AGENDA
PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING
TUESDAY, MARCH 24, 2020, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

NOTICE TO THE PUBLIC

THE PLANNING AND ZONING BOARD HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE BOARD UNDER "PUBLIC COMMENTS."

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF FEBRUARY 18, 2020

V. PUBLIC COMMENT

VI. NEW BUSINESS

A. Request to remove a 36-inch diameter-at-breast-height oak tree in the footprint of the front paver driveway and a 37-inch diameter-at-breast-height oak tree adjacent to the building footprint of a proposed new single-family residence in a low-density residential land use district on Lot 11, Spanish Oaks Subdivision, at 104 Spanish Oaks Lane, Terry Lee and Teresa Carr Dillinger, Applicants

B. Conditional Use File No. CU 2020-01, for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, Terra & Acqua, in a Planned Unit Development in Seagrove Unit 4, Replat #2, on Parcels G, H and I, in the Seagrove Town Center at 134 Seagrove Main Street, Simone and Monica Parisi, Applicants

C. Mixed Use File No. MU 2020-01, for proposed new construction of a two-story, 19,072-square-foot building consisting of 9,536-square-feet of retail/mercantile units on the first floor and 9,536-square-feet of office space units on the second floor in a commercial land use district in the mixed use district on Lots 1-10, Block 18, Chautauqua Beach Subdivision, on the west side of A1A Beach Boulevard between 4th and 5th Streets at 621 A1A Beach Boulevard, Michael Stauffer, Agent for Scott M. Patrou, Applicant
D. Final Development File No. FD 2020-01, for proposed modification to Sea Colony Subdivision Units I, II, III, and IV final development orders for amendment to stipulate regulations and specifications for building setbacks, total ground coverage and building height in a low density residential land use district in Sea Colony Subdivision, 100 Sea Colony Parkway, James N. McGarvey and Timothy S. McGarvey, Agents for Sea Colony Architectural Review Board/Sea Colony Neighborhood Association Inc., Applicants

E. Presentation by Public Works Director Bill Tredik regarding request by City Commission for the Board’s recommendation to the Commission regarding prioritizing areas along A1A Beach Boulevard and adjacent streets for parking improvements for a five-year plan

VII. OLD BUSINESS

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager’s Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email sabadmin@cityofsab.org

For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager’s office for a $5.00 fee. Adobe Acrobat Reader will be needed to open the file.
I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Steve Mitherz, Dennis King, Larry Einheuser.

BOARD MEMBERS ABSENT: Hester Longstreet, Chris Pranis.

STAFF PRESENT: Building Official Brian Law, City Attorney James Wilson, Recording Secretary Lacey Pierotti, Executive Assistant Bonnie Miller.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JANUARY 21, 2020

Motion: to approve the minutes of the January 21, 2020 meeting. Moved by Mr. Kincaid, seconded by Mr. Einheuser, passed 5-0 by unanimous voice-vote.

V. PUBLIC COMMENT

Craig Thomson, 6-A D Street, St. Augustine Beach, Florida, 32080, said he's a member of the City's Sustainability and Environmental Planning Advisory Committee (SEPAC), which has put together a binder that references climate change, sea level rise and a sustainable future. This will be available in the City Manager's Office to anyone interested in these topics. The City's new Comprehensive Plan requires development projects to take into account climate change and sea level rise, so he's written a letter to Mr. Law asking that certain things be looked at relative to two areas under development that are a concern, Embassy Suites and the City's stormwater retention pond where water goes and is then dumped into the Intracoastal Waterway. He's looked at some of the plans for the retention pond, which will have a foot-and-half added to the top of the existing six-foot-high berm. The old berm failed in a Category 2 storm, which had a storm surge of about six to seven feet, so if there's a storm greater than a Category 2, it will likely fail again. The stormwater system is efficient in piping and getting water to the retention pond, which is on the far side of the City, but if water run-off is in a location that's a wash-over area, it will come down streets and be pumped through the City in ditches and pipes, and the same would apply if the Intracoastal rises and water comes in from the west, so a Plan B as a long-term planning issue should be considered.

VI. NEW BUSINESS
A. Request to remove a 60-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint of a new single-family residence on Lot 39, Ridge at St. Augustine Beach, at 340 Ridgeway Road, Riverside Homes of North Florida LLC, Agent for Arthur H. Runk Jr. Living Trust, Applicant

Ms. Miller said this is a tree removal request for a 60-inch DBH oak tree in the rear building footprint of a proposed new home in the Ridge at 340 Ridgeway Road. Unfortunately, this tree is 40 feet in from the rear property line and even though the Ridge has a blanket variance to allow flexible setbacks for the preservation of trees, the 60-inch DBH tree could still not be saved. There are a significant number of other trees on this lot, including a 55-inch DBH tree that will be saved, and flexible side setbacks have been applied to save a 30-inch oak tree on the west side as well as a 24-inch oak tree in the front, and a lot of other smaller trees will also be saved. There is a representative here from Riverside Homes, the building contractor for the project, to answer any questions.

Motion: to approve the removal of the 60-inch DBH oak tree in the building footprint of the proposed new single-family residence at 340 Ridgeway Road. Moved by Ms. Odom, seconded by Mr. Einheuser, passed 5-0 by unanimous voice-vote.

B. Land Use Variance File No. VAR 2020-03, to exceed the 40 percent maximum impervious surface ratio (ISR) coverage allowed in a low-density residential land use district to allow 55 percent ISR coverage for a proposed new inground swimming pool addition to an existing single-family residence on Lot 1, Block B, Sea Colony Unit 1, at 184 Sea Colony Parkway, Matthew J. and Kerri N. Robison, Applicants

Ms. Miller said this is a variance to exceed the 40 percent maximum ISR coverage allowed on a lot at 184 Sea Colony Parkway in Sea Colony Subdivision, which is zoned low-density residential. The applicants are asking to build a 464-square-foot inground pool addition with a safety walkway around the pool, which will increase the ISR coverage to 55 percent. Sea Colony Homeowners Association (HOA) has approved the pool addition, and the memo from staff points out if the proposed revisions to Section 6.01.02 of the LDRS to allow the 40 percent maximum ISR in low density residential to be exceeded for a 465-square-foot addition for pools and pool decking only are passed by the City Commission on final reading at its next meeting on March 2, 2020, this variance wouldn’t be necessary. However, the applicants applied for the variance before these revisions have been formally adopted, as they weren’t sure when, or if, the revisions would actually go through or when they would take effect.

Mr. Mitherz said he spoke to Ms. Miller and Mr. Law about this variance application.

Matthew Robison, 184 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, applicant, said when his pool contractor applied for this permit, they were not aware of the impervious and pervious surface ratio coverages allowed in Sea Colony. They went through the normal process of applying for HOA approval, and were then informed when the pool contractor applied for the building permit that they’d have to apply for a variance to exceed the 40 percent ISR coverage allowed in Sea Colony, so they went ahead and filed for the variance.

Mr. Mitherz asked the applicant if he’s considered redoing the existing concrete driveway.

Mr. Robison said yes, but even if this was done, the pool addition may still put the ISR coverage over 40 percent.

Mr. Law said if the LDRs revisions to allow a 465-square-foot addition for pools and pool decking only in low-density residential passes March 2, 2020, this will become effective immediately. One of the biggest disadvantages of low-density residential is most lots are already at 40 percent ISR with a house and concrete driveway, so to build a pool, you have to spend about $15,000 to rip out your driveway and replace it with permeable pavers.

Ms. Odom said she doesn’t see a hardship for this variance, so if the Board denies it and the revisions to allow a 465-square-foot pool addition pass, the applicants could then build their pool without needing a variance.

Mr. Law said he’d agree with that statement but as of now, they can’t build the pool without the variance.
Mr. Kincaid said at the Board’s joint meeting with the Commission earlier this month, it was pretty clear, and everyone agreed, that applicants need to demonstrate a hardship to be granted a variance.

Mr. Law said Sea Colony is low-density residential, contrary to the thought process of the last 20 years that it was developed as a Planned Unit Development (PUD), so this has caused problems with ISR coverage and setbacks. Sea Colony HOA is working to rectify this by submitting a final development modification application to amend the final development orders issued for Sea Colony, to bring it into line to what is was designed for, which was actually a low-density residential cluster development. This is a floodplain management tool utilizing large tracts of land to build houses and structures on the best land and use the rest of the low-lying land as recreation.

Mr. Mitherz why the existing house and concrete driveway on the lot already exceed maximum 40 percent ISR.

Mr. Law said this should have been caught during the initial plan review, but ISR hasn’t always been a long-standing regulation. The home was built in 2007, so maybe at that time ISR wasn’t an issue, but he can’t speak as to how building permits and plan reviews were handled by the City at that time. Sea Colony and Anastasia Dunes should have both been developed as PUDs with engineered drainage. That’s why Sea Colony is actively working to modify its final development orders, and why Anastasia Dunes modified its final development orders last year.

Mr. King asked if there is any history of approving variances to exceed ISR in low-density residential districts.

Mr. Law said the Board approved a similar variance last year for a pool addition on Deanna Drive that put the ISR over 60 percent. The Board granted the variance with the condition that the driveway be removed and replaced with permeable pavers, which is an option that can also be used for the variance for this lot in Sea Colony.

Mr. King asked if the Board approves this variance contingent upon the concrete driveway being removed and replaced with permeable pavers, and the proposed revisions to allow a 465-square-foot pool addition are passed, would the applicants still have to remove the driveway and replace it with pavers?

Mr. Law said if the variance is granted subject to the condition that the driveway is removed and replaced with pavers and the proposed revisions to allow a 465-square-foot pool addition are passed, the applicants could submit a revision request for a $53.00 fee to change the pool addition plans to keep the existing driveway.

Mr. Kincaid said the Board is in a tough position to grant the variance in the way it has been presented in that the Board has to find a hardship. Even though it appears a variance might not be necessary in the very near future, the applicants have applied for a variance, so there is the possibility for the Board to grant the variance pending the removal of the concrete driveway and replacement of the driveway with permeable pavers, which would drop the ISR coverage to an acceptable percentage. This would give the applicants the ability to build the pool, and in the meantime, if the proposed revisions pass, a revision request could be submitted to not remove the driveway.

Motion: to approve Land Use Variance File No. VAR 2020-03 to exceed the 40 percent maximum ISR coverage allowed in a low-density residential land use district for a proposed 464-square-foot pool addition to an existing single-family residence at 184 Sea Colony Parkway, pending removal of the existing concrete driveway and replacement of said driveway with permeable pavers with 10% or greater permeability. Moved by Mr. Kincaid, seconded by Mr. King, passed 3-2 by voice-vote, with Mr. Einheuser, Mr. King and Mr. Kincaid assenting, and Mr. Mitherz and Ms. Odom dissenting.

C. Ordinance No. 20-04, passed on first reading by the City Commission at its regular monthly meeting on February 3, 2020, to amend Article V of the City of St. Augustine Beach Land Development Regulations (LDRs) to establish Section 5.06.00, Protection of Dune Systems, to prevent the modification of undisturbed areas of the dune system with the exception of beach re-nourishments and the planting of sea oats

Mr. Law said this ordinance is for the protection of the dune system. The City Commission reviewed the ordinance and added the planting of sea oats as an exception, as the City doesn’t want its own Code to prohibit protecting
the dune system. Also included in the information provided to the Board are the recommendations from SEPAC, which include adding the construction of dune walkovers and sand fencing as exceptions.

Mr. Mitherz asked if the adoption of this ordinance will prevent property owners from going directly to the Department of Environmental Protection (DEP) to get a permit.

Mr. Law said with the adoption of this ordinance on final reading, property owners who want to remove part of a dune will have to provide engineering and everything else required by the City’s flood ordinance as well as the Florida Building Code (FBC), and he would then write a letter to the DEP rejecting their application based on it being in violation of the City’s Comprehensive Plan. As far as property owners going directly to DEP, this is well within their rights, and if DEP saw fit to issue a permit without City zoning approval, they could do so, as they are a higher agency, but this would not be typical, he’s rarely, if ever, seen this happen. This ordinance will stall the application process for property owners, as their only option once he, as Building Official, has denied their application based on non-compliance with the City’s Comprehensive Plan, would be to appeal his decision to the Planning and Zoning Board. The Board would then decide if he erred in judgement and either uphold his decision to reject the application or rule in favor of the property owners that he was wrong for rejecting the application. If the Board upholds his decision and the property owners want to appeal again, they could do so to the City Commission, and then appeal the Commission’s ruling, if not favorable to them, to the local circuit court.

Ms. Odom asked for clarification regarding sand fencing as an exception, and also if staff recommends the suggestions from SEPAC be incorporated into the ordinance.

Mr. Law said sand fences traditionally go at the toe of the dune at an oblique angle at about 10 feet. He’s provided the recommendations from SEPAC to the Board, and also to each City Commissioner. However, he doesn’t believe statements of certain things belong in the LDRs, the place for them is definitely the Comprehensive Plan, or maybe they could be incorporated in the recent climate change resolution he believes SEPAC was involved in.

Sandra Krempasky, 7 C Street, Apartment A, St. Augustine Beach, Florida, 32080, SEPAC chairperson, said SEPAC made these suggestions to make this new section of the City’s LDRs beefier, but SEPAC certainly doesn’t want these recommendations to hold up the process of passing this ordinance. The recommendations made by SEPAC would have to be written up by a planner or attorney and incorporated into the ordinance to make it bulletproof in the event the City has situations in the future like the issue with the property owner and dune on 12th Lane.

Mr. King asked if the term “coastal dune system” could be challenged or misconstrued in any way.

Mr. Law said he thinks it’s imperative to use the term “coastal,” which is pretty descriptive, because of the natural ridges of dunes that exist in St. Augustine Beach. What he wouldn’t want would be for someone to misconstrue this to include, for example, Anastasia Dunes Subdivision, or the new Corral Dental building currently under construction, as both of these sites have natural dunes, but these properties are not along the coastline.

Ms. Krempasky said this also could be protected by including a definition for “coastal dune system” in the definitions section of the LDRs, which is Article II.

Mr. Wilson said he’ll look into that, as there are dune systems all over, but he’s not sure where the line begins and ends in regard to the coastal dune system, so this needs to be defined for the purpose of the Code.

Motion: to recommend the City Commission approve passage of Ordinance No, 20-04 with the addition of construction of dune walkovers and sand fencing as exceptions, and the Commission’s consideration of SEPAC’s recommendations. Moved by Mr. Mitherz, seconded by Ms. Odom, passed 5-0 by unanimous voice-vote.
D. Review and recommendation to City Commission of proposal for the regulation of emotional support animals, by amendment to Sections 2.00.00 and 3.02.02 of the City of St. Augustine Beach Land Development Regulations, to provide a definition for emotional support animals and allow emotional support animals as defined by conditional use permit application reviewed by the Planning and Zoning Board and granted by the City Commission

Mr. Law said the Commission directed City Manager Max Royle, who in turn directed him, to assist the City in the regulation of emotional support animals. Staff’s suggestion as a way to do this is to allow emotional support animals by conditional use application, which would be reviewed by this Board for a recommendation to the City Commission on the qualifications of that need, and then the Commission would have the final authority to grant the conditional use or not. He searched the internet for definitions on emotional support animals, as this is the first step in figuring out how the City can regulate them. During the process of appealing the decision to allow emotional support chickens at a residential property earlier this year, the Commission delayed any code enforcement action until 120 days from the date of that meeting, to give staff time to work out regulations for emotional support animals. As the City Attorney has weighed in that a variance is not an option, he’ll have to work with the City Attorney to find what kind of documentation would be needed for emotional support animals.

Ms. Odom asked if the City refunded the variance application fee paid by the lady who applied for the variance to keep chickens as emotional support animals at her home.

Mr. Law said no, the City has done nothing yet. If the Commission decides to allow emotional support animals by conditional use, this applicant would have to pay the conditional use application fee, in which case, he’d make a recommendation to the Commission that the City just swap out the fee already paid for the variance and apply it to the conditional use application fee. At the time the applicant applied for the variance, this was the only option she had to allow her to keep the chickens, as chickens are currently a prohibited use per City Code. The Board denied the variance but allowed her to keep the chickens, so it was a very confusing motion. However, Mr. Kincaid was at the City Commission meeting at which the appeal to this was heard, and he helped clarify the motion for the record. At this point, staff feels a conditional use permit is the best way to regulate emotional support animals.

Mr. Kincaid said there has to be a mechanism to make sure conditional use applications for emotional support animals are considered on a case-by-case basis. The Board is also going to need legal expertise to know on what basis they can recommend approving or denying conditional use permits for emotional support animals.

Mr. Wilson said at a minimum, he thinks applications should include detail in the form of a letter from a doctor as to what the person’s problems are and that the emotional support animals are necessary, and then applicants would need to demonstrate if the emotional support animals can be safely kept on property in a residential area.

Mr. Kincaid said by definition, chickens can’t be service animals, but this doesn’t address service animals, which is way outside of their purview, this addresses emotional support animals. He just wants to make sure the Board has the necessary criteria to evaluate conditional use applications for emotional support animals.

Motion: to recommend the City Commission approve proposed amendments to Sections 2.00.00 and 3.02.02 of the LDRs to provide a definition for emotional support animals as “animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions,” and allow emotional support animals as defined by conditional use permit reviewed by the Planning and Zoning Board and granted by the City Commission on a case-by-case basis. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 4-1 by voice-vote with Mr. Einheuser, Mr. Kincaid, Mr. Mitherz and Ms. Odom assenting, and Mr. King dissenting.

VII. OLD BUSINESS

There was no old business.
VIII. BOARD COMMENT

Ms. Odom said she’d like to thank staff for everything that was put in the Board members' packets for this meeting, as it really helps them to know what's going on in the City and also helps the Board in making decisions.

Mr. Mitherz asked if the sidewalks on Mickler Boulevard, as well as the sidewalks along A Street, are going to get painted and striped to distinguish between bicycle and pedestrian traffic.

Mr. Law said he’ll relate these questions to Public Works Director Bill Tredik, but keep in mind, A Street is a County-owned road, so staff would have to reach out to the County regarding restriping the sidewalks along A Street.

Mr. Mitherz asked when the new Beachside Diner at the old Coquina Beach Surf Club site is opening.

Mr. Law said the owners are hoping to open the beginning of March.

Ms. Odom said she knows they've had a lot of heavy wind lately, but she’s never seen the City’s public parking lots so dirty, with palm fronds all over the 10th Street parking lot, and the grass there hasn’t been cut in a while.

Mr. Law said again, staff will reach out and pass this on to Mr. Tredik and the Public Works Department.

Mr. Kincaid thanked everyone for going to the joint meeting with the Commission earlier this month and thinks the message from the Board was loud and clear, as there have been some communication issues in the past which he hopes they’ll be able to work out. He'll represent the Board at the Commission’s March 2, 2020 meeting to address any other questions or concerns the Commission may have about this or any other issues that come up.

Mr. Law handed out copies of a summary of what the Board has been doing this fiscal year, and said the summary gives real time data, so if at any time anybody in the community asks what’s happened in the last fiscal year, Board members can give the results of what the Board has approved or denied. This Board and the Commission will receive this summary on a monthly basis from this time going forward.

IX. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

_____________________________________________
Kevin Kincaid, Chairperson

_____________________________________________
Lacey Pierotti, Recording Secretary

(This meeting has been recorded in its entirety. The recording will be kept on file for the required retention period. Complete audio/video can be obtained by contacting the City Manager's Office at 904-471-2122.)
MEMO

City of St. Augustine Beach Building & Zoning Department

To: Max Royle, City Manager
From: Brian Law, Building Official
Date: 02-19-2020
Re: Building and Zoning Department Monthly Report

Trees:

1. 1-24-2020—210 4th Street
   Removal of oak trees hazardous to screen enclosure of existing single-family residence
2. 1-28-2020—332 Ocean Forest Drive
   Removal of dead cedar tree
3. 2-13-2020—410 B Street
   Removal of rotten elm tree

Planning and Zoning: (February 18, 2020 regular monthly meeting at 6:00 p.m. at City Hall)

1. Planning and Zoning Board approved removal of 60-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint of a new single-family residence on Lot 39, Ridge at St. Augustine Beach, at 340 Ridgeway Road, Riverside Homes of North Florida LLC, agent for Arthur H. Runk Jr. Living Trust, applicant
2. Planning and Zoning Board approved a variance request to exceed the 40% maximum impervious surface ratio (ISR) coverage allowed in low density residential land use districts for a proposed new 464-square-foot inground swimming pool addition to an existing single-family residence on Lot 1, Block B, Sea Colony Unit 1, at 184 Sea Colony Parkway, pending removal of the existing concrete driveway and replacement of driveway with permeable pavers with a 10 percent or greater permeability, Matthew J. and Kerri N. Robison, applicants
3. Planning and Zoning Board recommended the City Commission approve passage of Ordinance No. 20-04 as drafted, to amend Article V of the City of St. Augustine Beach Land Development Regulations to establish Section 5.06.00, Protection of Dune Systems, to prevent the modification of undisturbed areas of the dune system with the exception of beach renourishments, the planting of sea oats, construction of dune walkovers, and sand fencing, and consideration of the suggestions made by the City’s Sustainability & Environmental Planning Advisory Committee (SEPAC) as summarized by SEPAC Chairperson Sandra Krempasky in her memo emailed to staff on February 17, 2020
4. Planning and Zoning Board recommended the City Commission approve proposed amendments to Sections 2.00.00 and 3.02.02 of the City of St. Augustine Beach Land Development Regulations to provide a definition for emotional support animals as “animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions,” and allow emotional support animals as defined by conditional use permit granted by the City Commission on a case-by-case basis
Code Enforcement:

1. Code Enforcement Board meeting held Wednesday, December 18, 2019, at 2:00 p.m. at City Hall, to follow-up on the four derelict properties presented to the Board at its previous meeting on Wednesday, November 20, 2019, at 201 6th Street, 205 7th Street, 206 8th Street, and 106 2nd Street. The property at 201 6th Street is under contract to be sold and the prospective buyer is negotiating a closing date as soon as possible; the legal guardian for the owner of the properties at 205 7th Street and 206 8th Street has been awarded $60,000.00 for each property for repairs and renovations; and permits were issued on January 21, 2020 for such; and proceedings are currently underway for the City to foreclose on the property at 106 2nd Street. The Board took action on a new citation to appear issued to the property owner of 720 A1A Beach Boulevard for failure to renew the business tax receipt for the transient lodging facility at this address and violation of Section 6.07.02 of the City's Land Development Regulations (LDRs), pertaining to structural requirements; Section 304 of the International Property Maintenance Code (IPMC), pertaining to exterior structures; and violation of Section 105.1 of the Florida Building Code (FBC) for failure to obtain required permits for exterior construction of a second-story deck and stairs. The Board passed a motion to direct the property owner of 720 A1A Beach Boulevard to obtain permits and commence construction for the permitted work to correct multiple building code violations cited at her property within 30 days from the date of the Code Enforcement Board's meeting of December 18, 2019, and if the owner fails to obtain the proper permits and commence work to correct the multiple violations by January 18, 2020, a daily fine of $250.00 per day shall be imposed until such permits are obtained and construction work has begun. To date, this daily fine is accruing as of January 19, 2020, as no reroof or repair permits have been issued and no work has commenced.

Building:

1. Renovation to the Endless Summer Realty building, formerly the Shell Shop, at 491 A1A Beach Boulevard is nearing completion and final inspections upon hookup to sewer per approval from St. Johns County Utility Department.
2. Redevelopment of the new donut shop on the site of the former Carriage Realty building at 400 A1A Beach Boulevard is currently in the rough construction phase.
3. The new Corral Dental facility at 2100 A1A South is in the rough construction phase.
4. Renovation to the former Coquina Beach Surf Club restaurant, at 451 A1A Beach Boulevard, is nearing completion and final inspections with plans to open as Beachside Diner by the start of March 2020.

Building Inspections Performed in FY 20 to date: 1418

Plan Reviews in FY 20 to date: 327

Permits issued in FY 20 to date: 643 Total: 250 Building, 91 Electric, 163 Mechanical, 139 Plumbing

CO's issued in FY 20: 19
ORDINANCE NO. 20-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODES OF THE CITY AS CONTAINED WITHIN ARTICLE III, LAND USE TYPE, DENSITY, INTENSITY; ARTICLE IV, CONSISTENCY AND CONCURRENCE DETERMINATIONS; ARTICLE V, RESOURCE PROTECTION; ARTICLE VI, RELATING TO DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; BUILDING SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH FLORIDA:

Section 1 Article III of the Land Development Regulations of the City of St. Augustine Beach, Land Use Type, Density, Intensity, Section 3.02.02.01, Mixed Use Districts, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 2 Article III of the Land Development Regulations of the City of St. Augustine Beach, Land Use Type, Density, Intensity, Section 3.09.00, Transient lodging establishments within medium density land use districts, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 3 Article IV of the Land Development Regulations of the City of St. Augustine Beach, Consistency and Concurrency Determinations, Section 4.00.06 Annual Report, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 4 Article V, Resource Protection, of the Land Development Regulations of the City of St. Augustine Beach, Section 5.01.03, Replacement and Mitigation, is hereby amended as set forth in Exhibit 1 and incorporated into the Land Development Code herein by reference.

Section 5 Article VI of the Land Development Regulations of the City of St. Augustine Beach, Florida, Development Design and Improvement Standards, Sections 6.01.02, Impervious Surface Coverage and Sections 6.01.03 B., Building Setback Requirements are hereby amended as set forth in Exhibit 1, and incorporated into the Land Development herein by reference.
Section 6  SEVERABILITY. It is the intent of the City Commission of the City of St. Augustine Beach, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 7  CODIFICATION. This ordinance shall be incorporated into the Code of the City of St. Augustine Beach and a copy hereof shall be maintained in the office of the City Clerk.

Section 8  EFFECTIVE DATE. This ordinance shall take effect upon adoption.

PASSED by the City Commission of the City of St. Augustine Beach, Florida upon Second Reading this 2nd day of March 2020.

CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH

ATTEST: ________________________________
City Manager, Max Royle

BY: ________________________________
Margaret England, Mayor

First Reading: January 6, 2020
Second Reading: February 3, 2020
Third Reading: March 2, 2020
Sec. 3.02.02.01. - Mixed use districts.

D. Mixed use size limits. The minimum floor area for a mixed use structure is eight hundred (800) square feet or twenty-five (25) percent of the lot area (whichever is greater) for lots with street frontage of fifty (50) feet width or more. For fifty (50) feet or less, street frontage, the minimum floor area is twenty (20) percent of the lot area.

K. Signage. All signage, ground and wall signs shall be subject to the City of St. Augustine Beach Land Development Regulations Article VIII.

Sec. 3.09.00. - Transient lodging establishments within medium density land use districts.

F. Inspections, noncompliance inspection fee. Complaint driven or inspector initiated inspections of properties subject to this ordinance shall be conducted by the city each year to ensure that such properties are in compliance with provisions of adopted codes. However, this provision shall not be interpreted as authorizing the city to conduct inspections of property without the consent of the owner or the occupant or without a warrant.

The City Manager or designee shall assess a fee as per the City Fee Schedule.

Sec. 4.00.06. - Reserved

Sec. 5.01.03. - Replacement and mitigation

B. City Tree and Landscape Fund. A dedicated financial fund shall be created under the authority of this Code to receive payments described above when Protected Trees are not replaced after removal. The funds paid as a result of tree removal shall be distributed as follows: 75% to the Tree and Landscape Fund with the remaining 25% to the Building and Zoning Department. Expenditures of the Tree and Landscape Fund occur after recommendation from the Public Works Director and approval by the City Commissioners in advance of the expenditure for the following projects:

1. City construction and capital improvements limited to Tree and landscaping costs including equipment, installation, and irrigation.

2. Beautification limited to the cost of Trees, landscaping requirement and installation of the beautification project. Where funds are used to plant trees in the plazas or City road right of way, funds may also be used to fund design by a Registered Landscape Architect.

3. Conservation or natural preserve protection.

4. The construction and maintenance of structures and landscaping in city owned parks.

Sec. 6.01.02. - Impervious surface coverage.

D. Table of impervious surface ratios.
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<th>Land Use District</th>
<th>Maximum Impervious Surface Ratio¹</th>
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¹ The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article III.

* In Low Density Residential land use district a 465 square feet allowance shall be provided for the construction and installation of a pool and pool decking only.

Sec. 6.01.03. - Building setback requirements.

B. Minimum setbacks for non-structural components of a structure.

2. Auxiliary structures:

   a. This applies to features such as open air arbors, trellises and free standing tiki bars that do not exceed twelve (12) feet in height. These structures shall have a minimum setback of five (5) feet from the rear and side lot lines. Tiki bars are not allowed in front yards.

   b. Screen rooms and patio covers are allowed to encroach a maximum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed twelve (12) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the City's Land Development Regulations. The screen room shall comply with the allowed side setbacks as established by these Land Development Regulations.
To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller, Executive Assistant  
CC: Brian Law, Building Official  
Date: 03-16-2020  
Re: Tree removals at 104 Spanish Oaks Lane

The owners of the property at 104 Spanish Oaks Lane, Teresa and Terry Dillinger, and their building contractor, Tyler Lee of TBL Services I.LLC, request approval from the Board per Section 5.01.02.E of the City’s Land Development Regulations (LDRs) to remove a 36-inch diameter-at-breast height (DBH) oak tree in the footprint of the front paver driveway and a 37-inch diameter-at-breast-height (DBH) oak tree adjacent to the covered lanai and pool area at the rear of the new single-family residence they propose to build on Lot 11 in Spanish Oaks Subdivision. Section 5.01.02.C.3 of the LDRs addresses conditions for tree removal which include removal of trees located in an area where a structure or improvement may be placed in accordance with other development provisions in City Code, and Section 5.01.02.E requires review and approval of the Board to remove any tree greater than or equal to 30-inches DBH.

The site plan showing the 36-inch DBH oak tree in the footprint of the front paver driveway and 37-inch DBH oak tree in the footprint of the rear porch of the proposed new single-family residence is included with this request for removal of these two trees, and also shows the other trees that will be removed and those that will be preserved in the construction of this new home. The Building and Zoning Department has no objection or opposition to the removal of these two oak trees.

Sincerely,

Bonnie Miller  
Executive Assistant  
Building and Zoning Department
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 1631390110
Location Address 104 SPANISH OAKS LN
SAINT AUGUSTINE 32080-0000
Neighborhood Spanish Oaks (2296.04)
Tax Description* 41/14-17 SPANISH OAKS LOT 11 OR4758/1952
*The Description above is not to be used on legal documents.
Property Use Code Vacant Residential (0000)
Subdivision Spanish Oaks
Sec/Twp/Rng 34-7-30
District City of St. Augustine Beach (District 551)
Millage Rate 16.9195
Acreage 0.310
Homestead N

Owner Information

Owner Name Dillinger Teresa Carr,Terry Lee 100%
Dillinger Terry Lee 100%
Mailing Address 603 MARIPOSA ST
SAINT AUGUSTINE, FL 32080-0000

Map

Valuation Information

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Values listed are from our working tax roll and are subject to change.
### Historical Assessment Information

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

The St. Johns County Property Appraiser 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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GDPR Privacy Notice

Last Data upload: 3/10/2020 13:34 AM

Version: 2.1.4a
SPANISH OAKS LANE

ARCHITECTURAL SITE PLAN - NOT A SURVEY OR CIVIL FILE
To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller, Executive Assistant  
CC: Brian Law, Building Official  
Date: 03-13-2020  
Re: Conditional Use File No. CU 2020-01

Conditional Use File No. CU 2020-01 is for renewal of a current conditional use permit that expires May 4, 2020, issued for food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, per Section 3.02.02 of the City’s Land Development Regulations, at Terra & Acqua, in the Seagrove Town Center at 134 Seagrove Main Street. The applicants and owners of the restaurant business, Simone and Monica Parisi, are asking to renew the current conditional use permit issued for outdoor dining and food and beverage service for as long as Terra & Acqua is in operation.

To date, the Building and Zoning Department has received no complaints about the outdoor dining at Terra & Acqua since the original conditional use permit for outdoor dining, food and beverage service was granted by the City Commission on May 4, 2015. The applicants have submitted a drawing of the current outdoor seating, showing seven tables and 34 seats in front of the restaurant on the northwest side of the property site, and six stand-up tables with no seats on the southwest side of the property site.

The Building and Zoning Department has no objection to the renewal of the conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of Terra & Acqua at 134 Seagrove Main Street for as long as the restaurant is in operation under its current ownership.

Sincerely,

Bonnie Miller  
Executive Assistant  
Building and Zoning Department
THE CITY OF ST. AUGUSTINE BEACH
CONDITIONAL USE PERMIT APPLICATION

TIE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS
Sought:

LOT(S): Parcel G, H
BLOCK: N/A
SUBDIVISION: Sea Grove Unit 4 Replat #2
STREET ADDRESS: 134 Sea Grove Main Street St. Aug 32086

2. LOCATION: West Side of A1A
(North, South, East, or West) (Street Name)
BETWEEN State Road A1A and Sea Grove Main Street
(Street Name) South (Street Name)

3. REAL ESTATE PARCEL NUMBER(S): 162963 - 0070

4. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC
RECORDS: William Guidi - L+ L Pitron
312 View Point Place, St. Augustine, Fl 32080

5. DESCRIPTION OF CONDITIONAL USE:

Outdoor dining, food and beverage service
and consumption for as long as
the business is in operation

6. LAND USE CLASSIFICATION: Planned Unit Development

7. SECTION OF THE LAND DEVELOPMENT REGULATIONS FROM WHICH THE
PERMIT IS BEING SOUGHT: 2.02.02 and 10.03.21 - 10.03.03

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:

We applied for and have been approved for use
of the patio for the past 5 years. The outdoor seating
is desirable to the business and to our customers.
9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes ( ) or No (✓)

IF YES, WHAT WAS THE FINAL RESULT? __________________________________________

____________________________________________________________________________

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

✓ LEGAL DESCRIPTION OF PARCEL

✓ LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH CONDITIONAL USE PERMIT IS REQUESTED

✓ STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE PERMIT LOCATION

✓ SURVEY (Not over two years old)

✓ OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

(Owner or his/her agent)

(Owner/agent address)

(Owner/agent phone number)

(Date)

(Applicant or his/her agent)

(Applicant/agent address)

(Applicant/agent phone number)

(Date)

Email address: info@terraacquarestaurant.com
Date: February 24, 2020

Conditional Use File #: CU2020-01 Application # 1698

Applicant's name: Simone Menia Parisi

Applicant's address: 151 Pelican Reef Drive, St. Augustine, Florida 32080

For conditional use permit at: Terra e Acqua Restaurant, 134 Sea Grove Mall Street, St. Augustine Beach, Florida 32080

Charges

Application Fee: $400.00 Date Paid: 2-24-2020

Legal Notice Sign: $7.50 Date Paid: 2-24-2020

Received by

Date 2-24-2020

Invoice # T2000828

Check # 5797
Definition—Conditional Use Permit

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

Instructions for Applying for a Conditional Use Permit

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, please attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

Documentation Needed for a Conditional Use Permit

1) The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lots and block number. Include street address and location by indication street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot, i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.

2) Provide the name and address of the owner of the property. The person’s name on the application should agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.

3) Indicate the current land use classification of the parcel under consideration. Current land use map are on display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

4) Notification of all property owners within a radius of 300 feet of the property for which the conditional use permit is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the conditional use permit is requested. This list of names and...
addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the conditional use permit, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the conditional use permit application.

5) Provide the section of the land use code from which the conditional use permit is being sought. Personnel in the Building and Zoning Department will assist you in this matter if needed.

6) A fee of $407.50 will be charged for the conditional use permit administrative procedure, which includes the legal notice sign, and legal advertising. The applicant will be required to post the legal notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.

7) A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which the application was considered. Each final order shall contain findings upon which the City Commission’s order is based and may include such conditions and safeguards prescribed by the Commission as appropriate in the matter, including reasonable time limits which action pursuant to such order shall be begun or completed or both.

8) Appeal of decisions on conditional use permits granted by the City Commission shall be made to the Circuit Court of St. Johns County, Florida.

9) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner’s authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.

Limitations on Granting a Conditional Use Permit

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

1) That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.

2) The time within which the use shall be commenced may be extended for a period of time longer than
one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

3) Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.

4) The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.
Monica Pasci (Owner of Premises) is hereby authorized TO ACT ON BEHALF OF

William Guidi (Owner of Premises) the owners(s) of the property described in the
attached application, and as described in the attached deed or other such proof of ownership as
may be required, in applying to St. Augustine Beach, Florida, for an application related to a
development, land use, zoning or conditional or special use permit or other action pursuant to an
application for:

Conditional Use Permit (for outdoor dining)

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with
the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation
of permits and/or termination of development activity.

Signature of Owner(s) ____________________________

Printed Name(s) ____________________________

Address of Owner(s) 312 View Point Place, St. Augustine, FL 32080

Telephone Number of Owner(s) (516) 459-1072

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 24th day of February 2020

by William Guidi, who is personally known or who has produced

identification (type of identification produced)

Signature of Notary Public—State of Florida

Notary Stamp/Seal/Commission Expiration Date:
## St. Johns County, FL

### Summary

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### Owner Information

| **Owner Name** | L L Pirtle Inc. 100% |
| **Mailing Address** | 312 VIEW POINT PL, SAINT AUGUSTINE, FL 32080-0000 |

### Map


Valuation Information

- Building Value: $733,710
- Extra Features Value: $10,152
- Total Land Value: $962,715
- Agricultural (Assessed) Value: $0
- Agricultural (Market) Value: $0
- Just (Market) Value: $1,706,577
- Total Deferred: $0
- Assessed Value: $1,706,577
- Total Exemptions: $0
- Taxable Value: $1,706,577

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

Historical Assessment Information

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Building Information

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- Conditioned Area: 12192
- Actual Year Built: 2007
- Use: Neighborhood Shopping Centers (Low)
- Style: 04
- Class: N
- Exterior Wall: Concrete Stucco
- Roof Structure: Wood Truss
- Roof Cover: Modular Metal
- Interior Wall: Drywall
- Interior Flooring: Concrete Finish
- Heating Type: Air Duct
- Heating Fuel: Central
- Air Conditioning: Central
- Foundation: Concrete Perimeter Footing
- Condition: Good
- Electrical: Average
- Floor System: Concrete Slab
- Insulation: 2" Fiberglass
- Description: Conditioned Area
- Conditioned Area: 12192
- Actual Area: 12192
- CANOPY (COMMERCIAL): 0
- CANOPY (COMMERCIAL): 0
- CANOPY (COMMERCIAL): 0
- Total SqFt: 12192

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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

Last Data Upload: 2/21/2020 11:52:32 PM

Developed by

BEFORE THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

In re:

APPLICATION OF SIMONE AND MONICA PARISI, FOR CONDITIONAL USE PERMIT APPROVAL FOR OUTDOOR DINING, FOOD AND BEVERAGE SERVICE AND CONSUMPTION AT 134 SEAGROVE MAIN STREET, ST. AUGUSTINE BEACH, FLORIDA 32080

ORDER APPROVING CONDITIONAL USE (CU 2015-01)

This CAUSE came on for public hearing before the City Commission of the City of St. Augustine Beach, Florida on May 4, 2015, upon recommendation for approval with conditions by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, after hearing on April 21, 2015, upon Application (CU 2015-01) by Simone and Monica Parisi, for a conditional use permit to allow for outdoor dining, food and beverage service and consumption, at Terra & Acqua located at 134 SeaGrove Main Street, St. Augustine Beach, Florida 32080. The City Commission having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved subject to the following conditions:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.

2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.

3. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond May 4, 2020.

4. The use shall be conducted in such a way as to not violate City Code or become a nuisance.

5. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.

6. The use shall be non-transferable.

7. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.
8. A violation of the conditions listed above shall void the conditional use granted herein.

Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

DONE AND ORDERED this 4th day of May, 2015, at St. Augustine Beach, St. Johns County, Florida.

CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA

Attest: ____________________________

By: ________________________________
    Mayor, Commissioner
To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 03-13-2020
Re: Mixed Use File No. MU 2020-01

Mixed Use File No. MU 2020-01 is for proposed new construction of a two-story, 19,072-square-foot commercial building consisting of 9,536-square feet of retail/mercantile units on the first floor and 9,536-square feet of office space units on the second floor in a commercial land use district in the mixed use district on Lots 1-10, Block 18, Chautauqua Beach Subdivision, on the west side of A1A Beach Boulevard between 4th and 5th Streets at 621 A1A Beach Boulevard.

Michael Stauffer, agent and architect for Scott M. Patrou, applicant, has submitted a site calculation and summary sheet of the 10-lot property site, which is a total of 49,284 square feet. The total lot coverage allowed in commercial land use districts is 40 percent, per Section 3.02.04 of the City's Land Development Regulations (LDRs), which specifies that lot coverage does not include paved areas for parking, sidewalks or driveways but shall include second floor decks with no roof and a solid surface floor. The actual lot coverage of the building footprint of the proposed structure is only 20 percent, calculated by dividing the 9,936-square-foot building footprint including the 400-square-foot covered porch by the 49,284-square-foot property site. Maximum impervious surface ratio (ISR) coverage allowed for commercial land use districts is 70 percent. Per the site calculations on Mr. Stauffer's summary sheet, the total ISR coverage, which includes the building footprint, covered porch area, parking, walkways, dumpster pad and transformer is 69 percent, with 3,708-square feet of the parking areas on the west and northwest side of the site comprised of grass-crete porous paving materials, which are not counted as ISR in commercial land use districts per Section 6.01.02.C of the LDRs.

Parking requirements for retail/office space per Section 6.03.02 of the LDRs are one space per every 250 square feet of gross floor area. With a total of 19,072-square feet of gross floor area which includes both floors and covered porch areas, 76.28 parking spaces are required, and access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. The proposed site plan shows 77 parking spaces plus an additional four handicap parking spaces. Allowable setbacks for mixed use development for both retail and business/office space, per Section 3.02.02.01 of the LDRs, are from zero to 25 feet. The proposed site plan shows a 15-foot front setback from the building wall, a 15-foot street side setback on the north side adjacent to 5th Street, and rear and south side setbacks that exceed 25 feet. The allowable building height is 35 feet to the roof ridge for setbacks between 15 feet to 25 feet or more, which applies to the main building wall which has a 15-foot front setback, and 27 feet within 0 feet to 15 feet, which applies to the five-foot covered porch and balcony extensions.
Per Section 3.02.02.01.J of the LDRs, all parking for retail and business use shall be placed in the rear or at the side, and parking located at the side of a structure shall be required to have landscape buffers five feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size, and landscape plans shall also be subject to approval by the City’s Sustainability and Environmental Planning Advisory Committee. It is noted on the concept landscape plans that the final landscaping shall be compliant with City Code and the LDRs, and the property site must also be compliant with buffer requirements between uses, per Section 6.06.04 of the LDRs. The concept landscape plan shows the required 15-foot wide vegetative and structural barrier between non-compatible uses, such as between commercial and residential land uses, and this property site is adjacent to Lots 11-16, Block 18, six lots zoned medium density residential immediately to the west of the 10 commercially-zoned lots on which this mixed use development is proposed.

This proposed project promotes the purpose of the mixed-use district and A1A Beach Boulevard Corridor Vision Plan in accommodating a mixture of retail and business uses, and its design encourages development that exhibits the physical design characteristics of pedestrian-oriented, storefront shopping and business enterprise. The building has the horizontal and vertical articulation required for mixed use structures fronting A1A Beach Boulevard, and the conceptual east elevation architectural rendering exhibits the architectural design and features recommended for mixed use development.

The Building and Zoning Department asks that the Board consider this application based upon the proposed development’s compliance with the mixed-use district specifications in Section 3.02.02.01 of the City’s LDRs, and adherence to the conditions of the attached draft mixed-use development order. Comments from other governing jurisdictions including St. Johns County Utility Department, St. Johns County Fire Rescue, and St. Johns County Transportation/Growth Management have also been included.

Sincerely,

Bonnie Miller
Executive Assistant
Building and Zoning Department
1. Legal description of the parcel for which mixed use development is being sought:
   Lot(s) 1-10  Block(s) 1B  Subdivision CHATHAQUA BEACH
   Street Address NOT ASSIGNED 621 A-1A BEACH BLVD.

2. Location (N, S, W, E): S  Side of (Street Name): 5TH STREET

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☐ No ☐ (Circle one)

4. Real estate parcel identification number(s): 1692400000

5. Name and address of owner(s) as shown in St. Johns County Public Records:
   MSB HOTELS II LLC
   45 SETON TRL, ORMAND BEACH, FL 32176

6. Current land use classification:  COMMERCIAL

7. Description of proposed mixed use development: Commercial ☒ Business Use ☒
   Single-Family Residential  Multi-Family Residential (Number of Units)
   Commercial and Residential (Business Use for Commercial and Number of Single-Family or Multi-Family
   Residential Units) 1ST FLOOR A MIX OF RETAIL
   2ND FLOOR OFFICES

8. Supporting data which should be considered by the Board:

   
   
   

City of St. Augustine Beach Mixed Use Application 06-19
9. Please check if the following information required for submittal of the application has been included:

- ✔ Legal description of property (See Attached)
- ✔ Copy of warranty deed
- ✔ Owner Permission Form (if applicable)
- ✔ List of names and addresses of all property owners within 300-foot radius
- ✔ First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
- ✔ Survey to include all existing structures and fences
- ✔ Elevations and overall site plan of proposed mixed use development reflecting definitions and architectural details per Section 3.02.02.01 of the City's Land Development Regulations
- ✔ Other documents or relevant information to be considered

In filing this application for mixed use development, the undersigned acknowledges it becomes part of the official record of the City of St. Augustine Beach Comprehensive Planning and Zoning Board and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

If approved, the order granting the mixed use development will be effective for a period of two (2) years, at the end of which time, applicant shall be required to commence construction of the mixed use development. Such order granting the mixed use development shall be transferable with the property based on the submittal to the Comprehensive Planning and Zoning Board. Any modification of that approved by the Planning and Zoning Board shall be subject to reapplication to the Board.

Michael Stauffer, Architect
Print name (owner or his/her agent)

Scott Patrou
Print name (applicant or his/her agent)

Signature/date
1093 A1A Beach Blvd #330
ST. AUGUSTINE BEACH FL 32080
Owner/agent address

Signature/date
770 A1A Beach Blvd
ST. AUGUSTINE BEACH FL 32080
Applicant/agent address

904-540-6059
Phone number

904-540-3779
Phone number

City of St. Augustine Beach Mixed Use Application 06-19
**All agents must have notarized written authorization from the property owner(s)**

**Mixed use orders shall be recorded prior to issuance of the building/development permit**

**Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.**

Date: **February 24, 2020**

Mixed Use File #: **MU 2020-01 Application # 1696**

Applicant's name: **MICHAEK STAUFFER ARCHITECT (AGENT)**

Applicant's address: **1093 A1A BEACH BLVD # 339, ST. AUG BEACH 32080**

For mixed use development at: **LOTS 1-10 BLOCK 1B, 621 A1A BEACH BLVD**

---

**Charges**

Application Fee: $300.00 Date Paid: **2-24-2020**

Legal Notice Sign: $7.50 Date Paid: **2-24-2020**

Received by: [Signature]

Date: **2-24-2020**

Invoice #: **12000826**

Check #: **3938**
To: Building Official  
City of St. Augustine Beach, Fl.  
Building Department  

From: Owner Name & Phone #:  
Address:  
City, State & Zip Code:  

This is to advise you that I hereby give permission to:  
Contractors / Agent Name & Phone #:  
Address:  
City, State, Zip Code:  

Who is my contractor /agent, to perform the following on my behalf:  

[Signature]  2/1/20  

Signature of Owner & Date  

State of Florida  
County of:  

Subscribed and sworn before me this 15th day of February, 2020, by  

Who is/are personally known to me or who has/have produced as identification.  

[Signature]  

Signature of Notary Public, State of Florida  

Notary Commission No./Expiration/Stamp/Seal
To: Building Official  
City of St. Augustine Beach, FL  
Building Department

From: Owner Name & Phone #: MSB Hotel II, LLC  
Address: 45 Seton Trail  
City, State & Zip Code: Ormond Beach, FL 32176

This is to advise you that I hereby give permission to:

Contractors / Agent Name & Phone #: Mike Stauffer  
Address: 1023 Allamanda Beach Blvd., #330  
City, State, Zip Code: St. Augustine Beach, FL 32080

Who is my contractor/agent, to perform the following on my behalf:

Architect for project at 621 A1A Beach Boulevard

Signature of Owner & Date  
State of Florida

County of: Volusia  
Subscribed and sworn before me this 19th day of February 2020, by Mndy Bhood

Who is are personally known to me or who has/have produced __________________________ as identification.

Signature of Notary Public, State of Florida

Notary Commission No./Expiration/Stamp/Seal

SHELLY HATZL  
Notary Public - State of Florida  
Commission # GG 21536  
My Comm. Expires Aug 26, 2021  
Issued through National Notary Assn.
St. Johns County, FL

Tax Bill

Estimate Taxes

2019 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID 1692400000
Location Address 4TH ST
SAINT AUGUSTINE 32080-0000
Neighborhood A1A Beach Boulevard (CON) (71702)
Tax Description 2-5 CHAUTAUQUA BEACH LOTS 1 & 2 (EX R/W OF RDA1A) & LOTS 3 THRU 16 BLK 18 & VAC ALLEY L YING BETWEEN OR2984/501
The Description above is not to be used on legal documents.
Property Use Code Vacant Commercial (1000)
Subdivision Chautauqua Beach Subdivision of the Anas
Sec/Twp/Rng 34-7-30
District City of St Augustine Beach (District 551)
Millage Rate 16.9195
Acreage 1.790
Homestead N

Owner Information

Owner Name Msb Hotels II LLC 100%
Mailing Address 45 SETON TRAIL
ORMOND BEACH, FL 32176-0000

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<td>QC</td>
<td>1162</td>
<td>729</td>
<td>U</td>
<td>Vacant</td>
<td>HALL ROBERT C , GISELA</td>
<td>HALL ROBERT C</td>
<td></td>
</tr>
</tbody>
</table>

No data available for the following modules: Exemption Information, Building Information, Extra Feature Information, Sketch Information.
SPECIAL WARRANTY DEED

THIS INDENTURE made this 10th of September, 2007, by and between PALM ROW DEVELOPMENT, LLC, a Florida limited liability company (herein referred to as "Grantor") whose mailing address is 1730 Kingsley Avenue, Orange Park, Florida 32073, and MSB HOTELS II, LLC, a Florida limited liability company (herein referred to as "Grantee") whose mailing address is 45 Seton Trail, Ormond Beach, Florida 32176.

WITNESSETH:

That the Grantor, in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration paid by the Grantee, receipt of which is acknowledged has granted, bargained and sold to the Grantee, its successors, and assigns forever, that certain land located in St. Johns County, Florida, being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all the rights, tenements, improvements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the same in fee simple forever.

The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto. Grantor hereby covenants with Grantee that, except as noted on Exhibit "B" attached hereto, the Property is free from all encumbrances made by, through or under Grantor, and the Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor but against none other.

Parcel Identification Numbers: 169250-0000; 169240-0000; 169250-0030.

[Signature page to follow]
EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the ___ day of September, 2007.

Signed, sealed and delivered in the presence of

WITNESSES:

Name: Matthew Smith
Name: Natalie Hunt

Palm Row Development, LLC, a Florida limited liability company

By:
Name: GARY A. MILLER
Title: MANAGER

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me on September 15, 2007, by GARY A. MILLER, Manager of Palm Row Development, LLC, a Florida limited liability company. Such person is personally known to me or who has produced as identification.

Name: 

NOTARY PUBLIC, State of _____ 
(SEAL) Serial Number (if any) ________
My Commission Expires: 

MATTHEW S. MC AREE
MY COMMISSION # DD. 91021
EXPIRES: October 8, 2010
Bonded This Notary Public Underwriter's License 

2
EXHIBIT “A”
LEGAL DESCRIPTION

Lots 1 through 16, in Block 18, of CHAUTAUQUA BEACH SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY GROUNDS, according to the Plat thereof, recorded in Map Book 2, Page 5, of the public records of St. Johns County, Florida.

TOGETHER WITH that certain unnamed 15 foot wide alley lying within said Block 18, as vacated by City of St. Augustine Beach, Florida Ordinance No. 97-17, recorded in Official Records Book 1259, Page 110, of said public records.

Less and except from the above described lands, any portion thereof lying within the right-of-way of State Road A-1-A.
EXHIBIT “B”

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

2. All applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

3. Easement in favor of the City of St. Augustine Beach recorded in Official Records Book 1254, page 1330 of the public records of St. Johns County, Florida.
ST. JOHNS COUNTY UTILITY DEPARTMENT
Water & Sewer Availability Request

POINT OF CONTACT
Date: 2/26/2020
Name of Applicant: Michael Stauffer Architect
Company: _______
Address: 1093 A1A Beach Blvd #330, St Augustine Beach, FL 32080
Phone: 904-540-6059 Fax: N/A E-mail: mike@mstaufferarchitect.com

PROJECT INFORMATION
Please attach Tax Parcel Map.
Name of Property/Project & Address: GP HG, LLC
621 A1A Beach Blvd. St Augustine Beach, FL 32080 (new address)
Project Description: New 19,000 SF two story office building
Former Name of Property/Project (if applicable): MSB Hotels II
Tax Parcel ID Number (s): 1692400000
Project Phase (such as "Pre-App" or PUD #, etc.): Pre-App

Is this the first availability letter request? Y If no, provide previous letter date: _____

PLANNED USES
Please attach conceptual plan.
Commercial/Industrial SF: 19,000 Lodging Rooms: __________
Multi-Family Units: __________ Students: __________
Single Family Units: __________ Restrooms: __________
Restaurant Seats: __________ Other: __________

WATER & SEWER USAGE
Following is the link to Schedule A (as amended) of County Ordinance 2013-13 for commercial/industrial use flow factors. If phased development, provide year flow is expected (attach schedule if necessary).
Water Usage: 2850 Reuse Usage: ________
350 gpd for single family unit
300 gpd for multifamily unit
Sewage Usage: __________ Fire Flow Demand: ________
280 gpd for single family unit
240 gpd for multifamily unit
Per St. Johns County Fire Department

ADDITIONAL INFORMATION
Please review Section 11 of St. Johns County Land Development Code prior to submittal.
Following is the link (Section 11.05.02.C.2 to water and 11.05.03.C.2 to sewer).
http://www.sjcfl.us/LongRangePlanning/media/LDC/ArticleXI.pdf

After completing this form, use the contact information below to send it to Melissa Caraway. Please provide any supplemental data that would help expedite the review process. Allow a minimum of two weeks for us to respond to your request.
St. Johns County Utility Department
Phone: 904-209-2606 Fax: 904-209-2607
E-mail: sjcudavailability@sjcfl.us

1205 State Road 16
St. Augustine, Florida 32084
Rev. 06/15/17
February 28, 2020

Michael Stauffer VIA Email: mike@mstaufferarchitect.com
Architect
1093 A1A Beach Blvd #330
St. Augustine, FL 32080

RE: Tax Parcel 169240 0000 - GP HG Office 621 A1A CoSAB
Water & Sewer Availability

Dear Mr. Stauffer,

This letter is to affirm that the St. Johns County Utility Department (SJCUD) will be able to meet the water and sewer plant capacity for a new 19,000 sf office building with a total anticipated usage of 2,850 gallons per day of water and 2,850 gallons per day sewer. The water and sewer service will be provided by the CR 214 Water Treatment Plant and Anastasia Island Wastewater Treatment Plant, respectively.

NOTE: This letter cannot be used to obtain a building permit. The “Certification of Public Water and/or Sewer” form or a receipt of paid Unit Connections Fees (UCF) is required to obtain a building permit.

Water:
Potable water can be made available by an existing 8-inch water main located in the eastern right-of-way along A1A Beach Blvd. Please note that the applicant should contact the fire department regarding fire flow requirements for the site and make provisions if the required flow is not available.

Sewer:
Sewer can be made available by an existing 6-inch force main located in the western right-of-way along A1A Beach Blvd.

Conservation/Reuse:
St. Johns County’s Integrated Water Resources Plan recommends water conservation and reclaimed water as the most cost-effective and beneficial ways to manage a sustainable water supply in our rapidly growing County. In response to state wide goals and objectives identified by Florida Statutes and St Johns River Water Management District, SJCUD is recommending implementation of a Landscape Conservation Plan to utilize water conservation measures for this project to offset irrigation demands from the potable water system. Conservation measures may include utilizing storm water (or another lower quality source) for irrigation, Florida Friendly Landscaping, as well as implementation of smart irrigation technology which utilize water conservation devices that inhibit or interrupt irrigation operations for each individual system as conditions warrant.

Water and sewer conveyance is not absolutely guaranteed until the proposed development is issued a Concurrency Certificate. At that time, the developer must meet and agree with the SJCUD regarding any
necessary infrastructure upgrades to accommodate the proposed development without affecting the existing level of services to its customers.

The availability of capacity will expire in ninety (90) days from the date of this letter on **May 28, 2020**; or until construction plans are approved. All necessary fees must be paid to guarantee a specific number of Equivalent Residential Connections pursuant to County Ordinance 2013-13. Prior to submitting construction plans, please have the Engineer of Record contact the SJCUD Engineering Dept. for copies of as-built information regarding the connection point and relevant Utility information related to FDEP permitting. It is your Contractor's responsibility to field verify the size and location of all utilities prior to construction.

If you should have any questions, please do not hesitate to contact me at (904) 209-2652 or tshoemaker@sjcfl.us.

Sincerely,
St. Johns County Board of County Commissioners
Utility Department

Teri Shoemaker, P.E.
Hey Mike,

Thank you for the information. Overall the site looks good, I do not see any major issues in accordance with NFPA 1 Chapter 18 regarding FD Access. The only thing that I will need with this site is an updated fire flow test. Based on NFPA 1:18.4.5.3.1, and Table 18.4.5.2.1, a fire flow of 2000 gallons per minute is required at the nearest hydrant based on 9536sf of Type II B [II(000)] construction. If that flow cannot be achieved, a fire sprinkler system may be required.

PJ Webb
St. Johns County Fire Rescue
Plans Examiner
Office: 904-209-1744
4040 Lewis Speedwav
St. Augustine, FL 32084

Fire Rescue Headquarters
3657 Gaines Road
St. Augustine, FL 32084
Subject: RE: Site plan and application for 4th/5th Streets (621 A1A Beach Boulevard)

IIB

We will have tenant fire all separation.

Mike Stauffer AIA
MICHAEL STAUFFER ARCHITECT
Florida: AR 13908
1093 A1A Beach Blvd #330
St Augustine Beach, FL 32080
904.471.2552
Virgin Islands: 786A
6501 Redhook Plaza Suite 201
St Thomas, VI 00802
340.775.3113
Cell: 904.540.6059

From: PJ Webb <pwebbb@sjcfl.us>
Sent: Friday, March 6, 2020 10:39 AM
To: 'mike@mstaufferarchitect.com' <mike@mstaufferarchitect.com>
Subject: RE: Site plan and application for 4th/5th Streets (621 A1A Beach Boulevard)

Hey Mike,

I1A or IIB?

PJ Webb
St. Johns County Fire Rescue
Plans Examiner
Office: 904-209-1744
4040 Lewis Speedway
St. Augustine, FL 32084

Fire Rescue Headquarters
3657 Gaines Road
St. Augustine, FL 32084

This electronic transmission and any documents accompanying it contains information intended solely for the individual or entity to which it is addressed, and may include confidential information. This information will be made available to the public upon request (Florida Statute 119.01) unless the information is exempted according to Florida law. Unauthorized disclosure
From: mike@mstaufferarchitect.com  [mailto:mike@mstaufferarchitect.com]
Sent: Thursday, March 05, 2020 5:09 PM
To: PJ Webb <pwebb@sjcfl.us>
Cc: 'Brian Law' <blaw@cityofsab.org>; 'Bonnie Miller' <bmiller@cityofsab.org>
Subject: RE: Site plan and application for 4th/5th Streets (621 A1A Beach Boulevard

PJ –

The building construction type will be Type II unsprinkled.

Mike Stauffer AIA
MICHAEL STAUFFER ARCHITECT
Florida AR 13908
1093 A1A Beach Blvd #330
St Augustine Beach, Fl 32080
904.471.2552
Virgin Islands: 786A
6501 Redhook Plaza Suite 201
St Thomas, VI 00802
340.775.3113
Cell: 904.540.6059

From: PJ Webb <pwebb@sjcfl.us>
Sent: Thursday, March 5, 2020 3:46 PM
To: Michael Stauffer <mike@mstaufferarchitect.com>
Cc: Brian Law <blaw@cityofsab.org>; 'Bonnie Miller' <bmiller@cityofsab.org>
Subject: RE: Site plan and application for 4th/5th Streets (621 A1A Beach Boulevard

Hey Mr. Stauffer,

I am taking a look at you application now. Can you please provide what construction type you are proposing? Will the building be sprinklered? Thank you.

PJ Webb
St. Johns County Fire Rescue
Plans Examiner
Office: 904-209-1744
4040 Lewis Speedway
Bonnie:

The proposed commercial development is estimated to generate 36 p.m. peak hour trips based on 9,536 sq. ft. of specialty retail and 9,536 sq. ft. of general office space. The directly accessed roadway segment on the major road network is A1A Beach Blvd., which currently has adequate capacity available for the proposed commercial.

I note that 5th Street is under the jurisdiction of the City of St. Augustine Beach and any required improvements would be determined by the SAB;

I would recommend pedestrian connections (sidewalks) be included to connect to A1A Beach Blvd. and 5th Street, and a sidewalk along 5th Street frontage if required by SAB code.

Let me know if any questions or if I can assist further.

Jan Trantham  
Senior Transportation Planner  
St. Johns County Growth Management Department  
4020 Lewis Speedway  
St. Augustine, FL 32145  
904-209-0611

From: Bonnie Miller <bmiller@cityofsab.org>  
Sent: Tuesday, March 10, 2020 8:17 AM  
To: Jan Trantham <jtrantham@sjcfl.us>  
Cc: Brian Law <blaw@cityofsab.org>; Michael Stauffer <mike@mstaufferarchitect.com>  
Subject: FW: Site plan and application for 4th/5th Streets (621 A1A Beach Boulevard

Good Morning Jan—have you had a chance to look at the attached application and site plan I sent you a couple of weeks ago? No rush, but we’d like to include your comments when the information goes to the Planning and Zoning Board members in the latter half of next week. It’s on the PZB’s March 24, 2020 meeting agenda.

Let me know if you need anything else.

Thanks,
Memorandum

Date: February 21, 2020
To: St Augustine Beach Planning & Zoning Board
From: Michael Stauffer
RE: GP HQ – Site Calculations

These lots are all zoned commercial per the City zoning map.

The building is intended to be Mixed Use with retail/mercantile on first floor and office space on the 2nd floor.

Please see below site area and parking calculations:

Total site = 245.72 x 200.57 = 49,284 SF

Lot coverage

Allowed: Commercial allows 40% = 49,284 x .4 = 19,714 SF
Actual: Building footprint (9536) + covered porch (400) = 9,936 SF

Surface coverage:

Allowed: Commercial allows 70% = 49,284 x .7 = 34,499 SF
Actual:
- Building Footprint 9,536
- Covered porches 400
- Parking 25,548
- Walkways 1,974
- Dumpster pad 240
- Transformer 100
Subtotal 37,798 SF
Deductions 3,708 grass-crete (per 6.01.02 (c))
Total 34,090 SF

Parking requirements:

Required: per LDR both retail and office require one space for every 250 gross SF

Building: 19,072 SF (both floors and covered porch area)
19,072 / 250 = 76 spaces

Actual: 77 spaces + 4 handicapped (not in count of 77)
BEFORE THE COMPREHENSIVE PLANNING
AND ZONING BOARD OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA

In re:

APPLICATION OF MICHAEL STAUFFER, AGENT
FOR SCOTT M. PATROU, FOR MIXED USE
DEVELOPMENT FOR PROPOSED NEW CON-
STRUCTION OF A TWO-STORY, 19,072-SQUARE-
FOOT TOTAL UNDER ROOF COMMERCIAL
BUILDING IN THE MIXED USE DISTRICT ON
LOTS 1-10, BLOCK 18, CHAUTAUQUA BEACH
SUBDIVISION, AT 621 A1A BEACH BOULEVARD,
ST. AUGUSTINE BEACH, FLORIDA 32080__________

ORDER APPROVING MIXED USE DEVELOPMENT (MU 2020-01)

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning
Board of the City of St. Augustine Beach, Florida, on Tuesday, March 24, 2020, upon application
(MU 2020-01) by Michael Stauffer, agent for Scott M. Patrou, applicant, for mixed use
development for proposed new construction of a two-story, 19,072-square-foot total-under-roof
commercial building consisting of 9,536-square feet of retail/mercantile space on the first floor
and 9,536-square feet of office space on the second floor, in the mixed use district on Lots 1-10,
Block 18, Chautauqua Beach Subdivision, Parcel Identification Number 169240-0000, at 621 A1A
Beach Boulevard, St. Augustine Beach, Florida 32080. The Comprehensive Planning and Zoning
Board having considered the application, received public comments, and upon motion duly made,
seconded and passed, the Board approved the application subject to the following:

1. The required considerations for mixed use development per Section 3.02.02.01 of
   the City of St. Augustine Beach Land Development Regulations, as detailed in the
   application and discussed at the hearing, are incorporated herein as findings of fact.

2. The mixed use development approved and to be constructed shall conform to all
   materials submitted with the application and which were provided by the agent and
   applicant to supplement the application, including all site plans, architectural
   drawings and renderings and proposed landscaping plan.

3. The landscaping plan provided with the application shall be reviewed by the City
   of St. Augustine Beach Sustainability and Environmental Planning Advisory
   Committee (SEPAC).

4. A violation of the conditions listed above shall void the approval granted herein.

Page 1 of 2
Any appeal of this decision may be made by filing an application for appeal to the St. Augustine Beach City Commission within thirty (30) days of the date of this Order.

DONE AND ORDERED this ___ day of _____________, 2020, at St. Augustine Beach, St. Johns County, Florida.

COMPREHENSIVE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

By: _______________________
    Kevin Kincaid, Chairperson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this ______ day of ____________________________, 2020, by (print name of person signing above) ____________________________, who is personally known to me [ ] or has produced the following type of identification ____________________________

______________________________________________
Signature of Notary Public—State of Florida
CONCEPT LANDSCAPE PLAN

1ST FLOOR / SITE PLAN
CONCEPTUAL

1" = 20'-0"

GP H3, LLC 2/21/2020

LEGEND

- TREES
- HEDGES
- Misc.
- PLANTS
- SOD

EXISTING PALM
TREES ALONG
BEACH BLVD.

FINAL LANDSCAPING
SHALL BE IN
COMPLIANCE WITH
CITY OF SAB
CODES.
To: Comprehensive Planning & Zoning Board
From: Bonnie Miller
CC: Brian Law
Date: 03-13-2020
Re: Final Development File No. FD 2020-01

Final Development File No. FD 2020-01 is for modification of the existing final development orders issued for all phases of development in Sea Colony Subdivision. James N. McGarvey Jr. and Timothy S. McGarvey are the agents for the applicants, Sea Colony Architectural Review Board and Sea Colony Neighborhood Association, requesting a modification of Sea Colony’s final development orders to specify regulations for building setbacks, impervious coverage and building height for the various lots and housing types in all phases of Sea Colony Subdivision, which is a low-density residential cluster development that is currently limited to 40 percent maximum impervious surface ratio (ISR) coverage. The current development orders for lots and housing types in Phases I, II, III, and IV are included with the Board members’ packet information, and while some of these development orders do address and reference specific setbacks for lots, none of address impervious coverage or building height.

Per Sections 12.01.04 and 12.02.10. B of the City’s Land Development Regulations:

Sec. 12.01.04. Post-permit changes.

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the department.

(Ord. No. 91-7, § 2)

Sec. 12.02.10.B. Amendment to final development plans. If a major development has received a final development order or other approval, the amendment, modification or extension of such a final development order or approval shall only be by the same process as the order or approval was originally obtained (except that the concept review process does not have to be repeated) and the review fee shall also be the same.

(Ord. No. 91-7, § 2; Ord. No. 15-01, § 2, 2-2-15)

The Building and Zoning Department has no objection to this final development modification to existing development orders in Sea Colony based upon existing conditions in Sea Colony and as demonstrated by the matrix provided by the applicant. Staff asks that the Comprehensive Planning and Zoning Board consider the application and make a recommendation to approve or deny the requested modification to Sea Colony’s final development orders.

Sincerely,

Bonnie Miller
Executive Assistant
Building and Zoning Department
THE CITY OF ST. AUGUSTINE BEACH
APPLICATION FOR MAJOR DEVELOPMENT

The undersigned hereby applies for a permit for construction, repairs, and/or installation work under the Building Codes of the City of St. Augustine Beach, Florida. This permit does not apply to Electrical, Plumbing, Mechanical or Land Clearing/Excavation.

Estimated Cost: $-

To be located on Lot(s): Sea Colony at Anastasia
Subdivision: Sea Colony
Owner(s): St. Augustine Sea Colony
          e/o McGarvey Residential Communities

Address(es): 1602 Allamanda, Ste 102 Phone: 904-247-9160
            Ponte Vedra Bch, FL Phone: 32082

Architect:
Address: Phone:
Contractor:
Address: Phone:
Contractor’s City Certification:
Contractor’s State Certification:

Flood Insurance Zone: Land Use Density Classification:
Sewage (Check One): Central Sewer Hook-Up Septic

Legal Description of Parcel according to Survey and Warranty Deed (both must be submitted):

See attached Development Orders.
Please check if the following information required for submittal of the application has been included:

- Owner Permission Form (if applicable)
- List of names and addresses of all property owners within 300-foot radius
- First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
- Other documents or relevant information to be considered

In filing this application, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board and City Commission and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

The application must be signed by either the owner or the owners authorized agent. If an authorized agent’s signature is used, a notarized written authorization approving such representation must accompany the application.

Print name (owner or his/her agent)  Print name (applicant or his/her agent)

Signature / date  Signature / date

Owner/agent address  Applicant/agent address

Phone number  Phone number

**All agents must have notarized written authorization from the property owner(s)**

**Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board and/or City Commission does not constitute approval for variation from the covenants and restrictions.**
Application for Amendment to Final Development Orders for Sea Colony – All Phases

Final Development Order Nos. 97-06 (The Beach Club, Phase I), 98-04 (Sea Colony, Phase I), 99-02 (Sea Colony of the Beach Club at Anastasia, Phase II), 2001-03 (Sea Colony Unit III), 2003-02 (Sea Colony Unit IV), and June 20, 2000 Variance Order (Lots 1-27, Block F) (collectively, "Final Development Orders").

February 18, 2020

This is an application to amend the Final Development Orders for property known as Sea Colony of the Beach Club at Anastasia in a previously approved clustered development, pursuant to Section 12.02.10(B) of the City of St. Augustine Beach Land Development Regulations. The site development criteria attached hereto as Exhibit “A” and incorporated herein by reference, is meant to amend, clarify and supersede the residential criteria for all lots within all phases of the development.
Owner's Authorization Form

Timothy S. McGarvey is hereby authorized TO ACT ON BEHALF OF St. Augustine Sea Colony LTD, the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

Amendment to the Final Development Orders for Sea Colony Units 1, 2, 3, 4 of the Beach Club at Anastasia

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s)

Printed Name(s)

Address of Owner(s)

Telephone Number of Owner(s)

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 24th day of February 2020

by James McGarvey, who is personally known ✓ or who has produced identification (type of identification produced)

Signature of Notary Public—State of Florida

Notary Stamp/Seal/Commission Expiration Date: Sept. 15, 2020
To Whom It May Concern:

Please be informed that Mr. James McGarvey or Mr. Timothy Sean McGarvey of McGarvey Residential Communities is authorized to represent Sea Colony, St. Augustine Beach, in the application for a final development modification at the City Planning and Zoning Board and City Commission meetings.

Sincerely,

Jill List
Chairman, Sea Colony Architectural Review Board
525 Barefoot Trace Circle
St. Augustine Beach, FL 32080
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<th>Physical Address</th>
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<th>Class</th>
<th>SEA COLONY NEIGHBORHOOD</th>
<th>Mailing Address</th>
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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: 2/25/2020
Last Data Uploaded: 2/25/2020 12:17:41 AM
Developed by Schneider GEOSPATIAL
BEFORE THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

In re:

APPLICATION OF JAMES N. MCGARVEY JR. AND TIMOTHY S. MCGARVEY, AGENTS FOR SEA COLONY ARCHITECTURAL REVIEW BOARD AND SEA COLONY NEIGHBORHOOD ASSOCIATION INC., FOR MODIFICATION TO FINAL DEVELOPMENT FILE NOS. FD 97-06, FD 98-04, FD 99-02, FD 2001-03, AND FD 2003-02, PERTAINING TO SEA COLONY SUB-DIVISION, 100 SEA COLONY PARKWAY, ST. AUGUSTINE BEACH, FLORIDA 32080

FINIAL DEVELOPMENT ORDER FILE NO. FD 2020-01, APPROVING MODIFICATION TO FINAL DEVELOPMENT FILE NOS. FD 97-06, FD 98-04, FD 99-02, FD 2001-03, AND FD 2003-02

This CAUSE came for public hearing before the City Commission of the City of St. Augustine Beach, Florida, on the 6th day of April 2020, upon application of Final Development File No. FD 2020-01, by James N. McGarvey Jr. and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board and Sea Colony Neighborhood Association Inc., 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, for modification to Final Development File Nos. FD 97-06, FD 98-04, FD 99-02, FD 2001-03, and FD 2003-02, per Section 12.02.10.B of the City of St. Augustine Beach Land Development Regulations, to specify regulations for building setbacks, impervious coverage and building height for the various lots and housing types in Sea Colony Units One, Two, Three, and Four of the Beach Club at Anastasia Residential Cluster Development, in a low density residential land use district at 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, as attached and titled “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases.” The City Commission having reviewed and considered the application, the report of the Building and Zoning Department, the recommendation of the Comprehensive Planning and Zoning Board of St. Augustine Beach, which reviewed and considered the application on the 24th day of March 2020, the testimony, statements, and evidence presented before the Comprehensive Planning and Zoning Board and the City Commission by the applicant and other persons speaking at the public hearing, including public comments, and the City Commission finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, upon motion duly made, seconded and passed, the application was approved based upon the following findings of fact:

FINDINGS OF FACT

The City Commission finds that the final development modification of the final development orders described above for Sea Colony Subdivision conforms to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except as may be required to be cured herein, with all applicable City of St. Augustine Beach Land Development Regulations.

The application and accompanying documents submitted demonstrate the final development plan for the above-referenced property does not degrade the prescribed Levels of Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County
Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. FD 2020-01, prepared by the final development modification application submitted by James N. McGarvey Jr. and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board and Sea Colony Neighborhood Association Inc., unless modified by a subsequent final development order, is approved for Sea Colony Subdivision, 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, and shall not be effective except upon ratification of each and every one of the following conditions.

ORDERED as follows:

1. Nothing contained herein shall be deemed to waive the requirement that the proposed development comply with the State of Florida Building Codes and conform to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, City of St. Augustine Beach Land Development Regulations, except as may be required to be cured herein.

2. The modification to the final development orders granted for Sea Colony Subdivision is hereby granted by the St. Augustine Beach City Commission to allow the building setbacks, impervious coverage and building height as specified for various lots and housing types in Sea Colony Subdivision per the attached document titled “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases.”

3. Successors and assigns of the applicant/owner shall be bound by the terms and conditions of this Final Development Order. However, persons acquiring property do so with notice that although under appropriate circumstances, owners of property have vested rights, changes in the City of St. Augustine Beach Land Development Regulations affecting use would not be acquired under the transfer of ownership.

4. Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

DONE AND ORDERED this ______ day of _____________, 2020, at St. Augustine Beach, St. Johns County, Florida.

CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA

Attest: ___________________________  By: _________________________
Max Royle, City Manager          Margaret England, Mayor

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.04.C OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS:
Section 12.06.04.C. “Appeals from the decision of the City Commission shall be appealed to the circuit court.”
AMENDMENT TO THE FINAL DEVELOPMENT ORDERS OF SEA COLONY OF THE BEACH CLUB AT ANASTASIA – ALL PHASES

SETBACKS/ BUILD-TO-LINES FOR THE VARIOUS HOUSING TYPES

<table>
<thead>
<tr>
<th>Ocean Front Lots</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Front Build-to-Zone</td>
<td>12'-15'</td>
<td>Side Setbacks</td>
</tr>
<tr>
<td>Rear Setbacks</td>
<td>18'</td>
<td>Garage Front Setbacks</td>
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<tr>
<th>Dune Lots</th>
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<tbody>
<tr>
<td>Front Build-to-Zone</td>
<td>12'-15'</td>
<td>Side Setbacks</td>
</tr>
<tr>
<td>Rear Setbacks</td>
<td>5'</td>
<td>Garage Front Setback</td>
</tr>
<tr>
<td>Alley Rear Entry Garage, Rear Setback</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Alley Side Entry Garage, Rear Setback</td>
<td>5'</td>
<td></td>
</tr>
<tr>
<td>Corner Lot/ Secondary Street Setback</td>
<td>12'-15'</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Cottage Lots Along South Side of Sea Colony:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Front Build-to-Zone</td>
<td>12'-15'</td>
<td>Side Setbacks</td>
</tr>
<tr>
<td>Rear Setbacks</td>
<td>5'</td>
<td>Alley Rear Entry Garage, Rear Setback</td>
</tr>
<tr>
<td>Alley Side Entry Garage, Rear Setback</td>
<td>5'</td>
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<tr>
<th>Wooded Lots:</th>
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<tbody>
<tr>
<td>Front Setback</td>
<td>20'</td>
<td>Side Setback</td>
</tr>
<tr>
<td>One Side</td>
<td>10'</td>
<td>One Side</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>15'</td>
<td>Garage Front Setback</td>
</tr>
<tr>
<td>Corner Lot/ Secondary Street Setback</td>
<td>15'</td>
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</tr>
</tbody>
</table>
### Estate Lots:

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Setback</th>
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<tbody>
<tr>
<td>Front Setback (Lots G5-G18)</td>
<td>40'</td>
</tr>
<tr>
<td>Front Setbacks (Lots G19-G24)</td>
<td>30'</td>
</tr>
<tr>
<td>Side Setbacks</td>
<td>One Side 10'</td>
</tr>
<tr>
<td></td>
<td>One Side 15'</td>
</tr>
<tr>
<td>Rear Setbacks</td>
<td>20'</td>
</tr>
<tr>
<td>Garage Front Setback</td>
<td>50'</td>
</tr>
<tr>
<td>Garage Front Setback (Lots G19-G24)</td>
<td>40'</td>
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<tr>
<td>Rear Setback-Alley</td>
<td>10'</td>
</tr>
<tr>
<td>Front Build-To Zone (Lots G1-G4)</td>
<td>12'-15'</td>
</tr>
<tr>
<td>Corner Lots/ Secondary Street (Lots G1-G4)</td>
<td>12'-15'</td>
</tr>
<tr>
<td>Corner Lots/ Secondary Street (Lots G8-G9)</td>
<td>20'</td>
</tr>
</tbody>
</table>

### Sanctuary Lots:

These lots have not specified setbacks. Each House was site located to accommodate topography, tree location and street layout.

### Villa Lots:

- Front Build-to-Line: 12' - 15'
- Side Setbacks: One side 5', One side 2.5'
- Rear Setback: 5'

### Flag Lots:

Some Ocean Front Lots are unique in their configuration and have different criteria for design. These Flag Lots include lots A-1, A-2, A-14, A-15, A-16, A-17, A-27, A-28. Only on Flag Lots may the garage be designed with a courtyard concept.
Lot Coverage

Impervious coverage for the Sea Colony of the Beach Club at Anastasia Cluster Development was calculated as an overall number, for the entire cluster development project, and not on a lot by lot basis. The total area of the cluster development to be covered by impervious surfaces shall not exceed 65%.

Building Heights

In general, the main roof of the house may not exceed 35’ in height. Overall building height is measured from the higher of the following two points: (1) the highest maintained substantive natural elevation on the lot, or (2) one foot (1’) above the crown of the road in front of the property, to the peak of the roof.

Special height limits apply to Tower structures. These scenery lofts are allowed to reach a maximum height of 42’ and may be enclosed or open air. The roof line of the Tower must be detached from the roof of the main house to create a separate element.

Accessory buildings/structures are limited to a maximum building height of 12’ and shall comply with all building setbacks for the primary structure. Detached Garages with rooms above are limited to 25’ in height. Height is measured as prescribed above. If structures are separated from the main house, yet connected by covered walkways, those structures shall comply with the height limitations for the main house.

Definition: The Build-to-Zone referenced above is that zone 12’ to 15’ from the front property line in which the front of each house, including the porch/front stoop and steps, must be located. Unlike the side and rear setbacks, the Build-to-Zone for the lots referenced above is meant to address the front of the house to the street. The effect is to reinforce the visual edge defining the streetscape.
This neighborhood plan is for illustration purposes only. See the plats and Declaration for accurate lot locations and lot types.
BEFORE THE
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

FILE NO. FD 97-06

RE: Application for Final
Development Approval by
David Fleeman
The Beach Club/Phase I

FINAL DEVELOPMENT ORDER

THIS MATTER came before the St. Augustine Beach Comprehensive Planning &
Zoning Board (the "Board") on the 20th day of May, 1997. A previous development Order was
entered on this site on April 22, 1994, which was recorded at Official Records Book 1050 at Page
1310 of the Public records of St. Johns County, Florida. Since the entry of the Previous Final
Development Order the Applicant has revised its plan of development as to the configuration and
number of lots within the proposed cluster development. The Board has considered the Final
Development Application, the report of the City Staff, the testimony and evidence presented before
it and, pursuant thereto, it is determined as follows:

FINDINGS OF FACT

The Board finds that it has jurisdiction over this proceeding and that required notice
was afforded to all parties.

The Board finds that the proposed development conforms with all applicable provisions
of the St. Augustine Beach Comprehensive Plan and in particular, that the proposed development
conforms to the Future Land Use Plan element of the Comprehensive Plan and clustering
The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City.

The application demonstrates that the proposed development does not degrade the adopted levels of service in the St. Augustine Beach Comprehensive Plan and/or any interlocal agreement with St. Johns County concerning such services.

The applicant has complied with all applicable rules, regulations, ordinances and criteria of the City and it is appropriate that this Order be entered. It is therefore ordered:

1. Subject to the conditions hereinafter set forth, the Final Development Plan of the applicant, unless modified by a subsequent final development order, is approved for the parcel of land described in this Phase One Final Development Order.

2. This Final Development Order shall not be effective except upon the satisfaction of each and every of the following conditions:

   (a) Production of evidence satisfactory to the building official of receipt by applicant of permits allowing development in accordance with the Final Development Plan from the army Corps of Engineers; the Department of Transportation; State of Florida; Florida Department of Environmental Protection; St. Johns River Water Management District and St. Johns County Utility Department.

   (b) Special conditions:

      (i) The permits described in subparagraph (a), above, must be issued and in effect prior to plat approval.

      (ii) The applicant will undertake measures to include protecting trees which will include flagging protected trees, providing protective barriers where needed and staking the trees which are to remain (staking the minimum 10 foot diameter area from the tree trunk required to avoid damage). Applicant will plant the required number of replacement trees to mitigate those which must be removed in accordance with permit approval, at the entrance and in that portion of the commercial area which is not needed.
for access, infrastructure and retention. Applicant reserves the right to create tree islands within road right-of-ways so long as there is a minimum of eleven (11) feet of pavement in each lane of travel. A minimum twelve (12) feet of pavement in each lane of travel is required for cul-de-sacs with a minimum thirty-eight (38) feet turning radius at all temporary or permanent street or roadway terminations.

(iii) As part of the infrastructure, Applicant will construct a sidewalk along A1A concurrent with the construction of the roads in the subdivision to provide access to Anastasia Plaza in conformity with §6.02.05(3) of the Land Development Regulations. The Applicant will further construct sidewalks on a least one (1) side of each roadway within the proposed development as may be required by the Land Development Regulations.

(iv) Restrictive covenants and the 11" x 17" Index of Drawings will be recorded prior to or concurrently with the plat.

(v) No commercial development will occur on the commercial parcel without submission of a report by a qualified engineer that it will not adversely affect drainage in the residential portion of the subdivision.

(vi) Essential services, such as electric, telephone and street lighting must be in place prior to the issuance of any Certificates of Occupancy. Water and sewer connections must be paid for and in place prior to issuance of a building permit. Fire hydrants will be in place before issuance of Building Permits for any structure.

(vii) Applicant may not commence construction of a building prior to approval of the roadway in front the lot upon which it is to be situated.

3. This Final Development Order shall be valid for a period of five (5) years from its effective date, at which time the developer shall have completed the platting of the project and shall have made substantial commencement of the development activities on site by completing thirty (30) percent of the required infrastructure.

4. Construction of this project will be completed in phases, however, that no site work
or construction shall occur on other than Phase One or the commercial site except by subsequent Final Development Plan, except for the drainage improvements set forth in the Final Development Plan.

5. Nothing contained herein shall be deemed to waive the requirement that the Applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.

6. No building permits may be issued for construction in the project except upon the posting of an adequate bond, with good and sufficient surety, conforming to City Ordinances, insuring the completion of all infrastructure contemplated by this Final Development Plan and upon approval of the plat of the subdivision by the City Commission to be submitted for evaluation and approval in the future.

7. All persons are cautioned that the City disclaims any liability for flooding in conformity with §5.03.01(b) of the Land Development Code.

8. The Master Plan is approved. This approval of the Master Plan does not constitute a determination of conformity of the Development with concurrency requirements of the Comprehensive Plan or Land Development Regulations.

9. Successors and assigns of the developer will be bound by the terms and conditions of this Final Development Order.

ORDERED and executed at the City of St. Augustine Beach, Florida, this 30th day of May, A.D., 1997.

ST. AUGUSTINE BEACH COMPREHENSIVE PLANNING AND ZONING BOARD

By: William G. Feaster, Chairman

The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Sec. 12.06.02 of the Land
Development Regulations of the City providing:

"A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached to the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 30th day of May, A.D., 1997, by WILLIAM G. FEASTER, who is personally known to me.

[Signature]
Janet S. Hollingsworth
Notary Public, State of Florida

Janet S. Hollingsworth
Printed Name
BEFORE THE
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

FILE NO. FD 98-04, MODIFICATION OF FILE NO. FD 97-06

RE: Application for Final
Development Approval for
David B. Fleeman, owner/trustee,
and G. Brian Wheeler, agent for
Genesis Group, Inc., for Sea Colony, Phase I

FINAL DEVELOPMENT ORDER

THIS MATTER came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) on the 19th day of January, 1999. The Board considered the application, the report of the Board department staff, the testimony and evidence presented before it and pursuant thereto, it is determined as follows:

Findings of Fact

The Board finds that it has jurisdiction over this proceeding and that the required notices have been provided and afforded all parties as required.

The Board finds that the proposed development conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and in particular, policy R.1.3.2. as it pertains to clustering and policy CC.2.8.1 as it pertains to the transfer of development rights.

The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Phase I development plans do not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is appropriate that this order be entered modifying Final Development Order File No. FD 97-06 by the development plan now known as “Sea Colony,” submitted by G. Brian Wheeler, agent for Genesis Group Inc., on behalf of David B. Fleeman, owner. It is therefore ordered:

1. This Final Development Order File No. FD 98-04 be valid for a period not exceeding the remainder of the five years of the effective date of Final Development Order File No. FD 97-06, which was ordered and executed on the 30th day of May, 1997.

2. This amended Final Development Order shall not be effective except upon the satisfaction of each and every one of the following conditions:

   (A) Production of evidence satisfactory to the Building Official of receipt of permits allowing development in accordance with this Final Development submittal and accompanying drawings from
the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of Environmental Protection, St. Johns River Water Management District and St. Johns County Utility Department.

(B) Special Conditions:

(i) The permits described in sub-paragraph (A) above must be issued and in effect prior to commencement of any development activity including fill-clearing, site work, tree removal and also any mitigation which involves wetlands or endangered species.

(ii) As part of the infrastructure, applicant/developer will construct a sidewalk with a bike path along Highway A1A concurrent with the roads in the subdivision to provide access to shopping and activity centers in the vicinity. The sidewalk and bike path shall be in conformity with Section 6.02.05(3) of the Land Development Regulations.

(iii) The applicant/developer will undertake measures to protect trees and environmental sensitive areas by providing protective barriers prior to, and during, all development activity.

(iv) The applicant/developer must submit restrictive covenants dedicating the roads and water management system to maintenance by the Homeowner's Association, which will be recorded prior to or concurrently with the plan.

(v) Essential services such as electricity, telephone and street lighting must be in place prior to the issuance of any building certificate of occupancy. Roadways, fire hydrants, water and sewer must be in place prior to the issuance of any building permits.

(vi) Prior to the issuance of roadway and infrastructure permits an adequate bond or letter of credit with good and sufficient surety ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents must be submitted.

(vii) Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.

(viii) Prior to acceptance of the preliminary plat which is to be placed on the agenda for review by the City of St. Augustine Beach Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required. Also, a contract acceptable to the City which is consistent with Ordinance 98-16 requiring a second review of the plat must be submitted and signed by a professional surveyor and mapper. Proof shall also be provided prior to final plat approval by the City of St. Augustine Beach Commission, that owner has obtained release by the Board of Trustees of the Internal Improvement Trust Fund of canal and mineral reservations held by the State of Florida.

(ix) Successors and assigns of the owner/developer will be bound by the terms and conditions of this Final Development Order and, to the extent not in conflict, with Final Development Order No. FD 97-06.

ORDERED and executed at the City of St. Augustine Beach, Florida, this 19th day of January, A.D., 1999.
ST. AUGUSTINE BEACH COMPREHENSIVE PLANNING AND ZONING BOARD

By: William G. Feaster

William G. Feaster, Chairman

Attest: Francis T. Becza, Director of Building and Zoning

The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Section 12.06.02 of the Land Development Regulations of the City providing:

"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Subscribed and sworn to before me this 21st day of January, 1999 by William G. Feaster, who is personally known to me.

[Signature]
Notary Public, State of Florida

[Printed Name]

[Notary Seal]

My Commission Expires

Page 3 of 3
FINAL DEVELOPMENT ORDER

THIS MATTER came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) on the 15th day of June, 1999. The Board considered the application, the report of the Board department staff, the testimony and evidence presented before it and pursuant thereto, it is determined as follows:

Findings of Fact

The Board finds that it has jurisdiction over this proceeding and that the required notices have been provided and afforded all parties as required.

The Board finds that the proposed development conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and in particular, policy R.1.3.2. as it pertains to clustering and policy CC.2.8.1 as it pertains to the transfer of development rights.

The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Phase II development plans do not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations, and is therefore hereby approved.

Subject to the conditions hereinafter set forth, it is therefore ordered:

1. This Final Development Order File No. FD 99-02 be valid for a period not exceeding the remainder of the five years of the effective date of Final Development Order File No. FD 97-06, which was ordered and executed on the 20th day of May, 1997.

2. This amended Final Development Order shall not be effective except upon the satisfaction of each and every one of the following conditions:

(A) Production of evidence satisfactory to the Building Official of receipt of permits allowing development in accordance with this Final Development submittal and accompanying drawings from the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of...
Environmental Protection, St. Johns River Water Management District and St. Johns County Utility Department.

(B) Special Conditions:

(i) The permits described in sub-paragraph (A) above must be issued and in effect prior to commencement of any development activity including fill-cleared, site work, tree removal and also any mitigation which involves wetlands or endangered species.

(ii) As part of the infrastructure, applicant/developer will construct a sidewalk with a bike path along Highway A1A concurrent with the roads in the subdivision to provide access to shopping and activity centers in the vicinity. The sidewalk and bike path shall be in conformity with Section 6.02.05(3) of the Land Development Regulations.

(iii) The applicant/developer will undertake measures to protect trees and environmental sensitive areas by providing protective barriers prior to, and during, all development activity.

(iv) The applicant/developer must submit restrictive covenants dedicating the roads and water management system to maintenance by the Homeowner's Association, which will be recorded prior to or concurrently with the plan.

(v) Essential services such as electricity, telephone and street lighting must be in place prior to the issuance of any building certificate of occupancy. Roadways, fire hydrants, water and sewer must be in place prior to the issuance of any building permits.

(vi) Prior to the issuance of roadway and infrastructure permits an adequate bond or letter of credit with good and sufficient surety ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents must be submitted.

(vii) Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.

(viii) Prior to acceptance of the preliminary plat which is to be placed on the agenda for review by the City of St. Augustine Beach Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required. Also, a contract acceptable to the City which is consistent with Ordinance 98-16 requiring a second review of the plat must be submitted and signed by a professional surveyor and mapper. Proof shall also be provided prior to final plat approval by the City of St. Augustine Beach Commission, that owner has obtained release by the Board of Trustees of the Internal Improvement Trust Fund of canal and mineral reservations held by the State of Florida.

(ix) Successors and assigns of the owner/developer will be bound by the terms and conditions of this Final Development Order and, to the extent not in conflict, with Final Development Order No. FD 97-06 and Final Development Order No. FD 98-04.

(x) The wetlands fill area on the north end of the property used for temporary access for construction shall be terminated following tree replacement in accordance with the submitted tree survey and prior to approval by the City of St. Augustine Beach of completed infrastructure for Phase I and Phase II.
ORDERED and executed at the City of St. Augustine Beach, Florida, this 15th day of June, A.D., 1999.

ST. AUGUSTINE BEACH COMPREHENSIVE PLANNING AND ZONING BOARD

By: John Rooney, Chairman

Attest: Francis T. Becza, Director of Building and Zoning

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Subscribed and sworn before me this 18 day of __________, 1999, by ________

_________________________ who is personally known to me.

_________________________ Notary Public, State of Florida

_________________________ Printed Name
The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Section 12.06.02 of the Land Development Regulations of the City providing:

"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."
BEFORE THE
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

FINAL DEVELOPMENT FILE NO. FD 2001-03,
PRELIMINARY PLAT APPROVAL FILE NO. PPA 2001-02

RE: Application for Final Development and
Preliminary Plat Approval for Sea Colony
Unit III, for St. Augustine Sea Colony Ltd.,
James N. McGarvey Jr., President

FINAL DEVELOPMENT ORDER

THE ABOVE APPLICATION for a Final Development Order for Sea Colony Unit III,
PERTAINING TO THAT PORTION OF SEA COLONY SUBDIVISION DIRECTLY ADJACENT
TO THE EAST SIDE OF COUNTY ROAD A1A BEACH BOULEVARD BETWEEN SEA
COLONY PARKWAY AND OCEAN PALM WAY, TOGETHER WITH A PORTION OF
GOVERNMENT LOTS 1 AND 4, REAL ESTATE PARCEL NUMBERS 174191-0001, 174520-
0000, 174520-0010, CONSISTING OF APPROXIMATELY 15.13 ACRES, MORE OR LESS,
SECTION 10, TOWNSHIP 8 SOUTH, RANGE 30 EAST, AS RECORDED IN THE PUBLIC
RECORDS OF ST. JOHNS COUNTY, FLORIDA, came before the City of St. Augustine Beach
Comprehensive Planning and Zoning Board (the Board) on the 19th day of June, 2001, for final
development and preliminary plat approval, per Sections 12.02.05-12.02.15 of the Land
Development Regulations of the City of St. Augustine Beach, for construction of 32 single-family
residential units on 15.13 acres in low density residential and commercial land use districts, by
conditional use permit, in Sea Colony Subdivision, 150 Sea Colony Parkway, St. Augustine Beach,
Florida, 32080. The Board considered the application, the report of the Building and Zoning
Department Staff, the testimony, statements, and evidence presented before it by the applicant and
other persons speaking at the hearing and the Board finding that it has jurisdiction over this
proceeding and that the required notices have been provided and were afforded to all parties, it is
determined as follows:

Findings of Fact

The Board finds that the Final Development Plan for the proposed single-family residential
development of Sea Colony Unit III, consisting of 32 single-family residential units on 15.13 acres
in low density residential and commercial land use districts, by conditional use permit, conforms
with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except
as may be required to be cured herein, with all applicable Land Development Regulations of the City
of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Final Development
Plan for the above-described property does not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. FD 2001-03, prepared for the final development and preliminary plat approval application submitted by St. Augustine Sea Colony Ltd., James N. McGarvey Jr., President, 2453 South Third Street, Jacksonville Beach, Florida, 32250, unless modified by a subsequent final development order, is approved for the above-described parcel of land, and shall not be effective except upon ratification of each and every one of the following conditions.

**ORDERED** as follows:

1. This development must conform with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and all applicable Land Development Regulations.
2. Production of evidence satisfactory to the Building Official of receipt by applicant of permits allowing development in accordance with the Final Development Plan and accompanying drawings, if required, from the Army Corps of Engineers, the Florida Department of Environmental Protection, St. Johns River Water Management District, and St. Johns County Utility Department. These permits must be issued and in effect prior to the issuance of any permits for the Sea Colony Unit III residential development.
3. Essential services such as electricity, telephone, cable and other communication lines, and street lighting, must be in place prior to the issuance of any building certificate of occupancy. Water and sewer connections must be paid for and in place prior to issuance of a building permit. All utilities must be installed underground. Screening of any utility apparatus placed above ground shall be required. Fire hydrants will be in place prior to issuance of building permits for any structures.
4. Applicant will undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to, and during, all development activity, immediately adjacent to the right-of-way or utility easement prior to the issuance of any infrastructure or clearing permit. Clearing and/or tree removal permits will not be issued on the platted lots prior to the acceptance of a substantially complete application for a building permit.
5. Side and rear setback requirements may be varied by a maximum of (5) five feet for the preservation of trees on the Final Development Plan for Lots 1-12 and Lots 21-32.
6. A 12 (twelve)-foot building restriction line is allowed for front and rear setbacks for Lots 13-20 in addition to allowing a reduction of side setbacks to allow 7.5 feet between single family units on one side only of each of the lots, subject to the following: (a) The minimum distance between structures shall be 7.5 feet between the garage of one single-family unit and the adjacent structure; at all other places, the minimum distance shall be 10 (ten) feet. The garage area of any structure shall be set back a minimum distance of 2.5 feet from the side property line measured from the outside wall of the garage. (b) No habitable space above the garage shall be closer than 5 (five) feet from the side property line. (c) All outside air conditioning equipment shall be placed north of any garage side yard protrusions. (d) The applicant, on behalf of himself and any successors in title, waives any right to claim a zero lot line as to any property for which this Final Development

Page 2 of 4
Order has been granted. (e) A copy of a restrictive covenant, to run with and be transferable with the land, against conversion of the garage areas into habitable space, shall be filed with the City. The City shall be a third party beneficiary of such restrictive covenant entitled, but not required so to do, as a condition of this grant, to enforce such restrictive covenant. (f) Prior to the issuance of any building permit for a structure closer than 5 (five) feet to the side property line, the applicant shall record, properly executed with appropriate legal descriptions attached, a Maintenance Agreement, in favor of the property as to which such building permit is sought, in substantially the form on file in the office of the Building Official of the City.

7. Applicant must submit restrictive covenants dedicating the roads and water management system to maintenance by the Sea Colony Homeowners Association, which will be recorded prior to or concurrently with the Final Development Plan for Sea Colony Unit III.

8. Prior to the issuance of roadway and infrastructure permits, an adequate bond or letter of credit, with good and sufficient surety, ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents, must be submitted.

9. No building permits may be issued for construction in the project except upon the posting of aforementioned bond, conforming to City Ordinances, ensuring the completion of all infrastructure contemplated by the Final Development Order.

10. Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan for Sea Colony Unit III, nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of the City of St. Augustine Beach, Florida, or the provisions of all other applicable agencies.

11. This Final Development Order shall be valid for a period of one (1) year from its effective date, at which time the applicant/developer shall have made substantial commencement of the development activities on site by completing at least 30 (thirty) percent of the required infrastructure.

12. Prior to acceptance of final plat approval of Sea Colony Unit III, which is to be placed on the agenda for review by the City of St. Augustine Beach City Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required.

13. Successors and assigns of the applicant/owner will be bound by the terms and conditions of this Final Development Order. However, persons acquiring property do so with notice that although under appropriate circumstances owners of property have vested development rights, changes in the Land Development Regulations affecting use would not be acquired under the transfer of ownership.

ORDERED and executed at the City of St. Augustine Beach, Florida, this 19th day of June, A.D., 2001.
ST. AUGUSTINE BEACH COMPREHENSIVE
PLANNING AND ZONING BOARD

Walter Davis, Chairman

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT was acknowledged before me this 25th day of

JUNE 2001, by WALTER DAVIS, who is personally known to me.

Bonnie J. King
Notary Public, State of Florida

Printed Name

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF
THE ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: "A developer, an adversely affected party, or any person who
appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted
a position on the merits in a capacity other than as a disinterested witness, may appeal the decision
on a development plan, variance, conditional use permit for a home occupation, or an appeal under
Section 12. 06.01 reached at the conclusion of an administrative hearing to the City Commission
by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."
BEFORE THE
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

FINAL DEVELOPMENT FILE NO. FD 2003-02

RE: Application for Final Development Approval
for Sea Colony Subdivision Unit IV
100 Sea Colony Parkway
St. Augustine Beach, Florida 32080

St. Augustine Sea Colony, Ltd.,
JNM St. Augustine Inc., General Partner
James N. McGarvey Jr., President, Applicant
432 Osceola Avenue
Jacksonville Beach, Florida 32250

PUBLIC RECORDS OF
St. Johns County, FL
Clerk# 03-094790
O.R. 2113 PG 1411
11:10AM 12/30/2003
REC $25.00 SUR $3.50

FINAL DEVELOPMENT ORDER

The above-referenced application pertaining to the property described in Attachment “A” came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) for public hearing on the 18th day of November, 2003, for final development approval, per Sections 12.02.05-12.02.13 of the City of St. Augustine Beach Land Development Regulations. The property known as Sea Colony Unit IV consists of thirty (30) single-family residential units on approximately ten (10) acres in a previously approved cluster development.

The Board considered the application, the report of the Building and Zoning Department Staff, the testimony, statements, and evidence presented by the applicant and other persons speaking at the public hearing, and the Board finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, and determined as follows:

Findings of Fact

The Board finds that the Final Development Plan for Sea Colony Unit IV, consisting of thirty (30) single-family residential units on approximately ten (10) acres in a cluster development, in the northwest portion of Sea Colony Master Plan, conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and Land Development Regulations and the approved Sea Colony Master Plan.

The application and accompanying documents submitted demonstrate the Final Development Plan for the above-referenced property does not degrade the prescribed Levels of Service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.
Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. 2003-02, prepared for the final development application submitted by St. Augustine Sea Colony Ltd., 432 Osceola Avenue, Jacksonville Beach, Florida, 32250, unless modified by a subsequent final development order, is approved for the above-referenced parcel of land, and shall be effective upon production of evidence satisfactory to the Building Official of receipt by the applicant of permits deemed necessary allowing development in accordance with the Final Development Plan and accompanying drawings, if required, from the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of Environmental Protection, St. Johns River Water Management District, and the St. Johns County Utility Department. It is therefore further

ORDERED as follows:

1. Essential services such as electricity, telephone, cable and other communication lines, and street lighting must be in place prior to issuance of any Certificate of Occupancy. Water and sewer connections must be paid and in place prior to the issuance of any building permit. Screening of any utility apparatus placed above ground shall be required. Fire hydrants shall also be in place prior to issuance of any building permits.

2. Applicant shall undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to and during all development activities immediately adjacent to the right-of-way or utility easement, prior to issuance of any infrastructure or clearing permit. Clearing and/or tree removal permits will not be issued prior to acceptance of a substantially complete application for a building permit.

3. Applicant must submit restrictive covenants dedicating the streets and water management system to maintenance by a Homeowners Association, which will be recorded prior to or concurrent with the conveyance of any lots to a third party.

4. Applicant shall provide an adequate bond or letter of credit with good and sufficient surety, ensuring the completion of all infrastructure contemplated by this Final Development Order, prior to the issuance of any permits for Sea Colony Unit IV.

5. No building permits may be issued for construction within Sea Colony Unit IV except upon posting of the aforementioned bond or letter of credit, conforming to City Ordinances and the City of St. Augustine Beach Land Development Regulations.

6. Nothing contained herein shall be deemed to waive the requirement that the applicant must fully comply with the Building Codes, Comprehensive Plan and the Land Development Regulations of the City of St. Augustine Beach, Florida, or the provisions of other applicable agencies.

7. This Final Development Order shall be effective for a period of one (1) year from its
effective date, at which time the applicant/developer shall have made substantial commencement of the development activities on site by completing at least thirty (30) percent of the required improvements.

8. Successors and assigns of the applicant/owner shall be bound by the terms and conditions of this Final Development Order.

SPECIAL CONDITIONS for Sea Colony Unit IV:

1. Minimum rights-of-way shall be twenty-five (25) feet for one-way roads and forty (40) feet for two-way roads for preservation of the environment, trees and dunes.

2. Reductions in residential setbacks shall be allowed to accommodate preservation of existing topography and trees.

3. Where setbacks between residential units are less than seven and one half (7.5) feet, the requirements of the current Building Code will mandate required fire protection for exterior walls and the percentage of allowable opening within a wall area.

4. One driveway can serve more than one residential unit.

5. Floor elevations may be determined by existing dune elevations.

ORDERED and executed at the City of St. Augustine Beach, Florida, this 18th day of November, A.D., 2003.

ST. AUGUSTINE BEACH COMPREHENSIVE PLANNING AND ZONING BOARD

Robert Samuels, Chairman

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT was acknowledged before me this 24th day of November, A.D., 2003, by ROBERT SAMUELS, who is personally known to me.

Notary Public, State of Florida

Printed Name
THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: "A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the department within thirty (30) days of the date of the decision."
ATTACHMENT "A"

SEA COLONY UNIT FOUR

A portion of Government Lot 8, Section 3, together with a portion of Government Lot 1, Section 10, both lying within Township 8 South, Range 30 East, St. Johns County, Florida, together with all of Lots 10, 11 and 12, as shown on the plat of Sea Colony Unit One of The Beachclub At Anastasia Residential Cluster Development, as recorded in Map Book 36, Pages 1 through 11, inclusive, of the Public Records of said County, and all being more particularly described as follows: BEGINNING at the Northeast corner of said Lot 12; thence South 00°00'12" West, along the East line of said Lot 12, a distance of 31.90 feet to a point situate in the Northerly right of way line of North Forest Dune Drive, said right of way being a cul-de-sac, having a radius of 50.00 feet and being concave Southeasterly; thence Southwesterly, Southerly and Southwesterly around and along the arc of said curve and along the Westerly right of way line of said cul-de-sac, 79.14 feet, said arc being subtended by a chord bearing and distance of South 15°26'26" West, 71.13 feet to the point of reverse curvature of a curve concave Westerly and having a radius of 25.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line of North Forest Dune Drive, 21.03 feet, said arc being subtended by a chord bearing and distance of South 24°36'10" East, 20.41 feet to the point of tangency of said curve; thence South 00°30'28" West, continuing along said Westerly right of way line of North Forest Dune Drive, being a 50 foot right of way, 16.10 feet to the point of curvature of a curve concave Westerly and having a radius of 75.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, 22.65 feet, said arc being subtended by a chord bearing and distance of South 08°08'34" West, 22.56 feet to the point of tangency of said curve; thence South 16°47'37" West, continuing along said Westerly right of way line, 71.96 feet to the point of curvature of a curve concave Easterly and having a radius of 75.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, 22.06 feet, said arc being subtended by a chord bearing and distance of South 08°22'06" West, 21.98 feet to the point of tangency of said curve; thence South 00°03'25" East, continuing along said Westerly right of way line, 25.24 feet to the Southeast corner of said Lot 10; thence North 89°30'48" West, along the South line of said Lot 10, a distance of 108.98 feet to the Southwest corner thereof; thence North 18°54'47" East, along the Westerly line of said Lot 10, a distance of 58.23 feet to an angle point in said lot line; thence North 11°59'02" West, continuing along the Westerly line of said Lot 10, and along the Westerly line of said Lot 11, a distance of 132.21 feet to the Northwest corner of said Lot 11; thence South 89°30'37" West, along the North line of Tract "A-1" (Conservation Tract) as shown on said aforementioned plat, 239.19 feet to the Northwest corner thereof; thence the following 11 courses and distances along the Westerly boundary of said Tract "A-1": Course No. 1: South 11°34'35" East, 89.14 feet; Course No. 2: South 10°16'50" West, 49.24 feet; Course No. 3: South 03°45'15" East, 152.07 feet; Course No. 4: South 18°31'17" East, 114.02 feet; Course No. 5: South 34°26'59" West, 52.45 feet; Course No. 6: South 07°42'29" East, 196.98 feet; Course No. 7: South 00°15'30" West, 101.07 feet; Course No. 8: South 32°53'33" West, 35.87 feet; Course No. 9: South 24°53'32" East, 123.90 feet; Course No. 10: South 02°37'09" West, 140.14 feet; Course No. 11: South 26°50'13" East, 69.64 feet to the Southwest corner of said Tract "A-1" and a point situate in the Northerly right
of way line of Sea Colony Parkway (a variable width private right of way as shown on said aforementioned plat); thence the following eight (8) courses and distances along said Northerly right of way line: Course No. 1: thence Westerly around and along the arc of a curve concave Northerly and having a radius of 74.55 feet, a distance of 45.65 feet, said arc being subtended by a chord bearing and distance of North 86°06'52" West, 44.94 feet to the point of tangency of said curve; Course No. 2: North 68°34'15" West, 21.65 feet; Course No. 3: North 75°08'52" West, 18.79 feet to the point of curvature of a curve concave Southerly and having a radius of 163.00 feet; Course No. 4: thence Westerly around and along the arc of said curve, 62.56 feet, said arc being subtended by a chord bearing and distance of North 86°08'34" West, 62.18 feet to the point of tangency of said curve; Course No. 5: South 82°51'44" West, 185.17 feet to the point of curvature of a curve concave Northerly and having a radius of 232.50 feet; Course No. 6: thence Westerly around and along the arc of said curve, 98.44 feet, said arc being subtended by a chord bearing and distance of North 85°00'28" West, 97.71 feet to the point of tangency of said curve; Course No. 7: North 72°52'41" West, 134.55 feet to the point of curvature of a curve concave Easterly and having a radius of 25.00 feet; Course No. 8: thence Northerly around and along the arc of said curve, 39.27 feet, said arc being subtended by a chord bearing and distance of North 27°52'23" West, 35.36 feet to the point of tangency of said curve and a point situate in the Easterly right of way line of County Road No. A1A (also known as Beach Boulevard, a 100 foot right of way); thence North 17°07'55" East, along said Easterly right of way line, 1,154.00 feet; thence North 89°31'03" East, along the Westerly prolongation of the North line of said Lot 12 and along the North line of said Lot 12, a distance of 506.04 feet to the POINT OF BEGINNING.

LESS AND EXCEPT lots 10, 11, and 12 of Sea Colony Unit One of the Beach Club at Anastasia Residential Cluster Development.
BEFORE THE COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA

In Re:
Application of ST. AUGUSTINE SEA
COLONY, LTD.

For Variance of distance between buildings
and Waiver of side setbacks as to
Lots 1-27, Block F, Sea Colony Subdivision

ORDER

THE ABOVE APPLICATION having come on to be heard before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, and it appearing to the Board after the presentation of testimony:

1. Due Notice of the Application has been given as required by law;

2. The Application for Waiver is to reduce the side setbacks on one side only of each of the above described lots in that area immediately adjacent to a garage to a distance of 2.5 feet measured from the exterior wall surface of the garage, pursuant to the provisions of Section 6.01.03. B authorizing a waiver of side and rear setbacks provided that the conditions of Section 6.01.03. B. 1. and 2. are met. The Applicant has filed with the City a proposed "Maintenance Agreement" which is found by the Board, if properly executed with appropriate legal descriptions attached, to comply with the requirements of Section 6.01.03. B. 1.

3. Under the Final Development Plan as approved, and applicable land development regulations of the City, the minimum distance between building is ten (10) feet unless a zero (0) lot line is permitted. Under the Final Development Plan the Applicant was authorized to have attached dwellings with zero lot lines. The Applicant seeks a variance to authorize a seven and one-half (7
¾) foot distance between the buildings thereby waiving any right to claim a zero lot line.

4. Article X of the Land Development Regulations of the City provide for hardship relief. Section 10.01.01. C. of the Land Development regulations of the City authorize changes to be made "which do not increase, or which decrease *** nonconformities." The increase of distance between building from a zero lot line to 7 ½ feet has the effect of reducing allowable densities and decreasing nonconformity with the present Comprehensive Plan of the City and zoning requirements. Accordingly, upon consideration of each of the factors set forth in Section 10.02.03. B. of the Land Development regulations of the City, the Board finds on the basis of substantial competent evidence that each of the required findings contained therein has been met; and that the reasons set forth in the application for the granting of the Application are true;

NOW THEREFORE, upon consideration thereof, upon Motions duly, made, seconded and passed:

1. The Application for a Waiver of the side yard setbacks on one side only for each of the above described lots be, and the same is, hereby granted subject to the conditions set forth below.

2. The Application for a Variance from the requirement of a zero lot line between structures be, and the same is, hereby granted subject to the conditions set forth below.

3. The grant of the applications is subject to the following conditions:

   a. The minimum distance between structures shall be seven and one-half feet between the garage of one structure and the adjacent structure; at all other places the minimum distance shall be ten feet. The garage area of any structure shall be set back a minimum distance of two and one-half feet from the side property line measured from the outside wall of the garage.

   b. No habitable space above the garage shall be closer than five feet from the side property line.
c. No rear yard lights shall be above eight feet above ground level.

d. All outside air conditioning equipment shall be placed north of any garage side yard protrusions.

e. The Applicant, on behalf of itself and any successors in title, waives any right to claim a zero lot line as to any property as to which this application was granted.

f. A copy of a restrictive covenant, running with the land, against conversion of the garage areas into habitable space shall be filed with the City. The City shall be a third party beneficiary of such restrictive covenant entitled, but not required so to do, as a condition of this grant, to enforce such restrictive covenant.

g. Prior to the issuance of any building permit for a structure closer than five feet to the side property line, the Applicant shall record, properly executed with appropriate legal descriptions attached, a Maintenance Agreement, in favor of the property as to which such building permit is sought, in substantially the form on file in the office of the Building Official of the City.

4. The Variance and Waiver shall run with the land.

Dated this 20th day of June, 2000.

COMPREHENSIVE PLANNING AND ZONING BOARD OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

BY:  
Chairman

cc: C. David Coffey
THE FOREGOING INSTRUMENT was acknowledged before me this 17th day of July, A.D., 2000, by JOHN ROONEY, who is personally known to me.

Bonnie J. King
Notary Public, State of Florida

Printed Name

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: "A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."
I, Marie Inge, am a homeowner in the community of Sea Colony. My purpose in this communication, to the City of St Augustine Beach Board and Commissioners, is to "express my disapproval of the passing of a 42' allowable building height specific to new home construction in the Sea Colony development."

I believe there is a "conflict of interest" in passing said height exception since the original developer, Mr James McGarvey, still owns and has for sale, land parcel/s in the community. Specifically, it is my understanding that Mr McGarvey has an official purchase offer, or offers, through Watson Realty, for sale of property in Sea Colony, (parcel A-28), whose offer/s-to-purchase are contingent on the City of St Augustine Beach allowing exceptions or exemptions to its own official height restrictions. This specific height request has been conveniently "packaged with other modifications, such as those relating to impervious surface ratios", to benefit the McGarvey development firm, and the realtor/s.

I have spoken with many of my neighbors who are also residents of Sea Colony, and although they are not included here as signatories to this email, they strongly feel, as I do, that any change to official height restrictions, in order to financially benefit the developer and/or realtor(s), should not be approved.

Marie Inge