CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
January 4, 2022

The Planning and Zoning Board met in formal session Tuesday, January 4, 2022, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call:

Grant Misterly, Chairperson
Mike Davis, Vice- Chairperson
Jon DePreter
Sarah Ryan
Carl Blow
Charles Pappas
Christina Griggs

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Senior Planner, Planning and Building
Richard Thibault, City Assistant Attorney
Elyse Anderson, Recording Secretary

The Board welcomed the new member, Christina Griggs, and provided brief introductions about themselves. They congratulated Ms. Skinner on her promotion as the Director of Planning and Building Department.

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the December 7, 2021 minutes as presented. The motion was SECONDED by Mr. Blow and the MOTION CARRIED UNANIMOUSLY.

Ms. Skinner informed the Board that Item 5(b) 2021- 0164, Use by Exception, 50 St. Francis Street, had been administratively withdrawn.

4. Variance

4. (a) 2021-0165 – Devon Drozd– Applicant & Owner
24 Christopher Street

To reduce the required side yard setback from 10' to 7' for a residential addition.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to reduce the required side yard setback from 10' to 7' for a residential addition at 24 Christopher Street.

Devon Drozd and Jason Gregory reviewed the application.

The Board provided their ex parte communication.

20 certified notices were sent, 3 were returned in favor, and 0 had comments.

Public hearing was opened.

Cameron Carl was concerned if the surveys were in alignment and asked if there was a discrepancy would the Board consider delaying their decision on the application. [1]

Mr. Misterly noted the applicant had provided a survey in the application and questioned if she was indicating there was a discrepancy in what had been provided.

Ms. Carl said her survey was from 2004 and she wanted to verify it was accurate as this could impact the amount of requested distance to be reduced.

Public hearing was closed.

Mr. Misterlty asked if the Board were to make a motion regarding the application, could it be contingent with City staff reviewing the survey from Ms. Carl.

Ms. Skinner answered in the affirmative.

The Board discussed:

- Survey showed additions were in line with the existing side walls of the existing building
- Based on the floor plan A1.1 addition did not exceed the exterior walls of the structure
- Criteria listed for a variance were identified with the application
- If granted, the variance would be in the spirit and intent of the Code
- City staff would review the survey presented during public comment
- Survey provided by applicant was from 2019
- Carport was enclosed and would continue the wall and onto the existing slab
- Consistent with the neighborhood

MOTION

Mr. Blow MOVED to APPROVE Variance 2021-0165 as it does meet the criteria of the code, subject to staff reviewing the survey provided by the neighbor to make sure there were not issues between the two surveys. The motion was SECONDED by Mr. Pappas.

Mr. Misterly asked for City staff to reach out to the neighbor regardless of the outcome.

VOTE ON MOTION:
AYES: Blow, Pappas, Griggs, Ryan, DePreter, Davis, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. (b) 2021-0170 – CD + urban– Applicant
44 Avenida Menendez LLC- Owner
c/o John Arbizzani
44 Avenida Menendez

To increase the maximum main building width allowed from 40' to 54' and to reduce the required secondary building front setback from 40' to 12'.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to increase the allowed maximum main building width for this property from 40' to 54' and to reduce the required secondary building front setback from 40' to 12'.

Clifford Duch and John Arbizzani reviewed the application.[2]

The Board provided their ex parte communication.

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

[1] Attached to packet

[2] Attached to packet

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

The Board discussed:

- Application had recently been reviewed by HARB
- Renderings looked to be appropriate to scale
- Code required secondary building to be closer to the street, but applicant asked for it to be pushed back
- Second request was behind the 50% line of the lot that ran north and south
- Asking for variance in order to not violate the zoning code
- Blended well with the street

Ms. Skinner clarified each of the variance requested and explained the reasons for the request. She said the main building was wider than the Code suggested and secondary building had been designed as it had evolved overtime and was attached to the main building was supposed to be back further but it was a little closer to the front of the property line.

Mr. Duch explained the reference point in the packet was a little more than mentioned by staff and they were listed as two variances, but they were coupled together, and they were asking for the building to be closer to the street.

The discussion continued:

- In support of application as it met the criteria
- Appreciated the distance that applicant wanted for the courtyard as an important part was the façade that was viewed from the Bayfront
- HARB had reviewed in depth and was in support

MOTION

Mr. Davis MOVED to APPROVE variance 2021-0170 at 44 Avenida Menendez to increase the maximum main building width from forty feet to fifty-four feet and reduce the required secondary front setback from forty feet to twelve feet. The motion was SECONDED by DePreter.

VOTE ON MOTION:
AYES: Davis, DePterer, Pappas, Blow, Griggs, Ryan, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. Use by Exception

5. (a) 2021-0172 – Ellen Avery-Smith Esq.– Applicant
Windward Shipyard Land Holdings, LLC and Windward Shipyard, LLC– Owner (Portions of Diesel Road, Dockside Drive, Shipyard Way and S. Ponce de Leon Blvd. aka "the Shipyards")
PID 127910-0000, 128090-0010, 134230-0011, 134230-0030, 134390-0000, 134390-0010, 134340-0000, 134600-0000, 134230-0000, 134230-0020, 134410-0000, 134630-0000, 134650-0000, 134760-0000, 134770-0000

To approve off-site parking within the overall property as a permissible use by exception

Mr. Fredriksson read the staff report and said based on a review of Sec. 28-371 and 28-372, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for off-site parking at the St. Augustine Shipyards as per the amended Development Agreement.

Ellen Avery-Smith and Carl Masters reviewed the application.

Ex Parte Communication:

(None)

55 certified notices were sent, 0 were returned in favor, 1 returned opposed and 0 had comments.
Public hearing was opened.

Kim McQuin, Executive Director of Tag! Children's Museum of St. Augustine, spoke in opposition to the application and felt it was misleading as some of the drawing provided to the City showed the project on their property. She wanted to verify that the uses asked for would not impact their property.

Mr. Blow clarified the property they had purchased was in the County.

Ms. McQuin noted that was correct; however, they would have City utilities and there was an agreement to have a City easement for utilities through their property.

Mr. Blow asked Ms. Avery-Smith about the property Ms. McQuin mentioned to verify that it was not related to the discussion.

Ms. Avery-Smith answered in the affirmative.

Will Upchurch, Director of Operations of Pink Stork, questioned if the application was involved with the empty parcel that previously had a storage facility with onsite parking and if there were any changes to the roadway surrounding their property.

Ricky DeGennaro spoke in opposition to the application. He said the cross-parking easement was recorded on the deed, and all parking was cross parking that was supposed to be available to the public and other tenants in the area; however, that was not the case. He stated they were provided with a proposed parking lease for parking that he felt they were already entitled to use. Stephanie DeGennaro thanked the Board for their time and explained why they choose to start a business in St. Augustine. She said the issue was the parking, and without it, the applicant knew they would not be able to survive.

Robert DeGennaro said there was a pending civil lawsuit regarding this matter and they were being harassed. He said they wanted things to stay as they were until the civil suit could be determined.

Lauren Giber spoke in opposition of the application and thought the City should do its due diligence. She felt since there were pending lawsuits, there should not be a decision.

James Whitehouse spoke in opposition to the application and that his client was out of state. He said the concern was the things mentioned by previous speakers and the letter from Ms. Avery-Smith was for offsite parking and the applicants' project. He said if offsite parking was allowed within the project then some issues would not need to be addressed, and from the development agreement section 'shared parking' stated it would be developed in a conceptual development plan. He said he was unsure if the request today was the biggest issue, but other primary issues that needed to be addressed.

Mr. Thibault advised that the Board was to evaluate the application per Code.

Public hearing was closed.

Ms. Avery-Smith responded to public comment and said they were only there for property owned by her client. She said they were not changing any roads, and the application was the exact same as it was for the June 1, 2021, PZB meeting regarding parking further away than 400 feet which had an existing use allowing cross parking within the Shipyard owned property. She stated they would not affect other properties other than those owned by Windward, and they were asking for the same offsite parking exception that had been previously approved by the Board.

The Board had a lengthy discussion regarding mis-advertisement of the parcels, how the application did not provide enough

information to make an informed decision, how the Use by Exception would affect surrounding property owners, which parcels this would provide parking to if approved, and if surrounding businesses had enough parking per Code.

The Board asked Ms. Avery-Smith and Mr. Masters to provide a survey with parcel numbers identified to know which properties were included and which were not. They asked staff to provide more information regarding the parking for the surrounding businesses.

Mr. Pappas asked what would happen if this application were to be denied since the application had been previously approved.

Mr. Thibault stated he would need to do more research; however, the entire site plan that was presented had previously been approved but had missing information although it was the same land that was approved.

Ms. Avery-Smith said all thirty-four acres had been submitted to the City for approval back in June 2021. She said the property had been mis-advertised with parcel ID numbers and not by the legal description.

Mr. Davis stated the project had been explained from the beginning as an inclusive group project, and now it was presented with properties left out and he was concerned with the parking.

Mr. Masters said they could not allow illegal parking on their property since they would be held liable if something were to happen, and the City would not allow this because it was a grassed area. He said they were unable to provide parking without the Use by Exception on the Windward property.

MOTION

Ms. Ryan MOVED to CONTINUE Use by Exception 2021-0172 to approve offsite parking with overall property as a permissible use by exception with the materials as requested to February 1, 2022. The motion was SECONDED by Mr. Davis.

Mr. Thibault said the restaurant parking had passed, they had been approved for what was accurate at that time, and it was unknown if there were changes, but that should not affect the application.

Mr. DePreter stated he understood but requested more clarification.

VOTE ON MOTION:
AYES: Ryan, Davis, Pappas, Blow, Griggs, DePeter, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

5. (b) 2021-0164 – Mitchell Kedy– Applicant & Owner
50 St. Francis Street

To approve one (1) parking space in the City parking garage for a short-term rental.

Administratively Withdrawn

5. (c) 2021-0168 – Christopher Leger– Applicant & Owner
65 Oneida Street

To approve one (1) parking space in the City parking garage for a short-term rental.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for one (1) short term rental offsite parking space in the municipal parking garage for 65 Oneida Street / PID 20810-0060.

Christopher Leger reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

Melinda Rakoncay questioned whether the applicant tried to find parking closer to the property, since the location was far from the parking garage.

Lauren Giber informed the Board of additional parking in the Lincolnville area near Martin Luther King or the Marina. She felt those might be viable parking areas for the applicant instead of the City parking garage.

Public hearing was closed.

Mr. Leger responded to public comment and stated he had attempted to list the home as two bedrooms and did not anticipate guests having more than two cars. He said he had two parking spots on site for his guests and needed the third parking spot to comply since the home was listed as a three bedroom.

The Board discussed:

- Unlikely, would need additional parking but it was required by Code
- Residential parking permit program was not available in area
- Applicant could obtain an agreement with parking location off Martin Luther King (MLK) Avenue
- MLK Avenue did not qualify as a use by exception as it was over 400 feet
- Could advertise the property as a two bedroom so only two spots would be needed
- Unable to stop a short-term rental per State law, but could restrict it with current City regulations
- Applicant could reapply as a two bedroom and then would only need two parking spots
- Believed a two-bedroom option could be viable
- Company that monitored short-term rentals could help monitor property as a two-bedroom
- Was not able to prevent applicant from his economic development but also did not have to maximize it
- Applicants economic impact would be more of a Code Enforcement issue than PZB

Mr. Thibault indicated the applicant had been approved for a three-bedroom rental, and he thought the Board needed to respond to the application as it had been presented and not to "what if's". He said the Board's objective was to see if the applicant met the criteria and then vote for an approval or denial.

The Board discussion continued:

- Parking that distance would most likely not be utilized
- Had no issue if there were no other options
- 2020 property was purchased to be for primary residents
- Extenuating circumstances that required applicant to apply for a short-term rental
- Believed the parking garage was the last resort
- No requirements for applicants to show they tried to find additional parking within 400 feet
- Was applicant automatically permitted to have a three-bedroom rental

Mr. Leger stated the City had forced him to use the property as a three bedroom which was economic value, but he felt that although the rental had three bedrooms, he should be allowed to rent as a two bedroom.

Board continued:

- Unaware if City had forced the issue, but thought State statue required a three

bedroom to be a three-bedroom short-term rental
- Asked City to provide more information related to topic for future short-term rentals
- Floor plans and site plans were required when applying for a short-term rental
- Inspectors reviewed short term rentals based on the plans submitted
- Required to meet code based on fire and code enforcement
- Willing to support since applicant had a hardship
- Businesses were normally limited by amount of onsite parking available
- Staff would research to provide Board with more information
- Parking garage would be a viable source
- Board had approved over a third of the hunting passes for Lincolnville

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception 2021-0168 for short-term rental offsite parking in the City Parking Garage. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: Misterly, Blow, Griggs, DePreter, Davis
NAYES: Pappas, Ryan
MOTION CARRIED 5/2[3]

5. (d) 2021-0166 – Frank Castillo – Applicant
c/o Sisters of St. Joseph/St. Benedicts Church St. Benedict Church– Owner
86 M L King Avenue

To approve the reestablishment of church related supportive services for continuing education, counseling, and mentoring as a neighborhood center by the Sisters of St. Joseph on the property of St. Benedicts Church.

[3] Break from 4:12p.m.-4:24p.m.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for an expansion of a church use for one-on-one counseling and educational opportunities for both mothers and their children, and the elderly for 86 M L King Avenue /PID 206940-0000.

Jon Benoit reviewed the application.

Ex Parte Communication:

(None)

38 certified notices were sent, 2 were returned in favor, 1 returned opposed and 1 had comments and additional emails were attached.

Public hearing was opened.

Melinda Rakoncay was in support of the application and thought it was a great program for both young women and older women and would be beneficial to the neighborhood.

Public hearing was closed.

The Board discussed:

- Great project and supportive of the restoration
- Thought it was important to preserve the historic home
- Application met the requirements and would be beneficial to the area
- Would be an attribute to the community
- Application was a previous use that was being reinstated
- Applicant met the intent of the Use by Exception
- City thought this would be an extension of the Church
- Playground would be opened to the patrons while at the center

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception 2021- 0166 as an extension of the church activities and meets the criteria specifically to promotes public health, safety, welfare, morals, order, comfort, convenience, prosperity, or general welfare. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:
AYES: DePreter, Pappas, Blow, Griggs, Ryan, Davis, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0167 – Jamal Meftah – Applicant
Jamal and Livia Meftah – Owner
263 S Matanzas Boulevard

To approve the modification of an existing bulkhead with a 12' vinyl sheet pile, a new 18" x 24" concrete cap, and a new flood gate at the existing dock within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of a new flood gate and modification to a seawall with a 12' vinyl sheet pile within Conservation Overlay Zone 1 at 263 S Matanzas Boulevard / PID 221320-0000 meeting the seawall modification requirements of Sec. 11-29 – Standards for review.(b)(4).

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

Abby Burgos, P&G Construction reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Elevation would back up to the property to the north and would be back filled to match the concrete wall
- Grade on the overall site would not change
- No changes in the drainage or elevation
- No concerns as long as it did not impact the stormwater runoff for adjoining properties
- Would match the bulkhead to the north
- Any proposed development would look at the imperious surface, and lot coverage
- Drainage plan needed to be submitted and reviewed
- City would ensure there were no issues
- Recommended using stainless instead of galvanized as it last longer
- Property to the north had raised their bulkheads similar to the proposed
- Flood gate would keep water from behind the wall
- Only concerned with the neighbor to the south
- Existing bulkhead was older and the proposed would reinforce the existing concrete
- Vinyl would be imbedded by six feet
- Advised applicant to have an engineer review the project to avoid future issues
- Application met the seventeen criteria and believed this would happen more often in the area

MOTION

Mr. Ryan MOVED to APPROVE Conservation Overlay Development 2021-0167 to approve modification of an

existing bulkhead with a twelve foot vinyl sheet pile, a new eighteen inch by twenty four inch concrete cap, and a new flood gate at the existing dock with in Conservation Overlay Zone One. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:
AYES: Ryan, Davis, Pappas, Blow, Griggs, DePreter, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. (b) 2021 -0156 – Blackbox Design – Applicant
Kevin Vandyke – Owner
0 Magnolia Avenue / PID 191930-0010 (4/54 MIRAMAR PT OF LOTS 1 & 15 & RIPARIAN RIGHTS TOHOSPITAL CREEK (EX R/W IN DB227/354) OR3832/574). Approximately one (1) acre east of 39 May Street and south of May Street/Vilano Causeway at the Hospital Creek Bridge

To approve a new bulkhead and gangway for a nine (9) boat slip marina within Conservation Overlay Zone 1.

Heard after Item 7a

Mr. Fredriksson read the staff report and said based on a review of section 28-2 staff finds that the board can DENY the construction of a marina at 0 Magnolia Avenue/PID 191930-0010 due to the complete lack of facilities and services for the refueling of watercraft which is a requirement of a marina.

James Whitehouse reviewed the application.

The Board provided their ex parte communication.

23 certified notices were sent, 0 were returned in favor, 5 returned opposed and 5 had comments and additional emails were attached.

Mr. Thibault advised the Board that the City and Mr. Vandyke were co-defendants against Mr. Marlow. He said in that case the City prevailed; however, it was currently in appellate court. He said anything regarding the Marlow property, the City, or the Vandyke's should not be discussed. He said the Board was to determine if the Vandyke application met City Code and the criteria under the Code. He said the Board could not discuss any legal ramifications of such.

Public hearing was opened.

Kyle Lenhardt spoke in opposition and thought the project was not feasible. He said he did not believe there would be access as the road was too small and the flow of traffic would not work. He said the creek was not wide, especially at low tide. He felt the project was nice, but it should be in a different area.

Karen Race spoke in opposition to the application and thought the congestion would be unbearable. She said the round-a-bout was built to help with the flow of traffic, but it would be a negative impact to the neighborhood.

Paul Lennard spoke in opposition to the applicant and said the whole of the project was too large for the area. He said the amount of parking and the traffic on East San Carlos Avenue was not feasible.

Christopher Park spoke in opposition to the applicant and thought the development did not fit on an acre lot, the density was too intense, and the density of the number of slips so close to the bridge could be a navigation hazard.

Erik Ostrander spoke in opposition to the application and thought the area could not accommodate fifteen units on a one-acre lot. He said he hoped the Board would conserve the conservation land as understood when they purchased the property, and they just want their land protected.

Elizabeth Ostrander spoke in opposition to the application and felt it would take away from the neighborhood. She said she did not believe the application met the criteria for a marina per City Code. She asked the Board to consider the detriment the neighborhood would see.

Moreen Mitchell spoke in opposition to the application and felt the traffic was awful and this would exacerbate the congestion. She said water and drainage was an issue, and the bulkhead would be a foot above ground level and would divert the water to other properties in the area.

Melinda Rakoncay spoke in opposition to the application. She showed photos of the area and said it was a beautiful undisturbed site. She said there were many zoning districts that allowed for larger commercial development, but open land was not one. She felt this was an intense commercial development under the intent of open land and asked the Board to deny the application.

Doug Morris spoke in opposition to the application and expressed concerns with how it would affect the wildlife and be a disturbance to the tranquility of the neighborhood. He said the proposal did not address the reason access was changed from May Street to East San Carlos Avenue. He felt that a motel should not be allowed in open land.

Loretta Longboard felt the prior testimony was all valid and the applicant tried to convince the Board the application was for a marina. She said the definition for a marina was not what had been proposed.

Public hearing was closed.

Mr. Whitehouse responded to public comment. He said the application was for conservation zone development which was for a review of the design of the marina, review of the location design, and impact of the bulkhead. He said the idea was not to have a commercial establishment that would be accessed from East San Carlos. He said the intent was to have a Marina access off Hospital Creek with a boatel which was allowed as an accessory use under City Code.

The Board discussed:

- Normal information for a dock or marina was not in the application
- Information was missing in relation to the surrounding neighborhood and aerial views
- Questioned the definition of 'marina' as motels were allowed there but not allowed in open land

Ms. Skinner said a motel could be associated with a marina but had to be an accessory use. She said the definition for accessory use had been included, and the key was how the accessory use determined.

Mr. Misterly asked was the Board to decide whether the upland portion was an accessory use and was that in the Boards' purview.

Ms. Skinner replied the application was related to the installation of a bulkhead and the construction of a marina, which had been recently updated to twelve boat slips. She said as a marina, it still had to be an allowable use in the zoning district that it was in. She said a marina was allowed in open land and a motel was an accessory use to a marina.

Mr. Misterly asked if this were approved would that allow them to build what had been proposed on the uplands too.

Ms. Skinner replied it would have to be reviewed to ensure they met the zoning requirements, or land development requirements including parking, drive isles, and landscaping.

Discussion continued:

- Intent of the open land zoning was not intended for substantial residential or commercial use
- Site plan was creative but was a substantial residential development on the property
- City did not have a minimum amount of boat slips needed to be considered a 'marina'
- Having more housing than boat slips made the primary use the housing
- Could the Board restrict the housing to those who only arrived by boat

Mr. Thibault said he was unsure, and Ms. Lopez would be more equipped to answer that question. He advised the Board of the definition of a marina. He said the Board was to determine if it met the definition of a marina first, and second if the fifteen houses were an actual accessory to the marina.

Ms. Skinner said in her professional opinion, since this application was not a use by exception, the Board could not add any conditions.

The discussion continued:

- Very different from any other marinas in the area
- Application had preliminary review by Public Works Department
- Anything done on site had to meet the Land-Development Code
- Thought entrance should be off May Street instead of San Carlos Avenue
- Code required one parking spot per every two boat slips and needed parking for accessory uses per Code
- Number of people potentially versus amount of boats made it hard to define the boatel as the secondary use
- Applicant was willing to agree to conditions if needed
- Not enough information provided to the Board
- Questioned if Board was able to deny the accessory use but approve the Marina

Mr. Thibault replied the Board could approve the marina and deny the use; however, he was unsure if the marina could be denied based off the use.

Mr. Misterly reiterated the application was to construct a marina and a bulkhead within Conservation Overlay Zone One. He said there was nothing that stated they had to consider the accessory use in the uplands, but if this meeting was to determine the subordinate use, then that had to be considered.

Ms. Skinner said conditions could be added if they were not challenged and with applicant's approval.

Mr. Misterly stated there was a lack of information provided to the Board they would need the following:

- Bathymetry of Hospital Creek showing the water depths
- Dimensions of the dock
- Review dock as it compared to adjacent docks

The Board continued:

- Questioned if the stormwater pipe installed by the Department of Transportation (DOT) was onsite or in the easement
- Believed dock was in the DOT easement
- Knew DOT required a certain setback off the bridges for maintenance for docks and marinas
- Unclear if the dock was floating or fixed
- Floating cleats would be attached to keep boats in place
- Boat sizes should be listed to know the impacts to Hospital creek and other boaters

- Felt application did not meet the definition of a marina
- New information presented the same day as the hearing was unacceptable
- Bulkhead was needed since they wanted to build in the uplands
- Boatel seemed to be the main feature
- Unsure how this would affect the community in the area
- Thought the scenic vista would change
- Could support if the boatel were subordinate to the marina
- Concerned about viability for a marina in the area
- Unsure of where boat trailers would be stored
- Struggled with traffic going through the neighborhood to get to the location; nothing in the City was similar

MOTION

Mr. DePreter MOVED to CONTIUNE Conservation Overlay Zone Development One application PL2021-0156 to February 1, 2022. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:
AYES: DePreter, Davis, Pappas, Blow, Griggs, Ryan, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

7. Preliminary Plat Approval

7. (a) 2021-0171 – Dustin Estes – Applicant/Owner
46 John Street
To approve a preliminary subdivision plat to replat 46 John Street into two (2) conforming lots.

Mr. Fredriksson read the staff report and said based on a review of the applicable City Codes, and without the support of evidence to the contrary, staff finds that the Board can APPROVE the preliminary subdivision plat (replat) at 46 John Street / PID123630-0000

Dustin Estes reviewed the application.

The Board provided their ex parte communication.

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

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

There was Board consensus to approve the replat. There were no issues and they felt it would promote affordable housing in the Residential Single-Family Two (RS-2) area.

Mr. Pappas questioned if the property had been properly advertised as he went by the site and had not seen the notice on the property.

Ms. Skinner replied that staff had posted on the property within the required time frame. She said the sign was posted, pictures were taken, and there was a legal ad placed in the newspaper.

MOTION

Mr. DePreter MOVED to APPROVE preliminary subdivision plat 2021-0171 to be subdivided into two conforming lots that would meet the residential single-family RS-2 zoning. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: DePreter, Blow, Pappas, Griggs, Ryan, Davis, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. Other Business

a. Board discussion to set a PZB Special Meeting on Thursday, January 27, 2022 at 9:00am to discuss Mobility Planning and the adoption of a mobility fee.

There was Board consensus to have a special meeting on January 27, 2022 to continue the Mobility Planning discussion.

9. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 6:51 P.M.[4]

Grant Misterly, Chairperson

[4] Transcribed by Elyse Anderson