CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting
February 5, 2019

The Planning and Zoning Board met in formal session Tuesday, February 5, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order Sarah Ryan, Acting Chairperson and the following were present:

1. Roll Call:

Sarah Ryan
Carl Blow
Jon DePreter
Christina Opsahl

Absent:

Grant Misterly, excused
Karen Zander, excused
Maurice Morrisette, excused

City Staff:

David Birchim, Director, Planning & Building Department
Amy Skinner, Deputy Director, Planning & Building Department
David Harrell, Senior Development Review Planner
John Cary, City Attorney
Candice Seymour, Recording Secretary

Agenda Modifications

Ms. Ryan announced that the applicant for item 4(e) had requested a continuance to the March meeting.

MOTION

Mr. DePreter MOVED to CONTINUE application 2019-0002 to the March 5, 2019 meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: DePreter, Blow, Opsahl, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

The Board discussed continuing items 6(a) and 7(a) to the March meeting to allow for the presence of a full board.

Ellen Avery-Smith, applicant for items 6(a) and 7(a) stated that there were items she wished to discuss with staff since discussion item 8(a) was closely related to her applications.

There was further discussion regarding moving discussion item 8(a) to the beginning of the Agenda so that the public could speak regarding the subject.

There was Board consensus to move the discussion item forward on the application.

MOTION

Mr. Blow MOVED to CONTINUE applications 2018-0170 and 2018-0171 to the March 5, 2019 meeting and to modify the agenda by moving discussion item 8(a) to the front of the agenda. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:
AYES: Blow, DePreter, Opsahl, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

2. General Public Comment for Items Not on the Agenda

Heard after item 5(a).

The Board heard comment from the following member of the public:

- B.J. Kalaidi

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the January 8, 2019 and January 9, 2019 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: DePreter, Blow, Opsahl, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. Conservation Overlay Zone Development

4. (a) 2018-0153 – Bart D. Piniaz – Applicant
Carlapooh LLC – Owner
121 Spoonbill Point Court

To approve removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3.

Mr. Harrell 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** removal of more than fifty (50) percent of the tree canopy, including twelve (12) preserved trees (Cedars) within Conservation Overlay Zone 3 at **121 Spoonbill Point Court** with the following condition:

- The applicant must plant trees to satisfy outstanding debits. This can be done by planting additional trees and/or planting larger trees

Bart Piniaz reviewed the application.

The Board provided their ex parte communications.

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

Public hearing was opened.

B.J. Kalaidi spoke in opposition to the application.

Marcia Daniels was concerned with hydrology and felt that the application would exacerbate a continuing drainage problem in the area. She felt the drainage issue should be addressed prior to approving any further development in Pelican Reef.[1]

Ewald Keszthelyi was opposed to the application citing drainage concerns.

Public hearing was closed.

Applicant addressed public concerns, citing HOA requirements for square footage and a two-car garage and discussing tree-removal, fill on the lot, and replanting.

The Board discussed:

- Dead trees on property were part of removal request
- Standing water on the lot
- Tight spaces for replanting
- Homeowner's Association requirements
- Possibility of utilizing different techniques to preserve some trees in good or excellent condition on the property
- House proposed to be built on piers with stem-wall foundation
- Grade needed to be higher along front of property for driveway and

[1] Additional information attached to original minutes

home entry, but could be lower on other areas in attempts to mitigate tree root impacts
- Side and rear grading may not require fill

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development application 2018-0153 based on the drawing that the Board has approved and provided to staff which saves six trees and the staff recommendation to plant trees to satisfy outstanding debits. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:
AYES: Blow, DePreter, Opsahl, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. (b) 2018-0152 – Ryan Carter, Carter Environmental Services Inc. – Applicant St. Marks Development Authority – Owner
709 S. Ponce De Leon Boulevard

To approve a proposed dock within Conservation Overlay Zone 1, proposed retaining wall, building, and site improvements in Conservation Overlay Zone 2, and removal of preserved tree(s) (Oaks) within Conservation Overlay Zone 3.

Mr. Harrell 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** a proposed dock and retaining wall within Conservation Overlay Zone 1 and removal of a preserved tree within Conservation Overlay Zone 3 located at **709 S. Ponce de Leon Boulevard**

Ryan Carter reviewed the application noting that, due to the rip-rap armoring along the shoreline, only Conservation Overlay Zones 1 and 3 development were being reviewed by the Board.

Ex Parte Communication:

(none)

33 certified notices were sent; however, there was no response.

Public hearing was opened.

Bob Bonner was concerned with drainage issues and proposed use.

B.J. Kalaidi was also concerned with drainage and opposed the removal of trees.

Thaida Bonner wondered what kind of business the building would be.

Public hearing was closed.

Ryan Carter addressed drainage concerns noting that there were no plans to change the existing impervious surface; and, therefore, no plans to change the existing drainage on the site. He stated the retaining wall would have weep-holes to allow for drainage of water which would eliminate additional storm water impacts from the wall.

The Board discussed:

- Impacts of the proposed retaining wall on drainage
- Applicant was not required to build proposed dock and retaining wall and permit approval would expire after one year unless the Board approved a longer period
- Additional storm water retention could involve removing additional trees
- Only one tree proposed for removal

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development application 2018-0152 with a two-year extension. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:
AYES: Blow, Opsahl, DePreter, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY[2]

4. (c) 2018-0172 – Doran Dean Yelten, Yelten Construction Company – Applicant
Michael Weld – Owner
154 Pelican Reef Drive

To approve proposed boat lifts and extension of an existing dock within Conservation Overlay Zone 1.

Mr. Harrell 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 proposed boat lifts and extension of an existing dock within Conservation Overlay Zone 1 located at **154 Pelican Reed Drive**.

Debra Trivett, wife of the owner, reviewed the application. She clarified that the owner's last name was spelled "Wald" and that only one boat lift would be installed.

The Board provided their ex parte communications.

10 certified notices were sent, 1 was returned in favor.

Public hearing was opened.

B.J. Kalaidi spoke against the application.

Public hearing was closed.

[2] Recess from 4:13p.m. to 4:25p.m.

The Board discussed:

- Proposed addition did not appear to extend the dock further than any existing surrounding docks
- Dock was originally larger and was re-built shorter than previously existing dock

MOTION

Mr. DePreter MOVED to APPROVE application 2018-0172. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:
AYES: DePreter, Opsahl, Blow, Ryan
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

4. (d) 2019-0001 – Kyle Newton, Miners Marine Construction – Applicant
Thomas Mcknew, Pierre D Thompson Rev. Trust Etal, & Thompson Brothers Realty Inc. – Owner
2 Luwanna Circle & PIN#:1585600000

To approve a proposed dock within Conservation Overlay Zone 1.

Mr. Harrell 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 proposed dock within Conservation Overlay Zone 1 located at **2 Luwanna Circle and PIN#:1585600000**.

Bruce Liddy reviewed the application.

Ex Parte Communication:

(None)

107 certified notices were sent, 5 were returned in favor, 5 returned opposed and 4 had comments.

Public hearing was opened.

Carol Burtin spoke in favor of the application and noted that the subject channel was muddy and full of oysters, particularly at low tide when the channel was nearly non-navigable. She noted there was very little traffic in the creek.

B.J. Kalaidi gave a brief history of the subject property and voiced her opposition

Peter Starr was not opposed to the dock, but had issues with the proposed length and requested a 10% reduction in dock square footage.

Public hearing was closed.

The Board discussed:

- Concern with adjacent property owners wanting similar dock extensions
- Possibility of reducing the dock to 145 feet which would need to be agreed-upon by the property owner
- Mean-high and low water lines
- Concern with disrupting scenic vistas
- Reducing the length also reduced equitable use of the channel as other docks, though shorter in length, could reach the channel due to a reduced distance between the shoreline and channel
- Area water depths

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone 1 Development application 2019-0001 with the condition that the dock be limited to 150 feet long as opposed to the proposed length. The motion was SECONDED by Ms. Ryan.

<u>VOTE ON MOTION:</u>
AYES: DePreter, Ryan, Opsahl, Blow
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

<u>4. (e) 2019-0002 – Atlantis Holdings LLLP – Applicant and Owner</u>
<u>21 Barcelona Avenue</u>

To approve removal of more than fifty (50) percent of the tree canopy, including one (1) preserved tree (Cedar) within Conservation Overlay Zone 3.

<u>Applicant requested continuance prior to the meeting. See Modifications to the agenda for motion to continue.</u>

<u>5. Use by Exception</u>

<u>5. (a) 2018-0179 – Bart & Karrie Andrews – Applicant</u>
<u>David Mariotti, Mariotti's Cleaning Company – Owner</u>
<u>314 S. Ponce De Leon Boulevard</u>

To approve a proposed tattoo parlor within the Commercial Medium 2 (CM-2) zoning category.

Mr. Harrell 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 may **APPROVE** an exception to allow a proposed tattoo parlor within the Commercial Medium 2 (CM-2) zoning category located at **314 S. Ponce de Leon Boulevard**.

Karrie and Bart Andrews reviewed the applications.

The Board provided their ex parte communications.

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

Public hearing was opened.

B.J. Kalaidi requested that hours of operation be included in the motion. She asked whether beer and wine would be served.

Public hearing was closed.

The applicant responded to public comments and noted that hours were 11a.m. to 7p.m. though some fundraiser events may go until 9p.m. They stated that during fundraisers there may be food accompanied by beer and wine; however, no tattooing was taking place during such events.

The Board discussed:

- Weekly and monthly traffic through the shop
- Parking requirements
- No complaints in past four years at current location

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception application 2018-0179 finding that it meets findings of fact and was appropriate for the site. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:
AYES: DePreter, Ryan, Opsahl, Blow
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

6. Comprehensive Plan Amendment

6. (a) 2018-0170 – Ellen Avery-Smith, Rogers Towers – Applicant
Charles J. David, Bishop of the Diocese St. Augustine, Bishop of the Diocese Catholic Center & Roman Catholic Church – Owner
PIN #'s: 1920900000, 1920700000, 1959600000, 1959300000, 1959200000, 1958500000, 1920800000, 1908800000, 1909000000, 1909100000, & 1908900000 (Area roughly bounded by Ocean Ave., points immediately north of Ocean Ave. near the Matanzas River, Matanzas River, Pine Street, & San Marco Avenue.)

To amend Future Land Use Map designations from Public/Semi-Public, Open Land and Residential Low Density to Commercial Low Intensity.

See Agenda Modifications for motion to continue the application.

7. Rezoning

7. (a) 2018-0171 – Ellen Avery-Smith, Rogers Towers – Applicant
Charles J. David, Bishop of the Diocese St. Augustine, Bishop of the Diocese Catholic Center & Roman Catholic Church – Owner
PIN #'s: 1920900000, 1920700000, 1959600000, 1959300000, 1959200000, 1958500000, 1920800000, 1908800000, 1909000000, 1909100000, & 1908900000 (Area roughly bounded by Ocean Ave., points immediately north of Ocean Ave. near the Matanzas River, Matanzas River, Pine Street, & San Marco Avenue.)

To approve a rezoning from Open Land (OL) and Residential Single Family 2 (RS-2) to Commercial Low-Two (CL-2).

See Agenda Modifications for motion to continue the application.

8. Other Business

8. (a) Discussion and recommendation to amend the text of Future Land Use Policy 1.3 related to the definition of the Public/Semi-Public Land Use Category

Heard prior to Approval of Minutes.

Mr. Birchim explained the item.

Mr. DePreter asked whether changing the Future Land Use designation would require rezoning of some properties and staff responded that further research and possibly additional language would be necessary.

The Board discussed allowed uses under the Semi-Public designation and noted that non-profit/charitable services was a broad category and may need to be revisited.

Public comment was opened and the following members gave comment:

- Ellen Avery-Smith
- B.J. Kalaidi
- Guy Van Doren
- Dan Allen Ditmore
- John Danahy
- George Miller
- Gregory Jackson
- Patricia Merritt
- Pam Linder
- Ross Sicuranza
- Michelle Van Doren
- Hurley Haywood
- Melinda Rakoncay
- Emily Genovar
- Gare Mac Donald
- Jim Raz

The Board discussed:

- Distinction between religious use and commercial use which were blurred
- Federal law which made it difficult to legally define religious uses
- Special Events
- Possibility of incorporating language in the Semi-Public Land Use Category that would make all existing zoning accompanying churches compatible with the land use
- Property Density/Intensity

Other Business

There was a brief discussion regarding when the Board would start hearing additional tree removal applications once the City Commission approves the proposed ordinance and how the additional applications may increase the Board's workload.

9. Adjournment

Having no further business, Ms. Ryan adjourned the meeting at 5:24 P.M.[3]

Grant Misterly, Chairperson

[3] Transcribed by Candice Seymour