

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting December 6, 2022

The Planning and Zoning Board met in formal session Tuesday, December 6, 2022, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mike Davis, Chairperson and the following were present:

1. Roll Call:

Mike Davis, Chairperson
Charles Pappas, Vice- Chairperson
Jon DePreter
Carl Blow
Matthew Shaffer

Absent: Ashleigh Barnes
Christina Griggs

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

Ms. Skinner announced that Item 7(a) application for Florida Avenue had requested a continuance to February 6, 2023.

Ms. Lopez announced starting in January 2023 the meetings would begin at 1:00p.m.

MOTION

Mr. Blow MOVED to CONTINUE 2022-0057 until the February 6, 2023 meeting.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

2. General Public hearings for Items Not on the Agenda

Heard after item 4.

Marta Hahn

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the October 4, 2022 meeting minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Pappas MOVED to APPROVED October 12, 2022 Special Meeting minutes as presented. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: Pappas, Shaffer, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Modification and Approval of Agenda

Heard at the beginning of the meeting and after roll call.

MOTION

Mr. Blow MOVED to CONTINUE item 2022-0057 to the February 6, 2023 meeting at 1:00 p.m. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a)2022-0045 Continued from the August 2nd Meeting Continued from the November 1st Meeting

**Thomas Burd – Owner & Applicant
c/o Fullerwood Construction
28 Macaris Street**

To reduce the rear setback from 20' to 13' on a Residential Single Family-One (RS-1) lot to allow for the proposed addition to the single-family residence

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 rear yard setback at 28 Macaris Street/PID 153530-0000 from 20' to 13'.

Thomas Byrd reviewed the application.

The Board provided their ex parte communication.

Public notices were sent at the prior meeting.

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

The Board discussed:

- Asked if the center section on the site plan labeled 'to be demoed' would be removed to leave two separate structures
- The trees that were in questions were in front of the development
- Had plenty of room for the tree as the garage was nineteen feet away

Applicant response:

- Only part that would be demoed would be the roof as it was bad and could not be salvaged but the building would stay

MOTION

Mr. Shaffer MOVED to APPROVE Variance 2022-0045 to reduce the rear setback from twenty feet to thirteen feet on a Residential Single Family One Lot to allow for the proposed addition to the single-family residence. The motion was SECONDED by Mr. Pappas.

Mr. Blow asked if the motion should be tied to the criteria for a variance. He said there was no issue that would harm the public, and the owner did not cause the situation; however, he was trying to improve it.

MOTION

Mr. Shaffer MOVED to AMEND the MOTION to include the items as mentioned. The amended motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5.(b) 2022-0083 Rickey M. Garmon-
Applicant & Owner
515 Arricola Avenue**

To reduce the side setbacks from 10' to 5.9' along the southern property line and from 10' to 7.8' along the northern property line on a Residential Single-Family-Two (RS-2) lot to allow for the construction of a new single-family residence.

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 at 515 Arricola Avenue/ PID 223290-0000 to reduce the side setbacks from 10' to 5.9' along the southern property line and from 10' to 7.8' along the northern property line.

Rickey Garmon reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Building on the property had less of a setback
- Flooding of the property was a disadvantage
- Setbacks would be further from the property line than existing
- Felt there were other disadvantages as the existing structure had less of a setback
- Property was irregularly shaped
- Felt flooding would become a precedence and should not penalize applicants for flooding

- Thought the more homes that did not flood the better

Applicant response:

- House to the south of the property had the same variance to five feet
- Seven extra feet would provide more options for the layout of the home

Mr. Blow said there was a cedar tree in the front yard and asked if it was a protected tree.

Ms. Skinner said if the tree were more than eight inches in diameter then a tree removal permit or the tree would need to be noted on the site plan when the building permit was applied for and would need to address the tree at that time.

Mr. Blow said the tree was not included with this variance. He asked if the cedar tree would be kept.

Mr. Garmon said he was unsure; however, on the site plan he used twenty-five front foot setbacks. He asked if he could have the fifteen-foot setback.

Ms. Skinner advised fifteen feet was the front setback requirement for RS2; however, if that impacted the tree and it was protected then he would need to return to the Board for approval of the tree removal.

Mr. Garmon said he would try to keep the tree. He said more than half the lots on the road had their property lines up to canal and others did not. He asked how lot lines were established and could he obtain ownership to the canal like his adjacent neighbors.

Ms. Skinner noted she was aware and over time was unsure how that happened. She said they were working with the property owners and the Public Works Department to maintain the ditch/drainage area.

Ms. Lopez advised the City maintained a drivable surface in that location for Public

Works and from a public policy perspective they would not concede control of any of the property in that location.

Mr. Garmon asked if access to this ditch area would be closed at any point.

Ms. Lopez replied they had spoken with Public Works about adding a gate or fence with signage. She encouraged him to reach out to Public Works if there were concerns.

MOTION

Mr. DePreter MOVED to APPROVE Variance 2022-0083 given that it meets the four criteria for variance; the property suffers from being flood prone, the setback would be less restrictive as the property owner was unable to make reasonable use of the property due to flooding, conditions were not created by the owner, and would not be contrary to public interest. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: DePreter, Davis, Shaffer, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2022-0071 – Adrienn Molnar – Applicant & Owner **28 Arenta Street**

To approve an off-site parking space at the City parking garage for a short-term rental as a permitted use by exception.

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 28 Arenta Street I PID 118760-0000.

Applicant was present but did not comment.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Felt the parking garage did not have enough room currently
- Parking garage was too far from the home

Ms. Lopez advised the Board about the law pertaining to vacation rentals and parking. She said there were several options available but no option for denial. She said the applicant could park onsite if able, parking within 400 feet, residential street parking program or the final option was the City Parking garage.

Mr. Pappas added the state did not allow them to be considered a business under the business law and were to be treated as a resident. He said they had asked other applicants to look for options before coming before the Board.

Mr. Blow said in the past the Board had asked for proof showing the applicants had tried all the other options before coming before the Board to request a spot in the garage. He asked where that evidence was located.

Mr. Pappas said on the application a neighbor was going to allow them to use space for parking; however, that was crossed off. He said there looked to be a discrepancy regarding the number of spaces and asked if it was one or two.

Mr. Fredriksson confirmed the applicant was requesting one space and the applicants had two spaces onsite.

Mr. Davis asked the applicants to come forward since the Board had questions regarding the application.

Oliver Till and Adrienn Molnar reviewed the application.

Board Discussion:

- Asked if the applicant had searched for other options
- When home was rented it was advertised as one unit with three bedrooms
- Driveway could be gravel or stabilized surface but not allowed to be grass
- Felt the applicant could add gravel to the property to make room for the additional parking needed

Applicant response:

- Had three spaces; however, the third space was not a solid surface and was not allowed to be on the grass
- Felt it was rare for guest to come with three vehicles

Ms. Skinner said sometimes it was difficult to fit a third parking space on site; however, if they were to do so there were other building conditions that had to be met.

Mr. Pappas said he wanted to see if the applicant could explore adding the third parking space onsite and thought it would be valuable to the short-term rental.

Ms. Molnar said there was parking available on the street

Mr. Till said Code Enforcement said they had to have approval for three parking spaces. He said he spoke with his neighbor and they provided a written permit to use his property for a third vehicle, but that was not allowed since it was private property.

Mr. Pappas asked why the applicant could not use their neighbor's property for the additional parking space.

Ms. Lopez said parking lots were not short-term rentals and commercial lots could not be used for short-term rentals. She said if there was residential street parking available that could be an option; however, open street parking would not be allowed under the code.

Mr. Pappas said he would like to have the applicant explore the potential of other parking spaces on their property before he could be in support of the application.

Mr. Shaffer said if the applicant used the spot onsite would it be a code violation.

Ms. Skinner advised it could not be in the grass but would have to be on an erosion resistant material.

Mr. Shaffer asked if the applicant wanted to explore the option to have the three parking spaces onsite.

Mr. Till replied if there was not another option, they would be willing to explore adding the gravel, but it was rare for visitors to come with three vehicles; however, he felt having an approval for the parking garage would be best.

Mr. Davis stated the parking garage was the last option but, in this case, it seemed to be the easiest option. He said the Board preferred to see the onsite parking option be explored before approving the parking garage. He asked if the applicant would continue the application to explore that option.

Mr. Till agreed to continuing the application.

MOTION

Mr. Shaffer MOVED to CONTINUE application 2022-0071 to January 3, 2023.

The motion was **SECONDED** by Mr. Pappas.

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2022-0082–Travis Lantz – Applicant
c/o The Toy Barn
Azman Kayakli – Owner
c/o 2401 Ponce de Leon, LLC
2401 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 2401 N Ponce de Leon Boulevard/ PID 156080-0000.

Ms. Skinner noted slow moving vehicles that were unable to get up to speed were unable to cross US 1. She said there were other vehicles they were offering for rent that could be on US1.

Travis Lantz reviewed the application.

Ex Parte Communication:

(None)

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

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

Ms. Lopez clarified golf carts were not allowed on any City street; however, low speed vehicles (LSV) were allowed but the

challenge was they were not able to be driven on any road with a speed over 35 miles per hour which was US1.

Mr. Shaffer asked if there was enough parking onsite. He asked if the applicant was trying to obtain access to Pacific Street.

Ms. Skinner said the site had ample parking. She said Pacific Street was a City street with a City right-of-way and would have to work with Public Works to obtain access or curb cut. She said the secondary issue was would the low speed vehicles be allowed to cross US1 to get to the San Marco Avenue.

The Board discussed:

- Asked if there was room in the median to allow for safe passage
- Asked if rentals were mainly for tourist
- Troubled by how bad the traffic was and felt this could add to the traffic issues
- Could be allowed if the application met the City Code
- Unsure how this was beneficial to the public
- Felt this could be a safety issue to the public specifically to the LSV traveling across US1
- US1 had a non-controlled intersection and was difficult to get across
- Would be entering neighborhoods when exiting US1 and that had been an issue with other applications
- Would not support LVS crossing US1 as they were not suitable and could not be controlled
- Location was high traffic area most of the time
- Felt downtown at this time of year was not a reason to not allow this type of business
- Asked the makeup of the vehicles that would be rented
- Asked if the LSV the applicant built were lower than 35mph
- Questioned the max speed of the scooter
- Last application was on the east side of US1 and there were conditions added

- Hardship was crossing US1 and trying to avoid entering residential neighborhoods
- Felt this was a safety issue
- Questioned the public benefit
- No pedestrian traffic so would be the same amount of vehicle on the streets
- Previous approved businesses were in the downtown area and could walk to the location

Applicant response:

- Most of the time it was for tourist; however, residents also used their services
- Would offer electric 49cc scooters, low speed vehicles (LSV) which used lithium batteries
- LSV were slower than 35mph, but were fully programmable to increase the speed if needed for the area
- Would be able to accelerate quickly to cross US1
- Would obtain a full-time employee to help with crossing for safety
- Scooters could travel on any road, auto cycle was a normal vehicle, golf carts were able to be adjusted
- Max speed was 37mph on the scooters and 3 wheeled cars were able to go 75mph but were turned down to 45mph
- The goal was to remove some vehicles off the road and felt all the goals could not be implemented immediately
- Wanted to offer employment with the Flagler Students, City tours or taxi service
- Felt it was beneficial to take larger vehicles off the road and replace with smaller ones
- Felt golf carts could assist with the parking issues in the City
- Goal was to rent the least amount of LSV from the property but to establish relationships with hotels for rentals

Mr. Davis said the issue was the distance to downtown and the location.

MOTION

Mr. DePreter MOVED to DENY Use By Exception 2022-0082 as it did not meet the code and ordinances specifically and felt this was the wrong area, on the wrong side of the road with no pedestrian access, did not promote public health, safety, welfare, morals, convenience, appearance, prosperity, or general welfare. The motion was SECONDED by Mr. Pappas.

Mr. Pappas said it was not only the LSV but all the vehicles interacting with the other vehicles on US1. He encouraged the applicant to review other locations.

Mr. Blow said one goal the applicant mentioned was to remove vehicles off the road; however, these would take about the same amount of space in the downtown area. He said the issue was the experience of St. Augustine was being degraded. He said he was concerned this would affect the service industry.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Conservation Overlay Zone Development

7. (a). 2022-0057Continued from the October 4th Meeting/ Continued from the November 1st Meeting

Ryan Carter – Applicant c/o Carter Environmental Services

San Sebastian River LLC – Owner
Florida Avenue / PID 107790-0010

To approve a new bulkhead approximately 20 feet in length, review wetland impacts and approve a pile-supported dock with a floating platform totaling approximately 1,459 square feet within Conservation Overlay Zone 1. To remove significant trees and tree canopy

in Conservation Overlay Zone 3 for multifamily housing and recreational use.

Application continued to the February 6, 2023 PZB meeting.

7. (b) 2022-0077 – Ryan Carter – Applicant
c/o Carter Environmental Services
Kenneth Walls – Owner
Lot 12 Pelican Reef Drive/PID 158573-0130

To approve the construction of a new 3,457 square foot dock, bulkhead, and two (2) boat lifts 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 3,457 square foot dock, bulkhead, and two boat lifts within Conservation Overlay Zone 1 at Lot 12 Pelican Reef Drive / PID 157573-0130.

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 noted the design had been updated.

Ex Parte Communication:

(None)

12 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:

- Asked for clarification regarding the bulkhead
- Asked if both lots eleven and twelve would have bulkheads and if so, would both bulkheads tie together

- Suggested a stainless-steel cable for a railing but could have a platform with no railing

Applicant Response:

- Only change from plans shown was realignment of the boardwalk and the shifting of the terminal platform by ten feet
- Bulkhead was shown as planned just landward of the wetland line
- Both bulkheads would tie together and on the north side would have a wingwall

Mr. Shaffer asked about the height of the railing.

Mr. Blow advised railing was not regulated but personally thought railing should be there for safety purposes. He suggested stainless steel cable which would not obstruct the view.

Mr. Davis noted that was not under the Boards purview or in the City code.

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development 1, 2022-0077 be approved with the latest amendments date December 6,2022. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Shaffer, Pappas, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (c) 2022-0078 Ryan Carter – Applicant
c/o Carter Environmental Services
Michael Hutchinson
Lot 11 Pelican Reef Drive/PID 158573-0110

To approve the construction of a new 4,010 square foot dock, bulkhead, and

three (3) boat lifts 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 4,010 square foot dock, bulkhead, and three boat lifts within Conservation Overlay Zone 1 at Lot 11 Pelican Reef Drive / PID 158573-0110.

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)

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

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

The Board discussed:

- No questions or issues with application
- Asked if there were any changes to this application

Mr. Fredriksson replied only Lot 12 had changes.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone One Development 2022-0078 as it meets the criteria, previous application noted it would include a bulkhead, and would reflect the drawings provided. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (d) Ryan Carter – Applicant
c/o Carter Environmental Services
Henry Green – Owner
24 N Saint Augustine Boulevard**

To approve the construction of a new 1,936 square foot dock and two (2) boat lifts 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 1,936 square foot dock and two boat lifts within Conservation Overlay Zone I at 24 N Saint Augustine Boulevard/ PID 213480-0000.

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.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Questioned the size of the dock and if it was in line with other docks in the area
- Felt it was in a better location as it was more landward
- Dock was not shared; however, it had a one-foot gap in between the two docks to accommodate owners

- Wanted the dock to be compact but thought the space around the boats were reasonable
- Understood there was ample distance from the channel and thought docks were normally in alignment
- Questioned the reason to have more distance from the riparian line
- Asked if the existing pilings were staying or being removed

Applicant response:

- Docks to the north had similar terminal footprint
- One was a shared dock and was large
- Would be further landward; however, the sandbar was growing, and the fear was that it would continue to happen in the future
- It was to prevent issues with maneuverability if a dock were built to the south
- Pilings would be removed

Mr. Blow asked since there had been a lot of docks with damage from past storms, would the applicant need to come before PZB for approval or was there a time period.

Ms. Skinner advised the applicant would have one year to obtain a permit and replace it from the time of the damage.

Mr. Blow asked if the City could review the one-year timeline as it was difficult for builders to schedule within a year and there had been an increase in the cost of materials and applicants should not be penalized.

Mr. Davis advised that could be added to the discussions at the end of the meeting.

Mr. Carter noted Department of Environmental Protection (DEP) and the Army Core of Engineers also had a one-year time limit.

Ms. Skinner clarified the building permit had to be obtained within a year; however, the building did not have to be done within a year.

Mr. Carter said outside of this item, City Code had a six-foot height over mean high water which was the City's maximum but felt it needed to be updated to seven or eight. He said the higher the dock was over mean high water, the less the dock would be damaged from storms.

Mr. Blow said he was completely in favor of that.

Mr. Pappas said the request was for 1,936 square feet but the proposal was 2,244 square feet. He asked which was accurate.

Mr. Carter clarified that was a typo and 2,244 square feet was correct.

MOTION

Mr. Pappas MOVED to APPROVE item 2022-0080, at 24 N Saint Augustine Boulevard for the construction of a new dock in the proposed 2,244 square feet and all other pilings that were existing be removed. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Pappas, Davis, Shaffer, DePreter, Blow

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. (e) 2022-0085 – Russell E. Haimowitz Sr. – Applicant
c/o Russell Contractors Inc.
Lorenc Hoxhaj – Owner
119 Gaillardia Loop

To approve the removal of twenty-two (22) significant trees within Conservation

¹ Break from 4:10 – 4:27

Overlay Zone 3 for the construction of a new single-family residence.

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 DENY the removal of twenty-two (22) trees, including twenty (20) significant cedar trees, within Conservation Overlay Zone 3 at 119 Gaillardia Loop I PID 158571-2060 due to the lack of a tree mitigation plan.

Russell Haimowitz reviewed the application and discussed the new information provided to the Board.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Noted the site plan showed a deficit of forty-six Cedar trees as well as it was six cedar trees short
- Asked if 10 Cedar trees were required to be on each lot within Pelican Reef

Ms. Skinner advised the agreement was from the 1990's when the subdivision was platted. She said each lot was to retain ten cedar trees.

Mr. DePreter asked if the agreement was private or City recognized.

Ms. Skinner replied the agreement was City recognized.

Board Discussion:

- If required by the City to have ten cedar trees there were only seven listed

- Asked about the trees noted in the staff report that could be saved

Applicant Response:

- Was unsure how mitigation worked
- Was willing to have the ten total trees if required
- Willing to plant more trees to meet the requirement

Mr. Fredriksson said there was one tree that was in the sidewalk; however, the updated information showed the sidewalk going around the tree. He stated if the floorplan were modified perhaps that tree could be saved too.

Mr. Haimowitz said he thought they were referring to trees numbered one and two.

Mr. DePreter noted since the staff report was written, tree one was not in question because the site plan had been modified; however, the applicant would still need the ten cedar trees to meet the threshold. He asked if the applicant could replant trees.

Mr. Haimowitz said they wanted to plant six two inch by six-foot-tall cedar trees on the property.

Board discussion:

- Wanted to have a map with the locations of the trees noted
- Asked if there was an arborist report noting the significant trees
- Asked if the report provided at the meeting coincided with the condition of each tree
- Thought there should be a table that clearly identified each tree and the condition
- Felt there was not enough information provided to make a clear decision
- Wanted the applicant to save tree number two
- Asked if the design was flexible and if the home was one story or two story

- Suggested shrinking the footprint to help save a couple trees
- Suggested the applicant work with staff and continue the application
- Most of the trees were within the buildable lot space
- Southwest corner did not have trees and perhaps shift the house in that direction to help save more trees
- Had the advantage of planting trees onsite
- Asked to review the site plant and bring a new one back with the old to compare which trees were able to be saved
- Asked if the lot coverage was different for Pelican Reef than the rest of the City

Applicant response:

- Would be able to provide a map with that information
- There were three or four that were considered healthy trees that were circled, the others were unhealthy
- Asked if the Board felt tree number two was salvageable as there was severe root rot and bugs
- Floor plan was somewhat flexible and was a two-story home

Ms. Skinner said this was zoned Residential Single Family Two (RS2) but certain areas like Spoonbill Court had different lot coverage and setbacks as part of the subdivision.

Mr. DePreter asked if that had been reviewed for this application. He said the lot coverage should be checked as it could be different with the homeowner's association. He said if the application were continued could that be confirmed.

Ms. Skinner said she would double check the information before the application came back; however, thought the lot coverage was 40%. She said the lot coverage in Pelican Reef superseded the City Code.

Mr. Davis suggested providing photos concerning the trees as that could assist the Board with their decision.

Mr. Haimowitz said he could document and provide that information. He asked if he could move the house back about one and half or two and half feet adjusting the setback, he might be able to save tree number two.

Mr. Davis said if that were his proposal the Board would be able to consider it.

Ms. Skinner advised if something additional was needed it would need to be advertised; however, the justification could be to save the tree.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Three Development 2022-0085 to provide the applicant time to return with a tree mitigation plan, meeting the ten cedar tree requirement, with time to consider moving the structure to help save tree number two as called out by staff, a more detailed arborist report with the health of the trees to the January 3, 2023. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Blow, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Variance and Conservation Overlay Zone Development

8.(a) 2022-0086 Sarah Ryan, Architect – Applicant c/o Sarah Ryan, Architect TMC Holdings LLC – Owner 66 Lewis Boulevard

To eliminate on-site vehicle maneuverability and approve the removal of a significant 13/17/28 Oak tree within Conservation Overlay Zone 3.

Mr. Fredriksson read the staff report and said based on a review of the City of Saint Augustine's Comprehensive Plan 2040, Section 11-29, and Section 28-29 staff finds that the Board can CONTINUE a variance to eliminate on-site vehicle maneuverability and approve the removal of a significant Oak tree within Conservation Overlay Zone 3 at 66 Lewis Boulevard/ PID 119490-0000. Given the current development proposal the applicant has demonstrated the ability and willingness to act on the City's goals of compact, mixed use, and infill development and should be able to modify plans that may contradict zoning and parking requirements in efforts to preserve a significant Oak tree while furthering goals and objectives of the City's Comprehensive Plan.

If the plan is modified additional variances may be required and the item could be readvertised accordingly.

Mark McConnell reviewed the application.

Mr. Blow asked if the parcel had been rezoned.

Ms. Skinner confirmed it had been rezoned earlier in the year to Residential General Office -A.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Asked about the traffic and ingress and egress
- Questioned the fill that would be brought on to the site
- Felt there were ways to mitigate around a tree although this tree was next to the structure

- Asked about the tree in the right-of-way and where the trees were located on the site
- Had extensive lot coverage and asked if stormwater treatment was required
- Asked if the stormwater treatment would be higher than the grade of the road
- Not many concerns with the street having a dead end
- Applicant was saving the trees on the south property line
- Saltwater flooding was hard on the Live Oak and Laurel Oak trees
- Felt the longevity could be hindered due to the saltwater
- Asked what the building would be used for
- No issues with the backing out on to the street
- Site was low and needed to be filled, tree was in the building footprint and would need to be taken down
- Asked if the tree would hinder meeting the parking requirements
- Having a mixed-use building on the site was in line with the City's goals

Applicant Response:

- Would meet the parking requirements even with the tree in the right-of-way
- Most people who visited the restaurant in the area parked in the Marina parking and entered and exited through the first driveway
- Needed to raise the site in order for it to drain towards the street
- Did not feel any tree would survive adding the fill dirt
- Tree located in City right-of-way would be left alone and the other trees would stay
- None of the other trees were shown on the site plan
- Stormwater would be located under the parking lot
- Would need slope up from the road
- Offices would be on the first floor, back would have a craftsman workshop for lease, and two apartments upstairs

- Tree would not hinder the parking and could meet the requirements

Mr. Shaffer asked if maneuverability onto the road was the reason staff wanted the application continued.

Mr. Fredriksson in the affirmative and said in the Comprehensive Plan it spoke about other modes of transportation to get to the location as vehicles should not be the only priority.

Mr. DePreter asked if there was a catch basin out front.

Mr. McConnell replied they were subterranean and would be under the parking lot. He said there was a City pump station across the way.

MOTION

Mr. DePreter MOVED to APPROVE Variance and Conservation Overlay Zone Three Development 2022-0086 for the Variance the site does have size, shape, and typography has a disadvantage as it was low and continuous flooding its catch basin, lot was created and rezone before the current owner had possession, granting the variance would not be in conflict with the public interest only the backing out onto the street; larger goal of having the property developed, drain properly, and have a multiuse building would supersede that goal and was in the public interest. The motion was SECONDED by Mr. Blow.

Mr. Blow noted the lot was currently vacant and constructing the building would create construction jobs and permanent jobs in the City.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Comprehensive Plan Land Use Plan Amendment and Rezoning

9. (a) 2022- 0084 James G. Whitehouse, Esq. – Applicant

c/o St. Johns Law Group

Vista Hotel IV, Inc. – Owner

1800 N Ponce de Leon Boulevard/PID

189750-0000, 1860 N Ponce de Leon

Boulevard/PID 189670-0000, 7 W San

Carlos Avenue/PID 189640-0000, 1700 N

Ponce de Leon Boulevard/PID 189790-

0000, 25 Missouri Avenue/PID 189780-

0000

To amend the current land use of Commercial Medium Intensity to Residential Medium Density-Mixed Use and to rezone the property from Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A) including all referenced properties.

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

James Whitehouse reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- CM2 Zoning had a max lot coverage of 75% and max height of 35 feet and the applicant wanted to downsize to RGO-A which was a max lot coverage of 50% and max height of 40 feet

- Under RGO-A a permitted use was a parking facility and garage which was not listed under CM2
- Did not see anything negative by the change
- No issues with decreasing the intensity by changing the zoning
- Felt the higher height belonged on US1
- Asked what the highest point would be on the building
- Asked what the height of the Hilton Garden Inn was
- Asked if that was done through a PUD or which type of zoning

Applicant response:

- Hilton Garden Inn with the appendages was around forty-nine feet and this hotel would be around forty-five feet tall including the appendages
- Was not a PUD; straight zoning and allowed to have the appendages above the thirty-five feet

Ms. Skinner said the height of the roof was limited to thirty-five feet; however, for appurtenances and elevation shafts could be up to fifty-five feet.

Board Discussion:

- In support of trading the five feet for the 25% lot coverage
- Building was within a mile of the City and felt it was best for residential mixed use and the City was getting less lot coverage
- Understood the reason for the change as the applicant needed more height
- Felt this was better for the City and was more people/lodging oriented
- Application was consistent with the Comprehensive Plan
- Felt the change made sense for the rezoning instead of asking for a variance
- Would be a less intense use and should translate to less traffic and impact to the City

- Asked what would happen to Missouri Avenue and would it be thirty-seven or thirty-eight feet on both sides of the street
- Felt the additional height would not affect the adjacent properties
- Proposal was for rezoning the three parcels; however, no design was complete

Applicant response:

- Properties between San Carlos and Missouri Avenue was where this would be located
- The middle would be a mixed use intertwined with the hotel or another use
- Would not be going across Missouri Avenue
- Property would be a hospitality use
- The change would tie them into this use, and it kept the land use consistent with the Comprehensive Plan

Ms. Skinner clarified the existing Hilton Garden Inn was already constructed and would stay commercial. She said it was only two properties that were being discussed.

Mr. Blow noted the Red Train Trolley used Missouri Avenue to get to their facility. He asked if that would be impacted.

Ms. Skinner said the property that was being discussed was to the west and the property to the east that faced San Marco Avenue was not being rezoned.

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL the Comprehensive Land Use Plan Amendment 2022-0084 to rezone the land use from Commercial Medium Intensity to Residential Medium Density-Mixed Use as it meets the three criteria under 28-30 the need and justification had been proven, relationship to the City's general planning and the City's Comprehensive Plan. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to RECOMMEND APPROVAL the rezoning request 2022-0084 from the current Commercial Medium-Two (CM-2) to Residential and General Office-A (RGO-A), as it meets the criteria for the rezoning need and justification, relationship to the City's general Plan and the consistency with the Comprehensive Plan. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Other Business

10. (a.) Approval of the 2023 Planning and Zoning Board meeting schedule.

Ms. Skinner noted the 2023 Meeting Schedule and noted the new meeting time of 1:00p.m.

Mr. Davis said the July 5, 2022 meeting date was the only conflict he saw.

There was Board consensus that the 2023 meeting schedule and time be approved.

Mr. Pappas advised he would not be able to attend the February meeting.

10 (b.) Discussion of electronic packets for meetings starting the beginning of the new year (January 3, 2023 PZB Meeting).

Mr. Davis asked how everyone wanted to receive the packet.

There was discussion regarding electronic packets versus paper packets. The Board

and staff decided to have both electronic packet and paper packets until a decision could be made.

Mr. Davis asked Mr. Pappas to expand on the topic regarding items being ready for the agenda.

Mr. Pappas said at the last Historic Architectural Review Board (HARB) meeting there was a discussion about items being ready for the agenda. He said HARB had proposed not having applicants added to the agenda until all items were turned in to the Board unless a hearing was demanded by the applicant. He suggested finding out the outcome before moving forward with this in order to limit having last minute documentation turned in.

Mr. Davis said this could work; however, most applicants wanted to have feedback from the Board.

Mr. Pappas said HARB had planned to create a checklist to help assist the applicant and staff.

Mr. Davis said there was already an extensive checklist and sometimes people only submitted what was needed; however, the items submitted now were much more than years prior.

Mr. Pappas said this could empower staff to inform applicants that the information they provided was not enough.

Mr. DePreter said in the end, it was the Board's decision and it was unfair to staff to have to make those decisions.

Mr. Davis asked what percentage of applications that were applied for did staff tell they were unable to be added to the agenda or did any applicant that paid get added to the agenda.

Ms. Skinner said in the City Code it indicated applications had to be heard within thirty days of a complete application. She said the

issue was there was not a clear definition for 'complete application'. She said there were very few applications that were turned away and staff tried to request additional information and applicants had up until ten days prior to submit information, and sometimes applicants received late information and had to amend the application, which did not make the application incomplete.

Mr. Blow said he understood the issue and liked to have as much information as possible but felt the City and the Board was efficient and flexible. He said if they got caught up in bureaucracy it could become cumbersome. He said the goal was to address the citizens' concerns and be customer friendly.

Mr. Davis said keeping it customer friendly was important and preferred to keep it the same.

Mr. Davis noted there were two items concerning docks one was a dock rebuild timeline, and if the City could extend that timeline and asked for the next steps.

Ms. Lopez said the Code could be changed or the City Manager could issue Administrative Emergency Orders. She asked what was the PZB recommendation.

Mr. Blow said the governor issued those orders for State government.

Ms. Lopez replied the City Manager was able to issue the executive orders if it was related to a storm. She asked if not storms should they review the codified timelines.

Mr. Davis suggested speaking with John Regan, City Manager and advising him this was brought up as an item and if this could be amended administratively then report back to the Board and if not have the appropriate Board handle it. He said the second item was changing the mean high-water tide to either seven or eight feet as it was currently at six. He said docks could not

be insured and being built at a lower height was more susceptible to damage. He asked if this could be adjusted and where to start.

Ms. Skinner said that would be an update to the Conservation Overlay Zone Development regulation. She said Commissioner Blonder recommended them to review resiliency and conservation zones; however, depending on timeframes they could have an independent ordinance, but they had hired consultants and had initiated the analysis.

Mr. Pappas said it should be quicker and not included. He felt there was a lot involved and resiliency for docks and lifting a house should be done faster.

Mr. Blow said as far as docks were concerned, a lot of the failures had been due to the galvanized fasteners. He said most local dock builders now will only use stainless. He suggested perhaps they could require stainless only.

Ms. Lopez said that would require more research and would ask the City Building Official.

Mr. DePreter said he disagreed and felt the consultants could investigate the issue and have it incorporated into the larger conversation.

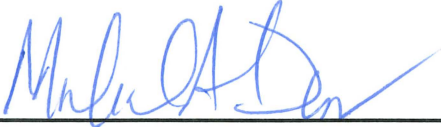
Mr. Davis said most docks that were approved were over \$100,000 and if they could be built two feet higher, they could be safer. He felt this should be fast tracked in order to help the people.

Mr. Blow suggested having a workshop with some experts in the subject like Ryan Carter and local Marine Contractors.

Mr. Davis said they should also review increasing the height of the homes due to flooding.

11. Adjournment

Having no further business, Mr. Davis
adjourned the meeting at 6:09 P.M.²



Mike Davis, Chairperson

² Transcribed by Elyse Wiemann