



St. Johns County Board of County Commissioners

Neighborhood Bill of Rights Program

NEIGHBORHOOD BILL OF RIGHTS NOTIFICATION

3/12/2021 – You have received this NOTICE because you are the designated representative for a registered Association under the Neighborhood Bill of Rights Ordinance (No. 2007-01). Please be advised, umbrella associations are provided notice as a courtesy and do not share the same rights afforded to Neighborhood Associations as defined by the Neighborhood Bill of Rights Ordinance.

APPLICATION FILED BY: Kathryn Whittington
236 San Marco Ave
St. Augustine, FL, 32084

LOCATION OF PROPERTY: within the Saint Johns DRI, Six Mile Creek PUD.
[View Map](#)

REQUESTED CHANGE: Request for a Major Modification to the Six Mile Creek PUD (Ord. 1991-37, as amended) to add five (5) residential dwelling units and 200,000 square feet of retail/commercial development rights via a transfer from the St. Johns Interchange Parcels PUD to Parcels 1 and 2 of Six Mile Creek North and to adjust the approved, existing non-residential development rights. Application Number MAJMOD-202000013. The specifics of the project description are subject to change throughout the review and approval process. Project Name: Six Mile Creek PUD.

COMMISSIONER DISTRICT: 2, 5

NOTICE OF PUBLIC HEARING: Notice is hereby given that this application has been filed with the Planning and Zoning Division of St. Johns County. At this time, the application **has been scheduled for Board of County Commissioners hearing on 4/6/2021 at 9:00 am** in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida. You may review the material in the Planning and Zoning Division, located in the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida. If you have any questions about this application, you may reply to this email or contact NBR Administration at 904-209-0579.

In accordance with St. Johns County Emergency Order No. 2020-10, this meeting may be conducted remotely and may provide remote public participation under communication media technology (CMT). CMT means the electronic transmission of printed matter, audio, full motion video, free-frame video, compressed video, and digital video by any method available. CMT being used to conduct the meeting includes Government TV (GTV), phone, and wireless microphone. Should a person wish to submit printed material, it must be submitted a minimum of 5 days in advance of this meeting. Such printed documentation will be presented at the meeting.

A person may attend this CMT meeting by calling the following telephone number. Meetings for Board of County Commissioners, Planning and Zoning Agency and Ponte Vedra Zoning Adjustment Board held at the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida, call at 904.209.1265 and viewing the meeting on [GTV or <http://www.sjcfl.us/GTV/watchgtv.aspx>]. For all other meetings please call 904.209.0730. Written or physical documentation may be submitted to the St. Johns County Growth Management Department at 4040 Lewis Speedway, St. Augustine, FL 32084, or e-mail address: plandep@sjcfl.us.

Additional information may be obtained at:
Mailing address: 4040 Lewis Speedway, St. Augustine, FL 32084
Email address: plandep@sjcfl.us
Phone number: 904.209.0675

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if were offered in person and shall be subject to the same objections. Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if were offered in person and shall be subject to the same objections.

NOTICE OF PUBLIC HEARING PROCEDURES: During the public hearing, all public comment is welcome, but please be aware that zoning decisions may not be merely based upon citizen “wishes” that are unsubstantiated by any competent facts, i.e. – the “clamor of the crowd” is not a sufficient reason upon which to base a decision, Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993). However, the Florida courts have clearly held that “fact-based” lay testimony is admissible and may be relied upon as follows: “citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, so long as it is fact-based. Mere generalized statements of opposition are to be disregarded, but fact-based testimony is not.” Metropolitan Dade County v. Blumenthal, 675 So.2d 598 (Fla. 3d DCA 1995).

Maps, diagrams, reports, and other official records are competent substantial evidence in themselves sufficient to form a basis for zoning action. In a zoning matter, it is appropriate to consider whether the proposed zoning is consistent with the properties adjacent to [the to-be-rezoned] property and is consistent with the actual development of the area. Some examples of competent substantial evidence:

- Character of the neighborhood (quiet or noisy, residential or commercial, etc.)
- Lot sizes, width, typical for area (large lots, small lots, etc.)
- Density of development (low density - spacious or high density - crowded, etc.)
- Building heights existing in area (maximum, average)

NOTICE OF PROJECT MEETING: The Neighborhood Bill of Rights Ordinance affords registered Neighborhood Associations the right to request a meeting, for the purpose of discussion and/or negotiation, with applicants requesting changes in land use or County staff on upcoming projects. Upon request from the applicant or an association representative, the County must schedule a meeting with representatives of the applicant and/or County staff, at a reasonable time and location determined by the County to allow members of one or more associations to ask questions or to voice concerns and make suggestions. County staff is required to document all commitments or agreements made during such meetings. Meetings may be held at County offices and conference rooms during regular business hours or other locations and times as deemed appropriate by County staff.