

16

Public Records of  
St. Johns County, FL  
Clerk # 2006021414,  
O.R. 2667 PG 114-129  
03/22/2006 at 09:39 AM,  
REC. \$65.00 SUR. \$72.50

ORDINANCE NUMBER: 2006-27

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO PUD (PLANNED UNIT DEVELOPMENT); 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:

WHEREAS, the development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated November 7, 2005, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2005-42 West Side Salon and Barber Shop PUD, as approved by the Board of County Commissioners, and incorporated by reference into and made 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 1. Findings of Fact: that the need and justification for approval of the West Side Salon and Barber Shop PUD has been considered in accordance with the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code and, whereby, it is found that:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The PUD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan, specifically Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The PUD is consistent with the Future Land Use Designation of Residential-D (D).
4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The PUD meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.
6. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.
7. The PUD would not adversely affect the orderly development of St. Johns County

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For Ret. Y. King  
BCC Secty

**SECTION 2.** Pursuant to this application File Number PUD 2005-42 West Side Salon and Barber Shop, the zoning classification of the lands described within the legal description, Exhibit "A",

**is hereby changed to PUD.**

**SECTION 3.** To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

**SECTION 4.** This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

**SECTION 5.** This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

**SECTION 6.** Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas maintained in the Zoning Division of the St. Johns County Growth Management Services Department by the Director of Growth Management Services, or his designee.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 7<sup>th</sup> DAY OF March 2006.**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

BY: James E. Bryant  
James E. Bryant  
Chairman

RENDITION DATE 03/09/06

ATTEST: **CHERYL STRICKLAND, CLERK**

BY: Cheryl Strickland  
Deputy Clerk

EFFECTIVE DATE: 03/13/06

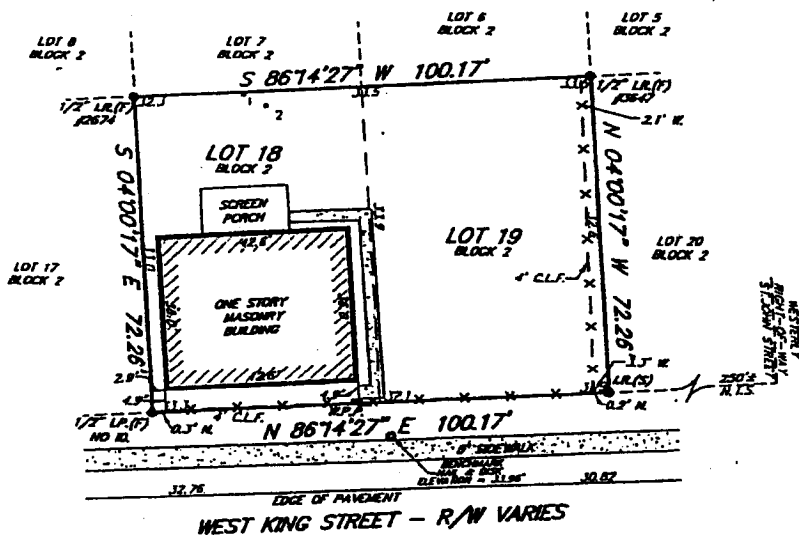
# Exhibit A

## MAP SHOWING SURVEY OF

Lot 18, Block 2, SUNNYSIDE PARK, according to map or plat thereof recorded in Map Book 6, Page 4, of the public records of St. Johns County, Florida; EXCEPT that part thereof conveyed to the State of Florida in Official Records Book 35, Page 854, of the said public records.

Lot 19, Block 2, of SUNNYSIDE PARK, according to map or plat thereof recorded in Map Book 6, Page 4, of the public records of St. Johns County, Florida.

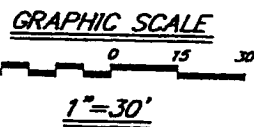
EXCEPTING that portions conveyed to the State of Florida by deed recorded in Official Records Book 38, Page 10, of the public records of St. Johns County, Florida.



TREE LEGEND	
1	= 6" TREE
2	= 10" TREE

### LEGEND

C.L.F. - CHAIN LINK FENCE	38.55 - HARD SURFACE SPOT ELEVATION
ID. - IDENTIFICATION	R/W - RIGHT-OF-WAY
I.P.(F) - IRON PIPE FOUND	SQ. FT. - SQUARE FEET
I.R.(F) - IRON ROD FOUND	N - NORTH
I.R.(S) - 5/8" IRON ROD SET (L.B. 6072)	S - SOUTH
N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM	E - EAST
N.T.S. - NOT TO SCALE	W - WEST
o/1 - INDICATES TREE TABLE NUMBER	[Symbol] - EXPOSED CONCRETE
38.5 - GROUND SPOT ELEVATION	[Symbol] - COVERED AREA
[Symbol] - ELEVATION REFERENCE POINT	[Symbol] - WOOD POWER POLE



**GENERAL NOTES:**

- Encroachments or shows herein are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured, those or plat measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field testimony evidence available at the time this survey was prepared.
- When lots are obstructed this parcel is noted for any recorded status of title, liens or restrictions. This surveyor shall not be held liable for the existence of such claims.
- Specific rights implied by this survey are not treatable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's own risk and without liability to this surveyor, making herein shall be intended to give any rights or benefits to anyone other than all persons herein and prepared for.
- All drawings hereunder shall be checked by signing certification in accordance with rules set forth by the American Institution of Surveyors.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

**NOTES:**

- According to the Federal Emergency Management Agency Flood Map No. 1251471- effective date: 9-2-04, the property described herein appears to be in Zone X
- State of bearing structures: **NORTHWESTERLY RIGHT-OF-WAY OF WEST KING STREET ASSUMED NORTH 86°14'27" EAST**
- Date of observations: N.G.V.D. 1929

JOB NO.	LAST FIELD DATE	SCALE	I.P./I.R.	ONE ST.	TWO ST.
05-0575	03/28/05	1"=30'	LL	R.I.C.	G.C.A.

TYPE: BOUNDARY/TREES/TOPO

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**DEVINO & Associates, Inc.**  
ENGINEERS & SURVEYORS

93 A ORANGE STREET  
ST. AUGUSTINE, FLORIDA 32084  
(904) 823-3888 FAX (904) 823-3858

FOR DEVINO AND ASSOCIATES L.B. #6072



St. Johns County

Application For Rezoning

From RS3 To PUD

Date Nov. 7, 2005

Project Name: West Side Salon and Barber Shop

Owner/Applicant: North East West South Community Investment Group, Inc.

Address: PO Box 861006

St. Augustine, Florida 32086

Phone: 904-471-0010 Fax: 904-819-0951

E-mail Address: hoganbob@bellsouth.net

Planning/Engineering Firm: P & A Consulting Engineers, Inc.

Address: 3000 N. Ponce De Leon Blvd., Suite A & B

St. Augustine, Florida 32084

Phone: 904-824-3755 Fax: 904-824-3756

E-mail Address: melendon@panda-engrs.com / ldtpermitting@aol.com

Person to Receive Comments: Lorie Tipton-Otagus <sup>904-824-4156</sup> <sub>ldtpermitting@aol.com</sub> <sup>904-819-0951 (fax)</sup>

Property Appraiser's Parcel No. Lot # 18: 113750-0000 / Lot # 19: 113760-0000

Name of Overlay District if applicable: N/A

Location: West King Street across 1<sup>st</sup> railroad tracks, approx 500 yds on left

Census Tract: 020300 Property Appraiser's Map Sheet: 4E/41D Acres: .17

911 Address (if Known) 688 West King Street

TAZ 25 Zone Class: RS-3 Comp. Plan Dsgn. Res D

Present Use of Property: Residential Duplex / vacant lot

Proposed Use of Property: Rezone two parcels zoned RS3 to PUD in order to

convert existing residential structure into a  
salon & barber shop with required parking constructed on the adjacent  
lot

Water/Sewer Provider: City of St. Augustine (water) ; onsite septic tank

Please list below any applications currently under review or recently approved which may assist in the review of this application: None

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of owner or person authorized to represent this application:

Signature: Lorie Tipton-Otagus

Printed or typed name(s): Lorie Tipton-Otagus, Permit Consultant

**EXHIBIT C**  
**MASTER DEVELOPMENT PLAN TEXT**

**SECTION I - INTRODUCTION**

Enclosed herein, please find an application for rezoning to Planned Unit Development with accompanying documents as required by the St. Johns County Land Development Code. The application form is attached as Exhibit A. This petition is filed on behalf of the applicant: N.E.W.S. (North East West South Community Investment Group, Inc.) of St. Augustine, Florida.

**A. Location:** The property to be rezoned, **West Side Salon and Barber Shop**, consists of 7,238 square feet (0.17) acres, described by the Legal Description – Exhibit B. It is located in St. Johns County on the north side of West King Street, just east of the second railroad crossing. The address of both parcels is 688 West King Street (aka 680 & 688 West King Street - addresses have been combined to use 688 West King Street as overall address).

**B. Surrounding Uses:** The property is in an area surrounded by single family residential lots along the north, east and west and West King Street to the south, with commercial property across West King Street. The site is shown on the Location Map, Exhibit E. It is located within the Residential D Land Use category on the Future Land use Map (FLUM) of the St. Johns County Comprehensive Plan, which is primarily residential, but allows for commercial uses provided they are included within a Planned Unit Development. The types of uses allowed include a beauty salon and barber shop, as well as other commercial activities proposed within this application. This site is also within the St. Johns County West Augustine Community Redevelopment Area (West Augustine CRA) and fits in with the early planning stages for redevelopment of West King Street and West Augustine. The West Augustine CRA Economic Development Committee has given approval for this project and is attached as Exhibit I. The CRA Steering Committee has also given approval for this project and is attached as Exhibit J.

**C. Ownership:** The subject property is owned by North East West South Community Investment Group, Inc. (N.E.W.S.) as shown by the Proof of Ownership (deed) attached as Exhibit F. Said property owners has authorized Lorie Tipton-Ortagus to act on their behalf and file this application seeking the rezoning change indicated. Authorization is attached as Exhibit G. All adjacent property owners for notification purposes are included as Exhibit K, Adjacent Property Owners.

**SECTION II – SITE DEVELOPMENT CRITERIA**

**A. Project Description:** The real property to be considered for rezoning consists of .17 acres located on the north side of West King Street and the property is currently zoned RS-3 (residential). The applicant must request a zoning change to Planned Unit Development to allow for the renovation of the existing 1,724 sf structure to be used for commercial use, with a maximum square footage of 2,040 sf as allowed by the SJC Comprehensive Plan. The development will be known as **West Side Salon and Barber Shop Planned Unit Development** (West Side Salon & Barber Shop PUD).

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The Master Development Plan, shown as Exhibit D, indicates the general layout of the site for construction with a total of 1,724 sf of commercial space located in the one existing building. The building will be used for a barber shop and salon; however, the site will be rezoned to allow for commercial activities allowed within residential areas as listed. The site will be accessed from West King Street (CR 214) and served by central water provided by City of St. Augustine and an on site septic tank. The site will be developed in one single phase.

Parking will be provided in the vacant lot adjacent to the existing structure, with access provided by an existing driveway off of West King Street.

The property has access to City of St. Augustine water; however, sanitary sewer is not available for connection. Therefore, the applicant will abandon the existing septic tank and install a new in-ground septic system that will handle the gallons per day of the salon and barber shop. There will be five (5) chairs installed in the building that will generate 75 gallons per day for a total of 375 gallons per day, which are below the maximum 500 gallons per day for commercial development. If the owner chooses to change the use from a Salon/Barber Shop and utilize the entire 2,040sf as allowed by the SJC Comprehensive Plan, the Owner understands that the onsite septic system must be able to handle the gallons per day the zoning use requires as well as not exceed the gallons per day allowed for commercial development.

**B. Development Size:** There is a total of .17 acres of property (7,238 square feet), with all 0.17 acres to be developed.

**C. Wetlands:** There are no jurisdictional wetlands on the site, as it has been cleared and used as a residential duplex structure and vacant lot for a number of years.

**D. Development Area:** The project, including the parking lot, will encompass the entire 0.17 acres.

**E. Dwelling Units:** The site will be commercial in nature.

**F. Non-Residential Development:** Non-residential development will consist of converting the existing 1,724 s.f. structure to commercial use, with a maximum square footage of 2,040 s.f., as allowed within this PUD. The maximum square footage allowed by the St. Johns County Comprehensive Plan of 2,040 s.f., is allowed, providing the development can meet the requirements of the St. Johns County Land Development Code at the time of expansion.

**G. Site Development Criteria:**

- 1. Lot Sizes and Building Area:** The total ground area to be occupied by buildings and structures shall not exceed seventy percent (70%), the maximum impervious surface ratio and a maximum fifty percent (50%) floor area ratio (FAR). Buildings will contain a total of 1,724 sf, including porches and balconies; however, the applicant would like to reserve the right to add onto the building at some point and time if the need arises for a maximum square footage of 2,040 sf.

2. **Permitted Uses:** The development will progress in an orderly manner, and the allowable uses will include commercial uses in accordance with the Land Development Code as follows:

General Business, including professional and general offices, government or social service offices, retail uses and services establishments; vocational, business or trade schools and training centers; elderly care centers., psychiatric care and treatment facilities without housing, alcohol rehabilitation centers without housing, clinics or community health facilities.

In addition, all typical accessory and ancillary uses will be allowed as outlined within the Land Development Code.

3. **Setbacks:** Setbacks shall be measured per Section 6.01.03.H. of the Land Development Code. Since the building is already constructed, the request is to provide for the existing building setbacks and shall be as follows:

a. **Front Yard:** Four point nine (4.9) feet. Since the building is already constructed, the request is to provide for the existing building setbacks with the front yard at 4.9 feet.

b. **Side Yard:** Two point nine (2.9) feet. Since the building is already constructed, the request is to provide for the existing building setbacks with the side yard at 2.9 feet.

c. **Rear Yard:** Ten (10) feet. Since the building is already constructed, the request is to provide for the existing building setbacks with the rear yard at ten (10) feet.

No air conditioning or electrical equipment, masonry walls or masonry fences, swimming pools, pool decks or pool enclosures are to be located within the drainage or underground utility easements.

4. **Building Height:** Buildings shall not exceed thirty five (35) feet in height.
5. **Parking:** Parking will be provided in accordance with the requirements of the Land Development Code.

Total spaces provided = 4 spaces (includes handicap parking space)

Handicapped spaces will be provided per St. Johns County (and ADA) requirements.

6. **Signage:** The applicant is requesting the following sign, with construction of the sign conforming to the Land Development Code requirements in effect at the time of permitting:

a. **Building Business Identification Sign(s)** – The Building shall be allowed signage as allowed by Land Development Code. Applicant reserves the right to install one on-premise sign which shall not exceed thirty (32) square feet of area per side and ten (10) feet in height. Building fascia, canopy, building, wall or similar sign structure will

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not exceed 1.5 square feet per linear footage of building frontage with a maximum of one hundred fifty (150) square feet per sign, per business, not to exceed 200 square feet of sign area per business. Since there is only one existing structure on-site, a pole sign with display area not to exceed the square footage allowed within this PUD will be allowed in lieu of a monument sign. The existing building may contain building, wall or similar signage on the building not to exceed the square footage allowed by this PUD.

7. **Fencing:** The applicant will be allowed to install a six (6) foot high fence along the side and rear lot lines which comply with SJC Land Development Code Section 6.06.04 Buffering and Screening Requirements "Screening Standard A". This includes evergreen plants, at the time of planting, six (6) feet in height which provide an overall screening opacity of seventy-five percent (75%); a masonry wall six (6) feet in height, located within the required buffer, architecturally finished on all sides and if a block wall, shall be painted on all sides; a solid wooden fence six (6) feet in height (finished side out); a berm not steeper than two to one (2:1) in combination with evergreen plants, masonry wall or wooden fence in order to achieve the minimum height of six (6) feet and seventy five percent opacity at the time of installation; and lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

#### H. Infrastructure:

1. **Stormwater:** Stormwater retention will be provided as required by the Land Development Code to accommodate all impervious surface runoff. However, due to the small size of the asphalt/concrete required for parking and the small size of the existing structure, the runoff from this site will be minor. This project falls well below the St. Johns River Water Management District thresholds for requiring a storm water management permit. The existing site conditions consist of three unit multifamily residence and a grassed lot. The existing site is graded such that the stormwater from the site flows to CR 214 West King Street with no treatment or attenuation. The resulting runoff flows east along West King Street into a catch basin located approximately 100' east of the site. The project site is located within the Oyster Creek drainage basin. A geotechnical exploration of the site was performed by Universal Engineering Sciences. The soil conditions on site are well drained with the high water table not within 6' of the ground surface.

The proposed stormwater improvements consist of an exfiltration trench to be located under the parking area. The trench has been designed to store and treat the first 1" of runoff. The required storage volume for the site is approximately 310 cubic feet. The trench is designed to store approximately 380 cubic feet of runoff. The trench has been designed using the accepted methods found in the St. Johns River Water Management Districts Applicant Hand Book Chapter 40C-42, F.A.C. The trench will be 40' long with a depth of 4' and a width of 4'. The trench consists of a 40' length of 24" perforated ADS pipe embedded in highly porous stone fill. The pipe will be situated a minimum of one foot above the trench bottom. The trench will be lined with filter fabric to ensure proper infiltration rates are maintained. Minimum trench cover is to be 1.5 feet. The bottom of the trench will be a minimum, of 1.5 feet above mean high water table.



The runoff not stored will be discharged into the existing stormwater system located on West King Street.

2. **Vehicular Access / Interconnectivity:** Access to the property will be provided via one (1) entrance/exit drive located directly on West King Street.
3. **Pedestrian Access/Sidewalks:** The sidewalks will be a minimum of five (5) feet wide and will connect the building to the parking area. The southern edge of the property has an existing sidewalk running parallel along West King Street.
4. **Parks/Recreation:** As this is a commercial development, no recreational facilities will be provided.
5. **Open Space:** Areas not used for buildings, parking or sidewalks shall remain open space. The total area of developed property is approximately 59%; therefore the amount of open space proposed for this site is approximately 41%, well above the required 25% within a PUD.
6. **Potable Water/Sanitary Sewer:** Central water connections are already in place and provided by the City of St. Augustine Utility Department. The applicant is requesting a waiver for connection to a central sewer system within ½ mile for commercial development. Sewer service is not available and the site will use a new in-ground septic system that will replace the existing septic system on site and will be designed to handle the 375 gpd of the salon / barber shop (5 chairs x 75 gallons per day = 375 gpd). If the owner chooses to change the use from a Salon/Barber Shop and utilize the entire 2,040sf as allowed by the SJC Comprehensive Plan, the Owner understands that the onsite septic system must be able to handle the gallons per day the zoning use requires as well as not exceed the gallons per day allowed for commercial development. Any change in use will require a connection to sewer, if available, at the time of the change.
7. **Fire Protection:** The applicant will comply with the requirements of the St. Johns County Land Development Code and will be served by a hydrant located within 300 feet of the existing structure.
8. **Solid Waste:** No onsite dumpster is required. Solid Waste will be handled by the licensed franchise in the area.
9. **Utilities:** All electrical and telephone lines are in place and the applicant is requesting a waiver in order not to convert to underground. Electrical power will be provide by Florida Power and Light.

**I. Potable Water/Sanitary Sewer:** Central water connections are already in place and are provided by the City of St. Augustine Utility Department. The applicant is requesting a waiver for the requirement to connect to central sewer within ½ mile of commercial development since sewer service is not available in the area. A new in-ground septic system will be installed, which

replaces the existing system onsite that will handle the commercial volume of 375 gallons per day.

**J. Topography and Soils:** The property is located on the north side of West King Street. It has an average elevation of around 30.0 (thirty) feet to 33.0 (thirty three) feet msl where the structure is located. The property is located in an area designated by FEMA as Zones X.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service in 1983, identifies one (1) soil type: Astatula-Urban land complex. These are nearly level to sloping, excessively drained Astatula soils on broad upland ridges and Urban land. The areas of Urban land and Astatula soils are so intricately mixed or so small that they could not be shown separately at the scale within the survey. The Astatula soils have a dark brown surface layer with sand underneath. The Urban land consists mainly of streets, sidewalks, parking lots, buildings and other structures, which obscure or alter the soils to such a degree that identification of the soil is not feasible. Included in the mapping are small areas of Immokalee, Myakka, Paoia, Pomello, Tavares and Wesconnett soils. The Astatula soils have a water table at a depth of 72 inches or more, with available water capacity very low and permeability rapid throughout. Due to the extensive urban development in these areas, this soil type is not given a woodland ordination symbol.

**K. Site Vegetation and Habitat:** The site has been developed and used for many years and is located within the Urban developed area. Therefore, the site contains typical "domestic" vegetation and does not provide any significant habitat.

**L. Significant Natural Communities Habitat and Listed Species:** There is no known significant natural communities' habitat anticipated or observed on-site.

**M. Historic Resources:** The property appears to fall within the High Probability Area on the St. Johns County Archeological Predictive Model. Therefore, an Archeological Reconnaissance Survey was required. The survey shows that there was an absence of meaningful diagnostic prehistoric or historic information within the project area and no additional research was warranted. No significant historical artifacts were found on site and the abstract from the survey is attached as Exhibit H.

**N. Buffers:** Buffer areas are as shown on the Master Development Map, Exhibit D. Due to the fact that the site has been developed and the buildings are not able to be relocated, the applicant is requesting a waiver to the ten (10) foot vegetate buffer along the property boundaries and the buffer required between the parking area and West King Street.

All attempts will be made to maintain the natural tree and underbrush cover located on the north property line and will be augmented to meet the Screening Standard "A" of Section 6.06.04 of the St. Johns County Land Development Code.

**O. Special Districts:** This project is not located within an overlay district as defined by Article III of the St. Johns County Land Development Code.

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**P. Temporary Uses:** Due to the small size of this site, no Temporary construction/sales trailers will be utilized and placed on site. However, storage structures/facilities such as sheds and other structures may be placed on site during the renovation of the existing structure for materials, etc.

**Q. Accessory Uses:** Accessory uses and structures will be allowed as per the St. Johns County Land Development Code, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure.

**R. Phasing:** The West Side Salon and Barber Shop PUD shall be permitted in one (1), five (5) year phase commencing within three (3) years of PUD approval. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Division. Completion shall be defined as approval of the asbuilt survey.

**S. Project Impact:** The property is located within the Residential Density Zone "D" of the 2015 St. Johns County Comprehensive Plan which allows the types of used included within the application when contained within a Planned Unit Development. There has been an increased interest in revitalizing the area of West King Street and many areas are in need of improvement. The applicant feels that there is a need for convenient personal service establishments in the community and the proposed improvements on this site will not only improve the value and appearance of the property but also increase activity. The applicant is proposing to significantly upgrade the lots and existing building on site, which should be of great benefit to the proposed Community Development improvements slated for the area. The site has direct access to West King Street and provides excellent pedestrian and vehicular access for the community that the salon and barber shop will serve. In addition, the improvements to this site should encourage other owners to improve their properties and the increased activity on the site will assist in deterring vandalism and other criminal activities in the area. The site is located within a mixed commercial and residential district, as there are commercial activities all along West King Street interspersed with single and multifamily residences, with more single family behind the commercial frontage. The site is located on a major transportation facility (West King Street) and has excellent access to major roadways and transportation corridors, including U.S. Highway One to the east. Across West King Street, to the south, is also a mixture of small commercial businesses and single family residences.

The planning and design of this property will allow for an integrated development plan, affording better compatibility with the surrounding land uses, while providing much needed space for a personal service business, as well as all of the necessary improvements to offset its impacts. A consistent and consolidated development plan will improve the appearance of the area and the natural buffer to the north will provide screening for the residential uses on the northern property boundary. It is important to note that the site is only .17 acres in size and strict interpretation of the Comprehensive Plan would allow for a total of 2,040 square feet of commercial space with development to seventy percent (70%) impervious surface. This application is for approximately 1,724 square feet of building space to be used for commercial uses allowed under this PUD and sixty percent (60%) impervious surface. However, the applicant reserves the right to increase the square footage to the maximum allowed under the Comprehensive Plan, providing the project can meet the SJC Land Development Code requirements for the proposed use at the time of expansion.

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The applicant believes that the proposed Planned Unit Development will be of benefit to the future occupants of the project and to the residents of St. Johns County, in that it will further the stated goals and objectives of the County Comprehensive Plan to provide services within areas with a mixture of land uses; allow for County control of the quality, scale and type of development; and provide for a more desirable environment than could be accomplished through traditional zoning. This rezoning will greatly improve the existing structure on site as well as the overall appearance of the two lots.

**T. Waivers/Variations/Deviations:** The applicant requests the following deviation to specific requirements of the Land Development Code as follows:

1. A waiver to Section 5.03.03.A.4. to reduce the required ten (10) foot natural/landscaped buffer along project property lines for Planned Unit Development. This site has been developed for some time and the building is too close to the property boundaries to provide for a ten (10) foot landscape buffer, except for the area along the northern property line. The east side can not provide the required ten (10) foot buffer due to parking requirements for a commercial building of this size and the west and south sides can not comply due the existing building footprint.
2. A waiver to Section 5.03.03.B.2. regarding the commercial setback of a minimum twenty foot (20') for buildings, parking and/or storage areas along property lines adjacent to road right of way and adjacent to residential uses. The building is an existing structure and does not allow for a twenty (20) foot setback adjacent to residential use on the west side and adjacent right of way to the south; parking requirements for a commercial building of this size does not allow the twenty foot (20') setback adjacent to residential use on the north and east side and the adjacent right of way to the south..
3. A waiver to Section 5.03.06 H.7. regarding underground utilities in Planned Unit Developments. This site has been developed for some time and all utilities are existing. The applicant is requesting a waiver to this standard due to the size of the PUD and the cost of burying the existing lines.
4. A waiver to Section 6.04.11 regarding connection to public sewer within ½ mile for Planned Unit Developments. The applicant is requesting a waiver to the connection to public sewer within ½ mile. No gravity sewer lines are in the right of way of West King Street and the cost to connect to the school system would make this project nonviable.
5. A waiver to Section 5.03.03.A.4. regarding the required ten (10) foot natural/landscaped buffer along project property lines for Planned Unit Development. Due to fencing and screening requirements, the applicant is requesting a waiver to place the fence inside the ten (10) foot natural/landscaped buffer along the north property line, the 2.9 perimeter buffer along the west property line, the 4.0' perimeter buffer along the east property line and the 4.9' perimeter buffer along West King Street of the Planned Unit Development. Due to size constraints and screening requirements, the applicant must install the fence or screening materials within the natural/landscaped buffer.

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6. A waiver to Section 6.06.03.E.1. regarding a landscape buffer a minimum of six (6') feet in width between the off-street Vehicular Use Area and any property boundary not fronted by a road right of way. The applicant is requesting a reduction to the 6' Vehicle Use Landscape Buffer along the east side of the parking lot to three feet (3') due to the size of the site and the minimum parking requirements for the commercial building.

No other waivers, variances or deviations from the Land Development Code or other land development regulation within this PUD, however, the applicant maintains the right to request small adjustments, minor and major modifications to the PUD in accordance with the standards set forth for Planned Unit Developments within the LDC.

**U. Ownership/Agreement to Comply:** The application, his successors and/or assigns, hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant, his successors, and/or assigns, 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 PUD specifically outlined as follows:

“To the extent that they do not conflict with the unique specific and detailed provisions of this approved PUD Ordinance, all provisions of the Land Development Code, as such may be amended from time to time, shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency ordinance, building code, comprehensive plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.”

All drainage facilities and common areas, located within the **West Side Salon & Barber Shop Planned Unit Development** for the common use and benefit of all property owners, shall initially be constructed, owned and maintained by the Applicant, his successors and/or assigns. The site shall be maintained in a clean and orderly manner in accordance with all provisions of this PUD and conditions included within the adopting Ordinance.

**V. Future Land Use Designation:** The property is located wholly within the Residential D Land Use Designation on the 2015 Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.

### SECTION III. SUMMARY AND CONCLUSIONS

The need and justification for approval of the **West Side Salon and Barber Shop Planned Unit Development** has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby, it is found that:

**A. Consistency with Comprehensive Plan:** The project is located within the Residential D Land Use category of the 2015 St. Johns County Comprehensive Plan. Development of the subject project is consistent with the St. Johns County Comprehensive Plan, including Goal A.1 "To effectively manage growth", Objective A.1.2. Control of Urban Sprawl (specifically A.1.2.2), Objective A.1.3 Surrounding Land Use (it is compatible, per Policy A.1.3.12 with the adjacent existing residential and commercial development in the area). In addition, development will meet Policy A.1.9.5 regarding application by the provisions of the Planned Unit Development land development regulations, Policy A.1.9.6 by providing a Master Development Plan and Policy A.1.9.7 by being served by central water and on site sewer (under 500 gpd).

**B. Location:** The subject project is located within a Residential "D" Land Use area on the 2015 FLUM, which district allows for the type of development envisioned within the PUD. Therefore, the project conforms to the requirements for location as stipulated within the Land Development Code.

**C. Minimum Size:** The area encompassed by the project is greater than the minimum size criteria for development under the criteria established within Section 6 of the Land Development Code.

**D. Compatibility:** The proposed uses are compatible with the area and the overall community and meet the criteria established within Objective A.1.3 Surrounding Land Use, which provides that "When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use". Since, the County must determine whether the request is compatible, it is important to note that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.12, which states that "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties".

Adjacent land uses surrounding this property include existing single family residential lots to the north, east and west and commercial use across West King Street to the south, all of which would be deemed compatible. The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a

public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Residential D Future Land Use designation. The proposed rezoning will not change the existing and allowable land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance. Development will conform to the current Land Development Code standards, with the exception of those waivers requested within this PUD.

The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will conform to the current Land Development Code standards, will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as the proposal is in conformance with the Plan and its goals and objectives. It will not adversely affect the health, safety and welfare of the residents or visitors to the area, nor be detrimental to the natural environment or the development of adjacent properties or the neighborhood.

**E. Adequacy of Public Facilities:** The subject property and future project is served by a major transportation system, central water, an on-site septic tank and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. Due to the small size of the PUD; the project is subject to compliance with Article XI of the Land Development Code (Concurrency) as a Minor Project estimated to generate 4-29 average weekday peak hour trips. Stormwater permitting will also be minor in nature due to the small amount of impervious area on site and the size of the project.

**F. Relation to PUD Regulations:** The subject project meets all applicable requirements of Section 5.03.00 Planned Unit Development Districts, as well as general zoning, subdivision and other regulations except as may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

**G. Master Development Plan:** The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02 (G) of the Land Development Code.

This PUD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset. The project has available and adequate public facilities and services area available to support it. When developed in accordance with the conditions stipulated in the PUD application, the PUD will contain the type of uses compatible with the emerging development patterns of the area, will be compatible with the desired future development of the area and will be consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines.

