CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
July 6, 2021

The Planning and Zoning Board met in formal session Tuesday, July 6, 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 (Arrived at 2:05 p.m.)
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

Absent: Sarah Ryan, excused

City Staff: David Birchim, Director, Planning & Building Department
Denise May, Assistant City Attorney
Elyse Anderson, Recording Secretary

Mr. Birchim advised that the application for item 6(a)did not submit any new materials requested by the Board at the previous meeting and recommended the application be DENIED WITHOUT PREJUDICE.

MOTION

Mr. Misterly MOVED to DENY WITHOUT PREJUDICE 70 Florida Ave. application 2021-0040. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:
AYES: Misterly, Masson, Blow, Davis, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

Mr. Birchim announced the applicant requested for Item 6. (c) to be Continued to the August 10,2021, PZB meeting.

Mr. Blow stated that if no one from the public was present he would recommend continuing the application.

MOTION

Mr. Blow MOVED to CONTINUE the item 2021-0089 the GP Salt Run, LLC. The motion was SECONDED by Mr. DePreter.

Mr. Blow AMENDED his motion to include August 10, 2021. Mr. DePreter seconded the AMENDMENT.

VOTE ON MOTION:
AYES: Blow, DePreter, Masson, Davis, Misterly[1]
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

2. General Public hearings for Items Not on the Agenda

- Lauren Giber

[1] Ms. Opsahl was not present for vote, arrived at 2:05 p.m..

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVED the June 1, 2021, minutes as presented. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:
AYES: Blow, DePreter, Masson, Davis, Misterly, Opsahl
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Use by Exception

4. (a) 2021-0084 – Stanley M. Boring, St. Augustine Auto Sales, LLC– Applicant
St. Augustine Auto Sales, LLC
Wave Breaker, LLC– Owner
3726 N. Ponce de Leon Avenue

To approve a used automobile, truck, boat, and vehicle business as a permissible use by exception.

Mr. Birchim read the staff report and said based on a review of Section 28-2, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for an automobile, truck, boat, and vehicle sales lot at 3726 N. Ponce de Leon Boulevard, as submitted.

Stanley Boring presented the application.

The Board provided their ex parte communications.

9 certified notices were sent; however, none were returned.
Public hearing was opened.

BJ Kalaidi was concerned there would be boat sales along with the vehicles and questioned whether the applicant would be leasing or purchasing the property. She questioned the location of billboard and usage. She expressed concern for the neighborhood at the rear of the property since the fence was not very secure.

Public hearing was closed.

Mr. Boring responded to public comment and confirmed he would be automotive sales only and he said they would be outsourcing the maintenance work to other local shops. He said the fence in the back was in poor shape and they were negotiating with the landlord to have that fixed. He stated they would be leasing the property. He confirmed the billboard was on the fenced property to the north of the building on the physical property.

The Board discussed:

- Billboard on site would be used to advertise business
- No maintenance done on site
- Historical use of the property
- 30 to 40 cars onsite was reasonable
- Met factors for approval
- Promoted general prosperity of the business district
- Condition would be auto sales only and no service center

MOTION

Mr. Masson MOVED to APPROVE application 2021-0084 approving the use by exception to allow automobile sales on property to approve with limited exceptions no maintenance on site and only for automobile sales. The motion was SECONDED by Ms. Opsahl.

Mr. Misterly asked if a condition of no automotive maintenance would be an issue.

Mr. Birchim stated auto repair was allowed by right, but through Staff review they were not in the auto repair business and if this was to pass, they would not be allowed to do so at the site. He continued they could come back and open a second business if auto repair was wanted in the future.

VOTE ON MOTION:
AYES: Masson, Opsahl, Blow, Davis, Misterly, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. (b) 2021-0088 – Jean-Pierre Klifa– Applicant
Sugartime St. Augustine, LLC– Owner
32 Charlotte Street

To approve a bar/cocktail lounge with live music as a permissible use by exception.

Mr. Birchim read the staff report and Based on a review of Section 28-2, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for a bar at 32 Charlotte Street, as submitted.

Richard Brooks presented the application.

The Board presented their ex parte communications.

16 certified notices were sent and 2 were returned opposed and 1 had comments.

Public hearing was opened.

Martin Gould stated he owned the property adjacent to the applicant. He said there were six bars within the one block radius. He felt the City had too many bars. He said he strongly opposed the application.

Lauren Giber stated she lived across the street from a restaurant that had amplified music and was able to hear it in her home. She stated she could not imagine what the resident must go through having bars, intoxicated patrons, and loud music so close to their residence. She understood the City wanting to make money, but felt there had to be a balance between residents and businesses.

Melinda Rakoncay stated as President of the Neighborhood Council, there were four historic districts downtown and the liveability of St. Augustine was a corner stone of the City's vision. She continued that the City should cut back on the number of bars in the downtown area, or we would no longer have a living city. She said the City would turn in to a tourist area and it would lose all the quiet historic areas.

Gabriella Etchenique said approval would directly affect her since she rented 30 Charlotte Street. She stated there were several bars two buildings away from her, and there was debris and garbage on her property that she had to dispose of each day. She expressed it was getting out of hand and we needed to maintain a balance of retail to bars.

Mr. Misterly asked Ms. Etchenique's where her establishment was in relation to the applicant.

Ms. Etchenique answered next door. She said the letter written was from the resident above her business and there was another business in the front of the building as well. She stated there was about ten feet between the two buildings.

BJ Kalaidi stated the property was purchased in April 2021 for $810,000. She said the application at first was for a candy shop then switched to a bar/cocktail lounge. She asked if there was a typo or if the address was 52 St George Street, since the property was 32 St. George Street. She added code enforcements complaints were no longer anonymous. She felt this would allow retaliation just because of others wanting to follow the rules. She felt this should be denied since it did not promote the public health, safety, welfare, comfort, convenience, and general welfare for residents.
Public hearing was closed.

Mr. Brooks spoke regarding public comment. He informed the Board the owner, Mr. Pierre- Klifa, was trying to buy a home in the downtown area. He stated the owner would be the main musician and would only be using the first floor and the first story porch. He advised the lease was pending approval from the Board. He stated this would be a beer and wine location with a limited menu.

The Board discussed:

- Hard to support since residents pointed out too many bars in area
- Did not meet the definition for the exception
- Make responsible decisions with empty locations downtown and keep consistent with surrounding area businesses
- Majority of disruptions attributed was music
- Board able to add conditions to the exceptions to help with the amplified music issue
- Location was considered an entertainment district

Mr. Brooks informed the Board the owner had stated the proposed hours of operation would be from 3:00 p.m. to 11:00 p.m., and the owner would not want to be in operation until 2:00 a.m.

The discussion continued:

- If supported hours should be delineated, no amplified music, and specific locations on where intended use would be on premises
- Could elevate negative impact to residents if conditions were set
- Various bars located around property; however, concerned with the residents in area
- Did not meet the criteria of public health and welfare
- Usage in HP3
- Most complaints were locations being open late and were hard to monitor
- Residents and other retail businesses could be directly affected

Mr. Davis questioned Mr. Gould regarding the property and what was there before.

Mr. Gould responded that for 17 or 18 years it had been a craft store and before was a dance studio, and there had always been a residence upstairs.

Mr. Davis asked what the hardest issue was when living in the downtown area.

Mr. Gould replied two or three nights a week there was noise, shouting fighting, and public urination He said the police had to be called many times. He felt the situation was out of control.

Mr. Davis stated he would like to have this application work; however, with the complaints, even with placing restrictions, there comes a time when there were too many in the location.

The Board continued discussion:

- Not too many bars in St. Augustine but multiple in this location
- Consistent message from residents in the area
- Intent of HP 3 was a mix of commercial and residential uses
- Residential area could disappear if commercial location pushed them out

MOTION

Mr. Blow MOVED to DENY application 2021-0088 based on public testimony and board discussion. The motion was SECONDED by Mr. Misterly.

Mr. Misterly asked Ms. May if the discussion by the Board was captured or did it need to be specified in the Motion.

Ms. May responded if the Board would like to clarify the reason based on the discussion would be implicit.

Mr. Blow clarified that his motion to deny the application was based on testimony from residents particularly about public drunkenness, and public urination which is an issue of public health as well as safety and morals; also, the testimony from local businesses that the current issues had a negative impact on their business; therefore, he could not see how the application promoted any of the criteria to approve.

Mr. Misterly expressed his support for the clarification.

VOTE ON MOTION:
AYES: Blow, Misterly, Masson, Davis, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a) 2021-0066 – Kirby Booth, KRB Construction– Applicant
George A. Hill– Owner
67 Lighthouse Avenue

To exceed the maximum lot coverage and to encroach into the required side yard building setbacks for a residential addition.

Mr. Birchim read the staff report and said Based on a review of Section 28-29(b), and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to exceed the maximum lot coverage and encroach into the side yard building setbacks for a 40 square foot addition at 67 Lighthouse Avenue.

The Board presented their ex parte communication.

Chad Schwaninger presented the application. He stated the property boundary line had changed and they were in the process of having the property resurveyed. He continued that if this changed, the setback would not be affected.

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

Public hearing was opened; however, there was none.

The Board discussed:

Mr. Davis asked if the application needed to be continued until they were able to obtain the new survey.

Mr. Birchim replied if the property line moved, and the property became larger, a variance may not be required. He added he was not aware this was a covered porch which is considered lot coverage, so this could be an exercise and may not be needed.

The Board Continued:

- Use to be a covered porch
- Unsure of property line, which could be extended based on new survey
- Application seemed reasonable

Mr. Blow asked Staff how to proceed assuming the Board were to be in favor of the application considering the new information.

Mr. Birchim stated he would suggest approving the variance so it would not hold up the building permit for another month. He continued when the new survey came in and a variance was determined to not be necessary, he would report back to the Board at the August meeting.
MOTION

Mr. Misterly MOVED to APPROVE the Variance 2021-0066 for a variance sighting that this meets our definition of a variance. The motion was SECONDED by Mr. Masson.

Mr. Daivs asked if the property line was closer would it need to come back before the Board.

Mr. Birchim responded if the applicant came back with a survey showing there was less land, then the Board would not be approving enough of the lot coverage variance, and it would have to come back to the Board.

VOTE ON MOTION:
AYES: Misterly, Masson, Blow, Davis, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

Ms. May clarified a discrepancy stating the agenda and application identified the application number as 0066; however, on the staff report it was 0067.

Mr. Birchim confirmed the correct number was 0066.

5. (b) 2021-0081 – Rodney McDougal– Applicant
Vincent Seibold – Owner
3 Solano Avenue

To exceed the maximum lot coverage for a residential addition.

Mr. Birchim read the staff report and said based on a review of Section 28-29(b), and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to exceed the maximum lot coverage at 3 Solano Avenue as submitted.

Vincent Seibold presented the application.

The Board presented their ex parte communication.

16 certified notices were sent; however, there were none returned.

Public hearing was opened; however, there was none.

Mr. Seibold stated his intent was to make a covered patio with a composite roof with aluminum framing and a deck.

The Board discussed:

- Due to the irregularity of the lot and neighboring lots were larger it seemed like a reasonable request
- Increase in lot coverage
- Did not encroach into the side or rear yard setbacks
- Met standards for an exception

Mr. Seibold stated pavers were existing and 26 inches off the ground making them the same elevation as the house. He continued the outdoor kitchen would be a composite deck.

Mr. Blow confirmed that most everything would be off grade.

Mr. Seibold stated everything would be at the same height to prevent a tripping hazard.

Mr. Blow inquired about the tree within the project space.

Mr. Seibold stated he was trying to save the tree and incorporate it into the design.

MOTION

Mr. Misterly MOVED to APPROVE the application 2021-0081 to exceed the maximum lot coverage for an addition and it meets the criteria: property has a non-conforming lot, and other lots around the applicant had been able to add additions without needing a variance. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:
AYES: Misterly, DePreter, Masson, Blow, Davis, Opsahl
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. (c) 2021-0083 – Theresa M. Travis – Applicant and Owner
10 Tremerton Street

To exceed the maximum lot coverage and encroach into the required secondary front yard building setbacks for a residential addition.

Mr. Birchim read the staff report and said based on a review of Section 28-29(b), and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to exceed the maximum lot coverage and encroach into the required secondary front yard building setbacks at 10 Tremerton Street as submitted.

Theresa Travis presented the application.

The Board presented their ex parte communication.

18 certified notices were sent, 1 was returned in favor.

Public hearing was opened; however, there was none.

The Board discussed:

- Car Port would be covered by fence already in location
- Met the criteria in Staff Report
- Applicant to park cars in tandem, making the garage extra long

MOTION

Ms. Opsahl MOVED to APPROVE agenda item 5 (c) for a Variance 2021-0083 to exceed the maximum lot coverage and encroach into the required secondary front building setbacks for residential addition as applied for; that the property does suffer a singular disadvantage and the owner is unable to make reasonable use of the property. This disadvantage does not exist by conditions created by the owner and is not contrary to public interest. The motion was SECONDED by Mr. Misterly.

VOTE ON MOTION:
AYES: Opshal, Misterly, Masson, Blow, Davis, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0040 – R.E. Chip Mitchell – Applicant
California Trends, LLC and Eileen Alexon– Owner
70 Florida Ave / PIN 109290-0090

To approve the construction of a retaining wall in Conservation Overlay Zone 2.

Motion for item 6 (a) under Modifications to the Agenda.

6. (b) 2021-0087 – Matt Lahti, P.E., Gulfstream Design Group, LLC – Applicant
St. Johns Housing Partnership, Inc– Owner
111 Masters Drive

To remove significant trees for development of multi-family housing (affordable housing).

Mr. Birchim 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 removal of two (2) significant oak trees within Conservation Overlay Zone 3 located at 111 Masters Drive.

Bill Lazar presented the application.

The Board presented their ex parte communication.

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

Public hearing was opened.

Lauren Giber stated she was pleased that affordable housing was coming to the area; however, she was concerned with the trees being taken down. She asked if there was a way to save the trees and if not, could they be replanted.

BJ Kalaidi stated the property was purchased in 2019 with knowledge of the trees on site. She continued that in March 2020, the live oak tree was shown to be in good condition. She stated St. Augustine was a tree City and trees needed to be saved.
Public hearing was closed.

Mr. Lazar stated they had done the best they could with the site.

Mr. Birchim stated this was not the only design presented to the City. He continued there had been at least two other designs and the decision to use this design was to have access on Theodore Street. He said having an access on Master's Drive was not as safe as having an access point on Theodore Street. He said they tried to balance tree preservation with safety.

The Board discussed:

- Difficult decision to get rid of significant trees, although good plan after hearing from Staff and the applicant
- Area needed affordable housing
- Best plan presented to save as many tress as possible
- Site plan showed where trees were able to be saved
- Need larger units for family housing
- Storm water treatment facility on site

Mr. Davis complemented Mr. Lazar on bringing affording housing to the area. He asked if the center landscape island was able to be moved to save the Oak tree.

Mr. Lazar stated they tried to save more trees; however, it was not able to be done. He said it was becoming harder to build affording housing for one or two bedrooms, but when building a three bedroom, the cost of the building was lowered but increased the parking and storm water requirements. He said it was either leave the center island or lose other trees on the property. He said this was the least evasive. He stated they had tried all possible options.

Mr. Birchim pointed out this was the Laurel Oak tree in poor condition.

MOTION

Mr. Davis MOVED to APPROVE application 2021-0087 to remove significant trees for development of multi-family housing. The motion was SECONDED by Mr. DePreter.

<u>VOTE ON MOTION:</u>
AYES: Davis, DePreter, Masson, Blow, Misterly, Opsahl
NAYES: NONE
MOTION CARRIED UNANIMOUSLY[2]

<u>6. (c) 2021-0089 – Scott Patrou– Applicant</u>
<u>GP Salt Run, LLC– Owner</u>
<u>435 Flagler Boulevard and 27 Comares Avenue</u>

To approve a structure in excess of 75 feet in width in Conservation Overlay Zone 2.

<u>Applicant requested a continuance to August 10, 2021, PZB meeting. Motion for item 6(c.) under Modifications to the Agenda.</u>

[2] Break from 3:43 p.m. to 3:59 p.m.

7. Rezoning

7. (a) 2021-0085 – Gary B. Davenport, PA– Applicant
36 Granada Street, LLC– Owner
36 Granada Street

To rezone the property from Commercial Low-one (CL-1) to Planned Unit Development (PUD).

Mr. Birchim read the staff report and said 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.

James McGarvy and Gary Davenport presented the application.

The Board presented their ex parte communication.

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

Public hearing was opened.

Melinda Rakoncay stated she was not against granting the PUD, but a few things needed to be addressed. She continued the PUD should be locked into what was proposed to the Board. She said this project was shown as a coffee shop/bakery and upscale restaurant in a walkable neighborhood and would serve as a local meeting place. She was informed they needed a liquor license to make the project work which was not allowed in CL1 and move 50 seats from the bakery over to the restaurant to keep the seats at 200. She stated the project should be solidified without all uses within CL1. She stated the DeSoto parking should be included so the project could not be sold later for a different use. She continued the PUD should not allow for 250 seats if parking could be found offsite but would need to return to the Board for approval for offsite. She said Mr. McGarvey stated there would be no amplified music, provided ride share for the staff, and no special events.

Laura Giber stated she was concerned the developers were pushing the envelope. She referenced a letter that she sent to the City and to the Board. She stated there was an article in the Jacksonville paper regarding the property with different times for both the coffee shop/ bakery and the restaurant. She stated now they were asking for a change due to adding a liquor license. She said they only had 60 parking spaces available, and she was certain this would increase the traffic. She said vote no and keep them at CL1 as there were other restaurants in the area that thrived with CL1 zoning.

Charles Pappas stated he was not against the project but was concerned that if the business failed what would be there in the future. He suggested that it needed to be clearly defined as to what was being asked for and not keep it open to all CL1 possibilities. He stated the parking should be tied to the PUD but if something were to happen in the future with the parking, the PUD would have to come back to the Board. He felt that the demolition should still be presented to the Historical Architectural Review Board.

Denise De Clair stated that the applicant was denied rezoning to CL2 and was now trying to do a PUD. She said from her understanding, a PUD was supposed to provide the community with benefits such as public parking previsions, enhanced landscape or street tree planting, architectural or historic preservation, alternative transportation benefits, public access to water ways, conservation, or scenic opportunities. She stated there was mention of providing shuttles/parking provisions for employees; however, it was not in the application and not beneficial to the neighborhood to have more people looking for parking that did not exist.

BJ Kalaidi stated the Board needed to clearly define what would go in the space. She pointed out Desoto Place was a one-way street and parking was hard to find. She said traffic would cause a problem and it would affect the people who lived in the area. She felt this would not add to the elderly community environment at the end of Desoto Place and King Street. She stated this was about obtaining a liquor license which was not allowed in the CL1.

Public hearing was closed.

Mr. McGarvey responded to public comment pointing out on the site plan there was access to the parking on DeSoto from Granada. He continued he was fine with complying with the City Code for parking for future seats.

Mr. Misterly asked for Mr. McGarvey's thoughts on the public comments related to not being able to have the uses in CL1 and only what was specifically named in the PUD.

Mr. McGarvey said he thought stating all uses in CL1 and adding liquor was a simple way to be clear but was fine with addressing the other uses. He stated the City had been clear that this was not a historic building and the demolition was almost completed.

Mr. Davenport stated they already had the uses defined in CL1. He said there was no reason to give up 99% of property rights to obtain one. He stated they have lived through pandemics and market crashes, which was why they needed at least three years to build and some flexibility on what already existed. He said every PUD that he had worked on had flexibility.

Mr. Blow stated he was not at last month's meeting and after reviewing the meeting video he came up with several concerns. He distributed a handout to the Board and the applicant. [3]

The Board discussed:

- Six-year schedule could provide extensions and flexibility
- Impact fees for sewer and water unable to be decided by PZB should be referred to Public Works
- PUD should include parcel two West parking lot (DeSoto), parking requirement should be included to clearly define the location
- To acquire offsite parking created too much of an unknown
- Area flooded and needed a stormwater treatment system
- Should have HARB review as it could provide a major benefit
- Identify usage of building if applicant wanted to add more than the bakery/coffee shop and restaurant
- Should not have the ability to keep property wide open or only work with in the CL1 parameters
- Residents did not want another bar in the area; therefore, alcohol sales could not exceed 50% of gross sales
- No outdoor amplified music should be added to PUD
- Residents concerned with the additional vehicular traffic in the area
- Not all customers would cause vehicular traffic as it would be a walkable location
- Changing the zoning might not have been the best way since it did not met the criteria
- PUD could help since there was support for the project
- Willing to do ride share for staff
- Would not have large gatherings or events at venue

[3] Document attached to original packet

- Applicant wanted utility credit for connection fees already paid
- Willing to change the PUD to comply with City parking code

Mr. Davenport stated the DeSoto lot was not part of the PUD but would be a long-term lease. He said he was referring to the Code that indicated an existing build without a footprint change to the impervious surface did not have to comply with any new storm water requirements.

Mr. Misterly questioned if the number of seats they were adding would comply with the number of parking spaces required by the City's code.

Mr. Birchim replied they had enough parking for 204 seats.

Mr. Misterly added that if the applicant wanted to add more seats in the future the PUD would have to clearly state they would have to provide more parking.

Mr. McGarvey stated he agreed with almost all of Mr. Misterly points. He stated after speaking with Ms. Rakoncay he thought it was reasonable to tighten the uses of the CL1 to not allow the amplified music, not have big events and provide ride share for the staff. He said he did not want to give up all of CL1 uses. He noted it was not a big piece of land but a very expensive piece of land and if CL1 was allowed currently why would the City not allow the uses in the future.

The Discussion continued:

- Applicant asked to choose what he would not want to have in location to exclude from the CL1 usages
- Provide the residents with clarification of what it would not be in the future

Ms. Opsahl stated the Desoto parking seemed to be the issue with being able to maintain sufficient parking for the building and if the DeSoto parking lease were no longer available they would need to come back and amend the PUD. She felt it could be the best way without having to include the parcel in the PUD.

Mr. McGarvey stated the DeSoto Place parking was not included because it was separate ownership.

Mr. Birchim stated because they wanted a special restaurant license, they would need 150 fixed seats; however, CL1 limited restaurants to 100 seats. He stated this would need to be clear in the PUD that a restaurant of that size would be allowed.

Ms. Opsahl stated that looking at all the uses in CL1 the biggest concern was a liquor licenses along with one of the items listed. She said she would not be opposed to them keeping the uses in CL1 as none of them seemed as intense or dense as what was being asked to be approved.

The Board continued the discussion:

- Needed to meet requirements in staff report
- Would need to correct the language so everyone would understand exactly what was being asked for
- Questioned Stormwater system flow into the DeSoto parking lot

Ms. May stated for a liquor license the 150 seats was discussed but that was for only one type of license. She continued a Consumption on Site (COP) did not require 150 seats, but a Special Restaurant (SRX) would, and if it were to be limited to an SRX, it would need to be clarified in the PUD. She stated if it were a COP, it would be able to be a bar. She said a loss of the DeSoto parking lease would affect every use and everyone would be in violation of their Certificate of Occupancy. She stated the use of the DeSoto parking lot as the parking for the building would require improvements per City code, those improvements would be over 500 feet in impervious area, which would trigger storm water requirements for the parking lot. She said they would get credit for any past use of the property, and they would only pay for any usage over and above or in addition to that.

The Board Continued:

- Should include no amplified music, rideshare for staff and no large gathers or events in the recommendation to the Commission
- Some ways building was a CL2 building in a CL1 zone considering the setbacks and the size
- Fits within the Comprehensive Plan
- Facility not as car dependent and pedestrian friendly

Mr. Birchim stated his concern was they were showing a certain number of spaces in DeSoto Parking lot which was not part of the PUD; so, if not part of the PUD, it would be subject to City and District stormwater requirements. He continued those requirements might make them lose parking spaces, which may not be identified in the PUD for 36 Granada. He stated he thought they were trying to get an exemption for the DeSoto lot but the applicant did not want to include it into the PUD.

Mr. Davis added that added stormwater retention would lessen amount of parking. He felt the DeSoto parking needed to be included.

Mr. Davenport clarified they were not asking for an exemption for the DeSoto lot as it was not being included in the PUD. He stated the DeSoto lot would stand on its own under existing code.

Mr. Birchim said the 204 seats was what the current design showed, so if the design were to change to reduce parking, it would also reduce the seating.

Ms. May stated the best way to address the parking would be to state must meet City code for all usages of the property.

Mr. Blow and Mr. Davis agreed that before sending anything to the City Commission, the PUD needed to be clearly defined.

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Mr. DePreter stated it seemed to be very close with a few changes as stated by the Board.

Mr. Misterly provided the applicant with the changes as followed:

- Exclude amplified music
- Provide ride share for staff and employees
- Omit large events and gatherings
- Workout partial credit for utility connection with Public Works
- Remove the HARB exception
- Parking offsite not by right
- Designate the DeSoto for parking, and which would dictate the number of seats allowed
- Met the requirements of the Staff report
- Limit the liquor license to COP
- Any reference to increase seating would comply with the City parking code

Ms. May clarified the limitation should be SRX license and not the COP. She explained that she was not a Department of Business and Professional Regulation (DBPR) agency attorney; however, the 150 seat 51% food ratio to alcohol was only required of a SRX, but a COP was a consumption on site with no food or seating requirements.

Ms. Opsahl stated if they simplified it to comply with City Parking requirements, it would eliminate the issue with the seats because if they did not have enough parking, they would have less seats.

Mr. Blow expressed concern with the long-term lease because leases did not last. He said his concern was if parcel two was no longer available then sufficient parking would not be available.

Ms. Opsahl stated if the lease was no longer available for the applicant, they would then need to come back to the Board and still comply with City parking code.

Mr. Birchim stated if the required parking was not available it could end up in Code Enforcement if the number of seats was not reduced or close the restaurant.

Ms. Opsahl noted parcel two could not be subject to the PUD since it was not owned by the applicant.

Mr. Blow indicated the deed for parcel two was the same LLC as 36 Granada.

Mr. McGarvey stated different people owned parcel two, and the owner percentages were different.

Ms. May stated the current PUD language identified a lease. She suggested they add the parcel identification number, and the address and state there would be a long-term lease for that lot.

Mr. Davis asked how long the long-term lease was. He stated if they were able to identify the length it might help the Board.

Mr. McGarvey replied they would submit the lease for the parking when they submitted the Final Development Plan.

Mr. Blow stated he would like to see all documents pertaining to the PUD, for the Board to make the best possible recommendation to the Commission.

MOTION

Mr. DePreter MOVED to CONTINUE the application 2021-0085 to the August 10, 2021, meeting. The motion was SECONDED by Mr. Davis.

<u>VOTE ON MOTION:</u>
AYES: DePreter, Davis, Masson, Blow, Misterly, Opsahl
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

<u>8. Other Business</u>

a. **<u>Discussion and Recommendation – Ordinance 2021-13 Amending Sec. 11-29</u>**

Ms. May stated that the purpose of the ordinance was to provide clarification and consistency within the first 25 feet of Conservation Overlay Zone 2 relevant to the ability to approve seawalls, bulkheads, and crossovers to docks. She noted that a commissioner requested a more holistic review of Conservation Overlay Zone 2 and its consistency with the Comprehensive Plan; however, that process would require further analysis with the assistance of a consultant.

MOTION

Mr. Blow MOVED to RECOMMEND APPROVAL to the City Commission the minor change to the code. The motion was SECONDED by Ms. Opsahl.

Mr. Misterly suggested sending the proposed ordinance to dock builders for their input to potentially avoid issues or concerns.

Mr. Birchim explained that the inconsistency was noted because of an application for a retaining wall in West Augustine. He stated that the adjacent property owner expressed concern with the placement of the retaining wall being proposed landward of the jurisdictional line and not 25 feet back. He said after a review of the language, it could be interpreted different ways; however, the Comprehensive Plan was clear that it could be built at the jurisdictional line. He added that the amendment would not allow for anything that was not already being done currently or would not be supported in the Comprehensive Plan.

VOTE ON MOTION:
AYES: Blow, Opsahl, Masson, Davis, Misterly, DePreter.
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

Mr. DePreter announced Ms. May would be leaving the City and he thanked her for the advice and wished her well.

Ms. May thanked him and said she would be in Nassau County.

9. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 5:43 P.M.[4]

Jon DePreter, Chairperson

[4] Transcribed by Elyse Anderson