



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, April 4, 2023, at 1:00 p.m.

Regular Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
 - a. Regular Meeting Minutes from February 7, 2023.
 - b. Special Meeting Minutes from February 21, 2023.
- 4. Modification and Approval of Agenda**
- 5. Variance**

- a. 2022-0093
Continued from February 7th Meeting
Chanel Miller – Applicant and Owner
[20 May Street](#)
To reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space
 - b. 2023-0017
Sarah Ryan Architect LLC – Applicant
Fountain of Youth Elks Lodge – Owner
[100 Washington Street](#)
To reduce the front setback from 15' to 8' and to increase the lot coverage maximum to 43% on a Residential Single-Family-Two (RS-2) lot to allow for the construction of a front porch.

6. Use by Exception

- a. 2023-0016 Mark A Hafner Family Trust – Applicant & Owner
[75 ½ Oneida Street](#)
To approve two (2) off-site parking spaces at 63 Oneida Street of at the Municipal Parking Garage within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception.

7. Use by Exception and Variance

- a. 2022-0009 Casey Fenwick – Applicant & Owner
[93 Keith Street](#)
Continued from March 7th Meeting To approve four (4) off-site parking spaces outside of four hundred (400) feet within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception and a distance variance from 400 feet to approximately 1,000 feet.
- b. 2023-0015 Karl Baird – Applicant & Owner
c/o Cowork St. Augustine
[9 Sanchez Avenue](#)
To approve a special event venue within the Commercial Low-Two (CL-2) zoning district as a permitted use by exception and approve a variance to off-street parking requirements.

8. Conservation Overlay Zone Development

- a. 2022-0057 Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
San Sebastian River LLC – Owner
[19 Florida Avenue](#)
(Formally advertised and referred to as 0 Florida Ave / PID 107790-0010)
To approve the construction of a new bulkhead approximately 112 feet in length, filling of approximately 0.14 acres of wetlands, construction of an approximately 1,529 square foot dock, including a floating dock and gangway, and removal of the majority of the tree canopy on the site which includes significant trees in Conservation Overlay Zones 1, 2, and 3.

- b. 2022-0088
Continued from March 7th Meeting
Andrew Petersen – Applicant
c/o Bowman Consulting
CD St. Augustine Gas, LLC – Owner
[San Sebastian View / PID 073581-0040](#)
(Northwest Corner of San Sebastian View and US Highway 1)
To approve the removal of a significant portion of the tree canopy and significant trees including a 20” dbh Cedar, 13” dbh Cedar, 12” dbh Cedar, 16” dbh Cedar, and 54” dbh Oak for development within the Commercial Medium-Two (CM-2) zoning district.
- c. 2023-0010
Ryan Carter– Applicant
c/o Carter Environmental Services Inc.
David & CeCe Drysdale – Owners
[140 Pelican Reef Drive](#)
To approve the construction of a new vinyl sheet construction bulkhead within Conservation Overlay Zone 1.
- d. 2023-0012
Clark Fouraker – Applicant
c/o Clenn Layton Homes, LLC
Coastal Getaway Homes, LLC – Owner
[214 Pelican Reef Drive / PID 158573-0090](#)
To approve the removal of significant Southern Red Cedar trees within Conservation Overlay Zone 3.
- e. 2023-0013
Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Nancy & John Fout – Owner
[164 Pelican Reef Drive](#)
To modify an existing dock to change the existing boat lift to a 15’ x 38’ deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.
- f. 2023-0018
Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Ernest Little – Owner
[5 Lighthouse Avenue](#)
To approve the modification of previously approved dock plans to widen the boat lift from 10’ to 15’ within Conservation Overlay Zone 1.

9. Comprehensive Plan Amendment and Rezoning

- a. 2023-0006 Ellen Avery-Smith, Esq. – Applicant
 c/o Rogers Towers, P.A.
 Windward Shipyard Land Holdings, LLC – Owner
 [Arapaho Avenue / PID 134780-0000](#)
 To rezone the approximately 9.6-acre property from Open Rural (OR) (County) to Planned Unit Development (PUD) (City) subject to a Voluntary Petition for Annexation and Pre-annexation Agreement approved by the City Commission. On March 7, 2023, the City Planning and Zoning Board recommended the land use plan amendment for this subject property from its St. Johns County land use to the City's Residential Low Density Future Land Use Designation. This is a second Public Hearing on the proposed PUD including Conservation Overlay Development.

10. Other Business

- a. Reminder of PZB special meeting on April 25th at 1:00pm

11. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting February 7, 2023

The Planning and Zoning Board met in formal session Tuesday, February 7, 2023, 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
Christina Griggs
Matthew Shaffer
Ashleigh Barnes

City Staff:

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

2. General Public hearings for Items Not on the Agenda

- Maureen Long
- BJ Kalaidi

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the September 20, 2022, Joint Historical Architectural Review Board and the Planning and Zoning Board meeting minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Griggs, Pappas, Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Blow MOVED to APPROVE the November 1, 2022 minutes as presented.

The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Shaffer, Barnes, Griggs, Pappas, Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY
MOTION

Mr. DePreter MOVED to APPROVE the December 6, 2022 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Griggs, Pappas, Davis
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Modifications to the Agenda

Mr. Fredriksson announced there were three modifications to the agenda. He said Item 5(a) Variance at 20 May Street requested a continuance to the April 4, 2023 meeting.

Mr. Davis asked the reason for the request.

Mr. Fredriksson replied they were unable to obtain all the needed documents and they were unable to have someone available to present their application at the meeting.

MOTION

Mr. DePreter moved to CONTINUE the application Variance 2022-0093 at the applicants request to April 4, 2023 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Barnes, Griggs, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Fredriksson noted Item 7(a) had requested to be continued to March 7, 2023 meeting.

Ms. Griggs recused herself from the vote.¹

MOTION

Mr. DePreter moved to CONTINUE Conservation Overlay Zone Development 2022-0057 to the March 7, 2023 meeting at the applicant's request. The motion was SECONDED by Mr. Blow.

Mr. Davis stated he knew there were many in the audience that wanted to speak on this item. He said those who came should be allowed to comment; however, the Board would not discuss the item.

Mr. Blow questioned if the comments would be on the record if heard now.

Ms. Lopez replied if the application was being opened, all citizens would have to be sworn; however, was unsure if the applicant had representation present. She said applications were required by law to follow a certain procedure including that the applicant had the right to hear all comments made by the public.

Mr. Pappas asked what was best legally.

Ms. Lopez advised that legally, it would be best to not have public comment separate from the hearing.

Mr. Pappas noted there was a concern about having the application re-advertised. He questioned if the application had changed so much that it did not meet the original scope. He was concerned that a re-advertisement might be better than a continuance.

Ms. Skinner said the understanding by staff was if an application was continued more than three times it would be re-advertised. She said the original application was heard in October and there have been subsequent meetings and requests to continue. She said the applicant had a review by the St. Johns River Water Management that established a more restrictive jurisdictional line that was different than what they originally had, which impacted the site plan. She said they had communicated to the applicant that a revised site plan had to be submitted by the deadline for the March meeting to determine if any new issues needed to be addressed by the Board. She said they had not received any new documents as of yet.

Mr. Pappas said he was not in favor of continuing the application and would rather it be re-advertised and not placed on the agenda until all documentation was received with ample time.

Mr. DePreter withdrew his motion.

MOTION

Mr. DePreter moved to CONTINUE application 7(a)Conservation Overlay Zone Development 2022-0057 to a date uncertain with the request that the application be re-advertised. The motion was SECONDED by Mr. Blow.

¹ Recusal form attached to original minutes

Mr. Davis clarified it was recommended to not open public comment for the item.

Ms. Lopez replied in the affirmative. She said that could potentially create a way for the applicant to challenge due process.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Barnes, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Fredriksson said Item 7(c) 144 Pelican Reef Drive the applicant withdrew the application.

MOTION

Mr. Blow moved to **APPROVE** the modifications to the agenda. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, Barnes, Griggs, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Davis advised if any Board members had any ex parte communication to provide it to the clerk.

5. Variance

5. (a) 2022-0093 Continued from January 3rd Meeting – Chanel Miller– Applicant & Owner
20 May Street

To reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS1) lot to allow for the conversion of an existing garage into habitable space.

Motion for Item under Modifications to the Agenda.

6. Use by Exception

6. (a) 2022-0095 – David Spinner, c/o Lobstah on A Roll – Applicant
John Arbizzan– Owner
34 Granada Street

To approve the sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption on premises within the Commercial Low-One (CL-1) zoning district 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 at 34 Granada Street/ PID 203250-0000.

David Spinner reviewed the application.

Ex Parte Communication:

(NONE)

8 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 there could be too many uses by exceptions; however, in this case felt it was a reasonable ask
- Previously the Board had added a limit to the hours and felt that could be a condition
- Old theater had served beer and wine and that site was now a PUD, and under the PUD beer and wine would be allowed
- Should be careful with the use by exceptions but did not have an issue with the application as long as it ran with the applicant

- Type of business and the size did not bring up cause for concern
- Questioned the hours of operation
- Asked if the applicant was agreeable to having restrictions on the hours
- Asked if this was an application that had limitation on alcohol to food ratio

Applicant response:

- Open from 11:00 a.m. to 9:30 p.m.
- No issue with adding hour restrictions

Ms. Skinner clarified this was for beer and wine for a restaurant. She said the license did not have limitations and could be consumed on and off premises. She said the restrictions were for the liquor license.

Board discussion:

- Questioned if this would not turn in to a bar
- Sales for beer and wine were typically around 10%-15%

MOTION

Mr. Shaffer MOVED to APPROVE application 2022-0095 approve the sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption on premises within the Commercial Low-One (CL-1) zoning district with the condition that sales of alcoholic beverages be allowed until 10:00p.m. The motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Shaffer, Pappas, Barnes, Griggs, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Conservation Zone Development

7. (a) 2022-0057 – Continued from October 4th Meeting **Ryan Carter, c/o Carter Environmental Services–Applicant**
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.

Motion for Item under Modifications to the Agenda.

7. (b) 2022-0084 – Ryan Carter, c/o Carter Environmental Services, Inc. – Applicant
Fountain of Youth Prop Inc. – Owner
11 Magnolia Avenue

To approve the modification of an existing dock to include four (4) new boats lifts with catwalks and to approve the new construction of an observation deck to the south of 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 modification of an existing dock to include four (4) new boat lifts with catwalks and to approve the new construction of an observation deck to the south of the existing dock within Conservation Overlay Zone 1 at 11 Magnolia Avenue/ PID 191600-0000.

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 and discussed the revisions with the Board.

The Board provided their ex parte communication.

40 certified notices were sent, 4 were returned in favor, 2 returned opposed and 3 had comments.

Public hearing was opened.

BJ Kalaidi was concerned with the policy and procedures taking place. She said the documentation was not being provided in a timely manner. She said this was happening often. She said the public was interested in their neighborhoods and should have the information.

Melinda Rakoncay spoke in opposition to the application and said this was the original landing location for Pedro Menendez 450 years ago. She said the observation dock that was currently there was nice and had a nice view; however, to add modern boat lifts would be out of context. She encouraged the Board to deny the application.

James Whitehouse provided a letter to the Board from John Kulaga and Elise Kulaga and read it into the record.²

Captain Zack McKenna spoke in opposition to the application and said Hospital Creek was a gem and the wetlands should not be disturbed. He said the area was very tight and thought the paths would become tighter which would be a hazard. He felt these could not be built without causing major damage to the wetlands, and the creek was not deep enough.

Sara Pedigo spoke in opposition to the application and was concerned with the wetlands and the impact. She said the wetlands were very instrumental to helping with hurricanes and the water. She said

building in this location would be a vast impact.

Ed Slavin spoke opposed to the application and said he agreed with the other witnesses.

Public hearing was closed.

The Board discussed:

- Concerned with obstructing the channel of Hospital Creek
- The change that was made was an improvement over the submitted proposed plan
- Seemed that the applicant used the condominium docks to determine open water
- No more than 25% of the water would be obstructed by the dock
- Not opposed as Fish Island had been protected and on the west side of 312, another property had been purchased to create a public park
- Understood the concerns of the public but did not have an issue with the application
- Did not appreciate documentation being turned in late
- Felt this was a historic water site and asked if the area had been reviewed by an archeologist

Ms. Skinner replied the upland had been reviewed extensively by archeologist over the years; however, was unsure of anything waterward but could have the City archeologist make a determination. She said there was concern for precontact as natives may have lived along the waters edge.

Mr. Pappas asked if having an archeologist look at the site could be a condition and he was not opposed to the application.

² Letter attached to packet

Board discussion:

- The change in the plans was for the better as the dock was smaller
- Observation deck was fine and there was a boat dock not too far from that location
- Asked for clarification on how the docks would be used for public use or private as there was a discrepancy in the applications submitted
- Asked why there was a need for four slips if this was for private usage

Applicant response:

- Docks would be for private use only
- Many of the owners would be using the dock and the applicant had a larger family

Ms. Lopez asked if any of the docks were an accessory to a residential structure. She said if not, per the City Code, a submerged land lease would be required.

Mr. Carter replied the docks were not an accessory.

Mr. DePreter asked if it was unusual to have private docks on a commercial location.

Ms. Lopez said she was unfamiliar but felt it was possible for those with commercial marinas having a few slips for personal use.

Board discussion:

- Asked if there could be a problem with the wake since it was a small area
- Owners were responsible for their own wake
- Questioned if the applicant owned the bottom lands

Ms. Lopez said she was unsure; however, this should not hold up the application as the Board was reviewing the seventeen criteria. She said she would need to review this further depending on the outcome. She advised there was a new ordinance

regarding "idle speed no wake zone" coming into the area. She said the Florida and Wildlife Commission (FWC) was in support of the sharp turns into Hospital Creek as "idle speed no wake zone", but not Julia's Island (Bird Island).

Mr. Blow clarified to have a no wake zone it had to be approved by the FWC which was very difficult. He congratulated the Ms. Lopez for working on this and being successful.

Mr. DePreter said specifically for criteria number ten, the effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. He asked if Mr. Blow felt that criteria were being met.

Mr. Blow replied in the affirmative and said especially with the new ordinance.

Ms. Lopez said the ordinance was being amended and the FWC staff was in support of it.

Mr. DePreter questioned the height of the observation deck.

Mr. Carter replied it would be six feet above mean high water, to reduce the chances of it being damaged during a storm. He said there would be a gentle rise to get to the end of the terminal platform. He said the existing uplands had an elevation around four or five feet and this would be another two or three feet.

Discussion continued:

- Felt the application met the seventeen criteria
- Unsure after reviewing the standards they would only be issued for structures that were determined to be a benefit to the public as a whole and would not impact natural systems or obstruct vista opportunities
- Public had many concerns and was unsure if that could be considered expert testimony

- Questioned the seventeen criteria and was unsure if the application met them

Mr. Shaffer asked what the criteria was for expert testimony.

Ms. Lopez advised a layperson(s) or neighbor(s) were able to provide factual testimony; whereas, for expert testimony they would have to provide educational background in the field, years of experience, and any publications related to the subject.

Mr. Shaffer stated he was not in favor of having the four boat slips as they were not a benefit to the public as a whole.

MOTION

Mr. Blow MOVED to APPROVE the application 2022-0084 based on the application meeting the seventeen criteria. The motion was SECONDED by Mr. Pappas.

Mr. Pappas asked if it were appropriate to add based on testimony, that this would be for private use only, have the archeologist review the site, and a submerged land lease would be determined if necessary.

Ms. Lopez said she understood the observation deck would be for public use.

Mr. Davis said that was correct.

Mr. Blow AMENDED the MOTION to include boat lifts would be for the personal use of the property owners as presented, City archeologist would review and determine if further review was needed, and City staff would determine if a submerged land lease was needed. The AMENDED motion was SECONDED by Mr. Pappas

VOTE ON MOTION:

AYES: Blow, Pappas, Griggs, DePreter, Davis

NAYES: Shaffer, Barnes

MOTION CARRIED 5/2

7. (c) 2023-0001 – Adrienne Flatland – Applicant & Owner **144 Pelican Reef Drive**

To approve the removal of a 13-inch dbh Southern Red Cedar within Conservation Overlay Zone 3.

Application was withdrawn by the applicant.

8. Rezoning

8. (a) 2023-0002 – James G. Whitehouse, Esq., c/o St. Johns Law Group – Applicant **Patricia D. Dobosz – Owner** **11 Bridge Street**

To rezone the property from Historic Preservation One (HP1) to Planned Unit Development (PUD).

Mr. Fredriksson read the staff report and said Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following;

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the City Commission.

(3) Consistency with the Comprehensive Plan.

James Whitehouse reviewed the application.

The Board provided their ex parte communication.

15 certified notices were sent, 1 was returned in favor, 0 returned opposed and 1 had comments and additional emails were attached.

Public hearing was opened.

Michelle Bolva spoke in opposition to the application and encouraged the Board not to expand the commercial businesses in the HP-1 district. She felt the Board should do what was best for the people of the City. She said this could be restored for residential use and not an Airbnb.

Nancy Pellicer spoke in opposition to the application and encouraged the Board to understand what was done now would be here for the long term. She said St. Augustine neighborhoods were disappearing and the Board was responsible for the future. She asked if the Bed and Breakfast were grandfathered in and if this was allowed in the area.

Leonard Pellicer spoke in opposition to the applicant and said everything in the City had changed. He said PUD were taking over the City and felt soon there would be no residents left; only Airbnb's. He said the City did not need any more PUDs.

Bruce McGuire spoke in opposition to the application and said the real issue was the PUD. He said every property should be viewed individually and no precedence or trends should be set; however, that was not always the case in people's minds. He said PUD's were creeping into neighborhoods. He encouraged the Board to be careful of what was approved and encouraged the Board to deny.

Melinda Rakoncay spoke in opposition to the application and noted the attorney for the property used other PUDs in the area to set a precedence. She said all PUDs should be reviewed on an individual basis. She said HP-1 zoning encouraged preservation and allowed multi-family. She said per code, HP-1 allowed one-month rentals and not have nightly rentals. She felt when purchased, the zoning was the same and they knew an Airbnb could not be put in this location.

JC Sullivan applauded the applicant for wanting to restore the home. She said her concern was safety as the street was narrow and congested. She said the area was dangerous for the students and the tourists without sidewalks, which did not make sense.

Kathy White spoke in favor of the application and said from her understanding, this would be a small location. She said the location was surrounded by other commercial locations and hotels. She said Bridge Street was commercial all the way up to the water.

Howell Carper spoke in opposition and encouraged the Board not to approve the PUD. He said the examples that have been provided were other exceptions. He said he had experienced this before in another community and it was difficult for residences but a delight for tourist. He said not approving this could diminish the value of the community.

Mack Patel said there were many residences against the PUD; however, nothing could be done without the approval from the Historical Architectural Review Board (HARB). He said a lot of development had taken place in St. Augustine, but this was in the HP area and there were guidelines. He said if this could happen, he was in favor of the application and for it to be restored to its best condition.

BJ Kalaidi spoke in opposition to the application and said the owner purchased the home in 2016 and nothing had been done to restore the home since. She encouraged the Board to deny the application. She understood the business owners wanted to make money but felt this was the wrong place.

Ed Salvin felt that PUDs were a sneaky way of getting around zoning. He said there was no need for another Bed and Breakfast in the area. He stated the PUD Ordinance was not intended for this and felt this was a bad precedence based on other bad

precedence's. He encouraged the Board to deny the application.

Public hearing was closed.

Mr. Whitehouse replied to public comment and said the examples of PUDs were used to demonstrate how homes had been protected. He said the San Borne maps were shown to acknowledge the usages in history. He said this was consistent with the 2040 Comprehensive Plan and clearly noted in the staff report. He said this was to help preserve the location and the skyline. He said the owner wanted to restore the property, not demolish it. He stated PUD's were the best types of zoning and worked to the betterment of the City when used correctly.

The Board discussed:

- Should have a livable City for residences and the balance was going away
- PUD was not the only way to reach all the City's goals
- PUD should not be a first resort,
- Understood they were needed; however, did not feel a PUD was needed for this property
- Homes in the area had grown and gained value
- Not in favor of the application and felt there were other way to restore the home, other than a PUD
- Application would have to be reviewed by HARB but felt it would be heard for partial demolition if not complete demolition
- Would rather this stay as HP-1 zoning
- Questioned if bed and breakfast in HP-1 were grandfathered in

Ms. Skinner replied the Marine House and Westcott House were rezoned to a PUD in the late 1990's, and St. Francis House had been grandfathered in. She said 7 Bridge Street had a negotiated agreement with conditions and limits. She said the monthly provision was added to the code in the early 1990's and some may have existed prior to that change.

Mr. Davis stated he was conflicted. He said these properties were boarding houses, and then became bed and breakfasts which were nightly rentals, and not Airbnb. He said this property had never been well maintained. He asked if a condition to the PUD could be added that the property would have to be completely renovated.

Ms. Lopez said that could be done. She reminded the Board that the applicant had the burden to show they had complied with the entire PUD Ordinance which was section 28-280's in the municipal code. She noted PUDs were custom zoning between the Board and the applicant and the Board had to verify the application met the terms of the code. She said the first step was to determine if the PUD text submitted addressed the PUD Ordinance sufficiently and second fundamentally even if all criteria had been met was there a legitimate reason to deny the application. She said this was a recommendation and would require another hearing unless it was ready for the City Commission after one meeting.

Mr. Davis asked how many nightly rentals were in HP-1 currently.

Ms. Skinner there should not be any because of the prevision for monthly rental was in place before the state preempted the City's ability to regulate Airbnb's.

Mr. Davis said during public comment, it was noted this was the second request to rezone the property and asked if that was correct.

Ms. Skinner replied there had been discussions previously; however, she was unfamiliar with any previous applications for this property.

Board discussion:

- Questioned the number of units
- Where would parking be located on the property
- Questioned if the house would be moved east

- City was losing residences every day and therefore the character of the City
- Home had been neglected for a long time and this could help restore the property
- Did not want the property to become a nightly rental
- Understood the need for the nightly rental was to have income to assist with the renovation of the property; however, nightly rental was not allowed in the HP-1 district
- Felt Bridge Street would need to be part of a more comprehensive conversation as it was supposed to be a mix use street
- Project would be reviewed by HARB for historic accuracy
- Felt there was a difference between having an Airbnb and a Bed and Breakfast
- Felt the higher goal would be to have residents in the downtown area
- Appreciated what the owner wanted to do with the property to avoid more neglect
- Felt onsite parking would be extremely difficult
- HP-1 district was clearly stated in the City Code and nightly rentals were not intended to be in this zoning district
- The justification for the need was not necessary, as the home could be renovated even if it were a monthly rental or residence
- Felt there were other options available for the home and changing the zoning was not persuasive

Applicant response:

- Depending on the renovation could potentially have four or five units
- Willing to having only four units if that would be pleasing to the Board
- Back of the property after moved forward would allow for stacked parking
- Felt there would not be many vehicles; however, a minimum of four or five
- Would connect to the garage apartment porch
- In HP-1, parking was not required but owners wanted to provide it on-site

- Parking could be added to the PUD text
- Understood there were other options available; however, they were asking for PUD

Mr. Davis stated by using a PUD, what was allowed by code, which was a monthly rental to a nightly or weekly rental. He said that was not allowed in HP-1 zoning.

Mr. Whitehouse stated it was done by the Westcott House, Marin House, and The Collector which were all HP-1. He said all three of them were PUDs and approved by the City including the Sanchez House.

Mr. Davis asked if the home was renovated, could it be turned into a long-term rental.

Mr. Whitehouse noted it could be; however, but that was not the request from the owner.

Board discussion:

- PUDs were a good tool but could be misused
- Felt the intensity would not be a significant increase as it could be used for multifamily
- Was consistent with the City's Comprehensive Plan and the restoration of a historic property
- Did not feel it was consistent with all the objectives
- Area was not blighted; however, the building was in disrepair and nightly rentals were not the only way to pay for the restoration
- Key difference for the application was HP-1 zoning was primarily for residential uses
- Testimony from the public was that residential use was important to the zoning district
- Did not feel a need for a second hearing
- Understood the concerns to maintain the HP-1 district and the one-month rental usage

- Current state of the home was noted by engineer's report "risk of collapsing during any wind event"
- Asked if the PUD was approved and if economically unfeasible, would the zoning return to HP-1
- If approved would want the proof of the finances to ensure it could be renovated
- That information would have to be tied back to the renovation being complete after being reviewed by HARB
- If not a complete application, the PUD would be voided

Ms. Lopez said the PUD text would have to be clarified and conditions would have to be added.

Applicant response:

- Had been working on this project for two years with Les Thomas and felt it could be renovated
- Would add language to the PUD text to restore and renovate the current structure
- Would be reviewed by HARB and meet the guidelines

Board discussion:

- Would like to see a budget to see what it would take to renovate
- Questioned if it were possible to renovate since the provided engineers report was not promising
- Did not fit the description of a neighborhood in decline
- Questioned if the PUD ordinance was mainly for the development of raw land

Ms. Lopez said there were two parts to the ordinance and historic preservation could be a reason to consider a PUD.

Board discussion:

- Would like for the building to be renovated but understood the concerns from the public

- The ask was for a short-term rental and there was no shortage of those or bed and breakfast
- Report from engineer was almost the same information needed for an emergency demolition, which would bypass HARB
- Questioned if rezoned to a PUD and the building official agreed it was an emergency demolition, would the PUD be null and void

Ms. Lopez said that was why the PUD language needed to be detailed in order to create the conditions of the PUD.

Mr. Davis noted the public closest to the site were in favor; however, the public not in the same neighborhood were opposed because they did not want this to happen in their neighborhood. He said his fear was losing a structure that could be saved through the PUD language.

Ms. Lopez clarified the idea that all structures were allowed to be demoed after a year if denied was not accurate. She said if a structure were contributing, individually listed or a local/historic landmark, the demolition could be denied.

Mr. DePreter said the larger goal would be for housing downtown and not nightly rental.

Ms. Barnes asked what were the alternatives that could take place in the location since the Board was encouraging residential or something other than what had been proposed.

Mr. DePreter said this location was a monthly rental and an alternative could be something that did not violate that or a redeeming goal of the City.

Ms. Skinner noted the standard for this application per code, was to have two public hearings unless, ready to be heard by the City Commission.

Mr. Davis asked Mr. Whitehouse if he wanted to have a second hearing.

Mr. Whitehouse replied the point was to have a discussion regarding the PUD and if that was the intent, then he would want a second hearing; however, if there was not a possible way to move forward, then no second hearing was necessary. He said he felt this was appropriate per City Code, but the decision was up to the Board.

Mr. Shaffer said the core part of the request was the nightly rental; however, that was also a big issue and he did not feel there was a need for the second hearing.

Mr. DePreter and Mr. Pappas agreed there was no reason to have a second hearing.

Mr. Davis asked if the main reason the application was being heard was for the nightly rental.

Mr. Whitehouse said he would have to speak with the owner for more clarification. He said this request was to have the uses in HP-1 under a PUD to allow nightly rental for the bed and breakfast.

MOTION

Mr. Shaffer MOVED to DENY application 2023-0002 to rezone the property from Historic Preservation One (HP1) to Planned Unit Development (PUD). The motion was SECONDED by Mr. Pappas.

Ms. Lopez asked if they could articulate the reasons for the recommendation for the City Commission to understand the reasoning.

Mr. Shaffer AMENDED the MOTION to include the PUD did not meet the comprehensive plan as mentioned during discussion, existing zoning, accomplished a significant public purpose, and the justification was not

met. The motion was SECONDED by Mr. Pappas.

Mr. Whitehouse noted it would be an owner-occupied bed and breakfast with all the other HP-1 requirements. He said if the alternative was to have a monthly rental that was already allowed, and no second hearing was needed.

VOTE ON MOTION:

AYES: Shaffer, Pappas, Barnes, Griggs, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business³

a. Discussion and Recommendation regarding the 2022/2023 Fiscal Year Update to the Capital Improvements Element of the City of St. Augustine 2040 Comprehensive Plan.

Ms. Skinner reviewed the topic and said the Comprehensive Plan Amendment would be brought back to the Board once updated.

b. Reminder regarding scheduled PZB Special Meeting on Tuesday February 21, 2023, at 1:00 pm.

Ms. Skinner reminded the Board about the special meeting related to the parking code and resiliency and sustainability. She noted the U.S. Army Corp would be having a workshop on February 22, 23, and 24, 2023. She said a public outreach would take place on Wednesday, February 22, 2023, related to the Back-Bay Study, which was a federal project to look at flooding throughout the City.

Mr. Davis asked about regulations and guidelines related to the Historic Architecture Review Board (HARB) and asked for an update.

³ Ms. Barnes left prior to item 9

Ms. Skinner replied partial demolition was reviewed last fall and the Architectural Guidelines for Historic Preservation (AGHP) was being updated and still being worked on with the consultant. She said the demolition draft ordinance needed to be adopted and then they could update the AGHP, as necessary. She said once it was ready, it would be reviewed by HARB and then by the PZB as the AGHP was considered land development regulations. She said she would keep them updated regarding the process of the demolition draft ordinance. She asked if the Board wanted to review the demolition draft prior to proceeding.

Mr. Davis replied since there were new Board members that might be best.

Mr. Davis asked about an update regarding the San Sebastian property.

Ms. Lopez noted that PZB approved it based on the existing case law. She said the City Commission denied the vacant parcel and approved the straight rezoning for the other portion and the vacant lot immediately west of the winery. She said they were separated from the PUD. She said the courts ruled in the property owners favor and the City Commission approved the rezoning to the straight rezoning, and they were no longer a PUD.

Mr. Shaffer questioned the meeting date in July.

Ms. Skinner noted that meeting would be held on July 5, 2023.

10. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 4:27 P.M.⁴

Mike Davis, Chairperson

⁴ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Planning and Zoning Board Special Meeting February 21, 2023

The Planning and Zoning Board met in formal session Tuesday, February 21, 2023, at 1:00 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 (arrived at 1:09 p.m.)
Charles Pappas, Vice- Chairperson
Jon DePreter
Carl Blow
Christina Griggs
Matthew Shaffer
Ashleigh Barnes (arrived at 1:09 p.m.)

City Staff:

Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building Planner
Isabelle Lopez, City Attorney
Reuben Franklin, Public Works Director
Jessica Beach, Chief Resiliency Officer
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

Marta Hern
Megan White
Jim White
Terry Hensley
Terry Ruin

3. Consideration and Discussion Related to Updating the City's Parking Code Regulations

Ms. Skinner advised the purpose of the meeting was to take the next steps in Updating the Parking Code. She said mobility was very important to the City's parking. She said to date, around \$600,000 dollars have been collected through mobility fees and was used for mobility projects and implementation. She introduced Jonathan Paul, NUE Urban Concepts to speak about the parking code and the options available. Mr. Davis asked where the money collected would be spent.

Ms. Skinner replied there was a list of projects in the Comprehensive Plan going all the way out to 2040.

(a). Discussion with city Mobility Consultant Jonathan B. Paul, AICP, MA2 NUE Urban Concepts to begin the discussion related to potential updates to the City's Parking Code to incorporate mobility concepts adopted in the City's Mobility Plan and the Comprehensive Plan

Jonathan Paul presented the following items regarding the City of St. Augustine's Parking regulations:

- Transportation Mobility Element Goal Two in the Comprehensive Plan
- Mobility Plan had complete street, shared street, bicycle, pedestrian trails, circulator transit, and parking garages on the outskirts of the City of St. Augustine

- Current Parking Regulations inside the historic preservation district and outside the historic preservation district

Mr. Blow noted the reason parking in the historic district was not required was due to a policy created decades ago. He said it was a fear that if parking was required historic buildings would be demolished in order to create parking lots.

Ms. Skinner said that was correct. She said the designation of the downtown was part of the landmark town plan and keeping the Spanish Colonial town plan intact was a priority.

Ms. Barnes questioned the difference between a complete street and a shared street.

Mr. Paul replied a complete street would retrofit an existing road without a sidewalk, bike lane, or pathway and would add one of those and a shared street were shared spaces for all uses including pedestrians and the speeds were low enough for all users.

Mr. Barnes questioned if there was a plan to have an aerial tram or water taxi.

Mr. Paul replied it would be a circulator, which would be appropriate for St. Augustine.

Ms. Skinner added that the circulator would take people from the parking garage and provide a small loop around downtown. She noted this was the first stage.

Mr. Paul continued:

- Provided considerations for outside the Historic district
- Allow flexible design standards in and outside the historic district
- How to address recovery after a water event with pervious or impervious surfaces

- Provided considerations for resiliency: no additional parking downtown, requirements for off-street parking, mandate impervious surfaces, allow for innovation design(s), promote parking in common or shared garages, reduce citywide impervious surfaces
- Reviewed considerations for different changes in the historic district: reduce maximum allowance, prohibit new off-street parking, address storm water, allow podium parking, allow off-street mechanical lifts, or valet and tandem parking
- Provided items to prohibit and provided alternatives for off-street parking
- Could require alternative treatments that were pervious such as pavers or bricks or other alternative materials
- City could have a shared parking study conducted to review the shared overall parking spaces
- City could provide off-site parking such as private or public, lease reserved parking spots, allow valet parking
- Another option would be to have structured parking

Mr. Paul provided six options for the historic district:

- Leave parking regulations alone
- Establish Tiers with various off sets (if provided)
- Outright prohibit
- Prohibit, unless alternative provided
- Stormwater and pervious design requirements
- Other consideration provided from the PZB

Mr. Paul reviewed more information regarding parking for outside the historic district:

- Had parking requirements minimum spaces, minimal innovation or alternatives
- Provided considerations for outside the historic district

- Could eliminate parking in designated areas
- Parking spaces have been reduced in the parking manual
- Allow offsets for alternative modes and designs
- Mobility hubs could be provided
- Off-site and structured parking options

Mr. Paul provided eight options for outside the district:

- Leave parking regulation alone or as it was currently
- Eliminate minimum parking in designated parking area

Mr. Paul concluded his presentation and asked for the Boards feedback as it was very valuable.

Mr. Davis asked if there were many considerations to eliminate parking and where their other communities eliminating parking.

Mr. Paul noted many communities were eliminating parking and moving towards structured parking. He noted there was a lot of cost that went along with, but the Mobility Plan wanted to move towards centralized lots and then provide alternative modes of transportation.

Ms. Skinner added when updating the Comprehensive Plan, the goal was to have a balance, and separating the types of users within the City. She said if they were able to separate tourist traffic and parking on the outskirts could potentially reduce the traffic in the downtown area.

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

(b). Planning and Zoning Board discussion

Board Discussion:

- Should not require parking on site in the historic preservation districts
- Underground stormwater could not always be easily done and could be extremely expensive
- Could provide incentives to developers or people for impact designs
- If parking were onsite, could implement a semi-pervious type of pavement or porous concrete and now allow pavement
- In favor of having off-site parking to help offset the parking needed on site
- Supportive of having first floor flooding plans
- Shared parking was a great benefit to not only one business but to multiple within reason
- Could reduce the amount of parking for various businesses
- Asked if podium parking was feasible
- City did not have undeveloped property and asked what the choices were for parking
- City needed more parking not less and was not in favor of reducing the parking already established
- Felt there were options for pervious pavement

Mr. Davis said there were issues with pervious pavement. He said in the late 1980's a pervious concrete came out and was supposed to have voids to allow water to flow through and many were poured and worked for around ten years, then the voids filled and where the low points were was where the water gathered the most.

Board discussion:

- Should understand a semi-pervious surface was not pervious and these types of surfaces should have a maintenance plan
- If pervious pavers were allowed, they should have to be cleaned out once a year

- Should provide an incentive for developing the proper parking area

Mr. Paul noted the Comprehensive Plan had lot coverage percentages and the entire lot was not allowed to be paved. He said a percentage of green space was required.

Discussion continued:

- Felt the traffic downtown was caused due to a lack of parking available
- Wanted to explore the best ways to add more parking while still considering resiliency
- Would not want to add additional parking HP district
- Would be in favor of adding more parking closer to the area to help eliminate grid lock traffic and for it to be walkable
- Did not feel there were many options left to add additional parking
- Could find ways to encourage visitors to park on the peripheries and use a shuttle but did not feel that was the main solution for residents or business owners
- Parking would be full no matter how much was available and more would be needed
- Adding more parking would help meet the needs of the businesses in the area
- Should not want to build a parking garage to attract more vehicles to the historic district

Mr. Blow understood that unless in the historic district, a permit was required from the St. Johns River Water Management or from the Department of Environmental Protection (DEP). He asked after completing the process, was the water quality from the discharge was good.

Ms. Griggs replied the St. Johns River Water Management had professional engineers that reviewed the calculations provided by the developer to determine the accuracy. She said another thing to keep in mind was stormwater in the historic district would likely

discharge to the Bayfront when the water had nowhere else to go.

Ms. Skinner noted the St. John River Water Management was a regional agency and there were eighteen counties under their jurisdiction. She said they had many departments and they reviewed certain projects and criteria.

Board discussion continued:

- Goal was to not have vehicles in the historic district
- Felt a large issue was the “day tripper” who spent limited time in the City and left the same day
- In order to not lose “day trippers” business, could have remote parking garages on the peripheries
- Thought shared parking could be beneficial but if the businesses changed could create an issue
- Did not feel a “one size fits all” approach would work for all the different districts
- Parking ordinance should have more flexibility
- Allowing offsite parking should be considered
- Implementation of the parking will not be done quickly, and mindsets would have to change
- Did not want to eliminate parking downtown; however, felt there were other options that had more of a balance
- Mobility improvements were not for today but for the future
- Could provide incentives for developers for innovated designs
- Felt by limiting the parking it would provide more local engagement
- Landscaping should be addressed within the parking lots and not just a massive concrete square
- A flexible alternative could be an application called spacer which would allow people to rent parking spaces when available

- Innovative idea was sometimes more difficult to be approved as there was not enough information for permits

Mr. Paul asked if trying something new would be worse than having an asphalt parking lot. He said developers should not be punished for participating in a pilot study for a new innovative idea.

Discussion continued:

- Felt the City was at a tipping point with traffic for tourist and residents
- Tourist and Airbnb's have exacerbated the traffic issues
- Most the older homes built in the City were created for one vehicle
- Felt the addition of State Road 313 would be beneficial and could reduce the traffic in the City
- In favor of having a walking City but mobility of all kinds was difficult when traffic laws were not followed
- Questioned how mass transit on San Marco Avenue was able to be accomplished without losing parking
- If parking was eliminated on San Marco Avenue, many businesses would be affected

Mr. Paul replied there were two parts to San Marco Avenue: two lane section and the part along the intercoastal. He said along the intercoastal, other parking options could be provided or use one lane, since it was a two-lane road. He said on San Marco Avenue to the north, 70% was spaces that could not be used for parking, but a trolley, bus, or golf cart lane could be incorporated. He said if these changes took place another space would be located in a parking garage or shared parking in another location. He suggested having dynamic messaging boards notating where parking was available. He noted, in other cities there, were residential parking passes or Airbnb's guest would have to purchase a parking pass for street parking, which had been very successful.

Mr. Davis said he liked the idea of charging for parking for the Airbnb's but was unsure if they were allowed.

Ms. Lopez stated the preemption was for rental duration and frequency. She said those were the two specific things they were not allowed to have a regulation on. She said every legislative session more language was added as to what could and could not be done.

Mr. Paul said the Mobility Plan was providing the parking and directing people to available space, and perhaps on street parking could be eliminated.

Board discussion:

- Not in favor of removing or expanding locations and loading zones as residential traffic could be impacted
- Parking requirements should be updated, and shared parking and flexibility should be noted
- Should compare the current version of the parking code with the new proposed code
- Did not feel there would be less vehicles in the City for at least the next twenty years
- Not in favor of adding a parking garage in the downtown area
- In support of satellite parking and shuttles
- In favor of flexibility for the West King Street area as it was limited
- Broudy project was a comprehensive use and a benefit to the whole neighborhood
- Pervious surfaces even if they only lasted ten years were beneficial
- Suggested having employee parking program; however, the parking garage was not far from employment locations
- Every neighborhood had their own specific needs
- Questioned the height and possibility of having a pedestrian walkover on the Bayfront

- Did not feel the Historical Architectural Review Board (HARB) would support walkovers as it would obstruct the vista
- Thought with the right commitment and plan, could be more forward thinking and changing the culture of how people moved around downtown
- Main goal was livability and downtown could be more fashion forward
- City had a circulator before with a lack of ridership but thought this time would be different
- Satellite parking garages would capture tourist, but residents could also use the space

Mr. Davis asked if a survey could be done regarding parking and mobility in order to obtain public input.¹

4. Information and Discussion Related to City Initiatives Regarding Resiliency and Sustainability including the Federal Back Bay Study, updates to the Vulnerability Assessment data, Resilient Shoreline concepts and other projects

Ms. Skinner thanked the Board for the opportunity to discuss sustainability and resiliency. She said there were many projects and noted the information provided regarding the three-day charette that was being hosted by the Army Corp. Of Engineers about the Federal Back Bay Study.

Ms. Lopez provided information about the charette and offered guidance regarding the Sunshine State Law. She said the Attorney General's office cautioned against board member attendance and noted it could violate the Sunshine Law if Board members were to attend and participate.

Ms. Skinner introduced Jessica Beach, Chief Resiliency Officer and Reuben Franklin, Public Works Director for the City of St. Augustine.

Jessica Beach reviewed the presentation regarding the Resiliency and Stormwater Program.

Board discussion:

- Back Bay study was being evaluated by the Jacksonville Army Corp of Engineers
- Very optimistic with the possible outcomes for the study
- Advised being careful on drafting the ordinance and being mindful of property owners
- Water intrusion would not change in Davis Shores until something was done as it was a heavily impacted neighborhood

Ms. Beach replied that in 2020 a neighborhood meeting was conducted. She said the reality was if the finish floor elevation was at seven or below the home would have to be elevated. She said it would be extremely difficult for the City to be responsible for that.

Mr. Franklin said one of the challenges was all private property owners that faced the marsh would have to be on board. He said everyone would have to come together and agree with a solution before it could come to fruition.

Ms. Barnes asked what percentage of the sixty homes that applied for Federal Emergency Management Agency (FEMA) were in Davis Shores.

Ms. Beach replied she did not have a breakdown of the neighborhoods. She said if a wall could be built in South Davis Shores, the infrastructure was limited. She said after the neighborhood meeting, options for the neighborhood was reviewed; however, every property owner had to agree.

Mr. Davis said as a Board they should review the thirty-five-foot height limit. He said eight

¹ Break from 3:45p.m.-4:01p.m.

foot was where the thirty-five-foot height limit started. He explained if the area was prone to flooding the owner should be allowed to build higher. He thought this should be explored to help reduce flooding.

Ms. Skinner said if in a flood zone, the measurement started at the one-foot freeboard requirement.

Mr. Davis said every house over fifty years that was being demoed had to be reviewed by HARB and the applicant had to provide drawings of the replacement structure. He understood the historic homes in the downtown area; however, he felt this should change if the home was in a flood zone.

Ms. Skinner said there was a state amendment to the building code that required administrative review for homes within a flood zone, which the state had preempted. She said there had been a few homes reviewed by the Historic Preservation Officer and approved for demolition; however, noted there was a rigorous process for historic structures.

Mr. Davis said it should be encouraged for homeowners to lift the home especially in a flood zone and not make it more cumbersome. He said there were various way people had tried to fix flooding in South Davis Shores. He felt the worst option was adding fill dirt under the house and asked how this could be encouraged to help those who have not been able to raise their house.

Ms. Beach said an ordinance had been passed that capped the impervious surface for residential lots. She said a lot grading plan was being finalized and was hoping to be effective by April 1, 2023.

Ms. Beach said there was a great team from Jacksonville area to work with the Back-Bay Study, and the Charleston, South Carolina team would be able to assist in the strategic planning as Charleston was similar to the City.

Board discussion:

- Thanked the City for working on the project and obtaining grant money to do the study
- In support of the neighborhood meetings and the process
- In favor of the living shoreline concept and on a macro scale, it provided a natural setting to the City but unsure if it would work everywhere
- Felt it would be useful if broken down by neighborhood
- Zoning system was established in 1974 and most of the density was along the water
- Now it was an adjustment for planning, but happy to see the adjustment take place
- Understood wanting to provide homeowners the ability to build higher to avoid flooding; however, did not want to encourage building new over thirty-five-feet
- If the home was existing and was allowed to be raised by two feet, that would be fine; however, would not want new homes or remodeling projects to be increased
- Felt providing a variance for building higher than thirty-five-feet should only be in flood areas
- Would be good to incentivize stilts walls instead of cinder blocks or fill dirt

Mr. DePreter asked if the City had a grading planner.

Ms. Lopez said there was a packet in the works. She said the other issue was when vacant areas were filled in there would be a change in the water flow.

Ms. Beach said this new packet would require the homeowner to show how they would not impact their neighbor and provide a solution.

Board discussion:

- Not opposed to having the homes be built higher
- Single family home drainage was reviewed by the contractor but thought a seal from a land surveyor showing the post development water would not impact adjacent properties

Mr. Blow asked if the permit was applied for, could a seal from an engineer would be required.

Ms. Beach said it could be done by the surveyor or the general contractor.

Ms. Lopez said that was the compromise with the packet.

Mr. Blow said it would be better to have a plan sealed by a Florida engineer that confirmed that post development, water would not trespass on the adjacent properties.

Ms. Skinner said a homeowner was allowed to act as their own contractor and by requiring certain things, the cost increased, and it was a difficult balance.

Mr. Davis felt the compromise would work for now, but it might need to be reviewed again in the future.

Mr. Shaffer asked if the City had the requirement to show that water would not be displaced onto the neighbor's property without an engineer's seal.

Ms. Skinner replied in the affirmative. She said when submitting for a building permit, it was required to show where the water would be going. She said it was reviewed by the Building Official. She said water trespass was a civil matter between neighbors; however, they were working on formalizing the process and the site plans now would have to be surveyed and the heights would

have to be indicated. She said this would extend the review time.

5. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 5:20 P.M.²

Mike Davis, Chairperson

² Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **VARIANCE 2022-0093 – Continued from February 7, 2023**

AGENDA ITEM 5(a)

APPLICANT & OWNER Chanel Miller

LOCATION 20 May Street / PID 123591-0030

REQUEST To reduce the rear setback from 20' to 11.8' and to reduce the side setback from 15' to 2.4' on a Residential Single-Family-One (RS-1) lot to allow for the conversion of an existing garage into habitable space.

LAND USE Residential Low Density

ZONING Residential Single-Family-One (RS-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

H Objective 2.1

The city will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

H Policy 2.1.2

The city shall review ordinances, codes, regulations and the permitting process in an ongoing basis to eliminate excessive requirements, and amend or add others in order to increase appropriate private sector housing production.

H Policy 2.1.6

The city will consider fee waivers, density bonuses, density flexibility programs, accessory dwelling units and other affordable housing incentives or strategies to encourage a broad range of housing options and price points within the city limits.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Guest house means an attached or detached structure intended to be used by a guest for sleeping and sanitation purposes but not for cooking. A guest house is not a dwelling unit and is a maximum of five hundred (500) total square feet of gross floor area.

Use, accessory, means a use which:

- (1) Is subordinate to and serves a principal structure or a principal use.
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served.
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this chapter.
- (4) Is customarily incidental to the principal structure or use.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

- (1) *Requirements for grant of variance.* The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:
 - a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
 - b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
 - c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this chapter.

- (2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) *Violations of variances.* The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-161. - Residential, single-family-one: RS-1.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses, so as to create and maintain a stable low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwelling; home office, private.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.* See [section 28-347](#).
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, seventy-five (75) feet.
 - b. Minimum lot area, one-quarter acre (10,890 square feet).
- (5) *Maximum lot coverage by all buildings and structures.* Twenty-five (25) percent.
- (6) *Minimum yard requirements:*
 - a. Front, twenty (20) feet minimum.
 - b. Side, fifteen (15) feet minimum.**
 - c. Rear, twenty (20) feet minimum.**
- (7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-21; Ord. No. 99-05, § 2, 2-8-99)

Sec. 28-348. - Accessory uses and structures.

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use. Where a building

or portion thereof is attached to a building or structure containing such principal use, such building or portion shall be considered as a part of a principal building and not an accessory building. **Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:**

- (1) Accessory uses and structures shall not be located in required front or side yards, or within three (3) feet of rear property lines, in any residential district except as follows:
 - a. On multiple-frontage lots, through lots and corner lots, accessory uses and structures may be located in any required side yard but not less than three (3) feet from any side lot line.
 - b. Accessory structures for residential purposes such as guesthouses shall not be located in any required yard.**
 - c. Detached accessory structures (other than as in subsection (2) above or as otherwise specified elsewhere in this section) which are separated from the main structure by not less than ten (10) feet may be located in a required side or rear yard, but not less than three (3) feet from any lot line.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to both the rear and side yard setbacks within the Residential Single-Family-One (RS-1) zoning district. The applicant is proposing that an existing garage, which was built “many years ago” according to the applicant, be converted into habitable space for use as a more comfortable “personal space” compared to a garage use.

The RS-1 zoning district does not allow for multifamily uses or accessory apartments. Guesthouses are permitted, but may not be located in required yards, commonly referred to as setbacks.

This application originally appeared on the January 3rd 2023 PZB Agenda and was continued to the February 7th meeting. Along with this continuance the Board requested that the applicant provide an elevation certificate of the garage, information pertaining to the distance from the garage to 18 May Street which is the neighboring home to the west, and a more detailed floorplan of the proposed guesthouse. During the February 7th PZB Meeting the Board approved an additional continuance request to the April 4th meeting to allow more time to submit the previously requested documents.

This requested information has since been submitted and is included in this packet as well as additional documents for the Board to review.

No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

This property does suffer a physical condition that is a disadvantage, an existing structure that is currently used as a garage was built most likely before the City's zoning code is only 2.4' from the side property line and 11.8' from the rear property line. The side distance does not currently meet the 3' requirement for accessory structures, or the residential setback requirements.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The disadvantage of the existing structure being located within the required setback is that staff cannot approve the modification of the garage into habitable space. The applicant makes the argument that they would rather reuse an existing building rather than construct a new one.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This lot was created, and the existing house and garage were built before the current owner purchased the property.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting a variance would not adversely affect neighboring properties due to the nature of the request.

STAFF RECOMMENDATION

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 setbacks at 20 May Street / PID 123591-0030 from 20' to 11.8' in the rear and 15' to 2.4' on the side.

A handwritten signature in black ink, appearing to read "J. Fredriksson". The signature is fluid and cursive, with a large initial "J" and "F".

Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2022-0093

Receipt Number: 2526405 Meeting Date: 01/03/23

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: CHANEL MILLER Contact Number: 703 6877641

Business (if applicable): _____

Address: 20 MAY STREET City: ST AUGUSTINE State: FL Zip: 32084

E-Mail Address: info @ greenock mayor . com

2. NAME OF PROPERTY OWNER: CHANEL MILLER Contact Number: 703 6877641

Business (if applicable): _____

Address: 20 MAY STREET City: ST AUGUSTINE State: FL Zip: 32084

E-Mail Address: info @ greenock mayor . com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 30 OR 5337/1048

Block: _____

Subdivision: Nelmar Terrace

Parcel Number: 15408 00000

4. PROJECT STREET ADDRESS: 20 MAY STREET ST AUGUSTINE FL 32084

5. SPECIFIC PROPOSED USE: STORAGE OF furniture/bicycles and guest house

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: We need a decrease of rear
set back from 20 ft to 11.8 ft
and we need to please reduce the side set back from
15 ft to 2.4 ft

8. JUSTIFICATION FOR ACTION REQUESTED: The garage was built many
many years ago and we would like it to be
grandfathered in to give my husband and myself a personal
space for our things and to store those as well as
to relax in a clean newly painted and secure room.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: We are trying to re-use existing building and are not constructing anything new
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: We are re-using existing building not constructing anything new, keeping existing impact of building that's existing and not increasing the footprint
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: We bought the property and the building was already there - existing structure
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: ~~Before~~ the garage had broken glass windows and broken rusted doors ripped off lying in the yard, the walls had graffiti sprayed on them - it looked terrible and was an eyesore - now that it's fixed it's beautiful and enhances the neighborhood. (it used to look ghetto) It's also safer as secured and not standing open during hurricanes

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

[Signature]
Signature of Applicant

28 November 2022
Date

[Signature]
Signature of Property Owner

28 November 2022
Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

CHANEL MILLER

Print name of applicant

[Signature]

Signature of applicant

28 November 2022

Date



Owner's Authorization For Agent

BRAD GRACE is/are hereby authorized TO ACT ON BEHALF
OF CHANEL MILLER, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
20 MAY STREET ST AUGUSTINE FL 32084

BY: [Signature]
Signature of Owner
CHANEL MILLER
Print Name of Owner
703-687 7641
Telephone Number

State of Virginia

County of Orange

Signed and sworn before me on this 28th day of November, 2022

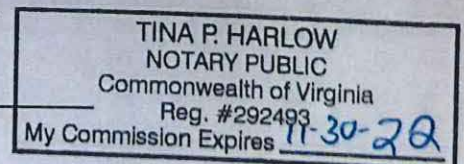
By Tina P. Harlow

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: Tina P. Harlow

My Commission expires: 11/30/2022





Owner's Authorization For Agent

JOHN LAWRENCE is/are hereby authorized TO ACT ON BEHALF OF CHANEL MILLER, the owner(s) of those lands described within

☐ the attached application, or ☐ described within the previously filed

Application number: _____, and as described in the attached deed or

other such proof of ownership as may be required, in applying to the City

of St. Augustine's Planning & Zoning Board, located at:

20 MAY STREET ST AUGUSTINE FL 32084

BY: _____

Signature of Owner

CHANEL MILLER

Print Name of Owner

703-687-7641

Telephone Number

State of Virginia

County of Orange

Signed and sworn before me on this 28th day of November, 2022

By Tina P. Harlow

Identification verified:

Oath sworn: X Yes _____ No _____

Notary Signature: _____

Tina P. Harlow

My Commission expires:

11/30/2022

TINA P. HARLOW NOTARY PUBLIC Commonwealth of Virginia Reg. #292493 My Commission Expires <u>11-30-22</u>
--

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)

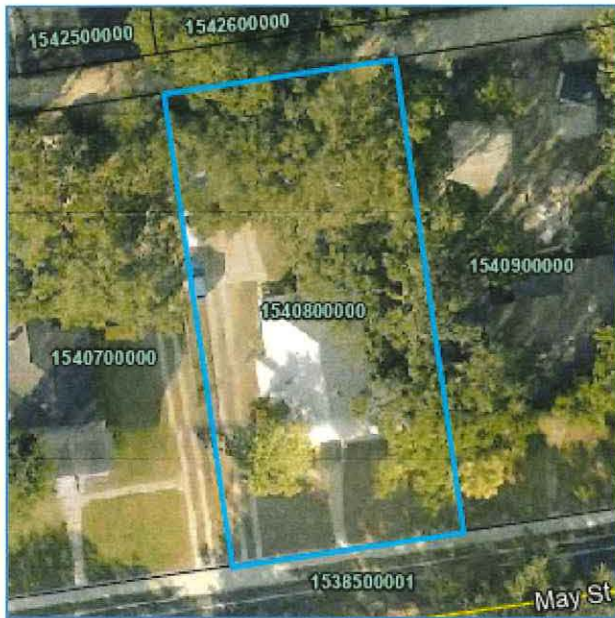


Parcel ID	1540800000
Location Address	20 MAY ST SAINT AUGUSTINE 32084-0000
Neighborhood	Nelmar Terrace & Genoply Tract (707)
Tax Description*	2-1 NELMAR TERRACE LOT 30 OR5337/1048 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Nelmar Terrace
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.290
Homestead	N

Owner Information

Owner Name	Miller Chanel 100%
Mailing Address	20 MAY ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$145,208
Extra Features Value	\$10,063
Total Land Value	\$265,619
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$420,890
Total Deferred	\$0
Assessed Value	\$420,890
Total Exemptions	\$0
Taxable Value	\$420,890

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$125,165	\$8,372	\$265,619	\$0	\$0	\$399,156	\$399,156	\$0	\$399,156
2021	\$95,748	\$8,694	\$152,460	\$0	\$0	\$256,902	\$80,119	\$256,902	\$0
2020	\$105,722	\$9,016	\$135,520	\$0	\$0	\$250,258	\$79,013	\$250,258	\$0
2019	\$95,262	\$9,338	\$135,520	\$0	\$0	\$240,120	\$77,237	\$240,120	\$0
2018	\$89,387	\$7,084	\$101,640	\$0	\$0	\$198,111	\$75,797	\$198,111	\$0
2017	\$90,702	\$4,298	\$93,170	\$0	\$0	\$188,170	\$74,238	\$188,170	\$0
2016	\$93,331	\$4,506	\$93,170	\$0	\$0	\$191,007	\$72,711	\$166,507	\$24,500
2015	\$94,645	\$4,716	\$93,170	\$0	\$0	\$192,531	\$72,206	\$168,031	\$24,500
2014	\$75,066	\$4,925	\$83,853	\$0	\$0	\$163,844	\$71,633	\$138,844	\$25,000
2013	\$63,094	\$5,134	\$60,137	\$0	\$0	\$128,365	\$70,574	\$103,365	\$25,000
2012	\$59,306	\$4,444	\$60,031	\$0	\$0	\$123,781	\$70,095	\$98,781	\$25,000
2011	\$61,024	\$4,653	\$66,701	\$0	\$0	\$132,378	\$68,053	\$107,378	\$25,000
2010	\$61,884	\$4,863	\$74,112	\$0	\$0	\$140,859	\$67,047	\$115,859	\$25,000

Building Information

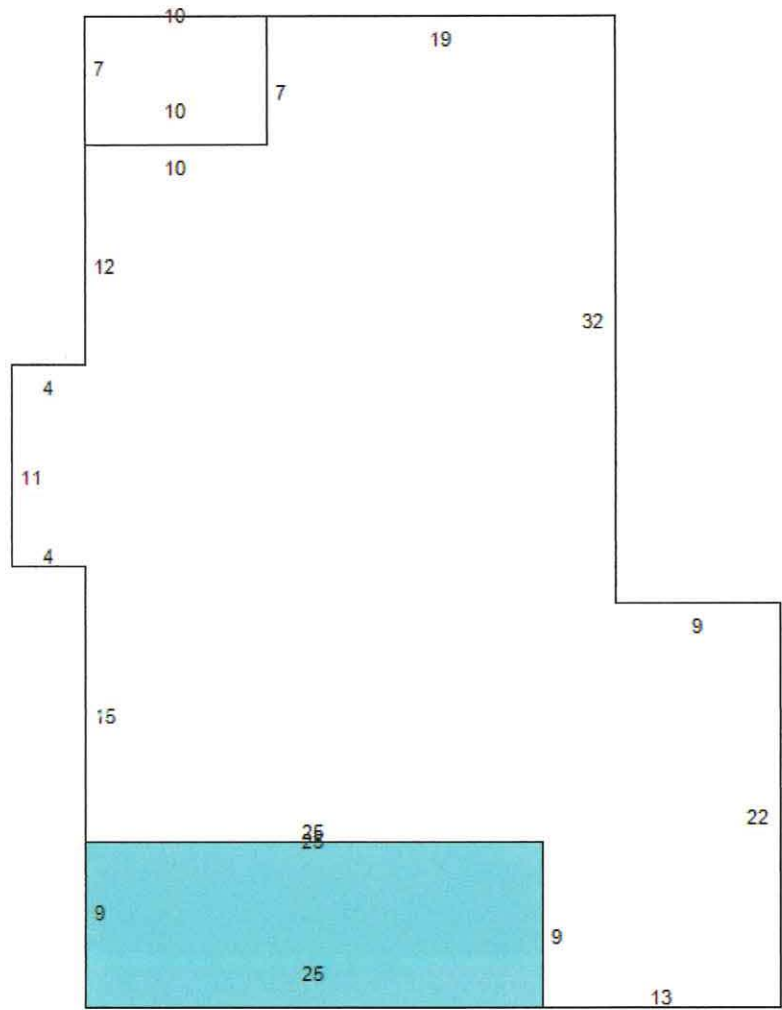
Building	1
Year Built	1925
Actual Area	1808
Conditioned Area	1513
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Carpet, Sheet Vinyl
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	0
Baths	

Description	Square Footage
BASE AREA	1513
FINISHED OPEN PORCH	225
FRAME UTILITY	70
Total SqFt	1808

Sketch Information

Room Type
FUT
FINISHED OPEN PORCH
Base



Extra Feature Information

Code Description	Status	Value
Garage - Average (Mix)		10063

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	77	158	77	EF	\$265,619

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/6/2021	8/5/2021	\$472,000.00	WARRANTY DEED	5337	1048	Q	I	GORMLEY WILLIAM,CAROL LEE	MILLER CHANEL
	9/1/1984	\$25,000.00		655	843	Q	I		GORMLEY WILLIAM,CAROL LEE
	9/1/1984	\$0.00		655	842	U	I		

No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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[Last Data Upload: 1/13/2023, 1:03:27 AM](#)

Version 2.3.239



John Lawrence-Watson Realty St Augustine Brad Grace-Grace Contracting

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: the garage had broken glass windows and broken rusted doors ripped off lying in the yard, the walls had graffiti sprayed on them - it looked terrible and was an eyesore - now that it's fixed it's beautiful and enhances the neighborhood. (it used to look ghetto)
It also safer as secured and not standing open during hurricanes

Chanel is a Superhost
Superhosts are experienced, highly rated guests who provide accurate travel information and respond quickly to inquiries.

Great location
95% of recent guests loved the location.

aircover

Every booking includes travel insurance and other issues like trouble with luggage.

[Learn more](#)

LOCATION LOCATION! Riverton is a bright, sunny and happy home with a huge yard and beautifully restored original hardwood floors and high ceilings. Location is excellent as in walking distance to the Hop on Hop off Old Town Trolley tours and many historical sites (walking distance to the Old Jail) and super close to the beach. The freshly decorated 4 bedrooms are spacious and comfortable sleeping 8. We have a twin cot to make it 9 guests. Ask us to add the studio to make it 11 guests.

[Show more](#)

Where you'll sleep

×

About this space

LOCATION LOCATION! Riverton is a bright, sunny and happy home with a huge yard and beautifully restored original hardwood floors and high ceilings. Location is excellent as in walking distance to the Hop on Hop off Old Town Trolley tours and many historical sites (walking distance to the Old Jail) and super close to the beach. The freshly decorated 4 bedrooms are spacious and comfortable sleeping 8. We have a twin cot to make it 9 guests. Ask us to add the studio to make it 11 guests.

The space

This beautifully restored home is built on pillars of fossilized Cochina the same material used to build the famous old fort, Castillo de San Marcos less than one mile away! It has a large covered front porch for socializing where you can see horse and carriages merrily passing by on their way to various historical and touristy sites in the area.

Guest access

You will have the home to yourselves to enjoy privacy

Other things to note

Our guests will enjoy and have full access to Riverton House and it's large spacious garden and private shaded, huge back yard. There is a gate and fence surrounding the back garden, kindly keep all gates closed at all times. There is also a special cordoned off pet yard should you bring your dog along. We do advise to supervise your pet and to keep pets on a leash at all times. (Nightly Pet fee applies) please also advise us of the size, breed and color of your pet. Please note we have a 5th bedroom outside in a separate studio that can be added on for an extra cost sleeping two guests with its own bathroom and kitchenette. Just message us to ask and we can add the studio onto your booking

★ 4.92 · 25 reviews

CHECKOUT
date

Availability

Listing

Case Description: Code Enforcement**Status Code:** OPEN**Subtype Desc:** Building Code Violation**Location:** 20 May St, Saint Augustine, Florida, 32084**Tag:** From-SR: CE_SRBZLIC**Initiated By:** mpratten@staug-ms01 9/20/2022**X, Y:** -9052325.69991969, 3491999.77549559

Map Layer	Map Layer Field	Value
ARCELS	addr_1	20 MAY ST
ARCELS	LegalDesc1	2-1 NELMAR TERRACE LOT 30
ARCELS	STRAP	1540800000
ARCELS	name	MILLER CHANEL
ARCELS	dscr	Single Family
RCHAEOLOGICAL ZONES	Archaeological_Zone	II A



CEAAB Order ▾



Add Comment

Sort ▾

mpratten@staug-ms01

01/5/2023 10:47 AM

Case was continued until Feb. 2023 PZB meeting; PZB requested more information on the adjacent properties and flood mitigation.

mpratten@staug-ms01

11/16/2022 10:35 AM

Owner will be attending the January 2023 PZB Meeting to apply for an exception to the setback ordinance.

mpratten@staug-ms01

11/3/2022 2:06 PM

Randy Hurry inspected the property and found several building code issues. He advised the owner Chanel Miller, to contact Jacob Fredrikson in r...

mpratten@staug-ms01

10/25/2022 4:38 PM

Email sent to Chanel Miller, owner, outlining requirements to obtain permits; email in attachments.

mpratten@staug-ms01

10/7/2022 1:46 PM

Spoke with the owner and she stated the studio was not being rented out as an additional bedroom for her STR. I confirmed via the Airbnb listing.

mpratten@staug-ms01

09/21/2022 1:56 PM

Responded to property after receiving complaint of STR operating out of the converted garage. Upon arriving, I confirmed the garage had been converted into a studio apartment, and there are no building permits on file. Attempted to contact owner, but no answer and left a message. Will update case accordingly.

RequestID	Request Description	Status	Link Type
-----------	---------------------	--------	-----------

MAP OF SURVEY

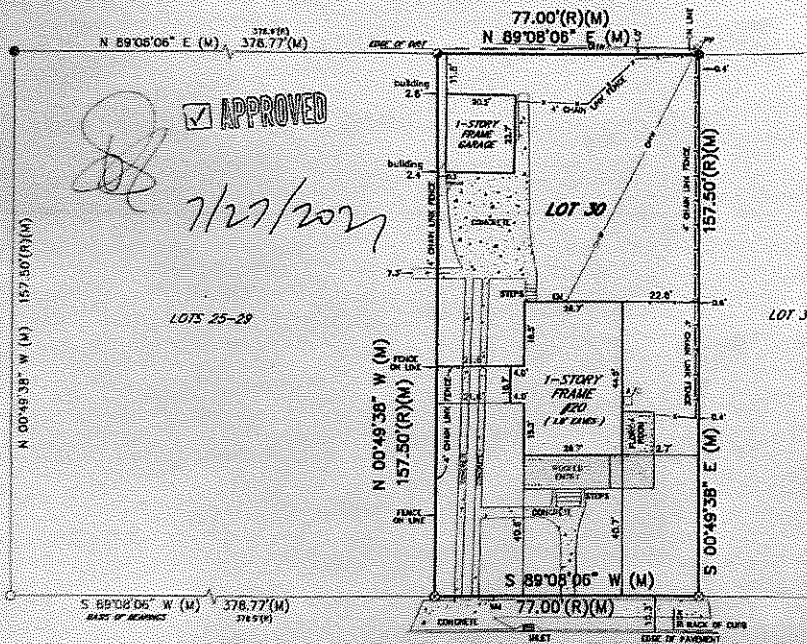
LOT 30, NELMAR TERRACE AS RECORDED IN MAP BOOK 2, PAGE 1
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

20 MAY STREET
ST. AUGUSTINE, FLORIDA 32084



15' ALLEY

DOUGLAS AVE
30' R/W - PAVED



APPROVED

7/27/2021

LEGEND

- R/W = RIGHT OF WAY
- LB = LICENSED BUSINESS
- (R) = RECORD
- (M) = MEASURED
- PP = POWER POLE
- OHW = OVERHEAD WIRE(S)
- WM = WATER METER
- EM = ELECTRIC METER
- A/C = AIR CONDITIONER
- = SET 5/8" IRON ROD - LB # 8177
- = FOUND 1/2" IRON PIPE - NO IDENTIFICATION
- = FOUND 3/4" IRON PIPE - NO IDENTIFICATION
- = FOUND 2" IRON PIPE - NO IDENTIFICATION

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FLOOD ZONE "AE" (BASE FLOOD ELEVATION 7 FEET) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0312-A, COMMUNITY No. 125145 FOR THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018. <http://www.gis.boccc.co.st-johns.fl.us/imap/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTHERLY RIGHT-OF-WAY LINE OF MAY STREET HAVING AN ASSUMED BEARING OF S 89°08'06" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF: CHANEL MILLER, HOMESTAR FINANCIAL CORPORATION, CHICAGO TITLE INSURANCE COMPANY, ACTION TITLE SERVICES OF ST. JOHNS COUNTY, INC.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 51-17.051, 51-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

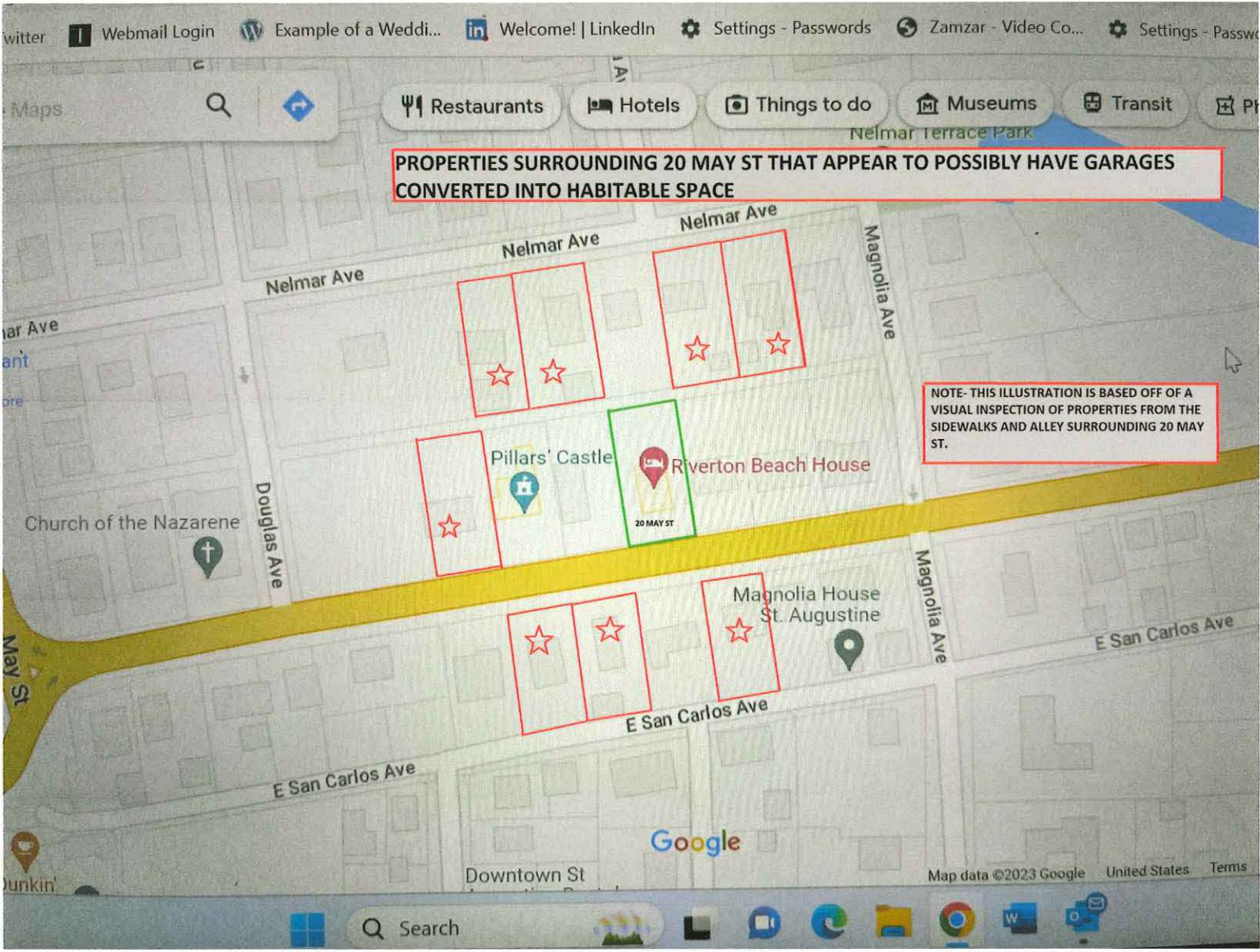
TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 07/22/2021
FIELD BOOK/PAGE(S): 505/8-4, 505/6-1-82
DRAWN BY: JAC
JOB NUMBER: 21-118

ANCIENT CITY SURVEYORS
JULY 2021

ACS

MICHAEL A.
Professional Land

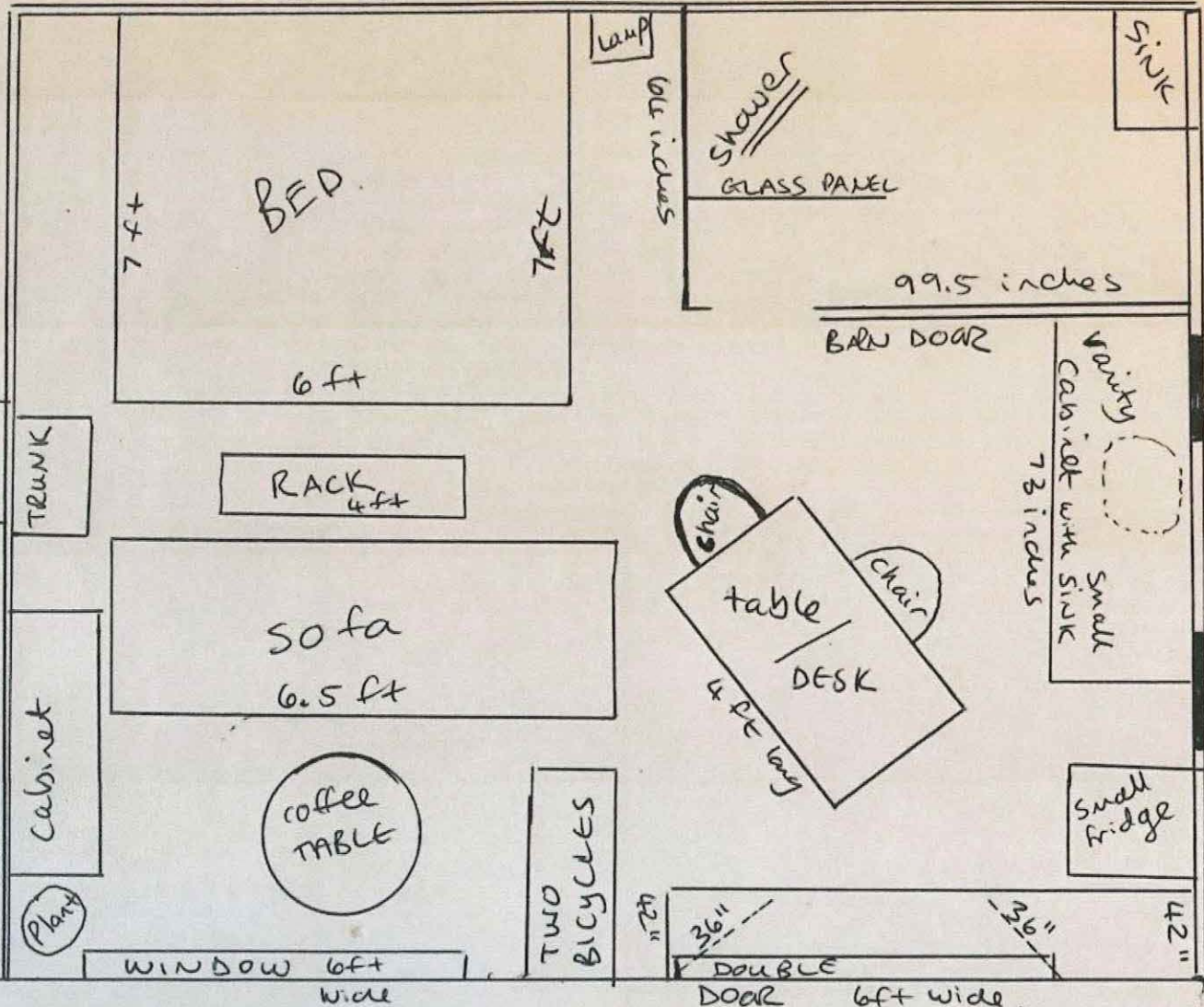
SEAL
DATE SIGNED



BACK Alley

19 feet Rear

22"



22 feet repaired existing window 22.5" window 22.5 inches repaired existing window 22.5"

19 feet front

SURVEYOR'S NOTES:

1. THIS IS A BOUNDARY SURVEY ONLY.
2. NO UNDERGROUND UTILITIES, IMPROVEMENTS OR INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP.
4. UNLESS OTHERWISE NOTED, ANY PORTION OF THE SUBJECT PARCEL THAT MAY OR MAY NOT BE DEEMED AS WETLANDS BY THE APPROPRIATE STATE OR OTHER GOVERNING AGENCIES, HAS NOT BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
5. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. FOR BUILDING SETBACKS CALL THE BUILDING CODES ENFORCEMENT OFFICE OF SAID COUNTY.
7. USE OF THIS SURVEY FOR PURPOSES OTHER THAN THAT WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE THE SURVEY WAS PREPARED FOR.
8. UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN HAVE BEEN CALCULATED FROM A CLOSED FIELD TRAVERSE OR DIRECT FIELD MEASUREMENT.
9. ONLY IMPROVEMENTS SHOWN HEREON WERE LOCATED AS PER THE CLIENTS REQUEST.

FEDERAL EMERGENCY MANAGEMENT AGENCY,
NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY PANEL NO.	125145	0312 J
ZONE	AE (7')	DATED 12-07-2018



SCALE 1"=20'

LEGEND

- FOUND CORNER AS NOTED
- SET 1/2" IRON ROD LB 8100
- FOUND 4"x4" CONCRETE MONUMENT NO ID.
- (P) PLAT
- (M) MEASURED
- ID. IDENTIFICATION
- F.C.M. FOUND CONCRETE MONUMENT
- R/W RIGHT OF WAY
- CONCRETE
- POWER POLE
- F.I.P. FOUND IRON PIPE
- F.I.R. FOUND IRON ROD

RGS LAND SURVEYING, INC.

EMAIL: RGS LB81000@GMAIL.COM
(904) 472-3888 WEBSITE: RGS LANDSURVEYING.COM
3624 CRAZY HORSE TRAIL, ST. AUGUSTINE, FL. 32086

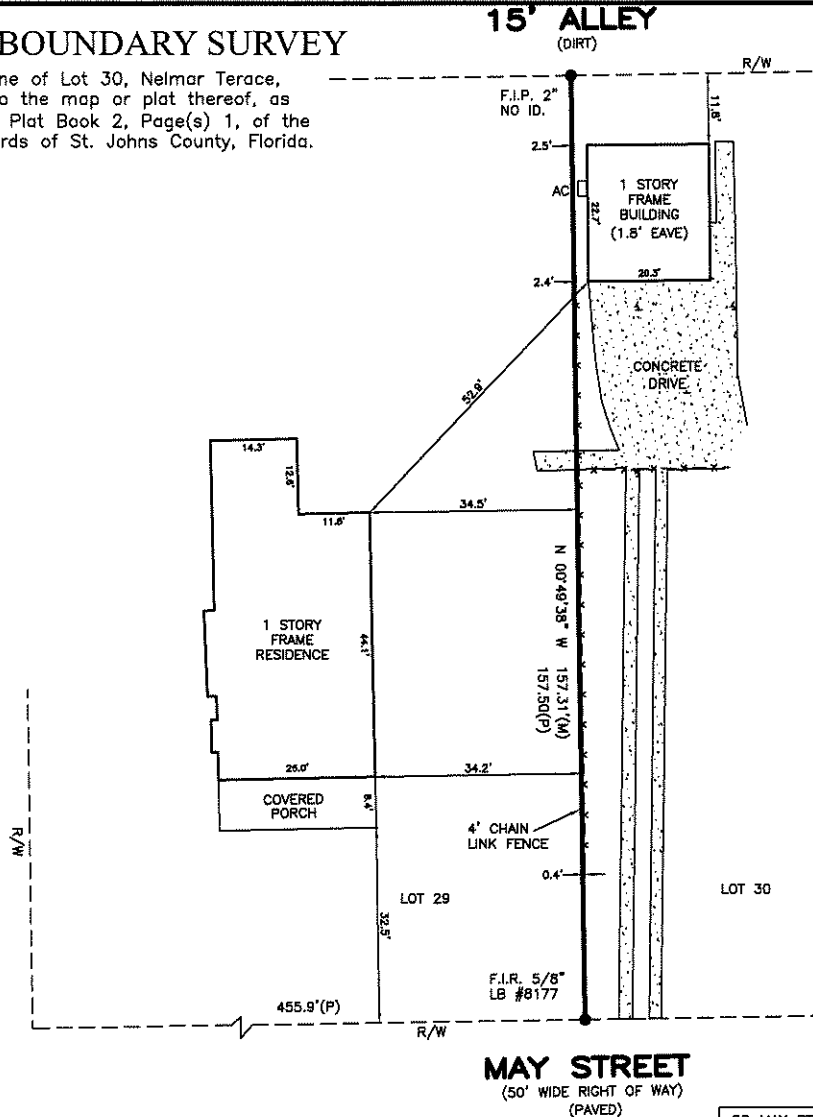
FIELD WORK COMPLETED MAP ORIGINALLY SIGNED
DATE 01-19-2023 DATE 02-02-2023
MICHAEL T. DANTZLER, P.S.M., FLORIDA CERT. NO. 6255
RGS LAND SURVEYING, INC. LICENSED BUSINESS NO. 8100

Michael T. Dantzler

MAP OF BOUNDARY SURVEY

The West line of Lot 30, Nelmar Terrace,
according to the map or plat thereof, as
recorded in Plat Book 2, Page(s) 1, of the
Public Records of St. Johns County, Florida.

DOUGLAS STREET



MAY STREET
(50' WIDE RIGHT OF WAY)
(PAVED)

CERTIFIED TO:
GRACE CONTRACTING, LLC

JOB# 23-018

20 MAY STREET, ST. AUGUSTINE FL 32084
PARCEL NO. 1540800000
FIELD BOOK : 21 PG. 58
CHECKED BY : RGS

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name GRACE CONTRACTING, LLC				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street				Company NAIC Number:	
City St. Augustine		State Florida		ZIP Code 32084	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) 2-1 NELMAR TERRACE, LOT 30 OR5337/1048 Tax Parcel Number 1540800000					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>29.317622</u> Long. <u>-81.310292</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1A</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>0.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>0.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0.00</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number St. Augustine, City of / 125145			B2. County Name St. Johns		B3. State Florida
B4. Map/Panel Number 12109C / 0312	B5. Suffix J	B6. FIRM Index Date 12-07-2018	B7. FIRM Panel Effective/ Revised Date 12-07-2018	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 7'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street			Policy Number:
City St. Augustine	State Florida	ZIP Code 32084	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: NGS E322 1970Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

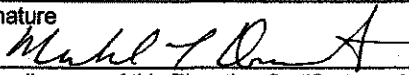
Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>7.1</u>	☒ feet	☐ meters
b) Top of the next higher floor	<u>7.9</u>	☒ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>N/A</u>	☐ feet	☐ meters
d) Attached garage (top of slab)	<u>N/A</u>	☐ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>8.4</u>	☒ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>7.0</u>	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>7.2</u>	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>N/A</u>	☐ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.Certifier's Name
MICHAEL T. DANTZLERLicense Number
LS 6255 / LB 8100Title
VICE PRESIDENTCompany Name
RGS LAND SURVEYING, INC.Address
3624 CRAZY HORSE TRAILCity
St. AugustineState
FloridaZIP Code
32086Signature
Date
02-02-2023Telephone
(904) 472-3888

Ext.



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

C2. e) is the the bottom of the air conditioner located on the left side of the building.

Latitude/Longitude was obtained using <http://www.co.st-johns.fl.us/GIS/IMap.aspx>.

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street			Policy Number:	
City St. Augustine	State Florida	ZIP Code 32084	Company NAIC Number	
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)				
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.				
E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG). a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.				
E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.				
E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.				
E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.				
E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.				
SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION				
The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.				
Property Owner or Owner's Authorized Representative's Name				
Address	City	State	ZIP Code	
Signature	Date	Telephone		
Comments				
☐ Check here if attachments.				

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street			Policy Number:
City St. Augustine	State Florida	ZIP Code 32084	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
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G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
-----------------------	-------

Community Name	Telephone
----------------	-----------

Signature	Date
-----------	------

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street			Policy Number:
City St. Augustine	State Florida	ZIP Code 32084	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption FRONT VIEW (01-19-23)

Clear Photo One



Photo Two

Photo Two Caption REAR VIEW (01-19-23)

Clear Photo Two

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 20 May Street			Policy Number:
City St. Augustine	State Florida	ZIP Code 32084	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption RIGHT SIDE VIEW (01-19-23)

Clear Photo Three



Photo Four

Photo Four Caption LEFT SIDE VIEW (01-19-23)

Clear Photo Four















St. Augustine Fire Department

101 Malaga Street, St. Augustine, FL. 32084

fireinspections@citystaug.com

904-825-1098

Short Term Rental Inspection Result

Status	Inspected by	Completed at
Completed	DUSTIN HAMILTON	03/23/2023

Business Address	Suite	City	State	Zip
20 MAY ST	--	ST. AUGUSTINE	FL	32084

No violations were identified during your life safety inspection or all previous violations have been corrected.

Inspection Signatures

Inspector Signature

DUSTIN HAMILTON
904-808-3369
dhamilton@citystaug.com





To the Honorable Commissioners of the City of Saint Augustine Planning Commission;

My name is Chanel Miller-Fenwick, and I own the property at 20 May St. Our property is currently before you for a variance request.

I apologize for not being able to appear in person, as I was diagnosed with cancer shortly after purchasing 20 May Street, and am still undergoing treatment at UVA Hospital in VA. When diagnosed, my initial health insurance was not covering treatment so in order to pay the mortgage we applied for short term rental of our main house at 20 May Street. Renting out the main house is needed to cover expenses due to high medical costs.

I appreciate you taking the time to read this, and for the help and guidance that we have received from the City of Saint Augustine staff. We have reviewed the video of the meeting, and there are several items that I wish to address that were stated by the participants in the meeting.

- 1. A comment was made in regards to how this matter came before the Planning Commission. The comment was that an AirBnB short term rental inspection found 'that there was an unapproved short term rental at our property'. That is not true. The short term rental inspection was done at our request; and the short term rental was approved. We have neither applied for, nor used the garage for any short term rental.**

We had received a phone call from the City of Saint Augustine (Morgan) who advised that an online complaint had been filed by our neighbor.

In regards to Mr Parks, he made the statement in the previous town meeting that (paraphrasing) "he has lived next door to that property for 20 years and knows

that there are only 3 bedrooms in that house, so they must be using that structure out back as a 4th bedroom.” The house did have 3 bedrooms when I purchased it. We turned a front room off the front porch into a 4th master bedroom. The 4 bedrooms in the main house were inspected and approved by City of Saint Augustine personnel involved with the inspections and approvals of short term rentals, including how many cars allowed on our concrete and gravel driveway to May Street. During my conversation with Mr Parks, my husband who recently retired as Chief of Police offered to show him the 4 bedrooms inside the house, but Mr Parks declined.

2. The next point that was brought up was the alley that runs behind May St. Several speakers testified as to the “increased traffic’ brought about by our property. We have a back gate that opens up onto the rear alley. We do NOT allow our guests to use that gate for entering or exiting by car, as it means that they would be driving across our grass tearing it up- no guest cars are allowed on the grass. We have put up concrete benches and a firepit in the path towards the gate. We also have signs posted telling guests not to park or drive on the grass. The back gate has a chain and padlock and is strictly used to carry trash by hand and place it in the trash cans. To date I personally have not used the back alley with my own vehicle and neither have any guests.

Finally, and most importantly, we have surveillance cameras installed on the structure in question, as well as in several other locations on the property. Mr Parks is well aware of this. I have attached photographs showing the camera views that we have. We closely and strictly monitor our property so that all vehicles are not on the grass.

The City of Saint Augustine staff members we have worked with have been wonderful, and I have been responsive and communicative with them. We did not

alter the footprint of the existing structure. We took a run down, graffitied garage with rusty doors that had been ripped off and broken windows with rotten wood and turned it into something beautiful that enhances the look of our property and of the properties surrounding us. I would ask that the Planning Commission members approve the variance request as presented; as any substantial changes to the structure would levy an undue economic hardship as defined under Section 28-2 of the City of Saint Augustine Zoning Ordinance.

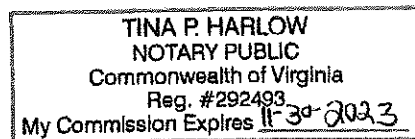
I thank you for your time.



Chanel Miller-Fenwick

20 May St

9 March 2023



Notarization

STATE OF Virginia
COUNTY OF Orange

Before me, the undersigned authority, on this day personally appeared Chanel Miller Fenwick known to me to be the person whose name is subscribed to the foregoing instrument, and upon his/her oath acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

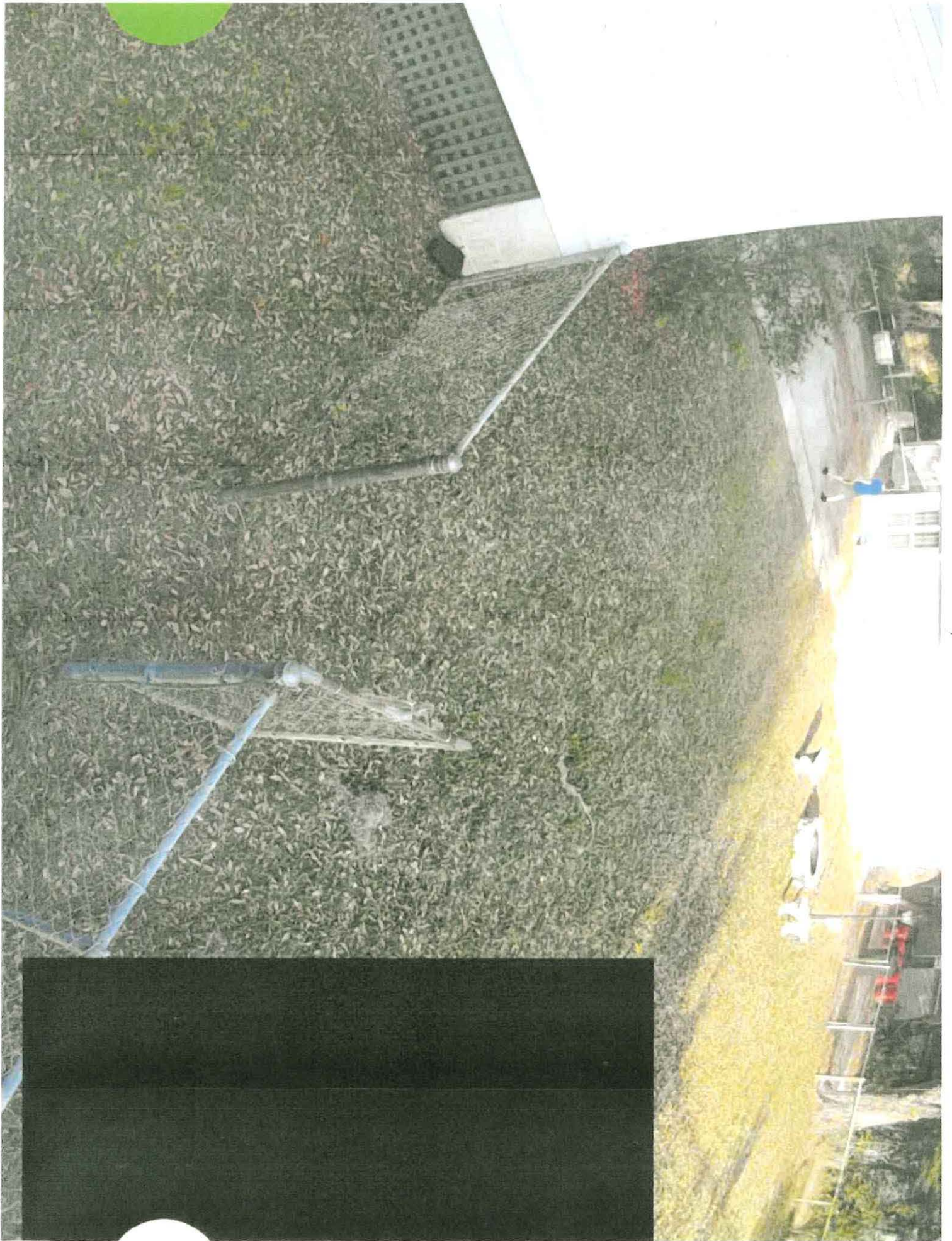
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 9th DAY OF March, 2023

(SEAL)

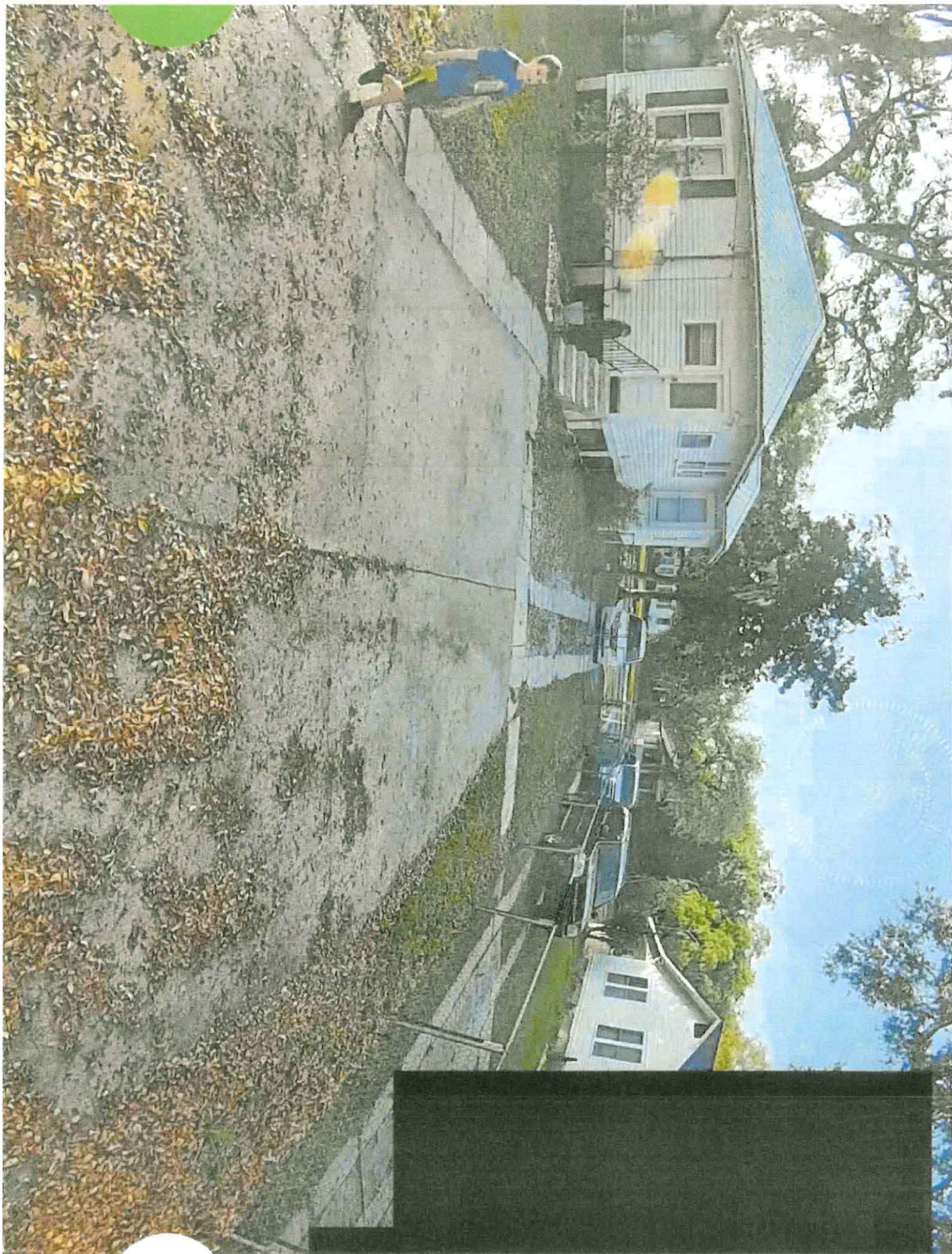
Tina P. Harlow
NOTARY PUBLIC IN AND FOR ORANGE
COUNTY, VA

My Commission expires on November 30, 2026
Notary Registration # 292493

TINA P. HARLOW
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #292493
My Commission Expires 11/30/2026









Neighbor Muoi 18 May Street >

Monday 7:03 PM

Hey Chanel,

You have made that back garage a beautiful place because it was run down. So in turn it did help the neighborhood! Hopefully others with run down properties would do the same!



Thank you Muoi and Glen! May street is looking so beautiful, thank you for being wonderful neighbors we appreciate you both Chanel and Jim 🙏

Absolutely! Hopefully we'll see you guys the next go round.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **VARIANCE 2023-0017**

AGENDA ITEM	5(b)
APPLICANT	Sarah Ryan Architect LLC
OWNER	Fountain of Youth Elks Lodge
LOCATION	100 Washington Street / PID 208030-0000
REQUEST	To reduce the front setback from 15' to 8' and to increase the lot coverage maximum to 43% on a Residential Single-Family-Two (RS-2) lot to allow for the construction of a front porch.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-Two (RS-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Objective 3.6

Provide zoning opportunities to encourage adaptive reuse of properties that meet the criteria of exceptional significance, which would allow an alternative use outside the limitations set by zoning designations. In these cases, there must be a balance between preservation of the building's historic integrity and the character of the surrounding context.

HP Goal 5

Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment in the distinctive neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to convey the heritage of the city's diversity and development patterns.

HP Objective 5.2

Encourage the preservation and protection of the overall character of older and historic areas by maintaining visual continuity along streetscapes and scenic vistas.

HP Objective 5.3

Influence redevelopment patterns to be compatible with the scale of the surrounding built environment through zoning designations that promote consistency with the streetscape or district's existing character and use zoning to promote adaptive re-use of older and historic structures.

HP Objective 9.1

Integrate preservation into all aspects of city planning initiatives that may impact cultural resources in older neighborhoods, historic districts, archaeological sites and heritage tourism programs and resources under city stewardship.

HP Goal 10

Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, **as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses**, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character. For Residential Uses a maximum of 8 single family dwellings per acre.; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

APPLICABLE CODES AND ORDINANCES

Sec. 28-2. – Definitions

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of

the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

- (1) *Requirements for grant of variance.* The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:
 - a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
 - b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
 - c. This disadvantage does not exist because of conditions created by the owner or applicant; and
 - d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this chapter.

- (2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) *Violations of variances.* The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-159. – Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

Notwithstanding any other provisions of this division 3, the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1 and RS-2) on a non-conforming lot of record shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12, with dormers limited to twenty (20) percent of the eave length per side. For the proposed structures subject to this provision, the maximum lot coverage shall be twenty-nine (29) percent in RS-1 **and thirty-five (35) percent in RS-2.**

Sec. 28-162. - Residential, single-family-two: RS-2.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwellings; home office, private.
 - (2) *Permitted accessory uses and structures.* See [section 28-348](#).
 - (3) *Permissible uses by exception.* See [section 28-347](#); housing for the elderly; neighborhood recreation facility.
 - (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, fifty (50) feet.
 - b. Minimum lot area, one-eighth acre (5,450 square feet).
 - (5) *Maximum lot coverage by all buildings:*
 - a. Thirty (30) percent.
 - (6) ***Minimum yard requirements. All permitted or permissible uses and structures:***
 - a. **Front, fifteen (15) feet.**
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
 - (7) *Maximum height of structures:*
 - a. Thirty-five (35) feet.
- (Code 1964, § 33-22; Ord. No. 99-05, § 3, 2-8-99)

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to both the front setback requirement as well as the maximum lot coverage allowance. The applicant is proposing that the existing stairs on the front of the building be removed and replaced with a second story porch that will also double as a covered entry for the first floor. The existing lot coverage is approximately 42%.

The RS-2 zoning district, which was introduced well after the construction of this building, has a front yard requirement of 15 feet. Data from the St. Johns County Property Appraiser's website shows that the building in question was constructed in 1949.

100 Washington Street has been the location of the Fountain of Youth Elks Lodge since the 1940s. The City of St. Augustine Community Redevelopment Agency received funding from the Florida African American Cultural and Historical Grants program to renovate the existing building in June of 2022.

Below, and italicized, are the applicant's responses to the City's requirements for granting of variances.

No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

Yes, this is an existing building. The current stairs project 4 to 6 feet into the setback. The new porch proposal extends 6 to 8 feet into the setback. The new porch is for Elks Lodge members to enjoy the porch and contribute to the streetscape.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The building will be renovated. Elks Lodge members do not feel safe on the current stairs because of the slope and tread. The stairs are also slippery when wet. The new interior stairs will be more accessible.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This is a historic building and the conditions were not created by the current owners or applicants. The building was constructed in 1949 prior to the zoning code.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

The new front porch will enhance the street and is in keeping with Lincolnville's porch vernacular. This will benefit the public and create a safer set of stairs for the Elks Lodge members to access the second floor.

This is a nonconforming use within the zoning district, however the land use does recognize that institutional uses are generally compatible with residential uses. The addition of the porch does not add cubic content.

STAFF RECOMMENDATION

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 front setback from 15' to 8' and increase the maximum lot coverage to a maximum of 43% at 100 Washington Street / PID 208030-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2023-0017
 Receipt Number: 2584293 Meeting Date: 4/4/23
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Sarah Ryan Architect LLC Contact Number: 904-547-9430
 Business (if applicable): _____
 Address: 201 Owens Ave City: St Augustine State: FL Zip: 32080
 E-Mail Address: sr@sarahryanarchitect.com

2. NAME OF PROPERTY OWNER: Fountain of Youth Elks Lodge Contact Number: _____
 Business (if applicable): _____
 Address: 100 Washington Street City: St Augustine State: FL Zip: 32084
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 100 Washington St, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Elks Lodge - existing and proposed - historic structure

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Front setback variance to replace existing stairs with a new 2- story covered porch. The existing stair setback is 10.3'. The proposed porch setback is 8.0'.

In addition we request to increase lot coverage half a percent from 42.5% to 43%.

This is RS-2 zoning - non conforming lot.

8. JUSTIFICATION FOR ACTION REQUESTED: Renovations of Eks Lodge in Lincolnville.
The current front exterior stairs extend into the front vard setback.
We are proposing to remove the current exterior stairs and build new interior stairs .

A new front porch will update the facade and compliment the streetscape.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

Yes, this is an existing building. The current stairs project 4'-6" into the setback. The new porch proposal extends 6'-8" into the setback. The new porch is
for Elks Lodge members to enjoy the porch and contribute to the streetscape.

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

The building will be renovated. Elks lodge members do not feel safe on the current stairs because of the slope and tread. The stairs are also slippery when wet. The new interior stairs will be more accessible

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

The is a historic building and the conditions were not created by the current owners or applicants. The building was construction in 1949 prior to the zoning code.

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

The new front porch will enhance the street and is in keeping with Lincolnville's porch vernacular. This will benefit the public and create a safer set of stairs for the Elks Lodge members to access the second floor.

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

S. Ryan

Date

3.6.23

Signature of Property Owner

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Sarah Ryan Architect LLC

Print name of applicant

S Ryan

Signature of applicant

3.6.23

Date



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID 2080300000
 Location Address 100 WASHINGTON ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood City St Aug Lincolnville Area (COM) (610.04)
 Tax Description* DUMAS TR CITY LOT 9 BLK J
 *The Description above is not to be used on legal documents.
 Property Use Code Clubs, Lodges or Union Halls (Owner Occupied) (7705)
 Subdivision Dumas Tract
 Sec/Twp/Rng 19-7-30
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.130
 Homestead N

Owner Information

Owner Name Fountain Youth Lodge #649 100%
 Mailing Address 100 WASHINGTON ST
 SAINT AUGUSTINE, FL 32084-0000

Exemption Information

Exemption Type	Status	Amount
Non-Profit		\$194,876

Map



Valuation Information

	2023
Building Value	\$155,649
Extra Features Value	\$0
Total Land Value	\$83,160
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$238,809
Total Deferred	\$43,933
Assessed Value	\$194,876
Total Exemptions	\$194,876
Taxable Value	\$0

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$136,291	\$0	\$83,160	\$0	\$0	\$219,451	\$177,160	\$219,451	\$0
2021	\$121,613	\$0	\$83,160	\$0	\$0	\$204,773	\$161,055	\$43,718	\$161,055
2020	\$125,807	\$0	\$83,160	\$0	\$0	\$208,967	\$146,414	\$62,553	\$146,414
2019	\$114,804	\$0	\$83,160	\$0	\$0	\$197,964	\$133,104	\$64,860	\$133,104
2018	\$65,214	\$0	\$66,528	\$0	\$0	\$131,742	\$121,004	\$10,738	\$121,004
2017	\$43,476	\$0	\$66,528	\$0	\$0	\$110,004	\$110,004	\$0	\$110,004
2016	\$47,312	\$0	\$66,528	\$0	\$0	\$113,840	\$113,840	\$0	\$113,840
2015	\$50,509	\$0	\$66,528	\$0	\$0	\$117,037	\$117,037	\$0	\$117,037
2014	\$50,546	\$0	\$66,528	\$0	\$0	\$117,074	\$117,074	\$0	\$117,074
2013	\$75,398	\$0	\$44,906	\$0	\$0	\$120,304	\$120,304	\$0	\$120,304
2012	\$104,108	\$0	\$60,483	\$0	\$0	\$164,591	\$164,591	\$0	\$164,591
2011	\$107,216	\$0	\$66,946	\$0	\$0	\$174,162	\$174,162	\$0	\$174,162
2010	\$110,324	\$0	\$73,872	\$0	\$0	\$184,196	\$184,196	\$0	\$184,196

Building Information

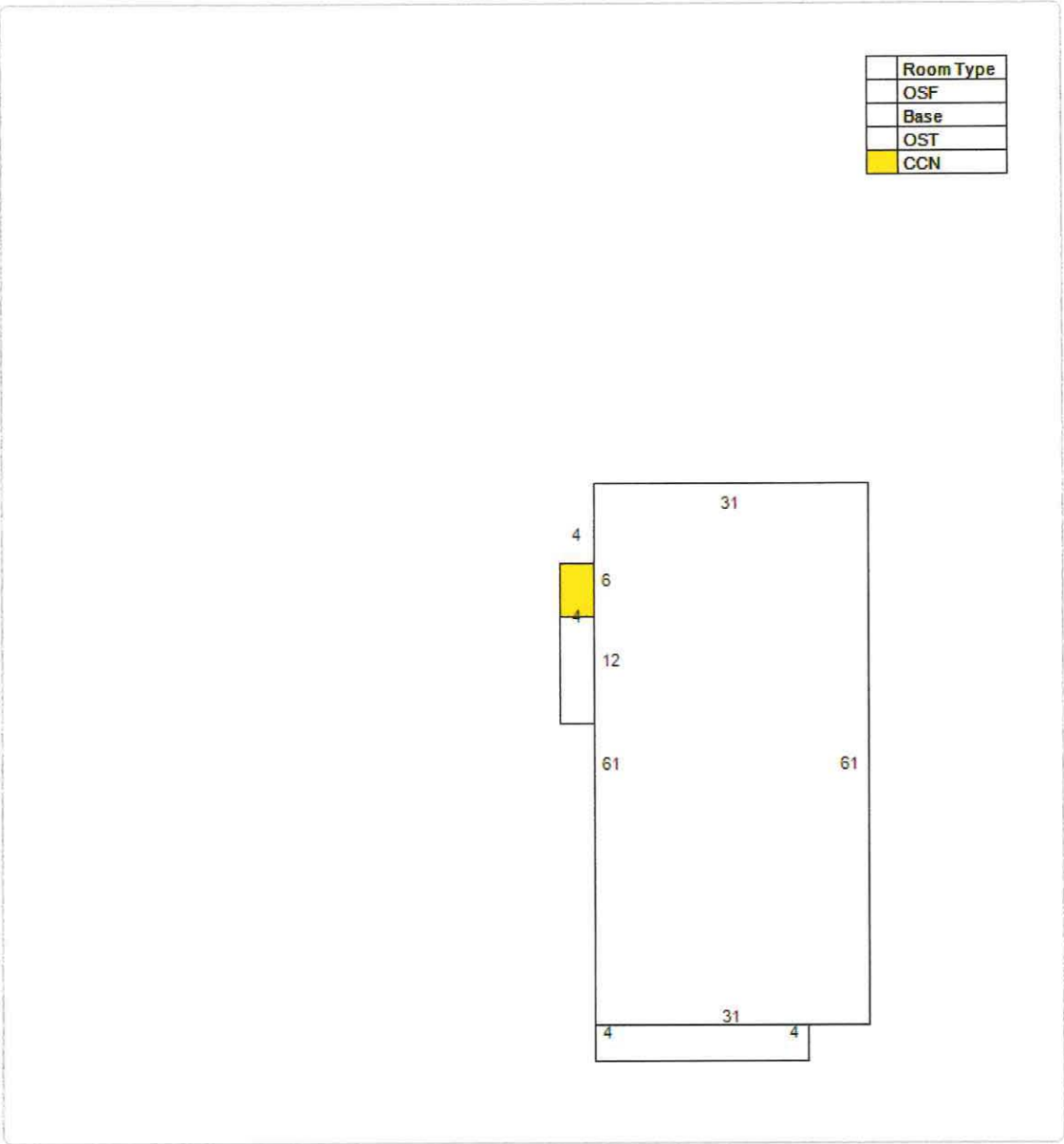
Building	1
Year Built	1949
Actual Area	4187
Conditioned Area	3782
Use	Fellowship Halls & Lodges
Style	04
Class	N
Exterior Wall	Concrete Block

Roof Cover	Metal
Roof Structure	Wood Truss
Interior Flooring	Sheet Vinyl
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
FINISHED CANOPY	24
OUTSIDE STAIRS	48
BASE AREA	3782
OUTSIDE STAIRS	96

Description	Square Footage
FINISHED CANOPY	32
OUTSIDE STAIRS - FORCED	109
OUTSIDE STAIRS - FORCED	96
Total SqFt	4187

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Clubs, Lodges or Union Halls	66	84	5544	SF	\$83,160

No data available for the following modules: Sales Questionnaire Form, Extra Feature Information, Sale Information.

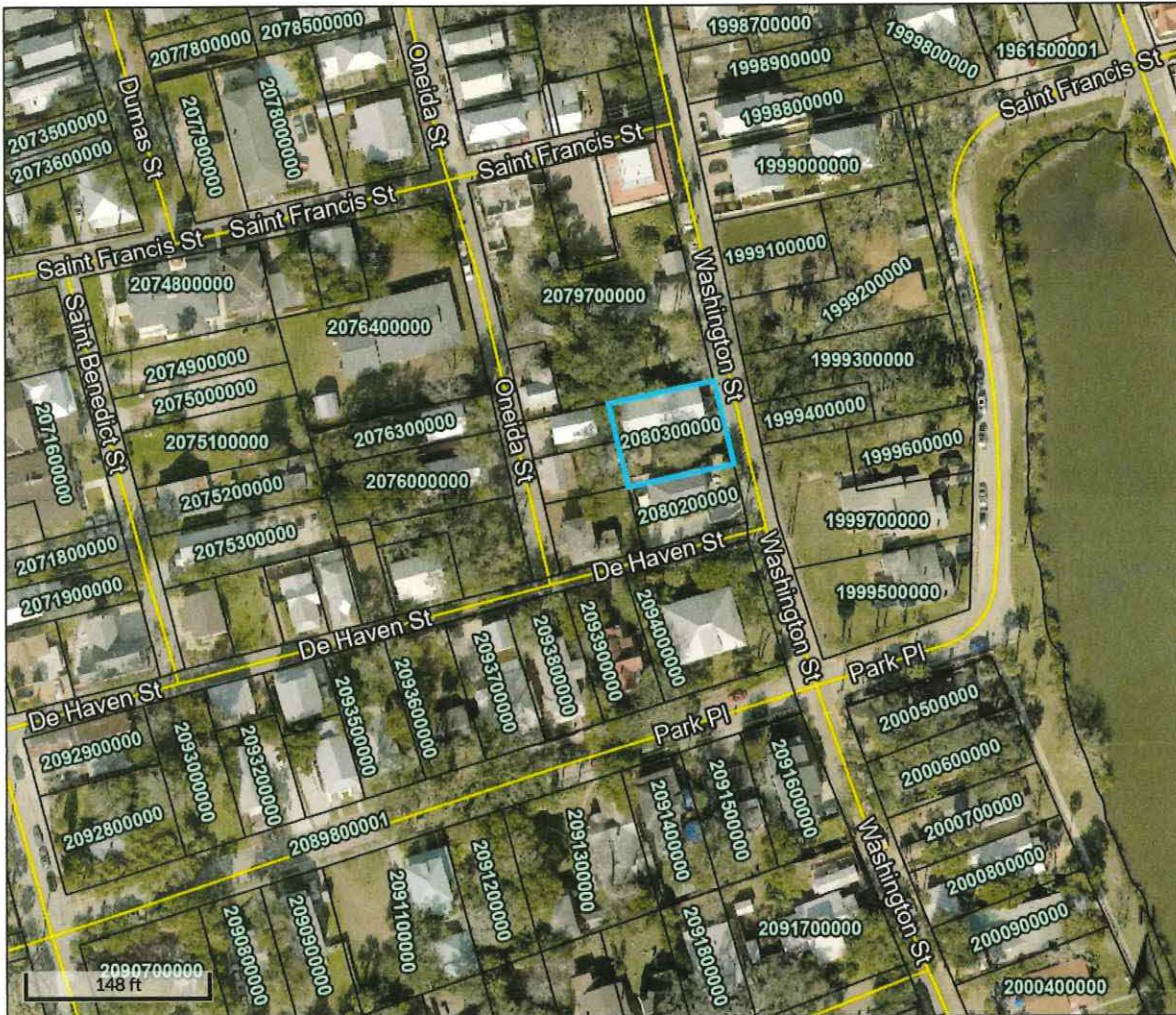
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 3/9/2023, 2:08:42 AM

Version 2.3.250





Overview



Legend

□ Parcels

Parcel ID	2080300000	Physical Address	100 WASHINGTON ST SAINT AUGUSTINE FOUNTAIN YOUTH LODGE #649 100 WASHINGTON ST SAINT AUGUSTINE FL 32084-0000	Building Value	\$155,649	Last 2 Sales			
Property Class	7705	Mailing Address		Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine					n/a	0	n/a	n/a
Acres	0.13			Total Land Value	\$83,160	n/a	0	n/a	n/a
				Just Value	\$238,809				
				Total Deferred	\$43,933				
				Assessed Value	\$194,876				
				Total Exemptions	\$194,876				
				Taxable Value	N/A				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/9/2023

Last Data Uploaded: 3/9/2023 2:08:42 AM

Developed by  Schneider
GEOSPATIAL

**FOUNTAIN OF
YOUTH ELKS
LODGE #684**

CRA CONTACT:

Jaime D. Perkins
CRA administrator
City of St. Augustine
75 King Street
St. Augustine FL 32084
904.209.4254

PROJECT LOCATION:

100 Washington Street
St. Augustine FL 32084

ARCHITECT:

Sarah Ryan Architect, LLC
201 Owens Ave
St. Augustine FL 32080
904.547.9430

CONTRACTOR:

Rev.	Date	Description
1	02/15/20	OWNER HAS COMMENTS
2	02/25/20	FOR APPROVAL

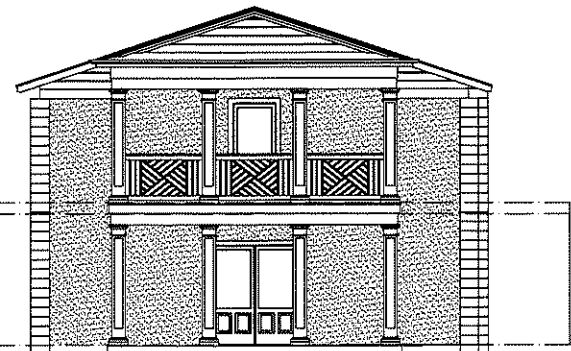
Scale AS NOTED

Sheet title

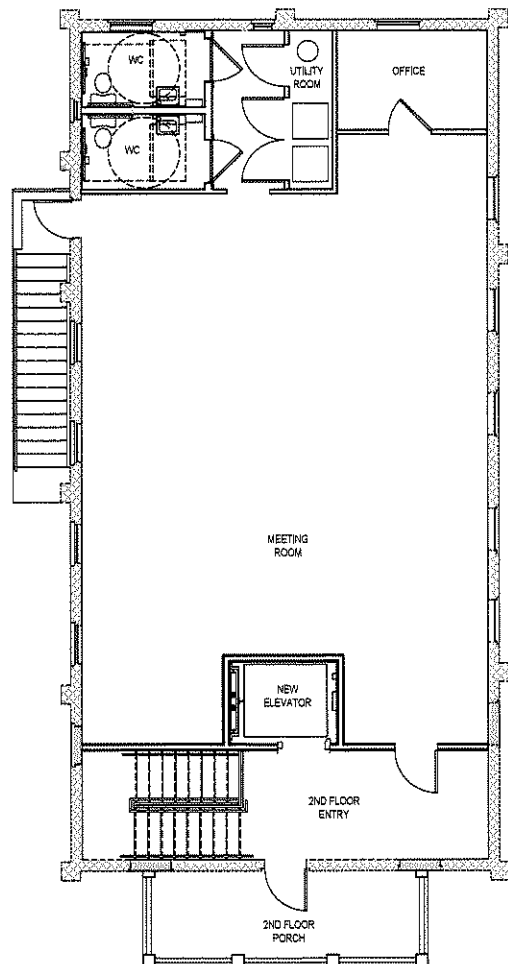
**PROPOSED
PLANS AND
FRONT
ELEVATION**

Sheet Number: **A1.02a**

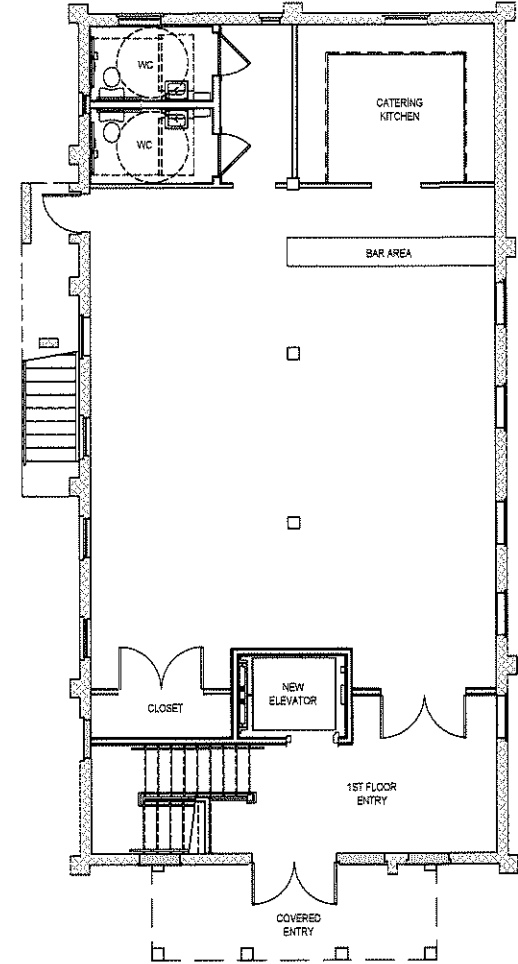
**NOT FOR
CONSTRUCTION**



PROPOSED ELEVATION 1/8"=1'-0" 1



PROPOSED SECOND FLOOR PLAN 1/8"=1'-0" 2



PROPOSED FIRST FLOOR PLAN 1/8"=1'-0" 3



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **USE BY EXCEPTION 2023-0016**

AGENDA ITEM	6(a)
APPLICANT AND OWNER	Mark A Hafner Family Trust
LOCATION	75 ½ Oneida Street / PID 208230-0000
REQUEST	To approve two (2) off-site parking spaces at 63 Oneida Street or at the Municipal Parking Garage within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-Two (RS-2)

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions.

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. – Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

- (1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).
- (2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.
- (3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

- (4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-151. – Parking [for short term rentals]

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.
- (ii) Stabilized parking for vacation rentals **may not consist of unimproved dirt, sand, or grass**. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. The application to the Planning and Zoning Board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

STAFF SUMMARY AND ANALYSIS

The approval of short-term rental registration is contingent upon being able to provide parking at a rate of one stabilized parking space per bedroom. The annual registration renewal will require the applicant to provide proof of current parking on-site and of the approval of the off-site parking by exception, or maintenance of valid parking passes in the city parking garage. If the applicant fails to renew parking permits, or off-site parking leases, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

- There are a total of two (2) bedrooms at 75 ½ Oneida Street which is a single-family residence constructed in 1915 according to the St. Johns County Property Appraiser's website.
- 2 parking spaces are required for a short-term rental with 2 bedrooms being offered for rent.
- The owner is unable to accommodate any on-site parking but does own the property at 63 Oneida Street which has capacity to park two additional cars and meet the parking requirement.

Parking Requirements Summary:

- 1) Use by exception for off-site parking (within 400 feet per Sec. 28-371).
 - a. *The applicant is requesting to use 63 Oneida Street, another property that they own and is zoned RS-2, to provide off-street off-site parking.*

- b. The Planning and Zoning Board has generally only approved proposals for off-site parking being in commercial zoning districts. The PZB has yet to approve of off-site parking being allowed in the RS-1 or RS-2 zoning districts due to the greater potential of parking issues that would stem from this type of situation. These issues could include unforeseen disputes between neighbors after parking agreements are made, change of ownership, and general accountability of parking facilities and their maintenance.*
 - c. The PZB has also denied previous proposals for off-site parking within the RS-1 and RS-2 zoning districts even when the properties have had the same owner. The reason for the denial was due to the concern over the distance between the properties.*
 - d. This proposal is unique in that both 63 and 75 ½ Oneida are owned by the same person and are located approximately 230 feet apart.*
- 2) Parking permits to the municipal parking garage.
 - a. The applicant is potentially requesting two (2) parking spaces within the municipal parking garage.*
- 3) On-street parking permits within established Residential Permit Program Areas.
 - a. There is no established residential parking permit program on Oneida Street for the use of short-term rentals.*

Information Only: As of the date of this report the Planning & Zoning Board has approved 39 offsite parking spaces within the municipal parking garage.

STAFF RECOMMENDATION

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 two (2) short term rental off-site parking spaces at either 63 Oneida Street or the Municipal Parking Garage for 75 ½ Oneida Street / PID 208230-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2023-0016
 Receipt Number: 2584291 Meeting Date: 4/4/23
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Mark A Hafner Family Trust Contact Number: 6154851124
 Business (if applicable): _____
 Address: 75 1/2 Oneida St City: Columbia State: TN Zip: 32084
 E-Mail Address: markahafner@gmail.com

2. NAME OF PROPERTY OWNER: Mark A Hafner Family Trust Contact Number: 6154851124
 Business (if applicable): _____
 Address: 75 1/2 Oneida St City: St Augustine State: FL Zip: 32084
 E-Mail Address: markahafner@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 75 1/2 Oneida St ST Augustine FL 32084

5. SPECIFIC PROPOSED USE: Parking Exception

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: 485

7. DESCRIPTION OF ACTION REQUESTED: complaint to use a parking garage not fully up to the STRIP or permitted to have
off street parking spots on 1/2 Oneida Street. It also does not allow for a private use of 1/2 off street spaces as it is a public use

8. JUSTIFICATION FOR ACTION REQUESTED: Disability to use property as a rental

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: YES not apply to property

with even 1 car

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: YES

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: YES

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: YES

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

03

Date


Signature of Property Owner

03/08/2023

Date

04/18/2019

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater, \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

75 1/2 Oneida Street St Augustine FL 32084

Project Address: _____

Mark A Hafner Family Trust

Applicant's Name: _____ Applicant's Signature: _____

Mark A Hafner Family Trust

Owner's Name: _____ Owner's Signature: _____



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Mark A Hafner Family Trust

Print name of applicant



Signature of applicant

03/08/2023

Date



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2082300000
Location Address	75 1/2 ONEIDA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Dumas Tract with part City St Aug (622)
Tax Description*	DUMAS TR CITY S25 X 70FT OF LOT 10 & N5 X 70FT OF LOT 11 BLK K OR5416/470 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Dumas Tract
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.050
Homestead	N

Owner Information

Owner Name	Hafner Mark A Family Trust U/A/D:12/14/11 Exchange Agreement D:10/28/21 100% Hafner Mark A Trustee 0%
Mailing Address	1045 CLAREMONT DR COLUMBIA, TN 38401-0000

Map



Valuation Information

	2023
Building Value	\$375,241
Extra Features Value	\$0
Total Land Value	\$92,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$467,641
Total Deferred	\$38,762
Assessed Value	\$428,879
Total Exemptions	\$0
Taxable Value	\$428,879

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$305,806	\$0	\$84,084	\$0	\$0	\$389,890	\$389,890	\$0	\$389,890
2021	\$179,840	\$0	\$60,060	\$0	\$0	\$239,900	\$239,900	\$0	\$239,900
2020	\$143,055	\$0	\$60,060	\$0	\$0	\$203,115	\$201,351	\$1,764	\$201,351
2019	\$122,986	\$0	\$60,060	\$0	\$0	\$183,046	\$183,046	\$0	\$183,046
2018	\$123,364	\$0	\$55,440	\$0	\$0	\$178,804	\$178,804	\$0	\$178,804
2017	\$124,782	\$625	\$49,896	\$0	\$0	\$175,303	\$171,738	\$3,565	\$171,738
2016	\$124,782	\$688	\$43,312	\$0	\$0	\$168,782	\$156,125	\$12,657	\$156,125
2015	\$126,200	\$750	\$34,650	\$0	\$0	\$161,600	\$141,932	\$19,668	\$141,932
2014	\$100,496	\$813	\$27,720	\$0	\$0	\$129,029	\$129,029	\$0	\$129,029
2013	\$99,379	\$875	\$21,483	\$0	\$0	\$121,737	\$121,737	\$0	\$121,737
2012	\$9,302	\$0	\$18,711	\$0	\$0	\$28,013	\$28,013	\$0	\$28,013
2011	\$9,302	\$0	\$20,790	\$0	\$0	\$30,092	\$30,092	\$0	\$30,092
2010	\$9,302	\$0	\$23,100	\$0	\$0	\$32,402	\$32,402	\$0	\$32,402

Building Information

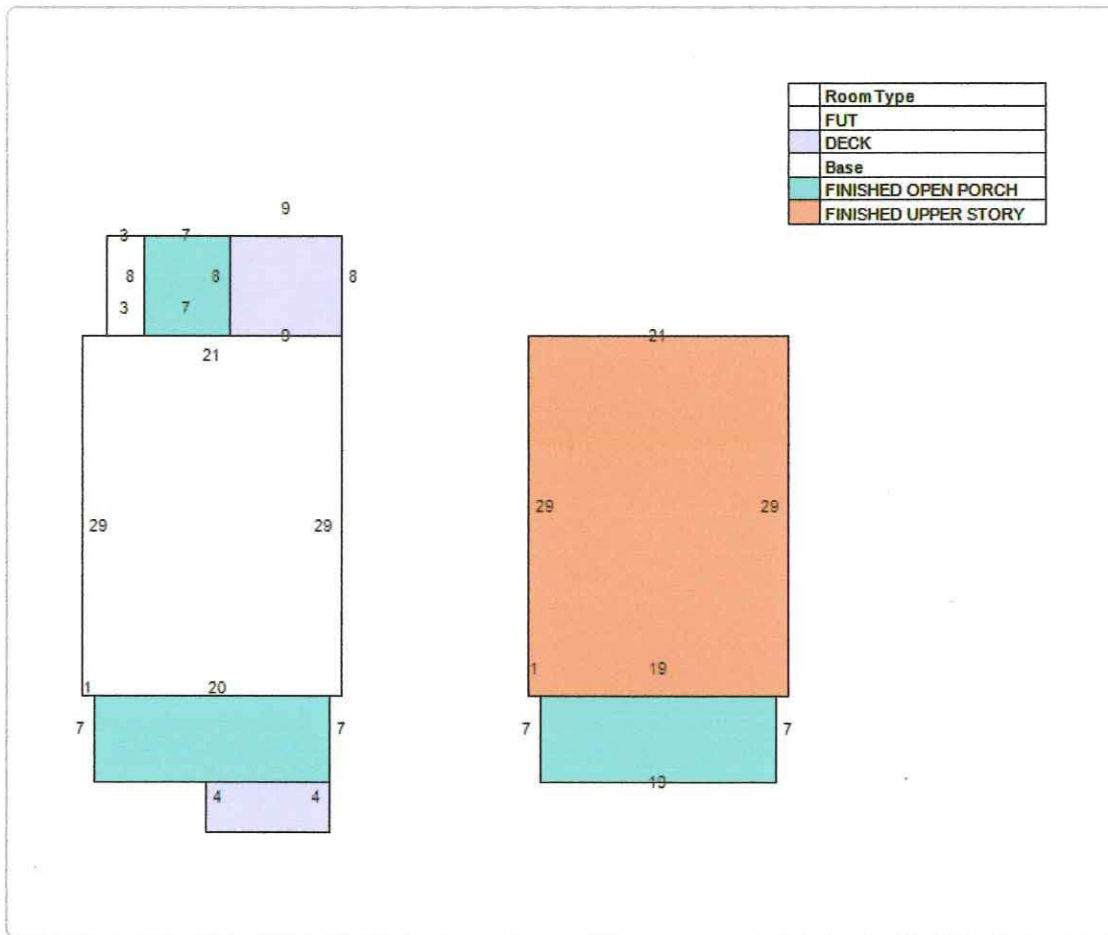
Building	1
Year Built	1915
Actual Area	1676
Conditioned Area	1218
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood, Wood Shingle

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	2
Baths	2

Description	Square Footage
FINISHED UPPER STORY	609
FINISHED OPEN PORCH	133
FINISHED OPEN PORCH	133
BASE AREA	609

Description	Square Footage
FINISHED DECK	72
FINISHED OPEN PORCH	56
FRAME UTILITY	24
FINISHED DECK	40
Total SqFt	1676

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	30	70	30	EF	\$92,400

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/9/2021	10/29/2021	\$442,500.00	WARRANTY DEED	5416	470	Q	I	MASON WALKER	HAFNER MARK A FAMILY TRUST U/A/D:12/14/11 EXCHANGE AGREEMENT D:10/28/21
10/2/2020	10/1/2020	\$285,000.00	WARRANTY DEED	5060	1432	Q	I	DAVIS SHERRY A	MASON WALKER
1/15/2013	1/11/2013	\$169,000.00	WARRANTY DEED	3672	1186	Q	I	75 1/2 ONEIDA STREET LAND TRUST D:4-24-12	DAVIS GEORGE A, SHERRY A
5/14/2012	5/3/2012	\$35,000.00	WARRANTY DEED	3560	1553	Q	I	KROLL ALBERT III	75 1/2 ONEIDA STREET LAND TRUST D:4-24-12
	11/27/2000	\$1,000.00	WARRANTY DEED	1568	783	U	I	DEPUTY TRACY	KROLL ALBERT III
	3/30/1998	\$7,000.00	WARRANTY DEED	1312	2053	U	I	WEATHERSPOON FRANKEY M & A E (DECEASED)	DEPUTY TRACY
	3/11/1998	\$100.00	OTHER INSTRUMENT	1312	2051	U	I	GRDSHIP PROG DADE CTY-WEATHERSPOON CHARLOTTE	WEATHERSPOON FRANKEY M

COVER SHEET

03/085/2023

Total of 6 pages including cover

Attached is my application to appear before the board on
04/07/2023

I had a few questions but can not get anyone on the phone to help
and have left a couple of voice messages for the coordinator but to
no avail.

Can someone please call me to confirm receipt also one of my
questions was which service on the list to ask for as related to the
fees.

Thank You in advance

Mark A. Hafner
615-485-1124

markahafner@gmail.com



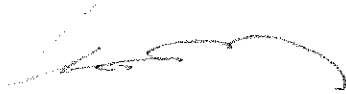
Mark A. Hafner

03/24/2023

Jacob Fredriksson,

Here are the 2 properties. As per our conversation I would like to use 63 Oneida to accommodate for the necessary parking for 751/2 Oneida. I understand I also need to provide evidence of my attempt to obtain commercial parking within 400' of the residence.

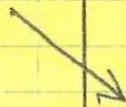
Thank you in advance

A handwritten signature in black ink, appearing to read 'Mark A. Hafner', with a stylized flourish at the end.

Mark A. Hafner

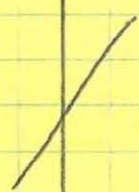
75 1/2 ONEIDA

ONLY
7' 6"



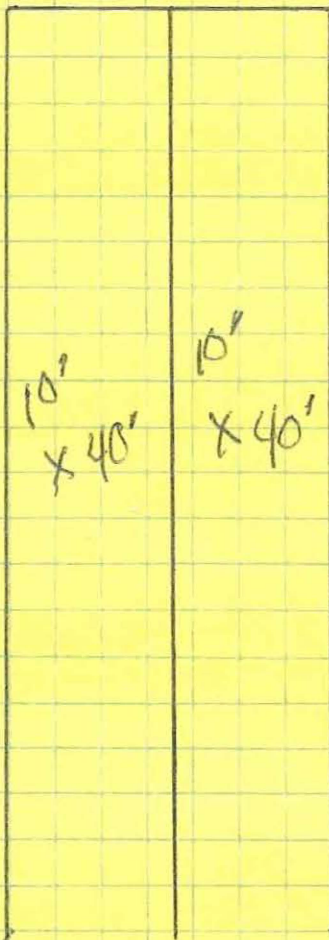
2 BDR
2 STORY

ONLY
7'

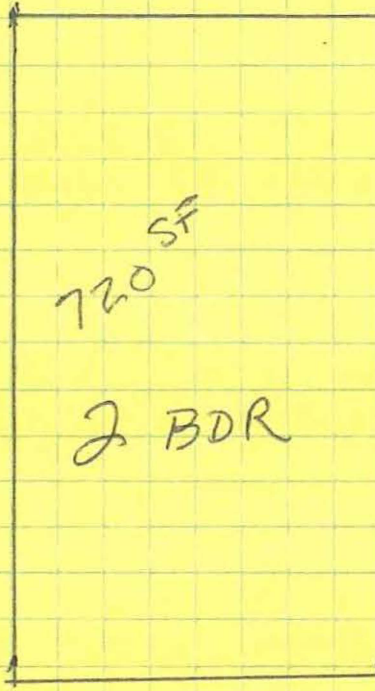


63 ONEIDA

4 PARKING SPACES

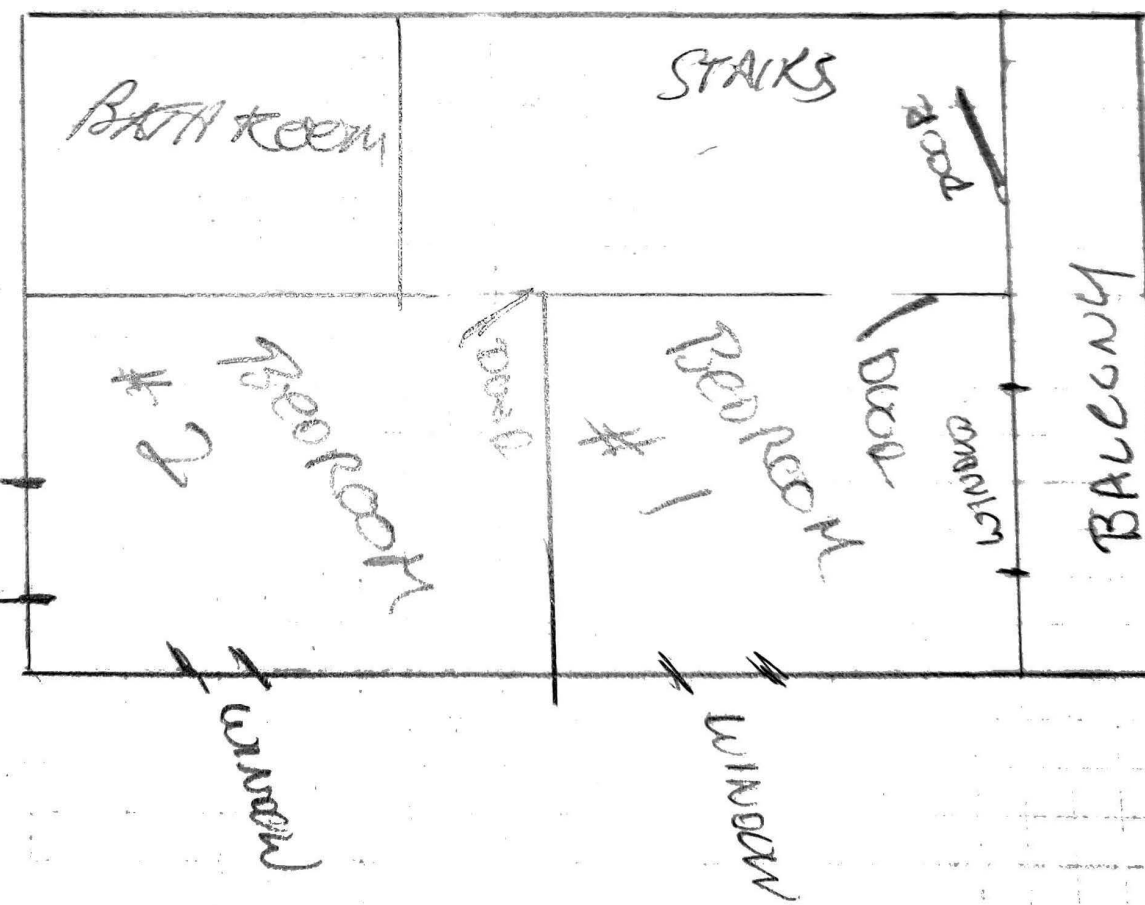


720 SF
2 BDR

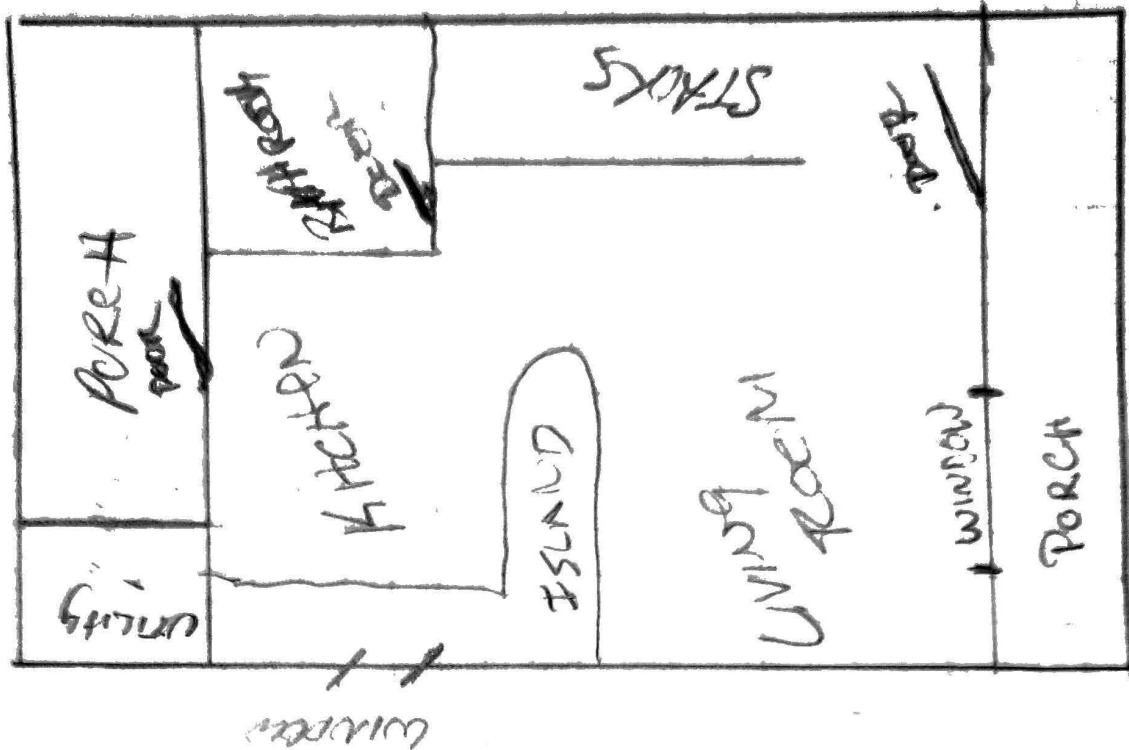


SWIDA

FRONT



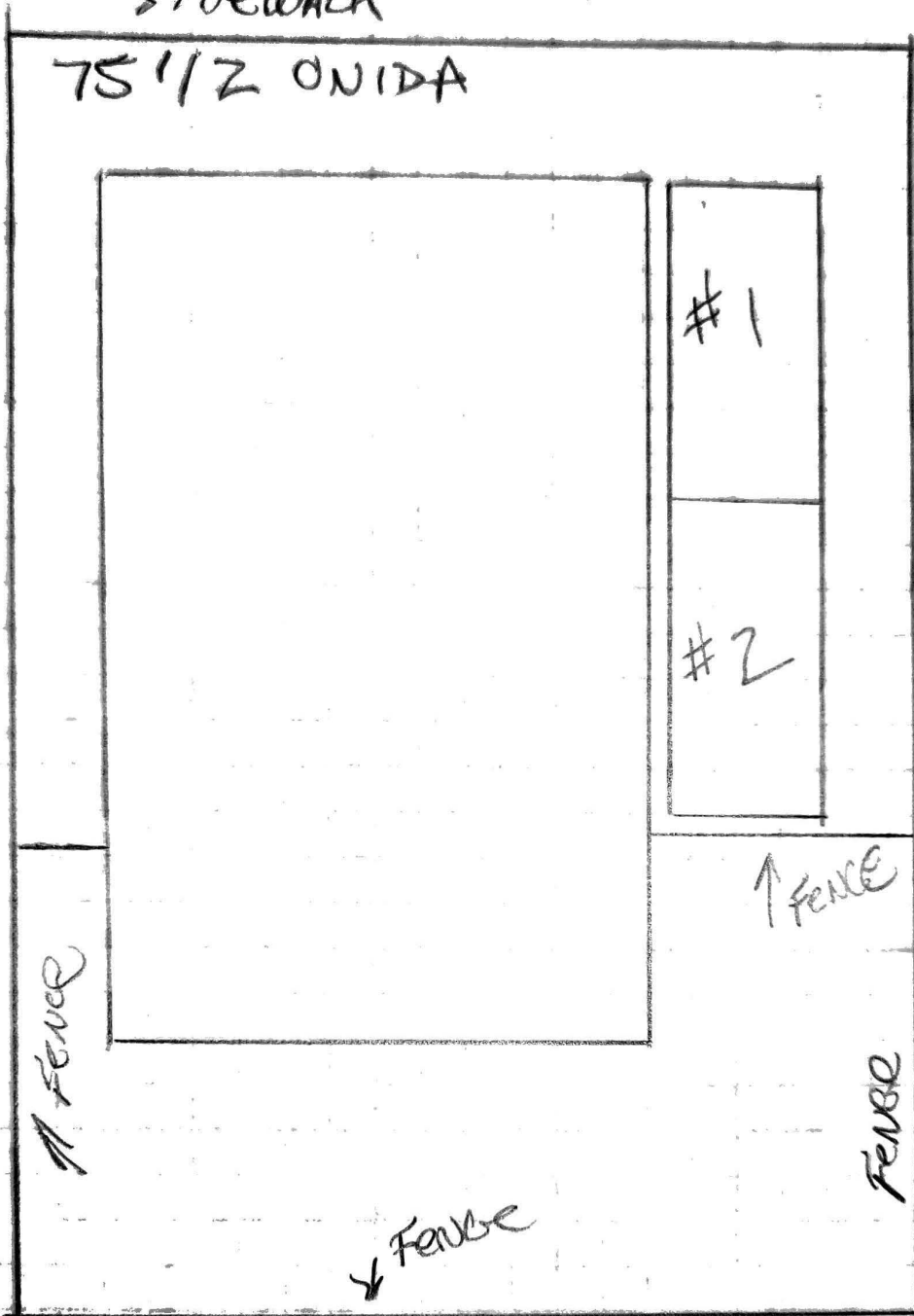
REAR



ONIDA

SIDEWALK

75 1/2 ONIDA



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **Use by Exception and Variance – Item 7(a) 2023-0009**

The applicant has requested that this item be continued to the May 2, 2023 Planning and Zoning Board (PZB) meeting

Thank you for your attention to this matter. If you have any questions or require additional information, please call me at (904) 209-4331 or email at jfredriksson@citystaug.com.



Jacob Fredriksson
Senior Planner
Planning and Building Department

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **USE BY EXCEPTION AND VARIANCE 2023-0015**

AGENDA ITEM 7(b)

APPLICANT AND OWNER Karl Baird

LOCATION 9 Sanchez Avenue / PID 190150-0000

REQUEST To approve a special event venue within the Commercial Low-Two (CL-2) zoning district as a permitted use by exception and approve a variance to off-street parking requirements.

LAND USE Commercial Low Intensity

ZONING Commercial Low-Two (CL-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 2.2.1

The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.

FLUE Policy 6.1.5

The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

FLUE Objective 8.1

Protect the small town mixed use urban context to maintain its industrious and charming character.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Goal 10

Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Parking facility means a structure or lot used for the storage of more than three (3) vehicles.

Parking space, compact, means a space at least eight (8) by eighteen (18) feet into which vehicles park, most commonly where spaces are assigned or turnover is minimal.

Parking space, off-street, means a space adequate for parking a standard-sized automobile with room for opening doors on both sides. Such space shall measure not less than nine and five-tenths (9.5) feet by nineteen (19) feet (180.5 square feet) excluding paved area necessary for access and maneuvering. Such space shall also be paved with erosion resistant material in accordance with city specifications.

Special event venue is a business where the primary or ancillary or accessory use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. A special event venue may be indoors or outdoors and must comply with all applicable local codes including, but not limited to, life safety codes, building codes, zoning codes, alcoholic beverage codes, public works department, police department and fire department requirements. Occupancy and occupancy limitations for special event venues must comply with all applicable public safety codes and requirements. Government

and military services and events are not special event venues. Special event venues may also be accessory or ancillary uses to other uses, such as, hotels or motels, bed and breakfasts or restaurants, for example.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. – Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

- (1) *In general.* In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).
- (2) *Written applications.* All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.
- (3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) *Violations of exceptions.* The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

(b) Variances:

- (1) *Requirements for grant of variance.* The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:
 - a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, the board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this chapter.

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

- (2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined by the board.
- (3) *Public hearing.* Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.
- (4) *Violations of variances.* The violation of the terms of a variance, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-207. - Commercial low-two: CL-2.

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets), clothing and toy and hobby shops, pet shops (but not kennel or veterinarian), bookstore and newsstand, stationery and card shops, leather goods and luggage, jewelry (including repair but not pawn shops), art and photographic supplies, TV

and stereo equipment (including incidental repairs), florist or gift shop, bake shop (but not wholesale bakery), sporting goods, sundries and notions, business office supplies, musical instruments, records and tapes, home furnishings and appliances (including incidental repairs), office equipment and furniture, hardware, used merchandise (in a completely enclosed building), duplicating and similar products.

- b. Service establishments such as hair salons, shoe repair shop, restaurant (but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises, radio and TV broadcasting office and studio, funeral home, marina, blueprinting, job printing and newspaper, electronic equipment repair shop, travel agencies, employment offices and similar activities.
- c. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- d. All types of professional and business offices, union hall and similar uses.
- e. Art gallery; museum; community center; vocational, trade or business school; colleges and universities; and similar uses.
- f. An establishment or facility for the retail sale or service of all alcoholic beverages either for on-premises or off-premises consumption, or both (but not drive-in).
- g. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on premises.
- h. Commercial parking lots, automobile parking garages.
- i. Hotels and motels without kitchenettes (maximum of fifty (50) units).
- j. Single-family dwellings as for RG-1 (section 28-163).
- k. Shopping plaza.
- l. Home office, private.
- m. Churches.
- n. Multiple-family dwellings as for RG-1.**
- o. Tattoo parlor or studio.
- p. Micropigmentation clinic.
- q. Craft alcohol industry. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

(2) *Permitted accessory uses.* See section 28-348.

(3) *Permissible uses by exception:*

- a. Automobile service station (see section 28-338), repair garages, new or used automobile sales lot.
- b. Drive-in restaurant and other drive-in uses.
- c. Child care center, home occupations or private school, all as provided in section 28-347.

- d. Housing for the elderly, roominghouses or boardinghouses and similar uses; all in compliance with section 28-163(4), for lot requirements, yards and other provisions.
 - e. Hospital and intermediate care facility.
 - f. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
 - g. Candy manufacturing.
 - h. Uses and structures as in RG-2 (section 28-164).**
 - i. Shopping center.
 - j. Establishments for handcrafted small signs made primarily of wood. Such work to take place within a wholly enclosed building, such building not to exceed one thousand six hundred (1,600) square feet. The planning and building manager may establish, by rule, criteria for determination of the maximum size of signs to be produced in such establishments, taking into consideration the maximum size of signs permitted within the City of St. Augustine in the various commercial zones, including Historic Preservation Zones and taking into account that it is not the intent of this section to authorize, under any circumstances, internally illuminated signs, billboards or signs containing moveable parts and that the craftsmanship intended by this section is intended to be similar in skills required in cabinet making.
 - k. Tourist attraction.
 - l. Special event venue as per section 28-347(8).
 - m. Dormitory.
- (4) *Minimum lot requirements (width and area).* None, except as specifically required for certain uses.
- (5) *Maximum lot coverage of all buildings.* Sixty (60) percent.
- (6) *Minimum yard requirements:*
- a. Front, zero feet minimum, fifteen (15) feet maximum. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side, five (5) feet.
 - c. Rear, five (5) feet.
 - d. Minimum yard requirements for the San Marco Avenue Design Standards. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the residential typology requires a front setback fifteen (15) feet minimum, thirty (30) feet maximum. Development within the San Marco Avenue Design Standards entranceway corridor area including the use of the traditional commercial typology requires a front setback zero feet minimum,

ten (10) feet maximum, and zero feet side setback consistent with the Chart in the Design Standards.

(7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-43; Ord. No. 93-35, § 1, 12-13-93; Ord. No. 96-34, § 1, 7-8-96; Ord. No. 06-34, § 1, 11-13-06; Ord. No. 15-02, § 1, 12-14-15; 16-06, § 2, 2-8-16; Ord. No. 18-09, § 4, 6-25-18; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 1, 10-11-21)

Sec. 28-164. - Residential, general-two: RG-2.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Multifamily dwellings.
- b. Accessory apartments.
- c. Single-family dwellings.
- d. Tourist homes and bed and breakfast inns.
- e. Rooming and boarding houses.
- f. Hotel or motel, thirty (30) units maximum.
- g. Housing for the elderly.
- h. Home office, private.
- i. Neighborhood recreation facility.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permitted uses by exception:*

- a. Marinas.
- b. Hotels and motels, fifty (50) units maximum.
- c. Restaurants and/or bars in connection with hotels or motels.
- d. Restaurants with lounges.
- e. Professional and business offices.
- f. **See section 28-347, special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.**
- g. Intermediate care facilities.

(4) *Minimum lot requirements:*

- a. *Single-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- b. *Multiple-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit, to a maximum of sixteen (16) units per acre.
- c. *Nonresidential uses:*
 1. Minimum lot width, fifty (50) feet.

2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- (5) *Maximum lot coverage by all buildings and structures.* Forty (40) percent.
- (6) *Minimum yard requirements:*
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.
- (7) *Maximum heights of structures.* Thirty-five (35) feet.

(Code 1964, § 33-25; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

Sec. 28-347. - Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (8) *Special event venue.* All special event venues whether permitted, permitted as a use by exception or as an accessory or ancillary use to other permitted uses maybe subject to conditions reasonably related to minimize negative impacts and achieve compatibility with the neighborhood and protect historic resources. A special event venue shall be subject to the following conditions:
 - a. As a use the venue shall be in scale with the surrounding area as determined by code requirements, such as, parking outlined in applicable local codes. If the special event venue is in addition to a primary or principal use as an accessory or ancillary use the use of the premises for a special event venue shall be clearly incidental and subordinate to the primary or principal use, such as, the use of the premises as a hotel or motel or bed and breakfast, restaurant or convention facility and shall under no circumstances change the character of the primary or principal use.
 - b. If the special event venue is an accessory or ancillary use there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the venue, except during the actual event. For any special event venues temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue may be used during the event only and must be disassembled within forty-eight (48) hours (business days) after the event concludes (Friday thru Monday for weekend events), and the building or premises must be returned to its normal condition. Some events may require certain screening or buffering during the event.
 - c. No traffic shall be generated by the special event venue which obstructs the public right-of-way and any need for parking generated by the conduct of such special event venue shall meet the off-street parking requirements of this Code in other than the required front yard.
 - d. No equipment or process shall be used in such special event venue, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Any

- potential noise generators proposed by the venue shall comply with the requirements of the City of St. Augustine noise ordinance.
- e. Occupancy limitations for indoor and outdoor areas, restroom facility and handicap accessibility requirements may be established by the local official having jurisdiction whether that is the building official and/or the fire marshal.
 - f. If a special event venue includes the use of a boat or other nonpermanent or mobile type facility required provision of all applicable local codes, such as, but not limited to parking and restroom facilities shall be provided at the point of gathering or loading of patrons for the event.
 - g. If an historic site is used for a special event venue the event cannot negatively impact historic or cultural resources on the site and if the historic site is a public site the event venue cannot impede the ability of others to experience the area or site, such that the special event venue shall be in a defined area indicated by an obvious barrier to maintain separation between it and the historic public area.
 - h. In residentially zoned areas, or historic preservation districts special event venues shall operate within normal business hours except until 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday, Saturday and recognized holidays.
 - i. Pyrotechnics, including fireworks, sparklers and similar devices shall not be permitted as part of a special event venue.

(Code 1964, § 33-103; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 22-07, § 1, 3-28-22)

Sec. 28-368. – Design standards.

- (g) *Interior driving aisles and maneuverability.* The minimum width of interior driving aisles and maneuverability space within parking facilities shall be related to the angle of the parking spaces and the use of one-way or two-way traffic as follows:

Parking Space Angle in Degrees	One-Way Traffic Aisle Width/Maneuverability Space in Feet	Two-Way Traffic Aisle Width/Maneuverability Space in Feet
0 (Parallel)	13	24
30	13	24
45	13	24
60	18	24
90	24	24

STAFF SUMMARY AND ANALYSIS

The applicant's proposed plan at 9 Sanchez Avenue is for a coworking space, three bedrooms for use as short term rentals, and the ability to host networking events. Included in this packet is a narrative provided by the applicant with details on each of the three proposed functions.

The applicant is requesting an approval for a special event venue within the Commercial Low-Two (CL-2) zoning district as a use by exception as per Residential General-Two (RG-2). In addition to this request, a variance is needed for the parking space requirements at 9 Sanchez Avenue if a special event venue is approved by the Planning and Zoning Board.

This property is located in the Magnolia Neighborhood and is in between US Highway 1 and San Marco Avenue, which are established commercial corridors within the City.

The approval of a use by exception to host networking events does not seem to be detrimental to public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare at 9 Sanchez Avenue.

The proposal at 9 Sanchez Avenue is required to provide 12 on-site off-street parking spaces for the coworking space, three bedrooms for use as short term rentals, and the ability to host networking events for up to thirty-two (32) people per city code.

The current proposed site plan of the existing parking lot shows ten (10) parking spaces, all of which meet the size requirements provided on-site. It is stated in the applicant's narrative that coworking activities and networking events would not take place at the same time since they occupy the same space.

Example of parking functions at any given time:

- Six (6) parking spaces are required for three bedrooms rented out as short-term rentals and the coworking space.
- Six (6) parking spaces are required for special events for up to thirty-two people.
- Current City of St. Augustine parking codes would require twelve (12) spaces since parking currently needs to be provided for all uses.
- The coworking space and the special event space are shared space and would not be used at the same time.
- The ten (10) spaces indicated on the site plan provides ample parking for the shared multiple uses on site.

No variance shall be granted unless the applicant shall show, and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

This property does suffer a physical condition that is a disadvantage; information from the St. Johns County Property Appraiser's website shows that a building constructed in 1900

currently occupies the property. Efforts made to reuse this structure constrain the ability to provide a parking space amount that meets City requirements.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

The disadvantage of there being an existing structure that constrains site design would limit the resiliency of a new business by not allowing anything more than coworking space and short term rental units.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

This lot was created and the existing was built before the current owner purchased the property.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting a variance would not adversely affect neighboring properties due to the nature of the request.

STAFF RECOMMENDATION

The approval of a use by exception and variance for the proposal for a mixed use project at 9 Sanchez Avenue is most certainly in the best interest of the City of St. Augustine.

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 a special event venue and a variance to parking requirements of two (2) parking spaces at 9 Sanchez Avenue / PID 190150-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

MAR 08 2023

Application Fee: \$ 250.00 (plus advertising costs)

Project Number: 2023-0015 Planning/Building Dept.

Receipt Number: 2584292

Meeting Date: April 4

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: KARL BAIRD Contact Number: 765-914-0591

Business (if applicable): Cowork St Augustine

Address: 69 Sanford Street City: St Augustine State: FL Zip: 32084

E-Mail Address: gmkbaird@gmail.com

2. NAME OF PROPERTY OWNER: Same Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 4

Block: 8

Subdivision: Garnett

Parcel Number: 19015 00 00 0

4. PROJECT STREET ADDRESS: 9 Sanchez Ave

5. SPECIFIC PROPOSED USE: Coworking and meeting space and dwelling space

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: The coworking space exceeds 750 ft² therefore is considered event space. For this reason we request this CL-2 space be allowed as in RG-2, as special event venue as an accessory use to the principal use which is coworking space.

8. JUSTIFICATION FOR ACTION REQUESTED: We lack coworking space in St. Augustine. The closest is in Jacksonville, not a practical commute. Because the Fire Marshal occupancy code designation is assembly we cannot be compliant without allowance by the PZB. This will be a low intensity commercial use. Nothing will change in the character or appearance of the premises.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Karl Bantz 3/7/23
Signature of Applicant Date

Karl Bantz 3/7/23
Signature of Property Owner Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

KARL BAIRD

Print name of applicant

Karl Baird

Signature of applicant

3/7/23

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater, \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception ★	★ \$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 9 Sanchez

Applicant's Name: KARL BAIRD Applicant's Signature: Karl Baird

Owner's Name: KARL BAIRD Owner's Signature: Karl Baird



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1901500000
Location Address	9 SANCHEZ AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Salon Spa Barber Shops Countywide (COM) (680.41)
Tax Description*	CITY OF ST AUGUSTINE GARNETT ADDITION LOT 4 BLK 8 OR 960/763 LIBERTY HOUSE INN B & B OR 5681/880 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Salon/Spa/Barber Shops (2530)
Subdivision	Garnett Division, Plan Of
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.250
Homestead	N

Owner Information

Owner Name	Baird Karl Matthew, Brenda Liz 100% Baird Brenda Liz 100%
Mailing Address	69 SANFORD ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$285,587
Extra Features Value	\$1,826
Total Land Value	\$220,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$507,413
Total Deferred	\$0
Assessed Value	\$507,413
Total Exemptions	\$0
Taxable Value	\$507,413

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$132,338	\$5,547	\$165,000	\$0	\$0	\$302,885	\$302,885	\$0	\$302,885
2021	\$115,916	\$3,399	\$165,000	\$0	\$0	\$284,315	\$284,315	\$0	\$284,315
2020	\$119,181	\$3,399	\$165,000	\$0	\$0	\$287,580	\$268,976	\$18,604	\$268,976
2019	\$125,887	\$3,399	\$165,000	\$0	\$0	\$294,286	\$244,524	\$49,762	\$244,524
2018	\$132,177	\$3,399	\$170,500	\$0	\$0	\$306,076	\$222,295	\$83,781	\$222,295
2017	\$55,997	\$1,989	\$144,100	\$0	\$0	\$202,086	\$202,086	\$0	\$202,086
2016	\$55,997	\$2,063	\$144,100	\$0	\$0	\$202,160	\$202,160	\$0	\$202,160
2015	\$58,797	\$2,170	\$144,100	\$0	\$0	\$205,067	\$205,067	\$0	\$205,067
2014	\$59,291	\$2,310	\$144,100	\$0	\$0	\$205,701	\$205,701	\$0	\$205,701
2013	\$62,585	\$2,755	\$144,100	\$0	\$0	\$209,440	\$209,440	\$0	\$209,440
2012	\$65,878	\$3,232	\$144,100	\$0	\$0	\$213,210	\$213,210	\$0	\$213,210
2011	\$69,173	\$3,709	\$159,500	\$0	\$0	\$232,382	\$232,382	\$0	\$232,382
2010	\$72,466	\$3,883	\$176,000	\$0	\$0	\$252,349	\$252,349	\$0	\$252,349

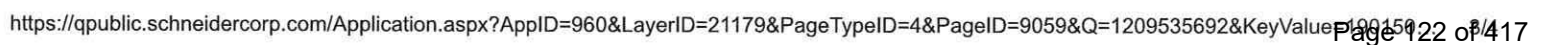
Building Information

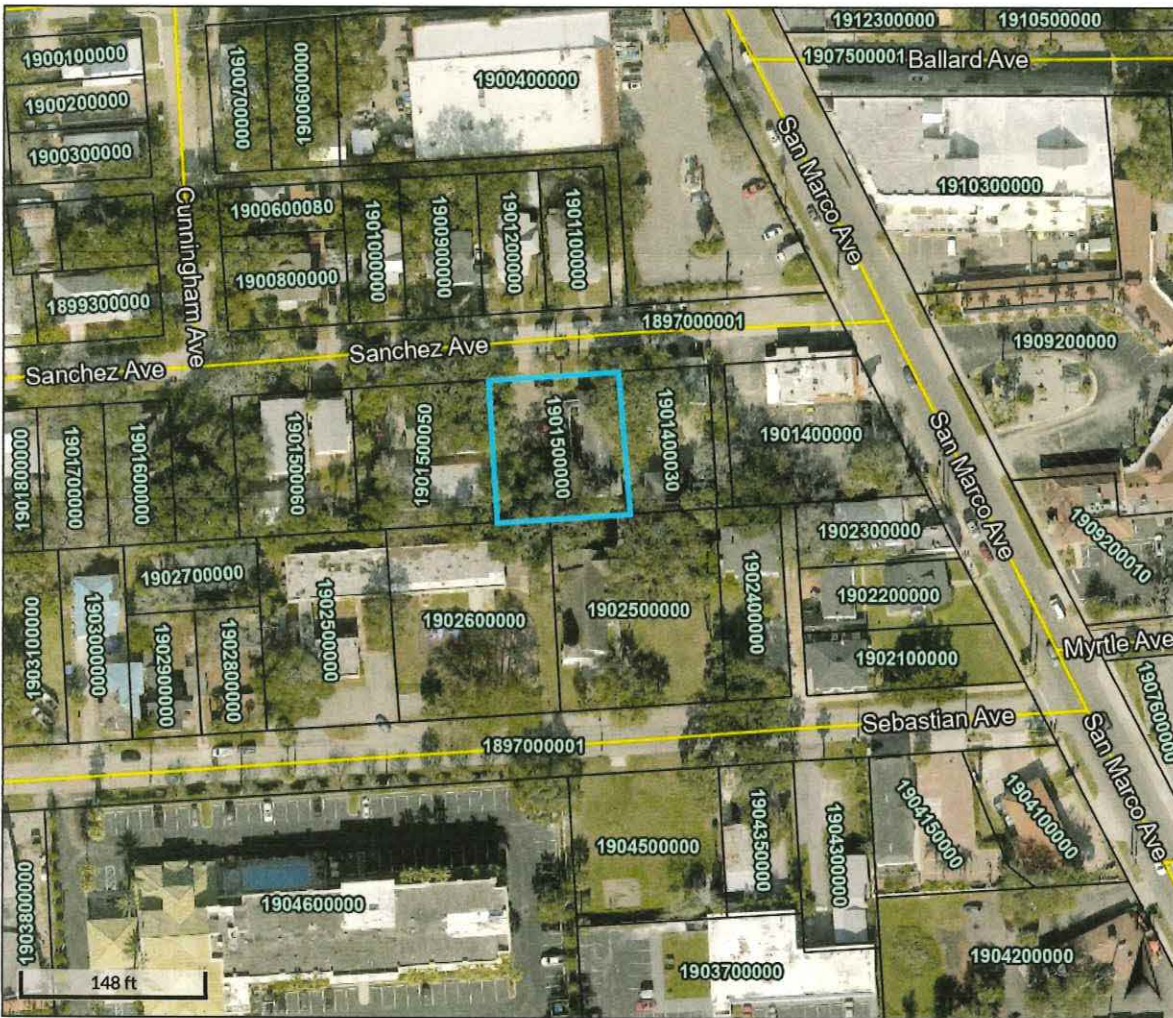
Building	1
Year Built	1900
Actual Area	2728
Conditioned Area	2178
Use	Salon/Spa/Barber Shops
Style	04
Class	N
Exterior Wall	Wood

Roof Cover	Composite Shingle
Roof Structure	Wood Truss
Interior Flooring	Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
OUTSIDE STAIRS	40
BASE AREA	560
BASE AREA	1400
FINISHED ENCLOSED PORCH	272

Sketch Information





Overview



Legend

□ Parcels

Parcel ID	1901500000	Physical Address	9 SANCHEZ AVE	Building Value	\$285,587	Last 2 Sales			
Property Class	2530 - Salon/Spa/Barber Shops	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$1,826	Date	12/16/2022	Price	\$865,000
Taxing District	City of St Augustine	Address	BAIRD KARL	Total Land Value	\$220,000	9/15/1992	\$134,900	Reason	01
Acres	0.25		MATTHEW, BRENDA LIZ	Just Value	\$507,413				Q
			69 SANFORD ST	Total	N/A				U
			SAINT AUGUSTINE FL	Deferred Assessed Value	\$507,413				
			32084-0000	Total	N/A				
				Exemptions					
				Taxable Value	\$507,413				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/9/2023

Last Data Uploaded: 3/9/2023 2:08:42 AM

Developed by  Schneider
GEOSPATIAL

MAR 24 2023

Cowork St Augustine - Business Description*Karl and Brenda Baird - business and property owners*

Planning/Building Dept.

Cowork St Augustine, 9 Sanchez Avenue, will offer a dedicated private space for businesses and individuals for coworking, meetings, presentations, workshops, retreats and team building.

The front half of the building will be designated for this business and provides 933 ft.² of space with a mobile furniture arrangement, a setup for presentations, and a quiet private atmosphere. This will be ADA and fire safety compliant.

With advanced notice, we will accommodate most kinds of private catered lunches or dinners: office, family, rehearsal, holiday; with no cooking allowed on the premises. If every seat were filled, this would allow for 32 people. If anyone plans a lunch or dinner, they are required to rent all the seats since there will be no coworking possible during that time. There will never be coworking occurring during an event.

There will be no change in appearance or character of the premises. Indoor space only (see floor plan detail). There will be no outdoor activities. Hours will be limited as regulated for events in Sec. 28-347 (8) h.

This business will not generate traffic obstruction and the current off-street parking on the premises fully meets the requirements in the Code for this proposed use (Section 28-373 for businesses and special events, Section 28-151 for rental units.)

The back half of the building will be designated for three, one-bed units for short term rental. These units will be Registered with the City and comply with Code chapter 28 regulations.

The property is zoned Commercial Low-Two (CL-2) which allows for the co-working space and multi family dwellings as for Residential General-One (RG-1). Future land-use designation of this property is Residential Medium Density which has a maximum density of 16 units per acre. Survey shows that this property is 0.25 acres allowing for the proposed three units.

The front half of the building is greater than 750 ft.² and will assemble people for the above purposes and therefore is also defined as a special event venue.

The CL-2 zoning district allows for uses as in Residential General Two (RG-2) as a use by exception upon PZB approval. This would be special event venue as an accessory use to the principle use of coworking space. We request this use by exception for the business at 9 Sanchez.

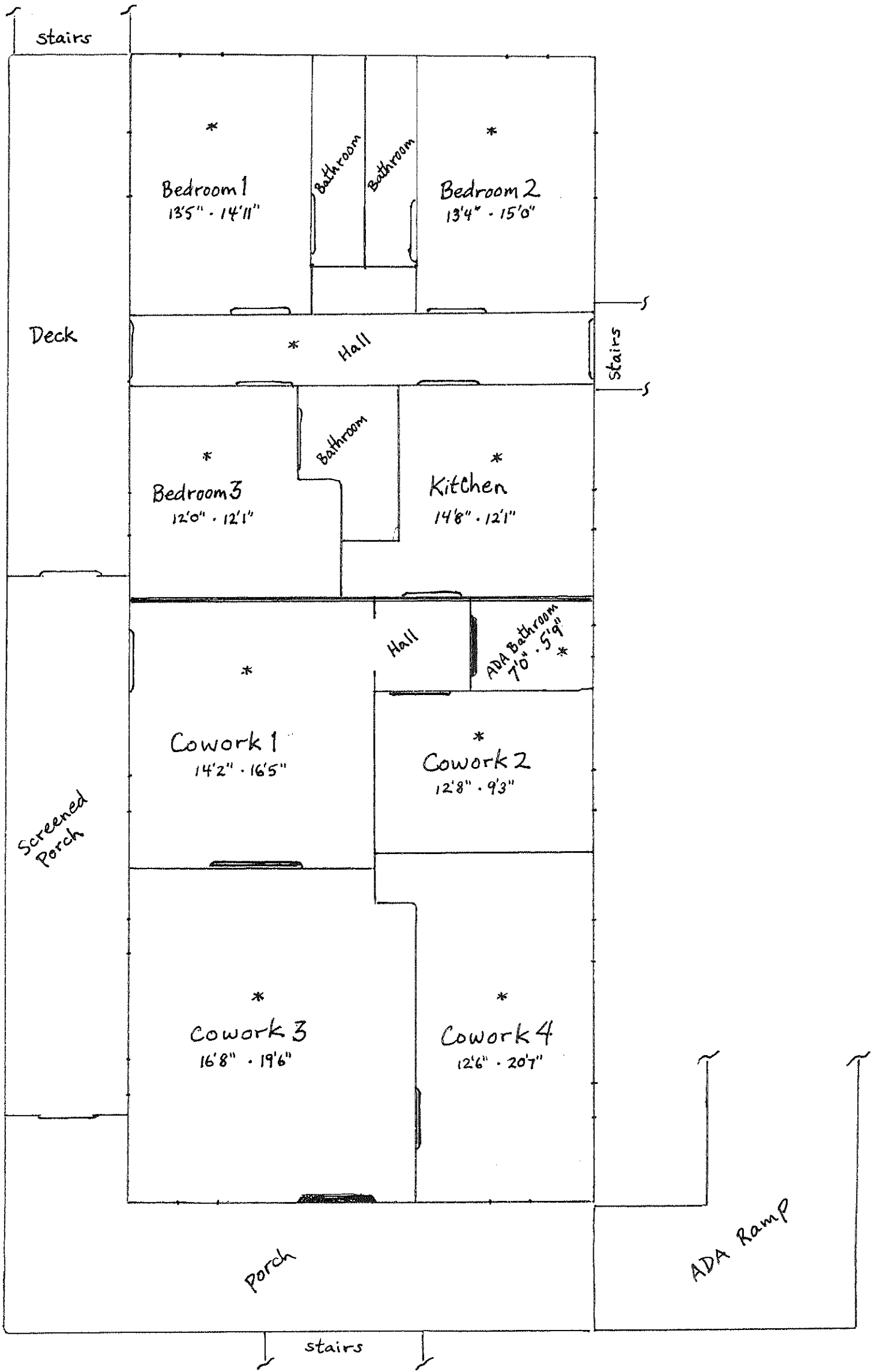
FLOOR PLAN

RECEIVED
MAR 24 2023
Planning/Building Dept.

sprinkler heads
*

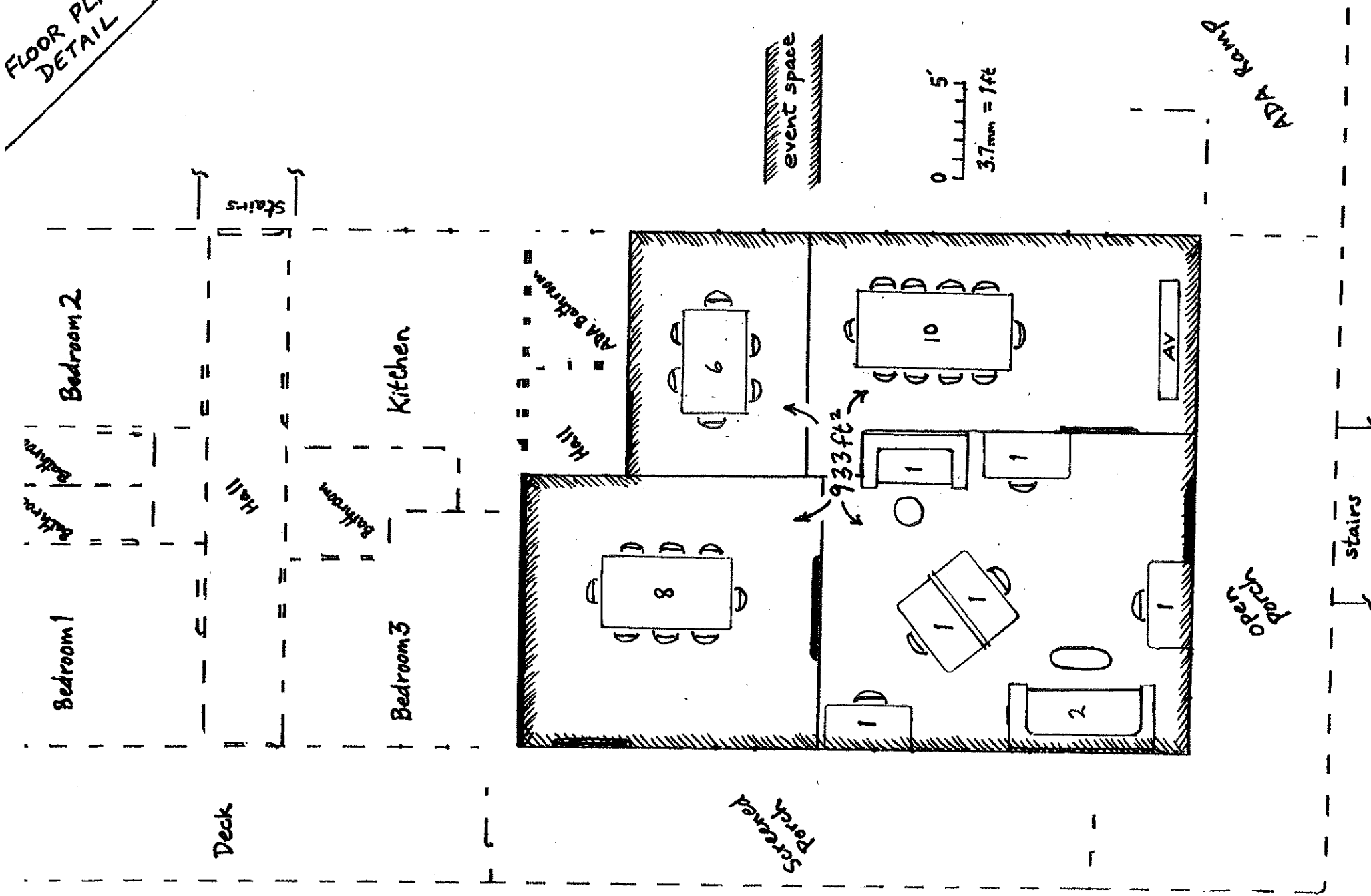
Doors
—

windows
—



SANCHEZ AVE

FLOOR PLAN
DETAIL



RECEIVED

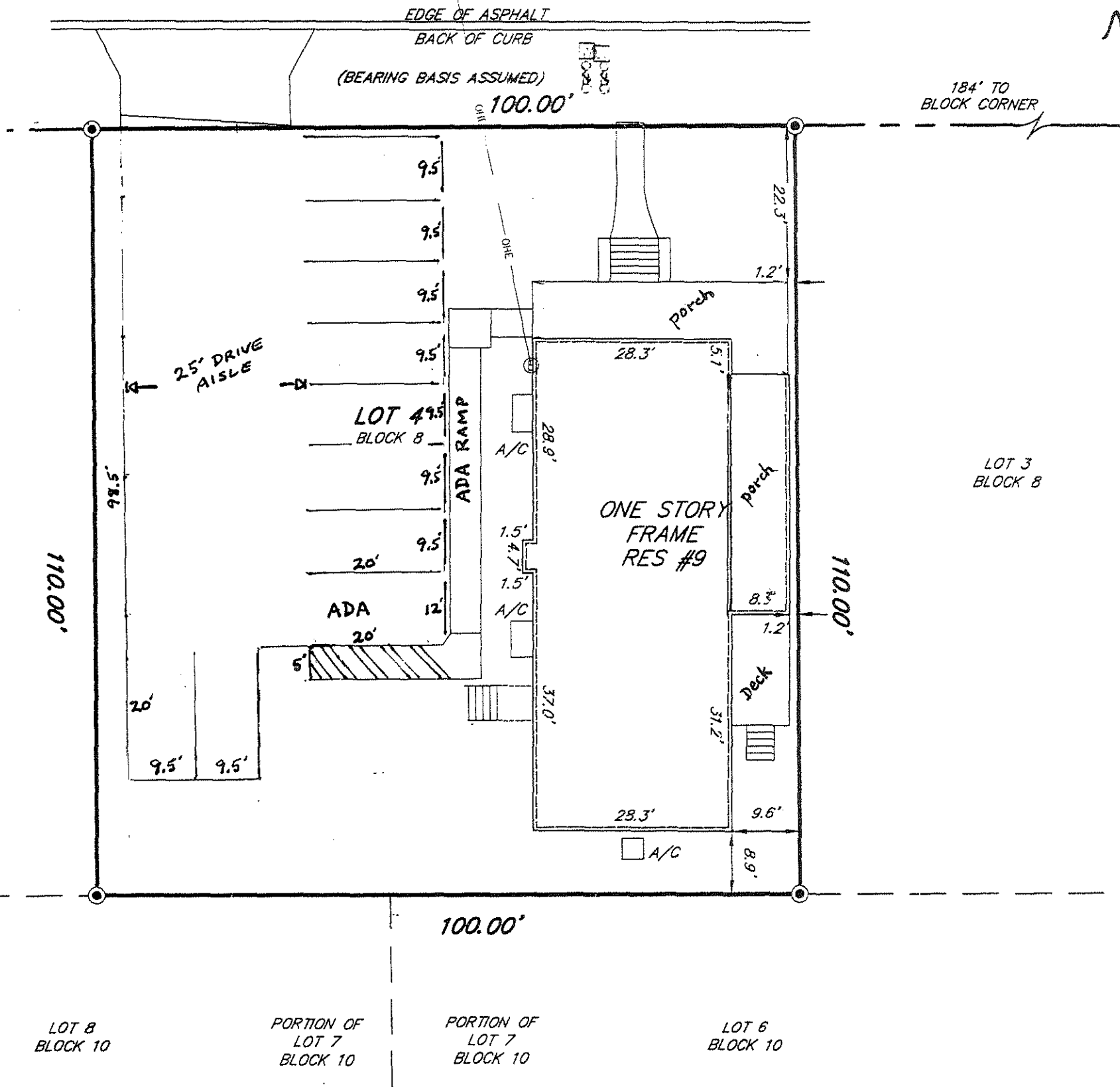
MAR 24 2023

Planning/Building Dept.

SANCHEZ AVENUE
(RIGHT OF WAY VAREIS)

Site Plan

N



- RES. - RESIDENCE
- CL - CENTERLINE
- DN - DENOTES NOT TO SCALE
- WM - WATER METER
- EC - EXPOSED CONCRETE
- CA - COVERED AREA
- W - WELL
- TYP. - TYPICAL
- WD - WOOD DECK
- EM - ELECTRIC METER
- BFP - BACK FLOW PREVENTOR

AREA = 0.25 ± ACRES
OR 11,000 ±, sq. ft.

GRAPHIC SCALE



1" = 20'

RECEIVED

MAR 24 2023

Planning/Building Dept.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: Aril 4, 2023

RE: **CONSERVATION OVERLAY ZONE 1, 2 & 3 DEVELOPMENT 2022-0057**

AGENDA ITEM 8(a)

APPLICANT Ryan Carter
c/o Carter Environmental Services Inc.

OWNER San Sebastian River LLC

LOCATION 19 Florida Avenue / 107790-0010

(Formally advertised and referred to as 0 Florida Avenue /
PID 107790-0010)

REQUEST To approve the construction of a new bulkhead approximately 112 feet in length, filing of approximately 0.14 acres of wetlands, construction of an approximately 1,529 square foot dock, including a floating dock and gangway, and removal of the majority of the tree canopy on the site which includes significant trees in Conservation Overlay Zones 1, 2, and 3.

LAND USE Residential Medium Density and Open Land

ZONING Residential General-Two (RG-2) & Open Lands
District (OL)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

Future Land Use Summary

The Future Land Use Element must designate the proposed future general distribution, location, and extent of the uses of land. The Future Land Use Element must also include standards for the densities and intensities of each defining land use category. To this end, the Future Land Use Element contains both a series of maps to depict the future land use pattern and a set of Goals, Objectives and Policies to fulfill the land use plan.

The Future Land Use Element serves as a guide for the development and use of land within the City of St. Augustine. This includes creating an efficient pattern and location of future land uses through the relationship between land use and preservation and livability, mobility and the transportation system, a balance of cultural and economic resources, and protection of the City's natural resources. It establishes the framework for all the other elements of the Comprehensive Plan.

FLUE Policy 1.1.3

The development and significance of topography, vegetation, wildlife habitat, flood hazard, the 1% or 100-year flood plain and soils for specific development sites will be analyzed and their suitability determined during the review process.

FLUE Policy 1.1.4

It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Policy 1.1.6

Any development, including development within a flood prone area, will strive to maintain the natural topography and hydrology of the development site as much as possible and provide for drainage and stormwater management identified in the Infrastructure Element, open space requirements as addressed in the Recreation and Open Space Element, and safe and convenient on-site traffic flow, considering the needed vehicular parking as addressed in the Transportation and Mobility Element.

- Open space requirements will meet the LOS adopted in the Recreation and Open Space Element;
- On-site traffic will consider that adjacent properties provide interconnections to reduce requirements for road trips; and,
- Parking requirements shall be specified in terms of the number of parking spaces outlined in the land development code (LDC).

FLUE Policy 1.1.8

Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.

FLUE Policy 1.1.10

The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.

FLUE Policy 1.1.11

The developer/owner of any site shall be responsible for the on-site management of stormwater in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

FLUE Policy 1.2.1

The protection of natural resources shall be accomplished by one or more of the following techniques, based on the degree of protection required:

- Limitations on development density and intensity;
- Limitations on building placement, such as required clustering of allowable development on non-sensitive portions of a site;
- Limitations on building coverage or impervious surface coverage;
- Requirements for setbacks and landscaped buffers sufficient to mitigate or eliminate impacts;
- Evaluation of proposed plan amendments to ensure that they do not contribute to urban sprawl and fail to protect natural resources;
- Minimize land use conflicts;
- Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure; and
- Reduce natural hazard risks to life and property.

FLUE Policy 1.2.2

The City's determination of the degree of natural resource protection required shall be part of the development application and review process based on the programs outlined in the Comprehensive Plan and adopted in the land development code (LDC) and may result in conditions on development approvals.

FLUE Objective 2.1

The City shall coordinate future land uses with the availability of facilities and services.

FLUE Policy 2.1.1

As part of the City's permitting process, facilities and services shall meet the established level of service standards and shall be available to serve the impacts of development, or development

orders and permits shall be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development.

FLUE Policy 2.1.3

The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.

FLUE Policy 2.1.4

The City shall continue to require developers to provide for the extension of sanitary sewer, potable water and storm drainage systems to serve their development.

FLUE Objective 2.2

Development, redevelopment, land use plan amendments and changes to the zoning of a site shall be coordinated with the availability of adequate facilities and services.

FLUE Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLU Objective 5.1

The City shall discourage and/or reduce urban sprawl through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximizes efficiency.

FLUE Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLUE Policy 5.5.1

All wetlands are identified as carbon sequestration areas and should help alleviate concentrations of greenhouse gas emissions by acting as carbon sinks and facilitating the net removal of carbon emissions.

FLUE Policy 5.5.3

The City's infill, mixed-use and redevelopment policies will increase densities, proximity and diversity of land uses in an effort to encourage efficient land use patterns and reduce greenhouse gases.

FLUE Policy 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and multiplefamily dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character. A maximum of thirty percent (30%) of the Residential Medium Density land use designation shall be allocated for nonresidential uses. Nonresidential uses shall be limited to low intensity commercial, public and institutional uses including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation), as appropriate.

For Residential Uses a maximum of 16 units per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

Conservation and Coastal Management Element Goals, Objectives and Policies

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Policy 1.8.1

No development will be allowed in areas assigned the Open Land (Conservation) land use category as created by this 2040 Comprehensive Plan, except the following uses:

1. Existing uses within wetland areas may continue, but shall not be allowed to expand except as provided for elsewhere in this Comprehensive Plan and the City Land Development Code, and in accordance with any other applicable jurisdiction.
2. Activities designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water; floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.
3. **New development and redevelopment shall have no significant impact on the wetlands such as passive recreation, trails, wooded boardwalks, construction of wildlife management shelters, discharge structures from upland developments, utility crossings; footbridges; observation decks and similar structures not requiring dredging and/or filling for their placement or maintenance.**
4. Allow for Insect Control Structures, stormwater management structures, as well as utility installation with temporary impacts to the wetlands.
5. Setbacks shall be consistent with the Conservation Overlay Zone development section of the Comprehensive Plan.

CCM Policy 1.8.6

Removal, encroachment and alteration of wetlands pursuant to the “no net loss” requirements of the City Comprehensive Plan, and shall be in compliance with the following:

1. Appropriate justification for the proposed alteration is provided to the City;
2. Adequate mitigation of any adverse hydrological and physical alterations is provided in accordance with the requirements of the agencies claiming jurisdiction over the wetland;
3. Setbacks shall be 25 feet. Setbacks of less than 25 feet must be consistent with the Conservation Overlay Zone development section of the Comprehensive Plan;
4. The following activities are permitted in wetland setback areas provided:
 - (a) Construction of boardwalks/catwalks, docks, for direct access to water bodies; construction of wildlife management shelters; discharge structures from upland developments; utility crossings; foot bridges; observation decks and similar structures not requiring dredging and/or filling for their placement and maintenance;
 - (b) The City shall include in its land development regulations provisions for mandatory site plan review for all development proposed in State jurisdictional wetlands. The regulations include appropriate standards for mitigation of adverse impacts to

wetlands values and the provision that reasonable use of property, restoration of the disturbed wetlands and/or creation of new wetlands will be required in accordance with the rules and criteria of FDEP and SJRWMD.

CCM Policy 1.8.7

The purpose of mitigation is to offset environmental impacts for the public good. Mitigation activities approved by federal, state or regional agencies are supported by the City. Mitigation shall be as permitted by the SJRWMD. Prioritization of mitigation shall be as determined by SJRWMD current policies or as amended.

CCM Policy 1.15.6

The City has established wetland areas as the carbon sequestration areas and established policies to encourage energy conservation throughout the City.

CCM Policy 2.1.1

The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site specific basis during site plan review of each development proposal.

Conservation Overlay Zone 1 Passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone.

Conservation Overlay Zone 2 This Conservation Overlay Zone allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category.

Conservation Overlay Zone 3 The restrictions on uses and other development and performance standard requirements within this zone including tree canopy and tree removal are governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Policy 2.4.1

The City shall continue to protect wetlands by adopting land development regulations which establish minimum setbacks, identify minimum buffers in which no development would be permitted, and eliminate direct discharges. The City shall pursue no net loss of wetlands. The measurable target for this policy is the number of wetlands at the time of adoption minus the number of wetlands at the time of the next Evaluation and Appraisal Report, based on information provided by the St. Johns River Water Management District.

CCM Policy 2.4.2

The City shall protect native vegetation and wildlife habitat by adopting land development regulations which establish measures for the protection of native vegetation (trees, shrubs and grasses) and wildlife habitat. The City shall pursue retaining 50% of the native vegetation on development sites. As implemented in the land development code.

CCM Policy 2.5.1

When reviewing development proposals for public or private development, the City shall take into account the following strategies:

- a. When planning for a larger parcel or contiguous smaller parcels, emphasize a compact, clustered development pattern over a sprawling one;
- b. Preserve water body and riverine green edges in order to conserve an upland buffer that links the water to larger habitat areas;
- c. Where possible do not subdivide properties in a manner that creates multiple lots to the water's edge; instead, maintain a common community shoreline corridor with an upland component that links to larger habitat areas;
- d. Preserve native vegetation and habitat types;
- e. Preserve forested areas, the understory and native soil associations; and
- f. Avoid activities that dehydrate landscape features or alter the seasonal water flows or duration of inundation to wetlands, hammocks or water bodies.

CCM Policy 2.16.7

The City shall discourage the disturbance of natural shorelines to improve and continue the shoreline stabilization, protection and habitat benefits natural shorelines provide by continuing to enforce the City's no net loss of wetlands policies, Conservation Overlay Zone 1 review requirements, and coordinating with the SJRWMD and other state agencies to preserve natural shorelines and jurisdictional wetlands through the ERP program.

CCM Policy 2.16.13

Development and redevelopment in the City shall utilize strategies, site development techniques, engineering solutions, and best practices to reduce the flood risk and losses due to flooding in the City, including but not limited to:

1. Green street techniques to divert, capture or absorb water in a way to reduce flood impacts on private property, including, but not limited to street trees, landscaped areas and vegetative curb extensions, bioswales, vernacular streetscapes, and roadway redesign;
2. Hybrid stormwater master plan to integrate a combination of green and gray infrastructure, including but not limited to bioretention, increasing pipe capacity, stormwater parks, rain garden/bioswales, pumps, and water flow diversion strategies;
3. Underground utilities in vulnerable and feasible areas;
4. Assess parking standards and redesign parking lots with greater water capture techniques;
5. Comprehensive planning;
6. Land development regulations;

7. Increases of setback lines;
8. Natural shoreline restoration;
9. Permeable pavement;
10. Dry and wet flood proofing of structures; and
11. Green/open space.

Housing Element Goals, Objectives and Policies

Overall Housing Goal

The overall goal of the Housing Element of the Comprehensive Plan is to ensure that the City supports the provision and maintenance of an adequate inventory of affordable, safe, sanitary and energy efficient housing in stable neighborhoods that meets the needs of the City's present and future residents.

H Goal 1

Encourage and promote quality housing through new construction, maintenance, rehabilitation and preservation of safe and sanitary housing for the present and future residents of the city.

H Policy 1.1.1

The city shall continue to provide land use designations and zoning districts on the Future Land Use Map and the official zoning map, respectively, to ensure that adequate amounts of land to accommodate the projected housing needs for single family and multi-family housing units are met within the city.

H Policy 1.4.1

The city shall ensure that the residential land use designations, the associated zoning districts, and land development regulations permit a variety of housing types and densities throughout the city.

H Goal 2

Promote and assist in the provision of an ample housing supply, with a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

H Objective 2.1

The city will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

H Objective 5.1.2

The city shall encourage energy efficiency and sustainable construction in the design and construction of new housing and in the rehabilitation of existing housing.

H Policy 5.1.3

The city shall promote energy efficiency, resource management and conservation for new and existing housing in an effort to keep housing costs at a minimum and to conserve resources.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Floodplain means an area inundated during a ten-year flood or designated as flood hazard areas by the National Flood Insurance Program.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
<i>Fraxinus spp.</i>	ash	18
<i>Betula nigra</i>	birch, river	24
<i>Punus serotina</i>	black cherry	18
<i>Nyssa sylvatica</i>	blackgum, black tupelo	18
<i>Catalpa binoniodes</i>	catalpa	18
<i>Prunus caroliniana</i>	cherry laurel	10
<i>Lagerstroemia indica</i>	crape myrtle - single trunk	10
<i>Taxodium distichum</i>	cypress, bald (pond cypress)	10
<i>Ulmus parvifolia</i>	elm, drake	10
<i>Ulmus alata</i>	elm, winged	10
<i>Ulmus Americana</i>	elm, American	18
<i>Chionanthus virginicus</i>	fringetree	10
<i>Carya tomentosa</i>	hickory, mockernut	18
<i>Carya glabra</i>	hickory, pignut	18
<i>Ilex opaca</i>	holly, American	10
<i>Ilex cassine</i>	holly, dahoon	10
<i>Ilex x attenuate</i>	holly, "East Palatka"	10
<i>Gordonia lasianthus</i>	loblolly bay	10
<i>Magnolia grandiflora</i>	magnolia, southern	18
<i>Magnolia grandiflora var</i>	magnolia, southern v. "Little Gem"	10
<i>Magnolia virginiana</i>	magnolia, sweetbay	10
<i>Acer rubum and Acer spp.</i>	maple, red or other maples	18
<i>Quercus hemisphaerica</i>	oak, laurel	15 to 36
<i>Quercus laurifolia</i>	oak, laurel (swamp)	15 to 36
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Quercus nuttallii</i>	oak, nuttall	18
<i>Quercus spp.</i>	oak, other unlisted species	18
<i>Quercus stellata</i>	oak, post	18
<i>Quercus falcata</i>	oak, red (southern red oak)	18
<i>Quercus geminate</i>	oak, sand live	10
<i>Quercus shumardii</i>	oak, shumard	18

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

<i>Quercus laevis</i>	oak, turkey	18
<i>Quercus nigra</i>	oak, water	15 to 36
<i>Quercus phellos</i>	oak, willow	18
<i>Carya illinoensis</i>	pecan	18
<i>Cercis canadensis</i>	red bud	10
<i>Juniperus virginiana</i>	red cedar, eastern	8
<i>Juniperus silicicola</i>	red cedar, southern	8
<i>Liquidambar styraciflua</i>	sweetgum	18
<i>Platanus occidentalis</i>	sycamore	18
<i>Liriodendron tulipifera</i>	tulip-poplar, tuliptree	18
<i>Juglans nigra</i>	walnut, black	18
<i>Celtis laevigata</i>	hackberry (sugarberry)	15 to 36

Significant tree canopy areas are defined as clusters of trees which form at least twenty-five (25) percent cover and include a variety of oak species and softwood species.

Special flood hazard areas means areas which may become inundated during a one hundred-year

(Code 1964, § 7-113; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 15-47, § 1, 1-11-16; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.

- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect.,. and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. **At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in (1) - (4) of this subsection.** If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along

an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer **provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer)**. These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions.
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

- (11) Impact of development on shoreline by linear feet and percent of site.
 - (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
 - (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

STAFF SUMMARY AND ANALYSIS

This request is seeking approval for Conservation Overlay Zone Development in each of the three conservation zones 1, 2, and 3 for a new multi-family development in West Saint Augustine between Florida Avenue and the San Sebastian River.

In Conservation Overlay Zone 1 the applicant is looking to construct a bulkhead approximately 112 linear feet in length, fill in approximately 0.14 acres of wetlands, construct a driveway that provides access to the development, and build a new dock that includes a floating dock and gangway approximately 1,529 square feet in size.

In Conservation Overlay Zone 2 the applicant is seeking approval to build a single-family home, build multi-family structures, and construct a driveway that provides access to the development.

In Conservation Overlay Zone 3 the applicant is seeking approval to remove a total of fifteen (15) significant trees which includes two (2) southern Red Cedar, three (3) Loblolly Bay, one (1) Water Oak, five (5) Live Oak, one (1) Southern Magnolia, one (1) Sweetbay, and two (2) Laurel Oak trees.

The Planning and Zoning Board typically judges Conservation Overlay Zone Development against Sec. 11-29. – Standards for review; and the only responses to the seventeen criteria laid out by the city were provided by the applicant with the original application to the October 2022 PZB Meeting.

In the previously mentioned narrative from the applicant, it refers to a 1,459 square foot dock, the one currently proposed is approximately 1,529 square feet. The length of the proposed bulkhead which gives access to the development has also increased from approximately 20 linear feet to 112 linear feet.

The City's goal of no net loss in wetlands appears to be met by the applicant, but exact details have yet to be provided. The applicant has stated that they plan to purchase "0.14 UMAM units in Drainage Basin 9 from a permitted SJRWMD/ACOE mitigation bank." The only document provided that is relevant to wetland mitigation is a table with numbers, information on where Drainage Basin 9 is and approval from the SJRWMD of the mitigation purchases have not been provided.

The tree removal plan also includes a list of trees that will not be removed; the amount of trees being preserved leaves the proposal with an overall credit and no need for mitigation. Even though mitigation is not needed, general landscaping requirements will still need to be met during the permitting and construction process of this development. Twenty-two (22) significant trees are shown to be preserved in this proposal.

STAFF RECOMMENDATION

Based on a review of section 11-29 staff finds that the board can **APPROVE or CONTINUE** the construction of a new bulkhead approximately 112 feet in length and proposed mitigation plans of the wetland impacts.

Based on a review of section 11-29 staff finds that the board can **APPROVE** a pile-supported dock with a floating platform totaling approximately 1,529 square feet in Conservation Overlay Zone 1 and 2.

Based on a review of section 11-29 staff find that the board can **APPROVE** the removal of fifteen (15) significant trees within Conservation Overlay Zone 3 at 19 Florida Avenue / PID 107790-0010.

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



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0057
Receipt Number: 2445015 Meeting Date: OCT. 4, 2022
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084
E-Mail Address: Ryan@carterenv.com

2. NAME OF PROPERTY OWNER: _____ Contact Number: 407-709-0497
Business (if applicable): SAN SEBASTIAN RIVER, LLC
Address: 2909 FAIRGREEN ST City: ORLANDO State: FL Zip: 32803-5043
E-Mail Address: DPARSONS@CDGFLA.COM

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: LOTS 1 THRU 10 & 23 & 24 Block: 16 & VACATED SEBASTIAN AVE
Subdivision: RAVENSWOOD Parcel Number: 1077900010

4. PROJECT STREET ADDRESS: INTERSECTION OF FLORIDA AVE. & JULIA STREET, ST. AUGUSTINE, FL

5. SPECIFIC PROPOSED USE: MULTI-FAMILY HOUSING CONSTRUCTION & RECREATION

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Removal of trees, bulkhead construction and proposed
pile-support dock and floating platform

8. JUSTIFICATION FOR ACTION REQUESTED: Access to San Sebastian River

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

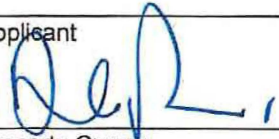
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

	8-3-2022
Signature of Applicant	Date
	8-3-2022
Signature of Property Owner	Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

A handwritten signature in black ink, appearing to read "R. A. Carter".

Signature of applicant

8-3-2022

Date



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF OF SAN SEBASTIAN RIVER, LLC, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: _____

BY: [Signature], mgr.
Signature of Owner

DALE PARSONS MANAGER SAN SEBASTIAN RIVER LLC
Print Name of Owner

407. 709. 0497
Telephone Number

State of Florida

County of Orange

Signed and sworn before me on this 17 day of August, 2022

By Dale Parsons

Identification verified: ✓

Oath sworn: ✓ Yes No

Notary Signature:

[Signature: Aline V. Rodriguez]

My Commission expires:

4/10/26



ALINE V. RODRIGUES
Commission # HH 206477
Expires April 10, 2026



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

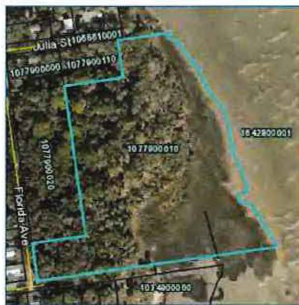
Parcel ID 1077900010
 Location Address FLORIDA AVE
 Saint Augustine 32084-0000
 Neighborhood Ravenswood (485)
 Tax Description* RAVENSWOOD SUB LOTS 1 THRU 10 & 23 & 24 BLK 16 & VACATED SEBASTIAN AVE IN OR312/543 & MARSH TO CHANNEL OR5358/61
 *The Description above is not to be used on legal documents.
 Property Use Code Vacant Residential (0000)
 Subdivision Ravenswood Subdivision
 Sec/Twp/Rng 37-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.3368
 Acreage 6.170
 Homestead N

No Image Available

Owner Information

Owner Name San Sebastian River LLC 100%
 Mailing Address 2909 FAIRGREEN ST
 ORLANDO, FL 32803-5043

Map



Valuation Information

Building Value		2022
Extra Features Value		\$0
Total Land Value		\$348,814
Agricultural (Assessed) Value		\$0
Agricultural (Market) Value		\$0
Just (Market) Value		\$348,814
Total Deferred		\$0
Assessed Value		\$348,814
Total Exemptions		\$0
Taxable Value		\$348,814

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$276,698	\$0	\$0	\$276,698	\$186,278	\$90,420	\$186,278
2020	\$0	\$0	\$198,350	\$0	\$0	\$198,350	\$198,350	\$0	\$198,350
2019	\$0	\$0	\$198,350	\$0	\$0	\$198,350	\$197,857	\$493	\$197,857
2018	\$0	\$0	\$179,870	\$0	\$0	\$179,870	\$179,870	\$0	\$179,870

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	420	150	420	EF	\$212,058
Marshes & Tidal Lands	0	0	248	AC	\$62,000
Vacant Residential	105	300	105	EF	\$60,868
Vacant Residential	0	0	1.24	AC	\$13,888

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/1/2021	8/24/2021	\$367,500.00	WARRANTY DEED	5358	57	U	V	WATTS UP ENTERPRISES LLC	ALTERNATIVE BUILDING SYSTEMS LLC
9/1/2021	8/20/2021	\$100.00	CORRECTIVE DEED	5358	61	U	V	INNOVATED BUILDING SYSTEMS LLC	WATTS UP ENTERPRISES LLC
9/1/2021	8/13/2021	\$690,000.00	WARRANTY DEED	5358	61	U	V	ALTERNATIVE BUILDING SYSTEMS LLC	SAN SEBASTIAN RIVER LLC
1/12/2021	1/5/2021	\$294,000.00	WARRANTY DEED	5149	1740	U	V	INNOVATED BUILDING SYSTEMS LLC	WATTS UP ENTERPRISES LLC
11/22/2017	8/4/2017	\$150,000.00	WARRANTY DEED	4466	1595	U	V	ALTERNATIVE BUILDING SYSTEMS LLC	INNOVATED BUILDING SYSTEMS LLC

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to provide the most accurate information possible. This website is for informational purposes only and does not constitute an offer of insurance or any other financial product.

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St. Johns County, FL

Apply for Exemptions

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Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Summary

Parcel ID 1077900110
 Location Address JULIA ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood Ravenswood (485)
 Tax Description* RAVENSWOOD SUB LOTS 11 & 12 BLK 16 & PT OF VACATED SEBASTIAN AVE IN OR312/543 OR5358/61
 *The Description above is not to be used on legal documents.
 Property Use Code Vacant Residential (0000)
 Subdivision Ravenswood Subdivision
 Sec/Twp/Rng 37-7-30
 District City of St Augustine (District 452)
 Millage Rate 19.3368
 Acreage 0.400
 Homestead N

[Click here to open Cyclomedia Viewer in a New Tab](#)


Owner Information

Owner Name San Sebastian River LLC 100%
 Mailing Address 2909 FAIRGREEN ST
 ORLANDO, FL 32803-5043

Map



Valuation Information

Building Value		2022
Extra Features Value		\$0
Total Land Value		\$0
Agricultural (Assessed) Value		\$105,047
Agricultural (Market) Value		\$0
Just (Market) Value		\$0
Total Deferred		\$105,047
Assessed Value		\$0
Total Exemptions		\$105,047
Taxable Value		\$0
		\$105,047

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$63,478	\$0	\$0	\$63,478	\$52,524	\$10,954	\$52,524
2020	\$0	\$0	\$47,749	\$0	\$0	\$47,749	\$47,749	\$0	\$47,749
2019	\$0	\$0	\$47,749	\$0	\$0	\$47,749	\$47,580	\$169	\$47,580
2018	\$0	\$0	\$43,255	\$0	\$0	\$43,255	\$43,255	\$0	\$43,255

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	105	150	105	EF	\$105,047

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/1/2021	8/24/2021	\$367,500.00	WARRANTY DEED	5358	57	U	V	WATTS UP ENTERPRISES LLC	ALTERNATIVE BUILDING SYSTEMS LLC
9/1/2021	8/20/2021	\$100.00	CORRECTIVE DEED	5358	53	U	V	INNOVATED BUILDING SYSTEMS II LLC	WATTS UP ENTERPRISES LLC
9/1/2021	8/13/2021	\$690,000.00	WARRANTY DEED	5358	61	U	V	ALTERNATIVE BUILDING SYSTEMS LLC	SAN SEBASTIAN RIVER LLC
1/12/2021	1/5/2021	\$55,000.00	WARRANTY DEED	5149	1742	U	V	INNOVATED BUILDING SYSTEMS II LLC	WATTS UP ENTERPRISES LLC
8/23/2017	8/4/2017	\$100.00	WARRANTY DEED	4425	467	U	V	ALTERNATIVE BUILDING SYSTEMS LLC	INNOVATED BUILDING SYSTEMS II LLC

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranty, expressed or implied, is provided for the data herein, its use or interpretation.

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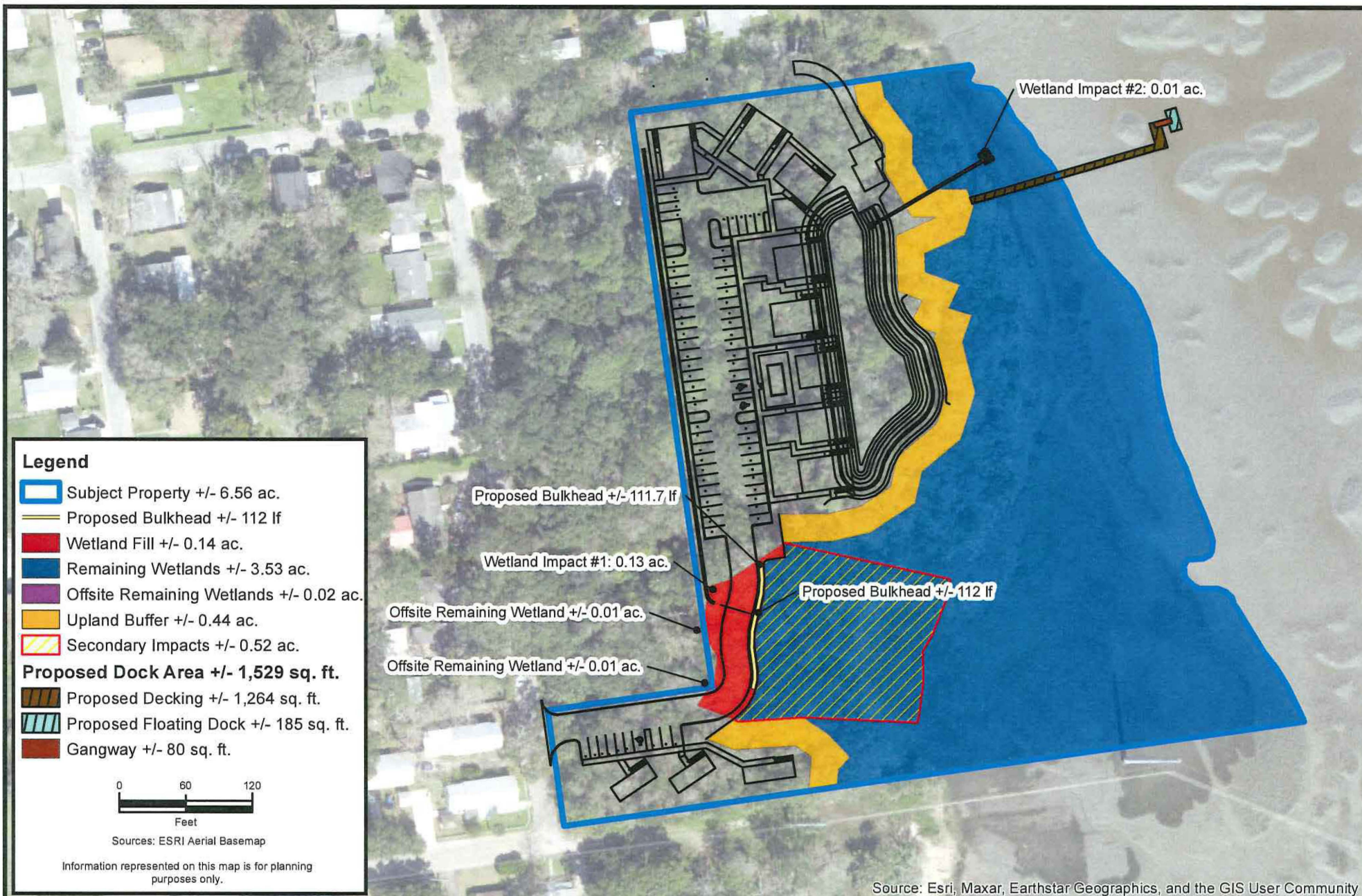
Developed by:



Version 2.0.2019

ECO VILLAGE ST. AUGUSTINE, FLORIDA - TREE TABLE 02-13-2023

PROTECTED TREES IN WETLAND BUFFER										PROTECTED TREES REMOVED										ABRV		TREE NAME	
QTY.	TYPE	ZONE	S	DBH	RAD	STB	STC	CEA	ST	QTY.	TYPE	ZONE	S	DBH	RAD	STB	STC	CEA	ST	LV	LIVE OAK		
1	CE	2		5	2.5	19.635	1	1	5	1	CE	1	X	9	4.5	63.617	1	1.0	9	CP	CABBAGE PALM		
5	CP	2		6	3	141.37	5	1	30	1	CE	2	X	10	5	78.54	1	1.0	10	CE	RED CEDAR		
1	CP	2		9	4.5	63.617	1	1	9	1	LB	2	X	12	6	113.1	1	1.0	12	LA	LAUREL OAK		
2	CP	2		10	5	157.08	2	1	20	1	LB	2	X	15	7.5	176.71	1.5	1.5	15	SP	SLASH PINE		
1	CP	2		11	5.5	95.033	1	1	11	1	WO	2	X	17	8.5	226.98	1.5	1.5	17	SM	SOUTHERN MAGNOLIA		
10	CP	2		12	6	113.1	10	1	120	1	LV	2	X	18	9	254.47	1.5	1.5	18	LB	LOBLOLLY BAY		
1	CP	2		13	6.5	132.73	1	1	13	1	LV	2	X	19	9.5	283.53	1.5	1.5	19	WO	WATER OAK		
4	CP	2		14	7	615.75	4	1	56	1	LB	1	X	19	9.5	283.53	1.5	1.5	19	LP	LOBLOLLY PINE		
2	LA	2		4	2	25.133	2	1	8	1	LA	1	X	20	10	314.16	2	2.0	20	YH	YALPON HOLLY		
1	LA	2		7	3.5	38.485	2	2	7	1	SM	1	X	20	10	314.16	2	2.0	20	MA	RED MAPLE		
1	LA	2		9	4.5	63.617	2	2	9	1	LV	1	X	21	10.5	346.36	2	2.0	21	BA	SWEETBAY		
1	LB	2		6	3	28.274	1	1	6	2	LV	2	X	22	11	760.27	4	2.0	44	MG	MAGNOLIA		
1	LV	2		3	1.5	7.0686	1	1	3	1	BA	2	X	22	11	380.13	2	2.0	22	PE	PECAN		
5	LV	2		4	2	62.832	5	1	20	1	BA	2	X	23	11.5	415.48	2	2.0	23	BC	BLACK CHERRY		
3	LV	2		5	2.5	58.905	3	1	15	1	LV	1	X	32	16	804.25	2	2.0	32	SB	SUGAR BERRY		
2	LV	2		6	3	56.549	2	1	12	1	CE	1		1	0.5	0.7854	0	0.0	1				
3	LV	2		7	3.5	115.45	6	2	21	1	CE	1		2	1	3.1416	0	0.0	2				
1	LV	2		8	4	50.265	2	2	8	1	LV	1		3	1.5	7.0686	0.5	0.5	3				
4	LV	2		9	4.5	254.47	8	2	36	1	LA	1		3	1.5	7.0686	0.5	0.5	3				
2	LV	2		10	5	157.08	4	2	20	1	MA	3		3	1.5	7.0686	0.5	0.5	3				
2	LV	2		11	5.5	190.07	4	2	22	1	WO	2		4	2	12.566	0.5	0.5	4				
3	LV	2		12	6	339.29	9	3	36	1	YH	2		4	2	12.566	0.5	0.5	4				
3	LV	2		13	6.5	398.2	9	3	39	1	LV	1		4	2	12.566	0.5	0.5	4				
1	LV	2		14	7	153.94	3	3	14	1	CE	1		4	2	12.566	0.5	0.5	4				
3	LV	2		17	8.5	680.94	9	3	51	1	SM	1		4	2	12.566	0.5	0.5	4				
1	LV	2	X	18	9	254.47	3	3	18	1	SM	1		4	2	12.566	0.5	0.5	4				
3	LV	2	X	22	11	1140.4	12	4	66	1	LA	1		4	2	12.566	0.5	0.5	4				
2	LV	2	X	24	12	904.78	8	4	48	2	LA	1		4	2	25.133	1	0.5	8				
3	LV	2	X	25	12.5	1472.6	12	4	75	2	WO	1		4	2	25.133	1	0.5	8				
1	LV	2	X	27	13.5	572.56	4	4	27	2	YH	1		4	2	25.133	1	0.5	8				
1	LV	2	X	30	15	706.86	4	4	30	2	PE	1		4	2	25.133	1	0.5	8				
1	WO	2		13	6.5	132.73	3	3	13	5	LV	1		4	2	62.832	2.5	0.5	20				
1	YH	2		3	1.5	7.0686	1	1	3	1	LA	3		4	2	12.566	0.5	0.5	4				
Credits Wetland Buffer										144	C	871"											
Basal Square Inches Zone 2										10,228	SQ IN												
PROTECTED TREES PRESERVED																							
QTY.	TYPE	ZONE	S	DBH	RAD	STB	STC	CEA	ST	QTY.	TYPE	ZONE	S	DBH	RAD	STB	STC	CEA	ST				
1	MG	1		3	1.5	7.0686	1	1	3	1	LA	1		5	2.5	19.635	0.5	0.5	5				
1	BA	2		6	3	28.274	1	1	6	2	LV	1		5	2.5	39.27	1	0.5	10				
1	BC	2		5	2.5	19.635	1	1	5	3	WO	1		5	2.5	58.905	1.5	0.5	15				
1	CE	1		6	3	28.274	1	1	6	3	LV	1		5	2.5	58.905	1.5	0.5	15				
1	CE	1		7	3.5	38.485	2	2	7	6	LA	1		5	2.5	117.81	3	0.5	30				
1	CE	1	X	22	11	380.13	4	4	22	1	LV	2		6	3	28.274	0.5	0.5	6				
1	CE	2		2	1	3.1416	0	0	2	4	WO	2		6	3	113.1	2	0.5	24				
1	CE	2		5	2.5	19.635	1	1	5	1	WO	1		6	3	28.274	0.5	0.5	6				
1	CE	2		6	3	28.274	1	1	6	1	LB	1		6	3	28.274	0.5	0.5	6				
8	CE	3		1	0.5	6.2832	0	0	8	1	CE	1		6	3	28.274	0.5	0.5	6				
1	CE	3		2	1	3.1416	0	0	2	1	SP	1		6	3	28.274	0.5	0.5	6				
3	CE	3		3	1.5	21.206	3	1	9	1	WO	1		6	3	28.274	0.5	0.5	6				
3	CE	3		4	2	37.699	3	1	12	1	LV	1		6	3	28.274	0.5	0.5	6				
6	CE	3		5	2.5	117.81	6	1	30	1	MG	1		6	3	28.274	0.5	0.5	6				
1	CE	3		6	3	28.274	1	1	6	2	LB	1		6	3	56.549	1	0.5	12				
5	CE	3		7	3.5	192.42	10	2	35	3	LA	1		6	3	84.823	1.5	0.5	18				
1	CE	3	X	8	4	50.265	2	2	8	5	LV	1		6	3	141.37	2.5	0.5	30				
2	CE	3	X	9	4.5	127.23	4	2	18	1	LA	2		7	3.5	38.485	1	1.0	7				
3	CE	3	X	10	5	235.62	6	2	30	3	LV	2		7	3.5	115.45	3	1.0	21				
1	CE	3	X	12	6	113.1	3	3	12	1	LB	1		7	3.5	38.485	1	1.0	7				
1	CE	3	X	13	6.5	132.73	3	3	13	1	SP	1		7	3.5	38.485	1	1.0	7				
3	CP	1		12	6	339.29	3	1	36	1	SM	1		7	3.5	38.485	1	1.0	7				
1	CP	1		14	7	153.94	1	1	14	2	LV	1		7	3.5	76.969	2	1.0	14				
1	CP	1		15	7.5	176.71	1	1	15	2	PE	1		7	3.5	76.969	2	1.0	14				
2	CP	2		6	3	56.549	2	1	12	4	LA	1		7	3.5	153.94	4	1.0	28				
2	CP	2		9	4.5	127.23	2	1	18	5	LV	1		7	3.5	192.42	5	1.0	35				
3	CP	2		10	5	235.62	3	1	30	1	LA	3		7	3.5	38.485	1	1.0	7				
6	CP	2		12	6	678.58	6	1	72	1	MA	3		7	3.5	38.485	1	1.0	7				
6	CP	2		13	6.5	796.39	6	1	78	1	MA	2		8	4	50.265	1	1.0	8				
7	CP	2		14	7	1077.6	7	1	98	2	LV	2		8	4	100.53	2	1.0	16				
1	CP	2		16	8	201.06	1	1	16	1	LV	1		8	4	50.265	1	1.0	8				
1	CP	2		17	8.5	226.98	1	1	17	1	CP	1		8	4	50.265	1	1.0	8				
1	CP	2		20	10	314.16	1	1	20	1	SP	1		8	4	50.265	1	1.0	8				
4	CP	3		8	4	201.06	4	1	32	1	LA	1		8	4	50.265	1	1.0	8				
2	CP	3		9	4.5	127.23	2	1	18	1	WO	1		8	4	50.265	1	1.0	8				
8	CP	3		10	5	628.32	8	1	80	1	SM	1		8	4	50.265	1	1.0	8				
2	CP	3		11	5.5	190.07	2	1	22	1	LV	1		8	4	50.265	1	1.0	8				
17	CP	3		12	6	1922.7	17	1	204	2	LA	1		8	4	100.53	2	1.0	16				
11	CP	3		13	6.5	1460.1	11	1	143	2	WO	1		8	4	100.53	2	1.0	16				
14																							



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Site Conditions, Post-Survey

EcoParc - Florida Avenue

Project: 5.21678

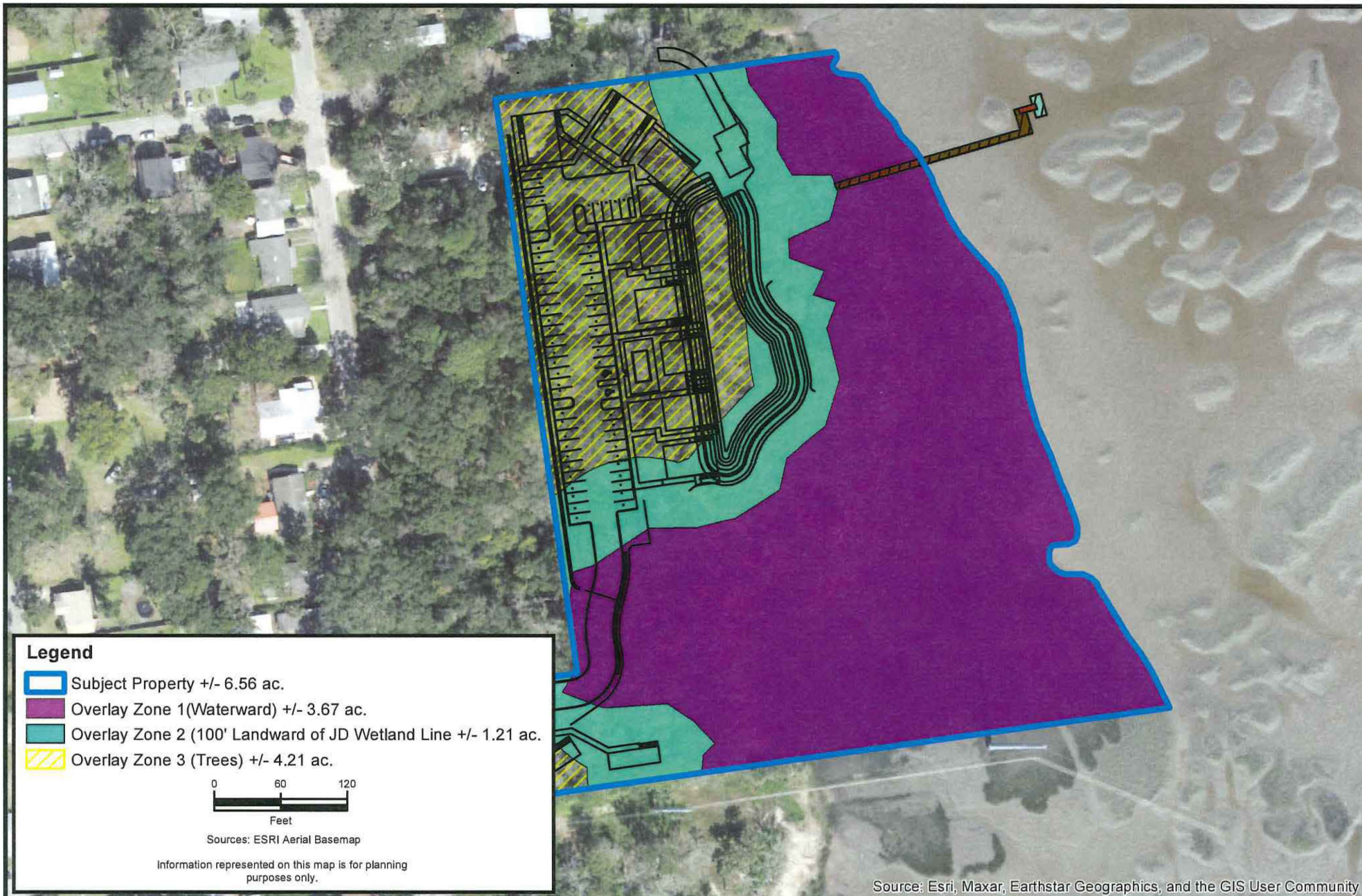
St. Augustine, Florida

Date: Feb 08 2023

Figure:

5





**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Conservation Overlay Zone Overview EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Feb 08 2023

Figure:

1





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Shoreline Protection Map

EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Mar 07 2023

Figure:

1



date: 2-8-23

Total Impact Acres	Total Creation Acres	Total Enhancement Provided	Upland Acres Provided
0.66	0	0	0
Total Functional Loss		Total Functional Gain Units	
0.133		0.000	
Need	0.14		

Mitigation	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		Time Lag	Risk	Preservation Adjustment Factor	Relative	Acres	Functional Gain Units
preservation		before	after	before	after	before	after						
enhancement													
1								1	1.00		0.0000		0.0000
2								1	1.00		0.0000		0.0000
3								1	1.00		0.0000		0.0000
4								1	1.00		0.0000		0.0000
5								1	1.00		0.0000		0.0000
6								1	1.00		0.0000		0.0000
7								1	1.00		0.0000		0.0000
8								1	1.00		0.0000		0.0000
creation													
1								1	1.00		0.0000		0.0000
2								1	1.00		0.0000		0.0000
uplands													
11				x	x			1	1.00		0.0000		0.0000
12				x	x			1	1.00		0.0000		0.0000
13				x	x			1	1.00		0.0000		0.0000
14				x	x			1	1.00		0.0000		0.0000
15				x	x			1	1.00		0.0000		0.0000

risk	P.A.F.	scores	year	time lag
1	0.1	0	<1	1.00
1.25	0.2	1	1-2	1.03
1.5	0.3	2	2-3	1.07
1.75	0.4	3	3-4	1.10
2	0.5	4	4-6	1.14
2.25	0.6	5	6-10	1.25
2.5	0.7	6	11-15	1.46
2.75	0.8	7	16-20	1.68
3	0.9	8	21-25	1.92
	1	9	26-30	2.18
		10	31-35	2.45
			36-40	2.73
			41-45	3.03
			46-50	3.34
			51-55	3.65
			>55	3.91



42 Masters Drive
St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

February 8, 2023

Mr. Craig McCammon
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, Florida 32256

Subject: RAI Response
EcoParc - Florida Avenue
Application Number 189951-1
St. Johns County, Florida

Dear Mr. McCammon:

This letter and attachments respond to your September 7, 2022, request for additional information (RAI). Below are our responses to your requests in **bold**.

Please note that Carter Environmental Services (CES) is only responding to RAI comments 4, 6-8, 10, 11, 14, and 18-20. JBPro will respond separately to the remaining RAI comments.

4. Demonstrate the applicant possesses real property interest for the portions of the project under the control of St Johns County or the City of St Augustine. Provide legal authorizations from these agencies to access, construct, and maintain proposed offsite portions of this project. [Section 4.2.3(d), A.H. Volume I]

The proposed construction, per the attached Figure 5, only impacts the two St. Johns County parcels owned by the applicant, with proposed access onto existing street rights-of-way. The applicant is obtaining dock approval from the City of St. Augustine and will provide the district a copy of that approval

6. Please provide the executed submerged lands lease agreement between the City of St. Augustine and the applicant for the use of the submerged bottoms. If it is determined that the proposed dock is located on state owned Sovereign Submerged Lands additional information will be required. [4.2.3(d), A.H. Volume 1;62-330.060(3), F. A. C.]

The applicant is obtaining dock approval from the City of St. Augustine and will provide the district a copy of that approval. This is a residential project; therefore, no submerged lands lease is required by the city.

7. Please coordinate with Craig McCammon to schedule a date to conduct a site inspection. The purpose of the inspection is to determine the limits of wetlands and/or surface waters through a wetland verification. All on-site wetlands must be flagged, and the flags must be visible and clearly labeled. This field inspection may need to be coordinated with staff from FDEP Northeast District in review of a Section 404 Federal Permit application. Additionally, please provide the locations and elevations of the Seasonal High-Water Levels (SHWL) within the wetlands adjacent to any proposed Surface Water Management Facilities (SWMF) so we may conduct a verification of the SHWL's during our site inspection. 62-330.201(1), F.A.C. data sheets will need to be completed during this site inspection. Please note, based on the results of the field inspection, and the submittal of construction plans, and potential revisions to Section C of the application and the environmental assessment (EA), additional environmental information will be needed once construction plans are received. Additionally, the project must meet the review criteria as described in Section 10.0 of the Applicant's Handbook (Environmental Criteria). UMAM will be discussed during the site inspection. [62-330.201(1), F.A.C.; 62-330.301, F.A.C.; 62-330.302, F.A.C.; 10.0, ERP Applicant's Handbook (A.H.) Volume I]

A site inspection was conducted by Craig McCammon, SJRWMD, and David Jeff, CES, on December 27, 2022 (following two earlier site visits by the same individuals and Jacob Rynning, CES). The wetland lines were revised and enlarged (see revised Figure 3, attached here, which depicts post-review/surveyed wetland lines). Also, please note that SHWL elevations are not relevant to the site, because it contains tidal wetlands.

8. If wetland lines are changed during the wetland verification, please provide both construction plans and revised EA wetland figures with the associated Table 1 which accurately identify the final District verified wetland lines. Please provide a wetland survey and also add the wetland survey as a layer on the construction plans to clearly match the field verified wetland lines and acreages. [Form 62-330.060(1), Section C, Part 3, F.A.C.; 62-330.301(1), F.A.C.; 62-330.302(1)(a), F.A.C.; 10.0, A.H. Volume I]

Please see the revised construction plans, to be submitted separately by JBPro, as well as the revised FLUCFCS and proposed conditions maps (Figures 4 and 5) and Table 1, all attached here. All of these materials are based on the post-review, surveyed wetland lines.

10. It appears that wetland impacts associated with the proposed access road can be eliminated. Design modifications to reduce or eliminate adverse impacts must be explored for the overall project. It appears the site plan can be modified to reduce or eliminate wetland impacts. Please adopt design changes that reduce or eliminate, to the greatest extent possible, the direct and potential secondary impacts to the wetlands. If such changes are not practicable, please provide a detailed explanation and suitable documentation that supports how the project meets the criteria in 10.2.1 A.H. [62-330.301(1), F.A.C., 62-330.302(1)(a), F.A.C.; 10.2.1 A.H. Volume I]

The applicant/engineer wanted to reduce traffic on Florida Ave; therefore, having an access immediately off of Evergreen Avenue eliminated traffic further down Florida Ave and onto the unimproved Julia Avenue. This option also was problematic as it entailed an issue for fire engine (public safety) turnaround capabilities on the alternative site plan's Florida Avenue spur. The revised proposal only entails 0.14 acre of wetland fill impacts and includes a bulkhead to minimize wetland impact associated with the eastern side slope.

11. Please provide reasonable assurances that regulated activities will not cause additional adverse secondary impacts to any water resource adjacent to the any wetland impacts, which are currently not known. Secondary impacts to wetlands and surface waters from adjacent developments, including all SWMF's, will not be considered adverse if upland buffers are maintained with a minimum width of 15 feet and an average width of 25 feet. To qualify under 10.2.7 A.H. Volume I, the upland buffers must be undisturbed and provide a conservation easement or other means (such as signage or fencing) of ensuring the buffers will remain undisturbed during construction and use of the facilities. If signage or fencing are proposed, please provide the sign or fence locations and dimensions and for signage, provide the proposed language to be used on the signs on construction plans. Mitigation will be required for all secondary impacts that cannot be avoided. [62-330.301(1)(f), F.A.C.; 10.2.7, A.H. Volume I]

Except where the sole 0.14-acre direct wetland impact is proposed, the applicant proposes upland buffers consistent with section 10.2.7, Applicant Handbook Volume I. In lieu of a conservation easement, the upland buffers will be protected via signage that is now depicted on the engineering plans (to be submitted separately by JBPro). Where the upland buffer with a minimum of 15 ft cannot be provided, the applicant proposes +/- 0.52 acre of secondary wetland impacts. Please see the attached UAMAM summary, which describes the proposed mitigation.

14. Mitigation will be required to offset any adverse direct, secondary and hydrologic impacts to wetland functions caused by the proposed project, this includes potential impacts to any on-site borrow pit/pond areas. Please submit a complete mitigation plan that includes maps, a narrative, and the appropriate legal documents to satisfy the requirements outlined in 10.3.3-10.3.8, Applicants Handbook, Volume. I. If the mitigation plan is not solely comprised of the purchase of mitigation bank credits within Basin 9, include the following information in your mitigation proposal:

- a. A description of the current condition of the proposed mitigation area, including the percent cover of exotics*
- b. A detailed description of the proposed mitigation activities, including materials, plan and cross-sectional views of the proposed activities, methods, and sequencing of work.*
- c. A detailed monitoring plan, to demonstrate success (including contingency costs in the cost estimate)*
- d. A management plan containing all aspects of operation and maintenance to keep each mitigation area in the condition proposed under this plan.*
- e. Cost estimate and financial assurance mechanism and documentation*

[Chapter 373.421 (7)(a) and (b), F.S.; 62-330.301(1) (d) and (f), F.A.C.; 62- 330.302(1)(a) and (b), F.A.C.; 10.3.1.3, A.H. Volume I]

Please see the attached UAMAM worksheet. To offset freshwater forested wetland impacts (direct and secondary), the applicant proposes to purchase 0.14 mitigation bank credits from Old Brick Road Mitigation Bank, an approved mitigation bank in Drainage Basin 9, which serves the area where a permit is sought. Upon agreement of the mitigation plan, the applicant will provide a reservation of credit letter.

18. Please be advised that a copy of your permit application has been forwarded to Florida Fish and Wildlife Conservation Commission (FWC) for review regarding potential effects on fish and wildlife,

listed species and their habitat. Additional information or modifications to the plans may be requested following receipt of their comments. Please note that an applicant must provide reasonable assurances that a regulated activity will not impact wetland and other surface water functions and cause adverse impacts to the habitat of fish, wildlife, and listed species or to the abundance and diversity of fish, wildlife and species having special protection that use upland habitats for nesting and denning. [10.2.2 and 10.2.7, A.H. Volume I]

CES will respond to requests from the Florida Fish and Wildlife Conservation Commission (FWC) as needed.

19. Please be advised that a copy of your permit application has been sent to the Division of Historical Resources (DHR) for review and comment. The District is awaiting their comments and we may request additional information based on the Division's recommendations. If your project is determined to be located in the vicinity of archaeological or historical resources, you must provide assurances to demonstrate that the archaeological or historic site will be avoided and the project will not result in adverse impacts to archaeological resources or historical properties. [10.2.7, A.H. Volume I]

CES will respond to requests from the Division of Historical Resources as needed.

20. A processing fee was not received with the application. Based on the project area of 6.56 acres and the impacts indicated in the Environmental Narrative, the required fee is \$1,190.00. Please remit the application fee electronically using the link available through the District's e-permit portal, or by check made payable to the St. Johns River Water Management District. Please be advised that the fee may change based on project design changes or revised wetland impacts, or if the conceptual permit is modified such that the proposed project is consistent with the conceptual permit. [62-330.060(2), F.A.C.; 62-330.071(1)(c), F.A.C.; 40C-1.603(3)(a)5, F.A.C.]

CES will pay the processing fee soon.

We trust that this information is sufficient for SJRWMD to complete the review of our application. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Ryan Lockwood
Project Scientist III
rlockwood@carterenv.com
904-540-1786 ext. 6

Eco Parc
2022-0057 Resubmittal Information

Attachment 2

Historic Aerials



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Historic Aerial Chronology - 1943

EcoParc - Florida Avenue



Project: 5.21678

St. Augustine, Florida

Date: Nov 14 2022

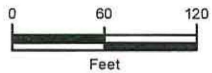
Figure:

1



Legend

 Subject Property +/- 6.56 ac.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

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42 Masters Drive
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Historic Aerial Chronology - 1952

EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Nov 14 2022

Figure:

2





**CARTER ENVIRONMENTAL
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42 Masters Drive
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Historic Aerial Chronology - 1960
EcoParc - Florida Avenue

Project: 5.21678

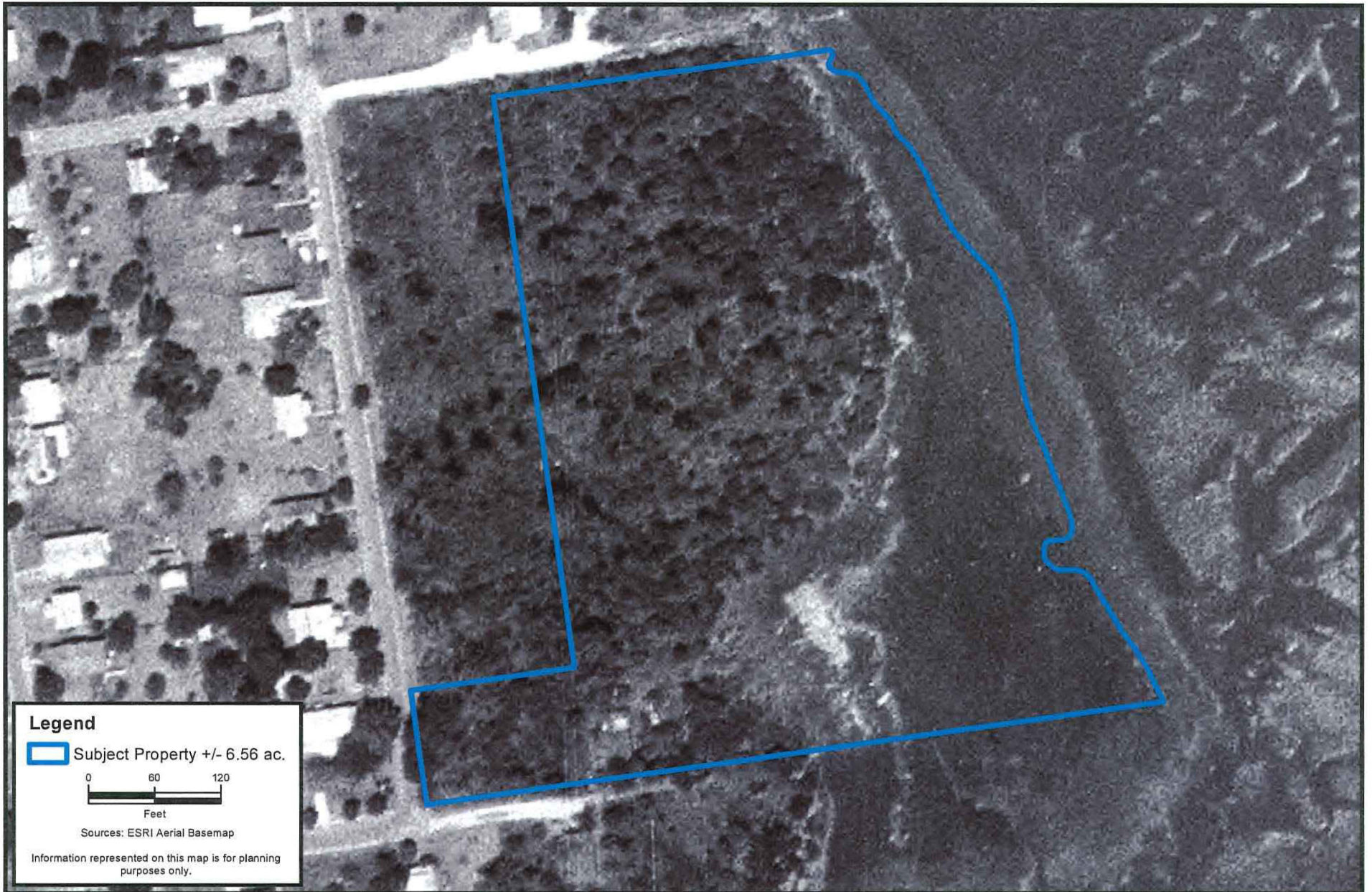
St. Augustine, Florida

Date: Nov 14 2022



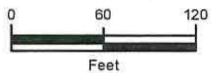
Figure:

3



Legend

 Subject Property +/- 6.56 ac.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

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42 Masters Drive
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Historic Aerial Chronology - 1971

EcoParc - Florida Avenue

Project: 5.21678

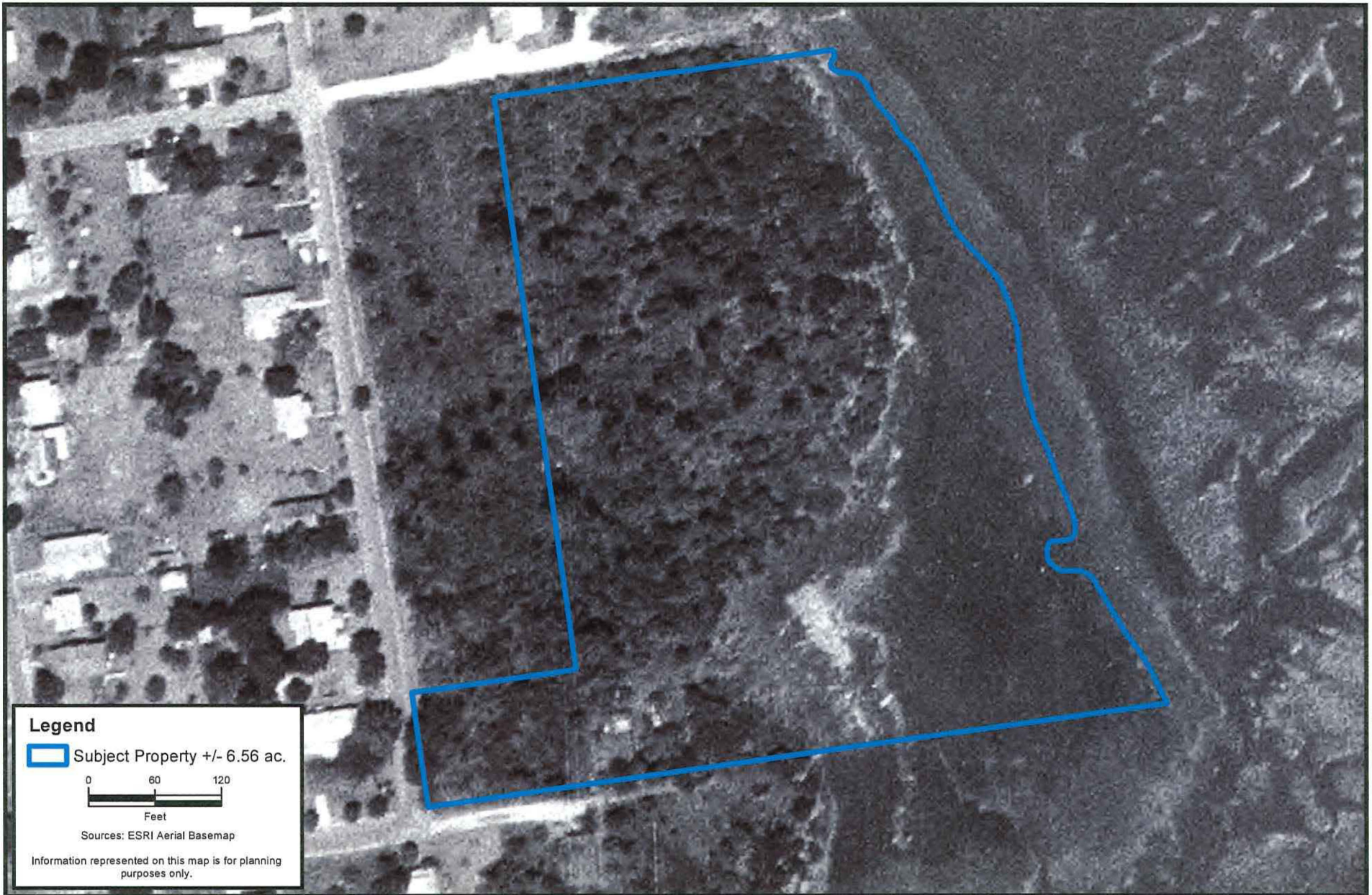
St. Augustine, Florida

Date: Nov 14 2022

Figure:

4





Legend

 Subject Property +/- 6.56 ac.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

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42 Masters Drive
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Historic Aerial Chronology - 1980

EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Nov 14 2022



Figure:

5



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42 Masters Drive
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Historic Aerial Chronology - Current
EcoParc - Florida Avenue

Project: 5.21678

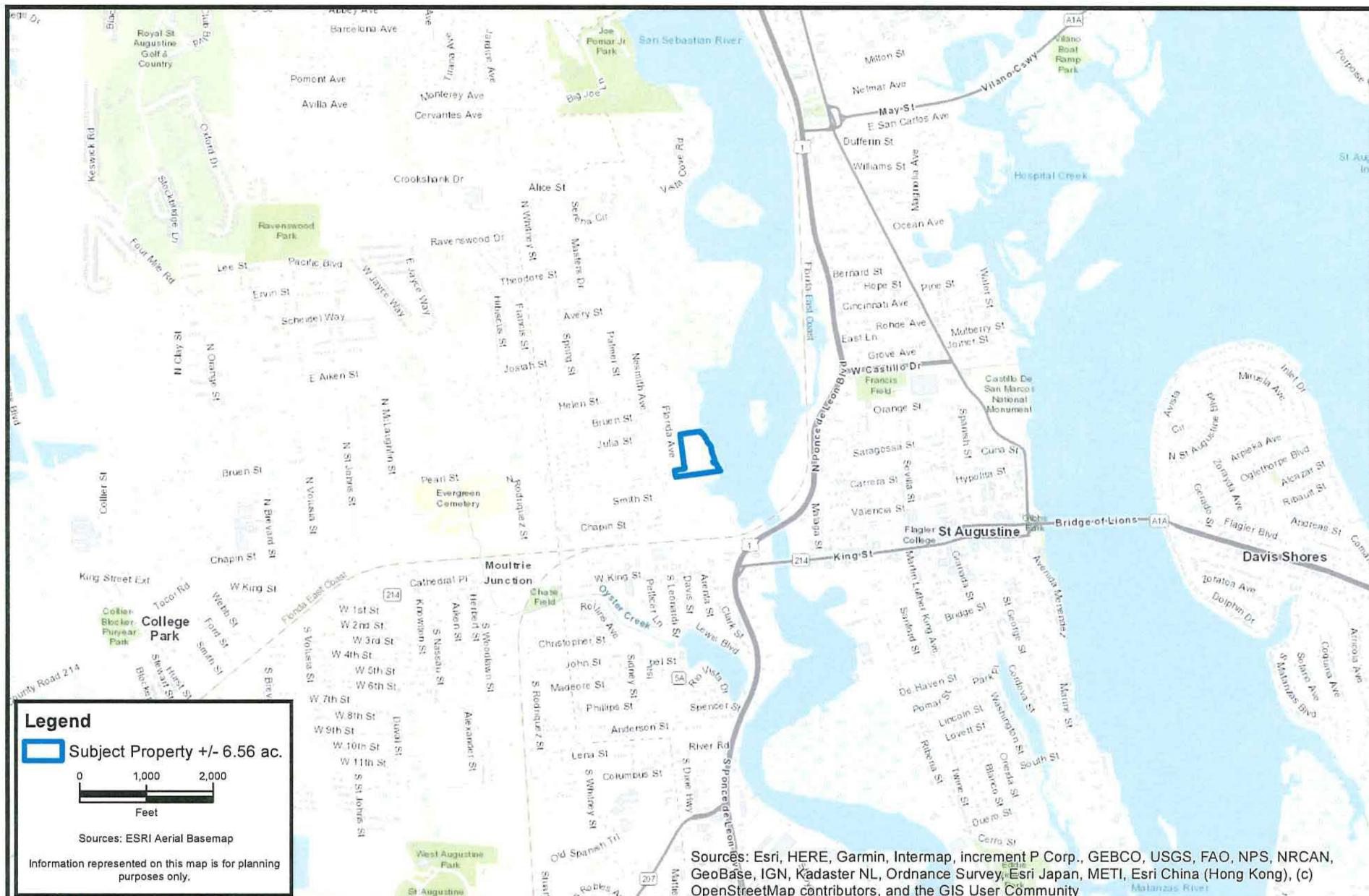
St. Augustine, Florida

Date: Nov 09 2022



Figure:

6



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

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Location Map

EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Jul 15 2022

Figure:

1





**CARTER ENVIRONMENTAL
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42 Masters Drive
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904-540-1786

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Soils/NWI Map

EcoParc - Florida Avenue

Project: 5.21678

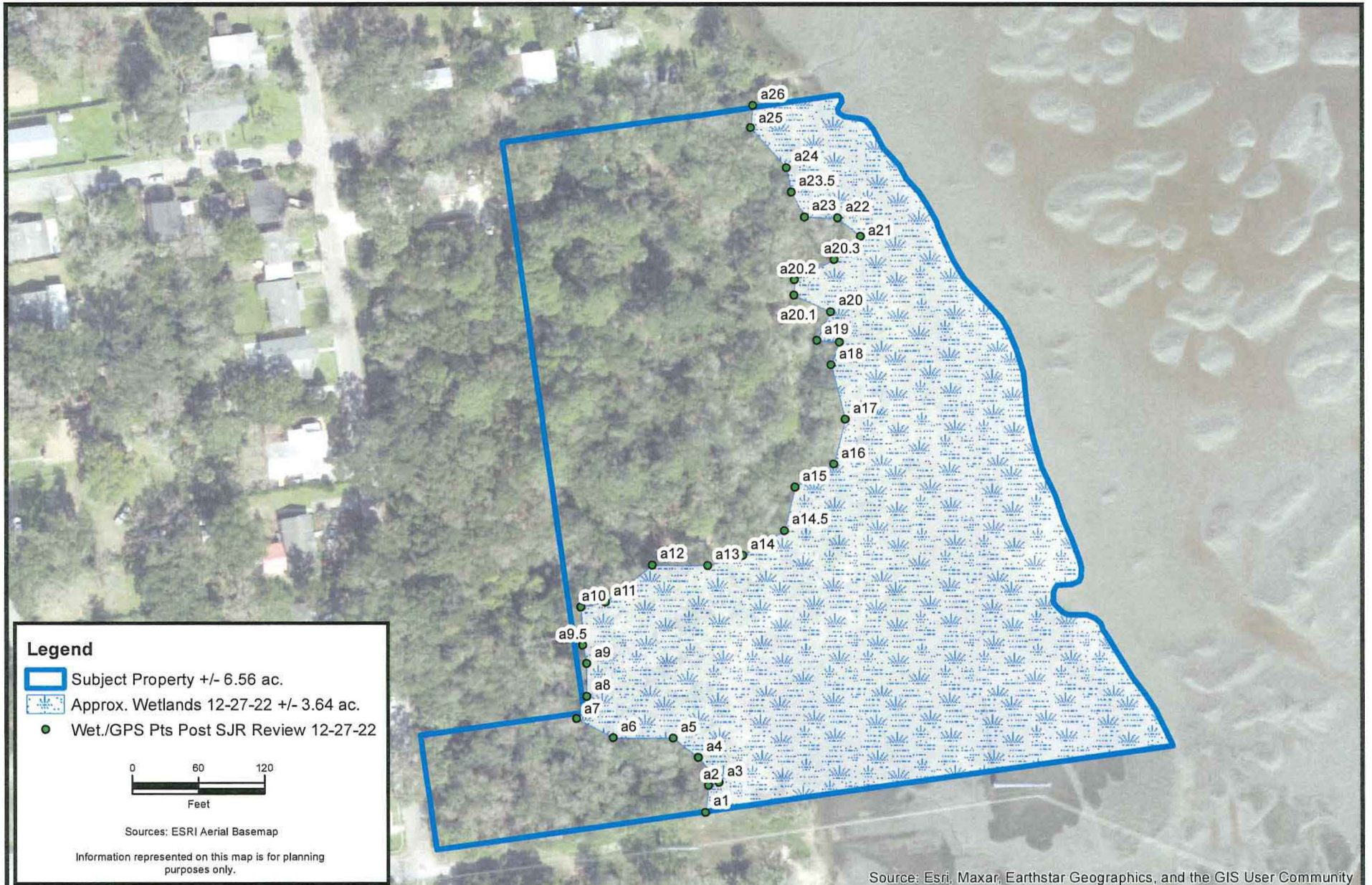
St. Augustine, Florida

Date: Jul 15 2022

Figure:

2





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SERVICES, INC.



42 Masters Drive
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904-540-1786

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Wetlands Assessment Map Post-SJRWMD Review 12-27-22

EcoParc - Florida Avenue

Project: 5.21678

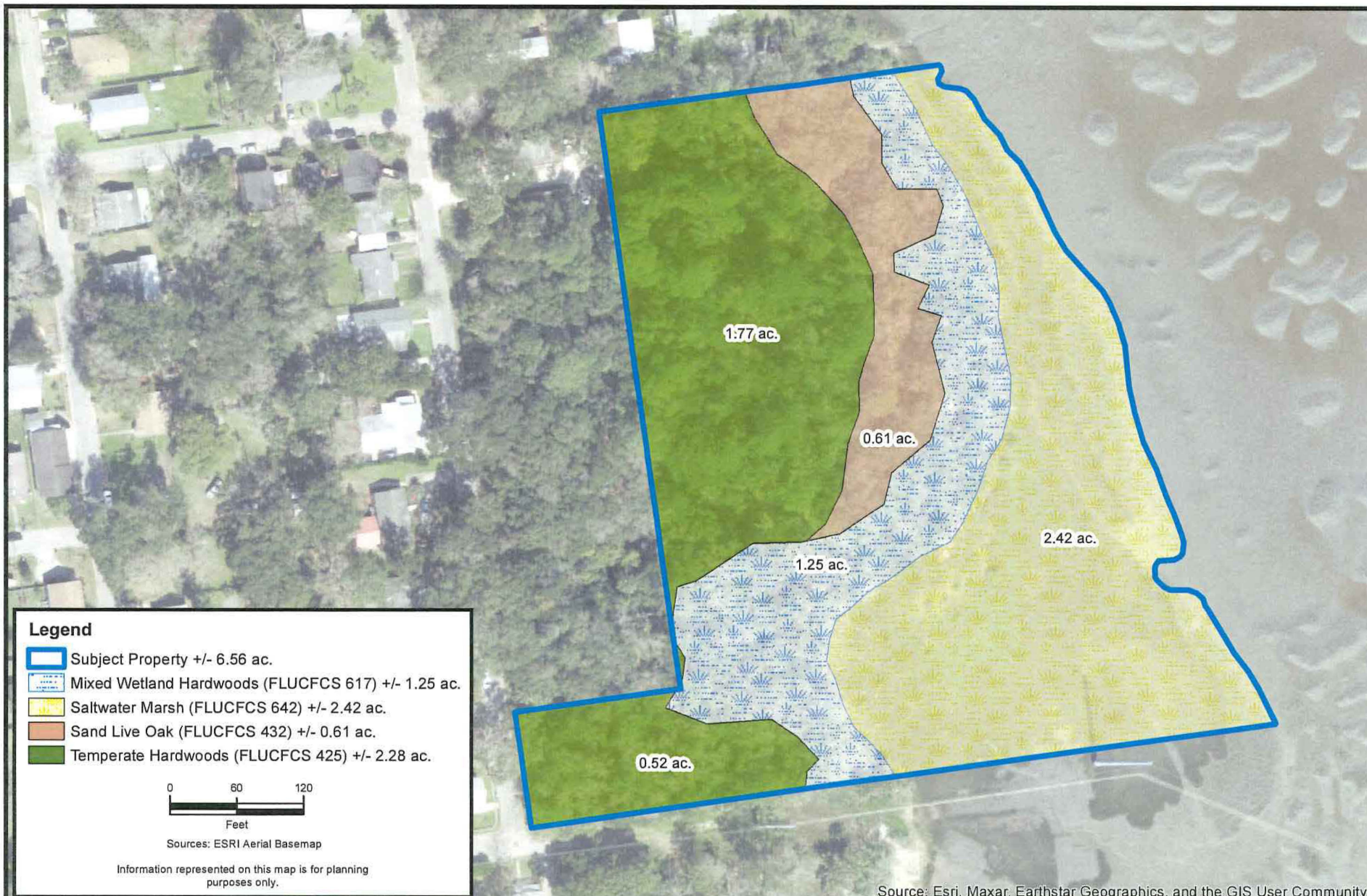
St. Augustine, Florida

Date: Feb 07 2023

Figure:

3





CARTER ENVIRONMENTAL
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42 Masters Drive
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904-540-1786

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FLUCFCS Map (Post-Review, Post-Survey)

EcoParc - Florida Avenue

Project: 5.21678

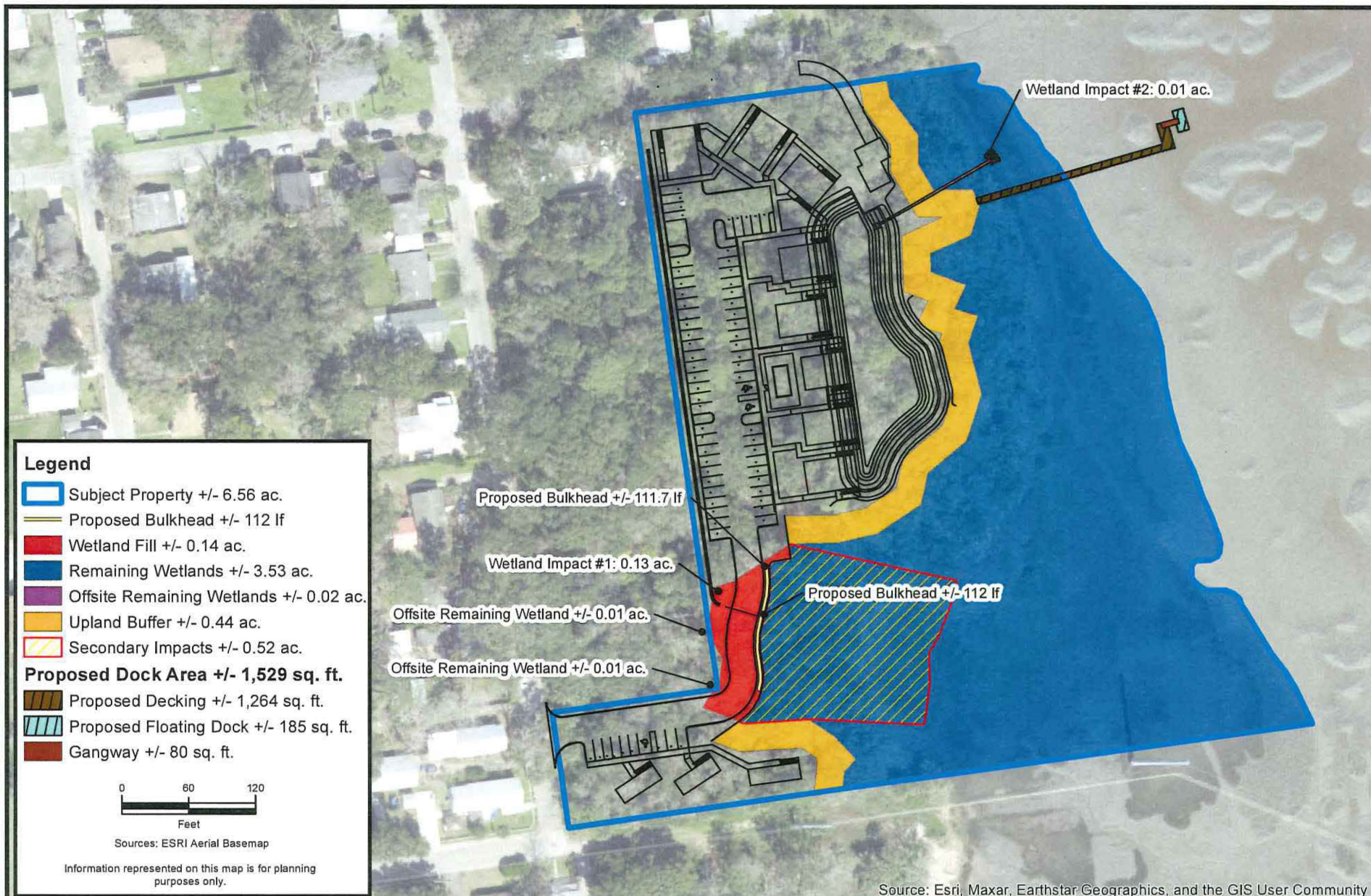
St. Augustine, Florida

Date: Feb 07 2023

Figure:

4





CARTER ENVIRONMENTAL
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42 Masters Drive
St. Augustine, FL 32084
904-540-1786

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Project: 5.21678

St. Augustine, Florida

Date: Feb 08 2023

Figure:

5





CARTER ENVIRONMENTAL
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42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Alignment
EcoParc - Florida Avenue

Project: 5.21678

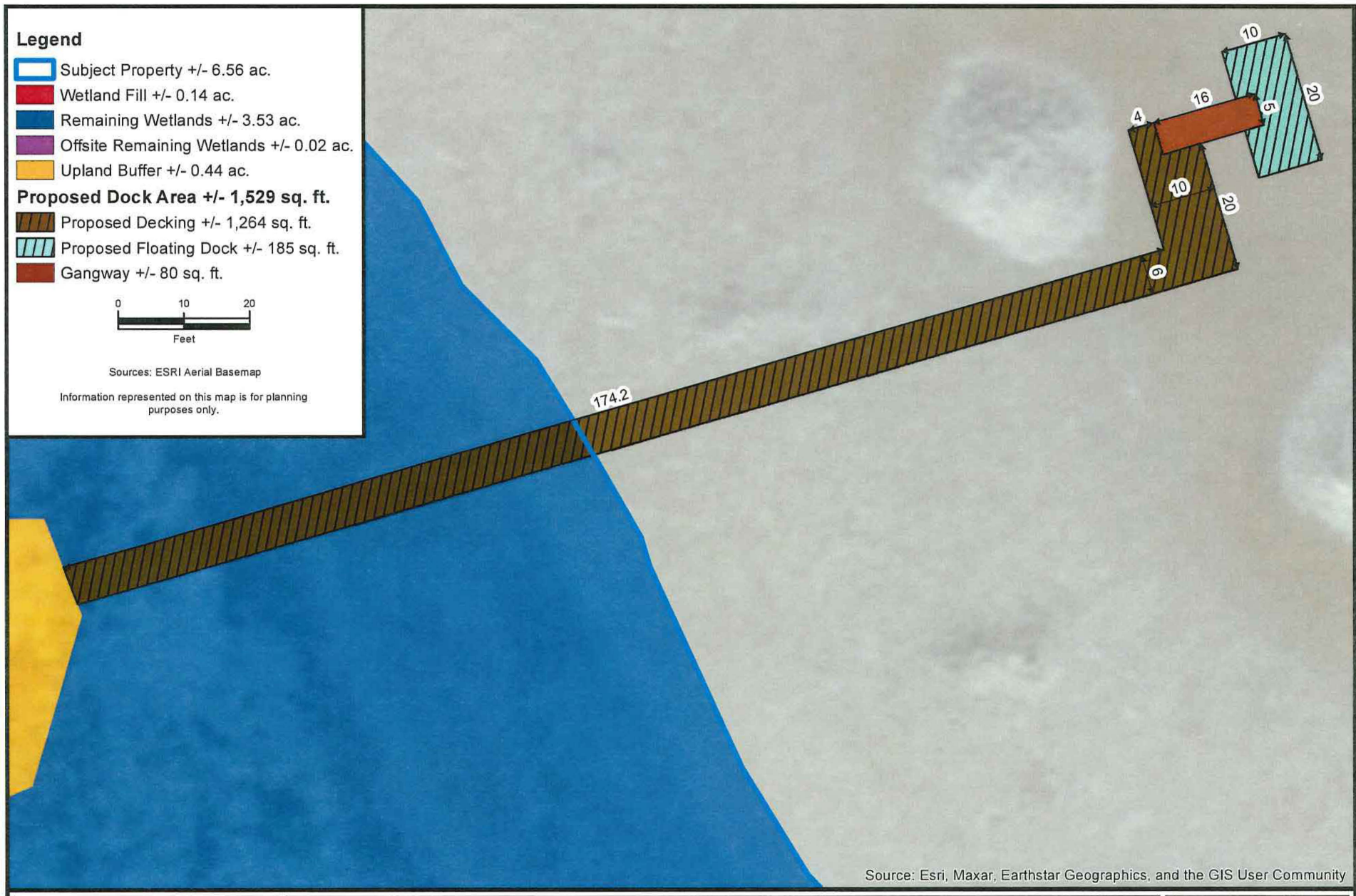
St. Augustine, Florida

Date: Feb 08 2023

Figure:

6





CARTER ENVIRONMENTAL SERVICES, INC.
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 St. Augustine, FL 32084
 904-540-1786
www.carterenv.com

Proposed Dock Dimensions
EcoParc - Florida Avenue



Project: 5.21678

St. Augustine, Florida

Date: Feb 08 2023

Figure:

7



Project:	5.21678
----------	---------

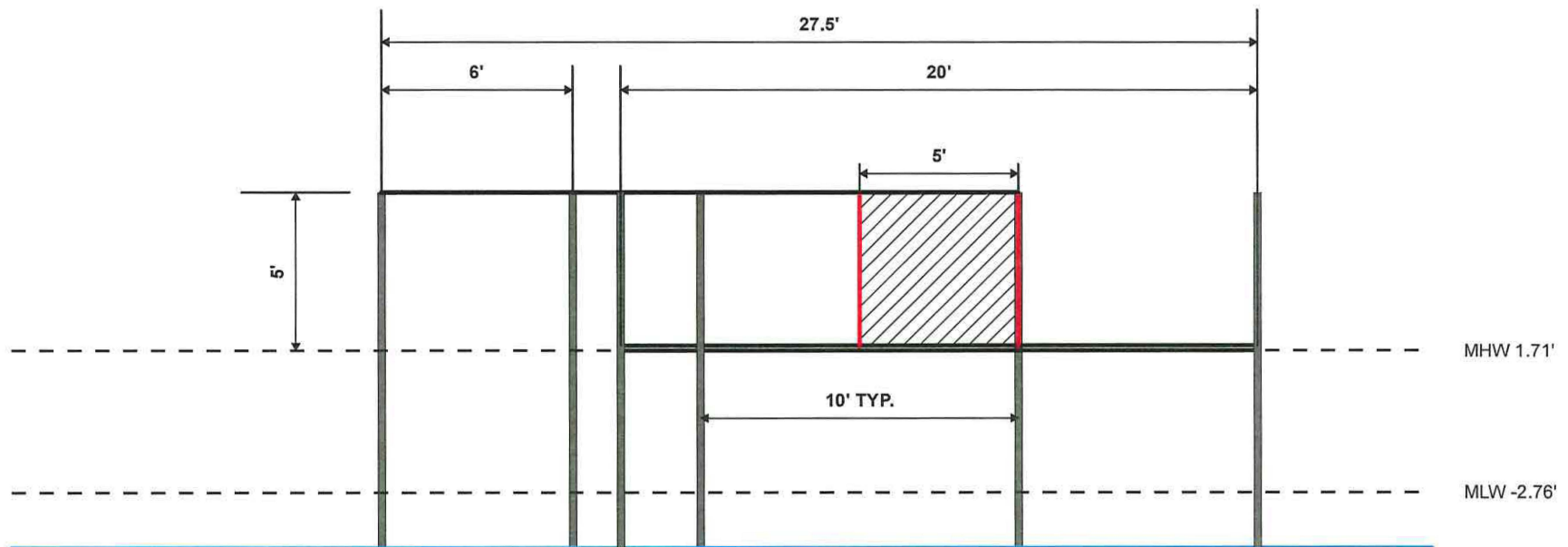
St. Augustine, Florida

Date: Feb 08 2023

Figure:

8





CARTER ENVIRONMENTAL
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Proposed Dock Cross Section
EcoParc - Florida Avenue

Project: 5.21678

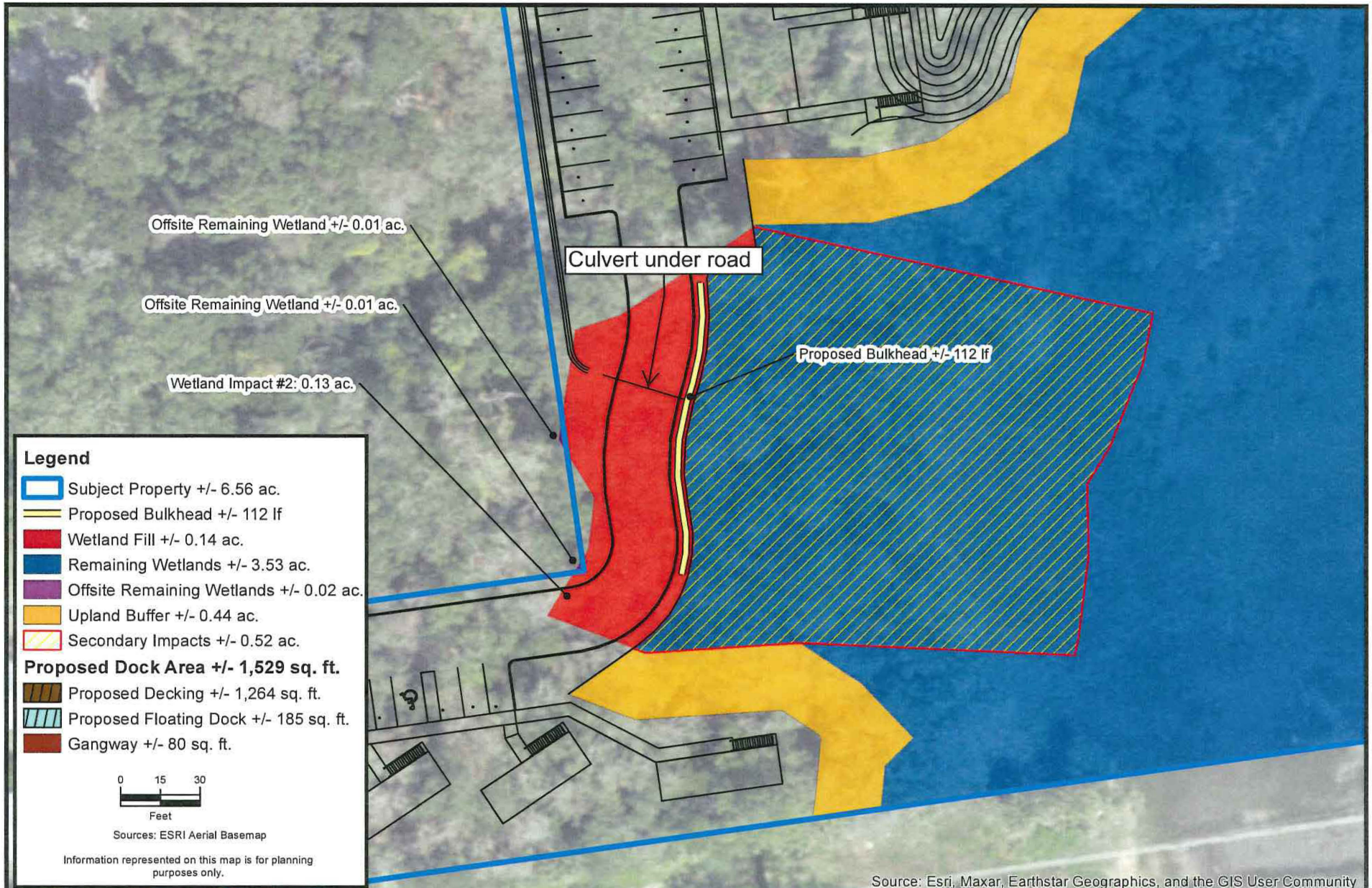
St. Augustine, Florida

Date: Jul 26 2022

Figure:

9





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

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Proposed Bulkhead Detail EcoParc - Florida Avenue

Project: 5.21678

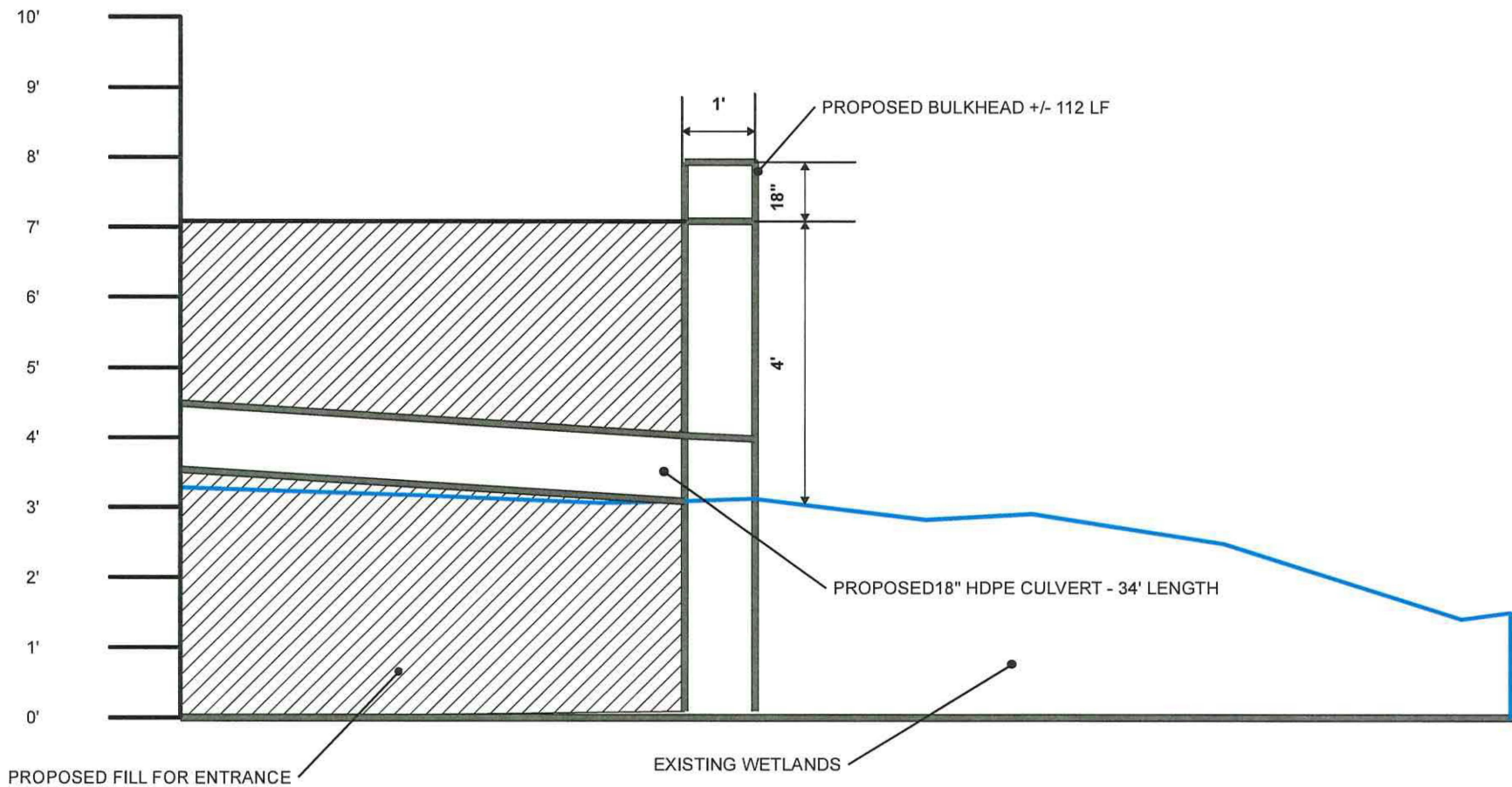
St. Augustine, Florida

Date: Feb 08 2023

Figure:

10





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42 Masters Drive
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904-540-1786

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Proposed Bulkhead Profile View
EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Feb 08 2023

Figure:

11



Figure: Page 12 181 of 417



Legend

- Subject Property +/- 6.56 ac.
- Protected Trees Preserved +/- 122/920 Credits
- Protective Trees Removed +/- 183/2070 Credits
- Protected Trees Buffer +/- 89/607 Credits
- Upland Buffer +/- 0.44 ac.

0 10 20
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES 42 Masters Drive
St. Augustine, FL 32084
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Proposed Tree Removal / Retention Map

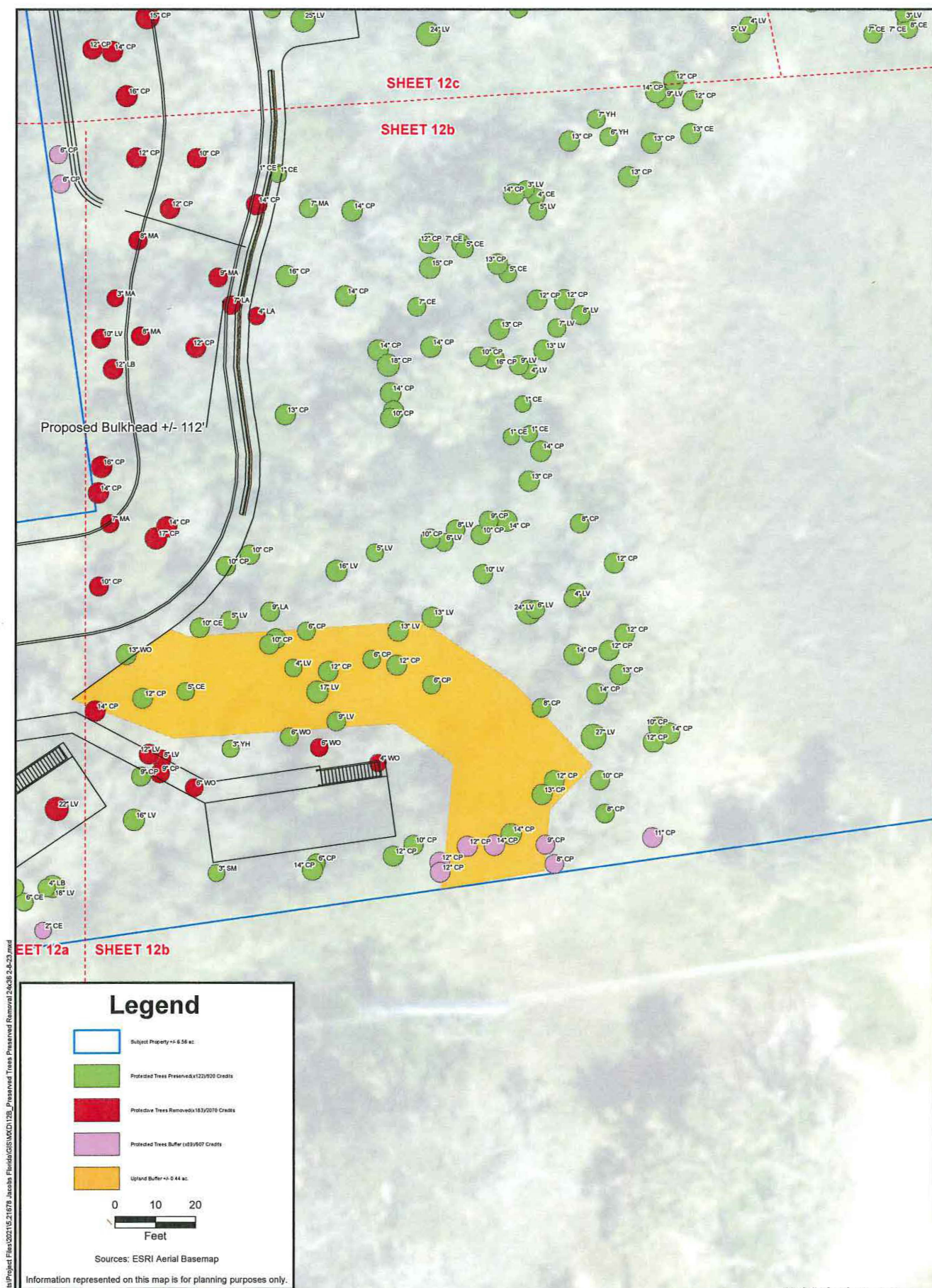
EcoParc - Florida Avenue

St. Augustine, Florida

Project: 5.21678

Date: Feb 08 2023

Figure: **12a**



Legend

- Subject Property +/- 6.58 ac
- Protected Trees Preserved +/- 122/920 Credits
- Protective Trees Retained +/- 183/2019 Credits
- Protected Trees Buffer +/- 143/907 Credits
- Upland Buffer +/- 0.44 ac

0 10 20
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES 42 Masters Drive
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Proposed Tree Removal / Retention Map

EcoParc - Florida Avenue

St. Augustine, Florida

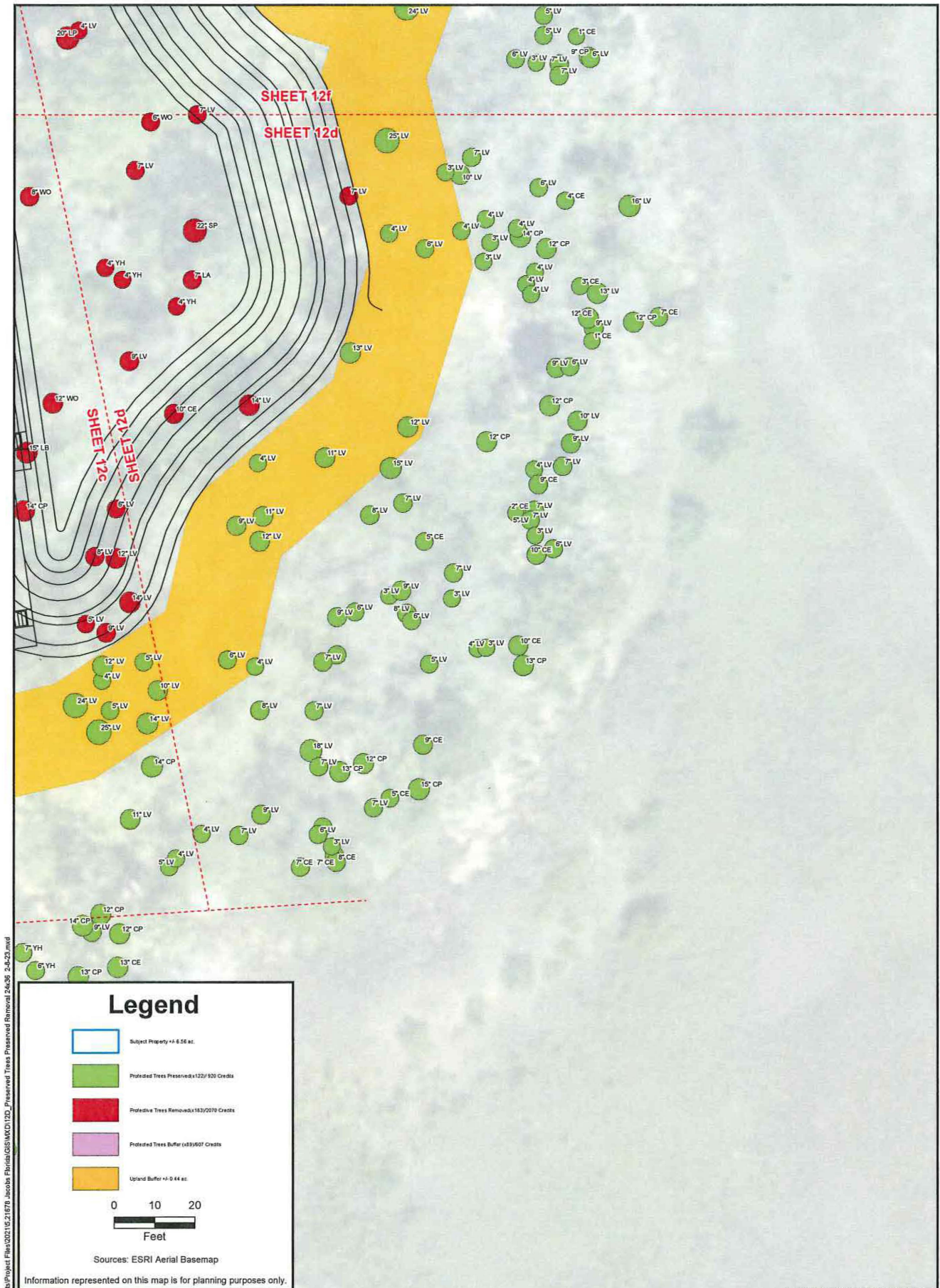
Project: 5.21678

Date: Feb 08 2023

Figure: 12b

F:\CES Projects\Project Files\Auto\Projects\Project Files\2021\5.21678 Jacobs Florida\GIS\Map\12b_Preserved Trees Preserved Removal 24035-3-4-23.mxd

Source: Esri, Microsoft, DeLorme, GeoEye, Aerial, GEBCO, etc.



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
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Proposed Tree Removal / Retention Map

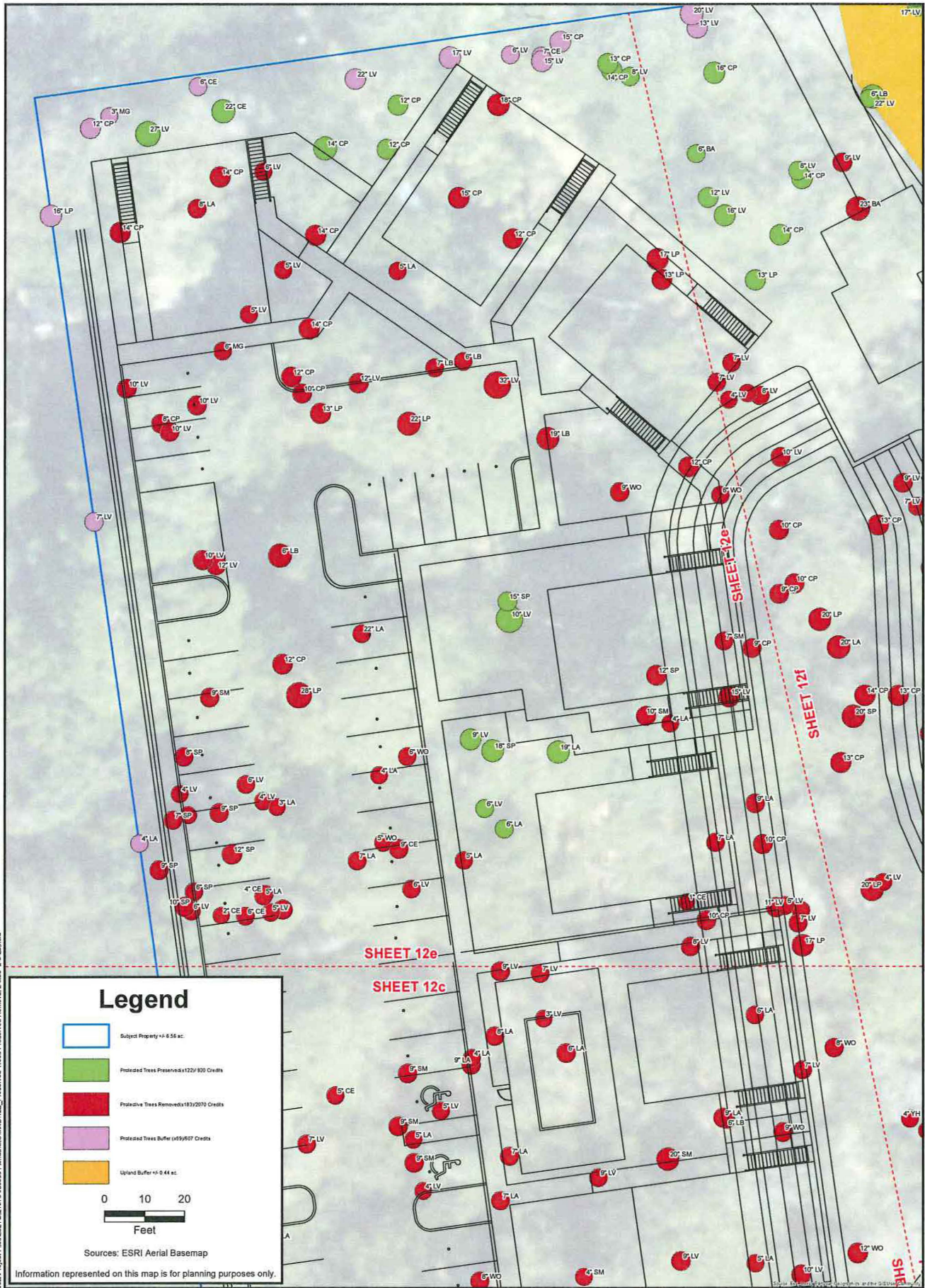
EcoParc - Florida Avenue

St. Augustine, Florida

Project: 5.21678

Date: Feb 08 2023

Figure: 12d

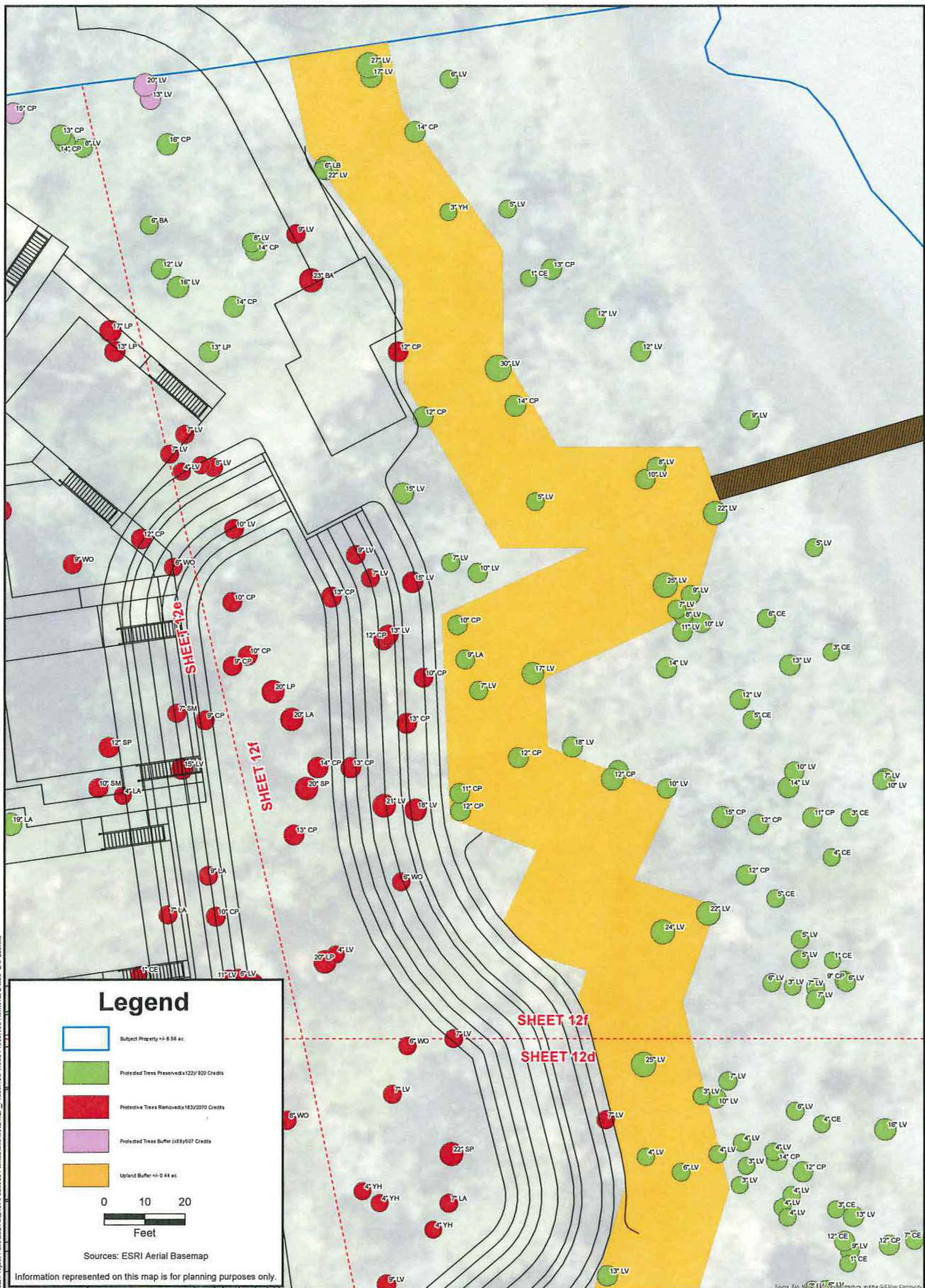


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Proposed Tree Removal / Retention Map
EcoParc - Florida Avenue
St. Augustine, Florida

Project: 5.21678
Date: Feb 08 2023
Figure: 12e

F:\CES Projects\Project Files\Auto\Projects\Project Files\2021\US 21\178 Jacobs Florida\GIS\MXD\125_Preserved Trees_Preserved Removal 2d.mxd 3-6-23.mxd



CARTER ENVIRONMENTAL SERVICES, INC.

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Proposed Tree Removal / Retention Map
EcoParc - Florida Avenue
St. Augustine, Florida

Project:	5.21678
Date:	Feb 08 2023
Figure:	12f

Attachment 2
Tree Summary Table

PROTECTED TREES BUFFER					
QTY.	TYPE	S	DBH	CREDITS	SUBTOTAL
1	CE		5	1	5
5	CP		6	2.5	30
1	CP		9	0.5	9
2	CP		10	1	20
1	CP		11	0.5	11
10	CP		12	5	120
1	CP		13	0.5	13
4	CP		14	2	56
2	LA		4	2	8
1	LA		7	2	7
1	LA		9	2	9
1	LB		6	1	6
1	LV		3	1	3
5	LV		4	5	20
3	LV		5	3	15
2	LV		6	2	12
3	LV		7	6	21
1	LV		8	2	8
4	LV		9	8	36
2	LV		10	4	20
2	LV		11	4	22
3	LV		12	9	36
3	LV		13	9	39
1	LV		14	3	14
3	LV		17	9	51
1	WO		13	3	13
1	YH		3	1	3
Credits Buffer				89	607

PROTECTED TREES PRESERVED					
QTY.	TYPE	S	DBH	CREDITS	SUBTOTAL
1	CE		2	1	2
1	BA		6	1	6
1	BC		5	1	5
1	CE		5	1	5
2	CE		6	2	12
1	CE		7	2	7
2	CP		6	1	12
2	CP		9	1	18
3	CP		10	1.5	30
9	CP		12	4.5	108
6	CP		13	3	78
8	CP		14	4	112
1	CP		15	0.5	15
1	CP		16	0.5	16
1	CP		17	0.5	17
1	CP		20	0.5	20
1	LA		4	1	4
1	LA		6	1	6
1	LB		4	1	4
1	LP		13	3	13
1	LP		16	3	16
2	LV		6	2	12
2	LV		7	4	14
2	LV		8	4	16
2	LV		9	4	18
1	LV		10	2	10
1	LV		12	3	12
1	LV		13	3	13
2	LV		15	6	30
2	LV		16	6	32
2	LV		17	6	34
1	MA		9	2	9
1	MG		3	1	3
2	PE		4	2	8
1	PE		5	1	5
1	PE		6	1	6
1	PE		7	2	7
1	PE		8	2	8
1	PE		10	2	10
1	PE		12	3	12
1	PE		13	3	13
1	SB		5	1	5
1	SM		3	1	3
2	SM		4	2	8
1	SP		15	3	15
1	SP		17	3	17
2	SP		18	6	36
1	WO		6	1	6
1	WO		9	2	9
2	WO		13	6	26
1	WO		14	3	14
1	YH		3	1	3
				0	0
				0	0
Credits Preserved				122	920

211 Preserved

PROTECTED TREES REMOVED					
QTY.	TYPE	S	DBH	CREDITS	SUBTOTAL
1	CE		1	0	1
1	CE		2	0	2
1	CE		4	0.5	4
1	CE		5	0.5	5
1	CE		6	0.5	6
1	CP		8	0.5	8
3	CP		9	1.5	27
9	CP		10	4.5	90
10	CP		12	5	120
7	CP		13	3.5	91
13	CP		14	6.5	182
2	CP		15	1	30
2	CP		16	1	32
1	CP		17	0.5	17
1	CP		18	0.5	18
1	LA		3	0.5	3
4	LA		4	2	16
7	LA		5	3.5	35
3	LA		6	1.5	18
6	LA		7	6	42
3	LA		8	3	24
4	LA		9	4	36
1	LA		10	1	10
1	LA		12	1.5	12
1	LA		13	1.5	13
1	LA		14	1.5	14
3	LB		6	1.5	18
1	LB		7	1	7
2	LP		13	3	26
2	LP		17	3	34
2	LP		20	4	40
1	LP		22	2	22
1	LP		28	2	28
1	LV		3	0.5	3
6	LV		4	3	24
7	LV		5	3.5	35
7	LV		6	3.5	42
10	LV		7	10	70
4	LV		8	4	32
8	LV		9	8	72
8	LV		10	8	80
2	LV		11	2	22
5	LV		12	7.5	60
2	LV		13	3	26
2	LV		14	3	28
2	LV		15	3	30
1	MA		3	0.5	3
1	MA		5	0.5	5
1	MA		7	1	7
3	MA		8	3	24
1	MA		9	1	9
1	MG		6	0.5	6
2	PE		4	1	8
2	PE		7	2	14
2	SM		4	1	8
1	SM		7	1	7
1	SM		8	1	8
5	SM		9	5	45
1	SM		10	1	10
1	SP		6	0.5	6
1	SP		7	1	7
1	SP		8	1	8
2	SP		9	2	18
2	SP		10	2	20
2	SP		12	3	24
1	SP		18	1.5	18
1	SP		19	1.5	19
1	SP		20	2	20
1	SP		22	2	22
1	SP		23	2	23
3	WO		4	1.5	12
4	WO		5	2	20
6	WO		6	3	36
3	WO		8	3	24
2	WO		9	2	18
2	WO		10	2	20
2	WO		11	2	22
1	WO		12	1.5	12
3	YH		4	1.5	12
Credits Removed				183	2070
(S)ignificant Trees Removed					0

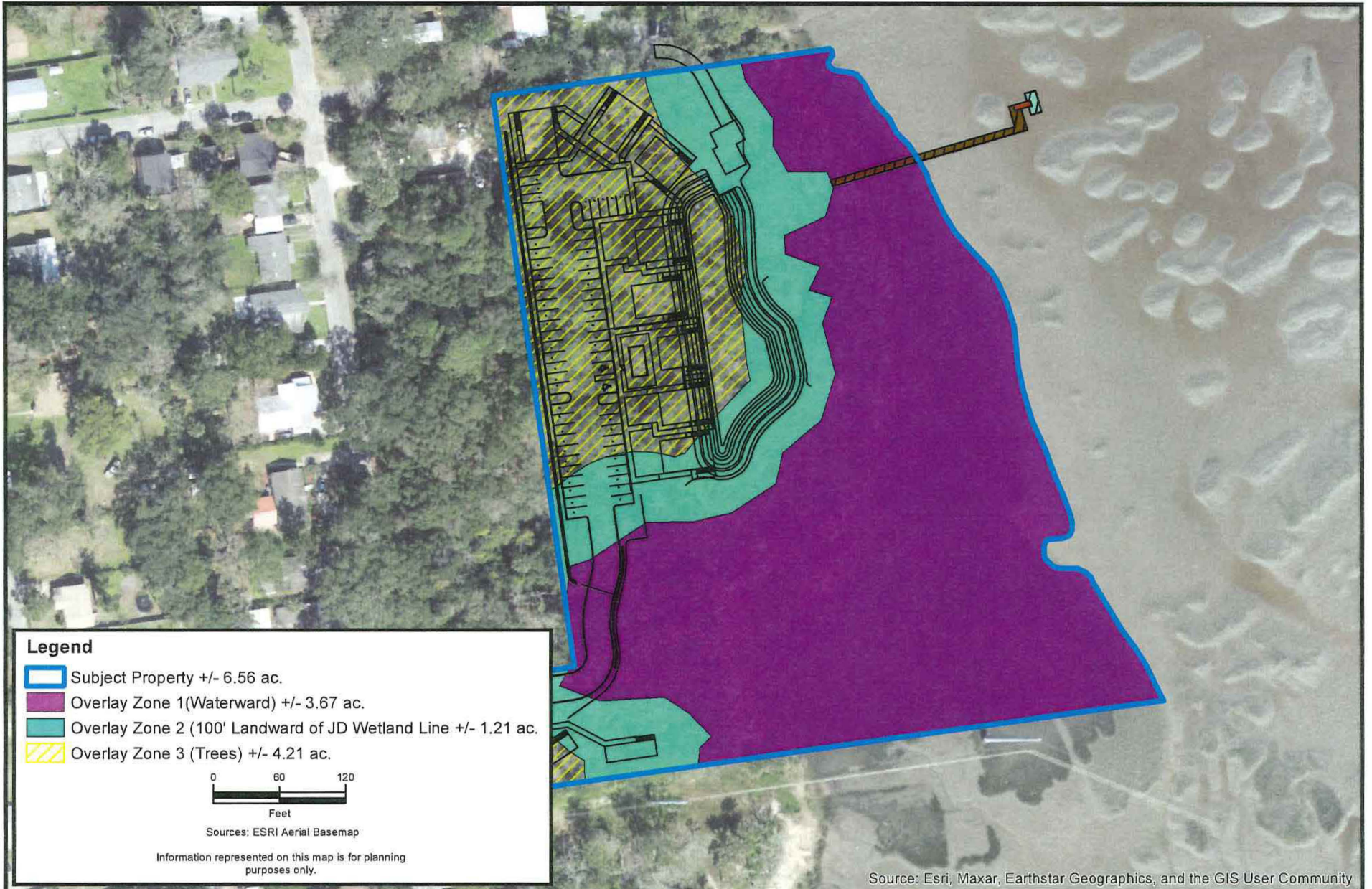
Removed 183

Net Gain of 28 credits

Tree table is a preliminary estimate of probable removal and preserved trees. Preserved trees tabulated are for only the upland area of the site. Buffer trees are those trees associated within the protected wetland buffer.

Borton Design, Inc.
Brian D. Borton, R.L.A.,
Certified Arborist
bdb@bortondesign.com
Phone 904-287-1996

Attachment 3
Conservation
Overlay Zone Map



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Conservation Overlay Zone Overview EcoParc - Florida Avenue

Project: 5.21678

St. Augustine, Florida

Date: Feb 08 2023

Figure:

1



Attachment 4 Engineering Plans

1. **TITLE:** ECOVILLAGE

2. **LAND OWNERS:**
SAN SEBASTIAN RIVER LLC,
2809 FAIRGREEN ST.
ORLANDO, FL 32803

3. **APPLICANT:**
SAN SEBASTIAN RIVER LLC,
2809 FAIRGREEN ST.
ORLANDO, FL 32803

4. **ENGINEER:**
JBRP
4420 US-1 S, SUITE 1
ST. AUGUSTINE, FL 32086

5. **SURVEYOR:**
SHANNON SURVEYING, INC.
499 N STATE ROAD 424
ALTAMONTE SPRINGS, FL 32714

6. **ARCHITECT:**
T.B.D.

7. **TAX PARCEL NO.:** 1077800010

8. **PROPERTY ADDRESS:** FLORIDA AVE

9. **SECTION:** 37
TOWNSHIP: 7
RANGE: 30

10. **PRESENT ZONING:** RESIDENTIAL, GENERAL-TWO (RG-2) + OPEN LANDS (OL)

11. **UTURE LAND USE:** RESIDENTIAL C

12. **DEVELOPMENT DATA:**
TOTAL PROJECT AREA = 246,821 SF
TOTAL DEVELOPABLE AREA = 92,170 SF = 37.36%
BUILDING AREA = 13,524 SF = 5.48%
PARKING & SIDEWALK AREA = 35,755 SF = 14.48%
TOTAL IMPERVIOUS AREA = 46,229 SF = 18.71%
OPEN AREA = 45,941 SF = 18.60%

13. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND ANY DISCREPANCIES BETWEEN THE SURVEY AND THE DESCRIPTION ABOVE OR BELOW GROUND AND/OR APPLICABLE CODES, THEY SHALL NOTIFY THE ENGINEER OF RECORD IMMEDIATELY. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTION TO AVOID DAMAGE TO ADJACENT PROPERTY AND WILL BE HELD SOLELY RESPONSIBLE FOR ANY THAT OCCURS.

14. JBRP AND ITS ASSOCIATES WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS OR OMISSIONS RESULTING FROM SURVEY INACCURACIES.

15. ANY AND ALL WORK CONDUCTED WITHIN THE CITY OF ST. AUGUSTINE RIGHT OF WAY MUST BE IN ACCORDANCE WITH THE APPLICABLE LAND DEVELOPMENT CODES.

16. ALL ELEVATIONS SHOWN HEREIN ARE REFERENCED TO NORTH AMERICAN GEODETIC DATUM, VERTICAL DATUM 1988 (NAD80).

FDEP -- WATER & SEWER
8800 BAYMEADOWS WAY, SUITE 100
JACKSONVILLE, FL 32256
CONTACT: JENNIFER LYLES
PHONE: (904) 256-1700

CITY OF ST. AUGUSTINE PUBLIC WORKS
75 KING STREET
ST. AUGUSTINE, FL 32084
CONTACT: JONATHAN FOSTER, P.E.
PHONE: (904) 209-4273

ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
7775 BAYMEADOWS WAY #102
JACKSONVILLE, FL 32256
CONTACT:
PHONE (904) 730-6270

CONTRACTOR SHALL USE SUNSHINE ONE-CALL (CALL 811 BEFORE YOU DIG) PRIOR TO ANY EXCAVATION ON SITE.

An aerial photograph of a residential area. A grid of streets is visible, with some streets lined with trees. Two streets are labeled: 'Masters Dr' and 'Palmer St'. The 'San Sebastian River' is labeled in the upper right corner of the image.

LOCATION MAP
N.T.S.

LOTS 1 THROUGH 12, 23 AND 24, BLOCK 16, OF THE RAVENSWOOD TRACT,
ACCORDING TO THE OFFICIAL MAP OF NEW AUGUSTINE DATED JUNE 1918, ON FILE
IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, ST. JOHNS COUNTY,
FLORIDA.

TOGETHER WITH THAT PORTION OF SEBASTIAN AVENUE BEING PART OF THE
RAVENSWOOD TRACT, IN THE CITY OF ST. AUGUSTINE, FLORIDA ACCORDING TO
SAID MAP OF NEW AUGUSTINE, BOUNDED ON THE SOUTH BY THE NORTH LINE OF
EVERGREEN (JOHN) STREET, AND ON THE NORTH BY THE SOUTH LINE OF JULIA
STREET, BOTH EXTENDED EASTERLY TO THE EAST LINE OF SEBASTIAN AVENUE,
WHICH SAID VOUCHER MAPS 18-27, PASSED BY THE CITY COMMISSION
OF THE CITY OF ST. AUGUSTINE, FLORIDA, ON JULY 12, 1878, A CERTIFIED COPY
OF WHICH WAS RECORDED IN OFFICIAL RECORDS BOOK 312, PAGE 544, PUBLIC
RECORDS OF ST. JOHNS COUNTY, FLORIDA

TOGETHER WITH THAT TRACT, PIECE OR PARCEL OF LAND LYING EAST OF THAT PORTION OF SEBASTIAN AVENUE DESCRIBED NEXT ABOVE WHICH WAS VACATED BY THE CITY OF ST. AUGUSTINE, FLORIDA, BY ORDINANCE #78-27, AND LYING WEST OF THE CHANNEL OF SAN SEBASTIAN CREEK OR RIVER AND BETWEEN THE NORTH LINE OF EVERGREEN (JOHN) STREET AND THE SOUTH LINE OF JULIA STREET, BOTH EXTENDED EASTERLY TO THE CHANNEL OF SAID SAN SEBASTIAN CREEK OR RIVER.

SAN SEBASTION RIVER	
SHEET INDEX	
SHEET NO.	TITLE
C0.00	COVER SHEET
C0.01	LEGEND, ABBREVIATIONS, AND NOTES
D1.00	DEMOLITION PLAN
E1.01	EROSION & SEDIMENTATION CONTROL PLAN
C1.02	STORMWATER POLLUTION PREVENTION PLAN
D2.00	DIMENSION PLAN
C3.00	PAVING, GRADING & DRAINAGE PLAN
D4.00	UTILITY PLAN
C4.01	CSSA WATER AND WASTEWATER NOTES
C5.00	DETAILS & NOTES
C5.01	DETAILS & NOTES
C5.02	DETAILS & NOTES
C6.00	FIRE ACCESS PLAN
D6.01	LANDSCAPE PLAN & NOTES
SURV-1	BONDS/CART & TOPOGRAPHIC SURVEY

THIS SITE IS SHOWN IN SPECIAL FLOOD HAZARD ZONE "X" AND ZONE "AE" PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 12109-C0314J, DATED DECEMBER 7, 2018

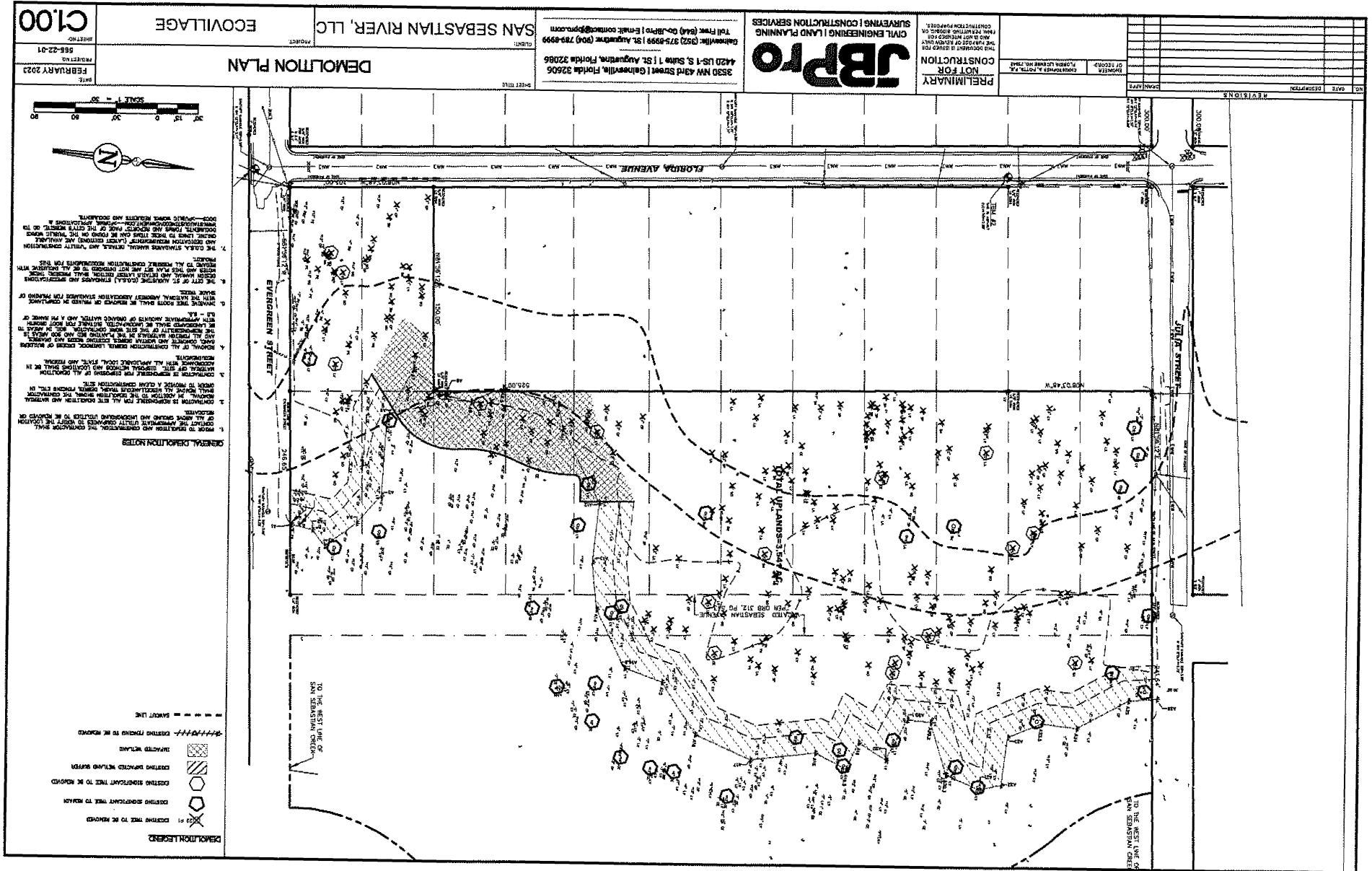
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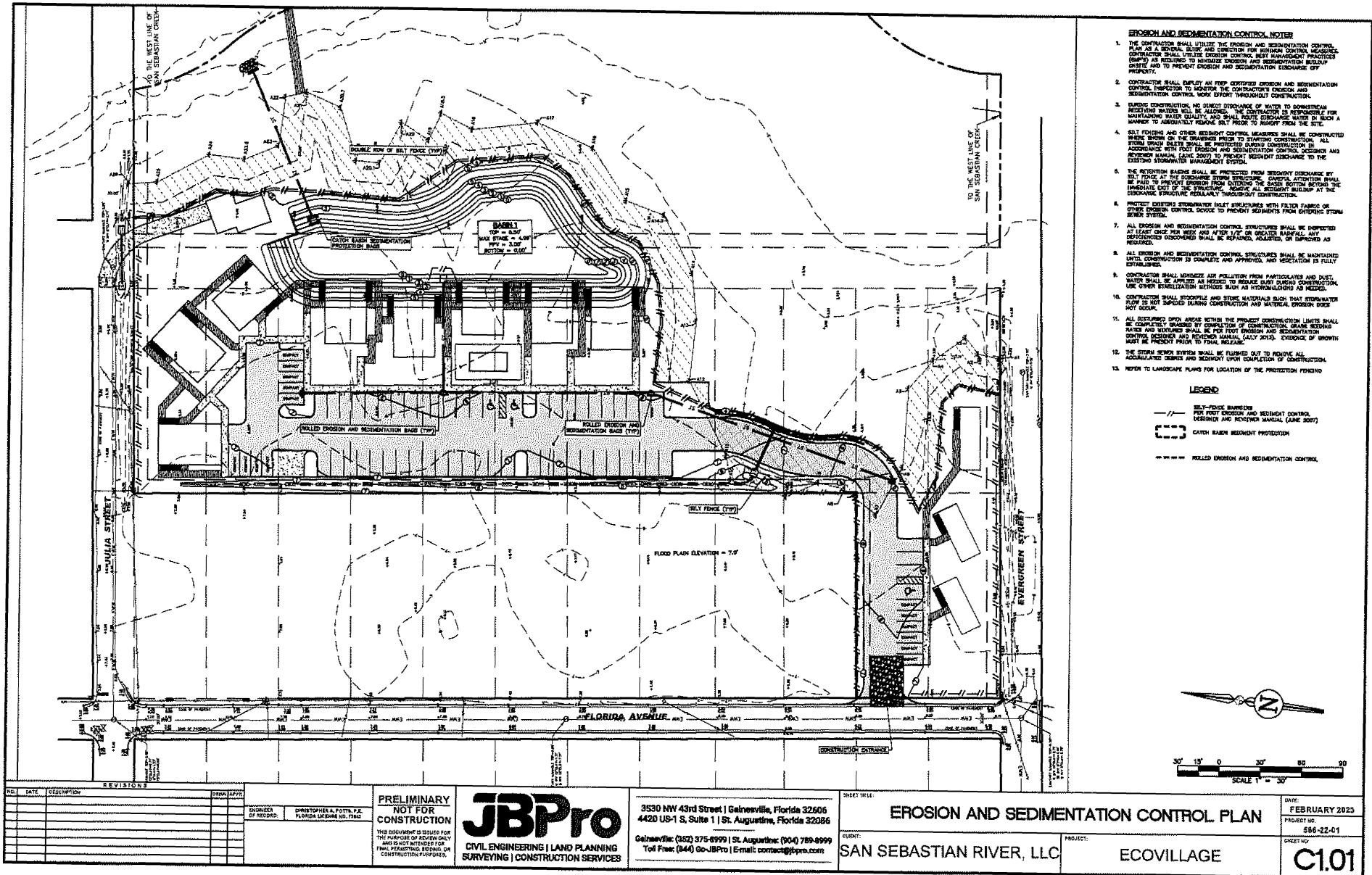
[illegible][illegible][illegible][illegible][illegible]

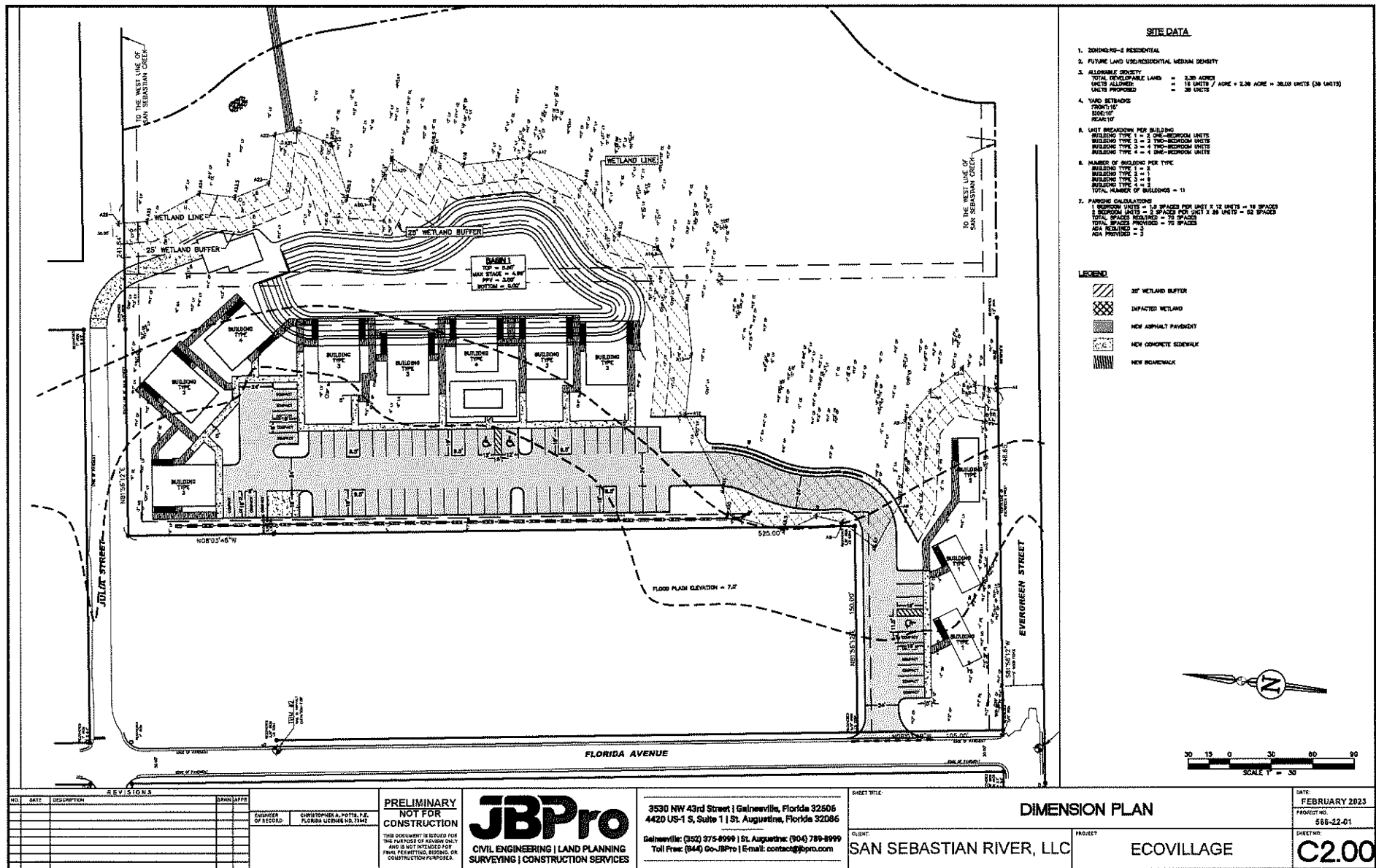
	EXISTING SURVEY BENCH LINE
	EXISTING GROUND BENCH LINE
	EXISTING GAS SERVICE LINE
	EXISTING TELEPHONE LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING WATER MAIN
	EXISTING CATCHER LINE
	EXISTING TIE TO REMAIN
	EXISTING TIE TO BE REMOVED
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONC PAVEMENT/SEWERAL
	PROPOSED PLE
	PROPOSED FINISH SPOT ELEVATION
	PROPOSED DIRECTIONAL FLARE ARROW
	PROPOSED TIE TO BULK HEAD PER FOOT CHAIN 10' TO 50'
	PROPOSED WATER MAIN/POLE LINE
	PROPOSED DITCHLINE
	PROPOSED BENCH LINE
	PROPOSED WATER MAIN/POLE LINE
	PROPOSED PERMANENT ELECTION
	PROPOSED PERMANENT ELECTION
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[illegible]

JBP^{ro}
CIVIL ENGINEERING | LAND PLANNING
SURVEYING | CONSTRUCTION SERVICES







site: **EcoParc - Florida Ave**

date: 2-8-23

	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		Acres	Functional Loss	Total Impact Acres	Total Creation Acres	Total Enhancement Provided	Upland Acres Provided
Impacts		before	after	before	after	before	after						
Direct 1&2	617	7	0	7	0	7	0	0.14	0.0980	0.66	0	0	0
									0.0000				
Sec	617	7	6	7	7	7	6	0.52	0.0347				
									0.0000				
									0.0000	Total Functional Loss		Total Functional Gain Units	
									0.0000	0.133		0.000	
									0.0000				
									0.0000				
									0.0000				
									0.0000	Need	0.14		
									0.0000				

Mitigation	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		Time Lag	Risk	Preservation Adjustment Factor	Relative	Acres	Functional Gain Units
preservation		before	after	before	after	before	after						
enhancement													
1								1	1.00		0.0000		0.0000
2								1	1.00		0.0000		0.0000
3								1	1.00		0.0000		0.0000
4								1	1.00		0.0000		0.0000
5								1	1.00		0.0000		0.0000
6								1	1.00		0.0000		0.0000
7								1	1.00		0.0000		0.0000
8								1	1.00		0.0000		0.0000
creation													
1								1	1.00		0.0000		0.0000
2								1	1.00		0.0000		0.0000
uplands													
11				x	x			1	1.00		0.0000		0.0000
12				x	x			1	1.00		0.0000		0.0000
13				x	x			1	1.00		0.0000		0.0000
14				x	x			1	1.00		0.0000		0.0000
15				x	x			1	1.00		0.0000		0.0000

Table 1 - Project Wetland (WI) And Other Surface Water (SW) And Impact Summary

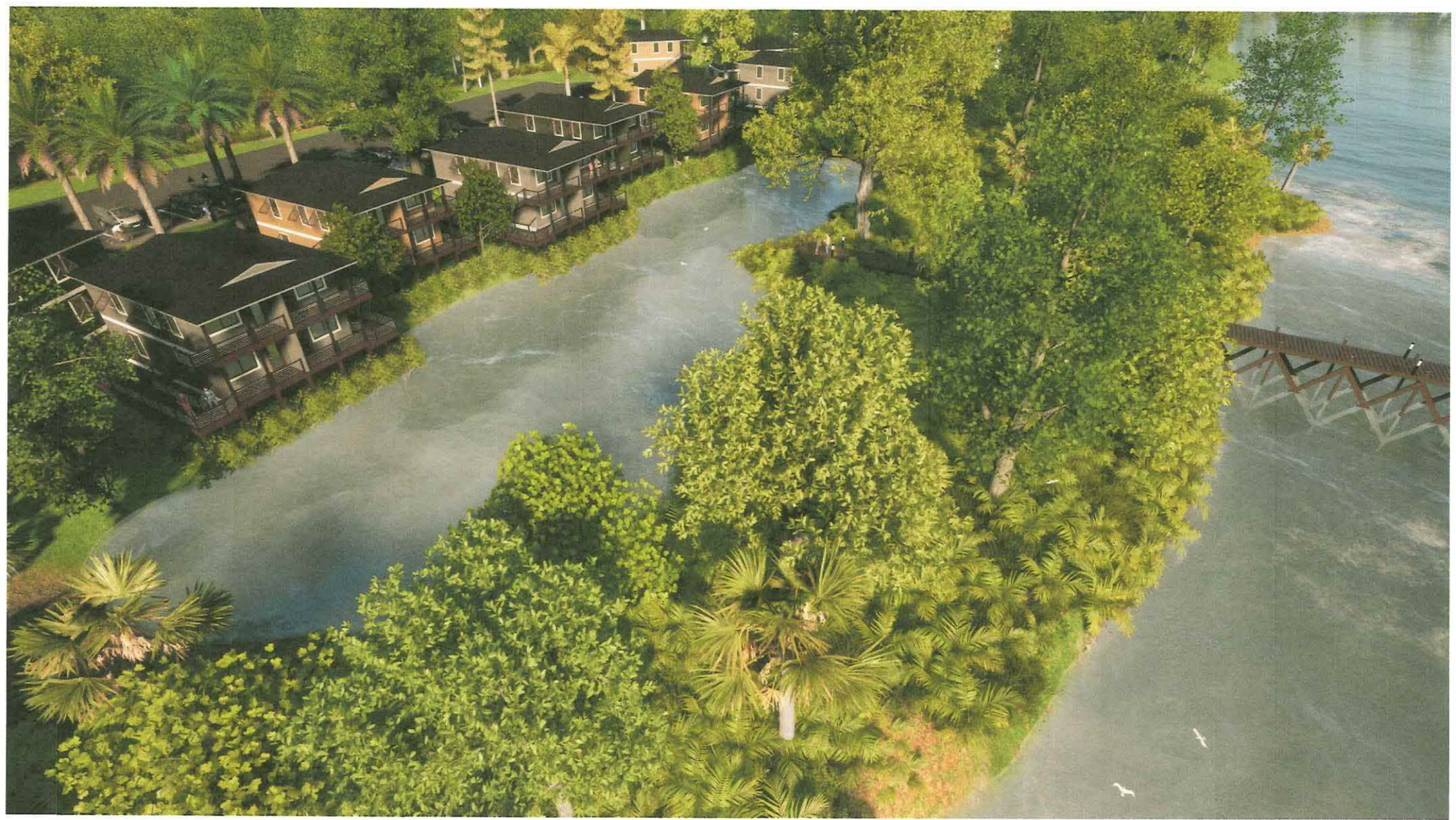
WL & SW ID	UMAM ASSESSMENT AREA NAME(S)	WL & SW TYPE	WL & SW SIZE (acres)	WL & SW NOT IMPACTED (acres)	TEMPORARY WL & SW IMPACT SIZE (acres)	TEMPORARY WL & SW IMPACT TYPE	PERMANENT WL & SW IMPACT SIZE (acres)	PERMANENT WL & SW IMPACT TYPE	MITIGATION ID
	1	617	1.25	1.11			0.14	F	
	N/A	642	2.42	2.42			0	N/A	
PROJECT TOTALS:			3.67	3.53			0.14		

Comments: See Figure 5 and UMAM

Codes (multiple entries per cell not allowed):

- Wetland & Surface Water ID: Include ID on submitted wetland and surface water impact maps
- Wetland Type: from an established wetland classification system
- Impact Type: D=dredge; F=fill; H=change hydrology; S=shading; C=clearing; O=other





CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **CONSERVATION OVERLAY ZONE 3 DEVELOPMENT 2022-0088 –
Continued March 7, 2023**

AGENDA ITEM 8(b)

APPLICANT Andrew Petersen
c/o Bowman Consulting

OWNER CD St. Augustine Gas, LLC

LOCATION San Sebastian View / PID 073581-0040
(Northwest corner of San Sebastian View and US Highway 1)

REQUEST To approve the removal of a significant portion of
the tree canopy and significant trees including a 20”
dbh Cedar, 13” dbh Cedar, 12” dbh Cedar, 16” dbh
Cedar, and 54” dbh Oak for development within the
Commercial Medium-Two (CM-2) zoning district.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-Two (CM-2)

CITY OF ST. AUGUTINE COMPREHENSIVE PLAN 2040

**Conservation and Coastal Management Element Goals, Objectives and
Policies**

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.1.3

The City shall promote the reduction of fossil fuel emissions by considering adoption of the following concepts:

- a. Encourage developments such as infill, redevelopment, clustered and mixed-use developments;
- b. Require vegetative and landscape buffers, and where appropriate, street trees along transportation corridors to buffer land uses;
- c. Encourage non-motorized, and alternative forms of transportation by establishing and maintaining a multi-modal Mobility Plan including bicycle paths, trails, sidewalks and pedestrian ways, and alternative forms of transportation where feasible; and
- d. Establish policies that promote interconnectivity via safe pedestrian crossings, bicycle and walkable complete streets, including encouraging grid patterns, multiuse paths and trails in existing and new development.

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Policy 2.1.1

The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site specific basis during site plan review of each development proposal.

Conservation Overlay Zone 1 Passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone.

Conservation Overlay Zone 2 This Conservation Overlay Zone allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category.

Conservation Overlay Zone 3 The restrictions on uses and other development and performance standard requirements within this zone including tree canopy and tree removal are governed by

the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
<i>Quercus hemisphaerica</i>	oak, laurel	15 to 36
<i>Quercus laurifolia</i>	oak, laurel (swamp)	15 to 36
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Quercus nuttallii</i>	oak, nuttall	18
<i>Quercus spp.</i>	oak, other unlisted species	18
<i>Quercus stellata</i>	oak, post	18
<i>Quercus falcata</i>	oak, red (southern red oak)	18
<i>Quercus geminate</i>	oak, sand live	10
<i>Quercus shumardii</i>	oak, shumard	18

<i>Quercus laevis</i>	oak, turkey	18
<i>Quercus nigra</i>	oak, water	15 to 36
<i>Quercus phellos</i>	oak, willow	18
<i>Juniperus silicicola</i>	red cedar, southern	8

The complete list of significant trees may be found in Sec. 11-27. – Definitions. of the City of St. Augustine’s Code of Ordinances.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. Standards for review.

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

Sec. 25-52. – Definitions.

Dbh. means diameter breast height or the diameter of a tree measured, in inches unless otherwise specified, four and one-half (4½) feet above the ground level. If the tree splits into multiple trunks below four and one-half (4½) feet above the ground, the trunk is measured at its narrowest point beneath the split.

Sec. 25-53. – General landscape requirements.

(d) *Tree mitigation.*

- (1) Preservation and removal of trees on a site to be developed may result in the need for tree mitigation. Mitigation requirement is determined by the following calculation:

Tree saved credit—Trees removed deficit = Excess Tree Credits/Deficits

- (2) **A negative number resulting from this equation is the number of deficit points the applicant must mitigate.** A positive number resulting from this equation requires no mitigation by the applicant. However, other landscape requirements still apply even if mitigation is not required (i.e. bufferyard and parking landscapes).
- (3) Tree planting associated with internal landscaping requirements counts toward mitigation requirements. Tree planting associated with the required bufferyard planting does not count toward mitigation requirements.
- (4) Credits and deficits are determined by the schedules presented in subparagraphs a. through c. below.
- a. *Existing trees retained or preserved.* Existing trees which are retained and preserved shall receive credit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.1 credit

Seven (7) inches or more but less than twelve (12) inches d.b.h.2 credits

Twelve (12) inches or more but less than twenty (20) inches d.b.h.3 credits

Twenty (20) inches or more d.b.h.4 credits

Trees relocated and retained on site over six (6) inches dbh. shall receive a fifty (50) percent bonus credit

Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 credit

Native vegetation1 credit

- b. *Existing trees removed.* Existing trees which are proposed for removal shall receive deficit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit

Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit

Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits

Twenty (20) inches or more d.b.h.2 deficits

Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 additional deficit

Cabbage Palm tree (sabal palmetto) measuring more than 12 feet in height1 additional deficit

- c. *New trees planted for mitigation credit.* Each new tree planted to satisfy a mitigation requirement must be planted in an internal planting area as required by this chapter. Trees receive credit points as indicated in the schedule below:

Tree with diameter of two (2) inches but less than three (3) inches1 credit

Tree with diameter of three (3) inches but less than four (4) inches1.5 credits

Tree with diameter of four (4) inches but less than five (5) inches2 credits

Tree with diameter of five (5) inches but less than six (6) inches3 credits

Tree with diameter of six (6) inches but less than twelve (12) inches4 credits

Tree with diameter of twelve (12) inches or greater5 credits

1. To ensure the proper development of the tree's crown, no shade tree counted as credit shall be planted closer than fifteen (15) feet on center. Chinese Fan, Washingtonia and Cabbage (Sabal) palms counted as credit shall be planted with a minimum of two (2) plants to an area and in such proximity to one another that together they will develop a crown spread of fifteen (15) feet. A credit of one (1) tree shall be allowed for each group of palms whose center is at least fifteen (15) feet from the center of any other tree or palm group counted as credit.
2. See (c)(9) of this chapter for prohibited trees.
3. Trees planted in bufferyards are a separate requirement and do not count toward deficit mitigation.

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. **The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees.** Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This application originally appeared on the January 3rd 2023 Planning and Zoning Board meeting Agenda and was continued to the March 7th meeting where it was once again continued. The original decision to continue this application included a request from the Board to provide a proper tree survey, a tree survey with a site plan overlayed, an arborist report, and the request that the applicant review the proposed site plan to work with existing significant trees on the site.

The applicant has since submitted updated plans, which are included in this packet, and is requesting approval to remove the majority of existing trees at the northwest corner of San Sebastian View and US Highway 1 including four (4) significant southern Red Cedar trees. These trees are labeled on the plans as T02, T03, T04, and T78.

This differs from the original request. Now six (6) trees are to be preserved which include two significant Live Oak trees measuring at 49" dbh and 21" dbh. These preserved trees may be identified on submitted plans as T86 and T89 respectfully.

The applicant has provided an arborist report from The Branch Manager Tree Service performed by Marc White which is included in this packet. Of the eighty-nine (89) trees included in the arborist report eighty-five (85) are described as having "no visible preexisting health or structural issues at the time of inspection." Trees T12, T13, and T15 are not included in the arborist's report and T84 is a 5" dbh Chinese tallow tree which is categorized by the City as an invasive tree species.

Trees to be Removed (Significant Trees are in Bold)			Trees to Remain		
<i>ID</i>	<i>Tree & Size (dbh)</i>	<i>Debit</i>	<i>ID</i>	<i>Tree & Size (dbh)</i>	<i>Credit</i>
T01	12" Live Oak	1.5	T83	9" Sabal Palm	2
T02	20" Southern Red Cedar	2	T85	3" Southern Red Cedar	1+1
T03	14" Southern Red Cedar	1.5	T86	49" Live Oak	4
T04	12" Southern Red Cedar	1.5	T87	6" & 3.3" Live Oak	At least 1
T05	13" Sabal Palm	1.5	T88	7", 5", 9", & 10" Live Oak	At least 1
T06	12" Sabal Palm	1.5	T89	21" Live Oak	4
T07	12" Sabal Palm	1.5			
T08	11" Live Oak	1			
T09	14" Live Oak	1.5			
T10	14" Live Oak	1.5			
T11	6" Southern Red Cedar	0.5			
T14	8" Live Oak	1			
T16	8" Southern Magnolia	1			
T17	2" Southern Red Cedar				
T18	4" American Elm	0.5			

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

T19	8" Southern Magnolia	1			
T20	9" Sabal Palm	1			
T21	6" Southern Red Cedar	0.5			
T22	13" Sabal Palm	1.5			
T23	10" Sabal Palm	1			
T24	13" Sabal Palm	1.5			
T25	10" Southern Magnolia	1			
T26	7" Southern Magnolia	1			
T27	3" Sabal Palm	0.5			
T28	3" Sabal Palm	0.5			
T29	4" Sabal Palm	0.5			
T30	5" Sabal Palm	0.5			
T31	9" Sabal Palm	1			
T32	7" Sabal Palm	1			
T33	10" Sabal Palm	1			
T34	9" Sabal Palm	1			
T35	7" Sabal Palm	1			
T36	16" Sabal Palm	1.5			
T37	6" Sabal Palm	0.5			
T38	8" Sabal Palm	1			
T39	12" Sabal Palm	1.5			
T40	9" Sabal Palm	1			
T41	2" Sabal Palm				
T42	5" Southern Red Cedar	0.5			
T43	7" Sabal Palm	1			
T44	9" Sabal Palm	1			
T45	5" Live Oak	0.5			
T46	5" Live Oak	0.5			
T47	7" Southern Red Cedar	1			
T48	10" Live Oak	1			
T49	12" Sabal Palm	1.5			
T50	8" Sabal Palm	1			
T51	8" Sabal Palm	1			
T52	7" Sabal Palm	1			
T53	10" Sabal Palm	1			
T54	12" Sabal Palm	1.5			
T55	6" Sabal Palm	0.5			
T56	9" Sabal Palm	1			
T57	13" Sabal Palm	1.5			
T58	8" Sabal Palm	1			
T59	7" Sabal Palm	1			

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

T60	7" Sabal Palm	1			
T61	9" Sabal Palm	1			
T62	7" Sabal Palm	1			
T63	11" Sabal Palm	1			
T64	7" Sabal Palm	1			
T65	15" Sabal Palm	1.5			
T66	12" Sabal Palm	1.5			
T67	11" Sabal Palm	1			
T68	9" Sabal Palm	1			
T69	17" Sabal Palm	1.5			
T70	11" Sabal Palm	1			
T71	14" Sabal Palm	1.5			
T72	5" Southern Red Cedar	0.5			
T73	5" Sabal Palm	0.5			
T74	9" Sabal Palm	1			
T75	12" Sabal Palm	1.5			
T76	10" Sabal Palm	1			
T77	6" Live Oak	0.5			
T78	16" Southern Red Cedar	1.5			
T79	10" Sabal Palm	1			
T80	11" Sabal Palm	1			
T81	9" Sabal Palm	1			
T82	11" Sabal Palm	1			
	Additional debits for eleven Southern Red Cedar trees	11			
Total	92 debits		At least 14 credits		

This proposed tree removal plan does save two significant Oak trees but still leaves a deficit of roughly 78 debits in terms of tree mitigation. There is space available on the proposed site plan to make up for this deficit, but without a complete landscaping plan a determination cannot be made.

STAFF RECOMMENDATION

Based on a review of section 11-29, staff finds that the board can **DENY** the request to remove a majority of the tree canopy, including four (4) significant southern Red Cedar trees, within Conservation Overlay Zone 3 at the northwest corner of San Sebastian View and US Highway 1 / PID 073581-0040.

The board can deny the request without prejudice so the applicant can reapply for the Conservation Overlay Zone Development for the tree removal with a proposed landscape plan to address the tree removal deficits within one (1) year.

or

Based on a review of section 11-29, staff finds that the board can **CONTINUE** the request to remove a majority of the tree canopy, including four (4) significant southern Red Cedar trees, within Conservation Overlay Zone 3 at the northwest corner of San Sebastian View and US Highway 1 / PID 073581-0040 with the condition that a landscape plan be submitted for review to address the tree removal deficits.



Jacob Fredriksson
Senior Planner
Planning and Building Department



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

Application Fee: \$165 (plus advertising costs) Project Number: 2022-0088
Receipt Number: 2515294 Meeting Date: Jan. 3, 2022
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Andrew Petersen Contact Number: 321-255-5434
Business (if applicable): Bowman Consulting
Address: 4450 W. Eau Gallie BLVD., STE. 144 City: _____ State: _____ Zip: 32934
E-Mail Address: apetersen@bowman.com

2. NAME OF PROPERTY OWNER: CD St Augustine gas, LLC Contact Number: 262-344-4667
Business (if applicable): CD St Augustine gas, LLC
Address: 2226 State Road 580 City: Clearwater State: FL Zip: 33763
E-Mail Address: aserafin@cdpartners.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 07358 Block: 40
Subdivision: 100 Parcel Number: 07358-100-40

4. PROJECT STREET ADDRESS: NWC San Sebastian View & US HWY 1 ST. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: N/A

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☒ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: removal of existing Cedar and live oak trees.

8. JUSTIFICATION FOR ACTION REQUESTED: Proposed development falls within the current tree locations.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

Signature of Property Owner

Date

Robert E. Schmidt, Jr.
Managing Member

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Andrew Petersen

Print name of applicant

A handwritten signature, likely of Andrew Petersen, consisting of a stylized 'A' and 'P'.

Signature of applicant

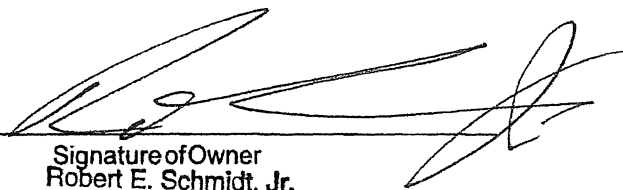
11/01/22

Date



Owner's Authorization For Agent

Bowman is/are hereby authorized TO ACT ON BEHALF
OF CD St Augustine Castle, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: 
Signature of Owner
Robert E. Schmidt, Jr.
Managing Member
Print Name of Owner
(727) 669-1500
Telephone Number

State of Florida
County of Pinellas

Signed and sworn before me on this 7th day of November, 2022

By Sandra Roland

Identification verified:

Oath sworn:

Yes

No

Notary Signature:

My Commission expires:



SANDRA ROLAND
Commission # GG 325420
Expires April 18, 2023
Bonded Thru Budget Notary Services



St. Johns County, FL

Apply for Exemptions

Apply for Exemptions

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

Sales Questionnaire

2022 TRIM Notice

2022 TRIM Notice (PDF)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	0735810040
Location Address	SAN SEBASTIAN VW SAINT AUGUSTINE 32084-0000
Neighborhood	Ponce Boulevard North (COM) (681.01)
Tax Description*	7-4 PT OF SEC 54 T6 R29 NW OF SAN SEBASTIAN VW & SW OF US1 N OR5607/1877 *The Description above is not to be used on legal documents.
Property Use Code	Vacant Commercial (1000)
Subdivision	N/A
Sec/Twp/Rng	54-6-29
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	3.200
Homestead	N

Owner Information

Owner Name	Cd St Augustine Gas LLC 100%
Mailing Address	2226 STATE ROAD 580 CLEARWATER, FL 33763-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$1,672,704
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,672,704
Total Deferred	\$0
Assessed Value	\$1,672,704
Total Exemptions	\$0
Taxable Value	\$1,672,704

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$0	\$0	\$1,672,704	\$0	\$0	\$1,672,704	\$1,672,704	\$0	\$1,672,704
2021	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	139392	SF	\$1,672,704

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/1/2022	7/19/2022	\$1,832,000.00	WARRANTY DEED	5607	1877	Q	V	THE LANDING THREE LLC	CD ST AUGUSTINE GAS LLC
6/17/2021	6/15/2021	\$1,800,000.00	WARRANTY DEED	5294	881	U	V	EAST SAN SEBASTIAN LLC	THE LANDING THREE LLC

No data available for the following modules: 2021 TRIM Notice, Exemption Information, Building Information, Sketch Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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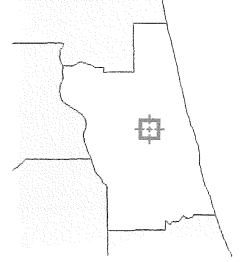
Last Data Upload: 3/28/2023, 2:39:51 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.254



Overview



Legend

Parcels

Parcel ID	0735810040	Physical	SAN SEBASTIAN VW	Building Value	N/A	Last 2 Sales			
Property	1000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Commercial	Mailing	CD ST AUGUSTINE GAS	Value		7/19/2022	\$1832000	01	Q
Taxing	City of St Augustine	Address	LLC	Total Land	\$1,672,704	6/15/2021	\$1800000	43	U
District			2226 STATE ROAD 580	Value					
Acres	3.2		CLEARWATER FL	Just Value	\$1,672,704				
			33763-0000	Total Deferred	N/A				
				Assessed Value	\$1,672,704				
				Total	N/A				
				Exemptions					
				Taxable Value	\$1,672,704				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/28/2023

Last Data Uploaded: 3/28/2023 2:39:51 AM

Developed by  Schneider
GEOSPATIAL















Marc White / I.S.A. Certified Arborist FL-5641-A

0 San Sebastian View
Saint Augustine, FL 32084

Per your request we have visited the property at the above address on 2/27/2023 and our findings are as follows:

- T01 - 12" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T02 - 20" D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T03 - 14" D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T04 - 12" D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T05 – 13" D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T06 – 12" D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T07 – 12" D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T08 – 11" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T09 – 14" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T10 – 14" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T11 – 6" D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

T14 – 8” D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T16 – 8” D.B.H. southern magnolia (*Magnolia grandiflora*) - this tree had no visible preexisting health or structural issues at the time of inspection.
T17 – 2” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T18 – 4” D.B.H. American Elm (*Ulmus americana*) - this tree had no visible preexisting health or structural issues at the time of inspection.
T19 – 8” D.B.H. southern magnolia (*Magnolia grandiflora*) - this tree had no visible preexisting health or structural issues at the time of inspection.
T20 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T21 – 6” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T22 - 13” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T23 – 10” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T24 – 13” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T25 - 10” D.B.H. southern magnolia (*Magnolia grandiflora*) - this tree had no visible preexisting health or structural issues at the time of inspection.
T26 – 7” D.B.H. southern magnolia (*Magnolia grandiflora*) - this tree had no visible preexisting health or structural issues at the time of inspection.
T27 - 3” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T28 - 3” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T29 – 4” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

T30 – 5” D.B.H. sabal palm (*Sabal palmetto*) – this had no visible preexisting health or structural issues at the time of inspection.
T31 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T32 - 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T33 - 10” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T34 - 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T35 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T36 - 16” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T37 - 6” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T38 - 8” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T39 – 12” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T40 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T41 – 2” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T42 - 5” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T43 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T44 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
I.S.A. Certified Arborist
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FL-5641-A
Office: (904) 270-2090
Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

- T45 – 5” D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T46 – 5” D.B.H. live oak (*Quercus virginiana*) - this tree had no visible preexisting health or structural issues at the time of inspection.
- T47 – 7” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T48 – 10” D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T49 – 12” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T50 – 8” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T51 – 8” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T52 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
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- T56 - 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T57 – 13” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T58 – 8” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
- T59 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
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Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

T60 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T61 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T62 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T63 – 11” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T64 – 7” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T65 – 15” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T66 – 12” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T67 – 11” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T68 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T69 – 17” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T70 – 11” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T71 – 14” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T72 – 5” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T73 – 5” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T74 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

Marc White
I.S.A. Certified Arborist
I.S.A. TRAQ Qualified
FL-5641-A
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Cell: (904) 607-4113
Marcwhite1300@gmail.com



Marc White / I.S.A. Certified Arborist FL-5641-A

T75 – 12” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T76 – 10” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T77 – 6” D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T78 – 16” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T79 – 10” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T80 – 11” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T81 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T82 – 11” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T83 – 9” D.B.H. sabal palm (*Sabal palmetto*) – this palm had no visible preexisting health or structural issues at the time of inspection.
T84 – 5” D.B.H. Chinese tallow (*Triadica sebifera*) – this species is not protected.
T85 – 3” D.B.H. southern red cedar (*Juniperus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
T86 – 49” D.B.H. live oak (*Quercus virginiana*) – this tree tree had no visible preexisting health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

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T87 – 6” D.B.H. and 3.3” D.B.H. live oak (*Quercus virginiana*) – these trees are misidentified on the original tree survey as one 6” + 9” DBH oak. It was determined that this is two separate live oaks. Whether a tree is a single trunk or a multitrunked tree is to be determined using the pith trace method. If a tree has more than one pith at ground level, it is considered to be a multitrunked tree. These trees had no visible preexisting health or structural issues at the time of inspection.

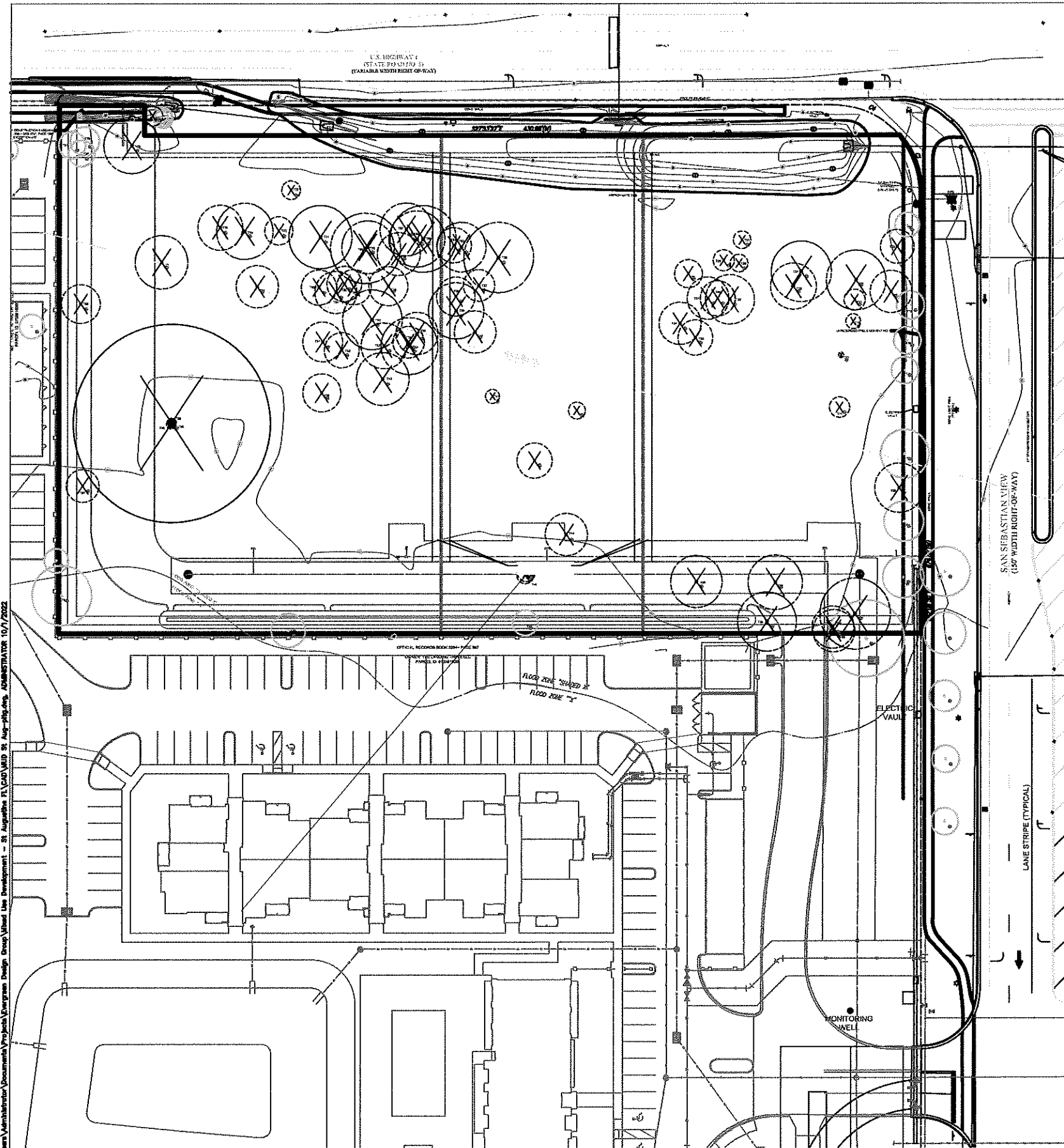
T88 – 7” D.B.H., 5” D.B.H., 9” (3”+6”) D.B.H., 10” (5”+5”) D.B.H. live oak (*Quercus virginiana*) – these trees are shown on the original tree survey as one 17” DBH oak. Using the pith test it is determined that this is four separate trees that are conjoined, not codominant. These trees had no visible preexisting health or structural issues at the time of inspection.

T89 – 21” D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.

Trees included in this report were inspected to determine if the trees were misidentified, measured improperly, and to document any defects, disease, or decay that meet the requirements to waive mitigation fees by the Landscape Department.

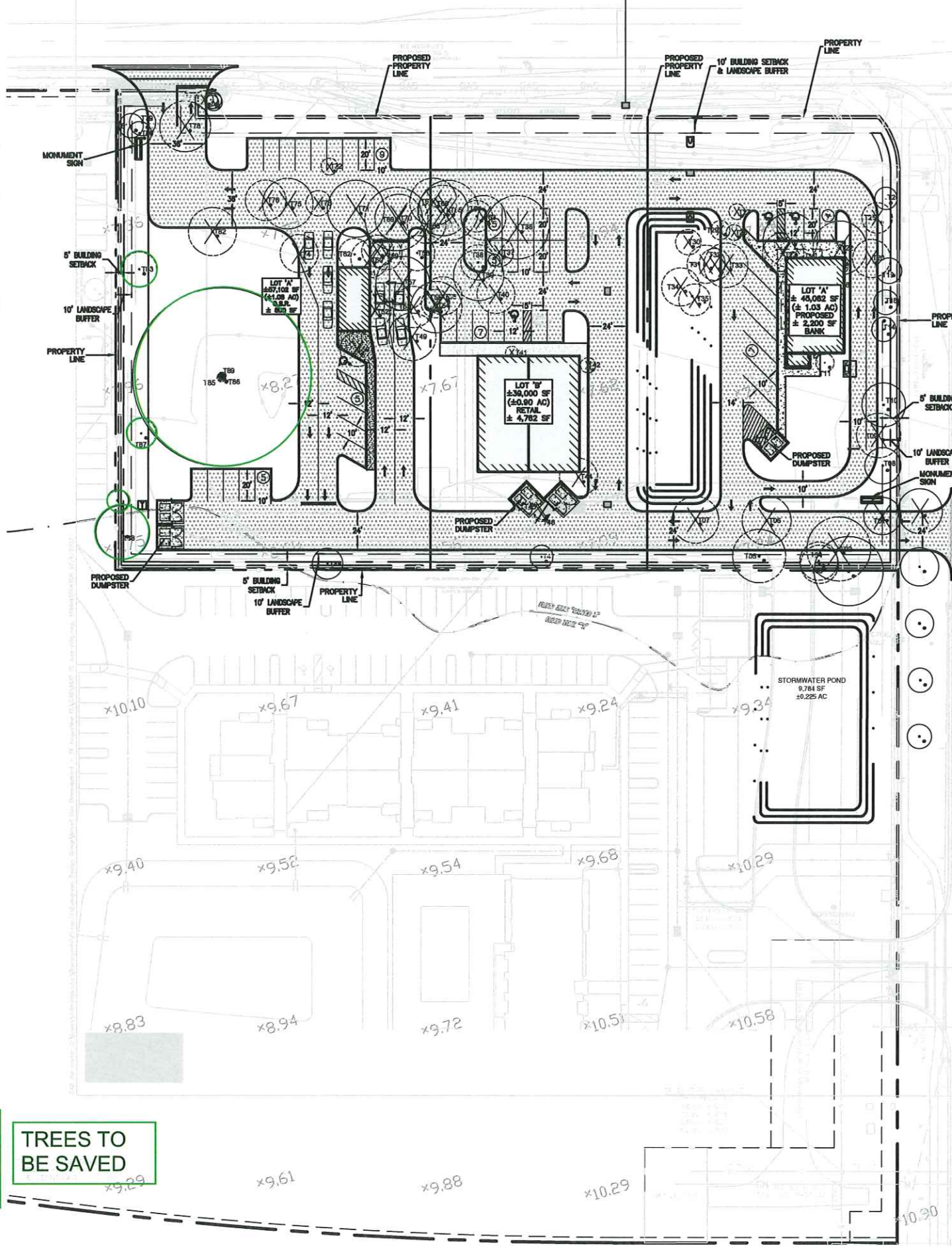
A handwritten signature in blue ink, appearing to read 'Marc White'.

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TREE INVENTORY:

- T01 - 12" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T02 - 20" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T03 - 14" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T04 - 12" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T05 - 13" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T06 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T07 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T08 - 11" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T09 - 14" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T10 - 14" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T11 - 6" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T14 - 8" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T16 - 8" D.B.H. SOUTHERN MAGNOLIA (*MAGNOLIA GRANDIFLORA*)
- T17 - 2" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T18 - 4" D.B.H. AMERICAN ELM (*ULMUS AMERICANA*)
- T19 - 8" D.B.H. SOUTHERN MAGNOLIA (*MAGNOLIA GRANDIFLORA*)
- T20 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T21 - 6" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T22 - 13" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T23 - 10" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T24 - 13" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T25 - 10" D.B.H. SOUTHERN MAGNOLIA (*MAGNOLIA GRANDIFLORA*)
- T26 - 7" D.B.H. SOUTHERN MAGNOLIA (*MAGNOLIA GRANDIFLORA*)
- T27 - 3" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T28 - 3" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T29 - 4" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T30 - 5" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T31 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T32 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T33 - 10" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T34 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T35 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T36 - 16" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T37 - 6" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T38 - 8" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T39 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T40 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T41 - 2" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T42 - 5" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T43 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T44 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T45 - 5" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T46 - 5" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T47 - 7" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T48 - 10" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T49 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T50 - 8" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T51 - 8" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T52 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T53 - 10" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T54 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T55 - 6" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T56 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T57 - 13" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T58 - 8" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T59 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T60 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T61 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T62 - 7" D.B.H. SABAL PALM (*SABAL PALMETTO*)
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- T71 - 14" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T72 - 5" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T73 - 5" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T74 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T75 - 12" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T76 - 10" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T77 - 6" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T78 - 16" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
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- T82 - 11" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T83 - 9" D.B.H. SABAL PALM (*SABAL PALMETTO*)
- T85 - 3" D.B.H. SOUTHERN RED CEDAR (*JUNIPERUS VIRGINIANA*)
- T86 - 49" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T87 - 6" D.B.H. AND 3.3" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T88 - 7" D.B.H., 5" D.B.H., 9" (3"+6") D.B.H., 10" (5"+5") D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)
- T89 - 21" D.B.H. LIVE OAK (*QUERCUS VIRGINIANA*)



TREES TO
BE SAVED

SITE DATA TABLE

SITE NAME	ST. AUGUSTINE DEVELOPMENT	
ADDRESS	NWC OF SAN SEBASTIAN VIEW @ US-1	
PARCEL ID	07355610000	
JURISDICTION	CITY OF ST. AUGUSTINE	
ZONING DESIGNATION	CM-2 (COMMERCIAL MEDIUM 2)	
CURRENT		
OVERLAY DISTRICT		
PARCEL SIZE	± 141,164 SF (± 3.24 AC)	
SETBACKS:	BUILDING	BUFFERS
FRONT	10'	10'
SIDE	5'	10'
REAR	5'	10'
PARKING:		
REQUIRED:	RETAIL: 1 SPACE PER 300 GFA	
	DRIVE THRU: 1 SPACE PER 75 GFA PATRON USE (NO SEATS)	
	(10,000/300 = 34) + (9,500/300 = 32) + (4/75 = [?])	
	REQUIRED = 66 + [?]	
PROPOSED:		
	RETAIL 4,782SF	STANDARD (10'x20') = 15
		ADA SPACE (12'x20') = 2
		TOTAL = 17
	DRIVE THRU 800SF	STANDARD (10'x20') = 18
		ADA SPACE (12'x20') = 1
		TOTAL = 19
	BANK 2,200SF	STANDARD (10'x20') = 9
		ADA SPACE (12'x20') = 2
		TOTAL = 11
		GRAND TOTAL = 47

CONCEPTUAL PLAN NOTES:

CONDITIONS MAY EXIST THAT COULD RESTRICT THE DEVELOPMENT OF THIS SITE AS SHOWN. THIS DRAWING IS INTENDED TO BE CONCEPTUAL ONLY AND ADDITIONAL RESEARCH AND DESIGN WOULD BE REQUIRED FOR THE PREPARATION OF A SITE PLAN THAT MEETS LOCAL JURISDICTIONAL CODES.

BCG DOES NOT PURPORT THAT THIS SITE CAN BE DEVELOPED AS SHOWN. THE PURCHASE OF THIS SITE SHALL BE AT THE OWNER/DEVELOPER'S SOLE EXPENSE.

STORMWATER MANAGEMENT FACILITY SHOWN ON THIS PLAN ARE PURELY CONCEPTUAL AND IS SUBJECT TO CHANGE UPON FINAL CIVIL DESIGN. BCG DOES NOT PURPORT THAT WHAT IS SHOWN IS ADEQUATE TO MEET ALL JURISDICTIONAL REQUIREMENTS.

NO SITE VISITS HAVE BEEN PERFORMED TO ENSURE THE ACCURACY OF THE AERIAL IMAGE SHOWN HEREON.

THIS EXHIBIT IS NOT INTENDED TO BE USED AS A CONSTRUCTION DOCUMENT, AND SHOULD NOT BE CONSTRUED IN ANYWAY TO BE USED FOR CONSTRUCTION PURPOSES.

PROPOSED LEGEND

- ---

- PROPERTY LINE
- BUILDING SETBACK LINE
- LANDSCAPE BUFFER
- EASEMENT
- #
- PARKING COUNT
- C
- COMPACT PARKING SPACES
-
- PROPOSED BUILDING
- ASPHALT PAVEMENT
- STANDARD DUTY CONCRETE (SIDEWALK)
-
- HEAVY DUTY CONCRETE
- PATIO AREA (± SF)

CONCEPTUAL
EXHIBIT

CONCEPTUAL DESIGN

ST. AUGUSTINE DEVELOPMENT

NWC OF SAN SEBASTIAN VIEW

@ US-1

ST. AUGUSTINE, FL

Bowman

CONSULTING

Certificate of Authorization License No. 30462

BGG

DSGN

BGG

DRAWN

DF

CHKD

010966-01-001

PROJECT NUMBER

SCALE 1" = 80'

Page 237 of 417

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0010**

AGENDA ITEM 8(c)

APPLICANT Ryan Carter
c/o Carter Environmental Services Inc.

OWNER David & CeCe Drysdale

LOCATION 140 Pelican Reef Drive / PID 158571-4050

REQUEST To approve the construction of a new vinyl sheet construction bulkhead within Conservation Overlay Zone 2.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal
Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

(b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). **These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts.** The

applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

(c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

(1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
- e. Whether the tree has been designated a significant tree.
- f. Impact upon the urban and natural environment, including:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
 - (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to construct a new bulkhead that is composed of vinyl sheet pile construction along the landward side of existing rip-rap on site. A cross-section view submitted by the applicant shows that the proposed bulkhead will be roughly six to seven feet in height and will be accompanied by 18" of upland fill.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

(1) Site specific conditions.

- *This property has approximately 135 feet of Matanzas River frontage. The property and adjacent properties utilize rip-rap, sea walls and are elevated from the coastline. Mangroves and marine vegetation are present in the area but not on the property.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *The property sits on the Matanzas River and is adjacent to other single-family homes to the North and South.*

(3) Natural and proposed drainage patterns.

- *Drainage will not be altered by the proposed work.*

(4) Effect of point and nonpoint discharge in the marine environment.

- *Point and non-point discharge will not be altered.*

(5) Proposed soil stabilization and erosion control methods.

- *Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary, and no long-term erosional impacts will take place.*

(6) Impact on floodplain.

- *There is no impact on floodplains associated with this application.*

(7) Impact of development on vegetative and animal communities.

- *Vegetative impacts: There are no anticipated vegetative impacts as salt marsh and mangroves, are not present.*
- *Lighting of the open water areas at night: N/A*
- *Increased noise from day users: N/A*

(8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

- *There will be no storage of pollutants or the use of poisonous chemicals and materials.*

(9) Effect of shade on vegetation and shellfish.

- *N/A*

(10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

- *N/A*

(11) Impact of development on shoreline by linear feet and percent of site.

- *N/A*

(12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

- *N/A*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - *N/A*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - *N/A*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
 - *N/A*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
 - *N/A*

STAFF RECOMMENDATION

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 vinyl sheet pile bulkhead within Conservation Overlay Zone 2 at 140 Pelican Reef Drive / PID 158571-4050.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owners David and CeCe Drysdale at 904-669-3300 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2023-0010

Receipt Number: 2562537 Meeting Date: 3/1/23

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: RYAN CARTER Contact Number: 904-540-1786

Business (if applicable): CARTER ENVIRONMENTAL SERVICES

Address: 42 MASTERS DRIVE City: ST. AUGUSTINE State: FL Zip: 32084

E-Mail Address: RYAN@CARTERENV.COM

2. NAME OF PROPERTY OWNER: David & CeCe Drysdale Contact Number: 904-669-3300

Business (if applicable): _____

Address: 140 Pelican Reef Dr City: ST. AUGUSTINE State: FL Zip: 32080

E-Mail Address: cedrys@aol.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: LOT 5 Block: 4

Subdivision: Pelican Reef Parcel Number: 1585714050

4. PROJECT STREET ADDRESS: 140 Pelican Reef Dr

5. SPECIFIC PROPOSED USE: Bulkhead

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: CONSERVATION OVERLAY ZONE APPROVAL FOR A BULKHEAD

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE DEVELOPMENT SUPPLEMENT

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

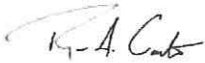
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

	1-23-23
Signature of Applicant	Date
	1/31/23
Signature of Property Owner	Date

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

RYAN CARTER

Print name of applicant

A handwritten signature in black ink that reads "R. A. Carter".

Signature of applicant

1-23-23

Date



Owner's Authorization For Agent

CARTER ENVIRONMENATL SERVICES is/are hereby authorized TO ACT ON BEHALF
OF Ce Ce Drysdale
DAVID C. DRYSDALE, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

140 Pelican Reef Dr

BY: _____

Signature of Owner

DAVID C. DRYSDALE
CeCe Drysdale DRYSDALE

Print Name of Owner

904-669-3300

Telephone Number

State of FL

County of St. Johns

Signed and sworn before me on this 31 day of January, 2023

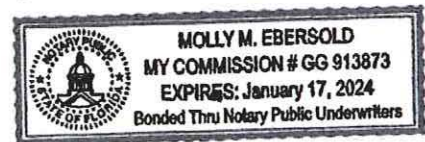
By Molly Ebersold

Identification verified: _____

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____





St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID 1585714050
Location Address 140 PELICAN REEF DR
 SAINT AUGUSTINE 32080-0000
Neighborhood pelican reef (ICW) (628.42)
Tax Description* 25/87-91 PELICAN REEF LOT 5 BLK 4 OR948/2066 &1174/638 &1901/342(Q/C)
**The Description above is not to be used on legal documents.*
Property Use Code Single Family (0100)
Subdivision Pelican Reef
Sec/Twp/Rng 20-7-30
District City of St Augustine (District 452)
Millage Rate 18.9763
Acreage 0.560
Homestead Y

Owner Information

Owner Name [Drysdale David C Cecilia E](#) 100%
[Drysdale Cecilia E](#) 100%
Mailing Address 999 ANASTASIA BLVD
 SAINT AUGUSTINE, FL 32080-0000

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000

Map



Valuation Information

	2023
Building Value	\$1,658,581
Extra Features Value	\$66,614
Total Land Value	\$1,064,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$2,789,195
Total Deferred	\$1,134,476
Assessed Value	\$1,654,719
Total Exemptions	\$50,000
Taxable Value	\$1,604,719

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$1,425,708	\$52,325	\$1,064,000	\$0	\$0	\$2,542,033	\$1,606,523	\$985,510	\$1,556,523
2021	\$1,416,463	\$52,935	\$725,000	\$0	\$0	\$2,194,398	\$1,559,731	\$684,667	\$1,509,731
2020	\$1,433,737	\$56,609	\$725,000	\$0	\$0	\$2,215,346	\$1,538,196	\$727,150	\$1,488,196
2019	\$1,305,549	\$30,850	\$725,000	\$0	\$0	\$2,061,399	\$1,503,613	\$607,786	\$1,453,613
2018	\$1,321,667	\$30,850	\$700,000	\$0	\$0	\$2,052,517	\$1,475,577	\$626,940	\$1,425,577
2017	\$1,299,874	\$24,465	\$660,000	\$0	\$0	\$1,984,339	\$1,445,227	\$589,112	\$1,395,227
2016	\$1,315,534	\$31,314	\$660,000	\$0	\$0	\$2,006,848	\$1,420,943	\$635,905	\$1,370,943
2015	\$1,331,195	\$31,373	\$660,000	\$0	\$0	\$2,022,568	\$1,411,066	\$661,502	\$1,361,066
2014	\$1,154,151	\$31,431	\$660,000	\$0	\$0	\$1,845,582	\$1,399,867	\$495,715	\$1,349,867
2013	\$1,167,417	\$31,489	\$660,000	\$0	\$0	\$1,858,906	\$1,379,179	\$529,727	\$1,329,179
2012	\$1,102,541	\$31,547	\$575,000	\$0	\$0	\$1,709,088	\$1,356,125	\$402,963	\$1,306,125
2011	\$1,115,070	\$31,606	\$650,000	\$0	\$0	\$1,796,676	\$1,316,626	\$530,050	\$1,266,626
2010	\$1,160,774	\$31,664	\$650,000	\$0	\$0	\$1,842,438	\$1,297,168	\$595,270	\$1,247,168

Building Information

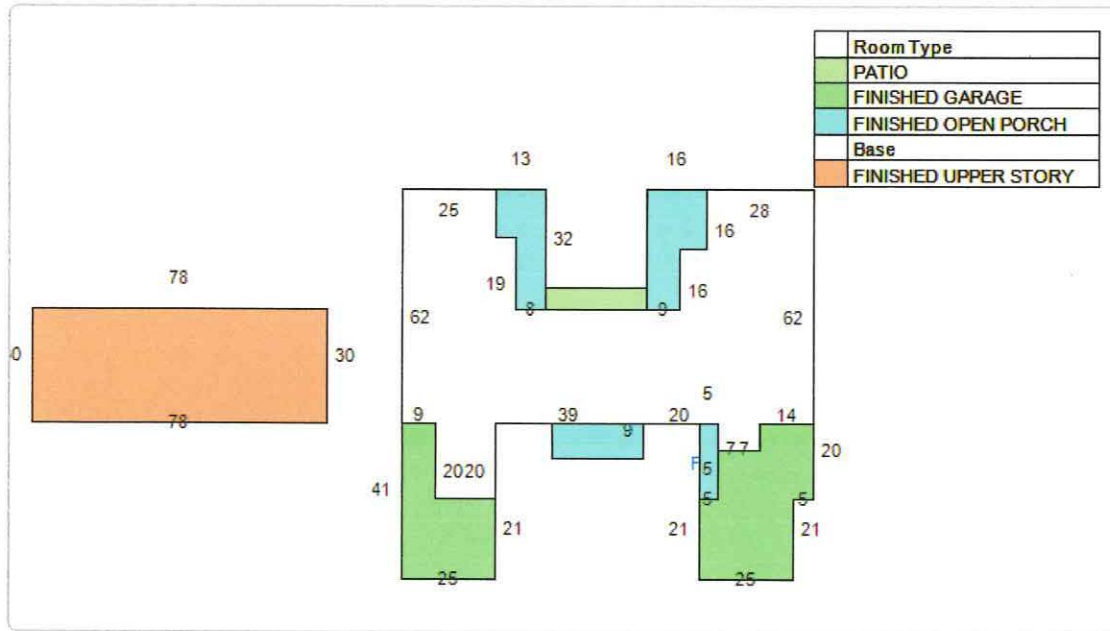
Building	1
Year Built	1993
Actual Area	10762
Conditioned Area	7910
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Stucco

Roof Cover	Concrete Tile
Roof Structure	Gable Hip
Interior Flooring	Carpet, Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	0
Baths	

Description	Square Footage
FINISHED UPPER STORY	2340
BASE AREA	5570
FINISHED OPEN PORCH	100
FINISHED GARAGE	705

Description	Square Footage
FINISHED GARAGE	948
PATIO/SLAB	162
FINISHED OPEN PORCH	216
FINISHED OPEN PORCH	321
FINISHED OPEN PORCH	400
Total SqFt	10762

Sketch Information



Extra Feature Information

Code Description	Status	Value
Boat Dock - Average (Mix)		21614
Spa / Hot Tub (Mix)		6300
Pool - Average (RES)		35100
Boat Lift - Average (Mix)		1700
Boat Lift - Average (Mix)		1900

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$1,064,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	12/30/2002	\$100.00	QUIT CLAIM DEED	1901	342	U	I	DRYSDALE DAVID C	DRYSDALE DAVID C & CECILIA E
	5/24/1996	\$735,500.00	WARRANTY DEED	1174	638	U	I	WHETSTONE HENRY M JR, JANICE F	DRYSDALE DAVID C
	7/13/1992	\$100.00	CORRECTIVE DEED	948	2066	U	V		WHETSTONE HENRY M JR, JANICE F
	4/17/1992	\$184,000.00	WARRANTY DEED	937	197	Q	V	THOMPSON PIERRE D	

No data available for the following modules: Sales Questionnaire Form.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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[GDPR Privacy Notice](#)

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Developed by
 Schneider
 GEOSPATIAL

Version 2.3.250



Overview



Legend

Parcels

Parcel ID	1585714050	Physical Address	140 PELICAN REEF DR	Building Value	\$1,658,581	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE DRYSDALE DAVID	Extra Feature Value	\$66,614	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	C, CECILIA E 999 ANASTASIA BLVD SAINT AUGUSTINE FL 32080-0000	Total Land Value	\$1,064,000	5/24/1996	\$735500	11	U
Acres	0.56			Just Value	\$2,789,195	4/17/1992	\$184000	01	Q
				Total Deferred	\$1,134,476				
				Assessed Value	\$1,654,719				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$1,604,719				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/6/2023
Last Data Uploaded: 3/4/2023 1:30:18 AM

Developed by  Schneider
GEOSPATIAL

Attachment 1
Overlay Zone Application Narrative

**140 Pelican Reef Dr.
Overlay Zone Development Application Supplement
January 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead. The proposed bulkhead will be composed of vinyl sheet pile construction along the landward side of existing Rip-Rap on site. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zone 2 as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private bulkhead. Public benefits may be economically related through construction activities and related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is no salt marsh vegetation between the uplands and open water on the site. The shoreline is armored with existing rip rap and vegetation is not present.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

N/A

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The proposed bulkhead has the potential to retain upland natural ground material as well as the existing rip-rap so that turbid run-off does not flow and diminish vistas with poor water quality.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 135 feet of Matanzas River frontage. The property and adjacent properties utilize rip-rap, sea walls and are elevated from the coastline. Mangroves and marine vegetation are present in the area but not on the property.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property sits on the Matanzas River and is adjacent to other single-family homes to the North and South.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh and mangroves, are not present.

Lighting of the open water areas at night:

Not applicable.

Increased noise from day users:

Not applicable.

Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

There will be no storage of pollutants or the use of poisonous chemicals and materials.

8. *Effect of shade on vegetation and shellfish.*

Not applicable.

9. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

Not Applicable.

10. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

11. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

12. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

13. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

14. *Impact of development on water quality.*

Not applicable.

15. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive:

Not applicable.

Negative:

Not applicable.

The effects of the project on shellfish are as follows:

Positive: Not applicable.

Negative: Not applicable.

b) The effects of the project on water fowl are as follows

Positive:

Not applicable.

Negative:

Not applicable.

Attachment 2
Overlay Zone Application Graphics



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map Drysdale 140 Pelican Reef

Project: 5.22556

St. Johns County, FL

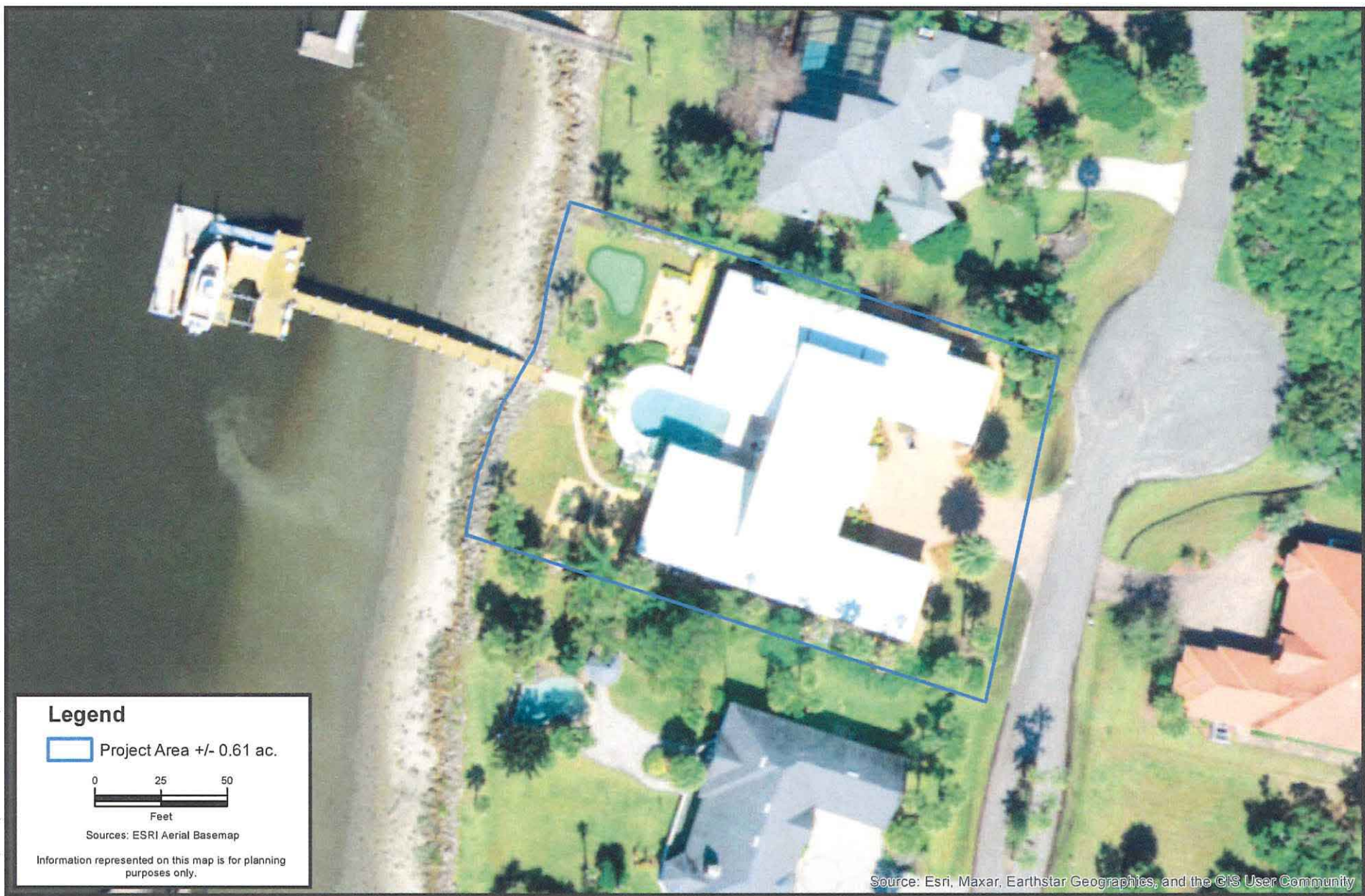
Date: Jan 19 2023

Figure:

1



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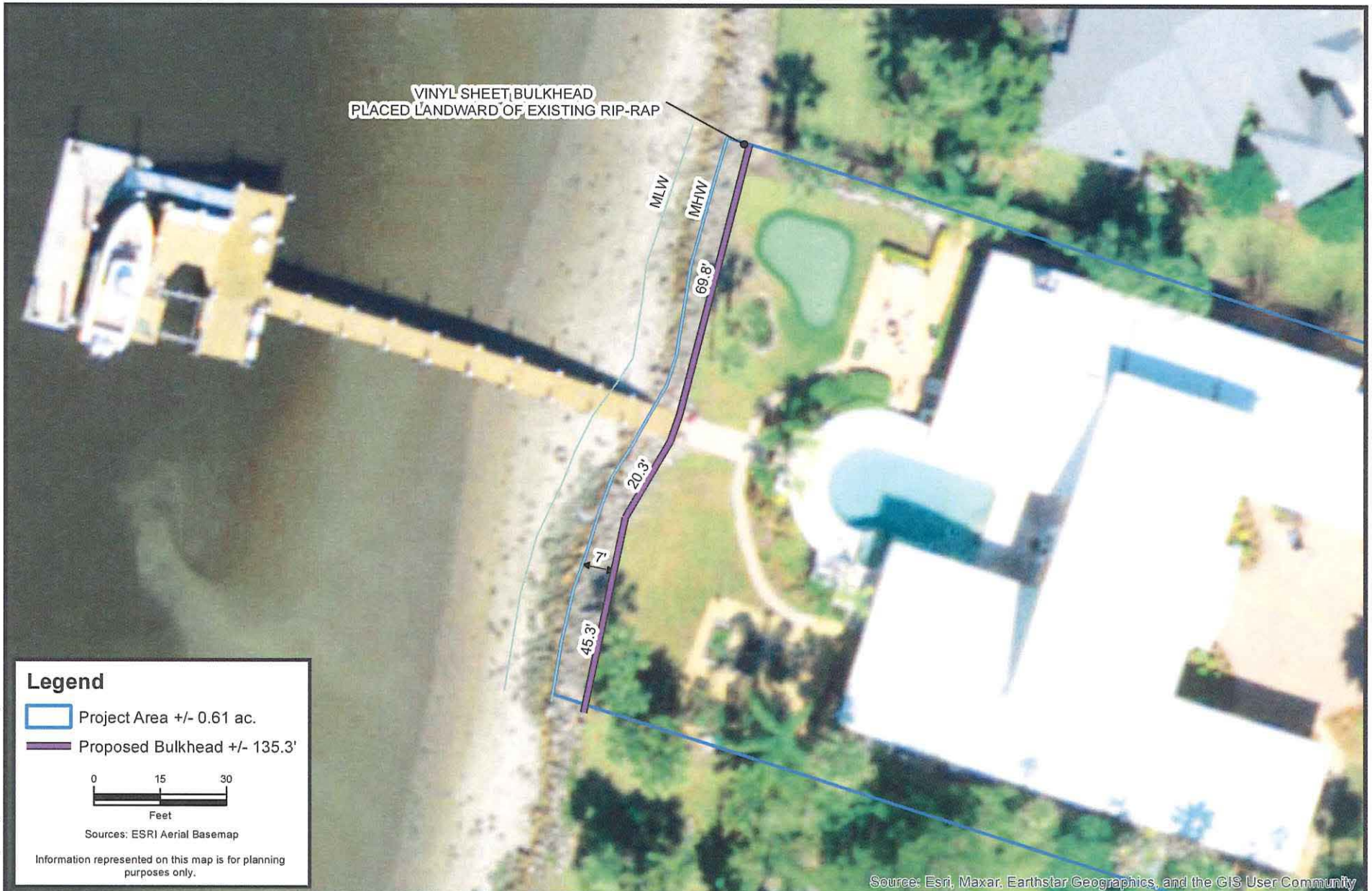
CARTER ENVIRONMENTAL SERVICES, INC.

CES 42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Current Aerial		
Drysdale 140 Pelican Reef		
Project:	5.22556	
	St. Johns County, FL	
		Date: Jan 19 2023

Figure: 2



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Upland Retaining Wall Location

Drysdale 140 Pelican Reef

Project: 5.22556

St. Johns County, FL

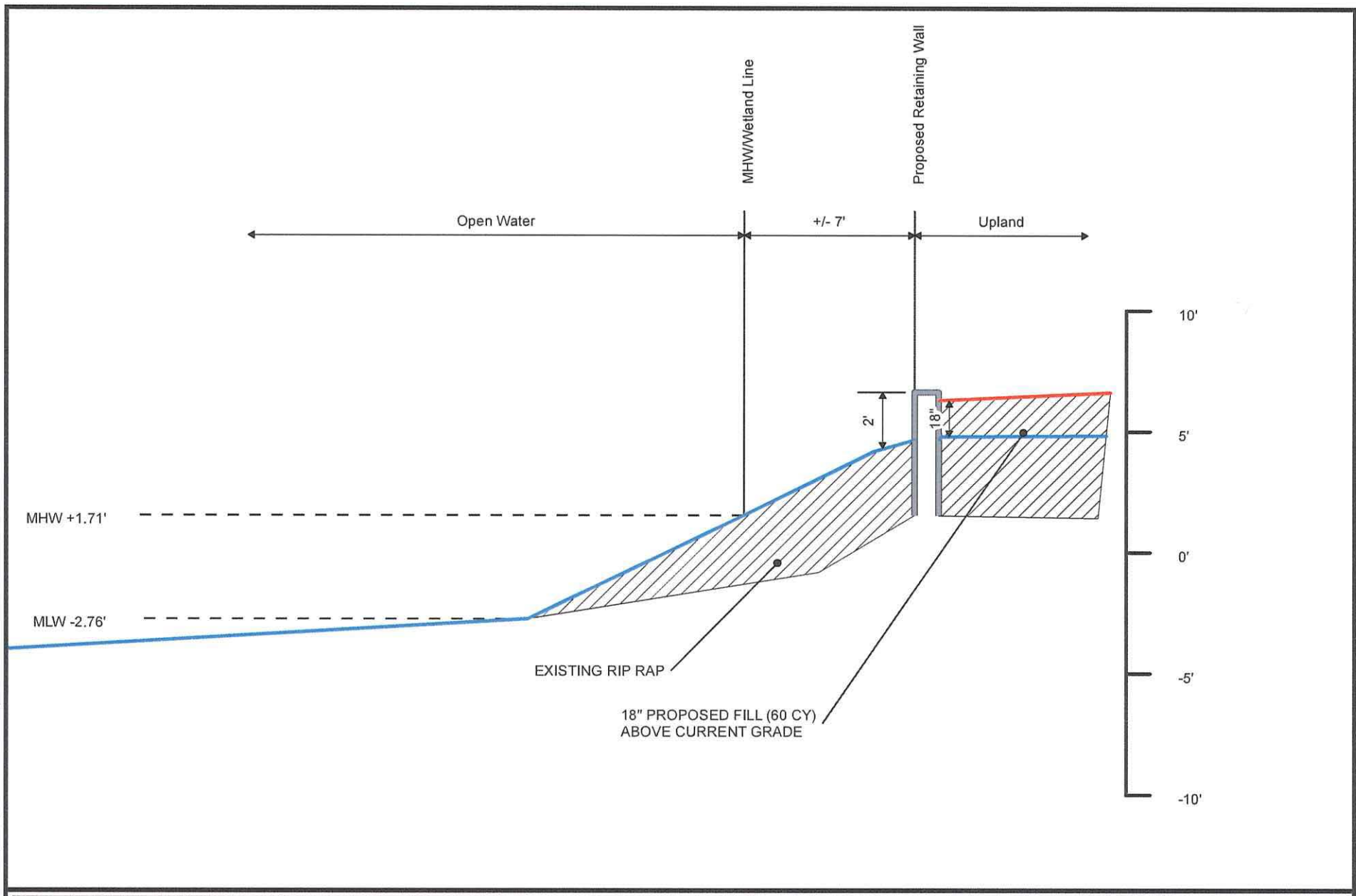
Date: Mar 15 2023

Figure:

3



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CARTER ENVIRONMENTAL SERVICES, INC.
CES 42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Cross-Section View		
Drysdale 140 Pelican Reef		
Project:	5.22556	St. Johns County, FL
		Date: Mar 16 2023


Figure: 4

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**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Grading & Fill Plan
Drysdale 140 Pelican Reef

Project: 5.22556

St. Johns County, FL

Date: Mar 15 2023

Figure:

5



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0012**

AGENDA ITEM 8(d)

APPLICANT Clark Fouraker
c/o Glenn Layton Homes, LLC

OWNER Coastal Getaway Homes, LLC

LOCATION 214 Pelican Reef Drive / PID 158573-0090

REQUEST To approve the removal of significant Southern Red Cedar trees within Conservation Overlay Zone 3.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
<i>Quercus hemisphaerica</i>	oak, laurel	15 to 36
<i>Quercus laurifolia</i>	oak, laurel (swamp)	15 to 36
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Quercus nuttallii</i>	oak, nuttall	18
<i>Quercus spp.</i>	oak, other unlisted species	18
<i>Quercus stellata</i>	oak, post	18
<i>Quercus falcata</i>	oak, red (southern red oak)	18
<i>Quercus geminate</i>	oak, sand live	10
<i>Quercus shumardii</i>	oak, shumard	18
<i>Quercus laevis</i>	oak, turkey	18
<i>Quercus nigra</i>	oak, water	15 to 36
<i>Quercus phellos</i>	oak, willow	18
<i>Juniperus silicicola</i>	red cedar, southern	8

The complete list of significant trees may be found in Sec. 11-27. – Definitions. of the City of St. Augustine’s Code of Ordinances.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water

discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). **These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts.** The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:
- (1) Site specific conditions.
 - (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - (3) Natural and proposed drainage patterns.
 - (4) Effect of point and nonpoint discharge in the marine environment.
 - (5) Proposed soil stabilization and erosion control methods.
 - (6) Impact on floodplain.
 - (7) Impact of development on vegetative and animal communities.
 - (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - (9) Effect of shade on vegetation and shellfish.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - (11) Impact of development on shoreline by linear feet and percent of site.
 - (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
 - (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-52. – Definitions.

Dbh. means diameter breast height or the diameter of a tree measured, in inches unless otherwise specified, four and one-half (4½) feet above the ground level. If the tree splits into multiple trunks below four and one-half (4½) feet above the ground, the trunk is measured at its narrowest point beneath the split.

Sec. 25-53. – General landscape requirements.

(d) Tree mitigation.

- (1) Preservation and removal of trees on a site to be developed may result in the need for tree mitigation. Mitigation requirement is determined by the following calculation:

Tree saved credit—Trees removed deficit = Excess Tree Credits/Deficits

- (2) **A negative number resulting from this equation is the number of deficit points the applicant must mitigate.** A positive number resulting from this equation requires no mitigation by the applicant. However, other landscape requirements still apply even if mitigation is not required (i.e. bufferyard and parking landscapes).
- (3) Tree planting associated with internal landscaping requirements counts toward mitigation requirements. Tree planting associated with the required bufferyard planting does not count toward mitigation requirements.
- (4) Credits and deficits are determined by the schedules presented in subparagraphs a. through c. below.

- a. *Existing trees retained or preserved.* Existing trees which are retained and preserved shall receive credit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.1 credit

Seven (7) inches or more but less than twelve (12) inches d.b.h.2 credits

Twelve (12) inches or more but less than twenty (20) inches d.b.h.3 credits

Twenty (20) inches or more d.b.h.4 credits

Trees relocated and retained on site over six (6) inches dbh. shall receive a fifty (50) percent bonus credit

Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 credit

Native vegetation1 credit

- b. *Existing trees removed.* Existing trees which are proposed for removal shall receive deficit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit

Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit

Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits

Twenty (20) inches or more d.b.h.2 deficits

Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 additional deficit

Cabbage Palm tree (*sabal palmetto*) measuring more than 12 feet in height1 additional deficit

- c. *New trees planted for mitigation credit.* Each new tree planted to satisfy a mitigation requirement must be planted in an internal planting area as required by this chapter. Trees receive credit points as indicated in the schedule below:

Tree with diameter of two (2) inches but less than three (3) inches1 credit
Tree with diameter of three (3) inches but less than four (4) inches1.5 credits
Tree with diameter of four (4) inches but less than five (5) inches2 credits
Tree with diameter of five (5) inches but less than six (6) inches3 credits
Tree with diameter of six (6) inches but less than twelve (12) inches4 credits
Tree with diameter of twelve (12) inches or greater5 credits

1. To ensure the proper development of the tree's crown, no shade tree counted as credit shall be planted closer than fifteen (15) feet on center. Chinese Fan, Washingtonia and Cabbage (Sabal) palms counted as credit shall be planted with a minimum of two (2) plants to an area and in such proximity to one another that together they will develop a crown spread of fifteen (15) feet. A credit of one (1) tree shall be allowed for each group of palms whose center is at least fifteen (15) feet from the center of any other tree or palm group counted as credit.
2. See (c)(9) of this chapter for prohibited trees.
3. Trees planted in bufferyards are a separate requirement and do not count toward deficit mitigation.

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. **The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees.** Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is seeking approval to remove trees within the Pelican Reef neighborhood which includes twelve (12) significant Southern Red Cedar trees. The applicant states in their application that a previous modification was made to the site plan in efforts of preserving a 17" Oak tree in the front yard. The reason for this request is to allow for the construction of a new single-family home.

The applicant has provided an arborist report from The Branch Manager Tree Service performed by Marc White which is included in this packet.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Trees to be Removed (Significant Trees are in Bold)		Trees to Remain	
<i>Tree Size</i>	<i>Debit</i>	<i>Tree Size</i>	<i>Credit</i>
8" Cedar	1+1	13" Cedar	3+1
13" Cedar	1.5+1	12" Cedar	3+1
11" Cedar	1+1	14" Cedar	3+1
16" Cedar	1.5+1	6" Oak	1
8" Oak	1	6" Oak	1
18" Cedar	1.5+1	8" Palm	2
8" + 12" Cedar	1.5+1	18" Cedar	3+1
8" Cedar	1+1	17" Oak	3
11" Cedar	1+1	6" Oak	1
24" Cedar	2+1	8" Palm	2
9" Oak	1	6" Oak	1
8" Oak	1	6" Oak	1
8" Palm	1	11" Oak	2
9" Cedar	1+1	7" Oak	2
7" Oak	1	12" Cedar	3+1
8" Cedar	1+1	18" Cedar	3+1
7" Cedar	1+1	6" Cedar	1+1
6" Oak	0.5	6" Oak	1
		8" Oak	2
		6" Oak	1
		22" Cedar	4+1
		7" Oak	2
		27" Cedar	4+1
Total	32.5 Deficits		58 Credits

The proposed site plan leaves a total of **25.5 credits** but is still one (1) Cedar tree short of the requirement of ten (10) Cedar trees that are required to be present on lots within the Pelican Reef residential development. If this request is approved by the PZB the forthcoming building permit application will need to include plans to plant Cedar trees to meet the ten (10) tree requirement.

STAFF RECOMMENDATION

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 request to remove twelve (12) significant southern Red Cedar trees within Conservation Overlay Zone 3 at 214 Pelican Reef Drive / PID 158573-0090.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owner Coastal Getaway Homes, LLC at 917-873-6963 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2023-0012
Receipt Number: 2580676 Meeting Date: 4/4/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Clark Fouraker Contact Number: 904-343-2107
Business (if applicable): Glenn Layton Homes, LLC
Address: 4314 Pablo Oaks Court City: Jacksonville State: FL Zip: 32224
E-Mail Address: clark@glennlaytonhomes.com

2. NAME OF PROPERTY OWNER: Coastal Getaway Homes, LLC Contact Number: 917-873-6963
Business (if applicable): _____
Address: 230 Park Avenue South City: New York State: NY Zip: 10003
E-Mail Address: matt@departure-films.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 9 Block: 12
Subdivision: Pelican Reef Parcel Number: 1585730090

4. PROJECT STREET ADDRESS: 214 Pelican Reef Drive

5. SPECIFIC PROPOSED USE: Single Family Home

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other:

7. DESCRIPTION OF ACTION REQUESTED: Clearance to remove trees in site plan
Please note, two site plans are attached. After creating the initial site plan, and executing our arborist site visit/review, we revised the site plan, moving the home 2' to the right and 5' toward the rear in an effort to save the large Oak tree at the front of the garage.

8. JUSTIFICATION FOR ACTION REQUESTED: Lot is for single family home construction

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.



Digitally signed by Clark Fouraker
Date: 2023.02.27 22:51:30 -05'00'

2/27/23

Signature of Applicant

Date



Authorized Representative of
Coastal Gateway Homes, LLC

3/2/23

Signature of Property Owner

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Clark Fouraker

Print name of applicant

 Digitally signed by
Clark Fouraker
Date: 2023.02.27
22:52:38 -05'00'

Signature of applicant

2/27/23

Date



Owner's Authorization For Agent

Clark Fournier is/are hereby authorized TO ACT ON BEHALF
OF Coastal Gateway Homes, LLC the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:

BY: [Signature] Authorized Rep, Coastal Gateway Homes, LLC
Signature of Owner
Matt Levine
Print Name of Owner
9178736963
Telephone Number

State of Orange New York

County of Orange

Signed and sworn before me on this 2nd day of March, 2023

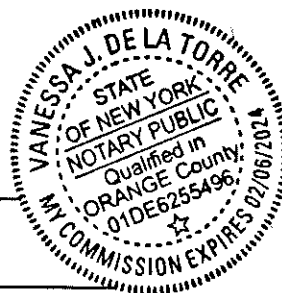
By [Signature] Vanessa De la Torre

Identification verified: [Signature]

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: 02/06/2024



PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater, \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

214 Pelican Reef Drive

Project Address: _____

Clark Fouraker / Glenn Layton Homes

Applicant's Name: _____ Applicant's Signature: Clark Fouraker

Owner's Name: Matthew Levine, Auth. Rep. of Coastal Homes LLC Owner's Signature: [Signature]



Marc White / I.S.A. Certified Arborist FL-5641-A

214 Pelican Reef Drive
Saint Augustine, FL 32080

Per your request we have visited the property at the above address on 2/27/2023 and our findings are as follows:

- A. 17" D.B.H., 8" D.B.H., 8" D.B.H. red cedar (*Juniperus virginiana*) – these trees are misidentified on the original tree survey as one 17"+9"+8" codominant cypress. Using the pith trace method, it was determined that this is three separate red cedar trees. Whether a tree is a single trunk or a multitrunked tree is to be determined using the pith trace method. If a tree has more than one pith at ground level, it is considered to be a multitrunked tree. These trees all have dead limbs in the canopy and has signs of heart rot decay. Using the TRAQ matrix, this tree has a moderate overall risk rating. Mitigation options to preserve this tree would be to remove the dead wood from the canopy, install a cable system and a yearly inspection by a Certified Arborist.
- B. 13" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a large site of Fusiform that is visible on the north side of the trunk, approximately 7' up from the base. This tree is starting to uproot and leans to the southwest making this tree a hazard to vehicle and human traffic. Using the TRAQ matrix, this tree has a high overall risk rating. There are no mitigation options to lower the high overall risk rating. My only recommendation is removal.
- C. 14" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has small dead limbs in the canopy and some minor decay. This tree has lean and appears to be uprooting but it is not. The lean is due to phototropism. Using the TRAQ matrix, this tree has a moderate overall risk rating due to the dead limbs in the canopy. Trimming the dead wood from the canopy would lower the overall risk rating to low.

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- D. 6" D.B.H. live oak (*Quercus virginiana*) – this tree is measured incorrectly on the original tree survey as a 7" DBH oak. This tree had no visible preexisting health or structural issues at the time of inspection. There is a small abiotic wound on the trunk that is approximately 1' up from the base that is compartmentalizing well. Using the TRAQ matrix, this tree has a low overall risk rating.
- E. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- F. 17" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection. This tree is marked for removal on the original tree survey. After speaking with the contractor on site, they have decided to adjust the home placement to preserve this tree.
- G. 8" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- H. 8" D.B.H. sabal palm (*Sabal palmetto*) – this palm is measured incorrectly with the boots on as a 12" DBH. This tree had no visible preexisting health or structural issues at the time of inspection.
- I. 9" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- J. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- K. 8" D.B.H. sabal palm (*Sabal palmetto*) – this palm is measured incorrectly with the boots on as a 12" DBH. This tree had no visible preexisting health or structural issues at the time of inspection.
- L. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- M. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.

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- N. 7" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- O. 11" D.B.H. live oak (*Quercus virginiana*) – this tree is measured incorrectly on the original tree survey as a 12" DBH. This tree had no visible preexisting health or structural issues at the time of inspection.
- P. 12" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a large torsional split on two sides of the trunk that spiral from the base of the tree to approximately 12' up from the base. If this tree were to fail, it would fall into other trees on the site. Using the TRAQ matrix, this tree has a high overall risk rating. There are no mitigation options to lower the high overall risk rating. My only recommendation is removal.
- Q. 6" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small decay pocket on the trunk. Using the TRAQ matrix, this tree has a low overall risk rating. There are no mitigation options for the small decay pocket on the trunk.
- R. 18" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small amount of dead wood in the canopy. Using the TRAQ matrix, this tree has a low overall risk rating. I recommend removing the dead wood from the canopy.
- S. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- T. 8" D.B.H. live oak (*Quercus virginiana*) – this tree is measured incorrectly on the original tree survey as a 9" DBH. This tree had no visible preexisting health or structural issues at the time of inspection.
- U. 6" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.

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- V. 22" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified and measured incorrectly on the original tree survey as a 26" DBH cypress. This tree has a large amount of dead wood in the canopy. Due to the large amount of dead wood in the canopy, this tree receives a moderate overall risk rating using the TRAQ matrix. Trimming the dead wood from the canopy would lower the overall risk rating to low.
- W. 7" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- X. 27" (14"+13") D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree is 90% dead and is in decline. Using the TRAQ matrix, this tree has a high overall risk rating. There are no mitigation options to lower the risk of this tree. My only recommendation is removal.
- Y. 8" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small amount of dead wood in the canopy. Using the TRAQ matrix, this tree has a low overall risk rating. I recommend removing the dead wood from the canopy.
- Z. 7" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small amount of dead wood in the canopy. Using the TRAQ matrix, this tree has a low overall risk rating. I recommend removing the dead wood from the canopy.
- AA. 7" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- AB. 9" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree is dead.
- AC. 5" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.

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- AD. 24" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has decay pockets on the trunk and has dead wood in the canopy. Using the TRAQ matrix, this tree has a moderate overall risk rating. I recommend removing the dead wood from the canopy.
- AE. 18" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree had no visible health or structural issues at the time of inspection.
- AF. 6" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has lost approximately 75% of its canopy. This tree is in decline. There are no targets at this time. Using the TRAQ matrix, this tree has a low overall risk rating.
- AG. 11" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified and measured incorrectly on the original tree survey as a 12" DHB cypress. This tree had no visible health or structural issues at the time of inspection.
- AH. 13" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small amount of dead wood in the canopy. Using the TRAQ matrix, this tree has a low overall risk rating. I recommend removing the dead wood from the canopy.
- AI. 18" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified and measured incorrectly on the original tree survey as a 28" DHB cypress. This tree is 90% dead and has a large amount of dead wood in the canopy. There are no targets at this time but the new home will be in the target zone. Once the lot is developed this tree would have a high overall risk rating using the TRAQ matrix. There are no mitigation options to lower the high overall risk rating. My only recommendation is removal.

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- AJ. 16" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a large cavity on the east side of the tree that extends from the ground to approximately 12' up. 40% of its canopy is dead. This tree is in decline. Using the TRAQ matrix, this tree has a low overall risk rating.
- AK. 8" D.B.H. sabal palm (*Sabal palmetto*) – this palm is measured incorrectly with the boots on as a 12" DBH. This tree had no visible preexisting health or structural issues at the time of inspection.
- AL. 8" D.B.H. live oak (*Quercus virginiana*) – this tree had no visible preexisting health or structural issues at the time of inspection.
- AM. 8" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree has a small amount of dead wood in the canopy. Using the TRAQ matrix, this tree has a low overall risk rating. I recommend removing the dead wood from the canopy.
- AN. 8" D.B.H. live oak (*Quercus virginiana*) – this tree is misidentified on the tree survey as a cypress. This tree had no visible preexisting health or structural issues at the time of inspection.
- AO. 8" D.B.H. and 12" D.B.H. red cedar (*Juniperus virginiana*) – these trees are misidentified on the original tree survey as one 17"+9"+8" codominant cypress. Using the pith trace method, it was determined that this is three separate red cedar trees. Whether a tree is a single trunk or a multitrunked tree is to be determined using the pith trace method. If a tree has more than one pith at ground level, it is considered to be a multitrunked tree. The 8" DBH red cedar has broken off of its attachment and is dead. The 12" DBH has lost approximately 50% of its canopy and has a large site of heart rot decay at the base. This tree is in decline and due to the amount of decay at the base, this tree will fail. My only recommendation is removal.
- AP. 12" D.B.H. red cedar (*Juniperus virginiana*) – this tree is misidentified on the original tree survey as a cypress. This tree had no visible health or structural issues at the time of inspection.

A handwritten signature in black ink, appearing to read 'Marc White'.

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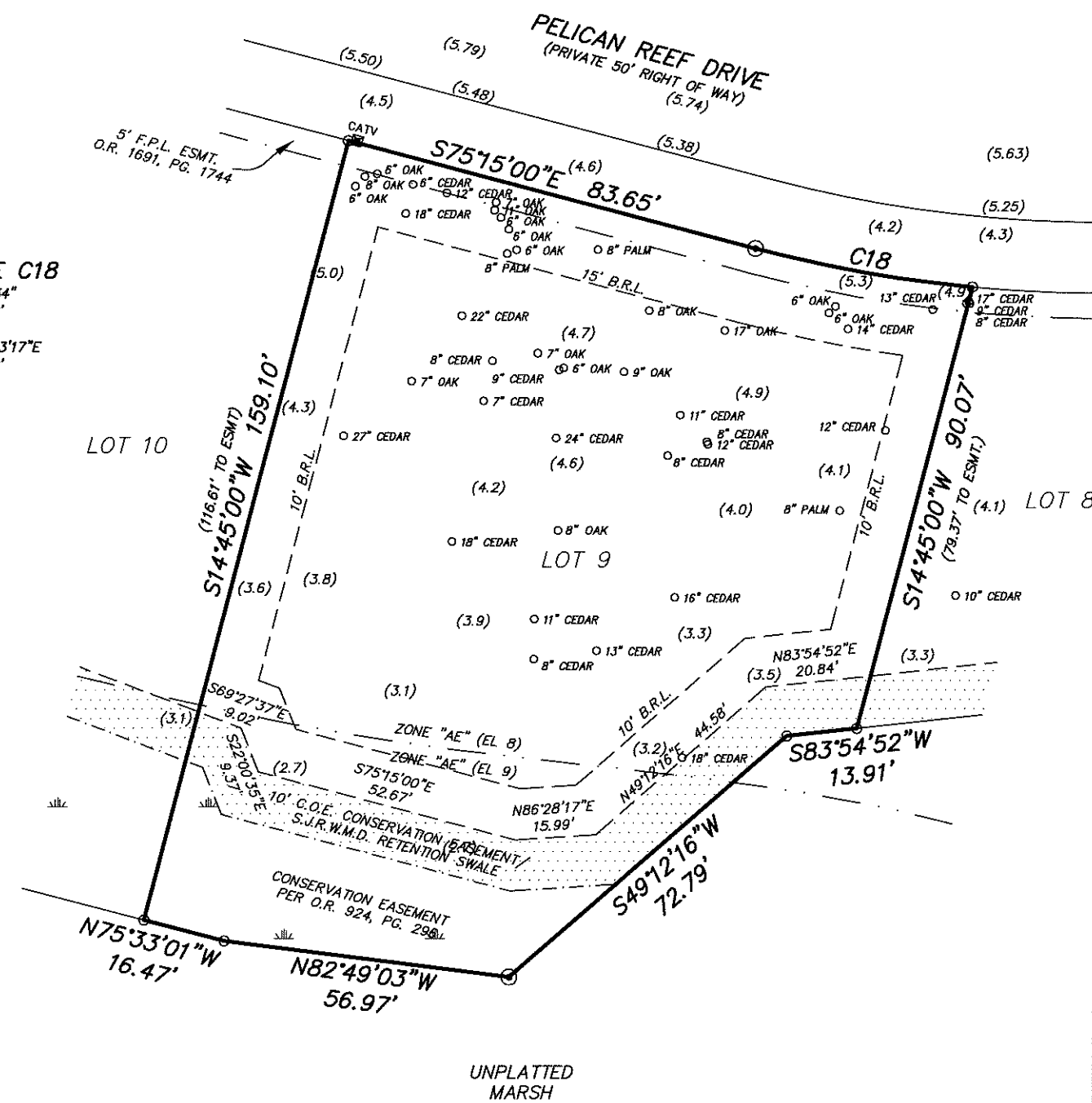
Marc White / I.S.A. Certified Arborist FL-5641-A

Trees included in this report were inspected to determine if the trees were misidentified, measured improperly, and to document any defects, disease, or decay that meet the requirements to waive mitigation fees by the Landscape Department.

A handwritten signature in black ink, appearing to read "Marc White".

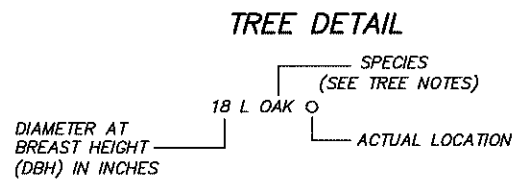
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MAP SHOWING SURVEY OF
LOT 9, PELICAN REEF - BLOCK 12, PHASE 6, ACCORDING TO THE PLAT
THEREOF AS RECORDED IN MAP BOOK 111, PAGES 57 THROUGH 61 OF THE
PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



CURVE C18
CA=9°16'34"
R=269.72'
L=43.67'
CB=S79°53'17"E
CH=43.62'

TREE NOTES:
THE SURVEYOR CERTIFIES ONLY TO THE SIZE AND LOCATION OF ALL TREES SHOWN HEREON. HOWEVER, THE SURVEYOR DOES NOT CERTIFY TO THE EXACT SPECIES OF ANY TREE SHOWN HEREON AS THIS IS OUTSIDE THE SURVEYOR'S AREA OF EXPERTISE.



- TREE LEGEND:**
- ASH = ASH
 - BAY = BAY
 - BIR = BIRCH
 - CED = CEDAR
 - CHE = CHERRY
 - CYP = CYPRESS
 - ELM = ELM
 - HAC = HACKBERRY
 - HIC = HICKORY
 - HOL = HOLLY
 - LLP = LONGLEAF PINE
 - L OAK = LIVE OAK
 - MAG = MAGNOLIA
 - MAP = MAPLE
 - OAK = OAK
 - PAL = PALM
 - PEC = PECAN
 - PIN = PINE
 - SWE = SWEETGUM
 - SYC = SYCAMORE
 - UNK = UNIDENTIFIED TREE
 - WIL = WILLOW

FEBRUARY 7, 2023; TOPO AND TREE SURVEY (21-521-3) WJM
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

NOTES	
1. Bearings are based on the RECORD PLAT.	
2. This is a BOUNDARY AND TOPOGRAPHIC SURVEY.	
3. Elevations shown thus (15.0) refer to North American Vertical Datum of 1988, (NAVD 88).	
4. By Graphic plotting only, the property shown hereon lies within Zone: "AE" (EL 8) as shown on the Federal Emergency Management Agency (F.E.M.A.), National Flood Insurance Program, Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number 12109C 0381 J Map Revised date : 12-7-18	
5. Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.	
6. There may be Restrictions or Easements of Record evidenced by title examination that have not been shown hereon.	
ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY	
ABBREVIATION	DEFINITION
P.C.P.	Permanent Control Point
P.R.M.	Permanent Reference Monument
P.O.B.	Point of Beginning
P.C.	Point of Curvature
P.T.	Point of Tangency
P.R.C.	Point of Reverse Curvature
P.I.	Point of Intersection
R/W	Right of Way
O.R.V.	Official Records Volume
D.B.	Deed Book
Pg.	page
B.R.L.	Building Restriction Line
Esmt	Easement
ABBREVIATION	DEFINITION
L.B.	Licensed Business
R.L.S.	Registered Land Surveyor
J.E.A.	Jacksonville Electric Authority
EQUIP	Equipment
A/C	Air Conditioner
C.A.T.V.	Cable Television
O.H.L.	Overhead Lines
(F.M.)	Field Measured
R=	Radius equals
L=	Arc Length equals
Ch=	Chord Bearing & Distance equals
Δ=	Delta or Central Angle equals
I.P.	Iron Pipe
Conc.	Concrete

LEGEND

- ⊙ DENOTES CONCRETE MONUMENT
- x—x— DENOTES FENCE
- DENOTES 1/2" IRON PIPE SET WITH CAP, LB 8295
- DENOTES IRON PIPE FOUND (NOTED)

DATE 12-8-21
SCALE 1"=30'
JOB No. 2021-521
F.B. —
page —
Comp. File 21-521.dwg
Drawn by WJM

MELROSE SURVEYING AND MAPPING, INC.
PROFESSIONAL LAND SURVEYORS
11437 CENTRAL PARKWAY, SUITE 107 L.B. No. 8295
JACKSONVILLE, FLORIDA 32224 Tel. (904) 721-1226

THIS IS TO CERTIFY THAT THIS SURVEY IS A TRUE REPRESENTATION OF AN ACTUAL FIELD SURVEY, MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 5J-17, (formerly CHAPTER 61017-6), FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: WILLIAM J. MELROSE, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 5843

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0013**

AGENDA ITEM 8(e)

APPLICANT Ryan Carter
c/o Carter Environmental Services Inc.

OWNER Nancy & John Fout

LOCATION 164 Pelican Reef Drive / PID 158571-0005

REQUEST To modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

CCM Policy 2.16.7

The City shall discourage the disturbance of natural shorelines to improve and continue the shoreline stabilization, protection and habitat benefits natural shorelines provide by continuing to enforce the City's no net loss of wetlands policies, Conservation Overlay Zone 1 review requirements, and coordinating with the SJRWMD and other state agencies to preserve natural shorelines and jurisdictional wetlands through the ERP program.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species

considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined

to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.

- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). **These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts.** The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:

1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to both rectify as well as modify existing Conservation Overlay Zone development some of which was previously permitted by the city in early 2019. One (1) specific request is to obtain approval for a previously modified bulkhead which changed its alignment and filling in wetlands. Secondly, the applicant is also seeking approval to remove an existing boat lift and replace it with a 15' x 38' deck lift.

The applicant states that part of the approval for the previously modified bulkhead will include a credit purchase from a saltwater wetland bank as well as the replanting of mangroves on-site.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

- (1) Site specific conditions.
 - *This property has approximately 110 feet of river frontage. The shoreline is armored with a bulkhead.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *The property is adjacent to other single-family homes within the Pelican Reef Neighborhood. The Matanzas River is located to the west.*
- (3) Natural and proposed drainage patterns.
 - *Drainage will not be altered by the proposed work.*
- (4) Effect of point and nonpoint discharge in the marine environment.
 - *Point and non-point discharge will not be altered.*
- (5) Proposed soil stabilization and erosion control methods.
 - *Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary, and no long-term erosional impacts will take place.*
- (6) Impact on floodplain.
 - *There is no impact on floodplains associated with this application.*
- (7) Impact of development on vegetative and animal communities.
 - *Vegetative impacts: None.*
 - *Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the adjacent areas.*
 - *Increased noise from day users: Minimal noise associated with private residential boating activities.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *There will be no storage of pollutants or the use of poisonous chemicals and materials.*
- (9) Effect of shade on vegetation and shellfish.
 - *Effects of shading on vegetation and shellfish should be negligible.*

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- *The shoreline is armored with a bulkhead fronted by a mangrove shoreline, no submerged aquatic vegetation is present, depth is adequate for mooring without bottom scouring and the associated traffic will not differ from neighboring users so additional boat traffic should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.*
- (11) Impact of development on shoreline by linear feet and percent of site.
- *The access pier is 5' wide. The entire 110' of existing bulkhead has been repaired.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- *N/A*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- *N/A*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- *N/A*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

<i>The effects of the proposed project on commercial and sport fish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.</i>	<i>Extremely small loss of juvenile habitat from the placement of pilings for the dock.</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The pilings used to construct the dock could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.</i>	<i>None</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>None</i>	<i>None</i>

(17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

- *There are currently no proposed plans for any boathouse, roofed structure or wall within the dock. The deck will be built 5' above MHW and the boat lift will be low-profile and not exceed 12,000 pounds.*

STAFF RECOMMENDATION

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 modification to an existing dock to change the existing boat lift to a 15' x 38' deck lift. Staff finds that the board can also **APPROVE** an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2 contingent on the applicant demonstrating CCM Policy 2.16.7 (no net loss of wetlands) will be met at 164 Pelican Reef Drive / PID 158571-0005.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owners Nancy and John Fout at 304-612-6976 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 ¹⁶⁵ (plus advertising costs) Project Number: 2023-0013

Receipt Number: 2582098 Meeting Date: _____

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084
E-Mail Address: Ryan@carterenv.com

2. NAME OF PROPERTY OWNER: Nancy and John Fout Contact Number: 304-612-6976
Business (if applicable): _____
Address: 164 Pelican Reef Dr. City: St. Augustine State: FL Zip: 32080
E-Mail Address: nfout@hotmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: E Block: _____
Subdivision: Pelican Reef Parcel 1585710005

4. PROJECT STREET ADDRESS: Number: 164 Pelican Reef Dr.

5. SPECIFIC PROPOSED USE: Boating access

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Please see attached narrative

8. JUSTIFICATION FOR ACTION REQUESTED: Please see attached narrative

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☐ No If yes, please give date and final disposition below.

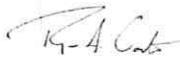
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

1-20-23
Date


Signature of Property Owner

1-20-23
Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

R. A. Carter

Signature of applicant

1-20-2023

Date



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF OF John & Nancy Fout, the owner(s) of those lands described within ☒ the attached application, or ☐ described within the previously filed Application number: _____, and as described in the attached deed or other such proof of ownership as may be required, in applying to the City of St. Augustine's Planning & Zoning Board, located at: _____

BY:

Signature of Owner

John Fout + Nancy Fout

Print Name of Owner

304-612-6976

Telephone Number

State of Florida

County of St. John's

Signed and sworn before me on this 20th day of January, 2023

By John Fout and Nancy Fout.

Identification verified: ✓

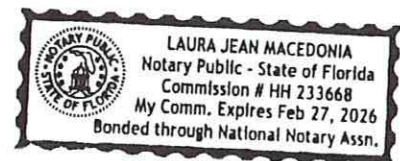
Oath sworn: ✓ Yes No

Notary Signature:

Laura Jean Macedonia

My Commission expires:

Feb. 27, 2026





St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID 1585710005
 Location Address 164 PELICAN REEF DR
 SAINT AUGUSTINE 32080-0000
 Neighborhood pelican reef (ICW) (628.42)
 Tax Description* 25/87-91 PELICAN REEF (1) PT OF OUT LOT E - 126.56FT ON PELICAN REEF DR X 162.57 X 113.57 X 172.78 OR 4558/1466 & 4931/1630
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Pelican Reef
 Sec/Twp/Rng 20-7-30
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.460
 Homestead Y

Owner Information

Owner Name Fout Family Revocable Trust Agreement D:04/17/2020 100%
 Fout John Trustee 100%
 Fout Nancy Trustee 100%
 Mailing Address 164 PELICAN REEF DR
 SAINT AUGUSTINE, FL 32080-0000

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000

Tracey Mullins

From: Ryan Carter <ryan@carterenv.com>
Sent: Thursday, February 9, 2023 3:37 PM
To: Amy Skinner; Jacob Fredriksson; Tracey Mullins
Cc: Michael Spontak; Ellen Hagar; nfout@hotmail.com
Subject: 164 Pelican Reef COZ Dock modification and Bulkhead Application
Attachments: Fout Dock and Bulkhead CoSA PZB App 2-9-23.pdf

Amy, Jacob and Tracey,

Please see the attached PZB COZ application for dock modification and bulkhead realignment for 164 Pelican Reef. The applicant is proposing to modify the existing dock and self-report a violation that occurred a few years ago with the bulkhead construction. We're concurrently permitting with SJRWMD and ACOE, so felt it best to gain compliance on the bulkhead realignment that occurred in 2018. We were not involved in the project a few years ago. A summary of bulkhead issue is included in the attached application. Please review and contact me with any questions. Thanks.

Sincerely,
Ryan A. Carter
Carter Environmental Services, Inc.
42 Masters Drive
St. Augustine, Florida 32084
904-540-1786
www.carterenv.com



Attachment 1
Overlay Zone Application Narrative

**164 Pelican Reef Dr.
Overlay Zone Development Application Supplement
January 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a bulkhead, dock and boat lift at 164 Pelican Reef Dr. The 0.46-acre subject property is located at 164 Pelican Reef Dr. in Section 20, Township 7 South, Range 30 East in St. Augustine, Florida.

A dock currently exists at the property. This dock appears to have no previous State or Federal environmental permits. The homeowners were unaware of this when purchasing the property and found out when applying for a dock modification with the US Army Corps and St. Johns River Water Management District. After-the-fact State and Federal permitting is now underway. Some form of a dock has been here since 1999. Most of the "proposed" final dock design already exists. The only proposed design alteration is a different size boat lift which will be a 15' x 38' deck lift on the south side, replacing the current lift.

The dock design includes a 5' wide access pier leading to a terminal platform, boat lift and gangway leading to a floating dock. Total area over open water will be 2,568 square feet. Please see attached drawings for design details. The structure will be built five feet above mean high water and have a minimum depth below the boat lifts of four feet at mean low water. Turbidity control measures such as floating turbidity curtains, siltation fences and hay bales may be employed during construction, but impacts will be temporary, and no long-term erosional impacts should occur.

Regarding the bulkhead; the homeowners were erroneously informed by a prior building contractor that all permitting necessary would be handled, when in reality, only building permits from the City had been obtained. When repairing the damaged bulkhead, the alignment was straightened. In doing so, the builder filled 0.01 ac. of wetlands which will be mitigated via credit purchase from a salt marsh mitigation bank and replanting of mangroves on-site. This mitigation will also be permitted through State and Federal permitting.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

The access pier traverses approximately 32' of mangroves.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The homeowners have repaired a damaged, failing bulkhead and repaired a hurricane-damaged dock.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 110 feet of river frontage. The shoreline is armored with a bulkhead.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes within the Pelican Reef Neighborhood. The Matanzas River is located to the west.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: None

Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the adjacent areas.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation and shellfish should be negligible.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The shoreline is armored with a bulkhead fronted by a mangrove shoreline, no submerged aquatic vegetation is present, depth is adequate for mooring without bottom scouring and the associated traffic will not differ from neighboring users so additional boat traffic should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

The access pier is 5' wide. The entire 110' of existing bulkhead has been repaired.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of pilings for the dock.

b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

c) The effects of the project on water fowl are as follows

Positive: None

Negative: None

17. Dock specifications:

a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

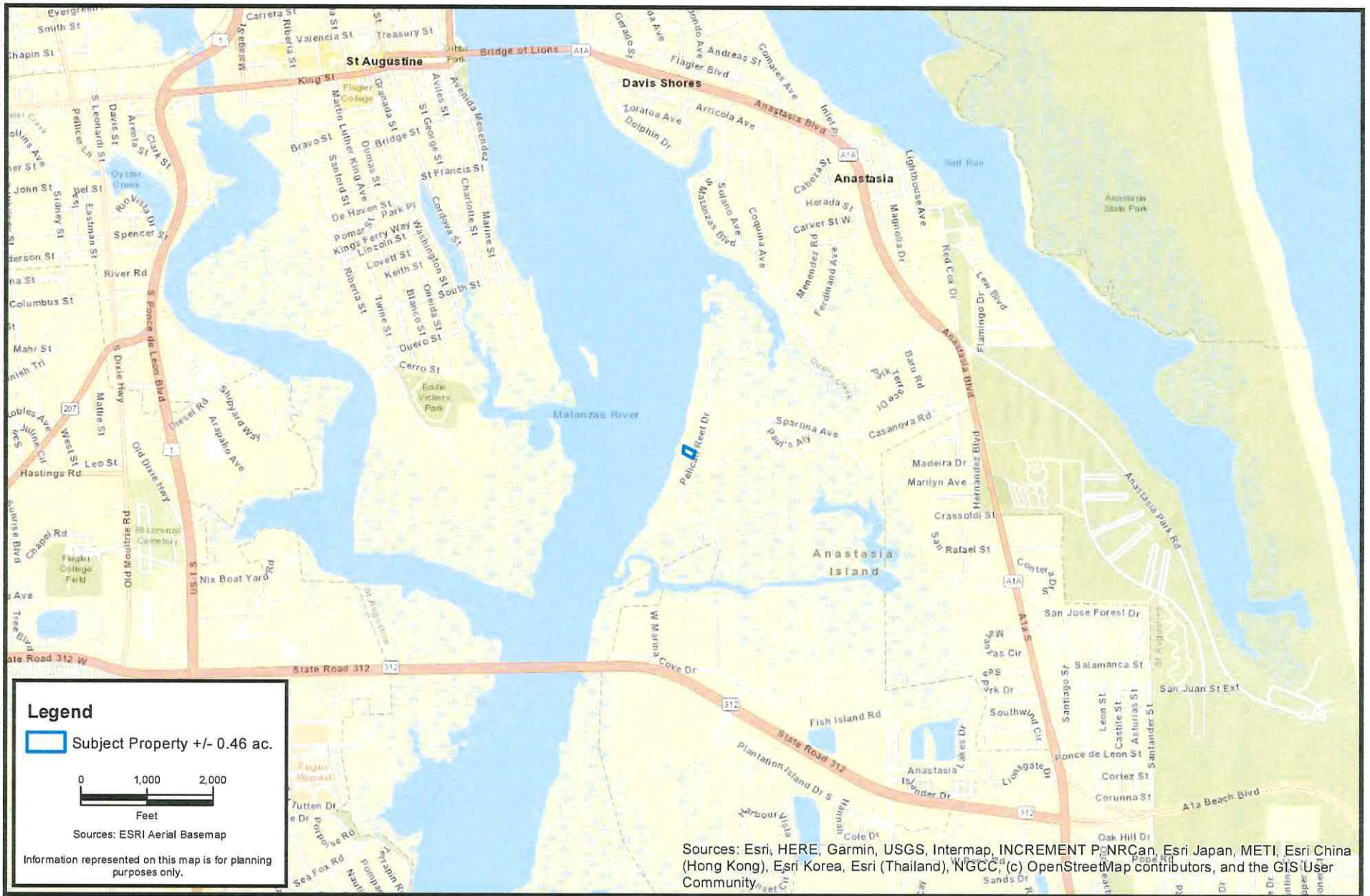
b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will be built 5' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.

Attachment 2
Overlay Zone Application Graphics



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

164 Pelican Reef Drive

Project: 5.22449

St. Augustine, FL

Date: Jan 19 2023

Figure:

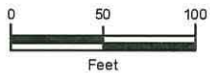
1





Legend

 Subject Property +/- 0.46 ac.



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

164 Pelican Reef Drive

Project: 5.22449

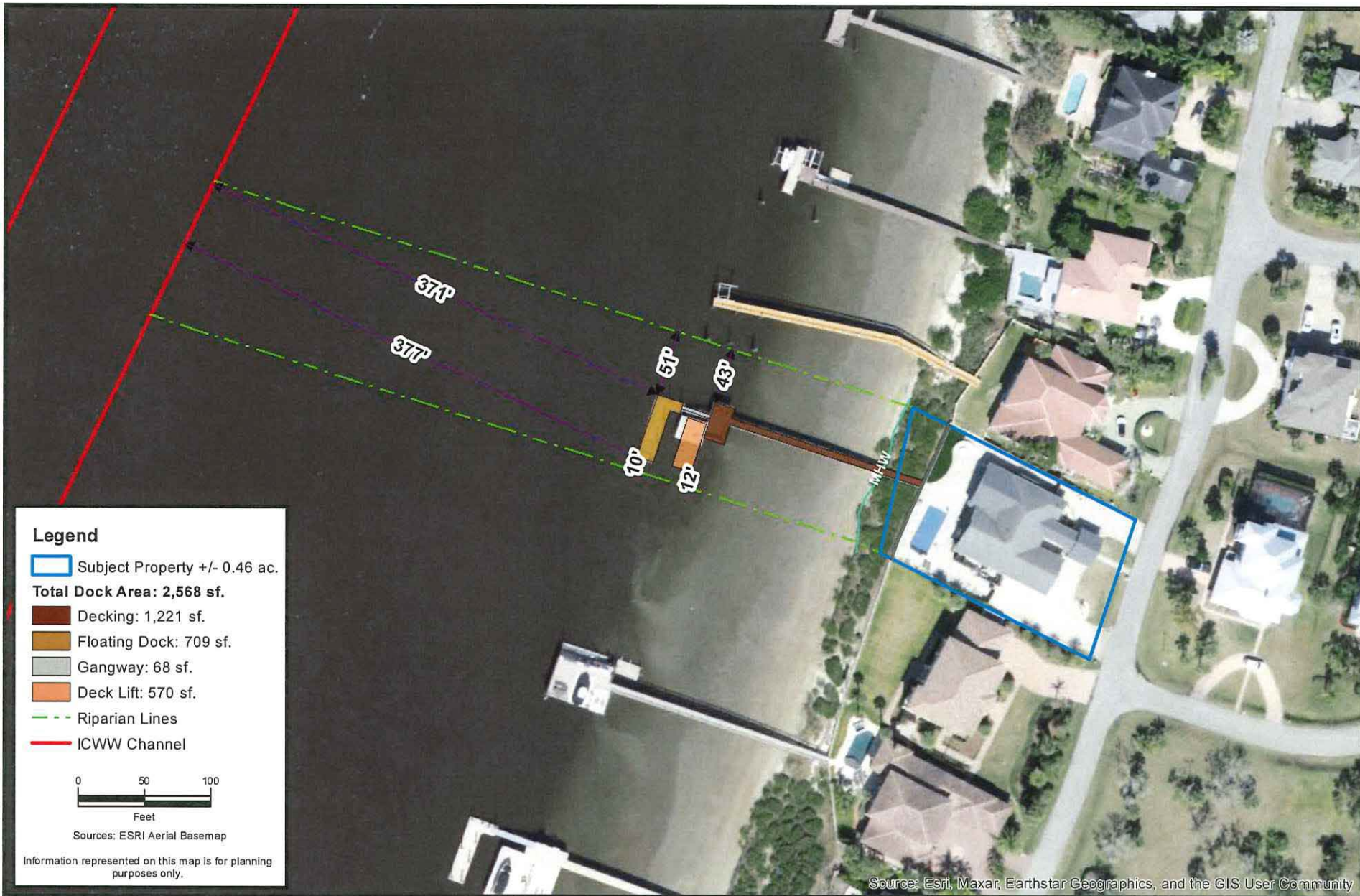
St. Augustine, FL

Date: Jan 19 2023

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Alignment
164 Pelican Reef Drive

Project: 5.22449

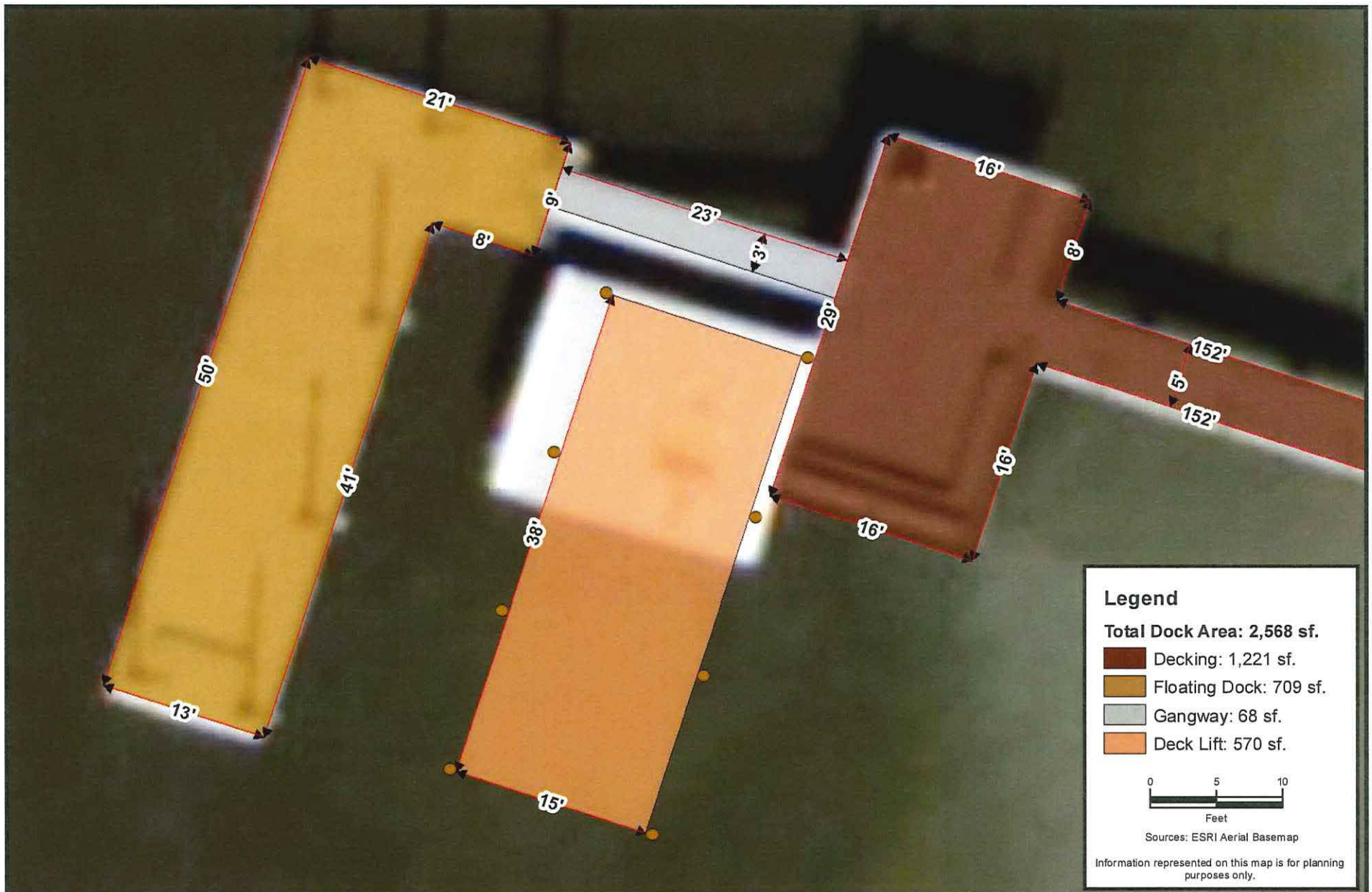
St. Augustine, FL

Date: Nov 29 2022

Figure:

3





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Dimensions
164 Pelican Reef Drive

Project: 5.22449

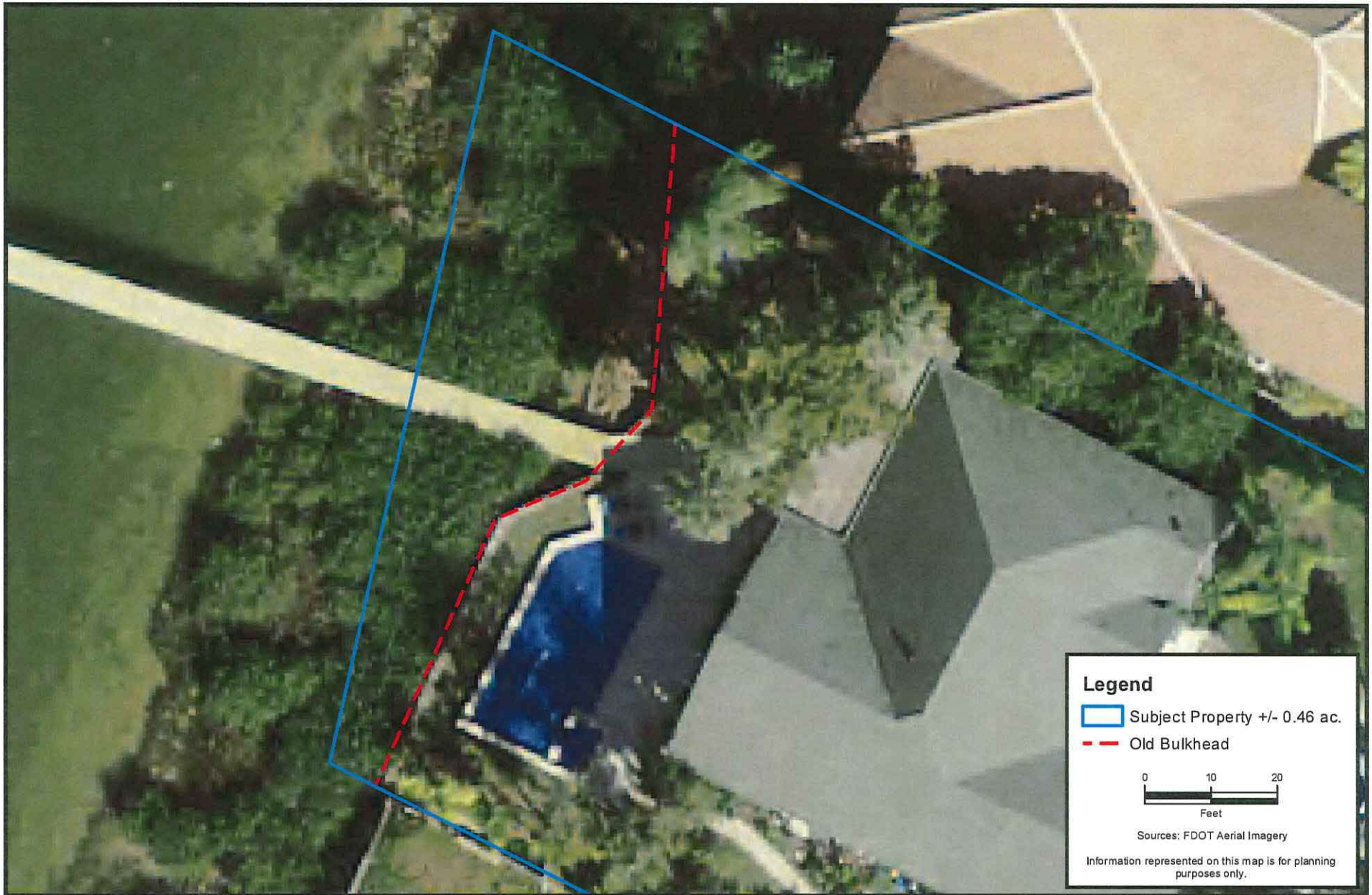
St. Augustine, FL

Date: Nov 29 2022



Figure:

4



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Historic Bulkhead Alignment - 2016 Aerial

164 Pelican Reef Drive

Project: 5.22449

St. Augustine, FL

Date: Nov 29 2022



Figure:

5A



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Historic Bulkhead Alignment - 2019 Aerial

164 Pelican Reef Drive

Project: 5.22449

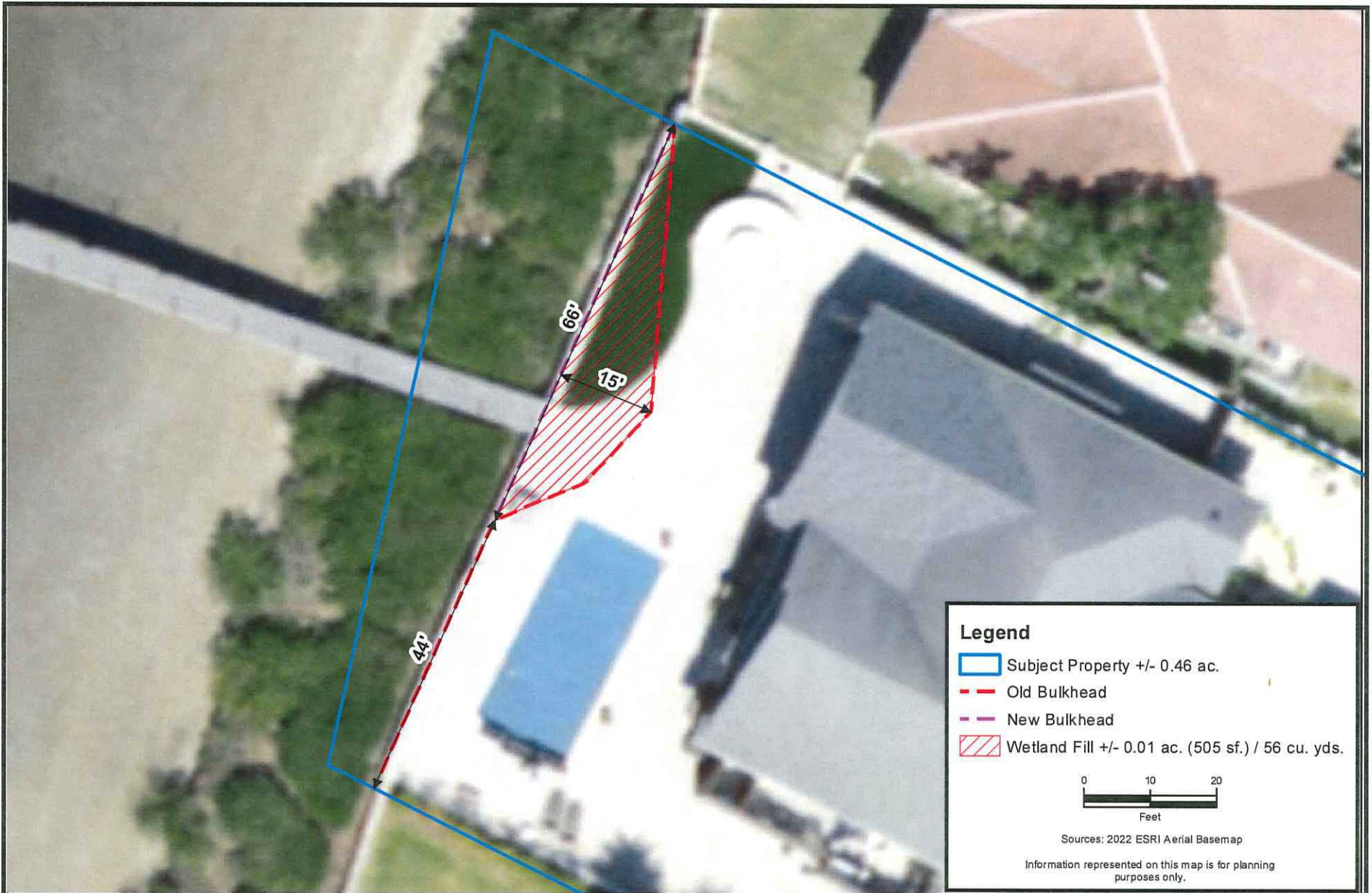
St. Augustine, FL

Date: Nov 29 2022

Figure:

5B





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

New Bulkhead Alignment
164 Pelican Reef Drive

Project: 5.22449

St. Augustine, FL

Date: Jan 19 2023

Figure:

6





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Floating Turbidity Barrier Location

164 Pelican Reef Drive

Project: 5.22449

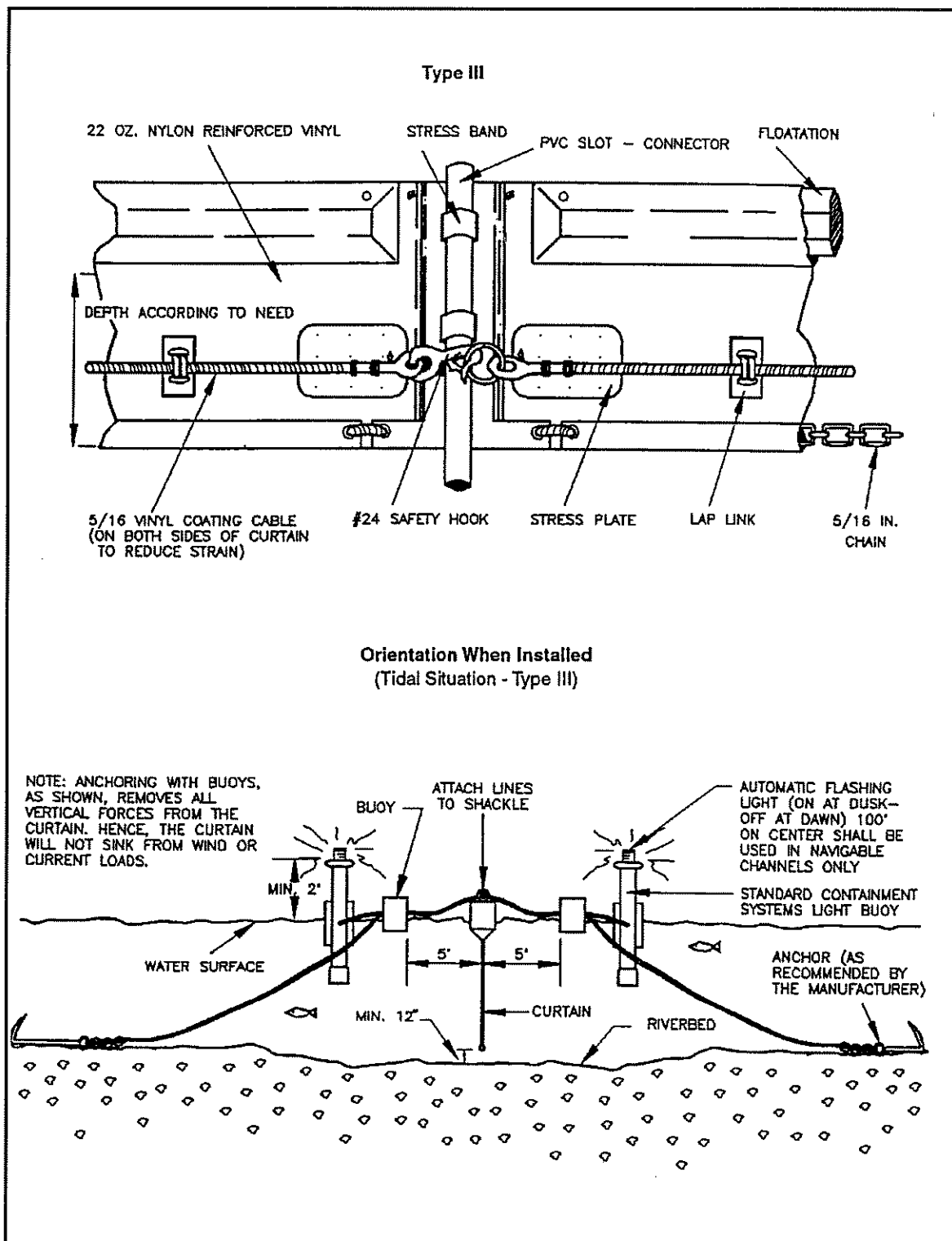
St. Augustine, FL

Date: Jan 19 2023

Figure:

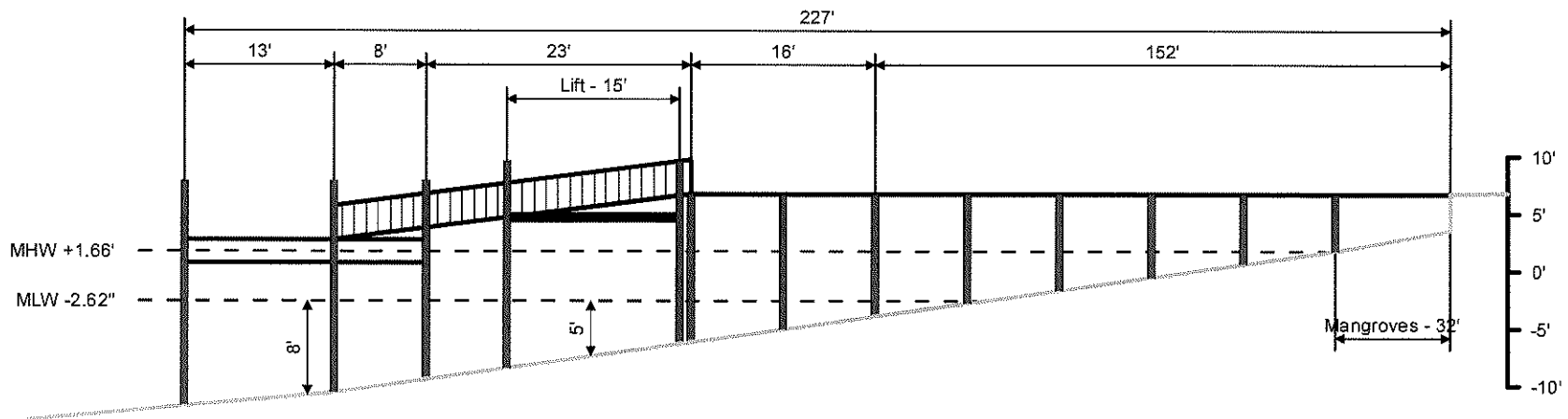
7





Type III Floating Turbidity Barrier Details

Source: American Boom and Barrier Corporation and Virginia Department of Transportation (DOT) Standard Sheets



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Dock Profile View

164 Pelican Reef Drive

Project: 5.22449

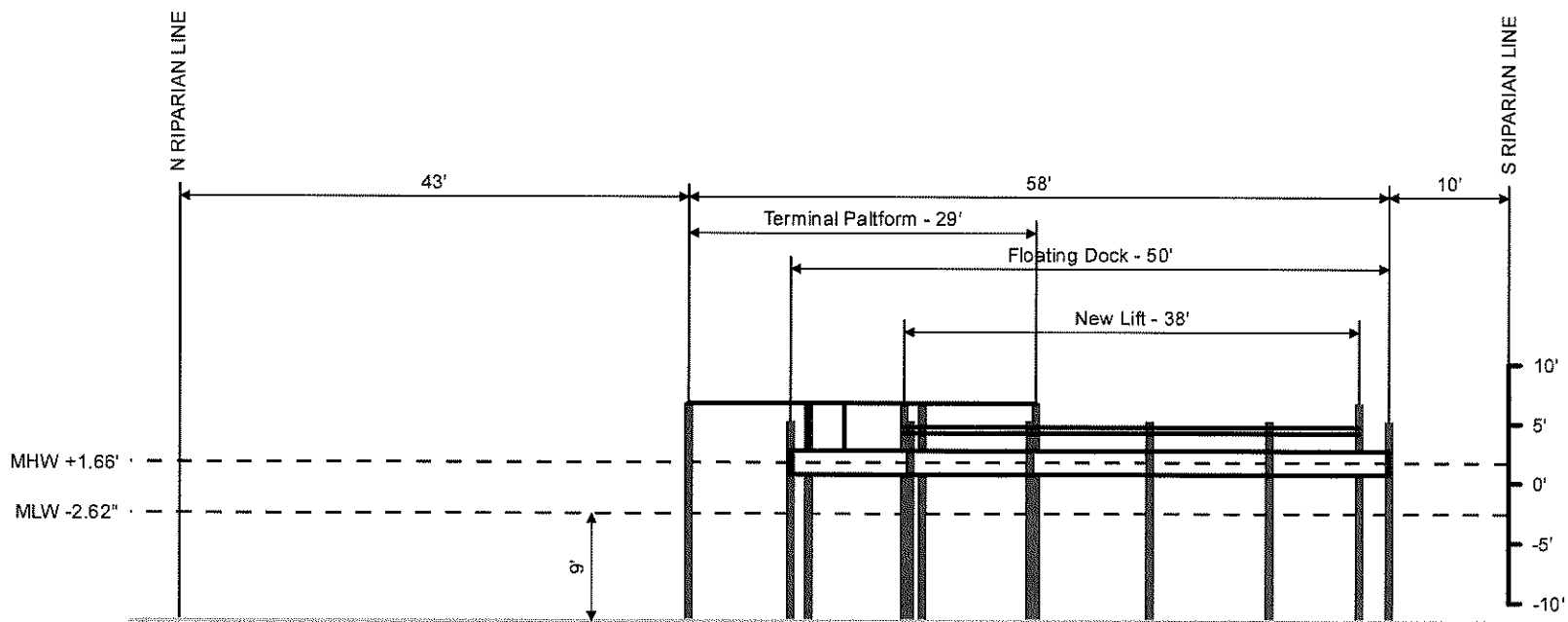
St. Augustine, FL

Date: Jan 19 2023

Figure:

9





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Dock Cross-Section 164 Pelican Reef Drive

Project: 5.22449

St. Augustine, FL

Date: Jan 19 2023



Figure:

10

U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 02-28-2022	
The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Nancy Middle - Last - Fout Company - E-mail Address - nfout@hotmail.com		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Michael Middle - Last - Spontak Company - Carter Environmental Services E-mail Address - michael@carterenv.com	
6. APPLICANT'S ADDRESS: Address- 164 Pelican Reef Dr. City - St. Augustine State - FL Zip - 32080 Country - USA		9. AGENT'S ADDRESS: Address- 42 Masters Drive City - St. Augustine State - FL Zip - 32084 Country - USA	
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax 304-612-6976		10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax 904-540-1786	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, <u>Carter Environmental Services</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
 SIGNATURE OF APPLICANT		<u>2-15-2023</u> DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Fout 164 Pelican Reef			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Matanzas River - Intracoastal Waterway		14. PROJECT STREET ADDRESS (if applicable) Address 164 Pelican Reef Dr. City - St. Augustine State- FL Zip- 32080	
15. LOCATION OF PROJECT Latitude: +N 29.876251 Longitude: -W -81.299669			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 1585710005 Municipality City of St. Augustine Section - 20 Township - 7 S Range - 30 E			

17. DIRECTIONS TO THE SITE

From SRA 1a head west on Casanova Rd. which turns into Spartina Ave. Turn left on Pelican Reef Dr. House will be on right. See attached location map for more details.

18. Nature of Activity (Description of project, include all features)

The applicant is requesting an after-the-fact permit for a dock, bulkhead repair, mangrove trimming and wetland fill.

A dock currently exists at the property. This dock appears to have no previous State or Federal environmental permits. Some form of a dock has been here since 1999. Most of the "proposed" final dock design already exists. The only proposed design alteration by the new owners is a different size boat lift which will be a 15' x 38' deck lift on the south side, replacing the current lift.

When repairing a damaged bulkhead, the alignment was straightened. In doing so, the builder filled 0.01 ac. of wetlands unknowingly. Impacts will be mitigated via credit purchase from a salt marsh mitigation bank. Mangroves will also be replanted on-site.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

After-the-fact permitting to obtain regulatory compliance, and dock modification.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**20. Reason(s) for Discharge**

When repairing the damaged bulkhead, the alignment was straightened. In doing so, the builder filled 0.01 ac. of wetlands.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
56		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.01
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Floating turbidity barriers will surround the boat lift replacement area. Siltation fences were employed during construction. The bulkhead is complete and no further work to the bulkhead needs to be done.

24. Is Any Portion of the Work Already Complete? ☒ Yes ☐ No IF YES, DESCRIBE THE COMPLETED WORK

All of the work is complete sans the proposed boat lift replacement.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Patel Vikesh, Mayuri Etal - 160 PELICAN REEF DR

City - SAINT AUGUSTINE

State - FL

Zip - 32080

b. Address- Rau Carl W - 172 PELICAN REEF DR

City - SAINT AUGUSTINE

State - FL

Zip - 32080

c. Address-

City -

State -

Zip -

d. Address-

City -

State -

Zip -

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
SJRWMD	Individual - Pending	28323-7	9-8-22		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 2-15-2023 Michael Spontak Digitally signed by Michael Spontak
Date: 2023.02.14 13:25:06 -05'00'
SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0018**

AGENDA ITEM 8(f)

APPLICANT Ryan Carter
c/o Carter Environmental Services Inc.

OWNER Ernest Little

LOCATION 5 Lighthouse Avenue / PID 157040-0000

REQUEST To approve the modification of previously approved dock plans to widen the boat lift from 10' to 15' within Conservation Overlay Zone 1.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
 - (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
 - (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
 - (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).
- (Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.

(b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any

mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.

- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
 - (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to modify a previously approved, October 4th 2022, dock application to widen the boat lift from ten (10) feet to fifteen (15) feet.

The previous approval was without conditions and appears to be the same proposal besides the widening of the boat lift. The additional five feet in width increases the size of the lift from 250 square feet to 375 square feet.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

- (1) Site specific conditions.
 - *This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present along the shoreline.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *The property is adjacent to other single-family homes along Salt Run, within the Lighthouse neighborhood.*
- (3) Natural and proposed drainage patterns.
 - *Drainage will not be altered by the proposed work.*
- (4) Effect of point and nonpoint discharge in the marine environment.
 - *Floating turbidity barriers will be employed throughout construction. Any temporary disturbances will be allowed to settle before removal of the turbidity barrier. Point or non-point discharge will not be altered by the proposed works.*
- (5) Proposed soil stabilization and erosion control methods.
 - *Erosion control will not be necessary to complete construction as it will be done from open water.*
- (6) Impact on floodplain.
 - *There is no impact on floodplains associated with this application.*
- (7) Impact of development on vegetative and animal communities.
 - *Vegetative impacts: Not applicable.*
 - *Lighting of the open water areas at night: The proposed works will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the adjacent areas.*
 - *Increased noise from day users: Minimal noise associated with private residential boating activities.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *There will be no storage of pollutants or the use of poisonous chemicals and materials.*
- (9) Effect of shade on vegetation and shellfish.
 - *The initial access pier over vegetation and shellfish is existing and will not be modified.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - *The area is a no wake zone and the additional use by the owners should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.*
- (11) Impact of development on shoreline by linear feet and percent of site.
 - *N/A*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - *The existing dock is elevated six feet above mean high water and will remain that height. The proposed boat lift modification will add 5' of width to the total dock.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - *N/A*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - *N/A*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
 - *N/A*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

<i>The effects of the proposed project on commercial and sport fish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>None</i>	<i>None</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.</i>	<i>None</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The new boardwalk could be used as a resting place or perch for many water fowl.</i>	<i>None</i>

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

- *There are no proposed plans for any boathouse, roofed structure or wall within the dock. The deck will be built 6' above MHW; the boat lift has been previously approved and is under 12,000 pounds as well as being a no-profile design.*

STAFF RECOMMENDATION

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 modification to a previously approved dock to widen the boat lift from 10' to 15' within Conservation Overlay Zone 1 at 5 Lighthouse Avenue / PID 157040-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department

CITY OF ST. AUGUSTINE
A3 - APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: ~~\$330~~ 4165

BDAC Project No. 2023-6018

Receipt No. 2590413

Meeting Date: 4/4/23

PLEASE PRINT OR TYPE

1. NAME OF APPLICANT: Ryan Carter Daytime Telephone: 904-874-6499

Business (if applicable): Carter Environmental Services, Inc.

Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084

2. NAME OF PROPERTY OWNER: Ernest Little Daytime Telephone: _____

Business (if applicable): _____

Address: 3140 Coastal Highway City: St. Augustine State: FL Zip: 32084

3. LEGAL DESCRIPTION OF PROJECT PROPERTY

Lot: North half of 3, all of 4 & 5 Block: 3

Subdivision: Anastasia Parcel Number: 1570400000

4. PROJECT STREET ADDRESS: 5 Lighthouse Ave.

5. SPECIFIC PROPOSED USE: Proposed dock modification

6. ACTION REQUESTED

☐ Exception

☐ Appeal of Staff Determination

☐ Rezoning

☐ Variance

☐ Land Use Plan Amendment

☒ Conservation Zone Development

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: _____

Conservation Overlay Zone Approval

8. JUSTIFICATION FOR ACTION REQUESTED: see Overlay Zone Development Supplement

9. If applying for a variance, please complete the following:

(a) Does the property have a disadvantage which is not common to other properties in the area?
Please explain fully. _____

(b) Can you establish that this disadvantage is not due to the owner's actions? Please explain fully. _____

(c) Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully. _____

(d) If granted, will the variance adversely affect other property in the area? Please explain fully. _____

(e) If granted, can you establish that the variance will be in harmony with the intent and purpose of the code?
Please explain fully. _____

10. PREVIOUS APPLICATIONS

Has any application been submitted to the Planning and Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, give date and final disposition below.

11. AGREEMENT

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

12. 
Signature of Applicant

2-3-23

Date

13. 
Signature of Property Owner

2-3-23

Date

CITY OF ST. AUGUSTINE

DEVELOPMENT PERMIT APPLICANT WAIVER

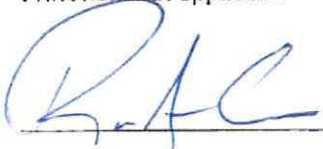
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Ch. 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.



Print name of applicant



Signature of applicant

2-3-23

Date



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID 1570400000
Location Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE 32080-0000
Neighborhood Carvers (ICWFR) (713.42)
Tax Description* 1-58 CARVERS SUB ANASTASIA N1/2 OF LOT 3 & ALL OF LOTS 4 & 5 BLK 3 OR624/26 COURT ORDER & OR878/1833(Q/C) & 1183 /1540 & 4691/1365(D/C)
**The Description above is not to be used on legal documents.*
Property Use Code Multi-Family (Less than 10 Units) (0800)
Subdivision Anastasia, Map Of
Sec/Twp/Rng 58-7-30
District City of St Augustine (District 452)
Millage Rate 18.9763
Acreage 0.350
Homestead Y

Owner Information

Owner Name Little Ernest L III 100%
Mailing Address 5 LIGHTHOUSE AVE
 SAINT AUGUSTINE, FL 32080-0000

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000
Widow/Widower		\$5,000

Map



Valuation Information

	2023
Building Value	\$375,562
Extra Features Value	\$44,332
Total Land Value	\$765,072
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,184,966
Total Deferred	\$388,822
Assessed Value	\$796,144
Total Exemptions	\$55,000
Taxable Value	\$741,144

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$325,919	\$77,519	\$765,072	\$0	\$0	\$1,168,510	\$772,955	\$446,055	\$722,455
2021	\$264,264	\$79,996	\$683,100	\$0	\$0	\$1,027,360	\$750,442	\$327,418	\$699,942
2020	\$86,524	\$15,086	\$683,100	\$0	\$0	\$784,710	\$618,549	\$216,661	\$568,049
2019	\$85,281	\$12,640	\$683,100	\$0	\$0	\$781,021	\$604,642	\$226,879	\$554,142
2018	\$86,434	\$13,888	\$683,100	\$0	\$0	\$783,422	\$695,627	\$87,795	\$695,627
2017	\$45,925	\$15,143	\$571,320	\$0	\$0	\$632,388	\$632,388	\$0	\$632,388
2016	\$47,800	\$16,191	\$571,320	\$0	\$0	\$635,311	\$635,311	\$0	\$635,311
2015	\$49,674	\$17,274	\$571,320	\$0	\$0	\$638,268	\$638,268	\$0	\$638,268
2014	\$41,584	\$18,357	\$571,320	\$0	\$0	\$631,261	\$626,546	\$4,715	\$626,546
2013	\$43,096	\$19,440	\$571,320	\$0	\$0	\$633,856	\$569,587	\$64,269	\$569,587
2012	\$44,608	\$20,489	\$452,709	\$0	\$0	\$517,806	\$517,806	\$0	\$517,806
2011	\$45,364	\$21,572	\$503,010	\$0	\$0	\$569,946	\$569,946	\$0	\$569,946
2010	\$46,877	\$22,655	\$558,900	\$0	\$0	\$628,432	\$628,432	\$0	\$628,432

Building Information

Building	1	Roof Cover	Composite Shingle
Year Built	1930	Roof Structure	Gable Hip
Actual Area	2477	Interior Flooring	Ceramic Tile, Pine Wood
Conditioned Area	1338	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Wood	Baths	2

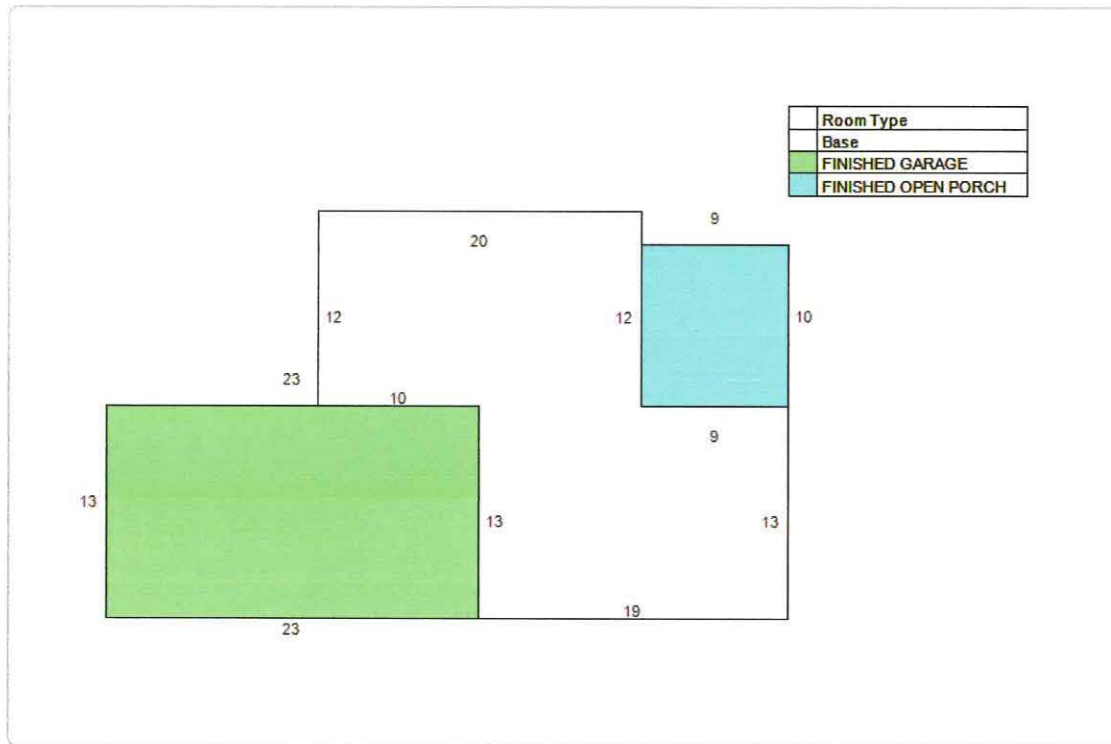
Description	Square Footage
UNFINISHED ENCLOSED PORCH	130
BASE AREA	1338
FINISHED OPEN PORCH	192
UNFINISHED GARAGE	500

Description	Square Footage
FINISHED OPEN PORCH	90
FINISHED DECK	187
FINISHED OPEN PORCH	40
Total SqFt	2477

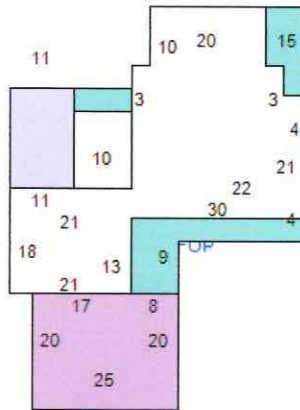
Building	2	Roof Cover	Composite Shingle
Year Built	2020	Roof Structure	Gable Hip
Actual Area	876	Interior Flooring	Hardwood
Conditioned Area	487	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	1
Exterior Wall	Concrete Siding	Baths	1

Description	Square Footage
BASE AREA	487
FINISHED OPEN PORCH	90
FINISHED GARAGE	299
Total SqFt	876

Sketch Information



Room Type
DECK
UNFINISHED GARAGE
FINISHED OPEN PORCH
Base
EGP



Extra Feature Information

Code Description	Status	Value
Masonry Wall (Mix)		2540
Bulkhead - Average (Mix)		8976
Boat Dock - Average (Mix)		32816

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	138	0	138	FF	\$765,072

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/8/2019	9/25/2018	\$0.00	DEATH CERTIFICATE	4691	1365	U	I	LITTLE NANCY RUSSELL (DECD)	LITTLE ERNEST L III
	7/16/1996	\$500.00	WARRANTY DEED	1183	1540	U	I	LITTLE ERNEST L III	LITTLE ERNEST L III & NANCY R
	12/1/1990	\$0.00		878	1833	U	I		LITTLE ERNEST L III
	1/1/1984	\$0.00		624	26	U	I		
	5/1/1983	\$0.00		587	202	U	I		

No data available for the following modules: Sales Questionnaire Form.

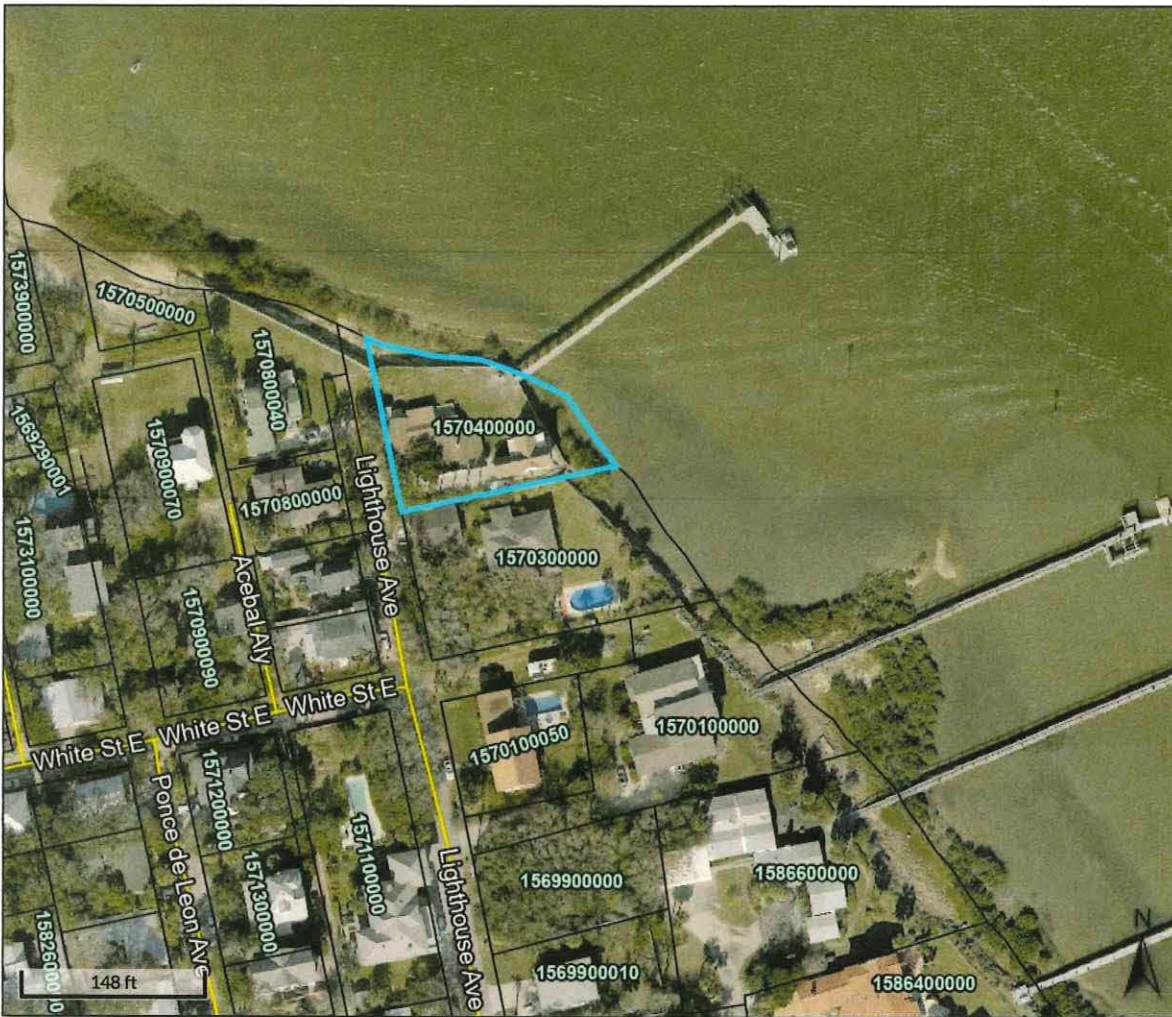
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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Last Data Upload: 3/9/2023, 2:08:42 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.250



Overview



Legend

□ Parcels

Parcel ID	1570400000	Physical Address	5 LIGHTHOUSE AVE SAINT AUGUSTINE LITTLE ERNEST L III	Building Value	\$375,562	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	5 LIGHTHOUSE AVE SAINT AUGUSTINE FL 32080-0000	Extra Feature Value	\$44,332	Date	7/16/1996	Price	\$500
Taxing District	City of St Augustine							Reason	11
Acres	0.35							Qual	U
				Total Land Value	\$765,072		n/a		n/a
				Just Value	\$1,184,966				
				Total	\$388,822				
				Deferred Assessed Value	\$796,144				
				Total Exemptions	\$55,000				
				Taxable Value	\$741,144				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 3/9/2023

Last Data Uploaded: 3/9/2023 2:08:42 AM

Developed by  Schneider
GEOSPATIAL

Attachment 1
Overlay Zone Application Narrative

**5 Lighthouse Ave.
Overlay Zone Development Application Supplement
February 3, 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a dock and boat lift at 5 Lighthouse Ave.

This application requests a minor modification to the already City-approved dock (Case Number 2022-0058). The applicants are requesting the boat lift be widened, from 10' to 15', to match the DEP-permitted plans. This is the only requested change from the current City-approved design. Please see the attached plans for detailed design information.

The modified boat lift proposed in this application would occur on lands located within Conservation Overlay Zone 1, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically-related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

Construction activities will only occur over open water.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No change in height is proposed.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The 5' wide lift should not greatly affect the scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 230 feet of river frontage. There is salt marsh vegetation and oyster colonies present along the shoreline.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property is adjacent to other single-family homes along Salt Run, within the lighthouse neighborhood.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Floating turbidity barriers will be employed throughout construction. Any temporary disturbances will be allowed to settle before removal of the turbidity barrier. Point or non-point discharge will not be altered by the proposed works.

5. *Proposed soil stabilization and erosion control methods.*

Erosion control will not be necessary to complete construction as it will be done from open water.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: Not applicable

Lighting of the open water areas at night: The dock will be lit with low level, directional lighting that greatly minimizes the amount of light intrusion into the marsh and open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

The initial access pier over vegetation and shellfish is existing and will not be modified.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The area is a no wake zone and the additional use by the owners should not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

The existing dock is elevated six feet above mean high water and will remain that height. The proposed boat lift modification will add 5' of width to the total dock.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: None

Negative: None

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock could be colonized by barnacles, oysters and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The new boardwalk could be used as a resting place or perch for many water fowl.

Negative: None

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

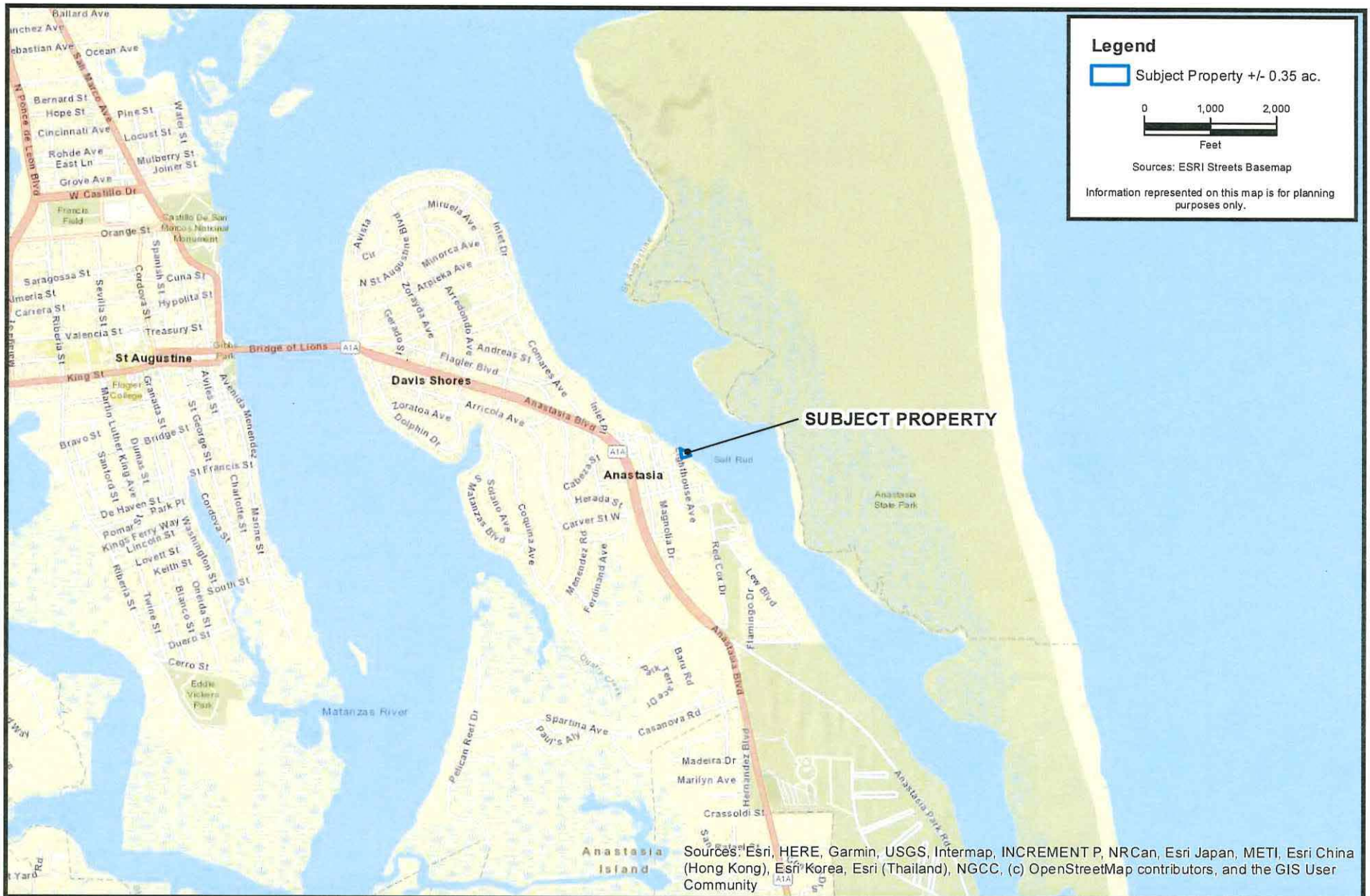
The deck will be at 6' above MHW.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

The boat lift has been previously approved, is under 12,000 pounds and a no-profile design.

Attachment 2

Overlay Zone Application Graphics



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map 5 Lighthouse Avenue

Project: 5.18397

St. Augustine, FL

Date: Nov 04 2022

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Relocation Alignment
5 Lighthouse Avenue

Project: 5.18397

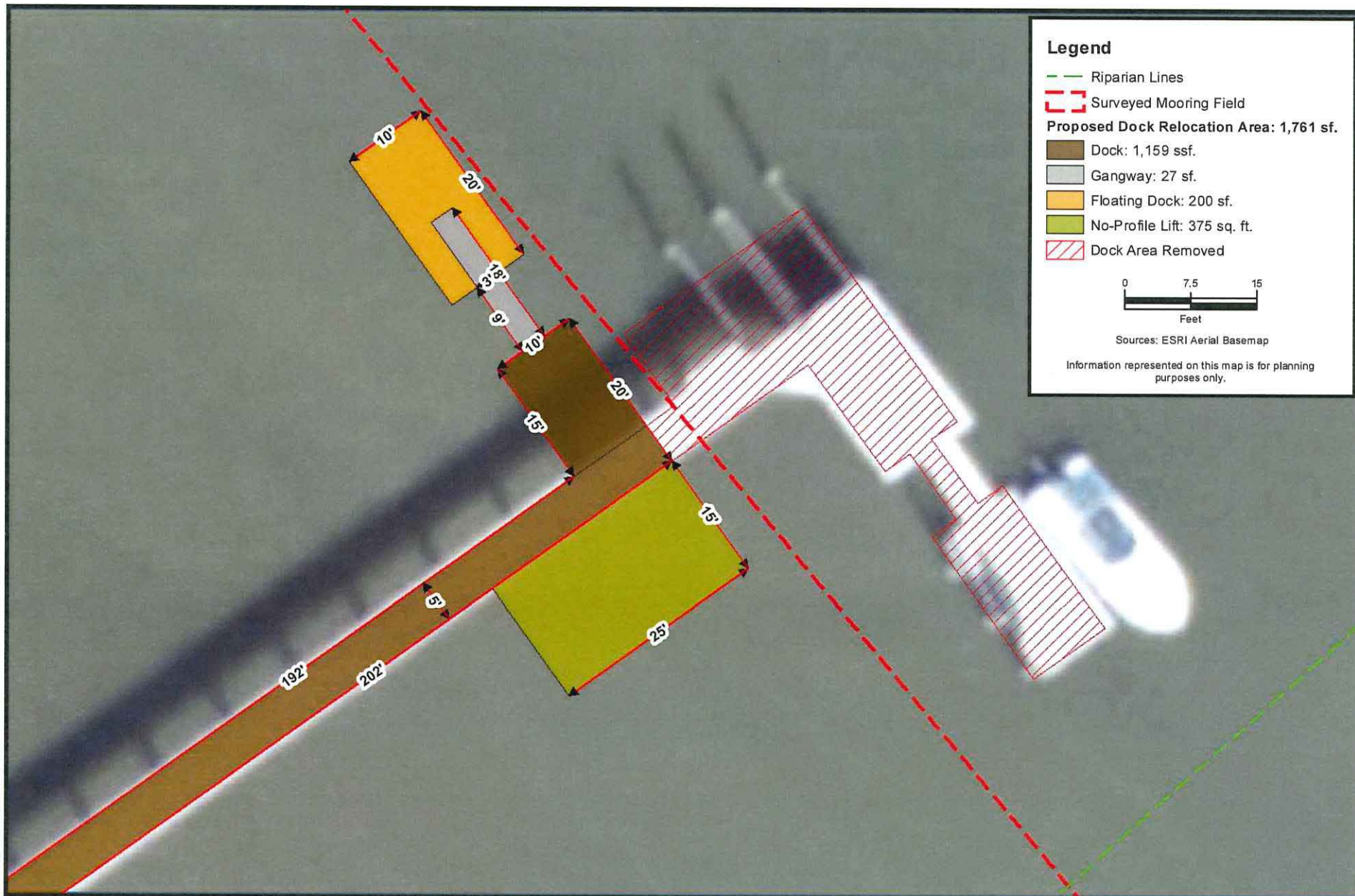
St. Augustine, FL

Date: Nov 04 2022

Figure:

2





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Relocation Dimensions

5 Lighthouse Avenue

Project: 5.18397

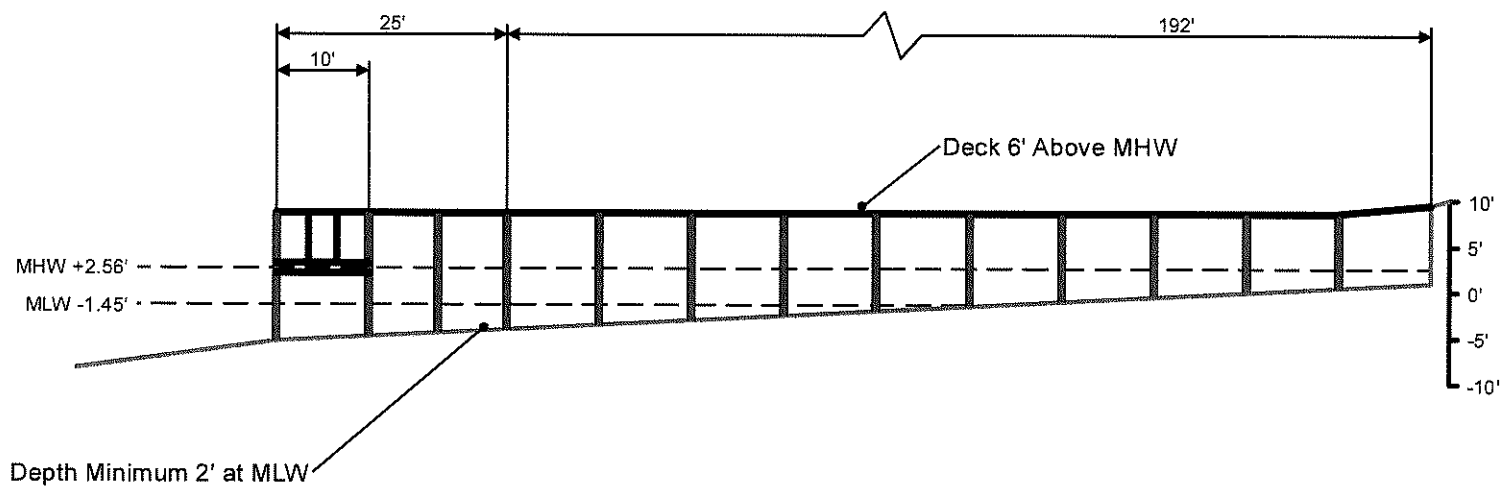
St. Augustine, FL

Date: Nov 04 2022

Figure:

3





Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Profile View 5 Lighthouse Avenue

Project: 5.18397

St. Johns County, FL

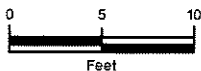
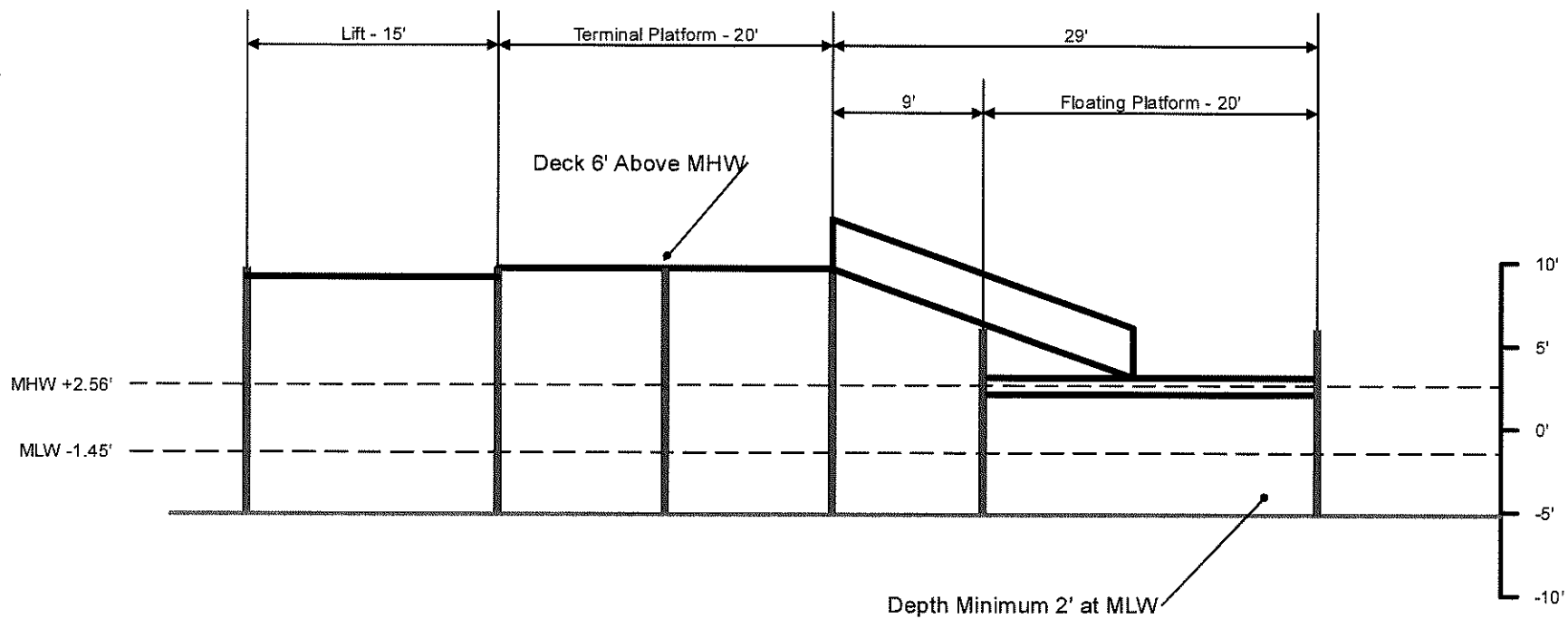
Date: Nov 04 2022

Figure:

4



F:\CES Projects\Project Files\Active\Projects\Project Files\2018\18397 Little Lighthouse\GIS\MapXDF\Flipped Design 2022\07 Little Lighthouse_Cross-Section.mxd



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Cross-Section
5 Lighthouse Avenue

Project: 5.18397

St. Johns County, FL

Date: Nov 04 2022

Figure:

5



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: April 4, 2023

RE: **COMPREHENSIVE PLAN AMENDMENT AND REZONING 2023-0006 –
Second PUD Public Hearing**

AGENDA ITEM 9(a)

APPLICANT Ellen Avery-Smith, Esq.
c/o Rogers Towers, P.A.

OWNER Windward Shipyard Land Holdings, LLC

LOCATION Arapaho Avenue / PID 134760-0000, 134780-0000, & 134790-0000

REQUEST To rezone the approximately 9.6-acre property from Open Rural (OR) (County) to Planned Unit Development (PUD) (City) subject to a Voluntary Petition for Annexation and Pre-annexation Agreement approved by the City Commission.

CURRENT ST. JOHNS
COUNTY ZONING Open Rural (OR)

PROPOSED CITY OF ST.
AUGUSTINE LAND USE Residential Low Density

(Previously recommended for approval by the Planning and Zoning Board on March 7th 2023)

PROPOSED CITY OF ST.
AUGUSTINE ZONING Planned Unit Development (PUD)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 1.1.4

It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;

- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLUE Policy 5.2.2

New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, and other forms of mobility and walking as daily transportation; connectivity; and a land use mix that demonstrates reduced dependence on vehicles.

FLUE Policy 5.5.1

All wetlands are identified as carbon sequestration areas and should help alleviate concentrations of greenhouse gas emissions by acting as carbon sinks and facilitating the net removal of carbon emissions.

FLUE Policy 5.5.2

The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.

FLUE Policy 6.1.5

The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

FLUE Policy 6.4.3

Residential Low Density

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, public and institutional uses, including schools consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate so as to create and maintain a stable low intensity residential character.

For Residential Uses a maximum of 8 single family dwellings per acre; public and institutional uses are limited to the density and intensity of the most restrictive adjacent land use.

FLUE Policy 6.4.7

Performance standards for residential uses shall include, but are not limited to, the following:

- The land development code shall include performance standards for multi-family and residential mixed-use residential uses that control the location of proposed buildings in relation to the overall dimension of the site, provide sufficient on-site/structured parking where applicable, and provide open space and recreation amenities.
- The land development code shall contain requirements for significant open space, landscaping and buffers to effectively screen multi-family developments from single-family low density residential zoning districts.
- Grid street networks are highly encouraged to serve residential developments and provide connectivity throughout the City. Cul-de-sacs and gated developments are discouraged.
- Themes are encouraged for residential developments to include cohesive streetscape design, signage, landscape architecture and streetscape furniture to create an identity for neighborhoods in the City.

Conservation and Coastal Management Element Goals, Objectives and Policies

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal **Chapter 163.3177(6)(d) F.S.**

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.1.3

The City shall promote the reduction of fossil fuel emissions by considering adoption of the following concepts:

- a. Encourage developments such as infill, redevelopment, clustered and mixed-use developments;
- b. Require vegetative and landscape buffers, and where appropriate, street trees along transportation corridors to buffer land uses;
- c. Encourage non-motorized, and alternative forms of transportation by establishing and maintaining a multi-modal Mobility Plan including bicycle paths, trails, sidewalks and pedestrian ways, and alternative forms of transportation where feasible; and

- d. Establish policies that promote interconnectivity via safe pedestrian crossings, bicycle and walkable complete streets, including encouraging grid patterns, multiuse paths and trails in existing and new development.

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Policy 1.8.6

Removal, encroachment and alteration of wetlands pursuant to the “no net loss” requirements of the City Comprehensive Plan, and shall be in compliance with the following:

1. Appropriate justification for the proposed alteration is provided to the City;
2. Adequate mitigation of any adverse hydrological and physical alterations is provided in accordance with the requirements of the agencies claiming jurisdiction over the wetland;
3. Setbacks shall be 25 feet. Setbacks of less than 25 feet must be consistent with the Conservation Overlay Zone development section of the Comprehensive Plan;
4. The following activities are permitted in wetland setback areas provided:
 - (a) Construction of boardwalks/catwalks, docks, for direct access to water bodies; construction of wildlife management shelters; discharge structures from upland developments; utility crossings; foot bridges; observation decks and similar structures not requiring dredging and/or filling for their placement and maintenance;
 - (b) The City shall include in its land development regulations provisions for mandatory site plan review for all development proposed in State jurisdictional wetlands. The regulations include appropriate standards for mitigation of adverse impacts to wetlands values and the provision that reasonable use of property, restoration of the disturbed wetlands and/or creation of new wetlands will be required in accordance with the rules and criteria of FDEP and SJRWMD.

CCM Policy 1.8.7

The purpose of mitigation is to offset environmental impacts for the public good. Mitigation activities approved by federal, state or regional agencies are supported by the City. Mitigation shall be as permitted by the SJRWMD. Prioritization of mitigation shall be as determined by SJRWMD current policies or as amended.

CCM Policy 2.1.1

The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site specific basis during site plan review of each development proposal.

Conservation Overlay Zone 1 Passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone.

Conservation Overlay Zone 2 This Conservation Overlay Zone allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category.

Conservation Overlay Zone 3 The restrictions on uses and other development and performance standard requirements within this zone including tree canopy and tree removal are governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

CCM Policy 2.16.7

The City shall discourage the disturbance of natural shorelines to improve and continue the shoreline stabilization, protection and habitat benefits natural shorelines provide by continuing to enforce the City's no net loss of wetlands policies, Conservation Overlay Zone 1 review requirements, and coordinating with the SJRWMD and other state agencies to preserve natural shorelines and jurisdictional wetlands through the ERP program.

Transportation and Mobility Element Goals, Objectives and Policies

TME Policy 1.3.6

The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.9

The City shall ensure that all new development and redevelopment is designed and required to: safely promote increased walking, bicycling, low speed alternative vehicles and a circulator or community transit use while reducing vehicle trip lengths and vehicle miles of travel, as outlined in the Future Land Use and Transportation and Mobility Elements of the Comprehensive Plan. This will also be implemented in the Land Development Code, and potentially funded through either collection of fees or improvements to the multi-modal transportation system that further the achievement of multi-modal performance measures established by the City's Mobility Plan.

TME Policy 1.3.10

The city shall further support pedestrian, bicycle, and a community circulator or transit use by:

- Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan;
- Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances;
- Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users;
- Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and
- Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.

TME Policy 1.4.8

Future development or redevelopment shall make provisions for safe, convenient on-site traffic flow, adequate parking shall be provided and designed so as not to be a detriment to pedestrian, bicycle and circulator or transit access.

TME Objective 1.6

The City recognizes that the use of gasoline creates a large portion of the greenhouse gas emissions and shall incorporate transportation strategies to address the reduction of these greenhouse gas emissions. The City shall identify and pursue strategies to reduce the vehicle miles traveled.

A) Establish locations for compact mixed-use development.

B) Increase opportunities for job creation proximate to higher density residential.

C) Facilitate future opportunities for transit-oriented developments.

D) The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. (Adopted June 2011 Ord. #201102

TME Policy 3.1.17

The City shall require all comprehensive plan amendments, rezonings, final development engineering plans and changes of land uses evaluate the impacts to and opportunities to coordinate with the Mobility Plan, Complete Street, safety, and parking management multimodal projects.

Housing Element Goals, Objectives and Policies

H Policy 1.2.2

The City will continue to make provision for innovative techniques such as Planned Unit Developments (PUD), zero lot line development and cluster housing through the rezoning process established in Chapter 28 of the City Code, and by allowing condominium types of ownership for both residential and commercial development. (Adopted June 2011 Ord. #2011-02)

H Objective 5.1.2

The city shall encourage energy efficiency and sustainable construction in the design and construction of new housing and in the rehabilitation of existing housing.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)–(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:
- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
 - (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a

twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.

- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS SECTION OF THIS REPORT

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.
- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 - 1. Ground and surface water stabilization.
 - 2. Water quality and aquifer recharge.
 - 3. Ecological impacts.
 - 4. Noise pollution.
 - 5. Air movement.
 - 6. Air quality.
 - 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the

granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

Sec. 28-30. Comprehensive plan amendments, rezonings and amendment of chapter.

- (a) *General.* This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.
- (b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.
- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
 - (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the Comprehensive Plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission. The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.
- (e) *Limitations on rezoning of land:*
 - (a) No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.
 - (b) Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
 - (c) Whenever the city commission has denied an application for the rezoning of land, no fmiher application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.

- (d) Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.
- (f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.
- (g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.
- (h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.
- (i) *Process, public hearings and notification for comprehensive plan amendments (city commission public hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

(Code 1964, § 33-164; Ord. No. 94-01, §§ 1, 2, 1-24-94; Ord. No. 96-17, § 2, 4-8-96; Ord. No. 01-24, § 1, 8-13-01; Ord. No. 17-03, § 1, 2-23-17)

State Law reference— Amendments to zoning ordinances, rezoning, etc., F.S. § 166.041(3)(c).

Sec. 28-162. - Residential, single-family-two: RS-2.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses, so as to create and maintain a low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwellings; home office, private.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.* See [section 28-347](#); housing for the elderly; neighborhood recreation facility.
- (4) *Minimum lot requirements (width and area):*
 - a. Minimum lot width, fifty (50) feet.
 - b. Minimum lot area, one-eighth acre (5,450 square feet).
- (5) *Maximum lot coverage by all buildings:*
 - a. Thirty (30) percent.
- (6) *Minimum yard requirements.* All permitted or permissible uses and structures:
 - a. Front, fifteen (15) feet.
 - b. Side, ten (10) feet.
 - c. Rear, ten (10) feet.

- (7) *Maximum height of structures:*
a. Thirty-five (35) feet.
(Code 1964, § 33-22; Ord. No. 99-05, § 3, 2-8-99)

DIVISION 9. - PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare.

The PUD process is designed to:

- (a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
- (b) Encourage a more compatible and harmonious development of contiguous lands;
- (c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- (d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- (e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
- (f) Provide an environment of consistent character compatible with the surrounding areas; and,
- (g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable to all PUDs, while others, such as [section 28-291](#), are intended for traditional residential or mixed use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

(Code 1964, § 33-70; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 13-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-287. - Defined.

A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. **As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect, and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.**

(Code 1964, § 33-71; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

(Code 1964, § 33-72; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

- (a) *Application for rezoning to PUD.* Each application shall identify and address applicable criteria to its specific plan of development. An application for rezoning to PUD shall proceed in general as for other applications for rezoning of land; and, in addition to the information usually required for such applications, the following shall be required:

- (1) Plats, surveys, and metes and bounds description of the area within the PUD.
- (2) The name and address of the owner and, if applicable, evidence of the assignment of an agent who represents the owner.

- (3) Evidence of unified control of the entire area within the PUD with all owners within the area of same identified.
- (4) An agreement by all owners within the PUD which includes their commitment to:
 - a. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the city commission in such ordinance; and,
 - b. Provide a written narrative PUD text that clearly identifies by corresponding numbered and lettered paragraphs responses to the following criteria:
 - 1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property; and,
 - 2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts; and,
 - 3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception; and,
 - 4. Compliance with the purpose and intent and criteria in [section 28-286](#); and,
 - 5. Compliance with [section 28-288](#) and justification for any zoning uses; and,
 - 6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit; and,
 - 7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and,
 - 8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule; and,

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted; and,
 10. An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city; and
 11. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.
- (b) *Materials to accompany applications.* An application for rezoning to PUD shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations. The planning and building department will maintain a checklist of materials to accompany an application to help clarify the submittal requirements:
- (1) Plans, maps, studies and reports, including an infrastructure impact analysis, as may reasonably be required by the city commission and the planning and zoning board in order to make the findings and determinations called for in the particular case. The infrastructure impact analysis shall include site specific design improvements related to traffic circulation, and the movement of pedestrians, bicycles, and vehicles on and off-site, and water, sewer, stormwater improvements, and public utility improvements and impacts.
 - (2) For proposed PUDs currently zoned HP-1, HP-2, HP-3, HP-4 and HP-5, a streetscape demonstrating the size and scale of the project in context with the adjacent properties and existing historic district development patterns. The streetscape shall include at a minimum the subject block and facing block to illustrate how the proposed project meets the scale of the surrounding context. This streetscape requirement is not mandatory for projects that create no visual impact to the exterior of an existing structure. Structural changes in roof lines, exterior facades and elevations and any exterior additions or reconfigurations may require a streetscape, as deemed necessary by staff or the historic architectural review board concurrent with project details.
 - (3) Infill and redevelopment projects shall also be required to provide a streetscape analysis similar to that required in the historic districts as per (b) (2) above, as deemed necessary by staff to allow the PZB and/or HARB, for projects in the city's entry corridors, to evaluate the projects impact on the neighborhood or area, as a defined community in [section 28-289\(b\) \(9\)](#) and the projects ability to contribute to and enhance the existing streetscape.
 - (4) A written PUD text narrative compliant with all parts of sections [28-286](#) through [28-292](#), as applicable. Such PUD text narrative shall also include as an exhibit a final site development plan at an appropriate scale and consistent with the terms of the PUD text narrative, an introductory statement explaining the intended plan of development, clearly indicating where approval of the

rezoning to PUD or PUD amendment will benefit the future occupants of the proposed development, will be compatible with the adjacent neighborhood, and will forward the goals, policies and objectives of the city in general, and including any specific benefits to the community as a whole. Such justification shall be based on the intent of the PUD, consistency with the Comprehensive Plan, and compliance with all requirements of rezoning to PUD or PUD amendment as found herein.

- (5) The final site development plan included at an appropriate scale supporting the above statement illustrating:
 - a. The location, grouping and height of all uses and facilities.
 - b. In the case of residential development, the number of residential units, their location and number of stories.
 - c. A multi-modal circulation system including any vehicular, public transit, pedestrian and bicycle access points, driveways, walkways or crosswalks, parking areas, transit shelters or bus stop loading areas, bicycle racks, and rights-of-way, streets or sidewalks to be dedicated in support of the infrastructure impact analysis.
 - d. A system of open space and recreational uses, with the acreage to be dedicated and that to be retained in common ownership.
 - e. A topographic map at an appropriate scale showing contour lines, including all existing buildings and wooded areas.
 - f. An illustration, outline or discussion describing any community benefits incorporated into the planned development or provided off-site, such as, public parking, enhanced landscaping or street trees, public park facilities, architectural or historic resource benefits, the encouragement of beneficial uses or alternative forms of transportation, maintenance, improvement or encouraging public access to waterways, conservation areas and/or vistas and scenic opportunities.
 - g. Elevations, specific architectural elements, and contextual drawings, as deemed necessary by staff and the PZB and/or HARB to illustrate the details of the project, which may include a sun, shadow or shade study.
 - h. Full signage and hardscape plans, as well as, landscape and tree preservation or replacement plans in sufficient detail to allow PZB to review and make a recommendation concerning the project.
 - i. The site plan must describe and show any buffers or setbacks required from any jurisdictional areas for review to include details for conservation overlay zone development, as well as, locations of any proposed docks or water features, and/or impacts to existing tree canopy areas.
- (6) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
- (7) A schedule of development, including the staging and phasing of:
 - a. Areas to be developed, in order of priority;
 - b. The construction of streets, utilities and other improvements necessary to serve the proposed development; and
 - c. The dedication of land to public use, if any.

- (8) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that the schedule of development be such that a staged implementation of the PUD would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved PUD.
- (9) Developer neighborhood notice. At the time of filing a PUD or PUD amendment application, the applicant must submit to the city's planning department a copy of the developer neighborhood notice mailed to the Neighborhood Council of St. Augustine, Inc., or its successor, by regular U.S. mail at the current mailing address provided to the Florida Department of State, Division of Corporations, as made available on that agency's website. If the property is not included in a defined neighborhood area the boundaries of a "community" area will be defined as those properties within a five hundred-foot radius of the project boundaries to be notified by mail postmarked no less than fifteen (15) days prior to the first scheduled PZB meeting, and shall be notified individually by the same neighborhood notice process below. The developer neighborhood notice shall include the following information:
- a. The project name, property owner(s) and applicant(s); and
 - b. The existing zoning and requested rezoning, the physical address or location of the project, and a brief description of the application request; and
 - c. The developer's project coordinator contact information, including name, mailing address, telephone number and email address; and
 - d. The following statement in prominent font:
"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."
 - e. In addition to the developer neighborhood notice, the city planning and building department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the city's public information outreach initiative. Such additional courtesy information may be provided in person, by U.S. regular mail, electronic mail or posting on the city's website, as reasonably practicable.

This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.

- (c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:
- (1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.
 - (2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.
 - (3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.
 - (4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:
 - a. Permit a creative approach to the development of land; and
 - b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
 - c. Provide for an efficient use of land; and
 - d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
 - e. Provide an environment of consistent character compatible with surrounding areas; and
 - f. Retain property values over the years.
- (d) A PUD or PUD amendment shall first be reviewed by the planning and zoning board, followed by the historic and architectural review board if such review is required. The city commission may remand a PUD application for further review by its planning and zoning board or historic architectural review board, such review shall be limited to the scope of review as expressed by the city commission. The city commission may expressly limit the additional review to only one such agency, after which the PUD application shall be promptly scheduled for further action by the city commission. Nothing in these regulations is intended to remove the historic

and architectural review board's reviewing authority after a property has been rezoned to PUD.

- (e) *Deviations from ordinance creating PUD.* In order to facilitate minor adjustments to the plans approved as part of the ordinance creating a PUD, the city commission may approve changes in such plans, without the review and recommendation of the PZB, and without the adoption of an ordinance to modify the PUD ordinance, if as a result of such changes:
 - (1) There are the same or fewer number of dwelling units and/or floor area;
 - (2) The open space is in the same general location and in the same general amount, or a greater amount;
 - (3) The buildings have the same or less number of stories and/or floor area; and
 - (4) The roads and drives follow approximately the same course and have the same public or private rights therein.
- (f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.
- (g) Because of the nature of PUD's with regard to potential size and the level of detail required of projects, and unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a PUD rezoning within not more than sixty (60) days from the date of filing of the complete application. Any revisions or amendment to the PUD rezoning application must be submitted to the planning and building department at least fifteen (15) days prior to the scheduled meeting date. Notice of public hearing shall be made as provided in [section 28-59](#)(a) and (b).
- (h) *Expiration of time limits provided in ordinance creating a PUD.* If development actions required by the ordinance creating a PUD are not taken within the timeline established in the PUD from the date of approval by the city commission actions consistent with [section 28-289](#) (a)(4)b.8. shall be taken.

(Code 1964, § 33-73; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-290. - Implementation of a PUD.

- (a) *Development plan.* The final development plan, and project narrative shall be attached to the PUD ordinance as an exhibit and shall be the only development plan associated with the PUD unless and until an amendment to the PUD is pursued via amendment to the PUD ordinance or via minor amendment procedures.
- (b) *Record plats.* If the PUD ordinance requires the recording of record plats, such plats shall be submitted to the city commission for final approval.

- (c) *Approval of development plans.* The planning and building department shall review all development plans; and, if found in compliance with this Code, and the PUD ordinance shall approve same.
- (d) *Permits required.* All construction in the development of a PUD shall proceed only under applicable permits issued by the planning and building department; and no building permit, certificate or other document authorizing construction or occupancy within a PUD shall be issued, except in accordance with the approved PUD ordinance and all regulatory provisions in existence at the time of the permit except as otherwise exempted or waived in the PUD text.

(Code 1964, § 33-74; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-291. - Standards and criteria for stand-alone residential and mixed use PUD subdivisions.

The following performance standards are intended for standalone residential and mixed use PUD subdivisions. These projects typically include exclusively residential uses or mixed use projects developed on vacant parcels with defined boundaries and a self-contained subdivision identity separated from adjacent properties through a visible perimeter break.

- (1) *Density of developments.* The total ground occupied by buildings and structures for area devoted to residential use in mixed use PUD subdivisions shall not exceed thirty-five (35) percent of the total ground area of that portion of the PUD devoted to residential use. The density and intensity of development within a PUD shall be consistent with the density and intensity allowed within the City of St. Augustine Comprehensive Plan.
- (2) *Open space.* The PUD may include residential lots of smaller size than would be permitted by the zoning regulations otherwise applicable to the site, provided the overall density is not increased. The excess land shall be utilized as open space. The open space shall be utilized as a park, for either passive or active recreation or as a conservation area. The open space shall either be dedicated to the City of St. Augustine or be maintained by a community association composed of residents of the PUD. Land recorded as open shall not be encroached upon by any residential, commercial or industrial, primary or accessory use.
- (3) *Waiver of yard, dwelling unit, frontage criteria and use restriction.* Minimum yard, lot size, type of dwelling unit, height and frontage requirements and use restrictions are waived for the PUD, provided the spirit and intent of this chapter is complied with in the total development of the PUD. However, the City Commission of St. Augustine may, at its discretion, require adherence to minimum zone requirements within certain portions of the site if deemed necessary in order to maintain the spirit and intent of this chapter.
- (4) *Support legal documents for open space.* Legal documents which assure adequate management and maintenance of the open space area must be provided by the developer for all areas proposed for common ownership by the residents of the PUD. Legal instruments provided for dedications, covenants, community associations and subdivision controls shall:

- a. Place title of common property in a form of common ownership by the residents of the PUD; e.g., a duly constituted and legally responsible community association, cooperative, etc.
 - b. Appropriately limit the use of common property.
 - c. Place responsibility for management and maintenance of common property. The St. Augustine City Commission, at its discretion, may require the applicant to enter into a contract with St. Augustine for maintenance of commonly held properties.
 - d. Place responsibility for enforcement of covenants.
 - e. Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.
- (5) *Access.* Access to each single family dwelling unit shall be provided via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with the residents of the PUD.
- (6) *Privacy.* Each dwelling unit within the PUD shall be provided visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
- (7) *Community facilities:*
- a. All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.
 - b. All requirements for off-street parking and loading (article IV, division 2) shall apply to the PUD unless otherwise waived or modified.
 - c. Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.
 - d. These PUD's shall provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwaters and prevent erosion and formation of dust.
 - e. Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.
- (8) *General development patterns.* Residential subdivisions and mixed use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.
- (9) *Mixed Use PUD subdivisions.* A subdivision PUD that also includes a mixed use component shall also provide a description of the potential other uses allowed

besides residential single family uses. This description shall provide enough information to evaluate its proposed consistency with the Comprehensive Plan, potential benefits to the overall PUD community, and the neighborhoods outside of the PUD community, the types of uses proposed, such as, multifamily units, commercial, civic or other uses, and establish the parameters of how these uses are integrated into the development plan.

(Code 1964, § 33-75; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.

The following performance standards are intended for redevelopment and infill PUD developments. These projects typically involve property currently developed where the proposed PUD includes razing the existing development and building new or renovating the existing development to the extent that it is a redevelopment project which introduces new uses or combination of uses and a new design changing the character of the existing. Infill projects typically involve vacant property within an existing developed area where it is important for the proposed PUD to be compatible with the existing surrounding development. These standards and criteria are in addition to other PUD requirements outlined above.

- (1) *General development patterns.* Redevelopment and infill projects within the city shall take into consideration pedestrian oriented design, the human scale and sense of place of the surrounding area, and shall respect existing development patterns and provide for compatibility, quality and integrity of the existing area and neighborhoods. They should provide a unique sense of place through architectural design and a mixture of compatible uses in a compact setting with sensitivity to the context of the surrounding neighborhood. The PUD should be an addition to the area and neighborhood which contributes to the area and increases the value of the surrounding area.
- (2) *Contributions to the existing community.* Redevelopment and infill projects shall also demonstrate consideration for the existing neighborhoods and street patterns within the city by describing the project's impact on existing community patterns, the environment, the economy, the transportation networks or circulation patterns as described in an infrastructure impact analysis, as well as, natural features, and vistas and scenic opportunities. The project narrative shall include a statement of how the PUD is consistent with the character, history, and cultural and natural features that help create a sense of place. The project shall be compatible by demonstrating appropriate design, massing, screening, and architectural techniques.
- (3) *Redevelopment and infill PUD projects.* Additionally, redevelopment and infill projects shall include a description evaluating the existing building(s) condition, potential demolition issues, and the extent of renovation of the existing building(s), if applicable. A clear description of the site design evaluating existing issues, such as, access, driveways, parking, maneuverability, landscaping, including tree removal is also required if necessary. A description with detailed drawings that show the existing streetscape, and the new streetscape to demonstrate compatibility, proportion, form, and rhythm with the surrounding area is required.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Details of colors, materials, and design themes may also be required, and compatibility with applicable Design Standards for Entry Corridors must be demonstrated.

(Ord. No. 16-07, § 1, 2-8-16)

Secs. 28-293—28-310. - Reserved.

Sec. 28-332. - Modification and height regulations.

The height limitations contained in article III, district regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; provided, however, that notwithstanding the permitted maximum height limitations allowed in the various zoning districts, no structure (including appurtenances and structures normally erected above roof level) shall be erected to a height above adjacent ground level exceeding the most restrictive of the following:

- (1) Fifty-five (55) feet; or
- (2) Elevations as may be prescribed by the Federal Aviation Administration; or
- (3) Elevations as may be prescribed by the State of Florida unless the applicable permit has been issued.

(Code 1964, § 33-88)

STAFF SUMMARY AND ANALYSIS

This request for a rezoning from St. Johns County's Open Rural (OR) zoning district to a PUD within the Shipyards Development is one that mirrors the Residential Single-Family-Two (RS-2) zoning district. The proposed PUD will consist of single-family homes and a shared dock for storage of private boats.

On March 7, 2023, the City Planning and Zoning Board recommended the land use plan amendment for this subject property from its St. Johns County land use to the City's Residential Low Density Future Land Use Designation. This is a second Public Hearing on the proposed PUD which includes Conservation Overlay Development review.

This request is to rezone the properties along Arapaho Avenue, PID 134760-0000, 134780-0000, & 134790-0000, so that they may be annexed into the City of St. Augustine.

Parcel ID Number	Proposed Land Use	Proposed Zoning
134760-0000 (Majority of Southern portion)	Residential Low Density	Planned Unit Development (PUD)
134780-0000	Residential Low Density	Planned Unit Development (PUD)
134790-0000	Residential Low Density	Planned Unit Development (PUD)

The proposed PUD, which will overlap the proposed Residential Low Density Future Land Use amendment, is written in a way to resemble the City of St. Augustine's Residential Single-Family-Two (RS-2) zoning district. The table below illustrates the differences between the two.

	Residential Single-Family-Two (RS-2)	Proposed Planned Unit Development (PUD)
Setbacks	Front: Fifteen (15) feet Side: Ten (10) feet Rear: Ten (10) feet	Front: Twenty (20) feet - Corner yard may be ten (10) feet Side: Five (5) feet Rear: Ten (10) feet
Maximum Building Height	Thirty-five (35) feet, Code Section 28-332 as applicable	Thirty-five (35) feet, in addition to this building height, an additional five (5) feet shall be permitted for architectural features and mechanical equipment, pursuant to Code Section 28-332.
Minimum Lot Size	5,450 square feet	4,800 square feet
Minimum Lot Width	Fifty (50) feet	Forty (40) feet
Maximum Lot Coverage	Thirty (30) percent	Fifty (50) percent
Parking	A minimum of two (2) spaces per unit	A maximum of two (2) spaces per unit

In addition to the residential portion of the proposed PUD, the PUD includes a dock with 50 slips as represented on the Master Development Plan. The PUD documents include an outline for Conservation Overlay Zone development on pages 9 through 13 in the proposed PUD. The PUD text/narrative does include an analysis of Sec. 11-29(c) of the City's code, therefore the Planning and Zoning Board (PZB) can review the analysis provided and approve the conservation zone development as part of the PUD rezoning recommendation.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized, and staff comments are in bold.

- (1) Site specific conditions.
 - *See the Master Development Plan and Conservation Overlay Zone Plan for site development details.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *See the Master Development Plan and Conservation Overlay Zone Plan for site development details.*
- (3) Natural and proposed drainage patterns.

- *The Property is bounded on the east and south by the San Sebastian River and connected marshlands. The Property's existing drainage patterns can be described as the perimeter coast line drains directly to the river and connecting marsh while the internal portions of the site drain to onsite wetlands and a manmade drainage ditch, which eventually drain to the San Sebastian River on the east and south sides of the Property.*
 - *The proposed drainage pattern for the site will have stormwater collected and conveyed from roadways and lots within an inlet and pipe network, toward one on-site wet detention ponds.*
- (4) Effect of point and nonpoint discharge in the marine environment.
- *The point discharges will include the outfall control structure in the wet detention pond system described above, which is proposed to connect to the San Sebastian River. There will be minimal impacts to marine life as these outfalls will discharge treated stormwater. Nonpoint discharges from rear yards will be minimized as the lots will be designed with Type "A" grading, forcing runoff to reach the stormwater collection system.*
- (5) Proposed soil stabilization and erosion control methods.
- *Standard erosion control methods will include silt fencing around the perimeter of the developed areas, inlet protection during construction, hay bale barriers at the outfalls and floating turbidity barriers within the onsite ditch during road crossing construction. All disturbed areas will be seeded and mulched to establish vegetation to ensure minimal erosion after construction is complete.*
- (6) Impact on floodplain.
- *Because the San Sebastian River is an open basin that has a direct connection to the Atlantic Ocean, the impacts to the floodplain will be minimal.*
- (7) Impact of development on vegetative and animal communities.
- *Approximately 0.15 acres of proposed wetland impacts are for home sites (Figure 4). Locations of the proposed wetland impacts are shown on the wetland management plan enclosed with the environmental report by Carter Environmental Services, Inc. included with the application package. Those impacts either have been permitted by both the District and U.S. Army Corps of Engineers (the "Corps"). All hydrologic flow will be unimpeded and follow its natural course. Further, all other wetlands on-site will remain.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- *Because the PUD will include single-family homes and the community dock, which will not have fueling or other activities that permit the use of hazardous chemicals and materials, there is no potential for contaminated drainage, storage of pollutants or the use of poisonous chemicals or materials.*
- (9) Effect of shade on vegetation and shellfish.
- *The community dock be at minimum five (5) feet above mean high water. Therefore, shading will be minimal. None of the wetland impacts proposed in upland areas of the project will have a shade effect on vegetation or shellfish. The Owner will leave 3.24 acres to remain adjacent to the San Sebastian River. The 0.15 acres of low-quality freshwater wetland impacts, not saltmarsh, will be mitigated by purchasing 0.12 mitigation bank credits.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

- *The proposed development will honor the standard will have no effect on manatees, vegetation, shellfish or wildlife, nor will it cause shoreline erosion because it is located within upland areas of the site.*
- (11) Impact of development on shoreline by linear feet and percent of site.
- *The existing shoreline will not be altered by the proposed development. The bulkheads will be mostly constructed within the uplands, except for the areas adjacent to the wetland impacts.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- *The Conservation Overlay Zone 1 Development includes the community dock. The community dock is depicted on Figures 4 thru 10C.*
 - *The proposed single-family homes will be located within Conservation Overlay Zones 2 and 3. The homes will be limited to 35 feet in height (two stories) so their impacts to vistas and scenic opportunities will be minimal. Existing tree canopies within COZ 1 and upland buffers will be left in place and new trees will be planted within lots, both of which will allow the proposed homes to blend into the area.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- *Native vegetation will be preserved in buffer areas within the Property, in the locations depicted on the Master Development Plan. Native plants will be used for landscape and open space purposes to the extent practicable. Proposed retention areas are depicted on the Master Development Plan.*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- *The Windward Shipyard project will cluster housing development within upland areas of the Property and will preserve marshlands and other wetlands associated with the San Sebastian River.*
 - **The Master Development Plan submitted shows housing development similar to that of suburban subdivision developments, although this residential development is connected to a larger mixed use type development . Plans for the proposed PUD development also include impacts to approximately 0.15 acres of on-site wetlands.**
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- *Stormwater runoff from the Property will be routed to a surface water management system permitted by the St. Johns River Water Management District.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *The project will have no impact on shellfish or on commercial or sport fish or waterfowl because all stormwater runoff from the Property will be routed to a District-permitted surface water management system. The proposed homes will be located on upland areas of the site.*

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
- *Project will comply.*

STAFF RECOMMENDATION

Staff does not make recommendations concerning comprehensive plan amendments or the rezoning of land. The Board is responsible for making a recommendation based on the following;

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
- (3) Consistency with the Comprehensive Plan.

The PUD section of the Zoning Code requires two (2) public hearings for PUD rezoning applications before the PZB unless the PZB waives this requirement. The first public hearing was held at the March 7th 2023 PZB meeting.



Jacob Fredriksson
Senior Planner
Planning and Building Department



**CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD**

Application Fee: \$1400 (plus advertising costs) Project Number: 2023-0006
Receipt Number: 2561968 Meeting Date: 03/07/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Ellen Avery-Smith, Esq. Contact Number: 904-825-1615
Business (if applicable): Rogers Towers, P.A.
Address: 100 Whetstone Place, Suite 200 City: St. Augustine State: FL Zip: 32086
E-Mail Address: eaverysmith@rtlaw.com
2. NAME OF PROPERTY OWNER: Windward Shipyard Land Holdings, LLC Contact Number: 305-298-2967
Business (if applicable): _____
Address: 2999 NE 191 st St. Suite 800 City: Aventura State: FL Zip: 33180
E-Mail Address: stefan@staugustinemarine.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: _____ Block: _____
Subdivision: _____ Parcel Number: See attached list
4. PROJECT STREET ADDRESS: 0 Arapaho Avenue
5. SPECIFIC PROPOSED USE: Mixed-use development extending the existing Shipyard project.
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☒ Land Use Plan Amendment
☐ Variance ☒ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: Comprehensive Plan Amendments to Residential Medium Density Mixed Use and Residential Low Density future land use designations & Rezoning to Residential and General Office (RGO) and Planned Unit Development (PUD).

8. JUSTIFICATION FOR ACTION REQUESTED: Please see attached.

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: N/A

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: N/A

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: N/A

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: N/A

10. **PREVIOUS APPLICATIONS:**

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. **AGREEMENT:**

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

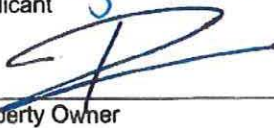
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

2/1/23
Date


Signature of Property Owner

1-31-23
Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Robert Finvarb

Print name of applicant



Signature of applicant

1-31-23
Date



Owner's Authorization For Agent

Ellen Avery-Smith Esq. of Rogers Towers, P.A. is/are hereby authorized TO ACT ON BEHALF
OF Windward Shipyard Land Holdings, LLC, the owner(s) of those lands described within
☐ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
PIN Nos.: 134760-0000;134770-0000;134780-0000;134790-0000 & 134650-0000

BY: 
Signature of Owner
Robert Finvarb
Print Name of Owner

Telephone Number

State of Florida

County of Miami-Dade

Signed and sworn before me on this 31st day of January, 2023.

By Robert Finvarb

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: 

My Commission expires: 1/13/2024



Nindiri Rivas
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG946759
Expires 1/13/2024

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater, \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 0 Arapaho Avenue

Applicant's Name: Ellen Avery-Smith Applicant's Signature: Ellen Avery-Smith

Owner's Name: [Signature] Owner's Signature: [Signature]

Ellen Avery-Smith

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 825 . 1615
E.AverySmith@rtlaw.com

904 . 396. 0663 Fax
www.rtlaw.com

March 1, 2023

VIA U.S. MAIL

Neighborhood Council of St. Augustine, Inc.
P.O. Box 658
St. Augustine, Florida 32085-0658

**Re: Developer Neighborhood Notice – Windward Shipyard Comprehensive Plan
Amendment and Planned Unit Development Rezoning Application**

To Whom It May Concern:

This Developer Neighborhood Notice is submitted on behalf of Windward Shipyard Land Holdings, LLC (“Owner”), the owner of property located west of the San Sebastian River and east of Arapaho Avenue (the “Property”). The Property includes St. Johns County Parcel Identification Nos. **134760-0000**, 134770-0000, **134780-0000**, **134790-0000** and 134650-0000.

The Property is located in unincorporated St. Johns County and has a Future Land Use Map (“FLUM”) designation of Mixed-Use District (County) and a zoning of Open Rural (County). The Owner is proposing to annex the Property into the City of St. Augustine’s boundaries and give the site (approximately 13.70 acres) a FLUM designation of Residential Low Density and a zoning district of Planned Unit Development (“PUD”) in the City. The Owner is proposing to construct a maximum of 55 single-family units, a community dock with 50 boat slips and recreational amenities related to the single-family homes within the Property (the “Project”).

Please contact me, the Applicant, directly on behalf of the Owner at the address and telephone number listed above, if you have any questions about the proposed Comprehensive Plan Amendment and PUD rezoning application for the Project summarized in the paragraph above. This developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's residents and PUD development applicants. This document was prepared by the Applicant, and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours.

March 1, 2023
Developer Neighborhood Notice
Page 2

Please contact me with any questions regarding the Comprehensive Plan Amendment and PUD rezoning application and any comments or questions you may have about such application.

Sincerely yours,

Ellen Avery-Smith

cc: Amy Skinner (via e-mail)

Windward Shipyard Planned Unit Development

City of St. Augustine, Florida

February 2, 2023
Revised March 1, 2023

Team Roster

Owner/Applicant: **Windward Shipyard Land Holdings, LLC**
 Stefan Johansson, Chris Simon, Karl Masters
 404 Riberia Street
 St. Augustine, Florida 32084
 (904) 824-4394

Civil Engineering: **Maverick Engineering**
 Jeremy Calloway
 10 Willow Winds Parkway
 St. Johns, Florida 32259
 (904) 655-6687

Landscape Architect: **Marquis Latimer +Halback, Inc.**
 Jeremy Marquis, Fremont Latimer, Elijah George
 34 Cordova Street, Suite A
 St. Augustine, Florida 32084
 (904) 540-6940

Environmental: **Carter Environmental Services, Inc.**
 Ryan Carter
 42 Masters Drive
 St. Augustine, Florida 32084
 (904) 540-1786

Legal: **Rogers Towers, P.A.**
 Ellen Avery-Smith, Esq.
 100 Whetstone Place, Suite 200
 St. Augustine, Florida 32086
 (904) 825-1615

Exhibit List:

Exhibit "A" – Legal Description of the Property
Exhibit "B" – Master Development Plan
Exhibit "C" – Tree Relocation Plan
Exhibit "D" – Conservation Overlay Zone Plan

WINDWARD SHIPYARD PLANNED UNIT DEVELOPMENT TEXT

A. Purpose and Intent.

Pursuant to Section 28-286 of the City of St. Augustine Code (the “**Code**”), the purpose of a planned unit development (“**PUD**”) zoning district is to provide an option and process for the provision of unique, individually planned developments that are consistent with the City’s Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible and innovative designs for projects than the regular zoning districts allow. The intent of a PUD is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD.

This Windward Shipyard PUD text creates site-specific regulations to address development and topographic conditions, historic or architectural features, and transitioning land uses. The PUD, including all exhibits hereto, complies with all applicable provisions of City Code Chapter 28.

B. Site Information.

1. Location

The property subject to this PUD ordinance is located west of the San Sebastian River, north of State Road 312 and east of U.S. Highway 1 in the City of St. Augustine. The property has St. Johns County Parcel Identification Nos. 134760-0000, 134770-0000, 134780-0000, 134790-0000 and 134650-0000 (collectively, the “**Property**”). A legal description of the Property is attached as Exhibit “A”.

2. Owner, Developer and Agent

The owner of the Property is Windward Shipyard Land Holdings, LLC (the “**Owner**”). The agent for the Owner and Developer is Ellen Avery-Smith, Esq., Rogers Towers, P.A. (the “**Agent**”). Addresses for the Owner and Agent are in the Team Roster on page 2.

3. Existing approvals A majority of the Property is located in unincorporated St. Johns County. The Property has a Future Land Use Map designation of Mixed Use District (County) and a zoning of Open Rural (County). The Owner has filed applications to annex the Property into the City of St. Augustine and to change the Future Land Use Map (“**FLUM**”) designation to Residential Low Density (“**RLD**”) in the City. The legal description of the Property is attached as Exhibit “A” (the “**Property**”). The Owner owns other parcels immediately north of the Property that are located in the City limits and commonly known as the St. Augustine Shipyard.

4. Summary of Proposed Development

The Owner is proposing to construct a maximum of 55 single-family units, a community dock with 50 boat slips and recreational amenities related to the single-family homes within the Property (the “**Project**”). A master development plan depicting the locations of the proposed uses within the Property is attached as Exhibit “B” (the “**Master Development Plan**”).

The Property includes approximately 13.5 acres of uplands and 0.19 acres of wetland. The Owner is proposing to impact approximately 0.15 acres of on-site wetlands in order to construct roadway crossings, ponds and homes. All other on-site wetlands will be preserved.

C. Proposed Development (Code Section 28-289 provisions in BOLD).

1. **Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property.**

The Property is located in unincorporated St. Johns County and has a FLUM designation of Mixed Use District (County) and a zoning of Open Rural (County). The Owner is proposing to annex the Property into the City’s boundaries and give the site a FLUM designation of Residential Low Density in the City.

City Comprehensive Plan Future Land Use Element (“FLUE”) Policy 6.4.3 states that the Residential Low Density FLUM category is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low-density single-family uses such as churches, child care centers, public and institutional uses, including school consistent with the Public Schools Facilities Element, recreation and Open Land (Conservation) as appropriate to create and maintain a stable, low-intensity residential character. Single-family density is a maximum of eight (8) units per acre.

Future Land Use Element Goal 1 encourages the preservation and protection of the City’s natural resources by establishing a pattern of development that is harmonious with the City’s natural environment. The proposed PUD meets these requirements by preserving all marshland within the Property, retaining natural hydrologic connections managing all stormwater on-site. The Project will meet the requirements of FLUE Policies 1.1.8 and 1.1.9 by encouraging street, pedestrian and open space designs the discourage cut-through traffic and provide for safe, convenient and well-designed traffic circulation on the Property and through the adjacent Shipyards site.

FLUE Policies 2.1.2, 2.1.3, 2.1.4 and 2.3.4 require new development to provide necessary services and facilities or to pay a fair share of costs of providing such facilities, including extension of water, sanitary sewer and drainage systems to serve projects. The PUD will comply with those requirements by paying for connection to the City’s existing water and sewer systems and dedicating such water and sewer improvements to the City, as well as providing drainage on-site. Internal streets constructed by the Owner will be connected to public streets owned by the City, St. Johns County and the Florida Department of Transportation (“**FDOT**”).

FLUE Objectives 5.1 and 5.2 and their applicable policies encourage infill, mixed-use development of the type being proposed for the Property and adjacent land owned by the Owner in the Shipyards project. The combined projects provide orderly, compact development and the provision of public facilities and services that minimize costs and environmental impact and maximize efficiency. The Project and Shipyards will provide a pedestrian friendly street design and an interconnected street network, which will reduce greenhouse gas emissions.

FLUE Goal 8 and its policies focus on preserving the City's sense of place by balancing small-town urban character with economic activity and encouraging compatible infill development. The PUD provides these by providing residences adjacent to the mixed-use Shipyards project and other businesses in the surrounding area. The Project's proximity to places of employment, restaurants, shops and other commercial and office centers makes it a true walkable and bicycle-friendly community. The PUD has been designed to preserve the City's historic skyline and recognize eventual sea level rise.

Recreation and Open Space Element Overall Goal and applicable policies require certain residential developments to provide parks and recreational facilities, based on the number of proposed units. The Project will provide neighborhood parks for its residents and will be interconnected with the Shipyards via sidewalks and paths.

The Conservation and Coastal Management Element Overall Goal is to protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. Approximately 3.24 acres of wetlands will remain in the Project. The Owner will impact approximately 0.15 acres of low-quality wetlands within the Property area in order to construct.

The Coastal Management Goal requires the City to maintain three (3) Conservation Overlay Zones ("COZs"). Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers and other water dependent uses, including boat ramps and marinas. Conservation Overlay Zone 2 allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off-street parking areas; and residential development, provided that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 allows a variety of land uses and development subject to performance standard requirements governed by the City's Comprehensive Plan, including the underlying FLUM category, and the City's land development regulations. The PUD will comply with all applicable COZ requirements enumerated in the Coastal Management Goal, as set forth more fully in Subsection C.3.p hereof.

The Infrastructure Element requires the provision of sanitary sewer, potable water and solid waste services to support intended development. The Project will connect to the City's existing sanitary sewer and potable water systems, including potable water system interconnection with adjacent parcels, at the expense of the Owner (in compliance with applicable requirements of the Capital Improvement Element). The Project will use water-wise landscaping where practicable. The project will also utilize City solid waste services. The

Stormwater Management Sub-Element requires developments to provide their own stormwater management systems. The PUD will comply with this requirement.

The Overall Goal of the Transportation and Mobility Element encourages accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employees, employees and visitors. The Project meets applicable objectives and policies by providing interconnected streets and sidewalks so that residents and other City residents can drive, walk or bicycle to nearby places of employment, restaurants, shopping destinations and other places.

The Overall Goal of the Housing Element is to provide an adequate inventory of housing in stable neighborhoods. Goal 1 encourages quality housing through new construction, and requires the City to assist the private sector in providing adequate housing to meet current and future needs.

2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts.

Not applicable.

3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including, but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception.

The Owner desires to rezone the Property to PUD in order to provide more flexible site development standards, which will allow them to preserve on-site marshlands and wetlands associated with the San Sebastian River. The following development standards shall apply to the Property:

a. Allowable uses: Allowable uses within the Property shall be:

- (i) A maximum of 55 single-family residential units.
- (ii) A 50-slip community dock related to the residential units.
- (iii) Recreational and other amenities to serve the residential development.

The locations of the proposed homes, community dock and amenities are depicted on the Master Development Plan, **Exhibit "B"**. The Owner, its successors and assigns, shall be permitted to make minor adjustments to the Master Development Plan based on applicable local, state and federal governmental agency review related to site permitting, engineering and construction plans. Staff shall review and approve any such revisions to the Master Development Plan, without the need for additional public hearings.

b. Setbacks: The minimum building setbacks are as follows:

1. Front Yard: 20 feet; Corner Yard: 10 feet; Rear Yard: 10 feet; Side Yard: Five (5) feet
 2. The front yard setback shall be measured from the front lot line of each lot (not including portions of any lot that may be located within a road or common area tract). Setbacks shall be measured from the outer foundation wall of each structure 30 inches above grade. Eaves shall be permitted to project into yard setbacks, not more than 24 inches. Patios shall be permitted to extend into rear yard setbacks if not covered or screened. This method of measuring side setbacks is a waiver from the Code.
 3. ~~Front of primary structure (home) in each lot shall be offset from the front of adjacent lot's primary structure a minimum of five (5) feet to allow for variation in the streetscape.~~
 4. The project amenity center and its associated parking lot will be located a minimum of 10 feet from all parcel boundaries.
- b. Maximum building height: Single-family residences shall not exceed 35 feet in height. In addition to this building height, an additional five (5) feet shall be permitted for architectural features and mechanical equipment, pursuant to Code Section 28-332.
 - d. Minimum lot size: 4,800 square feet.
 - e. Minimum lot width: 40 feet.
 - f. Maximum lot coverage by all buildings and structures: 50 percent.
 - g. Parking: Each single-family residence will have a driveway that can accommodate a maximum of two (2) cars, as well as a two (2)-car garage. A minimum of four (4) parking spaces will be provided at the project amenity center.
 - h. Signage: Project residential signage will comply with applicable provisions of the Code.
 - i. Roads: Project roadways will be private. Such roads will be owned and maintained by a homeowners' association ("HOA") and may be gated, provided that sidewalks shall not be gated. Project roads will be a minimum of 20 feet in width, with minimum 10-foot-wide lanes.
 - j. Sidewalks: A five (5)-foot-wide sidewalk will be constructed on at least one (1) side of all streets, in the locations depicted on the Master Development Plan. Sidewalks within the Property will be owned and maintained by the HOA.

- k. Fencing/Screening. The Owner shall be permitted to erect fences within side and rear yards of lots within the Property and within community recreation facilities, provided such fences are not taller than six (6) feet.
- l. Upland buffers: An average 25-foot undisturbed upland buffer will be provided adjacent to contiguous wetlands if no bulkhead is provided. If lots are bulk-headed, reduced upland buffers will be provided, but such lots will be required to have 10-foot rear yard setbacks, pursuant to Subsection C.3.b hereof. Locations of bulkheads are depicted on the Master Development Plan, Exhibit "B".
- m. Stormwater: The Owner will provide a stormwater management system for the proposed development, in compliance with applicable City and St. Johns River Water Management District ("**District**") requirements.
- n. Lighting. Project lighting shall comply with applicable Code provisions. Full cutoff fixtures shall be used to meet "Dark Sky" objectives for all roadway, pedestrian, pathway and building lighting.
- o. Accessory Uses. Project accessory uses shall comply with applicable Code provisions.
- P. Temporary Uses. Project temporary uses shall comply with applicable Code provisions.
- q. Utilities: Project shall comply with applicable Code requirements. Project potable water lines will be interconnected with potable water lines that serve adjacent parcels.
- r. Landscaping: Project landscaping will comply with applicable provisions of Code Chapter 25, Article III, except that all planted trees will count toward satisfaction of any required mitigation, regardless of location on the project site, including required buffer yards.
- s. Tree Mitigation: Any project tree removal and replacement will comply with applicable provisions of Code Chapter 25, Article III, except that all planted trees will count toward satisfaction of any required mitigation, regardless of location on the project site, including required buffer yards. At present, the Owner does not intend to remove any significant trees but will relocate a number of such trees within the Property to retain them on-site. A tree significant relocation plan for the Property is attached as Exhibit "C" (the "**Tree Relocation Plan**"). Plant notes are contained on the Tree Relocation Plan. Prior to commencing development of lots within the Property, the Owner shall record restrictions against title to each lot prohibiting the removal of any trees within a lot without the prior written approval of the HOA and without replacement of any tree sought to be removed with a tree of equal credits per the Code.

- t. Conservation Overlay Zone Development: Chapter 11, Article II, Sections 11-26 through 11-30 of the Code set forth criteria for development within conservation overlay zones (“COZs”). Portions of the Property lie within COZs 1, 2 and 3, and development of the Property will comply with applicable provisions of Sections 11-26 through 11-30.

Code Section 11-29(a) allows permits for structures and uses located within COZ 1 to be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. Code Section 11-29(b) allows permits for structures and uses located within COZ 2 to be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect.

The Owner is proposing to construct a 50-slip community dock within the Property, in location are depicted on the Master Development Plan and on the Conservation Overlay Zone Plan attached as **Exhibit “D”**. The proposed facilities will be designed avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. The impervious area within COZ 2 will not exceed 25 percent without the area receiving treatment equivalent to the District water quality treatment provisions required when new development is proposed along an unaltered shoreline.

Rear or side lot drainage from grassed or altered areas of The Windward Shipyard PUD along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the 25-foot buffer (water discharged shall be at non-erosive velocities), with the following permitted activities: (1) pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of 36 inches should be retained; (2) a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems

shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the 50 percent level; (3) dead, diseased, unsafe or fallen trees may be removed; and (4) reasonably sized bridges, paths, walkways, gazebos, docks and decks, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the buffer). Restoration plan(s) shall be developed to achieve the 50 percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the (25) – foot buffer may be permitted.

For the community dock and minimal lot bulkheading on the Master Development Plan and Conservation Overlay Zone Plan, the Owner provides the following information in response to Code Section 11-29(c) criteria (with Code criteria in BOLD below):

1. **Site specific conditions.**

See the Master Development Plan and Conservation Overlay Zone Plan for site development details.

2. **The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.**

See the Master Development Plan and Conservation Overlay Zone Plan for site development details.

3. **Natural and proposed drainage patterns.**

The Property is bounded on the east and south by the San Sebastian River and connected marshlands. The Property's existing drainage patterns can be described as the perimeter coast line drains directly to the river and connecting marsh while the internal portions of the site drain to onsite wetlands and a manmade drainage ditch, which eventually drain to the San Sebastian River on the east and south sides of the Property.

The proposed drainage pattern for the site will have stormwater collected and conveyed from roadways and lots within an inlet and pipe network, toward one on-site wet detention ponds.

4. **Effect of point and nonpoint discharge in the marine environment.**

The point discharges will include the outfall control structure in the wet detention pond system described above, which is proposed to connect to the San Sebastian River. There will be minimal impacts to marine life as

these outfalls will discharge treated stormwater. Nonpoint discharges from rear yards will be minimized as the lots will be designed with Type “A” grading, forcing runoff to reach the stormwater collection system.

5. **Proposed soil stabilization and erosion control methods.**

Standard erosion control methods will include silt fencing around the perimeter of the developed areas, inlet protection during construction, hay bale barriers at the outfalls and floating turbidity barriers within the onsite ditch during road crossing construction. All disturbed areas will be seeded and mulched to establish vegetation to ensure minimal erosion after construction is complete.

6. **Impact on floodplain.**

Because the San Sebastian River is an open basin that has a direct connection to the Atlantic Ocean, the impacts to the floodplain will be minimal.

7. **Impact of development on vegetative and animal communities.**

Approximately 0.15 acres of proposed wetland impacts are for home sites (Figure 4). Locations of the proposed wetland impacts are shown on the wetland management plan enclosed with the environmental report by Carter Environmental Services, Inc. included with the application package. Those impacts either have been permitted by both the District and U.S. Army Corps of Engineers (the “Corps”). All hydrologic flow will be unimpeded and follow its natural course. Further, all other wetlands on-site will remain.

8. **Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.**

Because the PUD will include single-family homes and the community dock, which will not have fueling or other activities that permit the use of hazardous chemicals and materials, there is no potential for contaminated drainage, storage of pollutants or the use of poisonous chemicals or materials.

9. **Effect of shade on vegetation and shellfish.**

The community dock be at minimum five (5) feet above mean high water. Therefore, shading will be minimal. None of the wetland impacts proposed in upland areas of the project will have a shade effect on vegetation or shellfish. The Owner will leave 3.24 acres to remain adjacent to the San Sebastian River. The 0.15 acres of low-quality freshwater wetland impacts, not saltmarsh, will be mitigated by purchasing 0.12 mitigation bank credits.

10. **Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.**

The proposed development will honor the standard will have no effect on manatees, vegetation, shellfish or wildlife, nor will it cause shoreline erosion because it is located within upland areas of the site.

11. **Impact of development on shoreline by linear feet and percent of site.**

The existing shoreline will not be altered by the proposed development. The bulkheads will be mostly constructed within the uplands, except for the areas adjacent to the wetland impacts.

12. **Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.**

The Conservation Overlay Zone 1 Development includes the community dock. The community dock is depicted on Figures 4 thru 10C.

The proposed single-family homes will be located within Conservation Overlay Zones 2 and 3. The homes will be limited to 35 feet in height (two stories) so their impacts to vistas and scenic opportunities will be minimal. Existing tree canopies within COZ 1 and upland buffers will be left in place and new trees will be planted within lots, both of which will allow the proposed homes to blend into the area.

13. **Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.**

Native vegetation will be preserved in buffer areas within the Property, in the locations depicted on the Master Development Plan. Native plants will be used for landscape and open space purposes to the extent practicable. Proposed retention areas are depicted on the Master Development Plan.

14. **Impact of development on plant and animal habitat and potential loss in acres and percent of site.**

The Windward Shipyard project will cluster housing development within upland areas of the Property and will preserve marshlands and other wetlands associated with the San Sebastian River

15. **Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a**

surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

Stormwater runoff from the Property will be routed to a surface water management system permitted by the St. Johns River Water Management District.

16. Impact of development on shellfish and on commercial and sport fish and waterfowl.

The project will have no impact on shellfish or on commercial or sport fish or waterfowl because all stormwater runoff from the Property will be routed to a District-permitted surface water management system. The proposed homes will be located on upland areas of the site.

17. Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

Project will comply.

4. **Compliance with the purpose and intent and criteria in Code Section 28-286.**

The PUD complies with Code Section 28-286 by:

- a. Promoting more efficient and economic use of land by clustering development within upland areas and preserving marshland and other wetland associated with the San Sebastian River.
- b. Encouraging a more compatible and harmonious development of contiguous lands by using natural buffers to ensure compatibility.
- c. Providing flexibility to meet changing needs, technologies, economics and consumer preferences in the Master Development Plan and this text.
- d. Providing a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole.
- e. Demonstrating the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned development's relationship with the existing and preferred architectural context surrounding the project.
- f. Providing an environment of consistent character compatible with the surrounding areas.
- g. Permitting specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

5. **Compliance with Code Section 28-288 and justification for any zoning uses.**

Permitted uses within the Property are set forth in Section C.3 hereof. Locations of the proposed uses are depicted on the Master Development Plan, **Exhibit "B"**. Proposed uses are consistent with the Residential Low Density future land use designation for the Property.

Development standards for the Property are set forth in Section C.3 hereof. These standards will mitigate for any negative impacts of the development on surrounding lands.

Benefits to the community from the Project include:

- a. Preserving marshland and other wetland associated with the San Sebastian River.
- b. Providing interconnection of potable water lines with adjacent parcels.
- c. Providing a project that compliments and incorporates the existing mixed-use Shipyards project to the north.

- d. Annexing the Property into the City limits, thus increasing the City's tax base and number of jobs available in the municipal boundaries.
- e. Providing pedestrian interconnectivity within the Shipyards project and with parcels to the north, along the west side of the San Sebastian River.

6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit.

The Project will be developed in two (2), five (5)-year phases. Phase 1 shall commence within three (3) years of the City Commission's adoption of this PUD ordinance and shall be completed within five (5) years of commencement. Phase 2 shall commence no later than the completion of Phase 1 and shall be completed within five (5) years of commencement. For purposes of this PUD, "commencement" shall be defined as the City's approval of horizontal construction plans, and "completion" shall be defined as the City's approval of as-builts for horizontal improvements.

7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement.

The Owner will create a homeowners' association ("HOA") that will be legally responsible for owning, operating and maintaining common areas within the Property, including but not limited to roads, sidewalks, parks, the community dock and other amenities.

8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule.

This PUD shall terminate ten (10) years from its adoption by the City Commission unless otherwise extended or amended pursuant to the Code.

9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted.

The proposed PUD is consistent with the underlying future land use designation of the Property.

10. **An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city.**

A public facility impact analysis and a traffic impact analysis that outline the project's potential impacts on transportation networks, circulation patterns and infrastructure were included with this application.

11. **A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.**

See Section E hereof.

D. Performance Standards (Code Section 28-291).

1. **Density of development.** The project will include a maximum of 55 single-family units on approximately 13.7 developable acres, yielding a net density of 4.01 units per acre on the Property.

2. **Open space.** Development will be clustered within upland areas of the Property.

3. **Waiver of yard, dwelling unit, frontage criteria and use restriction.** See Section C.3 hereof for these criteria and waivers from such requirements. Those waivers are detailed in Subsections C.3.r (Landscaping) and s (Tree Mitigation).

4. **Management and maintenance of open space areas.** All common property within the Property will be owned, operated and maintained by an HOA and will be available for use by residents within the Property. The HOA will have a declaration of restrictive covenants that governs use of common areas within the Property. The HOA board of directors will be responsible for enforcing the declaration. The HOA will own and maintain all roads and sidewalks within the Property. Access to homes will be over these privately owned streets. The HOA will have rules and regulations governing fencing, landscaping and other aesthetic issues in order to enhance the community and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.

5. **Community facilities.**

a. **All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.**

The project will dedicate all on-site utilities to the City, in compliance with applicable Code requirements.

b. **All requirements for off-street parking and loading shall apply to the PUD unless otherwise waived or modified.**

See Section C.3 for parking standards.

c. **Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.**

The project will provide adequate access and circulation for emergency and other access, including access for large vehicles.

d. **Provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater and prevent erosion and formation of dust.**

The project will provide for underground utilities to the extent practicable.

e. **Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.**

See Section C.3 for street and sidewalk design criteria. The Master Development Plan shows interconnectivity with adjacent lands. Because the Property is surrounded on two sides by marshland, it is difficult to connect to adjacent lands other than via Arapaho Avenue.

f. ***General development patterns.* Residential subdivisions and mixed-use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.**

See the Master Development Plan, **Exhibit “B”**, the Tree Relocation Plan, **Exhibit “C”**, and this text for the development standards for the Property.

E. **Ownership Agreement.**

The Owner, on behalf of itself and its successors and assigns, hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD ordinance for this application as adopted by the City of St. Augustine City Commission. The Owner also agrees to comply with all conditions and safeguards established by the St. Augustine City Commission with respect to this Planned Unit Development application.

Windward Shipyard Land Holdings, LLC,
a Florida limited liability company

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "A"

Legal Description of the Property

A PORTION OF THE M. SOLANA GRANT, THOSE LANDS LYING IN SECTION 19 & 40, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST JOHNS COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF ARAPAHO AVENUE AND THE WESTERLY CORNER OF LOT 6, BLOCK H, SEMINOLE PARK SUBDIVISION; THENCE ALONG THE NORTHEASTERLY AND EASTERLY RIGHT OF WAY LINE OF SAID ARAPAHO AVENUE THE FOLLOWING 6 CALLS (1) S 68°21'25" E, 122.04 FEET; (2) S 53°15'10" W, 8.50 FEET; (3) S 68°29'21" E, 403.09 FEET; (4) S 26°52'43" E, 205.14 FEET; (5) S 26°47'43" E, 692.28 FEET; (6) S 39°56'09" E, 249.22 FEET TO THE POINT OF BEGINNING AND A 58" IRON ROD AND CAP STAMPED #8177; THENCE FROM SAID POINT OF BEGINNING ; N 53°03'29" E , 333.34 FEET ALONG THE SOUTHERLY LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 779, PAGE 1160 TO THE SOUTHEAST CORNER OF AFOREMENTIONED PARCEL; THENCE N 39°32'35" W , 223.30 FEET ALONG THE EASTERLY LINE OF AFOREMENTIONED PARCEL; THENCE N 68° 19' 25" E, 396.45 FEET; THENCE N 24° 47' 29" E, 57.06 FEET; THENCE N 69° 42'32" E, 135.86 FEET; THENCE S 17° 09'35" E, 111.54 FEET; THENCE S 17° 38' 44" E, 131.74 FEET; THENCE S 18° 57' 11" E, 105.33 FEET; THENCE S 10° 12' 29" E, 40.03 FEET; THENCE S 11° 52' 43" E, 51.41 FEET; THENCE S 13° 02' 00" E, 157.41 FEET; THENCE S 36° 59' 22" E, 84.02 FEET; THENCE S 78° 42' 32" E, 26.87 FEET; THENCE S 11° 22' 05" W, 220.85 FEET; THENCE S 84° 46' 38" W, 81.60 FEET; THENCE S 62° 22' 13" W, 98.51 FEET; THENCE S 40° 49' 36" W, 93.52 FEET; THENCE S 80° 44' 20" W, 81.97 FEET; THENCE S 67° 54' 06" W, 33.95 FEET; THENCE N 22° 17' 02" W, 28.06 FEET; THENCE S 67° 53' 27" W, 55.55 FEET; THENCE S 76° 38' 57" W, 90.94 FEET; THENCE N 89° 10' 17" W, 197.97 FEET; THENCE N 46° 09' 33" W, 289.62 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ARAPAHO AVE. A 40 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE N 47° 28' 56" E , 180.64 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID ARAPAHO AVE.; THENCE N 39°39'06" W , 111.75 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING. CONTAINS 13.70 ACRES MORE OR LESS.

Exhibit “B”

Master Development Plan

Exhibit “C”

Tree Relocation Plan

Exhibit “D”

Conservation Overlay Zone Plan



TREES TO BE TRANSPLANTED

Tree #	(DBH)	Tree Species
154	50	live oak
166	45	live oak
168	48	live oak
196	46	live oak
143	14	red cedar
144	19	red cedar
145	10	red cedar
147	12	red cedar
148	10	red cedar
149	14	red cedar
150	17	red cedar
170	15	red cedar
172	16	red cedar
173	21	red cedar
174	15	red cedar
175	9	red cedar
176	10	red cedar
177	11	red cedar
178	10	red cedar
179	13	red cedar
180	12	red cedar

TREES TO BE PRESERVED IN PLACE

Tree #	(DBH)	Tree Species
323	44	live oak
337	31	live oak
338	12	cabbage palm
339	12	cabbage palm
340	13	sugarberry
341	12	cabbage palm
342	12	cabbage palm
343	10	cabbage palm
344	11	magnolia
354	16	red cedar

MAP KEY



SIGNIFICANT LIVE OAKS TO BE RELOCATED



SIGNIFICANT CEDAR TO BE RELOCATED



EXISTING TREE TO REMAIN

DRAWN BY: EG, CS

SHIPYARD SINGLE FAMILY SITE

ST AUGUSTINE, FLORIDA

TREE PRESERVATION AND RELOCATION DIAGRAM

