



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, December 6, 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 October 4, 2022.
- b. Special Meeting Minutes from October 12, 2022.

4. Modification and Approval of Agenda

5. Variance

- a. 2022-0045
Continued from the August 2nd Meeting
Continued from the November 1st Meeting
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.
- b. 2022-0083
Rickey M. Garmon – Applicant & Owner
[515 Arricola Avenue](#)
To reduce the side setbacks from 10' to 5.9' along the southern property line and from 10' to 7.8' along the northern property line on a Residential Single-Family-Two (RS-2) lot to allow for the construction of a new single-family residence.

6. Use by Exception

- a. 2022-0071
Adrienn Molnar – Applicant & Owner
[28 Arenta Street](#)
To approve an off-site parking space at the City parking garage for a short-term rental as a permitted use by exception.

b. 2022-0082

Travis Lantz – Applicant

c/o The Toy Barn

Azman Kayakli – Owner

c/o 2401 Ponce de Leon, LLC

[2401 N Ponce de Leon Boulevard](#)

To approve a use by exception for a business where automotive vehicles are offered for rent or sale within the Commercial Medium-Two (CM-2) zoning district.

7. Conservation Overlay Zone Development

a. ~~2022-0057~~ ~~Ryan Carter – Applicant~~

~~Continued from the October 4th Meeting~~ ~~c/o Carter Environmental Services~~

~~Continued from the November 1st Meeting~~ ~~San Sebastian River LLC – Owner~~

~~[Florida Avenue / PID 107790-0010](#)~~

Continued to the February 6th,
2023 Meeting

~~To approve a new bulkhead approximately 20 feet in length, review wetland impacts and approve a pile-supported dock with a floating platform totaling approximately 1,459 square feet within Conservation Overlay Zone 1. To remove significant trees and tree canopy in Conservation Overlay Zone 3 for multifamily housing and recreational use.~~

b. 2022-0077

Ryan Carter – Applicant

c/o Carter Environmental Services

Kenneth Walls – Owner

[Lot 12 Pelican Reef Drive / PID 158573-0130](#)

To approve the construction of a new 3,457 square foot dock, bulkhead, and two (2) boat lifts within Conservation Overlay Zone 1.

c. 2022-0078

Ryan Carter – Applicant

c/o Carter Environmental Services

Michael Hutchinson

[Lot 11 Pelican Reef Drive / PID 158573-0110](#)

To approve the construction of a new 4,010 square foot dock, bulkhead, and three (3) boat lifts within Conservation Overlay Zone 1.

d. 2022-0080

Ryan Carter – Applicant

c/o Carter Environmental Services

Henry Green – Owner

[24 N Saint Augustine Boulevard](#)

To approve the construction of a new 1,936 square foot dock and two (2) boat lifts within Conservation Overlay Zone 1.

- e. 2022-0085 Russell E. Haimowitz Sr. – Applicant
 c/o Russell Contractors Inc.
 Lorenc Hoxhaj – Owner
 [119 Gaillardia Loop](#)
 To approve the removal of twenty-two (22) significant trees within Conservation Overlay Zone 3 for the construction of a new single-family residence.

8. Variance and Conservation Overlay Zone Development

- a. 2022-0086 Sarah Ryan, Architect – Applicant
 c/o Sarah Ryan, Architect
 TMC Holdings LLC – Owner
 [66 Lewis Boulevard](#)
 To eliminate on-site vehicle maneuverability and approve the removal of a significant 13/17/28 Oak tree within Conservation Overlay Zone 3.

9. Comprehensive Plan Land Use Plan Amendment and Rezoning

- a. 2022-0084 James G. Whitehouse, Esq. – Applicant
 c/o St. Johns Law Group
 Vista Hotel IV, Inc. – Owner
 [1800 N Ponce de Leon Boulevard / PID 189750-0000](#)
 [1860 N Ponce de Leon Boulevard / PID 189670-0000](#)
 [7 W San Carlos Avenue / PID 189640-0000](#)
 [1700 N Ponce de Leon Boulevard / PID 189790-0000](#)
 [25 Missouri Avenue / PID 189780-0000](#)
 To amend the current land use of Commercial Medium Intensity to Residential Medium Density-Mixed Use and to rezone the property from Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A) including all referenced properties.

10. Other Business

- a. Approval of the 2023 Planning and Zoning Board meeting schedule.
- b. Discussion of electronic packets for meetings starting the beginning of the new year (January 3, 2023 PZB Meeting).

11. 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 October 4, 2022

The Planning and Zoning Board met in formal session Tuesday, October 4, 2022, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mike Davis, Vice-Chairperson and the following were present:

1. Roll Call:

Mike Davis, Chairperson
Charles Pappas, Vice- Chairperson
Jon DePreter
Carl Blow
Christina Griggs
Ashleigh Barnes
Matthew Shaffer

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building Planner
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary

Mr. Davis welcomed Matthew Shaffer and Ashleigh Barnes to Planning and Zoning Board.

2. Election of Chair and Vice Chair

MOTION

Mr. DePreter MOVED to Nominate Mike Davis as the new Chairperson. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Griggs, Pappas Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to nominate Charles Pappas as the new Vice-Chairperson. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Griggs, Pappas Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

3. General Public hearings for Items Not on the Agenda

- Rich Spenser

Ms. Skinner, responding to public comment, noted the reason the application information was provided one week prior to the meeting was due to deadlines that everyone had to comply with, and a week had been the standard practice.

4. Approval of Minutes

(None)

5. Modification and approval of Agenda

Mr. Fredriksson noted the changes to the agenda as follows:

- Item 6(a) Use by Exception, 39 San Marco Avenue had been administratively continued to the November 1, 2022 meeting
- Item 6(b) Use by Exception, 72 Valencia Street asked to be moved to after the Variance applications as the applicant would be late
- Item 8(c) Conservation Overlay Development, 103 Dolphin Drive requested information, but it had not been provided and would be continued to November 1, 2022 meeting for a decision

There was a brief discussion to proceed with for item 8(c) 103 Dolphin Drive as the owner and applicant were present at the meeting.

MOTION

Mr. Blow MOVED to continue item 6(a) and to accommodate the applicant item 6(b) would be moved to further in the agenda. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Shaffer, Barnes, Griggs, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2022-0068 – Sunil and Ronita Mohanani – Applicant & Owner **39 San Marco Avenue**

To approve off-site parking space(s) within 400 feet of the premises at 45 San Marco Avenue for a short-term rental as a permitted use by exception.

Mr. Fredriksson informed the Board the application would be administratively continued to the November 1, 2022 PZB meeting.

6. (b) 2022-0069 – James G. Whitehouse, Esq. – Applicant **c/o St. Johns Law Group**

Dr. Ohmer Merlin (current)/Apryl Black (buyer)– Owner **72 Valencia Street**

Item heard after item 7(c).

To approve a professional office use in the Residential General-one (RG-1) zoning district as a permitted use by exception.

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 a professional business office at 72 Valencia Street / PID 204780-000.

James Whitehouse, Esq. reviewed the application.

The Board provided their ex parte communication.

13 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:

- Asked what the new business would be
- No issues with the application

Applicant response:

- New business was a tour company that organized tours nationally and internationally
- Would be a less intensive use as most of the business was conducted online

MOTION

Mr. Blow MOVED to APPROVE the Use by Exception 2022-0069. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Blow, Davis, Shaffer, Barnes,
Griggs, DePreter, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Variance

7. (a) 2022-0063 – Sarah Ryan – Applicant
c/o Sarah Ryan Architect, LLC
John and Dana Madalon– Owner
247 S Matanzas Boulevard

To increase the maximum lot coverage from 29% to 30% and to reduce the required front yard setback from 20' to 18' to allow for an addition to the garage.

Mr. Davis recused himself from the application.¹

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 increase the lot coverage to 30% and decrease the front yard setback from 20' to 18' at 247 S Matanzas Boulevard / PID 221280-0000.

John Madalon and Mark McConnell reviewed the application.

The Board provided their ex parte communication.

11 certified notices were sent, 2 were returned in favor, 0 returned opposed and 1 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Questioned how it might affect the neighborhood
- Not opposed to the application just wanted a valid reason for the need

- Was a minor request as the structure would not exceed the setbacks only the roofline
- Not a dramatic change to the home
- Felt application met the criteria of the ordinance
- Did not feel this would damage the market value to anything in the neighborhood and would be an improvement
- Was a disadvantage if it was not able to fit a contemporary vehicle which was part of the criteria

MOTION

Mr. DePreter MOVED to APPROVE Variance 2022-0063 as it meets the four criteria that was set for variances. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

AYES: DePreter, Griggs, Shaffer, Barnes,
Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (b) 2022-0065 – Catherine Duncan and
Jennifer Pietschker – Applicant
c/o Loci Architects, LLC
Barbara and Wayne Bish– Owner
87 Douglas Avenue

To increase the maximum lot coverage from 30% to 35% for a new sunroom addition.

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 increase the lot coverage to 35% at 87 Douglas Avenue/ PID151730-0000.

Cathy Duncan reviewed the application.

The Board provided their ex parte communication.

¹ Recusal form attached to original minutes

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

Public hearing was opened; however, there was no response.

The Board discussed:

- 30% lot coverage could be reach easily as the lot was small
- Residents wanted to stay in the home
- Neighbors were not opposed to the increase
- Asked if the tree at the end of the lot would be impacted

Applicant response:

- Would try to work around it and avoid the tree on the corner as they did not want to remove it

Mr. Blow asked if the tree had to be removed in would the applicant need to have approval from the Board.

Ms. Skinner advised the applicant would need to return if it met the standard for a protected tree, but if was allowed to be removed with a tree removal permit it would be determined at that time.

Board discussion:

- Lot was narrow and harder to build on felt there was a unique disadvantage
- Like that the addition was kept inside the setbacks
- The additional lot coverage would not add water to street or neighbors
- Thought application met the criteria to be approve

MOTION

Mr. DePreter MOVED to APPROVE Variance 2022-0065 86 Douglas Avenue

as it met the four criteria for variances as stated by the discussion by the Board. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Barnes, Griggs, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (c) 2022-0070 – Len Weeks c/o Len Weeks Rental Properties– Applicant Claude L. Weeks, Jr. a.k.a. Len Weeks– Owner 63 Hypolita Street

To approve a variance to exceed twenty (20) parking spaces for a parking lot, a variance to reduce the required 25-foot distance between parking facilities located within a Historic District (HP-2), and a variance to exceed the 25% limitation on the number of compact spaces including a reduction in drive aisles.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, staff finds that the Board should DENY variances to exceed the twenty-parking space allowance, remove the twenty-five-foot distance requirement from another parking facility, exceed the maximum number of compact parking spaces allowed, as well as a reduction in drive aisles at 63 Hypolita Street / PID 198250-0000

Len Weeks reviewed the application and provided photos. ²

The Board provided their ex parte communication.

21 certified notices were sent, 9 were returned in favor, 0 returned opposed and 9 had comments and additional emails were attached.

² Photos provided attached to packet

Public hearing was opened.

Richard Pinto spoke in favor of the application. He said he owned three retail business in the downtown area, and it was hard to find employees that would come to the downtown area as there was no parking and was expensive. He said adding the three parking spaces would make the area look better as there would be landscaping and more organization. He said this was not for the tourist but employees.

Kristy Weeks spoke in favor of the application and encouraged the Board to grant the variance. She said it was not contrary to public interest and denying the application would create hardships to small businesses. She said it would not increase density and would remove vehicles from the street that were illegally parked. She noted it would not adversely affect the properties. She felt it was in harmony with spirit of small business and would satisfy visitors desires. She noted parking would not be for tourist but for tenants and their visitors.

Public hearing was closed.

Mr. Blow asked unlike an exception, variances were not allowed to have conditions added to them.
Ms. Skinner replied that was correct.

Mr. Blow noted there was no way to differentiate between customer parking versus employee/ tenant parking

Ms. Skinner replied that was correct. She said there was no distinction but a limit in number and referred to parking facilities.

The Board discussed:

- Understood the frustration from the applicant
- Understood it was difficult to find employees to come to work
- Application needed to be judged based on the four criteria

- Asked what conditions they would want added
- HARB had requested new drawings of the proposed new building being added back
- Understood timing was difficult for the applicant and understood it might not be the right time to build
- If application was a Use by Exception, the Board could add a date certain to the project; however, knew they could not add conditions
- Building needed to be removed as it was in bad condition
- For other projects in the downtown area, the main concern was parking and this application was to add a few more parking spaces
- Parking spaces would be for employees and not public parking
- Asked if the application would go through the review process for building permit for the parking lot

Ms. Skinner noted staff would review the site plan and HARB would have to review the parking lot plan, landscaping, fencing and wall materials.

Board discussion continued:

- Felt it was a completed situation
- Questioned if the parking would be for tenants/employees only and not customers
- Asked what applicant meant by "cannot build until there was additional parking"
- Questioned the distance from the parking garage to the lot
- Felt there was not a disadvantage but more of an inconvenience as other businesses downtown did not have parking
- Parking lot was being utilized now but uncertain why applicant could not build, and parking kept
- Felt this went against the Mobility Plan the City was trying to implement
- Concerned with the past history of the property

- Concerned this would always be a parking lot
- Did not fit the City's goals for the downtown area
- Felt the parking garage was not far and was fairly cost efficient for residents and business owners with the Park Now Card
- With the inability to add condition and not having a singular or unique disadvantage, was unable to support
- Unsure how an owner could be forced to build on their property
- Property was in bad condition and thought that met criteria related to the size, shape, typography, or other physical condition
- Understood the applicant would build if there was more parking which was insufficient within the City
- Municipal parking garage filled regularly and thought this was in the public interest due to the lack of parking
- Some parking would be needed no matter how much the City tried to keep the parking outside of the downtown core
- Building needed to be removed but main issues was the parking lot
- Understood it was difficult for employees and employers to find parking
- Felt this was a repeat from 1992 and thought it better for the buildings to be built

Applicant response:

- Parking was not open to the public
- Wanted HARB approval to add barrier arms similar to the ones used at another location in town
- Felt there was no other option than a parking lot and soon as possible the buildings would be built
- Employees needed parking and felt the Municipal Parking garage was far for multiple trips
- Felt employee/tenant parking should be considered differently than tourist parking

- If building were built on the lot, there would be no parking, but that was the long-term vision
- Wanted to have a walkable livable city
- Was asking for three extra parking spaces
- Was around a five-minute walk but other tenants on Cordova Street rented spaces in the lot

Mr. Blow asked if the application were denied what were the next steps. He said HARB indicated the building could not be removed unless the applicant provided drawings for a replacement structure. He said the building as it was needed to be removed, and if the Building Official deemed it a hazard the building would have to be removed; would the applicant be left with a vacant lot that he was unable to use for parking.

Ms. Skinner replied in the affirmative.

Board discussion:

- Did not want to follow the same mistakes as before
- Thought it might stay a parking lot
- If it became a parking lot the highest and best use would be to develop the lot further when able
- Unsure of supporting anything for the lot with the lack of parking in the City
- Thought investment in the forefront would be substantial; however, would be better than having a parking lot
- Had an issue with having a parking lot on that particular block
- Employees needed to have parking in the downtown area, and it was not always feasible for people to walk from the parking garage
- Understood the City code did not want two parking lots next to each other; however, the both lots had been there a long time
- Unsure parking could be controlled in the lot but thought it was a better option than having a vacant lot

- Felt that the best use was parking for the people who needed it

Ms. Lopez said the comments from the Board was there was supposed to be a temporary lot; however, that turned into decades. She said the challenge was a variance had to be judged based on the four criteria and she understood that was difficult.

Mr. Blow said if not approved and the building was deemed a safety hazard and the applicant was left with a vacant lot, was there a path that the applicant could return for a Use by Exception for temporary parking.

Ms. Skinner replied no.

Mr. Shaffer said that was a concern as there was an immediate need for parking, no business owners were opposed, and the applicant was willing to improve the appearance of the property.

Mr. Weeks noted his goal was to establish buildings on the property; however, at this time was unable to do so. He felt the building would be condemned but he was trying to proceed through the proper channels and was asking for a small deviation for a private lot that would be beneficial. He said if this did not pass, he would be left with two parking lots with a hole in the center and he felt this was the best solution.

MOTION

Mr. Pappas MOVED to DENY Variance 2022-0070 because it did not meet the criteria B, as it was not a disadvantage and D, as this would be contrary to public interest. The motion was SECONDED by Mr. DePreter.

Mr. Blow confirmed that if the application were denied that would not hinder the applicant from returning to the Board with another application for a variance, exception or rezoning.

Ms. Skinner replied after a project was denied she would need to verify the time limit and if there was a one year waiting period it could be waived by the Board.

Mr. Blow noted HARB could not regulate land use, they were only architectural use and applicant was prepared to go before HARB for the landscaping and they could not weigh in on the usage of the property.

Ms. Skinner replied in the affirmative and noted HARB would review the design of the project in the historic district.

Mr. Weeks advised if the application were not approved, he would not go before HARB.

VOTE ON MOTION:

AYES: Pappas, DePreter, Barnes, Griggs, Blow

NAYES: Shaffer, Davis

MOTION CARRIED 5/2

8. Conservation Zone Development

8. (a) 2022-0048 Continued September 6, 2022 Renato Sindicic – Owner & Applicant
73 Magnolia Street

To approve the construction of a new wood retaining wall and replacement of two (2) existing wood pilings within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and based said on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can DENY OR CONTINUE the construction of a new wooden bulkhead and two (2) new pilings within Conservation Overlay Zone 1 at 73 Magnolia Avenue / PID 154300-0000 due to the lack of materials provided by the applicant as requested by the board.

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

Abby Burgos, P and G Construction reviewed the application and presented documents the Board requested.

Ex Parte Communication:

(None)

There were no additional mailed notices as the item was continued from September; however, staff received an email in opposition.

Public hearing was opened; however, there was no response.

Mr. DePreter noted the packet indicated there was no additional information submitted prior to the staff report.

Mr. Fredriksson said that was by the time staff reports were written and made available.

Ms. Burgos advised the information presented were emailed in.

Mr. Davis asked if staff had received that email.

Mr. Fredriksson said he would have to check.

The Board discussed:

- Had an issue with moving forward without the public having a chance to review the information
- Asked if the bulkhead in photos was existing
- Asked if the wall would be higher or lower than the neighboring property
- Asked if there was discussion to have an alternative to the bulkhead
- Suggested a more natural bulkhead as to consider the ecosystem
- Understood there was a bulkhead to the south but there was not one to the north and wanted to have the less amount of impact on the ecosystem

- Since it was going upland from the existing it would help minimize the impact
- Questioned what the height would be, and it was noted to be slightly higher than the existing bulkhead but would match the elevation to the south
- Would the existing bulkhead remain in place
- Questioned if the wingwall to the south would be used and asked if a new wingwall would be added to the north adjacent to the City property
- Did not have an issue with the application and thought they were trying to protect the property

Applicant response:

- Bulkhead was listed on original survey submitted last month
- Wall would be at the same elevation
- Was why they were going upland of the existing and was also to have the least amount of impact
- Was mainly for lot stabilization as there was significant washout
- Not a consistent height of the existing bulkhead as parts were missing
- Parts of the bulkhead were in the earth and did not want to disturb the earth but if it could be removed it would
- Old wooden bulkhead had a wingwall and it would be tied into that
- Would replace the wingwall if needed and install a new wingwall to the north

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone One Development 2022-0048 to approve the construction of a new wood retaining wall and replacement of two existing wood pilings within Conservation Overlay Zone One provided that it was landward of the existing wall and not higher than the neighbors bulkhead. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

**AYES: Davis, Pappas, Shaffer, Barnes,
Griggs, DePreter, Blow**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (b) 2022-0050 Continued September 6,
2022 Michael Carpenter – Applicant
c/o Carter Environmental Services
Thomas Hartman – Owner
7 Lighthouse Avenue**

**To approve the construction of a new
2,814 square foot dock and boat lift 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 2,814 square foot dock and boat lift within Conservation Overlay Zone 1 at 7 Lighthouse Avenue / PID 157030-0000 if it is found that the proposed size is appropriate.

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 and the revised drawings.

Mr. Pappas asked if the information provided was different than what was in the packet.

Mr. Fredriksson advised the information provided to the Board was submitted yesterday, and prior to writing the staff report there was no new information.

Ex Parte Communication:

(None)

There were no additional mailed notices as the item was continued from September.

Public hearing was opened; however, there was no response.

The Board discussed:

- Seemed to be visibly what had been discussed at the last meeting
- Dock was reduced in size and thought the Boards comments had been addressed
- New information provided by the applicant did follow the guidance of the Board and was a vast improvement
- Would not impede navigation and repositioned the boat lift which worked better and would not have an adverse impact on the public
- Terminal dock was address and was a better size

MOTION

**Mr. Pappas MOVED to APPROVE
Conservation Overlay Zone One
Development 2022-0050. The motion was
SECONDED by Mr. DePreter.**

VOTE ON MOTION:

**AYES: Pappas, DePreter, Shaffer,
Barnes, Griggs, Blow, Davis**

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (c) 2022-0054 Continued September 6,
2022 – Andy Hardy – Applicant
c/o Hardy Joe Marine Company
Steve Leathers — Owner
103 Dolphin Drive**

**To approve an after the fact installation of
dock pilings and a 240 square foot
floating dock within Conservation
Overlay Zone 1.**

Mr. Fredriksson advised there was not a staff report for the application, only a memo of continuance. He said the application was to approve an after-the-fact installation of dock pilings and 240 square foot floating dock within Conservation Overlay Zone One.

Andrew Hardy and Steve Leathers reviewed the application.

The Board provided their ex parte communication.

There were no additional mailed notices as the item was continued from September.

Public hearing was opened; however, there was no response.

Mr. Shaffer asked why the application had been continued.

Mr. Fredriksson said additional information had been requested and it had not been received prior to the deadlines.

Ms. Griggs asked what the additional item were requested.

Mr. Fredriksson advised there were no details as to what was in the basin.

Ms. Skinner noted this was a Code Enforcement case and there were questions regarding the existing and what had been added.

Ms. Griggs clarified there was an existing dock, and two new floating docks were added in addition to three new pilings.

Mr. Leathers said there was a 20x10 existing dock and added the two floating docks and the platform.

The Board discussed:

- Asked if the adding pilings were for the floating dock

Applicant response:

- Pilings were for the boat itself as there needed to be more stability

Ms. Skinner advised the application was initiated by a complaint and the applicant was contacted by Code Enforcement. She said the goal was to find a resolution and the way to do that was to come before the Board and ask for permission to do what had been done. She noted it was continued before

because there were questions regarding the pilings put in versus the PVC pilings that were existing and the floating docks. She said if denied what had been added would have to be removed.

Mr. Blow said the applicant said the complaint was driven by scenic vista. He asked for clarification regarding the code as he thought the scenic vista had to do with the public vista not private.

Ms. Lopez advised anyone could make a complaint; however, regarding the criteria it was the vista of the public not private viewsheds.

Discussion continued:

- No issue with it other than the contractor not knowing the City's process
- Area was protected and was part of the original Davis Shores development manmade basin
- Encouraged the applicant to communicate with staff because prior to the meeting, was unaware they were attending
- Asked to vote on the 24x10 section in the drawing but unsure about the existing piece in the middle with two docks on each side
- Unsure if those docks needed to be approved or did they exist before

Ms. Skinner noted the middle section was existing with PVC pipes which was also existing, and the two new docks were on the sides with some additional pilings.

Mr. Blow felt it needed to be continued and have the applicant provide clarification with photos, and drawings of what was new. He noted this would help clear up the confusion.

Mr. Leathers advised he had sent pictures in on August 4, 2022.

Mr. Davis noted the middle section was existing, the side to the left was new, the

24x10 was new and the one next it was also new. He said the issue was the application was for the 24x10 with the pilings. He said there were two sections of docks that were not advertised to the public.

Mr. Leathers said per past conversations with staff, they had applied for the 24x10 dock for September's meeting and then continued to this meeting to provide clarification that they were applying for all three. He said the other two were not required as it was held in by three-and a half-inch PVC pipe but had decided to do all three. He stated he was unclear if that information had been communicated to the Board.

Mr. Davis asked if there had been a conversation the Board needed to be aware of as to what the applicant needed to apply for.

Mr. Fredriksson said the original application was for a 24x10 dock that was to be heard at the September PZB meeting. He said while preparing the staff report, two floating docks were discovered to not be permitted or approved and it could not be changed before the meeting. He noted they asked for more information and last week a site plan was provided for what was there.

Mr. Davis asked if this application had been advertised properly or did it need to be readvertised because it was for three dock sections that exceeded the 240 square feet that was advertised.

Ms. Lopez replied that the piece that had been advertised could be approved and then continue the rest or the Board could continue the entire application.

Mr. DePreter felt the application should be done comprehensively as suggested. He said there was a lot of items down by the water and this should come back as one project. He asked if the applicant needed approval for the floating docks.

Ms. Skinner advised the applicant needed approval for everything that was not existing.

Mr. Pappas agreed the application should be continued and asked for measurements from the floating dock to their neighbor's dock.

Mr. Shaffer asked if there would be any public access to view what was proposed.

Mr. Davis advised it was a tight basin, but it was the same as the others in the area.

Mr. DePreter said it might be helpful to have a view of the entire basin to show how it would fit in.

Mr. Davis reviewed the items needed: overview of the basin, application for all new items. He asked when the deadline was to provide this to staff.

Mr. Fredriksson replied the deadline would be Friday for the November 1, 2022 meeting.

Mr. Davis asked what legally needed to be done as this application would not have a decision and there was a code enforcement case pending.

Ms. Lopez thought this would be an amended application. She said the applicant would amend and it would be advertised with the complete components. She said this could be continued but it would need to be advertised and the next meeting was November 1, 2022 and the information requested would have to be in by Friday.

Mr. Hardy agreed to continue the application to the November meeting.

MOTION

Mr. DePreter MOVED to CONTINUE Concertation Overlay Zone Development 2022-0054 giving the applicant the time to provide the documents the Board requested. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer,
Barnes, Griggs, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

8. (d) 2022-0057 – Ryan Carter – Applicant
c/o Carter Environmental Services
San Sebastian River LLC– Owner
Florida Avenue/PID 1077900010

To approve a new bulkhead approximately 20 feet in length, review wetland impacts and approve a pile-supported dock with a floating platform totaling approximately 1,459 sf in Conservation Overlay Zone 1. To remove significant trees and tree canopy in Conservation Overlay Zone 3 for multifamily housing and recreational use.

Ms. Griggs recused herself from the application.⁴

Mr. Fredriksson read the staff report and said based on a review of section 11-29 staff finds that the board should CONTINUE the construction of a new bulkhead approximately 20 feet in length, proposed wetland impacts, and a pile-supported dock with a floating platform totaling approximately 1,459 square feet in Conservation Overlay Zone 1 and 2 due to the lack of detail regarding the wetland impacts proposed. The issue of tree removal and tree canopy alterations in Conservation Overlay Zone 3 also needs to be further evaluated under the requirements of the City of Saint Augustine's Conservation Overlay Zone Development guidelines at 0 Florida Avenue / PID 107790-0010.

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 and showed a video to the Board for an overview of the project.

Ex Parte Communication:

(None)

17 certified notices were sent, 0 were returned in favor, 4 returned opposed and 4 had comments.

Public hearing was opened.

Marta Hahn spoke in opposition to the application and said in this area the water comes closer and closer. She said the area was a forest like old Florida and was a buffer to the neighborhood. She said the street were old and narrow without sidewalks and the only exit was on Palmer Street. She said the traffic issues were already a problem and this would exacerbate the issue.

Ann Hughes spoke in opposition to the application and said she was addressing the environmental issues. She said the area being discussed was in Conservation Overlay Zone Development One. She was requesting a detailed plan and the neighborhood heard there was collaboration with more than one parcel. She said regarding the seventeen criteria number six, twelve and seven were important and should be considered.

Molly Rogers spoke in opposition to the application and asked about the bulkhead. She said the concern was if a bulkhead were installed, the water would be disbursed onto the neighboring properties. She asked for a geological survey to provide more information about the where the water would go. She noted the traffic was terrible and this would make it worse.

Hudson Kennedy provided a letter for Justin Harnage, a neighbor who was unable to attend. He said forty homes would add between sixty to eighty vehicles and the infrastructure was unable to handle the additional impact. He said the north end of

³ Break from 4:15p.m.- 4:30p.m.

⁴ Recusal form attached to original minutes

Florida Ave was under water and the neighboring homes would be at risk.

Public hearing was closed.

Mr. Cater replied to public comment and noted there was a different owner for the parcel mentioned and was not part of this application. He said the proposed bulkhead was only a twenty-foot section to help minimize sloping and wetland impact. He said there was a storm water pond, which was a requirement; however, there was impervious surface on the property. He said if there were questions regarding the impervious impact, Professional Engineer, Jay Brown was available.

Jay Brown spoke regarding the project and said a bulkhead was not being built across the entire property, so the flood water would not be moving in a particular direction. He noted they had to abide by the criteria from the City and St. Johns Water Management. He said the project would be reviewed by the Public Works Department and felt this would not cause any additional flooding to the neighboring properties.

Mr. Davis asked which items were to be reviewed.

Ms. Lopez advised it was three items; the bulkhead, docks and the trees.

The Board discussed:

- Developer seemed to want to work in harmony with the property using stem wall construction, which was desirable
- Questioned how much fill would be going on to the property
- Asked how much of the land would become impervious
- Felt the traffic, stormwater, and sewage issues were outside the scoop even though it was a concern
- Asked what additional information did staff request

Mr. Fredriksson said there was nothing provided regarding mitigation of wetlands and there needed to be more detail regarding the trees.

Ms. Skinner said another issue was even though the applicant provided the debt and credit calculations, there was no information clarifying which trees met the protected criteria.

Mr. Blow questioned the hatched area near the bulkhead on the site plan.

Mr. Carter replied the St. Johns Water Management district required a minimum fifteen-foot average of twenty-five foot of undisturbed upland buffer. He said the hatching noted was the presumed secondary impact. He said they would have to mitigate for that, but it was not a direct impact. He said the unified mitigation assessment methodology to assess the impact would be able to determine how many impact credits would need to be purchased. He pointed out the red coloring on the map was around 175 square feet which was what the City would be concerned with, and they would purchase the smallest mitigation bank credits.

Mr. Blow clarified that to obtain a water management permit, they would have to buy off site freshwater mitigation credits, and those would take care of the direct impact and the presumed secondary impact.

Mr. Carter replied in the affirmative.

Board discussion:

- Asked if the buildings would have a crawl space and stem wall
- Confirmed that the land was zoned Residential General Two (RG-2)
- Water that would normally flow in the area would continue to as it would be pier construction
- Asked what the existing elevation was on site

- Questioned the elevation the parking lot would be
- Asked if the retention pond could handle the amount of water that would be displaced by the fill
- Did not want to displace water onto someone else's property
- Asked if there was a way to make the berm around the retention pond larger for additional retention during a potential storm
- Questioned the percentage of how much higher the berm was
- Traffic for the neighborhood could be difficult
- No bulkhead at the dock and would come off the existing walkway
- Concerned with the vista from US1 which was a public view
- Trees remaining on the river front should have more information on how the vista would be protected
- Provide an explanation on the areas that would have fill
- Was in favor of the pier construction but unsure if that could be guaranteed in the application

Applicant response:

- Would be fully pier construction which was better for an impacting of grade
- Existing survey noted between five to seven feet but varied
- Parking lot would be around seven or eight and the building finished floor would be significantly higher above the flood plain elevation
- Grading flowed to the east and no water would be displaced onto someone's property but would continue to flow towards the river and retention basin
- Noted there was additional capacity built in over the flood plain elevation and designed so any overflow would go away from the development
- Provided the protected trees data but was willing to work with staff to provide clarification

- Advised it was a twenty-five foot upland buffer

Ms. Lopez advised adding pier construction could be a condition to address the ecological impacts, assuming the applicant agreed.

Board discussion continued:

- Provided information on the single-family unit
- Wetland mitigation should be addressed
- Provide the data regarding the trees in a format that was agreeable with staff
- Unsure of how many significant trees were being saved along the waterfront; however, removing those could change the vista
- Felt pier construction was extremely important and could be tied into the ecological impact
- Should find out the size of the trees and the protected ones as the absorption rate of water was different
- Board did not have control over the development but only the bulkhead, dock, and tree removal
- Would rather see a loss in parking to avoid adding the bulkhead
- No request for a zoning change but asked if the density was being maximized
- Parking lot would be higher than the existing grade
- Asked would the parking lot create a buffer that would stop water or would be diverted to a lower area and into the neighborhood
- For the benefit of the public an application would be submitted to the St. Johns Water Management and they would review the plans before approval
- Felt the public had a valid concern regarding flooding

Applicant response:

- Not trying to raise the parking lot to above finish floor but it was a grading issue

- Needed to have the pond to treat the impervious surface for the rooftop and sidewalks, and driveway
- Density was being maximized
- Grading on perimeter was important
- Raising the elevation in parking lot would not hinder natural runoff
- Would not have a grading design that pushed the natural flow of water in an unusual way
- An environmental review would also be conducted on the project

Mr. Carter went over the items needed for the next meeting which were:

- Map of the fill area
- Details on the single-family home
- Data of the tree removal and the significant trees
- If the parking lot was beneficial
- Would rather have loss in parking than bulkhead
- Pier construction guarantee

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone One, Two, and Three Development 2022-057 with the following items as requested by the Board, language with guarantee for pier construction, explain single-family home, wetland mitigation explanation, tree removal presented as discussed, how it would affect the public scenic view on US1, verification and information regarding flood mitigation and parking to November 1, 2022 PZB meeting . The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Barnes, Blow, Pappas, Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. (e) 2022-0058 – Ryan Carter – Applicant **c/o Carter Environmental Services** **Ernest Little– Owner** **5 Lighthouse Avenue**

To approve a modification to an existing dock, modifying the total length of the dock and relocating the boat lift and floating dock 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 modification of removal and construction of a new no profile boat lift and floating dock within Conservation Overlay Zone 1 at 5 Lighthouse Avenue / PID157040-0000.

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

Ryan Cater reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened; however, there was no response.

The Board discussed:

- Would be in the original permitted location
- Would be reusing the material
- Happy to see this being moved to the correct location
- Confirmed that no piers would be left over

MOTION

Mr. Blow **MOVED** to **APPROVE** Conservation Overlay Zone One Development the application 2022-0058. The motion was **SECONDED** by Mr. Shaffer.

VOTE ON MOTION:

AYES: Blow, Shaffer, Barnes, Griggs, DePreter, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (f) 2022-0061 – Karen Taylor – Applicant
c/o Karen M. Taylor Land Planner
200 Nix Boat Yard LLC– Owner
200 Nix Boat Yard Road

To approve and modify existing docks, including new floating docks, landing platforms, gangway and access ramp including dredging on City owned bottomlands 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 modification and construction of existing docks, floating docks, landing platforms, gangway and access ramp including dredging on City owned bottomlands within Conservation Overlay Zone 1 at Nix Boat Yard Road / PID 134821-0000.

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

Karen Taylor, Kevin Sialic, Rod Miller, and Mark Airs reviewed the application.

Ms. Lopez said there was a submerged land lease with the City and advised that would need to be updated. She said the submerged land lease would need to be a condition.

Ms. Taylor replied it had been updated.

The Board provided their ex parte communication.

15 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:

- Manmade basin and dredging activity were for maintenance
- San Sebastian waterway was a federal channel; however, maintained by the St. Augustine Port Water Way and Beach District
- In favor of the expansion for the Freedom Boat Club
- Concerned with the floating dock design on the river and thought more information needed to be provided
- Easterly dock proposed was too close to the channel and could be a safety issue for larger vessels
- Was a working waterfront and needed to confirm applicant was not creating an issue by having the second floating dock
- Dock to the east could interfere with the maintaining of the channel
- Questioned if the Army Corp of Engineers had permitted the design
- Would be more comfortable with the application if the Port Water and Beach District were involved
- Did not want to create a mistake and have a hazard
- Wanted to know the distance from the dock to the channel
- The distance from the western most dock new eastern dock
- Still needed to provide water depths but wanted to have more information
- Suggested doing a hydrographic survey to see what the water depths were
- Problem in the channel was on the bends
- Other issue was the training center for US Customs, Immigration and other law

enforcement agencies and did not want to impede their access

- Did not want to have any issues with the upstream businesses by allowing the extra dock
- The major area of concern was the bend area as depicted in the drawing
- Should think about how long the information requested would take to obtain
- Extra Dock to the east was the cause for concern

Applicant response:

- Corp and DEP were in process of approving the permits but waiting for approval from the City before proceeding
- 185 feet to the center of the channel
- Was not opposed to conferring with Port and Waterway to verify and understand the concern

Ms. Lopez advised the next Port and Waterway meeting was October 18, 2022 at 3:00p.m.

Board discussion:

- Asked how that would affect the dredging
- Asked if the dredging was toward the land
- Questioned the impact to the Conservation Overlay Development Zone One
- Proposing all dredging shown; dredging for the staging dock
- Keep the existing floating dock along the river and come back at a later time
- Confirmed the applicant would want approval for all items except the easterly dock
- Any dredging done was good as it would eliminate debris getting into the public channel

Applicant response:

- Western most dock was being put back in the same location

- Asked if they were able to have approval for the replacement of the existing dock
- Willing to comeback at a later date for the second dock
- Felt it would take a significant amount of time to obtain the additional information
- Diagram showed the dredging would take place on the inland portion of the inside dock
- If the more easterly dock was not approved the westerly dock would not be replaced
- Requesting to have everything approved except for the docks
- Upland activity was not for City review as it was within the County limits and was only in the water
- Did not want the dredging associated with the dock in the river
- Internal dredging maintenance dredging in the basin created for the boat dock

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Development One 2022-0061 except for the easterly floating dock on the San Sebastian River and the connector from the west dock and any changes to the existing submerged land lease needed to mirror what was designed and built. The motion was SECONDED by Mr. DePreter.

Mr. Miller said he had been in contact with Barbara Moore at the City and was advised if there was not a new dock into the San Sebastian River then the submerged land lease would not be affected.

VOTE ON MOTION:

AYES: Blow, DePreter, Shaffer, Barnes, Griggs, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (g) 2022-0064 – Lucille Barnhill– Applicant & Owner
217 S Matanzas Boulevard

To approve the installation of a floating dock with a gangway and low-profile boat lift using existing pilings 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 CONTINUE this application regarding the installation of a floating dock with a gangway and low-profile boat lift using existing pilings within Conservation Overlay Zone 1 at 217 S Matanzas Boulevard / PID 221160-0000 until additional information may be provided.

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

Abby Burgos, P&G Construction, reviewed the application.

Ex Parte Communication:

(None)

30 certified notices were sent, 4 were returned in favor, 0 returned opposed and 3 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- Minimal dock proposal and compact
- Dock did not go past any others
- Thought it met the criteria
- Felt item should be continued since staff was unable to review all material
- Questioned if there were measurements
- Unable to make a decision on documentation provided at the meeting
- Weather event might have slowed down the ability to receive documentation
- Asked why staff wanted to continue the item

Applicant response:

- Provided measurements and aerial was done to scale
- There were no changes to the plan and what was provided was the original document

Mr. Fredriksson said the continuance was due to not having the site plans for the dock.

Ms. Barnes asked if the documents provided were sufficient.

Mr. Fredriksson noted the items provided was what should have been provided prior to the meeting and it was not.

Ms. Burgos said Tuesday afternoon they received a request for an aerial site. She said with the storm they were out of the office Wednesday-Friday and this was submitted on Monday morning.

Mr. Davis asked if the information provided was turned in when submitted.

Ms. Burgos replied in the affirmative. She said the application was not amended.

Mr. Shaffer asked if staff had a chance to review the documentation since it was received. He said he understood not having the information but felt it was straight forward.

Ms. Burgos advised there had been a floating dock there a long time ago and that was why there were existing pilings.

Mr. Shaffer asked if staff would approve the applicant with the documents provided.

Mr. Fredriksson said he would agree the Board could approve it; however, at the time of the staff report the information was not available.

Mr. Blow said this was a reasonable dock to install in the area.

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone One 2022-0064 based on the information provided at the meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Blow, Davis, Shaffer, Barnes, Griggs, DePreter, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (h) 2022-0066 – Ryan Carter – Applicant
c/o Carter Environmental Services
Jamie Pantling– Owner
81 Coquina Avenue**

To approve an after the fact installation of some new decking material, a gangway and floating dock and to approve the construction of a new 50 foot in length boardwalk/dock that connects to an observation pier totaling approximately 2,564 sf 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 approval of a new shed, boardwalk and observation pier, floating dock, and gangway within Conservation Overlay Zone 1 at 81 Coquina Avenue / PID 221410-0000 if the board views the proposed shed as an acceptable location.

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.

Mr. DePreter asked what area was being permitted.

Mr. Carter said the deck was existing.

Mr. DePreter clarified the request was for moving the floating platform, extending the gangway and the terminal platform.

Mr. Carter replied in the affirmative.

Ex Parte Communication:

(None)

24 certified notices were sent, 1 were returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened; however, there was no response.

The Board discussed:

- The two appendages to the existing deck were compact and modest and no hindering the channel
- No issues with the application
- Was compact compared to the dock next to it
- Felt the permitting was a separate issue
- Had a lot more docks along Quarry Creek but no problems with the application

MOTION

Mr. Davis MOVED to APPROVE application 2022-0066 at 81 Coquina Avenue to approve and after-the-fact installation of new decking material and gangway, floating dock, approve the construction of a new fifty foot in length boardwalk dock that connects to an observation pier totaling approximately 2,564 square feet within Conservation Overlay Zone One provided there was no shed above the deck. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: Davis, Shaffer, Barnes, Griggs,
DePreter, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁵

9. Rezoning⁶

9. (a) 2022-0059 – Ellen Avery-Smith Esq.

– Applicant

c/o Rogers Towers, P.A.- Applicant

Sebastian Hotel, LLC (current)/Flagler

College, Inc (buyer)-Owner

333 S Ponce De Leon Boulevard

Mr. Davis recused himself from the application.⁷

To modify the development plan for an existing Planned Unit Development (PUD) (Ord. No. 2008-02) to allow the existing buildings located on the site to be used as dormitories for Flagler College with related amenities and to retain a hotel use as an allowed use in the PUD.

Staff does not make recommendations concerning the rezoning of land.

Ellen Avery-Smith reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened; however, there was no response.

The Board discussed:

- Building would stay in the same footprint
- Concerned if students had to walk to campus but there was a shuttle being provided
- Rentals were an issue and not affordable

- Felt application was great and the City had been overrun with hotels
- Thought to be a win-win for the current owner and the college
- Campus was within walking distance
- Not many residential homes around the hotel
- Would be in favor of recommending to the City Commission
- Felt it would only be a slight modification to the PUD
- Felt keeping the language about returning to a hotel use was a reasonable request
- Asked if the parking requirement for a dorm was the same as a hotel

Ms. Skinner advised the parking requirement for a hotel was one per room; however, for the dorm it would be one per bed.

Mr. DePreter said the amount of rooms they were able to rent would be tied to the parking.

Ms. Skinner said there were 98 parking space on-site then they could have 98 beds.

Mr. DePreter asked how many beds would be in each room.

Ms. Avery-Smith said she was unsure.

Mr. DePreter stated if this were to be recommend, he wanted to confirm the parking requirements would be met.

Ms. Skinner said that could be included as part of the recommendation.

Ms. Avery-Smith pointed out there was parking at the Malaga Street garage which was in close proximity and shuttles were available.

Ms. Lopez noted the parking needed to be clarified in the PUD as the language was vague.

⁵ Break from 6:46p.m.-6:55p.m.

⁶ Mr. Shaffer and Ms. Barnes left prior to application at 6:48p.m.

⁷ Recusal form attached to original minutes

Ms. Avery-Smith advised that would be clarified prior to the presenting to the City Commission.

Board discussion continued:

- The need and justification was opening housing downtown
- Students would only be a mile from the college which was consistent with the Comprehensive Plan
- Thought the use of a hotel for housing was creative
- Questioned if Flagler College purchased the hotel would it no longer be taxable income

Ms. Lopez noted Flagler was a not-for-profit and was unsure how the property was being purchased. She said that was accurate if a not-for-profit was purchasing the property.

Mr. Pappas stated that was his only concern.

Ms. Avery-Smith said the college provided many 'in-kind' services and had other tax and revenue generation from people living here, working here, students and the faculty and staff. She said there was a public benefit for keeping the students closer to college but now in the immediate downtown area. She said on the economic side, it opened long term rental up for non-college students.

Mr. Pappas said he like this option better; however, noted the college was an expense to the City.

Mr. DePreter pointed out any new dormitory, no matter the location it would be a not-for-profit. He said if the space was needed, they would find it.

Mr. Blow said a major economic driver for the City was tourism, but in addition to that was Flagler College and the Florida School of the Deaf and Blind. He said from experience with COVID, tourism could be stopped tomorrow and no matter what happened, the students would still be here and employees would

reside in the community. He said the schools were like insurance. He said if tourism dried up there would be these two economic entities within the community.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL the City Commission rezoning application 2022-0059 with the caveat to fix the parking language and it meets the criteria that staff provided the need and justification relationship to the zoning. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

AYES: DePreter, Griggs, Blow

NAYES: Pappas

MOTION CARRIED UNANIMOUSLY

10. Comprehensive Land Use Plan Amendment and Rezoning

10. (a) 2022-0067 – City of St. Augustine – Applicant & Owner– Applicant & Owner 110 Carver Street E

To amend the current land use of Residential Low Density to Recreation/Open Space with site specific condition(s), and to rezone the property from Residential Single Family One (RS-1) to Government Use (GU).

David Birchim, City of St. Augustine, Assistance City Manager, reviewed the application.

The Board provided their ex parte communication.

7 certified notices were sent, 0 were returned in favor, 2 returned opposed and 2 had comments and additional emails were attached.

Public hearing was opened; however, there was no response.

The Board discussed:

- Wanted to make sure the conditions were included in the warranty deed and lease as discussed
- If not used as a sailing school, the property would remain with the City but only allowed to be used as a passive park
- If zoning were not approved, property would revert to Dr. Parrish
- Dr. Parrish donated the property for a sailing school
- Lease was detailed as to what the use would be
- Existing dock had been damaged by storms; however, the dock was not being approved and would return to PZB for review
- Dock would have to be in the footprint of the existing dock
- Dock usage was addressed in the lease
- Concerns about the hours of operation which were addressed in the lease
- Height restriction was twenty feet and was in the lease
- Architectural design would match those within Lighthouse Park
- Special events were not allowed to take place on the premises
- Carver Street would remain open to the neighbors
- No alcohol allowed on premises and no subletting of dock slips
- Felt most concerns had been addressed
- Overall building might be taller than twenty foot as it was twenty foot from flood elevation
- Thought it was great to have more recreation
- Felt the end result would be great for the City and residents
- Suggested including an asterisk by the twenty feet height with the explanation as designed based on elevation
- Lot coverage was the 25% which would match if lot were residential

Mr. Birchim advised they were aware the fence encroached in the right-of-way, but the building was dangerous and was fenced off

to keep people from entering the property. He said that was a construction fence and once construction had ended the portion in the right-of-way would be removed.

Board continued:

- Were no limitation in Government Use (GU) but adding a setback on the northern property line was a reasonable request
- Asked how an accessory building would be affected

Mr. Birchim noted an accessory building could be as close as five feet to a side or rear property line. He said a typical setback for RS 1 zoning for a house was fifteen feet.

Mr. DePreter suggested a fifteen-foot setback to provide the residents to north a little comfort. He suggested adding buoys to the dock as his concern was there were multiple communities using that area and those could help visualize where the dock would be placed. He added providing an analysis that demonstrated how the dock would relate to the fishing pier and the uses.

Mr. Pappas noted this was the most vetted item in the City as it had taken almost five years.

Mr. Blow asked for clarification regarding what was written on page six 'primary structure could not be expanded beyond its current footprint or above twenty feet'. He said his understanding was they would stay within their footprint.

Mr. DePreter said they were but wanted to provide a maximin lot coverage similar to what had been done with the Lighthouse. He said this would be a new building and an extended program.

Mr. Birchim noted the current property was less than twenty feet of lot coverage.

Ms. Griggs pointed out on the drawings there was a landscape buffer which would help the neighbors.

MOTION

Mr. DePreter MOVED to RECOMMEND to the City Commission the Land Use request with the stipulation as mentioned in the staff report an asterisk on the future land use map for twenty foot building height, 25% lot coverage, and a fifteen foot setback to the northern side of the property. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Griggs, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to Recommend the change in the zoning from Residential Single Family 1 (RS 1) to Government Use (GU). The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Griggs, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

11. Other Business

(None)

12. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 7:44 P.M.⁸

Mike Davis, Chairperson

⁸ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Planning and Zoning Board Special Meeting October 12, 2022

The Planning and Zoning Board met in formal session Wednesday October 12, 2022, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mike Davis, Chairperson and the following were present:

1. Roll Call: Mike Davis, Chairperson
Charles Pappas, Vice- Chairperson
Carl Blow
Christina Griggs
Matthew Shaffer
Ashleigh Barnes

Absent: Jon DePreter, excused

City Staff: Amy Skinner, Director, Planning & Building Department
Julie Courtney, Historic Preservation Officer
Richard Thibault, Assistant City Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

3. Modification and approval of Agenda

(None)

4. Architectural Guidelines for Historic Preservation (AGHP) Update

Ms. Skinner introduced the topic regarding the AGHP. She provided background of the AGHP and how it had evolved overtime. She noted this was considered a land development regulation and the Board was required to make a recommendation to the City Commission. She said these regulations had been in place for a long time and it had made the City very valuable as the guidelines provided rules and regulations.

4. (a) Review the draft update of the AGHP with consultant Jonathan Lammers, Historian, from Bender & Associates Architects

Jonathan Lammers noted the document had not changed from the last meeting and today was a chance for the Board to provide feedback. He noted the document was more modern and more organized with updated graphics, and internal and external links. He said the archeological styles had been updated since the last update. He said the new section that needed to be added was the Commercial storefronts and storm mitigation, which was not in the document.

Public Comment was opened.

BJ Kalaidi welcomed the two new Board members and said it was very important to include the commercial storefronts as there had been issues with some of these in the downtown area. She encouraged the Board to review this very carefully. She said this was the character of the City and it needed to be reviewed thoughtfully.

Public comment was closed.

Board Discussion:

- Vast improvement from the last manual
- Was more user friendly with different fonts and photos
- Two new sections were both great additions
- HARB would review updates on November 17th and PZB would review it again in December
- Questioned if the public would have a chance to review the updates

Ms. Courtney advised the public had access to review the document as it was posted on the City's website; however, they had not received any feedback. She said the timeline may be shifted further back due to the size and depth of the document, the comments received from staff, and the comments from the September joint meeting. She said this meeting was to provide any additional comments.

Mr. Pappas asked where storm preparation was in the document.

Ms. Courtney noted it was in part six on page 142.

Mr. Pappas asked if the final review could be advertised in the weekly email: News and Notes to help capture people's attention.

Ms. Skinner replied in the affirmative.

Discussion continued:

- Wanted to have the datil pepper included in the plant section
- Guidelines for HARB and the historic districts had a long history but was successful
- Felt the manual update would help continue the success
- Understood the hardship to not always being able to match the material as they were not available

- Owning a historic home would have additional cost with remodeling and maintenance
- Felt the guidelines were important to help maintain the character of the City
- Asked how the AGHP applied to the zoning outside the HP districts and how it related to the Corridor

Mr. Lammers said the guidelines were specific and enforced in the HP districts. He said he hoped it would be a resource for anyone who owned a historic house.

Mr. Shaffer said he did not believe the HP zoning and the corridor did not intertwine.

Ms. Skinner noted that was correct; however, there were storefronts in the historic districts. She said they were trying to take what had been learned from the corridors and incorporate into the AGHP. She said they wanted to recognize as time had progressed some of the storefronts were now considered historic and even though they are a storefront; some were important and need to be protected. She noted that was why they were trying to expand on the architectural styles within the historic district.

Mr. Shaffer said he appreciated that some of the principles for storefronts and the other architectural designs would apply outside the HP area.

Ms. Skinner stated some concerns from the past few years related to demolition and partial demolition outside of the HP districts or National Register Districts as those could deteriorate if there were a lot of changes. She said these guidelines could be a resource to help understand the defining characteristics of the style and help maintain the integrity of the structure and increase the overall value.

Mr. Lammers said the last meeting the longest discussions were regarding materials/replacement materials and landscaping. He stated they did not want to

be as precise on the landscaping, but it should be kept to native plants and invasive plants should be avoided.

Mr. Davis advised there had been extensive discussions regarding homes that were not in the HP districts but were historic and if they should be regulated or not. He said having one home on a block that was treated differently was not the correct way to approach it.

Mr. Shaffer said some homes were designated National Register and asked if that would tie in.

Ms. Courtney said the updated AGHP guidelines would tie into the proposed partial demolition ordinance. She said they had been able to define the five character defining elements of a building. She said partial demolition review had been limited to the contributing structures within National Register districts. She said as the Code read currently, any building in the City over fifty years could be reviewed by HARB for demolition including partial demolition. She said they had tried to narrow the scope regarding what constituted partial demolition. She said having the character defining feature for each style was helpful for all building owners as that was what would be reviewed. She said there were structure within the historic district that were contributing or non-contributing and they wanted to focus on the contributing.

Mr. Shaffer said there was not an additional layer of restrictions, but had the material and criteria needed for review when it went before the Board. He said when there was a contributing structure in the National Register district or if an individual building that were designated, it added another layer of restrictions.

Ms. Courtney said PZB was looking to incorporate the demolition language and the AGHP update as a whole for the City Commission to review as they tied together. She said individually contributing buildings,

and the buildings in the HP Zoning districts were all treated the same under the AGHP and would be reviewed for the demolition. She said any historic local landmarks were also included.

Mr. Lammers said just like building codes evolved overtime, so did the historic guidelines and were not the same from City to City.

Ms. Barnes asked what issues the document was aimed to fix.

Mr. Lammers said it was an old document which was difficult to read and there needed to be more graphics, illustrations, and links; as well as replacement materials as St. Augustine stressed authenticity. He said also updating the architectural styles since the surveys stopped in the 1900's and this would help to bring it forward.

Ms. Courtney said there had been an improvement as it was now more user friendly for developers and staff with clarification for the different sections, pictures, diagrams, and terms. She said overall making the document more relevant especially with the flood mitigation issues would help assist homeowners. She said the existing AGHP focused on the Colonial buildings, which was relevant to the City but post 1821, did not have much information and the City had more post 1821 buildings.

Ms. Skinner said they would provide an updated schedule. She said there would be a deadline for comments and encouraged the Board to send in any comments, in order to provide an updated document.

5. Other Business

Mr. Pappas inquired about the status of the food truck vendor ordinance.

Mr. Thibault said the final draft ordinance was almost ready and would most likely be presented in December.

Mr. Davis asked if staff noticed a full agenda could the meetings start sooner, as most meetings went to at least 7:00 p.m. if not longer.

Ms. Skinner asked if anyone had an issue with changing the meetings to 1:00 p.m. She said she could speak with the City Clerk and see if that was a possibility.

Mr. Davis asked each Board member if 1:00 p.m. was better for them.

Mr. Blow said he was fine with the change; however, it might be difficult for applicants or members of the public to attend.

There was no objection from anyone on the Board about changing the time to 1:00 p.m. start time for the regular meetings.

Ms. Skinner suggested in order to provide ample time to the public, perhaps the change could start in January 2023. She said she would discuss with the City Clerk to find out how to proceed.

Mr. Davis reminded the Board members if they were unable to attend a meeting to inform Ms. Skinner in advance to avoid not having a quorum.

Ms. Skinner asked the Board if they wanted to move towards a more electronic format. She said with the long agendas it required a lot of paper and copies. She said the Code Enforcement Board was strictly electronic and HARB was a hybrid. She said links to the packet could be sent and tablets would be provided at the meeting. She stated they could provide a minimal packet to avoid the large packets. She noted it cost the City between \$30,000.00-\$50,000.00 yearly for copies.

Mr. Pappas said he preferred a hardcopy, but it could be minimized. He said if there were several items with the same criteria and it did not need to be duplicated.

Ms. Griggs was not opposed to using a tablet but asked if it were possible to take a tablet with them to use for comments, notes or questions.

Ms. Barnes was not opposed to using a tablet.

Mr. Shaffer said he used his hardcopy but electronic would be fine if they were able make notes. He asked if tablets were available.

Ms. Skinner said the City Clerk had tablets and they would be provided during meetings. She said the tablets could not be removed from the meeting room.

Ms. Courtney noted packets for HARB and PZB were uploaded to the website and those could be viewed there digitally. She said HARB was hybrid and only key documents were printed

Mr. Pappas said a lot of the plans received were scans and asked if applicants could be asked to submit digital copies of the plans.

Ms. Skinner said that was a critical component and would work on that.

Mr. Blow said he liked having a hardcopy when reviewing applications but thought digital packets made a lot of sense.

Mr. Davis said he was in favor of both but knew the types of applications that were the most contentious and was willing to print the parts out that he needed.

Mr. Pappas said if possible, could each Board member have their own packet online to make notes and comments on and when they arrived could receive it to use during the meeting.

Ms. Skinner advised everything was public record.

Mr. Davis said using the City tablets were best.

Mr. Thibault agreed and said they would not want public records on their personal devices.

Mr. Davis said the Board could try digital packets for the next few months and revisit the topic at the February or March meeting.

Ms. Griggs said if there was a place where their notes could be saved or email that would be beneficial.

Ms. Skinner said she would look into it and confirm how they would move forward for the December meeting. She said this could be implemented in January.

6. Next Scheduled Meeting Dates

6. (a) Tuesday, November 1, 2022, 2:00 pm
- Planning and Zoning Board (PZB)
Regular Meeting

6. (b) Thursday, November 17, 2022, 1:00
pm - Historic Architectural Review Board
(HARB) Regular
Meeting

6. (c) Tuesday, December 6, 2022, 2:00 pm
- Planning and Zoning Board (PZB)
Regular Meeting

7. Adjournment

MOTION

Mr. Pappas MOVED to adjourn the meeting. The motion was SECONDED by Mr. Davis and APPROVED BY UNANIMOUS VOICE VOTE.

Having no further business, Mr. Davis adjourned the meeting at 2:10 P.M.¹

Mike Davis, Chairperson

¹ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **VARIANCE 2022-0045**

AGENDA ITEM 5(a)

APPLICANT & OWNER Thomas Burd
c/o Fullerwood Construction

LOCATION 28 Macaris Street / PID 153530-0000

REQUEST 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.

LAND USE Residential Low Density

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

APPLICABLE CODES/ORDINANCES

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

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

(b) Variances:

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

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

- (2) Written application. All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) Violations of variances. The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the rear yard setback within the Residential single-family-one (RS-1) zoning district. The applicant is proposing adding on to an existing home on the west side and rear (north) side of the existing structure.

This application was continued at the August 2, 2022, PZB meeting to allow the applicant time to provide additional information to further clarify the scope of the work proposed.

This application was continued again at the November 1, 2022, PZB meeting with requests for an arborist report, an updated site plan with corrected location of trees that were discussed at the meeting, and photographs of current conditions of the property.

An addition to the northwest side of the existing residence was discussed at the August meeting, however it was unclear whether this extension of the rear of the structure was the location of the necessary rear yard setback variance.

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STAFF REPORT & RECOMMENDATION

Attached in this staff report is an updated site plan, arborist reports for Live Oak trees #5793 and #5792, as well as photographs of the existing home and property for the board to review.

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;

This property does suffer a singular disadvantage. It is a non-conforming RS-1 zoned lot with a home that was built in 1925, according to St. Johns County Property Appraiser information. Imposing suburban setbacks on a non-suburban property may create a disadvantage of not being able to add-on to the existing home and conform to the RS-1 setbacks.

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

The disadvantage of the undersized lot, location of existing trees and existing location of the home makes an addition on the rear of the house difficult without a variance to the setback requirements.

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

This lot was created, and the home was built before the current owner purchased the property.

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

Granting a variance would not adversely affect neighboring properties due to the nature of the request.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a variance to decrease the rear yard setback at 28 Macaris Street / PID 153530-0000 from 20' to 13'.

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

Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2022-0045
Receipt Number: 2417719 Meeting Date: August 2, 2022
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Thomas Burd Contact Number: 724-689-5138
Business (if applicable): Fullerwood Construction
Address: 28 Macaris St City: St. Augustine State: FL Zip: 32084
E-Mail Address: fullerwood.construction@gmail.com

2. NAME OF PROPERTY OWNER: Thomas Burd Contact Number: 724-689-5138
Business (if applicable): Fullerwood Construction
Address: 28 Macaris St. City: St. Augustine State: FL Zip: 32084
E-Mail Address: fullerwood.construction@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 256 & 257 Block: 12
Subdivision: Fullerwood Park Parcel Number: 153530-0000

4. PROJECT STREET ADDRESS: 28 Macaris St.

5. SPECIFIC PROPOSED USE: Residence

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: 689

7. DESCRIPTION OF ACTION REQUESTED: set back in regards to adding a 15 ft addition to existing building

8. JUSTIFICATION FOR ACTION REQUESTED:
To allow me to use and live at the property. To keep the original structure in proper historical condition while making space for proper storage to keep clean appearance for the neighborhood. To make original addition that was added in the 80s more functional.



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: Yes. It is a double lot.

I believe the addition in the 80s makes it a non conforming lot.

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Yes. The existing addition in its current state limits usage. Due to layout and size, it is not big enough on the first level to function as a garage.

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: Because the property is historical, many aspects of the property cannot be changed. The previous owner built an addition that encroaches on the 2nd lot. I would be willing to combine the two lots to one if it would help.

- (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: It will be an improvement for the neighborhood, cleaning up the property and adding value to others around it.

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

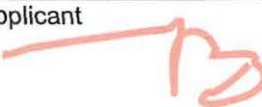
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

07

Date


Signature of Property Owner

7/10/22

Date

Tracey Mullins

From: Jacob Fredriksson
Sent: Tuesday, November 8, 2022 4:35 PM
To: fullerwood.construction@gmail.com
Cc: Tracey Mullins
Subject: Additional Information for Planning and Zoning Board Application at 28 Macaris Street

Good afternoon,

This e-mail is a reminder that for the December 6th PZB meeting the board requested an arborist report, accurate site plan with trees and measurements, and photographs which all need to be submitted by November 25th. If there are any questions please let me know.

Jacob Fredriksson

Senior Planner

City of St. Augustine | Planning and Building Department

P.O. Box 210 | St. Augustine, FL 32085

Office: 75 King Street, Lobby B | Phone: 904.209.4331

Email: jfredriksson@citystaug.com

Web: www.CityStAug.com



Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

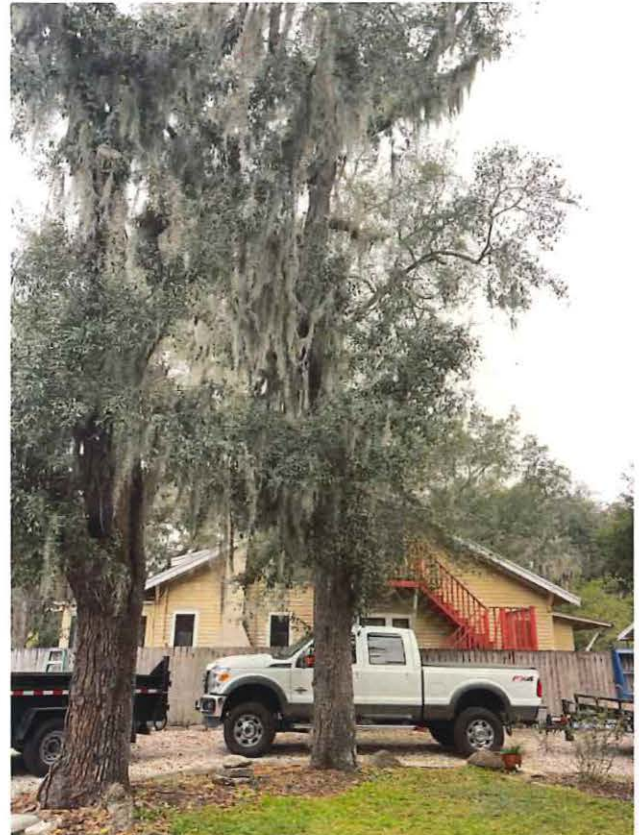


Live oak Tree ID #5793

Tree

Tree Id:	2
Primary ID:	5793
New Tag #:	
Previous ID or Tag #:	
Common Name:	Live oak
Scientific Name:	Quercus virginiana
DBH:	23
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	55
Canopy Shape:	Asymmetrical
Mallet Test:	Negative
Health Condition:	Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.
Structure:	Good- tree has a well-developed structure and defects such as decay are minor and can be corrected with pruning or support. Failure is improbable.
Utilites:	
Observations-Characteristics:	Cavity/decay - small, Deadwood < 10%
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	The question was raised on how much root space is available around this tree to pour

Photos



a monolithic slab and perform construction activities without harming this tree. This is the tree protection zone (TPZ). Based upon my evaluation of the tree's health and the available root space and according to ANSI A300 Standards on Root Management, no construction activity should be performed closer to the tree than 8 times the trunk diameter which is 23 inches. $8 \times 23 \text{ inches} = 184 \text{ inches}$ which is 15.33 feet. The building addition which is currently a storage garage is located 19 feet from the tree toward the north. So in my opinion and according to the ANSI Standards, there is sufficient room for the planned construction without negatively impacting the roots of the tree.

Notes 2:

DBH Stem 1:

DBH Stem 2:

DBH Stem 3:

DBH Stem 4:

DBH Stem 5:

DBH Stem 6:

Code: QUVI

Cultivar:

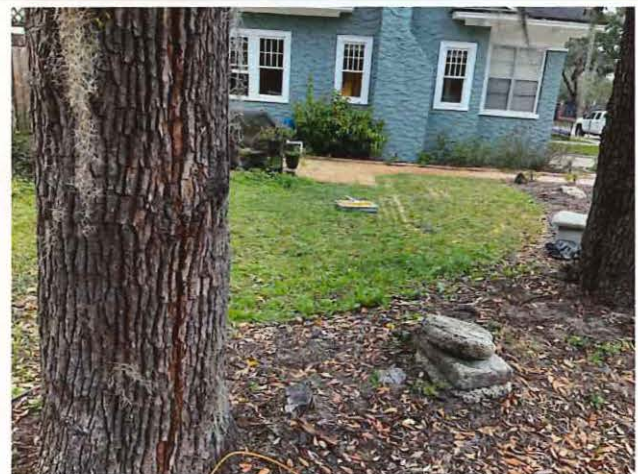
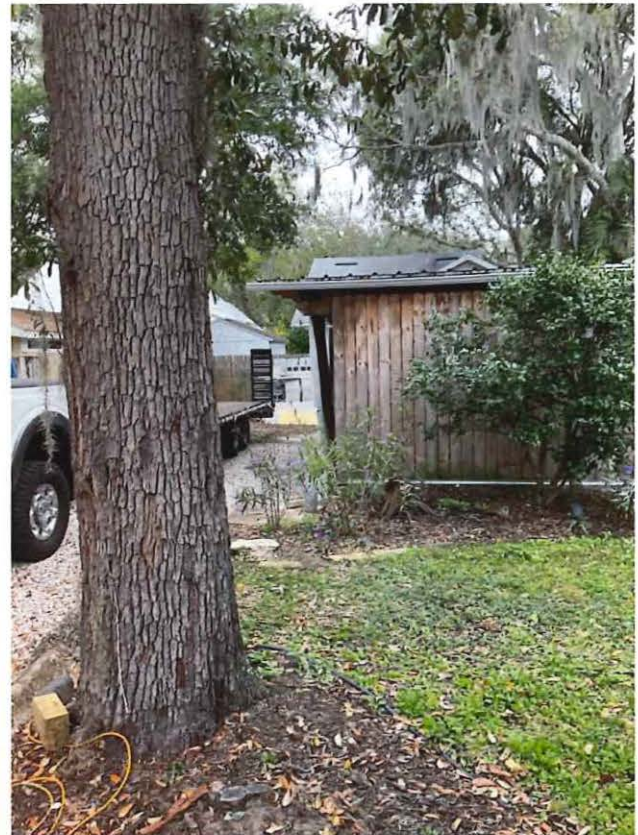
DBH Range: 18-24in

Genus: Quercus

Height Range: 50ft-75ft

Has Ecobenefits: No

Archived: No



Crown Light Exposure:

Location

Client Site: St A-Burd
 House Number: 28
 Address Street: Macaris Street
 Land Type: Front yard

Management

ISA Board Certified Master Arborist: Chuck Lippi FL-0501B
 Tree Work-Pruning: Priority 2 Prune, Remove dead branches
 Tree Work-PHC:
 Tree Work-Root/soil:
 Priority: As soon as possible
 Monitor: Yes
 Cycle: 3yr Cycle

Pruning Specs and Notes:

Remove large dead branch on the northwest side of the trunk in the upper crown. See circled area on image 4. Once the large dead branch is removed, the risk assessment level will change from moderate to low.

Pruning spec-type of cut:

Pruning spec-location of cut:

Pruning spec-# of cuts:

Pruning spec-size of cuts:

Pruning spec-% canopy removal:

User: Chuck
 Last Modified User: Chuck
 Date Added: 11/08/2022
 Last Modified: 11/13/2022



Street View



Risk Assessment

Assessment Level : Level 2 - Detailed 360°
ground level visual
inspection of a tree and
its surrounding site
w/mallet test.

Assessed Tree Part: Branch

Likelihood of Failure: Possible

Likelihood of Impacting
Target: High

Likelihood: Somewhat Likely

Consequence of
Failure: Severe

Risk Rating: Moderate

TPZ

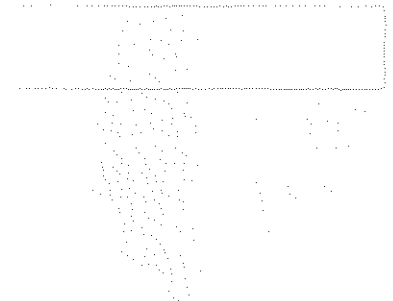
TPZ Ratio: 8

Tree Protection Zone
Inches: 184

CRZ Ratio:

Critical Root Zone
Inches:

Report Prepared: November 14, 2022





Live oak Tree ID #5792

Tree

Tree Id:	1
Primary ID:	5792
New Tag #:	
Previous ID or Tag #:	
Common Name:	Live oak
Scientific Name:	Quercus virginiana
DBH:	28
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	35
Canopy Shape:	Asymmetrical
Mallet Test:	Positive

Health Condition:

Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.

Structure:

Poor- a single serious defect or multiple significant defects. It could also indicate a recent change in trunk angle. Branch, root or trunk failure is probable. Defects may or may not be correctable.

Utilites:

Observations-Characteristics:

Cavity/decay - extensive, Mechanical injury to trunk, branches - extensive (abiotic)

Observations-Biotic Pest:

None observed

Photos



Observations-Abiotic:

Lightning, None observed

Notes 1:

The trunk wound made years ago extends from ground level up to a leader about 30 ft above the ground. That leader has been cut off. The wound has no bark or cambium and becomes wider up to a third to half the trunk circumference as it extends up the trunk. Likely this wound was caused by lightning.

Notes 2:

DBH Stem 1:

DBH Stem 2:

DBH Stem 3:

DBH Stem 4:

DBH Stem 5:

DBH Stem 6:

Code: QUVI

Cultivar:

DBH Range: 24-30in

Genus: Quercus

Height Range: 30ft-50ft

Has Ecobenefits: No

Archived: No

Crown Light Exposure:

Location

Client Site: St A-Burd

House Number: 28

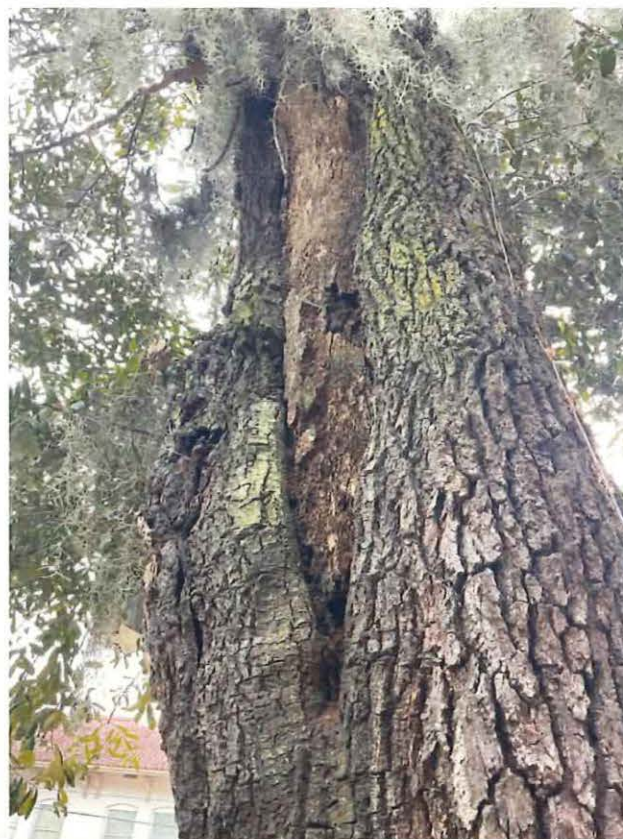
Address Street: Macaris Street

Land Type: Front yard

Management

ISA Board Certified
Master Arborist: Chuck Lippi FL-0501B

Tree Work-Pruning: Priority 2 Removal



Tree Work-PHC:

Tree Work-Root/soil:

Priority: As soon as possible

Monitor: No

Cycle:

Pruning Specs and
Notes:Pruning spec-type of
cut:Pruning spec-location
of cut:

Pruning spec-# of cuts:

Pruning spec-size of
cuts:Pruning spec-% canopy
removal:

User: Chuck

Last Modified User: Chuck

Date Added: 11/08/2022

Last Modified: 11/10/2022

Risk Assessment

Assessment Level : Level 2 - Detailed 360°
ground level visual
inspection of a tree and
its surrounding site
w/mallet test.

Assessed Tree Part: Trunk

Likelihood of Failure: Probable

Likelihood of Impacting
Target: High

Likelihood: Likely

Consequence of
Failure: Severe

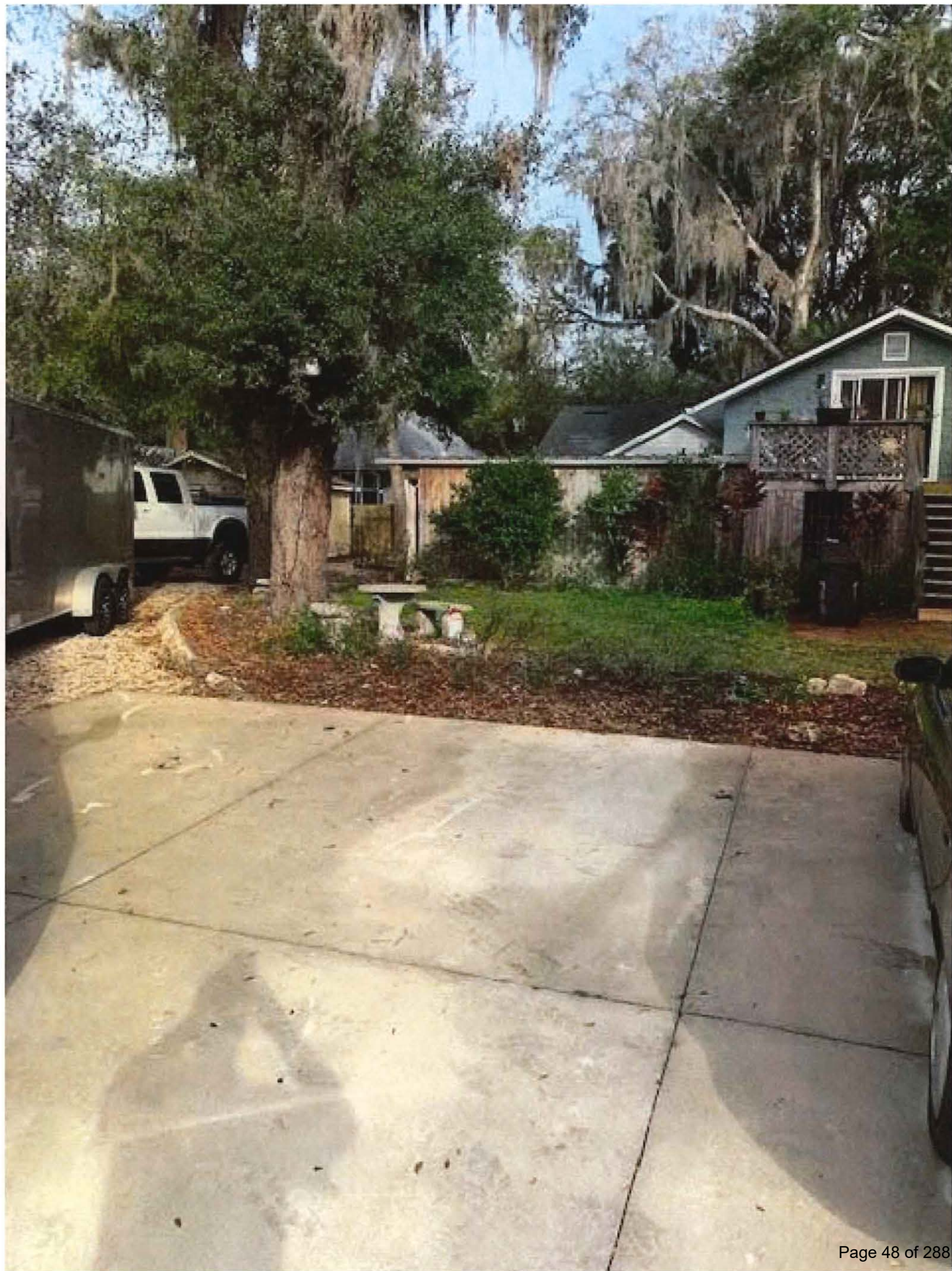
Risk Rating: High

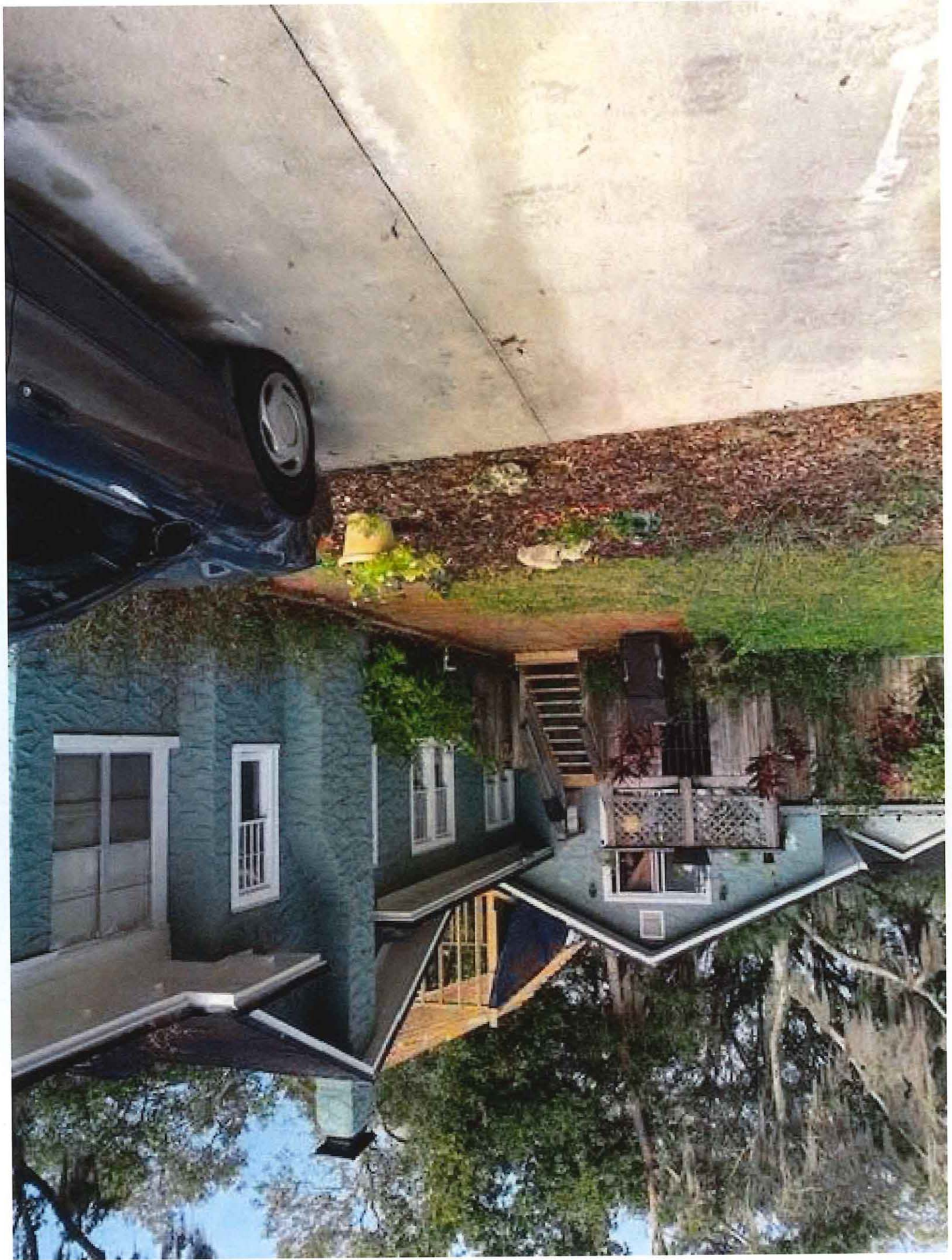
Report Prepared: November 14, 2022



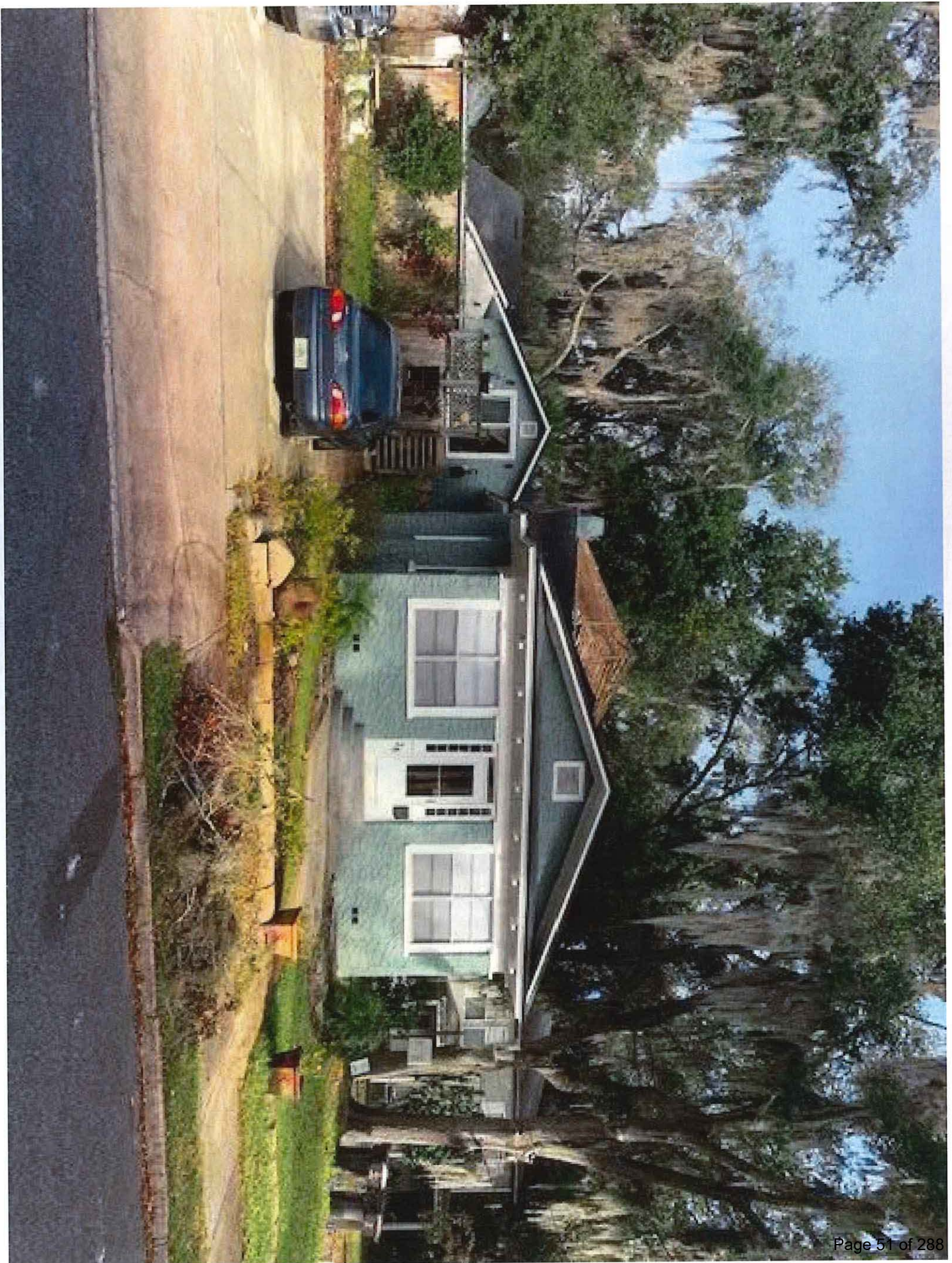
Street View

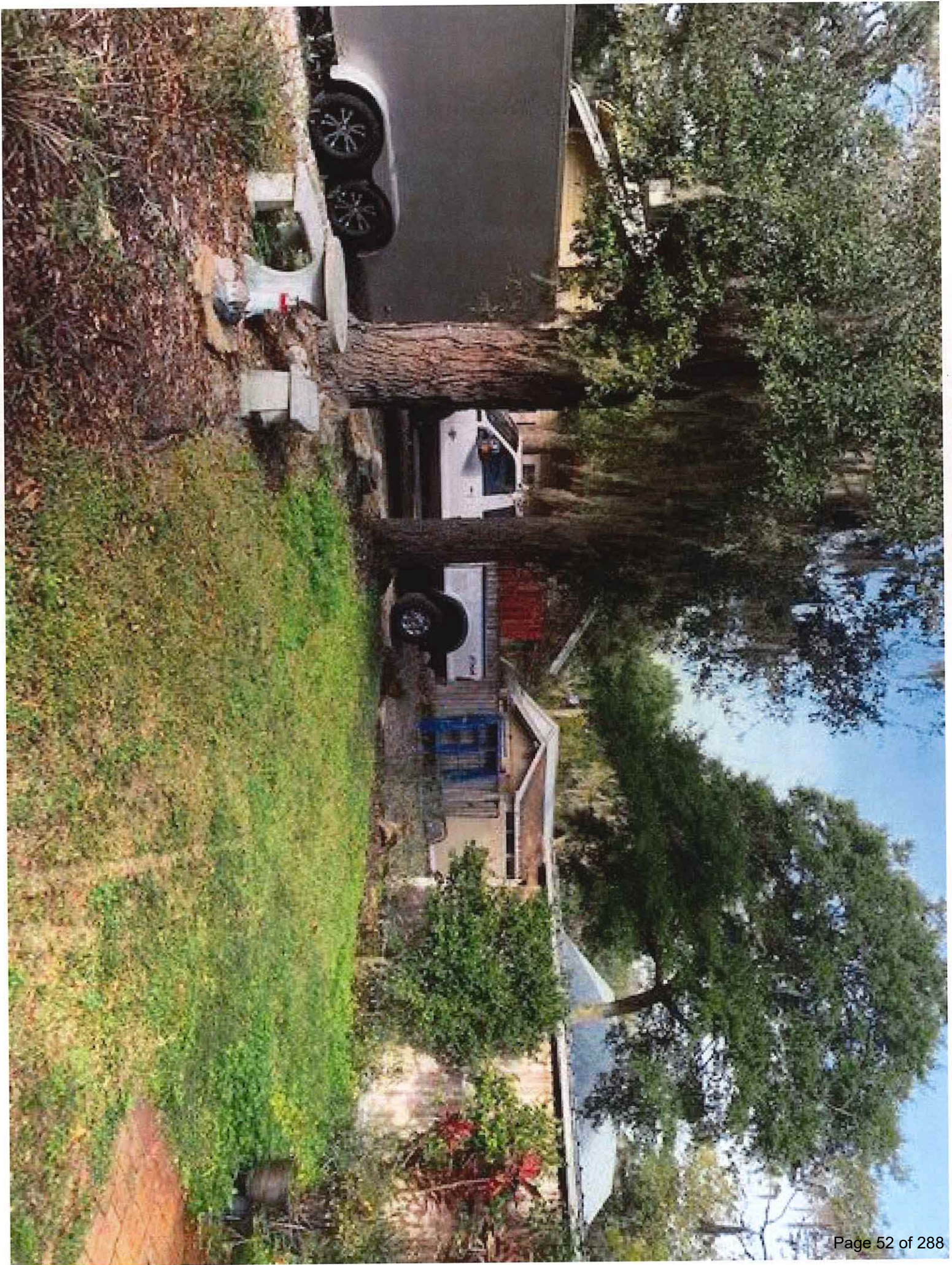




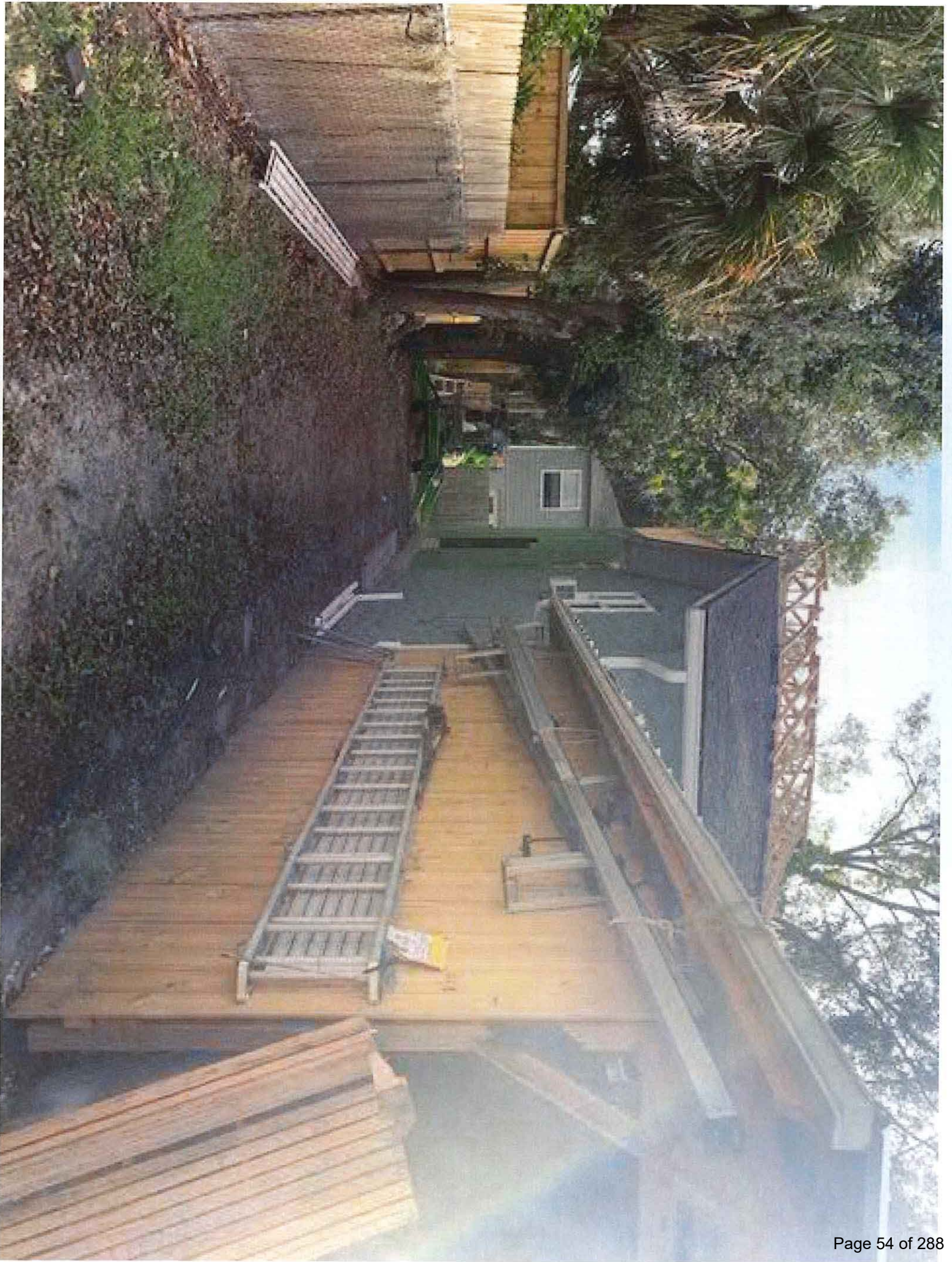


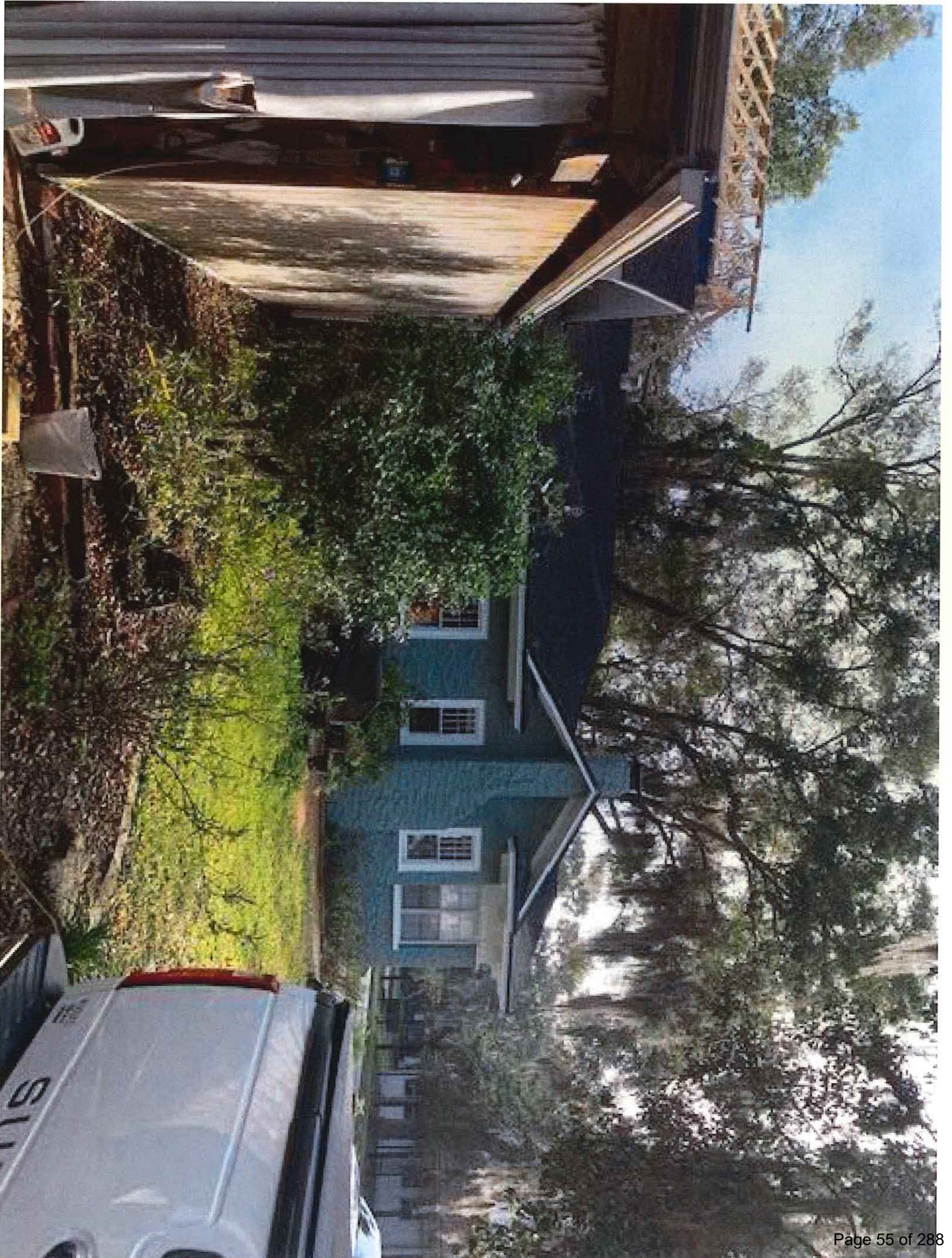


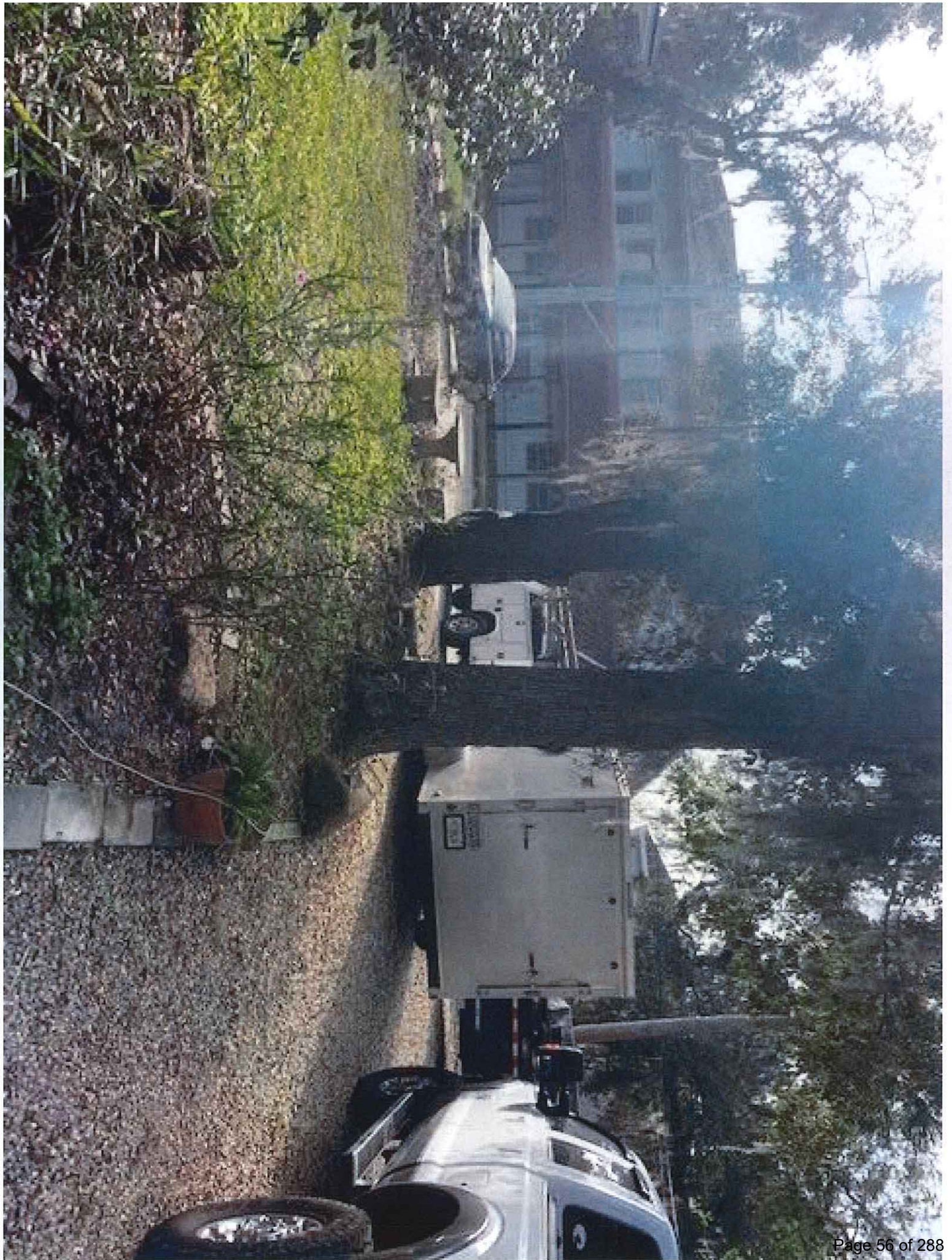












CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **VARIANCE 2022-0083**

AGENDA ITEM 5(b)

APPLICANT & OWNER Rickey M. Garmon

LOCATION 515 Arricola Avenue / PID 223290-0000

REQUEST To reduce the side setbacks from 10' to 5.9' along the southern property line and from 10' to 7.8' along the northern property line on a Residential Single-Family-Two (RS-2) lot to allow for the construction of a new single-family residence.

LAND USE Residential Low Density

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

APPLICABLE CODES/ORDINANCES

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

Sec. 28-162. - Residential, single-family-two: RS-2.

Intent. 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, so as to create and maintain a low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwellings; home office, private.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.* See [section 28-347](#); housing for the elderly; neighborhood recreation facility.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, fifty (50) feet.
 - b. Minimum lot area, one-eighth acre (5,450 square feet).

- (5) *Maximum lot coverage by all buildings:*
 - a. Thirty (30) percent.
- (6) *Minimum yard requirements.* All permitted or permissible uses and structures:
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
- (7) *Maximum height of structures:*
 - a. Thirty-five (35) feet.

(Code 1964, § 33-22; Ord. No. 99-05, § 3, 2-8-99)

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

(b) Variances:

- (1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:
 - a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
 - b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
 - c. This disadvantage does not exist because of conditions created by the owner or applicant; and
 - d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

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

- (2) Written application. All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the

complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

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

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the side yard setbacks within the Residential Single-Family-Two (RS-2) zoning district. The applicant states that there have been five (5) flood claims at this property within the past three (3) years leading to the decision to demolish the home and rebuild with a new configuration.

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;

This property does suffer a disadvantage by being in a flood prone area in that, according to the applicant, this property suffers from frequent flooding issues.

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

The disadvantage of being subjected to frequent flooding requires the demolition of the current house to build back a more resilient home in the face of this issue. The owner's request for variances stems from the current setback requirements which would "limit the design of a new house" and adhering to these requirements would result in an "unusually narrow home."

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

The issue of flooding was not created by the owner.

- 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.

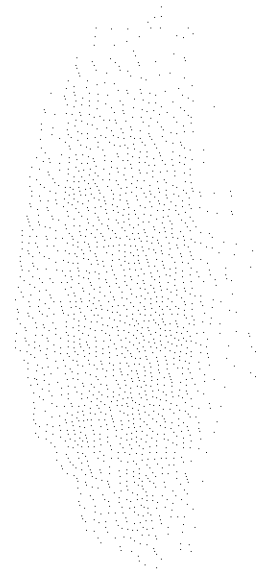
Granting a variance would not adversely affect neighboring properties due to the nature of the request. The requested setbacks of 5.9' along the southern property line and 7.8' along the northern property line would in fact reduce the current non-conforming setbacks of 4.9' and 6.9' respectively.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a variance at 515 Arricola Avenue / PID 223290-0000 to reduce the side setbacks from 10' to 5.9' along the southern property line and from 10' to 7.8' along the northern property line.



Jacob Fredriksson
Senior Planner
Planning and Building Department





CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 02 2022

Planning/Building Dept.

Application Fee: 350.00 (plus advertising costs)

Project Number: 2022-6083

Receipt Number: 2496294

Meeting Date: 12/15/2022

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: Rickey M. Garmon Contact Number: 904-669-2471

Business (if applicable): _____

Address: 515 Arricola Ave. City: St. Augustine State: FL Zip: 32080

E-Mail Address: sbrzmotel@gmail.com

2. NAME OF PROPERTY OWNER: Rickey M. Garmon Contact Number: 904-669-2471

Business (if applicable): _____

Address: 515 Arricola Ave. City: St. Augustine State: FL Zip: 32084

E-Mail Address: sbrzmotel@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 57 & North 1/2 of Lot 58

Block: 60

Subdivision: Davis Shores Ocean View Section

Parcel Number: 2232900000

4. PROJECT STREET ADDRESS: 515 Arricola Ave

5. SPECIFIC PROPOSED USE: Single Family

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

Variance to reduce south side setback from 10' to 5.9' and north side setback from 10' to 7.8'

See Attached Proposed Site Plan

8. JUSTIFICATION FOR ACTION REQUESTED: _____

I have had 5 flood claims on this property in last 3 years (9/4/2019; 6/6/2020; 9/20/2020
11/6/2021 and 9/29/2022). As a result it has been determined that the house must be
torn down and rebuilt.

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: _____

The front property line is 75 feet but tapers to 63 feet at rear.

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Current setbacks severely limit the design of a new house. It would have to be an unusually narrow house.

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

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

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

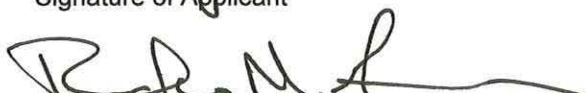
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

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


Signature of Applicant

11-2-2022
Date


Signature of Property Owner

11-2-2022
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."

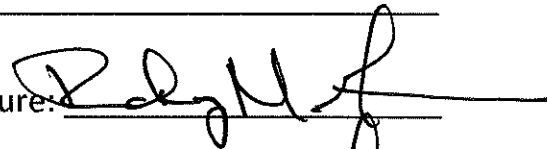
If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

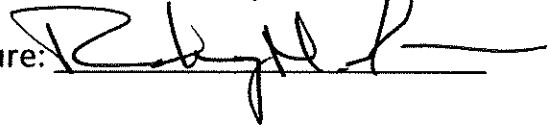
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

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.

515 Arricola Ave. St. Augustine, FL 32080

Project Address: _____
Rickey M. Garmon

Applicant's Name: _____ Applicant's Signature: 
Rickey M. Garmon

Owner's Name: _____ Owner's Signature: 



**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.

Rickey M. Garmon

Print name of applicant



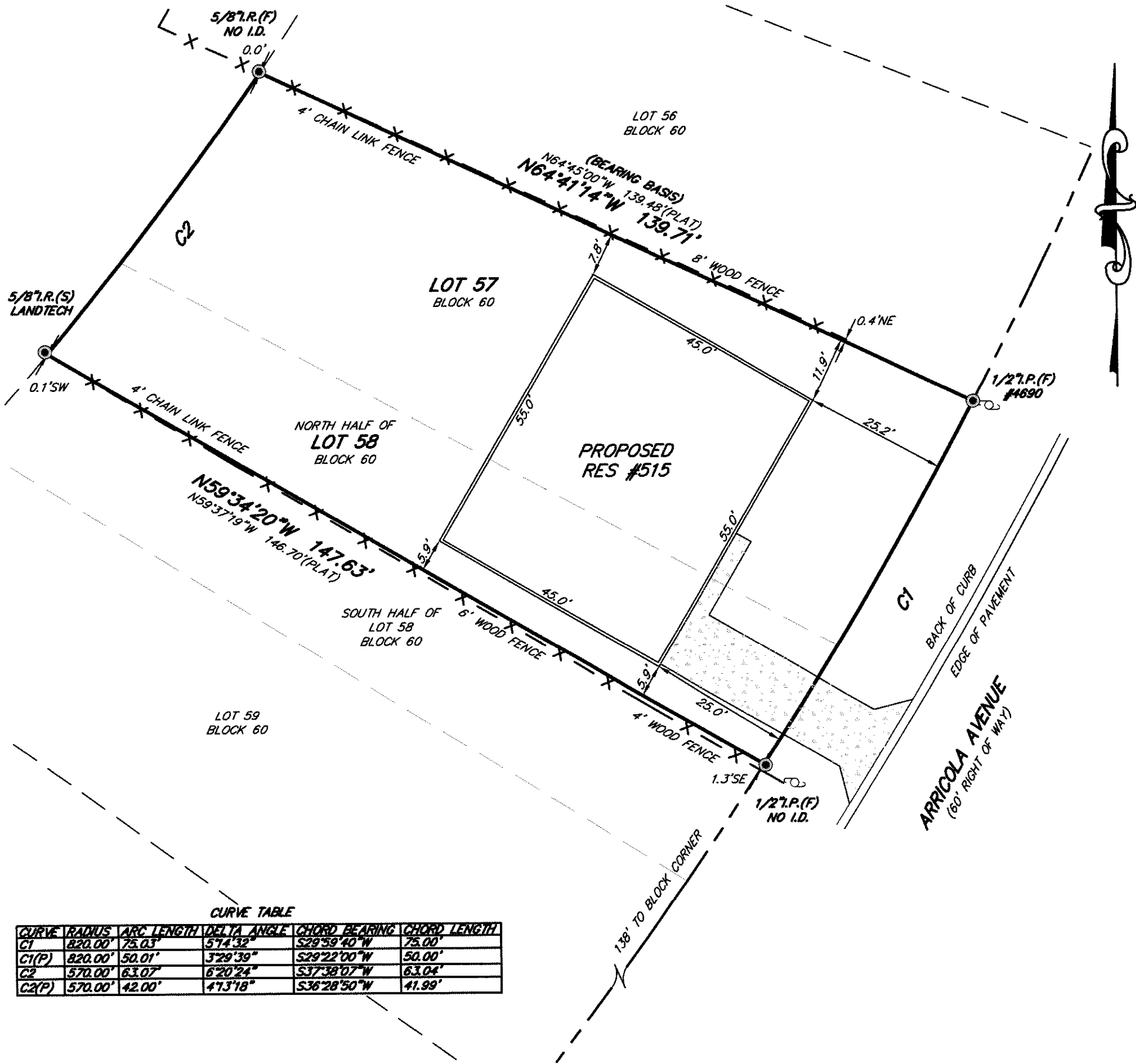
Signature of applicant

11-2-2022
Date

MAP SHOWING SURVEY OF

LOT 57 & NORTH 1/2 OF LOT 58, BLOCK 60, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 102, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
RICKEY M. GARMON



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	820.00'	75.03'	5°14'32"	S29°59'40"W	75.00'
C1(P)	820.00'	50.01'	3°29'39"	S29°22'00"W	50.00'
C2	570.00'	63.07'	6°20'24"	S37°38'07"W	63.04'
C2(P)	570.00'	42.00'	4°13'18"	S36°28'50"W	41.99'

LOT COVERAGE		
COVERED SQ. FT.	LOT SQ. FT.	%
2,475±	9,807±	25
IMPERVIOUS COVERAGE		
IMP. SQ. FT.	LOT SQ. FT.	%
2,823±	9,807±	29

AREA = 0.23 ± ACRES
OR 9,807 ± sq. ft.

LEGEND

A/C	- AIR CONDITIONER PAD	RES.	- RESIDENCE
ID.	- IDENTIFICATION	CL	- CENTERLINE
-	- VERTICAL DATUM	+	- DENOTES NOT TO SCALE
sq. ft.	- SQUARE FEET	WM	- WATER METER
I.P.(F)	- IRON PIPE FOUND	EC	- EXPOSED CONCRETE
I.R.(F)	- IRON ROD FOUND	CA	- COVERED AREA
I.R.(S)	- 5/8" IRON ROD SET (LANDTECH)		

GENERAL NOTES:

- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.

- This survey is certified to the last field date.
- This survey does not reflect or determine ownership.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTE:

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

- According to the Federal Emergency Management Agency FIRM Map No: 125146-0318H effective date: 08/02/04, the property described hereon appears to lie in Zone AE 9'

- Basis of bearing structure: REFER TO SURVEY

- Basis of elevations: N.G. K.D.29

JOB NO.	LAST FIELD DATE	SCALE	F.B./PAGE	CHK. BY	OWG. BY
18-0827	08/07/18	1"=20'	727/20	N.H.F.	R.L.B.

TYPE: PRELIMINARY SITE PLAN

© COPYRIGHT 2017, BY LANDTECH & ASSOCIATES, INC. ALL RIGHTS RESERVED

LANDTECH
Associates, Inc.
LAND SURVEYOR'S

4475 U.S. HIGHWAY #1 SOUTH SUITE 202
ST. AUGUSTINE, FLORIDA 32086
(904) 471-6877 FAX (904) 471-6878

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

Nicholas H. Franklin
NICHOLAS H. FRANKLIN, P.L.S. 4620
FOR LANDTECH AND ASSOCIATES L.B. #7537

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **USE BY EXCEPTION 2022-0071**

AGENDA ITEM 6(a)

APPLICANT & OWNER Adrienn Molnar

LOCATION 28 Arenta Street / PID 118760-0000

REQUEST To approve an off-site parking space at the city parking garage for a short-term rental as a permitted use by exception.

LAND USE Residential Low Density

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

APPLICABLE CODES/ORDINANCES

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

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

(a) Zoning exceptions:

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

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

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

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

Sec. 28-151 Parking [for short term rentals]

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. The application to the Planning and Zoning Board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

STAFF SUMMARY AND ANALYSIS

The approval of short-term rental registration is contingent upon being able to provide parking at a rate of one stabilized parking space per bedroom. The annual registration renewal will require the applicant to provide proof of current parking on-site and of the approval of the off-site parking by exception, or maintenance of valid parking passes in the city parking garage. If the applicant fails to renew parking permits, or off-site parking leases, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

- (iv) There are a total of three (3) bedrooms at 28 Arenta Street. The property consists of a single-family home which was built in 1963.
- (v) 3 parking spaces are required for a short-term rental with 3 bedrooms being offered for rent.
- (vi) There are two parking spaces available to the owner on the property, leaving them one parking space short of the requirement.

Parking Requirements Summary

- 1) Use by exception for off-site parking (within 400 feet per Sec. 28-371).
 - a. *In an e-mail from November 15th 2022 the applicant states that there is only one business establishment within 400 feet and they do not have excess parking spaces to lease.*

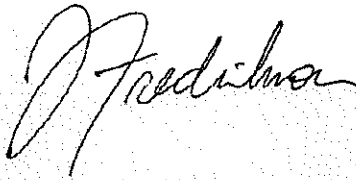
CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- 2) Parking permits to the municipal parking garage.
 - a. *The applicant is requesting one (1) parking space within the municipal parking garage.*
- 3) On-street parking permits within established Residential Permit Program Areas.
 - a. *There is no established residential parking permit program on Arenta Street for the use of short-term rentals.*

Information Only: As of the date of this report the Planning & Zoning Board has approved 33 offsite parking spaces within the municipal parking garage and approval of this application would result in a total of 34.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for one (1) short term rental offsite parking space in the municipal parking garage for 28 Arenta Street / PID 118760-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Tracey Mullins

From: Jacob Fredriksson
Sent: Wednesday, November 9, 2022 9:12 AM
To: Adrienn Molnar
Cc: Tracey Mullins
Subject: RE: Planning and Zoning Board Application at 28 Arenta Street

Good morning,

We would just need a floor plan of the building and proof of attempts to contact commercial businesses within 400' and excess parking for lease at least ten days prior to the meeting. If you have any other questions please let me know.

Jacob Fredriksson

Senior Planner
City of St. Augustine | Planning and Building Department
P.O. Box 210 | St. Augustine, FL 32085
Office: 75 King Street, Lobby B | Phone: 904.209.4331

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Adrienn Molnar <adri.molnar@gmail.com>
Sent: Wednesday, November 9, 2022 7:44 AM
To: Jacob Fredriksson <jfredriksson@citystaug.com>
Subject: Re: Planning and Zoning Board Application at 28 Arenta Street

Good morning,

Yes we would like to be on the Board meeting on December 6th. Should I feel up a new application? We are going to purchase a Parking Garage Pass for the exemption.

Thank you!

Adrienn Molnar
Good 2be home CS
904/347-7990

On Nov 8, 2022, at 4:26 PM, Jacob Fredriksson <jfredriksson@citystaug.com> wrote:

Good afternoon,

Checking in to see if you were looking to be put on the December 6th Planning and Zoning Board Agenda with a modified application. Thank you for your time.

Jacob Fredriksson

Senior Planner
City of St. Augustine | Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2022-0071
Receipt Number: 2476748 Meeting Date: Nov. 1, 2022
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: ADRIENN MOLNAR Contact Number: 904 347 7990
Business (if applicable): GOOD 2 BE HOME
Address: 20. NEWCOMB STREET City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: adri.molnar@gmail.com

2. NAME OF PROPERTY OWNER: ADRIENN MOLNAR Contact Number: 904 347 7990
Business (if applicable): GOOD 2 BE HOME
Address: 28. ARENTA STREET. City: ST. AUG. State: FL Zip: 32084
E-Mail Address: adri.molnar@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____
Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 28. Arenta St.

5. SPECIFIC PROPOSED USE: ADDITIONAL PARKING SPACE

6. ACTION REQUESTED:

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

7. DESCRIPTION OF ACTION REQUESTED: WE HAVE A 3 BR. SHORT TERM RENTAL, AND ONLY 1 PARKING SPACE BY CURB AND DRIVE WAY. NEXT DOOR NEIGHBOR GIVE US A PERMIT TO USE THE DRIVE WAY IF OUR GUESTS NEED IT.

19 Arenta St.
Leon Street

Amended request 2 spots in
city parking garage

8. JUSTIFICATION FOR ACTION REQUESTED: WE NEED AN EXCEPTION TO GET THE PERMIT FROM THE CITY.

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.

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.

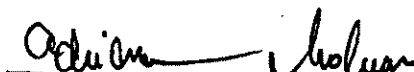
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

09/15/2022.
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.

ADRIENN HOLNAR

Print name of applicant

Adrienn Holnar

Signature of applicant

09/15/2022.

Date

10/31/17



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

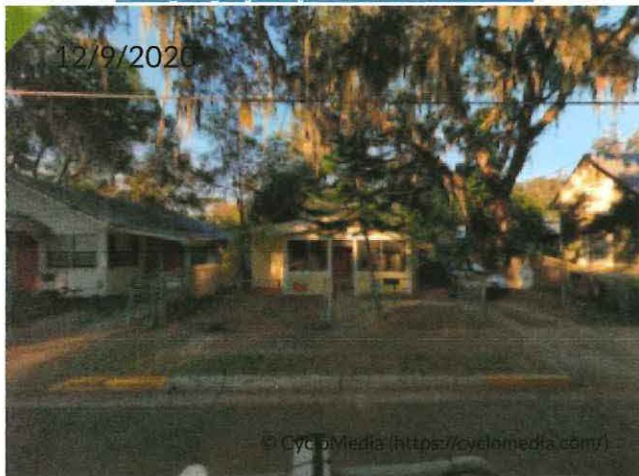
[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	1187600000
Location Address	28 ARENTA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Bravo Park (684)
Tax Description*	1-133 WILDWOOD PARK LOT 1 BLK C OR5109/1627 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Wildwood Park, Map Of
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.140
Homestead	N

Owner Information

Owner Name	Good 2be Home Cleaning Service LLC 100%
Mailing Address	20 NEWCOMB ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2022
Building Value	\$112,377
Extra Features Value	\$0
Total Land Value	\$86,016
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$198,393
Total Deferred	\$39,897
Assessed Value	\$158,496
Total Exemptions	\$0
Taxable Value	\$158,496

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

Historical Assessment Information

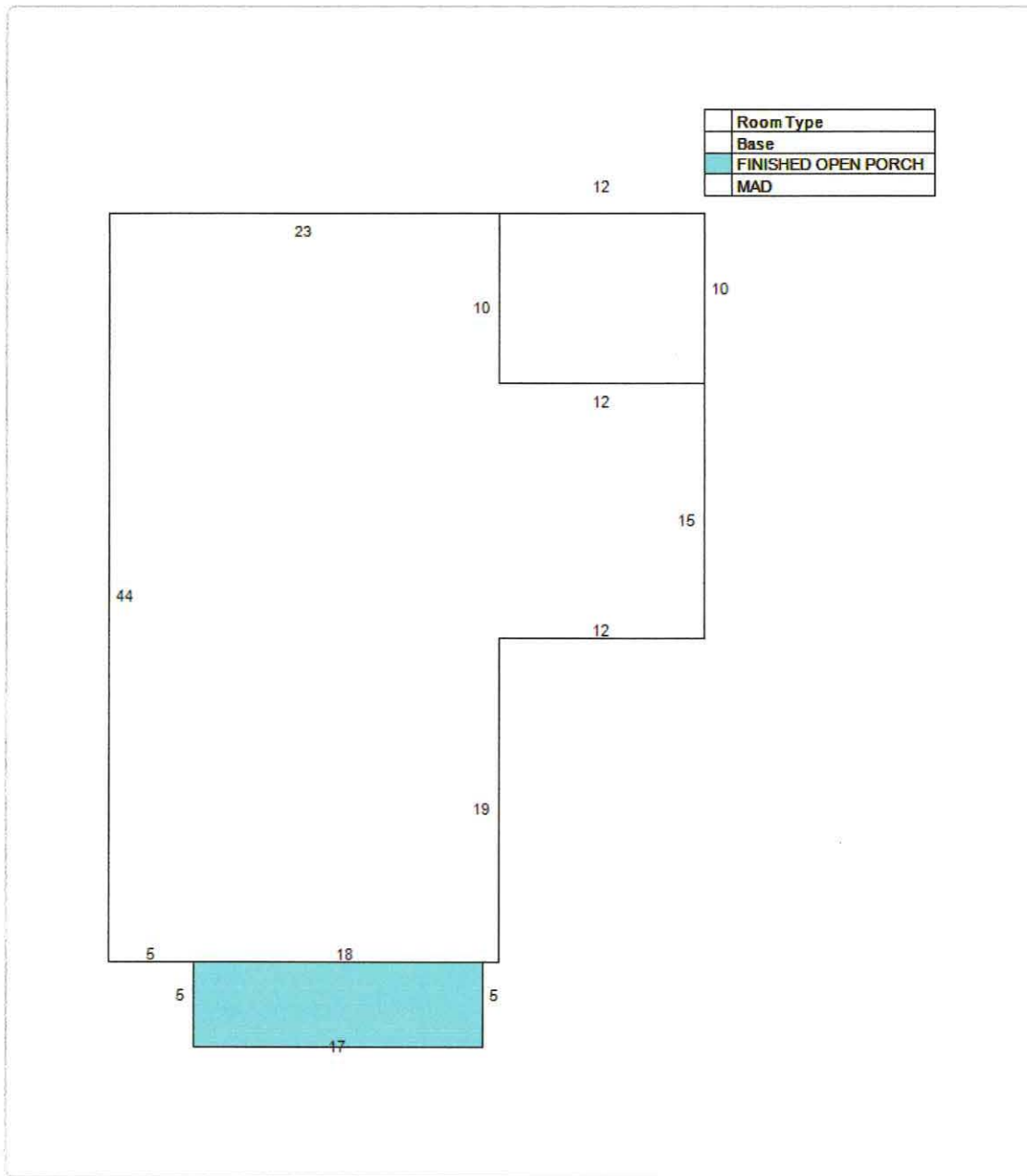
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$112,377	\$0	\$86,016	\$0	\$0	\$198,393	\$158,496	\$39,897	\$158,496
2021	\$74,487	\$0	\$69,600	\$0	\$0	\$144,087	\$144,087	\$0	\$144,087
2020	\$92,229	\$0	\$52,800	\$0	\$0	\$145,029	\$145,029	\$0	\$145,029
2019	\$95,266	\$0	\$30,000	\$0	\$0	\$125,266	\$57,723	\$100,766	\$24,500
2018	\$96,667	\$0	\$30,000	\$0	\$0	\$126,667	\$56,647	\$102,167	\$24,500
2017	\$99,470	\$286	\$23,040	\$0	\$0	\$122,796	\$55,482	\$97,796	\$25,000
2016	\$50,445	\$655	\$15,360	\$0	\$0	\$66,460	\$54,341	\$41,460	\$25,000
2015	\$41,742	\$655	\$12,720	\$0	\$0	\$55,117	\$53,963	\$30,117	\$25,000
2014	\$40,160	\$655	\$12,720	\$0	\$0	\$53,535	\$53,535	\$28,535	\$25,000
2013	\$41,906	\$655	\$12,636	\$0	\$0	\$55,197	\$55,040	\$30,197	\$25,000
2012	\$42,779	\$655	\$12,636	\$0	\$0	\$56,070	\$54,120	\$31,070	\$25,000
2011	\$37,849	\$655	\$14,040	\$0	\$0	\$52,544	\$52,544	\$27,544	\$25,000
2010	\$48,588	\$655	\$15,600	\$0	\$0	\$64,843	\$64,843	\$39,843	\$25,000

Building Information

Building	1
Year Built	1963
Actual Area	1397
Conditioned Area	1312
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Terrazzo, Wood Laminate
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	1

Description	Square Footage
BASE AREA	1192
MASONRY ADDITION	120
FINISHED OPEN PORCH	85
Total SqFt	1397



Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	48	124	48	EF	\$86,016

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/30/2020	11/6/2020	\$173,000.00	WARRANTY DEED	5109	1627	Q	I	CHENNAULT CAROL ANN TRUST	GOOD 2BE HOME CLEANING SERVICE LLC
7/22/2019	7/18/2019	\$100.00	WARRANTY DEED	4763	998	U	I	CHENNAULT CAROL ANN	CHENNAULT CAROL ANN TRUST
2/19/2019	2/18/2019	\$170,000.00	WARRANTY DEED	4681	1970	Q	I	WOOD DIANE M	CHENNAULT CAROL ANN
2/19/2019	8/17/2017	\$0.00	DEATH CERTIFICATE	4681	1968	U	I	WOOD SCOTT PERRY (DECD)	WOOD DIANE M
	2/23/2007	\$135,000.00	WARRANTY DEED	2876	307	Q	I	FAZIO FRANK J SR	WOOD DIANE M,SCOTT P
	7/17/1995	\$0.00	LIFE ESTATE	1119	491	U	I	FAZIO CARMEN TRINGALI	FAZIO CARMEN TRINGALI ***



Overview



Legend

□ Parcels

Parcel ID	1187600000	Physical	28 ARENTA ST	Building Value	\$112,377	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Family	Mailing	GOOD 2BE HOME CLEANING	Value		11/6/2020	\$173000	01	Q
Taxing	City of St	Address	SERVICE LLC	Total Land	\$86,016	2/18/2019	\$170000	01	Q
District	Augustine		20 NEWCOMB ST	Value					
Acres	0.14		SAINT AUGUSTINE FL 32084-0000	Just Value	\$198,393				
				Total Deferred	\$39,897				
				Assessed Value	\$158,496				
				Total	N/A				
				Exemptions					
				Taxable Value	\$158,496				

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: 10/5/2022

Last Data Uploaded: 10/5/2022 1:07:27 AM

Developed by  Schneider
GEOSPATIAL

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **USE BY EXCEPTION 2022-0082**

AGENDA ITEM 6(b)

APPLICANT Travis Lantz
c/o The Toy Barn

OWNER Azman Kayakli
c/o 2401 Ponce de Leon, LLC

LOCATION 2401 N Ponce de Leon Boulevard / PID 156080-0000

REQUEST To approve a use by exception for a business where
automotive vehicles are offered for rent or sale
within the Commercial Medium-two (CM-2) zoning
district.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-Two (CM-2)

APPLICABLE CODES/ORDINANCES

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

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

(a) Zoning exceptions:

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

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

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the

completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

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

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

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

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

- a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.
- b. **Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale,** repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
- c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
- e. Hotels and motels with or without kitchenettes.
- f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- g. Multifamily dwellings as for RG-1.
- h. Colleges.
- i. Shopping plaza or shopping center.
- j. Intermediate care facilities.

- k. Home office, private.
 - l. Agricultural market, outdoor or indoor.
 - m. Special event venue as per [section 28-347\(8\)](#).
 - n. Craft alcohol industry. See also [section 28-209\(1\)d](#). for limitations on any type of wholesale, jobber or distributorship business.
- (2) *Permitted accessory uses*. See [section 28-348](#).
- (3) *Permissible uses by exception*:
- a. As provided in [section 28-347](#).
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.
 - h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
 - i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
 - j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.**
 - k. Uses and structures as for RG-1 ([section 28-163](#)).
 - l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (4) *Minimum lot requirements (width and area)*:
- a. Minimum lot width, one hundred (100) feet.
 - b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings*. Seventy-five (75) percent.
- (6) *Minimum yard requirements*:
- a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be

- measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
- b. Side, five (5) feet.
 - c. Rear, five (5) feet.
 - d. Minimum yard requirements for the San Marco Avenue Design Standards.
Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.
- (7) *Maximum height of structures*: Thirty-five (35) feet.
- (8) *Vehicular access*: Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

STAFF SUMMARY AND ANALYSIS

The proposed use of the building and property at 2401 N Ponce de Leon Boulevard is for the sales and rentals of street legal golf carts, scooters, and Mamba vehicles.

Previous businesses at this property consisted of a furniture store and several different used car dealerships. Surrounding uses include several retail stores and office units.

Staff finds that the applicant's business proposal may contribute to the tourism industry of St. Augustine and may also provide a benefit in improved appearance of a vacant building along the established commercial US Highway 1 corridor.

A business that provides vehicle rentals for the purpose of exploring the City of St. Augustine does fit within the character of the existing area and is also similar to previous businesses which operated at this property.

The applicant was informed in a Friday Review meeting on October 21st, 2022 that certain defined Low Speed vehicles, such as golf carts cannot by Florida Statute cross US Highway 1 or ride on US Highway 1 from this location. Only street legal, qualifying vehicles may operate on, or cross US 1 based on Florida Statute.

The PZB may want to clarify or address this issue.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a vehicle sale and rental business at 2401 N Ponce de Leon Boulevard / PID 156080-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250.00 (plus advertising costs) Project Number: 2022-0082

Receipt Number: 2497936 Meeting Date: 12/6/22

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

1. NAME OF APPLICANT: Travis Lantz Contact Number: 941-350-0776

Business (if applicable): The Toy Barn

Address: 1768 Palm View Rd City: Sarasota State: FL Zip: 34240

E-Mail Address: info@tbrrentals.com

2. NAME OF PROPERTY OWNER: Azman Dayakli Contact Number: 201-803-6099

Business (if applicable): 2401 Ponce De Leon, LLC

Address: 56 Charlotte St City: St Augustine State: FL Zip: 32084

E-Mail Address: azmannyc2@yahoo.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 8, 9, 14, 10 & 13 Block: 6

Subdivision: Sanchez Parcel Number: 1560800000

4. PROJECT STREET ADDRESS: 2401 N Ponce De Leon Blvd

5. SPECIFIC PROPOSED USE: Golf Cart/Vehicle Rentals

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☒ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Rental of street legal

golf carts, scooters, & Mambas.

8. JUSTIFICATION FOR ACTION REQUESTED: Use by exception

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: _____

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

11. AGREEMENT:

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Signature of Applicant

11/1/22

Date

Signature of Property Owner


DRAFT

11/2/22

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.

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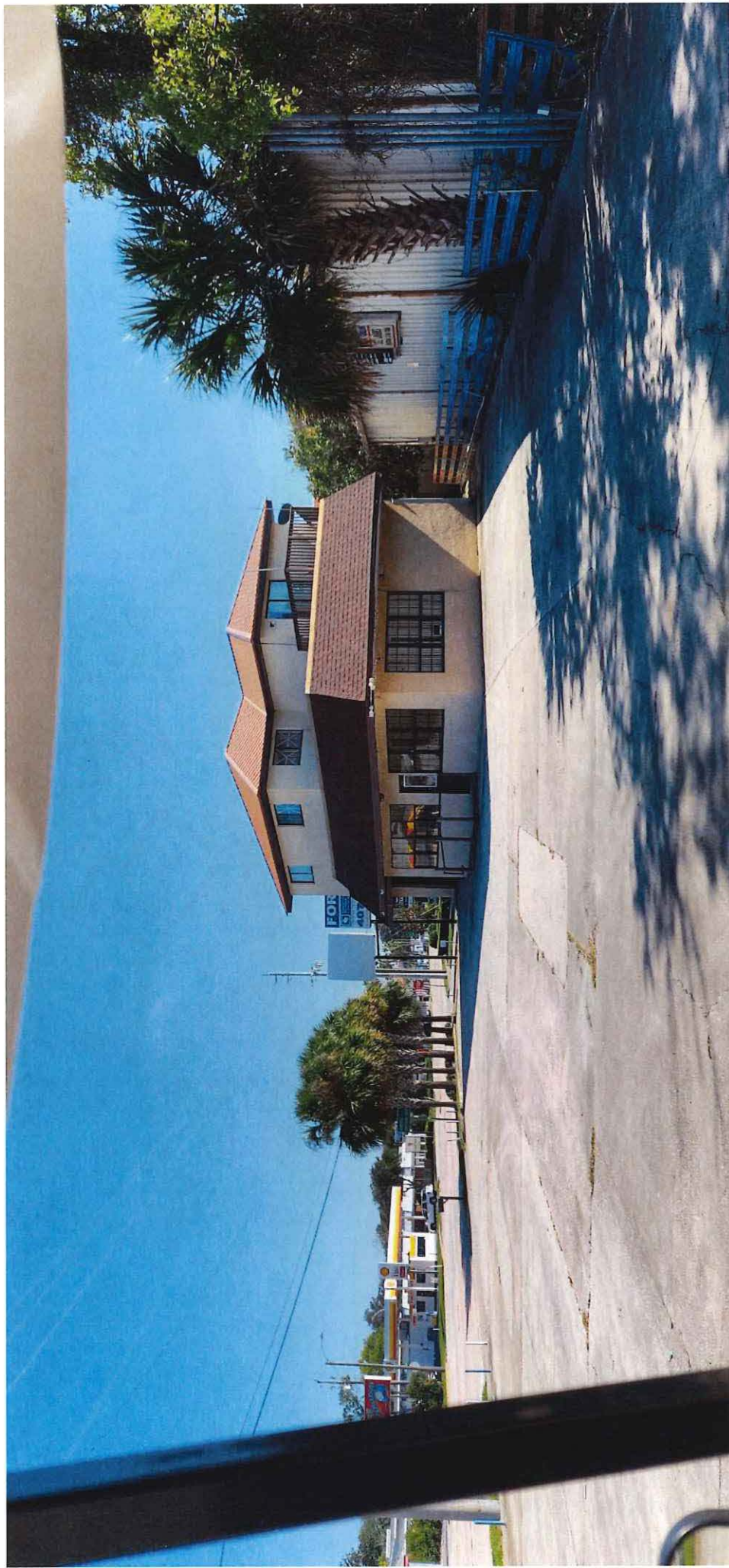
Travis Lantz
Print name of applicant

T. Lantz
Signature of applicant

11/1/22
Date

 - Road Access















St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	1560800000
Location Address	2401 PONCE DE LEON BLVD SAINT AUGUSTINE 32084-0000
Neighborhood	Auto Sales Countywide (COM) (647.7)
Tax Description*	1-110 SANCHEZ SUB WHITE CITY ALL LOTS 8 9 & 14 (EX R/W OF RD 5 IN DB208/212 & DB209/383) & LOTS 10 & 13 BLK 6 OR5621/93(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision	Sanchez Land, Plat of Section 45 & 46 Tp
Sec/Twp/Rng	45-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.480
Homestead	N

Owner Information

Owner Name	2401 Ponce DE Leon LLC 100%
Mailing Address	2401 N PONCE DE LEON BLVD SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$63,943
Extra Features Value	\$36,878
Total Land Value	\$311,235
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$412,056
Total Deferred	\$0
Assessed Value	\$412,056
Total Exemptions	\$0
Taxable Value	\$412,056

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
2022	\$56,077	\$7,775	\$311,235	\$0	\$0	\$375,087	\$347,873	\$27,214	\$347,873
2021	\$48,876	\$6,503	\$311,235	\$0	\$0	\$366,614	\$316,248	\$50,366	\$316,248
2020	\$51,448	\$6,503	\$311,235	\$0	\$0	\$369,186	\$287,498	\$81,688	\$287,498
2019	\$43,302	\$6,503	\$311,235	\$0	\$0	\$361,040	\$261,362	\$99,678	\$261,362
2018	\$51,094	\$6,503	\$311,235	\$0	\$0	\$368,832	\$237,602	\$131,230	\$237,602
2017	\$53,881	\$6,503	\$155,618	\$0	\$0	\$216,002	\$216,002	\$0	\$216,002
2016	\$69,980	\$19,555	\$155,618	\$0	\$0	\$245,153	\$232,982	\$12,171	\$232,982
2015	\$58,923	\$18,011	\$134,868	\$0	\$0	\$211,802	\$211,802	\$0	\$211,802
2014	\$57,098	\$9,727	\$134,868	\$0	\$0	\$201,693	\$201,693	\$0	\$201,693
2013	\$58,739	\$9,727	\$134,868	\$0	\$0	\$203,334	\$203,334	\$0	\$203,334
2012	\$58,714	\$9,727	\$134,868	\$0	\$0	\$203,309	\$203,309	\$0	\$203,309
2011	\$42,976	\$9,727	\$150,430	\$0	\$0	\$203,133	\$203,133	\$0	\$203,133
2010	\$41,265	\$18,554	\$165,992	\$0	\$0	\$225,811	\$225,811	\$0	\$225,811

Building Information

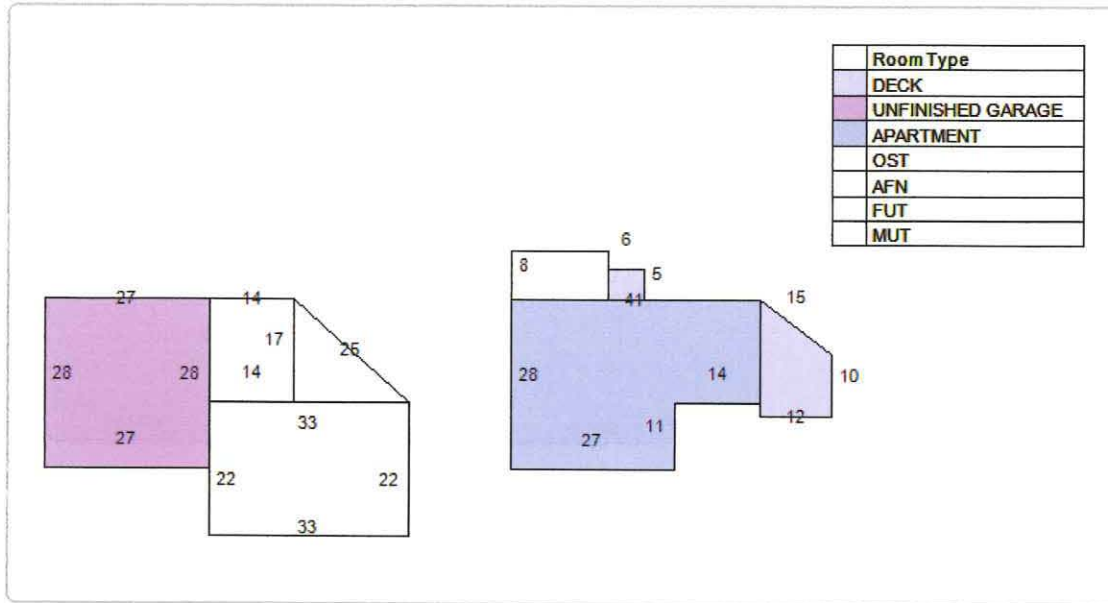
Building	1
Year Built	1962
Actual Area	3208
Conditioned Area	1720
Use	Mixed Use (Store/Office/Residential Combo)
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Cover	Built Up, Metal
Roof Structure	Rigid Frame
Interior Flooring	Concrete Finish, Carpet
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
MASONRY UTILITY	238
FRAME UTILITY	162
AVERAGE FINISHED OFFICE	726
OUTSIDE STAIRS	128
APARTMENT	994

UNFINISHED GARAGE	756
FINISHED DECK	30
FINISHED DECK	174
Total SqFt	3208

Sketch Information



Extra Feature Information

Code Description	Status	Value
Concrete Paving - Under 8" (COM)		36648
Curb (COM)		230

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	250	130	20749	SF	\$311,235

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/23/2022	8/22/2022	\$500,000.00	QUIT CLAIM DEED	5621	93	U	I	DAYAKLI AZMAN, MARIA	2401 PONCE DE LEON LLC
3/25/2022	3/24/2022	\$900,000.00	WARRANTY DEED	5523	1406	Q	I	DUFRESNE BRUCE TRUST	DAYAKLI AZMAN, MARIA
	12/15/1994	\$100.00	QUIT CLAIM DEED	1087	1520	U	I	DUFRESNE BRUCE	DUFRESNE BRUCE TRUSTEE
	10/31/1994	\$100.00	QUIT CLAIM DEED	1087	1519	U	I	DUFRESNE CATHERINE L	DUFRESNE BRUCE
	9/18/1991	\$100.00	PERSONAL REP	910	1024	U	I		DUFRESNE CATHERINE L
	11/1/1986	\$0.00		725	52	U	I		
	11/1/1986	\$115,000.00		725	49	Q	I		

No data available for the following modules: Exemption Information.

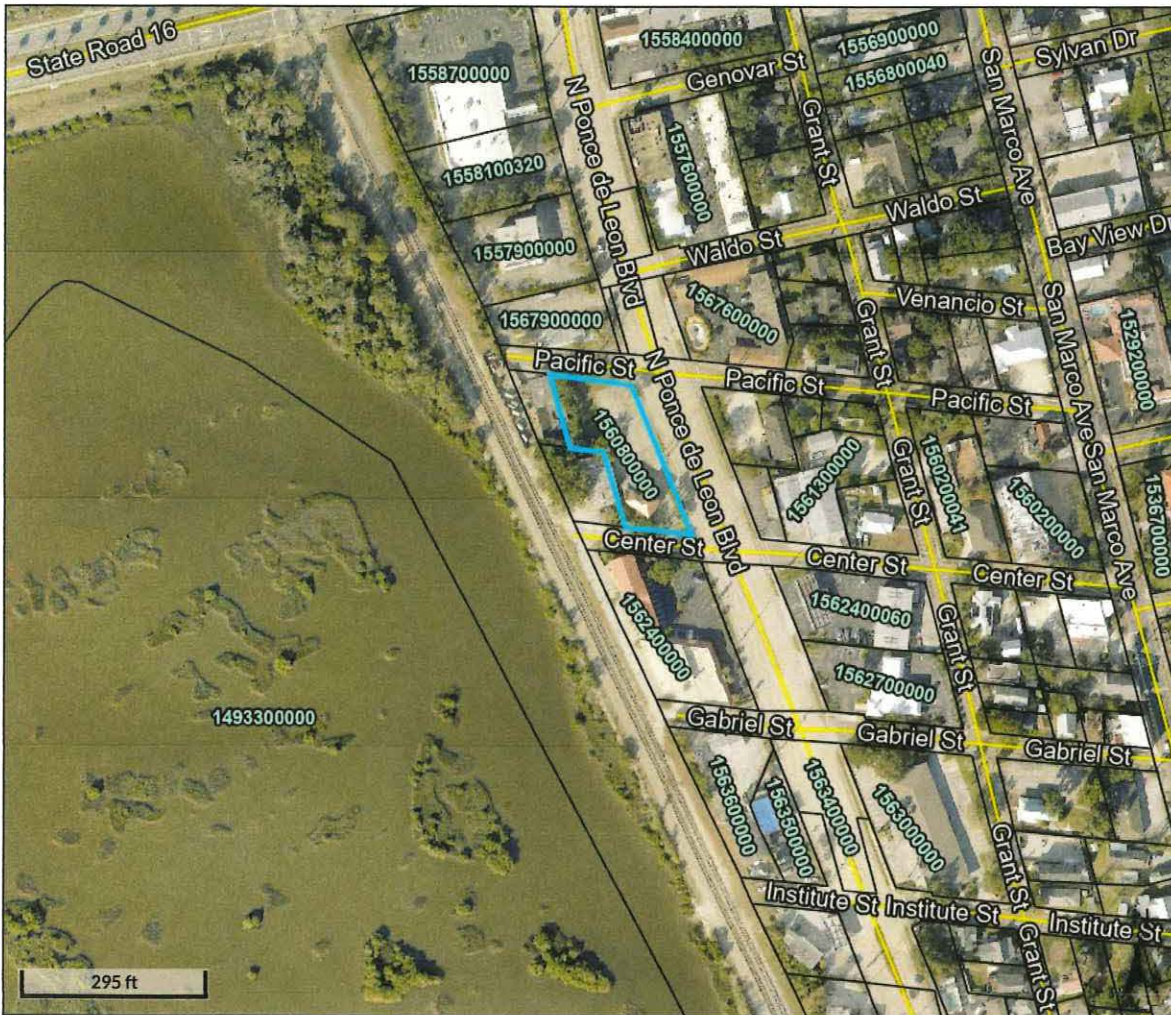
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 11/3/2022, 2:23:20 AM

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 Schneider
 GEOSPATIAL

Version 2.3.229



Overview



Legend

□ Parcels

Parcel ID	1560800000	Physical Address	2401 PONCE DE LEON BLVD	Building Value	\$63,943	Last 2 Sales			
Property Class	1200 - Mixed Use (Store/Office/Residential Combo)		SAINT AUGUSTINE	Extra Feature Value	\$36,878	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	2401 PONCE DE LEON LLC			8/22/2022	\$500000	11	U
Acres	0.48		2401 N PONCE DE LEON BLVD	Total Land Value	\$311,235	3/24/2022	\$900000	01	Q
			SAINT AUGUSTINE FL 32084-0000	Just Value	\$412,056				
				Total	N/A				
				Deferred Assessed Value	\$412,056				
				Total	N/A				
				Exemptions					
				Taxable Value	\$412,056				

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: 11/3/2022

Last Data Uploaded: 11/3/2022 2:23:20 AM

Developed by  Schneider
GEOSPATIAL

Tracey Mullins

From: Ryan Carter <ryan@carterenv.com>
Sent: Tuesday, November 29, 2022 10:40 AM
To: Jacob Fredriksson; Amy Skinner; Tracey Mullins
Cc: Tim Boehlein, EI; A. J. 'Jay' Brown, Jr., PE; Dale Parsons; Chris Potts, PE; Cameron Jacobs; brandonparsonsrealty@gmail.com; Michael Carpenter
Subject: RE: Eco Village Florida Avenue 2022-0057 - Continuance to February Request

Jacob, Amy and Tracey,

Please accept this email requesting a continuance to the February PZB meeting and let me know when the due date for our information is to make that agenda. We are still working with SJRWMD to finalize the wetland line and are awaiting our final review date with them. Once the wetlands are final we can update the site plan and all of related required information. Therefore, please reply with your acceptance of our request for continuance, let me know when the due date is for our information is to make the February agenda or contact me with any questions. Thanks.

Sincerely,
Ryan
904-540-1786

From: Jacob Fredriksson <jfredriksson@citystaug.com>
Sent: Friday, November 18, 2022 5:17 PM
To: Ryan Carter <ryan@carterenv.com>; Amy Skinner <askinner@citystaug.com>; Tracey Mullins <tmullins@citystaug.com>
Cc: Tim Boehlein, EI <tim.boehlein@jbpro.com>; A. J. 'Jay' Brown, Jr., PE <jay.brown@jbpro.com>; Dale Parsons <dparsons@cdgfla.com>; Chris Potts, PE <chris.potts@jbpro.com>; Cameron Jacobs <tcjacobs48@gmail.com>; brandonparsonsrealty@gmail.com; Michael Carpenter <mcarpenter@carterenv.com>
Subject: RE: Eco Village Florida Avenue 2022-0057 - Continuance to January Request

Good evening,

We will inform the board that you will be tabled to January 3rd in order to submit the information that was previously requested. In regards to the new information the deadline would be December 5th so that staff can review the completeness and potential modifications and make a decision if amendments to the agenda are needed or advertising needs to be updated.

Once again the deadline is December 5th for the additional information that was previously requested and any modifications that are taking place. Based on what is submitted staff will then make a determination on if the changes are enough for readvertising. If this deadline of December 5th is also too soon please let us know. Thank you.

Jacob Fredriksson
Senior Planner
City of St. Augustine | Planning and Building Department
P.O. Box 210 | St. Augustine, FL 32085
Office: 75 King Street, Lobby B | Phone: 904.209.4331

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0077**

AGENDA ITEM 7(b)

APPLICANT Ryan Carter
c/o Carter Environmental Services

OWNER Kenneth Walls

LOCATION Lot 12 Pelican Reef Drive / PID 158573-0130

REQUEST To approve the construction of a new 3,457 square foot dock, bulkhead, and two (2) boat lifts within Conservation Overlay Zone 1.

LAND USE Residential Low Density

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

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 3,457 square foot dock, bulkhead, and two (2) boat lifts within Conservation Overlay Zone 1 and allow access to the Matanzas River.

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

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

- (1) Site specific conditions:

This property has approximately 155 feet of Matanzas River frontage. Adjacent properties utilize bulkheads and are elevated from the coastline. Mangroves are present in the area but will not be negatively impacted from construction.

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

The property sits on the Matanzas River next to a currently vacant single-family lot to the South and a community dock on the property to the North.

- (3) Natural and proposed drainage patterns.

The proposed bulkhead will be approximately 196 linear feet along the wetland line and has potential to alter drainage patterns.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary, and no long-term erosional impacts will take place.

- (6) Impact on floodplain.

There is no impact on floodplains associated with this application.

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

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed work will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials.

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

Use of the dock by the new owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion. No vegetation or shellfish are present under the proposed dock. In addition, a long flat sandy beach is located landward that eventually meets salt marsh vegetation.

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

The proposed bulkhead is roughly 196 feet in length from opposite property lines of the property on the waterward edge.

- (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.

N/A.

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

N/A.

(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.

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of new pilings for the dock construction.

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

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

c) The effects on the project on waterfowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many waterfowl.

Negative: Extremely small loss of foraging habitat.

(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.

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock with the decking not exceeding 6' above mean high waterline. The new boat lift(s) will be low-profile and will not exceed a 12,000 pound capacity.

Sec. 28-6. - Accessory buildings.

Except for temporary storage of building supplies during the period of construction of the main use building no accessory building shall be used or occupied until the main use building on the lot is being used. This restriction shall not apply to boat docks, boathouses and well houses.

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 3,457 square foot dock, bulkhead, and two boat lifts within Conservation Overlay Zone 1 at Lot 12 Pelican Reef Drive / PID 157573-0130.

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

Because Pelican Reef is a gated community, please contact the owner Kenneth Walls at 404-277-7526 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

OCT 19 2022

Planning/Building Dept.

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0677
Receipt Number: 2486583 Meeting Date: 12/6/22
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: RYAN CARTER Contact Number: _____
Business (if applicable): CARTER ENVIRONMENTAL SERVICES
Address: 42 MASTERS DR City: ST. AUGUSTINE State: FL Zip: 32080
E-Mail Address: ryan@carterenv.com
2. NAME OF PROPERTY OWNER: KENNETH WALLS Contact Number: 404-277-7526
Business (if applicable): _____
Address: 3045 SLATON DR NW City: ATLANTA State: GA Zip: 30305
E-Mail Address: _____
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: LOT 13 & N 72.44 FT OF LOT 12 Block: 12
Subdivision: PELICAN REEF BLOCK 12 PHASE 6 Parcel Number: 1585730130
4. PROJECT STREET ADDRESS: LOT 12 PELICAN REEF DRIVE
5. SPECIFIC PROPOSED USE: PROPOSED SINGLE FAMILY DOCK
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: CONSERVATION OVERLAY ZONE APPROVAL FOR
A SINGLE FAMILY DOCK

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE
DEVELOPMENT SUPPLEMENT

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

11. AGREEMENT:

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

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

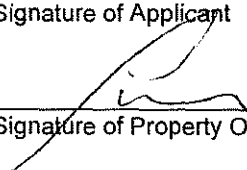
Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

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


Signature of Applicant

8-29-22

Date


Signature of Property Owner

9/19/22
Date

04/18/2019



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

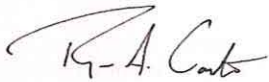
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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

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

RYAN CARTER

Print name of applicant



Signature of applicant

8-29-22

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF
OF KENNETH WALLS, 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:
PELICAN REEF DR

BY: [Signature]
Signature of Owner
KENNETH LUCAS WALLS
Print Name of Owner

Telephone Number

State of Georgia

County of Coweta

Signed and sworn before me on this 19 day of September, 2022

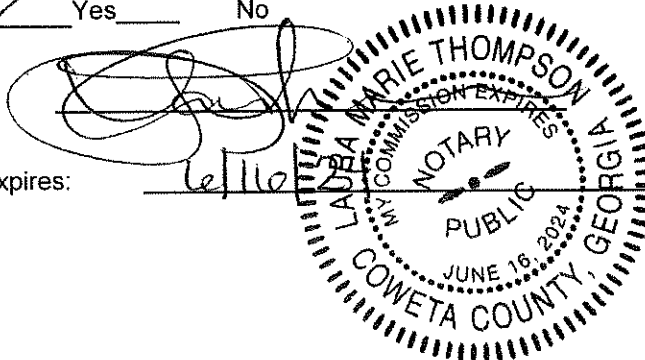
By Laura Marie Thompson

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires:





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](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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

1/12/2021

© CycloMedia (<https://cyclomedia.com/>)

Parcel ID	1585730130
Location Address	PELICAN REEF DR SAINT AUGUSTINE 32080-0000
Neighborhood	pelican reef (ICW) (628.42)
Tax Description*	111/57-61 PELICAN REEF BLOCK 12 PHASE 6 LOT 13 & N 72.44 FT OF LOT 12 OR 5457/1653 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	PELICAN REEF BLOCK 12 PHASE 6
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.610
Homestead	N

Owner Information

Owner Name	Walls Kenneth Lucas 100%
Mailing Address	3045 SLATON DR NW ATLANTA, GA 30305-0000

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$1,204,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,204,000
Total Deferred	\$0
Assessed Value	\$1,204,000
Total Exemptions	\$0
Taxable Value	\$1,204,000

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

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$1,204,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/30/2021	12/23/2021	\$1,250,000.00	WARRANTY DEED	5457	1653	Q	V	PELICAN REEF OF ST AUGUSTINE LLC	WALLS KENNETH LUCAS

No data available for the following modules: 2021 TRIM Notice, Exemption Information, Historical Assessment Information, Building Information, Sketch Information, Extra Feature Information.

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

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

Last Data Upload: 8/27/2022, 12:36:13 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.216

Attachment 1
Overlay Zone Application Narrative

**Lot 12 Pelican Reef Drive
Overlay Zone Development Application Supplement
August 2022**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead as well as a proposed dock that includes two boat lifts at Lot 12 Pelican Reef Drive. The proposed dock will allow the new owners access to the Matanzas River. Total dock and lift area over open water will be approximately 3,457 sq. ft. The height of the dock will be 5' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

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

This is a private dock. Public benefits may be economically related through construction activities and marine/boating related purchases.

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

There is a strip of salt marsh vegetation between the uplands and open water (approx. 60 ft.). The dock will be constructed 5' above mean high water, high enough as to not over shade any vegetation.

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

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

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

1. *Site specific conditions.*

This property has approximately 155 feet of Matanzas River frontage. Adjacent properties utilize bulkheads and are elevated from the coastline. Mangroves are present in the area but will not be negatively impacted from construction.

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

The property sits on the Matanzas River next to a currently vacant single-family lot to the South and a community dock on the property to the North.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

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

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low-level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

Use of the dock by the new owners will not affect any *manatees, vegetation, shellfish and wildlife or shoreline erosion*. No vegetation or shellfish are present under the proposed dock. In addition, a long flat sandy beach is located landward that eventually meets salt marsh vegetation.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of approximately new pilings for the dock construction.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The additional dock area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

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

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

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

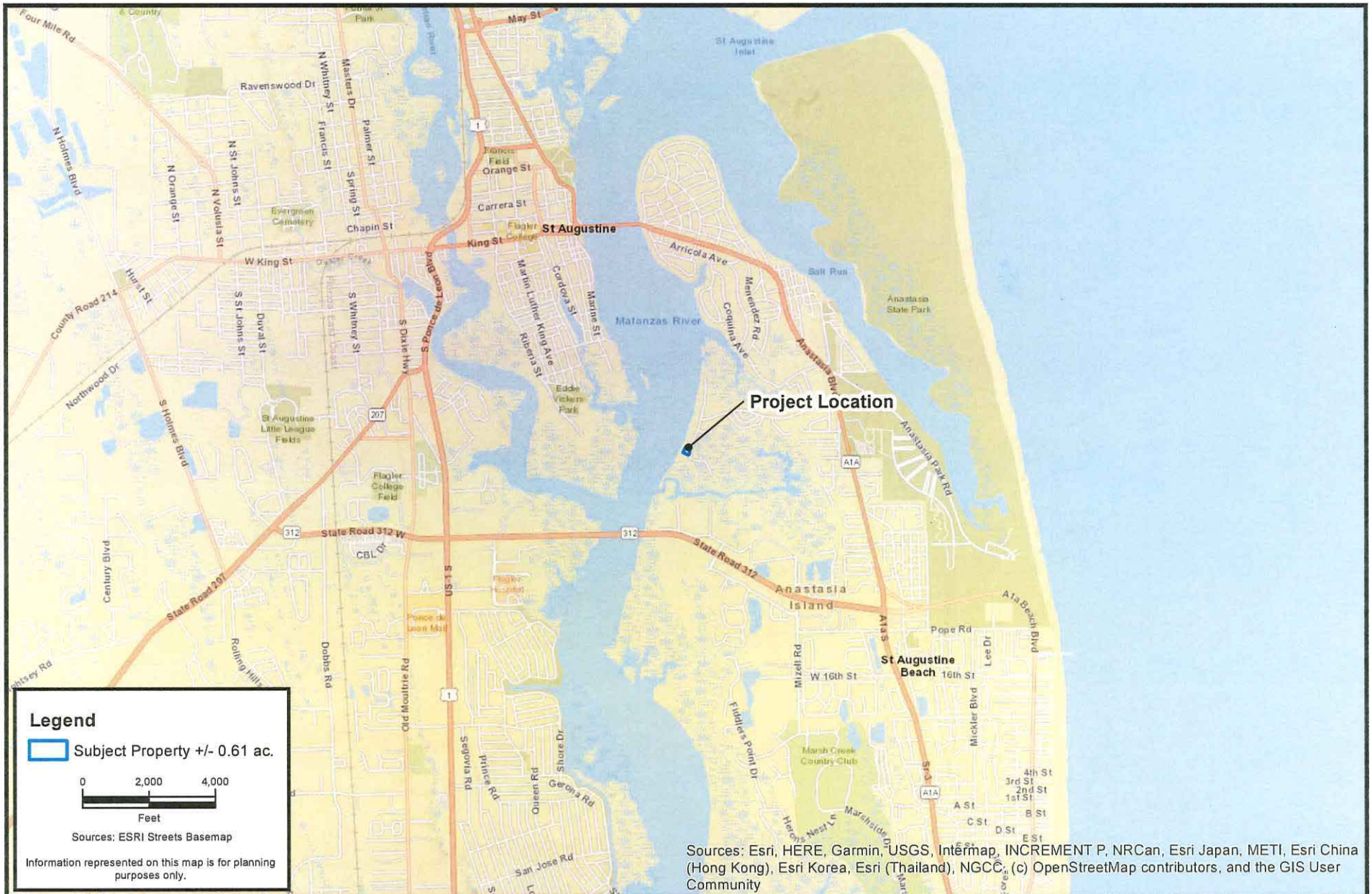
The deck will not exceed 6' above MHW, with a proposed height for the newly constructed dock being 5' to match the existing dock profile.

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

Boat lifts will be low-profile and not exceed 12,000 pounds.

Attachment 2

Overlay Zone Application Graphics



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Location Map Walls - Pelican Reef - Lot 12

Project: 5.22263

St. Augustine, FL

Date: Aug 29 2022

Figure:

1





CARTER ENVIRONMENTAL SERVICES, INC. CES 42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com	Aerial Map Walls - Pelican Reef - Lot 12			
	Project: 5.22263	St. Augustine, FL	Date: Aug 18 2022	Figure: 2



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Alignment
Walls - Pelican Reef - Lot 12

Project: 5.22263

St. Augustine, FL

Date: Aug 26 2022

Figure:

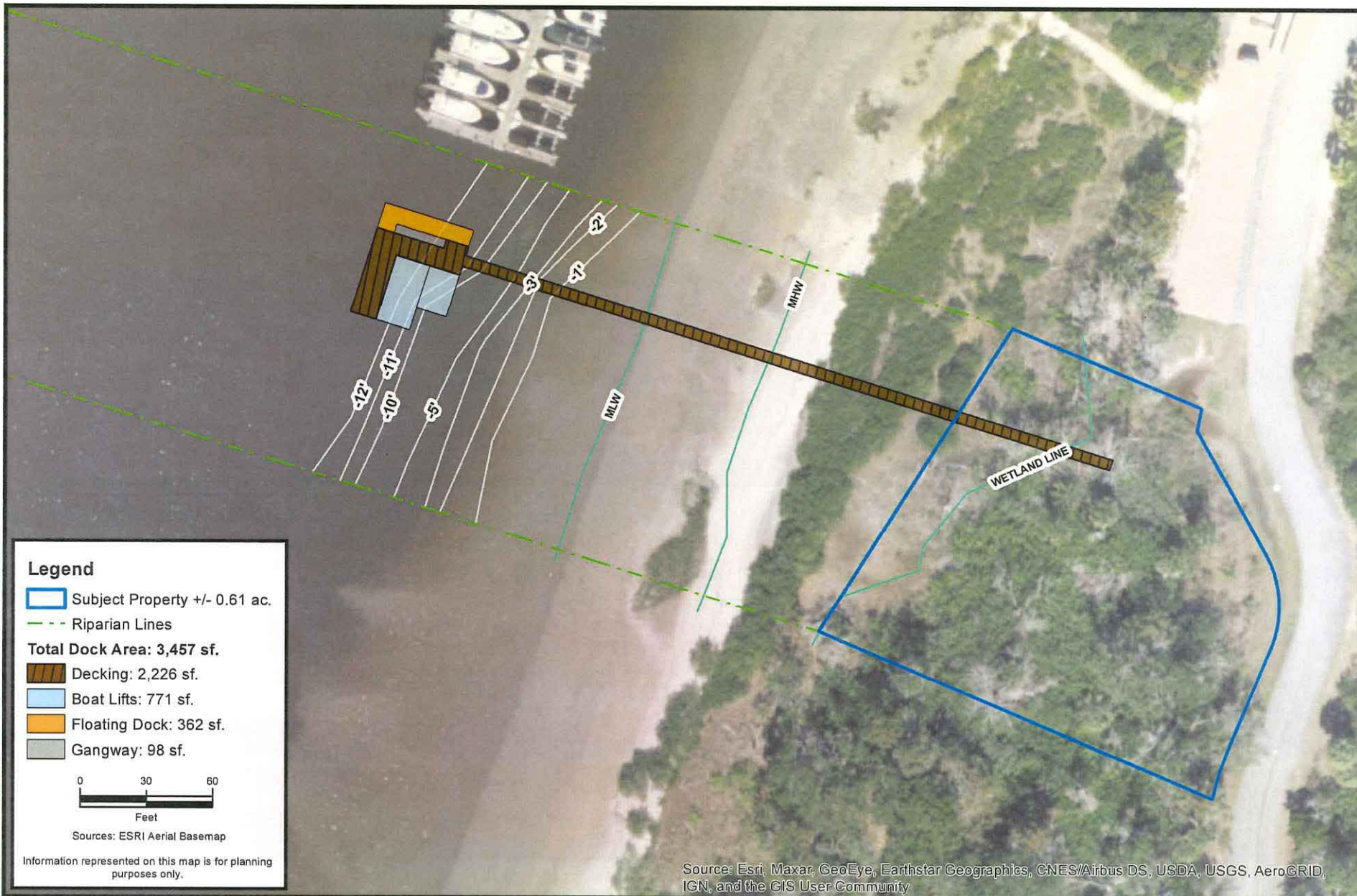
3





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





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Proposed Dock Bathymetry
Walls - Pelican Reef - Lot 12

Project: 5.22263

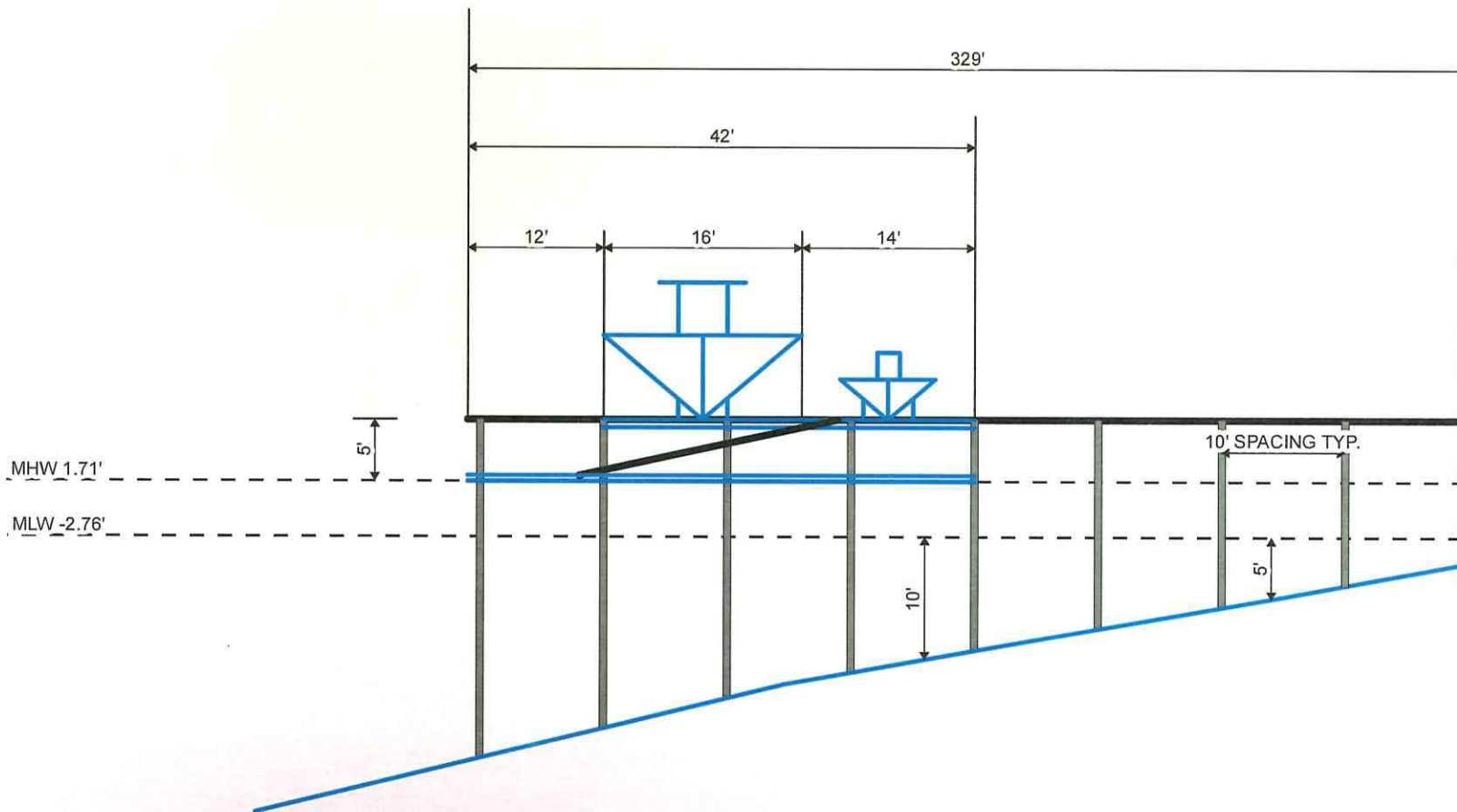
St. Augustine, FL

Date: Aug 29 2022

Figure:

5





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Profile View Detail

Walls - Pelican Reef - Lot 12

Project: 5.22263

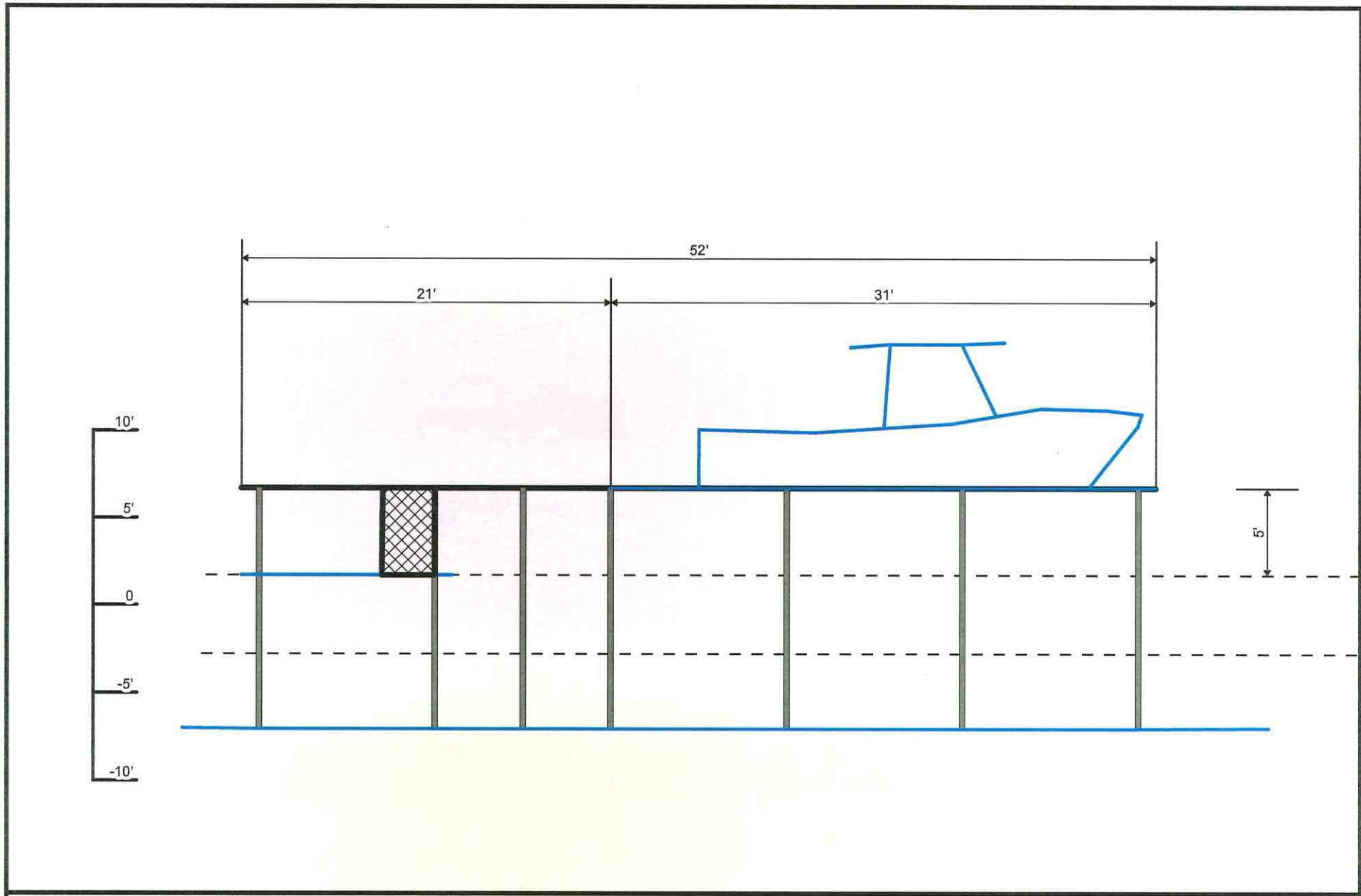
St. Augustine, FL

Date: Aug 29 2022

Figure:

6a





CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0078**

AGENDA ITEM 7(c)

APPLICANT Ryan Carter
c/o Carter Environmental Services

OWNER Michael Hutchinson

LOCATION Lot 11 Pelican Reef Drive / PID 158573-0110

REQUEST To approve the construction of a new 4,010 square foot dock, bulkhead, and three (3) boat lifts within Conservation Overlay Zone 1.

LAND USE Residential Low Density

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

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 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.*

Sec. 28-6. - Accessory buildings.

Except for temporary storage of building supplies during the period of construction of the main use building no accessory building shall be used or occupied until the main use building on the lot is being used. This restriction shall not apply to boat docks, boathouses and well houses.

STAFF SUMMARY AND ANALYSIS

This request is to construct a new 4,010 square foot dock, bulkhead, and three (3) boat lifts within Conservation Overlay Zone 1 and allow access to the Matanzas River.

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

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

- (1) Site specific conditions:

This property has approximately 107 feet of Matanzas River frontage. Adjacent properties utilize bulkheads and are elevated from the coastline. Mangroves are present in the area but will not be negatively impacted from construction.

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

The property sits on the Matanzas River next to a currently vacant single-family lot to the South and a community dock on the property to the North.

- (3) Natural and proposed drainage patterns.

The proposed bulkhead will be approximately 115 linear feet along the wetland line and has potential to alter drainage patterns.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary, and no long-term erosional impacts will take place.

- (6) Impact on floodplain.

There is no impact on floodplains associated with this application.

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

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials.

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

Use of the dock by the new owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion. No vegetation or shellfish are present under the proposed dock. In addition, a long flat sandy beach is located landward that eventually meets salt marsh vegetation.

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

The proposed bulkhead is roughly 115 feet in length from opposite property lines of the property on the waterward edge.

- (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.

N/A.

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

N/A.

- (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.

- a) The effects of the proposed project on commercial and sport fish are as follows:*

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of new pilings for the dock construction.

- b) The effects of the project on shellfish are as follows:*

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

- c) The effects on the project on waterfowl are as follows*

Positive: The new boardwalk could be used as a resting place or perch for many waterfowl.

Negative: Extremely small loss of foraging habitat.

- (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.

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock with the decking not exceeding 6' above mean high waterline. The new boat lift will be a low-profile and will not exceed a 12,000 pound capacity.

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 4,010 square foot dock, bulkhead, and three boat lifts within Conservation Overlay Zone 1 at Lot 11 Pelican Reef Drive / PID 158573-0110.

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

Because Pelican Reef is a gated community, please contact the owner Michael Hutchinson at 478-957-5016 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

OCT 19 2022

Planning/Building Dept.

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0018
Receipt Number: 2486642 Meeting Date: 12/6/22
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: RYAN CARTER Contact Number: _____
Business (if applicable): CARTER ENVIRONMENTAL SERVICES
Address: 42 MASTERS DR City: ST. AUGUSTINE State: FL Zip: 32080
E-Mail Address: ryan@carterenv.com

2. NAME OF PROPERTY OWNER: MICHAEL HUTCHINSON Contact Number: 478-957-5016
Business (if applicable): _____
Address: 277 BUCK RUN DR City: LEESBURG State: GA Zip: 31763
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: LOT 11 & S 17.56 FT OF LOT 12 Block: 12
Subdivision: PELICAN REEF BLOCK 12 PHASE 6 Parcel Number: 1585730110

4. PROJECT STREET ADDRESS: LOT 11 PELICAN REEF DRIVE

5. SPECIFIC PROPOSED USE: PROPOSED SINGLE FAMILY DOCK

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

7. DESCRIPTION OF ACTION REQUESTED: CONSERVATION OVERLAY ZONE APPROVAL FOR
A SINGLE FAMILY DOCK & BULKHEAD

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE
DEVELOPMENT SUPPLEMENT

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

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

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

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

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

10. **PREVIOUS APPLICATIONS:**

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

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

11. **AGREEMENT:**

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

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

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

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

Signature of Applicant



8-29-22

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.

RYAN CARTER

Print name of applicant

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

Signature of applicant

8-29-22

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF
OF MICHAEL HUTCHINSON, 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:
PELICAN REEF DR

BY: [Signature]
Signature of Owner

MICHAEL HUTCHINSON
Print Name of Owner

Telephone Number

State of GA

County of Dougherty

Signed and sworn before me on this 29 day of August, 2022

By Michael Hutchinson

Identification verified: GA DL

Oath sworn: _____ Yes _____ No

Notary Signature: [Signature]

My Commission expires: 12/13/24

Joaquin Pina
NOTARY PUBLIC
Dougherty County, GEORGIA
My Commission Expires 12/13/2024



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](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	1585730110
Location Address	PELICAN REEF DR SAINT AUGUSTINE 32080-0000
Neighborhood	pelican reef (ICW) (628.42)
Tax Description*	111/57-61 PELICAN REEF BLOCK 12 PHASE 6 LOT 11 & S 17.56 FT OF LOT 12 OR5457/1619 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	PELICAN REEF BLOCK 12 PHASE 6
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.530
Homestead	N

Owner Information

Owner Name	Hutchinson Michael W 100%
Mailing Address	277 BUCK RUN DR LEESBURG, GA 31763-5656

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$1,204,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,204,000
Total Deferred	\$0
Assessed Value	\$1,204,000
Total Exemptions	\$0
Taxable Value	\$1,204,000

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

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$1,204,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/30/2021	12/23/2021	\$1,250,000.00	WARRANTY DEED	5457	1619	Q	V	PELICAN REEF OF ST AUGUSTINE LLC	HUTCHINSON MICHAEL W

No data available for the following modules: 2021 TRIM Notice, Exemption Information, Historical Assessment Information, Building Information, Sketch Information, Extra Feature Information.

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

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Attachment 1
Overlay Zone Application Narrative

**Lot 11 Pelican Reef Drive
Overlay Zone Development Application Supplement
August 2022**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead as well as a proposed dock that includes three boat lifts at Lot 11 Pelican Reef Drive. The proposed dock will allow the new owners access to the Matanzas River. Total dock and lift area over open water will be approximately 4,010 sq. ft. The height of the dock will be 5' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

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

This is a private dock. Public benefits may be economically related through construction activities and marine/boating related purchases.

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

There is a strip of salt marsh vegetation between the uplands and open water (approx. 51 ft.). The dock will be constructed 5' above mean high water, high enough as to not over shade any vegetation.

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

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A new dock will be added increasing the overall scenic vista.

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

1. *Site specific conditions.*

This property has approximately 107 feet of Matanzas River frontage. Adjacent properties utilize bulkheads and are elevated from the coastline. Mangroves are present in the area but will not be negatively impacted from construction.

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

The property sits on the Matanzas River next to a single-family house to the South and an undeveloped lot to the North.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

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

Vegetative impacts: The boardwalk could minimally shade a small portion of salt marsh, but will be built as required by state and federal agencies, five feet or higher above mean high water. Therefore, shading will be minimal.

Lighting of the open water areas at night: The proposed works will be lit with low-level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

Use of the dock by the new owners will not affect any *manatees, vegetation, shellfish and wildlife or shoreline erosion*. No vegetation or shellfish are present under the proposed dock. In addition, a long flat sandy beach is located landward that eventually meets salt marsh vegetation.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of approximately new pilings for the dock construction.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The additional dock area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

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

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

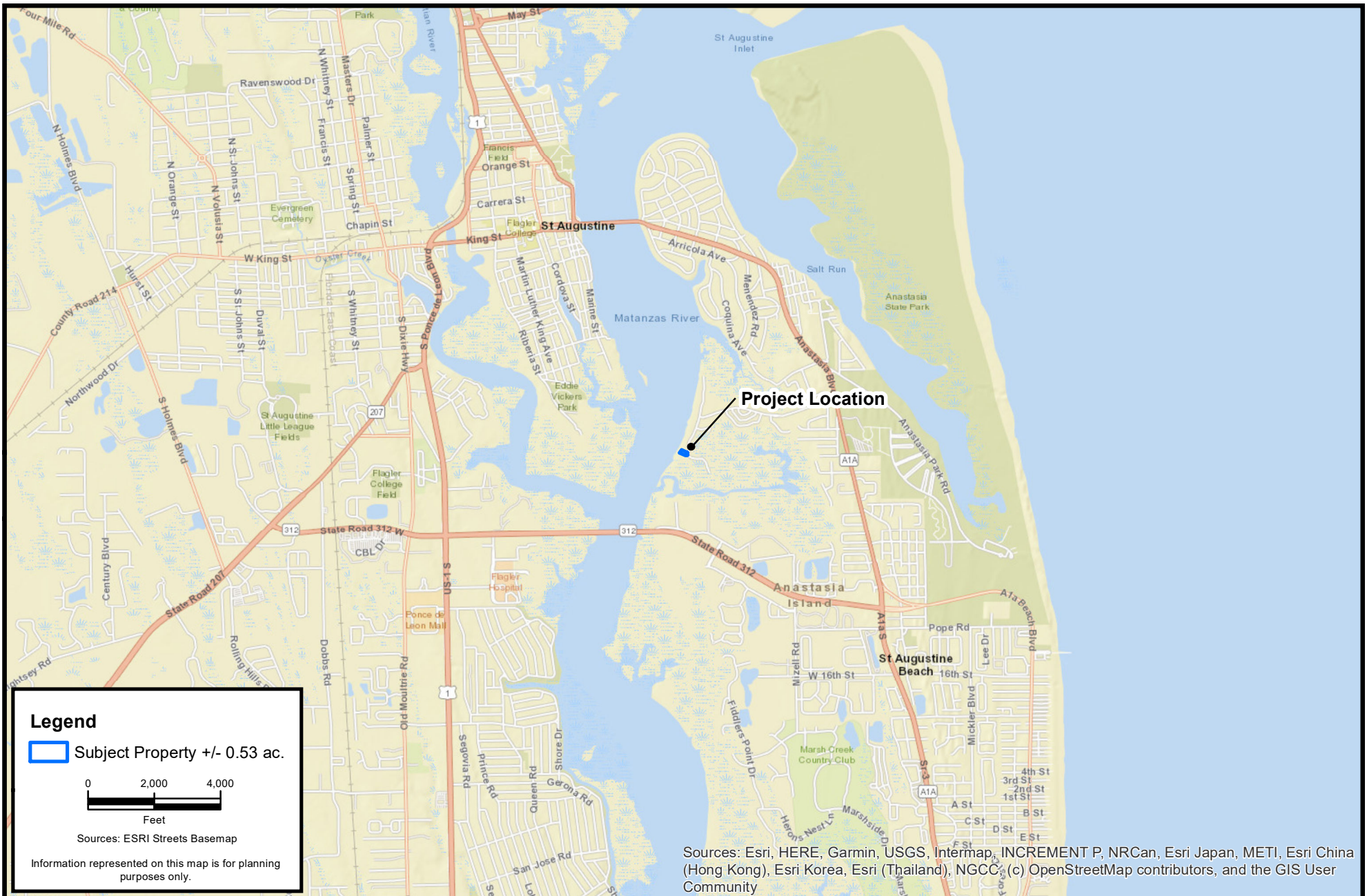
- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will not exceed 6' above MHW, with a proposed height for the newly constructed dock being 5' to match the existing dock profile.

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

Boat lifts will be low-profile and not exceed 12,000 pounds.

Attachment 2
Overlay Zone Application Graphics



**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Project: 5.22263

St. Augustine, FL

Date: Aug 18 2022

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Aerial Map

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

St. Augustine, FL

Date: Aug 30 2022

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Alignment

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

St. Augustine, FL

Date: Nov 11 2022

Figure:

3





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Proposed Dock Dimensions

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

St. Augustine, FL

Date: Nov 11 2022



Figure:

4



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Bathymetry

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

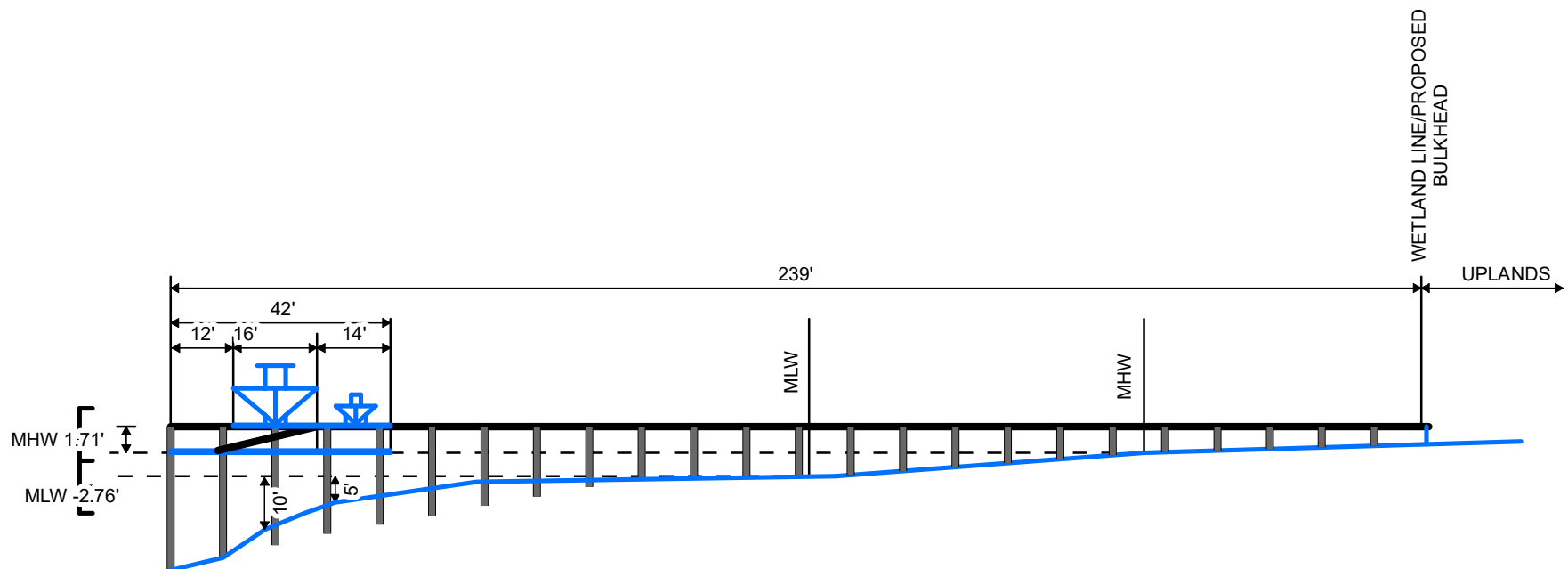
St. Augustine, FL

Date: Nov 11 2022

Figure:

5





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Profile View

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

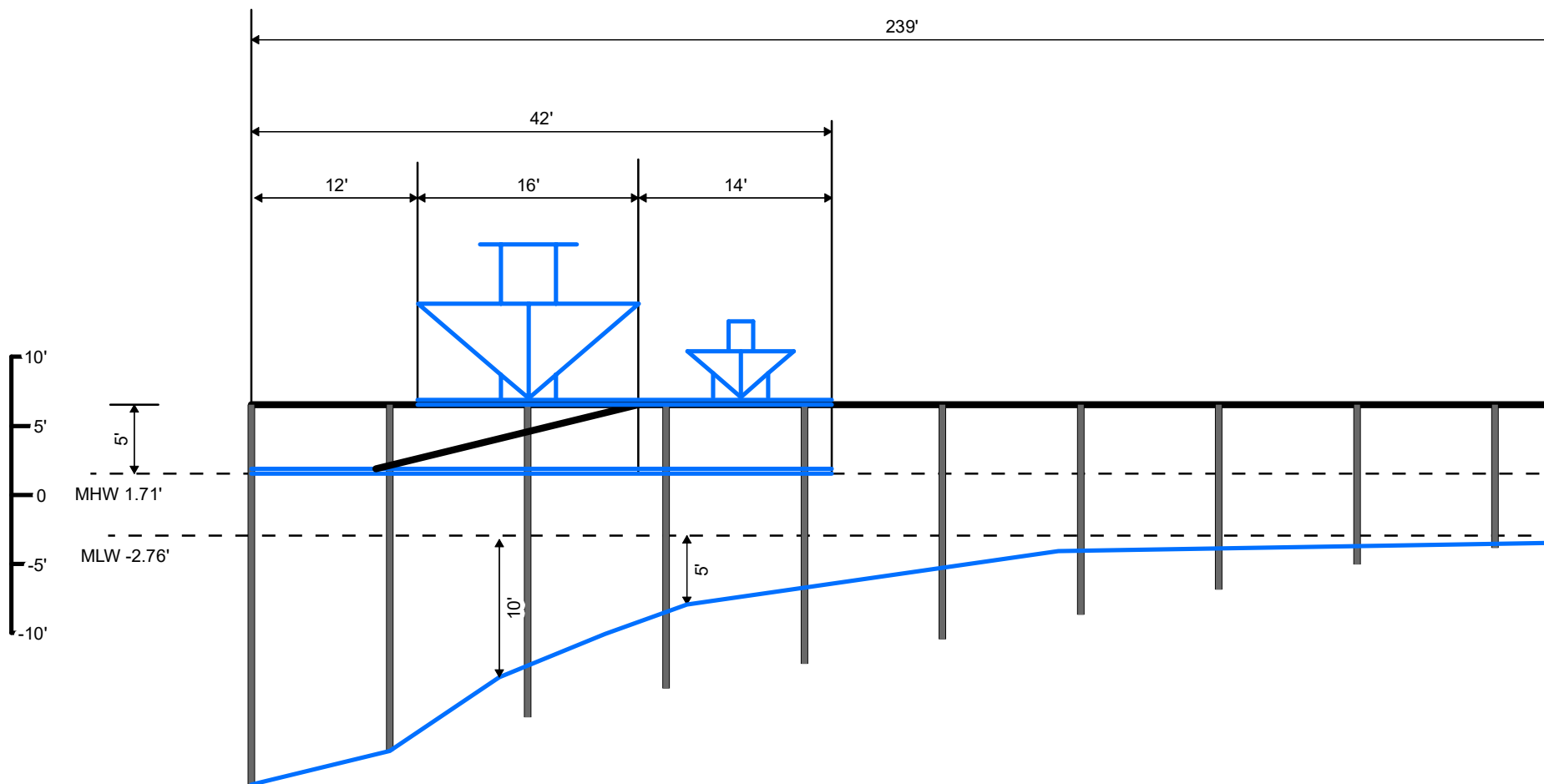
St. Augustine, FL

Date: Aug 30 2022

Figure:

6





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Profile View Detail

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

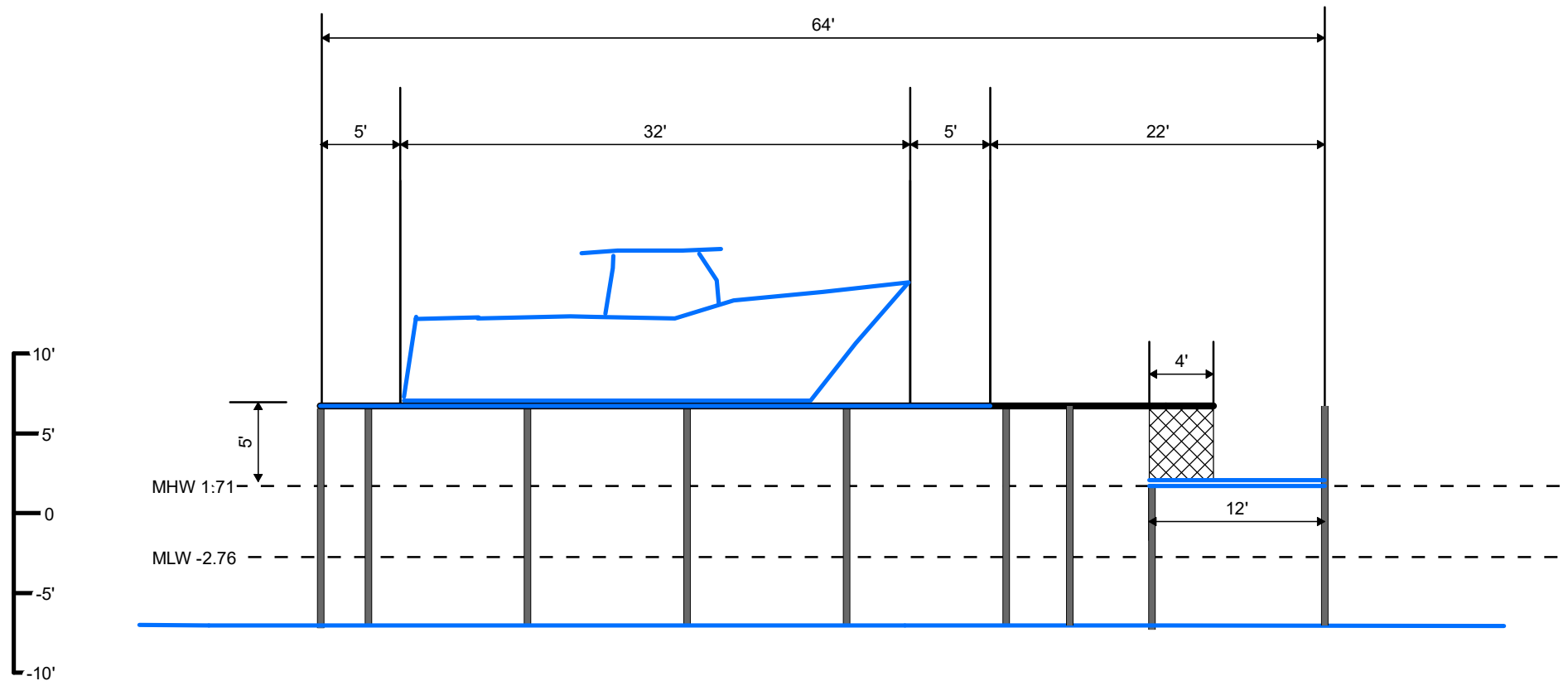
St. Augustine, FL

Date: Aug 30 2022

Figure:

6a





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Cross-Section View

Hutchinson - Pelican Reef - Lot 11

Project: 5.22264

St. Augustine, FL

Date: Nov 11 2022

Figure:

7



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT 2022-0080**

AGENDA ITEM	7(d)
APPLICANT	Ryan Carter c/o Carter Environmental Services
OWNER	Henry Green
LOCATION	24 N Saint Augustine Boulevard / PID 213480-0000
REQUEST	To approve the construction of a new 1,936 square foot dock and two (2) boat lifts 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 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 1,936 square foot dock and two (2) boat lifts within Conservation Overlay Zone 1 and allow owners access to Matanzas Bay.

Prior to the commencement of the new dock construction the applicant proposed to remove the previously constructed dock that has been made unusable by hurricanes over the past several years.

The applicant states that “there is no salt marsh vegetation between the uplands and open water on the site. The shoreline is sea-walled, and vegetation is not present.” However, included in the application is an aerial photograph, Figure 2, which shows existing vegetation to remain. The Planning and Zoning Board may want to clarify the current status of the vegetation as part of the discussion before a decision is made.

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

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

- (1) Site specific conditions:

This property has over 79 feet of Matanzas River frontage. Adjacent properties utilize bulkheads and are elevated from the coastline. Mangroves are present in the area but will not be negatively impacted from construction.

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

The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.

- (3) Natural and proposed drainage patterns.

Drainage will not be altered by the proposed works.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary, and no long-term erosional impacts will take place.

- (6) Impact on floodplain.

There is no impact on floodplains associated with this application.

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

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present. Also, the dock will minimally shade a small area of open water but will be built as required by state and federal agencies, five feet or higher above mean high water.

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials.

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

The dock site is located in a channel of deeper water within Matanzas Bay. The site is located within 50' of a Minimum Wake Zone which limits the potential impact on animal, vegetation and erosional forces of any boating activities. Additionally, a seawall armors N. St. Augustine Boulevard from any erosional forces from wave action. Use of the dock by owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

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

N/A.

- (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.

N/A.

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

N/A.

- (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.

a) *The effects of the proposed project on commercial and sport fish are as follows:*

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of approximately 64 new pilings for the dock construction.

b) *The effects of the project on shellfish are as follows:*

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

c) *The effects on the project on waterfowl are as follows*

Positive: The new boardwalk could be used as a resting place or perch for many waterfowl.

Negative: Extremely small loss of foraging habitat.

- (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.

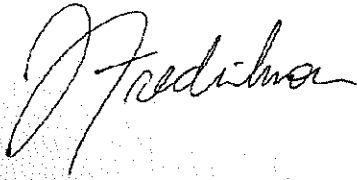
The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, 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.

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock with the decking not exceeding 6' above mean high waterline. The new boat lift will be a low-profile and will not exceed a 12,000-pound capacity.

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 1,936 square foot dock and two boat lifts within Conservation Overlay Zone 1 at 24 N Saint Augustine Boulevard / PID 213480-0000.

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: 2022-0080

Receipt Number: 2492053 Meeting Date: Dec. 6, 2022

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

1. NAME OF APPLICANT: RYAN CARTER Contact Number: 904-540-1786

Business (if applicable): CARTER ENVIRONMENTAL SERVICES

Address: 42 MASTERS DRIVE City: ST. AUGUSTINE State: FL Zip: 32084

E-Mail Address: RYAN@CARTERENV.COM

2. NAME OF PROPERTY OWNER: HENRY GREEN Contact Number: 904-806-2424

Business (if applicable): _____

Address: 24 N ST. AUGUSTINE BLVD City: ST. AUGUSTINE State: FL Zip: 32080

E-Mail Address: stauglaser@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: LOT 10 & S1/2 OF LOT 11 Block: 1

Subdivision: 3-97 DAVIS SHORES Parcel Number: 2134800000

4. PROJECT STREET ADDRESS: 24 N ST. AUGUSTINE BLVD

5. SPECIFIC PROPOSED USE: SINGLE-FAMILY DOCK

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: CONSERVATION OVERLAY ZONE APPROVAL FOR A SINGLE FAMILY DOCK

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE DEVELOPMENT SUPPLEMENT

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

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

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

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

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

10. PREVIOUS APPLICATIONS:

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

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

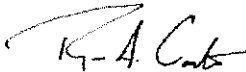
11. AGREEMENT:

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

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

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

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



Signature of Applicant

10-25-22

Date



10/25/2022

Signature of Property Owner

Date



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

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

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

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

RYAN CARTER

Print name of applicant

Handwritten signature of Ryan Carter in black ink.

Signature of applicant

10-25-22

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF OF HENRY GREEN, 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: 24 N ST. AUGUSTINE BLVD

BY: *Henry Green*
Signature of Owner
HENRY GREEN
Print Name of Owner
904-806-2424
Telephone Number

State of FLORIDA

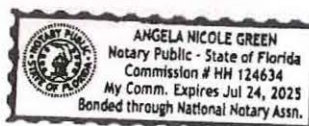
County of ST JOHN'S

Signed and sworn before me on this 26th day of October, 2020

By Henry Green

Identification verified:

Oath sworn: ☒ Yes ☐ No



Notary Signature: *Angela Nicole Green*

My Commission expires: 7/24/25



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID 2134800000
Location Address 24 N ST AUGUSTINE BLVD
 SAINT AUGUSTINE 32080-0000
Neighborhood Davis Shores (ICWFR) (590.05)
Tax Description* 3-97 DAVIS SHORES LOT 10 & S1/2 OF LOT 11 BLK 1 OR914/1614
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Davis Shores Ocean View Section
Sec/Twp/Rng 17-7-30
District City of St Augustine (District 452)
Millage Rate 18.9763
Acreage 0.270
Homestead Y

Owner Information

Owner Name Green Henry F III 100%
Mailing Address 24 N ST AUGUSTINE BLVD
 SAINT AUGUSTINE, FL 32080-3753

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000

Map



Valuation Information

	2023
Building Value	\$534,190
Extra Features Value	\$33,725
Total Land Value	\$694,579
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,262,494
Total Deferred	\$880,117
Assessed Value	\$382,377
Total Exemptions	\$50,000
Taxable Value	\$332,377

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
2022	\$454,062	\$31,465	\$694,579	\$0	\$0	\$1,180,106	\$366,595	\$863,511	\$316,595
2021	\$311,084	\$31,224	\$592,800	\$0	\$0	\$935,108	\$355,917	\$629,191	\$305,917
2020	\$300,104	\$30,683	\$592,800	\$0	\$0	\$923,587	\$351,003	\$622,584	\$301,003
2019	\$277,915	\$28,970	\$565,440	\$0	\$0	\$872,325	\$343,111	\$579,214	\$293,111
2018	\$281,263	\$30,388	\$565,440	\$0	\$0	\$877,091	\$336,713	\$590,378	\$286,713
2017	\$267,870	\$27,285	\$565,440	\$0	\$0	\$860,595	\$329,787	\$580,808	\$279,787
2016	\$271,218	\$31,884	\$565,440	\$0	\$0	\$868,542	\$324,670	\$593,872	\$274,670
2015	\$220,980	\$33,232	\$565,440	\$0	\$0	\$819,652	\$322,413	\$547,239	\$272,413
2014	\$210,518	\$34,580	\$565,440	\$0	\$0	\$810,538	\$319,854	\$540,684	\$269,854
2013	\$213,054	\$35,929	\$565,440	\$0	\$0	\$814,423	\$315,127	\$549,296	\$265,127
2012	\$195,990	\$37,277	\$433,200	\$0	\$0	\$666,467	\$309,859	\$406,608	\$259,859
2011	\$200,602	\$38,626	\$422,712	\$0	\$0	\$661,940	\$300,834	\$411,106	\$250,834
2010	\$92,815	\$9,341	\$469,680	\$0	\$0	\$571,836	\$191,381	\$430,455	\$141,381

Building Information

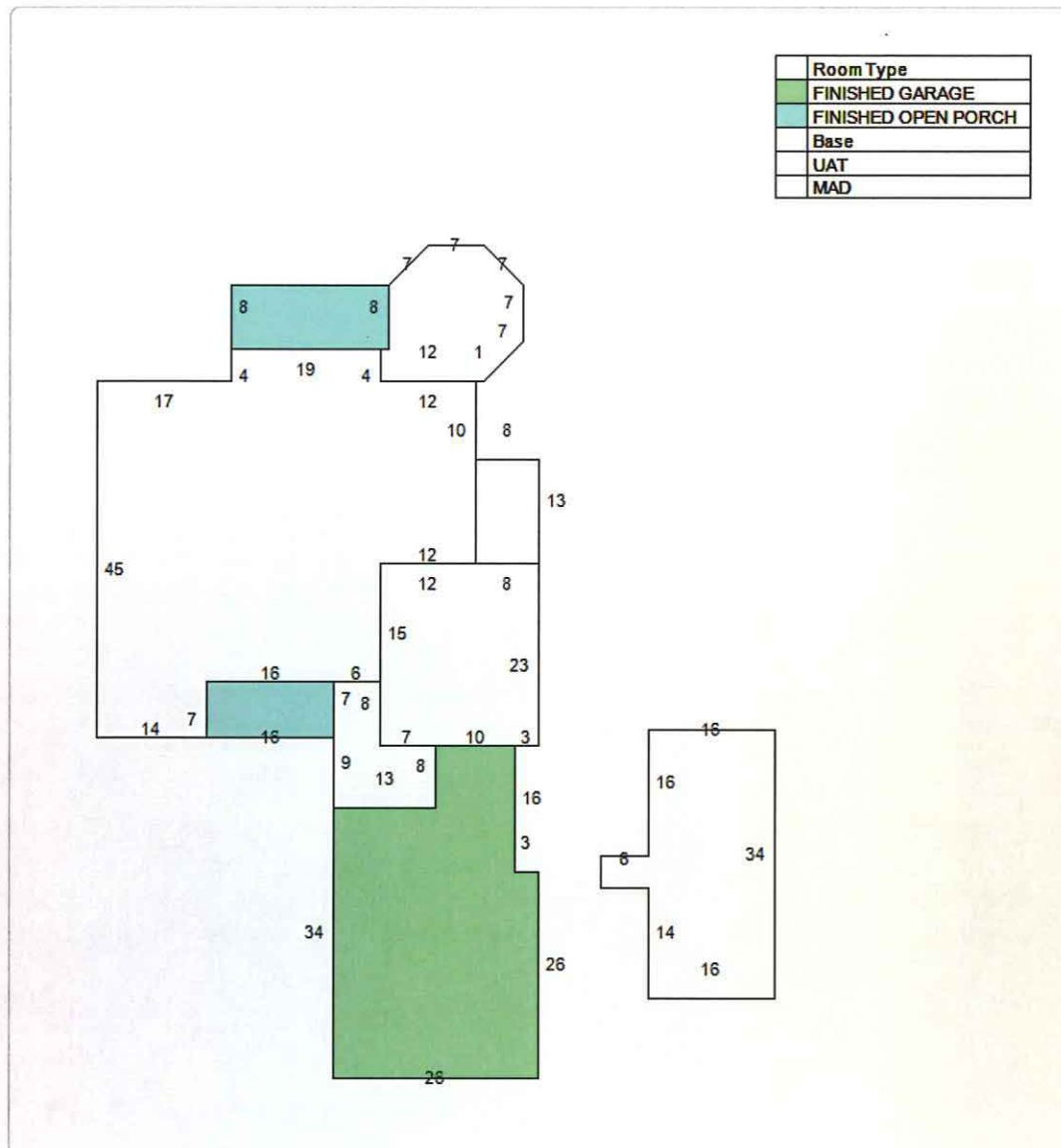
Building	1
Year Built	1950
Actual Area	4570
Conditioned Area	2790
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Stucco

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Ceramic Tile, Carpet
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	3.5

Description	Square Footage
MASONRY ADDITION	256
MASONRY ADDITION	104
UNFINISHED ATTIC	568
BASE AREA	460
BASE AREA	1818

FINISHED OPEN PORCH	160
FINISHED OPEN PORCH	112
MASONRY ADDITION	152
FINISHED GARAGE	940
Total SqFt	4570

Sketch Information



Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		7491
Boat Dock - Average (Mix)		4284
Boat Lift - Average (Mix)		500
Pool - Low (RES)		15600
Spa / Hot Tub (Mix)		5850

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	76	150	76	FF	\$694,579

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	11/8/1991	\$30,000.00	WARRANTY DEED	914	1614	U	I	GREEN SHIRLEY T	GREEN HENRY F III
	4/1/1987	\$0.00		745	10	U	I		GREEN SHIRLEY T
	4/1/1987	\$0.00		745	10	Q	I		

No data available for the following modules: Sales Questionnaire Form.

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](#)

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[Last Data Upload: 10/25/2022, 4:29:25 AM](#)

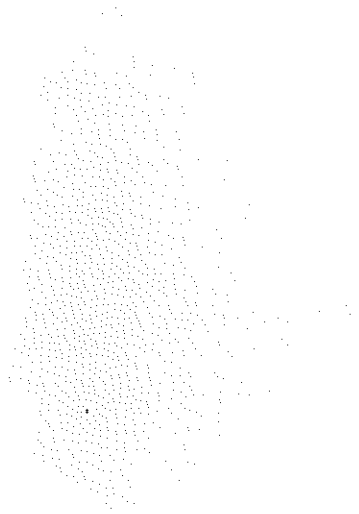
Developed by



Version 2.3.227

Attachment 1

Overlay Zone Application Narrative



**24 N St. Augustine Blvd
Overlay Zone Development Application Supplement
October 2022**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock that includes two new boat lifts. The proposed dock will allow the owners access to Matanzas Bay. Total dock and lifts area over open water will be approximately 1,936 sq. ft. The height of the dock will be 5' above Mean High Water. Prior to the commencement of new dock construction, the applicant proposes to remove the previously constructed dock that has been made unusable by hurricanes in the last several years. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

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

This is a private dock. Public benefits may be economically related through construction activities and marine/boating related purchases.

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

There is no salt marsh vegetation between the uplands and open water on the site. The shoreline is sea-walled and vegetation is not present.

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

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

Prior to the construction of the new dock, it is proposed by the applicant to remove the derelict dock that is currently present. Removal of the existing structure reduces the scenic blight.

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

1. *Site specific conditions.*

This property has approximately 79.1 feet of Matanzas Bay frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline. Mangroves and marine vegetation are present on the property but not in any areas of proposed works.

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

The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

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

Point and non-point discharge will not be altered.

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

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

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

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present. Also, the dock will minimally shade a small area of open water, but will be built as required by state and federal agencies, five feet or higher above mean high water.

Lighting of the open water areas at night: The proposed works will be lit with low-level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

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

There will be no storage of pollutants or the use of poisonous chemicals and materials

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

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

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

The dock site is located in a channel of deeper water within Matanzas Bay. The site is located within 50' of a Minimum Wake Zone which limits the potential impact on animal, vegetation and erosional forces of any boating activities. Additionally, a seawall armors N. St. Augustine Blvd. from any erosional forces from wave action. Use of the dock by the owners will not affect any *manatees, vegetation, shellfish and wildlife or shoreline erosion.*

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

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

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of approximately 64 new pilings for the dock construction.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The additional dock area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

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

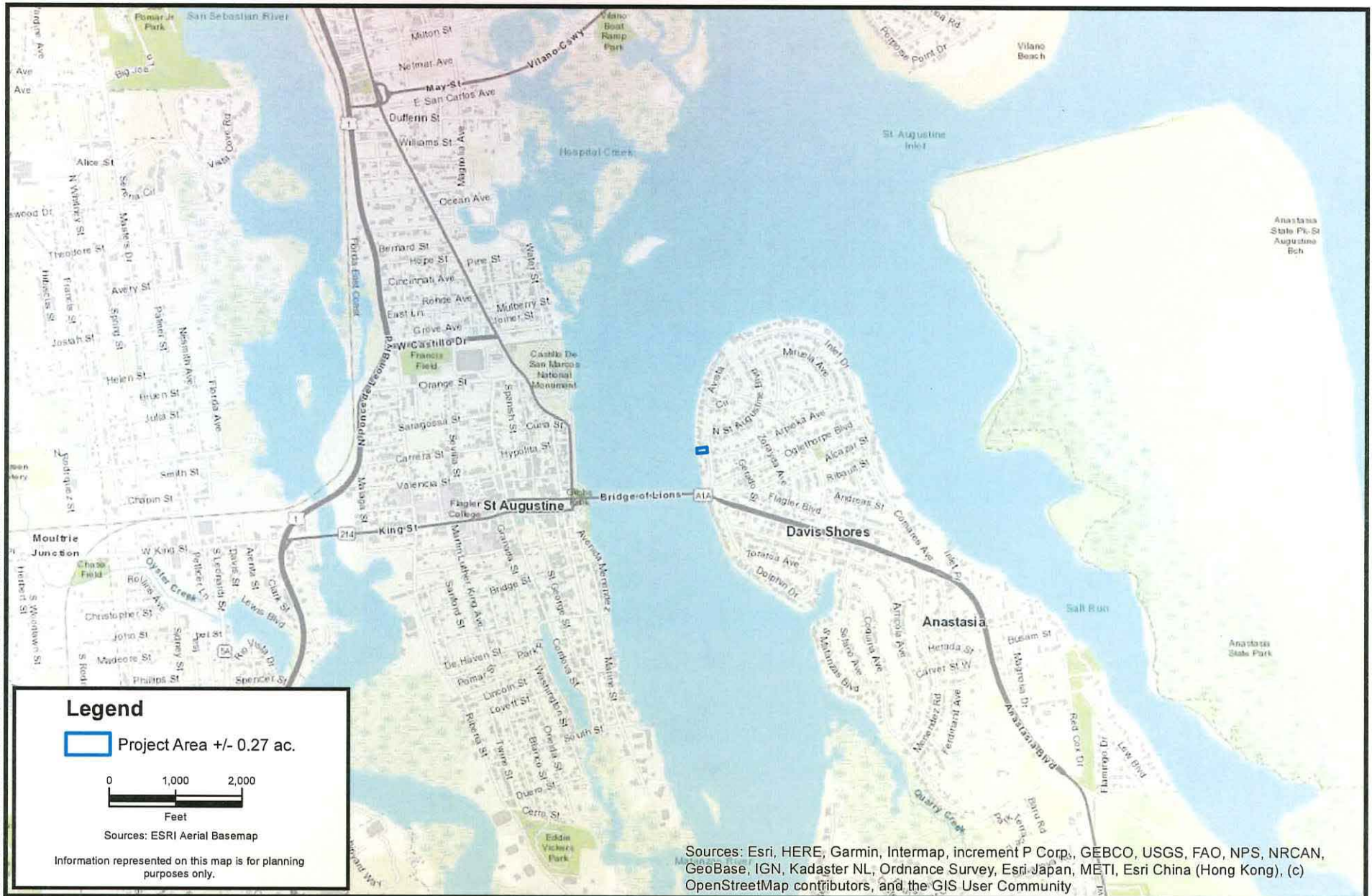
There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

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

The deck will not exceed 6' above MHW, with a proposed height for the newly constructed dock being 5' to match the existing dock profiles in the area.

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

Boat lifts will be low-profile and not exceed 12,000 pounds.



**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Project Location

Green - 24 N St. Augustine Blvd

Project:

5.22124

St. Augustine, FL

Date: Sep 27 2022

Figure:

1





CARTER ENVIRONMENTAL
SERVICES, INC.

CES

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

www.carterenv.com

Current Aerial

Green - 24 N St. Augustine Blvd

Project:

5.22124

St. Augustine, FL

Date: Oct 25 2022

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.

CES

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

www.carterenv.com

Neighboring Structures
Green - 24 N St. Augustine Blvd

Project: 5.22124

St. Augustine, FL

Date: Sep 27 2022

Figure:

3





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

Dock Alignment Green - 24 N St. Augustine Blvd		
Project:	5.22124	St. Augustine, FL
		Date: Oct 25 2022

Figure: 4



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Dock Dimensions

Green - 24 N St. Augustine Blvd

Project: 5.22124

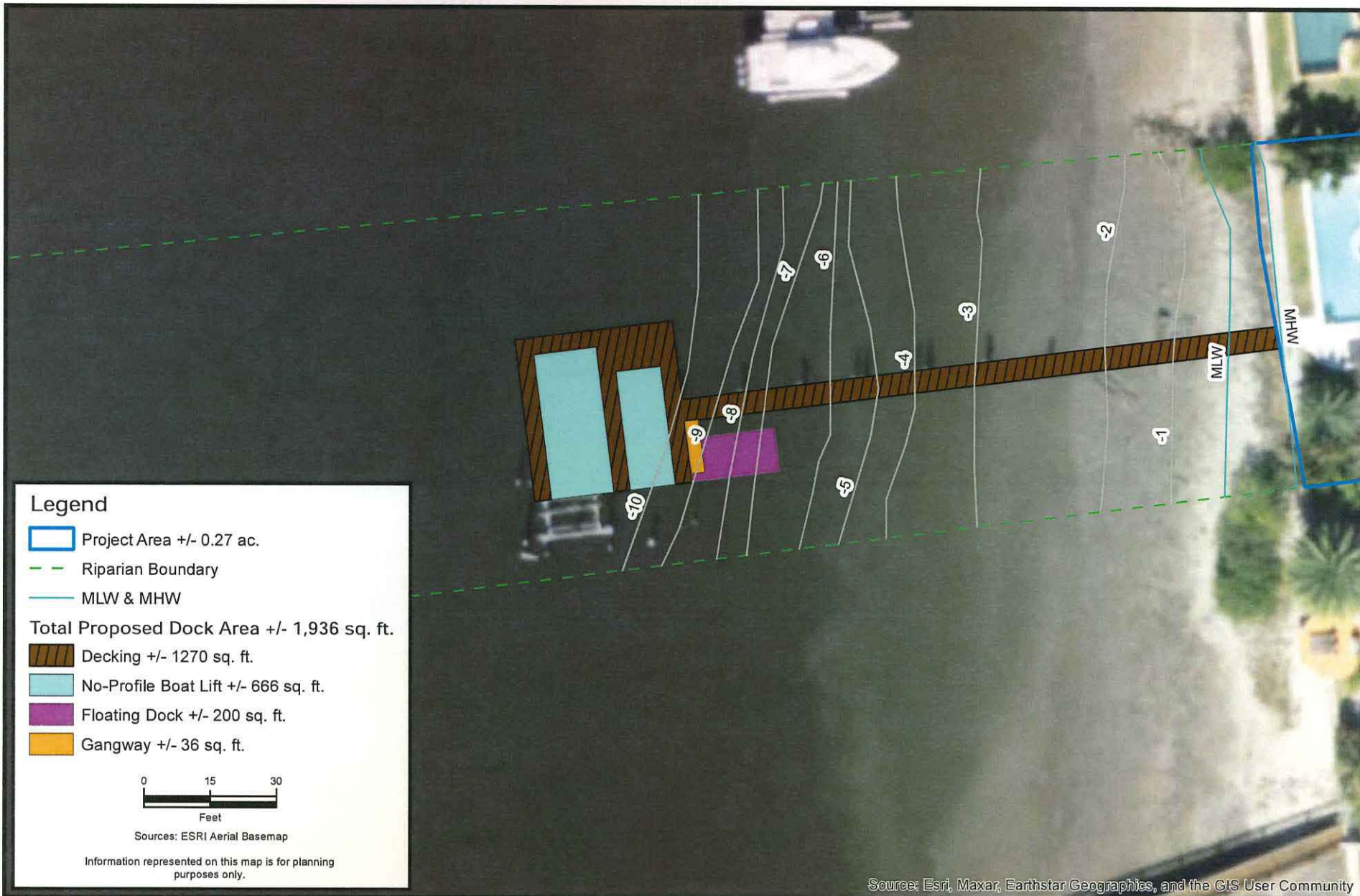
St. Augustine, FL

Date: Oct 12 2022

Figure:

5





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786
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Proposed Dock Bathymetry
Green - 24 N St. Augustine Blvd

Project: 5.22124

St. Augustine, FL

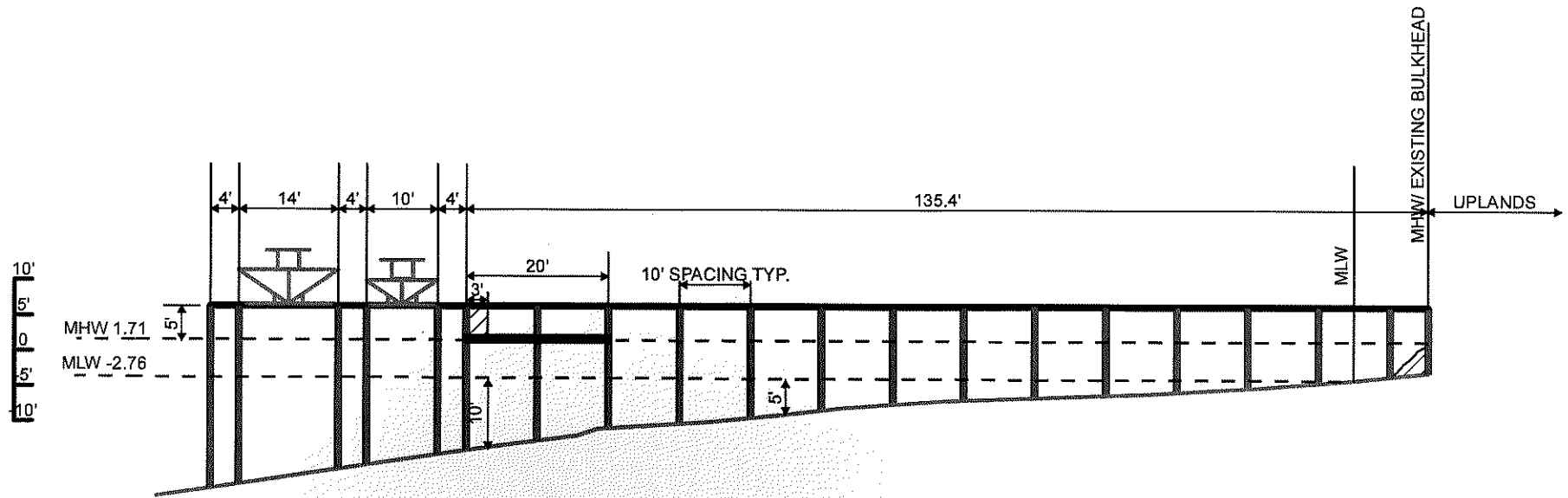
Date: Oct 21 2022

Figure:

6



F:\CES Projects\Project Files\Active\Project Files\2022\5 22124 Green - 24 N St. Augustine Blvd\GIS\MD\Profile.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Profile View

Green - 24 N St. Augustine Blvd

Project: 5.22124

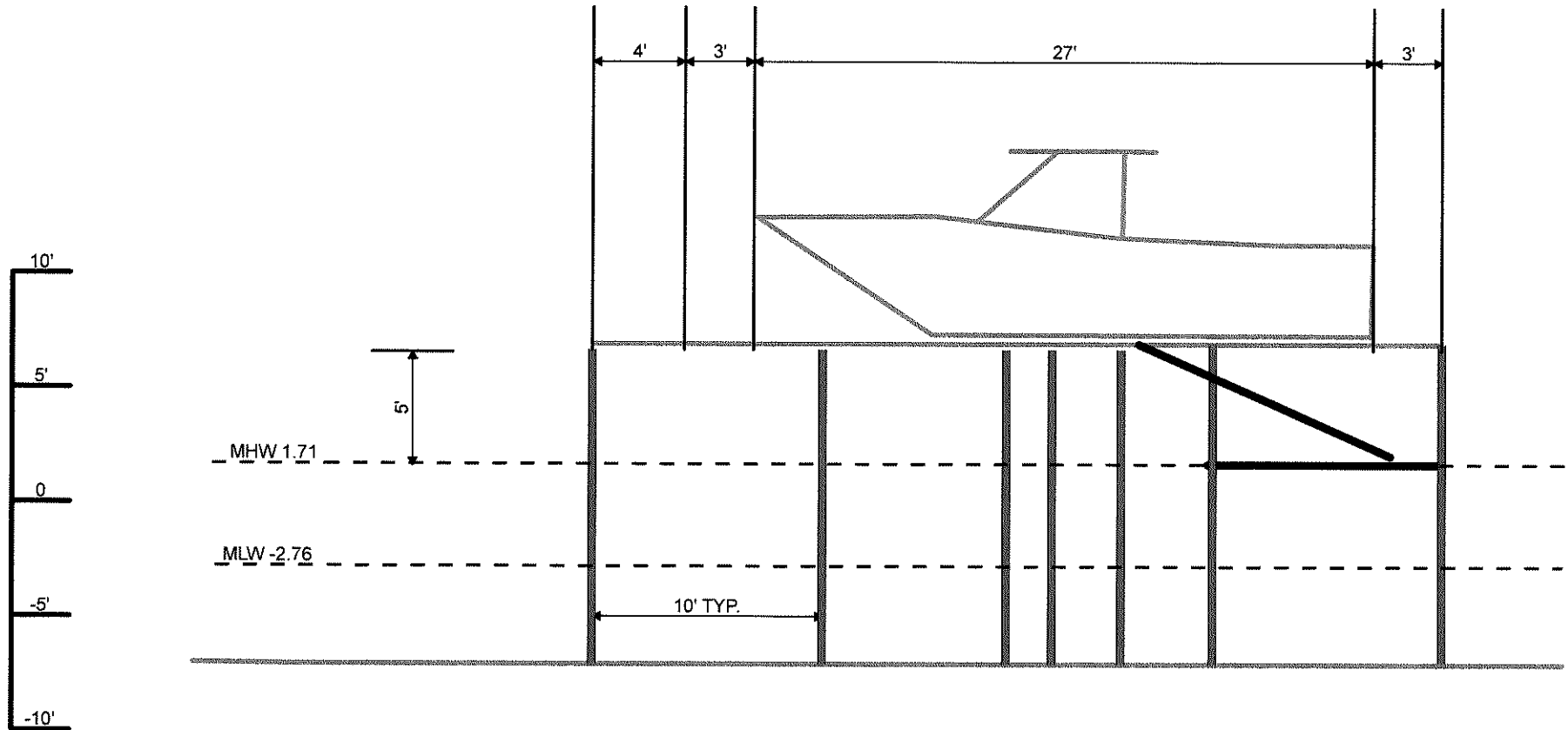
St. Augustine, FL

Date: Oct 21 2022

Figure:

7





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Cross-Section View

Green - 24 N St. Augustine Blvd

Project: 5.22124

St. Augustine, FL

Date: Nov 09 2022



Figure:

8

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **CONSERVATION OVERLAY ZONE 3 DEVELOPMENT 2022-0085**

AGENDA ITEM 7(e)

APPLICANT Russell E. Haimowitz Sr.
c/o Russell Contractors Inc.

OWNER Lorenc Hoxhaj

LOCATION 119 Gaillardia Loop / PID 158571-2060

REQUEST To approve the removal of twenty-two (22) significant trees within Conservation Overlay Zone 3 for the construction of a new single-family residence.

LAND USE Residential Low Density

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

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.

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

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

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.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.

- f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.
 - g. **The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.**
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

Sec. 25-53. – General landscape requirements.

(d) *Tree mitigation.*

- (1) Preservation and removal of trees on a site to be developed may result in the need for tree mitigation. Mitigation requirement is determined by the following calculation:
Tree saved credit—Trees removed deficit = Excess Tree Credits/Deficits
- (2) **A negative number resulting from this equation is the number of deficit points the applicant must mitigate.** A positive number resulting from this equation requires no mitigation by the applicant. However, other landscape requirements still apply even if mitigation is not required (i.e. bufferyard and parking landscapes).
- (3) Tree planting associated with internal landscaping requirements counts toward mitigation requirements. Tree planting associated with the required bufferyard planting does not count toward mitigation requirements.
- (4) Credits and deficits are determined by the schedules presented in subparagraphs a. through c. below.

- a. *Existing trees retained or preserved.* Existing trees which are retained and preserved shall receive credit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.1 credit
Seven (7) inches or more but less than twelve (12) inches d.b.h.2 credits
Twelve (12) inches or more but less than twenty (20) inches d.b.h.3 credits
Twenty (20) inches or more d.b.h.4 credits
Trees relocated and retained on site over six (6) inches dbh. shall receive a fifty (50) percent bonus credit
Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 credit
Native vegetation1 credit

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

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit
Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit
Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits
Twenty (20) inches or more d.b.h.2 deficits
Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 additional deficit
Cabbage Palm tree (*sabal palmetto*) measuring more than 12 feet in height1 additional deficit

- c. *New trees planted for mitigation credit.* Each new tree planted to satisfy a mitigation requirement must be planted in an internal planting area as required by this chapter. Trees receive credit points as indicated in the schedule below:

Tree with diameter of two (2) inches but less than three (3) inches1 credit
Tree with diameter of three (3) inches but less than four (4) inches1.5 credits
Tree with diameter of four (4) inches but less than five (5) inches2 credits
Tree with diameter of five (5) inches but less than six (6) inches3 credits
Tree with diameter of six (6) inches but less than twelve (12) inches4 credits
Tree with diameter of twelve (12) inches or greater5 credits

1. To ensure the proper development of the tree's crown, no shade tree counted as credit shall be planted closer than fifteen (15) feet on center. Chinese Fan, Washingtonia and Cabbage (Sabal) palms counted as credit shall be planted with a minimum of two (2) plants to an area and in such proximity to one another that together they will develop a crown spread of fifteen (15) feet. A credit of one (1) tree shall be allowed for each group of palms whose center is at least fifteen (15) feet from the center of any other tree or palm group counted as credit.
2. See (c)(9) of this chapter for prohibited trees.

3. Trees planted in bufferyards are a separate requirement and do not count toward deficit mitigation.

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. **The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees.** Procedures for variances and conservation overlay zone development review shall be in accordance with chapter 28. Standards and criteria for conservation overlay zone development review shall be in accordance with chapter 11.

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to remove twenty-two (22) trees, including twenty (20) significant Cedar trees that are indicated on the attached site plan. The applicant did provide an arborist report from All American Tree Service & More LLC with their application.

The arborist report states that the “property has 22 trees’s ‘cedar’ most of trees are showing signs of disease or stump rot and needs to be removed for the safety of other trees & wildlife.”

Trees to be Removed (22)		Trees to Remain (4)	
Tree Size	Debit	Tree Size	Credit
16” Cedar	1.5 + 1 = 2.5	20” Cedar	1
16” Cedar	1.5 + 1 = 2.5	8” Cedar	1
8” Cedar	0.5 + 1 = 1.5	12” Cedar	1
18” Cedar	1.5 + 1 = 2.5	10” Cedar	1
12” Cedar	1.5 + 1 = 2.5		
10” Cedar	1 + 1 = 2		
15” Cedar	1.5 + 1 = 2.5		
8” Cedar	1 + 1 = 2		
11” Cedar	1 + 1 = 2		
13” Cedar	1.5 + 1 = 2.5		
9” Cedar	1 + 1 = 2		
8” Oak	1		
13” Cedar	1.5 + 1 = 2.5		

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

10" Cedar	1 + 1 = 2		
19" Cedar	1.5 + 1 = 2.5		
25" Cedar	2 + 1 = 3		
13" Cedar	1.5 + 1 = 2.5		
18" Cedar	1.5 + 1 = 2.5		
24" Cedar	2 + 1 = 3		
8" Palm	1 + 1 = 2		
11" Cedar	1 + 1 = 2		
12" Cedar	1.5 + 1 = 2.5		
Total	50 Deficits	Total	4 Credits

The proposed site plan leaves a total of **46 deficits** as well as **6 Cedar trees short** of the 10 required to be present on lots within the Pelican Reef residential development.

In regard to relocation or alteration of the proposed site plan there are two Cedar trees, 25" and 19", north of the proposed single-family proposed to be removed. The PZB may want to consider these two (2) specific trees and determine whether they could be preserved by altering the front walkway and modifying Bedroom #2 as indicated on the site plan/floor plan.

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 **DENY** the removal of twenty-two (22) trees, including twenty (20) significant cedar trees, within Conservation Overlay Zone 3 at 119 Gaillardia Loop / PID 158571-2060 due to the lack of a tree mitigation plan.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owner Lorenc Hoxhaj at 904-674-1747 directly for information about visiting the site.

Tracey Mullins

From: Jacob Fredriksson
Sent: Tuesday, November 8, 2022 3:59 PM
To: Russell Haimowitz
Cc: Tracey Mullins
Subject: Planning and Zoning Board Application at 119 Gaillardia Loop

Good afternoon,

This e-mail is to confirm that while it is recommended, that you will not be submitting an arborist report. An arborist report should be provided if any trees are to be presented as poor in health or condition. What will need to be provided is a site plan of the tree mitigation for this proposal, I have the proposed tree removal being short of no mitigation requirements by 18 debits. Information about the City's landscaping code can be found here:

https://library.municode.com/fl/st._augustine/codes/code_of_ordinances?nodeId=PTIICOOR_CH25TRLA_ARTIIILA_S25-53GELARE. Development in Pelican Reef is also required to have at least 10 Cedar Trees present on site, the proposal only has four such trees remaining meaning at least six more will need to be included in the landscaping plan. Lastly, an explanation for the removal of the indicated trees will need to be provided; from a review of the submitted site plan it is plausible that the Board may require the modification of plans to save at least six of the Cedar trees slated for removal. Thank you for your time, if you have any other questions please let me know. Thank you.

Jacob Fredriksson

Senior Planner

City of St. Augustine | Planning and Building Department

P.O. Box 210 | St. Augustine, FL 32085

Office: 75 King Street, Lobby B | Phone: 904.209.4331

Email: jfredriksson@citystaug.com

Web: www.CityStAug.com



Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

Tracey Mullins

From: Jacob Fredriksson
Sent: Monday, November 28, 2022 3:02 PM
To: Russell Haimowitz
Cc: Tracey Mullins
Subject: RE: Tree estimate & eval

Received. Thank you.

Jacob Fredriksson
Senior Planner
City of St. Augustine | Planning and Building Department
P.O. Box 210 | St. Augustine, FL 32085
Office: 75 King Street, Lobby B | Phone: 904.209.4331

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Russell Haimowitz <ruscontractors@aol.com>
Sent: Monday, November 28, 2022 2:36 PM
To: Jacob Fredriksson <jfredriksson@citystaug.com>
Subject: Fwd: Tree estimate & eval

Hi Jacob

We took your advice and had an arborist take a look at 119 Gaillardia this is what they came up with let me know if we need anything else please thank you in advance for your help
Russell

Sent from my iPhone

Begin forwarded message:

From: B hoxhaj <december482@hotmail.com>
Date: November 27, 2022 at 9:12:15 AM EST
To: Russell Haimowitz <ruscontractors@aol.com>
Subject: Fwd: Tree estimate & eval

Good morning Russell.
I just got the email from the arborist.

Sent from my iPhone

Begin forwarded message:

From: Troy Jowers <info@aatsm.com>
Date: November 26, 2022 at 9:49:18 PM EST
To: december482@hotmail.com
Subject: Tree estimate & eval

[illegible]

ALL AMERICAN
TREE SERVICE
& More, Inc.

24 Hour
Emergency Service

Available 7 Days a Week

Phone 134-0444

107 Concession Fee \$2.00

107 Concession Fee \$2.00



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$105 (plus advertising costs) Project Number: 2022-0085
 Receipt Number: 2499673 Meeting Date: 12/6/22
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Russell E Haimowitz Sr Contact Number: 904-759-3069
 Business (if applicable): Russell Contractors Inc.
 Address: 14502 176th St City: McAlpin State: FL Zip: 32062
 E-Mail Address: russcontractors@aol.com
2. NAME OF PROPERTY OWNER: Lorenc Hoxhaj Contact Number: 904-674-1747
 Business (if applicable): _____
 Address: 3441 Attapattah St City: St Augustine State: FL Zip: 32080
 E-Mail Address: Lenchohaj@yahoo.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 6 Block: 2
 Subdivision: Pelican Reef III Parcel Number: 10 158571-7060
4. PROJECT STREET ADDRESS: 119 Gallardia Loop St Augustine FL 32080
5. SPECIFIC PROPOSED USE: New Home Construction/Residence
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Removal of trees with in building
envelope plant new trees as required
8. JUSTIFICATION FOR ACTION REQUESTED: _____

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

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

Signature of Applicant

Date

11-01-2022

Signature of Property Owner

Date

10-25-2022

04/18/2019

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.

Project Address: 1196 Alfordia Loop St Augustine FL 32080

Applicant's Name: Russell E Haimowitz Applicant's Signature: [Signature]

Owner's Name: Lorenc Hoxhaj Owner's Signature: [Signature]



**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.

Russell E Haimowitz

Print name of applicant

[Signature]

Signature of applicant

11/01/22

Date



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Lorenc Hoxhaj
Print name of applicant

[Signature]
Signature of applicant

10-25-2022
Date



Owner's Authorization For Agent

Russell Haimowitz is/are hereby authorized TO ACT ON BEHALF
OF Lorenc Hoxhaj, 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

Lorenc Hoxhaj

Print Name of Owner

904 674 1747

Telephone Number

State of Florida

County of St Johns

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

By Lorenc Hoxhaj

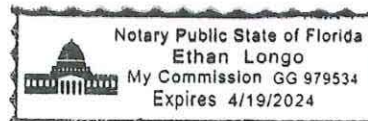
Identification verified: Florida Driver License

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: 04/19/2024

Rev:022117



Prepared by and return to:

Pamella Gesell
Paradise Title of St. Augustine, LLC
2225 A1A South
Suite C8
St. Augustine, FL 32080
(904) 471-2553
File No 2021-6066

Parcel Identification No 158571-2060

[Space Above This Line For Recording]

WARRANTY DEED

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

This indenture made the 23rd day of February, 2021 between Dominick C. Vita and Janet C. Vita, husband and wife, to Lorenc Hoxhaj, a married person, whose post office address is 344 Allapattah Avenue, St. Augustine, FL 32092, Grantee:

Witnesseth, that said Grantors, for and in consideration of the sum of ONE HUNDRED FORTY NINE THOUSAND AND 00/100 (149,000.00) and other good and valuable considerations to said Grantors 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, Florida, to-wit:

**PROPERTY DESCRIBED ON ATTACHED EXHIBIT "A" BY REFERENCE
MADE A PART HEREOF:**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2021 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Prepared by and return to:

Pamella Gesell
Paradise Title of St. Augustine, LLC
2225 A1A South
Suite C8
St. Augustine, FL 32080
(904) 471-2553
File No 2021-6066

Parcel Identification No 158571-2060

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In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Pam Gesell

WITNESS

PRINT NAME: Pam Gesell

Kayla Matthews

WITNESS

PRINT NAME: Kayla Matthews

Dominick C. Vita

Dominick C. Vita

Janet C. Vita

Janet C. Vita

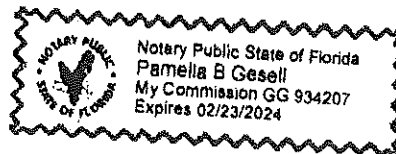
STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of (x) physical presence or () online notarization this 23rd day of February, 2021, by Dominick C. Vita and Janet C. Vita.

Pamella B Gesell

Signature of Notary Public

Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification: x _____

Type of Identification

Produced: valid drivers license

EXHIBIT A
Legal Description

Lot 6, Block 2, Pelican Reef III, according to the map or plat thereof, as recorded in Map Book 43, Page (s) 85 through 90, of the Public Records of St. Johns County, Florida.



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](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	1585712060
Location Address	119 GAILLARDIA LOOP
	SAINT AUGUSTINE 32080-0000
Neighborhood	Pelican Reef (628)
Tax Description*	43/85-90 PELICAN REEF III LOT 6 BLK 2 OR5187/775
	<i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Pelican Reef III
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.260
Homestead	N

Owner Information

Owner Name	Hoxhaj Lorenc 100%
Mailing Address	344 ALLAPATTAH AVE
	SAINT AUGUSTINE, FL 32092-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$140,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$140,000
Total Deferred	\$0
Assessed Value	\$140,000
Total Exemptions	\$0
Taxable Value	\$140,000

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
2022	\$0	\$0	\$140,000	\$0	\$0	\$140,000	\$140,000	\$0	\$140,000
2021	\$0	\$0	\$120,000	\$0	\$0	\$120,000	\$119,790	\$210	\$119,790
2020	\$0	\$0	\$120,000	\$0	\$0	\$120,000	\$108,900	\$11,100	\$108,900
2019	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$99,000	\$11,000	\$99,000
2018	\$0	\$0	\$90,000	\$0	\$0	\$90,000	\$90,000	\$0	\$90,000
2017	\$0	\$0	\$90,000	\$0	\$0	\$90,000	\$90,000	\$0	\$90,000
2016	\$0	\$0	\$80,000	\$0	\$0	\$80,000	\$58,564	\$21,436	\$58,564
2015	\$0	\$0	\$75,000	\$0	\$0	\$75,000	\$53,240	\$21,760	\$53,240
2014	\$0	\$0	\$55,000	\$0	\$0	\$55,000	\$48,400	\$6,600	\$48,400
2013	\$0	\$0	\$55,000	\$0	\$0	\$55,000	\$44,000	\$11,000	\$44,000
2012	\$0	\$0	\$40,000	\$0	\$0	\$40,000	\$40,000	\$0	\$40,000
2011	\$0	\$0	\$43,650	\$0	\$0	\$43,650	\$43,650	\$0	\$43,650
2010	\$0	\$0	\$48,500	\$0	\$0	\$48,500	\$48,500	\$0	\$48,500

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$140,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/23/2021	2/23/2021	\$149,000.00	WARRANTY DEED	5187	775	Q	V	VITA DOMINICK C, JANET C	HOXHAJ LORENC
7/19/2016	7/6/2016	\$110,000.00	WARRANTY DEED	4226	149	Q	V	KRALL JOSEPH P, MARIE	VITA DOMINICK C, JANET C
	4/9/2003	\$79,000.00	WARRANTY DEED	1934	1586	Q	V	THOMPSON BROS REALTY INC & THOMPSON PIERRE D	KRALL JOSEPH P & MARIE

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.



Overview



Legend

□ Parcels

Parcel ID	1585712060	Physical Address	119 GAILLARDIA LOOP	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	HOXHAJ LORENC	Total Land Value	\$140,000	2/23/2021	\$149000	01	Q
Acres	0.26		344 ALLAPATTAH AVE	Just Value	\$140,000	7/6/2016	\$110000	01	Q
			SAINT AUGUSTINE FL	Total Deferred	N/A				
			32092-0000	Assessed Value	\$140,000				
				Total	N/A				
				Exemptions					
				Taxable Value	\$140,000				

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: 11/7/2022

Last Data Uploaded: 11/5/2022 2:03:33 AM

Developed by  Schneider
GEOSPATIAL

904-888-9557

Info@aatm.com

Licensed & Insured

24 Hour

Emergency Service



ALL AMERICAN TREE SERVICE & More, LLC

CUSTOMER'S H 904-482-8786
PHONE W 904-759-3069 DATE 11/19/22 2022

SOLD TO (Claude) Russell HARMON

ADDRESS 119 Gailardia Loop

CITY Saint Augustine STATE Fl. ZIP 32080



Property has 22 Tree's "cedar" Most of
trees are showing signs of disease or stump rot
AND needs to be removed for the safety of other
trees & wildlife. On the yellow copy is a hand
drew map of property.

* Removal of all TREES

* Removal of all stumps (dug out) Not grinded

* Removal of Debris

* cleaning & Raking Around work area

* Dump Fees

* Trim TREES that stay

10% Cancellation Fee

Comments

Gate Code # 4564 per H.O

Email Estimate & Evaluation

AMOUNT

\$8,100⁰⁰

TAX

TOTAL

\$8,100⁰⁰

DOWN

BALANCE

904-888-9557

Info@aatsm.com

Licensed & Insured

24 Hour

Emergency Service



ALL AMERICAN TREE SERVICE & More, LLC

CUSTOMER'S H 904-482-8786

PHONE W

DATE 11/19/22 20 22SOLD TO ClaudeADDRESS 119 Gaillardia LoopCITY Saint AugustineSTATE FL ZIP 32080

SOLD BY

Below is layout of property

Property has 22 Trees cedar most of trees are showing signs of disease or stump rot AND needs to be removed for the safety of other trees & will die. On the yellow copy is a hand drew map of property.

* Removal of all TREES

* Removal of all stumps (dugout) not needed

* Removal of Debris

* cleaning & Raking Around work area

* ~~Dump Fee~~ Gaillardia Loop

* Trim TREES that stay

10% Cancellation Fee

Comments

X=locates TREES
O=indicates stump ROT or signs of disease Evaluation

AMOUNT

\$8,100⁰⁰

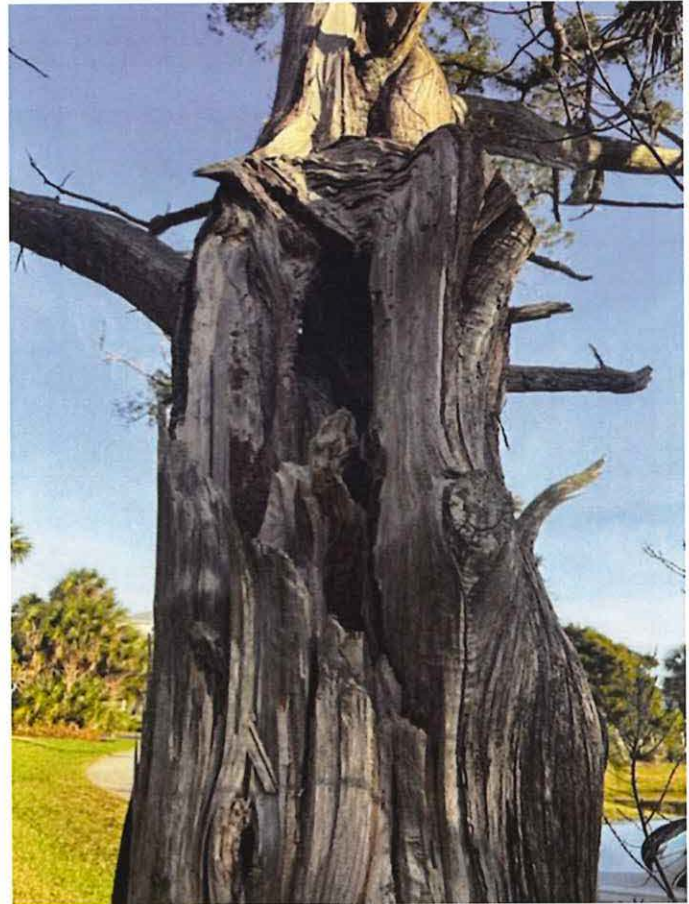
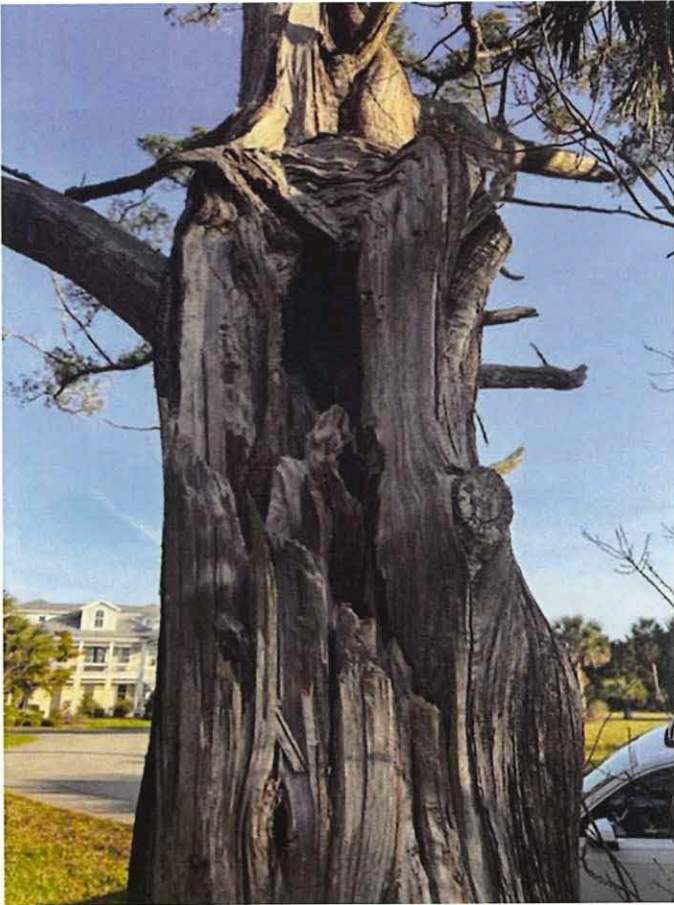
TAX

TOTAL

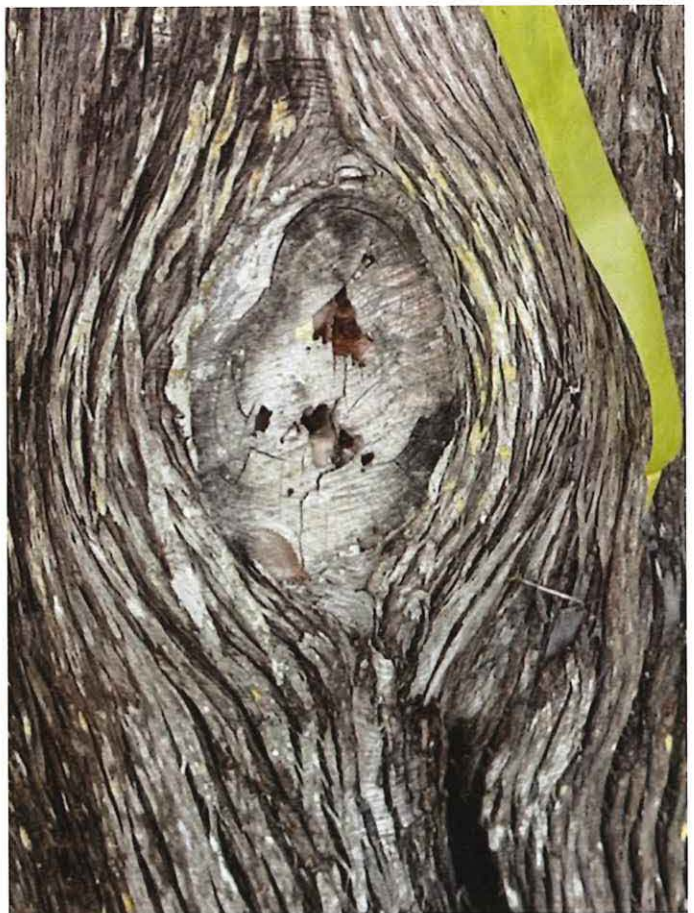
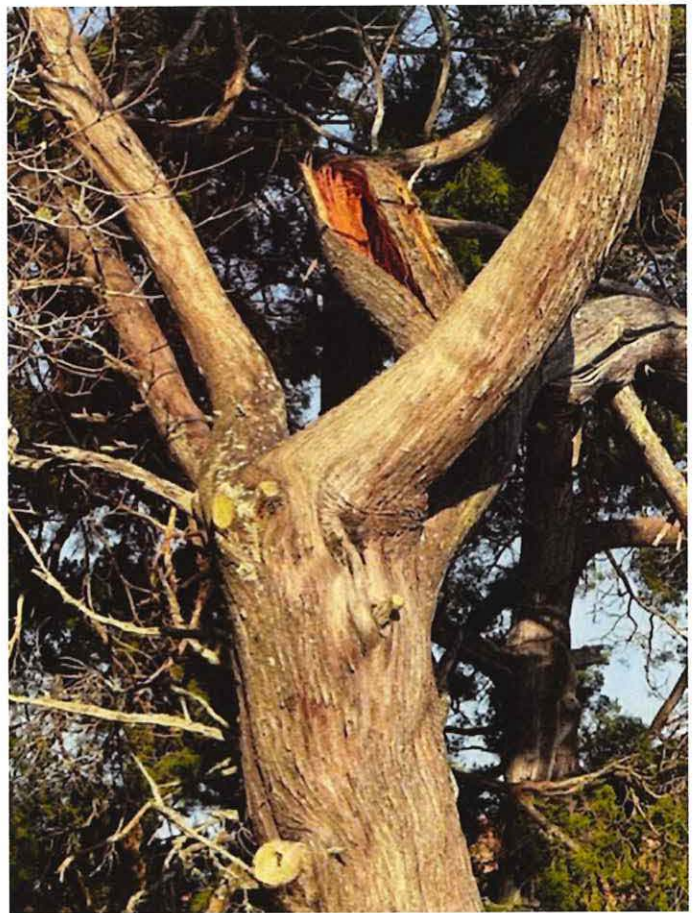
\$8,100⁰⁰

DOWN

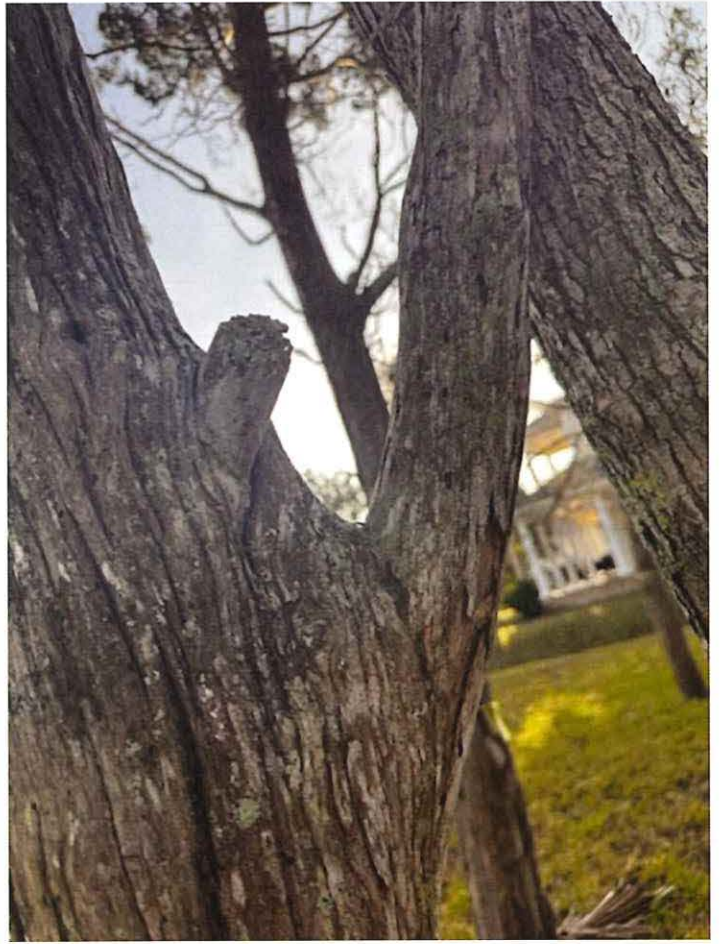
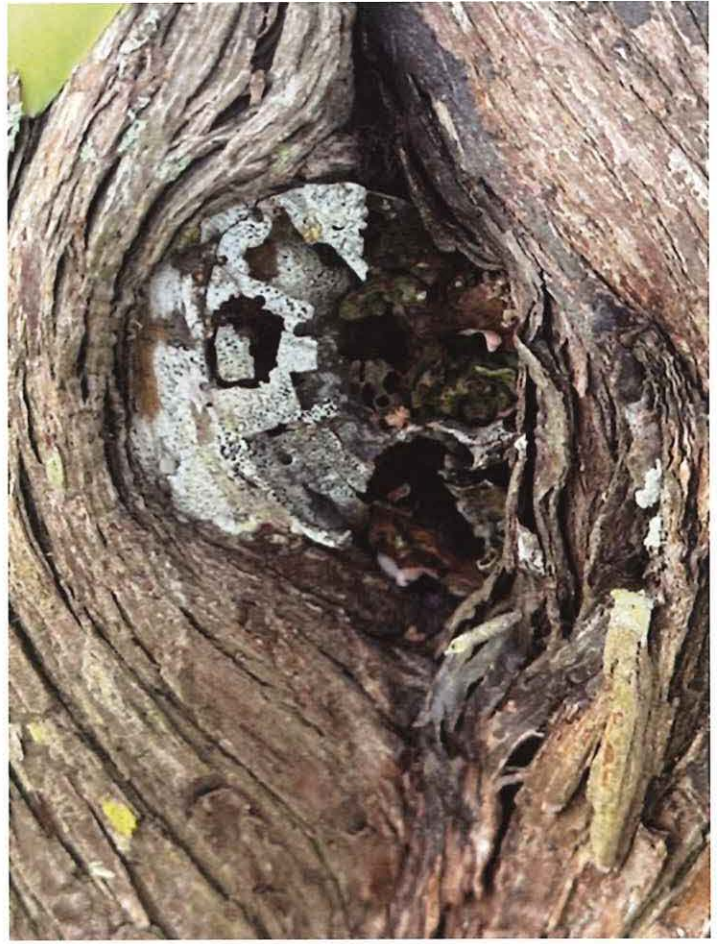
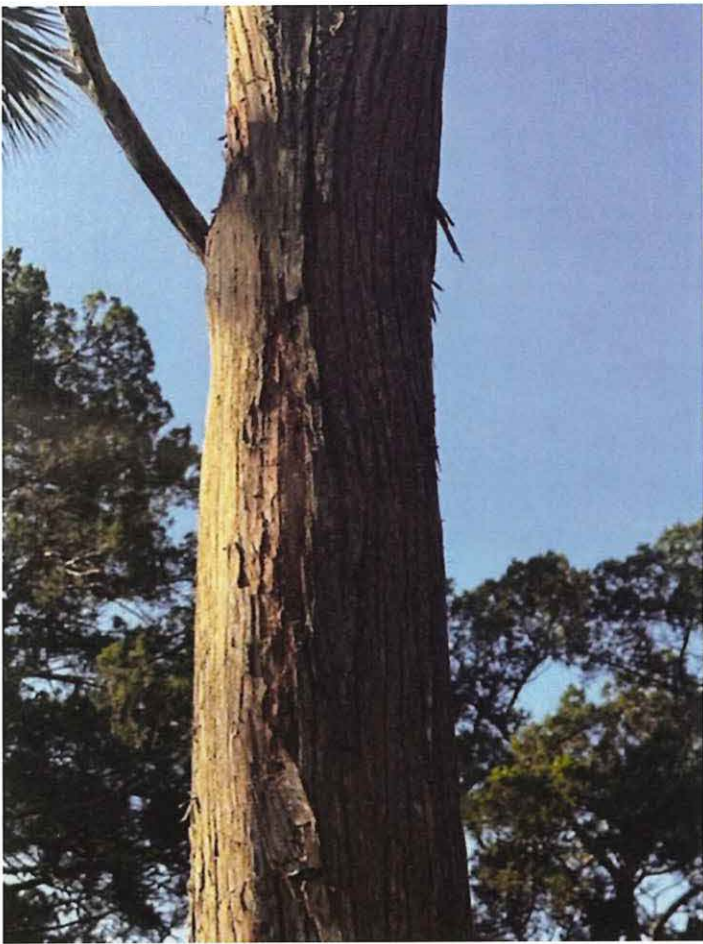
BALANCE



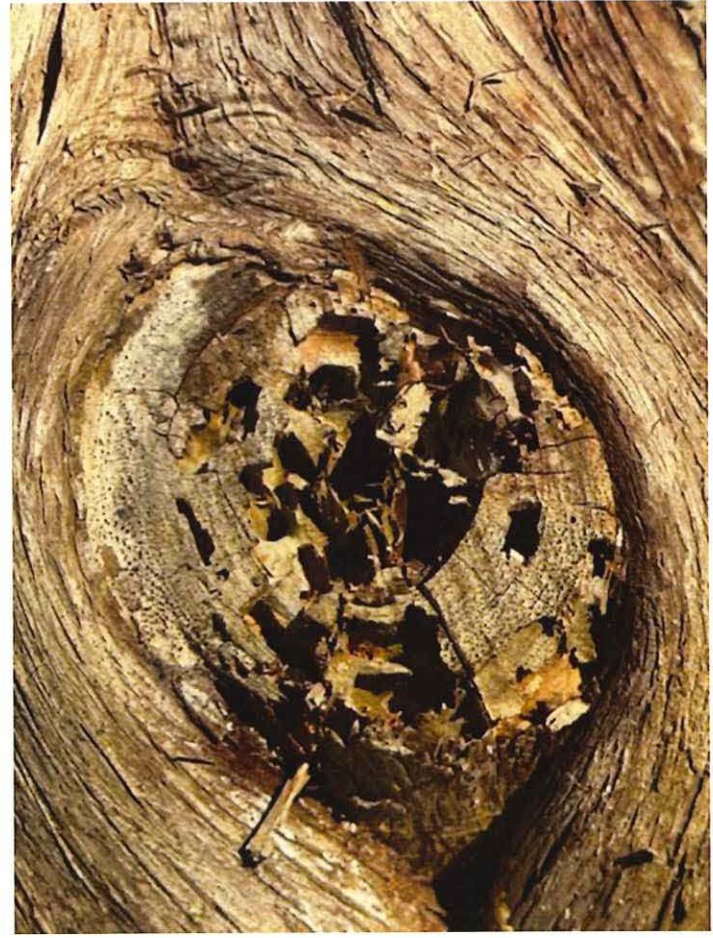
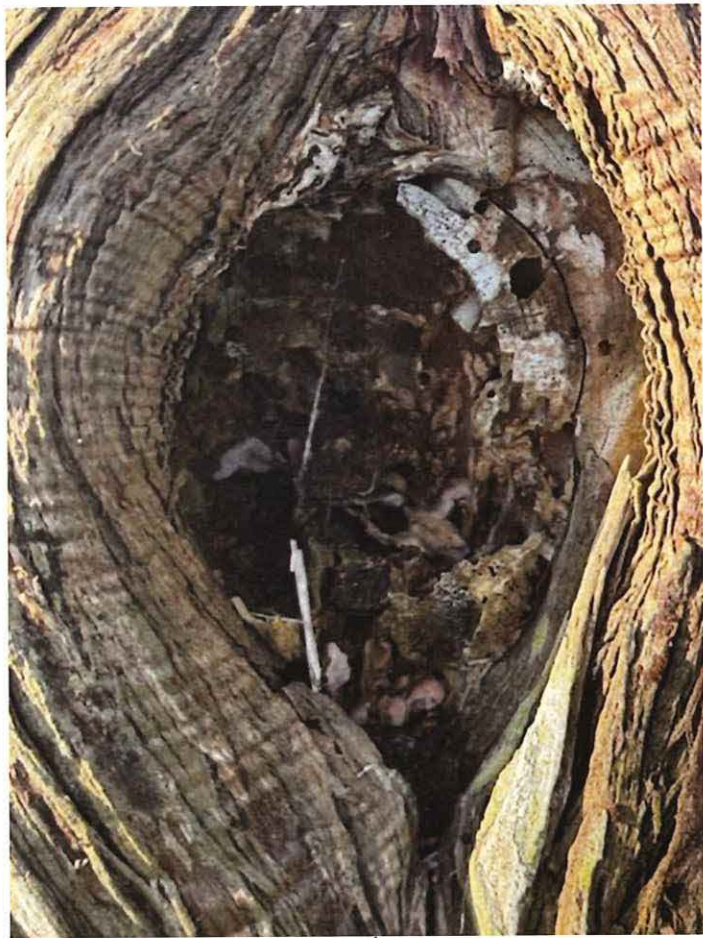
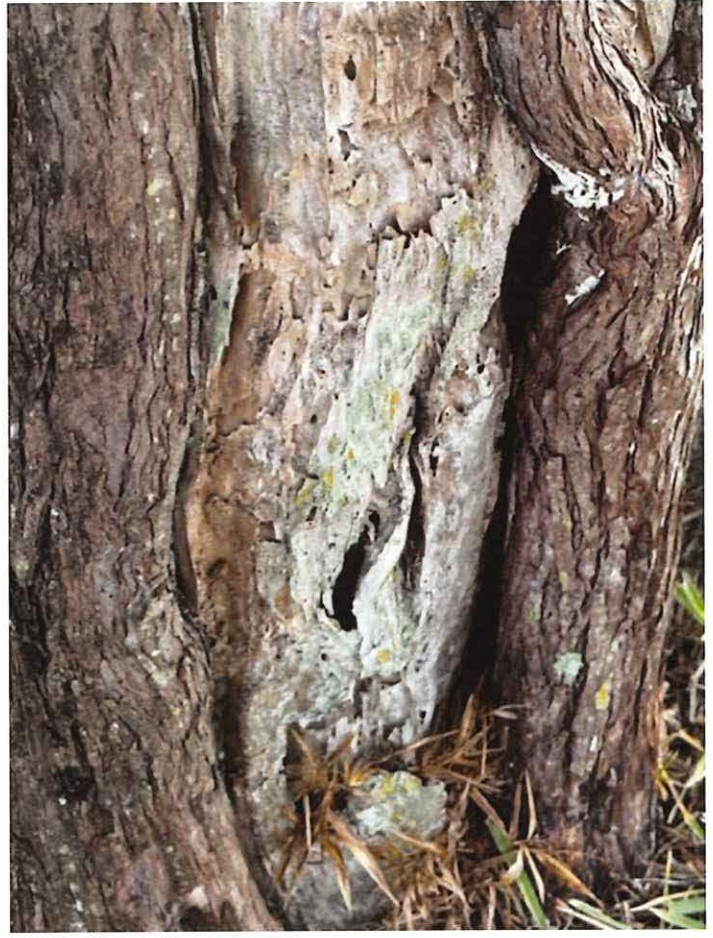
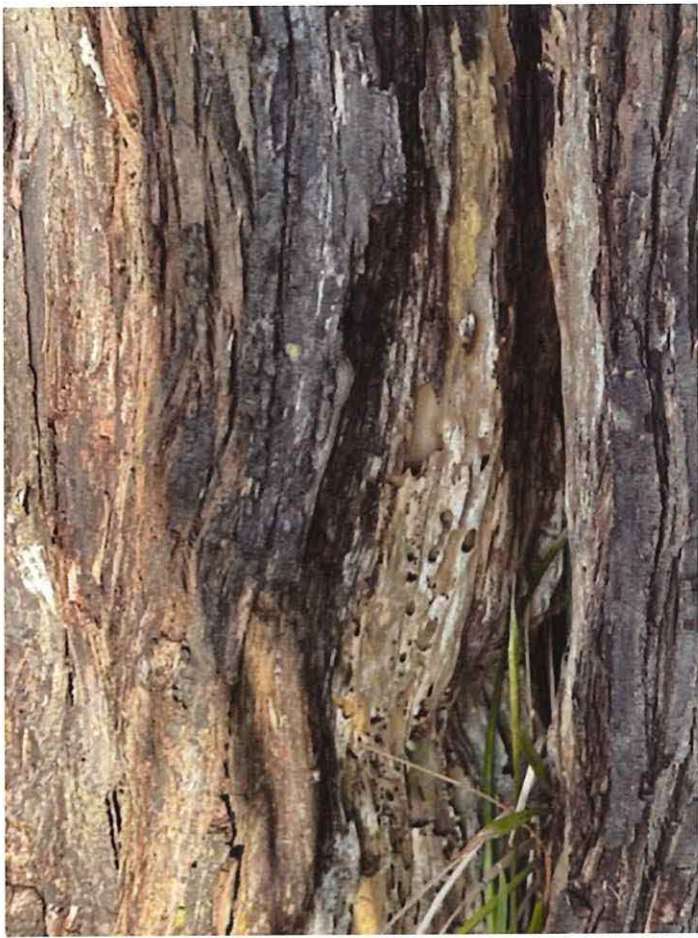
119 Gaillardia Loop



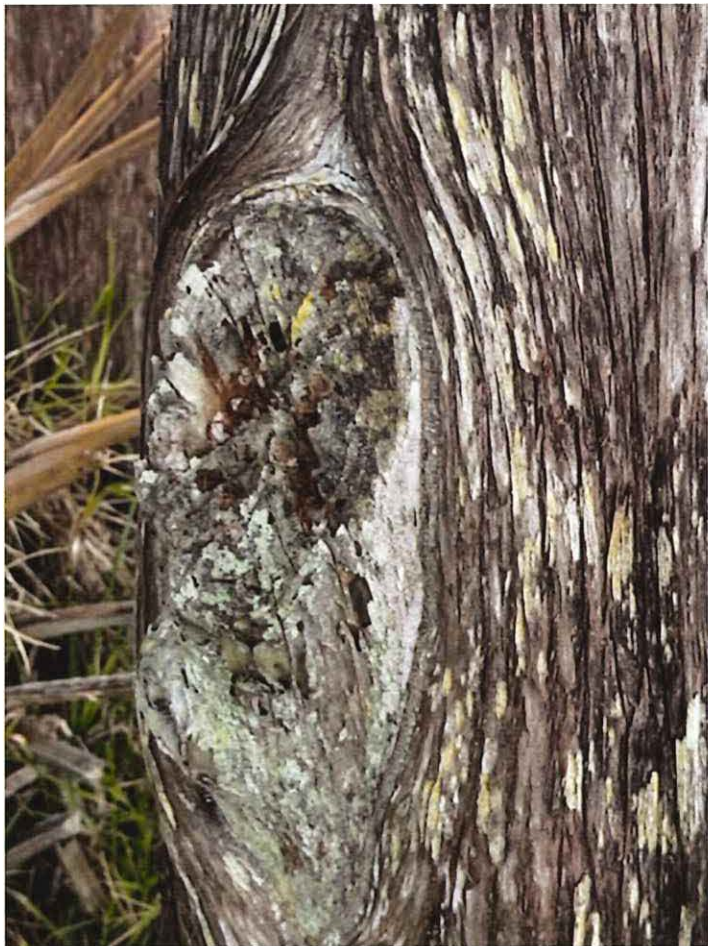
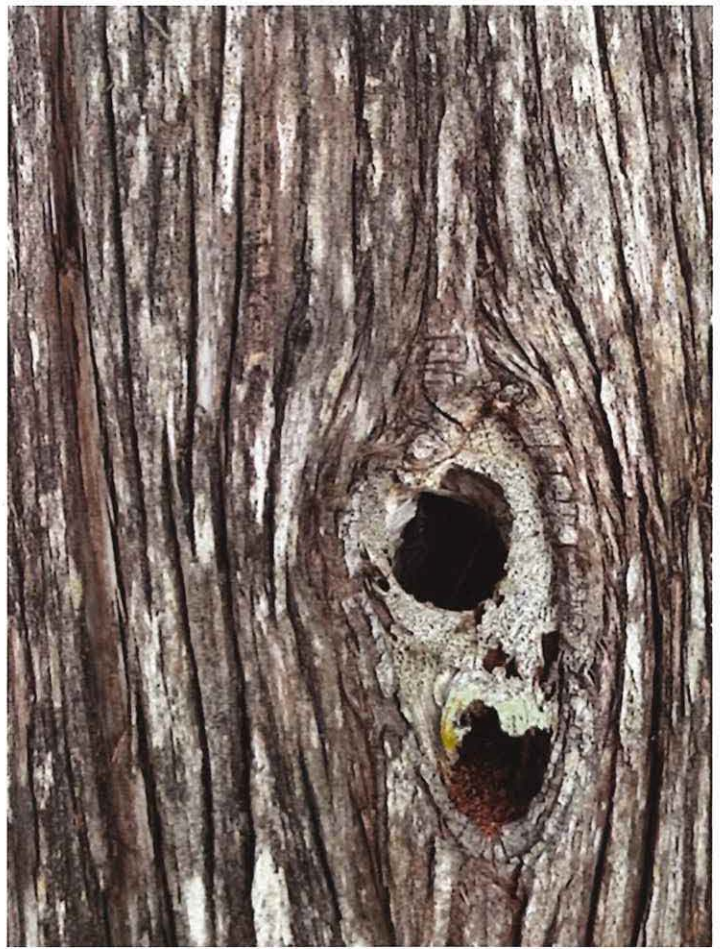
119 Gallardia Loop



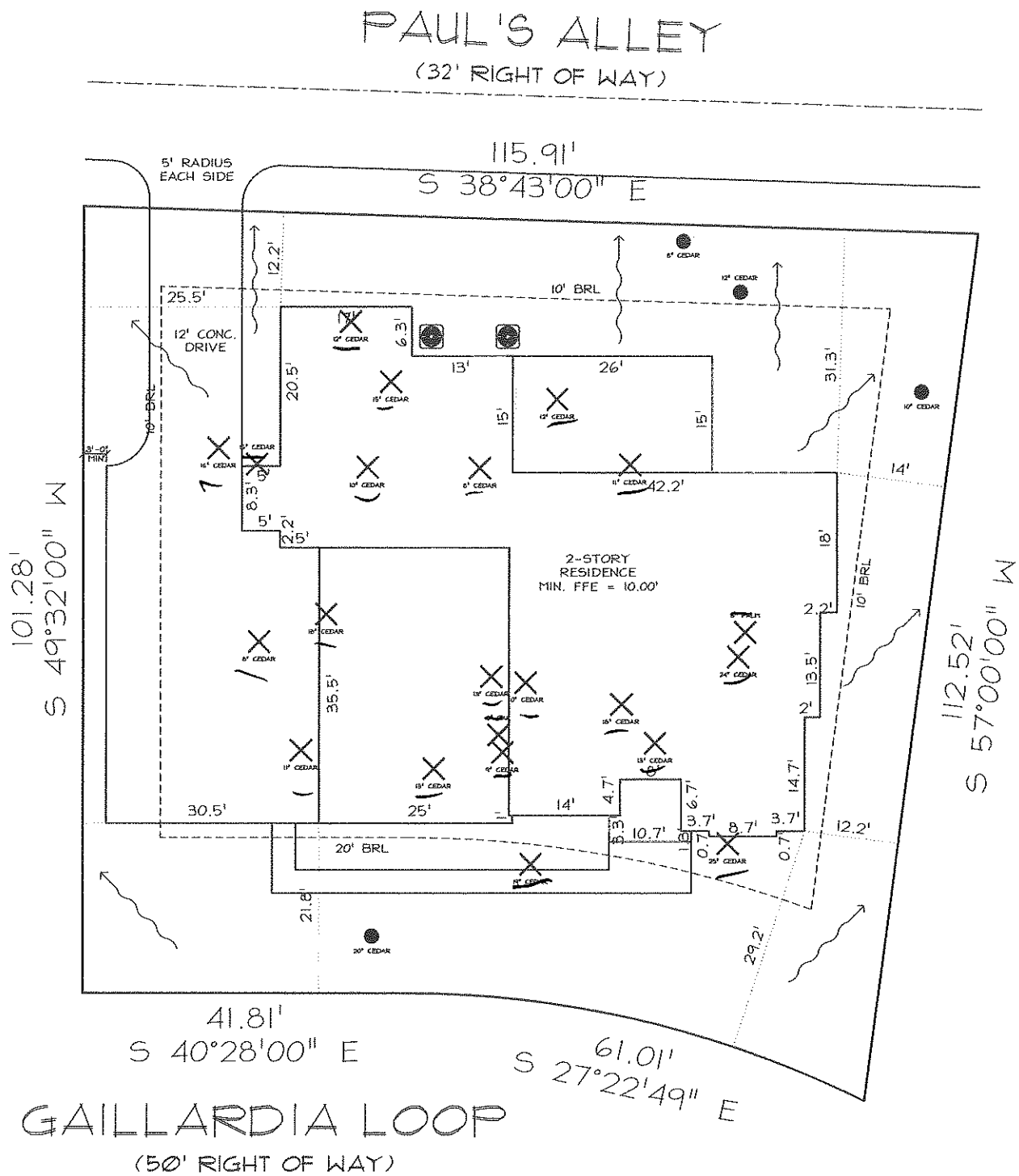
1196 Allardg Loop



119 6A1/1ardna Loop



119 Ballard Loop



→ DRAINAGE DIRECTION

X TREE TO BE REMOVED

• TREE TO REMAIN

⊗ # New cedar trees to be located by board



9471 BAYMEADOWS RD., SUITE 107,
JACKSONVILLE, FL 32256
KJACKSON@JACKSONDESIGNCOMPANY.NET
WWW.JACKSONDESIGNCOMPANY.NET
TEL 904.238.8573

B CONSTRUCTION
119 GAILLARDIA LOOP
ST. AUGUSTINE, FL 32080

SITE PLAN

CONCRETE DRIVE & WALK: 1,793 SQ. FT.
LOT COVERAGE BY BUILDING: 4,018/11,183 = 35.9%
IMPERVIOUS SURFACE RATIO: ± 5,811/11,183 = 51.9%
LOT SQUARE FOOTAGE: 11,183 SQ. FT. (±0.26 ACRES)
TOTAL ROOF COVERAGE: 4,468/11,183 = 39.9% (40% MAX PER ARB)

LOT 6, BLOCK 2, PELICAN REEF III, AS RECORDED IN PLAT BOOK 43, PAGE 85 OF
THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. FLOOD ZONE "AE"

DESIGN: KAJ

DATE: 10/18/22

SCALE: 1" = 20'-0"

JOB NO: 21-095

COPYRIGHT© 2022
ALL RIGHTS RESERVED. THESE PLANS ARE
PROTECTED BY COPYRIGHT LAWS.
UNAUTHORIZED USE MAY RESULT IN LEGAL
ACTION.

Architectural drawing of a garage door assembly. The drawing shows a cross-section of the door, track, and structural supports. Key components labeled include:

- DOOR PANEL: The main body of the door, shown in two positions (open and closed).
- TRACK: The guide for the door's movement, consisting of upper and lower sections.
- ROLLERS: The wheels that facilitate the door's travel along the track.
- STRUCTURAL MEMBERS: The frame supporting the door and track.
- CEILING JOIST: The horizontal support for the upper track.
- FINISHED FLOOR: The ground level on which the door operates.
- CEILING: The upper boundary of the garage space.

 The drawing includes various dimensions and material specifications, such as:

- Dimensions for door height, track length, and structural member sizes.
- Material callouts for different parts, such as 'STEEL' or 'WOOD'.
- Notes regarding the door's operation and structural requirements.

The diagram illustrates a vertical section through a building's exterior wall and roof assembly. Key components labeled include:

- FOUNDATION PLAN**: Indicated by a dashed line at the base.
- P.1 AS SOLE PLATE**: Labeled near the top left corner.
- FINISHED FLOOR**: Shown as a horizontal layer above the sole plate.
- FINISHED GRADE**: The ground level outside the building.
- INSULATION**: Multiple layers are shown, including rigid foam insulation on the exterior and fiberglass batt insulation in the roof cavity.
- VAPOR BARRIER**: A critical layer for moisture control, shown both horizontally and vertically.
- SHEATHING**: Structural boards used for the exterior wall and roof deck.
- CLADDING**: The outermost protective layer, which can be siding or other materials.
- AIR GAP**: An intentional space between certain layers to improve thermal performance.
- ROOF INSULATION**: Specifically labeled as fiberglass batt insulation in the roof structure.
- TRUSS AND JOIST**: The structural framework supporting the roof.
- CEILING FINISH**: The interior surface of the roof structure.
- SCAFFOLD**: Temporary support structures during construction.
- WATER PROOFING**: Applied to the exterior of the foundation and lower walls.
- DRAINAGE**: Systems designed to remove water from the foundation area.

A scale bar at the bottom right shows dimensions in feet (0 to 6) and inches (0 to 12).

GENERAL NOTES

DESIGN: K.A.J.		DATE: 11/4/22	JOB NO: 21-095	DWG NO: A.2
B CONSTRUCTION 119 GALLARDIA LOOP ST. AUGUSTINE, FL 32080				
 JACKSON DESIGN COMPANY, INC.				
9421 EASTWATER RD. SUITE 107 JACKSONVILLE, FL 32216 F.L. JACKSON & COMPANY, INC. COMPANY #81 151.004.239.05.02 STATE OF FLORIDA LICENSE #192403822				
ALL RIGHTS RESERVED © 2022 DRAWINGS ARE PROVIDED "AS IS" WITHOUT WARRANTY, EXPRESS OR IMPLIED. REVISED BY: E.S.D. DATE: 11/4/22				
REVISIONS				

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **VARIANCE AND CONSERVATION OVERLAY ZONE 3
DEVELOPMENT 2022-0086**

AGENDA ITEM 9(a)

APPLICANT Sarah Ryan, Architect
c/o Sarah Ryan, Architect

OWNER TMC Holdings LLC

LOCATION 66 Lewis Boulevard / PID 119490-0000

REQUEST To eliminate on-site vehicle maneuverability and
approve the removal of a significant 13/17/28 Oak
tree within Conservation Overlay Zone 3.

LAND USE Residential Medium Density Mixed Use

ZONING Residential and General Office-A (RGO-A)

APPLICABLE CODES/ORDINANCES

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

Future Land Use Element

FLUE Policy 2.2.1

The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.

FLUE Policy 5.2.1

Mixed use developments shall provide pedestrian-friendly street design (buildings close to street; porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets).

Housing Element

H Policy 1.1.4

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

H Policy 1.2.2

The City will continue to make provision for innovative techniques such as Planned Unit Developments (PUD), **zero lot line development** and cluster housing through the rezoning process established in Chapter 28 of the City Code, and by allowing condominium types of ownership for both residential and commercial development. (Adopted June 2011 Ord. #2011-02)

H Policy 1.2.3

The city shall minimize potential blighting influences within residential areas by promoting use of best management principles and practices of land use planning, urban design and landscaping in development and site plan review.

Transportation and Mobility Element

TME Policy 1.3.3

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

TME Policy 1.3.6

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

TME Policy 1.3.7

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

TME Policy 1.4.4

Appropriate conservation, arboricultural, and horticultural standards shall be used in the design, construction, and maintenance of transportation facilities in order to promote energy conservation, reduce heat-island effect, enhance the creation of corridors by connecting habitats, and providing the safe passage of wildlife, and improve scenic quality consistent with the Conservation and Coastal Management Element and the Recreation and Open Space Element of this Comprehensive Plan.

TME Objective 1.6

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

- A) Establish locations for compact mixed-use development.
- B) Increase opportunities for job creation proximate to higher density residential.
- C) Facilitate future opportunities for transit-oriented developments.
- D) The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. (Adopted June 2011 Ord. #2011-02)

TME Policy 3.1.1

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

TME Policy 3.1.3

Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

Conservation and Coastal Management Element

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.

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

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

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.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.

- f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.
 - g. **The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.**
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. **The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees.** Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

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

(b) Variances:

- (1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:
 - a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
 - b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
 - c. This disadvantage does not exist because of conditions created by the owner or applicant; and
 - d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

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

- (2) Written application. All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) Violations of variances. The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-167. - Residential and general office-A: RGO-A.

- a. *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.
 - (1) *Permitted uses and structures.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- a. Multiple-family dwellings.
 - b. Professional and business offices.
 - c. Restaurants, but not drive-in.
 - d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
 - e. Marina.
 - f. Museums.
 - g. Parking facilities and garages.
 - h. Bar/tavern.
 - i. Home office, private.
 - j. Hotels, motels, conference centers, convention centers and spas.
 - k. Craft alcohol industry.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.*
- a. See section[s] [28-347](#)(1) and (2), special event venue as per [section 28-347](#)(8) only allowed as an accessory use to a principal use.
 - b. Light manufacturing, processing, packaging and fabricating.
 - c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.
- (4) *Minimum lot requirements.* As per planning and zoning board site plan review.
- (5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.
- (6) *Minimum yard requirements.*
- a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
- (7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the required on-site vehicle maneuverability by allowing vehicles to back into the right of way along Lewis Boulevard. The second request is for the removal of a significant Oak tree located on the site to allow the development of a mixed-use building.

Attached in this staff report is a site plan, an arborist report for Live Oak trees #5797, as well as photographs of the existing site conditions for the board to review.

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;

There do not appear to be any singular disadvantages that applies to this property that does not apply to other properties in the vicinity.

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

Since there is no singular disadvantage in terms of size of the property and its zoning designation the owner may still make reasonable use of the property without a variance to interior maneuverability requirements.

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

This lot was created and rezoned before the current owner purchased the property.

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

Approving this variance to allow vehicles to back into the right-of-way is most certainly contrary to the public interest as it is a safety issue.

As for the removal of a significant Oak tree the arborist report from Advanced Tree Care states that the tree is in "fair" condition in both health and structure. For an Oak tree of significant status as well as being roughly forty (40) feet tall efforts to preserve this tree should be explored.

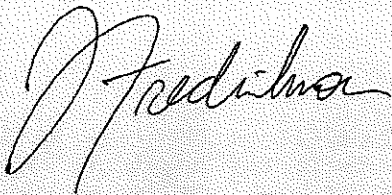
The reason for a request of removing this tree is to allow the developer reasonable use of the property for construction of a mixed use building, an encouraged type of development within the City of Saint Augustine (FLUE Policy 2.2.1). If the tree in question is required to remain on the site the board has the ability to grant variances, contingent upon retaining significant trees (Sec. 25-58).

STAFF RECOMMENDATION

Based on a review of the City of Saint Augustine's Comprehensive Plan 2040, Section 11-29, and Section 28-29 staff finds that the Board can **CONTINUE** a variance to eliminate on-site vehicle maneuverability and approve the removal of a significant Oak tree within Conservation Overlay Zone 3 at 66 Lewis Boulevard / PID 119490-0000.

Given the current development proposal the applicant has demonstrated the ability and willingness to act on the City's goals of compact, mixed use, and infill development and should be able to modify plans that may contradict zoning and parking requirements in efforts to preserve a significant Oak tree while furthering goals and objectives of the City's Comprehensive Plan.

If the plan is modified additional variances may be required and the item could be readvertised accordingly.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2022-0086

Receipt Number: 2500054 Meeting Date: 12/6/22

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

1. NAME OF APPLICANT: Sarah Ryan, Architect Contact Number: 904.547.9430
Business (if applicable): Sarah Ryan, Architect
Address: 201 Owens Ave. City: St Augustine State: FL Zip: 32080
E-Mail Address: sr@sarahryanarchitect.com

2. NAME OF PROPERTY OWNER: TMC Holdings LLC Contact Number: 904.347.7652
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: Kevin@shorelandhomebuilders.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____
Subdivision: _____ Parcel Number: 1194900000

4. PROJECT STREET ADDRESS: 66 Lewis Blvd. St. Augustine

5. SPECIFIC PROPOSED USE: new construction - mixed use OFFICE/Residential
RGO-A

6. ACTION REQUESTED:

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

7. DESCRIPTION OF ACTION REQUESTED: See attached memo + drawings

- 1) Variance to allow vehicles to back out of a
commercial site into the public right of way
2) Conservation overlay zone for tree removal

8. JUSTIFICATION FOR ACTION REQUESTED: _____

New mixed use - 2 story building on vacant property.

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: _____

See attached memo

- (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.

Tyler Tebault
Signature of Applicant *Property owner*

11.7.22

Date

S. Ryan
Signature of Property Owner *applicant*

11.7.22

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.

Sarah Ryan

Print name of applicant

S Ryan

Signature of applicant

11.7.22

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.

Project Address: 66 Lewis Blvd, St. Augustine

Applicant's Name: Sarah Ryan Architect Applicant's Signature: S Ryan

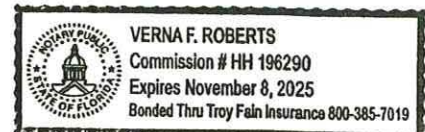
Owner's Name: Tyler Tebault Owner's Signature: Tyler Tebault



Owner's Authorization For Agent

Sarah Ryan Architect is/are hereby authorized TO ACT ON BEHALF
OF TMC Holdings 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:

BY: Tyler Tebault
Signature of Owner
Tyler Tebault
Print Name of Owner
904-679-3119
Telephone Number



State of Florida

County of St. Johns

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

By [Signature]

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: [Signature]

My Commission expires: 11/8/2025



November 7th, 2022

To: PZB December 2022 meeting

Re: 66 Lewis Blvd, tree removal and parking variance

Dear PZB,

This application is for two items:

- 1) Variance to allow vehicles to back out of a commercial site into the public right-of way
- 2) Conservation overlay zone for an Oak tree removal

The vacant property is proposing construction of a 2-story mixed use building. Office / Business use is proposed for the first floor and (2) residential units on the second floor. Drawings and site photos are included in the application.

Below is response to the variance:

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

Response: Yes, the property is at the end of a dirt road off 66 Lewis Blvd adjacent to a large cell tower to the north and across the street from a city pump station (see pictures). The proposed building is only 40% of the lot coverage (allowable is 50%) and 30'-0" tall (40'-0" is allowable). The property is not being maxed out. We are maintaining the required parking on site by maintaining a smaller square footage uses to the building.

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

Response: Yes, the pie shape nature of the property makes parking and constructing a mixed use RGO-A zoned property a challenge. Distributing the parking across the front of the property will not be a hazard to Lewis Blvd. because of the quiet nature of the street.

There are many examples around St Augustine of vehicles backing out into the public right of way on much busier streets and intersections.

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

Response: Yes, as described above, the pie shape nature of the property makes parking and constructing a mixed use RGO-A zoned property a challenge. We are also not maxing out the property to the allowable lot coverage or height and maintaining a compatible scale with the surrounding neighbors.

(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 the Section:

Response: Yes, the new building will be a beautiful addition to the neighborhood and upgrade the surroundings, including shielding the cell tower from Lewis Blvd.

Below is response to the conservation overlay zone to remove a multi-stem oak tree from the property:

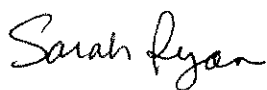
The oak tree is being removed at the proposed ADA ramp of the building. The root structure and canopy will be significantly compromised where it is located next to the building's foundation and parking / underground retention.

In addition, the current site grade is approx. 4.3' NAVD and regularly floods in King Tides and nor'easters. The street is at approx. 5.2' NAVD. We will be filling the site slightly above the road level to 5.5' - 6.0' so that the property appropriately drains. The construction of the building is a backfilled stem wall.

Removing the tree to construct the proposed improvements is necessary to allow reasonable economic use of the property.

Thank you for reviewing the application and we look forward to the meeting.

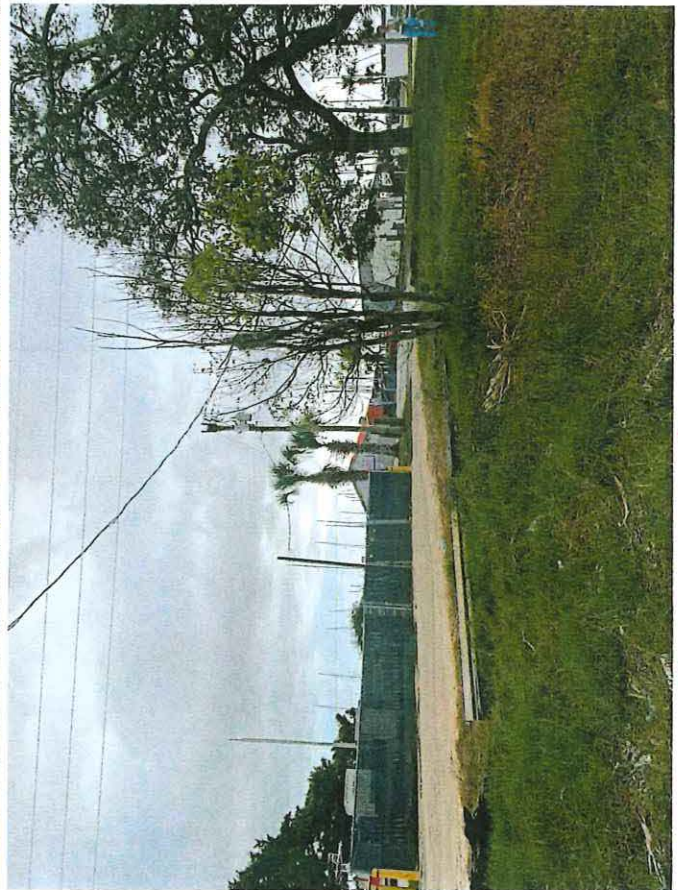
Sincerely,



Sarah Ryan, AIA, Architect



Property



Facing East from property
looking at pump station

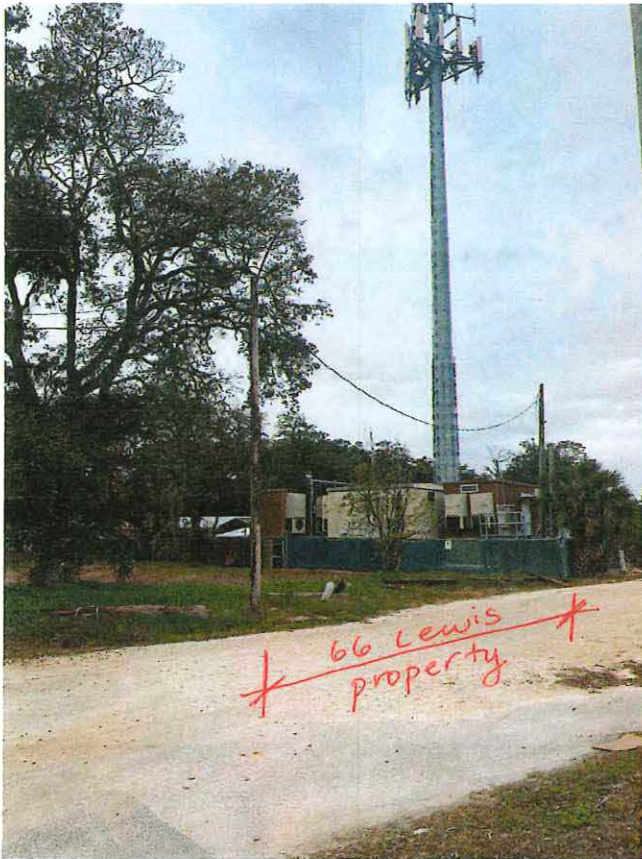


66 Lewis ^{west}
facing ^{south}
(to U.S. 1)

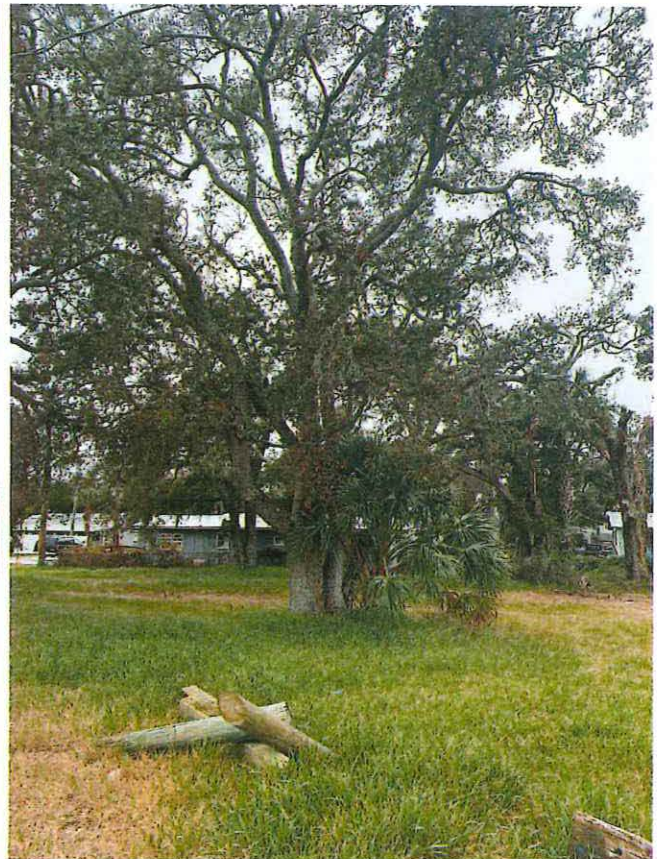


66 Lewis facing North
(DIRT Road)

↙ adjacent
cell tower



66 Lewis Blvd facing North



66 Lewis Blvd oak tree
proposed to be removed

Address
66 Lewis Blvd
St Augustine FL 32084

Zoning RGO-A
Max Lot Coverage = 50%
Setbacks = 15 / 10 / 10

Lot Coverage
Lot Square Footage = 7872 SF
Lot Coverage = 3222 sf = 40%

Height
30'-7" (proposed)
40'-0" (allowable)

Flood zone: AE - 7
Proposed BFE: 11.0

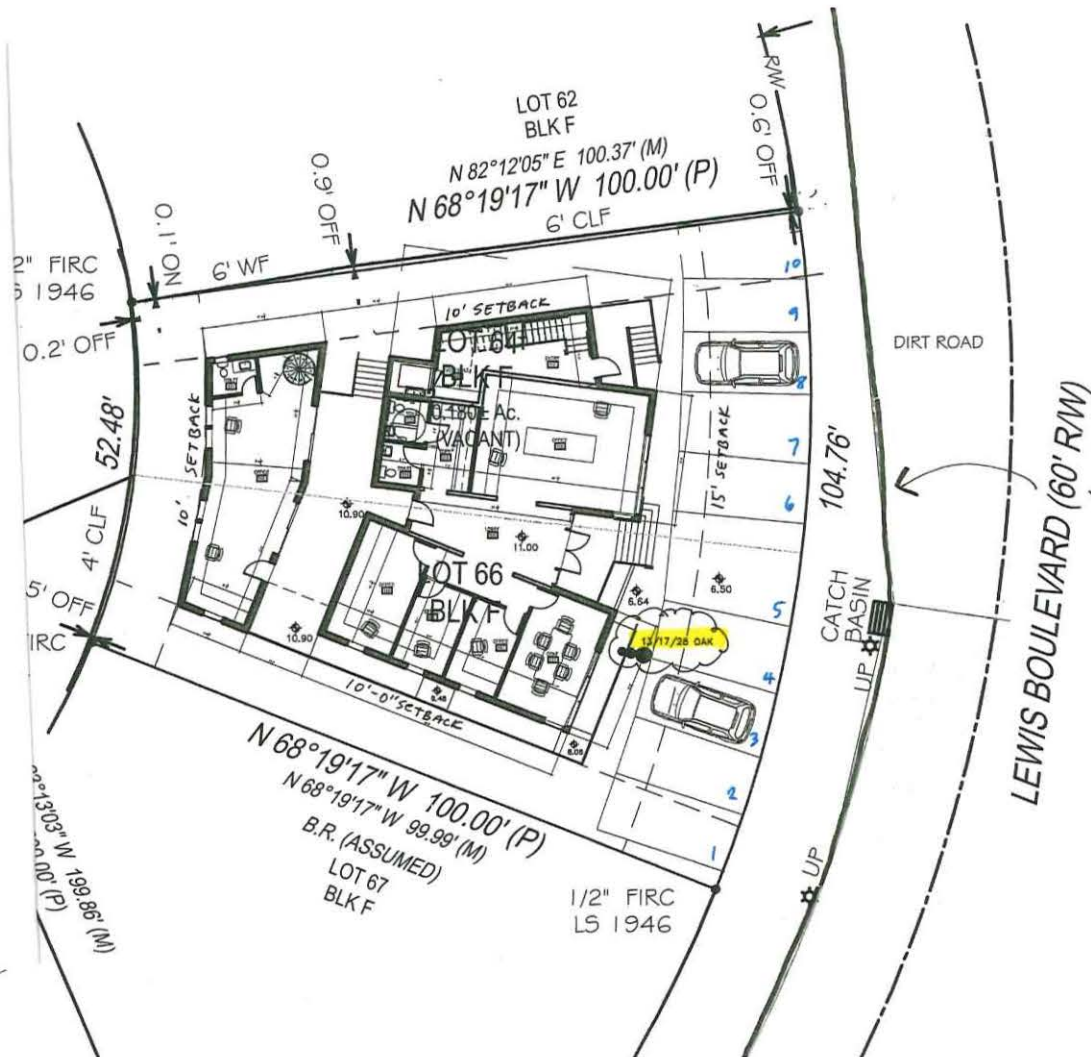
Use
Office and Professional Business
Multi-Family Residential

Square footage of uses
Office and Professional Business
Main building: 1715 sf
Detached office: 888 sf

Multi-Family - 2 units
1,574 sf total

Parking (total 10 spaces)
Office and Professional Business
1st floor office: 2600 sf / 400 sf = 6.5 spaces

Multi-Family Residential -
One - 2 bedroom (2 spaces)
One - 1 bedroom (1.5 spaces)
= 3.5 parking spaces



66 LEWIS BOULEVARD

OWNER CONTACT
TMC Holdings
88 Lewis Blvd
St. Augustine FL 32086

PROJECT LOCATION
88 Lewis Blvd
St. Augustine FL 32086

CONTRACTOR:
Shoreland Homes Builders
2525 Deobis Rd
St. Augustine FL 32086
904-347-7652

ARCHITECT:
Sarah Ryan Architect, LLC
201 Owens Ave
St. Augustine FL 32086
904-347-9430

STRUCTURAL ENGINEER:

No.	Date	Description
1	10/10/20	SCHEMATIC DESIGN
2	01/28/21	P/S

Scale AS NOTED

Sheet title

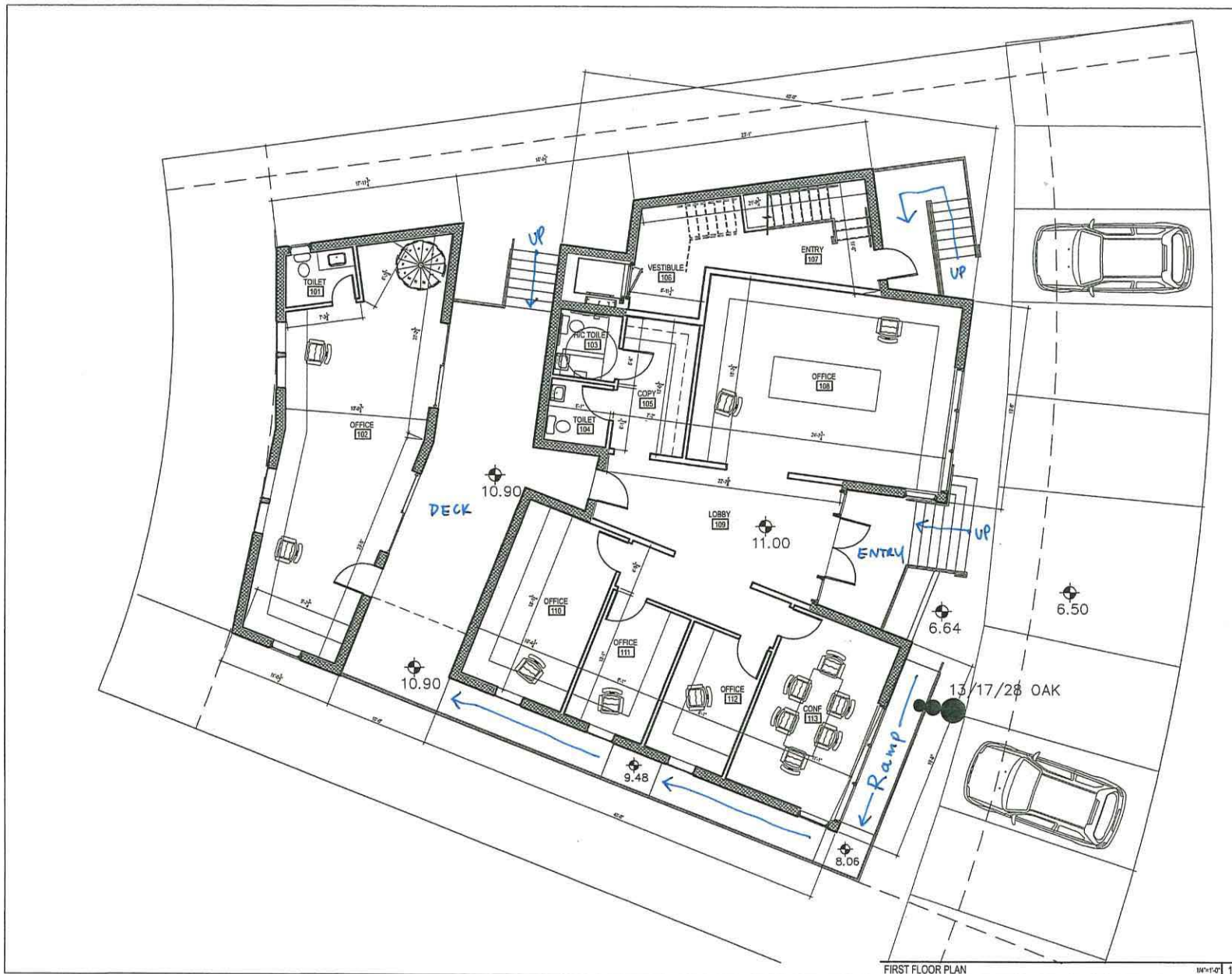
SITE PLAN

Sheet Number **A1.01**

NOT FOR CONSTRUCTION

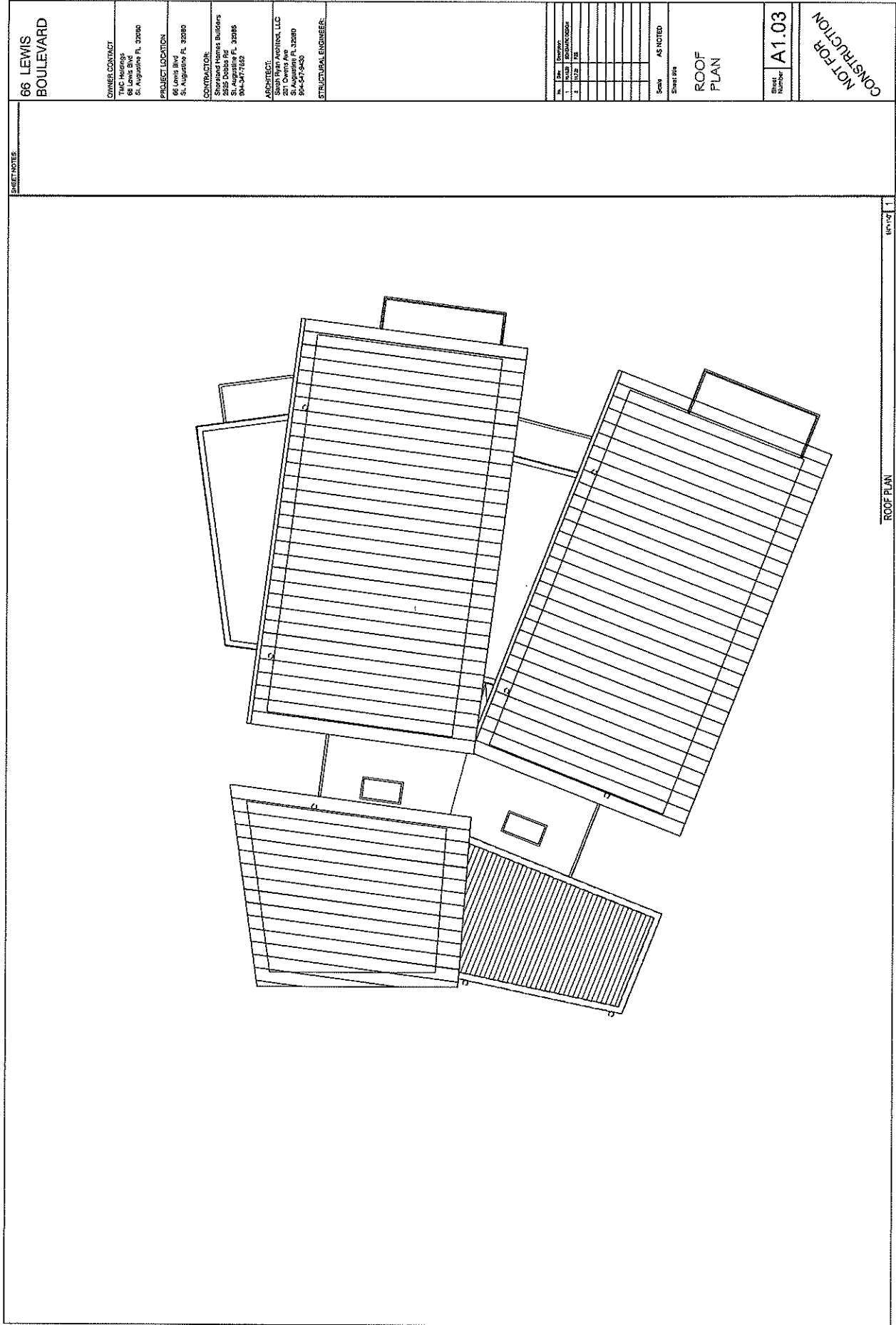
SITE PLAN

18"=1'-0" 1



SHEET NOTES:	
66 LEWIS BOULEVARD	
OWNER CONTACT TMC Holdings 66 Lewis Blvd St. Augustine FL 32080	
PROJECT LOCATION 66 Lewis Blvd St. Augustine FL 32080	
CONTRACTOR: Shoreland Homes Builders 2505 Oakdale Rd St. Augustine FL 32086 904-547-7652	
ARCHITECT: Sarah Ryan Architect, LLC 201 Owens Ave St. Augustine FL 32080 904-547-5430	
STRUCTURAL ENGINEER:	
No.	Date
1	10/03/20
2	11/2/20
Scale AS NOTED	
Sheet Size	
FIRST FLOOR PLAN	
Sheet Number	A1.01
NOT FOR CONSTRUCTION	





OWNER CONTACT

TTAC Holdings
668 Lewis Blvd
St. Augustine FL 32080

PROJECT LOCATION

688 Louis Blvd
St. Augustine FL 32080

CONTRACTOR:

Shoreland Homak Bulldogs
2525 Dobbs Rd
St. Augustine FL 32086
904-347-7652

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St Augustine FL 32080
904-547-8430

STRUCTURAL ENGINEER:

No.	Date	Description
1	10-10-88	BALANCE BROUGHT FORWARD
2	11-22	PAYEE

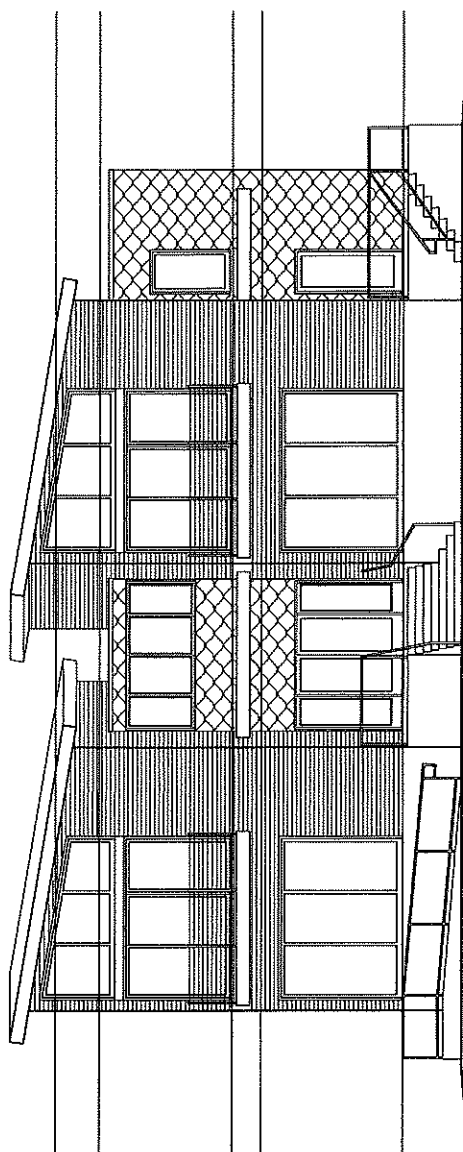
Scale	AS NOTED
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Sheet 110a

ELEVATIONS

Report Number: A2.01

NOT FOR
CONSTRUCTION



EAST ELEVATION



Live oak Tree ID #5797

Tree

Tree Id:	1
Primary ID:	5797
New Tag #:	
Previous ID or Tag #:	
Common Name:	Live oak
Scientific Name:	Quercus virginiana
DBH:	34.89
Number of Stems (Multi Calc):	Multiple Stems
Tree Height (Estimated):	40
Canopy Shape:	Asymmetrical
Mallet Test:	Negative

Health Condition: Fair- tree has reduced vigor and/or significant signs or symptoms from insects or diseases associated with foliar damage but are not likely to be fatal. Foliage discoloration can be significant.

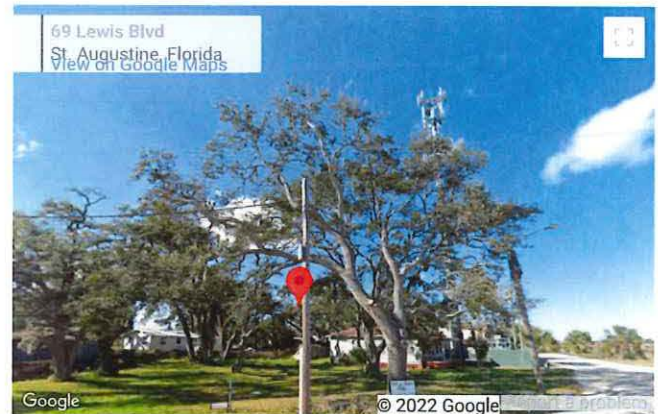
Structure: Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over

Photos



Utilites:	several years.
Observations-Characteristics:	Co-dominant leaders w/bark inclusion, Deadwood > 10%, Cavity/decay - small, Sparse foliage
Observations-Biotic Pest:	None observed
Observations-Abiotic:	Saturated Soil, Salt water flooding, Flooding
Notes 1:	Tree shows foliar symptoms of systemic salt damage and anaerobic soil conditions caused by poor drainage. Proposed building plan calls for fill soil to be placed well within the calculated tree protection zone and critical root zone. As little as 2 to 4 inches of fill soil can cause significant reduction in soil oxygen which reduces the health of a tree and can lead to tree decline and death. Using fill soil to deal with drainage will likely cause the tree to decline in health. Due to the large TPZ needed to preserve the health and stability of the tree during construction, building should be done on pilings, not on a stem wall or on fill soil. If this cannot be accomplished, the tree

Street View



Map



Notes 2:

should be removed prior to construction.

Pruning the upper north west portion of the canopy to accommodate a proposed 2-story building would be possible with minimal impacts to tree health and structure if the roots of the tree can be preserved.

DBH Stem 1: 28

DBH Stem 2: 17

DBH Stem 3: 12

DBH Stem 4:

DBH Stem 5:

DBH Stem 6:

Code: QUVI

Cultivar:

DBH Range: >30in

Genus: Quercus

Height Range: 30ft-50ft

Has Ecobenefits: No

Archived: No

Crown Light Exposure: Crown is fully exposed to light.

Location

Client Site: St A-Marks

House Number: 66

Address Street: Lewis Boulevard

Land Type: Front yard

Management

ISA Board Certified Master Arborist: Daniel Lippi FL-6145B

Tree Work-Pruning: None recommended

Tree Work-PHC:

Tree Work-Root/soil:

Priority:

Monitor: No

Cycle:

Pruning Specs and Notes:

With regard to tree health, underground pipes and tubing should be considered for dealing with the current poor soil drainage. Fill soil will have severe negative impacts on tree health.

Pruning spec-type of cut:

Pruning spec-location of cut:

Pruning spec-# of cuts:

Pruning spec-size of cuts:

Pruning spec-% canopy removal:

User: Danny

Last Modified User: Danny

Date Added: 11/17/2022

Last Modified: 11/17/2022

Risk Assessment

Assessment Level : Level 2 - Detailed 360° ground level visual inspection of a tree and its surrounding site w/mallet test.

Assessed Tree Part:	Branch
Likelihood of Failure:	Possible
Likelihood of Impacting Target:	Medium
Likelihood:	Unlikely
Consequence of Failure:	Significant
Risk Rating:	Low

TPZ	
TPZ Ratio:	8
Tree Protection Zone Inches:	279.12
CRZ Ratio:	1
Critical Root Zone Inches:	104.67

Staff Report

Memorandum

TO: Planning and Zoning Board

DATE: December 6, 2022

RE: **COMPREHENSIVE PLAN LAND USE PLAN AMENDMENT AND
REZONING 2022-0084**

AGENDA ITEM 9(a)

APPLICANT James G. Whitehouse, Esq.
c/o St. Johns Law Group

OWNER Vista Hotel IV, Inc.

LOCATION 1800 N Ponce de Leon Boulevard / PID 189750-0000
1860 N Ponce de Leon Boulevard / PID 189670-0000
7 W San Carlos Avenue / PID 189640-0000
1700 N Ponce de Leon Boulevard / PID 189790-0000
25 Missouri Avenue / PID 189780-0000

REQUEST To amend the current land use of Commercial Medium Intensity to Residential Medium Density-Mixed Use and to rezone the property from Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A) including all of the referenced properties.

CURRENT LAND USE Commercial Medium Intensity

CURRENT ZONING Commercial Medium-Two (CM-2)

PROPOSED LAND USE Residential Medium Density-Mixed Use

PROPOSED ZONING Residential General Office-A (RGO-A)

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 contained within the boundaries of US Highway 1 on the west, Matanzas Avenue on the south, property fronting Missouri Avenue, and W San Carlos Avenue on the north is Commercial Medium Intensity which is compatible with the zoning designation of Commercial Medium-Two (CM-2).

The applicant is requesting to change the land use designation to Residential Medium Density-Mixed Use to allow for the development of these properties as a branded hotel(s) which has certain floor height requirements.

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

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

2
1800 N Ponce de Leon Boulevard / PID 189750-0000
1860 N Ponce de Leon Boulevard / PID 189670-0000
7 W San Carlos Avenue / PID 189640-0000
1700 N Ponce de Leon Boulevard / PID 189790-0000
25 Missouri Avenue / PID 189780-0000
Staff Report & Recommendation

area 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.

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

FLUE Policy 6.4.6

Residential Medium Density Mixed Use

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

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

To encourage mixed use developments:

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

Rezoning

The current Zoning designation for the properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue is Commercial Medium-Two (CM-2). The current uses of the properties that are not vacant are retail sales of automobiles, alternative off-road vehicles and repair, office use and the sale of building materials.

The request is a reduction in intensity for the sites compared to the existing commercial zoning district, however the proposed zoning district of RGO-A does allow five (5) more feet of height.

This rezoning and land use amendment request if recommended would allow for forty (40) feet of height within the RGO-A zoning district which is an increase from the thirty-five (35) foot height limit allowed in the CM-2 zoning district.

The increase in height allowed for buildings with this change also comes with a decrease in the list of permitted uses and level of intensity going from CM-2 to RGO-A. The most notable uses that would no longer be allowed after a rezoning would be drive-in restaurants, new or used car sales lots, and retail sales of heavy machinery and equipment, for example.

Below are the permitted uses for each zoning district for reference. The intended use of the property as stated by the applicant is for hotel development which would be compatible with surrounding uses and within reasonable proximity to the downtown.

Since the applicant is requesting to change the land use designation to Residential Medium Density Mixed Use a compatible zoning district needs to be in place. The Residential General Office-A (RGO-A) zoning district is compatible and limits the height allowed to 40 feet.

The specific zoning district regulations are included below:

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.

4
1800 N Ponce de Leon Boulevard / PID 189750-0000
1860 N Ponce de Leon Boulevard / PID 189670-0000
7 W San Carlos Avenue / PID 189640-0000
1700 N Ponce de Leon Boulevard / PID 189790-0000
25 Missouri Avenue / PID 189780-0000
Staff Report & Recommendation

- b. Service establishments of all kinds including automobile service station or truck stop (see [section 28-338](#)) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
 - c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
 - d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
 - e. Hotels and motels with or without kitchenettes.
 - f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
 - g. Multifamily dwellings as for RG-1.
 - h. Colleges.
 - i. Shopping plaza or shopping center.
 - j. Intermediate care facilities.
 - k. Home office, private.
 - l. Agricultural market, outdoor or indoor.
 - m. Special event venue as per [section 28-347\(8\)](#).
 - n. Craft alcohol industry. See also [section 28-209\(1\)d.](#) for limitations on any type of wholesale, jobber or distributorship business.
- (2) *Permitted accessory uses.* See [section 28-348](#).
- (3) *Permissible uses by exception:*
- a. As provided in [section 28-347](#).
 - b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
 - c. Building trades contractor with outside storage yard and heavy construction equipment.
 - d. Boatyard.
 - e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
 - f. Bulk storage yards, including bulk storage of flammable liquids.
 - g. Open air theaters, but not drive-in theaters.

- h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
 - i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
 - j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
 - k. Uses and structures as for RG-1 (section [28-163](#)).
 - l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.
- (4) *Minimum lot requirements (width and area):*
- a. Minimum lot width, one hundred (100) feet.
 - b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings.* Seventy-five (75) percent.
- (6) *Minimum yard requirements:*
- a. Front, zero feet minimum, thirty (30) feet maximum, except for property abutting U.S. Highway No. 1 for which the front yard requirements shall be ten (10) feet minimum and no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side, five (5) feet.
 - c. Rear, five (5) feet.
 - d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.
- (7) *Maximum height of structures:* Thirty-five (35) feet.
- (8) *Vehicular access:* Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana shall require a condition of direct vehicular access to a roadway functional classification of principal arterial-urban U.S. Highway 1.

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § I, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

CM-1 uses are also allowed in the CM-2 Zoning District see below:

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

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

(1) Permitted principal uses and structures:

- a. Service station.
- b. Hotels and motels with or without kitchenettes.
- c. Shopping plaza and shopping center.
- d. Reception and information center.
- e. Museums.
- f. Outdoor recreational facilities.
- g. Service establishments such as hair salons, shoe repair shop, restaurant (including drive-in or fast food), service stations, interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices, furniture reupholstering, video rental and similar activities.
- h. Banks and financial institutions.
- i. Home office, private.
- j. Multiple-family dwellings.
- k. Retail outlets such as specialty food stores, pharmacy, supermarkets, clothing and toy and hobby shops, pet shops (but not kennel), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, sporting goods, TV and stereo equipment (including repairs), florist or gift shop, bake shop, sundries and notions, business office supplies, musical instruments, records and tapes, art gallery and antique shop, home furnishings and appliances (including repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating, plant nursery and garden center, alcohol sales and service (without drive-in) and similar products.
- l. Business and professional offices.

- m. Intermediate care facility.
 - n. Special event venue as per [section 28-347\(8\)](#).
 - o. Tattoo parlor or studio.
 - p. Micropigmentation clinic.
- (2) *Permissible uses by exception:*
- a. Any commercial or noncommercial tourist attraction which can be shown to meet the intent of this district. (See definition of "tourist attraction" in [section 28-2](#)).
 - b. Churches.
 - c. Wholesaling from sample stock.
 - d. Uses and structures as for RG-1 ([section 28-163](#)).
 - e. Commercial parking facilities.
 - f. Drive-in uses for banks and financial institutions.
 - g. Single-family uses.
 - h. Miniwarehouses, and self-storage facilities.
 - i. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
- (3) *Minimum lot requirements:*
- a. Lot width, one hundred (100) feet.
 - b. Lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.
- (4) *Maximum lot coverage of all buildings.* Seventy (70) percent.
- (5) *Minimum yard requirements:*
- a. Front, zero feet minimum, thirty (30) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side, five (5) feet.
 - c. Rear, five (5) feet.
 - d. Off-street parking shall be permitted in any side or rear yard.
- (6) *Maximum height of structures.* Thirty-five (35) feet.
- (7) *Permitted accessory uses and structures:*
- a. See [section 28-348](#).
 - b. Parking lots complying with [section 28-347\(3\)](#).

(Code 1964, § 33-44; Ord. No. 99-11, § 3, 3-22-99; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

The proposed zoning district of RGO-A is outlined below:

8
1800 N Ponce de Leon Boulevard / PID 189750-0000
1860 N Ponce de Leon Boulevard / PID 189670-0000
7 W San Carlos Avenue / PID 189640-0000
1700 N Ponce de Leon Boulevard / PID 189790-0000
25 Missouri Avenue / PID 189780-0000
Staff Report & Recommendation

Sec. 28-167. - Residential and general office-A: RGO-A.

- a. *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.
 - (1) *Permitted uses and structures.*
 - a. Multiple-family dwellings.
 - b. Professional and business offices.
 - c. Restaurants, but not drive-in.
 - d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
 - e. Marina.
 - f. Museums.
 - g. Parking facilities and garages.
 - h. Bar/tavern.
 - i. Home office, private.
 - j. Hotels, motels, conference centers, convention centers and spas.
 - k. Craft alcohol industry.
 - (2) *Permitted accessory uses and structures.* See [section 28-348](#).
 - (3) *Permissible uses by exception.*
 - a. See section[s] [28-347\(1\)](#) and (2), special event venue as per [section 28-347\(8\)](#) only allowed as an accessory use to a principal use.
 - b. Light manufacturing, processing, packaging and fabricating.
 - c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.
 - (4) *Minimum lot requirements.* As per planning and zoning board site plan review.
 - (5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.
 - (6) *Minimum yard requirements.*
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
 - (7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

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 properties at 1800, 1860, 1700 N Ponce de Leon Boulevard, 7 W San Carlos Avenue, and 25 Missouri Avenue are approximately a 2.19 acre collection of property owned by Vista Hotel IV, Inc. with plans to eventually construct two (2) new hotels.

One property including 1800, 1860 N Ponce de Leon Boulevard and 7 W San Carlos is a total of 1.48 acres to be a future hotel site. And 1700 N Ponce de Leon Boulevard and 25 Missouri Avenue is the second site totaling 0.71 acres to be a future hotel site.

However, the PZB is charged with making a recommendation based on the whether the proposed request furthers the goals, objectives and policies laid out in the City of St. Augustine 2040 Comprehensive Plan, and the overall potential impact on the City's land use plan.

As stated in the code reference in the staff report and below:

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 *(Staff comments in italics)*:

- (1) The need and justification for the change.

The applicant states in the Justification for the Action Requested section of the PZB application that the height would be limited to 38 feet and the proposal would reduce the intensity of the allowed uses by changing the applicable land use and zoning designations.

A land use and zoning request can not place specific caveats on properties unless a site-specific limitation is part of the land use change recommendation.

If a recommendation to change the land use and zoning designations on property is made without a site specific limitation the description of the land use as adopted in the Comprehensive Plan and the permitted uses, permitted uses by exception and any other development limitations in the zoning district would apply to the property.

- (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.

In the case of this request the Residential Medium Density-Mixed Use land use is a mixed-use designation, with certain ratios of commercial to residential uses and maximum development limitations. The Future Land Use Policy 6.2.3 contains a Table 1 outlining the basic limitations in each category. This category allows 16 units per acre with 50% land area maximum of industrial low and commercial uses (See Table 1), and a maximum height of 50 feet.

The existing Commercial Medium Intensity category allows for 16 units per acre with 50% of a maximum land area of residential uses, lot coverage of 70% and a maximum height of 35 feet (See Table 1).

In the descriptions there are also mixed-use ratios in both categories. The Comprehensive Plan states specifically that these ratios can be applied within buildings, properties, or citywide.

FLUE Policy 6.2.3

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

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

Future Land Use Categories	Maximum Density/Intensity
Historic Preservation	
Historic Preservation	24 units per acre
Residential Land Uses	
Low Density	8 units per acre; public/institutional Density/intensity most restrictive adjacent
Medium Density	16 units per acre; public/institutional Density/intensity most restrictive adjacent
Mixed Use	
Low Density	8 units per acre/50% land area max commercial low/public/institutional/recreation
Medium Density	16 units per acre/50% land area max industrial low/commercial low/public/institutional/recreation
Commercial Land Uses	
Commercial Low Intensity	16 units per acre/50% land area max residential use; lot coverage 60% max with 35 foot height

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

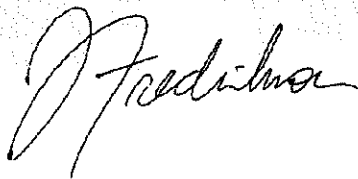
Commercial Medium Intensity	16 units per acre/50% land area max residential use; lot coverage 70% max with 35 foot height
Industrial Land Uses	
Industrial	2 units per acre: 80% lot coverage max with 35 foot height
Marine Industrial	2 units per acre: 80% lot coverage max with 35 foot height; 50% lot coverage max with 50 foot height and PUD
Open Land Land Uses	
Open Land (Very Low Density)	2 units per acre; lot coverage 20% max with 35 foot height
Open Land (Conservation)	Not Developable
Recreation	Density/intensity most restrictive adjacent
Public Land Use	
Public	Density/intensity most restrictive adjacent
Institutional	Density/intensity most restrictive adjacent
Multimodal Land Use	
Mobility Oriented Development	50 units per acre; lot coverage 80% with 65 foot height

(3) Consistency with the comprehensive plan.

This request is consistent with the Comprehensive Plan and includes a compatible request for a rezoning that would reduce the intensity of potential uses with a marginal height increase from 35 feet to 40 feet.

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

12
1800 N Ponce de Leon Boulevard / PID 189750-0000
1860 N Ponce de Leon Boulevard / PID 189670-0000
7 W San Carlos Avenue / PID 189640-0000
1700 N Ponce de Leon Boulevard / PID 189790-0000
25 Missouri Avenue / PID 189780-0000
Staff Report & Recommendation



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

NOV 07 2022

Planning/Building Dept.

Application Fee: \$400 (plus advertising costs) Project Number: 2022-0084
 Receipt Number: 2499567 Meeting Date: 12/6/22
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: James G. Whitehouse, Esq. Contact Number: 904-495-0400
 Business (if applicable): St. Johns Law Group
 Address: 104 Sea Grove Main Street City: St. Augustine State: FL Zip: 32080
 E-Mail Address: jameswhitehouse@sjlawgroup.com

2. NAME OF PROPERTY OWNER: Vista Hotel IV, Inc Contact Number: _____
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: 1897500000; 1896700000; 1896400000
1897900000; 1897800000

4. PROJECT STREET ADDRESS: 1800 & 1860 & 1700 N. Ponce de Leon Blvd. (US-1) - including 7 San Carlos - 25 Missouri

5. SPECIFIC PROPOSED USE: Hotel Use

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

7. DESCRIPTION OF ACTION REQUESTED: SEE ATTACHED -
Request to update the land use and zoning to allow for hotel use, as is currently allowed in the commercial land use and zoning,
but to a Mixed Use land use and RGO-A zoning that will allow additional 2 and one half feet, as required for floor ceiling heights.
Small Scale Comp Plan Amdmt - Commercial Medium to Res-Mixed Use
Rezoning - CM2 to RGO-A with conditions

8. JUSTIFICATION FOR ACTION REQUESTED: SEE ATTACHED -
Both the amended Mixed Use land use and RGO-A zoning will be conditioned with the
caveat that the maximum height allowed will be 38 feet. Both the requested land
use and zoning are compatible with the area and already allow the identical requested
uses in the current commercial land use and zoning; additionally, this request actually
decreases the intensity of uses by eliminating the high intensive uses of CM-2,
including automobile service stations, repair shops, drive-in restaurants, etc.

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

11/4/2022
Date

Signature of Property Owner

OWNER'S AUTHORIZATION ATTACHED
Date



NOTARY PUBLIC
STATE OF FLORIDA
My Commission Expires 156...

Owner's Authorization For Agent

James G. Whitehouse, Esq. is/are hereby authorized to ACT ON BEHALF
OF Vista Hotel IV, Inc. / Kanti Patel, 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:

1800/1960/1700 N Ponte Vedra (USG) & surrounding properties

BY: [Signature]
Signature of Owner
Kanti Patel
Print Name of Owner
904 826 5504
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 30 day of November, 2022

By Kanti Patel

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: Mar 30, 2026

Rev:022117



Holden Baker
Comm.:HH 247012
Expires: Mar. 30, 2026
Notary Public - State of Florida



\$700

RECEIVED

PZB APPLICATION FEE SCHEDULE

NOV 07 2022

Planning/Building Dept.

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.

1800/1860/1700 US-1 North

Project Address: _____

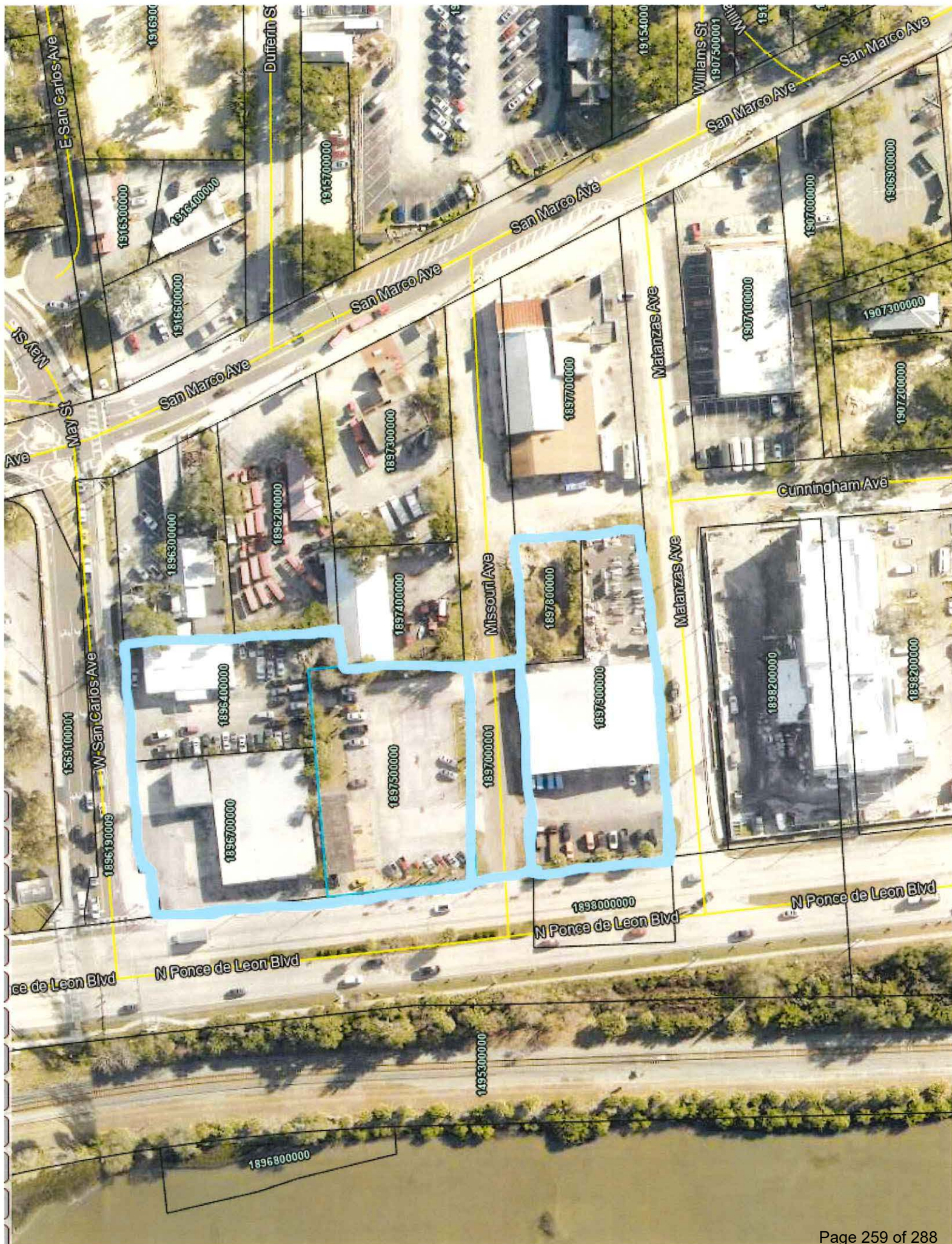
James G. Whitehouse, Esq.

Applicant's Name: _____ Applicant's Signature: _____

Vista Hotel IV, Inc.

Owners Authorization Attached

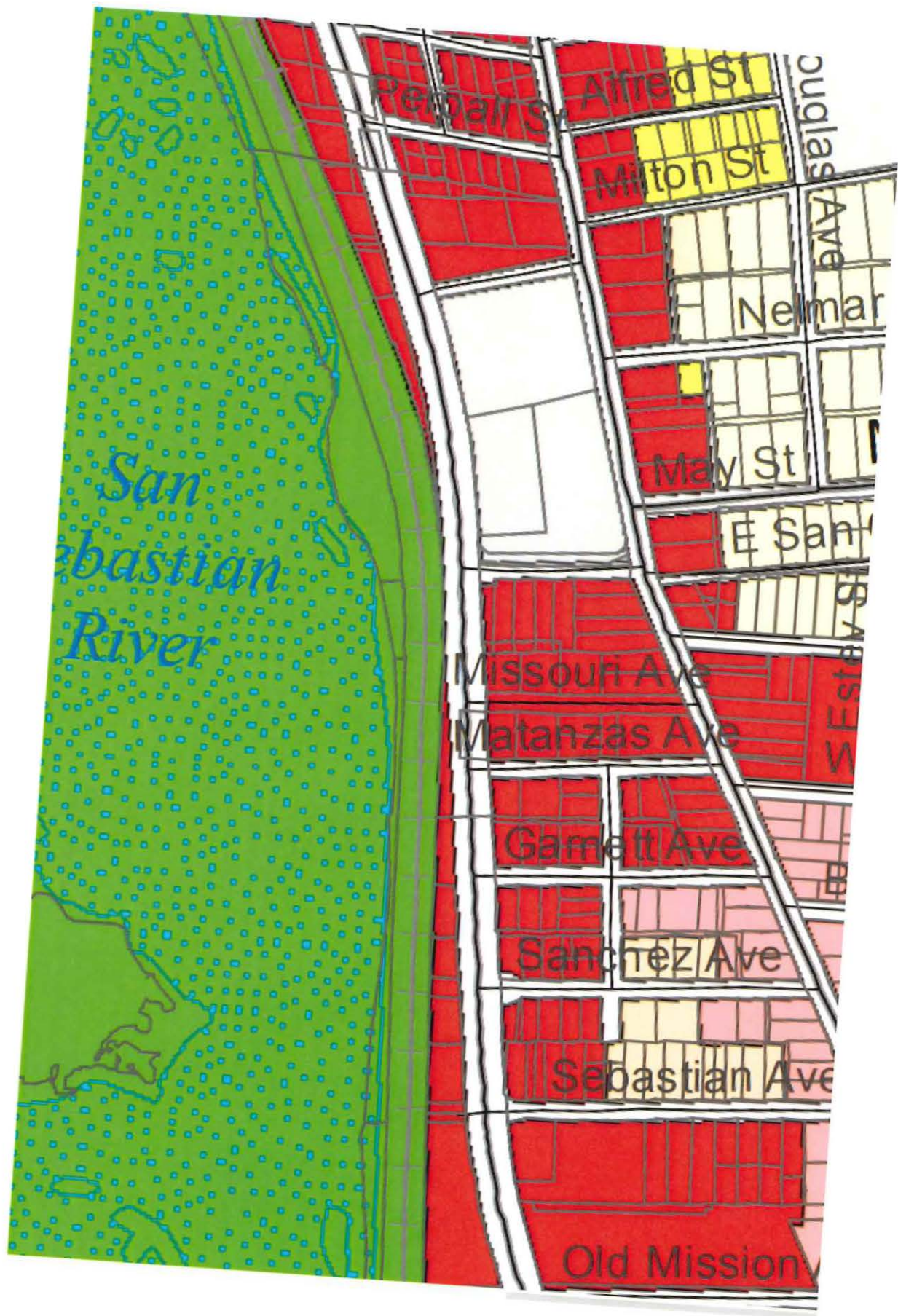
Owner's Name: _____ Owner's Signature: _____











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.

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 6.4.6

Residential Medium Density Mixed Use

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

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

To encourage mixed use developments:

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

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

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

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

- a. Retail outlets for the sale of general merchandise excluding new or used automobiles, trucks, boats and tractors (but not automobile wrecking or storage yards, junkyards, or scrap processing yards), heavy machinery and equipment, dairy supplies, feed, fertilizer, plant nursery, lumber and building supplies, supermarkets and convenience stores and similar products.
- b. Service establishments of all kinds including automobile service station or truck stop (see section 28-338) excluding businesses where automotive vehicles are offered for rent or sale, repair and service garage, motor vehicle body shop, auto laundry, drive-in restaurant, laundry or dry cleaning establishments, veterinarian or animal boarding kennels in soundproof building, pest control, carpenter or cabinet shop, home equipment rental, ice delivery station, job printing or newspaper, marina, radio or television broadcasting transmitter, antenna, office and studio facilities, banks and financial institutions, video rentals, funeral homes, travel agencies, electronic equipment/TV repair shop, employment offices, upholstering, furniture refinishing and similar establishments.
- c. Establishments or facilities for the retail sale and service of all alcoholic beverages, either for on-premises or off-premises consumption, or both.
- d. Any type of wholesale, jobber or distributorship business where the total operation does not require more than four thousand (4,000) square feet of floor space; no vehicle is used in excess of one-and-one-half-ton capacity; all merchandise is stored within an enclosed building; and no heavy machinery or manufacturing is located on the premises.
- e. Hotels and motels with or without kitchenettes.
- f. Building trades contractor not requiring outside storage; nor the use of any vehicle in excess of one-ton capacity; nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
- g. Multifamily dwellings as for RG-1.
- h. Colleges.
- i. Shopping plaza or shopping center.
- j. Intermediate care facilities.
- k. Home office, private.
- l. Agricultural market, outdoor or indoor.

- m. Special event venue as per section 28-347(8).
- n. Craft alcohol industry. See also section 28-209(1)d. for limitations on any type of wholesale, jobber or distributorship business.

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

(3) *Permissible uses by exception:*

- a. As provided in section 28-347.
- b. Wholesale, warehouse, or storage use, to include miniwarehouses, and self-storage facilities.
- c. Building trades contractor with outside storage yard and heavy construction equipment.
- d. Boatyard.
- e. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating and candy manufacturing.
- f. Bulk storage yards, including bulk storage of flammable liquids.
- g. Open air theaters, but not drive-in theaters.
- h. Commercial, recreational and entertainment facilities such as museums, carnival or circus, shooting gallery, skating rink, pony ride, go-cart track, athletic complexes, arena, auditorium, convention center, dance hall, indoor theater and similar uses; provided, however, such uses do not have temporary facilities which exceed more than thirty-five (35) feet in height for more than thirty (30) days in any calendar year. For the purpose of this section, exceeding the height at any time during a twenty-four-hour period constitutes a day.
- i. Palmist, astrologist, psychics, clairvoyants, phrenologists and similar uses.
- j. Businesses that offer for sale new or used automobiles, trucks, boats and tractors.
- k. Uses and structures as for RG-1 (section 28-163).
- l. Facilities for sales, trade, gift, display, storage, delivery or on-site commercial consumption of legally available marijuana.

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

- a. Minimum lot width, one hundred (100) feet.
- b. Minimum lot area, fifteen thousand (15,000) square feet; except as specifically required for certain uses.

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

(6) *Minimum yard requirements:*

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

no maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.

- b. Side, five (5) feet.
- c. Rear, five (5) feet.
- d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum, ten (10) feet maximum, and zero feet side setback consistent with the chart in the design standards.

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

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

(Code 1964, § 33-45; Ord. No. 93-03, § 1, 2-22-93; Ord. No. 00-04, § 1, 4-10-00; Ord. No. 03-17, § 5, 6-23-03; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 2007-10, § 1, 7-9-07; Ord. No. 09-16, § 1, 5-11-09; Ord. 10-12, § 1, 4-12-10; Ord. No. 10-23, § 1, 8-9-10; Ord. No. 14-27, § 1, 12-8-14; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 16-02, § 1, 1-25-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures:*

- a. Multiple-family dwellings.
- b. Professional and business offices.
- c. Restaurants, but not drive-in.
- d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
- e. Marina.
- f. Museums.
- g. Parking facilities and garages.
- h. Bar/tavern.
- i. Home office, private.
- j. Hotels, motels, conference centers, convention centers and spas.
- k. Craft alcohol industry.

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

(3) *Permissible 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 use to a principal use.
- b. Light manufacturing, processing, packaging and fabricating.
- c. Housing for the cognitively impaired.
- d. Housing for the elderly.
- e. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.
- f. Retirement housing, which shall be defined as any building or buildings, section or distinct part of a building, private home, boarding house, home for the aged, or other residential

facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. Retirement housing: may provide non-invasive services such as assistance with: (i) medication management including: with medication administration (topical, oral, and by injection (although only a licensed nurse may administer any such injection)) and ordering medications from a pharmacy; (ii) arranging for the provision of independent medical services (both off the property and as "home health care" on the property); (iii) diabetes testing; (iv) diet control and administration; and (v) wellness services, which include quarterly health assessments, weight monitoring, blood pressure checks, contracting with medical professionals, and coordinating any special services required by the resident (such as acquisition of medical equipment and supplies). The term "retirement housing" does not include the provision of medical, nursing, dental, or mental health services. The term "retirement housing" also does not include nursing homes.

- g. Commercial recreational and entertainment facilities including outdoor sports or activities such as tennis, paddle tennis, handball, racquetball, shuffleboard, miniature golf, archery range and horseshoe games but not shooting gallery, skating rinks, pony rides or go-cart tracks.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements:*

- a. Front, fifteen (15) feet.
- b. Side, ten (10) feet.
- c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Fifty (50) feet.

(Code 1964, § 33-26; Ord. No. 95-16, § 1, 5-8-95; Ord. No. 99-11, § 2, 3-22-99; Ord. No. 03-10, § 1, 4-14-03; Ord. No. 04-20, § 1, 1-10-05; Ord. No. 12-01, § 1, 3-16-12; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

- (a) *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

- a. Multiple-family dwellings.
- b. Professional and business offices.
- c. Restaurants, but not drive-in.
- d. Retail sales such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, retail sale of alcohol and similar products, with no exterior display or storage of merchandise permitted.
- e. Marina.
- f. Museums.
- g. Parking facilities and garages.
- h. Bar/tavern.
- i. Home office, private.
- j. Hotels, motels, conference centers, convention centers and spas.
- k. Craft alcohol industry.

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

(3) *Permissible uses by exception.*

- a. See section[s] 28-347(1) and (2), special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
- b. Light manufacturing, processing, packaging and fabricating.
- c. Single-family dwellings, with minimum yard requirements as defined for zoning district RS-2 and a maximum height of thirty-five (35) feet.

(4) *Minimum lot requirements.* As per planning and zoning board site plan review.

(5) *Maximum lot coverage by all buildings and structures.* Fifty (50) percent.

(6) *Minimum yard requirements.*

- a. Front, fifteen (15) feet.

b. Side, ten (10) feet.

c. Rear, ten (10) feet.

(7) *Maximum height of structures.* Forty (40) feet.

(Ord. No. 99-15, § 1, 5-24-99; Ord. No. 03-10, § 2, 4-14-03; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 21-17, § 1, 10-11-21)

Prepared by and return to:
Garry M. Glickman, Esquire
Glickman, Witters and Marell, P.A.
1601 Forum Place Ste. 1101
West Palm Beach, Florida 33401

Property Control Number: 189670-0000

WARRANTY DEED

THIS WARRANTY DEED made this 11 day of July, 2018.

1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company

whose address is: 277 Royal Poinciana Way, Suite 156, Palm Beach, FL 33480

hereafter called the Grantor, to

VISTA HOTEL IV, INC., a Florida corporation

whose address is: 32 Avenida Menendez, St. Augustine, FL 32084

hereafter called the Grantee,

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporation).

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF LOTS 7, 8 AND 9 OF SANCHEZ TRACT, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AS SHOWN ON OFFICIAL MAP OF CITY OF ST. AUGUSTINE DATED JANUARY 1, 1905, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 5 (PROJECT SECTION NO. 7801-203) 162.00 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT OF WAY LINE FROM THE SOUTH LINE OF HOPKINS (SAN CARLOS) STREET; THENCE NORTH 6 DEGREES 50 MINUTES WEST ALONG SAID RIGHT OF WAY LINE 144.97 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 30 SECONDS EAST 13.00 FEET; THENCE NORTH 73 DEGREES 37 MINUTES 30 SECONDS EAST 27.00 FEET; THENCE NORTH 3 DEGREES 29 MINUTES 30 SECONDS WEST 11.00 FEET TO A POINT ON THE SOUTH LINE OF HOPKINS STREET; THENCE NORTH 86 DEGREES 30

MINUTES 30 SECONDS EAST 93.26 FEET ALONG THE SOUTH LINE OF HOPKINS STREET TO THE NORTHEAST CORNER OF LOT 7 OF SANCHEZ TRACT; THENCE SOUTH 4 DEGREES 34 MINUTES EAST 161.70 FEET ALONG THE EAST LINE OF SAID LOT 7; THENCE SOUTH 86 DEGREES 30 MINUTES 30 SECONDS WEST 127.15 FEET TO THE POINT OF BEGINNING.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

Subject to conditions, reservations, restrictions and easements of record, provided that this instrument shall not re-impose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS - SIGNATURE

PRINT: Tobi Mickel

WITNESS - SIGNATURE

PRINT: Teresa Cicchella

STATE OF FLORIDA
COUNTY OF SARASOTA

1860 N. PONCE DE LEON, LLC, a Florida
Limited Liability Company

By:

JAMIE MICKLE, as Manager

THE FOREGOING INSTRUMENT was acknowledged before me this 9th day of July, 2018 by JAMIE MICKLE, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited Liability Company who is ☒ personally known to me or who has ☐ produced _____ as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: Margaret A. Adorjan

PRINT: MARGARET A. ADORJAN

MY COMMISSION EXPIRES:

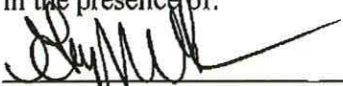


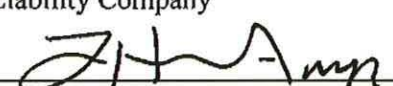
MARGARETA ADORJAN
Commission # GG 164821
Expires April 1, 2022
Bonded Thru Budget Notary Services

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

1860 N. PONCE DE LEON, LLC, a Florida
Limited Liability Company


WITNESS - SIGNATURE

By: 
LEE W. HEATON, as Manager

PRINT: GARRY M. GLICKMAN


WITNESS - SIGNATURE

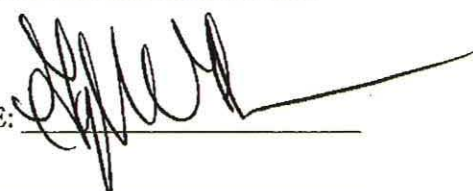
PRINT: Suzette L. Novak

STATE OF FLORIDA

COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this 10 day of
July, 2018 by LEE W. HEATON, as Manager of 1860 N. PONCE DE LEON, LLC, a Florida Limited
Liability Company who is ☒ personally known to me or who has ☐ produced
 as identification and who did/did not take an oath.

NOTARY:

SIGNATURE: 

PRINT:

MY COMMISSION EXPIRES:



THIS INSTRUMENT PREPARED BY:

Linda Logan Bryan, Esquire
Miller, Shine & Bryan, P.L.
97 Orange Street
St. Augustine, Florida 32084

**TITLE TO PROPERTY NOT
EXAMINED OR APPROVED -
LAW OFFICES OF MILLER,
SHINE & BRYAN, P.L.**

SPECIAL WARRANTY DEED

THIS INDENTURE made this 19th day of May, 2015 by **PONCE HOTEL, INC.**, a Florida corporation, whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantor, and **VISTA HOTEL IV, INC.**, a Florida corporation whose address is 32 Avenida Menendez, St. Augustine, FL 32084, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise and release unto the Grantee, all the right, title, interest, claim, and demand which the Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of St. Johns, Florida, to-wit:

Legal Description:	See Attached Exhibit "A";
Parcel Account No.:	189640 0000
Street Address:	7 San Carlos Avenue, St. Augustine, FL 32084;

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; however, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2015 and Subsequent Years

AND the Grantor does hereby covenant with the Grantee that, except as above noted, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of:

PONCE HOTEL, INC.

Mary E Horn
Print Name: MARY E Horn

Vikesh Patel
By: Vikesh Patel
Its: President

Mary Beth Peters
Print Name: Mary Beth Peters

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of May, 2015, by Vikesh Patel, President of Ponce Hotel, Inc. who is personally known to me.



Mary Beth Peters
Mary Beth Peters
Notary Public, State of Florida
My Commission Expires: 1/18/19

EXHIBIT "A"**PARCEL 2:**

BEING A PORTION OF LOTS 5 AND 6, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1903 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH $06^{\circ}49'41''$ WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH $88^{\circ}35'02''$ EAST, A DISTANCE OF 127.22' TO THE POINT OF BEGINNING; THENCE NORTH $04^{\circ}31'25''$ WEST, A DISTANCE OF 181.70' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAN CARLOS AVENUE; THENCE NORTH $88^{\circ}16'33''$ EAST ALONG SAID RIGHT-OF-WAY OF SAN CARLOS AVENUE, A DISTANCE OF 100.00' TO THE NORTHWESTERLY CORNER OF LOT 4, OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAN CARLOS AVENUE SOUTH $04^{\circ}32'32''$ EAST, A DISTANCE OF 183.89' TO THE SOUTHWESTERLY CORNER OF LOT 1 OF THE SANCHEZ TRACT, CITY OF ST. AUGUSTINE; THENCE SOUTH $88^{\circ}38'28''$ WEST, A DISTANCE OF 32.25'; THENCE NORTH $04^{\circ}13'08''$ WEST, A DISTANCE OF 21.70'; THENCE SOUTH $88^{\circ}35'02''$ WEST, A DISTANCE OF 87.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.38± ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS/EGRESS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MISSOURI AVENUE AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH $06^{\circ}49'41''$ WEST, A DISTANCE OF 135.92' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 AS PRESENTLY ESTABLISHED; THENCE NORTH $88^{\circ}35'02''$ EAST, A DISTANCE OF 180.22' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH $88^{\circ}35'02''$ EAST, A DISTANCE OF 15.00'; THENCE SOUTH $04^{\circ}13'08''$ EAST, A DISTANCE OF 131.75' TO THE NORTHERLY RIGHT-OF-WAY LINE MISSOURI AVENUE; THENCE SOUTH $88^{\circ}35'30''$ WEST ALONG SAID RIGHT-OF-WAY OF MISSOURI AVENUE, A DISTANCE OF 15.00'; THENCE LEAVING SAID RIGHT-OF-WAY OF MISSOURI AVENUE NORTH $04^{\circ}13'08''$ WEST, A DISTANCE OF 132.10' TO THE POINT OF BEGINNING.

6

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

William C. Hagin, Esq.
LeBoeuf, Lamb, Greene & MacRae LLP
50 North Laura Street, Suite 2800
Jacksonville, Florida 32202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed this 23rd day of January, 2007, by BOZARD LAND, LLC, a Florida limited liability company, whose address is 1700 North Ponce de Leon Boulevard, St. Augustine, FL 32084, hereinafter called the Grantor to, VISTA HOTEL IV, INC., a Florida corporation, whose mailing address is 32 Avenida Menendez, St. Augustine, FL 32084, hereinafter called the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Johns County, Florida, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
(THE "PROPERTY")

TOGETHER with all tenements, hereditaments, improvements (if any), easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever; SUBJECT, HOWEVER to the exceptions set forth on EXHIBIT B hereto:

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey the property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

BOZARD LAND, LLC

Signed, sealed and delivered in the presence of:

John D. Banta
Print Name: JOHN D BANTA

By: Harold William Shad, III
Name: Harold William Shad, III

Gloria M. Banta
Print Name: GLORIA M BANTA

Address: 1700 North Ponce de Leon Boulevard
St. Augustine, FL 32084

STATE OF FLORIDA)
COUNTY OF ST. JOHNS)

The foregoing instrument was acknowledged before me this 23 day of January, 2007, by Harold William Shad, III the Manager of Bozard Land, LLC, a Florida limited liability company. He is either [☒] personally known to me or [] has produced a FL state driver's license as identification.

Gloria M Banta
Name: _____
Notary Public, State and County aforesaid
Commission Number: _____
My commission expires: _____

[Notarial Seal]



EXHIBIT "A"

PARCEL 1:

EAST ¼ OF LOT 2, BLOCK 5, GARNETT ADDITION, AS DESCRIBED IN THE OFFICIAL PLAT OF THE CITY OF ST. AUGUSTINE, MADE BY ROBERT RANSON, DATED JANUARY 1, 1905 ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 2:

THE WEST ¼ OF LOT 2, BLOCK 5, GARNETT'S SUBDIVISION, AS SHOWN BY PLAT NOW ON RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA IN DEED BOOK "SS" AT PAGE 189.

PARCEL 3:

THE WEST ¼ OF LOT 3, BLOCK 8, BEING GARNETT AND CUNNINGHAM SUBDIVISION IN THE NORTH PART OF THE CITY OF ST. AUGUSTINE, AS BY REFERENCE TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGE 91 AND DESIGNATED AS LOT 3, BLOCK 8, THE ENTIRE LOT BEING IN FRONT 100 FEET AND IN THE DEPTH 110 FEET, MORE OR LESS, THE PROPERTY CONVEYED TO ALEX CAPO AND GERTRUDE CAPO JANUARY 13TH, A.D. 1893, RECORDED IN BOOK TT PAGE 180.

THE ABOVE PROPERTY BEING ALSO DESCRIBED AS THE WEST ¼ OF LOT 3, BLOCK 5, GARNETT SUBDIVISION, AS PER OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA. EXCEPTING RIGHT OF WAY FOR ROAD AS DESCRIBED IN DEED BOOK 210, PAGE 405.

PARCEL 4:

THE SOUTH 50 FEET OF LOT 1, BLOCK 5, GARNETT ADDITION TO THE CITY OF ST. AUGUSTINE, ACCORDING TO MAP THEREOF DATED JANUARY 1, 1905 AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS FRONTING 50 FEET ON CUNNINGHAM CENTER ON THE EAST, 100 FEET ON GARNETT AVENUE ON THE SOUTH AND BEING BOUNDED ON THE NORTH BY THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 213, PAGE 183, OF THE ST. JOHNS COUNTY PUBLIC RECORDS.

PARCEL 5:

THE NORTH ¼ OF LOT 1, BLOCK 5 OF GARNETT'S SUBDIVISION OF ST. AUGUSTINE, AS SHOWN ON THE OFFICIAL MAP OF SAID CITY OF ST. AUGUSTINE, FLORIDA, DATED JUNE 12, 1923, SAID PLAT BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

SAID NORTH ¼ OF LOT 1, BLOCK 5 HAS A FRONTAGE OF 60 FEET ON THE CUNNINGHAM AVENUE AND A DEPTH OF 100 FEET, EXTENDING WEST OF LOT NOW OR FORMERLY OWNED BY STEVE MCCORMICK.

PARCEL 6:

ALL OF 6, BLOCK 5, GARNETT SUBDIVISION IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AND DRAWN BY ROBERT RANSON, EXCEPTING THAT PORTION OF SAID LAND IN DEED BOOK 209, PAGE 145, ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, BLOCK 5 OF THE GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE DATED JANUARY 1, A.D. 1905, A COPY OF WHICH IS NOW OF RECORD AND ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 7:

THE SOUTH ¼ OF LOT 8, BLOCK 5, GARNETT SUBDIVISION OF THE CITY OF ST. AUGUSTINE, FLORIDA, ACCORDING TO OFFICIAL MAP OF SAID CITY DATED JANUARY 1, 1905, OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 9:

IN THE CITY OF ST. AUGUSTINE, FLORIDA, THE SOUTH ¼ OF LOT 1, BLOCK 3 OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF SAID CITY RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOT 2 AND LOT 3, BLOCK 3, GARNETT SUBDIVISION, ST. AUGUSTINE, FLORIDA, AS SHOWN BY OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, SAID PLAT BEING ON FILE AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA.

PARCEL 10:

THE NORTH ¼ OF LOT 1, BLOCK 3, OF THE GARNETT SUBDIVISION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF ST. AUGUSTINE, FLORIDA, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA.

PARCEL 11:

BLOCK 2 OF GARNETT'S ADDITION TO THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, ACCORDING TO OFFICIAL MAP OF ST. AUGUSTINE DATED JUNE 12, 1923.

A MORE PARTICULAR DESCRIPTION OF SAID BLOCK ACCORDING TO ITS PRESENT LINES AND BOUNDARIES IS AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE, WITH THE SOUTHERLY PROPERTY LINE OF SAID BLOCK ON MATANZA STREET, AS MARKED BY A PERMANENT MONUMENT CONSISTING OF A 3 INCH IRON PIPE WHICH IS SET AT THAT POINT. SAID POINT BEING 32.5 FEET WESTWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF SAN MARCO AVENUE AND 25 FEET NORTHWARDLY MEASURED AT RIGHT ANGLES FROM THE CENTER OF MATANZA STREET; RUN THENCE SOUTH 84°30' WEST ALONG THE SOUTHERLY PROPERTY LINE OF SAID BLOCK, 222 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY PROPERTY LINE OF SAID BLOCK ON CUNNINGHAM AVENUE; RUN THENCE NORTH 5°15' WEST ALONG THE WESTERLY PROPERTY LINE OF SAID BLOCK, 110 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY PROPERTY LINE OF SAID BLOCK ON MISSOURI STREET; RUN THENCE NORTH 83°39' EAST ALONG THE NORTHERLY PROPERTY LINE OF SAID BLOCK, 175.65 FEET MORE OR LESS TO THE POINT OF THE INTERSECTION WITH THE EASTERLY PROPERTY LINE OF SAID BLOCK ON SAN MARCO AVENUE; RUN THENCE SOUTH 27°54' EAST ALONG THE EASTERLY PROPERTY LINE OF SAID BLOCK, 121.5 FEET TO THE POINT OF BEGINNING, THIS PROPERTY BEING BOUNDED ON THE EAST BY SAN MARCO AVENUE, ON THE SOUTH BY MATANZA STREET, ON THE WEST BY CUNNINGHAM AVENUE AND ON THE NORTH BY MISSOURI STREET, AS SHOWN BY PLAT ATTACHED TO AND MADE PART OF WARRANTY DEED DATED SEPTEMBER 27, 1938 FROM ROCKLAND COUNTY REALTY CO. TO H. D. POLLARD. ALL COURSES ARE ON MAGNETIC BEARINGS.

PARCEL 12:

LOTS 4 AND 5, BLOCK 1, GARNETT ADDITION, CITY OF ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY. EXCEPTING RIGHT OF WAY OF STATE ROAD NO. 5. AND ALSO: LOTS 7,8 AND 9, OF THE SANCHEZ TRACT, ACCORDING TO PLAT OF THE CITY OF ST. AUGUSTINE, FLORIDA, DATED JANUARY 1, 1905. EXCEPTING THERE FROM RIGHT OF WAY OF STATE ROAD NO. 5, AND THAT PORTION OF SAID LAND CONVEYED TO STANFORD OIL CO., AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 10, PAGE 349, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. ALSO WITH: THAT PART OF LOTS 5 AND 6, SANCHEZ TRACT, AS SHOWN ON THE OFFICIAL MAP THE CITY OF ST. AUGUSTINE, DATED JANUARY 1, 1905, DESCRIBED AS FOLLOWS: FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53' 30" EAST, 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5 AND THE NORTH LINE OF LOT 4, SAID GARNETT ADDITION; THENCE DUE WEST, ALONG SAID SOUTH LINE OF LOTS 5 AND 6, SANCHEZ TRACT, AND THE NORTH LINE OF SAID LOT 4, GARNETT ADDITION, 67.70 FEET TO THE POINT OF BEGINNING.

PARCEL 13:

BEING A PART OF LOTS 5 AND 6, SANCHEZ TRACT, CITY OF ST. AUGUSTINE, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

IN THE CITY OF ST. AUGUSTINE, IN NORTH CITY, THE LOT DESIGNATED UPON THE OFFICIAL MAP OF SAID CITY, DATED JANUARY 1, 1905 AS LOT 5 OF THE SANCHEZ TRACT, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTH LINE OF A STREET AT THE NORTHERN LIMITS OF SAID CITY 150 FEET WESTERLY FROM ITS INTERSECTION WITH SAN MARCO AVENUE; THENCE SOUTHERLY 183'10" TO LAND OF R.B. GARNETT; THENCE WESTERLY 50 FEET; THENCE NORTHERLY 180'10" MORE OR LESS TO THE SOUTH LINE OF SAID STREET, AT THE NORTHERN LIMITS OF THE CITY; THENCE EASTERLY 50 FEET TO THE PLACE OF BEGINNING.

LOT 6 IN THE SANCHEZ SUBDIVISION IN THE CITY OF ST. AUGUSTINE, COUNTY OF ST. JOHNS AND STATE OF FLORIDA; BEGINNING IN THE NORTH LINE OF THE CITY LIMITS, 200 FEET WESTERLY FROM SAN MARCO AVENUE AND RUNNING THENCE WESTERLY 50 FEET; THENCE SOUTHERLY 183 FEET AND 10 INCHES MORE OR LESS TO LAND OF GARNETT; THENCE EASTERLY IN GARNETT'S NORTH LINE 50 FEET; THENCE NORTHERLY 183 FEET 10 INCHES MORE OR LESS TO PLACE OF BEGINNING.

THE ABOVE DESCRIBED LOTS 5 AND 6 ARE LESS AND EXCEPT THE FOLLOWING:

FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, RUN NORTH 0°23' WEST ALONG THE WEST LINE OF SAID LOT 6, 22.80 FEET; THENCE SOUTH 88°53'30" EAST, 67.85 FEET, THROUGH LOT 6 AND PART OF LOT 5, A DISTANCE OF 67.85 FEET; THENCE SOUTH 0°01'30" EAST 21.49 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE DUE WEST ALONG THE SAID SOUTH LINE OF LOTS 5 AND 6, A DISTANCE OF 67.7 FEET TO THE POINT OF BEGINNING.

COPY

Exhibit "B"

SCHEDULE OF PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years, which are not yet due and payable.

COPY

JK239609.2

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board

Meets the first Tuesday of each month at ~~2 p.m.~~ **1 p.m.**

Meeting Schedule 2023

January 3, 2023
February 7, 2023
March 7, 2023
April 4, 2023
May 2, 2023
June 6, 2023
July 5, 2023**
August 1, 2023
September 5, 2023
October 3, 2023
November 7, 2023
December 5, 2023

****Change due to Holiday**