CITY OF ST. AUGUSTINE

Planning and Zoning Board Special Meeting
March 7, 2019

The Planning and Zoning Board met in formal session Thursday, March 7, 2019, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Grant Misterly, Chairperson and the following were present:

1. Roll Call:	Grant Misterly, Chairperson Sarah Ryan Carl Blow Jon DePreter Christina Opsahl Maurice Morrisette
Absent:	Karen Zander, excused
City Staff:	David Birchim, Director, Planning & Building Department Amy Skinner, Deputy Director, Planning & Building Department David Harrell, Senior Development Review Planner Isabelle Lopez, City Attorney Candice Seymour, Recording Secretary

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2. General Public hearings for Items Not on the Agenda

The Board heard comments from the following members of the public:

- B.J. Kalaidi

3. Rezoning

3. (a) 2019-0013 – Hytner Family Trust – Applicant and Owner
33 Dolphin Drive

To approve a rezoning from Residential Single Family 1 (RS-1) to Residential Single Family 2 (RS- 2).

Mr. Harrell read the staff report and said staff does not make a formal recommendation on the rezoning of land; however, the findings of fact had been detailed in the staff report for reference.

Dawn Gould reviewed the application.

The Board provided their ex parte communications.

12 certified notices were sent, 4 were returned opposed and 3 had comments.

Public hearing was opened.

Amy Corob, representative for the current buyers of the property, stated the buyers were buying the lot whole as-is, and were opposed to the rezoning. She answered Board questions, explaining that the current contract was contingent only upon inspection and receipt of an elevation certificate and it would be a cash sale.

William Lennon gave a brief history and spoke in opposition stating they preferred a single home on the two lots.

B.J. Kalaidi spoke against the application citing density concerns.

Christine Simons spoke in opposition stating that if large houses were built on each lot separately that it would negatively impact the view of the water and be detrimental to the neighborhood.

Public hearing was closed.

Ms. Gould responded to public comments, noting that the rezoning process had started prior to the contingent offer on the property and she was simply following through on the application in the event the current offer fell-through.

Board discussed:

- General concerns with density
- The aggregate lot ordinance
- Concerns of spot zoning
- Lack of a need or justification for the rezoning

MOTION

Ms. Opsahl MOVED to DENY application 2019-0013 on the basis that there is no need and justification for the rezoning and that it does not support the general planning program and Comprehensive Plan. The motion was SECONDED by Mr. Morrisette.

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

4. Conservation Overlay Zone Development

4. (a) 2019-0018 – Kyle Newton, Miner's Marine Construction – Applicant
Pierre D Thompson Rev. Trust Etal, & Thompson Brothers Realty Inc. – Owner
PIN#:1585600000
(Approved dock connected to 2 Luwanna Circle)

To approve the construction of an extended dock platform in 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 construction of an extended dock platform in Conservation Overlay Zone 1 located at **PIN:1585600000**

Bruce Liddy reviewed the application, noting that the dock would be wider, but not longer.

Ex Parte Communication:

(None)

106 certified notices were sent, 8 were returned in favor, 4 returned opposed and 4 had comments.

Public hearing was opened.

B.J. Kalaidi spoke in opposition citing that the application seemed like a means to skirt around what the Board had not let them build in the previous application.

Public hearing was closed.

The Board discussed:

- To maintain the agreed-upon, DEP permitted square footage, the applicant asked whether the dock could be widened rather than lengthened
- Current application would not lengthen the dock any more that previously approved
- Proposed terminal platform was larger than surrounding docks
- Concern for setting precedence
- Negative impacts to scenic vista and surrounding natural habitats
- Terminal end would be functional even if the application was not approved

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development application 2019-0018. The motion was SECONDED by Ms. Ryan

<u>VOTE ON MOTION:</u>
AYES: Blow, Ryan, Opsahl
NAYES: Morrisette, DePreter, Misterly
MOTION FAILED 3/3

MOTION

Mr. Misterly MOVED to DENY Conservation Overlay Zone Development application 2019-0018 on the grounds of its effect of shade on vegetation and shellfish, its impact on vistas and scenic opportunities by mass and percent of site, its impact on native plant and animal habitat, and impact on shellfish. The motion was SECONDED by Mr. Morisette.

<u>VOTE ON MOTION:</u>
AYES: Misterly, Morrisette, DePreter
NAYES: Opsahl, Blow, Ryan,
MOTION FAILED 3/3

<u>5. Variance</u>

<u>5. (a) 2019-0015 – Don Crichlow – Applicant</u>
<u>Michael & Daria Boles – Owner</u>
<u>32 Cincinnati Avenue</u>

To approve variances to decrease the minimum side and rear setbacks and increase the maximum lot coverage by building for a proposed addition and new guest home.

Mr. Harrell read the staff report and said based on a review of Section 28-29, if the Board **CAN** find there is a need and justification for the Variance then the Board can **APRROVE** the variance; or, if the Board **CANNOT** find there is a need and justification for the Variance, then the Board can **DENY** the Variance.

Don Crichlow reviewed the application.

Ex Parte Communication:

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

Public hearing was opened.

B.J. Kalaidi was concerned about the size of the structure and felt the new structure should be historically accurate.

Julie Burnett was concerned about the proposed structure's use as a guest house.

Public hearing was closed.

Mr. Crichlow responded to concerns about the use of the structure stating that it would be used as an additional guest bedroom which would only be accessed through the yard. He noted that the structure was historically used as a living quarters and a kitchen and had been plumbed and had a gas connection. He also noted that the original demolition permit had expired and he would need a variance regardless of what size the structure was rebuilt to.

The Board discussed:

- New structure would be slightly larger than original
- New structure would need to be raised to meet flood elevation requirements
- Structure would be on piers to reduce impact to nearby trees and be more compatible with the architectural style
- Need for additional guest bedroom
- Parking area in the rear
- No intent to use structure as a rental
- Setbacks
- Fence to wrap around cottage
- Possibility of pushing the structure to the property line and in line with the fence
- Structure followed historic pattern

MOTION

Mr. DePreter MOVED to APPROVE Variance application 2019-0015 for 32 Cincinnati Avenue given the findings-of-fact that the application would not be contrary to the public interest, the disadvantage was not created by the owner or applicant, and with the conditions listed in the staff report. The motion was SECONDED by Ms. Ryan.

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

<u>5. (b) 2019-0016 – Joel and Heidi Nagler – Applicant and Owner</u>
<u>115 DeHaven Street</u>

To approve variances to decrease the minimum side setbacks and increase the maximum lot coverage by building for a proposed addition.

Mr. Harrell read the staff report and said based on a review of Section 28-29, if the Board **CAN** find there is a need and justification for the Variance then the Board can **APRROVE** the variance; or, if the Board **CANNOT** find there is a need and justification for the Variance, then the Board can **DENY** the Variance.

Joel and Heidi Nagler reviewed the application.

The Board provided their ex parte communications.

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

Public hearing was opened.

Marilyn Hermann had been concerned with the purpose for the addition but was ok with the applicant needing space to live in the home full time. She was concerned with on-street parking as one side of the street would be yellow-curbed in the near future. She was hoping the applicant could create off-street parking in the front of the house while still saving the palm trees on the property.

B.J. Kalaidi spoke in opposition of the application citing overbuilding concerns.

Public hearing was closed.

The Board discussed:

- Drainage impacts
- Minimal tree impacts
- Addition intended to be on piers similar to existing house.
- Flooding was not a concern as property elevation was high
- Finished Floor Elevation

MOTION

Mr. Morrisette MOVED to APPROVE Variance application 2019-0016 based upon the applicable findings-of-fact as outlined in the staff report. The motion was SECONDED by Ms. Opsahl.

<u>VOTE ON MOTION:</u>
AYES: Morrisette, Opsahl, DePreter, Blow, Ryan, Misterly
NAYES: NONE
MOTION CARRIED UNANIMOUSLY[1]

<u>5. (c) 2019-0003 – Casey Carcaba & Paria Montazzri – Applicant</u>
<u>Montazzri Properties – Owner</u>
<u>172 San Marco Avenue</u>

To approve a variance to decrease the required parking spaces for a new restaurant.

Mr. Harrell read the staff report and said based on a review of Section 28-29, if the

[1] Brief recess from 2:38p.m. to 2:45p.m.

Board **CAN** find there is a need and justification for the Variance then the Board can **APRROVE** the variance; or, if the Board **CANNOT** find there is a need and justification for the Variance, then the Board can **DENY** the Variance.

Casey Carcaba and Paria Montazzri reviewed the application.

The Board provided their ex parte communications.

9 certified notices were sent, 1 was returned in favor, with an additional letter in favor attached.

Public hearing was opened.

Charles Pappis spoke in favor of the application, citing the history of the building and noting that there were no parking issues in the previous restaurant on the property. He did suggest considering type of restaurant and hours of operation prior to a final decision.

B.J. Kalaidi was opposed to the application stating that the applicant should have realized the parking problems prior to purchasing the property or opening a business at that location.

Public hearing was closed.

The Board discussed:

- On-Street parking on San Marco and US1 within 400 feet of the property
- DOT project to improve the intersection would reduce nearby parking
- Impacts to parking for merry-go-round and park across the street
- Pedestrian and vehicular traffic flows as well as public parking based on DOT project plans
- Current proposed hours would be 8a.m. to 5p.m. with future intent to expand after 5p.m.
- Applicant attempted to obtain parking agreement from neighboring trolley company

MOTION

Ms. Ryan MOVED to APPROVE Variance application 2019-0003 to approve a variance to decrease the required parking spaces for a new restaurant based upon the disadvantaged condition of the existing building which the property owner did not create and the variance would not be contrary to the public interest, would not adversely affect other properties in the vicinity, and would be in harmony with the intent and spirit and purpose of the section. The motion was SECONDED by Ms. Opsahl.

The Board discussed that the variance would run with the property; however, if seating increased or another business that required more parking opened on the property, a new variance application would be required.

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

<u>6. Use by Exception & Variance</u>

<u>6. (a) 2019-0010 – David Schmildli – Applicant</u>
<u>First City Curtin-Calls Inc. – Owner</u>
<u>121 King Street</u>

To approve an exception in order to allow for off- premise parking and loading zone within 400 feet of the premises and allow for the sale of only beer and wine on the premises & to approve a variance to the side and rear setbacks for a new building addition.

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 in order to allow for off-premise parking within 400 feet of the premises and allow for the sale of only beer and wine on the premises with the following conditions:

1. Alcohol sales can only occur within the building and alcohol must stay within the building
2. Revise the Letter of Intent to include "P.M." on the conditions where this was missing
3. On the future civil plans the loading zone shall meet Code minimum of twelve (12) feet by twenty-five (25) feet.

Mr. Harrell also noted that the application had initially been advertised as needing variances for the side and rear setbacks; however, it has been determined that a variance is no longer necessary.

David Schmildli reviewed the application.

Parte Communication:

14 certified notices were sent, 1 returned opposed, 1 was returned with no opinion, and an additional e-mail in opposition was received.

Public hearing was opened.

Charles Pappis was concerned with no parking on site. He noted the applicant was creating the problem on the site by designing the plan that had no on-site parking. He was also concerned with the short one-year term of the lease.

Anne Merwin was concerned with the traffic in the alley and the loading dock. She noted a neighboring property which had access to the street solely through the alley.

Jena Baker-Dennis, listing agent of the property owner, explained that there were two offers on the property: one wherein the existing business was purchased and continued normal operation as the Giggling Gator with the existing liquor license; and, the second which proposed to demolish the existing building and build a high-end restaurant serving only beer and wine. She noted that the applicant was the latter buyer and the sale was contingent upon them being able to operate. She stated that many of the surrounding property owners were in favor of the restaurant, and that the Giggling Gator had a similar parking variance already.

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

Public hearing was closed.

The Board discussed:

- Signage clearly defining where parking was located
- No parking on-site
- Possibility of constructing a smaller restaurant to allow for some on-site parking was infeasible according to the applicant
- Approximately 100 seats in proposed restaurant
- Parking was for after 5p.m.
- Verification of parking space leases
- Exceptions could have applied conditions
- Established lease term was a 12 month term with yearly renewal
- Possible signage indicating parking across the street with possibility of valet service
- Concern for off-site handicap parking

Jeremy Marquis spoke at the Board's request regarding the site plan and the King Street Design Guidelines. He noted that parking was recommended to be to the rear or to the side in the unadopted new design standards as well as the current guidelines.

Mr. Schmildli stated that the City was going to require that he pave the alleyway along the back of his property if he wanted to have rear parking.

The Board continued discussion regarding the following:

- Exceptions ran with applicant
- Other restaurants and businesses with no on-site parking in the area
- Desire to see longer-term lease for the parking lot
- Removal of liquor sales as an area benefit

Todd Grant, Deputy Director of the Public Works Department, spoke regarding the applicant's explanation regarding use of the alleyway, stating that the intensification of use was what triggered the request to better stabilize the alley pavement.

Discussion continued regarding the following:

- Applicant needed larger square footage to accommodate a restaurant with larger kitchen
- Would be beneficial to have some parking on-site

Mr. Schmildli stated that the church was willing to sign a five-year parking lease agreement.

There was brief discussion regarding options such as determining the cost of re-paving the alley for rear parking and the possibility of making the restaurant a two-story structure to allow for some on-site parking. The applicant stated that neither of these options would be financially feasible.

MOTION

Ms. Opsahl MOVED to APPROVE application 2019-0010 with the conditions that there be signage indication where the parking is located at the church, that the lease term between the church and the property owner be a minimum of five years, that alcohol sales could only occur within the building, remain on the premises and be limited to beer and wine, that the loading zone be indicated as 10 feet by 25 feet, that the Letter of Intent include P.M. where omitted, that staff review the executed lease agreement to ensure all conditions were met and the lease was recorded in the public record, and that the exception run with the applicant's corporate entity: Eclipse First Coast Investments. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:
AYES: Opsahl, Blow, Morrisette, DePreter, Ryan
NAYES: Misterly
MOTION CARRIED 5/1[2]

7. Potential Business Items[3]

7. (a) Discussion and recommendation regarding changes to the King Street Corridor Guidelines

Jeremy Marquis and Carter Gresham presented the update.[4]

The Board discussed the application process and required submittal items.

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

The Board continued discussion regarding:

- Legacy Structures
  - What constitutes a Legacy Structure

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[2] Brief recess from 4:13p.m. to 4:22p.m.

[3] Mr. Misterly departed at 4:13p.m. with Ms. Ryan as acting chairperson.

[4] Presentation attached to original minutes

    - Designation would not affect demolition application review
    - Designation meant to help protect architectural style and defining architectural characteristics of designated structures
    - Legacy Structures that had already been designated
- Right-of-way widths should have additional information
- Maximum heights
- Defining "High-style" which was not in the draft document, only in the presentation
- Engaging buildings with the multi-modal path[5]

MOTION

Ms. Ryan MOVED to RECOMMEND the King Street Design Standards Update as per board discussion. The motion was SECONDED by Mr. Blow.

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

8. Adjournment

Having no further business, Ms. Ryan adjourned the meeting at 5:25 P.M.[6]

Grant Misterly, Chairperson

[5] Ms. Opsahl departed at 4:57p.m.
[6] Transcribed by Candice Seymour