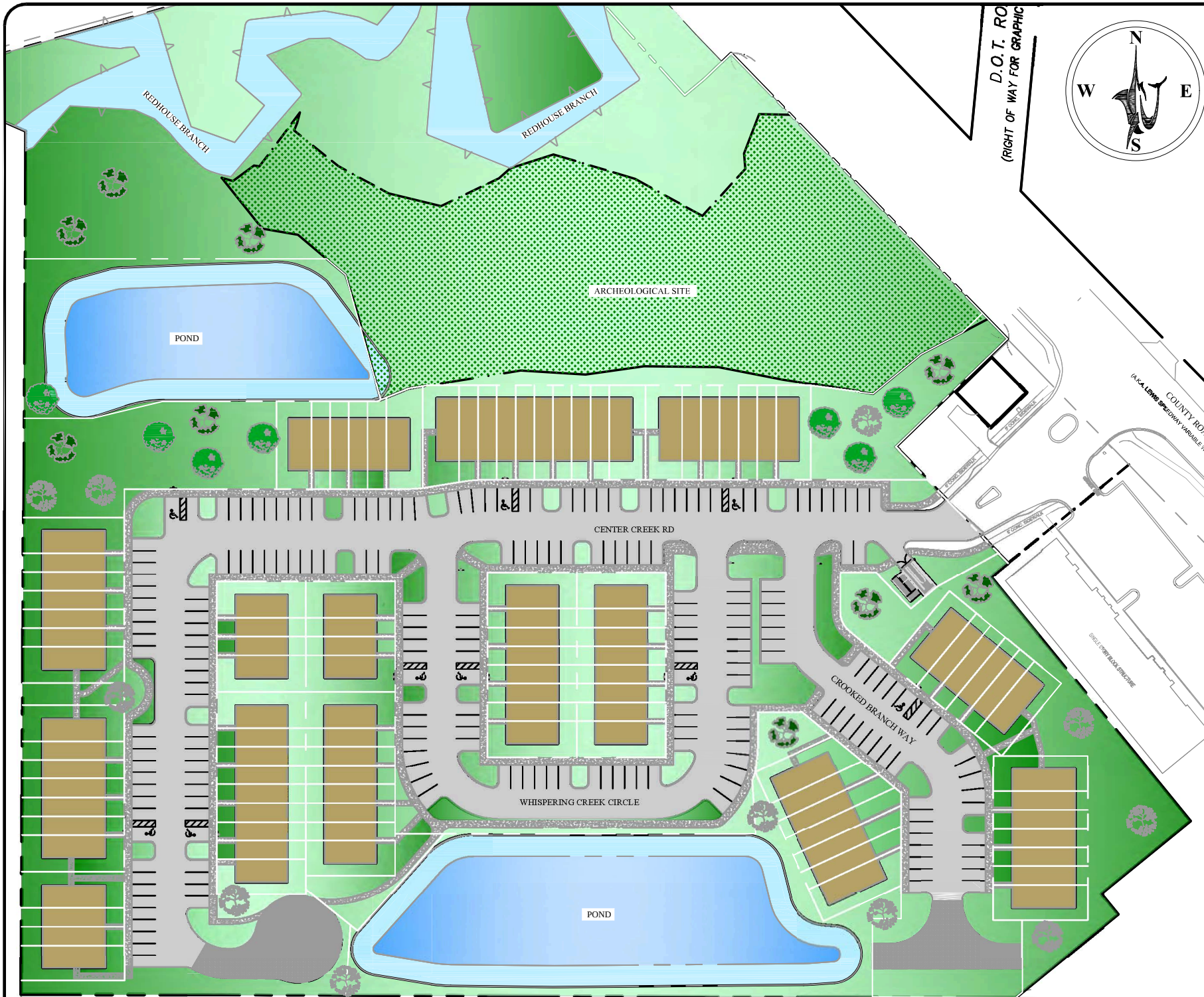
LOCATION MAP WHISPERING CREEK ST. JOHNS COUNTY, FLORIDA

**GULFSTREAM**
DESIGN GROUP, LLC
Gulfstream Design Group, LLC
906 Anastasia Blvd, Suite A
St. Augustine, FL 32080
904.794.4231



Attachment B

Proposed Site Plan



CA 09031
 966 ANASTASIA BLVD., SUITE A, ST. AUGUSTINE, FLORIDA 32080
 904.79.4420 | WWW.GULFSTREAMDESIGN.COM
 © GULFSTREAM DESIGN GROUP, LLC 2020

GULFSTREAM
 DESIGN GROUP, LLC

EXHIBIT PLAN FOR
WHISPERING CREEK
 GRAPHICAL SITE PLAN
 ST. JOHNS COUNTY, FLORIDA

PROJECT NO:	19-055
ISSUE DATE:	07-08-2020
DRAFTED BY:	MS
DESIGNED BY:	KFD
CHECKED BY:	MHL
NOT VALID WITHOUT SEAL	



Attachment C

Deeds and Legal Documents

Opinion of Title
Legal Description
Easement and Liens Search Records
Property Tax Status

Note: All documents are a part of the current real estate transaction between the current owner and D.R. Horton, Inc. They will be finalized at the time of ownership transfer and recording of the Final Plat



CHICAGO TITLE
INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Elite Title & Escrow

Issuing Office: 301 W Bay Street, 24th Floor, Jacksonville, Florida 32202

ALTA Universal ID: **1038575**

Loan ID Number:

Commitment Number:

Issuing Office File Number: 19-11-0204-TP

Property Address: Lewis Speedway, Saint Augustine, Florida 32084-0000

Revision Number: [User Input]

Schedule A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Commitment Date: November 14, 2019 at 8:00:00 AM

2. Policy to be issued:

A.L.T.A Owner's Policy

Proposed Insured: D.R. Horton, Inc. - Jacksonville, a Delaware corporation

Proposed Policy Amount: [REDACTED]

(Additional policy/ies can be issued.)

A.L.T.A Loan Policy

Proposed Insured: _____

Proposed Policy Amount: [REDACTED]

(Additional policy/ies can be issued.)

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple

4. Title to the estate or interest in the Land is at the Commitment Date vested in: First Federal Bank fka First Federal Bank of Florida successor by merger to CBC National Bank fka First National Bank of Nassau

5. The Land is described as follows:

See Exhibit "A"

Authorized Signatory

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

72C165B09

ALTA Commitment for Title Insurance 8-1-16 w- FL Mod



Schedule B-I

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

6. Pay the agreed amount for the estate or interest to be insured.

7. Pay the premiums, fees, and charges for the Policy to the Company.

8. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

A. Warranty Deed from First Federal Bank fka First Federal Bank of Florida successor by merger to CBC National Bank fka First National Bank of Nassau to D.R. Horton, Inc. - Jacksonville, a Delaware corporation.

9. Proof of payment of any outstanding assessments in favor of St. Johns County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

Any outstanding assessments in favor of St. Johns County, Florida, any special taxing district and any municipality.

10. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.

11. Proof of payment, satisfactory to the Company, of taxes for the year(s) 2019 in the gross amount of [REDACTED] under Tax Folio Number: 102820-0009.

NOTE: No open mortgage(s) were found of record. Agent must confirm with the owner that the property is free and clear.



CHICAGO TITLE
INSURANCE COMPANY

Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

72C165B09

ALTA Commitment for Title Insurance 8-1-16 w- FL Mod



Schedule B-II

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.
2. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
3. Standard Exceptions:
 - A. Easements, claims of easements, boundary line disputes, overlaps, encroachments or other matters not shown by the public records which would be disclosed by an accurate survey of the Land.
 - B. Rights or claims of parties in possession not shown by the public records.
 - C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - D. Taxes or assessments which are not shown as existing liens in the public records.
4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
6. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements, as tenants only.
7. General Permit to Southern Bell Telephone and Telegraph Company recorded in Deed Book 112, Page 482.
8. Drainage Easement recorded in Deed Book 247, page 329.
9. Ordinance No. 99-23 in Official Records Book 1432, Page 963.
10. Access, utilities and drainage easement and maintenance agreement in Official Records Book 3180, Page 751.
11. Partial Assignment of contract proceeds in Official Records Book 3191, Page 1784.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



CHICAGO TITLE
INSURANCE COMPANY

such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:

A. Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: All recording references in this form shall refer to the public records of St. Johns County, Florida, unless otherwise noted.

NOTE: The Company reserves the right to make further requirements and/or exceptions upon its review of the proposed documents creating the estate or interest to be insured or otherwise ascertaining details of the transaction.

NOTE: If the proceeds of the loan to be secured by the insured mortgage are deposited with the Company or its authorized agent, Item 1 above shall be deemed deleted as of the time such funds are disbursed to or for the account of the borrower. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

Exhibit "A"

A PARCEL OF LAND LYING IN SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A COQUINA MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 83°52'24" EAST, ALONG THE SOUTH LINE OF SAID SECTION 52, A DISTANCE OF 253.35 FEET; THENCE SOUTH 00°52'20" WEST A DISTANCE OF 501.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH 75°45'36" EAST, ALONG THE SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 563.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 16-A (ALSO KNOWN AS LEWIS SPEEDWAY) A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1960.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°36'22" AN ARC DISTANCE OF 20.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 37°50'54" EAST, 20.73 FEET; THENCE SOUTH 51°50'52" WEST A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1970.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°29'14" AN ARC DISTANCE OF 154.29 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 40°23'36" EAST, 154.25 FEET; THENCE NORTH 47°21'38" EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH 42°38'22" EAST A DISTANCE OF 317.84 FEET; THENCE SOUTH 47°21'38" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 124.39 FEET; THENCE SOUTH 42°38'22" EAST A DISTANCE OF 129.34 FEET; THENCE SOUTH 52°14'49" WEST, A DISTANCE OF 17.13 FEET; THENCE SOUTH 37°45'11" EAST A DISTANCE OF 252.19 FEET; THENCE SOUTH 52°14'04" WEST, A DISTANCE OF 91.90 FEET; THENCE SOUTH 37°46'32" EAST, A DISTANCE OF 21.29 FEET; THENCE SOUTH 52°13'28" WEST, A DISTANCE OF 105.41 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 242 PAGE 431-432 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 88°24'37" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 795.34 FEET; THENCE NORTH 01°41'25" EAST, DEPARTING SAID NORTH LINE ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 137 PAGE 248 A DISTANCE OF 690.46 FEET TO THE CENTER OF RED HOUSE BRANCH; THENCE NORTH 65°00'15" WEST, A DISTANCE OF 102.35 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DEEDED IN OFFICIAL RECORDS BOOK 3061, PAGE 216, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Further excepting the following

A PARCEL OF LAND LYING IN SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A COQUINA MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 83°52'24" EAST, ALONG THE SOUTH LINE OF SAID SECTION 52 A DISTANCE OF 253.35 FEET; THENCE SOUTH 00°52'20" WEST A DISTANCE OF 501.93 FEET TO THE SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 75°45'36" EAST, ALONG SAID SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOON 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 563.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 16-A (ALSO KNOWN AS LEWIS SPEEDWAY) A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1960.06 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°36'22" AN ARC DISTANCE OF 20.73 FEET, SAID CURVE BEING

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

72C165B09

ALTA Commitment for Title Insurance 8-1-16 w- FL Mod

Page: 6 of [Page Count]



CHICAGO TITLE
INSURANCE COMPANY

SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 37°50'54" EAST, 20.73 FEET; THENCE SOUTH 51°50'52" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID POINT OF BEGINNING ALSO BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1970.06 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°29'14" AN ARC DISTANCE OF 154.29 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 40°23'36" EAST, 154.25 FEET; THENCE SOUTH 47°39'06" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 20.10 FEET; THENCE SOUTH 51°35'07" WEST A DISTANCE OF 19.92 FEET; THENCE NORTH 40°23'26" WEST A DISTANCE OF 154.26 FEET; THENCE NORTH 49°36'53" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

102820-0009

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

72C165B09

ALTA Commitment for Title Insurance 8-1-16 w- FL Mod

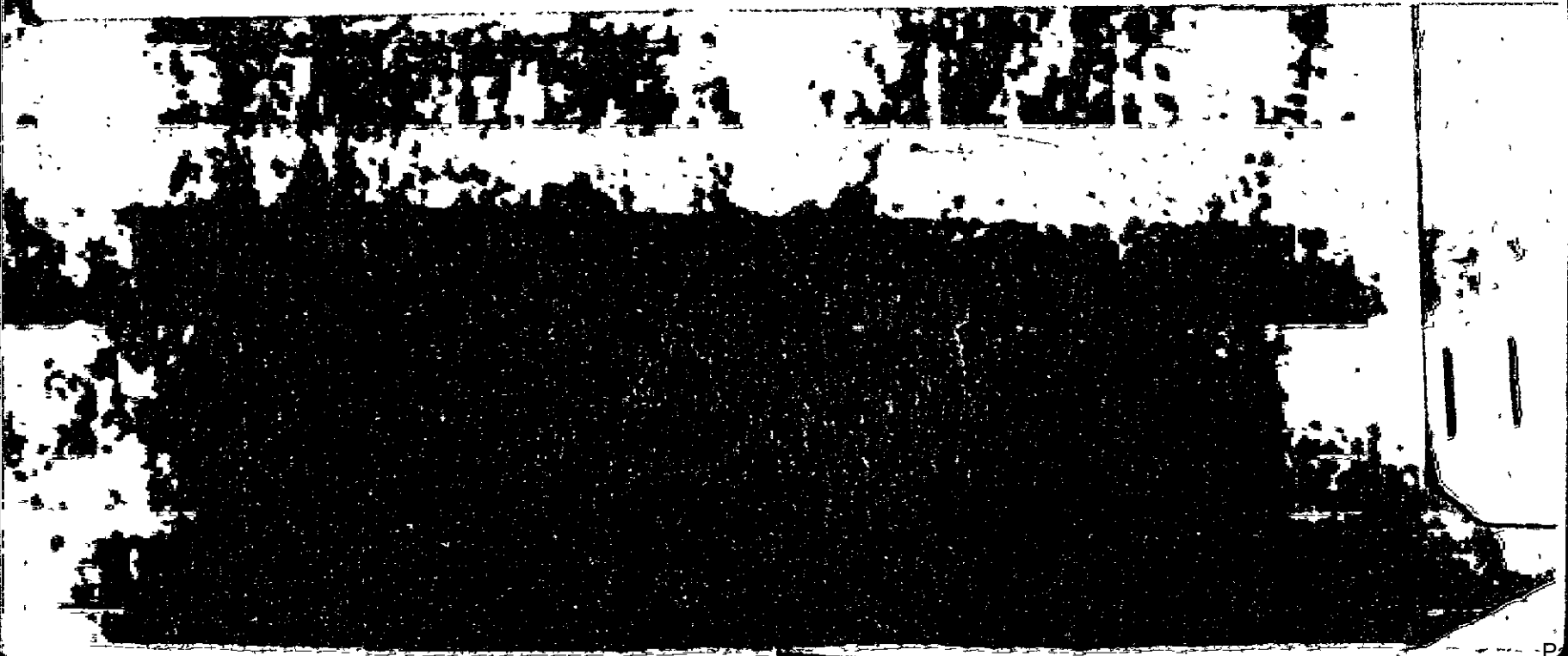
Page: 7 of [Page Count]

GENERAL PERMIT

DEED 112 PAGE 182

Received of the SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, Incorporated, Five Hundred and No/100 Dollars in consideration of which WE hereby grant unto said Company, its associated and allied companies, their respective successors, assigns, lessees and agents, the right, privilege and authority to construct, reconstruct, operate and maintain a line consisting of twenty-four (24) poles in the location now designated by small stakes, as indicated by sketch hereto attached and made a part hereof, and including the necessary wires, cables, anchors, other fixtures and appurtenances as the grantee may from time to time require upon, across and over the property which WE own or in which WE have an interest in Sections 51 & 57 Township 7 South, Range 29 East, and Sections 35 (Lot 15) Township 6 South, Range 29 East, in the County of St. Johns and State of Florida, upon the following terms and conditions, to wit:

1. The Telephone Company shall have the right to permit the attachment of wires of any other company or person to said poles, and in addition thereto shall have the right to trim and cut trees along said pole line so as to clear and keep the wires thereon cleared at least 50 feet on each side of line. Said right or easement to be without prejudice to the owner's right to utilize said one hundred foot strip of land for streets, roadways, buildings or other improvements.



DEED 112 483
2. The Telephone Company agrees to at all times protect, indemnify and save the property owner harmless from any and all losses caused by the construction, operation or maintenance of said pole line, on said property growing out of the negligence of its employees or agents.

Witness OUR hand and seal this 8th day of JUNE,
A. D., 1936, at ST AUGUSTINE, FLA.

Witness: Helen Greenator

Harry K. Jackson

Witness: J. N. Mac Keeley

George Jackson

Oba P. Grode

Wm. A. James

Wm. Taylor

3/4/37
James

As Trustees of The Home Corporation,
a corporation dissolved pursuant
to the provisions of Chapter 16880
Law of Florida, acts of 1935.

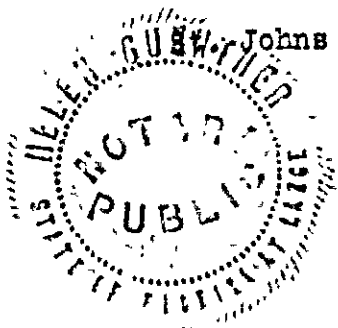
State of Florida,

DEED 112 PAGE 184

County St. Johns

I hereby certify that on this 6th day of June, A. D. 1936, before me personally appeared Harry K. Jackson, George William Jackson, Obe P. Goode, Otis E. Barnes and A. M. Taylor to me well known and known to me to be the persons described in and who executed the foregoing easement to the Southern Bell Telephone and Telegraph Company, Incorporated and who acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and they severally acknowledged that they were the directors of the Home Corporation, a corporation, at the time of its dissolution pursuant to the provisions of Chapter 16880, Laws of Florida, Acts 1935 and are now Trustees of the properties of said Corporation, pursuant to said law.

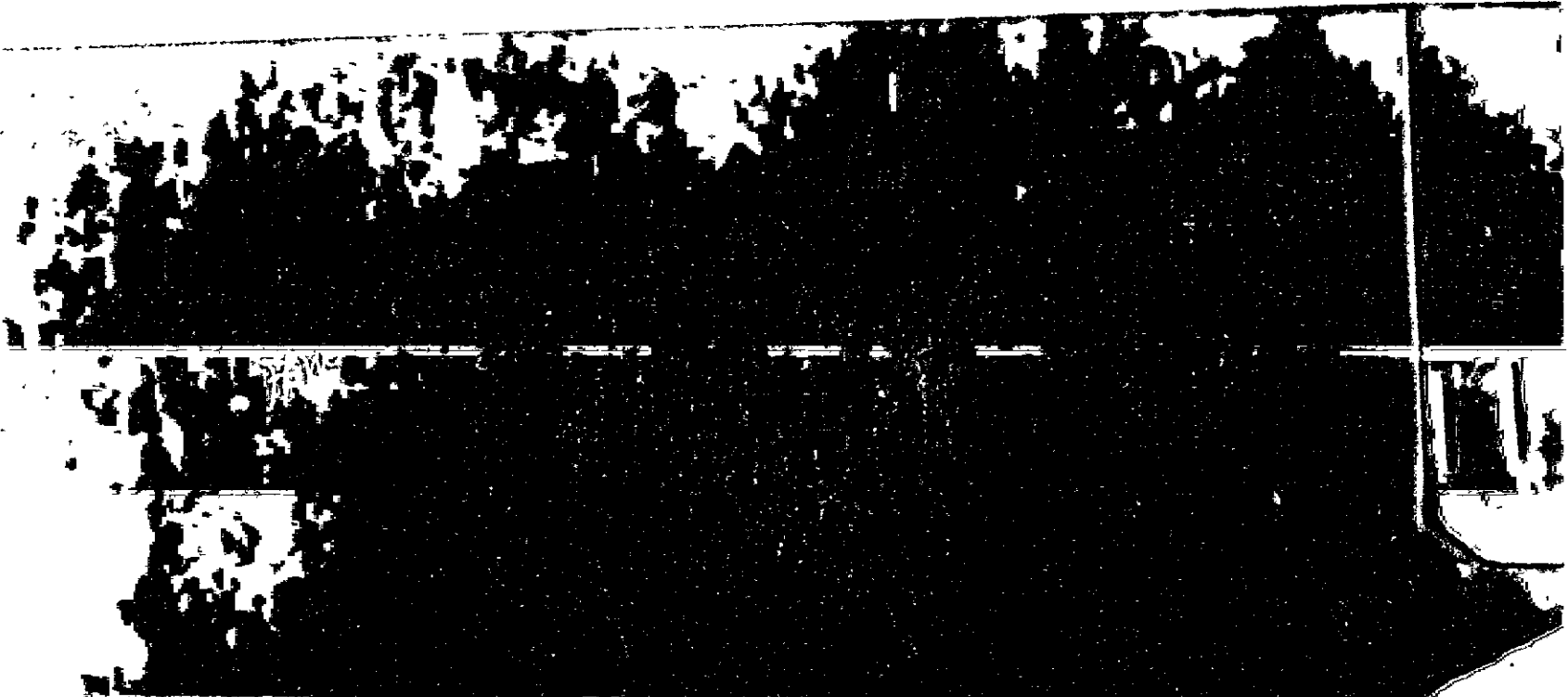
Witness my signature and official seal at St. Augustine, in the County of St. Johns and State of Florida, the day and year last aforesaid.

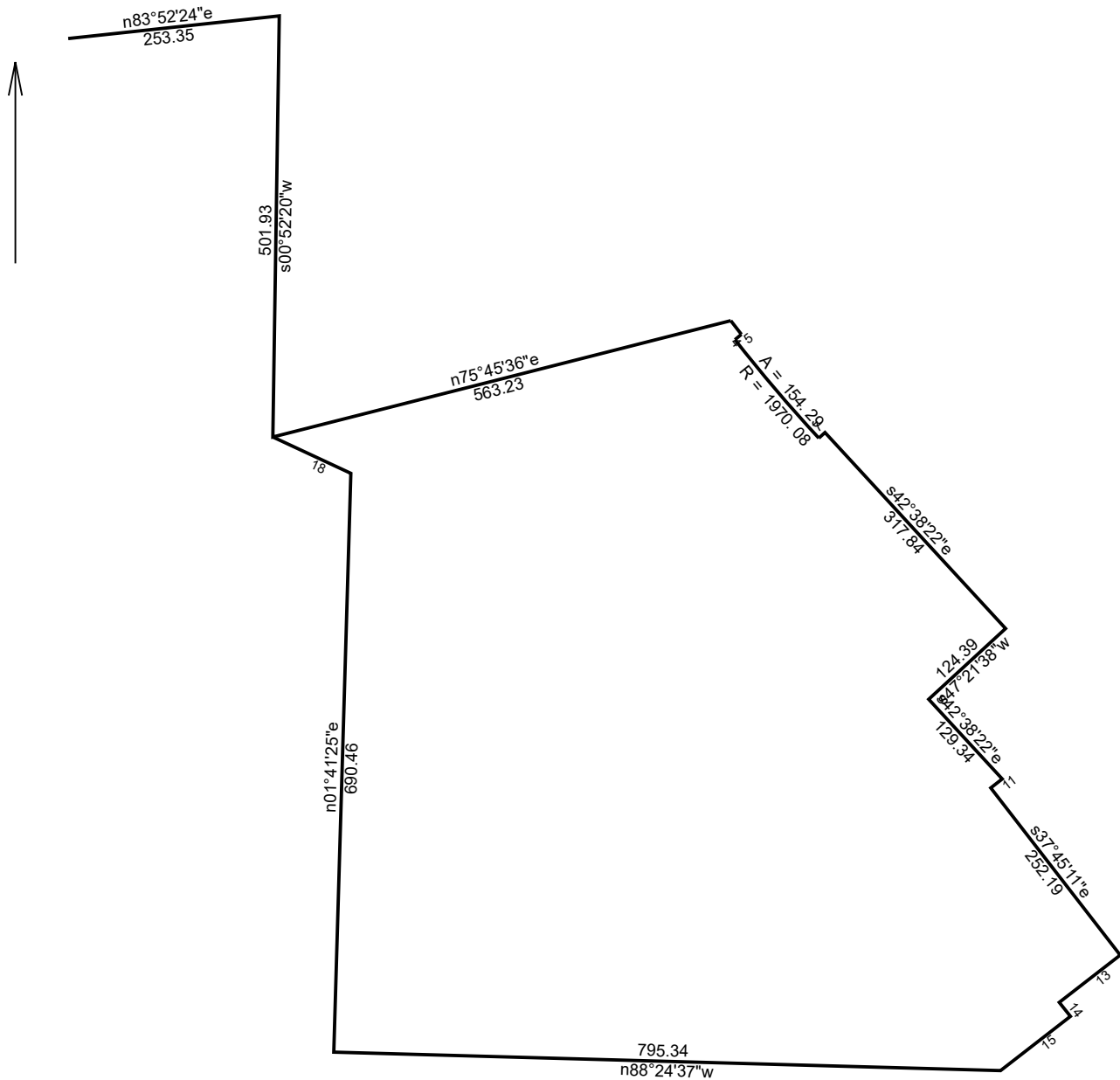


Helen Gussner (Seal)

Notary Public St. Johns County,
State of Florida at Large,
My commission expires: Oct 8-1937.

No. 72619 FILED MAR 4 1937
at 10:55 o'clock a. m. Recorded in the public
records of St. Johns County, Florida, in the Book and
Page noted above. Hiram Farn Clerk of said Court
By Helen Melcher Deputy Clerk.





11/24/2019

Scale: 1 inch= 200 feet

File: 8042397.ndp

Tract 1: 12.8987 Acres, Closure: n27.1319w 534.00 ft. (1/8), Perimeter=4161 ft.

01 n83.5224e 253.35	12 s37.4511e 252.19
02 s00.5220w 501.93	13 s52.1404w 91.9
03 n75.4536e 563.23	14 s37.4632e 21.29
04 Lt, r=1960.08, delta=000.3622, arc=20.73, chord=s37.5054e 20.73	15 s52.1328w 105.41
05 s51.5052w 10	16 n88.2437w 795.34
06 Lt, r=1970.08, delta=004.2914, arc=154.29, chord=s40.2336e 154.25	17 n01.4125e 690.46
07 n47.2138e 10	18 n65.0015w 102.35
08 s42.3822e 317.84	
09 s47.2138w 124.39	
10 s42.3822e 129.34	
11 s52.1449w 17.13	

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA11-529
DIVISION: 55

CBC NATIONAL BANK, f/k/a FIRST
NATIONAL BANK OF NASSAU COUNTY,

Plaintiff,

vs.

WHISPERING CREEK, LLC, a Florida
limited liability company; et al.,

Defendants.

FILED
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY, FL

2012 MAR 19 AM 10:08

FILED

CERTIFICATE OF TITLE

The undersigned clerk of the Court certifies that she executed and filed a Certificate of Sale in this action on March 6, 2012 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in St. Johns County, Florida:

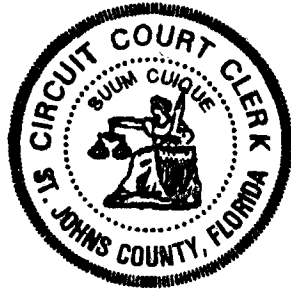
See Exhibit "A" attached hereto and by this reference made a part hereof.

Less and Except the parcels described in Exhibit "B" and Exhibit "C" attached hereto and by this reference made a part hereof.

Together with the Permits listed in Exhibit "D" attached hereto and by this reference made a part hereof.

was sold to CBC NATIONAL BANK, f/k/a FIRST NATIONAL BANK OF NASSAU COUNTY, ATTN: Mr. Durand Childers, 1891 South 14th Street, Fernandina Beach, Florida 32034.

WITNESS my hand and seal of the Court on March 19th, 2012.



CHERYL STRICKLAND
Clerk of the Circuit Court

By: Audrey Jarrard
Deputy Clerk

Copies to:

FREDERICK R. BROCK, ESQUIRE
Gartner, Brock and Simon
1660 Prudential Drive, Suite 203
Jacksonville, Florida 32247-0697

LANCE PAUL COHEN, ESQUIRE
Cohen & Thurston, P.A.
1912 Hamilton St., Suite 206
Jacksonville, Florida 32210

ROBERT M. GRAUBARD
P.O. Box 266
Wurtsboro, NY, 12790

COLLEEN GRAUBARD
40 Abbott Street
St. Augustine, Florida, 32084

SENIOR CARE GROUP, INC.
c/o David R. Vaughan, Registered Agent
1240 Marbella Plaza Drive
Tampa, Florida 33619

SOUTHERN INVESTMENT GROUP, L.L.L.P.
c/o B & C Corporate Services of Central Florida, R.A.
390 North Orange Avenue, Suite 1400
Orlando, Florida 32751

CBC NATIONAL BANK, f/k/a FIRST
NATIONAL BANK OF NASSAU COUNTY
ATTN: Mr. W. Durand Childers
1891 South 14th Street
Fernandina Beach, Florida 32034

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 1

A PARCEL OF LAND LYING IN SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCE AT A COQUENA MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH $83^{\circ}32'24''$ EAST, ALONG THE SOUTH LINE OF SAID SECTION 52, A DISTANCE OF 253.35 FEET; THENCE SOUTH $00^{\circ}52'20''$ WEST A DISTANCE OF 591.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH $73^{\circ}45'36''$ EAST, ALONG THE SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 246 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 563.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 16-A (ALSO KNOWN AS LEWIS SPEEDWAY) A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1960.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF $00^{\circ}36'22''$ AN ARC DISTANCE OF 20.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $37^{\circ}50'54''$ EAST, 20.73 FEET; THENCE SOUTH $51^{\circ}50'52''$ WEST A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1970.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $04^{\circ}29'14''$ AN ARC DISTANCE OF 154.29 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $48^{\circ}23'36''$ EAST, 154.36 FEET; THENCE NORTH $47^{\circ}21'38''$ EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH $42^{\circ}38'22''$ EAST A DISTANCE OF 117.84 FEET; THENCE SOUTH $47^{\circ}21'38''$ WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 124.39 FEET; THENCE SOUTH $42^{\circ}38'22''$ EAST A DISTANCE OF 129.34 FEET; THENCE SOUTH $52^{\circ}14'49''$ WEST, A DISTANCE OF 17.13 FEET; THENCE SOUTH $37^{\circ}45'11''$ EAST A DISTANCE OF 252.19 FEET; THENCE SOUTH $52^{\circ}14'49''$ WEST, A DISTANCE OF 91.90 FEET; THENCE SOUTH $12^{\circ}46'32''$ EAST, A DISTANCE OF 21.29 FEET; THENCE SOUTH $52^{\circ}13'28''$ WEST, A DISTANCE OF 105.41 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 242 PAGE 431-432 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH $88^{\circ}24'37''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 795.34 FEET; THENCE NORTH $01^{\circ}41'25''$ EAST, DEPARTING SAID NORTH LINE ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 137 PAGE 248 A DISTANCE OF 690.46 FEET TO THE CENTER OF RED HOUSE BRANCH; THENCE NORTH $65^{\circ}00'15''$ WEST, A DISTANCE OF 102.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 623,128 SQUARE FEET OR 14.11 ACRES MORE OR LESS.

COPY

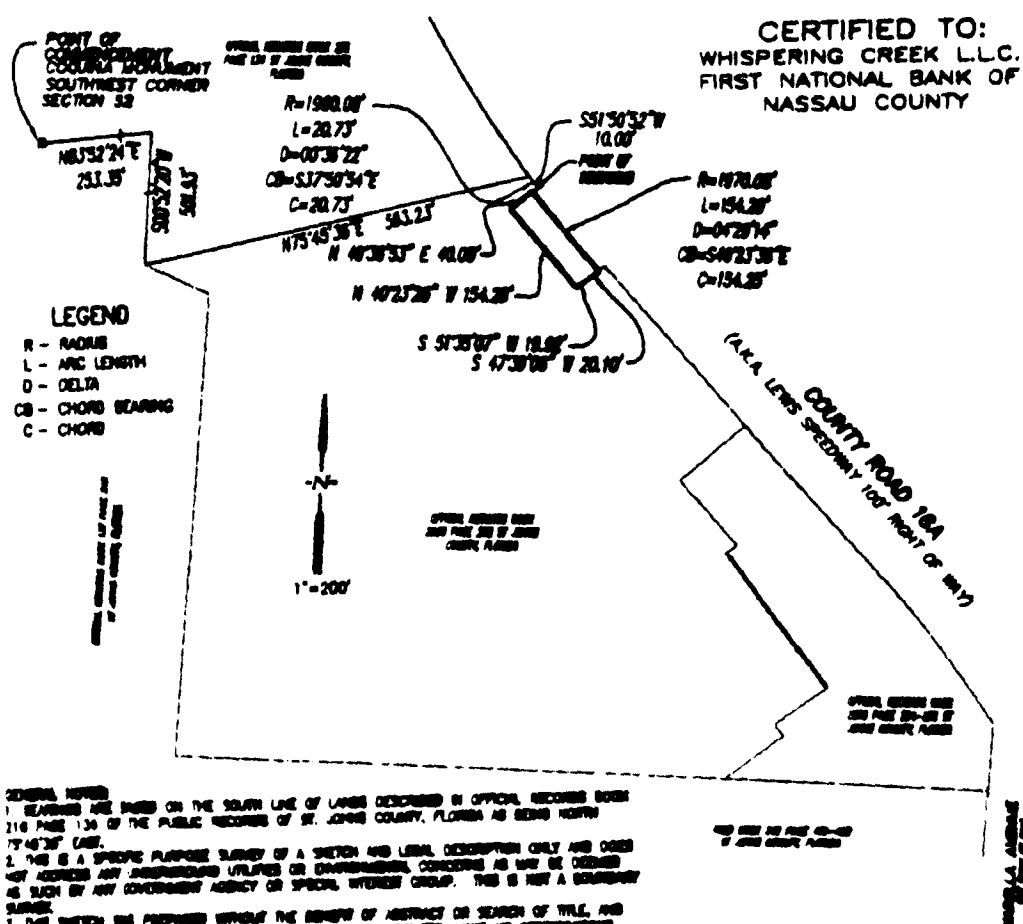
EXHIBIT "B"

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:
A PORTION OF THE SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT A COQUINA MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 83°32'24" EAST, ALONG THE SOUTH LINE OF SAID SECTION 52, A DISTANCE OF 253.35 FEET; THENCE SOUTH 00°38'20" WEST A DISTANCE OF 501.93 FEET TO THE SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 75°48'38" EAST, ALONG SAID SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 563.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 18-A (ALSO KNOWN AS LEWIS SPEEDWAY) A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1980.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°38'22" AN ARC DISTANCE OF 20.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 37°30'34" EAST, 20.73 FEET; THENCE SOUTH 51°30'32" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1970.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'14" AN ARC DISTANCE OF 154.28 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 40°23'38" EAST, 154.28 FEET; THENCE SOUTH 47°39'08" WEST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 20.10 FEET; THENCE SOUTH 51°39'07" WEST A DISTANCE OF 19.92 FEET; THENCE NORTH 40°23'28" WEST A DISTANCE OF 154.28 FEET; THENCE NORTH 48°38'53" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,028 SQUARE FEET OR 0.14 ACRES MORE OR LESS



I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complied with the latest National Technical Standards for Surveys as promulgated by the Florida Board of Professional Surveyors and Mappers, Chapter 61G17-4, Florida Administrative Code Pursuant to Section 475.007, Florida Statutes subject to all rules and regulations thereof.

ALBERT G. BRADSHAW, P.E., FLORIDA CERTIFICATION NO. 1287

BRADSHAW-NILES and ASSOCIATES, INC.

SURVEYING AND MAPPING CONSULTANTS
LICENSED BUSINESS NO. 6224

3000 N. PONCE DE LEON BOULEVARD, SUITE "D"
ST. AUGUSTINE, FLORIDA 32084

(904) 828-2581 FAX (904) 828-8070

SCALE: 1"=200'

DATE: 11-10-07

SHEET 1 OF 1

EXHIBIT "C"

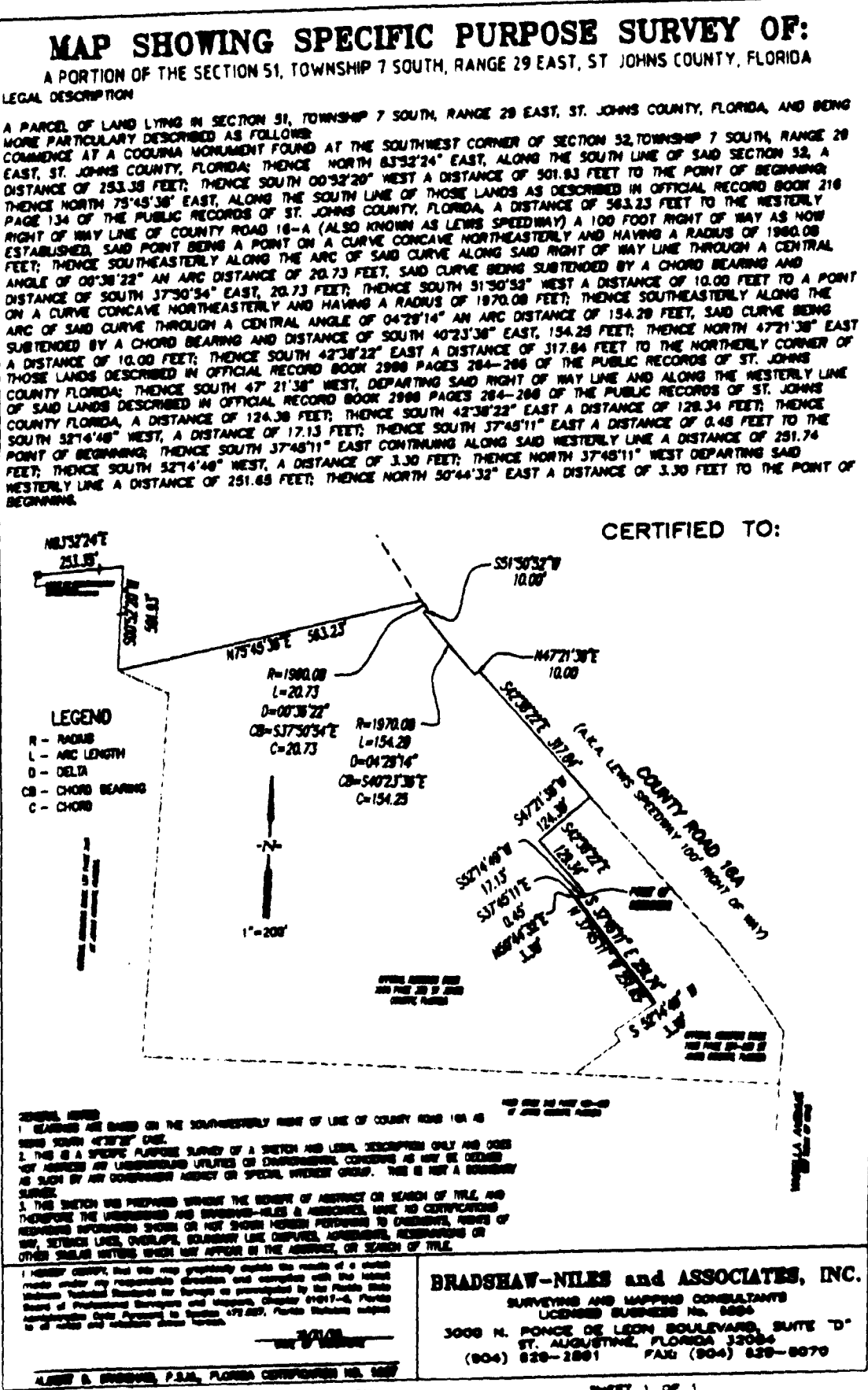


EXHIBIT "D"

WHISPERING CREEK

PERMIT	DATE ISSUED	EXPIRATION DATE	PERMIT NUMBER	SPECIAL CONDITIONS
PUD	1/19/2006		Ordinance # 2005-38	20,000 sq ft office, 104 condo units 00 park improvements One main entrance for both office/condo Phase I - Start driveway for Office in 2 Years Phase II - Start driveway for 5 condo bldgs within 3 years Phase III - Start driveway for remainder condo bldgs within 5 yrs Private master pump station for office/condo
PUD	2/11/2009		Ordinance # 2009-12	Modification 106 Multifamily Units, 20,000 sq ft office Phase I - Start Driveways for office within 2 years of PUD(2007) Phase II - Start multi-family infrastructure & Bldg 1 within 3 years of PUD (2008) Phase III - Start building 2 & 3 of multi-family w/infrastructure within 5 Years of PUD (2010)
PUD	5/24/2010		Ordinance # 2010-14	Modification Started 20,000 sq ft of office 30 Independent Apartments, 132 Bed Assisted Living Facility Phase I - Access Driveway to office/Senior Community Complete Building A Complete. all Infrastructure to Office & Senior Community complete to include Maintenance/Carwash Phase II Start remainder of Construction within 3 Years
Right - Of - Way Turn Lane Lewis s/w	10/23/2007		07-428	Extended on 10/23/08
Right-of-Way			09-170	Modification
DEP - Sanitary Sewer	6/12/2006	6/11/2011	0017036-120 DWC	1,700 LF 8" PVC Sewer Main, 9 Manholes, 8FT wetwell, 70 LF 6" FM 102 Condo & 2 Office Bldgs
DEP Potable Water	6/5/2006	6/4/2011	0080368-197-DSGP	Water Main Extension

WHISPERING CREEK

PERMIT	DATE ISSUED	EXPIRATION DATE	PERMIT NUMBER	SPECIAL CONDITIONS
DEP - Sanitary Sewer Revised	10/30/2007	6/11/2011	0017036-149-DWC	Lift Station
DEP - Sanitary Sewer Revised	10/30/2007	6/11/2011	0017036-149-DWC	1,700 FL 8" PVC Sewer Main, 9 Manholes, 8 FT Wetwell, Lift Station w/pumps, 70 LF 6" FM 104 Condo and 2 Office buildings
SJRWWM - Storm Water Management	5/11/2006	5/10/2011	42-109-104172-1	As Built Certification
SJRWWM General Permit	3/7/2007	3/6/2012	40-109-104172-2	Report once a year if construction is not complete
SJRWWM Modification # 1	10/22/2007	3/6/2012	40-109-104172-3	Plan Modification for Driveway
SJRWWM Modification # 2	9/11/2008	6/6/2012	40-104179-4	Plan Modification for Ditch
Letter of Availability	12/22/2005			Fire Flow Test Connection Fees: Sanitary Sewer [REDACTED] Potable Water - [REDACTED] Inspection Fees: paid at end of Development
Archaeological Study	10/6/2003		8SJ-4799	Study / Artifacts
STATE OF FLORIDA Historical Resources	8/17/2006		2006-7203	Application # 40-109-104172-2

DRAINAGE EASEMENT

THIS INDENTURE, Made this 10th day of ^{November}~~May~~, 1958

by and between GEO. Wm. JACKSON, OTIS E. BARNES and VERLE A. POPE, as surviving members of the last Board of Directors of and Trustees for HOME CORPORATION, a dissolved Florida corporation, parties of the first part, and SAINT JOHNS COUNTY, a political subdivision of the State of Florida, whose post office address is: County Courthouse, St. Augustine, Florida, party of the second part,

WITNESSETH: That said parties of the first part for and in consideration of the sum of \$1.00, and other good and valuable considerations, to them in hand paid by said party of the second part, receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto said party of the second part, and its successors and assigns, forever, a permanent right of way or easement to dig, excavate, lay, maintain, repair, inspect and/or remove a drain, sewer and water pipe, and/or to construct and maintain an open drainage ditch upon, under and across the following described land, situate in the County of St. Johns and State of Florida, to-wit:

The easterly 20 foot width portion of a certain 100 foot width strip of land in Sections 51 and 57, Township 7 South, Range 29 East, St. Johns County, Florida; said 100 foot strip of land having as its center line a line of poles and being more particularly described in General Permit to the Southern Bell Telephone and Telegraph Company, Inc., by the Trustees of the Home Corporation, and recorded in the public records of St. Johns County, Florida, in Deed Book 112, at Page 482; said easterly 20 foot width portion of said strip of land having as its southerly end the north line of the Shepard Crosby Subdivision as recorded in the public records of St. Johns County, Florida, in Map Book 1 at Page 19 and as its northerly end the center of a natural drainage course known as Red House Branch.

ALSO the right to enter into and upon said land for said purposes now and at all times in the future. The abandonment of said easement by party of the second part shall automatically void and terminate the within easement.

IN WITNESS WHEREOF, said parties of the first part have hereunto set their hands and seals the day and year first above written.

Geo W Jackson (SEAL)

Otis E Barnes (SEAL)

Verle A Pope (SEAL)

As surviving members of the last Board of Directors of and Trustees for Home Corporation, a dissolved corporation.

Signed, sealed and delivered in the presence of:

Arthur W. Angwin

Russell W. Todd

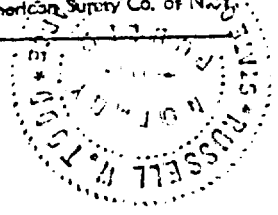
STATE OF FLORIDA
ST. JOHNS COUNTY:

I HEREBY CERTIFY that on this day before me, the undersigned officer, personally appeared GEO. Wm. JACKSON, OTIS E. BARNES and VERLE A. POPE to me well known and known to me to be the persons described in and who executed the foregoing instrument as the surviving members of the last Board of Directors of and Trustees for HOME CORPORATION, a dissolved Florida corporation, and they acknowledged to and before me that they executed the same freely and voluntarily for the uses and purposes therein expressed, being thereunto duly authorized.

WITNESS my hand and official seal this 10th day of November May, 1958.

Russell W. Todd
Notary Public, State of Florida, at Large.
My commission expires, Feb. 27, 1960.
Bonded by American Surety Co. of N.Y.
My commission expires:

No. 75083 Filed NOV 11 1958
at 8:30 o'clock W M. Recorded in the
Public Records of the St. Johns County, Florida
in the book and pages noted above.
HIRAM FAVER, Clerk Circuit Court
By Melba O. Wells Deputy Clerk



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19

Prepared by and return to:
Bert C. Simon, Esquire
Gartner, Brock and Simon
1660 Prudential Drive, Suite 203
Jacksonville, Florida 32207

**ACCESS, UTILITIES AND DRAINAGE
EASEMENT AND MAINTENANCE AGREEMENT**

This Easement and Maintenance Agreement (the "Agreement") is made as of this 3 day of April, 2009, by and between **North Florida Commerce Center, LLC**, a Florida limited liability company, 1100-4 Ponce de Leon Blvd, St. Augustine, Florida 32084 ("NFCC") and **Whispering Creek, LLC**, a Florida limited liability company, 1100-4 Ponce de Leon Blvd, St. Augustine, Florida 32084 ("WC"). NFCC and WC are hereinafter sometimes collectively referred to as the "Parties" and singularly as a "Party."

WHEREAS, NFCC is the owner of that parcel of land located in St. Johns County, Florida, more particularly described on **Exhibit "A"** hereto (the "Commercial Parcel");

WHEREAS, WC is the owner of that parcel of land located contiguous to the Commercial Parcel and more particularly described on **Exhibit "B"** hereto (the "Residential Parcel");

WHEREAS, the Commercial Parcel and the Residential Parcel are both subject to City of St. Augustine, Florida Ordinance _No. 2005-38 (the "PUD Ordinance") establishing the Whispering Creek Planned Unit Development and other governmental permits and approvals (the "Permits and Approvals") that provide for certain items of common infrastructure to serve both the Commercial Parcel and the Residential Parcel (the "Common Infrastructure").

WHEREAS, attached to this Easement Agreement as **Exhibit "C"**, is the Master Development Plan for the Whispering Creek Planned Unit Development (the "Master Development Plan").

WHEREAS, the Parties desire to grant to each other easements for ingress, egress, utilities, and drainage easements for the construction, use and operation of the Common Infrastructure; and

WHEREAS, the parties also desire to provide for the operation and maintenance of the Common Infrastructure and the allocation of such operation and maintenance costs between the Commercial Parcel and the Residential Parcel.

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NOW, THEREFORE, in consideration of the granting of the easements described herein, Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Ingress Egress Easement. NFCC hereby grants to WC, and its successors and assigns, for the use and benefit of the Residential Parcel, a perpetual, non-exclusive easement over, across and upon that portion of the Commercial Parcel, more particularly described on **Exhibit "D"** hereto (the "Access and Utilities Easement Area") for the purposes of vehicular and pedestrian access, ingress and egress to and from the Residential Parcel to County Road 16-A (also known as Lewis Speedway) a publicly dedicated right-of-way by WC and its successors, assigns, employees, agents, contractors, tenants, guests and invitees, together with the right to construct, maintain, repair, and improve a paved driveway or street and sidewalks (the "Entry Roadway and Sidewalks") within the Access and Utilities Easement Agreement to provide access to the Residential Parcel. At the request of WC, NFCC shall join in the dedication of such street as a public right of way, if necessary for the development of the Residential Parcel.

Notwithstanding the foregoing easements, NFC shall be responsible to timely complete construction and installation of the Entry Roadway and Sidewalks within the Access and Utilities Easement Area to provide access to the Residential Parcel and the remainder of the Commercial Parcel in accordance with the Permits and Approvals. All costs of construction, maintenance or repair of the Entry Roadway and Sidewalks shall be shared by the Parties as hereinafter set forth. Further, each party shall repair or replace, at its sole expense, any damage to the property of the other Party caused by its use of this easement.

NFC shall be responsible to maintain and repair the Entry Roadway and Sidewalks in good condition and repair and suitable for use for their intended purpose. WC agrees to reimburse NFC for its share of the annual costs of maintenance and repair of the Entry Roadway and Sidewalks as hereinafter set forth. The obligation to reimburse shall commence from and after one or more certificates of occupancy have been issued for improvements on the Residential Parcel.

2. Utilities Easement. NFCC hereby grants to WC, and its successors and assigns for the use and benefit of the Residential Parcel, a perpetual non-exclusive easement to construct, operate, lay, maintain, improve, and/or repair facilities and associated equipment for sewer, water, electric, telecommunications (including cable television) and other public utilities on, through, across or under the Access and Utilities Easement Area, together with the right of ingress and egress over the Commercial Parcel as may be required for the enjoyment of the rights herein granted. WC shall repair or replace, at its sole expense, any damage to the property of NFCC caused by WC's use of this easement and shall restore the surface of the ground to its pre-existing condition. The utility easement herein granted includes the right and privilege of the WC to grant utility easements to or to assign this utility easement or the rights granted hereunder to utility service providers for the purpose of providing utility services to the Residential Parcel. WC shall be solely responsible for the maintenance repair of any utility lines or facilities that serve only the Residential Parcel which are not maintained by the utility service providers.

Notwithstanding the foregoing easements, NFCC shall be responsible to timely complete construction and installation of the water lines “stubbed out” to the Residential Parcel in accordance with the Permits and Approvals. WC shall reimburse NFCC for the cost of such construction, as hereinafter set forth.

3. Lift Station Easement. The PUD Ordinance and the Permits and Approvals require a single sanitary sewer lift station to serve both the Commercial Parcel and the Residential Parcel. NFCC hereby grants to WC, and its successors and assigns, a non-exclusive perpetual easement appurtenant to the Residential Parcel to install, construct, maintain, repair and replace and to connect to and use a lift station and the sewer lines and facilities necessary to connect it to the public utility force main in accordance with the requirements of the Permits and Approvals (the “Lift Station”) within that portion of the Access and Utilities Easement Area where the Lift Station is to be constructed pursuant to the Permits and Approvals. Notwithstanding the foregoing easements, NFCC shall be responsible to timely construct the Lift Station and “stub out” the waste water gravity line to the Commercial Parcel and the Residential Parcel. The cost of construction of the Lift Station including all hard and soft costs, shall be shared by the Parties based on the approximate capacity allocated to each Parcel as hereinafter set forth. Either Party shall have the right, at its sole cost and expense, to upgrade the capacity of the Lift Station to provide additional capacity to the Commercial Parcel or the Residential Parcel. Both Parties agree that its use of the Lift Station shall not interfere with the other Parties use of the Lift Station, except for temporary interruptions during construction activities or repairs.

All costs of connecting to the Lift Station, including the installation of any lines or equipment necessary for the connection, shall be at the sole expense of the Party making the connection. WC shall repair or replace, at its sole expense, any damage to the property of NFCC caused by WC’s connection to the Lift Station and shall restore the surface of the ground to its pre-existing condition.

NFCC shall be responsible to maintain the Lift Station in good condition and repair and both parties shall share in the cost of maintenance and repair of the Lift Station on the basis of the approximate ratio of the Lift Station capacity allocated to the Residential Parcel and the Commercial Parcel, as hereinafter set forth. WC will remit its share of such maintenance cost within thirty (30) days of receipt of an invoice therefore, together with reasonable supporting documentation evidencing the amount of the invoice. Provided however, neither party shall have any obligation to contribute to the cost of the maintenance and repair of the Lift Station, until one or more certificates of occupancy have been issued for improvements constructed on its Parcel. All use of the Lift Station by each Parcel shall be separately metered and usage charges shall be billed to each Party by the utility company.

4. Drainage Easement. The St. Johns River Water Management District has issued permit No. 42-109-104172-1, as modified by St. Johns River Water Management Modifications No. 40-109-104172-1, No. 40-109-104172-2 and No. 40-109-104172-3 as the same may be further modified (collectively the “Stormwater Management Permit”) applicable to the Commercial Parcel and the Residential Parcel for the installation, construction, maintenance, repair and replacement of a storm and surface water management system including drainage



pipes and structures and for the collection, retention and treatment of storm and surface water run-off in the three retention ponds generally as depicted on the Master Development Plan (collectively the "Stormwater Management System"). NFCC grants to WC and WC grants to NFCC and their respective successors and assigns, perpetual non-inclusive drainage easements over and across those portions of their respective Parcels where the Stormwater Management System is constructed or to be constructed, together with the right to construct, install, maintain, repair and replace drainage pipes, drainage structures and retention ponds in accordance with the Stormwater Management Permit. Each Party shall have the right of ingress and egress over the other parcel as may be necessary for enjoyment of the rights herein granted. Either Party may at any time obtain a survey and legal description of the Stormwater Management System located on its Parcel, and the other Party, after reasonable review and approval shall join in the execution of an amendment to this Agreement specifically describing the drainage easement area. Both Parties agree to comply with the requirements of the Stormwater Management Permit and all applicable laws, rules, regulations and ordinances pertaining to use of the Stormwater Management System for the collection, retention and treatment of storm and surface water run-off.

Notwithstanding the foregoing easements, NFC shall be responsible to timely complete construction and installation of the Stormwater Management Systems. All costs of construction, maintenance or repair of the Stormwater Management System shall be shared by the Parties based on the approximate ratio of the maximum run-off co-efficient resulting from the storm and surface water of each Parcel as hereinafter set forth. Further, each Party shall repair or replace, at its sole expense, any damage to the property of the other Party caused by its use of this easement.

Each Party shall be responsible to maintain and repair the portion of the Stormwater Management System located on its Parcel. Each Party agrees to reimburse the other Party for its share of the annual cost of maintenance and repair of the Stormwater Management System based on the ratio set forth above to the extent the other Party has paid a disproportionate share. The obligation to reimburse shall commence from and after one or more certificates of occupancy have been issued for improvements on a Parcel. Each Party will remit the reimbursement for its share of such cost and maintenance within thirty (30) days of receipt of an invoice therefore, together with reasonable supporting documentation evidencing the amount of such invoice. If either Party elects to perform the maintenance and repair of the Stormwater Management System itself and not contract with an independent third party for such work, then, and in such event, the costs of such maintenance and repair shall not exceed the reasonable rate that would be charged for such work by a third party contractor located in the greater Jacksonville, Florida area.

5. Sign Easement. The PUD Ordinance and applicable ordinances and regulations of the City of St. Augustine, Florida permit one monument sign for the benefit of the Residential Parcel (the "Monument Sign") within the Access and Utilities Easement Area in the general location shown on the Master Development Plan, and a clock tower with signage for the Commercial Park (the "Clock Tower") for the benefit of the Commercial Parcel. NFCC hereby grants to WC, its successors and assigns, an exclusive easement appurtenant to the Residential Parcel to install, construct, maintain, repair and replace within the Access and Utilities Easement Area the Monument Sign and sign panels identifying the Residential Parcel and improvements

constructed thereon within the Access and Utilities Easement Area in accordance with the PUD Ordinance and the Permits and Approvals. All signage relating to the Commercial Parcel shall be located on the Clock Tower.

The cost of construction of the Monument Sign shall be the responsibility of WC. The cost of construction of the Clock Tower shall be the responsibility of NFCC

WC shall be responsible to maintain the Monument Sign and sign panels in good condition and repair and with an attractive appearance. NFCC shall be responsible to maintain the Clock Tower and sign panels in good condition and repair and with an attractive appearance.

6. Landscape and Fence Easements. The PUD Ordinance and the ordinances and regulations of the City of St. Augustine require entryway landscaping and perimeter landscaping around the entire Planned Unit Development (the "Common Landscaping"), and a privacy fence with landscaping along the common property line of the Commercial Parcel and the Residential Parcel (the "Privacy Fence"). Each party agrees to comply with the landscape requirements of the PUD Ordinance and the applicable ordinances and regulations of the City of St. Augustine as to the Common Landscaping and the Privacy Fence and any additional landscaping within its Parcel. The Parties agree that an irrigation well shall be drilled by NFCC in the Access and Utility Easement Area in the vicinity of the Lift Station to provide irrigation only for the Commercial Parcel. WC shall drill irrigation wells on the Residential Parcel for the Common Landscaping locate thereon.

NFCC shall be responsible to install and maintain the Common Landscaping within the Access and Utilities Easement Area, and WC shall reimburse NFCC for a portion of the cost thereof, as hereinafter set forth. NFCC shall also install and maintain at its sole cost and expense that portion of the Common Landscaping located on the remainder of the Commercial Parcel and that portion of the Privacy Fence located behind the buildings on the Commercial Parcel. WC shall be responsible to install and maintain at its sole cost and expense the Common Landscaping on the Residential Parcel and the remainder of the Privacy Fence and the entry gate to the Residential Parcel.

7. Completion of Common Infrastructure.

(a) NFCC and WC (but only as to the Monument Sign) each agree to complete construction of the following items of the Common Infrastructure for which it is responsible to construct and to obtain final acceptance or approval of same by all applicable governmental authorities on or before October 30, 2009:

- (i) Off-Site work consisting of installation of drainage lines and facilities, grading, stabilization, asphalt pavement, and landscaping and granting of three (3) drainage easements to City of St. Augustine/St. Johns County along Lewis Speedway, as required by engineering approval.
- (ii) Installation of drainage lines and facilities for drainage and treatment of stormwaters from Commercial Parcel and the Residential Parcel through

- the stormwater management ponds as shown on the Master Development Plan.
- (iii) Construction of a master sanitary sewer lift station and force main, and installation of utility lines for water and sanitary sewer to be “stubbed out” to service the Residential Parcel and the Commercial Parcel as shown in the Master Development Plan.
 - (iv) Construction of common entry road and entry features, including sidewalk.
 - (v) Construction of one monument sign for the Residential Parcel and a clock tower with signage for the Commercial Parcel, as approved by the City of St. Augustine.
 - (vi) Installation of perimeter and entryway landscaping on the Commercial Parcel, and installation of that portion of the privacy fence located behind the buildings on the Commercial Parcel as shown on the Master Development Plan.
 - (vii) Off-site work consisting of the construction of turn lanes along Lewis Speedway, and grading, stabilization, asphalt pavement, and landscaping.

In the event either Party fails to commence and diligently pursue construction that will meet the foregoing time schedule, the other Party may construct such items of Common Infrastructure, if that party reasonably determines it is necessary to do so to protect its property values and rights.

(b) NFCC and WC agree that a percentage of the construction cost and on-going maintenance and repair costs of each item of Common Infrastructure shall be allocated to the Residential Parcel and the Commercial Parcel as follows:

<u>Infrastructure Component</u>	<u>Residential Parcel</u>	<u>Commercial Parcel</u>
Entry Roadway and Sidewalks	43%	57%
Monument Sign	100	0
Clock Tower	0%	100%
Stormwater Drainage Lines & Facilities	80	20
Stormwater Drainage Ponds	80	20
Water Lines	95	5
Master Lift Station, Force Main & Generator	95	5
Entryway Landscaping	43	57
Perimeter Landscaping	*	*
Irrigation Well	*	*
Privacy Fence between Parcels	**	**
Offsite Work for Drainage Pipes & Facilities	80	20
Offsite Work for Turn Lanes	57	43

* Each Owner responsible for its Parcel.

** NFCC installs privacy fence entire length behind office buildings. WC installs remainder of privacy and entry gate to the Residential Parcel.



(c) All expenses required to be reimbursed between the Parties or their successors and assigns which are incurred after the recording date of this Agreement shall bear interest at the rate of eighteen percent (18%) per annum from and after thirty (30) days after the same have been submitted for payment until the same have been paid in full. All billings shall be accompanied by paid invoices evidencing the nature of the work performed and itemizing the cost thereof.

(d) The Parties agree to cooperate with each other in making any required maintenance or repairs and to agree in writing in advance of the expenditure of funds as to the nature and extent of the maintenance and repairs required, except as to emergency repairs, which either party determines must be performed immediately to avoid damage to property or injury to persons.

8. Insurance and Indemnity. Each Party (as to its Parcel only) shall maintain or cause to be maintained in full force and effect Commercial General Liability Insurance with a combined single limit of liability of not less than One Million and No/100 Dollars (\$1,000,000.00) per occurrence for bodily or personal injury or death and for property damage insuring against liabilities incurred in the exercise of the easement rights herein granted. The other Party shall be an "additional insured" under such policy. The limits stated in this paragraph shall be increased from time to time as is reasonable under the circumstances and as agreed by the Parties.

Each Party ("Indemnitor") covenants and agrees to defend, protect, indemnify and hold harmless the other Party ("Indemnitee") from and against all claims, including any actions or proceedings brought thereon, and all costs, losses, expenses and liability including reasonable attorney's fees and costs of suit) arising from or as a result of the injury to or death of any person, or damage to the property of any person which shall occur as a result of the exercise of the easement rights herein granted except for claims caused by the negligence or willful act or omission of such Indemnitee, its licensees, concessionaires, agents, servants, or employees, or the agents, servants or employees of any licensee or concessionaire thereof.

9. Covenants Running with the Land; Assignment. Every agreement, covenant, easement, right or privilege made, granted or assumed, as the case may be, by either Party is made by such Party not only for the benefit of the other Party, and its successors and assigns, but shall constitute an equitable servitude on the respective Parcel owned by such Party appurtenant to and for the benefit of the other Parcel. Any transferee of either Parcel shall automatically be deemed, by acceptance of the title to such Parcel, to have assumed all obligations of this Agreement relating thereto and to have agreed with the then owner of the other Parcel to execute any and all instruments and to do any and all things reasonably required to carry out the intention of this Agreement. It is understood that NFCC and WC may each form an incorporated property owner's association with reference to their Parcel and that the rights and obligations of NFCC and WC under this Agreement may be assigned to such associations. Upon assignment to and assumption by such an association and transfer of control of the association to non-developer owners, the assignor shall be released of all obligations hereunder.

10. No Public Rights. Nothing contained in this Agreement shall be deemed to be an easement or dedication of any portion of either Parcel to the general public or for any public use or purpose whatsoever, it being the intention of the Parties and their successors and assigns that nothing in this Agreement, expressed or implied, shall confer upon any person, other than the Parties and their successors and assigns, any rights or remedies under or by reason of this Agreement.

11. Notices. All notices, demands, requests, instructions and other communications to be given or made under this Agreement shall be in writing and given by mailing the same Registered or Certified United States Mail or by sending the same by Federal Express or other nationally recognized overnight courier service that delivers upon written acknowledgment of receipt (in the manner hereinafter set forth) to the Parties at their address reflected on page one hereof. Any such notice shall be prepaid by the sending party and shall be deemed received upon acknowledged receipt or rejection. Either Party or their successors or assigns may, by notice to the other Party, change any current notice address to another address within the continental United States.

12. Performance of Maintenance and Repair Obligations. Each Party agrees to promptly perform all maintenance and repair obligations for which it is obligated under this Agreement so that the roadway, utilities, drainage, and other common facilities serving the Commercial Parcel and the Residential Parcel remain in good condition and repair and useful for their intended purpose. If either Party shall fail to perform its maintenance and repair obligations within thirty (30) days of notice from the other Party (the "Notifying Party") specifying the items of maintenance or repair, then the Notifying Party shall have the right, but not the obligation, to perform such necessary maintenance and repair and to the extent necessary enter onto the other Party's parcel. Provided however, in the event an emergency either Party may make repairs or maintenance necessary to prevent damage to property or personal injury without notice to the other party. The Party who failed to perform the maintenance shall reimburse the Notifying Party for the cost of such maintenance or repair plus twenty percent (20%) within fifteen (15) days after receipt of an invoice therefore, together with reasonable evidence documenting the amount of the expense.

13. Enforcement. Either Party, their successors and assigns may enforce this Agreement by appropriate action and the prevailing Party in any such dispute shall be entitled to recover all costs and expenses associated therewith, including reasonable attorneys' fees, at trial or on appeal. The Parties acknowledge that the payment of monetary damages may not constitute an adequate remedy for the failure of a Party to perform its obligations hereunder and agree that each Party hereto, their successors and assigns, may, at the election of such Party, be entitled to specific performance in any action to enforce the provisions of this instrument. Provided however, it is expressly agreed that no breach of this Agreement shall (i) entitle any Party to cancel, rescind or otherwise terminate this Agreement, or (ii) defeat or render invalid the lien of any mortgage or trust deed made in good faith and for value as to any portion of either Parcel.

14. Miscellaneous.

(a) The rights of the Parties and their successors and/or assigns with respect to each Parcel shall be limited solely to those rights expressly set forth herein. Nothing contained in this Agreement shall be deemed to grant either Party any rights other than those expressly set forth herein.

(b) This Agreement contains the entire agreement between the Parties relating to the subject matter hereof, and there are not other terms, obligations, covenants, representations, statements or conditions, oral or otherwise, of any kind with reference to the subject matter hereof.

(c) This Agreement may only be amended by a written agreement signed only by NFCC and WC or their successors and assigns who have expressly agreed to assume and perform some or all of the obligations of a Party hereunder, and which has been consented to by the mortgagees consenting to this Agreement or their successors or assigns. Any such amendment shall be effective upon recording in the Public Records of St. Johns County, Florida.

(d) The validity, interpretation and performance of this Agreement shall be governed by the laws of the State of Florida.

(e) No Party or their successors or assigns shall permit any claim, lien or other encumbrance arising from the performance of its obligations hereunder to accrue against or attach to the lands of the other Party or their successors or assigns. If any such lien or encumbrance should attach to the other Party's Parcel, the Party causing the lien or encumbrance to arise shall satisfy or bond-off the lien or encumbrance within twenty (20) days of receipt of notice thereof.

15. Consent. Attached hereto are the consents of the holders of all mortgages encumbering the Commercial Parcel and the Residential Parcel, and of Old Sebastian Point, LLC.

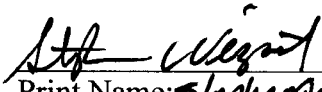
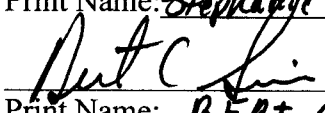
SIGNATURES BEGIN ON THE NEXT PAGE

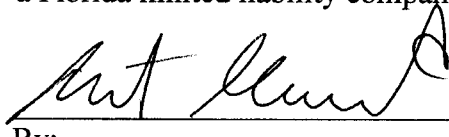


IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names and cause their respective seals to be hereunto affixed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

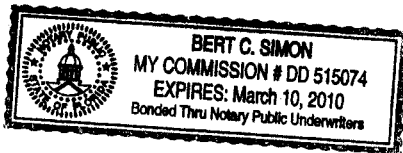
North Florida Commerce Center, LLC
a Florida limited liability company

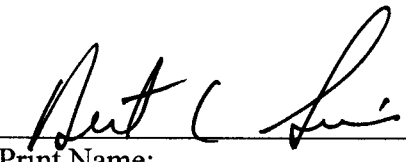

Print Name: Stephanie L. Vincent

Print Name: BERT C SIMON


By:
Print Name: Robert Graubard
Its: Managing Member

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3^d day of April, 2009 by ROBERT GRAUBARD, the Managing MEMBER of North Florida Commerce Center, LLC on behalf of the company. He is personally known to me or has produced El. Driver's License as identification.

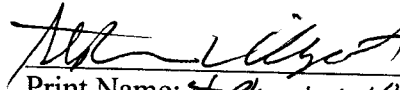


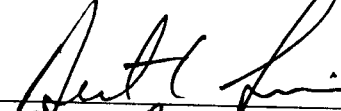

Print Name:
Notary Public, State and County aforesaid

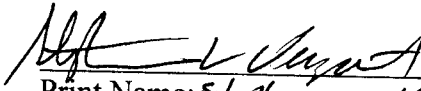
My Commission Expires:

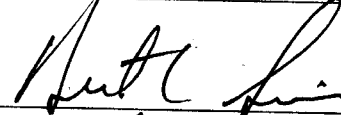
[counterpart signature page to Access, Utilities and Drainage Easement Agreement]

Signed, sealed and delivered
in the presence of:

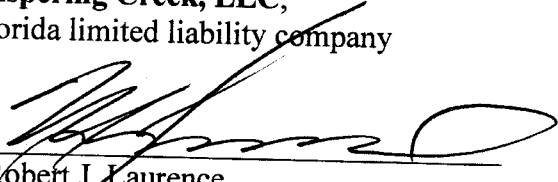

Print Name: Stephanie L. Vizant


Print Name: BERT C SIMON


Print Name: Stephanie L. Vizant


Print Name: BERT C SIMON

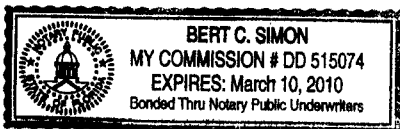
Whispering Creek, LLC,
a Florida limited liability company

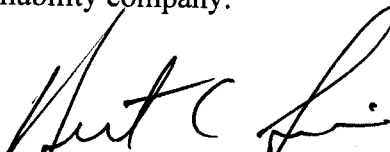
By: 
Robert J. Laurence
Its: Manager/President/Treasurer

By: 
Colleen Graubard
Its: Vice President/Secretary

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 39 day of April, 2009 by Robert J. Laurence, the Manager/President/Treasurer of WHISPERING CREEK, LLC, a Florida limited liability company, on behalf of the limited liability company.




Print Name: _____
Notary Public, State and County aforesaid

My Commission Expires: _____

Personally known _____ OR Produced Identification ☒

Type of Identification Produced FL. Driver's License

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 30 day of April, 2009 by Colleen Graubard, the Vice President/Secretary of WHISPERING CREEK, LLC, a Florida limited liability company, on behalf of the limited liability company.



Bert C. Simon
Print Name:
Notary Public, State and County aforesaid

My Commission Expires:

Personally known _____ OR Produced Identification ✓

Type of Identification Produced Fl. Driver's License

LIST OF EXHIBITS

Exhibit "A"	Commercial Parcel
Exhibit "B"	Residential Parcel
Exhibit "C"	Master Development Plan
Exhibit "D"	Access, Utilities & Drainage Easement Area

EXHIBIT "A"

A parcel of land lying in Section 51, Township 7 South, Range 29 East, St. Johns County, Florida, and being more particularly described as follows: Commence at a Coquina Monument located at the Southwest corner of Section 52, thence run North 83°52'24" East along the South line of said Section 52, (being also the North line of Section 51), a distance of 253.35 feet; thence South 00°52'20" West, 501.93 feet to the Point of Beginning; thence North 75°45'36" East, 563.23 feet, being the same line as set forth in Official records Book 216, Page 134, and claimed by Diane and Gerald Mills, to the Westerly right of way of Lewis Speedway (County Road 16-A); thence by curve concave to the Northeast, having a radius of 1960.08 feet, run South 37°50'54" East, 20.73 feet (being the chord bearing and distance); thence South 51°50'52" West, 10.00 feet; thence by curve concave to the Northeast, having a radius of 1970.08 feet, run South 40°23'36" East, 154.25 feet (being the chord bearing and distance); thence North 47°21'38" East, 10.00 feet; thence South 42°38'22" East 615.83 feet; thence by curve concave to the Southwest, having a radius of 1860.08 feet, run South 38°29'26" East, 269.21 feet, (being the chord bearing and distance); thence South 34°17'35" East, 10.98 feet; thence South 01°34'19" East, 98.53 feet; thence North 88°24'34" West, 1174.35 feet; thence North 01°41'25" East, 688 feet more or less to the center of Red House Branch; thence North 66°00'15" West, 108.25 feet to the Point of Beginning.

Less and Except:**Legal Description Parcel 1**

A parcel of land lying in Section 51, Township 7 South, Range 29 East of St. Johns County, Florida, and being more particularly described as follows:

Commence at a Coquina Monument found at the Southwest corner of Section 52, Township 7 South, Range 29 East, St. Johns County, Florida, thence North 83°52'24" East, along the South line of said Section 52, a distance of 253.35 feet; thence South 00°52'20" West a distance of 501.93 feet to the Point of Beginning; thence North 75°45'36" East along the South line of those lands as described in Official Record Book 216, Page 134 of the Public Records of St. Johns County, Florida, a distance of 563.23 feet to the Westerly right of way line of County Road 16-A (also known as Lewis Speedway) a 100 foot right of way as now established. Said point being a point on a curve concave Northeasterly and having a radius of 1960.08 feet; thence Southeasterly along the arc of said curve along said right of way line through a central angle of 00°36'22" an arc distance of 20.73 feet, said curve being subtended by a chord bearing and distance of South 37°50'54" East 20.73 feet; thence South 51°50'52" West a distance of 10.00 feet to a point on a curve concave Northeasterly and having a radius of 1970.08 feet; thence Southeasterly along the arc of said curve through a central angle of 04°29'14" an arc distance of 154.29 feet, said curve being subtended by a chord bearing and distance of South 40°23'36" East, 154.25 feet; thence North 47°21'38" East a distance of 10.00 feet; thence South 42°38'22" East a distance of 317.84 feet; thence South 47°21'38" West departing said right of way line, a distance of 124.39 feet; thence South 42°38'22" East a distance of 129.34 feet; thence South 52°14'49" West a distance of 17.13 feet; thence South 37°45'11" East a distance of 252.19 feet; thence South 52°14'49" West, a distance of 91.90 feet; thence South 37°46'32" East, a distance of 21.29 feet; thence South 52°13'28" West, a distance of 105.41 feet to the North line of those lands described in Deed Book 242, Page 431-432 of the Public records of St. Johns County, Florida; thence North 88°24'37" West, along said North line, a distance of 795.34 feet; thence North 01°41'25" East, departing said north line along the easterly line of those lands described in Official Records Book 137, Page 248, a distance of 690.46 feet to the center of Red House Branch; thence North 65°00'15" West, a distance of 102.35 feet to the Point of Beginning.

Containing 623,128 Square Feet or 14.31 Acres more or less.

EXHIBIT "B"**Legal Description Parcel 1**

A parcel of land lying in Section 51, Township 7 South, Range 29 East of St. Johns County, Florida, and being more particularly described as follows:

Commence at a Coquina Monument found at the Southwest corner of Section 52, Township 7 South, Range 29 East, St. Johns County, Florida, thence North $83^{\circ}52'24''$ East, along the South line of said Section 52, a distance of 253.35 feet; thence South $00^{\circ}52'20''$ West a distance of 501.93 feet to the Point of Beginning; thence North $75^{\circ}45'36''$ East along the South line of those lands as described in Official Record Book 216, Page 134 of the Public Records of St. Johns County, Florida, a distance of 563.23 feet to the Westerly right of way line of County Road 16-A (also known as Lewis Speedway) a 100 foot right of way as now established. Said point being a point on a curve concave Northeasterly and having a radius of 1960.08 feet; thence Southeasterly along the arc of said curve along said right of way line through a central angle of $00^{\circ}36'22''$ an arc distance of 20.73 feet, said curve being subtended by a chord bearing and distance of South $37^{\circ}50'54''$ East 20.73 feet; thence South $51^{\circ}50'52''$ West a distance of 10.00 feet to a point on a curve concave Northeasterly and having a radius of 1970.08 feet; thence Southeasterly along the arc of said curve through a central angle of $04^{\circ}29'14''$ an arc distance of 154.29 feet, said curve being subtended by a chord bearing and distance of South $40^{\circ}23'36''$ East, 154.25 feet; thence North $47^{\circ}21'38''$ East a distance of 10.00 feet; thence South $42^{\circ}38'22''$ East a distance of 317.84 feet; thence South $47^{\circ}21'38''$ West departing said right of way line, a distance of 124.39 feet; thence South $42^{\circ}38'22''$ East a distance of 129.34 feet; thence South $52^{\circ}14'49''$ West a distance of 17.13 feet; thence South $37^{\circ}45'11''$ East a distance of 252.19 feet; thence South $52^{\circ}14'49''$ West, a distance of 91.90 feet; thence South $37^{\circ}46'32''$ East, a distance of 21.29 feet; thence South $52^{\circ}13'28''$ West, a distance of 105.41 feet to the North line of those lands described in Deed Book 242, Page 431-432 of the Public records of St. Johns County, Florida; thence North $88^{\circ}24'37''$ West, along said North line, a distance of 795.34 feet; thence North $01^{\circ}41'25''$ East, departing said north line along the easterly line of those lands described in Official Records Book 137, Page 248, a distance of 690.46 feet to the center of Red House Branch; thence North $65^{\circ}00'15''$ West, a distance of 102.35 feet to the Point of Beginning.

Containing 623,128 Square Feet or 14.31 Acres more or less.

S:\Public\ARCHIVE\PROJECT ARCHIVE\10184 - WHISPERING CREEK\09-13-07 SJRWMD\10034proj.dwg, 2/23/2009 12:00:30 PM, Adc 1:135.52

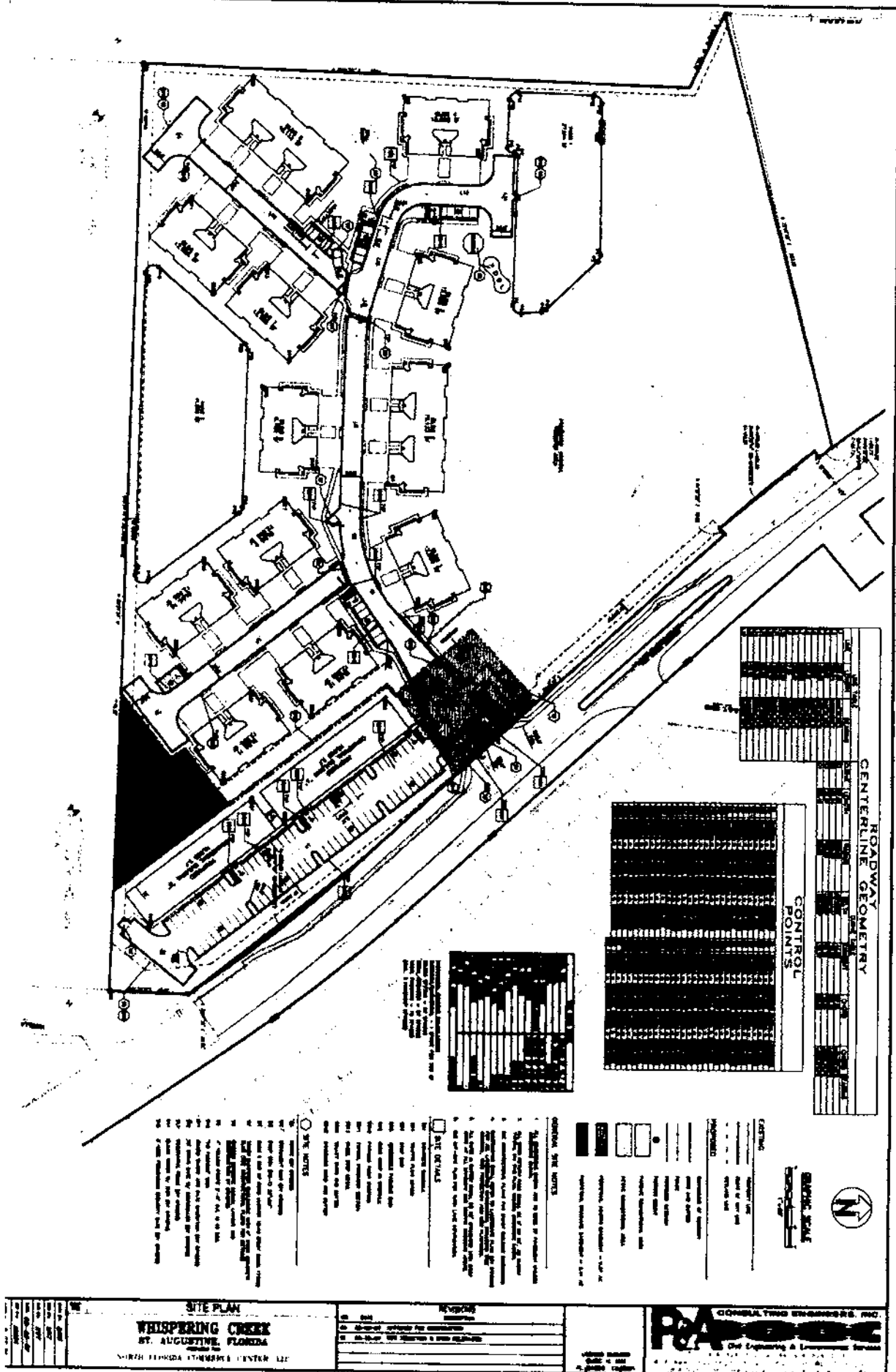


EXHIBIT "C"

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

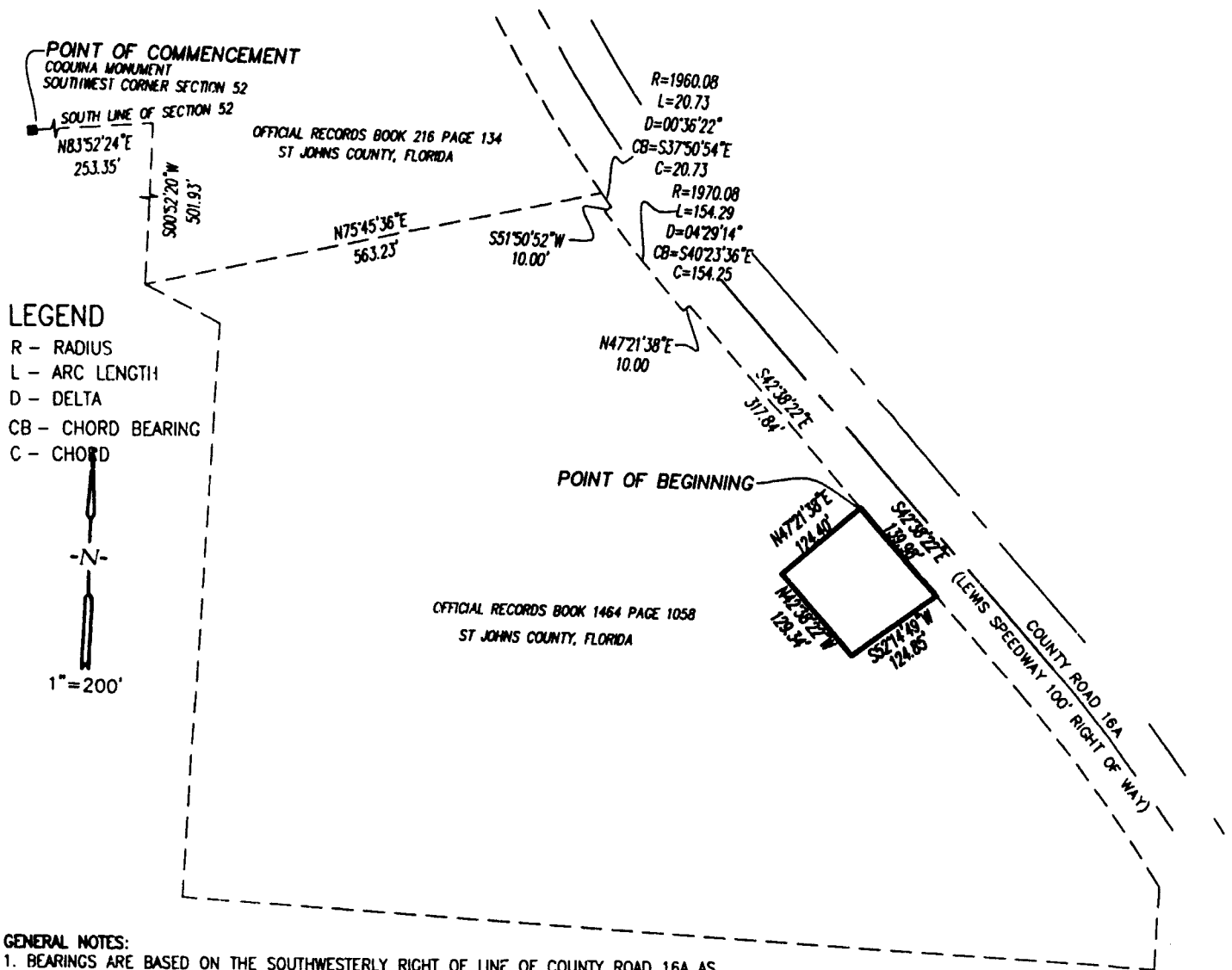
A PORTION OF THE SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A COQUINA MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, THENCE NORTH 83°52'24" EAST, ALONG THE SOUTH LINE OF SAID SECTION 52, A DISTANCE OF 253.35 FEET; THENCE SOUTH 00°52'20" WEST A DISTANCE OF 501.93 FEET; THENCE NORTH 75°45'36" EAST ALONG THE SOUTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 216 PAGE 134 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA A DISTANCE OF 563.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 16-A (ALSO KNOWN AS LEWIS SPEEDWAY) A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED, SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1960.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°36'22" AN ARC DISTANCE OF 20.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 37°50'54" EAST, 20.73 FEET; THENCE SOUTH 51°50'52" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1970.08 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 04°29'14" AN ARC DISTANCE OF 154.29 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 40°23'36" EAST, 154.25 FEET; THENCE NORTH 47°21'38" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET; THENCE SOUTH 42°38'22" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 139.98 FEET; THENCE SOUTH 52°14'49" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 124.85 FEET; THENCE NORTH 42°38'22" WEST A DISTANCE OF 129.34 FEET; THENCE NORTH 47°21'38" EAST A DISTANCE OF 124.40 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 42°38'22" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 139.98 FEET; THENCE SOUTH 52°14'49" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 124.85 FEET; THENCE NORTH 42°38'22" WEST A DISTANCE OF 129.34 FEET; THENCE NORTH 47°21'38" EAST A DISTANCE OF 124.40 FEET TO THE POINT OF BEGINNING;

CONTAINING 16,751 SQUARE FEET OR 0.38 ACRES MORE OR LESS



1. BEARINGS ARE BASED ON THE SOUTHWESTERLY RIGHT OF LINE OF COUNTY ROAD 16A AS BEING SOUTH 42°38'22" EAST.
2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.
3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND PRIVETT-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

I HEREBY CERTIFY, that this map graphically depicts the results of a sketch made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 61G17-6, Florida Administrative Code: Pursuant to Section 472.027, Florida Statutes; subject to all notes and notations shown hereon.

06/20/07
DATE OF SIGNATURE

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

PRIVETT-NILES and ASSOCIATES, INC.

SURVEYING AND MAPPING CONSULTANTS
LICENSED BUSINESS No. 6824

3000 N. PONCE DE LEON BOULEVARD, SUITE "D"
ST. AUGUSTINE, FLORIDA 32084
(904) 829-2591 FAX: (904) 829-5070

SHEET 1 OF 1

TEMPORARY CONSTRUCTION EASEMENT

4
②
THIS EASEMENT made this 11 day of August, 2003, by and between NORTH FLORIDA COMMERCE CENTER, whose address is 25 Old Mission Ave., St. Augustine FL 32084, grantor and ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084, grantee.

WITNESSETH, that for and in consideration of the sum of [REDACTED] and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, the grantor hereby gives, grants, bargains and releases to the grantee, a Temporary Construction Easement to enter upon and use the grantor's property as described below for such purposes as a staging area for equipment and materials required for the sidewalk improvements and other uses as is reasonably necessary to enable the grantee to complete the Countywide Sidewalk project. This Easement is over the land in St. Johns County, Florida, described as follows:

The northerly forty feet and westerly ten feet in the southeast corner of the property described in Official Records Book 1464, Page 1057, of the Public Records of St. Johns County, Florida.

It is understood and agreed by the parties hereto that the rights granted herein should terminate one hundred fifty (150) days from the date construction begins. Upon completion of the project the property shall be returned to its original state.

IN WITNESS WHEREOF, grantor has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in
Our presence as Witnesses:

NORTH FLORIDA COMMERCE
CENTER, L.L.C.

By: [Signature]

Its: Member

[Signature]
Print Name: Dennifer F. Brown

[Signature]
Print Name: Patrick Haran

[Signature]
Inlet - BCC Secty
P. Degrande

State of Florida
County of St. Johns

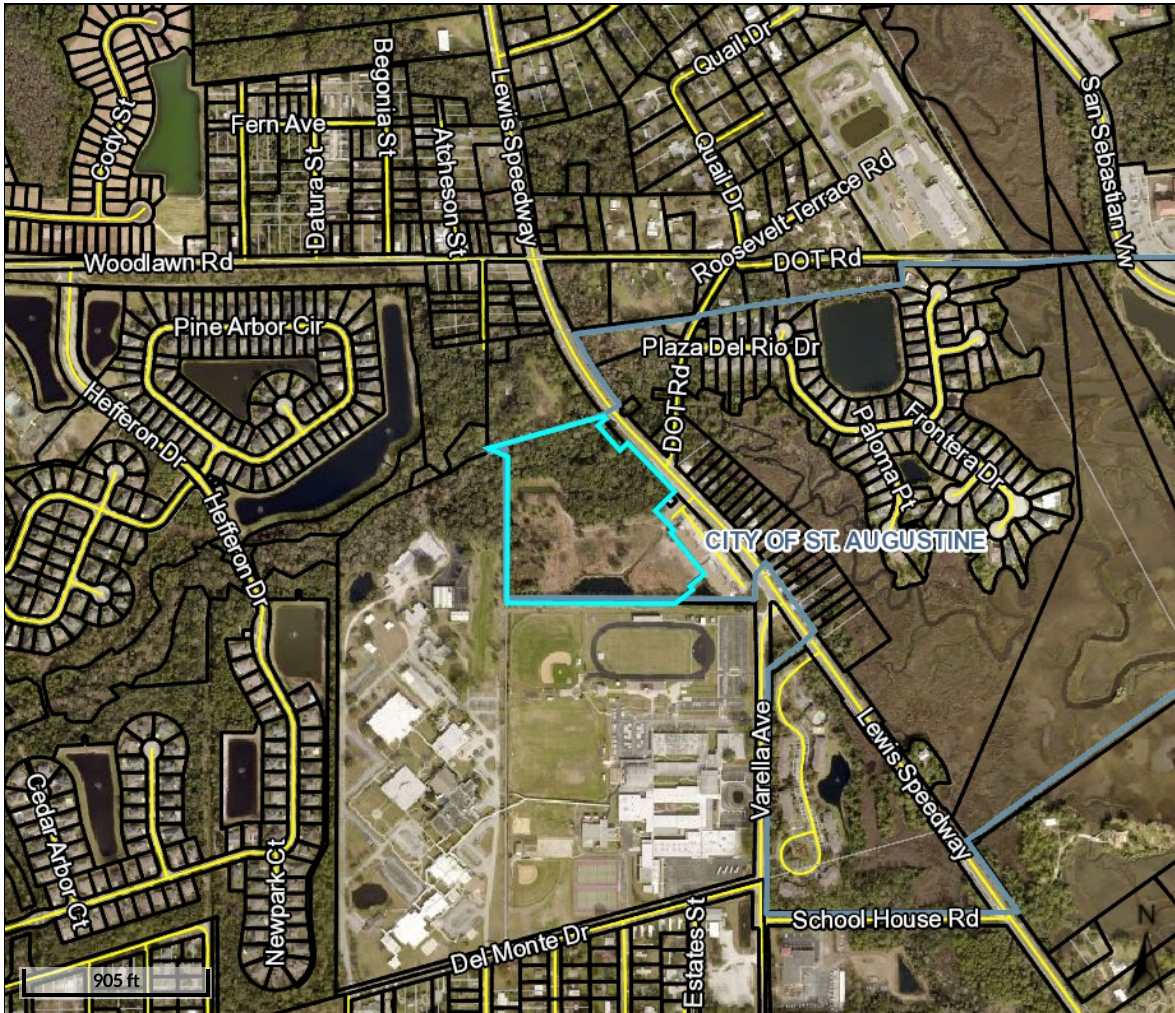
The foregoing instrument was acknowledged before me this 11th day of August, 2003 by Robert Graubard of North Florida Commerce Center, who has produced _____ as identification or is personally known to me.

Debbie Taylor
Notary Public

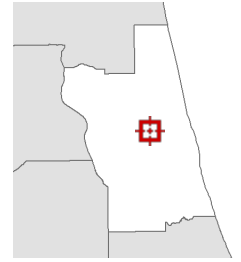


Debbie Taylor
Commission # CC 913963
Expires April 14, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

COPY



Overview



Legend

- Parcels
- Roads
- Cities

Parcel ID	1028200009	Physical	LEWIS SPEEDWAY	Building Value	N/A	Last 2 Sales			
Property	1000 - Vacant	Address	Saint Augustine	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Commercial	Mailing	CBC NATIONAL BANK	Value		n/a	0	n/a	n/a
Taxing	City of St Augustine	Address	1891 SOUTH 14TH ST	Total Land Value	\$589,916	n/a	0	n/a	n/a
District			ATTN: MR DURAND CHILDERS	Just Value	\$589,916				
Acres	13.54		FERNANDINA BEACH FL 32034-0000	Total Deferred	N/A				
				Assessed Value	\$589,916				
				Total Exemptions	N/A				
				Taxable Value	\$589,916				

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: 11/24/2019

Last Data Uploaded: 11/22/2019 11:17:28 PM

Developed by  Schneider
GEOSPATIAL

DENNIS W. HOLLINGSWORTH
ST. JOHNS COUNTY TAX COLLECTOR

2019 REAL ESTATE

80411

452

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER
102820-0009
ESCROW CD

Save Time, Pay Online www.sjctax.us 2.45% credit card fee or \$1 e-check fee	
---	--

11/24/2019 02:31:41

EXEMPTION CODES	
-----------------	--

CBC NATIONAL BANK
1891 SOUTH 14TH ST
; ATTN: MR DURAND CHILDERS
FERNANDINA BEACH , FL 32034-0000

LEWIS SPEEDWAY

1-J GRANT TO DELESPINE PART
LYING W OF CR 16-A
OR3538/1574(C/T)

PAY IN U.S. FUNDS TO DENNIS W. HOLLINGSWORTH, TAX COLLECTOR @ P.O. BOX 9001, ST. AUGUSTINE, FL 32085

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED	EXEMPTION	TAXABLE	MILLAGE	TAXES LEVIED
GENERAL	589,916	0	589,916	4.9500	\$2,920.08
ROAD	589,916	0	589,916	0.9000	\$530.92
HEALTH	589,916	0	589,916	0.0171	\$10.09
SCHOOL - STATE LAW	589,916	0	589,916	3.8880	\$2,293.59
SCHOOL - LOCAL BOARD	589,916	0	589,916	2.2480	\$1,326.13
SJRWMD	589,916	0	589,916	0.2414	\$142.41
MOSQUITO	589,916	0	589,916	0.2100	\$123.88
CITY OF ST AUGUSTINE	589,916	0	589,916	7.5000	\$4,424.37
FL INLAND NAV DISTRICT	589,916	0	589,916	0.0320	\$18.88
PORT AUTHORITY	589,916	0	589,916	0.0638	\$37.64
TOTAL AD-VALOREM TAXES				20.0503	\$11,827.99

NON-AD VALOREM ASSESSMENTS	
LEVYING AUTHORITY	AMOUNT
TOTAL NON AD-VALOREM ASSESSMENTS	
\$0.00	

COMBINED TAXES AND ASSESSMENTS					\$11,827.99
--------------------------------	--	--	--	--	-------------

If Paid By	Nov 30, 2019	Dec 31, 2019	Jan 31, 2020	Feb 29, 2020	Mar 31, 2020
Please Pay	11354.87	11473.15	11591.43	11709.71	11827.99

DENNIS W. HOLLINGSWORTH

ST. JOHNS COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

If Paid By	Nov 30, 2019	Dec 31, 2019	Jan 31, 2020	Feb 29, 2020	Mar 31, 2020
Please Pay	11354.87	11473.15	11591.43	11709.71	11827.99

PAY IN U.S. FUNDS TO DENNIS W. HOLLINGSWORTH, TAX COLLECTOR @ P.O. BOX 9001, ST. AUGUSTINE, FL 32085

CBC NATIONAL BANK
1891 SOUTH 14TH ST
; ATTN: MR DURAND CHILDERS
FERNANDINA BEACH , FL 32034-0000

LEWIS SPEEDWAY

1-J GRANT TO DELESPINE PART
LYING W OF CR 16-A
OR3538/1574(C/T)

2019-REAL ESTATE 80411

ACCOUNT NUMBER	ESCROW CD	EXEMPTION CODES	MILLAGE CODE
102820-0009			452

2019-102820-0009



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](#)

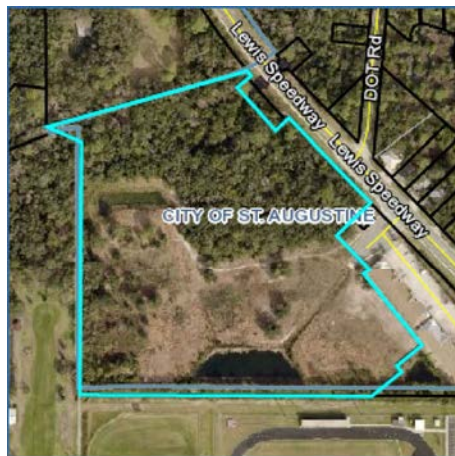
Summary

Parcel ID 1028200009
Location Address LEWIS SPEEDWAY
 Saint Augustine 32084-0000
Neighborhood M&B MA9 G1 (COM) (4910.01)
Tax Description* 1-J GRANT TO DELESPINE PART LYING W OF CR 16-A OR3538/1574(C/T)
**The Description above is not to be used on legal documents.*
Property Use Code Vacant Commercial (1000)
Subdivision N/A
Sec/Twp/Rng 51-7-29
District City of St Augustine (District 452)
Millage Rate 20.0503
Acreage 13.540
Homestead N

Owner Information

Owner Name Cbc National Bank 100%
Mailing Address 1891 SOUTH 14TH ST
 ATTN: MR DURAND CHILDERS
 FERNANDINA BEACH, FL 32034-0000

Map



Valuation Information

	2020
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$589,916
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$589,916
Total Deferred	\$0
Assessed Value	\$589,916
Total Exemptions	\$0
Taxable Value	\$589,916

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	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2018	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2017	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2016	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2015	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2014	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2013	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916
2012	\$0	\$0	\$589,916	\$0	\$0	\$589,916	\$589,916	\$0	\$589,916

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	589916	SF	\$589,916

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/21/2012	3/19/2012	\$100.00	CT	3538	1574	U	V	WHISPERING CREEK LLC	CBC NATIONAL BANK FKA/FIRST NATIONAL BANK OF NASSAU COUNTY

Area Sales Report

Recent Sales in Area

No data available for the following modules: Exemption Information, Building Information, Extra Feature 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: 11/22/2019 11:17:28 PM

Developed by



Version 2.3.22



Attachment D

Previous Zoning Verification Correspondence

From: [Patrick Doty](#)
To: [Kevin Dooley](#)
Cc: [John Robert Gislason](#); [Matt Lahti](#); [David Birchim](#); [Rebecca Mann](#)
Subject: RE: Whispering Creek- Revised Planning and Zoning Verification
Date: Thursday, June 11, 2020 9:00:22 AM
Attachments: [image003.png](#)

Good Morning,

If you are not removing any significant trees, there would be no conservation overlay zone approval necessary, on the preliminary plat.

Patrick Doty, CFM

Senior Planner

E: pdoty@citystaug.com | P: 904.209.4331 | W: www.CityStAug.com



City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

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: Kevin Dooley <kevin@gulfstreamdesign.com>
Sent: Monday, June 8, 2020 2:42 PM
To: Patrick Doty <pdoty@citystaug.com>
Cc: John Robert Gislason <JRGislason@drhorton.com>; Matt Lahti <Matt@gulfstreamdesign.com>; David Birchim <dbirchim@citystaug.com>; Rebecca Mann <rebecca@gulfstreamdesign.com>
Subject: RE: Whispering Creek- Revised Planning and Zoning Verification

Patrick,

Thank you for taking the time to review our project and your response.

Please find attached a response letter and half-scale revised Site Plan. DR Horton as decided to revise the site and keep significant Tree No. 777 intact. This was done by changing the size of Building No. 3, and lessened the units on the site. No other changes occurred.

From our understanding, keeping this tree will allow us to move forward with Preliminary Platting, and no Planning and Zoning hearing would be required for Conservation Overlay. Would it be possible to please confirm this a final time for us?

Additionally (assuming the above is true), we are wondering what date would be required to get Preliminary Plat into review to get on the July Board meeting agenda?

Thanks,

Kevin

Kevin Dooley, PE ENVSP
Gulfstream Design Group, LLC.

Office: 904-794-4231 x 220

Cell: 904-887-8078



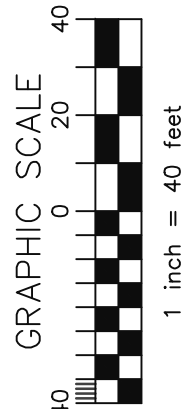
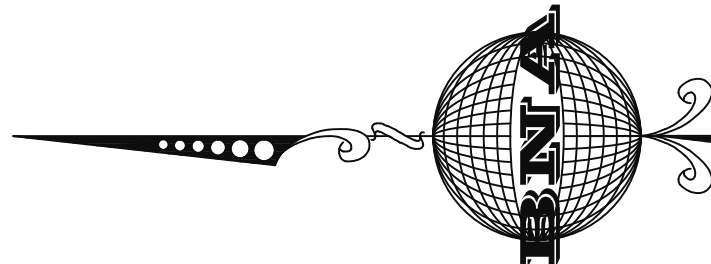
Attachment E

Preliminary Plat Map

A PORTION OF SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
ST. JOHNS COUNTY, FLORIDA.

MAP BOOK _____ PAGE _____
SHEET 2 OF 5

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	26.29	30.00	3854°10'	N72° 00' S37° E	15.91
C2	16.29	10.00	89°59'	S86° 04' W16° E	18.66
C3	16.67	100.00	89°59'	N89° 54' W1° E	15.66
C4	16.67	100.00	89°59'	N89° 54' W1° E	15.66
C5	17.26	46.00	90°00'00"	S67° 32' S27° E	65.05
C6	22.81	46.00	90°00'00"	S67° 32' S27° E	65.05
C7	22.81	46.00	90°00'00"	S67° 32' S27° E	65.05
C8	40.01	46.00	50°53'11"	S23° 54' S4° E	39.31
C9	46.01	46.00	50°53'11"	N23° 54' S4° E	39.31
C10	17.66	20.00	50°53'11"	S43° 04' E17° W	17.09
C11	28.23	83.00	19°20'00"	N11° 18' S2° E	28.59
C12	21.08	83.00	14°33'18"	N8° 00' E11° E	21.03
C13	31.68	83.00	5°16' 42"	N8° 00' E11° E	7.64
C14	21.47	137.00	89°59'	S86° 54' W7° E	21.45
C15	21.47	137.00	89°59'	S86° 54' W7° E	9.86
C16	7.70	137.00	37°17'	S86° 17' S29° W	7.70
C17	13.77	137.00	54°03'33"	S86° 17' S29° W	7.77



NOTE: FOR GENERAL NOTES SEE SHEET 1

LEGEND:

[illegible]

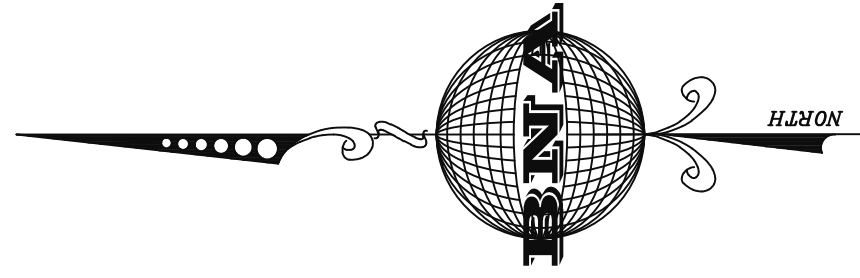
BRADSHAW-NILES and ASSOCIATES, INC.

 SURVEYING AND MAPPING CONSULTANTS
LICENSED BUSINESS NO. 6824

280 BUSINESS PARK CIRCLE, SUITE 410
ST. AUGUSTINE, FLORIDA 32095
(904) 829-2591 FAX: (904) 829-5070
www.bradshaw-niles.com

A PORTION OF SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
ST. JOHNS COUNTY, FLORIDA.

SHEET 5 OF 5



NOTE: FOR GENERAL NOTES SEE SHEET 1

PC=POINT OF CURVATURE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
PRC=POINT OF REVERSE CURVATURE
POC=POINT OF COMPOUND CURVATURE
R=RADIUS
CH=CHORD
L=LENGTH
SEC=SECTION
R=IRON PIPE
CON=CONCRETE MONUMENT
PPM=PERMANENT REFERENCE MONUMENT
PPCP=PERMANENT CONTROL POINT
SET=SET 4"x4" CONCRETE MONUMENT,
PCP=SET MAG NAIL & DISK, LB 6

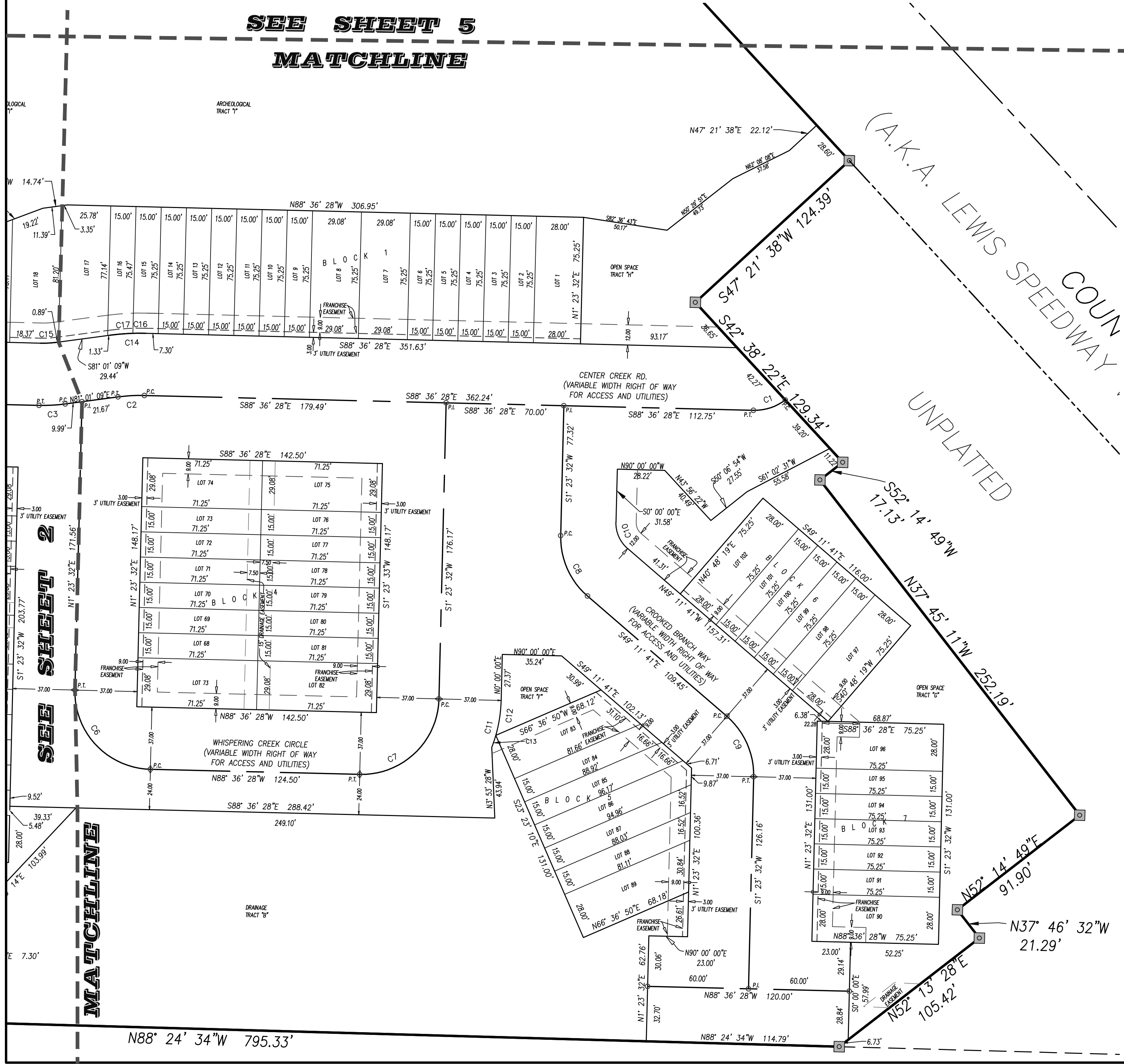
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WHISPERING CREEK

A PORTION OF SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
ST. JOHNS COUNTY, FLORIDA.

MAP BOOK _____ PAGE _____
SHEET 2 OF 5

SEE SHEET 5
MATCHLINE



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	20.29	30.00	38°40'19"	N72° 00' 53"E	19.91
C2	15.67	100.00	8°58'51"	S86° 54' 07"W	15.66
C3	15.67	100.00	8°58'51"	N86° 54' 07"E	15.66
C6	72.28	48.00	90°00'00"	S43° 36' 28"E	65.05
C7	72.28	48.00	90°00'00"	N46° 23' 32"E	65.05
C8	40.61	46.00	50°35'13"	S23° 54' 04"E	39.31
C9	40.61	46.00	50°35'13"	N23° 54' 04"W	39.31
C10	17.66	20.00	50°35'13"	S23° 54' 04"E	17.09
C11	28.73	83.00	19°50'00"	N11° 18' 32"E	28.59
C12	21.08	83.00	14°33'18"	N8° 40' 11"E	21.03
C13	7.65	83.00	5°16'42"	N18° 35' 11"E	7.64
C14	21.47	137.00	8°58'51"	S86° 54' 07"W	21.45
C15	9.87	63.00	8°58'51"	N86° 54' 07"E	9.86
C16	7.70	137.00	3°13'17"	S89° 46' 54"W	7.70
C17	13.77	137.00	5°45'33"	S85° 17' 29"W	13.77



NOTE: FOR GENERAL NOTES SEE SHEET 1

LEGEND:

- PC=POINT OF CURVATURE
- PT=POINT OF TANGENCY
- PI=POINT OF INTERSECTION
- PRC=POINT OF REVERSE CURVATURE
- PCC=POINT OF COMPOUND CURVATURE
- R=RADIUS
- CH=CHORD
- L=LENGTH
- SEC=SECTION
- IP=IRON PIPE
- CM=CONCRETE MONUMENT
- PRM=PERMANENT REFERENCE MONUMENT
- PCP=PERMANENT CONTROL POINT
- SET=SET 4"x4" CONCRETE MONUMENT, LB 6824
- D=DELTA ANGLE
- R/W=RIGHT-OF-WAY
- PB=PLAT BOOK
- MB=MAP BOOK
- DB=DEED BOOK
- OR=OFFICIAL RECORDS BOOK
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- C.D.=CHORD DISTANCE
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WHISPERING CREEK

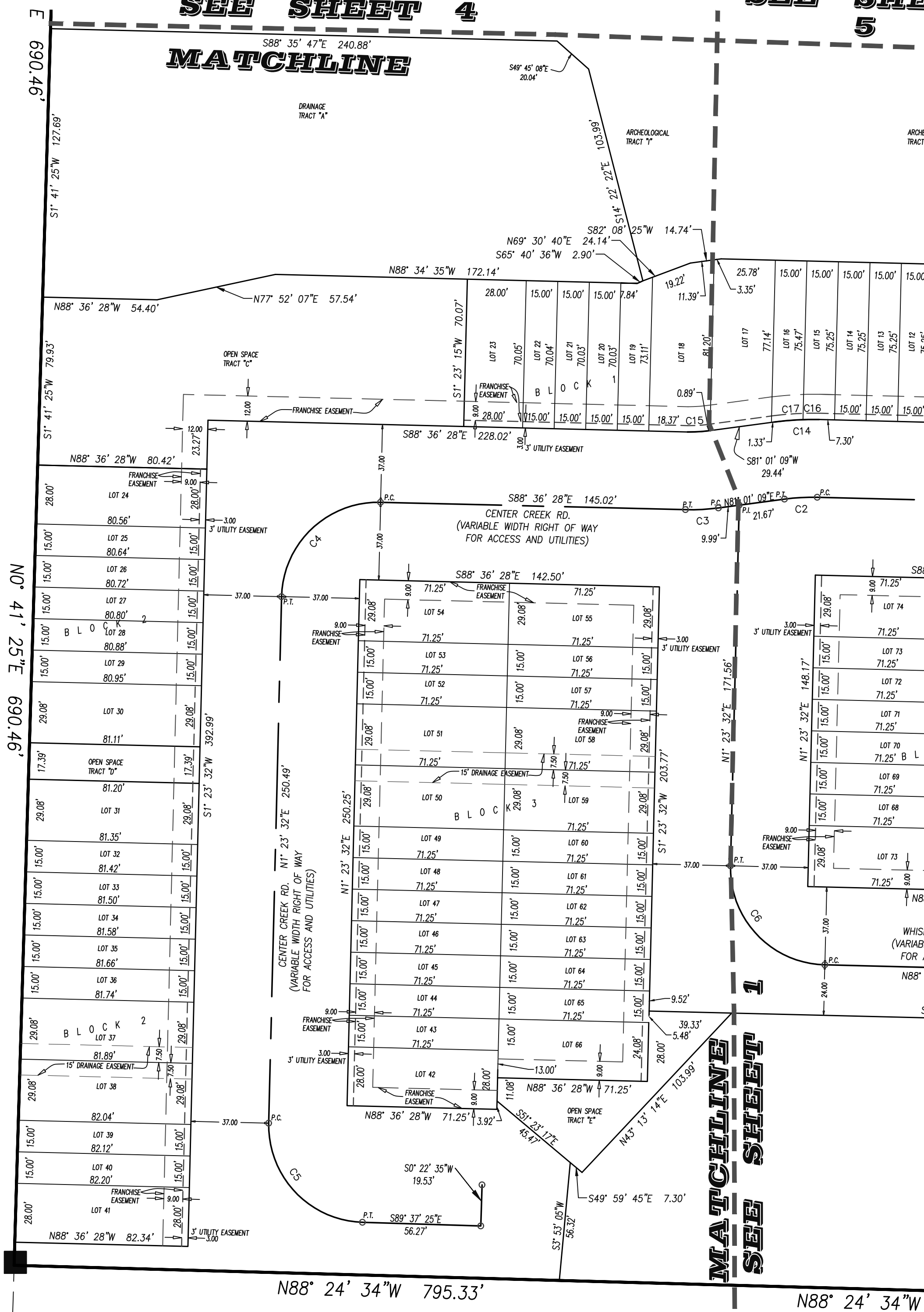
A PORTION OF SECTION 51, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
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MAP BOOK _____ PAGE _____
SHEET 3 OF 5

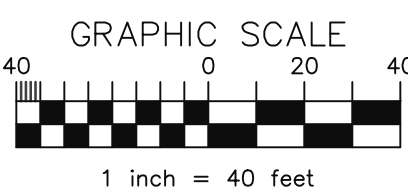
SEE SHEET 4

SEE SHEET 5

MATCHLINE



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C2	15.67	100.00	8°58'51"	S86° 54' 07"W	15.66
C3	15.67	100.00	8°58'51"	N86° 54' 07"E	15.66
C4	72.26	46.00	90°00'00"	S46° 23' 32"W	65.05
C5	71.95	46.00	89°37'25"	S43° 25' 10"E	64.84
C6	72.26	46.00	90°00'00"	S43° 36' 28"E	65.05
C14	21.47	137.00	8°58'51"	S86° 54' 07"W	21.45
C16	7.70	137.00	3°13'17"	S89° 46' 54"W	7.70
C17	13.77	137.00	5°45'33"	S85° 17' 29"W	13.77



NOTE: FOR GENERAL NOTES SEE SHEET 1

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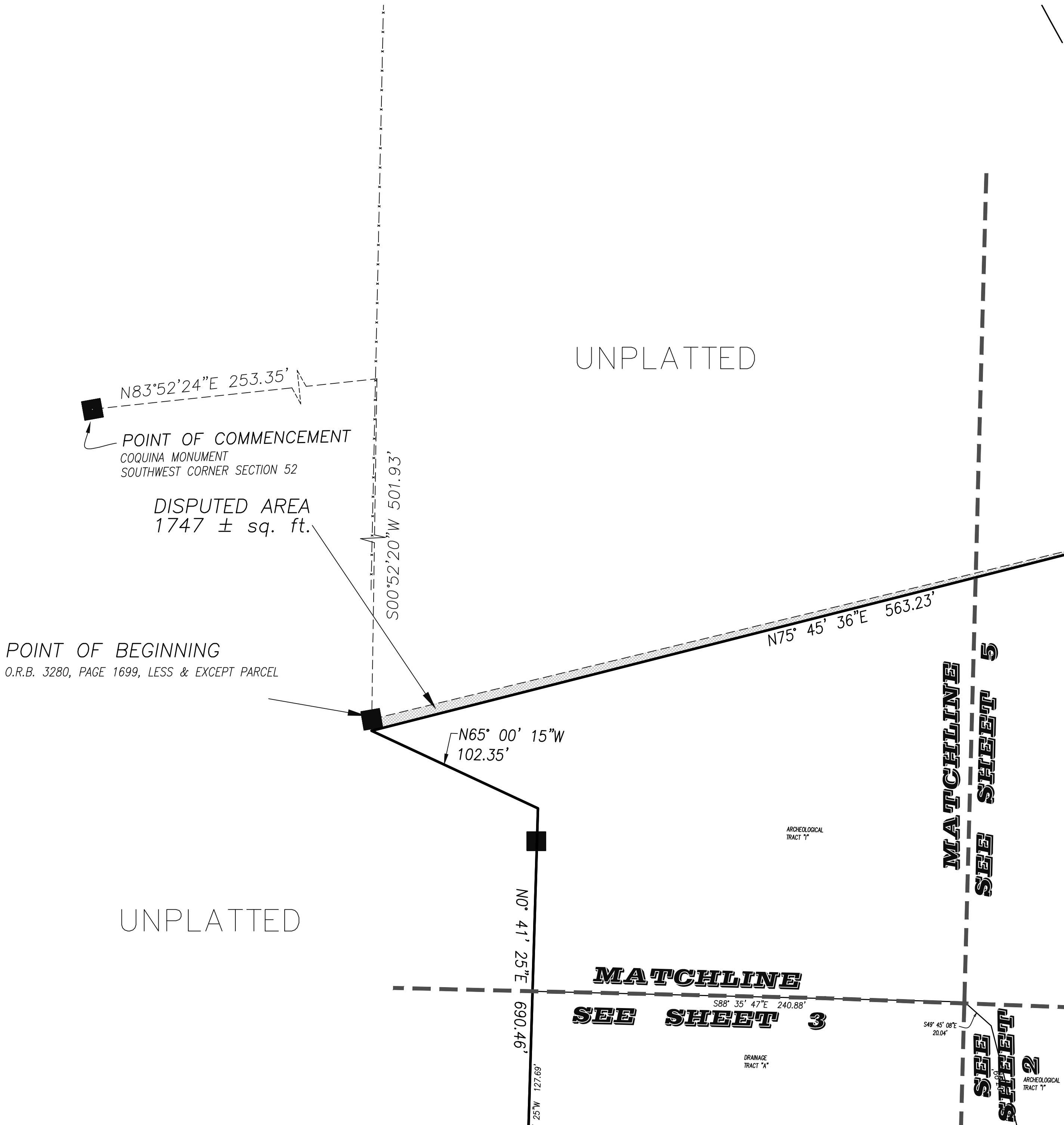
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WHISPERING CREEK

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MAP BOOK _____ PAGE _____
SHEET 4 OF 5



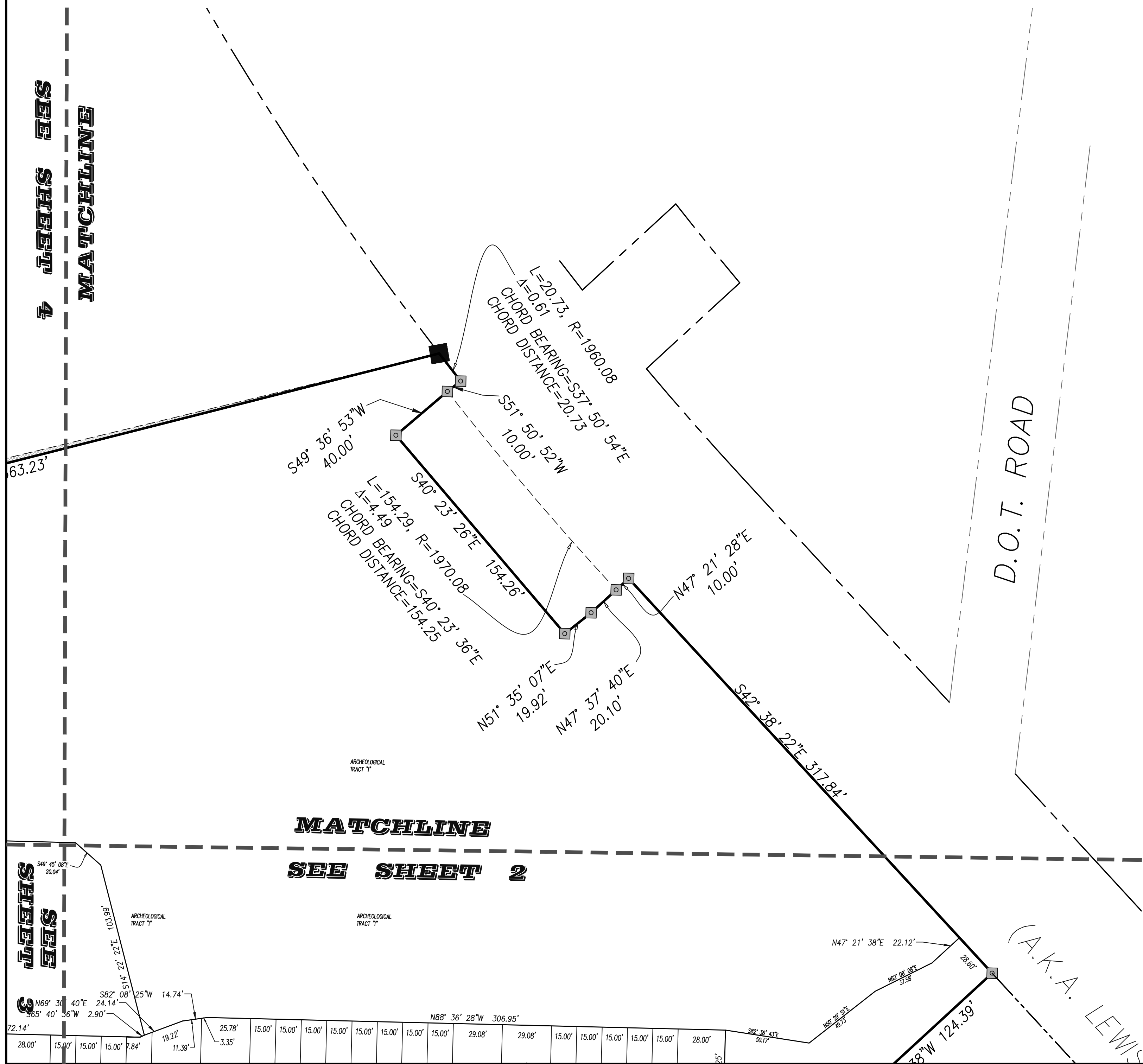
NOTE: FOR GENERAL NOTES SEE SHEET 1

- LEGEND:**
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MAP BOOK _____ PAGE _____
SHEET 5 OF 5



NOTE: FOR GENERAL NOTES SEE SHEET 1

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