

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting June 6, 2023

The Planning and Zoning Board met in formal session Tuesday, June 6, 2023, at 1:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Charles Pappas, Vice-Chairperson and the following were present:

1. Roll Call: Charles Pappas, Vice- Chairperson
Jon DePreter
Carl Blow
Christina Griggs
Matthew Shaffer
Ashleigh Barnes

Absent: Mike Davis, Chairperson

City Staff: Jacob Fredriksson, Planning & Building Planner
Tracey Mullins, Planning & Building Planner II
Ron Brown, Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

- **BJ Kalaidi**

Ron Brown introduced himself and noted he was the City Attorney from 2007-2014. He said the City Attorney Isabella Lopez was absent and the new assistant city attorney was learning. He said he was asked to sit in on the PZB and the Historic Preservation Board meetings for this month.

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVE the Regular meeting minutes from March 7, 2023 as presented. The motion was SECONDED by Mr. DePreter and APPROVED by UNANIMOUS VOICE VOTE.

MOTION

Mr. DePreter MOVED to APPROVE the Regular meeting minutes from April 4, 2023 as presented. The motion was SECONDED by Mr. Blow and APPROVED by UNANIMOUS VOICE VOTE.

4. Modification and Approval of the Agenda

Mr. Fredriksson announced item 6(a) requested to be continued to the July 5, 2023 meeting. He said their plans had been accepted by the St. Johns River Water Management District; however, were still being reviewed by the Army Corp of Engineers.

MOTION

Mr. DePreter MOVED to APPROVE the agenda with the change which was item 6(a) 2023-0013. The motion was SECONDED by Mr. Shaffer and APPROVED by UNANIMOUS VOICE VOTE.

5. Use by Exception and Variance

5. (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.

Mr. Fredriksson read the staff report and said 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/ PID119860-0010.

Ryan Kunsch reviewed the application.

The Board provided their ex parte communication.

16 certified notices were sent, 188 were returned in favor, 1 returned opposed and 188 had comments and additional emails were attached. It was noted that the notices received were not associated with the mailing list sent out by staff.

Public hearing was opened.

Tyrone Bennett spoke in favor of the application and stated the owners had done great work by bringing more to the community. He noted several locations were not opposed to letting the owners use the parking lots nearby. He said this area was growing rapidly and they should be allowed to move forward.

Kate Ramsey spoke in favor of the application and said this was an improvement to the area. She said the owners had spent months getting it right and felt St. Augustine was more than a tourist destination. She said small businesses were a must to be successful and were owned by locals for locals. She encouraged the Board to approve the application.

Brian Lieberman spoke in favor of the application and hoped this would pass as it could be applicable to him in the future with his establishment. He said he was in favor of zoning changes to be more like the downtown area.

Emily Hewlett spoke in favor of the application and said small businesses were vital to small towns. She said the town was serving more of the tourist and not the locals. She said West King Street should be added to the historic preservation zoning and as there was a lack of parking.

Athena Calvin spoke in favor of the application and said the downtown area was protected by the Historic Preservation zoning but felt West King should also be included in that.

Riley Bowen spoke in favor of the application and said this was a local place with a code of conduct.

Zack Ramsey spoke in favor of the application and said they were trying to have a neighborhood bar that was safe and accessible. He read some of the public comments turned into the Board into the record¹.

Sara Szymanski spoke in favor of the application and noted the way to prevent drinking and driving was to not have many parking spaces and use alternative modes of transportation. She said this would support local businesses.

¹ Documents added to packet

Alejandro Burato spoke in favor of the application and noted it was a great asset to the community. He said this could improve the economy for West King and help the community.

Jacob Blankenship spoke in favor of the application and said most of the people advocating were locals and not tourist. He said these were the people who helped keep the tourist community thriving, and this establishment was for the local community. He said anything the City could do would help St. Augustine as a whole.

BJ Kalaidi spoke in opposition to the application and said the owner knew parking could be an issue for the establishment. She said the owner should respect the neighborhood and follow the parking requirements. She questioned where the 188 public comments lived. She stated signs were not allowed in the right-of-way. She said most people did not live in the area. She encouraged the Board to deny the application.

Katora Singleton spoke in favor of the application and respected that the owner added to the community and added to West King Street. She said many locals do walk to the venue and people should not complain about what they do not know.

Shelton Rutherford spoke in favor of the application and said the venue has done a lot for the neighborhood and the two parking spaces were normally open. He said this should be allowed to happen.

Garrett Chribonae spoke in favor of the application and said this location was good his food truck business. He said it was great for the community.

Heather Long spoke in favor of the application and said this location was a great spot for West King Street and people were able to walk and bike. She said this was a beer and wine establishment and did not understand why building the area was an

issue. She said this was a great location for the community.

Heather Hagy spoke in favor of the application and said this was a great place close to home. She said this was a welcoming location and a great addition to the area.

Trevor Smith spoke in favor of the application and said this was a great location and the area was being revitalized. He said he did not understand the need for more parking on site as there were places in the area that would allow parking.

Public hearing was closed.

Mr. Pappas noted there would be a special meeting to work on the parking code and encouraged the public to attend.

Mr. Kunsch said they had attended a Friday Review and it was determined that where the pavers were located would not be suitable for parking.

Mr. Pappas asked if the paving completed was done correctly.

Mr. Fredriksson replied there were previous code complaints but those had been resolved and no open code cases.

The Board discussed:

- Had support from almost all speakers in the community
- Was not contrary to the public interest, would not affect other businesses in the vicinity, and would be with the spirit, intent, and purpose of the section

Mr. Shaffer asked if the use by exception was for more than two parking spaces. He said it was mentioned there were other lots available nearby when the business was opened. He asked if using other lots nearby was a consideration and would granting the variance eliminate the need for the use by exception.

Mr. Fredriksson replied parking was based on the number of patrons in the parking code. He said for every three patrons a parking space was needed either onsite or within 400 feet. He said there were twenty-three spaces at 222 West King Street, and twenty-one of those were used for the two businesses there leaving the two extra spaces which was the use by exception. He said the variance was to allow the use of the other spaces when the two businesses were closed.

Mr. Pappas asked if the variance would be permanent with the property connected directly to that particular lot.

Mr. Fredriksson said the reason for the variance was to provide parking for all uses as this was not in the parking code. He said the parking across the street would be used but there was no code to allow that. He said the only spaces the applicant could find within 400 feet were the two spaces at 222 West King Street.

Mr. Shaffer asked about the addition of having sixty more patrons.

Mr. Fredriksson replied with the addition of twenty-one shared parking spaces, sixty-three more patrons could be allowed at 213 West King Street.

Ms. Griggs said the parking was being used to calculate the number of patrons allowed.

Mr. Blow said there was a proposed ordinance that referred to shared parking. He said this was a prime example of that.

Mr. Fredriksson replied this was an example of the shared parking; however, that ordinance was not currently in place.

Mr. Blow said the property was small, the building took up a significant amount of the land, and the building had been there for a longtime. He said without parking being a factor this could qualify for a variance based on the four City criteria. He said no matter the business parking would be an issue. He

said the owner did not create the parking issues and there was a lot of community support.

Board discussion:

- Could be a moot issue if the parking code were changed
- Was only concerned with the variance but it was explained the parking requirements were not being eliminated
- City was trying to correct the parking regulations in the area as there had been other businesses that had the same type of issues
- Proposed ask was within 400 feet and it met the four criteria for a variance
- Suggested having clear signage showing where parking was located for the business
- Thought this fit the spirit of the shared parking program as it was being worked on by the City
- There would be overlap in parking with the other two businesses that use the same parking area
- Felt the application met the goals of the City

Mr. Shaffer asked for clarification regarding the variance. He said it was to eliminate the twenty-one off street parking spaces. He said if that was done, the use by exception was needed for the two additional parking spaces.

Mr. Fredriksson said the other two spaces allowed for another six patrons.

Mr. Brown said the use by exception allowed the off-site parking within 400 feet and the variance allowed for a certain level of parking to be eliminated. He said both were needed to make it work.

MOTION

Mr. DePreter MOVED to APPROVE Use by Exception and Variance 2023-0031 as staff and Board discussion outlined how

it fit the four criteria for a variance. The motion was **SECONDED** by Mr. Blow.

Mr. Brown suggested making two motions for the variance and the use by exception. He said the variance was a matter of a right which needed a reason not in the public interest to allow it and the use by exceptions was a matter of a hardship which was the left up to the applicant to prove.

Mr. DePreter withdrew the motion.

MOTION

Mr. DePreter **MOVED** to **APPROVE** Use by Exception 2023-0031 as outlined by staff and Board discussion that it meets the criteria. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. DePreter **MOVED** to **APPROVE** Variance 2023-0031 as it met the four criteria as articulated by the staff report and confirmed by Board discussion. The motion was **SECONDED** by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Overlay Zone Development

6. (a) 2023-0013—Continued from the April 4th Meeting Requesting a continuance to the July 5th Meeting to accommodate requests from the Planning and Zoning Board 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.

Applicant requested to continue application to the July PZB meeting. Motion under item 4 Modification to the agenda

6. (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.

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 replacement of an existing seawall within Conservation Overlay Zones 1 at 106 Riberia Street/ PID 203410-0000 & 203410-0010

The Board provided their ex parte communication.

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

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

The Board discussed:

- Felt this was to help sea level rise and felt it was needed
- Application was not in conflict with the seventeen criteria

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0027 as outlined by staff and Board discussion and it was not in conflict with the seventeen criteria necessary for approval. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (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.

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 2 at Pelican Reef Drive/ PID 158571-0008.

Ryan Carter reviewed the application.

Ex Parte Communication: None

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

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

The Board discussed:

- Was a minor request and was seeing this in many locations
- Questioned how the bulkhead would tie into the north and south or how it ended
- Did not conflict with the criteria
- Asked if the drainage patterns would be altered
- Liked that the riprap was remaining
- Riprap help to create animal habitats

Applicant response:

- Would tie into the wall to the north and south would wing back
- Drainage patterns would not be altered
- Riprap helped protect the marsh and it was encouraged by the Department of Environmental Protection (DEP)

MOTION

Ms. Barnes MOVED to APPROVE Conservation Overlay Zone Development 2023-0028 as it meets the seventeen criteria to approve a new bulkhead in Conservation Overlay Zone Two. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (d) 2023-0035 – Robert & Karen Thomas
– Applicant & Owner
Fiddler Crab Lane / PID 158571-9080–
Applicant**

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.

Mr. Fredriksson read the staff report and said 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.

Matt Lahti reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

Nancy Keszthelyi spoke in opposition to the application and said she was also speaking on behalf the Pelican Point Architecture Board of Review and none of this was presented to them. She said the bulkhead had not been allowed on the marsh for any reason. She said other properties could be hindered if the water went onto them and could cause damage. She encouraged the Board to deny the bulkhead. She noted the trees were always an issue within their community.

Mr. Pappas asked if the HOA would have the last say in the agreement no matter what decision was made by the Board.

Mr. Brown replied the Board should consider if the application complied with the City Code requirements. He said if there was an issue with the HOA that would have to be addressed separately.

Public hearing was closed.

Mr. Pappas asked if the applicant thought it would be best to speak to the HOA first and continue the application.

Mr. Lahti said that maybe the best but wanted to hear the Boards feedback.

The Board discussed:

- Thought the applicant should have a discussion with the Homeowners Association (HOA) first before a Board decision
- Understood if the trees were approved, the applicant would have to mitigate beyond the boards review but concerned with the bulkhead
- Felt any issues with the HOA would be out of the Boards purview
- Wanted to know where the trees were located in association to the home and thought more information regarding the trees should be provided
- Did not have the normal detailed information regarding the bulkhead

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Development 2023-0035 to the August 1,2023 meeting at the applicant's and Board request with the following conditions: should provide the detailed cross section of the bulkhead, determine how the 17.5 debts would come from in the City Code , and a larger version of the detailed map showing the tree locations . The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (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.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the modification of an existing bulkhead within Conservation Overlay Zones 1 and 2 at 171 Inlet Drive Lot A/ PID 213831-0010.

Ryan Carter reviewed the application.

The Board provided their ex parte communication.

9 certified notices were sent, 3 were returned in favor, 0 returned opposed and 2 had comments.

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

Mr. Shaffer asked if there was an existing bulkhead to the east and west.

Mr. Blow replied the original Davis Shores bulkhead was on both sides and the home to the south had added a cap on top of the existing bulkhead just like the proposed application.

The Board discussed:

- Property to the south had elevated the bulkhead and it would not be much higher
- Davis Shore residents needed this for storm mitigation
- Unsure how it would be connected to the existing bulkhead
- Thought it was a minor request and did not trip the seventeen criteria
- Asked if this would be reviewed by Public Works

Applicant response:

- Would be using stirrups on every twelve-inch wall to connect the two
- Both sides had done the work proposed

- Would come in lower than north side but would be in line with the south side

Mr. Fredriksson advised it would be reviewed by the Public Works department for lot grading and storm water. He said structural review would be done by the building inspector.

MOTION

Ms. Griggs MOVED to APPROVE Conservation Overlay Zone Development 2023-0036 as it meets the seventeen criteria to approve the modification of an existing bulkhead within conservations zones one and two. The motion was SECONDED by Ms. Barnes.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (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.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the modification of an existing bulkhead within Conservation Overlay Zones 1 and 2 at 171 Inlet Drive Lot B / PID 213831-0020.

Ryan Carter reviewed the application.

The Board provided their ex parte communication.

9 certified notices were sent, 3 were returned in favor, 0 returned opposed and 2 had comments.

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

The Board discussed:

- Should provide the height information in relation to other properties as it could impact the scenic vista which was one of the seventeen criteria
- Was the same as the other bulkhead

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development 2023-0037 to approve the modification of an existing bulkhead within conservation overlay zones one and two. The motion was SECONDED by Ms. Griggs.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY²

7. Comprehensive Plan Amendment and Rezoning

7. (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.

Mr. Fredriksson read the staff report and said 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.

Brad Wester reviewed the application.

The Board provided their ex parte communication.

² Break from 3:04p.m.-3:17p.m.

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

Public hearing was opened.

BJ Kalaidi asked if a new restaurant was being added and how boats would enter the site. She asked if the diagram depicting the green trees were staying, and if the x's were the ones they were removing. She was concerned about the vista coming over the bridge as it could be affected. She said the canopy was beautiful and should be kept.

Public hearing was closed.

Mr. Wester replied to public comment and said there was a new restaurant deck through the 2017 PUD and was un the construction phase. He said a modification was added to the PUD to increase the square footage to allow for storage. He said the green trees on the plan would be saved. He said the only trees proposed to be removed were where the boat barn would be located. He said the marina was member based; however, the restaurant would be open to the public.

Mr. Pappas noted he attended the City Commission meeting, and their only concern was the extra traffic.

Chris Reed, Landscape architect reviewed the Landscape and Tree Plan.

The Board discussed:

- Parking could be lost in the future if the applicant developed the land that was in the county as shown on the master plan and adjacent lands
- Questioned if access was through a city or county road
- Thought Nix Boatyard Road would have an increase in traffic when the park was added to the county
- Felt the change was needed because there were thirteen public boat ramps,

around 17,000 registered boats in the county with surrounding county visitors

- Felt would need every available space for boats in the local area and building this would help provide more public access to the water
- Asked if space was able to rent by anyone
- Like that the marina used instead of the manufactured home use
- Thought the parking flow would change once the restaurant opened
- Questioned why the land in the county was not being included
- Was consistent with the Comprehensive Plan
- Glad the existing trees were being saved on site
- Questioned where the sixty-three inch live oak tree was and if fill would be added to the site
- Asked if the trees in the parking space would be removed

Applicant response:

- Parking was met on the space that was in the city and no parking agreement was needed
- Did not have no obligation to store boat trailers
- Primary access would be off state road 312 into the park
- Anyone could rent and it was very controlled
- Thought it was a cleaner approach to maintain access and perpetuity to the residents to the north
- Western area would be left and the access point to the north and the boundary to the east would connect to the other land in St. Johns County
- Would add fill as needed but there was not a lot needed
- Sixty-three-inch live oak was in the building footprint listed as number twenty-eight and was accounted for on the survey
- Trees with the red 'x' would be removed and would be mitigated

Public hearing was open.

BJ Kalaidi asked if a condition could be added for clarification regarding the tree situation in order to not have it questioned by others.

Mr. Pappas said it could be added to the recommendation that the trees had to be clarified.

Public hearing was closed.

MOTION

Mr. Blow MOVED to AMEND the current land use mixed use district in the county to Marine and Industrial Use in the City and Recommend Rezoning the approximately 0.9 acer from Residential Manufactured Mobile Home County to Planned Unit Development Amendment the application 2023-0034.

Mr. Brown advised there needed to be sperate motions for each item.

MOTION

Mr. Blow MOVED RECOMMEND AMENDING the Comprehensive Plan from the County designation mixed use district to the City designation of Marine Industrial Use. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Pappas MOVED to AMEND an existing PUD adopted from November 13, 2017 at 220 Nix Boat Yard. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Wester said the rezoning was for all 0.9 acers and the rest was to modify the PUD to provide a PUD designation; however, the entire PUD was being modified as there were access points and other things being added. He said it was a total of 9.9 acers and legal descriptions were sent out.

Mr. Wester said the clarification of trees could be provided two weeks prior to the City Commission meeting.

Mr. DePreter said this was not a recommendation and did not believe a condition could be added; however, the reason for removing them was the trees were within the building footprint and the applicant was meeting the mitigation required and providing extra trees.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development removal of significant trees with the condition agreed upon by the applicant that a detailed map identifying the specific trees that would be removed with a legible list for the City Commission to have a better understanding of what specific trees were being removed with the building footprint. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

There was a brief discussion regarding waving the need for a second PUD hearing.

Mr. Brown asked if this was left at the Boards discretion.

Ms. Mullins replied it was left to the Board and similar to waving the one-year time period to return the Board.

Mr. Brown said based on the evidence heard, the Board was allowed to decide if the PUD needed to be heard again or the second hearing could be waived.

MOTION

Mr. DePreter MOVED to waive the second hearing for the PUD as application 2023-0034. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

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

8. (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.

Mr. Fredriksson read the staff report and said 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.

³ Break from 4:24 p.m.-4:41p.m.

Matt Lathi reviewed the application.

Mr. Fredriksson confirmed the pecan tree would not be removed per the applicant. The Board provided their ex parte communication.

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

Mr. DePreter asked how long the homes had been under the Homeless Coalition. Mr. Lahti replied the Homeless Coalition had been working in the St. Johns County for almost twenty-five years; however, was unsure as to how long they had owned the homes.

Public hearing was opened.

Maureen Long noted there were not many trees on the site and the pecan tree was a large tree on the site. She hoped the tree would not be removed.⁴

BJ Kalaidi asked for clarification regarding the rest of the applications and asked if the designation provided for this application would apply to the others that were associated with it.

Bruce Gowan said this was very important; however, he opposed the method they were using to have more density on the site. He said if approved in the future the site could allow commercial infringement and could set a precedence. He thought there was a much better way to proceed with this application and suggested using a PUD which would allow for more public input.

Melinda Rackoncy spoke in favor of affordable housing but did not think up zoning should take place in this location as more uses would be allowed. She felt this could increase the duplexes in the area and create more density and allow others to ask for the same thing in the future. She

encouraged the Board to deny the application.

Katora Singleton spoke in opposition to the application and felt this could negatively impact the community. She said affordable housing was important but was unsure this was the best option.

Ted Mooney spoke in opposition to the application and said he was concerned about the rezoning and thought it could affect other neighborhoods. He felt rezoning this particular property could set a precedence. He encouraged them to deny and find other

David Pepper spoke in opposition to the application and said he was against the rezoning as the information was not clear. He said there was no community meeting and input from the people. He encouraged the Board to deny the application.

Public hearing was closed.

Mr. Lahti said the Homeless Coalition was there to provide a community need. He felt the up zoning would not set a precedence but thought it could mean more to a person who needed it. He advised the Board they wanted to continue all three applications.

There was a brief determination to have Board discussion regarding the application before a motion.

The Board discussed:

- Did not have an issue with higher density but did have an issue with rezoning
- Did not feel this was a large request but the lot could be subdivided if 0.2 acers were obtained
- Felt the criteria was met as it was providing a social service
- Should provide better clarification on which trees would be removed if any
- Not opposed to the applicant having a community meeting

⁴ Document attached to the original packet

- Mission was important but was open to other options
- Felt this application was different than other homes that were presented to the Board
- Very sensitive to increasing the zoning
- RS2 to RG1 was the next one up in intensity but the RG1 allowances were for nightly rentals and thought there were better ways to address the issues
- the community and it should continue
- Asked if it were a possibility to take the parcel and ask for a Variance to lot size
- Unable to be done as it was against the code

Jeannie Muller President of the Homeless Coalition replied to the comments and said there was no intent to sell the property. She said they were unable to make money on the property and had no interest in tearing down the community development.

Mr. Blow asked what mechanism prevented them from being able to sell the property. He noted if that documentation could be provided that might help the zoning issue.

Ms. Muller said they were a 501(c)(3) and thought it was established when set up but she would have to do more research on that.

Mr. DePreter asked the reason for the variance to reduce the off-street parking on the three applications. He asked if more units would be built in the already developed area and not the new area.

Mr. Lahti replied they were proposing a new unit, drainage work, and a new office. He said when all that was combined it would not meet the current code requirements. He said they were trying to fix the situation as the parking requirements were not met currently.

Mr. Shaffer said it would be a lot easier to make accommodations for density versus intensity usage. He said a zoning change may not be needed and perhaps the changes could be done by a variance.

Mr. Lahti felt the City did not have an applicable zoning. He said the campus now was zoned RS2. He they were asking for forty units across the five acres, which met the density for RS2. He said they were saving trees and were not front loading the density or trading it.

MOTION

Mr. Pappas MOVED to CONTINUE item 2023-0045. 28 Smith Street to August 1, 2023. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (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 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.

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 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.

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

Mr. Lahti agreed to the continuance and the August PZB meeting.

MOTION

Mr. Pappas MOVED to CONTINUE item 2023-0046 62 Chapin Street to August 1, 2023. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**8. (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.

Mr. Fredriksson read the staff report and said 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

Mr. Lahti agreed to the continuance and the August PZB meeting

MOTION

Mr. Pappas MOVED to CONTINUE the item 2023-0038 3 Nesbit Street to August 1, 2023. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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.

Mr. Pappas reiterated the topics of the special meeting and a start time of 1:00p.m.

Mr. Pappas said the certified notices were difficult to understand. He asked if there was anything preventing the City from adding language that was easier to understand.

Mr. Brown said there was nothing preventing the City from adding to it.

Ms. Barnes noted the applicant was not made clear for the Homeless Coalition, which was confusing.

Mr. Brown suggested clarifying the applicant and the owner for the application.

Mr. Fredriksson asked what additional items the Board wanted changed or added to the legal notice.

Mr. Blow said some neighborhood councils provide a clearer understanding of what was taking place. He said he was unsure how staff could improve the legal notice.

Ms. Barnes agreed with Mr. Brown and suggested adding "on behalf of" to the notice to show the applicant versus the owner.

Mr. Pappas felt communication with the neighborhood councils could be beneficial.

Mr. Shaffer said not every neighborhood had a council. He said as an additional resource, adding could the website.

Mr. Fredriksson pointed out the phone number and email address was provided on the notice. He asked which website should be added.

Ms. Griggs suggested the web address for the agenda and packet. She asked if anything triggered a neighborhood workshop for a project. She said a lot could have been worked out with a workshop. She said most thing could be worked through and it would help to avoid surprises.

Mr. DePreter said the City was very open to answering questions and providing more information about projects.

10. Adjournment

Having no further business, Mr. Pappas adjourned the meeting at 6:06 P.M.⁵



Charles Pappas, Vice-Chairperson

⁵ Transcribed by Elyse Wiemann