



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, June 6, 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 March 7, 2023.
 - b. Regular Meeting Minutes from April 4, 2023.
- 4. Modification and Approval of Agenda**
- 5. Use by Exception and Variance**
 - a. 2023-0031 Ryan Kunsch – Applicant & Owner
c/o Muggsy's
[213 W King Street](#)
To approve a use by exception for off-site parking within 400 feet at 222 W King Street as well as a variance to off-street parking requirements.
- 6. Conservation Overlay Zone Development**
 - a. 2023-0013 Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Continued from the April 4th Meeting
Requesting a continuance to the July 5th Meeting to accommodate requests from the Planning and Zoning Board
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.

- b. 2023-0027 Gregg A. Hall – Applicant
c/o Florida Power & Light Company
Florida Power & Light Company – Owner
[106 Riberia Street](#)
To approve the replacement of an existing seawall within
Conservation Overlay Zone 1.
- c. 2023-0028 Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Kantibhai Patel – Owner
[Pelican Reef Drive / PID 158571-0008](#)
To approve the construction of a new bulkhead within
Conservation Overlay Zone 2.
- d. 2023-0035 Robert & Karen Thomas – Applicant & Owner
[Fiddler Crab Lane / PID 158571-9080](#)
To approve the construction of a new bulkhead within
Conservation Overlay Zone 2 and removal of a significant
portion of the tree canopy including significant Cedar trees
within Conservation Overlay Zone 3.
- e. 2023-0036 Michael Carpenter – Applicant
c/o Carter Environmental Services Inc.
Agan Prameshuber – Owner
[171 Inlet Drive Lot A](#)
To approve the modification of an existing bulkhead within
Conservation Overlay Zones 1 and 2.
- f. 2023-0037 Michael Carpenter – Applicant
c/o Carter Environmental Services Inc.
Mark Matrazzo – Owner
[171 Inlet Drive Lot B](#)
To approve the modification of an existing bulkhead within
Conservation Overlay Zones 1 and 2.

7. Comprehensive Plan Amendment and Rezoning

- a. 2023-0034 Brad Wester – Applicant
c/o Driver McAfee Hawthorne & Diebenow, PLLC
BDEP Cat’s Paw, LLC
c/o Cat’s Paw Marina
[200 & 220 Nix Boat Yard Road](#)
To amend the current land use of Mixed-Use District (County) to Marine Industrial (City), to rezone the approximately 0.9-acre property from a Residential, Manufactured/Mobile Home (RMH) (County) to Planned Unit Development (PUD) (City), and removal of significant trees within Conservation Overlay Zone 3 all subject to a Voluntary Petition for Annexation and Pre-annexation Agreement approved by the City Commission. To amend an existing PUD adopted on November 13, 2017 at 220 Nix Boat Yard Road.

8. Applications Involving the Emergency Services and Homeless Coalition of St. Johns County, Inc.

- a. 2023-0045 Matthew Lahti, P.E. – Applicant
c/o Gulfstream Design Group, LLC
Emergency Services and Homeless Coalition of St. Johns County, Inc. – Owner
c/o Jeanne Moeller, ESHC Board President
[28 Smith Street](#)
To amend the current land use of Residential Low Density to Residential Medium Density and to rezone the property from Residential Single-Family-Two (RS-2) to Residential General-One (RG-1) to build an additional residential unit.

To approve a variance request to reduce off-street parking requirements and approve the removal of significant tree(s) within Conservation Overlay Zone 3.

- b. 2023-0046 Matthew H. Lahti, P.E. – Applicant
c/o Gulfstream Design Group, LLC
Emergency Services and Homeless Coalition of St. Johns
County, Inc. – Owner
c/o Jeanne Moeller, ESHC Board President
[62 Chapin Street and various properties under ESHC
ownerships](#)
(See attached addendum to the agenda listing all of the
properties included in the request)
To approve a reduction in the number of required off-street
parking requirements and removal of significant trees within
Conservation Overlay Zone 3.
- c. 2023-0038 Matthew H. Lahti, P.E. – Applicant
c/o Gulfstream Design Group, LLC
Emergency Services and Homeless Coalition of St. Johns
County, Inc. – Owner
c/o Jeanne Moeller, ESHC Board President
[3 Nesbit Avenue](#)
To approve a reduction in the number of required off-street
parking requirements, approve development within
Conservation Overlay Zone 2, and approve the removal of
significant trees within Conservation Overlay Zone 3.

9. Other Business

- a. Reminder of a Special Planning and Zoning Board meeting on June 27, 2023, regarding updates to the City’s Partial Demolition Ordinance as well as the City’s Parking Code.

10. Adjournment

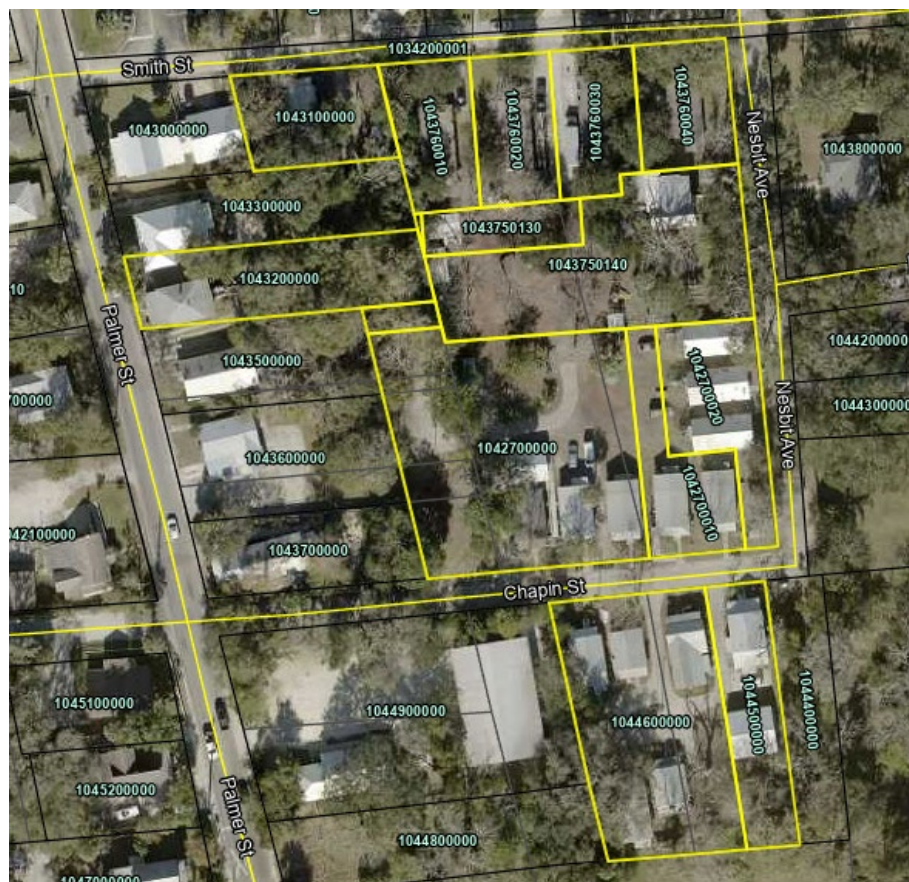
Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need 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.

11. Addendum to Item 8b. for Properties Included in Request

- a. 4 Nesbit Avenue / PID 104270-0020
- b. 6 Nesbit Avenue / PID 104270-0020
- c. 8 Nesbit Avenue / PID 104270-0020
- d. 12 Nesbit Avenue / PID 104375-0140
- e. 56 Chapin Street / PID 104270-0010
- f. 57 Chapin Street / PID 104450-0000
- g. 58 Chapin Street / PID 104270-0010
- h. 59 Chapin Street / PID 104460-0000
- i. 60 Chapin Street / PID 104270-0000
- j. 61 Chapin Street / PID 104460-0000
- k. 61 ½ Chapin Street / PID 104460-0000
- l. 63 Chapin Street / PID 104460-0000
- m. 63 ½ Chapin Street / PID 104460-0000
- n. 27 Smith Street / PID 104376-0040
- o. 29 Smith Street / PID 104376-0030
- p. 30 Smith Street / PID 103426-0040
- q. 31 Smith Street / PID 104376-0020
- r. 33 Smith Street / PID 104376-0010
- s. 43 Smith Street / PID 104310-0000
- t. 35 Palmer Street / PID 104320-0000



CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting March 7, 2023

The Planning and Zoning Board met in formal session Tuesday, March 7, 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
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

- Marta Hern
- Charles Parks

3. Approval of Minutes

MOTION

Mr. Pappas MOVED to APPROVED the January 3, 2023 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Modification and Approval of Agenda

Mr. Fredriksson announced there were two items that were requesting to be continued to the April 4, 2023 meeting. He said item 8(a) San Sebastian View PID#073581-0040 was requested a continuance by the applicant

and item 8(f) 140 Pelican Reef Drive was being administratively continued due to a material change.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Development 2022-0088 to the 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

5. Variance

5. (a) 2023-0011 – Robert Bellanich – Applicant & Owner 16 Avista Circle

To reduce the rear setback from 20' to 6.9' and to reduce the side setback from 15' to 6.6' on a Residential Single-Family-One

(RS1) lot to allow for the construction of a guesthouse.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to decrease the setbacks at 16 Avista Circle/ PID214530-0000 from 20' to 6.9' in the rear and 15' to 6.6' on the side to allow for the construction of a guesthouse.

Robert Bellanich reviewed the application.

The Board provided their ex parte communication.

9 certified notices were sent, 1 was returned in favor, 0 returned opposed and 0 had comments; additional emails were received.

Public hearing was opened.

Melinda Rakoncay spoke in opposition to the application because there was a mini kitchen in the unit. She said garage apartments in this zoning were not allowed and were also not allowed to have working kitchen. She said this decision would not only affect this owner but future owners.

Public hearing was closed.

The Board discussed:

- Asked if they were using an existing structure
- Questioned the height of the finish floor
- Questioned if this was a variance to allow a guesthouse, in addition to the setbacks or would this be required for a guesthouse if there was not an issue with the setbacks
- Guest house would be allowed if it met the setback requirements

Applicant response:

- Would be building on top of an existing garage

Ms. Skinner explained any kind of residential unit was not allowed to be within the setbacks and this was for a variance to the setbacks to allow the guest house on the second floor.

Discussion continued:

- Unsure if this was within the spirit, intent, and purpose of Residential Single Family One (RS1)
- Felt structure would have to be demoed in order to have the correct foundation that could support a two-story structure
- Concerned the footers will not be able to hold the additional capacity and a new structure would have to be built
- Guesthouse was not allowed to have cooking facilities as defined by the building code
- Structural engineer plans would have to be submitted before a permit would be issued
- Concerned with this being rented if the property was sold
- Adding accessory dwelling units (ADU) fit the goal of the City to increase housing and density
- Asked if keeping the kitchen in the unit was a major point
- Felt it was better to use the existing structure to build
- Roof was single sloped roof towards the back of the property but wanted to make sure no water would be displaced on the neighbor's property
- Did not want to have windows looking onto the neighbor's property for privacy

Applicant response:

- Existing building structure was a 16x20 cinder block

- Willing to look at the footers to make sure it was sound
- Space would be used for guest when in town and the kitchen could be eliminated
- For privacy, the window would have frosted glass

MOTION

Mr. DePreter MOVED to APPROVE Variance 2023-0011 as it does meet the criteria as addressed by staff and does suffer a singular disadvantage with the shape of the property, and this would not have a disadvantage for the owner or contrary to public interest. The motion was SECONDED by Mr. Pappas.

Mr. Pappas asked if the kitchen removal could be added.

Ms. Lopez advised conditions were not allowed to be added to a variance; however, they were able to note the applicant would remove the drawing as presented to comply with City Code.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a). 2023-0007– Morgan Siders, c/o Siders Pomar LLC– Applicant
Siders Pomar LLC – Owner
123 Pomar Street

To approve one (1) off-site parking space within four hundred (400) feet within the Residential Single-Family Two (RS-2) 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 for one (1)

short term rental off-site parking space at the Lincolnville Museum and Cultural Center for 123 Pomar Street I PID 208790-0000.

Morgan Siders reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Looked to be a win-win for everyone, helped the museum and get vehicles off the street
- Parking lot was close enough to where it would be utilized
- Might be outside the 400 feet but would be used since it was closer

MOTION

Mr. Shaffer MOVED to APPROVE Use by Exception at 123 Pomar Street 2023-0007 to approve one offsite parking space within 400 feet within the RS-2 zoning district as a permitted use by exception and the additional parking space will be at the Lincolnville Museum. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Use by Exception and Variance

7. (a). 2023-0009 – Casey Fenwick — Applicant & Owner
93 Keith Street

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.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for four (4) short-term rental off-site parking spaces at the Lincolnville Museum and Cultural Center for 93 Keith Street/ PID 210750-0000.

The Board is only able to approve the previously mentioned use by exception if a variance to the distance limitation of 400 feet is granted; which based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE the variance to the distance limitation of 400 feet to allow for the use of the Lincolnville Museum and Cultural Center parking lot for 93 Keith Street/ PID 210750-0000.

Keith Fenwick reviewed the application.

The Board provided their ex parte communication.

32 certified notices were sent, 2 were returned in favor, 3 returned opposed and 3 had comments; additional emails were received.

Public hearing was opened.

Dave Gentempo spoke in opposition to the application and said the request should be denied as the hardship was created by the property owner, and the property was purchased after the zoning restrictions for RS-2 were established. He asked that the City not allow this property to be a short-term rental (STR). He said the property was able to accommodate three parking spaces and should be limited those three. He encouraged the Board to deny the application.

Nicole Gentempo spoke in opposition to the application and said it should not be a STR since adequate parking was not available and only had three onsite spaces when purchased. She said the owner was not following the City laws. She asked how the Board would assure the variance and regulations would be followed. She encouraged the Board to deny the application.

Richard Kazee spoke in opposition to the application and said there was no issue with having an Airbnb, but they should follow the rules set by the governing body. He said there was not enough parking for the site. He said this was not a seven-day rental; however, the home was rented more than was allowed.

Pam Kazee spoke in opposition to the application, and said the lack of enforcement of the law from the City was ample. She said the parking needed was seven and there were only three. She said this was a safety concern and a business should fit the low-density residential neighborhood. She said the neighborhood was no longer peaceful on the weekends and they wanted the codes enforced and upheld by the City.

Marilyn Hernann spoke in opposition to the application, and said that Airbnbs have taken over the area. She said providing variances did not mean those were being utilized. She said the Board should not provide a variance.

Jane Mills was in agreeance with the other citizens and felt this was a slippery slope by allowing laws to be modified. She said if the laws continued to be modified, the character of the neighborhood could be destroyed.

Melinda Rekoncay spoke in opposition to the application, and said the parking for STR's had always been an issue. She said onsite parking was needed but a variance could be provided, and the applicant could be given and allowed to park in the parking garage. She encouraged the Board to try and fix the issue. She said she did not understand why

renting all the bedrooms was allowed when parking was not available.

BJ Kalaidi spoke in opposition to the application, and said the Board should not extend the variance to 1,000 feet.

Lauren Giber spoke in opposition to the application, and said Keith Street was only fourteen feet wide. She did not understand why there were so many vehicles in the road, which hindered public safety vehicle access. She noted there were around 200 STR's, and the neighborhood was being destroyed. She said owners should be required to follow the rules.

Public hearing was closed.

Mr. Pappas asked for a brief overview over what the state had done regarding STR's.

Ms. Lopez replied the City agreed with the public; however, City had to allow the use in residential neighborhoods per the state. She said the City was preempted by the state and they controlled this area of the regulations. She said parking was required per bedroom and if that could not be provided onsite, there were options available for the owner.

Ms. Barnes asked if the area was a low density residential, and if the City was not could the City limit the number of bedrooms rented if parking could not be provided onsite.

Ms. Lopez replied that was not an option and the parking would be provided at the City parking garage.

The Board discussed:

- Location was very dense and would be more beneficial as a long-term rental
- Unable to support the variance to increase the distance to 1,000 feet
- Suggested the applicant search for other alternatives to meet the City Code

- Suggested the residents should explore the residential parking permit program as it could help the day-to-day issues
- Thought code compliance program should catch violations when a property was being rented more than allowed
- Questioned if the applicant was in compliance with the current regulations before approving the request

Ms. Lopez encouraged the public to contact Barry Fox, Code Enforcement Manager regarding the complaints mentioned about rules not being followed.

Mr. Davis asked if the STR was in compliance and if the STR went through the process required by the City to register.

Mr. Fredriksson explained after speaking with Code Enforcement, this property had eleven stays in January between the two homes and was not supposed to be rented more than once a week. He said it was in compliance other than the parking issue. He said there were issues when registering as the impervious surface ratio ordinance took effect. He said parking was provided but the ordinance made them out of compliance.

Discussion continued:

- Understood this was a business but felt it was compromising the neighborhood
- Was allowing more rentals on the property than was allowed according to testimony
- Lot had seven bedrooms, three dwelling units in two separate structures
- Questioned if the owner was allowed to rent once per week per bedroom, dwelling unit, or structure

Mr. Fredriksson replied it was per dwelling unit.

Board discussion:

- Felt the STR program was not working as intended

- STR was not close to the residential scale
- Thought this was the most outrageous use of this exception
- If approved to park at the Lincolnville Museum would need to have clear signage
- Should have better enforcement for this particular property
- Asked if spaces were approved would the guest be required to park there

Ms. Lopez replied in the affirmative.

Mr. Pappas noted the City did not require STR guest to register their license plate, therefore making it difficult for Code enforcement to regulate.

Ms. Skinner said that was some of the difficulty with enforcement. She noted there had been forty-four complaints on this property overtime, but none were outstanding.

Mr. Davis asked why Keith Street was not included in the residential parking program.

Ms. Skinner replied that process was through the Public Works department and the area had to request it before moving forward.

Discussion:

- Questioned if the applicant had provided information about looking elsewhere
- What had been provided was the only information proposed
- Hard to have a parking permit program when most of the owners of the properties were nonresidential owners
- Wanted proof from the applicant about efforts to obtain parking closer to the site
- Should look for parking within 400 feet before looking elsewhere
- Felt the Board would approve eventually but it contradicted the Code
- Accepted the testimony from the applicant and did not see a reason for a continuance

- Did not want to see the parking garage as a fall back as the applicant had found another location for parking
- Concerned with how far the home was from the museum
- Would deny the application based on the criteria that was required for a variance

Applicant response:

- Tried to put parking onsite but was unable
- Reached out to the Marina for parking but that was not closer

Mr. Davis asked if all the possibilities for parking onsite had been exhausted.

Ms. Skinner said originally rock was added to the site. She said the applicant was exceeding the impervious ratio, which was an issue.

Mr. Davis felt if a variance for the impervious ratio could be provided so the applicant could have all seven vehicles on the lot rather than the street would be a better option.

Ms. Skinner said that would have to be reviewed with a site plan and would have to confirm that vehicles could pass between the stairs and the fencing.

Board discussion:

- Neighborhood was not designed for this many vehicles
- Suggested continuing the application to try and review the other options
- Felt this was using the rules to the applicant's benefit while impacting everyone else negatively
- City did have a lot of rules that had to be met but should explore onsite parking

Applicant response:

- Had looked at the turn around space for the site; however, there was not sufficient space

- Had been told the turnaround space was the issue and not the impervious ratio
- Had spoken with Code enforcement many times to try and remedy the issues
- Neighbors were parking on the street and not on their lots
- Neighborhood had other Airbnbs that were not in compliance
- Had been trying to understand the parking problems and how to solve them

Ms. Lopez said what had been asked was if the applicant would consider continuing the application to the April 4, 2023 meeting to explore switching the variance from offsite parking to a variance to meet the requirements for parking onsite. She said this could provide more time to explore with staff the possibility to park onsite.

Mr. Fenwick replied he was willing to do what was needed to solve the issue. He agreed to continue the application.

MOTION

Mr. DePreter MOVED to CONTINUE Use by Exception and Variance 2023-0009 allowing the applicant time to explore options for parking onsite to the April 4, 2023 meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: Pappas

MOTION CARRIED 6/1

8. Conservation Overlay Zone Development

8. (a) 2022-0088 – Andrew Petersen – c/o Bowman Consulting– Applicant
CD St. Augustine Gas, LLC – Owner– 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” Cedar, 13” Cedar, 12” Cedar, 16” Cedar, and 54” Oak for development within the Commercial Medium-Two (CM-2) zoning district.

Applicant requested a continuance to the April 4, 2023 meeting, MOTION under item 4.

8. (b) 2022-0091 Proposed dock continued from January 3rd Justin Muller Meeting all other items previously approved

Ryan Carter – c/o Carter Environmental Services Inc.
c/o St. Augustine Yacht Club, Inc.
San Sebastian View / PID 073581-0040
(Northwest Corner of San Sebastian View and US Highway 1)

Ms. Barnes recused herself from the application.¹

To approve the construction of a new dock, stabilization of the shoreline, and removal of trees within Conservation Overlay Zones 1 and 3 associated with site improvements for the St. Augustine Yacht Club’s Sailing Center on the property of the proposed sailing center including tree removal within the City of St. Augustine right-of-way.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the construction of a new dock within Conservation Overlay Zone 1 associated with site improvements for the St. Augustine Yacht Club's Sailing Center at 110 Carver Street E / PID 158730-0080.

¹ Recusal form attached to original minutes.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Ryan Carter and Justin Muller reviewed the application.

The Board provided their ex parte communication.

Certified notices were sent prior to the previous meeting.

Public hearing was opened.

Matt Murphy spoke in opposition to the application and said the floating dock would be very large and would impede their view. He said he was not opposed to not having a dock but not one of this size.

Mattie Rayford Harmes spoke in opposition to the application and encouraged the Board keep the trees as the City was a tree city. She questioned if the trees needed to be removed.

Mr. Davis advised the tree removal had been decided on at last month's meeting.

Christine Huijing spoke in opposition to the application and said this was a mega dock. She said by them adding the proposed dock it could potentially diminish their property value. She said this dock would impede safety for everyone. She said she was not against the sailing club but was against the dock size.

Cindy Wasserbauer stated she was not opposed to the dock but was more concerned with the size and felt this could cause a safety issue. She said she understood they were probably trying to plan for the future but thought the future should be addressed at that time and not now.

Marissa Burrier spoke in favor of the application and said the ramp was undersized currently for the volume and felt this need was based on safety. She said the

size dock proposed was not any different to others across the country. She said the floating dock itself was smaller than others that existed in Salt Run and would help the students to have more safety.

Maureen Long spoke in opposition to the application and suggested changing the direction of the floating dock. She said they were not against the dock but wanted the children to have the utmost safety. She said there were other options to consider and encouraged the Board to review them.

Susan Hill said the decision made today would impact Salt Run for years to come. She said this was not needed and a commercial size dock did not belong in Salt Run. She said the applicant had overestimated what they needed. She said there were other options that should be considered.

John Hodgins felt there had to be a better way to design this dock. He said there were other options which would still allow for the boat space needed. He said the applicant should have to return and provide more information that was asked for at the prior meeting.

Jodi Winebecker spoke in favor of the application and said having the ability to dock safely was critical and would provide safety for the students. She said this program has had hundreds of children involved in waterfront recreation. She noted the weekends and the summer were really busy with many students and the space on the dock would be helpful.

Debbie Wicker noted there was a mistake in the documents as this was not zoned for a commercial venture. She said at the last PZB meeting the safety of the children was brought up. She said the new dock did not provide safety but if it were reduced a safe area would be provided in the open water. She said the dock should be built for what was needed now and not for the next 100 years. She said most everyone was not

opposed to the dock but opposed to the size of the dock.

Sarah Bansemer spoke in opposition to the application and noted the dock proposed was out of proportion for the area.

Bruce Bullard said the forty-foot alternative dock was not feasible for a sailing school. He said before this was gifted to the City, it was two residential lots which could have had two individual docks. He said an eighty-foot dock was not disproportionate to the land and would not impede on the water way or the navigational channel.

David Patrick felt that if the dock were cut down to forty-five feet it would be in shallow water. He encouraged the Board to approve the application.

Hunt Bowman spoke in favor of the application and said he was a member of the club. He felt the club was beneficial for the area and thought the dock needed to be the size that was asked for.

BJ Kalaidi noted the dock had not been approved and that was the Boards job. She said the dock was too large and during a weather event, the dock could be destroyed. She said this was St. Augustine and the vista in this location could be obstructed.

Public hearing was closed.

Mr. Carter said they had presented in January and the concern then was the impact to the Lighthouse. He said the dock had been discussed then but was uncertain as to why the size of the dock was being discussed. He noted the design proposed would accommodate the number of students as shown.

The Board discussed:

- Asked if the dock size was the same as proposed in January
- Questioned if the other options shown by the public would work

- City Commission had not approved the application, only the lease and the Future Land Use Map had been approved
- Felt there was not enough information provided for the dock of this size
- The gift was generous; however, did not feel the application met the criteria for number two
- Concerned with having uses on both sides and the fishing pier within 150 feet
- Not convinced the dock needed to be as large as proposed and would rather have a smaller dock to see how the program worked and built onto in the future
- Storage could be provided if needed onsite as the land use was increased from 18% to 25%
- Was unclear the relation between the dock size and the number of students allowed
- Felt the scale of the dock would dictate the level of activity

Applicant response:

- Dock was the same size as the January meeting
- Would have a low water issue and would be difficult for the boats to be in the water at low tide
- Would be fewer than eighteen boats but there was not a lot of room around them
- Currently had twelve to fourteen large boats that would be kept out and fifteen to twenty small boats that would be wheeled down each day
- Lease clarified the school could only have fifty students

Marissa Burrier, sailing director for the St. Augustine Yacht Club noted when launching from the beach, it was a consistent safety issue, and this would help them get away from the beach. She said out of the eighteen boats depicted, only around ten would be launched due to the other smaller boats. She said the proposed boat dock was what was safe for the students and how it would be used.

Board discussion:

- Questioned the number of students allowed to sail at one time
- Asked if they would consider reducing the dock size
- Asked if they felt there was enough room to safely launch the boats near the oyster beds
- Felt the case had been made for the need
- Public was not opposed to the program or the dock but opposed to the size of the dock
- Most docks approved for single-family docks had elevated boat lifts and were above the mean high-water line
- Proposed dock was floating and would not been seen from the shore in low tide
- Understood the reason for the proposed dock and thought it was important to get away from the boat ramp for safety issues
- Did not see how the proposed dock would impact the fishing dock
- Buffer between the channel and the proposed dock
- Felt the property would be less intensive if they were able to properly put boats in the water

Applicant response:

- Summer had two-hour water sessions staggered and the highest volume
- Felt this was the minimum size to effectively operate the program for the next eight to ten years
- South side of the dock had deeper water to allow for safe launching
- The area would be needed as there were a variety of different size boats

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Zone Development 2023-0091 to approve the construction of

a new dock in Conservation Overlay Zone One this request is associated with previous approved site improvements for the St. Augustine Yacht Club Sailing Center. The motion was SECONDED by Mr. Pappas.

Ms. Lopez asked if they could include the seventeen criteria.

AMENDED MOTION

Mr. Davis amended the motion to include the seventeen criteria in the City Code. The AMENDED motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Davis, Pappas, Griggs, Blow

NAYES: Shaffer, DePreter

MOTION CARRIED 4/2²

8. (c) 2023-0003 – Ryan Carter – c/o Carter Environmental Services Inc. – Applicant
Adrienne Flatland – Owner
144 Pelican Reef Drive

To approve the construction of a bulkhead, dock, single boat lift, one PWC lift, and floating dock totaling approximately 1,870 square feet within Conservation Overlay Zone 1 as well as the removal of a 13-inch dbh Southern Red Cedar within Conservation Overlay Zone 3.

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 new construction of a bulkhead, dock, single boat lift, one PWC lift, and floating dock totaling approximately 1,870 square feet within Conservation Overlay Zone

1. Staff also finds that the board can APPROVE the removal of a 13" dbh Southern Red Cedar tree within

² Break from 3:57p.m.-4:15p.m.

Conservation Overlay Zone 3 as a result of permitted bulkhead and dock construction at 144 Pelican Reef Drive/ PID 158571-4040 with a condition that a tree replacement plan be submitted with the tree removal permit application.

Michael Carpenter reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

BJ Kalaidi asked if the southern red cedar could be saved and if the proposed dock could be rearranged.

Public Hearing was closed.

The Board discussed:

- Questioned how the bulkhead would tie in to the north and south
- Same distance from the channel and was keeping in line with others
- Would have to have a tree replacement plan if removed
- Questioned why the tree had to be removed
- Plan was to remove the tree and plant new, not relocate
- Dock seemed to meet the requirements
- Questioned if the need was for the bulkhead
- Asked if a more natural bulkhead could be added instead
- Questioned if adding the bulkhead would create erosion to the south since there was no bulkhead
- No issue since the wall was upland of the riprap
- Cedar trees were a two for one replacement

- Questioned the height of the bulkhead and the existing grade behind the bulkhead

Applicant response:

- North side would be submitted at the April meeting and would be tied into their bulkhead
- Unsure if the south had a bulkhead
- Due to the placement of the bulkhead, the tree's root structure would be hindered
- Would be planting a new tree
- Bulkhead was needed to better fortify the riprap
- Would have to see if a more natural bulkhead could be installed
- Riprap was twenty-five feet wide along Pelican Reef and wanted to have a more armored shoreline
- There was riprap already in place causing virtually no change
- Bulkhead would work in conjunction with the riprap
- Was right under four feet and bulkhead would be constructed to around seven feet which was two feet above the riprap
- Owners had not requested to add fill behind the bulkhead

Mr. Davis asked what the City had in place to monitor the fill behind bulkhead to not impact neighbors.

Ms. Skinner said if building, there was a residential lot grading plan that would need to be provided; however, water trespass was a civil matter.

Mr. Blow suggested having a lot grading plan in the future when raising a bulkhead to have that information.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0003 as it meets the criteria as evident by the staff report and include the

tree replacement plan and permit. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (d) 2023-0005 – Robert L. Mathews – c/o C&H Marine Construction - Applicant Robert Ziadie – Owner 150 Pelican Reef Drive

To approve the construction of a new vinyl bulkhead within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the construction of a new vinyl bulkhead within Conservation Overlay Zone 1 at 150 Pelican Reef Drive/ PID 158571-4030.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

Stone Matthews reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- There were not existing bulkheads to the north and south
- Asked if fill would be added and how much

- Did not want to change the natural drainage pattern
- Asked if the bulkhead would be seaward of the adjacent riprap
- Would want to know the grading plan to understand the different elevations in the future but in support of the application

Applicant response:

- Fill would be added, and it would be to meet the grade at that time
- Any rainwater or storm water would grade as it was currently and would flow out through the wall
- Deck shown was removed and would-be built-in front of that

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0005 as after discussion it meets the 17 criteria. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (e) 2023-0008 – Ryan Carter – c/o Carter Environmental Services Inc. – Applicant Ryan & Terri Pereira – Owners 201 Inlet Drive

To approve the construction of a new dock, boat lift, two (2) PWC lifts, observation deck, and a pulley activated gangway totaling approximately 2,425 square feet within Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the construction of a new dock, boat lift, two (2) PWC lifts, observation deck,

and a pulley activated gangway totaling approximately 2,425 square feet within Conservation Overlay Zone I at 201 Inlet Drive/ PID 213750-0000.

Ryan Carter reviewed the application.

The Board provided their ex parte communication.

7 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:

- Felt the dock was in line with neighboring docks
- Larger dock next to the proposed dock had been approved
- Thought having a pulley activated gangway was great
- No issue with the proposed dock but suggested lighting for safety
- Asked if the Board could require lighting

Applicant response:

- Willing to add lighting to the dock

Ms. Lopez said she was unsure if the lighting could be a condition or requirement. She said the Board was allowed to make suggestions.

Ms. Skinner said there were not lighting requirements; however, conditions could be added to a Conservation Overlay Zone approval.

Mr. DePreter pointed out that the staff report noted lighting and the analysis indicated the proposed project would be lit according to criteria number seven.

Mr. Carter said that was referencing the lighting within the boardwalk and terminal

platform but not lighting at the terminal outside edge to avoid an accident. He said the suggestion made by Mr. Blow was acceptable and he would work with the applicant.

Mr. Davis asked who owned the sandbar.

Ms. Lopez said that was submerged land and the City owned the submerged lands.

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 2023-0008 as submitted. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (f) 2023-0010 – Ryan Carter – c/o Carter Environmental Services Inc. - Applicant David & CeCe Drysdale – Owners 140 Pelican Reef Drive

To approve the construction of a new wood pile bulkhead within Conservation Overlay Zone 1.

Staff requested the item to be administratively continued to the April 4, 2023 meeting for it to be re-advertised as the application has changed.

9. Rezoning

9. (a) 2023-0004 – Valerie Lee – Applicant & Owner c/o Palm Row LLC 6 Palm Row

To rezone the property from Historic Preservation One (HP-1) to Historic Preservation Two (HP-2).

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.

Valerie Lee reviewed the application.

The Board provided their ex parte communication.

14 certified notices were sent, 0 were returned in favor, 2 returned opposed and 2 had comments; additional emails were received.

Public hearing was opened.

Mattie Rayford Harms spoke in opposition to the application and felt the zoning should not be changed. She encouraged the Board to deny.

Michelle Bova spoke in opposition to the application and said she felt this could set a precedence. She said the Board had recently denied 11 Bridge Street from Historic Preservation district 1 (HP) to new zoning as a PUD and the same criteria should apply to this application. She encouraged the Board to deny.

Lauren Giber spoke in opposition to the application and said residential life in HP-1 was in jeopardy. She said this was operating as an Airbnb and was not following the rules.

BJ Kalaidi spoke in opposition to the application and said HP-1 should be protected by the Board.

Public hearing was closed.

Mr. Davis asked after seven years of this being a rental why was the application before the Board.

Ms. Skinner replied in the HP 1 district rentals were allowed for one month or longer. She said recently the registration requirement had passed for short term rentals (STR). She noted this was a licensed STR and approved but was limited to the HP-1 zoning. She said the application was for the zoning to change to the HP-2 zoning where there were no time limits on rentals.

Ms. Lopez clarified the local ordinances that limit HP-1 to thirty days or more would not be affected by the pending bill as they predate the states preemptions.

Ms. Lee said the property was never intended to be a short-term rental; however, now it was.

Mr. Davis asked what prompted the application.

Ms. Skinner replied the Code Enforcement division was working with Ms. Lee and after speaking with them, there was only one complaint through them and none otherwise. She said they were trying to get this registered as a STR.

The Board discussed:

- Felt there was not a need and justification for the change
- Did not feel income was a reason to rezone the property for a STR
- Would not be in support of the application
- Felt applicant was a responsible businessperson but the burden of proof was not provided for a recommendation
- HP-1 was the most restrictive district, and the Board was trying to protect and maintain them
- Location was a very important part of the City and was not in favor of the change
- Felt there were other options for renting the home

- Thought the application did not meet the criteria

MOTION

Mr. Shaffer MOVED to RECOMMEND to the City to DENY the Rezoning request 2023-0004 to rezone 6 Palm Row from Historic Preservation 1 to Historic Preservation 2 based on the lack of justification for the change and the desire to preserve the HP 1 zoning. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Comprehensive Plan Amendment and Rezoning

10. (a) 2023-0006 – Ellen Avery-Smith, Esq. – c/o Rogers Towers, P.A.- Applicant Windward Shipyard Land Holdings, LLC – Owner
Arapaho Avenue / PID 134760-0000, 134780-0000, & 134790-0000

To amend the current land use of Mixed-Use District (St. Johns County) to Residential Medium Density Mixed Use and Residential Low Density (City) and to rezone the properties from Open Rural (OR) (St. Johns County) to Residential General Office (RGO) and Planned Unit Development (PUD) (City).

Mr. Fredriksson read the staff report and said 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. Staff recommends that a second public hearing is held at the April 4, 2023, PZB meeting to ensure that adjacent property owners have an opportunity to request additional information or a meeting with the developer or representative as per the "community" notification process in the code.

Ellen Avery Smith, Carl Masters, Elijah Latimer, and Ryan Carter reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

BJ Kalaidi said her main concern was the increase in traffic. She said there was a Comprehensive Plan for a reason, and this would be more private than public. She asked if a retaining wall was the same as bulkhead. She said the trees should be left in the same location and built around.

Public hearing was closed.

Ms. Avery-Smith said the City preapproved an annexation, but the rest had not been completely approved. She said the future land use would be less than what was allowed with four units per acer.

Mr. Masters said they were aware of the existing issues with the traffic in the area, but they were being addressed. He said the City had dedicated \$500,000.00 to help assist with the intersection. He said it was being finalized with FDOT and then they would hold

a public workshop before presenting to the City Commission.

The Board discussed:

- Asked if there would be sidewalks on both sides of the street
- Was a buffer between the docks and the channel
- Happy the property was being annexed into the City as it would add revenue
- Intersection was in process and was a huge improvement for the area
- Future traffic issues were out of the City's control
- Applicant provided a flexible site plan to help preserve the wetlands and they were not removing significant trees
- Had pedestrian walkways not only in the neighborhood but along the waterfront
- Walkway being developed from site into town by King Street
- Mixed use development and was in line with the planning of the City
- Wanted to have a consolidated development
- Asked if there was a tree survey provided and could it be provided at the next meeting
- Development would be an asset to the community
- Questioned if the trees were before the Board

Applicant response:

- Intent was to have sidewalks on each side, which could have issues with utilities and could only have one in some areas
- Had provided the trees that would be relocated, and the ones being preserved
- Trees on the wetland area were not listed
- Tree relocation place was part of the PUD application packet
- Work was currently being done under a county permit as the property was in the county

Ms. Skinner advised the trees were part of another application. She said they were moving trees around instead of just removing them.

Mr. Latimer said the cedar trees were going to be relocated instead of clearing the lot. They wanted to preserve as many specimen trees as possible.

Ms. Lopez asked the applicant to provide more information regarding the specimen trees, where they located currently, and where they would be moved to for the April meeting.

Mr. Shaffer asked about the bulkhead and if they were able to address the difference between the bulkhead and a retaining wall.

Mr. Carter replied a bulkhead was abutting open water and a retaining wall was not. He said they went on the upland side of the wetland line to build it straight and this had been permitted by the Army Corp of Engineers. He said the retaining wall was landward of uplands and not on open water. He said there was a lot of land between the river and marsh.

MOTION

Mr. Blow MOVED to RECOMMEND to the City Commission to change the county land use from Mixed Use District to Residential Medium Density Mixed use as it was demonstrated from discussion the need and justification for the change, which was to have a consolidated development with a comprehensive approach; would have a more flexible plan to preserve marsh and wetlands; owner did not intend to remove any significant trees; would demonstrate interconnectivity and multimodal; was a mixed use development, positive with the development program and would incorporate the dark sky lighting . The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY
MOTION Rezoning

Mr. DePreter MOVED RECOMMEND to the City Commission to rezone the property from Open Rural to Residential General Office with the same findings in the former motion. 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. DePreter MOVED to RECOMMEND to the City Commission to change from Residential Medium Density Mixed Use (St. Johns County) to Residential Low Density (City) quoting the same findings as before. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

11. Other Business

Mr. Pappas noted the Board would be discussing the parking ordinance and asked if stacked parking were allowed could it be used for Short term rentals.

Ms. Lopez said that could be part of the request as another option.

Mr. Davis asked for more information on grading and heights of bulkheads in the future to have the most information as

possible before approving something that someone else may have to deal with.

Ms. Skinner replied it was being included in the dock review.

12. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 6:51 P.M.³

Mike Davis, Chairperson

³ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting April 4, 2023

The Planning and Zoning Board met in formal session Tuesday April 4, 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

Absent: Matthew Shaffer

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

Jolene Whirling
Scott Robinson

Ms. Lopez encouraged the first speaker to speak with Meredith Breidenstein, City Assistance Manager and the second speaker to speak with David Birchim, City Assistant Manager for more information.

3. Approval of Minutes

MOTION

Mr. Pappas MOVED to APPROVED the Regular Meeting Minutes from February 7, 2023, minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

MOTION

Mr. Pappas MOVED to APPROVED the Special Meeting Minutes from February 21, 2023, minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

4. Modification to the Agenda

Mr. Fredriksson announced 93 Keith Street had requested to be moved to the May 2, 2023 meeting.

MOTION

Mr. Pappas moved to CONTINUE item 2022-0009, 93 Keith Street to the May 2, 2023 meeting. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

**5. (a) 2022-0093 – 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 (RS-1) lot to allow for the conversion of an existing garage into habitable space.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a variance to decrease the setbacks at 20 May Street / PID 123591-0030 from 20' to 11.8' in the rear and 15' to 2.4' on the side.

Chanel Miller reviewed the application.

The Board provided their ex parte communication.

Item continued from the February 7, 2023 meeting; however, additional public comments attached.

Public hearing was opened.

BJ Kalaidi questioned what the space would be used for and asked for clarification on if it would be a short-term rental or for a family. She asked if there would be sufficient parking since this was changed to a habitable area.

Charles Parks spoke in opposition to the application and said this was proposed to be used a short-term rental. He said the attorney had stated this was able to be torn down and would be allowed to build up to twenty-six

feet. He said what was keeping someone else from having the same exception. He said the property owners were requesting this due to a hardship and felt there were other options for businesses.

Melinda Rakoncay spoke in opposition to the application and said the only apartments allowed in the area were the ones that were grandfathered in. She said most in the area were used for vehicles or storage and felt this was an after-the-fact conversion. She noted that this garage had been advertised as a STR. She encouraged the Board to deny the application.

Public hearing was closed.

Ms. Miller said she did not want to have an Airbnb but felt forced to in order to help cover her medical expenses. She said she was willing to sign a clause noting she would not use her renovated garage as a rental if that was allowed. She asked if the garage were used for storage would a variance still be needed.

Mr. Fredriksson replied a variance was only needed for a change of usage.

Ms. Lopez advised a Variance was not allowed to have conditions added to it but the criteria was listed for the applicant and the Board.

Mr. Blow said this was a struggle as a Use by Exception could have conditions; however, a variance ran with the land and not the property owner.

The Board discussed:

- Felt the Board did not have any flexibility as this was a Variance
- Could have a deed restriction but could create issues
- Deed restriction could not be a condition to the variance
- Unable to support as this was an after the fact applicant

- Storage building can have flood proofing but if the structure exceeded 50% of the value but that had to be approved by the Building official
- Felt the garage would have flooding as it was below the flood level
- Had the option of the main house to be used as other STR
- Many of the spaces were not functioning as apartments any longer
- The loss of control afterwards if sold
- Would have a negative impact on neighbors if the property were sold in the future
- Reasonable use of the property was not obstructed
- Had an issue with the property line as it was very close to the neighbor
- Felt the application did not meet the criteria required

MOTION

Mr. DePreter MOVED to DENY Variance 2022-0093 as expressed in Board discussion it does not meet criteria A, B, or D. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (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.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board can

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

Sarah Ryan reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- No issues with this as it would not obstruct the streetscape
- Felt it met all the criteria in the City Code
- Thought this was in the public interest to remodel the building in order to be used by the general public

MOTION

Mr. Blow MOVED to APPROVE Variance 2023-0017. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (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.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for 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.

Mark Hafner reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

Melinda Rakoncay asked for clarification on where the parking would be located. She said if parking was granted in the garage, the visitors would not use the space and felt the other location would be best. She encouraged the applicant to post in the advertisement where the parking would be located.

BJ Kalaidi asked if short term rental owners could be required by law to add where the parking would be located.

Public hearing was closed.

Ms. Lopez advised that a Use by Exception could have a condition added to it; however, it had to meet the dual nexus and the clarity could be added to the advertisement. She noted parking was enforceable.

The Board discussed:

- Moving forward would want to have parking on advertisements as a requirement for short term rentals
- More favorable to have the parking at the 63 Oneida and as a backup use the parking garage to avoid having to return to the Board

- The applicant owned both properties and asked if one of the properties sold how would the parking work
- If one were sold the short-term rental would no longer be in compliance
- No parking was on the site but could fit on 63 Oneida
- Staff noted parking in RS1 had not been granted for offsite parking due to the greater parking issues that could stem
- Board had previously denied proposals for offsite parking within RS1 and RS2 even if owned by the same person
- Asked since this was an exception, could it set a precedence

Applicant response:

- Unable to find parking onsite but could have parking in the neighborhood located at 63 Oneida

Ms. Lopez replied that decisions should be consistent and not arbitrary and similar applications should have the same outcome; however, the Boards decisions were done on a case-by-case basis. She said as long as the Board applied the evidence provided, that would supply a legitimate decision.

Mr. Blow asked if the Board granted the request to use the other property, would it be considered a legal precedence.

Ms. Lopez advised nothing the Board did was considered a legal precedence that was left to the courts. She said the Board was required to weight the evidence for each case.

Board discussion:

- Proposed property was owned by the same owner and would not have a negative impact on the neighboring properties
- Should state why this would work without setting a precedence
- In favor of the application as the applicant solved their own problem

- Felt this would be a better option for parking
- If approved, it would have to meet the standards for parking for an STR
- Exception would run with the applicant and not the land

MOTION

Mr. Davis MOVED to APPROVE 2023-0016 75 ½ Oneida Street for two offsite parking spaces at 63 Oneida provided the City is provided proof that the applicant owns the property; however if not and the owner does not close on the property then approve two spaces at the parking garage adding that the applicant has to advertise there is no onsite parking and provide the location. The motion was **SECONDED** by Mr. DePreter.

Mr. Pappas asked if the Board should add that parking would meet all codes.

Ms. Lopez replied that was fine to add to the motion if the Board chose too.

MOTION AMENDED

Mr. Davis AMENDED the motion to include the parking at 63 Oneida had to meet all of the parking code requirements for the City. The AMENDED motion was **SECONDED** by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Use by Exception and Variance

7. (a) 2022-0009 – Casey Fenwick– Applicant & Owner 93 Keith Street

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.

See Motion under Item 4. Applicant requested a continuance to the May 2, 2023, Planning and Zoning Board (PZB) meeting.

7. (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.

Mr. Fredriksson read the staff report and said 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.

Karl Baird reviewed the application.

Mr. Fredriksson advised for commercial operations; parking was supposed to be provided for each use

The Board provided their ex parte communication.

15 certified notices were sent, 8 were returned in favor, 1 returned opposed and 7 had comments and additional emails attached.

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

Mr. DePreter said he understood the reason for the parking. He asked for clarification regarding the statement in the staff report “efforts to reuse this structure constrain the ability to provide a parking space amount that meets City requirements”.

Mr. Fredriksson replied he thought there would be a way to provide onsite parking but that resulted in demolishing the building. He said that in efforts to reuse it that was considered the disadvantage.

The Board discussed:

- Property was difficult and without sharing the space; therefore, the ask might not be accomplished
- Felt it met the criteria required by code
- Zoned commercial low 2 (CL2) lot was more intense, which was to be expected
- No more than two events would happen at the same time should be a condition
- Questioned how much parking was existing
- Asked how garbage would be disposed as a dumpster could take up parking space
- Questioned how stormwater would be addressed

Applicant response:

- Everything shown on the plan was originally there
- Garbage would be taken away by the person using the event space and two trash cans were onsite

Board discussion:

- Met the goals of the City FLUM
- Exception would run with the applicant for the special event venue
- Variance was for parking which was associated with the property
- Questioned if the applicant sold the property what happened to the variance

Ms. Skinner replied the variance was based on the use calculations therefore, the variance was tied to the use. She said in this case, since it was parking, it would be tied to the applicant and their specific use.

Board discussion:

- Clever use of the building
- Questioned if conditions be added to the type of events allowed
- Asked the hours for the special events

Applicant response:

- Building was small and did not want to have weddings
- Venue would be limited to the hours of operation
- Regulation was 10:00p.m. and could be added as a condition

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception and Variance 2023-0015 as staff has outline how the application meets the four criteria with the following conditions: co-working and special events cannot operate at the same time, no wedding events, no events could go past 10:00 p.m.

The Board had further discussion regarding the primary uses of the property and the occupancy limitations. It was determined the business would not be open past 10:00 p.m., would be used for dinner events and co-working; however, no weddings and three or more complaints would have to return to the Board.

AMENDMENT MOTION

Mr. DePreter AMENDED the Motion to include no weddings, and more than three written complaints within twelve months the applicant would have to return to the Board. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

8. Conservation Overlay Zone Development

8. (a). 2022-0057– Ryan Carter – c/o Carter Environmental Services Inc.– Applicant

San Sebastian River LLC – Owner
19 Florida Avenue (Formally advertised and referred to as 0 Florida Ave / PID 107790-0010)

Ms. Griggs recused herself from the application.²

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.

Mr. Fredriksson read the staff report and said 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.

Ryan Carter, Brian Bordals, Jay Brown and Dale Parsons reviewed the application.

The Board provided their ex parte communication.

18 certified notices were sent, 0 were returned in favor, 3 returned opposed and 3 had comments and additional emails attached.

Public hearing was opened.

Elizabeth Smith spoke in opposition to the application and was deeply concerned with the land and the development taking place that specific location. She felt this was incompatible to the area and the neighborhood. She said the flooding, sewer, and water would not be able to support this new project. She said the City needed to lead by example and this zoning designation was no longer applicable and encouraged the Board to deny the application.

Marta Hern spoke in opposition to the application and referred to the City's Comprehensive Plan. She noted the investors owned another two parcels side by side. She said the retaining wall and dock had increased in size.

Amy Kalafa spoke in opposition to the application and said the proposed density was not in line with the area and the impact would have a negative on the neighborhood. She said this would not prevent stormwater and would increase flooding on both sides of the river. She said the developer needed to propose a more modest plan that was more consistent with the neighborhood.

¹ Break from 2:45p.m.- 2:54p.m.

² Recusal form attached to original minutes.

Hudson Kennedy spoke in opposition to the application and felt it was not compatible with the City's resiliency plan, neighborhood density and would overburden the storm water, road and sewer, electrical, and would rely on the historic neighborhood already established. He said the bulkhead would damage the wetlands for the sole purpose of creating land to maximize the profit for the developer. He noted the tree removal would devastate the natural buffer and the owners should not be allowed to remove over 200 trees to pursue this aggressive development.

Casey Kramer spoke in opposition to the application and said LLC's did not understand the sense of community. She said their neighborhood was against this project, and she encouraged the Board not to destroy the location. She suggested adding a park or anything that would help the community.

Denise Hammond spoke in opposition to the application and said it was not compatible with the neighborhood and not in line with the City's Comprehensive Plan. She said the new development could have a significant impact to wetlands. She said the bulkhead would need 32,000 cubic feet of fill for a driveway which was not justified. She said the development would increase the flood risk in the neighborhood and the trees being removed would ruin the canopy. She felt the proposal was imbalanced and should not be allowed.

Melinda Rakoncay spoke in opposition to the application and felt the proposal had become worse and not better. She said nature had claimed some of the buildable lands but felt the encroachment of wetlands was unpredictable. She said the bulkhead was over 350 times larger than what had been asked for previously. She said the bulkhead fill was only to gain land to build a driveway. She said too many significant trees were being removed from the property. She encouraged the Board to deny the bulkhead.

Debra Engram spoke in opposition to the application and said there was over development in the area and felt the applicant was trying to justify the reasons for building. She said there was wildlife in the area but felt this would come before the Board with other developments.

Kevin Priester spoke in opposition to the application and said the shoreline had moved due to recent storms and flooding. He said the developers were asking the Board to approve a bulkhead, road, and to fill in Conversation Overlay Zone One, which the Water Management District designated the line, and this was right in the middle of it.

Brett Gowan spoke in opposition to the application and said his neighborhood was very similar to this one. He said Florida Avenue flooded regularly and adding more vehicles to this location would increase the traffic and that was not positive to the community or the property owners.

Heather Blanton spoke in opposition to the application and said it was almost impossible to get to Masters Drive already. She said the roads were not able to support seventy more vehicles. She said the traffic was already too much for the location.

Cynthia Ward spoke in opposition to the application and said She said the proposed development could not be further from what an eco-village should be. She said the flooding was a threat to the neighborhood and felt this would add to it. She said the property was beautiful and helped with the effects of the water.

Cindy Bond spoke in opposition to the application and said the loss of the wetlands, removal of the trees, and flooding was a concern. She said the main concern was completing the development. She noted the Comprehensive Plan and knew the applicant was trying to mitigate with wetland credits but that was not a benefit to St. Augustine. She questioned if the infrastructure would be updated.

Antyon Jackson spoke in opposition to the application and said the infrastructure was not large enough to support this new development. He said Florida Avenue had not been paved since he was a child. He said change was good but using Julia Street was not a good solution. He said he was more concerned with the elderly population and the ability to walk around the community.

Harold George spoke in opposition to the application said development did not have be a bad thing but there was concern with 19 Florida Avenue. He said it would do harm to the wildlife and nature. He was concerned with how the credits bought would benefit the neighborhood. He encouraged the Board to deny the application.

Nancy Pellicer spoke in opposition to the application said this was an area that needed to be reviewed with seriousness as this was a natural location and it should stay that way. She said the traffic would be vastly impacted and adding this many people to a congested area would be difficult.

Maureen Long spoke in opposition to the application and was very concerned with the trees. She said she was speaking on behalf of the significant trees and provided handouts to the Board.³

Marsha Daniels spoke in opposition to the application and said this area flooded regularly and felt the City should address that issues instead of allowing this development. She said the bulkhead would not help with the thousands of gallons of water and the recommendation of the Army Corp of Engineers should be taken. She said this would affect more communities than just this neighborhood.

Anne Solomon spoke in opposition to the application and said flooding was a large issue. She said the City had entered a contract with the Army Corp of Engineers and this would provide more data and

results. She encouraged the Board to pause on the project until the results were complete. She said she would be impacted by this project.

Susan Smith spoke in opposition to the application and said this area had no sidewalks and it was dangerous. She said there was a huge puddle at the end of the street when it flooded and there was no infrastructure to support this type of development. She said nature provided more protection than any bulkhead. She encouraged the Board to put this project on hold and deny the application.

Jonathan Eisler spoke in opposition to the application and said the board should consider the proposal being made and reconsider the plan and its impact to the environment. He shared concerns about potential traffic but thought it would greatly impact the area. He encouraged the Board do deny the plan as proposed.

Sheila Howard spoke in opposition to the application and said developers were removing the tranquility and love that was in St. Augustine. She said adding more vehicles was removing their loving neighborhood. She said she felt there was a better way to do something; however, this was too much for a small area.

Ryan Kunsch spoke in opposition to the application and said this land did not need to be built upon as it was wetlands. He said he was unsure how this could be approved with the lack of sidewalks. He felt every single person in the neighborhood was opposed to the application.

Natalie Eisler spoke in opposition to the application and said this was a peaceful residential neighborhood and building STR complexes in this area was unsafe. She said it was their responsibility to take care of the children and impaired residences in the area. She felt building these will make daily life

³ Attached to original packet

stressful given the traffic it will bring. She suggested having an alternative location for STR complexes to not impact the residences or be more limiting to the amount built in this location.

Carol Hilton spoke in opposition to the application and said the neighborhood had come together to prevent the destruction of the ecosystem. She said the conservation zones were protected and she wanted to prevent eco-destruction. She said this was incompatible to the other structures, which were single-family homes. She encouraged the Board to save the wetlands and the neighborhood.

Holly Culpepper spoke in opposition to the application and said she was not opposed to development but was opposed to it being developed to the max. She said this was greed and without concern to the neighborhood. She said it was important to keep the wetlands as they helped with flooding and stormwater runoff and building a seawall would promote more flooding. She encouraged the Board to deny.

Kathleen Cavanaugh spoke in opposition to the application and said the bulkhead was larger, which would increase the amount of fill needed. She said the marsh moved inward to the road due to the tide and it could be seen from the applicant's presentation how the area had eroded over the years.

Diana Markowitz spoke in opposition to the application and said this development was incompatible to the area. She said the only option was to reduce the density of the project and eliminate wetland infill and impact. She said the bulkhead and the fill had increased and St. Johns Water Management clearly stated, "design modifications must be explored for the overall project". She suggested the applicant use Julia Street as there was a road already in place. She said this application did not comply with the Comprehensive Plan. She encouraged the Board to deny the application.

Steven Steiro said the dock was not useable but was a sales tool and not useful for the application. He said they should be serving the common good of the citizens and the neighborhood; however, this project did not do that.

BJ Kalaidi spoke in opposition to the application and said this was not for the benefit of the community or St. Augustine. She said the most important thing was the people who lived in West City.

Public hearing was closed.

Mr. Carter responded to public comment noting the wetland line had changed due to the ground water. He said there was ninety feet of buffer between the wetland and the proposed development. He said they could record a conservation easement if required from the board. He said the bulkhead had not changed since the October submittal; however, the wetland was larger.

Mr. Parson said this was the best plan they had come up with and the only impact would be the driveway along Florida Avenue. He said there would be a tree canopy line. He said the soil classification of the increased wetland was reason for the bulkhead. He proposed continuing the project to a later meeting to help reduce the encroachment. He said the perception was very different than reality.

Ms. Barnes asked if the fifty percent maximum of the trees only applied to Conservation Overlay Zone Two.

Mr. Fredriksson replied that only applied to Conservation Overlay Zone Two.

The Board discussed:

- Asked what percentage of the trees were being kept in Conservation Overlay Zone two
- Zoning, traffic, and infrastructure were beyond the Boards purview

- Only could address the bulkhead, dock and trees
- Asked if applicant would incorporate the other properties owned in the area to this design and eliminate the need to cross the wetland
- Concerned with the size of bulkhead and felt it should be reduced or eliminated
- Unable to support the application as submitted due to the increased impact by Water Management District determined
- Land Development was going to take place in the City; however, it needed to be reviewed
- Developer was willing to build on piers
- Thought green space should be added to the development
- Suggested working with Public Works regarding Julia Street if that was the direction, they were moving towards
- Encouraged having a meeting with the neighborhood to try and workout some issues
- Julia or Evergreen Streets would need improvement
- Did not feel the maps shown matched what was explained
- Was 92,000 square feet of developable area
- Questioned how many bedrooms were in the 38 units
- Asked for the existing elevation on the property
- Questioned what the elevation the parking lot would be at the end of the project
- Neighbors were worried about flooding and felt some thought needed to be explored
- Asked if the City wanted to purchase the land, would they willing to sell it
- Asked if STR's would be allowed in the development as this was a big issue in the City
- Good that the developer would expand the design options
- Dock was more of an observation deck and was smaller than normal

- Another option could be to explore having single family housing
- Single Family housing could help with stormwater retention and have a more positive impact

Applicant Response:

- 79.6% of the trees in that zone would be kept
- There were two existing duplexes on that property
- Was willing to explore that now or would enter strictly from Julia Street
- Did not feel a driveway would fit between the two duplexes
- Intent was to save as many trees as possible as that would make the development more desirable
- Maps were to explain a shoreline where the marsh stopped, and the forest began
- There was about 90 feet up the hill which was a large buffer
- Would be limited to the number of units allowed
- 25% one bedrooms and rest were two-bedroom units, there were no three- or four-bedroom units
- Grade sloped from about seven to four
- Parking lot would be in the same area but more consistent would be in the six and half to seven range with some fill
- Had a swell on the west end of the property that would go back to natural grade and have open space where the water could divert
- Bulkhead was becoming an issue and could figure out a way to remove it
- Never considered selling the property it but was willing to listen if the City was interested
- Felt there was a big demand to have rentals in the City as they did not exist and that was how the land was zoned

There was a brief discussion regarding continuing the application.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone One, Two and Three Development 2022-0057 to the July 5, 2023 meeting. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Barnes, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁴

8. (b) 2022-0088– Andrew Petersen – c/o Bowman Consulting– Applicant
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 (CM2) zoning district.

Mr. Fredriksson read the staff report and said 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.

Evan Walton reviewed the application.

The Board provided their ex parte communication.

Item continued from a previous PZB meeting.

Public hearing was opened; however, there was no response

The Board discussed:

- Appreciated moving the parking around to save the live oak tree
- Asked where the four significant cedar trees located
- Questioned if the driveway was required to be on San Sebastian View or a design change
- Questioned if the stormwater pond was large enough
- In favor of the application and the site plan

Applicant response:

- Cedars were closer to the access drive off coming off San Sebastian View
- Road design would allow for the site to be symmetrical
- Wanted to move the 12’dbh, 13’dbh, and 16’dbh to other location onsite or replant the same size within the site
- Part of the Department of Transportation (DOT) and Intersection Control

⁴ Break from 5:55p.m.-6:14p.m.

Evaluation (ICE) report that was approved putting the driveway there provided direct access to the site

- Had two locations for stormwater if needed
- Other trees being saved on the site were live oaks

Mr. DePreter asked why the staff reports recommendation was to deny or continue the application.

Mr. Fredriksson replied it was because there was no mitigation plan submitted and it would be needed for Public Works. He said it would be worked out through the plan's submittal process. He said they were moving eight or nine trees and removing six which left a deficit that needed to be mitigated.

Mr. Davis said the applicant was saving the most significant tree and he was willing to give on the others. He said he was inclined to approve this plan.

Mr. Fredriksson said if the applicant could mitigate the issue with this site plan it was fine.

Mr. Walton explained they were saving a large tree and he was confident they would be able to mitigate the tree issues with the current site plan.

Mr. Fredriksson stated he did not want to recommend approval and then have it denied by Public Works. He said something could change the site plan to where the applicant may have to add more trees if any others were removed.

Mr. Blow said he only wanted to confirm with the applicant that they understood the risk.

Mr. Walton said he understood.

Ms. Lopez asked if the Board could approve the application as submitted with the condition that the applicant would have to

comply with the mitigation requirements administratively and if unable to comply would have to return to the Board.

Mr. Fredriksson replied in the affirmative.

Mr. Davis asked if there was a way to give the applicant a tree credit for doing the right thing as they were saving many of the trees on the site and a 54' dbh live oak.

Ms. Lopez noted she did not feel that could be done as it was a mathematical formula.

MOTION

Ms. Griggs MOVED to APPROVE Conservation Overlay Zone Three Development 2022-0088 to approval the removal of a significant portion of the tree canopy including 20" cedar, 13" cedar, 12" cedar for development within the Commercial Medium Two Zoning district with the condition the applicant meet the mitigation requirements in Public Works. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (c) 2023-0010 – Ryan Carter– c/o Carter Environmental Services Inc– Applicant David & CeCe Drysdale – Owner 140 Pelican Reef Drive

Mr. Davis recused himself from the application.⁵

To approve the construction of a new vinyl sheet construction bulkhead 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

⁵ Recusal form attached to original minutes

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.

Michael Carpenter reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Would not have a negative impact to installing the vinyl bulkhead or adding the little amount of fill behind it
- Bulkhead would tie into the others on the north and south

MOTION

Mr. DePreter MOVED to APPROVE the Conservation Overlay Zone Development 2023-0010 as it meets the 17 criteria. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

AYES: DePreter, Griggs, Barnes, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (d) 2023-0012– Clark Fouraker – c/o Clenn Layton Homes, LLC– Applicant 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.

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 request to remove twelve (12) significant southern Red Cedar trees within Conservation Overlay Zone 3 at 214 Pelican Reef Drive / PID 158573-0090.

Clark Fouraker and Mark White reviewed the application.

Ex Parte Communication:

(None)

6 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:

- Appreciated the changes made to save the live oak tree
- Subdivision had their own rules regarding red cedar trees
- Two trees on the edge of the driveway; however, they might not be worth saving
- Staff report would have to plant ten cedar trees
- West northern end of the parking area there was an 8" cedar which was significant
- Asked if the driving area could be condensed to save the tree
- Did not feel the tree was compromised as the report noted to remove the dead wood
- Asked how far the tree was from the driveway and felt it was excessive
- Questioned the width of the driveway
- Would want a dimension on the driveway and if a five-foot bump-out that would provide enough space to turn around
- Looked to have thirty feet from the garage to the tree in question and thought that was a considerable amount of space

- Asked if the property was 3600 square feet heated with a second floor
- Risk in moving trees but only wanted to save the 8" cedar as it was significant
- Could remove the smaller tree and leave the 8" cedar in the bottom righthand corner
- Asked if the applicant was willing to shave the corner off to provide more room for the tree

Applicant response:

- Had saved the larger of the two trees in that location
- One of the two was a defected tree by the arborist report
- Had the landscape designer adding those back into the plan
- Would need that amount of space to forwardly drive out from the driveway
- Driveway was not oversized
- Tree 'Y' was defective but not defective enough
- Told by architect it was a standard size driveway for this size home
- Property was two-story with 3,600 square of feet heated space
- Asked if the Board was open to having the tree moved elsewhere on the property
- Concerned with how close construction would be to the trees

Mr. Fouraker said he was confident they could save the 8" tree; however, he would need to contact his client as there was a tight deadline on this project. He asked for a few moments to reach his client.

Ms. Lopez noted that was fine and the Board could pause the application and move on to the next application.

MOTION

Mr. DePreter MOVED to TEMPORARILY RECESS Conservation Overlay Zone Development 2023-0012. The motion was

SECONDED by Mr. Blow and motion was APPROVED by UNANIMOUS VOICE VOTE

8. (e) 2023-0013– Ryan Carter – c/o Carter Environmental Services Inc.– Applicant 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.

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 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.

Ryan Carter reviewed the applicant.

Ex Parte Communication:
(None)

7 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:

- Homeowners were misinformed about permits being obtained regarding the bulkhead
- Saltmarsh mitigation bank did not exist

- Would want more information regarding the application
- Staff could provide feedback about what could be done per City Code

Applicant response:

- Saltmarsh mitigation did exist, but it was out of the drainage basin
- Was working with the Water Management District and the Army Corp of Engineers to remedy the problem

Ms. Skinner said the options may not be pleasant; however, if the wetland could not mitigate the wetlands that were impacted, they would have to restore the site. She said the Comprehensive Plan was clear in that there could not be a loss of wetlands.

Mr. Blow noted the staff report indicated the City issued a permit for the bulkhead work. He said because if so, he did not understand how the homeowners could be punished.

Ms. Skinner said they would have to check as they were unsure what the permit had been submitted for.

Mr. DePreter clarified that the application could be approved contingent that the applicant met the criteria for the net loss of wetlands. He said the application would need to comply with City code.

Mr. Davis felt more information was needed before voting on the bulkhead; however, there was no issue with the dock.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0013 regarding the dock permit only as the dock permit was not a major expansion of what was there mostly following the footprint and conforms to the seventeen criteria. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Development Three 2023-0013 to the June 6, 2023 meeting with the applicant returning with the information requested by the Board as to when the permitting took place and any documentation. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Ms. Lopez advised there might be a problem with the impervious surface ratio and encourage the applicant to follow up regarding that issue.

Item 8(d) 2023-0012– Continued

Mr. Fourker said after speaking with his client, they were suggesting doubling the number of inches of tree "Y" from eight to sixteen and replace in total, in addition to the one tree mentioned in the staff report into the landscape plan.

Ms. Griggs said tree "Y" would still be removed.

Mr. Fourker noted it would in order to leave the driveway as it was but would replace with one double the circumference.

Mr. White said they could check and see if one similar or an eight inch was available.

Ms. Griggs explained she did not see a hardship and did not feel it was necessary to be removed as it was a significant tree and felt it should stay.

Mr. White said they would have to go an additional six feet, or the tree could be damaged and die. He noted they were suggesting doubling the number of inches if accepted.

Ms. Griggs felt the driveway should be built with the foot per inch requirement based off the radius and keep the driveway eight feet away from the tree.

Board discussion:

- Would be losing a total of sixty-four inches of the driveway in the corner
- Could gain more parking on one side and lose it on the other

Applicant response:

- If the tree had to stay the client would want to cut the driveway and not have an awkward cube at the front
- Would want to keep as much of the driveway as possible
- Unsure if that would be useful
- Goal was to have approval to move forward with the building permit
- If the driveway had to come in to preserve the two trees only, the question would be would another cedar need to be planted

Mr. Fredriksson said the site had to have a total of ten cedar trees onsite once developed.

Mr. Pappas supported the applicant doubling the inches as suggested by the applicant.

MOTION

Ms. Griggs MOVED to APPROVE Conservation Overlay Zone Development 2023-0012 to approve of the removal of significant Southern Red Cedar trees with the exception of the 7" and 8" cedars within the driveway. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES Griggs, DePreter, Barnes, Blow Davis

NAYES: Pappas

MOTION CARRIED 5/1

8. (f) 2023-0018– Ryan Carter – c/o Carter Environmental Services Inc. – Applicant 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.

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 to a previously approved dock to widen the boat lift from 10' to 15' within Conservation Overlay Zone 1 at 5 Lighthouse Avenue I PID 157040-0000.

Ryan Carter reviewed the application.

The Board provided their ex parte communication.

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

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

The Board had a brief discussion and found no issues with the application.

MOTION

Mr. Davis MOVED to APPROVE 2023-0018 To approve the modification of previously approved dock plans to widen the boat lift from 10' to 15' within Conservation Overlay Zone 1. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**9. Comprehensive Plan Amendment and
Rezoning⁶**

**9. (a) 2023-0006 – Ellen Avery-Smith, Esq.
– c/o Rogers Towers, P.A– Applicant
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 Preannexation 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.

Mr. Fredriksson read the staff report and said 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.

Stephen Johansen, Ellen Avery-Smith, Carl Master, Jeremy Marquis, and Ryan Carter reviewed the application.

Ms. Skinner asked if the wetland mitigation had been addressed and asked if the community notices were provided to the adjacent property owners.

Ms. Avery-Smith confirmed the community notices were provided to the adjacent property owners and provided to staff. She said the drawings and Conservation Overlay Zone criteria and dock and wetland impact exhibits were included with the PUD packet as amended and everything was available in public record.

Ms. Lopez asked how they were addressing the Comprehensive Plan with having no net loss of wetlands.

Mr. Carter said these were not salt marsh impacts; however, they were freshwater impacts. He said the applicant had purchased mitigation bank credits as required by the St. Johns River Water Management Environmental Resource permit and the Army Corp of Engineers permits. He noted the credits were purchased in St. Johns County.

The Board had no additional ex parte communication since the last hearing.

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

Public hearing was opened.

Matt Pellicer spoke opposed to the application and said from his understanding, this property was contaminated. He asked if

⁶ Ms. Barnes left before application was heard

soil samples had been done on the property. He said he was concerned with the flooding that may be possible with the building of the seawall. He said traffic was another concern as the area was very condensed.

Amy Pellicer spoke in opposition to the application and was concerned with the growth in the area and the displacement of the wildlife. She asked if the boat slips were only for the homeowners or for the public. She said the road was very narrow and this would provide more traffic in the area.

Paul Pellicer spoke in opposition to the application and noted the site had been used as a dump and felt the soil may have been contaminated. He also was concerned with the traffic.

BJ Kalaidi asked if the developer knows about the contaminated soil. She said she understood the concern for traffic and thought it would be difficult; however, a red light was being added.

Public hearing was closed.

Mr. Davis asked if they checked for contamination on the site and what was found. He asked for clarification regarding the traffic near US1 and Arapaho. He asked if the boat slips were public or only for homeowners and about the dock in proximity to the channel.

Mr. Johnsen said that was correct and for the last four years they had been cleaning the soil. He said most had been contaminated with arsenic, but the space in totality was clean. He said they had been in communication with the FDOT and the eye study had taken place and the intersection would be built by DOT on their timeline. He said entry would not be from Arapaho Avenue, but from US1 through the four-way signal as approved by DOT. He said the City would be contributing \$500,000.00 and they were contributing around \$1Million. He noted they were building fifty homes and saving the trees. He said the water would be entering the ground to meet the percolation

standards. He said the boat slips would be only for the residents.

Mr. Carter noted the dock had a fifty-foot buffer on both sides and they could not encroach on the channel. He noted permitting had been done by the U.S. Army Corp of Engineers.

The Board discussed:

- Funding was committed for the intersection improvements on the north end
- Asked if DOT had approved the design shown in the meeting in March
- Southern access on Arapaho was mainly for public safety vehicles and vehicles, could exit but not enter
- Questioned if sidewalks would be on both sides of the street as the PUD text indicated one side

Applicant response:

- ICE analysis had been vetted and approved but they were waiting on final permitted design plan from DOT and they were working with the City
- Would be doing a community workshop within the next month to present all the information to the neighbors
- PUD text had the sidewalks listed as one side, but the intent was to have sidewalks on both sides

MOTION

Mr. Blow MOVED to RECOMMEND the rezoning of the property application 2023-0006 to the City Commission and amend the PUD narrative to have sidewalks on each side of the streets. The motion was SECONDED by Mr. DePreter.

Mr. DePreter outlined the need and justification for the change was it was a Master Plan Community, tie into the other which was a Comprehensive Plan goal, staff report noted how it conformed to the

Comprehensive Plan and the consistency with the Comprehensive Plan.

VOTE ON MOTION:

AYES: Blow, DePreter, Griggs, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Davis MOVED to APPROVE Conservation Overlay Development for the PUD for application 2023-0006. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Davis, Pappas, Griggs, DePreter, Blow

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

10. Other Business

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

Ms. Skinner said this meeting was the next step in updating the Parking Code and if time allotted would provide the Board with information regarding the Food Truck draft Ordinance.

11. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 8:17 P.M.⁷

Mike Davis, Chairperson

⁷ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **USE BY EXCEPTION AND VARIANCE 2023-0031**

AGENDA ITEM 5(a)

APPLICANT & OWNER Ryan Kunsch
c/o Muggsy's

LOCATION 213 W King Street / PID 119860-0010

REQUEST To approve a use by exception for off-site parking within 400 feet at 222 W King Street as well as a variance to off-street parking requirements.

LAND USE Commercial Medium Intensity

ZONING Commercial Medium-Two (CM-2)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

Overall Goal

Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.

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 3

Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of older, historic buildings and structures.

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 5.3

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 Policy 5.4.1

Provide design and planning assistance to encourage revitalization of the major thoroughfares and other, smaller commercial connectors in a manner that recognizes the unique character of these areas to preserve broader aspects of the city's authentic heritage.

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.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors

through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing “urban” area of the city including existing commercial corridors.

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 1.3.7

The City may require developers of commercial property to provide for convenient and safe access to bicyclists and pedestrians and may provide a secure location for the storage of bicycles on-site.

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 3.1.3

Mobility Plan projects within the City’s multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

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.

Shopping center means a group of retail stores or service establishments planned and developed as a unit by one (1) operator, owner, organization or corporation for sale or for lease for the site upon which they are built.

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.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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. 28-373. – Required off-street parking.

(d) *Minimum spaces required:*

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(7)	Bar, lounge, tavern, nightclub		3 patrons or seats		
(22)	Shopping center	300 (nonstorage area)			
(27)	Restaurant	75 patron area (nonfixed seating)	or 4 patrons (fixed seating)		and 1 per 200 sqft. nonpatron area
(41)	Business, commercial, or service establishments	300			

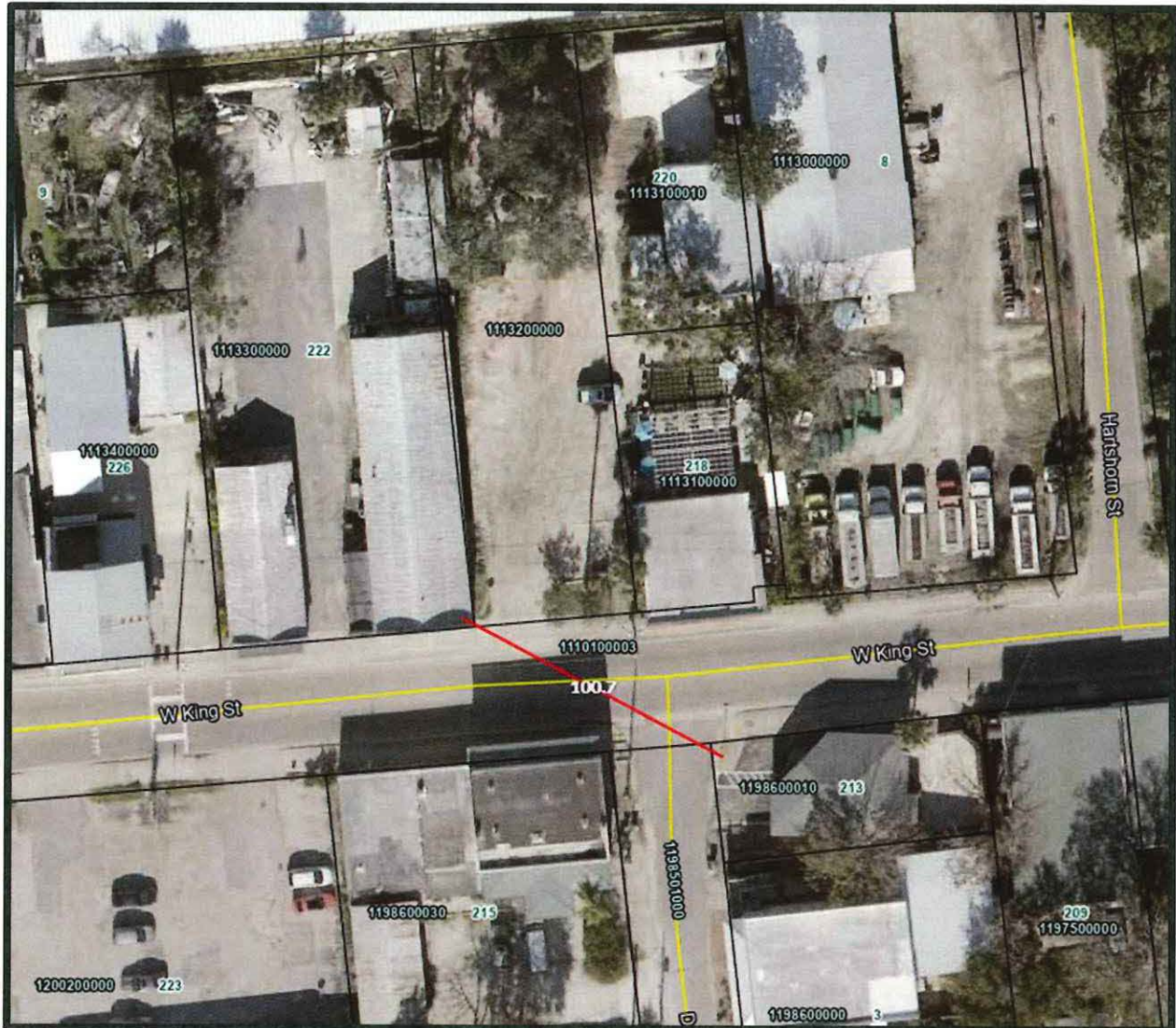
STAFF SUMMARY AND ANALYSIS

The requests for both a use by exception and variance relate to required off-street parking for a neighborhood bar, Muggsy's, located at 213 W King Street within the Commercial Medium-Two (CM-2) zoning district. 213 W King Street is located within the King Street Entry Corridor and is adjacent to other commercial uses within the CM-2 zoning district such as a brewery, tattoo studios, marine supply stores, restaurants, and several other retail stores.

The neighborhood bar currently provides two (2) non-conforming off-street parking spaces on-site which allows the business to be licensed for six (6) patrons at one time. In efforts to be licensed for a higher capacity the applicant is seeking approvals related to providing parking off-site within four hundred (400) feet.

The use by exception request is for off-site parking within 400 feet of 213 W King Street at 222 W King Street / PID 111330-0000. There are currently two businesses at this property: a café at 224 W King Street and a marine supply store at 222 W King Street which both provide their respective off-street parking on-site.

- Buena Onda Café at 224 W King Street is a 1,560 square foot restaurant business with twenty-four (24) seats.
 - 600 square feet of non-patron area requires 3 parking spaces.
 - 24 seats requires 6 parking spaces.
 - A total of 9 parking spaces are required for the café.
- Sailor's Exchange at 222 W King Street is a 3,500 square foot retail business.
 - 3,500 square feet of retail space requires 12 parking spaces.
- A total of 21 parking spaces are required for the café and marine supply store at this location; there are 23 parking spaces available on-site.
 - The request for a use by exception at 213 W King Street is to make use of the additional two (2) parking spaces off-site parking spaces within 400 feet at 222 W King Street.



The variance request is to eliminate the required twenty-one (21) off-street parking spaces at 213 W King Street. Eliminating a requirement of 21 off-street parking spaces would allow the applicant to seek licensing for an additional sixty-three (63) patrons at 213 W King Street. This variance request is unique in that even though approval of the variance would no longer require the applicant to provide parking there will be spaces available at 222 W King Street. The café at 224 W King Street is open from 8 a.m. to 2 p.m. and the marine supply store at 222 W King Street is open from 9 a.m. to 5 p.m. during the week. The neighborhood bar at 213 W King Street does not open until 5 p.m. during the week.

It could be argued that the operating times of the three different businesses do not overlap and that the required off-street parking requirements could be met by a shared parking arrangement. Both properties are owned by the same individual.

Examples of parking functions at 222 W King Street:

- 1 p.m. on a Tuesday:
 - o Both the café and marine supply store are open and make use of the 23 on-site parking spaces.
 - o The neighborhood bar is closed and is not using any off-site parking.
- 5 p.m. on a Wednesday:
 - o The café has been closed for three hours and not using any of the 23 on-site parking spaces.
 - o The marine supply store is closing for the day and will soon vacate any parking spaces currently occupied.
 - o The neighborhood bar at 213 W King is now open and if the on-site parking becomes occupied patrons that decide to drive will begin to make use of the 23 off-site parking spaces available at 222 W King Street.
- 8 p.m. on a Thursday:
 - o Both the café and marine supply store have been closed for over three hours and are not occupying any of the 23 on-site parking spaces.
 - o The neighborhood bar at 213 W King Street has now been open for three hours and more patrons have shown up; those who have decided to drive can make use of the ample parking available off-site at 222 W King Street.

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;

The smaller size of this property causes a disadvantage for commercial use given that parking space size and drive aisle requirements would occupy a significant portion of the property. This property is approximately 3,920 square feet in size; the required size of 9.5' x 19' for a parking space is 180.5 square feet. For each parking space provided on-site would amount to roughly 4.6% of the site being used for parking. The minimum lot size within the CM-2 zoning district, which is what 213 W King Street is zoned, is fifteen thousand (15,000) square feet. A 180.5 square foot parking space only amounts to 1.2% of a 15,000 square foot lot.

This property also suffers from a physical condition that is a disadvantage which is the existing building on-site. Information from the St. Johns County Property Appraiser's website shows that a building constructed in 1915 currently occupies the property. Plans to reuse the existing structure as a neighborhood bar have been limited to a capacity of six patrons which is not due to building size or safety requirements, but through the City of St. Augustine's off-street parking requirements that were adopted on June 27th, 1988.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

The disadvantages of there being an existing structure on a small lot constrains site design and use of the property which in turn limits the resiliency of a new business, as well as a neglected commercial area of St. Augustine. These constraints limit the use of this property by not allowing anything more than a 600 square foot retail store or even a 2-bedroom apartment. A barbershop with a single chair would not even be able to meet the City's off-street parking requirements.

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

This lot was created and the existing building 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 request for a use by exception and variance regarding off-street parking requirements at 213 W King Street promotes economic development and the City's Mobility Plan.

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 off-site parking within 400 feet and a variance to parking requirements of twenty-one (21) parking spaces at 213 W King Street / PID 119860-0010.



Jacob Fredriksson
Senior Planner
Planning and Building Department

This article is in regards to the parking vs. seating requirements at 213 west king street for the business Muggsy's Neighborhood Bar. Currently the location has six seats approved with two parking spaces approved. This makes the location in compliance with the city code for a bar. My request is for a parking variance to the code as it is written. The reason for this request is because as you can imagine turning a profit or just being able to break even with just six patrons at a time is closer to impossible than anything else. If I wanted to add more seats, I would have to add more parking, according to the code. The code states that for every three seats, one parking space is required. I am wanting to purchase 15 more seats to give me a new total of 21. If I were to do so I would need seven parking spaces (so five more). This code does not make sense for this location whether it be a bar, a salon, an art gallery or even a professional office. Let's say it was a professional office; If that were the case the business would need four parking spaces (again, according to the city code). If it remained a winery that business would have required three parking spaces. The problem is that the property only has two approved parking spaces. I can give example after example but the bottom line is that for as long as the code is followed there is no business that can legally occupy 213 west king. That leaves us with two options. Option one is knock the building down or even a portion of the building and add more parking. The original structure of this building was erected in 1917. This is historic. Do we really want to mess with it? I can assure you that tourists are not coming to St. Augustine to look at parking lots or go home and brag about how unique and interesting the parking set up was. We have to look at the reality of the situation. Option two, grant a variance as this building is experiencing a hardship. Things have changed. More people have cars. Cars are bigger. Where do you put them; you ask? Well, most importantly a bar should not be required to have a parking lot. If drinking and driving is illegal then why should we be promoting drinking and driving? Why are we turning a blind eye to the fact that Ubers are readily available? Did we forget that people can walk, bike or skateboard? Seems as though we did. Muggsy's is a neighborhood bar. For those of you who are unaware of what that means, let me explain. It's a space specifically designed for the west Augustine and Lincolnville community. Most of our patrons live within walking or biking distance. For those that don't, we are encouraging to take an uber or taxi or get dropped off by a friend. This being said, it does not mean you are welcome to get as intoxicated as possible being you don't have to drive home. Our employees are trained to not over serve our guests. Once again, times have changed. There are bars opening up all across the country that are setting standards to eliminate heavily intoxicated patrons. It's called educational drinking. If you are a little confused just think about breweries and how most of them are family friendly. People want to go out, people want to connect, it is part of being a social creature. There are more responsible ways than others and we are striving towards the mature and responsible way to unwind and hang with your friends. You will see in the next ten years counties changing their policies on parking requirements for bars and possibly even restaurants. It would be exciting for St. Augustine to be a pioneer in that change. However, in the meantime while you undergo the consideration and hopeful change in parking requirements, I am asking you to grant me a parking variance. The parking variance I am asking for is quite simple to understand. I own the properties of 222 and 224 west king street which lies diagonally across the street from Muggsy's. The parking lot has 23 permitted parking spaces. From the hour that we open to the hour that we close the parking lot sits

empty. That's 23 parking spaces going to waste. As I personally believe we don't need any parking but if you are wanting in compliance with the current code, I am urging you to consider letting me use the parking lot that I own that has 23 spaces and is within 400 feet of the front door of Muggsy's. In further convincing please consider the fact that this lot is not the only lot available. Directly across the street there is a public lot that houses approximately 40 parking spaces. The ironic thing about that lot is that according to city code it is deemed a not permitted service. The city of St. Augustine leases that parking lot. Why is the city allowing people to park on a non-permitted service? Is it because the city can't tell on itself? Not to add to the confusion but there is also another lot diagonally to the east of Muggsy's at the Broudy's liquor store property. This lot is home to approximately 300 parking spaces that Barry Broudy has signed off allowing the businesses of West Augustine to park. I am also aware of the fact that parking lot is also leased by the city to run free shuttles to downtown. Half that lot is also deemed as a non-permitted surface. So that leaves us with two non-permitted surface parking lots in which the city uses. I have numerous neighboring businesses, some of which that just opened a year ago that are able to use these parking areas as there permitted parking on record. Moral of the story here is that there is ample parking all within 400 feet of the front door of Muggsy's. Again, I strongly urge you to grant a variance to my seating vs. parking dilemma. Thank you!



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$ 350 (plus advertising costs) Project Number: 2023-0031

Receipt Number: 2621140 Meeting Date: June 6, 2023

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

1. NAME OF APPLICANT: Ryan Kunsch Contact Number: 904-547-1869

Business (if applicable): Muggsy's

Address: 213 West King st. City: St. Augustine State: FL Zip: 32084

E-Mail Address: Muggsys213@gmail.com

2. NAME OF PROPERTY OWNER: Ryan Kunsch Contact Number: 904 547 1869

Business (if applicable): _____

Address: 222 West King st. City: St. Augustine State: FL Zip: 32084

E-Mail Address: muggsys213@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: _____ Parcel Number: 1198600010

4. PROJECT STREET ADDRESS: 213 West King st. / 222 West King st.

5. SPECIFIC PROPOSED USE: Bar

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☒ Other: offsite parking within 400 feet

7. DESCRIPTION OF ACTION REQUESTED: I am trying to add an additional 2 parking spaces offsite within 400 feet from the 213 West King location. The current location only has 2 spaces. I am also trying to purchase 15 more seats.

(The offsite parking lot is at 222 West King st.)

(A VARIANCE TO THE REQUIRED PARKING SPACES)

8. JUSTIFICATION FOR ACTION REQUESTED: The reason for this is because for every 3 seats I need 1 parking space and the building only has 2 spaces.

(I own the property at 222 West King st.)

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.



Signature of Applicant

5/3/23

Date

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 Kunsan

Print name of applicant

B. K.

Signature of applicant

5/3/23

Date



Owner's Authorization For Agent

Ryan Kunsch is/are hereby authorized TO ACT ON BEHALF
OF Gregory Dettra, 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:
213 WEST KING ST.

BY: [Signature]
Signature of Owner
Gregory Dettra
Print Name of Owner
904-540-0009
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 7TH day of DECEMBER, 2022.

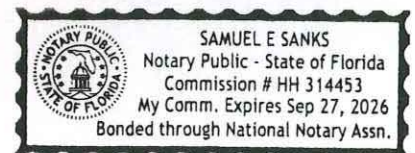
By GREGORY DETTRA

Identification verified: YES FL DRIVER LICENSE

Oath sworn: X Yes _____ No

Notary Signature: Sal Esab

My Commission expires: 09/27/2026





Owner's Authorization For Agent

Ryan Kunsch is/are hereby authorized TO ACT ON BEHALF OF Ryan Kunsch, 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: Ry K
Signature of Owner
Ryan Kunsch
Print Name of Owner
904 547 1869
Telephone Number

State of FLORIDA

County of ST. JOHNS

Signed and sworn before me on this 3 day of May, 2023

By RYAN KUNSCH

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature: [Signature]

My Commission expires: 2-3-27





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 1198600010
 Location Address 213 W KING ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood West St Aug Industrial - Good (COM) (487.03)
 Tax Description* 1-43 BRAVO PARK N41.24FT OF LOTS 1 & 2 OR4131/991
 *The Description above is not to be used on legal documents.
 Property Use Code Canneries, Distilleries & Wineries (4500)
 Subdivision Bravo Park, Plat Of Property Known As
 Sec/Twp/Rng 37-7-30
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.090
 Homestead N

Owner Information

Owner Name [Paper Root Industries LLC](#) 100%
 Mailing Address 110 F ST
 SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

Building Value	2023
Extra Features Value	\$75,390
Total Land Value	\$807
Agricultural (Assessed) Value	\$120,000
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$196,197
Assessed Value	\$0
Total Exemptions	\$196,197
Taxable Value	\$0
	\$196,197

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	\$66,292	\$522	\$120,000	\$0	\$0	\$186,814	\$186,814	\$0	\$186,814
2021	\$57,231	\$524	\$120,000	\$0	\$0	\$177,755	\$177,755	\$0	\$177,755
2020	\$59,049	\$562	\$120,000	\$0	\$0	\$179,611	\$165,020	\$14,591	\$165,020
2019	\$49,416	\$602	\$100,000	\$0	\$0	\$150,018	\$150,018	\$0	\$150,018
2018	\$51,121	\$770	\$100,000	\$0	\$0	\$151,891	\$151,891	\$0	\$151,891
2017	\$49,416	\$740	\$100,000	\$0	\$0	\$150,156	\$150,156	\$0	\$150,156
2016	\$50,429	\$876	\$100,000	\$0	\$0	\$151,305	\$151,305	\$0	\$151,305
2015	\$52,950	\$916	\$100,000	\$0	\$0	\$153,866	\$148,861	\$5,005	\$148,861
2014	\$34,277	\$1,051	\$100,000	\$0	\$0	\$135,328	\$135,328	\$0	\$135,328
2013	\$35,331	\$1,187	\$100,000	\$0	\$0	\$136,518	\$136,518	\$0	\$136,518
2012	\$36,386	\$1,322	\$100,000	\$0	\$0	\$137,708	\$137,708	\$0	\$137,708
2011	\$37,441	\$1,458	\$33,750	\$0	\$0	\$72,649	\$72,649	\$0	\$72,649
2010	\$38,495	\$1,594	\$37,500	\$0	\$0	\$77,589	\$77,589	\$0	\$77,589

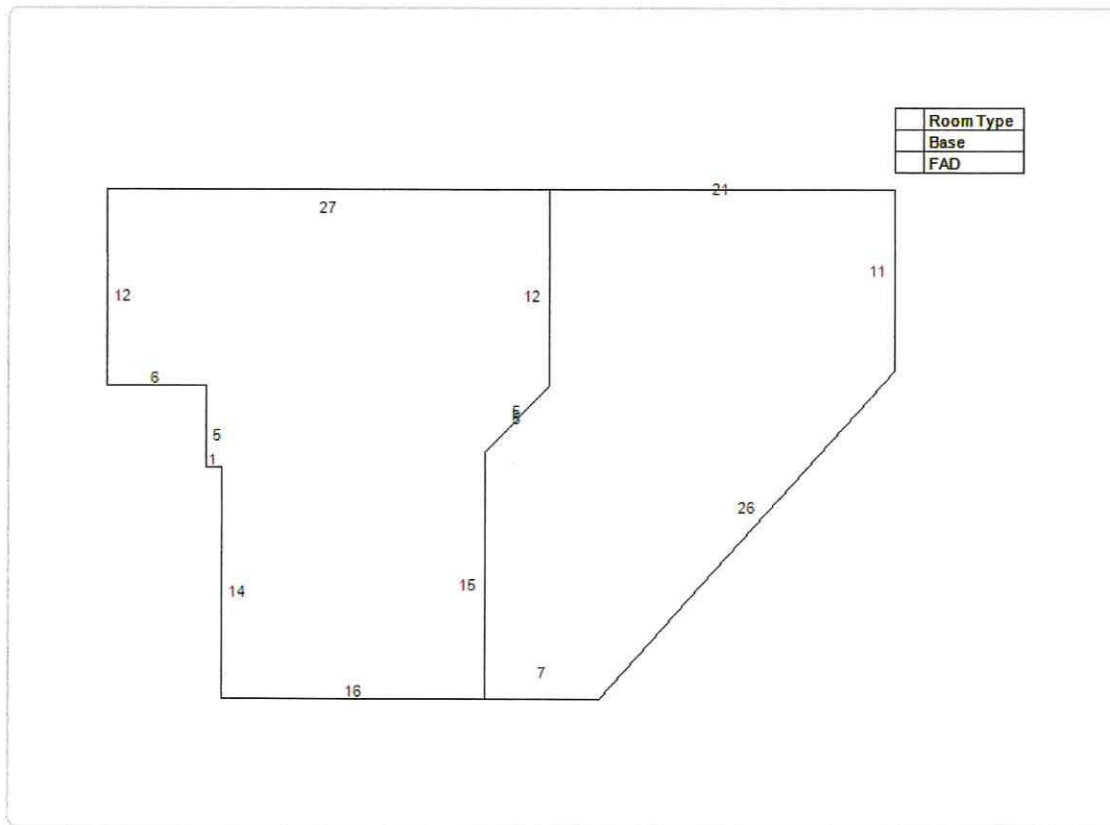
Building Information

Building 1
 Year Built 1915
 Actual Area 1180
 Conditioned Area 1180
 Use Wineries
 Style 04
 Class N
 Exterior Wall Concrete Stucco

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

Description	Square Footage
BASE AREA	641
ADDITION	539
Total SqFt	1180

Sketch Information



Extra Feature Information

Code Description	Status	Value
Asphalt Paving (COM)		678
Wood Fence - 6' and Above (COM)		129

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Wineries	100	41	1	UT	\$120,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/31/2015	12/30/2015	\$187,500.00	WARRANTY DEED	4131	991	Q	I	BIG BEAR DEN 2 INC	PAPER ROOT INDUSTRIES LLC
11/17/2011	11/15/2011	\$185,000.00	WARRANTY DEED	3495	274	Q	I	BOUTROS DAVID &	BIG BEAR DEN 2 INC
	2/17/2004	\$120,000.00	WARRANTY DEED	2141	1417	Q	I	COATES J THOMAS	BOUTROS DAVID & WORTH ROBERT (T/C)
	12/18/2003	\$100,000.00	WARRANTY DEED	2111	1304	Q	I	ROWE EILEEN	COATES J THOMAS
	8/11/2003	\$1,000.00	CERTIFICATE OF TITLE	2020	565	U	I	AVERY NEIL III & LEIBMAN MARILYN C	ROWE EILEEN
	11/25/1998	\$400,000.00	WARRANTY DEED	1367	965	Q	I	COLEE JAMES R & BARBARA	AVERY NEIL III

No data available for the following modules: Sales Questionnaire Form, 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.

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

Last Data Upload: 5/2/2023, 11:57:43 PM

Developed by
 Schneider
 GEOSPATIAL

Version 3.1.7



Overview



Legend

Parcels

Parcel ID	1198600010	Physical	213 W KING ST	Building Value	\$75,390	Last 2 Sales			
Property	4500 -	Address	SAINT AUGUSTINE	Extra Feature	\$807	Date	Price	Reason	Qual
Class	Canneries	Mailing	PAPER ROOT INDUSTRIES	Value		12/30/2015	\$187500	01	Q
Taxing	City of St	Address	LLC	Total Land Value	\$120,000	11/15/2011	\$185000	01	Q
District	Augustine		110 F ST	Just Value	\$196,197				
Acres	0.09		SAINT AUGUSTINE FL	Total Deferred	N/A				
			32080-0000	Assessed Value	\$196,197				
				Total	N/A				
				Exemptions					
				Taxable Value	\$196,197				

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: 5/3/2023

Last Data Uploaded: 5/2/2023 11:57:43 PM

Developed by  Schneider
GEOSPATIAL



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	1113300000
Location Address	222 W KING ST SAINT AUGUSTINE 32084-0000
Neighborhood	W King from St Seb River to Palmer St (COM) (2287.03)
Tax Description*	DANCY TRACT RESUB BLK 1 LOT 1 BLK 2 OR5730/122 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision	Dancy Tract Resubdivision of Block 1
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.400
Homestead	N

Owner Information

Owner Name	Kunsch Properties LLC 100%
Mailing Address	7 NESMITH AVE SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2023
Building Value	\$245,676
Extra Features Value	\$7,748
Total Land Value	\$176,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$429,424
Total Deferred	\$26,407
Assessed Value	\$403,017
Total Exemptions	\$0
Taxable Value	\$403,017

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

Historical Assessment Information

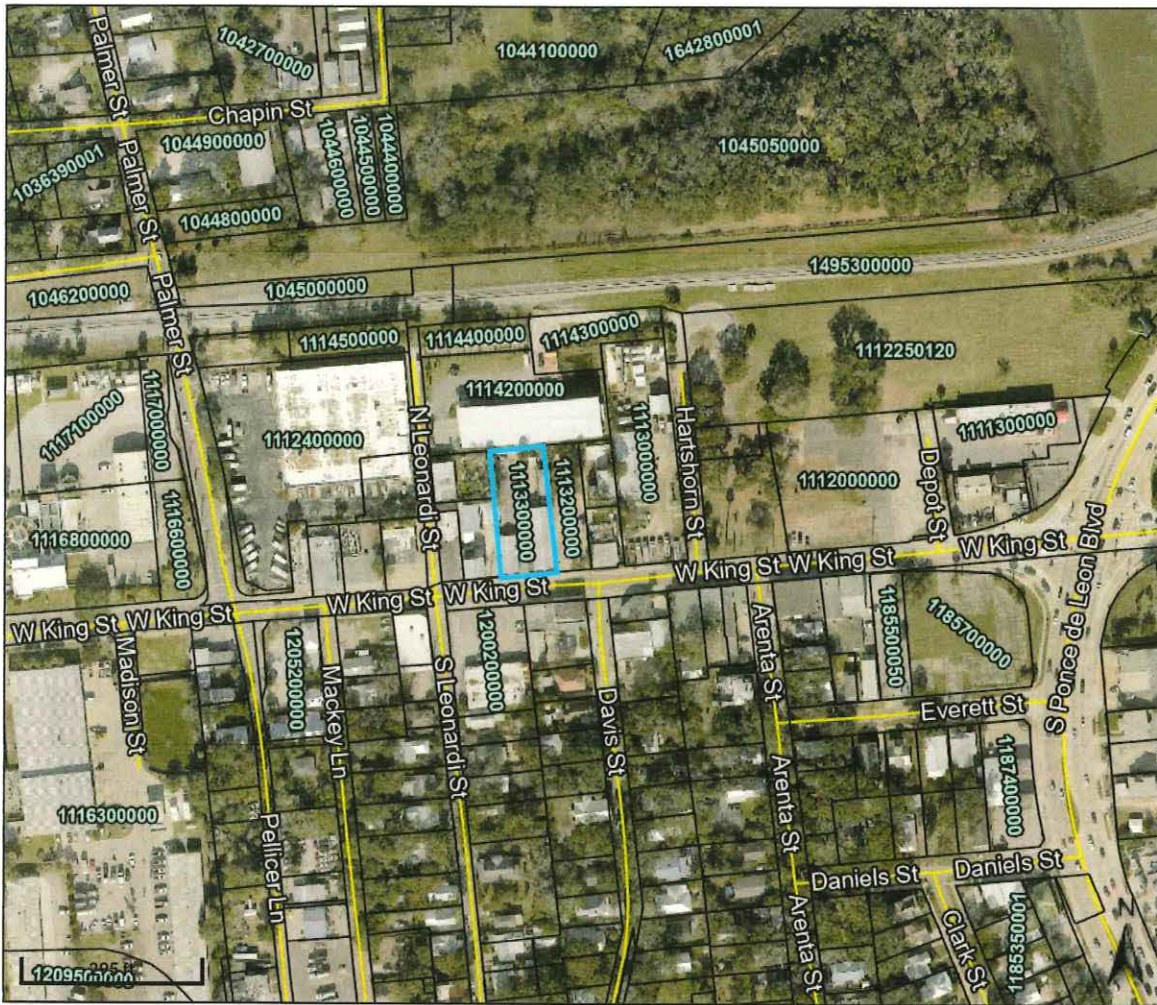
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$219,266	\$8,580	\$176,000	\$0	\$0	\$403,846	\$366,379	\$37,467	\$366,379
2021	\$213,375	\$4,947	\$176,000	\$0	\$0	\$394,322	\$333,072	\$61,250	\$333,072
2020	\$223,731	\$5,851	\$176,000	\$0	\$0	\$405,582	\$302,793	\$102,789	\$302,793
2019	\$188,536	\$5,851	\$140,800	\$0	\$0	\$335,187	\$275,266	\$59,921	\$275,266
2018	\$160,854	\$5,851	\$140,800	\$0	\$0	\$307,505	\$250,242	\$57,263	\$250,242
2017	\$149,357	\$2,096	\$140,800	\$0	\$0	\$292,253	\$227,493	\$64,760	\$227,493
2016	\$149,357	\$2,201	\$140,800	\$0	\$0	\$292,358	\$206,812	\$85,546	\$206,812
2015	\$149,357	\$2,306	\$140,800	\$0	\$0	\$292,463	\$188,011	\$104,452	\$188,011
2014	\$93,708	\$2,411	\$74,800	\$0	\$0	\$170,919	\$170,919	\$0	\$170,919
2013	\$95,533	\$2,516	\$74,800	\$0	\$0	\$172,849	\$172,849	\$0	\$172,849
2012	\$98,270	\$2,621	\$74,800	\$0	\$0	\$175,691	\$175,691	\$0	\$175,691
2011	\$103,411	\$2,727	\$83,600	\$0	\$0	\$189,738	\$189,738	\$0	\$189,738
2010	\$109,983	\$3,268	\$94,160	\$0	\$0	\$207,411	\$207,411	\$0	\$207,411

Building Information

Building	1
Year Built	1952
Actual Area	3570
Conditioned Area	3570
Use	Stores (Retail)
Style	04
Class	N
Exterior Wall	Concrete Block, Concrete Stucco

Roof Cover	Modular Metal
Roof Structure	Wood Truss
Interior Flooring	Concrete Finish
Interior Wall	Minimum
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	0
Baths	

Description	Square Footage
BASE AREA	3570
Total SqFt	3570



Overview



Legend

☐ Parcels

Parcel ID	1113300000	Physical	222 W KING ST	Building	\$245,676	Last 2 Sales			
Property	1200 - Mixed Use	Address	SAINT AUGUSTINE	Value		Date	Price	Reason	Qual
Class	(Store/Office/Residential Combo)	Mailing	KUNSCH	Extra	\$7,748	3/23/2023	\$1650000	40	U
Taxing	City of St Augustine	Address	PROPERTIES LLC	Feature		6/10/1998	\$175000	01	Q
District			7 NESMITH AVE	Value					
Acres	0.4		SAINT AUGUSTINE FL	Total Land	\$176,000				
			32084-0000	Value					
				Just Value	\$429,424				
				Total	\$26,407				
				Deferred					
				Assessed	\$403,017				
				Value					
				Total	N/A				
				Exemptions					
				Taxable	\$403,017				
				Value					

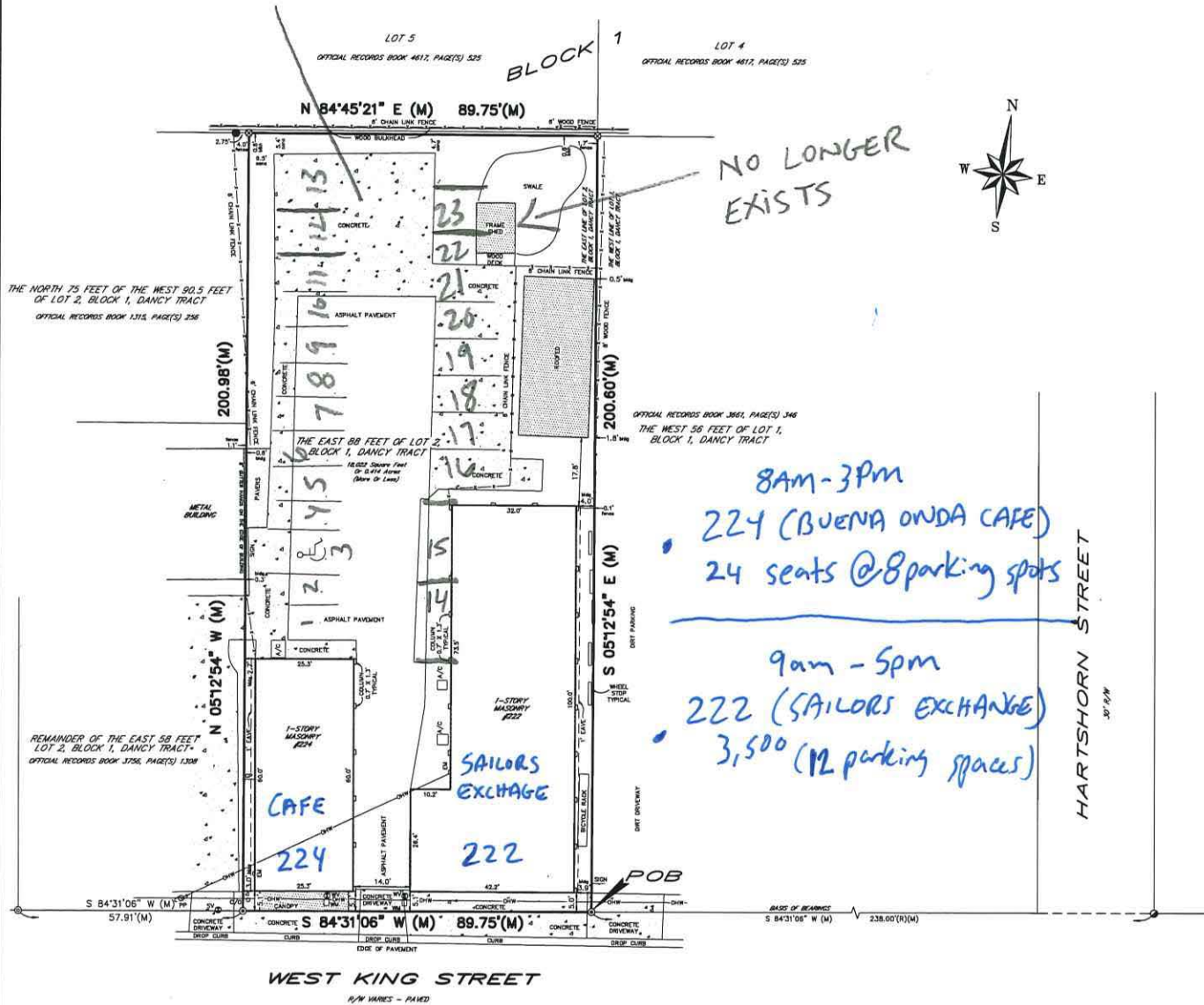
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 5/3/2023

Last Data Uploaded: 5/2/2023 11:57:43 PM

Developed by  Schneider
GEOSPATIAL

23 TOTAL PARKING SPACES



POB = POINT OF BEGINNING
R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
(R) = RECORD
(M) = MEASURED
CONC = CONCRETE
BLDC = BUILDING
BLKH = BULKHEAD
PPH = POWER POLE
OHV = OVERHEAD WIRE(S)
C/O = CLEAN-OUT
VV = WATER VALVE
SV = SEWER VALVE
WM = WATER METER
EM = ELECTRIC METER
A/C = AIR CONDITIONER
GP = GATE POST
± = MORE OR LESS
• = SET 3/4" IRON ROD - LB # 8177
● = FOUND 1/2" IRON PIPE - # 3672
○ = FOUND 1/2" IRON PIPE - NO IDENTIFICATION
● = SET BRILE IN CONCRETE
● = FOUND NAIL AND DISK - LB # 7111

ANCIENT CITY SURVEYORS
LD # 8177

ACS
PROFESSIONAL
LAND SURVEYORS

4428 U.S. HIGHWAY #1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
email: acg-surveyors@comcast.net PHONE: 904-797-9987



MICHAEL A. PIESCO PLS
Professional Land Surveyor #47625

Item 6(a)
164 Pelican Reef Dr.
Requesting a continuance to the July 5, 2023 meeting

Tracey Mullins

From: Jacob Fredriksson
Sent: Monday, May 15, 2023 10:35 AM
To: Amy Skinner; Tracey Mullins
Subject: FW: COZ Development App - 164 Pelican Reef Dr. - 2023-0013
Attachments: Fout PZB Approval and Continuance 4-4-23.pdf

See attached.

Jacob Fredriksson
Senior Planner
City of St. Augustine | Planning and Building Department
P.O. Box 210 | St. Augustine, FL 32085
Office: 75 King Street, Lobby B | Phone: 904.209.4331

Please Note: Florida has a very broad Public Records Law. Unless specifically exempt by state law, written communications to city officials or staff regarding official city business are public records available to the public and media upon request. If your email communication is related to official government business, it may therefore be subject to public disclosure.

From: Michael Spontak <michael@carterenv.com>
Sent: Monday, May 8, 2023 1:35 PM
To: Jacob Fredriksson <jfredriksson@citystaug.com>
Cc: Ryan Carter <ryan@carterenv.com>
Subject: COZ Development App - 164 Pelican Reef Dr. - 2023-0013

Mr. Fredriksson,

The bulkhead portion of this project was continued from the last meeting (where the dock portion was approved) and was scheduled for PZB on June 6. To date, we have received confirmation that the SJRWMD will accept mitigation in the form of wetland enhancement via invasive/exotic removal (mostly Brazilian Pepper) within Pelican Reef. However, the Army Corps has not confirmed they will accept this mitigation plan, but has said they will get us an answer this week. Thus, we ask to extend the PZB review for this project to the next scheduled meeting, since the due date is today to get on the June meeting. Please contact me if you have any questions.

Best,

Michael Spontak
Senior GIS Analyst/Project Scientist
Carter Environmental Services, Inc.
42 Masters Drive
St. Augustine, Florida 32084
904-540-1786
www.carterenv.com

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0027**

AGENDA ITEM 6(b)

APPLICANT Gregg A. Hall
c/o Florida Power & Light Company

OWNER Florida Power & Light Company

LOCATION 106 Riberia Street / PID 203410-0000 & 203410-0010

REQUEST To approve the replacement of an existing seawall within Conservation Overlay Zone 1.

LAND USE Residential Medium Density Mixed Use

ZONING Residential and General Office (RGO)

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 replace the existing seawall along the San Sebastian River as part of the Florida Power & Light St. Augustine Substation Rebuild project. The seawall replacement will be three hundred and twenty-six (326) feet long, composed of sheet pile, and include a new thirty-six (36) inch tall cap. In addition to the seawall forty (40) foot long batter piles spaced approximately eight (8) feet apart will be installed along the proposed seawall.

This proposal has been reviewed by the Florida Department of Environmental Protection (FDEP) and qualifies for regulatory exemption, proprietary authorization, and federal approval that may be necessary for work in wetlands or water of the United States.

A cross-section view submitted by the applicant shows the proposed height of the new bulkhead as well as details regarding fill.

This property is adjacent to the St. Augustine Distillery, the vacant former San Sebastian project site to the north and commercial and warehousing uses within the Maritime Use zoning district to the south.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, staff analysis is italicized.

(1) Site specific conditions.

- *The proposed bulkhead will be replacing the existing seawall located on the western side of the properties along the San Sebastian River. The seawall will be 326 feet long and accompanied by batter piles positioned approximately 8 feet apart.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *The proposed bulkhead will be located within 18 inches of the current seawall according to the approval obtained from the FDEP and batter piles will extend into the San Sebastian River.*

(3) Natural and proposed drainage patterns.

- *The proposed bulkhead will have no additional impact on existing drainage patterns.*

(4) Effect of point and nonpoint discharge in the marine environment.

- *N/A*

(5) Proposed soil stabilization and erosion control methods.

- *Information is not provided by applicant.*

(6) Impact on floodplain.

- *No impact to the floodplain will occur with the proposed bulkhead.*

(7) Impact of development on vegetative and animal communities.

- *There does not appear to be any vegetative communities within the area of proposed work at the FPL substation.*

(8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

- *N/A*

- (9) Effect of shade on vegetation and shellfish.
- *Batter piles may potentially change shading within the San Sebastian River along the seawall.*
- (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.
- *The proposed bulkhead will occupy the entire shoreline of the two properties at 106 Riberia Street.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- *The proposed bulkhead will have no impact on vistas or scenic opportunities.*
- (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.
- *The proposed seawall replacement does not appear to have any impact on plant or animal habitat.*
- (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.)
- *The proposed seawall replacement does not appear to have any impact on water quality.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *There will be no impact to shellfish or commercial/sport fish and waterfowl with construction of the proposed bulkhead.*
- (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 replacement of an existing seawall within Conservation Overlay Zones 1 at 106 Riberia Street / PID 203410-0000 & 203410-0010.



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: 2023-0027
Receipt Number: 2617851 Meeting Date: 6/6/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Gregg A. Hall - FPL Siting & Permitting Manager Contact Number: 561-904-3667
Business (if applicable): Florida Power & Light Company
Address: 700 Universe Blvd. City: Juno Beach State: FL Zip: 33408
E-Mail Address: Bruce.Barber@fpl.com
2. NAME OF PROPERTY OWNER: Florida Power & Light Co. Contact Number: 561-904-3667
Business (if applicable): Florida Power & Light Company
Address: 700 Universe Blvd. City: Juno Beach State: FL Zip: 33408
E-Mail Address: Bruce.Barber@fpl.com
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 2 and 3 Block: 46-L
Subdivision: NA Parcel Number: 2034100000 & 2034100010
4. PROJECT STREET ADDRESS: 106 Riberia St., St. Augustine, FL 32084
5. SPECIFIC PROPOSED USE: Distribution Substation
6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: The FPL St. Augustine Substation Rebuild project is currently approved and under construction. FPL is now seeking to replace the existing seawall on the San Sebastian River along the west property line of the site. There are no proposed changes to the previously approved substation rebuild project.
8. JUSTIFICATION FOR ACTION REQUESTED: The existing seawall is currently failing. To provide safe shoreline and property protection a rebuild of the existing seawall is required. The seawall has already been approved for an exemption by the Florida Department of Protection.

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: NA
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: NA
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: NA
- (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: NA

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

7/19/23
Date


Signature of Property Owner

7/19/23
Date



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

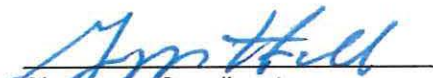
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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.

Gregg A. Hall

Print name of applicant



Signature of applicant

4/19/23

Date



Owner's Authorization For Agent

Culpepper & Terpening, Inc. - Joshua A. Killian is/are hereby authorized TO ACT ON BEHALF OF Florida Power & Light Company, 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: 106 Riberia St., St. Augustine, FL 32084

BY: 
Signature of Owner
Gregg A. Hall - FPL Siting & Permitting Manager
Print Name of Owner
561-904-3667
Telephone Number

State of Florida

County of Palm Beach

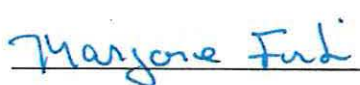
Signed and sworn before me on this 19th day of April, 2023.

By Gregg Hall

Identification verified:

Oath sworn: Yes x No ()



Notary Signature: 

My Commission expires: 11/18/2024

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: 106 Riberia St., St. Augustine, FL 32084

Applicant's Name: Greg A. Hall Applicant's Signature: 

Owner's Name: Greg Hall Owner's Signature: 



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	2034100000
Location	106 RIBERIA ST
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	City St Augustine (COM) (610.01)
Tax Description*	(3-A) CITY OF ST AUG PART OF LOTS 2 & 3 BLK 46-L - BEING PARCEL A DESCRIBED IN OR3729/1043 DB14/303 (EX ANY PTS SHOWN IN DB215/466 & DB227/338) (EX ANY PT PARCEL B IN OR3729/1046) DB14/303 & DB83/152 DB227/340 & OR3729/1043(Q/C) & 3812/1959(DEC OF REC & ACCESS ESMT)
	<i>*The Description above is not to be used on legal documents.</i>
Property Use	Utilities (9100)
Code	
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	2.720
Homestead	N

Owner Information

Owner Name	Florida Power & Light CO 100%
Mailing Address	PROPERTY TAX-PSX/JB 700 UNIVERSE BLVD JUNO BEACH, FL 33408-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$87,801
Total Land Value	\$890,590
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$978,391
Total Deferred	\$329,313
Assessed Value	\$649,078
Total Exemptions	\$0
Taxable Value	\$649,078

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	\$59,577	\$510,994	\$0	\$0	\$570,571	\$570,571	\$0	\$570,571
2021	\$0	\$49,497	\$510,994	\$0	\$0	\$560,491	\$537,599	\$22,892	\$537,599
2020	\$0	\$53,444	\$510,994	\$0	\$0	\$564,438	\$488,726	\$75,712	\$488,726
2019	\$0	\$57,392	\$446,580	\$0	\$0	\$503,972	\$444,296	\$59,676	\$444,296
2018	\$0	\$60,355	\$446,580	\$0	\$0	\$506,935	\$403,905	\$103,030	\$403,905
2017	\$0	\$61,134	\$446,580	\$0	\$0	\$507,714	\$367,186	\$140,528	\$367,186
2016	\$0	\$64,630	\$446,580	\$0	\$0	\$511,210	\$333,805	\$177,405	\$333,805
2015	\$0	\$68,125	\$446,580	\$0	\$0	\$514,705	\$303,459	\$211,246	\$303,459
2014	\$0	\$39,172	\$236,700	\$0	\$0	\$275,872	\$275,872	\$0	\$275,872
2013	\$0	\$8,503	\$236,700	\$0	\$0	\$245,203	\$245,203	\$0	\$245,203
2012	\$0	\$8,503	\$232,925	\$0	\$0	\$241,428	\$241,428	\$0	\$241,428
2011	\$0	\$8,503	\$232,925	\$0	\$0	\$241,428	\$241,428	\$0	\$241,428
2010	\$0	\$8,503	\$232,925	\$0	\$0	\$241,428	\$241,428	\$0	\$241,428

Extra Feature Information

Code Description	Status	Value
Metal Fence - 6' (COM)		5472
Asphalt Paving (COM)		3427
Concrete Paving - Under 8" (COM)		52148
Wood Fence - 6' and Above (COM)		589
Metal Fence - 6' (COM)		4715
Garage - Low (Mix)		21450

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Utilities	0	0	36780	SF	\$73,560
Utilities	0	0	81703	SF	\$817,030

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/13/2013	11/4/2013	\$0.00	COVENANTS AND RESTRICTIONS	3812	1959	U	V	FLORIDA POWER & LIGHT CO	FLORIDA POWER & LIGHT CO
5/13/2013	5/7/2013	\$100.00	QUIT CLAIM DEED	3729	1043	U	V	FLORIDA POWER & LIGHT CO	FLORIDA POWER & LIGHT CO

No data available for the following modules: Sales Questionnaire Form, Exemption Information, Building Information, Sketch Information.

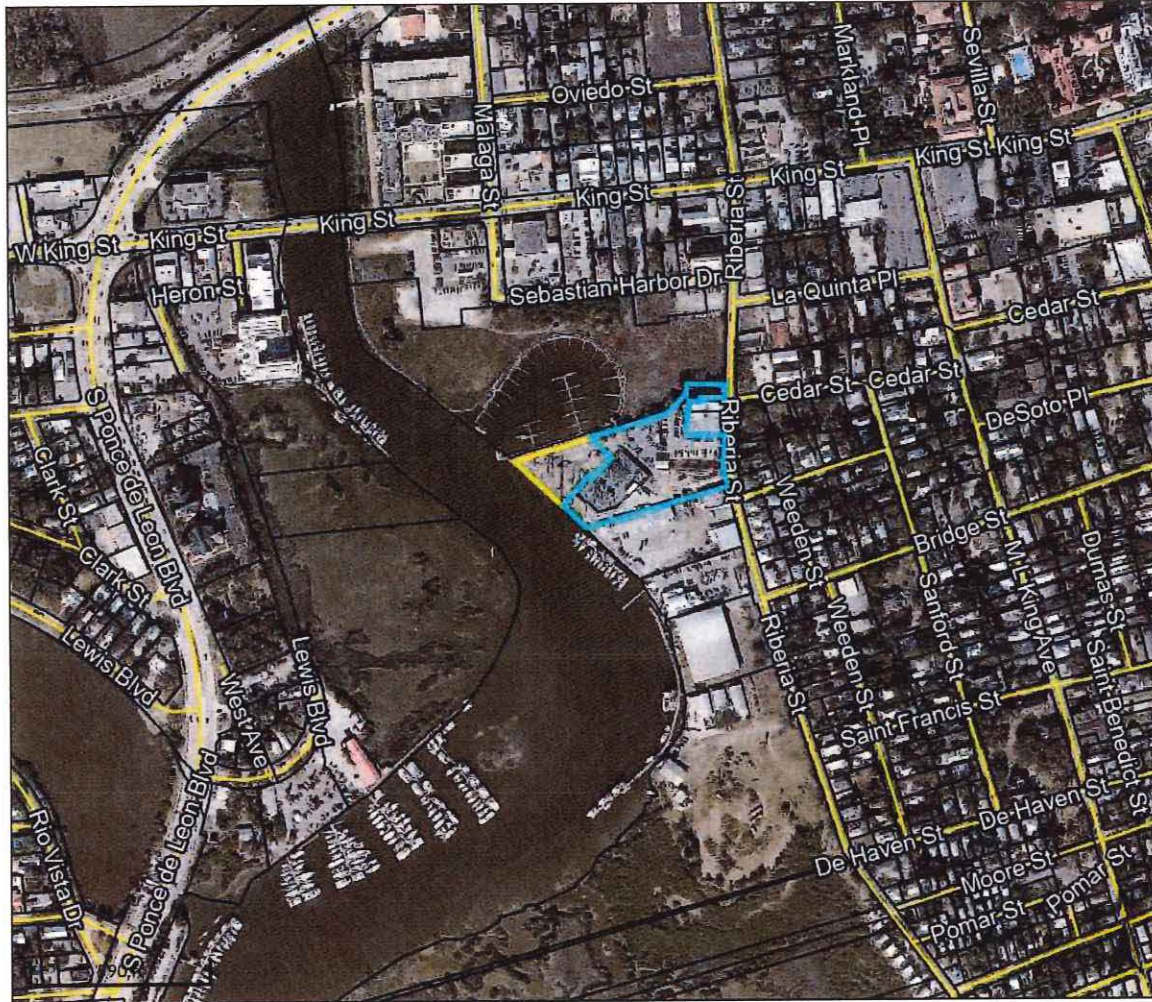
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Developed by
 Schneider
 GEOSPATIAL

[Last Data Upload: 5/30/2023, 11:53:18 PM](#)

Version 3.1.11



Overview



Legend

□ Parcels

Parcel ID	2034100000	Physical Address	106 RIBERIA ST SAINT AUGUSTINE	Building Value	N/A	Last 2 Sales			
Property Class	9100 - Utilities	Mailing Address	FLORIDA POWER & LIGHT CO	Extra Feature Value	\$87,801	Date	Price	Reason	Qual
Taxing District	City of St Augustine		PROPERTY TAX-PSX/JB 700 UNIVERSE BLVD JUNO BEACH FL 33408-0000	Total Land Value	\$890,590	n/a	0	n/a	n/a
Acres	2.72			Just Value	\$978,391	n/a	0	n/a	n/a
				Total Deferred	\$329,313				
				Assessed Value	\$649,078				
				Total Exemptions	N/A				
				Taxable Value	\$649,078				

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: 5/31/2023
Last Data Uploaded: 5/30/2023 11:53:18 PM

Developed by  Schneider
GEOSPATIAL



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	2034100010
Location	106 RIBERIA ST
Address	SAINT AUGUSTINE 32084-0000
Neighborhood	City St Augustine (COM) (610.01)
Tax Description*	(3-B) CITY OF ST AUG PART OF LOTS 2 & 3 BLK 46-L - BEING PARCEL B DESCRIBED IN OR3729/1046 DB14/303 (EX ANY PTS SHOWN IN DB215/466 & DB227/338) (EX ANY PT PARCEL A IN OR3729/1043) DB14/303 & DB83/152 DB227/340 & OR3729/1046(Q/C) & 3812/1959(DEC REC COV ACCESS) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Utilities (9100)
Subdivision	City of St Augustine
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.730
Homestead	N

Owner Information

Owner Name	Florida Power & Light CO 100%
Mailing Address	PROPERTY TAX-PSX/JB 700 UNIVERSE BLVD JUNO BEACH, FL 33408-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$4,391
Total Land Value	\$316,500
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$320,891
Total Deferred	\$297,974
Assessed Value	\$22,917
Total Exemptions	\$0
Taxable Value	\$22,917

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	\$1,844	\$18,990	\$0	\$0	\$20,834	\$20,834	\$0	\$20,834
2021	\$0	\$2,108	\$18,990	\$0	\$0	\$21,098	\$21,098	\$0	\$21,098
2020	\$0	\$2,371	\$18,990	\$0	\$0	\$21,361	\$21,361	\$0	\$21,361
2019	\$0	\$2,634	\$18,990	\$0	\$0	\$21,624	\$21,624	\$0	\$21,624
2018	\$0	\$2,898	\$18,990	\$0	\$0	\$21,888	\$21,888	\$0	\$21,888
2017	\$0	\$3,161	\$18,990	\$0	\$0	\$22,151	\$22,151	\$0	\$22,151
2016	\$0	\$3,425	\$18,990	\$0	\$0	\$22,415	\$22,415	\$0	\$22,415
2015	\$0	\$3,688	\$18,990	\$0	\$0	\$22,678	\$22,678	\$0	\$22,678
2014	\$0	\$3,952	\$18,990	\$0	\$0	\$22,942	\$22,942	\$0	\$22,942
2013	\$0	\$0	\$18,990	\$0	\$0	\$18,990	\$18,990	\$0	\$18,990

Extra Feature Information

Code Description	Status	Value
Storage Building (Mix)		1890
Metal Fence - 6' (COM)		2501

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Utilities	0	0	31650	SF	\$316,500

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/13/2013	11/4/2013	\$0.00	COVENANTS AND RESTRICTIONS	3812	1959	U	V	FLORIDA POWER & LIGHT CO	FLORIDA POWER & LIGHT CO
5/13/2013	5/7/2013	\$100.00	QUIT CLAIM DEED	3729	1046	U	V	FLORIDA POWER & LIGHT CO	FLORIDA POWER & LIGHT CO

No data available for the following modules: Sales Questionnaire Form, Exemption Information, Building Information, Sketch 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: 5/30/2023, 11:53:18 PM](#)



Version 3.1.11





Overview



Legend

□ Parcels

Parcel ID	2034100010	Physical Address	106 RIBERIA ST SAINT AUGUSTINE FLORIDA POWER & LIGHT CO	Building Value	N/A	Last 2 Sales			
Property Class	9100 - Utilities	Mailing Address	700 UNIVERSE BLVD JUNO BEACH FL 33408-0000	Extra Feature Value	\$4,391	Date	Price	Reason	Qual
Taxing District	City of St Augustine			Total Land Value	\$316,500	n/a	0	n/a	n/a
Acres	0.73			Just Value	\$320,891	n/a	0	n/a	n/a
				Total Deferred	\$297,974				
				Assessed Value	\$22,917				
				Total Exemptions	N/A				
				Taxable Value	\$22,917				

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: 5/31/2023

Last Data Uploaded: 5/30/2023 11:53:18 PM

Developed by  Schneider
GEOSPATIAL



C&T Project No.: 19-252

File: Permitting/CoSA

Sender's Email: jkillian@ct-eng.com

April 20, 2023

VIA: Email DRC@citystaug.com

Mr. Jacob Fredrickson
Senior Planner, Planning and Zoning Department
City of St. Augustine
75 King Street
4th Floor
St. Augustine, FL 32084

RE: FPL St. Augustine Substation Rebuild – Seawall Replacement
106 Riberia St., St. Augustine, FL 32084
Parcel ID(s): 2034100000 & 2034100010
DRC Application

Dear Mr. Fredrickson:

On behalf of our Client, Florida Power & Light Company (FPL), we are pleased to submit the following in support of the approval for Site Plan Amendment for the St. Augustine Substation Rebuild Project. The project was previously approved in 2020 for the rebuild of the existing FPL St. Augustine Substation. The project is currently under construction and FPL is now seeking to repair the existing seawall on the San Sebastian River located along the western property line.

There are no changes to the previously approved substation and/or supporting infrastructure.

1. DRC Application;
2. Jurisdictional Site Plan, Signed and Sealed;
3. Deed – Parcel A;
4. Deed – Parcel B; and
5. FDEP Approved Permit Exemption (Seawall)



We trust that this submittal meets the requirements of the City of St. Augustine. As always, should you have any questions, please do not hesitate to contact me at (772)464-3537 or via the Email address referenced above.

Sincerely,

CULPEPPER & TERPENING, INC.

Joshua A. Killian, P.E.
Project Manager

Enclosures: As listed above

Cc: Bruce Barber, Sr. Project Manager, FPL Bruce.Barber@fpl.com
Matt Schouwink, Principal Engineer, FPL Matthew.Schouwink@fpl.com

Public Records of St. Johns County, FL Clerk # 2013031356, O.R. 3729 PG 1046,
05/13/2013 at 09:29 AM REC. \$13.00 SUR. \$14.00 Doc. D \$.70

Prepared By:
Patricia Lakhia
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420

Folio No. 203410 0000

Parcel B Deed

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED made this 7th day of May, 2013, by FLORIDA POWER & LIGHT COMPANY, a corporation organized and existing under the laws of the State of Florida, having its mailing address at P.O. Box 14000, Juno Beach, Florida 33408-0420, ("Grantor"), to FLORIDA POWER & LIGHT COMPANY, a corporation organized and existing under the laws of the State of Florida, having its mailing address at P.O. Box 14000, Juno Beach, Florida 33408-0420, ("Grantee").

WITNESSETH:

That the Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, to it paid by Grantee, the receipt of which is hereby acknowledged, does hereby remise, release, and forever quit-claim to Grantee all its right, title, and interest in and to that certain land, situated in the City of St. Augustine, St. Johns County, Florida and more particularly described as follows:

See Exhibit "A" attached hereto and by this reference expressly made a part hereof (the "Land").

Subject to taxes for the current year and subsequent years, to zoning restrictions and other requirements imposed by governmental authority, and to easements, conditions, reservations, restrictions and limitations of record.

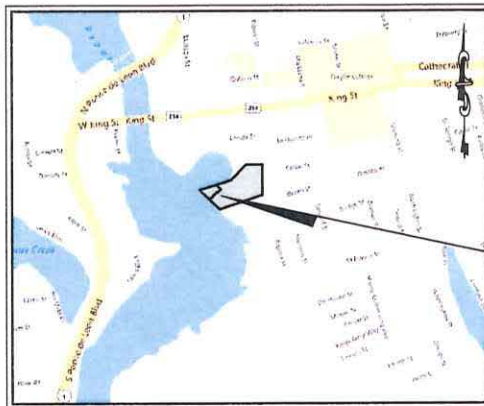
Exhibit "A"

Parcel B
106 Iberia Street
St. Augustine Substation
Florida Power & Light Company

DESCRIPTION PARCEL B:

A PORTION OF LOTS 2 AND 3, BLOCK 46-L CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 3, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 01 DEGREES 32 MINUTES 00 SECONDS WEST, ALONG THE WEST RIGHT OF WAY LINE OF RIBERIA STREET (RIGHT OF WAY 'MOTH VARIES), 71.38 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1136, PAGE 1595, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE CONTINUE NORTH 01 DEGREES 32 MINUTES 00 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, 28.62 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE NORTH 00 DEGREES 40 MINUTES 00 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, 11.47 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED BOOK 227, PAGE 338, OF SAID PUBLIC RECORDS; THENCE SOUTH 89 DEGREES 20 MINUTES 00 SECONDS WEST, ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN DEED BOOK 227, PAGE 338, A DISTANCE OF 124.00 FEET TO THE WEST LINE OF THAT PROPERTY DESCRIBED IN DEED BOOK 14, PAGE 303; THENCE SOUTH 00 DEGREES 40 MINUTES 00 SECONDS EAST 29.91 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED BOOK 227, PAGE 340; THENCE SOUTH 40 DEGREES 34 MINUTES 17 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF SAID PROPERTY DESCRIBED IN DEED BOOK 227, PAGE 340, A DISTANCE OF 85.59 FEET TO THE NORTH LINE OF SAID PROPERTY DESCRIBED IN DEED BOOK 14, PAGE 303; THENCE SOUTH 70 DEGREES 30 MINUTES 00 SECONDS WEST, ALONG LAST SAID NORTH LINE, 256.42 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF A FENCE AND THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE SOUTH 48 DEGREES 02 MINUTES 56 SECONDS EAST, ALONG SAID FENCE, 90.59 FEET TO A FENCE CORNER; THENCE SOUTH 40 DEGREES 01 MINUTES 13 SECONDS WEST, ALONG A FENCE AND ALONG THE FACE OF A BUILDING, 88.31 FEET TO THE SOUTHWEST CORNER OF SAID BUILDING; THENCE NORTH 49 DEGREES 58 MINUTES 47 SECONDS WEST, ALONG THE WEST FACE OF SAID BUILDING, 15.70 FEET TO THE INTERSECTION V.1TH A FENCE; THENCE SOUTH 39 DEGREES 30 MINUTES 30 SECONDS WEST, ALONG SAID FENCE AND ITS WESTERLY EXTENSION, 128 FEET, MORE OR LESS TO THE EAST EDGE OF THE SAN SEBASTIAN RIVER; THENCE NORTHWESTERLY, ALONG SAID SAN SEBASTIAN RIVER, 204.5 FEET, MORE OR LESS, TO SAID NORTH LINE OF THAT PROPERTY DESCRIBED IN DEED BOOK 14, PAGE 303; THENCE NORTH 70 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG LAST SAID NORTH LINE, 253.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
CONTAINING 0.731 ACRES, MORE OR LESS

JURISDICTIONAL SITE PLAN FOR
FPL ST. AUGUSTINE SUBSTATION REBUILD
IN
SECTION 18, TOWNSHIP 7 SOUTH, RANGE 30 EAST
ST. JOHNS COUNTY, FLORIDA
PREPARED FOR
FLORIDA POWER & LIGHT CO.



LOCATION MAP N.T.S.

SECTION 18 TOWNSHIP, 7 SOUTH, RANGE 30 EAST

LEGAL DESCRIPTION

PARCELS A AND B, BEING A PORTION OF LOTS 2 AND 3, BLOCK 48-L, CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

[illegible]

CONTAINING 42.717 ACRES, MORE OR LESS

TOGETHER WITH

[illegible]

CONTAINING ±0.731 ACRES, MORE OR LESS

FILE NAME: 18-252_JSF COVERLING

VICINITY MAP_{N.T.S.}

INDEX TO SHEETS	
SHEET NO.	DESCRIPTION
1	COVER
2	JURISDICTIONAL SITE PLAN

REVISIONS	
SHEET NO.	DATE
2	4/18/23

SUBMITTAL DATE: 4/20/23

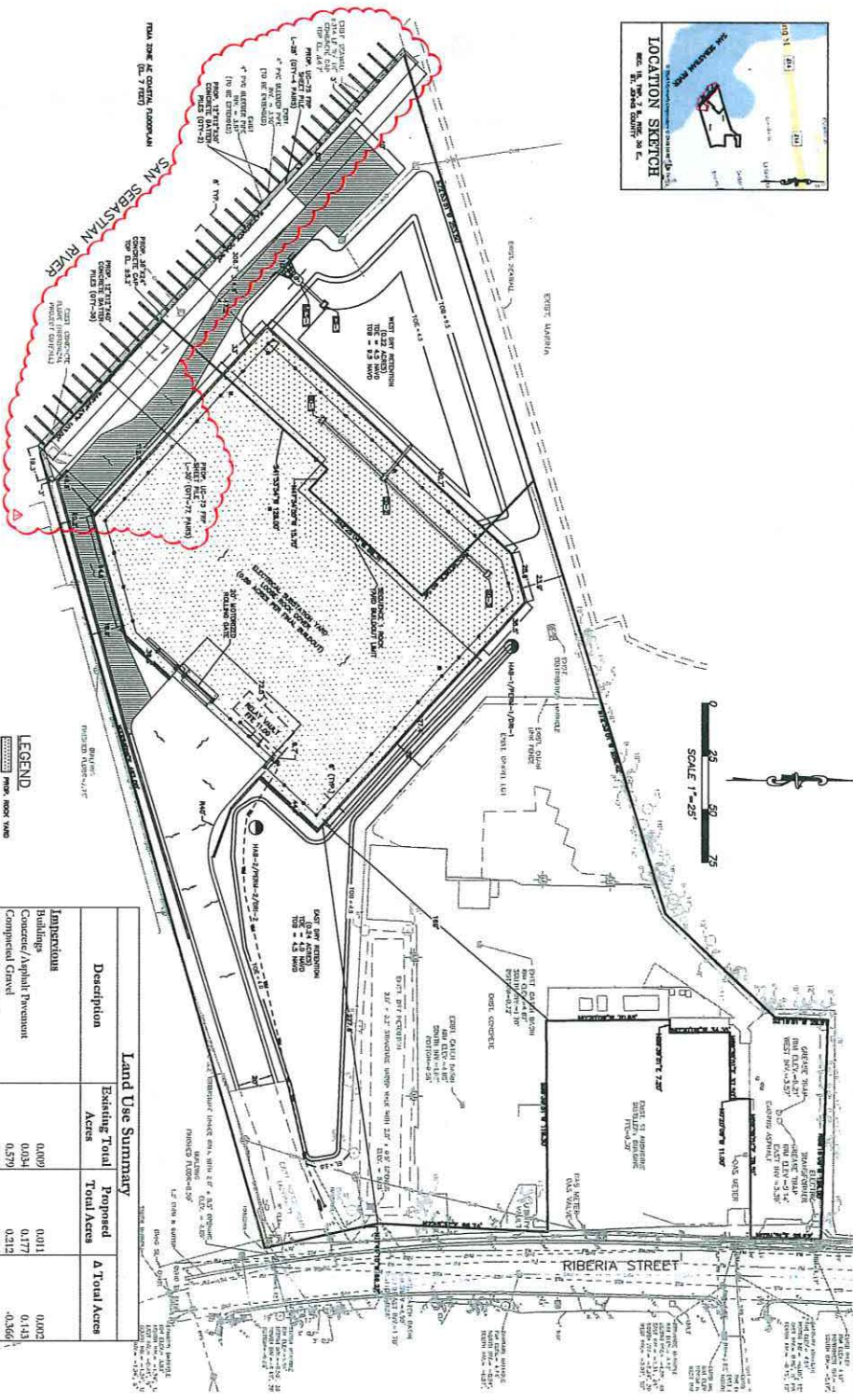


Joshua A
Killian
2023.04.2
0 10:16:02
-04'00'

This item has been digitally signed and sealed by Joshua A. Killian, PE on Apr. 20, 2023 using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

STELLA A. KRILIAN, R.F. D., REG. NO. 00263

ST AUGUSTINE SUBSTATION REBUILD C&T PROJECT NO. 19-252 SHEET 1 OF 2



1. THIS UNNAMED FACILITY WILL BE USED FOR TRANSMISSION, REGULATION, AND DISTRIBUTION OF ELECTRICITY.
2. THE FACILITY WILL BE USED ONLY BY THE FOLLOWING: (1) THE FACILITY WILL BE USED ONLY BY ELECTRICAL EQUIPMENT CANNOT BE REASONABLY BE PERFORMED OF FLORIDA STATUTES, THIS FACILITY IS NOT SUBJECT TO THE ACCESSIBILITY REQUIREMENTS OF THE ADA.
3. FENCING SHALL BE 8' CHAIN LINK WITH 8 STANDARDS OF TOTAL HEIGHT OF 8' - 0" EXTENSION ANKS TO MAKE AN OVERALL TOTAL HEIGHT OF 8' - 0"
4. THE FACILITY WILL CONSUME NO UNRECOVERABLE ENERGY AND IS EXEMPT FROM THE FLORIDA ENERGY REVIEW CODE.
5. THIS IS AN UNNAMED REMOTE ACCESS FACILITY. NO EMPLOYEES REPORT TO THIS LOCATION AND MAINTENANCE PERSONNEL WILL BE PROVIDED. THEREFORE, NO PARKING SPACES WILL BE PROVIDED.

Land Use Summary				
Description		Existing Total Acres	Proposed Total Acres	A Total Acres
Imperious				
Buildings	0.009	0.011	0.002	
Covered/Asphalt Pavement	0.034	0.177	0.143	
Compacted Gravel	0.379	0.212	-0.166	
Subsidence Rock Yard	0.773	0.887	0.114	
Total Imperious	1.394	1.287	-0.107	
Pervious				
Dry Retention - West	0.000	0.131	0.131	
Dry Retention - Bank - West	0.000	0.002	0.002	
Dry Retention - Bank	0.000	0.204	0.204	
Dry Retention Bank - East	0.000	0.259	0.033	
Open Space	1.307	0.852	-0.355	
Total Pervious	1.307	1.314	0.007	
Total Area	2.60	2.60		
Brain Area	2.60	2.60		
Percent Imperious	54%	49%	-4%	
Percent Pervious	46%	51%	4%	

[illegible]



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

August 31, 2022

Florida Power & Light
Attn: Matthew Schouwink
106 Riberia Street
St Augustine, Florida, 32084
Matthew.Schouwink@fpl.com

File No.: 55-0391965-002 EE, St Johns County

Dear Mr. Schouwink:

On July 6, 2022, we received your request for verification of exemption to perform the following activities:

Repair and replace an approximately 326 ft long sheet pile seawall within the San Sebastian River, a Class III Florida water body. The new sheet pile will be installed within 18 inches of the existing seawall, as measured from the water face of the existing seawall to the water face of the new seawall. The new seawall will include a 36 inch concrete cap. The proposed project will also include the installation of 40 ft long batter piles spaced approximately 8 ft apart along the new seawall. The project is located at 106 Riberia Street, St Augustine, FL 32084, Section 18, Township 7 South, Range 30 East, St Johns County at Latitude 29° 53' 20.33" North, Longitude -81° 19' 13.48" West.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

1. Regulatory Review –Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(12)(b)(2), F.A.C. and Chapter 62-330.051(12)(d), F.A.C. or from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the

exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- Not Required

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review - SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a **SEPARATE permit** or authorization **will not be required** from the U.S. Army Corps of Engineers. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

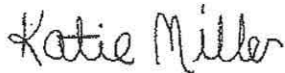
Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Katie Sula Miller
Environmental Manager

Enclosures:

Chapter 62-330.051(12)(b), F.A.C.
Chapter 62-330.051(12)(d), F.A.C.
Special Conditions for Federal Authorization for SPGP VI-R1
General Conditions for Federal Authorization for SPGP VI-R1
Project Plans, 9 Pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kate Graham, Cutcher & Associates, Inc., cadtech@cutcherassociates.com
Robert Cutcher, Cutcher & Associates, Inc., depth@gate.net
Thomas G. Kallemeyn, FDEP NED
Katie Miller, FDEP NED
Kim Mann, FDEP NED
Sara Heuler, FDEP NED

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 31, 2022
Date

62-330.051(12) Exempt Activities

12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(b) The restoration of a seawall or riprap under Section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap.

12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

Part V Chapter 403

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(e) The restoration of seawalls at their previous locations or upland of, or within 18 inches waterward of, their previous locations. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

Special Conditions for Federal Authorizations for SPGP VI-R1

1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the

vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245- 6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

- a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
- b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:

- (1) Removal to install up to a 4-ft-wide walkway for a dock.

- (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

- (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

- (a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift),

- (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

- (b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal,

relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).

b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.

12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.

14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Shoreline Stabilization activities.

16. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
17. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
18. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
 - a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.
 - b. Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).
 - c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.)
 - d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).
 - e. Other materials are not authorized by this SPGP VI (Reference: JAXBO PDC A7.5.).

General Conditions for All Projects:

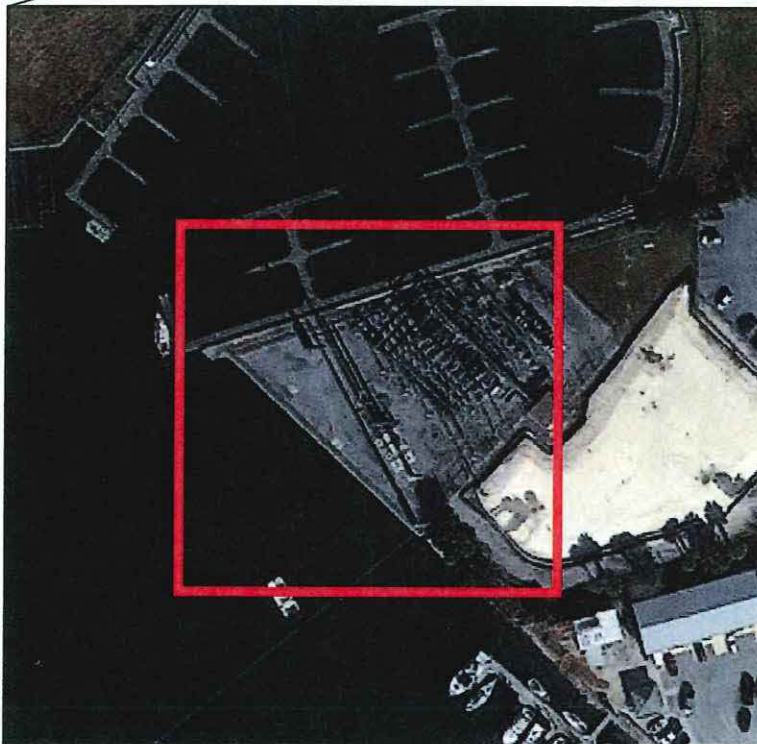
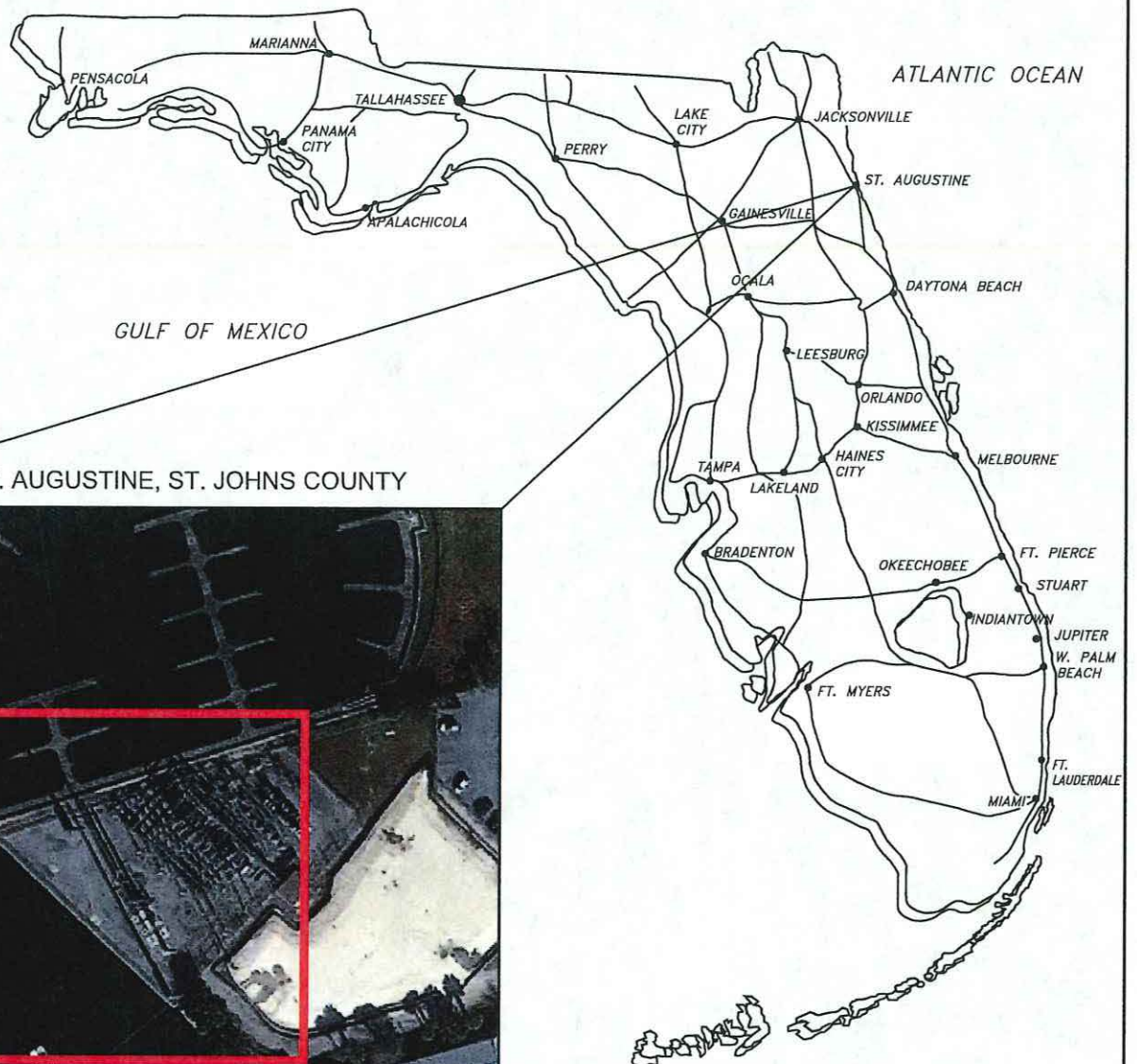
1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work

shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.



106 RIBERIA ST, ST. AUGUSTINE, FL 32084

SITE LOCATION MAP

STATE OF FLORIDA
NOT TO SCALE

SECTION: 21
TOWNSHIP: 7 S
RANGE: 30 E

LATITUDE : 29.888981 N; 29° 53' 20.33" N
LONGITUDE : 81.320411 W; 81° 19' 13.48" W

CLIENT: FLORIDA POWER & LIGHT

FIGURE #: 1 OF 7

**PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT**

DATE: JUNE 7, 2022

SHEET: COVER - LOCATION MAP

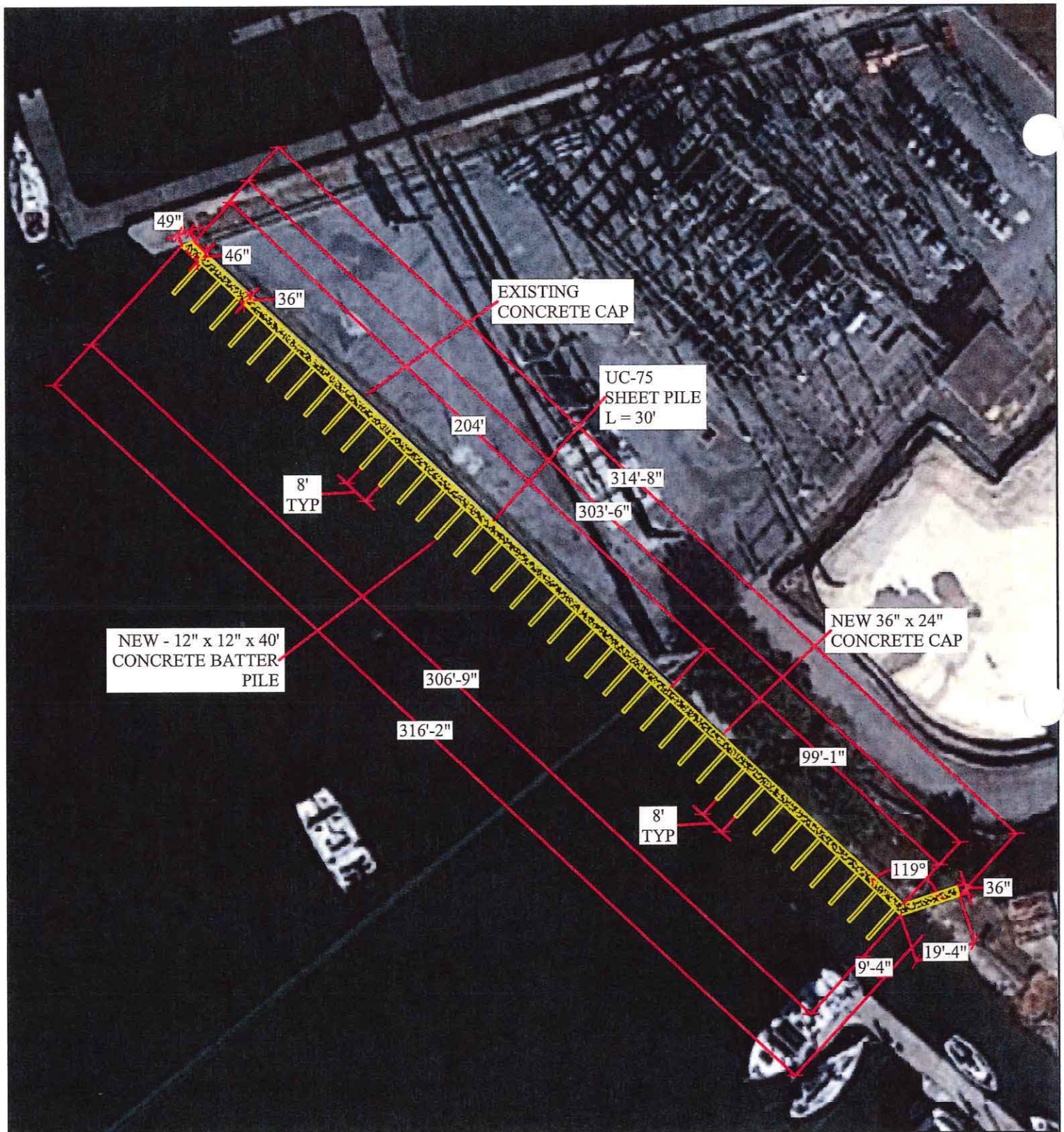
REVISED: REV 1 8/04/22

**CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS**

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

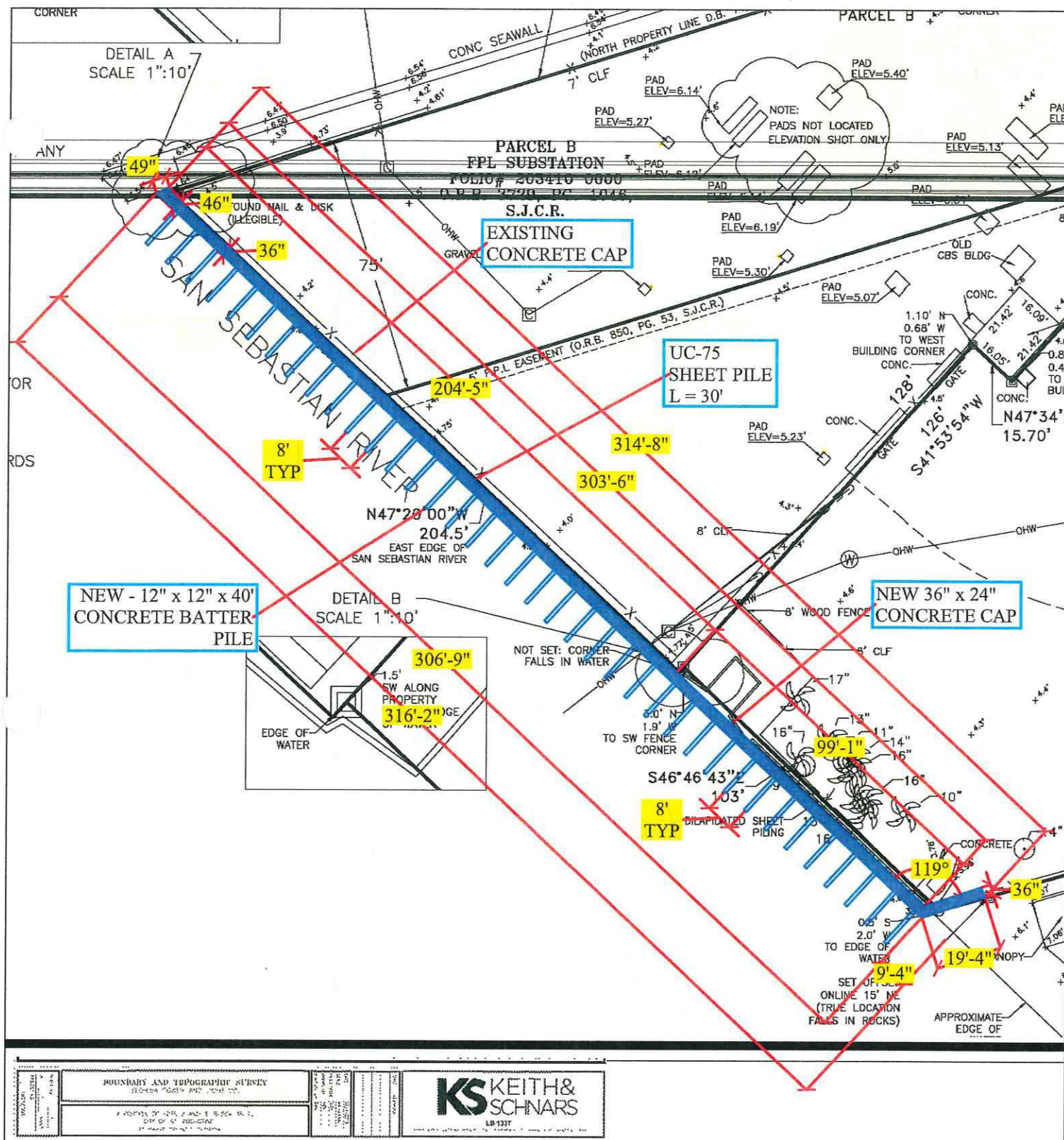


P.E. NO: 50722
AUTH.CERT.NO.: 8641



P1 PLAN VIEW - SITE PLAN
SCALE - 1:500

CLIENT: FLORIDA POWER & LIGHT PROJECT: ST. AUGUSTINE - SUBSTATION EXPANSION - SEAWALL REPLACEMENT SHEET: SITE PLAN	FIGURE #: 2 OF 7 DATE: JUNE 7, 2022 REVISED: REV 1 8/04/22	CUTCHER & ASSOCIATES, INC. COASTAL ENGINEERS 725 N HIGHWAY A1A SUITE D101 JUPITER, FLORIDA 33477 VOICE: (561) 748-6745 EMAIL: depth@gate.net P.E. NO: 50722 AUTH.CERT.NO.: 8641 
---	---	---



P2 PLAN VIEW - SITE PLAN
SCALE: 1:470

CLIENT: FLORIDA POWER & LIGHT

PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT

SHEET: SITE PLAN

FIGURE #: 3 OF 7

DATE: JUNE 7, 2022

REVISED: REV 1 8/04/22

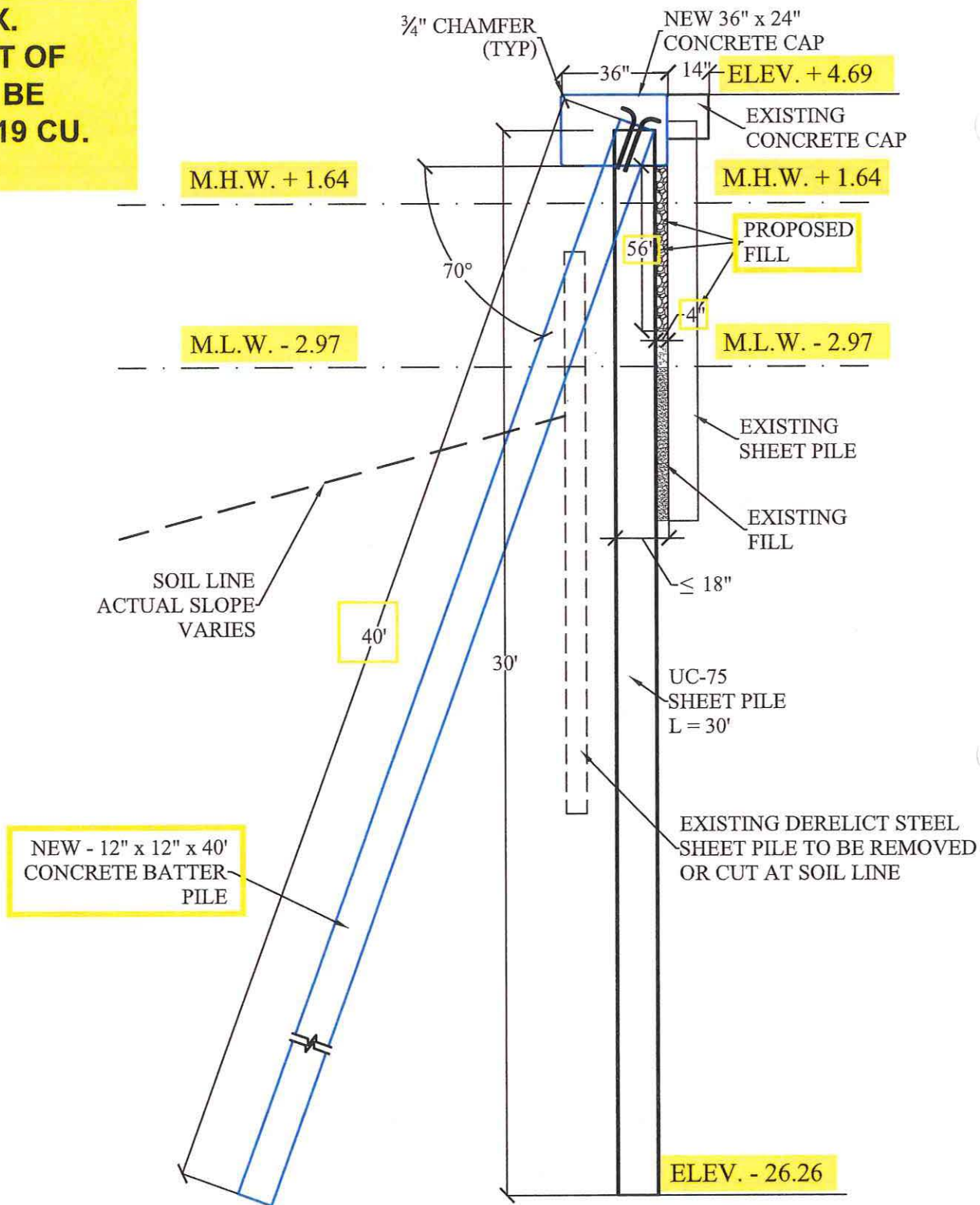
CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

P.E. NO: 50722
AUTH.CERT.NO.: 8641



**APPROX.
AMOUNT OF
FILL TO BE
USED = 19 CU.
YD.**



S1 SECTION VIEW - SEAWALL ATTACHMENT

SCALE - 1:50

CLIENT: FLORIDA POWER & LIGHT

PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT

SHEET: SECTION VIEW - SEAWALL ATTACHMENT

FIGURE #: 4 OF 7

DATE: JUNE 7, 2022

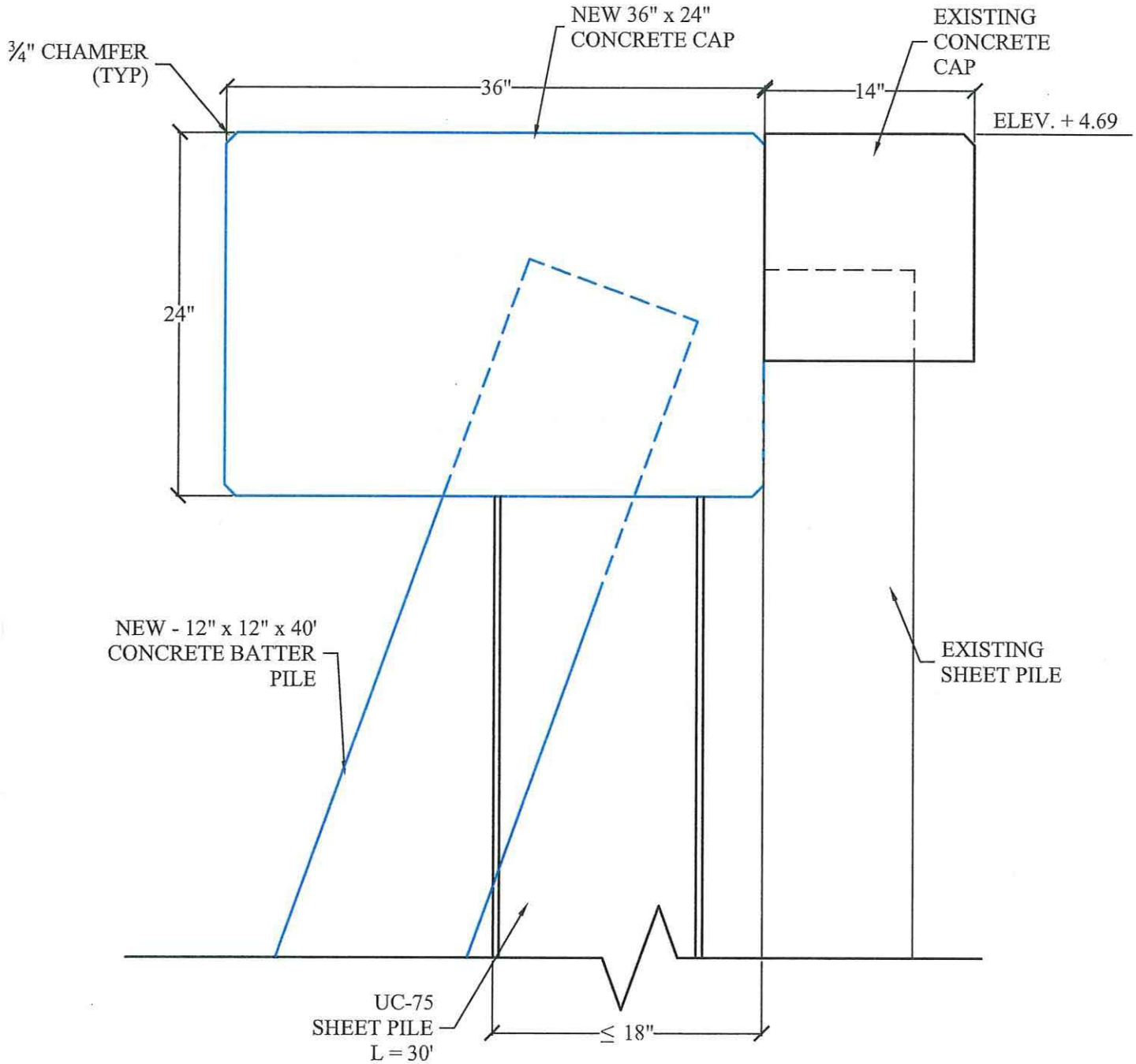
REVISED: REV 1 8/04/22

CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

P.E. NO: 50722
AUTH.CERT.NO.: 8641





S2

SECTION VIEW - CAP ATTACHMENT

SCALE - 1:10

CLIENT: FLORIDA POWER & LIGHT

PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT

SHEET: PLAN VIEW - SHEET PILE PLAN

FIGURE #: 5 OF 7

DATE: JUNE 7, 2022

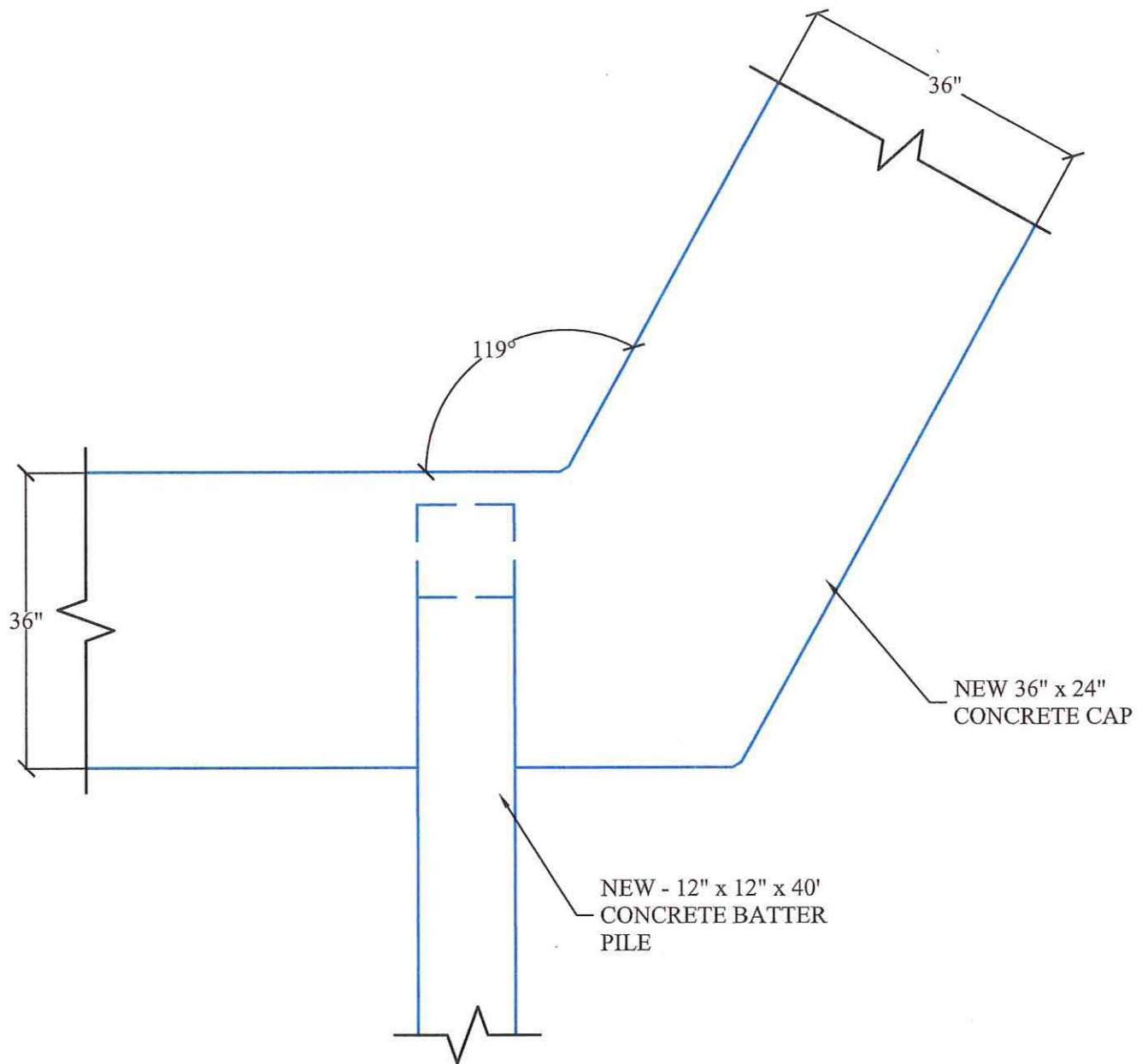
REVISED: REV 1 8/04/22

CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

P.E. NO: 50722
AUTH.CERT.NO.: 8641





S3

SECTION VIEW - SOUTH CORNER

SCALE - 1:20

CLIENT: FLORIDA POWER & LIGHT

PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT

SHEET: SECTION VIEW - SOUTH CORNER

FIGURE #: 6 OF 7

DATE: JUNE 7, 2022

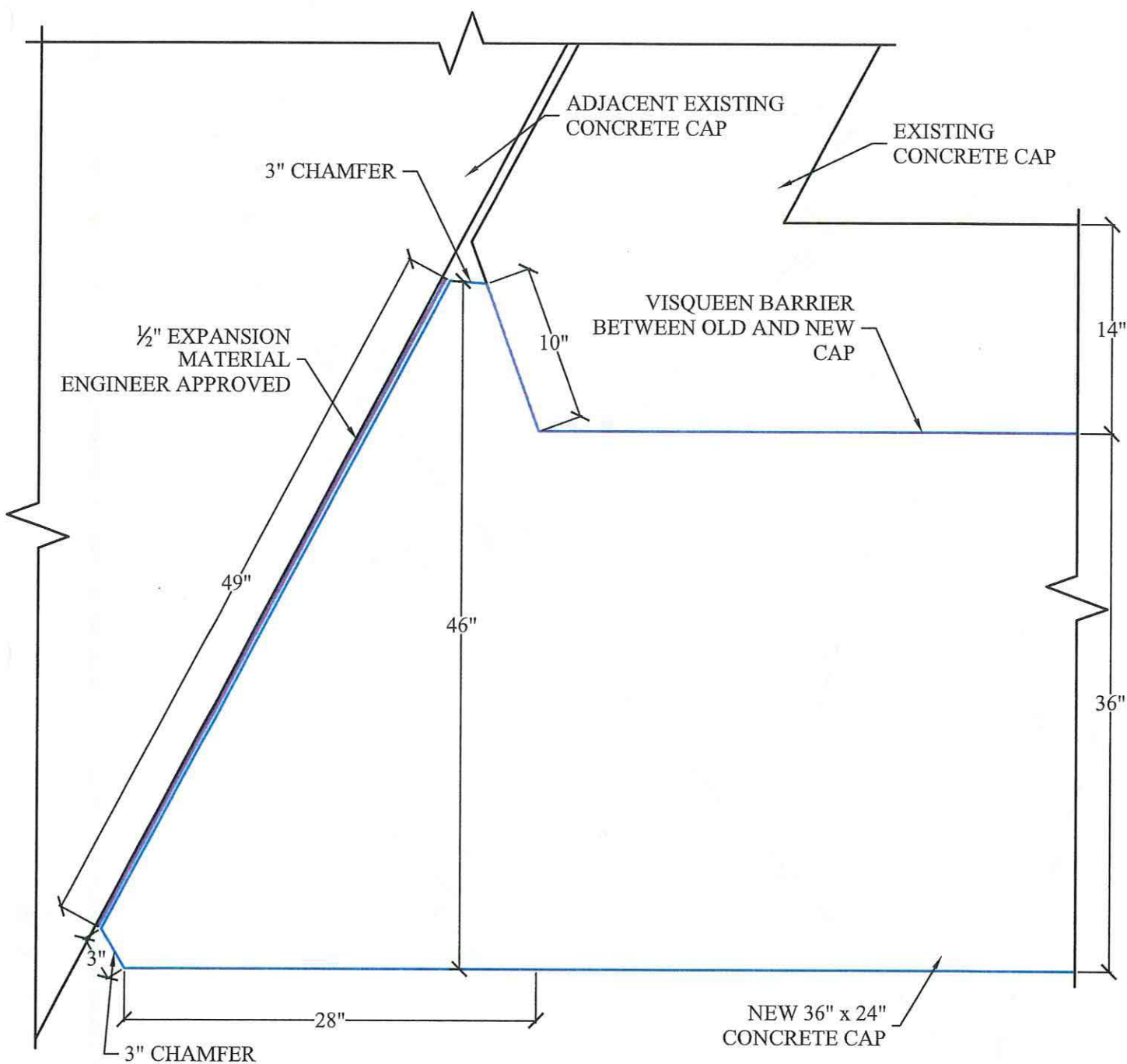
REVISED: REV 1 8/04/22

CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

P.E. NO: 50722
AUTH.CERT.NO.: 8641





S4 SECTION VIEW - NORTH CORNER

SCALE - 10

CLIENT: FLORIDA POWER & LIGHT

FIGURE #: 7 OF 7

**PROJECT: ST. AUGUSTINE - SUBSTATION
EXPANSION - SEAWALL REPLACEMENT**

DATE: JUNE 7, 2022

SHEET: SECTION VIEW - NORTH CORNER

REVISÉ: REV 1 8/04/22

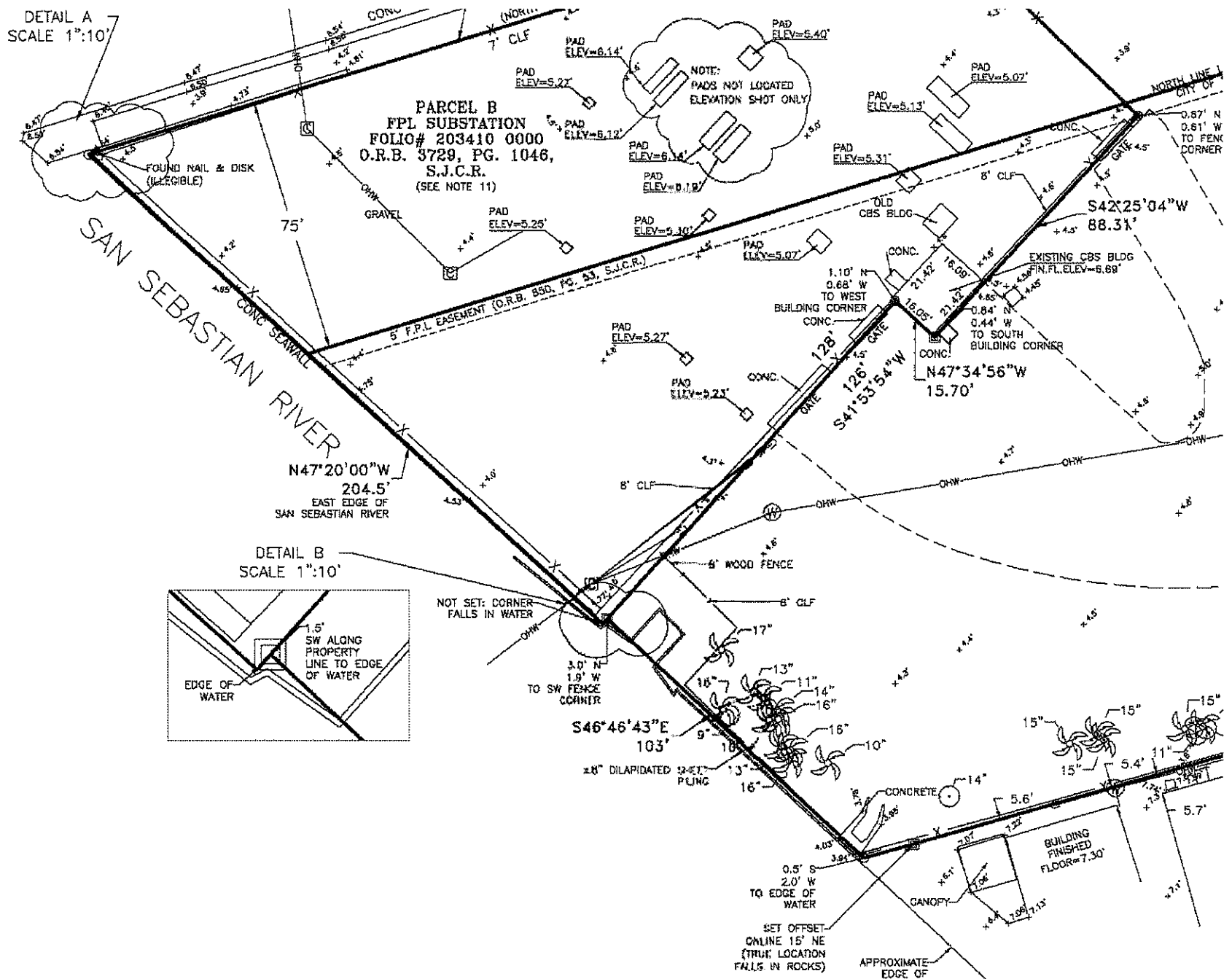
CUTCHER & ASSOCIATES, INC.
COASTAL ENGINEERS

725 N HIGHWAY A1A
SUITE D101
JUPITER, FLORIDA 33477
VOICE: (561) 748-6745
EMAIL: depth@gate.net

P.E. NO: 50722
AUTH.CERT.NO.: 8641



D SCHNARS, P.A.

[illegible]

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0028**

AGENDA ITEM	6(c)
APPLICANT	Ryan Carter c/o Carter Environmental Services Inc.
OWNER	Kantibhai Patel
LOCATION	Pelican Reef Drive / PID 158571-0008
REQUEST	To approve the construction of a new 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 along the landward side of existing rip-rap on site. The proposed bulkhead will be approximately one hundred and fifty-four (154) feet in length and located within Conservation Overlay Zone 2.

A cross-section view submitted by the applicant shows the proposed height of the new bulkhead as well as details regarding fill.

This property is located along the Matanzas River and is adjacent to other single-family homes located in the Pelican Reef subdivision.

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 155 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 nonpoint discharge in the marine environment.
 - *Point and nonpoint 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.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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.

<i>The effects of the proposed project on commercial and sport fish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>N/A</i>	<i>N/A</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>N/A</i>	<i>N/A</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>N/A</i>	<i>N/A</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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 bulkhead within Conservation Overlay Zones 2 at Pelican Reef Drive / PID 158571-0008.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owner Kantibhai Patel at 904-829-2627 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: 2023-0628

Receipt Number: 2620541 Meeting Date: June 6, 2023

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: KANTIBHAI PATEL Contact Number: 904-829-2627
Business (if applicable): kanti.patel@jalaramhotels.com
Address: 114 Pelican Reef Dr City: ST. AUGUSTINE State: FL Zip: 32080
E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: LOT 11 Block: 4
Subdivision: Pelican Reef Parcel Number: 1585710008

4. PROJECT STREET ADDRESS: LOT 11 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.

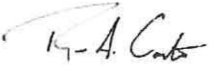
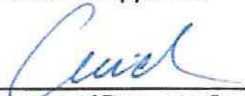
11. AGREEMENT:

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.

	4-22-23
Signature of Applicant	Date
	5-1-23
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.

RYAN CARTER

Print name of applicant

Handwritten signature of Ryan Carter in black ink.

Signature of applicant

4-22-23

Date



Owner's Authorization For Agent

CARTER ENVIRONMENATL SERVICES is/are hereby authorized TO ACT ON BEHALF
OF KANTIBHAI PATEL, 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:
LOT 11 PELICAN REEF DRIVE

BY: [Signature]
Signature of Owner
KANTIBHAI PATEL
Print Name of Owner

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 1st day of May, 2023.

By Kanti Patel

Identification verified:

Oath sworn: Yes Yes _____ No _____

Notary Signature: [Signature]

My Commission expires: Mar 30, 2026



Attachment 1
Overlay Zone Application Narrative

**Lot 11 Pelican Reef Dr.
Overlay Zone Development Application Supplement
April 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead. The proposed bulkhead will be installed 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 155 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.

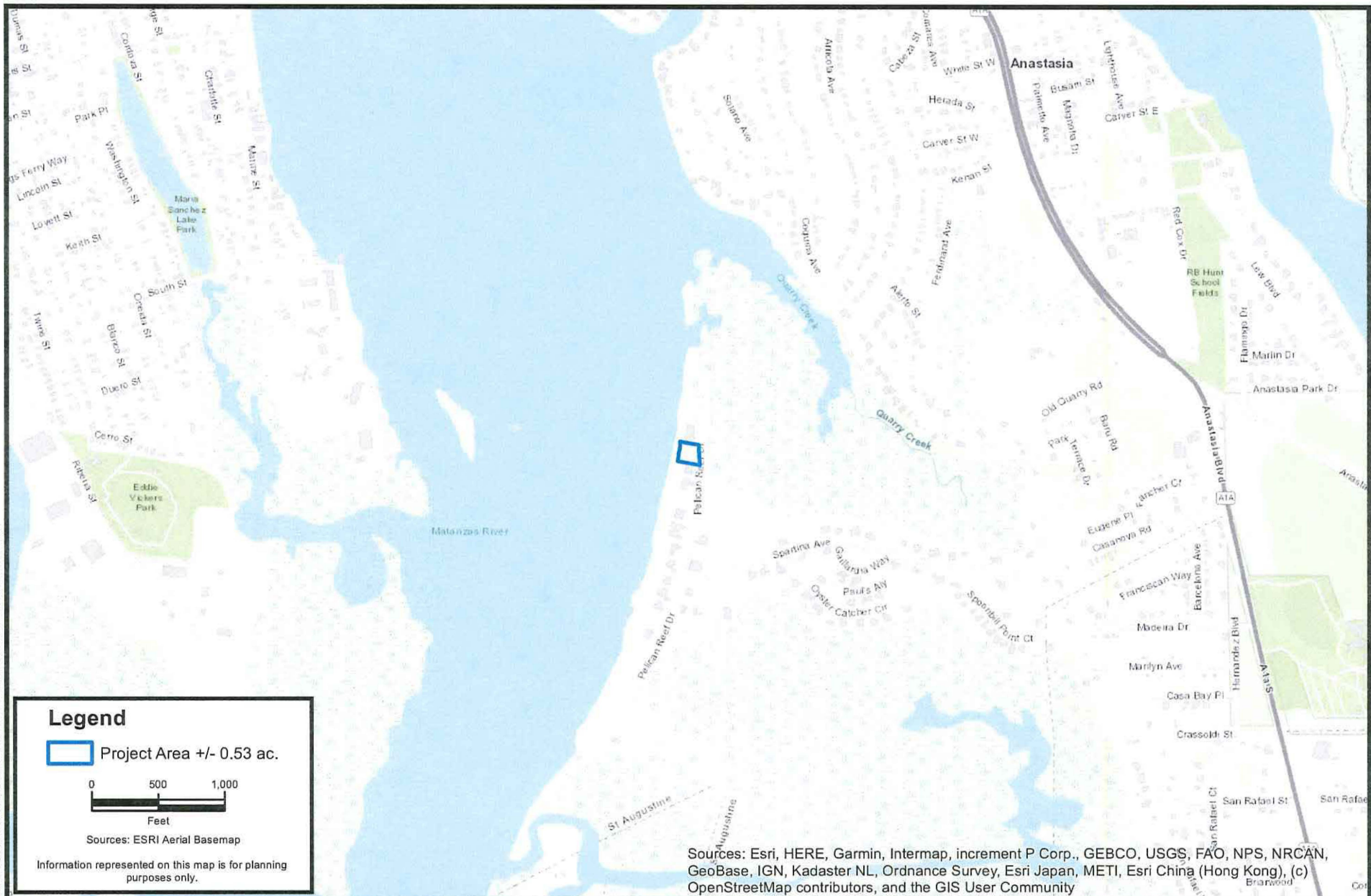
Negative:

Not applicable.

Attachment 2

Overlay Zone Application Graphics

F:\CES Projects\Project Files\Active\Projects\Project Files\2023\5.23157 Patel Pelican Reef Dr\GIS\MXD\01-Location.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

Patel - Lot 11 Pelican Reef Dr.

Project: 5.23157

St. Johns County, FL

Date: Apr 22 2023

Figure:

1





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Current Aerial
Patel - Lot 11 Pelican Reef Dr.

Project: 5.23157

St. Johns County, FL

Date: Apr 22 2023

Figure:

2



PROPOSED BULKHEAD PLACED
LANDWARD OF EXISTING RIP-RAP

MLW

MHW

16.6'

56.9'

20.5'

34'

23.4'

Legend

 Project Area +/- 0.53 ac.

 Proposed Bulkhead +/- 154.6'



Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Upland Retaining Wall Location

Patel - Lot 11 Pelican Reef Dr.

Project: 5.23157

St. Johns County, FL

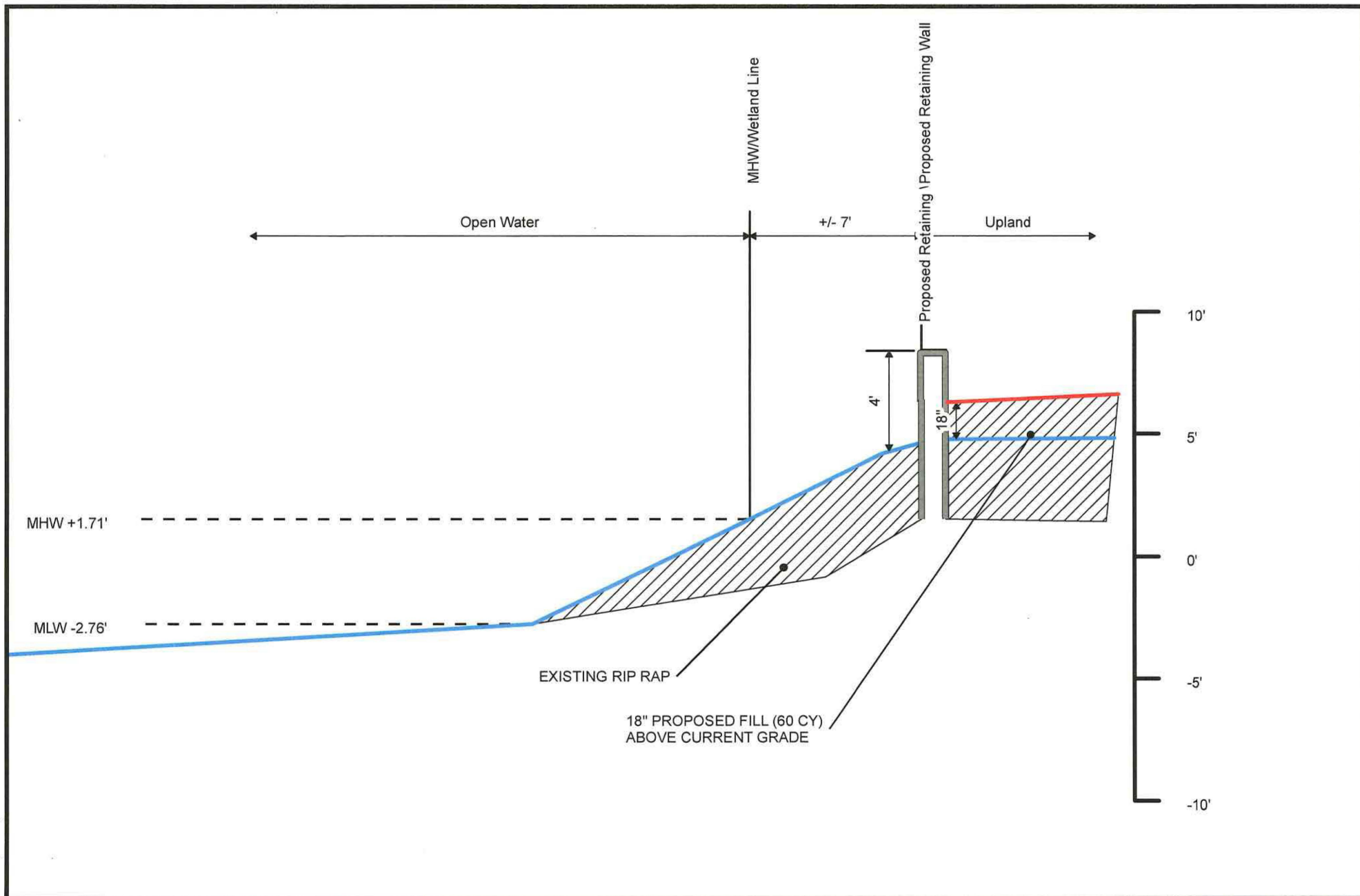
Date: Apr 22 2023

Figure:

3



F:\CES Projects\Project Files\Active\Projects\Project Files\2023\5.23157 Patel Pelican Reef Dr\GIS\MXD\04-Bulkhead XSec.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Cross-Section View

Patel - Lot 11 Pelican Reef Dr.

Project: 5.23157

St. Johns County, FL

Date: May 11 2023

Figure:

4



F:\CES Projects\Project Files\Active\Projects\2023\5.22556 Patel Pelican Reef Dr\GIS\MXD\05-Grade\Fill.mxd



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Grading & Fill Plan

Patel - Lot 11 Pelican Reef Dr.

Project: 5.22556

St. Johns County, FL

Date: Apr 22 2023

Figure:

5



Summary

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

No Image Available

Parcel ID	1585710008
Location Address	PELICAN REEF DR SAINT AUGUSTINE 32080-0000
Neighborhood	pelican reef (ICW) (628.42)
Tax Description*	25/87-91 PELICAN REEF (3) PT OF OUT LOT F -113.3FT ON PELICAN REEF DR X 148 X 111FT ON MARSH X 177FT & S39.22FT OF LOT 11 BLK 4 PELICAN REEF II IN MB39/91-98 OR5364/1756 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Pelican Reef
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.540
Homestead	N

Owner Information

Owner Name	Patel Kantibhai M 100%
Mailing Address	114 PELICAN REEF DR SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$17,695
Total Land Value	\$1,204,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,221,695
Total Deferred	\$0
Assessed Value	\$1,221,695
Total Exemptions	\$0
Taxable Value	\$1,221,695

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	\$17,246	\$1,204,000	\$0	\$0	\$1,221,246	\$1,221,246	\$0	\$1,221,246
2021	\$0	\$18,729	\$800,000	\$0	\$0	\$818,729	\$818,729	\$0	\$818,729
2020	\$0	\$20,212	\$800,000	\$0	\$0	\$820,212	\$820,212	\$0	\$820,212
2019	\$0	\$19,037	\$800,000	\$0	\$0	\$819,037	\$819,037	\$0	\$819,037
2018	\$0	\$19,359	\$850,000	\$0	\$0	\$869,359	\$869,359	\$0	\$869,359
2017	\$0	\$6,453	\$660,000	\$0	\$0	\$666,453	\$666,453	\$0	\$666,453
2016	\$0	\$4,949	\$660,000	\$0	\$0	\$664,949	\$664,949	\$0	\$664,949
2015	\$0	\$5,274	\$660,000	\$0	\$0	\$665,274	\$665,274	\$0	\$665,274
2014	\$0	\$6,063	\$660,000	\$0	\$0	\$666,063	\$666,063	\$0	\$666,063
2013	\$0	\$6,852	\$660,000	\$0	\$0	\$666,852	\$640,905	\$25,947	\$640,905
2012	\$0	\$7,641	\$575,000	\$0	\$0	\$582,641	\$582,641	\$0	\$582,641
2011	\$0	\$7,968	\$650,000	\$0	\$0	\$657,968	\$657,968	\$0	\$657,968
2010	\$0	\$8,758	\$650,000	\$0	\$0	\$658,758	\$658,758	\$0	\$658,758

Extra Feature Information

Code Description	Status	Value
Boat Dock - Average (Mix)		15995
Boat Lift - Average (Mix)		1700

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	151	154	1	UT	\$1,204,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/9/2021	9/8/2021	\$1,410,000.00	WARRANTY DEED	5364	1756	Q	V	CASHWELL IRREVOCABLE TRUST UAD:5-16-2014	PATEL KANTIBHAI M
6/20/2017	6/19/2017	\$1,000,000.00	WARRANTY DEED	4391	1669	Q	V	WHITMAN DUDLEY ALLEN JR	CASHWELL IRREVOCABLE TRUST UAD:5-16-2014
	12/29/2000	\$177,500.00	WARRANTY DEED	1555	406	U	V	THOMPSON PIERRE D & THOMPSON BROS REALTY INC	WHITMAN DUDLEY ALLEN JR
	7/24/1998	\$336,000.00	WARRANTY DEED	1336	402	Q	V	THOMPSON BROS REALTY INC & THOMPSON PIERRE D	WHITMAN DUDLEY ALLEN JR
	10/7/1991	\$0.00	CONSERVATION EASEMENT	924	296	U	V	PIERRE D THOMPSON	ST JOHNS RIVER WATER MANAGEMENT DIST

No data available for the following modules: Exemption Information, Building Information, Sketch Information.

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

[Last Data Upload: 3/25/2023, 1:43:52 AM](#)



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0035**

AGENDA ITEM 6(d)

APPLICANT & OWNER Robert & Karen Thomas

LOCATION Fiddler Crab Lane / PID 158571-9080

REQUEST To approve the construction of a new bulkhead within Conservation Overlay Zone 2 and removal of a significant portion of the tree canopy including significant Cedar trees within Conservation Overlay Zone 3.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-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 1.5.4

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 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 virginiana</i>	oak, live (southern live oak)	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.

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.

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.

- (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.

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 to construct a new bulkhead within Conservation Overlay Zone 2 and remove a significant portion of the existing tree canopy, including significant Cedar trees, within Conservation Overlay Zone 3. The reason for these requests is to eventually construct a single-family home on the property.

The proposed bulkhead will be approximately three hundred and forty (340) feet in length and varies from three (3) feet to four (4) feet in height according to plans included in this packet.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, staff analysis is italicized.

(1) Site specific conditions.

- *This property is currently vacant and is located east of Pelican Reef Drive on marshlands within the Pelican Reef subdivision.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *The property sits on marshlands within the Pelican Reef subdivision and is situated between a vacant lot to the west and a single-family home to the north.*
- *the Matanzas River and is adjacent to other single-family homes to the North and South.*

(3) Natural and proposed drainage patterns.

- *Drainage will be altered by the proposed bulkhead and removal of trees on site.*

(4) Effect of point and nonpoint discharge in the marine environment.

- *The proposed bulkhead will alter stormwater discharge from Fiddler Crab Lane to the marsh by interrupting the current flow and path.*

(5) Proposed soil stabilization and erosion control methods.

- *Information not provided.*

(6) Impact on floodplain.

- *There is no impact on the floodplain associated with this application.*

(7) Impact of development on vegetative and animal communities.

- *Trees removed from the site will slightly impact vegetative and animal communities.*

(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.

- *The proposed bulkhead will be approximately 340 linear feet and occupy a majority of side property lines as well as the entire width of the property along the marshlands.*

(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.
 - *Tree mitigation plans have not been provided.*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
 - *The amount of impervious surfaces include with the proposed single-family home will be approximately 6,000 square feet in size.*
- (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.)
 - *The proposed single-family home should have minimal impact on water quality.*
- (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*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

The applicant has provided an arborist report from Advanced Tree Care which is included in this packet. The report includes nine (9) trees to be removed from the site including seven (7) significant Southern Red Cedar trees, five (5) of which are in “good” condition. A table regarding tree removal may be found below.

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>
1	15” Southern Red Cedar	1.5			
2	11” Live Oak	1			
3	14” Southern Red Cedar	1.5			
4	10” Southern Red Cedar	1			
5	9” Southern Red Cedar	1			
6	15” Southern Red Cedar	1.5			
7	12” Southern Red Cedar	1.5			
8	16.4” Southern Red Cedar	1.5			
9	Southern Red Cedar (dead)				
	Additional debits for seven Southern Red Cedar trees	7			
Total	17.5 Debits		0 Credits		

Tree mitigation plans for the 17.5 proposed debits were not supplied by the applicant; mitigation will need to be provided before any building plans receive planning and zoning approval. On April 4, 1995, the Planning and Zoning Board determined that development on individual lots within the Pelican Reef Subdivision will be required to maintain a minimum of ten (10) Southern Red Cedar trees on-site. Based on the City’s Code of Ordinances regarding tree mitigation, a proposal for planting ten 3-inch dbh Southern Red Cedar trees would result in 10 credits. Additional tree plantings, or larger Cedar trees, will be required at this site to address the deficits that come with this proposal.

STAFF RECOMMENDATION

Based on a review of section 11-29, staff finds that the board can **APPROVE** the request to construct a new bulkhead within Conservation Overlay Zone 2 and remove a majority of the tree canopy, including five (5) healthy significant Southern Red Cedar trees, within Conservation Overlay Zone 3 at Fiddler Crab Lane / PID 158571-9080.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owners Robert & Karen Thomas at 904-718-9005 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$105 (plus advertising costs) Project Number: 2023-0035
Receipt Number: 2620563 Meeting Date: June 6, 2023
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Robert + Karen Thomas Contact Number: 904-718-9005

Business (if applicable): _____

Address: 115 Fiddler Crab Ln City: St. Aug State: FL Zip: _____

E-Mail Address: robertg.pspgnotes.com

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

Business (if applicable): Same as above

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

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 8 Block 9 Block: 9

Subdivision: Pelican Reef Parcel Number: 1585719080

4. PROJECT STREET ADDRESS: Fiddler Crab Ln

5. SPECIFIC PROPOSED USE: significant tree removal

6. ACTION REQUESTED:

- ☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Protected Tree Removal
as per the site plan in packet
Bulkhead

8. JUSTIFICATION FOR ACTION REQUESTED: _____



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: _____ (plus advertising costs) Project Number: _____

Receipt Number: _____ Meeting Date: _____

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

1. NAME OF APPLICANT: Matthew H. Lahti, P.E. Contact Number: 904-794-4231

Business (if applicable): Gulfstream Design Group, LLC

Address: 2225 A1A S, Suite A2 City: St. Augustine State: FL Zip: 32080

E-Mail Address: matt@gulfstreamdesign.com

2. NAME OF PROPERTY OWNER: Karen Thomas Contact Number: 904-718-9005

Business (if applicable): _____

Address: 1100 Pond View Court City: St. Johns State: FL Zip: 32259

E-Mail Address: robert@pspquotes.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 8

Block: 9

Subdivision: _____

Parcel Number: 1585719080

4. PROJECT STREET ADDRESS: Fiddler Crab Lane

5. SPECIFIC PROPOSED USE: Construction of bulkhead within RS-2 zoning area.

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Gulfstream Design Group requests conservation zone 2 development for a proposed bulkhead around a residential single family property that abuts wetlands.

8. JUSTIFICATION FOR ACTION REQUESTED: To provide erosion control and protection from the drastic grade elevation changes near wetlands. A bulkhead will protect the natural wetlands environment.

04/18/2019

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

4-18-23

Date



Signature of Property Owner

4-18-23

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 Thomas

Print name of applicant

R.C. Thomas

Signature of applicant

4-18-23

Date

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.

Matthew Lahti, P.E. FL# 71395

Digitally signed by Matthew Lahti, P.E. FL#
71395
Date: 2023.05.08 15:38:30 -04'00'

5/8/2023

Signature of Applicant

Date



5-8-23

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.

Matthew H. Lahti, P.E.

Print name of applicant

Matthew Lahti,
P.E. FL# 71395

Signature of applicant

5/8/2023

Date _____



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF
OF Karen Thomas, 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: Karen Thomas
Signature of Owner
Karen Thomas
Print Name of Owner

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 8th day of May, 2023

By Karen Thomas

Identification verified: known to me

Oath sworn: _____ Yes _____ No

Notary Signature: _____

My Commission expires: _____

6/26/2026



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: Fiddler Crab Lane

Applicant's Name: Matthew H. Lahti, P.E. Applicant's Signature: Matthew Lahti Digitally signed by Matthew Lahti, P.E. FL# 71395 Date: 2023.05.08 15:41:28 -04'00'

Owner's Name: Karen Thomas Owner's Signature: Karen Thomas

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: Fiddler Crab LANE

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

Owner's Name: Robert Thomas Owner's Signature: P. L. Thomas

SHEET 2 OF 2

Page 169 of 449



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

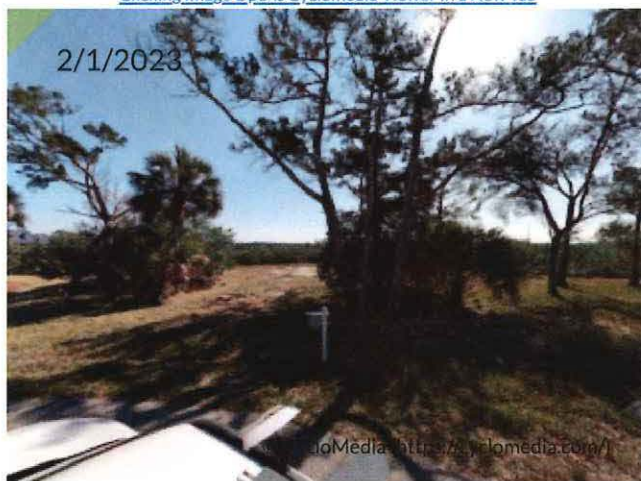
[Sales Questionnaire](#)

2022 TRIM Notice

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

Summary

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

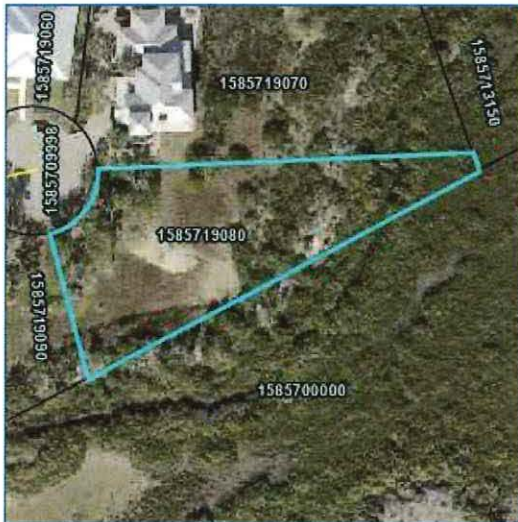


Parcel ID	1585719080
Location Address	FIDDLER CRAB LN SAINT AUGUSTINE 32080-0000
Neighborhood	Pelican Reef (628)
Tax Description*	55/31-32 PELICAN REEF V LOT 8 BLK 9 OR5558/1213 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Pelican Reef V
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.660
Homestead	N

Owner Information

Owner Name	Thomas Robert A,Karen Odum 100% Thomas Karen Odum 100%
Mailing Address	1100 POND VIEW CT SAINT JOHNS, FL 32259-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$275,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$275,000
Total Deferred	\$0
Assessed Value	\$275,000
Total Exemptions	\$0
Taxable Value	\$275,000

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	\$168,000	\$0	\$0	\$168,000	\$165,000	\$3,000	\$165,000
2021	\$0	\$0	\$150,000	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
2020	\$0	\$0	\$150,000	\$0	\$0	\$150,000	\$139,150	\$10,850	\$139,150
2019	\$0	\$0	\$150,000	\$0	\$0	\$150,000	\$126,500	\$23,500	\$126,500
2018	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2017	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2016	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$110,000	\$5,000	\$110,000
2015	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2014	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2013	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2012	\$0	\$0	\$100,000	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000
2011	\$0	\$0	\$115,000	\$0	\$0	\$115,000	\$115,000	\$0	\$115,000
2010	\$0	\$0	\$185,000	\$0	\$0	\$185,000	\$185,000	\$0	\$185,000

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$275,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/13/2022	5/11/2022	\$300,000.00	WARRANTY DEED	5558	1213	Q	V	HUBBARD DOUGLAS W,KRISTEN	THOMAS ROBERT A,KAREN ODUM
1/4/2021	12/28/2020	\$225,000.00	WARRANTY DEED	5142	723	Q	V	REUTHER NATALIE,NICHOLAS J ETAL	HUBBARD DOUGLAS W,KRISTEN
7/26/2017	7/25/2017	\$95,700.00	QUIT CLAIM DEED	4410	634	U	V	REUTHER NATALIE	REUTHER NATALIE,NICHOLAS J ETAL
4/25/2017	4/14/2017	\$240,000.00	WARRANTY DEED	4363	848	U	V	THOMPSON PIERRE D TRUST	REUTHER NATALIE ETAL
	6/22/2010	\$100.00	WARRANTY DEED	3326	1410	U	V	THOMPSON PIERRE D(1/2 INT)	THOMPSON PIERRE D TRUST
	10/7/1991	\$0.00	CONSERVATION EASEMENT	924	296	U	V	PIERRE D THOMPSON	ST JOHNS RIVER WATER MANAGEMENT DIST

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 warranties, expressed or implied, are provided for the data herein, its use or interpretation.

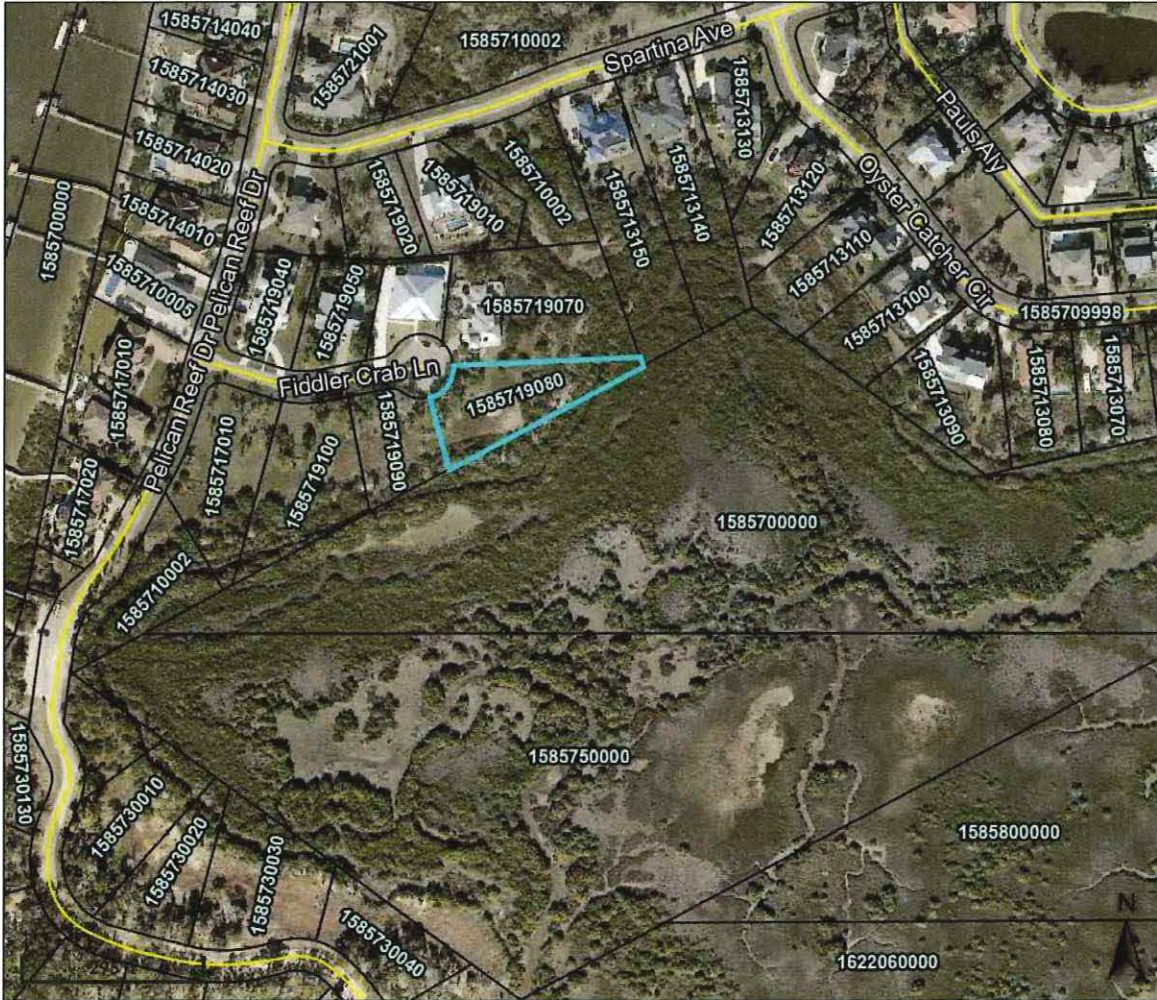
[User Privacy Policy](#)

[GDPR Privacy Notice](#)

Last Data Upload: 5/1/2023, 11:46:18 PM

Developed by
 **Schneider**
 GEOSPATIAL

Version 3.1.6



Overview



Legend

Parcels

Parcel ID	1585719080	Physical	FIDDLER CRAB LN	Building Value	N/A	Last 2 Sales			
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Residential	Mailing	THOMAS ROBERT A,KAREN	Value		5/11/2022	\$300000	01	Q
Taxing	City of St Augustine	Address	ODUM	Total Land	\$275,000	12/28/2020	\$225000	01	Q
District			1100 POND VIEW CT	Value					
Acres	0.66		SAINT JOHNS FL 32259-0000	Just Value	\$275,000				
				Total Deferred	N/A				
				Assessed Value	\$275,000				
				Total	N/A				
				Exemptions					
				Taxable Value	\$275,000				

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: 5/2/2023

Last Data Uploaded: 5/1/2023 11:46:18 PM

Developed by  Schneider
GEOSPATIAL

June 6th

SITE LOCATION



FLOOD ZONE: "AE-8"
FLOOD MAP: 12109C0381J
DATED: 12/07/2018
FEMA PART 1 & 2 ARE REQUIRED
MINIMUM HEIGHT PER ARB: AE-9
AND THE CITY OF ST. AUGUSTINE

LAND DEVELOPED: 1991

EAGLE ZONE SJ991: ZONE 2
WINDBORNE DEBRIS AREA: YES
EVACUATION ZONE A
STORM SURGE ZONE 1

NOTE: BUBBLED AREA DENOTES
APPROXIMATE LIMITS OF SILT FENCE
EROSION CONTROL TO ENSURE NO SILT
MIGRATION ONTO ADJACENT PROPERTIES

WIND DESIGN CRITERIA:
WIND SPEED: 130 MPH
EXPOSURE CATEGORY: "D"
E.O.R TO CONFIRM
BUILDING TYPE: ENCLOSED
BUILDING CATEGORY: II
IMPORTANCE FACTOR: 1.0
TOPOGRAPHY: FLAT
MEAN ROOF HEIGHT: -25 FT
BUILDING CODE: FBC-R 2020
7TH EDITION

SITE CALCULATIONS:
LAND AREA: 0.66 ACRES= 28,149.60 S.F.
TOTAL HOME COVERAGE: 2,425.83 S.F.
BUILDING IMPERVIOUS: 13.70%
WALKS, DRIVE IMPERVIOUS: 1,689.94 S.F.
TOTAL IMPERVIOUS: 21.25%
ROOF W/OVERHANG COVERAGE: 3,220.43 S.F.
ROOF COVERAGE PERCENTAGE: 15.08%

ZONING: RS-2
SETBACKS:
FRONT: 15'
SIDES: 10'
REAR: 10'
TO THE FURTHEST OVERHANG

MAX BUILDING IMPERVIOUS: 40%
MAX ALLOWABLE IMPERVIOUS: 70%
MAX BUILDING HEIGHT: 35'
TYPE "B" DRAINAGE

FOUNDATION IS 20" X10"
FOOTERS & 4-6 PARGED
CMU STEMWALLS W/
POURED CELLS

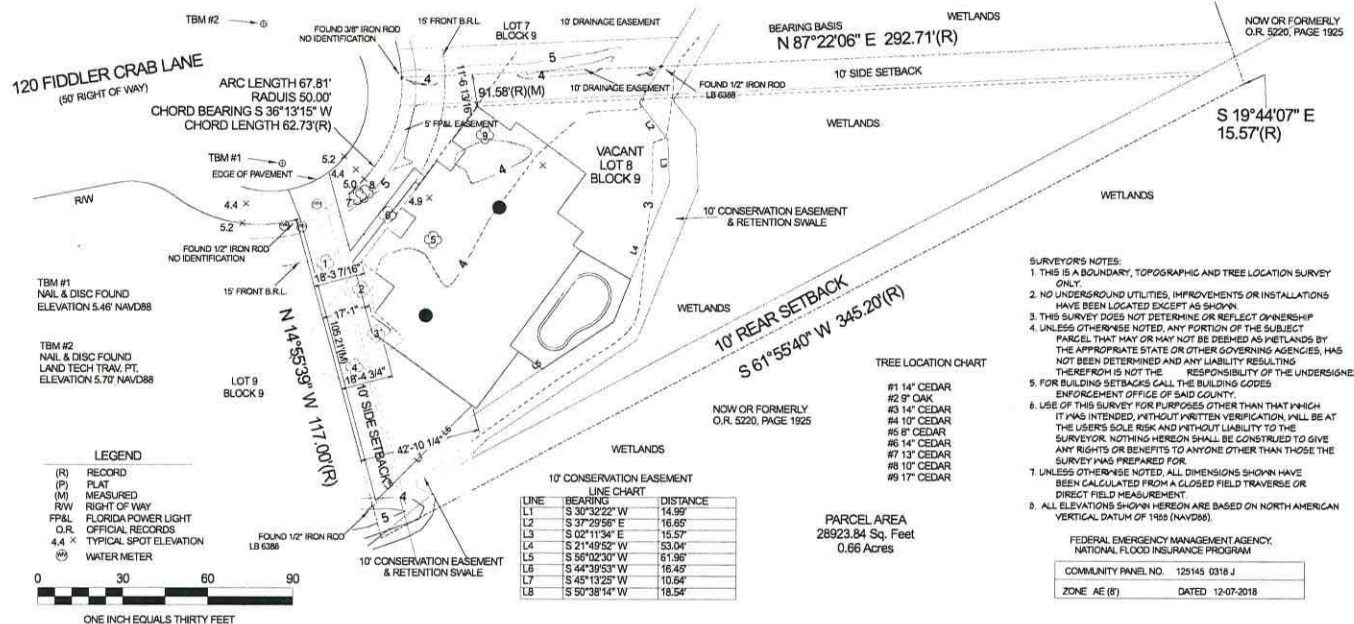
IMPORTANT: IF YOU ARE CONFUSED, STOP
WHAT YOU ARE DOING, PLEASE CONTACT THE
PLAN DESIGNER, CHIP MITCHELL, AT 904-993-
2231 IF YOU HAVE ANY QUESTIONS.

118

LEGAL DESCRIPTION:
R/E #: 158571-9080
PELICAN REEF V, LOT 8, BLOCK 9
OR5558/PG1213
20-7-30 0.66
CITY OF ST. AUGUSTINE PERMIT JURISDICTION

MAP TO SHOW BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY

Lot 8, Block 9, PELICAN REEF V, according to the map or plat thereof, as recorded
in Plat Book 55, Page 51, Public Records of St. Johns County, Florida,



SURVEYOR'S NOTES:

- THIS IS A BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY ONLY.
- NO UNDERGROUND UTILITIES, IMPROVEMENTS OR INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- THIS SURVEY DOES NOT DETERMINE OR REFLECT OWNERSHIP.
- 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.
- FOR BUILDING SETBACKS CALL THE BUILDING CODES ENFORCEMENT OFFICE OF SAID COUNTY.
- 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.
- UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN HAVE BEEN CALCULATED FROM A CLOSED FIELD TRAVERSE OR DIRECT FIELD MEASUREMENT.
- ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY PANEL NO. 125145 0318 J
ZONE AE (8) DATED 12-07-2018

SITE PLAN

PLAN #:
4000

CLIENT APPROVAL SIGNATURE DATE
ROBERT A. THOMAS
KAREN ODOR THOMAS

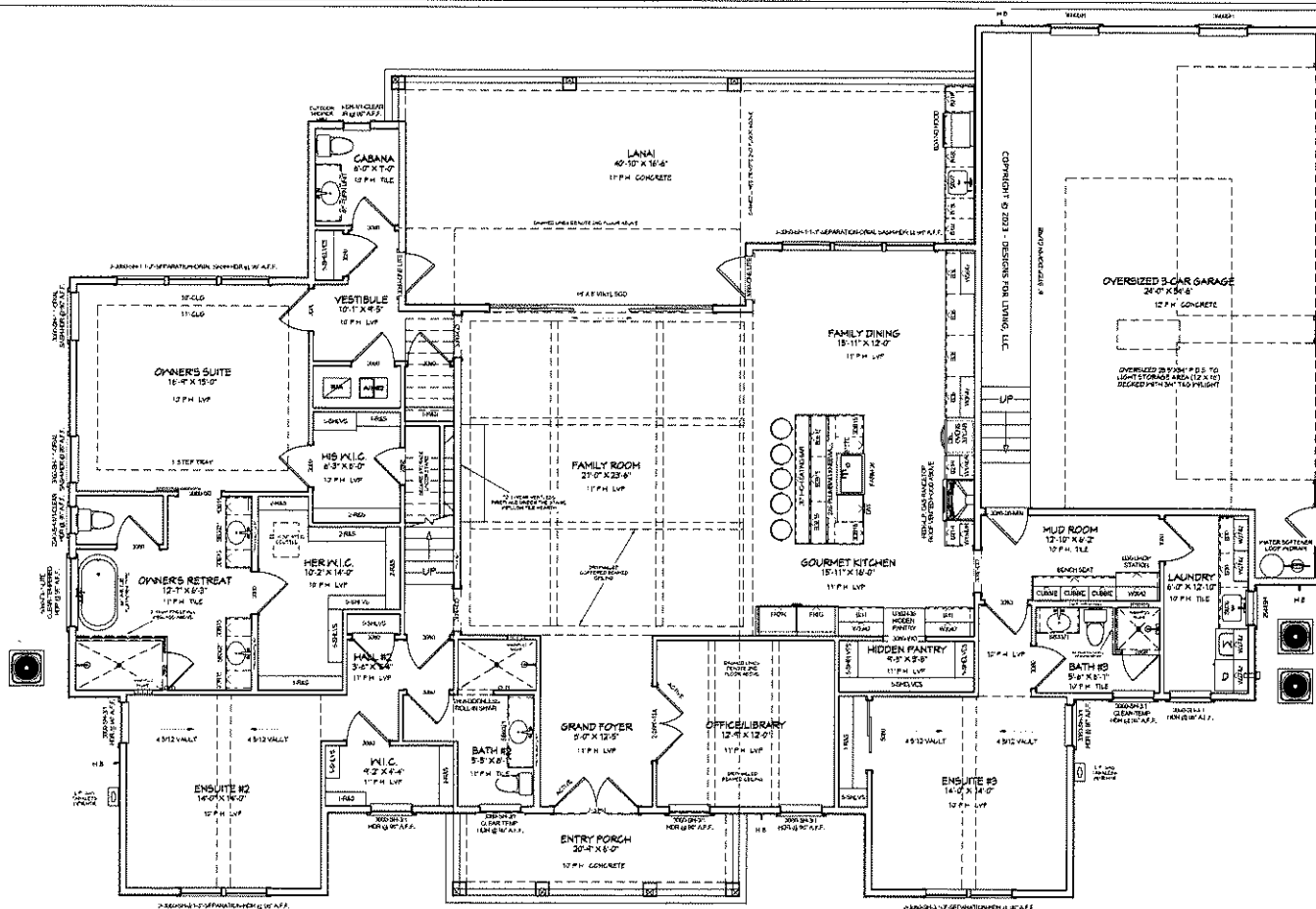
BUILT BY:
BUILT BY OWNER-BUILDER
P.O.C: ROBERT THOMAS
CELL: 904-718-9005
EMAIL: robert@pspquotes.com

PROJECT DESCRIPTION:
FUTURE HOME OF THE
THOMAS FAMILY
SAINT AUGUSTINE, FLORIDA 32080-0000
R/E #: 158571-9080

DESIGN DRAWINGS
DESIGNS BY LIVING...
904-230-7133 www.3dshomedesigns.com

DATE:
2/1/2023
SCALE:
1" = 20'-0"
SHEET:
A-2

COPYRIGHT 2023 DESIGNS BY LIVING, LLC. Under Federal Statute 16 USC 1114, it is unlawful for anyone to copy these drawings, either in whole or in part, without the express written permission of the Designer. Any unauthorized copying, reproduction, or distribution of these drawings, or any part thereof, is strictly prohibited. The Designer assumes no responsibility for any errors or omissions in these drawings, or for any consequences resulting from the use of these drawings. The Designer is not responsible for any changes to the drawings after they have been issued. The Designer is not responsible for any changes to the drawings after they have been issued. The Designer is not responsible for any changes to the drawings after they have been issued.



NOTE: IMPACT RATED WINDOWS & DOORS ARE REQUIRED!



CONTRACT NOTE: CONTRACT AND SPECIFICATIONS TAKE PRECEDENCE OVER THESE DRAWINGS. ANY CONFLICT WILL DEFAULT TO SAID DOCUMENTS.

IMPORTANT: SHOULD THERE BE ANY CONFUSION OR DIMENSIONAL QUESTIONS, STOP WHAT YOU ARE DOING AND CALL THE DESIGNER @ 904-993-2231 FOR CLARIFICATION!

GOLF CART GARAGE: THERE IS NOT ENOUGH ROOM TO DO ONE.

FOOTAGES (A.N.S.I.):	
1ST FLOOR HTD:	3,101.82
2ND FLOOR HTD:	898.29
TOTAL HEATED:	4,000.11
ENTRY PORCH:	123.40
LANAI:	607.23
BALCONY:	270.69
3-CAR GARAGE:	893.39
SLAB EXTENSIONS:	40.14
SLAB AREA:	4,766.03
UNDER ROOF:	5,894.82
ENCLOSED:	
UNENCLOSED:	
VOLUME:	

1ST FLOOR PLAN

PLAN #: 4000

CLIENT APPROVAL SIGNATURE DATE
ROBERT A. THOMAS
JAMES OGDEN THOMAS

BUILT BY: OWNER-BUILDER
P.O.C: ROBERT THOMAS
CELL: 904-718-9005
EMAIL: robert@pspsquakes.com

PROJECT DESCRIPTION:
FUTURE HOME OF THE
THOMAS FAMILY
SAINT AUGUSTINE, ALABAMA 3208-0808
RUE # 1, 1953-1-0808

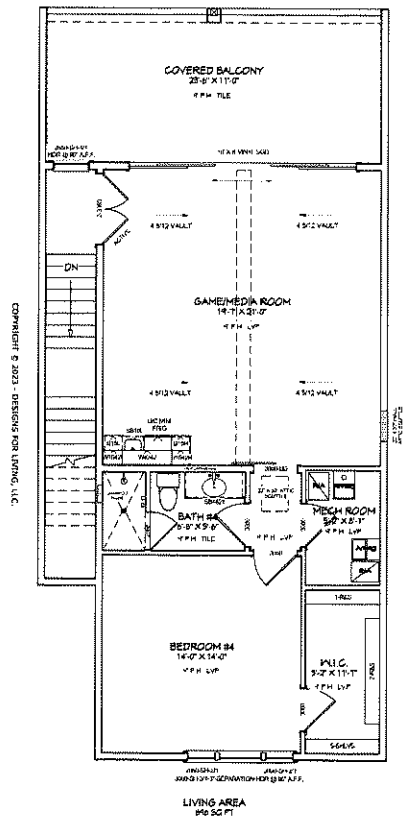
DESIGNER: PS/PSQUAKES
DESIGNS & LIVING
www.pspquakes.com

DATE: 2/1/2023
SCALE: 1/4" = 1' - 0"
SHEET: A-4

ROOF PENETRATION NOTE: ABSOLUTELY NO PENETRATIONS THROUGH THE ROOF FOR ANY REASON.



NOTE: IMPACT RATED WINDOWS & DOORS ARE REQUIRED!



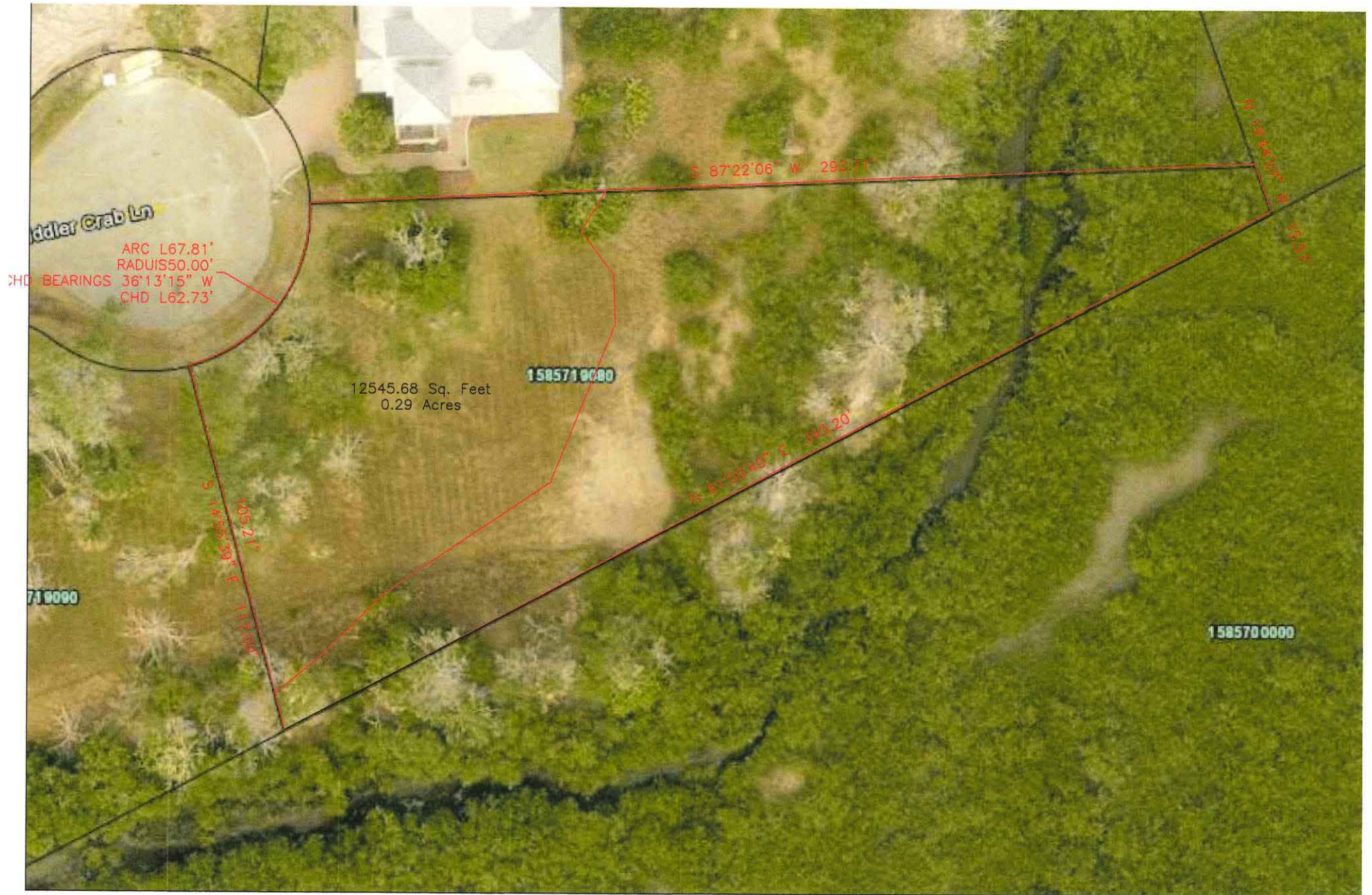
**NOTE: ENGINEER'S DETAILS
TAKE PRECEDENCE!**

FOOTAGES (A.N.S.I.):	
1ST FLOOR HTD:	3,101.82
2ND FLOOR HTD:	898.29
TOTAL HEATED:	4,000.11
ENTRY PORCH:	123.40
LANAI:	607.23
BALCONY:	270.69
3-CAR GARAGE:	893.39
SLAB EXTENSIONS:	40.19
SLAB AREA:	4,766.03
UNDER ROOF:	5,844.82
ENCLOSED:	
UNENCLOSED:	
VOLUME:	

2ND FLOOR PLAN

PLAN #: 4000	
CLIENT APPROVAL SIGNATURE 	DATE
BUILT BY: BUILT BY OWNER-BUILDER	
P.D.C. ROBERT THOMAS	
CELL: 904-718-9005	
EMAIL: robert@psdquotes.com	
PROJECT DESCRIPTION: FUTURE HOME OF THE THOMAS FAMILY	
3401 W. 10TH AVE. #100	
SAINT AUGUSTINE, FLORIDA 32080-0900	
P/E E: 1385712950	
R/E E: 1385712950	
	
DATE:	
SCALE:	
SHEET:	
A-5	

[illegible]



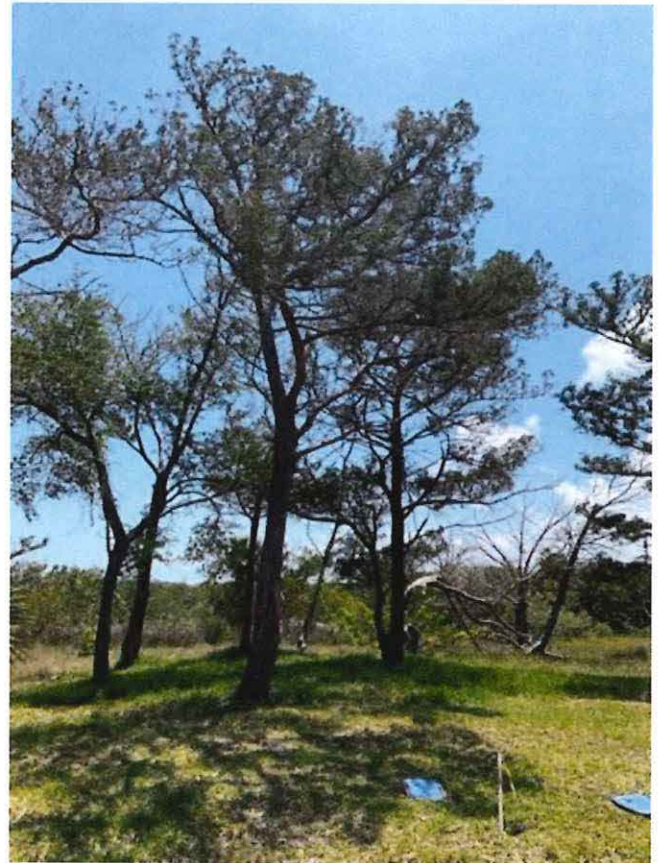


Southern red cedar Tree ID #5966

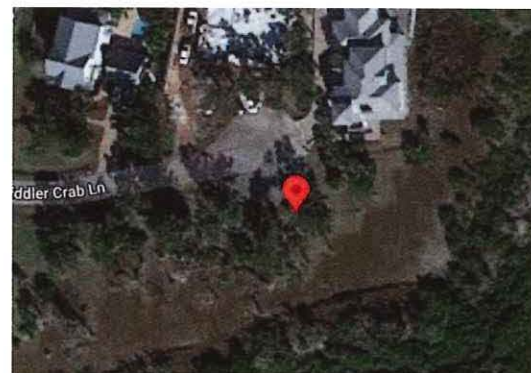
Tree

Tree Id:	1
Primary ID:	5966
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	15
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Negative
Health Condition:	Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.
Structure:	Good- tree has a well-developed structure and defects such as decay are minor and can be corrected with pruning or support.
Utilites:	
Observations- Characteristics:	Deadwood > 10%, Cavity/decay - small, Sparse foliage, Branch

Photos



Map



Map data ©2023 Imagery ©2023, Maxar Technologies, Report a map error
 Google U.S. Geological Survey

	tip dieback
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	12-18in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	

Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Front yard

Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B

Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023

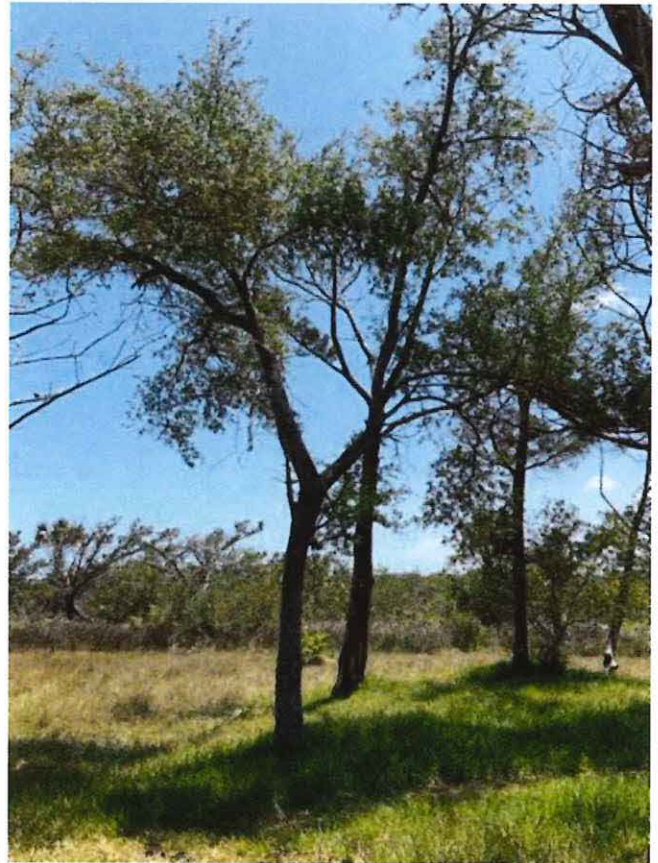


Live oak Tree ID #5967

Tree

Tree Id:	2
Primary ID:	5967
New Tag #:	
Previous ID or Tag #:	
Common Name:	Live oak
Scientific Name:	Quercus virginiana
DBH:	11
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Negative
Health Condition:	Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.
Structure:	Good- tree has a well-developed structure and defects such as decay are minor and can be corrected with pruning or support.
Utilites:	
Observations- Characteristics:	Co-dominant leaders w/o included bark, Cavity/decay - small,

Photos



Map



	Deadwood < 10%
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	QUVI
Cultivar:	
DBH Range:	6-12in
Genus:	Quercus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	
Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B

Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



Southern red cedar Tree ID #5968

Tree

Tree Id:	3
Primary ID:	5968
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	14
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Positive

Health Condition:

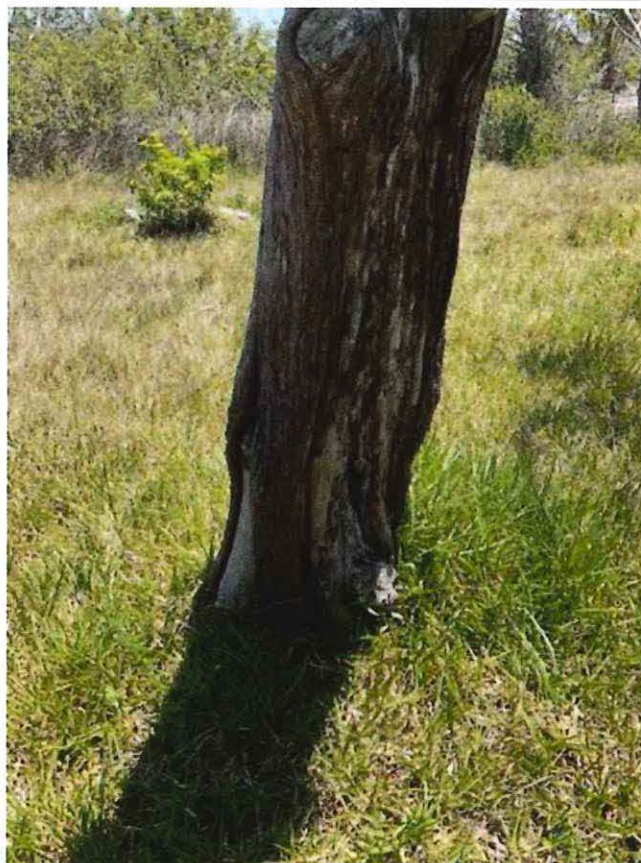
Poor- tree has poor vigor, low foliage density and poor foliage color. It could also have a fatal pest and significant twig and branch dieback.

Structure:

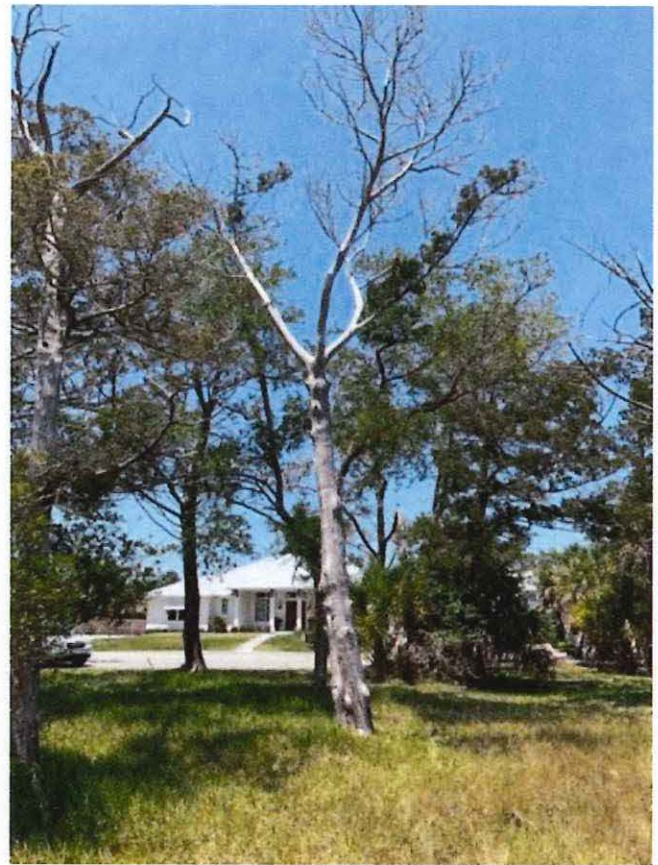
Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over several years.

Utilites:

Photos



Observations-Characteristics:	Co-dominant leaders w/o included bark, Deadwood > 10%, Cavity/decay - moderate, Sparse foliage, Branch tip dieback
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	Tree appears to be declining in health.
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	12-18in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	



Map



Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln

Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023

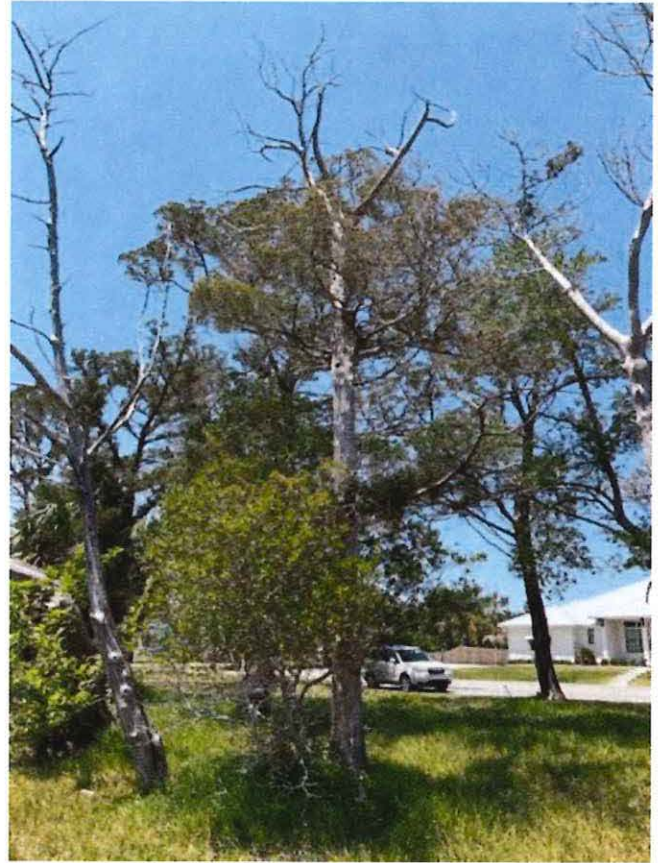


Southern red cedar Tree ID #5969

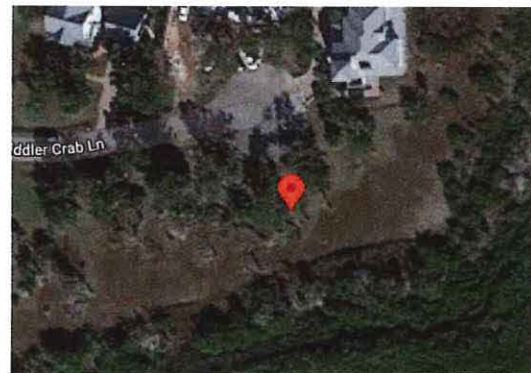
Tree

Tree Id:	4
Primary ID:	5969
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	10
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Positive
Health Condition:	Poor- tree has poor vigor, low foliage density and poor foliage color. It could also have a fatal pest and significant twig and branch dieback.
Structure:	Poor- a single serious defect or multiple significant defects. It could also indicate a recent change in trunk angle. Branch, root or trunk failure is probable. Defects may or may not be correctable.
Utilites:	
	Co-dominant leaders w/o included bark,

Photos



Map



Map data ©2023 Imagery ©2023, Maxar Technologies, [Report a map error](#)
 Google U.S. Geological Survey

Observations-Characteristics:	Deadwood > 10%, Cavity/decay - moderate, Sparse foliage, Internal column of decay - moderate , Branch tip dieback
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	Tree appears to be declining in health.
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	6-12in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	
Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln

Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023

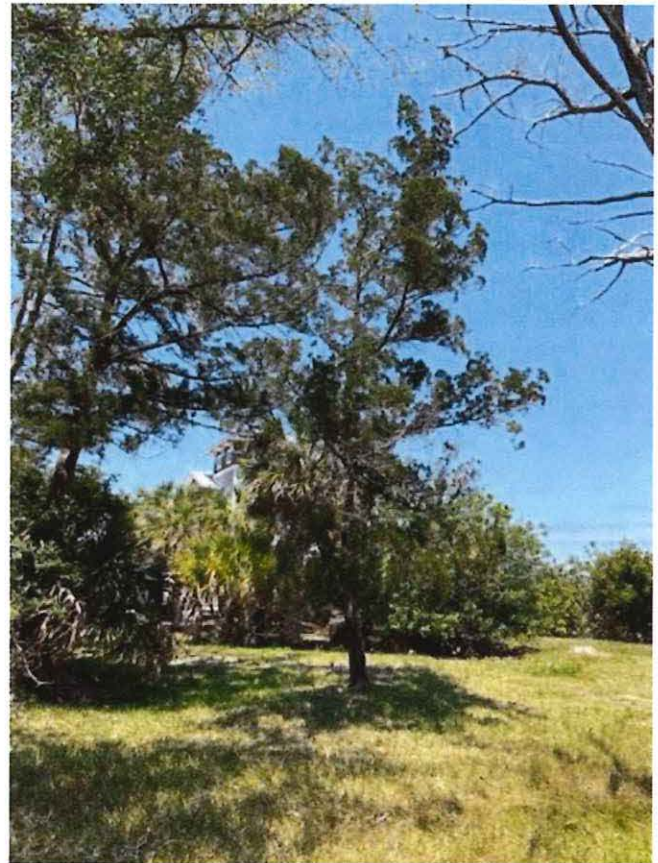


Southern red cedar Tree ID #5970

Tree

Tree Id:	5
Primary ID:	5970
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	9
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	20
Canopy Shape:	Asymmetrical
Mallet Test:	Negative
Health Condition:	Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.
Structure:	Good- tree has a well-developed structure and defects such as decay are minor and can be corrected with pruning or support.
Utilites:	
Observations-Characteristics:	Cavity/decay - small, Branch tip dieback
Observations-Biotic	

Photos



Map



Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	6-12in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	
Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended

Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



Southern red cedar Tree ID #5971

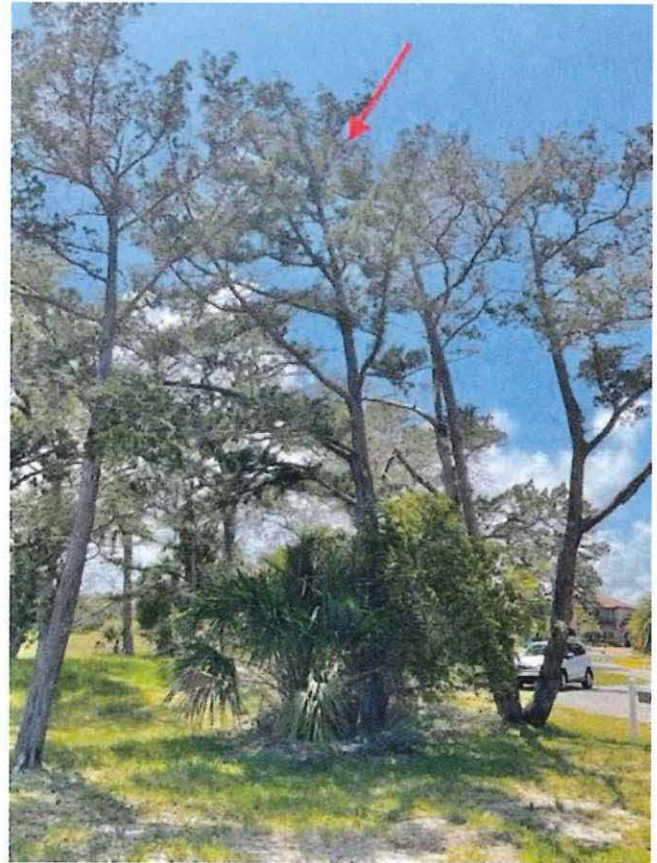
Tree

Tree Id:	6
Primary ID:	5971
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	15
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Positive

Health Condition: Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.

Structure: Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over

Photos



Street View



	several years.
Utilites:	
Observations-Characteristics:	Cavity/decay - moderate, Internal column of decay - moderate
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	12-18in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	

Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln

Map



Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



Southern red cedar Tree ID #5972

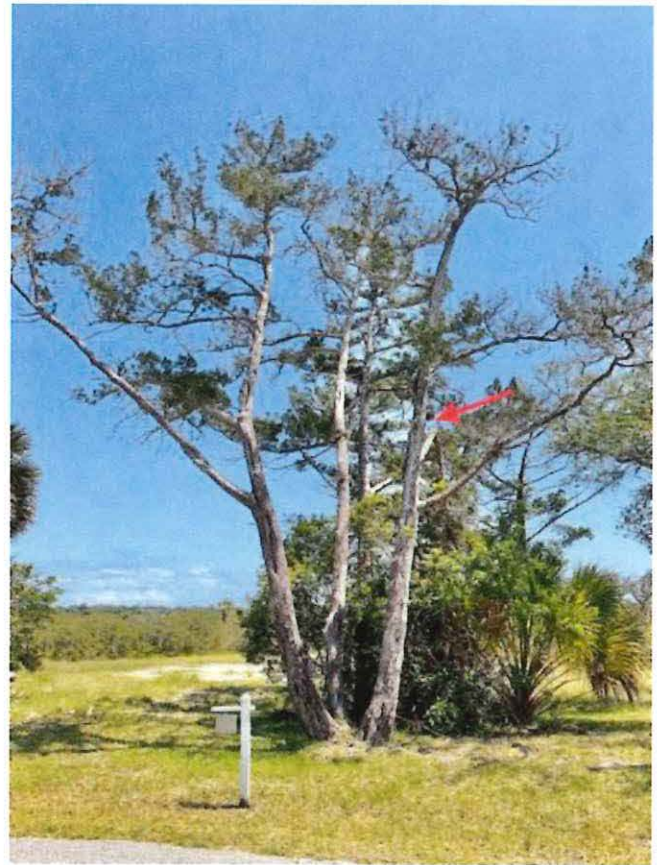
Tree

Tree Id:	7
Primary ID:	5972
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	12
Number of Stems (Multi Calc):	1
Tree Height (Estimated):	30
Canopy Shape:	Asymmetrical
Mallet Test:	Positive

Health Condition: Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.

Structure: Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over

Photos



Map



	several years.
Utilites:	
Observations-Characteristics:	Cavity/decay - moderate, Deadwood < 10%, Basal decay
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	12-18in
Genus:	Juniperus
Height Range:	30ft-50ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	
Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Street

Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



Southern red cedar Tree ID #5973

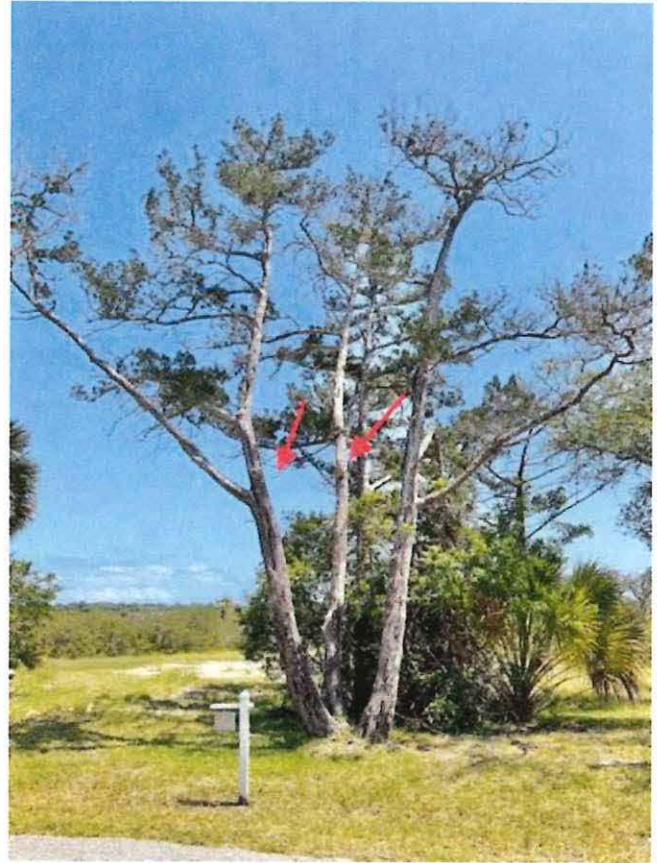
Tree

Tree Id:	8
Primary ID:	5973
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	16.4
Number of Stems (Multi Calc):	Multiple Stems
Tree Height (Estimated):	25
Canopy Shape:	Asymmetrical
Mallet Test:	Positive

Health Condition: Good- tree vigor is normal for the species. There are no significant signs or symptoms due to pests or diseases, no more than minor discoloration, defoliation and twig or branch dieback.

Structure: Fair- there is either a single significant defect or multiple moderate defects. Branch or trunk failure is possible to probable. Defects may or may not be practical to correct or would require multiple treatments over

Photos



	several years.
Utilites:	
Observations-Characteristics:	Co-dominant leaders w/bark inclusion, Cavity/decay - moderate, Deadwood < 10%, Basal decay
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	end weight reduction pruning recommended to create more compact canopy that places less load on bark inclusion at base of central leaders.
Notes 2:	
DBH Stem 1:	10
DBH Stem 2:	13
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	
DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	12-18in
Genus:	Juniperus
Height Range:	15ft-30ft
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	



Map



Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Street
Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	Structural prune, End weight reduction, Priority 2 Prune
Tree Work-PHC:	
Tree Work-Root/soil:	None recommended
Priority:	low
Monitor:	Yes
Cycle:	3yr Cycle
Pruning Specs and Notes:	end weight reduction to reduce load on bark inclusion at base of codominant leaders.
Pruning spec-type of cut:	end weight reduction/ drop crotch reduction
Pruning spec-location of cut:	vertical leaders
Pruning spec-# of cuts:	2-4
Pruning spec-size of cuts:	3-5"
Pruning spec-% canopy removal:	25-35%
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



Southern red cedar Tree ID #5974

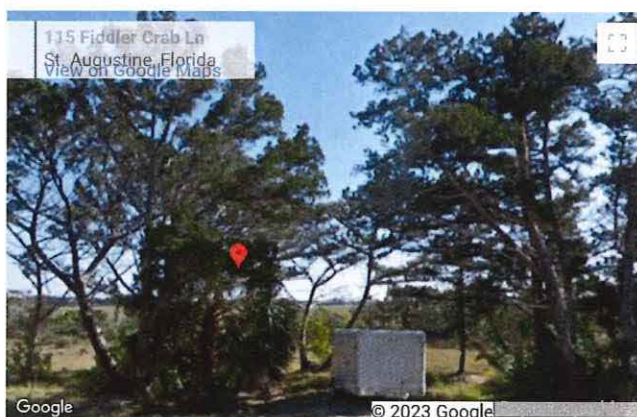
Tree

Tree Id:	9
Primary ID:	5974
New Tag #:	
Previous ID or Tag #:	
Common Name:	Southern red cedar
Scientific Name:	Juniperus silicicola
DBH:	
Number of Stems (Multi Calc):	
Tree Height (Estimated):	
Canopy Shape:	
Mallet Test:	
Health Condition:	Dead
Structure:	
Utilites:	
Observations- Characteristics:	
Observations-Biotic Pest:	None observed
Observations-Abiotic:	None observed
Notes 1:	Tree is dead and removed.
Notes 2:	
DBH Stem 1:	
DBH Stem 2:	
DBH Stem 3:	
DBH Stem 4:	
DBH Stem 5:	

Photos



Street View



DBH Stem 6:	
Code:	JUSI
Cultivar:	
DBH Range:	N/A
Genus:	Juniperus
Height Range:	N/A
Has Ecobenefits:	No
Last Inspection:	
Next Inspection:	
Inspection Cycle:	
Archived:	No
Crown Light Exposure:	

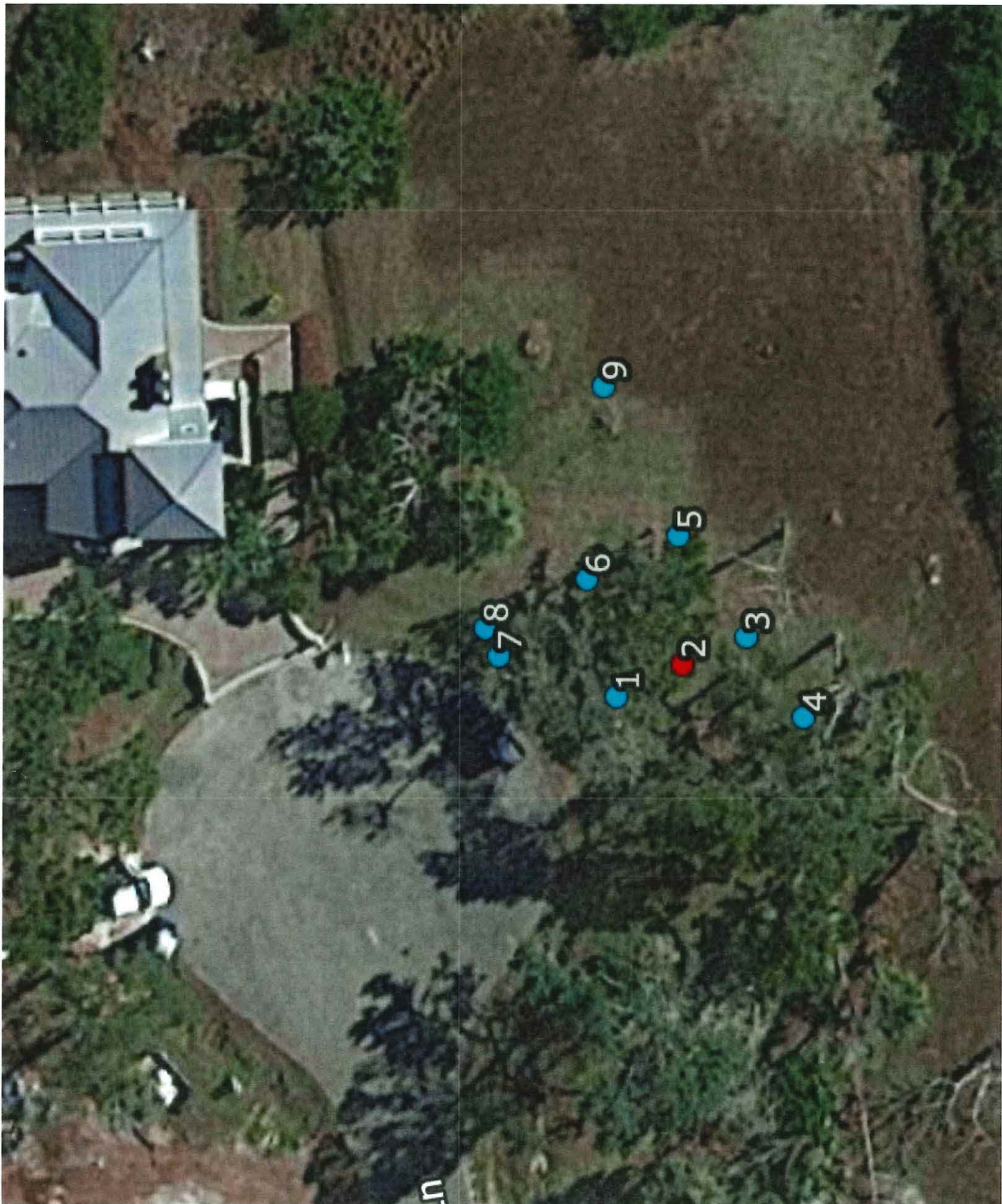
Location	
Client Site:	St A-Thomas
House Number:	
Address Street:	Fiddler Crab Ln
Land Type:	Street

Management	
ISA Board Certified Master Arborist:	Daniel Lippi FL-6145B
Tree Work-Pruning:	None recommended
Tree Work-PHC:	
Tree Work-Root/soil:	
Priority:	
Monitor:	No
Cycle:	
Pruning Specs and Notes:	
Pruning spec-type of cut:	
Pruning spec-location	

Map

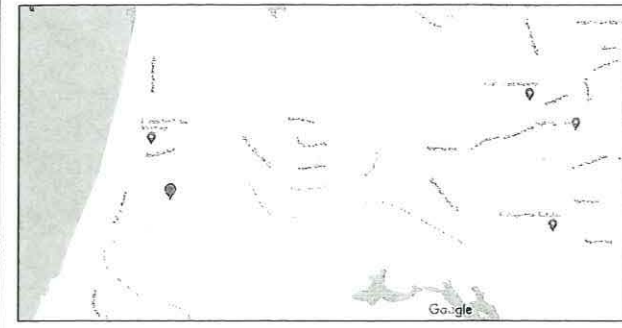


of cut:	
Pruning spec-# of cuts:	
Pruning spec-size of cuts:	
Pruning spec-% canopy removal:	
User:	Danny
Last Modified User:	Danny
Date Added:	04/26/2023
Last Modified:	04/28/2023



June 6th

SITE LOCATION



SITE CALCULATIONS:
LAND AREA: 0.66 ACRES= 28,749.60 S.F.
TOTAL HOME COVERAGE: 2,925.83 S.F.
BUILDING IMPERVIOUS: 13.70%
WALKS, DRIVE IMPERVIOUS: 1,684.94 S.F.
TOTAL IMPERVIOUS: 21.25%
ROOF W/OVERHANG COVERAGE: 3,220.43 S.F.
ROOF COVERAGE PERCENTAGE: 15.08%

ZONING: RS-2
SETBACKS:
FRONT: 15'
SIDES: 10'
REAR: 10'
TO THE FURTHEST OVERHANG

MAX BUILDING IMPERVIOUS: 40%
MAX ALLOWABLE IMPERVIOUS: 70%
MAX BUILDING HEIGHT: 35'
TYPE "B" DRAINAGE

IMPORTANT: IF YOU ARE CONFUSED, STOP
WHAT YOU ARE DOING, PLEASE CONTACT THE
PLAN DESIGNER, CHIP MITCHELL, AT 904-993-
2231 IF YOU HAVE ANY QUESTIONS.

FLOOD ZONE: "AE-B"
FLOOD MAP: 12109C0381J
DATED: 12/07/2018
FEMA PART 1 & 2 ARE REQUIRED
MINIMUM HEIGHT PER ARB: AE-1
AND THE CITY OF ST. AUGUSTINE

LAND DEVELOPED: 1991

EAGLE ZONE SJ991: ZONE 2
WINDBORNE DEBRIS AREA: YES
EVACUATION ZONE A
STORM SURGE ZONE 1

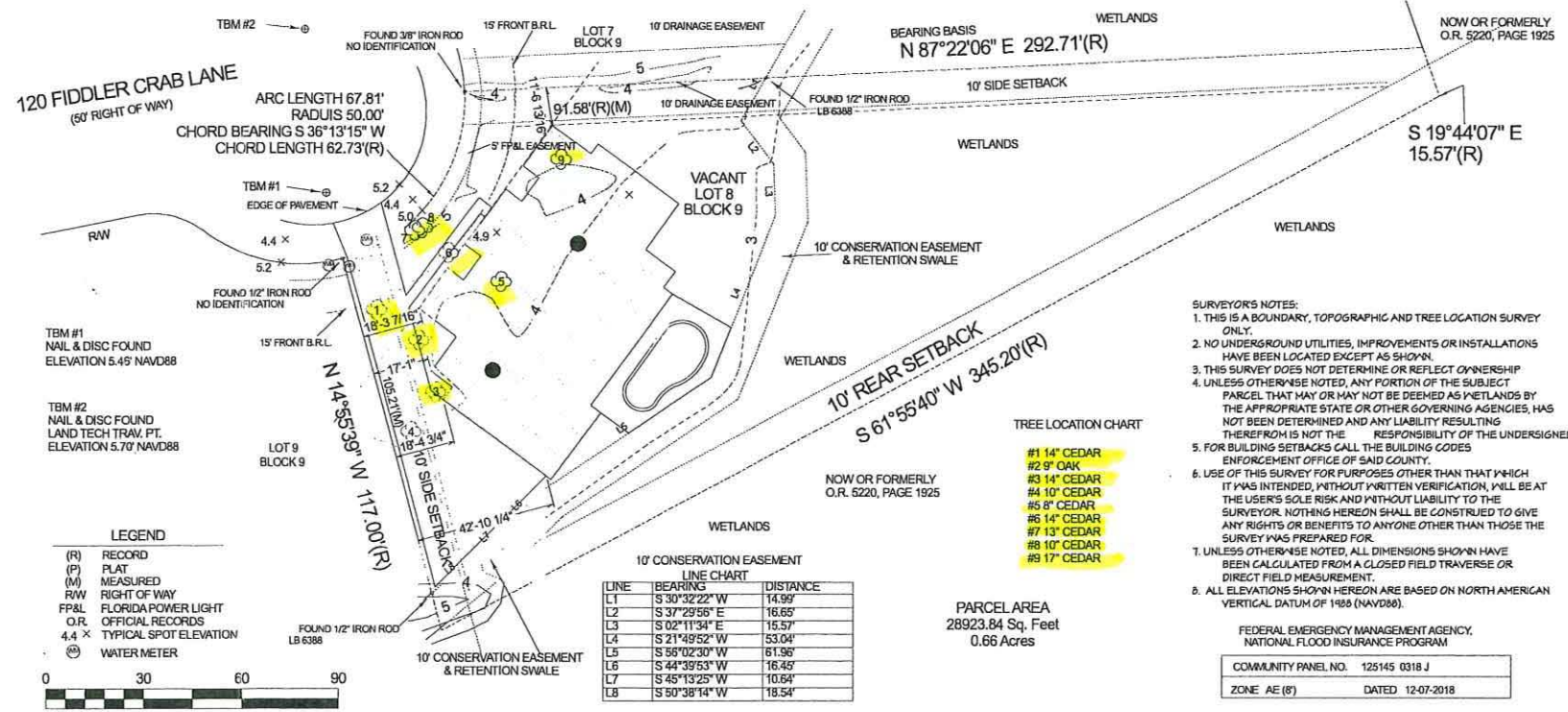
NOTE: BUBBLED AREA DENOTES
APPROXIMATE LIMITS OF SILT FENCE
EROSION CONTROL TO ENSURE NO SILT
MIGRATION ONTO ADJACENT PROPERTIES

WIND DESIGN CRITERIA:
WIND SPEED: 130 MPH
EXPOSURE CATEGORY: "D"
E.O.R. TO CONFIRM
BUILDING TYPE: ENCLOSED
BUILDING CATEGORY: II
IMPORTANCE FACTOR: 1.0
TOPOGRAPHY: FLAT
MEAN ROOF HEIGHT: -25 FT
BUILDING CODE: FBC-R 2020
7TH EDITION



MAP TO SHOW BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY

Lot 8, Block 9, PELICAN REEF V, according to the map or plat thereof, as recorded
in Plat Book 55, Page 31, Public Records of St. Johns County, Florida.



SITE PLAN

Arborist Report for trees

- | | |
|--------------|------------------------|
| #1 15" cedar | #5 9" cedar |
| #2 11" oak | #6 15" cedar |
| #3 14" cedar | #7 12" cedar |
| #4 10" cedar | #8 16.4" cedar |
| | #9 Dead no size listed |

COPYRIGHT 2021: DESIGNS FOR LIVING, LLC. Under Federal Statute 16 USC 592, the Architectural Drawing Act & Title 17, specific but copyright laws apply to all published works of Design for Living, LLC. herein referred to as Designer. It is unlawful for anyone to copy these drawings, either in whole or in part, without the express written permission of the Designer. Any unauthorized copying, reproduction, or distribution of these drawings, or any part thereof, is strictly prohibited. Any person who violates this copyright notice shall be liable for all damages, including reasonable attorneys' fees, and shall be liable for all damages to the full extent allowed by law. No exceptions and no exceptions shall be made for any person who copies these drawings for any purpose other than that which was intended. Without written verification, it 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.
UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN HAVE BEEN CALCULATED FROM A CLOSED FIELD TRAVERSE OR DIRECT FIELD MEASUREMENT.
ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1985 (NAVD88).
FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY PANEL NO. 125145 0318 J
ZONE AE (8) DATED 12-07-2018

PLAN #: 4000

CLIENT APPROVAL SIGNATURE DATE

BUILT BY: BUILT BY OWNER-BUILDER
P.O.C: ROBERT THOMAS
CELL: 904-718-9005
EMAIL: robert@pspquotes.com

PROJECT DESCRIPTION: FUTURE HOME OF THE THOMAS FAMILY
THOMAS FAMILY
1118 S. 1ST ST.
SAINT AUGUSTINE, FLORIDA 32080-0000
R/E #: 158571-9080

DESIGN FOR LIVING
DESIGN FOR LIVING
904-730-7133
www.dflhomedesigners.com

DATE: 2/1/2023

SCALE: 1" = 20'-0"

SHEET: A-2

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0036**

AGENDA ITEM 6(e)

APPLICANT Michael Carpenter
c/o Carter Environmental Services Inc.

OWNER Agan Prameshuber

LOCATION 171 Inlet Drive Lot A / PID 213831-0010

REQUEST To approve the modification of an existing
bulkhead within Conservation Overlay Zones 1 and
2.

LAND USE Residential Low Density

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

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 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.

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 modify an existing bulkhead to include the addition of three (3) feet of grade elevation within Conservation Overlay Zone 2.

A cross-section view submitted by the applicant shows the proposed height of the new bulkhead as well as details regarding fill.

This property is adjacent to other single-family homes along Inlet Drive and sits on the intersection of the Matanzas River and Salt Run.

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 90 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls/riprap and are elevated from the coastline.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *The property sits on the Salt Run and is adjacent to another single-family home to the north and to a currently vacant single-family lot to the south.*

(3) Natural and proposed drainage patterns.

- *Drainage will not be altered by the proposed works.*

(4) Effect of point and nonpoint discharge in the marine environment.

- *Point and nonpoint 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, mangroves, and sea grass are not present.*
- *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 open water.*
- *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.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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 percentage of site.
 ▪ The proposed development will take place along the entire length of the site that is adjacent to the water.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percentage 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 percentage 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>N/A</i>	<i>N/A</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>N/A – The proposed works are above MHWL</i>	<i>N/A</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The additional area could be used as a resting place or perch for many water fowl.</i>	<i>Extremely small loss of foraging habitat.</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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 modification of an existing bulkhead within Conservation Overlay Zones 1 and 2 at 171 Inlet Drive Lot A / PID 213831-0010.



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: 2023-0036

Receipt Number: 2625104 Meeting Date: 6/6/23

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

1. NAME OF APPLICANT: Michael Carpenter Contact Number: 904-540-1786

Business (if applicable): Carter Environmental Services

Address: 42 Masters Dr. City: St. Augustine State: FL Zip: 32084

E-Mail Address: mcarpenter@carterenv.com

2. NAME OF PROPERTY OWNER: Agan Prameshuber Contact Number: 904-708-4200

Business (if applicable): _____

Address: 3653 East Bury Dr City: Jacksonville State: FL Zip: 32224

E-Mail Address: aganprameshuber@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: A Block: 1

Subdivision: Davis Shores Ocean View Parcel Number: 2138310010

4. PROJECT STREET ADDRESS: 171 Inlet Dr. - Lot A

5. SPECIFIC PROPOSED USE: Proposed Bulkhead Modification

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 bulkhead modification.

8. JUSTIFICATION FOR ACTION REQUESTED: Please see Overlay Zone Development Supplement



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

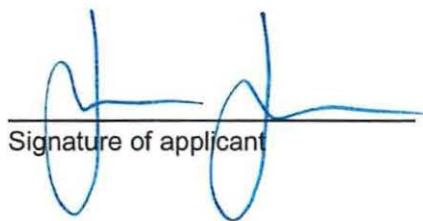
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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.

AGAN PRAMESHUBER

Print name of applicant

A handwritten signature in blue ink, consisting of a stylized 'A' followed by 'P' and 'R'.

Signature of applicant

5-5-23

Date

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.

Signature of Applicant

5-5-23

Date

Signature of Property Owner

5-5-23

Date

04/18/2019



Owner's Authorization For Agent

_____ is/are hereby authorized TO ACT ON BEHALF
OF Agan Prameshuber, 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

Agan Prameshuber

Print Name of Owner

904-708-4200

Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 5th day of May, 2023.

By Agan Prameshuber

Identification verified:

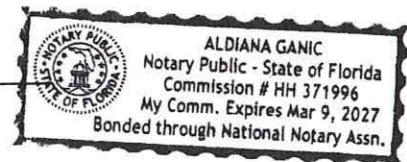
Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

Aldiana Ganic

My Commission expires: _____

03/09/2027



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.

171 Inlet Dr, Lot A, St. Augustine, FL 32080

Project Address: _____

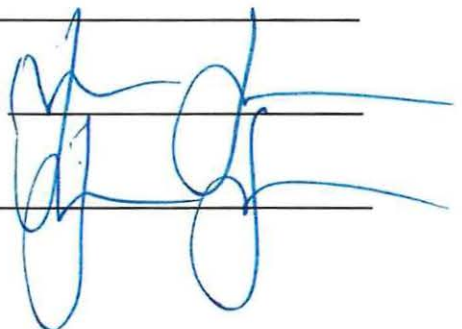
Applicant's Name: AGAN PRAMESHUBER

Agan Prameshuber

Applicant's Signature: _____

Owner's Name: AGAN PRAMESHUBER

Owner's Signature: _____





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	2138310010
Location Address	INLET DR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	107/16-17 INLET VIEW LOT A OR5556/701 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	INLET VIEW
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.390
Homestead	N

Owner Information

Owner Name	Prameshuber Agan 100%
Mailing Address	3653 EASTBURY DR JACKSONVILLE, FL 32224-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$4,435
Total Land Value	\$1,104,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,108,435
Total Deferred	\$0
Assessed Value	\$1,108,435
Total Exemptions	\$0
Taxable Value	\$1,108,435

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	\$13,054	\$731,136	\$0	\$0	\$744,190	\$744,190	\$0	\$744,190
2021	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0

Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		4435

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	80	202	80	FF	\$1,104,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
5/11/2022	5/4/2022	\$1,250,000.00	WARRANTY DEED	5556	701	Q	V	ANTONATOS ANN CAROLYN REVOCABLE TRUST D: 09/23/2015	PRAMESHUBER AGAN

No data available for the following modules: 2021 TRIM Notice, Exemption Information, Building Information, Sketch Information.

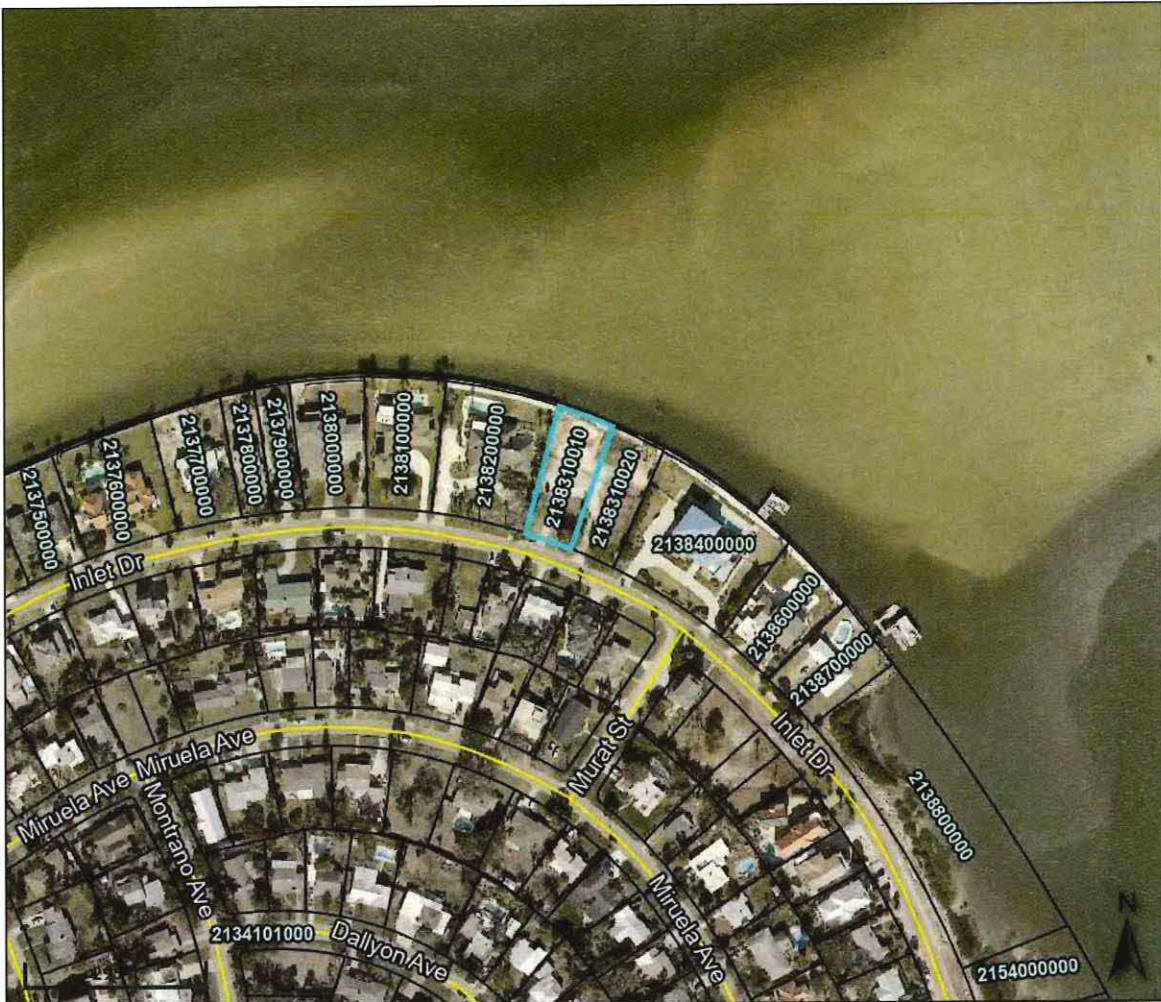
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 5/30/2023, 11:53:18 PM

Developed by
 Schneider
 GEOSPATIAL

Version 3.1.11



Overview



Legend

□ Parcels

Parcel ID	2138310010	Physical	INLET DR	Building Value	N/A	Last 2 Sales			
Property	0000 - Vacant	Address	SAINT AUGUSTINE	Extra Feature	\$4,435	Date	Price	Reason	Qual
Class	Residential	Mailing	PRAMESHUBER AGAN	Value		5/4/2022	\$1250000	01	Q
Taxing	City of St Augustine	Address	3653 EASTBURY DR	Total Land	\$1,104,000	n/a	0	n/a	n/a
District			JACKSONVILLE FL	Value					
Acres	0.39		32224-0000	Just Value	\$1,108,435				
				Total Deferred	N/A				
				Assessed Value	\$1,108,435				
				Total	N/A				
				Exemptions					
				Taxable Value	\$1,108,435				

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: 5/31/2023

Last Data Uploaded: 5/30/2023 11:53:18 PM

Developed by  Schneider
GEOSPATIAL

 = SITE BENCHMARK
 = SANITARY SEWER MANHOLE
 = WATER BIB
 = FIRE HYDRANT
 = CABLE/INTERNET UTILITIES BOX
 = POWER POLE, SERVICE POLE, LIGHT POLE
 = EXISTING WATER METER
 = PROPOSED WATER METER
 = WATER VALVE
 = WELL
 = UNNUMBERED X-CUT IN CONCRETE FOUND
 = FOUND NAIL/DISC
 = SET NAIL AND DISC LB#139
 = FOUND CONCRETE MONUMENT
 = PERM/BLOCK CORNER FOUND
 = SET 1/2" IRON ROD LB#139
 = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION

 = EXISTING GROUND ELEVATIONS
 = EXISTING TREE
 = METAL FENCE
 = WOOD FENCE

Legal Description here is furnished by client and/or his/her agent.

No Title Opinion or Abstract of Matters Affecting the Title or Boundary to the Subject Property have been PROVIDED. It is possible that there could exist unrecorded interests in the Subject Property, such as Easements, fee simple, or easements/documents recorded AFTER (Not Recordation) or other instruments that could affect the property.

Measurements were taken in accordance with U.S. Standard Feet, and equipped with Thendell and Steel Tools, and with Technologically Superior Equipment utilizing Redundant Techniques.

Boundaries hereafter shown are SHOWN OR STATED HEREIN.

Contiguous lots lie in same block, city, phase, section etc. unless noted.

Type of Survey: BOUNDARY SURVEY SHEDDING TOPOGRAPHIC AND TREE

Remarks: See Notes on Page 2 of this Survey. No Flood Hazard Planning.

No Flood Zone Determination has been made or requested for this Survey.

Survey of the Survey:

1. The Surveyor did not locate any subsurface underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.

2. The Surveyor did not Determine Ownership of land or fences.

3. This Survey is NOT insured for Multiple uses. Fluctuating and of other obligations are limited to Certificates listed herein Utilizing Survey for purposes listed in the Survey.

4. Construct Improvements to Iron Markers as Described Only. Wooden Stake/Flare/Flags are NOT Property Corners.

5. All shown Ground Evidences of Utilities lie Within their respective easements unless noted.

6. Street (s) hereon are centered in R/W unless noted.

7. Building Dimensions and their line to adjacent property or other lines are noted from provided data.

8. Elevations if shown are based on the North American Vertical Datum of 1985.

9. Dimensions for the proposed residence shown hereon are from the provided data.

10. See house plans for additional details.

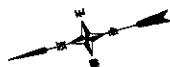
11. Current FEMA F.I.R. Map shows property in FLOOD ZONE (AE, AH, XZ, etc.) according to 12-07-2005.

HP-1 FROM PROPERTY APPRAISER'S WEBSITE

• FRONT	0'
• SIDE	3'
• REAR	3'

Special Note - Liability Notice

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN IN TITLE AND CERTIFICATION BLOCKS BELOW. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY IN ANY MANNER WHATSOEVER, WITHOUT THE WRITTEN CONSENT OF THE SIGNING SURVEYOR. SEE SURVEYOR'S NOTE #11 HEREON.



(IN FEET)
1 inch = 30 ft.

CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1(P)	915.00'	04°41'55"	75.03'	N70°29'09"W	75.01'
C2(P)	950.00'	05°25'48"	90.03'	S69°13'19"E	90.00'
C3(P)	915.00'	04°41'52"	75.02'	N65°47'15"W	75.00'
C1(M)	942.01'	04°33'55"	75.06'	N70°29'41"W	75.04'
C2(M)	1001.78'	05°08'52"	90.01'	S69°16'07"E	89.98'
C3(M)	958.33'	04°28'46"	75.00'	N65°44'52"W	74.98'

REPRODUCTIONS OF THIS SKETCH OF SURVEY ARE NOT VALID UNLESS SEALED
WITH THE EMBOSSED SEAL OF THE SIGNING SURVEYOR.

THE SKETCH OF SURVEY DEPICTED HEREON CONFORMS TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN ACCORDANCE WITH CHAPTER 5-17 (FORMERLY 810-17), PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES, AND WAS DONE UNDER MY SUPERVISION.

Signature Date Brandon D. Shugart, PSM #7009
surveying@macivil.com

LOT A, INLET VIEW

PLAT BOOK 107, PAGE 16

PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

BOUNDARY SURVEY SHOWING
TOPOGRAPHIC AND TREE

311 STATE ROAD 16
ST AUGUSTINE, FLORIDA 32084

WWW.IMECIVIL.COM
904-429-7764

Licensed Survey Business #8139
Certificate of Authorization #33025

© Copyright
Do not copy or reproduce without permission.

ADDRESS OF PROPERTY SHOWN HEREON:

FOR: **ALAIN JOHNSON**

AT: 172 INLET DRIVE
ST AUGUSTINE, FL 32080

Drawn By: LR
Field Survey Date: 07/07
FB/PG: 101/11

Scale 1" = 30 Feet
Drawing/File #: 062922.4

Additional Information/Certifications:
XXXXX

Attachment 1
Overlay Zone Application Narrative

**171- Lot A Inlet Drive
Overlay Zone Development Application Supplement
May 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead modification that includes the addition of 3' of grade elevation. Please see attached plans for detailed dimensions.

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 bulkhead. 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.*

There is no salt marsh vegetation between the uplands and open water on the site. The shoreline is sea-walled and armored with riprap and vegetation is not present.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

Not applicable

The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.

Not applicable

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 90 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls/riprap and are elevated from the coastline.

The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The property sits on the Salt Run and is adjacent to another single-family home to the south and to a currently vacant single-family lot to the north.

2. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

3. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

4. *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.

5. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

6. *Impact of development on vegetative and animal communities.*

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present.

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 open water.

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

7. *Effect of shade on vegetation and shellfish.*

Not applicable.

8. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

Not applicable

9. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

10. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

11. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

12. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

13. *Impact of development on water quality.*

Not applicable.

14. *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: N/A- The proposed works are above MHWL

Negative: Not applicable

The effects of the project on water fowl are as follows

Positive: The additional area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

15. 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.*

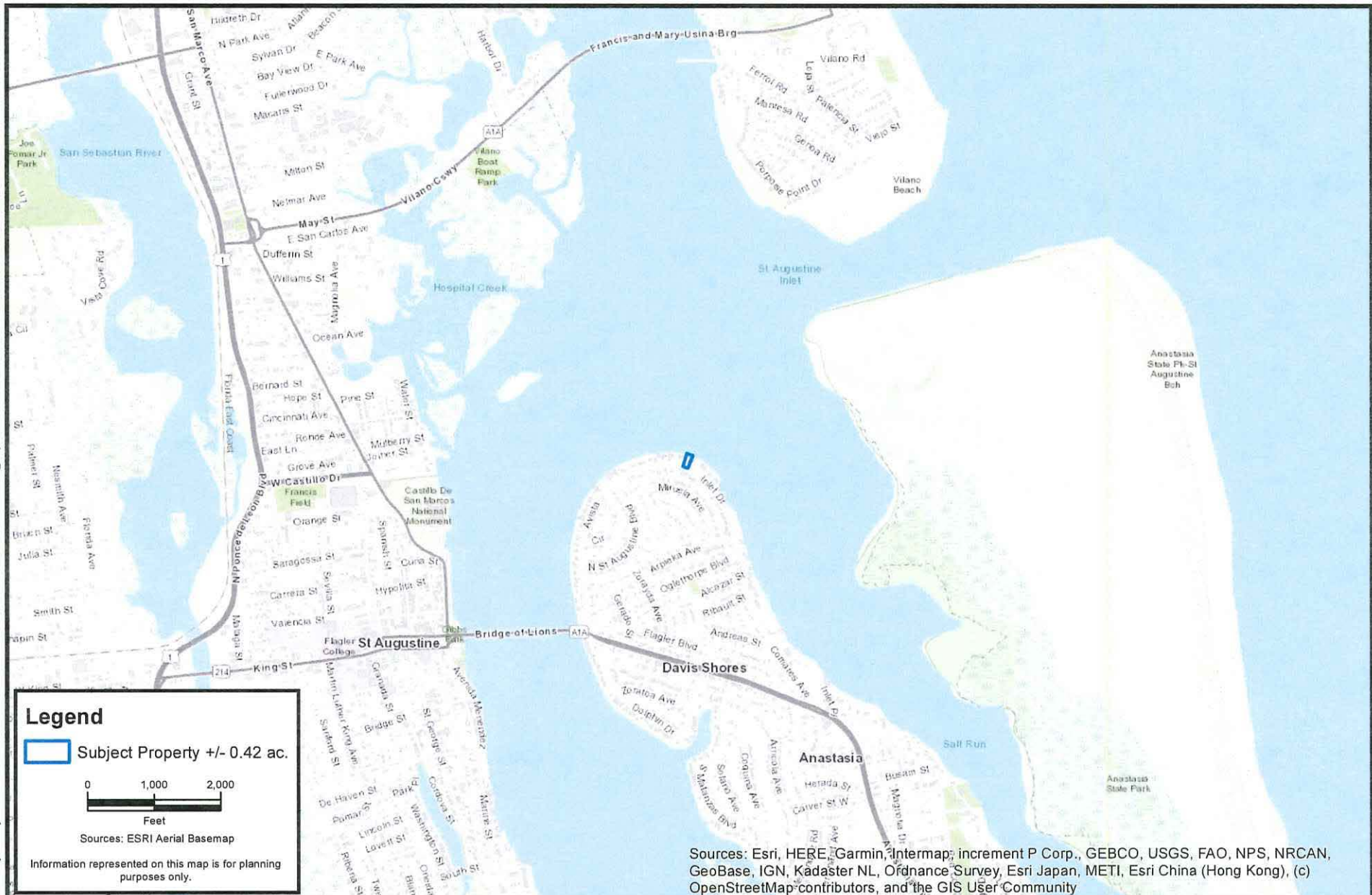
Not applicable.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

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

Lot A - Prameshuber 171 Inlet

Project: 5.21548

St. Augustine, FL

Date: Jul 03 2022

Figure:

1



F:\CES Projects\Project Files\Active\Project Files\2021\5.21548 Antioles 171 Inlet\GIS\MXD\02.Lot A - Prameshuber 171 Inlet_Proposed Dock Aerial.mxd



Legend

 Subject Property +/- 0.42 ac.

0 100 200
Feet

Sources: ESRI Aerial Basemap

Information represented on this map is for planning purposes only.

Source: Esri, Maxar, 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		Current Aerial Lot A - Prameshuber 171 Inlet			
Project:	5.21548	St. Augustine, FL	Date: Jul 03 2022	Figure:	2

SITE PLAN

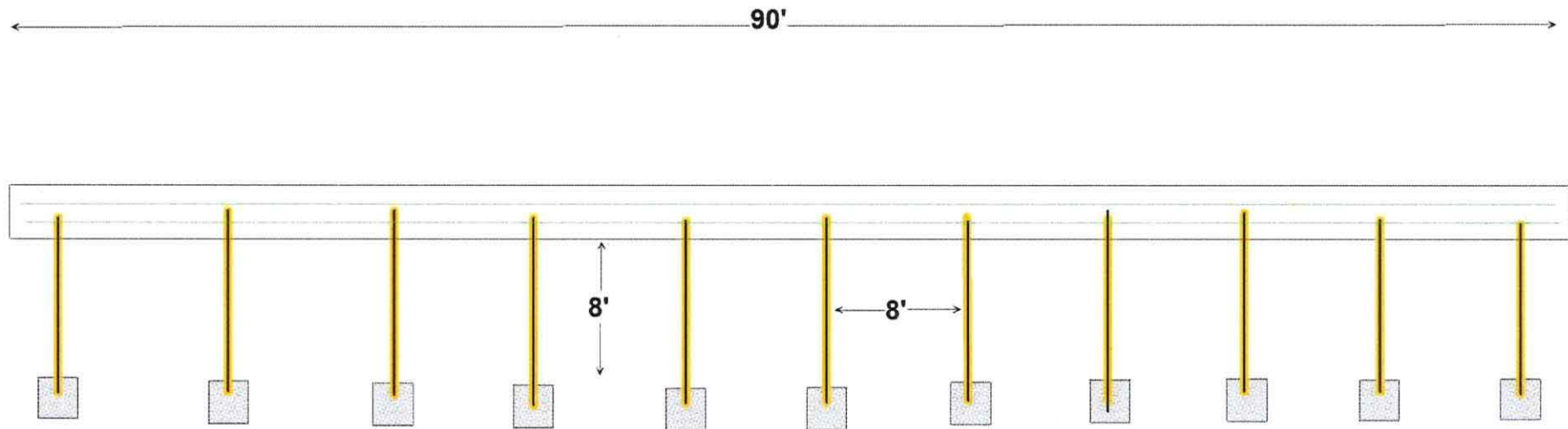


FL Certified Building Contractor #1254215

MARK MATRAZZO
171 INLET DR - LOT B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

REPLACEMENT CAP



KEY

-  #5 REBAR INSIDE CAP
-  #7 REBAR SLEEVED IN PVC
-  3' X 3' X 3' DEADMEN HOLE FILLED WITH CONCRETE

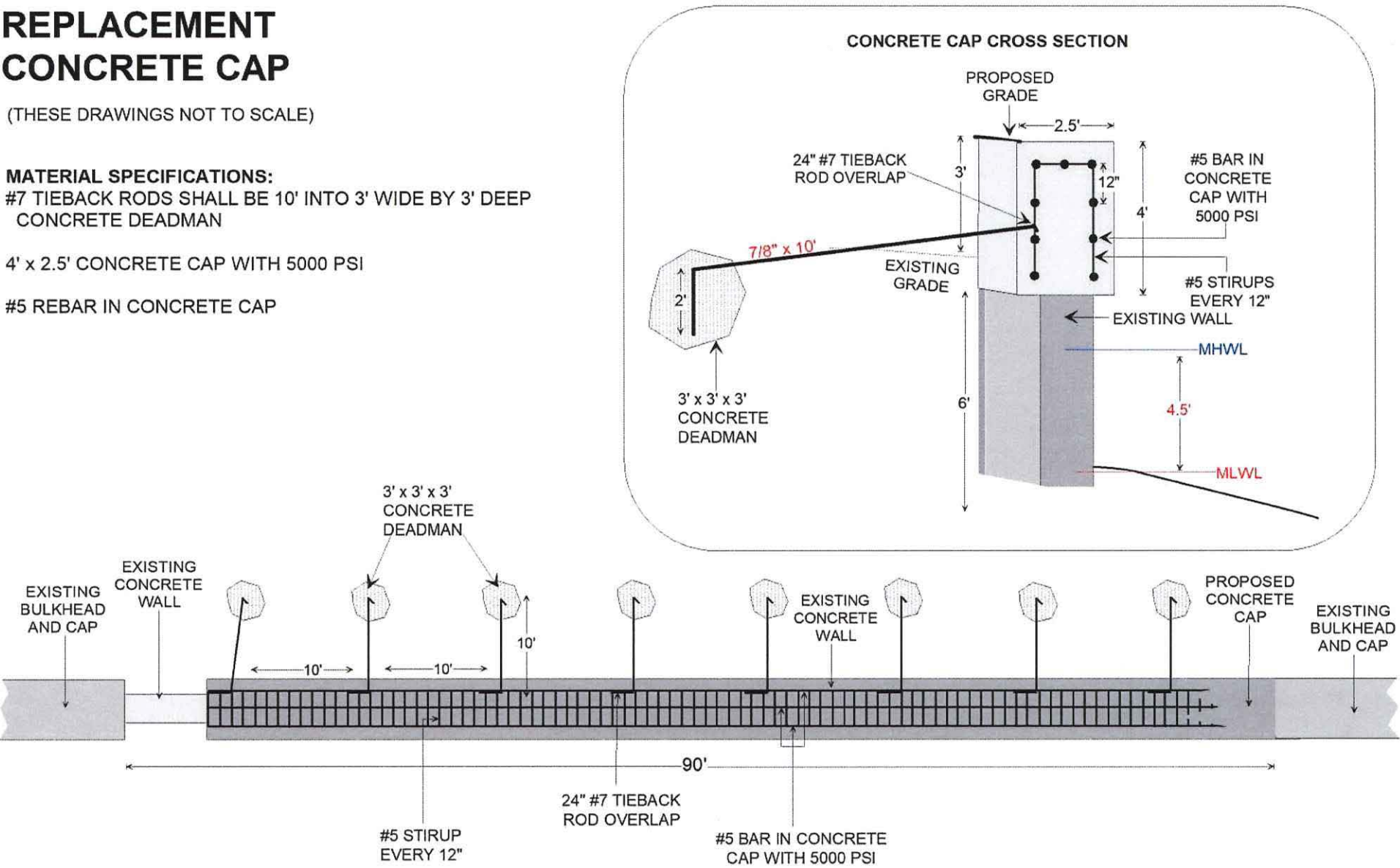
REPLACEMENT CONCRETE CAP

(THESE DRAWINGS NOT TO SCALE)

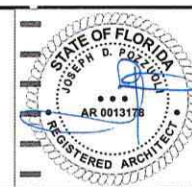
MATERIAL SPECIFICATIONS:
#7 TIEBACK RODS SHALL BE 10' INTO 3' WIDE BY 3' DEEP
CONCRETE DEADMAN

4' x 2.5' CONCRETE CAP WITH 5000 PSI

#5 REBAR IN CONCRETE CAP



AGAN PRAMESHUBER
171 INLET DR, LOT A
ST. AUGUSTINE, FL 32080



JOSEPH D. POLESKI
ARCHITECT
171 INLET DR, LOT A
ST. AUGUSTINE, FL 32080
TEL: 386-288-5656
FAX: 386-288-5657
COPYRIGHT © 2019

JPA





CURRENT CONDITION OF BULKHEAD CAP



 **MARITIME**
Construction Inc.
FL Certified Building Contractor #1254215

AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

FULL LOT PICTURE



FL Certified Building Contractor #1254215

AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

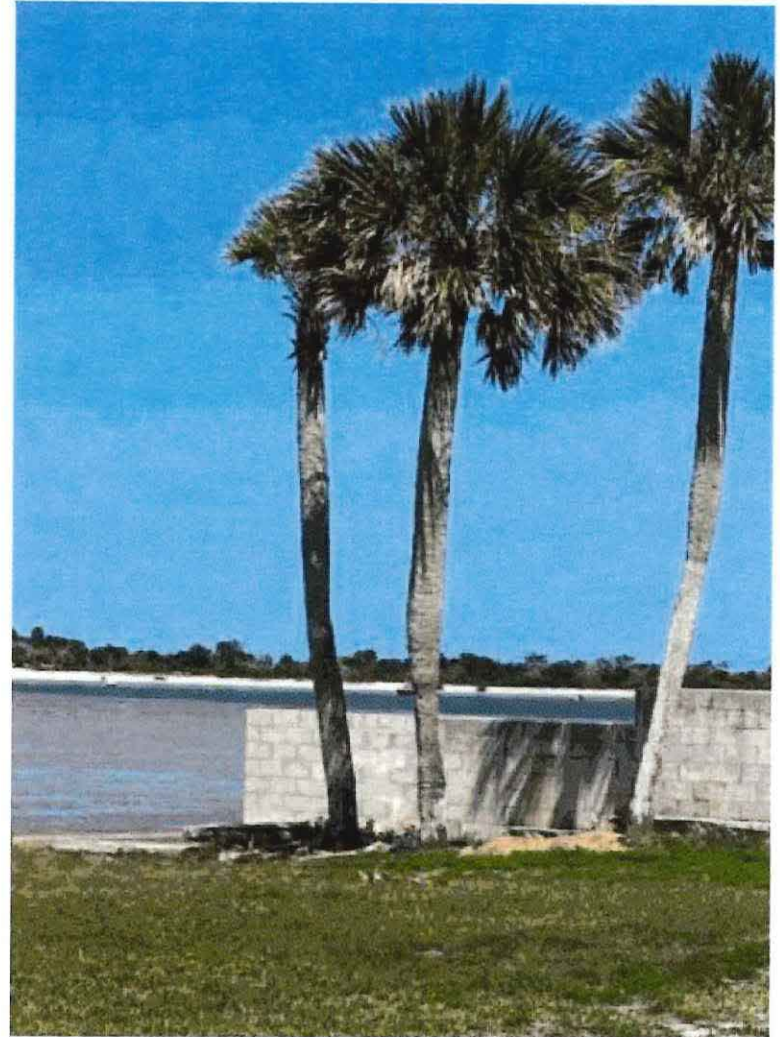
Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

NORTH & SOUTH BULKHEAD ENDS

**SOUTHERN END BULKHEAD
NEIGHBORING BULKHEAD APPROXIMATELY 2.5' ELEVATION**



**NORTHERN BULKHEAD
NEIGHBORING BULKHEAD APPROXIMATELY 3' ELEVATION
ON OTHER SIDE OF RETENTION WALL**



 **MARITIME
Construction Inc.**
FL Certified Building Contractor #1254215

AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0037**

AGENDA ITEM 6(f)

APPLICANT Michael Carpenter
c/o Carter Environmental Services Inc.

OWNER Mark Matrazzo

LOCATION 171 Inlet Drive Lot B / PID 213831-0020

REQUEST To approve the modification of an existing
bulkhead within Conservation Overlay Zones 1 and
2.

LAND USE Residential Low Density

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

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 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.

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 modify an existing bulkhead to include the addition of three (3) feet of grade elevation within Conservation Overlay Zone 2.

A cross-section view submitted by the applicant shows the proposed height of the new bulkhead as well as details regarding fill.

This property is adjacent to other single-family homes along Inlet Drive and sits on the intersection of the Matanzas River and Salt Run.

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 90 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls/riprap and are elevated from the coastline.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *The property sits on the Salt Run and is adjacent to another single-family home to the south and to a currently vacant single-family lot to the north.*

(3) Natural and proposed drainage patterns.

- *Drainage will not be altered by the proposed works.*

(4) Effect of point and nonpoint discharge in the marine environment.

- *Point and nonpoint 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, mangroves, and sea grass are not present.*
- *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 open water.*
- *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.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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 percentage of site.
▪ The proposed development will take place along the entire length of the site that is adjacent to the water.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percentage 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 percentage 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>N/A</i>	<i>N/A</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>N/A – The proposed works are above MHWL</i>	<i>N/A</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The additional area could be used as a resting place or perch for many water fowl.</i>	<i>Extremely small loss of foraging habitat.</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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 modification of an existing bulkhead within Conservation Overlay Zones 1 and 2 at 171 Inlet Drive Lot B / PID 213831-0020.



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: 2023-0037
Receipt Number: 2625110 Meeting Date: 6/6/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Michael Carpenter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Dr. City: St. Augustine State: FL Zip: 32084
E-Mail Address: mcarpenter@carterenv.com

2. NAME OF PROPERTY OWNER: Mark Matrazzo Contact Number: 904-466-0798
Business (if applicable): _____
Address: 5330 Pelican Way City: St. Augustine State: FL Zip: 32080
E-Mail Address: markmatrazzo@thehomemag.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: B Block: 1
Subdivision: Davis Shores Ocean View Parcel Number: 2138310020

4. PROJECT STREET ADDRESS: 171 Inlet Dr. - Lot B

5. SPECIFIC PROPOSED USE: Proposed Bulkhead Modification

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 bulkhead modification

8. JUSTIFICATION FOR ACTION REQUESTED: Please see Overlay Zone Development Supplement



Owner's Authorization For Agent

MARITIME CONSTRUCTION is/are hereby authorized TO ACT ON BEHALF
OF Mark & Janice Matrazzo, 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: Mark Matrazzo
Signature of Owner
Mark Matrazzo

Print Name of Owner
904-466-0799

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 8th day of May, 2023

By Mark Matrazzo

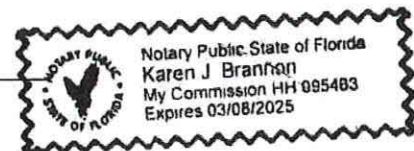
Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

Karen J. Brannon

My Commission expires: _____



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: NO
- (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.

Marl Mar / MARITIME COMSE. 5/16/23

Signature of Applicant

Date

Marl Mar

5/16/23

Signature of Property Owner

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.

171 Inlet Dr, Lot B, St. Augustine, FL 32080

Project Address: _____

Applicant's Name: Mark Matrazzo

Applicant's Signature: Mark Matrazzo

Mark Matrazzo

Owner's Name: _____

Owner's Signature: Mark Matrazzo



**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 MATRAZZO

Print name of applicant

Mark Matrazzo

Signature of applicant

5/6/23

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	2138310020
Location Address	INLET DR Saint Augustine 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	107/16-17 INLET VIEW LOT B OR 5409/1235 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	INLET VIEW
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.380
Homestead	N

Owner Information

Owner Name	Matrazzo Mark, Janice 100% Matrazzo Janice 100%
Mailing Address	244 HEMLOCK PT SAINT AUGUSTINE, FL 32086-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$4,435
Total Land Value	\$1,104,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,108,435
Total Deferred	\$289,826
Assessed Value	\$818,609
Total Exemptions	\$0
Taxable Value	\$818,609

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	\$13,054	\$731,136	\$0	\$0	\$744,190	\$744,190	\$0	\$744,190
2021	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0

Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		4435

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	80	200	80	FF	\$1,104,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/2/2021	10/29/2021	\$1,150,000.00	WARRANTY DEED	5409	1235	Q	V	ANTONATOS ANN CAROLYN REVOCABLE TRUST D:09/23/15	MATRAZZO MARK, JANICE

No data available for the following modules: 2021 TRIM Notice, Exemption Information, Building Information, Sketch Information.

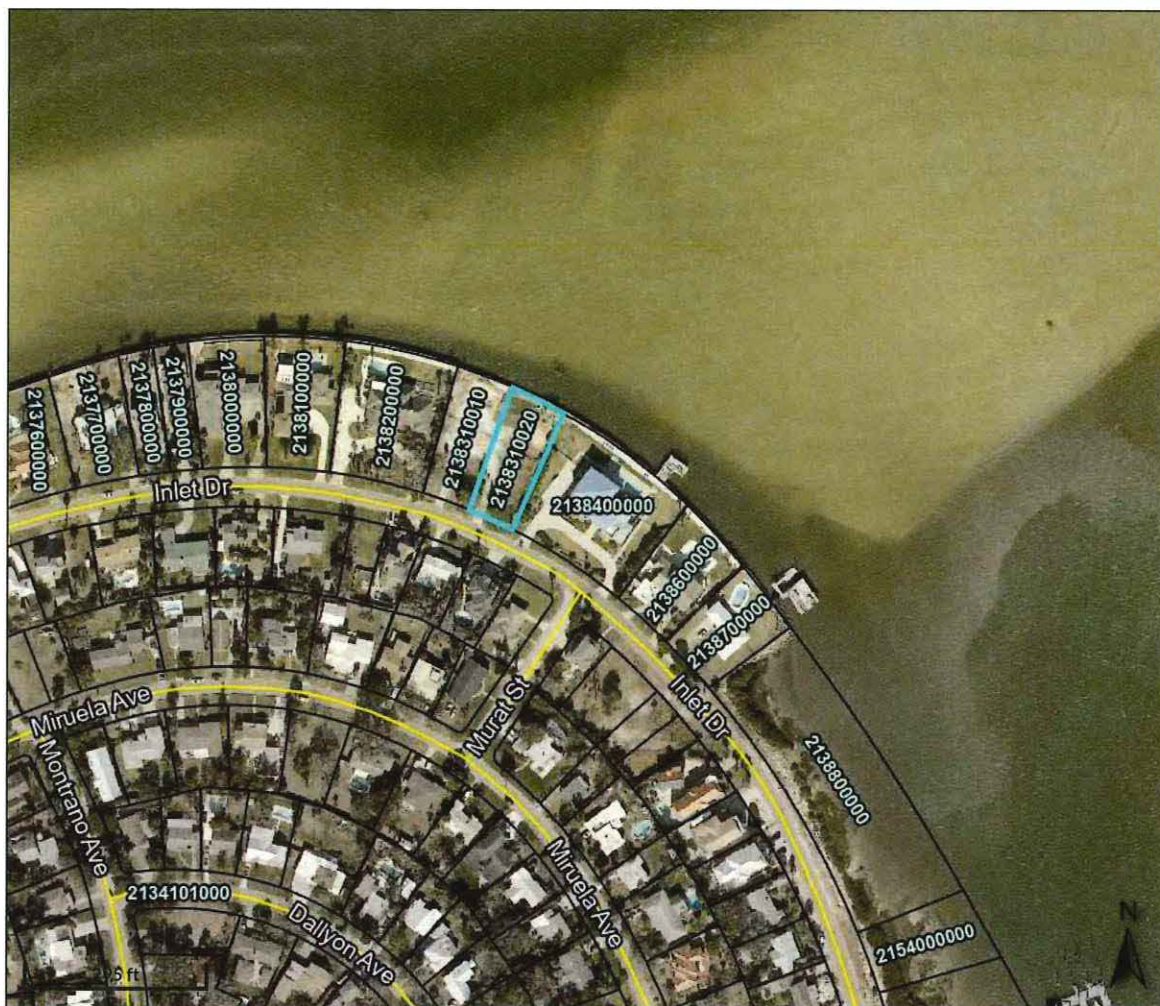
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 5/30/2023, 11:53:18 PM

Developed by
 Schneider
 GEOSPATIAL

Version 3.1.11



Overview



Legend



Parcel ID	2138310020	Physical	INLET DR	Building Value	N/A	Last 2 Sales			
Property Class	0000 - Vacant	Address	Saint Augustine	Extra Feature Value	\$4,435	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	MATRAZZO	Total Land Value	\$1,104,000	10/29/2021	\$1150000	01	Q
Acres	0.38	Address	MARK, JANICE	Just Value	\$1,108,435	n/a	0	n/a	n/a
			244 HEMLOCK PT	Total Deferred	\$289,826				
			SAINT AUGUSTINE FL	Assessed Value	\$818,609				
			32086-0000	Total	N/A				
				Exemptions					
				Taxable Value	\$818,609				

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: 5/31/2023

Last Data Uploaded: 5/30/2023 11:53:18 PM

Developed by  Schneider
GEOSPATIAL

LEGEND

- SB = SITE BENCHMARK
- SW = SANITARY SEWER MANHOLE
- WB = WATER BIB
- FD = FIRE HYDRANT
- CU = CABLE/INTERNET UTILITIES BOX
- PO = POWER POLE, SERVICE POLE, LIGHT POLE
- EW = EXISTING WATER METER
- PM = PROPOSED WATER METER
- WE = WELL
- XC = UNNUMBERED X-CUT IN CONCRETE FOUND
- FN = FOUND NAIL/DISC
- AN = SET NAIL AND DISC LB#8139
- FC = FOUND CONCRETE MONUMENT
- PR = PRM/BLOCK CORNER FOUND
- SI = SET 1/2" IRON ROD LB#8139
- FO = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION
- GE = EXISTING GROUND ELEVATIONS
- ET = EXISTING TREE
- MF = 4" METAL FENCE
- WF = WOOD FENCE

- A/C = AIR CONDITIONER ON PAD
- BOC = BACK OF CURB
- BRL = BUILDING RESTRICTION LINE (SETBACK) LINE
- CODOM = CODOMINATE TREE
- DB = DEED BOOK
- CP = COSE OF PAVEMENT
- RFE = FINISHED FLOOR ELEVATION
- GA = GUT ANCHOR
- LS = LICENSED SURVEY BUSINESS
- LB = LICENSED SURVEYOR
- OWH = OVERHEAD WIRE/LINE
- ORR = OFFICIAL RECORDS BOOK
- PC = POINT OF CURVATURE
- PI = PACE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PRM = PERMANENT REFERENCE MONUMENT
- PSM = PROFESSIONAL SURVEYOR AND MAPPER
- RUL = REFERENCE BEARING LINE
- R/W = RIGHT-OF-WAY LINE
- STY = STORY
- TR = TRANSFORMER
- TYP = TYPICAL
- (P) = PLAT CALL
- (M) = FIELD MEASURED VALUE
- (D) = DEED CALL
- (C) = CALCULATED VALUE, FROM FIELD MEASUREMENTS
- (R) = RECORD VALUE

SURVEYOR'S NOTES:

- Legal Description herein are furnished by client and/or his/her agents.
- No Title Opinion or Abstract of Motives Affecting the Title or Boundary of the Subject Property have been provided. It is possible that there could exist Deeds of Record, Unrecorded Deeds, Easements (especially any easements/documents recorded AFTER Plat Reversion) or other instruments that could affect this property.
- Measurements herein are in accordance with U.S. Standard Feet, data acquired with theodolite and steel tape, or with technologically superior equipment utilizing redundant techniques.
- Bearings herein are based on: RBL AS SHOWN OR STATED HEREON.
- Curvature has been taken in some blocks, units, phases, sections etc. unless noted.
- Type of Survey: BOUNDARY SURVEY SHOWING TOPOGRAPHY AND TREE
- Stated Legal Purpose of Survey: Acquisition, Sale, Mortgage, Permit, Planning.
- No Flood Zone Determination has been made or requested for this property during the course of this Survey.
- This Survey is not intended to locate any subsurface/underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.
- This Survey Does NOT Reflect or Determine Ownership of land or fences.
- This Survey is NOT insured for Multiple uses, Fluctuating and all other obligations are limited to Certificates listed herein utilizing Survey for purposes listed in Item 7 Above. See Note Above Signature Block.
- Contract Improvements to Iron Markers as Described Only. Wooden Stakes/Wire Flags are NOT Property Corners.
- All Above-ground Evidence of Utilities lie Within their respective easements unless noted.
- Street (s) herein are centered in R/W unless noted.
- Building Dimensions and their ties to adjacent property or other lines are copied from provided plans.
- Elevations if shown are based on the North American Vertical Datum of 1988.
- Dimensions for the proposed residence shown herein are from the provided foundation plan.
- See house plans for additional details.
- Current FEMA FIRM Maps show property in FLOOD ZONE "AE (EL. 8)", according to flood insurance rate map panel: 4210800318L Effective On: 12/07/2018

MEASURED BEARINGS HEREON ARE BASED ON A FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK "BART" AND "PEAK", WHICH WERE DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS) REAL-TIME KINEMATIC (RTK) SURVEY. A SOKKIA GSK3 GPS RECEIVER WAS USED AS A ROVER. RTK CORRECTIONS WERE OBTAINED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN). COORDINATES OBTAINED FROM THE GPS SURVEY ARE REFERENCE TO NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000).

Special Note - Liability Notice

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN IN TITLE AND CERTIFICATION BLOCKS BELOW. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY IN ANY MANNER WHATSOEVER, WITHOUT THE WRITTEN CONSENT OF THE SIGNED SURVEYOR. SEE SURVEYOR'S NOTE #11 HEREON.

Surveyor's Certification

REPRODUCTIONS OF THIS SURVEY ARE NOT VALID UNLESS SEALED WITH THE OFFICIAL SEAL OF THE SIGNED SURVEYOR. THE SECTION OF SURVEY DEPICTED HEREON CONFORMS TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN ACCORDANCE WITH CHAPTER 46-17 (FORMERLY 46-10), PURSUANT TO CHAPTER 476.007 FLORIDA STATUTES, AND WAS DONE UNDER MY SUPERVISION.

Signature Date: Brandon D. Shugart, PSM #7009
surveying@imecivil.com

LEGAL DESCRIPTION

LOT B, INLET VIEW
PLAT BOOK 107, PAGE 16
PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

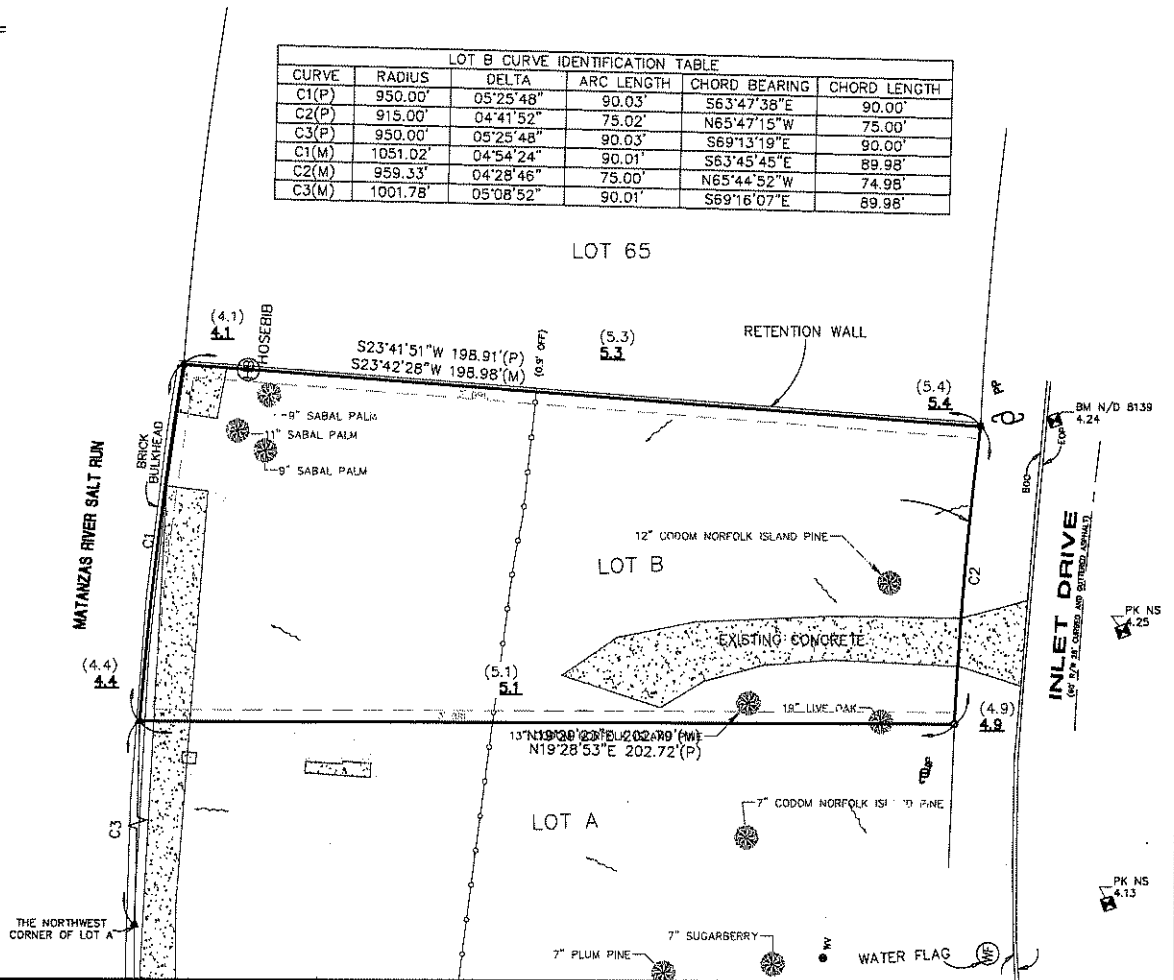
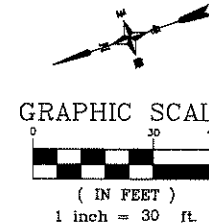
BOUNDARY SURVEY SHOWING
TOPOGRAPHY AND TREE

CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1(P)	950.00'	05°25'48"	90.03'	S63°47'38"E	90.00'
C2(P)	915.00'	04°41'52"	75.02'	N65°47'15"W	75.00'
C3(P)	950.00'	05°25'48"	90.03'	S69°13'19"E	90.00'
C1(M)	1051.02'	04°54'24"	90.01'	S63°45'45"E	89.98'
C2(M)	959.33'	04°28'46"	75.00'	N65°44'52"W	74.98'
C3(M)	1001.78'	05°08'52"	90.01'	S69°16'07"E	89.98'

- PROPOSED DRAINAGE FLOW
- EXISTING DRAINAGE FLOW
- (10.0) — EXISTING ELEVATION
- 10.0 — PROPOSED ELEVATION
- EXISTING CONCRETE

ZONING INFORMATION

- HP-1 FROM PROPERTY APPRAISER'S WEBSITE
- FRONT 0'
 - SIDE 3'
 - REAR 3'



IME CIVIL & SURVEYING, LLC

311 STATE ROAD 16
ST AUGUSTINE, FLORIDA 32084
WWW.IMECIVIL.COM
904-429-7764

Licensed Survey Business #8139
Certificate of Authorization #33025

Copyright
Do not copy or reproduce without permission.

ADDRESS OF PROPERTY SHOWN HEREON:

FOR: ALAIN JOHNSON
AT: 171 INLET DRIVE
ST AUGUSTINE, FL 32080

Drawn By: LR
Field Survey Date: 07/07/22
FB/PG: 101/11
Scale 1" = 30 Feet
Drawing/File #: 062922.4

Additional Information/Certifications:
XXXXX

Attachment 1
Overlay Zone Application Narrative

**171- Lot B Inlet Drive
Overlay Zone Development Application Supplement
May 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed bulkhead modification that includes the addition of 3' of grade elevation. Please see attached plans for detailed dimensions.

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 bulkhead. 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.*

There is no salt marsh vegetation between the uplands and open water on the site. The shoreline is sea-walled and armored with riprap and vegetation is not present.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

Not applicable

The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.

Not applicable

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 90 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls/riprap and are elevated from the coastline.

The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The property sits on the Salt Run and is adjacent to another single-family home to the south and to a currently vacant single-family lot to the north.

2. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

3. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

4. *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.

5. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

6. *Impact of development on vegetative and animal communities.*

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present.

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 open water.

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

7. *Effect of shade on vegetation and shellfish.*

Not applicable.

8. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

Not applicable

9. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

10. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

11. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

12. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

13. *Impact of development on water quality.*

Not applicable.

14. *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: N/A- The proposed works are above MHWL

Negative: Not applicable

The effects of the project on water fowl are as follows

Positive: The additional area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

15. 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.*

Not applicable.

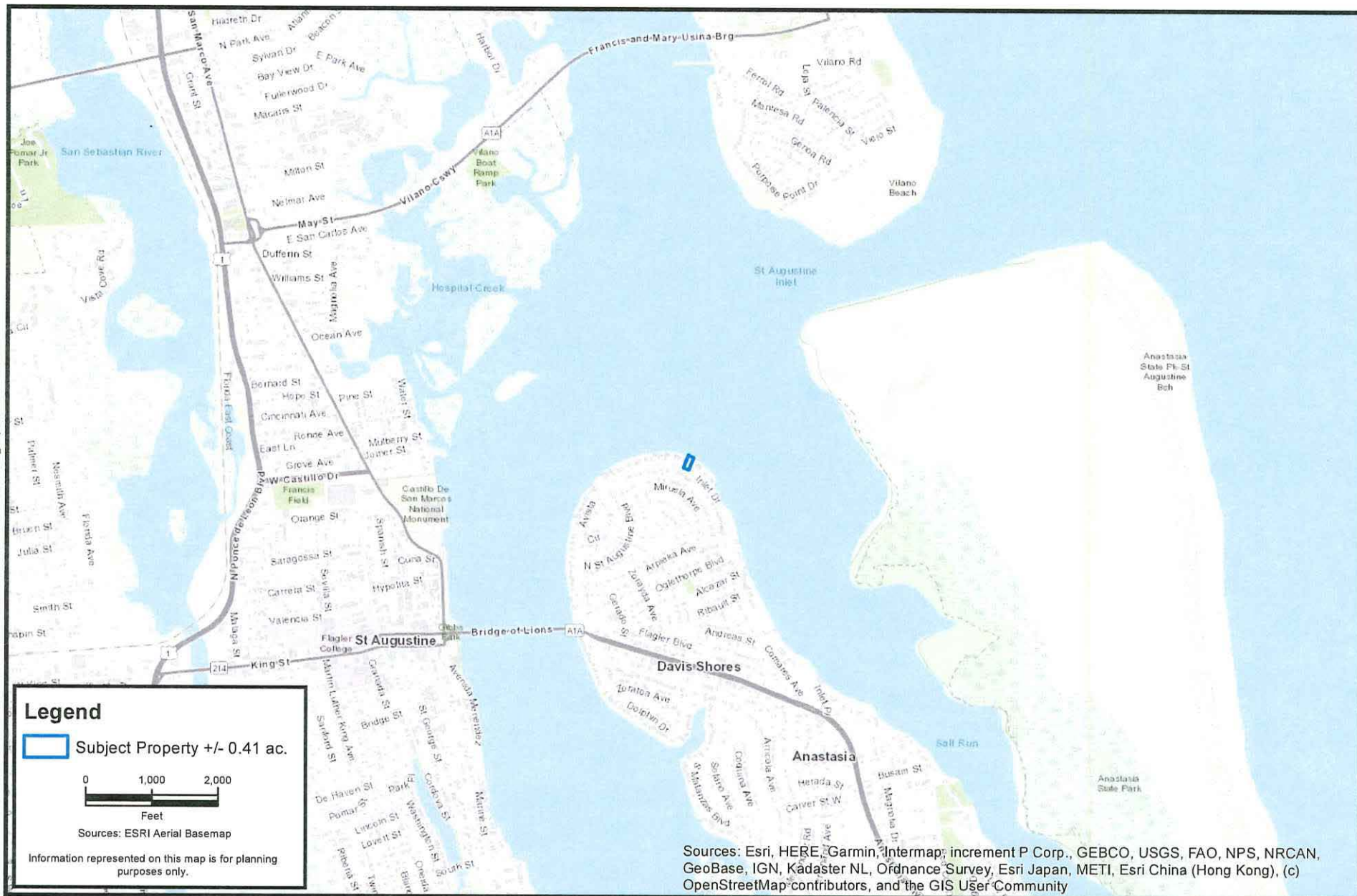
- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Not applicable.

Attachment 2

Overlay Zone Application Graphics

F:\CES Projects\Project Files\Active\Projects\Project Files\2021\15 21548 Anastasia 171 Inlet\GIS\MapX\DOT B\01-Lot B - Matrazzo 171 Inlet_Proposed Dock Location.mxd



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

Lot B - Matrazzo 171 Inlet

Project: 5.21548

St. Augustine, FL

Date: Jul 13 2022

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Current Aerial

Lot B - Matrazzo 171 Inlet

Project: 5.21548

St. Augustine, FL

Date: Jul 13 2022



Figure:

2

SITE PLAN



FL Certified Building Contractor #1254215

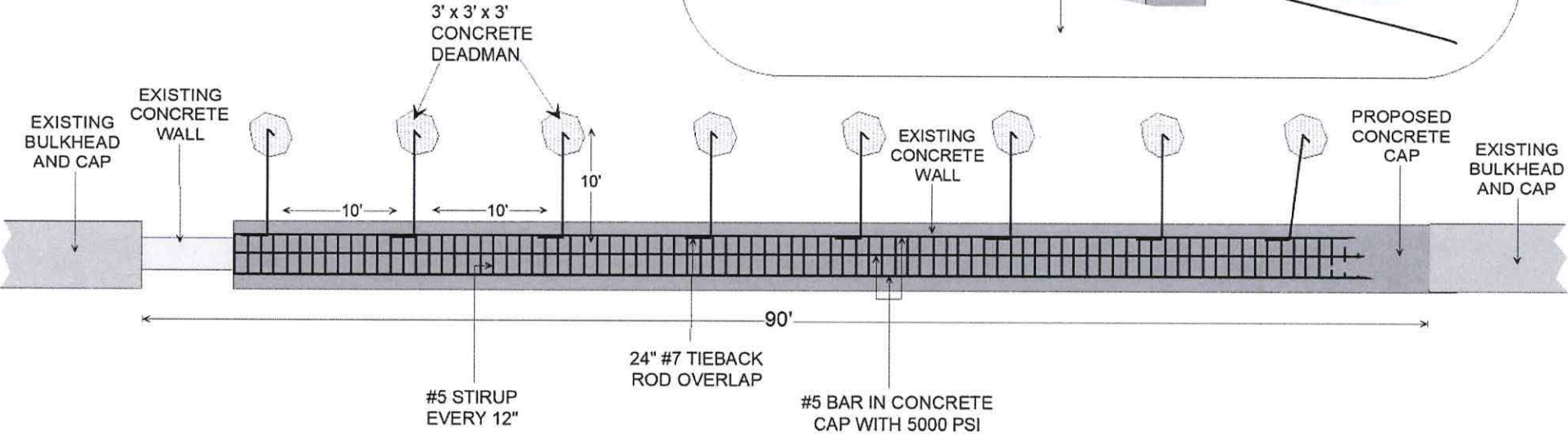
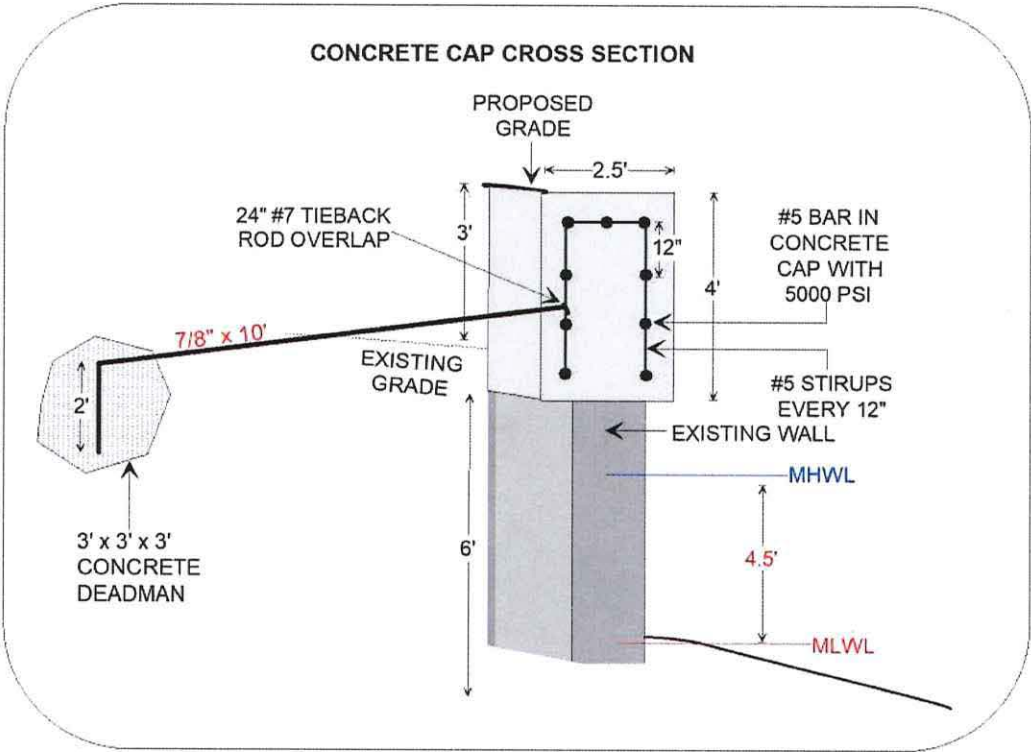
MARK MATRAZZO
171 INLET DR - LOT B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

REPLACEMENT CONCRETE CAP

(THESE DRAWINGS NOT TO SCALE)

- MATERIAL SPECIFICATIONS:**
- #7 TIEBACK RODS SHALL BE 10' INTO 3' WIDE BY 3' DEEP CONCRETE DEADMAN
 - 4' x 2.5' CONCRETE CAP WITH 5000 PSI
 - #5 REBAR IN CONCRETE CAP



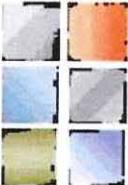
REV #	DATE	ISSUE	REV #	DATE	ISSUE

MARK MATRAZZO
171 INLET DR, LOT B
ST. AUGUSTINE, FL 32080



JOSEPH D. POZZI
171 INLET DR, LOT B
ST. AUGUSTINE, FL 32080
T 386-49-5661 F 386-49-5661
A 17000757 / A17175 / ID 1843
COPYRIGHT © 2019

JPA



**CURRENT
CONDITION
OF
BULKHEAD CAP**



FL Certified Building Contractor #1254215

AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

FULL LOT PICTURE



FL Certified Building Contractor #1254215

AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

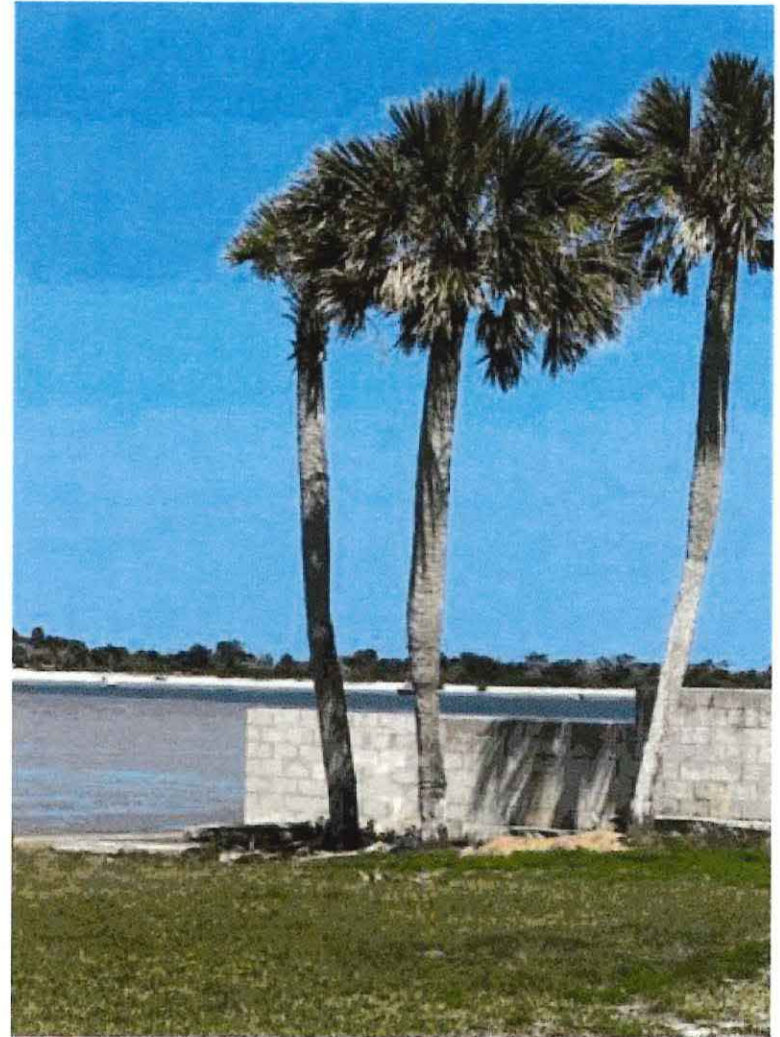
Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

NORTH & SOUTH BULKHEAD ENDS

**SOUTHERN END BULKHEAD
NEIGHBORING BULKHEAD APPROXIMATELY 2.5' ELEVATION**



**NORTHERN BULKHEAD
NEIGHBORING BULKHEAD APPROXIMATELY 3' ELEVATION
ON OTHER SIDE OF RETENTION WALL**



AGAN PRAMESHUBER /
MARK MATRAZZO
171 INLET DR - LOT A & B
ST. AUGUSTINE, FL 32080

Maritime Construction Inc.
P.O. Box 2014
Flagler Beach, FL 32136
(386) 693-4884 (904) 860-1185
maritimedocks@att.net

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **COMPREHENSIVE PLAN AMENDMENT AND REZONING 2023-0034**

AGENDA ITEM 7(a)

APPLICANT Brad Wester
c/o Driver McAfee Hawthorne & Diebenow, PLLC

OWNER BDEP Cat's Paw, LLC
c/o Cat's Paw Marina

LOCATION 200 Nix Boat Yard Road / PID 134832-0000
220 Nix Boat Yard Road / PID 134830-0000

REQUEST To amend the current land use of Mixed-Use District (County) to Marine Industrial (City), to rezone the approximately 0.9-acre property from a Residential, Manufactured/Mobile Home (RMH) (County) to Planned Unit Development (PUD) (City), and removal of significant trees within Conservation Overlay Zone 3 all subject to a Voluntary Petition for Annexation and Pre-annexation Agreement approved by the City Commission. To amend an existing PUD adopted on November 13, 2017 at 220 Nix Boat Yard Road.

CURRENT ZONING 200 Nix Boat Yard Road
- Residential, Manufactured/Mobile Home (RMH) (County)
220 Nix Boat Yard Road
- The Genovar Annexation PUD (City)

PROPOSED CITY OF ST. AUGUSTINE LAND USE 200 Nix Boat Yard Road
- Marine Industrial

PROPOSED CITY OF ST. AUGUSTINE ZONING 200 & 220 Nix Boat Yard Road
- Cat's Paw Marina 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 5.5.1

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 6.6.2

Marine Industrial

This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to

facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City.

Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

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 1.1.5

The City of St. Augustine shall require that industrial and commercial businesses in the City meet or exceed applicable federal and state air quality standards.

CCM Policy 1.5.2

The City shall require the use of silt curtains, grass swales and other techniques during construction to prevent soil erosion and sedimentation of area waterways.

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 1.7.5

The City shall monitor the following activities in areas identified as being environmentally sensitive and in areas containing endangered and/or threatened wildlife:

- The removal or excavation of soil, sand, gravel, minerals, organic matter or materials of any kind;
- The changing of existing drainage characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
- The disturbance of the environmentally sensitive area's water level or water table by drainage, impoundment or other means;
- The dumping or discharging of material, or the filling of an environmentally sensitive area with material;
- The placing of fill or the grading or removal of material that would alter topography;
- The destruction or removal of plant life that would alter the character of an environmentally sensitive area or wildlife habitat; and
- The undertaking of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of environmentally sensitive area water sources, or the introduction of pollutants.

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.

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>Magnolia grandiflora</i>	magnolia, southern	18
<i>Magnolia grandiflora</i> var	magnolia, southern v. "Little Gem"	10
<i>Magnolia virginiana</i>	magnolia, sweetbay	10
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Carya illinoensis</i>	pecan	18
<i>Juniperus virginiana</i>	red cedar, eastern	8
<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.

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.

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. 25-52. – 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.

Native vegetation means plant species native to north Florida which are capable of sustaining growth and reproducing under local climatic conditions, without supplemental watering, such as those species identified in the St. Johns River Management District Xeriscape Plant Guide.

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) inch
.....1 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)

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 further 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)

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. 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

The request for a rezoning from St. Johns County's Residential, Manufactured/Mobile Home (RMH) zoning district to a Planned Unit Development (PUD) is an effort to expand the existing marina located at 220 Nix Boat Yard Road, which will also be included in this new Cat's Paw Marina PUD. An additional request at 200 Nix Boat Yard Road is for a future land use designation of Marine Industrial to allow for the City's historic marina industry and collection of working waterfronts to continue.

A voluntary annexation and pre-annexation agreement for a parcel of land adjacent to the existing Cat's Paw Marina, 200 Nix Boat Yard Road, on Nix Boat Yard Road was heard at the March 27, 2023, City Commission meeting. During the meeting the City Commission expressed concerns related to traffic and tree mitigation.

The request being made is for a portion of 200 Nix Boat Yard Road, everything east of Boathouse Road (approximately 0.9 acres), to be annexed into the City of St. Augustine.

The existing marina and structures at 220 Nix Boat Yard Road, developed under the Genovar Annexation PUD, will be rezoned as well to incorporate the proposed annexed land and to change the use(s) of the property which are different than what was approved in 2017.

The proposed Cat's Paw Marina PUD will in sum be the zoning designation for the approximately nine and nine tenths (9.9) acres of property between 200 and 220 Nix Boat Yard Road. Incorporating all of the property and modifying the conditions of the 1,975 square foot waterfront marina office and retail store to now be a 2,700 square foot restaurant are the changes from the 2017 modification approval of the Genovar Annexation PUD.

Parcel ID Number	Proposed Land Use	Proposed Zoning
134832-0000 (Portion east of Boathouse Road at 200 Nix Boat Yard Road)	Marine Industrial	Cat's Paw Marina Planned Unit Development (PUD)
134830-0000 (220 Nix Boat Yard Road)	No changes proposed	Cat's Paw Marina Planned Unit Development (PUD) as amended

Additionally, the applicant has provided a tree survey and notes from Arborist Solutions at Almond Engineering performed by Gene Washington on June 30, 2022. The notes mention 12 trees on-site that are either "dead" or in "extreme decline" and consist of Camphor, Live Oak, Magnolia, and Hickory trees. Camphor trees are categorized by the city as an invasive species.

The applicant stated during the March 27th City Commission meeting for pre-annexation that "an aggressive tree replanting" will be part of development. Landscaping plans illustrate the applicant meeting the City's required landscaping code as well as holding over 100 credits in tree mitigation.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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>
	27" Live Oak	2		19" Live Oak	3
	18" Pecan	1.5		26" Live Oak	4
	10" Cedar	1		28" Magnolia	4
	26" Pecan	2		15" Oak	3
	30" Magnolia	2		10" Oak	2
	26" Live Oak	2		10" Oak	2
	18" Magnolia	1.5		15" Oak	3
	35" Magnolia	2		13" Oak	3
	22" Magnolia	2		12" Oak	3
	27" Live Oak	2		30" Cedar	4
	24" Live Oak	2		12" Oak	3
	28" Live Oak	2		8" Oak	2
	63" Live Oak	2		10" Oak	2
	12" Palm	1.5		15" Cedar	3
	15" Pecan	1.5		18" Sabal Palm	3
				8" Fan Palm	2
				8" Cedar	2
				17" Live Oak	3
				10" Live Oak	2
				12" Cedar	3
				15" Cedar	3
				10" Live Oak	2
				5" Live Oak	1
				11" Live Oak	2
				5" Live Oak	1
				14" Hackberry	3
				7" Live Oak	2
				14" Cedar	3
				6" Live Oak	1
				26" Live Oak	4
				12" Live Oak	3
				15" Cedar	3
				20" Oak	4
				36" Oak	4
				36" Oak	4
				15" Cedar	3

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

			48" Oak	4
			12" Crape Myrtle	3
			12" Palm	3
	1 Southern Red Cedar additional deficit	1	8 Southern Red Cedars over 1 inch in trunk diameter additional credit	8
	1 Cabbage Palm over 12 feet in height additional deficit	1	38 native vegetation trees additional credit	38
Total	29 debits		155 credits	

This proposed tree removal plan does save numerous significant trees and holds over one hundred (100) credits in tree mitigation.

In addition to a proposed second dry boat storage building at 200 Nix Boat Yard Road, an additional proposal is for a restaurant and deck included in the master development plan. The PUD documents include an outline for Conservation Overlay Zone development on pages 5 through 9 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 may be found in the PUD language. Staff comments are in bold.

(1) Site specific conditions.

- *As indicated, this is the redevelopment of a former mobile home park on the "annex" Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking, and associated infrastructure. The site development standards will be updated in accordance with current stormwater management standards, providing for treatment and storage of stormwater in accordance with current permitting regulations. The site and building elevations will be in conformance with current FEMA flood zone standards.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass, and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones.*

(3) Natural and proposed drainage patterns.

- *Specific details of the drainage and storm water management system to be utilized will be provided within the engineering and construction plan documents required for local and State permitting.*

- (4) Effect of point and nonpoint discharge in the marine environment.
 - *Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide for protection of the marine environment.*
- (5) Proposed soil stabilization and erosion control methods.
 - *Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.*
- (6) Impact on floodplain.
 - *Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.*
- (7) Impact of development on vegetative and animal communities.
 - *The site has been previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *The current development standards to be followed, as well as the parking will reduce the potential for contaminated drainage associated with automobile parking lots. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.*
- (9) Effect of shade on vegetation and shellfish.
 - *No construction is planned which would cause shading.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - *The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.*
- (11) Impact of development on shoreline by linear feet and percent of site.
 - *As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable in the area.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - *Same as response for number 11 above.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - *As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- *All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*
- (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.)
- *The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that would offer or impact habitat for nesting waterfowl.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *Same as response for number 15 above.*
- (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

Staff do 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 may from time to time be adopted by the city commission.
- (3) Consistency with the Comprehensive Plan.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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 PZB will need to make a motion to recommend the Comprehensive Plan Land Use Plan amendment to change the land use on the proposed annexed portion of the property (approximately 0.9 acres) from the St. Johns County designation of Mixed-Use District to City Marine Industrial; and

The PZB will need to decide whether to waive the second PZB public hearing for the proposed rezoning and amend and reconstitute the existing Cat's Paw Marina PUD.

If the PZB determines that a second public hearing is warranted this item will be advertised and placed on a future Agenda.

If the PZB determines that a second public hearing is not warranted. The PZB will need to make a recommendation to rezone the proposed annexed portion of the property (approximately 0.9 acres) from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City PUD including recommending the amended PUD incorporating the annexed portion, changing the new waterfront building use to a restaurant use from the 2017 marina office and retail use and including the Conservation Overlay Zone 3 development for the tree removal.



Jacob Fredriksson
Senior Planner
Planning and Building Department



City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Planning/Building

October 3, 2017

Cat's Paw Marina, LLC
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Planned Unit Development Modification/Amendment –
220 Nix Boat Yard Road – 2017-0110

To Whom It May Concern:

On Tuesday, October 3, 2017, the Planning and Zoning Board (PZB) met and discussed your application to amend the existing Planned Unit Development (PUD) known as The Genovar Annexation PUD to allow the construction of an office including decking in Conservation Overlay Zone for property located at 220 Nix Boat Yard Road.

Specifically, the PZB recommended **approval** of the Planned Unit Development Modification to the City Commission as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

David Birchim, AICP
Director, Planning & Building

DB:sp
Attachment

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BDAC File

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action MEETS / DOES NOT MEET the requirements of Section 28-30, City of St. Augustine Code, and APPROVES / DENIES / CONTINUES the Applicant's request to amend the existing Planned Unit Development (PUD) known as The Genovar Annexation PUD to allow the construction of an office including decking in a Conservation Overlay Zone.

Subject to the following conditions:

- RECOMMEND APPROVAL FOR PUD AMENDMENT
- CONSTRUCT ONE STORY, ± 1900 sq BUILDING WITH ± 2500 sq
- DECKING
- USES FOR NEW BUILDING LIMITED TO OFFICE, RESTROOMS
- AND SALE OF INCIDENTALS ASSOCIATED WITH THE
- MARINA AND NOT USED AS A RESTAURANT OR BAR

DONE AND ORDERED, at a public hearing on the 3 day of OCTOBER, A.D., 2017, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2017-0110

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

MATTHEW SKAFFER

Print Name

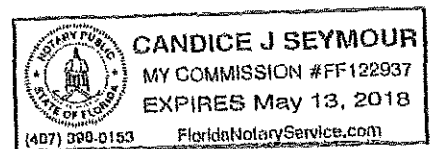
PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Matthew Skaffer who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 3rd day of October, A.D., 2017.

Candice J Seymour
Notary Public, State of Florida





CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2023-0034
Receipt Number: 262329 Meeting Date: 6/6/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Brad Wester Contact Number: 904-294-3768
Business (if applicable): Driver McAfee Hawthorne & Diebenow, PLLC
Address: 1 Independent Drive, Suite 1200 City: Jacksonville State: FL Zip: 32202
E-Mail Address: 904-294-3768

2. NAME OF PROPERTY OWNER: BDEP CAT'S PAW, LLC Contact Number: N/A
Business (if applicable): Cat's Paw Marina
Address: 4230 Ortega Boulevard City: Jacksonville State: FL Zip: 32210
E-Mail Address: gayle@bdep.us

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

4. PROJECT STREET ADDRESS: 220 Nix Boat Yard Road, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: New enclosed boat storage building & related infrastructure

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 development and comprehensive plan amendment to change the land use designation to Marine Industrial on the annex property and rezoning to modify the Cat's Paw PUD on the annex property and the existing Cat's Paw property in the City of St. Augustine as a condition of the annexation approved on March 27, 2023.

8. JUSTIFICATION FOR ACTION REQUESTED: Condition of the annexation.

04/18/2019

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

4/10/23
Date


Signature of Property Owner

4/11/23
Date

04/18/2019



Owner's Authorization For Agent

Brad Wester & Staci Rewis of
Driver McAfee Hawthorne & Diebenow, PLLC is/are hereby authorized TO ACT ON BEHALF
OF BDEP CAT'S PAW, LLC, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Annexation, Comprehensive Plan Amendment
Application number: & Rezoning _____, 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:
75 King Street, St. Augustine, FL 32085

BY:

Gayle Bulls Dixon, Manager
Signature of Owner

Gayle Bulls Dixon
Print Name of Owner

415-407-3453
Telephone Number

State of Florida

County of Duval

Signed and sworn before me on this 30th day of January, 2023

By Gayle Bulls Dixon

Identification verified:

Oath sworn: X Yes _____ No

Notary Signature:

Carrie Anne Kissinger

My Commission expires:

August 28, 2026



**Cat's Paw
Comprehensive Plan Amendment**

EXHIBIT A
Comprehensive Plan Amendment
Cat's Paw Annex Parcel

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61° 15'29" EAST, A DISTANCE OF 185.81 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND INGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST, ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO, THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.



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	1348300000
Location Address	220 A NIX BOAT YARD RD UNIT A 220 B NIX BOAT YARD RD UNIT B SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	(1-1) PERPALL GRANT SUB PT OF LOTS 1 2 5 & 11 OF SEC 41 & PT SEC30 LYING E OF NIX BOAT YARD RD TO MARSH LANDS OF CITY - ANNEXATION PARCEL OR5144/250 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Transit Terminals (2000)
Subdivision	N/A
Sec/Twp/Rng	41-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	8.390
Homestead	N

Owner Information

Owner Name	Bdep Cat's Paw LLC 100%
Mailing Address	4446-1A HENDRICKS AVE STE 120 JACKSONVILLE, FL 32207-0000

Map



Valuation Information

	2023
Building Value	\$2,310,290
Extra Features Value	\$396,383
Total Land Value	\$2,647,712
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$5,354,385
Total Deferred	\$924,575
Assessed Value	\$4,429,810
Total Exemptions	\$0
Taxable Value	\$4,429,810

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	\$1,997,488	\$274,574	\$2,650,750	\$0	\$0	\$4,922,812	\$4,027,100	\$895,712	\$4,027,100
2021	\$1,453,298	\$224,724	\$617,516	\$0	\$0	\$3,661,000	\$3,661,000	\$0	\$3,661,000
2020	\$1,322,347	\$201,626	\$260,814	\$0	\$0	\$1,784,787	\$1,625,379	\$159,408	\$1,625,379
2019	\$1,166,491	\$190,477	\$260,814	\$0	\$0	\$1,617,782	\$1,477,617	\$140,165	\$1,477,617
2018	\$1,181,220	\$190,477	\$260,814	\$0	\$0	\$1,632,511	\$1,343,288	\$289,223	\$1,343,288
2017	\$742,981	\$166,419	\$311,771	\$0	\$0	\$1,221,171	\$1,221,171	\$0	\$1,221,171
2016	\$743,208	\$165,355	\$311,771	\$0	\$0	\$1,220,334	\$1,220,334	\$0	\$1,220,334
2015	\$751,308	\$165,355	\$311,771	\$0	\$0	\$1,228,434	\$1,228,434	\$0	\$1,228,434
2014	\$714,739	\$149,643	\$311,771	\$0	\$0	\$1,176,153	\$1,176,153	\$0	\$1,176,153
2013	\$722,364	\$152,651	\$311,771	\$0	\$0	\$1,186,786	\$1,186,786	\$0	\$1,186,786
2012	\$724,554	\$165,481	\$306,219	\$0	\$0	\$1,196,254	\$1,196,254	\$0	\$1,196,254
2011	\$732,178	\$174,540	\$332,065	\$0	\$0	\$1,238,783	\$1,238,783	\$0	\$1,238,783
2010	\$779,461	\$183,055	\$381,373	\$0	\$0	\$1,343,889	\$1,343,889	\$0	\$1,343,889

Building Information

Building	1
Year Built	2007
Actual Area	35060
Conditioned Area	0
Use	Exceptional Storage
Style	06
Class	N
Exterior Wall	Aluminum Vinyl

Roof Cover	Modular Metal
Roof Structure	Steel Frame
Interior Flooring	Concrete 6-8"
Interior Wall	N/A
Heating Type	None
Air Conditioning	N/A
Bedrooms	
Baths	

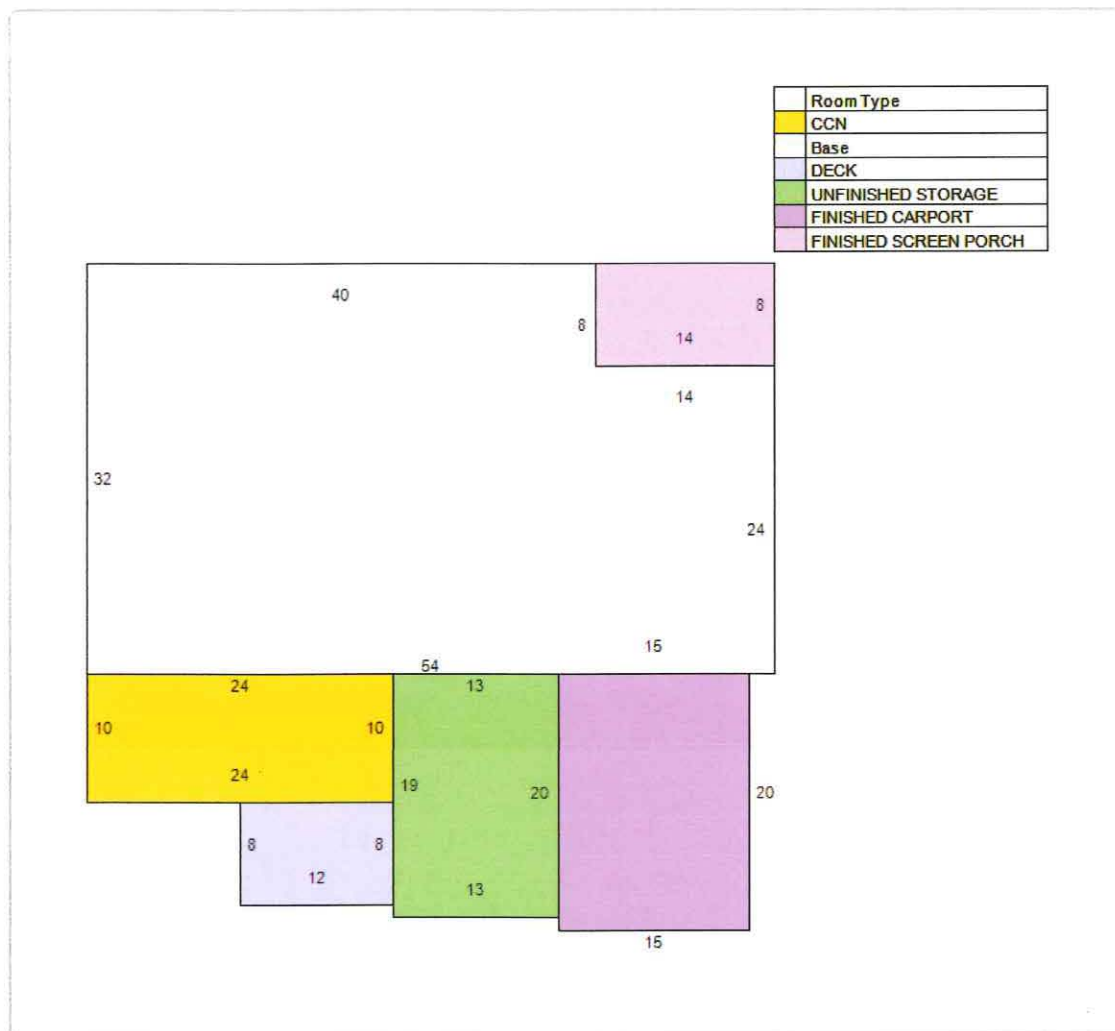
Description	Square Footage
WAREHOUSE	34860
FINISHED STORAGE/UTILITY	200
Total SqFt	35060

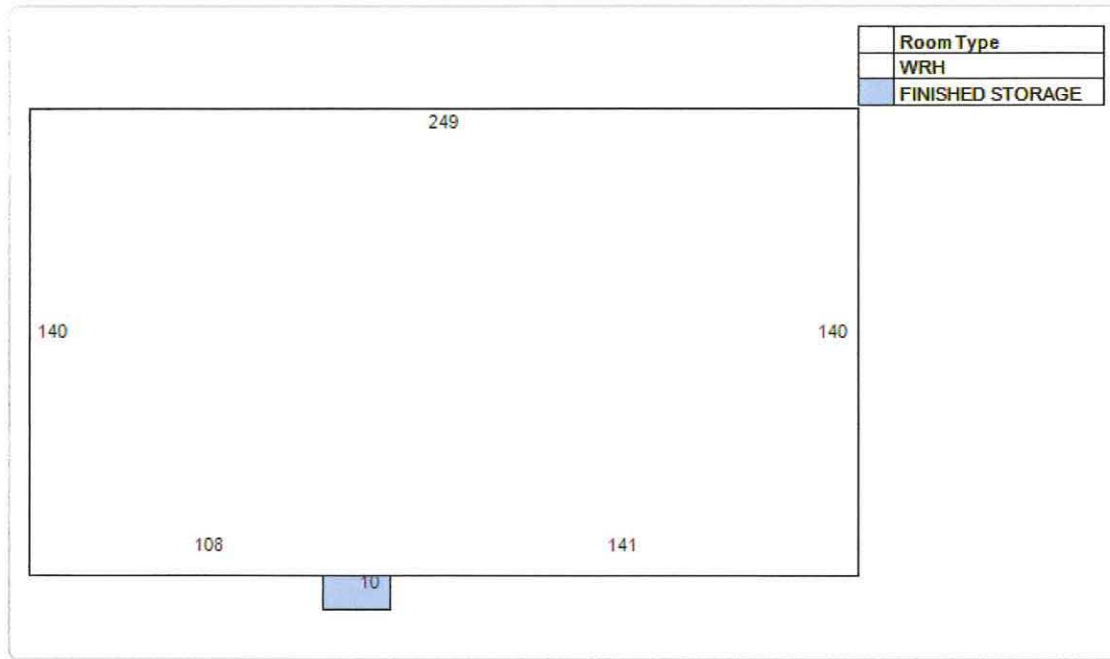
Building 2
 Year Built 1950
 Actual Area 2611
 Conditioned Area 1616
 Use Office Class C
 Style 04
 Class N
 Exterior Wall Aluminum Vinyl

Roof Cover Metal
 Roof Structure Wood Truss
 Interior Flooring Carpet, Wood Laminate
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description	Square Footage
FINISHED SCREEN PORCH	112
FINISHED CARPORT	300
UNFINISHED STORAGE/UTILITY	247
FINISHED DECK	96
BASE AREA	1616
FINISHED CANOPY	240
Total SqFt	2611

Sketch Information





Extra Feature Information

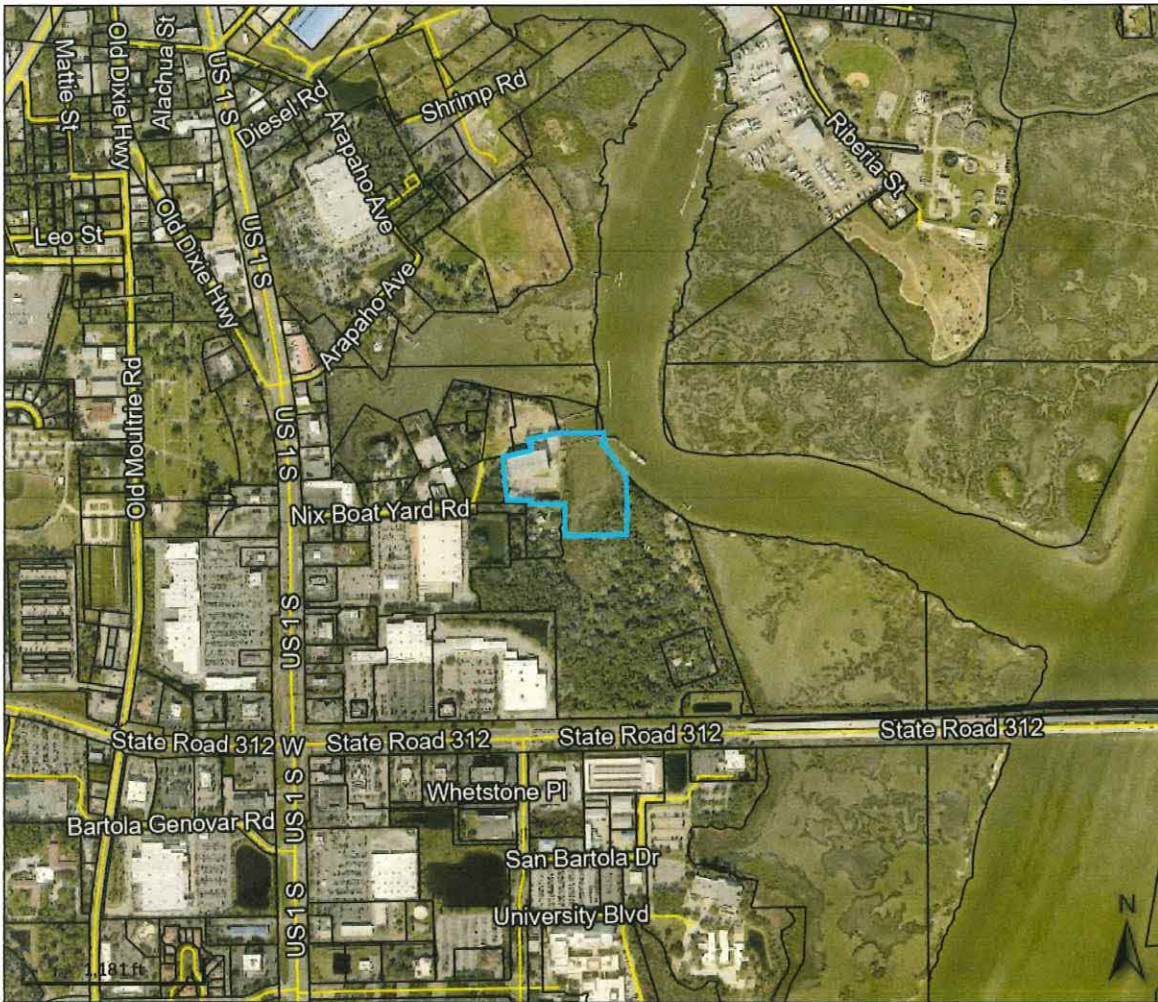
Code Description	Status	Value
Bulkhead - Excellent (Mix)		28560
Metal Fence - 6' (COM)		6194
Metal Fence - 4' (COM)		2430
Concrete Paving - Under 8" (COM)		112465
Asphalt Paving (COM)		45155
Curb (COM)		7034
Handicap Ramp (COM)		2132
Garage - Average (Mix)		30240
Sprinkler Wet (COM)		62225
Hanger Door (COM)		3294
Hanger Door (COM)		6588
Boat Dock - Average (Mix)		90066

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	189050	SF	\$2,646,700
Marshes & Tidal Lands	0	0	4.05	AC	\$1,012

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/6/2021	12/30/2020	\$6,000,000.00	WARRANTY DEED	5144	250	U	I	CAT'S PAW MARINA LLC	BDEP CAT'S PAW LLC
	12/19/2005	\$100.00	WARRANTY DEED	2611	1138	U	I	GENOVAR PHILIP B & JENSEN SONYA G	CAT'S PAW MARINA LLC
	3/14/2005	\$295,000.00	WARRANTY DEED	2394	1862	U	I	PELLICER JONATHAN M	JENSEN SONYA G & GENOVAR PHILIP B
	2/14/2005	\$100.00	ANNEXATION	2376	914	U	I	PELLICER JONATHAN M	CITY ANNEXATION ORD 2004-12
	2/17/2000	\$100.00	QUIT CLAIM DEED	1475	44	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/17/2000	\$375,000.00	WARRANTY DEED	1475	40	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/2/2000	\$100.00	QUIT CLAIM DEED	1475	35	U	I	PELLICER FAMILY IRREVOCABLE TRUST	GRADY MINA M & MELANCON PHILIP J,IRENE C
	4/1/1988	\$0.00		786	619	U	I		GENOVAR PHILIP B
	3/1/1988	\$0.00		777	938	U	I		GRADY MINA M
	1/1/1980	\$0.00		464	645	U	I		



Overview



Legend

Parcels

Parcel ID	1348300000	Physical Address	220 B NIX BOAT YARD RD	Building Value	\$2,310,290	Last 2 Sales			
Property Class	2000 - Transit Terminals		UNIT B	Extra Feature Value	\$396,383	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	SAINT AUGUSTINE	Total Land Value	\$2,647,712	12/30/2020	\$6000000	35	U
Acres	8.39		BDEP CAT'S PAW LLC	Just Value	\$5,354,385	3/14/2005	\$295000	11	U
			4446-1A HENDRICKS AVE	Total Deferred Assessed Value	\$924,575				
			STE 120	Total	\$4,429,810				
			JACKSONVILLE FL 32207-0000	Exemptions	N/A				
				Taxable Value	\$4,429,810				

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: 5/5/2023

Last Data Uploaded: 5/4/2023 11:44:53 PM

Developed by  Schneider
GEOSPATIAL

PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION
NARRATIVE PUD TEXT

May 22, 2023

Cat's Paw Marina
220 Nix Boat Yard Road
St. Augustine, Florida 32084
Parcel ID: 1348320000 & 1348300000



Submitted on behalf of:
BEDP Cat's Paw, LLC.

Authorized Agent:
Driver McAfee Hawthorne & Diebenow, PLLC.

SECTION 1
INTRODUCTION AND APPLICATION

This narrative Planned Unit Development (“PUD”) text is a modification to the original PUD (Ordinance 2005-02) and successive PUD modification (Ordinance 2017-34), described as approximately 9.9 acres in “Exhibit A” Legal Description (“Property”) for the annex parcel and original PUD parcel. The Property is owned by BDEP Cat’s Paw, LLC, as shown by the Proof of Ownership attached hereto as Exhibit "B".

The Property is located on Nix Boat Yard Road and part of it was formerly operated as a mobile home park within unincorporated St. Johns County and zoned RMH. This PUD modification is companion to a Comprehensive Plan Amendment on the annex parcel that requests a change from the St. Johns County land use designation of Mixed-Use (MU) to the City of St. Augustine land use designation of Marine Industrial (MI).

The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PUD Ordinance as adopted by the City Commission of the City of St. Augustine. The Applicant also agrees to comply with all conditions and safeguards established by the City Commission regarding said PUD.

Except to the extent that they conflict with this narrative PUD text and site plan approved pursuant to this PUD request on the Property, all building codes, zoning ordinances and other land use and development regulations of the City, including, without limitation, the Sign Ordinance and Building Code, as may be amended from time to time, shall be applicable to this development. The provisions of this narrative PUD text and site plan shall take precedence over any contrary provision of the land use codes, zoning codes, and development regulations.

SECTION 2

PHYSICAL SITE CHARACTERISTICS

The annex portion of the Property currently is operating as an unimproved gravel parking lot with railroad ties and a walkway for existing marina operations since the removal of the dilapidated and abandoned mobile homes. The survey is included as Exhibit "C" to this narrative PUD text.

In accordance with the City of St. Augustine Comprehensive Plan Soils Map, and supported by the Soil Survey of St. Johns County, Florida prepared by the United States Department of Agriculture Soil Conservation Service, the site has three (3) soil types, 57 Adamsville fine sand, 13 St. Johns fine sand and 24 Pellicer silty clay.

The Property has been developed for some time, as further described with improvements and inventoried on the tree survey included as Exhibit "D".

No historical or archeological resources are anticipated on the Property because of its condition being developed for many decades. The owner will follow all required local and State procedures regarding future redevelopment of the Property.

SECTION 3

INTENDED PLAN OF DEVELOPMENT

Cat's Paw business activities and improvements include water dependent and water related type marina-based uses associated with the Marine Industrial and Open Land land use, including, but not limited to sales, rentals and service of marine vessels, motors, parts and equipment; marine dockage and mooring operations; fueling; enclosed storage and outdoor storage of marine vessels and trailers; a waterfront restaurant with indoor and outdoor seating and on-premise consumption of beer, wine and liquor; a marine related retail store for supplies and provisions; restroom and shower facilities;

administrative offices, clubhouse and accessory structures/uses related to marine operations.

Currently, approximately 43,238 square feet is approved for the existing improvements such as the enclosed boat storage building, utility building, retail/office building, accessory storage buildings, and restaurant/decking structures. The proposed addition of approximately 30,062 square feet of buildings is proposed as part of the annexation parcel and overall Property and is planned to include a new enclosed boat storage building, increased space in the restaurant building to accommodate new bathroom facilities for patrons of the restaurant and marina including decking and walkways for waterway observation and seating; increased square footage to accommodate future needs for the utility and service building and accessory storage buildings for a combined total of existing and proposed improvements up to 73,300 square feet as further described and depicted on the PUD site plan. Additionally, new vehicle parking and access, drainage and utility infrastructure, sidewalks, and landscaping will complement the Cat's Paw Marina facilities.

SECTION 4

RESTRICTIONS AND GUIDELINES

The development will be constructed in an orderly manner and allowable uses will include Marine Industrial water related/water dependent and ancillary uses and amenities. This PUD shall not release the applicant, its successors and assigns, of their obligation to comply with all Federal, State and local applicable laws and does not otherwise limit nor expand the authority of the City of St. Augustine to Enforce such laws nor limit nor expand defenses available to the property owner.

The following standards must be indicated on the site development plan as part of this PUD and approved by the City Commission:

1. Minimum Lot Area: No minimum lot area or lot width is applicable.
2. Maximum lot coverage: Fifty percent (50%).

3. Minimum yard requirements: No minimum yard requirements are applicable.
4. Maximum building height: Fifty feet (50').
5. Setbacks: Provided as described and depicted on the PUD site plan.
6. Vehicle Parking: 90 spaces, including 3 ADA spaces.
7. Signage: Per Code.
8. Potable Water: Provided by the City of St. Augustine via existing connections.
9. Fire Protection: Provided by City of St. Augustine via existing hydrant connections.
10. Sanitary Sewer: Provided by City of St. Augustine via existing connections.

SECTION 5

CONSERVATION OVERLAY ZONE

The Property is in Conservation Overlay Zone 1 and Conservation Overlay Zone 2 as identified within the City of St. Augustine Code. Redevelopment of the site will conform to all applicable regulations for development within these zones, including obtaining all relevant permits.

Pursuant to the requirements of Conservation Overlay Zone 2, improvements to the portion of the PUD known as the annex Property will include redevelopment of the former mobile home park and current gravel parking lot area.

In accordance with the St. Augustine Code, these site improvements will have "no significant negative impact on adjacent natural systems by either individual or cumulative effect," will conform to the permitting requirements regarding water quality treatment provisions for the marshes and the vegetative communities contained therein, as well as eliminating harm to any animal, fish or shellfish life contained therein. No improvements within Conservation Overlay Zone 2

will significantly change or block the Conservation Overlay Zone 1 vistas and scenic opportunities and placement of the buildings in the same general location as the previous building will protect the scenic attributes of Conservation Overlay Zone 2.

The PUD will comply with the criteria established for development in the Conservation Overlay Zones according to the following criteria:

1. Site Specific Conditions: As indicated, this is the redevelopment of a former mobile home park on the annex Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking and associated infrastructure. The site development standards will be updated in accordance with current stormwater management standards, providing for treatment and storage of stormwater in accordance with current permitting regulations. The site and building elevations will be in conformance with current FEMA flood zone standards.

2. The Site's Relationship to Adjacent Properties, Bodies of Water and Surrounding Conservation Overlay Zones: As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones.

3. Natural and Proposed Drainage Patterns: Specific details of the drainage and storm water management system to be utilized will be provided within the engineering and construction plan documents required for local and State permitting.

4. Effect of Point and Non-point Discharge in the Marine Environment: Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide

for protection of the marine environment.

5. Proposed Soil Stabilization and Erosion Control Measures: Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.

6. Impact on Floodplain: Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.

7. Impact of Development on Vegetative and Animal Communities: The site has been previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

8. Potential for Contamination Drainage, Storage of Pollutants and the Use of Poisonous Chemicals and Materials: The current development standards to be followed, as well as the parking will reduce the potential for contaminated drainage associated with automobile parking lots. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.

9. Effect of Shade on Vegetation and Shellfish: No construction is planned which would cause shading.

10. Effect of Boat Wake and Boat Traffic on Manatees, Vegetation, Shellfish and

Wildlife, as well as Shoreline Erosion: The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.

11. Impact of Development on Vistas and Scenic Opportunities by Linear Feet, Height, Mass and Percent of Site: As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable in the area.

12. Existing Amounts of Native Plants and Proposed Retention and Use of Native Plants for Landscape and Open Space Purposes: As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.

13. Impact of Development on Plant and Animal Habitat and Potential Loss in Acres and Percent of Site: All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

14. Impact of Development on Water Quality: Specifics of the stormwater management system will be provided within the engineering and construction Plans with an analysis of any potential for impacts to water quality within the adjacent waterways. No impacts are anticipated. Impact of Development on Shellfish and On Commercial Sport Fish and Waterfowl: The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the

Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that would offer or impact habitat for nesting waterfowl.

15. Pursuit of no net loss of wetlands by both amount and type of community: The proposed redevelopment area does not contain any wetlands therefore there is no net loss.

16. Wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and protecting native vegetative communities from destruction by development activities: As previously stated, all existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

SECTION 6

SCHEDULE OF DEVELOPMENT

The Development of the project will proceed in a single phase and will not require the dedication of land for public use. The anticipated date for substantial completion of the project for all improvements is 2026.

SECTION 7

OWNERSHIP AND MAINTENANCE

BDEP Cat's Paw, LLC and its successors and assigns will retain sole fee simple ownership of the lands in the PUD, thus eliminating concerns over the maintenance and ownership of common facilities.

SECTION 8

SUMMARY AND CONCLUSION

BDEP Cat's Paw, LLC applied for annexation of the annex portion of the Property into the City and requested a Future Land Use Map designation of Marine Industrial, as well as a PUD, which modifies the existing PUD. The proposed use and development plan is consistent with character and in harmony with customary use and history of the working waterfront and marina development in the area, as well as adjacent commercial/industrial uses and improvements. The annex Property and site plan represents an extension of an existing use but creates a more desirable environment by dramatically upgrading the Property as an economically productive and appropriate use with benefits to the City of St. Augustine and its residents.

This PUD request meets all the above listed City requirements and is consistent with the Comprehensive Plan as further described below.

Future Land Use

Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.

FLUE Goal 1 Natural Resources: Preserve and protect the City's natural resources by establishing a pattern of development that is harmonious with the City's natural environment.

FLUE Objective 1.1: The City shall coordinate future land uses with the appropriate topography and soil conditions to conserve, appropriately use and protect the land and

resources.

FLUE Policy 1.1.1: The City shall use the latest version of the Flood Insurance Rate Maps (FIRM) promulgated by the Federal Emergency Management Agency (FEMA) to determine the location of the 1% or 100-year floodplain and flood prone areas in the City. The City shall provide specifications for regulating development and land use activities within these areas within the Land Development Code (LDC). These specifications will include: • Development within the FEMA 1% or 100-year flood hazard zone is to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation as established by the FEMA Flood Insurance Rate Maps; • Any development within a flood prone area should strive to maintain the natural topography and hydrology of the development site.

FLUE Policy 1.1.2: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 1% or 100-year flood plain and soils for the areas to be amended should be considered as part of the plan amendment process.

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 1.1.7: The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

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 1.1.9: All development shall provide for safe, convenient, and appropriately designed traffic circulation on the site, including provisions for needed parking.

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 Objective 1.2: The City of St. Augustine shall ensure the protection of natural

resources through implementing the following policies, and the protection program outlined in the Conservation and Coastal Management Element.

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 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 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 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 Objective 3.2: The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.

FLUE Policy 3.2.3: The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.

FLUE Goal 5 Urban Sprawl: Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing

energy efficient land use patterns.

FLUE Policy 5.1.2: The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

FLUE Objective 6.6: Industrial Categories: The industrial category is established to provide sufficient land for existing and anticipated future industrial needs, including working waterfronts and requisite support services.

FLUE Policy 6.6.2 Marine Industrial: This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City. Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

FLUE Goal 9: Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Policy 9.1.2: The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area. • This includes encouraging a

mix of uses in the city to promote accessibility to a variety of uses. • This includes strengthening and diversifying the local economy. • This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine. • This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Conservation and Coastal Management

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 allows 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 allows for all 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 restricts uses and other development and performance standard requirements within this zone including tree canopy and tree removal governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Policy 2.1.2: The City shall continue to implement the adopted Comprehensive Plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Permits for structures and uses located within Conservation Overlay Zone 1 shall 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. 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 use 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. Development in Conservation Overlay Zone 3 must retain either: (1) at least twenty-five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

CCM Policy 2.1.3: Development in Conservation Overlay Zones shall conform to all requirements of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation plus any defined freeboard established prior to a Certificate of Occupancy being issued for the structure, the City shall continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or

above the established base flood elevation plus any defined freeboard. The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation Overlay Zone 2 for the protection of natural habitat one hundred feet (100') landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred feet (100') landward of the most restrictive jurisdictional line. Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria: (1) Site specific conditions. (2) The relationship of the site 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. (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. (17) The City shall pursue no net loss in wetlands by both amount and type of community. (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and

protecting native vegetative communities from destruction by development activities.

CCM Objective 2.7: Permitted uses for shoreline and waterfront property will continue to give priority to water dependent uses and increase safe public access to Salt Run, the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The City Code will continue to allow water-dependent uses as permitted uses in all the zoning districts associated with land adjacent to the riverine environments.

CCM Policy 2.7.1: New marinas must meet all applicable requirements of state and federal permitting agencies, including the manatee protection guidelines established by the Department of Environmental Protection. In addition: 1. marinas should be located within one statute mile of passes or inlets; 2. marinas must be located in areas designated for such use by the Future Land Use Plan; 3. all marina basins shall be designated idle speed zones; 4. marinas must be constructed in naturally deep water to minimize dredging, and basins should be of sufficient depth to prevent stirring up of bottom sediments by boat propellers; 5. marinas should be constructed adjacent to upland high bluffs or in areas where the salt marsh has been subject to extensive past disturbance; 6. marina entrances should be located such that maximum tidal flushing and circulation occurs; 7. marina construction should include linear development, and docking space should be designed to minimize or avoid impacts on salt marsh or other native vegetation; and marinas should be served by municipal waste water systems and should have adequate solid waste collection facilities with frequent collection.

CCM Policy 2.7.2: The following performance standards shall apply to development of water dependent and water related uses: (1) compliance with all of the conditions of any

regulatory agency permits required for the development; (2) compliance with any conditions established by the Planning and Zoning Board for development in a Conservation Overlay Zone discussed in this element; and (3) compliance with the Future Land Use Plan and all of the implementing development regulations contained in the City Code. Priorities for shoreline land uses and siting for water dependent and water-related uses are as established by the Future Land Use Plan and implemented by the City Code. Water-dependent and water-related uses shall continue to be permitted uses or permissible uses by exception in all of the zoning districts in the city.

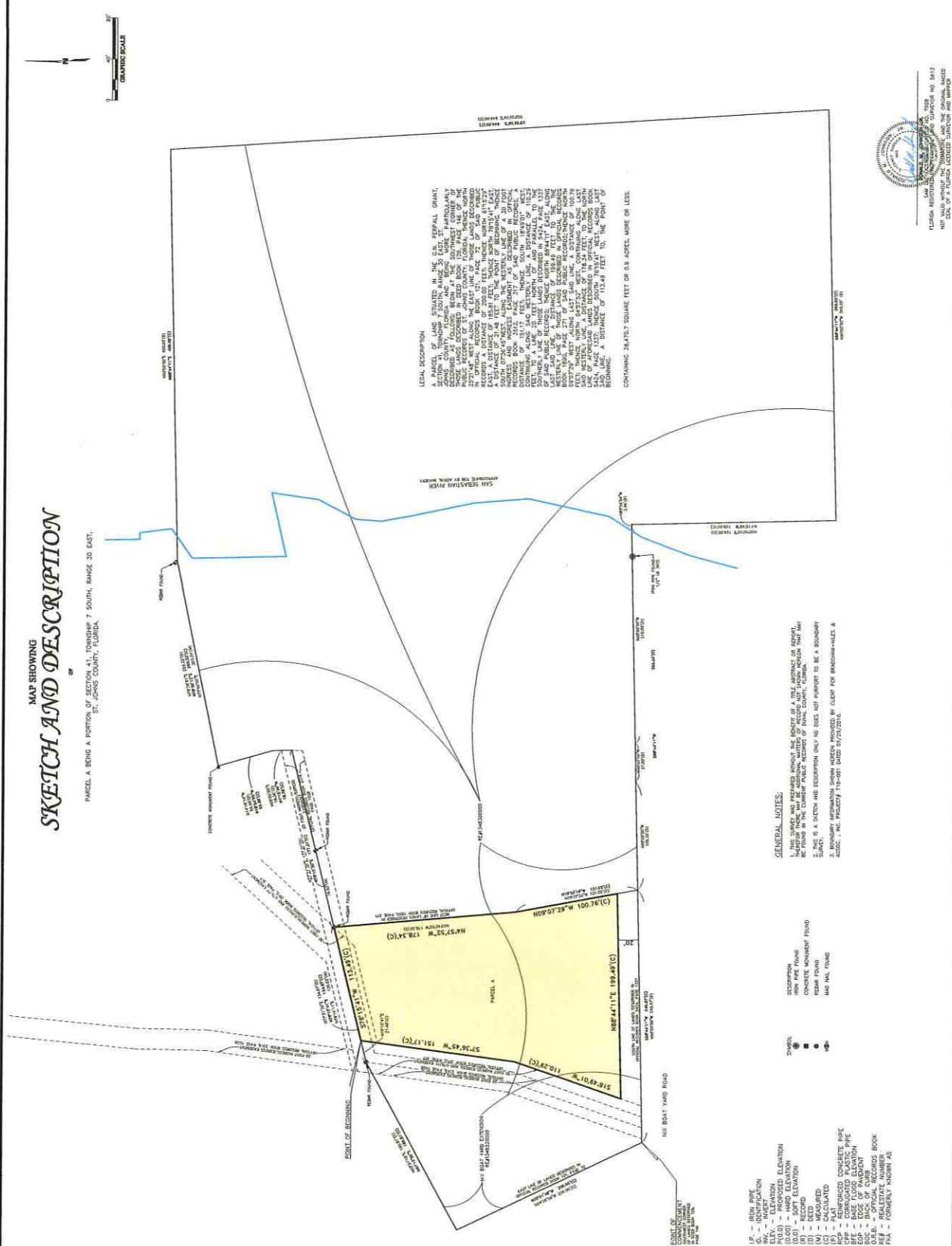
CCM Policy 2.15.2: Development and redevelopment in the City will be consistent with or more stringent than the flood-resistant constructions in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R part 60.

Infrastructure Element

INFRA Objective 6.3: The City shall encourage the use of sustainable, low impact development (LID) strategies to address stormwater management for developments ranging from individual building sites to subdivisions to large, planned developments.

MAP SHOWING
SKETCH AND DESCRIPTION

PARCEL A BEING A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHN'S COUNTY, FLORIDA.



DONALD M. JONES
 SAM (S) INC. NO. 7508
 FLORIDA RESTORATION PROFESSIONALS AND SURVEYOR NO. 5613
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SIZED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND WATER

GENERAL NOTES:

THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR REPORT. THEREFORE, THERE MAY BE ADDITIONAL MATTERS OF WHICH THE SURVEYOR HAS NO KNOWLEDGE THAT MAY BE FOUND IN THE CURRENT PUBLIC RECORD OF DUAL COUNTY, FLORIDA.

1. THIS IS A SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

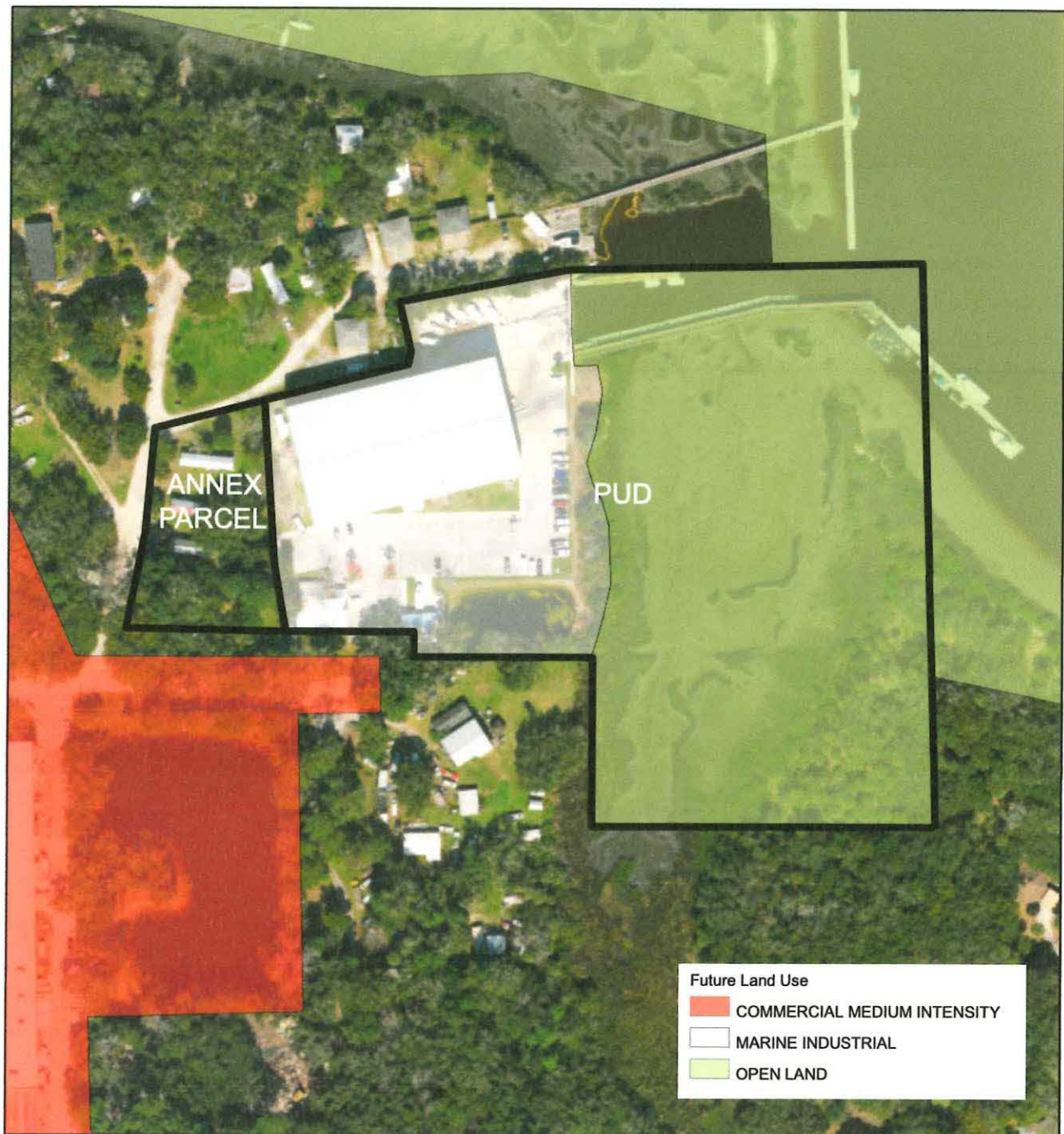
2. ADDITIONAL INFORMATION SHOWN HEREIN PROVIDED BY CLIENT FOR BOUNDARY-SALES & BOUNDARY PROJECT# 718-001 DATED 03/29/2016.

LP. - IRON PIPE
ID. - IDENTIFICATION
IN. - INVERT
ELEV. - ELEVATION
P.O.D. - PROPOSED ELEVATION
(0.00) - HARD ELEVATION
(0.0) - SLOTT ELEVATION
(R) - RECORD
(D) - DEED
(M) - MEASURED
(C) - CALCULATED
(P) - PLAT
RCP - REINFORCED CONCRETE PIPE
CP - CORRUGATED PLASTIC PIPE
BFE - BASE FLOOD ELEVATION
BCE - BASE OF CHANNEL
BOC - BOTTOM OF CHANNEL
O.R.B. - OFFICIAL RECORDS BOOK
REA - REAL ESTATE NUMBER
F.N. - FORMERLY KNOWN AS

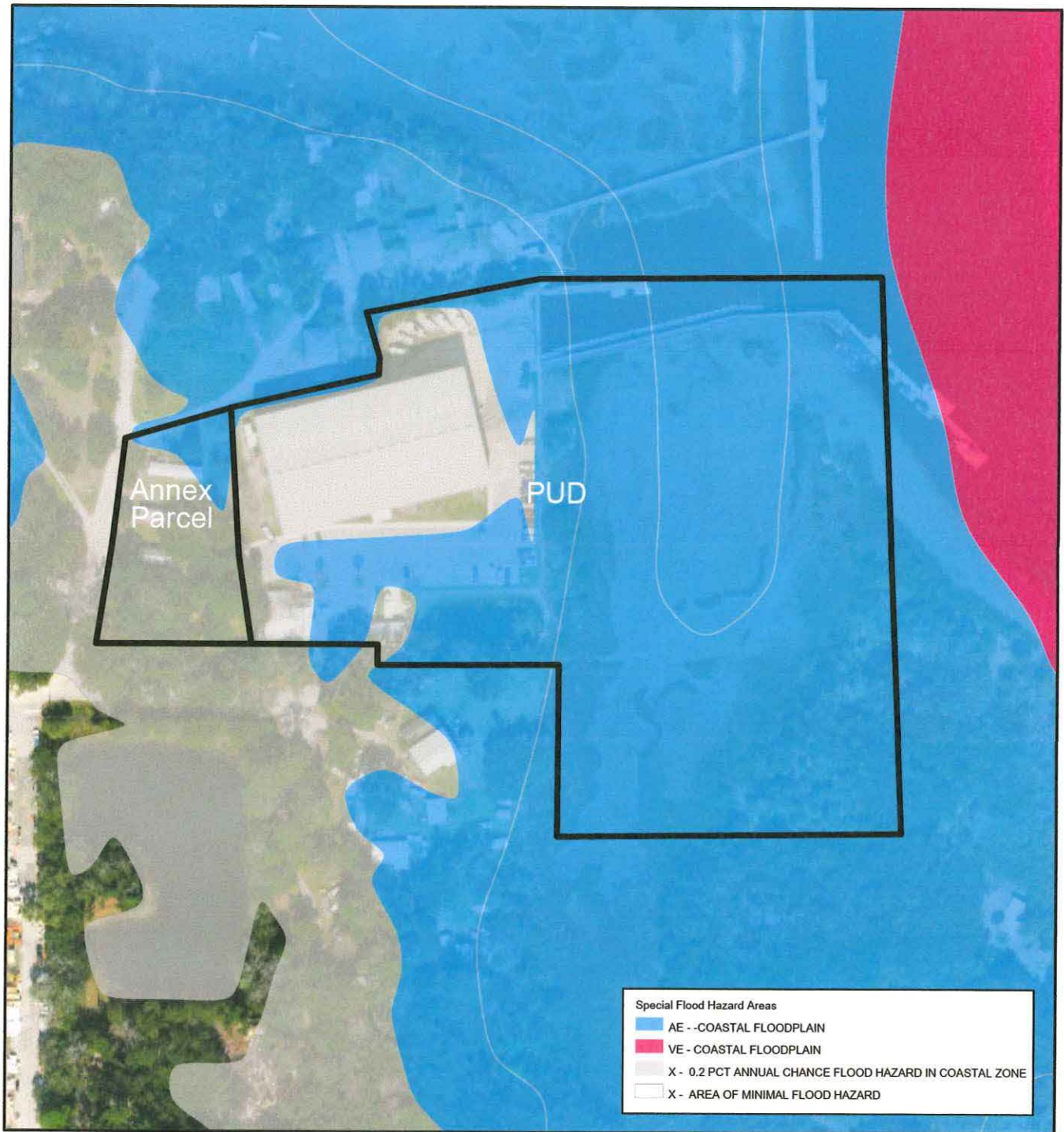
Aerial Map



FUTURE LAND USE MAP



FEMA Map

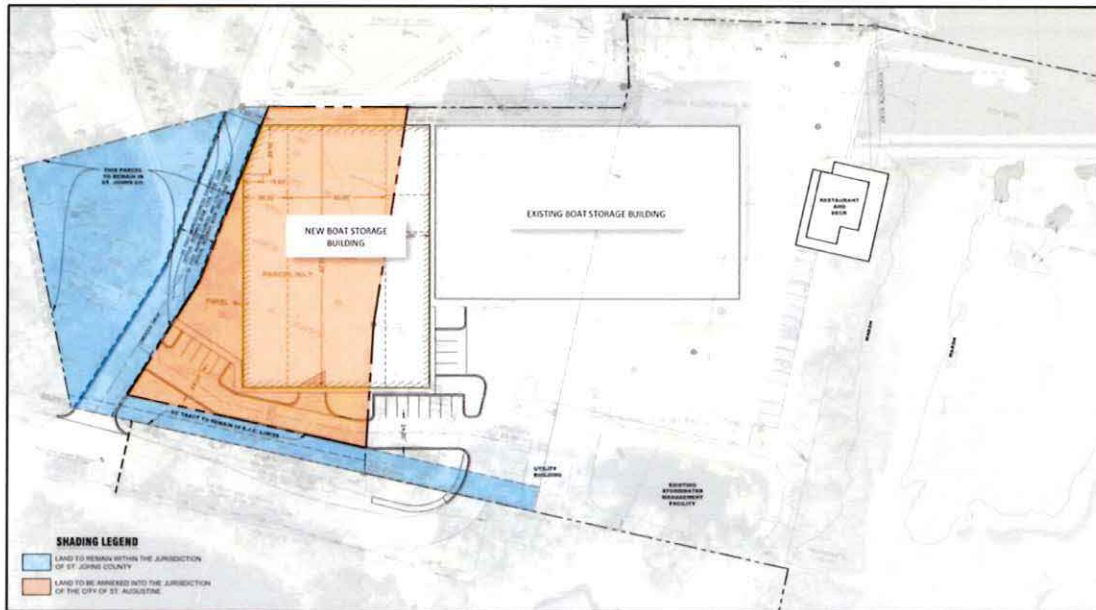


MAY 15 2023

DEVELOPER NEIGHBORHOOD NOTICE

Planning/Building Dept.

The Cat's Paw Marina is proposing a project to include a new boat storage building, new amenities and facilities, and infrastructure as depicted herein, located at 220 Nix Boat Yard Road. See map below.



Recently, a voluntary annexation petition was approved by the City Commission to annex a portion of the Cat's Paw Marina from St. Johns County into the City of St. Augustine. As a result, applications for a land use amendment from Mixed-Use (MU) to Marine Industrial (MI) and rezoning from Rural Mobile Home (RMH) to modify the existing Cat's Paw Planned Unit Development (PUD) were submitted as part of the annexation to the City of St. Augustine, respectively.

The City of St. Augustine will host a Planning and Zoning Board (PZB) public hearing on June 6, 2023, on the matter.

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.

The owner/manager of BDEP Cat's Paw, LLC (Cat's Paw Marina) is Gayle Bulls Dixon. The project coordinator and agent is Brad Wester. Contact the project coordinator for questions or requests to meet by phone or email at 904-294-3768, bwester@drivermcafee.com or by mail at Brad Wester, c/o Cat's Paw Marina Rezoning, One Independent Drive, Suite 1200, Jacksonville, FL 32202.

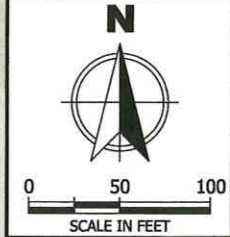
Project: May 04, 2023 - 11:22am, By: planmaker
P:\V\Projects\2023\15-139 Data Per Marina - Phase 2\Design\MAKING\YND-CHART\MAKING



VICINITY MAP

CATS PAW MARINA - PUD

220 NIX BOAT YARD ROAD, ST AUGUSTINE, FL 32084



5/11/2023
ERIC J. ALMOND, P.E.
FL# 59246

Date	Revision

AE JOB NO.: 21-139
DESIGN: EJA
DRAWN: PJK
CHECKED: EJA

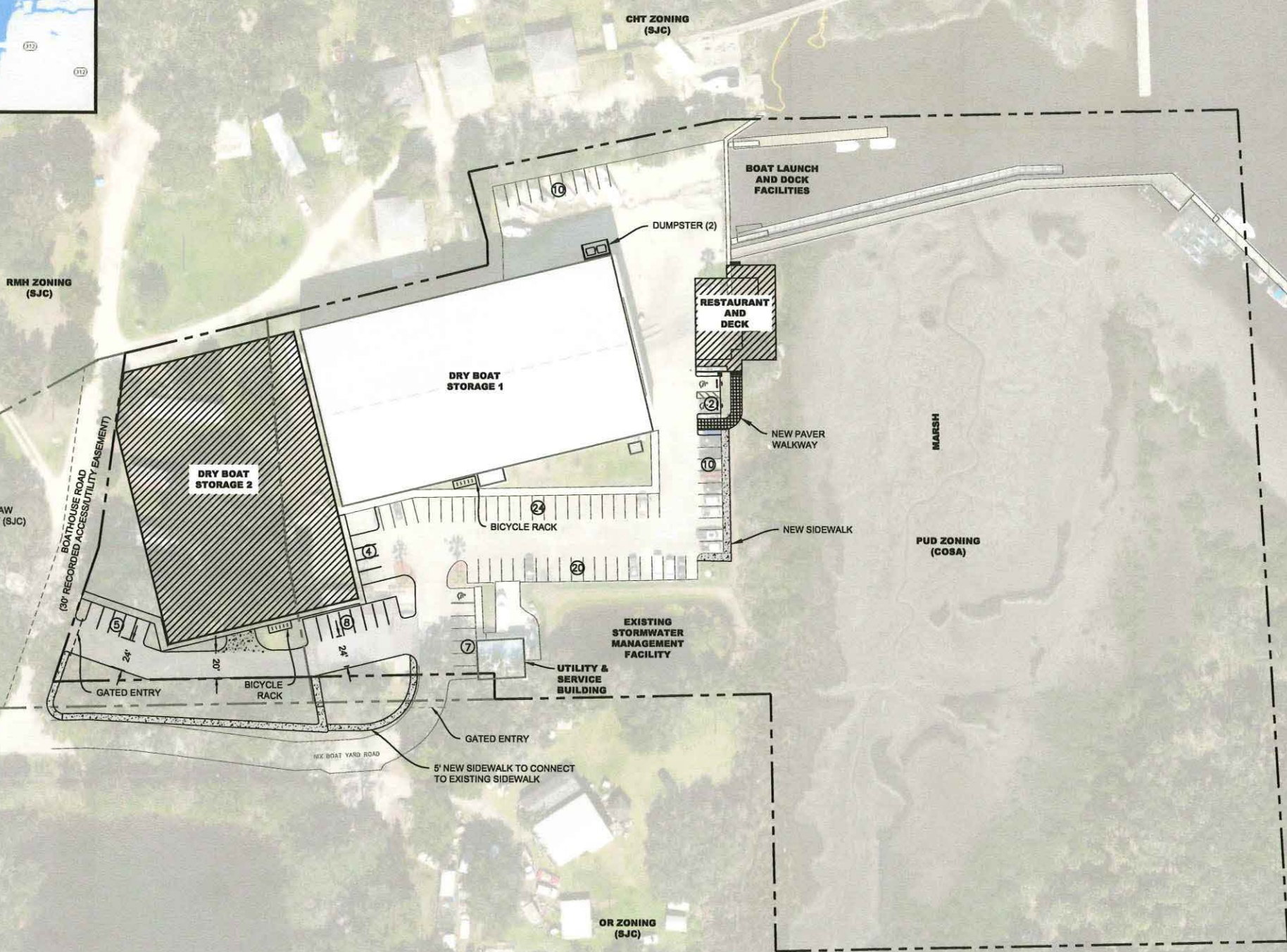
PLOT DATE: 5.4.2023

PUD EXHIBIT

CATS PAW
MARINA - PUD
ST. AUGUSTINE

ALMOND
ENGINEERING
CONSULTING CIVIL ENGINEERS
6279 DUPONT STATION COURT
JACKSONVILLE, FL 32217
(904) 306-0162 PHONE

PUD



LEGEND

- PROPERTY BOUNDARY
- [Grid Pattern] PROPOSED PAVERS
- [Hatched Pattern] PROPOSED BUILDING
- [Solid Grey] NEW ASPHALT

SITE DATA TABLE

Parcel ID: 1348320000 & 1348300000
Site Acreage: 9.9ac (+/-)
Future Land Use: MI & OL
Zoning: PUD
Conservation Overlay Zone: 1 & 2
Maximum Lot Coverage: 50%
Building Setbacks: 10' North, 10' East, 0' South*, 0' West*
Maximum Building Height: 50'
Vehicle Parking: 90 Spaces (3 ADA)
Bicycle Parking: 10 Spaces
Lighting: Per Code

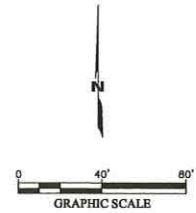
Dry Boat Storage Building 1: 35,000sf
Dry Boat Storage Building 2: 32,000sf
Utility & Service Building: 1,200sf
Restaurant/Office/Restroom Building: 2,700sf
Outdoor Observation Deck & Seating: 2,100sf
Storage Buildings: 300sf

Total Square Feet: 73,300sf

*Setback is only to COSA jurisdiction boundary and does not include abutting/contiguous Cat's Paw owned land in SJC jurisdiction, which provides additional setback distance.

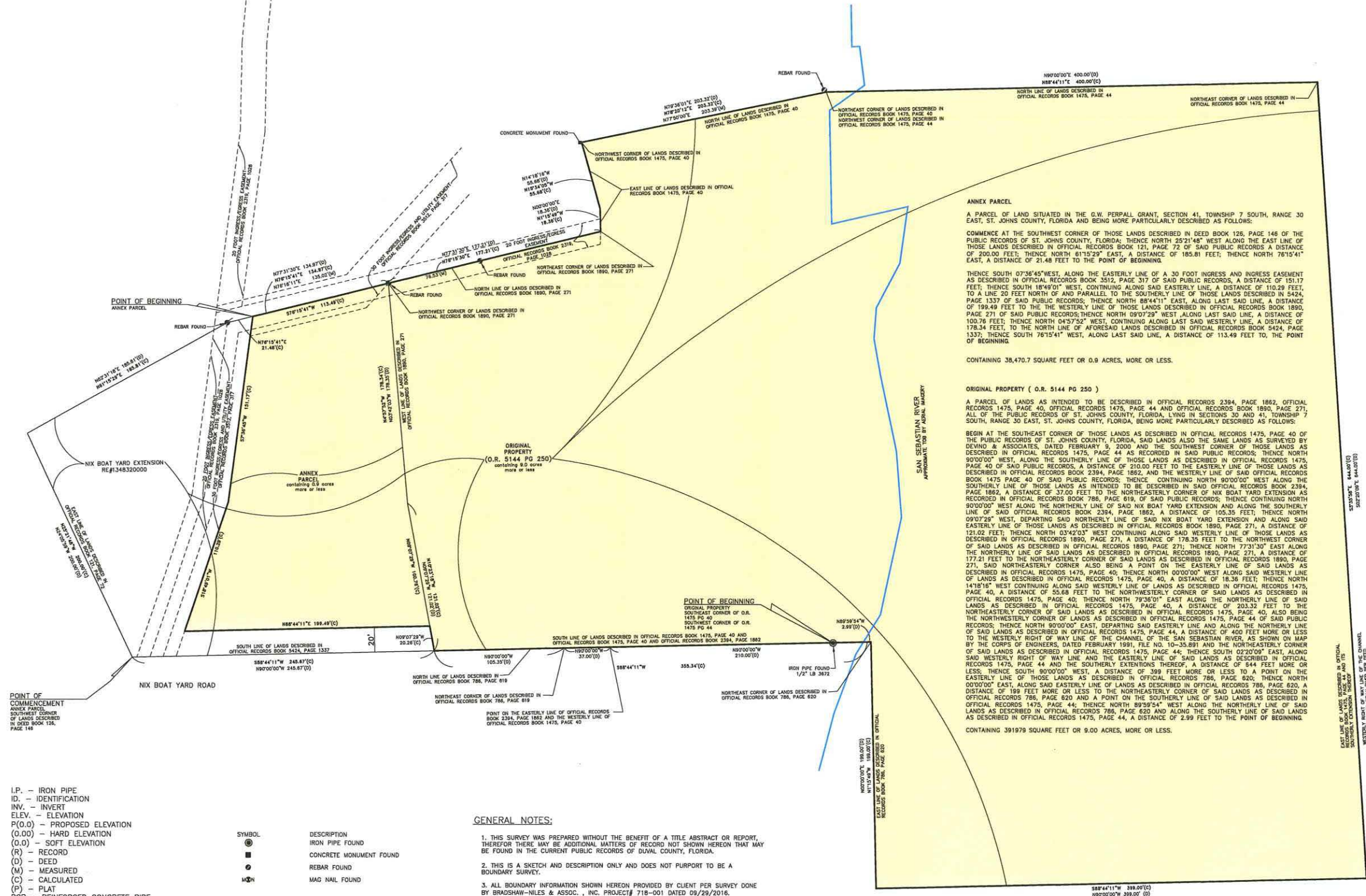
EXHIBIT C
MAP SHOWING
SKETCH AND DESCRIPTION

OF
A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA AS REQUESTED BY CLIENT.



SHEET 1
OF 1

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA



I.P. - IRON PIPE
ID. - IDENTIFICATION
INV. - INVERT
ELEV. - ELEVATION
P(O.O) - PROPOSED ELEVATION
(O.O) - HARD ELEVATION
(O.O) - SOFT ELEVATION
(R) - RECORD
(D) - DEED
(M) - MEASURED
(C) - CALCULATED
(P) - PLAT
RCP - REINFORCED CONCRETE PIPE
CPP - CORRUGATED PLASTIC PIPE
BFE - BASE FLOOD ELEVATION
EOP - EDGE OF PAVEMENT
BOC - BACK OF CURB
O.R.B. - OFFICIAL RECORDS BOOK
R# - REAL ESTATE NUMBER
FKA - FORMERLY KNOWN AS

SYMBOL
DESCRIPTION
IRON PIPE FOUND
CONCRETE MONUMENT FOUND
REBAR FOUND
MAG NAIL FOUND

GENERAL NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR REPORT, THEREFORE THERE MAY BE ADDITIONAL MATTERS OF RECORD NOT SHOWN HEREON THAT MAY BE FOUND IN THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
2. THIS IS A SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
3. ALL BOUNDARY INFORMATION SHOWN HEREON PROVIDED BY CLIENT PER SURVEY DONE BY BRADSHAW-NILES & ASSOC., INC. PROJECT# 718-001 DATED 08/29/2016.
4. BEARINGS CALCULATED AND MEASURED HEREON WERE OBTAINED USING GPS UTILIZING NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT COORDINATE SYSTEM AND TRIMBLE VRS.

ANNEX PARCEL

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°1'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61°15'29" EAST, A DISTANCE OF 185.81 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN SAID DEED, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO, THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.

ORIGINAL PROPERTY (O.R. 5144 PG 250)

A PARCEL OF LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS 2394, PAGE 1862, OFFICIAL RECORDS 1475, PAGE 40, OFFICIAL RECORDS 1475, PAGE 44 AND OFFICIAL RECORDS BOOK 1890, PAGE 271, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN SECTIONS 30 AND 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS ALSO THE SAME LANDS AS SURVEYED BY DEVINO & ASSOCIATES, DATED FEBRUARY 9, 2000 AND THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AS RECORDED IN SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF THOSE LANDS AS INTENDED TO BE DESCRIBED IN SAID OFFICIAL RECORDS 2394, PAGE 1862, A DISTANCE OF 37.00 FEET TO THE NORTHEASTLY CORNER OF NIX BOAT YARD EXTENSION AS RECORDED IN OFFICIAL RECORDS BOOK 786, PAGE 619, OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 105.35 FEET; THENCE NORTH 09°07'29" WEST, DEPARTING SAID NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG SAID EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271, A DISTANCE OF 121.02 FEET; THENCE NORTH 03°42'03" WEST CONTINUING ALONG SAID WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 178.35 FEET TO THE NORTHWEST CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271; THENCE NORTH 77°31'30" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 177.21 FEET TO THE NORTHEASTLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 79°38'01" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 203.32 FEET TO THE NORTHEASTLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; ALSO BEING THE NORTHEASTLY CORNER OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 OF SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST, DEPARTING SAID EASTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 400 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CHANNEL OF THE SAN SEBASTIAN RIVER, AS SHOWN ON MAP BY THE CORPS OF ENGINEERS, DATED FEBRUARY 1991, FILE NO. 10-35.891 AND THE NORTHEASTLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE SOUTH 02°20'09" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AND THE SOUTHERLY EXTENSIONS THEREOF, A DISTANCE OF 644 FEET MORE OR LESS, THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 389 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620; THENCE NORTH 00°00'00" EAST, ALONG SAID EASTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620, A DISTANCE OF 199 FEET MORE OR LESS TO THE NORTHEASTLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE NORTH 89°39'54" WEST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 2.99 FEET TO THE POINT OF BEGINNING.

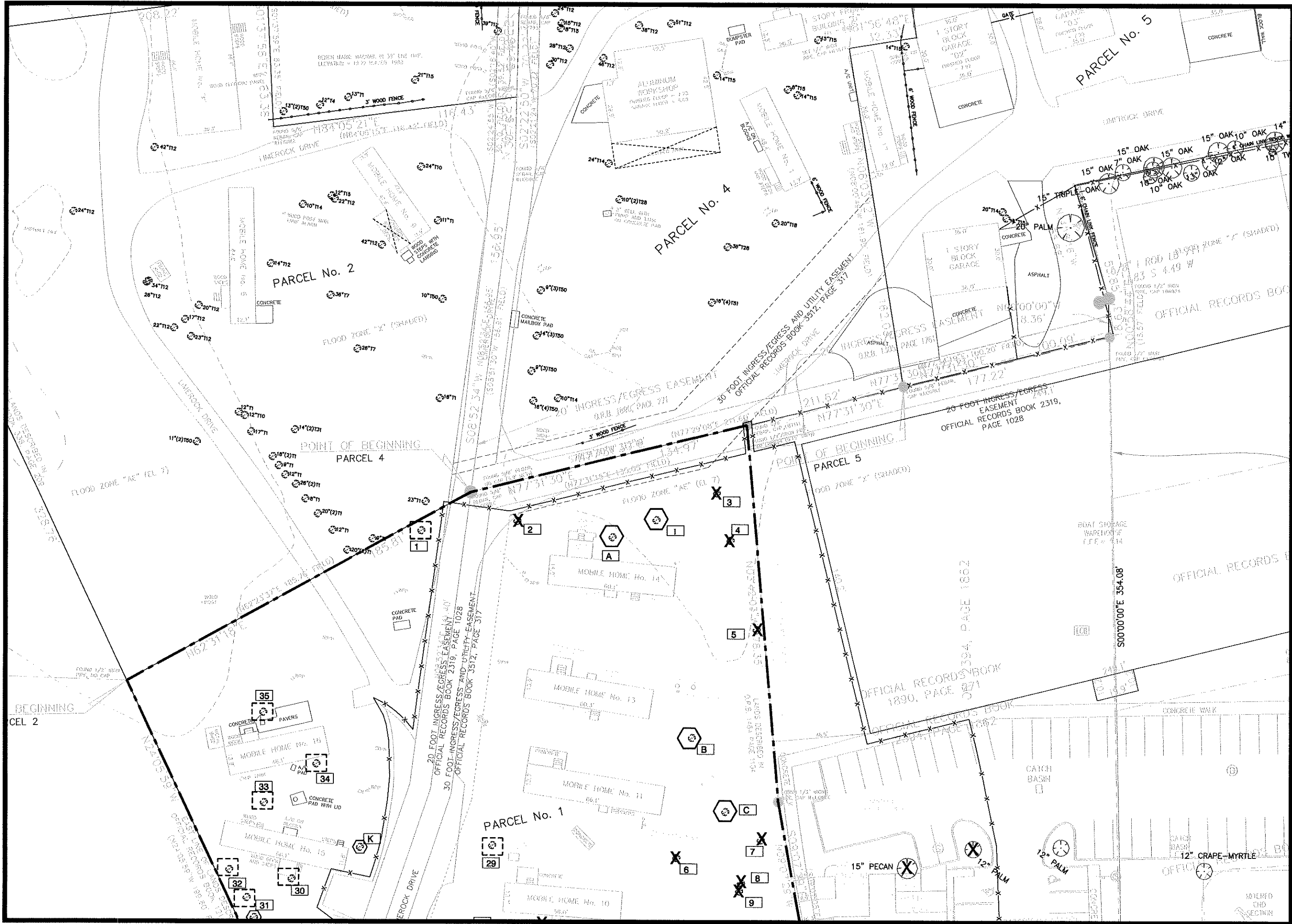
CONTAINING 39,197.9 SQUARE FEET OR 9.00 ACRES, MORE OR LESS.



PROJECT: CAT'S PAW MARINA
JOB NUMBER: 1025073607
DATE: 08/29/2016
SCALE: 1"=40'
SURVEYOR: DMJ
TECHNICIAN: JG
DRAWN BY: CAT'S PAW MARINA
CHECKED BY: JG
FIELDBOOKS:

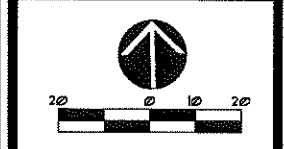
10250 Normandy Blvd, Suite 604
Jacksonville, FL 32221
Off: 904.619.6630
Email: info@dmj-survey.com
Certificate of Authorization LB7908

SAI
DONALD M. JOHNSON
FLORIDA REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5613



CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

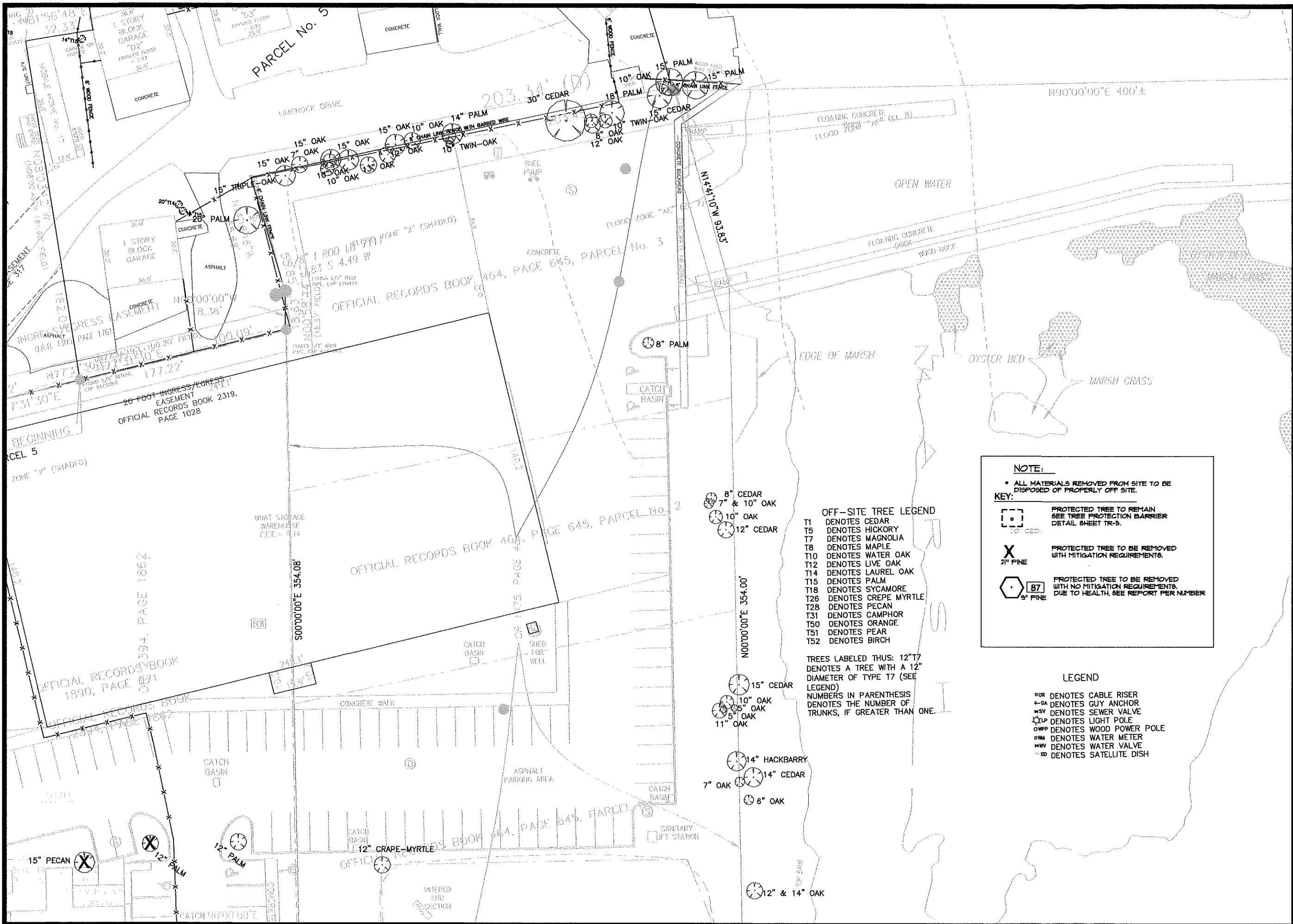
REVISIONS :
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20



DATE : October 4 2022
PROJECT NO. : 202220
DESIGNED BY : K&R
DRAWN BY : K&R
CHECKED BY : K&R
SCALE : 1" = 20'

SHEET TITLE
TREE REMOVAL /
PROTECTION PLAN

TR-1
SHEET





A & K LAND PLANNING & DESIGN, INC.

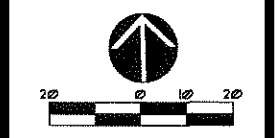
1101 S. 10th St., Suite 100, Ft. Lauderdale, FL 33316
Phone: (954) 561-1101
Fax: (954) 561-1102
Email: AKL@AKLANDPLANNING.COM

CAT'S PAW MARINA

220 NIX BOAT YARD ROAD

ST. AUGUSTINE, FLORIDA

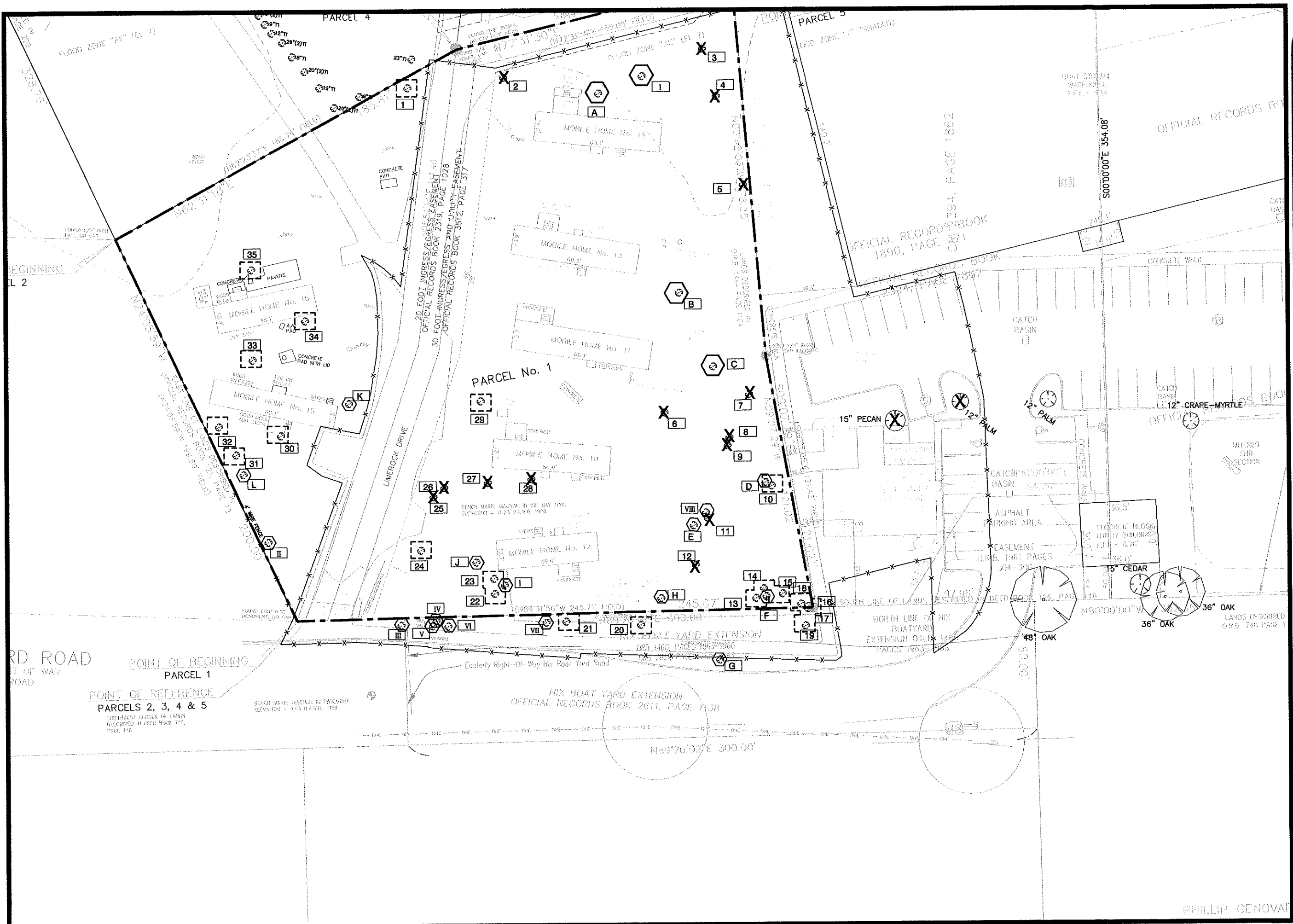
REVISIONS:	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	



DATE:	October 4, 2022
PROJECT NO.:	2022.01
DESIGNED BY:	KAR
DRAWN BY:	KAR
CHECKED BY:	KAR
SCALE:	1" = 20'

SHEET TITLE

TREE REMOVAL / PROTECTION PLAN





A & K LAND PLANNING & DESIGN, INC.
1111 S. RIVER ST., SUITE 100
ST. AUGUSTINE, FLORIDA 32080
PHONE: 321.281.1111
FAX: 321.281.1112
WWW.A&KLANDPLANNING.COM

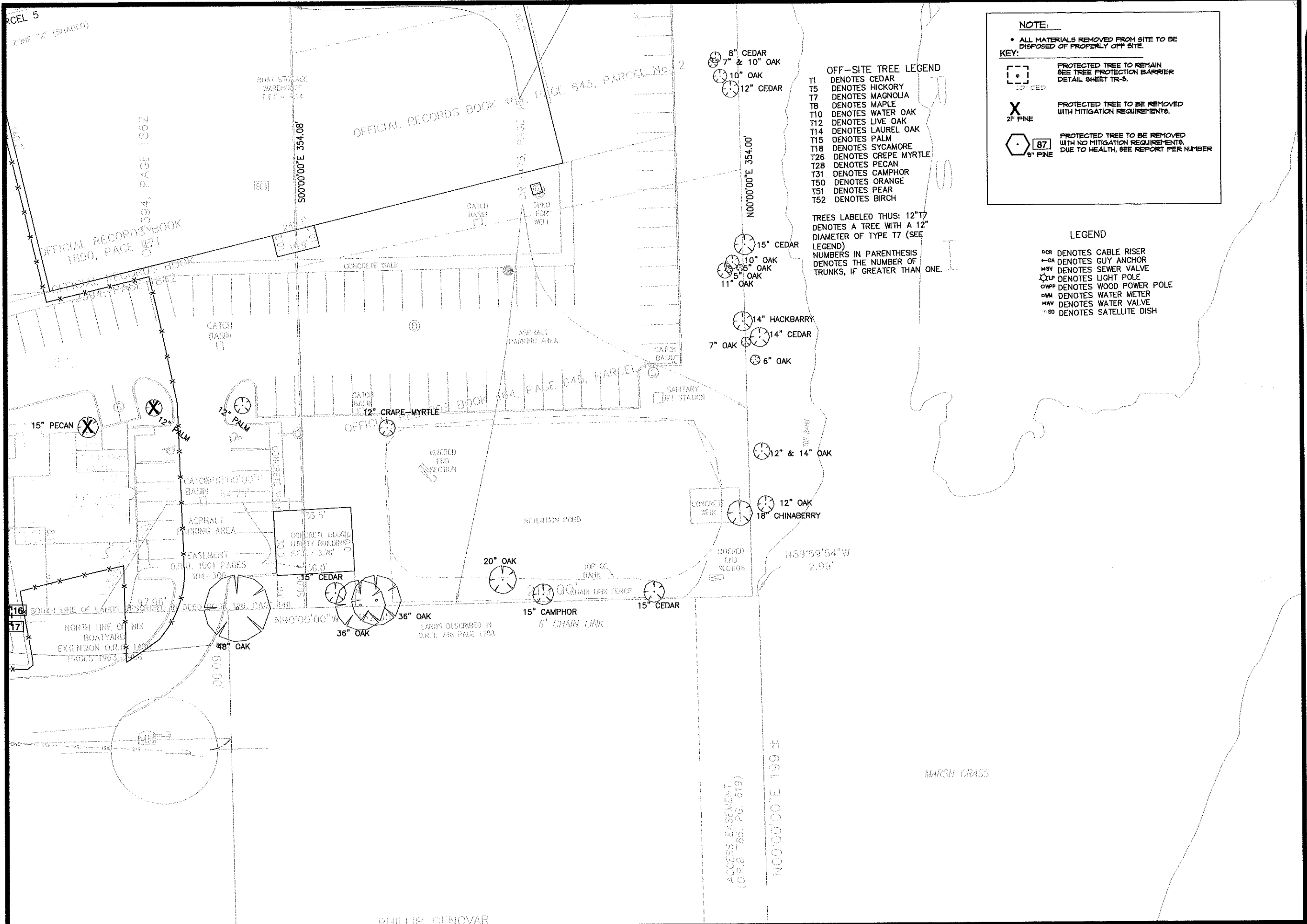
CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS

DATE : October 4, 2022
PROJECT NO. : 2022.01
DESIGNED BY : KAR
DRAWN BY : KAR
CHECKED BY : KAR
SCALE : 1" = 20'

SHEET TITLE
TREE REMOVAL / PROTECTION PLAN

TR-3
SHEET



NOTE:
• ALL MATERIALS REMOVED FROM SITE TO BE DISPOSED OF PROPERLY OFF SITE.

KEY:

- PROTECTED TREE TO REMAIN SEE TREE PROTECTION BARRIER DETAIL SHEET TR-5.
- PROTECTED TREE TO BE REMOVED WITH MITIGATION REQUIREMENTS.
- PROTECTED TREE TO BE REMOVED WITH NO MITIGATION REQUIREMENTS DUE TO HEALTH, SEE REPORT PER NUMBER

- OFF-SITE TREE LEGEND**
- T1 DENOTES CEDAR
 - T5 DENOTES HICKORY
 - T7 DENOTES MAGNOLIA
 - T8 DENOTES MAPLE
 - T10 DENOTES WATER OAK
 - T12 DENOTES LIVE OAK
 - T14 DENOTES LAUREL OAK
 - T15 DENOTES PALM
 - T18 DENOTES SYCAMORE
 - T26 DENOTES CREPE MYRTLE
 - T28 DENOTES PECAN
 - T31 DENOTES CAMPHOR
 - T50 DENOTES ORANGE
 - T51 DENOTES PEAR
 - T52 DENOTES BIRCH

TREES LABELED THUS: 12\"/>

- LEGEND**
- PCR DENOTES CABLE RISER
 - GA DENOTES GUY ANCHOR
 - WSV DENOTES SEWER VALVE
 - LP DENOTES LIGHT POLE
 - OWPP DENOTES WOOD POWER POLE
 - DWM DENOTES WATER METER
 - MWV DENOTES WATER VALVE
 - SD DENOTES SATELLITE DISH

A & K LAND PLANNING & DESIGN
3502 W. 10th Ave.
4th FLOOR, SUITE 400, ST. AUGUSTINE, FL 32084
TEL: 321.286.1111 FAX: 321.286.1112

CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS :

NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

DATE : October 4 2022
PROJECT NO. : 2022281
DESIGNED BY : K&R
DRAWN BY : K&R
CHECKED BY : K&R
SCALE : 1" = 20'

SHEET TITLE
TREE REMOVAL / PROTECTION PLAN

TR-4
SHEET

Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter		Breast	Common	Comments / Notes
Tree #	Height	Name		
Protected Trees				
A	32	Camphor	Dead - Hazardous/Dangerous (Invasive)	
B	39	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous	
C	30	Magnolia	Extreme Decline - Dead Top - Massive Cavity from 4 ft to 10 ft - Hazardous/Dangerous	
D	23	Live Oak	Extreme Decline - Missing Top @ 15 ft - Hazardous/Dangerous	
E	25	Magnolia	Extreme Decline - Missing Top @ 18 ft - Hazardous/Dangerous	
F	14	Magnolia	Extreme Decline - Missing Top @ 12 ft - Hazardous/Dangerous	
G	15	Magnolia	Extreme Decline - Massive Cavity from Ground to 5 ft - Hazardous/Dangerous	
H	40	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous	
I	28	Live Oak	Extreme Decline - Dead/Dying Top - Tip Dieback - Major Dead Limbs - Hazardous/Dangerous	
J	12	Magnolia	Extreme Decline - Large Cavity in CoDom Union @ 6 ft - Hazardous/Dangerous	
K	30	Hickory	Extreme Decline - Massive Cavity from Ground to 6 ft - Hollow Under Root Flare - Hazardous/Dangerous	
L	32	Live Oak	Extreme Decline - 1 Side Dead - Large Cavity with Mushrooms @ 12 ft - Hazardous/Dangerous	
Total	320 inches			

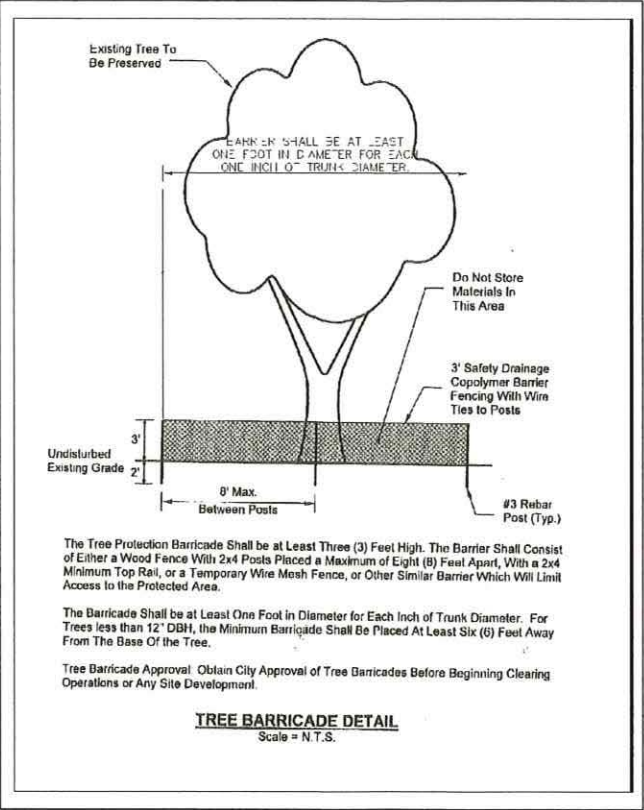
Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter		Breast	Common	Comments / Notes
Tree #	Height	Name		
Protected Trees				
A	32	Camphor	Dead - Hazardous/Dangerous (Invasive)	
B	39	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous	
C	30	Magnolia	Extreme Decline - Dead Top - Massive Cavity from 4 ft to 10 ft - Hazardous/Dangerous	
D	23	Live Oak	Extreme Decline - Missing Top @ 15 ft - Hazardous/Dangerous	
E	25	Magnolia	Extreme Decline - Missing Top @ 18 ft - Hazardous/Dangerous	
F	14	Magnolia	Extreme Decline - Missing Top @ 12 ft - Hazardous/Dangerous	
G	15	Magnolia	Extreme Decline - Massive Cavity from Ground to 5 ft - Hazardous/Dangerous	
H	40	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous	
I	28	Live Oak	Extreme Decline - Dead/Dying Top - Tip Dieback - Major Dead Limbs - Hazardous/Dangerous	
J	12	Magnolia	Extreme Decline - Large Cavity in CoDom Union @ 6 ft - Hazardous/Dangerous	
K	30	Hickory	Extreme Decline - Massive Cavity from Ground to 6 ft - Hollow Under Root Flare - Hazardous/Dangerous	
L	32	Live Oak	Extreme Decline - 1 Side Dead - Large Cavity with Mushrooms @ 12 ft - Hazardous/Dangerous	
Total	320 inches			

Gene Washington 904-610-1130 Certified Arborist - FL5623-A June 30, 2022

Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter		Breast	Common	Comments / Notes
Tree #	Height	Name		
Invasive Species				
I	12	Camphor	Invasive	
II	35	Camphor	Invasive	
III	8	Camphor	Invasive	
IV	11	Camphor	Invasive	
V	8	Camphor	Invasive	
VI	11	Camphor	Invasive	
VII	9	Camphor	Invasive	
VIII	10	Camphor	Invasive	
Total	104 inches			



ON SITE TREES PRESERVED:
TREE TYPE CREDITS NATIVE BONUS CREDIT TOTAL CREDIT

19" LIVE OAK	3		4
26" LIVE OAK	4		5
28" MAGNOLIA	4		5
15" OAK	3		4
10" OAK	2		3
10" OAK	2		3
15" OAK	3		4
13" OAK	3		4
12" OAK	3		4
30" CEDAR	5		6
12" OAK	3		4
8" OAK	2		3
10" OAK	2		3
15" CEDAR	4		5
18" SABAL	5		15
8" FAN PALM	5		5
8" CEDAR	3		4
17" LIVE OAK	3		4
10" LIVE OAK	2		3
12" CEDAR	4		5
15" CEDAR	4		5
10" LIVE OAK	2		3
5" LIVE OAK	1		2
11" LIVE OAK	2		3
5" LIVE OAK	1		2
14" HACKBERRY	3		4
7" LIVE OAK	2		3
14" CEDAR	4		5
6" LIVE OAK	1		2
26" LIVE OAK	4		5
12" LIVE OAK	3		4
15" CEDAR	4		5
20" OAK	4		5
36" OAK	4		5
36" OAK	4		5
15" CEDAR	4		5
48" OAK	4		5
12" Crape Myr	3		3
12" PALM	5		15

TOTAL PRESERVED CREDITS= 141.5 CREDITS

ON SITE TREES REMOVED	
TREE TYPE	DEFICIT
27" LIVE OAK	2
18" PECAN	1.5
10" CEDAR	2
26" PECAN	2
30" MAGNOLIA	2
26" LIVE OAK	2
18" MAGNOLIA	1.5
35" MAGNOLIA	2
22" MAGNOLIA	2
27" LIVE OAK	2
24" LIVE OAK	2
28" LIVE OAK	2
63" LIVE OAK	2
12" PALM	1
15" PECAN	1.5

TOTAL DEFICIT = 21.5

TOTAL REQUIRED ON SITE MITIGATION = 21.5
TOTAL MITIGATION PROVIDED BY PRESERVED TREES = 141.5 CREDITS
TOTAL MITIGATION PROVIDED BY PLANTING= 61 CREDITS



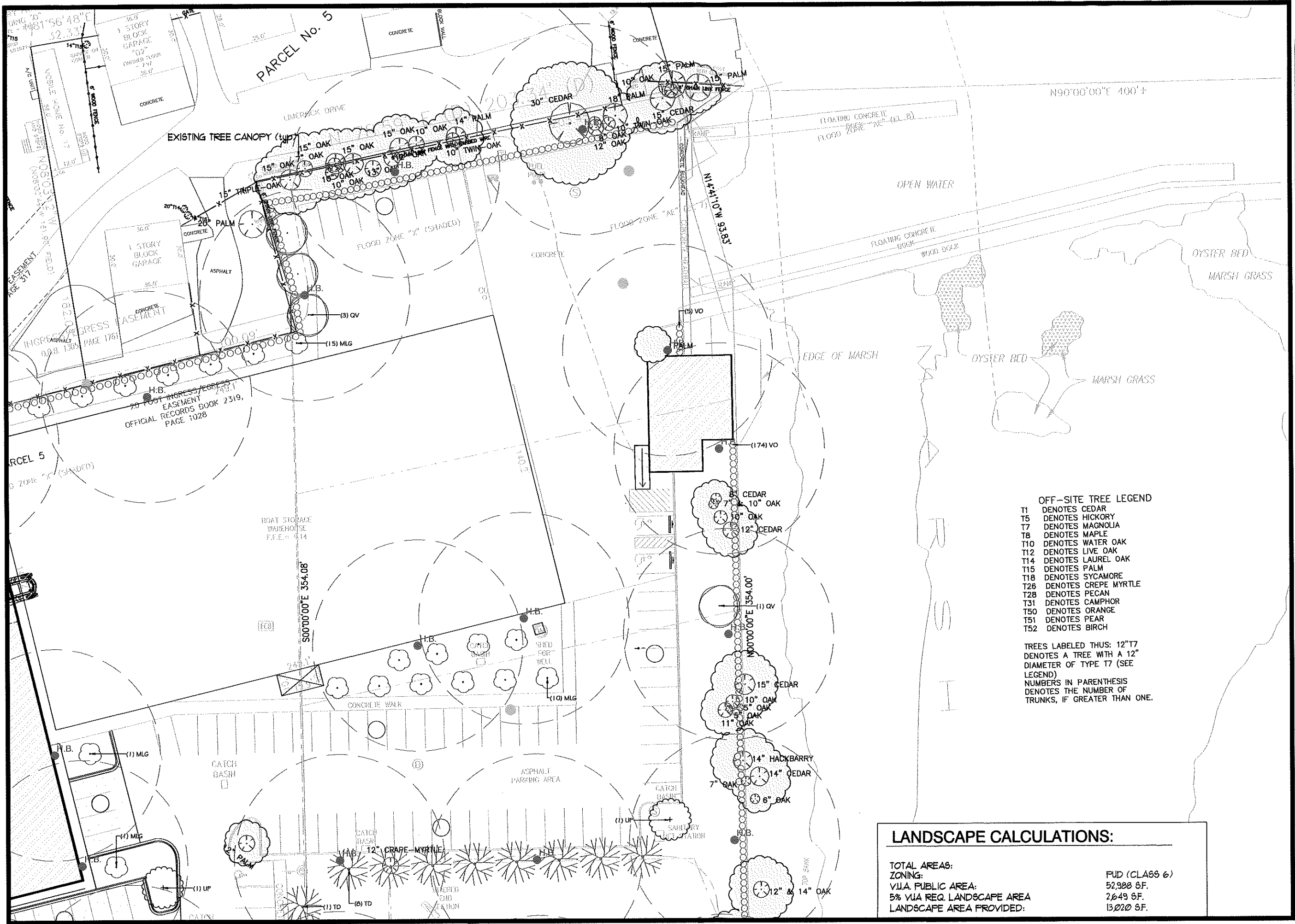
CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS :	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

DATE : October 4 2022
PROJECT NO. : 202201
DESIGNED BY : KAR
DRAWN BY : KAR
CHECKED BY : KAR
SCALE : N.T.S.

SHEET TITLE
ARBORIST REPORT /
MITIGATION CALCS.

TR-5
SHEET



LANDSCAPE CALCULATIONS:

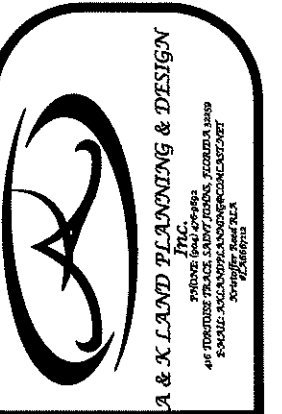
TOTAL AREAS:
ZONING:
VIA PUBLIC AREA:
5% VIA REQ. LANDSCAPE AREA
LANDSCAPE AREA PROVIDED:

FUD (CLASS 6)
52,988 SF.
2,649 SF.
13,020 SF.

OFF-SITE TREE LEGEND

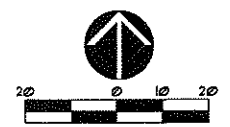
- T1 DENOTES CEDAR
- T5 DENOTES HICKORY
- T7 DENOTES MAGNOLIA
- T8 DENOTES MAPLE
- T10 DENOTES WATER OAK
- T12 DENOTES LIVE OAK
- T14 DENOTES LAUREL OAK
- T15 DENOTES PALM
- T18 DENOTES SYCAMORE
- T26 DENOTES CREPE MYRTLE
- T28 DENOTES PECAN
- T31 DENOTES CAMPHOR
- T50 DENOTES ORANGE
- T51 DENOTES PEAR
- T52 DENOTES BIRCH

TREES LABELED THUS: 12" T7
DENOTES A TREE WITH A 12"
DIAMETER OF TYPE T7 (SEE
LEGEND)
NUMBERS IN PARENTHESIS
DENOTES THE NUMBER OF
TRUNKS, IF GREATER THAN ONE.



CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

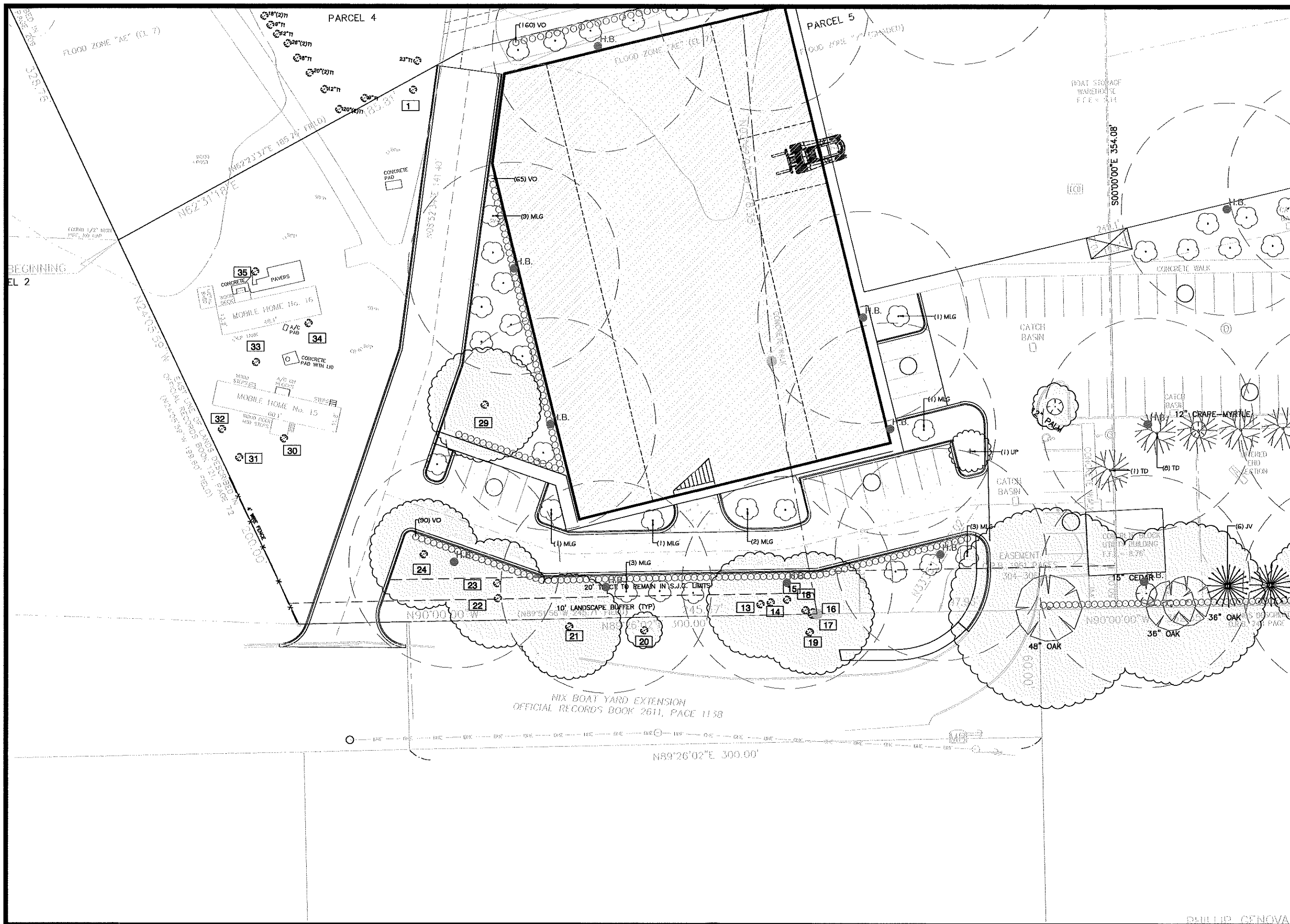
REVISIONS:



DATE : October 4, 2022
PROJECT NO. : 2022-01
DESIGNED BY : KBR
DRAWN BY : KBR
CHECKED BY : KBR
SCALE : 1" = 20'

SHEET TITLE
LANDSCAPE
PLAN

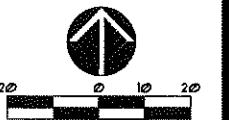
L-2
SHEET



J.M.C.
PHONE (904) 475-5692
410 TORTUITE TRACE, SAINT JOHNS, FLORIDA 32309
E-MAIL: J.C.MCARTY@COUNTECON.COM EASTMEET
3000 Bayshore Road S.E.A.
AL36060712

CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS :

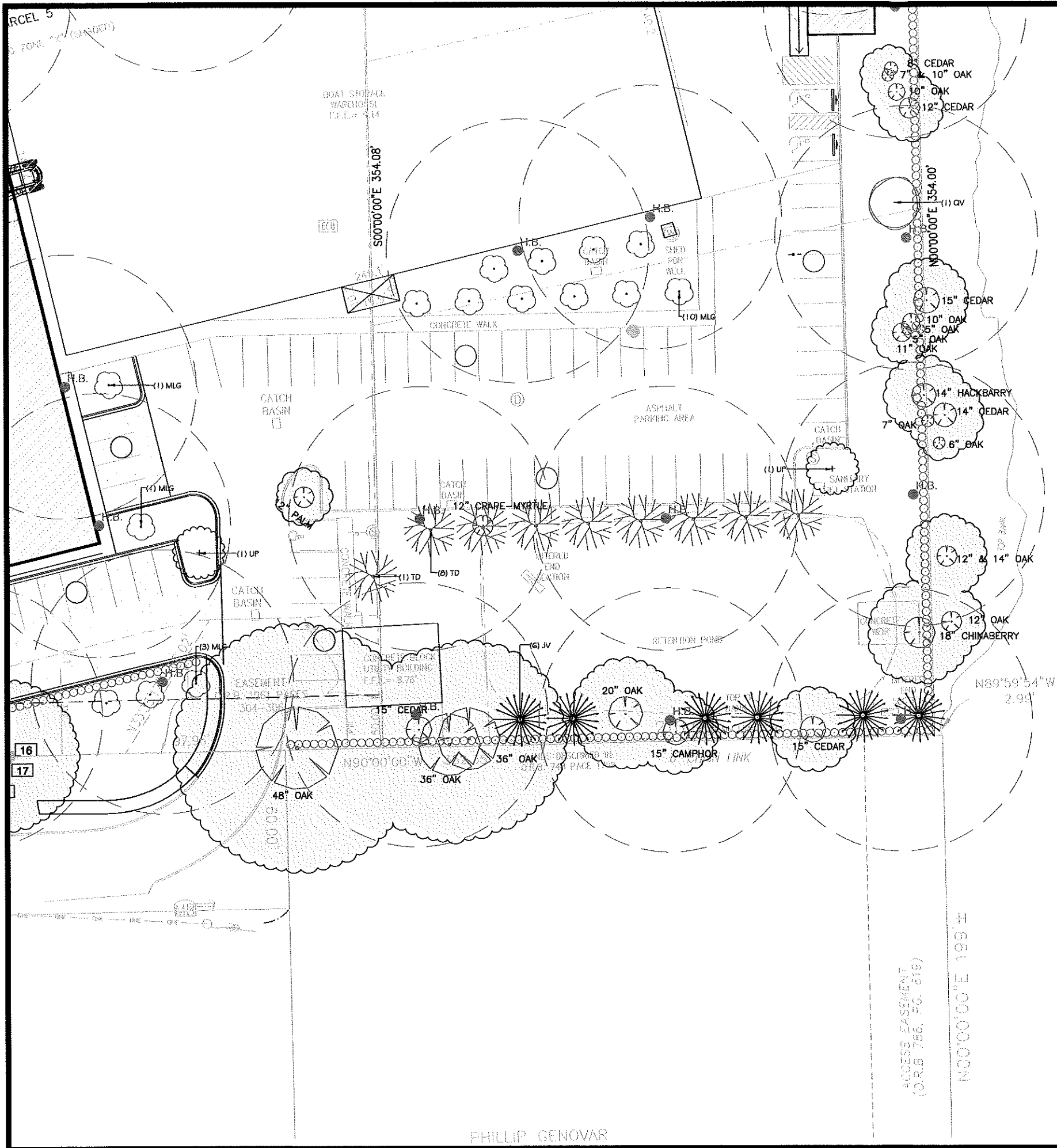


DATE : October 4 2022
PROJECT NO. : 2022B1
DESIGNED BY : KAR
DRAWN BY : KAR
CHECKED BY : KAR
SCALE : 1" = 20'

SHEET TITLE

LANDSCAPE
PLAN

L-3
SHEET



- OFF-SITE TREE LEGEND
- T1 DENOTES CEDAR
 - T5 DENOTES HICKORY
 - T7 DENOTES MAGNOLIA
 - T8 DENOTES MAPLE
 - T10 DENOTES WATER OAK
 - T12 DENOTES LIVE OAK
 - T14 DENOTES LAUREL OAK
 - T15 DENOTES PALM
 - T18 DENOTES SYCAMORE
 - T26 DENOTES CREPE MYRTLE
 - T28 DENOTES PECAN
 - T31 DENOTES CAMPHOR
 - T50 DENOTES ORANGE
 - T51 DENOTES PEAR
 - T52 DENOTES BIRCH

TREES LABELED THUS: 12" T7
DENOTES A TREE WITH A 12"
DIAMETER OF TYPE T7 (SEE
LEGEND)
NUMBERS IN PARENTHESIS
DENOTES THE NUMBER OF
TRUNKS, IF GREATER THAN ONE.

LANDSCAPE CALCULATIONS:

TOTAL AREAS:	
ZONING:	PUD (CLASS 6)
V.U.A. PUBLIC AREA:	52,988 SF.
5% V.U.A. REQ. LANDSCAPE AREA	2,649 SF.
LANDSCAPE AREA PROVIDED:	13,020 SF.

PERIMETER AND INTERIOR TREE REQUIREMENT BREAKDOWN

V.U.A. PUBLIC AREA:
INTERNAL LANDSCAPE:
1 TREE / 100 SF. = 2,649 SF. / 100 SF.

TREES REQUIRED:	27
TREES PROVIDED:	27

PERIMETER TREES/SHRUBS NORTH SIDE:	568 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	26 T & 128 S
TREES PROVIDED:	26 T & 138 S

PERIMETER TREES SOUTH SIDE:	541 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	24 T & 122 S
TREES PROVIDED:	24 T & 176 S

PERIMETER TREES EAST SIDE:	340 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	16 T & 77 S
TREES PROVIDED:	16 T & 90 S

PERIMETER TREES WEST SIDE:	185 LF.
5 TREES & 30 SHRUB / 100 LF. (-10% NATIVE) (type H)	
TREES REQUIRED:	9 T & 50 S
TREES PROVIDED:	9 T & 65 S

H.B. ● HOSEBIB WITH 50' RADIUS PER CITY OF ST. AUGUSTINE CODE



CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS:



DATE : October 4, 2022
PROJECT NO. : 202201
DESIGNED BY : KBR
DRAWN BY : KBR
CHECKED BY : KBR
SCALE : 1" = 20'

SHEET TITLE
LANDSCAPE
PLAN

L-4
SHEET

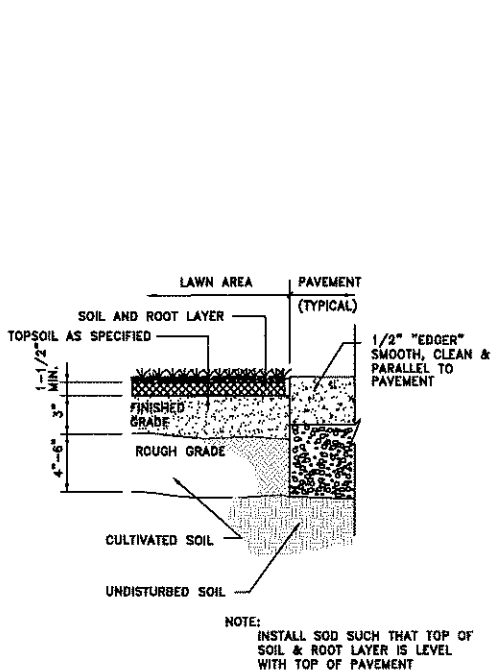
General Notes and Specifications

1. Prior to construction the landscape contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. The landscape contractor is responsible for repairing any and all damage to utilities, structures, site appurtenances, etc., which occurs as a result of the landscape construction.
2. When conditions detrimental to plant growth are encountered, such as rubble fill, adverse drainage conditions or obstructions, notify owner's representative before planting.
3. All plants must be healthy, vigorous material, free of pests and diseases.
4. All trees, palms, and shrubs shall be grade "Florida Fancy" per Grades and Standards For Nursery Plants (parts one and two), available through Florida Dept. of Agriculture and Consumer Services.
5. All plant material must be approved by the Landscape Architect before the plant material is installed.
6. Any changes to the plant material (size, type, etc.), irrigation or any other deviations from the plans must be approved by the Landscape Architect prior to the change being implemented by the contractor. The contractor must provide written proof of authorization for any changes.
7. All plants to be field grown or container grown as indicated on plant list. Store plants in shade and protect from weather. If plants cannot be planted immediately upon delivery, properly protect them with soil, wet peat moss, or in a manner acceptable to owner's rep. Do not remove container grown stock from containers until planting time. Protect roots of plant from drying or other possible injury. Keep plant ball moist at all times.
8. All plants shall be triangular spaced.
9. Obtain agronomo soils test for all planting areas and tree pits prior to excavation of tree pits. Tests shall be performed by an approved soils testing laboratory and shall include fertility and suitability analysis with written recommendations for soil amendments, fertilizer and chemical conditioner application rates for soil preparation, planting backfill mix, and post maintenance fertilization program. Submit a copy of soils report to owner's rep. and landscape architect.
10. Add soil amendments as recommended by soil test in quantities necessary to bring soil mixture to pH rating of between 5.5 and 6.0. Minerals used for pH correction shall be commercially produced for this purpose.
11. All plants and planting areas must be completely mulched as specified with three (3) inches of organic mulch. Provide 4" minimum clearance of mulch from all shrub trunks and 6" minimum clearance from all tree trunks.
12. The landscape contractor is responsible for verifying all quantities shown on these plans, before pricing the work.
13. The planting shall be done in accordance with acceptable horticultural practices. This is to include proper planting mix, plant and tree pit preparation, pruning, staking or guying, wrapping, spraying, fertilization, planting, and adequate maintenance throughout the required maintenance period.
14. The landscape contractor is responsible for fully maintaining all planting (including but not limited to: pruning, watering, fertilizing, cultivating, weeding, mowing, mulching, tightening and repairing of guys, resetting plants to proper grade or upright position, restoration of plant saucer, and furnishing and applying such sprays as necessary to keep free of insects and diseases. The landscape contractor's responsibility for maintenance (exclusive of replacement within the guarantee period) shall terminate one year from the date of final acceptance by owner and landscape architect.
15. All trees, palms, shrubs and plant material shall be warranted for a period of one year after date of completion and acceptance of the entire project. Final acceptance of all landscaping under this contract shall constitute the beginning of the guarantee period. Replace, in accordance with the drawings and specifications, all plants that are dead or, as determined by the owner's representative, are in an unhealthy or unsightly condition, and have lost their natural shape due to dead branches, or other causes due to the contractor's negligence. Furnish and plant replacements which comply with requirements shown and specified. Warrant all replacement plants for one year after installation. The cost of such replacement(s) is at the contractor's expense.
16. All plants are subject to approval by the owner's representative. Prior to planting, all trees and palms must be approved by the owner or owner's rep.
17. Standards set forth in "American Standard for Nursery Stock" represent guideline specifications only and shall constitute minimum quality requirements for plant material.
18. At the conclusion of this planting, if the owner's rep. or owner has reason to believe that the plants are not of the specified grade, he will request a re-grading or inspection, and such evidence will be the basis for requesting replacement of plants and for legal or other action according to law, should this become necessary.
19. All planting beds to be treated with pre-emergent weed control prior to planting.
20. Contractor is to check the site weekly to insure all plant material is healthy and well watered.
21. All disturbed areas to be sodded or seeded with Paspalum notatum as noted.

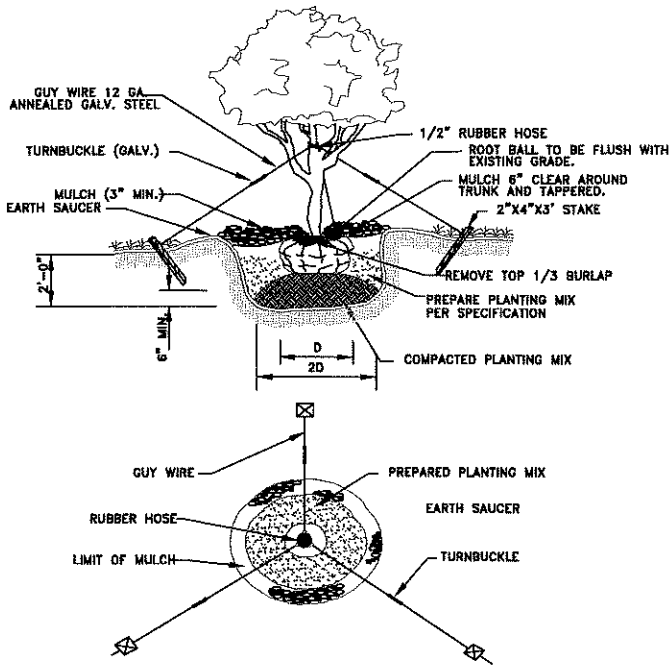
PLANT SCHEDULE CAT'S PAW						
TREES	QTY	COMMON / BOTANICAL NAME	SPACING	SPECIFICATIONS	% NATIVE	POINTS PROVIDED
JV	6	Eastern Red Cedar / <i>Juniperus virginiana</i>	AS SHOWN	10' - 12' Ht. x 5'-6" epd, 2" caliper, Standard, 5' c.t. minimum	0% native	6
MLS	46	Little Gem Dwarf Southern Magnolia / <i>Magnolia grandiflora</i> 'Little Gem'	AS SHOWN	10' - 12' Ht. x 5'-6" epd, 2" caliper, Standard, 5' c.t. minimum	60% native	46
QV	4	Southern Live Oak / <i>Quercus virginiana</i>	AS SHOWN	10' - 12' Ht. x 5'-6" epd, 2" caliper, Standard, 5' c.t. minimum	6% native	4
TD	1	Bald Cypress / <i>Taxodium distichum</i>	AS SHOWN	10' - 12' Ht. x 5'-6" epd, 2" caliper, Standard, 5' c.t. minimum	13% native	9
UF	2	Drake Elm / <i>Ulmus parvifolia</i> 'Drake'	AS SHOWN	10' - 12' Ht. x 5'-6" epd, 2" caliper, Standard, 5' c.t. minimum	3% native	2
					100% total native	67 points total
SHRUBS	QTY	COMMON / BOTANICAL NAME	SPACING			
VO	444	Dwarf Natter's Viburnum / <i>Viburnum coccineum</i> 'Dwarf Natter's'	36" o.c.	36" Ht. x 24" epd. minimum full & dense	Native % = 100%	

NOTES:

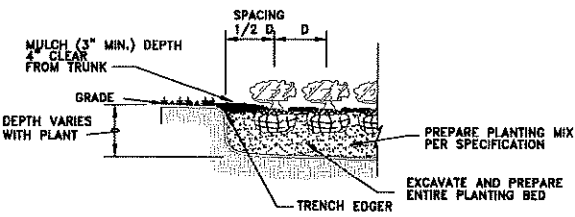
1. MULCH ALL PLANTING BEDS WITH 3" ORGANIC MULCH.
2. ALL DISTURBED AREAS NOT OTHERWISE LANDSCAPED SHALL BE SODDED WITH BAHIA SOD.
3. ALL PLANT MATERIAL TO BE FLORIDA NO. 1 QUALITY OR BETTER.
4. NO SUBSTITUTIONS WITHOUT PRIOR WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.
5. ALL TREES AND PLANTS SHALL MEET MINIMUM SPECIFIED SIZES IN INCHES AND FEET, REGARDLESS OF CONTAINER SIZE INDICATED. WHERE DIFFERENCES OCCUR, THE LARGER SPECIFICATION SHALL PREVAIL.
6. CONTRACTOR TO VERIFY ALL QUANTITIES



SOD DETAIL



TREE PLANTING DETAIL



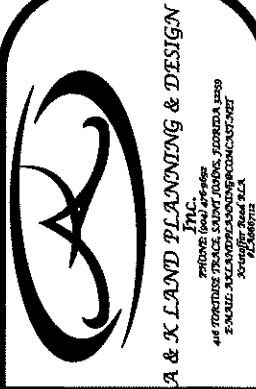
SHRUB & GROUND COVER PLANTING DETAIL

REVISIONS :

DATE : October 4 2022
PROJECT NO. : 2022B
DESIGNED BY : KBR
DRAWN BY : KBR
CHECKED BY : KBR
SCALE : N.T.S.

SHEET TITLE
PLANTING
DETAILS

L-5
SHEET



CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **COMPREHENSIVE PLAN AMENDMENT, REZONING, VARIANCE,
AND CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0045**

AGENDA ITEM 8(a)

APPLICANT Matthew Lahti, P.E.
c/o Gulfstream Design Group, LLC

OWNER Emergency Services and Homeless Coalition of St.
Johns County, Inc.
c/o Jeanne Moeller, ESHC Board President

LOCATION 28 Smith Street / PID 103426-0050

REQUEST To amend the current land use of Residential Low
Density to Residential Medium Density and to
rezone the property from Residential Single-
Family-Two (RS-2) to Residential General-One
(RG-1) to build an additional residential unit.

To approve a variance request to reduce off-street
parking requirements and approve the removal of
significant tree(s) within Conservation Overlay
Zone 3.

CURRENT LAND USE Residential Low Density

PROPOSED LAND USE Residential Medium Density

CURRENT ZONING Residential Single-Family-Two (RS-2)

PROPOSED ZONING Residential General-One (RG-1)

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 5.5.1

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 Objective 6.4

Residential Categories: The residential categories are established to provide for the preservation of existing, predominantly residential neighborhoods. These categories allow a range of housing types of single-family low, single-family medium, multi-family and residential mixed-use.

FLUE Policy 6.4.1

Promote a residential land use pattern that contributes to quality housing, livable neighborhoods and a variety of housing types and prices.

FLUE Policy 6.4.2

Preserve the character of the existing residential areas of the City through maintaining established standards for residential densities, and traditional building patterns, maintenance and traffic circulation.

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 6.4.4

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and 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. 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.

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 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.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing “urban” area of the city including existing commercial corridors.

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 1.3.10

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 3.1.3

Mobility Plan projects within the City’s multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

Housing Element Goals, Objectives and Policies

Overall 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 Objective 1.1

The city shall assist the private sector in providing adequate housing to meet current and future needs.

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 Objective 1.4

The city shall strive to provide adequate sits for very low, low, and moderate income households.

H Policy 1.4.2

The city shall seek to disperse affordable housing throughout the city and avoid overconcentration in any single area.

H Objective 1.7

Provide adequate and affordable housing opportunities to accommodate households with special housing needs.

H Policy 1.7.3

The city shall participate in the efforts of the St. Johns County Homeless Coalition and other non-profit private agencies in the development of transitional housing for the homeless.

H Policy 2.2.3

To encourage workforce housing, the city should consider exempting workforce housing units from mobility fees related to vehicles and parking requirement reductions in the land development code.

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>Carya illinoensis</i>	Pecan	18

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)

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.

Yard, front, means a required yard extending between side lot lines across the front of a lot adjoining a public or private street. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the building inspector may waive the requirement for the normal front yard and substitute therefor a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots. In the case of corner lots, a front yard of the required depth shall be provided on one (1) frontage and a front yard half the required depth

shall be provided on the other. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such roundings. Front and rear yard lines shall be parallel. Where lots in residential districts comprising forty (40) percent or more of the frontage on one (1) side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six (6) feet, no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.

Yard, rear, means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations, with its inner edge parallel with the rear lot line.

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. 28-30. 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:*
- 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.
 - 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.
 - Whenever the city commission has denied an application for the rezoning of land, no further 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.

- 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 pubic 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.

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)

Sec. 28-163. - Residential, general-one: RG-1.

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 medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

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

(3) *Permissible uses by exception:*

- a. See [section 28-347](#), special event venue as per [section 28-347](#)(8) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(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.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

b. *Nonresidential uses:*

- a. Front, fifteen (15) feet.
- b. Side, ten (10) feet.
- c. Rear, ten (10) feet.

(7) *Maximum height of structures:*

- a. *Single-family dwellings.* Thirty-five (35) feet.
- b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

Sec. 28-373. – Required off-street parking.

(d) *Minimum spaces required:*

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(25)	Multifamily residential/apartments				
	1 bedroom			1.5 per unit	
	2 bedrooms			2 per unit	
	3 or more bedrooms			2.25 per unit	
(30)	Single-family/duplex			2 per unit	

STAFF SUMMARY AND ANALYSIS

The requests made by the applicant at 28 Smith Street stem from efforts to provide additional housing within the Emergency Services and Homeless Coalition of St. Johns County, Inc. (ESHC) campus in West City. The requests for a comprehensive plan amendment and rezoning are to increase the density and allow for an additional dwelling unit on the site. Rezoning the property from RS-2 to RG-1 increases the density from eight (8) units per acre to sixteen (16) units per acre. 28 Smith Street is 0.23 acres in size which would allow for three (3) individual dwelling units under a land use designation of Residential Medium Density. The proposed change in zoning would allow for the proposal of a seven hundred (700) square foot two-bedroom home to accompany an existing single-family home on the site.

The variance request is for the required off-street parking spaces for single-family homes. 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;

The unique condition at 28 Smith Street that does not apply to other properties within the City of St. Augustine is that it will be used to provide housing to disadvantaged individuals. A literal enforcement of the City's parking code would, to quote the definition of variance, "result in unnecessary and undue hardship on the land." The applicant states that user of the home will "likely have little to no access or intent to use a vehicle." The disadvantage in this case is efforts to provide housing for those who cannot afford it otherwise is extremely difficult even without having to provide on-site parking.

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

The disadvantage and difficulties of providing housing support does not give the owner the ability to make reasonable use of the property to the end of housing those that are homeless within St. Augustine.

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

The disadvantage of not having excess financial means that may be allocated towards excess parking at 28 Smith Street is a condition not created by the owner.

- 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. Due to the use of the development an argument can be made that less cars, and the traffic that accompanies them, will reduce the impact on the neighborhood within West City.

Plans provided by the applicant show five (5) trees on-site within Conservation Overlay Zone 3 at 28 Smith Street:

- (1) 24" Pecan
- (2) 15" Palm
- (3) 52" Oak
- (4) 15" Oak
- (5) 48" Oak

Included in this application is a tree removal plan and a table showing the size, type, and plan of action for each tree. There is a discrepancy between the site plan which shows an "X" on the location of the 24" Pecan tree and table which labels the plan of action as "to remain" for the Pecan tree. The applicant will need to clarify plans for this significant tree in the case that a decision from

the PZB is required. Removal of the 24" Pecan tree would not have an impact on tree mitigation requirements due to four (4) trees remaining, two (2) of which are significant.

STAFF RECOMMENDATION

Staff do 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.

The PZB will need to make a recommendation to the City Commission regarding changing the Future Land Use designation of the property from Residential Low Density to Residential Medium Density.

The PZB will need to make a separate recommendation to the City Commission regarding changing the zoning on the property to a compatible zoning district from RS-2 to RG-1.

If the PZB does not make positive recommendations for the land use and the zoning the application will not move forward to the City Commission and a second unit cannot be built on the property. Therefore, there would be no need for the parking variance or the tree removal.

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 parking requirement of one (1) parking space at 28 Smith Street / PID 103426-0050.

Based on a review of section 11-29, staff finds that the board can, if necessary, **APPROVE** the request for removal of one (1) significant Pecan tree within Conservation Overlay Zone 3 at 28 Smith Street / PID 103426-0050.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2023-0045
 Receipt Number: 2632107 Meeting Date: 6/6/23
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Matthew H. Lahti, P.E. Contact Number: 904-794-4231
 Business (if applicable): Gulfstream Design Group, LLC
 Address: 2225 A1A S, Suite A2 City: St. Augustine State: FL Zip: 32080
 E-Mail Address: matt@gulfstreamdesign.com

2. NAME OF PROPERTY OWNER: Emergency Services and Homeless Coalition of St. Johns County, Inc Contact Number: 904-819-0059
 Business (if applicable): Jeanne Moeller, ESHC Board President
 Address: PO Box 3422 City: St. Augustine State: FL Zip: 32085
 E-Mail Address: jmoe01@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 5 Block: A
 Subdivision: Bovee, Plat showing Subdivision of Prope Parcel Number: 1034260050

4. PROJECT STREET ADDRESS: 28 Smith Street

5. SPECIFIC PROPOSED USE: Construction of 16-20 homes for low income homeless families adjoining their 5 acre campus on the property.

6. ACTION REQUESTED:
☒ Conservation Zone Development 3 ☐ Appeal of Staff Determination
☐ Exception ☒ Land Use Plan Amendment
☒ Variance ☒ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Gulfstream Design Group, LLC requests to rezone parcel ID# 1034260050 from RS-2 to RG-1. change the land use from Residential Low Density to Residential medium Density variance to setbacks and parking Refer to page 2 for parking variance variance to the Building setbacks from required is front (east) to 7.5'.

8. JUSTIFICATION FOR ACTION REQUESTED: This property is currently zoned Residential Single-Family-Two (RS-2) which only allows for one single-family home per property. 28 Smith St will need to be rezoned to increase the number of dwelling units to allow for additional residential development.

Based on the existing unit on the site and its existing use (currently occupied) in order to meet the building separation requirement we have to encroach on the eastern setback line. The lot was originally designed to 50' wide and allow two units. 04/18/2019

7. DESCRIPTION OF ACTION REQUESTED: Gulfstream Design Group, LLC requests a variance to the City of St. Augustine parking code. We request a reduction of the minimum requirement from 2 spaces per every 2 bedroom unit and of 2.25 spaces per every 3 bedroom unit. Our total reduction is 10 fewer spaces than what is required.
-
-
-

8. JUSTIFICATION FOR ACTION REQUESTED: Based on the existing conditions of the site and historical use of those units we believe that a maximum of 1 parking space per unit will be sufficient to provide the intended user with the sufficient parking. The customer for the proposed homes will likely have little to no access or intent to use a vehicle.
-
-
-

04/18/2019

Parking Variance

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: The existing conditions of the existing buildings/parking as well as floodplain and wetlands onsite. Current use of the buildings are maxed out occupancy of homeless housing.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The current conditions make redesign difficult without displacing the existing homeless residents, thus the conditions of the site make it extremely disadvantageous to enforce the maximum parking.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The owner's intent is not to max out the site with units, only to provide adequate parking for the intended use. The disadvantage exists because of the existing use.
- (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: We believe that it is in the public's interest to provide homeless disadvantaged communities with housing which is in harmony with the existing use.

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.

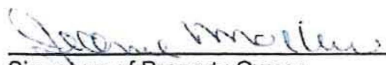
Matthew Lahti, P.E. FL# 71395

Digitally signed by Matthew Lahti, P.E. FL# 71395
Date: 2023.05.16 13:27:22 -04'00'

5/16/2023

Signature of Applicant

Date


Signature of Property Owner

5/16/2023
Date

04/18/2019

Setback Variance

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: The physical conditions that disadvantage the property include a currently occupied unit that shares the parcel with the proposed unit.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The owner does not wish to demo an existing building that currently houses occupants.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The owner was not the original designer of the existing building. They do not intend to misuse the variance rather its purpose is to provide desperately needed housing to the homeless but not at the cost of redesigning the whole site which would require removing currently occupied units.
- (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: We believe it is in the community's interest to provide housing to disadvantaged community. it is also in harmony with adjacent and current uses.

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.

Matthew Lahti, P.E. FL#
71395

Digitally signed by Matthew Lahti, P.E.
FL# 71395
Date: 2023.05.16 13:02:13 -04'00'

5/16/2023

Signature of Applicant

Date


Signature of Property Owner

5/16/2023
Date

04/18/2019



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF
OF Emergency Services and Homeless Coalition of St. Johns County, Inc, 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: Jeanne Moeller
Signature of Owner
Jeanne Moeller
Print Name of Owner
904 460 6670
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 5th day of May, 2023.

By Jeanne Moeller

Deborah Redding

Identification verified: Personally known to me

Oath sworn: Yes ☒ No ☐

Notary Signature: Deborah Redding

My Commission expires: 12/22/23



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: 3 Nesbit Ave, St. Augustine, FL 32084

Applicant's Name: Matthew H. Lahti, P.E. Applicant's Signature: Matthew Lahti Digitally signed by Matthew Lahti, P.E. FL# 71395 Date: 2023.05.08 14:06:47 -04'00'

Owner's Name: Jeanne Moeller Owner's Signature: Jeanne Moeller

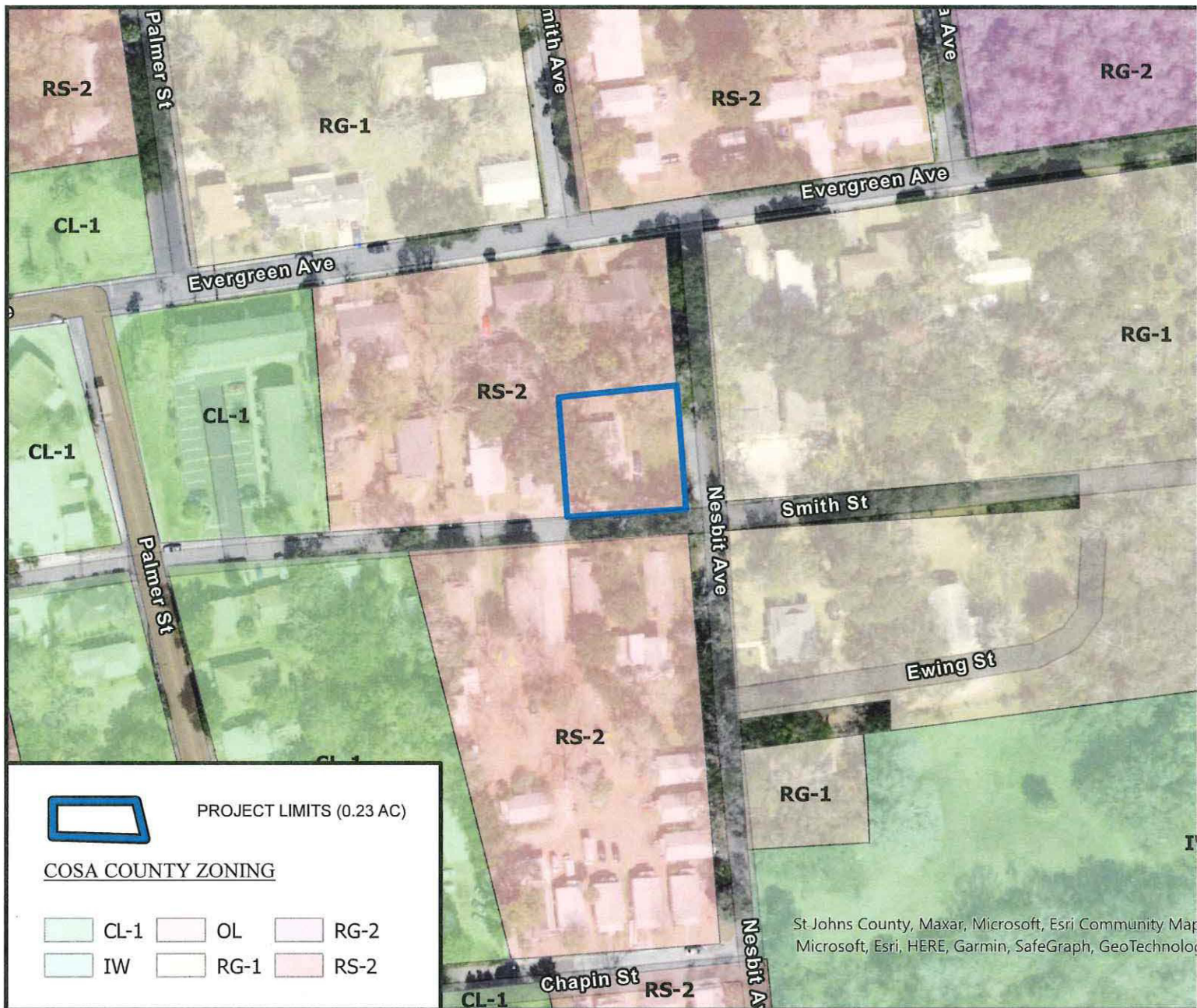


Image Source: ESRI 2020
Date: 05-16-2023
Project Number: 22-087



US Feet
0 85 170

EXISTING ZONING MAP HOMELESS COALITION EXPANSION ST. JOHNS COUNTY, FLORIDA

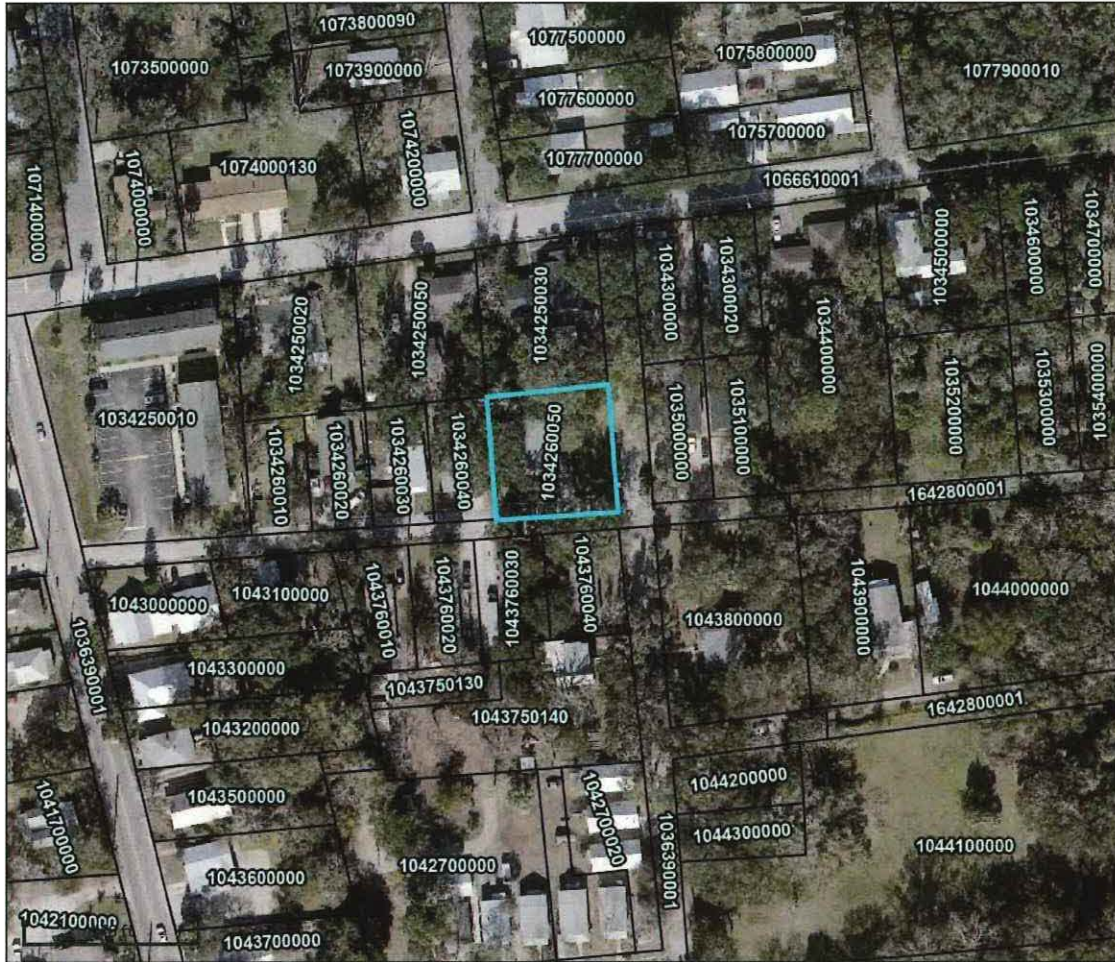


Image Source: ESRI 2020
Date: 05-16-2023
Project Number: 22-087



US Feet
0 85 170

PROPOSED ZONING MAP HOMELESS COALITION EXPANSION ST. JOHNS COUNTY, FLORIDA



Overview



Legend

□ Parcels

Parcel ID 1034260050 Physical 28 SMITH ST
Property 0100 - Single Address SAINT AUGUSTINE
Class Family Mailing EMERGENCY SERVICES & HOMELESS
Taxing City of St Address COALITION OF ST JOHNS COUNTY INC
District Augustine PO BOX 3422
Acres 0.23 SAINT AUGUSTINE FL 32085-3422

Building	\$205,645	Last 2 Sales			
Value		Date	Price	Reason	Qual
Extra	N/A	2/28/2013	\$20000	17	U
Feature		n/a	0	n/a	n/a
Value					
Total Land	\$107,016				
Value					
Just Value	\$312,661				
Total	\$70,137				
Deferred					
Assessed	\$242,524				
Value					
Total	\$242,524				
Exemptions					
Taxable	N/A				
Value					

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: 5/17/2023
Last Data Uploaded: 5/16/2023 11:43:18 PM

Developed by  Schneider
GEOSPATIAL



St. Johns County, FL

Apply for Exemptions

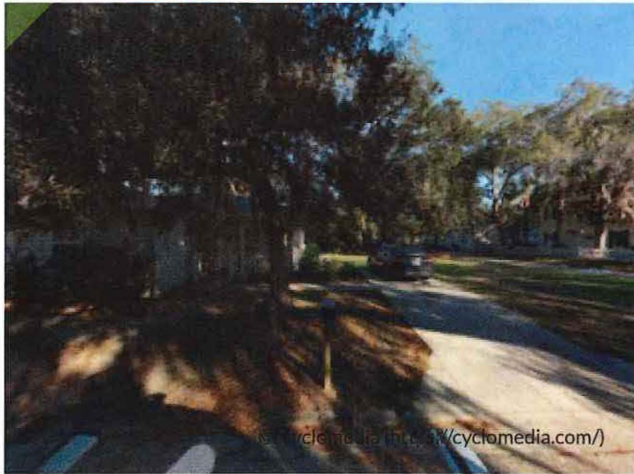
[Apply for Exemptions](#)

2022 TRIM Notice

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

Summary

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



Parcel ID 1034260050
 Location Address 28 SMITH ST
 SAINT AUGUSTINE 32084-0000
 Neighborhood Bovee's (473)
 Tax Description* 2-56 BOVEE SUB LOT 5 BLK A (FORMERLY (8) GREENO TRACT LOT 7 BLK 3) OR3694/49
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Bovee, Plat Showing Subdivision Of Prope
 Sec/Twp/Rng 41-7-29
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.230
 Homestead N

Owner Information

Owner Name [Emergency Services & Homeless Coalition Of St Johns County Inc](#) 100%
 Mailing Address PO BOX 3422
 SAINT AUGUSTINE, FL 32085-3422

Exemption Information

Exemption Type	Status	Amount
Non-Profit		\$242,524

Map



Valuation Information

	2023
Building Value	\$205,645
Extra Features Value	\$0
Total Land Value	\$107,016
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$312,661
Total Deferred	\$70,137
Assessed Value	\$242,524
Total Exemptions	\$242,524
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	\$174,798	\$0	\$83,383	\$0	\$0	\$258,181	\$220,476	\$258,181	\$0
2021	\$150,046	\$0	\$50,387	\$0	\$0	\$200,433	\$200,433	\$200,433	\$0
2020	\$151,578	\$0	\$37,902	\$0	\$0	\$189,480	\$189,480	\$189,480	\$0
2019	\$137,107	\$0	\$37,902	\$0	\$0	\$175,009	\$175,009	\$175,009	\$0
2018	\$0	\$0	\$29,875	\$0	\$0	\$29,875	\$27,300	\$29,875	\$0
2017	\$0	\$0	\$28,538	\$0	\$0	\$28,538	\$24,818	\$28,538	\$0
2016	\$0	\$0	\$22,741	\$0	\$0	\$22,741	\$22,562	\$22,741	\$0
2015	\$0	\$0	\$20,511	\$0	\$0	\$20,511	\$20,511	\$20,511	\$0
2014	\$0	\$0	\$20,511	\$0	\$0	\$20,511	\$20,511	\$20,511	\$0
2013	\$0	\$0	\$20,511	\$0	\$0	\$20,511	\$20,511	\$0	\$20,511
2012	\$0	\$0	\$20,467	\$0	\$0	\$20,467	\$20,467	\$0	\$20,467
2011	\$0	\$0	\$22,741	\$0	\$0	\$22,741	\$22,741	\$0	\$22,741
2010	\$0	\$0	\$44,590	\$0	\$0	\$44,590	\$44,590	\$0	\$44,590

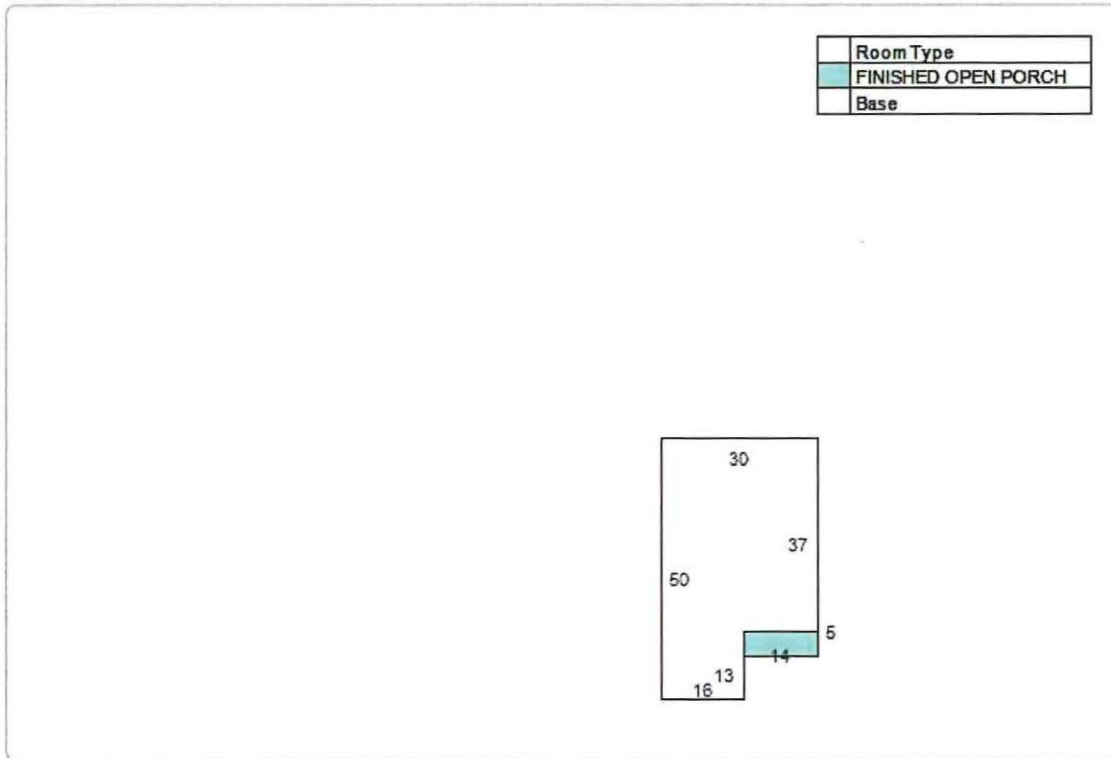
Building Information

Building 1
 Year Built 2018
 Actual Area 1388
 Conditioned Area 1318
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Siding

Roof Cover Composite Shingle
 Roof Structure Gable Hip
 Interior Flooring Carpet, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 3
 Baths 2

Description	Square Footage
BASE AREA	1318
FINISHED OPEN PORCH	70
Total SqFt	1388

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	98	100	98	EF	\$107,016

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/1/2013	2/28/2013	\$20,000.00	WARRANTY DEED	3694	49	U	V	DELIVERANCE TIME MINISTRY INC	EMERGENCY SERVICES & HOMELESS COALITION OF ST JOHNS COUNTY
	5/18/2007	\$100.00	WARRANTY DEED	2928	18	U	V	MONTGOMERY WILLIAM A SR	DELIVERANCE TIME MINISTRY INC
	5/11/2007	\$100.00	CORRECTIVE DEED	2928	16	U	V	MONTGOMERY WILLIAM A II ETAL	MONTGOMERY WILLIAM A SR
	3/25/2005	\$0.00	QUIT CLAIM DEED	2412	246	U	I	MONTGOMERY LAXAVIER ARLENE (HER 1/3 INT)	MONTGOMERY WILLIAM A SR
	3/25/2005	\$0.00	QUIT CLAIM DEED	2412	245	U	I	MONTGOMERY WILLIAM A II (HIS 1/3 INT)	MONTGOMERY WILLIAM A SR
	3/19/2005	\$0.00	SUMMARY ORDER ADMIN	2411	1742	U	I	SMITH VINEDA SKIPPER ESTATE (DECD 6/14/99)	MONTGOMERY WILLIAM A, WILLIAM II & LAXAVIER A
	11/1/1986	\$0.00		735	1238	U	I		SMITH VINEDA SKIPPER
	11/1/1986	\$0.00		735	1237	U	I		

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

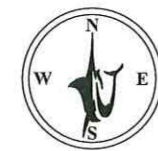
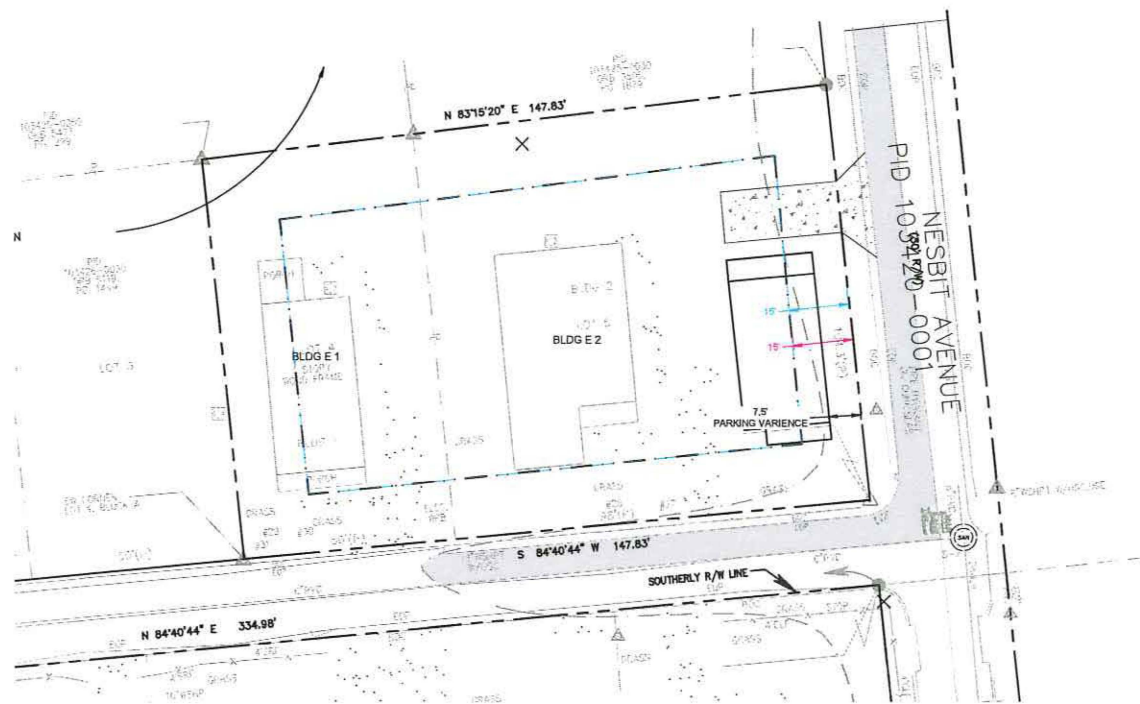
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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

Last Data Upload: 5/16/2023, 11:43:18 PM

Developed by
 Schneider
 GEOSPATIAL

Version 3.1.9



GRAPHIC SCALE

0 20 30

1"=20'

PROPOSED BUFFER/SETBACK TABLE		
	SETBACKS	BUFFER
FRONT	15'	
SIDE	10'	
REAR	10'	

LEGEND

- | | | | |
|--|----------------------------|--|---|
| | SETBACK DIMENSION | | PROPOSED CONTOUR MAJOR |
| | BUFFER DIMENSION | | PROPOSED CONTOUR MINOR |
| | BUILDING SETBACK (SB) | | PROPOSED CURB & GUTTER |
| | LANDSCAPE BUFFER (BUF) | | PROPOSED CENTER LINE |
| | EXISTING LOT LINE | | PROPOSED BUILDING OUTLINE |
| | EXISTING BUILDING OUTLINE | | STANDARD PARKING COUNT |
| | EXISTING FLOOD ZONE LINE | | ADA PARKING COUNT |
| | EXISTING CONCRETE | | PROPOSED CONCRETE SIDEWALK |
| | EXISTING PROPERTY LINE | | PROPOSED CONCRETE PAD |
| | EXISTING R/W LINE | | PROPOSED STANDARD DUTY ASPHALT PAVEMENT |
| | EXISTING LOT LINE | | PROPOSED HEAVY DUTY ASPHALT PAVEMENT |
| | EXISTING CHAINLINK FENCE | | PROPOSED FDOT ASPHALT PAVEMENT |
| | EXISTING GRAVEL SIDEWALK | | PROPOSED GRAVEL PARKING |
| | EXISTING CONCRETE SIDEWALK | | |
| | EXISTING CONCRETE SIDEWALK | | |

REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**YIELD ANALYSIS PLAN
FOR
HOMELESS COALITION EXPANSION
22-087 BUFFER AND SETBACK
CITY OF ST. AUGUSTINE**



Know what's below.
Call before you dig.

(NOT) FOR
CONSTRUCTION



GULFSTREAM
DESIGN GROUP, LLC

2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
matt@gulfstreamdesign.com

© GULFSTREAM DESIGN GROUP, LLC 2022

PROJECT NO:	22-087
ISSUE DATE:	05-08-2023
DRAFTED BY:	JMC
DESIGNED BY:	MHL
CHECKED BY:	MHL

NOT VALID WITHOUT SEAL

A2



LEGEND (PROPOSED)

- PROPOSED BUILDING OUTLINE
- PROPOSED CHAINLINK FENCE
- PROPOSED CURB & GUTTER
- PROPOSED CENTER LINE
- SETBACK DIMENSION
- BUFFER DIMENSION
- PROPOSED 25' UPLAND BUFFER
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAD
- PROPOSED GRAVEL PARKING
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED FOOT ASPHALT PAVEMENT
- STANDARD PARKING COUNT
- ADA PARKING COUNT
- TREE TO BE REMOVED
- TREES TO REMAIN

LEGEND (EXISTING)

- EXISTING PROPERTY LINE
- EXISTING RW LINE
- EXISTING LOT LINE
- EXISTING BUILDING OUTLINE
- EXISTING FLOOD ZONE LINE
- BUILDING SETBACK (SB)
- LANDSCAPE BUFFER (BUF)
- EXISTING CHAINLINK FENCE
- EXISTING TO BE REMOVED
- EXISTING ASPHALT PAVEMENT
- FLOOD ZONE AE 6 - AE 7
- EXISTING GRAVEL ROAD
- EXISTING CONCRETE SIDEWALK
- TREE DRIPLINE
- EXISTING TREES

GENERAL CONCEPT NOTES

- THIS CONCEPT PLAN HAS BEEN PROVIDED WITHOUT THE BENEFIT OF A TOPOGRAPHIC, UTILITY, WETLAND, OR TREE SURVEY. EXISTING INFORMATION SHOWN ON THIS PLAN IS BASED ON THE SURVEY PROVIDED BY G&H CONSULTANTS ON OCTOBER 24, 2022. GULFSTREAM DESIGN GROUP, LLC ACCEPTS NO LIABILITY FOR THE BASIS OF SURVEY DATA (EXISTING CONDITIONS) AS SHOWN ON THIS DRAWING.
- THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR THE BENEFIT OF ESTIMATING A DEVELOPMENT PROGRAM FOR MAXIMUM POTENTIAL YIELD OF THE PROPERTY. THE ACTUAL DEVELOPMENT PROGRAM MAY BE DIFFERENT UPON PREPARATION OF DESIGN CALCULATIONS/CONSTRUCTION PLANS. CLIENT CONSTRUCTION BUDGET AND REGULATORY AGENCY REVIEW.
- ANY IMPROVEMENTS TO BE INCLUDED IN FINAL ENGINEERING PLANS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATORY AGENCIES AND DEVELOPMENT CODES, DESIGN STANDARDS AND REGULATIONS. THE PROPOSED IMPROVEMENTS AS SHOWN INCLUDING BUT NOT LIMITED TO: LOT LINES, BUILDING FOOTPRINTS AND COMPARTMENTS, PARKING LOT FACILITIES, UTILITY LAYOUTS, LANDSCAPING/IRRIGATION AND STORMWATER MANAGEMENT FACILITIES ARE SUBJECT TO CHANGE BASED UPON REGULATORY AGENCY REVIEW.
- NO COORDINATION WITH REGULATORY AGENCIES IS ASSUMED TO HAVE BEEN PERFORMED AT THE TIME OF CREATION OF THIS PLAN.
- LAND UNUSABLE/UNLAWFUL USES, ZONING/DENSITY, COMPATIBILITY WITH ADJACENT RTES, SETBACKS, BUFFERS, OR OTHER PLANNING AND ZONING REGULATIONS MAY REQUIRE MODIFICATIONS TO THIS PLAN DURING THE FINAL DESIGN PROCESS.
- PUBLIC HEARINGS AND/OR OTHER LOCAL REVIEW BOARD PRESENTATIONS MAY BE REQUIRED AS A PART OF THESE REVIEWS AND APPROVALS.
- OFFSITE IMPROVEMENTS HAVE NOT BEEN WHOLLY CONSIDERED IN PREPARATION OF THIS CONCEPT PLAN.
- AVAILABILITY OF UTILITIES OR OTHER PUBLIC SERVICES HAVE NOT BEEN VERIFIED, AND COMPENSATION THAT THE CONCEPT IS NOT IN CONFLICT WITH OTHER LOCAL OR STATE CAPITAL IMPROVEMENT PROJECTS WILL BE NECESSARY.

SITE DATA TABLE

GROSS PROPERTY AREA:	70,656.01 SF	1.62 AC
NET DEVELOPABLE PROJECT AREA:	70,656.01 SF	1.62 AC
BUILDING FOOTPRINT AREA:	11,200.00 SF	0.26 AC
PARKING, SIDEWALKS, AND DRIVEWAYS:	17,114.48 SF	0.39 AC
TOTAL IMPERVIOUS AREA:	28,314.48 SF	0.65 AC
TOTAL PERVIOUS AREA:	42,341.55 SF	0.97 AC
TOTAL SURFACE WATER AREA:	12,375.33 SF	0.28 AC
NET OPEN SPACE:		
PROPERTY ID NO:	1044100000	
ZONING:	RG-1	
FLUM:	RESIDENTIAL MEDIUM DENSITY	
FEMA FIRM PANEL NUMBER	12109C0314	
USA PUD	MAXIMUM:	PROPOSED
IMPERVIOUS SURFACE AREA RATIO:	75.00%	40.07%
FLOOR AREA RATIO:	75.00%	15.85%
BUILDING HEIGHT:	10'	420'
	MINIMUM	PROPOSED
BACK (E) YARD SETBACK	10'	44'
FRONT (W) YARD SETBACK	15'	15'
SIDE (N) YARD SETBACK	10'	19'
SIDE (S) YARD SETBACK	10'	10'

PARKING CALCULATIONS

USE	1 SPACE PER GROSS FLOOR AREA (SF)	UNITS, SEATS, ROOMS, SPACES	PROPOSED BUILDING AREA (SF)	REQUIRED PARKING SPACES	PROVIDED PARKING SPACES
MULTI RESIDENTIAL APARTMENTS					
2 BEDROOMS		2.00 PER UNIT	12 UNITS	24	15
3 BEDROOMS		2.25 PER UNIT	4 UNITS	9	6
ADA PARKING SPACES				2	2
TOTAL PARKING SPACES				33	

NO.	DATE	BY	REVISIONS	DESCRIPTION
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

ENGINEERING PLANS FOR HOMELESS COALITION EXPANSION MASTER CONCEPTUAL PLAN CITY OF ST. AUGUSTINE

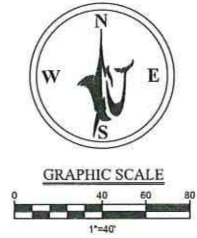
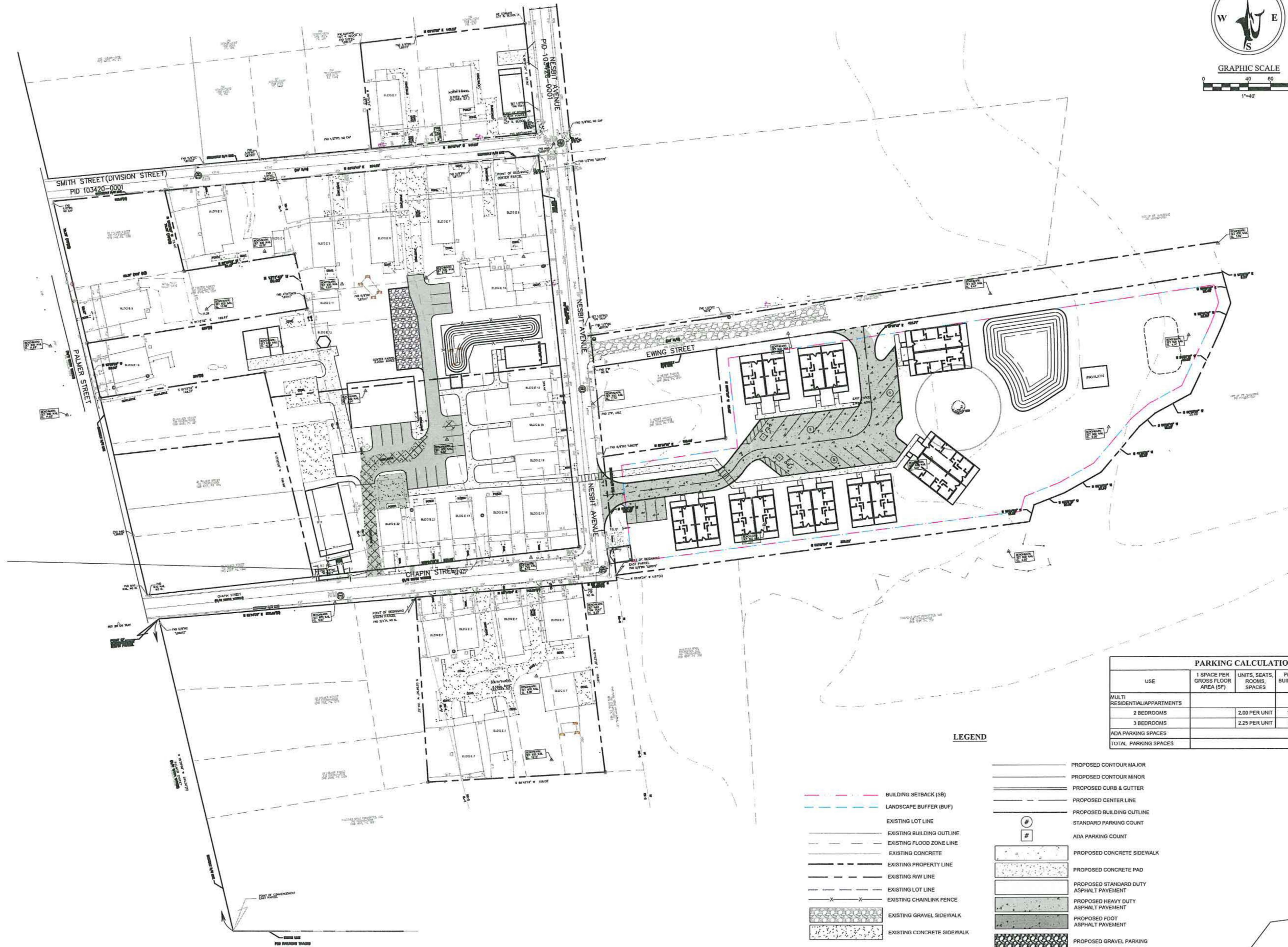


(NOT) FOR CONSTRUCTION



2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
mail@gulfstreamdesigngroup.com
© GULFSTREAM DESIGN GROUP, LLC 2023

PROJECT NO:	22-087
ISSUE DATE:	05-05-2023
DRAFTED BY:	JMC
DESIGNED BY:	MHL
CHECKED BY:	MHL
NOT VALID WITHOUT SEAL	



LEGEND

- PROPOSED CONTOUR MAJOR
- PROPOSED CONTOUR MINOR
- PROPOSED CURB & GUTTER
- PROPOSED CENTER LINE
- PROPOSED BUILDING OUTLINE
- STANDARD PARKING COUNT
- ADA PARKING COUNT
- BUILDING SETBACK (SB)
- LANDSCAPE BUFFER (BUF)
- EXISTING LOT LINE
- EXISTING BUILDING OUTLINE
- EXISTING FLOOD ZONE LINE
- EXISTING CONCRETE
- EXISTING PROPERTY LINE
- EXISTING R/W LINE
- EXISTING LOT LINE
- EXISTING CHAINLINK FENCE
- EXISTING GRAVEL SIDEWALK
- EXISTING CONCRETE SIDEWALK
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAD
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED FDOT ASPHALT PAVEMENT
- PROPOSED GRAVEL PARKING

PARKING CALCULATIONS					
USE	1 SPACE PER GROSS FLOOR AREA (SF)	UNITS, SEATS, ROOMS, SPACES	PROPOSED BUILDING AREA (SF)	REQUIRED PARKING SPACES	PROVIDED PARKING SPACES
MULTI RESIDENTIAL/APARTMENTS					
2 BEDROOMS		2.00 PER UNIT	12 UNITS	24	15
3 BEDROOMS		2.25 PER UNIT	4 UNITS	9	6
ADA PARKING SPACES				2	2
TOTAL PARKING SPACES				33	23

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

PERMIT EXHIBIT FOR HOMELESS COALITION EXPANSION PROPOSED PARKING EXHIBIT

CITY OF ST. AUGUSTINE



Know what's below.
Call before you dig.

(NOT) FOR
CONSTRUCTION



GULFSTREAM
DESIGN GROUP, LLC

2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
matt@gulfstreamdesign.com

© GULFSTREAM DESIGN GROUP, LLC 2022

PROJECT NO: 22-087
ISSUE DATE: 05-08-2023
DRAFTED BY: JMC
DESIGNED BY: MHL
CHECKED BY: MHL

NOT VALID WITHOUT SEAL



EXISTING PARKING CALCULATIONS				
USE	1 SPACE PER GROSS FLOOR AREA (SF)	EXISTING PARKING SPOTS	EXISTING BUILDING AREA (SF)	REQUIRED PARKING SPACES
OFFICE			1800	
CHILDRENS CENTER			640	
MULTI RESIDENTIAL/APARTMENTS				
2 BEDROOMS	1.00 PER UNIT		14 UNITS	14
3 BEDROOMS	1.00 PER UNIT		4 UNITS	4
4 BEDROOMS	1.00 PER UNIT		3 UNITS	3
TOTAL PARKING SPACES				21

REVIEWS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

PERMIT EXHIBIT FOR

HOMELESS COALITION EXPANSION

EXISTING PARKING EXHIBIT

CITY OF ST. AUGUSTINE

811

Know what's below.
Call before you dig.

(NOT) FOR CONSTRUCTION

GULFSTREAM
DESIGN GROUP, LLC

2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
804.794.4231
matt@gulfstreamdesign.com

GULFSTREAM DESIGN GROUP, LLC 2022

PROJECT NO: 22-087

ISSUE DATE: 05-08-2023

DRAFTED BY: JMC

DESIGNED BY: MHL

CHECKED BY: MHL

NOT VALID WITHOUT SEAL

B

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **VARIANCE AND CONSERVATION OVERLAY ZONE DEVELOPMENT
2023-0046**

AGENDA ITEM 8(b)

APPLICANT Matthew Lahti, P.E.
c/o Gulfstream Design Group, LLC

OWNER Emergency Services and Homeless Coalition of St.
Johns County, Inc.
c/o Jeanne Moeller, ESHC Board President

LOCATION 62 Chapin Street / PID 104270-0000
4 Nesbit Avenue / PID 104270-0020
6 Nesbit Avenue / PID 104270-0020
8 Nesbit Avenue / PID 104270-0020
12 Nesbit Avenue / PID 104375-0140
56 Chapin Street / PID 104270-0010
57 Chapin Street / PID 104450-0000
58 Chapin Street / PID 104270-0010
59 Chapin Street / PID 104460-0000
60 Chapin Street / PID 104270-0000
61 Chapin Street / PID 104460-0000
61 ½ Chapin Street / PID 104460-0000
63 Chapin Street / PID 104460-0000
63 ½ Chapin Street / PID 104460-0000
27 Smith Street / PID 104376-0040
29 Smith Street / PID 104376-0030
30 Smith Street / PID 103426-0040
31 Smith Street / PID 104376-0020
33 Smith Street / PID 104376-0010
43 Smith Street / PID 104310-0000
35 Palmer Street / PID 104320-0000

REQUEST To approve a reduction in the number of required off-
street parking requirements and removal of significant
trees within Conservation Overlay Zone 3.

CURRENT LAND USE Residential Low Density & Commercial Low Intensity

CURRENT ZONING Residential Single-Family-Two (RS-2) & Commercial
Low-One (CL-1)

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 5.5.2

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 Objective 6.4

Residential Categories: The residential categories are established to provide for the preservation of existing, predominantly residential neighborhoods. These categories allow a range of housing types of single-family low, single-family medium, multi-family and residential mixed-use.

FLUE Policy 6.4.1

Promote a residential land use pattern that contributes to quality housing, livable neighborhoods and a variety of housing types and prices.

FLUE Policy 6.4.2

Preserve the character of the existing residential areas of the City through maintaining established standards for residential densities, and traditional building patterns, maintenance and traffic circulation.

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.

FLUE Policy 6.5.1

Commercial Low Intensity

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is intended for low traffic generating commercial uses including general retail sales and service-related uses intended to serve the local neighborhoods. In addition, professional and business offices, compatible tourist accommodations and similar uses are

encouraged. Appropriate uses may include recreation, public and institutional uses, Open Land (Conservation), multi-family, and residential or non-residential mixed uses.

Residential Uses Single or multi-family uses to a maximum of 16 dwelling units per acre.

- Not more than fifty percent (50%) of the Commercial Low Intensity designation shall be permitted for residential use. Other uses Maximum lot coverage of 60%; maximum height restriction of 35 feet.

To encourage mixed use developments:

- Residential uses included in mixed use developments shall occupy a minimum of 20% and a maximum of 40% of the development area, unless otherwise approved by the PZB.
- Commercial uses included in a residential mixed-use development shall occupy a minimum of 40% and a maximum of 60% of the development area, unless otherwise approved by the PZB.
- Mixed use commercial projects are encouraged.

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 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.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing “urban” area of the city including existing commercial corridors.

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 1.3.10

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 3.1.3

Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

Housing Element Goals, Objectives and Policies

Overall 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 Objective 1.1

The city shall assist the private sector in providing adequate housing to meet current and future needs.

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 Objective 1.4

The city shall strive to provide adequate sits for very low, low, and moderate income households.

H Policy 1.4.2

The city shall seek to disperse affordable housing throughout the city and avoid overconcentration in any single area.

H Objective 1.7

Provide adequate and affordable housing opportunities to accommodate households with special housing needs.

H Policy 1.7.3

The city shall participate in the efforts of the St. Johns County Homeless Coalition and other non-profit private agencies in the development of transitional housing for the homeless.

H Policy 2.2.3

To encourage workforce housing, the city should consider exempting workforce housing units from mobility fees related to vehicles and parking requirement reductions in the land development code.

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>Ulmus parvifolia</i>	elm, drake	10
<i>Ulmus alata</i>	elm, winged	10
<i>Ulmus Americana</i>	elm, American	18
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Carya illinoensis</i>	pecan	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) inch
.....1 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)

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. 28-373. – Required off-street parking.

(d) *Minimum spaces required:*

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(25)	Multifamily residential/apartments				
	1 bedroom			1.5 per unit	
	2 bedrooms			2 per unit	
	3 or more bedrooms			2.25 per unit	
(30)	Single-family/duplex			2 per unit	

STAFF SUMMARY AND ANALYSIS

The requests made by the applicant for the various properties within the ESHC campus located in West City stem from efforts to provide additional housing for a population within our community that faces housing challenges.

The variance request is for the required off-street parking spaces for single-family homes. Of the twenty addresses included in this application there are twenty-three (23) off-street parking spaces, either informal spaces or code compliant ones, provided. As part of development and redevelopment of the ESHC campus there will be a formal internally located parking facility on the block bound by Smith Street, Nesbit Avenue, Chapin Street, and Palmer Street. In this parking facility there will be the same amount of parking, which is currently provided, 23 off-street spaces.

This consolidates all of the parking into one (1) central location effectively reducing or eliminating the parking on each individual properties.

The request for development within Conservation Overlay Zone 3 appears to be in efforts to provide on-site parking for the homes within the ESHC campus. The proposal shows the removal of seventeen (17) trees, ten (10) of which are significant trees:

- (1) 20" Pecan
- (2) 20" Oak
- (3) 28" Pecan
- (4) 30" Oak
- (5) 13" Elm
- (6) 36" Cedar
- (7) 26" Oak
- (8) 30" Oak

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (9) 18" Pecan
- (10) 12" Elm

There is no deficit with this proposal due to a multitude of other trees remaining on-site including significant Oak, Southern Red Cedar, and Pecan trees.

The applicant has provided a tree survey but not an arborist report detailing the location or health of the trees proposed to be removed.

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 a reduction in parking requirements for the properties included in this application down to the proposed twenty-three (23) internally located parking spaces at the Emergency Services and Homeless Coalition campus located in West City.

Based on a review of section 11-29, staff finds that the board should **CONTINUE** the request for removal of ten (10) significant trees on the properties included in this application within Conservation Overlay Zone 3 at the Emergency Services and Homeless Coalition campus located in West City. Continuing this application would provide additional time for the applicant to provide additional details regarding the health and necessity of removal of trees proposed for removal.



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: 2023-0046

Receipt Number: 2625420 Meeting Date: 6/6/23

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

1. NAME OF APPLICANT: Matthew H. Lahti, P.E. Contact Number: 904-794-4231

Business (if applicable): Gulfstream Design Group, LLC

Address: 2225 A1A S, Suite A2 City: St. Augustine State: FL Zip: 32080

E-Mail Address: matt@gulfstreamdesign.com

2. NAME OF PROPERTY OWNER: Emergency Services and Homesless Coalition of St. Johns County, Inc Contact Number: 904-819-0059

Business (if applicable): Jeanne Moeller, ESHC Board President

Address: PO Box 3422 City: St. Augustine State: FL Zip: 32085

E-Mail Address: jmoe01@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 1 Block: 11

Subdivision: _____ Parcel Number: 1044100000

4. PROJECT STREET ADDRESS: 3 Nesbit Ave, St. Augustine, FL 32084 Homeless Coalition

Various parcels

5. SPECIFIC PROPOSED USE: Costruction of 16-20 homes for low income homeless families adjoining their 5 acre campus on the property.

6. ACTION REQUESTED:

☐ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☒ Variance ☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Gulfstream Design Group, LLC requests a variance to the City of St. Augustine parking code. We request a reduction of the minimum requirement from 2 spaces per every 2 bedroom unit and of 2.25 spaces per every 3 bedroom unit. Our total reduction is 10 fewer spaces than what is required.

8. JUSTIFICATION FOR ACTION REQUESTED: Based on the existing conditions of the site and historical use of those units we believe that a maximum of 1 parking space per unit will be sufficient to provide the inteded user with the sufficient parking. The customer for the proposed homes will likely have little to no access or intent to use a vehicle.

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: The existing conditions of the existing buildings/parking as well as floodplain and wetlands onsite. Current use of the buildings are maxed out occupancy of homeless housing.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: The current conditions make any redesign difficult without displacing the existing homeless residents, thus the conditions of the site make it extremely disadvantageous to enforce the maximum parking.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: The owner's intent is not to max out the site with units, only to provide adequate parking for the intended use. The disadvantage exists because of the existing use.
- (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. We believe that is in the public's interest to provide homeless disadvantage communities with housing which is in harmony with the existing use.

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.

Matthew Lahti, P.E. FL# 71395

Digitally signed by Matthew Lahti, P.E. FL#
71395
Date: 2023.05.08 13:04:50 -04'00'

5/8/2023

Signature of Applicant

Date

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.

Matthew H. Lahti, P.E.

Print name of applicant

Matthew Lahti, Digitally signed by Matthew
Lahti, P.E. FL# 71395
Date: 2023.05.08 13:05:50
+04'00'
P.E. FL# 71395

Signature of applicant

5/8/2023

Date



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF
OF Emergency Services and Homesless
Coalition of St. Johns County, Inc, 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: Jeanne Moeller
Signature of Owner
Jeanne Moeller
Print Name of Owner
904 460 6670
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 5th day of May, 2023.

By Jeanne Moeller

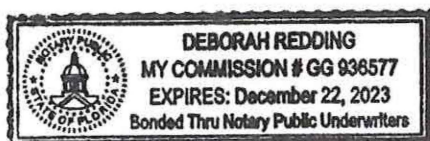
Deborah Redding

Identification verified: Personally known to me

Oath sworn: Yes ☒ No ☐

Notary Signature: Deborah Redding

My Commission expires: 12/22/23



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.

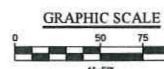
Project Address: 3 Nesbit Ave, St. Augustine, FL 32084

Applicant's Name: Matthew H. Lahti, P.E. Applicant's Signature: Matthew Lahti, P.E. FL# 71395
Digitally signed by Matthew Lahti, P.E. FL# 71395
Date: 2023.05.08 13:07:50 -04'00'

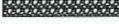
Owner's Name: Jeanne Moeller Owner's Signature: Jeanne Moeller



Address	Parcel Number	Lot(s)	Block	Subdivision
4 Nesbit Ave	104270-0020	1	9	N/A
6 Nesbit Ave.	104270-0020	1	9	N/A
8 Nesbit Ave.	104270-0020	1	9	N/A
12 Nesbit Ave.	104375-0140	1,2	9	N/A
56 Chapin St.	104270-0010	1	9	N/A
57 Chapin St.	104450-0000	2	9	N/A
58 Chapin St.	104270-0010	1	9	N/A
59 Chapin St.	104460-0000	3, 4	12	N/A
60 Chapin St.	104270-0000	1,2,5,6,7,8	9	N/A
61 Chapin St.	104460-0000	3,4	12	N/A
61 ½ Chapin St.	104460-0000	3,4	12	N/A
63 Chapin St.	104460-0000	3,4	12	N/A
63 ½ Chapin St.	104460-0000	3,4	12	N/A
27 Smith St.	104376-0040	4	N/A	N/A
28 Smith St.	103426-0050	5	A	N/A
29 Smith St.	104376-0030	3	N/A	N/A
30 Smith St.	103426-0040	4	A	N/A
31 Smith St.	104376-0020	2	N/A	N/A
33 Smith St.	104376-0010	1	N/A	N/A
43 Smith St.	104310-0000	3	9	N/A
35 Palmer St.	104320-0000	4	9	N/A



LEGEND (PROPOSED)

	PROPOSED BUILDING OUTLINE
	PROPOSED CHAINLINK FENCE
	PROPOSED CURB & GUTTER
	PROPOSED CENTER LINE
	SETBACK DIMENSION
	BUFFER DIMENSION
	PROPOSED 25' UPLAND BUFFER
	PROPOSED CONCRETE SIDEWALK
	PROPOSED CONCRETE PAD
	PROPOSED GRAVEL PARKING
	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
	PROPOSED FDOT ASPHALT PAVEMENT
	TREE TO BE REMOVED
	TREES TO REMAIN

LEGEND (EXISTING)

	EXISTING PROPERTY LINE
	EXISTING R/W LINE
	EXISTING LOT LINE
	EXISTING BUILDING OUTLINE
	EXISTING FLOOD ZONE LINE
	BUILDING SETBACK (SB)
	LANDSCAPE BUFFER (BUF)
	EXISTING CHAINLINK FENCE
	EXISTING TO BE REMOVED
	EXISTING ASPHALT PAVEMENT
	FLOOD ZONE AE 5 - AE 7
	EXISTING GRAVEL ROAD
	EXISTING CONCRETE SIDEWALK
	TREE DRIPLINE
	EXISTING TREES

GENERAL TREE PLAN NOTES

1. THIS CONCEPT PLAN HAS BEEN PROVIDED WITHOUT THE BENEFIT OF A SPECIFIC BOUNDARY, TOPOGRAPHIC, UTILITY, WETLAND, OR TREE SURVEY. EXISTING INFORMATION SHOWN ON THIS PLAN IS BASED ON THE BEST AVAILABLE PUBLIC INFORMATION THAT COULD BE OBTAINED. GULFSTREAM DESIGN GROUP, LLC ACCEPTS NO LIABILITY FOR THE BASIS OF SURVEY DATA (EXISTING CONDITIONS) AS SHOWN ON THIS DRAWING.
2. THIS CONCEPTUAL PLAN HAS BEEN PREPARED FOR THE BENEFIT OF ESTIMATING A DEVELOPMENT PROGRAM FOR MAXIMUM POTENTIAL YIELD OF THE PROPERTY. THE ACTUAL DEVELOPMENT PROGRAM MAY BE DIFFERENT UPON PREPARATION OF DESIGN CALCULATIONS/CONSTRUCTION PLANS, CLIENT CONSTRUCTION BUDGET AND REGULATORY AGENCY REVIEW.
3. ANY IMPROVEMENTS TO BE INCLUDED IN FINAL ENGINEERING PLANS MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATORY AGENCIES LAND DEVELOPMENT CODES, DESIGN STANDARDS, AND REGULATIONS. THE PROPOSED IMPROVEMENTS AS SHOWN INCLUDING BUT NOT LIMITED TO: LOT LINES, BUILDING FOOTPRINTS AND COMPONENTS, PARKING LOT FACILITIES, UTILITY LAYOUTS, LANDSCAPE/AMENITIES AND STORMWATER MANAGEMENT FACILITIES ARE SUBJECT TO CHANGE BASED UPON REGULATORY AGENCY REVIEW.
4. NO COORDINATION WITH REGULATORY AGENCIES IS ASSUMED TO HAVE BEEN PERFORMED AT THE TIME OF CREATION OF THIS PLAN.
5. LAND USE/ALLOWABLE USES, ZONING/DENSITY, COMPATIBILITY WITH ADJACENT SITES, SETBACKS, BUFFERS, OR OTHER PLANNING AND ZONING REGULATIONS MAY REQUIRE MODIFICATIONS TO THIS PLAN DURING THE FINAL DESIGN PROCESS.
6. PUBLIC HEARINGS AND/OR OTHER LOCAL REVIEW BOARD PRESENTATIONS MAY BE REQUIRED AS A PART OF THESE REVIEWS AND APPROVALS.
7. OFFSITE IMPROVEMENTS HAVE NOT BEEN WHOLLY CONSIDERED IN PREPARATION OF THIS CONCEPT PLAN.
8. AVAILABILITY OF UTILITIES OR OTHER PUBLIC SERVICES HAVE NOT BEEN VERIFIED, AND CONFIRMATION THAT THE CONCEPT IS NOT IN CONFLICT WITH OTHER LOCAL OR STATE CAPITAL IMPROVEMENT PROJECTS WILL BE NECESSARY.
9. TREE REMOVAL PLAN BASED ON GAI CONSULTANTS SURVEY AND BRYAN MCCLOSKEY ARCHITECTURAL PLANS

REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		

**ENGINEERING PLANS
FOR
HOMELESS COALITION EXPANSION
MAIN CAMPUS TREE REMOVAL PLAN**
CITY OF ST. AUGUSTINE



(NOT) FOR
CONSTRUCTION



2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
matt@gulfstreamdesign.com

© GULFSTREAM DESIGN GROUP, LLC 2021

PROJECT NO:	22-087
ISSUE DATE:	05-26-23
DRAFTED BY:	JMC
DESIGNED BY:	MHL
CHECKED BY:	MHL
NOT VALID WITHOUT SEAL	

TREE #	SPECIES	SIZE	PLAN OF ACTION	REMOVE IN"	PRESERVED IN"
1	D CEDAR	26	TO REMAIN	-	26
2	PALM	18	TO REMAIN	-	18
3	OAK	15	TO REMAIN	-	15
4	OAK	36	TO REMAIN	-	36
5	OAK	15	TO REMAIN	-	15
6	OAK	10	TO REMAIN	-	10
7	PALM	12	TO REMAIN	-	12
8	OAK	10	TO REMAIN	-	10
9	D PECAN	14	TO REMAIN	-	14
10	OAK	15	TO REMAIN	-	15
11	D ELAM	13	TO REMAIN	-	13
12	OAK	10	TO REMAIN	-	10
13	OAK	10	TO REMAIN	-	10
14	D ELM	10	TO REMAIN	-	10
15	D TALLOW	15	TO REMAIN	-	15
16	D CHINA BERRY	15	TO REMAIN	-	15
17	PALM	18	TO REMAIN	-	18
18	OAK	15	TO REMAIN	-	15
19	PALM	12	TO REMAIN	-	12
20	PALM	15	TO REMAIN	-	15
21	D CAMPHOR	16	TO REMAIN	-	16
22	D ELM	16	TO REMAIN	-	16
23	PALM	20	TO REMAIN	-	20
24	OAK	12	TO REMAIN	-	12
25	D ELM	28	TO REMAIN	-	28
26	OAK	34	TO REMAIN	-	34
31	OAK	12	TO REMAIN	-	12
32	D ELM	10	TO REMAIN	-	10
33	D ELM	14	TO REMAIN	-	14
34	D ELM	36	TO REMAIN	-	36
36	OAK	60	TO REMAIN	-	60
37	D ELM	14	TO REMAIN	-	14
38	OAK	10	TO REMAIN	-	10
39	D PECAN	40	TO REMAIN	-	40
40	OAK	12	TO REMAIN	-	12
41	D PECAN	24	TO REMAIN	-	24
42	D PECAN	22	TO REMAIN	-	22
43	D PECAN	18	TO REMAIN	-	18
44	OAK	14	REMOVE	14	0
45	OAK	14	TO REMAIN	-	14
46	D PECAN	20	REMOVE	20	0
47	OAK	20	REMOVE	20	0
48	D PECAN	14	REMOVE	14	0
49	D PECAN	14	TO REMAIN	-	14
50	PALM	16	TO REMAIN	-	16
51	D PECAN	18	TO REMAIN	-	18
52	OAK	12	TO REMAIN	-	12
53	D PECAN	28	REMOVE	28	0
54	CEDAR	6	TO REMAIN	-	6
55	OAK	6	TO REMAIN	-	6
56	OAK	14	TO REMAIN	-	14
57	D PEKIN	10	TO REMAIN	-	10
58	D PEKIN	12	TO REMAIN	-	12
59	OAK	30	TO REMAIN	-	30
60	OAK OAKK	8	TO REMAIN	-	8
61	D SILK	6	TO REMAIN	-	6
62	OAK	36	TO REMAIN	-	36
63	D PECAN	20	TO REMAIN	-	20
64	OAK	20	TO REMAIN	-	20

TREE #	SPECIES	SIZE	PLAN OF ACTION	REMOVE IN"	PRESERVED IN"
70	PALM	15	TO REMAIN	-	15
71	OAK	30	TO REMAIN	-	30
72	D SYCAMORE	14	TO REMAIN	-	14
73	D MYRTLE	10	TO REMAIN	-	10
74	D SYCAMORE	30	TO REMAIN	-	30
75	OAK	20	TO REMAIN	-	20
76	D SYCAMOR	16	TO REMAIN	-	16
77	D MAGNOLIA	24	TO REMAIN	-	24
78	D CHERRY	27	TO REMAIN	-	27
79	D MAGNOLIA	28	TO REMAIN	-	28
80	OAK	30	REMOVE	30	0
81	D CAMPHOR	14	REMOVE	14	0
82	D CHERRY	10	REMOVE	10	0
83	D ELAM	13	REMOVE	13	0
84	OAK	10	REMOVE	10	0
85	D CEDAR	36	REMOVE	36	0
86	OAK	6	REMOVE	6	0
87	PALM	12	TO REMAIN	-	12
88	D SILK	8	TO REMAIN	-	8
89	OAK	5	TO REMAIN	-	6
90	D PECAN	14	TO REMAIN	-	14
91	PALM	15	TO REMAIN	-	15
92	PALM	15	TO REMAIN	-	15
93	PALM	15	TO REMAIN	-	15
94	D PECAN	34	TO REMAIN	-	0
95	D PECAN	14	TO REMAIN	-	14
96	OAK	26	REMOVE	26	0
97	OAK	8	TO REMAIN	-	8
98	PALM	24	TO REMAIN	-	24
99	PALM	24	TO REMAIN	-	24
100	OAK	30	REMOVE	30	0
101	DOAKK	12	REMOVE	12	0
102	OAK	24	TO REMAIN	-	24
103	D MAGNOLIA	12	TO REMAIN	-	12
104	OAK	10	TO REMAIN	-	10
105	D PECAN	18	REMOVE	18	0
106	D ELM	12	REMOVE	12	0
107	D MYRTLE	10	TO REMAIN	-	10
108	D MYRTLE	10	TO REMAIN	-	10
109	PALM	14	TO REMAIN	-	14
110	PALM	14	TO REMAIN	-	14
111	D CEDAR	8	TO REMAIN	-	8
112	OAK	16	TO REMAIN	-	16
113	D PECAN	36	TO REMAIN	-	36
114	PALM	15	TO REMAIN	-	15
115	D PECAN	8	TO REMAIN	-	8

REVISIONS		DESCRIPTION									
NO.	DATE	BY									
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											

ENGINEERING PLANS
FOR
HOMELESS COALITION EXPANSION
MAIN CAMPUS TREE REMOVAL TABLE
CITY OF ST. AUGUSTINE



(NOT) FOR CONSTRUCTION



2225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
mail@gulfstreamdesign.com
GULFSTREAM DESIGN GROUP, LLC 2023

PROJECT NO: 22-087
ISSUE DATE: 09-26-2023
DRAFTED BY: JMC
DESIGNED BY: MRE
CHECKED BY: MRE
NOT VALID WITHOUT SEAL

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **VARIANCE AND CONSERVATION OVERLAY ZONE DEVELOPMENT
2023-0038**

AGENDA ITEM 8(c)

APPLICANT Matthew Lahti, P.E.
c/o Gulfstream Design Group, LLC

OWNER Emergency Services and Homeless Coalition of St.
Johns County, Inc.
c/o Jeanne Moeller, ESHC Board President

LOCATION 3 Nesbit Avenue / PID 104410-0000

REQUEST To approve a reduction in the number of required off-
street parking requirements, approve development
within Conservation Overlay Zone 2, and approve the
removal of significant trees within Conservation
Overlay Zone 3.

CURRENT LAND USE Residential Medium Density

CURRENT ZONING Residential General-One (RG-1)

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 5.5.1

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 Objective 6.4

Residential Categories: The residential categories are established to provide for the preservation of existing, predominantly residential neighborhoods. These categories allow a range of housing types of single-family low, single-family medium, multi-family and residential mixed-use.

FLUE Policy 6.4.1

Promote a residential land use pattern that contributes to quality housing, livable neighborhoods and a variety of housing types and prices.

FLUE Policy 6.4.2

Preserve the character of the existing residential areas of the City through maintaining established standards for residential densities, and traditional building patterns, maintenance and traffic circulation.

FLUE Policy 6.4.6

Residential Medium Density

This district is intended to apply to those neighborhoods designated for single and 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. 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 All Uses a maximum of 16 units per acre.

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 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.

Transportation and Mobility Element Goals, Objectives and Policies

Overall Goal

The City will encourage accessible, energy efficient, sustainable and economically viable transportation options that meet the needs of residents, employers, employees and visitors through a variety of innovative methods that are sensitive to the environmental, historical, and cultural resources of the City of St. Augustine.

TME Policy 1.3.3

The City shall continue to discourage urban sprawl and encourage efficient, compact, infill and redevelopment within the existing “urban” area of the city including existing commercial corridors.

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 1.3.10

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 3.1.3

Mobility Plan projects within the City's multimodal district shall prioritize walking and bicycling and the provision of safe, visible, connected and convenient ADA compliant facilities to encourage people walking and bicycling.

Housing Element Goals, Objectives and Policies

Overall 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 Objective 1.1

The city shall assist the private sector in providing adequate housing to meet current and future needs.

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 Objective 1.4

The city shall strive to provide adequate sits for very low, low, and moderate income households.

H Policy 1.4.2

The city shall seek to disperse affordable housing throughout the city and avoid overconcentration in any single area.

H Objective 1.7

Provide adequate and affordable housing opportunities to accommodate households with special housing needs.

H Policy 1.7.3

The city shall participate in the efforts of the St. Johns County Homeless Coalition and other non-profit private agencies in the development of transitional housing for the homeless.

H Policy 2.2.3

To encourage workforce housing, the city should consider exempting workforce housing units from mobility fees related to vehicles and parking requirement reductions in the land development code.

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 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 virginiana</i>	oak, live (southern live oak)	18

The complete list of significant trees may be found in Sec. 11-27. – Definitions. of the City of St. Augustine's Code of Ordinances.

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.

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.

- (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.

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)

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. 28-373. – Required off-street parking.

(d) *Minimum spaces required:*

	Use	1 Space Per Gross Floor Area (sqft.)	1 Space Per Rates Patron Capacity	Units, Seats, Rooms, Spaces	Special Requirements
(25)	Multifamily residential/apartments				
	1 bedroom			1.5 per unit	
	2 bedrooms			2 per unit	
	3 or more bedrooms			2.25 per unit	
(30)	Single-family/duplex			2 per unit	

STAFF SUMMARY AND ANALYSIS

The requests made by the applicant at 3 Nesbit Avenue, located in West City, stem from efforts to not only provide additional housing but also additional amenities for an underserved population within our community.

Plans for development at 3 Nesbit Avenue show sixteen (16) new residential dwelling units configured into eight (8) duplex buildings. Along with these buildings, plans for a pavilion and community garden area are located within Conservation Overlay Zone 2. Within Conservation Overlay Zone 3 a total of twelve (12) trees are proposed to be removed, two (2) of which are significant Oak trees of 18 and 42 inches dbh.

The PZB may consider approving the removal of the two (2) significant Oak trees in order to develop the project. The proposed site plan indicates that there are nine (9) significant Oak trees of 27, 28, 34, 38, 42, 48, 50, 55, and 88 inches in dbh to remain on-site throughout the development.

In addition to these significant Oak trees being preserved, there are over one hundred (100) additional trees to remain on-site based on a tree survey provided by the applicant. In fact, the staff requests that the applicant remove an additional tree: a 13” Camphor because this tree is defined by the city as an invasive species.

The variance request is for a reduction of eight (8) off-street parking spaces.

- Duplexes are required to provide two (2) off-street parking spaces for each unit.
 - o 16 units would require 32 off-street parking spaces to be provided.
 - o The proposal, and subsequent variance request, is to provide 24 on-site parking spaces for the 16 dwelling units, this amounts to 1.5 spaces for each unit.

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;

The unique shape of this property causes a disadvantage for development when there is a requirement to provide 32 off-street parking spaces for the 16 residential dwelling units. Proposed plans already show an internal parking area at 3 Nesbit Avenue to serve the units, this alone negatively impacts safety and community design. For the required off-street parking requirements to be met the next logical option would be increasing the size of the development and encroaching into Conservation Overlay Zones.

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

The disadvantage of the irregularly shaped property does not limit the owner in making reasonable use of the property. The difference in this case as opposed to other variance requests that have been made to the PZB is that the property owner is providing a social service that should not be limited by the amount of off-street private parking that may be required.

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

This lot was created and originally zoned Industrial and Warehousing (IW) before the current owner purchased the property. The property has since been rezoned to allow for multi-family uses in efforts to make use of a 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. Due to the nature of the development an argument can be made that less cars, and the traffic that accompanies them, will reduce the impact on the neighborhood within West City. The intent to maintain a more natural environment and retain trees on the site will also reduce the impact of the development on the neighborhood.

STAFF RECOMMENDATION

Based on a review of section 11-29, staff finds that the proposed development within Conservation Overlay Zone 2 does not require Planning and Zoning Board approval; but that the board can **APPROVE** the request for removal of two (2) significant Oak trees within Conservation Overlay Zone 3 at 3 Nesbit Avenue / PID 104140-0000.

The approval of a request for a variance regarding a reduction of off-street parking requirements from 32 parking spaces to 24 parking spaces at 3 Nesbit Avenue furthers the City's goal of providing adequate sites for very low-, low-, and moderate-income households.

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 parking requirements of eight (8) parking spaces at 3 Nesbit Avenue / 104410-0000.



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: 2023-0038
 Receipt Number: 2632100 Meeting Date: 6/6/23
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Matthew H. Lahti, P.E. Contact Number: 904-794-4231
 Business (if applicable): Gulfstream Design Group, LLC
 Address: 2225 A1A S, Suite A2 City: St. Augustine State: FL Zip: 32080
 E-Mail Address: matt@gulfstreamdesign.com

2. NAME OF PROPERTY OWNER: Emergency Services and Homeless Coalition of St. Johns County, Inc Contact Number: 904-819-0059
 Business (if applicable): Jeanne Moeller, ESHC Board President
 Address: PO Box 3422 City: St. Augustine State: FL Zip: 32085
 E-Mail Address: jmoel01@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 1 Block: 11
 Subdivision: _____ Parcel Number: 1044100000

4. PROJECT STREET ADDRESS: 3 Nesbit Ave, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: Construction of 16-20 homes for low income homeless families adjoining their 5 acre campus on the property.

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

7. DESCRIPTION OF ACTION REQUESTED: Gulfstream Design Group requests a conversation zone development. Please see the attached conceptual plan where we are proposing homeless housing, an open pavilion, and garden within 100' of the restrictive boundary (wetland line).

8. JUSTIFICATION FOR ACTION REQUESTED: In order to provide additional housing for the homeless without removing their existing residence we require a conservation zone development approval for the open space area and a portion of a unit that falls within Zone 2 and 3.

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.

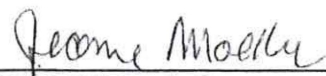
Matthew Lahti, P.E. FL# 71395

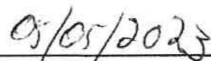
Digitally signed by Matthew Lahti, P.E. FL#
71395
Date: 2023.05.08 14:35:18 -04'00'

5/8/2023

Signature of Applicant

Date


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.

Matthew H. Lahti, P.E.

Print name of applicant

Matthew Lahti, Digitally signed by Matthew
Lahti, P.E. FL# 71395
Date: 2023.05.08 14:36:13
+04'00'
P.E. FL# 71395

Signature of applicant

5/8/2023

Date



Owner's Authorization For Agent

Gulfstream Design Group, LLC is/are hereby authorized TO ACT ON BEHALF
OF Emergency Services and Homeless Coalition of St. Johns County, Inc, 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: Jeanne Moeller
Signature of Owner
Jeanne Moeller
Print Name of Owner
904 462 6670
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 5th day of May, 2023.

By Jeanne Moeller

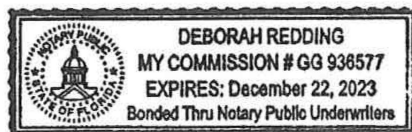
Deborah Redding

Identification verified: Personally known to me

Oath sworn: _____ Yes ☒ No

Notary Signature: Deborah Redding

My Commission expires: 12/22/23



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: 3 Nesbit Ave, St. Augustine, FL 32084

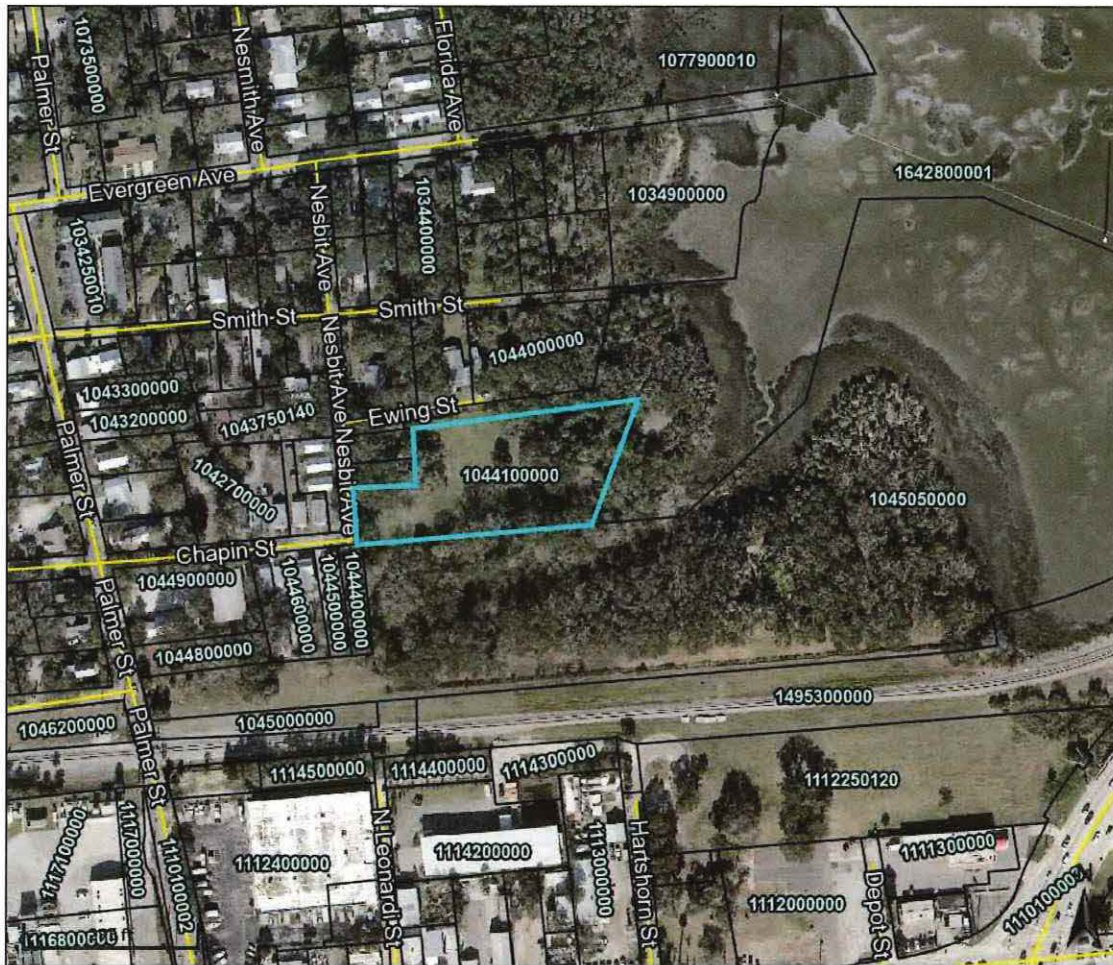
Applicant's Name: Matthew H. Lahti, P.E.

Applicant's Signature: Matthew Lahti, P.E. FL# 71395

Matthew Lahti, P.E. FL# 71395
Digitally signed by Matthew Lahti, P.E. FL# 71395
Date: 2023.05.08 14:37:45 -0400

Owner's Name: Jeanne Moeller

Owner's Signature: Jeanne Moeller



Overview



Legend



Parcel ID	1044100000	Physical Address	3 NESBIT AVE SAINT AUGUSTINE	Building Value	N/A	Last 2 Sales Date				
Property Class	0000 - Vacant	Mailing Address	EMERGENCY SERVICES & HOMELESS COALITION OF ST JOHNS COUNTY INC	Extra Feature Value	N/A	6/15/2001	\$178000	11	U	
Taxing District	City of St Augustine	Address	COALITION OF ST JOHN COUNTY PO BOX 3422 SAINT AUGUSTINE FL 32085-3422	Total Land Value	\$285,400	n/a	0	n/a	n/a	
Acres	1.64			Just Value	\$285,400					
				Total	N/A					
				Deferred Assessed Value	\$285,400					
				Total Exemptions Taxable Value	\$285,400					
					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: 5/18/2023

Last Data Uploaded: 5/17/2023 11:41:12 PM

Developed by  Schneider
GEOSPATIAL



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](#)

No Image Available

Parcel ID	1044100000
Location Address	3 NESBIT AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Greeno Tract (474)
Tax Description*	(1) GREENO TRACT LOT 1 BLK 11 (EX N80FT OF W110FT) OR1615/1633 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Greeno Tract - A Resubdivision of Ravens
Sec/Twp/Rng	37-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	1.640
Homestead	N

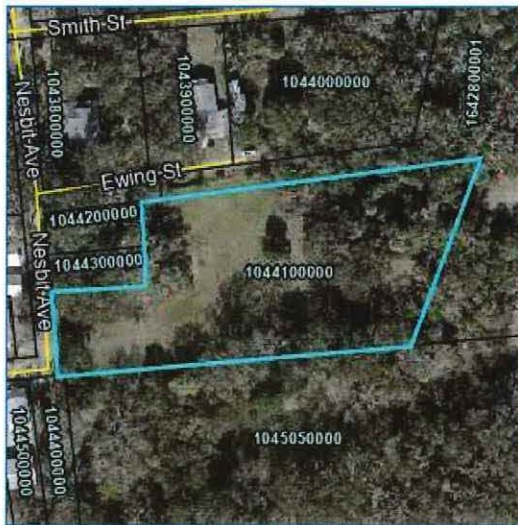
Owner Information

Owner Name	Emergency Services & Homeless Coalition Of St Johns County Inc 100%
Mailing Address	COALITION OF ST JOHN COUNTY PO BOX 3422 SAINT AUGUSTINE, FL 32085-3422

Exemption Information

Exemption Type	Status	Amount
Non-Profit		\$285,400

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$285,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$285,400
Total Deferred	\$0
Assessed Value	\$285,400
Total Exemptions	\$285,400
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	\$0	\$0	\$285,400	\$0	\$0	\$285,400	\$285,400	\$285,400	\$0
2021	\$0	\$0	\$281,833	\$0	\$0	\$281,833	\$281,833	\$281,833	\$0
2020	\$0	\$0	\$281,833	\$0	\$0	\$281,833	\$281,833	\$281,833	\$0
2019	\$0	\$0	\$281,833	\$0	\$0	\$281,833	\$281,833	\$281,833	\$0
2018	\$0	\$0	\$281,833	\$0	\$0	\$281,833	\$259,000	\$281,833	\$0
2017	\$0	\$0	\$267,563	\$0	\$0	\$267,563	\$235,455	\$267,563	\$0
2016	\$0	\$0	\$214,050	\$0	\$0	\$214,050	\$214,050	\$214,050	\$0
2015	\$0	\$0	\$196,213	\$0	\$0	\$196,213	\$196,213	\$196,213	\$0
2014	\$0	\$0	\$196,213	\$0	\$0	\$196,213	\$196,213	\$196,213	\$0
2013	\$0	\$0	\$196,213	\$0	\$0	\$196,213	\$196,213	\$196,213	\$0
2012	\$0	\$0	\$196,213	\$0	\$0	\$196,213	\$196,213	\$196,213	\$0
2011	\$0	\$0	\$214,050	\$0	\$0	\$214,050	\$214,050	\$214,050	\$0
2010	\$0	\$0	\$239,023	\$0	\$0	\$239,023	\$239,023	\$239,023	\$0

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	440	162	71350	SF	\$285,400

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	6/15/2001	\$178,000.00	WARRANTY DEED	1615	1633	U	I	CALHOUN LUCINDA S ESTATE ETAL	EMERGENCY SERVICES & HOMELESS COALITION SJC
	7/19/1997	\$0.00	OTHER INSTRUMENT	1253	137	U	V	MURPHY ALMA T (DECEASED 7/19/97)	MURPHY ALMA T ESTATE (LETT OF ADMIN)
	8/23/1994	\$0.00	WILL	1253	134	U	V	MURPHY ALMA T	MURPHY ALMA T (WILL)

No data available for the following modules: Sales Questionnaire Form, 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.

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

Last Data Upload: 5/17/2023, 11:41:12 PM

Developed by



Version 3.1.9



MEMORANDUM

To: City of St Augustine
From: Matthew Lahti, P.E.
Date: 5/8/2023
Re: GDG #22-087 Homeless Coalition – Tree Analysis

Dear City Reviewer,

The following is a tree analysis memorandum to be attached in conjunction with a Tree Removal plan as part of a Conservation Zone Development application for zone 2 and 3. The proposed site was designed to minimize environmental impacts, including tree removal. This site proposes to remove 446 inches while preserving 3567 inches including the largest tree, an 88 inch oak tree.

Given the number of trees retained versus the trees removed we are in significant excess of tree credits. The following equation from Chapter 25. Article III Section 25-53 (d) was used to determine our excess credits.

Tree saved credit—Trees removed deficit = Excess Tree Credits/Deficits |

Chapter 25. Article III Section 25-53 (d) was used to determine the credit per inches saved and removed.

(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

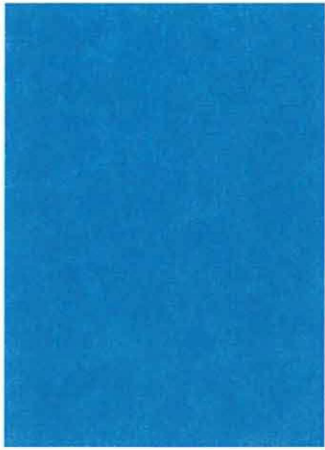
Twenty (20) inches or more d.b.h.2 deficits

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

Any landscape requirement will be meet in accordance with the City of St Augustin Muni-code chapter 25.

END OF MEMORANDUM



ECS Florida, LLC

Proposal for Subsurface Exploration and Geotechnical
Engineering Services

Homeless Coalition
GDG 22-087

Nesbit Avenue
St. Johns County, Florida

ECS Proposal Number 35:19687-GP

August 26, 2022





August 26, 2022

Ms. Debi Redding
Emergency Services and Homeless Coalition of St. Johns County, Inc.
62 Chapin Street
St. Augustine, Florida 32084

ECS Proposal No. 35:19687-GP

Reference: Proposal for Subsurface Exploration and Geotechnical Engineering Services
Homeless Coalition
Nesbit Avenue
St. Johns County, Florida

Dear Ms. Redding:

ECS Florida, LLC (ECS) is pleased to submit this proposal to provide subsurface exploration and geotechnical engineering services for the above referenced project. This proposal contains our project understanding, proposed scope of services, lump sum fee, schedule of work, and authorization requirements.

Project Description

Based on our correspondence with Mr. Matt Lahti, P.E. with Gulfstream Design Group, LLC, we understand a new temporary housing development is proposed at the east corner of Nesbit Avenue and Chapin Street in St. Johns County, Florida. The development is proposed to include several housing units, a paved roadway and parking area, and a stormwater pond. The location of the stormwater pond was not available to our office at the time of this proposal; however, we understand that its location will be established prior to our mobilization. For this proposal, we have assumed the stormwater pond will be located on site and will be 6 feet deep, or less, from existing grades.

Scope of Services

Our integrated services will include drilling of soil borings by drill crews under our supervision, laboratory testing of representative soil samples for pertinent engineering properties, various engineering analyses, and preparation of an engineering report. The objective of the geotechnical exploration is to provide site and subsurface information to evaluate the subsurface conditions at the site for the proposed construction. Upon completion of drilling operations, the samples will be returned to our laboratory in Jacksonville, Florida for further identification and testing. The following field services are proposed:

Location	Number of Borings	Depth of Borings Below Ground Surface, feet
Building Areas	5 SPT*	25
Pavement and Pond Areas	5 Auger 1 Double Ring Infiltrometer Test	6 1-2

*Standard Penetration Test

Laboratory classification and index property tests will be performed as necessary on selected soil samples obtained from the exploration.

The results of the exploration and engineering evaluation will then be documented in a report containing the following:

1. A brief discussion of our understanding of the planned construction and imposed loading conditions.
2. A presentation of the field and laboratory test procedures used and the data obtained.
3. A presentation of the existing on-site conditions, such as topography, surface vegetation, etc. as they relate to the planned construction.
4. A presentation of the encountered subsurface conditions, including subsurface profiles and measured groundwater levels, estimated seasonal high groundwater levels, and estimated geotechnical engineering properties (as necessary).
5. A geotechnical engineering evaluation of the site and subsurface conditions with respect to the planned construction.
6. Recommendations for foundation design parameters, including our estimate of the performance of the foundation system.
7. General recommendations for pavement design.
8. Recommendations for the required site preparation and earthwork construction.

Proposal Assumptions

ECS has made the following assumptions in developing this proposal:

1. Two full business days are needed for utility mark-up prior to the start of drilling operations.
2. Drilling operations will last approximately 1-2 business days.
3. Client will provide the right of access to the property.

Fee

ECS will provide the proposed geotechnical base scope of services for a lump sum fee of **\$5,500**. If additional services are required because of unexpected field conditions encountered in our field exploration program, or because of a request for additional services, they would be invoiced in accordance with our current Fee Schedule. Before modifying or expanding the extent of our exploration program, you would be informed of our intentions for both your review and authorization.

Schedule

We are prepared to mobilize to the site within three weeks after authorization to proceed. Preliminary verbal results and recommendations can be provided within 1 to 2 days after completion of the field drilling portion of the project. The written report containing final recommendations will be submitted within two weeks after completion of all field and laboratory testing.

Utility Clearance

We will contact Sunshine 811 to locate underground utilities at the site; however, our experience indicates that Sunshine 811 will not locate utilities beyond the point of distribution (meters or gauge points) on private property. We will coordinate the location of our exploration in an attempt to avoid any underground utilities indicated by the Sunshine 811 locating system. However, we will not be responsible for any private utilities not pointed out to us by the land owner or client prior to drilling activities. **If private utilities are a concern, we can provide a private utility line locator to reduce your liability.** Please read the following section on private utility locator services and if desired, indicate your request for their services on the attached Proposal Acceptance sheet.

Contracting a private utility locator service is not a guarantee that all utilities within a work site will be identified, but a service that is offered to lower the risk of the owner/client. ECS and our clients have had success in avoiding utility conflicts by augmenting the Sunshine 811 services with a private utility locator service. Private utility locator services can identify utility alignments that incorporate significant iron content in the conduit materials. However, private utilities possessing the higher likelihood of not being easily identifiable, beyond the point of distribution, include all utilities not containing significant ferrous (iron) content (examples would include but not be limited to most sanitary sewer alignments, copper or PVC water lines, fiber optic lines without tracer ribbons, copper electric lines with no surface exposure, drainage tiles/pipes, and irrigation lines).

Where a private locator service identifies a potential risk that is not traceable through conventional methods, ECS will notify the client immediately and work to resolve the issue. Additional costs related to the resolution of these potential utility conflicts will be invoiced out per our unit rates, as identified in this proposal, or as negotiated and approved at the time of the occurrence.

Site Repair

Upon completion of the subsurface exploration procedures, we will backfill each of the excavations with the excavated soil and mound the excess spoil back up over the test location(s). In pavement areas, we will patch the asphalt surface with a cold mix asphalt patch. Typically, we will not provide site repairs beyond what is outlined above unless specifically contracted. Alternatively, we will remove excess spoils from job sites and dispose of them in an approved manner for a negotiated fee.

Please note that some disturbance to off-pavement/gravel covered the surface areas, including the possible cutting of trees, running over of brush and understory in wooded areas might occur. We will attempt to limit such disturbance; however, we have not budgeted for site repairs including filling of

tire ruts, seeding of lawn areas, or the planting of trees. If necessary, additional site restoration can be provided at an additional cost.

Closing

Our insurance carrier requires that we receive written authorization prior to initiation of work, and a signed contract prior to the release of any work product. Your acceptance of this proposal may be indicated by signing and returning the enclosed Proposal Acceptance Form. Our work will be done in accordance with the attached Terms and Conditions which is made a part of this proposal.

Thank you for the opportunity to submit this proposal to provide services and serve as your consultant. We look forward to working with you on this project, and to hopefully serve as your consultant in the future. If you have any questions, or if we can be of any additional service, please contact us at (904) 880.0960.

Respectfully submitted,
ECS FLORIDA, LLC



Chris M. Egan, P.E.
Geotechnical Department Manager
CEgan@ecslimited.com



Robert W. Clark, P.E.
Senior Project Engineer
RWClark@ecslimited.com

Attachments: Proposal Acceptance Form
ECS Terms and Conditions of Service

**PROPOSAL ACCEPTANCE FORM
ECS FLORIDA, LLC**

Project Name: Homeless Coalition**Location:** Nesbit Avenue, St. Johns County, Florida**Fee:** \$5,500☐ Private Utility Locator

Indicate if a private utility locator is requested by checking the box above for private utility locator.
The fee will be established based on site specific requirements.

Please complete and return this Proposal Acceptance Form to ECS as shown at the bottom of this form. By signing and returning this form, you are authorizing ECS to proceed, providing ECS permission to enter the site, and making this proposal the agreement between ECS and Client. Your signature also indicates you have read this document and the Terms and Conditions of Service in their entirety and agree to pay for services as above set forth.

CLIENT AND BILLING INFORMATION

Name of Client: _____

Contact Person: _____

Telephone No.: _____

E-mail: _____

Responsible for Payment

Approval of Invoice (if different)

Contact Name: _____

Company Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Telephone No.: _____

Fax No: _____

E-mail Address: _____

The reports are normally e-mailed directly to client. If you require copies to others, please provide their names, e-mail addresses and fax numbers below.

Name	E-mail Address	Phone Number	Fax Number
_____	_____	_____	_____
_____	_____	_____	_____

Special Instructions: _____

Client Signature: x _____ Date: _____

ECS Proposal 35:19687-GP



ECS FLORIDA, LLC TERMS AND CONDITIONS OF SERVICE

The professional services ("Services") to be provided by ECS Florida, LLC ("ECS") pursuant to the Proposal shall be provided in accordance with these Terms and Conditions of Service ("Terms"), including any addenda as may be incorporated or referenced in writing and shall form the Agreement between ECS and CLIENT.

1.0 INDEPENDENT CONSULTANT STATUS - ECS shall serve as an independent professional consultant to CLIENT for Services on the Project and shall have control over, and responsibility for, the means and methods for providing the Services identified in the Proposal, including the retention of Subcontractors and Subconsultants

2.0 SCOPE OF SERVICES - It is understood that the fees, reimbursable expenses and time schedule defined in the Proposal are based on information provided by CLIENT and/or CLIENT'S agents, contractors and consultants ("Contractors"). CLIENT acknowledges that if this information is not current, is incomplete or inaccurate, if conditions are discovered that could not be reasonably foreseen, or if CLIENT orders additional services, the scope of services will change, even while the Services are in progress.

3.0 STANDARD OF CARE

3.1 In fulfilling its obligations and responsibilities enumerated in the Proposal, ECS shall be expected to comply with and its performance evaluated in light of the standard of care expected of professionals in the industry performing similar services on projects of like size and complexity at that time in the region (the "Standard of Care"). Nothing contained in the Proposal, the agreed-upon scope of Services, these Terms or any ECS report, opinion, plan or other document prepared by ECS shall constitute a warranty or guarantee of any nature whatsoever.

3.2 CLIENT understands and agrees that ECS will rely on the facts learned from data gathered during performance of Services as well as those facts provided by the CLIENT and/or CLIENT'S contractors and consultants. CLIENT acknowledges that such data collection is limited to specific areas that are sampled, bored, tested, observed and/or evaluated. Consequently, CLIENT waives any and all claims based upon erroneous facts provided by the CLIENT, facts subsequently learned or regarding conditions in areas not specifically sampled, bored, tested, observed or evaluated by ECS.

3.3 If a situation arises that causes ECS to believe compliance with CLIENT'S directives would be contrary to sound engineering practices, would violate applicable laws, regulations or codes, or will expose ECS to legal claims or charges, ECS shall so advise CLIENT. If ECS' professional judgment is rejected, ECS shall have the right to terminate its Services in accordance with the provisions of Section 25.0, below.

3.4 If CLIENT decides to disregard ECS' recommendations with respect to complying with applicable laws or regulations, ECS shall determine if applicable law requires ECS to notify the appropriate public officials. CLIENT agrees that such determinations are ECS' sole right to make.

4.0 CLIENT DISCLOSURES

4.1 Where the Services requires ECS to penetrate a surface, CLIENT shall furnish and/or shall direct CLIENT'S or CLIENT'S Contractors to furnish ECS information identifying the type and location of utility lines and other man-made objects known, suspected, or assumed to be located beneath or behind the Site's surface. ECS shall be entitled to rely on such information for completeness and accuracy without further investigation, analysis, or evaluation.

4.2 "Hazardous Materials" shall include but not be limited to any substance that poses or may pose a present or potential hazard to human health or the environment whether contained in a product, material, by-product, waste, or sample, and whether it exists in a solid, liquid, semi-solid or gaseous form. CLIENT shall notify ECS of any known, assumed, or suspected regulated, contaminated, or other similar Hazardous Materials that may exist at the Site prior to ECS mobilizing to the Site.

4.3 If any Hazardous Materials are discovered, or are reasonably suspected by ECS after its Services begin, ECS shall be entitled to amend the scope of Services and adjust its fees or fee schedule to reflect any additional work or personal protective equipment and/or safety precautions required by the existence of such Hazardous Materials.

5.0 INFORMATION PROVIDED BY OTHERS - CLIENT waives, releases and discharges ECS from and against any claim for damage, injury or loss allegedly arising out of or in connection with errors, omissions, or inaccuracies in documents and other information in any form provided to ECS by CLIENT or CLIENT'S Contractors, including such information that becomes incorporated into ECS documents.

6.0 CONCEALED RISKS - CLIENT acknowledges that special risks are inherent in sampling, testing and/or evaluating concealed conditions that are hidden from view and/or neither readily apparent nor easily accessible, e.g., subsurface conditions, conditions behind a wall, beneath a floor, or above a ceiling. Such circumstances require that certain assumptions be made regarding existing conditions, which may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of a building or component thereof. Accordingly, ECS shall not be responsible for the verification of such conditions unless verification can be made by simple visual observation. CLIENT agrees to bear any and all costs, losses, damages and expenses (including, but not limited to, the cost of ECS' additional services) in any way arising from or in connection with the existence or discovery of such concealed or unknown conditions.

7.0 RIGHT OF ENTRY/DAMAGE RESULTING FROM SERVICES

7.1 CLIENT warrants that it possesses the authority to grant ECS right of entry to the site for the performance of Services. CLIENT hereby grants ECS and its agents, subcontractors and/or subconsultants ("Subconsultants"), the right to enter from time to time onto the property in order for ECS to perform its Services. CLIENT agrees to indemnify and hold ECS and its Subconsultants harmless from any claims arising from allegations that ECS trespassed or lacked authority to access the Site.

7.2 CLIENT warrants that it possesses all necessary permits, licenses and/or utility clearances for the Services to be provided by ECS except where ECS' Proposal explicitly states that ECS will obtain such permits, licenses, and/or utility clearances.

7.3 ECS will take reasonable precautions to limit damage to the Site and its improvements during the performance of its Services. CLIENT understands that the use of exploration, boring, sampling, or testing equipment may cause damage to the Site. The correction and restoration of such common damage is CLIENT'S responsibility unless specifically included in ECS' Proposal.

7.4 CLIENT agrees that it will not bring any claims for liability or for injury or loss against ECS arising from (i) procedures associated with the exploration, sampling or testing activities at the Site, (ii) discovery of Hazardous Materials or suspected Hazardous Materials, or (iii) ECS' findings, conclusions, opinions, recommendations, plans, and/or specifications related to discovery of contamination.

8.0 UNDERGROUND UTILITIES

8.1 ECS shall exercise the Standard of Care in evaluating client-furnished information as well as information readily and customarily available from public utility locating services (the "Underground Utility Information") in its effort to identify underground utilities. The extent of such evaluations shall be at ECS' sole discretion.

8.2 CLIENT recognizes that the Underground Utility Information provided to or obtained by ECS may contain errors or be incomplete. CLIENT understands that ECS may be unable to identify the locations of all subsurface utility lines and man-made features.

8.3 CLIENT waives, releases, and discharges ECS from and against any claim for damage, injury or loss allegedly arising from or related to subterranean structures (pipes, tanks, cables, or other utilities, etc.) which are not called to ECS' attention in writing by CLIENT, not correctly shown on the Underground Utility Information and/or not properly marked or located by the utility owners, governmental or quasi-governmental locators, or private utility locating services as a result of ECS' or ECS' Subconsultant's request for utility marking services made in accordance with local industry standards.

9.0 SAMPLES

9.1 Soil, rock, water, building materials and/or other samples and sampling by-products obtained from the Site are and remain the property of CLIENT. Unless other arrangements are requested by CLIENT and mutually agreed upon by ECS in writing, ECS will retain samples not consumed in laboratory testing for up to sixty (60) calendar days after the first issuance of any document containing data obtained from such samples. Samples consumed by laboratory testing procedures will not be stored.

9.2 Unless CLIENT directs otherwise, and excluding those issues covered in Section 10.0, CLIENT authorizes ECS to dispose of CLIENT'S non-hazardous samples and sampling or testing by-products in accordance with applicable laws and regulations.

10.0 ENVIRONMENTAL RISKS

10.1 When Hazardous Materials are known, assumed, suspected to exist, or discovered at the Site, ECS will endeavor to protect its employees and address public health, safety, and environmental issues in accordance with the Standard of Care. CLIENT agrees to compensate ECS for such efforts.

10.2 When Hazardous Materials are known, assumed, or suspected to exist, or discovered at the Site, ECS and/or ECS' subcontractors will exercise the Standard of Care in containerizing and labeling such Hazardous Materials in accordance with applicable laws and regulations, and will leave the containers on Site. CLIENT is responsible for the retrieval, removal, transport and disposal of such contaminated samples, and sampling process byproducts in accordance with applicable law and regulation.

10.3 Unless explicitly stated in the Scope of Services, ECS will neither subcontract for nor arrange for the transport, disposal, or treatment of Hazardous Materials. At CLIENT'S written request, ECS may assist CLIENT in identifying appropriate alternatives for transport, off-site treatment, storage, or disposal of such substances, but CLIENT shall be solely responsible for the final selection of methods and firms to provide such services. CLIENT shall sign all manifests for the disposal of substances affected by contaminants and shall otherwise exercise prudence in arranging for lawful disposal.

10.4 In those instances where ECS is expressly retained by CLIENT to assist CLIENT in the disposal of Hazardous Materials, samples, or wastes as part of the Proposal, ECS shall do so only as CLIENT'S agent (notwithstanding any other provision of this Agreement to the contrary). ECS will not assume the role of, nor be considered a generator, storer, transporter, or disposer of Hazardous Materials.

10.5 Subsurface sampling may result in unavoidable cross-contamination of certain subsurface areas, as when a probe or excavation/boring device moves through a contaminated zone and links it to an aquifer, underground stream, pervious soil stratum, or other hydrous body not previously contaminated, or connects an uncontaminated zone with a contaminated zone. Because sampling is an essential element of the Services indicated herein, CLIENT agrees this risk cannot be eliminated. Provided such services were performed in accordance with the Standard of Care, CLIENT waives, releases and discharges ECS from and against any claim for damage, injury, or loss allegedly arising from or related to such cross-contamination.

10.6 CLIENT understands that a Phase I Environmental Site Assessment (ESA) is conducted solely to permit ECS to render a professional opinion about the likelihood of the site having a Recognized Environmental Condition on, in, beneath, or near the Site at the time the Services are conducted. No matter how thorough a Phase I ESA study may be, findings derived from its conduct are highly limited and ECS cannot know or state for an absolute fact that the Site is unaffected or adversely affected by one or more Recognized Environmental Conditions. CLIENT represents and warrants that it understands the limitations associated with Phase I ESAs.

- 11.0 OWNERSHIP OF DOCUMENTS**
- 11.1 ECS shall be deemed the author and owner (or licensee) of all documents, technical reports, letters, photos, boring logs, field data, field notes, laboratory test data, calculations, designs, plans, specifications, reports, or similar documents and estimates of any kind furnished by it (the "Documents of Service") and shall retain all common law, statutory and other reserved rights, including copyrights. CLIENT shall have a limited, non-exclusive license to use copies of the Documents of Service provided to it in connection with its Project for which the Documents of Service are provided until the completion of the Project.
- 11.2 ECS' Services are performed and Documents of Service are provided for the CLIENT'S sole use. CLIENT understands and agrees that any use of the Documents of Service by anyone other than the CLIENT and its Contractors is not permitted. CLIENT further agrees to indemnify and hold ECS harmless for any errors, omissions or damage resulting from its contractors' use of ECS' Documents of Service.
- 11.3 Without ECS' prior written consent, CLIENT agrees to not use ECS' Documents of Service for the Project if the Project is subsequently modified in scope, structure or purpose. Any reuse without ECS' written consent shall be at CLIENT'S sole risk and without liability to ECS or its Subconsultants. CLIENT agrees to indemnify and hold ECS harmless for any errors, omissions or Damage resulting from its use of ECS' Documents of Service after any modification in scope, structure or purpose.
- 11.4 CLIENT agrees to not make any modification to the Documents of Service without the prior written authorization of ECS. To the fullest extent permitted by law, CLIENT agrees to indemnify, defend, and hold ECS harmless from any damage, loss, claim, liability or cost (including reasonable attorneys' fees and defense costs) arising out of or in connection with any unauthorized modification of the Documents of Service by CLIENT or any person or entity that acquires or obtains the Documents of Service from or through CLIENT. CLIENT represents and warrants that the Documents of Service shall be used only as submitted by ECS.
- 12.0 SAFETY**
- 12.1 Unless expressly agreed to in writing in its Proposal, CLIENT agrees that ECS shall have no responsibility whatsoever for any aspect of site safety other than for its own employees. Nothing herein shall be construed to relieve CLIENT and/or its Contractors from their responsibility for site safety. CLIENT also represents and warrants that the General Contractor is solely responsible for Project site safety and that ECS personnel may rely on the safety measures provided by the General Contractor.
- 12.2 In the event ECS assumes in writing limited responsibility for specified safety issues, the acceptance of such responsibilities does not and shall not be deemed an acceptance of responsibility for any other non-specified safety issues, including, but not limited to those relating to excavating, fall protection, shoring, drilling, backfilling, blasting, or other construction activities.
- 13.0 CONSTRUCTION TESTING AND REMEDIATION SERVICES**
- 13.1 CLIENT understands that construction testing and observation services are provided in an effort to reduce, but cannot eliminate, the risk of problems arising during or after construction or remediation. CLIENT agrees that the provision of such Services does not create a warranty or guarantee of any type.
- 13.2 Monitoring and/or testing services provided by ECS shall not in any way relieve the CLIENT'S contractor(s) from their responsibilities and obligations for the quality or completeness of construction as well as their obligation to comply with applicable laws, codes, and regulations.
- 13.3 ECS has no responsibility whatsoever for the means, methods, techniques, sequencing or procedures of construction selected, for safety precautions and programs incidental to work or services provided by any contractor or other consultant. ECS does not and shall not have or accept authority to supervise, direct, control, or stop the work of any of CLIENT'S Contractors or any of their subcontractors.
- 13.4 ECS strongly recommends that CLIENT retain ECS to provide construction monitoring and testing services on a full time basis to lower the risk of defective or incomplete work being installed by CLIENT'S Contractors. If CLIENT elects to retain ECS on a part-time or on-call basis for any aspect of construction monitoring and/or testing, CLIENT accepts the risk that a lower level of construction quality may occur and that defective or incomplete work may result and not be detected by ECS' part time monitoring and testing in exchange for CLIENT'S receipt of an immediate cost savings. Unless the CLIENT can show that ECS' errors or omissions are contained in ECS' reports, CLIENT waives, releases and discharges ECS from and against any other claims for errors, omissions, damages, injuries, or loss alleged to arise from defective or incomplete work that was monitored or tested by ECS on a part-time or on-call basis. Except as set forth in the preceding sentence, CLIENT agrees to indemnify and hold ECS harmless from all Damages, costs, and attorneys' fees, for any claims alleging errors, omissions, damage, injury or loss allegedly resulting from work that was monitored or tested by ECS on a part-time or on-call basis.
- 14.0 CERTIFICATIONS** - CLIENT may request, or governing jurisdictions may require, ECS to provide a "certification" regarding the Services provided by ECS. Any "certification" required of ECS by the CLIENT or jurisdiction(s) having authority over some or all aspects of the Project shall consist of ECS' inferences and professional opinions based on the limited sampling, observations, tests, and/or analyses performed by ECS at discrete locations and times. Such "certifications" shall constitute ECS' professional opinion of a condition's existence, but ECS does not guarantee that such condition exists, nor does it relieve other parties of the responsibilities or obligations such parties have with respect to the possible existence of such a condition. CLIENT agrees it cannot make the resolution of any dispute with ECS or payment of any amount due to ECS contingent upon ECS signing any such "certification."
- 15.0 BILLINGS AND PAYMENTS**
- 15.1 Billings will be based on the unit rates, plus travel costs, and other reimbursable expenses as stated in the professional fees section of the Proposal. Any estimate of professional fees stated shall not be considered as a not-to-exceed or lump sum amount unless otherwise explicitly stated. CLIENT understands and agrees that even if ECS agrees to a lump sum or not-to-exceed amount, that amount shall be limited to number of hours, visits, trips, tests, borings, or samples stated in the Proposal.
- 15.2 CLIENT agrees that all professional fees and other unit rates may be adjusted annually to account for inflation based on the most recent 12-month average of the Consumer Price Index (CPI-U) for all items as established by www.bls.gov when the CPI-U exceeds an annual rate of 2.0%.
- 15.3 Should ECS identify a Changed Condition(s), ECS shall notify the CLIENT of the Changed Condition(s). ECS and CLIENT shall promptly and in good faith negotiate an amendment to the scope of Services, professional fees, and time schedule.
- 15.4 CLIENT recognizes that time is of the essence with respect to payment of ECS' invoices, and that timely payment is a material consideration for this Agreement. All payment shall be in U.S. funds drawn upon U.S. banks and in accordance with the rates and charges set forth in the professional Fees. Invoices are due and payable upon receipt.
- 15.5 If CLIENT disputes all or part of an invoice, CLIENT shall provide ECS with written notice stating in detail the facts of the dispute within fifteen (15) calendar days of the invoice date. CLIENT agrees to pay the undisputed amount of such invoice promptly.
- 15.6 ECS reserves the right to charge CLIENT an additional charge of one-and-one-half (1.5) percent (or the maximum percentage allowed by Law, whichever is lower) of the invoiced amount per month for any payment received by ECS more than thirty (30) calendar days from the date of the invoice, excepting any portion of the invoiced amount in dispute. All payments will be applied to accrued interest first and then to the unpaid principal amount. Payment of invoices shall not be subject to unilateral discounting or set-offs by CLIENT.
- 15.7 CLIENT agrees that its obligation to pay for the Services is not contingent upon CLIENT'S ability to obtain financing, zoning, approval of governmental or regulatory agencies, permits, final adjudication of a lawsuit, CLIENT'S successful completion of the Project, settlement of a real estate transaction, receipt of payment from CLIENT's client, or any other event unrelated to ECS provision of Services. Retainage shall not be withheld from any payment, nor shall any deduction be made from any invoice on account of penalty, liquidated damages, or other sums incurred by CLIENT. It is agreed that all costs and legal fees including actual attorneys' fees, and expenses incurred by ECS in obtaining payment under this Agreement, in perfecting or obtaining a lien, recovery under a bond, collecting any delinquent amounts due, or executing judgments, shall be reimbursed by CLIENT.
- 15.8 Unless CLIENT has provided notice to ECS in accordance with Section 16.0 of these Terms, payment of any invoice by the CLIENT shall mean that the CLIENT is satisfied with ECS' Services and is not aware of any defects in those Services.
- 16.0 DEFECTS IN SERVICE**
- 16.1 CLIENT and CLIENT'S Contractors shall promptly inform ECS during active work on any project of any actual or suspected defects in the Services so to permit ECS to take such prompt, effective remedial measures that in ECS' opinion will reduce or eliminate the consequences of any such defective Services. The correction of defects attributable to ECS' failure to perform in accordance with the Standard of Care shall be provided at no cost to CLIENT. However, ECS shall not be responsible for the correction of any deficiency attributable to client-furnished information, the errors, omissions, defective materials, or improper installation of materials by CLIENT's personnel, consultants or contractors, or work not observed by ECS. CLIENT shall compensate ECS for the costs of correcting such defects.
- 16.2 Modifications to reports, documents and plans required as a result of jurisdictional reviews or CLIENT requests shall not be considered to be defects. CLIENT shall compensate ECS for the provision of such Services.
- 17.0 INSURANCE** - ECS represents that it and its subcontractors and subconsultants maintain workers compensation insurance, and that ECS is covered by general liability, automobile and professional liability insurance policies in coverage amounts it deems reasonable and adequate. ECS shall furnish certificates of insurance upon request. The CLIENT is responsible for requesting specific inclusions or limits of coverage that are not present in ECS insurance package. The cost of such inclusions or coverage increases, if available, will be at the expense of the CLIENT.
- 18.0 LIMITATION OF LIABILITY**
- 18.1 CLIENT AGREES TO ALLOCATE CERTAIN RISKS ASSOCIATED WITH THE PROJECT BY LIMITING ECS' TOTAL LIABILITY TO CLIENT ARISING FROM ECS' PROFESSIONAL LIABILITY, I.E. PROFESSIONAL ACTS, ERRORS, OR OMISSIONS AND FOR ANY AND ALL CAUSES INCLUDING NEGLIGENCE, STRICT LIABILITY, BREACH OF CONTRACT, OR BREACH OF WARRANTY, INJURIES, DAMAGES, CLAIMS, LOSSES, EXPENSES, OR CLAIM EXPENSES (INCLUDING REASONABLE ATTORNEY'S FEES) RELATING TO PROFESSIONAL SERVICES PROVIDED UNDER THIS AGREEMENT TO THE FULLEST EXTENT PERMITTED BY LAW. THE ALLOCATION IS AS FOLLOWS.
- 18.1.1 If the proposed fees are \$20,000 or less, ECS' total aggregate liability to CLIENT shall not exceed \$20,000, or the total fee received for the services rendered, whichever is greater.
- 18.1.2 If the proposed fees are in excess of \$20,000, ECS' total aggregate liability to CLIENT shall not exceed \$50,000, or the total fee for the services rendered, whichever is greater.
- 18.2 CLIENT agrees that ECS shall not be responsible for any injury, loss or damage of any nature, including bodily injury and property damage, arising directly or indirectly, in whole or in part, from acts or omissions by the CLIENT, its employees, agents, staff, consultants, contractors, or subcontractors to the extent such injury, damage, or loss is caused by acts or omissions of CLIENT, its employees, agents, staff, consultants, contractors, subcontractors or person/entities for whom CLIENT is legally liable.
- 18.3 CLIENT agrees that ECS' liability for all non-professional liability arising out of this Agreement or the services provided as a result of the Proposal be limited to \$500,000.
- 19.0 INDEMNIFICATION**
- 19.1 Subject to Section 18.0, ECS agrees to hold harmless and indemnify CLIENT from and against damages arising from ECS' negligent performance of its Services, but only to the extent that such damages are found to be caused by ECS' negligent

acts, errors or omissions, (specifically excluding any damages caused by any third party or by the CLIENT.)

19.2 To the fullest extent permitted by law, CLIENT agrees to indemnify, and hold ECS harmless from and against any and all liability, claims, damages, demands, fines, penalties, costs and expenditures (including reasonable attorneys' fees and costs of litigation defense and/or settlement) ("Damages") caused in whole or in part by the acts, errors, or omissions of the CLIENT or CLIENT's employees, agents, staff, contractors, subcontractors, consultants, and clients, provided such Damages are attributable to: (a) the bodily injury, personal injury, sickness, disease and/or death of any person; (b) the injury to or loss of value to tangible personal property; or (c) a breach of these Terms. The foregoing indemnification shall not apply to the extent such Damage is found to be caused by the sole negligence, errors, omissions or willful misconduct of ECS.

19.3 It is specifically understood and agreed that in no case shall ECS be required to pay an amount of Damages disproportionate to ECS' culpability. IF CLIENT IS A HOMEOWNER, HOMEOWNERS' ASSOCIATION, CONDOMINIUM OWNER, CONDOMINIUM OWNER'S ASSOCIATION, OR SIMILAR RESIDENTIAL OWNER, ECS RECOMMENDS THAT CLIENT RETAIN LEGAL COUNSEL BEFORE ENTERING INTO THIS AGREEMENT TO EXPLAIN CLIENT'S RIGHTS AND OBLIGATIONS HEREUNDER, AND THE LIMITATIONS, AND RESTRICTIONS IMPOSED BY THIS AGREEMENT. CLIENT AGREES THAT FAILURE OF CLIENT TO RETAIN SUCH COUNSEL SHALL BE A KNOWING WAIVER OF LEGAL COUNSEL AND SHALL NOT BE ALLOWED ON GROUNDS OF AVOIDING ANY PROVISION OF THIS AGREEMENT.

19.4 IF CLIENT IS A RESIDENTIAL BUILDER OR RESIDENTIAL DEVELOPER, CLIENT SHALL INDEMNIFY AND HOLD HARMLESS ECS AGAINST ANY AND ALL CLAIMS OR DEMANDS DUE TO INJURY OR LOSS INITIATED BY ONE OR MORE HOMEOWNERS, UNIT-OWNERS, OR THEIR HOMEOWNER'S ASSOCIATION, COOPERATIVE BOARD, OR SIMILAR GOVERNING ENTITY AGAINST CLIENT WHICH RESULTS IN ECS BEING BROUGHT INTO THE DISPUTE.

19.5 IN NO EVENT SHALL THE DUTY TO INDEMNIFY AND HOLD ANOTHER PARTY HARMLESS UNDER THIS SECTION 19.0 INCLUDE THE DUTY TO DEFEND.

20.0 CONSEQUENTIAL DAMAGES

20.1 CLIENT shall not be liable to ECS and ECS shall not be liable to CLIENT for any consequential damages incurred by either due to the fault of the other or their employees, consultants, agents, contractors or subcontractors, regardless of the nature of the fault or whether such liability arises in breach of contract or warranty, tort, statute, or any other cause of action. Consequential damages include, but are not limited to, loss of use and loss of profit.

20.2 ECS shall not be liable to CLIENT, or any entity engaged directly or indirectly by CLIENT, for any liquidated damages due to any fault, or failure to act, in part or in total by ECS, its employees, agents, or subcontractors.

21.0 SOURCES OF RECOVERY

21.1 All claims for damages related to the Services provided under this Agreement shall be made against the ECS entity contracting with the CLIENT for the Services, and no other person or entity. CLIENT agrees that it shall not name any affiliated entity including parent, peer, or subsidiary entity or any individual officer, director, or employee of ECS.

21.2 In the event of any dispute or claim between CLIENT and ECS arising out of in connection with the Project and/or the Services, CLIENT and ECS agree that they will look solely to each other for the satisfaction of any such dispute or claim. Moreover, notwithstanding anything to the contrary contained in any other provision herein, CLIENT and ECS' agree that their respective shareholders, principals, partners, members, agents, directors, officers, employees, and/or owners shall have no liability whatsoever arising out of or in connection with the Project and/or Services provided hereunder. In the event CLIENT brings a claim against an affiliated entity, parent entity, subsidiary entity, or individual officer, director or employee in contravention of this Section 21, CLIENT agrees to hold ECS harmless from and against all damages, costs, awards, or fees (including attorneys' fees) attributable to such act.

21.3 For projects located in Florida, the parties agree that **PURSUANT TO FLA. STAT. SECTIONS 558.002 AND 558.0035, CLIENT AGREES THAT AN INDIVIDUAL EMPLOYEE OR AGENT OF ECS MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE FOR ACTS OR OMISSIONS ARISING OUT OF THE SERVICES.**

22.0 THIRD PARTY CLAIMS EXCLUSION - CLIENT and ECS agree that the Services are performed solely for the benefit of the CLIENT and are not intended by either CLIENT or ECS to benefit any other person or entity. To the extent that any other person or entity is benefited by the Services, such benefit is purely incidental and such other person or entity shall not be deemed a third party beneficiary to the Agreement. No third-party shall have the right to rely on ECS' opinions rendered in connection with ECS' Services without written consent from both CLIENT and ECS, which shall include, at a minimum, the third-party's agreement to be bound to the same Terms and Conditions contained herein and third-party's agreement that ECS' Scope of Services performed is adequate.

23.0 DISPUTE RESOLUTION

23.1 In the event any claims, disputes, and other matters in question arising out of or relating to these Terms or breach thereof (collectively referred to as "Disputes"), the parties shall promptly attempt to resolve all such Disputes through executive negotiation between senior representatives of both parties familiar with the Project.

The parties shall arrange a mutually convenient time for the senior representative of each party to meet. Such meeting shall occur within fifteen calendar (15) days of either party's written request for executive negotiation or as otherwise mutually agreed. Should this meeting fail to result in a mutually agreeable plan for resolution of the Dispute, CLIENT and ECS agree that either party may bring litigation.

23.2 CLIENT shall make no claim (whether directly or in the form of a third-party claim) against ECS unless CLIENT shall have first provided ECS with a written certification executed by an independent engineer licensed in the jurisdiction in which the Project is located, reasonably specifying each and every act or omission which the certifier contends constitutes a violation of the Standard of Care. Such certificate shall be a precondition to the institution of any judicial proceeding and shall be provided to ECS thirty (30) days prior to the institution of such judicial proceedings.

23.3 Litigation shall be instituted in a court of competent jurisdiction in the county or district in which ECS' office contracting with the CLIENT is located. The parties agree that the law applicable to these Terms and the Services provided pursuant to the Proposal shall be the laws of the Commonwealth of Virginia, but excluding its choice of law rules. Unless otherwise mutually agreed to in writing by both parties, CLIENT waives the right to remove any litigation action to any other jurisdiction. Both parties agree to waive any demand for a trial by jury.

24.0 CURING A BREACH

24.1 A party that believes the other has materially breached these Terms shall issue a written cure notice identifying its alleged grounds for termination. Both parties shall promptly and in good faith attempt to identify a cure for the alleged breach or present facts showing the absence of such breach. If a cure can be agreed to or the matter otherwise resolved within thirty (30) calendar days from the date of the termination notice, the parties shall commit their understandings to writing and termination shall not occur.

24.2 Either party may waive any right provided by these Terms in curing an actual or alleged breach; however, such waiver shall not affect future application of such provision or any other provision.

25.0 TERMINATION

25.1 CLIENT or ECS may terminate this Agreement for breach, non-payment, or a failure to cooperate. In the event of termination, the effecting party shall so notify the other party in writing and termination shall become effective fourteen (14) calendar days after receipt of the termination notice.

25.2 Irrespective of which party shall effect termination, or the cause therefore, ECS shall promptly render to CLIENT a final invoice and CLIENT shall immediately compensate ECS for Services rendered and costs incurred including those Services associated with termination itself, including without limitation, demobilizing, modifying schedules, and reassigning personnel.

26.0 TIME BAR TO LEGAL ACTION - Unless prohibited by law, and notwithstanding any Statute that may provide additional protection, CLIENT and ECS agree that a lawsuit by either party alleging a breach of this Agreement, violation of the Standard of Care, non-payment of invoices, or arising out of the Services provided hereunder, must be initiated in a court of competent jurisdiction no more than two (2) years from the time the party knew, or should have known, of the facts and conditions giving rise to its claim, and shall under no circumstances shall such lawsuit be initiated more than three (3) years from the date of substantial completion of ECS' Services.

27.0 ASSIGNMENT - CLIENT and ECS respectively bind themselves, their successors, assigns, heirs, and legal representatives to the other party and the successors, assigns, heirs and legal representatives of such other party with respect to all covenants of these Terms. Neither CLIENT nor ECS shall assign these Terms, any rights thereunder, or any cause of action arising therefrom, in whole or in part, without the written consent of the other. Any purported assignment or transfer, except as permitted above, shall be deemed null, void and invalid, the purported assignee shall acquire no rights as a result of the purported assignment or transfer and the non-assigning party shall not recognize any such purported assignment or transfer.

28.0 SEVERABILITY - Any provision of these Terms later held to violate any law, statute, or regulation, shall be deemed void, and all remaining provisions shall continue in full force and effect. CLIENT and ECS shall endeavor to quickly replace a voided provision with a valid substitute that expresses the intent of the issues covered by the original provision.

29.0 SURVIVAL - All obligations arising prior to the termination of the agreement represented by these Terms and all provisions allocating responsibility or liability between the CLIENT and ECS shall survive the substantial completion of Services and the termination of the Agreement.

30.0 TITLES; ENTIRE AGREEMENT

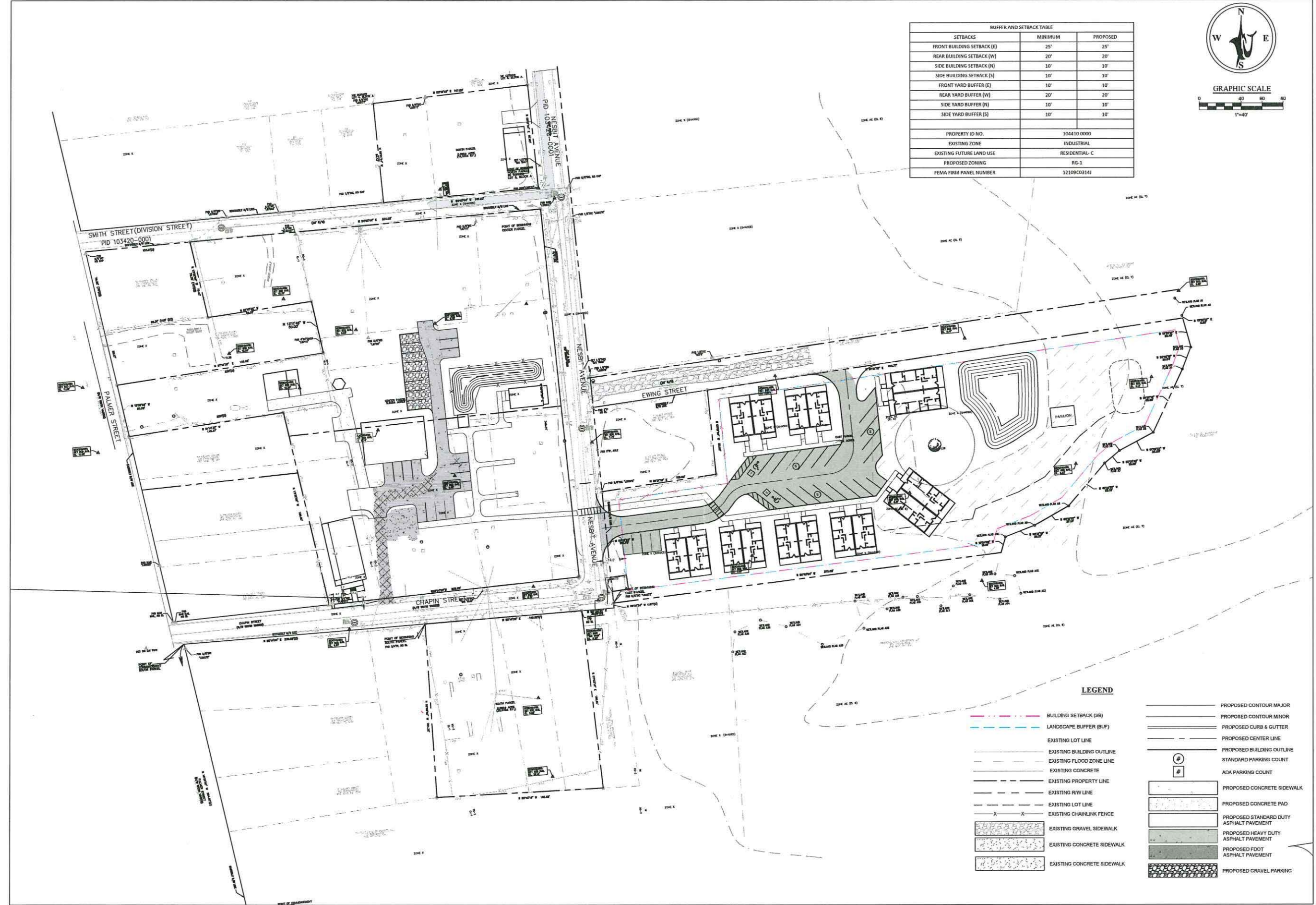
30.1 The titles used herein are for general reference only and are not part of the Terms.

30.2 These Terms together with the Proposal, including all exhibits, appendixes, and other documents appended to it, constitute the entire agreement between CLIENT and ECS ("Agreement"). CLIENT acknowledges that all prior understandings and negotiations are superseded by this Agreement.

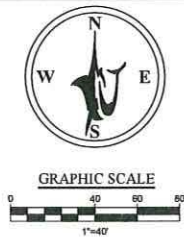
30.3 CLIENT and ECS agree that subsequent modifications to the Agreement shall not be binding unless made in writing and signed by authorized representatives of both parties.

30.4 All preprinted terms and conditions on CLIENT'S purchase order, Work Authorization, or other service acknowledgement forms, are inapplicable and superseded by these Terms and Conditions of Service.

30.5 CLIENT's execution of a Work Authorization, the submission of a start work authorization (oral or written) or issuance of a purchase order constitutes CLIENT's acceptance of this Proposal and these Terms and their agreement to be fully bound to them. If CLIENT fails to provide ECS with a signed copy of these Terms or the attached Work Authorization, CLIENT agrees that by authorizing and accepting the services of ECS, it will be fully bound by these Terms as if they had been signed by CLIENT.



BUFFER AND SETBACK TABLE		
SETBACKS	MINIMUM	PROPOSED
FRONT BUILDING SETBACK (E)	25'	25'
REAR BUILDING SETBACK (W)	20'	20'
SIDE BUILDING SETBACK (N)	10'	10'
SIDE BUILDING SETBACK (S)	10'	10'
FRONT YARD BUFFER (E)	10'	10'
REAR YARD BUFFER (W)	20'	20'
SIDE YARD BUFFER (N)	10'	10'
SIDE YARD BUFFER (S)	10'	10'
PROPERTY ID NO. 104410 0000		
EXISTING ZONE INDUSTRIAL		
EXISTING FUTURE LAND USE RESIDENTIAL: C		
PROPOSED ZONING RG-1		
FEMA FIRM PANEL NUMBER 12109C03141		



- LEGEND**
- BUILDING SETBACK (SB)
 - LANDSCAPE BUFFER (BUF)
 - EXISTING LOT LINE
 - EXISTING BUILDING OUTLINE
 - EXISTING FLOOD ZONE LINE
 - EXISTING CONCRETE
 - EXISTING PROPERTY LINE
 - EXISTING R/W LINE
 - EXISTING LOT LINE
 - EXISTING CHAINLINK FENCE
 - EXISTING GRAVEL SIDEWALK
 - EXISTING CONCRETE SIDEWALK
 - EXISTING CONCRETE SIDEWALK
 - PROPOSED CONTOUR MAJOR
 - PROPOSED CONTOUR MINOR
 - PROPOSED CURB & GUTTER
 - PROPOSED CENTER LINE
 - PROPOSED BUILDING OUTLINE
 - STANDARD PARKING COUNT
 - ADA PARKING COUNT
 - PROPOSED CONCRETE SIDEWALK
 - PROPOSED CONCRETE PAD
 - PROPOSED STANDARD DUTY ASPHALT PAVEMENT
 - PROPOSED HEAVY DUTY ASPHALT PAVEMENT
 - PROPOSED FOOT ASPHALT PAVEMENT
 - PROPOSED GRAVEL PARKING

**YIELD ANALYSIS PLAN
FOR
HOMELESS COALITION EXPANSION
BUFFER AND SETBACK
CITY OF ST. AUGUSTINE**



PROJECT NO.	22-087
ISSUE DATE:	5/6/2023
DRAFTED BY:	JMC
DESIGNED BY:	MHL
CHECKED BY:	MHL

NOT VALID WITHOUT SEAL

TREE #	SPECIES	SIZE	PLAN OF ACTION	REMOVE IN"	PRESERVED IN"
65	OAK	28	TO REMAIN	-	28
66	D CAMPHOR	13	TO REMAIN	-	13
67	OAK	18	REMOVE	18	0
68	PALM	12	TO REMAIN	-	12
116	PALM	12	REMOVE	12	0
117	PALM	12	REMOVE	12	0
118	OAK	14	TO REMAIN	-	14
119	D SILK	8	TO REMAIN	-	8
120	PALM	16	TO REMAIN	-	16
121	D SILK	8	TO REMAIN	-	8
122	D SILK	8	TO REMAIN	-	8
123	PALM	10	TO REMAIN	-	10
124	OAK	16	TO REMAIN	-	16
125	OAK	8	TO REMAIN	-	8
116	PALM	12	REMOVE	12	0
117	PALM	12	REMOVE	12	0
118	OAK	14	TO REMAIN	-	14
119	D SILK	8	TO REMAIN	-	8
120	PALM	16	TO REMAIN	-	16
121	D SILK	8	TO REMAIN	-	8
122	D SILK	8	TO REMAIN	-	8
123	PALM	10	TO REMAIN	-	10
124	OAK	16	TO REMAIN	-	16
125	OAK	8	TO REMAIN	-	8
136	OAK	48	TO REMAIN	-	48
137	PALM	8	TO REMAIN	-	8
138	D ELM	8	TO REMAIN	-	8
139	OAK	8	TO REMAIN	-	8
140	PALM	8	TO REMAIN	-	8
141	PALM	14	TO REMAIN	-	14
142	OAK	8	TO REMAIN	-	8
143	OAK	12	TO REMAIN	-	12
144	PALM	12	TO REMAIN	-	12
145	PALM	12	TO REMAIN	-	12
146	PALM	12	TO REMAIN	-	12
147	OAK	10	TO REMAIN	-	10
148	OAK	10	TO REMAIN	-	10
149	OAK	14	TO REMAIN	-	14
150	PALM	14	TO REMAIN	-	14
151	PALM	14	TO REMAIN	-	14
152	PALM	14	TO REMAIN	-	14
153	PALM	10	TO REMAIN	-	10
154	PALM	10	TO REMAIN	-	10
155	PALM	10	TO REMAIN	-	10
156	PALM	10	TO REMAIN	-	10
157	OAK	42	TO REMAIN	-	42
158	PALM	12	TO REMAIN	-	12
159	PALM	12	TO REMAIN	-	12
160	OAK	8	TO REMAIN	-	8
161	OAK	8	TO REMAIN	-	8
162	OAK	8	TO REMAIN	-	8
163	OAK	12	TO REMAIN	-	12
164	OAK	14	TO REMAIN	-	14
165	OAK	8	TO REMAIN	-	8
166	OAK	8	TO REMAIN	-	8
167	OAK	10	TO REMAIN	-	10
168	OAK	10	TO REMAIN	-	10
169	OAK	8	TO REMAIN	-	8
170	OAK	8	TO REMAIN	-	8
171	OAK	8	TO REMAIN	-	8
172	OAK	8	TO REMAIN	-	8

TREE #	SPECIES	SIZE	PLAN OF ACTION	REMOVE IN"	PRESERVED IN"
173	PALM	14	TO REMAIN	-	14
174	OAK	8	TO REMAIN	-	8
175	OAK	8	TO REMAIN	-	8
176	OAK	8	TO REMAIN	-	8
177	PALM	10	TO REMAIN	-	10
178	OAK	18	TO REMAIN	-	18
179	PALM	12	TO REMAIN	-	12
180	PALM	12	TO REMAIN	-	12
181	D CHERRY	15	TO REMAIN	-	15
182	OAK	10	TO REMAIN	-	10
183	OAK	10	TO REMAIN	-	10
184	OAK	38	TO REMAIN	-	38
185	OAK	48	TO REMAIN	-	48
186	OAK	10	TO REMAIN	-	10
187	OAK	8	TO REMAIN	-	8
188	OAK	12	TO REMAIN	-	12
189	OAK	12	TO REMAIN	-	12
190	PALM	12	TO REMAIN	-	12
191	PALM	12	TO REMAIN	-	12
192	PALM	16	TO REMAIN	-	16
193	PALM	16	TO REMAIN	-	16
194	OAK	14	TO REMAIN	-	14
195	OAK	10	TO REMAIN	-	10
196	OAK	10	TO REMAIN	-	10
197	OAK	14	TO REMAIN	-	14
198	OAK	20	TO REMAIN	-	20
199	OAK	10	TO REMAIN	-	10
200	PALM	16	TO REMAIN	-	16
201	OAK	34	TO REMAIN	-	34
202	OAK	14	TO REMAIN	-	14
203	OAK	14	TO REMAIN	-	14
204	OAK	48	TO REMAIN	-	48
205	OAK	12	TO REMAIN	-	12
206	OAK	14	REMOVE	14	0
207	OAK	15	TO REMAIN	-	15
208	OAK+55IN	55	TO REMAIN	-	55
209	OAK	27	TO REMAIN	-	27
210	D MAGNOLIA	16	TO REMAIN	-	16
211	D MAGNOLIA	30	TO REMAIN	-	30
212	OAK	26	TO REMAIN	-	26
213	PALM	14	TO REMAIN	-	14
214	D MAPLE	12	TO REMAIN	-	12
215	D MAGNOLIA	20	TO REMAIN	-	20
216	OAK	18	TO REMAIN	-	18
217	OAK	18	TO REMAIN	-	18
218	OAK	50	TO REMAIN	-	50
219	D PECAN	22	TO REMAIN	-	22
220	D SILK	18	TO REMAIN	-	18
221	OAK	24	TO REMAIN	-	24
222	OAK	12	TO REMAIN	-	12
223	D PECAN	15	TO REMAIN	-	15
224	D SILK	16	TO REMAIN	-	16
225	OAK	12	TO REMAIN	-	12
226	OAK+88IN	88	TO REMAIN	-	88
227	OAK+42IN	42	REMOVE	42	0
228	OAK	18	TO REMAIN	-	18
229	OAK	20	TO REMAIN	-	20
230	PALM	15	TO REMAIN	-	15
231	OAK	18	TO REMAIN	-	18
232	D MAGNOLIA	34	TO REMAIN	-	34
233	PALM	15	REMOVE	15	0

TREE #	SPECIES	SIZE	PLAN OF ACTION	REMOVE IN"	PRESERVED IN"
234	PALM	15	REMOVE	15	0
235	D SILK	22	REMOVE	22	0
236	PALM	15	REMOVE	15	0
237	PALM	16	REMOVE	16	0
238	OAK	8	NEW	-	8

REVISIONS		DESCRIPTION	
NO.	DATE	BY	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

ENGINEERING PLANS
FOR
HOMELESS COALITION EXPANSION
3 NESBIT TREE REMOVAL TABLE
CITY OF ST. AUGUSTINE



(NOT)FOR
CONSTRUCTION



7225 A1A S, SUITE A2
ST. AUGUSTINE, FLORIDA 32080
904.794.4231
matt@gulstreamdesign.com
© GULFSTREAM DESIGN GROUP, LLC 2021

PROJECT NO:	22-087
ISSUE DATE:	05-25-2023
DRAFTED BY:	JMC
DESIGNED BY:	MHL
CHECKED BY:	MHL
NOT VALID WITHOUT SEAL	