



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, OCTOBER 10, 2022 - 5:00 PM
AMENDED
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

- 3.A. Proclamation 2022-23:** Proclaims October 2022 as *Domestic Violence Awareness Month*. (*R. Horvath, Commissioner*)
- 3.B. Proclamation 2022-25:** Declares October 17-23, 2022 as *Florida City Government Week*. (*T. Upchurch, Mayor*)

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

- 6.A.** Appeal of a Planning and Zoning (PZB) action in the denial of Conservation Overlay Zone One Development to approve a retaining wall/landscape feature adjacent to rip-rap at 40 Hildreth Way and 0 Hildreth Drive. (*A. Skinner, Director Planning and Building*)

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.B.1. Storm report. (*J. Regan, City Manager*)

7.C. Other Items Requiring Public Hearing

7.C.1. Development Agreement Related to the Broudy Project Development at the intersection of West King Street and Highway US 1 (Ponce de Leon Boulevard). (*A. Skinner, Director Planning and Building*)

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. Ordinance 2022-16: Amends the Future Land Use Designation of Property Commonly known as the Broudy Property from Commercial Medium Intensity and Industrial Warehousing to Mobility Oriented Development. **Includes the addition of traffic study.** (*A. Skinner, Director Planning and Building*)

8.A.2. Ordinance 2022-17: Rezones the property commonly known as the Broudy Property from Commercial Medium-two (CM-2) and Industrial and Warehousing (IW) to Mobility Oriented Development (MOD). (*A. Skinner, Director Planning and Building*)

8.A.3. Ordinance 2022-03: Proposed land use change from Residential Low Density Mixed Use to Residential Medium Density on the upland portion of the 42.36 acres referred to as Flagler Crossing including a Future Land Use Askersk. (*A. Skinner, Director Planning and Building*) - *The developer has requested this item be continued until the meeting scheduled for October 24, 2022.*

8.A.4. Ordinance 2022-04: Amends the Zoning of 42.36 uplands acres referred to as Flagler Crossing from Residential Low-One (RL-1) to Residential General-One (RG-1) on the upland portion of the property only. (*A. Skinner, Director Planning and Building*) - *The developer has requested this item be continued until the meeting scheduled for October 24, 2022.*

8.A.5. PUBLIC HEARING: Development Agreement related to the provision of Affordable Housing as part of the Flagler Crossing development. (*A. Skinner, Director Planning and Building*) - *The developer has requested that this item be continued until the meeting scheduled for October 24, 2022.*

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 2022-30: Repeals and amends Ordinance 2022-25 to amend the City's open burning policy. *(R. Thibault, Assistant City Attorney)*

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. Commander Richard Warner, St. Augustine Police Department, will discuss the need to purchase an armored tactical vehicle (BearCat). *(J. Michaux, Chief St. Augustine Police Department)*

11. ITEMS BY CITY CLERK

12. ITEMS BY CITY ATTORNEY

12.A. Notification of two upcoming term expirations on the Code Enforcement Adjustment and Appeals 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 - OCTOBER 10, 2022

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 24, 2022:

- Ordinance 2022-30

CA.3. Reminder of Upcoming Meetings:

- October 24, 2022, 5:00pm, City Commission Meeting
- November 14, 2022, 5:00pm, City Commission Meeting
- December 5, 2022, 7:30pm, Special Commission Meeting
- December 12, 2022, 5:00pm City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- Budget Meeting - September 22, 2022

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. Invoice in the amount of \$1,920.00 in the matter of Smith v. City of St. Augustine from Cavendish Partners, P.A. *(I. Lopez, City Attorney)*

End Consent Agenda



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, domestic violence is a serious and pervasive crime affecting millions of women, men, children and communities in the United States every year; and

WHEREAS, all persons have a basic right to feel safe from harm, especially in their homes, yet more than 1,300 Helpline calls were made to Betty Griffin center in St. Johns County last year; and

WHEREAS, domestic violence affects people of all ages, racial, socioeconomic, educational, religious, and occupational segments of our society, especially children; and

WHEREAS, children from violent homes are physically abused or seriously neglected at a rate significantly higher than the national average and have greater risks of alcohol/drug abuse, juvenile delinquency, cognitive and developmental problems as well as fear, anxiety and guilt; and

WHEREAS, domestic violence is not a private family matter but a crime, the consequences of which reach with devastating effect on the communities, schools, and workplaces of our nation; and

WHEREAS, domestic violence represents a pattern of assault and coercive behavior that will escalate in frequency and severity if intervention does not occur, and perpetrators of domestic violence must be held accountable for their crimes; and

WHEREAS, public awareness and education about domestic violence are needed as well as uniform efforts on the part of government, health professionals, law enforcement, religious organizations, educators, and community associations to address domestic violence through prevention, intervention, and treatment for victims and perpetrators.

*NOW, THEREFORE, the City Commission of the City of St. Augustine does hereby proclaim the month of OCTOBER 2022 as **Domestic Violence Awareness Month** and urges all citizens to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.*

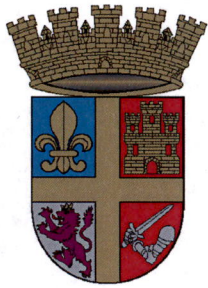
IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 10th day of October in the year of our Lord two thousand twenty-two and the four hundred and fifty-seventh year of the founding of St. Augustine, the Nation's Oldest City.

2022-23

Tracy Upchurch, Mayor

"Most Loyal and Valorous"

Title conferred upon the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, during the week of October 17-23, 2022, the City of St. Augustine will join other cities across Florida in celebrating Florida City Government Week. This week has been set aside to recognize the many services city governments provide and their contribution to a better quality of life in Florida; and

WHEREAS, the theme, "My City: I'm Part of It, I'm Proud of It!" pays tribute to the role citizens play in making our cities great. City government is truly government of, by and for the people - the people who are making the decisions about our community are your neighbors, business owners and community leaders. City government is administered by and for its citizens and is dependent upon public commitment to carry out its responsibilities; and

WHEREAS, students across the state learn information about state and national government, while information on city government is barely highlighted, and every citizen deserves the right to know about the local impact of government decision-making. This is a unique opportunity to teach students and adults about the form of government that affects them daily.

NOW THEREFORE, the City Commission of the City of St. Augustine does hereby declare October 17-23, 2022, as Florida City Government Week, and during this week, the City Commission urges all citizens to recognize the important role city government plays in our lives from public safety to trash collection to promoting our community's culture and recreation.

IN WITNESS WHEREOF, I hereunto set my hand and do cause the Seal of the City of St. Augustine to be affixed this 10th day of October in the year of our Lord two thousand twenty-two and the four hundred and fifty seventh year of the founding of St. Augustine, the Nation's Oldest City.

2022-25

Tracy Upchurch, Mayor

"Most Loyal and Valorous"

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CITY COMMISSION – APPEAL HEARING GUIDELINES
OCTOBER 10, 2022, 5 P.M.
APPEAL OF THE PLANNING AND ZONING BOARD’S
DENIAL OF A CONSERVATION OVERLAY ZONE 1 PERMIT
CASE NO.: 2022-0005 & 2022-0043
(40 HILDRETH WAY & 0 HILDRETH DRIVE)

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER:

- This is an appeal on the record of the Planning and Zoning Board hearing based on the right to appeal the denials of Conservation Overlay Zone 1 permits for 40 Hildreth Way and 0 Hildreth Drive to the City Commission pursuant to section 28-29 (g).
- Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the PZB hearing; no new evidence can be presented on appeal.
- If the appellant presents modifications, the City Commission will open up a public hearing and hear evidence and testimony related to the modifications only.

Required findings by the City Commission:

- City Code Section 28-29(g)(5) states that, “the city commission shall find whether in its opinion error was made and within the terms of this section **affirm, reverse, or modify the action** appealed as it deems just and equitable. If the applicant presents modifications to the actions under appeal, **the city commission may accept the modifications** and so modify the order, **may remand the appeal back** to the board for further review, **or may deny the modifications and affirm the action appealed.** ”

The standard of review for a quasi-judicial decision requires all of the following:

- a) procedural due process was afforded to the applicant,
- b) the Planning and Zoning Board applied the correct law, and
- c) the decision was supported by competent, substantial evidence in the record.

3. STAFF PRESENTATION

- Overview of the application and PZB record presented by Amy Skinner, Planning and Building Director

20 minutes

4. PUBLIC COMMENT* (*can be before or after Appellant*)

- Limited to argument on the record below, no new testimony or evidence.

3 minutes per speaker

5. APPELLANT PROPERTY OWNER REPRESENTATIVE PRESENTATION*

(if public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal)

- Limited to argument on the record below, no new testimony or evidence.

20 minutes

IF APPELLANT PRESENTS MODIFICATIONS, THE MAYOR WILL REOPEN THE HEARING AND ALLOW FOR NEW EVIDENCE AND TESTIMONY RELATED ONLY TO THE MODIFICATIONS.

PUBLIC COMMENT

- First person sworn testimony if it is intended to be the basis of competent, substantial evidence.

3 minutes per speaker

- Appellant will be given an opportunity for cross-examination/rebuttal

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

➤ For 40 Hildreth Way:

- Motion to approve the appeal, finding that the Planning and Zoning Board committed an error, and the City Commission grants the Conservation Overlay Zone 1 permit.

or

- *Motion to remand back to PZB to consider modification (if presented).*

or

- Motion to deny the appeal (can be combined with denial of a modification if presented) and confirm the PZB denial of the Conservation Overlay Zone 1 permit.

➤ For 0 Hildreth Drive:

- Motion to approve the appeal, finding that the Planning and Zoning Board committed an error, and the City Commission grants the Conservation Overlay Zone 1 permit.

or

- *Motion to remand back to PZB to consider modification (if presented).*

or

- Motion to deny the appeal (can be combined with denial of a modification if presented) and confirm the PZB denial of the Conservation Overlay Zone 1 permit.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 3, 2022

RE: **Appeal of a Planning and Zoning Board (PZB) Action – Denial of Conservation Overlay Zone One Development to Approve a Retaining Wall/Landscape Feature Adjacent to Rip Rap at 40 Hildreth Way and 0 Hildreth Drive**

Chronology

40 Hildreth Way (PID # 151151-0010)

- An application was submitted by Jessica Shafer to the Planning and Zoning Board (PZB) for a “decorative landscape wall on the back of the property to hide a rip rap wall that was approved by the DEP” signed on December 15, 2021.
- The application was heard by the PZB at their regularly scheduled February 1, 2022, meeting. The PZB continued the item to their April 5, 2022, meeting with conditions:
 1. Submit information for the PZB related to the history of the rip rap;
 2. Submit the specifications for the actual blocks related to porousness of the blocks, the installation method and the soil;
 3. Submit the results of the DEP meeting scheduled with the applicant for February 9, 2022;
 4. Submit an engineered report on the impact to the neighbors and adjacent properties and an analysis of the 17 criteria;
 5. A survey must also show elevations and elevations of adjacent properties.
- On March 1, 2022, the applicant submitted an email requesting that the item be “postponed to a later date to allow adequate time to produce the documents requested”.
- On April 5, 2022, at their regularly scheduled meeting the PZB continued this item to the July 5, 2022, meeting.
- The July 5, 2022, PZB meeting was cancelled due to a lack of a quorum.
- As of July 25, 2022, no additional information had been submitted to the Planning and Building Department by the applicant.
- On August 2, 2022, the PZB denied the application.

0 Hildreth Drive (PID #151151-0020)

- An application was submitted by Jessica Shafer to the Planning and Zoning Board (PZB) for “approval of the decorative landscape wall for design of the backyard living space” signed on July 6, 2022.
- On August 2, 2022, the PZB denied the application.

Staff Notations

- The application(s) were submitted to the PZB in response to Code Enforcement complaints for a wall being built across the marsh. The wall extended across both properties.
- It was determined that the “wall” was in a Conservation Zone.
- Additional application material was submitted to the Planning and Building Department Wednesday, July 27, 2022.
- The application for 40 Hildreth Way was denied by the PZB on August 2, 2022, stating that the burden of proof relating to the 17 criteria had not been met for Land Development Code, Chapter 11 Criteria Number(s) 2, 3, 6, and 11.
- The application for 0 Hildreth Drive was denied by the PZB on August 2, 2022, stating that the burden of proof relating to the 17 criteria had not been met for Land Development Code, Chapter 11 Criteria Number(s) 2, 3, 4, 6, and 11, including that staff recommended denial and did not have time to review additional material.

The appeal application describes the grounds for this appeal stating that the PZB’s denial of the application “effectively denies the applicant of a reasonable review of their request for conservation overlay zone 2 {1} development”.

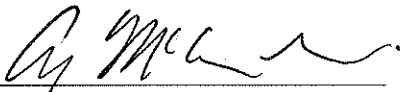
The appellant requests that the City Commission evaluate the appeal and the record from the PZB meetings and find that the applicant did submit and present the evidence to support the granting of the conservation zone development approval. Additionally, the appellant requests that the application for 0 Hildreth Drive be remanded back to the PZB for additional time to provide the requested information.

The February 1, 2022, April 5, 2022, July 5, 2022, and the August 2, 2022, PZB hearings were properly noticed and advertised. These hearings included public testimony from the applicant, the applicant’s representatives, and members of the public (except for the July 5, 2022, hearing because the meeting was cancelled due to a lack of a quorum). All procedural aspects of these PZB hearings were correctly followed and the written orders accompanying these hearings were properly notated.

A verbatim transcript has been included in the appeal application.

For your information the Standards for review section, Section 11-29 of Chapter 11 of the Land Development Code is attached for your review. Also find attached the application submittals for each application and the additional information provided in July.

Please place this appeal on the September 26, 2022, City Commission Agenda. If you have any questions, please let me know.

A handwritten signature in black ink, appearing to read 'Amy McClure Skinner', is positioned above a horizontal line.

Amy McClure Skinner, AICP
Director
Planning and Building Department

Chapter 11 Environmental Protection

Sec. 11-29. - Standards for review.

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

...

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

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of

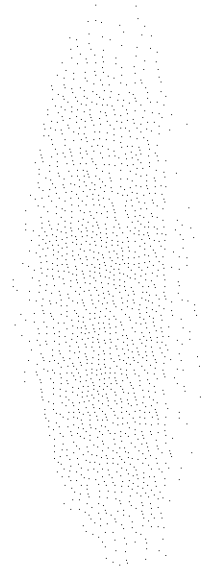
Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

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

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

...”

Application Submittal for 40 Hildreth Way





CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: 4105 (plus advertising costs) Project Number: 2022-0005
Receipt Number: _____ Meeting Date: _____
Advertising Costs: \$ 182.05 Paid On: 1/27/22 Receipt Number: 2299408

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854
Business (if applicable): _____
Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084
E-Mail Address: jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854
Business (if applicable): _____
Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084
E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 1 Block: _____
Subdivision: Fullerwood Parcel Number: 1511510010

4. PROJECT STREET ADDRESS: 40 Hildreth Way St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Landscape wall a

6. ACTION REQUESTED:

- ☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Approval from planing and zoning

7. DESCRIPTION OF ACTION REQUESTED: decorative landscape wall on back of property
to hide a rip rap wall that was approved by the DEP

8. JUSTIFICATION FOR ACTION REQUESTED: This decorative landscape wall is just for looks
It is not to hold water back, nor will it. This is simply for the look and design of the feel
we are trying to achive for our backvard living space.

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

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

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


Signature of Applicant

12

Date


Signature of Property Owner

12/15/2021

Date



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: 9105 (plus advertising costs) Project Number: 2022-0005
 Receipt Number: _____ Meeting Date: _____
 Advertising Costs: \$ 182.05 Paid On: 1/27/22 Receipt Number: 2299408

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084
 E-Mail Address: jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084
 E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1 Block: _____
 Subdivision: Fullerwood Parcel Number: 1511510010

4. PROJECT STREET ADDRESS: 40 Hildreth Way St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Landscape wall a

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: Approval from planing and zoning

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

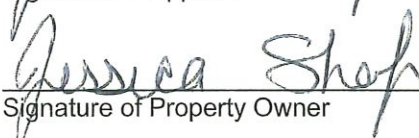
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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Signature of Applicant

12

Date


Signature of Property Owner

12/15/2021

Date



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

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

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

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

Jessica Shafer

Print name of applicant

A handwritten signature in cursive script that reads "Jessica Shafer".

Signature of applicant

12/15/2021

Date

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.

40 Hildreth Drive St. Augustine FL 32084

Project Address: _____

Jessica Shafer

Applicant's Name: _____ Applicant's Signature: Jessica Shafer

Jessica Shafer

Owner's Name: _____ Owner's Signature: Jessica Shafer

MAP OF SURVEY

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FLOOD ZONE "A" (ELEVATION 8 FEET NAVD 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12100C-0312-A, COMMUNITY No. 125145 FOR CITY OF ST. AUGUSTINE, FLORIDA AS REVISED 12/01/2018. <http://www.floodmaps.com/stjohnscounty/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY LINE OF HILDRETH WAY HAVING AN ASSIGNED BEARING OF S 77°12'16" W OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD - 1988).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DISCOVERED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

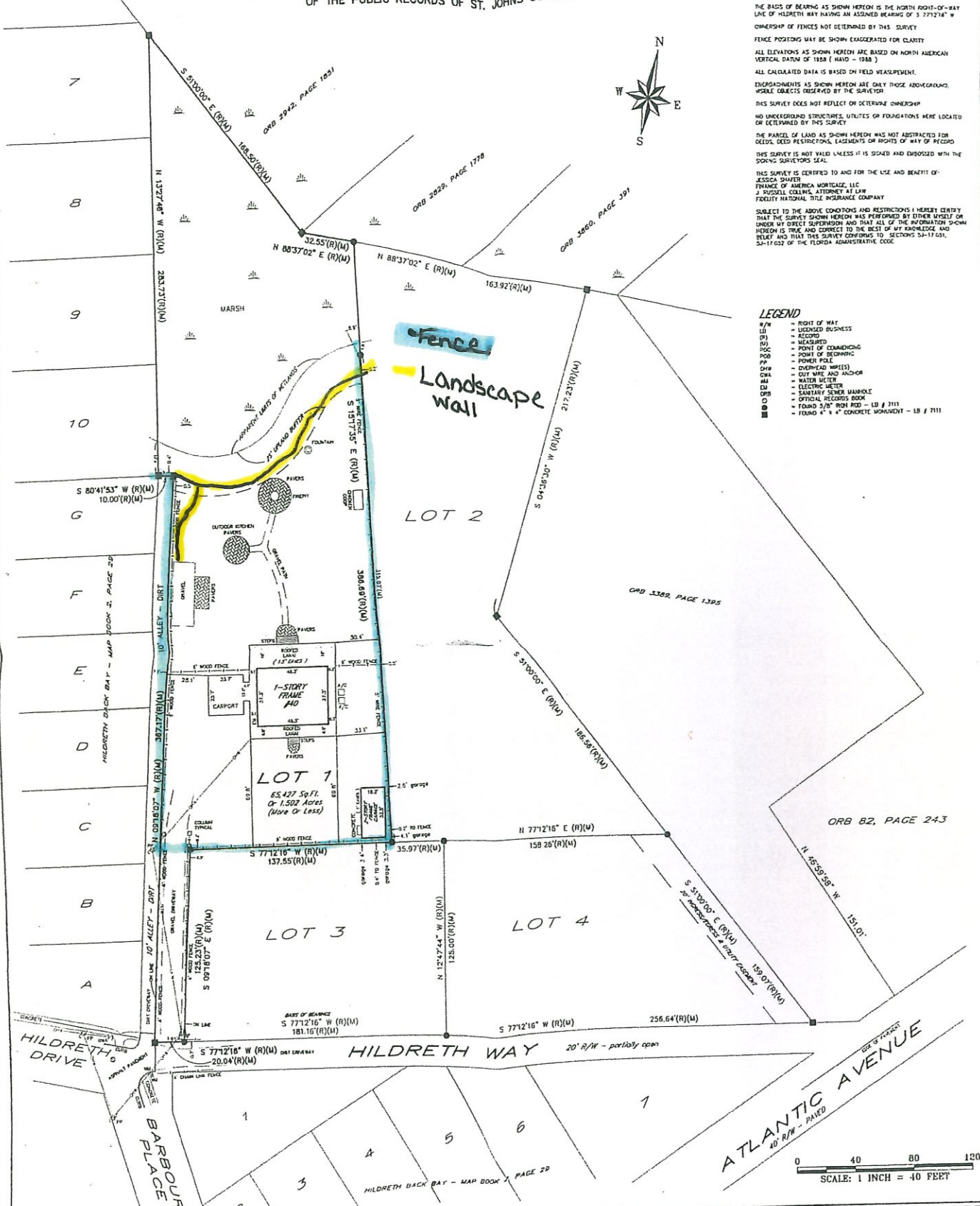
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SOLE SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
JESSICA SHAW
FINANCE OF AMERICA MORTGAGE, LLC
J. RUSSELL COLLINS, ATTORNEY AT LAW
FIDELITY NATIONAL TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY OTHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 54-17.001, 54-17.002 OF THE FLORIDA ADMINISTRATIVE CODE.

LEGEND

- R/W = RIGHT OF WAY
- UB = UNLICENSED BUSINESS
- OR = RECORD
- NU = MEASURED
- POC = POINT OF COMMENCING
- POB = POINT OF BEGINNING
- PP = POWER POLE
- OW = OVERHEAD WIRE(S)
- OWA = OUT WIRE AND ANCHOR
- WA = WATER METER
- EL = ELECTRIC METER
- SS = SANITARY SEWER MANHOLE
- OR = OFFICIAL RECORDS BOOK
- FO = FOUND 3/4" IRON ROD - LB # 7111
- FO = FOUND 4" x 4" CONCRETE MONUMENT - LB # 7111



ANCIENT CITY SURVEYORS
12/1/2017

ACS

SURVEYORS • ENGINEERS
LAND PLANNERS

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32080
PHONE: 904-797-0067 FAX: 904-797-0027

BOUNDARY SURVEY

440 HILDRETH WAY
ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 07/24/2015
FIELD BOOK/PAGE(S): 369/63
DRAWING SCALE: 1" = 40'
JOB NUMBER: 15-445

12/01/2018 - FINAL AS-BUILT - 10 440-49-51
11/05/2018 - Final AS-BUILT (Asurvey) 32080

MAP OF SURVEY

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FLOOD ZONE "A1" (ELEVATION 8 FEET MAND 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 17020C-0102-A, COMPILED BY THE CITY OF ST. AUGUSTINE, FLORIDA AS REVISED 12/01/2018. <http://www2.flhdm.com/st-johns/flhdm/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH SIGHT-OF-WAY LINE OF HILDRETH WAY HAVING AN ASSIGNED BEARING OF S 77°12'16" W. OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

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THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDEGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

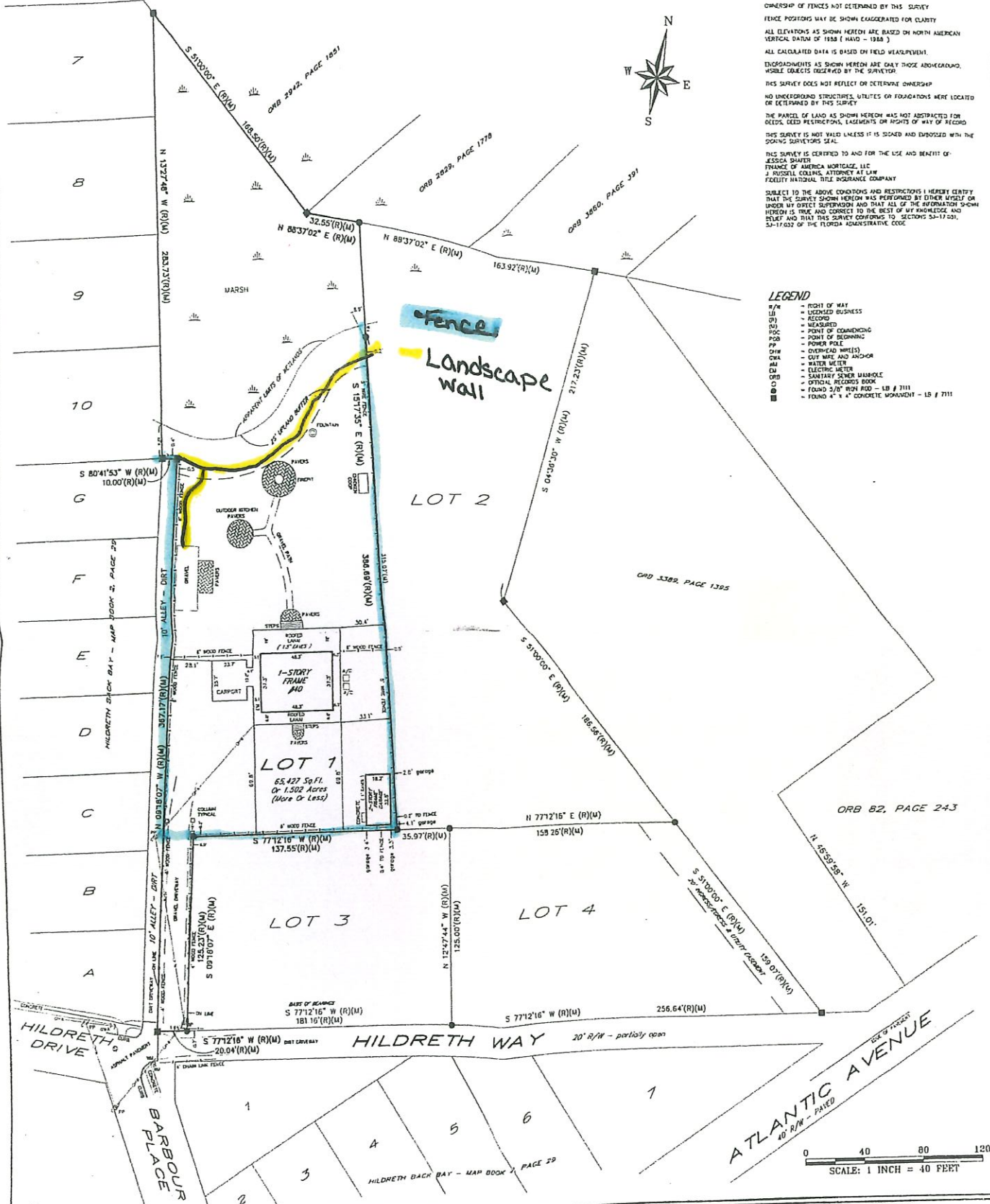
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THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF: JESSICA SHAWER, FINANCE OF AMERICA MORTGAGE, LLC, J. RUSSELL COLLINS, ATTORNEY AT LAW, FIDELITY NATIONAL TITLE INSURANCE COMPANY.

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LEGEND

- R/W = RIGHT OF WAY
- LB = LICENSED BUSINESS
- RD = RECORD
- NO = MEASURED
- POC = POINT OF COMMENCING
- POB = POINT OF BEGINNING
- PP = POWER POLE
- OW = OVERHEAD WIRE
- OWA = OUT WIRE AND ANCHOR
- WM = WATER METER
- EM = ELECTRIC METER
- SM = SANITARY SEWER MANHOLE
- OR = OFFICIAL RECORDS BOOK
- ORB = FOUND 2 1/2" R/W ROAD - LB # 7111
- ORB = FOUND 4" x 4" CONCRETE MONUMENT - LB # 7111



ANCIENT CITY SURVEYORS
ACS
 SURVEYORS • ENGINEERS
 LAND PLANNERS
 4424 U.S. HIGHWAY No. 1 NORTH, SUITE 401
 ST. AUGUSTINE, FLORIDA 32080
 PHONE: 904-797-0907 FAX: 904-707-0027

BOUNDARY SURVEY
 40 HILDRETH WAY
 ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/24/2015
FIELD BOOK/PAGE(S):	369/63
DRAWING SCALE:	1" = 40'
JOB NUMBER:	15-445



St. Johns County, FL

Apply for Exemptions

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Sales Questionnaire Form

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

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

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

No Image Available

Parcel ID	1511510010
Location Address	40 HILDRETH WAY SAINT AUGUSTINE 32084-0000
Neighborhood	Hildreth Estates (581.04)
Tax Description*	71/21-22 HILDRETH ESTATES LOT 1 OR 4723/1863 & 5139/1917 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Hildreth Estates
Sec/Twp/Rng	6-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	1.500
Homestead	Y

Owner Information

Owner Name	Joint Declaration Of Trust D:12/30/2020 100% Shafer Jessica Blair CO-Trustee 100% Shafer Howard Shane CO-Trustee 100%
Mailing Address	3501 N PONCE DE LEON BLVD UNIT 374 Saint Augustine, FL 32084-1403

Exemption Information

Exemption Type	Status	Amount
Homestead		\$0
Homestead		\$25,000
Homestead Band		\$25,000

Map



Valuation Information

	2022
Building Value	\$339,395
Extra Features Value	\$14,906
Total Land Value	\$135,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$489,301
Total Deferred	\$26,055
Assessed Value	\$463,246
Total Exemptions	\$50,000
Taxable Value	\$413,246

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$306,530	\$15,320	\$135,000	\$0	\$0	\$456,850	\$456,850	\$50,000	\$406,850
2020	\$309,658	\$15,734	\$135,000	\$0	\$0	\$460,392	\$460,392	\$50,000	\$410,392
2019	\$278,237	\$16,148	\$110,000	\$0	\$0	\$404,385	\$404,385	\$0	\$404,385
2018	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
2017	\$0	\$6,887	\$110,000	\$0	\$0	\$116,887	\$116,887	\$0	\$116,887
2016	\$0	\$7,416	\$110,000	\$0	\$0	\$117,416	\$117,416	\$0	\$117,416
2015	\$0	\$0	\$89,547	\$0	\$0	\$89,547	\$89,547	\$0	\$89,547
2014	\$0	\$0	\$89,547	\$0	\$0	\$0	\$0	\$0	\$0

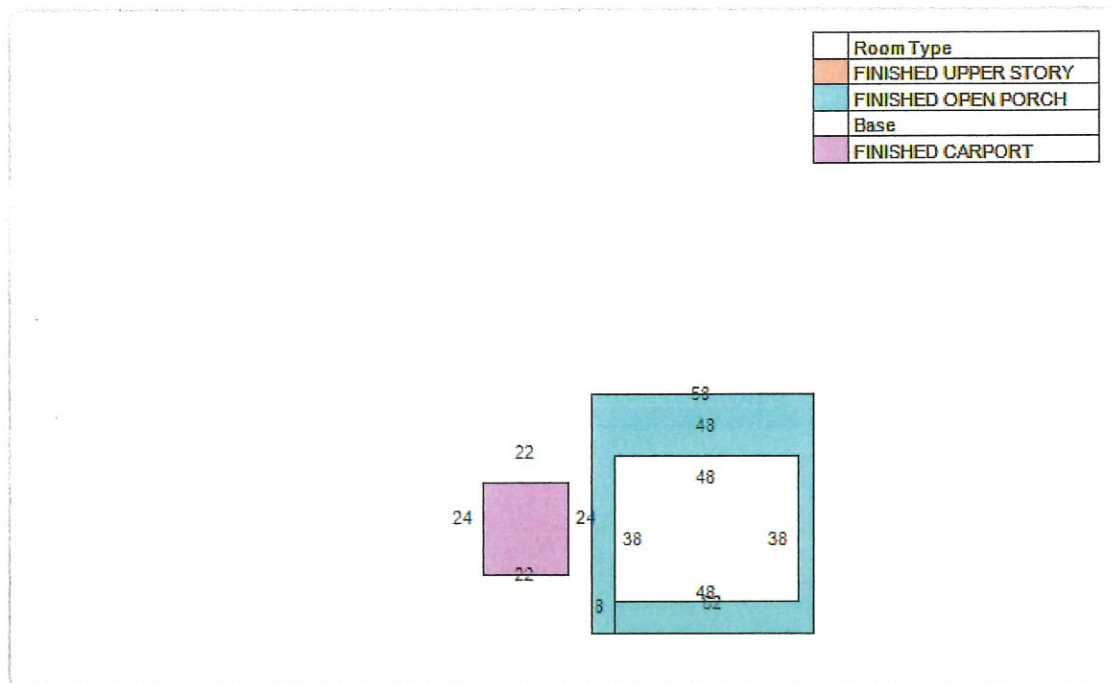
Building Information

Building	1
Year Built	2018
Actual Area	5152
Conditioned Area	2852
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

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

Description	Square Footage
FINISHED CARPORT	528
BASE AREA	1824
FINISHED OPEN PORCH	1772
FINISHED UPPER STORY	1028
Total SqFt	5152

Sketch Information



Extra Feature Information

Code Description	Status	Value
Garage Finished (Average)		14906

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$135,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/31/2020	12/30/2020	\$100.00	WARRANTY DEED	5139	1917	U	I	SHAFAER JESSICA BLAIR	JOINT DECLARATION OF TRUST D:12/30/2020
5/14/2019	12/14/2018	\$100.00	WARRANTY DEED	4723	1863	U	I	HILDRETH ESTATES LAND TRUST	SHAFAER JESSICA
7/30/2015	7/29/2015	\$124,000.00	WARRANTY DEED	4064	1138	U	V	HILDRETH WAY LAND TRUST	HILDRETH ESTATES LAND TRUST

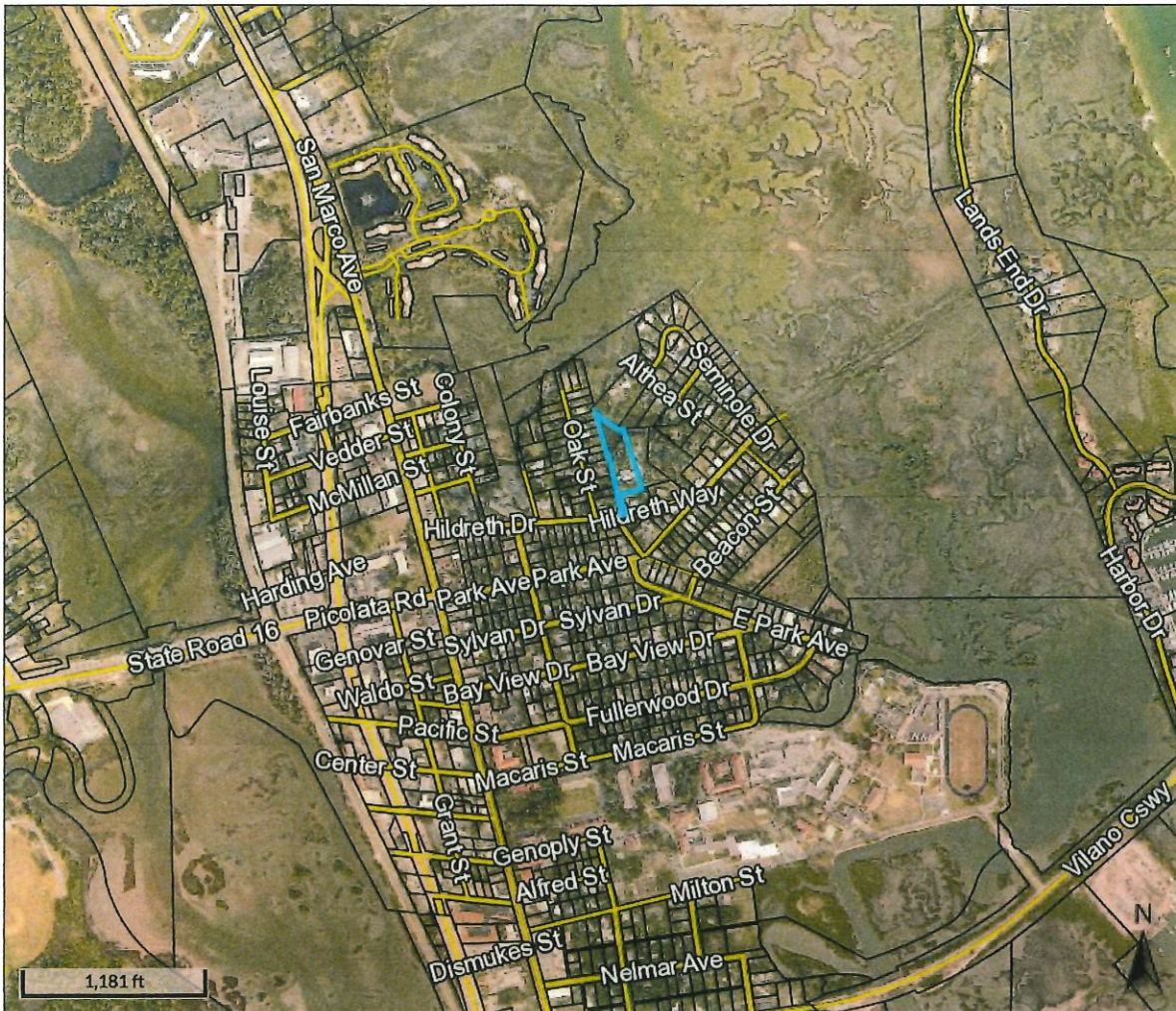
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

[Last Data Upload: 1/8/2022, 12:01:08 AM](#)

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.169



Overview



Legend

□ Parcels

Parcel ID 1511510010
Property Class 0100 - Single Family
Taxing City of St Augustine
District Acres 1.5
Physical Address 40 HILDRETH WAY
Mailing Address SAINT AUGUSTINE
Address JOINT DECLARATION OF TRUST
D:12/30/2020
3501 N PONCE DE LEON BLVD
UNIT 374
Saint Augustine FL 32084-1403

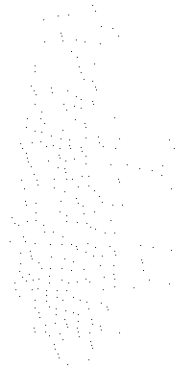
Building Value	\$339,395	Last 2 Sales			
Extra Feature Value	\$14,906	Date	Price	Reason	Qual
Total Land Value	\$135,000	7/29/2015	\$124,000	11	U
Just Value	\$489,301	n/a	0	n/a	n/a
Total Deferred Assessed Value	\$26,055				
Total	\$463,246				
Exemptions	\$50,000				
Taxable Value	\$413,246				

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Date created: 1/10/2022
Last Data Uploaded: 1/8/2022 12:01:08 AM

Developed by  Schneider
GEOSPATIAL

Application Submittal for 0 Hildreth Drive





CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0043
 Receipt Number: 2417688 Meeting Date: August 2, 2022
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: HILDRETH DR City: St. Augustine State: FL Zip: 32084
 E-Mail Address: Jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: Hildreth Drive City: St. Augustine State: FL Zip: 32084
 E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: Lot 2 Block: _____
 Subdivision: Fullerwood / Hildreth Estates Parcel Number: 1511510020

4. PROJECT STREET ADDRESS: Hildreth Drive St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Decorative Landscape Wall

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: 540

7. DESCRIPTION OF ACTION REQUESTED: Approval of the decorative landscape wall for design of the backyard living space

8. JUSTIFICATION FOR ACTION REQUESTED: _____
I have received a water flow engineered letter stating the decorative landscape will not impace the flow of water to any of the surrounding lots
Email from FDEP on approval of the wall and rip rap / waiting on approval letter
Environmental scientists has also agreed of the plans and will be attendding the meeting on August 2nd

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

This is attaching to 40 Hildreth Drive St. Augustine FL 32084

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.

Jessica Shap
Signature of Applicant

7

Date

Jessica Shap
Signature of Property Owner

7/6/2022

Date

04/18/2019



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

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Jessica Shafer

J

Print name of applicant

Jessica Shafer
Signature of applicant

7/6/2022

Date



Owner's Authorization For Agent

_____ is/are hereby authorized TO ACT ON BEHALF
OF _____, 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: _____
Signature of Owner

Print Name of Owner

Telephone Number

State of _____

County of _____

Signed and sworn before me on this _____ day of _____, 20__.

By _____

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

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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
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Hildreth Drive St. Augustine FL 32084

Project Address: _____

Jessica Shafer

Applicant's Name: _____ Applicant's Signature: Jessica Shafer

Jessica Shafer

Owner's Name: _____ Owner's Signature: Jessica Shafer



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

No Image Available

Parcel ID	1511510020
Location Address	HILDRETH DR SAINT AUGUSTINE 32084-0000
Neighborhood	Hildreth Back Bay & Bird View Subs (581)
Tax Description*	71/21-22 HILDRETH ESTATES LOT 2 OR4800/418 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Hildreth Estates
Sec/Twp/Rng	6-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	1.110
Homestead	N

Owner Information

Owner Name	Florida Coastal Contractors LLC 100%
Mailing Address	3501 N PONCE DE LEON BLVD #374 SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$13,104
Total Land Value	\$145,600
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$158,704
Total Deferred	\$2,600
Assessed Value	\$156,104
Total Exemptions	\$0
Taxable Value	\$156,104

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$130,000	\$0	\$0	\$130,000	\$130,000	\$0	\$130,000
2020	\$0	\$0	\$135,000	\$0	\$0	\$135,000	\$135,000	\$0	\$135,000
2019	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
2018	\$0	\$0	\$105,000	\$0	\$0	\$105,000	\$105,000	\$0	\$105,000
2017	\$0	\$0	\$105,000	\$0	\$0	\$105,000	\$105,000	\$0	\$105,000
2016	\$0	\$0	\$105,000	\$0	\$0	\$105,000	\$105,000	\$0	\$105,000
2015	\$0	\$0	\$89,545	\$0	\$0	\$89,545	\$89,545	\$0	\$89,545
2014	\$0	\$0	\$89,545	\$0	\$0	\$0	\$0	\$0	\$0

Extra Feature Information

Code Description	Status	Value
Garage Unfinished (Low)		13104

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$145,600

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/24/2019	9/20/2019	\$168,500.00	WARRANTY DEED	4800	418	Q	V	JOHNSTON DAVID ETAL	FLORIDA COASTAL CONTRACTORS LLC
12/21/2015	12/15/2015	\$125,000.00	WARRANTY DEED	4126	928	Q	V	PROSIDE EXTERIOR OF JACKSONVILLE INC	JOHNSTON DAVID ETAL
6/12/2015	6/2/2015	\$107,000.00	WARRANTY DEED	4041	1209	Q	V	RUBINO LUCIO, SAVANNAH ZARA	PROSIDE EXTERIOR OF JACKSONVILLE INC
3/2/2015	2/26/2015	\$107,000.00	WARRANTY DEED	3993	754	Q	V	HILDRETH WAY LAND TRUST	RUBINO LUCIO, SAVANNAH ZARA



Overview



Legend

□ Parcels

Parcel ID	1511510020	Physical	HILDRETH DR	Building Value	N/A	Last 2 Sales			
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	\$13,104	Date	Price	Reason	Qual
Class	Residential	Mailing	FLORIDA COASTAL	Value		9/20/2019	\$168500	01	Q
Taxing	City of St	Address	CONTRACTORS LLC	Total Land	\$145,600	12/15/2015	\$125000	01	Q
District	Augustine		3501 N PONCE DE LEON BLVD	Value					
Acres	1.11		#374	Just Value	\$158,704				
			SAINT AUGUSTINE FL 32084-	Total	\$2,600				
			0000	Deferred					
				Assessed	\$156,104				
				Value					
				Total	N/A				
				Exemptions					
				Taxable Value	\$156,104				

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

Date created: 7/8/2022

Last Data Uploaded: 7/8/2022 12:39:36 AM

Developed by  Schneider
GEOSPATIAL

Additional Information Provided July 27, 2022

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

Re: Schafer Residence, 40 Hildreth Way

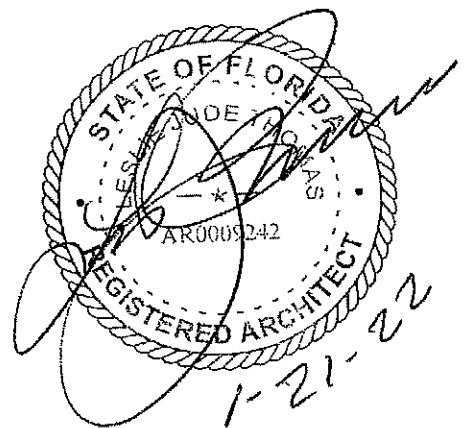
I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect.

LT/jmc



**A SPECIFIC PURPOSE SURVEY OF
LOTS 1 AND 2, HILDRETH ESTATES, AS RECORDED IN MAP BOOK
71, PAGE(S) 21 THROUGH 22, PUBLIC RECORDS OF SAINT JOHNS
COUNTY, FLORIDA.**

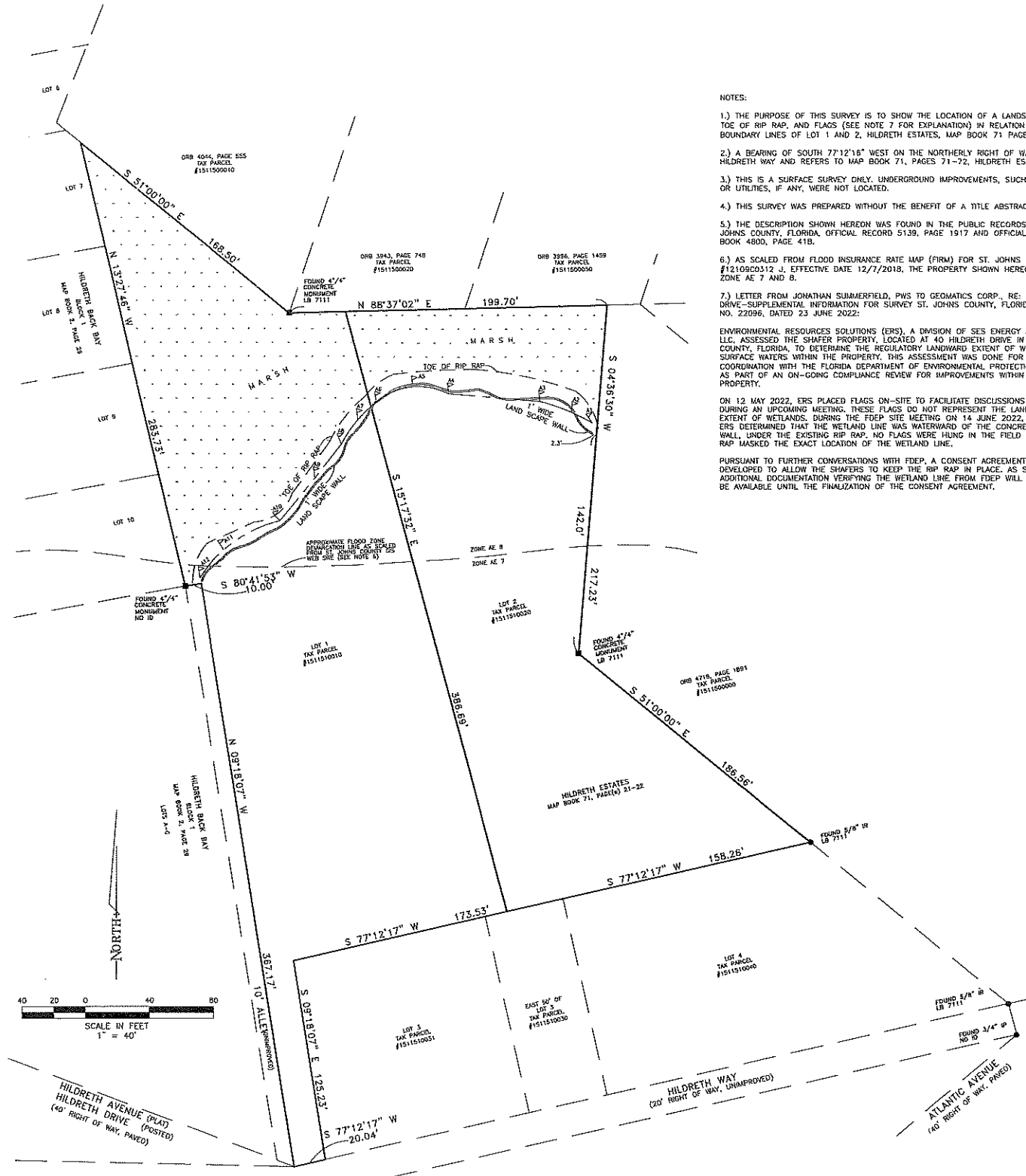
NOTES:

- 1.) THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF A LANDSCAPE WALL, TOE OF RIP RAP, AND FLAGS (SEE NOTE 7 FOR EXPLANATION) IN RELATION TO THE BOUNDARY LINES OF LOT 1 AND 2, HILDRETH ESTATES, MAP BOOK 71 PAGE(S) 21-22
- 2.) A BEARING OF SOUTH 77°12'18" WEST ON THE NORTHERLY RIGHT OF WAY OF HILDRETH WAY AND REFERS TO MAP BOOK 71, PAGES 71-72, HILDRETH ESTATES.
- 3.) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND IMPROVEMENTS, SUCH AS FOOTERS OR UTILITIES, IF ANY, WERE NOT LOCATED.
- 4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
- 5.) THE DESCRIPTION SHOWN HEREON WAS FOUND IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, OFFICIAL RECORD 5139, PAGE 1917 AND OFFICIAL RECORDS BOOK 4800, PAGE 418.
- 6.) AS SCALED FROM FLOOD INSURANCE RATE MAP (FIRM) FOR ST. JOHNS COUNTY, #12109C0312 J, EFFECTIVE DATE 12/7/2018, THE PROPERTY SHOWN HEREON LIES IN ZONE AE 7 AND 8.
- 7.) LETTER FROM JONATHAN SUMMERFIELD, PWS TO GEOMATICS CORP., RE: 40 HILDRETH DRIVE-SUPPLEMENTAL INFORMATION FOR SURVEY ST. JOHNS COUNTY, FLORIDA ERS JOB NO. 22096, DATED 23 JUNE 2022:

ENVIRONMENTAL RESOURCES SOLUTIONS (ERS), A DIVISION OF SES ENERGY SERVICES LLC, ASSESSED THE SHAFER PROPERTY, LOCATED AT 40 HILDRETH DRIVE IN ST. JOHNS COUNTY, FLORIDA, TO DETERMINE THE REGULATORY LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS WITHIN THE PROPERTY. THIS ASSESSMENT WAS DONE FOR FURTHER COORDINATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AS PART OF AN ON-GOING COMPLIANCE REVIEW FOR IMPROVEMENTS WITHIN THE PROPERTY.

ON 12 MAY 2022, ERS PLACED FLAGS ON-SITE TO FACILITATE DISCUSSIONS FDEP STAFF DURING AN UPCOMING MEETING. THESE FLAGS DO NOT REPRESENT THE LANDWARD EXTENT OF WETLANDS. DURING THE FDEP SITE MEETING ON 14 JUNE 2022, FDEP AND ERS DETERMINED THAT THE WETLAND LINE WAS WATERWARD OF THE CONCRETE BLOCK WALL, UNDER THE EXISTING RIP RAP. NO FLAGS WERE HUNG IN THE FIELD AS THE RIP RAP MASKED THE EXACT LOCATION OF THE WETLAND LINE.

PURSUANT TO FURTHER CONVERSATIONS WITH FDEP, A CONSENT AGREEMENT IS BEING DEVELOPED TO ALLOW THE SHAFERS TO KEEP THE RIP RAP IN PLACE. AS SUCH, ADDITIONAL DOCUMENTATION VERIFYING THE WETLAND LINE FROM FDEP WILL LIKELY NOT BE AVAILABLE UNTIL THE FINALIZATION OF THE CONSENT AGREEMENT.



LEGEND / ABBREVIATIONS

- DENOTES FOUND IRON PIPE OR IRON ROD, AS NOTED
- DENOTES FOUND NAIL
- DENOTES FOUND CONCRETE MONUMENT
- IRON ROD
- IRON PIPE
- IDENTIFICATION
- OFFICIAL RECORDS BOOK
- LICENSED BUSINESS
- DENOTES FOUND FLAG (SEE NOTE 7)

**Terry M
Durden**

Digitally signed by
Terry M Durden
Date: 2022.06.23
17:07:39 -0400

Terry M. Durden, Florida PSM #5261
Not Valid Without The Digital Signature
Of A Florida Licensed Surveyor & Mapper

GEOMATICS CORP.

SURVEYING-MAPPING-GPS
2804 N. TIFIN STREET, UNIT 101
ST. AUGUSTINE, FL 32084
PHONE (854) 824-2086 FAX (854) 824-5753

LICENSED BUSINESS
FLORIDA #0776 GEORGE #358
SOUTH CAROLINA #3591 ALABAMA #794
NORTH CAROLINA COA #3752



PROJECT No: C-22-3628

SURVEY DATE: JUNE 23, 2022

CAD FILE: 22-3628.DWG

CHECKED BY: T. DURDEN

DRAWN BY: A. LAND

FIELD WORK: A. BROWNING

FB: 22-05 PG: 13-14

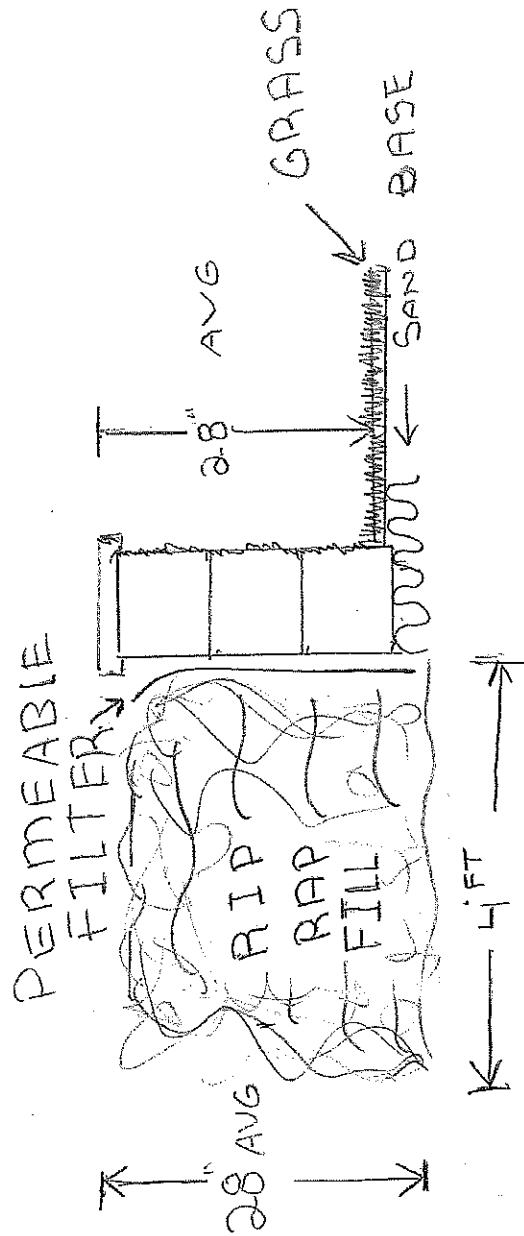
1/2" SCALE PER FOOT

DRETH LOT I

ID 1511510010

ID 1511510020

"Key Stone
Compac"



ACK"
RESIVE"
NCRETE"
BAR"
CATAR"
RIP RAP



Land Development-Permitting-Utilities

65 Lewis Blvd – St. Augustine, Florida – 32084

July 5, 2022

City of St Augustine

Reference: 40 Hildreth Dr St Augustine

To whom it may concern:

RGM Engineering, has reviewed the documentation and has made multiple site visits and has listed the finding to Parcel ID 1511510010 and 1511510020 in reference to the groundwater flow report.

Based on my study and Environmental Resource Solutions that the proposed decorative landscaping wall and rip rap will not cause an impact to the surrounding properties nor any physical disturbance of banks, soils and existing vegetation, especially trees and aquatic vegetation.

The FDEP has requested the removal of the coquina fill located on the top of the rip rap wall behind the decorative landscape wall, as this is considered to be fill and is not approved by the FDEP in this application. However, the coquina is approved by the FDEP in other applications but not in conjunction with the rip rap application.

Howard and Jessica Shafer have performed the removal of the coquina fill and from my finding, the FDEP and Environmental Resource Solutions findings they are in compliance that there will not be displacement or rise of water onto any adjacent or surrounding properties.

- The decorative landscape wall is previous
- The rip rap wall is previous
- No structural concrete footer
- Break away decorative landscape wall system
- The landscaping wall is not adhered with any cementitious product nor construction adhesive or any mechanical fasteners

If I can be of any further assistance, please feel free to contact me at 904-814-7633.

Thank you,

Robert G. Morgan Jr. P.E.
#58118



Jessica Shafer <jessicallc.fcc@gmail.com>

RE: Shafer Unauthorized Riprap Fill - WL22-094 - St. Johns County

4 messages

Neumann, Jason <Jason.Neumann@floridadep.gov>

Wed, Apr 27, 2022 at 10:49 AM

To: Jon Summerfield <jsummerfield@ses-grp.com>

Cc: Jessica Shafer <jessicallc.fcc@gmail.com>, Shane Von Shafer <shane.fcc@gmail.com>, "Harris, Matthew J." <Matthew.J.Harris@floridadep.gov>, "Sellers, Christina" <Christina.Sellers@floridadep.gov>

Hi Jonathan,

That sounds like a decent plan. If the unauthorized fill can be removed to an appropriate upland location, I can recommend compliance without enforcement. In order to recommend no penalty, the removal should be timely and ideally should occur in the next 30-days. Just keep us advised if timelines are tight. Please use BMP's, like silt fencing, should it appear like erosion/sedimentation is occurring in the removal-restabilization period.

Also as a reminder, The Department will need to verify the wetland-upland line established for documentation purposes via the required #62-340 Data Forms (PDF attached). I can do that upon the verification inspection when ready. My medical light duty ends May 22. I am able to start booking field inspections after that. My best field days are Tuesday-Thursday usually as a heads up when ready for verification.

Thanks so much for working with the Department.

Respectfully,

Jason Neumann, MS, PWS, CWE, *Environmental Specialist III*

FDEP – NED: SLERP 404 Compliance Assurance

Direct Phone: 904-256-1532

E-mail: Jason.Neumann@FloridaDEP.gov

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jon Summerfield <jsummerfield@ses-grp.com>

Sent: Wednesday, April 27, 2022 9:05 AM



Jessica Shafer <jessicallc.fcc@gmail.com>

SURVEY for Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

5 messages

Neumann, Jason <Jason.Neumann@floridadep.gov>

Wed, Jun 29, 2022 at 1:03 PM

To: Jessica Shafer <jessicallc.fcc@gmail.com>, Shane Von Shafer <shane.fcc@gmail.com>, Jonathan Summerfield <JSummerfield@ersenvironmental.com>

Cc: "Sellers, Christina" <Christina.Sellers@floridadep.gov>, "Harris, Matthew J." <Matthew.J.Harris@floridadep.gov>

Hi Everyone,

Thanks for the survey. It looks good and addresses the situation I do believe. Once the clean-up is all done and rip-rap is ready, let me know. And just to be aware, I have several Consent Order agreements ahead of this one, but I am doing my best to get thru them. Have a great day everyone.

Thanks Again,

Jason Neumann, MS, PWS, CWE, *Environmental Specialist III*

FDEP – NED: SLERP 404 Compliance Assurance

Direct Phone: 904-256-1532

E-mail: Jason.Neumann@FloridaDEP.gov

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jessica Shafer <jessicallc.fcc@gmail.com>

Sent: Wednesday, June 29, 2022 12:24 PM

To: Shane Von Shafer <shane.fcc@gmail.com>

Cc: Sellers, Christina <Christina.Sellers@FloridaDEP.gov>; Harris, Matthew J. <Matthew.J.Harris@FloridaDEP.gov>; Jon Summerfield <jsummerfield@ses-grp.com>; Neumann, Jason <Jason.Neumann@FloridaDEP.gov>

Subject: Re: Follow-Up @ Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good Afternoon,

I have attached the survey with the landscaping wall as requested.

**CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION**

CHECKLIST FOR COMPLETION OF APPLICATION

Appellant Name -	<u>James G. Whitehouse, Esq. for Jessica Shaker</u>
Address of Property (Subject of the Appeal) -	<u>40 Hildeth Way and O Hildeth Drive</u>
Project Number -	<u>2622-6005 and 2622-6043</u>

YES NO



Has the applicant fee been paid?

Has line 4, application to appeal determination of the following been completed?

Has line 5, applicant name and contact information been completed?

Has line 6, legal description of property under appeal been completed?

Has line 7, street address of property under appeal been completed?

Has line 8, appellee contact information been completed?

Has line 9, description of action being appealed been completed?

If no, what information is necessary to complete this section? _____



Has line 10, date of action being appealed been completed?

Has the appeal been filed within the required time according to City Code?

Has line 11, description of impact of action on appellant been completed?

If no, what information is necessary to complete this section? _____



Has line 12, specific grounds for the appeal been completed?

If no, what information is necessary to complete this section? _____



Has line 13, specific action being requested been completed?

If no, what information is necessary to complete this section? _____



Is line 14, agreement been completed?



Has line 15, signature of appellant been completed?



Has a transcript been submitted to accompany this appeal application?



Is the appellant an aggrieved party?

Comments:

the appellant is the property owner.

City Attorney

09/19/2022

Date

CITY COMMISSION – APPEAL HEARING GUIDELINES
SEPTEMBER 26, 2022, 5 P.M.
APPEAL OF THE PLANNING AND ZONING BOARD’S
DENIAL OF A CONSERVATION OVERLAY ZONE 1 PERMIT
CASE NO.: 2022-0005 & 2022-0043
(40 HILDRETH WAY & 0 HILDRETH DRIVE)

1. EX PARTE DISCLOSURE

2. CITY ATTORNEY PROCEDURAL REMINDER:

- This is an appeal on the record of the Planning and Zoning Board hearing based on the right to appeal the denials of Conservation Overlay Zone 1 permits for 40 Hildreth Way and 0 Hildreth Drive to the City Commission pursuant to section 28-29 (g).
- Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the PZB hearing; no new evidence can be presented on appeal.
- If the appellant presents modifications, the City Commission will open up a public hearing and hear evidence and testimony related to the modifications only.

Required findings by the City Commission:

- City Code Section 28-29(g)(5) states that, “the city commission shall find whether in its opinion error was made and within the terms of this section **affirm, reverse, or modify the action** appealed as it deems just and equitable. If the applicant presents modifications to the actions under appeal, **the city commission may accept the modifications** and so modify the order, **may remand the appeal back to the board** for further review, **or may deny the modifications and affirm the action appealed.**”

The standard of review for a quasi-judicial decision requires all of the following:

- a) procedural due process was afforded to the applicant,
- b) the Planning and Zoning Board applied the correct law, and
- c) the decision was supported by competent, substantial evidence in the record.

3. STAFF PRESENTATION

- Overview of the application and PZB record presented by Amy Skinner, Planning and Building Director

20 minutes

4. PUBLIC COMMENT* (*can be before or after Appellant*)

- Limited to argument on the record below, no new testimony or evidence.

3 minutes per speaker

5. APPELLANT PROPERTY OWNER REPRESENTATIVE PRESENTATION*

(*if public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal*)

- Limited to argument on the record below, no new testimony or evidence.

20 minutes

IF APPELLANT PRESENTS MODIFICATIONS, THE MAYOR WILL REOPEN THE HEARING AND ALLOW FOR NEW EVIDENCE AND TESTIMONY RELATED ONLY TO THE MODIFICATIONS.

PUBLIC COMMENT

- First person sworn testimony if it is intended to be the basis of competent, substantial evidence.

3 minutes per speaker

- Appellant will be given an opportunity for cross-examination/rebuttal

6. CITY COMMISSION QUESTIONS

7. COMMISSIONER DELIBERATIONS AND VOTE

➤ For 40 Hildreth Way:

- Motion to approve the appeal, finding that the Planning and Zoning Board committed an error, and the City Commission grants the Conservation Overlay Zone 1 permit.

****or****

- *Motion to remand back to PZB to consider modification (if presented).*

****or****

- Motion to deny the appeal (can be combined with denial of a modification if presented) and confirm the PZB denial of the Conservation Overlay Zone 1 permit.

➤ For 0 Hildreth Drive:

- Motion to approve the appeal, finding that the Planning and Zoning Board committed an error, and the City Commission grants the Conservation Overlay Zone 1 permit.

****or****

- *Motion to remand back to PZB to consider modification (if presented).*

****or****

- Motion to deny the appeal (can be combined with denial of a modification if presented) and confirm the PZB denial of the Conservation Overlay Zone 1 permit.

PAYMENT SUMMARY RECEIPT

CITY OF ST. AUGUSTINE - LIVE
75 King Street
St. Augustine FL 32084

DATE: 09/01/22 CUSTOMER#: 000000000
TIME: 13:19
CLERK: 1596plan

RECPT#: 2453991 PREV BAL:
TP/YR: MS/2022 AMT PAID: 200.00
BILL: ADJSTMNT:
EFF DT: 09/01/22 BAL DUE:
MISCELLANEOUS PAYMENT

-----TOTALS-----

PRINCIPAL PAID: 200.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 200.00
AMT APPLIED: 200.00
CHANGE: .00

PAID BY: JESSICA SHAFER
PAYMENT METH: CREDIT CARD
PAYMENT REF: 4067

VA

CITY OF ST. AUGUSTINE
APPLICATION TO APPEAL OFFICIAL, BOARD
OR STAFF DECISION

1. APPLICANT FEE:	\$ 200.00
2. PROJECT NUMBER:	2022-0062
3. RECEIPT NUMBER:	2453991

PLEASE PRINT OR TYPE

4. APPLICATION TO APPEAL DETERMINATION(S) OF THE FOLLOWING:

☒ Planning and Zoning Board ☐ Historic Architectural Review Board ☐ Building Official ☐ Fire Marshal	☐ City Manager ☐ Planning and Building Director ☐ Other (please specify): _____
--	--

5. **NAME OF APPELLANT:** James G. Whitehouse, Esq. FOR Jessica Shafer
Phone: (904) 495-0400 | Business (if applicable): ST. JOHNS LAW GROUP
Address: 104 Sea Grove Main Steet | City: St. Augustine
State: Florida | Zip: 32080

6. LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS APPEAL:

Lot: 1 & 2 | Block: _____ | Subdivision: Hildreth Estates
Parcel No.: 1511510010 and 1511510020
Other (attach copy, if necessary): ** see attached **

7. **PROPERTY STREET ADDRESS:** 40 Hildreth Way and 0 Hildreth Drive

8. **PROPERTY OWNER:** Jessica and Shane Shafer
Phone: () | Business (if applicable): _____
Address: 40 Hildreth Way | City: St. Augustine
State: Florida | Zip: 32080

9. **DESCRIPTION OF ACTION BEING APPEALED:** Denial by Planning and Zoning Board
of Con. Overlay Zone 2 permit for an approximately 2 ft high x 1 ft wide, pervious/stacked Tremron block,
decorative landscape wall on the property uplands, but within the 100 foot Con. Overlay Zone 2 area.
(e.g.: "Approval of a variance by the Planning and Zoning Board regarding lot coverage to construct
a shed" or "Denial of a Certificate of Appropriateness by the Historic Architectural Review Board for
metal roof for an addition.")

10. DATE OF ACTION BEING APPEALED: August 2, 2022

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

-- see attached --

In many instances, an appeal may only be filed by an aggrieved person, and the reviewing authority must find whether in its opinion error was made in order to reverse or modify the action appealed.

12. SPECIFIC GROUNDS FOR THE APPEAL:

-- see attached --

Section 28-29 of the Code of the City of St. Augustine, in part, states: "State with particularity, specific grounds for the appeal, including the factual and legal basis, which must be based on established law as it relates to the action taken by the official, board or commission upon which the appeal is filed. The official, board or commission which will hear the appeal as the reviewing authority may review the application for appeal prior to hearing and may request that additional information be filed, in writing in the form of a brief or other formal statement. Based upon the application for appeal and such other information that is filed, such reviewing authority may summarily affirm the order to be reviewed if the authority finds that no preliminary basis for reversal has been demonstrated, or may summarily reverse the order to be reviewed if the reviewing authority finds that no meritorious basis exists for affirmance and the order otherwise is subject to reversal." Attach additional information, if necessary.

13. SPECIFIC ACTION BEING REQUESTED: Granting of appeal / con. overlay zone 2 approval for this

approx. 2 ft high x 1 ft wide, pervious/stacked Tremron block, decorative landscape wall on the property uplands, as

presented in evidence by architect L.Thomas, engineer B.Morgen & environmental scientist J.Summerfield.

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

In accordance with s. 286.0105, Florida Statutes: "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."

A VERBATIM TRANSCRIPT IS REQUIRED AND INCLUDED WITH THIS APPEAL. THE DEADLINE FOR THE TRANSCRIPT IS THE SAME AS THE DEADLINE FOR THE APPEAL.

15.

, Attorney for Appellant

SIGNATURE OF APPELLANT

DATE

8/31/22

ATTACHMENT

City of St. Augustine
APPLICATION TO APPEAL P.Z.B. DECISION

6. LEGAL DESCRIPTION :

PARCEL ONE

40 HILDRETH WAY

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21-22, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Approximately 1.5 acres.

PARCEL TWO

0 HILDRETH DRIVE

LOT 2, HILDRETH ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGE 21, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Approximately 1.11 acres.

**** Both parcels combined make up approximately 2.6 acres +/-**

ATTACHMENT
APPLICATION TO APPEAL P.Z.B. DECISION

STANDING

This appeal is brought by the property owners of 40 Hildreth Way and 0 Hildreth Drive, proof of ownership attached, and this appeal packet includes a complete appeal filed in compliance with code requirements; thus, they have standing, pursuant to City Code, Section 28-29(g)(2):

(2) A complete appeal filed in compliance with code requirements by the owner of the property seeking a development permit shall be deemed legally sufficient to proceed to the substantive appeal hearing.

11. DESCRIBE IMPACT OF ACTION ON APPELLANT:

The P.Z.B.'s denial, which is purportedly based upon the applicant's failure to submit additional requested materials or "late" submittal of the additional requested materials, effectively denies the applicant of a reasonable review of their request for conservation overlay zone 2 development, which incidentally meets the city code requirements, including the 17 criteria used for reviewing this type of application, **AS IS APPARENT** from the expert staff review analysis in the attached staff reports and recommendations from February 1, 2022 (attached as Exhibit A), April 5, 2022 (attached as Exhibit B), and August 2, 2022 (attached as Exhibit C). The FDEP has formally stated from its state agency offices that the location of this, approximately two-foot high by one-foot wide, decorative landscape wall, is appropriate, and the existing rip-rap, as currently situated, is also in an APPROVED appropriate location and configuration **based upon all state regulatory review and requirements**.

Moreover, the applicant/owner will be immeasurably damaged if forced to remove this decorative wall, which does not violate any of the 17 criteria for approval, AS FOUND BY your expert staff, and which has been fully analyzed AS REQUESTED, including a site visit and examination of the property and landscape wall, by an expert, state-licensed architect (one that is well respected by this body) and found to be wholly appropriate as to design, configuration, aesthetics and its fully pervious nature (attached as Exhibit D); fully analyzed AS REQUESTED, including "multiple site visits" and evaluations, by an expert, state-licensed professional engineer and found to be wholly appropriate as it exists in relation to current site conditions, evaluation as to hydrological impacts, water displacement and effect on any adjacent properties, and the perviousness of the decorative wall from an engineering perspective; and fully analyzed AS

REQUESTED, again including onsite review and evaluation, by an expert, state licensed environmental scientist and found to be in an appropriate location and meeting all of the environmental criteria as established by the regulations of our code.

Although the record contains a clamor of the crowd with questions and concerns as to “flooding, flooding and more flooding” in that area of north city, and a clear confusion by the board members as to how to act on this application given all of the expert testimony dispelling these “fears” and this “anxiety” as to the unknown, all of the competent substantial evidence on the record (including the expert staff recommendation for approval and the expert architectural, engineering and environmental scientific testimony which clearly contradicts and dispels this fear and anxiety) points to the fact that this denial was arbitrary and capricious without basis in fact. In sum, a fair and reasonable evaluation of the competent substantial evidence that was presented and is included within the record on appeal, including both in documentation and testimonial form, transcript included, will find that the record contains the competent substantial evidence that was required of the applicant to meet their burden for this conservation overlay zone permit to allow this approximate two-foot high by one-foot-wide decorative landscape wall. Instead, the Board because frustrated and applied the wrong law and standards. The evidence was submitted. The evidence addressed the standards and criteria through expert submittal. Accordingly, the expert staff, not once, not twice, but three times found that the application met the 17 criteria and recommended APPROVAL on the first two meetings, and then for the Aug. 2 meeting, still stating that it met the 17 criteria, but curiously changing the recommendation to a denial in the last report.

12. SPECIFIC GROUNDS FOR THE APPEAL:

As afore-stated, the P.Z.B.’s denial, which is purportedly based upon the applicant’s failure to submit additional requested materials or “late” submittal of the additional requested materials, effectively denies the applicant of a reasonable review of their request for conservation overlay zone 2 development, which incidentally meets the city code requirements, including the 17 criteria used for reviewing this type of application, **AS IS APPARENT** from the expert staff review analysis in the attached staff reports and recommendations from February 1, 2022 (attached as Exhibit A), April 5, 2022 (attached as Exhibit B), AND August 2, 2022 (attached as Exhibit C). The FDEP has formally stated that the location of this, approximately two-foot high by one-foot wide, decorative landscape wall, is appropriate, and the existing rip-rap, as currently situated, is

also in an APPROVED appropriate location and configuration based upon all state regulatory review and requirements.

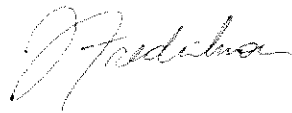
As the Commission will note, the initial staff review of this application for Con. Overlay Zone approval produced a recommendation for APPROVAL of this request. (See Feb. 1, 2022 PZB meeting minutes and full staff report attached). The expert staff report stated as follows:

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department

In fact, your expert planning staff specifically reviewed the 17 criteria that our code requires for review in considering conservation overlay zone development, and analyzed this application as follows:

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
 - (1) Site specific conditions:
The site currently has a single-family home with FDEP approved rip rap installed.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
The north side of this property borders a body of water as well as wetlands.
 - (3) Natural and proposed drainage patterns.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the previous block allows water to flow through the wall's joints

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

N/A.

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

Rip rap has already been installed on the property.

- (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

4
40 Hildreth Way • PID 151151-0010
Staff Report and Recommendation

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Minimal, if any.

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

N/A.

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

N/A.

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

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

No dock modification is part of the application.

Accordingly, after the item was continued from the Feb. 1, 2022 PZB meeting, the expert staff again, at the April 5, 2022 meeting, read their expert analysis and recommendation for APPROVAL into the record, and submitted their expert analysis finding that the applicant met the 17 criteria for APPROVAL. (See April 5, 2022 PZB meeting minutes and staff report attached.)

Finally, even though the staff stated he did not have the time to review the engineer's report and the survey due to submission only 7 days before the hearing, when the item came back for hearing at the August 2, 2022 meeting, the expert staff for a third time submitted their expert staff report providing their expert analysis finding that the applicant met the 17 criteria for conservation overlay zone permitting. (See Aug. 2, 2022 PZB meeting minutes and full staff report attached.)

As is evident from even a cursory review of the evidence contained in the record on appeal, this request does not violate any of the 17 criteria for approval, AS FOUND BY your expert staff. Further, it was error for the staff and the board to refuse to / fail to reasonably consider the applicant's evidence submitted which clearly shows that the proposal has been fully analyzed AS REQUESTED, including an on-site examination of the wall in question, by an expert, state-licensed architect (one that is well respected by this body) and found to be wholly appropriate as to design, configuration, aesthetics and its fully pervious nature (attached as Exhibit D); AND fully analyzed AS REQUESTED, including "multiple site visits" and evaluations, by an expert, state-licensed professional engineer and found to be wholly appropriate as it exists in relation to current site conditions, evaluation as to hydrological impacts, water displacement and effect on any adjacent properties, and the perviousness of the decorative wall from an engineering perspective (attached as Exhibit E); AND fully analyzed AS REQUESTED, again including onsite review and evaluation, by an expert, state licensed environmental scientist and found to be in an appropriate location and meeting all of the environmental criteria as established by the regulations of our code (emails attached as Exhibit F and comments on the survey attached as Exhibit G and testimony contained in the transcript at the Aug. 2, 2022 PZB meeting, pages 3 – 6 and 41 - 47).

Actually, from the outset, the owner has provided evidence to support their application, which is most likely why your expert staff found that it met the requirements for APPROVAL. The initial application, for the Feb. 1, 2022 PZB meeting, included a letter from an expert, state-licensed architect (one that is well respected by this body). That expert evidence was uncontroverted with any competent substantial evidence. Therein, he made it clear that he had in fact visited the site and evaluated the wall and that he found the request to be wholly appropriate

as to design, configuration, aesthetics and its fully pervious nature. The letter is attached as Exhibit D, and states in major part, as follows:

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

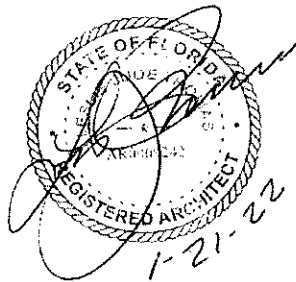
Re: Schafer Residence, 40 Hildreth Way

I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect



Even though that initial hearing, on February 1, 2002, transcript attached, included this uncontroverted expert evidence AND an affirmative staff review of the 17 criteria AND a staff recommendation for APPROVAL, the board expressed questions based upon the clamor of the crowd. From the chair's initial recitation of the mailed notice responses, in which he keeps saying "flooding" and "more flooding" and "another one, flooding" to the several public speakers that expressed their fears of what this wall may cause or their stories of the flooding from Matthew and Irma, the theme of the crowd and then the board became "we need more information" or "we need an expert study." In fact, instead of relying on the expert evidence presented, the board's attitude appears to reflect one of its member's sentiment that "I can't take Les Thomas' word" Thus, the board instead tells the applicant that "the responsibility's on you to convince us that this doesn't impact the 17 criteria," after the expert staff just told them that the application met the 17 criteria and recommended APPROVAL. The board then goes on to give a list that we "kind of are looking

for” which included the following: a “history of the rip rap” - (rip rap that the staff told the board had been approved); “some specs on the blocks – identifying their porosity” – (a fact which the expert testimony from Les Thomas had already provided, without refute); “outcome of the meeting with DEP” – (a meeting which actually occurred and the positive result of DEP approval reported in the expert professional engineer’s report, by the expert environmental scientist at the Aug 2, 2022 PZB meeting and on the expert specific purpose survey, attached as Exhibit G); a “survey” – (which was produced, found at Exhibit G); and finally, “something signed and sealed from an engineer with expertise in this area” ... “who says this is not going to impact your neighbors --- the way this water moves” and “addressing the 17 criteria that our board looks at.” – (in fact, the applicant did provide a signed and sealed statement from an engineer that specifically addresses that request, and they brought an expert environmental scientist who addressed those criteria, as well). After giving the list, the Board continued the matter with those directives.

The matter came back to the Board on April 5, 2022, with the caveat that the applicant had submitted a request to continue given the fact that she had sought out a number of engineers and surveyors and all the engineers and surveyors had told her that they could not get to an evaluation and produce the requested information for approximately six months. Irrespective of the request, the Chair opened the matter and asked the expert planning staff for their report and recommendation. AGAIN, the expert staff reiterated their analysis that the matter met the 17 criteria and the staff recommended APPROVAL of the item. (See attached Exhibit B). Following the staff report for APPROVAL, the applicant reiterated their sincere request for continuance to be able to secure the professional services and reports demanded by the Board (see attached minutes for April 5, 2022 PZB meeting attached), the Board took public comment, and then the Board proceeded to continue the item seeking the same requested items as previously mentioned.

As evident from the record of the Aug. 2, 2022 PZB meeting, during that time period between meetings, the owners were able to secure the expert services of a professional engineer as well as an environmental scientist and to secure a specific purpose survey from a licensed engineer showing the exact locations. This material was provided to the city staff prior to the meeting on the day that the applicant contacted the staff and staff told them that they were about to send out the staff reports, seven days before the meeting. Thus, staff wrote a memo stating that since they did not get the reports ten days before the meeting, that they did not review the reports.

When the matter then returned to a substantive discussion regarding the request at the August 2, 2022 PZB meeting, the expert staff report stated that the applicant still met the 17 criteria, but since they did not submit the material timely, the staff had changed their recommendation to denial. The owners proceeded to discuss the expert materials that they had submitted in response to the Board's requests, outlined above. To reiterate, those requests from the February and April meetings, as are clear in the transcript and record, were as follows:

- a "history of the rip rap"
- "some specs on the blocks – identifying their porosity"
- "outcome of the meeting with DEP"
- a "survey"
- and
- "something signed and sealed from an engineer with expertise in this area" ... "who says this is not going to impact your neighbors --- the way this water moves" and "addressing the 17 criteria that our board looks at."

The record shows that the documents provided for (attached as Exhibits D, E, F and G) and the testimony given at the August 2, 2022 PZB hearing, addressed those requests, as follows:

- a "history of the rip rap" –
Both the staff and the owner's environmental scientist who testified told the board that the rip rap had been approved;
- "some specs on the blocks – identifying their porosity"
The expert evaluation/report from Les Thomas, which had been provided without refute, the report from the professional engineer which established their pervious nature, and the testimony from the expert environmental scientist, all established / identified their porosity;
- "outcome of the meeting with DEP"
The expert environmental scientist testified that a meeting actually occurred and he reported the positive result of DEP approval, further it was reported in the expert professional engineer's report, and on the expert specific purpose survey, attached as Exhibit G;
- a "survey"
The specific purpose survey was produced, found at Exhibit G;
and finally,

- “something signed and sealed from an engineer with expertise in this area” ... “who says this is not going to impact your neighbors --- the way this water moves” and “addressing the 17 criteria that our board looks at.”

In fact, the applicant did provide a signed and sealed statement from an engineer that specifically addresses that request, and they brought an expert environmental scientist who addressed those criteria at the August hearing, as well.

In truth, the owners did provide evidence to support their application, which is most likely why your expert staff found that it met the requirements for APPROVAL.

The professional engineer’s expert report provided a specific analysis of the project and any impacts on both the wetlands and the adjacent properties. Further, he made it clear in his report that he has “reviewed the documentation” and “made multiple site visits.” That report is attached as Exhibit E, and states in major part, as follows:

July 5, 2022

City of St Augustine

Reference: 40 Hildreth Dr St Augustine

To whom it may concern:

RGM Engineering, has reviewed the documentation and has made multiple site visits and has listed the finding to Parcel ID 1511510010 and 1511510020 in reference to the groundwater flow report.

Based on my study and Environmental Resource Solutions that the proposed decorative landscaping wall and rip rap will not cause an impact to the surrounding properties nor any physical disturbance of banks, soils and existing vegetation, especially trees and aquatic vegetation.

Howard and Jessica Shafer have performed the removal of the coquina fill and from my finding, the FDEP and Environmental Resource Solutions findings they are in compliance that there will not be displacement or rise of water onto any adjacent or surrounding properties.

- The decorative landscape wall is previous
- The rip rap wall is previous
- No structural concrete footer
- Break away decorative landscape wall system
- The landscaping wall is not adhered with any cementitious product nor construction adhesive or any mechanical fasteners



Accordingly, the owners submitted the certified survey as requested. It clearly shows the locations in a scaled manner and also contains the notations that the reports from the expert environmental scientist and the site visit by FDEP were used to ensure accuracy as to the survey, as requested. (See attached as Exhibit G). And finally, the expert environmental scientist appeared, presented testimonial evidence as to the project, his dealings with DEP, their findings that this decorative landscape wall was appropriate and did not infringe on the wetlands, further that the rip rap was not a problem and that they would be issuing an order approving its location and current structure as meeting all of the state guidelines and regulations, and finally that the project did in fact meet the 17 criteria. This testimony was particularly applicable and noteworthy given the direct questioning by the chair and Mr. Summerfield's direct answers that the project did in fact pass the criteria and did not in fact impact the vegetative and animal communities, despite the chair's insistence as to one of the 17 criteria. Therein, he also makes it clear that "the DEP has deemed that no significant impact has occurred to any vegetation or wildlife." (8/2 PZB transcript at pages 45-47). Noteworthy is also the fact that your expert staff found that the applicant had met that criteria in all three of their staff reports.

At that hearing, once again many of the same speakers appeared, with a few new, and spoke in public comment. Again, the speakers did express their concern with flooding in the area, they expressed their interpretations of the code and regulations, they expressed that this was a bulkhead, this was in the wetlands, this was a flooding hazard, this was without permit, but none offered any competent substantial evidence to contradict or contravene the expert competent substantial evidence submitted by the applicant. The commission can and should comb the record to find evidence to support the decision; however, none will be found. All the competent substantial evidence in the record was provided by the applicant. Much in direct response, as requested. In fact, it is again important to note the findings of the experts in the record, and they are as follows:

1. Expert Planning Staff evaluation of the application of the 17 criteria for approval on three different staff reports and recommendations for APPROVAL of the project
2. State-licensed architect report - including an on-site examination of the wall in question, by an expert, state-licensed architect (one that is well respected by this body)

and found to be wholly appropriate as to design, configuration, aesthetics and its fully pervious nature (attached as Exhibit D);

3. Professional Engineer report - including “multiple site visits” and evaluations, by an expert, state-licensed professional engineer and found to be wholly appropriate as it exists in relation to current site conditions, evaluation as to hydrological impacts, water displacement and effect on any adjacent properties, and the perviousness of the decorative wall from an engineering perspective (attached as Exhibit E);
4. State Licensed Environmental Scientist testimony - again including onsite review and evaluation, by an expert, state licensed environmental scientist and found to be in an appropriate location and meeting all of the environmental criteria as established by the regulations of our code (transcripts of testimony attached, and commentary on survey, attached as Exhibit F and G);
5. State Licensed Surveyor report and survey – depicting the locations and scale based upon the environmental scientist reports and the DEP findings (attached as Exhibit G).

In conclusion, although the record contains a clamor of the crowd with questions and concerns as to “flooding, flooding and more flooding” in that area of north city, and a clear confusion by the board members as to how to act on this application given all of the expert testimony dispelling these “fears” and this “anxiety” as to the unknown, all of the competent substantial evidence on the record (including the expert staff recommendation for approval and the expert architectural, engineering and environmental scientific testimony which clearly contradicts and dispels this fear and anxiety) points to the fact that this denial was arbitrary and capricious without basis in fact. There was no expert testimony that contradicted the expert testimony offered both by your staff in their evaluation of the 17 criteria in relation to the “substantially complete” application submitted by the applicant. There was no expert testimony that contradicted or questioned the expert testimony offered by the applicant in the form of a certified architect’s report, a state licensed professional engineer’s report addressing the matters requested, an environmental scientist’s report and testimony addressing questions as to the 17 criteria, and a certified professional specific purpose survey that depicted the wall’s placement, as requested. None of

that was questioned or even called into question. Instead, you had questions and statements by board members saying that they did not have to listen to DEP or that they did not have to believe Les Thomas. To be fair, those are not the standard. Competent substantial evidence in the record is the standard. Evidence stating answers to the requests of the Board, especially taken together, even if the Board doesn't like the answers or wants to question the experts to try to get different answers. Evidence such as and including: 1) Les Thomas – "I visited the property at 40 Hildreth Way and examined the wall. ... The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall. The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions."; 2) Bob Morgen, P.E. – "RGM Engineering has reviewed the documentation and has made multiple site visits ... Based on my study and Environmental Resource Solutions, the proposed decorative landscaping wall and rip rap will not cause an impact to the surrounding properties nor any physical disturbance of banks, soils and existing vegetation, especially trees and aquatic vegetation ... from my finding, the FDEP and Environmental Resource Solutions findings, they are in compliance that there will not be displacement or rise of water onto any adjacent or surrounding properties. -The decorative landscape wall is pervious; - The rip rap wall is pervious; - No structural concrete footer; - Break away decorative landscape wall system; - The landscaping wall is not adhered with any cementitious product nor construction adhesive or any mechanical fasteners."; 3) Jonathan Summerfield, PWS – "no significant impact of development on vegetative and animal communities"; "I've seen it, the wall 's not going to have any adverse effect"; etc.

"Since the property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny." *Snyder v. Board of County Commissioners of Brevard County*, 595 So.2d 65 (Fla. 5th DCA 1991), *aff'd* 627 So.2d 469 (Fla. 1993).

It is well-established that decisions of local governments on building permits, site plans and other development orders are quasi-judicial in nature and are reviewable by certiorari proceedings. *Park of Commerce v. City of Delray Beach*, 636 So.2d 12 (Fla. 1994). As such, those decisions are subject to strict scrutiny review. *Board of County Commissioners of Brevard County v. Snyder*, 627 So.2d 469, 475 (Fla. 1993).

A strict scrutiny review of the record, to prevent the types of miscarriages of justice that the Courts have bemoaned, clearly reveals that the applicant met each and every requirement, guideline, code, regulation for this request, evidenced by the expert professional city planning staff's recommendation for APPROVAL. The documentary and testimonial evidence offered by the experts could not have been more one-sided. In fact, their expert testimony was uncontroverted, save several board members comments with clearly pre-determined positions on the matter presented. Those comments serve as a guiding light for this Commission's evaluation of whether the Board afforded the applicant their procedural due process, whether the Board observed the essential requirements of law and whether the Board based its actions on competent substantial evidence. There can be no question that procedural due process includes applying a localities' laws and codes in a fair and impartial manner. When the plain language of a city's codes, guidelines, standards and regulations are met and the same is testified to by all of the professionally-certified, expert witnesses, and is evidenced by the expert planning staff's recommendation for APPROVAL, the attempt of the Board to act as super planners and engineers, in a forum in which they are not to offer evidence or they have no expertise, and capitulation to the clamor of the crowd, is a clear violation of that applicant's right to due process. The law does not allow the local governing body to arbitrarily and capriciously pick and choose which applications or projects that it might entertain or not entertain based upon the way the winds of public opinion blow on that particular night. Predetermined lines of leading questioning and conclusory opinions of the quasi-judicial board members, based not upon competent substantial evidence, but upon the sentiment of "common sense" and we all know better than that, or I can't just take his word for it, do not establish a valid basis for disregarding the professional expert evidence presented and the expert staff analysis that the item met the 17 criteria for APPROVAL.

Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty or property interests. *Pasco County v. Riehl*, 620 So.2d 229, 231 (Fla. 2d DCA 1993). Further, procedural due process requires the quasi-judicial decision maker to be unbiased and prohibits such persons from prejudging any decision that may come before them without having heard all the facts. *Seminole Entertainment v. City of Casselberry*, 811 So.2d 693 (Fla. 5th DCA 2001). "An impartial decision maker is a basic constituent of minimum due process." *Ridgewood Props., Inc. v. Dept. of Community Affairs*, 562 So.2d 322, 323 (Fla. 1990).

“The elected and appointed officials charged with the administration of city and county government are subjected to increasing pressures. On one hand, they are pressed to allow growth only if it is commensurate with available roads and services. On the other hand is the pressure from landowners who wish to develop their vacant properties in a manner that results in the largest return of capital or pleasure. Still another pressure is the desire of neighbors who do not wish their present enjoyment of their lands disrupted in the slightest by the use of adjoining vacant property. Opposition of surrounding property owners must be considered by the city if competent substantial evidence is presented showing an actual effect on their property as prohibited by the criteria. But the opinions of neighbors by themselves are insufficient to support a denial of a proposed development.” *BML Investments v. City of Casselberry*, 476 So. 2d 713 (Fla. 5th DCA 1985), rev. denied, 486 So. 2d 595 (Fla. 1986); *Conetta v. City of Sarasota*, 400 So. 2d 1051 (Fla. 2d DCA 1981). Landowners are entitled to present plans that meet the codes and guidelines of the local entity, if they do so, just and fair consideration must be afforded. As in the instant case, public opposition is not enough to allow a government to disregard such a valid submittal and attempt to impose requirements upon the applicant that have never been imposed on anyone else, were not applicable or had already been reviewed and met. Such action was an abuse of the applicant’s due process rights.

In *Colonial Apartments, L.P. v. Deland*, 577 So. 2d 593 (Fla. 5th DCA 1991), Petitioner apartment complex sought review of the decision by the circuit court, which had denied petitioner’s writ of certiorari. In its writ of certiorari before the circuit court, petitioner sought relief from respondent city’s denial of approval of a site plan submitted by petitioner, in an action where petitioner sought to construct a new apartment project. The appellate court granted the writ and found that the lower tribunal incorrectly inserted its own intentions into the ordinance. The plain meaning of the ordinance demonstrated that petitioner’s original plan met its requirements. The appellate court quashed the order and remanded the matter with directions to quash the administrative decision. In the opinion, the Court stated, “We agree with the city that project density is a legitimate concern and go further in stating that it is a most important concern. But it is a concern that must be addressed and expressed in appropriate ordinances. A community should be developed in accordance with planned action. Development decisions should not be made in reaction to an application ... Owners are entitled to fair play; the lands which may represent their life fortunes should not be subjected to ad hoc legislation.” The Fifth concluded by stating, “Our

review of the circuit court's decision is limited to a determination of whether that court afforded procedural due process and applied the correct law. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982). The correct law applicable in this case is that the ordinance should be given its plain meaning and that any doubts should be construed in favor of a property owner. The circuit court's reliance upon the undefined and uncertain standards contained in the statement of intent when clear and specific numbers of units are expressed in that same ordinance is not an interpretation that recognizes the plain meaning of the ordinance. It is not fair to the governed that the simple issue of how many dwelling units are allowed under this city ordinance requires a sixteen-page trial court opinion interpreting the ordinance against a clearly expressed number." Moreover, in the instant case, the City has established its guidelines, the applicants have now submitted a plan that meets those guidelines, as witnessed by the expert testimony in the record; thus, due process requires that fair and adequate review of that submittal be afforded and the professional review and conclusions of the expert staff be respected, without the Board attempting to act as "super planners" and impose requirements and standards that were not required or that were already met. Failure to do so was an abuse of the applicant's due process rights and a perversion of the essential elements of law.

Finally, as aforementioned, there was no competent substantial evidence presented to support a denial of applicant's request for approval. To that end, "the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached." *Pollard v. Palm Beach County*, 560 So.2d 1358, 1359 (Fla. 4th DCA 1990). There must be "such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred." *Id.* at 1359 (citing, *De Groot v. Sheffield*, 95 So.2d 912,916 (Fla. 1957)). In the instant case, the applicant clearly established with competent substantial evidence that their application met all of the applicable provisions of the City's guidelines and complied with all of the City codes. This fact was uncontested by the competent evidence adduced at the hearing. In fact, there was no evidence in the record, short of the clamor of the crowd consisting of lay opinion testimony and the purely hypothetical opinions and conjectures positing that it would cause flooding, let alone competent and substantial evidence, to support refuting the expert planning staff's professional review that found the project met the 17 criteria and the recommendations for APPROVAL and the expert meticulous site review by an architect, a professional engineer and an environmental scientist. The

speculative reasons offered by the Board, brought on by the unsubstantiated emotion and perception riled up by the clamor of the crowd, and their attempted application of requirements not contained within the city codes, guidelines, standards or comprehensive plan, or requirements that had already been reviewed by their own certified expert planners, were undeniable violations of the applicant's rights and led to the unlawful denial of the applicant's request for approval. There can be no question that this denial, which was opposed by every expert witness on the record who offered substantive competent substantial evidence and testimony, was in fact an abuse of applicant's due process rights, that it represents a failure to follow the essential requirements of law and that it was not supported by any evidence in the record, much less evidence that was competent and substantial.

In sum, a fair and reasonable evaluation of the competent substantial evidence that was presented and is included within the record on appeal, including both in documentation and testimonial form, transcript included, will find that the record contains the competent substantial evidence that was required of the applicant to meet their burden for this conservation overlay zone permit to allow this approximate two-foot high by one-foot-wide decorative landscape wall. Instead, the Board became frustrated and applied the wrong law and standards. The evidence was submitted. The evidence addressed the standards and criteria through expert testimony and documental submittal. Our city code makes it very clear under Section 11-29, "Applications for development in Conservation Overlay Zones shall be evaluated according to" the 17 criteria. The expert staff makes this very clear in all three of their staff reports on this matter, all attached hereto in full. Accordingly, the expert staff, not once, not twice, but three times found that the application met the 17 criteria and recommended APPROVAL on the first two meetings, and then for the Aug. 2 meeting, still stated that it met the 17 criteria, but curiously changed the recommendation to a denial in the last report.

Merely because the evidence does not conform to the result that a board desires or that the clamor of crowd desires does not give that board or any body the right to deny an applicant an approval after they have met their burden through clear expert competent substantial evidence supporting their proposition. In fact, fears and anxiety and questions about what may be or of the unknown, questions and fears that are dispelled by the facts in the record from the experts as provided, are not a valid basis on which to fashion a denial. Such an action in the case at hand is clear error.

13. SPECIFIC ACTION BEING REQUESTED:

The property owners petition the City Commission to evaluate their appeal and the record from the PZB meetings, and to find that the applicant did submit and present competent evidence to support the granting of a conservation overlay zone 2 approval for this approx. 2 ft high x 1 ft wide, pervious/stacked Tremron block, decorative landscape wall on the property uplands, as provided in evidence by the applicant's experts, including the reports and testimony of state certified, registered architect Les Thomas, state certified and licensed, professional engineer Bob Morgen, P.E., and state certified and licensed, environmental scientist Jonathan Summerfield, P.W.S., as well as the specific purpose survey provided and certified by state licensed surveyor Terry M. Durden, P.S.M., all of whose credentials were stated or are well-known by this commission.

0 HILDRETH DRIVE - APPEAL

Finally, as to 0 Hildreth Drive, it appears that the staff informed the owners, sometime between the April meeting and the August meeting that they needed to file an application for conservation zone development for 0 Hildreth Drive. (Apparently in July, given the date on the application requested by staff, as July 6, 2022.) In the first two hearings, February and April, it appears that the staff and the Board are treating both together; however, it is not clear from the record when they were determined to be separate. Accordingly, although the owners capitulated to the staff request to file a separate application for 0 Hildreth Drive, there was no directive to submit separate information or even that it would be considered conservation overlay zone 1 development. In fact, at the time of the staff's apparent request, the DEP was still determining where the jurisdictional wetland line was located and the report is still forthcoming. In any case, the record is clear from the August 2 PZB hearing that the applicant was sincerely requesting some additional time to provide any additional evidence that would be required for this separate matter and this new requirement and evaluation based upon an apparent epiphany by staff. Moreover, it would seem appropriate, since the staff and the Board decided to treat this 0 Hildreth Drive separately at the last minute, that the applicant should be remanded to be able to provide the information that they stated in the record they would get or were getting from DEP, who was still finalizing their report and order. In sum, we would request that matter be remanded to the PZB for consideration of these reports and any modifications that report requires or brings from the DEP, forthcoming.



Owner's Authorization For Agent

JAMEIG. WHITEHOUSE, Esq. is/are hereby authorized TO ACT ON BEHALF
OF Jessica & Shane Shafer, the owner(s) of those lands described within
☒ the attached ^{APPEAL} 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~~ ^{CITY COMMISSION}, located at:
40 Hildreth Way & O Hildreth Way Drive

BY: Jessica Shafer
Signature of Owner

Jessica Shafer

Print Name of Owner

904-540-3854

Telephone Number

State of FL

County of St. Johns

Signed and sworn before me on this 25 day of August, 2022

By Jessica Shafer

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

Jared Bodiak

My Commission expires:

12/14/25



Prepared by: J. Russell Collins - 9517
2493 US Highway 1 South
Saint Augustine, Florida 32086-6077

**PREPARED WITHOUT REQUEST
FOR EXAMINATION OF TITLE**

Return to: Howard Shane Shafer
3501 North Ponce de Leon Blvd, Unit 374
Saint Augustine, Florida 32084-1403
Parcel Account Number: 151151-0010

(Space above reserved for recording data)

WARRANTY DEED

This Indenture made this December 30th 2020, Between Jessica Blair Shafer, joined by her spouse, Howard Shane Shafer (the "Grantor"), whose post office address is 3501 North Ponce de Leon Blvd, Unit 374, Saint Augustine, Florida 32084-1403, and Howard Shane Shafer and Jessica Blair Shafer, Co-Trustees under that Joint Declaration of Trust dated December 30th, 2020, with power and authority to conserve, sell, lease, encumber, or otherwise manage and dispose of the real property conveyed (the "Grantee"), whose post office address is 3501 North Ponce de Leon Blvd, Unit 374, Saint Augustine, Florida 32084-1403.

Witnesseth, that said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and Grantee's heirs forever the following described land located in the County of Saint Johns, State of Florida, to-wit:

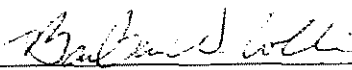
Lot 1, Hildreth Estates, as recorded in Map Book 71, Pages 21 through 22, Public Records of Saint Johns County, Florida.

SUBJECT TO Covenants, Restrictions, and Easements of Record, if any; SUBJECT TO the General Lien of Taxes for 2020 and thereafter.

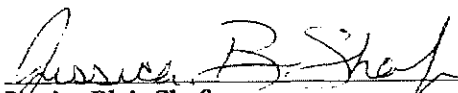
And said Grantor does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

WITNESSES


Witness: Barbara W. Collins


Witness: J. Russell Collins


Jessica Blair Shafer

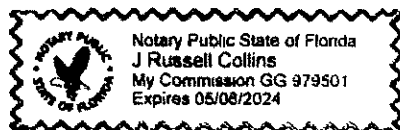
Howard Shane Shafer

**COUNTY OF SAINT JOHNS
STATE OF FLORIDA**

THE FOREGOING INSTRUMENT was acknowledged before me on **December 30th 2020** by **Jessica Blair Shafer and Howard Shane Shafer** who appeared physically are personally known to me.

[Seal]


Notary Public: J. Russell Collins
My commission expires: 05/08/2024





Owner's Authorization For Agent

James G. Whitehouse, Esq. _____ is/are hereby authorized TO ACT ON BEHALF
OF Florida Coastal Contractors LLC / Jessica Shafer, the owner(s) of those lands described within
☒ the attached APPEAL 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 CITY COMMISSION ~~Planning & Zoning~~ Board, located at:
0 Hildreth Drive

BY: Jessica Shafer
Signature of Owner
Jessica Shafer, Manager
Florida Coastal Contractors, LLC

Print Name of Owner
904-540-3854

Telephone Number

State of Florida
County of Saint Johns

Signed and sworn before me on this 1st day of September, 2022

By Jessica Shafer

Identification verified:

Oath sworn: X Yes _____ No _____

Notary Signature: _____

My Commission expires: _____

09-09-2025



MADISON TAYLOR
Notary Public
State of Florida
Comm# HH174077
Expires 9/9/2025

Prepared by and return to:
Chad Matthew Muney
Attorney at Law
Clark & Muney PLLC
2400 E. Commercial Blvd. Suite 820
Fort Lauderdale, FL 33308
954-776-3800
File Number: 19-4739

Parcel Identification No. 1511510020

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 20th day of September, 2019 between David Johnston and Eva Bueno-Johnston, husband and wife whose post office address is 1722 Sheridan St. #400, Hollywood, FL 33020 of the County of Broward, State of Florida, grantor*, and Florida Coastal Contractors, LLC, a Florida limited liability company whose post office address is 3501 N. Ponce de Leon Blvd., #374, Saint Augustine, FL 32084 of the County of Saint Johns, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Saint Johns County, Florida, to-wit:

Lot 2, Hildreth Estates, according to the plat thereof as recorded in Plat Book 71, Page 21, Public Records of Saint Johns County, Florida.

Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

LaVita Kraushaar
Witness Name: LaVita Kraushaar

Robert E. Bueno
Witness Name: Robert E. Bueno

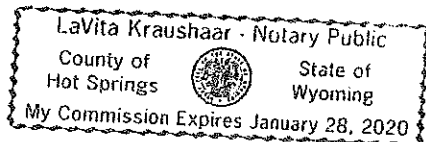
David Johnston (Seal)
David Johnston

Eva Bueno-Johnston (Seal)
Eva Bueno-Johnston

State of Wyoming
County of Hot Springs

The foregoing instrument was acknowledged before me this 17th day of September, 2019 by David Johnston and Eva Bueno-Johnston, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



LaVita Kraushaar
Notary Public

Printed Name: LaVita Kraushaar

My Commission Expires: 1-28-2020



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

FLORIDA COASTAL CONTRACTORS, LLC

Filing Information

Document Number	L17000211668
FEI/EIN Number	82-3066844
Date Filed	10/12/2017
Effective Date	10/12/2017
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	05/14/2018
Event Effective Date	NONE

Principal Address

3501 N.Ponce De Leon Blvd
#374
St. Augustine, FL 32084

Changed: 01/21/2019

Mailing Address

3501 N.Ponce De Leon Blvd
#374
St. Augustine, FL 32084

Changed: 01/21/2019

Registered Agent Name & Address

DUNBAR, JAMES P
1522 LANDING LANE
NEPTUNE BEACH, FL 32266

Authorized Person(s) Detail

Name & Address

Title Owner 100%

SHAFER, JESSICA Blair

3501 N. Ponce De Leon Blvd
#374

8/31/22, 10:26 AM

ST. AUGUSTINE, FL 32084

Annual Reports

Report Year	Filed Date
2020	01/14/2020
2021	01/23/2021
2022	02/02/2022

Document Images[02/02/2022 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/23/2021 -- ANNUAL REPORT](#)[View image in PDF format](#)[04/22/2020 -- AMENDED ANNUAL REPORT](#)[View image in PDF format](#)[01/29/2020 -- AMENDED ANNUAL REPORT](#)[View image in PDF format](#)[01/15/2020 -- AMENDED ANNUAL REPORT](#)[View image in PDF format](#)[01/14/2020 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/21/2019 -- ANNUAL REPORT](#)[View image in PDF format](#)[05/14/2018 -- LC Amendment](#)[View image in PDF format](#)[01/23/2018 -- ANNUAL REPORT](#)[View image in PDF format](#)[10/12/2017 -- Florida Limited Liability](#)[View image in PDF format](#)

EXHIBIT

A

FEBRUARY 1, 2022 – PZB

EXPERT STAFF

ANALYSIS OF 17 CRITERIA

&

RECOMMENDATION FOR

APPROVAL

Mr. Blow asked if the amount of parking for the restaurant met the City code.

Ms. Skinner said after further review, the restaurant added additional seats and they were short seventeen parking spaces. She said originally they were approved for a certain amount of parking spaces and between November 2019 and May 2020 an application was submitted requesting sixty-eight additional seats which was approved without reviewing the parking issues; however, this took place when City Hall was closed due to COVID. She said at that time the entire property was owned by one owner and she was unsure of private parking conversations.

Discussion continued:

- Windward was willing to lease parking if able to reach an agreement
- Questioned the parking count accuracy
- Development agreement for the Windward properties required parking and tracking tables for every use
- Could build vertically if more parking were needed
- Property Owner Association document required each user to provide code compliant parking
- City Commission approved agreement required a parking tally and how it was allocated towards the uses for the City to know the accurate count
- Restaurant was an existing non-conforming situation
- Questioned how the City would keep track of the leases within the parcel
- Everything inside the development would meet code requirements
- If developer over builds parking or a parking garage, leases should be submitted in order to not double count
- Did not want to have parking garage to mitigate other businesses parking issues
- Would be a walkable community

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2021-0172 with the condition, as agreed by applicant, that if any other parking is leased out, that would be include in the tally that the City has as it meets our Code. The motion was SECONDED by Mr. Misterly.

Mr. Blow wanted to confirm the applicant was comfortable with the condition and was not obligated to provide parking to anyone.

Mr. DePreter said that was why it was "if" they do there would be a tally but were not obligated.

VOTE ON MOTION:

AYES: DePreter, Misterly, Pappas, Blow, Griggs, Ryan, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Overlay Zone Development

6. (a) 2022-0005 Jessica Shafer - Applicant/Owner 40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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

Jessica Shafer reviewed the application.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 1, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM

6(a)

APPLICANT & OWNER

Jessica Shafer

LOCATION

40 Hildreth Way / PID 151151-0010

REQUEST

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

LAND USE

Residential Low Density

ZONING

Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

1
40 Hildreth Way / PID 151151-0010
Staff Report and Recommendation

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- (3) Natural and proposed drainage patterns.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- ✓ (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Minimal, if any.

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

N/A

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

N/A.

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

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

No dock modification is part of the application.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department

EXHIBIT

B

APRIL 5, 2022 – PZB

EXPERT STAFF

ANALYSIS OF 17 CRITERIA

&

RECOMMENDATION FOR

APPROVAL

- Second application for a wine bar from the applicant and questioned reason for the wine bar

Mr. Pierre-Klifa stated he understood preserving the residential feel as he lived downtown. He said it was not his vision for people to be drunk and he would not tolerate the drunkenness at his establishment. He wanted this for himself. He said it would be a place that was refined where people can come for a nice environment and not a bar like others on St. George Street; just a small low-key place. He said tourism needed to be served properly because that was what made St. Augustine special. He said the first floor would be open for around ten to twelve people maximum and the second floor would be his office. He felt the Board had the wrong impression and asked them to reconsider.

The Board continued:

- Plan showed twelve seats upstairs and twelve seats downstairs
- Plan had been updated to have only applicant's office upstairs
- Downstairs would be the wine bar
- There was a patio with the intent to have some outdoor seating either four or five tables
- Questioned what had been in the building over the past five years

Mr. Sellers said the previous tenant was Spyglass Tours and used it as an old hospital for children's tours but had been vacant for the past nine months.

Mr. Davis asked if outdoor seating would need to be approved.

Ms. Skinner responded it could be a part of the approval for the exception and limitations could be added.

Ms. Lopez said reasonable conditions could be added to mitigate the negative impacts on the neighborhood.

Mr. Misterly thanked the applicant for presenting a reasonable application and for thinking about the neighborhood by adding self-imposed conditions; however, Uses by Exception normally did not fit in a neighborhood but if they were controlled perhaps a few could work. He said he thought in this area of town, the threshold had been met of what could be supported between residential and commercial.

Mr. Blow thanked the applicant for his efforts and encouraged him to not be discouraged.

MOTION

Mr. Misterly **MOVED to DENY Use by Exception 2022-0020** for 21 Spanish Street a cocktail lounge was not appropriate in the area given the number of other bars and how it impacts public health, safety, welfare, morals, order, convenience, and appearance of the area based on testimony from the public and notices returned to the Board. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

AYES: Misterly, Blow, Pappas, Ryan, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

6. Conservation Overlay Zone Development

6. (a) 2022-0005 Continued February 1, 2022 - Jessica Shafer- Applicant & Owner 40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

³ Break from 4:05p.m.-4:20p.m.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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

Mr. Misterly reiterated the applicants had requested a continuance since an engineer was unable to review their site for six months due to the extensive workload. Jessica Shafer and Shane Shafer provided an updated and requested to continue to application.

Ms. Lopez asked how much time was needed for the engineer to provide the documents for review.

Ms. Shafer requested for the application to be continued for the next three months. She said this would allow time for the proper research to be completed and documents to be provided.

Ms. Lopez said a date certain for three months would be July 5, 2022.

Mr. Misterly asked for anything provided to be reviewed by the City's Public Works staff and provide an opinion to the Board. He said by continuing to the July meeting would provide them time as well.

Ms. Lopez advised by having a date certain such as July 5, 2022, advertisement would not have to be done again. She said if the application had to be advertised again it would be an additional cost.

The Board provided their ex parte communication.

31 certified notices were sent, 2 were returned in favor, 12 returned opposed and

13 had comments and additional emails were attached.

Public hearing was opened.

Claire Norris spoke in opposition to the applicant and said her property was adjacent to the applicant and the wall was affecting her property and she could not have a bulkhead. She had an issue with the City allowing the applicants to hire their own engineer, instead of conducting an impartial study. She stated she was under the impression the City had received funds to help mitigate the flooding and if the bulkhead were to be allowed then the City needed to protect the neighborhood. She felt the applicant should have to remove the wall.

Ted Mooney spoke in opposition to the applicant and provided a picture of the decorative wall as viewed from his property. He said the wall was significant and had been constructed; however, he was unsure how a hydrological survey could be provided. He said the wall should be removed and then have a study conducted to show the affects to the neighborhood. He urged the Board to deny the continuance.

Madeline Keyable questioned if construction was able to be done on weekends or holidays. She contacted the permit office and they indicated a permit had not been filed, and this had been going on since November. She said she needed a new fence and wanted to build an identical berm on her property and use the same materials. She stated she heard the application would be approved and if so, she wanted to file for a permit for the same thing.

Mr. Misterly clarified this was the process for applications and there was no indication the application would be approved.

Nancy Bertogli spoke in opposition to the application and said the flooding in their neighborhood had changed causing many issues for everyone. She stated this type of flooding altered the way people lived. She

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 5, 2022 continued from February 1, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM	6(a)
APPLICANT & OWNER	Jessica Shafer
LOCATION	40 Hildreth Way / PID 151151-0010
REQUEST	To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

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

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- (3) Natural and proposed drainage patterns.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

✓ *Minimal, if any.*

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

✓ *N/A*

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

✓ *N/A.*

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

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

No dock modification is part of the application.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department

EXHIBIT

C

AUGUST 2, 2022 – PZB

EXPERT STAFF

ANALYSIS OF 17 CRITERIA

**AS OF JULY 25TH 2022, NO ADDITIONAL INFORMATION HAS BEEN
PROVIDED BY THE APPLICANT**

TO: Planning and Zoning Board

DATE: August 2, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM 7(a)

APPLICANT & OWNER Jessica Shafer

LOCATION 40 Hildreth Way / PID 151151-0010

REQUEST To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

LAND USE Residential Low Density

ZONING Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal

STAFF SUMMARY AND ANALYSIS

This request is to construct a new wall/landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- ✓ (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- ✓ (3) Natural and proposed drainage patterns.

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- ✓ (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- ✓ (9) Effect of shade on vegetation and shellfish.
Minimal if any.
- ✓ (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
N/A.
- ✓ (11) Impact of development on shoreline by linear feet and percent of site.
The landscape feature is along the entire northern property line, but behind the rip rap.
- ✓ (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
N/A.
- ✓ (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
Vegetative landscaping not mentioned in application.
- ✓ (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
Minimal, if any.
- ✓ (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
N/A.
- ✓ (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
N/A.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

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

No dock modification is part of the application.

STAFF RECOMMENDATION

Based on a review of section 11-29 staff finds that the board can **DENY** the construction of a new wall/landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

The applicant has not provided any additional information requested by the PZB in February or for clarification for staff on the permeability or distribution of water on or around the property.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department

EXHIBIT

D

EXPERT

STATE LICENSED ARCHITECT

EXPERT ANALYSIS

AS REQUESTED

LES THOMAS

ARCHITECT

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

Re: Schafer Residence, 40 Hildreth Way

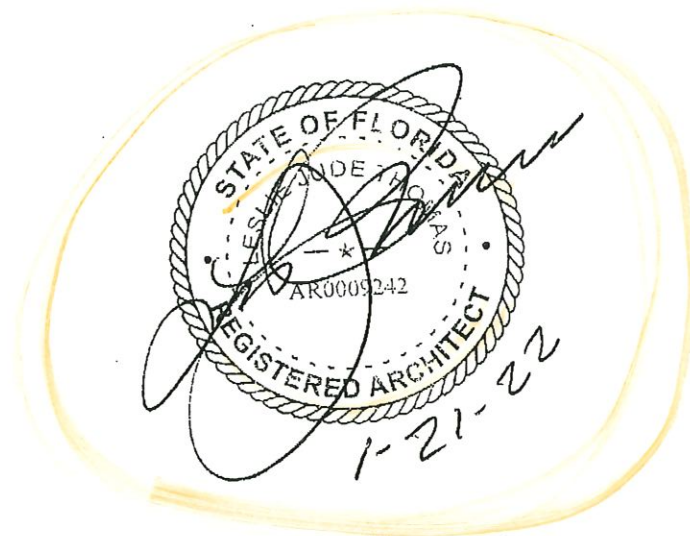
I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect

LT/jmc



EXHIBIT

E

EXPERT

STATE LICENSED

PROFESSIONAL ENGINEER

EXPERT ANALYSIS

AS REQUESTED



Land Development-Permitting-Utilities

65 Lewis Blvd -- St. Augustine, Florida -- 32084

July 5, 2022

City of St Augustine

Reference: 40 Hildreth Dr St Augustine

To whom it may concern:

RGM Engineering, has reviewed the documentation and has made multiple site visits and has listed the finding to Parcel ID 1511510010 and 1511510020 in reference to the groundwater flow report.

Based on my study and Environmental Resource Solutions that the proposed decorative landscaping wall and rip rap will not cause an impact to the surrounding properties nor any physical disturbance of banks, soils and existing vegetation, especially trees and aquatic vegetation.

The FDEP has requested the removal of the coquina fill located on the top of the rip rap wall behind the decorative landscape wall, as this is considered to be fill and is not approved by the FDEP in this application. However, the coquina is approved by the FDEP in other applications but not in conjunction with the rip rap application.

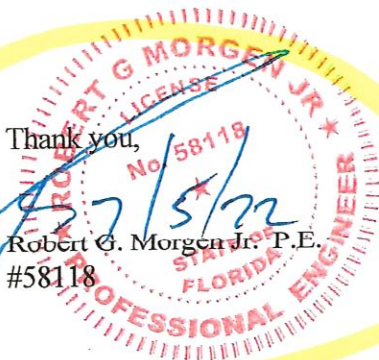
Howard and Jessica Shafer have performed the removal of the coquina fill and from my finding, the FDEP and Environmental Resource Solutions findings they are in compliance that there will not be displacement or rise of water onto any adjacent or surrounding properties.

- The decorative landscape wall is previous
- The rip rap wall is previous
- No structural concrete footer
- Break away decorative landscape wall system
- The landscaping wall is not adhered with any cementitious product nor construction adhesive or any mechanical fasteners

If I can be of any further assistance, please feel free to contact me at 904-814-7633.

Thank you,

Robert G. Morgen Jr. P.E.
#58118



PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jon Summerfield <jsummerfield@ses-grp.com>
Sent: Tuesday, June 28, 2022 3:37 PM
To: Neumann, Jason <Jason.Neumann@FloridaDEP.gov>
Cc: Sellers, Christina <Christina.Sellers@FloridaDEP.gov>; Shane Von Shafer <shane.fcc@gmail.com>; Jessica Shafer <jessicallc.fcc@gmail.com>
Subject: Shafer Lot

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Jason,

I know you are swamped, but I just wanted to follow-up on the Shafer lot at [40 Hildreth Drive](#). Based on our site meeting on May 25, 2022, we agreed that the landscape wall was located within uplands and that the jurisdictional wetland boundary was under the rip rap. We agreed that the coquina sand and filter material that had been placed on top of the rip rap needed to be removed and that FDEP would work on a consent agreement to allow the rip rap to remain in place.

Please let me know if I missed anything and let me know if you need any additional information for the preparation of the consent agreement.

Thank You,

Jonathan Summerfield, PWS | Senior Environmental Scientist

Environmental Resource Solutions

A Division of SES Energy Services LLC

[3550 St. Johns Bluff Road South, Jacksonville, FL 32224](#)

[Office: 904.285.1397](#) | [Cell: 904.210.8837](#)

A member of the SES group of companies

SES Civil and Environmental LLC • Aerostar SES LLC

SES Energy Services LLC • SES Infrastructure Services LLC

SES Construction and Fuel Services LLC • SES Technologies LLC

SpecPro Environmental Services LLC • SES Electrical LLC

Panhandle Power Solutions LLC • SES Facility Support LLC



Jessica Shafer <jessicallc.fcc@gmail.com>

SURVEY for Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

5 messages

Neumann, Jason <Jason.Neumann@floridadep.gov>

Wed, Jun 29, 2022 at 1:03 PM

To: Jessica Shafer <jessicallc.fcc@gmail.com>, Shane Von Shafer <shane.fcc@gmail.com>, Jonathan Summerfield <JSummerfield@ersenvironmental.com>

Cc: "Sellers, Christina" <Christina.Sellers@floridadep.gov>, "Harris, Matthew J." <Matthew.J.Harris@floridadep.gov>

Hi Everyone,

Thanks for the survey. It looks good and addresses the situation I do believe. Once the clean-up is all done and rip-rap is ready, let me know. And just to be aware, I have several Consent Order agreements ahead of this one, but I am doing my best to get thru them. Have a great day everyone.

Thanks Again,

Jason Neumann, MS, PWS, CWE, *Environmental Specialist III*

FDEP – NED: SLERP 404 Compliance Assurance

Direct Phone: 904-256-1532

E-mail: Jason.Neumann@FloridaDEP.gov

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jessica Shafer <jessicallc.fcc@gmail.com>

Sent: Wednesday, June 29, 2022 12:24 PM

To: Shane Von Shafer <shane.fcc@gmail.com>

Cc: Sellers, Christina <Christina.Sellers@FloridaDEP.gov>; Harris, Matthew J. <Matthew.J.Harris@FloridaDEP.gov>; Jon Summerfield <jsummerfield@ses-grp.com>; Neumann, Jason <Jason.Neumann@FloridaDEP.gov>

Subject: Re: Follow-Up @ Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good Afternoon,

I have attached the survey with the landscaping wall as requested.

NOTES:

- 1.) THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF A LANDSCAPE WALL, TOE OF RIP RAP, AND FLAGS (SEE NOTE 7 FOR EXPLANATION) IN RELATION TO THE BOUNDARY LINES OF LOT 1 AND 2, HILDRETH ESTATES, MAP BOOK 71 PAGE(S) 21-22
- 2.) A BEARING OF SOUTH 77°12'16" WEST ON THE NORTHERLY RIGHT OF WAY OF HILDRETH WAY AND REFERS TO MAP BOOK 71, PAGES 71-72, HILDRETH ESTATES.
- 3.) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND IMPROVEMENTS, SUCH AS FOOTERS OR UTILITIES, IF ANY, WERE NOT LOCATED.
- 4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
- 5.) THE DESCRIPTION SHOWN HEREON WAS FOUND IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, OFFICIAL RECORD 5139, PAGE 1917 AND OFFICIAL RECORDS BOOK 4800, PAGE 418.
- 6.) AS SCALED FROM FLOOD INSURANCE RATE MAP (FIRM) FOR ST. JOHNS COUNTY, #12109C0312 J, EFFECTIVE DATE 12/7/2018, THE PROPERTY SHOWN HEREON LIES IN ZONE AE 7 AND 8.

7.) LETTER FROM JONATHAN SUMMERFIELD, PWS TO GEOMATICS CORP., RE: 40 HILDRETH DRIVE-SUPPLEMENTAL INFORMATION FOR SURVEY ST. JOHNS COUNTY, FLORIDA ERS JOB NO. 22096, DATED 23 JUNE 2022:

ENVIRONMENTAL RESOURCES SOLUTIONS (ERS), A DIVISION OF SES ENERGY SERVICES LLC, ASSESSED THE SHAFER PROPERTY, LOCATED AT 40 HILDRETH DRIVE IN ST. JOHNS COUNTY, FLORIDA, TO DETERMINE THE REGULATORY LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS WITHIN THE PROPERTY. THIS ASSESSMENT WAS DONE FOR FURTHER COORDINATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AS PART OF AN ON-GOING COMPLIANCE REVIEW FOR IMPROVEMENTS WITHIN THE PROPERTY.

ON 12 MAY 2022, ERS PLACED FLAGS ON-SITE TO FACILITATE DISCUSSIONS FDEP STAFF DURING AN UPCOMING MEETING. THESE FLAGS DO NOT REPRESENT THE LANDWARD EXTENT OF WETLANDS. DURING THE FDEP SITE MEETING ON 14 JUNE 2022, FDEP AND ERS DETERMINED THAT THE WETLAND LINE WAS WATERWARD OF THE CONCRETE BLOCK WALL, UNDER THE EXISTING RIP RAP. NO FLAGS WERE HUNG IN THE FIELD AS THE RIP RAP MASKED THE EXACT LOCATION OF THE WETLAND LINE.

PURSUANT TO FURTHER CONVERSATIONS WITH FDEP, A CONSENT AGREEMENT IS BEING DEVELOPED TO ALLOW THE SHAFERS TO KEEP THE RIP RAP IN PLACE. AS SUCH, ADDITIONAL DOCUMENTATION VERIFYING THE WETLAND LINE FROM FDEP WILL LIKELY NOT BE AVAILABLE UNTIL THE FINALIZATION OF THE CONSENT AGREEMENT.

EXHIBIT

G

EXPERT

STATE LICENSED SURVEYOR

EXPERT

SPECIFIC PURPOSE SURVEY

AS REQUESTED

**A SPECIFIC PURPOSE SURVEY OF
LOTS 1 AND 2, HILDRETH ESTATES, AS RECORDED IN MAP BOOK
71, PAGE(S) 21 THROUGH 22, PUBLIC RECORDS OF SAINT JOHNS
COUNTY, FLORIDA.**

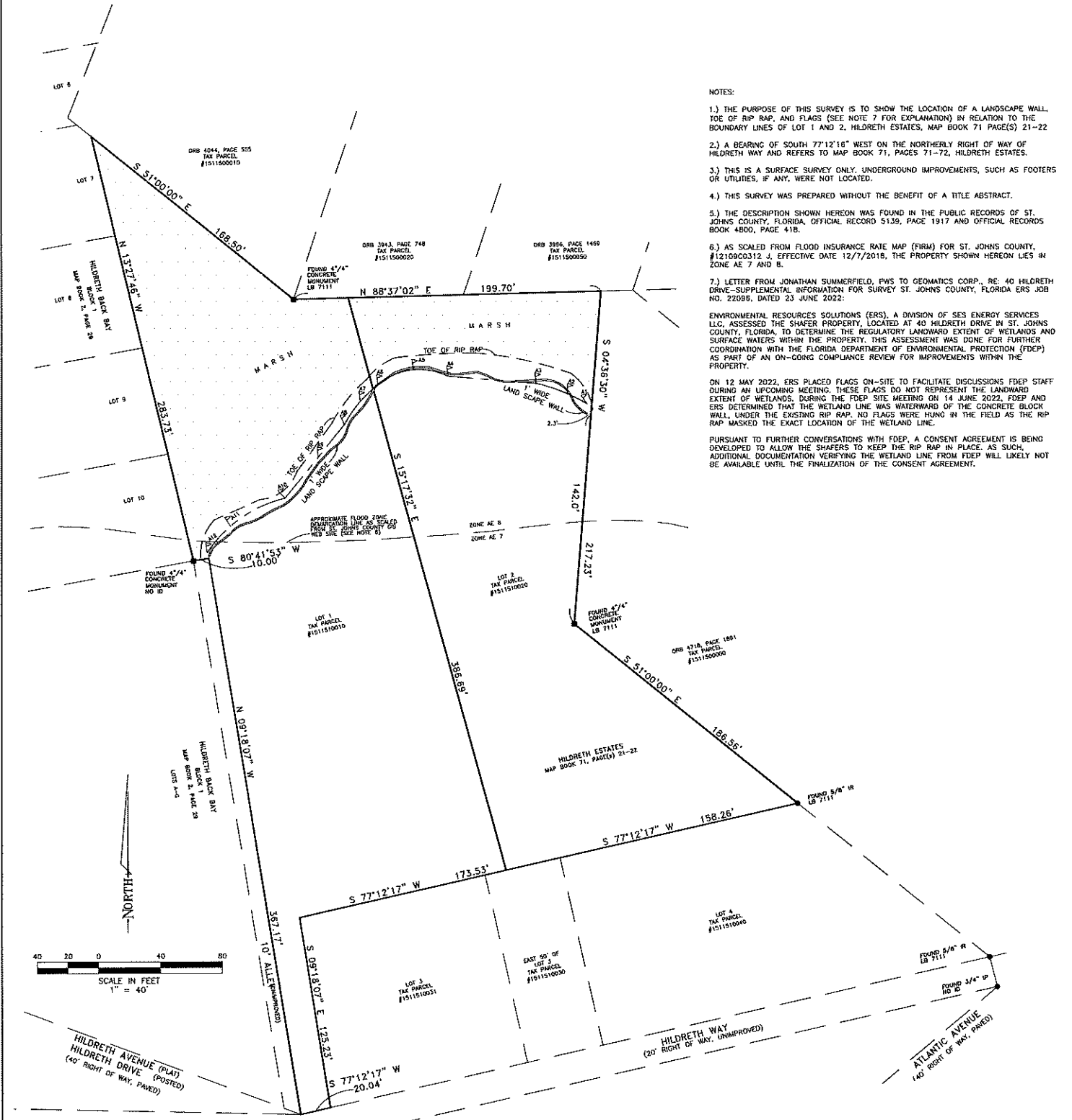
NOTES:

- 1.) THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF A LANDSCAPE WALL, TOE OF RIP RAP, AND FLAGS (SEE NOTE 7 FOR EXPLANATION) IN RELATION TO THE BOUNDARY LINES OF LOT 1 AND 2, HILDRETH ESTATES, MAP BOOK 71 PAGE(S) 21-22
- 2.) A BEARING OF SOUTH 77°12'18" WEST ON THE NORTHERLY RIGHT OF WAY OF HILDRETH WAY AND REFERS TO MAP BOOK 71, PAGES 71-72, HILDRETH ESTATES.
- 3.) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND IMPROVEMENTS, SUCH AS FOOTERS OR UTILITIES, IF ANY, WERE NOT LOCATED.
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- 7.) LETTER FROM JONATHAN SUMMERFIELD, PWS TO GEOMATICS CORP., RE: 40 HILDRETH DRIVE-SUPPLEMENTAL INFORMATION FOR SURVEY ST. JOHNS COUNTY, FLORIDA ERS JOB NO. 22098, DATED 23 JUNE 2022.

ENVIRONMENTAL RESOURCES SOLUTIONS (ERS), A DIVISION OF SES ENERGY SERVICES LLC, ASSESSED THE SHAVER PROPERTY, LOCATED AT 40 HILDRETH DRIVE IN ST. JOHNS COUNTY, FLORIDA, TO DETERMINE THE REGULATORY LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS WITHIN THE PROPERTY. THIS ASSESSMENT WAS DONE FOR FURTHER COORDINATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AS PART OF AN ON-GOING COMPLIANCE REVIEW FOR IMPROVEMENTS WITHIN THE PROPERTY.

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PURSUANT TO FURTHER CONVERSATIONS WITH FDEP, A CONSENT AGREEMENT IS BEING DEVELOPED TO ALLOW THE SHAWERS TO KEEP THE RIP RAP IN PLACE. AS SUCH, ADDITIONAL DOCUMENTATION VERIFYING THE WETLAND LINE FROM FDEP WILL LIKELY NOT BE AVAILABLE UNTIL THE FINALIZATION OF THE CONSENT AGREEMENT.



LEGEND / ABBREVIATIONS

- DENOTES FOUND IRON PIPE OR IRON ROD, AS NOTED
- DENOTES FOUND NAIL
- DENOTES FOUND CONCRETE MONUMENT
- IRON ROD
- IRON PIPE
- IDENTIFICATION
- OFFICIAL RECORDS BOOK
- LICENSED BUSINESS
- DENOTES FOUND FLAG (SEE NOTE 7)

**Terry M
Durden**

Digitally signed by
Terry M Durden
Date: 2022.06.23
17:07:59 -0400

Terry M. Durden, Florida PSM #5261
Not Valid Without The Digital Signature
Of A Florida Licensed Surveyor & Mapper

GEOMATICS CORP.

SURVEYING-MAPPING-GPS
2804 N. FIFTH STREET, UNIT 101
ST. AUGUSTINE, FL 32084
PHONE (904) 824-2084 FAX (904) 824-0752

LICENSED BUSINESS
FLORIDA #0979 GEORGIA #939
SOUTH CAROLINA #3287 ALABAMA #794
NORTH CAROLINA COA #7752



PROJECT No: C-22-3628

SURVEY DATE: JUNE 23, 2022

CAD FILE: 22-3628.DWG

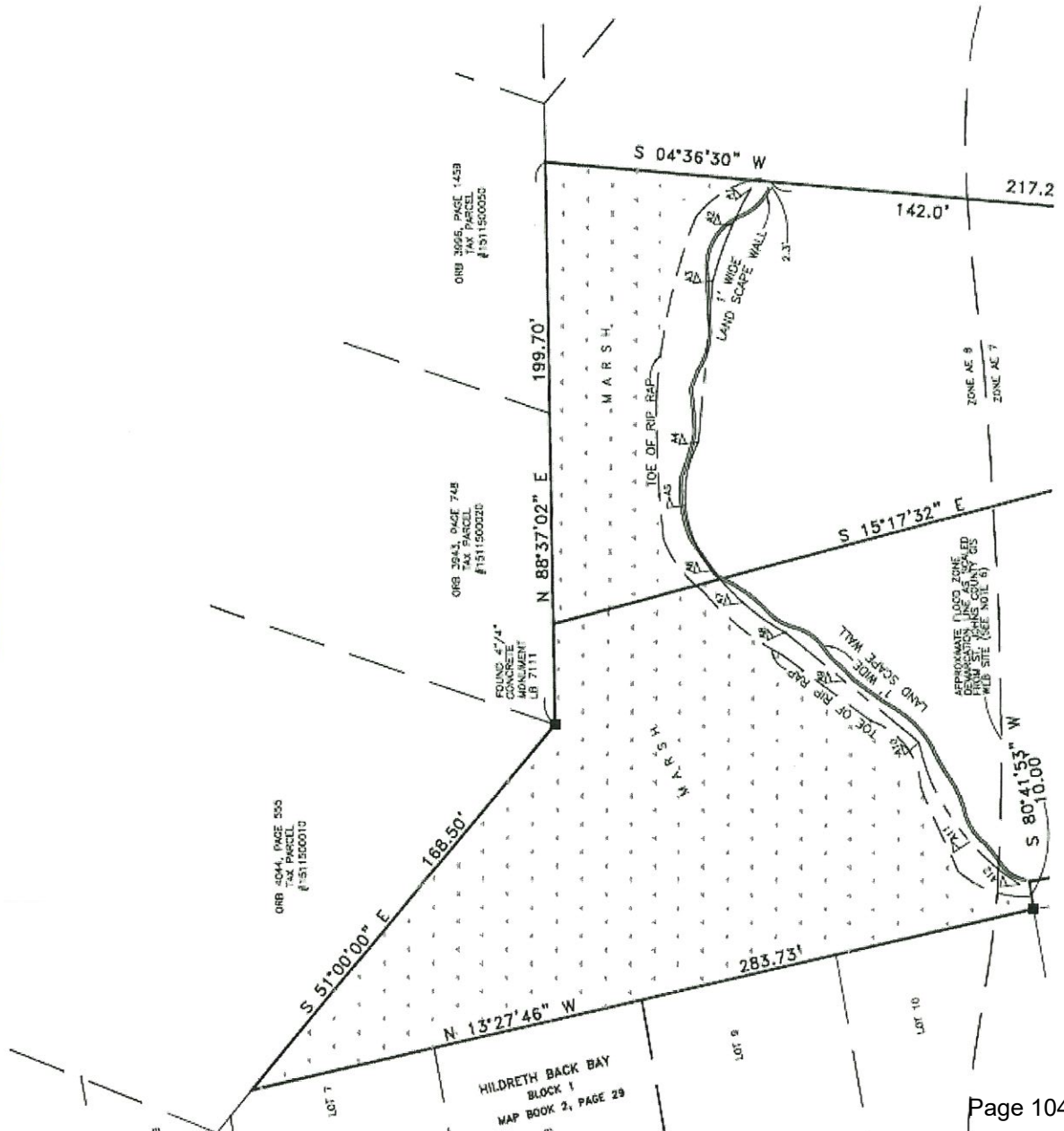
CHECKED BY: T. DURDEN

DRAWN BY: A. LAND

FIELD WORK: A. BROWNING

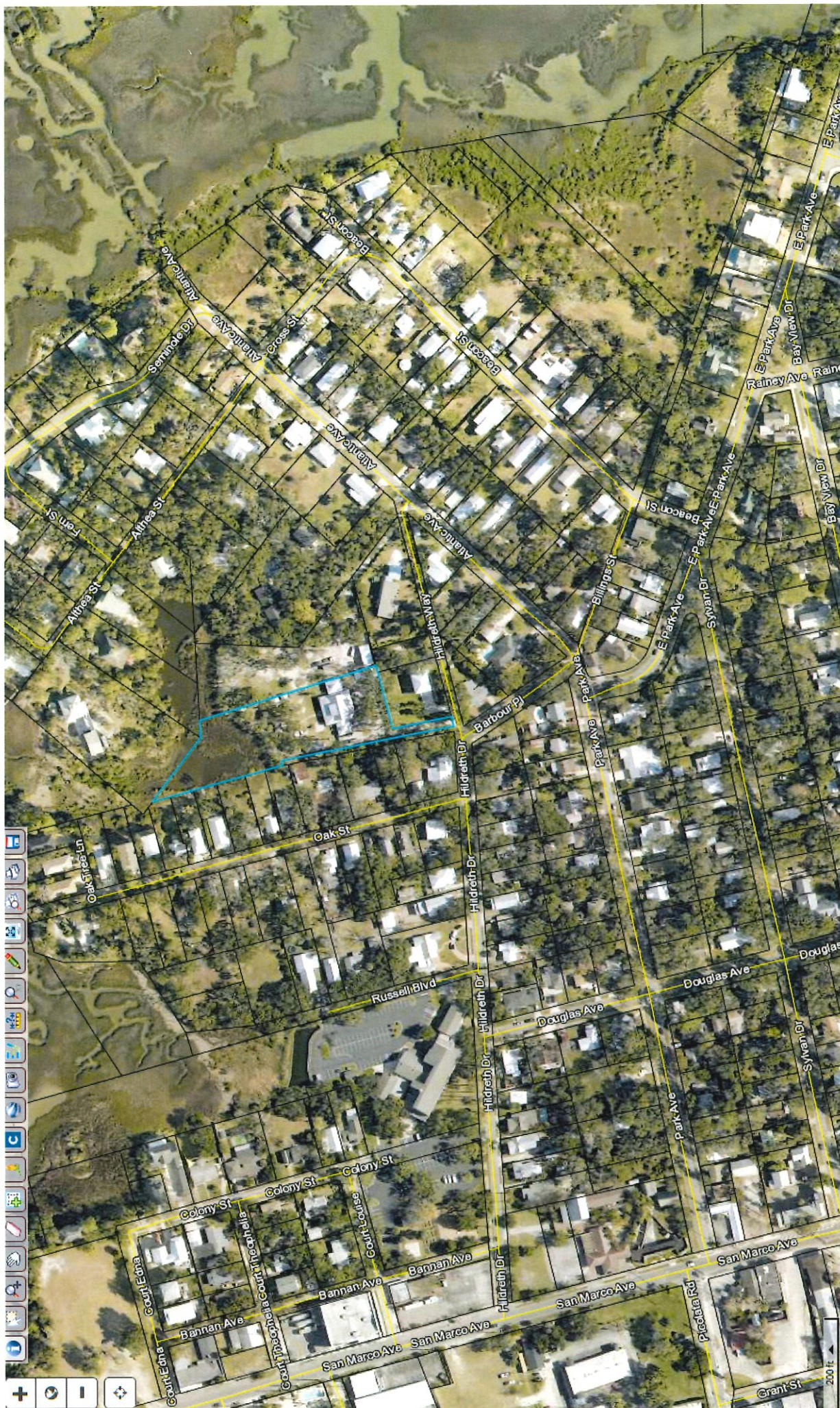
FB: 22-05 PG: 13-14

A SPECIFIC PURPOSE SURVEY OF LOTS 1 AND 2, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGE(S) 21 THROUGH 22, PUBLIC RECORDS OF SAINT JOHNS COUNTY, FLORIDA.

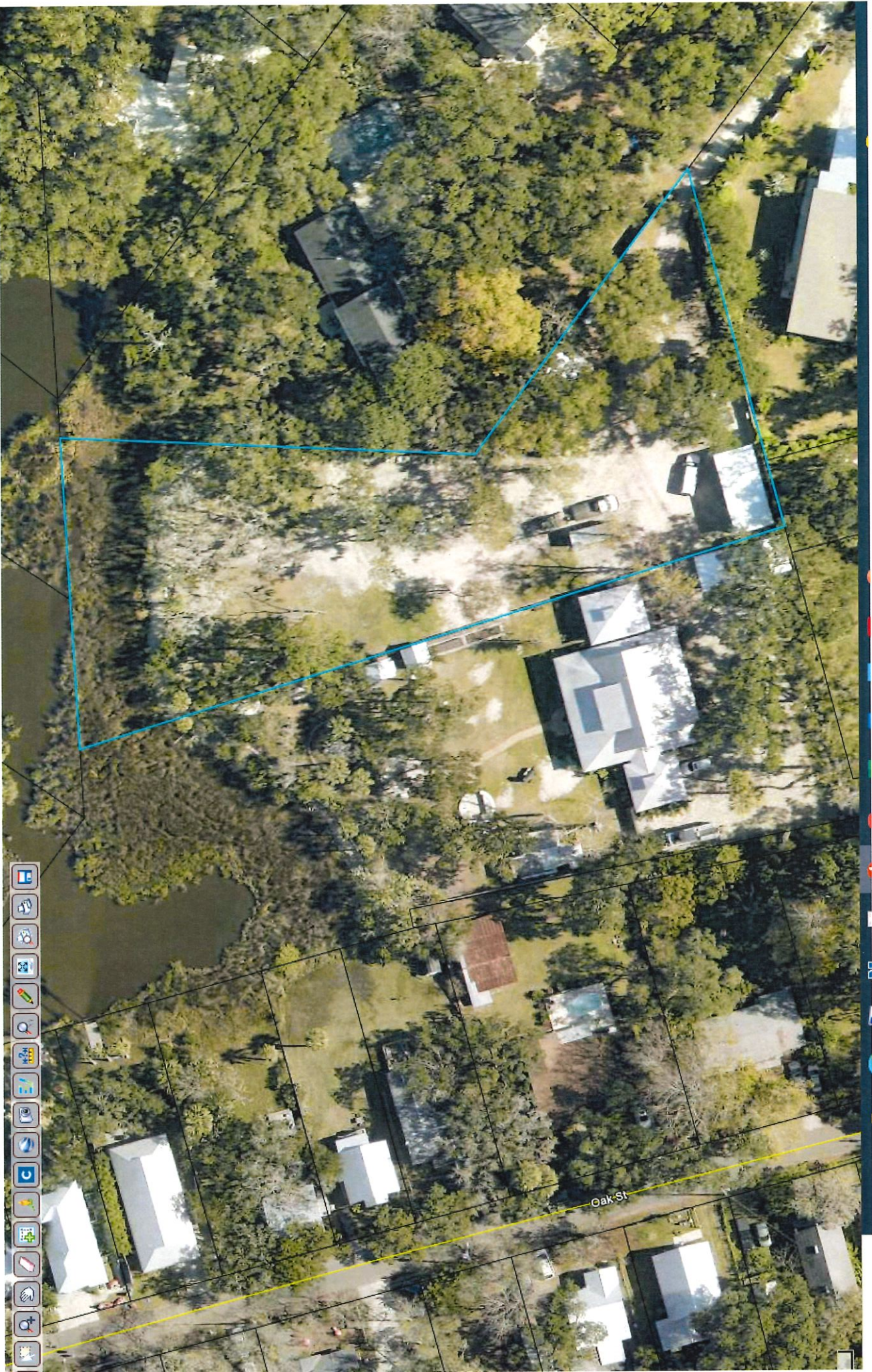


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- 4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
- 5.) THE DESCRIPTION SHOWN HEREON WAS FOUND IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, OFFICIAL RECORD 5139, PAGE 1917 AND OFFICIAL RECORDS BOOK 4800, PAGE 418.
- 6.) AS SCALED FROM FLOOD INSURANCE RATE MAP (FIRM) FOR ST. JOHNS COUNTY, #12109C0312 J, EFFECTIVE DATE 12/7/2018, THE PROPERTY SHOWN HEREON LIES IN ZONE AE 7 AND 8.
- 7.) LETTER FROM JONATHAN SUMMERFIELD, PWS TO GEOMATICS CORP., RE: 40 HILDRETH DRIVE-SUPPLEMENTAL INFORMATION FOR SURVEY ST. JOHNS COUNTY, FLORIDA ERS JOB NO. 22096, DATED 23 JUNE 2022:
 ENVIRONMENTAL RESOURCES SOLUTIONS (ERS), A DIVISION OF SES ENERGY SERVICES LLC, ASSESSED THE SHAVER PROPERTY, LOCATED AT 40 HILDRETH DRIVE IN ST. JOHNS COUNTY, FLORIDA, TO DETERMINE THE REGULATORY LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS WITHIN THE PROPERTY. THIS ASSESSMENT WAS DONE FOR FURTHER COORDINATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AS PART OF AN ON-GOING COMPLIANCE REVIEW FOR IMPROVEMENTS WITHIN THE PROPERTY.
 ON 12 MAY 2022, ERS PLACED FLAGS ON-SITE TO FACILITATE DISCUSSIONS FDEP STAFF DURING AN UPCOMING MEETING. THESE FLAGS DO NOT REPRESENT THE LANDWARD EXTENT OF WETLANDS. DURING THE FDEP SITE MEETING ON 14 JUNE 2022, FDEP AND ERS DETERMINED THAT THE WETLAND LINE WAS WATERWARD OF THE CONCRETE BLOCK WALL UNDER THE EXISTING RIP RAP. NO FLAGS WERE HUNG IN THE FIELD AS THE RIP RAP MASKED THE EXACT LOCATION OF THE WETLAND LINE.
 PURSUANT TO FURTHER CONVERSATIONS WITH FDEP, A CONSENT AGREEMENT IS BEING DEVELOPED TO ALLOW THE SHAFERS TO KEEP THE RIP RAP IN PLACE. AS SUCH, ADDITIONAL DOCUMENTATION VERIFYING THE WETLAND LINE FROM FDEP WILL LIKELY NOT BE AVAILABLE UNTIL THE FINALIZATION OF THE CONSENT AGREEMENT.









CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

August 2, 2022

Jessica Shafer
40 Hildreth Way
St. Augustine, FL 32084

Re: Conservation Overlay Zone Development – 40 Hildreth Way – Case
Number 2022-0005

Dear Applicant:

On Tuesday, August 2, 2022, the Planning and Zoning Board (PZB) met and discussed your application to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

Specifically, based upon evidence presented, the PZB **DENIED** your application as described in the attached copy of the executed Order.

Pursuant to 28-29(g), City of St Augustine Code, an appeal may be taken by any person aggrieved by the decision of the board provided such appeal is filed with the Planning and Building Department within thirty (30) days.

Please contact the Planning and Building Department at 904-825-1065 for questions you may have regarding this matter.

Sincerely,

Amy McClure Skinner, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| One/Two/Three | ☐ Rezoning |
| ☐ Use by Exception | ☐ Variance |
| ☐ Final Development Plan | ☐ Other Click here to enter text. |
| ☐ Land Use Plan Amendment | |

IN THE MATTER OF:

Case No.: 2022-0005
Applicant: Jessica Shafer
Owner: Jessica Shafer
Address: 40 Hildreth Way
Parcel Number: 1511510010

RE: Conservation Overlay Zone Development, pursuant to Section 28-29, City of St. Augustine Code, to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON AUGUST 2, 2022, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the August 2, 2022 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone Development is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS** / **DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES** / **DENIES** / **CONTINUES** the Applicant's request to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1

Subject to the following conditions:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 2 day of August, A.D., 2022, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2022-0005 REQUEST **APPROVED** / **DENIED** / CONTINUED

Sign Name

Grant Mistry

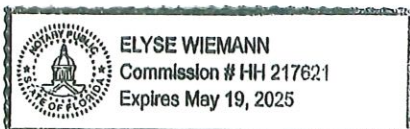
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

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, Grant Mistry who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 2nd day of August, A.D., 2022.



Elyse Wiemann
Notary Public, State of Florida



CITY OF
ST AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

August 2, 2022

Jessica Shafer
40 Hildreth Way
St. Augustine, FL 32084

Re: Conservation Overlay Zone Development – 0 Hildreth Drive / PID 151151-0020 – Case Number 2022-0043

Dear Applicant:

On Tuesday, August 2, 2022, the Planning and Zoning Board (PZB) met and discussed your application to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

Specifically, based upon evidence presented, the PZB **DENIED** your application as described in the attached copy of the executed Order.

Pursuant to 28-29(g), City of St Augustine Code, an appeal may be taken by any person aggrieved by the decision of the board provided such appeal is filed with the Planning and Building Department within thirty (30) days.

Please contact the Planning and Building Department at 904-825-1065 for questions you may have regarding this matter.

Sincerely,

Amy McClure Skinner, AICP
Director, Planning & Building

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| ☐ Use by Exception | ☐ Rezoning |
| ☐ Final Development Plan | ☐ Variance |
| ☐ Land Use Plan Amendment | ☐ Other Click here to enter text. |

IN THE MATTER OF:

Case No.: 2022-0043
Applicant: Jessica Shafer
Owner: Jessica Shafer
Address: 0 Hildreth Drive / PID 151151-0020
Parcel Number: 151151-0020

RE: Request to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON AUGUST 2, 2022, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the August 2, 2022 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone Development is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

Subject to the following conditions:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 2 day of August, A.D., 2022, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2022-0043 REQUEST **APPROVED / DENIES / CONTINUED**

Sign Name

Grant Miskelly

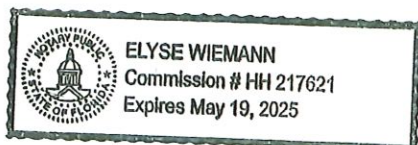
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

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, Grant Miskelly, by means of ☒ physical presence or ☐ online notarization, who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 2nd day of August, A.D., 2022.



Elyse Wiemann
Notary Public, State of Florida

P2B

February 1, 2022

Item 6(a)

*
CONTINUED
*

- AGENDA
- STAFF REPORT
- MINUTES



AGENDA

Planning and Zoning Board
City of St. Augustine, Florida

Alcazar Room

Tuesday, February 1, 2022 at 2:00 p.m.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from January 4, 2022.
4. **Preliminary Plat Approval**
 - a. 2022-0001
Scott Borowski – Applicant
c/o Clary Associates
Douglas G. Maier – Owner
c/o Ponce Associates LLC
4000 US Highway 1 N
To approve a preliminary subdivision plat at 4000 US Highway 1 N, Maderia subdivision, east of Pintoresco and Pescado Drives and west of the Tolomato River to create ninety-eight (98) conforming lots and sixteen (16) tracts.
5. **Use by Exception**
 - a. 2022-0002
Garrett Tatoul – Applicant
Dawn Cardamone – Owner
33 Bernard Street
To approve two (2) parking spaces in the City parking garage for a short-term rental.
 - b. 2022-0003
Garrett Tatoul – Applicant
Kelsey Glover – Owner
76 Abbott Street
To approve three (3) parking spaces in the City parking garage for a short-term rental.

c. 2021-0172

Continued January 4, 2022

Ellen Avery-Smith Esq. – Applicant
Windward Shipyard Land Holdings, LLC and Windward Shipyard, LLC – Owner

(Portions of Diesel Road, Dockside Drive, Shipyard Way and S. Ponce de Leon Blvd. aka “the Shipyards”)

PID 127910-0000, 128090-0010, 134230-0011, 134230-0030, 134390-0000, 134390-0010, 134340-0000, 134600-0000, 134230-0000, 134230-0020, 134410-0000, 134630-0000, 134650-0000, 134760-0000, 134770-0000

To approve off-site parking within the overall property as a permissible use by exception.

6. Conservation Overlay Zone Development

a. 2022-0005

Jessica Shafer – Applicant/Owner

40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

b. 2021-0156

Continued January 4, 2022

Blackbox Design – Applicant

Kevin Vandyke – Owner

0 Magnolia Avenue / PID 191930-0010 (4/54 MIRAMAR PT OF LOTS 1 & 15 & RIPARIAN RIGHTS TO HOSPITAL CREEK (EX R/W IN DB227/354) OR3832/574). Approximately one (1) acre east of 39 May Street and south of May Street/Vilano Causeway at the Hospital Creek Bridge.

To approve a new bulkhead and gangway for a twelve (12) boat slip marina within Conservation Overlay Zone 1.

7. Comprehensive Plan Land Use Map Amendment, Rezoning and Variance

a. 2022-0004

Billy Zeits – Applicant

c/o Flagler Multifamily LLC

Flagler Multifamily LLC – Owner

0 San Sebastian View PID 084560-0020 & 084560-0010

To approve 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.

8. Other Business

- a. Planning and Zoning Board discussion and recommendation regarding an ordinance to update regulations related to home-based businesses and associated code revisions.
- b. Planning and Zoning Board discussion and recommendation regarding an ordinance to establish regulations for mobile food vendors/food trucks and associated code revisions.

9. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

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

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

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting February 1, 2022

The Planning and Zoning Board met in formal session Tuesday, February 1, 2022, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call:

Grant Misterly, Chairperson
Mike Davis, Vice- Chairperson
Jon DePreter
Sarah Ryan left at 6:25pm
Carl Blow
Charles Pappas
Christina Griggs

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Senior Planner, Planning and Building
Isabelle Lopez, City Attorney
Barry Fox, Short- Term Rental Manager
Elyse Wiemann, Recording Secretary

2. General Public Comments for Items Not on the Agenda

- Ed Slavin
- James Whitehouse

Modifications to the Agenda

During public comment Mr. Whitehouse informed the Board that item 6(b) was not ready to present at the meeting and asked for a continuance.

Mr. Misterly asked the Board if there were any objections to moving Item 6(b) forward in the agenda and hearing public comment.

Mr. Pappas suggested keeping general public comment open to hear the public feedback and then moving Blackbox forward to the first item.

Ms. Lopez advised against that since Item 6(b) was a quasi-judicial hearing but suggested, since Mr. Whitehouse was present the Board could hear the public comment within that hearing time.

Mr. Blows asked if someone from the public spoke today about the item and not present at next month's meeting what would happen to their testimony.

Ms. Lopez said their testimony would be on the record, but the challenge would be some of the facts could be different when it would be heard.

Mr. Pappas suggested proceeding with the agenda as presented.

Mr. Misterly felt the item was late on the agenda and should be moved in order for the public

Ms. Lopez advised reorganization of the agenda in order to have public comment for those who were present.

Mr. Misterly reiterate the applicant had requested a continuance to the March 1, 2022 meeting. He said from reviewing the packet the applicant had not updated their information from the past meeting.

MOTION

Mr. Blow **MOVED** to **APPROVE** the modification to the agenda by moving Item 6. (b) to be the first item to be heard. The motion was **SECONDED** by Mr. Pappas and the **MOTION CARRIED UNANIMOUSLY**.

3. Approval of Minutes – Regular Meeting January 4, 2022

MOTION

Ms. Ryan **MOVED** to **APPROVE** the January 4, 2022 minutes as presented. The motion was **SECONDED** by Mr. Davis and the **MOTION CARRIED UNANIMOUSLY**.

4. Preliminary Plat Approval

4. (a) 2022-0001 Scott Borowski – Applicant
c/o Clary Associates
Douglas G. Maier – Owner
c/o Ponce Associates LLC
4000 US Highway 1 N

To approve a preliminary subdivision plat at 4000 US Highway 1 N, Maderia subdivision, east of Pintoresco and Pescado Drives and west of the Tolomato River to create ninety-eight (98) conforming lots and sixteen (16) tracts.

This is an existing Planned Unit Development, Madeira, that includes up to 749 residential units. The proposed subdivision plat is for the next phase of single-family development lots.

Mr. Fredriksson read the staff report and said based on a review of the applicable city codes, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the preliminary subdivision plat (replat) at 4000 US Highway 1 N /PID 073430-0031, 073430-0032, 073430-0033 & 073430-0000.

Ms. Skinner stated she provided additional items for the Board to review about the preliminary plat. She stated the highlighted area on the map labeled “under construction” was the area under consideration. She said there were twenty-one acres that were approved as commercial but was vacant. She said platting was a State function but was in the Code for the PZB to review to confirm lots were the minimum lot size, which staff confirmed, and the plat was approved. She said moving forward, it had to meet the State requirements in order to file the plat. She said once the City Commission approved the plat then it could be recorded according to State statutes.

Ellen Avery-Smith, Dough Maier, Scott Borowski reviewed the application.

The Board provided their ex parte communication.

123 certified notices were sent, 4 were returned in favor, 13 returned opposed and 11 had comments.

Public hearing was opened.

Sophie Tredor said she had been informed there would be a buffer or wall between her property and theirs and wanted to know if that was still the intent. She was concerned about the removal of the trees. She said the trees had affected her property leaving a hole in her shed roof and was concerned if they would maintain them.

Mr. Misterly said the plat they were reviewing was surrounded by properties in Maderia. He asked if she lived there.

Ms. Tredor said her property was right next to the Maderia property on Ocean Boulevard and her property and Maderia were separated by a swale.

Ms. Skinner stated her property was on the north side of Maderia and was outside the City limits within St. Johns County, but not near the plat area.

Brenda Hine spoke in favor of the application and was not opposed to the plat or growth but was concerned with the effects on the wildlife. She said she hoped the City was inspecting what was taking place as there had been many trees removed. She said the concern regarding the bridge was it had low lighting and she wanted to ensure people's properties were being considered and not negatively impacted.

Jose Rivera spoke concerning the removal of the trees and asked why the developer removed more vegetation than expected. He said there was one entrance into Maderia and the construction traffic was causing damage to the roads and suggested a construction entrance.¹

Paul Hamill stated he came across a wildlife area along the intercoastal and the area along the marsh that would be developed and wanted to understand why. He said he was concerned that about the area behind the pond since there was a lot of wildlife and trees and asked if there was a way to conserve this location.²

William McClure said he was concerned with the water and the upland buffer and wanted to know if as a resident, could he be notified if there were any changes or should he be more observant.

Mary Senese spoke in favor of the application but was concerned with protecting the wildlife, because the buffer the developer was intending to put in was small and felt the wildlife would not be able to survive.³

Rachel Brumsey said she understood when moving to the area there would be additional construction; however, they were removing more vegetation than expected. She stated she was told there was supposed to be a construction entrance but as of now there was not and was concerned with the safety

and congestion. She asked if the City had considered adding a light at the entrance with all the traffic.

Ed Slavin spoke in opposition of the application and said developers had ruined the town. He felt the original developer had provided false and misleading statements to St. Augustine City Commission and felt there should be an investigation. He thought the application should be postponed for the next six months to have leverage over the developer.

William Payne asked if there were any plans to leave the oak trees in place.

BJ Kalaidi said even though the Board was there to decide on the plat, it was obvious that the trees and other questions from the community needed to be answered. She felt the lawyer and developer should have answered these questions prior to the meeting since it was not in the Boards purview.

Steve Peterson stated his concern about the proposed entrances into the subdivision would displace oak trees and the wildlife. He felt there should be a way to have an agreement with the developers to protect the marsh.

Claudia Connelly was concerned with the wildlife and felt the area needed to be protected and should stay natural. Public hearing was closed.

Ms. Avery- Smith addressed the public comment stating the comments heard were unrelated to the area plat under Chapter 177 Florida Statutes; however, the map had been approved twenty years ago and showed where the preserved wetland would be, where the access points were located, how the development would occur from the north to the south, the pond areas, and the commercial property locations were

¹ Attached to packet

² Attached to packet

³ Attached to packet

protected by the property owners association. She said all these documents were public record. She said the tree removal was due to arsenic and other remediation of contamination that was from the old golf course; others were removed with permission from St. Johns River Water Management districts due to being a nuisance; however, others were removed for construction of homes and amenities. She said with the removal of the tree's, others were planted on lots. She said a traffic signal would be coming but would be done when warranted by the Department of Transportation (DOT).

Mr. Misterly asked if this was the same plat that had been in place the entire time without changes.

Ms. Avery-Smith said it was part of the Planned Unit Development (PUD) site plan and was part of the zoning and matched the PUD site plan.

Mr. Maier said it had not been decided if single family or multi-family homes were to be built in the location but had been approved for multi-family homes. He said they were unsure of what the market would be in like in future and it was left open.

Mr. Misterly asked if after a decision had been made, would they need to modify the PUD to match.

Mr. Maier said modification of the PUD was not needed for any future development as they were under their cap with any future development with 749 lots approved, and they would be below that even if they did multi-family.

Mr. Misterly asked if there was an approved site plan to show what would be done in the PUD.

Ms. Avery-Smith stated the PUD did not require that, but she did not have the PUD text in front of her and would have to confirm.

Mr. Misterly asked if they could provide more information to the public on who to contact regarding questions and concerns within the property.

Mr. Maier advised all the information for the property manager and Community Development District manager was located on the website at maderiastaugustine.com.

Mr. Misterly stated tree removal was normally decided by the PZB and questioned how they were being removed without PZB approval.

Ms. Skinner said there were some as part of the PUD, other that had to be remediated due to the arsenic which was permitted through the Department of Environmental Protection (DEP) process.

Mr. Maier said the entire golf course and the maintenance area was remediated but they were required to mix the existing soil and cap with two feet of clean material per the DEP. He said most of that had been done except the final institutional controls which were the roadways, and concrete that provide additional capping in those locations.

Mr. Misterly asked because of the DEP permit was there a blanket permit for the removal of the trees.

Ms. Skinner replied that was correct She said they had approval to remediate and clean up the site. She said there had been inquiries about the upland buffers tree removal, the building official and the construction inspectors for the Public Works Department have been to the site and the Public Works inspector determined they were working within their permit for utilities.

Ms. Avery-Smith explained they were removing Chinese Tallow and Brazilian Pepper trees approved by the Water Management District. She said the upland buffers were under the conservation easement and could only be touched with

permission from the Water Management District.

The Board discussed:

- If there was a bulkhead or setback in the Conservation Overlay Zone area would it be heard by the Board
- Anything that deviated or was added to the plan would return as an individual application
- Robinson Creek would have a bulkhead as seen in the engineer drawings and it was approved by the City
- There were 256 house permits to date
- Encouraged developer to have neighborhood meeting to address the concerns
- Developer had preserved 300 acres to the east
- Was there a tree survey and were they trying to preserve the trees
- PUD text allowed for deviation in order to preserve trees
- Older map shown seemed to differ from what had been shown today, but was an internal concept map
- Previous elevation was at seven and roads now were between nine to twelve
- Same number of lots and was consistent with the PUD text
- Encouraged the developer to have a construction entrance
- Piece of land in the northeast corner near the airport would not be developed
- Bridge would be completely rebuilt, and parcel would be preserved per the PUD
- Should have a buffer between lots 40 and 40b
- Buffer south of lot 149 was very thin but was natural
- Final approval of plat came from City Commission
- Buffer language in PUD needed to be confirmed
- Environment was different from when PUD was approved and timeframes for developments should be added

- Different regulations applied when conservation easement was added to the property
- Remediation had been done overtime
- After phase one was completed transfer to the City for the park would take place
- Builder's sales provided easement information and it was on the website

MOTION

Mr. Blow MOVED to APPROVE the Preliminary Subdivision Plat 2022-0001. The motion was SECONDED by Mr. DePreter.

Mr. Misterly asked Mr. Blow to add that the buffers would be reviewed by the City before passed on the City Commission.

Mr. Blow AMENDED the MOTION to include the buffers would be reviewed before passed on to the City Commission. Mr. DePreter SECONDED the AMENDED MOTION.

VOTE ON MOTION:

AYES: Blow, DePreter, Pappas, Griggs, Ryan, Davis, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁴

5. Use by Exception

5. (a) 2022-0002 Garrett Tatoul – Applicant Dawn Cardamone – Owner 33 Bernard Street

To approve two (2) parking spaces in the City parking garage for a short-term rental. To approve off-site parking within the overall property as a permissible use by exception.

Ms. Skinner reviewed the parking code for Short-term rentals and said if parking could not be provided on-site as required then the applicant was able to provide parking within

⁴ Break from 4:02p.m.-4:13p.m.

400-feet or an alternative could be the parking garage or the neighborhood residency permit parking program. She stated she spoke to the Building Official and Fire Marshal and rooms could be locked when renting but had to meet the life safety and building code requirements; however the Board was unable to limit the amount of rooms rented based on the parking. She said staff encouraged applicants to find alternative parking elsewhere instead of the garage.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for two (2) short term rental offsite parking space in the municipal parking garage for 33 Bernard Street / PID 192590-0000.

Garrett Tatoul reviewed the application. He stated he had looked for alternative parking and was still trying to reach out to others.

Ex Parte Communication:
(None)

23 certified notices were sent, 0 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened.

BJ Kalaidi thanked the staff for keeping the public informed on how many spaces were in used in the garage and said if this continued, the tourist would not be able to park.

Melinda Rakoncy encouraged the Board to try and find other ways to solve the parking issues. She felt the garage would not be utilized as Bernard Street was too far away. She said guest should be notified of the parking situation. She said the City parking garage was not a good solution.

Public hearing was closed.

Mr. Misterly asked if the City was able to have a short-term rental parking rate for the garage.

Ms. Lopez replied the City was statutorily and case law required to add fees for only administrative cost because the City could not profit off it or use as a punitive measure.

The Board discussed:

- On-site parking was not available
- House was from lot line to lot line
- Thought house should not be an Airbnb
- Applicant pursued other options for parking
- Commercial Medium-Two (CM-2) zoning was too intense for property
- Property was advertised with street parking
- Advertising should be consistent with the Code; however, unable to regulate parking on public street
- Perhaps use neighbors' home for parking if allowed
- Deemed a commercial business and parking elsewhere should be a commercial lot not a neighbors' home

Ms. Ryan asked if the short-term committee was able to revise the rules as there seemed to be more and more issues.

Ms. Lopez informed her that the committee had disbanded after their report and would have to be recreated by the City Commission or they could direct staff to review other issues. She said currently, the legislature had a pending bill that eliminated the City from requiring parking and the City Commission was waiting for further information.

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2022-0002 as the use by exception meets the Code as written. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Pappas, Griggs,
Davis, Misterly

NAYES: Ryan

MOTION CARRIED 6/1

5.(b) 2022-0003 Garrett Tatoul – Applicant
Kelsey Glover – Owner
76 Abbott Street

To approve three (3) parking spaces in the City parking garage for a short-term rental.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for three (3) short term rental offsite parking space in the municipal parking garage for 76 Abbott Street / PID 195010-0000.

Garrett Tatoul reviewed the application. He informed the Board that he contacted the commercial lot nearest him for additional parking and was unsuccessful.

Ex Parte Communication:

(None)

24 certified notices were sent, 0 were returned in favor, 3 returned opposed and 1 had comments.

Public hearing was opened.

Melinda Rakoncy spoke in opposition to the application and said the rental listing provided false information about how many bedrooms were available and parking when advertised. She said people needed to know before renting the property there was no parking on-site and they would not be able to use the street.⁵

Public hearing was closed.

Mr. Tatoul said he would speak with the owner about updating the information on parking in the advertisement if approved.

Ms. Lopez advised the Board that per Florida Building Code, it was per bedroom and was not related to an actual bed. She said per the Building Code there had to be a secondary emergency egress either through a window or door. She said the listings were monitored by City Code Enforcement staff and the City Fire Marshal carried out the inspections.

The Board discussed:

- Tried to obtain parking within 400-feet
- No residential parking program on the street
- Could only have one rental per week since zoned Residential Single Family-Two (RS-2)
- Property had to register as vacation rental
- Per applicant knowledge, property had fire inspection
- Floor plan and site plans were required for short-term rentals
- Unsure if Board should approve without knowledge of how many bedrooms within property
- Could add condition "pending results from Fire Marshal" before approval on two or three parking spaces
- Concerned with property advertisement

Mr. Tatoul stated the property was registered as a vacation rental and was operational.

Mr. Davis asked if the Board was able to require the applicants to provide the building and fire inspection before presenting to the Board.

Ms. Lopez replied there had been a bit of a back log but did not see a reason why the inspections could not be presented.

⁵ Attached to packet

Mr. Pappas stated he wanted more documentation: short-term rental application, floor plan, and the inspections.

Ms. Lopez said from a legal standpoint these requirements could be added.

Barry Fox, Short-Term Rental Manager, informed the Board that the property had been denied for failure to have the inspections completed. He said the application had been submitted in May 2021 and in October 2021 the inspections were still incomplete and was denied.

MOTION

Mr. Davis MOVED to DENY the Use by Exception 2021-0003 because it has not passed any of its inspections for fire safety and did not know the number of bedrooms that are in the building. The motion was SECONDED by Pappas.

VOTE ON MOTION:

AYES: Davis, Pappas, Blow, Griggs, Ryan, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (c) 2021-0172 Ellen Avery-Smith Esq. – Applicant

Continued January 4, 2022

Windward Shipyard Land Holdings, LLC and Windward Shipyard, LLC – Owner (Portions of Diesel Road, Dockside Drive, Shipyard Way and S. Ponce de Leon Blvd. aka “the Shipyards”)

PID 127910-0000, 128090-0010, 134230-0011, 134230-0030, 134390-0000, 134390-0010, 134340-0000, 134600-0000, 134230-0000, 134230-0020, 134410-0000, 134630-0000, 134650-0000, 134760-0000, 134770-0000

To approve off-site parking within the overall property as a permissible use by exception.

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-371 and 28-372, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for off-site parking at the St. Augustine Shipyards as per the amended Development Agreement.

Ellen Avery Smith, Carl Masters, and Stefan Johansson reviewed the application.

The Board provided their ex parte communication.

55 certified notices were sent, 0 were returned in favor, 1 returned opposed and 1 had comments.

Public hearing was opened.

BJ Kalaidi said she knew the application would be approved but hoped the applicant would keep everyone inside the development. She said in the City Mobility Plan there would be a walkway from King Street to State Road 312. She said this would be an attraction and hoped the parking would be contained.

Public hearing was closed.

The Board discussed:

- Restaurant would have access from Shipyard Way, a paved road built by applicant
- Restaurant received parking permit independently from applicant association
- Development was based around building a parking garage
- Financial burden to other commercial business to use parking should be addressed for future developments
- Map had been clearly updated to identify parcels in development
- Property zoned Residential General Office (RGO) and had a commercial property owners association
- Restaurant had recorded access over the road

Mr. Blow asked if the amount of parking for the restaurant met the City code.

Ms. Skinner said after further review, the restaurant added additional seats and they were short seventeen parking spaces. She said originally they were approved for a certain amount of parking spaces and between November 2019 and May 2020 an application was submitted requesting sixty-eight additional seats which was approved without reviewing the parking issues; however, this took place when City Hall was closed due to COVID. She said at that time the entire property was owned by one owner and she was unsure of private parking conversations.

Discussion continued:

- Windward was willing to lease parking if able to reach an agreement
- Questioned the parking count accuracy
- Development agreement for the Windward properties required parking and tracking tables for every use
- Could build vertically if more parking were needed
- Property Owner Association document required each user to provide code compliant parking
- City Commission approved agreement required a parking tally and how it was allocated towards the uses for the City to know the accurate count
- Restaurant was an existing non-conforming situation
- Questioned how the City would keep track of the leases within the parcel
- Everything inside the development would meet code requirements
- If developer over builds parking or a parking garage, leases should be submitted in order to not double count
- Did not want to have parking garage to mitigate other businesses parking issues
- Would be a walkable community

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2021-0172 with the condition, as agreed by applicant, that if any other parking is leased out, that would be include in the tally that the City has as it meets our Code. The motion was SECONDED by Mr. Misterly.

Mr. Blow wanted to confirm the applicant was comfortable with the condition and was not obligated to provide parking to anyone.

Mr. DePreter said that was why it was "if" they do there would be a tally but were not obligated.

VOTE ON MOTION:

AYES: DePreter, Misterly, Pappas, Blow, Griggs, Ryan, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Overlay Zone Development

6. (a) 2022-0005 Jessica Shafer - Applicant/Owner 40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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

Jessica Shafer reviewed the application.

The Board provided their ex parte communication.

31 certified notices were sent, 2 were returned in favor, 12 returned opposed and 12 had comments.

Public hearing was opened.

Clare Norris spoke in opposition to the application and said the barrier wall was existing and large. She said construction was still taking place, and water was unable to be disbursed.

Ted Mooney spoke in opposition to the application and stated it was a marsh bulkhead and did not want the bulkhead to have any adverse to his property or his neighbors. He said there was a continuous wall on both the applicant's property. The applicant had one property listed for sale which listed as a "marsh bulkhead" in place. He asked what would be the hydrologically effects of the bulkhead. He said another concern would be when the neighboring properties wanted to protect their homes by building a bulkhead.

Patrick Cod spoke in opposition to the application and said there had been many trees removed from the property and then construction of the wall started. He called the City regarding a permit and the City sent an inspector and he was told construction had stopped but the applicants were to obtain a permit. He said he felt the wall was not decorative.

Madelyn Keeble spoke in opposition to the application and she said if the wall was approved she would want to replace her fence with the same material; however, she knew she would displace the water from her yard onto her neighbors. She said if it was allowed, everyone would want to have the same type of wall and felt it would create a hydrogeology issue.

Jayne Marchesan spoke in opposition to the applicant and stated there was a lot of

concern in the neighborhood with flooding. She said she was not concerned with the wall causing flooding on her property because she felt the wall would not hinder water from finding a way in and she approved of the wall but stood with the community about the flooding.

Mary Ann Rosenthal spoke in opposition to the application said she had lived on the street for around twenty years and had seen the street change over time due to global warming and bulkheads being added. She was upset that the wall was not permitted prior to being built and it was not decorative. She felt flooding was an issue for the City and encouraged the City to address the bulkhead issues and asked the Board to deny the application.

Robin Mooney spoke in opposition to the application and said the property for sale by the applicant advertised having a bulkhead on the property. She said the neighborhood was concerned with flooding and how it would affect their property. She asked where the other application for the second lot was as that had a bulkhead. She was concerned with neighbors wanting to add similar bulkheads.

Tawny Kern spoke in opposition to the application and said her concern was with protecting the Conservation Overlay Zone and said the flooding in the area was terrible. She was concerned with the length of the bulkhead on the two properties. She said she was concern with the precedence this was setting and the natural shoreline and mangroves were a great protection.

Jim Springfield spoke in opposition to the application and said there was the same type of request a few weeks back on Seminole Drive and it was denied. He said if this would have been a normal application and not an after-the-fact, he felt it would have been denied. He encouraged the Board to deny the application.

Public hearing was closed.

The Board, Ms. Shafer, and Staff discussed:

- Wall was for landscaping purposes only and not structural
- Wall material Tremron blocks backfilled with coquina
- Riprap installed previously by applicant
- Wall did not prevent water from entering property
- Wall was in the twenty-five-foot buffer
- Department of Environmental Protection (DEP) approved the riprap, but not the wall
- Applicant requested meeting with DEP to show no damage to neighboring properties
- Les Thomas, Architect, did a site visit and confirmed no footing, no mortar, water was able to flow freely
- Applicant was unaware of the need for a permit
- Met with DEP about the riprap not the wall
- If not approved would become a code enforcement issue by fees or a lien on the property
- Should focus on the seventeen criteria in City Code
- Unable to require State permitting before coming before the Board per State Statue
- consider Tremron blocks as a semi-pervious material that needed maintenance
- Unsure if the riprap had been approved by the City in an after-the-fact application
- Wanted the history of the riprap and the outcome
- Understood concerns with the flooding
- In pursuit of Back Bay study but was updating the Stormwater Master Plan
- City Commission directed staff to review conservation zones and the impacts of retaining walls/bulkheads versus natural shoreline; City was actively working on the issue
- Riprap was installed in 2016 and DEP and Curtis Boles, Code Enforcement Officer, both approved of it

- Was told it would protect the wetlands and her property
- Wall was similar to riprap and was unaware of permit need
- Other applications with Tremron blocks were considered to be retaining walls

Ms. Ryan asked what the threshold was in Conservation Overlay Zone One.

Ms. Skinner stated any development along the water to the most jurisdictional line was supposed to be Conservation Overlay Zone One, and how the riprap would change that but she would review the code for a more specific definition but this was also affecting the wetlands and the adjacent waterbodies.

Discussion Continued:

- Seemed to be a massive bulkhead
- Wall was in front of the riprap and was not encroaching
- Not enough evidence provided to determine if it was a bulkhead
- Wall went around plant beds to hold in mulch and dirt
- Coquina was added to the wetland side of wall
- Lose coquina was recommended by DEP
- If wall was approved was back fill allowed

Ms. Skinner stated the Flood Plain Manager and Building Official would need to review it because you could not create a situation where there was water trespass and if the flood plain changed they would need a flood plain permit from the City.

Discussed Continued:

- With hurricane Matthew flooding was up to US1 but was less with Irma
- Wall height was three feet to the top
- Felt applicant created a berm and unsure of the impacts on the neighbors
- Original purpose of the riprap was to protect property and wetlands

Ms. Shafer said she thought no permit was needed for the riprap and that was why she did not request a permit for the wall as it was the same product.

Ms. Lopez said in Section 11-28 of the City Code it stated the "Planning and Zoning Board should review all applications for development in Conservation Overlay Zone One", which was any development activity. The Discussion Continued:

- Riprap and wall both should have been reviewed by Board and permitted
- Unsure if they would have been approved if reviewed by Board
- Water would impact neighbors if water needed to flow out quickly
- Seemed to be a large construction project rather than decorative
- Unsure if application met the criteria
- Requested a topographical survey indicating how the water would flow
- Asked to provide a flood plain and grading plan
- Should have penalties for after-the-fact projects
- Applicant needed to prove case and how it was beneficial

Mr. Misterly reviewed a list of what the Board requested: history of riprap, specs on blocks identifying their precocity, outcome from DEP meeting on February 9th, survey on water flow, and something signed and sealed by an engineer to prove no impact on neighbors, and should meet the 17 criteria per Code.

Mr. Misterly said there were two options how the Board could vote, or it could be continued, and he recommended it be continued perhaps two meetings out in order to gather all information requested by the Board.

Ms. Shafer said she wanted to continue the application.

⁶ Ms. Ryan left before vote

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone One 2022-0005 with the criteria as follows: specifications on the blocks, the installation and saturation from behind the wall, and outcome of meeting with DEP, survey with the water flow, and something signed and sealed by an engineer with expertise in the area addressing the seventeen criteria that were in the Code.

Mr. Misterly said the Board used the seventeen criteria to judge the application and City staff could provide the seventeen criteria if she did not have it. He said an engineer would be able to review the entire project and see how it all worked to tell how it could or could not impact things.

Mr. Davis said the survey would look at the adjacent properties to indicate how the water was flowing.

Mr. Blow felt the riprap should be located on the survey and how it was in relation to the twenty-five-foot buffer and the jurisdictional wetland line.

The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Pappas, Blow, Griggs, Misterly ⁶

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁷

6. (b) 2021-0156 Blackbox Design – Applicant

Continued January 4, 2022

Kevin Vandyke – Owner

**0 Magnolia Avenue / PID 191930-0010
(4/54 MIRAMAR PT OF LOTS 1 & 15 &
RIPARIAN RIGHTS TO HOSPITAL CREEK
(EX R/W IN DB227/354) OR3832/574).
Approximately one (1) acre east of 39 May**

⁷ Break from 6:52p.m.-7:03p.m.

**Street and south of May Street/Vilano
Causeway at the Hospital Creek Bridge.**

**To approve a new bulkhead and gangway
for a twelve (12) boat slip marina within
Conservation Overlay Zone 1.**

Item heard before 4(a)

Mr. Fredriksson read the staff report and said based on a review of section 28-2 staff finds that the board can DENY the construction of a marina at 0 Magnolia Avenue / PID 191930-0010 due to the complete lack of facilities and services for the refueling of watercraft which is a requirement of a marina.

James Whitehouse requested to have a continuance to the March 1, 2022 PZB meeting since they were unable to update the information for the Board.

The Board provided their ex parte communication.

23 certified notices were sent, 1 were returned in favor, 3 returned opposed and 2 had comments and additional email attached.

Public hearing was opened.

BJ Kalaidi encouraged the public to come back to the March 1, 2022 as it was very important for them to be heard.

Christopher Park spoke in opposition to the application and was disappointed that they had not updated their information as the public was under the impression, they would be able to. He said the applicant misrepresented One Radio Road, as it was a condominium with a private dock and not a commercial marina. He thought what they had presented did not qualify as a marina and asked the Board to deny the application.

Sandy Lenney spoke in opposition to the application and said there had been nothing but noise and congestion over the past five

years, and this was not the right place for this development. She said there was a variety of reasons this should not be in this location.

Melinda Rakoncy spoke in opposition to the application and said that at the previous meeting the applicant requested a continuance and she felt they were being disrespectful to the Board and the public by waiting until today to ask for another continuance. She said the property was zoned for open land and this was not allowed.

Ed Slavin spoke in opposition to the application and thought the Board had many reasons to deny. He said the applicant was unprepared and it was disrespectful to the Board. He felt if the project were approved it would be a public nuisance and he felt St. Augustine needed to be preserved and protected.

Doug Morse spoke in opposition to the application and said the application had many concerns and the land was zoned open land. He said the proposal had not been updated and they needed to address the community concerns and if not, it should be denied.

Public hearing was closed.

Mr. Whitehouse said they were trying to address the community concerns and they were currently waiting on the revised plans, which was the reason they were asking for a continuance to the March meeting.

The Board discussed:

- Questioned if the Board should continue the item when City staff recommended denial
- Should provide continuance to the following meeting since applicant was unable to present
- Public came to speak on application
- Applicant was not at the meeting

MOTION

Mr. Blow MOVED to CONTINUE to the March 1, 2022 PZB meeting. The motion was SECONDED by Mr. DePreter.

Mr. Misterly advised Mr. Whitehouse the application needed to be updated at the next meeting because he felt the Board nor the public would be willing to entertain it if it was not.

VOTE ON MOTION:

AYES: Blow, DePreter, Griggs, Ryan, Davis, Misterly

NAYES: Pappas

MOTION CARRIED 6/1

7. Comprehensive Plan Land Use Map Amendment, Rezoning and Variance

**7. (a) 2022-0004 Billy Zeits – Applicant
c/o Flagler Multifamily LLC
Flagler Multifamily LLC – Owner
0 San Sebastian View PID 084560-0020 & 084560-0010**

To approve 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.

Staff does not make recommendations concerning amending the land use of property. The Planning and Zoning Board makes formal recommendations to the City Commission regarding changing the land use.

Staff does not make recommendations concerning the rezoning of land. The Planning and Zoning Board makes formal

recommendations to the City Commission regarding the rezoning of land.

The Planning and Zoning Board should make a motion regarding a recommendation to designate the land use of the property at 0 San Sebastian View / PID 084660-0020 & 084560-0010. The applicant requests Residential Medium Density.

The Planning and Zoning Board should make a motion regarding a recommendation to rezone the property at 0 San Sebastian View / PID 084660-0020 & 084560-0010. The applicant requests rezoning from Residential low-one: RL-1 to Residential general-one: RG-1 which is compatible with Residential Medium Density.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to allow for stacked parking spaces to count towards the minimum parking requirements for 0 San Sebastian View / PID 084660-0020 & 084560-0010.

Billy Zeits and Fremont Latimer reviewed the application.

Mr. DePreter asked how the density had changed.

Mr. Zeits said the density approved was 336 units and they were changing the land zoning of the developable footprint and everything else would be the same. He said the new density if approved would be 510 units. He said in December there was discussion regarding a traffic signal and wanted to provide an update. He said it was under review and should be completed in summer/fall and installed in 2023.

Ms. Skinner said the traffic study was prompted by US 1 since it was a DOT road.

Mr. Latimer said they had building permits for the first six units and the site permit as that

would not change regardless of the configuration.

Mr. Misterly said any future building permits would fall under the Mobility Ordinance and would be paid upon pulling permits.

The Board provided their ex parte communication.

24 certified notices were sent, 0 were returned in favor, 2 returned opposed and 2 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Project was isolated
- Beyond the project did not see any negative impact or harm
- Increasing the number of rental units available
- No downside to the public or City
- Growing rapidly with apartments in area
- Housing Prices would be between \$1,600- \$2,200 and premium units available
- Unsure of the density increase
- Would provide more housing inventory
- Downside would be the increase in population within the county
- Parking would be contained within the development
- Site had not been changed or the impact to the preservation zones
- Questioned the need and justification for the change

Mr. Latimer said the development footprint was compact. He said the entire site was sixty plus acres, but around twenty acres were undeveloped due to conservation, especially on the south side. He said there was a third of the site that was untouched, and the remediation of the soil on the east side.

Mr. Pappas said his concern was the density with the congestion, although they were not changing the footprint. He asked the reasoning behind changing the density.

Mr. Zeits said the firm started around four years ago and they build single family homes and apartments and tried to provide obtainable housing. He said they were able to review the need in the community and the intent was to serve the community and more density in this footprint with major transportation corridors, managed by multi-municipalities with a traffic signal coming would be the best place to provide density in Northeast Florida.

Mr. Blow asked if the impacted soil was where the old maintenance yards were, and the solution was some removal and then capping the rest.

Mr. Zeits said the action plan allowed for capping and the large berm was part of the railroad, landscaping, and noise buffer, with remediation as approved by DEP. He said if capped with asphalt, building pad or two feet of clean fill, the DEP would approve it and it would need no further action.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL to the City Commission, Comprehensive Plan Land Use Amendment 2022-004 for a request to change the Comprehensive Plan use designation of property from Residential Low Density to Residential Medium Density. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Pappas, Blow, Griggs, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL for Rezoning on 2022-0004 from rezoning from Residential Low One to Residential General One. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Pappas, Blow, Griggs, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to APPROVE the Variance request to allow stacked parking spaces as required parking spaces for the multi-family development, conditioned on the approval on both the future land use map and the rezoning request to the City Commission. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Pappas, Blow, Griggs, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Other Business

8. (a) Planning and Zoning Board discussion and recommendation regarding an ordinance to update regulations related to home-based businesses and associated code revisions.

There was Board consensus to move discussion to the next meeting.

8. (b) Planning and Zoning Board discussion and recommendation regarding an ordinance to establish regulations for mobile food vendors/food trucks and associated code revisions.

Ms. Skinner said this was an ongoing project and the revisions was due to statutory

changes. She said the Florida Legislator changes prompted the City to react and they had to be more specific about food trucks and where they were allowed, and additionally the City wanted to codify the process in which a food truck was approved within the City limits. She said there was a process but not in the City code. She said with the legislative updates, it provided the City with an opportunity to update the City Code.

Mr. Davis said it would be very helpful to the Board since no one owned a food truck for the public to provide as much information as possible.

Public hearing was opened:

Dawn Watkins, founder of the St. Augustine Food Truck Co-Op, said there were twenty-two trucks in the Co-Op, and they had monthly meetings to help the new and existing Food Truck owners to understand the rules and regulations. She thanked the Board for allowing Food Trucks to be in the City, and said they wanted to keep the revenue within St. Johns County.

Mr. Misterly said there would likely be a draft Ordinance and encouraged Ms. Watkins to distribute it amongst the Co-Op members.

Ms. Watkins said they have not had a moment to collect the comments from everyone.

Ms. Lopez asked for comments be sent to the Planning Staff before the next PZB meeting on March 1, 2022.

Maria Maresca said there were around 35 to 40 food trucks within the City, and they appreciate everything the City did and felt it was beneficial to have regulations and the more refined the better.

Salvatore Iuliano had been Food Truck owner for the past two years and thought it needed to be under control.

Margaret Espinal said the Food Truck industry had changed her life and felt that there was enough for everyone and hoped it would stay within the City.

Jason Watkins said they wanted to keep St. Augustine a global destination for culinary tourism and felt there were other food business that were regulated but not reflected in the regulations from the City. He thanked the Board for listening and hoped for a great relationship moving forward.

Ms. Lopez said the current draft was available on the main website, but they had planned on reviewing the Ordinance and making some substantial updates.

BJ Kalaidi asked how the legislative changes would make the City change what was being done. She felt there had been some problems and wanted the City to follow through with the enforcement.

Public hearing was closed.

Mr. Blow asked the Co-Op to provide their bylaws for staff and the Board as he felt they would be beneficial. He voiced his concern with maintain a level the playing field between those who rented spaces for restaurants and food truck operators.

Mr. Misterly said this would come before the Board with an update and feedback from the community.

Mr. Pappas asked several questions about marinas and if the usage need to match the upland zoning, or could they automatically have one of the listed uses if it did not match the zoning.

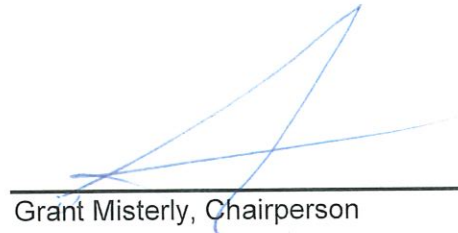
Ms. Skinner said if it were included in the definition of marina then it would be allowed as part of the marina; however, the question would be if it was an accessory to the marina or not. She noted the definition of marina included various accessory uses.

Mr. Pappas asked with regard to marinas, was there any type of proof to indicate an auxiliary use.

Mr. Blow said in the definition, there were factors that determined if it were a "real marina" by having certain items, like, fueling station, sanitary pump out system, or offer repairs.

9. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 8:07 P.M.⁸



Grant Misterly, Chairperson

⁸ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 1, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM

6(a)

APPLICANT & OWNER

Jessica Shafer

LOCATION

40 Hildreth Way / PID 151151-0010

REQUEST

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

LAND USE

Residential Low Density

ZONING

Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Chapter 11 Land Development Code, Article II. Conservation Overlay Zone Development.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect., and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- (3) Natural and proposed drainage patterns.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- ✓ (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Minimal, if any.

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

N/A

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

N/A.

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

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

No dock modification is part of the application.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$105 (plus advertising costs) Project Number: 2022-0005

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1

Block: _____

Subdivision: Fullerwood

Parcel Number: 1511510010

4. PROJECT STREET ADDRESS: 40 Hildreth Way St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Landscape wall a

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: Approval from planing and zoning

7. DESCRIPTION OF ACTION REQUESTED: decorative landscape wall on back of property
to hide a rip rap wall that was approved by the DEP

8. JUSTIFICATION FOR ACTION REQUESTED: This decorative landscape wall is just for looks
It is not to hold water back, nor will it. This is simply for the look and design of the feel
we are trying to achive for our backyard living space.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

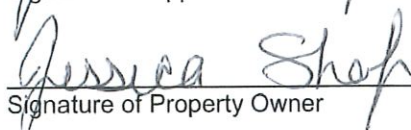
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

12

Date


Signature of Property Owner

12/15/2021

Date



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

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

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

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

Jessica Shafer

Print name of applicant


Signature of applicant

12/15/2021

Date

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.

40 Hildreth Drive St. Augustine FL 32084

Project Address: _____

Jessica Shafer

Applicant's Name: _____ Applicant's Signature: Jessica Shafer

Jessica Shafer

Owner's Name: _____ Owner's Signature: Jessica Shafer

MAP OF SURVEY

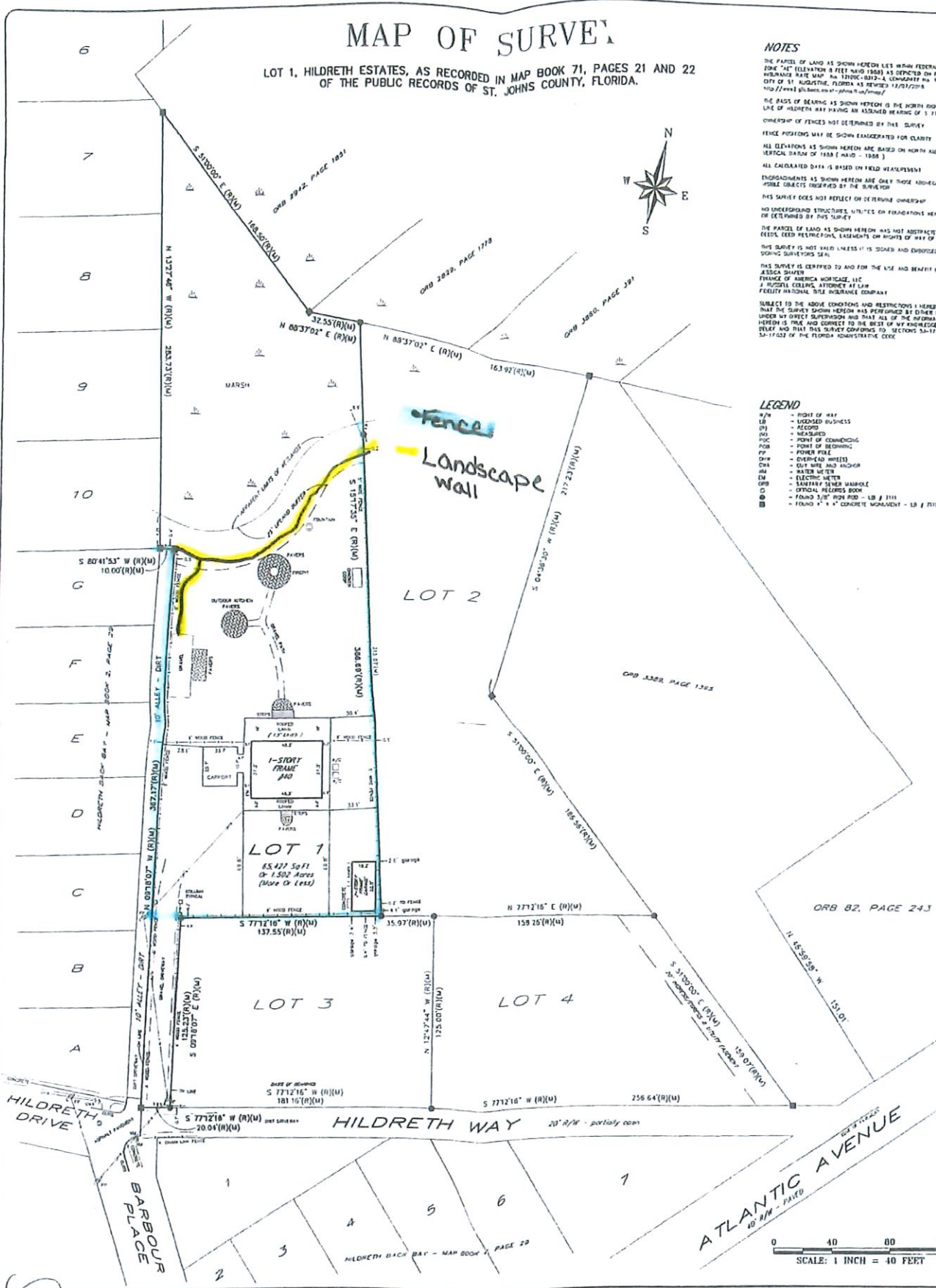
LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "A1" (ELEVATION 8 FEET NAVD 1988) AS DETERMINED BY FLOOD INSURANCE RATE MAP NO. 17000-0012-A, COMMUNITY NO. 120143 FOR CITY OF ST. AUGUSTINE, FLORIDA, AS REVISED 12/01/2008.
 THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY LINE OF HILDRETH WAY HAVING AN ASSIGNED BEARING OF S 17°12'16" W. OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.
 FENCE POSITIONS MAY BE SHOWN ENLARGED FOR CLARITY.
 ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) - 1988.
 ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENTS.
 ENCLOSUREMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVE-GROUND VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.
 THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.
 THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR FEELS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.
 THIS SURVEY IS NOT VALID UNLESS IT IS SEALED AND ENDORSED WITH THE SURVING SURVEYORS SEAL.
 THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF JESSICA SHAWEN, FRANCHISE OF AMERICA WORKSPACE, LLC, A FISCAL COLLING, ATTORNEY AT LAW, FIDELITY NATIONAL TITLE INSURANCE COMPANY.
 SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY OTHER MEANS OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 30-11.001, 30-11.002 OF THE FLORIDA ADMINISTRATIVE CODE.

LEGEND

R/W - RIGHT OF WAY
 LB - LICENSED BUSINESS
 OR - RECORD
 ME - MEASURED
 POC - POINT OF COMMENCING
 POC - POINT OF BEGINNING
 P/F - POWER POLE
 D/W - OVERHEAD WIRE
 D/W - OUT WIRE AND ANCHOR
 M - WATER METER
 EM - ELECTRIC METER
 ORB - LATERAL FENCE MARKER
 ORB - OPTICAL RECORD BOOK
 ORB - FOUND 3" X 3" IRON PIPE - LB # 1111
 ORB - FOUND 4" X 4" CONCRETE MONUMENT - LB # 1111



ANCIENT CITY SURVEYORS

ACS
 SURVEYORS • ENGINEERS
 LAND PLANNERS

1400 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
 ST. AUGUSTINE, FLORIDA 32080
 PHONE: 904-797-9997 FAX: 904-797-6027

BOUNDARY SURVEY

400 HILDRETH WAY
 ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY: BOUNDARY
 DATE OF SURVEY: 07/24/2015
 FIELD BOOK/PAGE(S): 369/3
 DRAWING SCALE: 1" = 40'
 JOB NUMBER: 15-445

12/04/2016 - FINAL AS SHOWN - FOR ARCHITECT'S USE
 12/04/2016 - FINAL AS SHOWN - FOR ARCHITECT'S USE



St. Johns County, FL

Apply for Exemptions

Apply for Exemption

Sales Questionnaire Form

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

Sales Questionnaire

2021 TRIM Notice

2021 TRIM Notice (PDF)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)
No Image Available

Parcel ID 1511510010
Location Address 40 HILDRETH WAY
SAINT AUGUSTINE 32084-0000
Neighborhood Hildreth Estates (581.04)
Tax Description* 71/21-22 HILDRETH ESTATES LOT 1 OR4723/1863 & 5139/1917
*The Description above is not to be used on legal documents.
Property Use Code Single Family (0100)
Subdivision Hildreth Estates
Sec/Twp/Rng 6-7-30
District City of St Augustine (District 452)
Millage Rate 19.3368
Acreage 1.500
Homestead Y

Owner Information

Owner Name Joint Declaration Of Trust D:12/30/2020 100%
Shafer Jessica Blair CO-Trustee 100%
Shafer Howard Shane CO-Trustee 100%
Mailing Address 3501 N PONCE DE LEON BLVD UNIT 374
Saint Augustine, FL 32084-1403

Exemption Information

Exemption Type	Status	Amount
Homestead		\$0
Homestead		\$25,000
Homestead Band		\$25,000

Map



Valuation Information

	2022
Building Value	\$339,395
Extra Features Value	\$14,906
Total Land Value	\$135,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$489,301
Total Deferred	\$26,055
Assessed Value	\$463,246
Total Exemptions	\$50,000
Taxable Value	\$413,246

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$306,530	\$15,320	\$135,000	\$0	\$0	\$456,850	\$456,850	\$50,000	\$406,850
2020	\$309,658	\$15,734	\$135,000	\$0	\$0	\$460,392	\$460,392	\$50,000	\$410,392
2019	\$278,237	\$16,148	\$110,000	\$0	\$0	\$404,385	\$404,385	\$0	\$404,385
2018	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
2017	\$0	\$6,887	\$110,000	\$0	\$0	\$116,887	\$116,887	\$0	\$116,887
2016	\$0	\$7,416	\$110,000	\$0	\$0	\$117,416	\$117,416	\$0	\$117,416
2015	\$0	\$0	\$89,547	\$0	\$0	\$89,547	\$89,547	\$0	\$89,547
2014	\$0	\$0	\$89,547	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

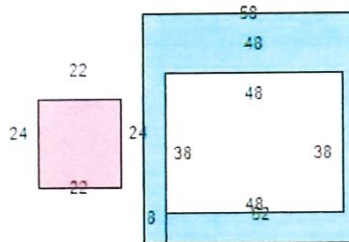
Building	1
Year Built	2018
Actual Area	5152
Conditioned Area	2852
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

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

Description	Square Footage
FINISHED CARPORT	528
BASE AREA	1824
FINISHED OPEN PORCH	1772
FINISHED UPPER STORY	1028
Total SqFt	5152

Sketch Information

Room Type
FINISHED UPPER STORY
FINISHED OPEN PORCH
Base
FINISHED CARPORT



Extra Feature Information

Code Description	Status	Value
Garage Finished (Average)		14906

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$135,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/31/2020	12/30/2020	\$100.00	WARRANTY DEED	5139	1917	U	I	SHAHER JESSICA BLAIR	JOINT DECLARATION OF TRUST D:12/30/2020
5/14/2019	12/14/2018	\$100.00	WARRANTY DEED	4723	1863	U	I	HILDRETH ESTATES LAND TRUST	SHAHER JESSICA
7/30/2015	7/29/2015	\$124,000.00	WARRANTY DEED	4064	1138	U	V	HILDRETH WAY LAND TRUST	HILDRETH ESTATES LAND TRUST

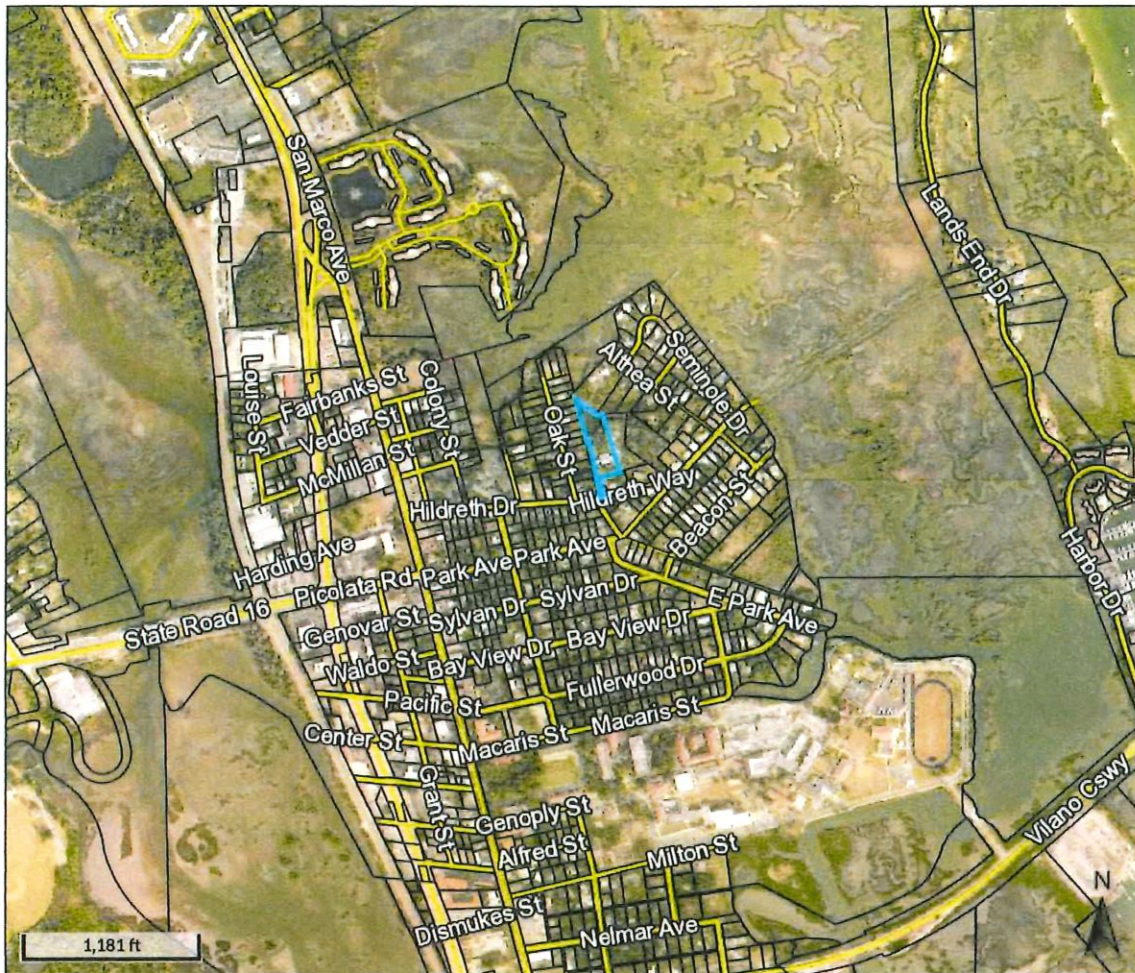
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 Schneider
 GEOSPATIAL

Version 2.3.1.0



Overview



Legend

□ Parcels

Parcel ID	1511510010	Physical	40 HILDRETH WAY	Building Value	\$339,395	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$14,906	Date	Price	Reason	Qual
Class	Family	Mailing	JOINT DECLARATION OF TRUST	Value		7/29/2015	\$124000	11	U
Taxing	City of St	Address	D:12/30/2020	Total Land	\$135,000	n/a	0	n/a	n/a
District	Augustine		3501 N PONCE DE LEON BLVD	Value					
Acres	1.5		UNIT 374	Just Value	\$489,301				
			Saint Augustine FL 32084-1403	Total Deferred	\$26,055				
				Assessed	\$463,246				
				Value					
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$413,246				

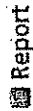
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Last Data Uploaded: 1/8/2022 12:01:08 AM

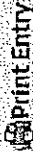
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GEOSPATIAL



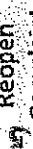
Closed Complaints



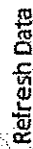
Report



Print Entry



Reopen Complaint



Refresh Data

Complaint ID:	2316	High Priority:	☐	Section:	ERP
Date Entered:	10/3/2016 10:43:16 AM			Date Assigned:	
Program:	SLERP			Investigated By:	Neumann_J
County:	St Johns			Date Initiated:	10/4/2016
Address: (Street, City, Zip)	40 Hildreth Way Parcel No. 1511510010 St Augustine, FL 32084			Site Visit Date:	
Site Contact:	Hildreth Estates Land Trust, Russell J Collins Trustee, 400			Results:	10/4/16: ERPCE complaints # 29911 from 9/20/16, #29403 from 4/21/16, & # 29245 from 4/11/16 all for concerns about stormwater & wetland impacts. All were found to be invalid. Jason contacted the
Description:	Property owners have installed a riprap embankment and back filled without authorization from the Department. May have filled wetlands. Complainants property is now experiencing severe			Facility Name:	Collins, Trustee Property
Anonymous:	☐			Program Site ID:	ERPCE complaint # 29955
Complainant Name:	Bruce Alvarez- 904-226-7450			Additional Comments:	
Contact Info:	17 Oak Street, St Augustine, FL, 32084			Date Closed:	10/4/2016 2:39:38 PM



Closed Complaints

Complaint ID: 6292	High Priority: ☐	Print Entry	Reopen Complaint	Refresh Data
Date Entered: 9/20/2016 5:22:06 PM	Section: ERP			
Program: SLERP	Date Assigned: 9/21/2016 9:17:00 AM			
County: St Johns	Investigated By: Neumann J			
Address: 40 Hildreth Dr. St. Augustine, FL 32084 Parcel # 1511-51-0070	Date Initiated: 9/20/2016			
Site Contact: Zane Stephens	Site Visit Date: 9/23/2016			
Description: Concerned construction will flood her property. There is a side road adjacent to property of concern. Claims there was a wetland fill violation that has since been resolved, rip-rap in marsh.	Results: 9/20/16: The address and property number don't exist. Probably the property on the backside of the complainant's. 9/21/16: Two prior complaints in ERPCE in April 2016			
Anonymous: ☐	Facility Name: Stephens Property			
Complainant Name: Clare Norris	Program Site ID: ERPCE complaint # 29911			
Contact Info: 904-823-2063	Additional Comments: As of 09/23/2016 - All activities were in an upland location. Invalid Complaint - Ready to Close!			
	Date Closed: 9/27/2016 1:47:58 PM			



Closed Complaints

Complaint ID: 1867	High Priority: ☐	ERP	Section:	Refresh Data
Date Entered: 4/21/2016 1:46:10 PM		Date Assigned: 4/21/2016 3:12:07 PM		
Program: SLERP		Investigated By: Neumann J		
County: St Johns		Date Initiated: 4/21/2016		
Address: 40 Hildreth Street, St. Augustine (Street, City, Zip)		Site Visit Date: 4/22/2016		
Site Contact: SHANE, 904-728-7663		Results: SV on 04/22... Got pictures. Need survey from City and Manager's review.		
Description: The City of St. Augustine's Code Enforcement Department has received a citizen complaint of broken concrete being dumped into the marsh at 40 Hildreth Street in St. Augustine, Florida. Our		Facility Name: North City Uptown Neighborhood (historical area)		
Anonymous: ☐		Program Site ID: ERPce #29403		
Complainant Name: Sandy Partin		Additional Comments: ~04/26: Reviewed with Manager. Site meets exempt criteria. Ready to CLOSE CASE.		
Contact Info: <spartin@citystaug.com> 904-825-1066		Date Closed: 5/18/2016 7:02:06 PM		

Report

Print Entry

Reopen Complaint

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

Re: Schafer Residence, 40 Hildreth Way

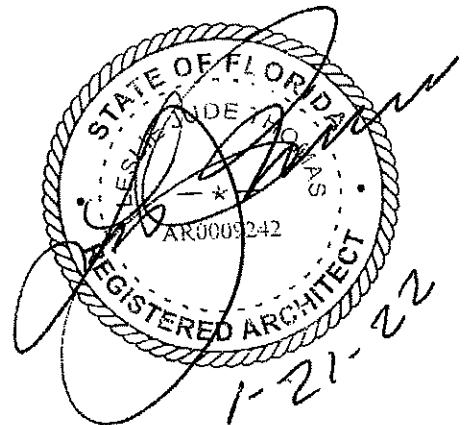
I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect.

LT/jmc



PZB

April 5, 2022

Item 6(a)

* CONTINUED *

- AGENDA
- STAFF REPORT
- MINUTES



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, April 5, 2022 at 2:00 p.m.

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Special Meeting Minutes from January 27, 2022.
 - b. Regular Meeting Minutes from February 1, 2022.
 - c. Regular Meeting Minutes from March 1, 2022.
4. **Variance**
 - a. 2022-0013 Kim Hartwick – Applicant & Owner
228 Riberia Street
To approve an increase in lot coverage to allow for a residential addition within the Open Land zoning district.
5. **Use by Exception**
 - a. 2022-0015 Michael Skjerning – Applicant & Owner
86 St. Francis Street, Apartment 4
To approve two (2) parking spaces in the City parking garage for a short-term rental.
 - b. 2022-0016 Kevin Glover – Applicant
Kelsey Glover – Owner
76 Abbott Street
To approve two (2) parking spaces in the City parking garage for a short-term rental.
 - c. 2022-0019 Rebecca Geiger – Applicant
c/o Bath Junkie
Len Weeks – Owner

c/o Len Weeks Construction
58 Hypolita Street
To approve a use by exception for the sale of beer and wine.

- d. 2022-0020 Jean – Pierre Klifa – Applicant
c/o Fashion and Passion, INC. d/b/a St. Augustine Vine Room
Leonard R. Tucker Jr. – Owner
c/o St. George Street Properties, LLC
21 Spanish Street
To approve a use by exception for a cocktail lounge.

6. Conservation Overlay Zone Development

- a. 2022-0005 Jessica Shafer – Applicant & Owner
Continued February 1, 2022 40 Hildreth Way
To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.
- b. 2022-0007 Jared Whetstone – Applicant & Owner
Continued from March 1, 2022 235 Coquina Avenue
To approve a new bulkhead in Conservation Overlay Zone 1.
- c. 2022-0014 Nell Johnson – Applicant & Owner
0 McWilliams Street / PID 108920-0002
To approve the removal of a 24” dbh Red Cedar Tree in Conservation Overlay Zone 3.
- d. 2022-0017 Ryan Carter – Applicant
c/o Carter Environmental Services
Flagler College Inc. – Owner
1 Malaga Street
To approve of a pile-support dock and floating platform including a gangway and floating kayak launch within Conservation Overlay Zone 1.
- e. 2022-0018 Ryan Carter – Applicant
c/o Carter Environmental Services
Robert Ziadie – Owner
150 Pelican Reef Drive
To approve of a modification of an existing single-slip dock by adding a 450 square foot aluminum floating dock with a gangway and additional decking for access.

f. 2022-0021

Jeremy Marquis – Applicant
c/o Marquis Latimer + Halback, Inc.
Robert Finvard
c/o Windward Shipyard Land Holdings, LLC and Winward Shipyard, LLC
117 Dockside Drive / PID 127910-0000, 128090-0010, 134230-0011, 134230-0030, 134390-0000, 134390-0010, 134340-0000, 134600-0000, 134230-0000, 134230-0020, 134410-0000, 134630-0000, 134650-0000, 134770-0000.
To approve tree mitigation on this approximately 38.63-acre site by retaining and relocating forty-four (44) red cedar, oak and palms trees and also planting fifty-six (56) new oak trees within Conservation Overlay Zone 3.

7. Other Business

- a. To set a date for a Special Meeting of the Planning and Zoning Board to discuss and recommend an ordinance to establish regulations for mobile food vendors/food trucks and associated code revisions.
- b. To set a date for a Special Meeting of the Planning and Zoning Board to discuss and recommend potential code amendments to establish an Affordable Housing/Workforce Housing program for the City of St. Augustine.

8. Adjournment

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

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

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

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting April 5, 2022

The Planning and Zoning Board met in formal session Tuesday, April 5, 2022, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call: Grant Misterly, Chairperson
Mike Davis, Vice- Chairperson
Jon DePreter
Sarah Ryan
Carl Blow
Charles Pappas

Absent: Christina Griggs, Excused

City Staff: Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building Department
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the January 27, 2022, as presented. The motion was SECONDED by Mr. Blow and the MOTION CARRIED UNANIMOUSLY.

Ms. Ryan asked for the riprap installation to be clarified as the applicant had previously installed it.

MOTION

Mr. DePreter MOVED to APPROVE the February 1, 2022 minutes as amended. The motion was SECONDED by Mr. Davis and the MOTION CARRIED UNANIMOUSLY.

MOTION

Ms. Ryan MOVED to APPROVE the March 1, 2022 minutes as presented. The motion was SECONDED by Mr. DePreter and the MOTION CARRIED UNANIMOUSLY.

Ms. Skinner announced item 6(a) had requested to be continued; however, people were in the audience who wanted to speak regarding the item, but there was hesitation to discuss items that were to be continued. She said it was at the Board discretion on how they wanted to proceed. She advised the Board of the two items at the end of the meeting, Food Truck Ordinance Draft and Affordable Housing, would not be discussed but a date for a special meeting would be determined.

Ms. Skinner informed the Board a phone call from the prospective engineer had informed her he was able to provide information sooner than six months and perhaps the application could be continued to the following PZB meeting.

There was Board discussion regarding Item 6(a) and was consensus to leave the application on the agenda in place and discuss at that time as there were members from the public who wanted to speak.

Ms. Lopez advised that the Affordable Housing and Food Trucks discussions were proposed to take place on April 19, 2022, at 9:00a.m.

4. Variance

4. (a) 2022-0013– Kim Hartwick– Applicant & Owner **228 Iberia Street**

To approve an increase in lot coverage to allow for a residential addition within the Open Land zoning district.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to the lot coverage limit at 228 Iberia Street from 10% to 17% to allow for an addition to a single-family residence.

Kim Hartwick reviewed the application.

The Board provided their ex parte communication.

16 certified notices were sent, 0 were returned in favor, 1 returned opposed and 0 had comments.

Public hearing was opened.

Lauren Giber spoke concerned about the height of the addition and said she was unsure if it would be a two-story or one-story. She said the owner had a driveway on the left side that had short-term rental RV's and was concerned if the addition was for herself or to be used as a short-term rental.

Public hearing was closed.

The Board discussed:

- Stormwater easement shown on survey to the left of the home with parking on the right
- Lot was large but mostly jurisdictional wetlands
- Seemed to be a modest addition
- Two story addition would be seventeen feet high with a loft
- No short-term rentals on the property
- Property was zoned open land on the west side of Iberia Street and other parts were rezoned to Residential Single-Family Two (RS2)
- Zoning in the area was mixed uses
- RS2 lot coverage was 30% and application was below the threshold
- Proposed plan to be built in the Conservation Overlay Zone area and why did application not trigger that type of approval
- Building was not more than 75-feet wide and 75% of the lot width the review for Conservation Zone Two would have been for the scenic vista
- Setbacks were measured to the marsh and could build up to the marsh line
- Lot coverage and density were only for the buildable areas
- Not reviewing the rear setback and there was an adjacent development closer to the jurisdictional line that the proposed addition would be
- Applicant had permit for Conservation Overlay zone approved a few months prior
- Could build to the bulkhead since approved
- Concerned with property being zoned Opened Land and construction would remove the view of the Marsh
- Code had requirements to protect the vista, but the applicant met the perimeters
- Home was a three-bedroom two bath and the addition would increase the home to be a four-bedroom three and half bathrooms

- Single Family homes were required to provide two parking spaces
- If used for Short-Term rental, parking would need to be addressed

MOTION

Mr. Pappas MOVED to APPROVE Variance 2022-0013. The motion was SECONDED by Mr. Blow.

Mr. Blow asked since the property had homestead exemption at what point would homestead exemption be lost if rooms were rented as a short-term rental.

Ms. Lopez replied the City did not regulate this; however, the current statute indicated it was done by percentages, but it was not a situation where you would lose all of it.

VOTE ON MOTION:

AYES: Pappas, Blow, DePreter, Davis, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY¹

5. Use by Exception

5. (a) 2022-0015– Michael Skjerning– Applicant & Owner
86 St. Francis Street, Apartment 4
To approve two (2) parking spaces in the City parking garage for a short-term rental.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for two (2) short term rental offsite parking spaces in the municipal parking garage for 86 St. Francis Street Apartment 4 / PID 207800-0000.

Mike Skjerning reviewed the application.

The Board provided their ex parte communication.

27 certified notices were sent, 5 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened.

Blake Souder spoke in favor of the application and said he had owned the property across the street since 2009 and felt the applicant had done, a great job with the improvements.

Lauren Giber spoke in favor of the application and said the applicant was a good neighbor and took care of the building. She encouraged the Board to approve the application.

Public hearing was closed.

The Board discussed:

- Questioned why property next door to location could not be used as it was an open lot
- Property next door was not considered a commercial lot as it did not have the lighting requirement, was a gravel lot and was used by the church
- Unsure if the property next had extra spaces that could be used for the Short-Term Rental (STR)
- Other units in the home were STRs
- Lot next to home was used during peak hours at the same time the parking would be needed for the applicant

MOTION

Mr. Pappas MOVED to APPROVE Use by Exception 2022-0015 approval contingent on upon final approval of the STR application. The motion was SECONDED by Mr. Davis.

Mr. Blow said there was a lot off Dumas Street owned by the applicant and asked if that property could be developed for parking

¹ Ms. Ryan was absent from Vote

to avoid providing more spaces in the parking garage. He said the lot he was referring to was Parcel ID# 207780-0000

Mr. Skjerner explained this property would have a house built on it in the future. He said if the lot were used for parking it would be short term, and felt it was not suitable for parking.

Ms. Skinner noted there was parking on-site; however, there was not enough for all the Short-Term Rental units in the building, as they need eight spaces but only have six.

During roll call for the motion Mr. Pappas voted 'no' to the motion. Ms. Lopez advised Mr. Pappas he needed to withdraw his motion.

MOTION WITHDRAWN

Motion

Mr. DePreter MOVED to APPROVE Use by Exception 2022-0015 as it meets the criteria for Short-Term Parking. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Ryan Misterly

NAYES: Pappas, Blow

MOTION CARRIED 4/2

5. (b) 2022-0016– Kevin Glover– Applicant
Kelsey Glover– Owner
76 Abbott Street

To approve two (2) parking spaces in the City parking garage for a short-term rental.

Mr. Fredriksson read the staff report and said Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for two (2) short term rental offsite parking space in the municipal parking garage for 76 Abbott Street/ PID 195010-0000.

Kevin Glover reviewed the application.

Ex Parte Communication: none

20 certified notices were sent, 0 were returned in favor, 1 returned opposed and 1 had comments.

Public hearing was opened; however, there was no response.

Mr. Davis asked if this application had been before the Board previously.

Mr. Fredriksson replied it had; however, the number of rooms had changed.

The Board discussed:

- Previously reviewed as a three-bedroom STR but was now a two-bedroom STR
- No place to park in front of the home and was not a good location for a STR
- STR impacted the residents who lived there full-time
- Understood the State law but was not in favor
- Property was RS2 zoning and could have one tenant per week
- Intensity and usage may have less people in the home during the week
- Concerned with the advertisement of the loft being shown online but had no way to enforce any of the STR
- Would only be renting as a two-bedroom
- Able to support as there were no other options
- Issue with the loft was a fire related issue and the Fire Marshal would have to determine the outcome

MOTION

Mr. Pappas MOVED to APPROVE Use by Exception 2022-0016 with the approval contingent on the final approval of the Short-Term Rental application. The motion was SECONDED by Mr. Blow.

Mr. Blow said the applicants only option was to use the parking garage and he was able to support the application.

VOTE ON MOTION:

AYES: Pappas, Blow, Ryan, DePreter, Davis, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (c) 2022-0019– Rebecca Geiger, c/o Bath Junkie – Applicant Len Weeks, c/o Len Weeks Construction– Owner 58 Hypolita Street

To approve a use by exception for the sale of beer and wine.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception to allow beer and wine sales at 58 Hypolita Street.

Len Weeks and Rebecca Giger reviewed the application.

The Board provided their ex parte communication.

13 certified notices were sent, 3 were returned in favor, 1 returned opposed and 3 had comments and two additional letters were attached.

Public hearing was opened.

Ron Mickler stated they had enjoyed Bath Junkie over the years; however, was unsure if adding beer and wine was a good option. He said if considered he felt the Board should add restrictions such as the times as it did not need to last until 10:00 p.m. He encouraged the Board to think about the other businesses with alcohol and said there were eighty places in the downtown area already and this could affect them.

Mr. Misterly reiterated the restrictions that the applicant had suggested:

- Restricted times from 10:00a.m.-10:00p.m.
- If applicant had three complaints within a year, would have to return to the PZB
- Would run with the applicant only

Mr. Mickler asked whose responsibility was it if the applicant received a complaint.

Ms. Skinner replied it would be handled by the Code Enforcement Division.

Lauren Giber spoke in opposition to the application and she felt having more locations in the area to serve alcohol was a slippery slope. She said restaurants had to meet requirements to have a liquor license. She said this was not a good addition to a saturated drinking town.

Shafer Weeks spoke in favor of the applicant and said it was not new, and had been previously approved; however, the applicant wanted to transfer it to a new location. He said he had known the applicants for a long time and the intent was not for a rough or rowdy bar, the intent was to create a space for their patrons while making specialty fragrances to have a crafted drink. He encouraged the Board to approve the application.

Christopher Gamble said the applicants were great neighbors and said he did not see a reason to not approve the application as it was only being swapped to the new location. He said there were a lot of rules and regulations that were being enforced and he questioned if they would be served by a soap producer or a bartender.

Public hearing was closed.

The Board discussed:

- Usage was mellow and would not be a full bar but ancillary to the business

- Approved previously and thought the conditions were important to keep in place
- Should be mindful of the residents in the area
- Hours should be kept from 10:00a.m.-10:00p.m.
- Bartender training had been proposed but had not been adopted by Ordinance and was not relevant
- If a business wanted to be open from midnight until two a.m., businesses would apply for a permit; however, they had not been approved by the Commission
- Applicant was willing to attend the bartender training if necessary
- Alcohol sales would be an ancillary service
- Was for the same business just different location
- More of an experience or event rather than a bar and would be controlled
- Capacity was around 20 customers which was the same as previous location
- Not many residents close by
- No outdoor seating and the sound would be contained

MOTION

Mr. Davis MOVED to APPROVE 2022-0019 to allow beer and wine sales as a permitted Use by Exception with three criteria: hours from 10:00a.m.-10:00p.m, the first three complaints within a 12 month period would have to return to the Board, and there would be no outdoor music. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

**AYES: Davis, Blow, Pappas, Ryan
Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY²**

² Mr. DePreter absent for vote.

5. (d) 2022-0020– Jean – Pierre Klifa, c/o Fashion and Passion, INC. d/b/a St. Augustine Vine Room Applicant
Leonard R. Tucker Jr., c/o St. George Street Properties, LLC– Owner
21 Spanish Street

To approve a use by exception for a cocktail lounge.

Mr. Fredriksson read the staff report and said based on a review of Section 28-2, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for a cocktail lounge at 21 Spanish Street/ PID 197350-0000.

Jean Pierre-Klifa and Richard Brooks reviewed the application.

The Board provided their ex parte communication.

8 certified notices were sent, 0 were returned in favor, 4 returned opposed and 4 had comments.

Public hearing was opened.

Martha Mickler spoke in opposition to the application and asked the Board to deny. She stated it was difficult for residents to live near a bar as there has been a bar on the north end of the street years prior. She said the Spanish quarter neighborhood was unique and was the last residential area on Spanish Street. She said as residents, they want the area to stay livable and safe for everyone to enjoy.

Mr. Misterly asked Ms. Mickler to provide any examples of how the bars had negatively impacted their area.

Ms. Mickler replied she would find trash, litter, and unwholesome products that had to

be cleaned up. She said she grew up on this street and it was a special place to her family.

Leonard Pellicer spoke in opposition to the application and the previous bar did not follow the conditions that had been set, which caused problems in the neighborhood. He said the patrons of the bar had little to no concern for the neighbors living there. He said St. Augustine has grown with people and businesses; however, too many bars.

Mr. Blow recalled the hour for 'last call' was different from the County but had been changed. He asked if there had been more disturbances when the 'last call' time was changed.

Ms. Skinner said the 'last call' time had changed when the Superbowl was held in Jacksonville, and it was to match St. Johns County and St. Augustine Beach but had not been changed back.

Mr. Pellicer said they had been back in the area for the past fifteen years, and there was trash, and litter that had to be picked up but there was no respect for the neighborhood and personal properties. He said the noise was very loud at night, and difficult to be in the area.

Christopher Gamble spoke in opposition to the application and felt there were too many places to drink in the area and this was advertised as a cocktail lounge. He said adding another space for this activity was not what the community needed or the businesses. He felt there was a better use of the space.

David Sellers, Jr., agent for the property, spoke in favor of the application and stated he had reviewed the lease from the applicant, and it was to serve beer and wine and have cheese plates. He said it was not similar the prior business that had been in the area, which was a cocktail lounge.

Lauren Giber spoke in opposition to the application and referred to the City's Vision

Plan. She said the plan was to keep the downtown area livable and have commercial businesses. She said there were plenty of bars in the town there was no need for another one.

Nancy Pellicer spoke in opposition to the application and said she felt there were too many bars. She said St. George Street was no longer historic except for the outline of buildings. She said there needed to be limitations as to how to control the situation.

Public hearing was closed.

The Board discussed:

- Vast concern from the community about the number of bars in town
- Inappropriate location for a cocktail lounge
- Testimony from the community spoke volumes
- Application did not promote public health, safety, morals, and welfare
- Not be in favor of the application
- Street had historic character and felt it should be preserved
- Residents should be protected, and the City Plan was to promote residents living downtown
- Thought to table the application or deny based on the proposed Ordinance

Ms. Lopez advised the applicant had the right to have due process and the applicant had a right to apply and receive a decision. She said if there was a moratorium, that would be done with findings from the City Commission but as for this application, action had to be taken.

Discussion continued:

- Thought any business in the location could be profitable without alcohol
- Location had a quiet residential feel
- Home was currently vacant and not being used

- Second application for a wine bar from the applicant and questioned reason for the wine bar

Mr. Pierre-Klifa stated he understood preserving the residential feel as he lived downtown. He said it was not his vision for people to be drunk and he would not tolerate the drunkenness at his establishment. He wanted this for himself. He said it would be a place that was refined where people can come for a nice environment and not a bar like others on St. George Street; just a small low-key place. He said tourism needed to be served properly because that was what made St. Augustine special. He said the first floor would be open for around ten to twelve people maximum and the second floor would be his office. He felt the Board had the wrong impression and asked them to reconsider.

The Board continued:

- Plan showed twelve seats upstairs and twelve seats downstairs
- Plan had been updated to have only applicant's office upstairs
- Downstairs would be the wine bar
- There was a patio with the intent to have some outdoor seating either four or five tables
- Questioned what had been in the building over the past five years

Mr. Sellers said the previous tenant was Spyglass Tours and used it as an old hospital for children's tours but had been vacant for the past nine months.

Mr. Davis asked if outdoor seating would need to be approved.

Ms. Skinner responded it could be a part of the approval for the exception and limitations could be added.

Ms. Lopez said reasonable conditions could be added to mitigate the negative impacts on the neighborhood.

Mr. Misterly thanked the applicant for presenting a reasonable application and for thinking about the neighborhood by adding self-imposed conditions; however, Uses by Exception normally did not fit in a neighborhood but if they were controlled perhaps a few could work. He said he thought in this area of town, the threshold had been met of what could be supported between residential and commercial.

Mr. Blow thanked the applicant for his efforts and encouraged him to not be discouraged.

MOTION

Mr. Misterly MOVED to DENY Use by Exception 2022-0020 for 21 Spanish Street a cocktail lounge was not appropriate in the area given the number of other bars and how it impacts public health, safety, welfare, morals, order, convenience, and appearance of the area based on testimony from the public and notices returned to the Board. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Misterly, Blow, Pappas, Ryan, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

6. Conservation Overlay Zone Development

6. (a) 2022-0005 Continued February 1, 2022 – Jessica Shafer – Applicant & Owner 40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

³ Break from 4:05p.m.-4:20p.m.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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

Mr. Misterly reiterated the applicants had requested a continuance since an engineer was unable to review their site for six months due to the extensive workload. Jessica Shafer and Shane Shafer provided an updated and requested to continue to application.

Ms. Lopez asked how much time was needed for the engineer to provide the documents for review.

Ms. Shafer requested for the application to be continued for the next three months. She said this would allow time for the proper research to be completed and documents to be provided.

Ms. Lopez said a date certain for three months would be July 5, 2022.

Mr. Misterly asked for anything provided to be reviewed by the City's Public Works staff and provide an opinion to the Board. He said by continuing to the July meeting would provide them time as well.

Ms. Lopez advised by having a date certain such as July 5, 2022, advertisement would not have to be done again. She said if the application had to be advertised again it would be an additional cost.

The Board provided their ex parte communication.

31 certified notices were sent, 2 were returned in favor, 12 returned opposed and

13 had comments and additional emails were attached.

Public hearing was opened.

Claire Norris spoke in opposition to the applicant and said her property was adjacent to the applicant and the wall was affecting her property and she could not have a bulkhead. She had an issue with the City allowing the applicants to hire their own engineer, instead of conducting an impartial study. She stated she was under the impression the City had received funds to help mitigate the flooding and if the bulkhead were to be allowed then the City needed to protect the neighborhood. She felt the applicant should have to remove the wall.

Ted Mooney spoke in opposition to the applicant and provided a picture of the decorative wall as viewed from his property. He said the wall was significant and had been constructed; however, he was unsure how a hydrological survey could be provided. He said the wall should be removed and then have a study conducted to show the affects to the neighborhood. He urged the Board to deny the continuance.

Madeline Keyable questioned if construction was able to be done on weekends or holidays. She contacted the permit office and they indicated a permit had not been filed, and this had been going on since November. She said she needed a new fence and wanted to build an identical berm on her property and use the same materials. She stated she heard the application would be approved and if so, she wanted to file for a permit for the same thing.

Mr. Misterly clarified this was the process for applications and there was no indication the application would be approved.

Nancy Bertogli spoke in opposition to the application and said the flooding in their neighborhood had changed causing many issues for everyone. She stated this type of flooding altered the way people lived. She

encouraged the Board to deny this application as they had in past similar situations and suggested to have the wall and riprap removed to restore the marsh back to its natural state. She said it was not right to build a wall at the expense of other properties and nature would provide a natural buffer. She asked the Board to deny the continuance as hurricane season was coming.

Tawny Kern spoke in opposition of the application and stated the owners had installed riprap and the berm without a permit. She said historically their neighborhood had not been approved to have bulkheads, and the wall and riprap should be removed, or a precedence would be set, and everyone would want to have it. She encouraged the Board to have the wall removed as hurricane season was approaching.

Jennifer Pastore spoke in opposition to the application and stated they were now land locked and the water was unable to get out causing more flooding and many more issues. She said this was an ongoing issue and a fragile neighborhood. She asked the Board to keep that in mind when making decisions. She asked the Board to protect their neighborhood.

Robin Mooney spoke in opposition to the application and stated at the last meeting she felt everyone agreed it was a bulkhead and not a decorative wall. She said one Board member indicated if the applicant had applied for a permit it most likely would have been denied. She said the applicant owned a construction company and for her to not know a permit was required did not make sense. She was concerned about her property, her neighbor's property, and how it would be affected. She said the construction of this wall was bad behavior and bad behavior should not be rewarded. She asked the Board to do the right thing and deny the request.

Charles Smith spoke in opposition to the application and said the damage had been done and the only solution would be to remove the wall and conduct a study. He reminded the Board that all the bulkheads in the neighborhood had been denied.

Public hearing was closed.

Ms. Lopez informed the Board the application had been noticed and if the Board acted today other than to continue, they should allow the applicant time to fully present the case. She said legally they would need to base their decision on the data, evidence, analysis, and testimony in the record. She said option two was to grant a continuance, and if so, there was a consensus to present in July. She said the applicant had the right to withdraw the application and regroup with a new application.

Ms. Skinner agreed those options were reasonable and said for the second lot of property, the applicant had been informed that an application was needed. She said in the future this application would need to be amended to include that property or a separate application would need to be submitted.

Mr. Misterly asked if the Board were to take action the activity was not permitted and was before the PZB and did that change anything. He said they had requested information to help assist in the decision but had not received any and was that justification for a decision or would the same process follow regardless.

Ms. Lopez said the same process would follow moving forward and that would be the Code Enforcement Board and PZB should make its decisions based on the criteria in the City Code.

Mr. Misterly asked if lack of evidence a reason to deny the application.

Ms. Lopez stated it was the applicant's responsibility to prove their case by the criteria in the code, and it was not about the permit. She said if they failed to prove each criteria in the code, it could be denied.

Mr. Davis asked which permit was not applied for. He said several residents were concerned about hurricane season and had asked the Board to require removal of the wall. He said he was unsure if removal of the wall was within the Board's purview. Mr. Misterly said it would have been a Conservation Overlay Zone permit.

Ms. Lopez said should the Board deny the permit, it would then go before Code Enforcement where there was a possibility of liens, or instead of a lien would be able to remove the "thing" that was deemed a violation by Code Enforcement.

Ms. Skinner noted there would be pending code enforcement action based on the actions of the PZB. She said the City had to provide the respondent time to correct the violation, and the applicant was working to correct the violation. She informed the Board that Department of Environmental Protection (DEP) came to the site and determined this not to be part of their jurisdiction due to size of the project. She said the State says the City cannot predicate decisions or permits based on State requirements or any other State Agency. She said PZB was the Board that was to review Conservation Overlay Zones.

Mr. Davis stated he was not aware this had started in Code Enforcement.

Mr. Pappas said from his experience Code Enforcement would refer the application back to PZB for a decision, and once PZB reached a decision Code Enforcement would take the next step.

Mr. Davis said he understood hurricane season was coming and many neighbors were concerned about their property and the

longer PZB waited to decide the worse it could be for the residence.

Mr. Blow reviewed the seventeen criteria and asked if the riprap approved by DEP.

Ms. Skinner said the DEP looked at the riprap issue and determined it was not within their jurisdiction.

Mr. Blow said at the last meeting the Board asked the applicant to provide engineering data. He said if the engineers report indicated the wall negatively impacted the flood plain or drained on to the adjacent properties that more than likely the application would be denied due to not meeting the criteria; however, he was in favor of a continuance.

Ms. Lopez reiterated the Board would listen to all the evidence and in theory if there was evidence at any hearing that helped the Board determine it did not meet the criteria that would be a potential basis for a denial.

Mr. Misterly stated he was concerned with how long it was taking to have a resolution and what outcome would be.

Mr. Pappas said the Board had asked for information; however, the applicant was not able make a full presentation. He said the Board received a letter prior to the meeting that indicated the applicant would not have the information but was torn since it was an after-the-fact application.

Ms. Ryan was reviewed the survey and wanted the wall placed on the survey because it looked to be hand drawn in and was concerned where the wall was on lot two. She said it was difficult to see on the survey.

Mr. Pappas recommended the applicant amend their application to include lot two. He said if the wall were approved on this lot, it did not mean it would be approved on the second lot. He felt it made sense to review both lots together.

Ms. Ryan asked if the wall were on the other side of the twenty-five-foot buffer would it be allowed, and which Conservation Overlay Zone was the wall in.

Ms. Skinner responded in the affirmative said the Conservation Overlay Zone Two had been amended to include these types of structures. She said she believed it started in Zone One and was within reason right on the jurisdiction line.

MOTION

Mr. Blow MOVED to CONTINUE the application 2022-0005 to July 5, 2022. The motion was SECONDED by Ms. Ryan

VOTE ON MOTION:

AYES: Blow, Ryan, Pappas, DePreter, Davis

NAYES: Misterly

MOTION CARRIED 5/1

Mr. DePreter explained his vote and said there was a two-fold situation one was a code infraction; however, he was unable to decide until he had the engineers report.

Mr. Davis suggested that the engineer come to the meeting since the issue was complex.

Ms. Lopez noted it was clear the burden of proof was on the applicant.

Mr. Blow said the engineer should address the before situation as well as the impact of the wall.

6. (b) 2022-0007 Continued from March 1, 2022– Jared Whetstone– Applicant & Owner **235 Coquina Avenue**

To approve a new bulkhead in Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of a new

bulkhead within Conservation Overlay Zone 1 at 235 Coquina Avenue/ PID 223540-0070.

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

Brian Spur, representative for the application, reviewed the application.

Mr. Davis asked for the height of the bulkhead. He said he did not see an elevation provided. He stated there had been conservation with the City to have a seven-foot berm down Coquina Avenue to protect the area since it had flooding issues. He said he was trying to understand where the height was as it impacted what happened in the future. He believed Ruben Franklin, City's Public Works Director, indicated the height would be at seven feet. He said his issue was if it were at five feet, the applicant would want to add two feet later on but if it were built at eight feet, he would be higher than everyone else.

Mr. Spur replied it was three-foot face, however, there was no survey completed for the application, and the intent was to have no backfill in the yard. He said the cap would be level with what was there currently and consistent with the neighbor's wall.

Ex Parte Communication:

(None)

13 certified notices were sent, 4 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Would continue a bulkhead
- Felt applicant was doing the right thing by matching the other bulkhead on the other property

- Did not want applicant to come back at a later time requesting to be at seven feet
- Would be seven feet above sea level
- Trying to help applicant long term and it would set a standard going forward

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Development 2022-0007 at 235 Coquina Avenue to approve a new bulkhead in Conservation Overlay Zone One at the height shown on their current plans but should in the future the City put a berm along Coquina Avenue, then they have a right to raise it to the height of the berm at that time. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Davis, Pappas, Blow, Ryan, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2022-0014– Nell Johnson– Applicant & Owner 0 McWilliams Street / PID 108920-0002

To approve the removal of a 24" dbh Red Cedar Tree in Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can DENY the removal of a 24" Red Cedar tree given the size of the property and potential options to build a single-family home at 0 McWilliams Street / PID 108920-0002.

Nell Johnson and Les Frenzell reviewed the application.

Ms. Skinner asked what ball and deadwood meant.

Ms. Johnson replied no it meant maintaining the health of the tree. She said the only tree

in question was the twenty-four-foot Cedar tree.

The Board provided their ex parte communication.

20 certified notices were sent, 1 were returned in favor, 1 returned opposed and 1 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Homes were prefab from company in Miami
- Would be two feet above where the lot sits on a stem wall with a crawl space underneath; would have steel beams on the stem wall with no backfill
- Locked into the floor plan as it was ordered
- Drawing showed a fifteen-foot setback from McWilliams and could possibly shift toward McWilliams and no longer need a variance
Would have to confirm they could shift it forward
- Was a positive to be on a stem wall with no backfill and would be beneficial to the remaining trees
- Would have footer a foot below and then four blocks high
- Could do a beam and bridge for the root system
- Thought trees would be impacted with a stem wall
- Normally would have an arborist to answer questions about trees
- Information provided seem to be sufficient as long as it was to scale when submitted it could be determined if it could be moved forward
- Wanted to keep the 'Old Florida' feel to the space
- Parking would be in the front and back of the two homes

- Could move the home over slightly as they owned two properties side by side and have a reduced yard setback
- Concerned if it were moved forward would impact the parking
- Drawing showed flexibility to move the footprint
- Could move three feet to the west to meet the ten-foot setback
- Felt that could work to move the homes closer together but would require re-advertising as that would be a different case
- Plenty of room to move the home to protect the tree
- Wanted to save the Cedar tree
- May have to install beams to not damage the root systems for the trees on the lot
- Would be difficult to obtain insurance with trees close to the homes
- Suggested having an arborist as they could provide more information about the trees onsite
- Could support a smaller setback on the west side and move closer to the road to not lose parking but would also require re-advertising
- Wanted to add a requirement to have an arborist report
- If within the setbacks for the other lot would not need a variance
- Suggested consideration of all the proposed structures
- Lot was open; problem was not the trees or the lot but fitting modular homes on them

Ms. Skinner suggested continuing the application to the June meeting to allow time for the documents requested to be collected and reviewed.

Mr. Frenzell agreed.

MOTION

Mr. DePreter MOVED to CONTINUED Conservation Overlay Zone Three

Development 2022-0014 to the June 7, 2022 meeting with the consideration of moving the building and an arborist report that will ensure safety for the trees currently there to be protected.

Ms. Johnson said she would contact Steel Homes to reduce the square footage of the home on lot six and keep lot five the same and move the home on lot six forward so it would not encroach on the Cedar tree.

Mr. Misterly said if that worked out and they no longer needed a Variance they were able to withdraw the application.

The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: DePreter, Ryan, Pappas, Blow, Davis, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (d) 2022-0017– Ryan Carter, c/o Carter Environmental Services– Applicant
Flagler College Inc.– Owner
1 Malaga Street

Mr. Davis recused himself from the application.⁴

To approve of a pile-support dock and floating platform including a gangway and floating kayak launch within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of a new pile-supported dock and floating platform including a gangway and floating kayak launch within Conservation Overlay Zone 1 at 1 Malaga Street/ PID 206440-0020.

⁴ Recusal form attached to the minutes

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

Ryan Carter reviewed the application.

Ms. Lopez asked if the intent was for the students to rent the kayaks and if not, a Submerged Land Lease would be required if it did not fall within a residential use. She said it was a minimum revenue and was more of a procedural thing with the City and was done administratively.

Mr. Blow thought this would be used exclusively for Flagler College students and personnel and even if a fee was charged students were essentially residents, would it be necessary to have a Submerged Land Lease.

Ms. Lopez said procedurally everyone was treated the same and if it was determined to be revenue generating then they would need to obtain the Submerged Land Lease.

Ex Parte Communication:

(None)

8 certified notices were sent, 0 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Felt there was no downside to the application
- Was in support of the application and thought it was a fantastic idea
- King Street bridge was being updated by Department of Transportation

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 2022-0017 and its determined by City

Staff that it was revenue generating facility should return to the City to negotiate a Submerged Land Lease. The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Blow, Pappas, Ryan, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (e) 2022-0018– Ryan Carter, c/o Carter Environmental Services– Applicant
Robert Ziadie– Owner
150 Pelican Reef Drive

To approve of a modification of an existing single-slip dock by adding a 450 square foot aluminum floating dock with a gangway and additional decking for access.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the modification of an existing dock by adding a 450 square foot aluminum floating dock with a gangway and additional decking for access within Conservation Overlay Zone I at 150 Pelican Reef Drive/ PIO 158571-4030.

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

Ryan Carter reviewed the application.

Ex Parte Communication:

(None)

12 certified notices were sent, 1 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Dock to the north has two slips and a floating dock
- Dock in question had one slip and was asking for a floating dock
- Proposal was to add a 12x5 foot floater
- Docks were becoming larger in size
- Dock was inline or slightly smaller than other adjacent docks
- Was a large dock but no issue since others in the same area were around the same size
- Docks were becoming as large as residential homes which was a concern
- Dock met the criteria and was in favor of the application
- All docks exceeded 100-feet of frontage in Pelican Reef
- Would not affect dock to the south
- Home to the north could add a dock if they chose to and it would obstruct access to the proposed dock
- Needed to be a sturdy floating dock to withstand the boat wake

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 2022-0018. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Blow, Davis, Pappas, Ryan, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (f) 2022-0021– Jeremy Marquis, c/o Marquis Latimer + Halback, Inc. Applicant Robert Finvard, c/o Windward Shipyard Land Holdings, LLC and Winward Shipyard, LLC– Owner 117 Dockside Drive / PID 127910-0000, 128090-0010, 134230-0011, 134230-0030, 134390-0000, 134390-0010, 134340-0000, 134600-0000, 134230-0000, 134230-0020,

134410-0000, 134630-0000, 134650-0000, 134770-0000.

To approve tree mitigation on this approximately 38.63-acre site by retaining and relocating forty-four (44) red cedar, oak and palms trees and also planting fifty-six (56) new oak trees within Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the tree mitigation plan on this approximately 38.63 acre site by retaining and relocating 44 red cedar, oak and palm trees and also planting 56 new oak trees with Conservation Overlay Zone 3.

Jeremy Marquis, Elijah George, Carl Masters, and Bryce Underhill and Stephan Johansson reviewed the application.

The Board provided their ex parte communication.

31 certified notices were sent, 2 were returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened.

James Whitehouse, counsel for an adjacent property owner, said the concern was the vagueness in the application. He said there was not many specifics and some items shown to the Board was on property that they did not own. He said they referred to their 'vision plan' and there was nothing specific. He said his client was concerned about protecting the site as he owned property next door. He reviewed the Code from the staff report and said the unknowns made it very unclear if the trees needed to be moved or removed.

Public hearing was closed.

Mr. Marquis responded to public comment and indicted the trees had been a critical

guiding light for all the planning on the property, and the applicant was prepared to do it better. He said the canopy could be kept onsite and wanted to make it feel like they had been there for some time.

Mr. Johansson said the vision plan had not changed in the past two and half years and was in final review for the Civil Master Plan, and permit. He said this was the plan and was accurate to what would be built.

Mr. Masters added the background layers on the plans were from the Civil permit package and was under the second review with the City of St. Augustine, and was submitted to the Water Management District. He said the multi-family component had been submitted to the City and was under review.

The Board discussed:

- Elevation had to be at 10.5 feet to be out of the flood plain which was 3 feet above the existing grade
- Survival rate for relocation of the trees was around 95% success rate
- Average cost to move a tree ranged between \$10,000- \$100,000
- Plan showed where the relocations were and where they would be placed
- Area on plans in green showed the location where no development would be as that was a critical root zone
- Saplings to be removed to help with the canopy but was not opposed to keeping some
- Trees were being removed as shown but would be relocated
- Preserving four trees in the same place which were: 465, 466, 467, 468
- 44 relocated trees and removing around 300 trees of varying sizes
- Would be planting 56 new trees to make up the credits needed
- Each site plan would be reviewed and would meet the landscape code
- Code encouraged relocation and preservation of trees when possible
- Trees would need to be removed or relocated since the site elevation was being raised
- Most of the density would be in the core of the property
- Site plan represented the project that was within the City limits
- Would be planting more trees as per code
- Trees from the County would be moved into the City limits and was unsure if they would be deemed transplants or new
- Viewed the site and felt there were some trees that were not healthy
- Applauded the idea of building higher than needed to be to be above elevation
- Site plan would not change roads, utilities, and storm water would stay the same
- Applicant advocated to keep the existing tree canopy and wanted to go beyond the requirement
- Proposal was not the most economical solution but was in development long term, and this was to preserve the history that new trees do not provide
- Cedar trees within the County were extremely important and would be transplanted and moved to the City limits
- Larger trees in the master plan were focal points in the master plan
- Felt a new standard was being set for future big developers
- Building would be parallel apart from the single-family residents
- Remove the parcels not pertaining to the project from the graphics when presenting new applications to the Board to avoid confusion

Mr. Johansson agreed to the higher number of trees and said he would plant 56 trees and to relocate 48 trees.

MOTION

Mr. Misterly MOVED to APPROVE Conservation Overlay Zone Three Development with it noted relocating 48 Red Cedar Oak and Palm Trees and

planting 56 new Oak Trees and retaining the 4 Live Oaks within Conservation Overlay Zone Three for application 2021-0021. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Misterly, Davis, Pappas, Blow, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Other Business

(a). To set a date for a Special Meeting of the Planning and Zoning Board to discuss and recommend an ordinance to establish regulations for mobile food vendors/food trucks and associated code revisions.

(b). To set a date for a Special Meeting of the Planning and Zoning Board to discuss and recommend potential code amendments to establish an Affordable Housing/Workforce Housing program for the City of St. Augustine.

Mr. Misterly announced both topics would be scheduled for April 19, 2022 at 9:00a.m.

Ms. Skinner said the Food Truck discussion would take place first and a draft ordinance would be presented. She said for Affordable Housing, the staff would outline some issues that were seen but it would be a discussion.

There was discussion about a time certain for the special meeting and there was Board consensus to have the meeting from 9:00 a.m.-12:00 p.m. on April 19, 2022.

Mr. Blow asked if the Chamber of Commerce could be informed about the discussion regarding food trucks.

Ms. Skinner said she thought they should be aware of the issue but would send a copy of the Ordinance for them to review.

Mr. Davis noted the difficulty of trying to reach staff by calling (904) 825-1065. He said the number rings, and no one answers. He asked if there was a way to have a dedicated line for Planning and Zoning or HARB. He said over the past three years reaching someone had degraded.

Ms. Skinner said there was a phone tree to select a number based on subject matter and there was one person who took care of the front desk and phone. She said it was difficult to handle the volume of calls, but she would address it. She said the number on the certified notices were directed to Mr. Fredriksson and the email listed was sent to Mr. Fredriksson, Tracy Mullins and herself.

Ms. Skinner asked if the Board wanted to have a combined meeting with the Historical Architectural Review Board prior to the budget meeting to discuss priorities moving forward or would the Board rather have a report from HARB at a regular meeting.

There was Board consensus to have a report presented instead of having a joint meeting.

8. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 7:30 P.M.⁵


Grant Misterly, Chairperson

⁵ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: April 5, 2022

RE: Email from applicant requesting a continuance

Please find attached additional information provided by the applicant for the item Number 6(a) 2022-0005 to approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1 located at 40 Hildreth Way.

If you have any questions or require additional information please contact myself or Amy Skinner at our office by calling (904) 825-1065 or by email at either tmullins@citystaug.com or askinner@citystaug.com.

Tracey Mullins

Tracey Mullins
Planner

From: [Jessica Shafer](#)
To: [Amy Skinner](#); [Jacob Fredriksson](#); [Tracey Mullins](#); [Barry Fox](#); [Richard Schauland](#); [Curtis Boles](#); [Meredith H. Randolph](#)
Subject: Request to postpone PZB Meeting
Date: Tuesday, March 1, 2022 4:28:39 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact the City IT Department.

Dear Planning and Zoning Board,

RE: Conservation Overlay Zone Development - 40 Hildreth Way - Case Number 2022-0005

Applicant: Jessica Shafer

Location: 40 Hildreth Way St. Augustine, FL 32084

This letter is to bring awareness of the issues I have been having in getting the required documents needed in time for the PZB meeting to be held on April 5, 2022 but all documents must be submitted by March 25, 2022.

I have been reaching out to local engineers regarding the information requested but I have been unable to find an engineer that can provide the documentation within the time limit given. Everyone I have spoken to has informed me they are 6 months out, due to the demand of workload with all of the construction going on. I am still working on this and hope to find a solution but wanted to bring you up to speed on the issues I am currently facing.

With this being said, I am requesting to postpone the meeting to a later date to allow adequate time to produce the documents requested. Thank you for your time and I look forward to hearing from you.

--

Sincerely,
Jessica Shafer
Managing Member
Florida Coastal Contractors, LLC
Office: (904) 827-3962
www.DreamBackyardBuilders.com



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 5, 2022 continued from February 1, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM	6(a)
APPLICANT & OWNER	Jessica Shafer
LOCATION	40 Hildreth Way / PID 151151-0010
REQUEST	To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Chapter 11 Land Development Code, Article II. Conservation Overlay Zone Development.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect.,. and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- (3) Natural and proposed drainage patterns.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

✓ *Minimal, if any.*

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

✓ *N/A*

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

✓ *N/A.*

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

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

No dock modification is part of the application.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: 4105 (plus advertising costs) Project Number: 2022-0005

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1

Block: _____

Subdivision: Fullerwood

Parcel Number: 1511510010

4. PROJECT STREET ADDRESS: 40 Hildreth Way St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Landscape wall a

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☒ Other: Approval from planing and zoning

7. DESCRIPTION OF ACTION REQUESTED: decorative landscape wall on back of property
to hide a rip rap wall that was approved by the DEP

8. JUSTIFICATION FOR ACTION REQUESTED: This decorative landscape wall is just for looks
It is not to hold water back, nor will it. This is simply for the look and design of the feel
we are trying to achive for our backyard living space.

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

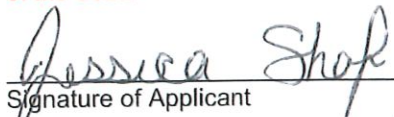
11. AGREEMENT:

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

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

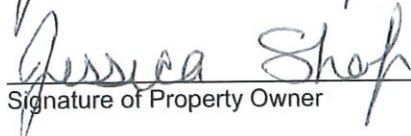
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

12

Date


Signature of Property Owner

12/15/2021

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.

Jessica Shafer

Print name of applicant


Signature of applicant

12/15/2021

Date

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.

40 Hildreth Drive St. Augustine FL 32084

Project Address: _____

Jessica Shafer

Applicant's Name: _____ Applicant's Signature: Jessica Shafer

Jessica Shafer

Owner's Name: _____ Owner's Signature: Jessica Shafer

MAP OF SURVEY

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "A" (ELEVATION 8 FEET NAVD 1988) AS DEPICTED ON FLOOD INSURANCE RATE MAP NO. 12000-0007-A, COMBINED BY THE CITY OF ST. AUGUSTINE, FLORIDA AS REVISED 12/01/2008. THIS FLOOD ZONE MAP IS AVAILABLE AT: <http://www.fema.gov>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY LINE OF HILDRETH WAY HAVING AN ASSIGNED BEARING OF S. 77°12'16" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSTINGS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD - 1988).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVE-GROUND VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT ON DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON HAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

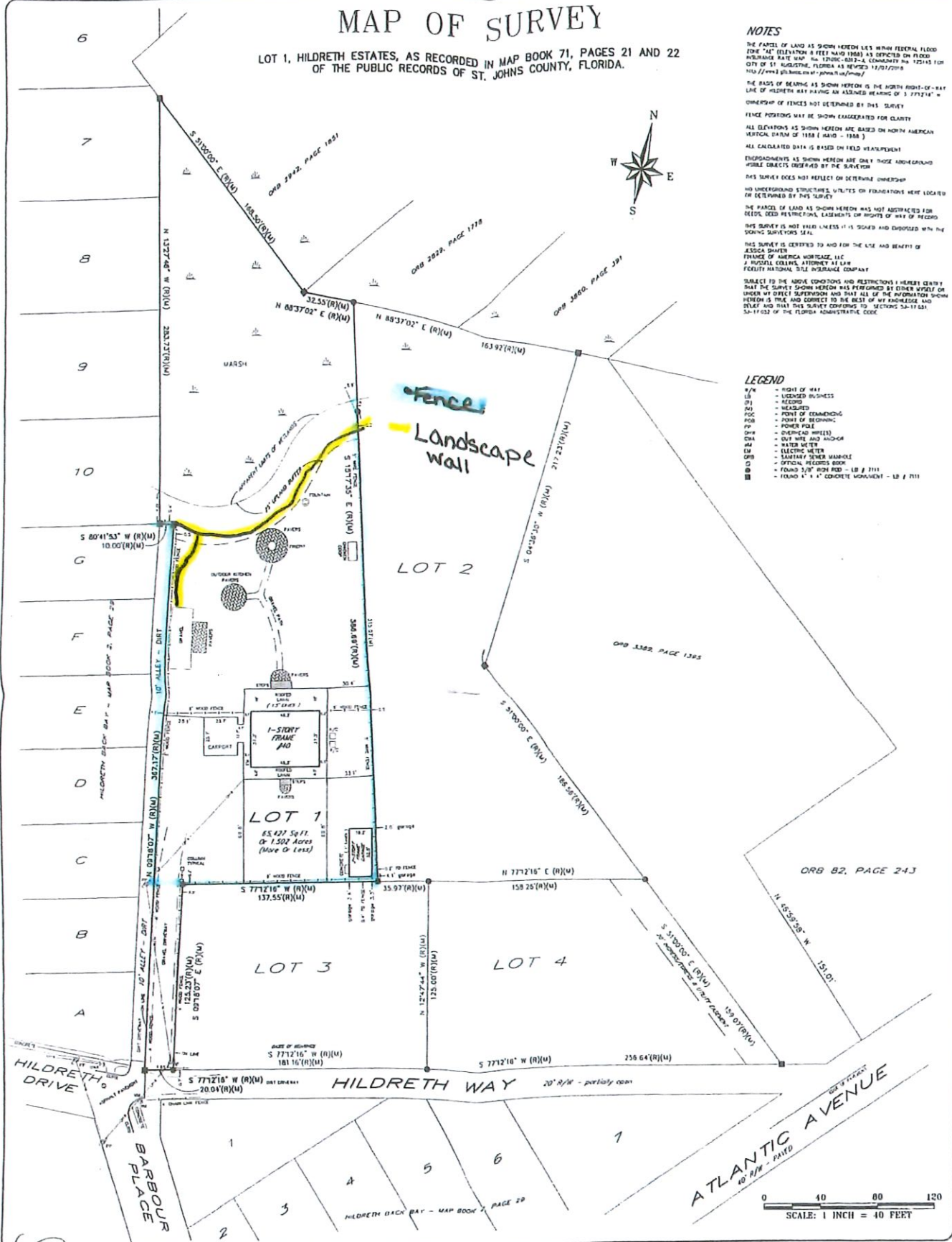
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND ENDORSED WITH THE SIGNED SURVEYOR'S SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF: ASUCA DRIVE, FRAMES OF AMERICA HOMES, LLC, J. RUSSELL COLLINS, ATTORNEY AT LAW, FORTUIT NATIONAL TITLE INSURANCE COMPANY.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY OTHER SURVEYOR ON UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 54-11.01(1) 54-11.02(1) OF THE FLORIDA ADMINISTRATIVE CODE.

LEGEND

- R/W - RIGHT OF WAY
- LB - LICENSED BUSINESS
- DB - DEED BOOK
- MB - METERS
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCING
- PP - POWER POLE
- OW - OVERHEAD WIRE
- OWH - OVERHEAD WIRE AND HOUSING
- WM - WATER METER
- EM - ELECTRIC METER
- STW - SANITARY TRENCH WAREHOUSE
- OFB - OFFICIAL RECORDS BOOK
- FOB - FOUND 3/8" IRON ROD - LB # 2111
- FOB - FOUND 1" x 4" CONCRETE MONUMENT - LB # 2111



ANCIENT CITY SURVEYORS

ACS
SURVEYORS • ENGINEERS
LAND PLANNERS

4425 U.S. HIGHWAY No. 1, SUITE 101
ST. AUGUSTINE, FLORIDA 32080
PHONE: 904-797-9907 FAX: 904-797-0027

BOUNDARY SURVEY

400 HILDRETH WAY
ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/24/2015
FIELD BOOK/PAGE(S):	369/63
DRAWING SCALE:	1" = 40'
JOB NUMBER:	15-445
11/04/2016 - FINAL AS BUILT - PD 4402-69-31	
12/08/2016 - AS BUILT (VOLUME 1) RECORD - PD 4402-69-31	

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THE PARCELS OF LAND AS SHOWN HEREON LIE WITHIN FEDERAL FLOOD ZONE "A1" (ELEVATION 8 FEET MAID 1984) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12100C-0312-A AND COUNTY No. 125143 FOR CITY OF ST AUGUSTINE, FLORIDA AS REVISED 12/31/2014
<http://www.gis.broward.com/pdfs/125143/firm.pdf>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY
LINE OF HIGHWAY 101 HAVING AN ASSUMED BEARING OF S 77° 12' 18" W.
OWNERSHIP OF LINES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN ENLARGED FOR CLARITY

ALL ELEVATIONS AS SHOWN HEREIN ARE BASED ON NORTH AMERICAN
VERTICAL DATUM OF 1988 (NAD 83).

ALL CALCULATED DATA IS BASED ON 1980-1985 DATA

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE APPROVED BY

ENCLOSUREMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND
VISIBLE OBJECTS OBSERVED BY THE SUPERVISOR

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY

THE PARCEL OF LAND AS SHOWN HEREON HAS NOT ABSTRACTED FOR
DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD

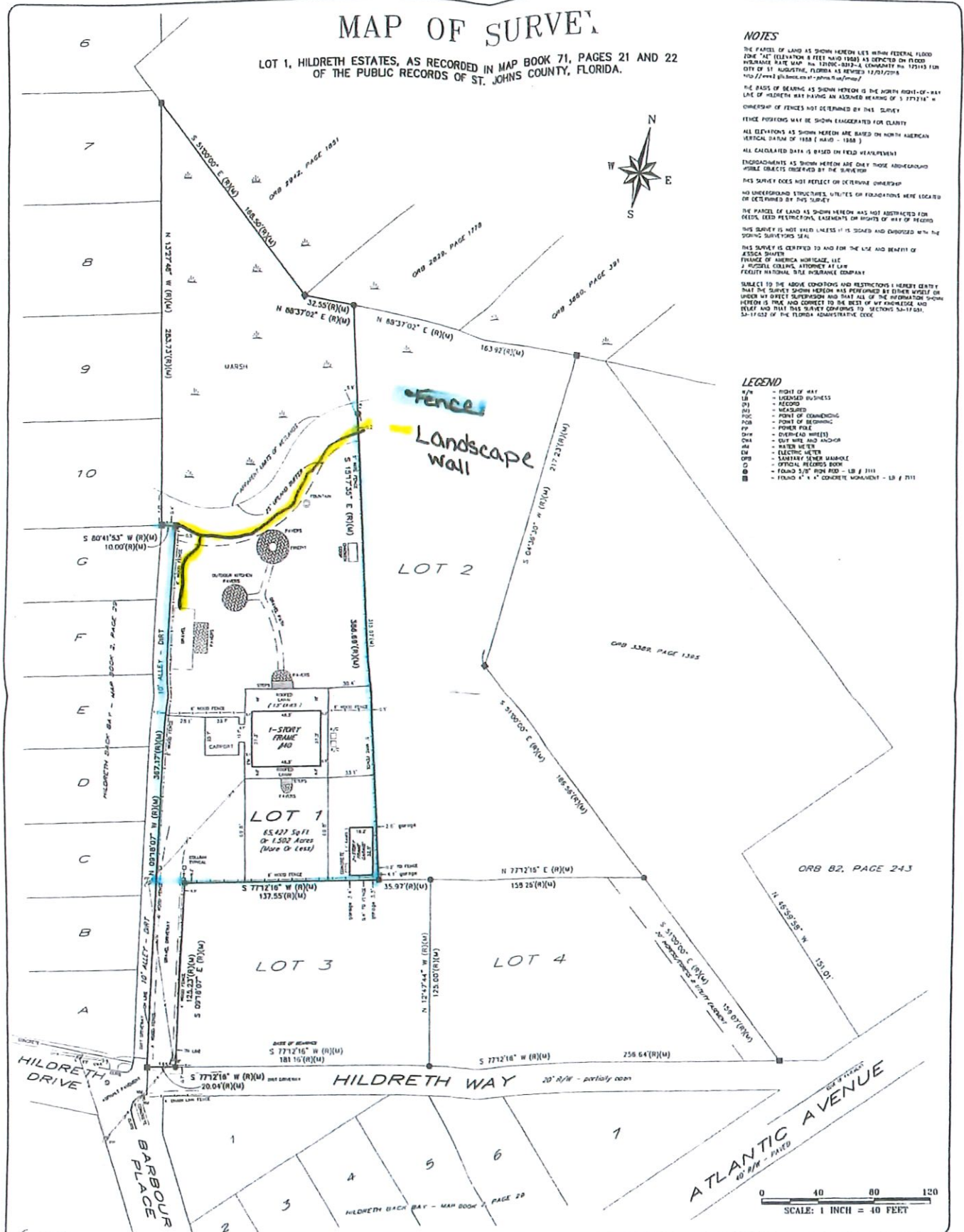
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND ENDORSED WITH THE
 JUNIOR SURVEYORS SEAL

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF
JESSICA SHAFER

JESSICA SHAFER
FINANCE OF AMERICA MORTGAGE, LLC
J. RUSSELL COLLINS, ATTORNEY AT LAW

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY EFFECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5A-17-031, 5A-17-032 OF THE FLORIDA ADMINISTRATIVE CODE

WYN	= RIGHT OF WAY
LB	= LICENSED BUSINESS
AL	= ALCOHOL
ME	= MEASURED
POC	= POINT OF COMMENCING
POB	= POINT OF BEGINNING
PP	= POWER POLE
OW	= OVERHEAD WIRE(S)
WAL	= CUT WIRE AND AND/OR
WA	= WATER WREN
EL	= ELECTRIC METER
OP	= SANDY SILVER SANDHOLE
O	= OPTICAL RECORDS BOOK
	= FOUND 3/5' FROM ROAD - LB # 7111
	= FOUND 4' x 4' CONCRETE MORTMENT - LB # 7111



ACS



ACS
SURVEYORS • ENGINEERS
LAND PLANNERS

442N U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 904-797-0007 FAX: 904-797-0027

BOUNDARY SURVEY

40 HILDNETH WAY
ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/24/2015
FIELD BOOK/PAGE(S):	369/63
DRAWING SCALE:	1" = 40'
JOB NUMBER:	15-445

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12/04/2018 - 07:44 AS 0041 - 20 400-42-11



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)
No Image Available

Parcel ID	1511510010
Location Address	40 HILDRETH WAY SAINT AUGUSTINE 32084-0000
Neighborhood	Hildreth Estates (581.04)
Tax Description*	71/21-22 HILDRETH ESTATES LOT 1 OR4723/1863 & 5139/1917 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Hildreth Estates
Sec/Twp/Rng	6-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	1.500
Homestead	Y

Owner Information

Owner Name	Joint Declaration Of Trust D:12/30/2020 100% Shafer Jessica Blair CO-Trustee 100% Shafer Howard Shane CO-Trustee 100%
Mailing Address	3501 N PONCE DE LEON BLVD UNIT 374 Saint Augustine, FL 32084-1403

Exemption Information

Exemption Type	Status	Amount
Homestead		\$0
Homestead		\$25,000
Homestead Band		\$25,000

Map



Valuation Information

	2022
Building Value	\$339,395
Extra Features Value	\$14,906
Total Land Value	\$135,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$489,301
Total Deferred	\$26,055
Assessed Value	\$463,246
Total Exemptions	\$50,000
Taxable Value	\$413,246

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$306,530	\$15,320	\$135,000	\$0	\$0	\$456,850	\$456,850	\$50,000	\$406,850
2020	\$309,658	\$15,734	\$135,000	\$0	\$0	\$460,392	\$460,392	\$50,000	\$410,392
2019	\$278,237	\$16,148	\$110,000	\$0	\$0	\$404,385	\$404,385	\$0	\$404,385
2018	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
2017	\$0	\$6,887	\$110,000	\$0	\$0	\$116,887	\$116,887	\$0	\$116,887
2016	\$0	\$7,416	\$110,000	\$0	\$0	\$117,416	\$117,416	\$0	\$117,416
2015	\$0	\$0	\$89,547	\$0	\$0	\$89,547	\$89,547	\$0	\$89,547
2014	\$0	\$0	\$89,547	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

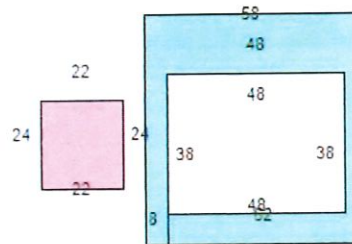
Building	1
Year Built	2018
Actual Area	5152
Conditioned Area	2852
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

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

Description	Square Footage
FINISHED CARPORT	528
BASE AREA	1824
FINISHED OPEN PORCH	1772
FINISHED UPPER STORY	1028
Total SqFt	5152

Sketch Information

Room Type
FINISHED UPPER STORY
FINISHED OPEN PORCH
Base
FINISHED CARPORT



Extra Feature Information

Code Description	Status	Value
Garage Finished (Average)		14906

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$135,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/31/2020	12/30/2020	\$100.00	WARRANTY DEED	5139	1917	U	I	SHAHER JESSICA BLAIR	JOINT DECLARATION OF TRUST D:12/30/2020
5/14/2019	12/14/2018	\$100.00	WARRANTY DEED	4723	1863	U	I	HILDRETH ESTATES LAND TRUST	SHAHER JESSICA
7/30/2015	7/29/2015	\$124,000.00	WARRANTY DEED	4064	1138	U	V	HILDRETH WAY LAND TRUST	HILDRETH ESTATES LAND TRUST

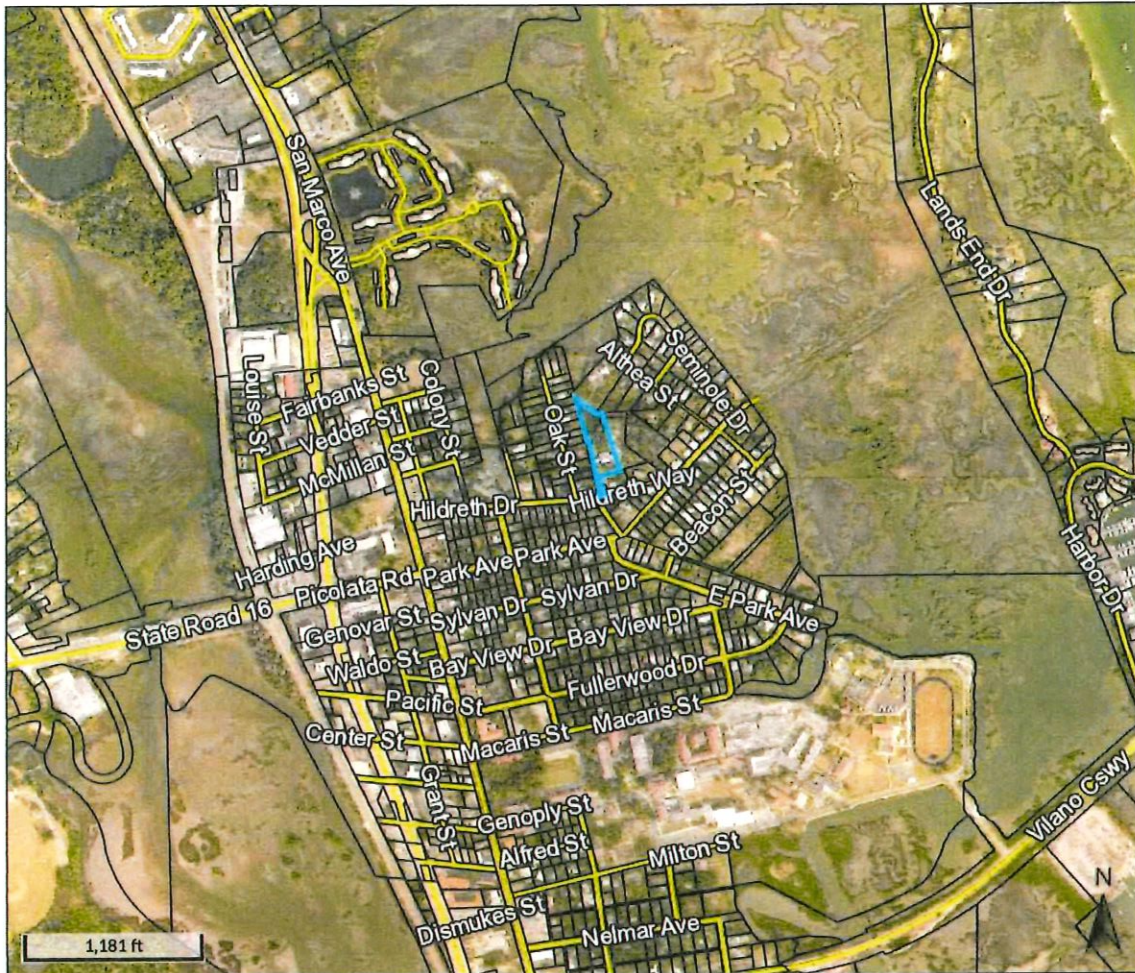
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 1/8/2022, 12:01:08 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.1



Overview



Legend

□ Parcels

Parcel ID	1511510010	Physical Address	40 HILDRETH WAY	Building Value	\$339,395	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$14,906	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	JOINT DECLARATION OF TRUST	Total Land Value	\$135,000	7/29/2015	\$124,000	11	U
Acres	1.5		D:12/30/2020	Just Value	\$489,301	n/a	0	n/a	n/a
			3501 N PONCE DE LEON BLVD	Total Deferred Assessed Value	\$26,055				
			UNIT 374	Total	\$463,246				
			Saint Augustine FL 32084-1403	Exemptions	\$50,000				
				Taxable Value	\$413,246				

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: 1/10/2022
Last Data Uploaded: 1/8/2022 12:01:08 AM

Developed by  Schneider
GEOSPATIAL



Closed Complaints

Report

Print Entry

Reopen Complaint

Refresh Data

Complaint ID:	3292	High Priority:	☐
Date Entered:	9/20/2016 5:22:06 PM		
Program:	SLERP		
County:	St Johns		
Address: (Street, City, Zip)	40 Hildreth Dr. St. Augustine, FL 32084 Parcel # 1511-51-0070		
Site Contact:	Zane Stephens		
Description:	Concerned construction will flood her property. There is a side road adjacent to property of concern. Claims there was a wetland fill violation that has since been resolved, rip-rap in marsh.		
Anonymous:	☐		
Complainant Name:	Clare Norris		
Contact Info:	904-823-2063		

Section:	ERP
Date Assigned:	9/21/2016 9:17:00 AM
Investigated By:	Neumann, J
Date Initiated:	9/20/2016
Site Visit Date:	9/23/2016
Results:	9/20/16: The address and property number don't exist. Probably the property on the backside of the complainant's. 9/21/16: Two prior complaints in ERPCE in April 2016
Facility Name:	Stephens Property
Program Site ID:	ERPCE complaint # 29911
Additional Comments:	As of 09/23/2016 - All activities were in an upland location. Invalid Complaint - Ready to Close!
Date Closed:	9/27/2016 1:47:58 PM

Closed Complaints

 Report

 Print Entry

 Reopen Complaint

 Refresh Data

Complaint ID:	1867	High Priority:	☐	Section:	ERP
Date Entered:	4/21/2016 1:46:10 PM	Date Assigned:	4/21/2016 3:12:07 PM	Investigated By:	Neumann_J
Program:	SLERP	Date Initiated:	4/21/2016	Site Visit Date:	4/22/2016
County:	St Johns	Results:	SV on 04/22... Got pictures. Need survey from City and Manager's review.		
Address: (Street, City, Zip)	40 Hildreth Street, St. Augustine	Facility Name:	North City Uptown Neighborhood (historical area)		
Site Contact:	SHANE, 904-728-7663	Program Site ID:	ERPce #29403		
Description:	The City of St. Augustine's Code Enforcement Department has received a citizen complaint of broken concrete being dumped into the marsh at 40 Hildreth Street in St. Augustine, Florida. Our	Additional Comments:	~04/26: Reviewed with Manager. Site meets exempt criteria. Ready to CLOSE CASE.		
Anonymous:	☐	Date Closed:	5/18/2016 7:02:06 PM		
Complainant Name:	Sandy Partin				
Contact Info:	<spartin@citystaug.com> 904-825-1066				

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

Re: Schafer Residence, 40 Hildreth Way

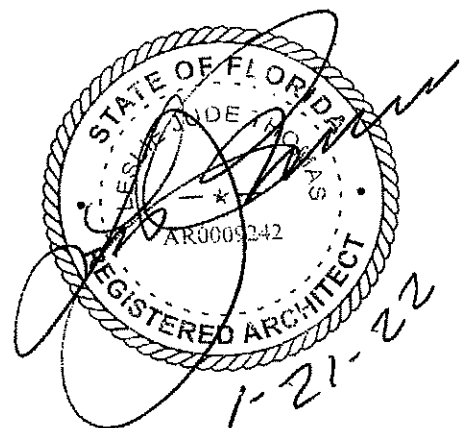
I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect

LT/jmc



PZB

August 2, 2022

Item b(a) & b(b)

* DENIED *

- AGENDA
- STAFF REPORT



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, August 2, 2022 at 2:00 p.m.
Including items from July 5, 2022 Agenda

Regular Agenda

1. **Roll Call**
2. **General Public Comments for Items Not on the Agenda**
3. **Approval of Minutes**
 - a. Regular Meeting Minutes from June 7, 2022.
4. **Preliminary Plat Approval**
 - a. 2022-0040 James G. Whitehouse, Esq. – Applicant
c/o St. Johns Law Group
Lion Gate of St. Augustine LLC – Owner
[Sidney Street / PID 125210-0010](#)
To approve a preliminary subdivision plat at Sidney Street/Madeore Street PID 125210-0010 to create two conforming lots within the Residential single-family-two (RS-2) zoning district.
5. **Variance**
 - a. 2022-0038 Randall & Laura Rupp – Owner & Applicant
[20 Bird Island Drive](#)
To reduce the rear setback from 10' to 6'6" on a Residential general-one (RG-1) lot to allow for the installation of a pool screen enclosure.
 - b. 2022-0041 Oasis Equity Holdings LLC – Owner & Applicant
[93 Oneida Street](#)
To reduce the side yard setbacks from 4' to 1' on a Residential single-family-two (RS-2) lot to allow for the relocation of the existing home.

c. 2022-0045

Thomas Burd – Owner & Applicant
c/o Fullerwood Construction

28 Macaris Street

To reduce the rear setback from 20' to 13' on a Residential single-family-one (RS-1) lot to allow for the proposed addition to the single family residence.

6. Use by Exception

a. 2022-0039

Judith Dembowski – Applicant
St. Augustine Society Inc – Owner

64 Washington Street

To approve off-site parking within 400 feet as a permitted use by exception.

7. Conservation Overlay Zone Development

a. 2022-0005

Continued from
February 1, 2022 Meeting

Jessica Shafer – Owner & Applicant

40 Hildreth Way

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

b. 2022-0043

Jessica Shafer – Owner & Applicant

0 Hildreth Drive / PID 151151-0020

To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

c. 2022-0031

Continued from
June 7, 2022 Meeting

Ryan Carter – Applicant
c/o Carter Environmental Services
John Andrews – Owner

97 Coquina Avenue

To approve the construction of a 665 square foot dock and boat lift within Conservation Overlay Zone 1.

d. 2022-0032

Continued from
June 7, 2022 Meeting

Ryan Carter – Applicant
c/o Carter Environmental Services
John Andrews – Owner

99 Coquina Avenue

To approve the construction of a 665 square foot dock and boat lift within Conservation Overlay Zone 1.

- e. 2022-0042 Jennifer White Conner – Applicant
White’s Wharf – Owner
[135 Avenida Menendez](#)
To approve a modification of the walkway/access boardwalk to White’s Wharf from Avenida Menendez within Conservation Overlay 1.
- f. 2022-0037 Kevin Marks – Applicant
c/o Shoreland Home Builders
Paul Thompson – Owner
Pelican Reef of St. Augustine LLC
[0 Pelican Reef Drive / PID 158573-0100](#)
To remove significant trees within Conservation Overlay 3.
- g. 2022-0027 Jason Stancil – Applicant
c/o Colour Homes, LLC
Darden Claire Harting Trust – Owner
[0 Seminole Drive / PID 151370-0000](#)
To approve the construction of a new single-family home within Conservation Overlay Zone 2.

8. Other Business

- a. Planning and Zoning Board discussion to consider recommending a change to the Zoning Code to allow Not-for-profit clubs as a permitted use or a permitted use by exception in Historic Preservation District-three (HP-3).
- b. Planning and Zoning Board discussion related to potential code amendments pertaining to Historic Preservation and the issue of partial demolition.

9. Adjournment

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

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

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

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 2, 2022

RE: **Conservation Overlay Zone Development Agenda Item – 40 Hildreth Way**

Find attached a copy of additional information provided by the applicant on Wednesday, July 27th, 2022, regarding the above-mentioned application.

This application was originally continued at the February 1st, 2022, Planning and Zoning Board meeting with conditions to be met by the next public hearing specifically set for this item on July 5, 2022.

The conditions included:

- that the applicant provides a survey documenting the most restrictive jurisdictional wetland line;
- that an engineered impact analysis on the neighbors and adjacent properties be completed;
- the specifications on the blocks and other details of materials used be provided; and,
- that the City's seventeen-point Conservation Overlay Zone analysis is completed.

Due to the late submittal of these attachments, they have not been reviewed by staff. However, it does not appear that they meet the conditions outlined and requested by the PZB in February.

Thank you for your attention to this matter. If you have any questions, please contact me at (904) 209-4331 or jfredriksson@citystaug.com.



Jacob Fredriksson
Senior Planner
Planning and Building Department

January 21, 2022

City of St. Augustine Building Department
P.O. Box 210
St. Augustine, FL 32085

Re: Schafer Residence, 40 Hildreth Way

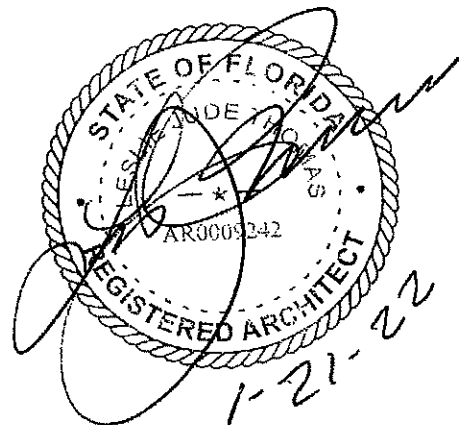
I have visited the property at 40 Hildreth Way and examined the wall in question. The wall is located on the owners property and does not touch the existing permitted rip rap. The wall is made of Tremron Blocks that are simply stacked. There is no mortar in the joints and there is no concrete footing under the wall.

The Tremron block is pervious to allow water to flow through and water can also seep through the joints. Without a footing as hindrance the water can flow in both directions.

The wall acts as a esthetic cover to the rip rap behind it.

Les Thomas, Architect.

LT/jmc



**A SPECIFIC PURPOSE SURVEY OF
LOTS 1 AND 2, HILDRETH ESTATES, AS RECORDED IN MAP BOOK
71, PAGE(S) 21 THROUGH 22, PUBLIC RECORDS OF SAINT JOHNS
COUNTY, FLORIDA.**

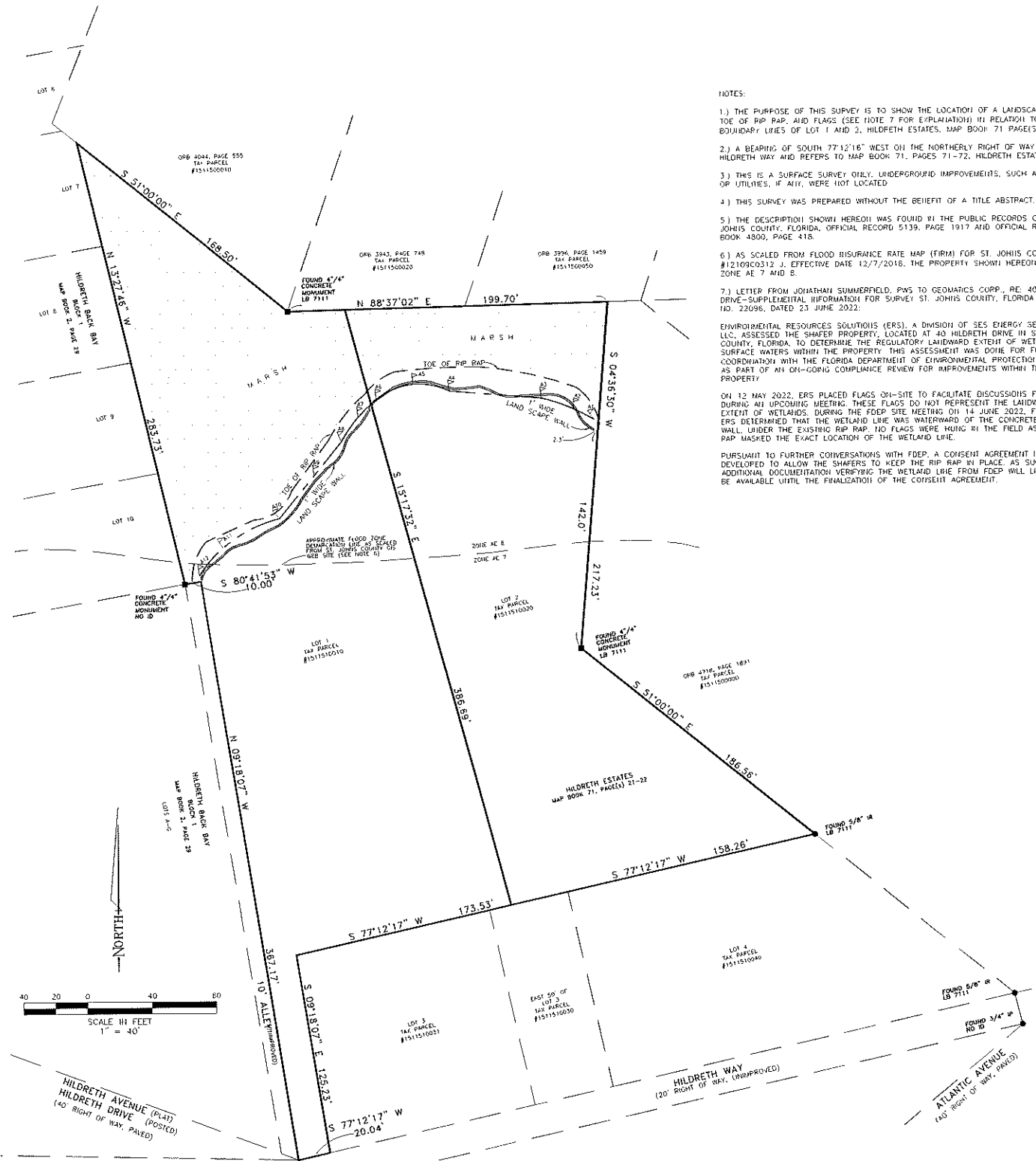
NOTES:

- 1.) THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF A LANDSCAPE WALL, TOE OF RIP RAP, AND FLAGS (SEE NOTE 7 FOR EXPLANATION) IN RELATION TO THE BOUNDARY LINES OF LOT 1 AND 2, HILDRETH ESTATES, MAP BOOK 71, PAGE(S) 21-22
- 2.) A BEARING OF SOUTH 77°12'16" WEST ON THE NORTHERLY RIGHT OF WAY OF HILDRETH WAY AND REFERS TO MAP BOOK 71, PAGES 71-72, HILDRETH ESTATES.
- 3.) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND IMPROVEMENTS, SUCH AS FOOTERS OR UTILITIES, IF ANY, WERE NOT LOCATED.
- 4.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
- 5.) THE DESCRIPTION SHOWN HEREON WAS FOUND IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, OFFICIAL RECORD 5139, PAGE 1917 AND OFFICIAL RECORDS BOOK 4800, PAGE 418.
- 6.) AS SCALED FROM FLOOD INSURANCE RATE MAP (FIRM) FOR ST. JOHNS COUNTY, #12109C0312 J. EFFECTIVE DATE 12/7/2016, THE PROPERTY SHOWN HEREON LIES IN ZONE AE 7 AND 8.
- 7.) LETTER FROM JONATHAN SUMMERFIELD, PWS TO GEOMATICS CORP., RE: 40 HILDRETH DRIVE-SUPPLEMENTAL INFORMATION FOR SURVEY ST. JOHNS COUNTY, FLORIDA ERS JOB NO. 22096, DATED 23 JUNE 2022.

ENVIRONMENTAL RESOURCES SOLUTIONS (ERS), A DIVISION OF SES ENERGY SERVICES LLC, ASSESSED THE SHAFER PROPERTY, LOCATED AT 40 HILDRETH DRIVE IN ST. JOHNS COUNTY, FLORIDA, TO DETERMINE THE REGULATORY LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS WITHIN THE PROPERTY. THIS ASSESSMENT WAS DONE FOR FURTHER COORDINATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AS PART OF AN ON-GOING COMPLIANCE REVIEW FOR IMPROVEMENTS WITHIN THE PROPERTY.

ON 12 MAY 2022, ERS PLACED FLAGS ON-SITE TO FACILITATE DISCUSSIONS FDEP STAFF DURING AN UPCOMING MEETING. THESE FLAGS DO NOT REPRESENT THE LANDWARD EXTENT OF WETLANDS. DURING THE FDEP SITE MEETING ON 14 JUNE 2022, FDEP AND ERS DETERMINED THAT THE WETLAND LINE WAS WATERWARD OF THE CONCRETE BLOCK WALL, UNDER THE EXISTING RIP RAP. NO FLAGS WERE HUNG IN THE FIELD AS THE RIP RAP MASKED THE EXACT LOCATION OF THE WETLAND LINE.

PURSUANT TO FURTHER CONVERSATIONS WITH FDEP, A CONSENT AGREEMENT IS BEING DEVELOPED TO ALLOW THE SHAFERS TO KEEP THE RIP RAP IN PLACE. AS SUCH, ADDITIONAL DOCUMENTATION VERIFYING THE WETLAND LINE FROM FDEP WILL LIKELY NOT BE AVAILABLE UNTIL THE FINALIZATION OF THE CONSENT AGREEMENT.



LEGEND / ABBREVIATIONS

- DENOTES FOUND IRON PIPE OR IRON ROD, AS NOTED
- DENOTES FOUND NAIL
- DENOTES FOUND CONCRETE MONUMENT
- IRON ROD
- △ IRON PIPE
- IDENTIFICATION
- OFFICIAL RECORDS BOOK
- LOCATED BUSINESS
- DENOTES FOUND FLAG (SEE NOTE 7)

GEOMATICS CORP.

SURVEYING-MAPPING-GPS
2804 N. FIFTH STREET, UNIT 101
ST. AUGUSTINE, FL 32084
PHONE (904) 824-3965 FAX (904) 824-5753
LICENSED BUSINESS
FLORIDA #1970 GEORGIA #930
SOUTH CAROLINA #3187 ALABAMA #704
NORTH CAROLINA CO. #2752



PROJECT No: C-22-3628

SURVEY DATE: JUNE 23, 2022

CAD FILE: 22-3628.DWG

CHECKED BY: T. DURDEN

DRAWN BY: A. LAND

FIELD WORK: A. BROWNING

Page 205 of 670

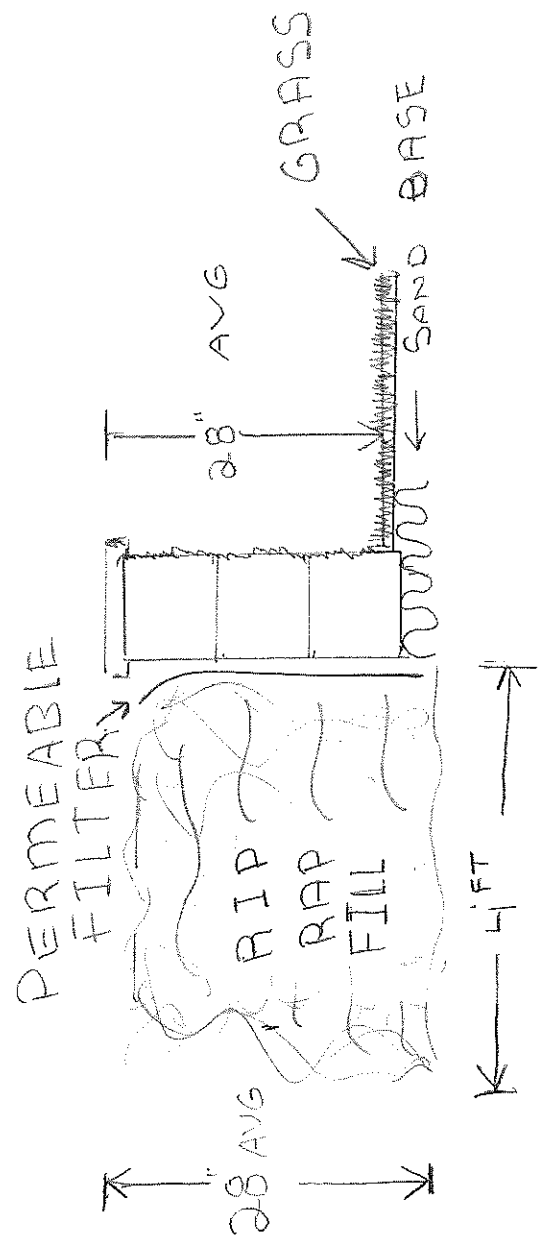
1/2" SCALE PER FOOT

DRETH LOT I

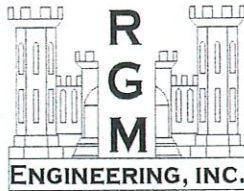
ID 1511510010

"Key Stone
Compac"

ID 1511510020



1/2" THICK
RESISTIVE
CONCRETE
BASE
RIP RAP



Land Development-Permitting-Utilities

65 Lewis Blvd -- St. Augustine, Florida -- 32084

July 5, 2022

City of St Augustine

Reference: 40 Hildreth Dr St Augustine

To whom it may concern:

RGM Engineering, has reviewed the documentation and has made multiple site visits and has listed the finding to Parcel ID 1511510010 and 1511510020 in reference to the groundwater flow report.

Based on my study and Environmental Resource Solutions that the proposed decorative landscaping wall and rip rap will not cause an impact to the surrounding properties nor any physical disturbance of banks, soils and existing vegetation, especially trees and aquatic vegetation.

The FDEP has requested the removal of the coquina fill located on the top of the rip rap wall behind the decorative landscape wall, as this is considered to be fill and is not approved by the FDEP in this application. However, the coquina is approved by the FDEP in other applications but not in conjunction with the rip rap application.

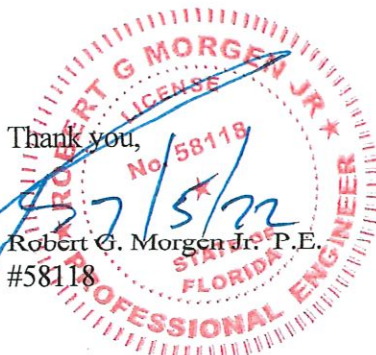
Howard and Jessica Shafer have performed the removal of the coquina fill and from my finding, the FDEP and Environmental Resource Solutions findings they are in compliance that there will not be displacement or rise of water onto any adjacent or surrounding properties.

- The decorative landscape wall is previous
- The rip rap wall is previous
- No structural concrete footer
- Break away decorative landscape wall system
- The landscaping wall is not adhered with any cementitious product nor construction adhesive or any mechanical fasteners

If I can be of any further assistance, please feel free to contact me at 904-814-7633.

Thank you,

Robert G. Morgan Jr. P.E.
#58118





Jessica Shafer <jessicallc.fcc@gmail.com>

RE: Shafer Unauthorized Riprap Fill - WL22-094 - St. Johns County

4 messages

Neumann, Jason <Jason.Neumann@floridadep.gov>

Wed, Apr 27, 2022 at 10:49 AM

To: Jon Summerfield <jsummerfield@ses-grp.com>

Cc: Jessica Shafer <jessicallc.fcc@gmail.com>, Shane Von Shafer <shane.fcc@gmail.com>, "Harris, Matthew J." <Matthew.J.Harris@floridadep.gov>, "Sellers, Christina" <Christina.Sellers@floridadep.gov>

Hi Jonathan,

That sounds like a decent plan. If the unauthorized fill can be removed to an appropriate upland location, I can recommend compliance without enforcement. In order to recommend no penalty, the removal should be timely and ideally should occur in the next 30-days. Just keep us advised if timelines are tight. Please use BMP's, like silt fencing, should it appear like erosion/sedimentation is occurring in the removal-restabilization period.

Also as a reminder, The Department will need to verify the wetland-upland line established for documentation purposes via the required #62-340 Data Forms (PDF attached). I can do that upon the verification inspection when ready. My medical light duty ends May 22. I am able to start booking field inspections after that. My best field days are Tuesday-Thursday usually as a heads up when ready for verification.

Thanks so much for working with the Department.

Respectfully,

Jason Neumann, MS, PWS, CWE, *Environmental Specialist III*

FDEP – NED: SLERP 404 Compliance Assurance

Direct Phone: 904-256-1532

E-mail: Jason.Neumann@FloridaDEP.gov

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jon Summerfield <jsummerfield@ses-grp.com>

Sent: Wednesday, April 27, 2022 9:05 AM

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jon Summerfield <jsummerfield@ses-grp.com>
Sent: Tuesday, June 28, 2022 3:37 PM
To: Neumann, Jason <Jason.Neumann@FloridaDEP.gov>
Cc: Sellers, Christina <Christina.Sellers@FloridaDEP.gov>; Shane Von Shafer <shane.fcc@gmail.com>; Jessica Shafer <jessicallc.fcc@gmail.com>
Subject: Shafer Lot

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Jason,

I know you are swamped, but I just wanted to follow-up on the Shafer lot at [40 Hildreth Drive](#). Based on our site meeting on May 25, 2022, we agreed that the landscape wall was located within uplands and that the jurisdictional wetland boundary was under the rip rap. We agreed that the coquina sand and filter material that had been placed on top of the rip rap needed to be removed and that FDEP would work on a consent agreement to allow the rip rap to remain in place.

Please let me know if I missed anything and let me know if you need any additional information for the preparation of the consent agreement.

Thank You,

Jonathan Summerfield, PWS | Senior Environmental Scientist

Environmental Resource Solutions

A Division of SES Energy Services LLC

[3550 St. Johns Bluff Road South, Jacksonville, FL 32224](#)

[Office: 904.285.1397](#) | [Cell: 904.210.8837](#)

A member of the SES group of companies

SES Civil and Environmental LLC • Aerostar SES LLC

SES Energy Services LLC • SES Infrastructure Services LLC

SES Construction and Fuel Services LLC • SES Technologies LLC

SpecPro Environmental Services LLC • SES Electrical LLC

Panhandle Power Solutions LLC • SES Facility Support LLC



Jessica Shafer <jessicallc.fcc@gmail.com>

SURVEY for Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

5 messages

Neumann, Jason <Jason.Neumann@floridadep.gov>

Wed, Jun 29, 2022 at 1:03 PM

To: Jessica Shafer <jessicallc.fcc@gmail.com>, Shane Von Shafer <shane.fcc@gmail.com>, Jonathan Summerfield <JSummerfield@ersenvironmental.com>

Cc: "Sellers, Christina" <Christina.Sellers@floridadep.gov>, "Harris, Matthew J." <Matthew.J.Harris@floridadep.gov>

Hi Everyone,

Thanks for the survey. It looks good and addresses the situation I do believe. Once the clean-up is all done and rip-rap is ready, let me know. And just to be aware, I have several Consent Order agreements ahead of this one, but I am doing my best to get thru them. Have a great day everyone.

Thanks Again,

Jason Neumann, MS, PWS, CWE, *Environmental Specialist III*

FDEP – NED: SLERP 404 Compliance Assurance

Direct Phone: 904-256-1532

E-mail: Jason.Neumann@FloridaDEP.gov

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Jessica Shafer <jessicallc.fcc@gmail.com>

Sent: Wednesday, June 29, 2022 12:24 PM

To: Shane Von Shafer <shane.fcc@gmail.com>

Cc: Sellers, Christina <Christina.Sellers@FloridaDEP.gov>; Harris, Matthew J. <Matthew.J.Harris@FloridaDEP.gov>; Jon Summerfield <jsummerfield@ses-grp.com>; Neumann, Jason <Jason.Neumann@FloridaDEP.gov>

Subject: Re: Follow-Up @ Shafer Lots - 40 Hildreth Way, St. Augustine, FL. 32084.

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good Afternoon,

I have attached the survey with the landscaping wall as requested.

**AS OF JULY 25TH 2022, NO ADDITIONAL INFORMATION HAS BEEN
PROVIDED BY THE APPLICANT**

TO: Planning and Zoning Board

DATE: August 2, 2022

RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0005

AGENDA ITEM 7(a)

APPLICANT & OWNER Jessica Shafer

LOCATION 40 Hildreth Way / PID 151151-0010

REQUEST To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.

LAND USE Residential Low Density

ZONING Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal

construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Chapter 11 Land Development Code, Article II. Conservation Overlay Zone Development.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect., and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent

without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 - (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
 - (3) Dead, diseased, unsafe, or fallen trees may be removed.
 - (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new wall/landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property.

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

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

- ✓ (1) Site specific conditions:

The site currently has a single-family home with FDEP approved rip rap installed.

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

The north side of this property borders a body of water as well as wetlands.

- ✓ (3) Natural and proposed drainage patterns.

Grading plans have not been submitted. The applicant has submitted a letter from a registered architect stating that the pervious block allows water to flow through the wall's joints.

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

N/A.

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

Rip rap has already been installed on the property.

- ✓ (6) Impact on floodplain.

Minimal.

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

N/A.

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

N/A.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

Minimal if any.

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

N/A.

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

The landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

Minimal, if any.

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

N/A

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

N/A.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

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

No dock modification is part of the application.

STAFF RECOMMENDATION

Based on a review of section 11-29 staff finds that the board can **DENY** the construction of a new wall/landscape feature per the applicant within Conservation Overlay Zone 1 at 40 Hildreth Way / PID 151151-0010.

The applicant has not provided any additional information requested by the PZB in February or for clarification for staff on the permeability or distribution of water on or around the property.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$105 (plus advertising costs) Project Number: 2022-0005

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854

Business (if applicable): _____

Address: 40 Hildreth Way City: St. Augustine State: FL Zip: 32084

E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1 Block: _____

Subdivision: Fullerwood Parcel Number: 1511510010

4. PROJECT STREET ADDRESS: 40 Hildreth Way St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Landscape wall a

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☒ Other: Approval from planing and zoning

7. DESCRIPTION OF ACTION REQUESTED: decorative landscape wall on back of property
to hide a rip rap wall that was approved by the DEP

8. JUSTIFICATION FOR ACTION REQUESTED: This decorative landscape wall is just for looks
It is not to hold water back, nor will it. This is simply for the look and design of the feel
we are trying to achive for our backyard living space.

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

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

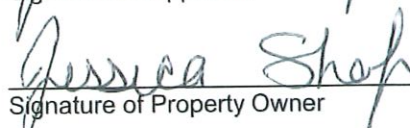
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

12

Date


Signature of Property Owner

12/15/2021

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.

Jessica Shafer

Print name of applicant



Signature of applicant

12/15/2021

Date

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD
ZONE "AE" (ELEVATION 8 FEET NAVD 1988) AS DEPICTED ON FLOOD
INSURANCE RATE MAP No. 1700C-0312-A, COMMUNITY No. 125143, 10M
CITY OF ST. AUGUSTINE, FLORIDA AS REVISED 12/31/2018
HLS //www.floodzone.com/palma-fl-us/evms/

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY
LINE OF ALBERTA WAY HAVING AN ASSUMED BEARING OF $177^{\circ}18'$ =
OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY
ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN
VERTICAL DATUM OF 1988 (NAVD - 1988)

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVE GROUND
VISIBLE OBJECTS OBSERVED BY THE SURVEYOR

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OR RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMPLOYED WITH THE
SIGNED SURVEYORS SEAL

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF
JESSICA DAWSON
FINANCE OF AMERICA MORTGAGE, LLC
A RUSSELL COLLINS ATTORNEY AT LAW
FIDELITY NATIONAL TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS, I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5A-17.01, 5A-17.02 OF THE FLORIDA ADMINISTRATIVE CODE.

A/R	= RIGID OF WAX
(B)	= LICENSED BUSINESS
P1	= RECORDS
M)	= MEASURED
POC	= POINT OF COMMENCING
POB	= POINT OF BEGINNING
PP	= POWER POLE
OFR	= OVERHEAD WHIT[ES]
CWA	= CUT WIRE AND ANCHOR
DW	= WATER WETTER
EW	= ELECTRIC WETER
GWB	= SANITARY SEWER MAINLINE
O	= OFFICIAL RECORDS BOOK
J	= FOUND 3/8" IRON ROD - L.S. # 7111
I	= FOUND 4" x 4" CONCRETE MORTARMENT - L.S. # 7111



4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32080
PHONE: 904-707-0007 FAX: 904-707-6027

440 HILDRETH WAY
ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/24/2015
FIELD BOOK/PAGE(S):	369/83
DRAWING SCALE:	1" = 40'
JOB NUMBER:	15-445

DOI: 10.1002/for

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 103–110

12/04/2010 - Friday, 05:00 AM - FD 103/02-

$$H^1(\mathbb{R}^n, \mathbb{R}) \cong \mathbb{R}^n$$

Page 213 of 670

LOT 1, HILDRETH ESTATES, AS RECORDED IN MAP BOOK 71, PAGES 21 AND 22
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD
ZONE "A" (ELEVATION 8 FEET NAVD 1988) AS DEPICTED ON FLOOD
INSURANCE RATE MAP No. 12100C-0312-A, COMMUNITY No. 125113 FOR
CITY OF ST. AUGUSTINE, FLORIDA AS REVISED 12/21/2018
WFO //wfo/gis/basemap-at-a-point/usa/enr/

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY
LINE OF HEDRETH WAY HAVING AN ASSUMED BEARING OF S 77°12' W
OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY
FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH AMERICAN
VERTICAL DATUM OF 1955 (NAVD - 1955)

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT

ENCROACHMENTS AS SHOWN HEREON ARE OURS, SINCE 1961.

ENCLOSURES AS SHOWN HEREON ARE ONLY THOSE AND
WHILE OBJECTS OWNED BY THE SUPPLIER

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP
NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED
OR DETERMINED BY THIS SURVEY

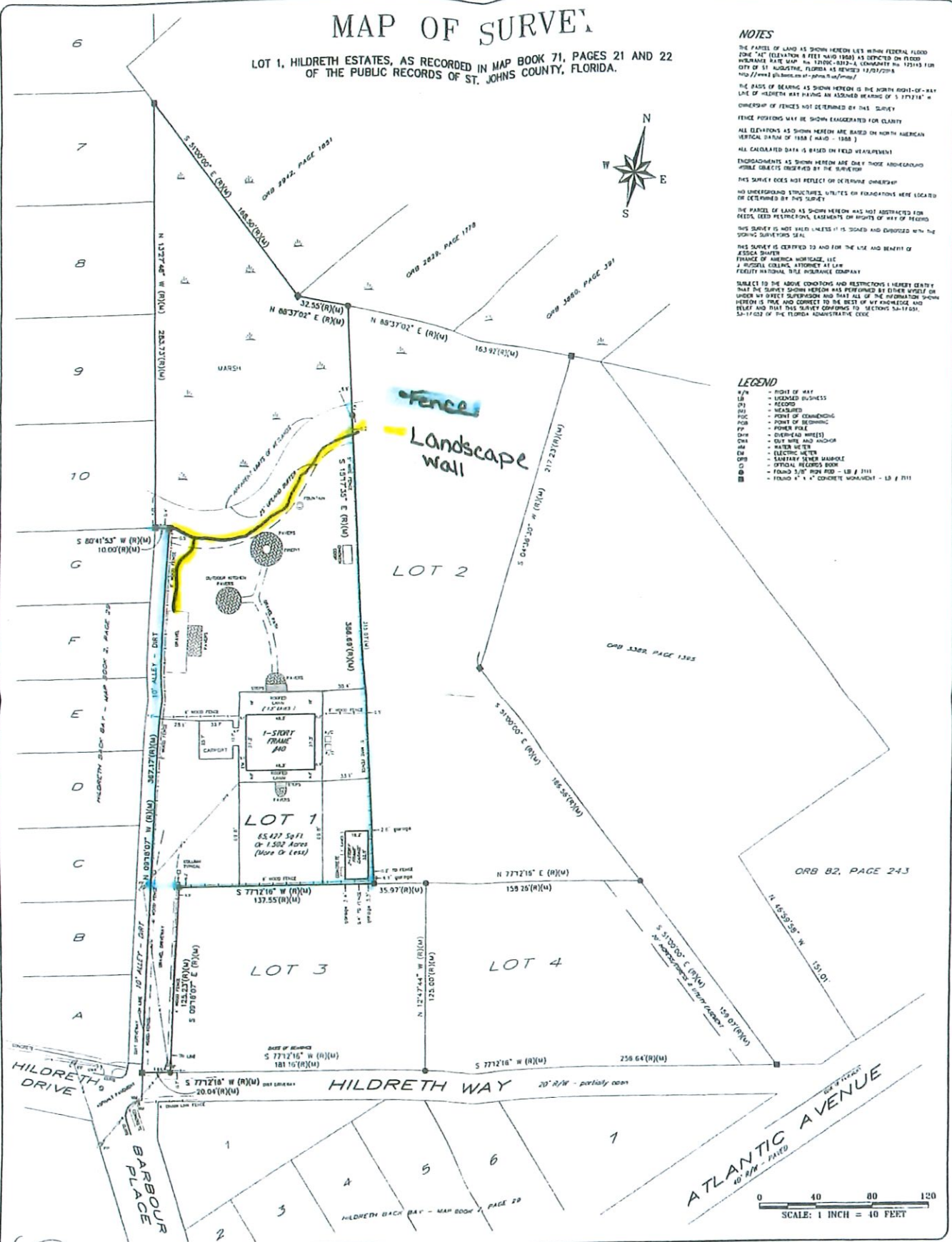
THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR
DEEDS, DEED INSTRUMENTS, EASEMENTS OR RIGHTS OF WAY OF RECORD
THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMPLOYED WITH THE
SIGNING SURVEYORS SEAL

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF
JESODA SHAFER
FINANCE OF AMERICA MORTGAGE, LLC
J RUSSELL COLLINS, ATTORNEY AT LAW
FIDELITY NATIONAL TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5A-11.031, 5A-11.032 OF THE FLORIDA ADMINISTRATIVE CODE.



W/R = RIGHT OF WAY
LBS = LICENSED BUSINESS
(A) = RECORD
(N) = MEASURED
POC = POINT OF COMMENCING
POB = POINT OF BEGINNING
PP = POWER POLE
OHR = OVERHEAD WIRE(S)
CWS = CUT WIRE AND JACKING
WU = WATER UTILITY
EM = ELECTRIC METER
OFF = SANITARY SEWER MANHOLE
O = OPTIONAL RECORDS
G = FOUND 3" X 1" HIGH IRON - LB # 7111
@ = FOUND 5" X 8" CONCRETE W/ANCHOR - LB # 7111



**SURVEYORS • ENGINEERS
LAND PLANNERS**

4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
PHONE: 804-797-9987 FAX: 804-797-6027

BOUNDARY SURVEY

MO HILDRETH WAY
ST. AUGUSTINE, FLORIDA

TYPE OF SURVEY:	BOUNDARY
DATE OF SURVEY:	07/24/2015
FIELD BOOK/PAGE(S):	360/63
DRAWING SCALE:	1" = 40'
JOB NUMBER:	15-445

12/04/2014 - 07:42:45 - ID: 003-02-55



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer in a New Tab](#)
No Image Available

Parcel ID	1511510010
Location Address	40 HILDRETH WAY SAINT AUGUSTINE 32084-0000
Neighborhood	Hildreth Estates (581.04)
Tax Description*	71/21-22 HILDRETH ESTATES LOT 1 OR 4723/1863 & 5139/1917 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Hildreth Estates
Sec/Twp/Rng	6-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	1.500
Homestead	Y

Owner Information

Owner Name	Joint Declaration Of Trust D:12/30/2020 100% Shafer Jessica Blair CO-Trustee 100% Shafer Howard Shane CO-Trustee 100%
Mailing Address	3501 N PONCE DE LEON BLVD UNIT 374 Saint Augustine, FL 32084-1403

Exemption Information

Exemption Type	Status	Amount
Homestead		\$0
Homestead		\$25,000
Homestead Band		\$25,000

Map



Valuation Information

	2022
Building Value	\$339,395
Extra Features Value	\$14,906
Total Land Value	\$135,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$489,301
Total Deferred	\$26,055
Assessed Value	\$463,246
Total Exemptions	\$50,000
Taxable Value	\$413,246

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$306,530	\$15,320	\$135,000	\$0	\$0	\$456,850	\$456,850	\$50,000	\$406,850
2020	\$309,658	\$15,734	\$135,000	\$0	\$0	\$460,392	\$460,392	\$50,000	\$410,392
2019	\$278,237	\$16,148	\$110,000	\$0	\$0	\$404,385	\$404,385	\$0	\$404,385
2018	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$0	\$110,000
2017	\$0	\$6,887	\$110,000	\$0	\$0	\$116,887	\$116,887	\$0	\$116,887
2016	\$0	\$7,416	\$110,000	\$0	\$0	\$117,416	\$117,416	\$0	\$117,416
2015	\$0	\$0	\$89,547	\$0	\$0	\$89,547	\$89,547	\$0	\$89,547
2014	\$0	\$0	\$89,547	\$0	\$0	\$0	\$0	\$0	\$0

Building Information

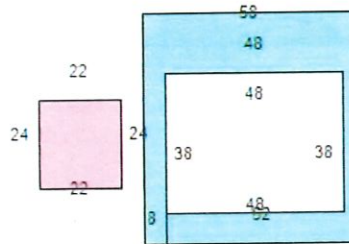
Building	1
Year Built	2018
Actual Area	5152
Conditioned Area	2852
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

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

Description	Square Footage
FINISHED CARPORT	528
BASE AREA	1824
FINISHED OPEN PORCH	1772
FINISHED UPPER STORY	1028
Total SqFt	5152

Sketch Information

Room Type
FINISHED UPPER STORY
FINISHED OPEN PORCH
Base
FINISHED CARPORT



Extra Feature Information

Code Description	Status	Value
Garage Finished (Average)		14906

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$135,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/31/2020	12/30/2020	\$100.00	WARRANTY DEED	5139	1917	U	I	SHAHER JESSICA BLAIR	JOINT DECLARATION OF TRUST D:12/30/2020
5/14/2019	12/14/2018	\$100.00	WARRANTY DEED	4723	1863	U	I	HILDRETH ESTATES LAND TRUST	SHAHER JESSICA
7/30/2015	7/29/2015	\$124,000.00	WARRANTY DEED	4064	1138	U	V	HILDRETH WAY LAND TRUST	HILDRETH ESTATES LAND TRUST

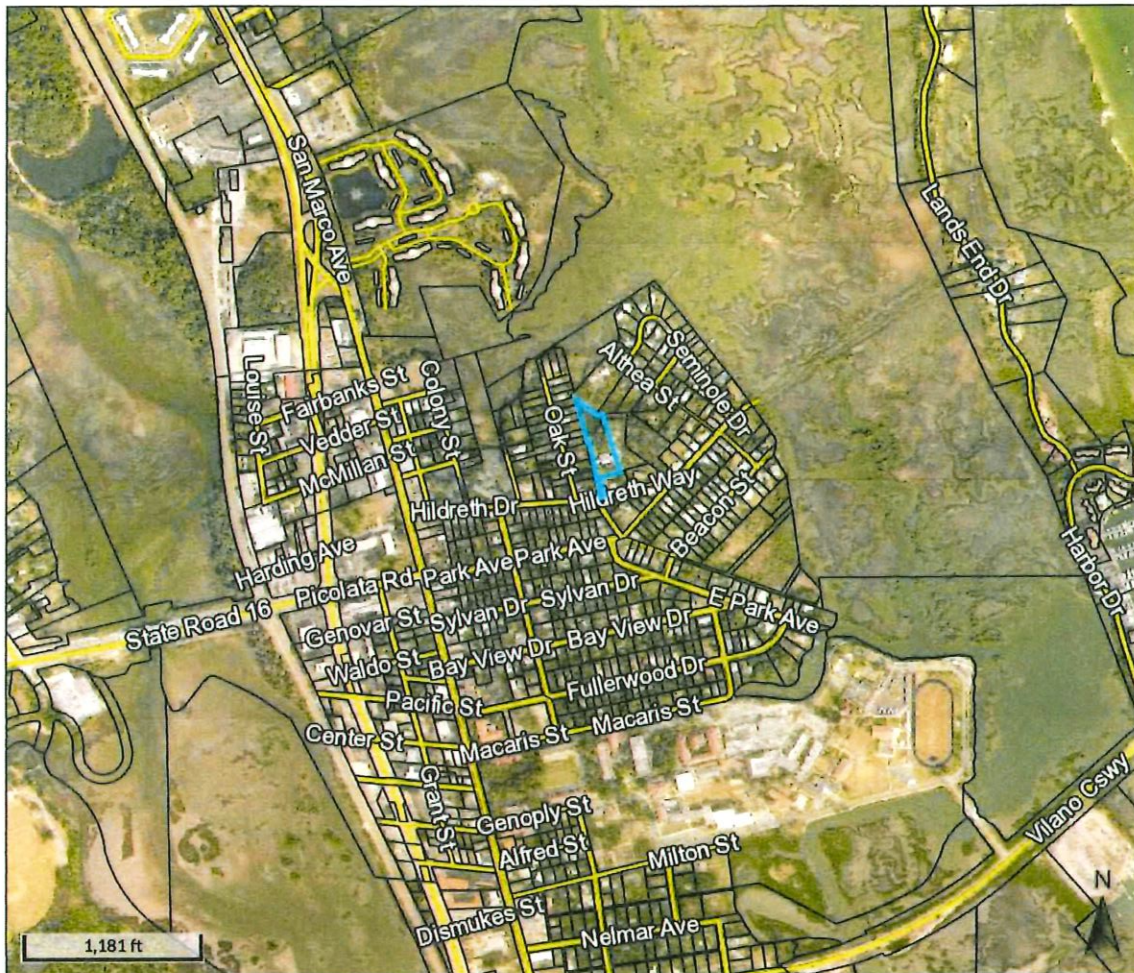
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 1/8/2022, 12:01:08 AM

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 Schneider
 GEOSPATIAL

Version 2.3.1



Overview



Legend

□ Parcels

Parcel ID	1511510010	Physical Address	40 HILDRETH WAY	Building Value	\$339,395	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$14,906	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	JOINT DECLARATION OF TRUST			7/29/2015	\$124000	11	U
Acres	1.5		D:12/30/2020	Total Land Value	\$135,000	n/a	0	n/a	n/a
			3501 N PONCE DE LEON BLVD	Just Value	\$489,301				
			UNIT 374	Total Deferred	\$26,055				
			Saint Augustine FL 32084-1403	Assessed Value	\$463,246				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$413,246				

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: 1/10/2022
Last Data Uploaded: 1/8/2022 12:01:08 AM

Developed by  Schneider
GEOSPATIAL



Closed Complaints

Report

Print Entry

Reopen Complaint

Refresh Data

Complaint ID:	2316	High Priority:	☐	Section:	ERP
Date Entered:	10/3/2016 10:43:16 AM			Date Assigned:	
Program:	SLERP			Investigated By:	Neumann_J
County:	St Johns			Date Initiated:	10/4/2016
Address:	40 Hildreth Way			Site Visit Date:	
(Street, City, Zip)	Parcel No. 1511510010 St Augustine, FL, 32084			Results:	10/4/16: ERPCE complaints # 29911 from 9/20/16, #29403 from 4/21/16, & # 29245 from 4/11/16 all for concerns about stormwater & wetland impacts. All were found to be invalid. Jason contacted the
Site Contact:	Hildreth Estates Land Trust, Russell J Collins Trustee, 400			Facility Name:	Collins, Trustee Property
Description:	Property owners have installed a riprap embankment and back filled without authorization from the Department. May have filled wetlands. Complainants property is now experiencing severe			Program Site ID:	ERPCE complaint # 29955
Anonymous:	☐			Additional Comments:	
Complainant Name:	Bruce Alvarez- 904-226-7450			Date Closed:	10/4/2016 2:39:38 PM
Contact Info:	17 Oak Street, St Augustine, FL, 32084				



Closed Complaints

Report

Print Entry

Reopen Complaint

Refresh Data

Complaint ID:

High Priority: ☐

Section: ERP

Date Entered: 9/20/2016 5:22:06 PM

Date Assigned: 9/21/2016 9:17:00 AM

Program: SLERP

Investigated By: Neumann

County: St Johns

Date Initiated: 9/20/2016

Address:
(Street, City, Zip)
40 Hildreth Dr.
St. Augustine, FL 32084
Parcel # 1511-51-0070

Site Visit Date: 9/23/2016

Site Contact: Zane Stephens

Results:
9/20/16: The address and property number don't exist. Probably the property on the backside of the complainant's.
9/21/16: Two prior complaints in ERPCE in April 2016

Description:
Concerned construction will flood her property.
There is a side road adjacent to property of concern.
Claims there was a wetland fill violation that has since been resolved, rip-rap in marsh.

Facility Name: Stephens Property

Program Site ID: ERPCE complaint # 29911

Anonymous: ☐

Additional Comments:
As of 09/23/2016 - All activities were in an upland location. Invalid Complaint - Ready to Close!

Complainant Name: Clare Norris

Contact Info: 904-823-2063

Date Closed: 9/27/2016 1:47:58 PM



Closed Complaints

Report

Print Entry

Reopen Complaint

Refresh Data

Complaint ID:	1867	High Priority:	☐	Section:	ERP	
Date Entered:	4/21/2016 1:46:10 PM			Date Assigned:	4/21/2016 3:12:07 PM	
Program:	SLERP			Investigated By:	Neumann_J	
County:	St Johns			Date Initiated:	4/21/2016	
Address: (Street, City, Zip)	40 Hildreth Street, St. Augustine			Site Visit Date:	4/22/2016	
Site Contact:	SHANE, 904-728-7663			Results:	SV on 04/22... Got pictures. Need survey from City and Manager's review.	
Description:	The City of St. Augustine's Code Enforcement Department has received a citizen complaint of broken concrete being dumped into the marsh at 40 Hildreth Street in St. Augustine, Florida. Our			Facility Name:	North City Uptown Neighborhood (historical area)	
Anonymous:	☐			Program Site ID:	ERPce #29403	
Complainant Name:	Sandy Partin			Additional Comments:	~04/26: Reviewed with Manager. Site meets exempt criteria. Ready to CLOSE CASE.	
Contact Info:	<spartin@citystaug.com> 904-825-1066			Date Closed:	5/18/2016 7:02:06 PM	

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board
DATE: August 2, 2022
RE: CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0043

AGENDA ITEM 7(b)
APPLICANT & OWNER Jessica Shafer
LOCATION 0 Hildreth Way / PID 151151-0020
REQUEST To approve a retaining wall/landscape feature adjacent to rip rap within Conservation Overlay Zone 1.
LAND USE Residential Low Density
ZONING Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Chapter 11 Land Development Code, Article II. Conservation Overlay Zone Development.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect., and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line,

2

which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 - (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
 - (3) Dead, diseased, unsafe, or fallen trees may be removed.
 - (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to construct a new landscape feature per the applicant in their backyard to screen the view of the rip rap along the shoreline on their property. The applicant states that they have received a water flow engineered letter stating the decorative landscape wall/feature will not impact the flow of water to any of the surrounding lots. And an e-mail from the Florida Department of Environmental Protection on approval of the wall and rip rap. The approval letter from the environmental scientists is still pending according to the applicant. This is the extent of the information provided by the applicant for this application.

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

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

- (1) Site specific conditions:

Unknown.

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

The north side of this property borders a body of water as well as wetlands.

- (3) Natural and proposed drainage patterns.

Grading plans have not been submitted.

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

Unknown.

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

Rip rap has already been installed on the property.

- (6) Impact on floodplain.

Minimal.

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

Unknown.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

N/A.

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

Minimal if any.

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

N/A.

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

The wall/landscape feature is along the entire northern property line, but behind the rip rap.

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

N/A.

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

Vegetative landscaping not mentioned in application.

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

Minimal, if any.

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

N/A

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

N/A.

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

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

No dock modification is part of the application.

STAFF RECOMMENDATION

Based on a review of section 11-29 staff finds that the board can **DENY** the construction of a new wall/landscape feature per the applicant within Conservation Overlay Zone 1 at 0 Hildreth Way / PID 151151-0020 based on a lack of information provided to thoroughly analyze this proposal.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0043
 Receipt Number: 2417688 Meeting Date: August 2, 2022
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: HILDRETH DR City: St. Augustine State: FL Zip: 32084
 E-Mail Address: Jessica@fccfl.net

2. NAME OF PROPERTY OWNER: Jessica Shafer Contact Number: 904-540-3854
 Business (if applicable): _____
 Address: Hildreth Drive City: St. Augustine State: FL Zip: 32084
 E-Mail Address: Jessica@fccfl.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: Lot 2 Block: _____
 Subdivision: Fullerwood / Hildreth Estates Parcel Number: 1511510020

4. PROJECT STREET ADDRESS: Hildreth Drive St. Augustine FL 32084

5. SPECIFIC PROPOSED USE: Decorative Landscape Wall

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: 540

7. DESCRIPTION OF ACTION REQUESTED: Approval of the decorative landscape wall for design of the backyard living space

8. JUSTIFICATION FOR ACTION REQUESTED: _____
I have received a water flow engineered letter stating the decorative landscape will not
impair the flow of water to any of the surrounding lots
Email from FDEP on approval of the wall and rio rap / waiting on approval letter
Environmental scientists has also agreed of the plans and will be attending the
meeting on August 2nd

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

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

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

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

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

10. PREVIOUS 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.

This is attaching to 40 Hildreth Drive St. Augustine FL 32084

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.

Justina Shof
Signature of Applicant

7

Date

Justina Shof
Signature of Property Owner

7/6/2022

Date

04/18/2019

CITY OF ST. AUGUSTINE, FLORIDA, PLANNING AND ZONING
MEETING

HELD ON TUESDAY, FEBRUARY 1, 2022

RE: 6.a. 2022-0005
Jessica Shafer - Applicant/Owner
40 Hildreth Way
To approve a retaining wall/landscape feature adjacent
to rip rap within Conservation Overlay Zone 1

(Stenographically transcribed via a video recording.)

* * * * *

BOARD MEMBERS PRESENT:

Grant Misterly, Chairperson
Mike Davis, Vice-Chairperson
Jon DePreter
Sarah Ryan
Charles Pappas
Carl Blow
Christina Griggs

* * * * *

STAFF PRESENT:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Senior Planner, Planning & Building
Isabelle Lopez, City Attorney
Barry Fox, Short-Term Rental Manager
Elyse Wiemann, Recording Secretary

ST. AUGUSTINE COURT REPORTERS
17 Pacific Street, Suite B
St. Augustine, Florida 32084
(904) 825-0570

1 MR. MISTERLY: Item 6A, Conservation Overlay
2 Zone 1 Development 2022-00 -- oh, wait. Yeah
3 222 -- 2 -- 2022-0005, 40 Hildreth Way.

4 UNIDENTIFIED SPEAKER: Mr. Chair, members of
5 the board, this request is to approve a retaining
6 wall and landscape feature adjacent to rip rap
7 within Conservation Overlay Zone 1.

8 Based on review of Section 11-29, the staff
9 finds that the board can approve construction of
10 a new retaining wall, landscape feature within
11 Conservation Overlay Zone 1 at 40 Hildreth Way
12 [sic] as long as the landscape modification
13 follows the requirements of Section 11-29.

14 MR. MISTERLY: Thank you. You must be the
15 applicant. Would you state your name, address,
16 and be sworn in, please?

17 MS. SHAFER: Jessica Shafer, 40 Hildreth
18 Drive, St. Augustine, Florida 32084.

19 UNIDENTIFIED SPEAKER: Do you solemnly swear
20 or affirm that the testimony you are about to
21 give is the truth, the whole truth, and nothing
22 but the truth?

23 MS. SHAFER: I do.

24 MR. MISTERLY: All right. You heard the
25 staff report. Would you like to add anything to

1 that?

2 MS. SHAFER: A couple of things. There was
3 a couple of complaints from the DEP. So the DEP
4 has come out there three times and approved it
5 all three times -- of the decorative wall. There
6 was a rip rap wall. The same block. There's
7 no -- there's no footer. There's no mortar.
8 It's the same basically thing. I've also talked
9 with Jacob. It would be approved from the
10 building department. And I also got a letter
11 from a local architect approving the wall itself;
12 so...

13 MR. MISTERLY: And can you tell us what is
14 the purpose of the wall?

15 MS. SHAFER: To beautify the back yard.
16 It's basically just a wall. It's three feet. It
17 holds no purpose. No water can back up or hold
18 into my property. Water flows freely both ways.

19 MR. MISTERLY: Okay. All right. Well, if
20 you'll have a seat for a moment.

21 Board members, any ex parte communication?

22 UNIDENTIFIED SPEAKER: No.

23 MR. MISTERLY: I did get an e-mail on this
24 one. We got a few e-mails.

25 MR. PAPPAS: I got an e-mail. It's my

1 neighborhood; so I obviously stopped while
2 walking, had discussions with multiple neighbors,
3 also received photos, which I put on the record,
4 which is in your packet here.

5 MR. MISTERLY: All right. This one had 31
6 notices sent out. Two were in favor; twelve were
7 opposed; and twelve had comments. This one's in
8 favor. In favor of this decorative wall. It
9 does not exceed the rip rap height. Applicant
10 has a letter from DEP and -- basically supports
11 stacked pervious blocks.

12 This one opposes the application unless and
13 until expert study by DEP confirms there will be
14 no adverse impact to our property, ergo, no
15 increased wave or other hydrological action
16 particularly during abnormal high tides and tidal
17 surges.

18 This one is we strongly oppose this request
19 that was submitted after it was built. The marsh
20 begin -- the marsh lagoon floods every flood
21 tide, and barriers such as this will divert even
22 more water into the surrounding yards.

23 This one, I can't read. It's too light.

24 No. The majority of the flooding from the
25 street sewers and marsh comes through my

1 property. The two drains in the street are in
2 front of my house. I need help, not more water.

3 Our home is located at 18 Althea directly
4 across the subject property. My concern comes
5 from dealing with hurricanes, king and full moon
6 tides, and resulting damage to our property.

7 Again flooding, flooding, opening a can of
8 worms. It's already been built. And they also
9 pulled out some large trees with no permits.
10 Another one, flooding. This party has violated
11 numerous city ordinances in the past. No
12 consequences. More flooding. And there's some
13 pictures in it as Mr. Pappas pointed out.

14 Oh, I think it's worth probably reading the
15 letter that had these pictures. Received a legal
16 notice. As a neighbor and owner of surrounding
17 property particularly affected by the change, I'm
18 very opposed to this application. Should further
19 consideration be given to the project, I believe
20 it's important that research be done and evidence
21 be provided regarding the impact of the proposed
22 wall on the surrounding properties. Okay. Quite
23 a few pictures. All right. So --

24 MR. PAPAS: Grant, just one correction. The
25 pictures went to Claire King and not to the one

1 that you just attached it to.

2 MR. MISTERLY: Oh, did I read it in the
3 wrong order? Okay. Where is -- oh, were these
4 just stapled to the back?

5 MR. PAPPAS: Yeah. She just forwarded them
6 to me without --

7 MR. MISTERLY: Got it. Okay. All right.
8 So let's open it up to public comment. And I'll
9 remind everybody -- please direct your comments
10 to the board, not to the public. And please be
11 respectful of the person at the podium when
12 they're up there and have their turn. So if
13 you'll come up, state your name and address, and
14 be sworn in.

15 MS. NORRIS: My name is Clare Norris. I
16 live at 19 Oak Street on the Hildreth Back Bay.

17 UNIDENTIFIED SPEAKER: If you back up just a
18 tiny bit, you'll get closer to the microphone.
19 There you go.

20 MS. NORRIS: My name is Clare Norris. I
21 live at 19 Oak Street on the Hildreth Back Bay.
22 I've been living there since 1995.

23 UNIDENTIFIED SPEAKER: Wait. We've got to
24 swear you in.

25 UNIDENTIFIED SPEAKER: I've got to swear you

1 in.

2 UNIDENTIFIED SPEAKER: We've got to swear
3 you in first.

4 UNIDENTIFIED SPEAKER: Do you solemnly swear
5 or affirm that the testimony you're about to give
6 is the truth, the whole truth, and nothing but
7 the truth?

8 MS. NORRIS: Yes.

9 I need to go back to the king tide of
10 November 6th. The wall already existed -- newly
11 existed -- the barrier wall of the Shafers. And
12 I don't know whether they started it in September
13 or the 1st of October, but it was already there
14 by the time we had the king tide. I don't know
15 if you can see this, but this was the wall. I
16 took this picture on November 15th. Now the
17 steep part of the wall --

18 UNIDENTIFIED SPEAKER: Excuse me. Can you
19 speak into the microphone and maybe just set your
20 phone on the podium?

21 MS. NORRIS: Okay. No. You better -- well,
22 okay. Anyway, I'm going to be switching
23 pictures, and I'm using up my time now; so...
24 Okay.

25 UNIDENTIFIED SPEAKER: I'll take that.

1 MS. NORRIS: All right. Anyway, this
2 picture was taken November 15th. The steep part
3 of the wall, you can see, is on the Shafers'
4 property. And this -- behind is where they have
5 filled in the marsh behind it. And you can't see
6 that in the drone pictures because, when you take
7 pictures with a drone, you -- you don't want to
8 go over their property line. So this is very
9 important. This is the only time you're going to
10 see what the wall looked like from their side.
11 Okay. So when you say the wall is, like --
12 what -- two foot thick -- no. Actually, it's
13 four or five if you include all of the rock,
14 cement, debris that's been put in the end of the
15 marsh.

16 Okay. Now, there's another view of it
17 November 15th. And you can see all of the fill
18 going in there. All right. Thank you. I'm
19 losing control of it here. Hold on. Okay. Now
20 fast-forward to January 28th.

21 UNIDENTIFIED SPEAKER: Mr. Fox, could you
22 help with that?

23 MS. NORRIS: Okay. This is an aerial view
24 of my roof when there's not a flood. Okay. And
25 there's no room on either side of my house where

1 I can get a truck or a car through there to my
2 back yard. Even if I could afford to build a
3 barrier wall, I couldn't get back there. Okay.
4 Here is -- the wall is -- so -- here. I think I
5 have a better picture of this.

6 MR. MISTERLY: Ms. Lopez, how are we --

7 MS. NORRIS: Okay. There it is.

8 MR. MISTERLY: If the picture's on a
9 phone --

10 MS. LOPEZ: Well --

11 MS. NORRIS: I'll have to send them to you.

12 MS. LOPEZ: Yeah. If she can e-mail them
13 after the hearing to our clerk or to anyone in
14 the planning department, they'll forward it to
15 the clerk, but we at least have the video, I
16 believe.

17 MS. NORRIS: Okay. Well, the wall is so --
18 the length and the breadth of the wall is so big
19 that the drone actually couldn't fit it on one
20 picture; so it's in two pictures. I'm having
21 trouble controlling this. Okay. So, yeah, it's
22 in two pictures. That's the wall there. Okay.
23 And construction's still going on, and this is
24 what they're doing now. They're coating it over
25 where they filled in in front in the marsh.

1 They're coating it over with concrete. There's
2 another picture of it. This is recent work here
3 where they're, like, filling in the whole area.
4 There's another picture. There's the barrier
5 wall. The problem is the water cannot disperse
6 in a southerly direction anymore. I am the last
7 house on the water now, and I am the gateway to
8 the rest of Oak Street. So I think the City
9 should be warned that, in the next storm, because
10 this has been allowed, that you may actually lose
11 all of Oak Street. And I can't speak for Althea
12 Street because I don't live there.

13 MR. MISTERLY: All right.

14 MS. NORRIS: But I want to show you what the
15 king tide looked like.

16 MR. MISTERLY: If you'll send those. Your
17 time is up. I gave you a little extra time
18 because of some technical details.

19 MS. NORRIS: Okay. There's my back yard
20 November 6th.

21 MR. MISTERLY: And you sent these to the
22 board as well; so we've seen these.

23 MS. NORRIS: These, you've seen?

24 MR. MISTERLY: I believe there was some from
25 the last king tide flood.

1 MS. NORRIS: Okay. Well, that was
2 November 6th. And this is the front yard. You
3 can see where the water -- the whole street is
4 under water.

5 MR. MISTERLY: Yeah.

6 MS. NORRIS: And this is not a storm. This
7 is just a king tide.

8 MR. MISTERLY: All right. I'm going to have
9 to ask you to move on. We'll let somebody else
10 have their turn. Okay.

11 MS. NORRIS: Well, my thing is -- I mean,
12 what can the City do for me to mitigate flooding?
13 I would settle for an actual barrier. You know,
14 mangroves, cattails, whatever, to help soak up
15 some of the water.

16 MR. MISTERLY: Okay. We're here to talk
17 about the application in front of us, which is
18 this barrier wall.

19 MS. NORRIS: Well, I think -- personally, I
20 think, you know, it's not a decorative wall.

21 MR. MISTERLY: I'm going to have to ask you
22 to sit down so the next person can have their
23 turn.

24 MS. NORRIS: Okay. But I don't think you
25 should allow it. I think they should be made to

1 tear it down and put up a fence.

2 MR. MISTERLY: Could the next person please
3 come up?

4 All right. State your name, address, and be
5 sworn in, please.

6 MR. MOONEY: Yeah. My name is Ted Mooney.
7 I'm at 14 Althea Street.

8 UNIDENTIFIED SPEAKER: Do you solemnly swear
9 or affirm that the testimony you're about to give
10 is the truth, the whole truth, and nothing but
11 the truth?

12 MR. MOONEY: I do.

13 So I am just here to get some assurances
14 that this marsh bulkhead and the marsh bulkhead
15 on the adjacent lot aren't going to have any
16 deleterious effects on my property and the
17 properties of my neighbors. Right? Now, there's
18 a reason why I call it a marsh bulkhead. And the
19 reason is that's what the applicant actually
20 calls it. Marsh bulkhead. Right. So -- right
21 there.

22 Okay. So this is their selling of Lot 2,
23 which is adjacent to their property. I'll show
24 you another shot in just another second. But
25 they're right here in yellow. If I could just

1 point down there. It says it's a marsh bulkhead.
2 And that property is this one right here. So
3 this is the property for sale along here, and
4 this is the property that we're talking about in
5 the current application right here. And this is
6 one continuous wall. And this one is the one you
7 saw some pictures of that -- where the concrete
8 cap is. And when construction was stopped, there
9 was no concrete cap over here.

10 But essentially I watched that wall go in
11 from my property. My property looks right over
12 here. My property looks right over here. I'll
13 show you a shot in a little bit. So another shot
14 here is little bit more of an aerial view. This
15 is not something I took, but it was -- we found
16 this photo. And you can see that it's one
17 continuous wall through the two properties, and
18 you can see that it's right up against the
19 mangrove marsh there.

20 So my question is what will the hydrological
21 effects of that marsh bulkhead really be? Will
22 it be increased scouring and wave action? And
23 it's not during normal tides. It's during king
24 tides. It's during nor'easters. It's during
25 hurricanes. And that's when the real damage

1 occurs and when the flooding in the neighborhood
2 occurs; right?

3 So -- and just to give you an idea of the
4 neighborhood itself -- and I'm sure somebody has
5 a few better pictures. Here is just a little bit
6 of -- our property's the one in blue. And this
7 is the property that the Shafers are selling, and
8 this is the one that we're talking about here for
9 the wall. And one of the things I can tell you
10 is that when the king tides come in, when there's
11 hurricane inundation, the water comes in from all
12 of the sides because it's somewhat raised here.
13 But what happens is this is getting inundated
14 from three sides. And if you have water pushing
15 back into the middle, where's it going to go? I
16 think the woman before me said it's going to go
17 to the adjacent properties. I mean, that's just
18 going to happen.

19 Now, I would like to see some hydrological
20 studies or something that could affirm that, you
21 know, it's not going to be serious. You know,
22 I'd be happy if the wall were not going to
23 interfere with any other effects like increased
24 standing water at the end of a hurricane or more
25 soil erosion, but I just don't know.

1 And the other thing I'm concerned about is
2 that the rest of my neighbors are going to want
3 to protect their property. And what's going to
4 happen? They're going to want to build their
5 walls as well. So my three minutes are up. I
6 want to thank the board very much. I'm sure
7 there are other people who want to speak as well.
8 Thanks.

9 MR. MISTERLY: Thank you very much.

10 Please state your name and address and be
11 sworn in, please.

12 MR. CODD: My name is Patrick Codd. I live
13 at 18 Althea Street.

14 UNIDENTIFIED SPEAKER: Do you solemnly swear
15 or affirm that the testimony you are about to
16 give is the truth, the whole truth, and nothing
17 but the truth?

18 MR. CODD: I do.

19 So my neighbor Ted just -- who just spoke
20 did a good job, and I don't have -- I don't want
21 to go over everything, but we live right next
22 door to him, and our house is up on stilts.
23 We've lived there for about 12 years. And the
24 first really bad storm was Matthew, and I had,
25 like, five feet of water under my house. I lost

1 two cars. And so we've been dealing with this
2 water -- you know, all of the neighbors -- and
3 we're kind of -- we're -- you know, we're just
4 all together on this thing. So now -- now that
5 the construction starts across the marsh at the
6 Shafers' property and -- and, you know -- I mean,
7 I -- I'm pretty well covered up by trees; so I
8 don't -- I can't see a whole lot of what's going
9 on over there, but always a lot of noise, a lot
10 of activity. I mean, on weekends, there was
11 stuff going on, like, cutting trees down and
12 everything. And you could see now that there's
13 been so many trees that have been cut down there.
14 It's just kind of bare.

15 And then the construction of the wall
16 started. And we could hear this going on and on
17 and on. And so I can't remember the date. It
18 seems, like, maybe a month and a half ago or two
19 months ago. I called -- made a call to the City.
20 And I talked to a lady. And I said -- I said,
21 you know, There's -- there's construction going
22 on. They're building a wall. And I said, I
23 don't know if they have a permit. And she said,
24 Well, we have a man in the area, and we'll send
25 him over there. So they did. They sent him over

1 there, and that was on a Thursday. And so the --
2 I got a call back and said -- and they told me
3 that they've stopped construction, and they're on
4 their way down to get a permit. And I thought,
5 Wow. That's the cart before the horse there.
6 Aren't you supposed to get a permit before you do
7 this?

8 So now I'm talking to the neighbors, and we
9 go back and forth. And I -- it's just -- it's
10 not -- now they're trying to get by with a
11 decorative wall. And that's just semantics. I
12 mean, it's not a decorative wall.

13 So I really think that -- and I don't know
14 if there's been permits pulled on taking the
15 trees out. I know that Curtis came by to see me
16 recently, and he indicated that it's a decorative
17 wall. We stood up on my deck together. He said
18 it's a decorative wall. And they've got their --
19 you know, they're going to get their permits.
20 They've got their permit, and everything's going
21 to be fine. And he also told me that they -- the
22 City's been threatened by a lawsuit because of
23 harassment over there because so many times
24 people are calling the -- you know, for -- for
25 problems, but anyway.

1 MR. MISTERLY: Thank you.

2 MR. CODD: Thank you.

3 MR. MISTERLY: Is there anybody else in the
4 public that would like to speak on this? Please
5 state your name, address, and be sworn in.

6 MS. KEEBLE: My name is Madalin Keeble, 10
7 Althea Street.

8 UNIDENTIFIED SPEAKER: Do you solemnly swear
9 or affirm that the testimony you are about to
10 give is the truth, the whole truth, and nothing
11 but the truth?

12 MS. KEEBLE: I do.

13 I have the property right directly across
14 the water from them. If you don't understand our
15 neighborhood, there's this beautiful water. And
16 I bought, I think, ten years ago. And I came to
17 the City to get a permit because I wanted to add
18 a porch onto the back of my house. I am up on
19 stilts. And the guy came over, and we measured
20 out the 25 feet of whatever the supervisory
21 jurisdictional line means that I was able to put
22 some posts up 25 feet back. So my property
23 includes the water that goes all the way to their
24 place. And I can see everything from my balcony.
25 I am also in the trees. And I called six --

1 well, I live half the time on a sailboat in the
2 middle of the ocean. Thank goodness, with all of
3 this water rise, I know how to navigate.

4 But this wall has been going on for quite
5 some time. But I had the fear of God in me that
6 if I cut down a tree -- some kind of cedar tree
7 so big or whatever or even get my trees
8 trimmed -- that I had to have a permit. Now, if
9 it is indeed true that this wall gets approved --
10 on either side of my house, I have a wooden fence
11 due to the two hurricanes and all of the
12 nor'easters. I'd love to replace it with the
13 same exact material that they're using, but what
14 it would do to the neighbors on either side of
15 me.

16 During the nor'easter in November, I
17 could -- all of -- I mean, we're not talking a
18 little floodwater. We're talking four feet. All
19 of my neighbors had swimming pools in their back
20 yard. Fortunately, I'm a little higher than
21 them. And I went, Oh, this is wonderful. I can
22 put that kind of wall on either side when I
23 repair the wooden fence with cement, but I know
24 I'm going to make swimming pools. So this is --
25 it's a big wall. It's a big wall. And if it's

1 okay for them to do, it's okay for me to do it.
2 Then it's okay for all of us to do it. It's
3 going to cause major hydrology issues. Thank
4 you.

5 MR. MISTERLY: Thank you. We do take cedar
6 trees seriously. Those are tough to get approval
7 to get cut down.

8 MS. KEEBLE: I know.

9 MR. MISTERLY: Please state your name,
10 address, and be sworn in.

11 MS. MARCHESAN: Sure. My name is Jayne
12 Marchesan. I live at 20 Atlantic Avenue.

13 UNIDENTIFIED SPEAKER: Do you solemnly swear
14 or affirm that the testimony you are about to
15 give is the truth, the whole truth, and nothing
16 but the truth?

17 MS. MARCHESAN: I do.

18 So I'm the bordering neighbor to the
19 property that we're talking about. And, I mean,
20 it's true. There is just a lot of angst in our
21 neighborhood about flooding. And we get flooding
22 from all sides. And, you know, I'm concerned
23 about flooding and so is my husband. And so, you
24 know, we actually border the property, and what
25 separates our properties is a wooden fence. We

1 don't actually have concerns about that wall
2 causing flooding in terms of our property. And
3 the reason why is because, you know, where we do
4 border, that's the lowest part for them, and
5 water always finds a way to get into a property.

6 And so the way that we see the landscape is
7 that the water's going to rise, and the water's
8 going to do what it's always done. You know,
9 enter onto our property. And it's going to kind
10 of, like, you know -- kind of, like, move behind
11 the wall onto their property. So we don't see
12 the wall as necessarily preventing the water from
13 flooding their property and causing an issue for
14 us because the way that we see the landscape --
15 the water's just going to find a way in anyway.

16 So from that perspective, we approved, you
17 know, the improvement because we really don't see
18 that there's going to be a material difference in
19 terms of the flooding that we're getting with the
20 king tides and other weather events. But, yeah,
21 I mean, I'm with the community. You know, we all
22 have angst about flooding. Okay.

23 MR. MISTERLY: Thank you. Is there anyone
24 else that would like to speak?

25 MS. ROSENTHAL: I'm Mary Ann Rosenthal. I

1 live at 37 Oak Street on the other end of where
2 the retaining wall or whatever is being built.

3 MR. MISTERLY: You'll need to be sworn in.

4 MS. ROSENTHAL: Yes, please.

5 UNIDENTIFIED SPEAKER: Do you solemnly swear
6 or affirm that the testimony you are about to
7 give is the truth, the whole truth, and nothing
8 but the truth?

9 MS. ROSENTHAL: I do.

10 MR. MISTERLY: Did you say your address or
11 not?

12 MS. ROSENTHAL: 37 Oak Street.

13 MR. MISTERLY: 37. Thank you.

14 MS. ROSENTHAL: My husband and I have lived
15 on our property for -- we've owned the property
16 for 20 years. We built about 17 years ago. So
17 we've been there for all of the recent flooding
18 and the hurricanes. And we've seen the street
19 change with what I consider to be a combination
20 of global warming and also things like retaining
21 walls and bulkheads at the end of our street
22 being put in. I think it all is contributing to
23 a real terrible problem that we have in that part
24 of St. Augustine. And we're very, very concerned
25 about it.

1 I have no solutions. I'm -- I'm very upset
2 that the wall was put in before it was permitted.
3 I think that's wrong. We're very carefully and
4 patiently waiting right now for a permit to put a
5 deck on our property, and we didn't go ahead and
6 have that deck constructed. We're waiting. And
7 I think that's the process, and that's what you
8 do.

9 So I would be against approving this wall.
10 I don't think it's decorative. And I think it is
11 a bulkhead, and I think you've got to look at
12 that, and I think semantics is, you know, how
13 it's being played or brought to you guys.

14 I have one concern. And that is that as
15 terrible an issue as parking is for our city, I
16 think that flooding is just as terrible. And I
17 know that the commission put together a special
18 study group or whatever for a parking issue in
19 the past few years. Why don't we now do a deep
20 dive into what bulkheads and what our -- what our
21 ordinances say about building permits in that
22 part of the city? I think we really need to
23 address it, and we need to get some community
24 input.

25 And I know that we're a very active

1 community in Fullerwood. And I'm actually on
2 another subcommittee for a group that's concerned
3 about the Park Avenue area as well. So there's a
4 lot of angst. There's a lot of concern. And
5 people are beginning to talk about moving from
6 the neighborhood because of the flooding issue.
7 So this is right now happening, and it's scary.

8 So I just wanted to say I would disapprove
9 it if I were you. I think the people should have
10 permitted first and then waited, and they didn't.
11 So -- and it's contributing to a really bad
12 situation in our neighborhood. So thank you.

13 MR. MISTERLY: Thank you.

14 MS. MOONEY: Robyn Mooney, 14 Althea Street.

15 UNIDENTIFIED SPEAKER: Do you solemnly swear
16 or affirm that the testimony you are about to
17 give is the truth, the whole truth, and nothing
18 but the truth?

19 MS. MOONEY: I do.

20 So you've heard my husband speak and some
21 neighbors speak, and I just wanted to show you
22 what we're talking about here. This line in
23 green is my property, and we share -- we -- part
24 of the border of their property. It's my
25 understanding we're talking about this Lot 1 for

1 this decorative wall on their application. But
2 they also own -- or actually Florida Coastal
3 Contractors owns this, but Mrs. Shafer is the
4 president of that company. But that is who owns
5 Lot 2.

6 And Lot 2 does have a marsh bulkhead, and
7 that is the one that was previously referred to
8 as being for sale. And it does say, as part of
9 the selling, that there is a marsh bulkhead
10 already in place, and that marsh bulkhead looks
11 like that. So that is not a decorative wall.
12 That's a marsh bulkhead, and it's absolutely
13 identical to what they're proposing on Lot 1. So
14 my question on this is where's the application
15 for Lot 2 to have built this that is actually
16 referred to by them as a marsh bulkhead? And why
17 is it referred to something differently on Lot 1?
18 It is a continuous wall. It goes. It's
19 continuous. The entire northern edge of their
20 property.

21 So both these, Lots 1 and Lots 2, and all of
22 our properties in this area are part of the FEMA
23 special flood hazard area, which indicates a high
24 risk of flooding as you all know. And we're all
25 concerned with flooding. The Shafers are; my

1 neighbors are; we are.

2 And every time there's building taking place
3 in this area -- Seminole, Althea Street, and Oak
4 Street -- anywhere -- it affects us. We even had
5 our dirt road -- our unpaved road paved a few
6 years ago with permeable asphalt -- nonpermeable
7 asphalt, and that's caused horrible flooding as
8 well. So I know that everybody's concerned.

9 And, to me, sometimes it seems like the City
10 just looks at these in a myopic fashion and not
11 an overall 30,000-foot fashion on how's this
12 going to affect everybody else instead of just
13 plugging holes as they come a long.

14 The bulkhead that you're looking at is
15 visible from my kitchen window or when I'm in my
16 house unfortunately. And it's obvious to me that
17 this is a bulkhead. It's not a decorative wall.
18 It might be decorative on their side, and I don't
19 blame them for doing that. They have to look at
20 it. But this is what I look at, and that's not
21 decorative. That's a bulkhead.

22 So I'm concerned about -- will the approval
23 of this so-called landscape feature cause more
24 flooding to my property? I don't know that. I
25 want to know if you guys know that. And who's

1 accountable in the event that it does? And my
2 greatest concern is that, if this is approved,
3 then other neighbors are going to want to put
4 this up, and by doing that, that's going to --
5 pardon the pun, but it's going to open the
6 floodgates for the rest of us and all the other
7 properties, which, in effect, will create a
8 barrier for the rising waters and push everything
9 potentially back to us. And I've run over; so
10 thank you for your time.

11 MR. MISTERLY: Thank you. All right. Is
12 there anybody else in the public? Come on up.

13 MS. KERN: Hello, my name is Tawny Kern, and
14 I live at 23 Althea Street.

15 UNIDENTIFIED SPEAKER: Do you solemnly swear
16 or affirm that the testimony you are about to
17 give is the truth, the whole truth, and nothing
18 but the truth?

19 MS. KERN: Oh, it sure is. Yeah. Thank
20 you.

21 UNIDENTIFIED SPEAKER: Make sure you pull
22 the microphone down and speak up.

23 MS. KERN: Yeah. I'm kind of short. Hi,
24 everybody. So the reason we're here is we've had
25 somebody build a wall in a conservation overlay

1 zone. And my understanding and the limited
2 research I've done -- is that's a sensitive area
3 that should be protected; so I've got a concern
4 with that. I've lived in my house since 2005,
5 and things have continued to worsen as far as
6 flooding goes, and the king tides last year were
7 terrible in November. I had to wait until low
8 tide to leave my house, and it was all marsh
9 water so you didn't drive in it. And I had water
10 within a foot of my foundation. Several
11 neighbors had water against their foundations.
12 So my concern right now with this wall is we have
13 a -- one and a half acres that's 40 Hildreth Way
14 for a wall, and then the property for sale is
15 1.1 acres. That's 0 Hildreth Drive. And the
16 "for sale" ad for that -- like people are saying,
17 it says "bulkhead cleared lot." So the length of
18 this alarms me.

19 So the action our neighbors took is we've
20 been working together since Hurricane Matthew to
21 try to come up with a solution, and that's the
22 people on Seminole, Althea, and Fern. And we've
23 been working with Matthews Design firm. Great
24 guys. So we had them come out and take a look at
25 this, and they said, you know, You need models to

1 determine what your impact is going to be.

2 They're complex models. They said you could have
3 wave action -- that the waves bounce off that
4 wall and come over to our side. There's going to
5 be an impact, they believe, down the Oak Street
6 people where the wall ends. And they said that,
7 you know, the applicant should do these models
8 before this was done. So I would like to see the
9 City state that these folks have to get these
10 models done to make sure this isn't going to
11 impact us.

12 And I'm super concerned about the precedent
13 this is setting right now. You know, our marsh
14 is so beautiful, and it's a natural shoreline.
15 And I think we're learning that's the way to go
16 now. The mangroves are a great protection. And
17 every time we try to muck it up with rip rap,
18 which increases water temperature and harms the
19 fish -- it's not good. You know, we muck it up.
20 So I think we need to go with a natural approach
21 of mangroves. And it worries me that people are
22 going to start all doing these walls and the
23 visual aspect of the neighborhood is going to be
24 harmed. So thank you for listening to me, and
25 please, please, please stop this.

1 MR. MISTERLY: All right. Anyone else out
2 there want to speak?

3 MR. SPRINGFIELD: Jim Springfield, 6 Althea
4 Street.

5 UNIDENTIFIED SPEAKER: Do you solemnly swear
6 or affirm that the testimony you are about to
7 give is the truth, the whole truth, and nothing
8 but the truth?

9 MR. SPRINGFIELD: I do.

10 I just wanted to say a couple of things.
11 One is we were here a couple of weeks ago for a
12 Seminole, and we had the same type of request,
13 and it was denied. And I know that this one
14 bulkhead may not make a difference to my
15 property -- a measurable difference. I probably
16 can't go out and tell you it's going to raise it
17 a quarter of an inch. But like I tell my wife,
18 What difference does one more double cheeseburger
19 make? You know, I'm going to be turning 70, and
20 heart concern is a problem. Does one
21 cheeseburger matter? Probably not today, but it
22 would in a couple of years.

23 We keep seeing properties come in and get
24 developed, and they add fill dirt to it. And
25 that stops that lot from flooding, which we've

1 had several on our street do that. And it just
2 continually adds to the problem.

3 So I think if this had been brought ahead of
4 time, we would have been here, and we would have
5 opposed it, and you probably would have denied
6 it. And now that it's asking forgiveness, I
7 don't know what you'll do. But I request that
8 you deny the project. Thank you.

9 MR. MISTERLY: Oh, I'm sorry. No, ma'am.

10 Anybody else that hasn't spoken yet that
11 would like to speak? All right. Public hearing
12 is closed.

13 Okay. If the applicant would come back up,
14 and I think -- are we to Ms. Griggs this time?
15 You're up. All right. Why don't you read us
16 off?

17 MS. GRIGGS: All right. So just to be
18 clear, this wall is for landscaping purposes
19 only? It is not structural?

20 MS. SHAFER: Correct.

21 MS. GRIGGS: Okay. So I'm curious what did
22 this area look like predevelopment? Before you
23 put this wall in, can you describe --

24 MS. SHAFER: There was rip rap. We had a
25 rip rap wall, and the DEP came out three times.

1 They investigated. It is not concrete. It's
2 coquina that comes off of Holmes Road that is
3 native to this area. It is backfilled. So it
4 might look like concrete, but it is not concrete.
5 And I also had Les Thomas come out just to
6 confirm because I can understand their remarks.
7 It does flood. My yard still floods. The king
8 tides -- eight feet still just recently with this
9 wall. So it is not preventing. It is not
10 keeping water in my yard; nor is it doing the
11 opposite.

12 MS. GRIGGS: So when you put the wall in,
13 you didn't add any additional coquina? No
14 additional fill? Anything on that other side of
15 the wall? So there was just this wall and
16 coquina, and you put these Tremron blocks?

17 MS. SHAFER: Correct.

18 MS. GRIGGS: Okay. So just out of
19 curiosity, why a wall? Why didn't you do, like,
20 landscaping or something?

21 MS. SHAFER: It was ugly.

22 MS. GRIGGS: What was that?

23 MS. SHAFER: It was ugly. It's just to
24 beautify it. It was just broken wall. And so
25 now there's wall that's pretty. That's it. It

1 just hides it.

2 MS. GRIGGS: And it looks like, from what
3 was provided, that the wall is put in the 25-foot
4 buffer?

5 MS. SHAFER: Uh-huh.

6 MS. GRIGGS: Is there a reason why you put
7 it in the buffer and you didn't line it up?

8 MS. SHAFER: I put it in the front of the
9 rip rap wall.

10 MS. GRIGGS: So the DEP approved the wall,
11 or they just approved the rip rap?

12 MS. SHAFER: The rip rap.

13 MS. GRIGGS: Okay. So I'm not comfortable
14 approving something the DEP hasn't approved. I
15 know when -- I'm a civil engineer, and when I
16 personally do stormwater projects and when I've
17 used Tremron in the past, I wasn't allowed to
18 count that towards pervious.

19 MS. SHAFER: I have a meeting the 9th with
20 the DEP. I personally called and recommended it.
21 And -- just to confirm that I am not doing
22 anything that's going to damage the neighbor's
23 property or mine. So I have that scheduled.

24 MS. GRIGGS: So my issue isn't damaging the
25 property. It's more about whether or not it is

1 actually considered pervious, and there's also
2 maintenance that goes in with that as well. Is
3 that something you plan on maintaining and
4 cleaning out and keeping it, quote/unquote,
5 "pervious"?

6 MS. SHAFER: It is pervious. You can't
7 change it. I mean, it's -- it's part of nature.
8 I got a letter from a local architect that states
9 that it is not -- that it is pervious and that
10 water can flow in and out, and it is not
11 obstructing the flow of any natural resource.

12 MS. GRIGGS: But not an engineer or a DEP or
13 the water management district?

14 MS. SHAFER: It's basically the same thing.
15 And here are the things with the DEP stating that
16 it will not -- three complaints. So it's been an
17 ongoing issue, and I've had three complaints all
18 with the DEP. They've all been closed.

19 MS. GRIGGS: But those are from 2016?

20 MS. SHAFER: It's been a moment. So that's
21 why I did not think I needed a permit because
22 I've already met with the DEP three times. It's
23 the same wall. It's just not broken. It's the
24 same exact product.

25 MS. GRIGGS: But you didn't meet about the

1 wall. You met about the rip rap.

2 MS. SHAFER: Same. No?

3 MS. GRIGGS: Do you have any, like, spec
4 sheets for a Tremron? Do you have a cross
5 section of the wall?

6 MS. SHAFER: I do. Not with me, though. I
7 did support the -- I did give the spec sheets
8 with Les Thomas. He did do a site visit. He
9 confirmed that there was no footing. There is no
10 mortar. The water can and will come in and out.
11 We did have the king tides with the wall that was
12 there. The water came eight feet from my back
13 door. And as you can see, I have a large lot.
14 It did not change. It did not alter. It was
15 eight feet. I measured it from my back steps.

16 MS. GRIGGS: Third question. So if this
17 wasn't approved, what would happen? Would she
18 have to take down the wall? Or what?

19 UNIDENTIFIED SPEAKER: It would become a
20 code enforcement issue. So, ultimately, she
21 could potentially face daily fines that would
22 become a lien on the property. So the solution
23 would be, candidly, to remove the wall, I
24 suspect. The practical solution. And I just
25 want to remind the board that, unfortunately,

1 there's a Florida statute that says we cannot
2 require state permitting before they come before
3 our board. So your focus -- and I understand the
4 nature of your questions was more is the material
5 permeable, which is all perfectly fine, but the
6 focus of the questions and the criteria should be
7 the 17 criteria that we all know and love in our
8 code. So I do understand you were getting at are
9 these materials truly permeable; so I understand
10 the purpose of the questions, but I just want to
11 make sure that we don't start saying, Thou must
12 get your state permitting before you come before
13 this board, because we're not allowed to do that.

14 MS. GRIGGS: I guess that's really all I
15 have. I'm not comfortable with it. Just I --
16 you know, from my experience with Tremron, I
17 don't consider it pervious. It's semi-pervious,
18 and it needs maintenance and to be kept up with
19 and, you know, if you had, you know,
20 correspondence with DEP about the wall, not just
21 rip rap, I'd feel a lot better, but that's all I
22 have.

23 MR. MISTERLY: You're up, Carl.

24 MR. BLOW: All righty. Okay. Thank you,
25 Mr. Chair.

1 Just so I understand, what -- we have these
2 DEP documents from 2016. And that -- as far as
3 the City's concerned, this is the first time that
4 we've actually had this for review? In other
5 words, the City did not review the rip rap that
6 was there, I guess, prior to 2016?

7 UNIDENTIFIED SPEAKER: I will have to verify
8 this, but I do believe we had complaints that,
9 you know, code enforcement went out there, and I
10 believe that they came to the board after the
11 fact and got approval for the rip rap. I'd have
12 to double-check that.

13 MR. BLOW: Yeah. That would be a
14 significant fact for me -- is what's the status
15 of the rip rap? Because now what we're looking
16 at -- to approve this Treminton [sic] -- is
17 that -- I've always -- I can't -- I know what it
18 is. I just can't say it. This block in addition
19 to the rip rap.

20 So, you know, I'm kind of looking at -- in
21 our package, we have a survey from Ancient City
22 Surveyors, and on the survey, someone's drawn --
23 I mean, Ancient City shows a 25-foot buffer line,
24 and then there's drawn on here by, I guess, you,
25 the applicant, a line. I guess, at this point,

1 I'd really like to get some history on the rip
2 rap. And if we -- if it was before the board,
3 what sort of comments we made about it. And, you
4 know, the -- this is an interesting one because
5 it's referred to by a bunch of people as a marsh
6 bulkhead, but it looks more like a dike because
7 the upland -- if you want to call that
8 "upland" -- is as low as the elevation of the
9 marsh; so... I don't know. I'll move it on to
10 my fellow board members, but I feel like I need a
11 little more history here.

12 And one last question. You mentioned that
13 you had a meeting with DEP here in a couple of
14 days.

15 MS. SHAFER: Correct.

16 MR. BLOW: Did they -- did you ask for that
17 meeting, or did they contact you?

18 MS. SHAFER: I requested it.

19 MR. BLOW: Okay. And you're requesting that
20 meeting with DEP to just confirm that this wall
21 is --

22 MS. SHAFER: Just to confirm just like I did
23 with the rip rap. I want to confirm. And I do
24 want the neighbors -- I do not want to cause any
25 more flooding. And I can see their concern. But

1 just with those king tides that we had, it was --
2 it was king tides. It was a northeastern at the
3 same time. And it was worse. It was worse in my
4 yard. I'm sure it was worse in everybody else's
5 yards. So I can understand their concerns. I
6 just -- this is nothing merely but cosmetics.

7 MR. BLOW: Okay. One last question for
8 staff.

9 UNIDENTIFIED SPEAKER: Can I ask the public
10 in the back to please remain quiet?

11 MR. BLOW: One last question for staff. A
12 number of the public brought up the issue of the
13 overall flooding issues in St. Augustine. And I
14 think -- I understand the City was talking to the
15 Army Corps of Engineers about doing a back bay
16 study. Is that in the works, or did you-all back
17 away from that, or where is that?

18 UNIDENTIFIED SPEAKER: It's my understanding
19 that they did -- that we did start those
20 conversations with the back bay study. I think
21 the city engineer, Jessica Beach, who is our
22 stormwater engineer and also our resiliency
23 officer, has expressed some concerns to me about
24 some of the unintended consequences of taking
25 federal money and whether they would be as

1 sensitive to St. Augustine as we need -- would
2 like them to be as far as the design, if it
3 ultimately came to some of that. So we have
4 started the pursuit, but I'm not sure how
5 actively we're pursuing it right now.

6 We are also in the process of trying to
7 update our stormwater master plan, and I think --
8 I believe that is moving forward. We also have
9 some direction from the city commission to move
10 forward to look at these conservation zones more
11 clearly and the impacts of retaining walls, you
12 know, bulkheads, whatever we want to call them
13 versus, you know, natural shorelines and things
14 like that. So we have had a couple of meetings
15 to hire a consultant to help us understand the
16 implications of hardening versus, you know,
17 natural shorelines. So we are trying to move
18 forward to understand this issue much better. We
19 know that this area is, you know, severely
20 impacted by floodwaters in Matthew -- Seminole
21 Drive, Althea, all of these areas.

22 I know the -- Jessica Beach and the building
23 official and various public works directors have
24 been out meeting with people since Matthew and
25 maybe before -- but since Matthew at least -- you

1 know, trying to figure out what we can do, how to
2 attenuate the situation. And other areas of the
3 city as well. So we're actively working on the
4 issue.

5 MR. BLOW: So the city government is
6 actively working on the issue, and I guess it
7 would be fair to say there's no easy answers;
8 right? Okay. Thank you. That's all I've got.

9 MS. RYAN: To echo Carl, I guess when was
10 the -- were you the owner when the rip rap was
11 installed, or who installed the rip rap in 2016?

12 MS. SHAFER: I did.

13 MS. RYAN: So did that come in front of PZB?
14 Do we usually see rip rap?

15 UNIDENTIFIED SPEAKER: I believe it did, but
16 I have to double-check. I'm not sure.

17 UNIDENTIFIED SPEAKER: It didn't.

18 UNIDENTIFIED SPEAKER: I believe we had some
19 code enforcement action, but --

20 MS. SHAFER: Curtis Boles came out; the DEP
21 came out. They both approved it. They both said
22 it was a good thing. They both said that --
23 word -- verbatim for the DEP when I met with
24 him -- is it is good for the wetlands. It
25 protects the wetlands. It protects our property.

1 And he wishes everybody would do it. And it is
2 not pushing. It's pervious. Water comes
3 through. Water comes out. I do own a
4 construction company; so I do know a little bit
5 about that as well with those Tremron blocks. I
6 sell them every day. They are pervious.

7 MS. RYAN: Right. What was there before the
8 rip rap?

9 MS. SHAFER: Nothing.

10 MS. RYAN: So, to me, you've created the rip
11 rap. It wasn't pretty. Then you put in a wall
12 to hide it?

13 MS. SHAFER: Basically, yeah.

14 MS. RYAN: Without any permits? That's
15 where I have --

16 MS. SHAFER: That's the whole issue. I did
17 not realize I needed a permit because I did not
18 need one for the rip rap wall. It's the same
19 product. It's the same thing. It's not
20 structural. There's no foundation. There is no
21 mortar. It is not -- it's just decorative. So I
22 did not believe that I needed a permit. As soon
23 as I found out that I needed a permit, I
24 submitted it that day when Curtis came out. I
25 called the building department. They said it

1 would not be a problem, but then with all of the
2 complaints and everything else, here we are.

3 MS. RYAN: Okay. It's just -- I mean, we've
4 had other retaining walls come in front of us
5 that are Tremron that we have considered
6 retaining walls; so -- in other locations in the
7 city; so...

8 MS. SHAFER: If there's a footer. If
9 they're backfilled with concrete, then they're a
10 retaining wall. If there's dirt behind it, it's
11 retaining something back. There's nothing.
12 There's no dirt on my side of the property that's
13 retaining anything back. On the other side,
14 there is coquina shell, which is natural. Water
15 absorbs through that. The water perks up on the
16 other side of the retaining wall since there is
17 no footer. So water perks up underneath the
18 ground, and it comes on the sides of the ground.
19 It is not holding any water back nor is it
20 keeping any water in my property.

21 MS. RYAN: So with Conservation Overlay
22 Zone 1 -- is that -- is the trigger a footer? I
23 mean, I -- what's the threshold?

24 UNIDENTIFIED SPEAKER: It's basically any
25 development water -- most restrictive

1 jurisdictional line is supposed to be
2 Conservation Overlay Zone 1. You know, how the
3 rip rap has changed that -- you know, I think I
4 could look at the code for a more specific
5 definition, but this here is clearly impacting
6 the wetlands in the adjacent water bodies.

7 MS. RYAN: Yeah. I think just the amount
8 from the pictures we've seen, this is not some
9 small decorative wall. It looks like a massive
10 bulkhead from the photos that have been provided.
11 Now, if we had to section through it -- like you
12 said, there's no footing. I can't tell from the
13 photos that are provided. And the survey -- I
14 realize you probably drew in the wall, or did
15 Ancient City draw in that wall?

16 MS. SHAFER: I did that.

17 MS. RYAN: You did? So it's close to that
18 25-foot upland buffer, but it's --

19 MS. SHAFER: It's not exact. The rip rap
20 got approved, or we -- so that is in front of
21 that. So I'm not encroaching. If anything, I'm
22 further back than I even need to be.

23 MS. RYAN: So -- well -- and I think without
24 sort of a survey exactly identifying where the
25 wall is -- I'm not sure if you're familiar.

1 We've seen quite a few properties in your
2 neighborhood that have requested bulkheads in the
3 past few years, and --

4 MS. SHAFER: This not a bulkhead.

5 MS. RYAN: It's -- well -- and they have not
6 been approved because of sort of this issue. So
7 I think we don't have enough evidence right now
8 to say if it is a bulkhead or not, but from the
9 pictures, it's substantial. I mean, it -- the
10 rip rap, the thickness of the wall, the photos
11 that we've seen -- I can't imagine that that's
12 not impacting neighbors in the wetlands. So I'll
13 listen to the rest of the board members, but --
14 and I apologize, but I do need to leave.

15 MR. MISTERLY: Okay. Nobody else is allowed
16 to leave.

17 MR. DAVIS: A couple of questions. So you
18 installed the rip rap in 2016?

19 MS. SHAFER: Correct.

20 MR. DAVIS: Okay. Then you installed a
21 Tremron wall inside the rip rap on your side?
22 The land -- upland side of the rip rap?

23 MS. SHAFER: Correct.

24 MR. DAVIS: Okay. The Tremron wall -- does
25 it just run along the marsh, or does it return up

1 the one side of the property?

2 MS. SHAFER: Just along the marsh.

3 MR. DAVIS: Okay. Because --

4 MS. SHAFER: There's no return.

5 MR. DAVIS: So -- because from this picture,
6 it looks like that's a Tremron wall that's
7 running along that one property side.

8 MS. SHAFER: On the survey -- I haven't done
9 it yet, but I would like to continue it to go
10 around. I just planted some bird of paradises on
11 a course lower. So it goes around plant beds.
12 It goes around -- it goes around plant beds to
13 hold in mulch and dirt to lift it up. The water
14 perks in and out just like a plant bed.

15 MR. DAVIS: But you would want to return
16 that down the sides of the property?

17 MS. SHAFER: I don't have to. It is not
18 done. I would like to just to go around the bird
19 of paradise just for landscaping purposes only.
20 It's -- and it would be a lower course. It would
21 be one course with a cap rather than three.

22 MR. DAVIS: Okay. All right. So then once
23 the rip rap's in, the Tremron wall's in, then you
24 went back and put coquina on the wetland side of
25 the Tremron wall?

1 MS. SHAFER: That is what the DEP
2 recommended I do.

3 MR. DAVIS: Why did they recommend that?

4 MS. SHAFER: Because it is natural to St.
5 Augustine, and it is pervious.

6 MR. DAVIS: I have never seen that done
7 before.

8 MS. SHAFER: No? It says it in the DEP.

9 MR. DAVIS: I've seen a lot of rip rap walls
10 put in, but I've never seen them filled with
11 coquina.

12 MS. SHAFER: They do it at a lot of the
13 local restaurants around here. The new one --
14 The Fish Camp -- it's rip rap wall with coquina
15 all in it, and then it's coquina all where the --
16 the tables are.

17 MR. DAVIS: I've seen a rip rap wall where
18 it's a concrete mix that goes over the rip rap,
19 but I've never seen just -- is this loose
20 coquina, or is this mixed with concrete?

21 MS. SHAFER: Loose. St. Augustine Fish
22 Camp -- same exact thing.

23 MR. DAVIS: Because I've never --

24 Carl, have you ever seen that done before?

25 MR. BLOW: No, sir.

1 MR. DAVIS: Okay. I've just never -- I
2 mean, I've installed rip rap on the back side of
3 sea walls before. I've done all of that. I've
4 seen all of that done. But I've never seen it
5 completed like this wall has been completed.
6 Okay.

7 So, staff, if this wall's approved, can they
8 backfill on the back side of the wall? Because
9 if you count steps -- I'm doing a quick count --
10 the wall's three feet tall. It looks like it's
11 probably 40 to 48 inches to the deck in the back
12 yard from one of these pictures. Could they fill
13 that property?

14 UNIDENTIFIED SPEAKER: I think we would
15 probably have our floodplain manager look at it,
16 our building official look at it. Because, you
17 know, you can't create a situation where
18 you're -- you have flood or water trespass. And
19 if you change the floodplain, then you need a
20 floodplain permit or -- you know, through the
21 City. We don't have a fill permit per se, but
22 through the floodplain management and floodplain
23 manager, they would look at it and see if they're
24 going to change the floodplain, and that would
25 require a permit, which then would require

1 review, and you have to maintain your water on
2 your property and all of that.

3 MR. DAVIS: Okay. I want to go back to
4 flooding prior to the Tremron wall being up and
5 then post-Tremron wall, if I could. So you've
6 owned the property since 2016? Did you own the
7 property during Hurricane Matthew?

8 MS. SHAFER: I did.

9 MR. DAVIS: Where was the water level during
10 Matthew and Irma compared to where it was? You
11 said it was eight feet from your back door.
12 Where was it with Matthew and Irma?

13 MS. SHAFER: It went all the way up to
14 the -- to U.S. 1. I had 200 cubic yards of marsh
15 debris with Matthew. Irma, not as much. It
16 wasn't -- that affected more with, like, Black
17 Creek and such like that. I actually worked for
18 St. Johns County and did the grant writing for
19 Hurricane Matthew and Irma; so I know a little
20 bit about that.

21 MR. DAVIS: So you had far more water with
22 Matthew and Irma than you did with the king tide?

23 MS. SHAFER: Yes.

24 MR. DAVIS: Okay. All right. You said the
25 height of the wall is three feet; is that

1 correct? You're about three feet high? If
2 you're standing on your side, there's about three
3 feet to the top of the wall?

4 MS. SHAFER: 36 inches.

5 MR. DAVIS: Okay. Three feet. Okay. And I
6 guess my biggest issue is -- I mean -- and I'm on
7 South Davis Shores, and we've talked about
8 building a berm, which is, to me, what you've
9 built -- it's a berm between the rip rap and the
10 coquina and the backing on it. But all of the
11 neighbors have talked about that as opposed to
12 just you. The impact being -- and what we're
13 considered about on South Davis Shores -- and
14 there's two houses going up now on an inland lot
15 where they have taken down a house that had a
16 crawlspace. They're going to put two houses up
17 that are backfilled, which then impacts every one
18 of the neighbors around them because the site's
19 not going to store as much water.

20 And that's our issue -- is during
21 flooding -- is how much water storage can we get
22 on each lot? I do see where the water will go
23 around the ends of this berm, but I don't know
24 how much you're impacting the neighbors by having
25 the berm there. And that's my issue. I'll turn

1 it over to you.

2 MR. MISTERLY: Well, this is obviously a
3 complicated one. I think we're all struggling.
4 It's something unique that -- I don't know that
5 we've seen before. I mean, it's kind of the
6 opposite of what we would normally see. Normally
7 we would see somebody installing a bulkhead
8 facing the opposite direction to keep the rising
9 tides at bay. This one's almost flipped around
10 reverse.

11 And another alternative that we would
12 typically see is somebody coming in wanting to
13 fill their lot with a couple feet of fill to
14 avoid water. And in this case, you haven't done
15 that. You've built this berm. And like
16 everybody, I'm struggling with this one a little
17 built.

18 What can -- and you may have answered this,
19 but what was the original purpose of the rip rap?

20 MS. SHAFER: To protect our property and to
21 protect the wetlands. And then this wall in
22 front of the rip rap is just for decorative
23 purposes because the rip rap is -- it's ugly.
24 It's just a bunch of broken blocks.

25 MR. MISTERLY: How does the rip rap protect

1 the wetlands?

2 MS. SHAFER: It keeps the reeds. It keeps
3 the plants. I also did meet with the DEP, and
4 they gave me a list of plants if I wanted to
5 plant on the coquina, which they recommended,
6 which will -- would help -- which I can support
7 those as well -- which will help keep the erosion
8 down and the water. I don't work for the DEP,
9 but that's what they were saying in a nutshell.

10 MR. MISTERLY: So, I mean, it sounds to me
11 like the rip rap was put in to protect your
12 property from high tides, floods, nor'easters,
13 whatever.

14 MS. SHAFER: No.

15 MR. MISTERLY: It's -- it's probably not
16 doing anything to protect the wetland, but it is
17 protecting your property from floods, but it was
18 done, it sounds like, without a permit from this
19 board, which it would have required. Now, in an
20 effort to beautify that rip rap, we have a wall
21 that's been built in the conservation overlay
22 zone, again, without a permit from this board.
23 And so, you know, the justification here is that
24 it's a decorative wall, but the decorative wall
25 is being built to hide something else that was

1 built without a permit. So it seems like -- it
2 seems like there's a little bit of a -- a little
3 bit of a pattern, and I'm trying to figure out,
4 despite all of that, is this wall a bad thing or
5 not?

6 MS. SHAFER: My understanding -- you don't
7 need a permit for a rip rap wall. That is why I
8 did not think I needed a permit for this because
9 it's the same product. It's just not broken.

10 MR. MISTERLY: And maybe city staff can
11 correct -- I believe, since it's being
12 constructed in the conservation overlay zone, we
13 would need a permit here; right?

14 UNIDENTIFIED SPEAKER: Correct. 11-28 of
15 our code says: The planning and zoning board,
16 which is you, shall review all applications for
17 development in Conservation Overlay Zone 1.

18 So any development activity. And as we know
19 from statute, development activity is almost
20 everything. It's a very all-inclusive. So all
21 applications for development in Conservation
22 Overlay Zone 1 has to come to the planning and
23 zoning board.

24 MR. MISTERLY: Okay. So I guess -- the way
25 I see it is we have two construction instances in

1 the conservation overlay zone which were not
2 permitted and should have been. If they had come
3 before us, would this board have likely approved
4 them or not? And I'm struggling with -- okay.
5 What -- is this a benefit or a detriment?

6 You know, on one hand, you're not filling
7 the lot, which is good. In essence, I think the
8 bigger problem would probably be if water does
9 over top that or come through it in a hurricane
10 situation and the water needs to get out --
11 say -- say we have, you know, Hurricane Matthew
12 comes a couple of miles offshore, pushes a bunch
13 of water in. An hour later, the winds are
14 offshore and suck a bunch of water out. When
15 that water comes over your wall, it's going to be
16 a tremendous current trying to get back out. And
17 it's -- the perviousness of those that -- those
18 blocks and that coquina is not going to be enough
19 to get that water back out when it wants to get
20 out. So it's going to come around the outside.

21 So, you know, at minimum, I could see it
22 impacting your neighbors when that water tries to
23 get back out after a hurricane. It's going to --
24 all of the water that's stacked up in your
25 property is going to go over onto their property

1 trying to get out from behind that wall.

2 MS. SHAFER: May I?

3 MR. MISTERLY: Sure.

4 MS. SHAFER: That's why I got a report from
5 a site visit from Les Thomas stating the exact
6 thing that you're speaking about.

7 MR. MISTERLY: I think -- well, Les is an
8 architect, and I think he's -- he's probably
9 talking about, you know, regular seepage. I'm
10 talking about needing to move, you know, millions
11 of gallons of water.

12 MS. SHAFER: I understand.

13 MR. MISTERLY: So I still struggle with --
14 this is a tough one. I don't quite know what to
15 do. I mean, it seems like a pretty massive
16 construction project to kind of just beautify
17 some landscaping. It seems like a whole lot more
18 bird of paradise or something would have done the
19 trick.

20 MS. SHAFER: It would have blocked the view.
21 This does not block the view.

22 MR. MISTERLY: So, you know, when I look
23 at -- we do kind of -- you know, as Ms. Lopez
24 tried to bring us back to the actual code, there
25 are 17 criteria that this board judges

1 conservation overlay zone development by. And
2 there's some of these that I think could apply,
3 but I'm -- I'm not 100 percent sure, but when I
4 look at, you know -- the Criteria Number 2:
5 Site's relationship to adjacent properties,
6 bodies of water.

7 It seems like, in a hurricane situation,
8 when we've got a lot of water trying to get
9 out -- it seems like this would cause impact of
10 water flow to your neighbor's property.

11 Number 3 is: Natural and proposed drainage
12 patterns.

13 I feel like it normally -- you know, water
14 would come in and go out of property. I feel
15 like this -- maybe it's not 100 percent
16 impervious, but it definitely would affect how
17 water moves in and off -- in and out of your
18 property.

19 Impact on floodplain.

20 You're property is in the floodplain, and
21 this is built in it.

22 Impact of -- on development of vegetative
23 and animal communities.

24 This is being built in the conservation
25 overlay zone, which is where those things reside.

1 Impact of development on shoreline by linear
2 feet.

3 It's the whole site.

4 Impact of development on vistas and scenic
5 opportunities.

6 That one, I'm not sure how to interpret
7 that. If it's -- you know, your neighbors have
8 gone on record saying, you know, it's something
9 they see. I don't know if that's how we view
10 that thing or not.

11 UNIDENTIFIED SPEAKER: We don't. It's a
12 public vista. So it would be the impact from a
13 sidewalk, a public park, that kind of thing.

14 MR. MISTERLY: Okay. So this one's, you
15 know, the water side of their property; so that
16 one probably doesn't apply. So I'm struggling
17 because I can see a few things here that could
18 support denying this, but I don't know that I
19 have enough information to really say that. But
20 it's such a massive wall that I think to produce
21 the information to say those aren't an issue is
22 probably a pretty big effort; so it's a tough
23 situation.

24 MS. SHAFER: Sorry. I was just going to
25 say, with the DEP meeting on the 9th, if we

1 continue it, I can produce the information that
2 proves this way or that way.

3 MR. DAVIS: I think I'd like a survey that's
4 a topographical survey that shows where the
5 water's going to flow around this property. We
6 don't have that. We've got some pictures. We've
7 got some aerial views, but I don't have a single
8 elevation that tells me that water's going to
9 flow in a certain direction and which way it's
10 going to go whenever it rises and which way it's
11 going to go.

12 I agree with Grant. In some ways, you may
13 have created a worse situation for yourself
14 because in 1989, I think we had 20 inches of rain
15 in 12 hours. And if that happens behind your
16 wall, that's a lot of water that has to get out
17 from behind that you've now trapped behind this
18 berm, and those Tremron concrete blocks are not
19 going to let that water through at the rate that
20 it needs to get out at. And that's an extreme
21 situation, but if you were on Davis Shores that
22 night, it was not a fun place to be.

23 MS. SHAFER: Yeah. What about even drilling
24 leap holes?

25 MR. DEPRETER: I share the concerns as most

1 of my board members here. I have had two
2 engineers that have had concerns about your
3 drainage program. As Grant had said, we have a
4 number of criteria. I'm concerned about Criteria
5 Number 2: Bodies of water and surrounding
6 conservation zones. Number 3: Natural and
7 proposed drainage patterns. Number 6: Impact on
8 floodplain -- are my specific concerns. I do
9 understand that your property is lower; so I'm
10 looking at the Tremron wall, but I've got a
11 feeling that that soil on the other side is going
12 to be pretty saturated. So I have -- it's
13 relatively new to me. I think it's new to a lot
14 of us. Very hard for me to approve something
15 that I don't understand very well. That's just a
16 basic thing for me.

17 Just for everybody else, I remember we had
18 an application on Florida Avenue recently, and I
19 think we asked for a very similar type of
20 documents. And that was some kind of a study
21 from a floodplain. I can't take Les Thomas's
22 word for the porosity of this personally.

23 So a grading plan -- I would confirm with
24 everything that Mr. Davis had said. That's not
25 unusual for us. We've had this situation before.

1 It wasn't a new technique. So the new technique
2 could be very interesting. So the larger concern
3 to everybody here -- just to let you know, we get
4 this quite often with people now with neighbors
5 building these walls, and I'm just going to
6 reinforce what Ms. Skinner -- is I think this is
7 something the City knows and wants to start
8 coming up with a little more comprehensive of an
9 approach to this. I think there's a back bay
10 study being done. I mean, there's a lot of
11 effort in this. It hasn't gotten to our desk
12 yet, but...

13 In this case, uncomfortable with the new
14 technology, don't fully understand it. I have
15 knowledgeable people here that have questioned
16 it. And I think -- I support Mr. Davis's -- our
17 request for that kind of documentation.

18 MR. PAPPAS: I also agree with Mr. Davis's
19 and Mr. Misterly's questions on this. It's all
20 the same thing I had. Those here on the board
21 even before I was on the board know I despise
22 after the facts. We see it on demolitions. We
23 see it here. And I think the City rewards people
24 with after the facts. And I think we do that
25 because we have a procedural problem. You know,

1 this -- this should go to code enforcement to see
2 if there's a fine and then come back here for
3 correction, but that has nothing to do with this
4 now. It's too late for that. But I think that's
5 why we see a lot of the after the facts -- is --
6 there is no penalty for it. And then a lot of
7 times it's a lot easier to do. There is -- in
8 problems with after the facts, we have no
9 evidence of what was there before, what was
10 changed. We can take testimony, and we can take
11 testimony from both sides, but we don't have that
12 opportunity as we do with all other permits to
13 actually look, come up with some ideas. Maybe --
14 maybe what you are doing is going to be worse for
15 yourself, but if we had that chance beforehand,
16 we'd be able to see that.

17 I need more history on the rip rap to see if
18 that was an after the fact. Same thing with the
19 topographical survey. I need stuff with real
20 measurements on this. But I'm still -- even with
21 all of that, I'm still very hesitant because of
22 the after the fact. There's a lot better ways to
23 have -- hide that rip rap with natural plantings.
24 And this -- this just appears as such a massive
25 project in that area. Without having studies on

1 the water flow, there's no grading plan, which,
2 in this sense, would probably be detrimental to
3 you. There is no impact -- there is no -- from
4 experts to show the impact of the floodplain.
5 The impact on the vegetation. You couldn't even
6 discuss that at this point because we can't tell
7 what was there before. And I think the -- the
8 impact on the shoreline of how -- covering the
9 whole shoreline without looking at the impact of
10 the neighbors and doing it after the fact is just
11 so detrimental. I don't even see that there's a
12 way to fix this issue.

13 I think that covers all of my notes that I
14 have all over the place here as each time on
15 that. But I really am disturbed with the after
16 the fact, and that's a hard thing to overcome.
17 So on my point, the burden then becomes on you to
18 prove what was there and why this is beneficial
19 to you and how it affects your neighbors. Thank
20 you.

21 MR. MISTERLY: All right. So, you know --
22 and I think Mr. Pappas -- I like how he said it.
23 I -- I'm struggling with this. I don't want to
24 make it overly burdensome, but then at -- I don't
25 want to send you with an overly burdensome task

1 to address our concerns, but at -- but then
2 again, I think, like, it's been built without
3 permits. So I then, on the other hand, kind of
4 feel like, Yeah. You do need to.

5 The responsibility's on you to convince us
6 that this doesn't impact the 17 criteria. And I
7 made a list of the things that the board members,
8 myself included, kind of are looking for. And
9 the first one I had was the history of the rip
10 rap with PZB. It sounds like maybe that one's
11 been answered -- that it never came before us.
12 I'd like to see some specs on the blocks --
13 identifying what their porosity is, the outcome
14 of that meeting on the 9th with DEP. Mr. Davis
15 recommended a survey showing how the water flows.
16 And this is the part where I don't want to make
17 it overly burdensome, but I honestly -- I do feel
18 like we need not just a survey, but we need
19 something signed and sealed by an engineer who
20 says this is not going to impact your
21 neighbors -- the way this water moves. I mean,
22 by giving us a survey, it puts the burden on this
23 board to interpret that survey, and I don't know
24 that that's appropriate. I think we need
25 something signed and sealed by an engineer with

1 expertise in that area saying you're not
2 impacting your neighbors.

3 And specifically looking at these 17
4 criteria -- and the City can provide you these if
5 you don't have them, but showing us how it
6 doesn't impact adjacent properties, showing us
7 how it doesn't impact natural drainage patterns,
8 showing us the impact on the floodplain, impact
9 on vegetative and animal communities, and, you
10 know, has a negative -- or negligible impact on
11 the development of the shoreline.

12 And I kind of hate to put all of that on
13 you, but we're here because this didn't come
14 before us in the first place; so I think it's
15 appropriate to ask for that.

16 Does the board have anything that I missed
17 that anybody else would like to see?

18 MR. PAPPAS: I think that's appropriate,
19 especially the engineering study.

20 MR. MISTERLY: Okay. So now maybe it's a
21 choice for you. The board can take a vote on it
22 as is, and you can maybe get a sense of how that
23 might go. The other alternative is you could ask
24 that this be continued to a future meeting. I
25 would recommend probably not the next meeting

1 because I think there's a decent amount of work
2 for you to do. So maybe two meetings out in the
3 future for you to get this information that the
4 board needs to more accurately assess this.

5 UNIDENTIFIED SPEAKER: And those dates would
6 be -- two meetings from now would be April 5,
7 just so the applicant understands what that
8 timeline looks like.

9 MS. SHAFER: Okay. That's what I would like
10 to do.

11 MR. MISTERLY: Okay. You'd like a
12 continuance?

13 MS. SHAFER: I'd like to continue.

14 MR. MISTERLY: Okay. Is that -- if the
15 board's okay with that --

16 MR. DEPRETER: I'll be happy to make a
17 motion to continue Conservation Overlay Zone 1
18 Development 2022-0005 with the criteria that were
19 outlined by Mr. Misterly.

20 Do you want to repeat them, or they're in
21 the public record? Do you have what you need?

22 MS. SHAFER: I was taking notes.

23 MR. DEPRETER: Let's go -- let's --

24 MR. MISTERLY: I can run down them real
25 quick again. Specifications on the blocks,

1 outcome of the meeting with DEP, a survey, and
2 something signed and sealed from an engineer with
3 expertise in this area addressing the 17 criteria
4 that our board looks at.

5 MR. DEPRETER: Can I just say, too, not just
6 the block, but the -- I mean --

7 MR. MISTERLY: The installation.

8 MR. DEPRETER: The installation and the --
9 including the saturation of the soil behind the
10 wall; so it's not -- I just don't want a pamphlet
11 from the Tremron company.

12 MS. SHAFER: Okay. So I was thinking, like,
13 a spec sheet that --

14 MR. DAVIS: I think you've created your own
15 unique situation. So somebody's got to look at
16 that and tell us how all of that is going to
17 react together.

18 MS. SHAFER: Okay.

19 MR. MISTERLY: So the engineer would look at
20 all of that.

21 MS. SHAFER: Okay. And with the -- I'm
22 sorry. I did not mean to cut you off.

23 MR. MISTERLY: Go ahead.

24 MS. SHAFER: The survey with the water flow
25 and the 17 -- I don't know what you mean by the

1 17 criteria.

2 MR. MISTERLY: So in our packet -- which I
3 would assume you were provided with the
4 application -- there's 17 criteria that our board
5 judges this application on. And if you don't
6 have a copy of that, request it from city staff,
7 and they can provide it to you. And so the --
8 what -- you know, I think an engineer would kind
9 of look at this whole thing. The survey, the 17
10 criteria, the -- how that wall and blocks and
11 coquina was all installed, and say, Hey, we've
12 looked at this, and answer these 17 questions on
13 how it does or does not impact.

14 MR. DAVIS: In the survey, you're really
15 looking at some of the adjacent property as well.
16 Just which way that water is flowing; right? Is
17 it going off your property? Is it coming off
18 theirs onto yours? How is all of that going to
19 impact? I know -- I think you own the lot or
20 have access to the lot to one side of you, but
21 you may have to talk to your other neighbor and
22 just get those shots and those grades so we know
23 where that water is going to go.

24 UNIDENTIFIED SPEAKER: May I ask --

25 MR. MISTERLY: I'm sorry. Public comment is

1 over.

2 UNIDENTIFIED SPEAKER: No. Not comment.

3 MR. MISTERLY: Yes. No. Sorry.

4 UNIDENTIFIED SPEAKER: I just want to know
5 why --

6 MR. MISTERLY: I'm sorry. We're --

7 UNIDENTIFIED SPEAKER: He hasn't been
8 called.

9 MR. MISTERLY: Please. Ma'am, the board
10 is -- the public comment period is over.

11 Carl.

12 MR. BLOW: Just a quick question. On the
13 survey from -- I assume they'll go back to
14 Ancient City. Obviously he's going to have to
15 get some elevations of both lots and perhaps even
16 some adjoining properties in order for an
17 engineer to analyze this. And then the other
18 thing I think that would be very useful is for
19 the surveyor to actually locate the rip rap and
20 wall on a survey so we kind of know how it is in
21 relation to the 25-foot buffer.

22 MR. DAVIS: In the jurisdictional wetland.
23 Wherever that line is --

24 MR. BLOW: Yeah.

25 MR. DAVIS: We want that jurisdictional

1 wetland line as well; right?

2 MR. BLOW: Well, I'm sure our friend at
3 Ancient City Surveyors will do --

4 MR. DAVIS: I think Mr. Piesco can do that.

5 MR. BLOW: Yeah.

6 MS. SHAFER: And who do I need to submit
7 this documentation to prior to the April 5th
8 meeting?

9 MR. MISTERLY: The City.

10 MS. LOPEZ: So we had a motion. Did we have
11 a second?

12 MR. MISTERLY: We --

13 MS. LOPEZ: We did?

14 MR. MISTERLY: I don't think we had a second
15 yet. Or do we?

16 MS. LOPEZ: We did not? Okay.

17 MR. DAVIS: I'll second.

18 MR. MISTERLY: Okay. We have a motion and a
19 second.

20 Any other questions? Comments?

21 All right. Could we have that vote, please.

22 UNIDENTIFIED SPEAKER: Jon DePreter.

23 MR. DEPRETER: Yes.

24 UNIDENTIFIED SPEAKER: Mike Davis.

25 MR. DAVIS: Yes.

1 UNIDENTIFIED SPEAKER: Charles Pappas.

2 MR. PAPPAS: Yes.

3 UNIDENTIFIED SPEAKER: Carl Blow.

4 MR. BLOW: Yes.

5 UNIDENTIFIED SPEAKER: Christina Griggs.

6 MS. GRIGGS: Yes.

7 UNIDENTIFIED SPEAKER: Grant Misterly.

8 MR. MISTERLY: Yes.

9 MS. LOPEZ: And that's continued to the
10 April 5th meeting.

11 MR. MISTERLY: April 5th.

12 MS. SHAFER: Thank you.

13 MR. MISTERLY: Thank you.

14 (Proceeding concluded.)
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REPORTER'S CERTIFICATE

STATE OF FLORIDA)

COUNTY OF ST. JOHNS)

I, MYKEL MILLER, RPR, FPR, do hereby certify that I was authorized to and did stenographically transcribe the foregoing videotaped proceedings, and that the transcript is a true and complete record of my stenographic notes.

Dated this August 29, 2022.

Mykel Miller
MYKEL K. MILLER, RPR, FPR
Registered Professional Reporter
Florida Professional Reporter

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HEARING BEFORE THE CITY OF ST. AUGUSTINE
PLANNING AND ZONING BOARD
IN THE ALCAZAR ROOM
CITY HALL BUILDING
75 KING STREET
ST. AUGUSTINE, FLORIDA
ON AUGUST 2, 2022

RE: ITEM 2022-005, 40 HILDRETH WAY

(PROCEEDINGS RECORDED AND TRANSCRIBED VIA DIGITAL RECORDING)

* * * * *

BOARD MEMBERS PRESENT:

GRANT MISTERLY, Chairman
MIKE DAVIS, Vice-Chair
CARL BLOW
CHRISTINA GRIGGS
CHARLES PAPPAS
JON DEPRETER

STAFF PRESENT:

ISABELLE C. LOPEZ, City Attorney
AMY SKINNER, Planning & Building Department Director
JACOB FREDRICKSSON, Senior Planner

* * * * *

ST. AUGUSTINE COURT REPORTERS
17 Pacific Street, Suite B
St. Augustine, FL 32084
(904) 825-0570

1 P R O C E E D I N G S

2 CHAIRMAN MISTERLY: Now back to Item 7.a.,
3 40 Hildreth Way. Can we have a staff report,
4 please?

5 MR. FREDRICKSSON: Mr. Chairman, members of
6 the board, this request is to approve a retaining
7 wall/landscape feature adjacent to riprap within
8 Conservation Overlay Zone 1.

9 Based on review of Section 11-29, staff finds
10 the board can deny the construction of a new
11 retaining or landscape feature at 40 Hildreth Way
12 due to the minimal additional information provided
13 by the applicant as was requested by the board in
14 February of 2022.

15 CHAIRMAN MISTERLY: All right. Is the
16 applicant here?

17 All right. If you have multiple people that
18 are going to be speaking, let's go ahead and just
19 everybody state your name and address and then
20 we'll swear you all in at one.

21 MR. SHAFER: Shane Shafer, 40 Hildreth.

22 MS. SHAFER: Jessica Shafer, 40 Hildreth.

23 MR. SUMMERFIELD: Jonathan Summerfield,
24 3550 St. Johns Bluff Road South, Jacksonville.

25 CHAIRMAN MISTERLY: All right. And is your --

1 okay.

2 THE CLERK: Do you solemnly swear or affirm
3 that the testimony you're about to give is the
4 truth, the whole truth, and nothing but the truth?

5 (Collectively answer yes.)

6 CHAIRMAN MISTERLY: Thank you. And is your
7 engineer here?

8 MS. SHAFER: No.

9 MR. SHAFER: We have our envir- --
10 environmental scientist here.

11 CHAIRMAN MISTERLY: Okay.

12 MR. SHAFER: So if I could brief y'all on a
13 couple of things. Is that -- is that okay?

14 CHAIRMAN MISTERLY: Sure.

15 MR. SUMMERFIELD: The Shafers have asked me to
16 at least address the environmental concerns since
17 you guys last met with them.

18 The Department of Environmental Protection, I
19 am sure you-all are aware issued a warning letter
20 for the property. At that time the Shafers
21 contacted myself, Jonathan Summerfield, a
22 professional wetland scientist, former Water
23 Management District regulatory reviewer with
24 Environmental Resource Solutions. I came out,
25 looked at the property. I will speak specifically

1 about 40 Hildreth Way, as I know 0 Hildreth Way is
2 the next item on the agenda.

3 At the time, DEP had previously recognized
4 that the upland landscape -- or that the
5 landscaping wall was within uplands and had granted
6 an exemption for the riprap that was in place.
7 With the new activity that occurred at 0 Hildreth
8 Way, there was sand coquina material placed on top
9 of the riprap, and that's the area for 40 Hildreth
10 Way that DEP specifically had concerns with.

11 Since that time, pursuant to meetings with
12 DEP, the Shafers have removed the coquina sand
13 material from the top of the riprap. So now it is
14 just a landscaping wall, and the riprap in front of
15 it that was previously recognized by DEP is being
16 exempt or -- and/or nonregulated.

17 CHAIRMAN MISTERLY: Okay. So back one second.
18 The DEP told them to remove the coquina that was on
19 top of the wall? Was the coquina down in the cells
20 of the block as well?

21 MR. SUMMERFIELD: So the coquina was not in
22 the -- within the cells of the block. It was a
23 non-mortared, non-footered -- I think it's Tremron
24 material, sort of like a cinderblock material but
25 water flows through.

1 In front of that, waterward of it, there was
2 riprap, traditional rock. On top of that, there
3 was a filter fabric material and then coquina sand
4 placed on top of the riprap on the -- so the wall
5 was independent of that. If -- from what I saw,
6 the material wrapped back up the wall, so the sand
7 was not getting into the actual landscape wall at
8 that point.

9 And DEP considered the sand and the filter
10 fabric -- that is not riprap anymore -- they
11 considered that fill, but said if we removed or if
12 the Shafers removed it, then the -- they would be
13 in compliance. And at this time, they have --
14 they've been working on that and is -- from the
15 photos I saw earlier that Shane showed me, the
16 material's been removed.

17 CHAIRMAN MISTERLY: Okay. Thank you.
18 Anything else y'all would like to add?

19 MR. SHAFER: Yeah, we've got -- we sent you
20 guys copies of engineering reports, people's
21 qualifications from Jonathan being a senior
22 environmental scientist, a report from our
23 engineer.

24 There again, they had two people out from the
25 FDEP who said it was fine other than the shell that

1 we mistakenly put in on the 0 lot, which is all
2 removed. I have pictures.

3 Les Thomas, architect. Multiple buildings
4 officials have been out there. We got you guys a
5 survey from Geomatics showing that this is in the
6 uplands. And our company does this kind of work
7 everyday, so we -- we've kind of covered the bases
8 with everything we've been asked to do.

9 We spent tens of thousands of dollars to do
10 this and I think we've demonstrated -- I think
11 that's the word I used last time -- I think we're
12 going to be able to demonstrate that this is
13 acceptable. I think from a governmental
14 standpoint, they're accepting it, and they think
15 it's great that the riprap actually protects my
16 trees.

17 I've got cedar trees, cypress trees. I've got
18 all of these beautiful trees along my embankment,
19 and this is protection. The landscaping feature
20 wall is just something that -- to go in front of
21 the riprap that we talked about. But it's in the
22 uplands and it's all been determined now. So we
23 just want this -- this to end.

24 I mean, the city's fielding dozen of phone
25 calls from complaints from falsehoods. There was

1 never -- and people didn't tell the truth up here,
2 I'm going to say that. I don't want to say it, but
3 it's the truth. We never dumped any concrete out
4 there. There's no footers out there. There's no
5 steel rebar out there. We -- we didn't do none of
6 that.

7 I made the mistake of putting shell in there,
8 and I take full responsibility for putting the
9 shell -- which is local shell by the way, mined off
10 of -- not Hobbs. It's Holmes Road. So it's stuff
11 that gets put on the beach. And it looked
12 beautiful, so I did it. And I was wrong and I
13 accept responsibility and I took the shell off of
14 the O side.

15 Let's see here. I covered the trees. You
16 know, you've got -- I mean, Curtis Boles has been
17 at our house. People love to just call and say
18 that we're cutting trees down. We haven't cut any
19 trees down.

20 You know, it's just not fair for code
21 enforcement to be at our house every week, being
22 harassed -- not by the code enforcement because
23 they enjoy coming out and having a conversation
24 with us because they're seeing beautiful things
25 getting built.

1 And it's just -- it's just not right for
2 neighbors to be treating neighbors this way. If
3 somebody's cutting down a beautiful oak tree, let's
4 go get them. Let's fine them. They shouldn't be
5 doing that. We don't do that. It's not right.
6 There's just so many noncredible things that's been
7 said and it's just -- it's just sad. You know,
8 it's just sad. I want to get past it --

9 CHAIRMAN MISTERLY: Let's keep it focused on
10 the -- the application and --

11 MR. SHAFER: Yeah. Yes, sir.

12 CHAIRMAN MISTERLY: -- the information we've
13 requested.

14 MR. SHAFER: Yeah. So let's -- we'll field
15 some questions or whatever you guys like.

16 CHAIRMAN MISTERLY: Okay. At this point,
17 board, if you have questions, we can ask them to
18 get kind of things organized or if you want, we can
19 go through -- get through public comment and then
20 come back and ask questions.

21 BOARD MEMBER BLOW: I'd probably go through
22 public comment.

23 CHAIRMAN MISTERLY: Okay. All right. So if
24 y'all will have a seat for a few minutes.

25 MR. SHAFER: Thank you.

1 CHAIRMAN MISTERLY: Any ex parte
2 communication?

3 BOARD MEMBER BLOW: No, sir, not here.

4 VICE-CHAIRMAN DAVIS: I talked to Mr. Shafer
5 once, but it was several months ago.

6 CHAIRMAN MISTERLY: Okay. I --

7 VICE-CHAIRMAN DAVIS: Oh, and Cathy Brown
8 called and e-mailed me.

9 BOARD MEMBER BLOW: I'm sorry. I talked to
10 Cathy Brown.

11 CHAIRMAN MISTERLY: We can't -- we can't go
12 back, Carl. Yeah, same, I had a -- I had a voice
13 mail from Cathy Brown and a message from her as
14 well.

15 I'm trying to think, being that this one's
16 been going on for a while. I may -- may have
17 talked to Gina Burrell at one point with an e-mail,
18 but I don't recall. This was a while ago. That's
19 it for me.

20 BOARD MEMBER DEPRETER: I haven't spoke with
21 to anybody about it, but I did go by the site.
22 It's not easy to see. It's not easy to see, but I
23 did, I drove -- I drove by the neighborhood.

24 BOARD MEMBER PAPPAS: I received messages from
25 multiple neighbors.

1 BOARD MEMBER GRIGGS: None for me.

2 CHAIRMAN MISTERLY: Okay. I also called
3 Mr. Fredricksson, but that may not count as
4 ex parte, city discussions.

5 All right. So, we sent out 21 public notices.
6 Three came back. They were all opposed. This one
7 says this is not a retaining wall. Applicants
8 originally called it a marsh bulkhead when the
9 property was for sale. Bulkhead was installed
10 without a permit. No study done prior to
11 installing this to study the hydrology or
12 environmental effect.

13 Next, because this area's in a conservation
14 zone, thus no consideration for disrupting the
15 natural bay -- lay of the land. Retaining wall
16 will affect the properties on the marsh water and
17 it will affect the natural water habitat.

18 Oppose this application for several reasons.
19 The owner built riprap. It's already been built.
20 This area is prone to flooding and the wall will
21 push more water on the surrounding yards.

22 There's quite a few e-mails. I'm not going to
23 read all these. These are all in the public
24 record. Also, within our packets here are some
25 pictures of flooding in the neighborhood, and

1 that's it. So, with that -- was there more?

2 VICE-CHAIRMAN DAVIS: Yeah. Well, I just -- I
3 think you were reading 0. So there's more comments
4 if you go to 40 Hildreth.

5 CHAIRMAN MISTERLY: 40.

6 BOARD MEMBER BLOW: Yeah, this is the 0 one.

7 VICE-CHAIRMAN DAVIS: Yeah, there's -- there's
8 30 -- there's 13 that had comments. I'm not sure
9 they're much different from those, but I think you
10 had the wrong.

11 CHAIRMAN MISTERLY: Sorry about that.

12 MR. BLOW: That's right.

13 CHAIRMAN MISTERLY: I may not have it. Oh,
14 this is heavy. All right. 31 sent. 2 in favor,
15 12 opposed. 13 had comments.

16 This one's in favor of decorative wall. It
17 does not exceed riprap height. Applicant has a
18 letter from DEP. Support stacked pervious block.

19 This one's in favor, no comments.

20 This one's opposed to the application unless
21 and until an expert study confirms there will be no
22 im- -- adverse impact to our property, no increased
23 wave or other hydrologic action, particularly
24 during abnormal high tides and tidal surges.

25 Strongly oppose this request which has been

1 submitted after it was built. This marsh lagoon
2 floods every flood tide, and barriers -- barriers
3 such as this wall divert even more water into the
4 surrounding yards. Furthermore, the natural flow
5 of water should always be preserved whenever
6 possible for the health of the echo system.

7 This one's opposed. Majority of the flooding
8 from the street, sewers, and marsh comes through my
9 property. The two drains in the street are in
10 front of my house. I need help, not more water.

11 My concern comes from dealing with hurricanes,
12 king, and full moon tides and the resulting damage
13 to our property.

14 This is a repeat.

15 I would love to replace my wooden fence with
16 stone, but it would flood the neighbors, so that's
17 not okay.

18 Another this retaining wall's already been
19 built.

20 Same concerns, flooding. Worsening flooding
21 in surrounding areas. And here are more pictures.
22 These are some pictures of the wall when it was
23 being built, so I don't know that these are -- I
24 think these are the ones we've seen in the previous
25 discussions on this. Thank you.

1 Okay. So at this point, I'm going to open it
2 up for public comment. Again, I want to reiterate
3 some things I said at the beginning of the meeting;
4 that you're limited to three minutes. When the red
5 light goes on, time's up.

6 I want you to direct your comments to the
7 board and not out into the audience. And also, I
8 want to ask everybody to be respectful of -- and
9 this is both people speaking at the podium as well
10 as the applicant, keep it all directed towards the
11 board, keep it focused on the application, and not
12 directed at each other.

13 All right. Thank you. So with that, please
14 come up, state your name, address, and be sworn in
15 and then you'll have three minutes.

16 MS. NORRIS: My name is --

17 CHAIRMAN MISTERLY: You have to speak where
18 that green light is.

19 MS. NORRIS: Oh.

20 CHAIRMAN MISTERLY: And start off with your
21 name --

22 MS. NORRIS: My name is Clare Norris, and I
23 live at 19 Oak Street, and I have lived on that
24 piece of property since 1995 --

25 THE CLERK: I need to swear you in. Ma'am?

1 MS. NORRIS: Yes?

2 THE CLERK: Do you solemnly swear or affirm
3 that the testimony you're about to give is the
4 truth, the whole truth, and nothing but the truth?

5 MS. NORRIS: I do. Okay. I have interest in
6 this because my property is adjacent, catty-corner
7 to the Shafers' property.

8 I lost my house in Hurricane Matthew when the
9 surge came barreling in from the northeast, and
10 that was in 2016 when the water would disburse in
11 many directions. But now, I am the last house on
12 the water now that this wall is there. And I live
13 on a very postage stamp size property and the only
14 place for the flood to go through is my property
15 over at Oak Street.

16 You know, I was homeless for a few years and I
17 finally got a tiny house built back on my property,
18 and I really thought I was up high enough. I felt
19 safe, but I don't now. And I know I'm not up high
20 enough anymore, not with that wall right there
21 meeting my property.

22 They didn't have permits when they built the
23 riprap and the wall. And I must say that I believe
24 the PZP -- the PZB should deny this application and
25 refer the issue to code enforcement for removal of

1 the wall.

2 45 or 50 years ago, the Army Corps of
3 Engineers built a mound that separated the
4 Intracoastal from our estuary. Well, that mound is
5 worn down to nothing now. It was built to help
6 prevent flooding and it no longer does what it was
7 intended to do. So, unless the city wants to help
8 protect the rest of us with a wall, or maybe a less
9 expensive way to go would be to build up the mound
10 again to try to hold some of the flood waters back.

11 But this is not a decorative wall. It is --
12 it's -- it's an accident waiting to happen. And
13 I'm very upset about it. I'm kind of infuriated
14 because I had my house built up thinking, oh, yeah,
15 you know, now I'm safe. But I know now that I'm
16 not. I'm not up high enough.

17 So I hope that you will consider the rest of
18 the residents. And since I am now the last house
19 on the water there, I hope you'll consider us and
20 try to do something to protect -- to protect us.

21 CHAIRMAN MISTERLY: Thank you.

22 MS. NORRIS: Thank you.

23 CHAIRMAN MISTERLY: All right. Next up, state
24 your name, address, and be sworn in.

25 MR. MOONEY: My name is Ted Mooney. I live at

1 14 Althea Street.

2 THE CLERK: Do you solemnly swear or affirm
3 that the testimony you're about to give is the
4 truth, the whole truth, and nothing but the truth?

5 MR. MOONEY: I do. Here we go. I just want
6 to get a shot of the place we're talking about.
7 I'm just going to address the conservation and
8 coastal management criteria. That's all I'm going
9 to talk about.

10 Conservation Overlay Zone 1 is the most
11 restrictive. Policy 1.5 states, as I'm sure
12 you-all know, that permits shall be issued only for
13 such structures and uses which have received
14 permits under the provision of applicable state and
15 local regulations and will be issued only for those
16 structures which are determined to be in the
17 benefit of the public as a whole and which are
18 determined as having no significant negative impact
19 on natural systems either by individual or
20 cumulative effect.

21 The applicants' wall has no benefit to the
22 public as a whole, none. Nor has it been
23 determined as having no significant impact on the
24 natural systems. So there's violation number one.

25 Looking at some of the other specific

1 criteria, site conditions. So what are the site
2 conditions exactly? What were they before the wall
3 existed?

4 No one can say what the changes will likely
5 take place because this wall is already in
6 existence. No measurements have been made. No
7 data collected. No model used to forecast the
8 inundation impacts. No outputs and no report to
9 the PZB with anything resembling this type of
10 information which was requested. Therefore, no
11 determination can be made that this wall has no
12 significant impact.

13 Violation number two, natural and proposed
14 drainage patterns. So what exactly are the
15 proposed drainage patterns? There have been no
16 studies of the drainage patterns and no proposals
17 of the drainage patterns, as far as I know.

18 Violation number three, impact to the
19 floodplain. Here's one of the many impacts of the
20 floodplain we can consider. The applicant stated
21 that she had over 200 cubic yards of debris in her
22 yard after Hurricane Matthew.

23 Even if the wall allows permeability, the
24 debris will still be kept out and pushed back into
25 the marsh. So where will that go as the surge

1 continues? What will happen when 200 cubic yards
2 of debris that would otherwise be cleaned up and
3 carted off settles in the marsh around the
4 neighbors' properties? And what if the wall
5 itself -- since it has no foundation, is now
6 sand -- where will all that debris go? Will it go
7 into the marsh forever? Violation number four.

8 So these violations in and of themselves
9 should be sufficient for -- to deny this
10 application. So I submit that the PZB must deny
11 this application and refer the issue to code
12 enforcement for removal of this wall. Thanks.

13 CHAIRMAN MISTERLY: Thank you.

14 MS. KERN: Hi. My name is Tawny Kern and I
15 live at 23 Althea Street.

16 THE CLERK: Do you solemnly swear or affirm
17 that the testimony you're about to give is the
18 truth, the whole truth, and nothing but the truth?

19 MS. KERN: I do.

20 So, in 2016 and '17, our neighborhood really
21 became stressed because of the flooding from Irma
22 and Matthew. And, you know, we've had neighbors
23 not come back after that event. You know, lost
24 roofs, lost cars, flooding of homes, landscapes
25 lost, a lot of our tree canopy.

1 So we've tried to be proactive. We had John
2 Regan come out. We also had Jessica Beach from the
3 city out several times and she would bring
4 hydrologists with her. We also had Matthews Design
5 Group come out. And we're trying to work with the
6 city to come up with a solution that will help
7 everybody.

8 So, November 2021, that king tide that came
9 through, we hadn't seen flooding that bad since
10 those hurricanes. And the road was under water,
11 our roads, and you had to wait until low tide to
12 leave your property, and our landscapes were
13 flooded once again, damage to the trees. And I
14 know this board before you-all have said that we're
15 in a fragile area, and that is true, we are.

16 And I also wanted to mention a few things that
17 the PZB has done in the Conservation Overlay zones
18 in this neighborhood. 30 Seminole, this was a
19 property just over half an acre and they wanted a
20 bulkhead. It was denied; Conservation Overlay
21 zone.

22 Number two, 0 Seminole, they wanted to put a
23 single family residence in a Conservation Overlay
24 zone. Y'all denied it. It was a quarter of an
25 acre.

1 And then 8 Althea Street -- I just want to
2 show you this. 8 Althea Street, they didn't go
3 before PZB and they put this cantilevered platform
4 not much bigger than my dining room table on the
5 marsh. Well, they had to take it down because they
6 didn't go before the PZB.

7 So now the applicant's project, Hildreth Drive
8 is 1.11 acres, and Hildreth Way is one and a half
9 acres, and they built a structure over 300 feet
10 long in a Conservation Overlay zone without the
11 approval of this board.

12 They should have known better. These people
13 are contractors. And now they've set a precedent
14 in our neighborhood and others want walls. So
15 they're going to change the way our neighborhood
16 looks. And not only that, but people that are low
17 income, they can't afford their wall. And that is
18 so wrong, that you have some of our long-term,
19 sometimes, you know, elderly low income neighbors
20 that -- that are going to be flooded.

21 So the PZB must deny the application and send
22 it back to code enforcement for removal of the
23 wall. Thank you.

24 THE CLERK: Any documentation that's shown,
25 you can turn it in to Mr. Fredricksson.

1 MS. BURRELL: Gina Burrell, 27 Seminole Drive,
2 St. Augustine.

3 THE CLERK: Do you solemnly swear or affirm
4 the testimony you're about to give is the truth,
5 the whole truth, and nothing but the truth?

6 MS. BURRELL: I do. Thank you.

7 Board members, I'm going back to the PZB
8 meeting minutes of February 1st and April 5th, 2022
9 signed by Mr. Misterly, chair, in reference to this
10 agenda item.

11 February 1 meeting, 10 neighbors spoke out
12 against, in opposition to the after-the-fact
13 application for permit for this wall. The motion,
14 Mr. DePreter moved to continue 2022-005 with
15 criteria as follows: Specifications on the blocks
16 installations and saturation from behind the wall
17 and outcome of meeting with DEP, survey with the
18 water flow, and something signed and sealed by an
19 engineer with expertise in the area addressing the
20 17 criteria that were in the code.

21 Mr. Misterly said the board used the 17
22 criteria to judge the application and city staff
23 could provide the 17 criteria if applicant did not
24 have it. He said an engineer would be able to
25 review the entire project and see how it all worked

1 to tell how it could or could not impact things.

2 Mr. Blow felt the riprap should be located on
3 the survey, a topographical survey, and how it was
4 in relation to the 25-foot buffer and the
5 jurisdictional wetland line. The vote on the
6 motion, motion carried unanimously.

7 April 5th meeting minutes. Eight neighbors
8 spoke out against this project and wanted the
9 permit denied. Ms. Amy Skinner, director of
10 Planning and Building Department, informed the
11 board that DEP came to the site and determined this
12 is not part of their jurisdiction due to the size
13 of this project.

14 Board voted five to one to continue to July
15 PZB meeting and that engineer, specifically a
16 hydrology engineer is what you asked for, should
17 address the before situation as well as impact of
18 the wall.

19 Code enforcement just informed me verbally
20 that two stop work orders dated December 10th, 2021
21 and July 6th, 2022 stating no activities on the
22 site. Activity continues on the wall.

23 I agree with the city staff's recommendation
24 that the board deny this construction of this wall
25 and deny the permit at 40 Hildreth Way. They did

1 not supply additional information such as a report
2 from a hydrology engineer.

3 I urge you to send this back to code
4 enforcement board and hopefully for a vote to
5 remove this wall. And there's one more thing. I
6 talked to Jason Neumann, he's an environmental
7 specialist with Florida DEP, this morning.

8 He e-mailed the warning letter sent to the
9 Shafers regarding unauthorized riprap fill. It was
10 dated April 11th, 2022. I have an extra copy if
11 you would like it. I just found out that DEP has
12 auth- -- authority over the riprap, and they
13 don't -- and the per -- and the -- you have to do
14 the permit, though.

15 CHAIRMAN MISTERLY: Okay.

16 MS. BURRELL: That's it. Thanks.

17 CHAIRMAN MISTERLY: Thank you.

18 MS. BURRELL: Would you like a copy of the
19 thing from DEP? I don't know if you have it.

20 CHAIRMAN MISTERLY: Yes.

21 MR. CODD: My name is Patrick Codd and I live
22 at 18 Althea Street.

23 THE CLERK: Do you solemnly swear or affirm
24 the testimony you're about to give is the truth,
25 the whole truth, and nothing but the truth?

1 MR. CODD: I do.

2 So, I live 18 Althea Street. My property line
3 actually goes out across the marsh and -- and is
4 right there at -- over there at the Shafers --
5 on -- over there on their side. That's where it
6 shows.

7 And so, back -- back in I think it was
8 November -- November or December -- my -- my home
9 is up on stilts and so I look down there over
10 across the water. But there was just a lot of
11 activity.

12 So I made a phone call to the city and I said
13 there's -- they're building something across there.
14 I don't know what's going on. They're -- they're
15 talking about a wall. And so she said we have in
16 a -- an inspector in the area and we'll send him
17 over there. This was on like a Thursday.

18 So, I guess -- I guess Mr. Boles went over
19 there and -- and -- and mentioned that they can't
20 be doing this. And so -- and so, the Shafers went
21 down that day -- this is the -- just the
22 information, I don't know if it's accurate -- and
23 got a permit after the fact. So they -- they got a
24 permit, issued a permit, and came back and then
25 it -- it kept going, the construction kept going

1 and kept going.

2 And there -- I have a few slides here that I
3 would like to show. I think -- this is one of them
4 showing -- now, this -- this is probably up -- I
5 don't know the date of this particular picture, but
6 there's been just a lot of work going on day in and
7 day out. And a lot of it has been done on the
8 weekends, also.

9 Here's an additional one, gives a little
10 different -- different angle. And then this is one
11 that is in black and white, but it's showing the
12 wall coming around. And that's Oak Street across
13 where that house is.

14 So, basic -- basically, this is -- this has
15 been -- the Shafers have been originally trying to
16 let us know that this is not -- this is not a wall
17 that's going to restrict anything; it's actually a
18 decorative wall. And there was advertising that
19 came out at one point that they were trying to sell
20 this, that they said it was a -- a marsh bulkhead
21 wall. But anyway --

22 CHAIRMAN MISTERLY: Thank you.

23 MR. CODD: -- I would -- I just would like the
24 PZB to deny this application and refer this issue
25 to the code enforcement for the removal of the

1 wall.

2 CHAIRMAN MISTERLY: Thank you. Could you
3 leave those images as well or hand those to
4 Mr. Fredricksson?

5 All right. State your name, address --

6 MR. METTERHOUSE: My name is Mark Metterhouse,
7 31 Oak Street.

8 THE CLERK: Do you solemnly swear or affirm
9 that the testimony you're about to give is the
10 truth, the whole truth, and nothing but the truth?

11 MR. METTERHOUSE: I do. Give me a second.
12 I'm not used to putting these pictures in here.

13 We moved in a couple of years ago to
14 31 Oak Street. We have a -- a stilt home. And
15 we -- and this is the first day we moved in. So we
16 were -- found out about king tides and nor'easters.
17 And I want to know why in the heck that for two
18 years in a row when a king -- king tide comes, we
19 get a nor'easter.

20 But we have two sewer drains out there on both
21 sides at the end of the street, and the -- when the
22 high tide comes in, the tide comes up out the
23 drains and into our driveway.

24 We had Jessica Beach come out to our house and
25 take a look at it and we found out that the -- the

1 drains were blocked. And the city needs I think to
2 do a better job because they did clear the drains
3 and it's helped. But we get the water coming in
4 from the back and the water coming in from the
5 front.

6 Jessica let us know that our home is the
7 lowest level on the street so we get all the
8 flooding. We're on stilts, but in that trailer is
9 my Harley-Davidson. I don't want that to rust.

10 So, but -- but anyway, I -- we -- we, you
11 know, can see over there at the Shafers and we see
12 the wall and, you know, my wife and I finally call
13 it the Great Wall of China because it looks that
14 big.

15 But maybe they're doing all the right things.
16 I don't know. I'm not an expert on that. But I do
17 know we have the houses two doors down from us,
18 there's -- they were grandfathered in a wall. So
19 there is a seawall on both houses.

20 And when those nor'easters come in, that water
21 comes in like a river and it just comes right at
22 their seawall, comes underneath our house, into our
23 garage, and excuse me, it goes down to where Clare
24 who spoke earlier, you can see the water goes
25 straight down on the back of the houses on

1 Oak Street, and when that water hits that wall,
2 where is it going to go?

3 And I know the expert that's here -- and, you
4 know, when you're -- when you're in the middle of
5 these nor'easters, that water is going to come
6 back, and it's going to come back to the low end of
7 our street and we're going to get the flooding.

8 And I don't know -- will the water go through
9 some of their wall? I -- I don't know. But I'm
10 just worry -- worried about the water being stopped
11 and blocked. And the water has to go somewhere,
12 and I feel like it's going to come down to
13 31 Oak Street and rust my Harley-Davidson.

14 So -- so, I -- I think we can all work
15 together in this. And I would love to see the
16 Shafers -- I think they're good people and I -- I
17 would like to see us all work together, because we
18 could do great things if we work together and not
19 fight and, you know, get upset with this. Thank
20 you very much for your time.

21 CHAIRMAN MISTERLY: Thank you.

22 MR. METTERHOUSE: You guys want this, this
23 picture?

24 CHAIRMAN MISTERLY: Yes, please. Feel like
25 the canoe should have been not on top of the car.

1 Please when you come up, state your name and
2 address and be sworn in.

3 MR. SMITH: Charles Smith, 2 Fern Street.

4 THE CLERK: Do you solemnly swear or affirm
5 the testimony you're about to give is the truth,
6 the whole truth, and nothing but the truth?

7 MR. SMITH: I do.

8 I was here at the April meeting when it was
9 postponed. I made several comments back then. I
10 just want to reiterate a couple of those things.

11 Number one, any kind of impact statement by
12 the nature of being an impact statement is supposed
13 to be done before any work is done, not either
14 during or after, because it -- you're not getting
15 the full view of what happened and what could
16 happen.

17 Number -- another thing was they didn't get
18 any permit and -- until kind of like they applied
19 after the fact, after people started complaining.
20 Then they applied, from my understanding.

21 The other thing is the precedent that this
22 could set. There's been other bulkhead -- which
23 this basically is, it's a wall behind the riprap
24 and the sand berm and all of that. There is a
25 wall.

1 The -- the precedent that it will set that
2 you-all have denied bulkheads before in this area,
3 and also the display -- displacement of the water,
4 which this board has talked about before up with
5 the building of bulkheads in this wall, where the
6 bulkhead's going to hit somewhere and it's -- the
7 water's going to be diverted or displaced to
8 somewhere else. And the only other place to go is
9 on the neighbors' yards. So -- and that's
10 happening more and more.

11 I had -- this last heavy rain back in July, I
12 had water again standing in my yard for almost a
13 week. So it's -- it's just an ongoing problem.
14 I've lost trees. I've lost shrubbery. You know,
15 it's just how much more can we take?

16 So, I ask the -- the board to deny this
17 application and send it back to code enforcement
18 for removal of the wall. Thank you.

19 MS. BERTOGLI: Nancy Bertogli, 44 Atlantic
20 Ave. I was already sworn in earlier. Do I need to
21 get sworn in again?

22 CHAIRMAN MISTERLY: No, you're fine.

23 MS. BERTOGLI: Okay. Thank you.

24 I'd like to start with two pictures I took.
25 This picture I took from my front yard on

1 November 5th, 2021, and it shows the flooding at
2 the intersection of Atlantic Ave. cross street and
3 Althea Street.

4 The next picture, this picture was taken the
5 next morning, and this shows my driveway. My
6 driveway's 24 feet. And you can see all the debris
7 that is in front of the garage door that was left
8 behind from day one.

9 Now, this king tide event in November lasted
10 five days. Three of those days were severe
11 flooding. And like the rest of us who live in this
12 neighborhood, the Shafers see that the flooding is
13 getting worse. None of us wants our property
14 flooded, but unlike the Shafers, we all don't have
15 the means to prevent it. Rather than work with the
16 city and our community to mitigate flooding, the
17 applicant chose to protect their property at our
18 expense.

19 In addition to building a wall that measures
20 about 365 feet, the applicant continues to cut down
21 marsh growth, destroying what could become a
22 protective natural barrier. Despite not having a
23 permit, excavation and construction is ongoing to
24 the detriment of the marsh and our neighborhood.
25 The PZB must deny this application and send it back

1 to code enforcement for removal. Thank you.

2 MS. MOONEY: Robin Mooney, 14 Althea Street.

3 THE CLERK: Do you solemnly swear or affirm
4 that the testimony you're about to give is the
5 truth, the whole truth, and nothing but the truth?

6 MS. MOONEY: I do.

7 Let's review what we just heard from the prior
8 seven testimonies who spoke in opposition of the
9 development in Conservation Overlay Zone 1, the
10 most restrictive overlay zone that there is.

11 You heard from Ted Mooney who started us off
12 with discussing the ordinance which governs this
13 application, the conservation and coastal
14 management criteria for development in Conservation
15 Overlay zones and how the wall violates several
16 specific criteria.

17 You heard from Tawny Kern who described the
18 sensitive nature of this area, the history of the
19 flooding in our neighborhood and the past actions
20 where permits were denied or existing structures
21 were removed by action and decision of the PZB.

22 You heard from Gina Burrell, who reviewed the
23 prior PZB meetings of February and April of this
24 year and the discussions which are recorded in the
25 minutes and/or are available on video recording,

1 which reinforce a strong case for denial of the
2 application.

3 Gina reminded you that the applicant did not
4 and has not provided or responded appropriately to
5 assignments given by the PZB, not least of which
6 are the stop work orders dated December 10th, 2021
7 and July 6th, 2022 which called for no activity at
8 the site. This includes the wall. Gina and others
9 here today have provided evidence that work has
10 continued on the wall in violation of these orders.

11 You heard from Patrick Codd who shared his
12 view of the construction of the wall and ongoing
13 work in several months while a stop work order was
14 in place. He presented photos for your review.

15 You heard from Mark Metterhouse who resides on
16 Oak Street and spoke from the heart about his
17 experience with flooding from the many nor'easters.
18 He shared personal experience with the increased
19 flooding on his property and that of his neighbors.

20 You heard from Charlie Smith, who provided
21 historical eyewitness accounts to the increased
22 flooding to his and his neighbors' properties.

23 You heard from Nancy Bertogli, who sympathized
24 with those of us who don't have the means to
25 protect our property and who are concerned that if

1 this were to be approved, others would follow the
2 precedent, which would add flooding difficulties to
3 so many left vulnerable.

4 You heard from Clare, who just simply doesn't
5 feel safe.

6 And finally, you hear from me. We have
7 provided proof that the applicant has continued
8 work on the wall despite the stop work order. We
9 believe that as owners of a construction company,
10 the applicant has knowingly and inappropriately
11 used the DEP opinions once again to subvert the PZB
12 process.

13 We love our neighborhood. We care about our
14 neighbors. And because we hope to continue to live
15 here, to enjoy this beautiful piece of
16 St. Augustine for years to come, that the PZB must
17 deny this application, refer to code enforcement
18 for immediate removal of the wall. Thank you.

19 CHAIRMAN MISTERLY: Thank you.

20 MS. RAKONCAY: Melinda Rakoncay, 86 Magnolia
21 Avenue.

22 THE CLERK: Do you solemnly swear or affirm
23 the testimony you're about to give is the truth,
24 the whole truth, and nothing but the truth?

25 MS. RAKONCAY: I do.

1 I just want to say this sounds like the
2 classic ask for forgiveness instead of permission
3 as far as the riprap. And also, I want to
4 reiterate that this business of people turning in
5 their applications after the Friday 10-day deadline
6 where staff does not have the ability to review,
7 this kind of -- first of all, I'm glad staff is
8 taking a stance that anything that comes in after
9 that deadline is not going to get reviewed. But
10 people should not -- it makes it hard on you-all
11 and everyone else that if this stuff is not in
12 ahead of time, then we don't have a chance to
13 review it.

14 And also, I think just the mere fact that the
15 things you-all requested in February, such as the
16 applicant provide a survey documenting the most
17 restrictive jurisdictional wetland line; two, that
18 an engineered impact analysis on the neighbors and
19 adjacent properties be completed; three, the
20 specifications on the blocks and other details and
21 materials used be provided; and four, the city's
22 17-point Conservation Overlay zone analysis is
23 completed, the applicant didn't do any of these.

24 And your staff has said that you can deny
25 this, so I recommend you deny it, along with all

1 the testimony you've heard from the neighbors that
2 live with the flooding that occurs up in this area.
3 We can't be doing anything to exacerbate it. So
4 thank you, very much.

5 CHAIRMAN MISTERLY: Thank you. Anyone else in
6 the audience want to speak on this item?

7 (None.)

8 CHAIRMAN MISTERLY: Okay. The public
9 hearing's closed. If the applicants would come
10 back up, please.

11 All right. You've heard public testimony. If
12 there are parts of that that you want to respond to
13 that are incorrect or you want to correct the
14 record, please feel free.

15 MR. SHAFFER: Yes, sir.

16 CHAIRMAN MISTERLY: Also, specifically some
17 things that were brought up in the public
18 testimony, which I know this board will probably
19 ask about, are the specific items we asked for last
20 time and the completeness of which that was
21 provided as well as the timing of the submittal
22 such that city staff didn't have a chance to weigh
23 in. I think you've seen the city staff's report,
24 that they recommend denial based on incomplete
25 materials. So you may want to respond to those

1 things.

2 MR. SHAFFER: Let's address the number one
3 issue, I think was a lady about safety, her home.

4 We got a big rain in July towards the
5 beginning. I looked over. Nobody else had water
6 in their backyard. We did. We are the low soup
7 bowl end. Her safety, there's ten feet as we look
8 on this -- portrayed on this survey that was just
9 done, she is located -- I believe her --

10 CHAIRMAN MISTERLY: Please speak into the
11 microphone, the green light.

12 MR. SHAFFER: Sorry. I apologize.

13 She -- I believe she's in Lot 10, okay? So
14 there's -- you can see that the marsh -- the
15 landscape wall is located in the uplands buffer.
16 The riprap has been there for six to seven years,
17 so that's not true what people are saying. We did
18 not keep construction going.

19 When Mr. Boles came out after several calls,
20 it was done; it was finished. We didn't add to it.
21 We didn't work under a stop work order. We did not
22 do that. Mr. Boles should be here on our behalf or
23 y'all's request by an e-mail and he will tell you
24 the same thing.

25 CHAIRMAN MISTERLY: Oaky. And I -- I guess

1 I'll point out, you know, there's been a lot of
2 talk about when work was done with or without a
3 permit. That's -- that's honestly not part of the
4 17 criteria we look at or the information we asked
5 you for. So you may want to use your time just
6 to --

7 MR. SHAFFER: Sure. So we've got our letters
8 from our engineer, which you have copies of, that
9 states the decorative landscape wall is pervious.
10 The riprap wall is pervious. No structural
11 concrete footer. Breakaway decorative landscape
12 and wall system, landscaping wall is not adhered
13 with any cementitious nor construction materials or
14 any mechanical fasteners. It's just stacked on top
15 of each other. It's literally this tall. It's
16 that little.

17 14 Althea, their elevation is one of the
18 highest. They built their property up, but they
19 haven't told anybody this. We're the lowest. If
20 you get a topo survey, you will see they have a
21 nice little berm. It's like shell all the way
22 across. They have a higher elevation.

23 We're not trying to keep water out of our
24 property. If I did that, I would have took 30,000
25 approximate gallons of water our pool is and put

1 the fill dirt in my backyard. I don't -- we're not
2 trying to build it up. That's -- that's truly not
3 factual. We hauled the dirt to 3950 Lewis Speedway
4 where my three-acre yard is, so...

5 Then we've got Les Thomas. We all respect
6 him; he's a great architect. He himself has said
7 that the blocks are permeable. There's no water
8 trespass. Our direct neighbor to the right came up
9 here and said no water trespass, our direct
10 neighbor. We've got a fence and the riprap stops
11 and that has got a big old space under it, but
12 it's -- there's no water trespass.

13 There's ten feet in between the first person
14 that said that their house -- that she's in fear of
15 safety. I hate anybody to feel that way, but
16 there's a ten-foot buffer there. We're not holding
17 back any water. It's pervious.

18 Riprap is behind St. Augustine Fish Camp.
19 Riprap is around the -- back in Lincolnville.
20 Riprap was used a long time ago to do several
21 things; to save trees, to have a permeable way, and
22 sometimes people backfill it. We didn't backfill
23 it.

24 The decorative wall we put in, when you do it
25 correctly, it gets spun around the other way with

1 filter fabric and tiebacks and then you backfill it
2 so it doesn't deflect. This is decorative.
3 Everything we produced here shows it's decorative.

4 I'm not trying to -- we're not trying to do
5 anything that's not right. I mean, I've spent
6 \$20,000 on this for people to stamp -- with
7 engineers, science -- this man's a scientist.
8 We've done everything you've asked. I've got the
9 survey. I mean, we're in the uplands. I haven't
10 filled it. We didn't -- we didn't fill it. We put
11 some shell sand on top and we removed it.

12 So we -- we want to move on with this. We're
13 not trying to hurt anybody or make anybody feel
14 unsafe; it's just riprap's there. We put a little
15 tiny wall in front of it that could easily be
16 knocked down. Right in front of the building
17 inspector Buddy and Curtis and Randy, y'all know
18 very well, I knocked it down. It's that quick.

19 This is the decorative like you go to
20 Home Depot and you stack the articulating blocks
21 up. This is simple stuff. It got made into --
22 spun into some big crazy thing that's going to
23 flood the neighborhood. Not going to happen. I'm
24 going to let the scientist here speak on that to
25 kind of re -- reassure people we're not going to

1 hurt anybody.

2 MR. SUMMERFIELD: I'll speak specifically from
3 an environmental standpoint.

4 The materials used, riprap, is usually the
5 preferred method for erosion cementitious control
6 on shorelines in place of rigid bulkhead/retaining
7 walls, which what they have constructed would not
8 be labeled a retaining wall under regulatory
9 statutes with the state.

10 Traditionally, upland retaining wall are
11 driven into the ground. They're made of impervious
12 materials, sheet pile of different varieties. This
13 wall is not that. So -- and this one's placed in
14 uplands.

15 When it comes to 62-334, Administrative Code,
16 which is the State's jurisdiction for environmental
17 resource permitting, upland retaining walls, even
18 sheet pile retaining walls are not regulated as
19 long as they do not, like, cause adverse impacts by
20 the configuration of them deflecting waves. And in
21 this case, wave energy is not an issue. We have
22 the riprap in front of the landscape wall and we
23 also have a salt marsh habitat on the other side of
24 that, all of which deflects and will prevent wave
25 action.

1 In this case, what we're looking at is it's
2 not rainfall events that we're looking at
3 specifically. The November situation was a
4 nor'easter and a king tide. That event led to
5 flood waters deeper and higher than Hurricane Irma
6 specifically in St. Augustine and Jacksonville.

7 In that case, I've seen documented -- you
8 know, people marked where on docks where it flooded
9 for Irma. It's a solid six inches to a foot higher
10 during that event. So photos of that event from
11 November, I mean, the water got there, the water
12 I'm sure flooded also the Shafers' property at that
13 point, too. It was not -- this wall did not
14 prevent them from taking on water and it will come
15 right around the edges of it on either side.

16 The riprap -- I mean, the wall in general, the
17 wall specifically I'll address, has basically no
18 function when it comes to retaining, deflecting, or
19 anything else for water. It is strictly, I mean,
20 decorative.

21 I've witnessed water flow through it. They
22 are constructing a pool and discharging water onto
23 their own property. It does pool behind the wall,
24 so it does delay it leaving the property. But then
25 you can see on the other side of the wall on the

1 riprap where the water is flowing directly through
2 it. It may be a slower discharge, but it is there.

3 Specific to 40 Hildreth, because that's the
4 item that we're discussing at the moment, the wall
5 and the riprap were deemed non-jurisdictional -- or
6 nonregulated by DEP at the time when they came out
7 with it during the initial inspections that I
8 believe is 2016/2017, and at that time they did not
9 take any action.

10 On 40 Hildreth Way, the concerns were brought
11 when the coquina material was placed on top of the
12 riprap, which I know several instances people have
13 been talking about work being done. All work to my
14 knowledge and under my advisement was ceased as
15 soon as DEP -- as soon as they reached out to me
16 and DEP had a warning letter.

17 The only activity that's taken place since
18 then under DEP's request is the coquina material
19 and filter fabric have been being removed. So that
20 portion of the riprap and wall, just strictly the
21 filter fabric and coquina, has been being removed
22 over the last month, I'd say -- I forgot, two
23 weeks -- under DEP's request and advisement to get
24 back into compliance.

25 If you-all would like me to address portions

1 of 0 Hildreth Way, which is the adjoining property
2 that this wall goes into with that, which is the
3 next item on the docket --

4 CHAIRMAN MISTERLY: For now, we -- I don't
5 know that we've opened that case, so let's just
6 stick --

7 MR. SUMMERFIELD: Okay. Okay.

8 So 40, the Department of Environmental
9 Protection had deemed that the activities were
10 exempt and nonregulated, thus no cumulative impacts
11 or secondary impacts to wetlands or surface waters
12 or natural resources based on 62-30 Florida
13 Administrative Code.

14 So from an environmental standpoint, the work
15 that was done at that time, excepting the coquina
16 material on top which has been removed, was exempt
17 from permitting because it did not -- it was not
18 deemed significant enough to require permitting at
19 that point. Okay.

20 MS. LOPEZ: I don't know if this is helpful to
21 the board, but since you've got someone testifying
22 here, I understand that -- if I understand
23 correctly, his expertise is in DEP and Water
24 Management District, but we have 17 criteria and
25 maybe the board can focus on that.

1 CHAIRMAN MISTERLY: Yeah, I was -- I was kind
2 of looking at that.

3 You know, some of these criteria, I would have
4 liked for the engineer to be here to answer. But I
5 kind of scanned through the criteria that seemed to
6 jump out at me as potential problems. And
7 specifically, on the environmental side, you know,
8 there's a couple of them.

9 Number 3, natural and proposed drainage
10 patterns, I had planned to quiz the engineer on
11 that. But you did state that the wall does delay
12 the water leaving the property, it slows the
13 discharge, so that does say to me that there is an
14 impact on the drainage.

15 The one that I was going to ask you about
16 specifically is Number 7. The -- does this wall
17 impact -- its impact of development on vegetative
18 and animal communities.

19 MR. SUMMERFIELD: Based on the state
20 definitions, no, it does not. The riprap is -- so
21 the upland community, as already been developed as
22 a single-family residence at 40 Hildreth Way, is a
23 lawn behind it in the uplands -- there are trees
24 there, live oaks, cedar trees, things of that
25 nature -- is a strictly upland community that has

1 been -- I'm not sure how long it's been a lawn, but
2 it goes along with the house that was already
3 there.

4 When it comes to the wetland community, the
5 riprap is -- spans the wetland line. It is less
6 than five feet wide, I believe. So, with riprap, I
7 mean, that's how you want it. You want it to be
8 able to intercept water action, wave action. So
9 it's where it is appropriate for riprap to be
10 placed.

11 The DEP has deemed that no significant impact
12 has occurred to any vegetation or wildlife in that
13 instance. Wildlife of any concern in that, there
14 is nothing inhabiting that area except fiddler
15 crabs in the marsh that is regularly there.

16 There is -- I mean, the marsh supplies forage
17 and cover for a variety of wading birds. The
18 riprap won't affect that. Actually riprap is known
19 to provide habitat for smaller wildlife in the
20 crevices and such.

21 For the vegetation, riprap is very well known
22 to have vegetation grow through it. I mean, when I
23 was out there last time, there were a variety of
24 species, salt bush and other natural salt marsh
25 vegetation, growing out of the riprap at that

1 point.

2 The juncus and Spartina grasses are of -- in
3 front of it and growing through the footer of it.
4 Some of the other species that were there -- I
5 mean, they built the riprap around some of the
6 trees. There's cabbage palms that extend out of
7 the riprap so that they didn't remove some of the
8 trees, so some of the root material is still there.
9 But in general, no significant impact to wetlands
10 or wildlife has occurred.

11 CHAIRMAN MISTERLY: So you're saying no impact
12 of development on vegetative and animal
13 communities?

14 MR. SUMMERFIELD: Correct.

15 CHAIRMAN MISTERLY: Okay. Well, board, do we
16 want to go around? I'm sure we've all got a lot of
17 questions. I think, Ms. Griggs, are we -- are you
18 up on this one?

19 BOARD MEMBER GRIGGS: I am.

20 CHAIRMAN MISTERLY: All right. You want to
21 lead off?

22 BOARD MEMBER GRIGGS: So I'd just like to
23 cover first some of the missing items that the
24 board requested.

25 I see that you guys provided a survey from

1 Geomatics, but it is lacking topography. Do you
2 want to address that?

3 MR. SHAFER: We didn't do a topo. We spoke to
4 the Geomatics about doing it. I briefed him on
5 what was going on with all the neighbors. They
6 didn't feel comfortable. Some of the neighbors
7 didn't want to let them on the property. For them
8 to be able to shoot a proper topo to show the
9 elevation, you have to get access to the property,
10 and he didn't want to get in the cross-fire of a
11 lawsuit.

12 So -- and what else was it? Oh, yeah,
13 somebody called the city and said they were
14 trespassing. So we tried to get a couple of shots,
15 but -- for the -- for actual topo elevation to show
16 that there's people a lot higher than us.
17 Hopefully that addresses that question.

18 BOARD MEMBER GRIGGS: Well, I still think that
19 in order to evaluate the drainage patterns on the
20 site and even for the engineer to properly evaluate
21 it, they would have needed topography. So I
22 still -- I feel like that is something that is
23 still needed for me to feel comfortable moving
24 forward.

25 Another thing that we asked for was for you to

1 show the 25-foot wetland buffer. I don't see that.

2 MR. SHAFER: We've had several surveys. We've
3 got several on 40. I think they flagged it.

4 MS. SHAFER: It was in the old -- old survey.

5 MR. SHAFER: There's an old survey.

6 MS. SHAFER: He wouldn't do it. They wouldn't
7 do it. I tried to get them to do it. They were --
8 they wouldn't do it.

9 So I do have the old survey, I believe, that
10 had the upland buffer on it, but surveys are taking
11 quite some time. So when I got him out here, I
12 told him that we needed that on it. He said that
13 they did not provide that. Why, I don't know. I
14 tried to get it on, but they wouldn't do it. But
15 it is on the original survey.

16 BOARD MEMBER GRIGGS: Okay. And then I would
17 ask from that, would the wall being in the wetland
18 buffer, this is for your environmental consultant,
19 would that have any adverse impact on wildlife or
20 vegetation?

21 MR. SUMMERFIELD: I'm not aware of what the
22 condition of the upland buffer was before the wall
23 was in place. I -- I don't know if it was natural
24 or if it was lawn.

25 In the condition I've seen it in, the wall's

1 not going to have any adverse effect. If that was
2 a natural community prior to the wall going in and
3 the vegetation was all removed as a part of that,
4 the wall's not going to have a significant effect
5 as the clearing of the buffer.

6 But when I came into the picture, I'm not sure
7 what the vegetation in the area was. What's there
8 now is primarily oak trees and cedar trees that are
9 still there and thriving very well and basically
10 lawn at that point and dirt.

11 The wall is not -- I mean, the vege- -- the
12 wildlife that would utilize that upland buffer and
13 the salt marsh, there -- there is different species
14 involved. There are fiddler crabs of course, but
15 we're not looking at wading birds being perturbed
16 by a wall. Actually they'll sit on it and then use
17 it to spot prey, things of that nature. Will it
18 affect their behavior potentially as adverse? I
19 wouldn't call it significant enough to label it
20 adverse. The wildlife that we're looking at will
21 adapt.

22 We're not looking at -- this wall's not going
23 to be regularly -- the toe of it's not going to
24 regularly be wet basically. So we're not looking
25 at fish-spawning areas or migration or anything

1 like that being adversely affected.

2 The majority of the wildlife you're looking at
3 is going to be raccoons and possums foraging, which
4 will go over, around, or any other mechanism of the
5 wall and the riprap, or wading birds which will
6 utilize it to observe prey, so...

7 BOARD MEMBER GRIGGS: Okay. And then another
8 thing that we had requested to see was
9 specification sheets for the Tremron blocks. Could
10 you address why we don't have those?

11 MR. SHAFER: This might give little more
12 detail maybe. This gives a little bit of detail.

13 You see it's the Keystone Compac. Shows the
14 riprap. The riprap now is a 45-degree angle. The
15 shell is gone. It's permeable. It's -- doesn't --
16 their wall actually requires a footer. I'm not
17 using it as a wall. We're using it as it's --
18 you've got it turned around the other way -- as a
19 decoration.

20 If you could see the pictures of it, it's --
21 it's got a split-face block on it. It's just
22 stacked with alignment pins. There's -- it's just
23 right on the ground. There's not any type of
24 footing, adhesive mortar. It's just stacked. You
25 can literally dump it over in seconds. It's

1 literally just to be in front of the riprap.

2 BOARD MEMBER GRIGGS: I understand, but you
3 didn't provide specifications from the
4 manufacturer. We would have liked to see the
5 porosity of the blocks, things like that, so we can
6 properly evaluate whether -- you know.

7 MR. SHAFER: I can get that for you, but we
8 didn't use it in their terms of the way that they
9 use it. They use it to be turned around the other
10 way and then -- and to then be backfilled, what
11 they call a geogrid and a tieback.

12 We just used it as -- we bought it at a
13 discounted rate and it's just something that we
14 stacked up. We didn't use it the way that they
15 would tell people to use it. It's -- I mean,
16 nobody would do it this way. This is like
17 backwards of how you would do a true retaining
18 wall. Nobody is coming to say this is a true
19 retaining wall. It's not. It's a decorative wall.

20 Even the county -- Jessica, didn't the
21 county -- they recommended approval? The city
22 recommended approval. So if somebody said they --
23 they didn't, they're incorrect. The city did
24 recommend approval.

25 And I even spoke with Buddy, the head of the

1 building department, who said that he probably
2 wouldn't have even issued the permit because the --
3 this is not a thing that you permit because it's
4 not structural.

5 It's decorative. It's like a -- it's like a
6 plant bed. I've got little plant beds all around
7 my -- I just brought in Sylvester palms, King
8 Alexander palms. I brought in a bunch of beautiful
9 palm trees, and I've got little decorative walls
10 around them for succulents, for plants, for little
11 kiwi plants and -- I love plants.

12 So we're just trying to beautify things.
13 That's it. I don't know. We're just trying to
14 beautify things. I'm sorry I didn't get the
15 specifications on it. I can get that in a matter
16 of minutes. I could step outside and probably get
17 you a picture of it on my phone.

18 BOARD MEMBER GRIGGS: And something else I may
19 not have seen it, but in the engineer's memo, they
20 reference a groundwater flow report. What is that?
21 Is it part of this application? I just may not
22 have seen it.

23 MR. SHAFER: I -- all I know is when it rains,
24 water comes through the ground, just like the
25 beach.

1 BOARD MEMBER GRIGGS: But it sounds like --

2 MR. SHAFER: I don't know. I didn't -- I
3 didn't get any kind of report that like that that I
4 know of --

5 BOARD MEMBER GRIGGS: Okay.

6 MR. SHAFER: -- something that says water
7 ground flow.

8 MS. LOPEZ: Ma'am, we can't hear you, if
9 you're trying to testify.

10 MS. SHAFER: You know, I had requested a list
11 of exactly everything that y'all wanted and I never
12 got that. So from my notes from the meeting, this
13 is what I -- this is what I thought I had to bring.

14 BOARD MEMBER GRIGGS: You know, we did request
15 some sort of modeling and it sounds like maybe he
16 did do something. I'm just not seeing it as part
17 of this application, and that is something I would
18 want to see to make a decision. But that's all I
19 have for now. I'd like to hear what the rest of
20 the board has to say.

21 BOARD MEMBER BLOW: Well, obviously I think
22 Ms. Griggs has hit all of the key things that I was
23 thinking about.

24 And -- and just to confirm, primarily for the
25 public, we're not talking about the riprap today.

1 Our job is strictly the decorative wall; is that
2 correct?

3 Just a quick question for the consultant. I
4 guess -- you know, we received some information
5 from DEP from a member of the public, and it goes
6 into a lot of detail about their investigation.
7 And I guess in looking at our packet, we've got an
8 e-mail from the DEP June 29, 2022's, and I guess
9 that this is their no further action communication
10 to you. In other words, is there any pending
11 investigation? Are you due a consent order from
12 DEP or --

13 MR. SUMMERFIELD: There's no additional
14 investigation. There will be a consent agreement.
15 This -- that part has to do with 0 Hildreth, not
16 40 Hildreth.

17 BOARD MEMBER BLOW: Not 40.

18 MR. SUMMERFIELD: Right.

19 BOARD MEMBER BLOW: Okay.

20 MR. SUMMERFIELD: 40 Hildreth, I believe --
21 and correct me if I'm wrong, Jessica, I believe the
22 DEP previously had visited the site when it was
23 just riprap and they were fine with the riprap and
24 deemed it non-jurisdictional. At that point, the
25 wall was put in on the upland side of it, and DEP

1 has no jurisdiction -- or no regulatory power over
2 a wall placed in uplands.

3 BOARD MEMBER BLOW: They -- in this
4 correspondence we received, they talk -- DEP
5 mentioned something to the effect that they
6 returned and the riprap had been added on to.

7 MR. SUMMERFIELD: Correct. That was the
8 coquina material that was put on top that has since
9 been removed.

10 There were photos earlier that a gentleman
11 brought up where he had pictures of the wall and he
12 couldn't remember the dates, but the first photo he
13 showed had the coquina material topping it. The
14 later photos had the coquina material removed. You
15 could see the bare riprap in place at that point.

16 So the coquina material has been removed
17 because DEP did have concerns with that. They do
18 not have a consent agreement or any further action
19 on that once we demonstrate that it's all been
20 removed.

21 BOARD MEMBER BLOW: So right now, you're
22 waiting on a consent agreement from DEP for
23 40th (sic) Hildreth?

24 MR. SUMMERFIELD: No. The consent agreement
25 will be for 0 Hildreth.

1 BOARD MEMBER BLOW: And -- and as far as
2 40th (sic) Hildreth?

3 MR. SUMMERFIELD: To my knowledge, it's in
4 compliance --

5 BOARD MEMBER BLOW: Is that --

6 MR. SUMMERFIELD: -- with the removal of -- we
7 have -- they've just been removing the coquina
8 material right now.

9 BOARD MEMBER BLOW: So your --

10 MR. SUMMERFIELD: There --

11 BOARD MEMBER BLOW: -- no further action
12 communication from DEP is this e-mail.

13 MR. SUMMERFIELD: There will be -- so my --
14 there's going to be a question for DEP as to
15 whether they lump the two together into one
16 compliance action or are they treating them as
17 separate lots.

18 The activities that were done on 40 Hildreth
19 prior to the coquina being put in place were deemed
20 non-jurisdictional previously and it's been taken
21 back to that state on 40 Hildreth.

22 The 0 Hildreth, again we said we'd discuss
23 when that item comes up, there is a consent
24 agreement based on that for the keeping of the
25 riprap that's been put in place, but that is

1 specifically for 40 -- or for 0 Hildreth.

2 40 Hildreth, they had already deemed it was less
3 than the threshold at that time.

4 BOARD MEMBER BLOW: But the con- -- they may
5 decide to do a consent agreement and combine the
6 two together?

7 MR. SUMMERFIELD: It's potential. So the
8 reasoning with that is that riprap of certain
9 lengths are non-jurisdictional. And so,
10 40 Hildreth on its own at the time when it was put
11 in place was subthreshold, so no permit was
12 required. And the Shafers have documentation that
13 DEP had come out at that time and decided that that
14 was non-jurisdictional when that was put in -- or
15 nonregulated when that was put in place. The
16 addition of 0 Hildreth onto it, the two combined
17 exceeded the threshold, but they had previous
18 exem- -- basically an exemption verification for
19 40 Hildreth at that time.

20 So, I'm not sure exactly which format DEP's
21 going to address it in, but the concerns for the
22 consent agreement strictly -- are strictly from --
23 stem from 0 Hildreth, not 40 Hildreth.

24 BOARD MEMBER BLOW: Okay. Thank you, I
25 appreciate that explanation on DEP. It's always

1 interesting to learn how they think.

2 So, just going back to -- the point here, I
3 guess, is we're just strictly looking at the
4 decorative wall, and it --

5 MS. LOPEZ: Well, there's just a small
6 question on that and maybe Ms. Skinner can address.

7 MS. SKINNER: You're correct to question the
8 riprap. Technically probably in 2016 or 2017 when
9 that riprap was put in place for 40 Hildreth, it
10 should have come to the Planning and Zoning Board
11 for the installation of the riprap.

12 And I believe at the time, if I remember in
13 looking at the code enforcement files back in
14 that -- at that time, because it was code
15 enforcement action; that's what brought out DEP at
16 that time, that I believe they were told they had
17 to go to the Planning and Zoning Board.

18 So we've in shown -- in some form or fashion
19 been working with this applicant since -- since
20 then with what they've -- what they've been doing
21 with the property.

22 So you're right in that technically you -- in
23 addition now, this -- this wall has been --
24 whatever we call it, decorative wall, retaining
25 wall, whatever we call it, has been installed

1 behind the riprap.

2 But you're right, technically as far as the
3 Planning and Zoning Board is concerned and the city
4 is concerned, the riprap and the wall are issues,
5 and then they continued the riprap and wall onto
6 the adjacent property.

7 BOARD MEMBER BLOW: So in 2016 when the
8 initial riprap went in, did PZB review that
9 application and approve that initial riprap?

10 MS. SKINNER: I'm not aware that the planning
11 board did. I would have to double-check that.

12 I know that there was a code enforcement file,
13 and that's what prompted -- when we contacted the
14 property owners, that's what prompted them to
15 contact DEP, and that's where DEP issued the letter
16 that it was -- I'm not sure of the technical terms
17 to repeat, but not -- you know, not under their
18 jurisdiction because it didn't meet the criteria
19 for DEP.

20 BOARD MEMBER BLOW: Okay. I think I'll pass
21 it on to Mr. Davis. Thank you.

22 VICE-CHAIRMAN DAVIS: Thank you, Carl. So I
23 have a question. Is -- are we able to get Curtis
24 Boles here tonight?

25 MS. SKINNER: I believe he's probably already

1 left for the day.

2 VICE-CHAIRMAN DAVIS: That would have been --
3 I know he works a different schedule than we work
4 on these boards, but in the future if there's an
5 issue that relates to code enforcement, it would be
6 great to have the code enforcement officer actually
7 testify, because we're getting one side of one
8 story and another side of a story and -- if he were
9 to testify. So my other question is, has the city
10 ever issued any stop work orders on this site?

11 MS. SKINNER: I believe so, yes.

12 VICE-CHAIRMAN DAVIS: All right. And then I
13 think Carl's pretty much covered quite a bit of the
14 issues. I mean -- and I've heard in this issue
15 that there's no building permit required and I
16 agree with that, right, I -- it's a wall. But the
17 Conservation Overlay District, we should have --
18 this board should have seen all of that, the riprap
19 and the wall.

20 And then the other item I get for the
21 applicant is there's four items -- and Christina
22 did a great job. I don't feel like any of the
23 items we asked for, we got enough information to
24 make a decision.

25 I still don't know the elevation of your

1 backyard. I know that whatever that elevation is
2 plus 28 inches is the top of the wall.

3 I've heard the wall's permeable, but at the
4 same time I've heard testimony that when it rains
5 in the backyard, the wall restricts water from
6 going out, which means it restricts water from
7 going in. And I would say that 95 to 99 percent of
8 the block is impervious, right? All you're relying
9 on is the cracks for that wall to let water run
10 through.

11 And I live on the marsh, too, and usually our
12 tidal floods are one to two tides. So if you can
13 hold it off for one or two tides, you've done a
14 pretty good job of protecting yourself.

15 And I do agree the water will run around the
16 wall, but -- and I go back to looking at that wall,
17 if it had come before me, would I approve it. And
18 I don't know that I would have approved that wall
19 had it come to us first at that height. I can see
20 a smaller wall, maybe, but I can't see something at
21 28 inches.

22 And in the DEP report that we were handed,
23 when you look at the back of that wall, you see
24 exactly how high 28 inches is. Every other angle
25 we've had doesn't portray how tall that wall is.

1 So I have an issue with the height of the wall.

2 So that's -- those are my comments.

3 CHAIRMAN MISTERLY: All right. Well, I
4 don't -- I don't think I'm going to say anything
5 new here.

6 I had hoped -- I guess when we met in February
7 or April, I thought we gave pretty clear direction
8 and, you know, I think kind of put the onus on you
9 being that this was already built. I felt like you
10 kind of needed to prove to us that it -- it met
11 these 17 criteria, and I think Ms. Burrell even
12 read from the minutes of that meeting where we had
13 wanted an engineer to weigh in on the 17 criteria.

14 You did get a letter from the -- from an
15 engineer, but it's pretty general and it references
16 a groundwater flow report which I don't see. So it
17 doesn't satisfy for me those -- that those seven --
18 one second. It doesn't satisfy that those 17
19 criteria were met.

20 So the things I had asked for was the engineer
21 to assess that and to provide a report that city
22 staff public works department with expertise in
23 drainage and stormwater would review and then get
24 up here and tell us, yeah, we agree or, no, we
25 don't agree.

1 So -- but at least from the city staff's
2 report, that letter from the engineer was received
3 after the fact or not in time to be reviewed by
4 city staff. The engineer isn't here for me to ask
5 questions of him. And the engineer's letter
6 doesn't reference the 17 criteria, and so I'm left
7 where I -- I have my questions that can't be
8 answered.

9 So -- so, to me, it's -- you know, the path is
10 as city staff recommended either a denial of it or
11 yet another continuance, but personally I feel like
12 we've -- we've continued this thing many many times
13 and kind of given pretty clear direction on what we
14 needed.

15 So I feel bad that you've -- you've spent a
16 lot of money and if this gets continued, you're
17 going to continue expending money to -- to answer
18 this. But I also feel like the board has -- has
19 been pretty patient and given pretty clear
20 direction on what we're looking for and what would
21 be necessary to satisfy our concerns.

22 And the -- the code's clear there's 17
23 criteria. It -- it should be -- you know, if the
24 engineer just did what was necessary to answer
25 those things, it maybe wouldn't -- wouldn't need so

1 many continuances.

2 So that's kind of where I'm at. It's either a
3 denial or another continuance, depending on how the
4 board feels.

5 BOARD MEMBER DEPRETER: I have to agree with
6 my board members. I don't want to repeat
7 everything here. My staff has said to deny it for
8 specific reasons. One is that the information
9 wasn't given.

10 Specifically to the 16 points, I have a
11 problem with Number 3, natural and proposed
12 drainage patterns. That gets to the other board
13 members' points. The topo where the water's going
14 to go, I have testimony from residents that the
15 current wall is pushing water there. I don't know
16 that for sure. I think that the burden of proof is
17 on you to prove that it isn't. I think the burden
18 of proof is on you to meet the 17 criteria.
19 Specifically for me, it's been mentioned Number 3.

20 Number 6, impact on the floodplain. So, I
21 would -- frankly this has been a long time. I know
22 it's hard to get consultants, but I -- I'll be
23 honest with you, I think we've been very fair with
24 you. We've given you an opportunity to make your
25 case. You have not resolved the case in my mind

1 conclusively, so I would probably vote to deny this
2 application.

3 BOARD MEMBER PAPPAS: I'm in agreement with
4 the -- my fellow board members. I don't -- didn't
5 receive anything of what we were looking for.

6 And I still think the riprap problem needs to
7 be solved first, because without the riprap, we
8 wouldn't be talking about this wall. The wall
9 would just fall down with a single bit of water
10 going on.

11 Things here seem to just keep -- reading
12 through all the years and the time, things just
13 seem to keep growing and growing and growing. And
14 for me, I feel we got to a point where we just have
15 to deny. You know, start from scratch and do it
16 right.

17 We also need to figure out what to do with the
18 rip wall. Code enforcement wants to know if that's
19 proper or not. So, until I get even past that
20 point, I can't talk about the decorative wall.

21 But since it's on the agenda here, I can only
22 deny it based on that we didn't receive the
23 information we need on that. And I feel even if we
24 did receive it, from the research I've done, I
25 would probably still deny it.

1 I didn't see -- I like to see the work. Just
2 like your math teacher would say: Don't just give
3 me the answer, give me the work. So we have a
4 letter stating such things, but I don't see the
5 reports or the work behind it.

6 Was a little curious on the -- I'm assuming
7 it's a typo, where it says the rip wall is
8 previous. Yeah, it was previous. Decorative
9 landscape wall is previous. That's correct, it's
10 previous, but I'm sure you meant pervious.

11 But that's -- I just -- I cannot see this
12 being continued and continued and continued where
13 we started in 2016 and the city is waiting for an
14 answer, code enforcement is waiting for an answer
15 from 2016, the neighbors are waiting for an answer
16 on 2016 -- since 2016 on how to proceed on that.

17 And so, this decorative wall just added onto
18 something that needed to be solved first. So I
19 just don't see how -- even if we had the
20 information, how we could approve the decorative
21 wall and then go back to the site of a -- of the
22 riprap. It -- it just we're at a point where I
23 cannot support this at all.

24 CHAIRMAN MISTERLY: Yeah. Sorry I asked you
25 to wait before, but, yeah, please --

1 MR. SHAFER: It's been rectified. There
2 wasn't -- the DEP came out in '17 and said it was
3 fine. There hasn't been an ongoing since '16 or
4 '17, I promise you that. That's -- we wouldn't let
5 something hang like that.

6 The last meeting was canceled due to not
7 having a quorum. Our engineer and another person
8 were set up to be here. These guys are expensive
9 and there are time schedules.

10 A continuance should be granted, I think,
11 because the last one was canceled and had another
12 gentleman going to be here to speak. And I can get
13 a topo and we'll meet that criteria.

14 That is in the uplands buffer. So let's just
15 say -- let's say we don't get it. Then I've got to
16 get machines out there and destroy all of my trees
17 taking that out and all the vegetation.

18 So this is -- there needs to be more -- this
19 is a pretty delicate situation. I mean, you don't
20 just get that stuff out by hand. I mean, so the
21 cedar trees, all my -- all my oaks, all my plants
22 back there, we're talking about having a trackhoe
23 out there getting this stuff out. This little
24 wall -- yeah, this little -- can I show y'all a
25 picture that I just took today? Let me show you.

1 BOARD MEMBER PAPPAS: No, let's -- I don't
2 want to get into a discussion. I just wanted to be
3 sure that --

4 MR. SHAFER: I mean --

5 BOARD MEMBER PAPPAS: -- the rip wall needs a
6 city permit. I don't care about the DEP -- DEP.
7 I'm not on that. I'm on the city. This -- it
8 needs a city permit. So I just mean that.

9 BOARD MEMBER DEPRETER: I agree with you.
10 We -- the city has never permitted the riprap,
11 period. And now we're talking about the wall, so
12 my understanding is you need Army Corps of
13 Engineers, but you also need city approval, which
14 you've never received, to my understanding.

15 MR. SHAFER: I --

16 MR. SUMMERFIELD: In 2020, the Florida
17 Department of Environmental Protection took over
18 the State 404 from the Army Corps of Engineers.
19 DEP had determined that this was in a state-assumed
20 waters to address. So DEP is addressing that as
21 opposed to the Army Corps of Engineers.

22 BOARD MEMBER DEPRETER: Discussion? I mean, I
23 feel like we're ready for a motion one way or the
24 other.

25 MR. SUMMERFIELD: I would just like to just

1 put on the record Ms. Shafer asked me to include.
2 When I was brought on, I reached to out to no less
3 than 10 to 15 engineers. It took me a month and a
4 half to get responses from three.

5 And -- so that's all because single family and
6 work -- current workloads of engineers, several
7 were not willing to take it on as anything. So
8 they did have about a month and a half delay after
9 I was brought on to even get an engineer on board.
10 So we just wanted to mention that.

11 BOARD MEMBER DEPRETER: Could have been
12 delayed rather than coming to us, too.

13 CHAIRMAN MISTERLY: Yeah, I'm kind of what I
14 said, I'm either a denial or a continuance
15 depending on how the -- how the rest of the board
16 wants to proceed. I definitely don't have enough
17 information to -- to approve.

18 BOARD MEMBER DEPRETER: I mean, to keep the
19 ball rolling here, I don't know how much more we
20 want to talk about it, unless -- I'm sorry. Get my
21 numbers out of here. This is the 40th -- 40,
22 right, we're discussing?

23 CHAIRMAN MISTERLY: 40 Hildreth Way.

24 BOARD MEMBER DEPRETER: Okay. Let me get to
25 my agenda item here.

1 Okay. So I'll try this. I make a motion to
2 deny Conservation Overlay Zone 1 development
3 2022-0005 as it does not -- has failed to meet the
4 burden of proof for our 16 criteria and --

5 MS. LOPEZ: That's 17 criteria.

6 BOARD MEMBER DEPRETER: I'm sorry, 17
7 criteria, specifically 3 and 6.

8 If somebody wants to add another one to that
9 motion, I'd entertain that. And also, at the
10 suggestion of our staff that we could deny this
11 application.

12 BOARD MEMBER PAPPAS: If -- can I add
13 Number 11, impact of the linear feet? Because it
14 goes the whole thing.

15 BOARD MEMBER DEPRETER: Yeah, that's
16 acceptable. Okay. So we'll have Number 11. So
17 that would be --

18 CHAIRMAN MISTERLY: And Number 2 cites
19 relationship to adjacent properties, bodies of
20 water, and surrounding conservation zones.

21 BOARD MEMBER DEPRETER: Okay. So then let me
22 get that. That's 2, 3, 6 -- and what was yours,
23 Charles?

24 BOARD MEMBER PAPPAS: 11.

25 BOARD MEMBER DEPRETER: 11. Okay. As it

1 doesn't -- hasn't met the burden of proof, four of
2 our 17 standards, specifically Number 2, Number 3,
3 Number 6, and Number 11.

4 BOARD MEMBER PAPPAS: I'll second that.

5 BOARD MEMBER BLOW: Question. Ms. Lopez, I
6 guess we have the option of denying this with or
7 without prejudice; is that correct?

8 MS. LOPEZ: No, not really. I think that's
9 sort of a bit of a misnomer. I -- I think that for
10 this kind of application, it is -- they have an
11 appellate process in our code.

12 BOARD MEMBER BLOW: Right.

13 MS. LOPEZ: So that would be the -- the
14 procedure really if -- if an application is denied.

15 BOARD MEMBER BLOW: So the one-year waiting
16 period really doesn't apply. In other words, they
17 can --

18 MS. LOPEZ: They can always ask for a waiver
19 of that.

20 BOARD MEMBER BLOW: Okay. All right. That's
21 fine. Thank you.

22 CHAIRMAN MISTERLY: Along Mr. Blow's question,
23 I guess I'm not -- what does a denial mean? What
24 happens when this is denied?

25 MS. LOPEZ: They do have an appellate right to

1 the City Commission --

2 CHAIRMAN MISTERLY: Okay.

3 MS. LOPEZ: -- and then on to the court
4 system. And as I think we all are aware, there's
5 also a pending code enforcement case, I believe, as
6 I heard from Ms. Skinner, that there is still -- is
7 that correct, there's still pending an open code
8 enforcement case?

9 MS. SKINNER: I believe that code enforcement
10 is waiting the outcome of this meeting to see how
11 to proceed.

12 CHAIRMAN MISTERLY: Okay. All right. Any
13 other discussion, board members?

14 (None.)

15 CHAIRMAN MISTERLY: Okay. We have a motion
16 and a second. Could we have the vote, please?

17 THE CLERK: Jon DePreter?

18 BOARD MEMBER DEPRETER: Yes.

19 THE CLERK: Charles Pappas?

20 BOARD MEMBER PAPPAS: Yes.

21 THE CLERK: Christina Griggs?

22 BOARD MEMBER GRIGGS: Yes.

23 THE CLERK: Carl Blow?

24 BOARD MEMBER BLOW: Yes.

25 THE CLERK: Mike Davis?

1 VICE-CHAIRMAN DAVIS: Yes.

2 THE CLERK: Grant Misterly?

3 CHAIRMAN MISTERLY: Yes. Sorry.

4 (Agenda Item 7.a. concluded.)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA)

4 COUNTY OF ST. JOHNS)

5

6 I, JANET M. BEASON, RPR-CP, RMR, CRR, do hereby certify
7 that the foregoing pages constitute a true and complete
8 transcript of the proceedings transcribed via digital
9 recording by me to the best of my ability in the
10 aforementioned cause at the time and place herein set forth.

11 I further certify that I am not a relative, employee,
12 attorney, or counsel of any of the parties, nor am I a
13 relative or employee of any of the parties' attorneys or
14 counsel connected with the action, nor am I financially
15 interested in the action.

16 Dated this 28th day of August, 2022.

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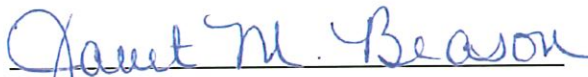
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JANET M. BEASON, RPR, RMR, CRR

BOARD MEMBER BLOW: [22] 8/21 9/3 9/9 11/6 54/21 55/17 55/19 56/3 56/21 57/1 57/5 57/9 57/11 58/4 58/24 60/7 60/20 72/5 72/12 72/15 72/20 73/24 BOARD MEMBER DEPRETER: [12] 9/20 65/5 69/9 69/22 70/11 70/18 70/24 71/6 71/15 71/21 71/25 73/18 BOARD MEMBER GRIGGS: [12] 10/1 47/19 47/22 48/18 49/16 51/7 52/2 53/18 54/1 54/5 54/14 73/22 BOARD MEMBER PAPPAS: [8] 9/24 66/3 69/1 69/5 71/12 71/24 72/4 73/20 CHAIRMAN MISTERLY: [53] 2/2 2/15 2/25 3/6 3/11 3/14 4/17 5/17 8/9 8/12 8/16 8/23 9/1 9/6 9/11 10/2 11/5 11/11 11/13 13/17 13/20 15/21 15/23 18/13 23/15 23/17 23/20 25/22 26/2 28/21 28/24 30/22 34/19 36/5 36/8 36/16 37/10 37/25 44/4 45/1 47/11 47/15 47/20 63/3 67/24 70/13 70/23 71/18 72/22 73/2 73/12 73/15 74/3 MR. BLOW: [1] 11/12 MR. CODD: [3] 23/21 24/1 25/23 MR. FREDRICKSSON: [1] 2/5 MR. METTERHOUSE: [3] 26/6 26/11 28/22 MR. MOONEY: [2] 15/25 16/5 MR. SHAFER: [18] 2/21 3/9 3/12 5/19 8/11 8/14 8/25 48/3 49/2 49/5 51/11 52/7 53/23 54/2 54/6 68/1 69/4 69/15 MR. 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SKINNER: [5] 59/7 60/10 60/25 61/11 73/9 THE CLERK: [18] 3/2 13/25 14/2 16/2 18/16 20/24 21/3 23/23 26/8 29/4 32/3 34/22 73/17 73/19 73/21 73/23 73/25 74/2 VICE-CHAIRMAN DAVIS: [8] 9/4 9/7 11/2 11/7 60/22 61/2 61/12 74/1 \$ \$20,000 [1] 40/6 ' '16 [1] 68/3 '17 [3] 18/20 68/2 68/4 0 0 Hildreth [9] 4/1 4/7 44/1 55/15 56/25 57/22 58/1 58/16 58/23 0005 [1] 71/3 005 [2] 1/9 21/14 0570 [1] 1/23 1 1.11 [1] 20/8 1.5 [1] 16/11 10 [3] 21/11 37/13 70/3 10-day [1] 35/5 10th [2] 22/20 33/6 11 [5] 71/13 71/16 71/24 71/25 72/3 11-29 [1] 2/9 11th [1] 23/10 12 [1] 11/15 13 [2] 11/8 11/15 14 [3] 16/1 32/2 38/17 15 [1] 70/3 16 [2] 65/10 71/4 17 [15] 1/22 21/20 21/21 21/23 38/4 44/24 63/11 63/13 63/18 64/6 64/22 65/18 71/5 71/6	72/2 17-point [1] 35/22 18 [2] 23/22 24/2 19 [1] 13/23 1995 [1] 13/24 1st [1] 21/8 2 200 [2] 17/21 18/1 2016 [8] 14/10 18/20 59/8 60/7 67/13 67/15 67/16 67/16 2016/2017 [1] 43/8 2017 [2] 43/8 59/8 2020 [1] 69/16 2021 [4] 19/8 22/20 31/1 33/6 2022 [7] 1/8 2/14 21/8 22/21 23/10 33/7 75/16 2022's [1] 55/8 2022-0005 [1] 71/3 2022-005 [2] 1/9 21/14 21 [1] 10/5 23 [1] 18/15 24 [1] 31/6 25-foot [2] 22/4 49/1 27 [1] 21/1 28 [3] 62/2 62/21 62/24 28th [1] 75/16 29 [2] 2/9 55/8 3 30 [3] 11/8 19/18 44/12 30,000 [1] 38/24 300 [1] 20/9 31 [4] 11/14 26/7 26/14 28/13 32084 [1] 1/23 334 [1] 41/15 3550 [1] 2/24 365 [1] 31/20 3950 [1] 39/3 4 40 [8] 1/9 4/9 11/5 44/8 49/3 55/17 58/1 70/21 40 Hildreth [20] 2/3 2/11 2/21 2/22 4/1 11/4 22/25 43/3 43/10 45/22 55/16 55/20 57/18 57/21 58/2 58/10 58/19 58/23 59/9 70/23 404 [1] 69/18 40th [3] 56/23 57/2 70/21 44 [1] 30/19 45 [1] 15/2 45-degree [1] 51/14 5 50 [1] 15/2 5th [3] 21/8 22/7 31/1 6 62-30 [1] 44/12	62-334 [1] 41/15 6th [2] 22/21 33/7 7 7.a [2] 2/2 74/4 75 [1] 1/6 8 825-0570 [1] 1/23 86 [1] 34/20 9 904 [1] 1/23 95 [1] 62/7 99 percent [1] 62/7 A ability [2] 35/6 75/9 able [5] 6/12 21/24 46/8 48/8 60/23 abnormal [1] 11/24 about [40] 3/3 4/1 6/21 9/21 11/11 14/3 15/13 16/3 16/6 16/9 18/17 21/4 23/24 24/15 26/9 26/16 28/10 29/5 30/4 31/20 32/4 33/16 34/13 34/23 36/19 37/3 38/2 43/13 45/15 48/4 54/23 54/25 55/6 66/8 66/20 68/22 69/6 69/11 70/8 70/20 accept [1] 7/13 acceptable [2] 6/13 71/16 accepting [1] 6/14 access [1] 48/9 accident [1] 15/12 accounts [1] 33/21 accurate [1] 24/22 acre [3] 19/19 19/25 39/4 acres [2] 20/8 20/9 across [5] 24/3 24/10 24/13 25/12 38/22 action [13] 11/23 32/21 41/25 43/9 46/8 46/8 55/9 56/18 57/11 57/16 59/15 75/14 75/15 actions [1] 32/19 activities [3] 22/21 44/9 57/18 activity [5] 4/7 22/22 24/11 33/7 43/17 actual [2] 5/7 48/15 actually [7] 6/15 24/3 25/17 46/18 50/16 51/16 61/6 adapt [1] 50/21 add [5] 5/18 34/2 37/20 71/8 71/12 added [2] 56/6 67/17 addition [3] 31/19 58/16 59/23 additional [4] 2/12	23/1 25/9 55/13 address [16] 2/19 3/16 13/14 15/24 16/7 22/17 26/5 29/2 37/2 42/17 43/25 48/2 51/10 58/21 59/6 69/20 addresses [1] 48/17 addressing [2] 21/19 69/20 adhered [1] 38/12 adhesive [1] 51/24 adjacent [5] 2/7 14/6 35/19 60/6 71/19 adjoining [1] 44/1 Administrative [2] 41/15 44/13 adverse [6] 11/22 41/19 49/19 50/1 50/18 50/20 adversely [1] 51/1 advertising [1] 25/18 advisement [2] 43/14 43/23 affect [4] 10/16 10/17 46/18 50/18 affected [1] 51/1 affirm [10] 3/2 14/2 16/2 18/16 21/3 23/23 26/8 29/4 32/3 34/22 afford [1] 20/17 aforementioned [1] 75/10 after [13] 12/1 17/22 18/23 21/12 24/23 29/14 29/19 29/19 35/5 35/8 37/19 64/3 70/8 again [8] 5/24 13/2 15/10 19/13 30/12 30/21 34/11 57/22 against [2] 21/12 22/8 agenda [5] 4/2 21/10 66/21 70/25 74/4 ago [5] 9/5 9/18 15/2 26/13 39/20 agree [7] 22/23 61/16 62/15 63/24 63/25 65/5 69/9 agreement [8] 55/14 56/18 56/22 56/24 57/24 58/5 58/22 66/3 ahead [2] 2/18 35/12 ALCAZAR [1] 1/4 Alexander [1] 53/8 alignment [1] 51/22 all [65] 2/15 2/17 2/20 2/25 3/19 6/1 6/18 6/22 8/23 10/5 10/6 10/23 10/23 11/14 13/10 13/13 15/23 16/8 16/12 18/6 19/14 21/25 26/5 27/7 27/15 28/14 28/17 29/24 30/2 31/6 31/14 35/7 35/10 35/15 35/25 36/11 38/21 39/5 41/24 43/13 43/25 47/16
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HEARING BEFORE THE CITY OF ST. AUGUSTINE
PLANNING AND ZONING BOARD
IN THE ALCAZAR ROOM
CITY HALL BUILDING
ST. AUGUSTINE, FLORIDA
ON AUGUST 2, 2022

RE: ITEM 2022-0043, 0 HILDRETH DRIVE

(PROCEEDINGS RECORDED AND TRANSCRIBED VIA DIGITAL RECORDING)

* * * * *

BOARD MEMBERS PRESENT:

GRANT MISTERLY, Chairman
MIKE DAVIS, Vice-Chair
JON DePRETER
CARL BLOW
CHARLES PAPPAS
CHRISTINA GRIGGS

* * * * *

STAFF PRESENT:

ISABELLE C. LOPEZ, City Attorney
AMY SKINNER, Planning & Building Department Director
JACOB FREDRIKSSON, Senior Planner

* * * * *

ST. AUGUSTINE COURT REPORTERS
17 PACIFIC STREET, SUITE B
ST. AUGUSTINE, FLORIDA, 32084
904-825-0570

1 CHAIRMAN MISTERLY: Now we have 0 Hildreth.
2 So maybe before starting this one, could we get
3 some guidance from city staff on does this -- do we
4 start fresh on 0 Hildreth? How does this go?

5 MS. LOPEZ: You should, just because we want
6 clear records for everyone's sake really, but for
7 the applicant's sake, so if they choose to appeal,
8 they have a clear record on either or both of them.

9 CHAIRMAN MISTERLY: Okay. Same with public
10 testimony as well?

11 MS. LOPEZ: (Nods head.)

12 CHAIRMAN MISTERLY: Okay. All right. Then I
13 will open up Conservation Overlay Zone 1
14 Development 2022-0043, 0 Hildreth Way.

15 MR. FREDRIKSSON: Mr. Chair, members of the
16 board, this request is to approve a retaining
17 wall/landscape feature adjacent to riprap within
18 Conservation Overlay Zone 1.

19 Based on review of Section 11-29, staff finds
20 the board can deny the construction of a new
21 retaining wall/landscape feature at 0 Hildreth
22 Drive, Parcel ID 1511510020, based on lack of
23 information provided by the applicant to thoroughly
24 analyze proposal.

25 CHAIRMAN MISTERLY: And I know we keep cases

1 separate. Is there anything different on this one?
2 Is it simply two cases because it's two different
3 parcels? There's no --

4 MS. LOPEZ: Yes.

5 CHAIRMAN MISTERLY: -- nuances or differences
6 between them?

7 MS. LOPEZ: Right.

8 CHAIRMAN MISTERLY: Okay. All right.

9 All right. Applicants up, please state your
10 names and addresses and offer anything you'd like
11 to in addition.

12 MR. SHAFER: Shane Shafer, 40 Hildreth.

13 CHAIRMAN MISTERLY: Thank you.

14 MS. SHAFER: Jessica Shafer, 40 Hildreth.

15 MR. SUMMERFIELD: Jonathan Summerfield,
16 3550 St. Johns Bluff South, Jacksonville.

17 CHAIRMAN MISTERLY: Thank you.

18 All right. You heard the staff report.
19 Anything you want to add to it?

20 MR. SHAFER: I just think there's been so many
21 falsehoods told here that it's -- it's brought on a
22 aura of -- of -- a cloud amongst us, especially
23 when people say conflicting stuff that's totally
24 not factual and not true. I'm going to get my
25 legal counsel on that from the harassment end, from

1 the end of them coming up here putting their
2 hand -- I didn't hear the word God in it. That's
3 okay. I put God in -- try putting him in
4 everything. But when they did that and they told
5 lies up here, there's consequences to your lies.
6 So I think this is going to be a -- very sad for
7 everyone, wasting of one's time and money, and
8 just -- it's a sad situation.

9 So I think that the best thing for us to do is
10 to -- we're going to get attorneys. We're going to
11 do this right. We're going to prove what's right
12 and get a topographical survey. I'm going to
13 gather all the things. We're going to complete
14 that.

15 I do not believe there's any type of a code
16 enforcement lingering. Fox, Boles, somebody would
17 have said something. There's been nothing of that
18 said. He's been to our house many times, spent
19 multiple hours going through all this. So I do
20 think that speaking to Curtis Boles will shed light
21 on the picture. I definitely would recommend in
22 future cases like this that he -- he should be
23 involved.

24 You've got people telling stories, telling
25 fables and things that just aren't true. And that

1 can get one's mind thinking, "Well, maybe we do
2 need more."

3 Well, they hadn't told the truth about their
4 own properties. So now I'm going to have to go
5 file suits, depose, and find out their things that
6 they haven't told the truth. And they have to be
7 held accountable. We all have to be at the end of
8 the day.

9 So I just want to do what's right and I want
10 to please you guys and do what's right. And we're
11 going to do that at the end of the day. I promise
12 we will definitely meet all that criteria. And
13 especially with the decorative wall being in the
14 upland buffer, I don't -- I don't understand, can
15 anybody please give me something and tell me why
16 something in an upland buffer that's about that
17 tall is bad?

18 I don't -- I don't understand it. What's the
19 reasoning something in my yard in an upland
20 buffer -- what's the problem with that? That's
21 what I can't wrap my head around. Is there
22 anything that we can comment on that?

23 CHAIRMAN MISTERLY: It's in the -- that upland
24 buffer is within the conservation overlay zone, and
25 anything done in that zone triggers a review by

1 this board.

2 And it may not be bad. We have 17 criteria
3 that we use to judge whether it's bad or not. And
4 that's what -- what we've -- that's the -- the
5 information we've been asking for is so that we can
6 evaluate this request versus those 17 criteria. So
7 that's -- that's what triggers this whole thing.

8 MR. SHAFER: And how much criteria was met and
9 not met?

10 CHAIRMAN MISTERLY: In the -- well, I want to
11 be careful not talking about -- not bringing other
12 cases into this, but I can read to you the
13 17 criteria, and I'll highlight the ones that
14 really kind of stick out.

15 The first one is site specific information --
16 or site specific conditions.

17 The second one -- this is one that stands out:
18 The site's relationship to adjacent properties,
19 bodies of water, and surrounding conservation
20 zones.

21 The next one is another one that stands out:
22 Natural and proposed drainage patterns.

23 The next one is effect of point and nonpoint
24 discharge on the marine environment.

25 The next one is proposed soil stabilization

1 and erosion control methods.

2 The next one, Number 6, is one that stands
3 out: Impact on floodplain. That gets into how --
4 how water moves.

5 Number 7 is one that stands out, but your
6 expert did testify that -- or maybe on this case
7 your expert will testify that the impact of
8 development on vegetative and animal communities,
9 whether that's an issue or not.

10 Number 8 is potential for contaminated
11 drainage, storage of pollutants, and the use of
12 poisonous chemicals and materials.

13 Number 9 is effect of shade on vegetation and
14 shellfish.

15 10, effect of boat wake and boat traffic on
16 manatees, vegetation, shellfish, and wildlife.

17 11, impact of development on shoreline by
18 linear feet. That's one that might -- might be
19 important.

20 Number 12, impact of development on vistas and
21 scenic opportunities.

22 13, existing amount of native plants and
23 proposed retention and use of native plants for
24 landscape and open space purposes.

25 14, impact of development on plant and animal

1 habitat.

2 15, impact of development on water quality.

3 16, impact of development on shellfish and on
4 commercial and sport fish.

5 And 17 is specific to docks.

6 So there's 17 criteria. Depending on what's
7 being built in the conservation overlay zone, maybe
8 a few of those apply and a -- most of them don't.
9 In this case, I kind of highlighted some of the
10 ones that jump out.

11 MR. SHAFER: Sure.

12 CHAIRMAN MISTERLY: But like, obviously, the
13 dock -- Number 17, stuff applicable to docks
14 wouldn't apply here.

15 MR. SHAFER: Sure.

16 CHAIRMAN MISTERLY: So that's -- anytime
17 somebody builds something in a conservation overlay
18 zone, it triggers us reviewing these 17 criteria,
19 and we need to have evidence to justify why it's an
20 issue or not an issue.

21 MR. SHAFER: Would it be fair to say, due to
22 the last meeting not having a quorum, that we could
23 continue this one since maybe -- kind of -- kind
24 of -- kind of a handshake's 50/50. You know that
25 person that always wants to squeeze your hand? Is

1 it possible you think we can meet in the middle and
2 get a continuance just so we could have time to do
3 this and have a second review?

4 CHAIRMAN MISTERLY: Well, as the applicant,
5 it's fair for you to request that. We do need to
6 go through the process of public comment again and
7 board discussion and questions, and as the
8 applicant, you can request a continuance. And the
9 board would weigh that in -- in making a motion.

10 MR. SHAFER: So -- well, darn.

11 Would you like to add anything?

12 MR. SUMMERFIELD: Just from the environmental
13 standpoint, I would like to point out the
14 differences between 40 and 0 Hildreth.

15 CHAIRMAN MISTERLY: Oh, thank you.

16 MR. SUMMERFIELD: 0 Hildreth is not -- does
17 not have any occupied dwellings on it. To my
18 knowledge --

19 BOARD MEMBER BLOW: What did you just say?

20 MR. SUMMERFIELD: It's -- there's no house on
21 it. It's vacant. I mean, it's -- from what
22 Mr. Shafer told me during our conversations, he
23 resided next door. The individuals who owned it
24 started clearing vegetation. And he contacted
25 them, said, "Hey, what are you guys going to do?"

1 And they said, "We're going to clear vegetation and
2 sell it." So he offered to purchase it. So
3 vegetation had already been removed from the
4 property prior to him buying it.

5 When I came to the site, the wall -- again,
6 the wall and riprap were in place. But there is --

7 BOARD MEMBER BLOW: You're talking kind of
8 fast.

9 MR. SUMMERFIELD: Okay. That's fine.

10 BOARD MEMBER BLOW: When you visited the site,
11 the wall was (inaudible)?

12 MR. SUMMERFIELD: Right. I was brought in
13 after DEP had sent their warning letters. So --

14 BOARD MEMBER BLOW: Gotcha. Okay.

15 MR. SUMMERFIELD: -- that's where I was
16 contacted and hired to come in and help address
17 DEP's concerns and things of that nature.

18 There is evidence that some top soil was
19 removed from the portions of the property closest
20 to the wetland. So when I was there -- part of
21 wetland delineation that some of you may know, you
22 look at vegetation, soils, and hydrology. So you
23 dig soil plugs. And there was evidence that the
24 top soil wasn't there in areas down closest to the
25 wall. And there are still oak trees and cedar

1 trees in the uplands on the site.

2 If you dug within the middle of those
3 clusters, you can see it's a totally different soil
4 profile.

5 So portions of 0 Hildreth Way, soil had been
6 removed at some point prior. I assume prior to the
7 Shafers purchasing it because that's when most of
8 the work was done.

9 And when you go to the parcel to the east,
10 when you go to the property line and look over,
11 there is a significant topographic difference
12 between -- that property is higher than 0 Hildreth,
13 which does -- 0 Hildreth flows into sort of a
14 natural gradient with 40 Hildreth. At 0 Hildreth,
15 there's evidence of these activities.

16 So one of the things that we discussed when
17 DEP was on-site regarding the wetland line was we
18 looked at the adjacent property, and you can see
19 the other properties around the marsh on the other
20 side, how there was a steep drop-off to the wetland
21 vegetation.

22 In the case of Hildreth, it was a gradual
23 slope. And with the assumption that vegetation had
24 been removed, there probably was a drop at some
25 point in the past that had been removed.

1 So that's -- that's one of the differences
2 between 40 and 0 Hildreth Way. I just wanted to
3 make that observation known.

4 CHAIRMAN MISTERLY: Okay.

5 MR. SUMMERFIELD: So...

6 CHAIRMAN MISTERLY: Can I ask you relating
7 specifically to item -- this is our seventh
8 criteria for the -- for the decorative wall, impact
9 of development on vegetative and animal
10 communities, does this have an impact or not?

11 MR. SUMMERFIELD: Similar to 40 Hildreth Way,
12 DEP determined that the wetland line was under the
13 riprap. So the wall was in uplands, and a portion
14 of riprap was in uplands, a portion of riprap was
15 in wetlands.

16 So serving the function that riprap's meant to
17 serve as a shoreline protection, best management
18 practice, it's in the appropriate place.

19 Similar to 40 Hildreth Way, the same wildlife
20 utilization would be there. So it's not a
21 significant impact.

22 It offers forage habitat -- or foraging and
23 perching areas for wading birds to observe for
24 prey. The same species would utilize either part
25 of the property at that point.

1 So, no, there's not a significant adverse
2 effect to vegetation or wildlife utilization.

3 CHAIRMAN MISTERLY: Thank you.

4 Okay. So if you all would like, we can move
5 on to public comment, and then we'll invite you
6 back up after that.

7 MR. SHAFER: Yes. How -- how do I get a copy
8 of the transcripts from all of the previous
9 meetings? Just request it?

10 MS. LOPEZ: You've got to -- to obtain a
11 private court reporter to transcribe. That's not
12 something the City provides.

13 MR. SHAFER: Are we recording all this so it's
14 recorded so we can have a -- so we can have it
15 transposed?

16 CHAIRMAN MISTERLY: The clerk is right there.

17 MR. SHAFER: Okay.

18 MS. LOPEZ: And, yes, every -- all our
19 meetings --

20 MR. SHAFER: I'll be glad to pay for that.
21 All right.

22 CHAIRMAN MISTERLY: All right. If you all
23 would have a seat for a few minutes.

24 All right. Ex parte communication.

25 BOARD MEMBER BLOW: Cathy Brown.

1 VICE-CHAIR DAVIS: Thanks for reminding me.

2 Cathy Brown and I had a discussion with
3 Mr. Shafer.

4 CHAIRMAN MISTERLY: Cathy Brown and I believe
5 Gina Burrell.

6 BOARD MEMBER DePRETER: None.

7 BOARD MEMBER PAPPAS: None. All mine was on
8 40.

9 BOARD MEMBER GRIGGS: None.

10 CHAIRMAN MISTERLY: All right. So then we
11 have -- let me see if I can find them -- the
12 zero -- 0 Hildreth. We sent out 21 notices. Three
13 came back. They were all opposed and had comments.

14 Says "It's not a retaining wall. Applicants
15 originally called it a marsh bulkhead. Bulkhead
16 was installed without a permit. No study done
17 prior to install to study hydrology or
18 environmental effect."

19 Next, "This area is a conservation overlay
20 zone. No consideration of disrupting the natural
21 lay of the land. Retaining wall will affect all
22 properties and it will affect the natural water
23 inhabitants. Oppose this application."

24 "Owner built the riprap. It's already been
25 built. This area's prone to flooding, and the wall

1 will push more water in the surrounding yards and
2 set precedent for structures."

3 This one says "We are in favor of the
4 application." They say "We were at the hearing
5 last time, and the board made good suggestions for
6 the Shafers to complete prior to the board
7 approving. Assuming those are met, we are happy to
8 share with the board we are in favor of this
9 request."

10 This person strongly opposes the request to
11 build after the fact. "Prone to flooding, push
12 even more water onto mine and my neighbors' yards."
13 And they attached a picture of the flooding.

14 This one is requesting a stop work order back
15 when work was being done.

16 So with that, I will open it back up to public
17 comment. Please come up, state your name. I
18 believe if you were sworn in previously today, you
19 don't need to be sworn in again. Right?

20 UNIDENTIFIED SPEAKER: Correct.

21 CHAIRMAN MISTERLY: Correct. So this time, if
22 you've already spoken, just your name and address.
23 Three minutes.

24 MR. MOONEY: Hello again. Ted Mooney from
25 14 Althea Street.

1 You know, it's a real shame. We didn't have
2 to all be here. If the permit process had been
3 followed and maybe the direction received early on,
4 Mr. Shafer could have done all the things that the
5 board asked early on and we would never have even
6 known about it. So I'm -- I'm -- I feel some
7 sadness in that respect.

8 On the other hand -- let's see -- this is what
9 we saw go up on the other side of our property.
10 This is the work we saw done recently when the cap
11 was removed and the -- I guess the additional stone
12 put on.

13 So my only comment really is that if it really
14 is as benign as the Shafers contend, I'd love for
15 that to be proven.

16 I'd like to protect my property. My neighbors
17 want to protect their property. We don't want to
18 put up walls ourselves. I know a lot of our
19 neighbors don't. But if -- if it's -- if it all
20 works the way it's supposed to, then we shouldn't
21 even have to be here. It should just be a permit
22 process and I wouldn't have to be commenting and
23 none of my neighbors would have to be commenting.

24 So I'm just encouraging that this be taken up
25 in that spirit rather than deny, deny, deny.

1 Although, it is connected to the other wall. Let's
2 see if we can get all that information finally once
3 and for all. I believe the applicant himself
4 requested that.

5 So I'm not saying anything in favor of it, but
6 I am saying that as one of the -- one of the
7 antagonists on this side that I'd like to throw an
8 olive branch out and see is this as benign as they
9 contend. And if it is -- we all want to live on
10 that marsh because it's gorgeous and -- and I guess
11 that's the only thing I have to say at this point.
12 All right?

13 Thank you all for your time.

14 CHAIRMAN MISTERLY: Next.

15 Anyone else want to speak?

16 And if -- if you all wouldn't mind, maybe the
17 next person get on deck and get ready to speak so
18 we can keep this moving along.

19 MS. KERN: Tawny Kern again from
20 Althea Street.

21 And I'm opposed to this as I'm opposed to
22 40 Hildreth Way. The process just hasn't been
23 followed. There's been a disregard for neighbors.
24 And now tonight, I feel like I've been threatened
25 by the applicant. It's unfortunate.

1 We have a great neighborhood. I love my
2 neighborhood, but they haven't followed any of the
3 rules. There are contractors who've received
4 training in how the rules should be followed.

5 All the items that were asked for haven't been
6 supplied. So this isn't right. So please deny it.

7 Thank you.

8 CHAIRMAN MISTERLY: Thank you.

9 Next.

10 MR. CODD: Patrick Codd, 18 Althea.

11 The only thing I really want to say right now,
12 without just continually repeating, is that since
13 this started, this has been called a decorative
14 wall. And -- and if I was building a home and had
15 that there, I would not want to look at this
16 concrete structure, 300-plus feet, along there
17 because what's natural is the mangroves and the --
18 and the marsh grass and everything that grows out.

19 I mean, I've lived there for 12 years. I've
20 watched it. And -- and it's beautiful. Absolutely
21 beautiful. I don't know how you could make it any
22 better than just natural.

23 So that's -- that's my comment. Thanks.

24 CHAIRMAN MISTERLY: Thank you.

25 And I'll encourage -- as you all speak,

1 remember the 17 criteria I highlighted and hit on
2 those things.

3 MS. BURRELL: Gina Burrell again, 27 Seminole
4 Drive, St. Augustine.

5 The Shafers have been given enough time. This
6 has been going on for months. I don't think
7 anything before you has been this long. You've
8 given them all opportunities to come up with the
9 17 criteria, and they haven't done it.

10 And I don't know who this gentleman is. He's
11 an environmental scientist, but you asked for a
12 hydrology engineer. Isn't there a difference?

13 So I think you should deny it. That's the way
14 I feel.

15 Thanks a lot.

16 CHAIRMAN MISTERLY: Thank you.

17 MS. RAKONCAY: I find it interesting that the
18 applicant --

19 CHAIRMAN MISTERLY: Name -- name and address.

20 MS. RAKONCAY: I'm sorry. Melinda Rakoncay,
21 86 Magnolia Avenue.

22 CHAIRMAN MISTERLY: You should know this by
23 now.

24 MS. RAKONCAY: I'm sorry.

25 The applicant is asking for a continuance

1 based on the fact that you all didn't meet last
2 month because of quorum. And if I -- actually what
3 happened was he was supposed to have all this
4 information by July's meeting.

5 He -- he didn't -- obviously didn't have it
6 ready for the July's meeting. By luck, you all
7 didn't meet with -- because of a lack of a quorum.
8 He got an extra month, and he still doesn't show up
9 with the list of four things that you want, plus
10 the 17 criteria.

11 So I'm not quite sure his logic on deserving
12 an extra chance because of the July meeting being
13 cancelled, because obviously if he was prepared for
14 the July meeting, he'd be prepared for the August
15 meeting. It's just -- that's all.

16 And -- and I think everybody has been put
17 through this long enough, especially the neighbors.
18 Again, he was late getting even his application in
19 for the August meeting. He missed the July 22nd
20 deadline. There's a reason for those deadlines.

21 Again, if he was all ready for the July
22 meeting and the only thing that messed him up was
23 your lack of quorum, then he should have had all
24 this stuff turned in July 10th, way early, and the
25 staff would have had plenty of time to have gone

1 over it.

2 Thank you.

3 CHAIRMAN MISTERLY: Thank you.

4 MR. SMITH: Charles Smith again.

5 I just want to reiterate things that have
6 already been said. We're not -- there's no point
7 in rehashing all the stuff that we had from
8 40 Hildreth for 0 Hildreth, whether it's Drive or
9 Way, I'm not sure which is -- which is which. But
10 if one was denied, obviously the second one should
11 be denied simply because they're contiguous. The
12 walls and the riprap, everything are -- one leads
13 right into the other. So you almost can't really
14 separate them in -- in -- in your -- your decisions
15 or in whatever influences the 17 criteria are met
16 or not met. It has to be taken basically the same.

17 Thank you.

18 CHAIRMAN MISTERLY: Real quick, Charles, your
19 address?

20 MR. SMITH: Oh, 2 Fern Street.

21 CHAIRMAN MISTERLY: Thank you. Looking out
22 for you.

23 MS. BERTOGLI: Nancy Bertogli, 44 Atlantic
24 Ave.

25 I urge the board to deny this application.

1 There's been no evidence submitted that would meet
2 your criteria that it be approved.

3 I would also urge you not to continue it
4 because all it does is bring us back here over and
5 over and over and -- and just to get, you know, put
6 off again and again and again. So I would urge you
7 to deny.

8 Thank you.

9 CHAIRMAN MISTERLY: Thank you.

10 MS. MOONEY: Hi. Robin Mooney, 14 Althea.

11 This is the third meeting that I've attended
12 on this. This is the fourth time I've testified.
13 Everything's on record already on how I feel, so
14 I'm not going to make -- make you suffer through
15 another bit of that. I urge you to deny it and
16 send it back to code enforcement.

17 I agree that it's consistent -- it's a
18 contiguous wall. If you're going to deny one,
19 you've got to deny the other. There's no
20 difference.

21 Thank you.

22 CHAIRMAN MISTERLY: Thank you.

23 Anyone else in the public want to speak?

24 All right. Public hearing's closed. If the
25 applicants would come back up. And I know we -- we

1 do need to take the time to state findings and fact
2 and all that.

3 So, Mr. Blow, you get to lead us off unless --
4 actually, let me give you a chance. Anything you
5 want to respond to on the testimony from the
6 public?

7 MR. SHAFER: I just think that it would be
8 appropriate to get another bite of the apple to
9 gather this information. It seems like a small
10 handful. Yes, it's taken forever, but Jonathan
11 said he's reached out to a ton of engineers and so
12 have I.

13 It's -- it's not a navigable process with all
14 these supply chain issues and issues with people
15 being busy and no materials and -- not just the
16 materials, but one's time. And I would think it
17 would maybe be appropriate if it was set for
18 another time to come back and bring more
19 documentation. I mean, I've -- we're right there.
20 I think it would be appropriate. I really do.

21 We've got a lot of time and effort, all
22 this -- in all this here. And the scene would be
23 cut short and not so fair if we couldn't -- if it
24 wasn't fair for us to be able to come back and
25 prove that we've got more documentation that might

1 show -- pretty sure it's going to show that we
2 should be okay.

3 CHAIRMAN MISTERLY: Okay. Thank you.
4 Carl?

5 BOARD MEMBER BLOW: Okay. Well, I guess we
6 need to focus on the 17 criteria.

7 CHAIRMAN MISTERLY: Let's do it.

8 BOARD MEMBER BLOW: And -- and I'm just
9 looking at the staff report here. Number 3,
10 natural and proposed drainage patterns. Draining
11 plans have not been submitted; is that correct?

12 MR. FREDRIKSSON: Yes, sir.

13 BOARD MEMBER BLOW: Okay. Well, we don't have
14 the -- the information.

15 I'm still a little kind of confused about
16 Number 5, which is -- the response from staff was
17 riprap has already been installed on the property.
18 I'm not sure what the status of that riprap is, if
19 it was -- had been approved by PZB.

20 So, basically, we're sort of in the same
21 situation as with 40 in that we lack the
22 information we need to evaluate the 17 criteria.

23 So that's where I am, Mr. Chair.

24 CHAIRMAN MISTERLY: Okay.

25 VICE-CHAIR DAVIS: I agree with what Carl has

1 said. And just adding in there just I would love
2 to have had elevations, I would love to have known
3 what the ground height was compared to what the
4 flood heights had been compared to what the top of
5 the wall is, and I just don't have any of that
6 information.

7 CHAIRMAN MISTERLY: Okay. And I don't want to
8 beat a dead horse, but I do know we need to say it
9 all again since this is a separate case. So I'm
10 going to -- I'll say it again: We do judge this by
11 17 criteria for a conservation overlay zone
12 development. We requested information to -- so
13 that we could make judgments on whether this met
14 those criteria or not.

15 We had meetings February, April. The board
16 was very clear on what we needed and specifically
17 requested an engineer perform an evaluation of this
18 and provide signed and sealed analysis of these
19 17 criteria to weigh in on -- on whether this
20 application met it from an engineering standpoint.

21 And for me, it was Criteria Number 3, the
22 natural and proposed drainage patterns. So how
23 water would move around and through this wall both
24 as tides came up and as tides receded. Not only
25 you're going to have water, you know, hitting the

1 front of the wall, but then all that water -- once
2 the neighborhood does flood, that water has to get
3 out somehow. So how's -- how's the wall let water
4 back out?

5 Number 6, impact on floodplain. Similar --
6 similar concept, how does water move in and out on
7 this floodplain and what impact does this wall have
8 on it.

9 Number 7, impact of development on vegetative
10 and animal communities, but you did bring your
11 expert, who's testified that that -- this project
12 does not have impact on that. So that one is not a
13 concern for me any longer.

14 And then Item Number 11, impact of development
15 on shoreline by linear feet and percent of site.
16 So in that meeting, the board had requested
17 specifications on the block, topographic survey,
18 and an engineer's hydrological report on how water
19 moves, and then an engineer's evaluation of these
20 17 criteria.

21 We do have a letter from an engineer, but it's
22 pretty general, and I have trouble directly tying
23 it to these 17 criteria. So I don't have the
24 information I need to make a decision.

25 So for me, this one falls into either a denial

1 or a continuance.

2 BOARD MEMBER DePRETER: I agree with what the
3 other board members have said up to now.

4 BOARD MEMBER PAPPAS: I agree also. The --
5 one thing that did come up, too, that you said
6 might make this site a little unique is it's higher
7 than the other site next to it, which sometimes
8 brings in Number 2, the relationship to adjacent
9 properties.

10 CHAIRMAN MISTERLY: Oh, right.

11 BOARD MEMBER PAPPAS: Even though owned by the
12 same people --

13 BOARD MEMBER BLOW: I thought he said it was
14 lower.

15 MR. SUMMERFIELD: It's lower than --

16 BOARD MEMBER PAPPAS: Oh, this one's lower.
17 Sorry.

18 MR. SUMMERFIELD: Yeah, this one's lower
19 because ground has been scraped away.

20 BOARD MEMBER PAPPAS: Thank you. I --

21 MR. SUMMERFIELD: The adjacent property to the
22 east is actually higher.

23 BOARD MEMBER PAPPAS: Okay. Thank you.

24 MR. SUMMERFIELD: That's --

25 BOARD MEMBER PAPPAS: Take that back.

1 I would -- I would not be in favor of a
2 continuance. I'd be in favor of a denial because
3 that just -- if we continued it, then we're
4 questioning our own selves on the previous
5 decision, and we were all pretty confident on the
6 items we listed of why to deny.

7 Thank you.

8 BOARD MEMBER GRIGGS: I agree with the other
9 board members, and I agree with Mr. Pappas that we
10 should deny it.

11 CHAIRMAN MISTERLY: Okay.

12 VICE-CHAIR DAVIS: (Inaudible.)

13 CHAIRMAN MISTERLY: Yeah, please.

14 VICE-CHAIR DAVIS: Before -- I want to go back
15 to the gentleman that testified at 40 Hildreth.
16 One of the neighbors had just wanted everybody
17 to -- to work together. And on South Davis, Davis
18 Shores, the neighbors are all working together.
19 They're working with Reuben Franklin, who's the
20 utility director, to try to figure out flooding
21 along Coquina and those other areas that has
22 happened, the same as what you're experiencing in
23 your neighborhood.

24 I would encourage you to reach out to the city
25 and see what can be done so that everybody is in

1 the same boat and everybody has potentially the
2 same solution. So that's just my own comment.

3 CHAIRMAN MISTERLY: All right. From city
4 attorney, we -- is there any issue if the motions
5 are different between these two?

6 MS. LOPEZ: No. Each case is -- is specific.
7 If the -- if the board finds evidence that supports
8 whichever position you want to take, whether that's
9 continuing it or denying it, that's -- that's
10 really your requirement.

11 You're looking at the 17 criteria. You're
12 listening to the evidence heard at this hearing.
13 My understanding is factually there's some nuances
14 between the two, and that may or may not be
15 sufficient to justify, in terms of weighing the
16 evidence, a denial or a continuance.

17 CHAIRMAN MISTERLY: Okay. Thank you.

18 All right. Do we have a motion from the
19 board?

20 BOARD MEMBER DePRETER: The motion maker will
21 come.

22 I'll make a motion to deny Conservation
23 Overlay Zone Development 2022-0043 on the grounds
24 it has not met the burden of proof for our
25 17 criteria, specifically -- and anyone can join in

1 if I haven't gotten them -- specifically, Number 3,
2 natural and proposed drainage patterns. The only
3 thing I've learned here all day long is that the
4 one is lower than the other. I'd like to have more
5 information on that. Number 4, effect of point and
6 nonpoint discharge in the marine environment, not
7 as high, but still a concern. Number 2, as we just
8 learned a little bit of evidence, the site's
9 relationship to adjacent properties, bodies of
10 water, and surrounding conservation zones. And
11 Number 11, impact of development on shoreline by
12 linear feet and percentage of site. I would say
13 this one specifically because it covers 100 percent
14 of the shoreline. We don't even know if it's
15 necessary to have 100 percent or if there's another
16 way to do it. And because it is 100 percent, I
17 feel it's a higher burden of proof.

18 So specifically on those four, I make this
19 recommendation. And, also, I would like to get in
20 the record that our staff has recommended denial of
21 this.

22 BOARD MEMBER PAPPAS: I'll second that.

23 CHAIRMAN MISTERLY: Can we add Number 6, the
24 impact on the floodplain criteria?

25 BOARD MEMBER DePRETER: Yep. I'm sorry.

1 Yeah, I should have had that one, Number 6. So
2 I'll add Number 6 to the very same motion.

3 CHAIRMAN MISTERLY: And then I, you know, do
4 want to point out, I think you -- you mentioned
5 staff recommended denial, but their -- their
6 recommendation was based on lack of the requested
7 information --

8 BOARD MEMBER DePRETER: Lack of requested
9 information. And the opportunity for the applicant
10 to meet that request, I believe this is our -- this
11 is our third meeting. And, you know, I just want
12 to say for the record people's time isn't -- you
13 know, everybody's finite here. So I think --

14 BOARD MEMBER BLOW: We're all getting old,
15 right?

16 BOARD MEMBER DePRETER: What's that?

17 BOARD MEMBER BLOW: I said we're all getting
18 old.

19 BOARD MEMBER DePRETER: Yeah, we're all
20 getting old. Yeah, thank you, Carl.

21 Anyway, that's my motion.

22 BOARD MEMBER PAPPAS: I'll second that.

23 CHAIRMAN MISTERLY: Any further discussion
24 from the board?

25 Okay. Roll call.

1 THE CLERK: Jon DePreter.
2 BOARD MEMBER DePRETER: Yes.
3 THE CLERK: Charles Pappas.
4 BOARD MEMBER PAPPAS: Yes.
5 THE CLERK: Christina Griggs.
6 BOARD MEMBER GRIGGS: Yes.
7 THE CLERK: Carl Blow.
8 BOARD MEMBER BLOW: Yes.
9 THE CLERK: Mike Davis.
10 VICE-CHAIR DAVIS: Yes.
11 THE CLERK: Grant Misterly.
12 CHAIRMAN MISTERLY: Yes.
13 Sorry.
14 MR. SHAFER: (Inaudible.)
15 CHAIRMAN MISTERLY: All right. Thank you.
16 I do want to thank the public and the
17 applicant both for being respectful to each other
18 during this.
19 BOARD MEMBER DePRETER: Yes.
20 CHAIRMAN MISTERLY: I know this was a
21 controversial one, so I appreciated that.
22 (End of Item 2022-0043.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
)
COUNTY OF ST. JOHNS)

I, Melissa Schroeder, Court Reporter, certify that
I was authorized to and did transcribe the foregoing
proceedings from a digital recording; and that the
transcript is a true and complete record of my stenographic
notes to the best of my ability.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties, nor am
I a relative or employee of any of the parties' attorney or
counsel connected with the action, nor am I financially
interested in the action.

DATED this 26th day of August, 2022, in St. Johns
County, Florida.

Melissa Schroeder
Melissa Schroeder,
Court Reporter

BOARD MEMBER BLOW: [12] 9/19 10/7 10/10 10/14 13/25 24/5 24/8 24/13 27/13 31/14 31/17 32/8 BOARD MEMBER DePRETER: [9] 14/6 27/2 29/20 30/25 31/8 31/16 31/19 32/2 32/19 BOARD MEMBER GRIGGS: [3] 14/9 28/8 32/6 BOARD MEMBER PAPPAS: [10] 14/7 27/4 27/11 27/16 27/20 27/23 27/25 30/22 31/22 32/4 CHAIRMAN MISTERLY: [48] MR. CODD: [1] 18/10 MR. FREDRIKSSON: [2] 2/15 24/12 MR. MOONEY: [1] 15/24 MR. SHAFER: [13] 3/12 3/20 6/8 8/11 8/15 8/21 9/10 13/7 13/13 13/17 13/20 23/7 32/14 MR. SMITH: [2] 21/4 21/20 MR. SUMMERFIELD: [13] 3/15 9/12 9/16 9/20 10/9 10/12 10/15 12/5 12/11 27/15 27/18 27/21 27/24 MS. BERTOGLI: [1] 21/23 MS. BURRELL: [1] 19/3 MS. KERN: [1] 17/19 MS. LOPEZ: [7] 2/5 2/11 3/4 3/7 13/10 13/18 29/6 MS. MOONEY: [1] 22/10 MS. RAKONCAY: [3] 19/17 19/20 19/24 MS. 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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 3, 2022

RE: **Development Agreement Related to the Broudy Project Development at the intersection of West King Street and Highway US 1 (Ponce de Leon Boulevard) – Public Hearing**

On June 7, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of this referenced property from Commercial Medium Intensity and Industrial to a newly created land use category of Mobility Oriented Development.

As part of their deliberations the PZB considered the proposed height and density and determined that in order to achieve the mobility objectives a certain critical amount of density is necessary, which may justify higher building heights.

Additionally, the PZB determined that the proposed land use plan amendment did benefit the public by meeting the mobility goals of the Comprehensive Plan 2040, and was compatible with the long term planning goals of the city. The PZB also determined that the land use plan amendment would have a positive economic impact which would benefit West King Street, and that the proposal meets resiliency goals of the city to encourage development along West King Street.

The PZB also recommended the creation of a compatible MOD zoning district to be inserted into the Zoning Code.

On July 11, 2022, the City Commission passed on First Reading a transmittal to the State Department of Economic Opportunity (FDEO), and the other reviewing agencies a Comprehensive Plan amendment to create the MOD land use category, and insert it into the Comprehensive Plan.

The only review agency that commented was the FDOT, recommending a Transportation Analysis when the category is assigned to a property.

On September 26, 2022, the City Commission adopted the new Mobility Oriented Development land use category at Second Reading with changes. The changes by the City Commission include:

- Reducing the height to a maximum of 65 feet regardless of any location or stipulations; and
- Making a parking garage a specific required component of a Mobility Station.

On September 26, 2022, the City Commission adopted the new MOD zoning category at Second Reading with changes. The changes by the City Commission include:

- Reducing the height to a maximum of 65 feet regardless of any location or stipulations,
- Making a parking garage a specific required component of a Mobility Station,
- Any property in an Entry Corridor must comply with the applicable Entry Corridor Design Standards,
- All drive through uses of any kind are removed from the list of permitted uses or uses by exception.

The attached Development Agreement outlines the requirements and parameters agreed to by the Broudy Bros Ltd and Cory Lang and the City for the proposed project. The key elements are outlined below:

- **The property will be designated with the newly created Mobility Oriented Development land use category and the newly created MOD zoning district.**
- **The development rights are limited to not exceed 275 residential units and 80% lot coverage. The project will comply with the (West) King Street Design Standards as applicable to the property.**
- **The parking is shared for the site requirements, and will contain a publicly available parking garage with a minimum of 500 parking spaces unless agreed to by both parties.**
- **The project must be a Mobility Oriented Development project and contain the required elements consistent with the Mobility Oriented Development land use category and the MOD zoning district.**

Development Agreements must have at least two (2) public hearings before the City Commission. Please place this item for its first public hearing on the October 10, 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.



Amy McClure Skinner, AICP
Director, Planning and Building Department

BROUDY DEVELOPMENT AGREEMENT

THIS BROUDY DEVELOPMENT AGREEMENT (the “**Agreement**”) is made and entered into on this ____ day of _____, 2022, by and between BROUDY BROS., LTD., a Florida limited partnership, and CORY A. LANG, an individual (together with their successors and assigns collectively, “**Owner**”), and THE CITY OF ST. AUGUSTINE, FLORIDA, a Florida municipal corporation (the “**City**”).

A. The Owner is the owner of approximately 5.5 acres located at the northwest corner of the intersection of U.S. Highway 1 and West King Street in the City of St. Augustine, Florida, as described on **Exhibit “A”** attached hereto and incorporated herein by this reference (the “**Property**”).

B. The City has identified the Property for the location of a Mobility Station (as that term is defined in Section 28-2 of the City of St. Augustine Code) to provide multi-modal transit to residents of and visitors to the City.

C. The City has adopted a new future land use category called Mobility-Oriented Development and a new zoning district called Mobility Oriented Development to bring mobility-oriented development to certain areas of the City, including the Property.

D. In order for the Owner, in cooperation with the City, to provide a mobility station on the Property, it is necessary to change the Future Land Use Map (“**FLUM**”) designation of the Property from Commercial Medium Intensity and Industrial to Mobility-Oriented Development (“**MOD FLUM**”) and the zoning district of the Property from Commercial Medium Two (“**CM-2**”) and Industrial Warehouse (“**IW**”) to Mobility-Oriented Development (“**MOD Zoning**”).

E. The Property will be developed in accordance with the MOD FLUM and MOD Zoning designations (the “**Development**”).

F. The Owner desires to develop the Property to provide pedestrian linkage improvements with accommodations for park-and-ride and bikeshare/carshare programs for access into the downtown area. Allowable uses within the Property may include, but are not limited to, multi-modal transportation facilities, retail services, grocery stores, restaurants, other commercial and service uses, offices, multi-family residential units, public buildings and public uses, parks/plazas and similar uses and supporting facilities.

G. The Owner will construct any necessary turn lane, utility and other improvements, both on the Property and off-site, to mitigate for impacts of the Development, as determined at concurrency and construction plan approval.

H. The Owner and the City desire to enter into this Agreement to (i) allow use of the Property as a mobility-oriented development, subject to the parameters set forth in this Agreement; (ii) allow the assignment of development rights and related parking and stormwater within the Property to individual parcels within the Development, regardless of parcel ownership; (iii)

provide for a publicly available parking garage; and (iv) provide a timeline for construction of the Development.

I. This Agreement is consistent with the City's Charter, the City's Comprehensive Plan and Municipal City Code, as well as, with provisions of Chapter 163, Florida Statutes, Chapter 166, Florida Statutes, Chapter 187, Florida Statutes and Article VIII, Section 2(b), Constitution of the State of Florida, and other applicable law, and serves a public purpose.

J. The City has determined that the requirements of Section 163.3231, Florida Statutes, have been met in that:

i. The City has adopted a local Comprehensive Plan that is in compliance.

ii. The proposed development of the Property is consistent with the City of St. Augustine Comprehensive Plan, including the Future Land Use Map, and complies with applicable provisions of the City's Land Development Regulations and Municipal Code (the "City Code").

iii. This Agreement constitutes a binding commitment on the part of the Owner, its successors and assigns, to develop the Property consistent with the Comprehensive Plan and applicable provisions of the City Code.

K. The Development will be served by the following public facilities:

i. Transportation. Site access will be provided via the existing U.S. Highway 1, West King Street and Hartshorn Street, subject to approval by applicable governmental agencies. Prior to commencement of the Development, the Owner shall apply to the City for transportation concurrency and will pay mobility fees and make any site access improvements required by applicable laws and regulations, including the City Code, for the Owner's private development on the Property (but not related to the City's parking garage proposed for the Property).

ii. Potable Water and Sanitary Sewer. The City will provide adequate water and wastewater service to the Property. Prior to commencement of the Development, the Owner shall apply for water and sewer concurrency and will pay any connection or other fees and make any system improvements required by applicable laws and regulations, including the City Code, for the Owner's private development on the Property (but not related to the City's parking garage proposed for the Property).

iii. Solid Waste. The City will provide solid waste disposal to the Property.

iv. Drainage. Concurrently with development of the Property or portions thereof, the Owner will provide drainage in accordance with St. Johns River Water Management District rules and in accordance with local government development orders that have been and will be issued for development of the Property from time to time, as well as other improvements in compliance with the provisions of this Agreement and the respective responsibilities of the parties.

v. Parks / Open Space. Concurrently with development of the Property or portions thereof, the Owner and the City will provide recreational facilities and open space as required in applicable provisions of the City Code.

vi. Public Schools. Concurrently with development of any residential units on the Property, the Owner will provide school proportionate share and pay school impact fees, in accordance with applicable laws and regulations.

L. The MOD Zoning district allows a maximum residential density of 50 units per acre, a maximum lot coverage by buildings of 80 percent and a maximum building height of 65 feet.

M. This Agreement strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation and comprehensive planning and reduces the costs of development.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Findings of Fact.** The Recitals set forth above are true and correct and are incorporated herein by reference as Findings of Fact.

2. **Purpose and Intent.** The Owner and the City desire to enter into this Agreement to address the provision of a mobility-oriented development on the Property, pursuant to the MOD FLUM and MOD Zoning designations. The Development will include a cohesive mixture of land uses centered around a centralized publicly available parking facility and future rail station. The Owner and the City will cooperate in providing utility, stormwater and transportation system improvements to support the Development, subject to final concurrency and construction plan approval in accordance with the City Code. Cooperation with the City on public facilities, utilities and transportation shall not relieve the Owner of the responsibility for compliance with all applicable codes, laws and regulations and does not imply that the City will be responsible for construction or financing of any improvements needed for privately owned portions of the Development. Costs associated with any publicly owned or available portions of the Development will be subject to a separate agreement between the Owner and the City.

3. **Public Facility Improvements.** The Owner and the City agree that they will cooperate in providing potable water, sanitary sewer, stormwater, transportation and other public facilities to the Development. Once the Owner finalizes its plans for the Development, the Owner will apply to the City for concurrency and construction plan approvals. At that time, the City and the Owner will determine whether any capital improvements are necessary to serve the Development and which party or parties will be responsible for funding and constructing such improvements. The Owner will comply with all codes, laws and regulations related to potable water, sanitary sewer, stormwater, transportation and other public facilities necessary for development of the Property.

4. **Property Development Rights.** For the purposes of the Agreement, the Property shall have the following development rights, as calculated below:

a. The Property includes approximately 5.5 developable acres, as depicted on the conceptual development plan attached hereto as **Exhibit "B"** and incorporated herein by this reference (the "**Conceptual Development Plan**"). Based on the approximately 5.5 developable

acres within the Property, the maximum residential density for the Development will not exceed 275 units, pursuant to the MOD FLUM and MOD Zoning designations (the “**Residential Development Rights**”). The maximum non-residential intensity for the Development shall not exceed the 80 percent lot coverage by buildings for the overall Property, less the lot coverage by residential buildings (the “**Non-Residential Development Rights**”, and collectively with the Residential Development Rights, the “**Development Rights**”):

b. The Development shall not be permitted to exceed 80 percent lot coverage by buildings, as calculated over the 5.5 developable acres within the Property.

c. The Owner shall be permitted to allocate some or all of the Development Rights to one or more parcels within the Property, regardless of the size of such parcel or parcels. The Owner shall notify the City when it allocates any portion of the Development Rights to a parcel within the Property and shall record an assignment of such portion of the Development Rights against title to the applicable parcel in the Public Records of St. Johns County, Florida. The Owner shall also submit tables tracking allocations of the Development Rights with each construction plan submittal to the City, so that the City will know how many cumulative Development Rights have been allocated as of the date of each construction plan submittal.

d. The Property will comply with the King Street Design Standards as they related to “West King Street”, as set forth more fully in City Code Section 28-130(3).

e. Permitted uses within the Development shall be those allowed by right in the MOD future land use category and MOD zoning district.

f. Lot coverage by buildings shall be measured within the Property as a whole, and not by individual parcel or parcels.

g. Stormwater ponds and structures may be shared among parcels within the Property.

h. Trash dumpsters and other facilities may be located inside or outside of any parking garage or garages that may be constructed on the Property.

i. The Conceptual Development Plan is subject to revision, provided any changes conform with the MOD FLUM and MOD Zoning designations.

5. **Shared Parking.** The Development will include a variety of land uses, including mobility, residential, commercial/retail and office, and will be developed in a unified manner, consistent with the Conceptual Development Plan. Due to its mixed-use nature, the Development shall be permitted to have parking for various parcels within the Property located anywhere within the Development, if approved by the City Planning and Zoning Board (“**PZB**”) as a use by exception. If the entire Development is approved by the PZB as a use by exception for off-site parking, each specific parcel, at the time of its construction plan submittal, shall identify (i) its per-Code parking needs, (ii) the off-site parking location to be used within the Development for such parcel and if the location complies with the City Code’s distance requirements, (iii) the available number of parking spaces at that location, and (iv) the availability of such parking spaces no later than at the time the City issues a certificate of occupancy or its equivalent for the related use. The Owner shall notify the City when it allocates parking spaces within the Development to a specific

parcel and shall submit tables tracking allocations of parking spaces with each construction plan submittal to the City, so the City can track the Development's compliance with Code parking provisions. Nothing herein is intended to vary, modify or waive any Code criteria, nor to imply the preemptive approval or disapproval of a use by exception or other quasi-judicial hearing process. If the Development is not approved by the PZB as a use by exception for off-site parking, each parcel within the Development will have to comply with Code parking requirements on-site.

6. **Mobility – Oriented Development Project.** The Development is proposed to be a mobility-oriented development, which is why the Owner applied for and the City approved a Comprehensive Plan Amendment to change the FLUM designation of the Property to MOD and a rezoning to amend the zoning district of the Property to MOD. In the event a mobility oriented development meeting the criteria of the MOD FLUM designation set forth in City Comprehensive Plan Land Use Element Policy 6.9.1 does not occur within the Property, the future land use and zoning designations of the Property shall automatically revert to Commercial Medium Intensity and Industrial as the future land use designations (as they were in September 2022) and CM-2 and IW zoning districts (as they were in September 2022) and the Owner will be required to seek FLUM and zoning amendments for any development of the Property that is not consistent with the September 2022 future land use and zoning designations of the site.

7. **Publicly Available Parking Garage.** The MOD FLUM and MOD Zoning designations require the Property to contain a Mobility Station (as that term is defined in Section 28-2 of the City Code. A Mobility Station must contain 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 Mobility Station on the Property may also include a transit station available to the public at large for general transportation needs or a commuter rail station at some time in the future. The Owner intends to construct a publicly owned parking garage, publicly leased parking garage, or publicly available parking garage on the Property to satisfy the Mobility Station requirement. Such parking garage will be developed on the Property in cooperation with the City of St. Augustine and will contain a minimum of 500 parking spaces available to the public, unless that number is reduced per agreement by both the City and the Owner. None of the minimum 500 parking spaces (subject to reduction per agreement by both the City and the Owner) available to the public shall serve the parking needs of privately owned buildings or businesses located on the Property, unless the Property is included in an overlay district or other agreement is reached between the City and the Owner that allows for shared or reduced parking. The details of ownership and operation of the parking garage shall be subject to a separate agreement between the City and the Owner. In the event the City and the Owner do not reach agreement regarding the development of the garage, as set forth in this Section 7, the Owner shall be permitted to construct and finance a parking garage meeting the requirements of the Mobility Station definition in Section 28-2 of the City Code.

8. **Development Timing.** Project development will commence within five (5) years of the Effective Date hereof; provided, however, that the Owner shall have the right to extend this date through an amendment to this Agreement. For the purposes hereof, "commencement" shall be defined as the City's approval of the first construction plans for the Property. Because the Property has an MOD zoning designation, no Development phasing or completion dates are required by the Code. Thus, the Development may occur in a number of phases. Each phase of

the Development will meet applicable City Code requirements. The City shall review the Development at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with this Agreement, pursuant to Section 163.3235, Florida Statutes.

9. **Authority and Duration.** This Agreement is made and granted pursuant to Sections 163.3220-163.3243, Florida Statutes, and is effective through the thirtieth (30th) anniversary of the Effective Date of this Agreement, and any extension of this Agreement. Notwithstanding the foregoing, this Agreement shall not expire as long as a mobility-oriented use, as defined in the MOD future land use and MOD Zoning categories, is operating on the Property.

10. **Amendment, Extension of Agreement.** If state or federal laws are enacted after the execution of this Agreement that are applicable to and preclude the parties' compliance with the terms of this Agreement, this Agreement shall be modified or revoked as necessary to comply with the relevant State or federal laws, pursuant to Sections 163.3237 and 163.3241, Florida Statutes, as may be amended from time to time. The duration of this Agreement may be extended by the City pursuant to law and after conducting a public hearing in the manner specified in Section 163.3225, Florida Statutes, as may be amended from time to time.

11. **Necessity to Obtain Permits.** The Owner acknowledges its obligation to obtain all necessary federal, state and other local development permits (not mentioned herein) for development of the Property. The failure of this Agreement to address any particular permit, condition, term or restriction applicable to development of the Property shall not relieve the Owner or any successors or assigns of the necessity of complying with federal, state, and other local permitting requirements, conditions, terms or restrictions as may be applicable.

12. **Agreement Consistent with Comprehensive Plan and Section 163.3180, Florida Statutes (2022).** The City hereby acknowledges and agrees that (i) the Development is consistent with Florida Statutes and with the City's Comprehensive Plan and Land Development Regulations, and (ii) that the City's Comprehensive Plan is in compliance with the State of Florida Comprehensive Plan. This Development Agreement is contingent upon a future land use category and companion zoning district specific to mobility-oriented development. Any successful legal challenges to these ordinances will nullify the rights and obligations of this Development Agreement.

13. **Remedies.** Each party to this Agreement shall be entitled to seek enforcement of this Agreement against the other party consistent with Section 163.3243, Florida Statutes, as may be amended from time to time.

14. **Binding Effect.** The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. When Owner is used in this Agreement, it includes Owner and any successors and assigns owning any rights to the Property, jointly and severally assuming all the Owner obligations set out in the Agreement, unless the obligations have been fully discharged. Payments or credits due to Owner by City pursuant to the terms of this Agreement will be disbursed or assigned to BROUDY BROS., LTD. City shall have no duty to apportion or assign any payments or credits from this Agreement to successors or assigns, and said successors or assigns shall only look to BROUDY BROS., LTD.

for reimbursement, credit or apportionment, unless BROUDY BROS., LTD. assigns its rights and obligations hereunder in full to a successor in interest to the Property.

15. Applicable Law: Jurisdiction and Venue. This Agreement and the rights and obligations of the City and Owner under this Agreement shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida (2022). This Agreement may be enforced as provided in Section 163.3243, Florida Statutes, as may be amended from time to time. Venue for any litigation pertaining to the subject matter of this Agreement shall be exclusively in St. Johns County, Florida. If any provision of this Agreement, or the application of this Agreement to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the Development contemplated by this Agreement shall not relieve Owner or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

16. Joint Preparation. Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

17. Exhibits. All exhibits attached to this Agreement contain additional terms of this Agreement and are incorporated into this Agreement by reference.

18. Captions or Paragraph Headings. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision of this Agreement.

19. Counterparts. This Agreement may be executed in counterparts, each constituting a duplicate original; such counterparts shall constitute one and the same Agreement.

20. Effective Date and Recordation. This Agreement shall become effective fifteen (15) days after it has been recorded in the Public Records of St. Johns County (the “**Effective Date**”).

21. Amendment. This Agreement may be amended, cancelled or revoked consistent with the notice and hearing procedures of Section 163.3225, Florida Statutes, and the terms of Section 163.3237, Florida Statutes, as may be amended from time to time.

22. Further Assurances. Each party to this Agreement agrees to do, execute, acknowledges and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances in a manner and to the degree allowed by law, as shall be reasonably requested by the other party in order to carry out the intent of and give effect to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the City, the parties declare

their intention to cooperate with each other in effecting the purposes of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

23. Notices. Any notices or reports required by this Development Agreement shall be sent to the following:

For the City: City Manager
 City of St. Augustine
 75 King Street
 St. Augustine, Florida 32084

With copy to: City Attorney
 City of St. Augustine
 75 King Street
 St. Augustine, Florida 32084

For Owner: Barry B Broudy
 Broudy Bros., LTD.
 35 North Ponce De Leon
 St. Augustine, Florida 32085

 Cory A. Lang
 194 West King Street
 St. Augustine, Florida 32084

With copy to: Ellen Avery-Smith
 Rogers Towers, P.A.
 100 Whetstone Place, Suite 200
 St. Augustine, Florida 32086

[Signatures on Following Pages]

Passed and Duly Adopted by the City Commission of the City of St. Augustine, Florida this ____ day of _____, 2022.

Attest:

CITY OF ST. AUGUSTINE, FLORIDA, a
municipal corporation

By: _____
John P. Regan, P.E., City Manager

Approved as to form, legal sufficiency and
execution:

By: _____
— Isabelle Lopez, City Attorney

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

BROUDY BROS., LTD., a Florida limited
partnership

Name: _____

By:

Name: _____

Print: _____

Its: _____

Date: _____

Name: _____

Print: _____

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument is hereby acknowledged before me by means of ____ physical presence or ____ online notarization this ____ day of _____, 2022, by _____ as _____ of BROUDY BROS., LTD., a Florida limited partnership on behalf of the company. He is personally known to me or has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC

IN WITNESS WHEREOF, the parties hereto through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Florida
Witnesses:

CORY A. LANG

By: _____

Name: Cory A. Lang, an Individual

Name: _____

Date: _____

Print: _____

Name: _____

Print: _____

STATE OF FLORIDA

COUNTY OF _____

The forgoing instrument is hereby acknowledged before me by means of ___ physical presence or ___ online notarization this ___ day of _____, 2022, by CORY A. LANG, an individual. He is personally known to me or has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC

EXHIBIT "A"

Legal Description of Property

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

Together with:

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

EXHIBIT "B"

Conceptual Development Plan



SCALE: 1" = 60'-0"

Conceptual Site Plan

09.16.2022

LS3P

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 3, 2022

RE: **Ordinance 2022-16 – Amending the Future Land Use Designation of Property Commonly Known as the Broudy Property from Commercial Medium Intensity and Industrial Warehousing to Mobility Oriented Development – Second Reading and Public Hearing**

The property at the northwest corner of Highway US 1 (North Ponce de Leon Boulevard) and West King Street, commonly known as the Broudy Property is a 5.51-acre parcel that is west of Highway US 1 (North Ponce de Leon Boulevard), north of West King Street and south of the FEC right of way for the existing railroad tracks. The property is adjacent to commercial and industrial property to the west and south. This property currently contains a liquor store and auto mechanic shop, and includes vacant property.

This area is adjacent to a site that has been identified as a potential commuter rail station, and is also located in an area designated as the location of a future peripheral parking garage as articulated in the City's Mobility Plan. The proposed land use designation was drafted and created to promote the City's Mobility Plan and its efforts to reduce single occupancy vehicle congestion in the downtown.

The city's Future Land Use Map (FLUM) identified approximately 2.55 acres of Commercial Medium Intensity land use and approximately 2.96 acres of Industrial land use as the designated land use categories for these properties. The owner(s) has requested to change the land use to the newly created Mobility Oriented Development land use category.

An application to rezone the property to a newly created zoning district called Mobility Oriented Development (MOD), which is consistent with the proposed land use category has also been submitted. The owner is proposing a mixed-use project with commercial, and residential uses as well as a parking garage for the property. The proposed project also includes specific multimodal mobility elements.

On June 7, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of this referenced property from Commercial Medium Intensity and Industrial to a newly created land use category of Mobility Oriented Development.

As part of their deliberations the PZB considered the proposed height and density and determined that in order to achieve the mobility objectives a certain critical amount of density is necessary, which may justify higher building heights.

Additionally, the PZB determined that the proposed land use plan amendment did benefit the public by meeting the mobility goals of the Comprehensive Plan 2040, and was compatible with the long term planning goals of the city. The PZB also determined that the land use plan amendment would have a positive economic impact which would benefit West King Street, and that the proposal meets resiliency goals of the city to encourage development along West King Street.

On July 11, 2022, the City Commission passed on First Reading a transmittal to the State Department of Economic Opportunity (FDEO), and the other reviewing agencies a Comprehensive Plan amendment to create the MOD land use category, and insert it into the Comprehensive Plan.

The only review agency that commented was the FDOT, recommending a Transportation Analysis when the category is assigned to a property.

On September 26, 2022, the City Commission adopted the new MOD land use category at Second Reading with changes. The changes by the City Commission include:

- Reducing the height to 65 feet regardless of any other location or stipulations; and
- Making a parking garage a specific required component of a Mobility Station.

Attached you will find the Ordinance, and legal description(s), 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 2022-16 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

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 5.51 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY US 1 (NORTH PONCE DE LEON BOULEVARD) AND WEST KING STREET IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATIONS OF COMMERCIAL MEDIUM INTENSITY AND INDUSTRIAL WAREHOUSE TO A DESIGNATION OF MOBILITY ORIENTED DEVELOPMENT; 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 parcels of property containing approximately 5.51 acres of land, located at 194 West King Street (PIN #111190 0000), 198 West King Street (PIN #111200 0000), 35 North Ponce de Leon Boulevard (Highway US 1) (PIN #111130 0000), West King Street (PIN #111110 0000), 39 North Ponce de Leon Boulevard (Highway US 1) (PIN #111225 0120), 212 West King Street (PIN #111220 0000) and West King Street (PIN #111225 0000) commonly known as the Broudy Property being more fully described herein, that the property's Future Land Use Map (FLUM) designation should be amended from Commercial Medium Intensity and Industrial Warehousing to Mobility Oriented Development;

**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 5.51 acres commonly known as the Broudy Property located at the Northwest corner of the intersection of Highway US 1 (North Ponce de Leon Boulevard) and West King Street in the City of St. Augustine, and identified on the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2040 as Commercial Medium Intensity and Industrial Warehousing, is hereby amended to the classification of Mobility Oriented Development. This property is also known as Parcel Numbers 111190 0000, 111200 0000, 111130 0000, 111110 0000, 111225 0120, 111220 0000 and 111225 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)

9238 THIS INSTRUMENT PREPARED BY:
Susan S. Bloodworth
Rogers Towers Bailey Jones & Gay, P.A.
170 Malaga Street, Suite A
P. O. Box 3504
St. Augustine, FL 32085-3504

Public Records of
St. Johns County, FL
Clerk# 00-040369
O.R. 1528 PG 364
04:41PM 09/15/2000
REC \$9.00 SUR \$1.50
Doc Stamps \$875.00

WARRANTY DEED

THIS INDENTURE made this 15th day of September, 2000, BETWEEN EDWARD W. OLSON and LOIS G. OLSON, his wife, whose address is 560 West Tropic Way, St. Augustine, Florida 32084, Grantor, and CORY A. LANG whose post office address is 3921 Barbara Terrace, St. Augustine, Florida 32086, of the County of St. Johns, State of Florida, Grantee.

WITNESSETH, That said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Constance C. Ruvalo
Constance C. Ruvalo

(Witness Name Typed)

Roberta J. Halverson
Roberta J. Halverson
(Witness Name Typed)

Edward W. Olson
Edward W. Olson (SEAL)

Lois G. Olson
Lois G. Olson (SEAL)

0R1528P60365

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EDWARD W. OLSON and LOIS G. OLSON, his wife, [] personally known to me, or ~~by~~ who produced Florida's license as identification, who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of September, 2000..



ROBERTA J. HALYBURTON
Notary Public, State of Florida
My comm. expires Jan. 25, 2002
Comm. No. CC 710861

Roberta J. Halyburton

(Name of Notary Typed)
Notary Public, State of Florida at Large
My commission expires: _____

H:\USER\WLD\MISC.RE\Olson\Warranty Deed.wpd

LEGAL DESCRIPTION

Cory A. Lang Parcel

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000

2
5
PREPARED BY AND RETURN TO:
FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

FOR RECORDER
Public Records of
St. Johns County, FL
Clerk# 98038310
O.R. 1344 PG 309
03:44PM 08/26/1998
REC \$21.00 SUR \$3.00
Doc Stamps \$14,490.00

Rec - 21.00
Sur - 3.00
Doc - 14,490.00
COMMONWEALTH

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between MARTIN BROUDY, herein the "Grantor" and BROUDY BROS., LTD., a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH That the Grantor in consideration of Ten Dollars (\$10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

M. A. WALTERS
Name Printed: M. A. WALTERS

Martin D. Broudy
Martin D. Broudy

James Spaulding
Name Printed: James Spaulding

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced a valid drivers license as identification.

NOTARY PUBLIC

Mary Claire Miller

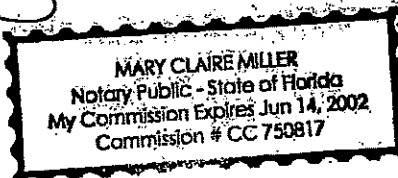


EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

O.R. 1019 PG 1392

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

LEGAL DESCRIPTION

Broudy Bros., Ltd.

111110-0000; 111200-0000; 111130-0000; 111225-0120

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition); through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

2
③ In: Estate
Rec: 15.00
Doc: 878.50
Ret: Grantee

Public Records of
St. Johns County, FL
Clerk# 98049545
O.R. 1360 PG 1032
02:59PM 11/03/1998
REC \$13.00 SUR \$2.00
Doc Stamps \$878.50

RECEIVER DEED

THIS DEED made and entered into this 2ND of NOVEMBER, 1998, by and between ARNOLD DELORENZO as RECEIVER, for EDMUND U. O'STEEN, BARBARA O'STEEN AND CLYDE EUGENE O'STEEN, party of the first part; and BROUDY BROS., LTD., whose post office address is

PO BOX 1689 ST. AUGUSTINE FL 32085
party of the second party;

WHEREAS, the said party of the first part was duly appointed RECEIVER for EDMUND U. O'STEEN, BARBARA JEAN O'STEEN AND CLYDE EUGENE O'STEEN under Order Authorizing and Directing receiver to convey real property. Order issued on the 2nd day of October, 1998, Case # CA 95-1244 by the Honorable Weinberg, Circuit Judge, in and for St. Johns County, Florida; and,

WHEREAS, the said party of the first part is authorized to convey such a deed to the party of the second part, and the party of the second part is entitled to such a deed;

NOW THEREFORE, in consideration of the foregoing and in further consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, their heirs and assigns forever, the following described property situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, charges and profits thereof and also all the estate's right, title and interest, property, possession, claim and demand whatever, both in law and in equity which the said party of the first part had or has by virtue of being Receiver of said property and otherwise of, in and to the above granted premises and every part and parcel thereof with the appurtenances. This deed also conveys all of the fee simple interest of EDMUND U. O'STEEN, BARBARA JEAN O'STEEN, CLYDE EUGENE O'STEEN, their successors or assigns.

TO HAVE AND TO HOLD the above described premises together with the appurtenances and every part thereof unto the said party of the second part, their heirs and assigns in fee simple forever.

And the said party of the first part, as Receiver, for them and their successors and assigns do hereby convey, promise and agree to and with the party of the second part that he is the lawful, and has power to convey as aforesaid and has in all

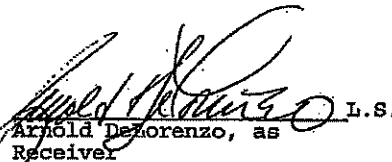
respects acted in making this conveyance under the powers granted to Receiver under Order Authorizing and Directing Receiver to convey real property and Receiver has not made, done or suffered any act, matter or things whatsoever since appointed as Receiver as aforesaid whereby the above granted premises and any part thereof now or at any time hereafter shall or may be impeached, charged or encumbered in any manner whatsoever.

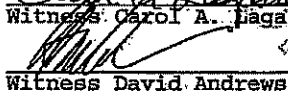
It is understood that the word "party" and the pronouns referring thereto, whether in sinne and/or neuter, wherever the context so implies or admits.

IN WITNESS WHEREOF, the said party of the first part as Receiver, has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN OUR PRESENCE:


Witness Carol A. Lagasse

 L.S.
Arnold DeLorenzo, as
Receiver


Witness David Andrews

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer authorized to administer oaths and take acknowledgments, ARNOLD DELORENZO, as Receiver, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid this 2nd day of November, 1998.



CAROL A. LAGASSE
My Comm Exp. 7/21/00
Bonded By Service Ins
No. CC570537
☒ Personally Known ☐ Other ID


My commission expires:

This instrument was prepared by M. LAGASSE of Estate Title & Guaranty, Inc. as a necessary fulfillment of a condition set forth in a Title Insurance commitment issued by Estate Title & Guaranty, Inc.; 71 Carrera St.; St. Augustine, Florida 32084

EXHIBIT "A"
BROUDY DEED

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.

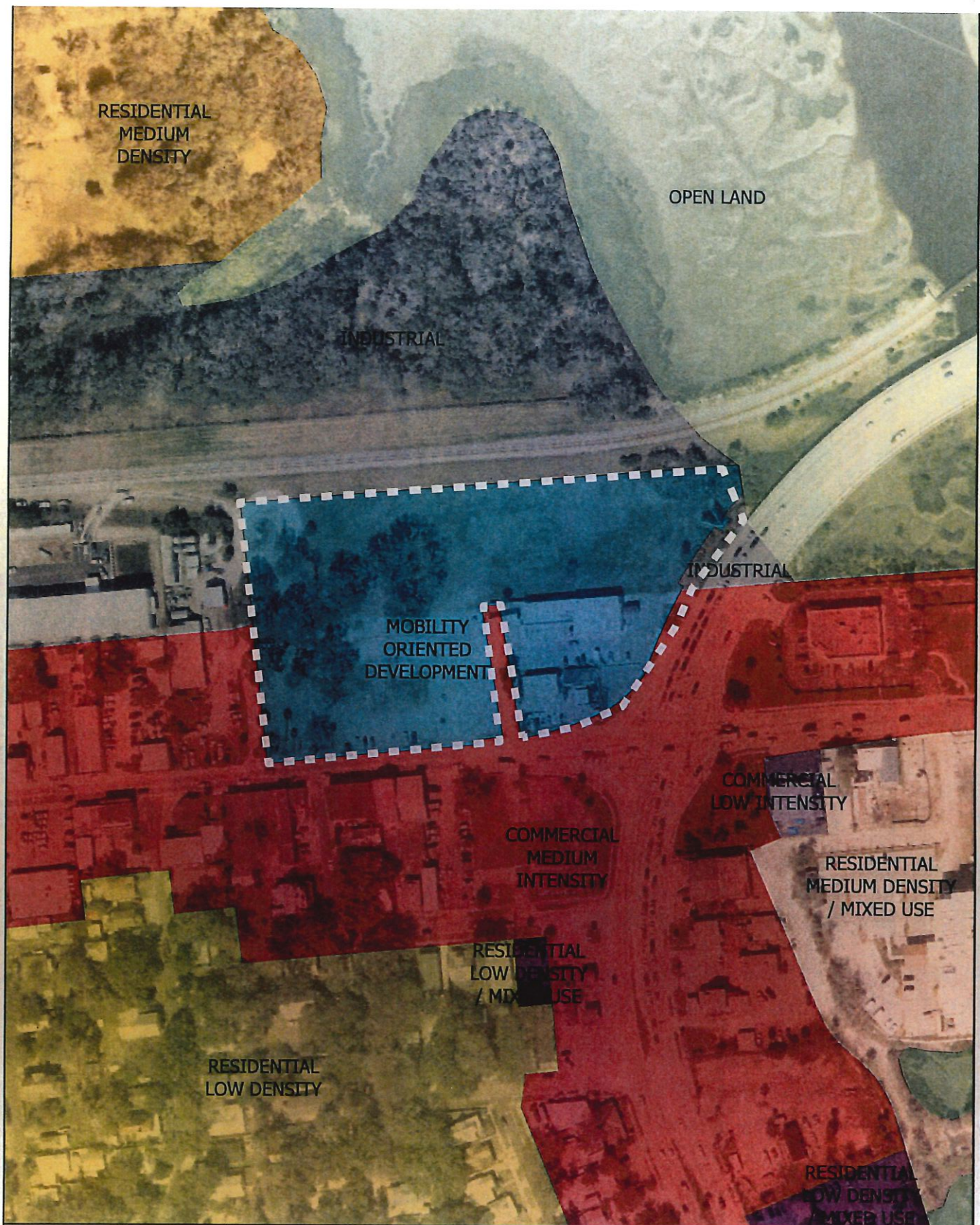
LEGAL DESCRIPTION

Broudy Bros., Ltd.

111220-0000 and 111225-0000

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

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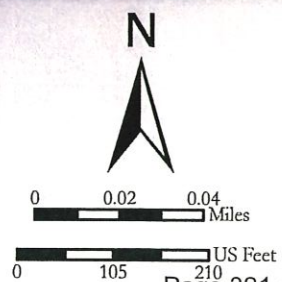
Proposed Land Use



St Johns County, Maxar, Microsoft

2022

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet



BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|--|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☐ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| ☐ Use by Exception | ☒ Rezoning |
| ☐ Final Development Plan | ☐ Variance |
| ☒ Land Use Plan Amendment | ☐ Other Click here to enter text. |

IN THE MATTER OF:

Case No.: 2022-0034

Applicant: Ellen Avery-Smith, Esq. c/o Rodgers Towers, P.A.

Owner: Broudy Bros., Ltd.

Address: Portions of N Ponce de Leon Boulevard and W King Street / PID 111190-0000, 111200-0000, 111130-0000, 111110-0000, 111225-0120, 111220-0000, 111225-0000

Parcel Number: 111190-0000, 111200-0000, 111130-0000, 111110-0000, 111225-0120, 111220-0000, 111225-0000

RE: Request to amend the current land use from Commercial Medium Intensity and Industrial Warehouse to the newly created Mobility Oriented Development: MOD land use category and to rezone the property from Commercial medium-two: CM-2 and Industrial and warehousing: IW to the newly created Mobility Oriented Development: MOD zoning district.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON JUNE 7, 2022, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the June 7, 2022 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Commercial Medium Intensity and a zoning classification of Commercial Medium two (CM-2).
4. The above-described Rezoning and Comprehensive Land Use Plan Amendment is subject to Section 28-30 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-30, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to amend the current land use from Commercial Medium Intensity and Industrial Warehouse to the newly created Mobility Oriented Development: MOD land use category and to rezone the property from Commercial medium-two: CM-2 and Industrial and warehousing: IW to the newly created Mobility Oriented Development: MOD zoning district.

Subject to the following conditions:

- public benefit meets mobility goals, that it is
- compatible with long term planning goals
- positive economic benefit to west king st
- meets sustainability goals to encourage development on
- west king street
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 7 day of June, A.D., 2022, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2022-0034

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

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, Jon DePreter, by means of ☒ physical presence or ☐ online notarization, who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 7th day of June, A.D., 2022.



Elyse Wiemann
Notary Public, State of Florida

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 7, 2022

RE: **COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT AND
REZONING 2022-0034**

AGENDA ITEM	9(b)
APPLICANT	Ellen Aver-Smith, Esq. c/o Rogers Towers, P.A.
OWNER	Broudy Bros., Ltd.
LOCATION	Portions of N Ponce de Leon Boulevard and W King Street / PID 111190-0000, 111200-0000, 111130-0000, 111110-0000, 111225-0120, 111220-0000, and 111225-0000.
REQUEST	To amend the current land use from Commercial Medium Intensity and Industrial Warehouse to the newly created Mobility Oriented Development: MOD land use category and to rezone the property from Commercial Medium-Two: CM-2 and Industrial and Warehousing: IW to the newly created Mobility Oriented Development: MOD zoning district.
CURRENT LAND USE	Commercial Medium Intensity and Industrial Warehouse
CURRENT ZONING	Commercial medium-two (CM-2) and Industrial and warehousing (IW)
PROPOSED LAND USE	Mobility Oriented Development
PROPOSED ZONING	Mobility Oriented Development (MOD)

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 this location is both Commercial Medium Intensity and Industrial Warehouse which are both consistent with the Commercial medium-two and Industrial and Warehousing zoning districts.

The applicant is requesting to change the land use designation to the newly created Mobility Oriented Development land use category as well as the newly created Mobility Oriented Development (MOD) zoning district.

Proposed Land Use

City of St. Augustine – Future Land Use Category – 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 (ii) 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.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 at one of the 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. 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.

Rezoning

Proposed Zoning District

City of St. Augustine – Zoning District - Mobility-Oriented Development

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 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.
- b. "Mobility Station" shall mean 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.
- 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.

(2) *Permitted uses and structures:*

- a. Mobility Station.
- b. Commercial parking facilities and garages (public and private).
- c. Multiple-family dwellings.
- 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

4

Portions of N Ponce de Leon Boulevard and W King Street / PID 111190-0000, 111200-0000, 111130-0000, 111110-0000, 111225-0120, 111220-0000, and 111225-0000
Staff Report & Recommendation

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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.
- (3) *Permitted accessory uses and structures.* See Section 28-348.
- (4) *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).
- (5) *Minimum lot requirements.* None.
- (6) *Maximum lot coverage by all buildings and structures.* Eighty (80) percent.
- (7) *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.
- (8) *Maximum height of structures.* Seventy-five (75) feet.
- (9) *Landscaping Category.* Classification 3, as defined in Section 25-54(a).
- (10) A Mobility-Oriented Development must have at least five (5) of the following mobility/transit features:
- a. Commuter rail station.
 - b. Transit 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.
 - d. Publicly available mobility station (e.g., bus, trolley or circulator that serves downtown St. Augustine on a regular, daily schedule).
 - e. Publicly owned mobility station.
 - f. Bicycle station – Mandatory.
 - g. Pedestrian connectivity – Mandatory.
 - h. Water taxi station.
 - i. Ride-sharing hub or dedicated loading area (e.g., Uber or car sharing) – Mandatory.
 - j. Park and ride hub – Mandatory.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 language of the Mobility Oriented Development land use category states **"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."**

Any proposed development will need to articulate a public benefit and describe the compatibility of the mixed-use components of the project or be reassigned to another land use category and compatible zoning district or "revert" to the previous designations.

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
Planning and Building Department

Existing Land Use

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 6.5.2

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.

Existing Zoning Districts

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, upholstery, 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.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- 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.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

(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. 28-208. - 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

10

Portions of N Ponce de Leon Boulevard and W King Street / PID 111190-0000, 111200-0000, 111130-0000, 111110-0000, 111225-0120, 111220-0000, and 111225-0000
Staff Report & Recommendation

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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. 28-226. - 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 detectible 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](#).

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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.



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

Application Fee: \$400 (plus advertising costs) Project Number: 2022-0034
Receipt Number: 2373895 Meeting Date: June 7, 2022
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ellen Avery-Smith, Esq. Contact Number: 904-825-1615
Business (if applicable): Rogers Towers, P.A.
Address: 100 Whetstone Place, Ste. 200 City: St. Augustine State: FL Zip: 32086
E-Mail Address: eaverysmith@rtlaw.com
2. NAME OF PROPERTY OWNER: Broudy Bros., Ltd. Contact Number: _____
Business (if applicable): _____
Address: P.O. Box 1689 City: St. Augustine State: FL Zip: 32085
E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: A-1, 3, 4, 5 and 6 Block: A
Subdivision: Dancy Tract Resubdivision of Block A Parcel Number: 111190-0000; 111200-0000;
111130-0000; 111110-0000; 111225-0120;
111220-0000; 111225-0000
4. PROJECT STREET ADDRESS: Portions of N. Ponce de Leon Blvd. and W. King Street
5. SPECIFIC PROPOSED USE: Mobility Oriented Development
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☒ Land Use Plan Amendment
☐ Variance ☒ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Owners of Property seek a Small-Scale Comprehensive Plan Amendment from Commercial Medium Intensity and Industrial to Mobility Oriented Development ("MOD") future land use category and a Rezoning from Commercial Medium-Two (CM-2) and Industrial and Warehousing (IW) to Mobility Oriented Development ("MODZ") zoning district.
8. JUSTIFICATION FOR ACTION REQUESTED: Owners seek the above-referenced Future Land Use Map and zoning designation changes in order to facilitate and encourage development and redevelopment of the Property into a "Mobility Station". The Mobility Station will contain the required public transit components and related commercial, office and multi-family residential components.

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: N/A
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: N/A
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: N/A
- (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: N/A

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.



5-5-22

Signature of Applicant

Date

Signature of Property Owner

Date

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: N/A
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: N/A
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: N/A
- (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: N/A

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Signature of Applicant

Date

Signature of Property Owner

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.

Ellen Avery-Smith, Esq.

Print name of applicant

Ellen Avery-Smith

Signature of applicant

5-5-22

Date



Owner's Authorization For Agent

Ellen Avery-Smith, Esq. of
Rogers Towers, P.A.

is/are hereby authorized TO ACT ON

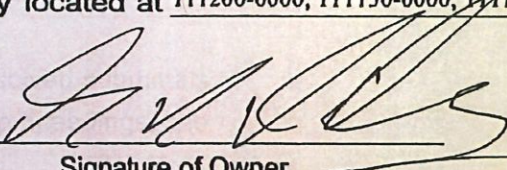
BEHALF OF, Broudy Bros., Ltd. the owner(s) of those
lands described Within the attached application, and as described
in the attached deed or other such proof of ownership as may be
required, in applying to the City of St. Augustine's:

☐ Historic Architectural Review Board

☒ Planning and Zoning Board

property located at 111200-0000; 111130-0000; 111110-0000; 111225-0120; 111220-0000; 111225-0000

BY:

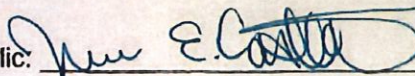

Signature of Owner

BROUDY BROS
Print Name of Owner

904-347-5929
Telephone

Sworn to and subscribed before me on this 5th day of May, 2022

Notary Public:



My Commission expires on

3-9-2026





ATTORNEYS AT LAW

Ellen Avery-Smith

904 . 824 . 0879 . x5207
EAverySmith@rtlaw.com

100 Wheelstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396 . 0663 Fax
www.rtlaw.com

May 5, 2022

Amy McClure Skinner
Planning and Building Director
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

**Re: Broudy Property/Applications for Small-Scale Comprehensive Plan
Amendment and Rezoning**

Dear Ms. Skinner:

Our client, Barry Broudy, is an owner in and authorized representative of land located north of West King Street and west of U.S. Highway 1 in the City of St. Augustine (the "Property").

The Property has Future Land Use Map ("FLUM") designations of Commercial Medium Intensity and Industrial and zoning districts of Commercial Medium-Two ("CM-2") and Industrial and Warehousing ("IW"). Mr. Broudy wants to change the FLUM designation of the Property to the City's new Mobility-Oriented Development ("MOD") and the zoning district to the new Mobility-Oriented Development ("MODZ") category.

The MOD FLUM designation and MODZ zoning category require the location of a Mobility Station, as that term is defined in the City of St. Augustine Comprehensive Plan and Land Development Regulations (as the Comprehensive Plan and Regulations are being amended to include the MOD FLUM designation and MODZ zoning district). The Property is located at one of the future rail stations identified in the City's 2040 Mobility Plan and will contain the components necessary for a Mobility Station. The location of the Property at the intersection of West King Street and U.S. Highway 1, outside of the historic district but walkable to downtown and West Augustine, make it an ideal location for the City's first Mobility Station.

Enclosed herein are an application for a Small-Scale Comprehensive Plan Amendment and Rezoning, supplemental maps, deeds, legal descriptions for the parcels comprising the Property and other documents, along with an application fee in the amount of \$400, payable to the City of St. Augustine.

We look forward to working with you and your colleagues on this project.

Amy Skinner
May 5, 2022
Page 2

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ellen Avery-Smith".

Ellen Avery-Smith

cc: Isabelle Lopez, Esq.
David Birchim
Barry Broudy
Jason Perry

City of St. Augustine
Application to Planning and Zoning Board
Supplemental Information

Co-Applicant:

Cory A. Lang
194 W. King Street
St. Augustine, Florida 32084



Owner's Authorization For Agent

Broudy Bros., Ltd. and
Rogers Towers, P.A.

_____ is/are hereby authorized TO ACT ON
BEHALF OF, Cory A. Lang the owner(s) of those
lands described Within the attached application, 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:

☐ Historic Architectural Review Board

☒ Planning and Zoning Board

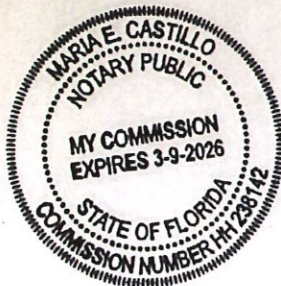
property located at 111190-0000

BY: Cory A. Lang
Signature of Owner

Cory A. Lang
Print Name of Owner

904 377-3060
Telephone

Sworn to and subscribed before me on this 4th day of April, 2022



Notary Public: Maria E. Castillo

My Commission expires on 3-9-2026

8238

THIS INSTRUMENT PREPARED BY:
Susan S. Bloodworth
Rogers Towers Bailey Jones & Gay, P.A.
170 Malaga Street, Suite A
P. O. Box 3504
St. Augustine, FL 32085-3504

Public Records of
St. Johns County, FL
Clerk# 00-040369
O.R. 1528 PG 364
04:41PM 09/15/2000
REC \$9.00 SUR \$1.50
Doc Stamps \$875.00

WARRANTY DEED

THIS INDENTURE made this 15th day of September, 2000, BETWEEN EDWARD W. OLSON and LOIS G. OLSON, his wife, whose address is 580 West Tropic Way, St. Augustine, Florida 32084, Grantor, and CORY A. LANG whose post office address is 3921 Barbara Terrace, St. Augustine, Florida 32086, of the County of St. Johns, State of Florida, Grantee.

WITNESSETH, That said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Constance C. Ruvo
Constance C. Ruvo

(Witness Name Typed)

Roberta J. Halverson
Roberta J. Halverson
(Witness Name Typed)

Edward W. Olson
Edward W. Olson (SEAL)

Lois G. Olson
Lois G. Olson (SEAL)

0R1528P60365

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EDWARD W. OLSON and LOIS G. OLSON, his wife, [] personally known to me, or by who produced FL driver's license as identification, who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of September, 2000..



ROBERTA J. HALYBURTON
Notary Public, State of Florida
My comm. expires Jan. 25, 2002
Comm. No. CC 710661

Roberta J. Halyburton

(Name of Notary Typed)
Notary Public, State of Florida at Large
My commission expires: _____

H:\USER\MLD\MISC.RE\Olson\Warranty Deed.wpd

LEGAL DESCRIPTION

Cory A. Lang Parcel

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID 1111900000
Location Address 194 W KING ST
SAINT AUGUSTINE 32084-0000
Neighborhood W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description* 3-5 (8) DANCY TR W125 OF S100 FT LOT A-4 BLK A (EX R/W US 1 IN DB253/696) OR1528/364
*The Description above is not to be used on legal documents.
Property Use Code Service Stations (Automotive) (Owner Occupied) (2605)
Subdivision Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 19.3368
Acreage 0.250
Homestead N

Owner Information

Owner Name [Lang Cory A 100%](#)
Mailing Address 194 W KING ST
SAINT AUGUSTINE, FL 32084-4141

Map



Valuation Information

Building Value	2022
Extra Features Value	\$26,679
Total Land Value	\$9,710
Agricultural (Assessed) Value	\$161,040
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$197,429
Assessed Value	\$0
Total Exemptions	\$197,429
Taxable Value	\$0

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$20,555	\$6,185	\$161,040	\$0	\$0	\$187,780	\$187,780	\$0	\$187,780
2020	\$22,023	\$7,080	\$161,040	\$0	\$0	\$190,143	\$190,143	\$0	\$190,143
2019	\$22,276	\$7,976	\$161,040	\$0	\$0	\$191,292	\$175,322	\$15,970	\$175,322
2018	\$13,914	\$8,872	\$161,040	\$0	\$0	\$183,826	\$159,384	\$24,442	\$159,384
2017	\$17,118	\$8,323	\$161,040	\$0	\$0	\$186,481	\$144,895	\$41,586	\$144,895
2016	\$17,539	\$9,044	\$161,040	\$0	\$0	\$187,623	\$131,723	\$55,900	\$131,723
2015	\$18,458	\$9,767	\$161,040	\$0	\$0	\$189,265	\$119,748	\$69,517	\$119,748
2014	\$18,273	\$10,069	\$80,520	\$0	\$0	\$108,862	\$108,862	\$0	\$108,862
2013	\$17,682	\$10,069	\$80,520	\$0	\$0	\$108,271	\$108,271	\$0	\$108,271
2012	\$17,555	\$10,069	\$80,520	\$0	\$0	\$108,144	\$108,144	\$0	\$108,144
2011	\$18,265	\$10,069	\$91,256	\$0	\$0	\$119,590	\$119,590	\$0	\$119,590
2010	\$26,182	\$8,342	\$101,992	\$0	\$0	\$136,516	\$136,516	\$0	\$136,516

Building Information

Building	1
Year Built	1960
Actual Area	828
Conditioned Area	828
Use	Repair Service Shops (Auto)
Style	04
Class	N
Exterior Wall	Concrete Block

Roof Cover	Built Up, Composite Shingle
Roof Structure	Rigid Frame
Interior Flooring	Concrete Finish
Interior Wall	Minimum
Heating Type	None
Air Conditioning	None
Bedrooms	0
Baths	

Description	Square Footage
BASE AREA	828
Total SqFt	828

Building	2
Year Built	1986

Roof Cover	Modular Metal
Roof Structure	Steel Frame

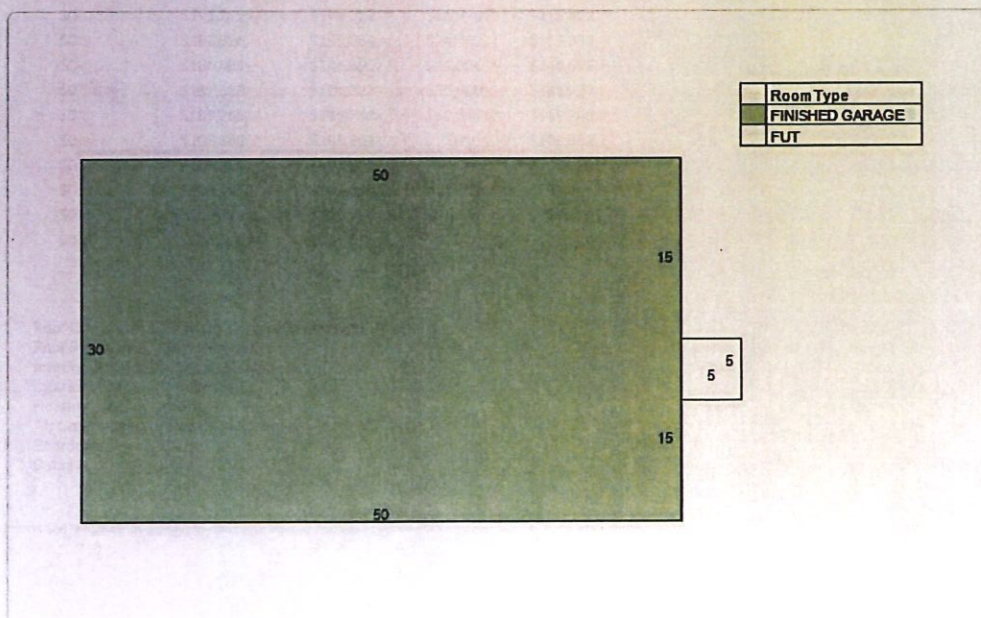
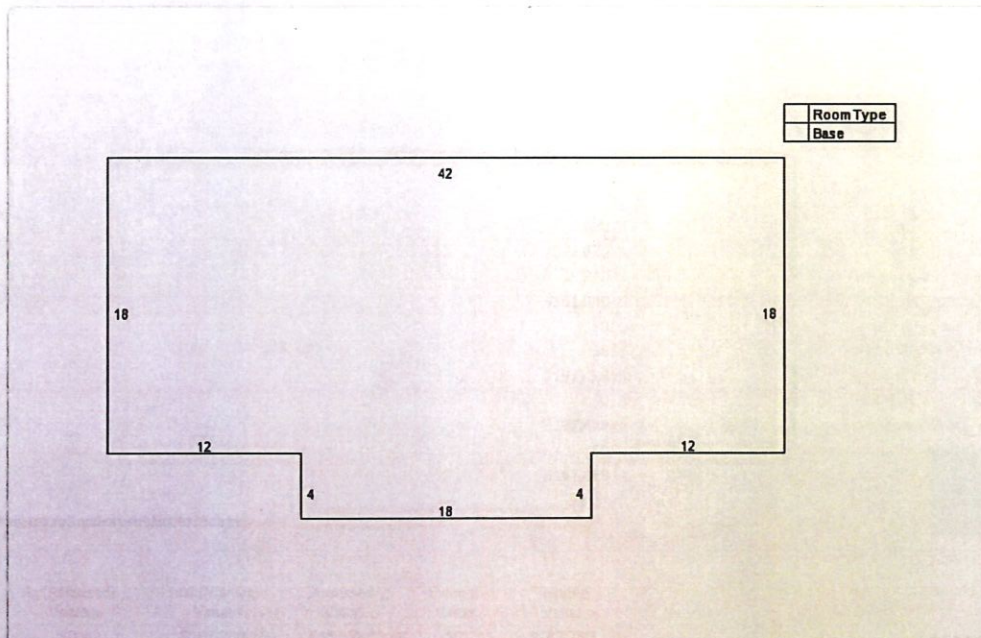
Actual Area 1525
 Conditioned Area 0
 Use Garage
 Style 04
 Class N
 Exterior Wall Modular Metal

Interior Flooring Concrete Finish
 Interior Wall
 Heating Type None
 Air Conditioning None
 Bedrooms 0
 Baths

Description
 FINISHED GARAGE
 FRAME UTILITY
 Total SqFt

Square Footage
 1500
 25
 1525

Sketch Information



Extra Feature Information

Code Description	Status	Value
Concrete Paving		2685
Asphalt Paving		3080
Masonry Wall		2972
Canopy		726
Wood Fence		105
Lean-To Shelter		142

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Service Stations (Automotive)	0	0	10736	SF	\$161,040

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	9/15/2000	\$125,000.00	WARRANTY DEED	1528	364	Q	I	OLSON EDWARD W & LOIS G	LAND CORY A
	10/1/1984	\$58,000.00		658	1810	Q	I		OLSON EDWARD W, LOIS G
	5/1/1978	\$0.00		588	458	U	I		

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St. Johns County, FL

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Summary

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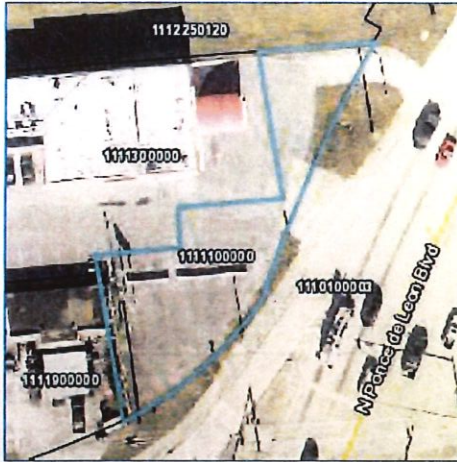


Parcel ID 1111100000
Location W KING ST
Address SAINT AUGUSTINE 32084-0000
Neighborhood Ponce Boulevard North (COM) (681.01)
Tax 3-5 (5) DANCY TRACT PARTS OF LOTS A-3 & A-4 BLK A (EX R/W OF US 1) & INCL VACATED UN- NAMED ALLEY CITY ORD#2010-36 (EX PT OF PARCEL
Description* 100 TO FDOT IN OR3410/444) DB167/6 & OR491/772 & 1344/309 & 3369/557(CITY ORDINANCE)
*The Description above is not to be used on legal documents.
Property Use Parking Lots (Owner Occupied) (2815)
Code
Subdivision Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng 37-7-30
District City of St Augustine (District 452)
Millage Rate 19.3368
Acreage 0.180
Homestead N

Owner Information

Owner Name [Broudy Bros Ltd](#) 100%
Mailing Address PO BOX 1689
SAINT AUGUSTINE, FL 32085-1689

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$10,555
Total Land Value	\$120,405
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$130,960
Total Deferred	\$10,071
Assessed Value	\$120,889
Total Exemptions	\$0
Taxable Value	\$120,889

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$10,555	\$120,405	\$0	\$0	\$130,960	\$109,899	\$21,061	\$109,899
2020	\$0	\$10,555	\$120,405	\$0	\$0	\$130,960	\$99,908	\$31,052	\$99,908
2019	\$0	\$10,555	\$80,270	\$0	\$0	\$90,825	\$90,825	\$0	\$90,825
2018	\$0	\$10,555	\$80,270	\$0	\$0	\$90,825	\$90,825	\$0	\$90,825
2017	\$0	\$5,753	\$80,270	\$0	\$0	\$86,023	\$86,023	\$0	\$86,023
2016	\$0	\$5,753	\$80,270	\$0	\$0	\$86,023	\$86,023	\$0	\$86,023
2015	\$0	\$5,753	\$80,270	\$0	\$0	\$86,023	\$86,023	\$0	\$86,023
2014	\$0	\$5,753	\$74,250	\$0	\$0	\$80,003	\$80,003	\$0	\$80,003
2013	\$0	\$5,753	\$74,250	\$0	\$0	\$80,003	\$80,003	\$0	\$80,003
2012	\$0	\$5,753	\$74,250	\$0	\$0	\$80,003	\$80,003	\$0	\$80,003
2011	\$0	\$5,753	\$93,808	\$0	\$0	\$99,561	\$99,561	\$0	\$99,561
2010	\$0	\$0	\$111,930	\$0	\$0	\$111,930	\$111,930	\$0	\$111,930

Extra Feature Information

Code Description	Status	Value
Asphalt Paving		10555

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Owner Occupied Parking Lots	0	0	8027	SF	\$120,405

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/26/2010	10/25/2010	\$0.00	VACATION OF R/W	3369	557	U	V	CITY OF ST AUGUSTINE	BROUDY BROS LTD
	8/24/1998	\$2,070,000.00	WARRANTY DEED	1344	309	U	V	BROUDY MARTIN	BROUDY BROS LTD



St. Johns County, FL

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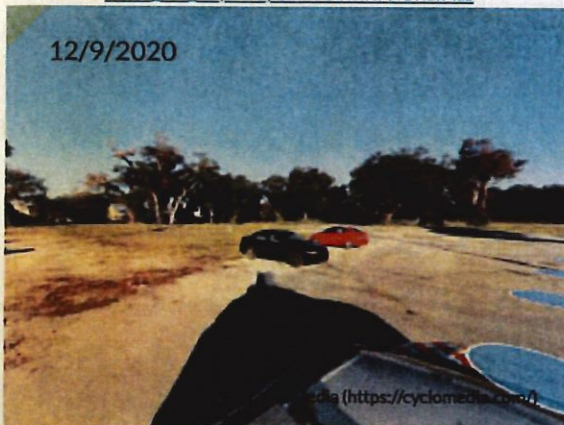
[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

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Parcel ID	1112000000
Location Address	198 W KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description*	3-5 (9) DANCY TRACT PT OF LOTS A-5 & A-6 BLK A 233FT ON KING STREET (EX R/W US 1) (EX DOT PARCEL 101 IN OR2821/829) OR105/396 & 1344/309 *The Description above is not to be used on legal documents.
Property Use Code	Vacant Commercial (1000)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	1.070
Homestead	N

Owner Information

Owner Name	Broudy Bros Ltd 100%
Mailing Address	PO BOX 1689 SAINT AUGUSTINE, FL 32085-1689

Map



Valuation Information

Building Value	2022
Extra Features Value	\$0
Total Land Value	\$11,104
Agricultural (Assessed) Value	\$448,336
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$459,440
Assessed Value	\$0
Total Exemptions	\$459,440
Taxable Value	\$0
	\$459,440

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$11,104	\$448,336	\$0	\$0	\$459,440	\$459,440	\$0	\$459,440
2020	\$0	\$11,104	\$448,336	\$0	\$0	\$459,440	\$423,984	\$35,456	\$423,984
2019	\$0	\$11,104	\$374,336	\$0	\$0	\$385,440	\$385,440	\$0	\$385,440
2018	\$0	\$11,115	\$374,336	\$0	\$0	\$385,451	\$385,451	\$0	\$385,451
2017	\$0	\$8,073	\$374,336	\$0	\$0	\$382,409	\$382,409	\$0	\$382,409
2016	\$0	\$16,861	\$374,336	\$0	\$0	\$391,197	\$391,197	\$0	\$391,197
2015	\$19,993	\$19,449	\$374,336	\$0	\$0	\$413,778	\$375,062	\$38,716	\$375,062
2014	\$168,850	\$20,041	\$152,074	\$0	\$0	\$340,965	\$340,965	\$0	\$340,965
2013	\$180,910	\$22,629	\$152,074	\$0	\$0	\$355,613	\$355,613	\$0	\$355,613
2012	\$200,982	\$20,681	\$152,074	\$0	\$0	\$373,737	\$373,737	\$0	\$373,737
2011	\$212,147	\$20,681	\$175,470	\$0	\$0	\$408,298	\$408,298	\$0	\$408,298
2010	\$223,313	\$20,681	\$198,866	\$0	\$0	\$442,860	\$442,860	\$0	\$442,860

Extra Feature Information

Code Description	Status	Value
Asphalt Paving		11104

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	185	200	37000	SF	\$370,000
Vacant Commercial	48	204	9792	SF	\$78,336

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	8/24/1998	\$2,070,000.00	WARRANTY DEED	1344	309	U	I	BROUDY MARTIN	BROUDY BROS LTD



St. Johns County, FL

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Sales Questionnaire Form

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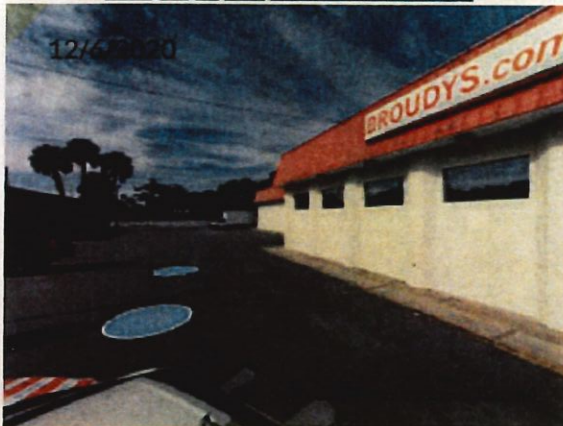
[Sales Questionnaire](#)

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Summary

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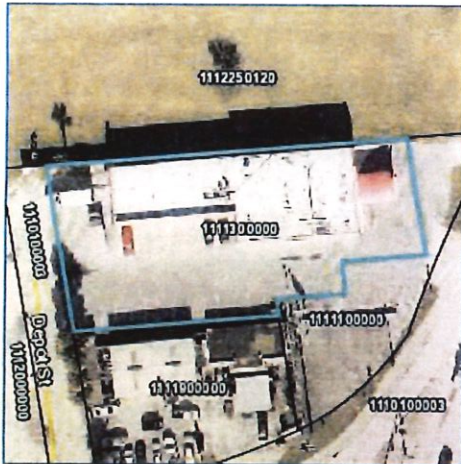


Parcel ID	1111300000
Location	35 N PONCE DE LEON BLVD
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	Liquor Store Countywide (COM) (680.16)
Tax	3-5 (6) DANCY TR W220FT OF LOT A-4 BLK A (EX W125 OF S100FT E40 OF W165 OF S110FT SE 63 X 130 X 51.7 X 129.75FT R/W US 1 DB253/696
Description*	DB254/67) OR 116/264 & 1344/309 <i>*The Description above is not to be used on legal documents.</i>
Property Use	Owner Occupied Stores (1105)
Code	
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.470
Homestead	N

Owner Information

Owner Name	Broudy Bros Ltd 100%
Mailing Address	PO BOX 1689 SAINT AUGUSTINE, FL 32085-1689

Map



Valuation Information

Building Value	2022
Extra Features Value	\$240,887
Total Land Value	\$18,732
Agricultural (Assessed) Value	\$308,310
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$567,929
Assessed Value	\$53,855
Total Exemptions	\$514,074
Taxable Value	\$0
	\$514,074

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

Historical Assessment Information

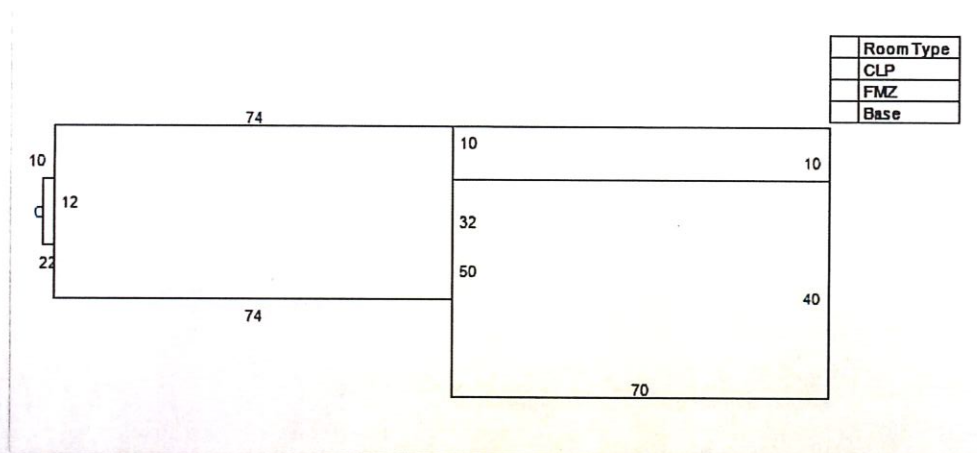
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$207,647	\$14,981	\$308,310	\$0	\$0	\$530,938	\$467,340	\$63,598	\$467,340
2020	\$218,974	\$16,970	\$308,310	\$0	\$0	\$544,254	\$424,855	\$119,399	\$424,855
2019	\$168,036	\$18,959	\$205,540	\$0	\$0	\$392,535	\$386,232	\$6,303	\$386,232
2018	\$126,028	\$19,552	\$205,540	\$0	\$0	\$351,120	\$351,120	\$0	\$351,120
2017	\$128,022	\$12,251	\$205,540	\$0	\$0	\$345,813	\$345,813	\$0	\$345,813
2016	\$128,022	\$12,335	\$205,540	\$0	\$0	\$345,897	\$345,897	\$0	\$345,897
2015	\$134,423	\$12,421	\$205,540	\$0	\$0	\$352,384	\$332,434	\$19,950	\$332,434
2014	\$135,553	\$12,505	\$154,155	\$0	\$0	\$302,213	\$302,213	\$0	\$302,213
2013	\$143,084	\$12,590	\$154,155	\$0	\$0	\$309,829	\$309,829	\$0	\$309,829
2012	\$150,614	\$12,675	\$154,155	\$0	\$0	\$317,444	\$317,444	\$0	\$317,444
2011	\$158,145	\$12,760	\$174,709	\$0	\$0	\$345,614	\$345,614	\$0	\$345,614
2010	\$165,676	\$12,844	\$195,263	\$0	\$0	\$373,783	\$373,783	\$0	\$373,783

Building Information

Building	1	Roof Cover	Built Up, Modular Metal
Year Built	1973	Roof Structure	Rigid Frame
Actual Area	6592	Interior Flooring	Vinyl Tile
Conditioned Area	6253	Interior Wall	Wall Board
Use	Stores (Retail)	Heating Type	Air Duct
Style	04	Air Conditioning	Central
Class	N	Bedrooms	
Exterior Wall	Concrete Stucco	Baths	

Description	Square Footage
BASE AREA	2368
BASE AREA	3500
FINISHED MEZZANINE	700
LOADING PLATFORM	24
Total SqFt	6592

Sketch Information



Extra Feature Information

Code Description	Status	Value
Asphalt Paving		16200
Concrete Paving		516
Masonry Wall		1791
Steel Door		140
Pole Light		85

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Owner Occupied Stores	0	0	20554	SF	\$308,310

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	8/24/1998	\$2,070,000.00	WARRANTY DEED	1344	309	U	I	BROUDY MARTIN	BROUDY BROS LTD

No data available for the following modules: Exemption Information.

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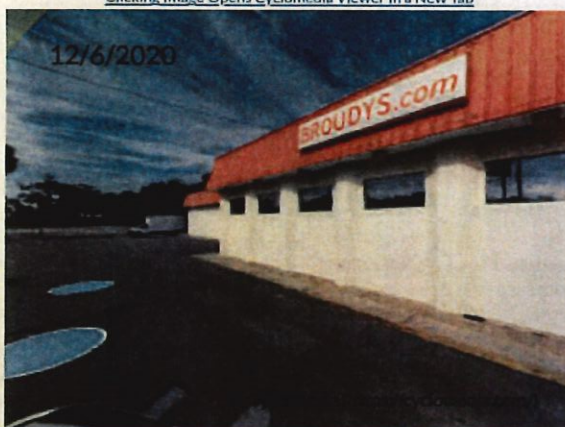
[Sales Questionnaire](#)

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Summary

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Parcel ID	1112250120
Location Address	39 N PONCE DE LEON BLVD SAINT AUGUSTINE 32084-0000
Neighborhood	Ponce Boulevard North (COM) (681.01)
Tax Description*	(12) DANCY TRACT ALL LOT 1-ALYING W OF R/W US 1 BLK A (EX PT OF PARCEL 100 TO FDOT IN OR3410/444) OR784/852 &1344/309 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	2.960
Homestead	N

Owner Information

Owner Name	Broudy Bros Ltd 100%
Mailing Address	PO BOX 1689 SAINT AUGUSTINE, FL 32085-1689

Map



Valuation Information

Building Value	2022
Extra Features Value	\$0
Total Land Value	\$0
Agricultural (Assessed) Value	\$129,002
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$129,002
Assessed Value	\$0
Total Exemptions	\$129,002
Taxable Value	\$0
	\$129,002

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2020	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2019	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2018	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2017	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2016	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2015	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2014	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2013	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2012	\$0	\$0	\$129,002	\$0	\$0	\$129,002	\$129,002	\$0	\$129,002
2011	\$0	\$0	\$148,479	\$0	\$0	\$148,479	\$148,479	\$0	\$148,479
2010	\$0	\$0	\$168,726	\$0	\$0	\$168,726	\$168,726	\$0	\$168,726

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	129002	SF	\$129,002

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	8/24/1998	\$2,070,000.00	WARRANTY DEED	1344	309	U	V	BROUDY MARTIN D	BROUDY BROS LTD
	5/1/1988	\$0.00		784	852	U	V		BROUDY MARTIN D, MIRIAM

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

2
5

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FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

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Rec. 21.00
Sur. 3.00

Doc - COMMONWEALTH

Doc - 14,490.00

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between **MARTIN BROUDY**, herein the "Grantor" and **BROUDY BROS., LTD.**, a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the Grantor in consideration of Ten Dollars (\$10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

M. Walters
Name Printed: M. Walters

Martin D. Broudy
Martin D. Broudy

J. Spaulding
Name Printed: James Spaulding

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced a Florida drivers license as identification.

NOTARY PUBLIC:

Mary Claire Miller

MARY CLAIRE MILLER
Notary Public - State of Florida
My Commission Expires Jun 14, 2002
Commission # CC 750817

EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

LEGAL DESCRIPTION

Broudy Bros., Ltd.

111110-0000; 111200-0000; 111130-0000; 111225-0120

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

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St. Johns County, FL

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2021 TRIM Notice

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Summary

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Parcel ID	1112200000
Location Address	212 W KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description*	3-5 (11) DANCY TRACT W127FT OF LOT A-6 (EX N50 OF W100FT) BLK A OR 961/777 & 1050/1262 & 1302/29(F/J) & 1360/1028(C/O) & 1360/1032 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Commercial (1000)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.470
Homestead	N

Owner Information

Owner Name	Broudy Bros Ltd 100%
Mailing Address	PO BOX 1689 SAINT AUGUSTINE, FL 32085-1689

	2022
Building Value	\$0
Extra Features Value	\$458
Total Land Value	\$163,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$163,658
Total Deferred	\$0
Assessed Value	\$163,658
Total Exemptions	\$0
Taxable Value	\$163,658

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$163,658	\$0	\$163,658
2020	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$154,406	\$9,252	\$154,406
2019	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$140,369	\$23,289	\$140,369
2018	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$127,608	\$36,050	\$127,608
2017	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$116,007	\$47,651	\$116,007
2016	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$105,461	\$58,197	\$105,461
2015	\$0	\$458	\$163,200	\$0	\$0	\$163,658	\$95,874	\$67,784	\$95,874
2014	\$0	\$458	\$86,700	\$0	\$0	\$87,158	\$87,158	\$0	\$87,158
2013	\$0	\$458	\$86,700	\$0	\$0	\$87,158	\$87,158	\$0	\$87,158
2012	\$0	\$458	\$86,700	\$0	\$0	\$87,158	\$87,158	\$0	\$87,158
2011	\$0	\$458	\$96,900	\$0	\$0	\$97,358	\$97,358	\$0	\$97,358
2010	\$56,958	\$737	\$109,140	\$0	\$0	\$166,835	\$166,835	\$0	\$166,835

Code Description	Status	Value
Metal Fence 4'		458

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	125	163	20400	SF	\$163,200

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/3/1998	\$0.00	OTHER INSTRUMENT	1360	1032	U	I	O'STEEN CLYDE EUGENE, BARBARA, EDMUND U ETAL	BROUDY BROS LTD

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/3/1998	\$0.00	COURT ORDER	1360	1028	U	I	O'STEEN CLYDE EUGENE, BARBARA, EDMUND U	ORDER AUTH RECEIVER TO CONVEY CASE #95-1244
	3/6/1998	\$0.00	FINAL JUDGMENT	1302	29	U	I	O'STEEN CLYDE EUGENE	O'STEEN BARBARA JEAN (DISS OF MARRIAGE)
	4/21/1994	\$100.00	QUIT CLAIM DEED	1050	1262	U	I	O'STEEN EDMUND U	O'STEEN CLYDE EUGENE
	10/15/1992	\$214.00	WARRANTY DEED	961	777	U	I	ADAMS CORENE *** O'STEEN CLYDE E & EDMUND U	O'STEEN EDMUND U
	1/1/1982	\$0.00	LIFE ESTATE	525	546	U	I		ADAMS CORENE *** O'STEEN CLYDE E & EDMUND U

No data available for the following modules: Exemption Information, Building Information, Sketch Information.

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Summary

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Parcel ID	1112250000
Location Address	W KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description*	3-5 (11-1) DANCY TRACT N50 OF W100FT OF LOT A-6 BLK A OR 1097/402 & 1302/29(F/J) & 1360/1028 & 1360/1032 *The Description above is not to be used on legal documents.
Property Use Code	Vacant Commercial (1000)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.110
Homestead	N

Owner Information

Owner Name	Broudy Bros Ltd 100%
Mailing Address	PO BOX 1689 SAINT AUGUSTINE, FL 32085-1689

Map



Valuation Information

Building Value	2022
Extra Features Value	\$0
Total Land Value	\$0
Agricultural (Assessed) Value	\$6,250
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$6,250
Assessed Value	\$0
Total Exemptions	\$6,250
Taxable Value	\$0
	\$6,250

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2020	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2019	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2018	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2017	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2016	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2015	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2014	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2013	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2012	\$0	\$0	\$6,250	\$0	\$0	\$6,250	\$6,250	\$0	\$6,250
2011	\$0	\$0	\$7,500	\$0	\$0	\$7,500	\$7,500	\$0	\$7,500
2010	\$0	\$0	\$8,750	\$0	\$0	\$8,750	\$8,750	\$0	\$8,750

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	50	100	5000	SF	\$6,250

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/3/1998	\$0.00	OTHER INSTRUMENT	<u>1360</u>	<u>1032</u>	U	V	O'STEEN CLYDE EUGENE, BARBARA J, EDMUND U ETAL	BROUDY BROS., LTD
	11/3/1998	\$0.00	COURT ORDER	<u>1360</u>	<u>1028</u>	U	V	O'STEEN CLYDE EUGENE, BARBARA J, EDMUND U	ORD AUTH RECEIVER TO CONVEY CASE #95-1244
	3/6/1998	\$0.00	FINAL JUDGMENT	<u>1302</u>	<u>29</u>	U	V	O'STEEN CLYDE EUGENE	O'STEEN BARBARA JEAN (DISS OF MARRIAGE)
	2/22/1995	\$100.00	WARRANTY DEED	<u>1097</u>	<u>402</u>	U	V	O'STEEN CLYDE EUGENE	O'STEEN CLYDE EUGENE & BARBARA JEAN

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	4/21/1994	\$100.00	QUIT CLAIM DEED	1050	1262	U	V	O'STEEN EDMUND U	O'STEEN CLYDE EUGENE
	10/15/1992	\$214.00	WARRANTY DEED	961	777	U	V	O'STEEN CLYDE EUGENE & O'STEEN EDMUND U - JTR	O'STEEN EDMUND U
	1/1/1982	\$0.00	LIFE ESTATE	525	546	U	V		O'STEEN CLYDE EUGENE & O'STEEN EDMUND U - JTR
	1/1/1977	\$0.00		345	397	U	V		

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

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2
③ In: Estate
Rec: 15.00
Doc: \$78.50
Ret: Grantee

Public Records of
St. Johns County, FL
Clerk# 98049545
O.R. 1360 PG 1032
02:59PM 11/03/1998
REC \$13.00 SUR \$2.00
Doc Stamps \$878.50

RECEIVER DEED

THIS DEED made and entered into this 2ND of NOVEMBER, 1998, by and between ARNOLD DELORENZO as RECEIVER, for EDMUND U. O'STEEN, BARBARA O'STEEN AND CLYDE EUGENE O'STEEN, party of the first part; and BROUDY BROS., LTD., whose post office address is

PO BOX 1689 ST. AUGUSTINE FL 32085
party of the second party;

WHEREAS, the said party of the first part was duly appointed RECEIVER for EDMUND U. O'STEEN, BARBARA JEAN O'STEEN AND CLYDE EUGENE O'STEEN under Order Authorizing and Directing receiver to convey real property. Order issued on the 2nd day of October, 1998, Case # CA 95-1244 by the Honorable Weinberg, Circuit Judge, in and for St. Johns County, Florida; and,

WHEREAS, the said party of the first part is authorized to convey such a deed to the party of the second part, and the party of the second part is entitled to such a deed;

NOW THEREFORE, in consideration of the foregoing and in further consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, their heirs and assigns forever, the following described property situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, charges and profits thereof and also all the estate's right, title and interest, property, possession, claim and demand whatever, both in law and in equity which the said party of the first part had or has by virtue of being Receiver of said property and otherwise of, in and to the above granted premises and every part and parcel thereof with the appurtenances. This deed also conveys all of the fee simple interest of EDMUND U. O'STEEN, BARBARA JEAN O'STEEN, CLYDE EUGENE O'STEEN, their successors or assigns.

TO HAVE AND TO HOLD the above described premises together with the appurtenances and every part thereof unto the said party of the second part, their heirs and assigns in fee simple forever.

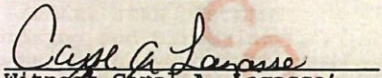
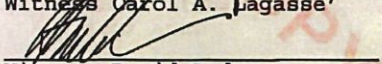
And the said party of the first part, as Receiver, for them and their successors and assigns do hereby convey, promise and agree to and with the party of the second part that he is the lawful, and has power to convey as aforesaid and has in all

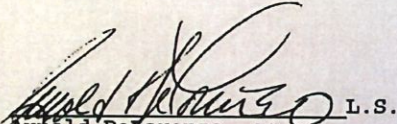
respects acted in making this conveyance under the powers granted to Receiver under Order Authorizing and Directing Receiver to convey real property and Receiver has not made, done or suffered any act, matter or things whatsoever since appointed as Receiver as aforesaid whereby the above granted premises and any part thereof now or at any time hereafter shall or may be impeached, charged or encumbered in any manner whatsoever.

It is understood that the word "party" and the pronouns referring thereto, whether in sinne and/or neuter, wherever the context so implies or admits.

IN WITNESS WHEREOF, the said party of the first part as Receiver, has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN OUR PRESENCE:


Witness Carol A. Lagasse

Witness David Andrews

 L.S.
Arnold DeLorenzo, as
Receiver

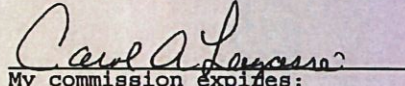
STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer authorized to administer oaths and take acknowledgments, ARNOLD DELORENZO, as Receiver, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid this 2nd day of November, 1998.



CAROL A. LAGASSE
My Comm Exp. 7/21/00
Bonded By Service Ins
No. CC570937
☒ Personally Known ☐ Other I D


My commission expires:

This instrument was prepared by M. LAGASSE of Estate Title & Guaranty, Inc. as a necessary fulfillment of a condition set forth in a Title Insurance commitment issued by Estate Title & Guaranty, Inc.; 71 Carrera St.; St. Augustine, Florida 32084

EXHIBIT "A"
BROUDY DEED

 LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.

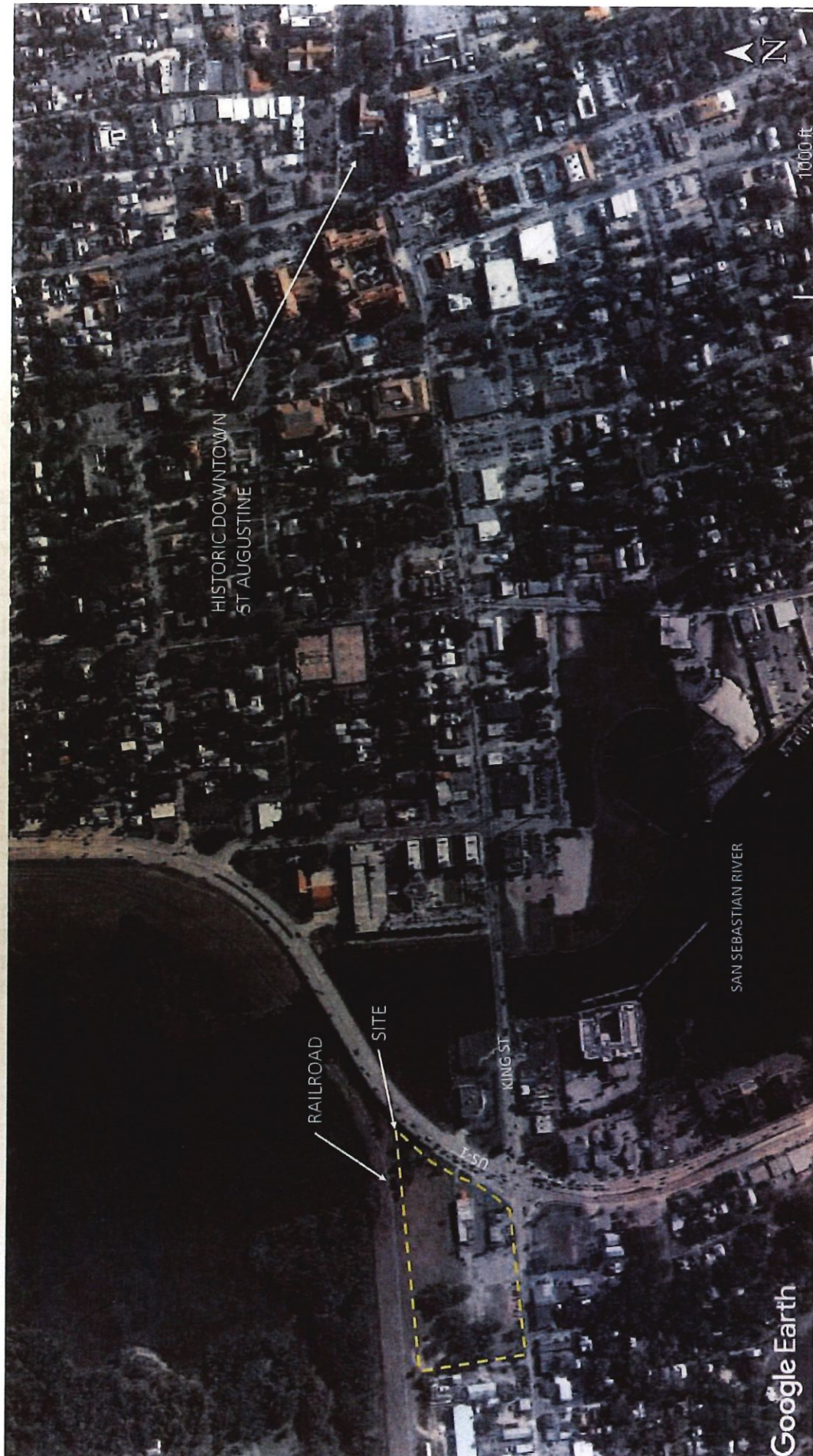
LEGAL DESCRIPTION

Broudy Bros., Ltd.

111220-0000 and 111225-0000

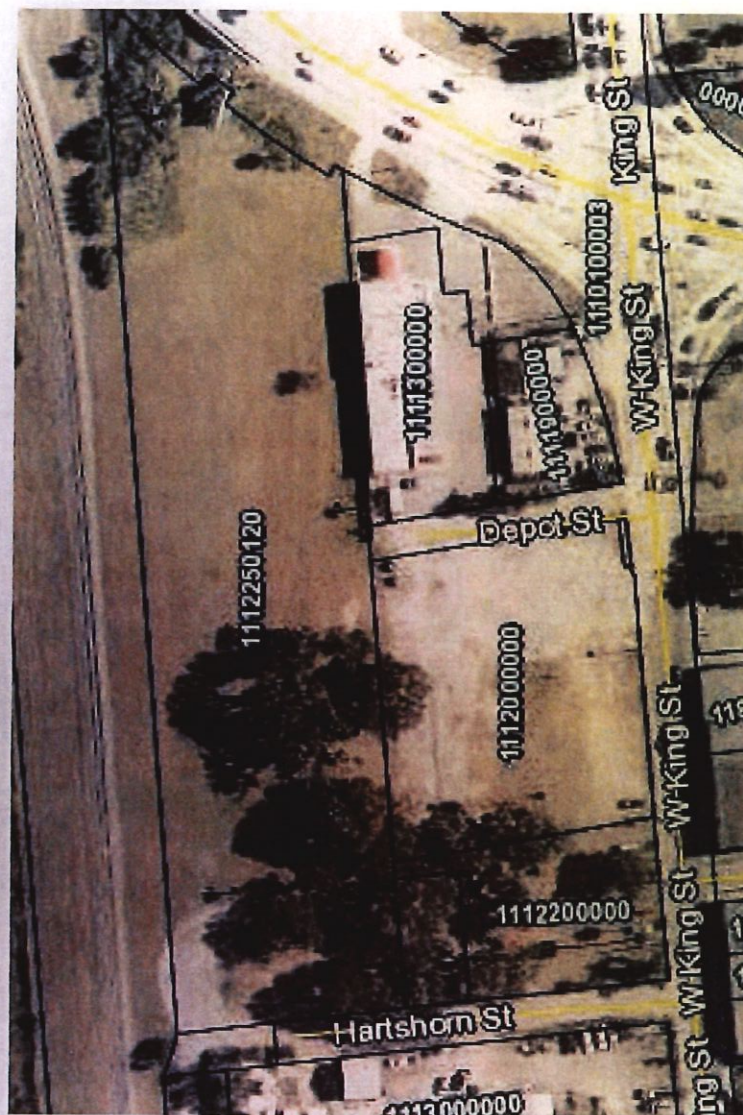
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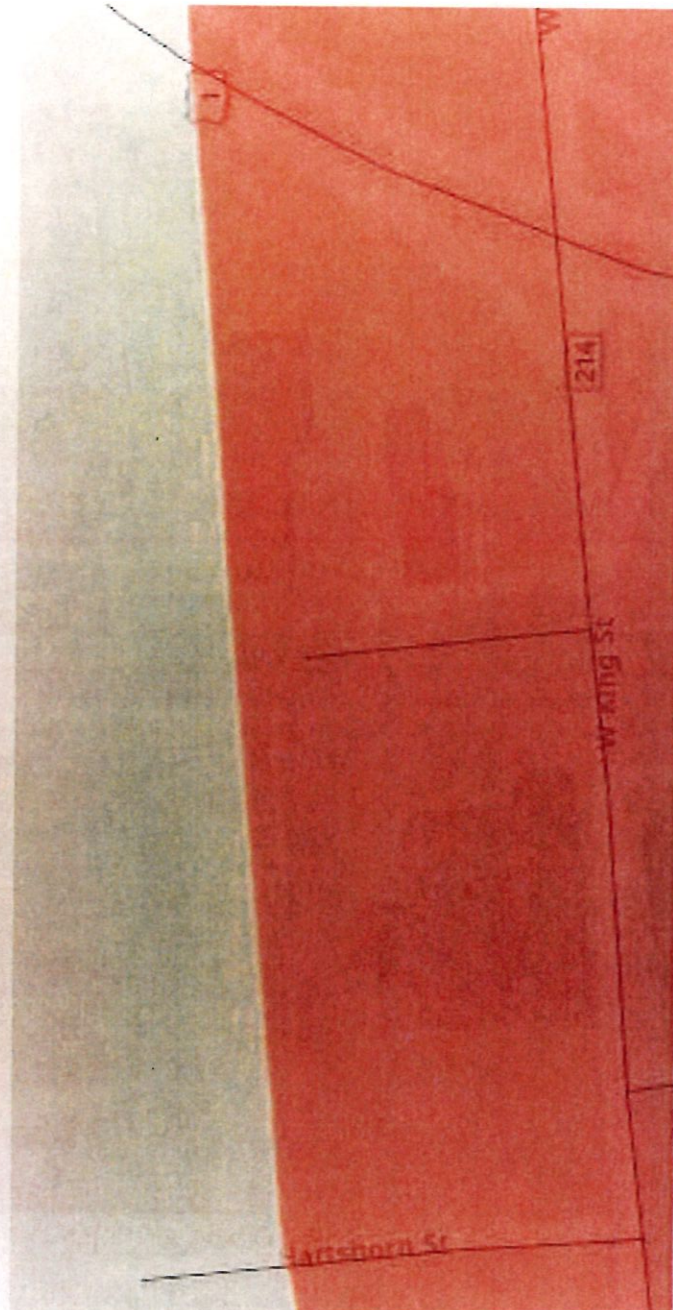
Aerial w/Context 05.04.22

GENERAL LOCATION MAP



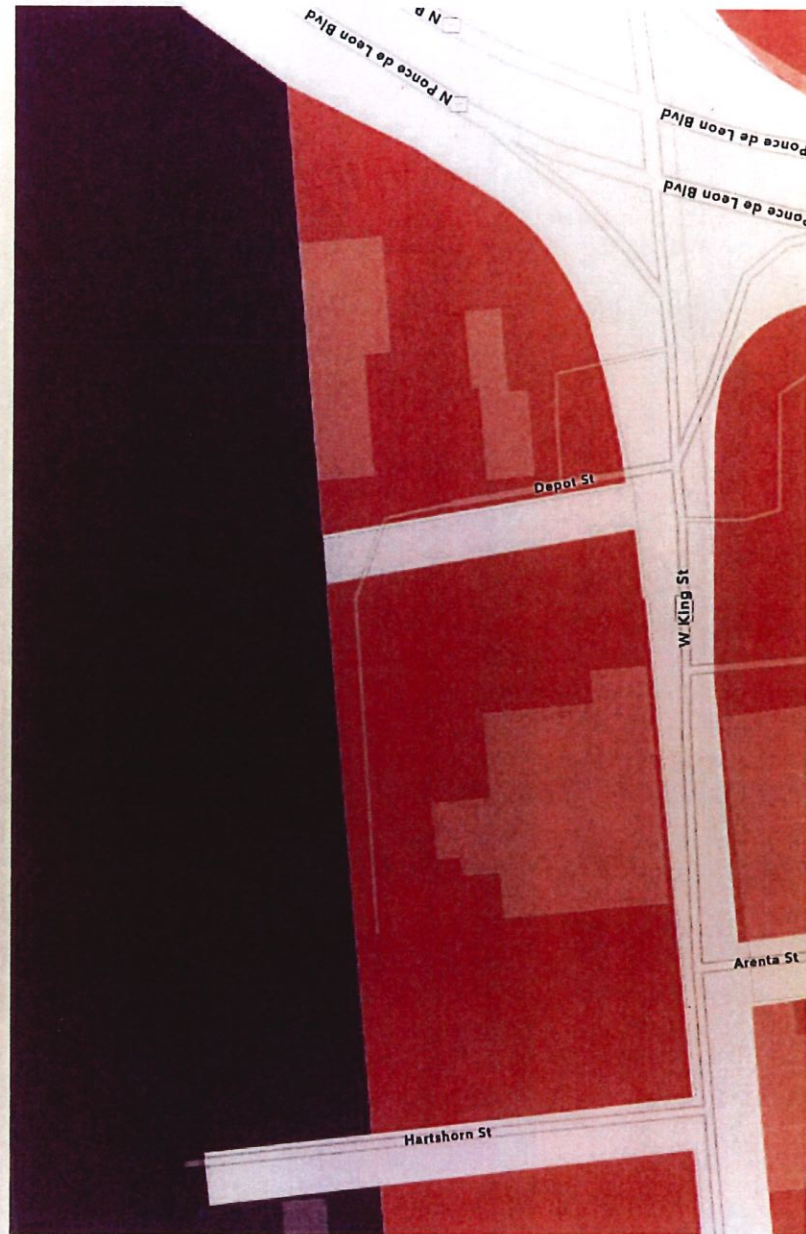
FUTURE LAND USE MAP

Commercial Medium Intensity and Industrial



ZONING MAP

Commercial Medium-Two (CM-2) and Industrial and Warehousing (IW)



City of St. Augustine – Future Land Use Category – 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 (ii) 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 at one of the 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. 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.

City of St. Augustine – Zoning District - Mobility-Oriented Development

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 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.

b. "Mobility Station" shall mean 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.

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.

(2) *Permitted uses and structures:*

- a. Mobility Station.
- b. Commercial parking facilities and garages (public and private).
- c. Multiple-family dwellings.
- 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.

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

(4) *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).

(5) *Minimum lot requirements.* None.

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

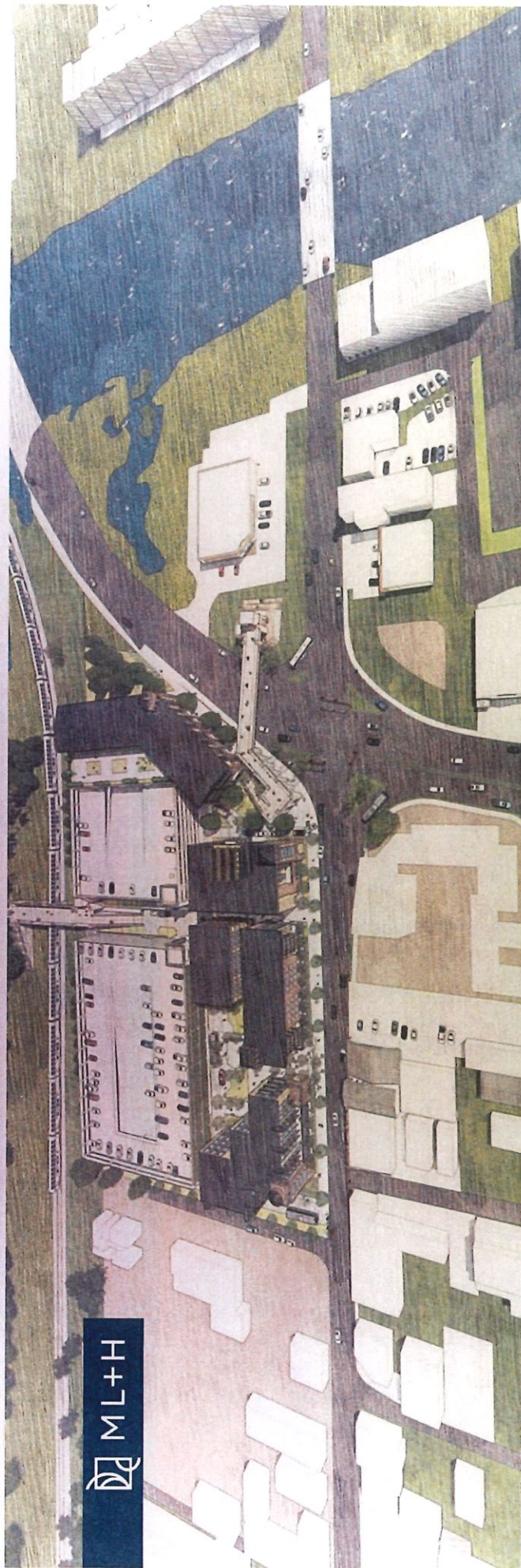
(7) *Minimum yard requirements:*

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.

- (8) *Maximum height of structures.* Seventy-five (75) feet.
- (9) *Landscaping Category.* Classification 3, as defined in Section 25-54(a).
- (10) A Mobility-Oriented Development must have at least five (5) of the following mobility/transit features:
- a. Commuter rail station.
 - b. Transit 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.
 - d. Publicly available mobility station (e.g., bus, trolley or circulator that serves downtown St. Augustine on a regular, daily schedule).
 - e. Publicly owned mobility station.
 - f. Bicycle station – Mandatory.
 - g. Pedestrian connectivity – Mandatory.
 - h. Water taxi station.
 - i. Ride-sharing hub or dedicated loading area (e.g., Uber or car sharing) – Mandatory.
 - j. Park and ride hub – Mandatory.



BROUDY BROS., LTD. **APPLICATIONS FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT & REZONING** **MOBILITY ORIENTED DEVELOPMENT**



CITY OF ST. AUGUSTINE
PLANNING AND ZONING BOARD
JUNE 7, 2022

ROGERS TOWERS

Marquis Latimer + Halback
LANDSCAPE ARCHITECTURE • PLANNING

Marquis Latimer + Halback, Inc. | St. Augustine, FL 32080 | www.halback.com | 386.264.1111
Page 453 of 471

MEET THE TEAM

- **Owner/Applicant:**
 - Broudy Bros., Ltd.
- **Applicant's Project Manager**
 - Nine Oaks Development
- **Landscape Architecture & Planning:**
 - Marquis Latimer + Halback, Inc.
- **Legal:**
 - Rogers Towers, P.A.

WHY? A PURPOSE-DRIVEN PROJECT

Broudy Family Legacy

City's Commitment to Mobility

Vibrant Gateway to the Community

WHY?



WHY?



WHY?



AERIAL/GENERAL LOCATION MAP



Property is located north of West King Street and west of U.S. Highway 1.

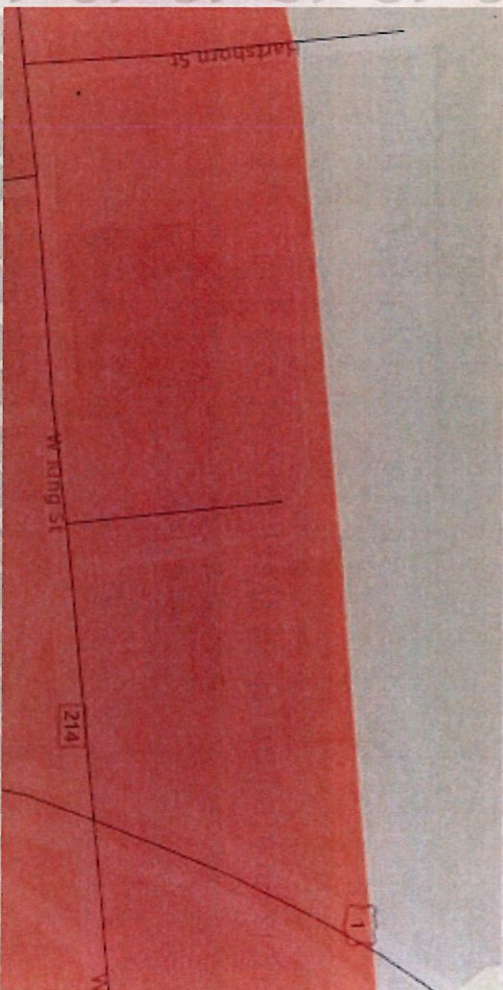
ROGERS TOWERS
Margaret L. Limerick & Halbeck
LAND USE ARCHITECTS, P.A.

Page

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FUTURE LAND USE MAP: COMMERCIAL MEDIUM INTENSITY AND INDUSTRIAL

- COMMERCIAL LOW INTENSITY
- COMMERCIAL MEDIUM INTENSITY
- HISTORIC PRESERVATION
- INDUSTRIAL
- MARINE INDUSTRIAL
- NO VALUE
- OPEN LAND
- PUBLIC / SEMI-PUBLIC
- RECREATION / OPEN SPACE
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL LOW DENSITY / MIXED USE
- RESIDENTIAL MEDIUM DENSITY
- RESIDENTIAL MEDIUM DENSITY / MIXED USE



ZONING

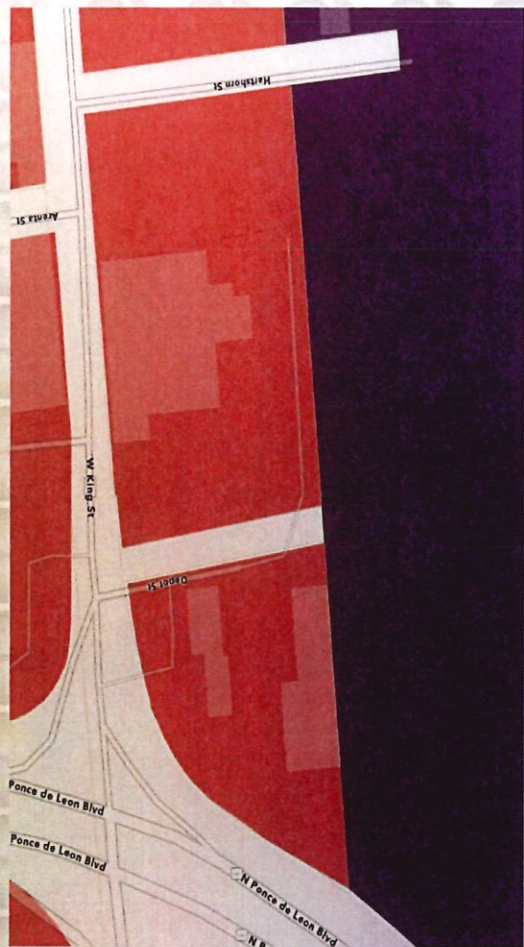


- Residential Single-Family-One (RS-1)
- Residential Single-Family-Two (RS-2)
- Residential Low-One (RL-1)
- Residential General-One (RG-1)
- Residential General-Two (RG-2)
- Residential General Office (RGO)
- Residential General Office A (RGO-A)
- Open Land
- Historic Preservation (HP-1)
- Historic Preservation (HP-2)
- Historic Preservation (HP-3)
- Historic Preservation (HP-4)
- Historic Preservation (HP-5)
- Government Use
- Planned Unit Development (PUD)
- Abandoned PUD (APUD)
- Commercial Low-One (CL-1)
- Commercial Low-Two (CL-2)
- Commercial Medium-One (CM-1)
- Commercial Medium-Two (CM-2)
- Commercial Tourist Attraction (CTA)
- Industrial and Warehousing (IW)
- Maritime Use (MU)
- No City Zoning Designation

ROGERS TOWERS

Marquis Latimer + Halbeck
LANDMARK ARCHITECTURE PLANNING

ZONING DISTRICTS MAP: COMMERCIAL MEDIUM-TWO AND INDUSTRIAL AND WAREHOUSING



BROUDY BROS., LTD.

APPLICATIONS FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT AND REZONING

- Owner/Applicant seek to:
- Change the Future Land Use Map (“FLUM”) designation of the Property to the City’s new **Mobility-Oriented Development (“MOD”)**; and
- **Rezone** the Property to the new **Mobility-Oriented Development (“MODZ”)** category.

MOD-RELATED DEFINITIONS

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

- **“Mobility Station”** shall mean 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.

- **“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.



INTENT OF MOBILITY-ORIENTED DEVELOPMENT CATEGORIES

- **Facilitate and encourage development and redevelopment** of areas containing or directly contiguous to a Mobility Station.
- 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.
- The Property is located at **one of the future rail stations identified in the City's 2040 Mobility Plan**, which makes it an ideal location for the City's first Mobility Station.



SUMMARY OF MOBILITY-ORIENTED DEVELOPMENT FUTURE LAND USE CATEGORY



- Must include a **Mobility Station**.
- The City's goal in allowing 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 at one of the 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. **A MOD must include a Mobility Station.**
- 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.
- Permitted uses include Multi-family residential to **50 units per acre** and Non-residential to maximum lot coverage of **80 percent**.
- Maximum building height is **75 feet**.
- **Must include a multi-family residential component as well as at least one non-residential use**, in addition to Mobility Station.



SUMMARY OF MOBILITY-ORIENTED DEVELOPMENT ZONING DISTRICT



1. Permitted uses and structures:

- a. Mobility Station.
- b. Commercial parking facilities and garages (public and private).
- c. Multiple-family dwellings.
- 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.

SUMMARY OF MOBILITY-ORIENTED DEVELOPMENT ZONING DISTRICT (CONT.)



- 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.
- 2. *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.

SUMMARY OF MOBILITY-ORIENTED DEVELOPMENT ZONING DISTRICT (CONT.)



- 3. *A Mobility-Oriented Development must have at least five (5) of the following*

mobility/transit features:

- a. Commuter rail station.
- b. Transit 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.
- d. Publicly available mobility station (e.g., bus, trolley or circulator that serves downtown St. Augustine on a regular, daily schedule).
- e. Publicly owned mobility station.
- f. Bicycle station – Mandatory.
- g. Pedestrian connectivity – Mandatory.
- h. Water taxi station.
- i. Ride-sharing hub or dedicated loading area (e.g., Uber or car sharing) – Mandatory.
- j. Park and ride hub – Mandatory.

MUST CONTAIN AT LEAST

5

HOW PROJECT WILL PROVIDE MOD



- Project will include **Mobility Station**, in the form of a **future commuter rail station** and a **publicly available parking garage** meeting applicable criteria.
- Property is located at **one of the Future Rail Stations** identified in the City's 2040 Mobility Plan.



- Project will include **Mobility Station**, **park-and-ride** and **bikeshare** program for access into downtown St. Augustine and parking for West King Street businesses.



- Additional project uses may include **retail services, restaurants, grocery store, hotel, multi-family residential units** and others.

BROUDY BROS., LTD.
APPLICATIONS FOR SMALL-SCALE COMPREHENSIVE
PLAN AMENDMENT AND REZONING

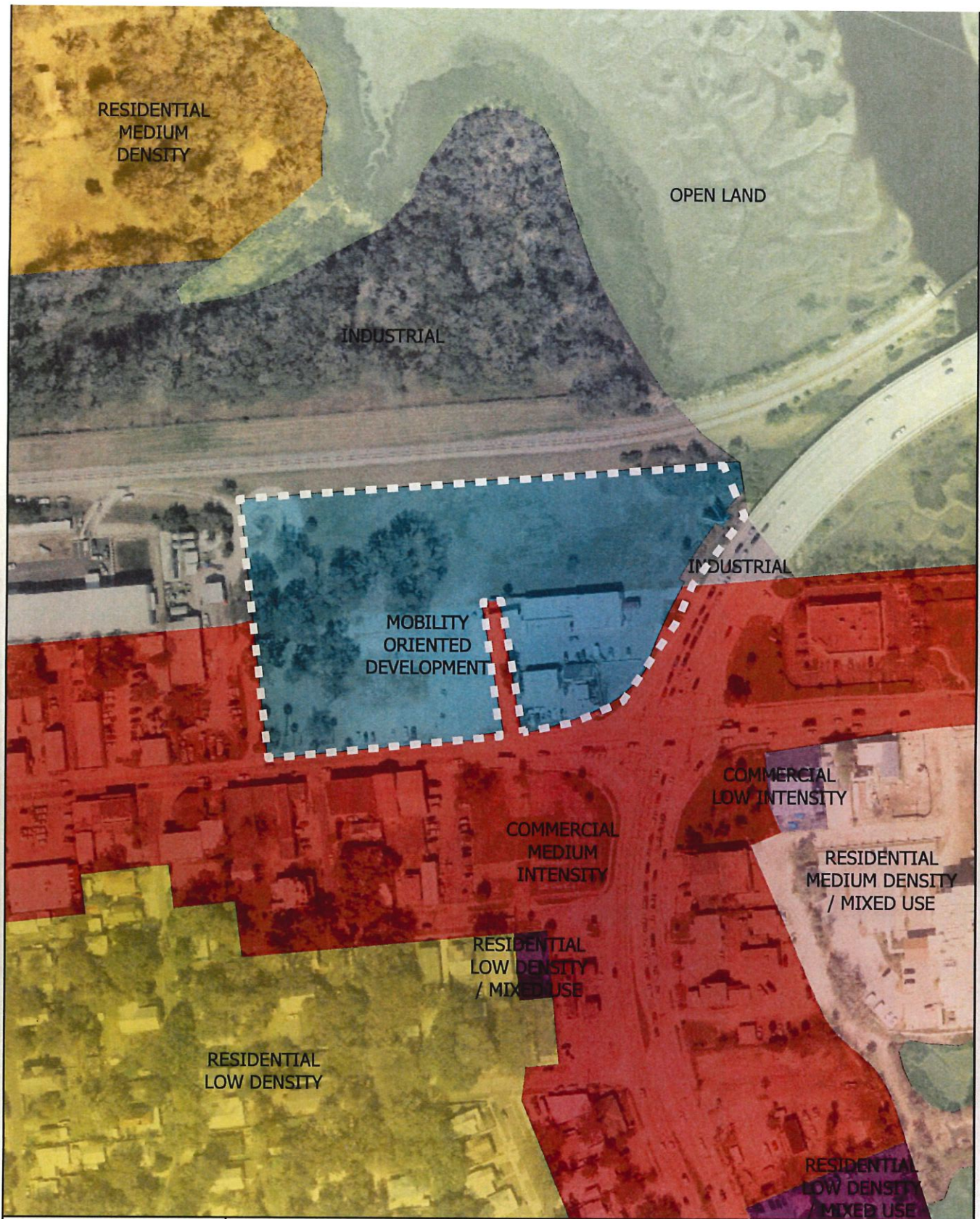


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Herquist Lattimer + Harbeck
PLANNERS ARCHITECTS ENGINEERS

ROGERS TOWERS

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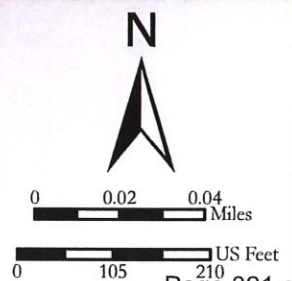
Proposed Land Use



St Johns County, Maxar, Microsoft

2022

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet



Via email: (Barry@Broudys.com)

Ref: 5760.02

TECHNICAL MEMORANDUM

To: Barry Broudy, West Augustine Gateway, LLC.
From: Matthew West, AICP
Subject: West Augustine/King Street Comprehensive Plan Amendment (CPA) Analysis – Revised St. Augustine, FL
Date: October 5, 2022

INTRODUCTION

LTG, Inc. (LTG) has been retained by West Augustine Gateway, LLC, to prepare a traffic impact analysis in support of a future land use change from Commercial Medium Intensity (CMI) and Industrial to Mobility Oriented Development (MOD) on a 5.5-acre property. The subject property is located in the northwest corner of King Street and US 1 (N. Ponce DeLeon Blvd) in the City of St. Augustine, Florida. A location map is provided as Figure 1.

Please note that this analysis is based on a conceptual development plan consisting of a maximum of 50,000 square feet of commercial/retail and 275 multifamily dwelling units. A site development specific traffic impact analysis (TIA) will be conducted and submitted at the time of engineering plan review once a final development plan has been completed.

TRIP GENERATION FOR THE EXISTING VS. PROPOSED FLU DESIGNATIONS

The site has two future land use designations – 2.51 acres of CMI and 2.99 acres of Industrial – totaling 5.5 acres. The CMI permits a maximum of 70% building coverage and a maximum of 3 stories (35 feet), which yields 299,605 square feet of retail/commercial uses. Commercial also permits up to 16 dwelling units per acre which in this case would allow 40 dwelling units. The Industrial future land use permits a maximum building coverage of 80% and a maximum of three stories (35 feet), which yields 312,587 square feet of light industrial uses. The trip generation for the existing future land uses was determined using the Institute of Transportation Engineers (ITE) document, *Trip Generation Manual*, 11th Edition. Shopping Center >150,000 square feet (ITE land use code (LUC) 820) and Multifamily Mid-Rise (LUC 221) were chosen as the most appropriate uses for the CMI, and Light Industrial (LUC 110) was chosen as the most appropriate use for Industrial. Please note that parking structures and parking lots were not counted as building square footage for the purposes of determining yield. As shown in Table 1, for the existing future land use, there will potentially be 10,210 daily trips, 437 AM peak hour trips and 997 PM peak hour trips.



SITE

**West Augustine/
King Street**



NTS

Location Map

Project No.:5760.02

Figure: 1



LTG

*Engineering
& Planning*

1450 West Granada Blvd., Suite 2 – Daytona Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227

TECHNICAL MEMORANDUM

Barry Broudy
October 5, 2022
Page 3

The applicant is requesting a MOD future land use designation. Please note that the development scenario of the proposed future land use is based on a conceptual development plan of 50,000 square feet of retail/commercial and 275 multifamily units. Parking structures and parking lots were not counted as building square footage for the purposes of determining yield. The trip generation for the proposed future land use was determined using the ITE document, *Trip Generation Manual*, 11th Edition. Shopping Plaza 40-150k with supermarket (ITE LUC 821) was chosen as the most appropriate use for the proposed retail portion and Multifamily Mid-Rise (LUC 221) was analyzed for the residential portion of MOD. As shown in Table 2, the proposed maximum buildout development program produces 5,990 daily trips, 286 AM peak hour trips and 559 PM peak hour trips.

Table 1
Existing FLU Total Trip Generation
West Augustine/King Street CPA

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Shopping Center > 150,000 sf	820	T = 37.01(X)	230	KSF	50%	50%	4,249	4,249	8,498
	Multifamily Mid-Rise	221	T = 4.75(X)	40	DU	50%	50%	95	95	190
	General Light Industrial	110	T = 4.87(X)	313	KSF	50%	50%	761	761	1,522
				Totals:				5,105	5,105	10,210
AM Peak Hour	Shopping Center > 150,000 sf	820	T = 0.84(X)	230	KSF	62%	38%	120	73	193
	Multifamily Mid-Rise	221	T = 0.32(X)	40	DU	26%	74%	3	10	13
	General Light Industrial	110	T = 0.74(X)	313	KSF	88%	12%	203	28	231
				Totals:				326	111	437
PM Peak Hour	Shopping Center > 150,000 sf	820	T = 3.4(X)	230	KSF	48%	52%	375	407	782
	Multifamily Mid-Rise	221	T = 0.29(X) - 0.09	40	DU	63%	37%	8	4	12
	General Light Industrial	110	T = 0.65(X)	313	KSF	14%	86%	28	175	203
				Totals:				411	586	997

Table 2
Proposed FLU Total Trip Generation
West Augustine/King Street CPA

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Shopping Center (>150k)	821	T = 94.49(X)	50.00	KSF	50%	50%	2,362	2,363	4,725
	Multifamily Housing (Mid-Rise)	221	T = 4.77 (X) - 46.46	275	DU	50%	50%	633	633	1,265
	Totals:							2,994	2,996	5,990
AM Peak Hour	Shopping Center (>150k)	821	T = 3.53(X)	50.00	KSF	62%	38%	109	68	177
	Multifamily Housing (Mid-Rise)	221	T = 0.44(X) - 11.61	275	DU	23%	77%	25	84	109
	Totals:							135	152	286
PM Peak Hour	Shopping Center (>150k)	821	T = 9.03(X)	50.00	KSF	48%	52%	217	235	452
	Multifamily Housing (Mid-Rise)	221	T = 0.39(X) + 0.34	275	DU	61%	39%	66	42	108
	Totals:							282	277	559

TRIP GENERATION DIFFERENCE BETWEEN EXISTING AND PROPOSED FLU DESIGNATIONS

The trip difference between the existing future land use designations and the proposed future land use designation based on the conceptual development plan is determined by subtracting trips generated by the existing designations from the trips generated by the proposed designation. As shown in Table 3, this results in a potential decrease of 4,220 daily trips, 151 AM peak hour trips and 438 PM peak hour trips.

Table 3
Difference in Trip Generation
West Augustine/King Street CPA

	Daily	AM Peak Hour	PM Peak Hour
Existing FLU	10,210	437	997
Proposed FLU	5,990	286	559
Decrease	-4,220	-151	-438

TRIP GENERATION INCORPORATING CITY GARAGE DATA

Based on parking garage data recently received from the City, LTG incorporated a proposed 700-space City parking garage in the proposed conceptual development plan analysis. The City's parking data shows that during peak days, each parking space in the existing City garage turns over three times. Each turnover represents an entering trip and an existing trip (2 trips per turnover). Accordingly, each space produces 6 trips per day. Based on a 700-space parking garage, 4,200 daily trips would be produced which is less than what the existing FLU would produce.

Generally, parking lots/garages do not generate vehicle trips. It is the uses with which they are associated that generate the traffic (office, retail, residential, etc). This analysis assumes that each car utilizing the proposed parking garage is a new trip to the area, but in fact, many of the trips are already on the road network in the vicinity, and these cars are currently parking somewhere else. Therefore, some of these trips are being redirected to this parking facility, and those passengers are completing their trip by walking, biking, using transit, etc to reach their final destination. The impact of any new traffic coupled with the redirected traffic to this site will be studied in detail as part of the final development plan/engineering approval process.

CONCLUSION

The study was conducted to evaluate the potential impact of the proposed CPA. Based on the analysis herein, there is a reduction in the theoretical maximum number of trips if the CPA is adopted with the conceptual development plan limiting the site to 50,000 square feet of retail/commercial, 275 multifamily units and a 700-space public parking garage. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process when a final development plan is available. Based on this analysis, LTG recommends approval of the comprehensive plan amendment.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West

Signature: _____

Date: October 5, 2022

Matthew West

Digitally signed by Matthew West
DN: C=US, E=mwest@ltg-inc.us,
O=LTG, Inc., OU=Principal,
CN=Matthew West
Date: 2022.10.05 16:59:22-04'00'

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 4, 2022

RE: Ordinance 2022-17 – Rezoning Property Commonly Known as the Broudy Property from Commercial Medium-two (CM-2) and Industrial and Warehousing (IW) to Mobility Oriented Development (MOD) – Second Reading and Public Hearing

The property at the northwest corner of Highway US 1 (North Ponce de Leon Boulevard) and West King Street, commonly known as the Broudy Property is a 5.51 acre parcel that is west of Highway US 1 (North Ponce de Leon Boulevard), north of West King Street and south of the FEC right of way for the existing railroad tracks. The property is adjacent to commercial and industrial property to the west and south. This property currently contains a liquor store and auto mechanic shop, and includes vacant property.

This area is adjacent to a site that has been identified as a potential commuter rail station, and is also located in an area designated as the location of a future peripheral parking garage as articulated in the City's Mobility Plan. The proposed zoning district was drafted and created to promote the City's Mobility Plan and its efforts to reduce single occupancy vehicle congestion in the downtown.

The city's Zoning Map identified approximately 2.55 acres of Commercial Medium-two (CM-2) zoning and approximately 2.96 acres of Industrial and Warehousing (IW) zoning as the designated zoning districts for these properties. The owner(s) has requested to change the zoning of the property to the newly created Mobility Oriented Development (MOD) zoning district.

This application to rezone the property to the newly created zoning district is consistent with the proposed land use category that has also been submitted. The owner is proposing a mixed use project with commercial, and residential uses as well as a parking garage for the property. The proposed project also includes specific multimodal mobility elements.

On June 7, 2022, the Planning and Zoning Board (PZB) made a positive recommendation to the rezoning of this referenced property from Commercial Medium-two (CM-2) and Industrial and Warehousing (IW) to the newly created zoning district of Mobility Oriented Development (MOD). Attached you will find the Ordinance, and legal description(s), a map illustrating the requested change. The packet of information provided to the PZB is included with the land use plan amendment material.

On September 26, 2022, the City Commission adopted the new MOD zoning category at Second Reading with changes. The changes by the City Commission include:

- Reducing the height to a maximum of 65 feet regardless of any location or stipulations,
- Making a parking garage a specific required component of a Mobility Station,
- Any property in an Entry Corridor must comply with the applicable Entry Corridor Design Standards,
- All drive through uses of any kind are removed from the list of permitted uses or uses by exception.

Please place Ordinance 2022-17 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

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 5.51 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY US 1 (NORTH PONCE DE LEON BOULEVARD) AND WEST KING STREET IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATIONS OF COMMERCIAL MEDIUM-TWO (CM-2) AND INDUSTRIAL AND WAREHOUSING (IW) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF MOBILITY ORIENTED DEVELOPMENT (MOD); 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 parcels of property identified by the St. Johns County Property Appraiser as containing approximately 5.51 acres of land, located at 194 West King Street (PIN #111190 0000), 198 West King Street (PIN #111200 0000), 35 North Ponce de Leon Boulevard (Highway US 1) (PIN #111130 0000), West King Street (PIN #111110 0000), 39 North Ponce de Leon Boulevard (Highway US 1) (PIN #111225 0120), 212 West King Street (PIN #111220 0000) and West King Street (PIN #111225 0000) commonly known as the Broudy Property 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 5.51 acres commonly known as the Broudy Property located at the Northwest corner of the intersection of Highway US 1 (North Ponce de Leon Boulevard) and West King Street in the City of St. Augustine, and identified by the St. Johns County Property Appraiser as containing approximately 5.51 acres of land, located at 194 West King Street (PIN #111190 0000), 198 West King Street (PIN #111200 0000), 35 North Ponce de Leon Boulevard (Highway US 1) (PIN #111130 0000), West King Street (PIN #111110 0000), 39 North Ponce de Leon Boulevard (Highway US 1) (PIN #111225 0120), 212 West King Street (PIN #111220 0000) and West King Street (PIN #111225 0000), is hereby rezoned from the classifications of Commercial Medium-two (CM-2) and Industrial and Warehousing (IW) to the newly created City of St. Augustine classification of Mobility Oriented Development (MOD), 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 in conjunction with Ordinance No. 2022-16 or, if Ordinance No. 2022-16 is 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)

9238 THIS INSTRUMENT PREPARED BY:
Susan S. Bloodworth
Rogers Towers Bailey Jones & Gay, P.A.
170 Malaga Street, Suite A
P. O. Box 3504
St. Augustine, FL 32085-3504

Public Records of
St. Johns County, FL
Clerk# 00-040369
O.R. 1528 PG 364
04:41PM 09/15/2000
REC \$9.00 SUR \$1.50
Doc Stamps \$875.00

WARRANTY DEED

THIS INDENTURE made this 15th day of September, 2000, BETWEEN EDWARD W. OLSON and LOIS G. OLSON, his wife, whose address is 560 West Tropic Way, St. Augustine, Florida 32084, Grantor, and CORYA. LANG whose post office address is 3921 Barbara Terrace, St. Augustine, Florida 32086, of the County of St. Johns, State of Florida, Grantee.

WITNESSETH, That said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Constance C. Ruvolo
Constance C. Ruvolo
(Witness Name Typed)

Roberta J. Halverson
Roberta J. Halverson
(Witness Name Typed)

Edward W. Olson
Edward W. Olson (SEAL)

Lois G. Olson
Lois G. Olson (SEAL)

0R1528P60365

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EDWARD W. OLSON and LOIS G. OLSON, his wife, [] personally known to me, or ~~by~~ who produced Florida's license as identification, who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of September, 2000..



ROBERTA J. HALYBURTON
Notary Public, State of Florida
My comm. expires Jan. 25, 2002
Comm. No. CC 710661

Roberta J. Halyburton

(Name of Notary Typed)
Notary Public, State of Florida at Large
My commission expires: _____

H:\USER\WLD\MISC.RE\Olson\Warranty Deed.wpd

LEGAL DESCRIPTION

Cory A. Lang Parcel

In the City of St. Augustine, described as follows:

Beginning at a point on the North line of King Street and the East line of a street running North and South, known as Depot Street, according to map recorded in the Office of the Clerk of the Circuit Court in Map Book 3, page 5, of the Eleanor M. Crosby Tract of the "Ferry Tract", said beginning point being the Southwest corner of the lot herein described; running thence Northerly along the East line of Depot Street 100 feet; thence Easterly and parallel to the North line of King Street 125 feet; thence Southerly and parallel to the East line of Depot Street 100 feet to the North line of King Street; thence Westerly along the North line of King Street 125 feet to the point of beginning, being a portion of the property conveyed by H. J. Usina to Albert Hirth, as per deed recorded in Deed Book 48, page 30, of the public records of St. Johns County, Florida; excepting therefrom that part of the above described property acquired by the State Road Department of Florida and recorded in Deed Book 253, page 696, of the public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record, this reference to which shall not operate to reimpose the same.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

Parcel Account #111190-0000

2
5
PREPARED BY AND RETURN TO:
FRANK J. YONG
P.O. Box 4550
Jacksonville, Florida 32201

FOR RECORDER
Public Records of
St. Johns County, FL
Clerk# 98038310
O.R. 1344 PG 309
03:44PM 08/26/1998
REC \$21.00 SUR \$3.00
Doc Stamps \$14,490.00

Rec - 21.00
Sur - 3.00
Doc - 14,490.00
COMMONWEALTH

WARRANTY DEED

THIS DEED is made as of the 21st day of August, 1998 between **MARTIN BROUDY**, herein the "Grantor" and **BROUDY BROS., LTD.**, a Florida limited partnership, whose address is Post Office Box 1689, St. Augustine, Florida 32084, and whose taxpayer identification number is 59-3523108, herein the "Grantee". (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors, or assigns.)

WITNESSETH, That the Grantor in consideration of Ten Dollars (\$10.00) and other valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto the Grantee, and Grantee's heirs, successors and assigns forever all of that certain property situate in St. Johns County, Florida, described as follows:

see Exhibit "A"

PARCEL IDENTIFICATION NUMBER:

The foregoing legal description was provided to the preparer without the benefit of a survey or a title search and the preparer accepts no liability or responsibility whatsoever for any inaccuracies or improprieties contained therein or relating thereto.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto the Grantee in fee simple. And the Grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to covenants, easements and restrictions of record and to ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of:

M. A. W. (2752)
Name Printed: M. A. W. (2752)

Martin D. Broudy
Martin D. Broudy

James Spaulding
Name Printed: James Spaulding

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of August, 1998, by Martin D. Broudy who is personally known to me or who has produced Florida Drivers License as identification.

NOTARY PUBLIC:

Mary Claire Miller

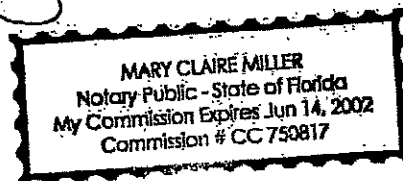


EXHIBIT "A"
[PROPERTY DESCRIPTION]

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

LEGAL DESCRIPTION

Broudy Bros., Ltd.

111110-0000; 111200-0000; 111130-0000; 111225-0120

PARCEL A: A parcel of land in the City of St. Augustine, being a North part of Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the Intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West on said East line of Hartshorn Street, 204.96 feet to the Point of Beginning on the South line of the now existing right of way of the Florida East Coast Railway Company at the Southwest corner of the herein described parcel of land; thence continuing North 6 degrees 26 minutes 31 seconds West 181.08 feet; thence North 85 degrees 19 minutes 13 seconds East, parallel with and 50 feet Southerly as measured at right angles from the centerline of the single tract mainline of said railway company, 853.69 feet; thence Southwesterly, on the Northwesterly right of way line of U. S. Highway No. 1, on a curve concave Southerly with radius of 888.51 feet (arc definition), through a central angle of 16 degrees 44 minutes 16 seconds, an arc distance of 259.56 feet (chord bearing and distance being South 41 degrees 18 minutes 59 seconds West 258.64 feet); thence South 85 degrees 12 minutes 22 seconds West, on said South line of railway right of way, 662.08 feet to the Point of Beginning.

PARCEL B: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Commencing at the Intersection of the East line of Hartshorn Street (formerly Cedar Street) with the presently existing North line of King Street; thence North 6 degrees 26 minutes 31 seconds West, on said East line of Hartshorn Street, 204.96 feet; thence North 85 degrees 12 minutes 22 seconds East, on the South line of the now existing right of way of the Florida East Coast Railway Company, 112.80 feet to the Point of Beginning at the Northwest corner of the herein described parcel of land; thence continuing North 85 degrees 12 minutes 22 seconds East, on said South line of railway right of way, 233.87 feet; thence South 9 degrees 52 minutes 04 seconds East, on the West line of Depot Street, 199.04 feet to the North line of the right of way for U. S. Highway No. 1 ramp or turnout to King Street; thence Westerly, on said North right of way line and on a curve concave Northerly with radius of 898.31 feet through a central angle of 2 degrees 46 minutes 33 seconds, an arc distance of 43.52 feet (chord being South 83 degrees 27 minutes 00 seconds West 43.52 feet); thence South 5 degrees 09 minutes 44 seconds East, across the West end of said right of way for U. S. Highway No. 1 ramp or turnout, 1.95 feet; thence South 84 degrees 50 minutes 16 seconds West, on the North line of King Street, 189.38 feet; thence North 10 degrees 01 minute 21 seconds West, on the West line of those lands described in deed recorded in Deed Book 199, page 200, and in Official Records Book 105, page 394, public records of said County, a distance of 204.65 feet to the Point of Beginning.

PARCEL C: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, and being more fully described as follows:

Beginning at the intersection of the East line of Depot Street with the South right of way line of the Florida East Coast Railway Company; thence North 85 degrees 12 minutes 22 seconds east, on said South right of way line, 220.10 feet to the West line of a 10 foot width alley; thence South 9 degrees 52 minutes 04 seconds East, on said West line of alley, 91.28 feet; thence South 31 degrees 51 minutes 15 seconds West, on the Westerly right of way line of U. S. Highway No. 1, a distance of 41.44 feet to the point of curve to the right with radius of 143.00 feet; thence on said curve to the right and on said highway right of way line, through a central angle of 32 degrees 03 minutes 56 seconds, an arc distance of 80.03 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of that land described in Deed recorded in Deed Book 197, page 165, public records of said County, a distance of 71.55 feet; thence South 85 degrees 12 minutes 22 seconds West, on the North line of said land described in Deed Book 197, page 165, a distance of 125.00 feet; thence North 9 degrees 52 minutes 04 seconds West, on the East line of Depot Street, 101.84 feet to the Point of Beginning.

PARCEL D: A parcel of land in the City of St. Augustine in Block A, DANCY TRACT, as recorded in Map Book 1, page 1, public records of St. Johns County, Florida, being part of that parcel of land described in deed recorded in Deed Book 167, page 6, public records of said County and being more fully described as follows:

Commencing at the intersection of the North line of King Street (being 40 feet in width) with the East line of Depot Street; thence North 84 degrees 50 minutes 16 seconds East, on said North line of King Street, 230.00 feet to a point on the East line of a 10 foot width alley within the right of way for now existing U. S. Highway No. 1; thence North 9 degrees 52 minutes 04 seconds West, on said East line of alley, 123.00 feet to the Point of Beginning on the Westerly right of way line of said highway; thence continuing North 9 degrees 52 minutes 04 seconds West, on said east line of alley, 75.95 feet; thence North 85 degrees 12 minutes 22 seconds East, on the now existing South right of way line of the Florida East Coast Railway Company, 63.00 feet to said Westerly right of way line of highway; thence South 31 degrees 51 minutes 15 seconds West, on said right of way line of highway, 94.29 feet to the Point of Beginning.

PARCEL E: A parcel of land in Section 28, Township 7 South, Range 30 East Situate, lying and being in the County of St. Johns, State of Florida, known and described as:

From the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, run North 0 degrees 51 minutes 32 seconds West along the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28, for a distance of 100 feet to a

point of intersection with the North right of way line of a 100 foot right of way county road (called Pope Road); thence run North 88 degrees 59 minutes 40 seconds East along the North right of way line of Pope Road, for a distance of 1,270.56 feet, more or less, to a point of intersection with the Westerly right of way line of State Road No. S-3; thence run North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of State Road No. S-3, for a distance of 354.5 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue North 1 degree 39 minutes 38 seconds West along the Westerly right of way line of said State Road No. S-3, for a distance of 103.3 feet, more or less, to a point of intersection with the Southerly right of way line of State Road No. 312; thence run North 82 degrees 24 minutes 28 seconds West along the said Southerly right of way line of said State Road No. 312, for a distance of 202.62 feet to a point; thence run South 1 degree 39 minutes 38 seconds East for a distance of 130.59 feet to a point; thence run South 46 degrees 19 minutes 59 seconds East for a distance of 18.49 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 162 feet; thence run North 01 degree 39 minutes 38 seconds West a distance of 10 feet; thence run North 88 degrees 59 minutes 40 seconds East a distance of 25.00 feet to the point of Beginning.

2. In: Estate
③ Rec: 15.00
Doc: 878.50
Ret: Grantee

Public Records of
St. Johns County, FL
Clerk# 98049545
O.R. 1360 PG 1032
02:59PM 11/03/1998
REC \$13.00 SUR \$2.00
Doc Stamps \$878.50

RECEIVER DEED

THIS DEED made and entered into this 2ND of NOVEMBER, 1998, by and between ARNOLD DELORENZO as RECEIVER, for EDMUND U. O'STEEN, BARBARA O'STEEN AND CLYDE EUGENE O'STEEN, party of the first part; and BROUDY BROS., LTD., whose post office address is

PO BOX 1689 ST. AUGUSTINE, FL 32085
party of the second party;

WHEREAS, the said party of the first part was duly appointed RECEIVER for EDMUND U. O'STEEN, BARBARA JEAN O'STEEN AND CLYDE EUGENE O'STEEN under Order Authorizing and Directing receiver to convey real property. Order issued on the 2nd day of October, 1998, Case # CA 95-1244 by the Honorable Weinberg, Circuit Judge, in and for St. Johns County, Florida; and,

WHEREAS, the said party of the first part is authorized to convey such a deed to the party of the second part, and the party of the second part is entitled to such a deed;

NOW THEREFORE, in consideration of the foregoing and in further consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, their heirs and assigns forever, the following described property situate, lying and being in St. Johns County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, charges and profits thereof and also all the estate's right, title and interest, property, possession, claim and demand whatever, both in law and in equity which the said party of the first part had or has by virtue of being Receiver of said property and otherwise of, in and to the above granted premises and every part and parcel thereof with the appurtenances. This deed also conveys all of the fee simple interest of EDMUND U. O'STEEN, BARBARA JEAN O'STEEN, CLYDE EUGENE O'STEEN, their successors or assigns.

TO HAVE AND TO HOLD the above described premises together with the appurtenances and every part thereof unto the said party of the second part, their heirs and assigns in fee simple forever.

And the said party of the first part, as Receiver, for them and their successors and assigns do hereby convey, promise and agree to and with the party of the second part that he is the lawful, and has power to convey as aforesaid and has in all

respects acted in making this conveyance under the powers granted to Receiver under Order Authorizing and Directing Receiver to convey real property and Receiver has not made, done or suffered any act, matter or things whatsoever since appointed as Receiver as aforesaid whereby the above granted premises and any part thereof now or at any time hereafter shall or may be impeached, charged or encumbered in any manner whatsoever.

It is understood that the word "party" and the pronouns referring thereto, whether in sinne and/or neuter, wherever the context so implies or admits.

IN WITNESS WHEREOF, the said party of the first part as Receiver, has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN OUR PRESENCE:


Witness Carol A. Lagasse

Witness David Andrews


Arnold DeLorenzo, as
Receiver L.S.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day personally appeared before me, an officer authorized to administer oaths and take acknowledgments, ARNOLD DELORENZO, as Receiver, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the State and County last aforesaid this 2nd day of November, 1998.

 CAROLA LAGASSE
My Comm Exp. 7/21/00
Bonded By Service Ins
No. CC570937
Notary Public
My commission expires:


My commission expires:

This instrument was prepared by M. LAGASSE of Estate Title & Guaranty, Inc. as a necessary fulfillment of a condition set forth in a Title Insurance commitment issued by Estate Title & Guaranty, Inc.; 71 Carrera St.; St. Augustine, Florida 32084

EXHIBIT "A"
BROUDY DEED

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.

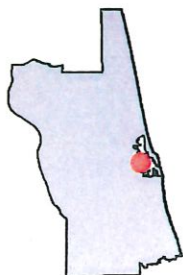
LEGAL DESCRIPTION

Broudy Bros., Ltd.

111220-0000 and 111225-0000

LOCATED IN ST. AUGUSTINE, FLORIDA, IN LOT A-6, BLOCK "A" DANCY TRACT AND BEGINNING AT A POINT WHICH POINT IS THE INTERSECTION OF THE SOUTHERN LINE OF THE PROPERTY OF THE FLORIDA EAST COAST RAILWAY COMPANY WITH THE EASTERLY LINE OF HARTSHORN STREET (FORMERLY CEDAR STREET); THENCE RUNNING IN A SOUTHERLY DIRECTION 50 FEET ALONG SAID HARTSHORN STREET (FORMERLY CEDAR STREET) TO A POINT; THENCE RUNNING IN AN EASTERLY DIRECTION IN A LINE PARALLEL TO KING STREET 100 FEET TO A POINT; THENCE RUNNING IN A NORTHERLY DIRECTION IN A LINE PARALLEL TO SAID HARTSHORN STREET (FORMERLY CEDAR STREET) 50 FEET MORE OR LESS TO THE PLACE OF INTERSECTION OF SAID PROPERTY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY; THENCE RUNNING IN A WESTERLY DIRECTION ALONG SAID FLORIDA EAST COAST RAILWAY COMPANY'S SOUTH PROPERTY LINE 100 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID LOT HEREBY CONVEYED BEING A PART OF LOT A-6, BLOCK "A", DANCY TRACT, AND BEING BOUNDED ON THE EAST BY LAND OF THE ESTATE OF S. G. WORLEY; AND ON THE NORTH BY PROPERTY OF FLORIDA EAST COAST RAILWAY COMPANY; ON THE WEST BY HARTSHORN STREET (FORMERLY CEDAR STREET) AND ON THE SOUTH BY LAND OF THE ESTATE OF S. G. WORLEY.

ALSO THE WEST 127 FEET OF LOT A-6, BLOCK "A" DANCY TRACT, EXCEPTING THEREFROM THE NORTH 50 FEET OF THE WEST 100 FEET THEREOF, WHICH NORTH 50 FEET OF THE WEST 100 FEET IS BEING CONVEYED TO GRANTEE IN PARAGRAPH ONE ABOVE.



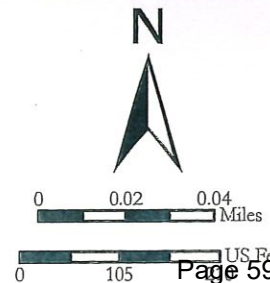
Proposed Zoning



St Johns County, Maxar, Microsoft

2022

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: October 4, 2022

RE: **Second Reading and Public Hearing 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 was heard by the City Commission for First Reading and amended to include additional language 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.

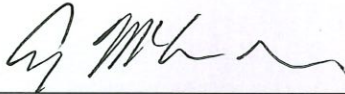
At the September 26, 2022, City Commission meeting the City Commission requested that the applicant again consider providing more affordable housing units.

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 October 10, 2022, City Commission Agenda for Second Reading and Public Hearing.

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.

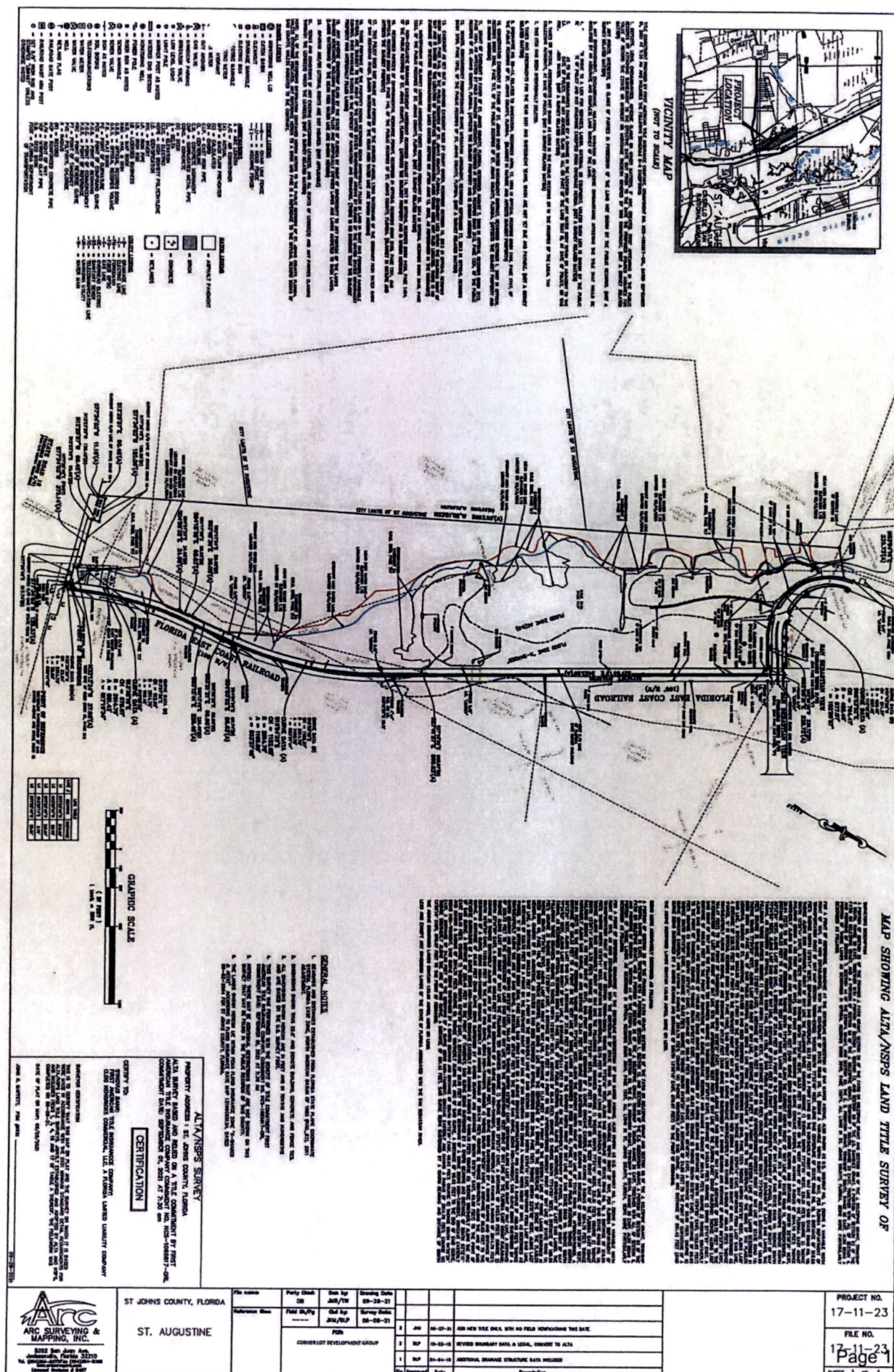
PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)



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. 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 1468), SAID POINT LYING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 488.46 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 877.97 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 66°23'52" EAST, 764.47 FEET) TO THE POINT OF TANGENCY; 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 WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 1160.86 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET) TO THE POINT OF TANGENCY; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET; COURSE 5) THENCE SOUTH 03°21'21" EAST, A DISTANCE OF 69.60 FEET; COURSE 6) THENCE SOUTH 03°12'41" EAST, A DISTANCE OF 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET; COURSE 8) THENCE SOUTH 04°15'56" EAST, A DISTANCE OF 68.62 FEET;

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:

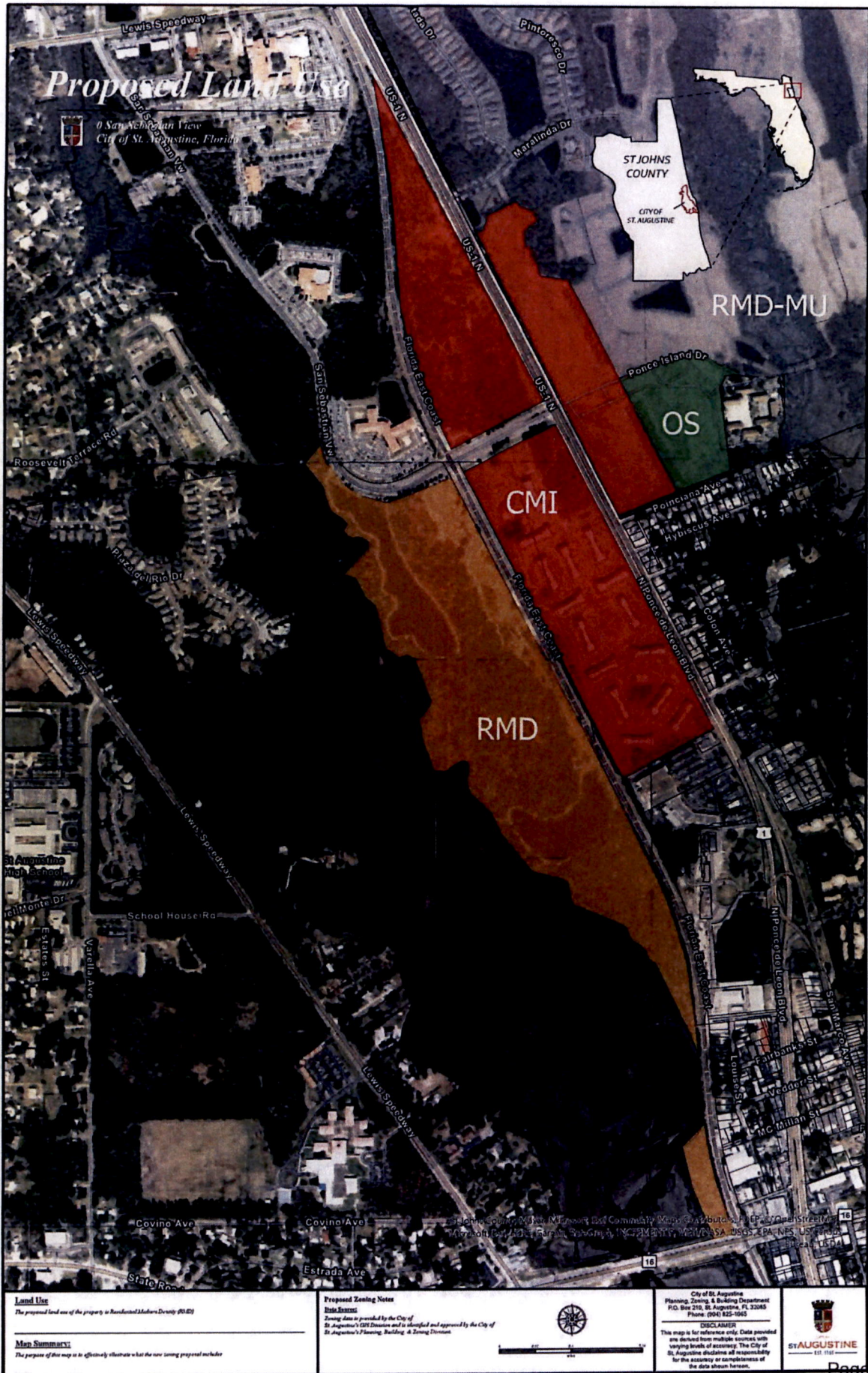
A PORTION OF SECTION 36 OF THE FRANCIS J. FATIO GRANT, SECTION 56 OF THE FATIO OR DELESPINE GRANT AND SECTION 98 OF THE J. DELESPINE GRANT, TOWNSHIP 6 SOUTH, RANGE 29 EAST, TOGETHER WITH A PORTION OF SECTION 1, SECTION 12, AND SECTION 50 OF THE E.S. ROBERTSON GRANT, A PORTION OF SECTION 52 OF THE FATIO 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

WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A 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.

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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.

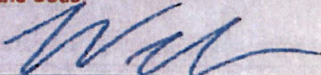
11. AGREEMENT:

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 Zeits

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

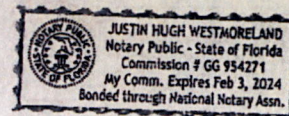
Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____

2/3/24



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: 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
Signage Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

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

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

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

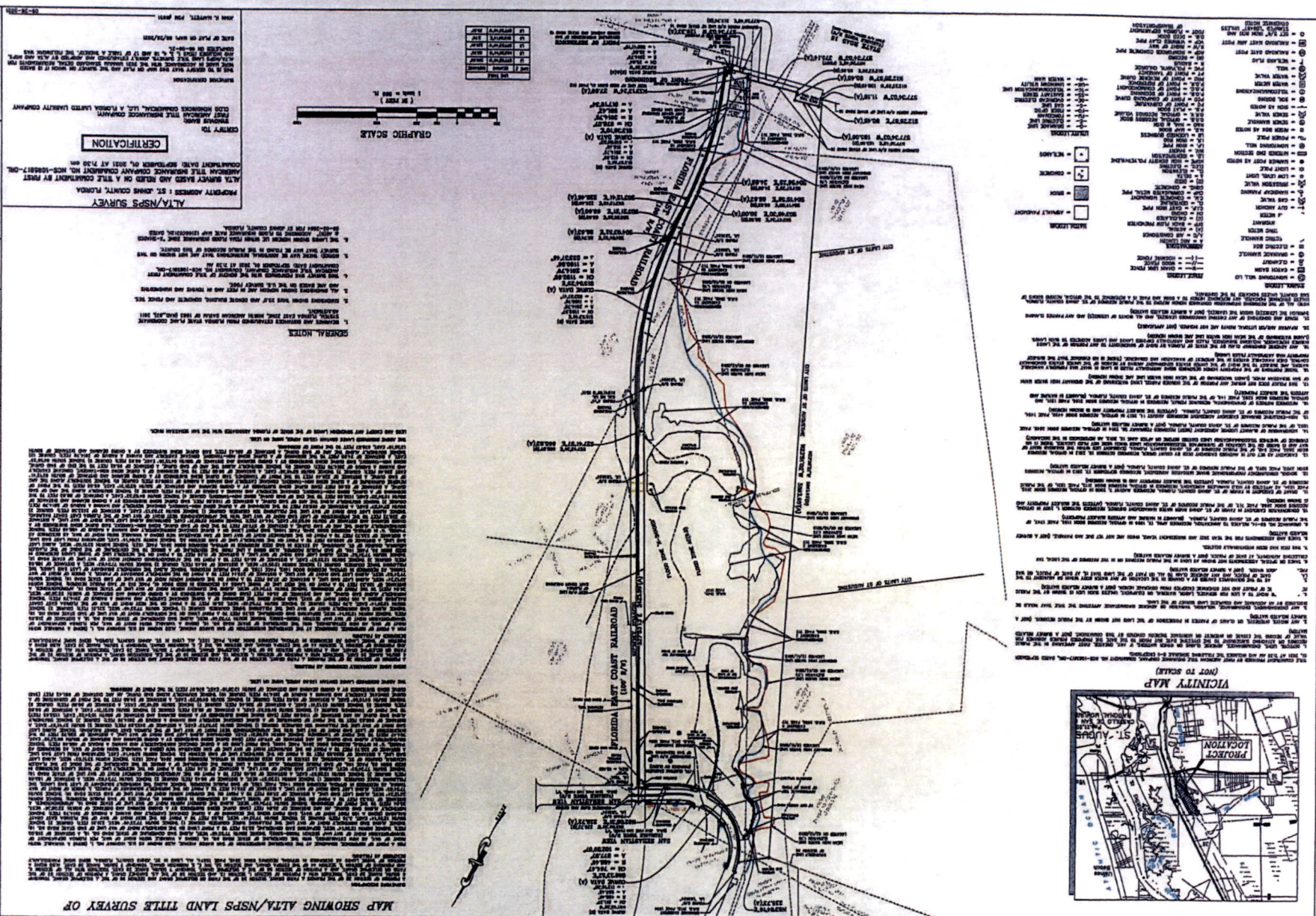
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

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

Project Address: 0 San Sebastian View

Applicant's Name: William Zeit 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. 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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.

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

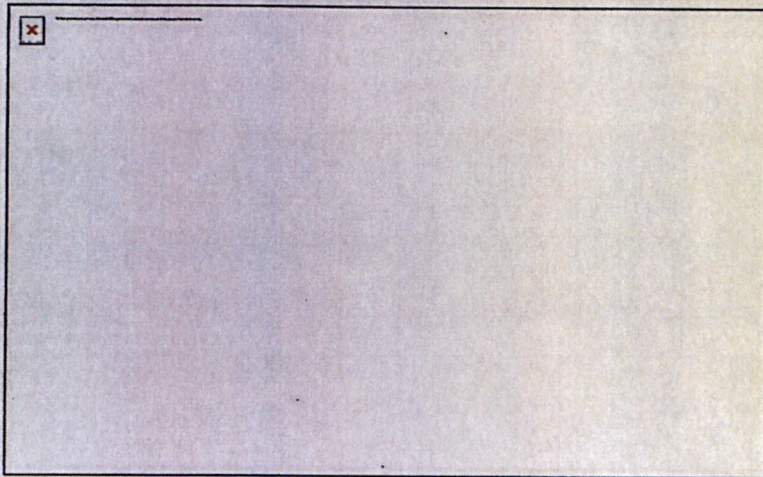
Sr. Project Manager
Corner Lot Development Group

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: October 4, 2022

RE: **Second Reading and Public Hearing for Ordinance 2022-04 Small Scale Rezoning for approximately 42.36 upland acres referred to as Flagler Crossing.**

On Tuesday, February 1, 2022, the Planning and Zoning Board (PZB) discussed and recommended a small-scale rezoning that is compatible with a proposed 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 rezoning includes changing the zoning designation from Residential Low-One (RL-1) (yellow) to Residential General-One (RG-1) (orange) on the upland portion of the property only.

As with the proposed land use change associated with Ordinance 2022-03, the PZB discussed the appropriateness of the proposed rezoning and the compatibility of the Residential General-One (RG-1) zoning district for the area. The PZB determined that the area is appropriate for multifamily development given the location and surrounding development. The proposed RG-1 zoning district is the standard multifamily zoning district for the city, and is the same standard that was used on adjacent properties. The PZB also discussed the need for rental units within the city.

Since February of 2022 the applicant has been working with the City Commission to provide specific affordable housing units as articulated in a Development Agreement and referred to in the Future Land Use Amendment Ordinance 2022-03.

Please find attached Ordinance 2022-04, legal description, and maps illustrating the current zoning and the proposed zoning.

I respectfully request that this item be placed on the October 10, 2022, City Commission Agenda for Second Reading and Public Hearing. 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. 2022-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 42.36 UPLAND ACRES OF PROPERTY LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF RESIDENTIAL LOW-ONE (RL-1) TO THE 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 made a positive recommendation that a parcel of 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 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 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, is hereby rezoned from the classification of Residential Low-One (RL-1) to Residential General-One (RG-1):

**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**

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, more fully described attached.

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. 2022-03 or, if Ordinance No. 2022-03 is 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)

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:

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:

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WAY LINE WITH THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE ALONG LAST SAID RIGHT OF WAY LINE THE FOLLOWING TEN COURSES: COURSE 1) THENCE SOUTH 27°53'13" EAST, A DISTANCE OF 2423.59 FEET; COURSE 2) SOUTH 27°41'57" EAST, A DISTANCE OF 660.93 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 3) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1160.86 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 15°54'25" EAST, 1152.65 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT; COURSE 4) THENCE SOUTH 04°03'52" EAST, A DISTANCE OF 86.63 FEET TO THE BEGINNING OF A CURVE, BEING NON-TANGENT, CONCAVE WESTERLY AND HAVING A RADIUS OF 2814.79 FEET; COURSE 5) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.60 FEET (SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°21'21" EAST, 69.60 FEET) TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 11509.16 FEET; COURSE 6); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 226.46 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°12'41" EAST 226.46 FEET; COURSE 7) THENCE SOUTH 03°46'30" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 8); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 68.62 FEET TO THE END OF SAID CURVE, BEING NON-TANGENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 04°15'56" EAST, 68.62 FEET; COURSE 9) THENCE SOUTH 04°56'25" EAST, A DISTANCE OF 24.60 FEET TO THE BEGINNING OF A CURVE BEING NON-TANGENT, CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.79 FEET; COURSE 10) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A 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.

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





Zoning The proposed zoning of the property is Residential General Use (RG-1). Map Summary The purpose of this map is to effectively illustrate what the new zoning proposal includes.	Proposed Zoning Notes This zoning is provided by the City of St. Augustine's GIS Division and is subject to approval by the City of St. Augustine's Planning, Building, & Zoning Division.	City of St. Augustine Planning, Zoning, & Building Department P.O. Box 210, St. Augustine, FL 32055 Phone: (904) 825-1065 DISCLAIMER This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. The City of St. Augustine disclaims all responsibility for the accuracy or completeness of the data shown herein. ST. AUGUSTINE 1811
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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 _____



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tel 904-642-8550 • fax 904-642-4165
14775 Old St. Augustine Road • Jacksonville, Florida 32258

Exhibit "A"

August 30, 2022

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

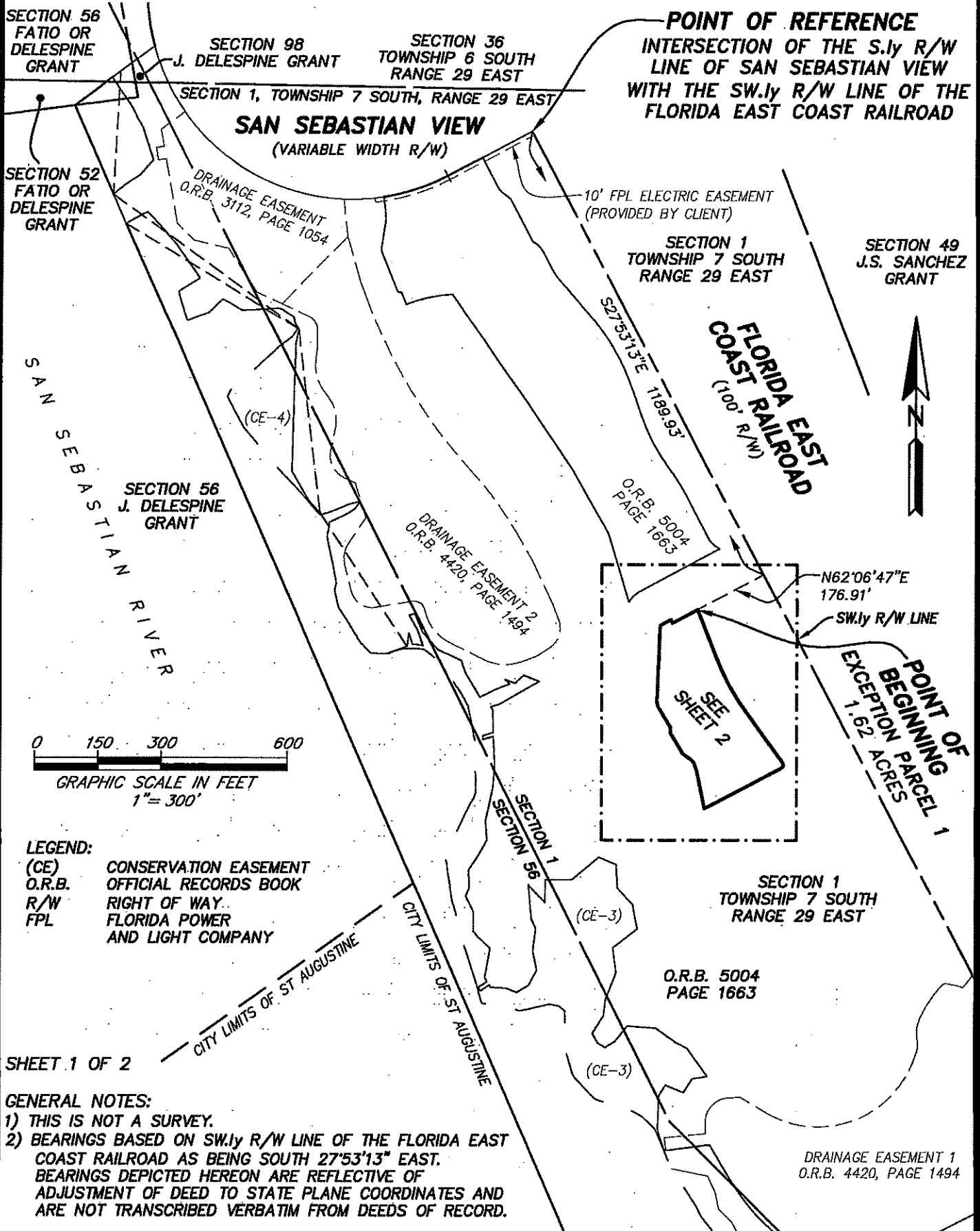
Exception Parcel 1

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°53'13" East, along said Southwesterly right of way line, 1189.93 feet; thence South 62°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°30'27" East, 26.70 feet; thence South 21°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°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°37'03" East, 141.74 feet; thence South 36°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°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°08'19" West, 13.63 feet; thence South 62°20'20" West, 205.30 feet; thence North 11°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°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°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°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°18'54" West, 17.77 feet; thence North 55°32'27" West, 20.70 feet; thence North 31°20'54" West, 58.70 feet; thence North 01°50'18" East, 12.77 feet; thence North 31°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°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°33'30" West, 23.11 feet; thence North 02°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°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°07'36" East, 2.99 feet; thence North 62°01'18" East, 26.83 feet; thence South 27°58'48" East, 9.00 feet; thence North 62°01'12" East, 67.86 feet to the Point of Beginning.

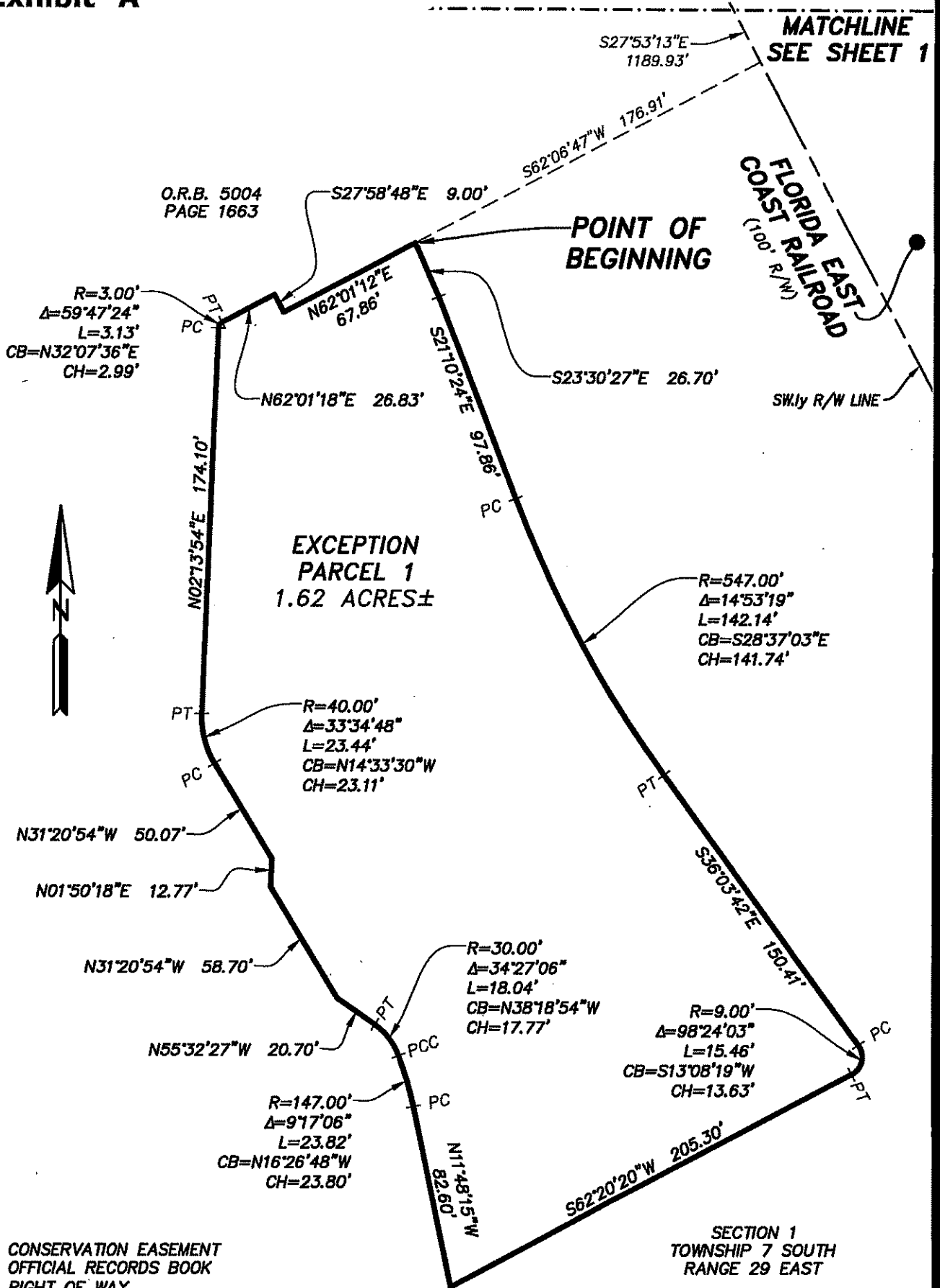
Containing 1.62 acres, more or less.



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.

Exhibit "A"





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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

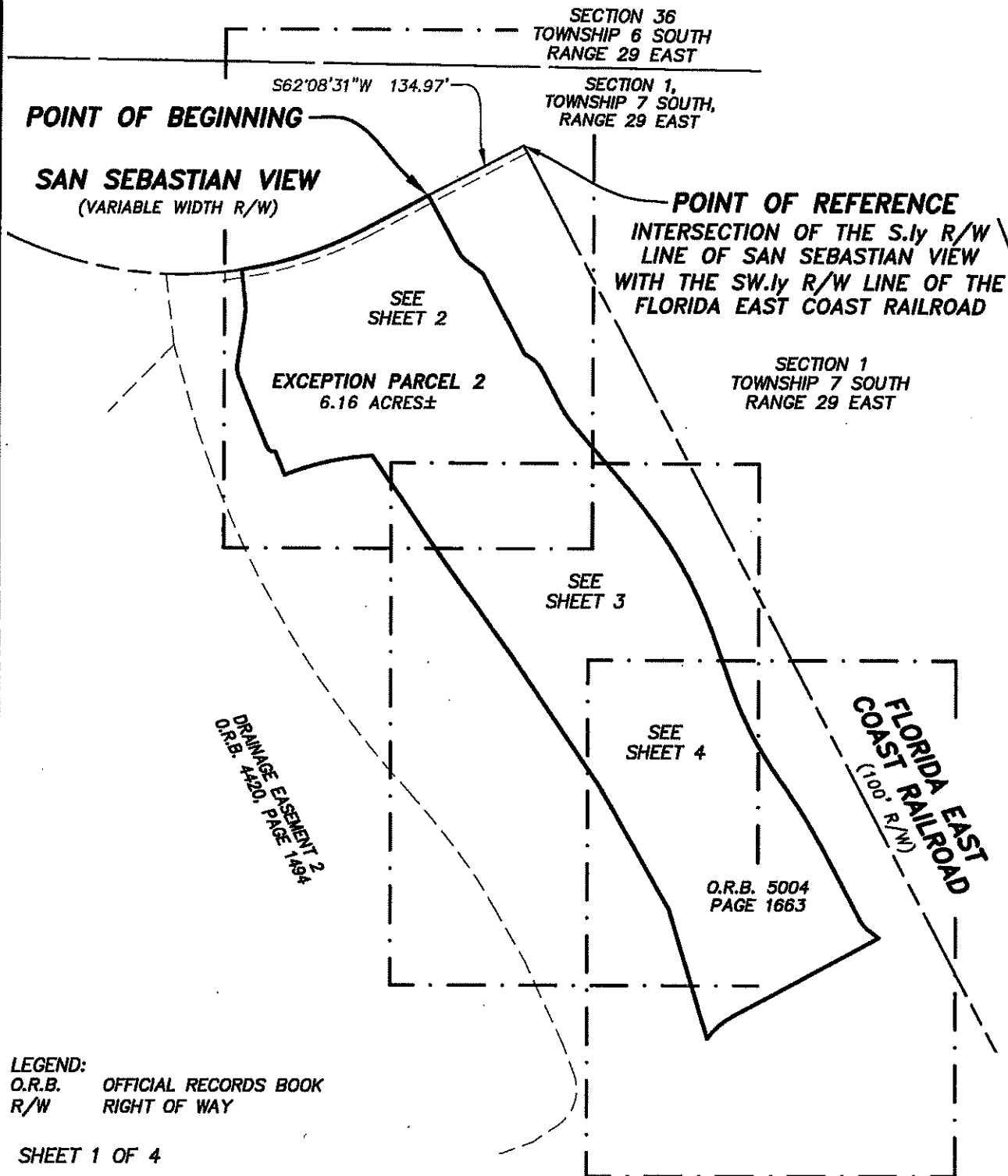
Work Order No. 21-100.10

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.



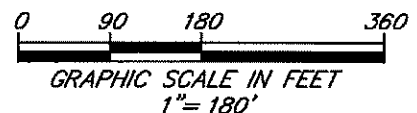
LEGEND:

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**

SAN SEBASTIAN VIEW
(VARIABLE WIDTH R/W)

S.ly R/W LINE

**FLORIDA EAST
COAST RAILROAD**
(100' R/W)

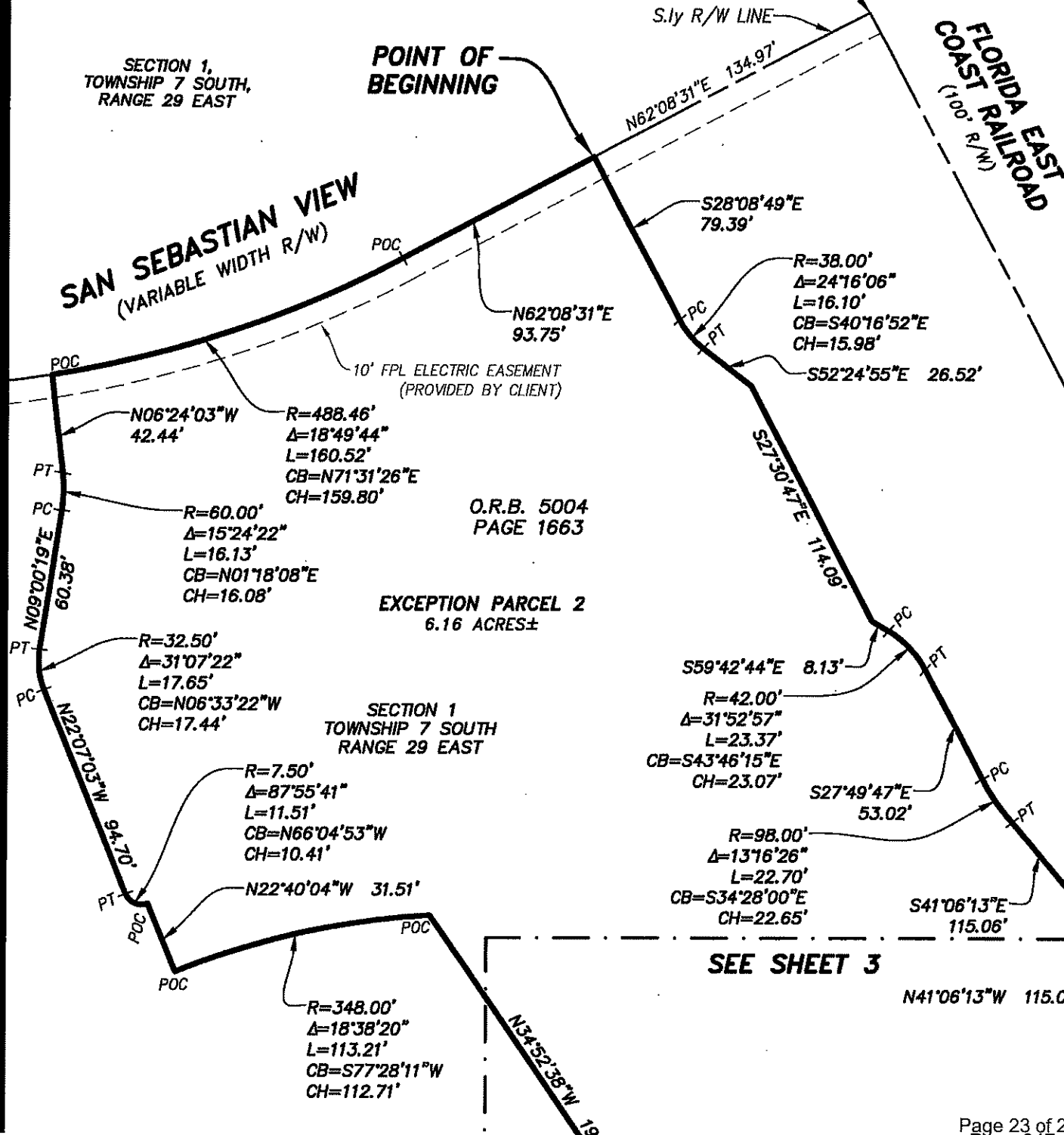


Exhibit "A"

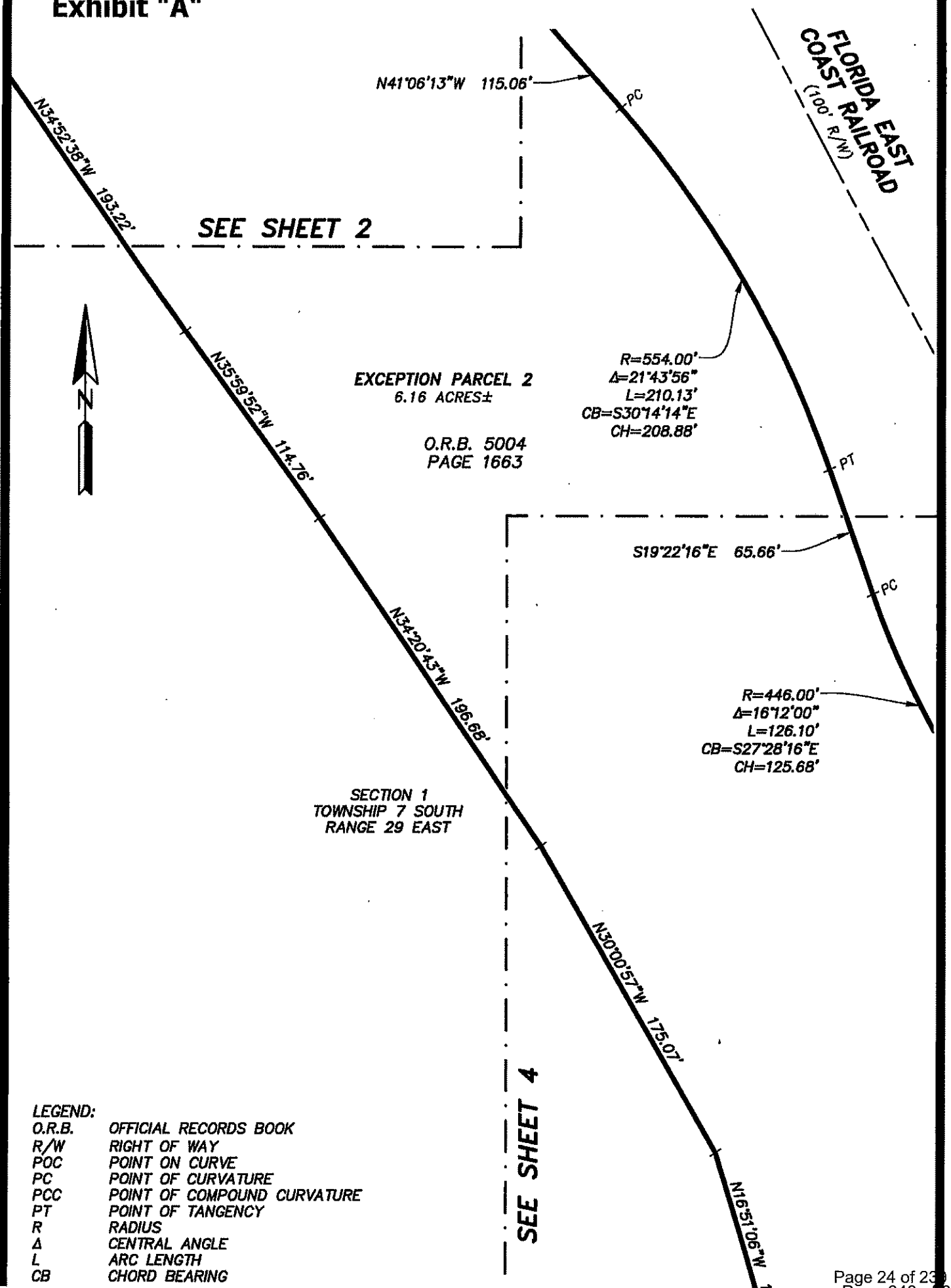


Exhibit "B"

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

MULTIFAMILY PARTNERS FLAGLER II, LLC,

in the presence of:

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 P. Regan, City Manager

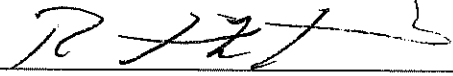
DATE: September 27, 2022

RE: **AMENDED ORDINANCE 2022-30: OPEN BURNING ORDINANCE**

Attached is proposed Ordinance No. 2022-30 Repealing and Amending Chapter 18, Article IV, Section 18-76 of the Code of the City of St. Augustine. Portions of the original ordinance were preempted to the Florida Forest Service. Through conversations with Darby Shaw, Esq., senior attorney for the Florida Department of Agriculture and Consumer Services, this ordinance has been drafted to meet their guidelines.

Please place Ordinance 2022-30 on the regular City Commission agenda for first reading on October 10, 2022.

Thank you.


Richard K. Thibault
Assistant City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ord 2022-30: Repeals and Amends Ordinance 2022-25 to amend the City's open burning policy.

ORDINANCE NO. 2022-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA RELATING TO FIRE PREVENTION AND PROTECTION: PROHIBITING OPEN BURNING; REPEALING AND AMENDING PORTIONS OF CHAPTER 18, ARTICLE IV, SECTION 18-76, OF THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the Florida Department of Agriculture and Consumer Services (DACS), Florida Forest Service (FFS) regulates the vast majority of open burning in the State of Florida, however, municipalities may also have more stringent requirements for open burning; and

WHEREAS, establishing an Ordinance prohibiting open burning will provide a safe assurance of clean air for the city's residents and prevent accidental house fires; and

WHEREAS, the City values historic preservation and regulating open burning is a prevention tool to avoid property damage in the Nation's Oldest City; and

WHEREAS, the City recognizes the desire for citizens to engage in certain reasonable and safe open burning activities, and therefore intends to exempt certain reasonable and safe activities from the open burning prohibition; and

WHEREAS, it is not necessary for citizens to conduct open burning of certain materials, household and commercial waste, recyclable material, and construction debris, because these materials are collected by the City of St. Augustine pursuant to its solid waste program; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following sections be adopted.

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

Section 1. Creating Chapter 18, Article IV, Section 18-76. Chapter 18, Article IV, Section 18-76 of the Code of the City of St. Augustine is hereby created, as follows:

(a) Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Approved fuel* shall mean clean wood, wood pellets or wood chips, charcoal, commercially available fire starter logs or briquettes, liquified petroleum gas, natural gas, or butane, and also includes commercially available fire starters, paper or other wood products.
- (2) *Fire Marshal* means the Fire Marshal of the City of St. Augustine Fire Department responsible for enforcing fire regulations or investigating fires.
- (3) *Grill* shall mean a device designed and used for cooking where a combustion source is elevated off the ground and food cooked over open flame or coals using an approved fuel.

~~— *Nuisance* shall mean sparks, ash, smoke, or odor emissions that:~~

~~a. Interfere with the reasonable use and enjoyment of property, including any leasehold interest, for those persons other than that of the individual(s) conducting the open burning; or~~

~~b. Creates an unreasonable health hazard to persons other than that of the individual(s) conducting the open burning.~~

~~In deciding whether conditions constitute a nuisance, a Code Enforcement Officer, Police Officer or the Fire Marshal, or his or her designee, shall exercise their best professional judgment based on the following factors:~~

~~— Atmospheric conditions such as high winds, wind direction, heavy fog, inversion, and the air quality index;~~

~~— Size of the fire;~~

~~— Type of fuel used;~~

~~— Size of parcel where the fire is located;~~

~~— Location of the fire on a parcel;~~

~~— Location of structures, personal property, vegetation, or other material compared to the fire; and~~

~~— Amount of smoke, odor, and ash produced by the fire.~~

~~— *Open Burning or Open Fire* shall mean any outdoor fire or outdoor smoke producing process from which air contaminants are emitted into the outdoor atmosphere. Open fires include, but are not limited to, recreational fires in containers or modified containers such as a grill or a warming type container.~~

~~(4) Recreational fire shall mean the noncommercial burning of approved fuel for pleasure, religious, ceremonial, cooking, or similar purposes, which is not contained in an incinerator, a grill, or a barbeque pit, and in which the total fuel area is not exceeding three feet in diameter and two feet in height.~~

~~(75) Unsafe fire~~ shall mean a fire which places structures, personal property, vegetation, or other material at immediate risk of accidental combustion.

~~(68) Yard trash~~ shall mean vegetative matter resulting from landscaping and yard maintenance operations and other such routine property clean-up activities, including but not limited to, materials such as leaves, shrub trimmings, grass clippings, palm fronds, ~~tree cutting debris~~, and brush per ~~ChapterSection~~ 590.125(1)(m), Florida Statutes.

(b) Intent and purpose.

This Article's prohibition of open burning of household refuse, ~~recyclable material, yard waste,~~ and commercial waste shall be for the purpose of reducing air pollution and dangerous conditions caused by open burning. Commercial kitchens and other commercial burning must comply with all laws, rules, and regulations applicable to those uses.

(c) ~~General~~ Prohibitions against open burning.

It shall be a violation of this Article for any person to ignite, cause to be ignited, permit to be ignited, or maintain any open fire within the city limits of the City of St. Augustine, Florida unless specifically allowed by ~~this ArticleSection~~ 590.125, Florida Statutes or otherwise regulated commercial and industrial activities.

(1) Disposal of ~~Yard,~~ Commercial, or Household Waste Prohibited within twenty-five (25) feet from a residence and within fifty (50) feet from a paved public road.

~~(2) Disposal of Recyclable Materials Prohibited — No recyclable materials, whether commercial or residential, may be disposed of by open burning.~~

(3) Burning Ban - Except for cooking fires, no open burning shall be undertaken during periods when the Florida Forest Service has issued a burning ban.

(4) It is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended while visible flame, smoke, or emissions exist.

(5) For other than one or two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony or under any overhanging portion of a structure.

(6) Compliance with Other Laws - Nothing in this section may be construed to allow open burning which violates other laws, rules, regulations, or ordinances. Where any provision of this Article imposes a restriction different from that imposed by any other laws, rules, regulations, or ordinances, the provision which is more restrictive shall apply.

(d) Exceptions to the general prohibitions against open burning.

The following operations and activities are exceptions to the general prohibition outlined in this article when conducted in a manner which is not a Nuisance or an Unsafe Fire:

- (1) Liquefied Petroleum Gas Devices - Grills, camp stoves, or other devices that solely burn liquefied petroleum gas, natural gas, butane, naphthalene, or other liquid fuel.
- (2) Cooking Fire - Open fires for the sole purpose of cooking food for human consumption, provided the fire:
 - a. is contained in a grill, camping stove, or similar device designed solely for cooking food; and
 - b. only burns approved fuel.
- (3) Cooking fires in approved containers, ornamental fireplaces, chimeneas, charcoal, approved liquified gas or electric grills and patio heaters are allowed at one and two-family dwellings provided they are used in accordance with their listing, applicable codes, recommended fuel, and manufacturer's instructions.
- (4) ~~Recreational or Ceremonial Fires by Organizations~~ Fires by established organizations for recreational or ceremonial purposes, such as, but not limited to, functions for Girl or Boy Scout Troops, church groups, organized youth groups, or other similar organizations, provided the fire is contained and only burns approved fuel.
- (5) Recreational Fires created in approved UL containers including backyard firepits, chimeneas, and camp stoves as long as they are operated in accordance with their listed, applicable codes, recommended fuel, and manufacturer's instructions.
- (6) Community subdivision amenities with available Cooking Fire or Recreational Fire facilities utilizing approved containers, devices, and fuel in safe locations available to the residents of the community in compliance with all other requirements of this code.
- (7) Non-residential amenities with available Cooking Fire or Recreational Fire facilities utilizing approved containers, devices, and fuel in safe locations, available to members or patrons of the establishment in compliance with all other requirements of this code.
- (8) Approved burns or other activity of a government agency.
- (9) Firefighter Training - Fires for the instruction and training of firefighters, provided the burning activities are for the sole purpose of fire suppression training for liquid fires such as gasoline and jet fuel, or for structural fires. In the case of structural fires, an inspection conducted by air program personnel must be performed prior to ignition of the structure, to ensure all toxic and/or hazardous materials have been removed.

- (10) Florida Fire Prevention Code - Open burning as permitted by the Fire Marshal or his or her designee in accordance with the Florida Fire Prevention Code.

(11) These exceptions may not apply during a Florida Forest Service burn ban.

(e) Florida Forest Service authorized burn exception.

This Article shall not restrict the Florida Forest Service from authorizing and otherwise regulating broadcast burning, agricultural and silvicultural pile burning, or burning of debris from land clearing operations pursuant to Sections 590.02 and 590.125, Florida Statutes ~~§590.02 and Fla. Admin. Code R. 5I-2~~, and shall not be deemed to authorize nuisance or safety determinations, or any resulting enforcement, concerning such burns by any entity other than the Florida Forest Service.

(f) Safety.

- (1) Authority to Extinguish Fires - The Fire Marshal or his or her designee, Code Enforcement Officer or Police Officer shall have the authority to extinguish or cause the extinguishment of any fire deemed a violation of this section. The Florida Forest Service has authority over any other open burns that violate Chapter 590, Florida Statute and Fla. Admin. Code R. 5I-2.
- (2) It is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended while visible flame, smoke, or emissions exist.
- (3) Anyone who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

~~Recreational/Warming/Cooking fires may be allowed pursuant to the following conditions:~~

~~A garden hose connected to a water supply, or other fire-extinguishing equipment, is readily available for use;~~

~~The approved container or fire pit is not within ten (10) feet of any structure or combustible material unless otherwise permitted by the Fire Marshal or his or her designee;~~

~~Recreational/Warming/Cooking fires (wood burning fire pits, commercially manufactured propane or natural gas-fueled fire pits, and chimeneas, etc.) must have a UL approved container with a metal mesh lid, or must be a container approved by the Fire Marshal;~~

~~The Recreational fire is attended by a competent adult;~~

~~e. Nuisance smoke is not being created; and,~~

~~f. Yard debris or trash is not being burned.~~

(g) Enforcement.

This Article may be enforced by any means allowed by law. All applicable remedies provided in the applicable fire code are available as well as applicable remedies provided in the Code of the City of St. Augustine, Florida, are available to the City. The Fire Marshal or his or her designee, Code Enforcement and Police Officers may enforce these provisions. Any violation of Chapter 590, Florida Statutes or Fla. Admin. Code. R 5I-2, that are specifically preempted to the Florida Forest Service shall be enforced under Section 590.13 and 590.14, Florida Statutes.

(h) Civil Penalties General Penalty

Any person found guilty of violating the provisions of this section shall be punished in the manner prescribed in section 1-8 of this Code.

Section 2. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

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

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE, FLORIDA

M E M O R A N D U M

TO: John P. Regan
City Manager

DATE: October 4, 2022

RE: Commission Presentation for
Armored Tactical Vehicle (BearCat)

The St. Augustine Police Department has a specialized unit called the Special Response Team (SRT) which is comprised of twelve (12) team members. This team is utilized for search warrants, arrest warrants, dealing with barricaded subjects or officer/citizen rescues in response to active threat situations as well as other incidents.

The SRT is in need of purchasing an armored tactical vehicle. There are several manufacturers of these vehicles, with the Lenco BearCat being the most recognized. The BearCat provides armored protection, has 4-wheel drive with run-flat tires, will carry and store tactical equipment as well as hold 10-12 tactical operators. They are built on a Ford 550 chassis.

Other uses for the BearCat would include search and rescue operations during and after natural disasters, being staged during large special events for quick reaction to incidents as well as being used for roadblocks. It could also be used in community engagement or recruitment events.

At this time I would like to request that this item be placed on the upcoming City Commission agenda. Commander Richard Warner will be doing the presentation.

Thank you for your consideration in this matter. If additional information is required, please contact me.



Jennifer Michaux
Chief of Police

dt

cc: D. Galambos, City Clerk

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and Commissioners

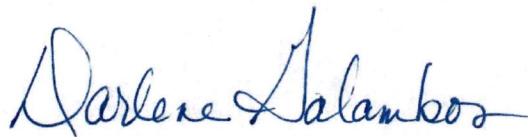
DATE: October 3, 2022

RE: Notification of two (2) upcoming Term Expirations – Code Enforcement, Adjustment and Appeals Board (CEAAB)

Notification is being made to the Commission relevant to two (2) term expirations on the CEAAB. The terms are currently held by Marilyn Meade Garrett and Karen Valachovic and will expire on December 27, 2022, both members are eligible for reappointment.

Requests for applications will be placed in the St. Augustine Record, in accordance with Board advertising policies, and posted on the City's website.

Attached is the current Code Enforcement Adjustment and Appeals Board roster, Board profile and responsibilities.



Darlene Galambos
City Clerk

xc: Clerk's Office

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Authorization:	Chapter 2, Article V, Division 2, Code of the City of St. Augustine.
Number of Members:	Seven 7
Terms of Office:	To establish staggered terms, original appointments were two 2 for one 1 year; three 3 for two 2 years; and two 2 for three 3 years. Thereafter, all appointments are for three 3 years.
Appointment:	By City Commission.
Reappointment:	Normal appointments expire December 27 of each year. Members may serve two 2 consecutive full terms only.
Qualifications:	When possible, shall include: architect, businessperson, engineer, general contractor, subcontractor, and realtor. Resident of the city.
Duties:	Hear cases presented by the local governing body attorney or by a member of the administrative staff of the local governing body. At the conclusion of the hearing, the board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The board shall have the power to: 1 Adopt rules for the conduct of its hearings, 2 Subpoena alleged violators and witnesses to its hearings, Subpoenas may be served by the Police Dept., 3 Subpoena evidence, 4 Take testimony under oath, 5 Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
Attendance:	Failure to attend two 2 of three 3 successive meetings without cause and without prior approval of the chairman of the Enforcement Board shall declare that member's office vacated.
Meetings:	Second Tuesday of each month, the Alcazar Room, 3:00 P.M.

CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

Meets Monthly, 2nd Tuesday - 3:00 p.m.
Alcazar Room, City Hall

Board Member	Contact information	Appointment	3-Year Terms Expire
Irvin C. Rubin Engineer	224 St. George Street, 32084 352-275-4087 Irvin_rubin@hotmail.com	4/25/2022 fill vacancy	12/27/2024
Jan Marie Kelly Lawyer	174 Oneida Street, 32084 937-307-4493 Jan.elections@icloud.com	2/14/2022 fill vacancy	12/27/2024
Charlu "Cece" Reigle Realtor	186 Oneida Street 904-315-3150 cceigle@gmail.com	2/26/2018 fill vacancy 12/14/20 1 st full term	12/27//2023
Marilyn Meade Garrett	8 E. Park Ave., 32084 904-814-2199 merrilyn61@att.net	12/13/2021 fill vacancy	12/27/2022
Karen Valachovic Realtor/Registered nurse	38 Carrera St., 32084 904-923-6053 karenvsealls@gmail.com	2/10/2020 1 st full term	12/27/2022
Thomas Day Retired	19 Saragossa St. 32084 904-819-9711 tomday1@comcast.net	01/14/19 fill vacancy 12/14/20 1 st full term	12/27/2023
Larry Weeks Director of BS and Campus Planner/Flagler	106 Inlet Drive 32080 904-810-5313 larryd.weeks@gmail.com	01/08/18 1 st full term 12/14/20 2 nd full term	12/27/2023

Updated 04/26/22

CITY OF ST. AUGUSTINE

City Commission – Budget Meeting
Thursday, September 22, 2022

The City Commission met in formal session Thursday, September 22, 2022, at 5:05 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
Mark Simpson, Finance Director
Carlos Aviles, Fire Chief
Elyse Weimann, Recording Secretary

2. General Public Comments (3 minutes per individual)

The Commission heard from the following member of the public:

- BJ Kalaidi

3. Public Hearing – Consideration of Resolution 2022-30, establishing the millage rate for the Fiscal Year 2022-2023 Budget.

Mark Simpson, Financial Services Director, introduced Resolution 2022-30 and noted it was similar to the Resolution 2022-29, which passed two weeks ago. He said this Resolution ratified the final millage rate for Fiscal Year 2022-2023.

Public hearing was opened, and Commissioners heard comments from the following member of the public:

- BJ Kalaidi

MOTION

Mayor Upchurch MOVED to pass Resolution 2022-30 to be read in its entirety. The motion was SECONDED by Commissioner Sikes- Kline.

Isabelle Lopez, City Attorney, presented Resolution 2022-30.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE FINAL 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 final millage rate of 7.5000 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 final millage rate of the City of St. Augustine, Florida is 7.5000 mills which represents an increase in the rolled-back rate of 6.6168 mills of 13.35 percent.

ADOPTED at a special meeting of the City Commission of the City of St. Augustine, Florida commenced at 5:05 p.m. this 22nd day of September, 2022.

VOTE ON MOTION:

AYES: Upchurch, Sikes-Kline, Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

4. Public Hearing – Second Reading – Consideration of Ordinance 2022-27, establishing the proposed budget for Fiscal Year 2022-2023 and five-year Capital Improvement Plan.

Mr. Simpson, Financial Services Director presented Ordinance 2022-27 and noted the Ordinance established the proposed budget for all funds for Fiscal Year 2022-2023. He said there had been no changes from the workshop that took place two weeks prior, and a fund summary was included.

Public hearing was opened; however, there was no response.

MOTION

Commissioner Upchurch MOVED to pass Ordinance 2022-27 to be read in its entirety. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the Ordinance as follows:

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.

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.

PASSED by the City Commission of the City of St. Augustine, Florida, in special session, at 5:05 p.m., this 22nd day of September 2022.

VOTE ON MOTION:

AYES: Upchurch, Horvath, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

5. Adjournment

There being no further business, the meeting was adjourned at 5:14 P.M.¹

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: October 3, 2022

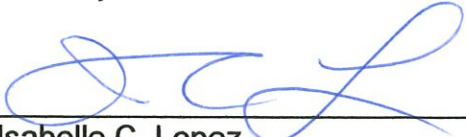
RE: **SMITH V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 09-2022-06-3029 dated October 1, 2022 from Cavendish Partners, P.A. for legal services rendered in September 2022 regarding the Philip Smith v. City of St. Augustine matter.

The amount currently due is **\$1,920.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the October 10, 2022 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$14,730.00.*

Thank you.


Isabelle C. Lopez
City Attorney

/s/
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: 10/01/2022

Invoice #: 09-2022-06-3029

Matter: Stampedes Dance Hall Liquor License Lawsuit

File #: 3029

INVOICE TOTAL AND BALANCE DUE \$1,920.00

Bill To:

Isabelle Lopez, City Attorney

75 King Street

P.O. Box 210

St Augustine, FL 32085

Due Date: 10/31/2022

Please Remit Payment To:

Cavendish Partners, P.A.

200 West Forsyth Street

Suite 1300

Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 10/01/2022 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**