



AGENDA

Note New Meeting Time

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, February 7, 2023, at 1:00 p.m.

Regular Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
 - a. Special Meeting Minutes from September 20, 2022.
 - b. Regular Meeting Minutes from November 1, 2022.
 - c. Regular Meeting Minutes from December 6, 2022.
- 4. Modification and Approval of Agenda**
- 5. Variance**

- a. 2022-0093
Continued from January 3rd Meeting

Chanel Miller – Applicant & Owner
[20 May Street](#)

To reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space.

- 6. Use by Exception**

- a. 2022-0095

David Spinner – Applicant
c/o Lobstah on A Roll
John Arbizzani – Owner
[34 Granada Street](#)

To approve the sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption on premises within the Commercial Low-One (CL-1) zoning district as a permitted use by exception.

7. Conservation Overlay Zone Development

- a. 2022-0057
Continued from October 4th Meeting
Applicant has requested to be continued to the March 7th Meeting
- Ryan Carter – Applicant
c/o Carter Environmental Services
San Sebastian River LLC – Owner
[Florida Avenue / PID 107790-0010](#)
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. 2022-0084
- Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.
Fountain of Youth Prop Inc.
[11 Magnolia Avenue](#)
To approve the modification of an existing dock to include four (4) new boats lifts with catwalks and to approve the new construction of an observation deck to the south of the existing dock within Conservation Overlay Zone 1.
- c. 2023-0001
- Adrienne Flatland – Applicant & Owner
[144 Pelican Reef Drive](#)
To approve the removal of a 13-inch dbh Southern Red Cedar within Conservation Overlay Zone 3.

8. Rezoning

- a. 2023-0002
- James G. Whitehouse, Esq. – Applicant
c/o St. Johns Law Group
Patricia D. Dobosz – Owner
[11 Bridge Street](#)
To rezone the property from Historic Preservation One (HP-1) to Planned Unit Development (PUD).

9. Other Business

- a. Discussion and Recommendation regarding the 2022/2023 Fiscal Year Update to the Capital Improvements Element of the City of St. Augustine 2040 Comprehensive Plan.
- b. Reminder regarding scheduled PZB Special Meeting on Tuesday February 21, 2023, at 1:00 pm.

10. 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

Historic Architectural Review Board and Planning and Zoning Board Special Meeting September 20, 2022

The Planning and Zoning Board and Historic Architecture Review Board met for a Workshop Session Tuesday, September 20, 2022 at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Catherine Duncan and the following were present:

1. Roll Call:

Historic Architectural Review Board

Catharine Duncan – Chairperson
Gaere MacDonald – Vice Chairperson
Jon Benoit
Paul Weaver (arrived at 1:05p.m., left at 4:05p.m.)
Brad Beach

Planning and Zoning Board

Mike Davis, Vice Chairperson
Jon De Preter
Sarah Ryan (left at 3:55p.m.)
Carl Blow
Charles Pappas
Christina Griggs (left at 2:05p.m.)

City Staff:

Amy Skinner, Director, Planning & Building Department
Julie Courtney, Historic Preservation Officer
Candice Seymour, Historic Preservation Planner
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Modification and approval of Agenda

Ms. Duncan announced item five, 22-24 Cathedral Place, had been withdrawn by the property owner.

MOTION

Mr. Blow MOVED to APPROVE the modification to the agenda. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Griggs, Pappas, Ryan, Davis, Beach, Benoit, MacDonald, Duncan

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Architectural Guidelines for Historic Preservation (AGHP) Update

a) Review the draft update of the AGHP with consultants, Bender & Associates Architects (Bert Bender, Principal Architect and Jonathan Lammers, Historian)

Ms. Duncan welcomed the two consultants, Bert Bender and Jonathan Lammers and

advised they would be helping them through the process.

Ms. Skinner noted the AGHP was in the process of being updated and they appreciated the Boards' thoughts and effort. She hoped this would be a beneficial discussion and hoped it would identify any issues that needed to be addressed.

Bert Bender, Consultant, President of Bender and Associates, introduced the topic and provided an overview of other projects they were involved in.

Jonathan Lammers, Consultant and Historian discussed the updates and changes to the AGHP. He noted the guidelines were last updated in 2011 but there had not been a comprehensive update since 1997. He asked for the Boards to take a broad look at the guidelines and then they would be able to narrow them down. He said these guidelines would only be in effect in the HP Districts downtown.

Mr. Lammers provided an overview:

- Internal and External Links
- Resources (paint colors, historical society, City Code etc.)
- Provided a learn more section regarding Mitigation or National Park Service
- Updated graphics throughout
- Provided more acceptable and compatible designs
- Added more historical images
- Provided designs of masonry buildings
- Architectural materials and features
- Included information needed for applicants to provide to staff
- Store Fronts
- Storm Preparedness and Flood Mitigation
- Updated Architectural Styles

He said a main change was having the architectural styles in the rear of the book; however, it flowed similarly to the old document. He pointed out the document

was organized clearly, and color coded to be more user friendly.

Mr. Lammers asked for feedback to help refine the document as this was not the final draft.

Board discussion:

- In favor of how the document was organized and formatted
- Noted it was a leap forward by having a digital copy
- Encouraged by the illustration examples that had been provided
- Questioned if the document addressed neighborhoods that were not in the HP district

Consultants response:

- Thought that would be settled between staff and HARB
- Felt the National Register Districts were important; however, the document did not have a policy recommendation for those districts

Ms. Skinner advised no policy decision had been made on how this would or would not affect the National Register Districts. She said the original document focused on the Spanish Colonial style and over the years in the historic districts there were other styles mixed in. She said there needed to be better descriptions and guidance on how to address the other styles within the historic districts. She said the National Register Districts had other styles and as work was done, there was a reference document available for the different styles.

Board discussion:

- Document was excellent and more user friendly
- Asked if there was a GIS map with style information of the homes that was interactive

Ms. Courtney noted GIS mapping was linked to the Florida Master Site file surveys, but it did not include every building in the City as the entire City had not been surveyed.

Mr. Lammers said architectural styles were applied in retrospect. He said St. Augustine's best collection of buildings were ones that did not have a style as those did not match anything in the guidelines. He said these buildings were a response to the place and materials that were available.

Mr. Bender added these were the City's guidelines and they were there to help develop them into what the Board wanted.

Board discussed:

- Should define the scope of the AGHP as it was the document that addressed demolition and partial demolition
- Should include a workflow on how to proceed and should have 'if then' questions
- Felt whole scale demolition should be one category and partial demolition should be a separate category

Ms. Lopez noted this was more of an encyclopedia of architecture as a reference document. She said that staff would be able to work on the regulatory side which could be linked to the AGHP and since regulatory statutes changed over time, those could be updated by staff.

Mr. Benoit noted the AGHP was more of a reference tool or resource with not a lot of policy information.

Ms. Lopez said the regulatory component would change and partial demolition was a big change for the City; whereas, the consultants were more able to assist with the reference document.

Board discussion:

- Felt the whole City should use the document but it should be noted the AGHP would focus on the HP Districts
- In the section explaining 'who should use the document' that would be the place explaining the demolition
- HARB had authority over the HP Districts and demolition over the whole City
- Felt the need to have a section for demolition separately
- Concerned with how water would affect the City
- Questioned sign font styles

Mr. Lammers advised the City wanted to regulate signs in the historic area. He said some fonts were a mixture of fonts from the historic 16th century and others were recent but looked old. He noted he made a list based off the signs and the approved fonts.

Mr. DePreter asked if it was a discretion from HARB to approve the signs.

Ms. Skinner replied when a sign permit was submitted, there were preapproved guidelines the applicant had to meet. She said if the sign did not meet the preapproved guidelines, it would go before HARB.

Mr. DePreter asked if the Hardy Board versus the Wood Clap Siding was a recommendation or was a hard recommendation for no wood.

Mr. Lammers said HARB had stressed historic authenticity and there were limited instances when Hardy Board would be approved. He said the statement in the AGHP notes it could be presented to HARB but that did not mean it would be approved.

Mr. DePreter suggested another material for signs as it would last longer.

Mr. Bender noted the guidelines were not 100% at the moment but assured the Board it would be.

Board discussion:

- Color coordination provided in separate sections
- Felt the HP Districts needed to be delineated better on the map as it was difficult to see and note the street dividing the districts
- Felt photos were wonderful and made a difference in providing a sense of what St. Augustine was in the past

Mr. Lammers noted when printed, the colors would be to the outside. He said they had hired graphics company and would advise them not to overlap the colors.

Ms. Courtney suggested using the preapproved colors for paint since they did not want to use modern colors.

Discussion continued:

- Suggested having a more interactive version with a QR code rather than online and paper as that could be more accessible
- Throughout the entire document it noted to replace 'in kind' except for asbestos shingles which was not in continuity
- Government had ruled that asbestos shingles were no longer allowed; however, there were companies that produced replicas
- Should understand that materials might not always be available
- City could update the links in the document every three years when the Building Code changed
- Should clarify a Florida Product approval number or a letter from a Certified Engineer was required to use a product
- The more graphics the better
- Asked if part three: Guidelines for additions and new construction

referenced residential or commercial construction or both

Mr. Lammers said it was following the conventions of the old document to include both. He asked if there was anything specific that needed to be clarified.

Mr. Beach felt clarification on which section applied since there was a section specifically regarding commercial buildings.

Mr. Lammers said some principles would apply to both commercial and residential.

Board Discussed:

- Asked why signs were combined with the commercial building section
- Felt it should be a separate section perhaps make a miscellaneous section
- Post-1821 construction did not have a lot of information other than general responses to the building and architectural building features
- Should have more measurables for the Post-1821 designs
- Was more information for pre-1821 styles
- Height from floor to floor and height of doors should be addressed because that was an important piece and should be discussed
- Page 61 would be a good place for Post 1821 graphics
- A lot had to do with context around the building and thought HARB would have to make a decision
- Historic buildings changed with the use and how they were addressed
- Buildings could be twelve feet without a landing according to the Florida Building Code
- Designer should provide a proposal and the Board could make the decision if it were appropriate
- Page 75 provided great examples of constructed buildings that were compatible but differentiated

- Point of where the thirty-five feet was measured should be addressed
- All homes shown were at grade level but needed to provide some that were built to code
- Zoning code defined how to measure the height which was one floor above the main flood elevation
- Should demonstrate how the building would tie into the streetscape
- Part two focused more on the resiliency issues
- Audience reviewing the material were builders and architects but thought it was great to include the general public
- HP districts had many significant post WW2 buildings reconstructed buildings and Civil Rights buildings and asked for clarification on how to handle those
- Questioned what area was covered and felt that needed to be clearly stated
- HP District and National Register Districts should be distinguished
- Examples provided were outside the HP districts
- Chapter six was the most important with new information regarding Flood and Storm Mitigation
- HARB needed measurables as a guideline
- Should know the height to make a building safe from flooding
- Thought elevating buildings at all was a threat to St. Augustine, but needed to accept this reality
- What would happen to Colonial buildings that were unable to be raised
- Had suggestions that could be provided but thought this was a great start

Mr. Bender said there were ways to address height of buildings, an option could be to raise the grade of the lot and cover it with a panel by the street. He said the height could be reduced by what was done underneath it. He said there were other examples from other locations that could help St. Augustine.

Mr. Lammers agreed St. Augustine was vulnerable, and this would need to be done incrementally, and raising buildings should be done in the best way possible to preserve what made St. Augustine special.

Ms. Courtney advised there was stand-alone documentation available, which could be used to lift historic and non-historic homes. She said there was one for historic design guidelines regarding coquina structures, and a Resilience Heritage Study, which was an overview about maintaining the historic properties.

Mr. Davis asked if the documents could be linked to the AGHP.

Ms. Courtney stated those documents were linked to those pages and were on the City's website

Discussion continued:

- Felt having the old document with the changes they were asked to approve would be beneficial
- Felt this update would be beneficial to HARB when making decisions
- Document should be made for everyone to understand and work with and not an obstacle
- Would have to remedy the issue of siding because certain materials would not always be available
- Houses that were 100% able to be demoed should be able to be approved by staff and not pushed to the Board
- Most people looked at the code and building height and wanted to be above the minimum
- Thought crawl spaces helped the neighborhood rather than adding fill dirt to a lot
- Suggested adding the Datil Pepper Plant to the list of plants for landscaping
- Raising buildings would happen and there was no way to get around it and buildings would get raised or would be underwater

- Streetscape would level out as more and more homes were lifted
- Should have this available for the public through News and Notes and through links on the neighborhood council sites, felt the effort was just as important as the document itself
- Street names on the map should be a full page to help the information be clearly noticed
- HARB did not have purview over what was put back but thought it was difficult as every part of the historic fabric was important to the City
- Issue with finding materials that had longevity
- Understood the details that mattered were the one used on the home
- Old photos provided were useful and the information on the concrete block was helpful
- Major issue was the storm water and should look at not allowing the use of stem walls or back fill
- Asked if there was a section on institutional buildings
- Program the City had that was assisting in rehab for old institutional structures and guidelines would be helpful
- If alternative materials were approved should provide examples of what would be acceptable
- Should have parameters for people to use and include with their application ¹
- Should include a line in the code to have a way for an alternative to be approved and better for the long term
- Plant list did not have enough diversity
- Issue with mandating that plants should be chosen from the preapproved list
- Flooding was an issue in HP districts and thought residential properties should not have a landscape plant requirement
- If necessary, should be allowed to have new material percentage that was available and HARB approved

- Should be revisited because people should not lose their landscape due to flooding
- More plants should hold water and should have salt water tolerant plants
- Would be easier to have a list of plants that should not be planted
- Hard for projects to be approved by HARB unless materials or plants were preapproved
- Felt the plant list could be expanded to provided other options
- If applicant could prove their case, would be in support
- Did not feel plants were an issue when it came to applications
- The goal was for it to be as simple as possible for it to be administratively approved
- Felt the landscape design was more important than the actual plants

Ms. Skinner noted in the guidelines currently there was a \$1,000.00 threshold for administrative approval but anything over that had to go before HARB.

Discussion continued:

- Felt there were two goals trying to be met: salt tolerant plants and review of the plant material
- Felt instead of a money threshold could have a square footage threshold
- Anything within the HP zones HARB had full purview of the property
- Important to have historical accuracy and the design of the streetscape

Mr. Lammers said he was happy to rework the list with an emphasis on native plants. He felt it would be best to exclude plants rather than have a list of approved plants.

Ms. Courtney noted the commercial properties were what was mostly being reviewed and felt there was a need for a set of plans to know what could and could not be done. She asked where the threshold for

¹ Break from 2:43p.m.-3:00p.m.

residential properties should be to create a HARB requirement.

Board discussion:

- Felt the hardscapes should be separated
- Felt the \$1,000 threshold was low and should be raised significantly and that would eliminate some of the residential but keep the commercial entities

Mr. Lammers said number six and number eight in the old guidelines noted no structural maintenance should exceed \$250.00 and no landscape feature was to exceed \$1,000.00. He suggested having a percentage instead of a dollar amount. He said for general maintenance and repair it would be limited to 10%, an example would be no more than 10% of the siding. He said this would provide staff the ability to review the application and request more plans if needed before presenting to the Board if. He said the dollar amount for landscaping was eliminated and for hardscaping, it was changed to no more than 100 square feet of landscaping. He said it was conservative but provided staff discretion to make decisions.

Discussion:

- Most important was to stop invasive plants
- HARB's purpose was to protect the historic districts
- To protect the HP district, they needed to monitor the percentage of structures that were contributing structures because once below 50% it would no longer be a contributing district
- Suggest making sure the reader understood why the guidelines were needed
- Should be a give and take for the people in the community
- Landscaping was an item that did not affect the historic designation

- Some areas had landscapes that were character defining features like the Plaza, Flagler, and the Alcazar
- Perhaps conduct a survey of the different landscaping and gardens that were significant to the City
- Landscaping today might not make sense if the home was lifted
- Landscaping was more of a trend and those could change yearly
- Unsure if people would know the plants were historic to the style property and what plants grew here now might not in the future

Mr. Lammers asked for feedback regarding the percent or keeping the dollar amount in the guidelines.

Discussion:

- Dollar amount would change over time, but the percent would last forever
- Asked how that was calculated and who would do the calculations

Mr. Lammers said the calculations could be reviewed by staff after the applicant provided the information.

Ms. Courtney said it was difficult to obtain information from applicants; however, the precise calculations could help them if they were not over the percent. She said the two numbers were 100 square feet for the hardscape which could be calculated easily, but the 10% could be more difficult to determine.

Mr. Pappas said he was in favor of the percent; however, applicants might spread it out over time to have more than the 10%, and it needed to have a start date to avoid the 10% happening over and over.

Ms. Courtney asked if there was a way to prevent these alternations over time that were not allowed.

Ms. Duncan suggested a time frame for windows.

Mr. Benoit said there was language in the code regarding other changes to buildings that said only so much work could be done during a certain amount of years until it needed to be brought up to code.

Mr. Lammers said they would need to discuss the use of alternative materials but noted not all alternative materials were the same.

Board discussed:

- Felt once alternative materials were allowed for cedar roofs and wood siding there would be none left in the City
- Both were character defining features and once allowed, would have a dramatic effect on the City
- Suggested using a composite material that resembled novelty siding
- Divide what materials could and could not be replicated
- Concerned some materials would not weather the same as the wooden materials
- Felt St. Augustine was special, and it was not always about rehabilitation but restoration using historically accurate materials
- Cedar shakes and wood windows were defining to the town and should be protected
- Issue with composite siding was there were no imperfections like the wood siding
- Perks with using composite materials as they did not deteriorate like wood
- Historically accurate siding did not exist anymore, the wood today was softer
- Suggested having accurate siding on the front of the building and the back and sides of the building use alternative material
- Asked if there were other locations having the same issues with the materials

Mr. Lammers said San Francisco, California was experiencing the same issues and they stressed traditional materials. He agreed the appearance of the perfect cement boards was a draw back. He noted page 93 and said the statement could be 'St. Augustine stressed original materials and if the applicant wanted to use alternative it would be on a case-by-case basis'.

Mr. Bender said the guidelines needed to respond to what was wanted by the City.

Board discussion:

- Thought the issue did not apply to a large amount of buildings in the HP districts 1, 2, and 3
- It was more of the patina that was wanted
- In HP 2 and 3 should have wood, HP 1 was more diverse and HP 4 and 5 could have more flexibility
- Should be careful not to make buildings unaffordable to where the buildings became demolition by neglect
- Was no economic hardship in HP districts 1,2, or 3 no building was less than \$600,000.00
- Asked if it was important to have the materials around the entire home
- Felt it was a slippery slope and the guidelines would be weakened
- Investments in the district reaped rewards when the quality was maintained
- Not in favor of having different siding on the sides and back as it needed to stay authentic
- Should maintain accurate materials as it only applied to the HP districts
- If it were the entire City, then alternative materials would be needed but since it was the HP area only it should be viewed case-by-case

Ms. Courtney advised the Board needed to keep in mind the new construction and if those would be required to have the historic materials or it would be on a case-by-case

basis. She said the original materials helped to keep the home affordable and maintained, as newer materials did not last as long as and would have to be replaced more often.

Ms. Skinner said the older materials during hurricane Matthew survived better than the newer materials.

There was Board consensus to leave the definition the same and, on a case-by-case basis.

Mr. Davis said the economic hardship could not be viewed for newcomers to the area but could for people who had lived in the homes for 40 or 50 years and could not afford the upkeep.

Ms. Duncan agreed that was an issue as the values increased, which was why there was the homestead exemption to help elevate the taxes.

5. 22-24 Cathedral Place PUD Amendment (No action will be taken by the boards) *

a) Discussion of proposed amendments to the Planned Unit Development (PUD), including the PUD narrative, site development plan, building elevations and exhibits

Item was withdrawn by the property owner

6. Other Business

a) Schedule additional meeting dates for additional review of the AGHP update

Ms. Courtney advised they were working on dates for October 12th and 13th at 9:00a.m. or 1:00p.m. She said they would let everyone know regarding dates and times.

Ms. Skinner thanked the Board for their feedback.

7. Next Scheduled Meeting Dates

a) Tuesday, October 4, 2022, 2:00 pm - Planning and Zoning Board (PZB) Regular Meeting

b) Thursday, October 20, 2022, 1:00 pm - Historic Architectural Review Board (HARB) Regular Meeting

8. Adjournment

Having no further business, Ms. Duncan adjourned the meeting at 4:20 P.M.²

Catherine Duncan, Chairperson

² Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting November 1, 2022

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

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

Absent: Mike Davis, Chairperson

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

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVED the September 6, 2022 minutes as presented. The motion was SECONDED by Mr. Blow and APPROVED BY UNANIMOUS VOICE VOTE.

4. Modification and Approval of Agenda

Mr. Pappas announced item 5(b) 2022-0073 had been withdrawn by the applicant.

MOTION

Mr. DePreter MOVED to APPROVE the agenda as modified. The motion was SECONDED by Mr. Blow and APPROVED BY UNANIMOUS VOICE VOTE.

5. Variance

5. (a) 2022-0045 Continued from the August 2nd 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.

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 DENY a variance to decrease the rear yard setback at 28 Macaris Street / PID 153530-0000 from 20' to 13' due to no additional information provided for an accurate site plan review.

Thomas Burd reviewed the application.

The Board provided their ex parte communication.

Notices were sent out to the surrounding property owners at the prior meeting and no new notices were sent.

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

The Board discussed:

- Asked if the middle section were to be demoed as labeled
- Asked for clarity regarding the application

Applicant response:

- No permits had been pulled, the roof would be replaced and raised
- Structure would be in the existing footprint
- Roofline to the rear of the house had been approved and permitted

Ms. Skinner advised the part in grey on the site plan had been approved and under construction. She said the application was for the setback of the highlighted yellow section on the site plan labeled the new garage with living space above.

Mr. Burd said two trees would need to be removed if the variance was not granted.

Board Discussion:

- Asked if there was a reason why the addition could not be done in front of the trees
- There was a twenty-foot setback in the front and sixteen-foot setback on each side with an open area
- Based on the information provided looked to have enough room to construct the addition in the area that would not affect the setbacks

Applicant Response:

- If built in front of the trees, the front setback would be impacted

- Site plan showed trees side by side; however, that was not how they were placed
- If constructed in that location it could not be connected to the house based on where location of the two trees

Mr. Blow asked if the drawing was received on October 27, 2022. He said certified notices were sent out.

Mr. Fredriksson replied the drawing was stamped received on the 27th of October and notices were sent when it was originally advertised; however, they did put the orange sign out regarding this meeting.

Ms. Skinner advised the application had been continued to a time certain, which was this meeting. She explained if an application was continued to a time certain, it was not readvertised.

Board discussion:

- Asked if the applicant was removing two live oak trees
- Did not have the site plan prior to the meeting
- Confirmed the house was one dwelling for one family on two lots
- Lot had 28x27 building that was two-stories, with a rear addition which was 10x11 that was two stories, then one the one that was demoed which was 20x18 with 520 square feet in-law suite

Applicant response:

- Goal was to keep the trees and proceed with the addition as shown
- Drawing did not accurately depict the location of the trees
- When everything was complete, there would be a total footprint of 2,621 square feet

Mr. DePreter said the staff report indicated there was a singular disadvantage; a non-conforming RS1 lot that was built in 1925.

Mr. Burd said the previous owner built the mother-in-law suite which went over into the other lot by three feet.

Mr. DePreter questioned why the lot was non-conforming.

Mr. Fredriksson said the minimum lot coverage for RS1 was 10,890 square feet and the entire lot together was 890 feet short.

Ms. Skinner noted it was a non-conforming lot even with the two lots combined.

Board discussion:

- Inclined to continue the application to obtain more information especially regarding the trees
- Structure was existing and in line with the other structures on the lot
- Appreciated that the applicant wanted to protect the oak trees
- Only concern was the existing structure would remain as it showed on the site plan it was to be demoed
- Asked if staff would amend the recommendation with the new information

Mr. Fredriksson said there was a singular disadvantage and there was no impact to the public interest.

Board discussion:

- Did not like receiving materials past the deadline
- No measurements regarding the trees and was unsure if the trees could survive construction
- If the trees needed to be removed the application would need to return to PZB
- Suggested providing an arborist report

MOTION

Mr. Shaffer **MOVED** to **APPROVE** Variance 2022-0045 to reduce the rear setback from 20' to 13' with the condition that the adjacent existing structure remain; however, after further discussion Mr. Shaffer withdrew his motion.

MOTION

Mr. DePreter **MOVED** to **CONTINUE** application 2022-0045 to December 6, 2022 for the applicant to present an arborist report noting the trees would not be damaged during construction, and a site plan with accurate measurements from the proposed parking pad to the oak. The motion was **SECONDED** by Mr. Blow.

Mr. Blow asked for the applicant to provide photos at the next meeting.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2022-0073 – Vista IV Hotels Inc – Applicant

Kanti Patel – Owner

1800 N Ponce de Leon Boulevard

Application was withdrawn by the applicant.

To increase the allowable maximum height for structures within the Commercial Medium-Two (CM-2) zoning district.

6. Use by Exception

6. (a) 2022-0068 Continued from the October 4th Meeting – Sunil & Ronita Mohanani– Applicant & Owner
39 San Marco Avenue

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

Dirk Schroeder was present; however, he did not have an owner's authorization form from the applicant.

Ms. Lopez advised without the proper documentation Mr. Schroeder was unable to speak on the applicant's behalf.

There was Board consensus to hear the case without the applicant present as the Board had heard many cases similar to this in the past.

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 one (1) short term rental offsite parking space in the municipal parking garage for 39 San Marco Avenue / PID 194710-0010.

Ex Parte Communication:

(None)

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

Public hearing was opened.

Dirk Schroeder spoke in favor of the application and said the property was within eighty feet of the City Parking Garage.

Public hearing was closed.

The Board discussed:

- The applicant tried to obtain parking at a surrounding location
- Parking garage was the last resort and the applicant had made an effort
- Home was close to the parking garage

- Two onsite parking spaces at the rental location
- With this being a three bedroom, one parking spot was needed at the parking garage

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2022-0068 as the applicant had looked for other options which were unavailable, and the home was close to the parking garage. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2022-0074– Martin Solano
c/o Solano Cycle Inc– Applicant
Vikas Desai – Owner
c/o Shri Hari Lodging Inc.
100 San Marco Avenue

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

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a vehicle sale and rental business at 100 San Marco Avenue/PID 192460-0000.

Ms. Skinner advised there was a typographical error on the agenda and noted the applicant wanted to proceed with the application.

Martin Solano reviewed the application.

The Board provided their ex parte communication.

22 certified notices were sent, 2 were returned in favor, 18 returned opposed and 14 had comments and additional emails were attached.

Public hearing was opened.

Lauren Giber spoke in opposition to the application and said San Marco Avenue was a very busy street, and the three wheeled vehicles did not follow the rules and regulations of the road. She encouraged the Board to deny the application.

Richard White spoke in favor of the application, and said he used the services provided by the applicant. He felt it was a good business for the area and he encouraged the Board to support the application.

Terry Hensley said she received a notification regarding the business move. She said Bernard Street was narrow and it was in a neighborhood. She said they did not want the additional traffic and was concerned with the move. She said this business did not belong in the area.

Public hearing was closed.

Mr. Solano said this was a commercial business and they did everything they could to direct people away from the residential neighborhoods. He said this would lessen the impact to the downtown area by eliminating their cars. He said they were trying to be good neighbors and not cause issues in the City.

The Board discussed:

- Understood the concerns of the neighborhood
- Business was only moving down the street by a few blocks
- Business offered many services to people who visited the City
- Not concerned with the traffic or the intensity

- Tourist were directed to the tourist area downtown
- Would have ample space on the property
- Asked if there was a test area on the property
- Felt it was important to address the zoning information and felt this was relative to the property
- Asked what types of vehicles were allowed on City streets and how that was determined

Applicant response:

- Would have space for the test-driving area
- Hours were from 10:00a.m.-6:00p.m.

Ms. Lopez advised as long as the vehicles were street legal and depending on the speed they would be allowed; however, low speed vehicles were not allowed on US1/Ponce de Leon.

Board discussion:

- Would this be an expansion for the business
- Would there be more rental units
- Hours of operation should apply to the rental instead of how long the business was open
- New location was beneficial as most people wanted to be in the downtown area
- Would rather have low speed vehicles instead of cars on the road
- Business was less intense than others that were permitted to be there
- Suggested adding a fence to help with the concern regarding people exiting onto Bernard Street
- Asked if the lot was larger than the current site
- Where did patrons park at the current location
- New location parking would be on the western side in the back

- Did not want to close off the west or rear parking area as that was for patrons and it could be restricted for only customers
- East side would be the test-driving area and thought that driveway should be left open
- Exception would run with the applicant

Applicant response:

- Would not be an expansion but entire business would be in one building
- Number of vehicles would not change; however, it would change with the market
- Did not want a limitation where business could not adapt to the demand
- Lot was more vertical with a lot of parking in the back and was a tad larger, but mostly shaped differently
- Patrons were able to park onsite in the ten or twelve active spaces
- Parking would be on the easterly side and the front would be a test diving area or parking overflow
- Rental vehicles numbers varied; ten golf carts which were leased, seventeen scooters, and six or seven coups but fluctuated with peak season
- Willing to put up cones, signs, and would physically tell the customers where to exit the location
- Asked if a restriction for hours were added could it be 8:00p.m.
- Had not been opened past 6:00p.m. except in rare occasions

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2022-0074 with the following conditions:

- Dedicated test-driving area for the rentals on the easterly front side of the property
- Restrict customer parking area on the west side
- All rentals must exit on San Marco Avenue
- Rentals from 10:00a.m.-6:00p.m. with the last rental at 6:00p.m.

The motion was SECONDED by Ms. Griggs.

Mr. Shaffer was concerned with limiting a person's business and asked if the applicant was fine with the conditions.

Mr. Solano said as long it was listed as "primary" parking then he would agree because the front might be used for parking if they were extremely busy.

Mr. Blow asked if Ms. Hensley could speak again since she lived in the neighborhood.

Mr. Pappas agreed.

Ms. Hensley said she had not seen the layout provided to the Board. She said there were four driveways onto the property and hoped the one on Bernard Street would only be used for parking and customers would not drive down Bernard Street. She asked for customers to exit on only San Marco Avenue.

Ms. Pappas advised the packets the Board used were on the City website and available to the public.

Mr. Pappas asked if the motion could be amended to add a right turn only sign for customers when exiting the parking lot.

Mr. DePreter AMENDED the MOTION to include the request. The AMENDED MOTION was SECONDED by Ms. Griggs.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2022-0076– Bobbi Jones – Applicant
c/o Tower Engineering Professionals, Inc.
Anish Patel – Owner
c/o Kasam Hospitality, Inc.
24 Cathedral Place

To approve the installation of new wireless antennas and mechanical equipment as part of a wireless antenna upgrade.

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 the installation of new wireless antennas and mechanical equipment as part of a wireless antenna upgrade at 24 Cathedral Place / PID 197160-0000.

Abby Ball reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Project was more under HARB purview
- Questioned if the antennas would be higher than they were now
- All hardware would need to be permitted and would have to meet Building Code
- Went through an extensive review by Historic Architectural
- Was increasing the volume and bringing it up to the 5G standard

Applicant Response:

- Would not be a height difference and would be replaced with like for like
- Specific location was chosen to improve the signal for the surrounding area as it was heavily populated

MOTION

Mr. Blow MOVED to APPROVE Use by Exception 2022-0076. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. Conservation Overlay Zone Development

7. (a). 2022-0054 Continued from October 4th Meeting– Andy Hardy – Applicant c/o Hardy Joe Marine Company– Applicant Steve Leathers – Owner 103 Dolphin Drive

To approve an after the fact installation of dock pilings, floating docks totaling over 310 square feet, and a 240 square foot boat dock 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 an after the fact construction of dock pilings, floating docks, and a boat dock within Conservation Overlay Zone 1 at 103 Dolphin Drive / PID 219860-0000.

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

Andrew Hardy and Angela Leathers reviewed the application.

The Board provided their ex parte communication.

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

¹ Break from 3:40p.m.-3:55p.m.

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

The Board discussed:

- No issues as the applicant provided more information
- Dock was large for the area; however, was a tight location and man made
- Neighboring properties were not opposed to the application

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone One Development 2022-0054 as submitted. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (b) b. 2022-0057 Continued from October 4th Meeting Ryan Carter – Applicant c/o Carter Environmental Services San Sebastian River LLC – Owner Florida Avenue / PID 107790-0010

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.

Ms. Griggs recused herself from the application.²

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 and mitigation issues of the proposed wetland impacts.

Based on a review of section 11-29 staff finds that the board can APPROVE a pile-supported dock with a floating platform totaling approximately 1,459 square feet in Conservation Overlay Zone 1 and 2.

Based on a review of section 11-29 staff find that the board can APPROVE the removal of significant trees after considering alternative sidewalk configurations and residential structure placements in effort to preserve as many trees as possible 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.

The Board provided their ex parte communication.

Certified notices were sent out at the October 4, 2022 meeting.

Public hearing was opened.

Kevin Hesson spoke in opposition to the application and said this would drastically increase the traffic as the area was tight. He said the environment would be affected and there were health and safety concerns. He said emergency vehicles had issues getting down in that area already. He said there was also a sewage concern. He asked for his concerns to be addressed before approving this application.

Marta Hahn spoke in opposition to the application and said there was a pool that had been added since the last meeting. She said there was access from Julia Street and said she was not in support of adding a bulkhead. She said this was not good for the

² Recusal form attached to original minutes

neighborhood. She said this would affect the vista.

Sean Calpini spoke in opposition to the application and was concerned with the removal of the trees in the location which helped absorb the water during rain events. He asked if the applicant would be required to provide a surety bond to ensure the project would be completed.

Holly Culpepper spoke in opposition to the application and noted the trees were 100's of years old and this would affect the wildlife. She said the dock for recreation was unsafe as the rivers current was very strong. She noted the traffic was a concern to the narrow-crowded streets and felt the emergency vehicles would have issues getting into the area.

Justin Harnage spoke in opposition to the application and felt the project was too large for the area. He said the storm drains had not been replaced in a long time and it would cause a problem by installing an angled parking lot. He said the water would affect the neighborhood. He suggested a neighborhood meeting to work through the issues.

Hudson Kennedy spoke in opposition to the application as it was intensive to the area. He said the bulkhead would cause more issues with water drainage to the area. He said Julia Street was only thirteen feet wide and this was to allow for access to Florida Avenue which was seventeen feet wide. He said the neighborhoods infrastructure could not support this development. He felt there was no public benefit.

Michael Kavanagh spoke in opposition to the application and said there was concern with the loss of trees and vegetation that could absorb water. He said mangroves were protected and asked if this was a concern to the developer. He said he was happy these would be on pilings but thought the number of buildings was excessive. He said the

majority of trees would be eliminated and would destroy the tree canopy.

Kathleen Kavanagh spoke opposed to the application and suggested having a neighborhood meeting in order to work through some of the issues with the developer. She said the wildlife would be affected and personal safety was an issue as there were no sidewalks and emergency vehicles would not be able to get to the area. She said assessments were great but not always accurate. She asked who was responsible for the infrastructure and damaged during the build and after.

Diane Markovits spoke in opposition to the application due to the lack of compatibility. She said there were concerns that needed to be discussed and resolved as this affected the City Comprehensive Plan and was in all three Conservation Overlay Zones as defined by the City. She said removing trees was reckless and would increase the flooding in the area.

Amy Kalafa spoke in opposition to the application due to infrastructure reasons. She said there was a lot of charm in the area which was very beautiful. She said drainage was a huge issue and the streets were made to be drained into the river. She said she thought there were protected species and encouraged the City to purchase it to help preserve it. She said the project will likely move forward but hoped for a less invasive plan. She asked the Board to consider adding another railroad crossing and entryway to another street to help with the traffic.

Richard White spoke in opposition to the application as it could have a devastating impact to the neighborhood.

Public hearing was closed.

Mr. Carter stated he was not a planner and asked for staff to provided that specific information.

Ms. Skinner advised the property was zoned RG2 there could be able to have 16 single family units per acer.

Mr. DePreter asked if the parcel directly west of the one in question was zoned as what.

Mr. Carter said the bulkhead was twenty feet and not the length of the property and said this would help minimize wetland impact. He said adding a bulkhead would allow access to the property. He advised this would be approved by the St. Johns River Management and would have to meet all the guidelines. He said the large stormwater pond would capture, treat, and discharge the stormwater.

Mr. DePreter asked if the Boards purview included the water coming from the Florida Avenue property or just the water from this particular development.

Ms. Lopez replied criteria two was to review the site's relationship to adjacent properties.

Ms. Skinner said the Public Works department would review the application and verify all stormwater requirements were met.

Mr. Pappas said infrastructure of City water and sewer should be reviewed by Public Works. He asked if the system were unable to handle the new development what would happen.

Ms. Skinner said that was part of the evaluation, and utility network. She said there may be discussions regarding what upgrades might be required.

Mr. Pappas asked what the associated cost would be and if the upgrades were done by the City or was there a cost to the developer.

Ms. Lopez stated the City was responsible for its system, however, if there needed to be an improvement to serve a new development, there were certain agreements that could be done for certain improvements

but the City was responsible to maintain and improve its own system.

Mr. Pappas asked if this was approved and the developer did not want to spend any money was the City responsible for the development.

Ms. Lopez said no it was outside the Board's purview. She said there was no decision by the Board that would impact the process.

Ms. Skinner said through the concurrency review the applicant may have to respond based on the outcome.

Mr. Blow said the analysis by staff was preliminary as there was no information regarding how many units would be on the property. He asked based on the drawings provided how many units would be on the property.

Ms. Skinner noted the density was determined on the buildable area which was only in the uplands.

Mr. Carter replied there would be a total of forty-two units plus a single-family residence, and a pool which was shown on the latest site plan.

Mr. Blow said regarding stormwater the JB Pro Civil drawing showed along the westerly property line there looked to be a line that would capture the natural flow off the adjoining property that faced Florida Avenue and come out where the bulkhead was proposed.

Mr. Cater said the engineer sent a summary that said the site design resulted in a grading design that mimicked the natural topography of the site and the post development grading design allowed all stormwater runoff to continue to runoff and discharge in the same general pattern.

Mr. Blow said the water was being captured from the adjoining property and placed in

the river. He said it looked like the parking and everything else would be directed to the stormwater retention pond.

Mr. Carter replied it would be to all the impervious areas.

The Board discussed:

- Decisions regarding traffic and infrastructure were outside the Board's purview
- Asked why staff wanted to continue the bulkhead

Mr. Fredriksson explained it was because staff was not provided information about it before but was told it would be explained at the meeting. He said they asked for more information regarding the plans for mitigation for the wetland that were to be filled

Mr. Shaffer asked if the tree mitigation was City wide, specific to the zoning code, or conservation overlay zones.

Ms. Skinner replied it was City wide.

Board discussion continued:

- Asked for clarification regarding the Conservation Overlay Zones and wanted to know where Zone 2 and 3 were located

Ms. Skinner said the three overlay zones were defined as:

- Zone One was the most restricted jurisdictional line, which was the impact with the proposed dock and where it interacted with the land
- Zone Two was 100 feet landward of the most restricted jurisdictional line, which was a buffer area
- Zone Three was the entire City as it was considered the canopy area

Mr. Shaffer asked what this project was zoned. He asked if the seventeen criteria the Board used applied to all zones.

Ms. Skinner said it mainly applied to Zones 1 and 2; however, there were specific issues related to docks.

Mr. Shaffer said one of the requirements for Zone 2 was a maximum of fifty percent of the basal area of trees and a maximum of fifty percent of the total number of saplings could be removed for any purpose in a twenty year period within Zone 2. He asked if there was an analysis that address the requirement.

Mr. Carter said he was unable to address that at this time.

Board discussion:

- Asked if there was an accurate acreage that would be developed
- Many unresolved issues and wanted clarification regarding the tree removal in Zone 2
- Felt there had been mixed answers regarding the reasoning for the bulkhead
- In favor of the pier construction
- Area was zoned with a higher density and density was not being increased
- Effect on the flood plain as the water would flow into a discharge from the adjacent property
- All City Departments would review the application including the Fire Department
- Public Works would review the infrastructure
- Felt the bulkhead should be addressed another way but thought the applicant would buy a credit
- As long as it met the City Code for mitigation for wetlands there would not be an issue

Applicant response:

- Would be around 3.53 acres
- If the bulkhead were eliminated, they would lose five compact parking spaces
- Would buy a .01 credit

Mr. DePreter asked in the staff report it stated trees could be discussed by changing roads and asked if there were any specific ideas to help save trees.

Mr. Fredriksson said the trees that were significant should be addressed since some were in the sidewalk and within the Single-Family home location.

Discussion:

- Canopy changed with the addition of the single-family home and the pool
- If they had above the parking count and eliminating the bulkhead could be beneficial
- Property owners could build as long as they were within the code
- Applicant was building to standards the Board was pushing for
- Mitigation credit was for salt water or fresh water
- Not concerned with the twenty linear feet of bulkhead
- Concerned with the issues related from the public regarding the sewer system
- Asked if the applicant had worked with the City about the infrastructure
- Developer might have to pay for the improvements if needed

Applicant response:

- Was for a freshwater wetland impact
- Was able to purchase a credit for the smallest domination of 0.01

Ms. Skinner suggested for the applicant come in for a Friday Review to have the project reviewed by the different City Departments.

Mr. DePreter asked if the significant trees were identified by the white arrows.

Mr. Fredriksson replied yes, those were the significant trees proposed for removal.

Ms. Lopez advised the next PZB meeting was December 6, 2022.

Mr. Carter advised that the applicant had attended a Friday Review. He said with the Board's approval they would like a continuance. He listed the items that would need to return to the Board:

- Property depict the tree removal associated with pool on the updated site plan
- 11-29 Conservation Overlay Zone maximin 50% of the canopy related to page six of the staff report
- Justify the need for the bulkhead with the parking calculations within the complex
- Question regarding sewage and Friday review outcome
- Trees to be avoided from staff report and try to reduce the impact to the trees

Mr. Carter noted the goal was to save as many trees as possible. He said that was why they were building on piers.

Mr. Shaffer said the bulkhead was in the strictest Conservation Overlay Zone and it was not clear that bulkhead would not have an impact the natural and proposed drainage patters or some of the other criteria in which the Board used.

Mr. Carter said the bulkhead would not impact that.

Mr. Pappas suggested holding a neighborhood meeting to have all the questions answered.

Mr. Blow asked if there could be a hardcopy of the renderings proposed and online for the public to view.

MOTION

MOVED to CONTINUE Conservation Overlay Zone 1, 2 and 3 Development 2022-0057 to the December 6, 2022 with the conditions that were discussed. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

**7. (c) 2022-0072 – Ryan Carter – Applicant
c/o Carter Environmental Services
Rob Nicholson – Owner
207 Inlet Drive**

To approve the construction of a new 2,256 square foot dock and two (2) boat lifts 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 2,256 square foot dock and two boat lifts within Conservation Overlay Zone 1 at 207 Inlet Drive / PID 213740-0000.

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

Ryan Carter and Michael Carpenter reviewed the application.

Ex Parte Communication:

(None)

20 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:

- No issues with the application
- Dock built in the 2000's was great but had a critical flaw and failed during hurricane Matthew
- Asked if the concrete piling would be removed
- Understood why the applicant wanted to go further out in deeper water
- End of the dock was forty feet wide and sixteen feet deep with a twenty-foot lift
- Asked if sixteen feet deep was necessary and if not, could it be reduced to twelve or fourteen feet
- Felt the reduction would be a little safer for boaters
- Had an old dock in the location and this was a replacement
- Dock seemed to be compact

Applicant response:

- Owner wanted to use all wood pilings and the existing would be removed
- Willing to decrease to fourteen feet deep

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 2022-0072 with the condition to make a change to the dimension from sixteen feet to fourteen feet. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

³ Break from 5:42p.m.-5:48p.m.

8. Comprehensive Plan Land Use Plan Amendment and Rezoning

**8.(a) 2022-0075 City of St. Augustine – Applicant & Owner
13 Dolphin Drive**

To amend the current land use of Residential Low Density to Public and to rezone the property from Residential Single Family-One (RS-1) to Government Use (GU).

Mr. Birchim, Assistant City Manager, advised City Staff did not make recommendations concerning amendments to the FLUM designation of property or the zoning designation of property.

The Planning and Zoning Board makes recommendations for FLUM amendments and zoning changes directly to the City Commission.

Mr. Birchim reviewed how the City obtained the home and discussed the reasons why the property would not be a viable archeology center. He reviewed the technical challenges and how the home interrupted the streetscape for the neighborhood which was not supported by the City's Comprehensive Plan.

Ex Parte Communication:

(None)

9 certified notices were sent, 2 were returned in favor, 4 returned opposed and 4 had comments.

Public hearing was opened.

Carl Carothers spoke in opposition to the application and said it was a generous gift to the City; however, it this was not a suitable archeology site. He said there was no GU zoning or commercial zoning in the area, and the building was not in good condition. He felt this would cause more traffic in the area.

Catherine Paris spoke in opposition to the application and said it was a residential area and felt it should not be an archeological site. She felt it would be best if the property were sold and an archeological site could be built elsewhere.

Public hearing was closed.

Mr. Pappas asked if this was a procedural process.

Ms. Skinner replied it was and said it was part of the agreement for the property.

MOTION

Mr. Shaffer MOVED in regard to the Land Use Plan Amendment to RECOMMEND AGAINST amending the current land use residential low density to public due to the practical reason that the property was not suitable for government use as an archeological center. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Shaffer MOVED in regard to the rezoning 2022-0075 to RECOMMEND AGAINST rezoning the property rezone the property from Residential Single Family-One (RS-1) to Government Use (GU). The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

(None)

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 6:15 P.M.⁴

Charles Pappas, Vice-Chairperson

⁴ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 6, 2022

The Planning and Zoning Board met in formal session Tuesday, December 6, 2022, at 2:00 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
Jon DePreter
Carl Blow
Matthew Shaffer

Absent:

Ashleigh Barnes
Christina Griggs

City Staff:

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

Ms. Skinner announced that Item 7(a) application for Florida Avenue had requested a continuance to February 6, 2023.

Ms. Lopez announced starting in January 2023 the meetings would begin at 1:00p.m.

MOTION

Mr. Blow MOVED to CONTINUE 2022-0057 until the February 6, 2023 meeting.

VOTE ON MOTION:

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

2. General Public hearings for Items Not on the Agenda

Heard after item 4.

Marta Hahn

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the October 4, 2022 meeting minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

MOTION

Mr. Pappas MOVED to APPROVED October 12, 2022 Special Meeting minutes as presented. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

4. Modification and Approval of Agenda

Heard at the beginning of the meeting and after roll call.

MOTION

Mr. Blow MOVED to CONTINUE item 2022-0057 to the February 6, 2023 meeting at 1:00 p.m. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (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

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 decrease the rear yard setback at 28 Macaris Street/PID 153530-0000 from 20' to 13'.

Thomas Byrd reviewed the application.

The Board provided their ex parte communication.

Public notices were sent at the prior meeting.

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

The Board discussed:

- Asked if the center section on the site plan labeled 'to be demoed' would be removed to leave two separate structures
- The trees that were in questions were in front of the development
- Had plenty of room for the tree as the garage was nineteen feet away

Applicant response:

- Only part that would be demoed would be the roof as it was bad and could not be salvaged but the building would stay

MOTION

Mr. Shaffer MOVED to APPROVE Variance 2022-0045 to reduce the rear setback from twenty feet to thirteen feet on a Residential Single Family One Lot to allow for the proposed addition to the single-family residence. The motion was SECONDED by Mr. Pappas.

Mr. Blow asked if the motion should be tied to the criteria for a variance. He said there was no issue that would harm the public, and the owner did not cause the situation; however, he was trying to improve it.

MOTION

Mr. Shaffer MOVED to AMEND the MOTION to include the items as mentioned. The amended motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5.(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.

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 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.

Rickey Garmon reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Building on the property had less of a setback
- Flooding of the property was a disadvantage
- Setbacks would be further from the property line than existing
- Felt there were other disadvantages as the existing structure had less of a setback
- Property was irregularly shaped
- Felt flooding would become a precedence and should not penalize applicants for flooding

- Thought the more homes that did not flood the better

Applicant response:

- House to the south of the property had the same variance to five feet
- Seven extra feet would provide more options for the layout of the home

Mr. Blow said there was a cedar tree in the front yard and asked if it was a protected tree.

Ms. Skinner said if the tree were more than eight inches in diameter then a tree removal permit or the tree would need to be noted on the site plan when the building permit was applied for and would need to address the tree at that time.

Mr. Blow said the tree was not included with this variance. He asked if the cedar tree would be kept.

Mr. Garmon said he was unsure; however, on the site plan he used twenty-five front foot setbacks. He asked if he could have the fifteen-foot setback.

Ms. Skinner advised fifteen feet was the front setback requirement for RS2; however, if that impacted the tree and it was protected then he would need to return to the Board for approval of the tree removal.

Mr. Garmon said he would try to keep the tree. He said more than half the lots on the road had their property lines up to canal and others did not. He asked how lot lines were established and could he obtain ownership to the canal like his adjacent neighbors.

Ms. Skinner noted she was aware and over time was unsure how that happened. She said they were working with the property owners and the Public Works Department to maintain the ditch/drainage area.

Ms. Lopez advised the City maintained a drivable surface in that location for Public

Works and from a public policy perspective they would not concede control of any of the property in that location.

Mr. Garmon asked if access to this ditch area would be closed at any point.

Ms. Lopez replied they had spoken with Public Works about adding a gate or fence with signage. She encouraged him to reach out to Public Works if there were concerns.

MOTION

Mr. DePreter MOVED to APPROVE Variance 2022-0083 given that it meets the four criteria for variance; the property suffers from being flood prone, the setback would be less restrictive as the property owner was unable to make reasonable use of the property due to flooding, conditions were not created by the owner, and would not be contrary to public interest. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: DePreter, Davis, Shaffer, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (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.

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 one (1) short term rental offsite parking space in the municipal parking garage for 28 Arenta Street I PID 118760-0000.

Applicant was present but did not comment.

Ex Parte Communication:

(None)

25 certified notices were sent, 1 were returned in favor, 2 returned opposed and 3 had comments.

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

The Board discussed:

- Felt the parking garage did not have enough room currently
- Parking garage was too far from the home

Ms. Lopez advised the Board about the law pertaining to vacation rentals and parking. She said there were several options available but no option for denial. She said the applicant could park onsite if able, parking within 400 feet, residential street parking program or the final option was the City Parking garage.

Mr. Pappas added the state did not allow them to be considered a business under the business law and were to be treated as a resident. He said they had asked other applicants to look for options before coming before the Board.

Mr. Blow said in the past the Board had asked for proof showing the applicants had tried all the other options before coming before the Board to request a spot in the garage. He asked where that evidence was located.

Mr. Pappas said on the application a neighbor was going to allow them to use space for parking; however, that was crossed off. He said there looked to be a discrepancy regarding the number of spaces and asked if it was one or two.

Mr. Fredriksson confirmed the applicant was requesting one space and the applicants had two spaces onsite.

Mr. Davis asked the applicants to come forward since the Board had questions regarding the application.

Oliver Till and Adrienn Molnar reviewed the application.

Board Discussion:

- Asked if the applicant had searched for other options
- When home was rented it was advertised as one unit with three bedrooms
- Driveway could be gravel or stabilized surface but not allowed to be grass
- Felt the applicant could add gravel to the property to make room for the additional parking needed

Applicant response:

- Had three spaces; however, the third space was not a solid surface and was not allowed to be on the grass
- Felt it was rare for guest to come with three vehicles

Ms. Skinner said sometimes it was difficult to fit a third parking space on site; however, if they were to do so there were other building conditions that had to be met.

Mr. Pappas said he wanted to see if the applicant could explore adding the third parking space onsite and thought it would be valuable to the short-term rental.

Ms. Molnar said there was parking available on the street

Mr. Till said Code Enforcement said they had to have approval for three parking spaces. He said he spoke with his neighbor and they provided a written permit to use his property for a third vehicle, but that was not allowed since it was private property.

Mr. Pappas asked why the applicant could not use their neighbor's property for the additional parking space.

Ms. Lopez said parking lots were not short-term rentals and commercial lots could not be used for short-term rentals. She said if there was residential street parking available that could be an option; however, open street parking would not be allowed under the code.

Mr. Pappas said he would like to have the applicant explore the potential of other parking spaces on their property before he could be in support of the application.

Mr. Shaffer said if the applicant used the spot onsite would it be a code violation.

Ms. Skinner advised it could not be in the grass but would have to be on an erosion resistant material.

Mr. Shaffer asked if the applicant wanted to explore the option to have the three parking spaces onsite.

Mr. Till replied if there was not another option, they would be willing to explore adding the gravel, but it was rare for visitors to come with three vehicles; however, he felt having an approval for the parking garage would be best.

Mr. Davis stated the parking garage was the last option but, in this case, it seemed to be the easiest option. He said the Board preferred to see the onsite parking option be explored before approving the parking garage. He asked if the applicant would continue the application to explore that option.

Mr. Till agreed to continuing the application.

MOTION

Mr. Shaffer MOVED to CONTINUE application 2022-0071 to January 3, 2023.

The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (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.

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 vehicle sale and rental business at 2401 N Ponce de Leon Boulevard/ PID 156080-0000.

Ms. Skinner noted slow moving vehicles that were unable to get up to speed were unable to cross US 1. She said there were other vehicles they were offering for rent that could be on US1.

Travis Lantz reviewed the application.

Ex Parte Communication:

(None)

12 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.

Ms. Lopez clarified golf carts were not allowed on any City street; however, low speed vehicles (LSV) were allowed but the

challenge was they were not able to be driven on any road with a speed over 35 miles per hour which was US1.

Mr. Shaffer asked if there was enough parking onsite. He asked if the applicant was trying to obtain access to Pacific Street.

Ms. Skinner said the site had ample parking. She said Pacific Street was a City street with a City right-of-way and would have to work with Public Works to obtain access or curb cut. She said the secondary issue was would the low speed vehicles be allowed to cross US1 to get to the San Marco Avenue.

The Board discussed:

- Asked if there was room in the median to allow for safe passage
- Asked if rentals were mainly for tourist
- Troubled by how bad the traffic was and felt this could add to the traffic issues
- Could be allowed if the application met the City Code
- Unsure how this was beneficial to the public
- Felt this could be a safety issue to the public specifically to the LSV traveling across US1
- US1 had a non-controlled intersection and was difficult to get across
- Would be entering neighborhoods when exiting US1 and that had been an issue with other applications
- Would not support LVS crossing US1 as they were not suitable and could not be controlled
- Location was high traffic area most of the time
- Felt downtown at this time of year was not a reason to not allow this type of business
- Asked the makeup of the vehicles that would be rented
- Asked if the LSV the applicant built were lower than 35mph
- Questioned the max speed of the scooter
- Last application was on the east side of US1 and there were conditions added

- Hardship was crossing US1 and trying to avoid entering residential neighborhoods
- Felt this was a safety issue
- Questioned the public benefit
- No pedestrian traffic so would be the same amount of vehicle on the streets
- Previous approved businesses were in the downtown area and could walk to the location

Applicant response:

- Most of the time it was for tourist; however, residents also used their services
- Would offer electric 49cc scooters, low speed vehicles (LSV) which used lithium batteries
- LSV were slower than 35mph, but were fully programmable to increase the speed if needed for the area
- Would be able to accelerate quickly to cross US1
- Would obtain a full-time employee to help with crossing for safety
- Scooters could travel on any road, auto cycle was a normal vehicle, golf carts were able to be adjusted
- Max speed was 37mph on the scooters and 3 wheeled cars were able to go 75mph but were turned down to 45mph
- The goal was to remove some vehicles off the road and felt all the goals could not be implemented immediately
- Wanted to offer employment with the Flagler Students, City tours or taxi service
- Felt it was beneficial to take larger vehicles off the road and replace with smaller ones
- Felt golf carts could assist with the parking issues in the City
- Goal was to rent the least amount of LSV from the property but to establish relationships with hotels for rentals

Mr. Davis said the issue was the distance to downtown and the location.

MOTION

Mr. DePreter MOVED to DENY Use By Exception 2022-0082 as it did not meet the code and ordinances specifically and felt this was the wrong area, on the wrong side of the road with no pedestrian access, did not promote public health, safety, welfare, morals, convenience, appearance, prosperity, or general welfare. The motion was SECONDED by Mr. Pappas.

Mr. Pappas said it was not only the LSV but all the vehicles interacting with the other vehicles on US1. He encouraged the applicant to review other locations.

Mr. Blow said one goal the applicant mentioned was to remove vehicles off the road; however, these would take about the same amount of space in the downtown area. He said the issue was the experience of St. Augustine was being degraded. He said he was concerned this would affect the service industry.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Conservation Overlay Zone Development

7. (a). 2022-0057Continued from the October 4th Meeting/ Continued from the November 1st Meeting

Ryan Carter – Applicant c/o Carter Environmental Services

San Sebastian River LLC – Owner
Florida Avenue / PID 107790-0010

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.

Application continued to the February 6, 2023 PZB meeting.

**7. (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.

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 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.

Ryan Carter reviewed the application and noted the design had been updated.

Ex Parte Communication:

(None)

12 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 for clarification regarding the bulkhead
- Asked if both lots eleven and twelve would have bulkheads and if so, would both bulkheads tie together

- Suggested a stainless-steel cable for a railing but could have a platform with no railing

Applicant Response:

- Only change from plans shown was realignment of the boardwalk and the shifting of the terminal platform by ten feet
- Bulkhead was shown as planned just landward of the wetland line
- Both bulkheads would tie together and on the north side would have a wingwall

Mr. Shaffer asked about the height of the railing.

Mr. Blow advised railing was not regulated but personally thought railing should be there for safety purposes. He suggested stainless steel cable which would not obstruct the view.

Mr. Davis noted that was not under the Boards purview or in the City code.

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development 1, 2022-0077 be approved with the latest amendments date December 6, 2022. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (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

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 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.

Ryan Carter reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- No questions or issues with application
- Asked if there were any changes to this application

Mr. Fredriksson replied only Lot 12 had changes.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone One Development 2022-0078 as it meets the criteria, previous application noted it would include a bulkhead, and would reflect the drawings provided. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (d) 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.

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 1,936 square foot dock and two boat lifts within Conservation Overlay Zone I 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.

Ryan Carter reviewed the application.

The Board provided their ex parte communication.

19 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 the size of the dock and if it was in line with other docks in the area
- Felt it was in a better location as it was more landward
- Dock was not shared; however, it had a one-foot gap in between the two docks to accommodate owners

- Wanted the dock to be compact but thought the space around the boats were reasonable
- Understood there was ample distance from the channel and thought docks were normally in alignment
- Questioned the reason to have more distance from the riparian line
- Asked if the existing pilings were staying or being removed

Applicant response:

- Docks to the north had similar terminal footprint
- One was a shared dock and was large
- Would be further landward; however, the sandbar was growing, and the fear was that it would continue to happen in the future
- It was to prevent issues with maneuverability if a dock were built to the south
- Pilings would be removed

Mr. Blow asked since there had been a lot of docks with damage from past storms, would the applicant need to come before PZB for approval or was there a time period.

Ms. Skinner advised the applicant would have one year to obtain a permit and replace it from the time of the damage.

Mr. Blow asked if the City could review the one-year timeline as it was difficult for builders to schedule within a year and there had been an increase in the cost of materials and applicants should not be penalized.

Mr. Davis advised that could be added to the discussions at the end of the meeting.

Mr. Carter noted Department of Environmental Protection (DEP) and the Army Core of Engineers also had a one-year time limit.

Ms. Skinner clarified the building permit had to be obtained within a year; however, the building did not have to be done within a year.

Mr. Carter said outside of this item, City Code had a six-foot height over mean high water which was the City's maximum but felt it needed to be updated to seven or eight. He said the higher the dock was over mean high water, the less the dock would be damaged from storms.

Mr. Blow said he was completely in favor of that.

Mr. Pappas said the request was for 1,936 square feet but the proposal was 2,244 square feet. He asked which was accurate.

Mr. Carter clarified that was a typo and 2,244 square feet was correct.

MOTION

Mr. Pappas MOVED to APPROVE item 2022-0080, at 24 N Saint Augustine Boulevard for the construction of a new dock in the proposed 2,244 square feet and all other pilings that were existing be removed. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Pappas, Davis, Shaffer, DePreter, Blow

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. (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

¹ Break from 4:10 – 4:27

Overlay Zone 3 for the construction of a new single-family residence.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can DENY the removal of twenty-two (22) trees, including twenty (20) significant cedar trees, within Conservation Overlay Zone 3 at 119 Gaillardia Loop I PID 158571-2060 due to the lack of a tree mitigation plan.

Russell Haimowitz reviewed the application and discussed the new information provided to the Board.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Noted the site plan showed a deficit of forty-six Cedar trees as well as it was six cedar trees short
- Asked if 10 Cedar trees were required to be on each lot within Pelican Reef

Ms. Skinner advised the agreement was from the 1990's when the subdivision was platted. She said each lot was to retain ten cedar trees.

Mr. DePreter asked if the agreement was private or City recognized.

Ms. Skinner replied the agreement was City recognized.

Board Discussion:

- If required by the City to have ten cedar trees there were only seven listed

- Asked about the trees noted in the staff report that could be saved

Applicant Response:

- Was unsure how mitigation worked
- Was willing to have the ten total trees if required
- Willing to plant more trees to meet the requirement

Mr. Fredriksson said there was one tree that was in the sidewalk; however, the updated information showed the sidewalk going around the tree. He stated if the floorplan were modified perhaps that tree could be saved too.

Mr. Haimowitz said he thought they were referring to trees numbered one and two.

Mr. DePreter noted since the staff report was written, tree one was not in question because the site plan had been modified; however, the applicant would still need the ten cedar trees to meet the threshold. He asked if the applicant could replant trees.

Mr. Haimowitz said they wanted to plant six two inch by six-foot-tall cedar trees on the property.

Board discussion:

- Wanted to have a map with the locations of the trees noted
- Asked if there was an arborist report noting the significant trees
- Asked if the report provided at the meeting coincided with the condition of each tree
- Thought there should be a table that clearly identified each tree and the condition
- Felt there was not enough information provided to make a clear decision
- Wanted the applicant to save tree number two
- Asked if the design was flexible and if the home was one story or two story

- Suggested shrinking the footprint to help save a couple trees
- Suggested the applicant work with staff and continue the application
- Most of the trees were within the buildable lot space
- Southwest corner did not have trees and perhaps shift the house in that direction to help save more trees
- Had the advantage of planting trees onsite
- Asked to review the site plant and bring a new one back with the old to compare which trees were able to be saved
- Asked if the lot coverage was different for Pelican Reef than the rest of the City

Applicant response:

- Would be able to provide a map with that information
- There were three or four that were considered healthy trees that were circled, the others were unhealthy
- Asked if the Board felt tree number two was salvageable as there was severe root rot and bugs
- Floor plan was somewhat flexible and was a two-story home

Ms. Skinner said this was zoned Residential Single Family Two (RS2) but certain areas like Spoonbill Court had different lot coverage and setbacks as part of the subdivision.

Mr. DePreter asked if that had been reviewed for this application. He said the lot coverage should be checked as it could be different with the homeowner's association. He said if the application were continued could that be confirmed.

Ms. Skinner said she would double check the information before the application came back; however, thought the lot coverage was 40%. She said the lot coverage in Pelican Reef superseded the City Code.

Mr. Davis suggested providing photos concerning the trees as that could assist the Board with their decision.

Mr. Haimowitz said he could document and provide that information. He asked if he could move the house back about one and half or two and half feet adjusting the setback, he might be able to save tree number two.

Mr. Davis said if that were his proposal the Board would be able to consider it.

Ms. Skinner advised if something additional was needed it would need to be advertised; however, the justification could be to save the tree.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Three Development 2022-0085 to provide the applicant time to return with a tree mitigation plan, meeting the ten cedar tree requirement, with time to consider moving the structure to help save tree number two as called out by staff, a more detailed arborist report with the health of the trees to the January 3, 2023. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Blow, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Variance and Conservation Overlay Zone Development

8.(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.

Mr. Fredriksson read the staff report and said 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.

Mark McConnell reviewed the application.

Mr. Blow asked if the parcel had been rezoned.

Ms. Skinner confirmed it had been rezoned earlier in the year to Residential General Office -A.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Asked about the traffic and ingress and egress
- Questioned the fill that would be brought on to the site
- Felt there were ways to mitigate around a tree although this tree was next to the structure

- Asked about the tree in the right-of-way and where the trees were located on the site
- Had extensive lot coverage and asked if stormwater treatment was required
- Asked if the stormwater treatment would be higher than the grade of the road
- Not many concerns with the street having a dead end
- Applicant was saving the trees on the south property line
- Saltwater flooding was hard on the Live Oak and Laurel Oak trees
- Felt the longevity could be hindered due to the saltwater
- Asked what the building would be used for
- No issues with the backing out on to the street
- Site was low and needed to be filled, tree was in the building footprint and would need to be taken down
- Asked if the tree would hinder meeting the parking requirements
- Having a mixed-use building on the site was in line with the City's goals

Applicant Response:

- Would meet the parking requirements even with the tree in the right-of-way
- Most people who visited the restaurant in the area parked in the Marina parking and entered and exited through the first driveway
- Needed to raise the site in order for it to drain towards the street
- Did not feel any tree would survive adding the fill dirt
- Tree located in City right-of-way would be left alone and the other trees would stay
- None of the other trees were shown on the site plan
- Stormwater would be located under the parking lot
- Would need slope up from the road
- Offices would be on the first floor, back would have a craftsman workshop for lease, and two apartments upstairs

- Tree would not hinder the parking and could meet the requirements

Mr. Shaffer asked if maneuverability onto the road was the reason staff wanted the application continued.

Mr. Fredriksson in the affirmative and said in the Comprehensive Plan it spoke about other modes of transportation to get to the location as vehicles should not be the only priority.

Mr. DePreter asked if there was a catch basin out front.

Mr. McConnell replied they were subterranean and would be under the parking lot. He said there was a City pump station across the way.

MOTION

Mr. DePreter MOVED to APPROVE Variance and Conservation Overlay Zone Three Development 2022-0086 for the Variance the site does have size, shape, and typography has a disadvantage as it was low and continuous flooding its catch basin, lot was created and rezone before the current owner had possession, granting the variance would not be in conflict with the public interest only the backing out onto the street; larger goal of having the property developed, drain properly, and have a multiuse building would supersede that goal and was in the public interest. The motion was SECONDED by Mr. Blow.

Mr. Blow noted the lot was currently vacant and constructing the building would create construction jobs and permanent jobs in the City.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Comprehensive Plan Land Use Plan Amendment and Rezoning

9. (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.

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.

James Whitehouse reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- CM2 Zoning had a max lot coverage of 75% and max height of 35 feet and the applicant wanted to downsize to RGO-A which was a max lot coverage of 50% and max height of 40 feet

- Under RGO-A a permitted use was a parking facility and garage which was not listed under CM2
- Did not see anything negative by the change
- No issues with decreasing the intensity by changing the zoning
- Felt the higher height belonged on US1
- Asked what the highest point would be on the building
- Asked what the height of the Hilton Garden Inn was
- Asked if that was done through a PUD or which type of zoning

Applicant response:

- Hilton Garden Inn with the appendages was around forty-nine feet and this hotel would be around forty-five feet tall including the appendages
- Was not a PUD; straight zoning and allowed to have the appendages above the thirty-five feet

Ms. Skinner said the height of the roof was limited to thirty-five feet; however, for appurtenances and elevation shafts could be up to fifty-five feet.

Board Discussion:

- In support of trading the five feet for the 25% lot coverage
- Building was within a mile of the City and felt it was best for residential mixed use and the City was getting less lot coverage
- Understood the reason for the change as the applicant needed more height
- Felt this was better for the City and was more people/lodging oriented
- Application was consistent with the Comprehensive Plan
- Felt the change made sense for the rezoning instead of asking for a variance
- Would be a less intense use and should translate to less traffic and impact to the City

- Asked what would happen to Missouri Avenue and would it be thirty-seven or thirty-eight feet on both sides of the street
- Felt the additional height would not affect the adjacent properties
- Proposal was for rezoning the three parcels; however, no design was complete

Applicant response:

- Properties between San Carlos and Missouri Avenue was where this would be located
- The middle would be a mixed use intertwined with the hotel or another use
- Would not be going across Missouri Avenue
- Property would be a hospitality use
- The change would tie them into this use, and it kept the land use consistent with the Comprehensive Plan

Ms. Skinner clarified the existing Hilton Garden Inn was already constructed and would stay commercial. She said it was only two properties that were being discussed.

Mr. Blow noted the Red Train Trolley used Missouri Avenue to get to their facility. He asked if that would be impacted.

Ms. Skinner said the property that was being discussed was to the west and the property to the east that faced San Marco Avenue was not being rezoned.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL the Comprehensive Land Use Plan Amendment 2022-0084 to rezone the land use from Commercial Medium Intensity to Residential Medium Density-Mixed Use as it meets the three criteria under 28-30 the need and justification had been proven, relationship to the City's general planning and the City's Comprehensive Plan. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL the rezoning request 2022-0084 from the current Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A), as it meets the criteria for the rezoning need and justification, relationship to the City's general Plan and the consistency with the Comprehensive Plan. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Other Business

10. (a.) Approval of the 2023 Planning and Zoning Board meeting schedule.

Ms. Skinner noted the 2023 Meeting Schedule and noted the new meeting time of 1:00p.m.

Mr. Davis said the July 5, 2022 meeting date was the only conflict he saw.

There was Board consensus that the 2023 meeting schedule and time be approved.

Mr. Pappas advised he would not be able to attend the February meeting.

10 (b.) Discussion of electronic packets for meetings starting the beginning of the new year (January 3, 2023 PZB Meeting).

Mr. Davis asked how everyone wanted to receive the packet.

There was discussion regarding electronic packets versus paper packets. The Board

and staff decided to have both electronic packet and paper packets until a decision could be made.

Mr. Davis asked Mr. Pappas to expand on the topic regarding items being ready for the agenda.

Mr. Pappas said at the last Historic Architectural Review Board (HARB) meeting there was a discussion about items being ready for the agenda. He said HARB had proposed not having applicants added to the agenda until all items were turned in to the Board unless a hearing was demanded by the applicant. He suggested finding out the outcome before moving forward with this in order to limit having last minute documentation turned in.

Mr. Davis said this could work; however, most applicants wanted to have feedback from the Board.

Mr. Pappas said HARB had planned to create a checklist to help assist the applicant and staff.

Mr. Davis said there was already an extensive checklist and sometimes people only submitted what was needed; however, the items submitted now were much more than years prior.

Mr. Pappas said this could empower staff to inform applicants that the information they provided was not enough.

Mr. DePreter said in the end, it was the Board's decision and it was unfair to staff to have to make those decisions.

Mr. Davis asked what percentage of applications that were applied for did staff tell they were unable to be added to the agenda or did any applicant that paid get added to the agenda.

Ms. Skinner said in the City Code it indicated applications had to be heard within thirty days of a complete application. She said the

issue was there was not a clear definition for 'complete application'. She said there were very few applications that were turned away and staff tried to request additional information and applicants had up until ten days prior to submit information, and sometimes applicants received late information and had to amend the application, which did not make the application incomplete.

Mr. Blow said he understood the issue and liked to have as much information as possible but felt the City and the Board was efficient and flexible. He said if they got caught up in bureaucracy it could become cumbersome. He said the goal was to address the citizens' concerns and be customer friendly.

Mr. Davis said keeping it customer friendly was important and preferred to keep it the same.

Mr. Davis noted there were two items concerning docks one was a dock rebuild timeline, and if the City could extend that timeline and asked for the next steps.

Ms. Lopez said the Code could be changed or the City Manager could issue Administrative Emergency Orders. She asked what was the PZB recommendation.

Mr. Blow said the governor issued those orders for State government.

Ms. Lopez replied the City Manager was able to issue the executive orders if it was related to a storm. She asked if not storms should they review the codified timelines.

Mr. Davis suggested speaking with John Regan, City Manager and advising him this was brought up as an item and if this could be amended administratively then report back to the Board and if not have the appropriate Board handle it. He said the second item was changing the mean high-water tide to either seven or eight feet as it was currently at six. He said docks could not

be insured and being built at a lower height was more susceptible to damage. He asked if this could be adjusted and where to start.

Ms. Skinner said that would be an update to the Conservation Overlay Zone Development regulation. She said Commissioner Blonder recommended them to review resiliency and conservation zones; however, depending on timeframes they could have an independent ordinance, but they had hired consultants and had initiated the analysis.

Mr. Pappas said it should be quicker and not included. He felt there was a lot involved and resiliency for docks and lifting a house should be done faster.

Mr. Blow said as far as docks were concerned, a lot of the failures had been due to the galvanized fasteners. He said most local dock builders now will only use stainless. He suggested perhaps they could require stainless only.

Ms. Lopez said that would require more research and would ask the City Building Official.

Mr. DePreter said he disagreed and felt the consultants could investigate the issue and have it incorporated into the larger conversation.

Mr. Davis said most docks that were approved were over \$100,000 and if they could be built two feet higher, they could be safer. He felt this should be fast tracked in order to help the people.

Mr. Blow suggested having a workshop with some experts in the subject like Ryan Carter and local Marine Contractors.

Mr. Davis said they should also review increasing the height of the homes due to flooding.

11. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 6:09 P.M.²

Mike Davis, Chairperson

DRAFT

² Transcribed by Elyse Wiemann

**AS OF JANUARY 31ST 2023, NO ADDITIONAL INFORMATION
HAS BEEN PROVIDED BY THE APPLICANT**

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **VARIANCE 2022-0093**

AGENDA ITEM 5(a)

APPLICANT & OWNER Chanel Miller

LOCATION 20 May Street / PID 123591-0030

REQUEST To reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space.

LAND USE Residential Low Density

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

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

H Objective 2.1

The city will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

H Policy 2.1.2

The city shall review ordinances, codes, regulations and the permitting process in an ongoing basis to eliminate excessive requirements, and amend or add others in order to increase appropriate private sector housing production.

H Policy 2.1.6

The city will consider fee waivers, density bonuses, density flexibility programs, accessory dwelling units and other affordable housing incentives or strategies to encourage a broad range of housing options and price points within the city limits.

APPLICABLE CODES/ORDINANCES

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

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

(b) Variances:

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

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

- (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. 28-161. - Residential, single-family-one: RS-1.

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

- (1) *Permitted uses and structures.* Single-family dwelling; home office, private.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.* See [section 28-347](#).
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, seventy-five (75) feet.
 - b. Minimum lot area, one-quarter acre (10,890 square feet).
- (5) *Maximum lot coverage by all buildings and structures.* Twenty-five (25) percent.
- (6) *Minimum yard requirements:*
 - a. Front, twenty (20) feet minimum.
 - b. **Side, fifteen (15) feet minimum.**
 - c. **Rear, twenty (20) feet minimum.**
- (7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-21; Ord. No. 99-05, § 2, 2-8-99)

Zoning Code Definitions:

Guest house means an attached or detached structure intended to be used by a guest for sleeping and sanitation purposes but not for cooking. A guest house is not a dwelling unit and is a maximum of five hundred (500) total square feet of gross floor area.

Use, accessory, means a use which:

- (1) Is subordinate to and serves a principal structure or a principal use.
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served.
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this chapter.
- (4) Is customarily incidental to the principal structure or use.

Sec. 28-348. - Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building or portion thereof is attached to a building or structure containing such principal use, such

building or portion shall be considered as a part of a principal building and not an accessory building. **Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:**

(1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:

a. On multiple-frontage lots, through lots and corner lots, accessory uses and structures may be located in any required side yard but not less than three (3) feet from any side lot line.

b. Accessory structures for residential purposes such as guesthouses shall not be located in any required vard.

c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to both the rear and side yard setbacks within the Residential Single-Family-One (RS-1) zoning district. The applicant is proposing that an existing garage, which was built “many years ago” according to the applicant, be converted into habitable space for use as a more comfortable “personal space” compared to a garage use.

The RS-1 zoning district does not allow for multifamily uses or accessory apartments. Guesthouses are permitted, but not in any required setback.

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 physical condition that is a disadvantage, an existing structure that is currently used as a garage was built most likely before the City's zoning code is only 2.4' from the side property line and 11.8' from the rear property line. The side distance does not currently meet the 3' requirement for accessory structures, or the residential setback requirements.

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

The disadvantage of the existing structure being located within the required setback is that staff cannot approve the modification of the garage into habitable space. The applicant makes the argument that they would rather reuse an existing building rather than construct a new one.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

This lot was created, and the structure 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.

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 setbacks at 20 May Street / PID 123591-0030 from 20' to 11.8' in the rear and 15' to 2.4' on the side.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Jacob Fredriksson

From: Jacob Fredriksson
Sent: Friday, January 6, 2023 5:25 PM
To: info@greenockmanor.com; Tracey Mullins
Cc: Morganne Pratten; 'James Fenwick'; Lucy Fountain
Subject: RE: PZB Application 2022-0093 Responses

Good evening,

The following link provides access to a recording of the meeting from January 3rd:

<https://staugustinefl.new.swagit.com/videos/196225>. Your application was continued to the February 7th meeting, not denied, so there is nothing to appeal yet. The Planning and Zoning Board requested that you, the applicant, provide information regarding the elevation of the garage, information on the proximity of the garage to the house to the west, and a more detailed floorplan on how the space is proposed to be used and the layout. 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: info@greenockmanor.com <info@greenockmanor.com>
Sent: Friday, January 6, 2023 4:38 PM
To: Tracey Mullins <tmullins@citystaug.com>; Jacob Fredriksson <jfredriksson@citystaug.com>
Cc: Morganne Pratten <mpratten@citystaug.com>; 'James Fenwick' <jfen1971@gmail.com>; Lucy Fountain <lfountain@citystaug.com>
Subject: RE: PZB Application 2022-0093 Responses

Hi Tracey and Jacob, I already submitted a floor plan to the meeting. Surely when these meetings happen there is a list of what is required when one appeals? I have no information or findings or feedback from the previous meeting. I also have no receipt or statement of anything that was charged to my card

Can you confirm that absolutely nothing is needed from my husband and myself for the next meeting on 7 February except the existing floor plan that we already supplied?

Warmest regards,

Chanel Miller (Owner)

www.greenockmanor.com

PLEASE TEXT US 703 687 7641

Follow us: www.instagram.com/Greenock_Manor



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

January 13, 2023

Chanel Miller
20 May Street
St. Augustine, FL 32084

Re: Variance – 20 May Street – Case Number 2022-0093

Dear Ms. Miller:

On Tuesday, January 3, 2023, the Planning and Zoning Board (PZB) met and discussed your application to reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space, for property located at 20 May Street.

The Board **continued** your application until the February 7, 2023, Planning and Zoning Board meeting to allow the applicant time to provide additional material to the Board.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

Amy McClure Skinner, AICP
Director, Planning & Building

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

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

TYPE OF REQUEST:

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

IN THE MATTER OF:

Case No.: 2022-0093
Applicant: Chanel Miller
Owner: Chanel Miller
Address: 20 May Street
Parcel Number: 1540800000

RE: Request to reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON JANUARY 3, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the January 3, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☒ members of the public testified under oath, or ☐ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family One (RS-1).
4. The above-described Variance is subject to Section 28-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action **MEETS / DOES NOT MEET** the requirements of Section 28-29, City of St. Augustine Code, and **APPROVES / DENIES / CONTINUES** the Applicant's request to reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space.

Subject to the following conditions:

- Item continued to February 7, 2023 mtg
- need - elevation of garage
- - proximity of location to structure / residence to west
- - need better floor plan
- _____
- _____
- _____
- _____

DONE AND ORDERED, at a public hearing on the 3 day of January, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2622-0093

REQUEST APPROVED / DENIED / **CONTINUED**

Sign Name

Mike Davis

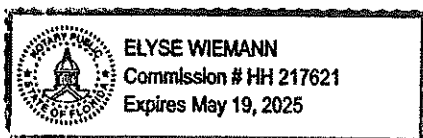
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 3rd day of January, A.D., 2023.



Elyse Wiemann
Notary Public, State of Florida



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2022-0093

Receipt Number: 2526405 Meeting Date: 01/03/23

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

1. NAME OF APPLICANT: CHANEL MILLER Contact Number: 703 6877641

Business (if applicable): _____

Address: 20 MAY STREET City: ST AUGUSTINE State: FL Zip: 32084

E-Mail Address: info @ greenock Manor . com

2. NAME OF PROPERTY OWNER: CHANEL MILLER Contact Number: 703 6877641

Business (if applicable): _____

Address: 20 MAY STREET City: ST AUGUSTINE State: FL Zip: 32084

E-Mail Address: info @ greenock Manor . com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 30 OR 5337/1048

Block: _____

Subdivision: Nelmar Terrace

Parcel Number: 1540800000

4. PROJECT STREET ADDRESS: 20 MAY STREET ST AUGUSTINE FL 32084

5. SPECIFIC PROPOSED USE: STORAGE OF furniture/Bicycles and guest house

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: We need a decrease of rear
set back from 20 ft to 11.8 ft
and we need to please reduce the side set back from
15 ft to 2.4 ft

8. JUSTIFICATION FOR ACTION REQUESTED: The garage was built many
many years ago and we would like it to be
grandfathered in to give my husband and myself a personal
space for our things and to store those as well as
to relax in a clean newly painted and secure room.

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: We are trying to re-use existing building and are not constructing anything new
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: We are re-using existing building not constructing anything new, keeping existing impact of building that's existing and not increasing the footprint
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: We bought the property and the building was already there - existing structure
- (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: ~~Before~~ the garage had broken glass windows and broken rusted doors ripped off lying in the yard, the walls had graffiti; it sprayed on them - it looked terrible and was an eyesore - now that it fixed its beautiful and enhances the neighborhood. (it used to look ghetto) It's also safer as secured and not standing open during hurricanes

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]
Signature of Applicant

28 November 2022
Date

[Signature]
Signature of Property Owner

28 November 2022
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.

CHANEL MILLER

Print name of applicant

[Signature]

Signature of applicant

28 November 2022

Date



Owner's Authorization For Agent

BRAD GRACE is/are hereby authorized TO ACT ON BEHALF
OF CHANEL MILLER, 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:
20 MAY STREET ST AUGUSTINE FL 32084

BY: [Signature]
Signature of Owner
CHANEL MILLER
Print Name of Owner
703-687-7641
Telephone Number

State of Virginia

County of Orange

Signed and sworn before me on this 28th day of November, 2022

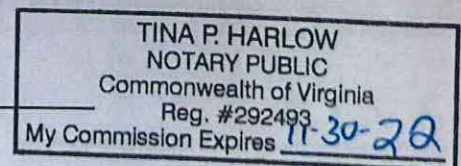
By Tina P. Harlow

Identification verified:

Oath sworn: X Yes _____ No

Notary Signature: [Signature]

My Commission expires: 11/30/2022





Owner's Authorization For Agent

JOHN LAWRENCE is/are hereby authorized TO ACT ON BEHALF
OF CHANEL MILLER, 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:
20 MAY STREET ST AUGUSTINE FL 32084

BY: [Signature]
Signature of Owner
CHANEL MILLER
Print Name of Owner
703-687-7641
Telephone Number

State of Virginia

County of Orange

Signed and sworn before me on this 28th day of November, 2022

By Tina P. Harlow

Identification verified:

Oath sworn: X Yes _____ No _____

Notary Signature: Tina P. Harlow

My Commission expires: 11/30/2022

TINA P. HARLOW NOTARY PUBLIC Commonwealth of Virginia Reg. #292493 My Commission Expires <u>11-30-22</u>
--

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](#)

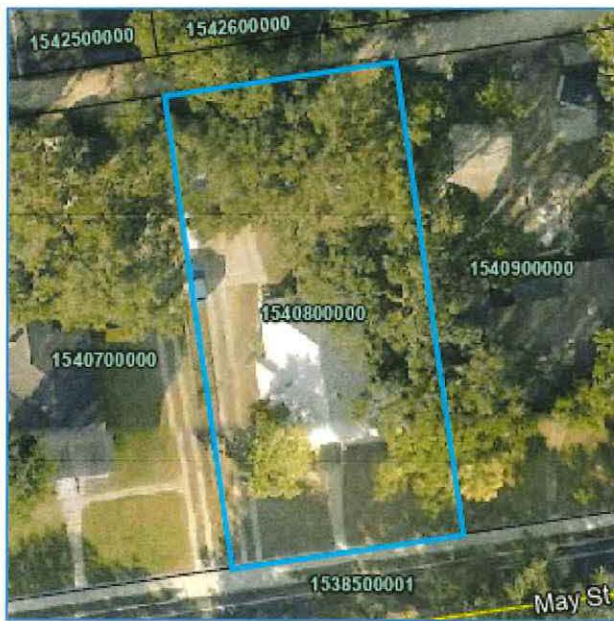


Parcel ID	1540800000
Location Address	20 MAY ST SAINT AUGUSTINE 32084-0000
Neighborhood	Nelmar Terrace & Genoply Tract (707)
Tax Description*	2-1 NELMAR TERRACE LOT 30 OR5337/1048 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Nelmar Terrace
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.290
Homestead	N

Owner Information

Owner Name	Miller Chanel 100%
Mailing Address	20 MAY ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$145,208
Extra Features Value	\$10,063
Total Land Value	\$265,619
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$420,890
Total Deferred	\$0
Assessed Value	\$420,890
Total Exemptions	\$0
Taxable Value	\$420,890

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	\$125,165	\$8,372	\$265,619	\$0	\$0	\$399,156	\$399,156	\$0	\$399,156
2021	\$95,748	\$8,694	\$152,460	\$0	\$0	\$256,902	\$80,119	\$256,902	\$0
2020	\$105,722	\$9,016	\$135,520	\$0	\$0	\$250,258	\$79,013	\$250,258	\$0
2019	\$95,262	\$9,338	\$135,520	\$0	\$0	\$240,120	\$77,237	\$240,120	\$0
2018	\$89,387	\$7,084	\$101,640	\$0	\$0	\$198,111	\$75,797	\$198,111	\$0
2017	\$90,702	\$4,298	\$93,170	\$0	\$0	\$188,170	\$74,238	\$188,170	\$0
2016	\$93,331	\$4,506	\$93,170	\$0	\$0	\$191,007	\$72,711	\$166,507	\$24,500
2015	\$94,645	\$4,716	\$93,170	\$0	\$0	\$192,531	\$72,206	\$168,031	\$24,500
2014	\$75,066	\$4,925	\$83,853	\$0	\$0	\$163,844	\$71,633	\$138,844	\$25,000
2013	\$63,094	\$5,134	\$60,137	\$0	\$0	\$128,365	\$70,574	\$103,365	\$25,000
2012	\$59,306	\$4,444	\$60,031	\$0	\$0	\$123,781	\$70,095	\$98,781	\$25,000
2011	\$61,024	\$4,653	\$66,701	\$0	\$0	\$132,378	\$68,053	\$107,378	\$25,000
2010	\$61,884	\$4,863	\$74,112	\$0	\$0	\$140,859	\$67,047	\$115,859	\$25,000

Building Information

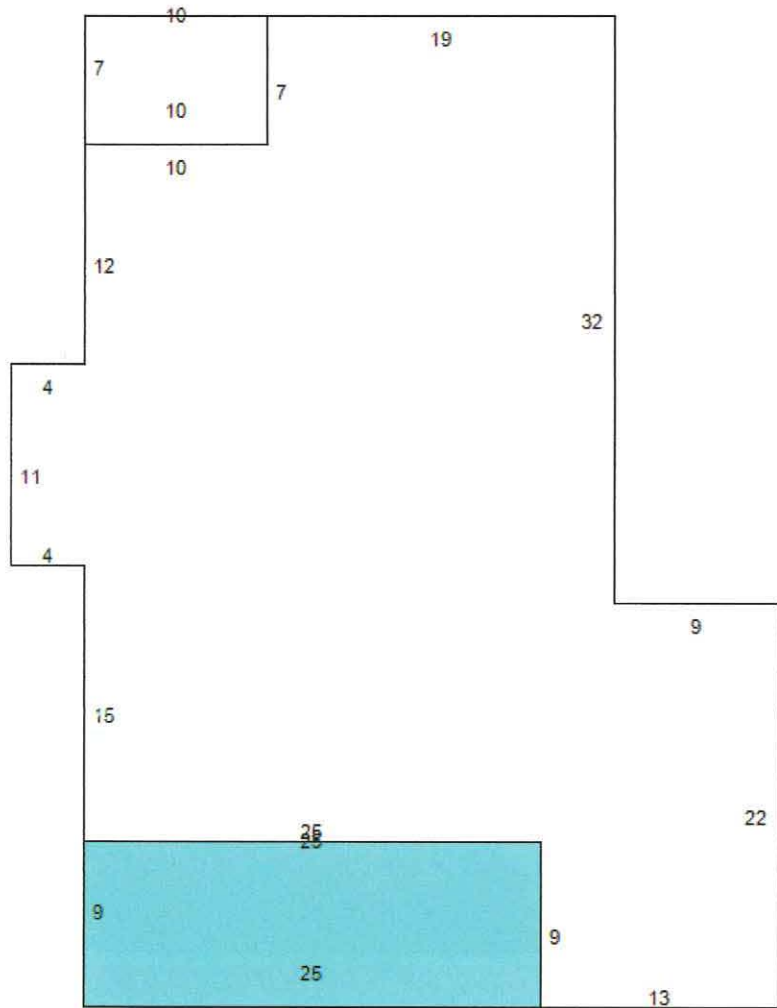
Building 1
Year Built 1925
Actual Area 1808
Conditioned Area 1513
Use Single Family Residence
Style 01
Class N
Exterior Wall Wood

Roof Cover Metal
Roof Structure Gable Hip
Interior Flooring Carpet, Sheet Vinyl
Interior Wall Drywall
Heating Type Air Duct
Air Conditioning Central
Bedrooms 0
Baths

Description	Square Footage
BASE AREA	1513
FINISHED OPEN PORCH	225
FRAME UTILITY	70
Total SqFt	1808

Sketch Information

Room Type
FUT
FINISHED OPEN PORCH
Base



Extra Feature Information

Code Description	Status	Value
Garage - Average (Mix)		10063

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	77	158	77	EF	\$265,619

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/6/2021	8/5/2021	\$472,000.00	WARRANTY DEED	5337	1048	Q	I	GORMLEY WILLIAM,CAROL LEE	MILLER CHANEL
	9/1/1984	\$25,000.00		655	843	Q	I		GORMLEY WILLIAM,CAROL LEE
	9/1/1984	\$0.00		655	842	U	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](#)
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 Schneider
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Version 2.3.239

20 MAY STREET
ST. AUGUSTINE, FLORIDA, 32084

15' ALLEY CRT

☒ APPROVED

7/27/2027

LOTS 25-29

LOT 30

LOT 31

MAY STREET

50° RAW - PAVED

R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
(R) = RECORD
(M) = MEASURED
PP = POWER POLE
OHW = OVERHEAD WIRE(S)
WM = WATER METER
EM = ELECTRIC METER
A/C = AIR CONDITIONER
⊗ = SET 5/8" IRON ROD - LB # 8177
● = FOUND 1/2" IRON PIPE - NO IDENTIFICATION
○ = FOUND 3/4" IRON PIPE - NO IDENTIFICATION
⦿ = FOUND 2" IRON PIPE - NO IDENTIFICATION

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FLOOD ZONE "AE" (BASE FLOOD ELEVATION 7 FEET) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0312-J, COMMUNITY No. 125145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018. <http://www.gis.bocc.co.st-johns.fl.us/lmap/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTHERLY
RIGHT-OF-WAY LINE OF MAY STREET HAVING AN ASSUMED BEARING
OF S 89°08'06" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

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

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

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

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

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

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
CHANEL MILLER
HOMESTAR FINANCIAL CORPORATION
CHICAGO TITLE INSURANCE COMPANY
ACTION TITLE SERVICES OF ST. JOHNS COUNTY, INC.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

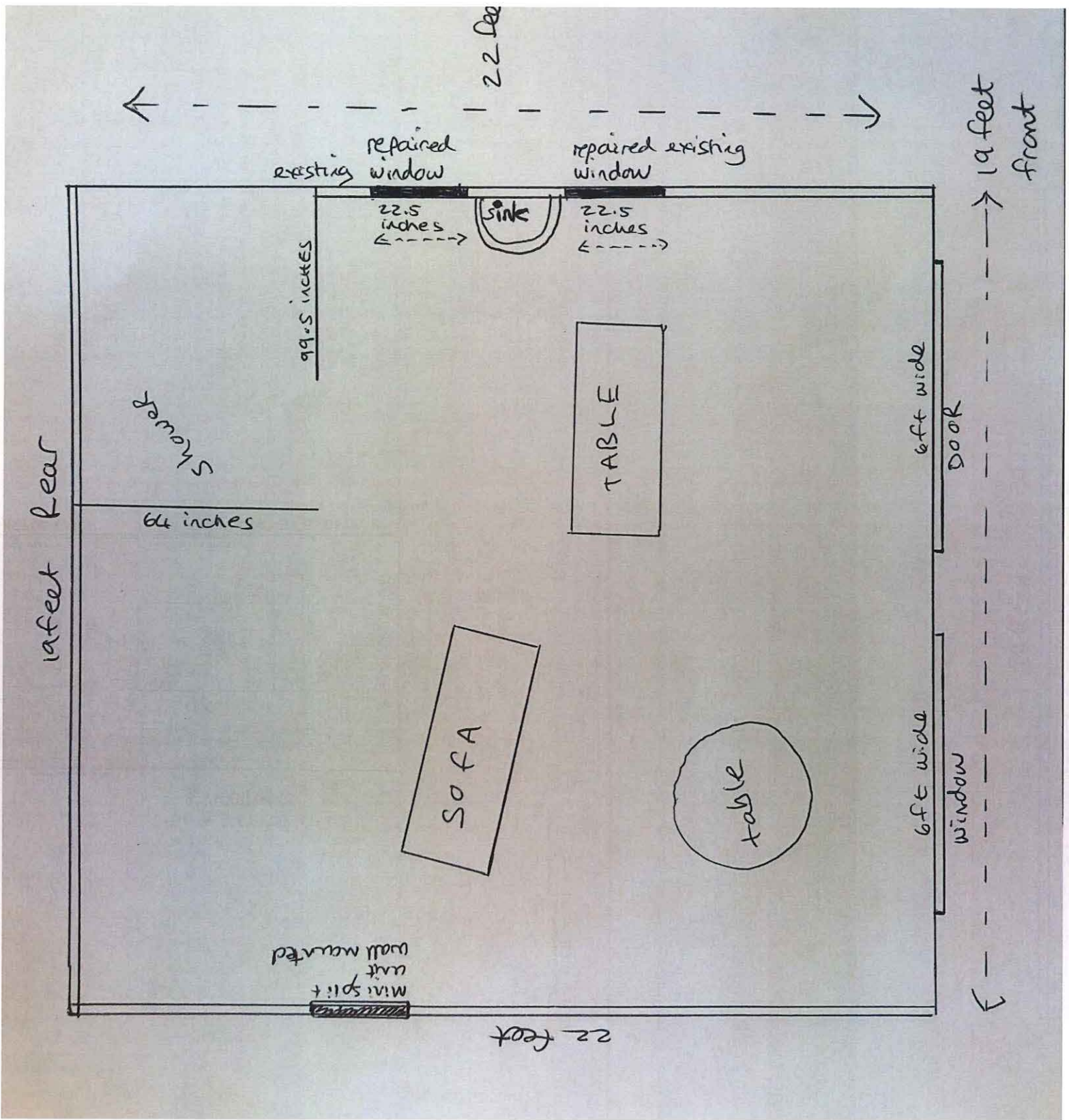
TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 07/22/2021
FIELD BOOK/PAGE(S): 506/8-9; 505/61-62
DRAWING SCALE: 1" = 30'
JOB NUMBER: 21-416

ANCIENT CITY SURVEYORS
LA # 0177
ACS

MICHAEL A.
Professional Land

SEAL

DATE SIGNED:



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **USE BY EXCEPTION 2022-0095**

AGENDA ITEM	6(a)
APPLICANT	David Spinner c/o Lobstah on A Roll
OWNER	John Arbizzani
LOCATION	34 Granada Street / PID 203250-0000
REQUEST	To approve the sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption on premises within the Commercial Low-One (CL-1) zoning district as a permitted use by exception.
LAND USE	Commercial Low Intensity
ZONING	Commercial Low-One (CL-1)

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

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

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
- c. Tourist homes and bed and breakfast inns.
- d. All types of professional and business offices.
- e. Churches (except temporary revival establishments).
- f. Libraries and museums.
- g. Single-family dwellings as for RG-1 (section 28-163).
- h. Multiple-family housing.
- i. Rooming and boarding houses.
- j. Housing for the elderly.
- k. Home office, private.
- l. Antique shops.
- m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.
- n. Tattoo parlor or studio.
- o. The above uses are subject to the following limitations:

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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- b. Side. Ten (10) feet.
- c. Rear. Ten (10) feet.

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

(Code 1964, § 33-42; Ord. No. 91-10, § 1, 6-24-91; Ord. No. 91-22, § 1, 12-23-91; Ord. No. 91-30, § 1, 1-13-92; Ord. No. 97-09, § 1, 4-14-97; Ord. No. 03-17, § 4, 6-23-03; Ord. No 06-34, § 1, 11-13-06; Ord. No. 19-01, § 14, 1-28-19; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

STAFF SUMMARY AND ANALYSIS

The approval of a use by exception to serve alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption would not be detrimental to public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare at 34 Granada Street. This property is located within a commercial area of St. Augustine and is in close proximity to the Historic Downtown.

The restaurant Lobstah On A Roll currently operates seven days a week from 11 AM to 9 PM.

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 at 34 Granada Street / PID 203250-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2022-0095
 Receipt Number: 2526988 Meeting Date: 02/07/23
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: David Spinner Contact Number: 904 303 5811
 Business (if applicable): Lobster on a Roll
 Address: 34 Granada St City: St. Aug State: FL Zip: 32084
 E-Mail Address: lobsterroll7@gmail.com

2. NAME OF PROPERTY OWNER: L. JAIN ARIZEN Contact Number: 704 668-2525
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: JARECK@COMCAST.NET

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

4. PROJECT STREET ADDRESS: 34 Granada Street

5. SPECIFIC PROPOSED USE: _____

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

7. DESCRIPTION OF ACTION REQUESTED: _____
We are requesting an exception for a beer
and wine license

8. JUSTIFICATION FOR ACTION REQUESTED: _____
We are a small sandwich/lobster roll
restaurant. Many of our customers have
requested beer or wine with their sandwiches

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.

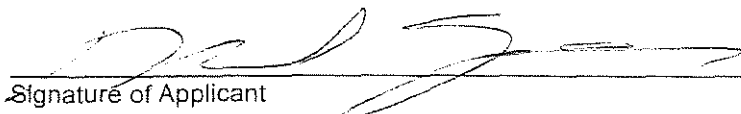
11. AGREEMENT:

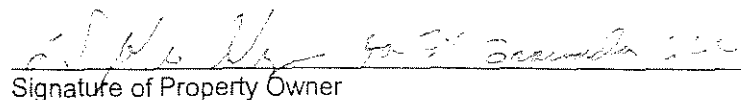
In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

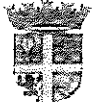
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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.

 11/2/22
Signature of Applicant Date

 11/2/22
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.

David Spina
Print name of applicant

[Signature]
Signature of applicant

10/31/22
Date



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 2032500000
 Location Address 34 GRANADA ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood City of St Aug Granada/Riberia Corridor (COM) (610.18)
 Tax Description* CITY OF ST AUG BLK 46-J N10FT OF LOT 9 ALL LOT 10 & S2.7FT LOT 11 S2.7FT FRONT ON GRANADA (EX EXHIBIT "C" LIFE ESTATE PARCEL)
 OR1458/865 &3261/607(Q/C)
 *The Description above is not to be used on legal documents.
 Property Use Mixed Use (Store/Office/Residential Combo) (1200)
 Code
 Subdivision City of St Augustine
 Sec/Twp/Rng 18-7-30
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.120
 Homestead N

Owner Information

Owner Name [46 Avenida Menendez Inc](#) 100%
 Mailing Address 44 AVENIDA MENENDEZ
 SAINT AUGUSTINE, FL 32084-3645

Exemption Information

Exemption Type	Status	Amount
Historical Exemptions		\$134,792

Map



Valuation Information

	2023
Building Value	\$285,553
Extra Features Value	\$3,954
Total Land Value	\$265,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$554,507
Total Deferred	\$64,302
Assessed Value	\$490,205
Total Exemptions	\$134,792
Taxable Value	\$355,413

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	\$245,717	\$4,179	\$212,000	\$0	\$0	\$461,896	\$445,641	\$151,047	\$310,849
2021	\$251,710	\$4,370	\$159,000	\$0	\$0	\$415,080	\$405,128	\$144,744	\$270,336
2020	\$257,703	\$4,595	\$106,000	\$0	\$0	\$368,298	\$368,298	\$134,792	\$233,506
2019	\$18,447	\$0	\$106,000	\$0	\$0	\$124,447	\$78,283	\$46,164	\$78,283
2018	\$18,447	\$0	\$64,570	\$0	\$0	\$83,017	\$71,166	\$11,851	\$71,166
2017	\$35,482	\$2,736	\$64,570	\$0	\$0	\$102,788	\$102,788	\$0	\$102,788
2016	\$35,482	\$2,736	\$64,570	\$0	\$0	\$102,788	\$102,788	\$0	\$102,788
2015	\$36,368	\$2,736	\$64,570	\$0	\$0	\$103,674	\$103,674	\$0	\$103,674
2014	\$35,899	\$2,736	\$64,570	\$0	\$0	\$103,205	\$103,205	\$0	\$103,205
2013	\$37,569	\$2,736	\$64,570	\$0	\$0	\$104,875	\$104,875	\$0	\$104,875
2012	\$38,403	\$2,736	\$64,570	\$0	\$0	\$105,709	\$105,709	\$0	\$105,709
2011	\$40,073	\$2,736	\$71,470	\$0	\$0	\$114,279	\$114,279	\$0	\$114,279
2010	\$40,908	\$2,736	\$78,864	\$0	\$0	\$122,508	\$122,508	\$0	\$122,508

Building Information

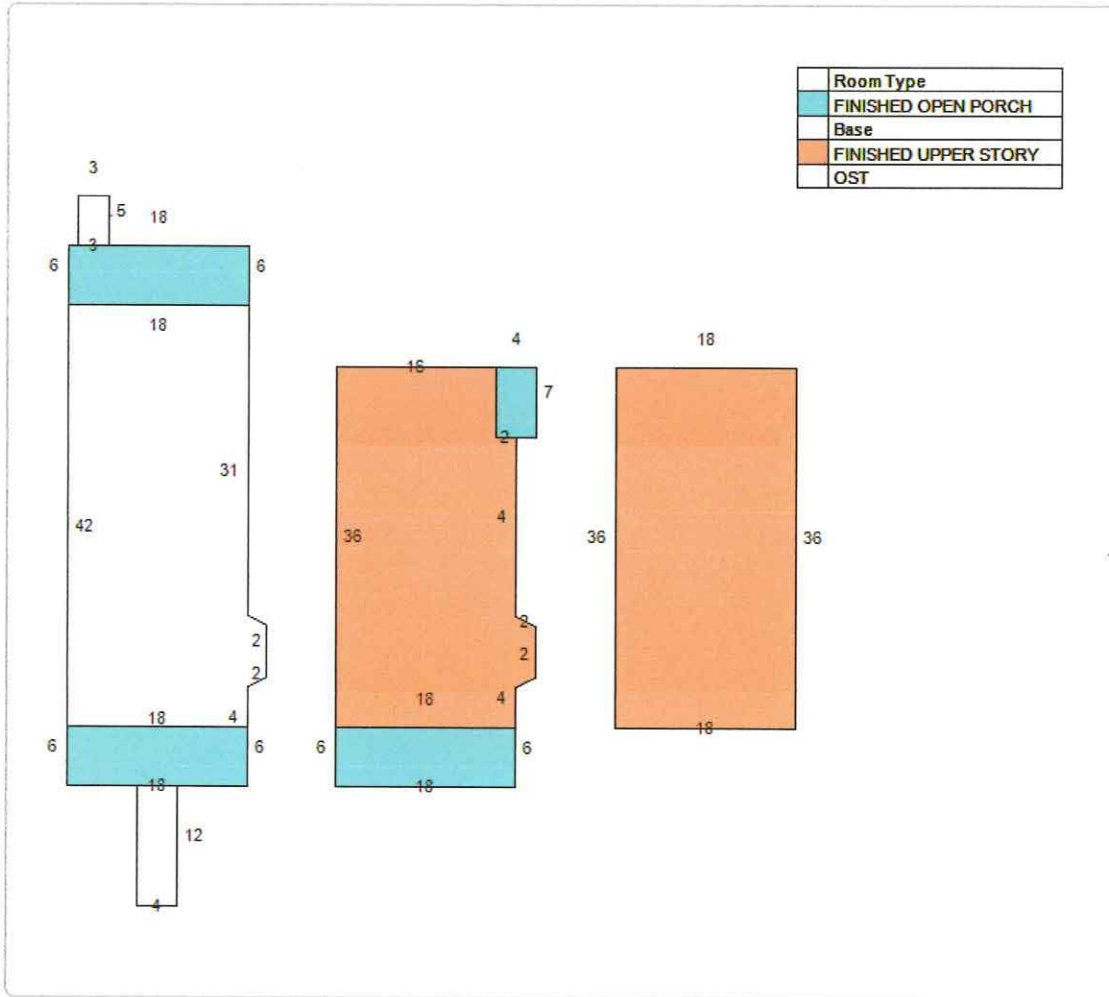
Building	1
Year Built	1880
Actual Area	2477
Conditioned Area	2062
Use	Mixed Use (City/Historical)
Style	04
Class	N
Exterior Wall	Wood

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Pine Wood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	2.5

Description	Square Footage
OUTSIDE STAIRS	15
FINISHED UPPER STORY	646
BASE AREA	768
FINISHED OPEN PORCH	108

Description	Square Footage
FINISHED OPEN PORCH	108
OUTSIDE STAIRS	48
FINISHED UPPER STORY	648
FINISHED OPEN PORCH	28
FINISHED OPEN PORCH	108
Total SqFt	2477

Sketch Information



Extra Feature Information

Code Description	Status	Value
Deck (COM)		939
Sprinkler Wet (COM)		3015

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	53	100	5300	SF	\$265,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/18/2019	11/12/2019	\$0.00	OTHER INSTRUMENT	4832	1537	U	I	46 AVENIDA MENENDEZ INC	CITY OF ST AUGUSTINE
	11/16/2009	\$100.00	QUIT CLAIM DEED	3261	607	U	I	CARRIER EDENA	46 AVENIDA MENENDEZ INC
	11/30/1999	\$190,000.00	WARRANTY DEED	1458	865	U	I	PENNINGTON MICHAEL JOINED BY JUNE	46 AVENIDA MENENDEZ INC(SUBJECT TO L/E)
	11/29/1999	\$190,000.00	CORRECTIVE DEED	1458	859	U	I	CARRIER EDENA	PENNINGTON MICHAEL DBA PIECES OF OLD ENGLAND
	8/23/1999	\$100.00	CORRECTIVE DEED	1436	74	U	I	CARRIER EDENA	PENNINGTON MICHAEL DBA/PIECES OF OLD ENGLAND
	11/12/1993	\$0.00	CORRECTIVE DEED	1041	1575	U	I		PENNINGTON MICHAEL
	11/12/1993	\$85,000.00	WARRANTY DEED	1033	1195	Q	I	CARRIER EDENA	
	12/1/1987	\$0.00		769	1569	U	I		CARRIER EDENA

No data available for the following modules: Sales Questionnaire Form.

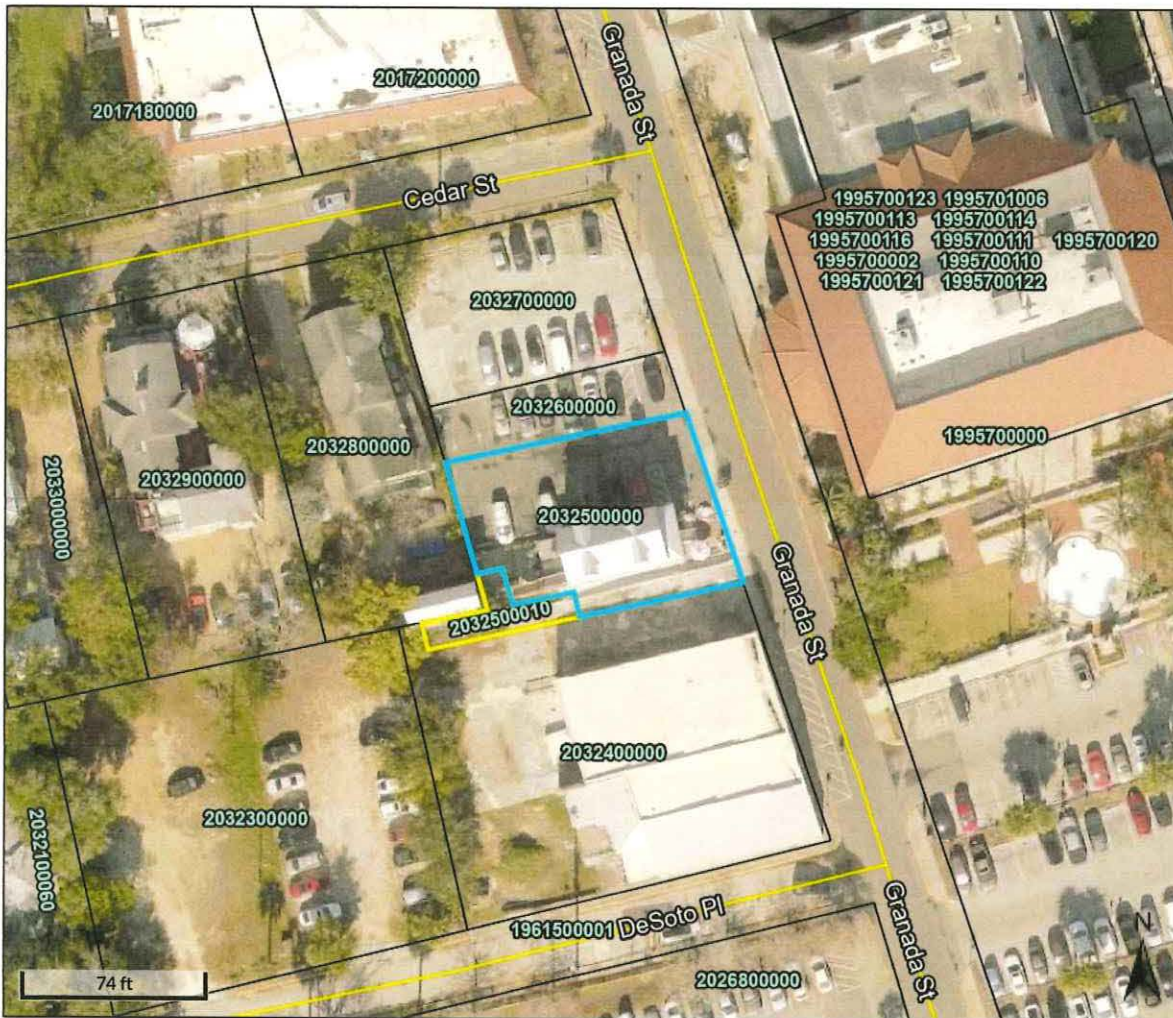
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Last Data Upload: 1/31/2023, 11:52:34 PM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.244



Overview



Legend

□ Parcels

Parcel ID	2032500000	Physical Address	34 GRANADA ST	Building Value	\$285,553	Last 2 Sales			
Property Class	1200 - Mixed Use	Mailing Address	SAINT AUGUSTINE	Extra	\$3,954	Date	11/30/1999	Price	\$190000
Taxing District	City of St Augustine	Address	46 AVENIDA MENENDEZ INC	Feature Value			11/29/1999	\$190000	11 U
Acres	0.12		44 AVENIDA MENENDEZ SAINT AUGUSTINE FL 32084-3645	Total Land Value	\$265,000				
				Just Value	\$554,507				
				Total	\$64,302				
				Deferred					
				Assessed Value	\$490,205				
				Total	\$134,792				
				Exemptions					
				Taxable Value	\$355,413				

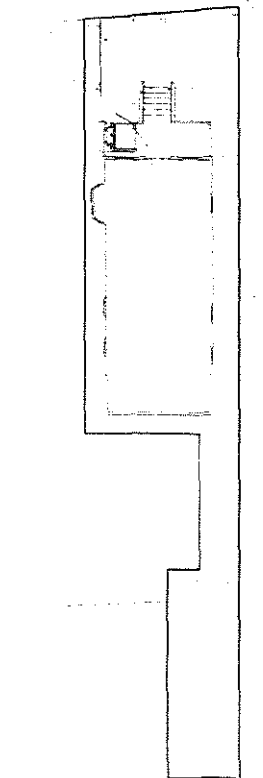
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

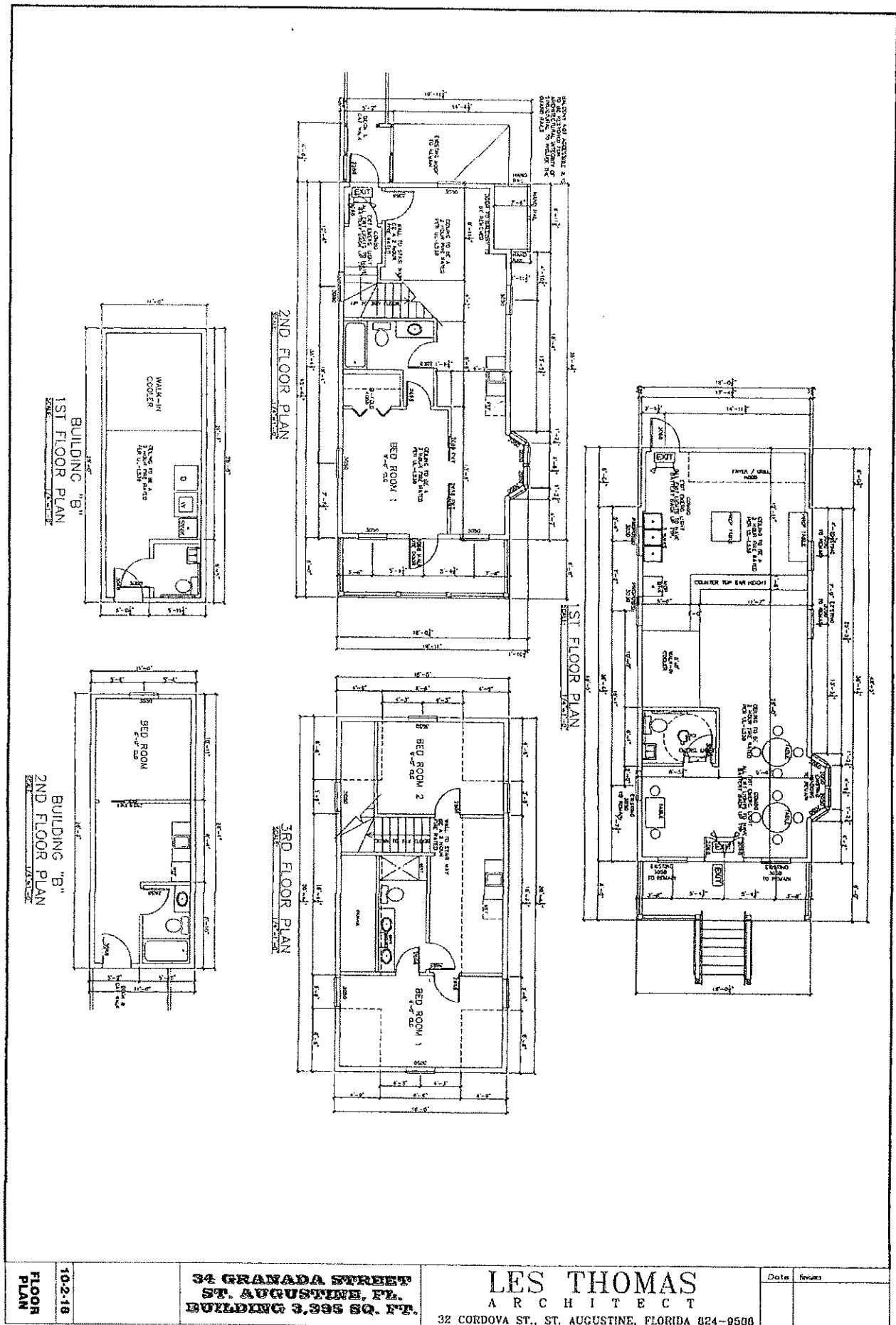
Date created: 2/1/2023

Last Data Uploaded: 1/31/2023 11:52:34 PM

Developed by Schneider GEOSPATIAL

EXHIBIT A
DEPOSITION OF PREMISES





CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **Agenda Item 7(a) Conservation Overlay Zone Development 2022-0057 –
Florida Avenue / PID #107790-0010**

This application for Conservation Overlay Zone Development at 0 Florida Avenue originally appeared on the October 4th, 2022, Planning and Zoning Board Agenda and was continued to the November 1st 2022 PZB Meeting. Part of the continuance was to provide plans with:

- Pier construction
- Tree removal details
- Details of the scenic vista from US Highway 1
- Explanation of fill for on-site parking
- Flood mitigation and water storage for pre and post development
- A more detailed explanation of wetland mitigation.

On October 20th, 2022, the applicant sent an email with information addressing the concerns from the October 4th PZB Meeting and additional attachments to be included with the application.

This application was again continued at the November 1st 2022 PZB meeting to the December 6th 2022 PZB Meeting with the need to include the following information:

- Latest site plan which included a pool
- Information on Conservation Overlay Zone 2 tree removal
- A justification for the need of a bulkhead
- Parking calculations
- Information from the City's Development Review Committee (Friday Review)
- Further explanation of the significant trees that were to be avoided during development
- Conservation Overlay Zone maps
- Renderings and elevations of the proposed development

In an email from the applicant on November 18th 2022 a request for a continuance to the January 3rd 2023 PZB meeting was requested due to a meeting between the applicant, owner, and the St. Johns River Water Management District (SJRWMD). The meeting produced an update to the wetland line which would impact the development plans so significantly that there would not be enough time to submit the required PZB requests.

On November 29th 2022 the applicant requested a continuance to the February 7th 2023 PZB Meeting due to further meetings with the SJRWMD to finalize a wetland line. The applicant also stated that “once the wetlands are final, we can update the site plan and all of related required information.”

Attached is the most recent correspondence with the applicant, from January 4th 2023, requesting a continuance to the March 7th PZB Meeting with the intention of submitting their updated application by February 8th. The applicant stated that the SJRWMD wetland line review was recently completed and that they had received the wetland survey.

Once the previously requested information is provided, a deadline of February 8th, 2023, staff will determine whether the modifications to the application are significant enough to warrant a new application which would require readvertising and new certified letters being sent.

The PZB may determine that enough time has passed since the original application was heard in October 2022 to warrant readvertising for any next meeting even if the Board chooses to continue the application. The Board may also request a realistic timeframe from the applicant regarding producing the revised and updated site plan and the previously requested additional information.

The Board may also deny this application with or without prejudice.

Thank you for your attention to this matter. If you have any questions, please contact me at (904) 209-4331 or jfredriksson@citystaug.com.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Tracey Mullins

From: Ryan Carter <ryan@carterenv.com>
Sent: Wednesday, January 4, 2023 9:48 PM
To: Amy Skinner; Tracey Mullins; Jacob Fredriksson
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 March Request

Amy, Tracey and Jacob,

We need to request another month to submit all the required information. Therefore, we'll aim to have our resubmittal to you by February 8th to present to PZB on March 7th. Please reply with your receipt and acceptance.

We recently completed the SJRWMD wetland line review and received the wetland survey today. The applicant/architect has a redesigned conceptual site plan and he and the engineer will finalize the site plan and grading next week, then we'll do the tree and stormwater calcs to be ready for submittal by February 8th. Thanks for your understanding and please contact me with any questions.

Sincerely,
Ryan
904-540-1786

From: Amy Skinner <askinner@citystaug.com>
Sent: Wednesday, November 30, 2022 10:02 AM
To: Ryan Carter <ryan@carterenv.com>; Tracey Mullins <tmullins@citystaug.com>; Jacob Fredriksson <jfredriksson@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 February Request

January 9

Amy

From: Ryan Carter <ryan@carterenv.com>
Sent: Wednesday, November 30, 2022 9:57 AM
To: Tracey Mullins <tmullins@citystaug.com>; Jacob Fredriksson <jfredriksson@citystaug.com>; Amy Skinner <askinner@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 February Request

Thanks Tracey. When the due date is for our information is to make the February agenda?

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2022-0084**

AGENDA ITEM 7(b)

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

OWNER Fountain of Youth Prop Inc.

LOCATION 11 Magnolia Avenue / PID 191600-0000

REQUEST To approve the modification of an existing dock to include four (4) new boats lifts with catwalks and to approve the new construction of an observation deck to the south of the existing dock within Conservation Overlay Zone 1.

LAND USE Commercial Low Intensity

ZONING Commercial Low-One (CL-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

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

CCM Objective 7

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

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

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

Chapter 11 Land Development Code, Article II. Conservation Overlay Zone Development.

Sec. 11-26. - Purpose and intent.

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

Sec. 11-28. Issuance of building permits.

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

Sec. 11-29. Standards for review.

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

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect., and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

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

any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

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

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 765 square foot observation deck towards the southern portion of the property and to add 794 square feet of decking and four boat lifts to an existing dock at 11 Magnolia Avenue. The existing dock and proposed observation dock are located along Hospital Creek with their respective walkways located in the wetlands to the west of the creek.

The proposed four new boat lifts will be for the owner's personal use as stated by the applicant in an email from January 17th, 2023.

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 1,365 feet of Hospital Creek frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline. Mangroves and marine vegetation are present in the region but not in the footprint of the proposed structures.

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

The property sits on the Hospital Creek and is adjacent to single-family homes and multi-family units to the North & 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 business boating activities.** This will need to be clarified to be sure if the boating activities are for private use or business use.*

- (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 proposed dock site is located in a channel of water in Hospital Creek Matanzas Bay. Due to the tight and confined nature of the Hospital Creek channel it is difficult to navigate during low tide. Sand/mud bar banks are exposed which limits the potential impact on animal, vegetation and erosional forces of any

boating activities. Additionally, a seawall armors the existing Fountain of Youth property. 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.

There is an existing bulkhead in place.

- (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 48 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 the mean high waterline. The proposed height for the newly constructed dock being 5' to match the existing dock profile. The new boat lifts will be 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 modification of an existing dock to include four (4) new boat lifts with catwalks and to approve the new construction of an observation deck to the south of the existing dock within Conservation Overlay Zone 1 at 11 Magnolia Avenue / PID 191600-0000.

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

Jacob Fredriksson

From: Ryan Carter <ryan@carterenv.com>
Sent: Tuesday, January 17, 2023 11:20 AM
To: Jacob Fredriksson
Cc: Michael Carpenter; STEVEN & ELIZABETH BINNINGER
Subject: RE: PZB App 2022-0094 FOY dock email RAI Response

Hey Jacob,

The additional four boat lifts plan to be used by the family who owns the Fountain of Youth (FOY) for their personal boats. Hope that helps. Thanks.

Sincerely,
Ryan
904-540-1786

From: Jacob Fredriksson <jfredriksson@citystaug.com>
Sent: Tuesday, January 17, 2023 9:44 AM
To: Ryan Carter <ryan@carterenv.com>
Subject: Planning and Zoning Board Application 2022-0094

Good morning,

This is a request for additional information regarding the upcoming Planning and Zoning Board application at 11 Magnolia Avenue, specifically the nature of how the proposed dock with boat lifts will be used. Thank you for your time.

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



ST AUGUSTINE
EST. 1565





CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0694
Receipt Number: 2523227 Meeting Date: 02/07/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: RYAN CARTER Contact Number: 904-540-1786
Business (if applicable): CARTER ENVIRONMENTAL SERVICES, INC
Address: 42 MASTERS DR City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: RYAN@CARTERENV.COM

2. NAME OF PROPERTY OWNER: _____ Contact Number: 904-829-3168
Business (if applicable): FOUNTAIN OF YOUTH PROP INC
Address: 17 CORDOVA ST. City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: binningers@bellsouth.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4-55 FOUNTAIN OF YOUTH PARK Block: 2 & WILLIAMS ST TO PONCE DELEON BROADCASTING IN OR 77/406
Subdivision: FOUNTAIN OF YOUTH PARK Parcel Number: 1916000000

4. PROJECT STREET ADDRESS: 11 MAGNOLIA AVE

5. SPECIFIC PROPOSED USE: TOURIST ATTRACTION

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

7. DESCRIPTION OF ACTION REQUESTED: PZB APPROVAL FOR A COMMERCIAL DOCK MODIFICATION

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.

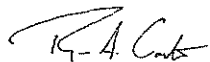
11. AGREEMENT:

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

11-16-22

Date



Signature of Property Owner

11-17-22

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.

RYAN CARTER

Print name of applicant

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

Signature of applicant

11-16-22

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF OF FOUNTAIN OF YOUTH PROP INC, 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: Joan Binninger
Signature of Owner
JOAN BINNINGER
Print Name of Owner
904-829-3168
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 17th day of November, 2022

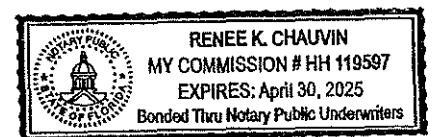
By Joan Binninger who physically appeared and is personally known to me.

Identification verified:

Oath sworn: _____ Yes X No

Notary Signature: Renée K. Chauvin

My Commission expires: 4/30/2025



Attachment 1

Overlay Zone Application Narrative

**Fountain of Youth Dock Modification
Overlay Zone Development Application Supplement
December 2022**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock modification that includes 4 new boat lifts accessed by catwalks as well as an observation deck. The proposed dock will allow the patrons of the Fountain of Youth Archeological Park access to Matanzas Bay. Total dock and lifts area over open water will be approximately 11,472 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 no salt marsh vegetation in the current proposed dock or observation deck.

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.*

The approval of the dock will give the public the benefit of renting a boat during operating hours and observe the vistas and scenic opportunities in the vicinity.

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 1,365 feet of Hospital Creek frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline. Mangroves and marine vegetation are present in the region but not in the footprint of the proposed structures.

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

The property sits on the Hospital Creek and is adjacent to other single-family homes and multi-family units to the North & 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 business operations 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 proposed dock site is located in a channel of water in Hospital Creek Matanzas Bay. Due to the tight and confined nature of the Hospital Creek channel it is difficult to During low tide sand/mud bar banks are exposed which limits the potential impact on animal, vegetation and erosional forces of any boating activities. Additionally, a seawall armors the existing Fountain of Youth property. 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 48 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

F:\CES Projects\Project Files\Active\Projects\5.22483 Fountain of Youth\GIS\MXD\1_location.mxd



CARTER ENVIRONMENTAL SERVICES, INC. CES 42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com		Location Map Fountain of Youth Dock Modification			
Project:	5.22483	St. Augustine, FL	Date: Nov 23 2022	Figure:	1



**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Current Aerial

Fountain of Youth Dock Modification

Project: 5.22483

St. Augustine, FL

Date: Nov 23 2022

Figure:

2





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Proposed Dock & No-Profile Deck Lift Alignment
Fountain of Youth Dock Modification

Project: 5.22483

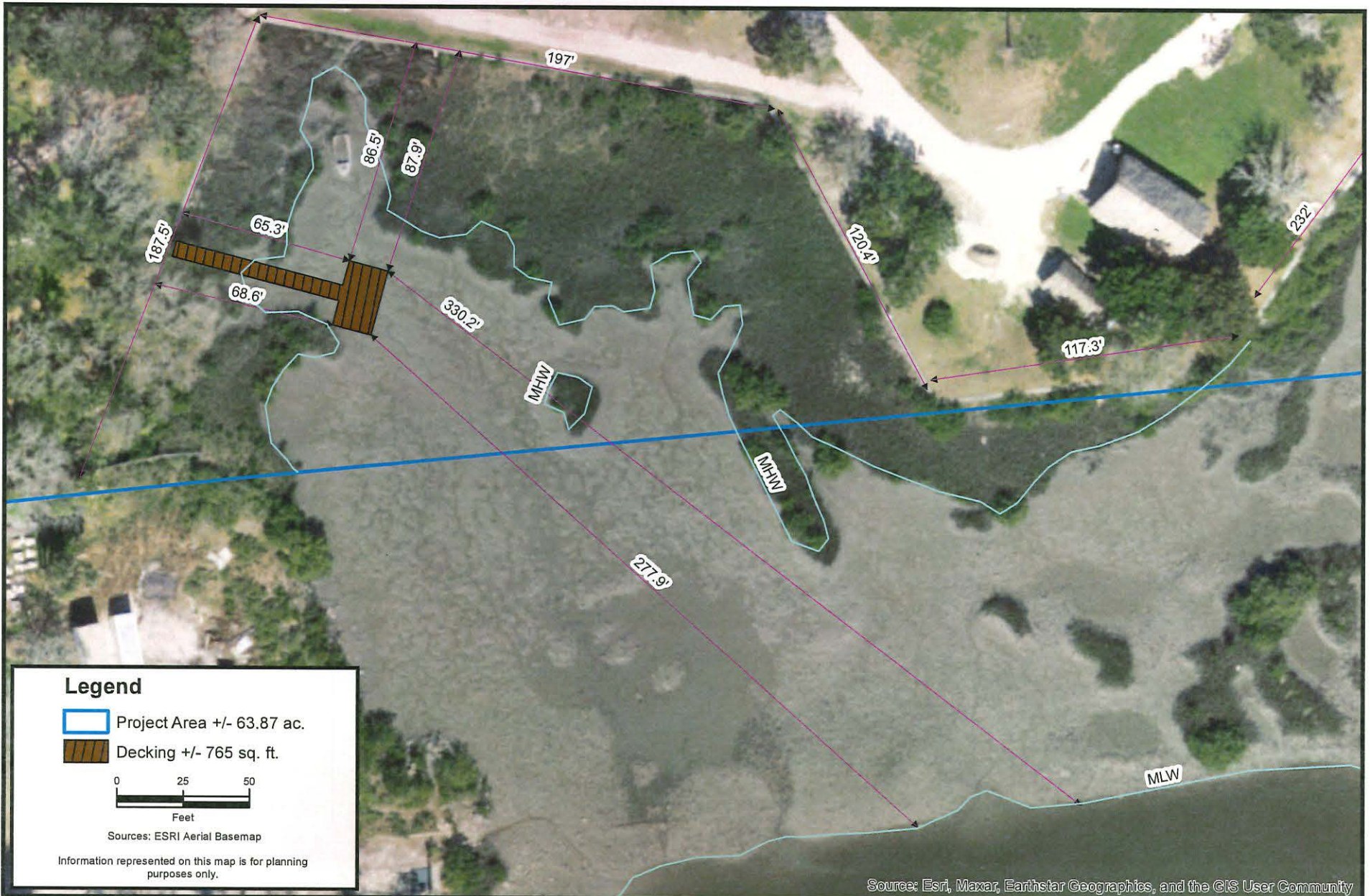
St. Augustine, FL

Date: Dec 12 2022

Figure:

4a





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Observation Deck Alignment
Fountain of Youth Dock Modification

Project: 5.22483

St. Augustine, FL

Date: Nov 23 2022

Figure:

4b





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock & No-Profile Deck Lift Dimensions
Fountain of Youth Dock Modification

Project: 5.22483

St. Augustine, FL

Date: Nov 23 2022

Figure:

5a





**CARTER ENVIRONMENTAL
SERVICES, INC.**



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

www.carterenv.com

Proposed Observation Deck Dimensions
Fountain of Youth Dock Modification

Project: 5.22483

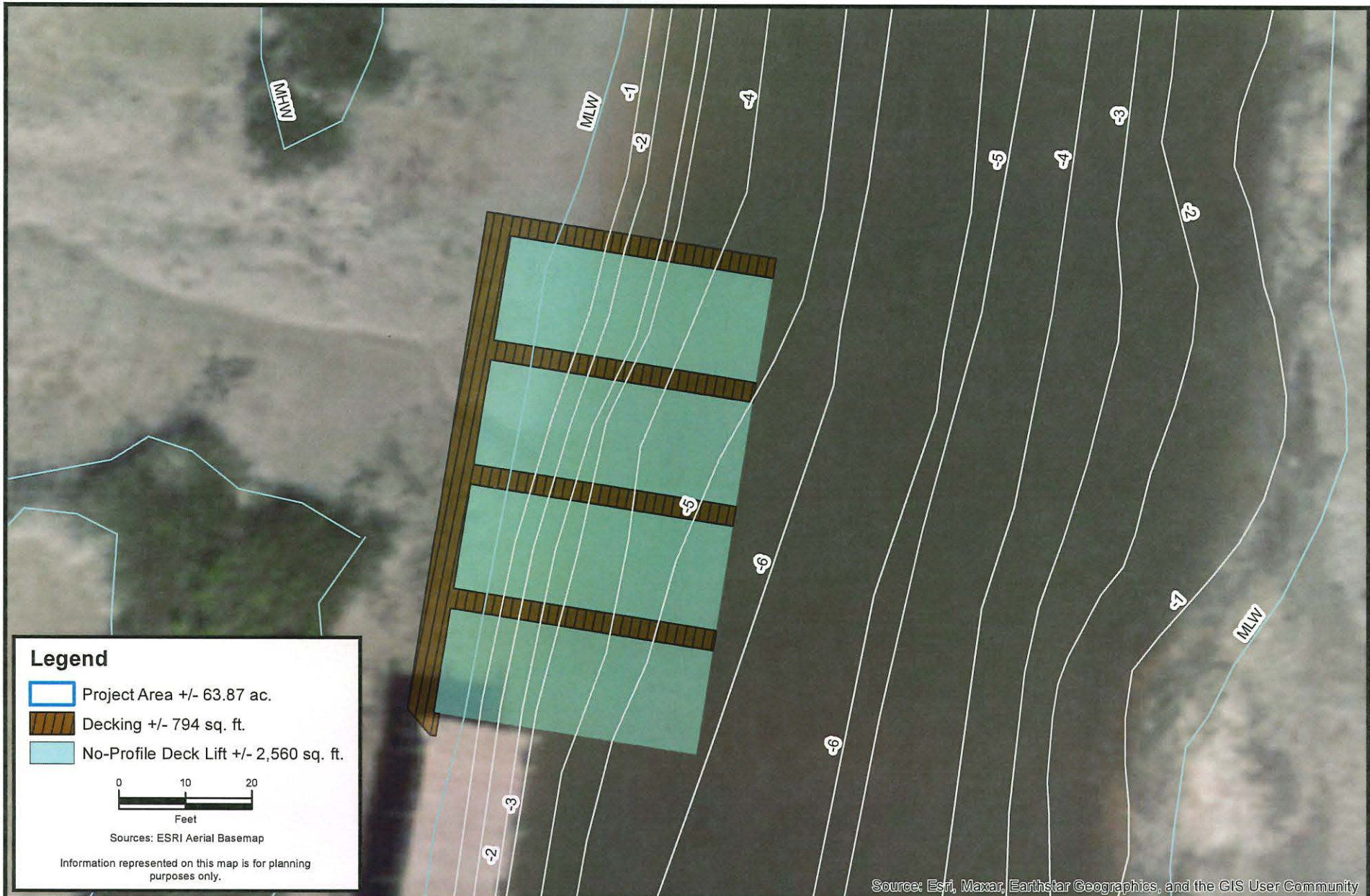
St. Augustine, FL

Date: Nov 23 2022

Figure:

5b





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Bathymetric Assessment

Fountain of Youth Dock Modification

Project: 5.22483

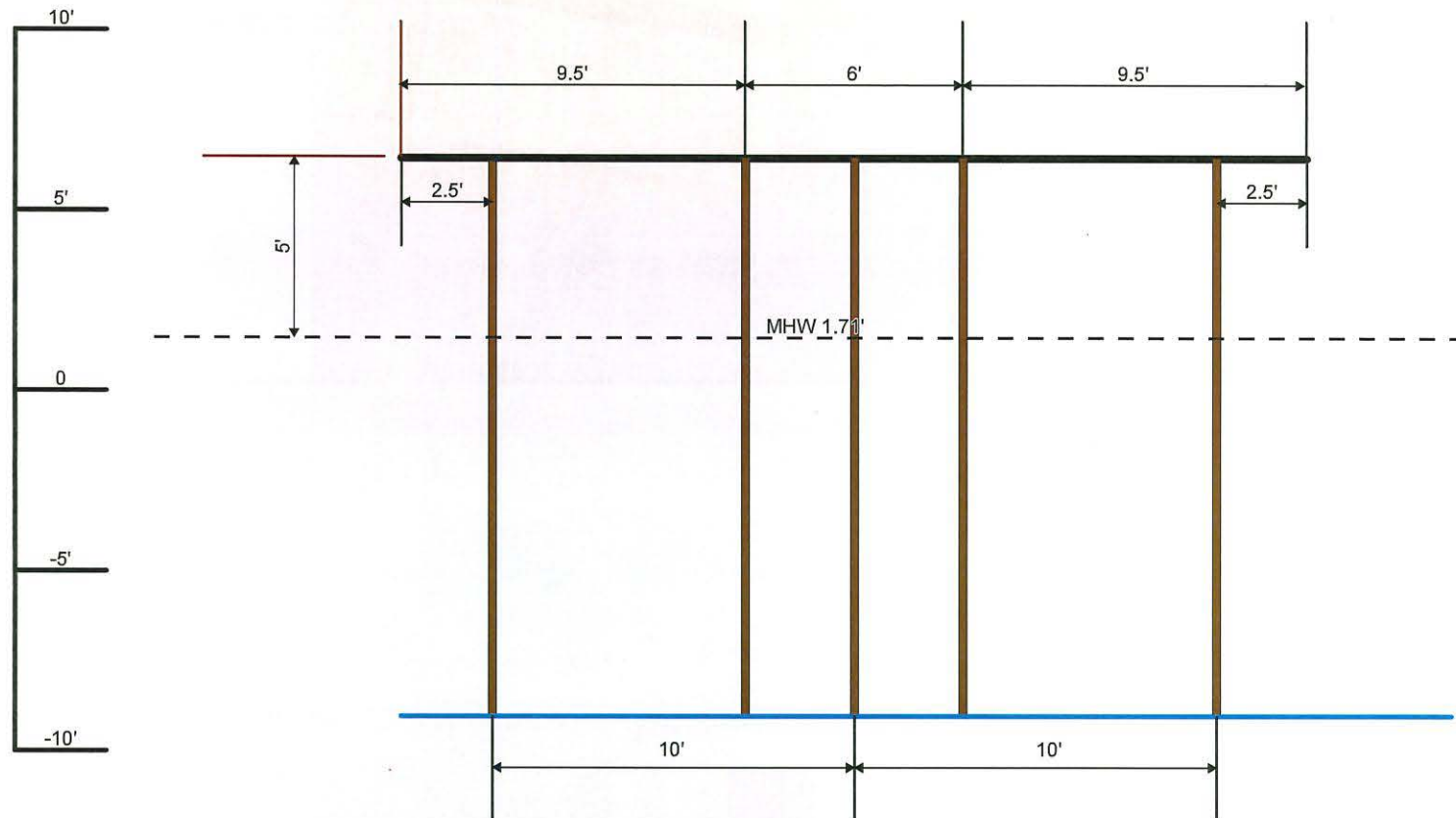
St. Augustine, FL

Date: Dec 12 2022

Figure:

6





CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Observation Deck Cross-Section View
Fountain of Youth Dock Modification

Project: 5.22483

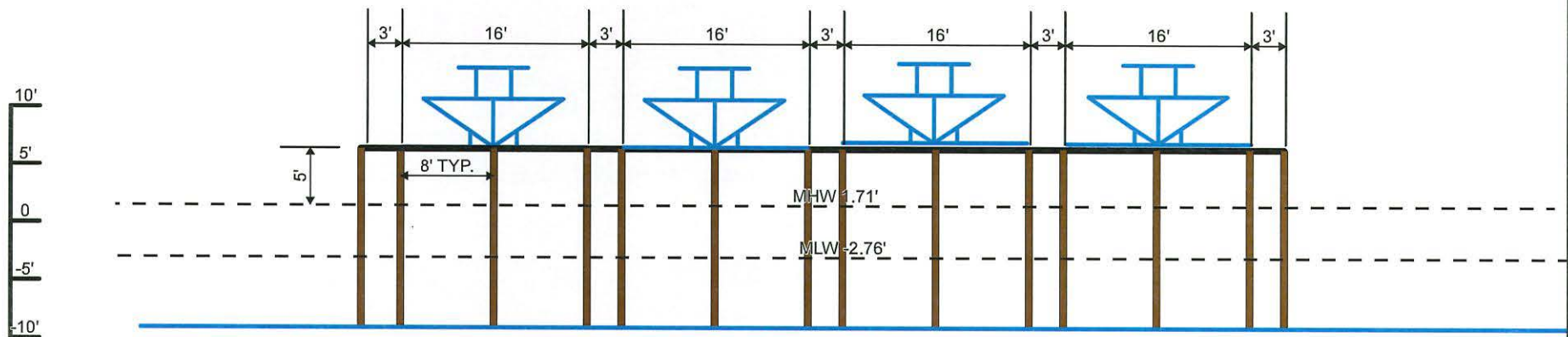
St. Augustine, FL

Date: Dec 13 2022



Figure:

8b



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Dock Profile View

Fountain of Youth Dock Modification

Project: 5.22483

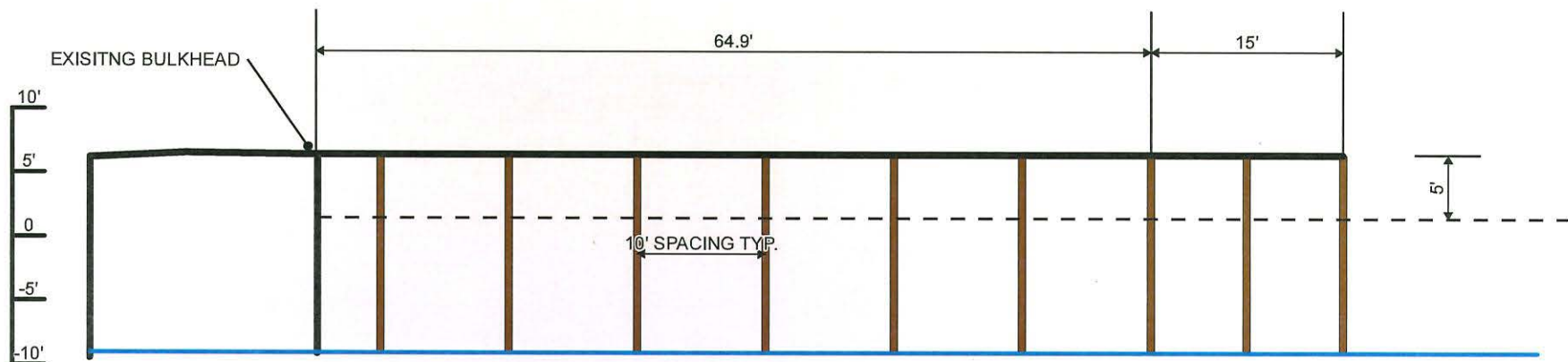
St. Augustine, FL

Date: Dec 12 2022



Figure:

8a



CARTER ENVIRONMENTAL
SERVICES, INC.



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

www.carterenv.com

Proposed Observation Deck Profile View

Fountain of Youth Dock Modification

Project: 5.22483

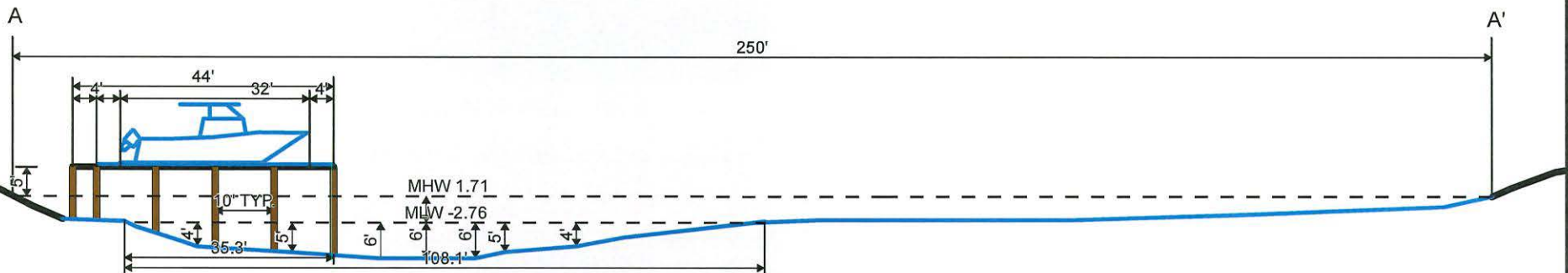
St. Augustine, FL

Date: Dec 13 2022



Figure:

7b



2022 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 121512

Entity Name: FOUNTAIN OF YOUTH PROPERTIES, INC.

Current Principal Place of Business:

11 MAGNOLIA AVENUE
ST AUGUSTINE, FL 32084

Current Mailing Address:

17 CORDOVA STREET
ST. AUGUSTINE, FL 32084 US

FEI Number: 59-0250910

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

EDMISTON, MARGARET G
17 CORDOVA STREET
ST. AUGUSTINE FL 32084 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title T
Name EDMISTON, MARGARET G
Address 17 CORDOVA STREET
City-State-Zip: SAINT AUGUSTINE FL 32084

Title PD
Name FRASER, JOHN W
Address 11 MAGNOLIA AVENUE
City-State-Zip: SAINT AUGUSTINE FL 32084

Title V
Name FRASER, BRYAN
Address 11 MAGNOLIA AVENUE
City-State-Zip: SAINT AUGUSTINE FL 32084

Title S
Name BINNINGER, JOAN E
Address 114 HERONS NEST LANE
City-State-Zip: ST AUGUSTINE FL 32080

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JOHN W FRASER

PRESIDENT

02/09/2022

Electronic Signature of Signing Officer/Director Detail

Date



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](#)

No Image Available

Parcel ID	1916000000
Location Address	11 MAGNOLIA AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Tourist Attraction Fountain of Youth (COM) (2301.02)
Tax Description*	4-55 FOUNTAIN OF YOUTH PARK ALL (EX E'LY PARTS BLK 2 & WILLIAMS ST TO PONCE DE LEON BROADCASTING CO IN OR77/406) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Tourist Attractions (3500)
Subdivision	Fountain Of Youth Park
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	16.770
Homestead	N

Owner Information

Owner Name	Fountain Of Youth Prop Inc 100%
	Barnett Bank 100%
Mailing Address	17 CORDOVA ST SAINT AUGUSTINE, FL 32084-3618

Map



Valuation Information

	2023
Building Value	\$621,733
Extra Features Value	\$226,458
Total Land Value	\$1,045,940
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,894,131
Total Deferred	\$0
Assessed Value	\$1,894,131
Total Exemptions	\$0
Taxable Value	\$1,894,131

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	\$550,044	\$267,692	\$1,045,940	\$0	\$0	\$1,863,676	\$1,863,676	\$0	\$1,863,676
2021	\$512,787	\$280,521	\$1,045,940	\$0	\$0	\$1,839,248	\$1,839,248	\$0	\$1,839,248
2020	\$525,931	\$293,684	\$1,045,940	\$0	\$0	\$1,865,555	\$1,687,160	\$178,395	\$1,687,160
2019	\$488,985	\$274,532	\$1,045,940	\$0	\$0	\$1,809,457	\$1,533,782	\$275,675	\$1,533,782
2018	\$329,186	\$280,581	\$784,580	\$0	\$0	\$1,394,347	\$1,394,347	\$0	\$1,394,347
2017	\$327,085	\$270,700	\$784,580	\$0	\$0	\$1,382,365	\$1,382,365	\$0	\$1,382,365
2016	\$331,250	\$241,642	\$784,580	\$0	\$0	\$1,357,472	\$1,357,472	\$0	\$1,357,472
2015	\$341,496	\$249,045	\$784,580	\$0	\$0	\$1,375,121	\$1,375,121	\$0	\$1,375,121
2014	\$333,588	\$251,502	\$784,580	\$0	\$0	\$1,369,670	\$1,369,670	\$0	\$1,369,670
2013	\$252,042	\$240,956	\$784,580	\$0	\$0	\$1,277,578	\$1,277,578	\$0	\$1,277,578
2012	\$262,794	\$247,209	\$784,580	\$0	\$0	\$1,294,583	\$1,294,583	\$0	\$1,294,583
2011	\$272,345	\$182,163	\$915,260	\$0	\$0	\$1,369,768	\$1,174,996	\$194,772	\$1,174,996
2010	\$284,104	\$156,129	\$601,628	\$0	\$0	\$1,041,861	\$1,041,861	\$0	\$1,041,861

Building Information

Building 1
 Year Built 1880
 Actual Area 2648
 Conditioned Area 2584
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Stone

Roof Cover Built Up, Modular Metal
 Roof Structure Wood Truss
 Interior Flooring Vinyl Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description	Square Footage
FRAME UTILITY	20
BASE AREA	1064
BASE AREA	1520
FINISHED DECK	44
POINTER	0

Total SqFt 2648

Building 2
 Year Built 1952
 Actual Area 924
 Conditioned Area 924
 Use Tourist Attraction
 Style 04
 Class N
 Exterior Wall Stone

Roof Cover Modular Metal
 Roof Structure Wood Truss
 Interior Flooring Concrete Finish, None
 Interior Wall None
 Heating Type None
 Air Conditioning None
 Bedrooms
 Baths

Description Square Footage
 BASE AREA 924
 Total SqFt 924

Building 3
 Year Built 2013
 Actual Area 400
 Conditioned Area 100
 Use Office Class C
 Style 04
 Class N
 Exterior Wall Stucco

Roof Cover Cedar Shanks
 Roof Structure Wood Truss
 Interior Flooring Concrete Finish
 Interior Wall Minimum
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description Square Footage
 BASE AREA 100
 CANOPY (COMMERCIAL) 300
 Total SqFt 400

Building 4
 Year Built 1956
 Actual Area 2762
 Conditioned Area 2762
 Use Tourist Attraction
 Style 04
 Class N
 Exterior Wall Concrete Stucco

Roof Cover Built Up
 Roof Structure Rigid Frame
 Interior Flooring Carpet
 Interior Wall Minimum
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description Square Footage
 BASE AREA 2762
 Total SqFt 2762

Building 5
 Year Built 1952
 Actual Area 2069
 Conditioned Area 2021
 Use Tourist Attraction
 Style 04
 Class N
 Exterior Wall Concrete Block

Roof Cover Built Up
 Roof Structure Rigid Frame
 Interior Flooring Carpet
 Interior Wall Minimum
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description Square Footage
 ENCLOSED FRAMED PORCH 48
 BASE AREA 2021
 Total SqFt 2069

Building 6
 Year Built 1922
 Actual Area 2945
 Conditioned Area 2685
 Use Tourist Attraction
 Style 04
 Class N
 Exterior Wall Stone

Roof Cover Built Up, Cement Fiber Shingle
 Roof Structure Wood Truss
 Interior Flooring Concrete Finish
 Interior Wall Minimum
 Heating Type None
 Air Conditioning None
 Bedrooms
 Baths

Description Square Footage
 CANOPY (COMMERCIAL) 260

BASE AREA	2685
Total SqFt	2945

Building	7
Year Built	1980
Actual Area	1358
Conditioned Area	1232
Use	Tourist Attraction
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Cover	Modular Metal
Roof Structure	Wood Truss
Interior Flooring	Hardwood
Interior Wall	Minimum
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
ENCLOSED FRAMED PORCH	126
BASE AREA	1232
Total SqFt	1358

Building	8
Year Built	2013
Actual Area	742
Conditioned Area	360
Use	Snack Bars
Style	04
Class	N
Exterior Wall	Stucco, Wood

Roof Cover	Modular Metal
Roof Structure	Wood Truss
Interior Flooring	Concrete Finish
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

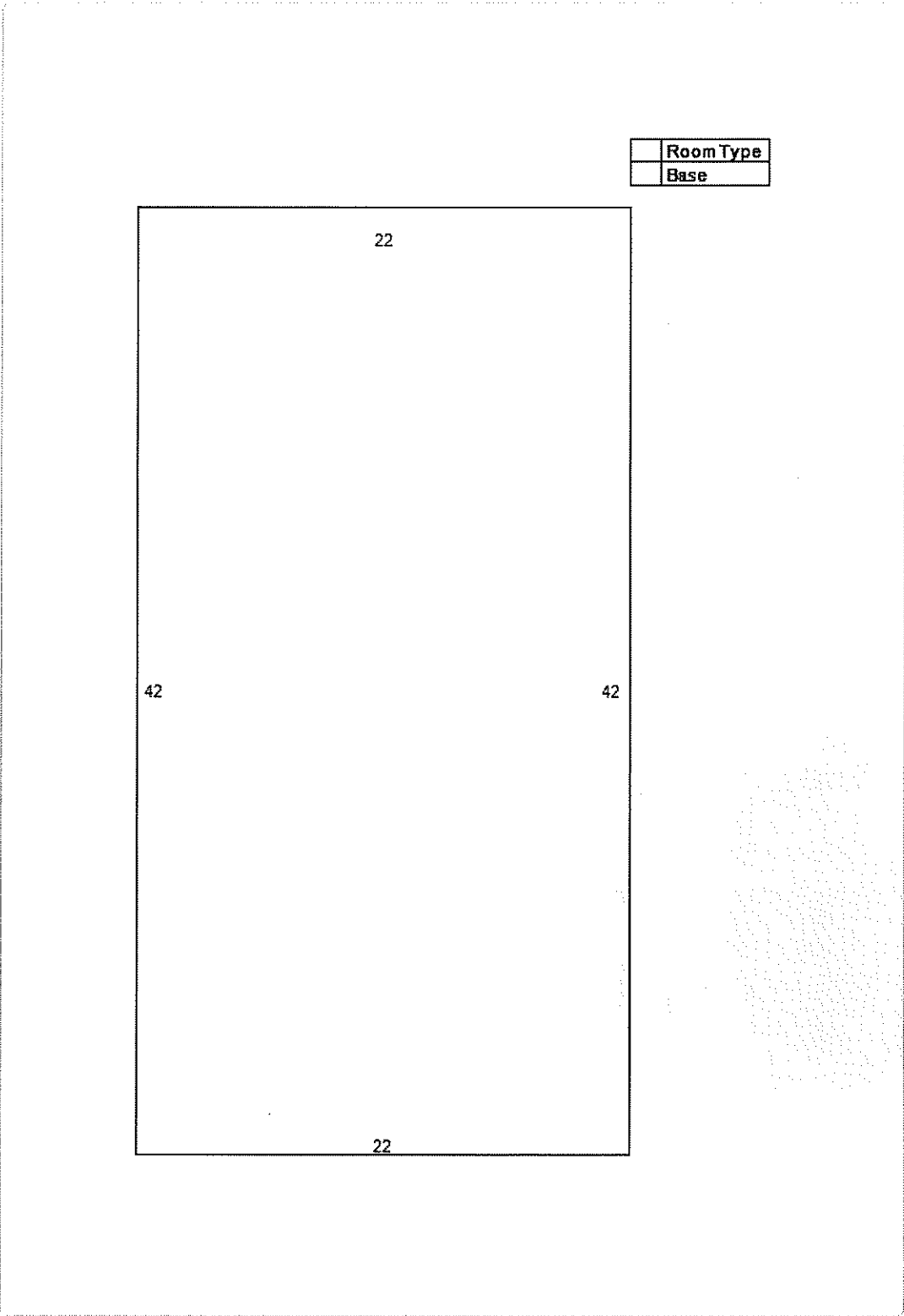
Description	Square Footage
CANOPY (COMMERCIAL)	382
BASE AREA	360
Total SqFt	742

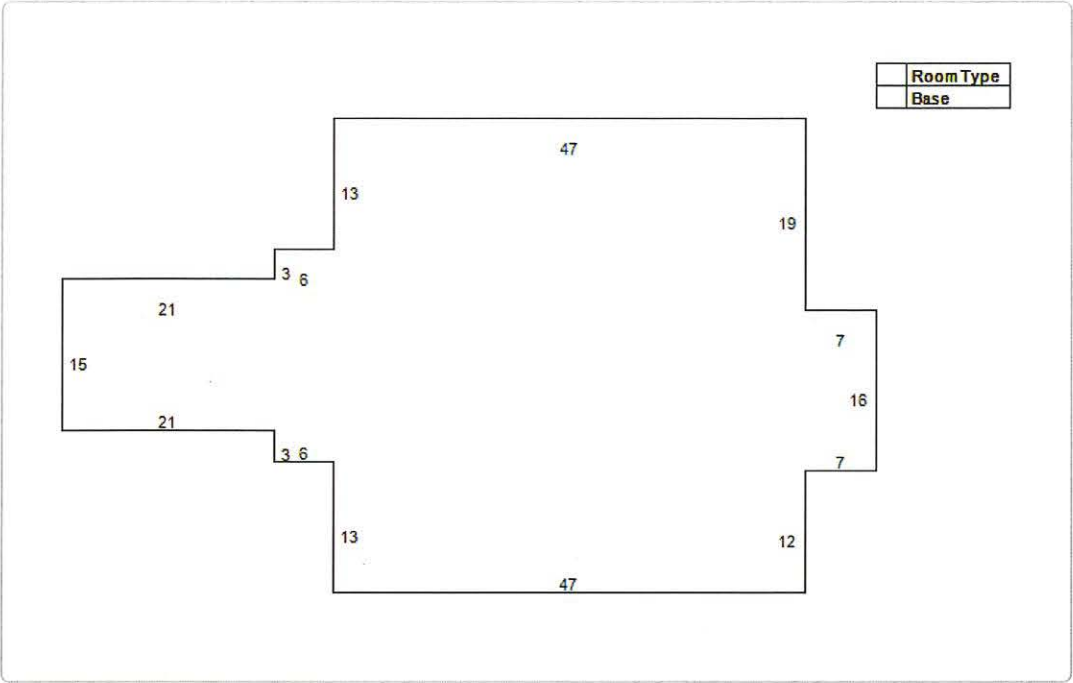
Building	9
Year Built	2013
Actual Area	3668
Conditioned Area	468
Use	Cultural Organizations & Facilities
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Cover	Metal
Roof Structure	Wood Truss
Interior Flooring	Concrete Finish
Interior Wall	Minimum
Heating Type	None
Air Conditioning	N/A
Bedrooms	
Baths	

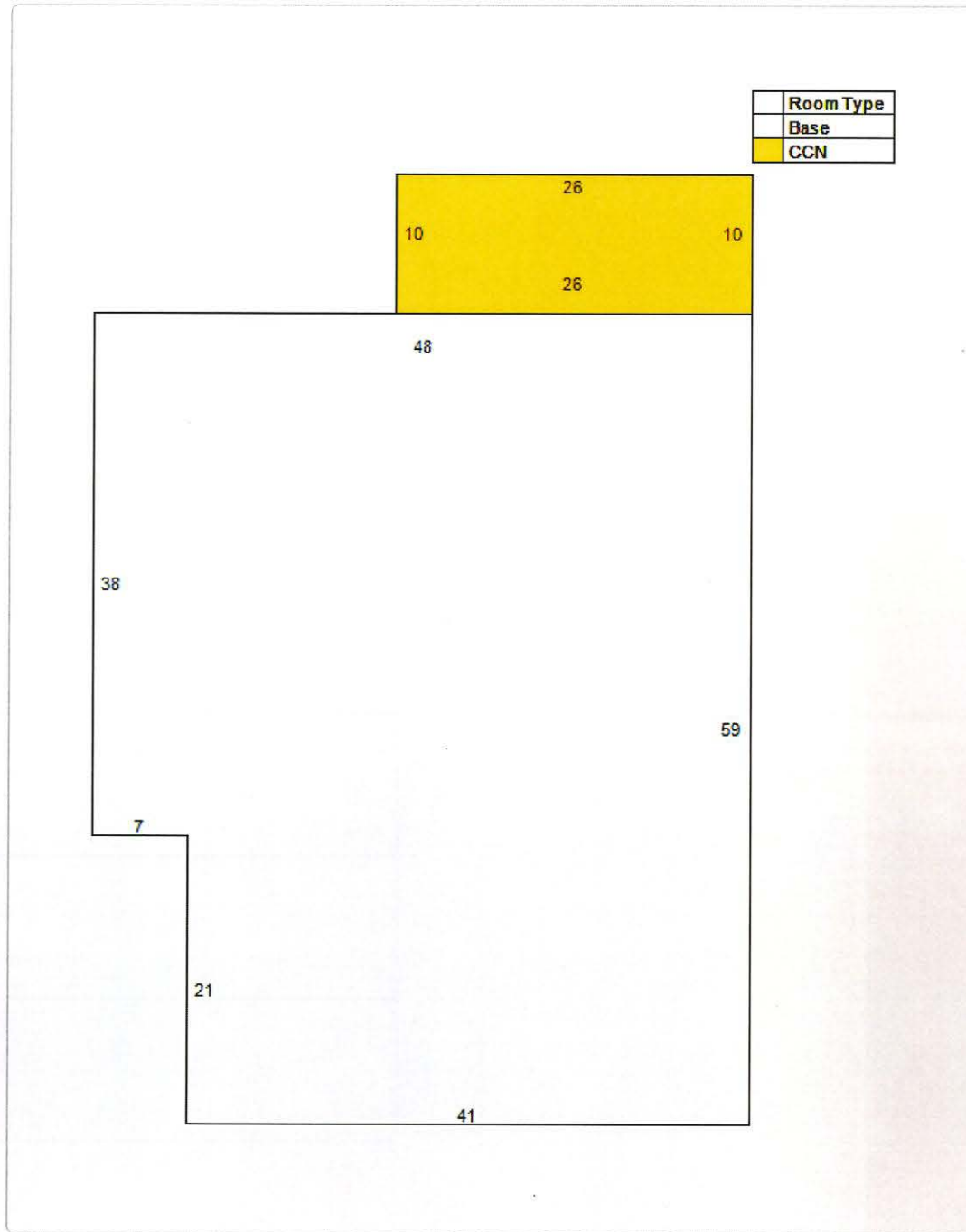
Description	Square Footage
OUTSIDE STAIRS	50
FINISHED DECK	888
BASE AREA	468
CANOPY (COMMERCIAL)	2262
Total SqFt	3668

Sketch Information

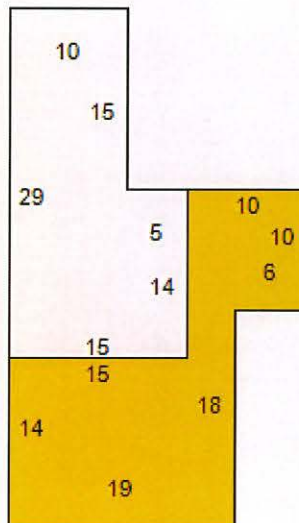


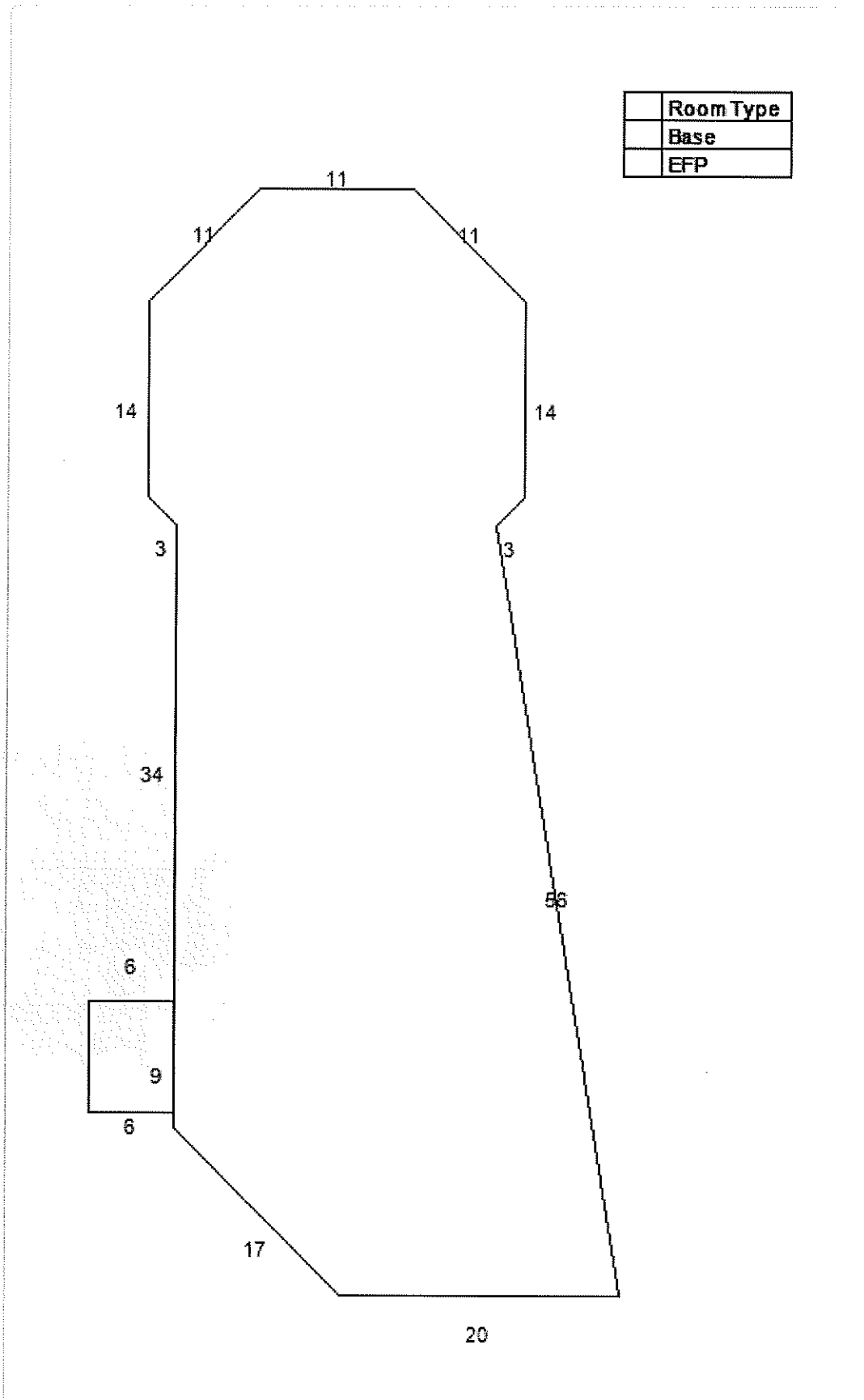


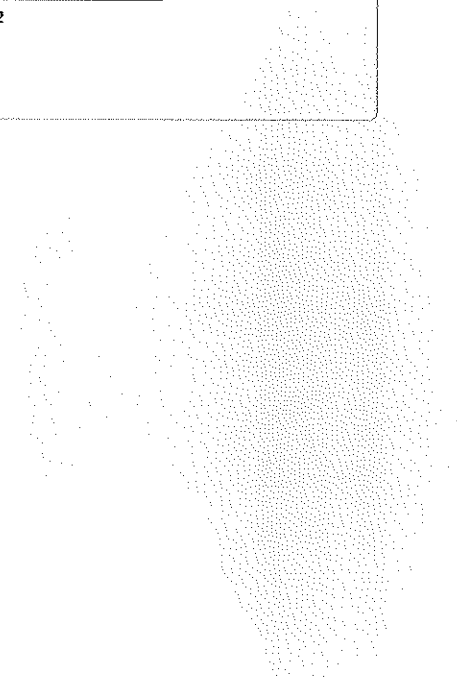
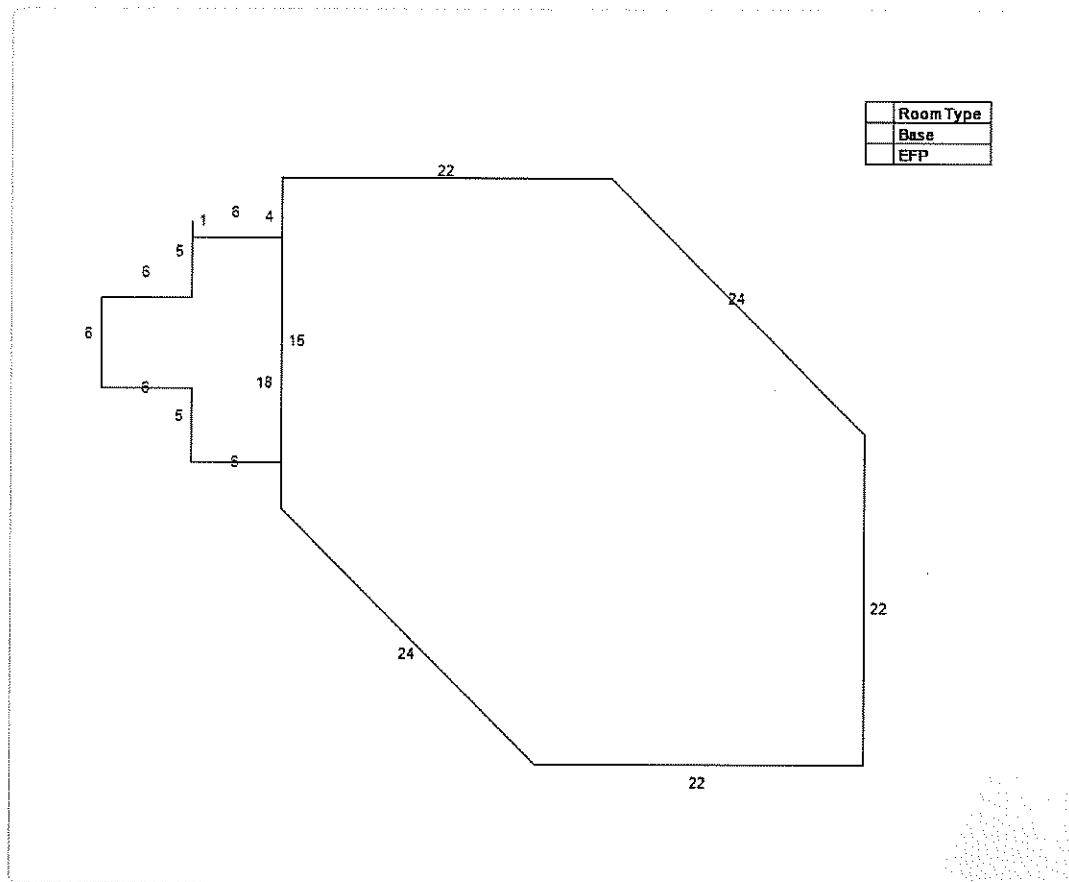
	Room Type
	CCN
	Base

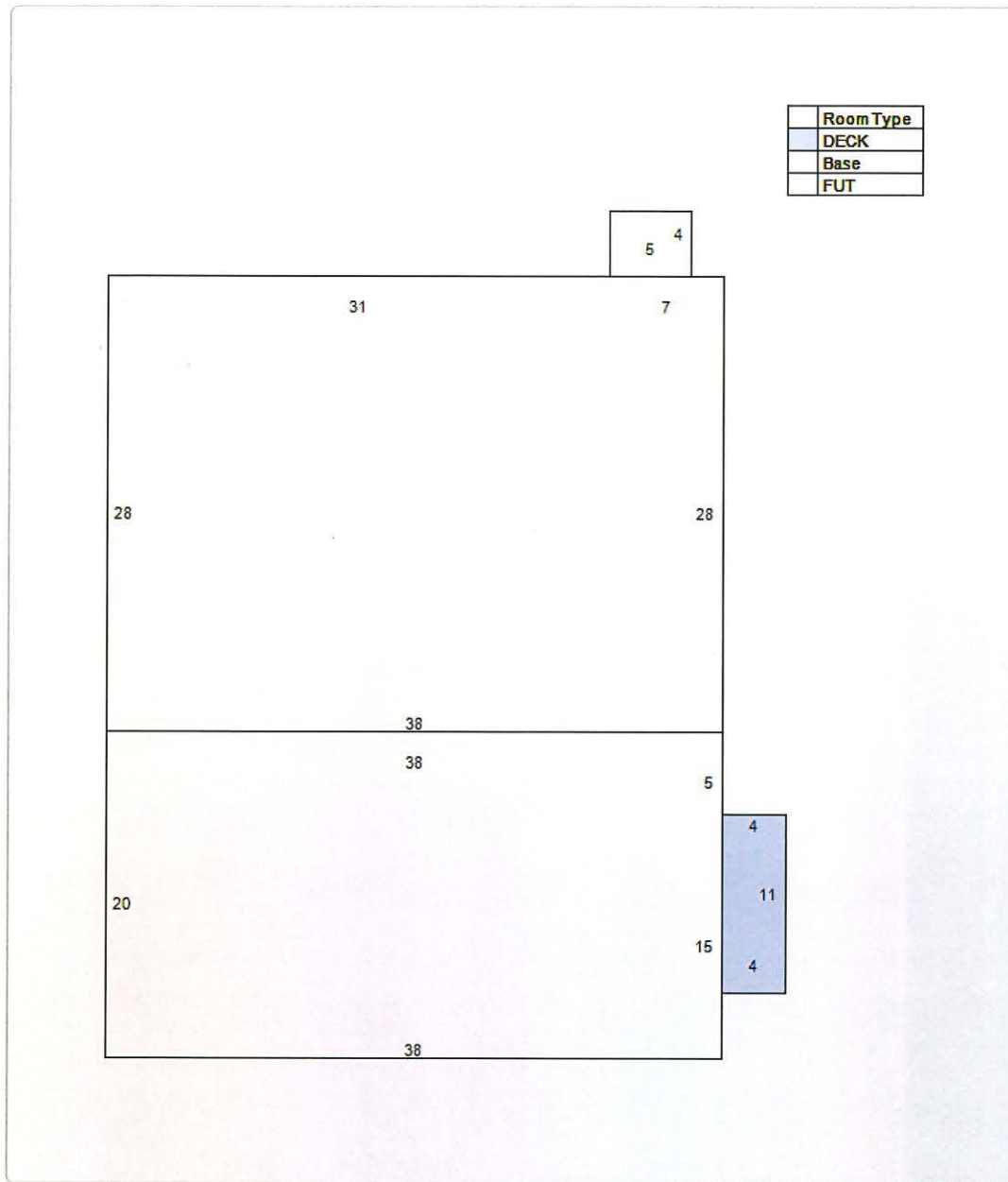


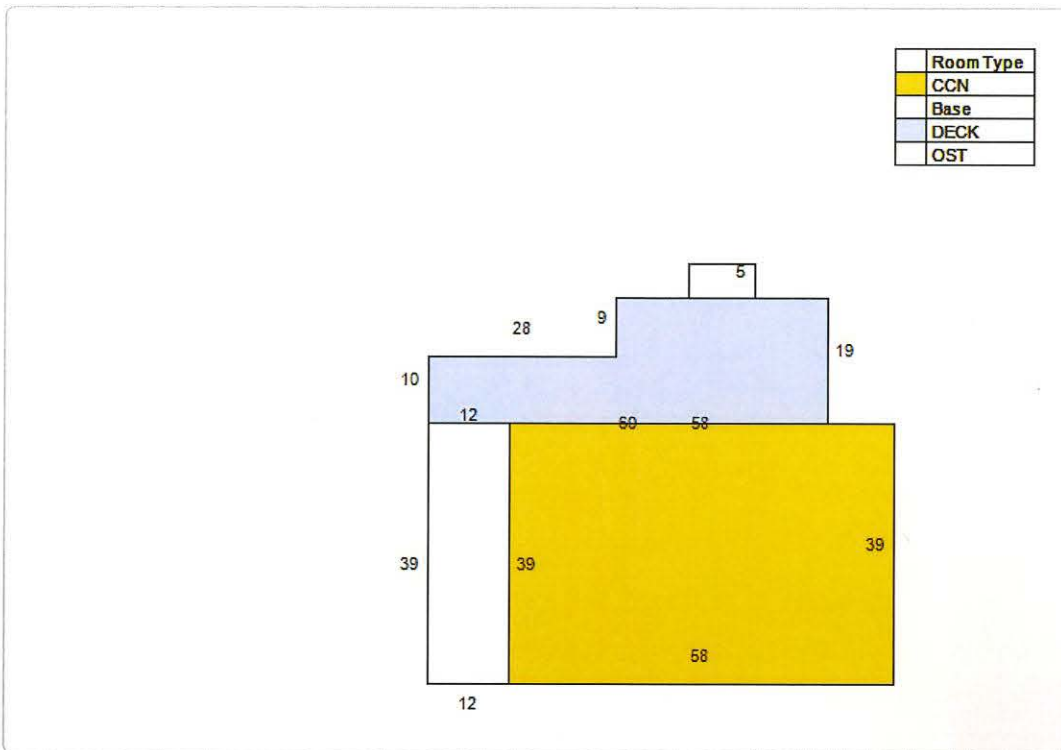
	Room Type
	Base
	CCN











Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		44352
Masonry Wall (Mix)		10496
Garage - Average (Mix)		9282
Restroom - Average (COM)		1500
Canopy (Mix)		1011
Canopy (Mix)		893
Gazebo - Average (Mix)		1000
Storage Building (Mix)		2678
Pool House (Mix)		1764
Canopy (Mix)		1075
Asphalt Paving (COM)		9186
Concrete Paving - Under 8" (COM)		9112
Wood Fence - 6' and Above (COM)		1325
Wood Fence - Under 6' (COM)		591
Deck (COM)		128
Fountain - Average (Mix)		1000
Steel Door (COM)		108
Steel Door (COM)		360
Restroom - Excellent (COM)		4004
Handicap Ramp (COM)		427
Wood Fence - 6' and Above (COM)		1704
Boat Dock - Average (Mix)		51738
Canopy (Mix)		1852
Wood Fence - 6' and Above (COM)		239
Handicap Ramp (COM)		6270
Storage Building (Mix)		11813
Storage Building (Mix)		42656
Steel Door (COM)		1400
Steel Door (COM)		6860
Handicap Ramp (COM)		1394
Concrete Paving - Under 8" (COM)		240

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Tourist Attractions	0	0	522720	SF	\$1,045,440
Marshes & Tidal Lands	0	0	2	AC	\$500

No data available for the following modules: Sales Questionnaire Form, Exemption Information, Sale Information.

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

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Version 2.3.231

Jacob Fredriksson

From: Ryan Carter <ryan@carterenv.com>
Sent: Tuesday, January 17, 2023 11:20 AM
To: Jacob Fredriksson
Cc: Michael Carpenter; STEVEN & ELIZABETH BINNINGER
Subject: RE: PZB App 2022-0094 FOY dock email RAI Response

Hey Jacob,

The additional four boat lifts plan to be used by the family who owns the Fountain of Youth (FOY) for their personal boats. Hope that helps. Thanks.

Sincerely,
Ryan
904-540-1786

From: Jacob Fredriksson <jfredriksson@citystaug.com>
Sent: Tuesday, January 17, 2023 9:44 AM
To: Ryan Carter <ryan@carterenv.com>
Subject: Planning and Zoning Board Application 2022-0094

Good morning,

This is a request for additional information regarding the upcoming Planning and Zoning Board application at 11 Magnolia Avenue, specifically the nature of how the proposed dock with boat lifts will be used. Thank you for your time.

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



ST AUGUSTINE
EST. 1565



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0001**

AGENDA ITEM	7(c)
APPLICANT & OWNER	Adrienne Flatland
LOCATION	144 Pelican Reef Drive / PID 158571-4040
REQUEST	To approve the removal of a 13-inch dbh Southern Red Cedar within Conservation Overlay Zone 3.
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. 25-52. – Definitions.

Trees means self-supporting woody perennial plants having usually single self-supporting trunks which normally grow to a minimum overall height of fifteen (15) feet and an average mature crown spread greater than fifteen (15) feet. These trunks shall be clear of branches and limbs so that both trunk and canopy are distinct.

Trees, shade, means trees which normally grow to a minimum overall height of thirty (30) feet and an average mature crown spread of twenty-five (25) feet.

Trees, understory, means trees which normally grow to a minimum overall height of fifteen (15) feet and an average mature crown spread of fifteen (15) feet.

Sec. 25-54. – Specific landscape requirements

- (c) *Landscaping and bufferyards for single family uses.* Single family uses shall not be required to meet bufferyard requirements, but shall be required to submit a site plan as defined in this chapter for review prior to issuance of a building permit. **Single family uses shall only be required to replace existing trees removed as the result of permitted construction.**

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**

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 a 13" dbh Southern Red Cedar tree in "good" condition according to an arborist report from Matthew Posey of TREECO. The homeowner is adding fill dirt to their backyard in response to soil erosion which in turn could bury the trunk flare of the tree and suffocate the root system.

A tree replacement plan has not been submitted with this application but will need to be submitted along with the forthcoming tree removal permit application if this Planning and Zoning Board application is approved.

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 removal of a 13" dbh Southern Red Cedar tree within Conservation Overlay Zone 3 at 144 Pelican Reef Drive / PID 158571-4040 with a condition that a tree replacement plan be submitted with the tree removal permit application.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owner Adrienne Flatland at 540-460-8546 directly for information about visiting the site.



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

Application Fee: \$165 (plus advertising costs) Project Number: 2023-0001
Receipt Number: 2539454 Meeting Date: 02/07/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Adrienne Flatland Contact Number: 540-460-8546
Business (if applicable): _____
Address: 144 Pelican Reef Drive City: St. Augustine State: FL Zip: 32080
E-Mail Address: adrienne.flatland@gmail.com

2. NAME OF PROPERTY OWNER: same as applicant Contact Number: _____
Business (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 4 Block: 4
Subdivision: Pelican Reef Parcel Number: 158571-4040

4. PROJECT STREET ADDRESS: 144 Pelican Reef Drive

5. SPECIFIC PROPOSED USE: residential

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

7. DESCRIPTION OF ACTION REQUESTED: _____
Approval to remove a southern red cedar along the water's edge of the property because it is at risk of dying once we perform
soil erosion mitigation which includes the addition of 3-4 feet of fill dirt.

8. JUSTIFICATION FOR ACTION REQUESTED: _____
Past storms and flooding have eroded our backyard along the intracoastal. The solution
to repair erosion is to improve our bulkhead and add fill to replace lost soil.
Adding soil has a high potential to kill this cedar tree along the edge of the property.
An arborist has reviewed and assessed that the additional soil is likely to kill the tree.

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

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

(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.

For a new bulkhead - in process. Submitted to December 2022 meeting

11. AGREEMENT:

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

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

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

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


Signature of Applicant

1/3/23

Date


Signature of Property Owner

1/3/23

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.

Adrienne Flatland
Print name of applicant


Signature of applicant

1/3/23
Date



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 1585714040
Location Address 144 PELICAN REEF DR
 SAINT AUGUSTINE 32080-0000
Neighborhood pelican reef (ICW) (628.42)
Tax Description* 25/87-91 PELICAN REEF LOT 4 BLK 4 OR5248/1820
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Pelican Reef
Sec/Twp/Rng 20-7-30
District City of St Augustine (District 452)
Millage Rate 18.9763
Acreage 0.580
Homestead Y

Owner Information

Owner Name Flatland Jeffrey Allan, Adrienne Roshan 100%
 Flatland Adrienne Roshan 100%
Mailing Address 144 PELICAN REEF DR
 SAINT AUGUSTINE, FL 32080-0000

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000

Map



Valuation Information

	2023
Building Value	\$566,141
Extra Features Value	\$40,050
Total Land Value	\$1,064,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,670,191
Total Deferred	\$45,908
Assessed Value	\$1,624,283
Total Exemptions	\$50,000
Taxable Value	\$1,574,283

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	\$486,232	\$26,742	\$1,064,000	\$0	\$0	\$1,576,974	\$1,576,974	\$50,000	\$1,526,974
2021	\$484,714	\$26,048	\$725,000	\$0	\$0	\$1,235,762	\$1,235,762	\$0	\$1,235,762
2020	\$489,816	\$27,350	\$725,000	\$0	\$0	\$1,242,166	\$1,128,030	\$164,636	\$1,077,530
2019	\$391,659	\$24,662	\$725,000	\$0	\$0	\$1,141,321	\$1,102,669	\$88,652	\$1,052,669
2018	\$396,011	\$24,753	\$700,000	\$0	\$0	\$1,120,764	\$1,082,109	\$88,655	\$1,032,109
2017	\$400,362	\$20,730	\$660,000	\$0	\$0	\$1,081,092	\$1,059,852	\$71,240	\$1,009,852
2016	\$404,714	\$19,742	\$660,000	\$0	\$0	\$1,084,456	\$1,038,053	\$96,403	\$988,053
2015	\$321,088	\$11,771	\$660,000	\$0	\$0	\$992,859	\$946,922	\$95,937	\$896,922
2014	\$331,765	\$12,769	\$660,000	\$0	\$0	\$1,004,534	\$939,407	\$115,127	\$889,407
2013	\$335,451	\$13,766	\$660,000	\$0	\$0	\$1,009,217	\$925,524	\$133,693	\$875,524
2012	\$320,289	\$14,764	\$575,000	\$0	\$0	\$910,053	\$910,053	\$50,000	\$860,053
2011	\$323,770	\$15,740	\$650,000	\$0	\$0	\$989,510	\$941,655	\$97,855	\$891,655
2010	\$336,867	\$16,738	\$650,000	\$0	\$0	\$1,003,605	\$927,739	\$125,866	\$877,739

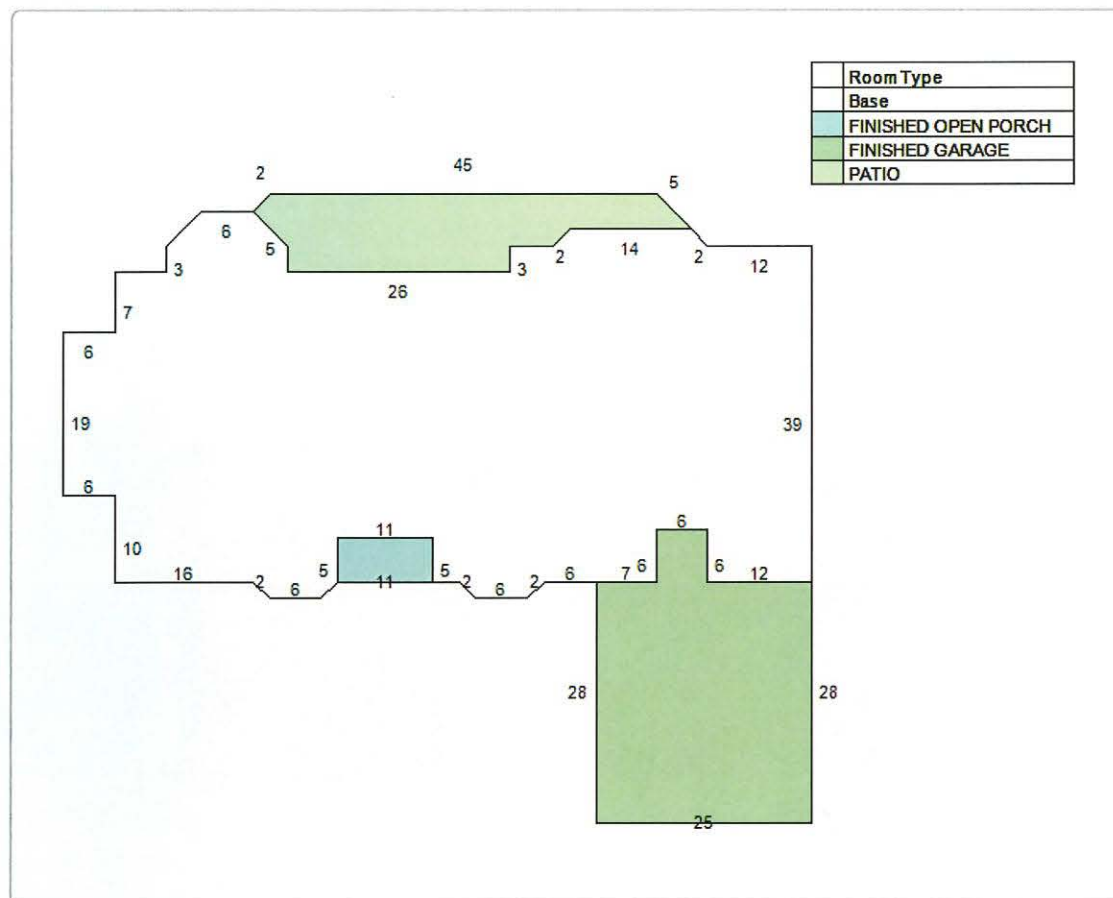
Building Information

Building	1
Year Built	2002
Actual Area	4317
Conditioned Area	3190
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco

Roof Cover	Composite Shingle
Roof Structure	Gable Hip
Interior Flooring	Ceramic Tile, Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	3.5

Description	Square Footage
BASE AREA	3190
PATIO	336
FINISHED GARAGE	736
FINISHED OPEN PORCH	55
Total SqFt	4317

Sketch Information



Extra Feature Information

Code Description	Status	Value
Pool - Average (RES)		36450
Gazebo - Average (Mix)		3600

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$1,064,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
4/27/2021	4/22/2021	\$1,650,000.00	WARRANTY DEED	5248	1820	Q	I	SMITH CONSTANCE	FLATLAND JEFFREY ALLAN,ADRIENNE ROSHAN
12/17/2015	12/15/2015	\$1,370,000.00	WARRANTY DEED	4125	695	Q	I	NEWBY WILLIAM,SARAH	SMITH CONSTANCE,CORDELL
	7/31/1997	\$337,500.00	WARRANTY DEED	1256	1135	Q	V	THOMPSON PIERRE D	NEWBY WILLIAM,SARAH

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Version 2.3.237



Overview



Legend

□ Parcels

Parcel ID	1585714040	Physical Address	144 PELICAN REEF DR	Building Value	\$566,141	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$40,050	Date	4/22/2021	Price	\$1650000
Taxing District	City of St Augustine	Address	ALLAN, ADRIENNE ROSHAN				12/15/2015		\$1370000
Acre	0.58		144 PELICAN REEF DR	Total Land Value	\$1,064,000				
			SAINT AUGUSTINE FL 32080-0000	Just Value	\$1,670,191				
				Total	\$45,908				
				Deferred Assessed Value	\$1,624,283				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$1,574,283				

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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City of St. Augustine Arboriculture Report

This report is to be completed by an ISA certified arborist to accompany a request for removal of a significant tree as defined in chapter 1 of the City of St. Augustine Development Code. The information described below does not constitute a "hazard inspection" and the inspecting Arborist is responsible for providing additional information, if necessary, regarding the condition of the subject tree(s).

ARBORIST INFORMATION

NAME OF APPLICANT Matthew Posey
ISA Certification # FL-9649A
Business (if applicable) TREECO
Address 267 Big Oak Rd
City St. Augustine State FL Zip Code 32095
Daytime Telephone 904-599-5373 Other Phone _____
Email Address matt@treecofl.com

PROPERTY INFORMATION

STREET ADDRESS 144 Pelican Reef Drive, St. Augustine, Florida 32080
Legal Description: Lot _____ Block _____ Subdivision _____
Parcel _____

SCOPE OF WORK & SITE OBSERVATIONS

Provide a short description of the work completed, reason for removal, any targets and the method(s) of inspection. Include any additional information or explanation on an attached report.

Removal of a Southern Red Cedar at a residential property. Home owner is adding fill dirt to backyard to combat soil erosion. This extra soil could bury the trunk flare of the tree and suffocate the root system. No targets present.

TREE INVENTORY(attach additional trees on separate sheet)

Size (dbh)	Species	Condition (good, fair, poor, dead)	Recommendations
<u>13</u>	<u>Southern Red Cedar</u>	<u>Good</u>	<u>Removal or soil protection fencing around critical root zone</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TREE CONDITION & POTENTIAL TARGETS

Provide a short description of defects, hazards or items of concern to the board. Include any additional information or explanation on an attached report.

Tree is in good condition. The primary concern for this tree is the possibility of a dead tree after the construction work in the backyard is finished.



December 20th, 2022
Adrienne Flatland
144 Pelican Reef Drive
St. Augustine, FL 32080

REPORT

OBSERVATIONS

The tree is an Southern Red Cedar. It measures 13 inches DBH, approximately 20 feet tall with a spread of approximately 8 feet. The tree is located in the backyard right side. This tree is currently in good health on a scale of poor, fair, good, and excellent. The tree has lost some small branches, but nothing out the realm of normal for the species. The backyard has lost soil as a result of erosion and plans have been made by the homeowner to add fill dirt across the backyard. The additional soil around the base of the tree could bury the trunk flair(the lower-most section of the trunk that flairs out into the root system) and suffocate the root system. Another concern is the moisture from the added soil around the trunk could cause rot and disease to set in at the lower trunk. This could result in decline in health and/or death of the tree. A dead tree in a backyard that is frequently occupied by people would result in a high risk situation and the tree would need to be removed at that time. If the tree is to be saved, great care must be taken to ensure the trunk flair remains exposed to the atmosphere and not buried during the project. I would also recommend that all heavy equipment be kept outside of a CRZ (Critical Root Zone) of 13 feet away from the trunk of the tree in order to protect the root system from over- compaction during the project.

Please do not hesitate to contact me with any questions.

Best,

Matt Posey
ISA Certified Arborist FL-9649A
Tree Risk Assessment Qualified
1078 San Remo Road
St. Augustine, FL 32086
matt@treecofl.com



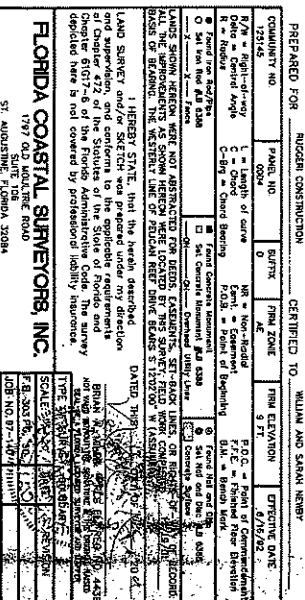
TREECO

267 Big Oak Rd St. Augustine, FL 32095
Phone: 904-810-1033 • TreeCoFL.com



Approximate location of tree in backyard





PELICAN REE
(50' R/W)

UNDERGROUND UTILITIES AND BUILDING FOOTERS, EAVE OVERHANG NOT LOCATED OR SHOWN

DESCRIPTION: LOT 4, BLOCK 4, PELICAN REEF, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 28, PAGES 87 THROUGH 90 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

SHEET 14

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **REZONING 2023-0002**

AGENDA ITEM	8(a)
APPLICANT	James G. Whitehouse, Esq. c/o St. Johns Law Group
OWNER	Patricia D. Dobosz
LOCATION	11 Bridge Street / PID 198690-0000
REQUEST	To rezone the property from Historic Preservation One (HP-1) to Planned Unit Development (PUD).
LAND USE	Historic Preservation
CURRENT ZONING	Historic Preservation One (HP-1)
PROPOSED ZONING	Planned Unit Development (PUD)

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Bed *and* breakfast *inn* means a building or part thereof at least fifty (50) years old or older, other than a hotel, motel or inn, where sleeping accommodations and meals are provided for lodgers by daily charge and which also serves as the residence of the operator or owner. All establishments using the title "bed and breakfast" in their name, on signs or in advertisements must be in a structure restored and maintained according to established city architectural guidelines, must be furnished with period antiques or reproductions and maintain an historic ambiance.

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

- (a) *General.* This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.
- (b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.

- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
- (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the Comprehensive Plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission. The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.
- (e) *Limitations on rezoning of land:*
- No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.
 - Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
 - Whenever the city commission has denied an application for the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.
 - Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.
- (f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.
- (g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.
- (h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning

map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.

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

Sec. 28-183. - Historic preservation district: HP-1.

Intent. This district is intended to provide primarily residential uses that will encourage the preservation and restoration of historic structures in the district.

(1) *Boundaries.* This district is bounded as follows:

- a. North. Easterly along a line running parallel to and sixty-five (65) feet north of Palm Row for a distance of one hundred ninety (190) feet; thence northerly along a line running parallel to St. George Street for seventy (70) feet; thence easterly to St. George Street; thence southerly along St. George Street to Cadiz Street; thence easterly along Cadiz Street to Aviles Street; thence southerly along Aviles Street to Bridge Street; thence easterly along Bridge Street to the Matanzas River or Bay.
- b. East. Matanzas River or Bay.
- c. South. Cemetery Lane westerly to Charlotte Street; thence southerly to San Salvador Street; thence westerly to St. George Street and continuing a westerly projection line to Cordova Street.
- d. West. Cordova Street between a projection line of San Salvadore Street to Palm Row.

(2) *Permitted uses and structures:*

- a. Single-family. Owner occupied or rental dwelling unit. If a rental dwelling unit, rentals on a monthly or greater period of time.
- b. Accessory apartments, apartments and duplexes, rental dwellings being rented on a monthly or greater period of time.

(3) *Permitted uses by exception:*

- a. Public administrative and service facilities with structures and uses limited to business offices, museums and housing for employees.
- b. Churches.
- c. Schools.
- d. Nonprofit museums relating to the history of St. Augustine and the State of Florida.
- e. Nonprofit libraries relating to the history of St. Augustine and the State of Florida.

(Code 1964, § 33-32; Ord. No. 00-35, § 2, 10-23-00)

Sec. 28-188. - Lot, yard and height requirements for historic preservation districts 1, 2 and 3.

- (a) All new buildings or structures within these historical districts shall conform to the Architectural Guidelines for Historic Preservation of the City of St. Augustine. New construction, whenever practical, should conform to old foundation lines in order that the original scale and pattern of development can be preserved.

- (b) The following lot, yard and height requirements shall be applicable to new construction reflecting the Colonial periods in historic preservation district 1 and to all new construction in historic preservation districts 2 and 3:

(1) *Minimum lot requirements:*

- a. Minimum lot width, thirty-five (35) feet.
- b. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

(2) *Maximum lot coverage by all buildings and impervious surfaces:*

- a. The lesser of seventy (70) percent or seven thousand (7,000) square feet.
- b. Main structure, the lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.
- c. Lots containing single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of eighty (80) percent ISR.

(3) *Maximum and minimum yard requirements:*

- a. Front. Main building must be located on the street frontage. The main building shall not exceed the lesser of eighty (80) percent of the lot width or forty (40) feet.
1. Secondary buildings which connect to a main building shall be set back the lesser of forty (40) percent of total lot depth or forty (40) feet.
2. Main buildings on the same lot shall be separated by minimum of twenty (20) feet.
 - b. Rear. Three (3) feet minimum.
 - c. Side. Three (3) feet minimum, except that Spanish Colonial reproduction structures may be located on the north property line when no windows or doors are located in the north facade and there is a six-foot minimum setback on the south property line.
- (4) *Maximum height of structures:*
 - a. No portion of peaked roof main buildings or structures shall exceed thirty-five (35) feet, two and one-half (2½) stories. No portion of flat-roofed main buildings or structures shall exceed thirty (30) feet, two (2) stories.
 - b. No portion of secondary buildings or structures and connections shall exceed fifteen (15) feet.

- (c) The following lot, yard and height requirements shall be applicable to new construction reflecting all other architectural styles as permitted in the Architectural Guidelines for Historic Preservation or as approved by HARB within the allowable list of styles in historic preservation district 1:

(1) *Minimum lot requirements:*

- a. Minimum lot width, thirty-five (35) feet.
- b. Minimum lot area, one thousand seven hundred fifty (1,750) square feet.

(2) *Maximum lot coverage by all buildings and impervious surfaces:*

- a. All structures: The lesser of seventy (70) percent or seven thousand (7,000) square feet as approved by HARB to be compatible with adjacent properties but not to exceed seventy (70) percent maximum lot coverage.
- b. Main structure: The lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size.

- c. Lots containing single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of eighty (80) percent ISR.
- (3) *Maximum and minimum yard requirements:*
- a. Front: Main building must be located between eighty-five (85) and one hundred fifteen (115) percent of the average front setback distance from the front property line established by the existing adjacent historic structures facing the same street. For the purpose of this section, adjacent refers only to structures located along the same street or, for corner lots, only to properties located along the streets which comprise the intersection.
 - 1. When all of the buildings on a given block have an established front setback line, new construction must maintain that existing setback line.
 - 2. Secondary structures and garage apartment buildings must be located in the rear fifty (50) percent of the lot.
 - b. Rear:
 - 1. Five (5) foot minimum for one-story structures.
 - 2. Ten (10) foot minimum for structures exceeding one story.
 - c. Side:
 - 1. Three (3) feet or a distance within fifteen (15) percent of the average distance between existing historic structures with the same intensity of scale and mass on the block facing the same street, whichever is greater.
 - 2. When all of the buildings on the block have the same side yard setback, new construction must adhere to the established spacing pattern.
- (4) *Maximum height of structures:*
- a. No portion of peaked roof main buildings or structures shall exceed a height of thirty-five (35) feet and two and one-half (2½) stories. No portion of flat-roofed main buildings or structures shall exceed a height of thirty (30) feet and two (2) stories.
 - b. No portion of secondary buildings or structures and connections shall exceed a height of fifteen (15) feet.

(Code 1964, § 33-39; Ord. No. 11-15, § 2, 10-24-11; Ord. No. 21-26, § 3, 10-11-21)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with the city's Comprehensive Plan 2040. The following Goals, Objectives and Policies illustrate the Comprehensive Plan's support for the future of this property to make use of a bed and breakfast establishment.

FLUE Policy 3.1.6

Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.

FLUE Objective 3.2

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

FLUE Policy 3.2.3

The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.

**FLUE Policy 6.3.1
Historic Preservation**

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

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

STAFF SUMMARY AND ANALYSIS

This request is to rezone the property at 11 Bridge Street into a PUD to allow for a "four or five" room bed & breakfast.

The applicant states that the rezoning from HP-1 to The Countess de Mountjoye Mansion Planned Unit Development is compatible with the area around 11 Bridge Street with the Sanchez House Special Event Venue, the Westcott House Bed & Breakfast PUD and the Marin House Bed & Breakfast PUD.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Historic Preservation One (HP-1)	Proposed The Countess de Mountjoye Mansion Planned Unit Development
Maximum Lot Coverage	
a. All structures: The lesser of seventy (70) percent or seven thousand (7,000) square feet as approved by HARB to be compatible with adjacent properties but not to exceed seventy (70) percent maximum lot coverage. b. Main structure: The lesser of two thousand five hundred (2,500) square feet or fifty (50) percent of total lot size. c. Lots containing single-family residential dwelling development shall not exceed an impervious surface ratio (ISR) maximum of eighty (80) percent ISR.	Less than Fifty percent (50%)
Maximum Building Height	
a. No portion of peaked roof main buildings or structures shall exceed a height of thirty-five (35) feet and two and one-half (2½) stories. No portion of flat-roofed main buildings or structures shall exceed a height of thirty (30) feet and two (2) stories. b. No portion of secondary buildings or structures and connections shall exceed a height of fifteen (15) feet.	Maximum thirty-five (35) feet, measured from a ten-foot finished floor elevation.
Parking	
Uses and structures located in historic preservation districts 1, 2, 3 and 4 are not required to provide off-street parking and loading.	Parking spaces are provided in conformance with the City of St. Augustine Zoning Code and constructed in accordance with all City requirements and receipt of appropriate permits.

STAFF RECOMMENDATION

Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following;

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

JAN 09 2023

Planning/Building Dept.

Application Fee: \$400 (plus advertising costs) Project Number: 2023-0002

Receipt Number: 2546784 Meeting Date: 02/07/23

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

1. NAME OF APPLICANT: JAMES G. WHITEHOUSE, ESQ. Contact Number: 9044950400

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: PATRICIA D. DOBOSZ Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: LOT 3 (EX W62FT) & LOT 4 Block: 27

Subdivision: CITY OF ST. AUGUSTINE Parcel Number: 1986900000

4. PROJECT STREET ADDRESS: 11 BRIDGE STREET

5. SPECIFIC PROPOSED USE: compatible, limited bed & breakfast 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 ---

8. JUSTIFICATION FOR ACTION REQUESTED: _____

--- SEE ATTACHED ---

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

Date

12/15/2022

Signature of Property Owner

Date

* (OWNER'S AUTHORIZATION ATTACHED)



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	1986900000
Location Address	11 BRIDGE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug (east of lake) (SF) (612)
Tax Description*	CITY OF ST AUGUSTINE LOT 3 (EX W62FT) & LOT 4 BLK 27 OR 4198/428 & 4890/1926 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	City of St Augustine
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Dobosz Patricia D 100%
Mailing Address	38 MARINE ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$113,827
Extra Features Value	\$0
Total Land Value	\$252,346
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$366,173
Total Deferred	\$0
Assessed Value	\$366,173
Total Exemptions	\$0
Taxable Value	\$366,173

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	\$98,416	\$0	\$252,346	\$0	\$0	\$350,762	\$337,562	\$13,200	\$337,562
2021	\$81,567	\$0	\$225,308	\$0	\$0	\$306,875	\$306,875	\$0	\$306,875
2020	\$88,185	\$0	\$188,574	\$0	\$0	\$276,759	\$212,122	\$114,637	\$162,122
2019	\$79,606	\$0	\$188,574	\$0	\$0	\$268,180	\$207,353	\$110,827	\$157,353
2018	\$81,071	\$0	\$188,574	\$0	\$0	\$269,645	\$203,487	\$116,158	\$153,487
2017	\$30,834	\$891	\$188,574	\$0	\$0	\$220,299	\$199,302	\$70,997	\$149,302
2016	\$30,834	\$971	\$171,430	\$0	\$0	\$203,235	\$173,402	\$80,333	\$122,902
2015	\$135,330	\$0	\$132,246	\$0	\$0	\$267,576	\$185,433	\$132,643	\$134,933
2014	\$105,089	\$0	\$119,021	\$0	\$0	\$224,110	\$180,360	\$94,250	\$129,860
2013	\$109,248	\$0	\$119,021	\$0	\$0	\$228,269	\$175,793	\$102,976	\$125,293
2012	\$111,436	\$4,507	\$119,021	\$0	\$0	\$234,964	\$170,111	\$115,353	\$119,611
2011	\$115,085	\$4,507	\$132,246	\$0	\$0	\$251,838	\$168,221	\$134,117	\$117,721
2010	\$117,481	\$4,507	\$146,940	\$0	\$0	\$268,928	\$168,920	\$150,508	\$118,420

Building Information

Building	1
Year Built	1888
Actual Area	2048
Conditioned Area	2210
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Cement Fiber, Stucco

Roof Cover	Composite Shingle
Roof Structure	Gable Hip
Interior Flooring	Pine Wood
Interior Wall	Drywall
Heating Type	None
Air Conditioning	None
Bedrooms	3
Baths	2

Description	Square Footage
2 STORY	1105
HALF SCREEN PORCH	102
FINISHED OPEN PORCH	421
HALF SCREEN PORCH	169

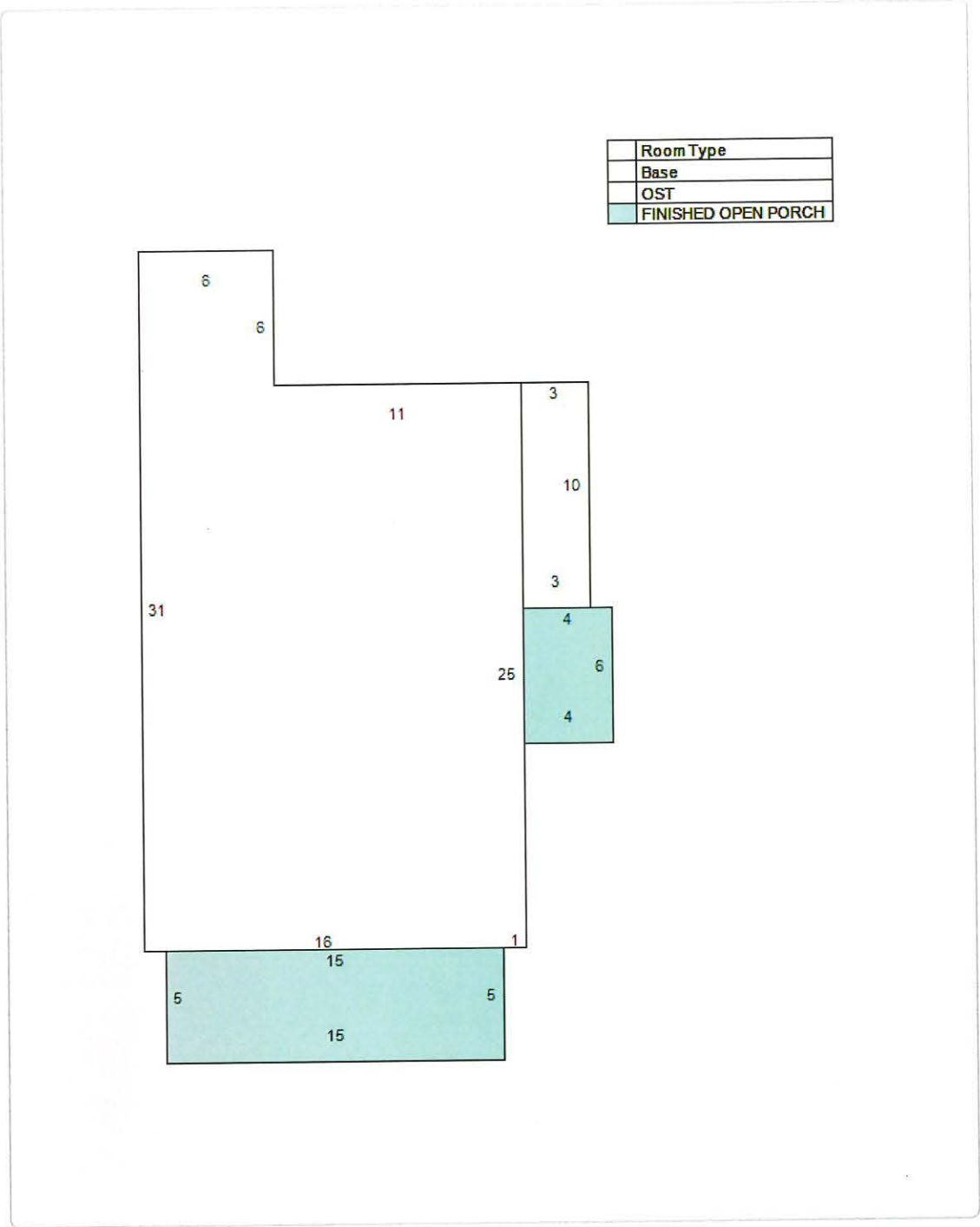
Description	Square Footage
HALF SCREEN PORCH	169
ENCLOSED FRAMED PORCH	82
Total SqFt	2048

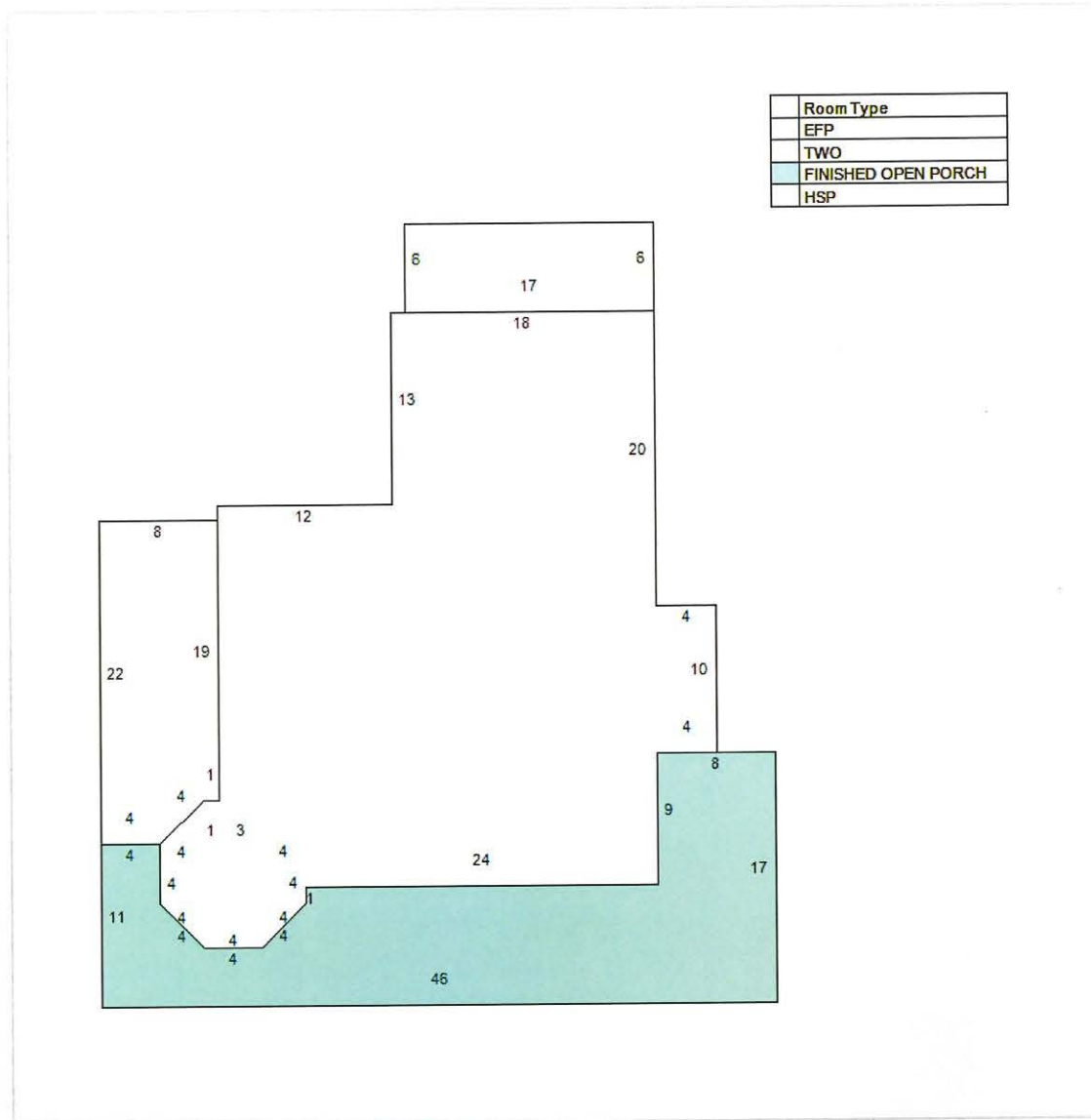
Building 2
Year Built 1925
Actual Area 1015
Conditioned Area 461
Use Single Family Residence
Style 01
Class N
Exterior Wall Concrete Block

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

Description	Square Footage
BASE AREA	461
OUTSIDE STAIRS	30
FINISHED OPEN PORCH	24
FINISHED OPEN PORCH	75
POINTER	0
UNFINISHED GARAGE	425
Total SqFt	1015

Sketch Information





Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	45	72	45	EF	\$183,154
Multi-Family (Less than 10 Units)	8	72	8	EF	\$32,561
Multi-Family (Less than 10 Units)	9	72	9	EF	\$36,631

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/27/2020	2/27/2020	\$100.00	WARRANTY DEED	4890	1926	U	I	DOBOSZ KATARYNA E	DOBOSZ PATRICIA D
5/27/2016	5/25/2016	\$210,000.00	WARRANTY DEED	4198	428	U	I	BAILEY MARILYN	DOBOSZ PATRICIA D, KATARYNA E
5/27/2016	5/19/2016	\$0.00	OTHER INSTRUMENT	4198	426	U	I	BAILEY MARILYN	BOLES JOSEPH L JR

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

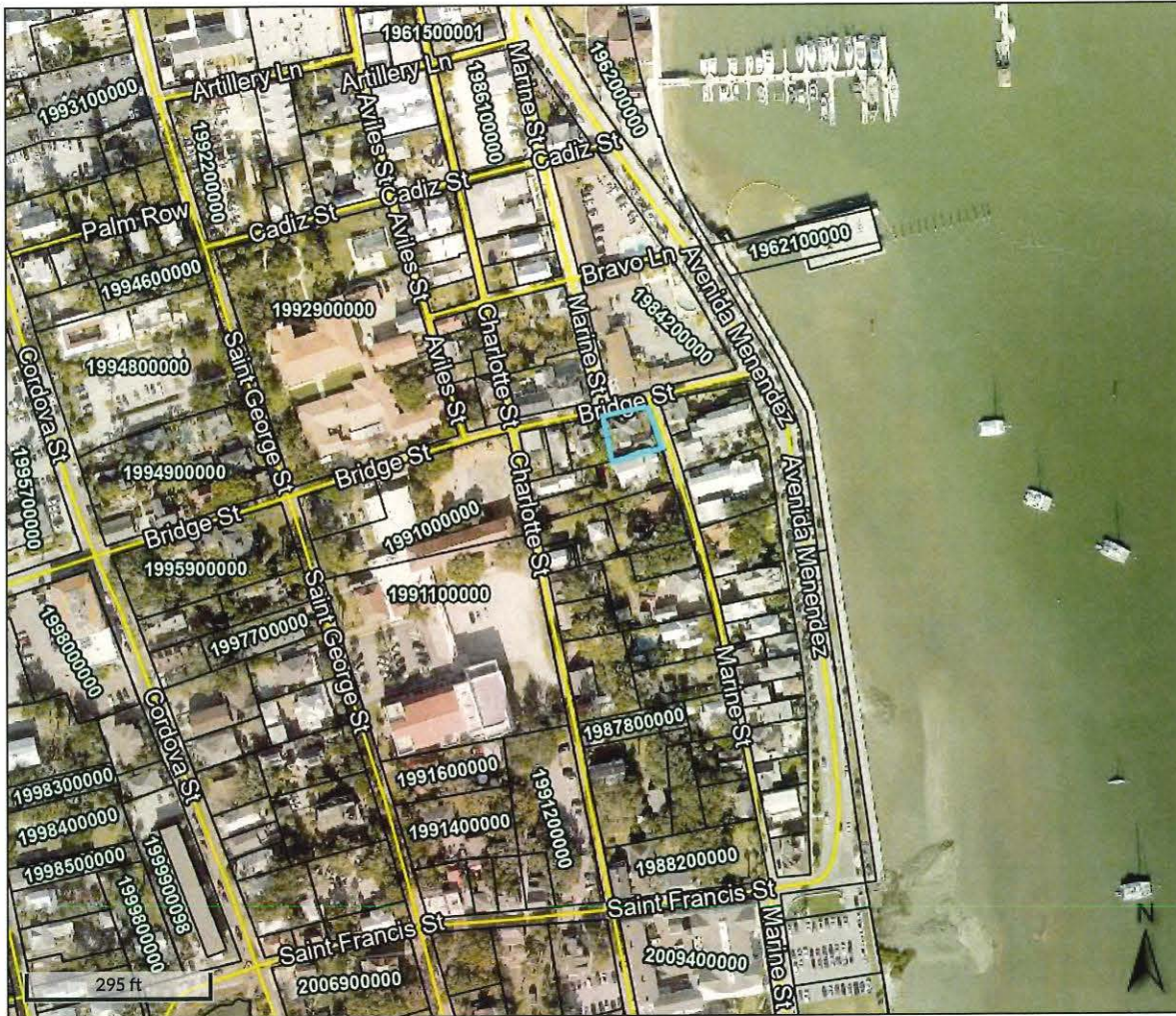
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Last Data Upload: 1/7/2023, 12:54:34 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.237



Overview



Legend

□ Parcels

Parcel ID	1986900000	Physical	11 BRIDGE ST	Building	\$113,827	Last 2 Sales			
Property	0800 - Multi-Family (Less	Address	SAINT AUGUSTINE	Value		Date	Price	Reason	Qual
Class	than 10 Units)	Mailing	DOBOSZ PATRICIA D	Extra Feature	N/A	5/25/2016	\$210000	19	U
Taxing	City of St Augustine	Address	38 MARINE ST	Value		n/a	0	n/a	n/a
District			SAINT AUGUSTINE FL	Total Land	\$252,346				
Acres	0.12		32084-0000	Value					
				Just Value	\$366,173				
				Total	N/A				
				Deferred					
				Assessed	\$366,173				
				Value					
				Total	N/A				
				Exemptions					
				Taxable	\$366,173				
				Value					

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Date created: 1/9/2023

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GEOSPATIAL

EXHIBIT

A



Dedicated and Responsive Service

NEIGHBORHOOD COUNCIL OF SAINT AUGUSTINE, INC.
52 N. ST. AUGUSTINE BLVD.
SAINT AUGUSTINE, FL 32080

RE: The Countess de Mountjoye Mansion Planned Unit Development

Pursuant to the requirements of the City of St. Augustine for applications for Planned Unit Development Ordinances, please accept this correspondence as notice of the request for rezoning to Planned Unit Development for 11 Bridge Street to allow for a compatible, limited use (four or five room) bed and breakfast. As you will note and may know, the parcel is immediately adjacent to the Sanchez House Special Event Venue, the Westcott House Bed & Breakfast PUD (16 rooms) and the Marin House Bed & Breakfast PUD (15 rooms), all in HP-1, as well as immediately adjacent to the Kenwood Inn Hotel and the Bayfront Inn Hotel, both in HP-2 and across the street. The following information regarding the project is provided for your use and distribution, as appropriate:

APPLICANT	James G. Whitehouse, Esq. for Patricia D. Dobosz, Owner
OWNER	Patricia D. Dobosz, Owner
LOCATION	11 Bridge Street (The Countess de Mountjoye Mansion)
CURRENT ZONING	HP-1
CURRENT LAND USE	Historic Preservation
PROPOSED ZONING	Planned Unit Development (PUD)
SURROUNDING PROPERTIES	Zoning – P.U.D. / P.U.D. / HP-1 / HP-2

Current Zoning and Land Uses:

The site is approximately 5,230 gsf and currently contains two structures, the 2,200 sq.ft. main house and the 1,000 sq.ft. guesthouse/apartment. Accordingly, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of Multi-Family Use (Less than 10 Units). Further, the property has historically been used as a duplex with an additional, above-garage, accessory residential unit for rental, and research shows that it was used as a multi-room guest house in its splendor as the Countess de Mountjoye Mansion. The property has a current future land use of Historic Preservation as all the other compatible uses that surround it, and it currently has a zoning of HP-1, as the other Bed & Breakfast PUDs and special events venue to its East.

T (904) 495-0400 | 104 Sea Grove Main Street
F (904) 495-0506 | St. Augustine, Florida 32080
(888) 588-2599 | www.sjlawgroup.com

Summary of Request:

Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to provide the proposed, compatible, limited bed and breakfast use with great regard to the history of this property. The changes to the property will reflect the historical structure and will include historical pieces, historical architecture, as well as historical reflections within the new hospitality venue describing the property's history, the original owner, the Countess de Mountjoye of Bavaria, and the original 1888 structure and builder.

Further, any work will meet all HARB-approved architecture/features and will meet all city codes. This rezoning will allow the applicant to revive this historical property through a complete overhaul of the buildings with the stated intent of recreating the magnificent Mountjoye Mansion for use as a limited (approximately five room) bed and breakfast. This proposed compatible use has sufficient area to provide its own parking, but also has some pre-arranged, offsite overflow parking if needed, and it will promote pedestrian use of the historic downtown area, bayfront and seawall promenade.

The Project Coordinator's contact information is as follows:

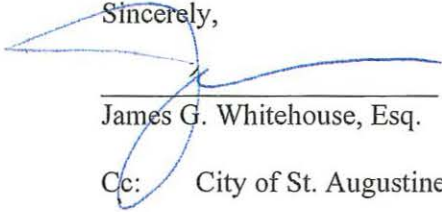
St. Johns Law Group
James G. Whitehouse, Esq.
104 Sea Grove Main Street
St. Augustine, FL 32080
(904) 495-0400
jameswhitehouse@sjlawgroup.com

"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods and the PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."

In addition to the developer neighborhood notice, the City Planning Department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the City's public informational outreach initiative. Such additional courtesy information may be provided in person, by U.S. mail, electronic mail or posting on the City's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

If you have any questions, please do not hesitate to call or email me. We appreciate the work that you do.

Sincerely,



James G. Whitehouse, Esq.

Cc: City of St. Augustine Planning Department

EXHIBIT B

Exhibit B
Legal Description

Lots Three (3) and Four (4) of Block Twenty-seven (27) in the City of St. Augustine, according to the map of said City dated January 1, 1905, and recorded in the office of the Clerk of the Circuit Court. Said lots are described as follows: Begin at the southwest corner of Bridge and Marine Streets, run southerly along the west line of Marine Street 71 feet 1 inch; thence westerly 139 feet 4 inches; thence northerly 75 feet 6 inches to the south line of Bridge Street thence easterly along the south line of Bridge Street, 131 feet; 4 inches to the point of beginning. EXCEPTING THEREFROM that portion of Lot 3 conveyed to Earle Newton and Josephine Lyon Newton his wife, in Official Records Book 36, page 2, public records of St. Johns County, Florida.

Street Address: 11 Bridge Street

Parcel Identification Number: 198690 0000



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2022 TRIM Notice

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

Summary

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



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Parcel ID	1986900000
Location Address	11 BRIDGE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Aug (east of lake) (SF) (612)
Tax Description*	CITY OF ST AUGUSTINE LOT 3 (EX W62FT) & LOT 4 BLK 27 OR4198/428 & 4890/1926 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	City of St Augustine
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Dobosz Patricia D 100%
Mailing Address	38 MARINE ST SAINT AUGUSTINE, FL 32084-0000

Map



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	\$98,416	\$0	\$252,346	\$0	\$0	\$350,762	\$337,562	\$13,200	\$337,562
2021	\$81,567	\$0	\$225,308	\$0	\$0	\$306,875	\$306,875	\$0	\$306,875
2020	\$88,185	\$0	\$188,574	\$0	\$0	\$276,759	\$212,122	\$114,637	\$162,122
2019	\$79,606	\$0	\$188,574	\$0	\$0	\$268,180	\$207,353	\$110,827	\$157,353
2018	\$81,071	\$0	\$188,574	\$0	\$0	\$269,645	\$203,487	\$116,158	\$153,487
2017	\$30,834	\$891	\$188,574	\$0	\$0	\$220,299	\$199,302	\$70,997	\$149,302
2016	\$30,834	\$971	\$171,430	\$0	\$0	\$203,235	\$173,402	\$80,333	\$122,902
2015	\$135,330	\$0	\$132,246	\$0	\$0	\$267,576	\$185,433	\$132,643	\$134,933
2014	\$105,089	\$0	\$119,021	\$0	\$0	\$224,110	\$180,360	\$94,250	\$129,860
2013	\$109,248	\$0	\$119,021	\$0	\$0	\$228,269	\$175,793	\$102,976	\$125,293
2012	\$111,436	\$4,507	\$119,021	\$0	\$0	\$234,964	\$170,111	\$115,353	\$119,611
2011	\$115,085	\$4,507	\$132,246	\$0	\$0	\$251,838	\$168,221	\$134,117	\$117,721
2010	\$117,481	\$4,507	\$146,940	\$0	\$0	\$268,928	\$168,920	\$150,508	\$118,420

Building Information

Building	1
Year Built	1888
Actual Area	2048
Conditioned Area	2210
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Cement Fiber, Stucco

Roof Cover	Composite Shingle
Roof Structure	Gable Hip
Interior Flooring	Pine Wood
Interior Wall	Drywall
Heating Type	None
Air Conditioning	None
Bedrooms	3
Baths	2

Description	Square Footage
2 STORY	1105
HALF SCREEN PORCH	102
FINISHED OPEN PORCH	421
HALF SCREEN PORCH	169
HALF SCREEN PORCH	169
ENCLOSED FRAMED PORCH	82
Total SqFt	2048

Building	2
Year Built	1925
Actual Area	1015
Conditioned Area	461
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Block

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

Description	Square Footage
BASE AREA	461

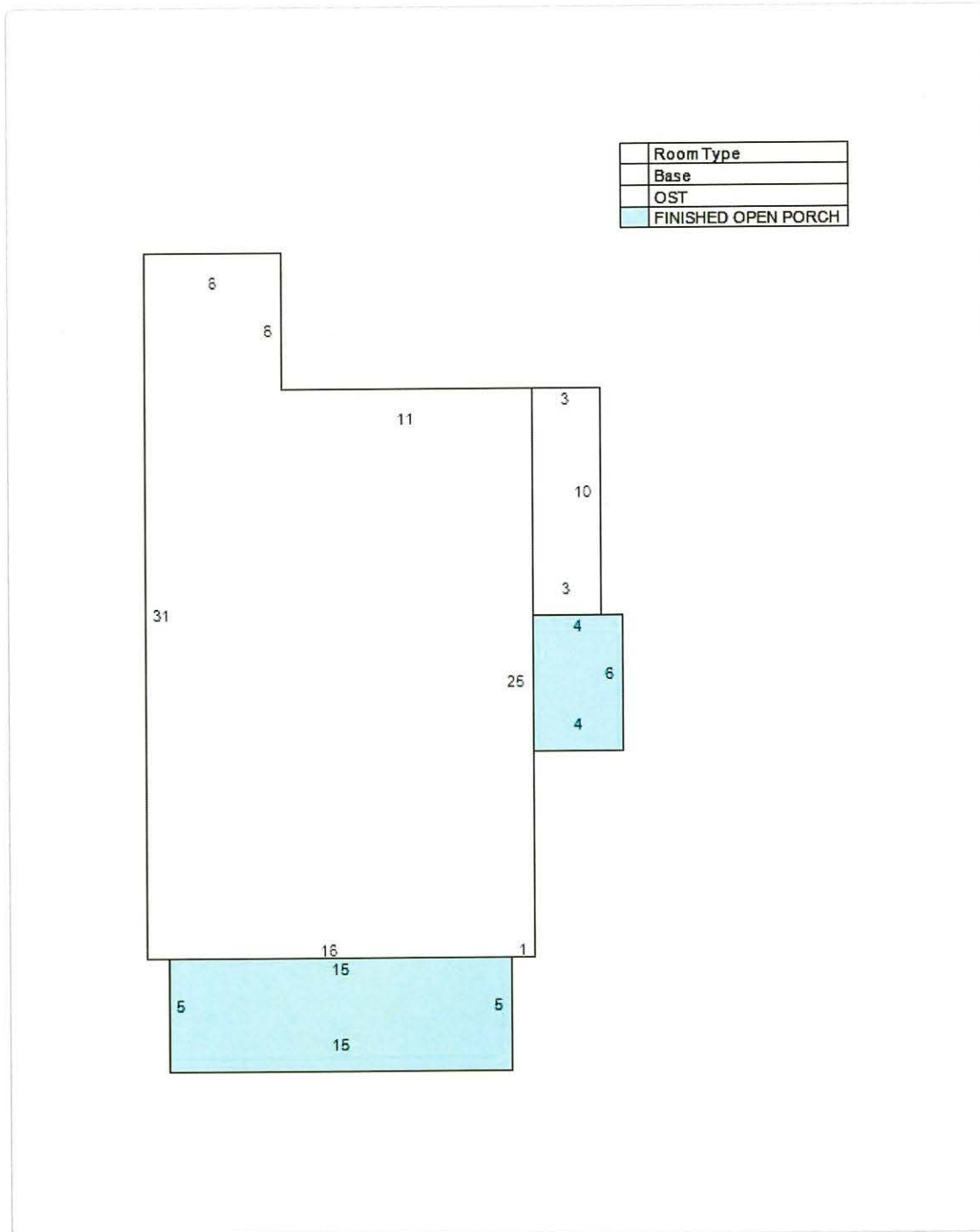
Description

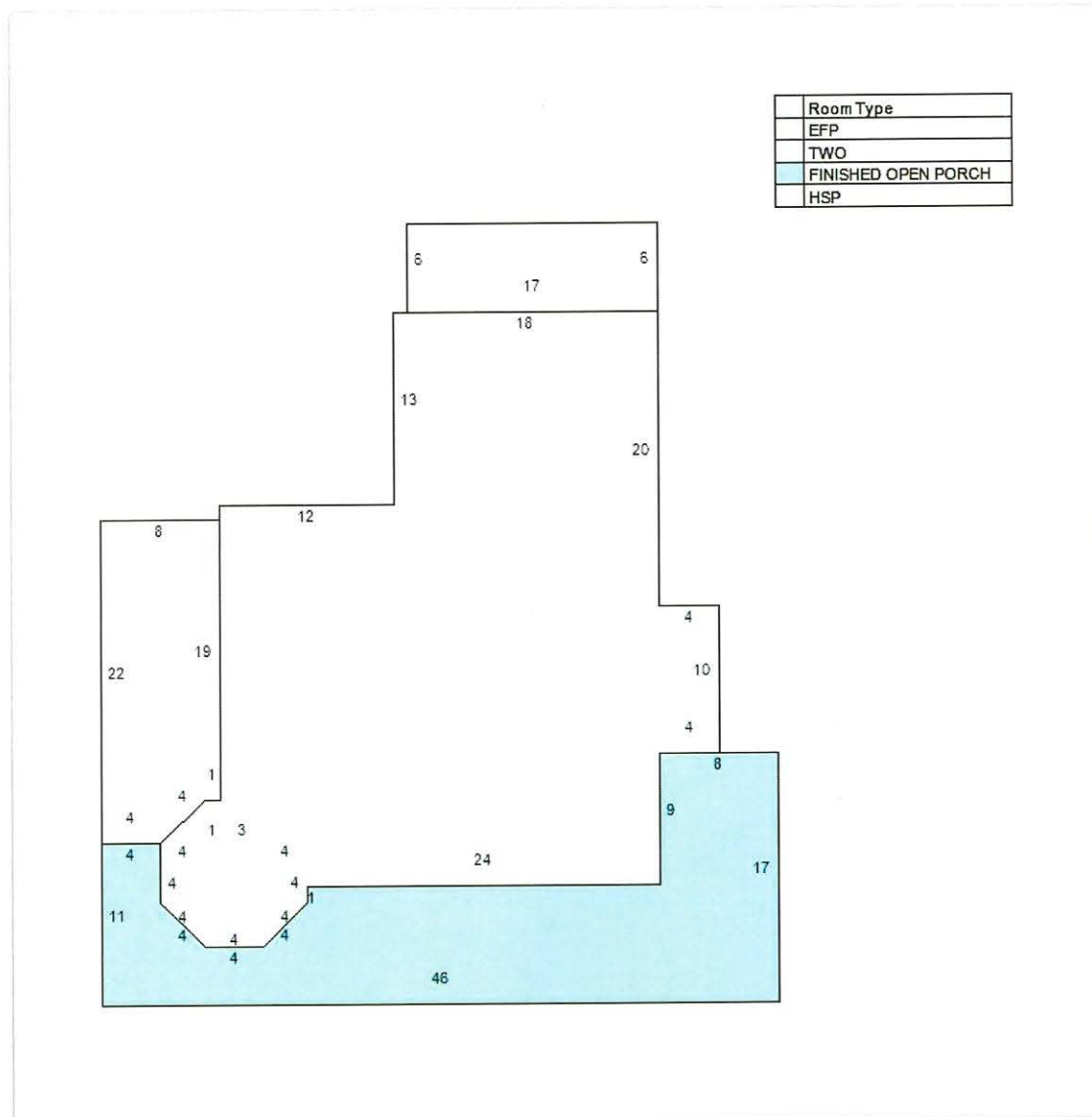
OUTSIDE STAIRS
FINISHED OPEN PORCH
FINISHED OPEN PORCH
POINTER
UNFINISHED GARAGE
Total SqFt

Square Footage

30
24
75
0
425
1015

Sketch Information





Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	45	72	45	EF	\$183,154
Multi-Family (Less than 10 Units)	8	72	8	EF	\$32,561
Multi-Family (Less than 10 Units)	9	72	9	EF	\$36,631

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/27/2020	2/27/2020	\$100.00	WARRANTY DEED	4890	1926	U	I	DOBOSZ KATARYNA E	DOBOSZ PATRICIA D
5/27/2016	5/25/2016	\$210,000.00	WARRANTY DEED	4198	428	U	I	BAILEY MARILYN	DOBOSZ PATRICIA D, KATARYNA E
5/27/2016	5/19/2016	\$0.00	OTHER INSTRUMENT	4198	426	U	I	BAILEY MARILYN	BOLES JOSEPH L JR

No data available for the following modules: Exemption 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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EXHIBIT C

Exhibit "C"
DEVELOPMENT PLAN NARRATIVE
THE COUNTESS DE MOUNTJOYE MANSION
PLANNED UNIT DEVELOPMENT

SECTION I- INTRODUCTION AND REQUEST

This is an application for a rezoning of this historic parcel to Planned Unit Development (PUD). This rezoning will allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to provide the proposed, compatible, limited bed and breakfast use with great regard to the history of this property. The changes to the property will reflect the historical structure and will include historical pieces, historical architecture, as well as historical reflections within the new hospitality venue describing the property's history, the original owner, the Countess de Mountjoye of Bavaria, and the original 1888 structure and builder. Included herein is a description of this compatible request to allow for such renovations as well as to allow for the future use of the rehabilitated property for a limited (approximately five room) bed and breakfast hospitality use, which will provide its own parking and will promote pedestrian use of the historic downtown area, bayfront and seawall promenade, as well as all accompanying documents as required by the City of St. Augustine Zoning Code ("Zoning Code"). This Application is filed on behalf of the Applicant, Patricia Dobosz. The Applicant is requesting this rezoning to PUD in accordance with the City of St. Augustine Zoning Code. This rezoning will maintain the current Historical Preservation future land use and will adhere to all of the HP guidelines and requirements.

This parcel fronts upon Bridge Street, the main thoroughfare from Riberia Street and the San Sebastian River to the St. Augustine Bayfront and Seawall Promenade along Avenida Menendez / Marine Street, and it is located immediately behind the Sanchez House, which is utilized as a wedding reception venue per agreement with the city. It is also immediately behind two other city approved bed and breakfast PUDs located within this HP-1 area, the Westcott House and the Marin House. Although these three, currently approved, uses as wedding venues and much larger-scale bed and breakfasts are somewhat intense, the applicant herein wishes to merely employ a self-contained, minimal (approximately five room) bed and breakfast use. Further, although this district does not require the provision of parking, the applicant herein has sufficient space to provide some parking to sustain their requested use. Finally, the applicant has extensive experience with providing hospitality in the historic district and the location of this property allows her to herein codify her intent to promote a vehicle-less historic visit, through the promotion of pedestrian use of the historic downtown area, bayfront and seawall promenade.

The applicant has already engaged the services of city-approved, historical architects and is prepared to move forward in a manner that will, first and foremost, meet all of the HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this plan will allow the applicant to provide off street disembarking of visitors during check-in and check-out. Through the guidance and advice of city-approved, historical architects, this rezoning will allow the applicant to revive this historical property through a complete overhaul of the buildings with the stated intent of recreating the magnificent Mountjoye Mansion for use as a limited (approximately five room) bed and breakfast. Further, as

aforementioned, all work will meet all HARB requirements and will blend seamlessly into this historic district, as depicted in the pictures and site plan provided. The intent is to use the current house and detached garage apartment together for the requested use, after renovations. As stated, the house and detached garage apartment have been used previously for rentals, as allowed; thus, this use will not add density or any different amount of additional vehicular traffic to the area. Accordingly, the applicant fully intends to capture the few cars of their visitors, many of which may not bring cars, upon arrival at the location and then to store the motor vehicles for the visitors as to encourage movement by foot or bicycle or by way of one of the many other less intense transportation mean. As far as the renovation, the applicant is working to renovate the current house with partial rebuilt parts or if the structure proves to be untenable for full restoration, then an even greater overhaul of the structure; however, any and all renovation will reconstruct the house in the same/similar design and composition, so the impact on the area, the property and traffic/transportation to the area will be the same as it has been over the years as this house and garage apartment have been used for multifamily rentals, as were allowed. Finally, the house may or may not be re-positioned on the lot as one of the options for the owner during renovation of the property. Applicant herein seeks this rezoning, as presented.

The overall objective of the PUD is to recreate the magnificent Mountjoye Mansion for use as a limited (approximately five room) bed and breakfast, including the provision of parking.

A. Location/Surrounding Areas: The property within the PUD currently consists of approximately .120 acres, described by the Legal Description as included in the Proof of Ownership documents, attached. The property is located just off the city's bayfront, at the corner of Bridge and Marine Street.

B. Ownership/Agreement: The Property is owned by Patricia D. Dobosz, as shown by the Proof of Ownership documents in the Application materials, who has authorized St. Johns Law Group to represent her. Evidence of authorization is contained within the Application materials.

Applicant hereby agrees and stipulates to proceed with the proposed development in accordance with PUD Ordinance as adopted by the City of St. Augustine City Commission with the amendments as outlined. The Applicant also agrees to comply with all conditions and safeguards established by the Planning & Building Department and the Planning & Zoning Board (PZB), Historic Architectural Review Board (HARB) and the City of St. Augustine City Commission. The Applicant understands that any architectural site changes to any property in the PUD must be in compliance with the AGHP and is subject to HARB approval.

SECTION II- APPLICATION

A. Permitted Uses: The development will be constructed in an orderly manner. The property currently contains the afore-mentioned main building and guesthouse/apartments and parking areas. This rezoning will allow the applicant to revive this historical property through a complete overhaul of the buildings with the stated intent of recreating the magnificent Mountjoye Mansion for use as a limited (approximately five room) bed and breakfast. The applicant will be allowed to utilize this current mix of structures in their current form/configuration or if necessary, in the slightly alternate forms/configurations as provided in the slightly different site plans attached hereto. In sum, the applicant will be granted the currently allowed uses along with any other

uses as allowed in the HP-1 zoning district, as well as adding the allowed use of bed and breakfast inns. This PUD shall not relieve the Applicant, its successors and assigns, of their obligations from complying with all Federal, State and local applicable laws and does not otherwise limit, nor expand, the authority of the City of St. Augustine to enforce such laws nor limit, nor expand, defenses available to the property owner. Uses by exception shall be provided for and any changes to the uses described herein by an amendment to the PUD.

B. Development Standards for NEW Structures within the PUD: The attached Site Plans depict the current site plan and layout of the current structures and parking area, as well as the proposed changes. The applicant will be allowed to utilize this current mix of structures in their current form/configuration or if necessary, in the slightly alternate forms/configurations as provided in the slightly different site plans attached hereto. In sum, the applicant will be allowed the currently allowed uses along with any other uses as allowed in the HP-1 zoning district, as well as adding the allowed use of bed and breakfast inns. No material departures from these Site Plans are permitted without authorization of the PZB. In addition, the following specific criteria shall apply.

1. **Maximum lot coverage:** Less than Fifty percent (50%)
2. **Maximum building height:** Maximum thirty-five (35) feet, measured from a ten foot finished floor elevation.
3. **Parking:** Parking spaces are provided in conformance with the City of St. Augustine Zoning Code and constructed in accordance with all City requirements and receipt of appropriate permits.
4. **Signage:** Size and construction of all signs within the property will be in conformance with the City of St. Augustine Sign Ordinance requirements.
5. **Stormwater:** Stormwater management will be in compliance with the regulations of the City of St. Augustine and conform with the permit requirements established by the St. Johns River Water Management District.
6. **Access:** Vehicular and pedestrian access to the property will be provided.
7. **Fencing:** All existing fencing may remain on the Property or may be modified in accordance with the plan as approved. Any additional fencing will be in compliance with the regulations of the City of St. Augustine.
8. **Utilities:** All electrical and telephone lines are installed on the site: Electrical power is provided by Florida Power and Light Company or other franchised utility provider. Security lighting may be provided as needed.
9. **Potable Water:** Potable water will be provided by the City of St. Augustine via existing connections.

10. Fire Protection/Assessment: Fire protection will be afforded by fire hydrants in accordance with City standards. Applicant will comply with the non-ad valorem assessment for fire services adopted by the City through Ordinance Number 97-25 and Resolution Number 97-04. This will include the re-adoption or continuance on an annual basis of such assessment, by Resolution of the City Commission.

11. Sanitary Sewer: The development is served by central sewer collection from the City of St. Augustine. Any extensions shall be in accordance with City requirements and construction shall conform to current permit standards.

12. Sidewalks: No sidewalks are in place along Bridge or Marine Street. There is no opportunity for sidewalks along the perimeter of the existing site.

13. Design: It is the intent of the applicant to utilize/replicate and further the design of the existing historical site to rejuvenate and recreate the magnificent Mountjoye Mansion and its historical use as a limited (approximately five room) bed and breakfast. Any and all renovations to or recreations of the historical architecture and design will be reviewed by the Historic Architectural Review Board ("HARB") to assure that the site reflects a high standard of construction and is consistent with modern construction methods and materials and the site constraints. The applicant has already engaged the services of city-approved, historical architects and is prepared to move forward in a manner that will, first and foremost, meet all the HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes.

SECTION III- MAINTENANCE

This Planned Unit Development will be owned and operated by the Applicant and/or its assigns. The Applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to the City of St. Augustine. The Applicant reserves the right to transfer the ownership of the PUD or portion thereof to multiple entities, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements as stipulated herein.

SECTION IV- PUD ORDINANCE CRITERIA

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

Response: The Mountjoye Mansion PUD as proposed is consistent with the goals, policies and objectives of the Comprehensive Plan, including:

FUTURE LAND USE ELEMENT

FLU Objective 1

The future land use map and subsequent amendments to it shall be adopted and implemented in a manner consistent with topography, soil conditions, and the availability of facilities and services to support such development. This is implemented by FLU Policies 1.1, 1.7, 1.8, 3.2, 6.1, 11.1, and A. The measurable targets for this objective are: (1) the number of development proposals reviewed by compliance with the Future Land Use Plan as implemented by the City's development regulations contained in the City Code; and (2) approval of large scale comprehensive plan amendments by DCA, and adoption of small scale comprehensive plan amendments by the City according to the requirements contained in the Rules and Florida Statutes, and consistent with the adopted Comprehensive Plan.

The subject property does not have any constraints related to topography or soil conditions. Water and wastewater lines are already connected to the site.

FLU Objective 11

The City will act to discourage the proliferation or urban sprawl. This objective is implemented by FLU Policies 1.1, 1.2, 1.8, 3.2, 7.2, 7.3, 8.1, 11.1, 11.2, 11.3, and CI Policies 4.1 and 4.2

FLU Policy 1.1: The City shall continue to implement the adopted comprehensive plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Site plan review shall consist of review of the development proposal for compliance with all applicable chapters of the City Code including but not limited to land development regulations relating to: zoning and on-site parking; environmental protection and conservation overlay zones; concurrency management and on-site storm drainage; signs; landscaping; subdivisions; building code and coastal construction code; utilities – potable water, sanitary sewer, solid waste and city storm sewer; archaeology; and flood control. Building permits shall not be issued which result in a reduction of the level of service for the affected public facilities below the adopted levels of service standards. Ordinances amending the City Code shall be codified at least annually. They City Code shall be on display for the public in the City Clerk's office. This policy implements FLU Objectives 1, 9 and 11.

The location of the subject property is within the city limits. The provisions of the PUD regarding parking and utilities are fully consistent with these policies.

FLU Objective 4

Encourage the use of innovative and sustainable land development practices that maximize the use of existing services and facilities, such as planned unit developments, and other mixed land use development techniques, infill development, redevelopment, wastewater reuse and solid waste recycling. The measurable target for this objective is the continued presence of innovate land development regulations in the City Code.

The stated intent of the applicant, to utilize/replicate and further the design of the existing historical site to rejuvenate and recreate the magnificent Mountjoye Mansion and its historical use as a limited (approximately five room) bed and breakfast, will result in the continued operation of an existing property, using existing services and facilities, as intended by this Objective.

INFRASTRUCTURE ELEMENT
SANITARY SEWER SUB-ELEMENT
SS Objective 1.3

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing wastewater facilities. The measurable target for this objective is the area served by the City wastewater system.

The subject property is in the area served by the City wastewater system and will employ the existing connections to the City's sanitary sewer system and comply with the adopted level of service.

POTABLE WATER SUB-ELEMENT
PW Goal

Water facilities shall continue to be provided in an efficient manner supporting the intended development of the City depicted by the Future Land Use Map.

PW Objective 1.4

The City shall act to discourage the proliferation of urban sprawl and maximize the use of the existing potable water facilities. This objective is implemented by PW Policies 1 and 4. The measurable target for this objective is the area served by the City potable water system.

The subject property will employ the existing connections to the City's potable water system. The Property is within the City's service area and will comply with the adopted level of service.

INFRASTRUCTURE IMPACT ANALYSIS

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

The infrastructure impact analysis shall include site specific design improvements related to traffic circulation and the movement of pedestrians, bicycles and vehicles on and off-site.

A Trip Generation Analysis was performed by Kimley Horn in regards to the 11 Bridge Street property and the proposed PUD and use as a bed and breakfast with up to five rooms. The trip generation analysis provided a peak hour trip generation comparison of the existing and proposed uses for the property.

This analysis found that the property includes two buildings. The larger building is a residential duplex, but due to deterioration, this building has not been occupied for a number of years. When it was previously used, it was rented for multi-family uses. The smaller building includes a first-floor garage and a residential use above. The residential unit is currently occupied and rented on an annual basis. The trip generation potential for the existing property was calculated based on data published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 11th Edition. The PM peak hour trip generation for the existing property was calculated using the average rate for ITE land use code 220 (Multifamily Housing (Low-Rise)). According to the Trip Generation Manual, multifamily residential units generate approximately 0.51 trips per dwelling unit during the PM peak hour of residential traffic. Therefore, the current trip generation (assuming all three developed residential units occupied) under the current land use is equal to approximately 1.5 trips during the PM peak hour. The proposed use of the property is a bed and breakfast with nightly rentals and up to five rooms. The most similar use contained in the Trip Generation Manual is Hotel (ITE Land Use 310).

According to the Trip Generation Manual, a hotel generates approximately 0.59 trips per room during the PM peak hour of hotel traffic. Therefore, if five rooms are occupied, such would be anticipated to generate approximately 3.0 peak hour trips.

It is important to note that a significant percentage of traffic in the HP-1 district is nonvehicular. Also, the average rental stay is anticipated to be at least three nights. Accordingly, using the hotel data to generate trips for the proposed bed and breakfast may be an overestimation of trips, and this analysis is therefore conservative.

The applicant has already engaged the services of city-approved architect, Mr. Les Thomas, and his office and is prepared to move forward with helping to restore / renovate / reconstruct the property with the same or similar design as the existing buildings in a manner that will, first and foremost, meet all the HARB requirements, including all approved architecture/features, as well as meeting all of the other city codes. Moreover, this renovation / reconstruction will allow the applicant to provide off street disembarking of visitors to the bed and breakfast during check-in and check-out. Through the guidance and advice of Mr. Thomas, this restoration / reconstruction / renovation will allow this historic property to be restored to its former glory and continue to operate in a manner that does not impact the traffic circulation any differently than the current and historic use of the property. Notably, the applicant will provide parking for their guests and patrons. Further, this site's location in the downtown core will continue to encourage pedestrian, bicycle and other modal use and applicant will continue to make the site accessible to visitors so as to encourage movement by foot or bicycle or by way of one of the many other less intense transportation means. The applicant has worked with the city on many occasions regarding this objective in regards to the provision of parking as well as pedestrian access to their site. Further, to advance the objectives of the city, as well as the PUD, during their patronage at our site, the guests will be informed of the many other attractions as well as the many, less-intense transportation options, and the many other sites that are easily accessible by foot.

Based on the calculations outlined above, the proposed change in use of the 11 Bridge Street property is anticipated to result in only a slight increase in peak hour trip generation of a mere 1.5 vehicle trips when compared to the maximum trip generation potential for the existing land use. Even when compared to the current trip generation of .5 based upon current occupancy, the proposed change in use of the property is still only anticipated to result in an increase in peak hour trip generation of a mere 2.5 vehicle trips when compared to the trip generation for the current building occupancy. **The trip differential expected for the proposed use is negligible as these trips represent significantly less than a one-percent impact to any surrounding roadway.**

In sum, the restoration / renovation / reconstruction of the Countess de Mountjoye Mansion will not only remedy the existing situation caused by the current status of this deteriorating structure, but it will be a grand addition to the historic area, which as described above, will have a negligible impact upon the traffic circulation patterns of the city. Further, as aforementioned, this PUD property will provide its own parking as well as off street loading and unloading. Moreover, the expert analysis provided shows that this PUD as a whole does not in fact affect the current traffic patterns and flow in this area of the city.

HISTORIC PRESERVATION ELEMENT

HP Goal

Maintain and enhance the historic integrity and ambiance within the City of St. Augustine while encouraging economic growth and the identification, Preservation, continued use and adaptive reuse of existing historic structures.

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

Response: The proposed restoration / reconstruction / renovation will allow this historic property to be restored to its former glory and continue to operate in a manner that will maintain and enhance the historic integrity and ambiance of the City of St. Augustine and will be designed in a manner that the restoration / reconstruction / renovation matches the historic architectural design of the building and meets all HARB guidelines and city requirements. In sum, the restoration / renovation / reconstruction of the Countess de Mountjoye Mansion will not only remedy the existing situation caused by the current status of this deteriorating structure, but it will be a grand revamping of this historic area.

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

Response: The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area, especially since this is the restoration / renovation / reconstruction of the historic Countess de Mountjoye Mansion. The proposed, limited bed and breakfast use is not wholly different than similar and compatible surrounding bed and breakfasts nor the historically and currently allowed multi-family uses. Accordingly, they will also enhance the HP

property with the provision of its own parking. See, FLUE Objective 3.2 - The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable. See, FLUE Policy 3.2.3 -The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity. Also see, FLUE Policy 3.2.6 - The City shall encourage economic development in all areas within the city limits by establishing standards in the LDC to: • Provide a variety of uses in close proximity; • Increase activity and community involvement; • Create a pleasant ambiance through design standards and scale; and, • Improve mobility for alternative modes of transportation and pedestrians. And, FLUE Policy 6.3.1 - Historic Preservation - This district is intended to provide a mix of uses, including residential, institutional and commercial uses that will encourage the preservation and restoration of historic structures, which includes protecting and maintaining the colonial Town Plan. This district is also intended to provide a mix of compatible nonresidential uses that will encourage the restoration and reproduction of historic structures including compatible infill development and maintain the historic nature and low intensive ambiance of the neighborhoods, and pedestrian scale of the neighborhoods. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the historic skyline, and the City's contribution to the historic and archaeological record of the State and nation.

3. Compliance with the intent and criteria in section 28-286.

Section 28-286 provides: The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit

developments (PUD) in which development is in harmony with the general purpose and intent of the city's general planning program and comprehensive plan. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial or industrial developments, or combinations thereof, which are in keeping with overall land use density and intensity standards, and open space objectives. The intent of a PUD is to permit flexibility from the strict application of setback, lot size, and other zoning district requirements, and provide performance criteria which:

- (1) Permit a creative approach to the development of land; and
- (2) Accomplish a more desirable environment than would be possible through the strict application of minimum zoning district requirements; and
- (3) Provide for an efficient use of land; and
- (4) Improve the appearance of the area through the preservation and enhancement of natural features, recreation areas, and open space; and
- (5) Provide an environment of stable character compatible with surrounding areas; and
- (6) Retain property values over the years.

Response: The Development Plan Narrative, attached above, demonstrates this proposed PUD's compliance with Section 28-286 and how this proposal is a perfect example for the use of planned unit development to encourage the restoration / renovation / reconstruction of this presently deteriorating structure while allowing for a creative use that has no increased ill-effects on the traffic or density, since multi-family is already allowed, and since this use is clearly compatible and far less intense than the city-approved, adjacent banquet / wedding venue at the Sanchez House and the two adjacent, city-approved, very large bed and breakfast establishments in the Westcott House (B&B with 16 rooms) and the Marin House (B&B with 15 rooms). Further, the proposed use will indeed provide an environment of stable character for this property to be re-created in its former glory as the Countess de Mountjoye Mansion, and in turn, will allow this property to not only retain its value but also to enhance the value of the surrounding properties.

4. Compliance with section 28-288 and justification for any zoning uses.

Response: Section 28-288 provides "Any use which is permitted by the comprehensive plan may be included and approved in a PUD." FLUE Policy 6.3.1 - Historic Preservation states, "This district is intended to provide a mix of uses, including residential, institutional and

commercial uses that will encourage the preservation and restoration of historic structures, which includes protecting and maintaining the colonial Town Plan. This district is also intended to provide a mix of compatible nonresidential uses that will encourage the restoration and reproduction of historic structures including compatible infill development and maintain the historic nature and low intensive ambiance of the neighborhoods, and pedestrian scale of the neighborhoods. This is in an effort to recognize and preserve the authentic historic and physical character of the area including the historic skyline, and the City's contribution to the historic and archaeological record of the State and nation. For All Uses a maximum of 24 dwelling units per acre." The Development Plan Narrative, attached above, contains the required development conditions sought by Applicant, all of which are intended to meet the spirit and intent of this historic area, especially since this is the restoration / renovation / reconstruction of the historic Countess de Mountjoye Mansion. The proposed, limited bed and breakfast use is not wholly different than similar and compatible surrounding bed and breakfasts nor the historically and currently allowed multi-family uses. Accordingly, they will also enhance the HP property with the provision of its own parking. Thus, since Policy 1.3 of the Comp. Plan provides that historic preservation districts permit compatible nonresidential uses that will encourage the restoration and reproduction of historic structures, this PUD and the proposed use, given the surrounding uses and the stated intent, is appropriate to allow the restoration / renovation / reconstruction of the property that was a shining star in this area in years gone by.

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

Response: The restoration / renovation / reconstruction of the historic Countess de Mountjoye Mansion, with the proposed, limited bed and breakfast use, similar and compatible

with the bed and breakfast uses of the surrounding bed and breakfasts, while also enhancing the same with the provision of its own parking, are planned to be commenced as a single phase, within a reasonable time of the approval of the Ordinance approving the PUD, and completed within a reasonable time thereafter.

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

Response: *No such areas exist on the Property.*

7. A termination date after which all or part of a PUD that has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

Response: *It is the landowner's understanding and intent that should this Application be approved and then not acted upon timely, the existing zoning approvals would remain unchanged.*

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

Response: *Any reversion to a pre-PUD zoning district would not render the existing uses inconsistent with the Comprehensive Plan.*

9. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearings relating to the rights, terms, conditions and limitations of the

PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

Response:

The undersigned, for themselves and for their successors and assigns, acknowledges and agrees to be bound by every commitment made in this application and at hearings relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing termination and reversion clauses.

OWNER/APPLICANT:

Patricia D. Dobosz
14 Bridge Street
St. Augustine, FL 32084

SECTION V - SUMMARY AND CONCLUSIONS

Approval of this Planned Unit Development, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, is justified in that:

1. The project will not adversely affect the orderly development of the City of St. Augustine as embodied by the City Zoning Ordinance and the respective Comprehensive Plan of the City, as the proposal is in conformance with the Plan and its goals and objectives, and the use, as included in the Narrative, is compatible with the surrounding zoning. The project allows control over the size and intensity over development and assurance of compatibility with surrounding residential uses.

2. The project will not adversely affect the orderly development of the City of St. Augustine and will not adversely affect the health, safety and welfare of the residents or visitors to the area, will not be detrimental to the natural environment or the development of adjacent properties or the neighborhood as a result of the conditions and safeguards included in the application.

3. The project will accomplish the objective, standards and criteria set forth within the Zoning Ordinance and provides for strict regulation and maintenance of the project to provide the City with the assurance of an attractive and beneficial asset.

4. When developed in accordance with the conditions stipulated in the PUD application and imposed by this Ordinance, the proposed PUD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

THEREFORE, This Planned Unit Development request meets all of the above listed City requirements, including the Comprehensive Plan requirements, does not conflict with any of the elements of the Comp. Plan and is consistent with the Comp. Plan. and City Code.

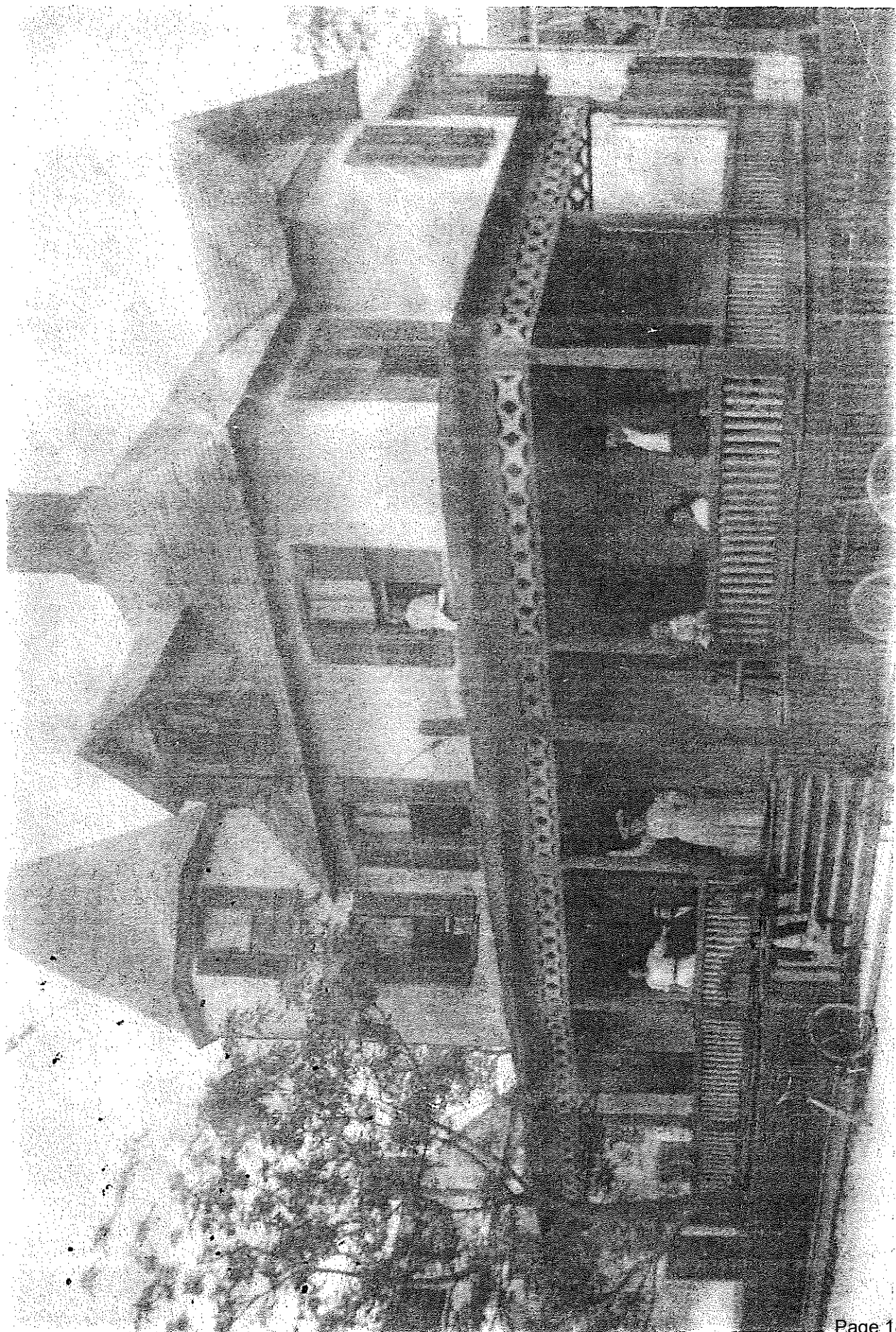
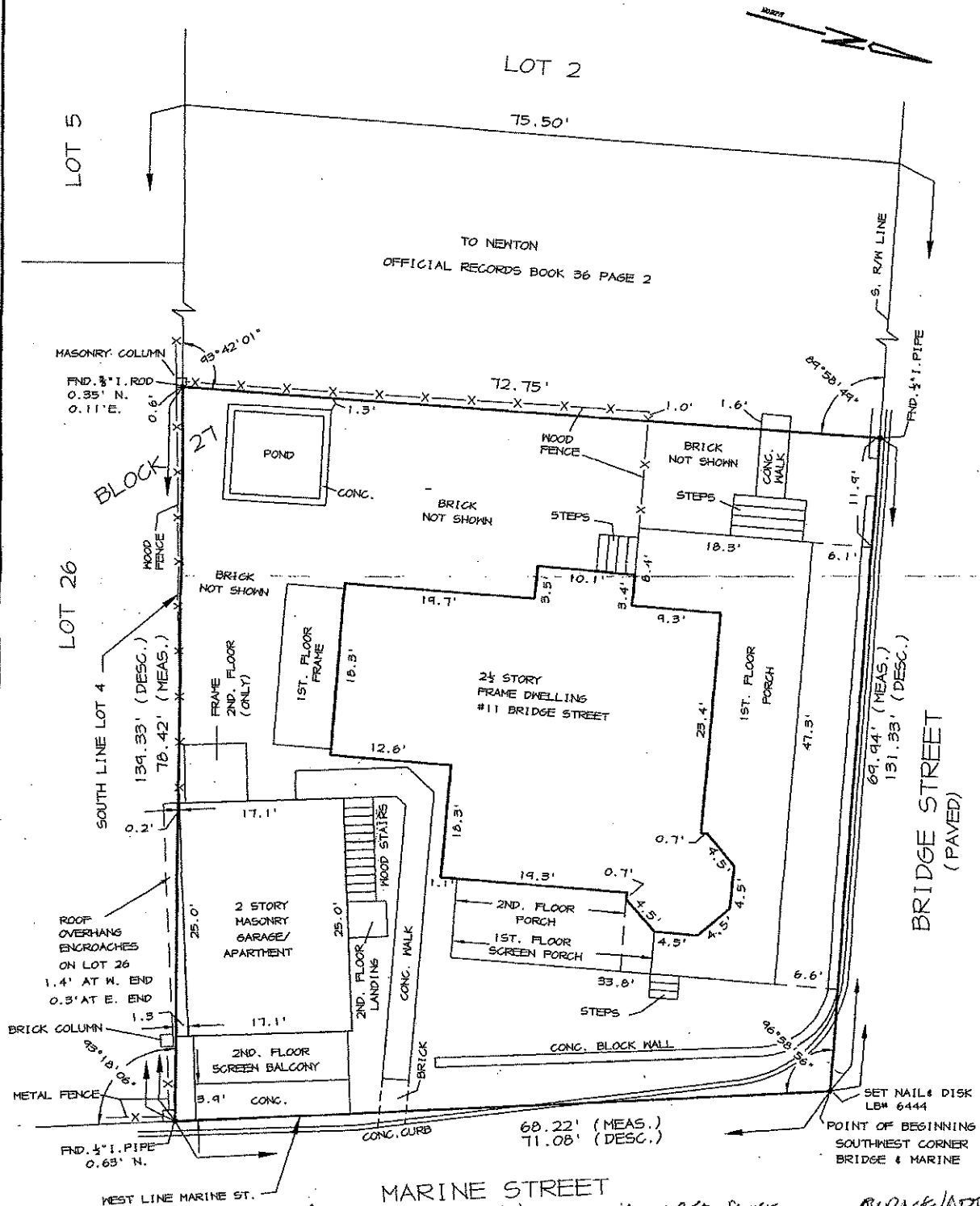


EXHIBIT "A" EXISTING HOUSE AND GARAGE /APT

- NOTES:
1. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
 2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
 3. BEARINGS BASED ON NO BEARINGS USED
 4. BEARINGS AND DISTANCES ARE FROM PLAT OR DESCRIPTION EXCEPT AS SHOWN.
 5. FLOOD HAZARD ZONE AE(EL3) COMMUNITY PANEL 125145-0318--H-9/2/04
 6. ABBREVIATIONS:

R/W = RIGHT OF WAY	T = TANGENT	C = CENTERLINE	Δ = CENTRAL ANGLE
CONC. = CONCRETE	R = RADIUS	FND. = FOUND	ELEV. = ELEVATION
M. = MONUMENT	L = LENGTH	BM. = BENCH MARK	WH = WHOLE
I. = IRON	W. = WOOD	MEAS. = MEASURED	NGVD = NATIONAL GEODETIC VERTICAL DATUM



LOT SIZE 5396 SIF. (PAVED)
MAIN HOUSE 1628.6 SIF. (39%)
GARAGE/APT 852 SIF. (15%)
TOTAL - 2480 SIF. (45%)

LIVING AREA HOUSE
FIRST FLOOR - 980 S.F.
SECOND FLOOR 980 S.F.
THIRD FLOOR 250 S.F.
TOTAL - 2210 S.F.

GARAGE/APT
FIRST 857
SECOND 857
TOTAL - 1714



SWANSON STRUCTURAL, INC.

209 BILBAO DR. ST. AUGUSTINE, FL 32086

February 2, 2022

Patricia Dobosz

RE: Structural Inspection
11 Bridge Street
St. Augustine, FL 32084

Dear Mrs. Dobosz:

Per your request, we have made a site visit to the address listed above. The purpose of the site visit was to perform a structural inspection of the building to assess the existing condition of the structural members. The inspection was limited to easily visible members, we did not perform destructive testing of any kind, nor did we remove finishes to view structural members beyond.

The structure is a two-story structure with wood joist over crawl space at the 1st level and conventional wood joist/beam floor framing for the 2nd level. The loadbearing walls are wood framed. The roof system is conventional wood roof rafters with attic space. Foundations are assumed to be shallow cast in place concrete foundations.

ASSUMPTIONS:

We assume that the work done on the original construction was performed in accordance with the standard building code and accepted industry practices at the time of construction.

Areas inspected were visible and accessible and are assumed to represent the non-visible nor accessible portions.



Figure 1: Front View of Structure



SWANSON STRUCTURAL, INC.

209 BILBAO DR, ST. AUGUSTINE, FL 32086

OBSERVATIONS:

The first level floor framing beams sit on coquina and masonry piers which elevate the first level. The masonry piers (added at a later date not part of the original construction) do not appear to be plumb, as shown in Image 1. Typical masonry pier construction would include grout, reinforcement, and mortar to bond the blocks together and connect to the foundations. These piers consisted of hollow blocks stacked on top of each other with no mortar, grout or reinforcement as shown in image 2. The first level floor system had no visible positive connection to the piers (See Image 1 and 2 below). Without a positive connection to the foundation, the structure is susceptible to overturning and sliding failure in a wind event.



Image 1: Out of Plumb Pier



Image 2: Hollow Block Stacked Pier

The original coquina piers have severe section loss (Image 3 & 4) likely due to continuous exposure to floods and tidal flow. The piers will likely continue to dissolve with each exposure to water flow. The section loss of the piers reduces the compressive capacity and can lead pier failure. A failure to a pier would likely lead to a catastrophic failure of the structure.



Image 3: Visible Section Loss to Piers



Image 4: Deteriorated Pier



SWANSON STRUCTURAL, INC.

209 BILBAO DR. ST. AUGUSTINE, FL 32086

The floor beams and load bearing wood walls, where exposed, showed deterioration likely from moisture exposure and wood destroying organisms, such as termites. (See Image 5 below).



Image 5: Exposed Floor Beam and Wood Studs

While walking the structure, differential settlement was noted throughout the structure. Image 6 shows an attached porch racking due to the main structure settling and pulling the porch down with it.



Image 6: Porch Racking from Settlement



Image 7: Termite Infestation Evidence

The floor sheathing throughout the structure displayed signs of deterioration from wood destroying organisms, such as termites, see Image 7 above (more pictures available upon request). We assume, based on the floor sheathing condition, there is likely section loss to the floor joists below the sheathing as well. In some locations the structural joists were exposed. The joists displayed signs of rot from moisture intrusion, see Image 8.



SWANSON STRUCTURAL, INC.

209 BILBAO DR. ST. AUGUSTINE, FL 32086



Image 8: Joists with Moisture Rot



Image 9: Wood Beam Failure



Image 10: Sloped Decking

Two beam failures were found in the exposed framing portion of the structure. One beam supports a porch roof (Image 9). The failure has occurred where the low porch roof connects to the second level porch. The failure appeared to be caused from moisture intrusion. The other beam supports a second level porch floor system and has caused severe sloping to the porch floor (Image 10). The floor appeared unsafe to support additional load and therefore should not be accessed.

The attic provided access to view the conventional roof framing. The rafters appeared to be in good condition with little to no signs of section loss. The roof sheathing displayed discoloration likely from unintentional moisture exposure. See image 11 below.



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209 BILBAO DR. ST. AUGUSTINE, FL 32086



Image 11: High Roof Framing from Attic Access

CONCLUSIONS:

Based on the representative samples inspected, the house has appeared to experience settlement, which has caused undesirable sloping in floors and cracking in walls. The structure has also been infested with wood destroying organisms at some point in the past which has caused severe section loss in load bearing components. Moisture intrusion was also noted in many locations which has affected the structural capacity in the members. In summary, at least a portion of all visible structural elements, which were inspected, have been compromised to the point of substantial capacity reduction or complete failure with the exception of the high roof rafters. The structure in its current state is at risk of collapse in any wind event. The structure is also, in many locations, unsafe for the addition of any live load, meaning there is a collapse risk from a single person's added load.

Our conclusions stated in this letter are based solely on our observations and years of experience evaluating existing structures. We have not done any testing of materials, calculations or otherwise analyzed the existing structure or soil nor attempted to observe conditions that are not easily visible. We have specifically not reviewed plumbing, mechanical, and electrical conditions nor have we reviewed the structure for code related issues.

This report is intended for the sole benefit of Patricia Dobosz. Any other use without our written permission shall result in no liability or legal exposure to Swanson Structural, Inc. Please contact us if you would like to discuss any of the elements of this report or should you have any additional questions or concerns.

Sincerely,

Swanson Structural, Inc.
C.O.A. 34434

February 2, 2022

Alex Swanson, P.E.

Florida P.E. #87090



Alexander W. Swanson

Digitally signed by Alexander W. Swanson
DN: C=US,
E=aswanson@swansonstruct.com,
O="Swanson Structural, Inc.", OU="FL
P.E. #87090", CN=Alexander W. Swanson
Date: 2022.02.03 06:48:41-05'00'



April 4, 2022

Ms. Pat Dobosz
11 Marine Street
St. Augustine, Florida

**RE: Trip Generation Analysis
11 Bridge Street
St. Augustine, Florida**

Dear Ms. Dobosz:

At your request, Kimley-Horn has performed a trip generation analysis for the property located at 11 Bridge Street in St. Augustine, Florida. The subject property is identified by the St. Johns County Property Appraiser as having Parcel Identification Number (PIN) 198690-0000.

Background

Kimley-Horn understands that the property owner (the "Applicant") plans to try to preserve the 11 Bridge Street property both inside and out through a Planned Unit Development (PUD) under Article 28, Division 8 of the City Code. The property is currently within the Historic Preservation 1 ("HP-1") District. Within this zoning district, Section 28-183 defines the permitted uses of a building structure to include:

- a. Single Family. Owner occupied or rental dwelling unit. If a rental dwelling unit, rentals on a monthly or greater period of time
- b. Accessory apartments, apartments and duplexes, rental dwellings being rented on a monthly or greater period of time

As part of the proposed PUD, the Applicant seeks the following allowances and proposes to provide the following:

- In attempt to restore the property, the proposed use of the property is a bed and breakfast with up to five rooms.
- In conjunction with architect Les Thomas, the buildings on the site will be renovated or reconstructed with the same or similar design as the existing building.
- Stays at the proposed bed and breakfast would be allowed on a nightly basis.

- Parking will be provided on the property for five spaces and, if necessary, with provision for off-site parking at the Oldest House Museum through agreement.

The trip generation analysis contained in this letter provides a peak hour trip generation comparison of the existing and proposed uses for the 11 Bridge Street property.

Project Trip Generation

Currently, the property includes two buildings. The larger building is a residential duplex. This building has not been occupied for years. When it was previously rented, rentals were on an annual basis. The smaller building includes a first-floor garage and one residential unit above. The single residential unit is currently occupied and rented on an annual basis. The trip generation potential for the existing property was calculated based on data published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 11th Edition*. The PM peak hour trip generation for the existing property was calculated using the average rate for ITE land use code 220 (Multifamily Housing (Low-Rise)). According to the Trip Generation Manual, multifamily residential units generate approximately 0.51 trips per dwelling unit during the PM peak hour of residential traffic. Therefore, the trip generation potential for the maximum intensity (assuming all three residential units occupied) under the current land use is equal to approximately 1.5 trips during the PM peak hour.

Because only one residential unit is currently occupied, the trip generation was also calculated for the current building occupancy, which equates to approximately 0.5 trips during the PM peak hour.

The proposed use of the property is a bed and breakfast with nightly rentals and up to five rooms. The most similar use contained in the *Trip Generation Manual* is Hotel (ITE Land Use 310). According to the *Trip Generation Manual*, a hotel generates approximately 0.59 trips per room during the PM peak hour of hotel traffic. Therefore, five rooms are anticipated to generate approximately 3.0 peak hour trips. It is important to note that a significant percentage of traffic in the HP-1 district is nonvehicular. Also, the owner anticipates the average rental stay to be at least three nights. Accordingly, using the hotel data to generate trips for the proposed bed and breakfast may be an overestimation of trips, and this analysis is therefore conservative.

Based on the calculations outlined above, the proposed change in use of the 11 Bridge Street property is anticipated to result in an increase in peak hour trip generation of approximately 1.5 vehicle trips when compared to the maximum trip generation potential for the existing land

use (assumes all three residential units occupied). The proposed change in use of the property is anticipated to result in an increase in peak hour trip generation of approximately 2.5 vehicle trips when compared to the trip generation for the current building occupancy. The approximately 2.5 peak hour trip differential expected for the proposed use is negligible as these trips represent significantly less than a one-percent impact to any surrounding roadway.

Conclusion

On behalf of the Applicant, Kimley-Horn has conducted a trip generation analysis for the 11 Bridge Street property in support of the proposed PUD application. Based on the traffic analyses considered, Kimley-Horn has concluded that the approximate 2.5 peak hour trip increase anticipated to be generated by the proposed use of the property will not have a significant impact to the City's roadway network.

Please do not hesitate to contact me at (904) 828-3900 or jack.hulsberg@kimley-horn.com should you have any questions regarding the information contained herein.

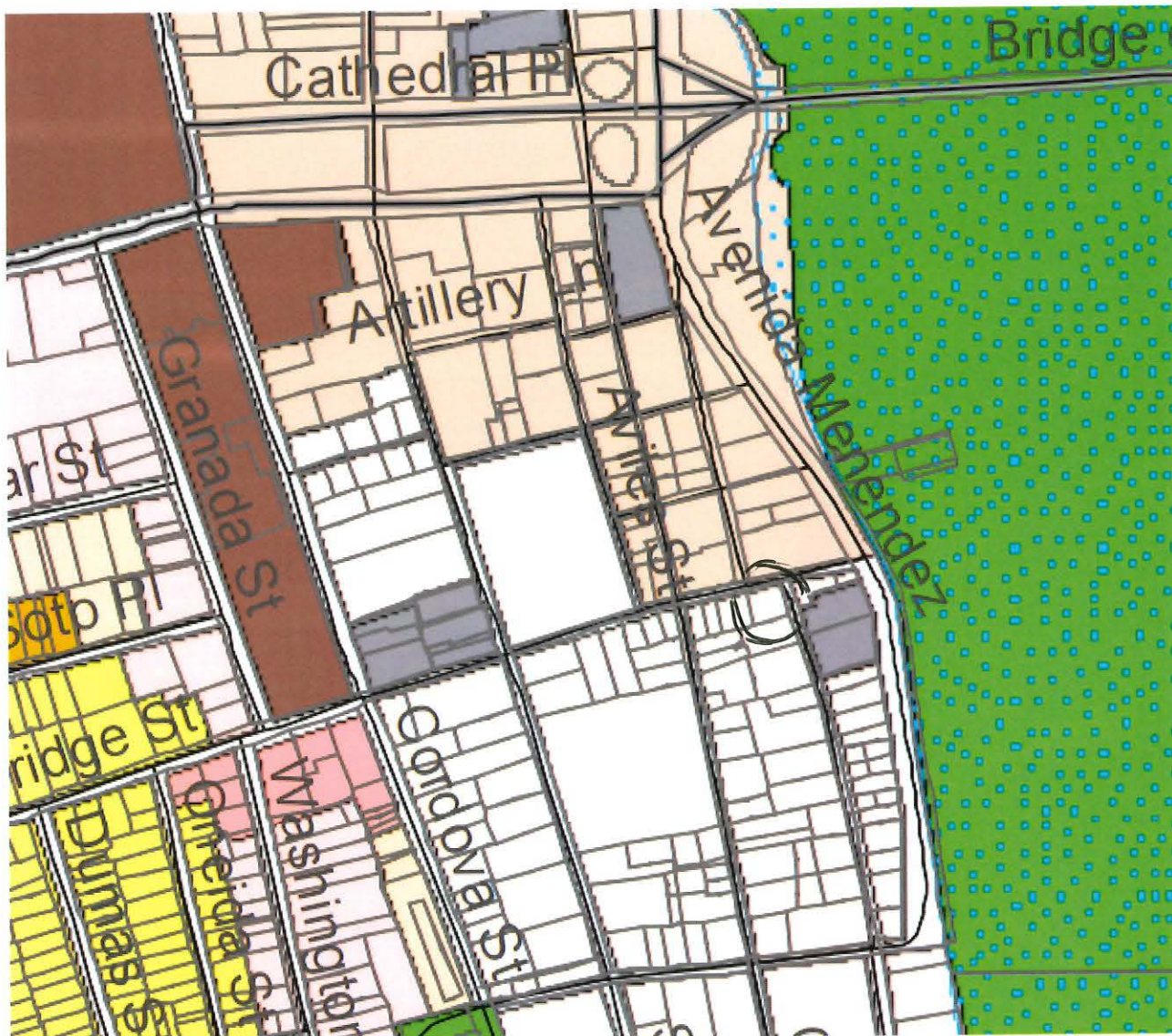
Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

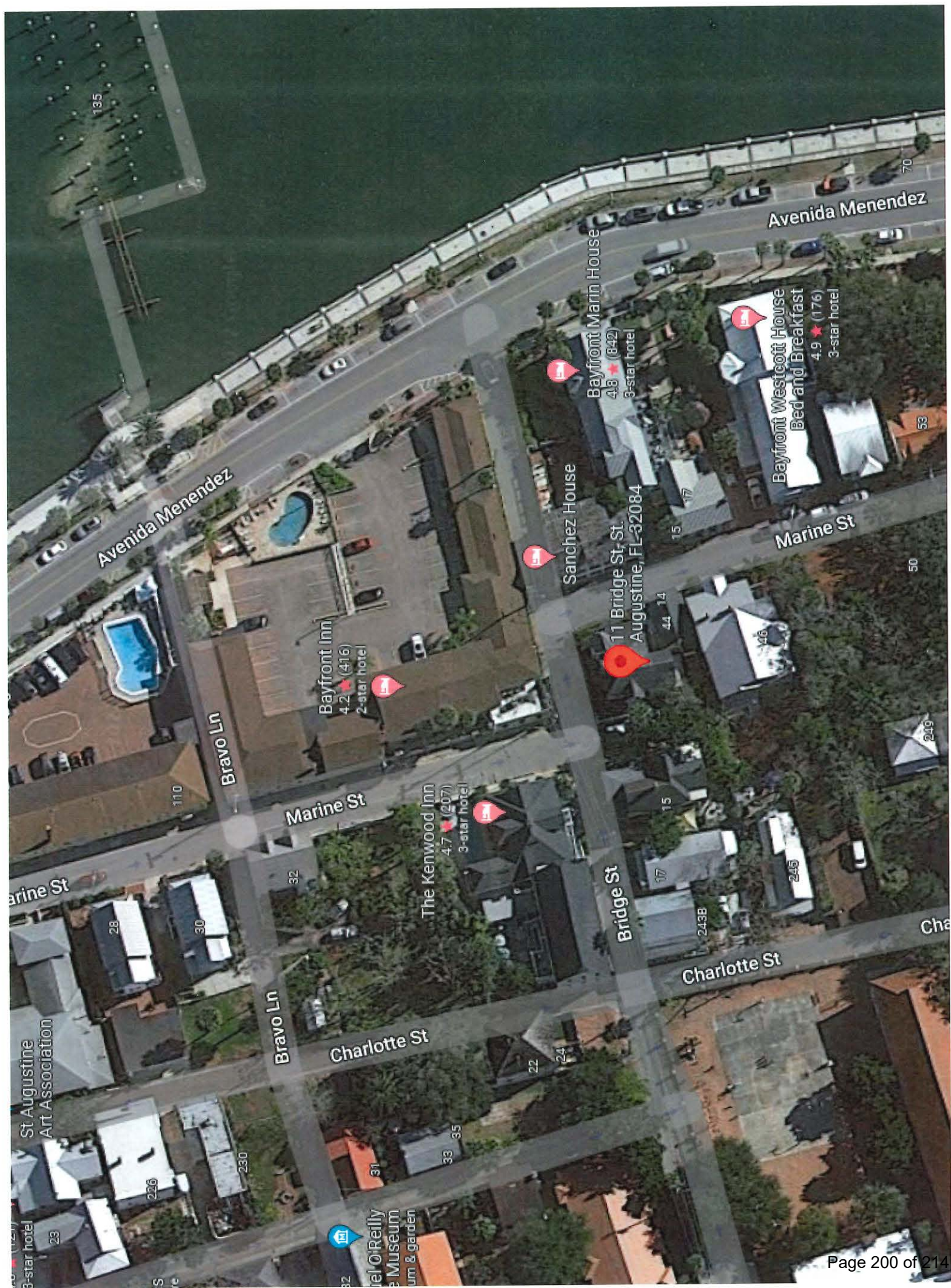


Jack Hulsberg, P.E.
Project Manager

EXHIBIT D











11 Bridge St
St. Augustine, Florida
Google
Street View - Jul 2019

11 Bridge St
St. Augustine
Oldest Historic Museum



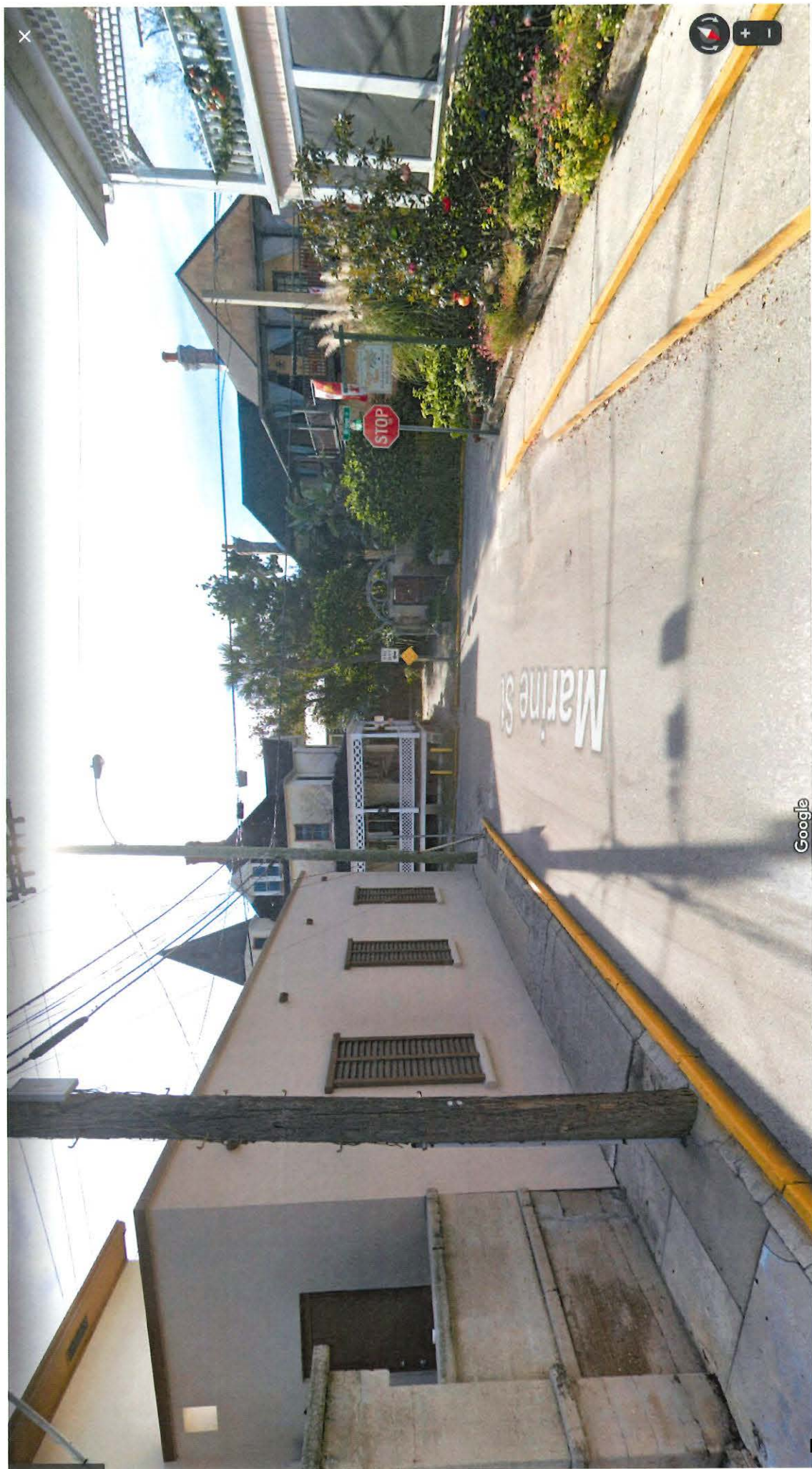


EXHIBIT E

This Instrument Prepared by:
REC \$18.50 DOC: MIN .70
KATARYNA E. DOBOSZ

Property Appraisers Parcel I.D. (Folio) Number(s):

198690-0000

WARRANTY DEED

This Warranty Deed, Made the 27 day of February, 2020, by KATARYNA E. DOBOSZ, A SINGLE PERSON, whose post office address is:

11 Bridge ST ST AUGUSTINE FL 32084

hereinafter called the "Grantor", to PATRICIA D. DOBOSZ, whose post office address is:

38 Marine ST ST AUGUSTINE FL 32084

hereinafter called the "Grantee".

THE PURPOSE OF THIS DEED IS FOR ESTATE PLANNING PURPOSES AND NO ADDITIONAL CONSIDERATION WAS GIVEN.

WITNESSETH: That said Grantor, for and in consideration of the sum of **Ten Dollars and No Cents (\$10.00)** 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:

LOTS THREE (3) AND FOUR (4) OF BLOCK TWENTY-SEVEN (27) IN THE CITY OF ST. AUGUSTINE, ACCORDING TO THE MAP OF SAID CITY DATED JANUARY 1, 1905 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT. SAID LOTS ARE DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF BRIDGE AND MARINE STREETS, RUN SOUTHERLY ALONG THE WEST LINE OF MARINE STREET 71 FEET 1 INCH; THENCE WESTERLY 139 FEET 4 INCHES; THENCE NORTHERLY 75 FEET 6 INCHES TO THE SOUTH LINE OF BRIDGE STREET THENCE EASTERLY ALONG THE SOUTH LINE OF BRIDGE STREET, 131 FEET; 4 INCHES TO THE POINT OF BEGINNING.

EXCEPTING THERE FROM THAT PORTION OF LOT 3 CONVEYED TO EARLE NEWTON AND JOSEPHINE LYON NEWTON HIS WIFE. IN OFFICIAL RECORDS BOOK 36, PAGE 2, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 said 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 2019, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES

TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: Carol A. Lagasse KATARYNA E. DOBOSZ
Printed Name: Carol A. Lagasse

Witness Signature: Margarita Cassese
Printed Name: Margarita Cassese

State of Florida

County of ST. JOHNS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or

☐ online notarization, this 27 day of February, 2020 by KATARYNA E. DOBOSZ.

He/She/They is/are ☐ Personally Known OR ☒ Produced disinterested as Identification.

Carol A. Lagasse My Commission Expires: _____
Notary Public Signature (SEAL)

Printed Name:

☐ Online Notary (Check Box if acknowledgment done by Online Notarization)

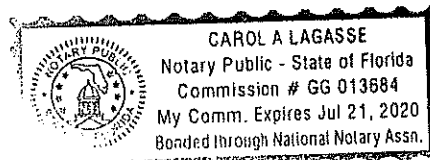


EXHIBIT F



Owner's Authorization For Agent

James G. Whitcomb, Esq./
St John Law Group

is/are hereby authorized TO ACT ON BEHALF
OF FAT DOBOSZ, 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]
Signature of Owner
Patricia Dobosz
Print Name of Owner
954 294 7551
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 13TH day of May, 2022

By Patricia Dobosz

Identification verified: FL Driver's License

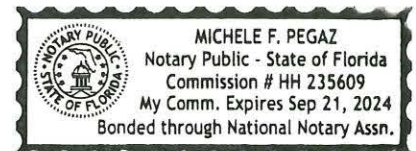
Oath sworn: ☒ Yes ☐ No

Notary Signature:

Michele F. Pegaz

My Commission expires:

9/21/2024



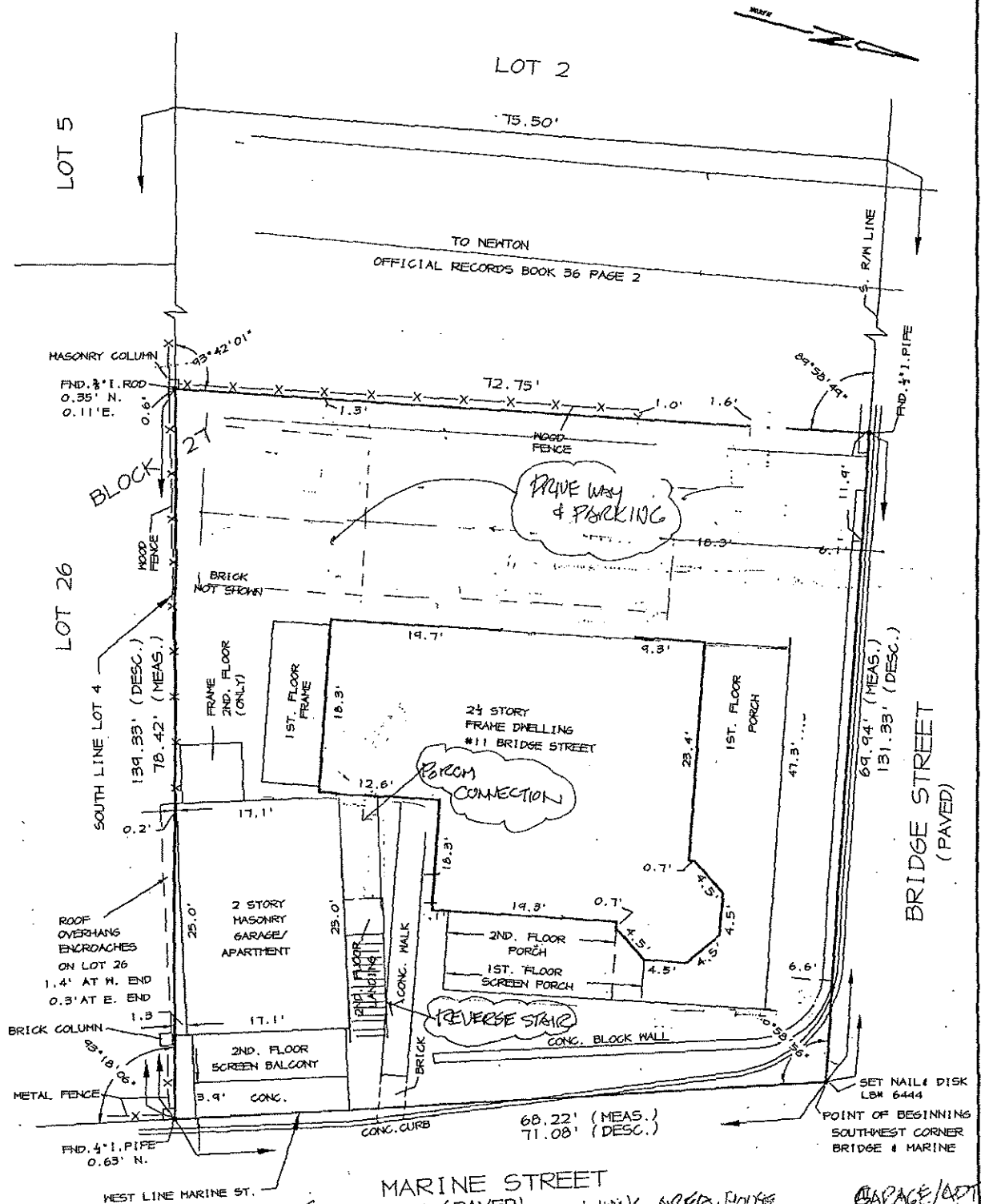
EXHIBIT

G

MASTER SITE PLAN

- NOTES:
1. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
 2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
 3. BEARINGS BASED ON NO BEARINGS USED
 4. BEARINGS AND DISTANCES ARE FROM PLAT OR DESCRIPTION EXCEPT AS SHOWN.
 5. FLOOD HAZARD ZONE AE(EL9) COMMUNITY PANEL 125145-0318-H-9/2/04
 6. ABBREVIATIONS:

R/W = RIGHT OF WAY	T = TANGENT	C = CENTERLINE	Δ = CENTRAL ANGLE
CONC. = CONCRETE	R = RADIUS	FND. = FOUND	ELEV. EL. = ELEVATION
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L = BRON	W. = WOOD	MEAS. = MEASURED	NGVD = NATIONAL GEODETIC VERTICAL DATUM



MARINE STREET			
LOT SIZE	5396 SIF (PAVED)	LIVING AREA HOUSE	GARAGE/LOT
MAIN HOUSE	1628.6 SIF (30%)	FIRST FLOOR	980 SIF
GARAGE/LOT	852 SIF (15%)	SECOND FLOOR	980 SIF
TOTAL	2480 SIF (45%)	THIRD FLOOR	250 SIF
		TOTAL	2210 SIF
			TOTAL - 1714

THE COUNTESS DE MOUNTJOYE MANSION

11 Bridge Street



This is an application for the revitalization of this historic parcel. This application will allow renovations and upgrades to this deteriorated property, so that it may be utilized in a consistent manner with the surrounding properties. This proposal will allow the owner to maintain the historical nature of this property while updating the property to provide the proposed, compatible, limited bed and breakfast use with great regard to the history of this property.

THE COUNTESS DE MOUNTJOYE MANSION

Planned Unit Development

Submittal Date:

December, 2022

Request:

Request to rezone this historic parcel to Planned Unit Development (PUD), to allow for renovations and upgrades to this deteriorated property, so it may be utilized in a consistent manner with the surrounding properties. This rezoning will allow the owner to maintain the historical nature of this property while updating the property to provide the proposed, compatible, limited bed and breakfast use with great regard to the history of this property. The changes to the property will reflect the historical structure and will include historical pieces, historical architecture, as well as historical reflections within the new hospitality venue describing the property's history, the original owner, the Countess de Mountjoye of Bavaria, and the original 1888 structure and builder.

Further, any work will meet all HARB-approved architecture/features and will meet all city codes. This rezoning will allow the applicant to revive this historical property through a complete overhaul of the buildings with the stated intent of recreating the magnificent Mountjoye Mansion for use as a limited (approximately five room) bed and breakfast. This proposed compatible use has sufficient area to provide its own parking, but also has some pre-arranged, offsite overflow parking if needed, and it will promote pedestrian use of the historic downtown area, bayfront and seawall promenade.

The site is approximately 5,230 gsf and currently contains two structures, the 2,200 sq.ft. main house and the 1,000 sq.ft. guesthouse/apartment. Accordingly, the property has historically been categorized, assessed and taxed by the SJC Property Appraiser and SJC Tax Collector with a Use Description of Multi-Family Use (Less than 10 Units).

Applicant/Owner:

Patricia D. Dobosz
11 Bridge Street
St. Augustine, FL 32084

Authorized Agent for the Applicant:

James G. Whitehouse, Esq.
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Exhibits:

Exhibit A	Application
Exhibit B	Legal Description
Exhibit C	Development Plan Narrative
Exhibit D	Location Map/Aerial
Exhibit E	Proof of Ownership/Deed
Exhibit F	Authorizations
Exhibit G	Master Site Plan

Parcel Identification Number: 198690 0000

CITY OF ST. AUGUSTINE

MEMORANDUM

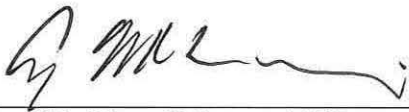
TO: Planning and Zoning Board

DATE: February 7, 2023

RE: **Other Business Item Number 9 (a): Discussion and Recommendation regarding the 2022/2023 Fiscal Year Update to the Capital Improvements Element of the City of St. Augustine Comprehensive Plan**

This Agenda item will be discussed at a later date. Staff is still gathering information and will present the update to the Capital Improvements Element (CIE) to the Planning and Zoning Board (PZB) when all of the required information is complete.

Thank you for your attention to this matter. If you have any questions or require additional information, please call me at (904) 209-4320 or email at askinner@citystaug.com.



Amy McClure Skinner, AICP
Director
Planning and Building Department