

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting January 5, 2021

The Planning and Zoning Board met in formal session Tuesday, January 5, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Chairperson
Christina Opsahl, Vice-Chairperson
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

City Staff:

David Birchim, Director, Planning & Building Department
Patrick Doty, Senior Development Review Planner
Denise May, City Attorney
Candice Seymour, Recording Secretary

Mr. Doty explained the health and safety protocols for public meetings.

2. General Public hearings for Items Not on the Agenda

Heard after item 3.

The Board heard from the following members of the public:

- B.J. Kalaidi¹

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the December 1, 2020 minutes as presented. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:

AYES: Ryan, Misterly, Masson, Blow, Davis, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

4. (a) 2020-0128 – Janet Whitmill, RLA – Applicant

Dan Zarkovacki, Forest Ridge Properties, LLC, Park Hill Properties, LLC – Owner
San Sebastian View / N Ponce De Leon Blvd - PID 073581-0005

To approve the removal of thirteen (13) significant trees including southern red cedars and crape myrtles in conservation overlay zone 3, within Commercial medium-two (CM-2) zoning.

Mr. Doty 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** removal

¹ Notes attached to original minutes

of thirteen (13) significant trees at the subject property within Conservation Overlay Zone 3 located at **San Sebastian View/PID 073581-0005**.

Janet Whitmill reviewed the application.

The Board provided their ex parte communications.

10 certified notices were sent; however, there were no responses. One additional e-mail received was provided with the original packet.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

Public hearing was closed.

The Board discussed:

- Cedar trees along the west boundary meant to screen the property from the residential apartments in the rear
- More cedar trees could be planted in other locations on the property
- Recommendation to increase the density of the buffer along US1
- Ryan Carter's clarification of trees that may need to be removed because of proposed construction nearby
- Fill on the site and saving certain trees if possible, clarified by Matt Malcore
- Desire to know for certain which trees would be removed
- Trees numbered 40-15, 16, and 17 were crape myrtles, were requested to be removed, but were easily replaced
- Water treatment tanks that would utilize city sanitary system
- Stormwater system was pre-approved off-site and would be reviewed prior to permitting
- Some water recycling would be done on-site

MOTION

Mr. Blow **MOVED** to **APPROVE** application 2020-0128 for tree removal with the condition that the 12" cedar be kept. The motion was **SECONDED** by Mr. Misterly.

VOTE ON MOTION:

AYES: Blow, Misterly, Masson, Davis,
Ryan, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2020-0129 – Ryan Carter, Carter Environmental Services – Applicant
George Leone, Cldg Hendricks Commercial, LLC – Owner
San Sebastian View, PIDs 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000

To approve a kayak launch within conservation overlay zone 1. To approve construction of an amenity center, four (4) apartment buildings and a walkway within Conservation Overlay zone 2. To approve the removal of significant trees within a brownfield remediation area and for the development of apartment buildings within Conservation Overlay Zone 3.

Mr. Doty 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** a kayak launch within Conservation Overlay Zone 1 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000**; and; 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 amenity center, four (4) apartment buildings and a walkway within Conservation Overlay Zone 2 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000**; and; 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 significant trees within a brownfield remediation area and for the development of apartment buildings within Conservation Overlay Zone 3 located at **San Sebastian View – PID 102990-0000, 084560-0000, 102810-0000, 154860-0000, 155540-0000.**

Billy Zeits, Fremont Latimer, and Ryan Carter reviewed the application.

The Board provided their ex parte communication

10 certified notices were sent, 1 was returned opposed.

Public hearing was opened.

B.J. Kalaidi spoke against the application citing concerns for the destruction of the San Sebastian River by development.

Public hearing was closed.

The Board discussed:

- Clarification that kayak and walking trails were designated for residents of the proposed neighborhood and not opened to the public
- Natural shoreline intended for all but the area designated for the kayak dock, which would require a small retaining wall
- Multi-family apartments would be more reasonably priced than the previously proposed single-family homes
- Concerns that future shoreline armoring may be sought to protect structures built in Conservation Overlay Zone 2
- Existing recorded conservation easements, which required approval by the St. Johns River Water Management District for any changes, did not grant public access

- Existing and proposed grading on the property
- Areas that may flood on the property around the proposed amenity center
- Large natural buffer to protect structures from flooding

MOTION

Mr. Davis **MOVED** to **APPROVE** application 2020-0129 as presented. The motion was **SECONDED** by Ms. Opsahl.

VOTE ON MOTION:

AYES: Davis, Opsahl, Masson, Blow, Ryan, DePreter

NAYES: Misterly

MOTION CARRIED 6/1

5. Use by Exception

5. (a) 2020-0118 – Connie Fuller, Key Lime Oasis, LLC – Applicant and Owner 9 Saragossa St

To approve a use by exception for three (3) short term rentals for offsite parking in the municipal parking garage.

Mr. Doty read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for three (3) short term rentals for offsite parking in the municipal parking garage for **9 Saragossa St / PIN 205530-0000.**

James Whitehouse reviewed the application.

The Board provided their ex parte communications.

Public hearing was opened.

B.J. Kalaidi asked for clarification that the attorney representing the applicant had submitted the appropriate forms.

Tom Day spoke in favor of the application noting that the short-term-rental ordinance allowed for such a request.

Public hearing was closed.

The Board discussed that the change from on-street parking to the garage in was response to the Board's previous discussion.

MOTION

Ms. Ryan MOVED to APPROVE the application 2020-0118, 9 Saragossa Street, to approve a use by exception for three (3) short term rentals for offsite parking in the municipal parking garage. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Ryan, Masson, Blow, Davis, Misterly, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2020-0126 – Stephanie Goodman – Applicant
Benoit Therrien, Therrien-Peake Family Trust – Owner
15 Riberia Street

To approve a use by exception for a parking lot within Residential, General-one (RG-1).

Application was withdrawn by the applicant prior to the meeting.

5. (c) 2020-0125 – Stephanie Goodman – Applicant
Benoit Therrien, Wild Moose Investments, LLC – Owner
16 Mulvey Street

To approve a use by exception for off-site parking within the municipal parking garage and on a residential parking lot located at 15 Riberia for short term rentals.

Mr. Doty noted that due to the previous application being withdrawn, the applicant was asking only for off-site parking within the parking garage. He 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 off-site parking within the municipal parking garage for short term rentals for **16 Mulvey St / PIN 206060-0000.**

Stephanie Goodman reviewed the application and noted that she had already purchased her parking garage passes.

Ex Parte Communication:

19 certified notices were sent, 2 were returned in favor, and 2 had comments. An additional e-mail received was provided with the original packet.

Public hearing was opened.

Van Cogley asked for clarification regarding the application for 15 Riberia Street, which had been withdrawn.

Public hearing was closed.

There was Board discussion noting that any public concern regarding what the Short Term Rental ordinance allowed would need to be addressed by the City Commission.

MOTION

Ms. Opsahl MOVED to APPROVE application 2020-0125 for off-site parking within the municipal parking garage for short term rentals. The motion was SECONDED by Mr. DePreter

Mr. Misterly noted that the subject property was in close proximity to the parking garage.

VOTE ON MOTION:

AYES: Opsahl, DePreter, Masson, Blow,
Davis, Ryan, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

**6. Rezoning & Conservation Overlay
Zone Development**

**6. (a) 2019-0126 – Ellen Avery-Smith –
Applicant**

**SA Marina Holdings, LLC, Seavin, Inc. –
Owners**

**Sebastian Harbor Dr – PIDs 203350-0000,
203350- 0010, 203350-0030, 203470-0000**

To amend the Sebastian Inland Harbor PUD (Ord. 2007-14 & Ord. 2016-15) to allow for a maximum of 165 multi-family apartment units, a maximum of 167 hotel units, a maximum of 27,000 square feet of retail/commercial space, a maximum of 65 marina slips, and the existing San Sebastian Winery (approx. 24,060 square feet of commercial space). To approve a 65-slip marina within Conservation Overlay Zone 1. To approve the construction of multi-family housing, retail/ commercial space, and a hotel within Conservation Overlay Zone 2.

Mr. Doty read the staff report and said staff does not make recommendations concerning the rezoning of land.

Ellen Avery-Smith, Doug Skiles, and Jeremy Marquis, reviewed the application with a presentation.³

The Board provided their ex parte communications.

43 certified notices were sent, 1 was returned in favor. Additional e-mails received were provided with the original packet.

Public hearing was opened.

Gail Wisler requested that the plan be scaled back to help maintain quality of life.

Bruce McGuire noted that benefits presented by the applicant were previously approved. He noted parking and traffic concerns. He observed that existing winery operations on the property overfilled the proposed parking for the use.

Lauren Giber spoke against the application citing parking, traffic, emergency services response, and quality-of-life concerns.

Van Cogley asked for clarification regarding the multi-family apartment units and voiced his concern for how they would be rented and whether they could be short-term rental units.

Tom Day noted the density and size of the project, but added that such density may be necessary to make a profit. He stated the property was too viable to not be developed, but heavy consideration should be given to what was put there. He also voiced concern for the loss of shrimping industry history along the San Sebastian River.

Robin Lahiri spoke in favor of the application. He felt there were infrastructure issues and concerns that needed to be mitigated. He felt that workforce housing was a necessity for the City's quality of life. He noted the increasing tourism demand in the City and the necessity for the City to consider that strain on the infrastructure.

B.J. Kalaidi asked for clarification regarding the CRA and whether legal action from the owners of the winery had been settled. She voiced concern with parking enforcement and spoke against the application as being too dense and not created for the workforce.

Public hearing was closed.

² Recess from 3:46p.m. to 4:03p.m.

³ Attached to original minutes

Ms. Avery-Smith responded to public comment noting that the project had been approved as a PUD since 2004 and the proposed modification decreased the density and thus reduced traffic from what was previously approved. She added that parking was required to meet City Code, and the request for a reduction was for shared parking. She added that the property had been filled for years and did not maintain any wetlands. She advised that some of the public benefits had been modified and added-upon.

The Board discussed:

- Clarification that the PUD language did not include a maximum impervious surface ratio; however, the maximum lot coverage by buildings was set at 75% of the property and the project included approximately 5 acres of open space
- Stormwater attenuation would be handled on-property, would include run-off from Sebastian Harbor Drive, maintain stormwater treatment from the existing police department site, and meet all city and state requirements
- On-street parking for the businesses on the property needed to be clearly stated in the PUD Narrative
- No toxic soil needed to be removed from the site
- Proposed underground utilities
- Water and sewer fees for the project for capacity upgrade to the City did not include the cost of constructing utilities on the site
- Clarification from Charles Cox regarding use of the European Market which would include an open space with various vendors
- Short-term rentals would be allowed on the property
- Changes made in response to previous Board comments were improvements to the project
- Clarification that improvements along Sebastian Harbor Drive would be done by the applicant and the city through potential cost-share agreements
- Parking requirements for the proposed uses
- Existing marina would remain unchanged with the exception of beautification and would be maintained by the applicant
- History of the project with a concept that had not substantially changed since the early 2000s
- Board concern with changes to the lot coverage in response to Comprehensive Plan changes which provided maximum flexibility but may cause too much impervious surface area
- Complete streetscape with recommendation to widen the street
- Desire for design review for portions of the project visible from the street that were not already under the jurisdiction of a design review board
- Protection of neighboring properties from storm water during and after construction
- Concern for short-term rental usage on the property competing with residents who rely on vacation rental income
- Existing tour trolley stop would be maintained
- Riverwalk would be mainly pedestrian with multimodal traffic allowed on Sebastian Harbor Drive
- Clarification regarding bicycle parking/storage, with possibility of secure bicycle storage in the parking garage

MOTION

MOVED to RECOMMEND APPROVAL of application 2019-0126 to the City Commission with the following considerations for concerns addressed by the Board:

- Whether the 30 metered spots would be included in the total parking requirement for uses on the property
- The 50% versus 75% change in lot coverage as updated in the Comprehensive Plan and its effect on the property
- Short-term rentals as allowed and the difference between individually owned condos versus apartments
- Width of the street for a complete streetscape on Sebastian Harbor Drive
- Articulation of design for architectural review partially including the garage and its view from the entry corridor along King Street
- Emphasis on bicycle and multi-modal transportation

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

VOTE ON MOTION:

AYES: Opsahl, DePreter, Masson, Blow, Davis, Ryan, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Other Business

7. (a) Review and Adoption of 2021 hearing dates

The Board did not indicate any conflicts regarding the proposed schedule.

8. Adjournment

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



Jon DePreter, Chairperson

⁴ Transcribed by Candice Seymour