

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting July 2, 2019

The Planning and Zoning Board met in formal session Tuesday, July 2, 2019, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Karen, Zander, Chairperson and the following were present:

1. Roll Call: Karen Zander, Vice Chairperson
Carl Blow
Jon DePreter
Maurice Morrisette

Absent: Grant Misterly, excused
Sarah Ryan, excused
Christina Opsahl, excused

City Staff: David Birchim, Director, Planning & Building Department
John Cary, Assistant City Attorney
Candice Seymour, Recording Secretary

2. General Public hearings for Items Not on the Agenda

(None)

3. Approval of Minutes

MOTION

Mr. DePreter MOVED to APPROVE the March 14, 2019 minutes as presented. The motion was SECONDED by Mr. Morrisette and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Mr. DePreter MOVED to APPROVE the June 4, 2019 minutes as presented. The motion was SECONDED by Mr. Morrisette and APPROVED BY UNANIMOUS VOICE VOTE.

4. Use by Exception

4. (a) 2019-0017 – Ron MacGillivray, Stogies Smoke Shop – Applicant St George St Investments LLC – Owner 6 St George Street (a.k.a 2 St George Street) PIN #: 1972400000

To approve a use by exception for a bar/tavern.

Mr. Birchim read the staff report and said based on a review of Section 28-2 and 28-29, staff finds that the Board can **APPROVE** a Use by Exception for beer and wine sales at **6 St. George Street** with the conditions outlined in the staff report.

Ron MacGillivray and Steve Binninger reviewed the application.

Ex Parte Communication:

None

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

Public hearing was opened.

B.J. Kalaidi asked whether there had been any complaints at the 6 St. George Street location. She was concerned with patrons that would leave the courtyard with their alcoholic beverage.

Public hearing was closed.

Mr. Birchim confirmed that there had been no complaints at the proposed location and that it was the individual patron's responsibility to abide by the City's actively enforced open container law.

Mr. MacGillivray stated that they educated their patrons to stay within the square. He also confirmed that he was unaware that the previous owners of the business were not operating with a valid exception for beer and wine sales.

The Board discussed:

- Hours of operation which were only until 7p.m.
- No taps on site or open tabs
- No seating indoors, and common area seating in the square outside
- No feasible means to enclose or gate the courtyard
- Business's minimal impact on alcohol sales concerns in the downtown area

MOTION

Mr. Blow MOVED to APPROVE Use by Exception application 2019-0017 with the following conditions:

- Hours of alcohol sales operation from 10:00a.m. to 7:00p.m.
- There will be no live music or guitar players within the business
- Bathroom in common area to serve business
- Beer and wine is sold in bottles only and there is no open pour of drinks

- **Seating will be confined to the courtyard on the property**
- **No tabs**
- **No kegs and taps**
- **Beer and wine only, no liquor**

The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Morrisette, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a) 2019-0069 – Donald Crichlow, Don Crichlow & Associates – Applicant
John and Joanne Rosenberg – Owner
39 Water Street

To approve a variance to decrease the minimum side yard and secondary front yard building setbacks and increase the maximum lot coverage for a home addition and a proposed detached garage with a studio.

The applicant requested continuance to the August 6, 2019 meeting.

MOTION

Mr. DePreter MOVED to CONTINUE Variance application 2019-0069 to the August 6, 2019. The motion was SECONDED by Mr. Morrisette

VOTE ON MOTION:

AYES: DePreter, Morrisette, Blow, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. (b) 2019-0068 – Edward Bowman – Applicant and Owner
21 Miruela Avenue

To approve a variance to decrease the minimum side yard building setback for a proposed workshop with a covered patio onto an existing garage.

Mr. Birchim read the staff report and said based on a review of Section 28-2 and 28-29 and PZB case 98-0028, staff finds that the Board can **APPROVE** a Variance to reduce the side yard building setback for a workshop and covered patio at **21 Miruela Avenue** as submitted.

The Board provided their ex parte communications.

15 certified notices were sent, 3 were returned in favor, and 1 had comments.

Edward Bowman was present for questions.

Public hearing was opened.

B.J. Kalaidi questioned whether the garage uses were for a business, particularly the use for antique motorcycle restoration which could be noisy.

Public hearing was closed.

Mr. Bowman explained that the use was strictly for hobbies with no resale. He felt that the change would be beneficial to the neighborhood, as he currently performs such hobbies in front of the garage, and the workshop would allow him to move the activities to the rear of his yard.

The Board discussed:

- The site plan was not drawn to scale, but measurements were correct
- Determining the actual minimal dimensions of the setback for approval
- Workshop wall would be contiguous with the existing garage
- Four foot measured from eve to lot-line

- Adjacent property did not appear to have a structure close to the property line
- No complaints from adjacent property owners
- Variance criteria which could be interpreted both for and against the application
- Moving the proposed workshop away from the garage would require removal of the two cedars on the property
- Sound concerns had no bearing on the request
- Modifying the site plan to make the setback for the addition larger than the existing garage setback

MOTION

Mr. DePreter MOVED to APPROVE Variance application 2019-0068 given that there was a disadvantage on the property based on the pie-shaped lot, the existing non-conforming setback, and that other options may risk trees. The motion was SECONDED by Mr. Morrisette.

Mr. Blow added that based on the Board's previous approval of the garage setback, it was difficult for him to deny the application.

VOTE ON MOTION:

AYES: DePreter, Morrisette, Blow

NAYES: Zander

MOTION CARRIED 3/1

5. (c) 2019-0070 – Troy Blevins and Anish Patel, Best Western – Applicant
Vista Hotel III, Inc./Kanti Patel – Owner
16 Avenida Menendez

To approve a variance to decrease the minimum building setback requirement and to increase the maximum lot coverage for ADA compliance.

The applicant requested a continuance to the October 2, 2019 meeting.

Mr. Birchim noted that if the Board continued the application as requested, it would be re-advertised.

MOTION

Mr. DePreter MOVED to CONTINUE application 2019-0070 October 2, 2019 meeting. The motion was SECONDED by Mr. Morrisette

VOTE ON MOTION:

AYES: DePreter, Morrisette, Blow, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Other Business

6. (a) Discussion and Recommendation – Ordinance 2019-12 Defining Aircraft and Public Airports and Adopting Zoning Limitations on Airports and Aircraft

Mr. Cary reviewed the ordinance.

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

The Board discussed the operation of seaplanes along the Intercoastal Waterway which would be a safety hazard in St. Augustine due to boat traffic and mooring fields. They also noted that the Northeast Florida Regional Airport had a facility for seaplanes. They clarified that the ordinance would not impact drone or emergency operations.

MOTION

Mr. Cary read the Ordinance by Title.

Mr. DePreter MOVED to RECOMMEND APPROVAL of Ordinance 2019-12 to the City Commission. The motion was SECONDED by Mr. Morrisette.

VOTE ON MOTION:

AYES: DePreter, Morrisette, Blow, Zander

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Board Comments

Ms. Zander asked whether recent state legislation would affect the tree mitigation fund and tree removal permitting.

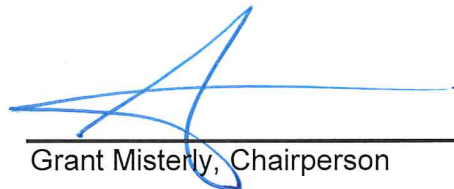
Mr. Birchim replied that the law would have no effect on the tree mitigation fund or commercial tree removal permits, but would limit the city's ability to deny removal of trees deemed a hazard by an arborist or certified landscape architect on residential properties.

Mr. Cary clarified that such tree removals would not require mitigation.

There was a brief discussion regarding derelict boats.

7. Adjournment

Having no further business, Ms. Zander adjourned the meeting at 2:57 P.M.¹



Grant Misterly, Chairperson

¹ Transcribed by Candice Seymour