



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, SEPTEMBER 26, 2022 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF 10 MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

- 7.C.1.** Discussion of Flagler Crossing Development Agreement whereby the applicant proposed to build an additional 180 units on the eastern portion of the property to include 50 units as "affordable" which can be distributed throughout the entire project. *(A. Skinner, Director Planning and Building)*

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

- 8.A.1.** **Ordinance 2022-14:** Creates a Mobility Oriented Development (MOD) Future Land Use Category to be inserted into the Comprehensive Plan. *(A. Skinner, Director Planning and Building)*
- 8.A.2.** **Ordinance 2022-15:** Creates a new Zoning District called Mobility Oriented Development (MOD). *(A. Skinner, Director Planning and Building)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

- 9.A.1.** **Ordinance 2022-03:** Adopts a new future land use designation for Flagler Crossing property including 50 units as "affordable". *(A. Skinner, Director Planning and Building)*
- 9.A.2.** **Ordinance 2022-28:** Amends the Future Land Use Designation of 3 Nesbit Avenue from Industrial to Residential Medium Density. *(A. Skinner, Director Planning and Building)*
- 9.A.3.** **Ordinance 2022-29:** Amends the Zoning of 3 Nesbit Avenue from Industrial and Warehousing (IW) to Residential General-one (RG-1). *(A. Skinner, Director Planning and Building)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

- 12.A.** Request for three appointments to the Planning and Zoning Board (PZB). *(D. Galambos, City Clerk)*
- 12.B.** Request for two appointments to the St. Augustine Police Officers' Retirement Board. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***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 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. 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.

CONSENT AGENDA - SEPTEMBER 26, 2022

- CA.1.** Preview of upcoming Commission meetings.
- CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 10, 2022:**
- Ordinance 2022-03
 - Ordinance 2022-28
 - Ordinance 2022-29
- CA.3. Reminder of Upcoming Meetings:**
- October 10, 2022, 5:00pm, Regular City Commission Meeting
 - October 24, 2022, 5:00pm, Regular City Commission Meeting
 - November 14, 2022, 5:00pm Regular City Commission Meeting
- CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**
- August 18, 2022, Special City Commission Meeting
 - August 22, 2022, Regular City Commission Meeting
 - September 8, 2022, Special City Commission Meeting
- CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):**
- 2855 N. Fifth Street - Clayton Weaver
 - 76 Lincoln Street - John Fichtel
- CA.6. RELEASE OF CODE ENFORCEMENT LIEN:** 47 Abbott Street (*R. Thibault, Assistant City Attorney*)
- CA.7. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION OR RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.8. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**
- CA.9.** Ratification of the Memorandum of Understanding between the City and the Professional Firefighters of St. Augustine adding the Juneteenth Holiday and adjusting vacation accruals. (*D. Hayes, Director Human Resources*)
- CA.10.** Ratification of the revised Collective Bargaining Agreement between the City and the Coastal Florida Police Benevolent Association clarifying when overtime will be paid due to mandatory training and eliminated the scheduled hours for officers working in investigations. (*D. Hayes, Director Human Resources*)

- CA.11** August 2022 financial update. *(M. Simpson, Director Finance)*
- CA.12.** Approval of invoice from Cavendish Partners, P.A. for legal services regarding Smith v. City in the amount of \$5,040.00. *(I. Lopez, City Attorney)*

End Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 14, 2022

RE: **Development Agreement Related to the Provision of Affordable Housing as part of the Flagler Crossing Development – Public Hearing**

On Tuesday, February 1, 2022, the Planning and Zoning Board (PZB) discussed and recommended a small scale land use plan amendment on property referred to as Flagler Crossing. This property is located West of the FEC Railroad, South of San Sebastian View and East of the San Sebastian River and contains approximately 42.36 upland acres.

The PZB considered the location of the request and the surrounding land use designations to determine that the increase in density is appropriate for the area. The most significant difference between the land use categories is the potential density allowed, which would change from a maximum of eight (8) units per developable acre to a potential of 16 units per developable acre.

Subsequently, the City Commission requested that the applicant consider providing “affordable housing” units on the site. Over the last several months the applicant has been working to develop a mechanism to provide some number of defined affordable housing units.

As part of the proposed development with a higher density (the proposed Residential Medium Density, 16 units per acre, with an asterisk on the Future Land Use Map as proposed by amended Ordinance 2022-03) the applicant has submitted the attached Development Agreement and Covenants to address the effort to provide a binding mechanism for the provision of affordable housing on the site. The Development Agreement outlines the requirement for a 30-year period as limited by Statute, but which can be extended. The Covenants articulate an 80-year commitment to provide affordable housing.

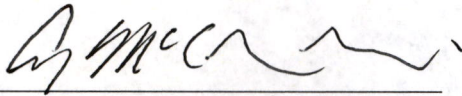
The applicant is proposing to build an additional 180 units on the eastern portion of the property including 50 units as “affordable”. The additional units would equal 510 total units for the entire property (330 already permitted). The proposed 50 affordable units equals approximately 10% of the total units proposed for the property. According to the agreement/covenant the affordable units can be distributed throughout the entire project.

The definition of “Affordable Housing” proposed in the Restrictive Covenants is defined as 85% of the St. Johns County monthly rental rate pursuant to the Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP (Community Workforce

Housing Innovation Pilot) Homeownership Program as adjusted by the number of bedrooms in the applicable multi-family unit and as may be annually adjusted.

Development Agreements must have at least two (2) public hearings before the City Commission. Please place the first public hearing on the September 26, 2022, City Commission Agenda.

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.

A handwritten signature in black ink, appearing to read 'Amy McClure Skinner', written over a horizontal line.

Amy McClure Skinner, AICP
Director
Planning and Building Department

After recording return to:
City of St. Augustine
Attention: Isabelle Lopez, Esq.
P.O. Box 210
St. Augustine, Florida 32085

FLAGLER CROSSING DEVELOPMENT AGREEMENT

THIS FLAGLER CROSSING DEVELOPMENT AGREEMENT (“Agreement”) is entered into by and between the **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida (the “City”) and **MULTIFAMILY PARTNERS FLAGLER II, LLC**, a Florida limited liability company (“Flagler”), collectively the “Parties”.

RECITALS

WHEREAS, pursuant to Sections 163.3220, et. seq., Florida Statutes (2022), (the “Act”) and the City of St. Augustine Zoning Code (the “Zoning Code”) Section 28-38, (2022) the City is authorized to enter into development agreements with owners or developers of real property within the City; and

WHEREAS, Flagler is the owner of the land more particularly described in **Exhibit “A”** attached hereto (the “Property”); and

WHEREAS, Flagler intends to construct or cause to be constructed 180 multi-family units with ancillary uses on the Property (the “Proposed Development”), upon approval by the City of the pending comprehensive plan amendment and rezoning applications with City Project Number 2022-004 (the “Land Use Applications”); and

WHEREAS, the development of the Property shall be in accordance with the City of St. Augustine Comprehensive Plan (“Comprehensive Plan”) future land use designation and zoning designation for the Property as proposed to be modified in the Land Use Applications; and

WHEREAS, Section 166.04151, Florida Statutes (2022), allows local governments to adopt any law, ordinance, rule or other measure for the purpose of increasing the supply of affordable housing within its jurisdiction; and

WHEREAS, pursuant to the Comprehensive Plan Housing Element, the City promotes, supports and encourages an adequate inventory of affordable, safe, sanitary and energy efficient housing in stable neighborhoods to meet the needs of the City residents; and

WHEREAS, Flagler agrees to operate fifty (50) of the Proposed Development multi-family units on the Property as affordable housing (“Affordable Housing”) units as more particularly described in this Agreement; and

WHEREAS, the lack of certainty in the approval of development can result in a waste of economic and land resources, escalate the cost of housing and development, and discourage a commitment to comprehensive planning; and

WHEREAS, by this Agreement, Flagler obtains assurances that upon approval of the Proposed Development, it may proceed in accordance with existing laws and policies, subject to this Agreement; and

WHEREAS, by this Agreement the Proposed Development will result in diversified housing within the City consistent with the Comprehensive Plan Housing Element; and

WHEREAS, the required public hearings before the City Commission of the City of St. Augustine were held with proper notice provided pursuant to the Act and Section 28-38 of the Zoning Code.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, hereby agree as follows:

1. **Recitals.** The foregoing Recitals are true and correct and are hereby incorporated into this Agreement by this reference as fully set forth herein.

2. **Covenants.** As a condition of development of the Property for the Proposed Development, prior to obtaining a building permit for vertical construction of any of the multi-family housing units to be constructed on the Property, Flagler will record the restrictive covenant in the form attached hereto as **Exhibit “B”** and said restrictive covenant will provide (among other items) for the Affordable Housing units, encumber the Property and include the City as a third party beneficiary. The covenants described in the restrictive covenant are intended to be one of the conditions of this Agreement consistent with Section 163.3227(1)(h), Florida Statutes (2022), and are incorporated by reference herein. Any modification to the restrictive covenant shall not require

a modification or amendment to this Agreement, provided the modification is consistent with the Agreement.

3. **Development.** Notwithstanding anything to the contrary herein, Flagler's obligations and benefits of the proposed land use and zoning are expressly subject to Flagler commencing and completing construction of the Proposed Development on the Property, consistent with the terms of this Agreement.

4. **Effective Date.** This Agreement shall become effective upon recordation in the public records of St. Johns County, Florida (the "Effective Date").

5. **Term.** If not earlier terminated in accordance with the terms of this Agreement, this Agreement shall expire thirty (30) years from the Effective Date, unless extended by mutual consent of the Parties consistent with Section 163.3229, Florida Statutes (2022).

6. **State Statutory Requirements for Development Agreements.** It is the intent of the Parties that this Agreement be recognized as an action of the City and Flagler under the Act, Section 28-38 of the Zoning Code, the City's home rule powers and any other authority held by the City to enter into such agreement. For purposes of meeting the minimum requirements for development agreements in the Act, the following additional provisions are hereby made part of this Agreement:

a. For the purposes of this Agreement, the contemplated uses and building intensity on the Property are set forth in the Recitals. The maximum building height for the Proposed Development is thirty-five (35) feet pursuant to the Zoning Code. The proposed population density is sixteen (16) units per acre consistent with the companion Land Use Applications.¹

b. The current future land use designation of the Property under the Comprehensive Plan is Residential Low Density Mixed Use and the proposed future land use designation in a companion application under the Comprehensive Plan is Residential Medium Density. The current zoning of the Property is Residential Low-One and the proposed zoning in a companion application is Residential General-One.

c. The public facilities anticipated to serve the Property are water and sewer, which will be provided by the City of St. Augustine, and onsite drainage, which will be provided by or caused to be provided by Flagler. The public facilities will be installed as the Proposed Development progresses on the Property. The installation of public facilities will be consistent

¹ The Property and the Proposed Development is part of a larger project. The proposed population density will be measured project wide and not per the Property.

with applicable State and local laws. Flagler will comply with the City's Mobility Ordinance and subject to any applicable mobility fees.

d. The local development permits needed to be approved for development of the Property include the following: the Land Use Applications, construction plans, building permits, sign permits and any other official action of the City having the effect of permitting the development of land. Failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Flagler of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction.

e. The Proposed Development contemplated by this Agreement is consistent with the Comprehensive Plan, as such Comprehensive Plan is contemplated to be amended by the companion Land Use Applications. The Agreement is also consistent with the applicable Zoning Code and the contemplated Land Use Applications.

f. A conceptual graphic layout of the Proposed Development is attached as **Exhibit "C"**.

g. This Agreement is voluntarily entered into in consideration of the benefits inuring to and the rights of the Parties arising thereunder.

7. Defaults and Remedies.

a. If the City defaults in the performance of any obligation under this Agreement required to be performed by the City, then Flagler shall deliver written notice of such default to the City. The City shall commence to cure such default within thirty (30) calendar days after the delivery of such notice of default and shall diligently pursue to cure to completion within sixty (60) calendar days after delivery of such notice of default. If the City does not cure such default within the time periods provided, Flagler may pursue any available remedies in law or equity.

b. If Flagler defaults in the performance of any obligation under this Agreement required to be performed by Flagler, then the City shall deliver written notice of such default to Flagler. Flagler shall commence to cure such default within thirty (30) calendar days after delivery of such notice of default and shall diligently and continuously pursue such cure to completion within sixty (60) calendar days after delivery of such notice as to any default; provided, however, that if Flagler is unable in the exercise of reasonable diligence to cure such default within such time period, the time within which to remedy same shall be extended for such period as may be necessary to complete the cure with diligence provided Flagler continuously proceeds with diligence to complete such cure. If Flagler does not cure such default within the time periods provided, the City's remedy shall be pursuant to the applicable provisions of the Act, the City of St. Augustine code enforcement regulations, including, but not limited to Chapter 2, Article VI, of

the Ordinance Code (2022), Section 28-35 of the Zoning Code (2022) and Chapter 162, Florida Statutes (2022).

8. **Notices.** Whenever any of the Parties desires to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, or by air courier service utilizing return receipts addressed to the party for whom it is intended at the last specified address. The place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this Section. The Parties designate the following as the respective places for giving notice:

City: City of St. Augustine
Attention: City Attorney
P.O. Box 210
St. Augustine, Florida 32085

Flagler: Multifamily Partners Flagler II, LLC
Attention: William Zeits
1819 Goodwin Street
Jacksonville, Florida 32204

With a Copy to: Driver, McAfee, Hawthorne and Diebenow, PLLC
Attention: Staci Rewis, Esq.
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

9. **Venue and Choice of Law.** Any controversies or legal issues arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder, shall be submitted to the jurisdiction of the State Court of the Seventh Judicial Circuit, in and for St. Johns County, Florida, the venue sites, and shall be governed by the laws of the State of Florida and consistent with Section 7 above.

10. **Captions and Paragraph Headings.** Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend, or limit the scope of intent of this Agreement.

11. **No Waiver.** No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver.

12. **Exhibits.** All exhibits attached hereto are incorporated herein by reference.

13. **Further Assurances.** The Parties hereby agree to execute, acknowledge, and deliver and cause to be done, executed, acknowledged, and delivered all further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.

14. **Amendments.** No modification or amendment in the terms or conditions contained herein shall be effective or binding unless such amendment or modification is in writing, and signed by an authorized representative of each Party or pursuant to Section 163.3233, Florida Statutes (2022). To the extent Flagler sells the Property or portion thereof to a third party such that more than one entity or person acquires an interest in the Property benefitted and subject to this Agreement, this Agreement may be amended by the City and applicable Party without every owner of the Property consenting consistent with Section 163.3237, Florida Statutes (2022).

15. **Assignment.** This Agreement shall run with title to the Property and be binding on Flagler and its successors and assigns. Flagler may assign its rights, obligations, and responsibilities under this Agreement in whole or in part to a third party purchaser of all or any part of fee simple title to all or any portion of the Property. Any such assignment shall be in writing and recorded in the St. Johns County, Florida, public records, shall not require the prior written consent of the City, and shall automatically constitute a release of the assignor as to the Agreement to the extent of any liability arising from and after the date of the assignment. In the event of an assignment related to conveyance of less than all of the Property, Flagler may assign all or a portion of the Affordable Housing units to the conveyed property and by such assignment, the assignee shall be bound to provide any of the Affordable Housing multi-family units constructed on the Property or portion thereof the assignee purchases consistent with this Agreement. Thereafter such obligation will run with title to the property to which such units are assigned and the remaining portion of the Property containing no Affordable Housing units will no longer be subject to the Affordable Housing condition, provided all the Affordable Housing units required pursuant to this Agreement have been constructed and maintained consistent with its terms. The Parties agree to furnish each other documentation upon reasonable request providing the development status of the Affordable Housing units required under this Agreement and the party(ies) responsible for submitting the annual reports set forth in Section 16 below.

16. **City Annual Review.** On the first anniversary date of the Effective Date and every year thereafter until this Agreement expires or is terminated, Flagler shall provide to the City an annual report that demonstrates a good faith compliance with the Agreement conditions.

17. **Counterparts.** This Agreement may be executed in one (1) or more counterparts, each of which may be deemed to be an original and all such counterparts together shall constitute one and the same instrument.

18. **Recording of this Agreement.** The City agrees to record this Agreement within fourteen (14) calendar days after execution in the St. Johns County, Florida, public records. Flagler shall pay all recording costs.

19. **Merger Clause.** This Agreement sets forth the entire agreement among the Parties, and it supersedes all prior and contemporaneous negotiations, understandings, and agreements, written or oral, among the Parties.

20. **Severability.** If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the Parties have made and executed this Agreement on the respective dates under each signature:

Signed, sealed, and delivered
in the presence of:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Print Name: _____

By: _____

Tracy Upchurch, Mayor-Commissioner

Date: _____

Print Name: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Isabelle Lopez, City Attorney

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2022, by _____, the Mayor-Commissioner of the City of St. Augustine, Florida, on behalf of the City.

(Print Name _____)

NOTARY PUBLIC

State of Florida at Large

Commission # _____

My Commission Expires: _____

He/she is [check one]:

Personally Known _____

OR Produced I.D. _____

Type of Identification Produced _____

Signed, sealed, and delivered
in the presence of:

MULTIFAMILY PARTNERS FLAGLER II, LLC,
a Florida limited liability company

Print Name: _____

By: _____

Print: _____

Date: _____

Print Name: _____

State of Florida

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this ____ day of _____, 2022, by _____,
the _____ of Multifamily Partners Flagler II, LLC, a Florida limited liability company
on behalf of the company.

(Print Name _____)
NOTARY PUBLIC
State of Florida at Large
Commission # _____
My Commission Expires: _____
He/she is [check one]:
Personally Known _____
OR Produced I.D. _____
Type of Identification Produced _____

Exhibit "A"

August 30, 2022

Work Order No. 21-100.10
File No. 129A-29.10A

Exception Parcel 1

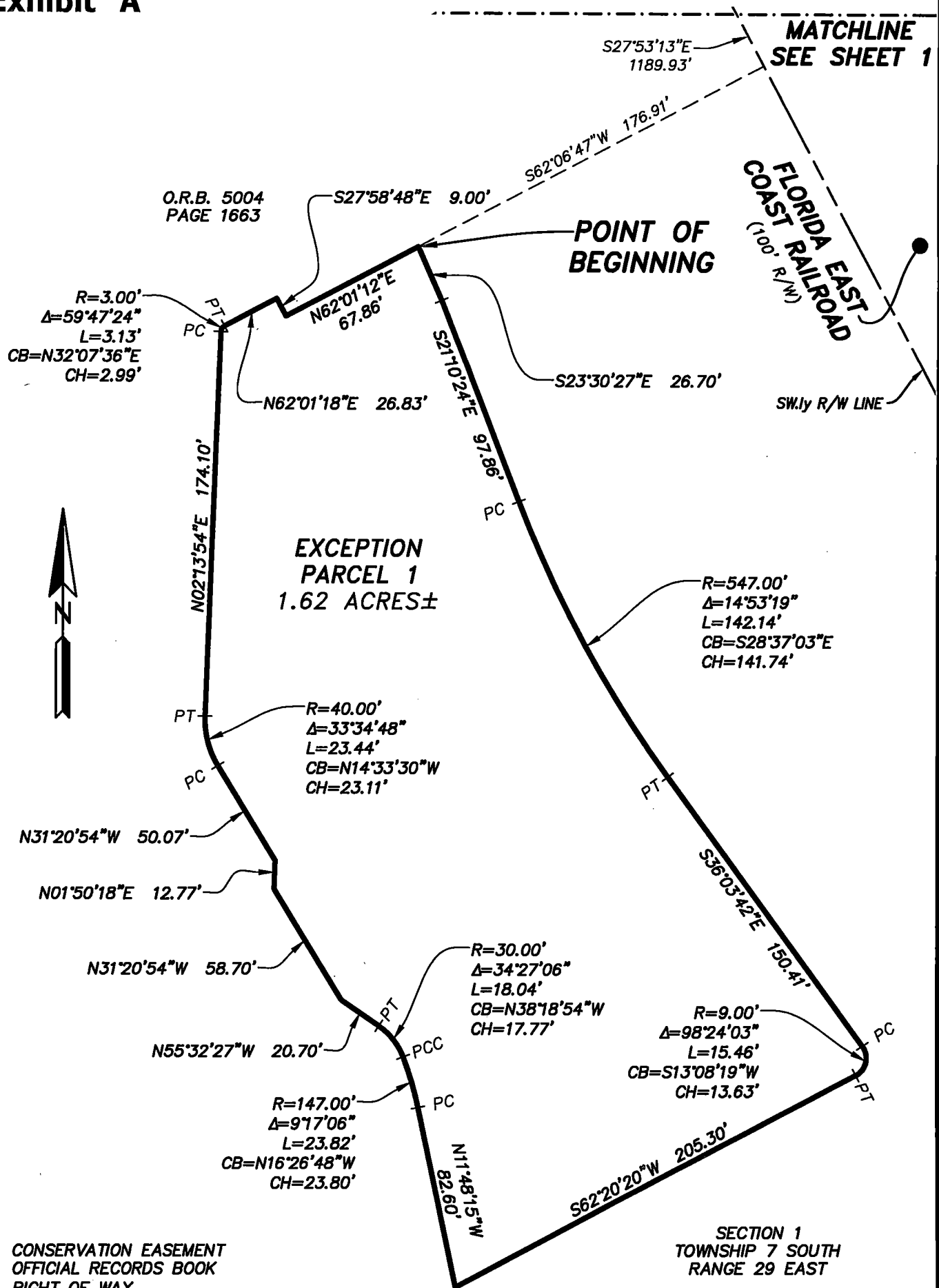
A portion Section 1, Township 7 South, Range 29 East, St. Johns County, Florida, being a portion of those lands described and recorded in Official Records Book 5004, page 1663, of the Public Records of said county, being more particularly described as follows.

For a Point of Reference, commence at the intersection of the Southerly right of way line of San Sebastian View, a variable width right of way as presently established, with the Southwesterly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence South $27^{\circ}53'13''$ East, along said Southwesterly right of way line, 1189.93 feet; thence South $62^{\circ}06'47''$ West, departing said Southwesterly right of way line, 176.91 feet to the Point of Beginning.

From said Point of Beginning, thence South $23^{\circ}30'27''$ East, 26.70 feet; thence South $21^{\circ}10'24''$ East, 97.86 feet to the point of curvature of a curve concave Northeasterly having a radius of 547.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $14^{\circ}53'19''$, an arc length of 142.14 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $28^{\circ}37'03''$ East, 141.74 feet; thence South $36^{\circ}03'42''$ East, 150.41 feet to the point of curvature of a curve concave Westerly having a radius of 9.00 feet; thence Southerly along the arc of said curve, through a central angle of $98^{\circ}24'03''$, an arc length of 15.46 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $13^{\circ}08'19''$ West, 13.63 feet; thence South $62^{\circ}20'20''$ West, 205.30 feet; thence North $11^{\circ}48'15''$ West, 82.60 feet to the point of curvature of a curve concave Westerly having a radius of 147.00 feet; thence Northerly along the arc of said curve, through a central angle of $09^{\circ}17'06''$, an arc length of 23.82 feet to a point of compound curvature, said arc being subtended by a chord bearing and distance of North $16^{\circ}26'48''$ West, 23.80 feet; thence Northwesterly along the arc of a curve concave Southwesterly having a radius of 30.00 feet, through a central angle of $34^{\circ}27'06''$, an arc length of 18.04 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $38^{\circ}18'54''$ West, 17.77 feet; thence North $55^{\circ}32'27''$ West, 20.70 feet; thence North $31^{\circ}20'54''$ West, 58.70 feet; thence North $01^{\circ}50'18''$ East, 12.77 feet; thence North $31^{\circ}20'54''$ West, 50.07 feet to the point of curvature of a curve concave Easterly having a radius of 40.00 feet; thence Northerly along the arc of said curve, through a central angle of $33^{\circ}34'48''$, an arc length of 23.44 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $14^{\circ}33'30''$ West, 23.11 feet; thence North $02^{\circ}13'54''$ East, 174.10 feet to the point of curvature of a curve concave Southeasterly having a radius of 3.00 feet; thence Northeasterly along the arc of said curve, through a central angle of $59^{\circ}47'24''$, an arc length of 3.13 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $32^{\circ}07'36''$ East, 2.99 feet; thence North $62^{\circ}01'18''$ East, 26.83 feet; thence South $27^{\circ}58'48''$ East, 9.00 feet; thence North $62^{\circ}01'12''$ East, 67.86 feet to the Point of Beginning.

Containing 1.62 acres, more or less.

Exhibit "A"



August 30, 2022

Exhibit "A"

Work Order No. 21-100.10
File No. 129A-29.10B

Exception Parcel 2

A portion Section 1, Township 7 South, Range 29 East, St. Johns County, Florida, being a portion of those lands described and recorded in Official Records Book 5004, page 1663, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southerly right of way line of San Sebastian View, a variable width right of way as presently established, with the Southwesterly right of way line of the Florida East Coast Railroad, a 100 foot right of way as presently established; thence South $62^{\circ}08'31''$ West, along said Southerly right of way line, 134.97 feet to the Point of Beginning.

From said Point of Beginning, thence South $28^{\circ}08'49''$ East, departing said Southerly right of way line of San Sebastian View, 79.39 feet to the point of curvature of a curve concave Northeasterly having a radius of 38.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $24^{\circ}16'06''$, an arc length of 16.10 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $40^{\circ}16'52''$ East, 15.98 feet; thence South $52^{\circ}24'55''$ East, 26.52 feet; thence South $27^{\circ}30'47''$ East, 114.09 feet; thence South $59^{\circ}42'44''$ East, 8.13 feet to the point of curvature of a curve concave Southwesterly having a radius of 42.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $31^{\circ}52'57''$, an arc length of 23.37 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $43^{\circ}46'15''$ East, 23.07 feet; thence South $27^{\circ}49'47''$ East, 53.02 feet to the point of curvature of a curve concave Northeasterly having a radius of 98.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $13^{\circ}16'26''$, an arc length of 22.70 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $34^{\circ}28'00''$ East, 22.65 feet; thence South $41^{\circ}06'13''$ East, 115.06 feet to the point of curvature of a curve concave Southwesterly having a radius of 554.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $21^{\circ}43'56''$, an arc length of 210.13 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $30^{\circ}14'14''$ East, 208.88 feet; thence South $19^{\circ}22'16''$ East, 65.66 feet to the point of curvature of a curve concave Northeasterly having a radius of 446.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $16^{\circ}12'00''$, an arc length of 126.10 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $27^{\circ}28'16''$ East, 125.68 feet; thence South $35^{\circ}34'16''$ East, 25.63 feet to the point of curvature of a curve concave Southwesterly having a radius of 554.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $07^{\circ}35'58''$, an arc length of 73.48 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South

Exhibit "A"

August 30, 2022

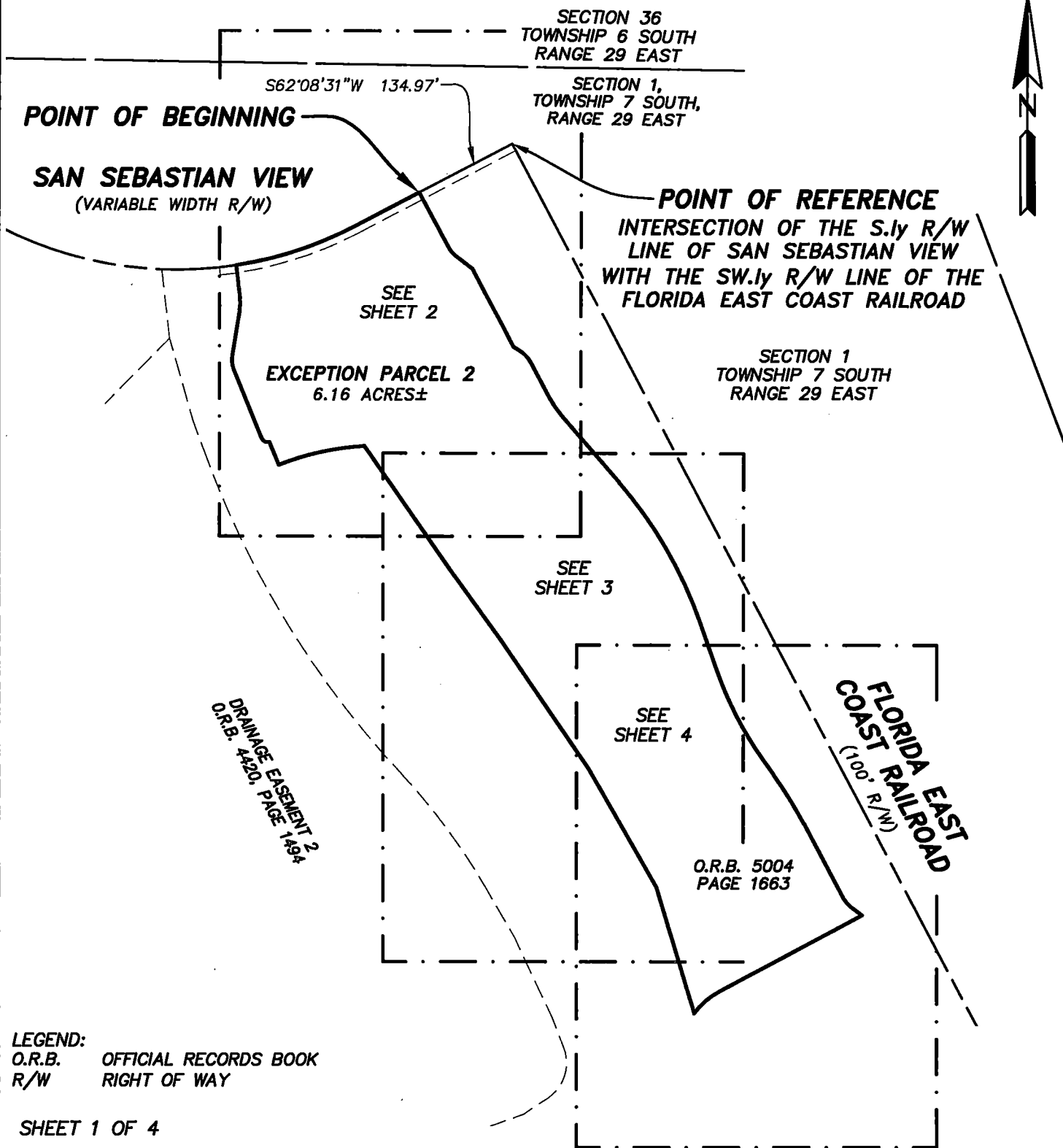
Work Order No. 21-100.10

File No. 129A-29.10B

Exception Parcel 2 (continued)

31°46'17" East, 73.42 feet; thence South 27°58'19" East, 109.56 feet to the point of curvature of a curve concave Northeasterly having a radius of 27.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 25°03'42", an arc length of 11.81 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 40°30'10" East, 11.72 feet; thence South 53°02'01" East, 19.89 feet; thence South 62°01'18" West, 207.80 feet to the point of curvature of a curve concave Southeasterly having a radius of 97.00 feet; thence Southwesterly along the arc of said curve, through a central angle of 25°30'32", an arc length of 43.19 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 49°16'02" West, 42.83 feet; thence North 16°51'06" West, along a non-tangent line, 168.48 feet; thence North 30°00'57" West, 175.07 feet; thence North 34°20'43" West, 196.68 feet; thence North 35°59'52" West, 114.76 feet; thence North 34°52'38" West, 193.22 feet to a point on a non-tangent curve concave Southerly having a radius of 348.00 feet; thence Westerly along the arc of said curve, through a central angle of 18°38'20", an arc length of 113.21 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 77°28'11" West, 112.71 feet; thence North 22°40'04" West, 31.51 feet to a point on a non-tangent curve concave Northeasterly having a radius of 7.50 feet; thence Northwesterly along the arc of said curve, through a central angle of 87°55'41", an arc length of 11.51 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 66°04'53" West, 10.41 feet; thence North 22°07'03" West, 94.70 feet to the point of curvature of a curve concave Easterly having a radius of 32.50 feet; thence Northerly along the arc of said curve, through a central angle of 31°07'22", an arc length of 17.65 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 06°33'22" West, 17.44 feet; thence North 09°00'19" East, 60.38 feet to the point of curvature of a curve concave Westerly having a radius of 60.00 feet; thence Northerly along the arc of said curve, through a central angle of 15°24'22", an arc length of 16.13 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 01°18'08" East, 16.08 feet; thence North 06°24'03" West, 42.44 feet to a point lying on said Southerly right of way line of San Sabastian View; thence Easterly, along said Southerly right of way line and along the arc of a non-tangent curve concave Northerly having a radius of 488.46 feet, through a central angle of 18°49'44", an arc length of 160.52 feet, said arc being subtended by a chord bearing and distance of North 71°31'26" East, 159.80 feet; thence North 62°08'31" East, continuing along said Southerly right of way line, 93.75 feet to the Point of Beginning.

Containing 6.16 acres, more or less.

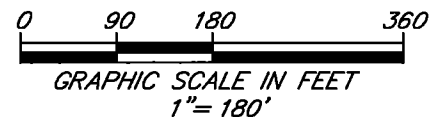


LEGEND:
O.R.B. OFFICIAL RECORDS BOOK
R/W RIGHT OF WAY

SHEET 1 OF 4

GENERAL NOTES:

- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS BASED ON SW.ly R/W LINE OF THE FLORIDA EAST COAST RAILROAD AS BEING SOUTH 27°53'13" EAST. BEARINGS DEPICTED HEREON ARE REFLECTIVE OF ADJUSTMENT OF DEED TO STATE PLANE COORDINATES AND ARE NOT TRANSCRIBED VERBATIM FROM DEEDS OF RECORD.



ETM

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED
USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS
DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK
 R/W RIGHT OF WAY
 POC POINT ON CURVE
 PC POINT OF CURVATURE
 PCC POINT OF COMPOUND CURVATURE
 PT POINT OF TANGENCY
 R RADIUS
 Δ CENTRAL ANGLE
 L ARC LENGTH
 CB CHORD BEARING
 CH CHORD DISTANCE



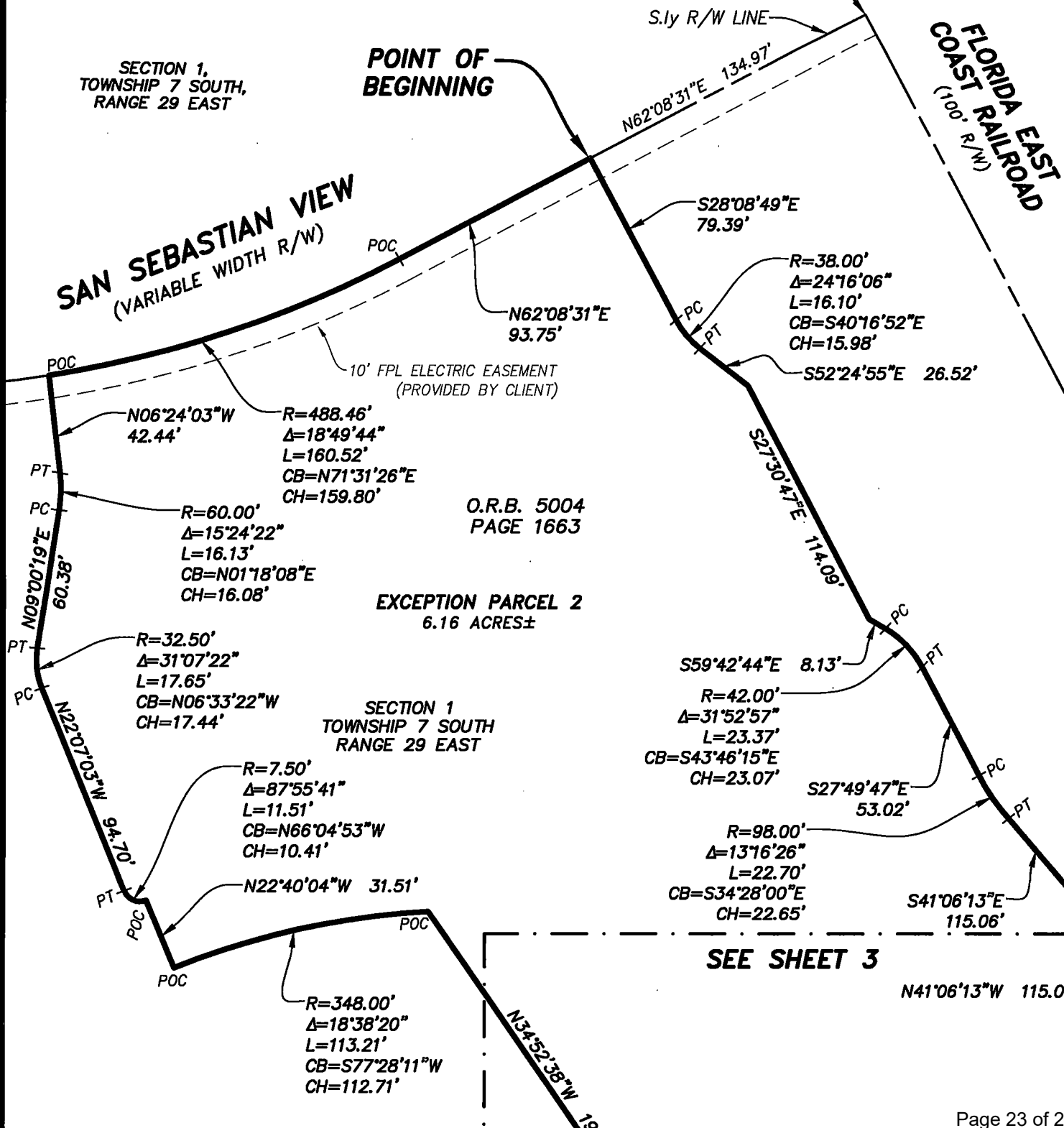
POINT OF REFERENCE
 INTERSECTION OF THE S.ly R/W
 LINE OF SAN SEBASTIAN VIEW
 WITH THE SW.ly R/W LINE OF THE
 FLORIDA EAST COAST RAILROAD

SECTION 1,
 TOWNSHIP 7 SOUTH,
 RANGE 29 EAST

POINT OF BEGINNING

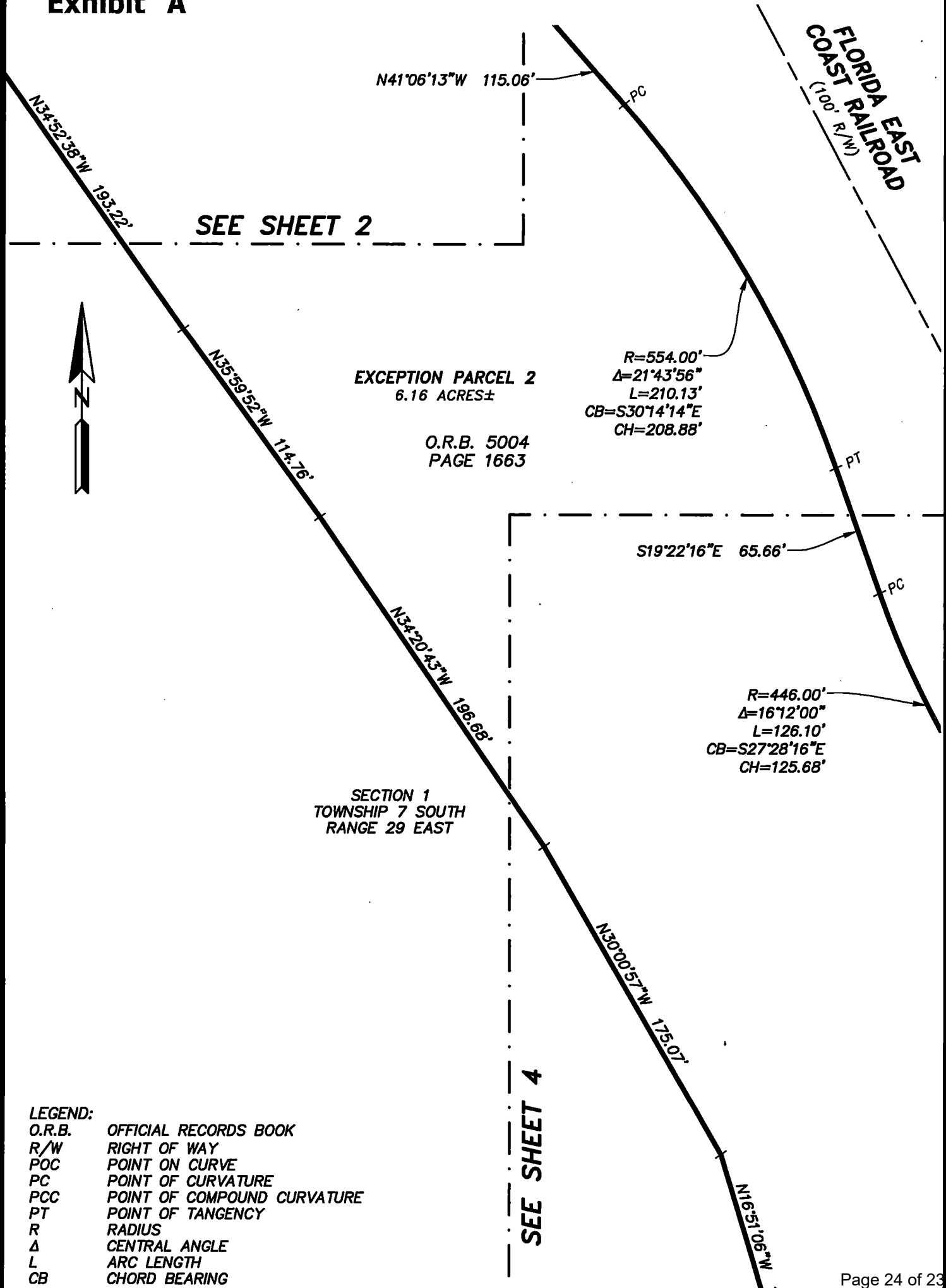
FLORIDA EAST
 COAST RAILROAD
 (100' R/W)

SAN SEBASTIAN VIEW
 (VARIABLE WIDTH R/W)



SEE SHEET 3

Exhibit "A"





S19°22'16"E 65.66'

R=446.00'
 Δ =16°12'00"
 L=126.10'
 CB=S27°28'16"E
 CH=125.68'

SEE SHEET 3

FLORIDA EAST
 COAST RAILROAD
 (100' R/W)

S35°34'16"E 25.63'

EXCEPTION PARCEL 2
 6.16 ACRES±

O.R.B. 5004
 PAGE 1663

R=554.00'
 Δ =7°35'58"
 L=73.48'
 CB=S31°46'17"E
 CH=73.42'

R=27.00'
 Δ =25°03'42"
 L=11.81'
 CB=S40°30'10"E
 CH=11.72'

R=97.00'
 Δ =25°30'32"
 L=43.19'
 CB=S49°16'02"W
 CH=42.83'

S53°02'01"E
 19.89'

S62°01'18"W 207.80'

SEE SHEET 3

LEGEND:

O.R.B. OFFICIAL RECORDS BOOK
 R/W RIGHT OF WAY
 POC POINT ON CURVE
 PC POINT OF CURVATURE
 PCC POINT OF COMPOUND CURVATURE
 PT POINT OF TANGENCY
 R RADIUS
 Δ CENTRAL ANGLE
 L ARC LENGTH
 CB CHORD BEARING
 CH CHORD DISTANCE

Exhibit “B”

Form Declaration of Restrictive Covenant

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”), dated as of _____, 2022 (the “Effective Date”) is made by **MULTIFAMILY PARTNERS FLAGLER II, LLC**, a Florida limited liability company (“Flagler”).

Recitals:

WHEREAS, Flagler is the fee simple owner of the land more particularly described in **Exhibit “A”** attached hereto (the “Property”); and

WHEREAS, Flagler intends to develop approximately 180 multi-family units with ancillary uses on the Property; and

WHEREAS, the Property is located within the City of St. Augustine, Florida (“City”); and

WHEREAS, Flagler desires to impose restrictive covenants upon the Property as more particularly set forth in this Declaration to provide diversified housing within the City and comply with the provisions of that certain Flagler Crossing Development Agreement recorded in the public records of St. Johns County, Florida, at Official Records Book _____ and Page _____ (the “Development Agreement”).

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Flagler hereby agrees as follows:

1. **Recitals.** The recitals set forth above are true and correct and are incorporated herein by reference.
2. **Term.** The restrictions imposed by this Declaration will be in force for eighty (80) years from the Effective Date (the “Term”). The Term may be extended by mutual agreement of Flagler and the City as evidenced by recording a modification of this Declaration executed by Flagler and the City.

3. **Unit Restrictive Covenant.** During the Term, each individual multi-family unit constructed on the Property will only be available as a rental unit. Any individual multi-family unit developed on the Property shall be prohibited from fee simple ownership, including any condominium ownership. This fee simple ownership prohibition shall only apply to each individual multi-family unit constructed on the Property. Nothing in this Declaration shall prohibit fee simple ownership by Flagler or a subsequent owner of the Property or portion thereof.
4. **Affordable Housing Restrictive Covenant.** During the Term, fifty (50) of the multi-family units on the Property will be "Affordable Housing". For purposes of this Declaration, "Affordable Housing" is defined as 85% of the St. Johns County monthly rental rate pursuant to the Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP (Community Workforce Housing Innovation Pilot) Homeownership Program (the "Program") as adjusted by the number of bedrooms in the applicable multi-family unit and as may be annually adjusted. The 85% is calculated as 120% of the applicable Program monthly rental rate divided by 1.2 and multiplied by 0.85; for instance, if the Program monthly rental rate at 120% for a one (1) bedroom multi-family unit is \$1,882.00, the 85% rental rate per month is \$1,333.08 ($\$1,882.00 / 1.2 * 0.85 = \$1,333.08$). The Affordable Housing monthly rental rate as calculated above will not include utilities, cable and other similar expenses. Persons renting the Affordable Housing unit(s) shall earn 85% of the income limit set forth by the Program as adjusted by the number of persons per Affordable Housing unit and as may be adjusted annually (the "Affordable Housing Income Rate"). The 85% is calculated as 120% of the applicable Program income limit divided by 1.2 and multiplied by 0.85; for instance, if the Program income limit at 120% for one person is \$70,320.00, the 85% income limit per year is \$49,810.00 ($\$70,320.00 / 1.2 * 0.85 = \$49,810.00$). The applicable monthly rental rate and the Affordable Housing Income Rate shall be determined at the time a rental agreement is executed by the renter(s) and Flagler for any Affordable Housing unit constructed on the Property. The construction of Affordable Housing units within the Property shall occur commensurate with development of the non-Affordable Housing units on the Property, may be developed and located anywhere within the Property and the product type (e.g., building finishes) will be same as the non-Affordable Housing units. Flagler will ensure or cause to be ensured that only persons meeting the Affordable Housing Income Rate set forth herein occupy the Affordable Housing units. Flagler shall submit to the City of St. Augustine Director of Planning and Building an annual report beginning on the first anniversary of the Development Agreement effective date and every year thereafter until termination of this Declaration. The annual report shall contain the following: (i) the amount of Affordable Housing units occupied and available for rent within the Property; (ii) the household income of each of the Affordable Housing unit renters as reported by such renter to Flagler (with the redaction of the renters' name(s), social security number and any other identifying information), including the Affordable Housing Income Rate at the time the rental

agreement was entered into; and (iii) the monthly rental rate at the time of the report for each Affordable Housing unit within the Property. In the event the Program is discontinued, Flagler shall identify a comparable type program in order to comply with this covenant and amend this Declaration to reflect the comparable replacement program.

5. **Amendment.** This Declaration shall not be changed, modified, or amended except by an instrument in writing that is recorded in the public records of St. Johns County, Florida, and that is executed by the owners of record of the Property and by the City.
6. **Burden and Benefit.** The restrictions imposed by this Declaration shall burden the Property, and the Property shall be held, transferred, sold, and conveyed subject to such restrictions, whether or not reference is made to this Declaration in the related conveyance document. The restrictions imposed by this Declaration shall run with the land and be binding on all successors, owners and other parties having any interest in the Property, whether or not so stated in any conveyance document. Flagler may assign its rights, obligations, and responsibilities under this Declaration in whole or in part to a third party purchaser of all or any part of fee simple title to all or any portion of the Property. Any such assignment shall be in writing and recorded in the St. Johns County, Florida, public records, shall not require the prior written consent of the City, and shall automatically constitute a release of the assignor as to the Declaration to the extent of any liability arising from and after the date of the assignment. In the event of an assignment related to conveyance of less than all of the Property, Flagler may assign all or a portion of the Affordable Housing units to the conveyed property and by such assignment, the assignee shall be bound to provide any of the Affordable Housing multi-family units constructed on the Property or portion thereof the assignee purchases consistent with this Declaration. Thereafter such obligation will run with title to the property to which such units are assigned and the remaining portion of the Property containing no Affordable Housing units will no longer be subject to the Affordable Housing restrictive covenant, provided all the Affordable Housing units required pursuant to this Declaration have been constructed and maintained consistent with its terms.
7. **Enforcement.** This Declaration may be enforced by the City, as a third-party beneficiary to the Declaration. Other than the City, no third-party shall have any standing, rights or benefits under this Declaration, and no right or privileges of the City or the owner of the Property shall inure to the benefit of any third-party nor shall any third-party be deemed to be a beneficiary of any of the provisions contained in this Declaration. Failure by the City to enforce this Declaration shall not be deemed a waiver of the right to do so. If the City prevails in any action to enforce this Declaration, it will be entitled to recover reasonable attorneys' fees and other costs of enforcement. If Flagler defaults in the performance of any obligation under this Declaration required to be performed by Flagler, then the City may deliver written notice of such default to Flagler. Flagler shall commence to cure such

default within thirty (30) calendar days after delivery of such notice of default and shall diligently and continuously pursue such cure to completion within sixty (60) calendar days after delivery of such notice as to any default; provided, however, that if Flagler is unable in the exercise of reasonable diligence to cure such default within such time period, the time within which to remedy same shall be extended for such period as may be necessary to complete the cure with diligence provided Flagler continuously proceeds with diligence to complete such cure. If Flagler does not cure such default within the time periods provided, the City shall be entitled to all remedies available at law, including but not limited to, injunctive and declaratory remedies.

8. **Miscellaneous.** A determination that any provision of this Declaration is invalid or unenforceable will not affect the validity or enforceability of any other provision of this Declaration or the enforceability of that provision under other circumstances; provided, however, that no determination shall invalidate the restrictions imposed by Sections 3 and 4 of this Declaration or the enforcement rights of the City under Section 7 of this Declaration. The captions in this Declaration are for convenience of reference and are not to be considered in construing this Declaration. This Declaration shall be governed by the laws of the State of Florida.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, Flagler has executed this Declaration of Restrictive Covenants as of the Effective Date.

Signed, sealed, and delivered
in the presence of:

MULTIFAMILY PARTNERS FLAGLER II, LLC,
a Florida limited liability company

Print Name: _____

By: _____

Print: _____

Date: _____

Print Name: _____

State of Florida

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2022, by _____, the _____ of Multifamily Partners Flagler II, LLC, a Florida limited liability company on behalf of the company.

(Print Name _____)

NOTARY PUBLIC

State of Florida at Large

Commission # _____

My Commission Expires:

He/she is [check one]:

Personally Known _____

OR Produced I.D. _____

Type of Identification Produced _____

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 14, 2022

RE: **Ordinance 2022-14 Creating a Mobility Oriented Development (MOD) Future Land Use Category to be inserted into the Comprehensive Plan – Second Reading and Public Hearing**

The city has worked with representatives from the Jacksonville Transportation Authority (JTA), and their consultants, as well as representatives of a proposed project at the intersection of Highway US 1 (North Ponce de Leon Boulevard) and West King Street to draft language for a new Future Land Use Category and a new zoning district. The proposed language for the new land use designation, Mobility Oriented Development is included in this memorandum with the adopted Comprehensive Plan 2040 Plan Implementation section.

The Mobility Plan for the City of St. Augustine includes a range of options to manage vehicular traffic and congestion, reduce pressure and improve the transportation experience downtown, while simultaneously encouraging the use of multimodal transportation and other associated improvements.

Management strategies include establishing a park once environment, access to short and long-term parking that encourages the use of the existing historic district parking garage, and implementation of variable parking pricing to encourage the efficient use of the existing parking in the downtown area. Downtown management also includes shared streets, pedestrian, bicycle, and accessibility improvements, along with a potential circulator system. Ultimately the plan also refers to additional parking garages on the periphery to the downtown to park cars and provide for alternative forms of transportation on the roadway corridors feeding into downtown.

The mobility ordinance updating Chapter 21 of the city's land development code was adopted in February and became effective on May 17, 2022. This establishes a mobility program and fee in the city's land development code consistent with the City's 2040 Comprehensive Plan. Additionally, since the update to the City's Comprehensive Plan it is the City's understanding that there is a potential commuter rail site proposed in the vicinity of the intersection of Highway US 1 and King Street/West King Street.

All of these elements combine to provide an opportunity to create a new land use category and a new compatible zoning district that attempts to fulfill these mobility "objectives".

On June 7, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to create a new land use category referred to as Mobility Oriented Development (MOD).

On July 11, 2022, the City Commission on passing the Introduction and holding a Transmittal Public Hearing permitted staff to submit the proposed amendment to the City's Comprehensive Plan to the Florida Department of Economic Opportunity (FDEO) along with the other reviewing agencies for review (please see the list of review agencies attached).

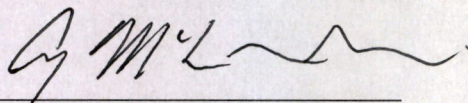
Only one (1) agency the Florida Department of Transportation (FDOT) responded to the submittal with any comments (See attached). The FDOT comment related to requiring a Transportation Analysis when and if the new MOD land use category was applied to a specific piece of property. No other agencies had any comments.

The following is a list of attachments:

- List of review agencies that the amendment was submitted
- Letter from FDOT with comment
- Material from the City's Comprehensive Plan with the proposed language inserted
- Ordinance 2022-14
- A discussion paper prepared by staff outlining how a MOD land use category fits into mobility planning and principles for the city

Please place Ordinance 2022-14 on the City Commission agenda for Second Reading and Adoption Public Hearing.

If you have any questions or require additional information, please let me know.



Amy McClure Skinner, AICP
Director
Planning and Building Department

Please note: The text is presented in redline/underline format. The redline/underline format is the language that will be inserted into the Comprehensive Plan.

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040 TO PROVIDE A LAND USE CATEGORY REFERRED TO AS MOBILITY ORIENTED DEVELOPMENT; PROVIDING FOR INCLUSION IN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that a Future Land Use category should be created and inserted into the City of St. Augustine Comprehensive Plan 2040 referred to as Mobility Oriented Development (“MOD”);

WHEREAS, the Mobility Oriented Development Land Use category is consistent with the City of St. Augustine Mobility Plan to encourage a shift towards multimodal transportation options;

WHEREAS, the City of St. Augustine’s Mobility Plan is intended to manage vehicular traffic and congestion, reduce pressure on the roadways, and improve transportation. The plan also refers to additional parking garages on the periphery to the downtown to park cars and provide alternative forms of transportation on the roadway corridors feeding into downtown;

WHEREAS, the Future Land Use Element of the City of St. Augustine Comprehensive Plan 2040 establishes land use categories that help set the overall tone and direction for areas of the city;

WHEREAS, the City Commission in determining the most appropriate legislative policy for long-term planning finds that the MOD Future Land Use may only be appropriate in conjunction with specific zoning districts and must include certain development criteria to protect the City's interests in preserving its streetscape and community aesthetics;

WHEREAS, the entire City of St. Augustine Comprehensive Plan 2040 taken as a whole promotes resilient, compact, energy efficient development;

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

Section 1 Amending the Comprehensive Plan 2040, Future Land Use

Element. The Future Land Use Element of the City of St. Augustine Comprehensive Plan shall be amended as follows:

...

FLUE Policy 6.2.3

The adopted FLUM contains and identifies appropriate locations for the following land use categories which are established to encourage preservation, mobility and livability, to provide for the protection of natural, historic and cultural resources and to balance quality of life and economic development:

Table 1: Proposed Future Land Use Categories in the Comprehensive Plan 2040

Future Land Use Categories	Maximum Density/Intensity
Historic Preservation	
Historic Preservation	24 units per acre
Residential Land Uses	
Low Density	8 units per acre; public/institutional Density/intensity most restrictive adjacent
Medium Density	16 units per acre; public/institutional Density/intensity most restrictive adjacent
Mixed Use	
Low Density	8 units per acre/50% land area max commercial low/public/institutional/recreation
Medium Density	16 units per acre/50% land area max industrial low/commercial low/public/institutional/recreation
Commercial Land Uses	
Commercial Low Intensity	16 units per acre/50% land area max residential use; lot coverage 60% max with 35 foot height
Commercial Medium Intensity	16 units per acre/50% land area max residential use; lot coverage 70% max with 35 foot height
Industrial Land Uses	
Industrial	2 units per acre: 80% lot coverage max with 35 foot height
Marine Industrial	2 units per acre: 80% lot coverage max with 35 foot height; 50% lot coverage max with 50 foot height and PUD
Open Land Land Uses	
Open Land (Very Low Density)	2 units per acre; lot coverage 20% max with 35 foot height
Open Land (Conservation)	Not Developable
Recreation	Density/intensity most restrictive adjacent
Public Land Use	
Public	Density/intensity most restrictive adjacent
Institutional	Density/intensity most restrictive adjacent
<u>Multimodal Land Use</u>	
<u>Mobility Oriented Development</u>	<u>50 units per acre; lot coverage 80% with 60 foot height; lot coverage 80% with 75 foot height in MOD zoning within Entry Corridors or PUD with MOD elements and design criteria.</u>

...

FLUE Objective 6.9

Multimodal Categories: The Mobility Oriented Development category is established to recognize the city's mobility planning efforts and establish a land use category that promotes multimodal transportation options.

FLUE Policy 6.9.1

Mobility Oriented Development

This district is intended to facilitate and encourage development and redevelopment of areas containing or directly contiguous to a Mobility Station. In order to maintain the orderly development of MOD land use, and protect the City's streetscape and community aesthetics, the development may utilize either the companion MOD zoning district or the PUD zoning district. The MOD land use allows for building height not to exceed (i) sixty (60) feet for properties not subject to the Entry Corridor design standards, or (ii) seventy-five (75) feet for properties zoned MOD (thereby incorporating the mandatory MOD zoning elements) and subject to Entry Corridor design standards.

A Mobility Station means either (i) a transit station available to the public at large for general transportation needs, (ii) a commuter rail station, or (iii) a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

The City's goal in allowing Mobility-Oriented Development ("MOD") in conjunction with a Mobility Station is to reduce automobile use through the utilization of transit services, alternative mobility solutions and infrastructure for active modes, such as walking and biking. A Mobility Station is not intended to be a recreational or tour service, nor is it intended to be a shuttle for use by hotel, motel, or resort guests only, or for single event transportation planning such as a wedding or event shuttle.

Mobility Stations must be located both (i) within a development directly contiguous to the ~~at one of the two~~ Future Rail Stations identified on the City's 2040 Mobility Plan contained in the Mobility Plan & Mobility Fee Technical Report Executive Summary dated June 2021; and (ii) along U.S. Highway 1. A MOD must include a Mobility Station.

MODs shall promote a complimentary, concentrated mixture of transit-supportive uses at higher densities and intensities in conjunction with a Mobility Station. Such districts shall provide internal pedestrian linkage improvements with accommodations for park-and-ride and bikeshare/carshare programs for access into the downtown area. Allowable uses within MODs may include, but are not limited to, Mobility Stations, retail services, grocery stores, restaurants, other commercial and

service uses, offices, hotels, multi-family residential units, public buildings and public uses, parks/plazas and similar uses and supporting facilities.

Residential Uses:

Multi-family residential: Maximum of 50 units per acre.

Other Uses:

Maximum lot coverage of 80 percent; maximum building height 75 feet for properties zoned MOD and subject to Entry Corridor design standards and 60 feet for properties not subject to Entry Corridor design standards; must include a multi-family residential component and at least one non-residential use, in addition to the Mobility Station. Optional height not to exceed 75 feet if combined with PUD zoning with mandatory MOD zoning elements and design criteria in the PUD text.

The Planning and Zoning Board will make a recommendation to the City Commission on the public benefit gained by the Mobility Station component, as well as the compatibility of the mixed-use components of the MOD.

The Future Land Use Map ("FLUM") designation of MOD requires that an active Mobility Station and all other required transit-oriented components of the project be constructed and remain active for use. Should a project fail to build and/or maintain the MOD associated with the project, the FLUM for the property will revert back to the pre-MOD FLUM designation, or may be the subject of a FLUM amendment to any other appropriate and compatible designation. Structures existing at the time of the reverter may be deemed non-conforming, consistent with the City of St. Augustine's municipal code, but may not be allowed to be rebuilt if destroyed, or expanded. Any new construction, reconstruction or unbuilt development will have to conform to the new FLUM designation and associated zoning after the reversion to a non-MOD FLUM category. All applicants for MOD, and their heirs, successors and assigns, understand and agree to be bound by this condition to the MOD FLUM designation.

Section 2 Authorization.

The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Element of the City's Comprehensive Plan for the City of St. Augustine, Florida.

Section 3 Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any

associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

Department of Education

Attention: Morgan Runion, AICP

- Office of Educational Facilities
- 325 West Gaines Street, Suite 1014
- Tallahassee, Florida 32399-0400
- Phone: 850-245-9239
- Fax: 850-245-9236
- Email: CompPlans@fldoe.org

Department of Environmental Protection

Attention: Plan Review

- Office of Intergovernmental Programs
- 3900 Commonwealth Boulevard, MS 47
- Tallahassee, Florida 32399
- Phone: 850-717-9037
- Email: Plan.Review@dep.state.fl.us

Department of State

Attention: Timothy A. Parsons, Ph.D., Preservation Officer

- Bureau of Historic Preservation
- 500 South Bronough Street
- Tallahassee, Florida 32399-0250
- Phone: 850-245-6306
- Email: Timothy.Parsons@DOS.MyFlorida.com

Department of Transportation, District Two

Attention: Brian Austin, Transportation Planner

- Jacksonville Urban Office
- 2198 Edison Avenue – MS 2806
- Jacksonville, Florida 32204-2730
- Phone: 904-360-5681
- Email: D2grmngmt@dot.state.fl.us

Northeast Florida Regional Council

Attention: Margo Moerhing, Policy and Planning Director

- 100 Festival Park Avenue
- Jacksonville, Florida 32202
- Phone: 904-279-0880, extension 161
- Fax: 904-279-0881
- Email: mmoerhing@nefrc.org

St. Johns River Water Management District

Attention: Steven Fitzgibbons, AICP

- Intergovernmental Planner
- Post Office Box 1429
- Palatka, Florida 32178-1429
- Phone: 386-312-2369
- Email: sfitzgibbons@sjrwmd.com

St. Johns County Planning Agency

Attention: Mike Roberson, Director

- Growth Management Department, Planning Division
- 4040 Lewis Speedway
- St. Augustine, Florida 32084
- Phone: 904-209-0579
- Fax: 904-209-0580
- Email: chering@sjcfl.us

Attention: Ray Eubanks, Plan Processing Administrator

- State Land Planning Agency
- Caldwell Building
- 107 East Madison - MSC 160
- Tallahassee, Florida 32399-4120
- Phone: 850-717-8483
- Fax 850-717-8522
- Email: ray.eubanks@deo.myflorida.com



Florida Department of Transportation

RON DESANTIS
GOVERNOR

2198 Edison Avenue MS 2806
Jacksonville, FL 32204-2730

KEVIN J. THIBAUT, P.E.
SECRETARY

August 9, 2022

Ms. Amy Skinner, AICP
Director
City of St Augustine
Planning and Building Department
Post Office Box 210
St. Augustine, Florida 32085-0210

SUBJECT: City of St. Augustine Proposed Comprehensive Plan Amendment (22-1ESR)

Dear Ms. Skinner,

Pursuant to Section 163.3184(3), Florida Statutes, (F.S.) in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed proposed amendment, City of St. Augustine 22-1ESR.

The City of St. Augustine has transmitted a City initiated text amendment to create the “Mobility Oriented Development (MOD)” land use category within the Future Land Use Element. The proposed land use category is intended to facilitate and encourage development of areas containing or adjacent to a Mobility Station. A mobility station is defined as either 1) a transit station available for to the public for general transportation needs, 2) a commuter rail station, or 3) a publicly owned parking garage with a minimum of 200 parking spaces available for daily public parking. The proposed density for the MOD land use is 50 units per acre and up to 80% lot coverage with a 75 ft height restriction.

Since the transmitted amendment is a text amendment to add a new land use category and doesn’t include a corresponding Future Land Use Map amendment implementing the land use, there are no direct impacts to a State facility. Once a land use change to MOD is proposed, FDOT recommends a traffic operational analysis of the adjacent roadways be conducted to determine the external trip impacts as a result of the land use amendment.

We appreciate the opportunity to review the proposed comprehensive plan amendment and request that a copy of the adopted amendment, along with the supporting data and analysis be transmitted within ten working days after the second public hearing for FDOT review.

If you have any questions, please do not hesitate to contact me by email:
brian.austin@dot.state.fl.us or call: (904) 360-5664.

Sincerely,

A handwritten signature in blue ink that reads "Brian Austin". The signature is written in a cursive, flowing style.

Brian Austin
Transportation Planner
FDOT District Two

Included below are specific Objectives and Policies from the City of St. Augustine's Comprehensive Plan that demonstrate that this proposed Future Land Use Category carries forward these concepts.

Existing 2040 Comprehensive Plan Promoting Mobility Options

Future Land Use Element

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.

FLU Objective 5.1

The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.

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 Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLUE Policy 5.2.3

New Development in commercial and mixed-use areas is encouraged to provide a mix of pedestrian scale commercial activities, shops, offices, apartments, multi-family units and homes on site and provide mixed-uses within neighborhoods, within blocks and within buildings.

FLUE Policy 5.2.4

Developments in areas with design guidelines or standards shall be evaluated on-site and building design that emphasizes qualifying benchmarks of character and authenticity, aesthetics, human comfort, creating a sense of place, special placement of civic uses and sites and human-scale architecture and amenities, especially at street level.

FLUE Objective 5.5

The City has established three (3) forms of energy conservation/greenhouse gas reduction strategies: carbon sequestration, preserving the environment, and alternative transportation and mobility improvements.

FLUE Policy 5.5.2

The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.

FLUE Policy 5.5.3

The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.

Transportation and Mobility Element

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

Transportation

TME Goal 1 Transportation

To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City's natural, cultural, and historical resources.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing "urban" area of the city including existing commercial corridors.

TME Policy 1.3.4

The City recognizes that certain roadway corridors will be congested, and that congestion will be addressed by means other than solely considering adding capacity for single occupant automobiles.

TME Policy 1.3.5

The City shall coordinate transportation planning with the Future Land Use Element to provide multi-modal transportation facilities which are adequate to accommodate the uses shown on the Future Land Use Map (FLUM). The City shall determine, on a case-by-case basis, if a proposed development is consistent with the Transportation and Mobility Element and the FLUM through the site plan review process.

TME Policy 1.3.6

The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.7

The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.

TME Policy 1.3.8

The City shall revise its Land Development Code to ensure consistency with the policies contained in this Plan. Development review will ensure predictable evaluation criteria for assessing site plan design.

TME Policy 1.3.9

The City shall ensure that all new development and redevelopment is designed and required to: safely promote increased walking, bicycling, low speed alternative vehicles and a circulator or community transit use while reducing vehicle trip lengths and vehicle miles of travel, as outlined in the Future Land Use and Transportation and Mobility Elements of the Comprehensive Plan. This will also be implemented in the Land Development Code, and potentially funded through either collection of fees or improvements to the multi-modal transportation system that further the achievement of multi-modal performance measures established by the City's Mobility Plan.

TME Policy 1.3.10

The city shall further support pedestrian, bicycle, and a community circulator or transit use by:

- Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan;

- Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances;
- Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users;
- Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and
- Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.

TME Objective 1.6

The City recognizes that the use of gasoline creates a large portion of the greenhouse gas emissions and shall incorporate transportation strategies to address the reduction of these greenhouse gas emissions. The City shall identify and pursue strategies to reduce the vehicle miles traveled.

A) Establish locations for compact mixed-use development.

B) Increase opportunities for job creation proximate to higher density residential.

C) Facilitate future opportunities for transit-oriented developments.

D) The City shall encourage existing and 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. (Adopted June 2011 Ord. #2011-02)

TME Policy 1.6.1

The City shall employ Transportation System Management Strategies to protect the right-of-way, improve efficiency and enhance safety. The City will continue efforts to coordinate and participate in, when feasible, regional transportation studies which encourage and promote transit initiatives. The City will continue to work with St. Johns County, Jacksonville Transportation Authority (JTA), North Florida TPO, Northeast Florida Regional Council (NEFRC) and FDOT and other transportation agencies to educate and encourage transit in the region including rail and a possible commuter stop within the city limits.

Mobility

TME Goal 2 Mobility

Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle users, rail and trail users, and is sensitive to the City of St. Augustine's natural, cultural, and historical resources.

TME Goal 3 Mobility Planning

To enhance the quality of life for City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets.

TME Objective 3.1

To develop and implement a 2040 Mobility Plan focused on the movement of people, the provision of multiple multimodal transportation options to move about the community, the pursuit of a park once environment for travel within the City's multimodal district for longer duration visits, and the development of a Mobility Fee, based upon the projects identified in the Mobility Plan, that allows for new development and redevelopment to equitably mitigate its impact to the multimodal transportation system.

TME Policy 3.1.1

The City will promote an interconnected, multimodal transportation system that transitions from a system focused on quickly moving motor vehicles toward a system that emphasizes the movement of people of all ages and abilities, whether those people choose to walk, bicycle, ride transit, drive a motor vehicle or use a new transportation mobility technology.

TME Policy 3.1.2

The Mobility Plan shall identify multimodal projects that include improvements, services, and programs for people walking, bicycling, riding transit, driving motor vehicles and utilizing new mobility technologies. The projects identified in the Mobility Plan shall be based upon existing demand and projected increases in personal travel demand by 2040, the mobility plan horizon year, from new development, redevelopment, tourism and the growing population in northeast Florida.

TME Policy 3.1.4

The Mobility Plan shall promote a park once environment with parking garages located outside of the multimodal district for longer duration visits generally exceeding three or more hours. Surface parking lots maybe initially provided with the intent of constructing parking garages. The Mobility Plan shall include transit circulator routes and identify water taxi docks, for public and/or private water taxi service, that connect the parking garages to destinations within the multimodal district. As more parking spaces are located in parking garages along the periphery of the multimodal district and frequent multimodal transportation options are provided, longer duration visits may include visits of two or more hours in length.

TME Policy 3.1.8

The Mobility Plan projects may include, but are not limited to, sidewalks, paths, trails, bike lanes, protected bike lanes, buffered bike lanes, bicycle boulevards, bicycle racks, shared streets, speed reduction programs, shared-use multimodal lanes, flexible lanes, dedicated transit lanes, high-occupancy vehicle lanes, mobility hubs, pavement markings, traffic control devices, enhanced crosswalks, advanced warning systems, streetscape, hardscape, landscape, turn lanes, intersection improvements, safety improvements, roundabouts, bridges, transit stops, shelters, stations and pull-out bays, transit vehicles, and new motor vehicle travel lanes.

TME Policy 3.1.17

The City shall require all comprehensive plan amendments, rezonings, final development engineering plans and changes of land uses evaluate the impacts to and opportunities to coordinate with the Mobility Plan, Complete Street, safety, and parking management multimodal projects.

Housing Element

H Policy 1.1.4

The city shall promote mixed-use developments that include provisions for a wide variety of housing types and prices in close proximity to support facilities.

Comprehensive Plan Future Land Use Element

FLUE Goal 6 Plan Implementation

Create a regulatory system which supports the desired land use pattern.

FLUE Objective 6.1

Future growth and development will be managed through the preparation, adoption, implementation and enforcement of the land development code.

FLUE Policy 6.1.1

The City shall maintain land use and development regulations to address issues identified in this and other plan element goals, objectives and policies.

FLUE Policy 6.1.2

Proposed residential developments shall be required to meet state subdivision requirements and the City's land development codes with regard to platting and providing improvements such as roads, access, storm drainage and other facilities and services.

FLUE Policy 6.1.3

Zoning districts in the City's land development code (LDC) shall implement the future land use categories adopted in the comprehensive plan, including the types of uses and the densities and intensities of uses.

FLUE Policy 6.1.4

The land development code shall determine where buffers shall be required between adjacent land uses. Buffers may be either prescriptive standards or variable and shall be defined in the land development code. Buffers may serve one or more of the following purposes: provide functional separations between dissimilar uses; provide landscaping adjacent to parking lots and other vehicle use areas; and provide protection from uses that may have some degree of incompatibility that can be mitigated wholly or partially to protect against light, glare, noise or appearance.

FLUE Policy 6.1.5

The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

FLUE Policy 6.1.6

Public schools are an allowable use in all land use categories except Open Land (Conservation) and Industrial. Technical/training schools may be located in the Industrial categories. The location of schools shall be proximate to existing and planned residential areas to the extent possible and shall be planned and located based on the siting criteria of the approved interlocal agreement between the city and the St. Johns County School District.

FLUE Policy 6.1.7

The City shall encourage the co-location of public facilities, such as parks, libraries and community centers, with schools to the maximum extent feasible.

FLUE Policy 6.1.8

The implementation of the future land use plan by the City through the adoption of the City's Comprehensive Plan Map Series and subsequent Land Development Code intends to encourage an efficient, viable and sustainable land use pattern within the City of St. Augustine.

FLUE Objective 6.2

The City shall ensure that future development and redevelopment activities are located in appropriate areas of the City by adopting a Future Land Use Map Series included as **Appendix A** of this element that contains the Future Land Use Map (FLUM), which forms the basis for consideration of future land use plan amendments. The Future Land Use Map Series, along with the City's land development code, shall reduce or eliminate existing land uses that are inconsistent with the community's character.

FLUE Policy 6.2.1

The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

FLUE Policy 6.2.2

The City shall discourage the continuation of nonconforming uses to the extent established in the land development code. Redevelopment of the property will include an evaluation of consistency with the current FLUM and zoning district, as well as adjacent land use and zoning districts.

FLUE Policy 6.2.3

The adopted FLUM contains and identifies appropriate locations for the following land use categories which are established to encourage preservation, mobility and livability, to provide for the protection of natural, historic and cultural resources and to balance quality of life and economic development:

Table 1: Proposed Future Land Use Categories in the Comprehensive Plan 2040

Future Land Use Categories	Maximum Density/Intensity
Historic Preservation	
Historic Preservation	24 units per acre
Residential Land Uses	
Low Density	8 units per acre; public/institutional Density/intensity most restrictive adjacent
Medium Density	16 units per acre; public/institutional Density/intensity most restrictive adjacent
Mixed Use	
Low Density	8 units per acre/50% land area max commercial low/public/institutional/recreation
Medium Density	16 units per acre/50% land area max industrial low/commercial low/public/institutional/recreation
Commercial Land Uses	
Commercial Low Intensity	16 units per acre/50% land area max residential use; lot coverage 60% max with 35 foot height
Commercial Medium Intensity	16 units per acre/50% land area max residential use; lot coverage 70% max with 35 foot height
Industrial Land Uses	
Industrial	2 units per acre: 80% lot coverage max with 35 foot height
Marine Industrial	2 units per acre: 80% lot coverage max with 35 foot height; 50% lot coverage max with 50 foot height and PUD
Open Land Land Uses	
Open Land (Very Low Density)	2 units per acre; lot coverage 20% max with 35 foot height
Open Land (Conservation)	Not Developable
Recreation	Density/intensity most restrictive adjacent
Public Land Use	
Public	Density/intensity most restrictive adjacent
Institutional	Density/intensity most restrictive adjacent

Multimodal Land Use

Mobility Oriented Development

50 units per acre; lot coverage 80% with 60 foot height; lot coverage 80% with 75 foot height in MOD zoning within Entry Corridors or PUD with MOD elements and design criteria.

FLUE Objective 6.3

Preservation Categories: The preservation category is established to recognize and protect the historic and cultural value of the downtown core area.

FLUE Policy 6.3.1

Historic Preservation

This district is intended to provide a mix of uses, including residential, institutional and commercial uses that will encourage the preservation and restoration of historic structures, which includes protecting and maintaining the colonial Town Plan. This district is also intended to provide a mix of compatible nonresidential uses that will encourage the restoration and reproduction of historic structures including compatible infill development and maintain the historic nature and low intensive ambiance of the neighborhoods, and pedestrian scale of the neighborhoods. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the historic skyline, and the City's contribution to the historic and archaeological record of the State and nation.

For All Uses a maximum of 24 dwelling units per acre.

FLUE Objective 6.4

Residential Categories: The residential categories are established to provide for the preservation of existing, predominantly residential neighborhoods. These categories allow a range of housing types of single-family low, single-family medium, multi-family and residential mixed-use.

FLUE Policy 6.4.1

Promote a residential land use pattern that contributes to quality housing, livable neighborhoods and a variety of housing types and prices.

FLUE Policy 6.4.2

Preserve the character of the existing residential areas of the City through maintaining established standards for residential densities, and traditional building patterns, maintenance and traffic circulation.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character.

For Residential Uses a maximum of 8 single family dwellings per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation), as appropriate.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.5

Residential Low Density Mixed Use

This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character. A maximum of fifty percent (50%) of the Residential Low Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate.

For Residential Uses a maximum of 8 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 35% and a maximum of 70% of the development area unless otherwise approved by the PZB.

- Commercial uses shall occupy a minimum of 15% and a maximum of 30% of the development area unless otherwise approved by the PZB.

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and medium intensity commercial mix of uses. A maximum of fifty percent (50%) of the Residential Medium Density Mixed Use land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity industrial (light manufacturing, processing, packaging and fabricating), medium intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate. Low intensity industrial uses shall not be permitted near public schools unless a trade or technical school.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

To encourage mixed use developments:

- Residential uses shall occupy a minimum of 40% and a maximum of 75% of the development area, unless otherwise approved by the PZB.
- Commercial uses shall occupy a minimum of 35% and a maximum of 50% of the development area, unless otherwise approved by the PZB.

FLUE Policy 6.4.7

Performance standards for residential uses shall include, but are not limited to, the following:

- The land development code shall include performance standards for multi-family and residential mixed-use residential uses that control the location of proposed buildings in relation to the overall dimension of the site, provide sufficient on-site/structured parking where applicable, and provide open space and recreation amenities.
- The land development code shall contain requirements for significant open space, landscaping and buffers to effectively screen multi-family developments from single-family low density residential zoning districts.
- Grid street networks are highly encouraged to serve residential developments and provide connectivity throughout the City. Cul-de-sacs and gated developments are discouraged.
- Themes are encouraged for residential developments to include cohesive streetscape design, signage, landscape architecture and streetscape furniture to create an identity for neighborhoods in the City.

FLUE Objective 6.5

Commercial Categories: The commercial category is established to encourage a mix of commercial uses that provide necessary businesses and services for residents as well as visitors and promote a diverse economy.

FLUE Policy 6.5.1

Commercial Low Intensity

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.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Policy 6.5.2

Commercial Medium Intensity

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family units to a maximum of 16 units per acre.

- Not more than fifty percent (50%) of the Commercial Medium Intensity designation shall be permitted for residential use. Other uses maximum lot coverage of 70%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 25% and a maximum of 50% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 30% and a maximum of 70% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

FLUE Objective 6.6

Industrial Categories: The industrial category is established to provide sufficient land for existing and anticipated future industrial needs, including working waterfronts and requisite support services.

FLUE Policy 6.6.1

Industrial

This district is intended to allow light manufacturing and related service, storage and commercial uses including non-residential mixed-use. Maximum lot coverage of 80%; maximum height restriction of 35 feet, and two (2) dwelling units per acre.

- Industrial and commercial mixed-use projects are encouraged.

FLUE Policy 6.6.2

Marine Industrial

This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City.

Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

FLUE Policy 6.6.3

The City encourages the development of clean, non-polluting types of industrial uses. (Adopted June 2011, Ord. No. 2011-02).

FLUE Objective 6.7

Open Land Categories: The open land category is established for very low density development adjacent to more environmentally sensitive land. It is also established for the long-term protection and preservation of lands that contain valuable and threatened natural resources, such as wetlands, environmentally sensitive lands, floodplains, protected or unique ecological communities, and areas for recreational uses.

FLUE Policy 6.7.1

Open Land (Very Low Density)

This district is intended to apply to areas which are sparsely developed and including uses as normally found in environmentally sensitive areas away from urban activity, but landward of the most restrictive jurisdictional line. It is intended that substantial residential, commercial or industrial development shall not be permitted in the district.

Single Family dwellings including mobile homes are allowed at two dwelling units per acre; Appropriate activities and land uses within environmentally sensitive areas, include but are not limited to, water related activities and uses, and passive recreation activities and similar uses may occur. Other uses Maximum lot coverage of 20%; maximum height restriction of 35 feet.

FLUE Policy 6.7.2

Open Land (Conservation)

All public or private lands waterward of the most restrictive jurisdictional line, and including land under conservation easement, conservatorship or other permanent protection where only activities specified in the easement, conservatorship or other permanent protection are permitted and/or environmentally sensitive lands owned by a local, regional, state or federal governmental agency or similar organization.

Note: As part of this Comprehensive Plan update an Asterix (*) with clarifying language related to Open Land (Conservation) is added to the Future Land Use map:

Language to be inserted on the Future Land Use map:

*All land uses citywide are based on a formal determination of areas waterward of the most restrictive jurisdictional line to determine the areas designated Open Land (Conservation).

FLUE Policy 6.7.3

Recreation/Open Space

Lands public or private devoted to and operated for recreational uses, such as parks, sports fields, and historic sites, but not commercial business or commercial tourist attractions.

The density and intensity will adhere to the most restrictive adjacent land use designation.

FLUE Policy 6.7.3.1

The recreational land use category is intended to accommodate existing public parks and recreation areas as well as committed public parks.

FLUE Policy 6.7.3.2

Recreational uses shall be allowed in other categories as support uses.

FLUE Objective 6.8

Public and Institutional Use Categories: The public and Institutional land use category is established for publicly owned parcels, and privately, owned institutional uses.

FLUE Policy 6.8.1

Public

It is the intent of this district that certain lands, which are owned by federal, state or local government or are associated with the government and are used for a purpose which is particularly and peculiarly related to governmental functions, shall be designated Public.

The density and intensity will adhere to the most restrictive adjacent land use designation.

FLUE Policy 6.8.1.1

The City shall initiate a land use plan amendment after purchase and/or development by the government entity. (Adopted June 2011, Ord. No. 2011-02)

FLUE Policy 6.8.2

Institutional

It is the intent of this district that certain lands, which are private institutional uses and are used for a purpose which is beneficial to the public, such as, nursing homes, community centers, religious institutions and similar uses, shall be designated Institutional.

The density and intensity will adhere to the most restrictive adjacent land use designation.

Note: As part of this Comprehensive Plan update an Asterix (*) with clarifying language related to Churches is added to the Future Land Use map:

Language to be inserted on the Future Land Use map:

*As of the date of the adoption of this Future Land Use Map existing churches in any Future Land Use Category are not subject to height, lot coverage or setback limitations based on the existing built conditions of the site.

FLUE Objective 6.9

Multimodal Categories: The Mobility Oriented Development category is established to recognize the city's mobility planning efforts and establish a land use category that promotes multimodal transportation options.

FLUE Policy 6.9.1

Mobility Oriented Development

This district is intended to facilitate and encourage development and redevelopment of areas containing or directly contiguous to a Mobility Station. In order to maintain the orderly development of MOD land use, and protect the City's streetscape and community aesthetics, the development may utilize either the companion MOD zoning district or the PUD zoning district. The MOD land use allows for building height not to exceed (i) sixty (60) feet for properties not subject to the Entry Corridor design standards, or (ii) seventy-five (75) feet for properties zoned MOD (thereby incorporating the mandatory MOD zoning elements) and subject to Entry Corridor design standards.

A Mobility Station means either (i) a transit station available to the public at large for general transportation needs, (ii) a commuter rail station, or (iii) a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

The City's goal in allowing Mobility-Oriented Development ("MOD") in conjunction with a Mobility Station is to reduce automobile use through the utilization of transit services, alternative mobility solutions and infrastructure for active modes, such as walking and biking. A Mobility Station is not intended to be a recreational or tour service, nor is it intended to be a shuttle for use by hotel, motel, or resort guests only, or for single event transportation planning such as a wedding or event shuttle.

Mobility Stations must be located both (i) within a development directly contiguous to the two Future Rail Stations identified on the City's 2040 Mobility Plan contained in the Mobility Plan & Mobility Fee Technical Report Executive Summary dated June 2021; and (ii) along U.S. Highway 1. A MOD must include a Mobility Station.

MODs shall promote a complimentary, concentrated mixture of transit-supportive uses at higher densities and intensities in conjunction with a Mobility Station. Such districts shall provide internal pedestrian linkage improvements with accommodations for park-and-ride and bikeshare/carshare programs for access into the downtown area. Allowable uses within MODs may include, but are not limited to, Mobility Stations, retail services, grocery stores, restaurants, other commercial and service uses, offices, hotels, multi-family residential units, public buildings and public uses, parks/plazas and similar uses and supporting facilities.

Residential Uses:

Multi-family residential: Maximum of 50 units per acre.

Other Uses:

Maximum lot coverage of 80 percent; maximum building height 75 feet for properties zoned MOD and subject to Entry Corridor design standards and 60 feet for properties not subject to Entry Corridor design standards; must include a multi-family residential component and at least one non-residential use, in addition to the Mobility Station. Optional height not to exceed 75 feet if combined with PUD zoning with mandatory MOD zoning elements and design criteria in the PUD text.

The Planning and Zoning Board will make a recommendation to the City Commission on the public benefit gained by the Mobility Station component, as well as the compatibility of the mixed-use components of the MOD.

The Future Land Use Map ("FLUM") designation of MOD requires that an active Mobility Station and all other required transit-oriented components of the project be constructed and remain active for use. Should a project fail to build and/or maintain the MOD associated with the project, the FLUM for the property will revert back to the pre-MOD FLUM designation, or may be the subject of a FLUM amendment to any other appropriate and compatible designation. Structures existing at the time of the reverter may be deemed non-conforming, consistent with the City of St. Augustine's municipal code, but may not be allowed to be rebuilt if destroyed, or expanded. Any new construction, reconstruction or unbuilt development will have to conform to the new FLUM designation and associated zoning after the reversion to a non-MOD FLUM category. All applicants for MOD, and their heirs, successors and assigns, understand and agree to be bound by this condition to the MOD FLUM designation.

Discussion Paper regarding City Mobility Oriented Development (MOD)

Prepared by:

City of St. Augustine
Planning and Building Department
75 King Street
St. Augustine, Florida 32084

August 23, 2022

*Note most of this material was taken from common sources, and based on commonly understood planning definitions. The *Complete Communities Toolbox* from the state of Delaware was referred to extensively.

This discussion paper is prepared by the City of St. Augustine Planning and Building Department. The paper is an effort to communicate with interested individuals and the citizens of St. Augustine regarding the proposed Comprehensive Plan amendment that creates a land use category in the City's Comprehensive Plan related to a concept of Mobility Oriented Development, MOD for short.

The city is also proposing to create a compatible zoning district that will be inserted into the city Zoning Code that is a companion to the MOD land use category and outlines the uses and parameters for any proposed development.

Status of the Rail Station

The first issue related to the city's interest in creating an MOD land use category in the Comprehensive Plan and a zoning district is the fact that there is a State and regional agency proposal to locate a commuter rail station within the city of St. Augustine. Initially there were two (2) locations being considered: one (1) near the intersection of Highway US 1 and King Street, and the second on North US 1 at the FEC Maintenance Building location. During early considerations the location analysis focused on the intersection of Highway US 1 and King Street/West King.

The project is in the Planning stages. Currently, there is a 1 million dollar grant for community outreach and discussion. The agencies are trying to garner as much input as possible over the next year. Additionally, the agencies are working on funding for a PD&E study (Planning, Development and Engineering study) to do a corridor analysis.

The corridor analysis would look at four (4) stops, St. Augustine, Racetrack Road, The Avenues Mall area and downtown Jacksonville. These stops were prioritized out of 16 original locations under consideration. Other considerations include a certain "critical mass" of density to justify the stop and a 1,300-foot distance of straight track to facilitate the train stop and required station location.

The I-95 corridor through the region is reaching its limit of capacity and expansion within right-of-way limits. There is a need for alternative forms of transportation. The Jacksonville Transportation Authority (JTA) is actively working on transit options. South and Central Florida are already moving forward with options that include rail. The rail right-of-way is sufficient to accommodate passenger rail along with freight requirements. The reality is that the region can not be reliant on automobiles into the future. It is not sustainable for the long term.

Basics of Mobility Oriented Development (MOD) or TOD (Transit Oriented Development) types of development

TOD types of development have been utilized for many years in larger communities that typically have rail and bus or mass transit options for transportation. St. Augustine has chosen to refer to this general type of development related to potential transit as Mobility Oriented Development (MOD) because of the city's recent Comprehensive Plan update, discussion and implementation of mobility improvements and choices within the city. For example, the complete street transformation of Hypolita Street, Treasury and Spanish Streets downtown, as well as, the availability of ebikes, dynamic parking pricing, and shuttle services.

In general MOD developments are defined as walkable, compact, mixed-use projects including a mix of residential and commercial uses, higher density, preferably within walking distance to a transit facility. This should include enhanced convenience and safety for walking and bicycling to provide a vibrant livable community.

Key Principles

There are five (5) key principles or characteristics for MOD types of development. They are:

- 1) walkable, high quality pedestrian environments that integrate streetscaping;
- 2) higher density closest to transit centers that decrease sprawl and promotes compactness;
- 3) transit centers are the center of a destination that is a diverse mixed-use development;
- 4) parking located in proximity to the development and well designed and managed; and
- 5) the community has public transit facilities and services.

Pros/Cons

Typical fears related to MOD developments are that a transit/mobility development will take away neighborhood character, cause traffic congestion and lead to gentrification.

Typical benefits demonstrate encouragement of a pedestrian and bicycle friendly environment, support of local businesses, increased property values and combating urban sprawl, and facilitating multimodal needs and creative patterns of land use.

Why is the City of St. Augustine interested in MOD land use?

A primary focus of the city's updated Comprehensive Plan that is a Plan out to 2040 is the recognition and promotion of compact development within the city including trying to promote a mix of uses to encourage a diverse economy.

Infill development and redevelopment is discussed throughout the plan to encourage compact reuse of properties within the city. Infill development, redevelopment, and revitalization in areas targets growth and reinvestment. The definitions are also included below.

Infill development encourages strategies, tools and programs in areas to optimize infrastructure investments and consume less land, promote an efficient compact pattern of land use and development. This encourages reinvestment in areas and use of existing infrastructure including efficient delivery of quality public services, as well as mobility options.

Redevelopment is the conversion of an existing built property into another use which is ideally a better use of property.

Revitalization means instilling new life and vitality into a community which may include reusing, renovating, improving building facades, streetscaping and using planning tools to leverage local assets. This also includes possibly filling in “gaps” in the streetscape, efficient land use, economic development and utilizing existing infrastructure. Reinvestment in existing areas will hopefully increase the potential to create jobs, and encourage adaptive reuse of underutilized buildings.

Mixed use infill is discussed to specifically encourage efficient live and work opportunities, conduct business, shop dine and socialize, create walkable, and bikable areas, encourage transit, to reduce driving, create greater housing variety and density that can be affordable by lowering transportation costs, and at the same time provide a consistent customer base in an area or neighborhood. The goal is compact, innovative land use management and efficient multimodal transportation systems.

The intent is to encourage transit within a 10-minute walk, which is approximately a quarter mile to a one-third mile radius. The city’s Walkability score is 73 out of 100 for walking and 74 out of 100 for biking. A goal through increased mobility options and efforts would be to promote an improving Walkability score.

Fitting into the Big Picture

As we look at changing demographics and associated real estate desires increasing demand for high quality, compact and walkable communities, promoting planning to sustain a diverse economy, fostering community design we are promoting, development that serves the economy, community, public health, and the environment. This can include vertical and horizontal project designs.

The city is trying to encourage economic development to build on existing assets to leverage local assets to improve quality of life, and a high quality of life providing opportunities to attract and retain talented employees.

A balance of complimentary land uses can attract investment in areas intended for growth, infill development, or redevelopment, including coordinated provision of infrastructure and services that support business investment and market-ready (re)investment.

The concept of “Complete communities” is a new term that the city is uniquely set to recognize and plan ahead in these aspects to promote a healthy and active, sustainable, and inclusive community.

There are five (5) key principles or characteristics of “complete communities”. They are:

- 1) Complete streets
- 2) Efficient land use
- 3) Healthy and livable
- 4) Inclusive and active, and
- 5) Sustainable and resilient

These design principles for communities include, building livable communities, preserving historic resources, respecting local character in new construction, and reducing the impact of vehicles. All principles that are attainable for St. Augustine.

General Benefits of Community Identity

Livable communities are a balance of jobs, homes, services, and amenities. Traditional neighborhoods are compact, pedestrian and bicycle friendly, have quality public space and a variety of uses and building types.

Neighborhoods should create a sense of place, and community identity that encourages social interaction, walking and connectivity, preserve historic resources, reduce impact of cars, and balance the auto with other transportation options.

These are all goals of the city’s Mobility Plan. Including peripheral parking facilities and offering alternative forms of transportation to relieve the stress of vehicles in the downtown.

Specific Language in the Proposed Comprehensive Plan amendment

FLUE Objective 6.9

Multimodal Categories: The Mobility Oriented Development category is established to recognize the city's mobility planning efforts and establish a land use category that promotes multimodal transportation options.

FLUE Policy 6.9.1

Mobility Oriented Development

This district is intended to facilitate and encourage development and redevelopment of areas containing or directly contiguous to a Mobility Station.

A Mobility Station means either (i) a transit station, (ii) a commuter rail station, or (iii) a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

The City's goal in allowing Mobility-Oriented Development ("MOD") in conjunction with a Mobility Station is to reduce automobile use through the utilization of transit services, alternative mobility solutions and infrastructure for active modes, such as walking and biking.

Mobility Stations must be located both (i) at one of the two Future Rail Stations identified on the City's 2040 Mobility Plan contained in the Mobility Plan & Mobility Fee Technical Report Executive Summary dated June 2021; and (ii) along U.S. Highway 1. A MOD must include a Mobility Station.

MODs shall promote a complimentary, concentrated mixture of transit-supportive uses at higher densities and intensities in conjunction with a Mobility Station. Such districts shall provide internal pedestrian linkage improvements with accommodations for park-and-ride and bikeshare/carshare programs for access into the downtown area. Allowable uses within MODs may include, but are not limited to, Mobility Stations, retail services, grocery stores, restaurants, other commercial and service uses, offices, hotels, multi-family residential units, public buildings and public uses, parks/plazas and similar uses and supporting facilities.

Residential Uses:

Multi-family residential: Maximum of 50 units per acre.

Other Uses:

Maximum lot coverage of 80 percent; maximum building height 75 feet; must include a multi-family residential component and at least one non-residential use, in addition to the Mobility Station.

The Planning and Zoning Board will make a recommendation to the City Commission on the public benefit gained by the Mobility Station component, as well as the compatibility of the mixed-use components of the MOD.

The Future Land Use Map (“FLUM”) designation of MOD requires that an active Mobility Station and all other required transit-oriented components of the project be constructed and remain active for use. Should a project fail to build and/or maintain the MOD associated with the project, the FLUM for the property will revert back to the pre-MOD FLUM designation, or may be the subject of a FLUM amendment to any other appropriate and compatible designation. Structures existing at the time of the reverter may be deemed non-conforming, consistent with the City of St. Augustine’s municipal code, but may not be allowed to be rebuilt if destroyed, or expanded. Any new construction, reconstruction or unbuilt development will have to conform to the new FLUM designation and associated zoning after the reversion to a non-MOD FLUM category. All applicants for MOD, and their heirs, successors and assigns, understand and agree to be bound by this condition to the MOD FLUM designation.

Supported in the Comprehensive Plan

Included below are specific Objectives and Policies from the City of St. Augustine's Comprehensive Plan that demonstrate that this proposed Future Land Use Category carries forward these concepts.

Existing 2040 Comprehensive Plan Promoting Mobility Options

Future Land Use Element

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.

FLU Objective 5.1

The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.

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 Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLUE Policy 5.2.3

New Development in commercial and mixed-use areas is encouraged to provide a mix of pedestrian scale commercial activities, shops, offices, apartments, multi-family units and homes on site and provide mixed-uses within neighborhoods, within blocks and within buildings.

FLUE Policy 5.2.4

Developments in areas with design guidelines or standards shall be evaluated on-site and building design that emphasizes qualifying benchmarks of character and authenticity,

aesthetics, human comfort, creating a sense of place, special placement of civic uses and sites and human-scale architecture and amenities, especially at street level.

FLUE Objective 5.5

The City has established three (3) forms of energy conservation/greenhouse gas reduction strategies: carbon sequestration, preserving the environment, and alternative transportation and mobility improvements.

FLUE Policy 5.5.2

The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.

FLUE Policy 5.5.3

The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.

Transportation and Mobility Element

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

Transportation

TME Goal 1 Transportation

To maintain a coordinated multimodal transportation system which provides for the safe, efficient, and economical movement of people, goods, and services, which is consistent with the Future Land Use Plan, recognizes the impact resulting from sea level rise and higher, more intense rainfall, conserves energy, and protects the City's natural, cultural, and historical resources.

TME Policy 1.3.3

m

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing “urban” area of the city including existing commercial corridors.

TME Policy 1.3.4

The City recognizes that certain roadway corridors will be congested, and that congestion will be addressed by means other than solely considering adding capacity for single occupant automobiles.

TME Policy 1.3.5

The City shall coordinate transportation planning with the Future Land Use Element to provide multi-modal transportation facilities which are adequate to accommodate the uses shown on the Future Land Use Map (FLUM). The City shall determine, on a case-by-case basis, if a proposed development is consistent with the Transportation and Mobility Element and the FLUM through the site plan review process.

TME Policy 1.3.6

The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.7

The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.

TME Policy 1.3.8

The City shall revise its Land Development Code to ensure consistency with the policies contained in this Plan. Development review will ensure predictable evaluation criteria for assessing site plan design.

TME Policy 1.3.9

The City shall ensure that all new development and redevelopment is designed and required to: safely promote increased walking, bicycling, low speed alternative vehicles and a circulator or community transit use while reducing vehicle trip lengths and vehicle miles of travel, as outlined

in the Future Land Use and Transportation and Mobility Elements of the Comprehensive Plan. This will also be implemented in the Land Development Code, and potentially funded through either collection of fees or improvements to the multi-modal transportation system that further the achievement of multi-modal performance measures established by the City's Mobility Plan.

TME Policy 1.3.10

The city shall further support pedestrian, bicycle, and a community circulator or transit use by:

- Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan;
- Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances;
- Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users;
- Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and
- Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.

TME Objective 1.6

The City recognizes that the use of gasoline creates a large portion of the greenhouse gas emissions and shall incorporate transportation strategies to address the reduction of these greenhouse gas emissions. The City shall identify and pursue strategies to reduce the vehicle miles traveled.

A) Establish locations for compact mixed-use development.

B) Increase opportunities for job creation proximate to higher density residential.

C) Facilitate future opportunities for transit-oriented developments.

D) The City shall encourage existing and 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. (Adopted June 2011 Ord. #2011-02)

TME Policy 1.6.1

The City shall employ Transportation System Management Strategies to protect the right-of-way, improve efficiency and enhance safety. The City will continue efforts to coordinate and participate in, when feasible, regional transportation studies which encourage and promote transit initiatives. The City will continue to work with St. Johns County, Jacksonville Transportation Authority (JTA), North Florida TPO, Northeast Florida Regional Council (NEFRC) and FDOT and other transportation agencies to educate and encourage transit in the region including rail and a possible commuter stop within the city limits.

Mobility

TME Goal 2 Mobility

Establish a coordinated multimodal transportation system that provides mobility for pedestrians, bicyclists, circulator and transit users, motorized vehicle users, rail and trail users, and is sensitive to the City of St. Augustine's natural, cultural, and historical resources.

TME Goal 3 Mobility Planning

To enhance the quality of life for City residents and reduce congestion by (1) making it safer and more convenient for people to walk and bicycle, (2) creating a park once environment within the multimodal district for longer duration visits, and (3) developing innovative parking management strategies that improve access to local businesses and reduce the impact of non-city resident traffic on residential streets.

TME Objective 3.1

To develop and implement a 2040 Mobility Plan focused on the movement of people, the provision of multiple multimodal transportation options to move about the community, the pursuit of a park once environment for travel within the City's multimodal district for longer duration visits, and the development of a Mobility Fee, based upon the projects identified in the Mobility Plan, that allows for new development and redevelopment to equitably mitigate its impact to the multimodal transportation system.

TME Policy 3.1.1

The City will promote an interconnected, multimodal transportation system that transitions from a system focused on quickly moving motor vehicles toward a system that emphasizes the movement of people of all ages and abilities, whether those people choose to walk, bicycle, ride transit, drive a motor vehicle or use a new transportation mobility technology.

TME Policy 3.1.2

The Mobility Plan shall identify multimodal projects that include improvements, services, and programs for people walking, bicycling, riding transit, driving motor vehicles and utilizing new mobility technologies. The projects identified in the Mobility Plan shall be based upon existing demand and projected increases in personal travel demand by 2040, the mobility plan horizon year, from new development, redevelopment, tourism and the growing population in northeast Florida.

TME Policy 3.1.4

The Mobility Plan shall promote a park once environment with parking garages located outside of the multimodal district for longer duration visits generally exceeding three or more hours. Surface parking lots maybe initially provided with the intent of constructing parking garages. The Mobility Plan shall include transit circulator routes and identify water taxi docks, for public and/or private water taxi service, that connect the parking garages to destinations within the multimodal district. As more parking spaces are located in parking garages along the periphery of the multimodal district and frequent multimodal transportation options are provided, longer duration visits may include visits of two or more hours in length.

TME Policy 3.1.8

The Mobility Plan projects may include, but are not limited to, sidewalks, paths, trails, bike lanes, protected bike lanes, buffered bike lanes, bicycle boulevards, bicycle racks, shared streets, speed reduction programs, shared-use multimodal lanes, flexible lanes, dedicated transit lanes, high-occupancy vehicle lanes, mobility hubs, pavement markings, traffic control devices, enhanced crosswalks, advanced warning systems, streetscape, hardscape, landscape, turn lanes, intersection improvements, safety improvements, roundabouts, bridges, transit stops, shelters, stations and pull-out bays, transit vehicles, and new motor vehicle travel lanes.

TME Policy 3.1.17

The City shall require all comprehensive plan amendments, rezonings, final development engineering plans and changes of land uses evaluate the impacts to and opportunities to coordinate with the Mobility Plan, Complete Street, safety, and parking management multimodal projects.

Housing Element

H Policy 1.1.4

The city shall promote mixed-use developments that include provisions for a wide variety of housing types and prices in close proximity to support facilities.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 15, 2022

RE: **Ordinance 2022-15 – Creating a New Zoning District Called Mobility Oriented Development (MOD) – Second Reading and Public Hearing**

The city has worked with representatives from the Jacksonville Transportation Authority (JTA), and their consultants, as well as representatives of a proposed project at the intersection of Highway US 1 (North Ponce de Leon Boulevard) and West King Street to draft language for a new Future Land Use Category and a new zoning district. The proposed language for the new zoning district, Mobility Oriented Development (MOD) is included in this memorandum with the existing commercial medium zoning districts to illustrate how the proposed MOD district would be inserted into the Zoning Code of the City of St. Augustine.

The Mobility Plan for the City of St. Augustine includes a range of options to manage vehicular traffic and congestion, reduce pressure and improve the transportation experience downtown, while simultaneously encouraging the use of multimodal transportation and other associated improvements.

Management strategies include establishing a park once environment, access to short and long-term parking that encourages the use of the existing historic district parking garage, and implementation of variable parking pricing to encourage the efficient use of the existing parking in the downtown area. Downtown management also includes shared streets, pedestrian, bicycle, and accessibility improvements, along with a potential circulator system. Ultimately the plan also refers to additional parking garages on the periphery to the downtown to park cars and provide for alternative forms of transportation on the roadway corridors feeding into downtown.

The mobility ordinance updating Chapter 21 of the city's land development code was adopted in February and became effective on May 17, 2022. This establishes a mobility program and fee in the city's land development code consistent with the City's 2040 Comprehensive Plan. Additionally, since the update to the City's Comprehensive Plan it is the City's understanding that there is a potential commuter rail site proposed in the vicinity of the intersection of Highway US 1 and King Street/West King Street.

All of these elements combine to provide an opportunity to create a new land use category and a new compatible zoning district that attempts to fulfill these mobility "objectives".

On June 7, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to create a new zoning district referred to as Mobility Oriented Development (MOD).

Memorandum Regarding MOD Creation
City Commission June 27, 2022
Page 1

Attached you will find an Ordinance to create this new zoning district. It is compatible with the proposed Mobility Oriented Development land use category. It is proposed to be inserted into the commercial section of the code as a new commercial classification.

Based on the City Commission discussion three (3) specific changes have been made to the proposed zoning district since the July 11, 2022, City Commission meeting. They are outlined in blue in the attached text for your review and recommendation.

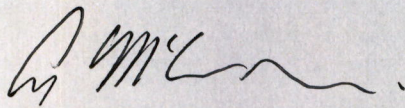
The changes include removing use references for dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal sense from off the premises, removing i. Hotels, motels, conference centers and spas, and removing b. Service stations (see Section 28-338) as a permitted use by exception.

These changes are proposed based on the previous discussion and for your review and recommendation.

The proposed MOD zoning district is similar in nature to the existing commercial classifications, but it provides for design standards if the property is adjacent to West King Street. It allows a maximum building height of 75 feet with an allowed density to a maximum of 50 units per developable acre. It also includes mandatory and optional multimodal or mobility features that could be included (some mandatory) in a development assigned this zoning classification.

Please place Ordinance 2022-15 on the City Commission agenda for Second Reading and Public Hearing.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director
Planning and Building Department

Please note: The text is presented in redline/underline format. The redline/underline format is the language that will be inserted into the Comprehensive Plan. This includes the blue/underline. The blue/underline indicates text changes that have been made since the June 7, 2022, PZB meeting.

Insertion of New Zoning District –

ARTICLE III. - ZONING DISTRICTS AND DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 28-141. - Zoning districts and zoning atlas.

In order to regulate and restrict the location of agriculture, trades, industries, public and semipublic uses, residences and the location of buildings erected or altered for specific uses, the incorporated area of the city is hereby divided into districts or zones as shown on the zoning atlas entitled "Zoning Atlas for St. Augustine, Florida," and such atlas is hereby declared to be a part of this chapter. Districts as delineated on the zoning atlas are as follows with titles and abbreviations as indicated:

District	Abbreviation
Residential, single-family-one	RS-1
Residential, single-family-two	RS-2
Residential, low-one	RL-1
Residential, general-one	RG-1
Residential, general-two	RG-2
Residential, general office	RGO
Residential, general office-A	RGO-A
Historic preservation districts	HP-1, 2, 3, 4, 5
Commercial low-one	CL-1
Commercial low-two	CL-2
Commercial medium-one	CM-1
Commercial medium-two	CM-2
<u>Mobility Oriented Development</u>	<u>MOD</u>
Industrial and warehousing	IW
Open lands	OL
Government use district	GU
Maritime use district	MUD
Suburban Planned Development	SPD
Planned Unit Development	PUD

Sec. 28-142. - Reference to district names.

- (a) Where the phrases "all residential districts," "residential districts," "zoned residentially" are used in this chapter, the phrases shall be construed to include RS-1, RS-2, RL-1, RG-1, RG-2, RGO and RGO-A districts, and no others.
- (b) Where the phrase "commercial districts" is used in this chapter, the phrase shall be construed to include the CL-1, CL-2, CM-1 and CM-2 and MOD districts and no others.

- (c) Where the phrase "industrial districts" is used in this chapter, the phrase shall be construed to include the IW district, and no others.
- (d) Where the phrase "open use districts" appears in this chapter, the phrase shall be construed to include the OL open lands district and no others.

Creation of New Zoning District –

Sec. 28-208. - Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) Permitted principal uses and structures:

- a. Service station.
- b. Hotels and motels with or without kitchenettes.
- c. Shopping plaza and shopping center.
- d. Reception and information center.
- e. Museums.
- f. Outdoor recreational facilities.
- g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, 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, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.
- h. Banks and financial institutions.
- i. Home office, private.
- j. Multiple-family dwellings.
- k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops,

leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.

l. Business and professional offices.

m. Intermediate care facility.

n. Special event venue as per [section 28-347\(8\)](#).

o. Tattoo parlor or studio.

p. Micropigmentation clinic.

(2) Permissible uses by exception:

a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in [section 28-2](#)).

b. Churches.

c. Wholesaling from sample stock.

d. Uses and structures as for RG-1 ([section 28-163](#)).

e. Commercial parking facilities.

f. Drive-in uses for banks and financial institutions.

g. Single-family uses.

h. Miniwarehouses, and self-storage facilities.

i. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(3) Minimum lot requirements:

a. Lot width, one hundred (100) feet.

b. Lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(4) *Maximum lot coverage of all buildings.* Seventy (70) percent.

(5) *Minimum yard requirements:*

a. Front, zero feet minimum, thirty (30) feet maximum. 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, five (5) feet.

c. Rear, five (5) feet.

d. Off-street parking shall be permitted in any side or rear yard.

(6) *Maximum height of structures.* Thirty-five (35) feet.

(7) *Permitted accessory uses and structures:*

a. See [section 28-348](#).

b. Parking lots complying with [section 28-347\(3\)](#).

Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section [28-208](#)), and in addition:

a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.

b. Service establishments of all kinds including automobile service station or truck stop (see [section 28-338](#)) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies,

electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.

c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.

d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.

e. Hotels and motels with or without kitchenettes.

f. 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.

g. Multifamily dwellings as for RG-1.

h. Colleges.

i. Shopping plaza or shopping center.

j. Intermediate care facilities.

k. Home office, private.

l. Agricultural market, outdoor or indoor.

m. Special event venue as per [section 28-347\(8\)](#).

n. Craft alcohol industry. See also [section 28-209\(1\)d](#). for limitations on any type of wholesale, jobber or distributorship business.

(2) *Permitted accessory uses*. See [section 28-348](#).

(3) *Permissible uses by exception*:

a. As provided in [section 28-347](#).

b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.

c. Building trades contractor with outside storage yard and heavy construction equipment.

d. Boatyard.

e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.

f. Bulk storage yards, including bulk storage of flammable liquids.

g. Open air theaters, but not drive-in theaters.

h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.

i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.

j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.

k. Uses and structures as for RG-1 (section [28-163](#)).

l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

(4) Minimum lot requirements (width and area):

a. Minimum lot width, one hundred (100) feet.

b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

(5) Maximum lot coverage of all buildings. Seventy-five (75) percent.

(6) Minimum yard requirements:

a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. 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, five (5) feet.

c. Rear, five (5) feet.

d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

(7) *Maximum height of structures:* Thirty-five (35) feet.

(8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

Sec. 28-210. Mobility Oriented Development: MOD.

Intent: This district is intended to facilitate and encourage development and redevelopment of areas containing or directly contiguous to a Mobility Station. The City's goal in allowing Mobility-Oriented Development in conjunction with a Mobility Station is to reduce automobile use through the utilization of transit services, alternative mobility solutions and infrastructure for active modes, such as walking and biking.

(1) Definitions:

a. "Mobility-Oriented Development" or "MOD" shall mean a type of development or redevelopment in an area containing or directly contiguous to a Mobility Station.

b. "Mobility Station" shall mean either (i) a transit station available to the public at large for general transportation needs, (ii) a commuter rail station, or (iii) a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

c. "Pedestrian Connectivity" shall mean the ability of people to walk from place to place on sidewalks, multi-use paths, pervious paths, greenway system or other type of pedestrian walkway.

d. "Transit Station" shall mean more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, including pedestrian connectivity and which may or may not incorporate convenience retail and service establishments. A transit station is intended to be available to the public at large for general transportation needs and is not intended to be a recreational or tour service, nor is it intended to be a shuttle for use by hotel, motel, or resort guests only, or for single event transportation planning such as a wedding or event shuttle.

(2) Permitted locations: MOD zoning must include a Mobility Station. Mobility Stations must be located both (i) directly contiguous to the two Future Rail Stations identified on the City's 2040 Mobility Plan contained in the Mobility Plan & Mobility Fee Technical Report Executive Summary dated June 2021; and (ii) along U.S. Highway 1.

(3) Permitted uses and structures:

- a. Mobility Station and any related mobility/transit features.
- b. Commercial parking facilities and garages (public and private).
- c. Multiple-family dwellings; a major component of a Mobility Oriented Development is a mix of uses, which shall include multi-family dwellings as an integral part of the project on the same site as the MOD development.
- d. Professional and business offices.
- e. Medical and dental offices.
- f. Restaurants, but not drive-in
- g. Retail sales and outlets such as specialty food stores and drug stores, grocery stores/supermarkets, cafes, clothing and hobby shops, antique shops, pet shops (but not kennel or veterinarian), bookstore and news stand, stationery and card shops, leather goods and luggage (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shops, bakeries, sporting goods, sundries and notions, business office supplies, musical instruments, retail sale of alcohol and similar products.
- h. Service establishments such as hair salons, shoe repair shops, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, childcare, adult daycare, dog daycare, pet grooming, 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 sense from off the premises, and similar activities.
- i. Hotels, motels, conference centers and spas.
- j. Bars/taverns and breweries.
- k. Banks, loan companies, mortgage brokers, stockbrokers and other financial institutions.
- l. Art galleries and museums.
- m. Shopping plazas and shopping centers.
- n. Public buildings and other public uses.
- o. Indoor/outdoor recreation.
- p. Outdoor sales and seating.

(4) Permitted accessory uses and structures. See Section 28-348.

(5) Permitted uses by exception:

- a. See Section 28-347(1) and (2), special event venue as per Section 28-347(8) only allowed as an accessory uses to a principal use.
- b. Service stations (see Section 28-338).

(6) Minimum lot requirements. None.

(7) Maximum lot coverage by all buildings and structures. Eighty (80) percent.

(8) Minimum yard requirements:

- a. Front, zero (0) feet minimum, provided that no portion of any building (including awnings, porte cocheres, balconies, porches, canopies or other non-occupied appendages may overhand the property line); ten (10) feet maximum.
- b. Side, five (5) feet.

c. Rear, five (5) feet.

(9) Maximum height of structures. Either (i) sixty (60) feet for properties not subject to Entry Corridor design standards, or (ii) seventy-five (75) feet for properties subject to Entry Corridor design standards. For properties not subject to Entry Corridor design standards, (i) building height adjacent to existing residential or commercial structures shall be incrementally and proportionately stepped down from the maximum allowed height of sixty (60) feet to a height not to exceed thirty (30) percent above the adjacent structure; and (ii) for purposes of this requirement, an existing residential or commercial structure located directly across an alley or located directly across a local road of no more than thirty (30) feet of right-of-way width from the MOD project will be deemed adjacent to it. The intent of the preceding sentence is to minimize a canyon effect and harmonize new structure height with the existing streetscape while providing the opportunity to build density into a project.

(10) Landscaping Category. Classification 3, as defined in Section 25-54(a).

(11) Design Standards. Parcels zoned Mobility Oriented Development (MOD) that are adjacent to West King Street shall comply with the King Street Design Standards as they relate to “West King Street”, including the entire parcel or parcels contained in the project for the design elements listed below:

- a. Building Placement for buildings adjacent to primary roadway. Interior buildings or buildings other than those facing King Street will not be required to comply with Building Placement.
- b. Building Frontage for buildings adjacent to primary roadway.
- c. Architecture, including Building Materials, Fenestration and Glazing, Awnings and Canopies, Building Roof, Parking Structure Design.
- d. Site Access and Parking.
- e. Site and Building Lighting.
- f. Stormwater Facilities.
- g. Landscape & Screening.
- h. Signs.

(12) A Mobility-Oriented Development must have at least one (1) of the three possible Mobility Station options for credit as a mobility/transit feature, plus the five (5) mandatory mobility/transit features, and may include the two (2) optional mobility/transit feature options. A minimum of six (6) total mobility/transit features is required:

- a. Commuter rail station – as a component of the required Mobility Station.
- b. Transit station – as a component of the required Mobility Station.
- c. Publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily

public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street – as a component of the required Mobility Station.

d. Bicycle station – Mandatory.

e. Pedestrian connectivity – Mandatory.

f. Ride-sharing hub or dedicated loading area (e.g., Uber or car sharing) – Mandatory.

g. Park and ride hub – Mandatory.

h. Charging station for electric vehicles – Mandatory.

i. Water taxi station – Optional.

j. Shared mobility device stand (e.g., bicycle or e-scooter as part of an approved shared mobility device program) – Optional.

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE A DEFINITION FOR “MOBILITY ORIENTED DEVELOPMENT” AND RELATED TERMS; TO ADD REFERENCE TO MOBILITY ORIENTED DEVELOPMENT (MOD) TO SECTION 28-141 ZONING DISTRICTS AND ZONING ATLAS; TO ADD REFERENCE TO MOD ZONING DISTRICT INTO SECTION 28-142(b) “COMMERCIAL DISTRICTS”; TO CREATE SECTION 28-210 MOBILITY ORIENTED DEVELOPMENT (MOD) ZONING DISTRICT; PROVIDING FOR INCLUSION IN CHAPTER 28, ZONING, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, s. 166.041, Florida Statutes, provides for procedures for adoption of an ordinance which is a regulation of general and permanent nature and enforceable as local law; and

WHEREAS, s. 163.3202, Florida Statutes, requires that local land development regulations contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan;

WHEREAS, on June 7, 2022, the Planning and Zoning Board, acting as the Local Planning Agency for the City of St. Augustine, recommended to the City Commission the inclusion and amendment of definitions, and the creation of a Mobility Oriented Development (MOD) zoning district, related to encouraging multimodal transportation options and promoting the city’s mobility plan by amending Section 28-2 adding definitions, adding references to

Sections 28-141 and 28-142 and creating Section 28-210 in the zoning code of the Code of the City of St. Augustine;

**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. Sections 28-2 of the Zoning Code of the City of St. Augustine are 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.

...

“Mobility-Oriented Development” or “MOD” shall mean a type of development or redevelopment in an area containing or directly contiguous to a Mobility Station and meeting the development criteria of this code. MOD zoning is the companion zoning for the MOD future land use map designation.

“Mobility Station” shall mean either (i) a transit station available to the public at large for general transportation needs, (ii) a commuter rail station, or (iii) a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

“Pedestrian Connectivity” shall mean the ability of people to walk from place to place on sidewalks, multi-use paths, pervious paths, greenway system or other type of pedestrian walkway.

“Transit Station” shall mean more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, including pedestrian connectivity and which may or may not incorporate convenience retail and service establishments. A transit station is intended to be available to the public at large for general transportation needs and is not intended to be a recreational or tour service, nor is it intended to be a shuttle for use by hotel, motel, or resort guests only, or for single event transportation planning such as a wedding or event shuttle.

...”

Section 2. Amending the Code of the City of St. Augustine. Sections 28-141 and 28-142(b) of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

Sec. 28-141. - Zoning districts and zoning atlas.

In order to regulate and restrict the location of agriculture, trades, industries, public and semipublic uses, residences and the location of buildings erected or altered for specific uses, the incorporated area of the city is hereby divided into districts or zones as shown on the zoning atlas entitled "Zoning Atlas for St. Augustine, Florida," and such atlas is hereby declared to be a part of this chapter. Districts as delineated on the zoning atlas are as follows with titles and abbreviations as indicated:

District	Abbreviation
Residential, single-family-one	RS-1
Residential, single-family-two	RS-2
Residential, low-one	RL-1
Residential, general-one	RG-1
Residential, general-two	RG-2
Residential, general office	RGO
Residential, general office-A	RGO-A
Historic preservation districts	HP-1, 2, 3, 4, 5
Commercial low-one	CL-1
Commercial low-two	CL-2
Commercial medium-one	CM-1
Commercial medium-two	CM-2

Mobility Oriented Development	MOD
Industrial and warehousing	IW
Open lands	OL
Government use district	GU
Maritime use district	MUD
Suburban Planned Development	SPD
Planned Unit Development	PUD

Sec. 28-142. - Reference to district names.

(a) Where the phrases "all residential districts," "residential districts," "zoned residentially" are used in this chapter, the phrases shall be construed to include RS-1, RS-2, RL-1, RG-1, RG-2, RGO and RGO-A districts, and no others.

(b) Where the phrase "commercial districts" is used in this chapter, the phrase shall be construed to include the CL-1, CL-2, CM-1 and CM-2 and MOD districts and no others.

(c) Where the phrase "industrial districts" is used in this chapter, the phrase shall be construed to include the IW district, and no others.

(d) Where the phrase "open use districts" appears in this chapter, the phrase shall be construed to include the OL open lands district and no others.

Section 3. Amending the Code of the City of St. Augustine. Creating Section 28-210 of

the Zoning Code of the City of St. Augustine are hereby amended, as follows:

“Sec. 28-210. Mobility Oriented Development: MOD.

Intent: This district is intended to facilitate and encourage development and redevelopment of areas containing or directly contiguous to a Mobility Station. The City’s goal in allowing Mobility-Oriented Development in conjunction with a Mobility Station is to reduce automobile use through the utilization of transit services, alternative mobility solutions and infrastructure for active modes, such as walking and biking.

(1) Definitions:

a. “Mobility-Oriented Development” or “MOD” shall mean a type of development or redevelopment in an area containing or directly contiguous to a Mobility Station.

b. “Mobility Station” shall mean either (i) a transit station available to the public at large for general transportation needs, (ii) a commuter rail station, or (iii) a publicly owned parking

garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street.

c. “Pedestrian Connectivity” shall mean the ability of people to walk from place to place on sidewalks, multi-use paths, pervious paths, greenway system or other type of pedestrian walkway.

d. “Transit Station” shall mean more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, including pedestrian connectivity and which may or may not incorporate convenience retail and service establishments. A transit station is intended to be available to the public at large for general transportation needs and is not intended to be a recreational or tour service, nor is it intended to be a shuttle for use by hotel, motel, or resort guests only, or for single event transportation planning such as a wedding or event shuttle.

(2) Permitted locations: MOD zoning must include a Mobility Station. Mobility Stations must be located both (i) directly contiguous to the two Future Rail Stations identified on the City’s 2040 Mobility Plan contained in the Mobility Plan & Mobility Fee Technical Report Executive Summary dated June 2021; and (ii) along U.S. Highway 1.

(3) Permitted uses and structures:

a. Mobility Station and any related mobility/transit features.

b. Commercial parking facilities and garages (public and private).

c. Multiple-family dwellings; a major component of a Mobility Oriented Development is a mix of uses, which shall include multi-family dwellings as an integral part of the project on the same site as the MOD development.

d. Professional and business offices.

e. Medical and dental offices.

f. Restaurants, but not drive-in

g. Retail sales and outlets such as specialty food stores and drug stores, grocery stores/supermarkets, cafes, clothing and hobby shops, antique shops, pet shops (but not kennel or veterinarian), bookstore and news stand, stationery and card shops, leather goods and luggage (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shops, bakeries, sporting goods, sundries and notions, business office supplies, musical instruments, retail sale of alcohol and similar products.

h. Service establishments such as hair salons, shoe repair shops, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, childcare, adult daycare, dog daycare, pet grooming, 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 sense from off the premises, and similar activities.

i. Hotels, motels, conference centers and spas.

ji. Bars/taverns and breweries.

kj. Banks, loan companies, mortgage brokers, stockbrokers and other financial institutions.

lk. Art galleries and museums.

ml. Shopping plazas and shopping centers.

am. Public buildings and other public uses.

on. Indoor/outdoor recreation.

po. Outdoor sales and seating.

(4) Permitted accessory uses and structures. See Section 28-348.

(5) Permitted uses by exception:

a. See Section 28-347(1) and (2), special event venue as per Section 28-347(8) only allowed as an accessory uses to a principal use.

b. Service stations (see Section 28-338).

(6) Minimum lot requirements. None.

(7) Maximum lot coverage by all buildings and structures. Eighty (80) percent.

(8) Minimum yard requirements:

a. Front, zero (0) feet minimum, provided that no portion of any building (including awnings, porte cocheres, balconies, porches, canopies or other non-occupied appendages may overhand the property line); ten (10) feet maximum.

b. Side, five (5) feet.

c. Rear, five (5) feet.

(9) Maximum height of structures. Either (i) sixty (60) feet for properties not subject to Entry Corridor design standards, or (ii) seventy-five (75) feet for properties subject to Entry Corridor design standards. For properties not subject to Entry Corridor design standards, (i) building height adjacent to existing residential or commercial structures shall be incrementally and proportionately stepped down from the maximum allowed height of sixty (60) feet to a height not to exceed thirty (30) percent above the adjacent structure; and (ii) for purposes of this requirement, an existing

residential or commercial structure located directly across an alley or located directly across a local road of no more than thirty (30) feet of right-of-way width from the MOD project will be deemed adjacent to it. The intent of the preceding sentence is to minimize a canyon effect and harmonize new structure height with the existing streetscape while providing the opportunity to build density into a project.

(10) *Landscaping Category.* Classification 3, as defined in Section 25-54(a).

(11) *Design Standards.* Parcels zoned Mobility Oriented Development (MOD) that are adjacent to West King Street shall comply with the King Street Design Standards as they relate to “West King Street”, including the entire parcel or parcels contained in the project for the design elements listed below:

- a. Building Placement for buildings adjacent to primary roadway. Interior buildings or buildings other than those facing King Street will not be required to comply with Building Placement.
- b. Building Frontage for buildings adjacent to primary roadway.
- c. Architecture, including Building Materials, Fenestration and Glazing, Awnings and Canopies, Building Roof, Parking Structure Design.
- d. Site Access and Parking.
- e. Site and Building Lighting.
- f. Stormwater Facilities.
- g. Landscape & Screening.
- h. Signs.

(12) A Mobility-Oriented Development must have at least one (1) of the three possible Mobility Station options for credit as a mobility/transit feature, plus the five (5) mandatory mobility/transit features, and may include the two (2) optional mobility/transit feature options. A minimum of six (6) total mobility/transit features is required:

- a. Commuter rail station – as a component of the required Mobility Station.
- b. Transit station – as a component of the required Mobility Station.
- c. Publicly owned parking garage, publicly leased parking garage, or publicly available parking garage containing a minimum of 200 parking spaces available for daily public parking at rates no greater than charged by the City of St. Augustine at the Historic Downtown Parking Facility located at 1 Cordova Street – as a component of the required Mobility Station.
- d. Bicycle station – Mandatory.

- e. Pedestrian connectivity – Mandatory.
- f. Ride-sharing hub or dedicated loading area (e.g., Uber or car sharing) – Mandatory.
- g. Park and ride hub – Mandatory.
- h. Charging station for electric vehicles – Mandatory.
- i. Water taxi station – Optional.
- j. Shared mobility device stand (e.g., bicycle or e-scooter as part of an approved shared mobility device program) – Optional.

Secs. ~~28-210~~28-211-28-225. Reserved.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of Chapter 28, Zoning, of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered 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 be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2022-14 or, if Ordinance No. 2022-14 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

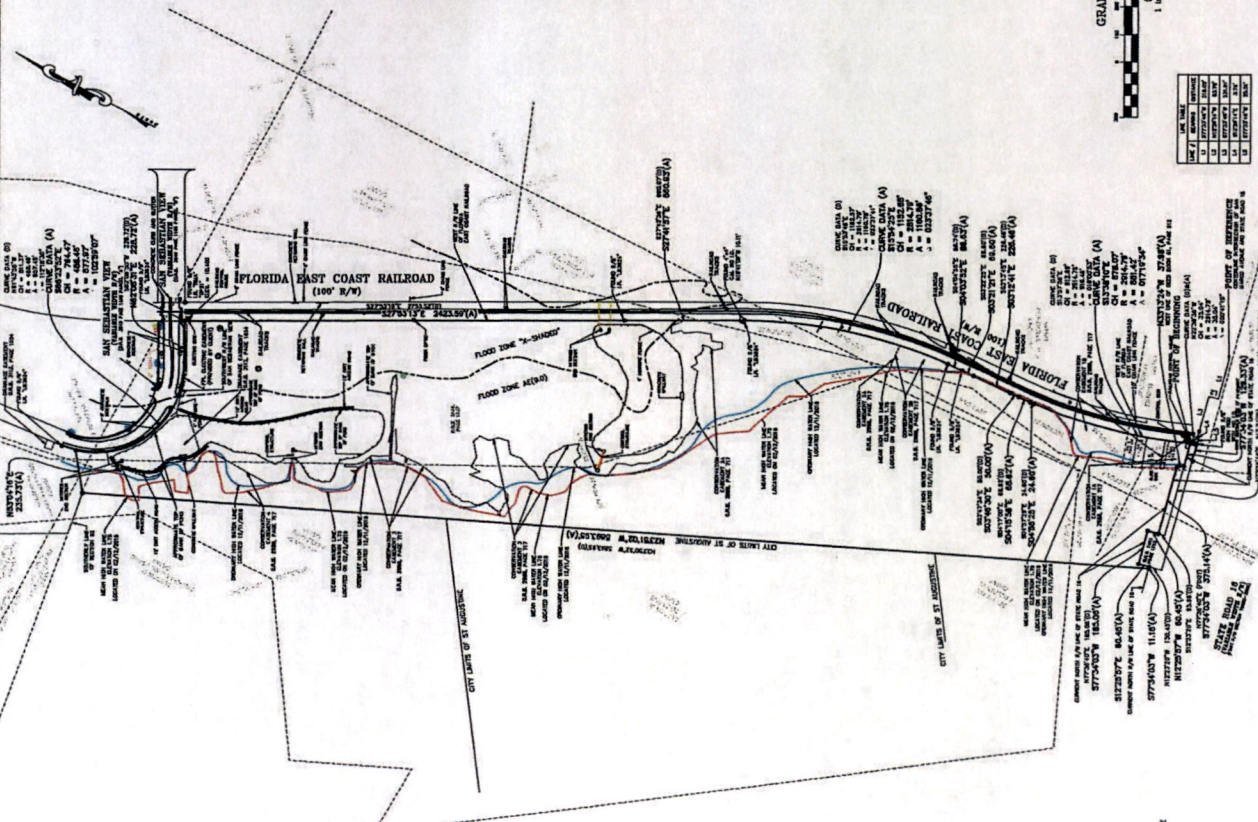
Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

MAP SHOWING ALTA/NSPS LAND TITLE SURVEY OF



VICINITY MAP
(NOT TO SCALE)

THE COMPANIES PROVIDING THE SURVEYING SERVICE TO THE CLIENT, THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO OBTAIN ALL NECESSARY RECORDS FROM THE APPROPRIATE AGENCIES. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY RECORDS FROM THE APPROPRIATE AGENCIES. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY RECORDS FROM THE APPROPRIATE AGENCIES.

LEGEND

SYMBOLS

NOTES

GENERAL NOTES

CERTIFICATION

ST. AUGUSTINE

ST. JOHN'S COUNTY, FLORIDA

ARC SURVEYING & MAPPING, INC.

17-11-23

17-11-23

17-11-23

SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. 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COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

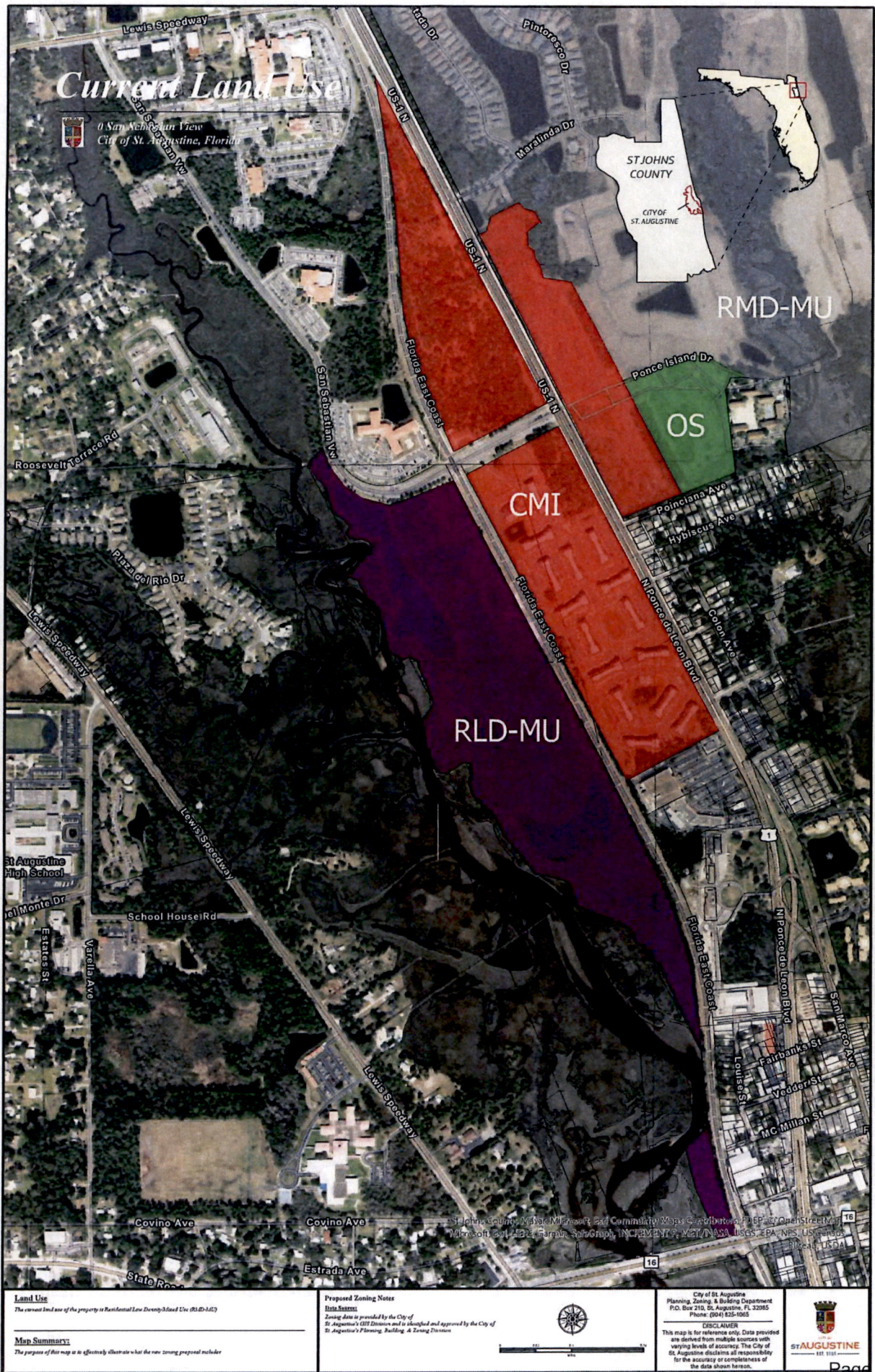
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THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.





CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 1, 2022

RE: **COMPREHENSIVE PLAN LAND USE MAP AMENDMENT, REZONING AND
VARIANCE 2022-0004**

AGENDA ITEM	7(a)
APPLICANT	Billy Zeits c/o Flagler Multifamily LLC
OWNER	Flagler Multifamily LLC
LOCATION	0 San Sebastian View / PID 084660-0020 & 084560-0010
REQUEST	A request to change the Comprehensive Plan land use designation on the property from Residential Low Density Mixed Use (RLD-MU) to Residential Medium Density (RMD) and a compatible rezoning from Residential Low-one (RL-1) to Residential General-one (RG-1). This application includes a variance request to allow stacked parking spaces as required parking spaces for the multifamily development.

APPLICABLE CODES/ORDINANCES FOR REZONING

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

(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.

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

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Based on Sec. 28-29. - Zoning exceptions, variances and appeals 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;

Staff believes that the disadvantages in this situation stem from reduction in developable area due to the existing rail line and conservation area.

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

These disadvantages confine the development footprint which effectively eliminate the option of providing the number of parking spaces required without stacking them.

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

This property has existing in this form for a significant amount of time and geographical features and rail lines are not conditions created by the owner or applicant.

- 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.

Granting of the variance will not be contrary to the public interest and would not adversely affect neighboring properties in a significant way due to the nature of the request.

REQUEST

The applicant is requesting that the property, approximately 43 acres in size, be rezoned from Residential low-one: RL-1 to Residential general-one: RG-1 and have the corresponding land use amended from Residential Low Density Mixed Use to Residential Medium Density to be consistent with the potential new zoning type. The applicant suggests that the proposed changes would be consistent with the zoning and future land use map designations in the immediate area.

The adjoining land east of this property has a land use designation of Commercial Medium Intensity and is zoned Commercial medium-two: CM-2. Just north is the St. Johns County Administration Complex which is also a high traffic and fairly intense use of land. A land use of Residential Medium Density and zoning of Residential general-one: RG-1 is compatible in this suburban context.

APPENDIX A

Sec. 28-166. - Residential, low-one: RL-1.

Intent. This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible with and complementary to low density residential uses, so as to create and maintain a mixed low density residential character.

- (1) Permitted uses and structures:
 - a. Single-family dwellings.
 - b. Accessory apartments.
 - c. Multiple-family dwellings.
 - d. Home office, private.
- (2) Permitted accessory uses and structures: See section 28-348.
- (3) Permitted uses by exception:
 - a. Tourist homes and bed and breakfasts.
 - b. Rooming and boarding houses.
 - c. Housing for the elderly.
 - d. Neighborhood recreation facility.
 - e. Hotels and motels, thirty (30) units maximum.
 - f. Restaurants and/or bars in connection with hotels or motels.
 - g. Intermediate care facilities.
 - h. See section 28-347.
- (4) Minimum lot requirements:
 - a. Single-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
 - b. Multiple-family dwellings:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, ten thousand nine hundred (10,900) square feet for the first two (2) units and five thousand four hundred (5,400) square feet for each additional unit, to a maximum of eight (8) units per acre.
 - c. Nonresidential uses:
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (5) Maximum lot coverage by all buildings and structures: Thirty (30) percent.
- (6) Minimum yard requirements:
 - a. Residential uses:
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
 - b. Nonresidential uses:
 1. Front, fifteen (15) feet.
 2. Side, twenty (20) feet.
 3. Rear, twenty (20) feet.
- (7) Maximum heights of structures: Thirty-five (35) feet.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- (7) Maximum height of structures:
- a. Single-family dwellings. Thirty-five (35) feet.
 - b. Multiple-family dwellings. Thirty-five (35) feet.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character.

For Residential Uses a maximum of **8 single family dwellings per acre.**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiple family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation), as appropriate.

For Residential Uses a maximum of **16 units per acre**; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2022-0004
 Receipt Number: 2276868 Meeting Date: Feb. 1, 2022
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Billy Zeits Contact Number: (904)551-2540
 Business (if applicable): Flagler Multifamily LLC.
 Address: 1819 Goodwin Street City: Jacksonville State: FL Zip: 32204
 E-Mail Address: wzeits@cornerlotdevelopment.com
2. NAME OF PROPERTY OWNER: Flagler Multifamily LLC. Contact Number: (904) 551-2540
 Business (if applicable): _____
 Address: 1819 Goodwin St. City: Jacksonville State: FL Zip: 32204
 E-Mail Address: aallen@bellsouth.net
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: See Attached Legal Description & Survey Block: _____
 Subdivision: _____ Parcel Number: _____
4. PROJECT STREET ADDRESS: 0 San Sebastian VW
5. SPECIFIC PROPOSED USE: Residential Medium Density Land Use & RG-1 Zoning
6. ACTION REQUESTED:

☐ Conservation Zone Development	☐ Appeal of Staff Determination
☐ Exception	☒ Land Use Plan Amendment
☒ Variance	☒ Rezoning
☐ Other: _____	
7. DESCRIPTION OF ACTION REQUESTED: This application is a request to amend the future land use designation of the subject property from RLD-MU to RMD, with a companion rezoning to RG-1 to be compatible with the proposed land use. These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide the applicant the ability to increase the density of the site without changing the approved civil site plans, limit or any impacts to the existing conservation area. A mobility variance is requested to allow the parking spaces in front of the garages that are available for lease to be considered towards the parking count.
8. JUSTIFICATION FOR ACTION REQUESTED: These amendments allow the site to be developed with similar density to neighboring developments. Additionally, the proposed land use amendment and rezoning will provide housing to meet the demand in the area. The proposed site is near the intersection of San Sebastian and US-1 N., which provide the site with adequate roadway capacity and is already forecasted to have a traffic signal installed.

04/18/2019

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: _____

PLEASE SEE ATTACHMENT

- (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.

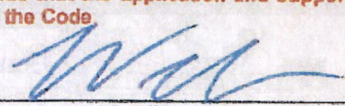
11. AGREEMENT:

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

1-7-2021
Date

Signature of Property Owner

1-7-2021
Date

04/18/2019



**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.

William Zeitz

Print name of applicant

[Signature]

Signature of applicant

1-7-2021

Date

10/31/17



Owner's Authorization For Agent

William Zeits is/are hereby authorized TO ACT ON BEHALF
OF Flagler Multifamily LLC 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:
75 King Street, St. Augustine, FL 32084

BY: _____

Signature of Owner

Andy Allen

Print Name of Owner

904-551-2540

Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 7th day of January, 2022

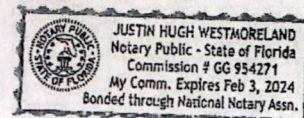
By Christian Allen

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____



PZB APPLICATION FEE SCHEDULE

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

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

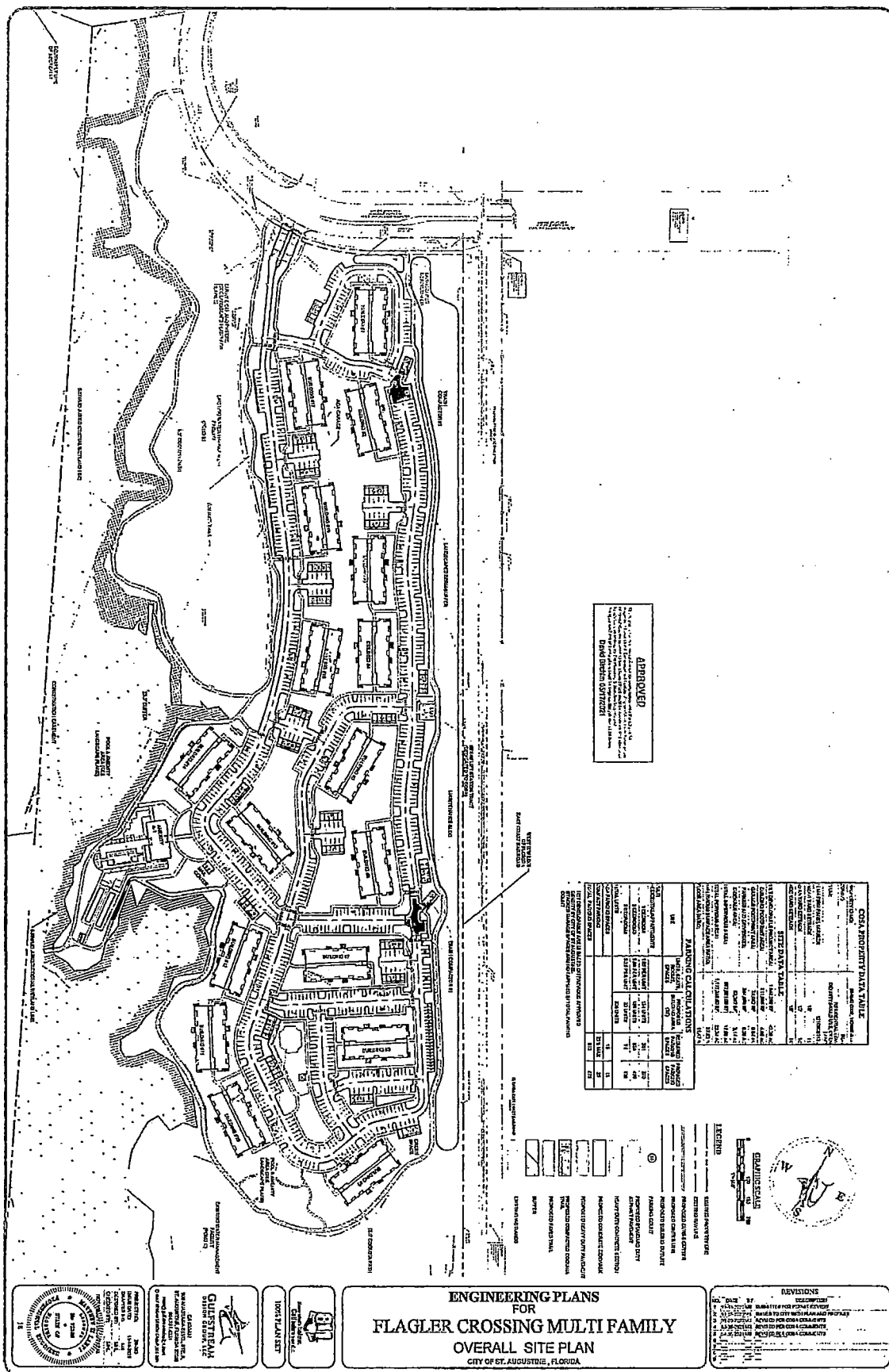
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

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: 0 San Sebastian View

Applicant's Name: William Zerk Applicant's Signature: [Signature]

Owner's Name: Andy Allen Owner's Signature: [Signature]



SURVEYORS DESCRIPTION

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE J.S. SANCHEZ GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 15274, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2505); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 35.53 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. 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COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 881.42 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°38'10" EAST, 878.07 FEET) TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

BEING MORE ACCURATELY DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO OR DELESPINE GRANT, AND A PORTION OF SECTION 56 OF THE J. DELESPINE GRANT, TOWNSHIP 7 SOUTH, RANGE 29 EAST, TOGETHER WITH ALL OF SECTION 6, AND PORTIONS OF SECTION 7, SECTION 44 OF THE ESTOPA GRANT, AND SECTION 55, THE E. S. ROBINSON GRANT, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ALSO BEING A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527, ALL LYING IN ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF SAN MARCO AVENUE, ALSO KNOWN AS U.S. HIGHWAY NO. 1, (BEING A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED), WITH THE CENTERLINE OF STATE ROAD NO. 16, (BEING A VARIABLE WIDTH RIGHT OF WAY, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 78060-2506); THENCE SOUTH 77°33'46" WEST, ALONG SAID CENTERLINE OF STATE ROAD NO. 16, A DISTANCE OF 218.05 FEET; THENCE NORTH 12°26'14" WEST, DEPARTING SAID CENTERLINE, 53.75 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 16; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: COURSE 1) THENCE SOUTH 77°33'46" WEST, 231.51 FEET; COURSE 2) THENCE SOUTH 12°26'14" EAST, 3.75 FEET; COURSE 3) THENCE SOUTH 77°33'46" WEST, 25.51 FEET TO A POINT ON THE WEST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD (BEING A 100 FOOT RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 35.04 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 22°38'36" WEST, 35.04 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 77°34'03" WEST, ALONG THE CURRENT NORTH RIGHT OF WAY LINE OF STATE ROAD 16, AFOREMENTIONED, A DISTANCE OF 129.33 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 512 OF SAID PUBLIC RECORDS; THENCE NORTH 33°13'24" WEST, ALONG LAST SAID LINE, A DISTANCE OF 37.98 FEET TO A POINT ON THE CURRENT NORTH RIGHT OF WAY LINE OF SAID STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 375.14 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF PARCEL 3, ORDER OF RIGHT OF WAY TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 1462, PAGE 1783, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY BOUNDARY OF LAST SAID LANDS, THE FOLLOWING THREE COURSES: COURSE 1) THENCE NORTH 12°25'57" WEST, A DISTANCE OF 60.45 FEET; COURSE 2) THENCE SOUTH 77°34'03" WEST, A DISTANCE OF 185.06 FEET; COURSE 3) THENCE SOUTH 12°25'57" EAST, A DISTANCE OF 60.45 FEET TO A POINT ON THE AFOREMENTIONED CURRENT RIGHT OF WAY LINE OF STATE ROAD 16; THENCE SOUTH 77°34'03" WEST, ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 11.16 FEET TO A POINT ON THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 66, PAGE 168, OF SAID PUBLIC RECORDS, ALSO BEING A LINE FROM THE CENTERLINE OF A BRIDGE TO THE CENTERLINE OF THE DOME OF THE FLAGLER MEMORIAL CHURCH OF ST. AUGUSTINE, AS STATED IN SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 3849, PAGE 1527; THENCE NORTH 23°51'02" WEST, ALONG LAST SAID LINE, A DISTANCE OF 5893.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 52; THENCE NORTH 53°04'16" EAST, DEPARTING FROM LAST SAID LINE, A DISTANCE OF 235.73 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF SAN SEBASTIAN VIEW (BEING A VARIABLE WIDTH RIGHT OF WAY, AS DESCRIBED AS "PARCEL "A" IN OFFICIAL RECORDS BOOK 3849, PAGE 1466), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 877.97 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET; THENCE NORTH 62°08'31" EAST, CONTINUING ALONG LAST SAID RIGHT OF WAY LINE, A DISTANCE OF 228.72 FEET TO THE INTERSECTION OF LAST SAID RIGHT OF

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THE ABOVE DESCRIBED LANDS CONTAIN 133.90 ACRES, MORE OR LESS.

LESS AND EXCEPT ANY SOVEREIGN LANDS OF THE STATE OF FLORIDA ASSOCIATED WITH THE SAN SEBASTIAN RIVER.

MOBILITY VARIANCE REQUEST

January 7, 2022

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:

The property is constrained by an existing rail line and an existing conservation area. In addition, the site is contaminated with arsenic by the historical use of a railroad maintenance yard, requiring the developer to remediate the property while working within the confines of the conservation area and the existing rail line. Remediation of the site facilitated the creation of large berm that separates the development from the rail line, further constraining the development area.

Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property

The owner's objective is to improve the conservation area in conjunction with the development, not negatively impact it; however, the disadvantages described above confine the development footprint, restricting further expansion without impacts to the conservation area.

The multifamily development, through the approval of the variance, will offer 52 more parking spaces than are required by code.

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

The disadvantages created by geography constraints, a rail line, and a conservation area existed prior to the current owner's purchase of the property.

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:

Granting of the variance will not be contrary to public interest or other parcels as the development is private property and intended for use primarily by the residents or associated visitors. In addition, the variance will contribute to the spirit, intent, and purpose by providing parking solutions and additional parking spaces for the development's residents.

Tracey Mullins

From: Billy Zeits <wzeits@cornerlotdevelopment.com>
Sent: Monday, January 10, 2022 10:38 AM
To: Tracey Mullins
Cc: Jacob Fredriksson
Subject: Re: Land Use Change

The request is to change the Land Use and Zoning for a portion of:

0845600020

0845600010

A sketch and legal will be provided that will be explicit to the 42.36 acres of developable area.

William "Billy" Zeits

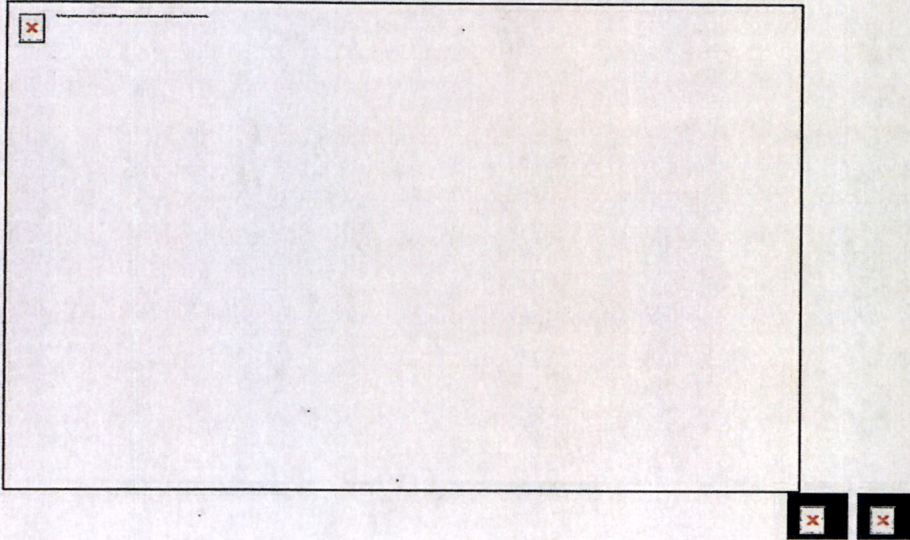
Sr. Project Manager
Corner Lot Development Group

w 904-551-2540 c 904-814-1299

wzeits@cornerlotdevelopment.com

www.thecornerlotcompanies.com

1819 Goodwin Street, Jacksonville, FL 32204



On Mon, Jan 10, 2022 at 10:23 AM Tracey Mullins <tmullins@citystaug.com> wrote:

Good morning Billy,

Please provide us with the parcel numbers related to this project.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 14, 2022

RE: **Introduction and First Reading for amended Ordinance 2022-03 Small Scale Land Use Plan Amendment for approximately 42.36 upland acres referred to as Flagler Crossing including a Future Land Use Map Asterisk.**

The attached Ordinance 2022-03 related to the potential adoption of a new future land use designation for Flagler Crossing property requires another Introduction and First Reading because the title of the ordinance has changed and additional language will be adopted to related to the provision of affordable housing as part of the project.

On Tuesday, February 1, 2022, the Planning and Zoning Board (PZB) discussed and recommended a small-scale land use plan amendment on property referred to as Flagler Crossing. This property is located West of the FEC Railroad, South of San Sebastian View and East of the San Sebastian River and contains approximately 42.36 upland acres. The proposed land use change includes changing the land use from Residential Low Density Mixed Use (purple) to Residential Medium Density (orange) on the upland portion of the property only.

The PZB considered the location of the request and the surrounding land use designations to determine that the increase in density is appropriate for the area. The most significant difference between the land use categories is the potential density allowed, which would change from a maximum of eight (8) units per developable acre to a potential of 16 units per developable acre.

Subsequently, the City Commission requested that the applicant consider providing “affordable housing” units on the site. Over the last several months the applicant has been working to develop a mechanism to provide some number of defined affordable housing units.

The applicant is proposing to build an additional 180 units on the eastern portion of the property including 50 units as “affordable”. The additional units would equal 510 total units for the entire property (330 already permitted). The proposed 50 affordable units equals approximately 10% of the total units proposed for the property. According to the agreement/covenant the affordable units can be distributed throughout the entire project.

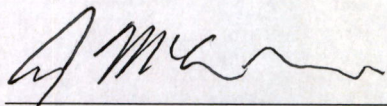
The definition of “Affordable Housing” proposed in the Restrictive Covenants is defined as 85% of the St. Johns County monthly rental rate pursuant to the Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP (Community Workforce Housing Innovation Pilot) Homeownership Program as adjusted by the number of bedrooms in the applicable multi-family unit and as may be annually adjusted.

Please find attached amended Ordinance 2022-03, legal description, and maps illustrating the current land use and the proposed land use. Also find attached the packet material that was presented to the Planning and Zoning Board (PZB).

The ordinance is amended to include a reference in the title and language in the body of the ordinance to include asterisk language requiring and binding (through the land use map amendment and Development Agreement) the requirement for affordable housing on the property in order to obtain the higher density land use category of Residential Medium Density.

I respectfully request that this item be placed on the September 26, 2022, City Commission Agenda for Introduction and First Reading.

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.



Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO RECLASSIFY A PARCEL OF LAND CONTAINING APPROXIMATELY 42.36 UPLAND ACRES LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL LOW DENSITY MIXED USE TO RESIDENTIAL MEDIUM DENSITY (INCLUDING A SITE SPECIFIC CONDITION THAT REQUIRES A NUMBER OF THE MULTIFAMILY UNITS BE AFFORDABLE AS DEFINED IN THE DEVELOPMENT AGREEMENT AS AN ASTERISK ON THE FUTURE LAND USE MAP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of certain property, as described herein, have requested that the Comprehensive Plan designation of such property be changed from Residential Low Density Mixed Use to Residential Medium Density; and

WHEREAS, the City of St. Augustine Planning and Zoning Board, sitting as the local planning agency, made a positive recommendation to the City Commission on February 1, 2022; and

WHEREAS, the City Commission of the City of St. Augustine, Florida, hereby finds that the proposed amendment is a small scale amendment to the future land use map; and

WHEREAS, the City otherwise has fully complied with Section 163.3187, Florida Statutes;

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

Section 1. Amending Comprehensive Plan, Future Land Use Map. The City of St. Augustine Comprehensive Plan, Future Land Use Map, is hereby amended to provide that the following described property, containing approximately 42.36 upland acres located West of the FEC Railway, South of San Sebastian View and East of the San Sebastian River shall be and hereby is reclassified from its current classification of Residential Low Density Mixed Use to the classification of Residential Medium Density, including a site specific condition that requires a portion of the multifamily units be affordable as defined in the development agreement as an asterisk on the future land use map more particularly described below and as attached:

**0 San Sebastian View
1-3 PT OF GOV LOT 1 SEC 1-7-29 LYING W OF
FEC RAILWAY & S OF SAN SEBASTIAN VIEW
OR5404/93 – Parcel Number 084560-0020, and
Upland portions east of the San Sebastian River 1-2
PTS OF SEC 1-7-29 & 12-7-29 & 6-7-30 & 7-7-30 &
12-7-30 & 36-6-29 & 44-7-30 & 50-7-29 & 55-7-30 &
56-7-29 & 98-6-29 OR5404/86 – Parcel Number
084560-0010
(+/-) 42.36 acres**

***The Property legally described in the 2022 Development Agreement between the City of St. Augustine and Multifamily Partners Flagler II, LLC (and its successors and assigns) is assigned a Residential Medium Density Future Land Use Map designation and subject to restrictive covenants requiring 50 of the multi-family units constructed on the Property to be developed as Affordable Housing as described in the Development Agreement. Proposed changes to decrease the amount of Affordable Housing units on the Property are subject to the provisions of Chapter 163, Florida Statutes, regarding comprehensive plan amendments.**

Section 2. Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 15, 2022

RE: **Ordinance 2022-28 – Amending the Future Land Use Designation of 3 Nesbit Avenue from Industrial to Residential Medium Density – First Reading**

The property at 3 Nesbit Avenue is a 1.64-acre parcel that is east of Nesbit Avenue and west of the San Sebastian River, south of Ewing Street and north of the FEC railroad tracks. The property is surrounded by residential property on three sides with the San Sebastian Riverine environment to the east. This property is owned by the Homeless Coalition of St. Johns County.

The city's Future Land Use Map (FLUM) identifies Industrial as the land use category for the property at 3 Nesbit Avenue. The owner has requested to change the land use to the Residential Medium Density land use category. An application to rezone the property to Residential General-one (RG-1), which is consistent with the proposed land use category has also been submitted. The owner is proposing a multi-family cottage community for the property.

On September 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of 3 Nesbit Avenue from Industrial to Residential Medium Density. Attached you will find the Ordinance, and legal description, a map illustrating the requested change, and the packet of information regarding this application and the compatible rezoning provided to the PZB.

Please place Ordinance 2022-28 on the City Commission agenda for first reading.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director
Planning and Building Department

ORDINANCE NO. 2022-28

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 1.64 ACRES LOCATED AT 3 NESBIT AVENUE IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF INDUSTRIAL TO A DESIGNATION OF RESIDENTIAL MEDIUM DENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that a parcel of property containing approximately 1.64 acres of land, located at 3 Nesbit Avenue (PIN #104410 0000), being more fully described herein, that the property's Future Land Use Map (FLUM) designation should be amended from Industrial to Residential Medium Density;

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

Section 1 Amending Comprehensive Plan, Future Land Use Map.

The following described property, containing approximately 1.64 acres located at 3 Nesbit Avenue in the City of St. Augustine, and identified on the Future Land Use Map (FLUM) of the city's Comprehensive Plan 2040 as Industrial, is hereby amended to the classification of Residential Medium Density. This property is also known as Parcel #104410 0000, and as more fully described in the attached legal description.

Section 2 Authorization. The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan for the City of St. Augustine, Florida to reflect the FLUM amendment of the above-described land.

Section 3 Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

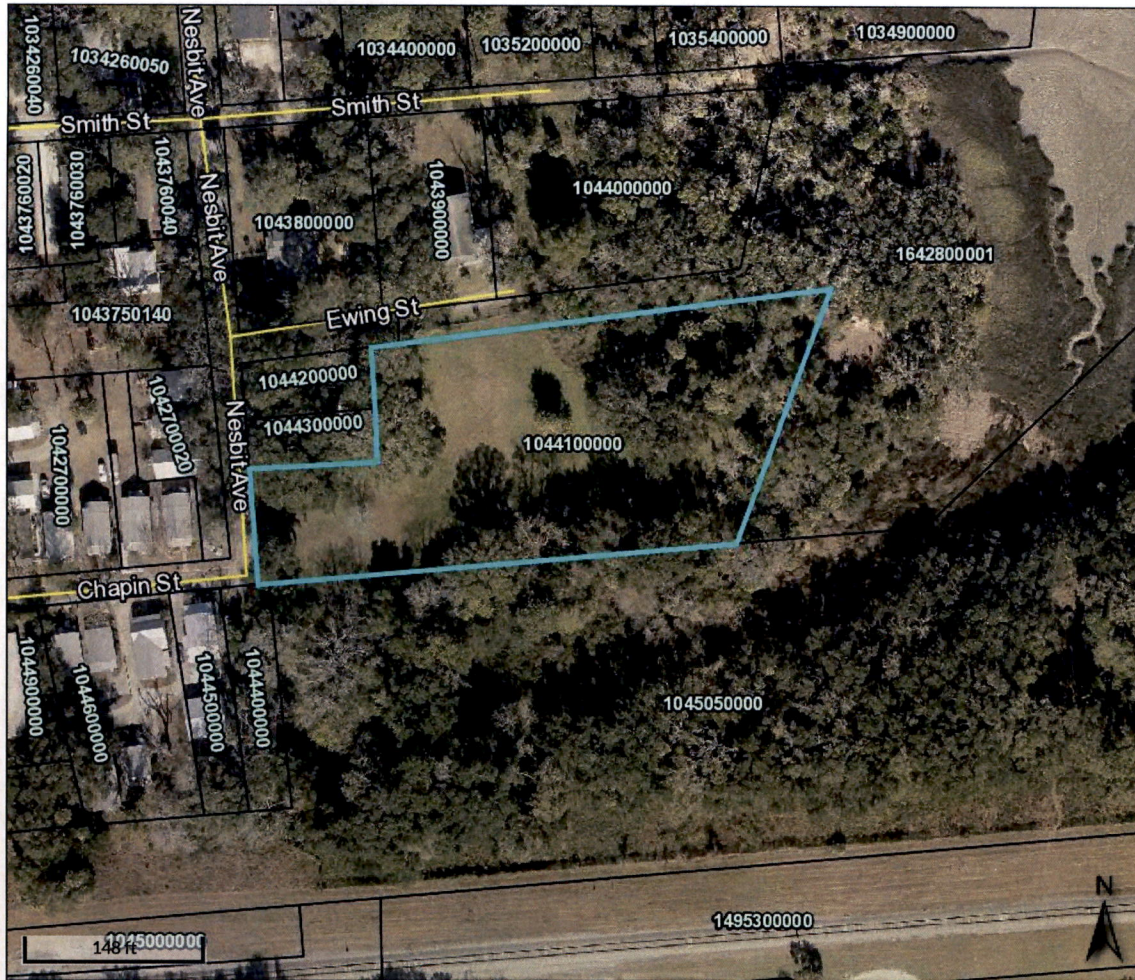
(SEAL)

1044100000	3 NESBIT AVE
Location Address	SAINT AUGUSTINE 32084-0000
Neighborhood	Greeno Tract (474)
Tax Description*	(1) GREENO TRACT LOT 1 BLK 11 (EX N80FT OF W110FT) OR1615/1633
	*The Description above is not to be used on legal documents.
Property Use Code	Vacant Residential (0000)
Subdivision	Greeno Tract - A Resubdivision of Ravens
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
	1.640 acres

The above is a description of the property at 3 Nesbit Avenue from the St. Johns County Property Appraiser's website.

The Homeless Coalition is currently obtaining a survey of the property and an accompanying legal description.

This will be available for reference before the Ordinance is adopted.



Overview



Legend

□ Parcels

Parcel ID 1044100000
Property 0000 - Vacant
Class Residential
Taxing City of St
District Augustine
Acres 1.64

Physical Address 3 NESBIT AVE
Mailing Address SAINT AUGUSTINE
Address EMERGENCY SERVICES & HOMELESS
COALITION OF ST JOHNS COUNTY INC
COALITION OF ST JOHN COUNTY
PO BOX 3422
SAINT AUGUSTINE FL 32085-3422

Building	N/A	Last 2 Sales			
Value		Date	Price	Reason	Qual
Extra	N/A	6/15/2001	\$178000	11	U
Feature		n/a	0	n/a	n/a
Value					
Total Land	\$285,400				
Value					
Just Value	\$285,400				
Total	N/A				
Deferred					
Assessed	\$285,400				
Value					
Total	\$285,400				
Exemptions					
Taxable	N/A				
Value					

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: 9/15/2022
Last Data Uploaded: 9/15/2022 12:19:17 AM

Developed by  Schneider
GEOSPATIAL

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: September 6, 2022

RE: **COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT
AND REZONING 2022-0052**

AGENDA ITEM	7(a)
APPLICANT	Debi Redding c/o emergency Service and Homeless Coalition of St. Johns County
OWNER	ESHC of St. Johns County
LOCATION	3 Nesbit Avenue / PID 104410-0000
REQUEST	To amend the current land use of Industrial to Residential Medium Density and to rezone the property from Industrial and Warehousing (IW) to Residential General-One (RG-1).
CURRENT LAND USE	Industrial
CURRENT ZONING	Industrial and Warehousing (IW)
PROPOSED LAND USE	Residential Medium Intensity
PROPOSED ZONING	Residential General-One (RG-1)

APPLICABLE CODES/ORDINANCES FOR COMPREHENSIVE PLAN AMENDMENTS
AND REZONINGS

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

(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.

Comprehensive Plan Land Use Plan Amendment

The current Comprehensive Plan land use designation of the property at 3 Nesbit Avenue is Industrial which is compatible with the zoning designation of Industrial and Warehousing.

The applicant is requesting to change the land use designation to Residential Medium Density to allow for the development of this property as housing units to help achieve the goals of the Emergency Services and Homeless Coalition of St. Johns County.

The Industrial land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.6.1

Industrial

This district is intended to allow light manufacturing and related service, storage and commercial uses including non-residential mixed-use.

- Industrial and commercial mixed-use projects are encouraged.

The Residential Medium Density land use category is defined in the Future Land Use Element of the 2040 Comprehensive Plan and outlined below:

FLUE Policy 6.4.6

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (conservation), as appropriate.

For All Uses a maximum of 16 units per acre.

Rezoning

The current Zoning designation of the property at 3 Nesbit Avenue is Industrial and Warehousing (IW). The IW zoning district at 3 Nesbit Avenue is currently vacant which is most likely due to both its proximity to residential neighborhoods and Conservation Overlay Zone 1 making it a problematic place to establish industrial businesses and activities. The properties bordering 3 Nesbit Avenue, 5 and 7 Nesbit Avenue, are zoned Residential General-One (RG-1) making the rezoning compatible with surrounding zoning districts.

Since the applicant is requesting to change the land use designation to Residential Medium Density a compatible zoning district needs to be in place as well such as a Residential General-One zoning district.

Sec. 28-226. - Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) Permitted uses and structures:

- a. Wholesaling, warehousing, storage or distribution establishments, mini-warehouses, and self-storage facilities and similar uses.
- b. Light manufacturing and processing, including food processing, packaging or fabricating; however, any food processing, packaging or fabricating plant engaged in the processing or packaging of shellfish shall be wholly contained within completely enclosed buildings with no odor, fumes or steam detectable to normal senses from off the premises.
- c. Printing, lithographing, publishing or similar establishments.
- d. Bulk storage yards, not including bulk storage of flammable liquids and acids.
- e. Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier not less than eight (8) feet high except for entrance and exit and such openings shall be equipped with eight-foot-high visual barrier gates; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations, or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.
- f. Vocational, technical, trade or industrial schools and similar uses.
- g. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.
- h. Radio or television broadcasting offices, studios, transmitters or antennas.
- i. Any existing industrial use.
- j. Railroad right-of-way, tracks, sidings, yard, etc.
- k. Boatbuilding.
- l. Tattoo parlor or studio.

- m. Craft alcohol industry, but no retail sales.
- (2) *Permitted accessory uses and structures:*
 - a. See [section 28-348](#).
 - b. Residential facilities (including not more than one (1) mobile home) located on the same premises as an industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.
- (3) *Permissible uses by exception:*
 - a. Retail establishments for sale of new and used automobiles, motorcycles, trucks and tractors, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm equipment and supplies, lumber and building supplies, monuments and similar uses.
 - b. Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies, automobile service stations and truck stops, and similar uses.
 - c. Bulk storage yards for flammable liquids and acids.
 - d. Special cabarets to the extent otherwise authorized by law.
 - e. Facilities for hydrocultural, agricultural or cultivation of legally available marijuana.
 - f. Facilities for manufacturing, production or processing of legally available marijuana.
- (4) *Minimum lot requirements.* None.
- (5) *Minimum yard requirements:*
 - a. Front, none.
 - b. Side, five (5) feet.
 - c. Rear, five (5) feet.
- (6) *Maximum lot coverage by all buildings.* Eighty (80) percent.
- (7) *Maximum height of structures.* Thirty-five (35) feet for buildings and structures set back at least twenty (20) feet from the front property line or public right-of-way. Thirty (30) feet for buildings and structures set back at least fifteen (15) feet, but not more than twenty (20) feet, from the front property line or public right-of-way. Twenty-five (25) feet for buildings and structures set back at least ten (10) feet, but not more than fifteen (15) feet, from the front property line or public right-of-way. Twenty (20) feet for buildings and structures set back at least five (5) feet, but not more than ten (10) feet, from the front property line or public right-of-way. Fifteen (15) feet for buildings and structures set back not more than five (5) feet, from the front property line or public right-of-way.

(Code 1964, § 33-52; Ord. No. 01-13, § 1, 6-25-01; Ord. No. 14-25, § 1, 12-8-14; Ord. No. 14-26, § 1, 12-8-14; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-163. - Residential, general-one: RG-1.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

(2) *Permitted accessory uses and structures.* See [section 28-348](#).

(3) *Permissible uses by exception:*

- a. See [section 28-347](#), special event venue as per [section 28-347\(8\)](#) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).\
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(4) *Minimum lot requirements:*

- a. *Single-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- b. *Multiple-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit to a maximum of sixteen (16) units per acre.
- c. *Nonresidential uses:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

- a. *Residential uses:*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.
- b. *Nonresidential uses:*
 1. Front, fifteen (15) feet.
 2. Side, ten (10) feet.
 3. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
 - a. *Single-family dwellings.* Thirty-five (35) feet.
 - b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

STAFF ANALYSIS & SUMMARY

Staff does not make a recommendation on comprehensive plan amendment or rezoning applications; the Board's role is to make a recommendation to the City Commission.

The property at 3 Nesbit Avenue is an approximately 1.64 acre property owned by the Emergency Services and Homeless Coalition of St. Johns County with conceptual plans to develop twenty single-family cottages.

This proposed rezoning furthers goals, objectives and policies laid out in the City of Saint Augustine's 2040 Comprehensive Plan and are included below.

H Goal 1

Encourage and promote quality housing through new construction, maintenance, rehabilitation and preservation of safe and sanitary housing for the present and future residents of the city.

H Objective 1.1

The city shall assist the private sector in providing adequate housing to meet current and future needs.

H Policy 1.1.1

The city shall continue to provide land use designations and zoning districts on the Future Land Use Map and the official zoning map, respectively, to ensure that adequate amounts of land to accommodate the projected housing needs for single family and multi-family housing units are met within the city.

H Objective 1.4

The city shall strive to provide adequate sits for very low, low, and moderate income households.

H Policy 1.4.2

The city shall seek to disperse affordable housing throughout the city and avoid overconcentration in any single area.

H Objective 1.7

Provide adequate and affordable housing opportunities to accommodate households with special housing needs.

H Policy 1.7.3

The city shall participate in the efforts of the St. Johns County Homeless Coalition and other non-profit private agencies in the development of transitional housing for the homeless.

H Policy 2.2.3

To encourage workforce housing, the city should consider exempting workforce housing units from mobility fees related to vehicles and parking requirement reductions in the land development code.

These examples from the City's 2040 Comprehensive Plan provide enough validation for this rezoning and comprehensive plan land use amendment request.

STAFF RECOMMENDATION

Staff does not make recommendations concerning comprehensive plan amendments or rezonings of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding these items.



Jacob Fredriksson
Senior Planner

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Planning and Building Department



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

Application Fee: \$ 300 (plus advertising costs) Project Number: 2022-0052
Receipt Number: 2433466 Meeting Date: 9/6/22
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Debi Redding Contact Number: 904-824-6623
Business (if applicable): Emergency Services and Homeless Coalition of St Johns County
Address: 62 Chapin St. City: St Augustine State: FL Zip: 32084
E-Mail Address: homelesscoalition@comcast.net

2. NAME OF PROPERTY OWNER: ESHC of St Johns County Contact Number: 904-824-6623
Business (if applicable): Emergency Services and Homeless Coalition of St Johns County
Address: 62 Chapin St City: St Augustine State: FL Zip: 32084
E-Mail Address: homelesscoalition@comcast.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 1 Block: 11
Subdivision: GreenoTract Parcel Number: 1044100000

4. PROJECT STREET ADDRESS: 3 Nesbit Ave

5. SPECIFIC PROPOSED USE: Affordable Housing

6. ACTION REQUESTED:

- | | |
|--|--|
| ☐ Conservation Zone Development | ☐ Appeal of Staff Determination |
| ☐ Exception | ☐ Land Use Plan Amendment |
| ☐ Variance | ☒ Rezoning |
| ☐ Other: <u>824</u> | |

7. DESCRIPTION OF ACTION REQUESTED: To change zoning designation from Industrial/Warehouse to RG1,
similar to surrounding properties currently owned by ESHC.

8. JUSTIFICATION FOR ACTION REQUESTED: To add additional low income affordable
housing units with supportive services, available for rent, to homeless families in
St. Johns County

04/18/2019

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
- (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 APPPLICATIONS:

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.

Deborah Redding
Signature of Applicant

7/26/22
Date

Joane Immanuel
Signature of Property Owner

7/26/22
Date

04/18/2019



**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.

Debi Redding

Print name of applicant

Debi Redding

Signature of applicant

7/27/2022

Date



Owner's Authorization For Agent

Debi Redding is/are hereby authorized TO ACT ON BEHALF
OF ESHC of St Johns County, 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: Jeanne Moeller
Signature of Owner
Jeanne Moeller
Print Name of Owner
904-460-6670
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 27th day of July, 2022.

By Jeanne Moeller

Identification verified: Known to me personally

Oath sworn: _____ Yes _____ No

Notary Signature: Deborah Redding

My Commission expires: 12/22/2023



Rev:022117

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 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
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"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.

3 Nesbit Ave., St. Augustine, FL 32084

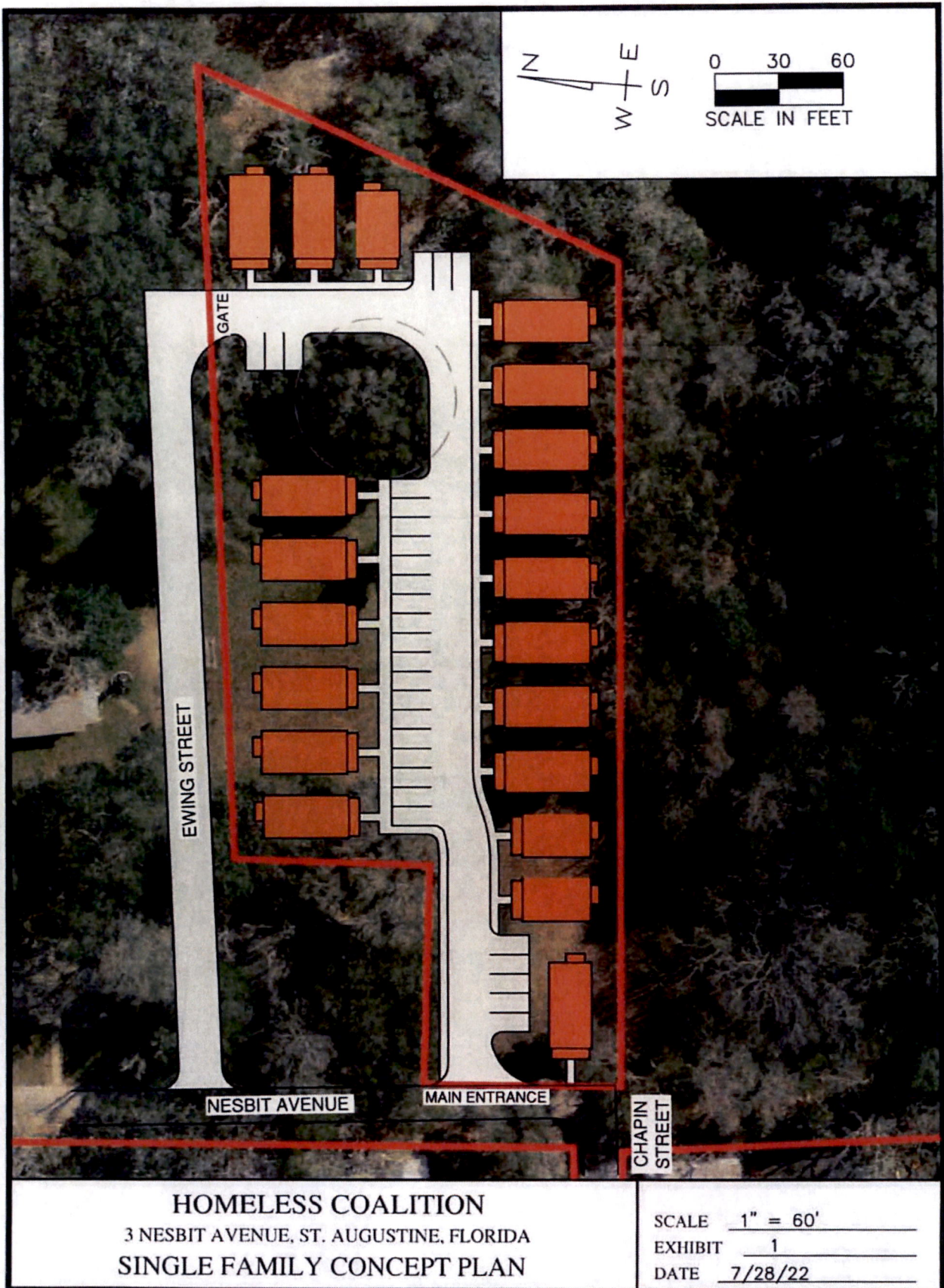
Project Address: _____

Debi Redding

Applicant's Name: _____ Applicant's Signature: Debi Redding

Jeanne Moeller

Owner's Name: _____ Owner's Signature: Jeanne Moeller



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: September 15, 2022

RE: **Ordinance 2022-29 – Amending the Zoning of 3 Nesbit Avenue from Industrial and Warehousing (IW) to Residential General-one (RG-1) – First Reading**

The property at 3 Nesbit Avenue is a 1.64-acre parcel that is east of Nesbit Avenue and west of the San Sebastian River, south of Ewing Street and north of the FEC railroad tracks. The property is surrounded by residential property on three sides with the San Sebastian Riverine environment to the east. This property is owned by the Homeless Coalition of St. Johns County.

The city's Future Land Use Map (FLUM) identified Industrial as the land use category for the property at 3 Nesbit Avenue. The owner has also requested to change the land use to the consistent category of Residential Medium Density. The application is to rezone the property to Residential General-one (RG-1), which is consistent with the proposed land use category. The owner is proposing a multi-family cottage community for the property.

On September 6, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the zoning of 3 Nesbit Avenue from IW to RG-1. Attached you will find the Ordinance, and legal description and a map illustrating the requested change. The packet of information provided to the PZB is included with the land use plan amendment material.

Please place Ordinance 2022-29 on the City Commission agenda for first reading.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director, Planning and Building Department

ORDINANCE NO. 2022-29

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 1.64 ACRES OF PROPERTY LOCATED AT 3 NESBIT AVENUE, PID# 104410 0000 IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF CITY OF ST. AUGUSTINE INDUSTRIAL AND WAREHOUSING (IW) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL-ONE (RG-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that a parcel of property containing approximately 1.64 acres, located on the east side of Nesbit Avenue, west of the San Sebastian River and identified by the St. Johns County Property Appraiser as 3 Nesbit Avenue (PID #104410 0000) in the City of St. Augustine, being more fully described herein, should be rezoned;

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

Section 1. The following described property, containing approximately 1.64 acres located on the east side of Nesbit Avenue, west of the San Sebastian River and identified by the St. Johns County Property Appraiser as 3 Nesbit Avenue (PID# 104410 0000), is hereby rezoned from the classification of Industrial and Warehousing (IW) to the City of St. Augustine classification of Residential General-One (RG-1), and as more fully described in the attached legal description.

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2022-28 or, if Ordinance No. 2022-28 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

1044100000
Location Address

3 NESBIT AVE
SAINT AUGUSTINE 32084-0000
Greeno Tract (474)

Neighborhood
Tax Description*

(1) GREENO TRACT LOT 1 BLK 11 (EX N80FT OF W110FT) OR1615/1633
**The Description above is not to be used on legal documents.*

Property Use Code
Subdivision
Sec/Twp/Rng
District

Vacant Residential (0000)
Greeno Tract - A Resubdivision of Ravens
37-7-30
City of St Augustine (District 452)
1.640 acres

The above is a description of the property at 3 Nesbit Avenue from the St. Johns County Property Appraiser's website.

The Homeless Coalition is currently obtaining a survey of the property and an accompanying legal description.

This will be available for reference before the Ordinance is adopted.



Overview



Legend

□ Parcels

Parcel ID	1044100000	Physical Address	3 NESBIT AVE SAINT AUGUSTINE	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	EMERGENCY SERVICES & HOMELESS	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	COALITION OF ST JOHNS COUNTY INC COALITION OF ST JOHN COUNTY PO BOX 3422 SAINT AUGUSTINE FL 32085-3422			6/15/2001	\$178000	11	U
Acres	1.64					n/a	0	n/a	n/a
				Total Land Value	\$285,400				
				Just Value	\$285,400				
				Total	N/A				
				Deferred Assessed Value	\$285,400				
				Total	\$285,400				
				Exemptions					
				Taxable Value	N/A				

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: 9/15/2022
Last Data Uploaded: 9/15/2022 12:19:17 AM

Developed by  Schneider
GEOSPATIAL

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: September 15, 2022

RE: Request for **THREE (3)** appointments - PLANNING AND ZONING BOARD (PZB)

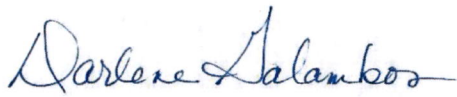
Notification was previously given regarding one (1) term expiration and two (2) upcoming vacancies on the Planning and Zoning Board, which will expire September 30, 2022.

Advertising requesting applications was placed in the St. Augustine Record and posted on the City's website. Previous applicants were contacted, and applications were received from the following:

1. Michael A. Davis (current board member)
2. Ashleigh D. Barnes, Esq.
3. Matthew Shaffer

Attached are the applications received, in addition to the current PZB roster, Board profile and responsibilities.

I respectfully request consideration be given to appointing the applicants.



Darlene Galambos
City Clerk

Attachments: Applications

xc: PZB – Clerk's File

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. All applications must include a cover letter and resume.

1. APPLICANT NAME MICHAEL A. DAVIS
2. BOARD/COMMITTEE DESIRED PLANNING AND ZONING
3. RESIDENCE (Address) 23 PARK TERRACE DR ST. AUGUSTINE FL 3208
4. PHONE 904-824-3533 E-MAIL mikedavis@aaddavis.com
5. BUSINESS OWNED (Address) A.D. DAVIS CONSTRUCTION
6. BUSINESS PHONE 824-3533 E-MAIL mikedavis@aaddavis.com
7. PROPERTY OWNED (Address) _____
8. PREFERRED MAILING ADDRESS _____
9. OCCUPATION (include resume) SEE ATTACHED
10. PROFESSIONAL QUALIFICATIONS (submit a cover letter) SEE ATTACHED
11. OTHER COMMENTS OR INFORMATION _____
12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.		
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) <u>Yes</u> <u>X</u> No		
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.		
RACIAL CATEGORY (Check as many as apply)		
☐ American Indian or Alaska Native	☐ Asian	☐ Native Hawaiian or Other Pacific Islander
☐ Black or African American	☒ White	

13. SIGNATURE OF APPLICANT

Michael A. Davis

DATE 8/5/2022

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

Initial _____

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☐ Real Estate Broker, w/ County occupational license | ☐ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☒ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

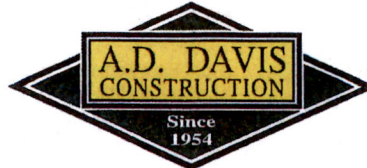
Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

PHONE 904/824-3533
FAX 904/823-9846
EMAIL INFO@ADDAVIS.COM
WEBSITE ADDAVIS.COM



3940 LEWIS SPEEDWAY
SUITE 2201
ST. AUGUSTINE, FL 32084

General Contractors
CGC008344
CBC057112

August 11, 2022

City of St. Augustine
75 King Street
St. Augustine, Florida 32084

RE: Planning and Zoning board

Dear Ms. Darlene Galambos:

I am submitting my application for the planning and zoning board to serve a second term.

Thank you for your assistance in this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Davis", is written over the typed name.

Michael A. Davis
President

A. D. Davis Construction Corp

Michael A. Davis

Education

1984 – 1988 Florida Southern College Lakeland, Florida
Bachelor of Arts, Major in Communication, Minor in History
1989 - 1992 University of North Florida Jacksonville, Florida
Bachelor of Science, Major in Building Technologies

Professional experience

1988 – 2019 A. D. Davis Construction Corp St. Augustine Florida
Vice President 1990 - 2002
President 2002 - present
Certified Building Contractor since 1993 CBC057112
2019 Association of Building Contractors Excellence in Construction Eagle Award for Memorial Presbyterian church Exterior Renovation
2018 Association of Building Contractors Excellence in Construction Pyramid Award for Artmotion
2018 Association of Building Contractors Excellence in Construction Pyramid Award for Flagler College Anderson Cottage Alumni House Renovation
2015 Association of Building Contractors Excellence in Construction Pyramid Award for The Cathedral Basilica Renovation
2015 Association of Building Contractors Excellence in Construction Pyramid Award for ARC of the St. Johns Pomar House Renovation
2014 Association of Building Contractors Excellence in Construction Pyramid Award for Solar Stik Corporate Office Renovation
2014 Florida Trust for Historic Preservation, Florida Preservation Award for Flagler College 4th Floor Renovation
2013 Association of Building Contractors Excellence in Construction Award of Excellence of the Flagler College 4th Floor Renovation
2013 Association of Building Contractors Excellence in Construction Pyramid Award for Hanke Hall
2011 Association of General Contractors Horizon Award, President's Award for the ARC Therapeutic Learning Center

2010 Association of General Contractors Horizon Award, Award of Distinction, for the Council on Aging River House
2010 Florida Trust for Historic Preservation, Florida Preservation Award for Ponce Hall Towers
2009 Safe Works Award from FCCI Insurance
2008 Jacksonville Business Journal Top 50 Fastest Growing Companies
2005 Florida Trust for Historic Preservation, Florida Preservation Award for Lightner Museum Lobby Restoration
2002 Florida Trust for Historic Preservation, Florida Preservation Award for the Restoration of St. Cyprian's Episcopal Church
1997 Florida Trust for Historic Preservation, Florida Preservation Award for Lightner Museum Grand Ballroom Restoration

**Community
activities**

1989 – present Rotary Club of St. Augustine
 1998 – 2006 2019 – 2020 Rotary Board
 1991 St. Augustine Record Basketball Tournament Committee
 1994 – 1996 Affordable Hosing Committee St. Johns County
 1994 – 2006 ARC of the St. Johns Board
 1997 – 1999 ARC of the St. Johns Board President
 1996 – 1997 Project Swing one of three general coordinators – planned for one year to build a children's playground in 7 days with over 1,000 volunteers
 1990 – 2005 Betty Griffin Golf Tournament Committee
 1998 – 2000 Treasurer of St. Augustine Little League Board
 2001 – 2002 Rotary Club President
 2002 – 2011 YMCA Board of Directors
 2006 and 2008 YMCA Board President
 2004 – 2012 Served on Bill Proctor's District 20 Advisory Committee
 2006 – 2018 Flagler Hospital Foundation Board
 2008 – Community Service Award from the St. Johns County Welfare Federation
 2010 – present Home Again St. Johns Board Member

2010-12 Chairman of the Home Again St. Johns Committee

2012 – Catholic Charities Good Samaritan Award

2012 – 2019 ARC of the St. Johns Board Member

2013 – 2019 St. Johns Builders Council Board Member

2017 – 2018 St. Johns Builders Council Board President

2013 – 2017 Association of Building Contractors Board Member

2018 - Salvation Army Gus Craig Award

2018 – 2020 St. Johns Chamber Economic Development Committee

2018 – 2019 St. Johns Chamber Economic Development Committee
Chairman

2019 – 2022 City of St. Augustine Planning and Zoning Board

Objectives

To own a company that stresses excellence and quality. To help make the community I live in a better place.

Interests and activities

Family. Surfing, Tennis and Golf

Volunteer experience

1990 – 1993 Youth Basketball Coach

1994 – 1995 & 2007 - 2016 Assistant Basketball Coach – St. Joseph Academy

2005 – 2014 Assistant Basketball Coach – Cathedral Parrish School

1996 – 1998 Youth Basketball Referee

1999 – 2015 YMCA Youth Basketball Coach

1999 – 2003 Little League Coach

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. All applications must include a cover letter and resume.

1. APPLICANT NAME Matthew Shaffer
2. BOARD/COMMITTEE DESIRED Planning & Zoning Board
3. RESIDENCE (Address) 220 Lamégo Ln., St. Augustine 32095
4. PHONE 904-806-5020 E-MAIL matthew.shaffer@att.net
5. BUSINESS OWNED (Address) _____
6. BUSINESS PHONE _____ E-MAIL _____
7. PROPERTY OWNED (Address) _____
8. PREFERRED MAILING ADDRESS _____
9. OCCUPATION (include resume) Licensed full-time Realtor in St. Augustine since 2011
10. PROFESSIONAL QUALIFICATIONS (submit a cover letter) MBA, Wayne State University (2007);
13 yrs mgmt experience in construction; member St Johns County Chamber of Commerce
11. OTHER COMMENTS OR INFORMATION CoSA Planning & Zoning Board member 2012-2018;
also served several years as Nelmar Terrace Neighborhood Association board member
12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race.
Regardless of your answer to question 1, go to question 2.

Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) Yes | ☒ No

Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.

RACIAL CATEGORY (Check as many as apply)

☐ American Indian or Alaska Native

☐ Black or African American

☐ Asian

☒ White

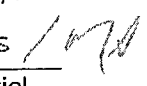
☐ Native Hawaiian or Other Pacific Islander

13. SIGNATURE OF APPLICANT

Matthew Shaffer 

DATE 09/14/2022

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

MS 
Initial

PZB/HARB/CRC Application 2020
Updated 12/04/2019

Matthew Shaffer
220 Lamego Ln.
St. Augustine, FL 32095

September 14, 2022

Attn: Darlene Galambos
City Clerk
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

Dear Ms. Galambos:

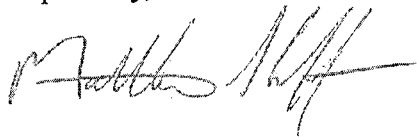
I would like to apply for a position on the City of St. Augustine's Planning & Zoning Board. Please reference the attached résumé and completed application showing my strong background in community involvement and substantial experience in the local business environment.

As you may recall, I served two terms on the Planning & Zoning Board from 2012 to 2018, including one year as Board chairperson. I also served for several years as an elected member of the Nelmar Terrace Neighborhood Association, which included active involvement with the Neighborhood Council. I am currently serving as a board member at Independence Youth Center, a local non-profit, and I am a member of the St. Johns County Chamber of Commerce through the Engel & Völkers St. Augustine real estate brokerage where I work.

As a St. Augustine homeowner since 2005 and active member of the community, I care deeply about preserving the history and character of our unique city while balancing the needs of neighborhood residents, tourists, and business owners. Thus, I would like to contribute my substantial experience with property zoning issues along with my analytical and interpersonal skills toward the continued successful handling of issues that are presented for consideration by the Planning and Zoning Board. I truly believe that my knowledge and experience will enable me to provide a balanced perspective on these matters.

Thank you for considering me for this position. I can be reached at 904-806-5020 or matthew.shaffer@att.net with any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'Matthew Shaffer', with a stylized flourish at the end.

Matthew Shaffer

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee.

1. APPLICANT NAME Dr. Ashleigh Barnes
2. BOARD/COMMITTEE DESIRED Planning & Zoning Board
3. RESIDENCE (Address) 110 Bridge St
4. PHONE 912 409 5849 E-MAIL barnesashleigh@gmail.com
5. BUSINESS OWNED (Address) 110 Bridge St
6. BUSINESS PHONE 904 417 8814 E-MAIL ashleigh@univselect.com
7. PROPERTY OWNED (Address) 110 Bridge St
8. PREFERRED MAILING ADDRESS 110 Bridge St St Augustine, FL 32084
9. OCCUPATION (include resume) small business owner, attorney
10. PROFESSIONAL QUALIFICATIONS (submit a cover letter) previous law professor,
current small business owner, attorney
11. OTHER COMMENTS OR INFORMATION _____

12. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	☐ Asian
☐ Black or African American	☒ White
☐ Native Hawaiian or Other Pacific Islander	

13. SIGNATURE OF APPLICANT

Ashleigh Barnes

DATE 08/16/2022

14. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to: Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, Florida 32085.

Initial _____

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☐ Real Estate Broker, w/ County occupational license | ☒ Attorney, Florida Bar |
| ☒ Educator, college-level <i>previous law professor</i> | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|--|
| ☐ Architect, Florida licensed or retired | ☒ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☒ Tenant of property located within Entry Corridor |
| | <i>* live in Lincolnville</i> |

DR. ASHLEIGH D. BARNES, ESQ
110 Bridge Street,
St. Augustine, FL 32084
abarnes1@ufl.edu
912.409.5849

August 16, 2022

RE: TENURE TRACK FACULTY POSITION

Dear City Commission:

I am writing to apply for to serve on the Planning & Zoning Board (PZB)

I previously was a law professor at UF (adjunct – Business & International Law), Florida Coastal School of Law (International & Criminal), and taught law overseas in Australia and India. Currently, I run a small business and a start-up, handling business management as well as various aspects of intellectual property, tax & business law.

I reside in Lincolnton, two of my three children attend KES, and I would love the opportunity to serve what has been my home for the last 10 years.

Please see the attached CV and application for further details regarding education, and work experience. I would welcome the chance to interview with you. Thank you in advance for your consideration.

Sincerely,



Ashleigh Barnes

ASHLEIGH BARNES

barnesashleigh@gmail.com
110 Bridge Street, St. Augustine, FL 32084 • 912.409.5849

BUSINESS EXPERIENCE

UNIVERSITY SELECT, LLC

Founder

Handles all legal work (IP, business & tax), manages creative vision, process & IP development.

UNLOCK THE TEST, LLC

Founder

Handles all legal work (IP, business & tax), manages creative vision, process, IP development, and investment – angel, small firm & VC.

ACADEMIC EXPERIENCE

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW, Gainesville, Florida

International Programs Research Scholar

Jan. 2013 – Dec. 2014

Write and publish an original article in a scholarly journal, present research in the International Law Society seminar series, and contribute to the development of international programs in collaboration with International Programs Coordinator.

FLORIDA COASTAL SCHOOL OF LAW, Jacksonville, Florida

Visiting Professor

Aug. 2013 – Jul. 2014

Courses: Criminal Law, International Criminal Law, and International Human Rights.

Committees: Ad Hoc Scholarship Committee, Ad Hoc International and Comparative Law Certificate Committee, Multicultural Affairs Committee.

Teaching Evaluations: Criminal Law (Spring 2014), 4/5; International Criminal Law (Spring 2014), 4.75/5.

JINDAL GLOBAL LAW SCHOOL, Delhi, India

Assistant Professor

Jan. 2010 – Aug. 2012

Courses: Public International Law (J.D. students), LL.M. Dissertation Advisor, International Relations (National Security & Int. Humanitarian Law), Law and Society (sociological methods on identity, children, and the law), International and Regional Human Rights, International Criminal Law. Developed a course on Feminist Legal Theory. Coached moot court teams addressing public international law, international humanitarian law, and international criminal law problems.

Awards: Outstanding Contribution to Research and Scholarship

Co-Director for the Centre for Women, Law, and Social Change

Convened conference, *Global Perspectives: Feminisms of Discontent*, Feb. 2011, hosting leading feminist legal scholars from India, Canada, Australia, the U.K., and the U.S. Editor for conference volume, accepted by Oxford University Press. Co-founded the Women's Law Society of O.P. Jindal Global University.

AUSTRALIAN NATIONAL UNIVERSITY COLLEGE OF LAW, Canberra, Australia

Convener/Lecturer

Jan. 2009 – Jul. 2009

Convened and lectured upper-level course on International Criminal Law at the top law school in Australia. Reorganized the course to reflect developments in ICL and personal experience at three international tribunals.

Tutor

Aug. 2008 – Dec. 2008

Administered tutorials for Public International Law and Jurisprudence. Reorganized, researched and updated a course on International Dispute Settlement.

OTHER EXPERIENCE

GUARDIAN AD LITEM, West Palm Beach, FL

Program Attorney

Oct. 2007 – Apr. 2008

Represented the manifest best interests of children in dependency litigation. Handled all aspects of legal representation, including drafting motions, responses, and orders for the court. Headed a team of 5 employees and approximately 100 volunteers. Conducted weekly meetings, spearheaded policy changes to better manage and better organize our teams' workload of over 200 cases.

SPECIAL COURT OF SIERRA LEONE, Hague, Netherlands

Legal Intern

Mar. 2007 – Jun. 2007

Worked with Defense Counsel for Charles Taylor. Aided with drafting pre-trial motions to the Court. Conducted research on international criminal law precedent from *ad hoc* tribunals, and where applicable, domestic law of states.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, Arusha, Tanzania

Legal Intern

Jan. 2004 – Apr. 2004

Worked in Trial Chambers. Conducted legal research on case law from *ad hoc* tribunals and relevant national law. Drafted judgments and summarized submissions from the parties for inclusion in decisions.

INTERNATIONAL CRIMINAL COURT FOR THE FORMER YUGOSLAVIA, Hague, Netherlands

Legal Intern

Jun. 2003 – Aug. 2003

Worked with Defense Counsel. Drafted motions and summarized Court transcripts. Conducted legal research focusing on ICTY Trial Court and Appellate Court decisions and motions.

EDUCATION

AUSTRALIAN NATIONAL UNIVERSITY, Ph.D., Australia, Sept. 2014

- Thesis: *The Legal Construction of the Child in the United Nations Convention on the Rights of the Child*
Primary research areas include: international children's rights, international human rights, developmental psychology, sociological and historical approaches to childhood.
- Teaching: International Criminal Law (Lecturer/Convener), Public International Law (tutor), Jurisprudence (tutor), Alternative Dispute Resolution (course development), Jessup Moot Court (national oral and memorial judge)
- Activities: Centre for International and Public Law
- Honors: University Research & International Higher Research Degree Merit Scholarships

UNIVERSITY OF LEIDEN, LL.M., Netherlands, Sept. 2007

- Focus: Public International Law, International Criminal Law Specialization
- Thesis: *The Legal Construction of the Child in the UN Convention on Rights of the Child*, resulting in Honors.
- Activities: Leiden Journal of International Law (editor); International Tribunal for Sierra Leone, Defense Team (intern); Jessup Moot Court (coach); Jurisprudence Reading Group, (coordinator).

UNIVERSITY OF FLORIDA'S LEVIN COLLEGE OF LAW, J.D., Jun. 2004

- Honors: Cum Laude Fall '03 & Spring '04
- Activities: Intern at International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, Jessup Moot Court

Abroad: University of Cape Town (Summer '02), Leiden University (Spring '03) & Amsterdam University (Spring '04)

STETSON UNIVERSITY, B.A., Dec. 2000

Honors: Dean's List, Academic Scholarship, Athletic Scholarship

Abroad: Moscow State University (Fall '00)

ACADEMIC PRESENTATIONS

CONVENER

'Feminisms of Discontent: Global Perspectives,' held at Jindal Global Law School, Delhi, India, February 2011.

PRESENTER

'Law and Childhood Studies,' held at University College London, England, July 2010: *The UNCRC's Performance of the Child as Developing*.

'Global North and Global South Perspective on Transnational Issues,' Joint Conference with Osgoode Hall and Jindal Global University, held in Toronto, Canada, November 2010 and held in New Delhi, India, March 2011: *A Genealogy of the UNCRC*

'The Child,' Existential and Phenomenological Theory and Culture, Congress of Social Sciences and Humanities of Canada, Fredericton, New Brunswick, Canada, May 2011: *The Docile Body: The Regulation of Childhood through the Discourse of Rights*.

'Juvenile Criminal Justice and Human Rights: International and Transnational Perspectives, Sixth Conference on the Future of Adversarial Systems, Chapel Hill, North Carolina, April, 2014: *A Child and A Soldier: Victim, Perpetrator, and Illegal Method of Waging War*.

'Law and Inequalities: Global and Local,' 50th Anniversary Law And Society Association Annual Meeting, Minneapolis, MN, May, 2014: *Distinct Rights for Children, Women, Persons with Disabilities, and Elders: Comparing the Construction of Vulnerability in Law*.

'Uncomfortable Conversation: The Universal and the Particular – Vulnerability and Identities Workshop II', Miami, Florida, November, 2014: *'Beyond Children's Rights: Building a Coalition through Vulnerability Discourse'*.

ASSOCIATIONS

Florida Bar Association

Matthew Shaffer

220 Lamego Ln.
St. Augustine, FL 32095
904-806-5020
matthew.shaffer@att.net

Professional Summary Energetic professional experienced in managing real estate transactions, corporate finances, sales, and business operations; successfully developed and maintained client relationships resulting in respected business reputation and increased sales.

Education **Wayne State University**, Detroit, MI
Master of Business Administration May, 2007
Concentrations: Finance, International Business, Management 3.5 GPA

Oakland University, Rochester, MI
Bachelor of Science April, 1999
Fields of Study: Economics, Finance 3.5 GPA
Omicron Delta Epsilon
Golden Key National Honor Society

Work Experience **Licensed Florida Realtor** Mar, 2011-Present
Self-Employed
* Member in good standing w/SASJC Board of Realtors, NEFAR, and NAR
* Successfully manages both residential and commercial real estate transactions
* Cultivates productive relationships with real estate, legal, and mortgage professionals
* Maintains admirable reputation for ethical dealings among clients and associates

Residential Real Estate Development Oct, 2004 – Feb, 2011
Self-Employed

- Successfully managed construction projects concurrently in multiple regions
- Purchased, renovated, and sold residential properties profitably in declining market
- Researched real estate industry data and trends; incorporated into business planning
- Supervised and coordinated construction trades; performed property inspections

Modern Mirror & Glass Co, Roseville, MI Nov, 1991-Oct, 2004
Vice-President

- Proficiently managed corporate finances for approximately \$15M annual revenue
- Utilized financial statements in making sound business planning decisions
- Supervised operation of 80 employees, encouraging cooperation and efficiency
- Implemented team building projects and sustained 90% employee retention
- Initiated implementation of computer networking and cost management systems
- Effectively coordinated activities of finance, sales, and operational departments
- Administered salary increases and bonuses objectively; trained six new employees
- Maintained valuable relationships with general contractors, clients, and vendors
- Monitored adherence to OSHA construction safety standards and practices
- Served one-year term as president of Glazing Contractors Association 2000-2001

QUALIFICATIONS FOR PLANNING AND ZONING BOARD (PZB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 2.

Qualifications: All members of the Planning and Zoning Board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two (2) consecutive full terms.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ Architect, Florida registered | ☐ Preservation Organization Officer |
| ☐ Planner, member APA or AICP | ☐ Environmental or Land Use Organization Officer |
| ☒ Real Estate Broker, w/ County occupational license | ☐ Attorney, Florida Bar |
| ☐ Educator, college level | ☐ Landscape Architect, Florida registered |
| ☐ Engineer, Florida registered | ☐ Contractor, City contractor's license |
| ☐ Merchant/Businessperson, City occupational license | |

QUALIFICATIONS FOR HISTORIC ARCHITECTURAL REVIEW BOARD (HARB):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 3.

Qualifications: All members of the Historic Architectural Review Board shall hold no government office nor receive any salary or compensation for their services to the board herein created. While preference shall be given to current city residents, the city commission may appoint a non-resident upon a finding that such non-resident is uniquely qualified. No member shall be appointed for more than two (2) consecutive full terms. Alternates shall be appointed for a three (3) year term. Alternates shall have previously served as regular members and shall comply with all local and state requirements of office. Alternates will only be called upon to participate and vote at meetings in the event of an anticipated lack of quorum or bare minimum quorum of the regular members.

Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines who do not have a professional degree in any of the fields set forth in this section may be appointed by the city commission when persons with such degrees are not available for appointment, or when such appointment is determined to be in the best interest of the city.

Please check those qualifications that apply to you:

- | | |
|--|---|
| ☐ History or related fields | ☐ Art History |
| ☐ Archaeology | ☐ Former HARB Member |
| ☐ Architectural History | ☐ Other |
| ☐ Historic Architecture | |

QUALIFICATIONS FOR CORRIDOR REVIEW COMMITTEE (CRC):

Authorization: Code of Ordinances, Chapter 28, Article II, Division 5.

Qualifications: All members of the Corridor Review Committee shall hold no government office nor receive any salary or compensation for their services to the board herein created. The initial appointment of members shall be as follows: two (2) members of the board as established herein shall be appointed for a term of three (3) years; two (2) members for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter all members shall be appointed for a three (3) year term. Two (2) seats on the board shall be designated for a licensed, or retired, architect or landscape architect with preference given to those who are city residents or whose business is located within the city; and three (3) seats for property owners or tenants of properties located within the respective entry corridors: Anastasia Boulevard, San Marco Avenue, and King Street. The members of the CRC shall meet as needed, as an ad hoc committee meeting noticed by the City Clerk and shall meet at least annually to elect one (1) of its members as chairperson and one (1) as vice-chair.

Please check those qualifications that apply to you:

- | | |
|---|---|
| ☐ Architect, Florida licensed or retired | ☐ Owner of property located within Entry Corridor |
| ☐ Landscape Architect, Florida licensed or retired | ☐ Tenant of property located within Entry Corridor |

PZB/HARB/CRC Application 2020
Updated 12/04/2019

PLANNING & ZONING BOARD

Meets Monthly, 1st Tuesday - 2:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
J. Carl Blow Commercial Real Estate Property Manager	100 Santa Monica Ave, 32080 829-6985 710-2655 john.carl.blow@gmail.com	12/09/19 fill vacancy 09/27/21 1 st full term	09/30/2021 09/30/2024
Jon DePreter Retired	73 Magnolia Dr., 32080 845-901-9065 jondepreter@gmail.com	08/27/18 fill vacancy 09/28/20 1 st full term	09/30/2020 09/30/2023
Charles Pappas	46 Macaris St., 32084 617-519-3017 charlespappas@icloud.com	09/27/21 1 st full term	09/30/2024
Michael Davis VICE-CHAIR General Contractor	3940 Lewis Speedway, Ste. 2201, 32084 904-824-3533 mikedavis@addavis.com	09/23/19 1 st full term	09/30/2022
Sarah S. Ryan Architect	252 S. Matanzas Blvd, 32080 547-9430 sshipp@gmail.com	11/10/14 fill vacancy 09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
Grant Misterly CHAIR Professional Engineer	3 Alfred Street, 32084 904-501-9345 gmisterly@gmail.com	09/26/16 1 st full term 09/23/19 2 nd full term	09/30/2022
Christina Griggs Civil Engineer	29 Miruela Ave., 32080 352-474-3650 christinagriggs1@gmail.com	12/13/21 fill vacancy	09/30/2023

PLANNING & ZONING BOARD

- Authorization: Chapter 28, Zoning, Code of the City of St. Augustine, Art II, Div. II. Section 28-57 Amended 4.14.2003, Ordinance 2003-14.
- Number of Members: Seven (7)
- Terms of Office: Three (3) years Original appointments staggered. No member may be appointed for more than two (2) consecutive full terms.
- Appointment: By City Commission
- Reappointment: Normal terms to expire on September 30 of each year.
- Qualifications: **All members of the planning and zoning board shall reside in the city and shall hold no government office nor receive any salary or compensation for their services to the board herein created. No member shall be appointed for more than two 2 consecutive full terms.**
- Member composition: architect, Florida registered; planner member APA or AICP; real estate broker, with County occupational license; educator, college level; engineer, Florida registered; landscape architect Florida registered; preservation organization officer; environmental or land use organization officer; attorney, Florida Bar; merchant/business person, City occupational license; or contractor, City contractor's license.
- Duties: The Planning & Zoning Board is established as the St. Augustine Local Comprehensive Planning Agency. The board may grant zoning exceptions and variances as provided in the zoning code ordinances; hear appeals of any decision of the Planning and Building Department; recommend to the Commission in the rezoning of land and changes to the Comprehensive Plan.
- Attendance: Absences unexcused by the chairman for two (2) of three (3) consecutive meetings shall constitute a resignation of the position.
- Meetings: First Tuesday of each month, 2 P.M., the Alcazar Room, City Hall.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

DATE: September 15, 2022

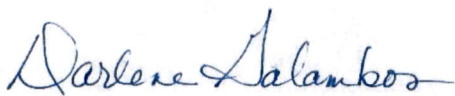
RE: Request for **TWO (2)** appointments - St. Augustine Police Officers' Retirement Board

Notification was previously given regarding two (2) term expirations on the St. Augustine Police Officers' Retirement Board which will expire September 30, 2022.

Advertising requesting applications was placed in the St. Augustine Record and posted on the City's website.

Attached are the applications received from Daniel Hilbert and Mary Jane Liles, both are current members and eligible for re-appointment, in addition to the current roster, board profile and responsibilities.

I respectfully request consideration be given to appointing the applicants.



Darlene Galambos
City Clerk

Attachment: Applications

xc: Police Retirement Board – Clerk's File

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission. All applications must include a cover letter and resume.

1. APPLICANT Daniel Hilbert
2. RESIDENCE
(address) 107 Arpieka Ave PHONE 904-252-4988
3. BUSINESS OWNED (Address) Canan Law PHONE 904-824-9402
4. PROPERTY OWNED (Address) Same as above
5. MAILING ADDRESS PREFERRED 1030 N. Ponce De Leon Blvd, St. Augustine FL 32084
6. E-mail Address dkhilbert@gmail.com
7. BOARD DESIRED Police Retirement Board
8. OCCUPATION (include resume) Attorney
9. PROFESSIONAL QUALIFICATIONS: (Attach additional information or Cover Letter)
Current board member. Law Practice.
10. OTHER COMMENTS OR INFORMATION

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT

DATE 9.24.72

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.

Dkn
Initial

August 24, 2022

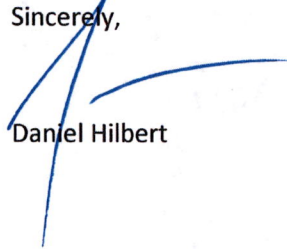
City of St. Augustine Florida
City Commission
Attn: Darlene Galambos, City Clerk
P.O. Box 210, St. Augustine, FL 32085

RE: Application for Police Retirement Board

Honorable St. Augustine City Commissioners,

Please find my updated application and resume for continued service on the City of St. Augustine Police Retirement Board. I have enjoyed the last several years and desire to continue my service to ensure our law enforcement officers have a quality pension fund to ensure a secure retirement. Please let me know if you have any questions or require any additional information.

Sincerely,



Daniel Hilbert

DANIEL K. HILBERT, J.D. B.C.S.

107 Arpieka Avenue
Saint Augustine, Florida 32080
Phone: (904) 252-4988 Email: danielkhilbert@gmail.com

Work Experience

***** BOARD CERTIFIED CRIMINAL TRIAL LAWYER *****

January 2015 – Present | Canan Law | Partner

In January of 2015, I moved my practice to Canan Law where I have continued to focus on a variety of litigation matters and still provide a modest level of transactional representation for small businesses in our community. On August 1, 2016, I was officially declared board certified in criminal trial law.

August 2017 – Present | Flagler College | Adjunct Professor

I am an Adjunct professor at Flagler College in their law department. I have taught Business Law and Criminal Courts. Additionally, I am a guest coach on the school's mock trial team.

June 2013 – Present | Florida State College at Jacksonville | Adjunct Professor

I am an Adjunct professor at FSCJ focusing on teaching Litigation to paralegals. I have also provided preparatory instruction for the Paralegal Certification exam.

October 2010 – December 2014 | Alexander Law Firm | Associate Attorney

For four (4) years I practiced Criminal, Civil and Family Litigation with the Alexander Law Firm. I also provided some transactional representation for small businesses in our community.

August 2009 – September 2010 | 4th Circuit State Attorney's Office | Assistant State Attorney

Prosecuted felony crimes in the 4th Judicial Circuit in both Duval and Clay Counties. Conducted numerous jury trials to include, but not be limited to, armed robbery and attempted murder.

July 2007 – July 2009 | 7th Circuit State Attorney's Office | Assistant State Attorney

Prosecuted misdemeanor and felony crimes in 7th Judicial Circuit in mainly Putnam and Flagler Counties. Tried numerous jury trials to include, but not be limited to, trafficking in drugs, armed robbery, sexual assault, and attempted murder.

Educational Background

August 2003 – May 2006 | Florida Coastal School of Law | Juris Doctorate

GPA: 3.05 (Top 20%)

Awards: Humanitarian Award (2006); Dean's Scholar (Fall 2005); Dean's List (Spring 2004/2005/2006); Best Oral Advocate, Lawyering Process (2004)

Memberships: Honor Court Justice; Criminal Law Society (Secretary)

Mock Trial Team (2004-2006): Best Advocate (2006); Best Trial Team (2005); Best Objections (2005)

Teacher Assistant: Fall 2005 (Trial Practice and Lawyering Process)

Pupil to Chester Bedell Inn of Court: 2005-2006

August 1998 – May 2003 | Westminster College | Philosophy (Major) / Sociology (Minor)

Member of Phi Delta Theta and the Westminster Football Team

Social Clubs and Organizations

Florida Bar Unlicensed Practice of Law Board	Member
Saint Johns County Bar Association	Past-President
Rotary Club of St. Augustine	Past-President
Saint Johns County Sports Club	Past-President
Saint Augustine Police Retirement Board	Board Member
Member of the Fraternal Order of the Elks	Member
St. Johns Tiger Bay Club	Member

Lectures on the Law

May 18, 2018: Presentation on Criminal Procedure (Florida Bar Young Lawyer's Division Basic Criminal CLE)

December 7, 2017: Presentation on Hearsay and Character Evidence (Florida Bar Young Lawyer's Division Basic Criminal CLE)

April 3, 2017: Presentation on Ethics and the Unlicensed Practice of Law (Paralegal Program at Florida State College of Jacksonville)

February 17, 2016: Presentation on Cross Exam for a 1 Hour CLE (St. Johns County Bar Association)

January 22, 2015: Presentation on Jury Selection for a 1 Hour CLE (St. Johns County Bar Association)

August 22, 2014: Presentation of "Do's and Don'ts of Property Management" (Flagler Association of Realtors)

Employment References

Judge Joe Boatwright (386) 937-5320	Managing Attorney at the 7 th Circuit State Attorney's Office
Judge James Colaw (352) 548-3784	Managing Attorney at the 4 th Circuit State Attorney's Office
Steve Alexander (904) 824-9788	Managing Partner at the Alexander Law Firm
Patrick Canan (904) 824-9402	Managing Partner at the Canan Law Firm
Tracy Upchurch (904) 826-8511	Director of Law Program at Flagler College
Nicholas Martino (904) 616-2920	Professor of Legal Studies at Florida State College at Jacksonville

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission. All applications must include a cover letter and resume.

1. APPLICANT Mary Jane Liles
2. RESIDENCE
(address) 87 Colon Ave. St. Augustine, FL 32084 PHONE 904-669-4914
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) 87 Colon Ave.
5. MAILING ADDRESS PREFERRED 87 Colon Ave. St. Augustine, FL 32084
6. E-mail Address mjliles@bellsouth.net
7. BOARD DESIRED St. Augustine Police Retirement Board
8. OCCUPATION (include resume) Retired Teacher
9. PROFESSIONAL QUALIFICATIONS: (Attach additional information or Cover Letter)
B.A. West Chester State University, M.A. UNF. Taught 41 years, 17 in Penna. and 24 in St. Augustine, FL

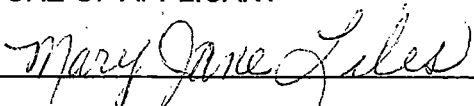
10. OTHER COMMENTS OR INFORMATION

I have served on this Board since March and would like to continue.

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☐ No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native ☐	
☐ Asian	
☐ Black or African American	
☐ Native Hawaiian or Other Pacific Islander	
☒ White	

12. SIGNATURE OF APPLICANT

Mary Jane Liles  DATE August 16, 2022

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.

MJL

Initial

BOARD OF TRUSTEES ST. AUGUSTINE POLICE OFFICERS' RETIREMENT SYSTEM

Meets Quarterly, 4th Wednesday of Feb., May, Aug., and Nov. at 3:00 p.m.
Communications Conference Room, 2nd Floor, Lobby "B" City Hall

<u>Board Member</u>	<u>Contact information</u>	<u>ELECTED</u>	<u>2-Year Terms Expires</u>
Ryan Rado Police Representative	Police Department P.O. Drawer 1950, 32085-1950 904-825-1074 rrado@staugpd.com	08/25/2021 Re-elected 04/19/21 Fill Vacancy	09/30/2023
Sgt. Jeff Truncellito, Secretary/Treasurer Police Representative	Police Department P.O. Drawer 1950, 32085-1950 904-825-1092 jtruncellito@staugpd.com	09/2022 Re-elected 01/2021 Re-elected 09/2018 Re-elected 09/2016 Elected	09/30/2022
<u>APPOINTED</u>			
Daniel Hilbert <i>Attorney</i> <i>*Appointed 2/9/15 & 10/22/18, ran for judge 11/20 Elect. creating a vacancy & re-appointed on 12/14/20</i>	107 Arpieka Ave., 32080 904-252-4988 dkhilbert@gmail.com	12/14/2020	09/30/2022
Mary Jane Liles Retired Teacher	87 Colon Ave., 32084 904-669-4914 mjliles@bellsouth.net	02/14/2022 Fill Vacancy	09/30/2022
Steve Fricke Board Appointed 5 th Member	P.O. Drawer 1950, 32085-1950 sfricke@staugpd.com	08/25/2021 Re-Appointed 02/17/2017 Fill Vacancy	09/30/2023

CONSULTANTS

Thomas H. Jensen
Plan Administrator
2636 Augusta Drive N.
Clearwater, Florida 33761
727-492-3852
tjensenpension@gmail.com

Michael Tierney
Actuarial Concepts
3020 Hartley Road, Suite 250
Jacksonville, FL 32257
904-262-3020
FAX 904-268-3374

BOARD OF TRUSTEES

St. AUGUSTINE POLICE OFFICERS RETIREMENT SYSTEM

Authorization:	City Charter, Article X, Police Officers Retirement System.
Number of Members:	Five 5
Terms of Office:	Elected and appointed members – two 2 year terms.
Appointment:	Two 2 legal residents appointed by City Commission; two 2 elected by the Police Officers; and one 1 selected by previous four 4.
Qualifications:	None stated in ordinance
Duties:	The general administration, management, and responsibility for the proper operation of the retirement system, including administration of investments and disbursements, and for construing and making effective the provisions thereof.
Attendance:	Elected trustee fails to attend three 3 consecutive meetings, unless excused, a vacancy is created Sec 2-162.
Meetings:	Quarterly – 3 rd Tuesday of February, May, August, and November.

CITY OF ST. AUGUSTINE

City Commission Special Meeting
Thursday, August 18, 2022

The City Commission met in formal session Thursday, August 18, 2022, at 9:15 A.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice-Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Barbara Blonder, City Commissioner

Absent: John Valdes, City Commissioner (excused)

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Amy Skinner, Planning and Zoning Director
Mark Simpson, Financial Services Director
Reuben Franklin, Director, Public Works Director
Todd Grant, Utilities Director
Jim Piggott, General Services Director
Donna Hayes, Human Resources Director
Colleen Kuhn, Recording Secretary

2. General Public Comments

The Commissioners heard from the following members of the public:

Jim Springfield
Gina Burrell
BJ Kalaidi

Public Comment closed

3. Presentation and Discussion Regarding FY 2023 Proposed Budget, (Mark Simpson, Financial Services Director)

Mark Simpson, Financial Services Director said the City had

returned to normalcy after COVID and the volatility of that time was over.

Mayor Upchurch discussed the importance of planning based on the City's Strategic Plan, which included livability, authenticity, character, and vitality and were foundational to how the City envisioned itself. He appreciated staff keeping this in the forefront while budgeting and planning for the future.

Mr. Simpson shared the following accomplishments for FY 2022:

- Projected budget surplus in all Funds for FY 22

- Outsourced Police Dispatch in coordination with St. John's County Sheriff's office
- Commenced procurement for the American Rescue Plan Act initiatives
- Implemented Mobility Fee
- Purchased a new Fire Department Ladder Truck
- Funded Home Again St. Johns
- Completed a successful Audit and received a Certificate of Achievement for excellence in financial reporting
- Secured \$26,500,000 from the Department of Environmental Protection to address major storm water projects
- Recorded record revenues for the Visitor Information Center (VIC) and Marina
- Overcame staffing issues that occurred post COVID
- Implemented Phase II of Solar Trash Compactors
- Provided fifty residents with compost bins
- Approved for the use of free chlorine at the Water Treatment Plant
- Installed new motor control center at the Wastewater Treatment Plant
- Implemented Voice Over Internet Provider (VOIP) at the Police Department
- Secured Flood Mitigation Grants for homeowners
- Began study by Responsible Hospitality Institute on the downtown nightlife
- Implemented Geographic Information System (GIS) advancements
- Deployed new software at the Fire Department to connect with GIS, planning, reporting and inspections

- Completed design and bid specifications for the Spanish Street Project and the Talimallo Parking Lot
- Secured a development grant from the Florida Department of Transportation (FDOT) for the Circulator Project

Mr. Simpson went on to share FY23 budget highlights:

- Milage remained at 7.5 Mills, resulting in \$2,100,000 of additional revenue
- Visitor Information Center (VIC) fund:
 - increased transfer to \$1,500,000 for Mobility and Historic Preservation
 - Garage Sinking Fund reflected \$250,000 for maintenance
- Fire Assessment fee remained at 50% of assessable expenses and would review again in FY 24
- Mobility Fee projected to collect \$100,000 - \$150,000 in FY 23
- Health Insurance Plan resulted in better coverage and a \$500,000 savings
- Added Full-Time Equivalencies (FTE):
 - two Fire Fighters
 - three Police Officers
 - one Code Enforcement Officer
 - two utility personnel
 - One Mobility Technician (paid by VIC)
 - two VIC Gift Shop personnel
 - one Marina Attendant

Mayor Upchurch asked about the total number of Code Enforcement Officers and if there would be staffing on the weekends.

Meredith Breidenstein, Assistant City Manager stated the addition would bring the total to four Officers with one specifically to address Short Term Rentals and a Manager who could function as a Code Enforcement Officer.

John Regan, City Manager stated there was limited Code Enforcement coverage on the weekends. He said the new position would allow for nighttime enforcement to address noise complaints, but more capacity was necessary for nights and weekends.

Amy Skinner, Planning and Development Director noted that current Code Enforcement Officers worked standard business hours with limited weekend work if there were known issues. She agreed that adjustments would be necessary to cover nights and weekends.

Commissioner Sikes-Kline inquired about standard procedures and recording of Code Enforcement complaints.

Ms. Skinner stated the department attempted to respond quickly and complaints were recorded into the City Works system and assigned to a specific Officer. She said the Code Enforcement Manager allowed for on the spot supervision of Officers and the allocation of time and workloads.

Commissioner Blonder asked if there was complainant follow up by Code Enforcement Officers or the Department.

Ms. Skinner indicated there was a good deal of communication back and forth and agreed a written response would be helpful.

Mayor Upchurch asked if barges on the waterfront were covered by the Noise Ordinance.

Mr. Regan stated barges were covered by the Ordinance and leases included

language to notify tenants of consequences for violation. He said there were two tenants from other marinas that were the biggest problem for the Water Marine Unit.

Mayor Upchurch asked what a Mobility Technician would do and what the size of the City workforce would be after the noted additions.

Mr. Simpson said the Mobility Technician would be funded by the VIC and would assist with special events, the shuttle system, and help Xavier Pellicer, the Mobility Manager. He stated the workforce was 370 employees.

Ms. Breidenstein said there were positions paid for by Flagler College and the School Board for nine months out of the year and those positions were counted as City employees. She said three positions were School Resource Officers assigned to R.B. Hunt and Ketterlinus Elementaries and the Gains Alternative School. She confirmed they were available for general police work in the other months of the year.

Mr. Regan clarified there were three new Police Officer positions in the budget, and one was assigned to, and funded by the Gains Alternative School. He said the other two positions would assist the City in implementing the Homelessness Strategic Plan that was being developed. He said Chief Michaux had attended a Police Chief Conference and networked with peers to learn more about how their cities addressed homelessness. He shared that staff held a meeting with Dr. Joe Savage from the United Interagency Council on Homelessness at the White House to help steer the development of the City's plan to address homelessness and more information would be coming in late September.

Mr. Simpson confirmed the total City FTE count with the added positions would be 386.

Mr. Simpson shared additional FY 23 budget highlights:

- Increased Tourist Development Commission (TDC) funding for Shuttling and the Downtown Circulator.
- Historic Community Redevelopment Agency (HCRA) higher revenue than the debt service on parking garage
- Funding for public art on May Street intersection
- Increased fees for the Enterprise Fund to keep up with inflation
- Successful union negotiations
- Feasibility Study on the Land Conservation Initiative
- Citizen Survey
- Social Media Campaign

Commissioner Blonder suggested the Social Media Campaign should be strategic and targeted. She said a good model was the Resiliency webpage that was launched by Chief Resiliency Officer Jessica Beach's department. She expressed concern about increased fees and suggested that citizens needed education on how to cut costs and the City's Communications Department could make an impact in this area.

Mr. Simpson noted the City could add educational stuffers to citizen utility bills.

Commissioner Sikes-Kline added that citizens should also receive education on emergency preparedness and stated she would like to see a plan from the Communications Department regarding their social media strategies.

Mr. Simpson said the total budget included revenue of \$74,600,000 that was broken down by category and the

expenditures were listed by function and totaled \$74,605,726.

Commissioner Blonder asked Mr. Simpson to provide additional information on the Miscellaneous category at the next meeting.

Mayor Upchurch asked about the FY 22 original budget and final budget differences.

Mr. Simpson said the differences resulted from loans and grants. He said he would budget for grants when they were awarded.

Mr. Simpson stated the General Fund's largest increase came from taxes. He said most of the expense increases were in public safety which included Police, Fire, and Code Enforcement. He stated the overall increase in operating expenses was 33.3%.

Commissioner Blonder inquired about the 40% increase in the City Commission budget and why the Information Technology (I.T.) Department budget would be static or dropping.

Mr. Simpson explained the \$80,000 budgeted for the May Street Art Project was on the Commission line item and would be moved to a more appropriate category. He said the drop in the I.T. budget was a result of no longer needing a Help Desk contract and cyber security issues were paid for by the American Rescue Plan.

Mayor Upchurch asked about the change reflected in the City Attorney's budget.

Ms. Breidenstein explained that last fiscal year staff budgeted for a Special Magistrate to address issues with the Short-Term Rental or Nightlife Ordinances, but the money was not spent. She said staff allocated money in

Code Enforcement for Special Magistrate services for FY 23.

Mr. Regan said staff planned to use a Special Magistrate this fiscal year and if more monies were needed in Code Enforcement, a budget variance would be completed.

Commissioner Sikes-Kline inquired about the 11% drop in Historic Preservation and Archeology and the 104% increase in the Planning Department expenses.

Mr. Regan shared that the Historic Preservation and Archaeology FY 22 budget had \$7,500 included for equipment.

Ms. Breidenstein added that there was a FY 22 grant in Historic Preservation.

Mr. Simpson stated the Planning Department increase was for a study on the Land Development Code.

Commissioner Sikes-Kline noted the Land Development Code should be highlighted in communications and she was happy to hear about the Study.

Mr. Simpson went on to review the following:

- General Fund reflected a \$1,800,000 surplus and resulted in a balanced budget for FY 23
- Ad Valorem growth over the past ten years reflected an increase in assessed value
- Utility Fund revenue went from \$20,400,000 to \$21,800,000 and included a rate increase of 4% and a 1% reduction in the surcharge outside of the City
- Utility Fund had expenses totaling \$21,800,000 and included two new positions and improved software

- Revenue from Water Flow (connection) fees must be reserved for future plant expansion
- Bond proceeds came in at \$12,900,000
- Capital expenditures were \$438,000
- Debt service was steady at \$2,700,000
- Storm Water grants of \$4,500,000 by end of FY 22
- Storm Water FY 23 revenue and expenditures equaled \$1,342,142
- Solid Waste FY 23 rates would be raised by \$5.00 to cover tipping fees and personnel

Mr. Simpson explained there was a need for new equipment in Solid Waste at a cost of \$1,800,000 and requested the Commission's approval to execute an interfund loan if needed.

Commissioner Sikes-Kline MOVED to approve the request to execute an interfund loan. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Simpson noted that Solid Waste Fund's projected revenue was \$5,400,000 and would have a \$288 surplus.

Commissioner Blonder asked about the increases in the Solid Waste revenue.

Todd Grant, Utilities Manager said that residential rates were increased to \$22.44. He stated the enhanced rate for Short-Term Rentals was \$60.53 which allowed for an additional pick-up, and gave owners the ability to opt-out with the City compliance monitoring. He noted 50% of Short-Term Rental owners opted-out and went back to the residential rate. He said Short Term Rental costs would go up by \$5.00 or would increase based

on inflation. He shared that new software would allow for excess trash pick-up to be billed based on the volume.

Commissioner Blonder commented on staff's performance during the pandemic and appreciated staff keeping the City functional and clean.

Mr. Regan agreed that Olivia Smith, Solid Waste Manager, and the team had done a fantastic job.

Mr. Simpson reviewed the Municipal Marina Funds noting increased docking fees for one-year. He said revenue projections were up significantly from \$3,500,000 to \$5,500,000 primarily due to fuel prices.

Commissioner Blonder expressed the desire for long-term operators and commercial customers to receive advanced notice of increases.

Mr. Regan said he had researched other marinas and the City's current rate of \$16.00 per foot was about 45%-50% of the market rate compared to other premium marinas and about 12% of non-premium marinas.

Mr. Simpson noted expenses were considered Culture and Recreation and reflected a \$450,000 surplus, which would go into reserves for serious weather issues and debt service principal payments.

Commissioner Sikes-Kline asked to have a report on the reserve status of each fund on a regular basis.

Mr. Simpson said the Marina's unrestricted reserves as of September 2021 were \$985,000. He said he would add the beginning and ending reserve balance to each category for future meetings.

Mr. Simpson said the VIC revenue was \$5,247,000. He reviewed expenditures which included the Sinking Fund and the addition of a Mobility Technician and two Gift Shop staff.

Commissioner Blonder asked about the need for two additional Gift Shop staff.

Jim Piggott, General Services Director shared the added staff was a result of increased visitors over the past five years.

Mr. Regan shared that during employee listening sessions, he received feedback from VIC staff about the number of hours they work, especially during holidays and how that affected their quality of life.

Commissioner Sikes-Kline requested an update on Swing Park.

Mr. Piggott said the Swing Park opening was planned for Veteran's Day when kids are out of school but could be rescheduled if construction was completed sooner.

Commissioner Horvath asked if the awnings at the VIC were going to be replaced.

Mr. Piggott stated he would provide the Commission with an update at their next meeting.

Mr. Simpson reviewed projects funded with revenue from the VIC which included windows for the Lightner Museum, salary and benefits for an Assistant Archaeologist, University of Florida Preservation Institute, and the University of South Florida, La Florida Program.

Mayor Upchurch requested more information on the Lightner Museum window project, Pena Peck House, and

the type of return the City was experiencing on the La Florida Program.

Ms. Breidenstein responded that all Lightner Museum windows needed to be replaced and staff was proposing a \$200,000 commitment each year for the next 3-4 years to complete the project. She said the Pena Peck House required building improvements and window replacements totaling a one-time transfer of \$100,000.

Mr. Regan explained that Dr. Francis with University of South Florida had conducted research of the Catholic archives to unveil records and history of the African American experience in St. Augustine. He said the City's La Florida funds supported Dr. Francis' recent lectures and he will request a better acknowledgement of the City's contribution. He said that much of Dr. Francis' work centered on how the Arachnida Expedition anchored St. Augustine and the investments reflect community education within the Strategic Plan.

Commissioner Sikes-Kline added that the work helps to provide the historical record on the African American history.

Mayor Upchurch noted the importance of making the research accessible to the public.

Mr. Regan said staff was considering a digital interface at the VIC for the public to access.

Mayor Upchurch provided an update on the fountain maintenance and said the University of Florida would be joining the City in a contract to maintain the fountain.

Mr. Simpson reviewed the Historic Area Community Redevelopment Area (HACRA) revenue increase in

incremental tax of \$632,000 with the City's share being \$1,072,324 and a small surplus transferred to the General Fund.

Mr. Simpson stated the Lincolnville Community Redevelopment Agency's (LCRA) incremental taxes had risen to \$626,721 and expenditures were projected at \$1,600,000. He reviewed the City's transfer of \$1,010,037, the surplus carryover and the LCRA administrative transfer to the General Fund to cover overhead. He projected a surplus in FY 22 of \$225,000 and a balanced budget for FY 23.

Commissioner Sikes-Kline suggested the carry over of \$21,348 be set aside for exhibit updates at the VIC and noted this would tie into livability and quality of life for residents.

Mr. Regan said the University of Florida Exhibit was in storage and he did not believe they intended to bring it back. He discussed Artifact Loan Agreements with the University. He said it would be more appropriate to use VIC funds for the changing of exhibits.

Mayor Upchurch noted there were exhibits about St. Augustine at the University of Florida Library and he encouraged others to see the Vicker's Collection at the Governor's House.

Ms. Breidenstein commented on the use of HACRA surplus dollars and the importance of having a well-defined plan for how those dollars could be spent.

Commissioner Blonder asked for updates on the Back Bay Feasibility Study and progress on Lake Maria Sanchez.

Mr. Regan said a presentation would be scheduled for the Commission.

Commissioner Sikes-Kline asked about funding in Paving Program.

Mr. Simpson shared the funding was reduced from \$800,000 to \$600,000.

Ruben Franklin, Public Works Director explained the \$600,000 was for milling and resurfacing streets.

Mr. Regan said the inventory of milling and resurfacing had become smaller and given the difficulty obtaining asphalt, it may be difficult to spend \$600,000.

Mr. Franklin shared that the City had contracted with a company to film every street and provide a city-wide roadway assessment that would be presented to the Commission. He said the assessment would show roads that were in good condition and those that need paving.

Mayor Upchurch inquired about when the City would receive the title to King Street.

Mr. Franklin said he expected ownership in 2023.

Mayor Upchurch asked about the status and funding of the Preservation Institute of St. Augustine.

Mr. Regan said the Preservation Institute of St. Augustine was a functioning research facility and suggested arranging tours for the Commissioners. He said the City contributed \$15,000 a year to the Institute.

Commissioner Sikes-Kline noted her role on the Board of Advisors for the College of Design and Construction Planning Department of Historic Preservation at the University of Florida which oversaw the Preservation Institute. She suggested the City provide input on their Long-Term Management Plan for the Institute. She said it was a great educational program

for a small investment and allowed students to learn about historic construction materials.

Mayor Upchurch questioned the tangible benefits to the community at-large.

Mr. Regan shared that as an Advisor to the Program, he had asked the University of Florida to develop a much stronger technical resource program like the Institute of Food and Agricultural Science (IFAS).

Commissioner Sikes-Kline said the Preservation Institute was modeled after the Nantucket Preservation Institute and the two had a great partnership and collaboration.

Mr. Regan said he would ask the University of Florida to schedule presentations for the Commission.

Commissioner Sikes-Kline noted the excitement around the May Street Intersection Public Art Project.

Mr. Simpson said staff was requesting the use of approximately \$300,000 of reserves to equip the Police Department's Special Response Team with an updated armored personnel carrier called a Bear Cat.

Mr. Regan expressed the importance of the Bear Cat and how necessary this piece of equipment was for the Police Department.

Mayor Upchurch asked for a brief presentation on the Bear Cat for the Commission in the future.

Commissioner Sikes-Kline asked about the Smart St. Augustine Program and the expansion of partnerships on workforce housing and homelessness.

Mr. Regan confirmed that the homelessness programs were new, and

the Homelessness Strategic Plan represented a deeper commitment of the City to address the unsheltered homeless population. He said in late September staff would bring the first draft of the Plan and funding options to the Commission. He stated that he created an internal taskforce to work on the project and they had met with Dr. Savage from the Federal Government to understand the ten principles for dealing with the unsheltered population and federal and state funded financing options. He stated agency partners will have authorship of the Homelessness Strategic Plan.

Mayor Upchurch said there was a Continuum of Care organization under Flagler Hospital and their consideration of a merger partner was something to keep in mind.

Commissioner Sikes-Kline asked staff to look at areas outside the downtown core to include people living in alleys, woods, and wetlands.

Mayor Upchurch commended Mr. Simpson and Ms. Breidenstein for their work on the budget.

Mr. Grant shared that the City was awarded the Rebuilding American Infrastructure with Sustainability and Equity grant and funding would be available in July 2023.

Commissioner Sikes-Kline congratulated Mr. Grant and said NE Florida would be proud of the project.

Mayor Upchurch opened Public Comment, however, there were no comments.

4. Items by Mayor and Commissioners

Commissioner Blonder requested that staff provide the Commission with

specific progress made on the four elements of the Strategic Plan like the presentation made on the HACRA funds. Commissioner Sikes-Kline said she appreciated the emphasis on public safety to include Zoning, Code Enforcement, and Mobility which added to the quality of life for citizens.

5. Items by Staff

Mr. Regan shared his appreciation of the entire Commission.

6. Adjournment

There being no further business, the meeting was adjourned at 11:30 a.m.¹

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Colleen Kuhn

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 22, 2022

The City Commission met in formal session Monday, August 22, 2022, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Barbara Blonder, City Commissioner

Absent: John Valdes, City Commissioner (excused)

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Reuben Franklin, Director, Public Works
Jim Piggott, Director of General Services
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Colleen Kuhn, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Pitts from the Ancient City Baptist Church delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath **MOVED** to approve the Regular Agenda. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. Special Presentations, Recognitions and Proclamations

3.A. Eryn Russell, Ambassador for the Florida League of Cities, Inc. will present a proclamation to the City of St. Augustine in honor of the 200th anniversary of the City's incorporation to the United States.

Eryn Russell, Ambassador for the Florida League of Cities presented the Commission with the Proclamation in honor of the City of St. Augustine's 200th anniversary of incorporation into the United States. She recognized the City of St. Augustine would be celebrating its' 457th year as a City.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Jim Springfield
- Dwight Miller
- BJ Kaladai

Public comment closed

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON SEPTEMBER 12, 2022:

CA.3. Reminder of Upcoming Meetings:

- September 8, 2022, 5:05pm, Special Commission Meeting and public hearing for fiscal year 2023 budget and tentative millage rate adoption
- September 12, 2022, 5:00pm, City Commission Meeting
- September 22, 2022, 5:05pm, Special Commission Meeting and final public hearing for fiscal year 2023 budget and final millage rate adoption
- September 26, 2022, 5:00pm, City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- July 25, 2022, Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF

APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Approval of license for use of City right-of-way at 1600 Ponce de Leon Boulevard North for the installation, use and maintenance of the irrigation system. (R. Franklin, Director Public Works)

CA.9. Approval of the nomination of Greg White for the 2022 Order of La Florida Award. (T. Upchurch, Mayor)

CA.10. Invoice in the amount of \$2,520.00 from Cavendish Partners, P.A. for legal services in the Smith v. City of St. Augustine matter. (I. Lopez, City Attorney)

End Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION:

AYES: Sikes-Kline, Blonder, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2022-23: Regulates and posts idle speed - no wake zones. (IR. Thibault, Assistant City Attorney)

Isabell Lopez, City Attorney presented Ordinance 2022-23 which included affidavits from Mr. Franklin and Mr. Miller, photographs, and a Letter of Support from the Port Authority and the St. Augustine Chief of Police. She said the Ordinance would not be final until the Fish and Wildlife Conservation Commission had reviewed the Ordinance and found evidence of dangerous conditions warranting the Ordinance.

Public hearing was opened; however, there was no response.

MOTION

Commissioner Blonder **MOVED** to pass Ordinance 2022-23 on second reading, read by title only. The motion was **SECONDED** by Commissioner Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE CREATING SECTION 7-4 REGULATING AND POSTING IDLE SPEED-NO WAKE ZONES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Blonder, Sikes-Kline, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

10. Staff Reports and Presentations

10.A. Review of agreements between the City and St. Augustine Historical Tours, Inc. d/b/a Old Town Trolley Tours, for the upcoming Nights of Lights event. (J. Piggott, Director General Services)

Jim Piggott, Director of General Services reminded the Commission that during their January 10th meeting the Commission discussed the reduction of noise during the Nights of Lights. He said minor adjustments were made to the Extended Usage Agreement of the Visitors Information Center (VIC) and the Performance Contract used by Old Town Trolley and the St. Johns School District.

Mr. Piggott reviewed the following changes:

- The Usage Agreement would include tour departure announcements stating that shouting at pedestrians and other vehicles and playing musical percussion instruments were prohibited.
- Last load times:

Beginning at 5:30 p.m. on November 19th – January 8th

- Sunday – Thursday at 10:30 p.m.
- Friday and Saturday at 10:45 p.m.
- November 24th – 27th (Thanksgiving) at 10:45 p.m.
- December 22nd – January 3rd (St. Johns School District Christmas break) at 10:45 p.m.

Beginning at 5:30 p.m. on January 9th – January 31st

- Sunday – Thursday at 9:30 p.m.
- Friday and Saturday at 10:00 p.m.

John Regan, City Manager stated that when ambient noise in the City drops, impulse noise became disturbing. He said the last load times were helpful and staff would monitor noise levels and make further adjustments in the next year if needed. He clarified the last load time reflected departure from the VIC and returned around 11:30 p.m. He said that each year Agreements were renewed.

Commissioner Blonder asked if the Agreement could be enforced.

Mr. Regan stated there was little remedy for violations and he believed driver training was the more important element. Commissioner Blonder stated her concern about late load times and requested close monitoring by staff and that Trolley drivers should remind patrons to keep unnecessary noises down.

MOTION

Commissioner Horvath MOVED to approve the Usage Agreement for the Nights of Lights as presented. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION:

AYES: Horvath, Sikes-Kline, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

MOTION

Commissioner Sikes-Kline MOVED to approve the Performance Contract for the Nights of Lights as presented. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

14.A. Resilient First Coast Partner Agreement to work collaboratively to

make our region more resilient to extreme weather. (R. Horvath, Commissioner)

Commissioner Horvath reviewed the Agreement. She said she had been on the Board of the Northeast Florida Regional Council for about ten years. She stated the Council provided services to the region and began efforts to address issues of sea level rise and resiliency in 2014. She said in 2019, the Regional Resiliency Exposure Tool was released and allowed users to determine if resources in Southeast Florida were at risk for storm surge, flooding, and sea level rise. She stated the Council was qualified to manage the Coalition and would provide administrative support to the Regional Resiliency Collaboration. She said she had been selected to Chair the Collaboration and Jessica Beach, the City's Resiliency Manager, was selected as Vice Chair. She said it was a great opportunity to highlight the St. Augustine's work in this area and the City could learn from others and develop best practices. She invited Commissioners to attend meetings and noted there was a Resiliency Panel scheduled for September 15th.

MOTION

Commissioner Horvath MOVED to approve the Resilient First Coast Partner Agreement. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION:

AYES: Horvath, Blonder, Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch advised he had written two letters, one to Colonel Pruitt for his recognition by the Merchant Marines and a letter of condolence to Mayor Petroglou on death of her husband, James.

15. Adjournment

There being no further business, the meeting was adjourned at 5:41P.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Colleen Kuhn

CITY OF ST. AUGUSTINE

City Commission – Budget Meeting Thursday, September 8, 2022

The City Commission met in formal session Thursday, September 8, 2022, at 5:25 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call:

Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Reuben Franklin, Director, Public Works
Todd Grant, Director, Utilities
Jennifer Michaux, Police Chief
Colleen Kuhn, Recording Secretary

2. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- B.J. Kalaidi
- Meme Vreeland

3. Public Hearing – Consideration of Resolution 2022-26, increasing the water & sewer rates for the Fiscal Year 2022-2023 Budget.

Mark Simpson, Director of Financial Services, presented Resolution 2022-26 and said it increased utility rates for residential and commercial customers both inside and outside the City limits. He noted the following:

- 4% increase inside the City limits
- 1% decrease outside the City limits
- 4% increase in Utility Service fees

Mr. Simpson reviewed updates to the rate sheet which he provided to the Commission.

Mayor Upchurch opened the public hearing.

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2022-26. The motion was SECONDED by Commissioner Valdes.

Commissioner Blonder said that fully funding infrastructure was important and noted current issues with water in Jackson, Mississippi and prior water issues in Flint, Michigan that were a result of those jurisdictions trying to cut costs. She asked staff to examine the utility rate structure to balance user costs.

VOTE ON MOTION:

AYES: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

4. Public Hearing – Consideration of Resolution 2022-27, increasing the Stormwater fee for the Fiscal Year 2022-2023 Budget.

Mr. Simpson presented Resolution 2022-27 and said it increased monthly stormwater fees for both residential and non-residential customers from \$9.00 to \$9.82 for Single Family Units.

Mayor Upchurch opened the public hearing.

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2022-27. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION:

AYES: Sikes-Kline Upchurch, Blonder, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

5. Public Hearing – Consideration of Resolution 2022-28, increasing the fees for solid waste disposal for the Fiscal Year 2022-2023 Budget.

Mr. Simpson presented Resolution 2022-28 and said it increased solid waste rates from \$22.44 to \$27.44 for residential customers and increased rates for construction, demolition, yard debris, and other types of services.

Mayor Upchurch opened the public hearing.

B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2022-28. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Public Hearing – Consideration of Resolution 2022-29, establishing the tentative millage rate for the Fiscal Year 2022-2023 Budget.

Mr. Simpson presented Resolution 2022-29 and said it established the tentative millage rate at 7.5 mills which represented an increase in the roll-back rate of 6.6168 mills of 13.35%. He said revenues would cover the cost of items discussed at the Commission's Budget Workshop.

Mayor Upchurch opened the public hearing.

- Jim Springfield
- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2022-29, read in its entirety and moved to second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read Resolution 2022-29 in its entirety:

RESOLUTION 2022-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE

**TENTATIVE LEVY OF AD VALOREM
TAXES FOR FISCAL YEAR 2022-2023.**

WHEREAS, the City Commission of the City of St. Augustine, Florida has conducted a public hearing on its tentative millage rate of 7.500 mills and has determined its rolled back rate is 6.6168 mills as required by Florida Statute 200.065;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine, Florida that:

The Fiscal Year 2022-2023 tentative millage rate of the City of St. Augustine, Florida is 7.500 mills which represents an increase in the rolled-back rate of 6.6168 mills of 13.35 percent.

VOTE ON MOTION:

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

**7. Public Hearing – First Reading –
Consideration of Ordinance 2022-27,
establishing the proposed budget for
Fiscal Year 2022-2023 and five-year
Capital Improvement Plan.**

Mr. Simpson presented Ordinance 2022-27 and stated it contained the proposed budget for FY 2022-2023 for all Funds. He said that during the Commission's Budget Workshop there was a question about a Planning and Building project that he wanted to answer. He clarified the Land Development Code updates applied to the Environmental Protection Chapter of the Code, and created a Resilient Shoreline Ordinance; a project sponsored by Commissioner Blonder.

Public Hearing was opened; however, there was no response.

MOTION

**Commissioner Sikes-Kline MOVED to
approve Ordinance 2022-27, read in its**

**entirety and moved to second reading.
The motion was SECONDED by Mayor
Upchurch.**

Ms. Lopez read Ordinance 2022-27 in its entirety:

ORDINANCE NO. 2022-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RATIFYING, APPROVING AND ADOPTING THE ANNUAL BUDGET OR BUDGET ESTIMATES OF REVENUES AND EXPENDITURES FOR THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA AS FOLLOWS:

Section 1. The annual budget estimates of revenues and expenditures of the City of St. Augustine, Florida for the Fiscal Year 2022-2023, as prepared, amended and submitted to the City Commission of the City of St. Augustine, Florida by the City Manager, as considered and acted upon by said City Commission, under and by authority of the Charter of said City and the Laws of Florida, are hereby ratified, approved and adopted by the City Commission of said City, and the amounts of money set forth therein are hereby appropriated.

Section 2. The said budget of revenues and expenditures adopted for the ensuing Fiscal Year 2022-2023 shall be spread in full upon the minutes of the City Commission.

Section 3. The appropriations within an activity or sub-activity for Fiscal Year 2021-2022 and Fiscal Year 2022-2023 may be transferred within by the City Manager for

the purpose of equalization, when necessary.

Section 4. All funds for the current Fiscal Year 2021-2022 and budgeted Fiscal Year 2022-2023 may over-expend adopted budgets to the extent that actual revenues exceed the adopted budget. Page 15 of 29

Section 5. All unencumbered appropriations, except for special projects or commitments, be and are canceled as of September 30, 2022, and the City Director of Finance is directed to transfer all appropriation credit balances to unappropriated surplus and place to the credit of all appropriation accounts which show a debit balance for the Fiscal Year 2021-2022 an amount from unappropriated surplus to balance same and to close all such accounts for the Fiscal Year 2021-2022.

Section 6. If any provisions of this Ordinance, or the application thereof to any person or circumstances, are held invalid, such invalidity shall not affect other provisions or applications of the Ordinances which can be given effect without this invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective upon passage.

VOTE ON MOTION:

AYES: Sikes-Kline, Upchurch, Blonder, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

8. Staff Reports and Presentations

None

9. ITEMS BY CITY ATTORNEY

None

10. ITEMS BY CITY CLERK

None

11. ITEMS BY CITY MANAGER

None

12. Items by Mayor and Commissioners

None

13. Adjournment

There being no further business, the meeting was adjourned at 5:52 P.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Colleen Kuhn

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

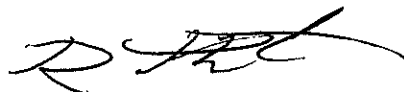
DATE: September 7, 2022

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 2855 N. FIFTH STREET**

Enclosed is a Satisfaction and Release of Mortgage for 2855 N. Fifth Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Clayton Weaver. The mortgage was recorded in the Public Records of St. Johns County on October 18, 2017. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the September 26, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

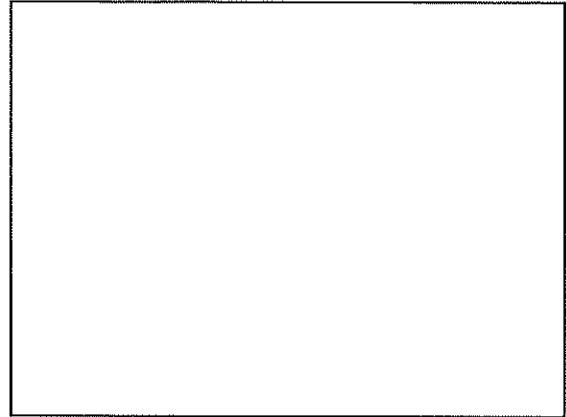


Richard K. Thibault
Assistant City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **CLAYTON WEAVER**, whose address is 2855 N. Fifth Street, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated October 4, 2017, recorded at Official Records Book 4450, Page 677, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4450, Page 677, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this ____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☒ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOTS 23 AND 25, BLOCK 5, PONCE DE LEON HEIGHTS, UNIT NO. ONE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 3, PAGE 73, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 085270-0000

LOCATION ADDRESS: 2855 N. FIFTH STREET, ST. AUGUSTINE, FLORIDA 32084

**UNIT CONNECTION FEE
MORTGAGE**

Public Records of St. Johns County,
Clerk number: 2017070760
BK: 4450 PG: 677
10/18/2017 11:55 AM
Recording \$61.00
Doc M: \$9.80
Int. Tax \$5.57

THIS MORTGAGE, by and between **Clayton Weaver** whose address is 2855 N. Fifth Street St. Augustine, FL 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of \$28.68 for 120 months, with the first payment due November 15, 2017

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 4th day of October, 2017.

Signed, sealed and delivered in the presence of:

Maxwell Moulton
Witness
Printed Name: Maxwell Moulton

Elise Hunter
Witness
Printed Name: ELISE HUNTER

BY: Clayton Weaver
(Printed Name) Clayton Weaver
(Address) 2855 N. Fifth Street.
(Telephone) 904-824-7755

* * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * *

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Clayton Weaver**, who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 4th day of October, 2017.

Maxwell J. Moulton
Notary Public, State of Florida

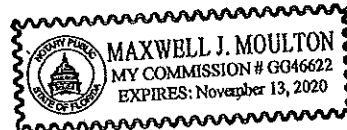


Exhibit "A"

LEGAL DESCRIPTION

LOTS 23 AND 25, BLOCK 5, PONCE DE LEON HEIGHTS, UNIT NO. ONE,
ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 3, PAGE 73,
PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Strap: 0852700000

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Clayton Weaver
ADDRESS: 2855 N. Fifth Street
St. Augustine, FL 32084

\$2,785.80

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **2855 N. Fifth Street St. Augustine, FL 32084**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **2,785.80 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **4.36 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **28.68 Dollars**, commencing on **November 15, 2017** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered dated as of October 4, 2017, in the presence of:

Maxwell Moulton
Witness
Printed Name: Maxwell Moulton

Elise Hunter
Witness
Printed Name: ELISE HUNTER

BY: Clayton Weaver
(Printed Name) Clayton Weaver
(Address) 2855 N. Fifth Street.
(Telephone) 904-824-7755

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

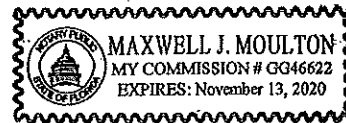
STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Clayton Weaver**, who is personally known to me or who has produced FL Drivers License as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 4th day of October, 2017.

Maxwell J. Moulton
Notary Public, State of Florida



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 16, 2022

RE: **SATISFACTION AND RELEASE OF MORTGAGE LIEN – 76 LINCOLN STREET**

Enclosed is a Satisfaction and Release of Mortgage Lien for 76 Lincoln Street, regarding the Security Agreement / Mortgage Lien executed between the City of St. Augustine Community Redevelopment Agency, the City of St. Augustine, and John Fichtel. The mortgage was recorded in the Public Records of St. Johns County on February 4, 2021. A copy of the Security Agreement / Mortgage Lien is enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage Lien on the consent agenda for consideration and execution at the September 26, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

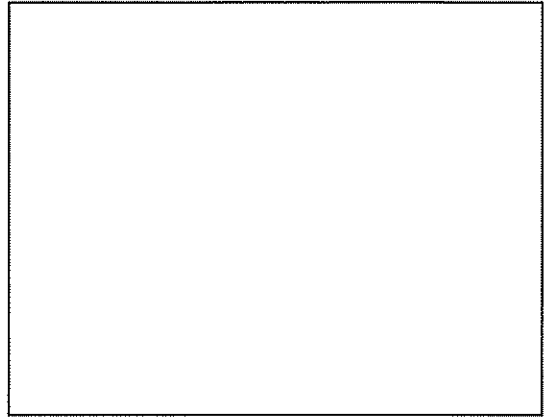


Richard K. Thibault
Assistant City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision
and direction of Isabelle C. Lopez, City Attorney,
P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND RELEASE OF
MORTGAGE LIEN**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **JOHN FICHTEL**, whose address is 76 Lincoln Street, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Security Agreement / Mortgage Lien," executed between the parties and dated February 4, 2021, recorded at Official Records Book 5171, Page 584, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and such obligations related to said document have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I **HEREBY CERTIFY** that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

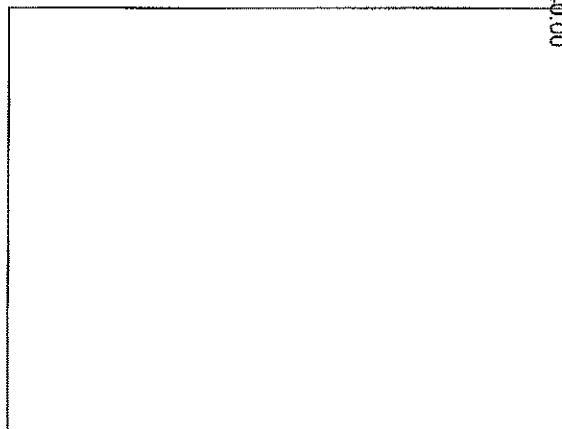
LEGAL DESCRIPTION: LOT 4, BLOCK B, GENOVAR'S ADDITION TO THE CITY, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 209540-0000

LOCATION ADDRESS: 76 LINCOLN STREET, ST. AUGUSTINE, FLORIDA 32084

This instrument was prepared under the direction
and supervision of Isabelle C. Lopez, City Attorney,
P.O. Box 210, St. Augustine, Florida 32085

**UNDER THE CITY OF ST. AUGUSTINE
EMERGENCY ASSISTANCE
REHABILITATION PROGRAM**



SECURITY AGREEMENT / MORTGAGE LIEN

THIS INDENTURE, made this 4th day of February, 2021,
between John Fichtel, whose mailing address is 76 Lincoln ST St. Augustine, FL 32084 and
whose street address of the property described below is

Lot 4, Block B, GENOVAR'S ADDITION TO THE CITY, according to the official map of the City
of St. Augustine, of the public records of St. Johns County, Florida.

hereinafter referred to as "OWNER" (OWNER refers to singular or plural as the context
requires), and the CITY OF ST. AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY
(hereinafter referred to as "CRA") and the CITY OF ST. AUGUSTINE, FLORIDA (hereinafter
referred to as "CITY").

WITNESSETH:

WHEREAS, the CITY through its St. Augustine Community Redevelopment Agency
(CRA) has made available to OWNER under its Emergency Assistance Rehabilitation
Program, funds to be used for housing repair, primarily to encourage continued
homeownership for very-low, low, or moderate-income participants within the Lincolnville
Community Redevelopment Area; and

WHEREAS, the parties hereto wish to preclude speculation and windfall profits from
the sales of properties assisted with such funds.

NOW, THEREFORE, in consideration of the provision of financial assistance to the
OWNER for housing repairs and/or rehabilitation assistance on the property hereinafter
described subject to the terms and conditions hereinafter provided, the OWNER has
mortgaged, granted, and conveyed to CITY the land situate, lying and being in the County of
St. Johns, City of St. Augustine, State of Florida, described in EXHIBIT "A" attached hereto
and incorporated herein, hereinafter referred to as "PROPERTY", together with all
improvements, replacements, and additions now or hereafter erected on the PROPERTY,
and all easements, appurtenances, and fixtures now or hereafter a part of the PROPERTY,
the said OWNER does hereby fully warrant the title to said PROPERTY and will defend the
same against the lawful claims of all persons whomsoever.

SUBJECT, HOWEVER, to the following terms and conditions each of which the
OWNER hereby accepts and agrees to:

1. CRA/CITY Emergency Assistance Rehabilitation Program funds, described in EXHIBIT "B" attached hereto and incorporated herein, have been provided to or for the benefit of the OWNER to assist in the rehabilitation of the PROPERTY, the receipt whereof is hereby acknowledged by OWNER.
2. OWNER agrees that OWNER occupies and shall occupy the PROPERTY as his or her principal and primary place of residence for a period of at least ten (10) years from the date of this document.
3. For a period of ten (10) years from the date of this document, if the PROPERTY shall be sold, refinanced, or transferred, or in the event of the owner's death, the OWNER, or OWNER'S estate, shall repay to the CRA/CITY the financial assistance provided to OWNER under the CRA/CITY Emergency Assistance Rehabilitation Program immediately upon the sale, refinance, or transfer of the PROPERTY.
4. Paragraph 3 of this agreement regarding transfer of the subject PROPERTY shall not apply to a transfer from the OWNER to the OWNER'S spouse or ex-spouse pursuant to a court order as part of a divorce action; but if transferred to an OWNER'S spouse or ex-spouse, the agreements contained herein shall run with title to the land and, thereafter, be applicable to any transfer made by the OWNER'S said spouse or ex-spouse.
5. OWNER understands and agrees that this agreement shall be recorded in the office of the Clerk of the Circuit Court in and for St. Johns County, Florida, and its obligations thereof shall run with title to the PROPERTY and shall encumber and burden title to the PROPERTY.
6. THE OWNER UNDERSTANDS AND AGREES THAT THIS INSTRUMENT SHALL PLACE A MORTGAGE LIEN UPON OWNER PROPERTY DESCRIBED HEREIN ABOVE AND THIS AGREEMENT SHALL BE BINDING UPON THE HEIRS, DEVISEES, SUCCESSORS, AND ASSIGNS OF THE OWNER.
7. In any instance where OWNER endeavors to refinance existing or obtain new mortgage(s) that are being secured by the PROPERTY, this Security Agreement may NOT be subordinated, unless agreed to in writing by the CRA/CITY.
8. The OWNER further understands and agrees that any benefit received by OWNER as a result of false or misleading information submitted to CRA/CITY or its independent contractors shall be paid back to the CRA/CITY by the OWNER immediately upon discovery of same.
9. All obligations and conditions herein that are applicable to OWNER are secured by this mortgage lien PROVIDED that if the OWNER shall meet or pay all obligations described herein and in the COVENANT and shall comply with all conditions and perform all agreements set forth herein, then this mortgage lien and the estate hereby created shall cease and be null and void after a period of ten (10) years from the date of this document.

IN WITNESS WHEREOF, OWNER has executed this instrument under seal on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Kaitlyn Arbuckle
Witness

Print: Kaitlyn Arbuckle

Tawny Kern
Witness

Print: Tawny Kern

"OWNER"

John L. Fichtel
Signature

Print: JOHN L. FICHTEL

Title: OWNER

STATE OF FLORIDA
COUNTY OF St. Johns

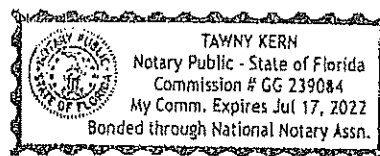
I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, John Fichtel, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced F-234-472-52-341-0 as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 4th day of February, 2021

Tawny Kern
Notary Public, State of Florida

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CITY ATTORNEY



TO REIMBURSE THE CRA/CITY FOR THE NO-INTEREST LOAN AND TO CLEAR THE TITLE OF THIS LIEN, CONTACT CITY OF ST. AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY. CASHIER'S CHECK OR MONEY ORDER SHOULD BE MADE PAYABLE TO CITY OF ST. AUGUSTINE, FLORIDA FOR REPAYMENT OF THE CITY OF ST. AUGUSTINE CRA EMERGENCY ASSISTANCE REHABILITATION PROGRAM LIEN.

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 4, Block B, GENOVAR'S ADDITION TO THE CITY, according to the official map of the City of St. Augustine, of the public records of St. Johns County, Florida.

EXHIBIT "B"

EMERGENCY ASSISTANCE REHABILITATION PROGRAM FUNDS ALLOCATED

Fix It Up LCRA Grant Program-Scope of Work

Tree Trimming	
Item	Cost
Trim all limbs overhanging the roof and remove all vines attached to the house on the left side.	\$400.00
Total Cost	\$400.00

Roof	
Item	Cost
Remove the existing roof down to the plywood. Replace all damaged plywood and re nail to code. Install a code compliant underlayment and 29 gauge metal. Metal to carry a 25 year warranty and workmanship to carry a seven year warranty. Subcontractor responsible for all permitting. Remove all the debris from the jobsite and magnetically sweep for fasteners. Remove the damaged fascia at the back of the house on the right side of the chimney approximately 5 lf and replace with 2x6. Prime and paint this repair to match existing as close as possible.	\$12,760.00
Total Cost	\$12,760.00

Carpentry	
Item	Cost
1. Seal around the sides of the chimney at the back of the home with foam and 1x4. Prime and paint this 1x4 to match existing trim as close as possible.	\$550.00
2. Remove the bottom 2 rows of siding around the perimeter of the home and install 6" novelty siding. Prime and paint this repair to match existing siding as close as possible.	\$1450.00
3. Remove the existing railing at the front steps and construct pressure treated rails. This repair will not be painted.	\$435.00
4. Install a set of steps and rails at the back porch. To be built out of pressure treated lumber. This repair will not be painted.	\$625.00
5. Replace the damaged corner boards at the back of the house (8) and install 1x4 primed and painted.	\$575.00
6. Remove and replace the door trim at the front entry with 1 x6. Prime and paint these boards to match existing as close as possible.	\$350.00
7. Remove the damaged plaster at the chimney area of the wall in the upstairs bedroom. Repair this area approximately 62 square feet with ½" drywall. Prime and paint this repair to match wall color as close as possible.	\$1085.00
	\$735.00

8. Prime and paint the entire ceiling in bedroom #1 white, approximately 166 sq	\$835.00
9. Remove the damaged ceiling in the upstairs bedroom #2 and repair with ½" drywall, approximately 8 square feet. Prime and paint the entire ceiling white, approximately 166 sq feet.	
Total Cost	\$6640.00

Trash	
Item	Cost
Remove the trash from the jobsite and dispose of properly	\$200.00
Total Cost	\$200.00
Total COSA Lien	\$20,000.00

Note: If cost estimate changes or is inaccurate, causing monies to be remaining or needing to be added (not to exceed \$20,000.00) following repairs, the COSA lien will be updated to reflect accurate cost and/or the scope of work will be updated by way of change order to complete additional property repairs. All changes will be reviewed and approved or denied by COSA staff.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

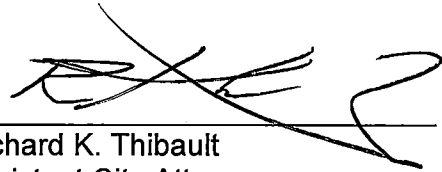
DATE: September 16, 2022

RE: **ORDER RELEASING CODE ENFORCEMENT LIEN: 47 ABBOT STREET**

Please find enclosed an Order Releasing Lien for 47 Abbot Street, owned by George A. Allen. This release reflects the previously outstanding Code Enforcement lien levied against this property. The outstanding balance of \$63,500.00 has been paid in full.

Please place this Order Releasing Lien on the consent agenda for consideration and execution at the September 26, 2022 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.



Richard K. Thibault
Assistant City Attorney

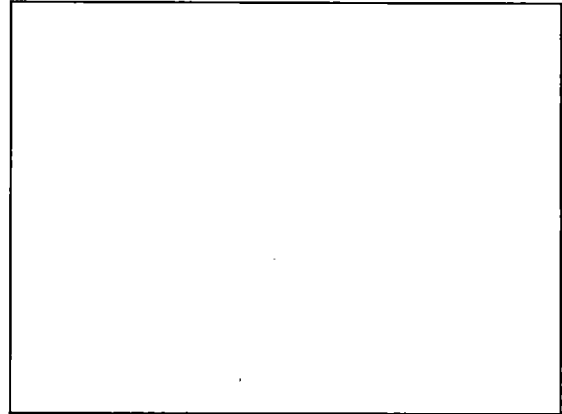
/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)
Meredith Breidenstein, Assistant Cit Manager
Amy Skinner, Planning & Building Director
Isabelle C. Lopez, City Attorney

Agenda Title:

Order Releasing the Code Enforcement lien levied against 47 Abbott Street as paid in full.

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085



SATISFACTION AND RELEASE OF LIEN

CEAAB CASE NO. 2019-0314

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "lienor"), in consideration of full payment of the lien in case number 2019-0314, hereby releases **GEORGE A. ALLEN**, whose address is 47 Abbott Street, St. Augustine, Florida 32084, their heirs, assigns or successors in title (hereinafter referred to as "lienee"), from the lien dated March 18, 2020, recorded at Official Records Book 4904, Page 1467, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Lienor hereby releases the Code Enforcement lien recorded at Official Record Book 4904, Page 1467, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this ____ day of _____, 2022.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk

(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2022.

Notary Public, State of Florida
(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: **ABBOT TRACT CITY LOT 5 BLK G OR652/1670 &
653/1800 (ORDER OF FAMILY ADMIN)**

PARCEL ID NUMBER: **195290-0000**

LOCATION ADDRESS: **47 ABBOTT STREET, ST. AUGUSTINE, FLORIDA 32084**

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

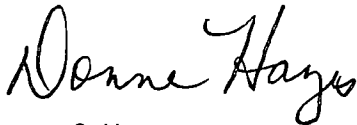
DATE: September 15, 2022

RE: Memorandum of Understanding

The attached is the signed memorandum of understanding (MOU) agreement between the City of St. Augustine and the Professional Firefighters of St. Augustine. This MOU modifies Articles 15 and 18, holidays and vacation. Specifically, the MOU officially adds the Juneteenth holiday and adjusts their vacation accruals to reflect the additional holiday and revised accrual schedule. The MOU needs to be ratified by the Commission.

Please add this to the consent agenda for the City Commission meeting on the September 26th for approval.

As always, please do not hesitate to contact me if you have any questions.



Donna S. Hayes
Human Resources Director

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the City of St. Augustine (City) and the Professional Firefighters of St. Augustine, Local No. 2282 (Union). The parties agree as follows:

1. Article 15 will be modified to add the Juneteenth holiday.
2. Article 18, bi-weekly vacation accrual rates will be modified to reflect the additional holiday and revised accrual schedule per the following:

<u>Months of</u>				
<u>Service</u>	<u>Vacation</u>	<u>Holiday</u>	<u>Total</u>	<u>Annual</u>
0-60	4.6154	5.2	9.8154	120.0
61-72	6.0000	5.2	11.2000	156.0
73 - 84	6.3461	5.2	11.5461	165.0
85 - 96	6.6923	5.2	11.8923	174.0
97 - 108	7.0384	5.2	12.2384	183.0
109 -132	7.3846	5.2	12.5846	192.0
133 - 157	7.8461	5.2	13.0461	204.0
158 - 181	8.3076	5.2	13.5076	216.0
182 - 204	8.7692	5.2	13.9692	228.0
205 - 216	9.2308	5.2	14.4308	240.0
217 - 228	9.6923	5.2	14.8923	252.0
229 +	10.1538	5.2	15.3538	264.0

3. The maximum accrual will increase by 11.2 hours per year.
4. This Memorandum of Understanding shall be subject to ratification by both the bargaining unit members and the City Commission.

CITY OF ST. AUGUSTINE

PROFESSIONAL FIREFIGHTERS OF
ST. AUGUSTINE, LOCAL 2282

John P. Regan, for the City

Joshua McKenzie, for the Union
President, Local 2282

Date

Date

Subject to ratification by the City of St. Augustine City Commission
RATIFIED BY THE CITY COMMISSION

Darlene Galambos, City Clerk

Date: _____

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan
City Manager

DATE: September 15, 2022

RE: Ratification of Revised Collective Bargaining Agreement

The attached is the signed revised collective bargaining agreement between the City of St. Augustine and the Coastal Florida Police Benevolent Association. The bargaining unit members approved the agreement changes to the previously ratified contract that covers a 3-year period from October 1, 2022 until September 30, 2025. The changes are to Articles 11 and 14. Specifically, we clarified when overtime will be paid due to mandatory training and eliminated the scheduled hours for officers working in investigations. The revised contract needs to be ratified by the Commission.

Please add this to the consent agenda for the City Commission meeting on September 26th for approval.

As always, please do not hesitate to contact me if you have any questions.



Donna S. Hayes
Human Resources Director

ARTICLE 11

OVERTIME

Section 1

The City elects to operate under 29 U.S.C. Section 207(k) of the Fair Labor Standards Act by establishing a fourteen (14) calendar day work period. The normal payroll week will begin at 12:01 a.m. Tuesday morning and will continue for 336 hours, which is fourteen (14) calendar days. The normal pay period will be two consecutive pay weeks. The normal work period will be eighty (80) scheduled hours during a pay period, exclusive of meal breaks.

Section 2

All work performed in excess of eighty (80) hours in any one pay period shall be paid for at the rate of one and one-half times the employee's regular rate of pay. It is the intent of the City that each employee takes a 30-minute meal break each day in accordance with Article 10, Section 6.

Section 3

Any police officer required by the City to attend any court, court conference, or other related proceedings, as a witness, or in any other capacity, other than jury duty, for, or on behalf of the City or State, at any time other than during a regular tour of duty, shall be compensated at a rate of one and one-half (1½) times the employee's regular hourly pay for a minimum of two (2) hours. Compensation received from the court may be retained by the officer in lieu of City

compensation. A form attesting to the required attendance must be provided by the employee to the Police Department. Five dollars (\$5.00) (or the current Florida statutorily authorized fee) will be deducted from the employee's pay for each day of required court attendance.

Section 4

Any police officer required to return to work by a Sergeant or a superior officer after having left the station at the completion of his regular shift shall be paid at the time and one-half rate for a minimum of two (2) hours.

Section 5

Any off-duty police officer required to "stand-by" awaiting a call of duty shall be paid for all "stand-by" time at rates provided in Section 1 and Section 2. Police officers who are required to keep the Department notified of their whereabouts but are not required to remain at a specified location, shall not be compensated for such time.

Section 6

All hours of required attendance at training and out of town travel (more than fifteen (15) miles) to and from training will be treated as time worked for pay purposes and paid as provided in Sections 1 and 2. Time spent out of town at training conferences not in actual training (sleeping, eating or other time not actually in class) will not be counted as time worked for pay purposes, provided that if the required attendance is on a regular work day, the employee shall be paid for either the normal number of hours the employee is regularly scheduled to work on that day or the

hours in actual training, whichever is greater. Authorized lodging, meals and travel expenses consistent with City policy in effect at the time the travel occurs will also be paid.

If an employee volunteers to attend an out-of-town training conference, and is permitted to attend by the Chief, if the attendance is on the employee's scheduled workday, the employee will be paid for the regular eight (8) hours he/she would have worked on that day. No other pay for those who volunteer to attend training will be paid.

If an employee is required to attend mandatory training, which is not for certification purposes and they have not worked the required 80-hours in the pay period as provided in Section 1 and 2, the employee shall be compensated at a rate of one and one-half (1½) times the employee's regular hourly pay, if their leave was scheduled and approved more than 30 days prior to the training being scheduled.

Section 7

Time paid for, but not worked, such as sick leave, leave without pay and military leave shall not be counted in determining overtime.

If an officer is required to work hours into a second consecutive shift for the purposes of meeting minimum manning levels as set forth from time to time by the Employer, the officer will be paid at the rate of one and one-half (1½) times the officer's regular rate of pay regardless of whether the employee has worked 80 hours in the pay period.

ARTICLE 14

WAGES

Section 1

- A. For the terms of this agreement, full-time bargaining unit employees shall receive the following, effective the first full pay period in October:
1. For fiscal year 2023, bargaining unit employees will receive an eight percent (8%) general wage increase.
 2. For fiscal year 2024 and 2025, a general wage increase, if any, shall be the same as that given to City employees not in a bargaining unit.
- B. Full-time, non-probationary employees shall be entitled to merit step increases as set forth in Section 4 of this Article.

Section 2

All bargaining unit employees hired on or after October 1, 2019 will receive the entry-level pay set forth in Appendix A. Upon completion of probation, on the first full pay period following the first anniversary date of employment, the employee will automatically receive a three-step increase. On first full pay period following the second anniversary date of employment, the employee will automatically receive an additional two step increase. New employees will not be eligible for the merit step increase on the contract anniversary date until after one (1) full year of employment. All pay increases after the first and second anniversary dates will be based on merit.

Section 3

Additional steps for receiving a college degree(s).

An education supplement as hereinafter set forth, will be paid to employees hired on or after October 1, 2019, or for officers attaining advanced degrees as hereinafter set forth:

- | | | |
|----|--|---|
| a) | AA (2 year) degree from accredited college | 4 steps |
| b) | BA/BS (4 year) degree from an accredited college | 4 steps
(8 steps if AA degree
not attained) |
| c) | MA (or any equivalent advanced degree) from
an accredited college | 2 steps |

The education steps will be added to the employee's pay upon completion of field training. No employee can exceed Step 40. Sergeants will only be eligible for 4 steps for obtaining a BA/BS degree or 2 steps for master's degree. The increase will be effective the first full pay period following submission of a copy of the degree or other verifiable information showing that a degree has been awarded.

An employee promoted to Corporal or Sergeant will be placed into the new pay range based on their base wage without educational steps. Once the employee has been placed into the new pay grade as outlined in Section 7, their educational steps will be reapplied.

Section 4

Prior to October 1st, the City will evaluate each full-time regular non-probationary Officers in the bargaining units and all employees who have completed at least sixty days in rank of service by August 31st. Officers receiving an evaluation rating of meets or exceeds expectations will receive a merit step increase. For October 2023, bargaining unit members receiving a meets expectation or exceeds expectations will receive a 2-step merit increase. For October 2024 and 2025, the number of steps received will be the same as the average given to City employees not

in the bargaining unit and as defined by the fiscal budget approval process, but not less than 1 step for meets expectations or 2 steps for exceeds expectations.

Officers promoted with less than sixty days in rank as of August 31st will be evaluated and receive merit step increases as outlined in City policy 7.8.

Officers who have reached step 40 or Sergeants who have reached step 30 will receive a lump sum bonus per City Policy 8.2.7.

Section 5

No police officer or Corporal, as a result of automatic step increases, merit step increases, or an educational incentive will exceed the rate for Step 40 of the employee's pay grade. No Sergeant as a result of automatic or merit step increases will exceed Step 30 of the Sergeant's pay grade. The pay grade and step summary for officers is attached as Appendix A; the pay grade and step summary for Corporals is attached as Appendix B; the pay grade and step summary for Sergeants is attached as Appendix C.

Section 6

At the expiration of this agreement on September 30, 2025 and thereafter, there will be no continuation of any increases provided under this Article, unless a new contract is ratified by both parties on or before October 1, 2025, or unless the parties mutually agree in reopener negotiations to extend the contract beyond October 1, 2025.

Section 7

- A. If the promoted employee's current salary is above Step 1 of the new pay range, the employee will first be slotted into the new pay range. The employee's salary will then be

rounded up to the nearest step in the pay range. The employee's salary will then be adjusted five (5) full steps above where the employee had been placed as a result of rounding and placed on step in the pay range. The intent of this paragraph is that an employee will receive a minimum of five (5%) percent per promotion; or

- B. If the promoted employee's current pay is below Step 1, the employee will receive Step 1 of the Corporal or Sergeant pay range, as applicable, provided that the minimum of the new pay range is at least five (5%) percent higher than the employee's pay prior to promotion.

Section 8

Officers assigned as Field Training Officers (FTO) will receive \$3.00 per hour for all hours assigned to and working as an FTO, and when attending required meetings of Field Training Officers. Officers shall be assigned FTO responsibilities at the discretion of the Chief.

Section 9

Officers certified as Instructors will receive \$3.00 per hour for all hours assigned to and working as an Instructor. Officers shall be assigned Instructor responsibilities at the discretion of the Chief.

Section 10

When recruiting qualified applicants for positions which require state licensure/certification or a professional designation becomes difficult due to the established starting salary for the position, the City Manager may authorize step increases for related, qualified experience. The step increase allowance applied will be one (1) step for every four (4)

years of qualifying experience with employment outside of the City of St. Augustine. Qualifying experience means all years in which the individual worked in a position that required, and the individual simultaneously held, the licensure/certification or professional designation.

Section 11

Officers assigned to detective status ~~will work either five 8-hour shifts or four 10-hour shifts at the discretion of the Police Chief and~~ will receive a one-time 2-step increase added to their base pay while assigned to the Investigation Unit. Officers who remain in the Investigation Unit for 12-months or more will retain the 2-step increase upon leaving the unit but will not be eligible for the increase at later date if reassigned to the unit. Assignment of detectives to shifts will be made by the Police Chief to ensure adequate manpower coverage. However, no officer shall be removed from the unit during the initial 12-month period solely to avoid maintaining the higher pay incentive.

Officers previously assigned to the Investigation Unit for more than 12-months will receive a 2-step increase effective October 2022. Officers or Sergeants who have reached the maximum step in their pay grade will be eligible for an additional one-time 1% annual lump sum payment in coordination with City Policy 8.2.7.

Section 12

The City will pay an incentive of \$50.00 per month (\$25.00 per pay for twenty-four pays per year) for participation on the Special Response Team (SRT), Traffic Homicide Investigations (THI), Meth Team, and Mobile Response Unit. Pay will begin the pay period following notification to the Human Resources Division. The City will have no responsibility for retroactive pay to employees who do not notify Human Resources in a timely fashion. The maximum number of

employees per team or unit defined above will be 12 for SRT, 6 for THI, 4 for Meth, and 6 for Mobile Response. Employees will be limited to 2 teams/unit incentives at a time.

Section 13

Effective October 1, 2022, the City will pay \$50.00 per week for a maximum of three Officers (two for THI and one from investigations), the Public Information Officer, and the Investigation Sergeant or designee assigned to on call duty. Officers will only be eligible for a maximum of \$50 per week regardless of which on call duties they are assigned to.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: September 16, 2022

RE: Consent Agenda Item - Financial Update

Attached are the unaudited monthly financial statements for Commission review for the period ending August 31, 2022. The statements are in the form of an income statement and include current year budget and current year-to-date actuals, with previous year-to-date actuals for comparison purposes.

If you have any questions about the attached statements or any other financial matter, please do not hesitate to contact me.



Mark E. Simpson, CPA
Deputy Finance Director

Attachments

cc: D. Galambos, City Clerk

General Fund

Current Year and Prior Year to Date for Period Ending August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Ad Valorem Taxes	15,661,422	15,474,182	101%	14,568,250	14,419,101	101%
Local Option Gas Tax	436,716	474,703	92%	441,731	422,380	105%
Insurance Premiums	200,389	436,905	46%	520,093	436,905	119%
Utility Taxes	2,285,855	2,300,000	99%	2,070,994	2,251,000	92%
Grants	105,064	548,064	19%	1,545,954	5,236	29525%
Intergovernmental	2,128,142	2,329,168	91%	2,158,048	1,970,521	110%
Franchise Fees	2,044,471	1,731,000	118%	1,609,465	1,580,998	102%
Licenses, Permits & Other Fees	6,099,911	5,380,854	113%	5,257,760	5,121,061	103%
Fines and Forfeitures	247,565	291,000	85%	363,754	357,379	102%
Administrative Overhead	3,770,141	4,159,429	91%	3,854,740	4,061,187	95%
Investment Income	150,031	20,420	735%	224,538	360,000	62%
Miscellaneous	2,293,397	2,335,263	98%	1,835,393	1,760,492	104%
Total Operating Revenue	35,423,104	35,480,988	100%	34,450,719	32,746,260	105%
<u>Operating Expenses</u>						
General Government	7,461,940	9,568,926	78%	6,391,680	8,341,001	77%
Public Safety	11,571,093	13,342,487	87%	10,989,662	12,768,917	86%
Physical Environment	3,003,464	4,049,689	74%	2,835,362	3,634,850	78%
Transportation	3,516,175	5,251,623	67%	3,339,889	4,307,380	78%
Culture and Recreation	1,399,589	2,085,935	67%	1,314,891	1,790,386	73%
Capital Outlays						
Land	60,000	60,000	100%			
Buildings	123,073	257,417	48%	-	173,000	0%
Infrastructure Improvements	143,465	1,691,717	8%	599,173	879,066	68%
Machinery & Equipment	1,711,806	2,384,732	72%	772,978	1,053,661	73%
Total Operating Expenses	28,990,606	38,692,526		26,243,634	32,948,260	
<u>Transfers In/ (Out)</u>						
Transfers In	2,470,366	7,033,525	35%	4,487,424	4,895,371	92%
Transfers Out	(2,190,337)	(3,821,987)	57%	(4,302,257)	(4,693,371)	92%
Total Transfers In/ (Out)	280,028	3,211,538		185,167	202,000	
	\$ 6,712,527	\$ 0.00		\$ 8,392,252	\$ (0.00)	

Utility Fund

Current Year and Prior Year to Date for Period Ending August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Water User Fees	9,367,497	9,522,000	98%	8,508,415	9,090,000	94%
Sewer User Fees	8,862,568	8,887,200	100%	8,256,715	8,400,000	98%
Construction & Connection Fees	4,651,193	1,701,000	273%	2,323,161	2,035,000	114%
Other	792,499	489,000	162%	545,598	456,157	120%
Total Operating Revenue	23,673,757	20,599,200		19,633,889	19,981,157	
<u>Operating Expenses</u>						
Personal Services	4,265,702	5,460,185	78%	4,239,931	5,012,047	85%
Operating Expenses	3,086,617	4,180,462	74%	2,835,686	3,819,981	74%
Administrative Overhead	2,381,880	2,598,415	92%	2,351,622	2,565,406	92%
Capital Outlays						
Infrastructure Improvements	6,903,300	20,268,439	34%	4,033,106	1,966,543	205%
Buildings	191,147	189,147	NA	-	-	NA
Machinery & Equipment	176,418	229,031	77%	217,698	632,251	34%
Total Operating Expenses	17,005,065	32,925,678		13,678,043	13,996,229	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	160,297	25,000	641%	34,839	156,500	22%
Fiscal Charges	(692,287)	(2,532,040)	27%	(665,632)	(3,556,200)	19%
Grants	1,006,324	-	NA	344,482	1,086,862	NA
Disposition of Assets	741	15,000	NA	28,554	20,000	NA
Non-Operating Revenue/(Expense)	475,074	(2,492,040)		(257,757)	(2,292,838)	
<u>Transfers In/ (Out)</u>						
Transfers In	13,457,381	20,877,613	64%	446,529	1,459,600	31%
Transfers Out	(5,554,170)	(6,059,095)	92%	(4,722,383)	(5,151,690)	92%
Total Transfers In/ (Out)	7,903,210	14,818,518		(4,275,853)	(3,692,090)	
Due to \$12M Loan Proceeds	\$ 15,046,977	\$ -		\$ 1,422,236	\$ -	

Stormwater Fund

Current Year and Prior Year to Date for Period Ending

August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	1,150,840	1,195,657	96%	1,033,753	1,097,586	94%
Total Operating Revenue	1,150,840	1,195,657	96%	1,033,753	1,097,586	94%
<u>Operating Expenses</u>						
Personal Services	309,383	375,278	82%	288,186	358,311	80%
Operating Expenses	67,288	274,548	25%	121,724	232,241	52%
Administrative Overhead	354,525	386,755	92%	346,368	377,856	92%
Capital Outlays						
Machinery & Equipment	13,083	13,304	NA	-	-	NA
Infrastructure Improvements	18,908	3,609,133	1%	182,784	-	NA
Total Operating Expenses	763,187	4,659,018		939,062	968,408	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	4,406	500	881%	524	1,200	44%
Fiscal Charges	-	-	NA	-	-	NA
Non-Operating Revenue/(Expenses)	4,406	500	881%	524	1,200	44%
<u>Transfers In/ (Out)</u>						
Transfers In	325,633	355,236	92%	595,220	649,331	92%
Transfers Out	(227,432)	(248,108)	92%	(836,440)	(912,480)	92%
Total Transfers In/ (Out)	98,201	107,128		(241,220)	(263,149)	
	\$ 490,259	\$ -		\$ (146,005)	\$ -	

Solid Waste Fund

Current Year and Prior Year to Date for Period Ending August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	4,340,110	4,650,000	93%	3,700,870	3,870,386	96%
Franchise Fees	29,945	70,000	43%	73,087	32,000	228%
Other	11,295	3,000	376%	1,424	3,000	47%
Total Operating Revenue	4,381,350	4,723,000		3,775,380	3,905,386	
<u>Operating Expenses</u>						
Personal Services	1,403,214	1,447,237	97%	1,207,731	1,364,507	89%
Operating Expenses	2,314,309	2,547,548	91%	1,853,389	1,990,340	93%
Administrative Overhead	463,493	505,629	92%	423,396	461,887	92%
Capital Outlays						
Machinery & Equipment	15,500	84,065	NA	-	-	NA
Total Operating Expenses	4,196,516	4,584,479		3,484,516	3,816,734	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	4,091	100	4091%	1,196	6,000	20%
Disposition of Assets	17,099	2,500	NA	6,189	-	NA
Non-Operating Revenue/(Expenses)	21,191	2,600		7,385	6,000	
<u>Transfers In/ (Out)</u>						
Transfers In	201,339	219,642	92%	265,540	289,680	92%
Transfers Out	(330,699)	(360,763)	92%	(352,304)	(384,332)	92%
Total Transfers In/ (Out)	(129,361)	(141,121)		(86,764)	(94,652)	
	\$ 76,664	-		\$ 211,484	\$ -	

Municipal Marina Fund

Current Year and Prior Year to Date for Period Ending August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	5,171,131	5,090,900	102%	3,653,730	3,492,400	105%
Rental Income	47,809	42,000	114%	46,208	42,158	110%
Other	37,649	72,000	52%	45,013	33,000	136%
Total Operating Revenue	5,256,589	5,204,900		3,744,951	3,567,558	
<u>Operating Expenses</u>						
Personal Services	610,156	719,108	85%	665,449	792,012	84%
Operating Expenses	3,181,566	3,678,118	86%	1,844,576	1,960,883	94%
Administrative Overhead	435,140	474,698	92%	414,365	452,034	92%
Capital Outlays						
Machinery & Equipment	121,575	167,186	73%	47,970	50,000	96%
Infrastructure Improvements	13	-	NA	-	-	NA
Total Operating Expenses	4,348,450	5,039,110		2,972,360	3,254,928	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	12,048	-	NA	2,598	20,000	NA
Grant Income	200,184	117,000	NA	-	-	NA
Fiscal Charges	-	-	NA	-	-	NA
Non-Operating Revenue/(Expenses)	212,232	117,000		2,598	20,000	
<u>Transfers In/ (Out)</u>						
Transfers In	63,678	69,467	92%	44,570	48,622	92%
Transfers Out	(322,902)	(352,257)	92%	(349,481)	(381,252)	92%
Total Transfers In/ (Out)	(259,224)	(282,790)		(304,911)	(332,630)	
	\$ 861,147	\$ -		\$ 470,278	\$ -	

Visitor Information Center Fund

Current Year and Prior Year to Date for Period Ending August 31, 2022

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Parking Revenue	4,843,900	4,720,615	103%	4,307,665	3,399,350	127%
Gift Shop Revenue	624,759	600,000	104%	461,959	600,000	77%
Other	65,994	60,000	110%	25,946	70,000	37%
Total Operating Revenue	5,534,653	5,380,615		4,795,570	4,069,350	
<u>Operating Expenses</u>						
Personal Services	928,234	1,156,411	80%	849,662	1,103,908	77%
Operating Expenses	980,761	1,669,693	59%	1,121,147	1,584,734	71%
Administrative Overhead	1,973,425	2,152,827	92%	1,959,159	2,137,264	92%
Capital Outlays						
Buildings	478,935	846,350	NA	-	-	NA
Machinery & Equipment	14,680	69,680	NA	-	16,000	NA
Total Operating Expenses	4,376,035	5,894,962		3,929,968	4,841,906	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	26,040	2,500	1042%	2,742	26,250	10%
Other Income	217,635	212,000	103%	148,725	147,000	101%
Fiscal Charges	(372,929)	(1,697,847)	22%	(547,938)	(1,727,145)	32%
Non-Operating Revenue/(Expenses)	(129,254)	(1,483,347)		(396,471)	(1,553,895)	
<u>Transfers In/ (Out)</u>						
Transfers In	1,401,955	1,529,405	92%	1,604,141	1,749,972	92%
Transfers Out	429,265	468,289	92%	528,439	576,479	92%
Total Transfers In/ (Out)	1,831,220	1,997,694		2,132,580	2,326,451	
	\$ 2,860,584	\$ 0		\$ 2,601,711	\$ 0	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: September 6, 2022

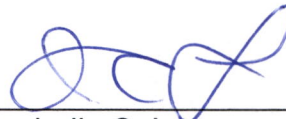
RE: **SMITH V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 08-2022-05-3029 dated September 1, 2022 from Cavendish Partners, P.A. for legal services rendered in August 2022 regarding the Philip Smith v. City of St. Augustine matter.

The amount currently due is **\$5,040.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the September 26, 2022 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$12,810.00.*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Richard K. Thibault, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 09/01/2022

Invoice #: 08-2022-05-3029

Matter: Stampedes Dance Hall Liquor License Lawsuit

File #: 3029

INVOICE TOTAL AND BALANCE DUE \$5,040.00

Bill To:

Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085

Due Date: 09/30/2022

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 08/31/2022 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**