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ORDINANCE NO. 94- 53

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS DESCRIBED
HEREINAFTER FROM PRESENT ZONING CLASSIFICATION
OF OPEN RURAL (OR) TO PLANNED SPECIAL DEVELOPMENT
PROVIDING CONDITIONS ON THE REZONING;
PROVIDING FINDINGS OF FACT; PROVIDING
FOR APPLICATION OF OTHER LAWS REGULATIONS AND ORDINANCE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA:

SECTION 1. That, as requested by A. Calvin Modling in the application with supporting documents for zoning change dated August 11, 1994 (hereinafter the STONE MOUNTAIN CARPET MILL OUTLET PSD application), the zoning classification of the lands described on the attached Exhibit A is hereby changed from Open Rural (OR) to Planned Special Development (PSD).

SECTION 2. That development of the lands within this Planned Special Development shall proceed in accordance with the STONE MOUNTAIN CARPET MILL OUTLET PSD application, addendum issued September 14, 1994 and other supporting documents which are a part of zoning file R-PSD-94-015 and which are incorporated by reference into and made a part of this ordinance, and as supplemented by the provisions of this ordinance. In the case of conflict between the application and the supporting documents and the below described provisions of this Ordinance, the below described provisions shall prevail.

SECTION 3. That the requirements as set forth within the Public Works Department Comments within the Staff Report dated September 2, 1994 and as amended September 15, 1994, become the requirements for development.

SECTION 4. That in addition, the applicant shall be required to construct the fence along the west property boundary, as described within the application, only when and if construction commences for residential development on the adjacent parcel. Should the parcel be developed for any other purpose, then the fence would not be required.

SECTION 5. That construction of the development shall commence within two (2) years of approval of this Ordinance as stipulated within the application.

SECTION 6. Findings of Fact: That the need and Justification for approval of the STONE MOUNTAIN CARPET MILL OUTLET PLANNED SPECIAL DEVELOPMENT has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby:

- a. The project will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan 1990-2005 or portion thereof adopted by the St. Johns County Board of County Commissioners.
- b. The project will not adversely affect the health, safety, and welfare of the residents or visitors in the area and will not be detrimental to the natural environment nor to development of adjacent properties or the general neighborhood.
- c. The project will accomplish the objectives, standards and criteria set forth in Section 8A-4 of the St. Johns County Zoning Ordinance.
- d. The project will conform to the requirements of the St. Johns County Concurrency Review Committee in accordance with the procedures set forth in Section 7 of the Concurrency Management Ordinance of St. Johns County, Florida. Construction will commence only upon confirmation by this committee that the availability of adequate public facilities and services support the proposed PSD and issuance of a Certificate of Concurrency.
- e. The conditions stipulated in the PSD Application and imposed by this Ordinance provide for strict regulation and maintenance of the project.
- f. When developed in accordance with the conditions stipulated in the PSD application and imposed by this Ordinance, the proposed PSD will be consistent with the development of property in the area and will be compatible with the desired future development of the area.
- g. The lands described by the attached Exhibit A-Legal Description, are within the Mixed Use category as designated on the Future Land Use Map of St. Johns County

Comprehensive Plan and so described within the text to accommodate development of a variety of uses. The Comprehensive Plan Land Use Element Goals, Policies and Objectives as outlined in the previous section, indicate that the subject request is consistent with the St. Johns County Comprehensive Plan in that this Planned Special Development request corresponds to all of the listed St. Johns County Comprehensive Plan requirements, and does not conflict with any of the elements of the Plan.

- h. That at the public hearing of September 15, 1994 the St. Johns County Planning and Zoning Agency found the application to be consistent with the St. Johns County Comprehensive Plan and recommended approval of the application by unanimous vote.

SECTION 7. Except to the extent that they conflict with specific provisions of this Ordinance, all building code, zoning ordinance and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development.

Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to : (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida Law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waive of the applicant's rights to contest application of any such building code, zoning ordinance or other land development regulations applied to this development under the Florida or United State Constitutions.

SECTION 8. That this Ordinance shall take effect immediately upon receipt of official acknowledgement of the office of the Secretary of State to the Clerk of the Board of County Commissioner of St. Johns County, Florida, that the same has been filed.

SECTION 9. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in

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the Official Records of St. Johns County, Florida, and indexed under the name of the property owner listed in Section 1 hereof.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 8th DAY OF November 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Debra Roberts
ITS CHAIR

ATTEST: Carl "Bud" Markel, Clerk

BY: Yvonne Carter
Deputy Clerk

EFFECTIVE DATE: November 21, 1994



STONE MOUNTAIN CARPET MILL OUTLET

PLANNED SPECIAL DEVELOPMENT APPLICATION

SUBMITTAL DATE:

August 11, 1994
As Revised/September 14 & 15, 1994

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SUBMITTED ON BEHALF OF:

A. Calvin Modling
Carpet N' Drapes
8950 Phillips Highway
Jacksonville, Florida 32256
(904) 260-0109

AUTHORIZED AGENT FOR THE APPLICANT:

Karen M. Taylor, Land Planner
3070 Harbor Drive
St. Augustine, Florida 32095
(904) 826-0600

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EXHIBIT B	- Legal Description
EXHIBIT C	- Location Map
EXHIBIT D	- Authorizations for Rezoning
EXHIBIT E	- Proof of Ownership (Deed)
EXHIBIT F	- Agreement to Comply
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SECTION I
INTRODUCTION AND APPLICATION

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Enclosed herein, please find an application for rezoning to Planned Special Development (PSD) with accompanying documents as required by the St. Johns County Zoning Ordinance. The application form is attached as Exhibit A. This petition is filed on behalf of the applicant:

A. Calvin Modling
Carpet N'Drapes
8950 Phillips Highway
Jacksonville, Florida 32256

The property sought to be rezoned consists of 1.237 acres, described by the Legal Description - Exhibit B. It is situated in St. Johns County, west of Interstate 95 on State Road 16, just opposite the southerly entrance to the Outlet Mall and North of Acme Boot. The location of the property is shown on the Location Map - Exhibit C. The name of the proposed Planned Special Development (PSD) will be STONE MOUNTAIN CARPET MILL OUTLET.

The subject property is owned by Joseph Anderson, which is shown by the Proof of Ownership - Exhibit E. Said property owner has authorized A. Calvin Modling to act on his behalf and Mr. Modling has hereby authorized Karen M. Taylor, Land Planner to file the application for seeking the rezoning change indicated. Authorizations are attached as Exhibit D. Adjacent property owners (for notification purposes) are included as Exhibit G.

The applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PSD Ordinance as adopted by the St. Johns County Board of County Commissioners. The applicant also agrees to comply with all conditions and safeguards established by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners regarding said PSD as outlined in the Agreement to Comply - Exhibit E and outlined below:

Except to the extent that they conflict with specific provisions of the approved development plan, PSD ordinance, all building code, zoning ordinance, and other land use and development regulations of St. John County including, without limitation Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time, shall be applicable to this development except modification to approved development plans by variance or special exception shall be prohibited.

Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supercede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supercede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitution.

SECTION II
PHYSICAL SITE CHARACTERISTICS

The property is located north of the intersection of State Road 16 and County Road 208. The site is very flat with less than one (1) foot of change in elevation over the entire site. The site elevation is at 47.0 feet msl. The Soil Survey of St. Johns County Florida identifies one (1) soil type for the site: 11 Smyrna fine sand. This is a poorly drained, nearly level soil typical in broad flatwood areas with slopes of 0 to 2 percent. During the rainy seasons, the seasonal high water table comes to within 10 inches of the surface, but recedes to 20 to 40 inches for more than 6 months. Permeability is rapid. The community development potential is medium. Vegetation is typical on the property is primarily longleaf and planted pine with sawpalmetto and waxmyrtle.

SECTION III
INTENDED PLAN OF DEVELOPMENT

The real property to be considered for rezoing consists of 1.237 acres located near the intersection of State Road 16, County Road 208, and Interstate 95. The development will be known as STONE MOUNTAIN CARPET MILL OUTLET. The property is currently zoned Open Rural (OR). This request is to rezone the property to Planned Special Development to allow for the construction of a commercial outlet carpet store containing a maximum of 15,000 square feet: 2,000 square feet of which are standard retail and 13,000 square feet of which are warehouse (which will be open to customers).

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Development will be accomplished in one (1) phase over two (2) years and provides for development of the entire site within this time period. It should be noted that a "future driveway" is shown on the Development Plan along the northern boundary of the property. The applicant shall be allowed to construct this driveway, when the Outlet connector road is constructed, provided it meets the criteria for roads/driveways within the St. Johns County Paving and Drainage Ordinance and is permitted through the appropriate departments.

Development will include construction of the 15,000 square foot building, 24 parking spaces (w/one handicapped), one (1) entrance/exit to State Road 16, and the required retention (main area at the rear of the site), a dumpster site, and the signage. It should be noted that the applicant hereby requests that minor alterations be allowed to the site plan to accommodate State and County permitting requirements. The following two sections identify the allowable uses and restrictions, and the site development constraints.

Permitted Uses and Restrictions

The development will be constructed in an orderly manner and will allow for the following uses as defined within the St. Johns County Zoning Ordinance:

1. Wholesale and retail sales of carpets and other floor coverings, and drapes and other window treatments.
2. Wholesale and retail outlets for the sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationary, leather goods, and luggage, jewelry (including watch repair but not a pawnshop), art supplies, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, and pet shops (but not animal kennel or veterinarian), musical instruments, television or radio (including repairs), florist or gift shop, and other similar products.
3. Wholesale and retail outlets for the sale of home furnishings and appliances (including repair incidental to sales), office equipment, furniture, hardware and similar uses.
4. Service establishments such as shoe repair, interior decorator, photographic studio, dance or music studio, reducing salon or gymnasium, laundry or dry cleaner, tailor or dressmaker, drycleaning and laundry package plants in completely enclosed building using nonflammable liquids such as perchlorethylene and with

no odor, fumes or steam detectable to normal senses from off the premises, and similar activities.

5. Professional and business offices, medical and dental offices and clinics.
6. Vocational, trade and business schools.
7. Miscellaneous uses such as express or parcel delivery office or telephone exchange.

The uses listed above shall be subject to the following limitations: all sales, display, display preparation, and storage will be conducted within the building, which shall be completely enclosed.

In addition, in the event that the building use changes from the stated use (an outlet store for the retail sales of carpets, drapes, etc), a concurrency review shall occur prior to the new use opening for business.

Site Development Constraints

The following requirements and conditions shall be met for development of the site:

1. The total ground area to be occupied by all buildings and structures shall not exceed thirty-five (35) percent of the site. The building shall not exceed 15,000 square feet. The total impervious surface will not exceed 75%.
2. The height of the building shall not exceed thirty-five (35) feet.
3. Buildings shall be setback five (5) feet on the south boundary (to Acme Boot) and twenty (20) feet on the north (proposed road), east (SR 16) and west boundaries. Setbacks shall be measured from the eave of the building.
4. Buffers and landscape areas shall be as follows: ten (10) feet along State Road 16, five (5) feet to the south, ten (10) feet to the north, and five (5) feet to the west. These buffers, as well as the remainder of the site, shall be landscaped. As such, the project will comply with the St. Johns County Landscape Ordinance 86-80 and with the St. Johns County Tree Protection Ordinance 90-11. All landscaping shall be installed prior to receipt of a Certificate of Occupancy from the County. The buffer areas may include additional landscaping materials, the pole sign, the fencing and driveways.

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In addition, the rear (west) boundary shall be fenced with an opaque wooden fence constructed within five (5) feet of the property line.

5. Parking spaces will be provided in conformance with Article 9 of the St. Johns County Zoning Code. All spaces will be a minimum of nine (9) feet wide by twenty (20) feet long with a minimum twenty-four (24) foot drive width for the driving isles and shall be constructed to all applicable County standards and regulations. The twenty-four (24) spaces provided will accommodate a change in use of the building (for more typical commercial activities) with up to 75% of the space being active retail and 25% of the space for storage.
6. Sidewalks will be provided along the east and north sides of the buildings to connect the parking areas to access points to the building. Both sidewalks will be a minimum of five (5) feet in width.
7. One (1) entrance/exit driveway shall be allowed along State Road 16 (which will be shared with Acme Boot - Exhibit I) as shown on the development plan, in accordance with permitting requirements of the Florida Department of Transportation. This driveway shall meet all applicable regulations. In addition, the applicant is aware that a connector road from State Road 16 to County Road 208 is planned to parallel the northern boundary of the site. The applicant will be allowed to provide for an additional future driveway access (as dotted in) along this roadway, provided it is permitted and constructed in accordance with all applicable County standards in effect at the time of construction.
8. Signage size and construction will conform to all St. Johns County Sign Ordinance requirements as listed:
 - a. One (1) development "pole" sign will be allowed in the northeast corner of the site as indicated on the Development Plan. The maximum height of the sign shall be 40 feet and the maximum size will be 300 square feet, printed on both sides, with an additional ten percent (10%) allowed for a logo. The sign shall be placed within the north property buffer, no less than five feet from any property boundary and shall not obstruct visibility.
 - b. Two (2) business identification signs shall be allowed on the front (east) and side (north) of the building. The east sign shall be a maximum of 165 square feet and the north sign shall be a maximum

of 185 square feet; with no portion extending above the roof. Note: The north sign will be allowed only upon completion of the connector road.

- c. Various locational and directional signs shall be allowed on site to direct traffic and indicate the locations of various activities. These signs will be a maximum of two (2) square feet.
9. Outdoor "sidewalk sales" may be allowed up to three (3) times per year for the Memorial Day, Labor Day, and Fourth of July holiday weekends (Friday thru Monday), with sales taking place from 9:00 am to 9:00 pm and all display confined to the sidewalks only.
10. Potable water and sanitary sewage disposal will be provided by the St. Johns County Utility Department via connections to existing facilities located on SR 16. Any line extensions or connections to existing St. Johns County Utility Department facilities to be in accordance with County Ordinance 93-14.
11. Stormwater will be retained on site within the retention pond indicated towards the western boundary of the property. All drainage structures and facilities will be designed and constructed in compliance with the St. Johns County Paving and Drainage Ordinance 86-4, with revisions. All necessary permit applications and construction plans will be filed at the time that a building permit is applied for.
12. All electrical and telephone lines will be installed underground on the site. Electricity will be provided for by Florida Power and Light Company.
13. Solid waste will be handled by the licensed franchisee in the area. All trash and solid waste will be collected in a dumpster located at the rear of the site, which will be placed upon an accessible concrete pad, which will be screened from view.
14. A temporary construction trailer shall be allowed to be placed on the site during construction. The trailer must be removed within 30 days of issuance of a Certificate of Occupancy by the County.

SECTION IV
SCHEDULE OF DEVELOPMENT

The STONE MOUNTAIN CARPET MILL OUTLET Planned Special Development is to be permitted and constructed in one (1) phase within two (2) years of approval of this PSD. All

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improvements, excluding the secondary access driveway to the connector road, will be constructed during this time, providing all applicable permit approvals can be obtained.

SECTION V
OWNERSHIP AND MAINTENANCE

The STONE MOUNTAIN CARPET MILL OUTLET Planned Special Development will be owned and maintained by the applicant. The applicant, its successors or assigns, shall be responsible for all improvements made to the site and shall maintain the property in a clean and orderly manner in accordance with all provisions of this Planned Special Development and conditions included in the adopting Ordinance. All facilities will remain privately owned and maintained and will not be dedicated to St. Johns County.

SECTION VI
SUMMARY AND CONCLUSION

The property is located within the Mixed Use District of the St. Johns County Comprehensive Plan, which allows the types of commercial activities proposed within this application. This use is compatible with the surrounding zoning (existing and recently approved) and with the Comprehensive Plan as well as the overall development trend of the area. The applicant believes that the proposed Planned Special Development will be of benefit to the future occupants of the project and to the residents of St. Johns County in that the County will be afforded strict control over the development within a rapidly growing area.

Justification for approval of this Planned Special Development, when developed in accordance with the conditions stipulated within the application and imposed by the adopting ordinance, includes the following:

1. The project will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan 1990-2005.
2. The project will not adversely affect the health, safety, and welfare of the residents or visitors in the area, will not be detrimental to the natural environment or to the development of adjacent properties or the neighborhood, and will accomplish the objectives, standards and criteria set forth in Section 8A-4 of the St. Johns County Zoning Ordinance.
3. The project will conform to the requirements of the St. Johns County Concurrence Review Committee in accordance with the procedures set forth in Section 7 of the

Concurrency Management Ordinance of St. Johns County, Florida. Construction will commence only upon confirmation by this committee of the availability of adequate public facilities and services to support the proposed PSD and with the issuance of a Certificate of Concurrency.

4. The conditions stipulated in the PSD Application and imposed by this Ordinance provide for strict regulation and maintenance of the project.
5. When developed in accordance with the conditions stipulated in the PSD application and imposed by this Ordinance, the proposed PSD will be consistent with the development of the property in the area and compatible with the desired future development of the area.
6. The land described by the attached Exhibit A - Legal Description, is within the Mixed Use Centroid as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan and so described within the text to:

"provide for large concentrated areas of commercial, office, manufacturing, high density residential, recreation, and cultural facilities at a scale which is capable of serving large segments of the County and the region. Mixed Use Areas (and Centroids) reflect established or emerging development areas along major roadway corridors."

A mixture of land uses is encouraged by the establishment of the conceptual guidelines in the Plan, which are intended to represent the mixed use goal towards which the Mixed Use Areas will develop. Accordingly, the area is comprised of a mixture of retail and highway commercial uses, which have expanded significantly in the past years with the construction of the Outlet Mall and the upgrading of many of the motels. Consequently, this request is similar to other recent rezoning requests (which have recently been approved) indicating that the proposed use is consistent with the Comprehensive Plan and the emerging development trend of the area.

Therefore, it would appear that this Planned Special Development request meets all of the above listed St. Johns County requirements, including those of the Comprehensive Plan (it does not conflict with any of the elements of the Plan and is consistent with the Plan) and approval is hereby requested.

EXHIBIT A

St. Johns County Planning & Zoning Department
4020 Lewis Speedway
St. Augustine, Florida 32095
(904) 823-2470



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APPLICATION FOR ZONING HEARING PAGE 530

File No. R-PSD-94-015

Receipt No. 94-009764

Date 8-11-94

1. Applicant Name: A. Calvin Modling Telephone: (904) 260-0109
Street Address: 8950 Phillips Highway City: Jacksonville, FL 32256
2. Owner of Property: Joe Henry Anderson Telephone: (
Street Address: P.O. Box 38 City: Old Town, FL 32680
3. Legal Description of Property: See Exhibit B
Size of Property: 1.237 acres
4. Address of Property: State Road 16 (directly across from Outlet Mall entrance)
5. Engineering Department Comments*: _____
6. Jurisdictional Wetlands Map: _____ Required Not Required By: _____
7. Concurrency Determination**: Required (File No: _____) Not Required
8. Current Zoning Classification: Open Rural (OR)
9. Present Use of Property: Vacant
10. Comprehensive Plan Designation: Mixed Use
11. Requested Change: Planned Special Development to allow for commercial activities (15,000 square feet)
12. Reason Change is Requested: To allow for above use.
13. Statement of facts supporting requested change: See application text, page 7 of 8
14. Attach the following to this application:
 - a. List of adjacent property owners within 300 feet showing name, address and brief form legal description from current tax rolls;
 - b. Proof of ownership (deed or certificate by lawyer or abstract company or title insurance company that verifies record owner as above);
 - c. If applicant is not the owner, a letter of authorization from the owner for applicant to represent the owner for all purposes related to this application.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of all owners or authorized person if proper letter of authorization is attached:

Printed or typed name(s): Karen M. Taylor

Signature(s): [Signature]

ADDRESS AND TELEPHONE NUMBER OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION: Name: Karen M. Taylor Telephone: (904) 826-0600

Mailing Address: 3070 Harbor Drive, St. Augustine, FL 32095

* Engineering Department review is necessary before application is complete.

** If concurrency is required, request application form prior to filling this application; concurrency application must be deemed "complete" before this application is processed.

EXHIBIT B
LEGAL DESCRIPTION

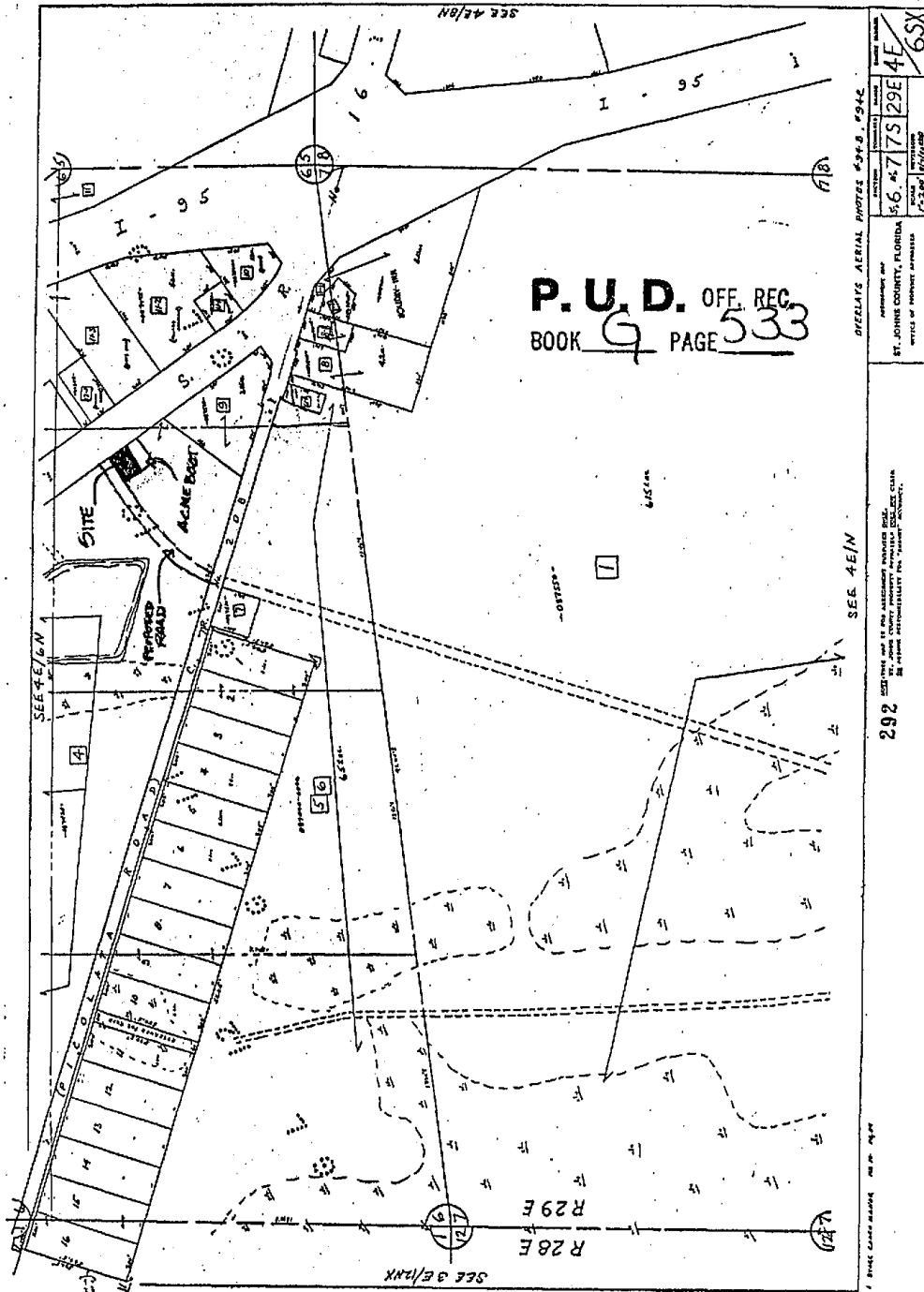
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A PARCEL OF LAND IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 6, WITH THE CENTERLINE OF COUNTY ROAD 208; THENCE SOUTH 73 DEGREES 56 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF COUNTY ROAD, 3,888.52 FEET; THENCE NORTH 35 DEGREES 36 MINUTES 46 SECONDS EAST, TO THE NORTHERLY LINE OF SAID ROAD AND CONTINUING ON THE EAST LINE OF THAT LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, PUBLIC RECORDS OF SAID COUNTY, 267.71 FEET; THENCE NORTH 36 DEGREES 13 MINUTES 17 SECONDS WEST, ON THE NORTHEAST LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 126.30 FEET TO THE POINT OF BEGINNING AT THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 36 DEGREES 13 MINUTES 17 SECONDS WEST, ON SAID NORTHEAST LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 249.47 FEET TO A POINT ON A CURVE BEING CONCAVE EASTERLY, HAVING A RADIUS OF 760.00 FEET, DELTA OF 08 DEGREES 33 MINUTES 37 SECONDS, A TANGENT OF 56.88 FEET; THENCE ALONG THE CHORD OF SAID CURVE NORTH 49 DEGREES 29 MINUTES 11 SECONDS EAST, 113.44 FEET TO THE POINT OF CURVATURE OF SAID CURVE; THENCE NORTH 53 DEGREES 46 MINUTES 00 SECONDS EAST, 136.87 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD #16; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY SOUTH 36 DEGREES 13 MINUTES 17 SECONDS EAST, 175.96 FEET; THENCE SOUTH 35 DEGREES 36 MINUTES 46 SECONDS WEST, 263.11 TO THE POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1.237 ACRES MORE OR LESS.

EXHIBIT C



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OVERLAYS AERIAL PHOTOS #37-B, #94-C	DATE	SCALE
ST. JOHNS COUNTY, FLORIDA	56-47	75/29E
OFFICE OF COUNTY ENGINEER	4E	65X

292 SEE NOTE ON P. 100. UNLESS OTHERWISE INDICATED, ALL DIMENSIONS ARE IN FEET. DIMENSIONS IN PARENTHESES ARE "AS SHOWN".

EXHIBIT D
AUTHORIZATION
TO PROCEED

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I, A. Calvin Modling, do hereby authorize Karen M. Taylor, Land Planner to proceed with the Scope of Services outlined in the proposal dated April 18, 1994 in relation to preparing a land plan and filing a rezoning for the St. Johns County Outlet Store/SR 16 property. I further authorize Karen M. Taylor to act on my behalf in filing applications for a Certificate of Concurrency, for making application for rezoning, and in making representations to St. Johns County relative to the applications. In authorizing the agent named above to represent me, I attest that the application is made in good faith and that any information contained herein is accurate and complete to the best of my knowledge.


A. Calvin Modling

4-28-94
Date

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EXHIBIT D

AUTHORIZATION TO REZONE
OWNER TO APPLICANT

RE: CARPET N' DRAPES PLANNED SPECIAL DEVELOPMENT

A. Calvin Modling, Owner of Carpet N' Drapes, is hereby authorized to act on behalf of Joseph Anderson, owner of the property described in the following application, in applying to St. Johns County, Florida, for rezoning of the property to Planned Special Development (PSD) and in making representations to St. Johns County related to the application. In authorizing the agent named above to represent me, I attest that the application is made in good faith and that any information contained herein is accurate and complete to the best of my knowledge and belief.

Joseph Anderson, Jr.
Joseph Anderson, Jr.
Joe A.

6-21-94
Date

S7 8069

EXHIBIT E

This instrument was prepared by:
Tom Chaires, III
P. O. Box 176
Old Town, FL 32680

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

O.R. 739 PG 0862

This Indenture, Made this 13th day of February
1987, Between
Joe Anderson P. O. Box Old Town, Florida 32680

1987, Between

of the County of Dixie State of Florida, grantor, and

Joe Henry Anderson, Jr. Revocable Living Trust

whose post office address is P. O. Box 38, Old Town, FL 32680

of the County of Dixie State of Florida, grantee,

Witnesseth, That said grantor, for and in consideration of the sum of Ten

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

All of that part of Gov't Lots 3, 4, 5, 6, 7, 9, 10, 11 and 12, Sec. 6 Twp. 7S, Rge. 29E, lying N. of Picolata Road (#208) and S. and W. of State Road #16 (Mill Creek), except that part of Lots 9 and 10 as described in Deed Book 126, page 175, of the Public Records of St. Johns County, Florida. Also excepting therefrom rights of way for roads, as set forth in Minute Book 5, page 52 and Official Records Volume 202, page 250.

Subject to easements, restrictions, reservations, rights of way of record, taxes for 1983 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set granor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:
Tom Chaires III (Seal)
Anna Allen (Seal)

STATE OF Florida
COUNTY OF Dixie

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

Joe H. Anderson, Jr.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 13th day of March 1987.

My commission expires:

Notary Public, State of Florida at Large
My Commission Expires Oct. 24, 1987

VERIFIED BY
[Signature]

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

1987 MAR 27 AM 11:02

Carl "Bud" Merkel
CLERK OF CIRCUIT COURT

Documentary Tax Pd. \$250
Intangibles Tax Pd. \$

Carl "Bud" Merkel, Clerk St. Johns
County By: [Signature] D.C.
Ordinance Book 14 Page 380


P.U.D. OFF. REC.
BOOK PAGE 530

P. U. D. OFF. REC.
BOOK G PAGE 537

EXHIBIT F
AGREEMENT TO COMPLY

RE: CARPET N' DRAPES PLANNED SPECIAL DEVELOPMENT

I, the undersigned, do hereby agree to proceed with the Planned Special Development in accordance with all written information, drawings, and exhibits attached hereto and with such conditions and safeguards as may be set forth by the Board of County Commissioners of St. Johns County, Florida, in such Ordinance. In addition, I agree to bind all my successors in title to any of the commitments made in this Application or the Ordinance adopting this Planned Special Development.



Calvin Modling, Owner
Carpet N'Drapes

6-28-94

Date

EXHIBIT G
PROPERTY OWNERS WITHIN 300 FEET

P. U. D. OFF. REC.
BOOK G PAGE 538

087420-0000
Joe Henry Anderson, Jr.
P.O. Box 38
Old Town, FL 32680-0038

087387-0000
New Plan Realty Trust
1120 Ave. of the Americas
New York, NY 10036

087420-0010
Joe Henry Anderson, Jr. Trust
P.O. Box 38
Old Town, FL 32680-0038

087388-0000
Glen Victor Hargrove
P.O. Box 66
St. Augustine, FL 32085-0066

087420-0020
John J. Snyder
Bishop of Diocese of
St. Augustine
P.O. Box 24000
Jacksonville, FL 32241-4000

087390-0000
Charles T. Neugebauer
1729 Brodhead Road
Coraopolis, PA 15108-3844

087420-0030
FPL
P.O. Box 14000
Juno Beach, FL 33408-0420

087420-0040
Max J. Finkenstein Etal
2565 State Road 16
Mail: Route 4, Box 506
Lakeview Road
Lenoir City, FL 37771

087520-0000
Sarp Inc.
2535 SR 16
St. Augustine, FL 32092

087515-0000
Denny's Realty, Inc.
c/o Rash and Associates
P.O. Box 1600
Rowlett, TX 75088

087385-0000
Tirupati, Inc.
42 San Marco Ave.
St. Augustine, FL 32095

087380-0000
Gregory S. Sembler
P.O. Box 41847
St. Petersburg, FL 33743-1847

ORIGINAL IN CORRESPONDENCE

FILE 1991

EXHIBIT I

JEN:dac
12/9/91

OR BOOK 919 Pages 1367-1373

RECORDED 12-27-91

P. U. D. OFF. REC.

BOOK 9 PAGE 540

JOINT-USE ACCESS AGREEMENT

THIS JOINT-USE ACCESS AGREEMENT, Made this 11th day of December, 1991, by and between JOE HENRY ANDERSON, JR., an unmarried man, individually, and JOE HENRY ANDERSON, JR., as Trustee of the JOE HENRY ANDERSON, JR. REVOCABLE LIVING TRUST, P. O. Box 38, Old Town, Florida 32680, party of the first part, hereinafter "Anderson", and MAX J. FINKLESTEIN, SIDNEY P. FINKLESTEIN and MILDRED R. FINKLESTEIN, Rt. 4, Box 506, Lakeview Road, Lenoir City, Tennessee 37771, parties of the second part, hereinafter "Finklestein",

W I T N E S S E T H:

WHEREAS, Anderson has this date conveyed by deed to Finklestein the property in St. Johns County, Florida described as Parcel 1 in Exhibit A attached hereto and by this reference made a part hereof; and

WHEREAS, Anderson, in said deed, reserved unto themselves, their respective heirs, successors and assigns, forever, a non-exclusive perpetual easement for ingress and egress for all kinds of pedestrian and vehicular traffic over and across that portion of said Parcel 1 described as Parcel 2 in said Exhibit A; and

WHEREAS, Anderson own the lands adjacent to Parcel 1 described as Parcel 3 in said Exhibit A; and

WHEREAS, the parties desire to enter into a Joint-Use Access Agreement as to said Parcel 2; and

WHEREAS, it is the intent of the parties hereto that the easement run with the title to the lands described in Exhibit A hereof as Parcel 3 and that the lands described as Parcel 1 in Exhibit A shall be the servient estate;

NOW ~~WITNESSETH~~

Instrument Prepared By:
JOHN E. NOHRIS
BRIS & KOBERLEIN, P.A.
P.O. Box 2249
e City, Florida 32055-9349

Permit Category II Commercial Application No. 2-78-297-91-046
 I, Max J. Finklestein Route 4, Box 506, Lakeview Road
(Name) (Address)
Lenoir City Tennessee 37771 (615) 986-7921
(City) (State) (Telephone No.)

P. U. D. OFF. REC.
 BOOK 9 PAGE 51

hereinafter termed the applicant requests permission for the construction of a connection(s) on Department of Transportation right-of-way at the location:

State Road No. 16 Road Section No. 78060 County St. Johns
 Mile Post No. 15.625 Const. Job No. _____ Sta. No. _____

Description: 24' width access driveway to Acme Boot Outlet and frontage road with 35' radius access and exit returns and 100' length deceleration lane (0' to 12' width)

as shown on the attached plan and other documents and in accordance with general provisions on reverse side and any special provisions to be applied by the Department.

The applicant agrees that the connection(s) will be constructed in accordance with adopted Department of Transportation location, spacing, quantity and design standards and all permit provisions.

The applicant, for himself, his heirs, his assigns and successors in interest, binds and obligates himself to save and hold the State of Florida, The Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect or omission by the applicant, his heirs, assigns and successors in interest that may occur by reason of this, facility design, construction, maintenance or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.

The applicant binds and obligates himself to conform to the development proposal as submitted to the Department and to abide by the connection provisions stated herein. If legal action is required because of noncompliance with the provisions specified, the applicant agrees that they will be responsible for all costs of legal action, i.e., court costs, attorney fees, etc.

Has conceptual review been made? Yes X (attach Notice of Conceptual Review Findings) No _____

This permit application is hereby made and its general provisions agreed to this day of _____

I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

WITNESSED BY Jack Steever Signed Max J. Finklestein
(Signature) (Applicant or authorized representative)
9501 Laurens Lane East TITLE Owner / General Partner
(Mailing Address) (Mailing Address)
Knoxville TN 37922 Lenoir City, Tennessee 37771
(City) (State) (Zip) (City) (State) (Zip)

If this application is signed by a representative of the applicant, then a letter of authorization from the applicant must be attached.

The above application has been reviewed and is hereby approved subject to the General Provisions, and any Special Provisions as attached.

Permit No. 2-78-297-91-046 Department of Transportation
 Construction shall begin by 3-19-92 BY: Sharon Holmes, P.E.
 and be completed no later than 6-19-92 TITLE: Asst. Maintenance Engineer
 Special provisions attached Yes Date of Approval 12/19/91

PARTIAL: INFO COP, ONLY

EXHIBIT J

STONE MOUNTAIN CARPET MILL OUTLET PSD
MINOR TRAFFIC REVIEW

P. U. D. OFF. REC.
BOOK 9 PAGE 543

The following minor traffic study was developed for the Stone Mountain Carpet Mill Outlet, a 1.237 acre parcel which is being considered for rezoning to Planned Special Development. The property is located on State Road 16, just north of its intersection with County Road 208, directly across from the St. Augustine Outlet Mall. The development request is to allow for a 15,000 square foot outlet store for sales of carpets, drapes, etc. as well as to allow for other commercial uses, should future circumstances dictate. This request for concurrency is for the 15,000 square foot carpet outlet.

Existing Traffic Conditions

The site directly accesses that portion of State Road 16 which runs from County Road 208 to Nine Mile Road. This portion of the roadway is identified by the Concurrency Management Ordinance, Appendix C - Major Roadway Network as Segment 92.1 - SR 16 (Nine Mile Road to CR 208). The following background information on this roadway was taken from the St. Johns County Transportation Analysis Spreadsheet, dated 03 Jan 1994, by St. Johns County:

Directly Accessed Segment	92.1
Road Type	Rural
"LOS"	C
Annual Growth Factor	1.120
1994 AADT	5,055
1995 Estimated AADT	5,662
1996 Estimated AADT	6,341
1995 Peak Hour "LOS"	C
Existing Link Status	OK
1994 Peak Hour Traffic	516
1995 Estimated Peak Hour Traffic	578
1996 Estimated Peak Hour Traffic	647
Committed Peak Hour Traffic	577
Approved Peak Hour Volume	760

Therefore, based upon the existing roadway conditions and future available capacities, the applicant wishes to permit the carpet outlet. It is anticipated that the directional split will favor the east, towards both St. Augustine and Interstate-95 traffic.

Estimated Project/Network Growth

Due to the exact nature of the request, the lack of a reasonable comparison on Table I of Appendix C of the St. Johns County Concurrency Management Plan, and Mr. Modling's three (3) other comparable carpet stores in Jacksonville, staff determined that actual traffic counts from the other stores would give a more accurate representation. Therefore, the following traffic generation rates were taken from the actual counts conducted at two (2) of the Jacksonville stores (Counts attached) with a summary of the results as follows:

Highest Counts = Saturday @ 70 trips per day
Highest Peak Hour Counts = Saturday @ 8 peak hour trips
Average Counts = Weekday @ 57.67 trips per day total
Average Peak Hour Counts = Weekday @ 6.0 peak hour trips

(These counts included all traffic logged in and out, as well as all employees and installers)

In accordance with this information, we assumed an average (weekday/weekend day average) trip rate of 64 trips per day and a peak hour rate of 6.5 trips. In addition, the applicant is counting on attracting at least 50% of his business from the existing Outlet Mall traffic. Therefore, only 50% of these trips would be estimated to be "new" trips.

Conclusion

As indicated by the information contained within the previous table, Segment 92.1 SR 16 (Nine Mile Road - CR 208) would have adequate capacity to accommodate 50% of the sixty-four total trips/day (or 32 new trips/day) for the project through 1996.

FILED AND RECORDED IN
CLERK OF CIRCUIT COURT
94 NOV 28 PM 4:33
D. J. "Buddy" Modling
CLERK OF CIRCUIT COURT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Barbara Dresslar _____ who on oath says that she is

Accounting Clerk _____ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida: that

the attached copy of advertisement, being a _____
Notice of Regular Meeting

_____ in the matter of _____

R-PSD-94-015

_____ in the _____ Court,

was published in said newspaper in the issues of _____
Oct. 7, 1994

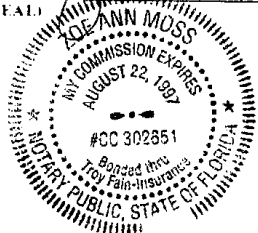
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me Barbara Dresslar
Zoe Ann Moss

this 7th day of Oct.

A.D. 19 94

(SEAL) Zoe Ann Moss Notary Public



COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 8TH DAY OF NOVEMBER 1994 AT 1:30 O'CLOCK PM. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS

SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO PSD.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of A. Calvin Modling on behalf of Joe Henry Anderson, owners of the following described land, zoning classification of OR, Open Rural on the following described lands:

EXHIBIT B
A PARCEL OF LAND IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 6, WITH THE CENTERLINE OF COUNTY ROAD 208; THENCE SOUTH 73 DEGREES 56 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF COUNTY ROAD, 3,888.52 FEET; THENCE NORTH 35 DEGREES 36 MINUTES 46 SECONDS EAST, TO THE NORTHERLY LINE OF SAID ROAD AND CONTINUING ON THE EAST LINE OF THAT LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, PUBLIC RECORDS OF SAID COUNTY 257.71 FEET; THENCE NORTH 35 DEGREES 17 MINUTES 17 SECONDS WEST, ON THE NORTHERLY LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 126.30 FEET TO THE POINT OF BEGINNING AT THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 36 DEGREES 13 MINUTES 17 SECONDS WEST, ON SAID NORTHEAST LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 249.47 FEET TO A POINT ON A CURVE BEING CONCAVE EASTERLY, HAVING A RADIUS OF 760.00 FEET, DELTA OF 08 DEGREES 38 MINUTES 37 SECONDS, A TANGENT OF 54.88 FEET; THENCE ALONG THE CHORD OF SAID CURVE NORTH 49 DEGREES 29 MINUTES 11 SECONDS EAST, 113.44 FEET TO THE POINT OF CURVATURE OF SAID CURVE; THENCE NORTH 53 DEGREES 46 MINUTES 00 SECONDS EAST, 116.87 FEET TO THE SOUTHERLY RIGHT OF STATE ROAD 16; THENCE ALONG SAID SOUTHERLY RIGHT OF

WAY SOUTH 36 DEGREES
 13 MINUTES 17 SECONDS
 EAST, 175.96 FEET;
 THENCE SOUTH 35 DE-
 GREES 36 MINUTES 46
 SECONDS WEST, 263.11 TO
 THE POINT OF BEGIN-
 NING.

ABOVE DESCRIBED
 PARCEL OF LAND CON-
 TAINS 1.27 ACRES MORE
 OR LESS.

IS HEREBY
 CHANGED TO PSD,
 Planned, Special Develop-
 ment, in accordance with
 documents in file number
 R-PSD-94-015 with the possi-
 bility of added conditions.

SECTION 2. Nothing
 herein contained shall be
 deemed to impose condi-
 tions, limitations or require-
 ments not applicable to all
 other land in zoning district
 wherein said lands are lo-
 cated.

SECTION 3. The Build-
 ing Department is author-
 ized to issue construction
 permits allowed by zoning
 classification as rezoned
 hereby.

SECTION 4. This Ordinance shall take effect im-
 mediately upon receipt of
 official acknowledgment of
 the office of the Secretary
 of State to the Clerk of the
 Board of County Commis-
 sioners, that same has been
 filed.

BOARD OF COUNTY
 COMMISSIONERS OF
 ST. JOHNS COUNTY,
 FLORIDA

By s/ Carl "Bud" Markel
 its clerk

If a person decides to ap-
 peal any decision made by
 the Board of County Com-
 missioners with respect to
 any matter considered at
 the meeting or hearing, he
 will need a record of the
 proceedings, and for such
 purpose he may need to en-
 sure that a verbatim record
 of the proceedings is made,
 which record includes the
 testimony and evidence
 upon which the appeal is to
 be based.

NOTICE OF PER-
 SONS NEEDING SPECIAL
 ACCOMMODATIONS AND
 TO ALL HEARING IM-
 PAIRED PERSONS: In ac-
 cordance with the Ameri-
 cans with Disabilities Act
 persons needing a special
 accommodation or an in-
 terpreter to participate in
 this proceeding should con-
 tact David Halstead, ADA
 Coordinator, at (904)
 823-2500 or at the County
 Administration Building,
 4020 Lewis Speedway, St.
 Augustine, Florida, 32095,
 not later than 5 days prior
 to the date of this meeting.
 L175 Oct. 7, 1994