

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting July 5, 2023

The Planning and Zoning Board met in formal session Wednesday July 5, 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
Matthew Shaffer

Absent: Christina Tucker
Ashleigh Barnes

City Staff: Amy Skinner, Director, Planning & Building Department
Jacob Fredriksson, Planning & Building, Senior Planner
Tracey Mullins, Planning & Building, Planner II
Isabelle Lopez, City Attorney
Elyse Wiemann, Recording Secretary

2. General Public hearings for Items Not on the Agenda

- BJ Kalaidi

3. Approval of Minutes

MOTION

Mr. Blow MOVED to APPROVED the April 25, 2023 minutes as presented. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

MOTION

Mr. DePreter MOVED to APPROVED the May 2, 2023 minutes as presented. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Pappas MOVED to APPROVED the June 6, 2023 minutes as presented. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Pappas, Blow, Shaffer, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Modification and Approval of Agenda

Mr. Fredriksson announced item 2023-0013 at 164 Pelican Reef Drive had requested to be continued to the August meeting.

MOTION

Mr. Davis MOVED to continue item 7(b) 2023-0013 until the August 1st meeting. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Davis, DePreter, Shaffer, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Fredriksson noted the 117 Dock Side Drive application was withdrawn by the applicant.

5. Variance

5. 2023-0056 Gaere MacDonald – Applicant c/o Gaere MacDonald Construction William & Megan Barlow – Owners 69 Abbott Street

To approve an increase in lot coverage to allow for the construction of a single-story addition within the Residential Single-Family-Two (RS-2) zoning district.

Ms. Mullins 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 the maximum lot coverage at 69 Abbott Street I PID195130-0000 from the total original lot coverage 34.2% to 37.6%.

Gaere MacDonald and Irene Arriola reviewed the application. The Board provided their ex parte communication.

26 certified notices were sent, 6 were returned in favor, 0 returned opposed and 0 had comments.

Public hearing was opened.

Stephanie Russo spoke in favor of the application and was excited to have new neighbors.

Public hearing was closed.

The Board discussed:

- Promoted livability and met the criteria
- Questioned if there were drainage problems
- No concerns voiced by neighbors

Mr. MacDonald replied he was unaware of any drainage issues.

MOTION

Mr. Blow MOVED to APPROVE Variance based on the fact that it met the criteria, the home was built prior to the zoning code, was to make reasonable use of the property, they did not create the condition and it was not contrary to the public. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: Blow, Shaffer, DePreter, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2023-0050 Blair Knighting, AICP – Applicant c/o Kimley-Horn and Associates, Inc. Viviani Holdings, LLC – Owner State Road 312 / PID 161980-0000

To approve a medical office use within the Commercial Medium-One (CM-1) zoning district as a 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 the uses by exception for medical

offices and clinics at State Road 312/PID 161980-0000.

Laura Knighting, Bill Shilling, and Bob Gallinger reviewed the application.

The Board provided their ex parte communication.

78 certified notices were sent, 1 was returned in favor, 13 returned opposed and 12 had comments.

Public hearing was opened.

Steven Koon spoke in opposition to the application and stated his concern was the wildlife that had been forced into this area. He said the recent rain had caused driveways to flood and questioned where the water would go if the site were developed.

Richard Hatten spoke in opposition to the application and said he was concerned with the entrance off Mizell Road as traffic blocked entry to the condominiums in the area. He said drainage was insufficient and if altered, homes could be flooded. He said wildlife was important and they used this area.

Katherine Jackson spoke in opposition to the application and said her concern was the drainage because flooding had been an issue. She said she had not been able to find what the screening would look like and how this could affect her property.

Jason Paco spoke in opposition to the application and was concerned with the traffic and the drainage. He said the flooding was bad in the area.

Elizabeth Smith spoke in opposition to the application and agreed with the prior speakers. She said this was a bad access point and thought this was not a good place for a project like this.

Public hearing was closed.

Bill Shilling presented the rebuttal.

The Board discussed:

- Thought the use fit in the corridor
- Project would be reviewed by other departments before moving forward
- Traffic or access roads were not in the purview of the Board and would be a county decision
- Questioned if water would contained on site
- Questioned the screening needed

Applicant response:

- Water from adjacent site filtered into the pond on site

Mr. Fredriksson noted for CM1, any non-residential uses would be at a classification six which required more plantings and screening. He said it was still ten feet, but more would be needed.

Amy Skinner, Planning and Building Director, added the code required a fifteen-foot buffer between commercial and residential uses; however, unsure if it would apply as the residential property was in the County.

The Board continued to discuss the following topics: development of the site, keeping the tree canopy, access from Mizell Road, providing a tree survey and if the proposal created more intensity.

MOTION

Mr. Pappas MOVED to APPROVE the item 2023-0050 finding that it does meet the criteria. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: Pappas, Shaffer, DePreter, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2023-0053 Cidersmith LLC –
Applicant 18 Saint George St., LLC –
Owner
18 St. George Street

To approve a distillery, use within the Historic Preservation-Three (HP-3) zoning district as a 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 the use of a craft alcohol industry and its retail sales at 18 St. George Street I PID 197480-0000.

William Smith reviewed the application.

The Board provided their ex parte communication.

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

Public hearing was opened.

Melinda Rakoncay was confused with the distribution of the sales. She said PZB should have the ability to limit the amount of uses as there was an overabundance of bars in the area. She suggested adding conditions for amplified music and others could be beneficial.

Ron Mickler spoke in opposition to the application. He encouraged the Board not to approve the application as there were many places in the area where alcohol could be obtained. He suggested a 10:00p.m. closing time if approved.

Martha Mickler spoke in opposition to the application and asked the Board to deny. She said this was the home that faced St. George Street. She said use by exceptions tended to expand things; however, did not feel this should be approved.

Public hearing was closed.

Mr. Smith presented the rebuttal.

Mr. Davis asked if another exception was required for the distillery.

Ms. Lopez replied in the staff report under uses permitted by right, restaurants with a lounge were permitted by right and the applicant applied for craft distilling which was for manufacturing.

The Board discussed the following items:

- Main entrance to facility and signage
- If there was building massing between the building and Spanish Street
- Having no amplified music on site
- No seating in the cider production area
- Hours of operation should be compatible with restaurants in the area and not restricted
- Concerned with protecting residential neighborhood
- Would have multiple uses on the same property
- Adding the condition that if more than four written complaints were filed applicant would have to return to the Board
- New applicant should not have to suffer because of past mistakes

MOTION

Mr. Blow MOVED to APPROVE the Use by Exception with the condition that the applicant would be required to return in twelve months if four or more written complaints were made and a determination by Code Enforcement that a violation had occurred, the applicant would be required to return to the Board; if there were no violations the use would run with the applicant. The motion was SECONDED by Mr. Pappas.

Mr. DePreter asked to include amplified music as there were residents close.

Mr. Blow amended the MOTION to include no amplified music. The amended motion SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: Blow, Pappas, Shaffer, DePreter, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY¹

7. Conservation Zone Development

7. (a). 2022-0057 Continued from the April 4th Meeting Ryan Carter – Applicant c/o Carter Environmental Services, Inc. San Sebastian River LLC – Owner Florida Avenue & Julia Street/PID 107790-0010 & 107790-0110

To approve the construction of a new dock within Conservation Overlay Zone 1 and removal of significant Southern Red Cedar, Loblolly Bay, Sweetbay Magnolia, Southern Magnolia, Water Oak, Live Oak, and Laurel Oak 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 construction of a new dock within Conservation Overlay Zone 1 and removal of previously listed significant trees within Conservation Overlay Zone 3 with clarification of the proposed preservation or removal of the above listed trees at Florida Avenue and Julia Street/ PID 107790-0010 & 107790-0110.

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

Dale Parsons, Ryan Borton, Michael Carpenter, Jay Brown, and Tim Boehlein reviewed the application.

The Board provided their ex parte communication.

¹ Break from 2:32p.m.-2:44p.m.

41 certified notices were sent, 0 were returned in favor, 4 returned opposed and 4 had comments and other emails were attached.

Public hearing was opened.

Julia Long spoke in opposition to the applicant and said this was a historic area. She asked the Board to consider the properties already there before approving a new development. She said her yard flooded during high tides, or any weather situations. She said the West side was attracting more tourism and asked the Board to consider the view coming in and out.

Elizabeth Smith spoke in opposition to the application and was concerned with how the wildlife would be affected². She said the city promoted protection and preservation of a wildlife habitat. She asked the Board to continue the application until those questions were answered.

Susan Creek spoke in opposition to the application and said this area was not buildable for a medium density project with parking as the area flooded. She said covering the area with impermeable parking would only increase the flooding. She said the new proposal lacked clarity when it came to the trees as the trees were not labeled. She said the proposed floating dock could hurt the manatees and the oyster beds. She said it would make sense to wait and encouraged the Board to protect their homes.

Ann Sullivan spoke in opposition to the application and said her property was at risk of flooding. She said there was a retention pond and parking at the end of the development and did not feel the water would drain the correct way. She was also concerned with the removal of the trees and the impact it would cause.

² Documents shown attached to packet

Marta Hern spoke in opposition and noted how the area looked when the river was dry where they were proposing a floating dock.

Kathleen Calvagnah agreed with the other speakers from the community. She said she was concerned about the number of bedrooms and parking. She said by renting these out, this would increase the amount of overflow parking and thought it would not be compatible. She was unsure how this was following the 2040 Comprehensive Plan and the Future Land Use.

Justin Harnedge spoke in opposition to the application and noted the homes were not being built for families but would be used as rentals. He questioned how this was compatible with the neighborhood. He said the flooding would increase and did not feel the retention pond would help.

Hutson Kennedy spoke in opposition to the application and questioned how the buildings and the trees related. He said this would add to local flooding and did not feel significant trees should be removed. He felt the proposed application was excessive.

Maureen Long spoke in opposition to the application and said the materials supplied by the applicant were not clearly legible³. She said there were other ways to help the proposed development and in return save the trees. She said the birds thrived in this area and 107 different species had been documented.

Melinda Rakoncay spoke in opposition to the application and asked the Board to deny based on lack of information. She said the same parking plan was proposed even at the request of the Board to be more creative. She said the applicant did not meet with the community to help solve any of the issues and there were eighteen significant trees that were proposed to be removed. She said trees and the tree canopy were important to the hydrology of the site. She felt the Future

Land Use policy could be accomplished; however, there were too many issues, and the application should be continued.

Public hearing was closed.

Mr. Parsons presented the rebuttal.

The Board discussed:

- Buildings would be built on piers
- To save trees and maintain density the height was increased
- Would have a continuous twenty-five-foot buffer
- Not opposed to the dock as it would be small
- Application would be reviewed by the Public Works Department
- Boards purview was the tree, flooding and dock
- Felt it was imperative for public to understand the trees; however, there was nothing concrete
- Unsure about Julia Street being one lane as that could be a safety issue

Mr. Fredriksson noted improvements to Julia Street would be reviewed during the Civil Plan process.

Discussion continued:

- Minimum required for tree caliper was 50%; however, was just below 79.4%
- Should provide images showing the trees clearly
- Was willing to adjust the buildings to save the six trees noted in the staff report
- No activity in the jurisdictional wetlands
- Uncomfortable making a decision and felt adequate information was not provided
- Flooding was a City infrastructure problem
- Needed to have a tree survey with a site plan overlay to understand the scope of the project

³ Documents shown attached to packet

- Should provide plans on a larger scale for review
- In favor of the buildings and boardwalks being built on pilings
- Suggested being open to reducing the intensity or parking spaces

Mr. Parsons said the intent was to be a unique development and felt the small footprint would integrate into the tree canopy. He said they held a neighborhood meeting in November of 2022 to work out some of the issues. He noted there had been a reduction in the number of units from forty-two to thirty-five and parking was reduced to accommodate.

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Development 2022-0057 to the August 1, 2023 meeting with the instructions to provide a better tree and site map, provide the canopy graphic, and should address criteria seven and fourteen the animal and vegetative. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Shaffer, Blow, Pappas

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7(b). 2023-0013 Originally continued from the April 4th Meeting Requesting a continuance to the August 2nd Meeting to accommodate requests from the Planning and Zoning Board. This application will be readvertised ahead of the August 2nd Meeting if continued. 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 a continuance. Motion for item under Modifications to the Agenda.

7. (c) 2023-0048 Kevin Marks – Applicant c/o Shoreland Home Builders Daniel Mellon – Owner Pelican Reef Drive / PID 158573-0050

To remove a significant amount of existing tree canopy, including significant Oak and Southern Red Cedar trees, within Conservation Overlay Zone 3.

Ms. Mullins 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 a significant amount of existing tree canopy, including significant Oak and Southern Red Cedar trees with the condition that a tree mitigation plan be submitted to meet the permitting requirements, within Conservation Overlay Zone 3 at Pelican Reef Drive I PID 158573-0050.

Kevin Marks reviewed the application.

Ex Parte Communication:

(None)

10 certified notices were sent, 2 were returned in favor, 0 returned opposed and 1 had comments.

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

The Board discussed:

- Significant trees were in bad condition according to arborist report
- Would have to have a minimum of ten cedar trees

Mr. Marks noted three of the four significant trees in or near the footprint were dying. He said they were working on a landscape plan that would be submitted with the building plan and would be sent to the Homeowners Association for community approval.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0048 with the condition as stated in the staff report that a tree mitigation plan be submitted before approval. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: DePreter, Blow, Shaffer, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (d) 2023-0051 Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.
Jim & Megan White – Owners
125 Marine Street**

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 an additional bulkhead within Conservation Overlay Zone 2 at 125 Marine Street I PID 201240-0000.

Michael Carpenter, Megan White, James White reviewed the application.

Ex Parte Communication:

(None)

12 certified notices were sent, 2 were returned in favor, 0 returned opposed and 1 had comments.

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

The Board discussed:

- Questioned if the fence would remain and the height
- Did not want to impact drainage onto adjoining properties
- Did not believe the height would affect the other properties since there was already an existing bulkhead
- No issue with the bulkhead increasing by two feet
- Thought it was in favor of the public interest
- Questioned how this would be installed

Mr. Carpenter said the fencing would be removed and this would take its place to finish armoring the property. He said they would dial into the existing bulkhead and epoxy would be applied between the wood and dials as they were drilled in with a bolt that went through the concrete.

Mr. Blow suggested using stainless steel.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0051 as staff stated and Board discussion proven it meets the seventeen criteria. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (e) 2023-0052 Karen Cowart – Applicant
Philip & Paula Williams – Owners
124 Spartina Avenue**

To approve the construction of a new bulkhead within Conservation Overlay Zone 2 and remove a significant Southern

Red Cedar tree 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 construction of a new bulkhead within Conservation Overlay Zone 2 and removal of a significant Cedar tree within Conservation Overlay Zone 3 at 124 Spartina Avenue/ PID 158571-1010.

Based on a staff review of the proposed single-family home at 124 Spartina Avenue, there appears to be enough open space to address the shortage of the ten (10) required Cedar trees, which is a requirement for development within the Pelican Reef Subdivision. This concern will be addressed during the building permit application process.

Karen Cowart reviewed the application.

Ex Parte Communication:

(None)

10 certified notices were sent, 2 were returned in favor, 0 returned opposed and 1 had comments.

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

The Board discussed:

- No issue with the application and felt it was a reasonable request
- Questioned if there was a drainage easement on the westside of the lot

Ms. Cowart replied there was no drainage easement but would have a swale allowing the water to flow. She said Pelican Reef required a berm for flood water to be mitigated.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone 2023-0052 as identified by staff and board discussion that it meets the seventeen criteria. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

AYES: DePreter, Shaffer, Blow, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (f) 2023-0054 Bart Piniaz – Applicant
Mike Morucci – Owner
26 N St. Augustine Boulevard

To approve the modification to an existing 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 addition of a three-foot tall masonry wall to an existing bulkhead within Conservation Overlay Zone 2, as long as the proposal is reasonable, compatible scale to similar structures in the neighboring area at 26 N St. Augustine Boulevard/ PID 213480-0110.

Bart Piniaz reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

BJ Kalaidi said the existing bulkhead was thirty-six inches. She questioned how tall bulkheads could be.

Mr. Blow commented that when the Back-Bay Study was complete, the bulkhead heights would likely be determined.

Melinda Rakoncay said the Board should take into consideration that the neighbors wanted to do the same as the applicant and she questioned if that would be beneficial.

Public hearing was closed.

The Board discussed:

- No issues with the application
- Would dial into the existing cap and using epoxy and rebar; however, suggested using the new composite rebar as it did not rust
- Questioned the length of the existing bulkhead
- Would not be extending the bulkhead but questioned the increase in height
- Felt it would be beneficial for the neighbors to construct at the same time in order to save on cost
- Unsure how tall the bulkhead should be increased; however, the Back-Bay study could offer more information
- Questioned the draining patterns and how it could be affected

Mr. Piniarz said the existing bulkhead was the length of several properties. He said the maximum increase in height would be three feet. He said they may have to install a scupper system to help with the water coming off the house.

MOTION

Mr. DePreter MOVED to APPROVE Conservation Overlay Zone Development 2023-0054 as identified by staff that it meets the criteria and confirmed by Board discussion. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**7. (g) 2023-0055 Ryan Carter – Applicant
c/o Carter Environmental Services, Inc.
Craig & Marguerite Pickering – Owners
271 S Matanzas Boulevard**

To approve the construction of a new dock and boat lift pilings within Conservation Overlay Zone 1.

Ms. Mullins 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 and boat lift pilings within Conservation Overlay Zone I at 271 S Matanzas Boulevard/ PID 221350-0000.

Michael Carpenter reviewed the application.

Ex Parte Communication:

(None)

12 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:

- Dock was in line with the overall site
- Concerned with approving pilings ahead of a lift
- Questioned if the applicant would return to the Board for a lift to be added
- Pilings could be useful even without a lift
- Leaves navigable space, compact, and was in proportion and assumed pilings could be installed as staff recommended
- No issue with design, not encroaching into the channel, shorter than other docks

- Approving the pilings were economical

Mr. Carpenter replied when the applicant was ready, they would apply to add the lift. He said this was an existing concrete home with a bulkhead and fill was not being proposed.

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development application 2023-0055 the construction of a new dock and boat lift pilings within Conservation Overlay Zone One be approved. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Shaffer, Blow, DePreter, Pappas, Davis

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁴

7. (h) 2023-0058 Fred R. Jones, Jr., P.E. – Applicant c/o Matthews | DCCM Robert Finvarb – Owner Windward Shipyards, LLC 117 Dockside Drive / PID 127910-0000

To approve the removal of a significant Oak tree within Conservation Overlay Zone 3.

Application withdrawn by applicant

8. Rezoning

8. (a) 2023-0057 James G. Whitehouse, Esq. for Ryan Dettra – Applicant c/o St. Johns Law Group Paul M. Meredith, P.A. – Owner 115 La Quinta Place

To rezone an approximately 0.64-acre property from Commercial Low-One (CL-1) to Planned Unit Development (PUD)

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 decide whether to waive the second PZB public hearing for the proposed rezoning to create the St. Augustine Locomotive Museum Planned Unit Development at 115 La Quinta Place.

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 PUD from the existing zoning category of Commercial Low-one (CL-1) to Planned Unit Development (PUD).

James Whitehouse and Ryan Dettra reviewed the application.

The Board provided their ex parte communication.

19 certified notices were sent, 2 were returned in favor, 2 returned opposed and 3 had comments and additional emails were attached.

Public hearing was opened.

Cheryl Kavanaugh spoke in opposition to the application and said it would be difficult for

⁴ Break from 4:54p.m.-5:18p.m.

emergency vehicles to get down the street. She said this was a dangerous area for pedestrians and thought this was too much for a small space. She felt this would create discomfort for the neighbors.

Ann Merwin spoke in opposition to the application and said she was concerned with the sales of hard liquor in the neighborhood as there were homes all around the property. She said there had been issues in the past with other establishments.

Melinda Rakoncay spoke in opposition to the application and felt the application was incomplete. She said it lacked the seriousness that would make a successful museum. She said the drawings were not in the packet and should have been available for the public. She said all the other uses were allowed on the site except a distillery and questioned the need for it. She said the neighbors wanted a local market back and the museum but there needed to be more information from experts.

Tom Kavanaugh spoke in opposition to the application and said the information was provided late was unable to be understood. He said most of these items could be done with the current zoning. He said traffic would increase and advised a study should be conducted by traffic engineers. He said people should do what was right by the city.

Gail Wisler spoke in opposition to the application and felt the big picture should be looked at as Lincolnville was being encroached upon from every direction. She questioned the need for the distillery and felt this was a bad location. She encouraged the Board to deny the PUD as it could negatively impact the residents.

Tom Day said the presentation was well done and hoped it would become a reality at some point in the future; however, he thought this was a celebration of the railroad on a site that was built for horses. He said it was a small space for the plans that were

proposed. He said the idea was good but not the location.

Jackie Hird spoke in opposition to the application and felt this project were allowed, it would no longer be livable. She said this was not the location for this and did not want this application to proceed.

Mark Fraizer spoke in opposition to the application and said this was a thin request to open a bar and distillery. He said this was not the right location and thought there were other locations in the City for a railroad museum.

Rich Dettra spoke in favor of the application and noted these negative comments were heard about the Ice Plant; however, felt this could be accomplished.

Heather Dettra spoke in favor of the application and said they were not creating a bar but an experience. She said this would be a classy location and bring authenticity to the town.

Charles Sapp spoke in favor of the application and thought this was an opportunity to save the buildings and a great place to invest. He said the neighbors knew this location was zoned commercial. He said the problems mentioned were in the neighborhood but thought better planning needed to be done for the area.

Scott Goedart spoke in opposition to the application and said the problem was the parking or capacity of Iberia Street. He said the distillery and restaurant had the trolley and train coming in and out daily and in the afternoons the traffic was bad. He said offsite parking identified by the applicant was being claimed by several other places. He said this was not the best location.

Mr. Blow advised that the parking code in the process of being revised. He asked if he was aware that the proposal was to reduce the parking requirements.

Mr. Goedart said he had around 80 parking spaces and on weekends and holidays the parking was used by other businesses and his tenants complained. He thanked him and advised he would look into it.

Frank O'Rourke said there had been a lot of interest in the property and the owner felt this would be a cultural opportunity for the community and the property would be developed in just a matter of time. He said the applicant had a proven track record in the City and the applicant should not be judged.

BJ Kalaidi spoke in opposition to the application and said this was the wrong location for the project. She said another distillery was not needed and felt this was not be beneficial to the City or the neighborhood. She encouraged the Board to deny the application and the applicant should have to use the current zoning which was CL-1.

Public hearing was closed.

Mr. Whitehouse presented the rebuttal.

Mr. Pappas asked if the zoning including exceptions what was not able to be done for the applicant's proposal.

Mr. Fredriksson replied no alcohol over fourteen percent could be sold or distributed which was the biggest difference between the PUD and CL-1 zoning.

The Board discussed:

- Felt the intensity was a lot for the location
- Did not have many details provided for the PUD besides the narrative
- Concerned for the residents regarding hours of deliveries, hours for each use on the property, details for offsite parking, building and design details, number of seats in the restaurant, and if the distillery would be open for tours

Mr. Pappas asked what buildings on the property were historic or contributing.

Mr. Fredriksson replied the Historic Preservation department noted the barn structure was constructed between 1904-1910 and the others were over fifty years old, but more research would have to be done to know exactly. He said the proposed demolition of the two buildings and the modification to the large barn would be reviewed by the Historic Architectural Review Board (HARB).

Mr. Whitehouse replied the narrative was provided in the packet and the uses all depended on each other and was more of a mixed-use property. He said most of the modifications would be done to the interior to make it structurally sound and useful for the proposed uses. He said the front two buildings were proposed for demolition, but the intent was to preserve as much as possible and promote the history.

Board discussion:

- Did not want this to be a special events location
- Would need assurance there would be adequate parking and questioned if the parking had been leased
- Questioned the lot coverage now and what it would be with the proposed project
- Wanted to have more information regarding the community market
- Questioned if there would be a bar inside the railcar restaurant
- PUD did not have enough information and wanted to understand how the facilities would operate
- Concerned this would have a railroad theme and bar; however, it was presented as a museum

Mr. Whitehouse stated they had received a letter of intent for parking with around thirty-five to forty available. He said the maximum lot coverage allowed would be sixty percent. He noted items made on site would be from scratch and there would be a limited bar amount in the restaurant. He said the

building would be dual use and a historical reference to the train industry.

Board discussion continued:

- Would have two meetings regarding the PUD
- Should have a traffic study on the area
- Suggested HARB have input on the application as there was concern for the historic buildings
- Questioned how the rail cars and locomotive would make it to the site
- Wanted site drawings with dimensions
- Could have beer and wine on site as a use by exception; however, for the distillery, it would have to be rezone
- Thought the confusion came from the museum language instead of it being more of a historic theme

Ms. Lopez advised when the next meetings would take place.

Mr. Whitehouse agreed to the August meeting.

MOTION

Mr. DePreter MOVED to CONTINUE Rezoning the application 2023-0057 to the August 1, 2023 PZB meeting. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

AYES: DePreter, Pappas, Shaffer, Blow, Davis

NAYES: NONE

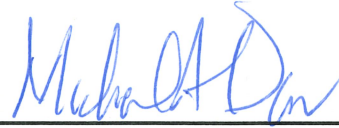
MOTION CARRIED UNANIMOUSLY

9. Other Business

(None)

10. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 7:32 P.M.⁵



Mike Davis, Chairperson

⁵ Transcribed by Elyse Wiemann