

CITY OF ST. AUGUSTINE

Planning and Zoning Board Special Meeting June 16, 2021

The Planning and Zoning Board met in formal session Wednesday, June 16, 2021, at 9:00 a.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

Absent: Christina Opsahl, excused

City Staff: David Birchim, Director, Planning & Building Department
Reuben Franklin, Public Works Director
Isabelle Lopez, City Attorney
Elyse Anderson, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Discussion and Recommendation Related to the Building Code Task Force

David Birchim stated there was a back log of Code amendments. He said the Commission had prioritized mobility fees that required a change to Chapter 21 of the City's code, to remove the old traffic concurrency language and add the mobility planning language, and once completed, the City could adopt a mobility fee schedule. He continued this would be the next piece of legislation presented before the Board. He said next would be minor changes required by state laws he added that Commissioner Blonder requested an update to the Conservation Overlay Zones laws regarding wetland protection. He stated adding items at the end of an agenda meeting was difficult and he recommended adding workshops every

other month until they were able to get through each item.

Mr. Blow inquired about mobility and the fee schedule.

Mr. Birchim stated the fee schedule had been drafted and needed to be reviewed by the Board. He continued it would be a one-time fee for new construction or intensification of an existing use. He said this was a comparative analysis to other cities of the same size.

Mr. Blow stated this was a sensitive issue for the commercial real estate industry. He asked if the City would be adding regulations to the Wetland issue above what Army Corp of Engineers and Water Management District.

Mr. Birchim replied he was uncertain and would need to reach out to Commissioner Blonder. He pointed out Commissioner Blonder wanted consider a 25-foot undisturbed natural buffer for wetlands

protection. He stated we had to get some guidance on how to proceed.

There was Board consensus was to schedule a workshop every other month around 9:00 a.m.

a. Presentation of the Building Code Task Force for Existing Properties – Final Report

Mr. Birchim presented the topic. He stated there were three items that needed to be discussed. He presented the goals of the Building Code Task Force:

- Grading and drainage plan for new homes
- To impose an impervious surface ratio for residential homes
- Create incentives for people to use certain types of construction as well as buffer yards and tree plantings, which could allow the person to have incentives.

Mr. Birchim stated he wanted to start with the grading and drainage plan as permits for new construction required both. He said the plan indicated where water should be channeled, and when the final inspection took place, the City's building inspector would examine the site to check for accuracy. He continued the City wanted to be similar to St. Johns County and have a more formal process. He said including spot elevations for neighboring properties would take place and an employee from the Public Works Department, and an engineer would review the plan, then the same person would conduct the field inspection to confirm proper completion. He stated they already did this process but wanted to make improvements.

b. Planning and Zoning Board discussion and recommendation

The Board, Mr. Birchim and Mr. Franklin discussed:

- Would grading plan be signed off by an engineer or could homeowner put together
- Need professional survey that went 10 feet beyond property boundary
- Plan proposed must meet design standards
- Provide the homeowner with minimum slopes and other item to aid in the process
- Adjacent public properties defined as City owned real estate, rights-of-way, parks
- Not excluding public properties from collecting storm water
- Include 'as approved by City' in Code for specific areas where the collection of storm water was allowed
- Public Works and Planning and Building to verify plans
- Provide a 'cheat sheet' for recommended and not recommended items

Mr. Birchim asked Ms. Ryan for comment on the recommended 400 feet of impervious surface.

Ms. Ryan stated 400 Sq.ft. was an oversized one car garage or shed but depending on the consensus of the Board, it could increase to allow for a two-car garage; however, this seemed like an incentive.

The discussion continued:

- Provide 'cheat sheet' for storage space
- Problems within City drainage caused massive issues when flooding occurs
- Large storm events created flooding in neighborhoods
- Improvement would help conditions but overall would not change
- Elevations change with new builds but should encourage stormwater storage space
- Residential review process to take

- one week and commercial 30 days
- Prioritize residential reviews for quicker response
- Provide protection for adjacent homeowners
- Rules seemed workable and easily understood
- Grading should match neighboring yards
- Code not able to address all potential issues
- Unable to add a garage without a crawl space unless using a hollow poured slab
- Potentially able to do a stem wall to eliminate crawl space
- Stem walls not addressed with grading
- Applicants allowed to do self-certification process by hiring an engineer and surveyor and provided plan to City in lieu of City inspection
- Grading plan submitted with building permit and reviewed by Public Works Department
- Final inspection done through self-certification process or by City inspection
- Option for self-certification may not happen often unless in conflict with City
- Add Landscape architect as an appropriate certifier

The Board discussed the marsh and canal being an adjacent public property for storm water drainage; although, water that flowed into those locations could be an environmental hazard.

Mr. Birchim stated this could be addressed within the City's Conservation Overlay Zone code and a variance could assist if able to demonstrate it would not cause a detriment to the environment.

Mr. Davis strongly encouraged the Board to not alter the code. He said this could cause excessive flooding and the homes that flowed into the marsh would flood into the

street or onto a neighbor's property. He stated it could affect any location without a bulkhead. He pointed out the City had streets that flowed into the marsh.

The Board continued:

- Old city with no master storm water treatment system
- Most water ended up in natural waters
- Unnecessary to try and divert storm water from the marsh or Matanzas River with no modern storm water treatment system in the city

Mr. Birchim stated that the 25ft. natural buffer in the code was meant to filter water coming from developments into the marsh. He stated Commissioner Blonder asked this to be re-examined to provide more wetland protection.

Mr. Misterly expressed concern with the stormwater runoff that could potentially be contaminated with pesticides running into waterways. He wanted to encourage homeowners to route storm water to the public right-of-way.

Mr. Birchim responded in the affirmative to the request.

Mr. DePreter reiterated the Board's recommendations as follows:

- Surveys would be produced by licensed surveyor, property owner, builder, licensed general contractor, or landscape architect
- Lot and grading to direct storm water into the public right-of-way as approved by City
- Recommend a 'cheat sheet' for property owners to have general idea of expectations as well as professionals
- Consensus of 400 sq.ft. of impervious space over five-year period.

- Variance process appeal to Planning and Zoning Board

Motion

Mr. Davis MOVED to APPROVE the recommendations listed by Mr. DePreter and approve the lot building plan as presented. The motion was SECONDED by Mr. Mistry.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Birchim presented the third goal of the Building Task force, which was to create an impervious surface ratio rule for residential properties. He identified 70% as the maximum impervious surface, which was also the same as St. Johns County. He questioned if 70% was reasonable and the usage of materials that were not 100% impervious, such as 57 stone gravel, and coquina.

Mr. Franklin suggested having a table to identify what would be considered impervious and what would be pervious. He said one example could be if a homeowner had 70% lot coverage, then wanted to build a patio and use a permeable material, what could be considered. He said having a table would help and define what impervious coefficients could be used.

The Board, Mr. Birchim and Mr. Franklin discussed:

- Tables already existed, no need to create one
- Lot coverage at 70% was high
- Could be complicated with having different ratios
- Gravel driveway stored some rainwater and were not 100% impervious

- Roof top, pool patio, concrete driveway would be considered 100% impervious
- Smaller lots might reach 70% quickly
- Wanted to give latitude to the non-conforming lots

Mr. Birchim responded to Mr. DePreter stating the Building Code Task Force did not recommend a variance process; however, the Board could add a variance process before final recommendation.

Mr. DePreter stated he was thought 70% was an adequate number to stick with, but a table would be beneficial in a variance process.

The discussion continued:

- Decks were considered as an impervious surface
- 70% impervious were driveways, walkways, pool decks etc.
- Table to help standardize impervious space
- Table would be critical, hard to find variety of materials
- Would help define what material could be used
- RS1 and RS2 maybe 35% lot coverage
- Home on pier construction with crawl space would be considered lot coverage and impervious
- Drainage issues where lots were small were more than likely be the same area where drainage issues take place
- Provide an incentive for pier construction homes with a crawl space since home would not be counted as overall impervious space
- Pier construction homes not part of the original recommendation, but did line up with the incentives
- Need to direct water away from the house, space should not be collecting stagnant water

- Pier construction functions during storm, but would take weeks for water to evaporate
- Gravel or other pervious material could be added underneath structure
- Normally, water would be directed from underneath the house
- 70% to be consist with the St. Johns County
- Avoid Bert Harris claim by taking property rights away by restricting the impervious surface
- Do not make the issue any less restrictive than it was unless there was a variance process
- Rare instance where it would reach 70%

After board discussion, there was Board consensus to draft an ordinance for consideration.

4. Continued discussion from the June 1, 2021, meeting regarding proposed amendments to Chapter 28 Zoning related to the review process for partial demolition

a. Summary of proposed ordinance revisions and previous PZB comments¹

Jenny Wolfe, Historic Preservation Officer presented the topic. She stated the purpose was to answer any questions and she wanted to provide the Board with some additional information and the community outreach plan.

Ms. Wolfe discussed the five major differences with the current Ordinance in comparison to the proposed amended Ordinance as follows:

- Additional definitions to enforce what was required so everyone used the same language
- Adding partial demolition would apply to significant buildings: 1,659 buildings were

contributing local landmarks or Nationally Registered

- HARB able to have design authority outside the five Historic Preservation (HP) Zones, looking at the seven Nationally Registered districts, Expanding to the other historic major historic districts
- Removal of 30-day waiting period for the partial demolition
- HARB wanted the policy to stand alone and provide clear guideline to owners of historical buildings, and to preserve the Historic building envelope

Ms. Wolfe continued by referring to the Historic Building Envelope and clarified what was being looked at regarding historic integrity. She stated it would be the five critical elements the roof, windows, siding, porches or chimneys, and the foundation. She said the approach to full demolition had not changed. She stated they were trying to promote compatible repair and replacement of historic features when they need to be demolished.

b. Community outreach plan

Ms. Wolfe spoke about the public meetings that have taken place and the story maps that were created. She said she has scheduled meetings with the Presidents of each Neighborhood Association as to what would be expected going forward. She presented the story maps to the Board, but stated they were not publicly accessible for now as they were still being developed.

c. Planning and Zoning Board discussion (no recommendation requested at this time)

Mr. Masson stated for never owning a historic property, the story maps were an excellent tool that helped with outreach and education.

Mr. Davis appreciated the story maps being interactive and stated they were beneficial in helping contractors. He questioned

¹ Attached to Original packet

expedited hearing items regarding different material usage but maintain a similar profile.

Ms. Wolfe stated that was where the partial demolition changed. She explained if you have a contributing building in a National Registered district and wanted to change the siding with over the 50% threshold or publicly visible, it would go before HARB. She added the expedited approval would take place if Staff approved.

Mr. Davis stated he wanted the 50-year-old building rule changed for not contributing structures because as homes aged more would have to come before HARB. He acknowledged the partial demolitions would only be on the 1,659 homes. He said being able to notify owners through their water bills was a great way to inform the people who lived in historic homes.

Ms. Wolfe answered Mr. DePreter confirming material deficiency referred to the failure of a building material.

Ms. Ryan questioned protection in place for buildings if partial demolition seemed difficult. She asked what would stop someone from doing a full demolition.

Ms. Wolfe responded that full demolitions had to be approved by HARB, and for a contributing building, there was a higher level of standards that had to be met. She noted an incentive if the rehab was extensive, property owners could qualify for the Historic Property Tax Exemption Program.

Ms. Lopez pointed out any regulation could trigger Bert Harris, that it was a matter of quantifying the additional cost would be to the property owner. She stated the property owner would have to formalize through an appraisal the cost prior and then provide the new cost after the change in regulation.

Mr. Blow commended Ms. Wolfe and HARB for their exceptional work. He stated he agreed with Mr. Davis about the 50-year rule and stated that a list of buildings could be

beneficial to know if it were subject to HARB review.

Mr. Misterly agreed with identifying the buildings but not the 50 years. He said he has thought of HARB as being the historic district and this would open HARB up to the entire city.

Ms. Wolfe said HARB already had access to the entire city through demolitions. She said what was being added to HARB was the design review, which was currently only in the historic districts. She continued that HARB would have design review through the demolition application for the 1,659 buildings.

Mr. Misterly stated this was a major thing and residents hesitated to get their neighborhoods onto the National Registry because of this.

Ms. Wolfe said it would be addressed through community outreach and would be brought back before the Board for further feedback.

Ms. Lopez confirmed it was an expansion of HARB. She said it needed to be presented transparently to the public. She explained this helped bridge the gap between the demolition and helping to create a compatible design. She stated not only was it important to keep historic integrity, but it helped preserve the value of the property.

Mr. Misterly expressed that he understood that HARB had authority through the City for demolition, but this gave HARB more authority and was being masked as partial demolition. He said it needed to be framed differently when presented to the public.

Mr. DePreter pointed out that this was not for the entire City it was for the 1,659 identified homes.

Mr. Blow was concerned with not losing the perspective of what the homeowner could afford. He stated this was a good path

moving forward but the private sector had limited resources.

Mr. Davis added that homeowners needed to be notified that their homes were being considered for the additional regulation.

Ms. Wolfe confirmed that was taking place.

Mr. Davis stated that HP zone 1 was the strictest with being historically accurate and moving outward holding one homeowner within a block or two to a standard that cost far more than others in the same location was unfair.

5. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 11:02 A.M.²

A handwritten signature in dark ink, appearing to read 'Jon DePreter', is written over a horizontal line.

Jon DePreter, Chairperson

² Transcribed by Elyse Anderson