

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

RE: Rocky Herrman
125 15th. St.
St. Augustine Beach, FL 32084

FILE NO: TUP-94-006

ORDER GRANTING TEMPORARY
USE PERMIT

The above-referenced applicant requested a Temporary Use Permit (TUP) under the St. Johns County Zoning Ordinance to allow for outdoor sales events from June 24th through July 4, 1994 at the general location described as Lewis Point Plaza, corner of U.S. #1 and Lewis Point Road, St. Johns County, Florida further described in the application for this TUP. Since the TUP is for four weeks or less, it was not reviewed by the Planning and Zoning Agency.

FINDINGS OF FACT
AND ORDER

Having considered the application and supporting documents; the applicant's statements at the June 14, 1994, Board of County Commissioner's meeting; and the comments of staff at the June 14, 1994 hearing; the Board of County Commissioners makes the following findings of facts:

1. The application for a Temporary use has been fully considered after a public hearing pursuant to legal notice as required by law and the Zoning Code;
2. The request is consistent with the requirements of Section 10-12 of the St. Johns County Zoning Code, and is not inconsistent with the Comprehensive Plan;
3. Planning Department staff reports and it is found that there is adequate parking and access and maneuvering area within the existing shopping center;
4. The requested Temporary Use Permit is consistent with the development and land uses in the area.

NOW THEREFORE, the Board of County Commissioners hereby grants Temporary Use Permit, TUP-93-006 as follows:

The application from Rocky Herrman for a TUP authorizing an outdoor sale of state approved sparklers from June 24th through July 4, 1994 at the Lewis Point Plaza located at the intersection of U.S. 1 and Lewis Point Road, St. Johns County, Florida as further described on Exhibit A hereto is hereby granted. The applicants shall conduct said outdoor sales event on the out parcel located within the shopping center, and may use a tent with the condition that the sales and activity shall not hinder the flow of traffic nor create a parking problem or fire hazard.

Any appeal of this decision may be made by filing a petition for writ of certiorari with the Clerk of the Circuit Court of St. Johns County within 30 days of the filing of this order with the Clerk.

Date of Commission action June 14, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allan Roberts
Chair - Allan Roberts

ATTEST: CARL "BUD" MARKEL, CLERK

By: Ima Barrett
Deputy Clerk

Date filed with the Clerk: June 22, 1994

cc: Rocky Herrman
125 15th. St.
St. Augustine Beach, FL 32084

Planning and Zoning Agency

Exhibit "A" to TUP-94-006

A part of Government Lot 1, Section 31, Township 7 South, Range 30 East, St. Johns County, Florida, and being more particularly described as follows: For a point of reference, commence at the intersection of the West right of way line of U.S. Highway No. 1, and the south line of the G. W. Perpall Grant, Section 41, Township 7 south, Range 30 East; Thence South 00 deg 27 min 00 sec West, along said Westerly right of Way line of U.S.No. 1, a distance of 966.81 feet to the point of beginning; thence continue south 00 deg 27 min 00 sec West, along said Westerly right of way line, a distance of 213.12 feet to the point of intersection of said westerly right of way line of U.S. No. 1 with the Northerly Right of Way line of Lewis Point Road (a 100 foot right of way as now established); thence south 89 deg 37min 07 sec West, along said Northerly right of way line, a distance of 212.02 feet; thence North 00 deg 27 min 00 sec East, along a line lying parallel to said Westerly right of way line of U.S. No. 1, a distance of 216.20 feet; thence south 89 deg 33 min 00 sec East, a distance of 212.00 feet to the point of beginning. Said lands being a part of those lands described in Official Records Volume 211, pages 807 and 808 of the Public Records of St. Johns County, Florida. Containing 45,508 Square feet, or 1.04 acres, more or less.

(06/14/94 - 13 - 4.1772)

PUBLIC HEARING - ORDER - TEMPORARY USE PERMIT - TUP-94-006 - ROCKY HERRMAN. THE REQUEST IS FOR A TEMPORARY USE PERMIT FOR A "TENT" SALE OF STATE APPROVED SPARKLERS FROM JUNE 24, 1994 TO JULY 4, 1994 ON THE OUT PARCEL LOCATED AT LEWIS POINT PLAZA IN THE SOUTHEAST CORNER OF THE SHOPPING CENTER. SINCE THE REQUEST IS FOR LESS THAN ONE MONTH, THE REQUEST IS NOT CONSIDERED BY THE PLANNING AND ZONING AGENCY, PURSUANT TO SECTION 10-12, ZONING CODE. THE PLANNING AND ZONING STAFF HAS NO OBJECTION TO THE REQUEST IN THAT ADEQUATE PARKING, ACCESS AND MANEUVERING IS AVAILABLE AT THE PRESENT SHOPPING CENTER. A SIMILAR OUTDOOR SALES EVENT WAS APPROVED ON THIS PARCEL IN OCTOBER OF 1993. THE REQUEST DOES NOT APPEAR TO BE INCONSISTENT WITH THE COMPREHENSIVE PLAN OR THE DEVELOPMENT TRENDS OF THE AREA

Proof of publication of the notice of public hearing regarding TUP-94-006 was received having been published in the St. Augustine Record on May 26, 1994.

Napier explained the request for a temporary use permit. (4.1804) Motion by Brinkhoff, seconded by Floyd, carried 6/0 with Jordan absent, to direct staff to prepare an Order approving the Temporary Use Permit, adopting findings of fact to support the motion, 1 thru 4.