



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, September 7, 2021 at 2:00 p.m.

Regular Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
 - a. Regular Meeting Minutes from August 10, 2021.
- 4. Use by Exception**
 - a. 2021-0115
Lolo Properties, LLC – Applicant
K Dawn, LLC - Owner
[31 San Marco Avenue](#)
To approve off street parking within 400 feet of the premises.
- 5. Variance**
 - a. 2021-0110
Stephanie and Lewis Burge – Applicant/Owner
[18 Solano Avenue](#)
To reduce the required side yard setback from 15' to 12' and the rear setback from 20' to 18' for a guesthouse.
- 6. Conservation Overlay Zone Development**
 - a. 2021-0107
Jennifer Coffindaffer – Applicant/Owner
[87 Dolphin Drive](#)
To modify an existing dock, approve a new boat lift and a new floating dock in Conservation Overlay Zone 1.

- b. 2021-0111 Ryan Carter – Applicant
Kimberly Hartwick– Owner
[228 Riberia Street](#)
To approve a retaining wall in Conservation Overlay Zone 1.
- c. 2021-0114 Mary Beth Marek – Applicant/Owner
[19 Davis Street](#)
To remove one (1) significant tree (Hackberry) in Conservation Overlay Zone 3.

7. Rezoning/Conservation Overlay Zone Development

- a. 2021-0108 Ellen Avery-Smith Esq.- Applicant
Flagler College, Inc.– Owner
[94 Cedar Street and 7 ML King Avenue – PID 201850-0000, 201860-0000 and 201860-0150](#)
To amend an existing Planned Unit Development (PUD) and to remove one (1) significant tree (Laurel Oak) in Conservation Overlay Zone 3.

8. Other Business

- a. Discussion and recommendation regarding an Ordinance to establish an Impervious Surface Ratio (ISR) in residential zoning districts.
- b. Discussion and recommendation regarding an Ordinance to update the Zoning Code, Chapter 28 Definitions section for Small and Large Scale Land Use Plan Amendments to refer to the Florida Statute definition, as amended from time to time.
- c. Discussion and recommendation related to a new statutory requirement to include a Property Rights Element in the City’s Comprehensive Plan.

9. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person 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.” In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **USE BY EXCEPTION– 2021-0115**

AGENDA ITEM 4(a)

APPLICANT LOLO Properties LLC

OWNER K Dawn LLC

LOCATION 31 San Marco Avenue / PID 194730-0000

REQUEST Consideration of a use by exception to allow for one (1) required parking space to be located off-site and within 400 feet of the premises.

LAND USE Commercial Low Intensity

ZONING Commercial low-two (CL-2)

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-347. – Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

...

(3) Parking lots. Off-street parking lots shall be a permissible use by exception in all districts where such lots are within four hundred (400) feet of premises requiring off-street parking; such lots in residential districts shall also conform to the following:

- a. A six-foot solid masonry wall or fence shall be erected along all property lines adjunct to residentially zoned property.
- b. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
- c. There shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.
- d. There shall be no sales or service activity of any kind on such lots.
- e. Vehicles prohibited from being parked in residential districts by section 28-336 shall not be permitted to be parked on such lot.
- f. All parking lots shall be paved with erosion-resistant material in accordance with city specifications (see division 2 of this article).

Sec. 28-371. – Location

- (a) A required off-street parking and loading facility shall be located on the same lot or parcel of land it is intended to serve. However, an off-street parking and loading facility within four hundred (400) feet of the premises may be allowed as a permitted use by exception.
- (b) The planning and zoning board may grant an exception when practical difficulties prevent the placing of all or part of the facility on the premises they are designated to serve. The board shall review the proposal for impact upon pedestrian and vehicular traffic patterns and user safety, impact upon surrounding properties from noise, glare, visual quality, nuisance and traffic generation.

STAFF SUMMARY AND ANALYSIS

On August 2, 2016, the Planning and Zoning Board approved a use by exception for off street parking at 27 San Marco Avenue for a single hotel room at 31 San Marco Avenue.

The applicant is requesting to have the use by exception transferred to the current management company.

The applicant has an agreement with the adjacent commercial property at 27 San Marco Avenue for the additional required parking space.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for one (1) offsite parking space for 31 San Marco Avenue at 27 San Marco Avenue / PID 194630-0000.

A handwritten signature in black ink, appearing to read "J. Fredriksson". The signature is fluid and cursive, with a large initial "J" and "F".

Jacob Fredriksson
Senior Planner
Planning and Building Department

July 28, 2021

City of St. Augustine
75 King St.
St. Augustine, FL 32084

Attn: Planning & Building Department

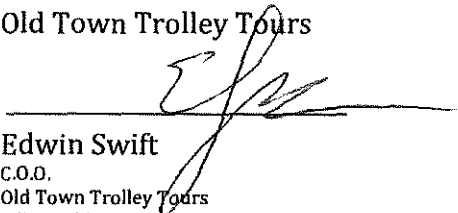
We, Old Town Trolley Tours have agreed to allow LoLo Properties LLC, 3143 Irma Drive, Shelby Township, MI 48317, the use of parking space #12 located at 27 San Marco Ave., St. Augustine, FL 32084 for their prospective customers at 31 San Marco Ave. that need parking only. The following terms and conditions shall apply to this Parking Space Agreement ("Agreement"):

Terms and Conditions:

1. Items Left in Vehicle. Old Town Trolley Tours shall not be responsible for damage or loss to possessions or items left in LoLo Properties LLC prospective customers vehicle.
2. Damage to Vehicle. Old Town Trolley Tours shall not be responsible for damage to LoLo Properties LLC prospective customers vehicle, whether or not other vehicle(s) or person(s) in the parking lot and surrounding area causes such damage.
3. Parking Lot Attendants. Old Town Trolley Tours (☐) shall (☒) shall not (☐) may provide parking lot attendants.

EXECUTED AND AGREED by the parties hereto, this the 28th day of July 2021.

Old Town Trolley Tours


Edwin Swift
C.O.O.
Old Town Trolley Tours
167 San Marco Avenue
St. Augustine, FL 32084

LoLo Properties LLC

Layla Ibrahim
Layla Ibrahim
Principal Member
LoLo Properties LLC
3143 Irma Drive
Shelby Township, MI 48317



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0115
Receipt Number: 2175852 Meeting Date: Sept. 7, 2021
Advertising Costs \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: LOLO Properties LLC Contact Number: (904) 707-4414
Business (if applicable): The Loft at Menorcan Square
Address: 31 San Marco Ave City: St Augustine State: FL Zip: 32084
E-Mail Address: Zain@jazrawi.me

2. NAME OF PROPERTY OWNER: K Dawn LLC Contact Number: 386-290-9265
Business (if applicable): _____
Address: 31 San Marco Ave City: St Augustine State: FL Zip: 32084
E-Mail Address: Menorcansquare@yahoo.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4/C// Block: _____
Subdivision: ABBOTT Tract Parcel Number: 1947300000

4. PROJECT STREET ADDRESS: 31 San Marco Ave

5. SPECIFIC PROPOSED USE: Lodging, parking space

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other _____

7. DESCRIPTION OF ACTION REQUESTED: Approving the parking agreement attached to
Operate lodging business for 2 rooms. Existence buisness and license, just changing owner's name.

8. JUSTIFICATION FOR ACTION REQUESTED: _____

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.



Signature of Applicant

08/09/2021

Date



Signature of Property Owner

08/09/2021

Date

04/18/2019



Owner's Authorization For Agent

LOLO Properties LLC is/are hereby authorized TO ACT ON BEHALF
OF K DAWN LLC, the owner(s) of those lands described within
MICHAEL GIARRANTO as member
☐ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: Michael Giarratano
Signature of Owner as member of K DAWN LLC
MICHAEL GIARRATANO
Print Name of Owner
386-290-9265
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 17th day of August, 2021.

By MICHAEL GIARRATANO, individually and as Manager
OF K DAWN, LLC, a Florida limited liability company.

Identification verified:

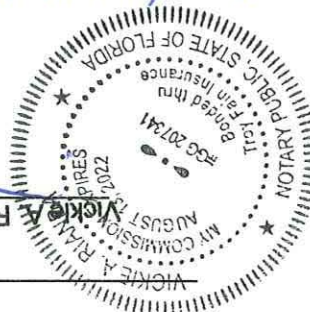
Oath sworn: ☒ Yes ☐ No

Notary Signature:

Vickie A. Rianda

My Commission expires:

8/13/22





**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Lolo Proventas LLC

Print name of applicant

[Signature]

Signature of applicant

8/9/2021

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 31 San Marco Ave St Augustine

Applicant's Name: Lolo Properties LLC Applicant's Signature: [Signature]

Owner's Name: MICHAEL GIARRATANO Owner's Signature: Michael Giarratano



St. Johns County, FL

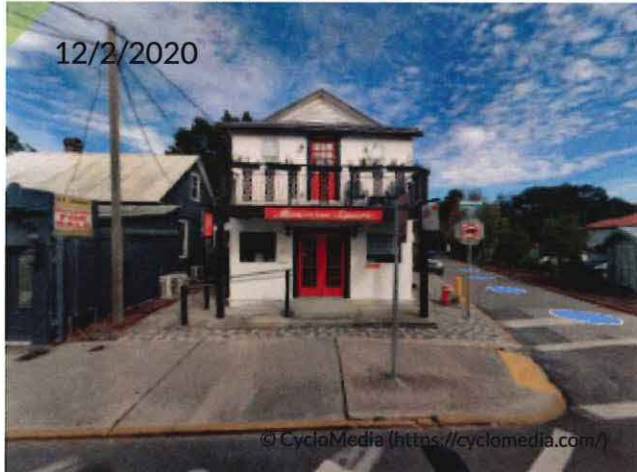
Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1947300000
Location Address	31 SAN MARCO AVE SAINT AUGUSTINE 32084-0000
Neighborhood	San Marco Ave Uptown (COM) (602.52)
Tax Description*	ABBOTT TRACT CITY LOT 4 BLK C OR3893/1775 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Owner Occupied Mixed Use (Store/Office/Residential Combo) (1205)
Subdivision	Abbott Tract
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.050
Homestead	N

Owner Information

Owner Name	K Dawn LLC 100%
Mailing Address	31 SAN MARCO AVE SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$147,994
Extra Features Value	\$5,512
Total Land Value	\$118,300
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$271,806
Total Deferred	\$0
Assessed Value	\$271,806
Total Exemptions	\$0
Taxable Value	\$271,806

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$151,604	\$5,799	\$118,300	\$0	\$0	\$275,703	\$275,703	\$0	\$275,703
2019	\$161,072	\$5,394	\$118,300	\$0	\$0	\$284,766	\$284,766	\$0	\$284,766
2018	\$145,647	\$4,559	\$118,300	\$0	\$0	\$268,506	\$268,506	\$0	\$268,506
2017	\$149,749	\$4,806	\$118,300	\$0	\$0	\$272,855	\$272,855	\$0	\$272,855
2016	\$197,792	\$5,054	\$82,810	\$0	\$0	\$285,656	\$285,656	\$0	\$285,656
2015	\$219,370	\$5,300	\$100,000	\$0	\$0	\$324,670	\$324,670	\$0	\$324,670
2014	\$81,667	\$193	\$81,120	\$0	\$0	\$162,980	\$162,980	\$0	\$162,980
2013	\$104,920	\$193	\$81,120	\$0	\$0	\$186,233	\$186,233	\$0	\$186,233
2012	\$106,338	\$203	\$81,120	\$0	\$0	\$187,661	\$187,661	\$0	\$187,661
2011	\$107,756	\$214	\$89,960	\$0	\$0	\$197,930	\$197,930	\$0	\$197,930
2010	\$109,174	\$224	\$99,840	\$0	\$0	\$209,238	\$209,238	\$0	\$209,238

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2940	Roof Cover	Metal
Conditioned Area	2648	Interior Flooring	Pine Wood
Actual Year Built	1885	Interior Wall	Drywall
Use	Mixed Use (Store/Office/Residential Combo)	Heating Type	Air Duct
Style	04	Air Conditioning	Central
Class	N	Bedrooms	0
Exterior Wall	Stucco	Baths	
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	12 Fixtures	100%
Electrical	Good	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	880	880
FRAME ADDITION	120	120
STOOP	0	28
BASE AREA	472	472
FINISHED UPPER STORY	880	880
FRAME UTILITY	0	28
FRAME ADDITION	36	36
OUTSIDE STAIRS	0	36
FRAME ADDITION	140	140
FINISHED OPEN PORCH	0	100
FINISHED OPEN PORCH	0	100
BASE AREA	120	120

Total SqFt	2648	2940
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Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Wood Fence	0	0	0	0	16
Handicap Ramp	0	12	4	0	48
Brick Pavers (501-1000)	0	0	0	0	654

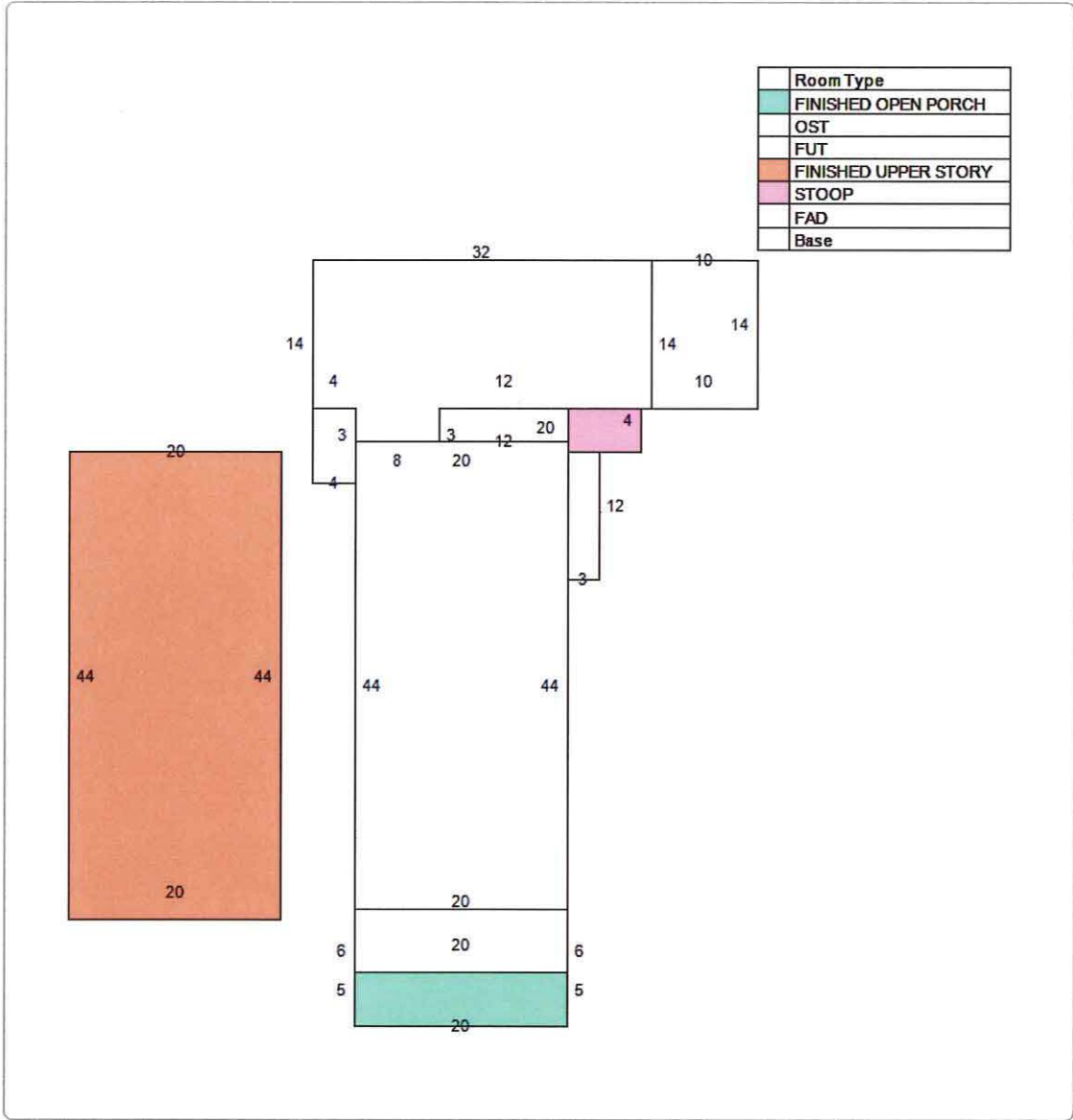
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Owner Occupied Mixed Use - Store/Office/Res Combo	0	0	2366	SF	\$118,300

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/19/2014	6/16/2014	\$385,000.00	WARRANTY DEED	3893	1775	Q	I	SAGARESE ANITA	K DAWN LLC
	5/20/2003	\$385,000.00	WARRANTY DEED	1964	276	Q	I	CARRIAGE HOUSE ANTIQUES INC	SAGARESE ANITA
	11/11/1997	\$105,000.00	WARRANTY DEED	1277	286	U	I	IGOU COLLEEN L	CARRIAGE HOUSE ANTIQUES INC
	11/10/1997	\$450,000.00	WARRANTY DEED	1276	1839	Q	I	SCOTT DEBRA NKA BOWLES & ALVIN M BOWLES JR,HH	IGOU COLLEEN L
	11/8/1996	\$434,000.00	WARRANTY DEED	1206	801	Q	I	JOHNSON WALTER A,JIMMIE V	BOWLES DEBRA & ALVIN M JR
	1/1/1979	\$30,000.00	WARRANTY DEED	403	88	U	I	BETTES HELEN	JOHNSON WALTER ANDREW,JIMMIE V

Sketch Information



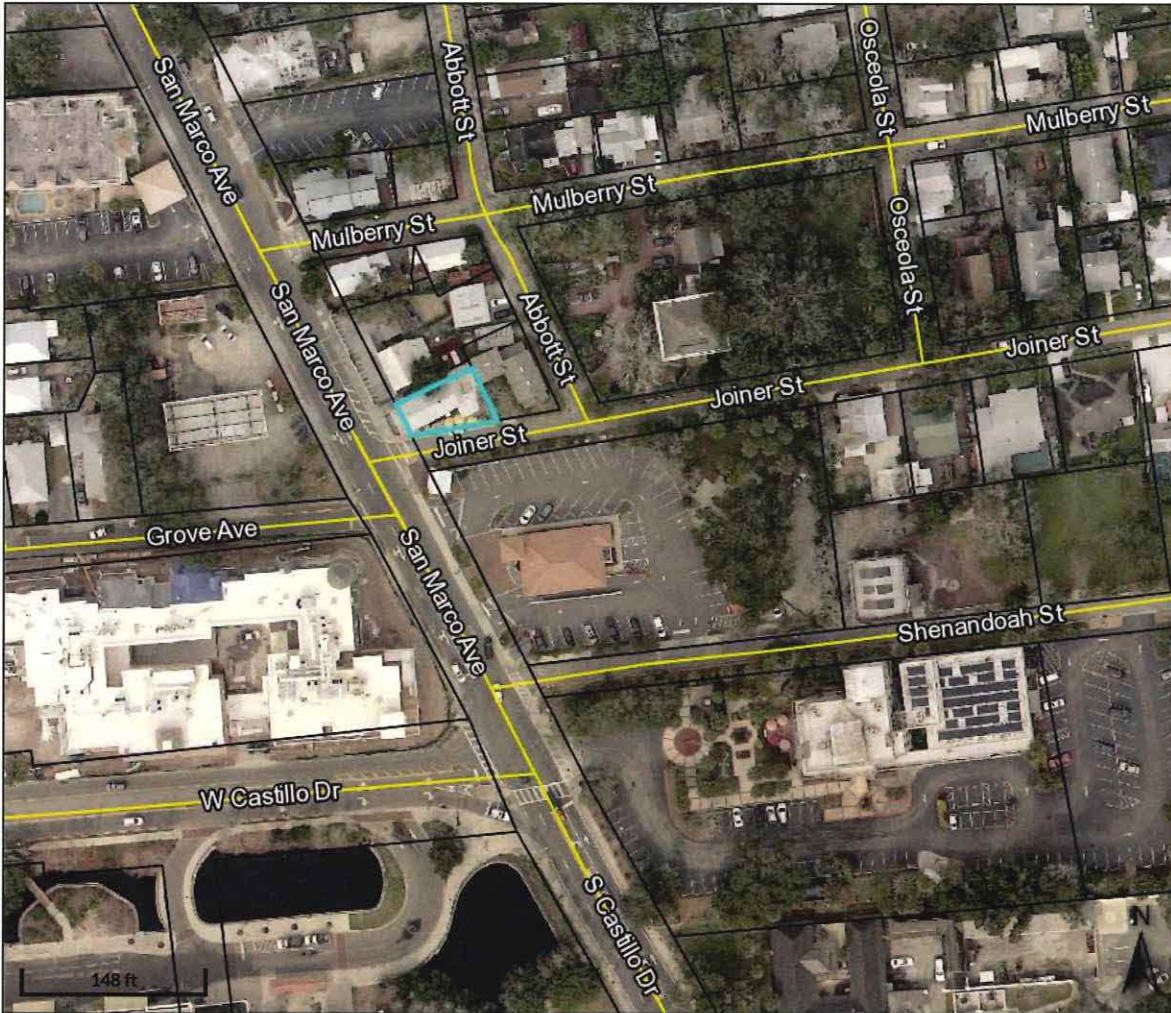
No data available for the following modules: Exemption Information.

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[User Privacy Policy](#)
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Version 2.3.141



Overview



Legend

☐ Parcels

Parcel ID	1947300000	Physical Address	31 SAN MARCO AVE	Building Value	\$147,994	Last 2 Sales			
Property Class	1205 - Owner Occupied Mixed Use - Store/Office/Res Combo	Mailing Address	SAINT AUGUSTINE	Extra	\$5,512	Date	6/16/2014	Price	\$385000
Taxing District	City of St Augustine	Address	31 SAN MARCO AVE	Feature Value			5/20/2003	Reason	01
Acres	0.05		SAINT AUGUSTINE FL	Total Land Value	\$118,300			Qual	Q
			32084-0000	Just Value	\$271,806				
				Total	N/A				
				Deferred					
				Assessed Value	\$271,806				
				Total	N/A				
				Exemptions					
				Taxable Value	\$271,806				

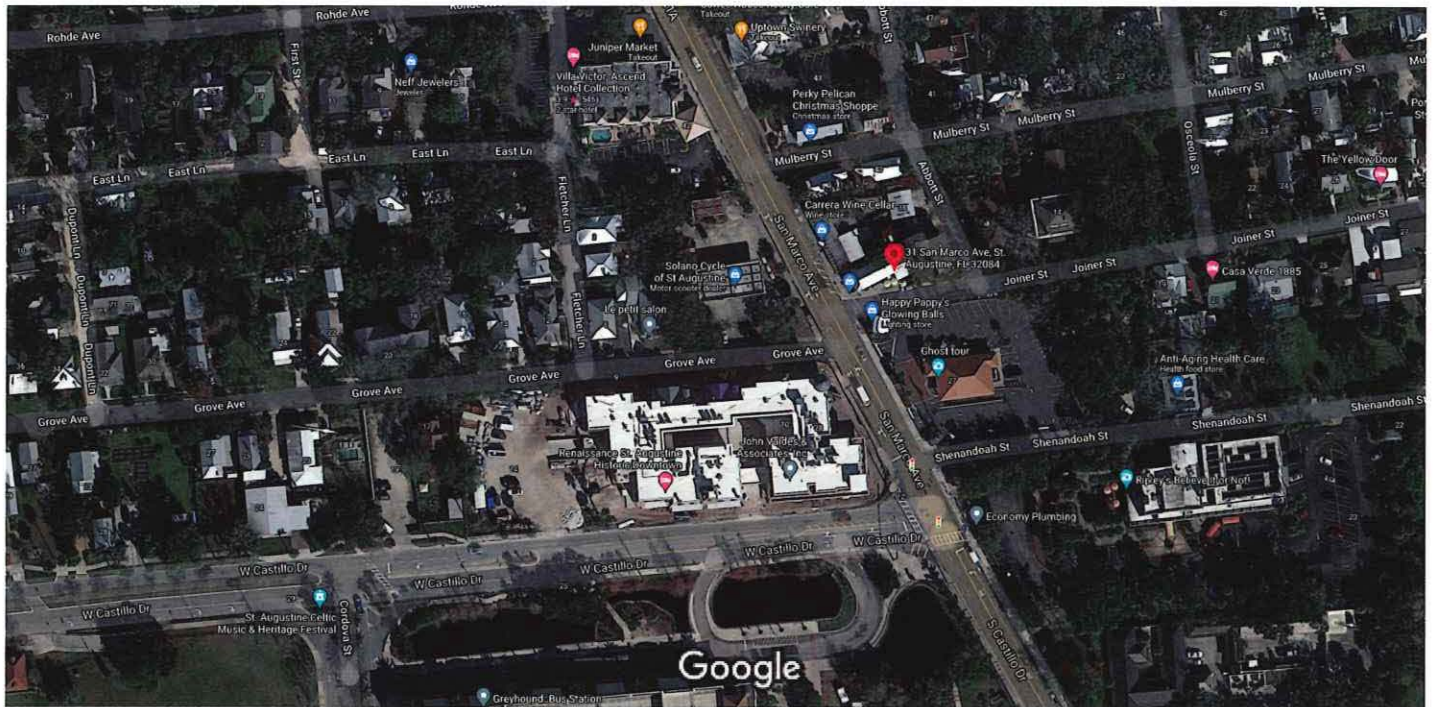
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Date created: 8/12/2021

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Developed by  **Schneider**
GEOSPATIAL

Google Maps 31 San Marco Ave



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google

50 ft



31 San Marco Ave

Building



Directions



Save



Nearby

Send to your
phone

Share



31 San Marco Ave, St. Augustine, FL 32084

Photos



THE Loft
Nightly
Accommodations

Memoriam Square

GLOBAL LUXURY
PREMIER PROPERTIES
BILL MILLER
904.315.8930



NO TRUCKS

NOTICE
A PUBLIC HEARING CONCERNING
ON THIS
PROPERTY WILL BE HELD BY THE
BOARD
OF THE CITY OF ST. AUGUSTINE
ON TELEPHONE 825-1065
INFORMATION ON #

08/17/2021 15:24

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **VARIANCE #2021-0110**

AGENDA ITEM	5(a)
APPLICANT	Stephanie and Lewis Burge
OWNER	Stephanie and Lewis Burge
LOCATION	18 Solano Avenue / PIN 220770-0000
REQUEST	To approve a variance to the required rear and side yard setbacks within Residential, Single family-one (RS-1) zoning district.
ZONING	Residential, Single-family-one (RS-1)
LAND USE	Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-119. – Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

(6) The above uses are also subject to the following:

- a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.

Sec. 28-162. - Residential, single-family-one: RS-1

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, twenty (20) feet.
b. Side, fifteen (15) feet.*
c. Rear, twenty (20) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the rear and side yard setbacks. There is an existing home on that site within the side yard setbacks but far enough from the front and rear property lines to meet the City's Land Development Code. This request seeks to reduce the rear yard setback by 2' and the side yard setback is proposed to be 3' closer to the property line. Please reference the site plan for the proposed site configuration. In summary, this request to allow a proposed accessory dwelling unit footprint to be shifted back 2' and towards the side property line by 3'.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Existing	Proposed
Rear Yard	20'	N/A	18'
Side Yard	15'	N/A	12'

*- LDC Sec. 28-119 - nonconforming to lot width allows a min. 4' setback.

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

A Southern Red Cedar tree is within the developable area, which is a unique physical condition of this property.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

Yes. The property owner is preserving the Southern Red Cedar tree on the property by application of this variance and that is a reasonable request.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

Yes. The property owner is not responsible for the location of the Southern Red Cedar tree on the property.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Yes. Granting a variance to building setbacks in order to preserve a Southern Red Cedar tree is not contrary to the public interest, will not adversely affect other property in the vicinity and is in harmony with the spirit, intent and purpose of this section.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required front and side yard setbacks in Residential, single-family-two (RS-1) zoning at **18 Solano Avenue / PIN 220770-0000**.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0110

Receipt Number: 2165898 Meeting Date: Sept. 7, 2021

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Stephanie Burge Lewis (Luke) Burge Contact Number: 904 806-2736
904-806-1242
 Business (if applicable): _____
 Address: 18 Solano Ave. City: St. Aug. State: FL Zip: 32080
 E-Mail Address: Luke@firstfinancialadvisors.us.com
2. NAME OF PROPERTY OWNER: Stephanie Burge Lewis (Luke) Burge Contact Number: Luke 904 806-1242
 Business (if applicable): _____
 Address: Same as above City: St. Aug. State: FL Zip: 32080
 E-Mail Address: Same as above
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 42 Block: 48
 Subdivision: Davis Shores Parcel Number: _____
4. PROJECT STREET ADDRESS: 18 Solano Ave.
5. SPECIFIC PROPOSED USE: Mother in law Unit
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED:
Property owner is requesting a reduction in Setback
allowance from north neighboring property line of 4 feet
and back property line of 4 feet.
North-12 foot Setback
Back-18 foot Setback
8. JUSTIFICATION FOR ACTION REQUESTED: Request for
Reduction in Setback is
due to obstructing Cedar tree.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

Cedar tree.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: yes. The Cedar tree is not a problem if we can reduce the setbacks.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: yes. Being that we have a Cedar tree that cannot be removed, we have a disadvantage.

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: yes. Both neighbors have given permission.
(see letters attached)

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

X Stephan Bursch
X Rein W Bursch

Signature of Applicant

Date

7/28/21

X Stephanie Bursch
X Rein W Bursch

Signature of Property Owner

Date

7/28/21



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2207700000
Location Address	18 SOLANO AVE SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores South (590)
Tax Description*	3-101 DAVIS SHORES N PT OF LOT 41 & ALL LOT 42 & S PT LOT 43 BLK 48 83FT ON SOLANO AVENUE OR1823/1196 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.290
Homestead	Y

Owner Information

Owner Name	Burge Lewis W Jr,Stephanie 100%
	Burge Stephanie 100%
Mailing Address	18 SOLANO AVE SAINT AUGUSTINE, FL 32080-4548

Map



Valuation Information

	2021
Building Value	\$141,741
Extra Features Value	\$1,814
Total Land Value	\$189,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$332,755
Total Deferred	\$169,460
Assessed Value	\$163,295
Total Exemptions	\$50,000
Taxable Value	\$113,295

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$124,999	\$1,928	\$170,280	\$0	\$0	\$297,207	\$161,040	\$186,167	\$111,040
2019	\$107,172	\$2,041	\$170,280	\$0	\$0	\$279,493	\$157,419	\$172,074	\$107,419
2018	\$52,969	\$2,208	\$170,280	\$0	\$0	\$225,457	\$133,918	\$141,539	\$83,918
2017	\$55,196	\$234	\$153,725	\$0	\$0	\$209,155	\$128,977	\$130,178	\$78,977
2016	\$64,394	\$53	\$153,725	\$0	\$0	\$218,172	\$148,194	\$119,978	\$98,194
2015	\$67,023	\$53	\$118,250	\$0	\$0	\$185,326	\$147,164	\$88,162	\$97,164
2014	\$65,554	\$53	\$99,330	\$0	\$0	\$164,937	\$145,996	\$68,941	\$95,996
2013	\$68,028	\$53	\$80,410	\$0	\$0	\$148,491	\$143,838	\$54,653	\$93,838
2012	\$70,502	\$53	\$70,879	\$0	\$0	\$141,434	\$141,434	\$50,000	\$91,434
2011	\$72,975	\$53	\$78,754	\$0	\$0	\$151,782	\$151,782	\$50,000	\$101,782
2010	\$74,212	\$53	\$87,505	\$0	\$0	\$161,770	\$161,770	\$50,000	\$111,770

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2679	Roof Cover	Composite Shingle
Conditioned Area	1942	Interior Flooring	Sheet Vinyl
Actual Year Built	1954	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Concrete Block, Concrete Stucco	Baths	2
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Concrete Stucco	90%
Exterior Wall	Concrete Block	10%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Sheet Vinyl	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
FINISHED OPEN PORCH	0	168
BASE AREA	1942	1942
UNFINISHED GARAGE	0	312
FINISHED OPEN PORCH	0	257
Total SqFt	1942	2679

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	25
Patio	0	0	0	0	630

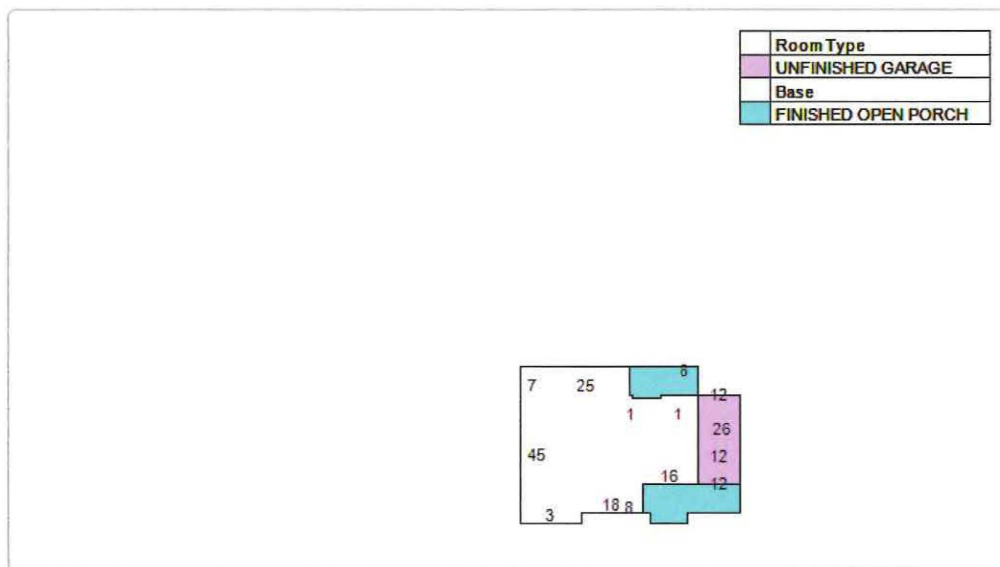
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	86	160	86	EF	\$189,200

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	9/26/2002	\$189,500.00	WARRANTY DEED	1823	1196	Q	I	PETKO CHARLES,DORETTA J	BURGE LEWIS W JR & STEPHANIE
	1/10/1996	\$99,900.00	WARRANTY DEED	1151	633	Q	I	INTERVAL SUNSTATE MARKETING	PETKO CHARLES,DORETTA J
	12/8/1995	\$79,000.00	WARRANTY DEED	1151	632	Q	I	MOUND GARY JOHN,JANE ANN	INTERVAL SUNSTATE MARKETING
	8/14/1991	\$89,900.00	WARRANTY DEED	905	1512	U	I	INTERVAL SUNSTATE MARKETING INC	MOUND GARY JOHN,JANE ANN
	6/1/1991	\$47,500.00		899	1886	Q	I		INTERVAL SUNSTATE MARKETING INC

Sketch Information



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Version 2.3.136



Overview



Legend

□ Parcels

Parcel ID	2207700000	Physical Address	18 SOLANO AVE	Building Value	\$141,741	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$1,814	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	BURGE LEWIS W JR,STEPHANIE	Total Land Value	\$189,200	9/26/2002	\$189,500	01	Q
Acres	0.29		18 SOLANO AVE	Just Value	\$332,755	1/10/1996	\$99,900	01	Q
			SAINT AUGUSTINE FL 32080-4548	Total Deferred Assessed Value	\$169,460				
				Total Exemptions	\$50,000				
				Taxable Value	\$113,295				

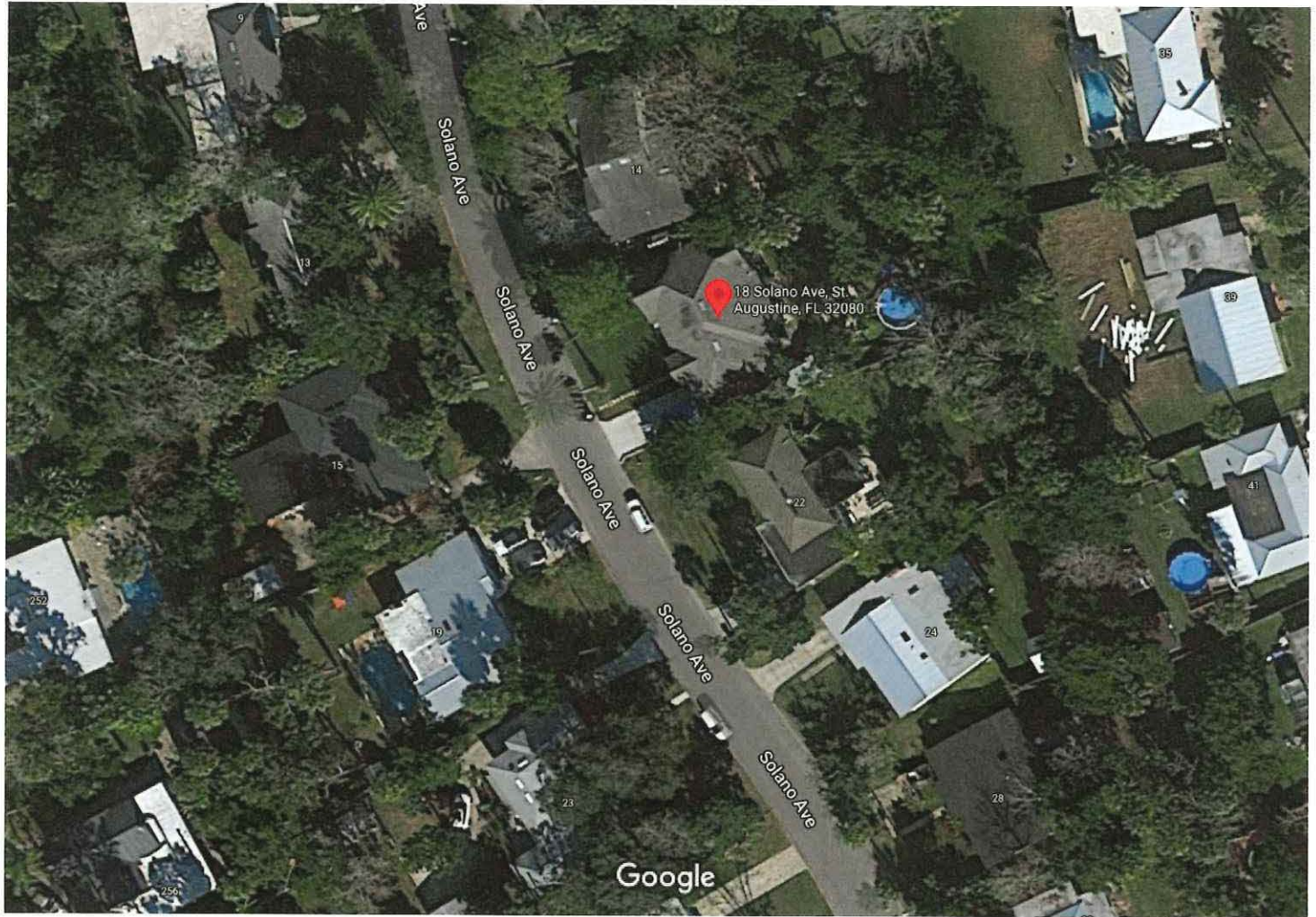
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Date created: 7/29/2021

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Google Maps 18 Solano Ave



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 20 ft



18 Solano Ave

Building



Directions



Save



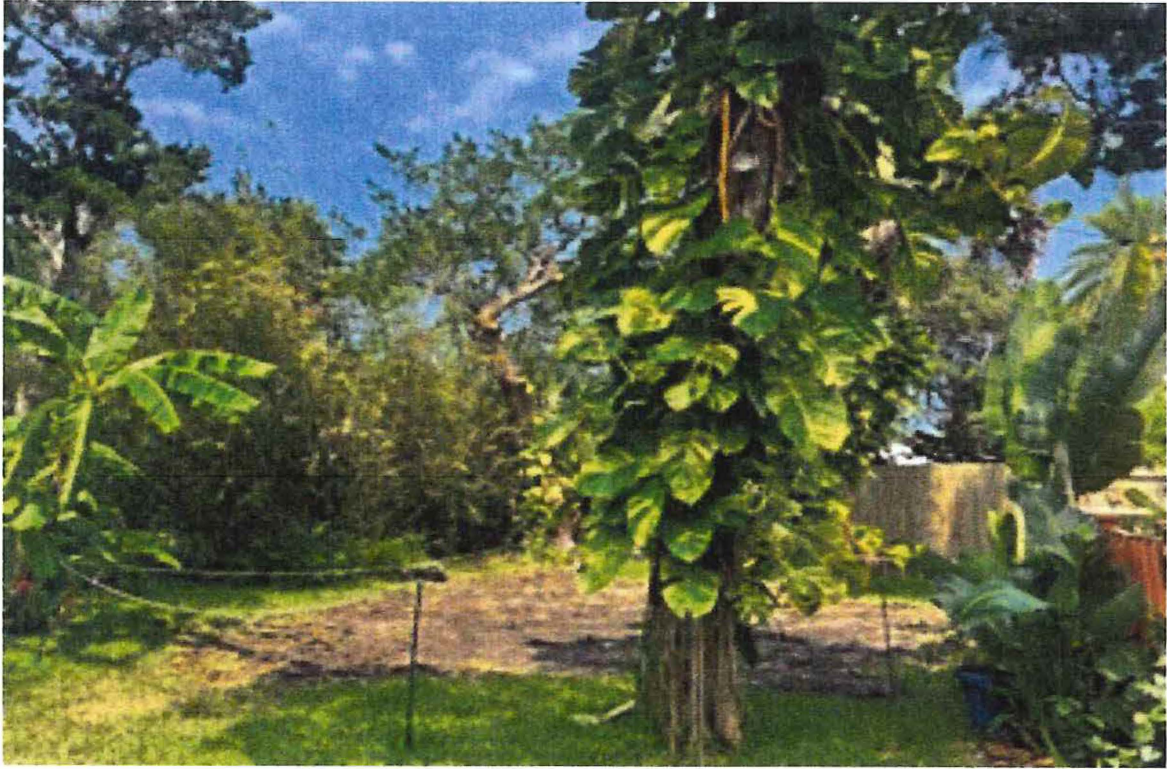
Nearby

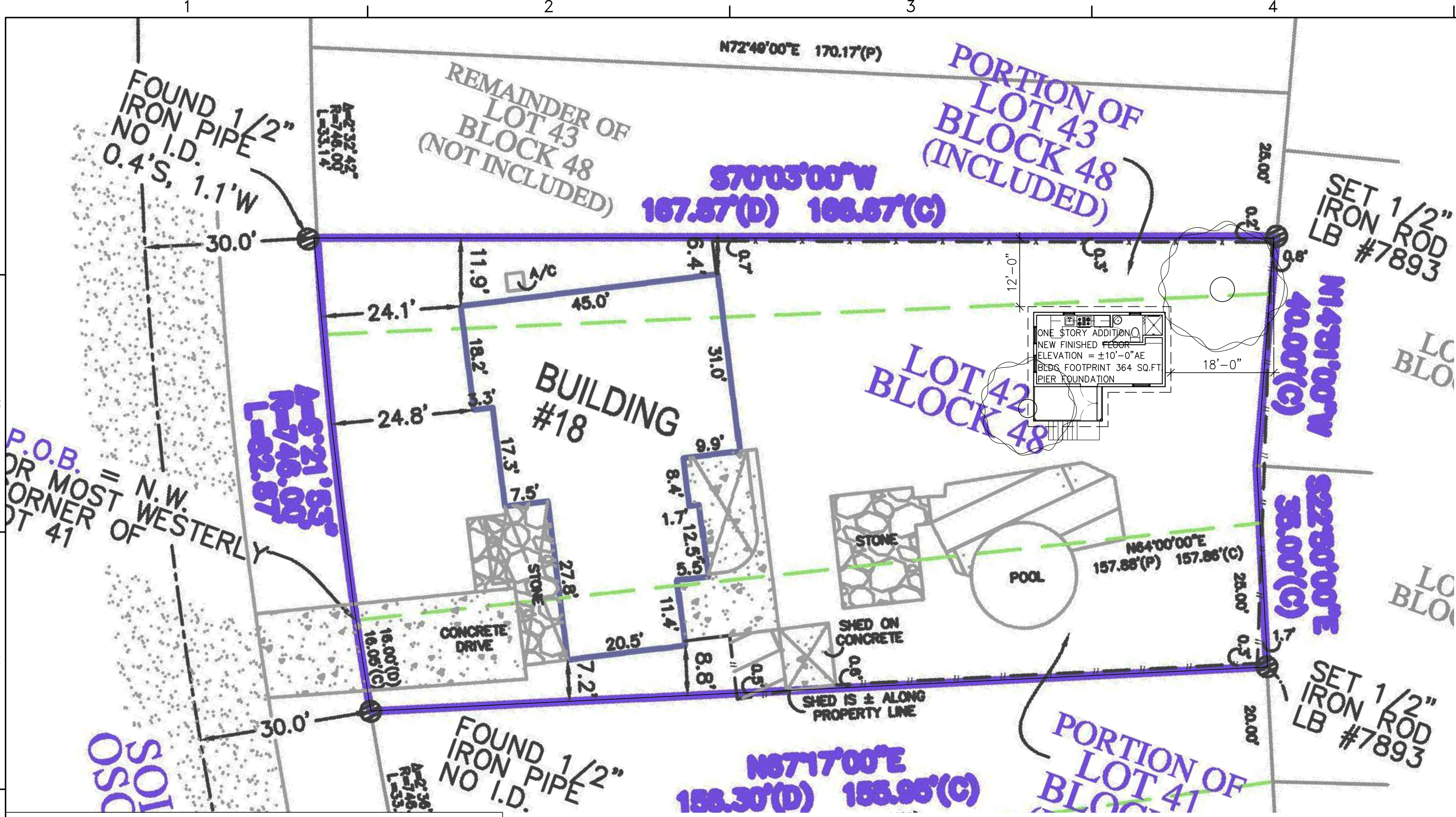


Send to your
phone



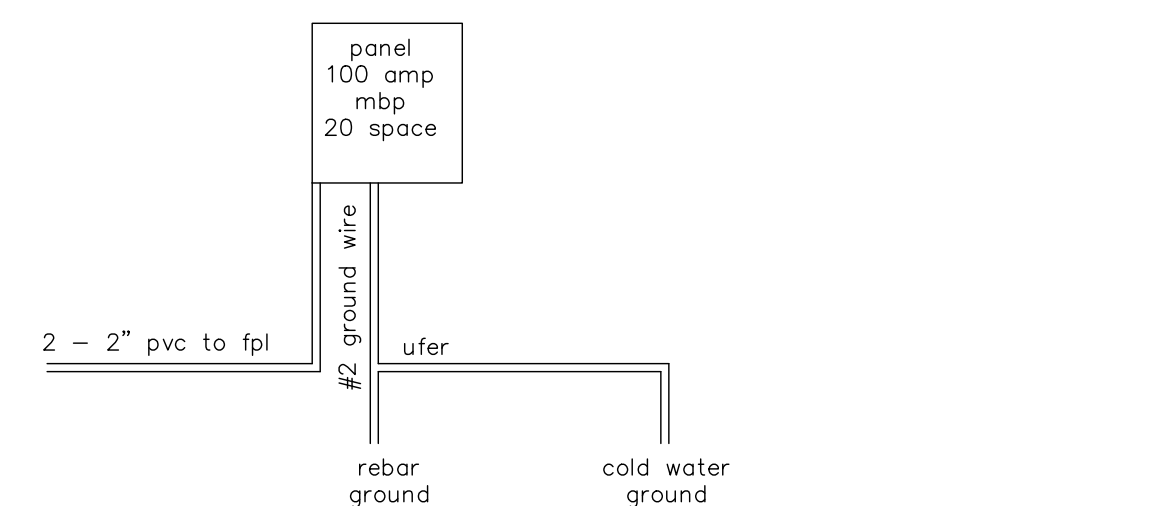
Share



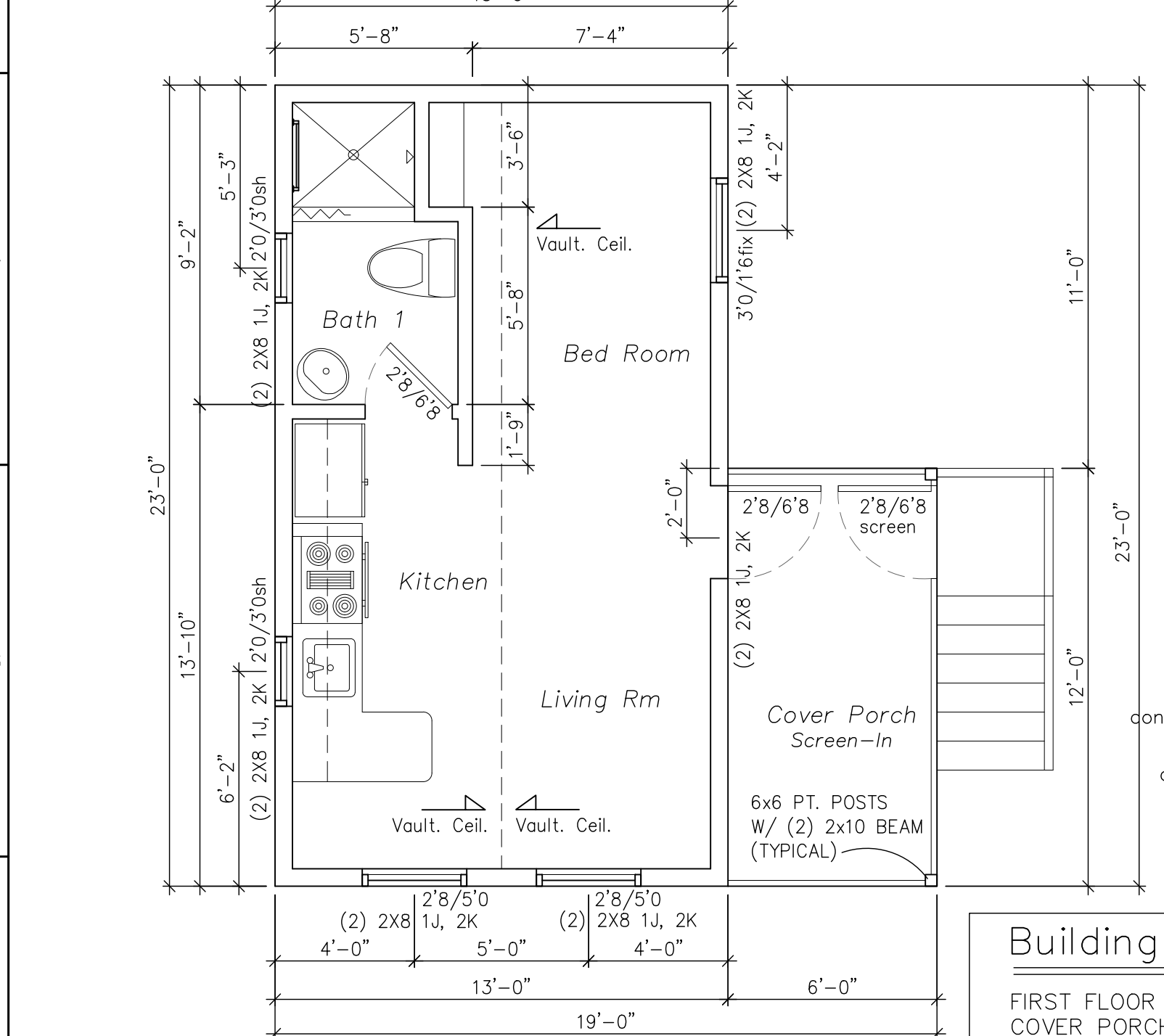


- NOTE:
1. LIGHTS, FANS, SMOKE DETECTORS, A/C SUPPLIES & RETURN AIRS TO BE PLACED ON CENTERLINES OF DOORS, WDWs & HALLWAYS, TYP UNO
 2. THE ELECTRIC SWITCH AND RECEPTACLE LOCATION ON THIS DRAWING MAY NOT BE ACCURATE. SEE OWNER FOR EXACT LOCATION AND QUANTITY.
 3. CONTRACTOR TO PROVIDE ALL NECESSARY BLOCKING FOR ALL ACCESSORIES SCHEDULED
 4. CONTRACTOR TO SUBMIT SAMPLES OR PRODUCT LITERATURE FOR ACCESSORIES TO OWNER FOR HIS REVIEW & APPROVAL PRIOR TO ORDERING. FAILURE TO MEET THIS REQUIREMENT COULD RESULT IN REJECTION.
 5. SEAL ALL MIRROR EDGES.
 6. ALL EXTERIOR OUTLETS, KITCHENS, BATHROOMS AND ALL OUTLETS WITHIN 6'-0" OF A WATER SOURCE SHALL BE G.F.I.
 7. ALL BEDROOM, KITCHEN, DINING ROOM, FAMILY ROOM, LAUNDRY ROOM AND HALLWAY OUTLETS ARE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER AND TAMPER-RESISTANT.

Proposed Site Plan
SCALE: 1/16"=1'-0"



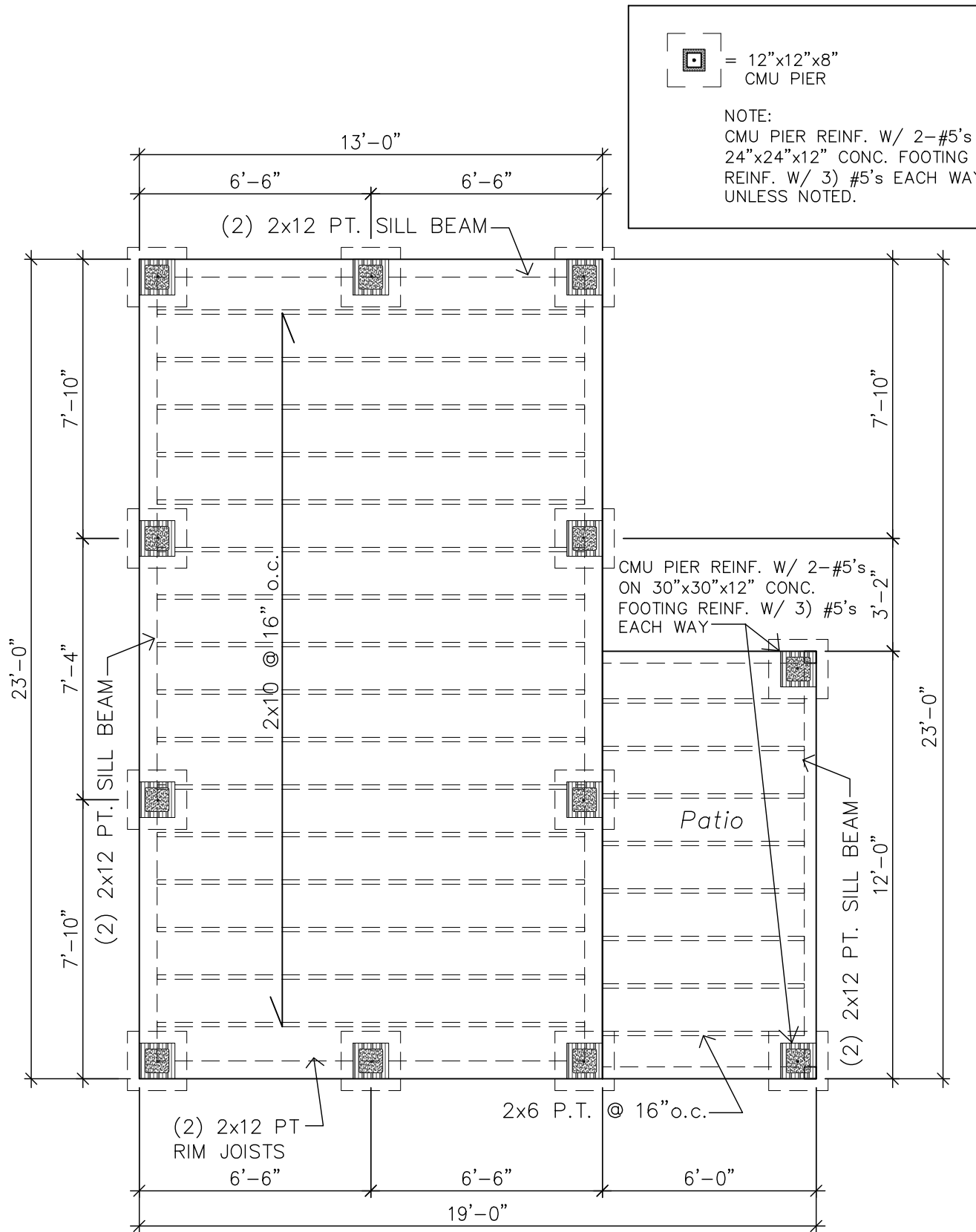
note: all equipment shall have aic rating of 22,000 rms
ELECTRICAL RISER DIAGRAM NTS



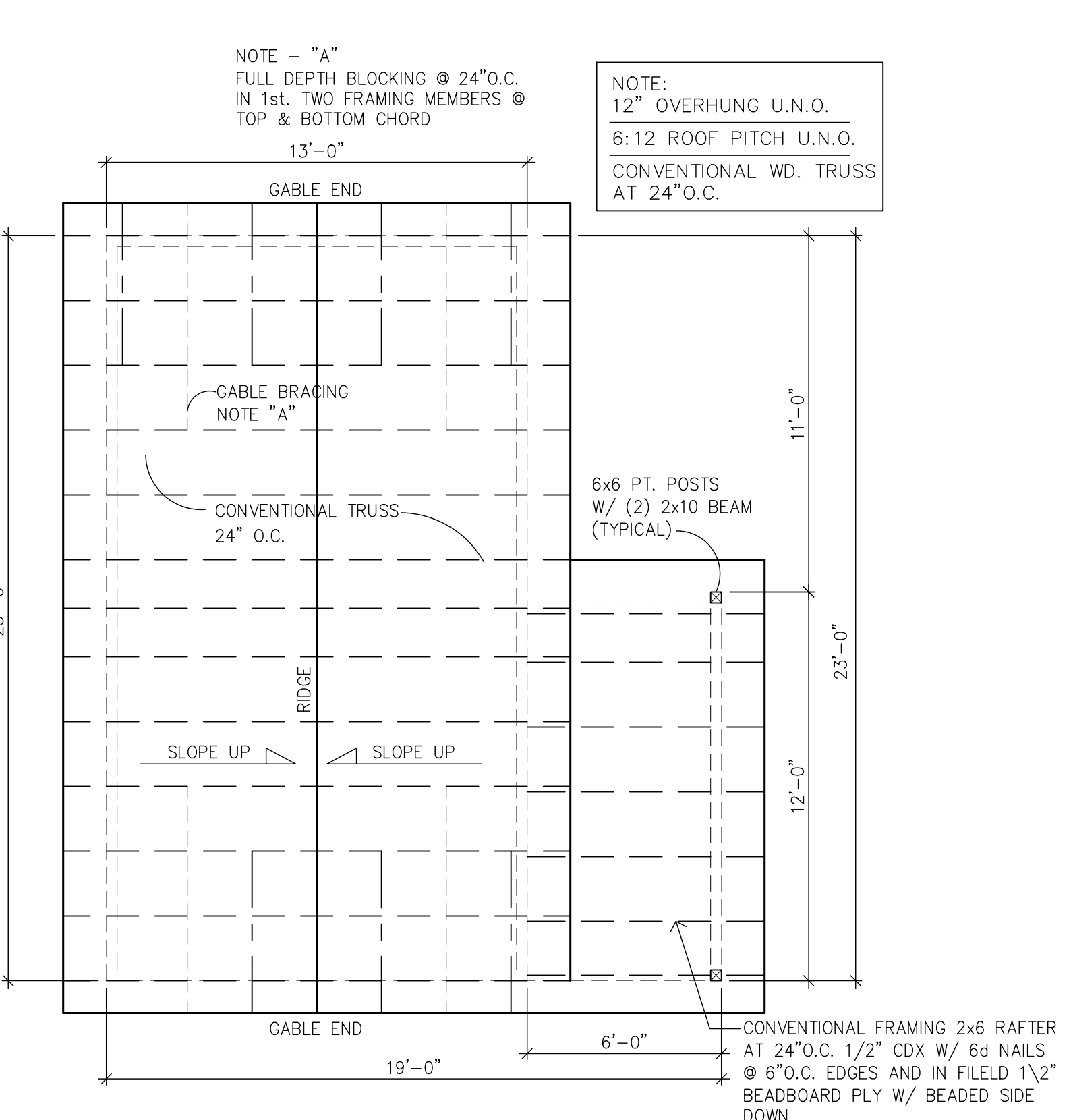
Building Area Calculation

FIRST FLOOR	312 sf a/c
COVER PORCH	52 sf u/c
TOTAL	364 sf

Elec. Plan
SCALE: 1/4"=1'-0"



Foundation Plan
SCALE: 1/4"=1'-0"



Roof Plan
SCALE: 1/4"=1'-0"

CODE REQUIREMENTS

7TH EDITION (2020) FLORIDA RESIDENTIAL BUILDING CODE
7TH EDITION (2020) FLORIDA EXISTING BUILDING CODE
2017 NATIONAL ELECTRIC CODE
NOTE: BUILDING DEIGN IS ENCLOSED

Lot Coverage Percentage

TOTAL LOT SQ. FT.	12,782 SQ. FT.
EXISTING BUILDING SQ. FT.	2,679 SQ. FT.
ADDITION BUILDING SQ. FT.	370 SQ. FT.
TOTAL LOT COVERAGE	23.86% MAX 25%

LOT SET BACK
FRONT AND BACK 20 FT
SIDE 15 FT

SYMBOL LEGEND

\$	SWITCH, SINGLE POLE
⊕	DUPLEX RECEPTACLE
⊕WP	WEATHERPROOF RECEPTACLE
⊕GFI	GROUND FAULT
⊕SP	SPECIAL PURPOSE CONN
⊕E	ELECTRIC PANEL
⊕T	TELEPHONE RECEPTACLE/DATA - RJ6
⊕TV	TELEVISION JACK
⊕X	EXHAUST FAN
⊕S	FAN & LIGHT
⊕S	SMOKE DETECTOR
⊕K	FLOODLIGHT - MOTION DETECTED

Basic Design Parameters

Floor and Roof Live Loads

Uninhabitable Attics:	20 psf
Habitable Attics, Bedroom:	30 psf
All Other Rooms:	40 psf
Garage:	40 psf
Roofs:	20 psf

Wind Design Data

Risk Category - II
Wind Speed: Zone - 132 mph (3-second gust)
Nominal Wind Speed - 102 mph
Exposure - "C"
Enclosure Classification - Enclosed
Importance Factor = 1.0
Internal Pressure Coefficient = ±0.18
Opening Protection Required

Geotechnical Infomation

Design Soil Load-bearing Capacity: 2,000 psf

Flood Desing Data

Flood Zone: AE 9'
Elevation of Lowest Floor: 9.00 NAVD

Components & Cladding Design Pressures:

Roofing Zone 1: 22.2 psf max., 24.2 psf min.
Roofing Zone 2: 22.2 psf max., 28.3 psf min.
Roofing Zone 3: 28.3 psf min.
Roofing at Zone 2 Overhangs: 41.0 psf min.
Roofing at Zone 3 Overhangs: 41.0 psf min.

Stucco, Cladding, Doors & Windows:

Zone 4: 24.2 psf max., 26.2 psf min.
Zone 4: 24.2 psf max., 32.4 psf min.
End Zone Width: 4.00 ft.

opening type	design pressure (psf)	
	+ (positive)	- (negative)
operable windows		
fixed glass		
store fronts		
glass blocks(>10 s.f.)	24.2	31.1
swing doors(>20 s.f.)	33.7	36.7
sliding glass doors(>50 s.f.)	31.6	39.8
garage doors less than 16' wide (>50 s.f.)	31.6	39.8
garage doors (7'x16" & larger)(>100 s.f.)	30.0	36.7

DIXON
Design Studio LLC
ARCHITECTS
182 BLANCO STREET
ST. AUGUSTINE, FL 32084
(904) 829-9277



NAME: NICOLE STEARLEY AR96614
LIMITATION OF WARRANTY OF ARCHITECTS
WORK PRODUCT
The Architect and his Consultants do not warrant or guarantee the accuracy and completeness of the work product herein beyond a reasonable diligence. If any errors, omissions or discrepancies are found to exist within the work product, the Contractor shall promptly notify the Architect in writing of such errors, omissions or discrepancies prior to proceeding with any work which appears in question. In the event of the Contractor's failure to give such notice, he shall be held responsible for the results of any such errors, omissions or discrepancies and the cost of rectifying the same. The Contractor shall type all items or details clarified with the Architect prior to submitting a bid, otherwise the Architect's interpretation shall be final. Failure to promptly notify the Architect of such conditions shall disallow the Architect/owner from any responsibility for the consequences of such failure.
Actions taken without the knowledge and consent of the Architect, or in contradiction to the Architects work product or recommendations shall become the responsibility, not of the Architect, but of the parties responsible for taking such action.
Written dimensions shall have precedence over scale dimensions.
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Burge Residence Mother In-law Suite Addition

18 Solano Ave. • St. Augustine, FL 32080

DRAWING

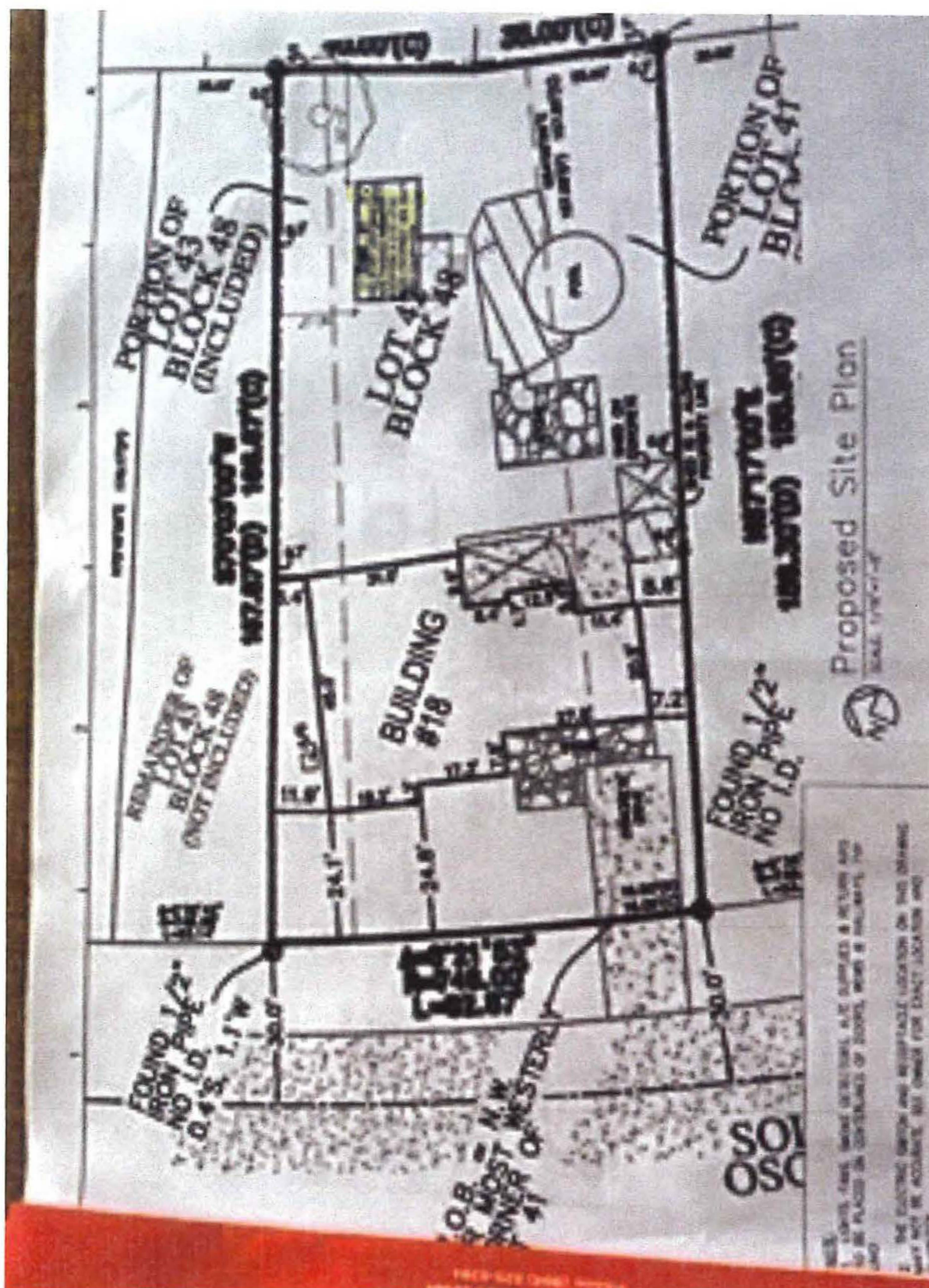
NO.	DRAWING TYPE	DATE
1	PLAN REVIEW SET	06/08/21
2	PLAN/ELEVATIONS REVIEW SET	06/28/21
3	PERMIT SET	07/21/21
4	SITE PLAN REV.	08/6/21
5		
6		
7		
8		
9		
10		

REVISION

NO.	DATE OF REVISION

PROJECT: 21-0606
FILE: -
DRAWN BY: RCF

A1.1



Dr. J. H. B. de Vries

10

SCALE: 3/4"=1'-0"

1571-1580

1000



NOTICE
A PUBLIC HEARING CONCERNING
ON THIS
PROPERTY WILL BE HELD BY THE
BOARD
OF THE CITY OF ST. AUGUSTINE
ON
TELEPHONE 825-1065
INFORMATION ON #

08/17/2021 15:11

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2021-0107**

AGENDA ITEM	6(a)
APPLICANT	Jennifer Coffindaffer
OWNER	Jennifer Coffindaffer
LOCATION	87 Dolphin Drive / PIN 219920-0000
REQUEST	Conservation Overlay Zone 1 Approval to Re-Build/Modify a dock.
LAND USE	Residential Low Density
ZONING	Residential Single Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the

87 Dolphin Drive / PIN 219920-0000
Staff Report and Recommendation

comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to add an additional 881 square feet of new dock at 87 Dolphin Drive. Included in the proposed new 881 square feet of dock is a boat lift and floating dock portion.

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

The proposed dock will be located on a dredged canal.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The proposed dock will extend out into a dredged canal located off the Matanzas River/ICW (figure 1). There are several other docks of similar size and length within the immediate vicinity and the proposed dock will not impede anyone else's ability to construct a dock.

- (3) Natural and proposed drainage patterns.

The proposed dock will have no impact on existing drainage patterns.

- (4) Effect of point and nonpoint discharge in the marine environment.

Point and nonpoint discharge from the proposed, minimal single-family dock and its use will be negligible. The proposed dock will only house one boat. No fish cleaning station will be placed on the dock.

- (5) Proposed soil stabilization and erosion control methods.

All necessary silt screens and/or turbidity barriers will be employed during construction.

- (6) Impact on floodplain.

No impact to the floodplain will occur with the proposed dock.

- (7) Impact of development on vegetative and animal communities.

No impact to vegetative or animal communities will occur with the proposed dock.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

No contaminated drainage will occur. Additionally, the storage and use of poisonous chemical or materials will not occur with the proposed dock.

- (9) Effect of shade on vegetation and shellfish.

The access pier will be constructed 5' over the water with 1/4 inch spacing between the deck boards. This will allow any future/potential vegetative to persist under the dock. Additionally, according to the applicant, all efforts will be made to avoid shellfish beds.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

The proposed dock will only house one (1) propeller boat. The boat wake will have a negligible effect on manatees, vegetation, shellfish, wildlife, or shoreline erosion.

- (11) Impact of development on shoreline by linear feet and percent of site.

The proposed dock will impact 5' of the existing 120' of shoreline which has an existing bulkhead.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Due to the orientation of the subject property, the proposed dock will be in the view corridor of the subject property only. The proposed dock will extend +-55' out into the

waterway and will be built as low to the ground as possible to maintain the natural vegetation under the dock. The length will be consistent with the adjacent docks.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

There will be no loss of plant and animal habitat with the proposed dock.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

There will be no impact on water quality with the proposed dock.

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Impacts to the development of shellfish, fisheries and waterfowl will be negligible.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels.

The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The proposed dock will adhere to all conditions outlined above.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of 881 new square foot of dock within Conservation Overlay Zone 1 at 87 Dolphin Drive / PIN 219920-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

A handwritten signature in cursive script, appearing to read "J. Fredriksson".

Jacob Fredriksson
Senior Planner
Planning and Building Department



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

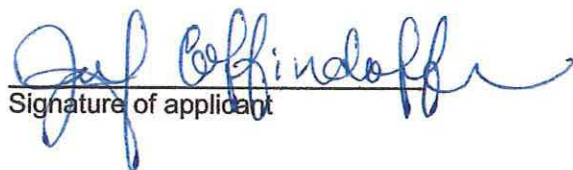
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Jennifer Coffindaffer

Print name of applicant



Signature of applicant

4-24-21

Date



Owner's Authorization For Agent

Brian Spahr is/are hereby authorized TO ACT ON BEHALF
OF Jennifer Coffindaffer, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City of
St. Augustine's Planning & Zoning Board, located at:

BY: Jennifer Coffindaffer
Signature of Owner
JENNIFER COFFINDAFFER
Print Name of Owner
214-235-2630
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 02 day of June, 2021

By Jennifer Coffindaffer

Identification verified:

Oath sworn: ☒ Yes ☐ No



Notary Signature: Shane Jones

My Commission expires: 03-03-2024

**Coffindaffer Dock
87 Dolphin Dr.
Parcel No. 2199200000
17 Point Criteria Summary**

(1) Site specific conditions.

The proposed dock will located on a dredged canal.

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The proposed dock will extend out into a dredged canal located off the Matanzas River/ICW (Figure 1). There are several other docks of similar size and length within the immediate vicinity and the proposed dock will not impede anyone else's ability to construct a dock.

(3) Natural and proposed drainage patterns.

The proposed dock will have no impact on existing drainage patterns.

(4) Effect of point and nonpoint discharge in the marine environment.

Point and nonpoint discharge from the proposed, minimal single family dock and its use will be negligible. The proposed dock will only house one boat. No fish cleaning station will be placed on the dock.

(5) Proposed soil stabilization and erosion control methods.

All necessary silt screens and/or turbidity barriers will be employed during construction.

(6) Impact on floodplain.

No impact to the floodplain will occur with the proposed dock.

(7) Impact of development on vegetative and animal communities.

No impact to vegetative or animal communities will occur with the proposed dock.

(8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

No contaminated drainage will occur. Additionally, the storage and use of poisonous chemical or materials will not occur with the proposed dock.

(9) Effect of shade on vegetation and shellfish.

The access pier will be constructed 5' over the water with ¼ inch spacing between the deck boards. This will allow any future/potential vegetation to persist under the dock. Additionally, all efforts will be made to avoid shellfish beds.

(10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

The proposed dock will only house one (1) propeller boat. The boat wake will have a negligible effect on manatees, vegetation, shellfish, wildlife, or shoreline erosion.

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(12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

Due to the orientation of the subject property, the proposed dock will be in the view corridor of the subject property only. The proposed dock will extend +/-55' out into the waterway and will be built as low to the ground as possible to maintain the natural vegetation under the dock. The length will be consistent with the adjacent docks.

(13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

(14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

There will be no loss of plant and animal habitat with the proposed dock.

(15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

There will be no impact on water quality with the proposed dock.

(16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

Brian L Spahr
424 Peregrine Ct., Jacksonville, Florida 32225
(904) 626-1377

Impacts to the development of shellfish, fisheries and waterfowl will be negligible.

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The proposed dock will adhere to all conditions outlined above.

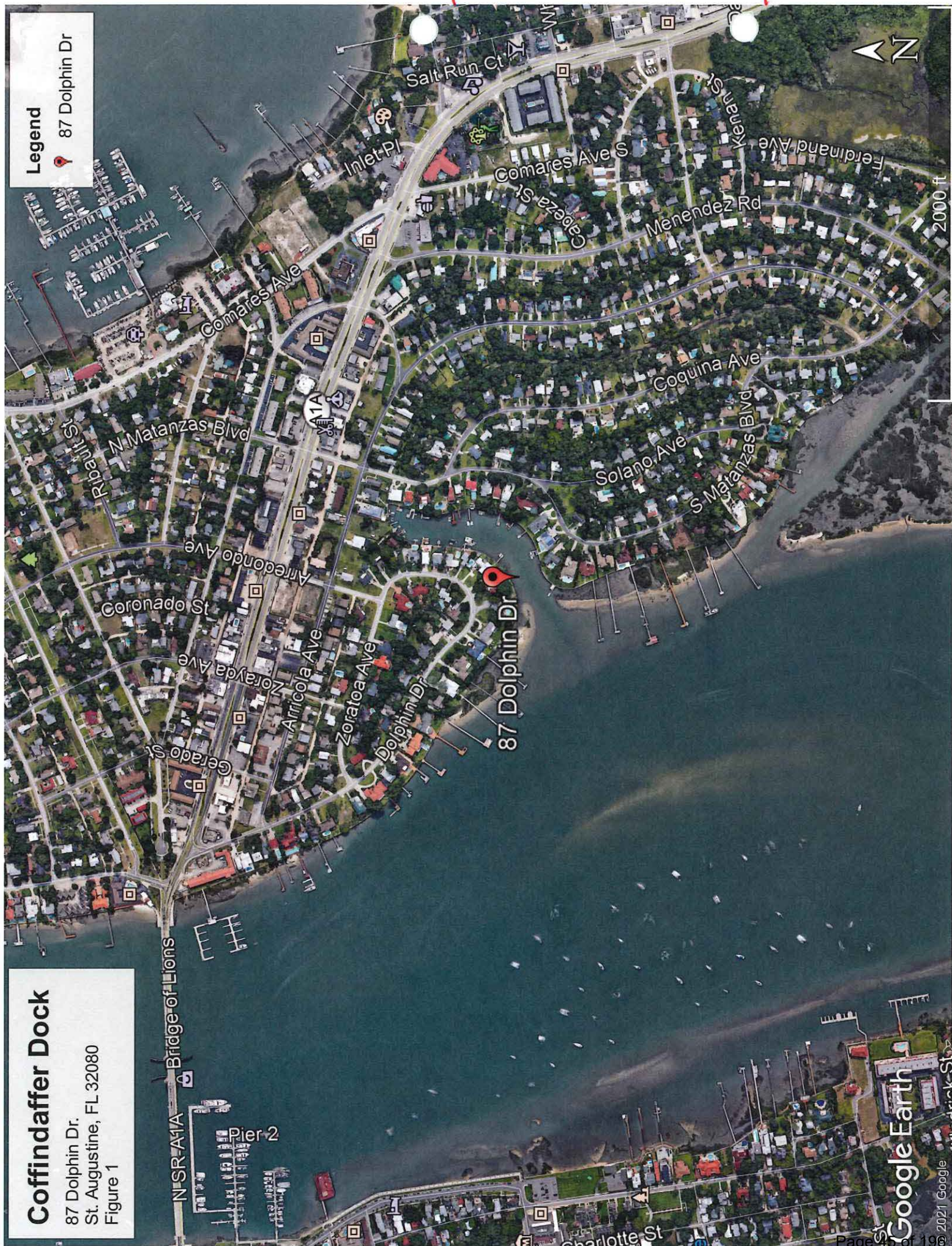
Coffindaffer Dock

87 Dolphin Dr.
St. Augustine, FL 32080
Figure 1

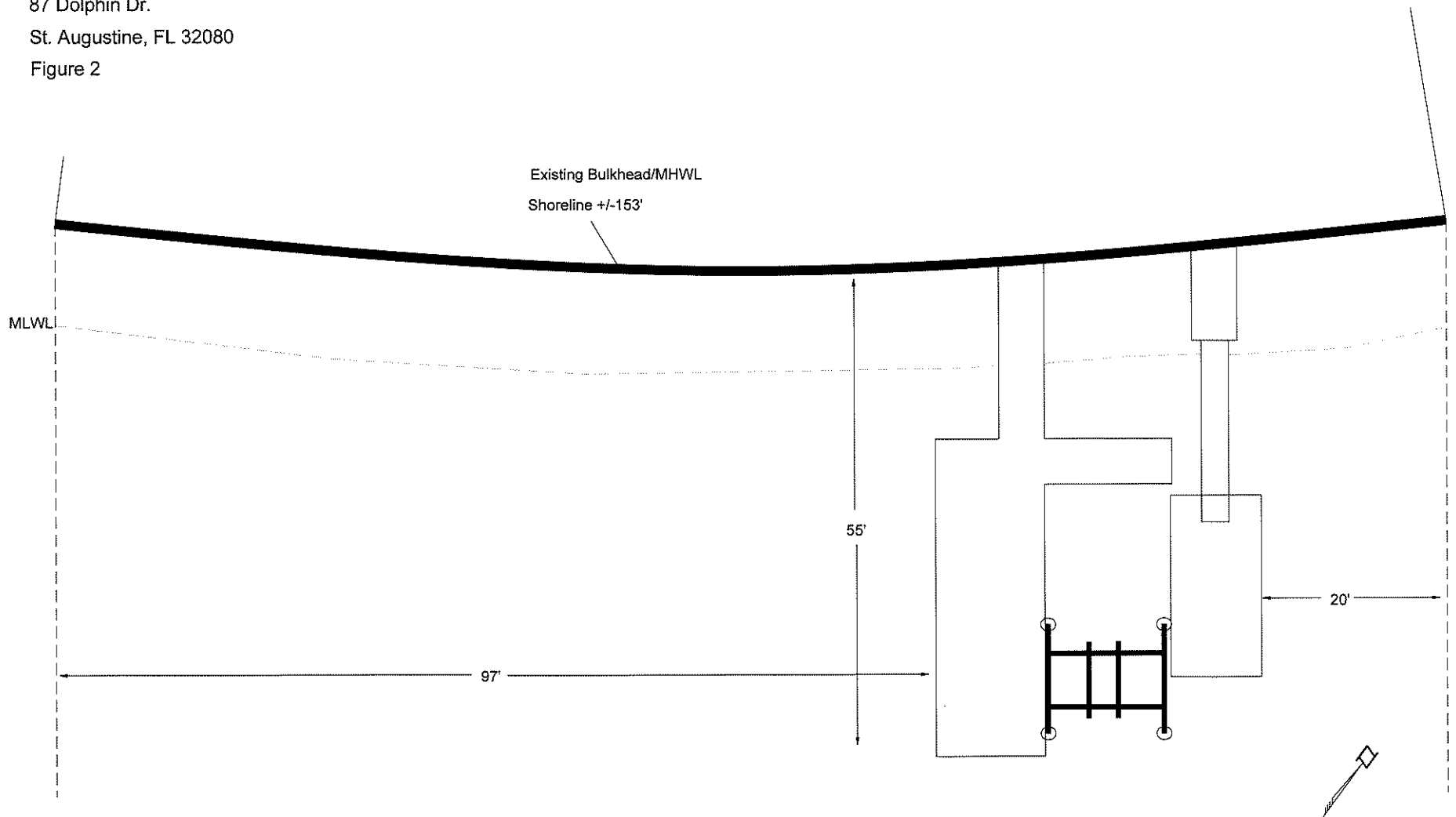
Legend



87 Dolphin Dr



Coffindaffer Dock
87 Dolphin Dr.
St. Augustine, FL 32080
Figure 2



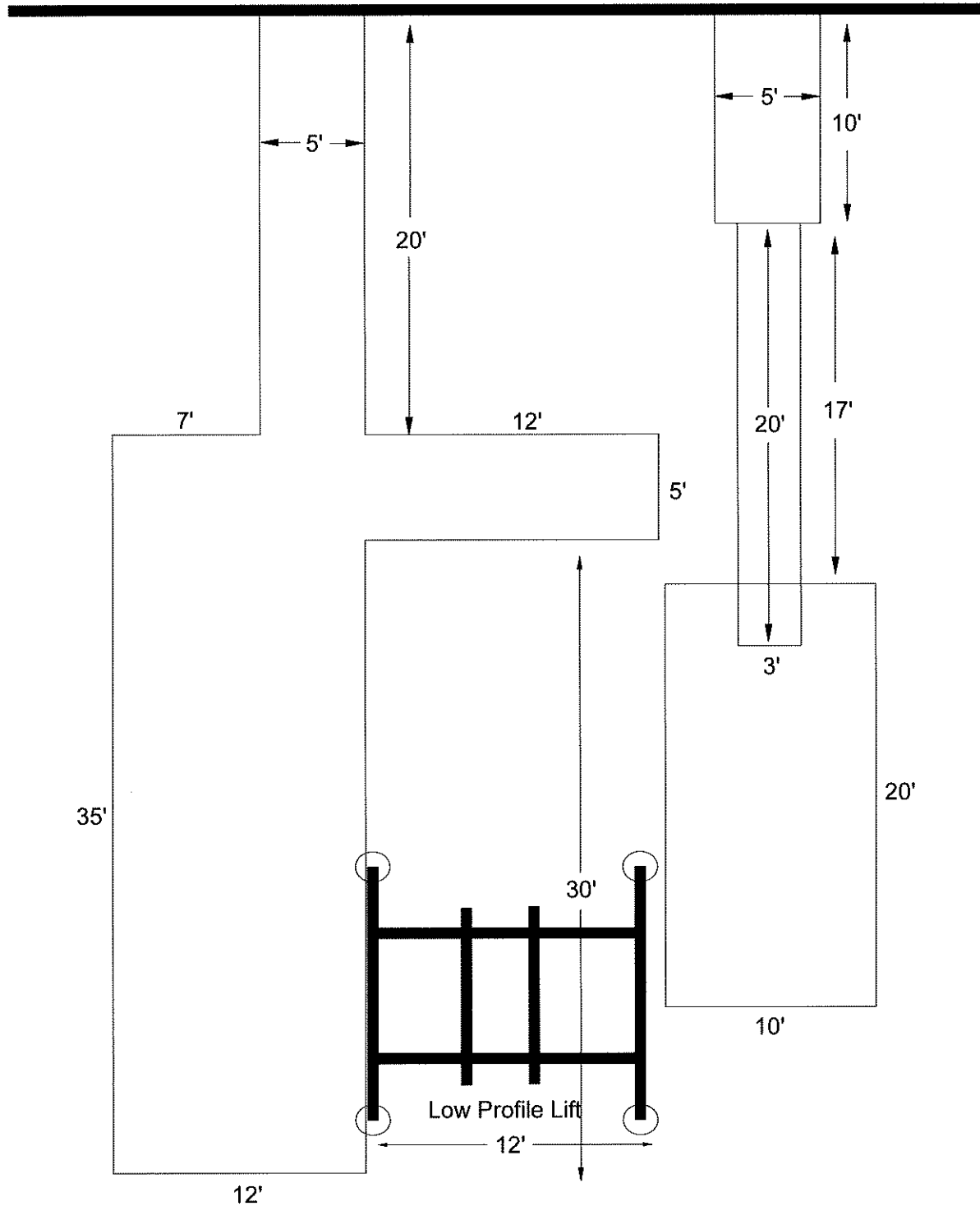
Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 3

Proposed Dock 881 Sq. Ft.

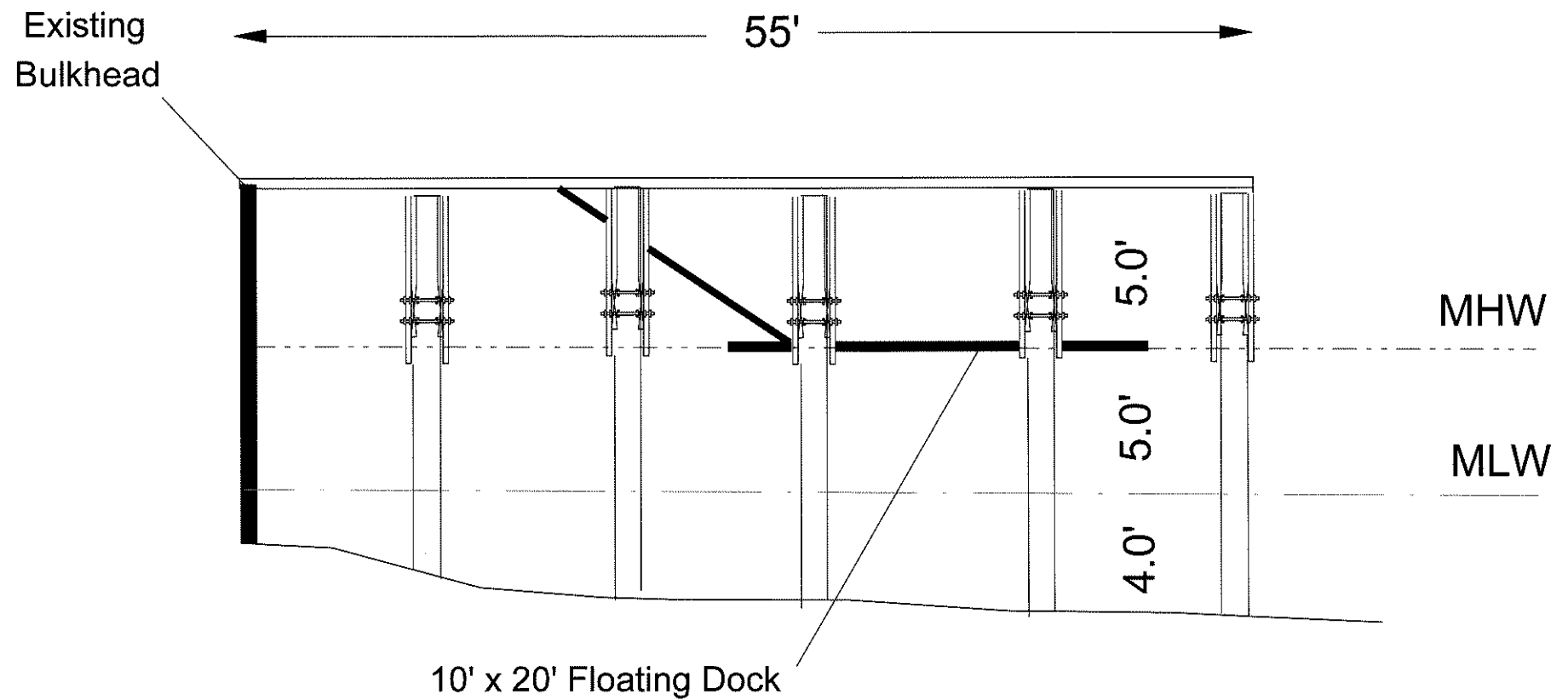


Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 4

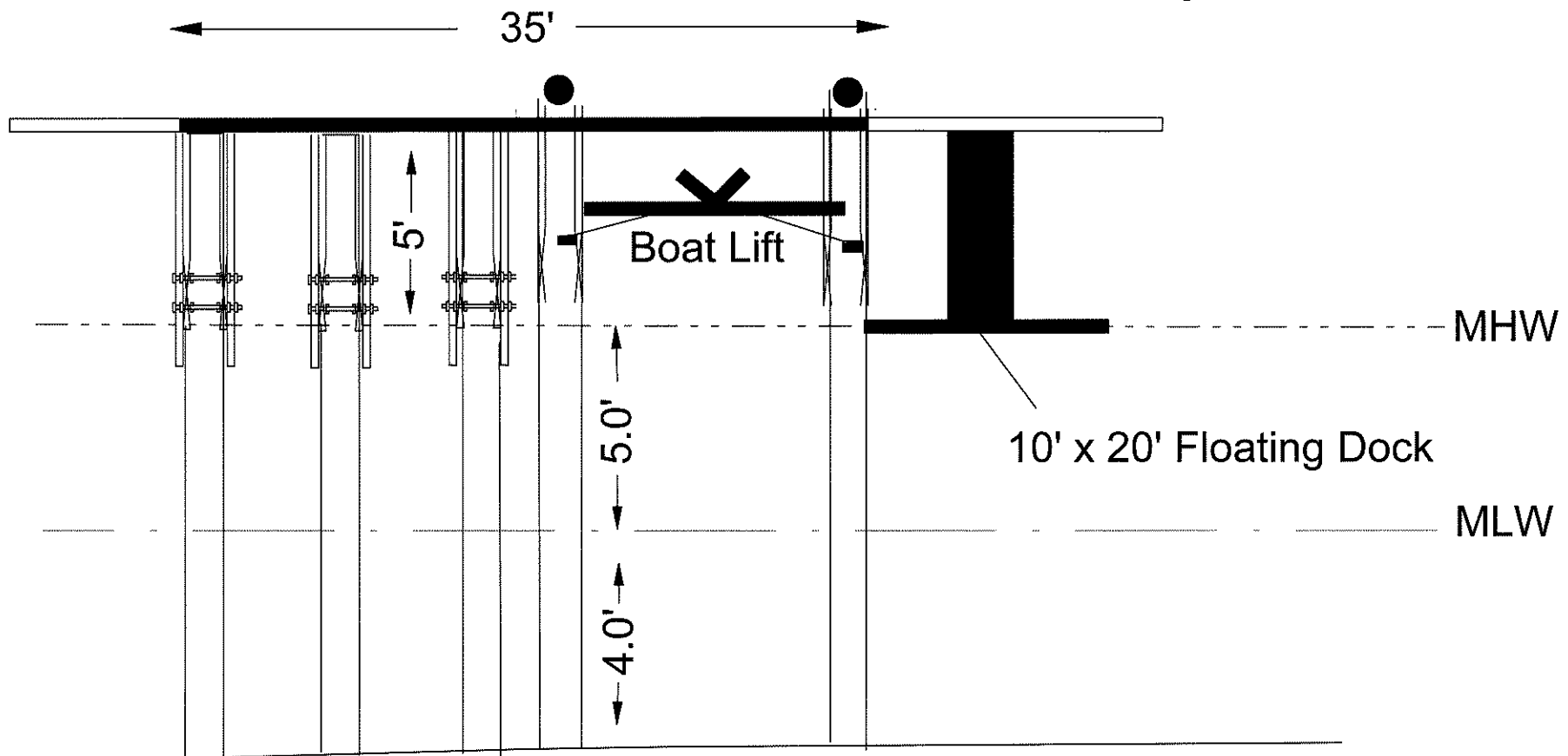


Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 5





FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

April 16, 2021

Jennifer Coffindaffer
87 Dolphin Drive
Saint Augustine, FL 32080
firearmsbeyondinternational@gmail.com

File No.: 55-0401353-001-EE, St. Johns County

Dear Ms. Coffindaffer:

On **March 31, 2021**, we received your request for verification of exemption to perform the following activities:

The permittee is authorized to construct two private residential, single-family dock structures less than 1,000 sq ft. One dock will consist of an access pier, terminal platform, and an uncovered boat lift with catwalk. The second dock includes an access pier and a gangway to a floating platform. The docks will be constructed in a man-made canal leading to the Matanzas River, a Class III Florida Waterbody, not located in an Outstanding Florida Waterbody, not located in an Aquatic Preserve. Authorized activities are depicted on the attached exhibits. The activities authorized by this permit and sovereignty submerged lands authorization are located at 87 Dolphin Drive (parcel ID 219920-0000), Saint Augustine, FL 32080, in Section 17, Township 7 South, Range 30 East in Saint Johns County, at Latitude 29° 53' 17.5776" North, Longitude -81° 17' 58.1460" West.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Megan Collins at the letterhead address or by e-mail at Megan.R.Collins@FloridaDEP.gov or phone at (904) 256-1661.

1. Regulatory Review –Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(c) Florida Administrative Code from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Not required

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kim Pearce
Environmental Consultant

KP:lb:mc

Enclosures:

62-330.051(5)(c) F.A.C.
Section 403.813(1)(i), F.S.
Special Conditions for Federal Authorization for SPGP V-R1
General Conditions for Federal Authorization for SPGP V-R1
Standard Manatee Conditions
Aerial and project drawings, 5 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Brian Spahr, Agent, briansphr@yahoo.com
Thomas Kallemeyn, FDEP NED
Brian Durden, FDEP NED
Kim Pearce, FDEP NED
Lauren Brogley, FDEP NED
Megan Collins, FDEP NED

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

April 16, 2021

Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with Section 403.813(1)(i), F.S., and within residential canal systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

Part V Chapter 403

403.813 Permits issued at district centers; exceptions. —

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(i) The construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways when such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.

Special Conditions for Federal Authorizations for SPGP V-R1

Note: JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at

<http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at

<https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#) from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).
 - d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
 - (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

a. (A.2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A.2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
- (2) (A.2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
- (3) (A.2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

- (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

(2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).
5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
 - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
 - (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#))
 - (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
 - b. For all other Projects,
 - (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
 - (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged

aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).

(4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

- (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,
- (ii) New docks or dock expansions and:
 - (a) within Johnson's seagrass critical habitat; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

- (1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
 - (ii) Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson's seagrass.
- (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the

both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

- (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
 - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
- (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
 - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

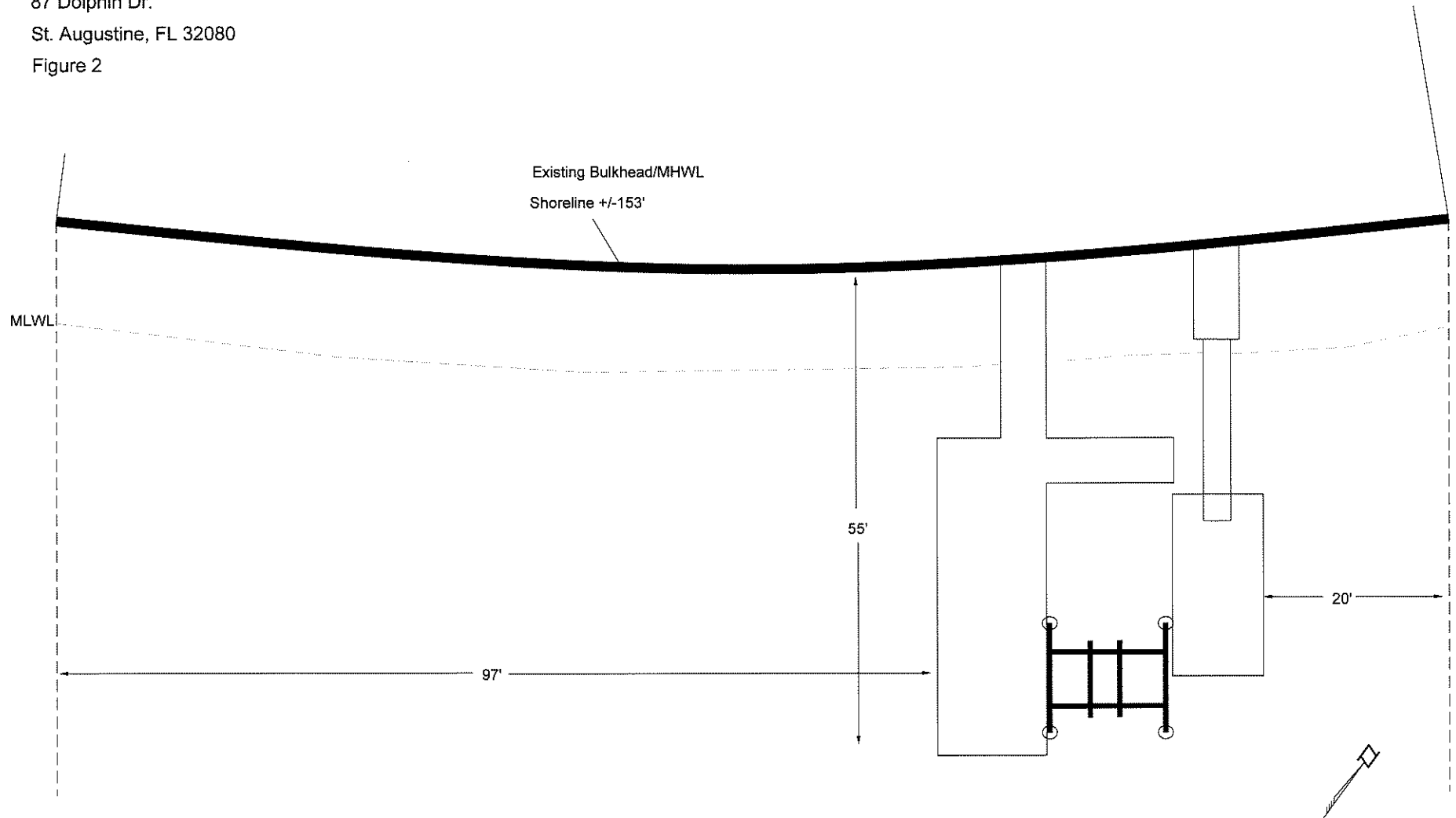


Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 2

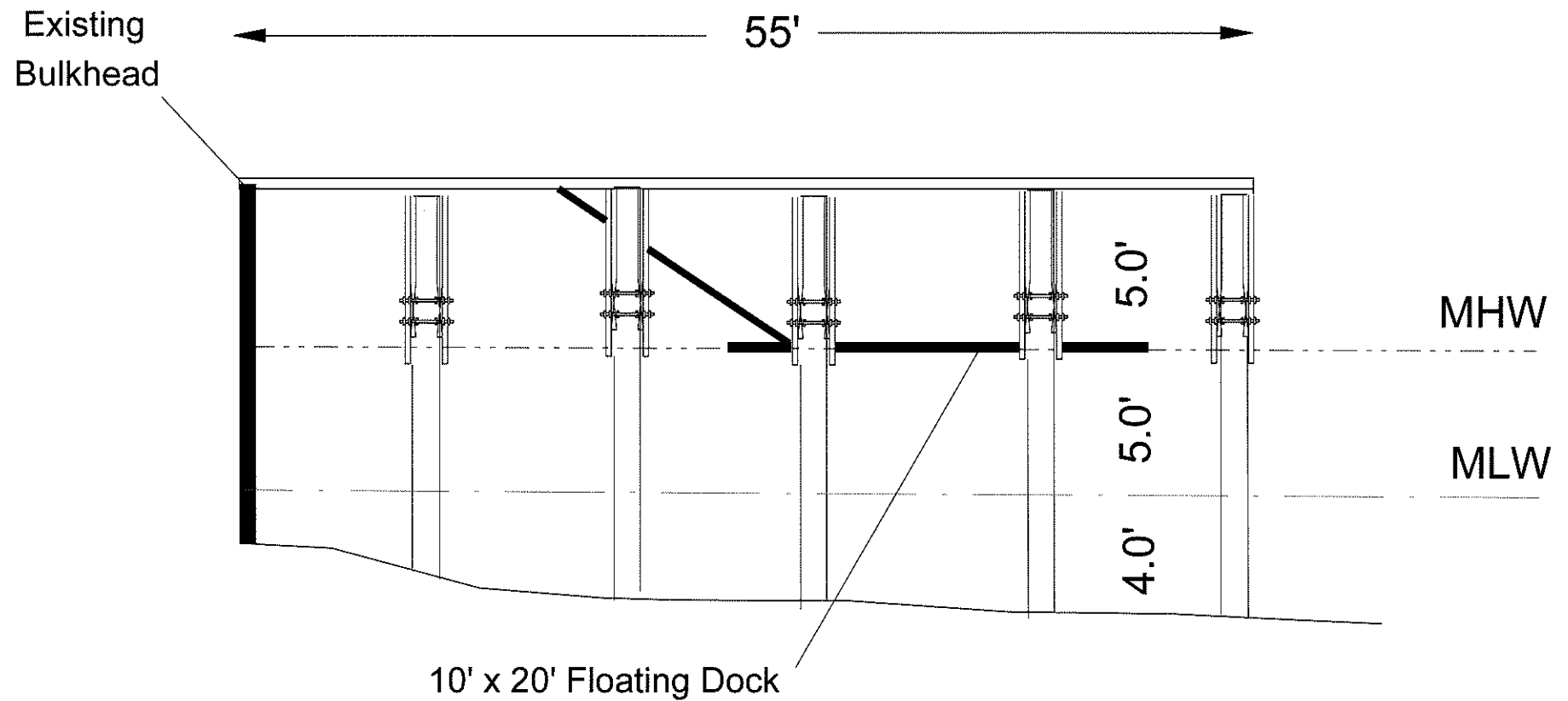


Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 4

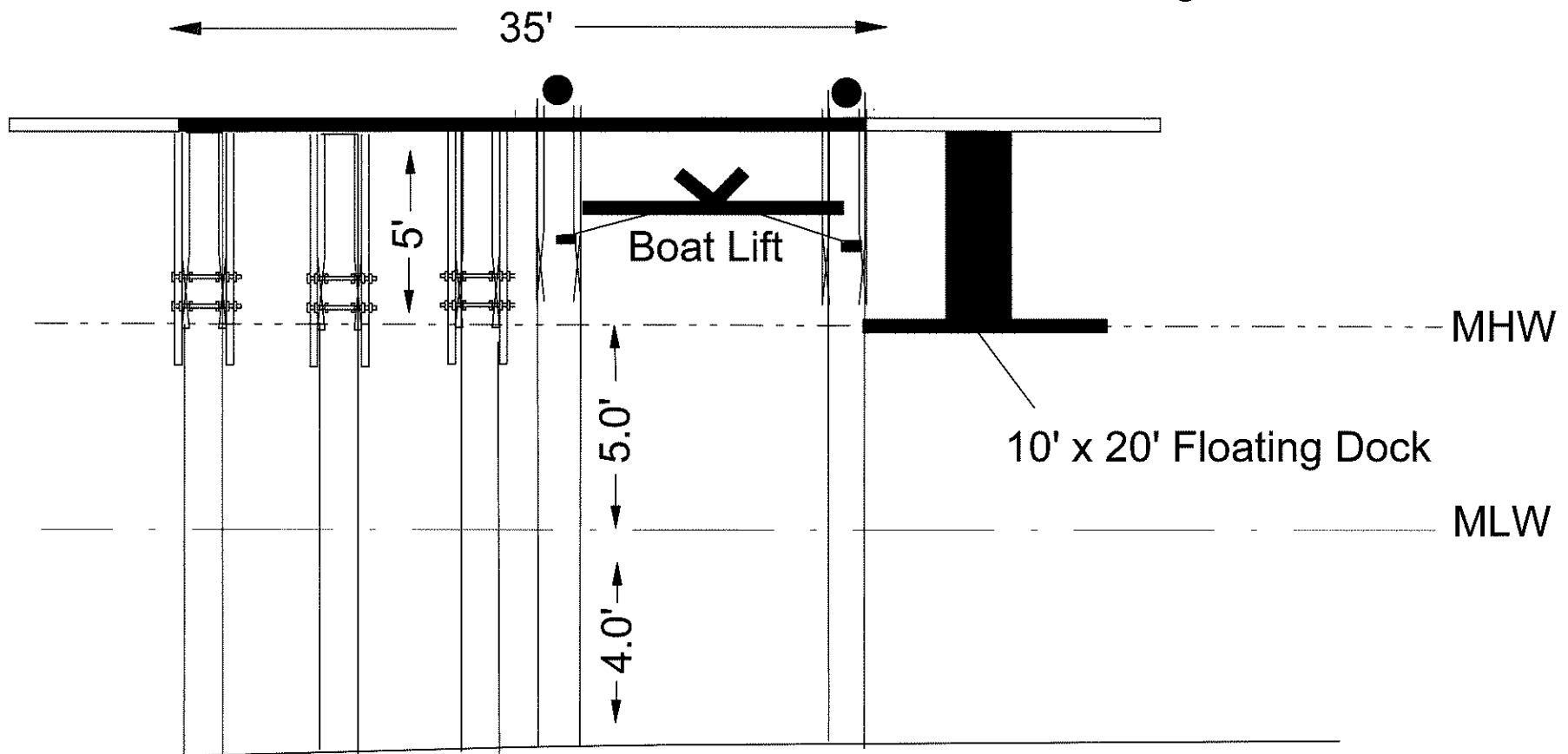


Coffindaffer Dock

87 Dolphin Dr.

St. Augustine, FL 32080

Figure 5





St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2199200000
Location Address	87 DOLPHIN DR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-99 DAVIS SHORES LOTS 24 & 25 BLK 46 OR4902/1839 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.490
Homestead	Y

Owner Information

Owner Name	Coffindaffer Joint Revocable Living Trust D: 07/10/2014 100% Coffindaffer Thaddeus Trustee 100% Coffindaffer Jennifer Trustee 100%
Mailing Address	87 DOLPHIN DR SAINT AUGUSTINE, FL 32080-4530

Map



Valuation Information

	2021
Building Value	\$1,359,138
Extra Features Value	\$34,419
Total Land Value	\$606,825
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$2,000,382
Total Deferred	\$0
Assessed Value	\$2,000,382
Total Exemptions	\$50,000
Taxable Value	\$1,950,382

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$1,377,021	\$35,035	\$546,142	\$0	\$0	\$1,958,198	\$1,043,246	\$964,952	\$993,246
2019	\$1,367,228	\$28,769	\$546,142	\$0	\$0	\$1,942,139	\$1,019,791	\$972,348	\$969,791
2018	\$1,298,001	\$25,982	\$546,142	\$0	\$0	\$1,870,125	\$1,000,776	\$919,349	\$950,776
2017	\$1,315,308	\$23,905	\$546,142	\$0	\$0	\$1,885,355	\$980,192	\$955,163	\$930,192
2016	\$1,332,615	\$25,163	\$546,142	\$0	\$0	\$1,903,920	\$960,871	\$993,049	\$910,871
2015	\$1,100,424	\$25,240	\$546,142	\$0	\$0	\$1,671,806	\$954,192	\$767,614	\$904,192
2014	\$1,048,802	\$25,316	\$546,142	\$0	\$0	\$1,620,260	\$946,619	\$723,641	\$896,619
2013	\$1,061,913	\$25,608	\$689,130	\$0	\$0	\$1,776,651	\$932,630	\$894,021	\$882,630
2012	\$977,307	\$25,898	\$527,962	\$0	\$0	\$1,531,167	\$917,040	\$664,127	\$867,040
2011	\$989,226	\$26,198	\$515,180	\$0	\$0	\$1,530,604	\$890,330	\$690,274	\$840,330
2010	\$1,001,144	\$26,485	\$572,422	\$0	\$0	\$1,600,051	\$877,172	\$772,879	\$827,172

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building 1
 Actual Area 11078
 Conditioned Area 7397
 Actual Year Built 1956
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Stucco
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Concrete Tile
 Interior Flooring Ceramic Tile, Hardwood
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 6
 Baths 6.5

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Concrete Tile	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	50%
Interior Flooring	Ceramic Tile	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	24 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Wind	2 Story Masonry	100%

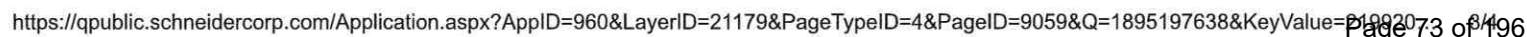
Description	Conditioned Area	Actual Area
PATIO	0	688
FINISHED OPEN PORCH	0	621
MASONRY ADDITION	364	364
BASE AREA	2446	2446
MASONRY ADDITION	197	197
FINISHED OPEN PORCH	0	204
FRAME ADDITION	3959	3959
MASONRY ADDITION	206	206
MASONRY UTILITY	0	157
UNFINISHED GARAGE	0	534
FINISHED OPEN PORCH	0	99
PATIO	0	128
FINISHED OPEN PORCH	0	44
FRAME ADDITION	225	225

Extra Feature Information

Land Information

Sale Information

Sketch Information



The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

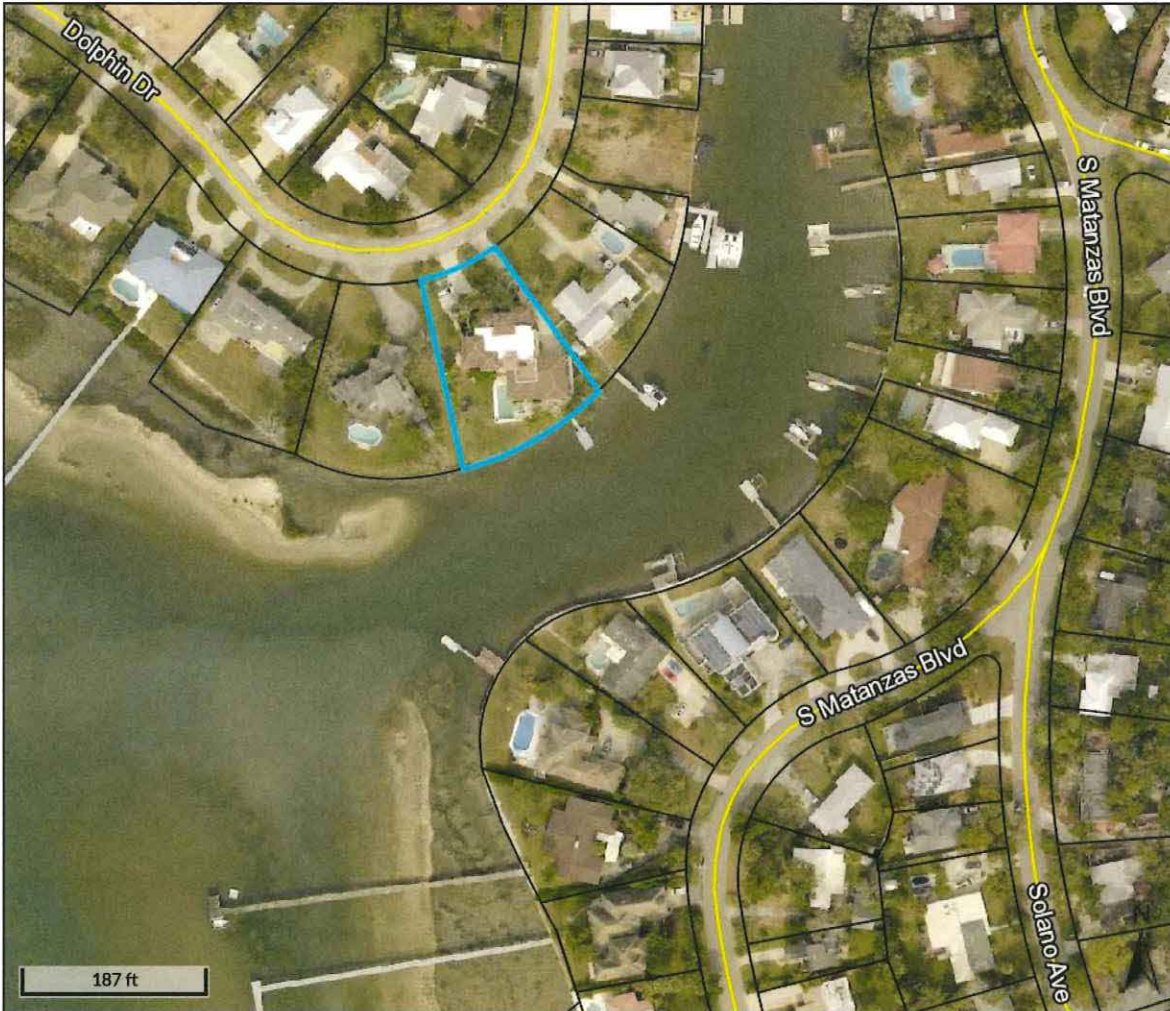
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Version 2.3.136





Overview



Legend

□ Parcels

Parcel ID	2199200000	Physical Address	87 DOLPHIN DR SAINT AUGUSTINE	Building Value	\$1,359,138	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	COFFINDAFFER JOINT REVOCABLE LIVING TRUST D: 07/10/2014	Extra Feature Value	\$34,419	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	87 DOLPHIN DR SAINT AUGUSTINE FL 32080-4530	Total Land Value	\$606,825	3/13/2020	\$1400000	38	U
Acres	0.49			Just Value	\$2,000,382	10/6/1993	\$22000	11	U
				Total	N/A				
				Deferred Assessed Value	\$2,000,382				
				Total Exemptions	\$50,000				
				Taxable Value	\$1,950,382				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 7/27/2021

Last Data Uploaded: 7/27/2021 1:45:32 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 87 Dolphin Dr



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021

50 ft



87 Dolphin Dr

St. Augustine, FL 32080

Building



Directions



Save



Nearby

Send to your
phone

Share



NOTICE
A PUBLIC HEARING CONCERNING
ON THIS
PROPERTY WILL BE HELD BY THE
BOARD
OF THE CITY OF ST. AUGUSTINE
ON
TELEPHONE 825-1065
INFORMATION ON #

08/17/2021 15:15

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2021-0111**

AGENDA ITEM 6(b)

APPLICANT Ryan Carter
c/o Carter Environmental Services, Inc.

OWNER Kimberley Hartwick

LOCATION 228 Riberia Street – PIN 213280-0000

REQUEST To approve a 128' retaining wall along and just upland of the wetland line, Conservation Overlay Zone 1, to curb erosion.

LAND USE Residential Single-Family

ZONING Open Lands District (OL)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7 Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area.

The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high-water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line) twenty-five (25) feet in Conservation Overlay Zone 2 shall remain undeveloped or, if the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by

providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

1. Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 2. A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
 3. Dead, diseased, unsafe, or fallen trees may be removed.
 4. Reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer).
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to [seventeen] criteria: *Please see Staff summary below with criteria*
- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
Please see Staff summary below with criteria

STAFF SUMMARY AND ANALYSIS

This application is a proposed 128' retaining wall along and just upland of the wetland line to curb erosion at the property located at 228 Riberia Street.

Conservation Overlay Zone Development (*Staff analysis in italics*)

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
- (1) Site specific conditions:
- This project is located on the San Sebastian River marshfront. The purpose of the proposed retaining wall is to protect from erosion from storms.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The property is situated between Iberia St (east) and the San Sebastian River (west). Residential properties exist to the north, south, and east (beyond Iberia St), with municipally owned lands also adjacent on the marshlands to the north.

- (3) Natural and proposed drainage patterns.

Stormwater features such as weep holes will be incorporated into the retaining wall design to maintain existing drainage patterns.

- (4) Effect of point and nonpoint discharge in the marine environment.

There is no effect of point or non-point discharge into the marine environment from the proposed retaining wall and no additional flow than is already generated from the site as it exists today.

- (5) Proposed soil stabilization and erosion control methods.

Soil and erosion control may be necessary during construction, but impacts will be temporary and no long-term erosional impacts will take place.

- (6) Impact on floodplain.

There is no impact on floodplains associated with this application.

- (7) Impact of development on vegetative and animal communities.

Vegetative impacts: *Shoreline vegetation will remain mostly undisturbed during construction since the proposed retaining wall will be built uphill from the wetland line.*
Lighting of the open water areas at night: *No new lighting is proposed with the retaining wall.*

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

No storm water systems will be modified. Fueling stations are not present and are not part of the proposed design.

- (9) Effect of shade on vegetation and shellfish.

The proposed retaining wall will be upland of the wetland line in an area that is currently partially wooded. There will be no additional shading as part of the proposed retaining wall.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

The retaining wall construction will not increase boat traffic.

- (11) Impact of development on shoreline by linear feet and percent of site.

The entire shoreline (128') of this property is proposed to be armored with a retaining wall. Any area impacted by fill landward from the wall will be in uplands.

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

The proposed retaining wall will not affect the vistas over the San Sebastian River of adjacent properties.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

All vegetation within the footprint of the retaining wall will be trimmed or removed. That vegetation work may include trimming existing trees growing along or at the wetland line, and removing smaller trees, if necessary.

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

The proposed retaining wall will be constructed only in the uplands and only rise 2.5' vertically above the edge of existing wetlands. Uplands on the landward side are only to be filled in a narrow strip running from the wall to approximately 5' horizontally into the uplands. Therefore, minimal impacts are anticipated as part of this proposed retaining wall.

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable.

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

The effects of the retaining wall on commercial and sport fish are as follows:

Positive: None

Negative: None

The effects of the retaining wall on shellfish are as follows:

Positive: None

Negative: None

The effects of the retaining wall on waterfowl are as follows:

Positive: None

Negative: None

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

No boathouse, roofed structure or wall shall be constructed on any dock.

Not applicable

The deck of any private boat dock shall not exceed six (6) feet in height above the mean high-water line.

Not applicable

Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low profile or no-profile

Not applicable

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** a 128' seawall at 228 Riberia Street PID 213280-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs)

Project Number: 2021-0111

Receipt Number: 2170148

Meeting Date: Sept. 7, 2021

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786

Business (if applicable): Carter Environmental Services

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

E-Mail Address: Ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Kimberly Hartwick Contact Number: _____

Business (if applicable): _____

Address: 228 Riberia St City: St. Augustine State: FL Zip: 32084

E-Mail Address: kim.hartwick@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY: _____

Lot: 6

Block: N/A

Subdivision: Marsh Lots West of Riberia

Parcel Number: 2132800000

4. PROJECT STREET ADDRESS: 228 Riberia St

5. SPECIFIC PROPOSED USE: Proposed retaining wall

6. ACTION REQUESTED:

☒ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

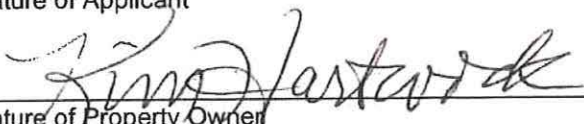
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.



July 21, 2021

Signature of Applicant

Date



7-28-21

Signature of Property Owner

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

A handwritten signature in black ink, appearing to read "Ryan Carter".

Signature of applicant

July 21, 2021

Date



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF OF Kimberly Hartwick, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: 228 Riberia St

BY: Kim Hartwick
Signature of Owner

Kimberly Hartwick
Print Name of Owner

904 669 2002
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 28 day of July, 2021

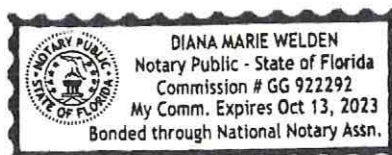
By Diana Welden Kim Hartwick RW

Identification verified: yes

Oath sworn: Yes No

Notary Signature: Diana M Welden

My Commission expires: 10/13/23





St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)

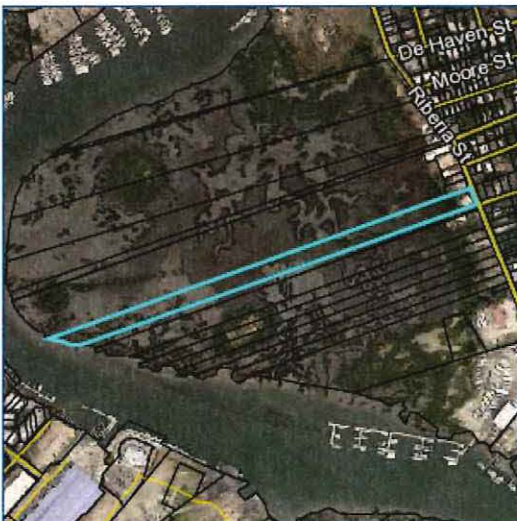


Parcel ID	2132800000
Location Address	228 RIBERIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Marsh Lots West of Riberia & Marsh Front Replat (625)
Tax Description*	MARSH LOTS W OF RIBERIA ST (1) LOT 6 & MARSH LAND LYING W TO ST SEBASTIAN RIVER OR3832/504 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Marsh Lots West of Riberia
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	4.550
Homestead	Y

Owner Information

Owner Name	Hartwick Kimberly J 100%
Mailing Address	228 RIBERIA ST SAINT AUGUSTINE, FL 32084-0000

Map



Attachment 1
Overlay Zone Application Narrative

**228 Iberia Street Retaining wall
Overlay Zone Development Application Supplement
July 2021**

This narrative is intended to supplement the Conservation Overlay Zone Development application for 228 Iberia Street.

This application requests to add a 128' retaining wall along and just upland of the wetland line to curb erosion.

The construction proposed in this application would occur on lands located within Conservation Overlay Zone 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed retaining wall will have a benefit to the public as a whole.*

The retaining wall helps protect the property and increase/retain property values for the area by preventing future storm damages.

2. *The proposed retaining wall will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There are no direct (dredging or filling) wetland impacts proposed to the marsh.

3. *The proposed retaining wall will not block or disrupt any vista or scenic opportunities.*

The proposed retaining wall will result in as minimal interruption of the vista as possible while remaining functional, merely extending the land area at approximately 5' elevation out to the wall, roughly 5' farther toward the wetland, without rising higher than the existing grade at 5' elevation. Additionally, the proposed property change will update the appearance of the property which will increase aesthetic value.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

The project is located on the San Sebastian River marshfront. The purpose of the proposed retaining wall is to protect from erosion from storms.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is situated between Iberia St (east) and the San Sebastian River (west). Residential properties exist to the north, south, and east (beyond Iberia St), with municipally owned lands also adjacent on the marshlands to the north.

3. *Natural and proposed drainage patterns.*

Stormwater features such as weep holes will be incorporated into the retaining wall design to maintain existing drainage patterns.

4. *Effect of point and non-point discharge in the marine environment.*

There is no effect of point or non-point discharge into the marine environment from the proposed retaining wall and no additional flow than is already generated from the site as it exists today.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Shoreline vegetation will remain mostly undisturbed during construction since the proposed retaining wall will be built uphill from the wetland line.

Lighting of the open water areas at night: No new lighting is proposed with the retaining wall.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

No storm water systems will be modified. Fueling stations are not present and are not part of the proposed design.

9. *Effect of shade on vegetation and shellfish.*

The proposed retaining wall will be upland of the wetland line in an area that is currently partially wooded. There will be no additional shading as part of the proposed retaining wall.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The retaining wall construction will not increase boat traffic.

11. *Impact of development on shoreline by linear feet and percent of site.*

The entire shoreline (128') of this property is proposed to be armored with a retaining wall. Any area impacted by fill landward from the wall will be in uplands.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

The proposed retaining wall will not affect the vistas over the San Sebastian River of adjacent properties.

13. Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

All vegetation within the footprint of the retaining wall will be trimmed or removed. That vegetation work may include trimming existing trees growing along or at the wetland line, and removing smaller trees, if necessary.

14. Impact of development on plant and animal habitat and potential loss in acres and percent of site.

The proposed retaining wall will be constructed only in the uplands and only rise 2.5' vertically above the edge of existing wetlands. Uplands on the landward side are only to be filled in a narrow strip running from the wall to approximately 5' horizontally into the uplands. Therefore, minimal impacts are anticipated as part of this proposed retaining wall.

15. Impact of development on water quality.

All prudent and necessary steps will be taken during construction, and for the duration of the project, to ensure that no adverse impacts to water quality will occur. This may include, but is not limited to, siltation curtains, hay bales and floating turbidity screens, as necessary. All newly exposed surfaces will be seeded or sodded, as soon as practicable.

16. Impact of development on shellfish and on commercial and sport fish and waterfowl.

a) The effects of the retaining wall on commercial and sport fish are as follows:

Positive: None

Negative: None

b) The effects of the retaining wall on shellfish are as follows:

Positive: None

Negative: None

c) The effects of the retaining wall on water fowl are as follows:

Positive: None

Negative: None

17. *Specific conditions applicable to docks.*

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

Not applicable

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high-water line.*

Not applicable

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable

Attachment 2

Overlay Zone Application Graphics

F:\CES Projects\Project Files\Active\Project Files\2013\5.13087 Ferran Ribera\GIS\MXD\COZ Relining Wall 2021\101-228 Ribera_Location Map.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map
228 Ribera Street

Project: 5.13087

St. Augustine, FL

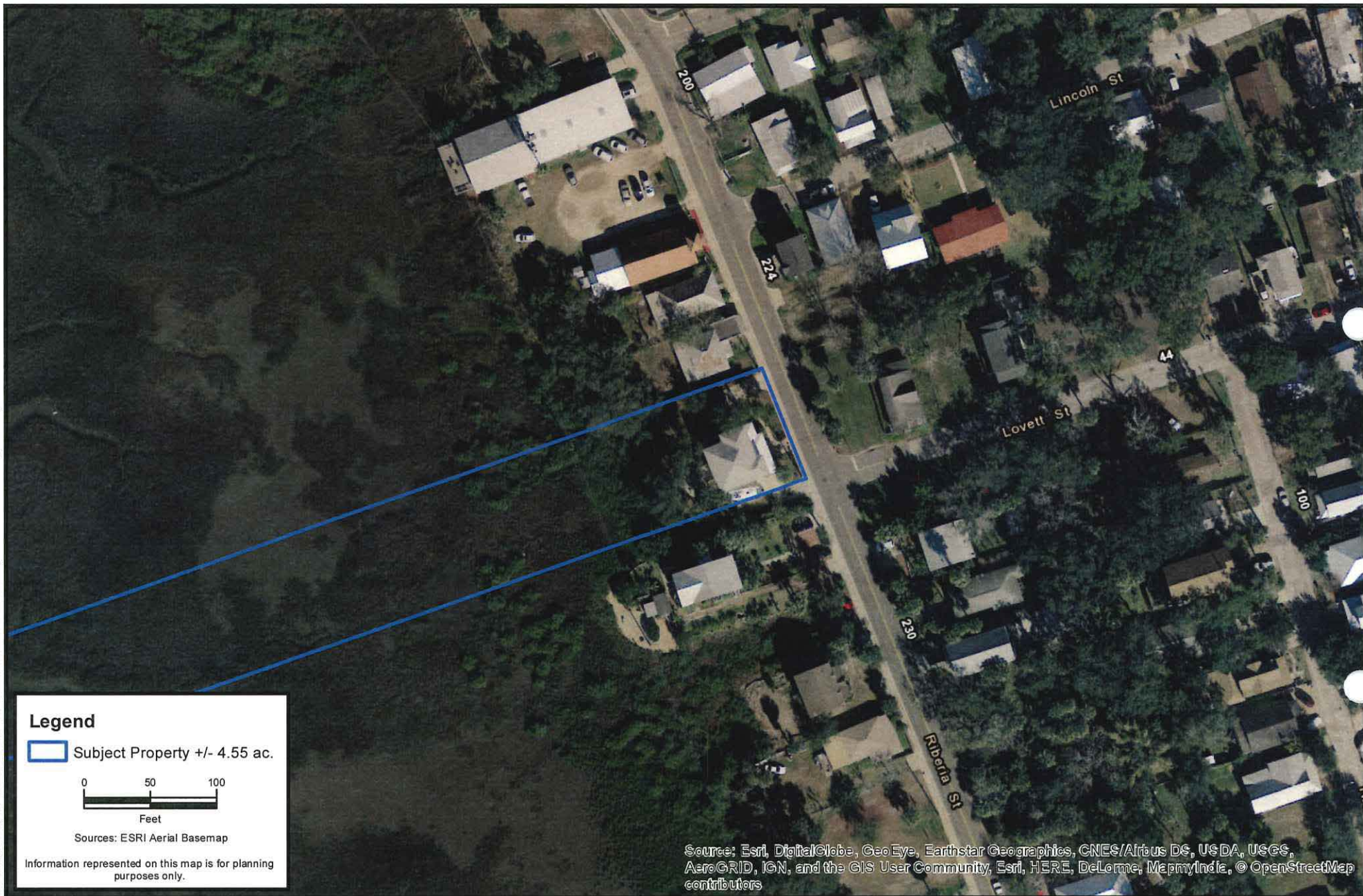
Date: Jul 16 2021

Figure:

1



F:\CES Projects\Project Files\Active\Project Files\20135_13087 Fernan Ribera\GIS\MXD\COZ Retaining Wall 2021\02-228 Ribera_Aerial Map.mxd



CARTER ENVIRONMENTAL SERVICES, INC.

CES 42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

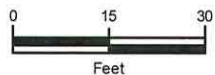
Aerial Map		
228 Ribera Street		
Project:	5.13087	
	St. Augustine, FL	Date: Jul 16 2021

Figure: 2



Legend

- Subject Property +/- 4.55 ac.
- Wetland/GPS Points 2-7-19
- Wetland Line



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Wetlands Delineation Assessment Map

228 Ribera Street

Project: 5.13087

St. Augustine, FL

Date: Jul 16 2021

Figure:

3



F:\CES Projects\Project Files\Active\Projects\5.13087 Ferran Riberia\GIS\MXD\COZ Retaining Wall 2021\04-228 Riberia_Proposed Retaining Wall.mxd



Legend

- ▮ Subject Property +/- 4.55 ac.
- ▮ Wetland Line
- ▮ Proposed Retaining Wall +/- 128 ft.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Retaining Wall
228 Riberia Street

Project: 5.13087

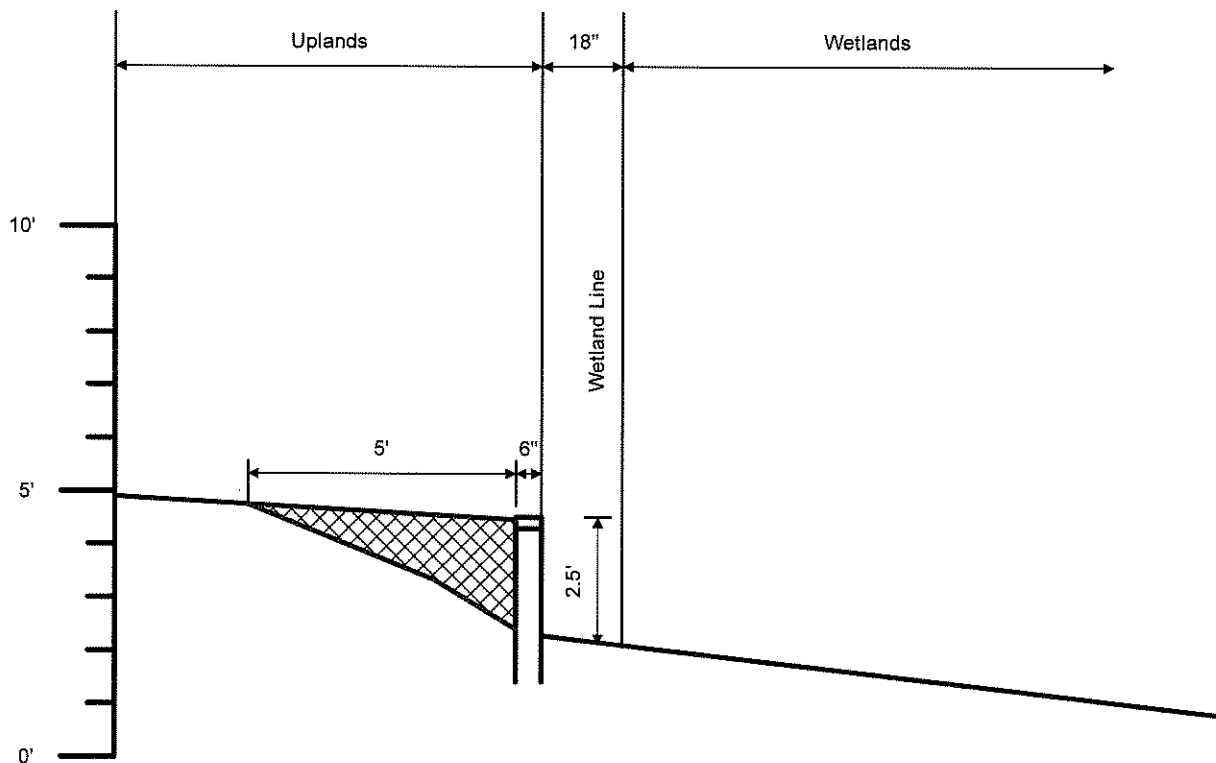
St. Augustine, FL

Date: Jul 16 2021



Figure:

4



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Retaining Wall Cross-Section

228 Riberia Street

Project: 5.13087

St. Augustine, FL

Date: Jul 16 2021



Figure:

5



St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2132800000
Location Address	228 RIBERIA ST
	SAINT AUGUSTINE 32084-0000
Neighborhood	Marsh Lots West of Riberia & Marsh Front Replat (625)
Tax Description*	MARSH LOTS W OF RIBERIA ST (1) LOT 6 & MARSH LAND LYING W TO ST SEBASTIAN RIVER OR 3832/504
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Marsh Lots West of Riberia
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	4.550
Homestead	Y

Owner Information

Owner Name	Hartwick Kimberly J 100%
Mailing Address	228 RIBERIA ST
	SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$255,148
Extra Features Value	\$3,480
Total Land Value	\$315,730
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$574,358
Total Deferred	\$267,173
Assessed Value	\$307,185
Total Exemptions	\$50,000
Taxable Value	\$257,185

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$201,441	\$0	\$216,730	\$0	\$0	\$418,171	\$299,549	\$168,622	\$249,549
2019	\$185,391	\$0	\$216,730	\$0	\$0	\$402,121	\$292,175	\$159,946	\$242,175
2018	\$187,303	\$0	\$216,730	\$0	\$0	\$404,033	\$287,628	\$166,405	\$237,628
2017	\$160,835	\$0	\$195,130	\$0	\$0	\$355,965	\$269,637	\$136,328	\$219,637
2016	\$162,460	\$0	\$169,480	\$0	\$0	\$331,940	\$264,091	\$117,849	\$214,091
2015	\$0	\$0	\$135,730	\$0	\$0	\$135,730	\$135,730	\$0	\$135,730
2014	\$0	\$0	\$83,530	\$0	\$0	\$83,530	\$38,454	\$45,076	\$38,454
2013	\$0	\$0	\$83,530	\$0	\$0	\$83,530	\$34,958	\$48,572	\$34,958
2012	\$0	\$0	\$31,780	\$0	\$0	\$31,780	\$31,780	\$0	\$31,780
2011	\$0	\$0	\$34,368	\$0	\$0	\$34,368	\$34,368	\$0	\$34,368
2010	\$0	\$0	\$39,542	\$0	\$0	\$39,542	\$39,542	\$0	\$39,542

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1
Actual Area	2638
Conditioned Area	1876
Actual Year Built	2015
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Siding
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Composite Shingle
Interior Flooring	Carpet, Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	2.5

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Wood Frame	100%
Exterior Wall	Concrete Siding	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Flooring	Carpet	60%
Interior Flooring	Ceramic Tile	40%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Good	100%
Plumbing	15 Fixtures	100%
Wind	2 Story Frame	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	841	841
FINISHED OPEN PORCH	0	108
FINISHED GARAGE	0	402
FINISHED OPEN PORCH	0	144

FINISHED UPPER STORY	1035	1035
FINISHED DECK	0	108
Total SqFt	1876	2638

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Brick Pavers (0-500)	0	0	0	0	375
Pergola	0	0	0	0	108
Residential Fence	0	0	0	0	1

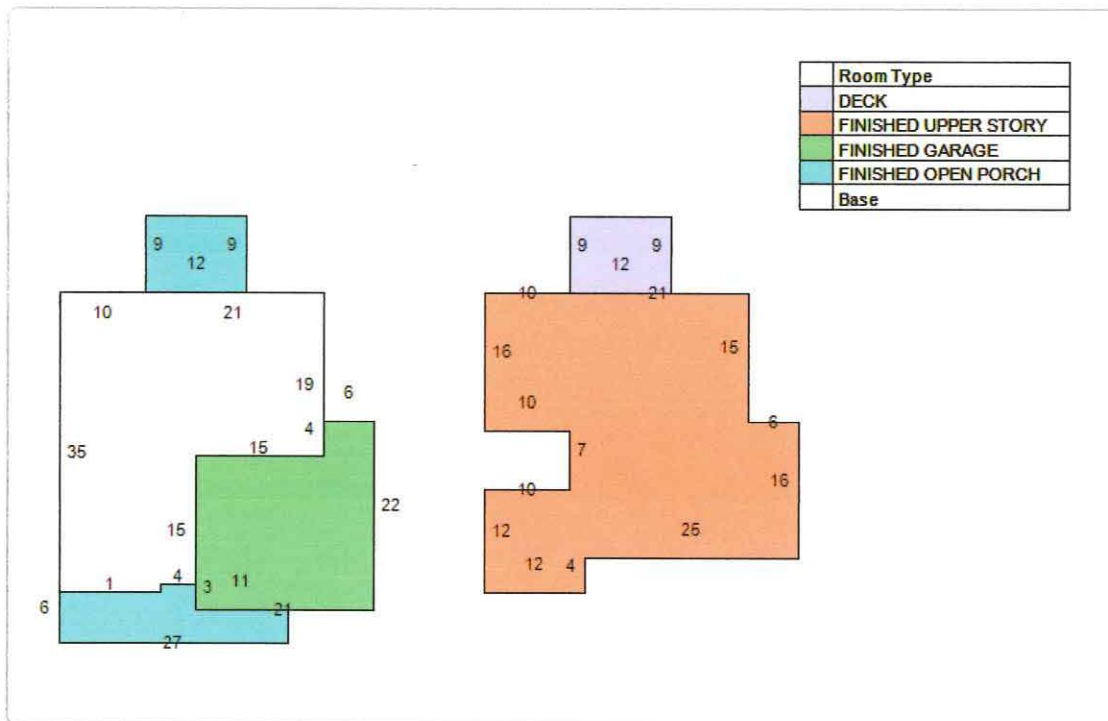
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	90	115	90	EF	\$315,000
Marshes & Tidal Lands	0	0	2.92	AC	\$730

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/3/2014	1/2/2014	\$115,000.00	WARRANTY DEED	3832	504	Q	V	FERRAN LUCY ANN TRUSTEE	HARTWICK KIMBERLY J
	8/31/2000	\$42,500.00	WARRANTY DEED	1524	495	Q	V	DEXTER SARAH J	FERRAN LUCY ANN TRUSTEE
	6/20/2000	\$35,000.00	WARRANTY DEED	1505	1121	Q	V	BROUDY BEATRICE TRUSTEE	DEXTER SARAH J
	6/1/1991	\$0.00		899	46	U	V		BROUDY BEATRICE TRUSTEE
	6/1/1991	\$0.00		899	26	U	V		

Sketch Information



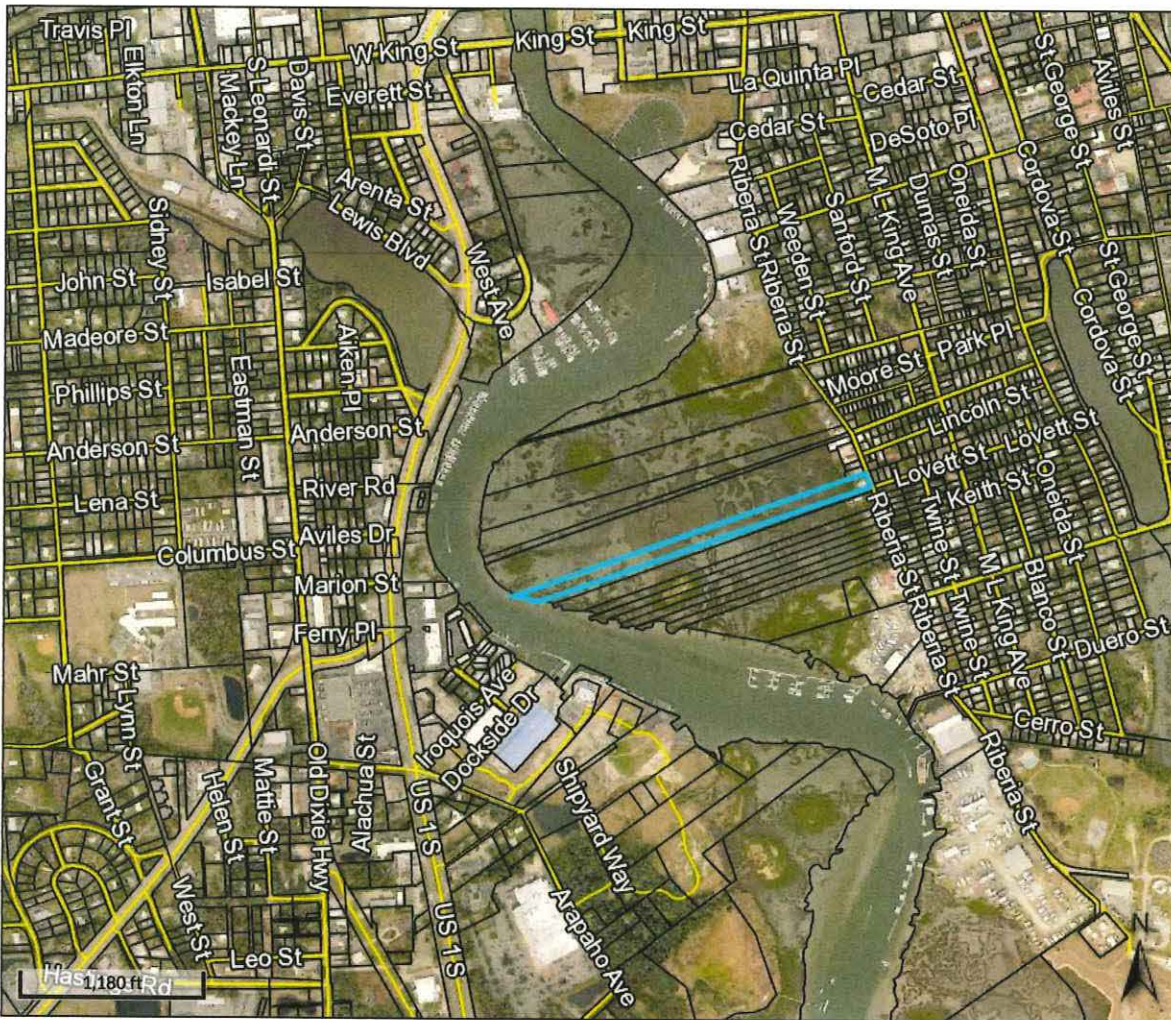
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/3/2021, 12:12:17 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.137



Overview



Legend

Parcels

Parcel ID	2132800000	Physical Address	228 RIBERIA ST	Building Value	\$255,148	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$3,480	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	HARTWICK KIMBERLY J	Total Land Value	\$315,730	1/2/2014	\$115000	01	Q
Acres	4.55		228 RIBERIA ST	Just Value	\$574,358	8/31/2000	\$42500	01	Q
			SAINT AUGUSTINE FL 32084-0000	Total Deferred	\$267,173				
				Assessed Value	\$307,185				
				Total Exemptions	\$50,000				
				Taxable Value	\$257,185				

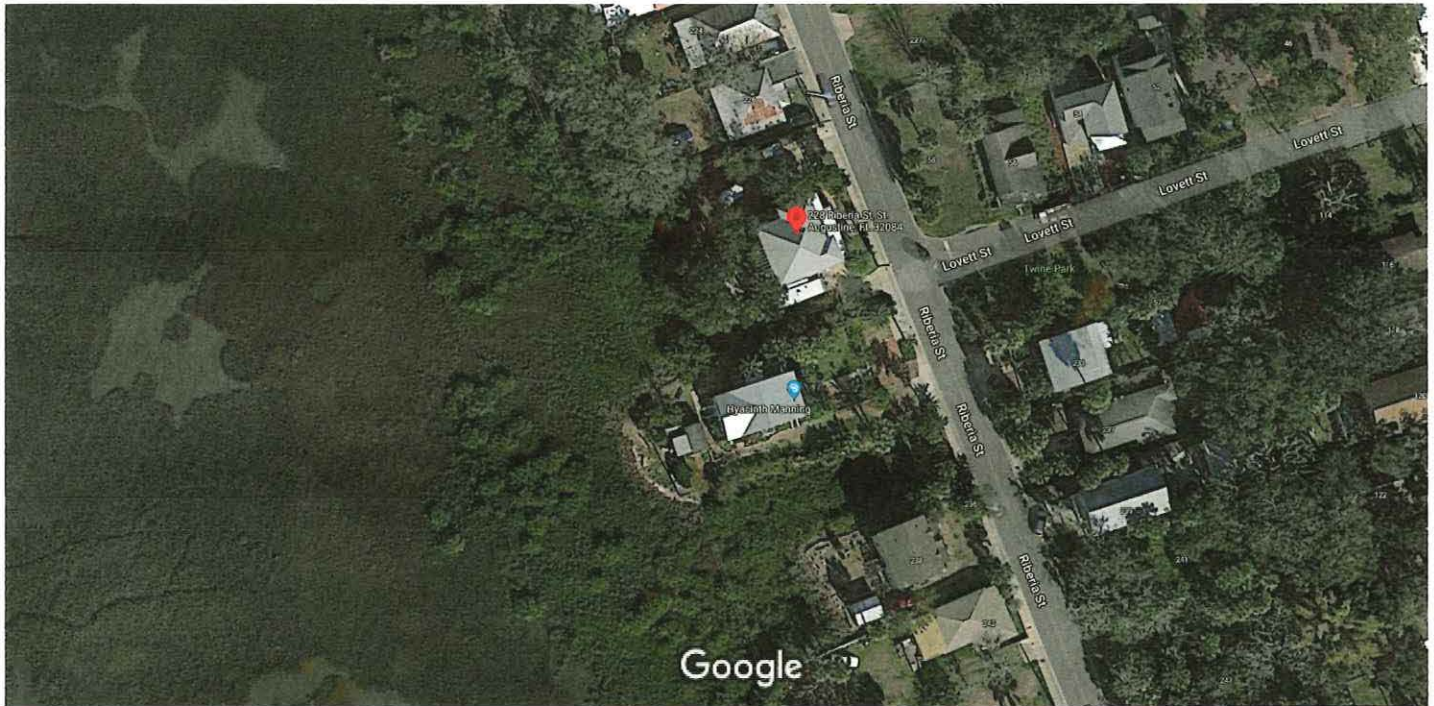
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Date created: 8/3/2021

Last Data Uploaded: 8/3/2021 12:12:17 AM

Developed by  Schneider
GEOSPATIAL

Google Maps 228 Riberia St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google

20 ft



228 Riberia St

St. Augustine, FL 32084

Building



Directions



Save



Nearby

Send to your
phone

Share

Photos



228

NOTICE
A PUBLIC HEARING CONCERNING
ON THIS
PROPERTY WILL BE HELD BY THE
BOARD
OF THE CITY OF ST. AUGUSTINE
ON
TELEPHONE BOX 1000
DECEMBER 10TH 2021

08/17/2021 15:42

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2021-0114**

AGENDA ITEM 6(c)

APPLICANT Mary Beth Marek

OWNER Mary Beth Marek

LOCATION 19 Davis Street / PID 119920-0000

REQUEST To approve the removal of one (1) significant tree, a 19” dbh Hackberry, in Conservation Overlay Zone 3, within Residential Single-Family-Two (RS-2) zoning.

PLANS DATED July 1, 2021

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to remove one (1) Hackberry tree that endangers the home at 19 Davis Street according to the applicant.

Policy CCM 212 in the Conservation and Coastal Management Element requires that either all trees over 12 inches dbh and 25% on the tree canopy or 50% of the existing tree canopy be retained on site. Trees larger than 12 inches dbh are listed as being removed, and it appears that more than 50% of the existing tree canopy is proposed to be removed. This can be approved by the PZB as part of the Conservation Overlay Zone 3 approval process.

Sec. 25-53. – General landscape requirements. (d)(4)(b.)

Existing trees removed. Existing trees which are proposed for removal shall receive deficit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit

Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit

Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits

Twenty (20) inches or more d.b.h.2 deficits

Southern Red Cedar tree (*Juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 additional deficit

Cabbage Palm tree (*Sabal palmetto*) measuring more than 12 feet in height1 additional deficit

1. Conservation Overlay Zone 3 Development to remove one (1) significant trees within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

The Hackberry tree is question is said by the applicant to endanger the quality of both their home and their neighbor's home in the event of the tree falling.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

Removal does not pertain to an increase in economic use to the applicant's property, rather a safety concern due to the growth of the tree.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

The removal of the Hackberry tree would have minimal impacts to ecological and environmental issues such as erosion, soil moisture retention, diversion, increased or decreased flow of surface waters as it relates to stormwater management.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The number and density of existing trees on both the property and surrounding neighborhood after removal are minimal and impact on property values should be negligible.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

The single Hackberry tree to be removed is designated as a significant tree based on size and a previous arborist report from the spring of 2020.

- f. Impact upon the urban and natural environment, including:

Ground and surface water stabilization. – *Any new construction must have an approved grading and drainage plan.*

Water quality and aquifer recharge. – *N/A*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*

Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*

Air movement. – *This project should not substantially affect air movement.*

Air quality. – *This project should not affect air quality.*

Wildlife habitat. – *The effect of tree(s) removal on wildlife habitat is not known.*

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

Development of this property has already been completed and risk mitigation is best done through removal of the Hackberry tree.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of one (1) significant Hackberry tree at the subject property within Conservation Overlay Zone 3 located at 19 Davis Street / PID 119920-0000 with the condition that mitigation of 2 deficits (equal to 4" diameter in tree replanting) is completed on site.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

AUG 09 2021

Planning/Building Dept.

Application Fee: \$165.00 (plus advertising costs)

Project Number: 2021-0114

Receipt Number: 2175739

Meeting Date: Sept. 7, 2021

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Mary Beth Marek Contact Number: 904-540-1460

Business (if applicable): N/A

Address: 19 Davis St City: St. Augustine State: FL Zip: 32084

E-Mail Address: justbeth@ymail.com

2. NAME OF PROPERTY OWNER: Mary Beth Marek Contact Number: 904-540-1460

Business (if applicable): _____

Address: 19 Davis St City: St. Augustine State: FL Zip: 32084

E-Mail Address: justbeth@ymail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 19

Block: _____

Subdivision: Bravo Park

Parcel Number: 119920-0000

4. PROJECT STREET ADDRESS: 19 Davis Street

5. SPECIFIC PROPOSED USE: Personal residence

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: ~~546~~

7. DESCRIPTION OF ACTION REQUESTED: Remove a 19 inch Hackberry tree

8. JUSTIFICATION FOR ACTION REQUESTED: Endangers my (and adjaent neighbors) Roofs

AUG 09 2021

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: no

Planning/Building Dept.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: endangers his house and he is in complete compliance with my request

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: yes

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

07

Date

Signature of Property Owner

7/4/2021

Date

04/13/2019

PZB APPLICATION FEE SCHEDULE

AUG 09 2021

Planning/Building Dept.

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 19 Davis Street

Applicant's Name: Mary Beth Ma^{RSK} Applicant's Signature: Mary Beth Ma^{RSK}

Owner's Name: Mary Beth Ma^{RSK} Owner's Signature: Mary Beth Ma^{RSK}

RECEIVED

JUL 01 2021

CITY OF ST. AUGUSTINE
APPLICATION FOR TREE REMOVAL PERMIT

Planning/Building Dept.

Application Fee \$30.00

White - Files

Yellow - Applicant

Associated BDAC Project No. CE2021-0314Receipt No. 2148679

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT BETH MAREK Daytime Telephone 904-540-1460
 Business (if applicable) N/A
 Address 19 DAVIS ST City ST AUG State FL Zip 32084
2. NAME OF PROPERTY OWNER BETH MAREK Daytime Telephone 904-540-1460
 Business (if applicable) N/A
 Address _____ City _____ State _____ Zip _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY
 Lot _____ Block _____
 Subdivision _____ Parcel Number _____
4. PROJECT STREET ADDRESS 19 DAVIS ST.
5. TREE REMOVAL REQUESTED

Trunk Diameter	Type	Reason for Removal
<u>19 INCH</u>	<u>HARLEBERRY</u> <u>HACKBERRY</u>	<u>ENDANGERED ROOF</u> <u>(mine and neighbor)</u>

6. AGREEMENT

In filing this application, I understand that it becomes part of the Public Record of the City of St. Augustine, and hereby certify that all information contained herein is accurate to the best of my knowledge.

I further agree that I will relocate the tree being removed or replace the tree being removed somewhere on the project property (2 for 1 replacement for Southern Red Cedar Tree (*Juniperus silicicola*); 1 for 1 replacement for all others). Shade trees will be replaced with shade trees; understory trees will be replaced with either shade or understory trees. Shade trees will be a minimum of 10' overall height when planted. Understory trees will be a minimum of 8' overall height when planted. REQUIRED REPLACEMENT TREES MUST BE PLANTED WITHIN 30 DAYS.

7. M.B. Marek 7/1/2021
 SIGNATURE OF APPLICANT OR PROPERTY OWNER DATE

STAFF USE ONLY

A. INSPECTION RESULTS

Tree Removal ☐ Approved ☒ Denied

Number of Replacement Trees Required _____ (Mark replacement trees on site)

COMMENTS TREE REQUIRES P2B approval due to size (5"-36" d.b.h.)

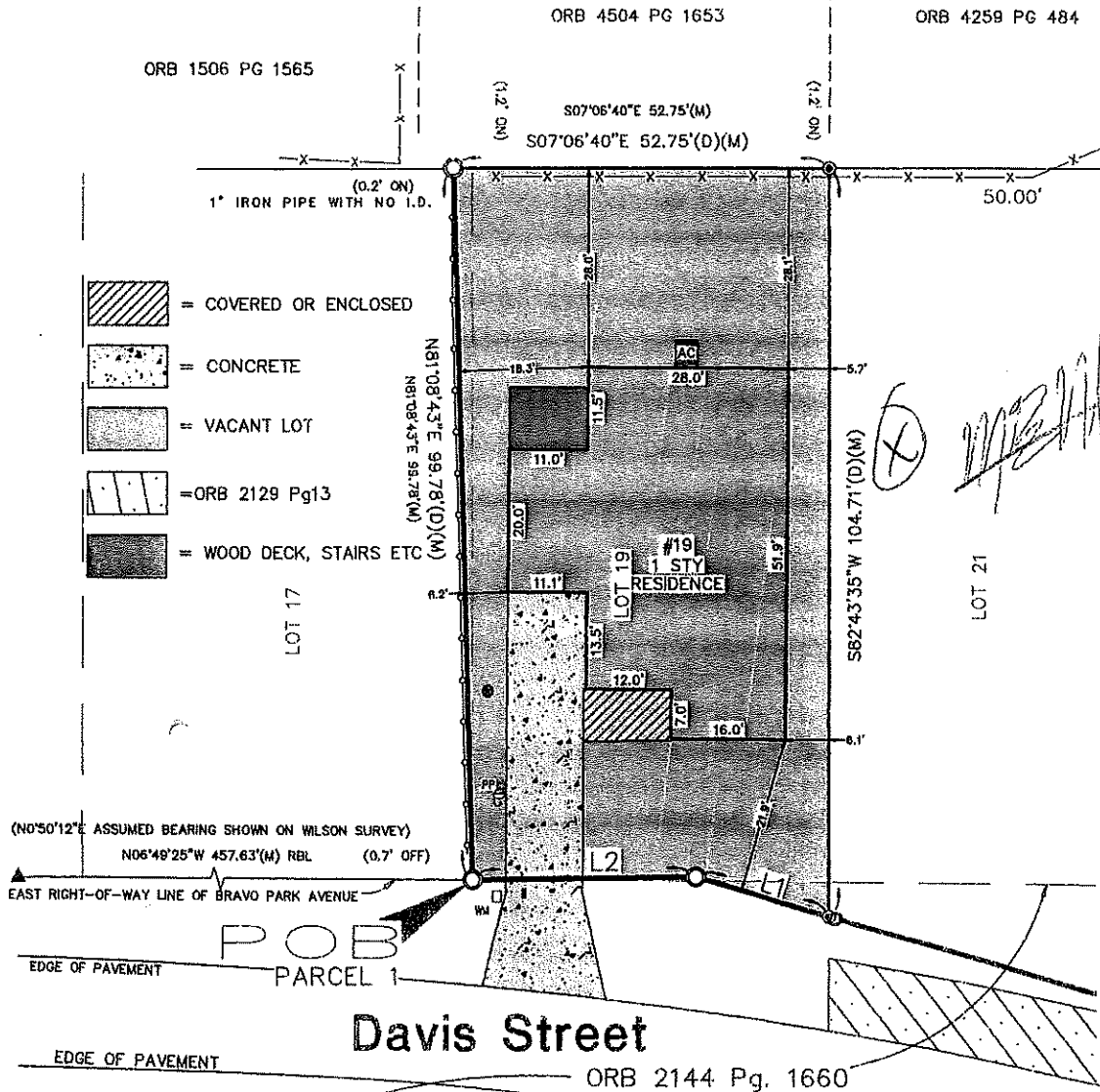
R. van der ... 7/12/21
 BUILDING OFFICIAL OR AUTHORIZED SIGNATURE DATE

This is a Double Sided Document

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This is a Double Sided Document

LINE IDENTIFICATION TABLE		
LINE	BEARING	DISTANCE
L1(D)(M)	N 08°49'56" E	20.37'
L2(D)(M)	N 07°45'42" W	31.32'



[Handwritten signature]

PLEASE SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION, CERTIFICATIONS, FHA/VA WELL AND SEPTIC TANK DIMENSIONS (if applicable), LEGEND, SYMBOLS, ABBREVIATIONS, NOTES, SIGNATURE AND SEAL ETC.

SHEET 2 OF 2 ALONE DOES NOT CONSTITUTE A FLORIDA BOUNDARY SURVEY

BUILDING SETBACK LINES, IF SHOWN, ARE TAKEN FROM PLAT

PLAT HEREON CONTAINS NO ANGLES OR BEARINGS FOR COMPARISON TO FIELD MEASURED VALUES

JUL 01 2021

Planning/Building Dept.

GRAPHIC SCALE



(IN FEET)

Proposal For

Marek, Beth

19 Davis St
Saint Augustine, Florida 32084

main: (904) 540-1460
justbeth@ymail.com

Location

19 Davis St
St. Augustine, FL 32084

RECEIVED

JUL 01 2021

Terms
Due Upon Completion

Planning/Building Dept.

Marek, Beth

ITEM DESCRIPTION

AMOUNT

1) Tree Take Down (With Recycling)

\$ 840.00

SPECIES: Hackberry

DBH: 19"

LOCATION: Front left

TREE CARE DETAILS:

Take down tree flush cut to grade level using traditional tree climbing and/or aerial track lift to access removal if required

Large leads will be roped down for safety of persons and surrounding property

All resulting debris will be removed from property and delivered for wood recycling

Service area will be raked and left clean and in order

All work will be completed in accordance with these plans unless subsequent changes are agreed upon in writing. Balances not paid by the due date are subject to late fees.

SUBTOTAL \$ 840.00

SALES TAX \$ 0.00

TOTAL \$ 840.00

Signature

x

Date:

Please sign here to accept the terms and conditions

Assigned To

Steven Kabat

Office: (904) 719-8499

skabat@whymonster.com

Sales Reps

Steven Kabat

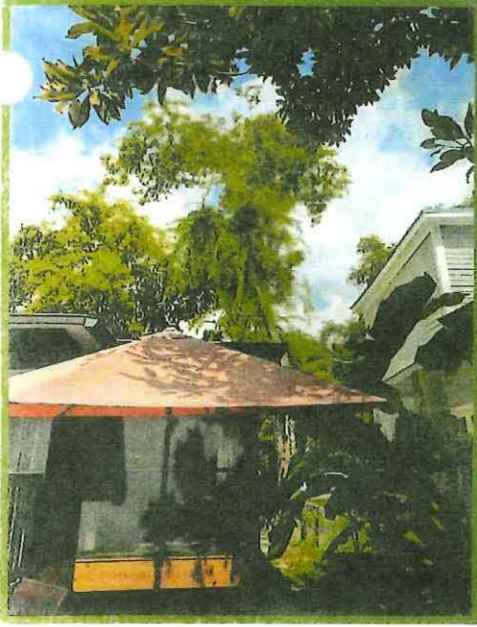
Office: (904) 719-8499

skabat@whymonster.com

Handwritten signature and text: "Permits?"

Photos

1) Tree Take Down (With Recycling)

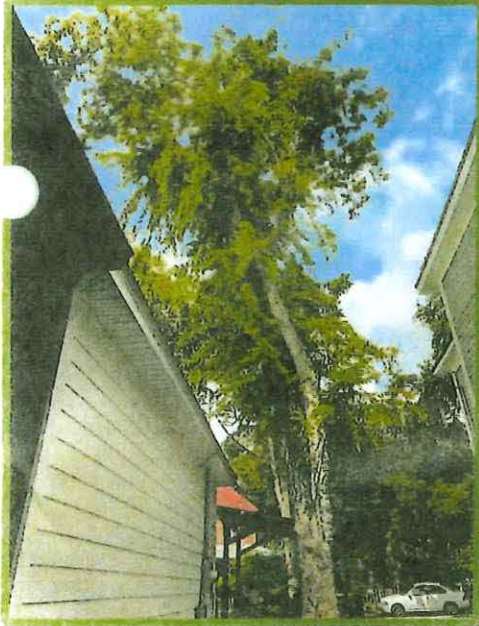


1) Tree Take Down (With Recycling)



RECEIVED
JUL 01 2021
Planning/Building Dept.

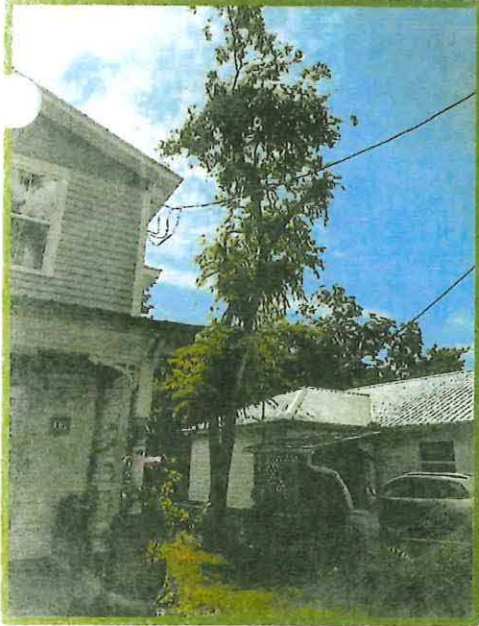
1) Tree Take Down (With Recycling)



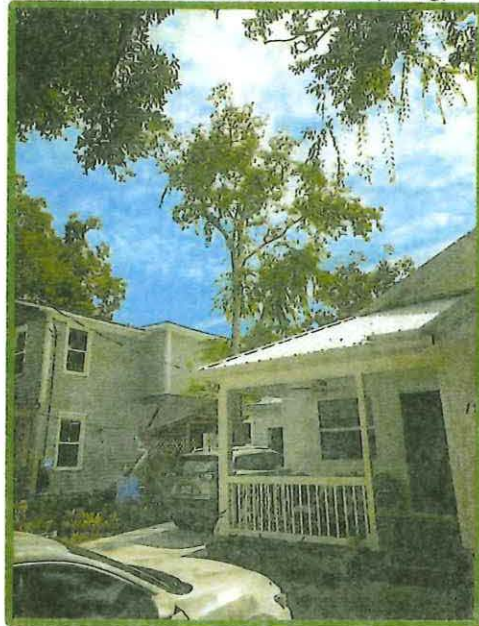
1) Tree Take Down (With Recycling)



1) Tree Take Down (With Recycling)



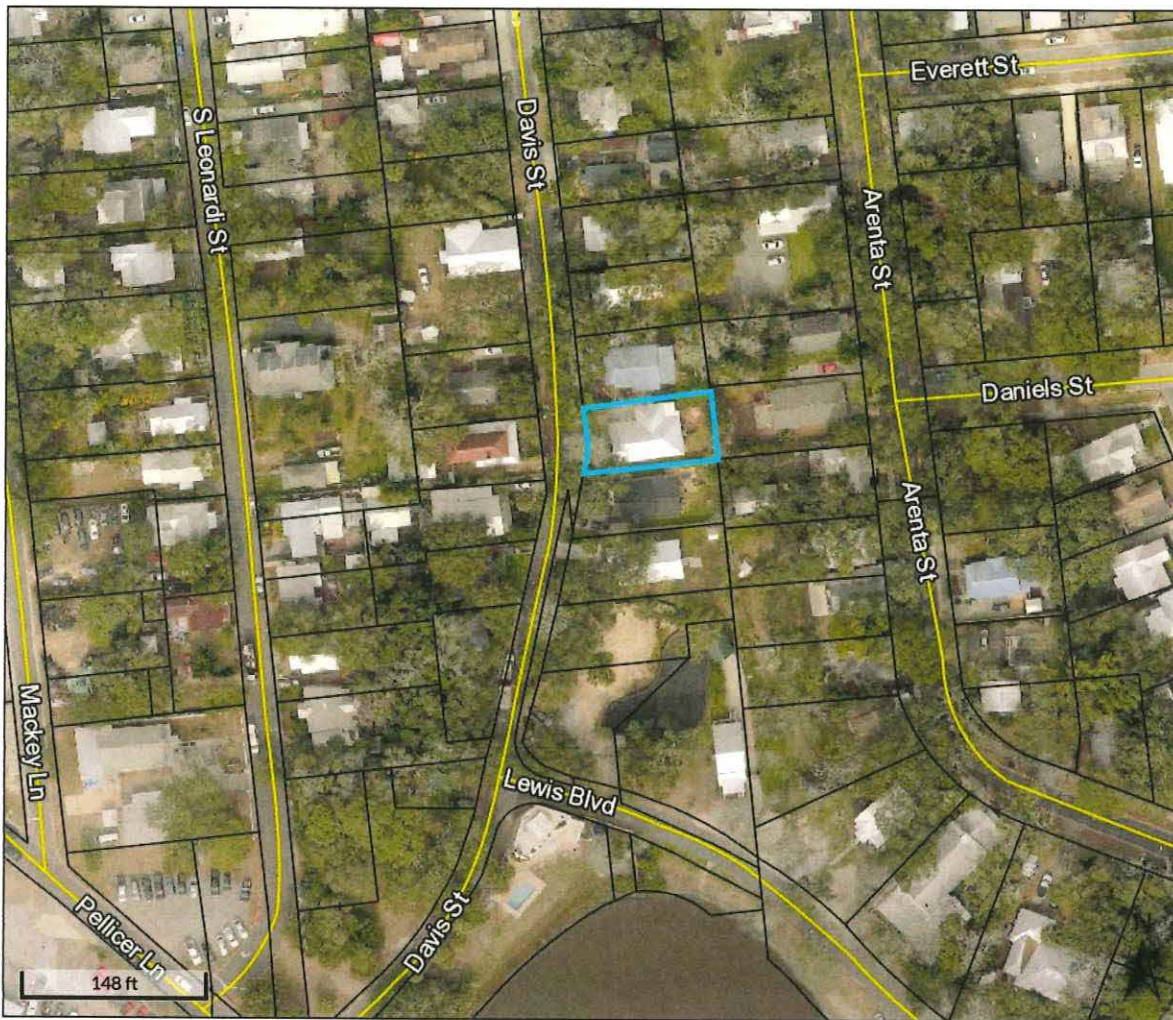
1) Tree Take Down (With Recycling)



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Planning/Building Dept.



Overview



Legend

□ Parcels

Parcel ID	1199200190	Physical	19 DAVIS ST	Building Value	\$186,708	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Family	Mailing	MAREK MARY BETH	Value		6/7/2019	\$287000	01	Q
Taxing	City of St	Address	19 DAVIS ST	Total Land Value	\$65,975	7/9/2018	\$75000	37	U
District	Augustine		SAINT AUGUSTINE FL 32084-	Just Value	\$252,683				
Acres	0.11		0000	Total Deferred	\$21,819				
				Assessed Value	\$230,864				
				Total Exemptions	\$50,000				
				Taxable Value	\$180,864				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/11/2021

Last Data Uploaded: 8/11/2021 1:49:20 AM

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St. Johns County, FL

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1199200190
Location Address	19 DAVIS ST
	SAINT AUGUSTINE 32084-0000
Neighborhood	Bravo Park (684)
Tax Description*	1-43 BRAVO PARK LOT 19 & VACA ROW LYING W BY COSA ORD 2004-03 IN OR2144/1660 OR4738/1268 & 4933/1103(L/E)
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Bravo Park, Plat Of Property Known As
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.110
Homestead	Y

Owner Information

Owner Name	Marek Mary Beth 100%
	Gallagher Lisa R John 0%
	Gurley Amye E 0%
	Ward Kimberly B 0%
Mailing Address	19 DAVIS ST
	SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$186,708
Extra Features Value	\$0
Total Land Value	\$65,975
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$252,683
Total Deferred	\$21,819
Assessed Value	\$230,864
Total Exemptions	\$50,000
Taxable Value	\$180,864

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$178,678	\$0	\$59,150	\$0	\$0	\$237,828	\$227,677	\$60,151	\$177,677
2019	\$0	\$0	\$36,400	\$0	\$0	\$36,400	\$36,400	\$0	\$36,400

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1
Actual Area	1808
Conditioned Area	1372
Actual Year Built	2019
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Siding
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Carpet, Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	2

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Wood Frame	100%
Exterior Wall	Concrete Siding	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Flooring	Ceramic Tile	60%
Interior Flooring	Carpet	40%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%

Air Conditioning	Central	100%
Electrical	Good	100%
Plumbing	8 Fixtures	100%
Wind	1 Story Frame	100%
Condition	Excellent	100%

Description	Conditioned Area	Actual Area
BASE AREA	1372	1372
FINISHED SCREEN PORCH	0	132
FINISHED GARAGE	0	220
FINISHED OPEN PORCH	0	84
Total SqFt	1372	1808

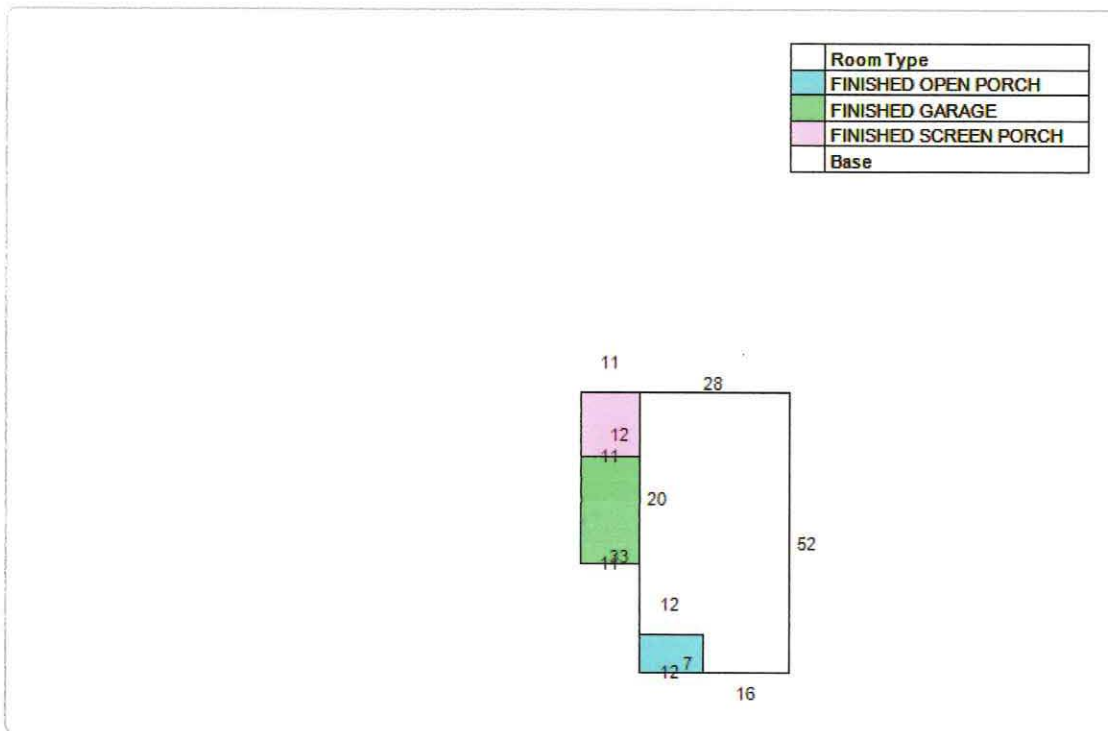
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	50	100	50	EF	\$65,975

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/30/2020	4/27/2020	\$0.00	LIFE ESTATE	4933	1103	U	I	MAREK MARY BETH	MAREK MARY BETH
6/10/2019	6/7/2019	\$287,000.00	WARRANTY DEED	4738	1268	Q	I	COATES J THOMAS,KIMBER L	MAREK MARY BETH
7/9/2018	7/9/2018	\$75,000.00	WARRANTY DEED	4577	37	U	V	DETTRA LIVING TRUST D: 11-30-2007	COATES J THOMAS,KIMBER L

Sketch Information



No data available for the following modules: Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

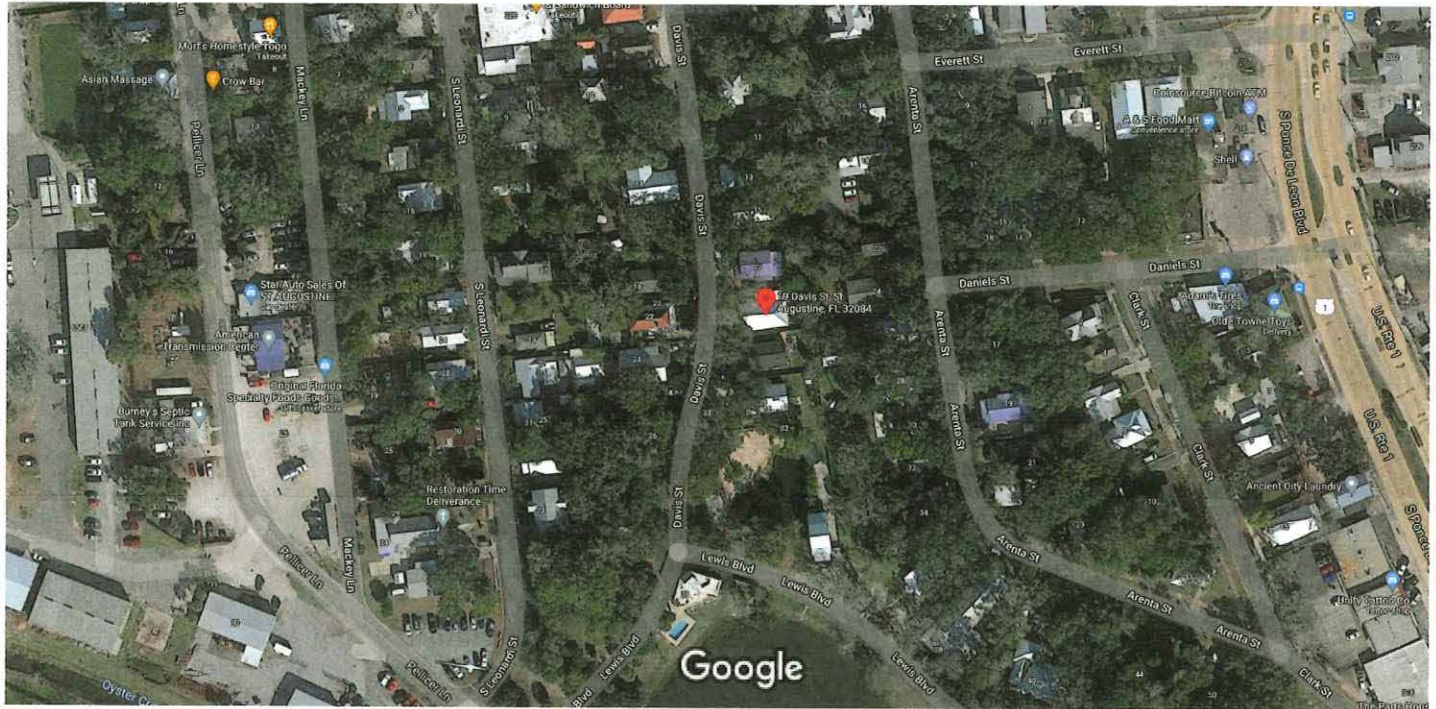
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Google Maps 19 Davis St



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19 Davis St



Directions



Save



Nearby



Send to your phone



Share



19 Davis St, St. Augustine, FL 32084



VMQF+Q8 St. Augustine, Florida

Photos



NOTICE
A PUBLIC HEARING CONCERNING
ON THIS
PROPERTY WILL BE HELD BY THE
BOARD
OF THE CITY OF ST. AUGUSTINE
ON
TELEPHONE 825-1065
INFORMATION ON #

08/17/2021 15:32

CITY OF ST. AUGUSTINE

STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **REZONING/CONSERVATION OVERLAY ZONE DEVELOPMENT
#2021-0108**

AGENDA ITEM	7(a)
APPLICANT	Ellen Avery-Smith Esq.
OWNER	Flagler College, Inc.
LOCATION	94 Cedar Street and 7 ML King Avenue – PID 201850-0000, 201860-0000 and 201860-0150
REQUEST	To amend an existing Planned Unit Development (PUD) and to remove one (1) significant tree (Laurel Oak) in Conservation Overlay Zone 3.
LAND USE	Commercial Low Intensity and Residential Medium Density
ZONING (Existing)	Commercial Low-one (CL-1) (7 ML King Avenue) Planned Unit Development (PUD) (94 Cedar Street)
ZONING (Proposed)	Planned Unit Development (PUD) (7 ML King Avenue)
SURROUNDING USES	United States Post Office, Parking lots, Existing PUD Dormitory, College facility – retail, office and health club, Office, Multifamily

APPLICABLE CODES/ORDINANCES REZONING

Sec. 28-30. Comprehensive plan amendments, rezonings and amendment of chapter.

(a) *General.* This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.

(b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.

(c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the Comprehensive Plan.

(d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission.

The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.

(e) *Limitations on rezoning of land:*

(1) No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.

(2) Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.

(3) Whenever the city commission has denied an application for the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.

(4) Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.

(f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

(g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.

(h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.

(i) *Process, public hearings and notification for comprehensive plan amendments (city commission public hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

ZONING DISTRICTS

Existing

Sec. 28-206. Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
- c. Tourist homes and bed and breakfast inns.
- d. All types of professional and business offices.
- e. Churches (except temporary revival establishments).
- f. Libraries and museums.
- g. Single-family dwellings as for RG-1 (section 28-163).

- h. Multiple-family housing.
- i. Rooming and boarding houses.
- j. Housing for the elderly.
- k. Home office, private.
- l. Antique shops.
- m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.
- n. Tattoo parlor
- o. The above uses are subject to the following limitations:
 - 1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
 - 2. Products to be sold only at retail.
 - 3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.
- (2) Permitted accessory uses and structures:
 - a. See section 28-348.
 - b. Parking lots complying with section 28-347(3).
- (3) Permissible uses by exception:
 - a. Hotel/motel, maximum of thirty (30) units.
 - b. Plant nursery.
 - c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
 - d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
 - e. Medical/dental clinic, intermediate care facility.
 - f. Uses and structures as for RG-1 (section 28-163).
 - g. Indoor movie theatres.
 - h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
 - i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
 - j. Micropigmentation clinic.
- (4) Minimum lot requirements (area and width). None, except as needed to meet other requirements specified herein.
- (5) Maximum lot coverage by all buildings. Fifty (50) percent.
- (6) Minimum yard requirements. All uses, except single-family dwellings:
 - a. Front. Ten (10) feet minimum, fifteen (15) feet maximum; except where lot width is less than one hundred (100) feet and buildings (if any) on adjacent lots have provided a lesser front yard, front yard shall be average of buildings on adjacent lots. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

- b. Side. Ten (10) feet.
- c. Rear. Ten (10) feet.
- (7) Maximum height of structures. Thirty-five (35) feet.

Consistency with the Comprehensive Plan

The proposed PUD is consistent with the city's Comprehensive Plan 2040. The following Goals, Objectives and Policies illustrate the Comprehensive Plan's support for infill redevelopment.

This category is described in part in **FLUE Policy 6.5.1** as:

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses....

FLUE Objective 3.2

The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable,

FLUE Goal 5 Urban Sprawl

Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.

FLUE Policy 5.1.2

The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

FLUE Goal 9 Economic Development

Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Policy 9.1.2

The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area.

- This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses.
 - This includes strengthening and diversifying the local economy.
 - This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine.
 - This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.
-

STAFF SUMMARY AND ANALYSIS

This is a rezoning application for the property at 7 ML King Avenue from CL-1 to PUD and to incorporate the property into the Flagler College Men's Residence Dorm PUD at 94 Cedar Street, therefore amending the Flagler College Men's Residence Dorm PUD.

- This project will add 100 additional dorm beds to the current 104-bed dormitory for a total of 204 dormitory beds.
- There are currently 47 parking spaces on-site which are reserved for this dormitory. In addition to this, there are 42 parking spaces adjacent to the dorm which can be used by any Flagler College student who lives on campus. Additional parking is identified at 4 ML King Avenue, which has 54 parking spaces and the parking lot of the Flagler College gym/auditorium property located to the east, which has 79 parking spaces. The parking requirement for dormitories is currently 1 parking space per bed. At this ratio, the dormitory requires an additional 115 parking spaces, or if accounting for the increase in beds alone, it would require an additional 100 parking spaces. The actual need for parking for this facility may be less than an additional 100 parking spaces but this has not been made clear in the PUD.
- The maximum lot coverage in the proposed PUD amendment is 50%. The Commercial Low Intensity land use category, which is assigned to 7 ML King Avenue, has a maximum lot coverage ratio of 60%.
- The proposed PUD amendment identifies building setbacks as 5 feet minimum, the current building setbacks in the CL-1 zoning district are 10 feet.

This is the first public hearing for this rezoning application. The September 7, 2021 meeting is for the Board to review and consider the PUD application, make a recommendation to the City Commission or determine that an additional public hearing is required.

Included in the packet is the proposed PUD narrative, site plan, conceptual architectural elevations, public facility impact analysis, and arborist report. Also included is the existing Flagler College Men's Residence Dorm PUD (Ord. 2003-21) for reference.

The structure at 7 ML King Avenue is surrounded by the US Post Office property, parking lots and commercial uses. The structure was built in 1948 as a single-family house and it was purchased by Flagler College in 2015 and is used by Flagler College as administrative offices.

APPLICABLE CODES/ORDINANCES CONSERVATION OVERLAY ZONE 3 DEVELOPMENT

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

(1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a significant tree.
- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to construct an extension of the adjacent college dormitory. The application is to remove one (1) significant tree, a 31" DBH Laurel Oak adjacent to the existing residential structure. The arborist report indicates that the tree is in good condition, but does have some structural defects, and severely constricted root system.

1. Conservation Overlay Zone 3 Development to remove one (1) significant tree within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

This is a small site with existing surrounding development. The tree appears to be constrained by a fence and an existing structure. The arborist's report indicates the tree is in good health and fair structural condition.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

Based on the proposed site plan the removal appears to be necessary to construct the proposed dormitory addition.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

The site is an existing developed site with retaining walls, fencing, sidewalks and structures all within close proximity that appear to contribute to the constrained root system.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The property is within an urban commercial/mixed use area.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

The tree is considered a significant tree.

- f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization. – *Any new construction must retain surface water.*
 - Water quality and aquifer recharge. – *The proposed new construction must comply with storm water management regulations.*
 - Ecological impacts. – *The removal of the tree does not greatly impact the environment, it is surrounded by commercial parking lots.*
 - Noise pollution. – *The removal of the tree should not increase noise pollution.*
 - Air movement. – *This project should not substantially affect air movement.*
 - Air quality. – *This project will not negatively impact air quality, a dormitory does not generate air pollution.*
 - Wildlife habitat. – *The effect of tree removal on wildlife habitat is not known.*

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

This is a small site that is proposed to be incorporated into an existing developed adjacent site. The site plan indicates the location of the tree to be removed.

The number of debits for tree removal of a tree over 20" dbh is **- 2 debits.**

The number of credits for tree plantings (incl. relocation) is **N/A.** **The proposed PUD indicates that any tree removal and replacement will comply with applicable provisions of Code Chapter 25, Article III.**

STAFF RECOMMENDATION (Rezoning)

Staff does not make recommendations concerning the rezoning of land.

The Board is responsible for making a recommendation based on the following;

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
- (3) Consistency with the Comprehensive Plan.

STAFF RECOMMENDATION (Tree Removal)

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of one (1) significant trees at the subject property within Conservation Overlay Zone 3 located at 7 ML King Avenue, PID 201850-0000.

David Birchim

David Birchim, AICP
Director Planning and Building Department

ORDINANCE NO. 2003-21

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE FLAGLER COLLEGE MEN'S RESIDENCE DORM PLANNED UNIT DEVELOPMENT PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, s. 163.3194, Florida Statutes, requires that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted; and

WHEREAS, the City of St. Augustine Comprehensive Plan provides for a Residential Medium Density designation for the subject property, and associated use and density criteria for development within said designation; and

WHEREAS, s. 166.041, Florida Statutes, provides procedures for adoption of ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land; and

WHEREAS, Sec. 28-289 of the Code of the City of St. Augustine provides procedures for the establishment of a Planned Unit Development (PUD); and

WHEREAS, on May 6, 2003, the City of St. Augustine Planning and Zoning Board reviewed a request for rezoning to PUD and made recommendation to the City Commission for approval;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. Establishment of Planned Unit Development. The Flagler College Men's Residence Dorm Planned Unit Development is hereby created.

Section 2. Terms and Conditions of the Planned Unit Development. The terms and conditions of the Flagler College Men's Residence Dorm Planned Unit Development are as presented in the Development Plan Narrative (Proposal for a Planned Unit Development for Flagler College), dated April 16, 2003, attached hereto as Exhibit "A" and incorporated herein by reference. Development of the property located at 94 Cedar Street, generally described below, shall be substantially in conformance with the site plan attached hereto as Exhibit "B" and incorporated herein by reference.

Description:

Part of Lot 1, Part of Lot 14, Lot 15 and Lot 16, Block 46-A,
City of St. Augustine, together with Part of Lot A and Part of
Lot 18, Block 46-J, City of St. Augustine

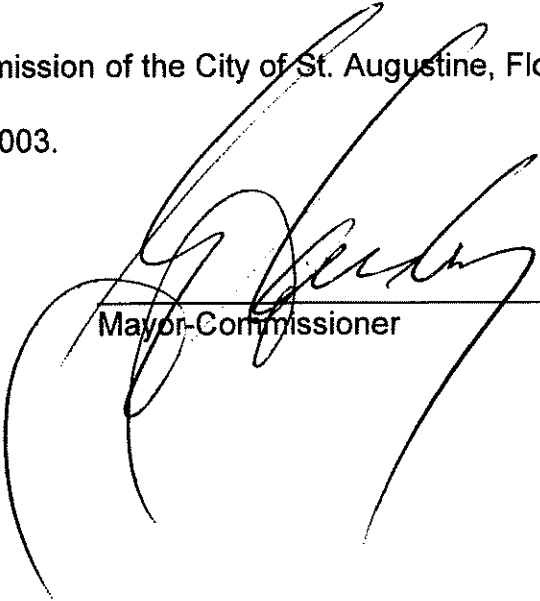
Section 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this
14th day of July, 2003.

ATTEST:

Martha V. Porter
City Clerk



Mayor-Commissioner

EXHIBIT "A"

Proposal for a Planned Unit Development for Flagler College

The property at 94 Cedar Street is zoned RG-1, which is a mixed-use classification intended to apply to those neighborhoods designated for multiple-family dwellings. Code Section 28-163 allows for single-family dwellings, multi-family dwellings, and rooming house/boarded houses, all to be built under the restrictions of RG-1 zoning. RG-1 zoning has density restrictions, which limit multiple-family dwellings to a maximum of 16 units per acre. The property at 94 Cedar Street is approximately one acre.

Flagler College currently has a site clearing and foundation permit pending with the City of St Augustine for 94 Cedar Street to build a 15-unit apartment building. The pending project consists of a three-story structure with 15 units, each designed to house six students for a total of 90 students. Each unit is configured with three bedrooms, two bathrooms, a living area, and a kitchen. The 34 on-site parking spaces satisfy the parking requirement for this building, according to Code Section 28-373 (Required off-street parking), which specifies 2.25 parking spaces per unit.

New Dormitory

The construction of a dormitory-style facility to house 104 male students will allow this site to be developed to its maximum potential for Flagler College and will create the most desirable environment for the neighborhood. In comparison with the apartment-style facility, the dormitory will require less square-footage per person, as individual living rooms and kitchens are not required for the dormitory. Thus, the dormitory will allow for a smaller building footprint on the site, preserving more trees and resulting in more green space, which is more in keeping with the residential aspects of the neighborhood.

The dormitory is being developed as a three-story, stucco and brick trim building, with stair and elevator tower elements reflecting the Spanish-Renaissance architecture of the College. The residential scale of the building is created by breaking the building mass, and it is reflected in the size of the windows, the terra cotta roof tiles, and the brick trim.

In fall 2002, the College enrolled 1,921 full-time students, including 752 boarding students, or 39.1 percent of the student body. The development of 94 Cedar Street into a student dormitory reflects the College's need for additional student housing. It does not project an increase in the student population at the College. Thus, it is planned that the proposed facility will be occupied by currently enrolled students

Site and Landscaping:

The proposed building is being located at the corner of Martin Luther King Avenue and Cedar Street for the most efficient use of the property. The plan includes on-site parking between the new building and the adjacent residential property at 88 Cedar Street. A six-foot high masonry and brick screen wall will be constructed between the parking areas and residential properties. In addition, a 15-foot buffer has been created between the wall and the existing property line of the adjacent property at 88 Cedar Street.

EXHIBIT "A" contd.

The plan also provides for the improvement of the existing parking lot at the corner of Martin Luther King Avenue and Cedar Street, immediately across the street from the new building. Developing both the existing parking lot and the new dormitory building site will allow the existing streetscape from 90 Cedar Street to M. L. King to become more defined, more attractive, and more pedestrian-friendly. The addition of students walking to campus will enliven a street that currently consists of mostly vehicular traffic.

The proposed landscaping design exceeds the City requirements for landscaping and provides a softened edge to the parking and building areas. Lighting proposed in the plan will be residential in scale, with no light "spill," while creating the required level of illumination for safety.

Parking

The plan provides 43 on-site parking spaces and includes 49 off-site parking spaces in the existing lot at the corner of Martin Luther King Avenue and Cedar Street, immediately across the street from the proposed facility. Allowing the use of the existing parking lot reduces the amount of new pavement on the site, thereby reducing the required retention and eventual storm water run-off from the facility.

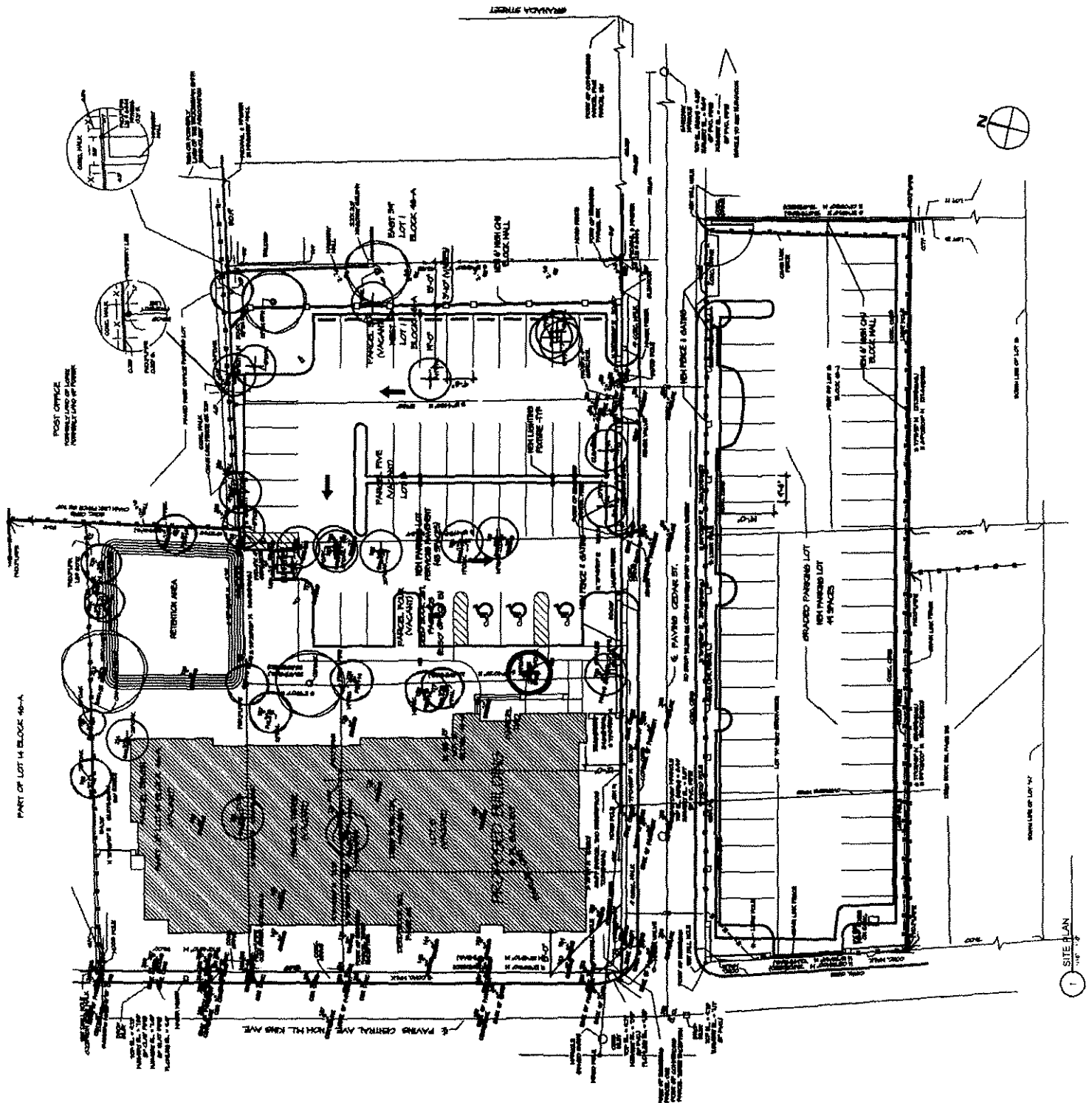
The 43 on-site parking spaces will be restricted for male students who reside in the new dormitory. Special parking decals will be issued to students who register their cars with the campus security office. The existing parking lot across the street from the proposed facility will also be restricted to either male students who reside in the new dormitory or to female students who reside in Ponce de Leon Hall. Non-boarding students will not be allowed to park in either of the two parking lots. Inasmuch as students occupying those parking spaces will not be driving to campus, the project should not greatly impact traffic on Cedar Street.

By reducing the mandated 24-foot drive isles to 20 feet, the College will be able to save several existing trees, including a 23-inch oak tree. This reduction of drive isle also reduces the paved area needed for parking, which in turn will have a positive impact on the site, allowing for a larger landscape buffer between the parking area and the building, as well as a 15-foot buffer between the parking area and the residential property to the east. With a reduced drive isle width, the building footprint can be situated farther east of the property line, allowing a large landscape buffer between the building and M. L. King Avenue, creating a more pleasant and aesthetic experience for pedestrians and passersby.

The applicant also proposes that the width of the parking spaces be reduced from 9 ½ feet to 8 ½ feet. This reduction would increase the number of on-site parking spaces by three and the number of off-site parking spaces by six, increasing the on site parking to 46 spaces and the off site parking to 55 spaces.

Prepared by: William T. Abare, Jr.
President
Date: April 16, 2003

EXHIBIT "B"



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **Patricia Bergquist**
who on oath says that she is Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a Notice of Public Hearing

in the matter of Enactment of Ordinance No. 2003-21

in the Court was published in said newspaper in the issues of

June 12th, 2003

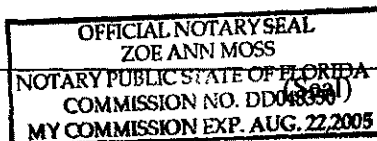
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 16th day of June 2003

by Patricia Bergquist who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss
(Signature of Notary Public)

Zoe Ann Moss



\$ 70.76

**NOTICE OF PROPOSED
ENACTMENT OF
ORDINANCE 2003-21 BY
THE CITY OF ST.
AUGUSTINE,
FLORIDA.**

NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING TO BE HELD BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE CONCERNING THE SECOND READING OF ORDINANCE 2003-21. THE PUBLIC HEARING WILL BE HELD DURING THE REGULAR CITY COMMISSION MEETING ON MONDAY, JUNE 23, 2003, BEGINNING AT 5:00 P.M., IN THE ALCAZAR ROOM, 1ST FLOOR, WEST WING, CITY HALL, 75 KING STREET, ST. AUGUSTINE. PUBLIC COMMENTS ARE INVITED ON THE FOLLOWING MATTER:

ORDINANCE NO. 2003-21
AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE FLAGLER COLLEGE MEN'S RESIDENCE DORM PLANNED UNIT DEVELOPMENT PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Said proposed ordinance may be inspected by the public at the office of the City Clerk, City Hall, Lobby B, second floor, 75 King Street, St. Augustine, FL 32084, during the hours of 8:00 A.M. and 5:00 P.M. except weekends and holidays.

All interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

In accordance with Florida Statute 286.0105; "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person 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."

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on notice. Telephone: Martha Porter, City Clerk (904) 825-1807; or 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Martha V. Porter
City Clerk
L1312-3 June 12, 2003

Cedar Hall Planned Unit Development

City of St. Augustine, Florida

July 1, 2021
Revised August 24, 2021

Team Roster

Owner/Applicant:

Flagler College, Inc.
David Carson
74 King Street
St. Augustine, Florida 32084

Architect

Hastings + Chivetta
Steve DeHekker, AIA, LEED AP BD+C
2464 West Port Plaza Drive, Suite 200
Saint Louis, Missouri 63146
(314) 529-4038

Civil Engineering:

Matthews Design Group
Rob Matthews, III, PE & Alex Acree, PE
7 Waldo Street
St. Augustine, Florida 32084

Legal/Authorized Agent for Owners:

Rogers Towers, P.A.
Ellen Avery-Smith, Esq., Courtney Gaver, Esq.
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086
(904) 825-1615

Exhibit List:

Exhibit "A" – Legal Description of the Property
Exhibit "B" – Site Plan
Exhibit "C" – Conceptual Architectural Elevations
Exhibit "D" – Public Facility Impact Analysis
Exhibit "E" – Arborist Report

**AMENDED AND RESTATED CEDAR HALL PLANNED UNIT DEVELOPMENT
(f/k/a Flagler College Men's Residence Dorm PUD)**

A. Purpose and Intent.

Pursuant to Section 28-286 of the City of St. Augustine Code (the “Code”), the purpose of a planned unit development (“PUD”) zoning district is to provide an option and process for the provision of unique, individually planned developments that are consistent with the City’s Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible and innovative designs for projects than the regular zoning districts allow. The intent of a PUD is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD.

The purpose of this application is to expand the dormitory facility commonly known as Cedar Hall, which the City approved in 2003 under the Flagler College Men’s Residence Dorm Planned Unit Development (Ordinance No. 2003-21) (the “**Original PUD**”). The Original PUD provided for a 104-bed dormitory facility on approximately one (1) acre located at 94 Cedar Street (the “**Original PUD Property**”).

This Amended and Restated Cedar Hall PUD text incorporates the pertinent provisions of the Original PUD and includes the 0.2-acre adjacent parcel owned by the Applicant located at 7 Martin Luther King Avenue (the “**New PUD Property**”) in order to expand Cedar Hall to include an additional maximum 100 beds, for a maximum capacity of 204 beds within the expanded dormitory.

The PUD text incorporates site-specific regulations to address development and topographic conditions and transitioning land uses. The PUD text, including all exhibits hereto, complies with all applicable provisions of City Code Chapter 28.

B. Site Information.

1. Location

The property subject to this PUD ordinance is the Original PUD Property located at 94 Cedar Street and the New PUD Property located at 7 Martin Luther King Avenue, both located south of King Street, west of Martin Luther King Avenue and north of Cedar Street in the City of St. Augustine. The parcels have St. Johns County Parcel Identification Nos. 201850-0000, 201860-0000 and 201860-0150 (collectively, the “**Property**”). A legal description of the Property is attached as **Exhibit “A”**. The Property includes approximately 1.20 acres.

2. Owners and Agent

The owner of the Property is Flagler College, Inc. (sometimes referred to herein as the “**Owner**” or the “**College**”). The agent for the Owner is Ellen Avery-Smith, Esq., Rogers

Towers, P.A. (the “Agent”). Addresses for the Owner and Agent are in the team roster on page 2.

3. History, Existing Approvals

The Future Land Use Map (“FLUM”) designation of the Original PUD Property is Residential Medium Density, and the New PUD Property has a FLUM designation of Commercial Low Intensity. The Original PUD Property was rezoned from Residential General-1 (“RG-1”) to the Original PUD in 2003.

The Original PUD allows for development of a three (3)-story, 104-bed dormitory facility (now commonly referred to as Cedar Hall) on the Original PUD Property with 43 on-site parking spaces to the east of the dormitory building (now commonly referred to as the Cedar Residence Parking lot). The Original PUD included improvements to a pre-existing parking lot south of Cedar Street for 49 additional off-site parking spaces (now commonly referred to as the Cedar Street Southside Lot).

The Original PUD required additional buffering on the eastern boundary line adjacent to the residential property located at 88 Cedar Street, including a six (6)-foot high masonry and brick wall with a 15-foot buffer between the wall and the eastern property boundary. The Original PUD also included reduced drive aisles and parking space width for both on-site and off-site parking. The only development within the Original PUD Parcel is the dormitory facility with parking. The College completed construction of Cedar Hall in 2006.

4. Summary of Proposed Development

The Owner is proposing to amend and restate the development plan of the Original PUD to:

- a. Update the name of the Original PUD to Cedar Hall PUD.
- b. Add the 0.2-acre New PUD Property to the Original PUD boundaries.
- c. Enlarge the existing dormitory building to include an additional maximum of 100 beds, for a maximum housing capacity of 204 beds.
- d. Provide for additional, off-site parking facilities to accommodate the increase in student housing.
- e. Revise the development plan to reflect the New PUD Property and proposed dormitory addition.

The proposed development plan reflects the addition of a maximum 100 beds to the existing dormitory facility, increasing the maximum capacity to 204 beds. This proposed expansion of Cedar Hall reflects the College’s need for additional on-campus student housing for currently enrolled students. The College needs additional housing for students because of increasing rental rates in the City and its surroundings. A site plan depicting the locations of the existing dormitory building and its planned addition is attached as Exhibit “B” (the “Site Plan”). City staff shall be permitted to approve minor deviations from the Site Plan.

The Property includes approximately 1.2 acres of uplands. There are no wetlands on the Property.

C. Proposed Development (Code Section 28-289 provisions in BOLD).

1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property.

As set forth in Section B.3 above, the Original PUD Property has a FLUM designation of Residential Medium Density and the current land use remains compatible with the surrounding properties and consistent with the City's Comprehensive Plan, which analysis was completed under the Original PUD application in 2003. Accordingly, this consistency analysis will address only the New PUD Property, which has a FLUM designation of Commercial Low Intensity.

City Comprehensive Plan Future Land Use Element ("FLUE") 6.5.1 states that Commercial Low Intensity ("CLI") areas allow low intensity commercial uses and may include multi-family and residential uses. The CLI designation is intended for low traffic generating uses and encourages a mixture of residential and commercial developments. The College intends to construct student housing including dormitories, suite-style housing or similar student housing arrangements to provide additional on-campus housing for current students.

FLUE Objective 5 encourages the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments. The Cedar Hall project is a residential PUD and will connect to existing utilities and other infrastructure, which have capacity to serve the Property. The Property is located adjacent to Martin Luther King Avenue and Cedar Street, which are public roads. The project will provide parking for boarding student residents with vehicles. However, as these students will not be commuting to campus as they can walk and bike around the campus and to the City center.

FLUE Policy 1.1.1 and Conservation and Coastal Management ("CCM") Policy 1.3.1 require the City to use the latest version of the Flood Insurance Rate Maps promulgated by the Federal Emergency Management Agency ("FEMA") to determine the location of the 1 percent or 100-year floodplain and flood prone areas of the City and to require development within such areas to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation established by FEMA. The expansion of Cedar Hall will be constructed in conformance with the aforementioned requirement, as detailed in Section 3.c of this text. The project will also comply with FLUE Policies 1.1.10 and 1.1.11 and FLUE Objective 4.3 with respect to stormwater, drainage and construction to address sea level rise.

FLUE Policy 1.1.4 requires the City to ensure that adequate open space is provided through landscaped buffers, areas devoted to drainage and stormwater retention and landscaping requirements. The project will provide all of the aforementioned open space.

FLUE Policy 2.2.1, FLUE Goal 5 and its related policies and FLUE Goal 8 require the City to encourage and prioritize redevelopment and development of enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl. FLUE Policy 2.2.1 and FLUE Goal 5 require the City to prioritize infill, redevelopment and mixed-use developments, as

well as compact and contiguous developments. FLUE Policies 5.1.2, 5.4.2, 5.5.3 and 6.1.5 encourage the City to achieve infill development through the use of higher density and intensity land use designations and mixed-use designations. This project accomplishes all of these goals by providing higher-density infill housing for the College's existing students within the City's downtown core, consistent with the Property's CLI future land use designation, and utilizing existing infrastructure where capacity to serve the project is available.

FLUE Objective 5.2 and its related policies require new development to encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel, as opposed to conventional development patterns that encourage urban sprawl. The project meets these requirements by providing an infill development in the downtown core where students can park their cars and walk, bike or use publicly available transit to travel to the College and around the City. The design is pedestrian-friendly and is interconnected with the City's street network.

The Transportation and Mobility Element ("TME") emphasizes the maintenance of a coordinated multimodal transportation system which provides for the safe, efficient and economical movement of people, goods and services and protects the City's natural, cultural and historical resources. The project is located in downtown St. Augustine, within walking distance of most destinations. Student residents can park their cars in the designated campus parking facilities and walk and bike to destinations throughout downtown. Ample parking will be available at and in proximity of the Property, as explained below.

TME Objective 1.6 requires the City to identify and pursue strategies to reduce the vehicle miles traveled by establishing locations for compact, mixed-use development, increasing opportunities for job creation proximate to higher density residential, facilitating future opportunities for transit-oriented development and encouraging new developments to be connected by roadways, bikeways and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. The PUD is connected to downtown St. Augustine and Lincolnville by roadways, bikeways and pedestrian systems.

The Infrastructure Element requires the provision of sanitary sewer, potable water and solid waste services to support intended development. The Cedar Hall project is connected to the City's existing sanitary sewer and potable water systems. The building expansion will meet all applicable levels of service for these facilities/services and will make any improvements to existing facilities needed to serve the project, in conformance with the requirements of the City Code. The project will use water-wise landscaping where practicable. The project will also utilize City solid waste services. The Stormwater Management Sub-Element requires developments to provide its own stormwater management system. The project will comply with this requirement.

TME Policies 1.3.3 and 1.3.4 require the City to encourage infill development in the existing urban area of the City and to recognize that "certain roadway corridors will be congested, and that congestion will be addressed by other means than solely considering adding capacity for single occupant vehicles." The project meets this goal by providing infill development in the downtown core and providing student residents with transportation options other than single vehicles.

TME Policy 3.4.2 requires the City to establish policies that allow for a private development to conduct a shared parking plan and program for redevelopment. The project has proposed such a shared parking plan for the project, which will provide the “park once” environment sought by TME Objective 3.4.

Housing Element Goals 1 and 5 and their related policies and objectives encourage the City to promote quality housing through new construction and assist the private sector in providing adequate housing to meet current and future needs. The project meets these requirements by providing new, quality housing in the downtown core for current students.

Housing Element Goal 2 and its related policies and objectives encourage preservation of neighborhood character. The stucco and brick trim addition will remain in the Spanish-Renaissance architecture of the College, with the residential scale of the building created by breaking the building mass with windows, terra cotta roof tiles and brick trim.

The CCM Element Goal is to protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. Conservation and Coastal Management Policy 1.1 requires the City to maintain three (3) Conservation Overlay Zones (“COZs”). Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers and other water dependent uses, including boat ramps and marinas. Conservation Overlay Zone 2 allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off-street parking areas, and residential development, provided that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 allows a variety of land uses and development subject to performance standard requirements governed by the City’s Comprehensive Plan, including the underlying Future Land Use Category, and the City’s land development regulations. Section 11-27 of the Code states that Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. The Cedar Hall expansion will comply with the applicable COZ requirements enumerated in the CCM Policies, as set forth more fully in Section 3.u. below.

2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Not applicable.

3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

The Owner desires to amend the Original PUD for the Property in order to provide an updated development plan that more fully meets current and future needs of the City in this area. The following development standards shall apply to the Property:

- a. Allowable uses: Allowable uses within the Property shall be for student housing in a dormitory, with a maximum of 204 student residents; and on-site and off-site surface parking to accommodate the aforementioned use.

All accessory uses and structures allowed by Section 28-348 of the Code in effect at the time of approval of the PUD, including but not limited to recreational and other amenities to serve the development.

The locations of the proposed uses are depicted on the Site Plan, **Exhibit “B”**.

The student housing facility shall have access to all recreational facilities at the College (all of which are off-site) including, without limitation, a swimming pool, indoor gymnasium and fitness center, student center recreational room and other facilities.

The project includes walking paths that connect to sidewalks along Martin Luther King Avenue and Cedar Street for students’ enjoyment.

- b. Setbacks: The minimum building setbacks are as follows:

1. A minimum of five (5) feet from each property line. Sidewalks, landscaped areas and other horizontal improvements shall be permitted within these setbacks.
2. There shall be no building setbacks required within the interior of the Property.

- c. Maximum building height: Buildings shall not exceed 35 feet in height. Building height shall be measured pursuant to applicable Code provisions.

- d. Minimum lot size: None.

- e. Minimum lot width: None.

- f. Maximum lot coverage: 50 percent for the Property.

- g. Site Plan Details: The Site Plan attached as **Exhibit “B”** has been prepared prior to project engineering and architecture being completed. Minor adjustments to building and parking locations shall be permitted in order to conform to final engineering plans approved by the City. Any such minor adjustments must comply with the requirements of this PUD text.

- h. Parking: Parking for the original 104-bed dormitory facility shall remain the same as the requirements of the Original PUD, as follows: 47 parking spaces shall be located on-site within the Cedar Hall Residence Lot and 42 parking spaces shall be located off-site at the Cedar Street Southside Lot, each as depicted on the Site Plan attached as **Exhibit “B”**. Parking for the additional maximum 100 beds (the “**Expansion Parking**”) will be provided off-site in nearby parking

lots leased or owned by the College located at 4 Martin Luther King Avenue (54 spaces) at the College gym/auditorium (79 spaces) (the “Off-Site Lots”).

The Cedar Hall Residence Lot shall be restricted to students who reside in the Cedar Hall dormitory. The Cedar Street Southside Lot and the Off-Site Lots shall be restricted to students who reside on campus at either Abare Hall, Cedar Hall, the FEC Towers, Ponce de Leon Hall or Lewis Hall. Non-boarding students will be prohibited from parking in any of the lots. Special parking decals will be issued to students registering their cars with the College’s Parking office. The parking spaces shall be a minimum width of 8.5 feet by 18 feet deep.

- i. Signage: Project signage will meet applicable Code provisions.
- j. Roads: There are no roadways within the Property. Driveways within the Property will be owned and maintained by the Owner. The surface parking lots that serve the dormitory units may be access controlled.
- k. Sidewalks: A sidewalk will be constructed on the east side of Martin Luther King Avenue and north side of Cedar Street along the project boundaries, to the extent such sidewalks do not already exist. The project will also include internal sidewalks to connect to the external sidewalks. Primary pedestrian connections will be from Martin Luther King Avenue.
- l. Bicycles/Multi-Modal: Bicycle racks will be provided within the Property.
- m. Stormwater: The Owner will provide a stormwater management system for the proposed development, in compliance with applicable City and St. Johns River Water Management District (“District”) requirements. The stormwater management system for the Project will be designed to accommodate drainage from Martin Luther King Avenue in accordance with City and District requirements.
- n. Lighting. Project lighting shall comply with applicable Code provisions.
- o. Accessory Uses. Project accessory uses shall comply with applicable Code provisions.
- p. Temporary Uses. Project temporary uses shall comply with applicable Code provisions. Temporary offices and construction trailers shall be allowed on the Property during construction of any building and may be moved throughout the site if necessary but shall be removed within 30 days of issuance of a final Certificate of Occupancy by the City for the final building within the Property. Parking may be provided for the temporary offices and trailers in a temporary defined, but unpaved, area which meets applicable Code provisions.
- q. Utilities: Project shall comply with applicable Code requirements. Stormwater will be provided pursuant to a permit issued by the District.

- r. Landscaping: Project landscaping will comply with all applicable Code provisions. A six (6)-foot high masonry and brick screen shall be located between the Cedar Hall Residence Lot and adjacent residential property at 88 Cedar Street. [Completed] A 15-foot buffer shall remain in place between the screening wall and the property boundary.
- s. Architectural Style: The exterior design of the buildings within the PUD will be of similar character as other College structures located in downtown St. Augustine. The building, with stair and elevator tower elements will reflect Spanish-Renaissance architecture of the College. The residential scale of the building will be created by breaking the building mass, as reflected in the size of the windows, the terra cotta roof tiles and brick trim. Conceptual architectural elevations are attached hereto as Exhibit "C".
- t. Tree Mitigation: Any project tree removal and replacement will comply with applicable provisions of Code Chapter 25, Article III.
- u. Conservation Overlay Zone Development: Chapter 11, Article II, Sections 11-26 through 11-30 of the Code set forth criteria for development within COZs. The Property is within COZ 3, and development of the Property will comply with applicable provisions of Sections 11-26 through 11-30.

Sections 11-28(c) and 11-29(d) allow permits for structures and uses located within COZ 3 to be issued only for structures and uses which do not cause the removal of a significant tree; provided, however, Code Section 11-29(e) permits issuance of a removal permit for significant trees upon consideration of the criteria set forth in Code Section 11-29(d), that the property owner or agent will be unreasonably affected in shifting the location of the proposed structure, building or improvements or otherwise modifying the design of the site in maintaining the existence of the subject tree to permit construction, and that removal of the subject trees will not have a substantial adverse impact on the urban and natural environment.

For the New PUD Property located within COZ 3, the Owner provides the following information in response to Code Section 11-28(d) criteria (with Code criteria in BOLD below):

- a. **The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.**

As detailed in the June 23, 2021 tree report prepared by Chuck Lippi, ISA Board Certified Master Arborist with Advanced Tree Care, Inc., attached as Exhibit "E" (the "**Arborist Report**"), a single Quercus laurifolia (laurel oak) having a diameter breast height (dbh) of 31 inches is located on the northern property boundary of the New PUD Property which abuts the neighboring

U.S. Postal Service's rear parking lot. The Arborist Report indicates that tree's roots are severely restricted due to the parking lot pavement and curb touching the trunk on the north side of the tree, and an existing sidewalk and building within two (2) feet and eight (8) feet, respectively, from the south side of the tree. The Arborist Report indicates that tree structure is fair with either a single significant or multiple moderate defects with branch or trunk failure possible to probable due to the restricted root area. There is no significant damage due to pests or decay. A street light utility line and pole do interfere with the tree.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.**

As depicted on the Site Plan, attached as Exhibit "B", it is necessary for the Owner to clear and remove the significant tree from the New PUD Property so that the infrastructure serving the dormitory expansion can be completed. The tree drip line extends beyond the property setback and would cause an unreasonable modification in the proposed structure and design of the site given the New PUD Property's narrow width and site constraints. There is no practicable way to design the expansion around the oak, and the proposed improvements will cause further significant root restriction in the area.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.**

As indicated in the Arborist Report, the tree abuts the parking lot pavement and curb of the U.S. Postal Service parking lot adjacent to a light pole. Since the project will be developed per City development standards, issues related to erosion will be lessened and drainage flow will comply with all applicable City and District requirements.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.**

The neighborhood does have an established tree canopy (including the 15-foot buffer on the eastern property boundary) and removal of the tree will not significantly alter the tree canopy and the removal is necessary for construction. Project landscaping will comply with all applicable Code provisions.

e. Whether the tree has been designated a significant tree.

The tree in question is a quercus laurifolia or laurel oak having a dbh of 31 inches and estimated height of 65 feet. Code Section 11-27 provides that quercus laurifolia or laurel oaks are considered protected if their dbh ranges from 15 inches to 36 inches.

f. Impact upon the urban and natural environment, including:

1. Ground and surface water stabilization.

Any new construction must retain surface water.

2. Water quality and aquifer recharge.

The project must comply with District stormwater management regulations.

3. Ecological impacts.

The removal of the tree will not affect ecology. The project will provide landscaping per the Code.

4. Noise pollution.

The removal of the tree will not result in an increase in noise pollution.

5. Air movement.

The proposed tree removal will not substantially affect air movement.

6. Air quality.

This proposed tree removal should not affect air quality.

7. Wildlife habitat.

Not applicable.

g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

The proposed removed tree falls within the footprint of the dormitory expansion. The Owner will provide tree replacement and mitigation requirements in accordance with all applicable requirements of Chapter 25 of the Code.

4. Compliance with the purpose and intent and criteria in Code Section 28-286.

The Cedar Hall PUD complies with Code Section 28-286 by:

- a. Promoting more efficient and economic use of land by offering urban infill where students can live onsite.
- b. Encouraging a more compatible and harmonious development of contiguous lands by enlarging uses under an already approved and developed project;
- c. Providing flexibility to meet changing needs, technologies, economics and consumer preferences in the Site Plan and this text;
- d. Providing a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- e. Demonstrating the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned development's relationship with the existing and preferred architectural context surrounding the project;
- f. Providing an environment of consistent character compatible with the surrounding areas; and
- g. Permitting specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

5. Compliance with Code Section 28-288 and justification for any zoning uses.

As stated in Section C.3 hereof, the allowable uses within the Property shall be student housing of a maximum of 204 student beds. A Site Plan depicting the locations of the proposed land use is attached as **Exhibit "B"**, Site Plan. The proposed residential uses are permitted in the CLI FLUM designation for the Property.

Development standards for the Property are set forth in Section C.3 hereof. These standards will mitigate for any negative impacts of the development on surrounding lands.

Benefits to the community from the Cedar Hall project include:

- a. Utilizing existing infrastructure at no cost to the City.

- b. Providing much-needed housing for college students in the downtown core, thereby reducing the number of students who rent homes in the Lincolnville, Model Land and other neighborhoods. This will make more rental housing available to non-student City residents.
- c. Allowing currently enrolled students to board on campus, which will limit daily commuters and thus reduce traffic in downtown St. Augustine overall.
- d. Allowing students to live and work in the downtown St. Augustine and Lincolnville areas, thus reducing traffic in downtown St. Augustine and providing student workers at downtown businesses.

6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit.

The Cedar Hall project will be developed in one (1) phase. Construction of improvements shall commence within ten (10) years of the City Commission's adoption of this PUD ordinance and shall be completed within two (2) years of commencement.

For purposes of this PUD, "commencement" shall be defined as the City's approval of horizontal construction plans, and "completion" shall be defined as the City's approval of as-builts for horizontal improvements.

7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

The Owner will provide for the operation and maintenance of project infrastructure.

8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

This PUD shall terminate 15 years from its adoption by the City Commission unless otherwise extended or amended pursuant to the Code or Florida law.

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

The proposed PUD is consistent with the underlying FLUM designation of the Property.

10. An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city.

A public facility impact analysis that outlines the project's potential impacts on transportation networks, circulation patterns and infrastructure is attached as **Exhibit "D"**.

11. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.

See Section E hereof.

D. Performance Standards (Code Section 28-291).

1. Density of development. Cedar Hall, as will be expanded, will include a maximum of 35 percent lot coverage by buildings.

2. Open space. The project will include a minimum of 10 percent of open space, as depicted on the Site Plan.

3. Waiver of yard, dwelling unit, frontage criteria and use restriction. See Section C.3 hereof for these criteria and waivers from such requirements. Those waivers are detailed in Subsection C.3.h. (Parking/Off-Site Parking).

4. Management and maintenance of open space areas. Any common property within the Property will be owned, operated and maintained by the Owner.

5. Community facilities.

a. All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.

The project will connect to existing City utility lines and will make improvements to such systems to the extent required solely to serve the project. The Owner will work with the City regarding any proposed dedication of utility lines, in compliance with applicable Code requirements.

b. All requirements for off-street parking and loading shall apply to the PUD unless otherwise waived or modified.

See Section C.3.h for parking standards.

c. **Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.**

The project will provide adequate access and circulation for emergency and other access, including access for large vehicles.

d. **Provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater and prevent erosion and formation of dust.**

The project will provide for underground utilities to the extent practicable.

e. **Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.**

See Section C.3 for street and sidewalk design criteria. The Site Plan shows interconnectivity within the Property and with adjacent lands.

f. ***General development patterns.* Residential subdivisions and mixed-use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.**

Not applicable.

E. **Ownership Agreement.**

The Owner, on behalf of itself and its successors and assigns, hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD ordinance for this application as adopted by the City of St. Augustine City Commission. The Owner also agrees to comply with all conditions and safeguards established by the St. Augustine City Commission with respect to this Planned Unit Development application.

Flagler College, Inc., a Florida not-for-profit corporation

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "A"

Legal Description of the Property

EXHIBIT "A"
LEGAL DESCRIPTION

A PART OF LOT 14, BLOCK 46-A, CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO THE OFFICIAL MAP OF SAID CITY DATED JUNE 12, 1923, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 14 WITH THE EAST LINE OF CENTRAL AVENUE AND RUN NORTHERLY ALONG THE EAST LINE OF CENTRAL AVENUE 55 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF PROPERTY OF WARD; RUN THENCE NORTHERLY ALONG THE EAST LINE OF CENTRAL AVENUE 56.3 FEET TO A POINT; RUN THENCE EASTERLY 163 FEET MORE OR LESS TO A POINT ON A FENCE LINE WHICH POINT IS 105.5 FEET NORTHERLY FROM THE SOUTH LINE OF SAID LOT 14; RUN THENCE SOUTHERLY ALONG SAID FENCE LINE 50.5 FEET TO WARD'S NORTHEAST CORNER; RUN THENCE WESTERLY ALONG WARD'S NORTH LINE 161.10 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PROPERTY ALSO BEING DESCRIBED ON SURVEY PREPARED BY H. BRUCE DURDEN, JR. DATED MARCH 27, 2015, AS FOLLOWS:

A PART OF LOT 14, BLOCK 46-A, CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO THE OFFICIAL MAP OF SAID CITY DATED JUNE 12, 1923, PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A DRILL HOLE AT THE NORTHEAST INTERSECTION OF DR. MARTIN LUTHER KING JR. AVENUE (FORMERLY KNOWN AS CENTRAL AVENUE BY PLAT, A VARIABLE WIDTH RIGHT OF WAY AS PRESENTLY ESTABLISHED) AND CEDAR STREET (A 30 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED); THENCE NORTH 12°50'00" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID DR. MARTIN LUTHER KING AVENUE, A DISTANCE OF 187.68 FEET TO A FOUND ½" IRON PIPE (NO IDENTIFICATION), SAID POINT BEING THE POINT OF BEGINNING:

FROM SAID POINT OF BEGINNING, THENCE CONTINUE NORTH 12°50'00" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 56.30 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 77°26'25" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 162.37 FEET TO A FOUND 1" IRON PIPE; THENCE SOUTH 10°11'18" EAST, A DISTANCE OF 50.32 FEET TO A POINT WHICH BEARS NORTH 75°15'48" EAST FROM SAID POINT OF BEGINNING; THENCE SOUTH 75°15'48" WEST, A DISTANCE OF 160.12 FEET TO SAID POINT OF BEGINNING.

Exhibit “B”

Site Plan

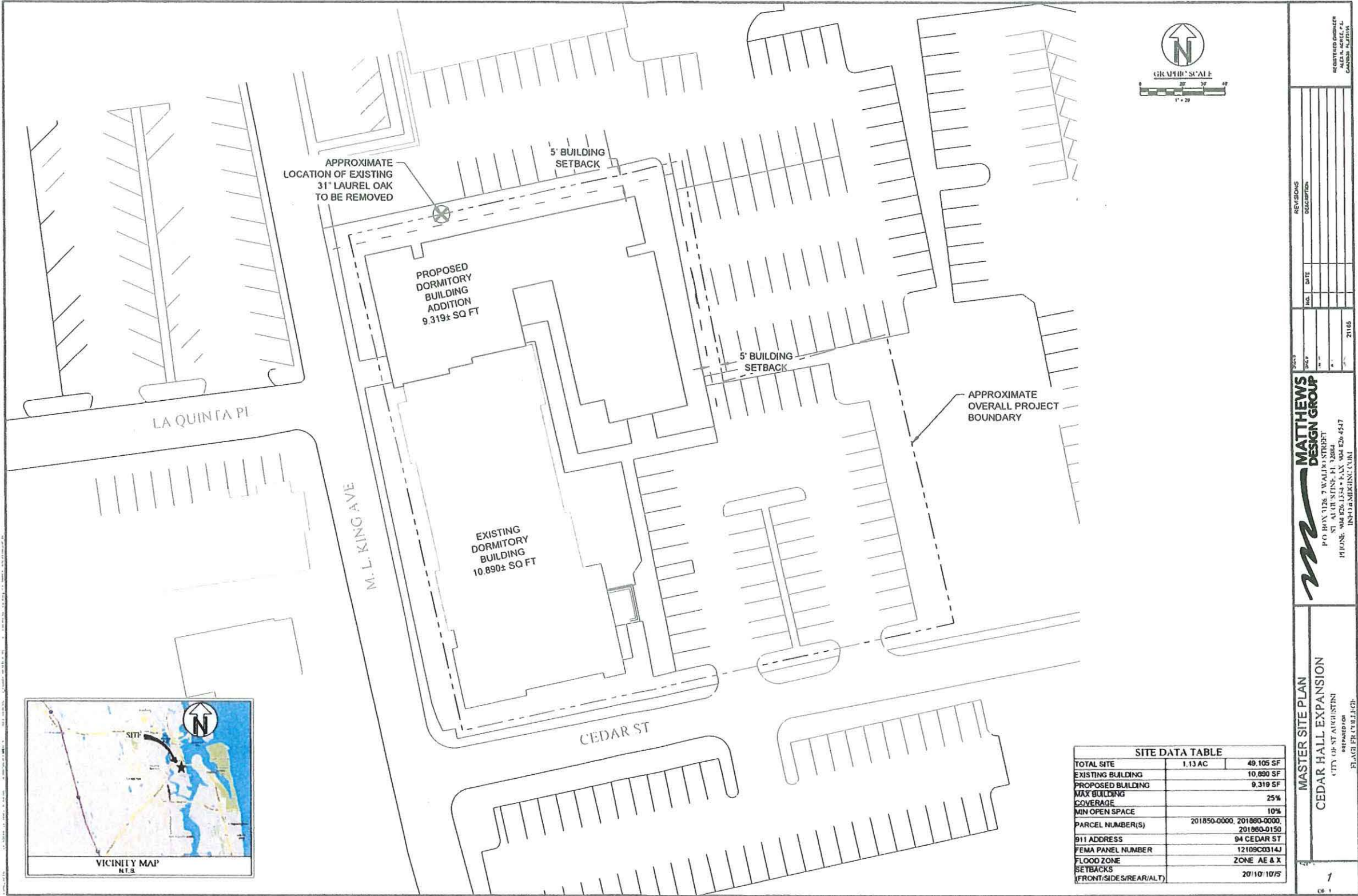


Exhibit "C"

Conceptual Architectural Elevations



EXHIBIT "D"

Public Facility Impact Analysis



July 8, 2021

Memorandum: **Public Facility Analysis**
 Flagler College – Cedar Hall
 Planned Unit Development
 St. Augustine, FL

Matthews Design Group, Inc. is pleased to provide the following assessment of public infrastructure supporting the proposed Flagler College – Cedar Hall Planned Unit Development in St. Augustine, Florida. The proposed development will include an expansion of the existing Flagler College – Cedar Hall Dorms to include an additional 100 beds.

Traffic

The proposed development will utilize the existing driveway connections to Cedar Street and associated existing parking currently serving the dormitory building and Flagler College. There is no additional parking proposed with this expansion, therefore no additional trips anticipated.

Water

The proposed building additional will include 100 new beds for on-campus student housing. Based on flows outlined in 64E-6.008 the total anticipated average daily flow for the additional beds will be approximately 7,500 GPD (75 GPD per student).

Water service to the existing building is served by an existing 8" Water Main along ML King Avenue and an existing 6" Water Main along Cedar Street. Proposed water service connection to the new building may be connected to the plumbing within the existing building or connected to the existing 8" Water Main within ML King Avenue with an appropriately sized service and meter.

It is anticipated that adequate fire flow is available within the existing water main adjacent to the site. Additionally, existing Fire Hydrant at the intersection of ML King Avenue and Cedar Street appears to meet the distance requirements for fire protection, assuming the building is protected with an automatic fire sprinkler system.

Sanitary Sewer

As indicated above, the total anticipated average daily flow for the proposed addition will be approximately 7,500 GPD.

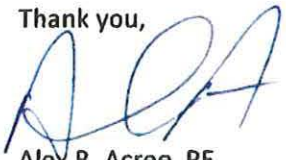
Sanitary sewer service to the existing building is serviced by an 8" Gravity Sewer Main within ML King Avenue. Proposed sewer service connection to the new building may be connected to the plumbing within the existing building or connected to the existing 8" Gravity Sewer Main within ML King Avenue with an appropriately sized service.

Stormwater

Stormwater runoff from the site will be collected by roof drains and pavement inlets and routed to an underground retention/detention system. The existing permit with SJRWMD (88082-1) for the original design will be modified as necessary to meet water quality and water quantity standards.

Please do not hesitate to contact me if you have any questions.

Thank you,



Alex R. Acree, PE
Land Development Lead

EXHIBIT “E”

Arborist Report

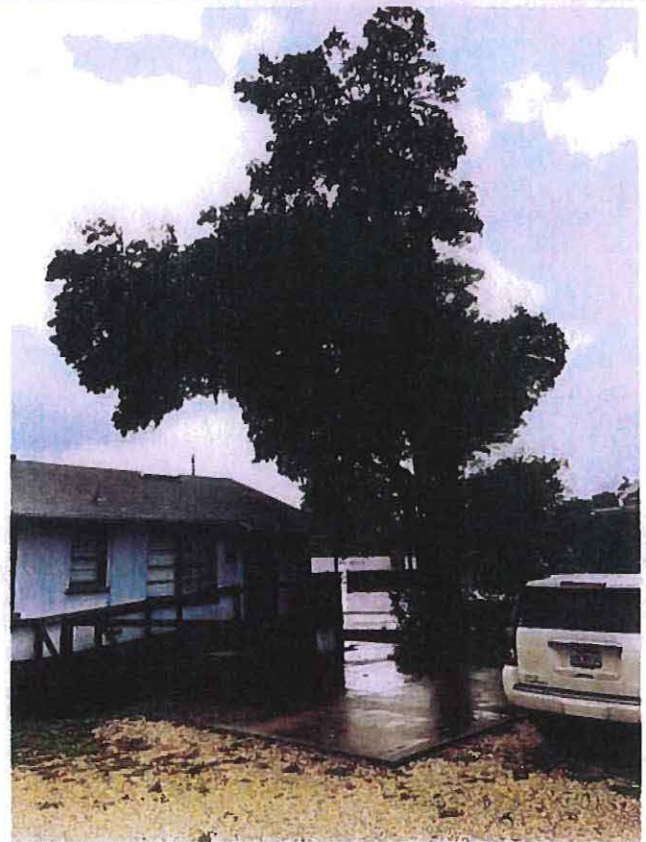


Laurel oak Tree ID #3003

Tree

Tree Id:	1
Primary ID:	3003
New Tag #:	
Previous ID or Tag #:	
Common Name:	Laurel oak
Scientific Name:	Quercus laurifolia
DBH:	31
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	65
Canopy Shape:	Asymmetrical
Mallet Test:	Negative
Health Condition:	Good- tree vigor is normal for the species. There is no significant damage due to pests or decay, no more than minor discoloration, defoliation and twig or branch dieback.
Structure:	Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over several years.
Utilites:	Street light(s)
Infrastructure damage:	
Slab grinding or other repair :	Not recommended
No. of slabs:	0
Infrastructure height	0

Photos



lift:

Infrastructure recommendation: None recommended

Observations-Characteristics: Co-dominant leaders w/bark inclusion, Included Bark, Crack - vertical (torsion), Sprawling crown, Restricted root area

Observations-Biotic Pest: None observed

Observations-Abiotic: None observed

Notes 1: Severely restricted root zone. Post office parking lot pavement and curb touching trunk on north side. Sidewalk 24 inches from trunk and building 8 ft from trunk on south side. Included bark increases likelihood of branch or trunk failure.

Notes 2:

DBH Stem 1:

DBH Stem 2:

DBH Stem 3:

DBH Stem 4:

DBH Stem 5:

DBH Stem 6:

Code: QULA2

Cultivar:

TPZ Ratio:

Tree Protection Zone (TPZ):

Critical Root Zone (CRZ):

DBH Range: >30in

Genus: Quercus

Height Range: 50ft-75ft

Archived: No

Location



Client Site:	St A-7 ML King
House Number:	7
Address Street:	Martin Luther King Avenue
Land Type:	Backyard

Management

Tree Work-Pruning:	
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	

Monitor:	No
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Cycle:	
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Pruning Specs and Notes:	
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Pruning spec-type of cut:	
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Pruning spec-location of cut:	
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Pruning spec-# of cuts:	
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Pruning spec-size of cuts:	
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Pruning spec-% canopy removal:	
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User:	Chuck
-------	-------

Last Modified User:	Chuck
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Date Added:	06/22/2021
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Last Modified:	06/22/2021
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Risk Assessment

Assessment Level :	Level 2 - Detailed 360° ground level visual inspection of a tree and its surrounding site w/mallet test.
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Assessed Tree Part:	Trunk
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Likelihood of Failure:	Possible
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Likelihood of Impacting Target:	High
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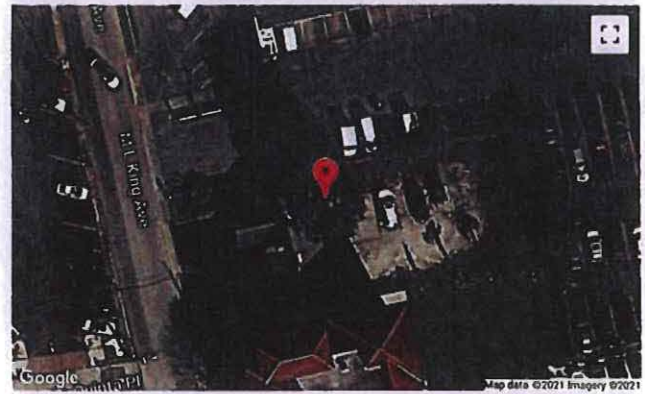
Likelihood:	Somewhat Likely
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Consequence of	Severe
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Street View



Map



Failure:

Risk Rating: Moderate

Report Prepared: June 23, 2021

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **Item 8(a)**

Discussion and recommendation regarding an Ordinance to establish an Impervious Surface Ratio (ISR) in residential zoning districts

The attached draft Ordinance is language related to establishing a maximum impervious surface ratio (ISR) in the Zoning Code for single family residential dwelling development. Based on recommendations from the Building Code Task Force, and the Planning and Zoning Board (PZB) staff has moved forward to draft this language as one way to begin to address potential stormwater flooding in neighborhoods and resiliency issues related to single family development.

After further consideration the language proposed in the Ordinance would apply to all single family residential dwelling development in any zoning district where allowed not just “residential zoning districts”. This is because almost all of the city’s zoning districts allow single family uses. There are also existing single family uses in these neighborhoods as well even if they are zoned historic preservation, residential general or commercial.

For example, all of the city’s commercial zoning districts allow single family uses per Residential General-one (RG-1) outright or as a permitted use by exception. Therefore, based on this ordinance single family uses in these areas would also be limited to the maximum 70% impervious surface ratio (ISR) in addition to the straight single family zoning districts.

Additionally, this ordinance proposes a maximum 80% ISR for Historic Preservation districts HP-1, HP-2, and HP-3 where single family uses are also allowed. The 80% ISR is proposed because the current allowed lot coverage is a maximum of 70% for structures.

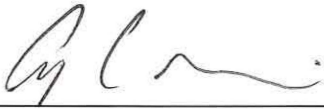
The only zoning districts where this would not apply are: HP-4, IW, OL, GU, MUD, and MUD-A. The IW zoning district only allows caretaker residences on an industrial site. The OL zoning district does allow single family uses, but the lot coverage is limited to 10% on a minimum half acre lot. The GU zoning district would allow residences associated with a government use. The other listed zoning districts don’t allow single family residential uses (HP-4, MUD, MUD-A). The PUD and SPD zoning districts require a rezoning with specific narratives outlining the development parameters of the project, which could include an ISR.

The PZB can make a recommendation to change the drafted ordinance to only require that single family residential dwelling development in residential zoning districts be limited to a maximum ISR. If that is the recommendation then the districts considered “residential districts” according to the zoning code are the RS-1, RS-2, RL-1, RG-1, RG-2, RGO and RGO-A zoning districts.

The proposed language included in the draft limits impervious surfaces to a maximum of 70% ISR for all single family uses in any zoning district where allowed, including HP-5, and a maximum of 80% ISR in the downtown historic preservation districts.

The proposed language changes are indicated in **red** and **underlined** incorporating the revised language into the code sections. Staff requests that the PZB consider this matter and make a recommendation to the City Commission regarding the proposed code revisions.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com, or call David Birchim at (904) 209-4323 or email at dbirchim@citystaug.com.



Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITION OF IMPERVIOUS SURFACE; CREATING A DEFINITION OF MASTER PLANNED COMMUNITY; CREATING SECTION 28-160 DIVISION 3 RESIDENTIAL DISTRICTS TO PROVIDE FOR REGULATIONS RELATED TO IMPERVIOUS SURFACES FOR SINGLE FAMILY RESIDENTIAL DWELLINGS NOT WITHIN MASTER PLANNED COMMUNITIES; AMENDING CODE SECTIONS 28-187 AND 28-188 TO CREATE AN IMPERVIOUS SURFACE RATIO (ISR) REQUIREMENT FOR HISTORIC DISTRICTS HP-1, HP-2, HP-3 AND HP-5; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, on November 9, 2020 the City Commission of the City of St. Augustine established a Building Code Task Force to discuss and evaluate possible updates to the city code related to flood protection and resiliency; and

WHEREAS, the Task Force met several times and developed a Final Report addressing the three (3) goals as assigned by the City Commission; and

WHEREAS, on March 8, 2021 the City Commission accepted the Final Report of the Building Code Task Force, and forwarded the report to the Planning and Zoning Board (PZB) for the board's input and formal recommendation on the adoption of new land development codes; and

WHEREAS, on June 16, 2021 at a Special Meeting of the Planning and Zoning Board (PZB) the board acting as the Land Planning Agency for the City recommended that staff move forward to develop land development regulations to address stormwater flooding in neighborhoods; and

WHEREAS, on August 26, 2021 at a Special Meeting of the Planning and Zoning Board (PZB) the board acting as the Land Planning Agency for the City recommended to the City Commission land development regulations to adopt an impervious surface ratio (ISR) for single family residential dwellings not within master planned communities; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending the Code of the City of St. Augustine. Section 28-2 Definitions of the Zoning Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 28-2. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word ‘shall’ is mandatory; the word ‘may’ is permissive. The word ‘used’ or ‘occupied’ includes the words ‘intended, designed or arranged to be used or occupied.’ The word ‘lot’ includes the word ‘plot’ or ‘parcel.’ The word ‘structure’ includes the word ‘building’ as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word ‘land’ includes the word ‘marsh,’ ‘water’ or ‘swamp.’ The word ‘map’ shall mean the ‘Zoning Maps of the City of St. Augustine, Florida’ and the ‘city’ shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...

Impervious surface means those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, any areas of concrete or asphalt and other surfaces not pervious to water. ~~In the case of lumberyards, areas of stored lumber constitute impervious surfaces.~~ Including any hard surface that prevents or restricts the flow of water into the soil.

...

Master Planned Community means a comprehensively designed residential area that can encompass a pre-planned mix of homes, recreational, cultural, and commercial amenities, as well as, master planned infrastructure improvements including but not limited to potable water, sanitary sewer, stormwater, environmental protections, and roadways.

...”

Section 2. Amending the Code of the City of St. Augustine. Creating Section 28-160 in DIVISION 3 RESIDENTIAL USES to Provide for Regulations Related to a Maximum Impervious Surface Ratio (ISR) for Single Family Residential dwellings in all areas of the city not within master planned communities is hereby created, as follows:

“Secs. 28-157, ~~28-158~~. - Reserved.

DIVISION 3. - RESIDENTIAL USES

Sec. 28-~~159~~158. - Short term rental of dwelling units in RS-1 and RS-2.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short term rental unit means a one- or two-family dwelling unit which is rented more than four (4) times in any calendar year.

Large gathering means a group of twenty (20) or more people at one location.

(a) The owner of a short term rental unit in the residential, single-family-one (RS-1) or residential-single-family-two (RS-2) zoning district shall register said short term rental unit with the planning and building department on forms provided by the department. Registration forms shall include the rental unit property address, parcel identification number, owner's name, owner's address and a notarized statement by the owner that the owner understands and agrees to the terms of these regulations.

(b) Each day the owner rents a short term rental unit without a valid registration as required by this section constitutes a separate violation of this section.

(c) Large gatherings are prohibited at short term rental units located in the RS-1 and RS-2 zoning districts.

(d) Registration of a short term rental unit shall be voided and shall be no longer valid in the event a prohibited large gathering occurs at the location of the short term rental unit.

Sec. 28-~~160~~159. - Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

Notwithstanding any other provisions of this division 3, the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1 and RS-2) on a non-conforming lot of record shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12, with dormers limited to twenty (20) percent of the eave length per side. For the proposed structures subject to this provision, the maximum lot coverage shall be twenty-nine (29) percent in RS-1 and thirty-five (35) percent in RS-2.

Sec. 28-160. – Maximum Impervious Surface Ratio (ISR) for all single family residential dwelling development.

There shall be a maximum impervious surface ratio (ISR) of 70% of the lot size for all single family residential dwelling development regardless of the zoning district, except as established within the historic preservation districts and not within any master planned communities.”

Section 3. Amending the Code of the City of St. Augustine. Sections 28-187, and 28-188 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

“Sec. 28-187. - Historic preservation district: HP-5.

Intent. This district is intended to provide a mix of residential and nonresidential uses compatible with the existing historic structures and the district's relationship with surrounding neighborhoods and traffic circulation.

- (1) *Created; boundaries.* There is hereby created an historical preservation district to be known as historical preservation district HP-5, the boundaries of which shall be as follows:

Begin at the intersection of U.S. Highway 1 and Grove Avenue; thence run easterly along Grove Avenue to San Marco Avenue (except those properties zoned PUD); thence southerly along San Marco Avenue to Castillo Drive; thence westerly along Castillo Drive to Riberia Street; thence southerly along Riberia Street to Orange Avenue; thence westerly along Orange Avenue to U.S. Highway 1; thence northerly along U.S. Highway 1 to Grove Avenue.

...

- (5) *Maximum lot coverage by all buildings and impervious surfaces:*

a. Fifty (50) percent.

b. Main structures, two thousand five hundred (2,500) square feet.

(6) Additional requirements. Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 70% ISR:

(67) Maximum and minimum yard requirements:

a. Front, ten (10) feet minimum, twenty (20) feet maximum.

b. Side, five (5) feet.

c. Rear, twenty (20) feet.

(78) Maximum height of structures: Thirty-five (35) feet, two and one-half (2½) stories.

(89) Minimum yard requirements.

a. Minimum lot width, fifty (50) feet.

b. Minimum lot area, six thousand, seven hundred and fifty (6,750) square feet.

...

“Sec. 28-188. - Lot, yard and height requirements for historic preservation districts 1, 2 and 3.

...

(b) The following lot, yard and height requirements shall be applicable to new construction reflecting the Colonial periods in historic preservation district 1 and to all new construction in historic preservation districts 2 and 3:

...

(2) Maximum lot coverage by all buildings and impervious surfaces:

a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.

b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

c. Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 80% ISR.

...

(c) The following lot, yard and height requirements shall be applicable to new construction reflecting all other architectural styles as permitted in the Architectural Guidelines for Historic Preservation or as approved by HARB within the allowable list of styles in historic preservation district 1:

...

(2) *Maximum lot coverage by all buildings and impervious surfaces:*

a. All structures: The lesser of seventy (70) percent or seven thousand (7,000) square feet as approved by HARB to be compatible with adjacent properties but not to exceed seventy (70) percent maximum lot coverage.

b. Main structure: The lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

c. Lots containing Single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of 80% ISR.

...”

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

.....
PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board
DATE: September 7, 2021
RE: **Item 8(b)**

Discussion and recommendation regarding an Ordinance to update the Zoning Code, Chapter 28 Definitions section for Small and Large Scale Land Use Plan Amendments to refer to the Florida Statute definition, as amended from time to time

The attached draft Ordinance is language related to changes made to the Florida Statutes regarding the definition of small scale land use plan amendments. Land use plan amendments are map changes to a property's designated Comprehensive Plan land use category. House Bill 487 amends the Community Planning Act to increase the size of small scale amendments in urban areas from 10 acres to 50 acres. Other changes to the Statute had previously been made that eliminate other stipulations and conditions on land use plan amendments. These changes have also been included in this draft ordinance to clarify our definitions.

The bill was signed by the Governor and went into effect on July 1, 2021. This means that the city code is not consistent and is more restrictive than the amended Florida Statutes. The attached draft ordinance amends the definition section of the Zoning Code to refer to the Florida Statutes, which may be amended from time to time. Additionally, the drafted ordinance clarifies inconsistent notice and fee references in Code Section 28-59.

The proposed language changes are indicated in **red** and **underlined** incorporating the revised language into the code sections. Staff requests that the PZB consider this matter and make a recommendation to the City Commission regarding the proposed code revisions.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com, or call David Birchim at (904) 209-4323 or email at dbirchim@citystaug.com.



Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITIONS OF COMPREHENSIVE PLAN, COMPREHENSIVE PLAN AMENDMENT, LARGE SCALE, COMPREHENSIVE PLAN AMENDMENT, SMALL SCALE; AMENDING CHAPTER 28, SECTION 28-59 NOTICE OF PUBLIC HEARINGS BY PLANNING AND ZONING BOARD; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the Florida Legislature amends the Florida Statutes from time to time; and

WHEREAS, the Florida Statutes were amended to change the definition of small-scale comprehensive plan amendments;

WHEREAS, based on the change in the Florida Statutes to the definition of small-scale comprehensive plan amendments it is necessary for the City of St. Augustine to update Chapter 28, the Zoning Code to eliminate potential conflicts with the Florida Statutes and reference Florida Statutes;

WHEREAS, clarifications are also required in Section 28-59 Notice of public hearings by planning and zoning board;

WHEREAS, the Planning and Zoning Board acting as the land planning agency for the City of St. Augustine, Florida reviewed and recommended these changes to the City Commission at a public hearing on September 7, 2021;

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

“Sec. 28-2. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot" or "parcel." The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word "land" includes the word "marsh," "water" or "swamp." The word "map" shall mean the "Zoning Maps of the City of St. Augustine, Florida" and the "city" shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...

Comprehensive plan means the St. Augustine Comprehensive Plan, including all adopted amendments, meeting the requirements of F.S. 163, known as the Local Government ~~Comprehensive Planning and Land Development Regulation~~ Community Planning Act, which has been reviewed by the local comprehensive planning agency and adopted by ordinance by the city commission.

Comprehensive plan amendment means a change, amendment, supplement or revision to the adopted comprehensive plan of the city.

Comprehensive plan amendment, large scale means any amendment to the adopted land use map of the comprehensive plan not considered a small scale comprehensive plan amendment or other types of amendments defined in F.S. Ch 163 not considered a small scale comprehensive plan amendment.

Comprehensive plan amendment, small scale means an amendment involving ~~ten (10)~~ fifty (50) acres or fewer or as defined in F.S. Ch 163, and:

- ~~(1) The cumulative effect of the acreage for all small scale development amendments adopted by the city shall not exceed sixty (60) total acres annually;~~
- ~~(2) The proposed amendment does not involve the same property more than once a year;~~
- ~~(3) The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months;~~
- ~~(4) The proposed amendment does not involve a text change to the goals, policies and objectives of the city's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity;~~
- ~~(5) The proposed amendment is not located within an area of critical state concern; and~~
- ~~(6) If the proposed amendment involves a residential land use, the residential land use has a density of ten (10) units or less per acre.~~

...

Rezoning means a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or changes to the actual zoning map designation of a parcel or parcels of land in the city.

Rezoning, large scale, means a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or changes to the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more.

Rezoning, small scale means a change to the zoning map designation of a parcel or parcels of land involving less than ten (10) contiguous acres.

...”

Section 2. Amendment to Chapter 28, Article II, Section 28-59. Chapter 28, Article II, Section 28-59 is hereby amended, as follows:

“Sec. 28-59. - Notice of public hearings by planning and zoning board.

(a) *Notice.* Notice of a time and place of any required public hearing with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation overlay zone developments or appeals shall be mailed via certified mail or hand delivered with receipts maintained by the planning and building division not less than fifteen (15) days in advance of the hearing to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which comprehensive plan amendment, rezoning, land use plan amendment, exception, variance, conservation overlay zone development or appeal is requested. For applications for conservation overlay zone one development (docks), in addition to the above notification, all owners of real property within three hundred (300) feet of the side property lines along the water or wetlands side of the property which has applied for the dock will also be notified in the same manner as defined above. For

applications for amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation zone developments or appeals concerning land two (2) acres or larger in size and/or ten (10) or more dwelling units, notification will be given to all owners of real property within three hundred (300) feet of the boundaries of the land which application has been applied for in the same manner as defined above. ~~If an application requires the three hundred (300) feet notification of adjacent property owners, then the application fee is double the normal required fee, except for single family, homesteaded residences.~~ For the purpose of notice requirements to adjoining owners, the names and addresses of such owners shall be deemed to be those on the current tax records in the office of the property appraiser of the county. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken. However, should any property owner listed on the current tax records fail to receive notice of public hearing and files a verified written complaint with the planning and building division prior to action by the board, the application will be deemed null and void, and a new application will be processed.

(b) *Published notice.* Notice of any public hearing with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances, conservation overlay zone developments or appeals shall be published once in a newspaper of general circulation not less than ten (10) days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the board and/or city commission, as appropriate, ~~and written and published by the planning and building division.~~ Proof of publication shall be on file with the city clerk, planning and building division and/or city commission, as appropriate, prior to the public hearing. Procedures described herein shall also apply to public hearings regarding applications for an appeal of any decision by the planning and zoning board or the historic architectural review board conducted by the city commission.

(c) *Signs required.* The planning and building division shall cause a sign or signs to be posted on any land upon which an application with respect to amending the comprehensive plan, the rezoning of land, amendment of the land use plan, zoning exceptions, zoning variances or conservation overlay zone developments has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.

...”

Section 3. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or

re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 7, 2021

RE: **Item 8(c)**

Discussion and recommendation related to a new statutory requirement to include a Property Rights Element in the City's Comprehensive Plan

The attached language is language related to an additional element (chapter) of the City's Comprehensive Plan that is now required by the State of Florida. House Bill 59 amends the Community Planning Act to require local governments to include a private property rights element in their comprehensive plan.

The bill was signed by the Governor and went into effect on July 1, 2021. This means that the City has to adopt a Property Rights Element into the Comprehensive Plan before or with any next plan amendment or during the next evaluation period. Since the City just finished its evaluation and subsequent Comprehensive Plan amendments the city is proactively moving forward to comply with this new requirement.

The new statutory language also requires the inclusion of specific language in the Property Rights Element. The proposed language attached in **red** and **underlined** incorporates the required statutory language in a format consistent with the City's Comprehensive Plan.

Staff requests that the PZB consider this matter and make a recommendation to the City Commission to adopt the required language and submit the text amendment of the City's Comprehensive Plan to the State of Florida Department of Economic Opportunity (FDEO). This is a text amendment to the Plan and will be submitted for expedited review by the FDEO. Also find attached a notice from the FDEO and the specific language included in the Laws of Florida.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com, or call David Birchim at (904) 209-4323 or email at dbirchim@citystaug.com.



Amy McClure Skinner, AICP
Deputy Director

City of St. Augustine Comprehensive Plan 2040

Property Rights Element Goals, Objectives and Policies

Note: Unless indicated proposed Goals, Objectives and Policies replace previously adopted.

September 2021

Property Rights Element Goals, Objectives and Policies

Property Rights Summary Chapter 163.3177(6)(i) F.S.

House Bill 59 amends the Community Planning Act to require local governments to include a private property rights element in their comprehensive plan. The bill was signed by the Governor and went into effect on July 1, 2021. The new statutory language requires the City of St. Augustine to adopt this new element “by the earlier of the date of its adoption its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.” [Section 163.3177(6)(i), Florida Statutes (2021)]

The new statutory language also requires the inclusion of specific language in the property rights element.

The proposed language included in red and underlined incorporates the required statutory language.

Order of Issues and Page References

Statement of Property Rights

1

Property Rights Goal

Goal 1 Statement of Property Rights

Chapter 163.3177(6)(i) F.S.

PR Objective 1.1

The following rights shall be considered in the City of St. Augustine decision-making:

PR Policy 1.1.1

The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights,

PR Policy 1.1.2

The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

PR Policy 1.1.3

The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

PR Policy 1.1.4

The right of a property owner to dispose of his or her property through sale or gift.



FLORIDA DEPARTMENT *of*
ECONOMIC OPPORTUNITY

Notice of Legislative Change Concerning Property Rights

Dear Local Government Partners:

The Bureau of Community Planning and Growth would like to provide you with an update on legislation that recently became law. Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a property rights element into their comprehensive plan. Inclusion of the property rights element is intended to protect private property rights and to ensure they are considered in local decision-making.

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective **July 1, 2021**, each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

The Bureau of Community Planning and Growth is available to provide you with assistance. For any questions that you have regarding this matter, please contact Ray Eubanks, Plan Processing Administrator, by telephone at 850- 717-8483 or email at Ray.Eubanks@DEO.MyFlorida.com.

CHAPTER 2021-195

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 59

An act relating to growth management; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; amending s. 163.3237, F.S.; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; providing an exception; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing a declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is controlling until the municipality adopts a comprehensive plan in accordance with this act. A comprehensive plan for a newly incorporated municipality which becomes effective adopted after January 1, 2016 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

Section 2. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 3. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or

cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). Notwithstanding any provision of this section to the contrary, before any conveyance under this subsection may be made, except a conveyance under paragraph (a) or paragraph (c), the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal must be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal must provide the previous owner with a minimum of 30 days to exercise the right in writing and must be sent to the originator of the offer by certified mail or hand delivery, effective upon dispatch. If the previous owner exercises his or her right of first refusal, the previous owner has a minimum of 90 days to close on the property. The right of first refusal set forth in this subsection may not be required for the disposal of property acquired more than 10 years before the date of disposition by the department.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement

housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.