

ORDER OF THE ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

RE: K-Mart
Seabridge Square
1777 U.S. 1 South
St. Augutine, FL 32086

FILE NUMBER: Planning TUP 94-002

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a temporary use permit pursuant to the St. Johns County Zoning Ordinance to allow for six (6) outdoor sales events for the K-Mart Store at 1777 U.S. 1 South, St. Augustine, FL 32086 for one week in each of the following periods:

May 27, 1994 thru June 7, 1994 - Memorial Day Sale

June 29, 1994 thru July 13, 1994 - 4th July Sale

August 29, 1994 thru September 14, 1994 - Labor Day Sale

October 25, 1994 thru November 8, 1994 - Halloween Sale

November 16, 1994 thru November 30, 1994 - Thanksgiving Sale

December 8, 1994 thru December 20, 1994 - Christmas Sale

The legal description of said site is as stated in the official application for this Temporary Use Permit.

FINDINGS OF FACT

Having considered the application and supporting documents, and the applicant's statements at the March 22, 1994 Board of County Commissioners meeting, the Board of County Commissioners makes the following findings of fact:

1. The request was duly considered in accordance with the Zoning Code and law;

2. The request is consistent with the development trends of the surrounding area and is customary at this location;

3. The request is not in conflict with the Comprehensive Plan;

4. With the condition that the sales and activities do not hinder the flow of traffic nor create a fire hazard, the request is compatible with the development of the land and consistent with the area.

NOW THEREFORE, the Board of County Commissioners hereby grants the temporary use permit, TUP 94-002 as follows:

1. The K-Mart at 1777 U.S. 1 South, St. Augustine, Florida may hold special outdoor sales events at the subject location for one week periods in each of the following designated time frames:

May 27, 1994 thru June 7, 1994 - Memorial Day Sale

June 29, 1994 thru July 13, 1994 - 4th July Sale

August 29, 1994 thru September 14, 1994 - Labor Day Sale

October 25, 1994 thru November 8, 1994 - Halloween Sale

November 16, 1994 thru November 30, 1994 - Thanksgiving Sale

December 8, 1994 thru December 20, 1994 - Christmas Sale

2. The applicant shall provide adequate parking and traffic control for the people attending said events so that traffic flow at the site is not impeded in any way. Furthermore, the Temporary Use Permit is granted on condition that the applicant shall control said sale activities so that no fire hazard is created.

DATE OF COMMISSION ACTION: March 22, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allan Roberts
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Jeanne Carter
Deputy Clerk

cc: Planning and Zoning
K-Mart

(03/22/94 - 17 - 3.0949)

PUBLIC HEARING - ORDER - TUP-94-002 - K-MART - REPRESENTED BY BEN WELCH. THE REQUEST IS FOR ELEVEN OUTDOOR PROMOTIONS TO BE HELD DURING THE YEAR OF 1994. IN THAT THE USES ARE LESS THAN FOUR WEEKS DURATION EACH, THE REQUEST IS NOT CONSIDERED BY THE PLANNING AND ZONING AGENCY. THE LOCATION IS SEABRIDGE SQUARE SHOPPING CENTER, U.S. 1 SOUTH. K-MART RECEIVED A SIMILAR TEMPORARY USE IN 1993. THE REQUEST IS USUALLY CONDITIONED THAT ALL SALES AND ACTIVITIES BE CONDUCTED IN SUCH A MANNER THAT THE TRAFFIC WILL NOT BE BLOCKED AND THE FLOW SHALL NOT BE HINDERED AND THAT NO ACTIVITIES SHALL PRESENT A FIRE HAZARD. SET FOR 1:30 P.M.

Proof of publication of the notice of a public hearing regarding a TUP for outdoor promotions was received having been published in The St. Augustine Record on March 4, 1994.

Napier briefly explained the requested TUP. (3.0992) Michael Burkhardt, owner of The Greenery, 2400 US 1 South, voiced opposition to the TUP, then submitted a petition of signers who oppose the TUP. (3.1200) Allen Powers, 1536 San Rafael Way, suggested that if the permits are issued, they should be done on an individual basis, given specific information as to where the tent would be located, how the traffic would be handled, and all outside sales be consummated. (3.1281) Marian Burkhardt, 157 Inlet Drive, commented in opposition to the TUP. (3.1440) Ben Welch, representing the applicant, gave a brief presentation then entertained questions from the Board. Lengthy discussion followed. Motion by Ward, seconded by Roberts, to approve the TUP for the six holiday sales. Discussion followed. Ward withdrew her motion; Roberts withdrew his second of the motion. Discussion followed. Motion by Ward, seconded by Floyd, carried 4/3 with a roll call vote, to direct staff to prepare an order to allow K-Mart to have the six holiday sales: Memorial Day, 4th of July, Labor Day, Halloween, Thanksgiving, and Christmas, not to exceed seven days at any one time and adopting the Findings of Fact 1 - 4.

Roll Call

Jordan	nay
Floyd	aye
Ward	aye
Balsavage	aye
Maguire	nay
Brinkhoff	nay
Roberts	aye

Motion carried 4/3.

Ben Welch verbally agreed to amend the application to conform with the motion.