

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting March 2, 2021

The Planning and Zoning Board met in formal session Tuesday, March 2, 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
Amy Skinner, Deputy Director, Planning and Building Department
Patrick Doty, Senior Development Review Planner
Isabelle Lopez, City Attorney
Candice Seymour, Recording Secretary

Modifications to the Agenda

Mr. Doty advised the Board that item 4(d) did not require a hearing by PZB because the proposal was under the maximum allowed lot coverage allowed.

2. General Public hearings for Items Not on the Agenda

The Board heard from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Ms. Ryan MOVED to APPROVE the February 2, 2021 minutes as presented. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2021-0019 – Glen Powers – Applicant and Owner 68 Fullerwood Drive

To approve a variance to the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning district.

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 may be able to **DENY** a variance to the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning at **68 Fullerwood Drive / PIN 153290-0000.**

Glen Powers reviewed the application.¹

The Board provided their ex parte communications.

12 certified notices were sent, 4 were returned in favor. An additional e-mail in favor was included in the meeting packet.

Public hearing was opened.

Jeff Poppe, neighbor to the applicant, spoke in favor of the application, saying that based on the size of the lot, the request was reasonable.

Charles Pappas said that the applicant did a good job with the design of the car port; and, based upon the size and shape of the lot, the structure was not unreasonable. He added that he was concerned with after-the-fact applications in general; however, the subject application was not objectionable.

Bill Weldon spoke in favor of the application, stating that the car port was well built and well-designed. He added that the carport would help keep cars off the street and helped beautify the neighborhood.

Public hearing was closed.

The Board discussed:

- Tree in the city right-of-way that prompted the applicant to build the carport had been trimmed by the City but still caused falling branches during storms
- Testimony from neighboring property owners regarding the small size and odd shape of the lot as well as parking restrictions in the neighborhood
- Singular disadvantage based on 40-foot width of the lot which did not allow for a carport in a side-yard

- Based on neighbor testimonies, application was not contrary to public interest
- Interpretation that singular disadvantage was caused by construction of the car port rather than the size of the lot
- Parking restrictions along the street in the neighborhood
- Desire to maintain the tree that was catalyst for building the carport
- Neighboring property owners were supportive of the application
- Construction of the carport did not interfere with the streetscape or seem unsightly
- A possible condition that the carport could not be converted into a garage which staff advised would not be enforceable

MOTION

Mr. Masson MOVED to APPROVE Variance application 2021-0019 for a variance to the required front yard and side yard setbacks for a carport within Residential, Single family-one (RS-1) zoning district. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

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

NAYES: DePreter

MOTION CARRIED UNANIMOUSLY

4. (b) 2021-0022 – Sander Kaplan – Applicant and Owner 19 Joiner Street

To approve a variance for reduced side and rear yard setback for a guest house within Residential, Single family-one (RS-1) zoning district.

Ms. Ryan recused herself as an architect on the project.²

¹ Additional photographs attached to original packet

² Form attached to original minutes

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 may be able to **DENY** a variance to reduce the side and rear yard setbacks for a guest house within Residential, Single family-one (RS-1) zoning at **19 Joiner St / PIN 194640-0000**.

Sander Kaplan reviewed the application.

The Board provided their ex parte communications.

13 certified notices were sent, 2 returned opposed and 2 had comments.

Public hearing was opened.

B.J. Kalaidi questioned whether the guest house would be a rental property, which the applicant had clarified would be used for his daughter. She was concerned that after his daughter graduated, the guest house could be used as a rental.

Public hearing was closed.

Mr. Kaplan addressed parking concerns stating that there was a garage on the property which could accommodate a vehicle. He stated that he had no plans to rent the property.

The Board discussed:

- Lot coverage was not changing as the request was for a second-story addition
- Lack of a singular disadvantage on the property
- Existing garage could not be used as livable space because it was below freeboard requirements; however, a variance would be required either way
- Existing house on the property had two bedrooms with small closets
- Application did not meet variance criteria for approval

- Parking available on the property could accommodate three vehicles
- Proposed space could be used as a short-term rental in the future
- Existing garage was modern (1990), built of concrete block, and could hold the weight of the addition
- Possibility of looking into original review and approval for the garage

MOTION

Mr. Davis MOVED to CONTINUE application 2021-0022 to the April 6, 2021 meeting. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (c) 2021-0023 – Alexander & Faith Corley – Applicant and Owner 195 Cabeza Street

To approve a variance to the maximum fence height within Residential, Single family-two (RS-2) zoning.

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 may be able to **APPROVE** a variance to the maximum fence height within Residential, Single family-two (RS-2) zoning at **195 Cabeza St / PIN 218780-0010**.

Alex Corley reviewed the application.

The Board provided their ex parte communications.

23 certified notices were sent, 2 were returned in favor.

Public hearing was opened.

B.J. Kalaidi was opposed to the application stating that the request was over-building, and the fence height could cause sight issues for the adjacent intersection.

Public hearing was closed.

Mr. Corley addressed Ms. Kalaidi's concerns noting that the fence was not near enough to the road to cause sight interference at the intersection.

The Board discussed:

- Survey showed fence setback was a minimum of 18 feet from the street
- Singular disadvantage based on the shape of the lot and three street frontages
- Other six-foot fences were located in the area
- Application met all criteria for approval

MOTION

Mr. Blow MOVED to APPROVE Variance application 2021-0023. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (d) 2021-0024 – Mike Davis, A.D. Davis Construction – Applicant Clint & Martha Porter – Owner 76 Lighthouse Avenue

To approve a variance to the maximum lot coverage within Residential, Single family two (RS-2) zoning.

Not heard. See Modifications to the Agenda for announcement removing the item.

5. Use by Exception

5. (a) 2021-0001 – Jeremiah Mulligan, Coquina Law Group, P.A. – Applicant Billboard Baby, LLC – Owner N Ponce de Leon Blvd – PID #190200-0000

To approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district.

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 a single-family home, per RG-1, at **N Ponce de Leon Blvd / PIN 190200-0000**.

Jeremiah Mulligan reviewed the application.

The Board provided their ex parte communications.

11 certified notices were sent; however, none were returned.

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

The Board discussed:

- Request met the criteria for an exception and related more to the adjacent residential neighborhood
- Site access would be dictated by city requirements, but the preference would be to access the site from Sanchez Street
- Concern for parking availability, though the applicant believed that parking could be accommodated on-site
- Design of the structure had not been finalized and any additional concerns such as tree removal or variances would come back before the board
- Lot was considered a buildable lot

- Other uses allowed in CM-2 would have to go through staff review as a change-of-use
- Parking requirements for short-term rentals applied to all zoning categories
- A desire to see parking requirements met, should the property be used as a vacation rental

MOTION

Ms. Opsahl MOVED to APPROVE application 2021-0001 to approve a use by exception for a single-family home, per RG-1, within Commercial, medium-two (CM-2) zoning district. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2021-0017 – Emanuel Manusuthakis – Applicant

Vista Hotels IV, LLC, Kanti Patel – Owner
1860 N. Ponce De Leon Blvd

To approve a use by exception for auto sales within Commercial, Medium-two (CM-2) zoning.

Mr. Davis recused himself from the application as a business partner of one of the applicants.³

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 an exception for auto sales within Commercial Medium-two (CM-2) zoning at **1860 N. Ponce de Leon Blvd.**

Emanuel Manusuthakis reviewed the application.

The Board provided their ex parte communications.

7 certified notices were sent and 1 was returned in favor.

Public hearing was opened.

B.J. Kalaidi was concerned that the applicant would utilize the sidewalk to move motorized vehicles.

Public hearing was closed.

Mr. Manusuthakis clarified that the previous occupant of the building occupied multiple buildings on the block; however, his company had no reason to move vehicles along the sidewalk.

The Board discussed their support for the application as a historic use on the property and one that met the criteria for approval of an exception.

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception application 2021-0017 as it meets the criteria for a Use by Exception, particularly the intent of Commercial Medium-2 zoning. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (c) 2021-0020 – Stephanie K. Rousselle – Applicant

78 Abbott, LLC – Owner
78 Abbott Street

To approve a use by exception for off-site parking within the municipal garage for a short term rental.

³ Form attached to original minutes

Mr. Doty read the staff report and said based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for off-site parking for one space within the municipal parking garage for a short-term rental at **78 Abbott St / PIN 195040-0000**.

Stephanie Rouselle reviewed the application.

The Board provided their ex parte communications.

18 certified notices were sent, 6 were returned in favor, 1 returned opposed and 3 had comments.

Mr. Masson recommended that notices returned without a name and/or address should not be considered by the board when deciding application outcomes.

Public hearing was opened.

B.J. Kalaidi asked who would be enforcing short-term rental parking in the parking garage. She said that vacation rentals were turning neighborhoods into commercial areas. She was concerned that vacation rental owners were getting the passes to meet code and then allowing guests to park on the street.

Irene Arriola spoke in favor of the application, noting that the applicant rehabilitated the house, lived across the street, and had made every effort to comply with city regulations. She added that there was one existing spot on the property and approval would remove additional cars from the street.

Todd Walker spoke in favor of the application and stated they had never had an issue with parking in the area nor with the applicant's rental property. He added there had been no complaints because of vacation rentals, even before the short term rental ordinances were passed.

Charles Pappas spoke in favor of the application. He asked that staff provide the total number of parking garage passes were approved by the City.

Public hearing was closed.

The Board discussed:

- Tracking parking garage permits for rentals and commercial off-site parking to provide with such applications in the future
- Request complied with criteria for approval
- Parking could not be utilized at the applicant's residence across the street because the available parking did not meet short-term rental requirements

MOTION

Ms. Opsahl MOVED to APPROVE Use by Exception application 2021-0020, To approve a use by exception for off-site parking within the municipal garage for a short term rental at 78 Abbot Street. The motion was SECONDED by Mr. Misterly.

Mr. Misterly noted the positive feedback from neighbors regarding the application.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (d) 2021-0021 – Ashley Thomas Adams – Applicant
JJMRN Properties, LLC – Owner
100 N. Matanzas Blvd

To approve a use by exception for a home occupation providing music lessons within Residential, Single family-two (RS-2) zoning.

Mr. Doty read the staff report and said based on a review of Section 28-29 and 28-347,

and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** for a home occupation providing music lessons at **100 N. Matanzas Blvd / PIN 217700-0000**.

Ashley Adams reviewed the application.

The Board provided their ex parte communications.

31 certified notices were sent, 4 were returned in favor, 1 returned opposed and 1 had comments.

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

The Board discussed:

- Use complied with city code
- Hours of operation between 2pm-7pm Monday through Friday
- Only one student at a time
- Students sometimes met on the weekends if cancellations occurred during the week
- Low intensity of use

MOTION

Mr. Masson MOVED to APPROVE Use by Exception application 2021-0021 for a home occupation providing music lessons within Residential, Single family-two (RS-2) zoning with the condition that the business only operate with one client at a time between the hours of 2:00p.m. and 7:00p.m and there are four on-site parking spaces. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (e) 2021-0025 – James Whitehouse, St. Johns Law Group – Applicant **Pauline & Geoffrey Webb – Owner** **74 Osceola Street**

To approve a use by exception for off-site parking within the municipal garage for a short term rental.

Mr. Doty read the staff report and said based on a review of Section 28-29 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for off-site parking for one space within the municipal parking garage for a short term rental at **74 Osceola St / PIN 195230-0000**.

James Whitehouse reviewed the application.

The Board provided their ex parte communications.

18 certified notices were sent, 4 were returned in favor, 3 returned opposed and 5 had comments.

Public hearing was opened.

B.J. Kalaidi asked that staff clearly track the number of passes for the parking garage distributed to commercial uses and vacation rentals. She added that residential areas had become commercial and vacation rentals were destroying quality of life.

Public hearing was closed.

James Whitehouse responded to public comments citing that the property had been a rental for over a year. He added that the reason for short-term rental parking requirements was to get vehicles off the street, and he believed the application met requirements.

The Board discussed:

- Application met criteria for approval

- Desire to see number of parking passes to the municipal garage issued for commercial uses
- Difficulties of the Board to deny exceptions for municipal garage passes for short term rentals
- Concern for potential illegal activity referenced by a public commentor which staff advised they would follow-up on

MOTION

Mr. Masson MOVED to APPROVE Use by Exception application 2021-0025 for off-site parking within the municipal garage for a short term rental. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0004 – Ryan Carter, Carter Environmental Services – Applicant
GP Salt Run, LLC – Owner
435 Flagler Blvd

To approve the construction of a six foot (6') wide by six hundred twelve (612') foot long dock with three (3) boat lifts and a twenty seven (27') foot access gangway to a thirteen (13') foot by forty (40') foot floating dock, for an overall length of 645', within Conservation Overlay Zone 1.

Application was withdrawn prior to the meeting.⁴

7. Other Business

7. (a) Review and recommendation related to the proposed updates and revisions to Chapter 3 Sign Code of the

City of St. Augustine Land Development Code

Amy Skinner, Deputy Director, Planning and Building Department, reviewed the subject.

Mr. Birchim asked for additional feedback from the Board so that the regulations could be finalized.

Ms. Lopez facilitated discussion regarding ways to regulate "temporary interval signs, small," used on residential properties and more commonly referred to as "snipe" or "yard" signs, with the following topics discussed:

- Concern that limiting number of signs could infringe upon First Amendment Rights
- Regulating the duration of sign display rather than number or size
- Current code enforcement issues with such signs were for signs illegally placed in the right-of-way
- Need to keep sign enforcement simple
- Allowing a certain number of permanent signs with a restricted timeframe on the display of additional signs
- Difference between campaign signs, which were regulated by state law, and personal message signs
- Possibility of deregulating personal message residential signs unless issues arose
- Appropriate sign sizes for residential neighborhoods
- Whether regulations were necessary as there currently were none
- Sign regulations necessary to limit visual clutter, particularly in commercial corridors and around intersections
- Sign regulations would continue to be complaint-driven

⁴ Brief recess from 4:13p.m. to 4:23p.m.

Ms. Lopez said she would draft multiple versions of the sign ordinance including ones that regulate:

- Duration of display
- Location of signage
- Sign sizes, including a cumulative maximum size
- No regulations

Board discussion continued regarding the following:

- Drafting an ordinance with regulations as close to existing as possible
- Importance of finding the least restrictive means to regulate signage
- The need to assess any controversial changes and consider vested rights that could be challenged
- Lighting and modernization of signage was not addressed with the exception of design standards in entry corridors and sign zones
- Add height limit to Commercial Zone 1 which had been left off unintentionally
- Prohibited signs, including wearable sandwich signs and signage on vehicles

Board Member Comments

There was discussion regarding parking garage passes for commercial uses and short-term rentals with clarification that, while most parking exception applications for short-term rentals would likely be approved, the intent of PZB review was for public transparency and oversight if a viable alternative could be found. Staff was instructed to review potential alternatives, with the municipal parking garage as a last resort.

Ms. Skinner advised that the next ordinance for PZB review related to food trucks.

8. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 5:19 P.M.⁵



Jon DePreter, Chairperson

⁵ Transcribed by Candice Seymour