CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
May 3, 2022

The Planning and Zoning Board met in formal session Tuesday, May 3, 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 Carl Blow Charles Pappas Christina Griggs
Absent:	Sarah Ryan, Excused
City Staff:	Amy Skinner, Director, Planning & Building Department Jacob Fredriksson, Planning & Building Planner Isabelle Lopez, City Attorney Elyse Wiemann, Recording Secretary

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2. General Public hearings for Items Not on the Agenda

BJ Kalaidi

3. Approval of Minutes

(None)

MODIFICATIONS TO THE AGENDA

Mr. Misterly asked if there were any changes to the agenda besides Item 6(a) which needed to be continued.

Ms. Skinner stated there were no other changes; however, Item 6(a) had to be heard by the City Commission before the Board would be able to proceed. She informed the Board the application was for a zoning change and the one-year time limit would have to be waived by the City Commission, which would be presented at the May 9, 2022 Commission meeting.

Mr. Misterly said Ms. Kalaidi wanted to speak on the application and asked how to proceed.

Ms. Lopez stated it was better to not have testimony unless there were comments regarding why the application was continued procedurally. She advised to reopen public comment.

General Public hearing was Reopened:

BJ Kalaidi asked if the City had the change to site plan or procedurally did, she need to wait until a decision was made by the City Commission.

Ms. Skinner said the application was submitted and the information was public record and could be viewed.

Mr. Blow clarified the Board did not receive the information.

General Public hearing was Closed.

MOTION

Mr. Blow MOVED to CONTINUE the Rezoning Item 2022-0026 to the June 7, 2022 meeting. The motion was SECONDED by Mr. Davis.

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

4. Variance

4. (a) 2022-0025 John Antonio – Applicant c/o Ancient City Construction Christina Fuqua– Owner 404 Arredondo Avenue

To approve a reduction of side and rear yard setbacks for an accessory structure to include a guesthouse from 15' and 20' to 8' and 9.5' respectively in the Residential single-family-one (RS-1) zoning district.

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 the setback requirements for residential use at 404 Arredondo Avenue / PID 215720-0000 from 15-foot side and 20 foot rear setbacks down to 8 feet and 9.5 feet respectively.

Mr. Misterly asked the difference between a guest house and a garage apartment.

Ms. Skinner stated the difference was guest houses were unable to have any cooking facilities.

John Antonio, Christina Fuqua and Marty Fuqua reviewed the application.
Mr. Misterly asked if the structure would be two story or built within the existing garage.

Mr. Antonio replied it would be one level and would build within the block structure. He said they were not disturbing the footers or the roof.

The Board provided their ex parte communication.

17 certified notices were sent, 3 were returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened.

BJ Kalaidi said the property owners stated the property would not be rented; however, the major concern was the property would be a short-term rental. She asked if the owners sold the property could it be used as a short-term rental. She asked if a microwave could be in the guesthouse.

Ms. Skinner said cooking facilities were established by the Building Code and enforced by the Building Official. She said cooking facilities were typically defined as a burner or hot plate. She said there was potential for the property to become a short-term rental; however, if it did the property it would have to follow the conditions and requirements.

Public hearing was closed.

Mr. Antonio said he had built several at the beach and County, and those had to sign an affidavit. He said they would be willing to do that to honor their word.

Mr. Misterly said that condition could not be placed on the application.

The Board discussed:

- City did not have the ability to restrict from having a short-term rental
- Residential Single Family One (RS1) had a seven-day restriction
- Lot was oddly shaped
- Would be within the existing structure and not adding a second floor

- Application met the criteria for the variance
- Should assess the flood elevation; thought they were a foot over the minimum requirement
- Only allowed improvement of the structure by fifty percent of the value
- No additional cost for water or trash for a guest house, but would pay a different rate if it became a short-term rental
- The guest house was not beyond the residential use on the property
- Pricing would increase if assessed to need additional trash service as a short-term rental
- In favor of application since it was in the same footprint
- Space would be around 280 square feet
- Parking was not an issue as the driveway could fit three or four vehicles
- Would have no cooking facilities as defined by the Building Code

MOTION

Ms. Griggs MOVED to APPROVE for Variance 2022-0025 404 Arredondo Avenue to reduce the side and rear side setbacks on accessory structure to include a guest house from 15 to 20 feet to 8 feet and 9 1/2 feet respectively in a Residential Single Family (RS1) Zoning District. The motion was SECONDED by Mr. Blow.

Mr. Blow said he thought when considering kitchen facilities, it referred to the sink.

Ms. Lopez said she recalled it not being a sink; although, she was uncertain as to how the Building Code defined kitchen facilities.

Mr. Pappas asked if there was water in the garage.

Mr. Antonio replied there was not.

Mr. Davis said sinks could be in a secondary structure or guest house; however, cooktops were against Code and microwaves were generally overlooked. He said once residential fees were paid there could be multiple bathrooms but on the commercial side additional fees could be assessed for impact.

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

5. Use by Exception

5. (a) 2022-0022 Kathleen Robinson – Applicant c/o Fait Bien, LLC
Kathleen Robinson dba
c/o Fait Bien, LLC – Owner
73 Weeden 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 73 Weeden Street / PID 206740-0000.

Jeanne Kans reviewed the application.

Ex Parte Communication:

(None)

27 certified notices were sent, 3 were returned in favor, 1 returned opposed and 0 had comments.

Public hearing was opened; however, there was no response

The Board discussed:

- Board did not have any control over allowing parking in the parking garage

- Searched for alternative parking before requesting a space in the garage

MOTION

Mr. Misterly MOVED to APPROVE Use by Exception 2022-0022 for 73 Weeden Street for Use by Exception short-term rental parking space at the off-site City parking garage. The motion was SECONDED by Mr. DePreter.

Mr. Pappas recommended adding that the parking permit would be issued upon final approval of the Short-Term rental application.

Mr. Misterly AMENDED the motion to include the recommendation. The amended motion was SECONDED by Mr. DePreter.

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

5. (b) 2022-0024 – Thomas Horton – Applicant c/o Seaside Adventures Florida LLC
Luis Cosado– Owner
606 N Ponce de Leon Boulevard
To approve a use by exception for a business where automotive vehicles are offered for rent or sale within the Commercial Medium-two (CM-2) zoning district.

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 vehicle sale and rental business at 606 N Ponce de Leon Boulevard/PID 203940-0000.

Tommy Horton and Christine Horton reviewed the application.

Ex Parte Communication:

(None)

15 certified notices were sent, 2 were returned in favor, 1 returned opposed and 1 had comments.

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

Mr. Misterly said this application was for a rental vehicle location and previous applications like Solano Cycle were required to submit a site for test driving and asked if this was because of the business or where the business was located.

Ms. Lopez said it was not the business model but the location as people would be pulling onto a major road and as part of the conditions, they had to provide a training loop on the property.

Mr. Blow said the issue was having rental vehicles training in a neighborhood. He said a condition was to fence off the driveway to leading to Grove Street.

The Board discussed:

- Two and four-seater sling shot vehicles, and Mokes that were street legal low-speed vehicles were available
- Patrons could park on site at the proposed location or a delivery option
- Parking requirements were based on square footage per Code
- Rentals could not use same parking spaces as patrons
- If parking became an issue Code Enforcement could be informed
- Zoning Code did not differentiate in rental vehicle types; however, should encourage different types of choices for mobility to have less cars on the road
- Unsure if the different types of vehicle had been resolved by the City Commission

- Concerned with traffic impacts as the property bordered US1 which was a major road and Orange Street which had an elementary school
- To rent, patrons had to be 25 years of age or older
- Orange Street would be the safest way to exit the property and would be recommend to patrons
- Would only have ten rental vehicles total: five mokes, two four-seater sling shots, and three two-seater sling shots
- Total of eighteen parking spaces on site

Mr. Pappas asked if the Board could limit the types of vehicles.

Ms. Lopez advised that in order to do so, the rational dual nexus test had to be met, which meant it had to rationally relate to the request and be proportionate.

The discussion continued:

- Not enough space to provide training area like other companies were required
- Applicant provided training videos and vehicles were the same as driving a car
- Low speed vehicles (LVS) were different from gas powered vehicles and people needed to be trained
- LVS and mini trucks were able to operate on roads that were 35 MPH or less
- Mobility Plan encouraged less vehicles and more pedestrians and bicycles
- Mokes reduced the carbon footprint since they were electric
- Businesses like these were not vital to the future downtown tourism
- Rentals could be hourly, half day or full day but not overnight
- Peak times for rentals were Friday evenings, Saturday, and Sundays
- Would be strictly a rental location and not sales
- All service for vehicles would be at the Jacksonville location
- Same size as a vehicle taking up space on City street
- Did not believe there was an off-site parking issue
- Site plan showed an alley on the south side of the property with extra parking spaces
- Appeared to be safer than a two wheeled scooter
- Location would not have multiple tenants
- Regardless of elementary school Orange Street was busy
- Concerned with adding more commercial activity
- Concerned with promoting more vehicles in the HP district
- Size of these types of vehicles were easier to see and people drove similar vehicles
- Property was zoned Commercial Medium Two and designed to be accessed from US1 which would not be utilized

MOTION

Mr. Blow MOVED to APPROVE the Use by Exception 2022-0024, that it would run with the applicant, limit the hours as stated from 8:00a.m- 10:00p.m and three written complaints within the next twelve months applicant would have to return to the Board for approval with additional conditions or potentially denied. The motion was SECONDED by Mr. Davis.

<u>VOTE ON MOTION:</u>
AYES: Blow, Davis, Griggs
NAYES: Pappas, DePreter, Misterly
MOTION DENIED

Ms. Lopez stated this was a technical denial as there needed to be majority vote for an approval and applicant could appeal to the City Commission.

Mr. Pappas said he was on the fence but if the hours of operation were changed to 9:00p.m he would be inclined to reconsider his vote.

Ms. Lopez stated there could be a motion to reconsider if allowed by the Chair.

Mr. Misterly obliged.

MOTION

Mr. Blow MOVED to APPROVE the Use by Exception 2022-0024 with the conditions that it runs with the applicant, if there were more than three complaints within twelve months beginning when business opens applicant would need to return for modifications or potentially a denial, restriction on operation hours from 8:00a.m.-9:00p.m. 7 days a weeks, required to inform clients they must turn onto Riberia Street as soon as practicable, and limit to a total of ten vehicles. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:
AYES: Blow, Davis, Pappas, Griggs
NAYES: DePreter, Misterly
MOTION CARRIED 4/2

6. Rezoning

6. (a) 2022-0026 – Gary B. Davenport – Applicant c/o Gary B. Davenport PA
36 Granada LLC– Owner c/o Alsop Properties
36 Granada Street

To amend an existing Planned Unit Development (PUD) adopted November 8, 2021 at 36 Granada Street to change the site plan, text and elevations related to flood protection and flood resiliency.

MOTION UNDER ITEM MODIFICATION TO THE AGENDA

Staff requested for application to be administratively continued to the June 7, 2022 Planning and Zoning Board Meeting.

7. Other Business [1]

a. Review of Historic Preservation Division Work Plan 2022-2023 as discussed by the Historic Architectural Review Board (HARB) April 2022.

Ms. Skinner provided the Board with the information discussed at the HARB meeting in April and said the topic would continue to be discussed at the May meeting to finalize the goals of the Historic Architectural Master Plan. She said Julie Courtney, Historic Preservation Officer, was available for the Board to ask questions.

Board Discussion:

- Applauded the staff and the consultant for the hard work as the Flood Guidance pamphlet was put together well
- Information was available on the City's website
- Encouraged staff to review items that were trying to be achieved as cost had risen dramatically
- Saw more demolition on the island in areas that were low
- Raising of homes in low areas was great; however, a stem wall with fill dirt would move water on to the neighbors' property
- Building Code Task Force had recommendations; however, there were no decisions for type of construction
- Working on requiring a grading plan as water was not supposed to trespass onto adjacent properties
- Land Development Code had a maximum impervious surface ratio and only allowed a 70% impervious surface
- Flooding would be a larger problem with the infill being added to the lots especially on the south side

Ms. Lopez asked if there were any comments on the drainage plan as it now was required.

[1] Break from 3:29p.m.- 3:43p.m.

Discussion continued:

- Should have a signed and sealed drainage plan and an inspection should be conducted afterward to confirm plans provided
- Some lots were graded to the rear and water had nowhere to go
- Developers should try to help alleviate the situation
- Not every home was able to be lifted
- Documentation and illustrations provided were easy to follow and provided a vast amount of information

Ms. Skinner informed the Board the Architectural Guidelines for Historic Preservation (AGHP) were in the process of being updated and the Board would review new guidelines when they were available.

Mr. Davis stated he had received a call regarding the club district on St. George Street and the caller was advocating to expand it across the street. He said he was unsure of the process and was not sure how to proceed.

Ms. Skinner said there was interest in establishing a not-for-profit club on the north side of Cuna Street and the Land Development Code only allowed not-for-profit clubs in the Historic Preservation (HP) District Two area which was south of Cuna Street. She said the issue was to change the Zoning Code or have an amendment to the Code it would need to be sponsored by a Board member or a City Commissioner and they would have to provide direction to the staff on how to move forward.

Mr. DePreter stated he had received a call regarding the same information.

Mr. Misterly said he received a call too, and with that information, if a member wanted to move forward with City staff that could be done.

Public Comment was open for items not on the agenda:

Matt Stevens spoke regarding having a non-profit club added to the community. He said the current location was unable to have a non-profit club and in the HP Two District, not-for-profit clubs were allowed as a Use by Exception, and were not allowed in HP Three District. He said all the other items like serving food and drinks were permitted. He said the owner of the building would remain on the property and would continue to pay taxes as they would be leasing the building and not owning.

Mr. Pappas asked why this HP District was not included.

Ms. Skinner said when the Zoning Code was written it was done base on existing uses in the area, and the Zoning Code reviewed existing uses that were established. She said second if a use was listed in a Zoning District and not in others then there was a reason for leaving it out when it was written in 1975.

Mr. Davis said social clubs were not allowed in HP Three but were allowed by in HP Two as a Use by Exception.

Ms. Skinner said the difference between a permitted use and a permitted Use by Exception was the Use by Exception had a public hearing, conditions were able to be applied, and it was generally an allowable use in the area but not without further consideration.

Mr. DePreter asked if this could be changed or could it be added to the Code as a Use by Exception, and then the Board could review for future uses.

Ms. Lopez said the Board was unable to regulate who owned the property, but in the future, there was nothing the City could do to prohibit him or any other social club from purchasing the property.

Ms. Skinner said the Board would need to provide direction as how to proceed.

Mr. DePreter asked if this were a Use by Exception were, they allowed to stipulate they would need to pay taxes.

Ms. Lopez said this allowed it to be specific to the applicant and provided the opportunity for the Board to add reasonable conditions specific to parcels that did not run with titles. She said this allowed any new applicant to be reevaluated.

Mr. DePreter asked if one of the specific conditions be that it would be reducing the tax roll for the City, and could it be allowed in the Use by Exception process.

Ms. Lopez said it was the dual rational nexus the Board would have to articulate how it was related to the request, how it was proportionate to the impact, and not an arbitrary condition

Mr. Pappas said he was willing to explore the Use by Exception.

Mr. Misterly pointed out this area of Zoning was restrictive and was unsure if it needed to be opened more.

Mr. Pappas said a nonprofit club could be less dense than what was allowed in the zone.

Mr. Misterly said there had been previous applicants reviewed by the Board and the residents in the area had been challenged by night life. He said if this were to be a Use by Exception it seemed to be another path for the area, but he felt control should be maintained.

Mr. Pappas said he was not referring to this specific application as that would need to be presented to the Board; however, he did not understand what harm it would cause by allowing it to be a Use by Exception like the other Districts.

Mr. Davis requested a map of HP Two and HP Three to review the similarities.

Mr. Blow said if this were to be explored as a Use by Exception the applicant should have the burden of proof as to why the non-profit should be added. He said he knew there would be concern about expanding the use of alcohol in an HP District.

Mr. Stevens said the owner did not want to sell the property and was able to open the building and serve alcoholic beverages and food; however, it was hard to have the location as a private entity, but a not-for-profit club would allow it to be private without any issue.

Mr. Pappas said it was premature to discuss this application because then it could be perceived, if a change were to be made, it was done for this specific application; however, he asked if the exceptions were already establish when the Code was written or was the Code written and then exceptions were added.

Mr. Misterly asked staff if more information could be provided before moving forward.

Ms. Skinner replied in the affirmative and the information would be on the agenda as 'other business' as a discussion item.

Ms. Lopez said she thought this item would be added to an agenda that was lighter.

Mr. DePreter encouraged Mr. Stevens to demonstrate how this could benefit the whole community instead of just his specific project.

BJ Kalaidi said this has been discussed during a Friday Review meeting and she said her concern was if the topic was discussed during 'other business' was the public able to speak during that time.

Mr. Misterly said it would start in 'other business' and the public could speak regarding the topic but would strictly be at that point if a Board member wanted the topic brought before the Board as an agenda item.

Public Comment was Closed.

Mr. Pappas said the City Commission discussed the desk layout for meetings and requested the opinion of the lower Boards.

There was Board consensus to keep the desk as they were.

8. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 4:27 P.M.[2]

Michael [signature]

for Grant Misterly, Chairperson

[2] Transcribed by Elyse Wiemann