

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting March 1, 2022

The Planning and Zoning Board met in formal session Tuesday, March 1, 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
Jon DePreter
Sarah Ryan
Carl Blow
Charles Pappas
Christina Griggs

Absent: Mike Davis, Vice- Chairperson, excused

City Staff: Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planner, Planning & Building Department
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

Brent De Gennaro encouraged the Board to visit the area, which now had a seven-foot fence and armed guards. He said the situation escalating and felt the Windward was acting contrary to the interest of the community.

Rob De Gennaro, owner of Otters on the Water, said he had envisioned a beautiful area on the water where people could come and enjoy the board walk; however, the security guard was not allowing people to use the promenade. He expressed concern with the situation.

Ms. Lopez stated this was not an item before the PZB or an issue the PZB could act on as they were in a private dispute.

Ms. Skinner said Code Enforcement was working on other issues at the development. She said if the fencing was related to construction then a permit was not needed;

however, if it was a permeant fence a fencing permit was needed.

Ms. Lopez said if there was a safety issue then Law Enforcement should be contacted.

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVED the October 28, 2021, Special meeting minutes as presented. The motion was SECONDED by Mr. Blow and the MOTION CARRIED UNANIMOUSLY.

Mr. Misterly asked if there were any modifications to the agenda.

Ms. Skinner said there had been discussion with the applicant from 235 Coquina, but they were proceeding with the application.

4. Variance

4. (a) 2022-0012 – Shipyards Multifamily, LLC– Applicant & Owner
Portions of Parcels 134340-0000, 134390-0010, 134390-0000 and 134230-0000 to form an approximately 3.98 acres site, referred to as Block B, centrally located between Arapaho Avenue and the San Sebastian River on the Windward Shipyards Master Site Plan dated 09-24-21.

To approve a variance to the minimum parking stall size requirement from 9 feet 6 inches by 19 feet down to 9 feet by 18 feet.

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 parking stall size from 9'6" x 19' down to 9' x 18' at the Shipyards Multifamily, LLC development.

Sean Siebert reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

Brent De Gennaro inquired about the parking garage and asked if it would be associated with the residents only.

Public hearing was closed.

Mr. Siebert said the parking garage would be private for residents and their guest as well as staff. He said they were looking to gain standard spaces and reduce the number of compact spaces.

The Board discussed:

- Understood the reason behind the request but unable make it fit the variance definition
- Should have more land to accommodate the parking
- Variances were normally for existing structures
- Concerned with smaller spaces as most drove larger vehicles
- Felt this was setting a precedence for the rest of the area
- Unsure if the parking spaces were an appropriate size

Ms. Skinner said the next step would be to review the parking code which would review the parking size. She said the parking requirements needed to be updated and now there were a percentage of compact spaces which were 8x18 and regular spaces were 9.5x19. She understood the applicant wanted to shift the lines of the spaces to reduce the number of compact spaces and have slightly regular sized spaces.

Mr. Siebert stated in previous projects he had worked on the standard spaces were 9x18. He said he understood the concern about delivering a proper sized space; however, this was the industry parking standard. He said this was not a public garage and these sizes were industry standard for private garages.

The discussion continued:

- Did not feel it was contrary to public interest but was not a variance
- Felt this was not a hardship
- Not an existing situation and would cause more parking issues
- Uncomfortable with having smaller sized spaces
- Would meet the minimum parking spaces to meet code but would have more compact spaces
- Tried to increase the standard amount of spaces instead of having more compact spaces

MOTION

Mr. Blow MOVED to DENY Variance 2022-0012 because it does not meet the requirements of the code. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Blow, Pappas, Griggs, Ryan, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Use by Exception

5. (a) 2022-0008 – Val Kleyman– Applicant
Stella Yuniver– Owner
172 Cordova Street, Unit #9

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 172 Cordova Street Unit 9 / PID 199990-0109.

Val Kleyman reviewed the application.

The Board provided their ex parte communication.

38 certified notices were sent, 5 were returned in favor, 0 returned opposed and 1 had comments.

Public hearing was opened.

Melinda Rakoncy said the residents at this location had their own parking lot and asked why they were unable to use their own parking spaces or obtain a residential parking pass as the program was available in the area.

Public hearing was closed.

Mr. Kleyman said he understood that it was one parking space per bedroom and the condo had two bedrooms, and the parking spaces assigned only provided one space per unit. He said he was unsure of the parking on the street as that could not be a permanent solution.

Mr. Pappas clarified with the applicant the rules of the homeowner's association.

There was Board consensus that they were in support of the application and that the applicant had sought other parking options.

MOTION

Ms. Ryan MOVED to APPROVE 2022-0008 at 172 Cordova Street, Unit 9 to approve a use by exception for one short term rental parking space off-site in the City garage. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Ryan, DePreter, Pappas, Blow, Griggs, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2022-0009– Kimberly Nguyen– Applicant & Owner
172 Cordova Street, Unit # 8

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 172 Cordova Street Unit 8 / PID 199990-0099.

Kimberly Nguyen reviewed the application.

Ms. Skinner informed the Board the applicant was not registered as short-term rental.

Mr. Misterly said the Board in the past had denied the use of residential parking pass for short term rentals as they should be for those living at the property and required short-term rentals to obtain a parking garage pass.

Ms. Nguyen said she preferred to use the parking garage and had not reached out to other locations for parking. She said she thought parking had to be secured before applying for the short-term rental.

Mr. Misterly asked since the previous applicant in the same building provided evidence about not having the ability to find other parking should this applicant need to provide additional evidence or could the Board use previous testimony.

Ms. Lopez said the evidence could be reused but should be stated again to be part of this hearing.

Mr. Misterly reiterated the previous applicant's evidence as it was the unit next to the current applicant's unit and there was no parking nearby.

Ex Parte Communication:

(None)

38 certified notices were sent, 5 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened.

Mattie Harms stated she was concerned with how many spaces would be provided for people who had short-term rentals. She said if a short-term rental needed two spaces and could not provide them the City was encouraging short-term rentals by allowing the use of the parking garage.

Public hearing was closed.
The Board discussed:

- No issue with using the parking garage but should give up the residential parking pass
- Board preferred to reduce the number of short-term rentals but was unable to and met many roadblocks
- Trying to reduce the number of non-conforming short-term rentals
- Tried to pursue other options for parking
- Unsure if the parking issues could stop short term rentals but perhaps the intensity of the use
- Major issue was the number of people in the home
- Applicant closed on the property last week thought it would be best for the applicant to file for the short-term rental before coming before the Board
- Applicant had an on-street pass allowing for three spaces in total

Ms. Lopez clarified the applicant had to abide by the decision of the Board. She said using the residential parking pass would be in violation of the Code as it had not been approved by the Board.

Ms. Skinner added a Use by Exception application was only for the applicant and conditions could be stipulated.

Discussion continued:

- Felt there was no code enforcement for short-term rental parking
- Was in support but should surrender the residential parking pass
- Condominium was grandfathered in for its existing parking situation
- Could add a stipulation to turn in the residential parking pass within a certain amount of days after approved for a short-term rental
- Was in agreeance to surrender the pass and would be happier with garage parking

MOTION

Ms. Ryan MOVED to APPROVE 2022-0009 at 172 Cordova Street Unit 8 to approve a use by exception for one short-term rental parking space off-site in the City parking garage with the condition that the applicant surrender the street parking upon approval of the short-term rental within five days. The motion was SECONDED by Mr. Pappas.

Mr. Pappas said he was not in favor of accepting previous testimony from other applications as it appeared the Board was testifying.

Mr. Blow agreed as the previous applicant had submitted information about contacting five different people for parking and the record should reflect these units were next door to each other.

VOTE ON MOTION:

AYES: Ryan, Pappas, Blow, Griggs, DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0156 – Blackbox Design– Applicant

Kevin Vandyke– Owner

Continued January 4, 2022

Continued February 1, 2022

0 Magnolia Avenue / PID 191930-0010 (4/54 MIRAMAR PT OF LOTS 1 & 15 & RIPARIAN RIGHTS TO HOSPITAL 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 twelve (12) boat slip marina within Conservation Overlay Zone 1.

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.

6 emails were received in opposition to the application.

Public hearing was opened.

Christina Parrish-Stone spoke in opposition to the application and felt the proposed buildings would be unacceptable in open land zoning. She provided the accessory use definition from the City Code and pointed out a twelve-slip marina in this area would not be financially profitable. She said the buildings were the primary use of the property.

Paul Leonard spoke in opposition to the application and asked the Board to deny the proposal. He felt the application was a hotel first and a marina second based on the projected revenue from the hotel would be substantially more than the marina. He said this area was shallow and around twelve to eighteen inches during low tide and it did not seem variable. He said the mangroves trees around the site needed to be saved.

Mr. Misterly asked if the deepest part of Hospital Creek was the center or was the channel closer to one bank or the other.

Mr. Leonard replied center was the deepest part of the creek; however, the concern was further south at low tide where the boats entered would become almost impassable.

Mattie Harms spoke in opposition to the application and said it was evident that this was for a boatel and this was a prime residential area.

Loretta Lombard spoke in opposition to the application and said the definition of a marina had not been met and this was not a marina. She said the proposed dock would be on dry land and would cause the removal of a tree in the water. She said unless there was dredging larger boats would not be able to enter the area. She said the drawings were not clear on sizing of the dock.¹

Melinda Rakoncy spoke in opposition to the application and said many of the requests by the Board had made had not been fulfilled by the applicant. She said motels were not allowed in open land zoning, the dock was an accessory to the motel, and the application was not a PUD. She asked the Board to deny the application as it had not been changed.²

Doug Morse spoke in opposition to the application and said the road had been changed from East San Carlos Avenue to May Street, and the change would be reflected in A1A traffic patterns. He felt the wetlands and wildlife should be protected. He said the revised parking plans were inadequate and he strongly opposed the project and asked the Board to deny.

Public hearing was closed.

Mr. Whitehouse address the comments from the public and reiterated the definition for open land zoning. He asked staff if they reviewed the new submitted site plans and if they met the requirements of the Code. He asked if the Conservation Zone Development recommendations from the prior submitted plans was still applicable and if not, what was the new recommendation.

Mr. Fredriksson replied the issue was with the level of details provided about the fueling and the first page of the staff report indicated no new information had been provided by February 22, 2022, and staff went off the previous site plan.

¹ Photo attached to packet

Mr. Whitehouse said the new information provided the lengths and dimension which met the requirements. He said the reason for the application was due to the Conservation Zones One, Two and Three. He said any decision should be done based on facts and not emotion.

The Board, Staff, and Mr. Whitehouse discussed:

- Threshold for accessory use not met
- Principle use of property was the buildings
- Motel component did not meet code

Mr. DePreter asked if the motel was supposed to be considered for the application.

Ms. Skinner replied the motel was an accessory use for the marina.

Mr. Whitehouse said the purpose of the application was the marina and not the motel units as those were outside the 100-foot Conservation Zone development area. He said they were on the site plan but had nothing to do with the application presented.

Mr. DePreter asked if the application were approved did that include the ten units.

Ms. Lopez asked if she was correct that the argument presented to the Board was the marina definition included the motel as an accessory use.

Mr. Whitehouse stated he reviewed the definition in the code and what was presented for consideration today was anything in Conservation Overlay Zone One, Two and Three and staff indicated there was nothing wrong in those locations. He said anything beyond the 100-foot conservation zone line would have to meet code.

Mr. Lopez informed the Board it was the responsibility of the applicant to meet the

² Photo attached to packet

burden of proof. She said the definition of a marina included the accessory use and she was unsure how the application was trying to separate the accessory use shown on the documents from the marina.

Mr. Whitehouse said in this case, they were asking for the uses allowed in Conservation Zone One and Two as the accessory use could change and would have to be approved later or it could be a use that was allowed and not need approval.

Ms. Skinner said that was accurate and in this case it was Open Land Zoning and the ask was for permission to build a marina within the Conservation Zone development and the impacts in the environmentally sensitive areas and a motel could be an accessory use. She said if this came back for approval on the motels those would not be allowed in Open Land Zoning.

Mr. Whitehouse stated staff was able to approve anything above the 100-foot land line.

Ms. Skinner replied if the use were allowed in the zoning district then it could be approved by staff.

Mr. Whitehouse pointed out he could remove the motels on the site plan and the application could be reviewed for the Conservation Zones.

Discussion Continued:

- As submitted, felt application did not meet the initial threshold based on the code
- Units on property did not seem like an ancillary use
- Questioned if amended proposal was submitted before the deadline
- New material was not in the delivered packet for the Board
- Intent of the marina was unclear
- Marina detail regarding fuel tank was not presented

- Unsure how development of the bungalows was an accessory use monetarily
- Only provided one of the three uses listed in the definition for a marina, should provide more than one
- Was stretching the definition by adding a motel into the Open Land Zoning
- Concerned with the traffic and noise addition to the area
- Low bridge would be hazardous to boating
- No documentation demonstrating the relationship to the surrounding docks

Mr. Misterly pointed out the document demonstrating the relationship to surrounding docks was had been requested by the Board previously and the new submitted information had left out the information which was in relation to number two of the criteria that marinas were judged upon.

Board Discussion continued:

- Struggled with the words 'clearly subordinate' with having the same number of boat slips as motel spaces
- Hard to separate the two as one could not be there without the other
- Easement from Department of Transportation (DOT) had not been explained over the bridge
- Application had improved and improved the entry access point
- For commercial buildings Open Land Zoning was allowed twenty-percent lot coverage
- Concerned with the depths of the water in Hospital Creek

Mr. Blow provided an aerial photo to staff to be used as a demonstrative device to have various questions answered by the applicant.³ He said he emailed it to staff for a reference.

³ Photo attached to packet

Ms. Skinner advised the photo was received by staff and copies were made for the Board.

Mr. Blow asked Mr. Whitehouse if the photo could be used.

Ms. Lopez requested the record to show Mr. Whitehouse had agreed to the demonstrative device.

Mr. Whitehouse agreed and stated he may have comments regarding the photo.

Discussion continued:

- Not enough water to accommodate the marina depicted
- Should have a hydrographical survey done
- Concerned with the downstream viability of the channel
- Would there be parking for the public kayak area within the 100-feet
- Intent was to allow public to continue using kayak launch; no parking provided
- Concerned about the public park but it was not in the 100- feet
- Might need to have a submerged land lease
- Should not approve a marina if would be a negative impact on the public
- Should have more information on the viability of a marina in the area

Mr. Whitehouse understood that information was normally provided but this location was not near other docks. He said if necessary, they would obtain a submerged land lease. He said as far as the accessory uses, anything over 100-feet was not in the purview but he wanted to be transparent. He said accessory was subjective analysis.

Discussion continued:

- Board clearly stated the needed documentation; however, not provided
- Not compatible with the surrounding area and docks

- In favor of a denial due to the lack of information
- Appreciated the efforts and had been scaled back from prior meetings
- Concerned about boat trailer parking at the location
- Motels did not appear to be an accessory use; wanted to have motel and boatel defined

Mr. Misterly said the major reasons for not being able to support the application were based on the following:

- Criteria two: sights relationship to adjacent properties, bodies of water, and surrounding conservation zones
- Information had been requested but was not enough adequate information was provided
- No bathymetric survey provided of the creek to show the use of the creek or channel
- Unsure if the deepest part of the creek was the channel
- Information requested about the DOT drainage pipe that was through property
- Criteria number three: projects impact on natural and proposed drainage patterns
- Questioned ownership of the bottomlands
- Staff also recommended denial due to lack of detail

Mr. Misterly asked Ms. Lopez due to the lack of information requested could that be grounds for a denial.

Ms. Lopez advised the Board the basis of the denial had to be based on the evidence and testimony presented and needed to focus on the seventeen criteria in the code.

MOTION

Mr. Misterly MOVED to DENY Conservation Overlay Zone One development 2021-0156 on the basis that there was not sufficient evidence for the Boards review related to criteria number

two: sites relationship to adjacent properties, bodies of water and surrounding conservation zones, and criteria number three: natural and proposed drainage patterns. The motion was SECONDED by Mr. DePreter.

Mr. Blow clarified this was private property and although it was open land zoning, the property would be developed. He said everyone should keep in mind private property rights were important and this was owned by a citizen.

Mr. Misterly added his vote to deny did not mean nothing should be developed in the location; however, felt this application did not meet the criteria for a marina.

Mr. Pappas said criteria ten: effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion should be added as he felt there was not enough information.

Mr. Misterly AMENDED the MOTION to include criteria ten: effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. The AMENDED MOTION was SECONDED Mr. DePreter.

VOTE ON MOTION:

AYES: Misterly, DePreter, Pappas, Blow, Griggs, Ryan

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁴

**6. (b) 2022-0006 – Ryan Carter– Applicant
Patricia & Roland Anderson– Owner
4 Lighthouse Avenue**

Ms. Griggs recused herself from the application.⁵

To approve an amended dock application that expired in April 2021 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 amended dock application that expired in April of 2021 within Conservation Overlay Zone 1 at 4 Lighthouse Avenue/ PID 157080-0040.

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

Ryan Carter reviewed the application.

Mr. Misterly asked if the new dock was closer to the riparian line as it was twelve feet off the center platform but was now fourteen feet.

Mr. Carter replied that was accurate. He said the Little's owned an interestingly shaped property and their riparian footprint was based off of the Ratkovic footprint which went to court. He said any work done in the area was based on the judge approved survey to layout the lines.

The Board provided their ex parte communication.

11 certified notices were sent, 2 were returned in favor, 0 returned opposed and 2 had comments.

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

The Board discussed:

- No issue with the application as adjacent properties had docks with a lot of frontage and not close to the channel
- Dock position, orientation, and alignment was based on depth
- Questioned life size as it should not be over thirty-two feet, but new lift was forty-two feet

⁴ Break from 4:25p.m.-4:40p.m.

⁵ Recusal form attached to original minutes

- Platform lift provided room to walk around or chairs as a safety measure

Mr. Misterly stated in the criteria it stated no more than 12,000lbs and was questioned what that referred to.

Mr. Blow understood that to be the capacity of the lift. He said the manufacturer rated them for a maximum weight for the lift.

Mr. Carter confirmed there were many within the City. He said the code was from 1999 and a thirty-two-foot center console was an average size today as boats have increased in size just like today vehicles.

Discussion continued:

- Would comply with the 12,000lbs constraints and low-profile boat lift
- Perhaps review the City code to accommodate the newer sizes
- Code was updated and low-profile boat lifts were to protect the scenic vista
- Concerned with the size of boats since the code was written
- Cornered about building directly to the riparian line, perhaps move back a foot
- Additional square footage would not be an issue

MOTION

Mr. DePreter MOVED to APPROVE the Conservation Overlay Zone One development 2022-0006 as it meets the applicable seventeen criteria of a dock. The motion was SECONDED by Ms. Ryan.

Mr. Blow asked if Department of Environmental Protection (DEP) required four feet of water under a boat slip.

Mr. Carter replied that four feet was the maximum.

Mr. Misterly added the application included aeriels of other docks and this was not out of character with others nearby.

VOTE ON MOTION:

AYES: DePreter, Ryan, Pappas, Blow, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2022-0007 – Jared Whetstone — Applicant & Owner **235 Coquina Avenue**

To approve a new bulkhead in 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 bulkhead within Conservation Overlay Zone 1 at 235 Coquina Avenue / PID 223540-0070.

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

Mr. Fredriksson informed the Board staff received an email from an authorized agent on the application who asked for a continuance. He called and spoke Jared Whetstone, owner who was unaware of the situation who said he would let the staff know how to proceed; however, he had no heard back by the time the meeting started.

Ms. Lopez advised the Board the application could be continued, denied or approved since the application had been noticed.

Mr. Blow stated the applicant had their FDEP permit and it had been reviewed by the Army Corp of Engineers. He said he felt the Board should continue the application.

Mr. Misterly agreed and said the application should be continued in order to not set a precedence.

MOTION

Mr. DePreter MOVED to CONTINUE the Conservation Overlay Zone One development 2022-0007 to the April 5, 2022 meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Pappas, Griggs, Ryan, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6.(d) 2022-0010– Alan Stevenson–
Applicant
c/o STA Beach Investments LLC
STA Beach Investments LLC– Owner
34 N. St. Augustine Boulevard

Ms. Ryan recused herself from the application.⁶

To approve an existing bulkhead modification by adding a 24” cap 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 bulkhead modification within Conservation Overlay Zone 1 at 34 N St. Augustine Boulevard/ PID 213510-0000.

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.

The Board provided their ex parte communication.

11 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.

The Board discussed:

- Questioned with the proposed drainage patterns, would there be increased amount of fill added to the site
- Lot elevation would be address with the new construction on the home
- Would be raised to the approved lot elevation
- Residential Single-Family-One zoning setbacks felt the lot lines were too close

Ms. Skinner said depending if the lot was conforming or non-conforming, the side setback could be smaller if it were a non-conforming lot. She advised the application had been reviewed for variances by the Board. She said the plan met what had been approved by the Board and this request was to increase the height of the seawall.

Discussion continued:

- Property would have sidewalks to match the elevation of the new bulkhead for minimum impact
- Existing bulkhead had adequate drainage
- Prior to building permit, City would review drainage design and verify it was not affecting the neighbor's properties
- Suggested the use of epoxy rebar like the Department of Transportation (DOT) as oxidation could affect the concrete
- Extending the height of the bulkhead in Davis Shores would have a positive impact on the public
- In favor of application as the square footage of the land would remain the same
- Encouraged applicant to have an engineer review as they were increasing the load on the existing bulkhead
- More comfortable approving knowing there was a statue in place

⁶ Recusal form attached to original minutes

- No trees would be removed for this portion of the project
- Felt it met the criteria
- Adjacent properties had bulkhead, but would be higher than those

MOTION

Mr. Pappas MOVED to APPROVE Conservation Overlay Zone One development 2022-0010. The motion was SECONDED by Mr. Blow.

Mr. Blow stated the bulkheads were from 1920-1925 and encouraged the applicant to have the bulkhead examined before building on it.

Ms. Burgos informed the Board the bulkhead had been assessed.

VOTE ON MOTION:

AYES: Pappas, Blow, Griggs DePreter, Misterly

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (e) 2022-0011 – Ryan Carter– Applicant **Patricia Dobosz– Owner** **105 Marine Street**

Ms. Griggs recused herself on the application.⁷

To approve of a proposed dock addition to an existing dock over rip rap 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 a proposed dock addition to an existing dock over rip rap within Conservation Overlay Zone 1 at 105 Marine Street / PID 200920-0000.

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

Ryan Cater reviewed the application.

Ex Parte Communication:

(None)

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

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

Board Discussion:

- Thought application met the criteria and would not negatively impact the jurisdictional wetlands
- In favor as the bulk of it was over the riprap
- Back of the property was a waterfront parking lot
- Concerned with the lighting on the dock
- Lighting would be shielded and directional and low lit around the outside for safety
- Felt there was a dock already that provided access to the water and the views
- Thought application did not meet criteria nine or sixteen as both related to shellfish
- Proposed deck would be six feet above the mean high-water line
- Would not encroach a lot over the oyster beds
- Felt it would not affect the wildlife in the area
- Unsure if it was the ideal location for the dock, but was in support
- Suggested it could follow the shoreline to be more aesthetically pleasing for others with a view
- Riprap armored property for many years
- Suggested to modify the design and be closer to the land
- Tried to minimize the impact but was a tight area

⁷ Recusal form attached to original minutes

MOTION

Mr. DePreter MOVED to APPROVE the Conservation Overlay Zone One development 2022-0011 as it meets the seventeen criteria for approval. The motion was SECONDED by Mr. Blow.

Mr. Misterly stated he would not be in support of the application as he thought it did not meet the following criteria:

- Seven: Impact of development on vegetative and animal communities
- Nine: Effect of shade on vegetation and shellfish
- Sixteen: Impact of development on shellfish and on commercial and sport fish and waterfowl

VOTE ON MOTION:

AYES: DePreter, Blow, Ryan

NAYES: Pappas, Misterly

MOTION CARRIED 3/2

7. Other Business

a. Planning and Zoning Board discussion and recommendation regarding an ordinance to update regulations related to home-based businesses and associated code revisions.

Ms. Skinner reviewed the item and provided a brief overview on the topic.

Mr. DePreter asked if home-based businesses could not be regulated more than a residential use.

Ms. Skinner replied that was correct. She said legislature stated they were unable to require any parking that would exceed any residential parking requirement, they could have employees, and this would bring the City in line with the Florida State Legislation.

Public Comment was open; however, there was no response.

The Board discussed:

- Not exactly clear who lobbied for it but there was nothing that could be done
- Understood the need
- Parking related to the business had to comply with similar businesses
- Noise ordinance would be in effect
- Struggled with home-based business being able to have two employees whereas before it was limited to the person who lived in the home
- Activities of the home-based business would be secondary to the properties uses or residential dwelling
- Felt there was no way to enforce the ordinance
- Could affect the neighborhood and property value
- Signage had to have permits and could regulate commercial signs within residential areas
- Would be required to have a business tax receipt

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVEAL of discussion and recommendation regarding the ordinance related to home-based businesses and associated code revisions to the City Commission. The MOTION was SECONDED by Mr. Misterly and the MOTION CARRIED UNANIMOUSLY.

Mr. Misterly informed the audience the Food Truck Ordinance was not before the Board; however, they were welcome to speak regarding the topic.

Public Comment was open.

Dawn Watkins, founder of the St. Augustine Food Co-Op, said it was worth remembering many people had to work within the home. She said on February 20, 2022, she sent an email outlining the concerns and notes related to the food truck regulations. She said there were many things they dealt with

daily that was not in the legislation and would be willing to help if there were questions related to food trucks.

Ms. Skinner updated the Board and said the City Commission had adopted the Mobility Ordinance and it would be in effect as of May 17, 2022, after the 90-day waiting period, which had taken precedence. She said Ms. Lopez had sent over revisions of the Food Truck Ordinance; however, she had not had a chance to review them.

Ms. Lopez said the City Commission thanked the Board for their diligence with the Mobility Ordinance.

Mr. Blow asked about the amount of money that would trigger a hearing and asked if it was modified.

Ms. Skinner replied staff took the Board's recommendation of \$15,000 and the others and incorporated them into the ordinance presented to the City Commission. She said it was under \$15,000 it was reviewed by the City Manager and anything over \$15,000 went before the City Commission.

William Venanzio was in support of the St. Augustine Food Truck Co-Op and felt it had the best intent for the community. He thanked the Board for their efforts in trying to help the food truck industry. He said the current guidelines were hard to comply with as not all food trucks were the same. He said this was a fast-moving industry and bookings happened quickly and to apply for a permit to the extent the City wanted was hard.

Ms. Ryan asked Mr. Venanzio to provide examples that prohibited him from operating within the City.

Mr. Venanzio said his food truck was ten foot by eight foot and his current sink system was twenty inches long by thirty-five inches wide. He said when the plan was submitted to the Department of Business and Professional Regulation (DBPR) it was approved and passed. He said if the DBPR allowed him to

operate why was it that he was unable to operate within the City. He said it was difficult to submit a site plan for each location he was invited to.

Jason Watkins said they had a Co-Op meeting that discussed the application and said most of the items in the application were the same as the DBPR and they had been approved by them. He said site plans were difficult to provide site plans because it was hard to predetermine where they would be able to fit. He said most food was handheld, and seating was not available.

Ms. Lopez advised any comments could be sent directly to them through the email chain she had started. She asked Ms. Watkins to resend the email she sent on February 20th that way Richard Thibault, City Assistant Attorney and Ms. Skinner could review it.

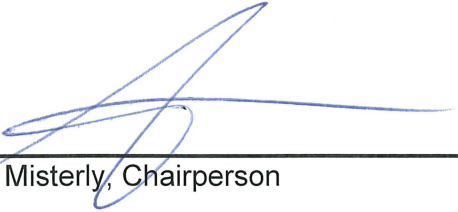
Mr. Blow said he did not want to limit people who owned food trucks from making a living but thought everyone should be on the same playing field and should meet the regulations. He mentioned restaurants had issues with grease traps just like food trucks and wanted to set realistic expectations.

Ms. Watkins said food trucks were independent; however, she had a grease trap disposal and it was a bit different than restaurants. She invited the Board to visit a food truck in order to have a full understanding of the processes.

Public Comment was closed.

8. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 6:10 P.M.⁸



Grant Misterly, Chairperson

⁸ Transcribed by Elyse Wiemann