

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting May 2, 2023

The Planning and Zoning Board met in formal session Tuesday, May 2, 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

Absent: 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

(None)

3. Approval of Minutes

(None)

4. Modifications and Approval of the Agenda

Mr. Fredriksson announced item 7(a) 93 Keith Street had asked for a continuance, and item 8(a) was originally scheduled to be on the June agenda and was mistakenly added. He said during 'Other Business' there was a need to add a special meeting for June 27, 2023 and noted the proposed Food Truck Ordinance had been discussed at the previous special meeting.

MOTION

Mr. Pappas MOVED to CONTINUE item7(a) 2022-0009 to the June 6, 2023

meeting. The motion was SECONDED by Mr. Blow.

Mr. Fredriksson advised the applicant did not request the June meeting but a continuance to a future date.

MOTION

Mr. Pappas AMENDED the MOTION to continue the application indefinitely. The AMENDED motion was SECODNED by Mr. Blow.

Mr. Blow pointed out there was public interest in the application and if this would put the application in limbo.

Ms. Skinner advised if continued indefinitely, it would be readvertised when the applicant requested to come back before the Board.

Mr. Shaffer asked if the property was being used as a short-term rental (STR) and was that use discontinued in the meantime.

Ms. Skinner said she would speak to Code Enforcement but until parking was resolved it should not be used.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter MOVED to CONTINUE item 8(a) 2023-0013 to the June 6, 2023 meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a) 2023-0022– Mark & Heather Tate – Applicant & Owner
1 Solano Avenue

To increase the lot coverage maximum to 35% on a Residential Single-Family-One (RS-1) lot to allow for the construction of a new shaded sitting area.

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 increase the maximum lot coverage to 35% at 1 Solano Avenue / PID 220880-0010.

Mark and Heather Tate reviewed the application.

Ex Parte Communication:

38 certified notices were sent, 3 were returned in favor, 0 returned opposed and 1 had comments.

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

The Board discussed:

- Lot was non-conforming and granting a variance would not be contrary to the public interest or adversely affect other properties
- Questioned if there would be twenty feet of lawn to the property line if the patio were enclosed

Mr. Fredriksson replied there would not be a rear lot just two side yards as noted in the staff report under yard rear definition.

Board discussion:

- Asked if an awning was looked into instead of a full enclosure
- Questioned if there was an intent to enclose the structure in the future
- No issue with the application

Applicant response:

- One awning would not cover the whole patio
- Wanted to cover the whole thing to make it more stable structure
- Did not want to enclose it to be part of the house because then there would be no outdoor space

MOTION

Mr. Shaffer MOVED to APPROVE Variance 2023-0022 to increase the lot coverage maximum to 35% at 1 Solano Avenue be approved. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2023-0025 – Charlotte Rogers – c/o Star Song School- Applicant James Sheils – Owner-c/o FBM Holdings 105 Masters Drive

To approve a school within the Commercial Low-One (CL-1) zoning district as a permitted use by exception.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for a school at 105 Masters Drive/ PID 110130-0000.

Charlotte Rogers, Jamie Shields, Irene Arriola reviewed the application.

The Board provided their ex parte communication.

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

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

The Board discussed:

- Staff advised this location had been a school prior and had no issues since 1986
- Would run with the applicant since it was an exception
- Questioned if the enrollment would be increased
- Only concern would be for the potential increase in traffic

Applicant response:

- Reason for the move was to increase the enrollment
- Were more students at the location now then what was being proposed

- Traffic would be less with their school and parking would be adequate

MOTION

Mr. Blow MOVED to APPROVE the Exception 2023-0025. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Use by Exception and Variance

7. (a) 2022-0009 Originally continued from March 7th Meeting– 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

Applicant requested a continuance. MOTION under item 4.

8. Conservation Overlay Zone Development

8. (a) a. 2023-0013– Continued from the April 4th Meeting to the June 6th Meeting Ryan Carter – Applicant c/o Carter Environmental Services Inc. Nancy & John Fout – Owner 164 Pelican Reef Drive

To modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.

Continued to June PZB meeting. MOTION under Item 4.

**8. (b) 2023-0020– Wolfgang Schau – Applicant & Owner
151 Inlet Drive**

To approve the construction of a new 180-foot bulkhead in 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 construction of a new bulkhead within Conservation Overlay Zones 1 and 2 at 151 Inlet Drive/ PID 213870-0000.

Wolfgang Schau reviewed the application.

Ex Parte Communication:

(None)

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

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

The Board discussed:

- Was on the landward side and had no issues with the application
- Questioned where the retaining wall would be located
- In favor of application and liked that applicant was coordinating with the City
- Questioned what type of material would be used

Applicant response:

- Would be closer to the road but bringing it to where the City was planning on building a bulkhead

- Spoke to Jessica Beach City Resiliency Officer, about the City's plans; however, it was unknown at this time
- Bulkhead would not prevent them from being flooded but would help with the erosion
- Would be using a sheet vinyl and would add sheet vinyl behind the existing concrete bulkhead
- Height would be around seven feet to protect the property
- Top of sheet piling would be filled and would have a composite walkway on top
- Would be using the existing coquina boulders

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0020 as the applicant had demonstrated and met the seventeen criteria and was also coordinating with the City on the application. The motion was SECONDED by Mr. Blow.

Mr. Blow noted the applicant had all the required permits from the Department of Environmental Protection (DEP) and the Corp of Engineers.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (c) 2023-0021 – Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Kenton Morrison - Owner
36 N St. Augustine Boulevard**

Mr. Davis recused himself. ¹

To approve the construction of a new dock that includes two boat lifts totaling approximately 1,993 square feet within Conservation Overlay Zone 1.

¹ Recusal form attached to original minutes

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 with two boat lifts within Conservation Overlay Zone I at 36 N St. Augustine Boulevard/ PID 213520-0000.

Ryan Carter reviewed the application.

Ex Parte Communication:

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

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

The Board discussed:

- Dock would be brand new to the property
- Would not impact the channel, not further out than other docks in the area, and was compact with a small terminal platform
- Similar to the docks that were typically approved
- Had ninety-one feet of frontage on the water and there was adequate space between the docks north and south

Mr. Carter noted they did have the DEP permit on behalf of the Corp of Engineers.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0021 as it meets the seventeen criteria as demonstrated by the applicant. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

AYES: DePreter, Griggs, Shaffer, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (d) 2023-0024 – Peter Burkhardt – Applicant & Owner **c/o Jjmrn Properties LLC** **83 Comares Avenue Unit 2C**

To approve the installation of a boat lift 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 installation of a boat lift at 83 Comares Avenue Unit 2C/ PID218562-0302.

Peter Burkhardt reviewed the application.

Ex Parte Communication:

(None)

42 certified notices were sent, 5 were returned in favor, 0 returned opposed and 0 had comments.

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

The Board discussed:

- No issues as there were other boats lifts around and the Board had approved these before
- Adding a boat lift in the Salt Run area was in the public interest as it meant there would not any exposure of bottom paint and the vessel would be safer during a storm event
- In favor as it would be similar to what other owners had done with their docks
- Other people in favor were neighbors in the condominium

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0024 as it meets the seventeen criteria of the code. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (e) 2023-0026 – Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Alan Stevenson – Owner
c/o STA Beach Investments, LLC
34 N St. Augustine Boulevard**

To approve the modification of an existing dock to allow for the addition of a new floating dock, the widening of a boat lift, and the widening of a personal watercraft lift 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 an existing dock to allow for a floating dock as well as the widening of existing boat and PWC lifts within Conservation Overlay Zone I at 34 N St. Augustine Boulevard/ PID 213510-0000.

Ryan Carter reviewed the application.
Ex Parte Communication: none

23 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:

- Questioned the type of material that would be used for the floating dock
- Concrete floating docks could cause a lot of damage when they broke free during a storm event
- Same size as other docks in the area
- Felt the application met the seventeen criteria in the code

Applicant response:

- Material used would be polydock
- Did not want it to break away during a storm and polydocks were best for this type of use

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0026 as the applicant demonstrated it meets the seventeen City criteria. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9. Other Business

Ms. Skinner asked the Board to review their calendars regarding a special meeting on June 27th at 1:00p.m. She said the special meeting would discuss the parking code and readdress partial demolition.

Mr. Blow asked if the business community had been made aware of the parking code updates.

Ms. Skinner advised she had made them aware; however, she would make more of an effort to meet with the business community.

Mr. Davis asked what the status was on the partial demolition.

Ms. Skinner said the draft ordinance for partial and full demolition had been reviewed by the Board. She said there were Local and National Register Historic Districts, and the code stated currently that if a building were 50 years old or older, it would be reviewed by Historic Architectural Review Board (HARB). She noted if it were determined that a change would cause a significant impact to the building or the character, it would be reviewed. She said staff wanted to bring it

back to the Board to discuss what changes had been approved by the Board. She said the delay had been due to the Architectural Guidelines update which was taking place. She said it was being expanded as a resource; however, the updated was taking longer than expected.

Mr. Pappas said some of the information that caused a HARB review was not making it to the owners. He said he felt interpretations of the code had changed.

Ms. Skinner said she would speak with staff regarding staying consistent.

Mr. Davis explained he felt the fifty years rule was arbitrary and thought this was supposed to be focused on the 1,600 contributing houses.

Ms. Lopez said what the Board had reviewed and recommended to the City Commission had not been codified, and they were operating under the current law, and not the changes proposed.

Ms. Skinner advised all this would be addressed at the special meeting in June.

10. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 2:04 P.M.²



Mike Davis, Chairperson

² Transcribed by Elyse Wiemann