

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