CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
September 6, 2022

The Planning and Zoning Board met in formal session Tuesday, September 6, 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, 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

Mr. Blow noted a former PZB member Kathy Brown passed away and wanted to acknowledge her contributions to the community.

3. Approval of Minutes

Mr. Pappas noted a few typographical errors for the clerk.

MOTION

Mr. Pappas MOVED to APPROVE the August 2, 2022 minutes with the above corrections. The motion was SECONDED by Mr. DePreter and approved by UNANIMOUSLY VOICE VOTE.

Mr. Misterly asked if there were any changes to the agenda.
Ms. Skinner replied there were not.

Mr. Davis commented there were two dock applications beside each other at 171 Inlet Drive Lot A and Lot B. He asked if those could be considered at the same time or directly after one another or should it be left the way it was.

Mr. Misterly noted both applications were being presented by the same person and he was in support of the change.

MOTION

Mr. Blow MOVED to AMEND the agenda to put the two applications together. The motion was SECONDED by Mr. Davis and approved by UNANIMOUSLY VOICE VOTE.

Mr. Misterly clarified Item 6(e) would be heard after item 6(b).

4. Variance

4. (a) 2022-0041 Continued from the August 2nd Meeting – Oasis Equity Holdings LLC– Applicant & Owner
93 Oneida Street

To reduce the side yard setbacks from 4' to 1' on a Residential single-family-two (RS-2) lot to allow for the relocation of the existing home.

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 decrease the side yard setbacks at 93 Oneida Street/PID 208010-0060 from 4' to 1'.

Tom Groom, representation for Hunter Haden, reviewed the application.

Notices were sent out to the surrounding property owners at the prior meeting and no new notices were sent.

The Board provided their ex parte communication.

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

Mr. Blow asked if there was nothing left to save, and if the home had to be demolished what would happen if the side yard variance was granted.

Ms. Skinner advised if the home was over fifty years old, it would have to go before the Historic Architectural Review Board (HARB) for the demolition. She noted if a non-conforming structure was destroyed for any reason there was a one-year period to rebuild it in the existing footprint. She said if a variance was granted and it was the same applicant and owner, they had one year to use the variance.

Mr. Blow said if there was nothing left to save of the existing house within a year, they could do what was being proposed.

Ms. Skinner advised there could be other procedures they may have to go through such as HARB and the new construction would have to be substantially complete if it were a non-conforming setback and that would be in the time frame of the one year.
The Board discussed:

- Wanted to save the large tree in the backyard but questioned if the home was far enough away from the tree
- Not opposed to the application and it would allow parking on site
- Asked if a house mover had been contacted
- Did not feel it was too large to move and asked if movers felt the home could be moved
- Moving the home back and creating parking was a win for Oneida Street

Applicant response:

- Spoken to a mover; however, were still in the process of bidding and the details
- Had a small footprint about 400 to 500 square feet and would not be an issue to move

Board discussion continued:

- Home already exceeded the setback and new addition was inside the setback
- Was in support of the application
- In favor of the application the structure was being saved and parking was being added
- Lot was .05 acres, so lot had limited options
- Lot indicated two curb cuts and there was normally only one curb cut

Ms. Skinner said this would be reviewed by the Public Works department and they had certain policies and procedures to obtain a curb cut. She said it may not be feasible when the applicant proceeded with the permitting process; however, Public Works would work out the details.

Mr. Pappas asked if the same owner owned 93 Oneida street also owned 95 Oneida street and questioned if the property had

been before Historic Architectural Review Board (HARB).

Mr. Groom answered both properties were in the process of HARB review.

Ms. Griggs noted her concern was with the 24-inch oak tree, which was considered a specimen tree. She said the rear structure was two stories and it was affecting the drip line of the tree and she was unsure how the tree would be affected. She asked if in the future the tree needed to be removed, would the applicant need to come back before the Board.

Ms. Skinner answered in the affirmative.

MOTION

Ms. Griggs MOVED to APPROVE Variance 2022-0041 at 93 Oneida Street to reduce the side yard setback from four feet to one foot. The motion was SECONDED by Mr. Blow.

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

4. (b) 2022-0053 – Builders Service Aluminum– Applicant
Russ & Merit Lee– Owner
51 Menendez Road / PID 221710-0000
To reduce the side setback from 10' to 5' to allow for the construction of a screened in spa area.
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 decrease the side yard setback at 51 Menendez Road/PID 221710-0000 from 10' to 5'.

Ron Carmen, Builders Service Aluminum, reviewed the application.

Ex Parte Communication:

(None)

18 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.

Ms. Ryan asked what the minimum lot width for the Residential Single-Family Two (RS-2) was and if the lot was conforming.

Mr. Fredriksson replied the width was fifty feet and noted the lot was conforming.

The Board discussed:

- Board was not as lenient for conforming lots with side yard setbacks as the lots were larger
- Was not a structure, and was only a screened room
- Felt it was minimal and would only see the bamboo
- Questioned if the screened room would be on top of the existing deck
- Asked if anymore slab would be added
- Asked if they were still within their lot coverage

Applicant response:

- Some of the screen would be on the deck; however, there was a slab where the spa was located that went into the deck area
- Nothing else would be added and would be working with what was there and would not be creating more impervious area

Ms. Skinner advised as long as screened rooms had a screened roof it did not count as lot coverage but did count for setbacks because they were considered a structure. She said it would be looked at for the

impervious lot ratio; however, the applicant noted there was already a slab there.

Discussion continued:

- Seemed benign to the neighbors
- Asked if it was similar to a pool enclosure or lanai
- Physically did not feel it would make much of a difference
- Asked if the enclosure would be over the spa and separate from the screened porch
- In support as the variance was only for this structure
- Appreciated all the photos provided in the application

Applicant response:

- Would not have a solid roof and would be like a pool enclosure with a screened roof
- Would only be over the spa

Mr. Blow said the application identified the construction of a screened in spa area. He asked if the property was sold would the new property owners not be allowed to build a two-story structure.

Ms. Skinner answered in the affirmative.

MOTION

Mr. Blow MOVED to APPROVE Variance 2022-0053 because it meets the criteria, not contrary to the public interest, and to help keep the debris out of the spa. The motion was SECONDED by Mr. Pappas.

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

5. Use by Exception

5. (a) 2022-0056 – JoAnna Engel – Applicant
c/o The Tasting Tours LLC
Kasam Hospitality– Owner
24 Cathedral Place

To approve the operation of a cocktail lounge in the 24 Cathedral Place PUD.

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 cocktail lounge/tavern at 24 Cathedral Place/PID 197160-0000.

JoAnna Engel reviewed the application.

Mr. Misterly asked if this was a revision for this one particular suite or was it to revise the entire Planned Unit Development (PUD).

Ms. Skinner said this was not a revision to the PUD. She said the existing PUD was written for all the uses in the Historic Preservation HP 2 District. She stated that in HP 2 serving alcohol was a Use by Exception so they were following the Use by Exception procedures.

Mr. Mistrely asked if the Use by Exception was tied to the applicant's suite or would approval of this grant it for everyone.

Ms. Skinner noted it was only for the applicant.

The Board provided their ex parte communication.

14 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:

- Questioned the hours of operation for the tour company
- Asked how many people were typically on the tours

- Confirmed this was not for outside guest but only those who were doing the tour
- Many office buildings in the building and asked for exact location in the building
- Unsure if conditions needed to be added since it was in an office building
- Asked if there was an outdoor area
- Asked if an actual cocktail lounge would be allowed if the applicant left the space

Applicant response:

- Did not have evening tours and tours normally started around 1:00p.m. and the last tour would depart around 5:00p.m.
- Ten, but twelve would be a large tour size
- Located on the fifth floor and was the entire end cap
- Property manager, Troy Blevins, had spoken to the other tenants
- Would be all contained and would only be in their space and the bathrooms were in the suite

Mr. DePreter noted the proposed condition if needed: no alcohol outside of the space, hours noted were from 1:00p.m.-5:00p.m.

Ms. Engel stated she would hate to limit herself to 5:00p.m. in case a tour ended late and thought the Treasury Building locked the building around 7:00p.m. She said they may be a little bit later than 5:00p.m. She said a normal tour had around twelve guests; however, seventeen was the legal limit in the City for walking tours.

Mr. DePreter asked if there was a maximum capacity to the space.

Ms. Skinner said the occupancy load was determined by the Fire Marshal and Building Official.

Mr. DePreter continued there would be no music, although that might not be applicable, and for the application to run only with the owner. He noted an adjoining tenant was in support of the application.

Mr. Pappas thought management of the building should handle any issues or hours as they could control it a lot easier than Code Enforcement. He asked if the legal definition of a cocktail lounge was being approved or were they approving what was being described by the applicant or should it be defined that this was for wine tours.

Ms. Lopez advised the Board was able to add any additional language, but what was being approved was in the Code and in the PUD and the PUD language would not be amended.

Mr. Pappas asked if the wine tasting tours did not work out, would they able to do an actual cocktail lounge.

Ms. Lopez said if the Board wanted to be that specific in their conditions, they could include that since the definition was broader. She said that was the way the PUD was structured based on the HP terminology.

Ms. Griggs said she did not want a traditional cocktail lounge in that location, but she was not opposed to the application.

Ms. Engel noted the State of Florida would not authorize a cocktail lounge in that location. She said they went through a strenuous process when they were located on Cuna Street. She said they would only be approved for Consumption on Premises 2COP license for beer and wine only.

MOTION

Ms. Ryan MOVED to APPROVED 24 Cathedral Place, 5th floor suite 504 with the condition of beer and wine only and application would be with the applicant, and alcohol could not leave the suite. The motion was SECONDED by Mr. Davis.

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

6. Conservation Zone Development

Ms. Ryan recused herself from the application.[1]

6. (a) 2022-0037 Continued from the August 2nd Meeting– Kevin Marks – Applicant c/o Shoreland Home Builders
Paul Thompson – Owner
Pelican Reef of St. Augustine LLC
0 Pelican Reef Drive / PID 158573-0100

To remove significant trees within Conservation Overlay 3.

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 removal of eighteen (18) Cedar and six (6) Oak trees within Conservation Overlay Zone 3 at 0 Pelican Reef Drive / PID 158573-0100.

Kevin Marks reviewed the application.

The Board provided their ex parte communication.

Notices were sent out to the surrounding property owners at the prior meeting and no new notices were sent.

Public hearing was opened.

BJ Kalaidi noted the arborist report had not been submitted but was requested. She stated her concern was the trees and the canopy and thought before the application was approved, the arborist report needed to be provided.

Public hearing was closed.

Mr. Marks said he was unaware that an arborist report was needed and because of the placement of the home the consultant stated the trees were not relevant as they would need to be removed. He said the home and site plan were designed to keep as many cedar and oaks trees that were on the property. He said the current survey showed there were considerable number of trees left.

The Board discussed:

- Reviewing the site plan the east side showed a ten-inch cedar tree that was two feet away from the building's footprint
- Suggested shifting the footprint to the west to provide more room for the tree
- Noted a twelve-inch cedar on the west side of the home, movement either to the west or east would affect a tree
- Garage and walkway explained why the fourteen-inch and the twelve-inch cedar trees were being removed
- Preferred to see an arborist report as that could make it easier for Board approval
- Wanted the tree to the east be saved
- Pelican Reef was residential single family (RS2) zoning

Applicant response:

- Unsure if the trees root system would encroach on the foundation and unsure if the backfill would kill the tree but wanted to keep it if possible
- Was able to shift it slightly and still have enough room for the setbacks
- If moved either way the cedars on either side would be lost
- Home was designed to be off grade with a stem wall system to avoid having to bring in a lot of fill dirt
- Trees were being removed for driveway placement and were the least impactful
- Would have a three-car garage with a walkway
- Saving of the trees would depend on how they would encroach on the home and the root system

Ms. Skinner advised the plat was approved in the early 1990's and had been reviewed by the PZB and there were some letters of

[1] Recusal form attached to minutes

approval from the PZB members from that time that set certain setbacks for the Spoonbill Court area and established that ten cedar trees had to remain on site.

Mr. Blow asked what the base flood elevation was.

Ms. Skinner said it was the base flood elevation plus one for freeboard, which was at nine feet.

Board discussion continued:

- Wanted to have a stem wall and backfill
- Thought the home design was done well; however, felt it was the wrong house for the lot
- Questioned if an arborist report was required for a lot clearing plan

Applicant response:

- Would be on a helical system and beam that would help the stem wall and they would not need to bring in an excessive amount of dirt
- Builder wanted a custom home that was one story and they were catering to the request

Ms. Skinner said an arborist report was preferred but it was not a requirement unless they were preserved or protected trees. She said for this case there were many applications for Pelican Reef that were reviewed by the PZB and were maintaining the ten cedar trees as required for development.

Ms. Lopez referred the Board to section 11-29 standards for review regarding the arborist requirement.

Mr. Davis noted there were replacement trees required if they were to remove these trees.

Ms. Skinner replied in the affirmative.

Mr. Davis felt the City should consider the existing canopy as it would make more sense. He said he was in favor of the application.

Mr. DePreter asked if the City had abandoned the credit for trees.

Ms. Skinner said it had not been abandoned but the nature of the application was because these trees were in the building footprint.

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone 3 Development 2022-0037 to remove the approval of significant trees within the overlay zone to allow for construction for a single-family residence. The motion was SECONDED by Mr. Pappas.

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

<u>6. (b) 2022-0046 – Michael Carpenter – Applicant</u>
<u>c/o Carter Environmental Services</u>
<u>Agan Prameshuber– Owner</u>
<u>171 Inlet Drive Lot A</u>

To approve the construction of a new 939 square foot dock, boat lift and PWC lift 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 939 square foot dock, boat life and PWC lift within Conservation Overlay Zone 1 at 171 Inlet Drive Lot A / PID 213831-0010.

[2] Break from 3:05p.m.-3:15p.m.

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.

Ex Parte Communication:

(None)

9 certified notices were sent, 0 were returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened.

Sue Hale spoke in favor of the application and wanted to rescind her negative comment that was mailed in. She felt these docks were in good taste, low profile, and she did not want to stand in the way of anyone wanting a dock. She said her concern was having a building project taking place during hurricane season. She asked for assurance from the builder that the material would be secured at night or in the event of a storm. She asked if there was damage done to her property during construction, who would do the repairs.

Mr. Misterly said the Board oversaw dock approval or denials but as far as coordination during construction, that would be between them and their neighbor.

Dr. Patrick Hale was concerned with the construction of the dock. He said he was concerned the swimming pool and home could be damaged. He said he wanted assurance that if the docks were approved, they would be properly bonded and insured for them to recover any damages that may happen.

Dan Burkhardt spoke in favor of the application and noted as long as the docks were built as shown he was not opposed. He said what had been shown was different than what they thought. He said his concern was the way it was built and the height of the dock.

Paul McGuire said his concern was how the homeowners were notified. He noted he was in favor of the docks after finding out more details but thought it should have been more transparent.

Ms. Skinner noted that notices were provided by certified mail for properties within 300 feet.

BJ Kalaidi pointed out the docks on the agenda were very large and her concern was the vista. She asked how they all lined up together as that documentation was normally provided. She said that document would show what was happening in the conservation area. She asked if there was a house on the property where the docks were going.

Public hearing was closed.

Mr. Carter said there were no other docks to the west as it tapered, but there were other docks around Davis Shores, and noted a home would be constructed afterwards.

The Board discussed:

- Questioned how far they were able to go down the channel before docks were not possible
- Felt the twenty feet would allow navigation and the dock was compact
- In the application it was written the work would add to the public vista as a whole and that was not applicable
- No issues with the dock as it hugged the shoreline
- Questioned if there was an existing dock at this location
- Looking at the aerial view the 90-degree turn was for dredging in the intercoastal
- Noted the sandbar formed naturally and the canals filled in and for docks had been approved, would the City responsible for dredging

Applicant response:

- In the future would not be able to add more docks in the area unless they were ten feet off the wall or a davit
- No existing dock at the location currently

Ms. Lopez replied the City would not be responsible.

MOTION

Mr. Misterly MOVED to APPROVE Conservation Overlay Zone One development 2022-0046 for 171 Inlet Drive Lot A. The motion was SECONDED by Mr. DePreter.

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

6. (c) 2022-0047 – Scott Johnson – Applicant & Owner
c/o SHJ Rentals LLC
75 Comares Avenue Unit 3C

To approve the installation of one (1) piling low profile boat lifts 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 low profile boat lift within Conservation Overlay Zone 1 at 75 Comares Avenue Unit 3C / PID 218350-0303.

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)

29 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:

- Ones surrounding it were similar
- People needed to have their boats out of the water
- Asked if the material was aluminum/ stainless steel construction and would not have galvanized metal
- In support as it was contained within an existing marina
- Asked if this would be used for the applicant's rental business or for personal use
- Would be tied to the condominiums by-laws

Applicant response:

- Not aware if there would be galvanized material and noted it would be aluminum/stainless steal
- Owner had a rental business, but this was for personal use as his residence

Ms. Lopez clarified this was not a marina, but was a dock for the condominiums.

MOTION

Mr. Pappas MOVED to APPROVE 75 Comares Ave Unit 3C/PID 218350-0303. The motion was SECONDED by Ms. Griggs.

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

6. (d) 2022-0048 – Renato Sindicic– Applicant & Owner
73 Magnolia Avenue

To approve the construction of a new wood retaining wall and replacement of two (2) existing wood pilings 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 wooden bulkhead and two (2) new pilings within Conservation Overlay Zone 1 at 73 Magnolia Avenue / PID 154300-0000.

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.

10 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:

- Concerned with materials as hot dipped galvanized would only last roughly ten years whereas stainless would last forever
- Asked if applicant would be using stainless all thread tie back rods, nuts, bolts, and washers or would it be the galvanized material
- During hurricanes, the ones that failed were put together with hot dipped galvanized failed
- Economically, felt the stainless was more beneficial
- Understood why the applicant wanted to replace the bulkhead
- Thought it was good for the public to have this land secured
- Asked if the bulkhead was for the uplands or retaining water
- If the bulkhead was more in the upland was not as concerned with the materials, but thought that could be tied back to the criteria
- Encouraged the applicant to explain the different materials to the homeowner

Applicant response:

- All thread would be stainless steel but was unsure about the bolts, nuts, and washers
- Bulkhead was not a replacement as there was coquina there and the wood would be on the landlord's side of the coquina
- Would sit right upland from the coquina

Mr. Davis asked if the materials were allowed to be regulated.

Ms. Lopez said materials could only be brought in if there was an impact on the adjacent property, since that was one of the seventeen criteria.

Mr. Davis noted he was not in favor of regulating the materials but thought it was a good point that had been raised. He said there was no elevation on the drawing and asked how much higher the bulkhead would be above the existing grade.

Ms. Burgos said it would be twelve inches above the existing grade.

Mr. Davis stated he did not disagree with the application but there was no grading plan and thought there needed to be more information provided before the bulkhead was approved.

Ms. Burgos said this was an effort for the lot to be more stabilized.

Mr. Davis understood but noted he had asked for yard elevations and elevation for the top of the bulkhead on other applications and thought it needed to be provided. He said without that it could be done differently than what had been stated.

Mr. Misterly said after reviewing the survey, it noted a dilapidated wooden bulkhead and on the City park side was a berm of dirt. He said this was a justified ask and asked how this would tie into the adjacent park property.

Ms. Burgos said it would tie in with a small wing wall.

Mr. Misterly said normally the Board required survey information but thought if the number of inches could be provided that might be suitable. He said he was not opposed but agreed more elevations would be beneficial.

Ms. Ryan stated the neighbor had a retaining wall. She asked if the bulkhead would be continuous with the height of it.

Ms. Burgos said she could not confirm if it would tie in.

Mr. Misterly pointed out the area was not a high energy location and was more in the mangroves area and would not be hit with direct waves like other bulkheads.

Mr. Pappas said he was under the impression this was a replacement but understood it was not and would be behind the coquina in the uplands. He said he wanted to be clear as a to what was being done before it was approved.

Ms. Griggs suggested providing more information either by survey, photos, or elevations.

Mr. Misterly asked the applicant if she wanted to defer to the next PZB meeting or wanted a vote now.

Ms. Burgos replied she would like to defer.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone One Development 2022-0048 to the October 4, 2022 meeting, with the request that the applicant provide an elevation survey of the existing suite and how the bulkhead would tie into the adjacent properties and provide photos of the current situation. The motion was SECONDED by Mr. Pappas.

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

6. (e) 2022-0049 – Michael Carpenter – Applicant c/o Carter Environmental Services
Mark Matrazzo – Owner
171 Inlet Drive Lot B

Item was heard after Item 6(b).

To approve the construction of a new 1,214 square foot dock, boat lift and duel PWC lift 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 1,214 square foot dock, boat lift and PWC lift within Conservation Overlay Zone 1 at 171 Inlet Drive Lot B / PID 213831-0020.

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 and provided a combined exhibit of the two docks.

Ex Parte Communication:

(None)

9 certified notices were sent, 0 were returned in favor, 1 returned opposed and 2 had comments.

Public hearing was opened.

Dan Burkhart provided photos for the Board to review. He said he was concerned with getting around the dock and not having to go into the inlet as it was rough.[3]

Public hearing was closed.

The Board discussed:

- No issue with the application and thought it fell right in line and was only a tad larger
- Felt there was a public benefit by removing the old dock
- Asked if the new dock was about nine foot wider than the existing dock
- By removing the old dock, it would improve navigation
- Asked if the dock would be floating
- Was out a further in the channel
- Floating dock was on the edge and thought on busy weekends the channel could be even more restricted
- Suggested moving the jet ski platform up against the seawall in front of the boatlift and pull the dock in ten feet and that would help leave the channel more open
- Deepest part seemed to run down the edge of the floating dock
- On the western side there would be fourteen feet of navigable water

Applicant response:

- It was a wider dock, but the location was also wider
- Would be recommending a floating poly dock as a fixed dock would not be recommended
- Owners were trying to keep it compact without impacting their own vista
- There would be enough room to pass if a boat were tied up at the dock at low tide
- Moving further west the water tapers but that was how they came up with the compact design
- Reason for the boatlift was to have it out of the water
- If a boat were in the water near the floating dock it would not be there for long periods of time

Mr. Pappas asked if a condition could be added that this area could only be used for loading and unloading.

Ms. Lopez said it could be added as a condition; however, it would be difficult to police.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone One Development 2022-0049 as it meets the criteria with the condition that the approval will be based on removing the old dock as discussed. The motion was SECONDED by Mr. Blow.

Mr. Misterly noted he was not opposed to a dock in that location; however, felt it could be laid out in a better way to maintain access for the public.

Mr. Davis commented that if the owners wanted a compact dock for the vista the application could not say it was a vista issue. He said that would ruin the argument.

Mr. Pappas asked that the motion be modified to include the existing dock should be removed prior or simultaneously to construction of the new dock.

Mr. DePreter AMENDED the motion to include existing dock should be removed

[3] Photos attached to packet

prior or simultaneously to construction of the new dock. Mr. Blow SECONDED the AMENDED motion.

VOTE ON MOTION:
AYES: DePreter, Blow, Griggs, Pappas, Ryan, Davis
NAYES: Misterly
MOTION CARRIED 6/1

6. (f) 2022-0050 – Michael Carpenter – Applicant c/o Carter Environmental Services–
Thomas Hartman — Owner
7 Lighthouse Avenue

To approve the construction of a new 2,814 square foot dock and boat lift 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 2,814 square foot dock and boat lift within Conservation Overlay Zone 1 at 7 Lighthouse Avenue / PID 157030-0000 if it is found that the proposed size is appropriate.

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 and the revisions to the plan.

The Board provided their ex parte communication.

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

Public hearing was opened.

BJ Kalaidi asked if the dock could be made smaller to have it further from the channel. She asked for the difference to be stated clearly in the motion.

Public hearing was closed.

The Board discussed:

- Concerned it was too close to the channel and reached out to the applicant
- Based on the new design the concerns had been addressed
- Dock revisions were much better than what had been submitted
- Felt the 400 feet at the end of the dock was a lot of space and it could set a precedence
- Terminal platform was excessive and should be reevaluated
- 15x25 platform would be 375 feet which was more acceptable
- Would want to have the new purposed information available before approving
- Would be more comfortable with having a new design presented

Applicant response:

- Reason it was pulled back fifty feet was it was too far out and that was noted by Mr. Blow
- A 10x15 terminal platform was more customary versus a 20X22 platform
- Was willing to reduce but was unsure how to and keep the design and the same intent
- Could reduce by five feet and it would not interfere with the 20x8 floater
- Could be 15x25 which would make the terminal platform 375Feet
- The end design was reduced by fifty-four feet and just the terminal platform would change
- More than happy to have a continuance and present a redesign with a reduced version

MOTION

Ms. Griggs MOVED to CONTINUE Conservation Overlay Zone One Development 2022-0050 to the October 4, 2022 meeting with the changes as discussed to show reducing the length of

the dock as well as the size of the terminal platform. The motion was SECONDED by Mr. Pappas.

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

6. (g) 2022-0054 – Andy Hardy – Applicant c/o Hardy Joe Marine Company
Steve Leathers – Owner
103 Dolphin Drive

To approve an after the fact installation of dock pilings and a 240 square foot floating dock within Conservation Overlay Zone 1

Mr. Fredriksson noted this application had been administratively continued to the October 4, 2022 meeting as more information had been requested.

Ms. Skinner said the application had been advertised but additional information was needed. She said when Code Enforcement went to the site there were other docks and pilings that needed more clarification.

Ms. Lopez advised a motion would be beneficial to keep the record clean.

MOTION

Mr. Blow MOVED to CONTINUE Conservation Overlay Zone Development 2022-0054 to the October 4, 2022 meeting. The motion was SECONDED by Mr. DePreter.

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

7. Comprehensive Plan Land Use Plan Amendment and Rezoning

7. (a) 2022-0052– Debi Redding- Applicant c/o Emergency Services and Homeless Coalition of St. Johns County
ESHC of St. Johns County- Owner
3 Nesbit Avenue

Staff does not make recommendations concerning comprehensive plan amendments or re-zonings of land. The Planning and Zoning Board makes formal recommendations to the City Commission regarding these items.

Debi Redding, CEO of the Homeless Coalition, and Matt Lahti, Gulf Stream Design, reviewed the application.

The Board provided their ex parte communication.

7 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:

- In support of the application and thought the use was compatible
- Felt the Homeless Coalition did a great job and thought it should be brought back into compliance with the surrounding area
- Packet contained the site plan but that was not being approved at this time
- Questioned if the rezoning would tie it to the applicant as this was based on being used for affordable housing
- In support of application under the impression it would be used as stated and not sold to a developer

Applicant response:

- Included the site plan to provide an idea of what would be on the property
- Was doubling the size of their property as far as housing capacity
- Property was being developed for homeless families

Ms. Skinner said once the land use was changed and rezoned that was what it would be. She noted this would be recommended to the City Commission and they would adopt the ordinances to change the land use and zoning, and it would be that for any future development.

Ms. Lopez noted there would need to be two motions: one for land use and the second for zoning.

Mr. DePreter asked what the surrounding land uses were.

Ms. Skinner noted in the area to the north was Residential Single Family One (RG-1) and Residential Medium Density and Single Family and Commercial Low intensity. She said the Industrial was left over from the original comprehensive plat from 1980's.

Mr. DePreter said he would be in support of the rezoning, and the application demonstrated a critical benefit.

Mr. Blow noted this was exactly what we were trying to achieve and pointed out the applicant was trying to save some trees on the property. He said this was a fantastic project.

MOTION

Mr. Davis MOVED to RECOMMEND to the City Commission the Comprehensive Plan Land Use Amendment 2022-0052 from Industrial Warehouse to Residential Medium Density. The motion was SECONDED by Mr. Pappas.

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

MOTION

Mr. Davis MOVED to RECOMMEND to the City Commission Rezoning 2022-0052 which would rezone the property from Industrial Warehousing to Residential General One for the public good. The motion was SECONDED by Mr. Pappas.

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

8. Other Business

a. Planning and Zoning Board discussion to consider recommending a change to the Zoning Code to allow Not-for-profit clubs as a permitted use or a permitted use by exception in Historic Preservation District-three (HP-3)

Ms. Skinner noted there had been a request by the Public for the Not-for-profit club and at the last meeting when discussed there were concerns that were brought up. She said the City Attorney drafted and amended definition that could potentially be added to the City Code. She said the Board was to determine if this would be supported and should proceed further.

Mr. Misterly said based on the discussion from prior meetings this was not something any Board member was for or against.

The Board provided their ex parte communication.

Public comment was opened.
Martha Mickler spoke in opposition to the change and said this was the area with the most historic heritage. She said there were

still residences in the area. She said they did not want a not-for-profit club to be added to the HP 3 District. She said she felt this would bring more alcoholic drinks to the area. She noted they welcome new businesses around them, and these businesses did not need to change the zoning to be opened.

Nancy Pellicer spoke in opposition to the change. She said all the changes that were taking place in the City were not considering the effects on the residents. She said if things were changed, they would stay that way. She said if it was a use by exception then why change it. She said while this was a wonderful idea, she did not think this needed to be changed. She said she felt this was not for the betterment.

Leonard Pellicer spoke in opposition to the change and said other business had been there and it was not a good experience. He said they were always concerned about a bar being in the area. He said there will become a time when there would be no residents left in the wall City. He thanked the Board and encouraged them to make the best decision for all.

Matt Stevens understood the concerns but stated the building could be used as a bar per the zoning code now. He agreed with the changes that had been done by the City Attorney. He noted the benefit of the not-for-profit would be used to help the community and felt not all change was bad. He said this would not be like the other business that had been there in the past.

Chad Light spoke in favor of the change. He said he loved the City and understood the bar that had been there in the past was not a good experience; however, this was not the same. He said this was only a slight change for a private club and a safe space for locals. He said this was a not-for-profit that would in turn provide funds back to the community. He understood the Board had a difficult job and he respected their decision.

Rhonda Carter spoke in opposition to the application and said she loved her neighborhood. She said if the ordinance was to change it would keep changing until there was no residents. She said the building had been vacant for the past two years and had not been taken care of. She said they did not need another bar on Spanish Street or in the downtown area. She encouraged the Board to not pass this on.

Steve Ladredo was in support of the application and the current zoning would allow to have a bar in the location. He said this purpose came with change in mind and it would be a private location and the money would be used for good in the community. He encouraged the Board approve this change.

Skyler Seger, CEO of St., Augustine Youth Services, spoke in favor of the change as their organization was one of the ones that could benefit from the income from the not-for-profit club. She said they provide therapeutic services for the youth and encouraged the Board to consider the change.

Dan Hilbert spoke in favor of the change and felt this was a wonderful idea and encouraged the Board to go through with it.

BJ Kalaidi spoke opposed to the change and said a private club would be for special people and not for anyone. She said she was completely against this change and thought there were other locations this could be done. She said everyone could donate to the organization mentioned and did not need a club to make donations. She said this should not be allowed in the HP 3 area.

Public Comment was closed.

Board discussion:

- Should focus on the pros and cons as why this should be added or not
- Did not like having a project in front of them before the code was changed as it looked to be too specific

- Neutral to having this as a use by exception
- Maybe there could be a better location
- Felt the definition was clearly defined
- Hoped the residents would have been in support of the change
- Understood the reason for this type of club and felt they were the future of keeping the City vibrant
- Unsure if this could be done where everyone would feel safe
- Project mentioned would have to be presented to the PZB as a Use by exception and condition could be applied
- Understood both sides but unsure of what to do
- Asked if this would be open to other locations in the district if this changed
- Felt it could provide unintended consequences
- Neutral to the change
- Residences comments added more value to the choice
- Not in support of the change without the buy in from the residents in the area
- Asked if in the exception the Board could regulate the hours

Ms. Lopez replied the Board was not at the exception stage yet; however, in the definition, the Board was able to add hours if they wanted.

Mr. Davis asked if they could set a minimum fee for people to join a social club.

Ms. Lopez advised the way it had been written was the club could only be a tenant and the property owner would have to be current on the payment of their Ad Valorem taxes.
Mr. Davis said that was great; however, he wanted the fee not to be so low that anyone could join. He asked if a set amount could be assigned in order to avoid people walking in and having a couple drinks.

Ms. Lopez said potentially. She said she added in the definition that not simultaneously at the door paid membership with immediate entry, which was to deter anyone from entering and becoming a member.

Mr. Daivs said if this was a club it needed to be a club and not a bar, that was acting like a club.

Ms. Lopez said instead of the amount, potentially it could be added that a member had to be a member for a length of time before allowed entry.

Mr. Davis thanked the neighbors for commenting and providing feedback. He said he was neutral, and thought the location was good for Mr. Stevens as they had a relationship; however, it was across the street into a district that the Board seemed to be struggling to make the change.

Mr. Blow felt they were making progress to address the neighbor's concerns.

Board discussion continued:

- Felt the zoning change and the application should be kept separate
- Unsure if having a not-for-profit was better or worse than a cocktail lounge/tavern
- Unsure if the Code should be changed and was unable to find the public benefit
- Felt this was being proposed as an individual project
- Uncomfortable supporting the change
- HP 2 had the use and was not far from this location
- Wanted to keep the residents downtown
- Thought it was a wonderful idea and mission but seemed to be too complicated
- Did not find a public benefit or a general public benefit in HP 3 as it would be district wide
- Had an established district with the ability to have a not-for-profit club
- Board had a very thoughtful discussion, but it was difficult to find the public good with this change

- Idea was great but not the location

Mr. Misterly thanked Mr. Stevens for presenting the idea to the Board and thanked the residents for providing feedback as it was very important.

Mr. Misterly asked what the next step was.

Ms. Lopez advised unless a Board member wanted to move it forward there was no need for a motion.

Mr. Misterly thanked Ms. Lopez for working hard on the proposal.

There was Board consensus to not move the item forward.

Ms. Skinner stated she enjoyed working with Mr. Misterly and Ms. Ryan. She said their time on the Board was ending. She reminded the Board about the special meeting on September 20, 2022 at 1:00p.m. She said over the past few years they had been able to get a lot accomplished and appreciated all their hard work. She said they had a coin for them and hoped they could serve in the future.

9. Adjournment

Having no further business, Mr. Misterly adjourned the meeting at 5:51 P.M.[4]

for Mike Davis, Chairperson

[4] Transcribed by Elyse Wiemann