

ORDINANCE NUMBER 2000-17

P. U. D. OFF. REC.
BOOK N PAGE 724

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM PRESENT
ZONING CLASSIFICATION COMMERCIAL GENERAL (CG)
TO PLANNED UNIT DEVELOPMENT
(PUD); PROVIDING FOR SPECIAL CONDITIONS;
PROVIDING FINDINGS OF FACT;
PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION;
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 BRYAN W. SYKES, ESQ. on behalf of WAL-
MART STORES EAST, INC., the record title owner in the application with supporting
documents for zoning change dated (hereinafter the PUD application) the zoning
classification of lands described on attached Exhibit A is hereby changed from
Commercial General (CG) to Planned Unit Development, PUD.

SECTION 2. That development of the lands within this Planned Unit Development
shall proceed in accordance with the PUD application, dated November 15, 1999 and
other supporting documents which are a part of zoning file number PA99-090 and
which are incorporated by reference into and made a part hereof this ordinance. In the
case of conflict between the application, the supporting documents, and the below
described special provisions of this Ordinance, the below described provisions shall
prevail.

SECTION 3. Findings of Fact: That the need and justification for approval of the
Planned Unit Development has been considered in accordance with the St. Johns
County Land Development Code and Comprehensive Plan, whereby, it is found that:

- (1) Development of the subject project is consistent with the St. Johns
County Comprehensive Plan, and therefore consistent with Land
Development Code Section 5.03.02(A).
- (2) The subject project meets the standard criteria of the Land Development
Code Section 5.03.02 as to (B) location, (C) minimum size, (D)
compatibility, and (E) adequacy of facilities.
- (3) The subject property meets all requirements of applicable general
zoning, subdivision and other regulations except as allowed in Subsection
5.03.02(F).

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- (4) The Master Development Plan text and map for this project meets all requirements of Section 5.03.02(G).
- (5) This project meets all applicable specific criteria in Section 5.03.03 of the Land Development Code.

SECTION 4. Except to the extent that they conflict with specific provisions of the approved development land or PUD 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, except modification to approved development plans by variance or exception shall be prohibited.

SECTION 5. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 6. This Ordinance must be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners, in accordance with Section 125.68, Florida Statutes.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed in the office of Planning, by the Planning Director or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 14th DAY OF March, 2000.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
Its Chair

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: March 20, 2000



LEGAL DESCRIPTION

P. U. D. OFF. REC.
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That certain piece, parcel or tract of land, situate, lying and Being in the County of St. Johns and State of Florida, known as:

Part of Government Lot 1, Section 31, and part of Section 41, all in Township 7 South, Range 30 East, ST. JOHNS COUNTY, FLORIDA, being more particularly described as follows: Commence at the intersection of the South line of said Section 41 with the West line of U.S. Highway No. 1 (having a width of 200 feet); thence North 00 degrees 27 minutes 00 seconds East along said West line of U.S. Highway No. 1, 150 feet to a concrete monument found, said monument being the POINT OF BEGINNING; thence continue along said West line of U.S. Highway No. 1, North 00 degrees 27 minutes 00 seconds East, 204.42 feet to an iron rod set; thence North 89 degrees 31 minutes 49 seconds West, on the South line of a 100-foot width Florida Power and Light Company easement 1,133.77 feet to a concrete monument found; thence Southerly, on the East right of way line of State Road No. 5A (having a width of 65 feet) on a curve concave Westerly with radius of 2,597.93 feet, an arc distance of 330.20 feet to a point of tangency of said curve; thence continue along said West line of State Road No. 5A, South 7 degrees 11 minutes West, 128.77 feet; thence Southerly, along a curve in said East line of State Road No. 5A on a curve concave Easterly with a radius of 3,786.83 feet, an arc distance of 480.82 feet; thence continue along said East line of State Road No. 5A, South 00 degrees 14 minutes 30 seconds West, 77.21 feet to a concrete monument found; thence East, 226.61 feet; thence South 00 degrees 14 minutes 30 seconds West, 87.89 feet to a concrete monument found; thence East, 364.35 feet; thence North 00 degrees 27 minutes 00 seconds East; 87.89 feet; thence East, 600.05 feet to a concrete monument found and the POINT OF BEGINNING.

EXHIBIT A

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APPLICANT

BRYAN W. SYKES, ESQ.
MARGARET E. BOWLES, P.A.
SUITE 402
205 S. HOOVER BLVD.
TAMPA, FL 33609
(813) 636-8414
FAX: (813) 636-8231

P.U.D. OFF. REC:
BOOK N PAGE 727

EXHIBIT A

ORDINANCE BOOK 24 PAGE 292

PROPERTY OWNER

WAL-MART STORES, INC., an Arkansas Corporation
2001 SE 10TH STREET
BENTONVILLE, AR 72712
(501) 273-4000

P. U. D. OFF. REC.
BOOK N PAGE 728

EXHIBIT B

ORDINANCE BOOK 24 PAGE 293

LEGAL DESCRIPTION

P. U. D. OFF. REC.
BOOK N PAGE 729

That certain piece, parcel or tract of land, situate, lying and Being in the County of St. Johns and State of Florida, known as:

Part of Government Lot 1, Section 31, and part of Section 41, all in Township 7 South, Range 30 East, ST. JOHNS COUNTY, FLORIDA, being more particularly described as follows: Commence at the intersection of the South line of said Section 41 with the West line of U.S. Highway No. 1 (having a width of 200 feet); thence North 00 degrees 27 minutes 00 seconds East along said West line of U.S. Highway No. 1, 150 feet to a concrete monument found, said monument being the POINT OF BEGINNING; thence continue along said West line of U.S. Highway No. 1, North 00 degrees 27 minutes 00 seconds East, 204.42 feet to an iron rod set; thence North 89 degrees 31 minutes 49 seconds West, on the South line of a 100-foot width Florida Power and Light Company easement 1,133.77 feet to a concrete monument found; thence Southerly, on the East right of way line of State Road No. 5A (having a width of 65 feet) on a curve concave Westerly with radius of 2,597.93 feet, an arc distance of 330.20 feet to a point of tangency of said curve; thence continue along said West line of State Road No. 5A, South 7 degrees 11 minutes West, 128.77 feet; thence Southerly, along a curve in said East line of State Road No. 5A on a curve concave Easterly with a radius of 3,786.83 feet, an arc distance of 480.82 feet; thence continue along said East line of State Road No. 5A, South 00 degrees 14 minutes 30 seconds West, 77.21 feet to a concrete monument found; thence East, 226.61 feet; thence South 00 degrees 14 minutes 30 seconds West, 87.89 feet to a concrete monument found; thence East, 364.35 feet; thence North 00 degrees 27 minutes 00 seconds East, 87.89 feet; thence East, 600.05 feet to a concrete monument found and the POINT OF BEGINNING.

EXHIBIT C

ORDINANCE BOOK 24 PAGE 293 a

**WAL-MART STORES, INC.
PUD MASTER DEVELOPMENT PLAN TEXT**

**P. U. D. OFF. REC.
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Background Information:

On or about March 16, 1999, Wal-Mart Stores East, Inc. received a notice of violation of St. Johns County Zoning Ordinance 99-15, sections 5-8-1 and 5-8-4g, pertaining to the operation of a Tire Lube Express (hereafter "TLE") facility within its Supercenter retail development presently located within a Commercial General (CG) zoning classification. The TLE is an integral part of the Wal-Mart Supercenter retail concept, and offers such services as: oil changes, lubrication of the automobile chassis, mounting of tires, balancing of tires, flat repair, rotation of tires, alignment of steering and suspension, air conditioning services, cooling system services, battery installation, and general services such as installation of headlights, miniature bulbs, wiper blades, air filters, headlight adjustment, state inspections and fuel injection system maintenance (see attached appendix).

While Wal-Mart may obtain an exception to operate a Retail Outlet for tires, batteries and automobile accessories (section 5-8-4g), on or about April 27, 1999, the County determined that, based upon a 1998 memorandum from Dan Bosanko, Assistant County Attorney, to Scott A. Clem, Planning Director, said exception does not contemplate oil changes. Based upon this memorandum, the Board of County Commissioners upheld its interpretation of the Code that an "oil change" is an "intensive" activity more generally suited for the Commercial Intensive (CI) zoning classification.

Based upon Staff's recommendation to re-zone the property to PUD - Planned Unit Development, the subject application has been filed.

PUD Master Development Plan Text

The subject project is located at 2355 U.S. Highway 1 South, St. Augustine, Florida, and is developed as a Wal-Mart Supercenter retail facility (hereinafter the "Project").

- a. The total number of acres included within the Project is twenty-two and 51/100 (22.51) acres.
- b. The total number of wetland acres included within the Project is zero and 00/100 (0.00) acres.

EXHIBIT D

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- c. There is only one proposed land use for the Project, which is a Wal-Mart Supercenter retail facility with usual and customary attendant uses such as a garden center, the TLE, and various outdoor display areas. The total number of wetland acres to be preserved for the Project is zero and 00/100 (0.00) acres, since no wetlands are being or have been impacted by the subject development.
- d. The total number of dwelling units for the project is zero and 00/100 (0.00), and therefore the following items do not apply: (i) the density of the Project; (ii) the projected population; and (iii) the projected population of elementary and high school age children that may reside within the project.
- e. The total square footage of the Project is one hundred ninety-eight thousand one hundred forty-two (198,142) square feet, all of which is commercial (retail) in use; the intensity is .20.
- f. The non-residential setbacks, as measured from the property lines is as follows:
- (i) setback from US Hwy 1 - five hundred forty (540) feet
 - (ii) setback from south property line - seventy (70) feet
 - (iii) setback from north property line - seventy (70) feet
 - (iv) setback from Old Moultrie Road - one hundred fifty-five (155) feet

There are no residential lots in the Project; therefore, the minimum size for residential lots is not applicable. There shall be zero (0) parking spaces for residential uses, since there are no residential uses; there shall be eight hundred forty-nine (849) parking spaces for the non-residential uses, of which eighteen (18) shall be designated for handicapped parking (in excess of the two percent (2%) code requirement). The maximum building height shall be one story at twenty-six (26) feet. Signage for the project shall consist of the following: (i) the existing pylon sign located at north side of the north entrance as more particularly shown on the Master Development Plan submitted herewith, (ii) existing building signage as more particularly shown on the Master Development Plan submitted herewith; (iii) existing directional signage for the TLE as more particularly shown on the Master Development Plan submitted herewith; and (iv) existing directional/identification signage for shipping/receiving as more particularly shown on the Master Development Plan submitted herewith.

- g. Since the Project is an existing development, all infrastructure elements including drainage facilities, vehicular and pedestrian access to the Project, internal vehicular and pedestrian access to the Project, interconnectivity access points to adjacent properties, the provision of water and sewer, fire protection, and solid waste collection are presently in place. Park and recreational areas are not applicable to the Project.
- h. The amount of projected water and Sewer use is not applicable since the Project is an existing development.
- i. The type of underlying soils and their suitability for the development of the Project is not applicable since the Project is an existing development.
- j. There are no upland forest areas and/or wetlands located upon the Project site.
- k. The Project provides the following buffers to adjacent properties:
 - (i) northern buffer: fifteen (15) foot green space (adjacent to the existing Florida Power Easement)
 - (ii) southern buffer: thirty-five (35) foot landscaped buffer
 - (iii) eastern buffer: none (fronts US Hwy 1)
 - (iv) western buffer: thirty-five (35) foot buffer easement by zoning ordinance recorded in Ordinance Book 9, Page 172
- l. There shall be a "Seasonal Outdoor Sales Area" which shall be utilized for the sale of "seasonal" items, including but not limited to: Christmas trees, pumpkins, fireworks, etc. The Seasonal Outdoor Sales area shall be located in the northeast corner of the Project, as indicated on the Master Development Plan submitted herewith. Seasonal sales events may be held within the Seasonal Sales Area and shall be limited to two (2) sales events per year, not to exceed forty-five (45) days per event, as provided in Section 2.02.05(1)(b) of the St. Johns County Land Development Code; however, the Applicant shall not be required to apply for and obtain a permit for said Seasonal Sales events, provided that the Applicant maintains, on premises, a log of scheduled events, and the same is made available to St. Johns County during normal business hours for review.

Sidewalk sales may be conducted on and along the sidewalk fronting the existing Supercenter and shall be limited to two (2) sales events per month, not to exceed forty-five (45) days per event as provided in Section

2.02.05(1)(c) of the St. Johns County Land Development Code; however, the Applicant shall not be required to apply for and obtain a permit for said Seasonal Sales events provided that the Applicant maintains, on premises, a log of scheduled events, and the same is made available to St. Johns County during normal business hours for review.

Outdoor display of merchandise shall be permitted within: (i) the Existing Outdoor display Area; (ii) the Outdoor Display/Storage Area; and (iii) the Proposed Outdoor Display/Storage Area, as indicated on the Master Development Plan submitted herewith, and shall not be considered a Seasonal Sale or Sidewalk Sales event (as defined hereinabove). The Applicant shall not be required to apply for and obtain a permit for the display of merchandise within the aforescribed areas.

Outdoor storage of garden center and/or other outdoor materials and merchandise shall be permitted within the Outdoor Display/Storage Area and the Proposed Outdoor Display/Storage Area, as indicated on the Master Development Plan submitted herewith.

- m. There are no accessory uses associated with the Project.
- n. There is no phasing schedule for the project, since the project has been one hundred percent (100%) constructed.
- o. The Project provides the following benefits to St Johns County:
 - (i) The Project will permit a specific and creative approach to the development of the land in that the Wal-Mart Supercenter promotes the concept of one-stop-shopping, promoting consumer efficiency, convenience.
 - (ii) The Project will reduce the overall number of trips generated by multiple "single line" retail facilities (i.e. grocery stores, hardware stores, garden stores, general merchandise stores, oil lube express shops, etc.) thereby improving traffic flows within the Project vicinity.
 - (iii) The Project will continue to employ approximately four hundred and fifty associates.

- (iv) The Project will continue to generate approximately One Hundred Thirty-nine Thousand Four Hundred Ninety-nine and 40/100 Dollars (\$139,499.40) in tax revenues per annum.
- p. The following are being requested as part of the subject PUD:
- (i) permission to operate the Tire Lube Express (TLE);
 - (ii) permission for the Seasonal Outdoor Sales Area;
 - (iii) permission for an Outdoor Display area as noted on the Master Development Plan;
 - (iv) permission for two (2) Outdoor Display/Storage areas as noted on the Master Development Plan;
 - (v) permission to conduct sidewalk sales events as provided above; and
 - (v) permission to maintain existing signage.
- q. Upon granting of the PUD re-zoning request, Wal-Mart Stores East, Inc., its successors and assigns shall thereafter be bound to the commitments and conditions contained therein.
- r. The Project is not designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map.

Service Income Guide

SERVICES PROVIDED
WARRANTIES & POLICIES
LUBRICATION SERVICES
TIRE SERVICES
COOLING SYSTEM SERVICES
STEERING & SUSPENSION SERVICES
BATTERY SERVICES
AIR CONDITIONING SERVICES
GENERAL SERVICES

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SERVICES PROVIDED

The Services Provided in the Tire & Lube Express (TLE) are:

- Lubrication Services (Lube Express, Basic Oil Change & Chassis Lubrications)
- Tire Services (Sales, Mounting, Balancing, Flat Repair & Rotation)
- Steering & Suspension (Alignment & Parts Installation)
- Air Conditioning Services (Evacuate, Recycle & Recharge)
- Cooling System Service (Flush & Fill)
- Battery Services (Installation, Noco Treatment, Charging & Terminal Installation)
- General Services (Installation of Headlights, Miniature Bulbs, Wiper Blades, Air Filters, Headlight Adjustment, State Inspections & Fuel Injection Maintenance)

WARRANTIES & POLICIES

- All Labor or Services have a 90 day warranty, with the exception of the Lifetime Balance.
- Parts and Accessory Items installed carry the manufacturer warranty.
- Lube Services NOT completed within 30 minutes of the vehicle entering the Service Area, the Customer receives \$5.00 off

Services outside the Labor Guide must be approved by an Officer of the Company.

LUBRICATION SERVICES

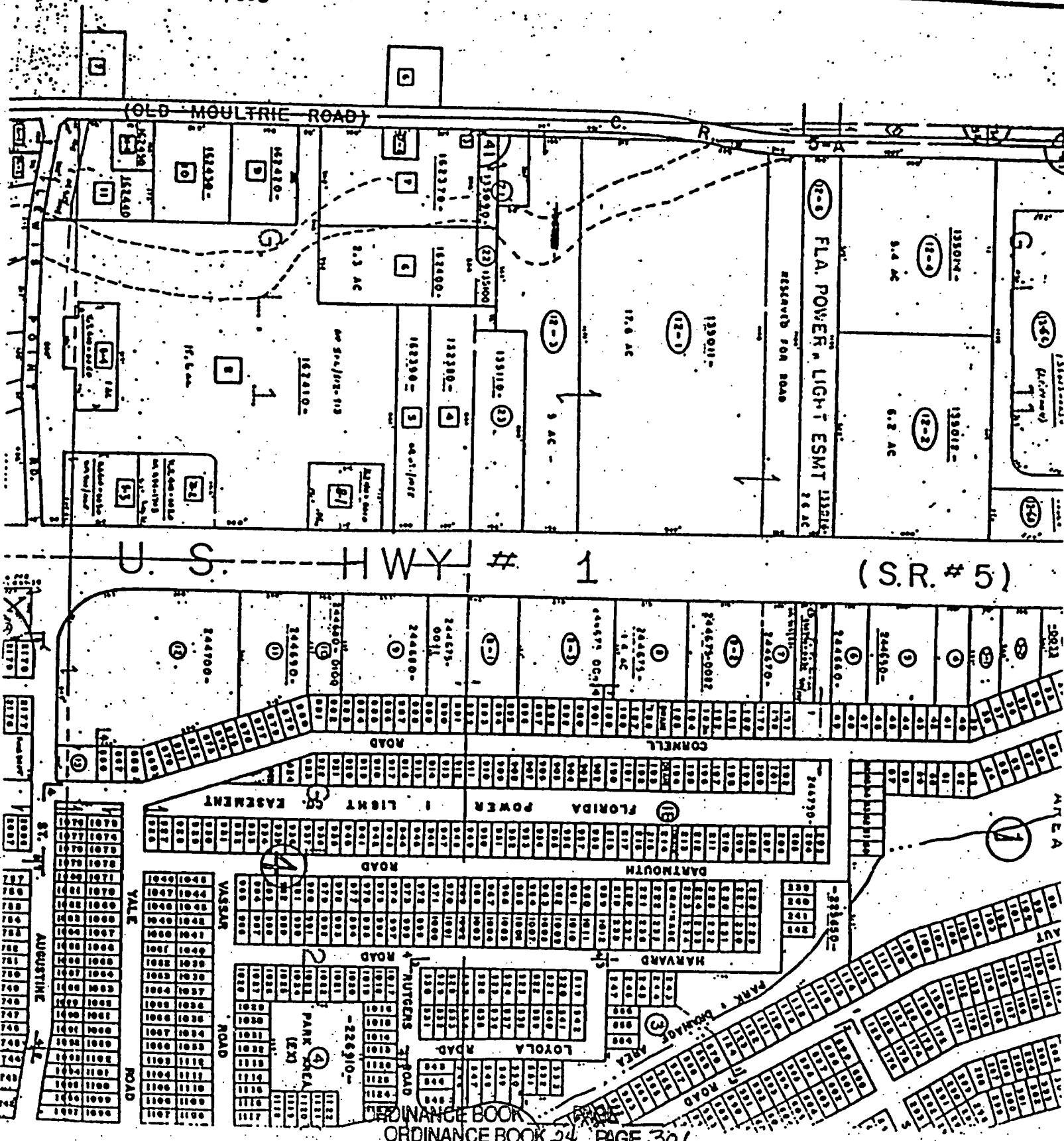
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APPENDIX TO
PUD MASTER DEVELOPMENT PLAN TEXT

EXHIBIT E

P. U. D. OFF. REC.
BOOK N PAGE 237

SEE AE/36S



shall be afforded an opportunity to be heard at said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact David Holstead, ADA Coordinator, at (904) 823-2500, or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095.

For hearing impaired individuals: Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of this meeting.

If a person desires to appeal any action made with respect to any matter considered at the meeting or hearings, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure of the interested parties should limit contact with the County Commissioners and Planning Agency members on this topic, except with compliance with Resolution 95-2876 properly noticed public hearing or oral written communication care of: St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32095.

The Planning Agency record and file of this case is available for review by the public in the Planning Department and/or office of the Clerk to the County Commission located at the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16 A and US1 North), St. Augustine, Florida.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
Clerk: Cheryl Strickland
FILE NUMBER: R-PUD-00-003 (BCC)
Wal-Mart PUB
Feb 28, 2000

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

March 21, 2000

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 16, 2000 and copies of St. Johns County Ordinance Nos. 2000-16 through 2000-18, which were filed in this office on March 20, 2000.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED
00 MAR 24 AM 8:04
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

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