

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting August 1, 2023

The Planning and Zoning Board met in formal session Tuesday, August 1, 2023, at 1:05 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 Tucker
Matthew Shaffer
Ashleigh Barnes

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

2. General Public hearings for Items Not on the Agenda

BJ Kalaidi

3. Approval of Minutes

MOTION

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

VOTE ON MOTION:

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

MOTION

Mr. Blow MOVED to APPROVED the June 27, 2023, special meeting minutes as presented. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

4. Modification and Approval of the Agenda

Mr. Fredriksson announced that item 7(a) 2023-0045 at 28 Smith Street was withdrawn by the applicant. He said item 8 (a) 2022-0057 at Florida Avenue and Julia Street had requested to be continued to the September 5, 2023, meeting.

Ms. Tucker recused herself from the vote.¹

MOTION

Mr. DePreter MOVED to CONTINUE Conservation Overlay Zone Development 2022-0057 until September 5th Planning Board meeting. The motion was SECONDED by Mr. Pappas.

¹ Recusal Form attached to original packet.

VOTE ON MOTION:

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

NAYES:

MOTION CARRIED UNANIMOUSLY

Mr. Fredriksson advised item 8(b) 2023-0013 at 164 Pelican Reed Drive had requested to be continued; however, no continuance date was provided.

MOTION

Mr. DePreter MOVED to CONTINUE item 8(b) 2023-0013 Conservation Overlay Zone Development to a date unknown at the applicant's request. The motion was SECONDED by Mr. Pappas.

Ms. Lopez noted the application would be advertised at the applicants cost.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Fredriksson clarified that item 9(b) 2023-0061, 24 Cathedral Place had been rescheduled for the first public hearing for September 5, 2023, meeting.

5. Variance

5. (a) 2023-0062– Marshall Schneider – Applicant c/o Schneider Consulting LLC
Lester Pelkey – Owner
c/o Pelkey Property Holdings LLC
8 Perpall Street

To reduce the rear setback to allow for the construction of a second story addition within the Commercial Medium-Two (CM-2) zoning district.

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 request to reduce the

side yard setback requirements of 10 feet to 3 feet at 8 Perpall Street / PID 156490-0000 to allow for the construction of a second story dwelling unit.

There was Board consensus to move the application to the second item in the meeting since the applicant was not present.

MOTION

Mr. DePreter MOVED to MOVE Variance 2023-0062 to the second item in the meeting since the applicant was not present. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

After further discussion there was consensus to move the item to the end of the meeting as the applicant was not present.

MOTION

Mr. Davis MOVED to MOVE application 2023-0062 to the end of the agenda. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Applicant did not show at the end of the meeting. See motion below.

MOTION

Mr. Davis MOVED to CONTINUE Item 5(a) 2023-0062 8 Perpall Street to the September 5, 2023 meeting provided the applicant makes contact with the City and if not, did not have to be on the upcoming agenda. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**5. (b) 2023-0064– Elizabeth Ross –
Applicant
Elliot Ross – Owner
22 Park Terrace Drive**

Item heard prior to 5(a).

To reduce the side and rear setbacks to allow for the construction of a guesthouse within the Residential Single-Family-One (RS-1) zoning district.

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 the rear yard setback at 22 Park Terrace Drive / PID164560-0000 to only be five (5) feet rather than the required twenty (20).

Elliot Ross reviewed the application.

The Board provided their ex parte communication.

20 certified notices were sent, 1 was returned in favor, 7 returned opposed and 10 had comments.

Public hearing was opened.

The following individuals spoke in opposition to the application regarding safety, privacy, property value, parking needs, and possibility of use as a short-term rental.

- Michael Carpenter²
- Lauren Carpenter
- Dan Morden³
- BJ Kalaidi

² Photos attached to original packet

Public hearing was closed.

Mr. Ross provided the rebuttal.

The Board discussed:

- Felt the business and parking was outside the Board's purview and should be left to Code Enforcement
- Questioned if a bathroom could be added years from now without approval

Ms. Skinner said they had a system that would attach records to the property; however, the planner would have to review what had or had not been approved.

Board discussion continued:

- Felt this did not met the criteria for a variance
- Parking in the area was difficult and felt the single driveway proposed a problem
- Unsure the need for a patio and thought it was close to the east neighbor
- Felt there would be a need for a bathroom for the business
- If a bathroom were added it could become a short-term rental
- Wanted more clarification regarding the landscape of the property
- Felt the business should be considered as it was a need

Mr. Ross said would not be used as a guest house but an office. He noted the business could be run out of their home; however, they wanted a space that was sperate. He said having a bathroom in the building was not needed as there was one at the back of the house. He said the structure as submitted was a proposed structure, but they were trying their best to save the trees in the yard.

MOTION

Mr. DePreter MOVED to DENY the Variance 2023-0064 as through Board discussion topics such as parking, lack

³ Photos attached to original packet

of a bathroom, other available spaces on the property the variance did not seem to fit the four criteria for acceptance; there was not a particular disadvantage to the property and due to public comment, it could be contrary to public interest. The motion was **SECONDED** by Mr. Pappas.

Mr. Blow said the use was valid; however, under the current code it was unable to be considered.

Mr. Davis asked if this was connected to the house rather than it being a stand-alone building.

Mr. Pappas said it crept into setbacks, which was an issue for the neighbors.

Mr. Shaffer said the property did not suffer a disadvantage in terms of width. He said the back setback could be a disadvantage; however, felt this was an extreme ask to move from twenty feet to five feet.

VOTE ON MOTION:

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

NAYES: Barnes

MOTION CARRIED 6/1

5. (c) 2023-0065– Ryan Cornelison – Applicant c/o Cornelison LLC
Ryan & Kimberly Cornelison – Owners c/o Cornelison LLC
124 King Street

To approve a reduction of off-street parking requirements within the Commercial Low-Two (CL-2) zoning district.

Mr. Fredriksson read the staff report and said the approval of the variance request regarding off-street parking requirements at 124 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 variance to the off-street

parking requirements of seven (7) parking spaces at 124 King Street / PID 2040750-0000.

Ryan Cornelison reviewed the application.

Ex Parte Communication:

(None)

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

Public hearing was opened.

Lauren Giber spoke in opposition to the application and said the second floor would be a short-term rental and could host up to six people. She questioned where the six vehicles would be located on the property. She said this could be a hardship for the historical neighborhood.

Melinda Rakoncay spoke in opposition and questioned where the parking would be located. She said if the parking were reduced it would filter into the neighborhood.

John Gwen spoke in favor of the application and felt the improvements were great to the neighborhood, and felt the coffee shop could be a great addition to the neighborhood.

Lori Lassiter spoke in favor of the application and thought this would help the area and improve the business. She said there was plenty of parking available for what was being done upstairs. She felt this could help the community.

BJ Kalaidi spoke in opposition to the application and noted the parking requirements were there to protect neighborhood. She encouraged the Board to deny the variance.

Stephanie Hollice spoke in favor of the application and said no one in St. Augustine liked traffic; however, the City was working on that issue. She said some investors had

businesses to help them recoup their investments. She said the City had guidelines and thought the fears were unfounded and there needed to be a balance. She encouraged the Board to approve the application.

Charles Lassiter questioned how the business owner would be able to pay their taxes without the ability to run their business. He said the applicant was leasing parking spaces. He felt not all businesses were being treated the same.

Public hearing was closed.

Mr. Cornelison provided the rebuttal.

The Board discussed:

- Felt the property had a disadvantage as parking was not available
- Felt the public interest was the improvements made by the applicant
- Applicant had tried every way possible to find parking and had six that could be utilized currently and ten more leased that could not be used during the school term
- No issue with Southern Grounds going into the space
- Felt prior application provided an approval and the applicant had demonstrated every effort to meet the parking requirements
- Should encourage employees to park elsewhere
- Felt the application fit the criteria for a variance
- Thought this complied with the Future Land Use
- In favor of the concept, however, concerned with the lack of parking at the location

MOTION

Mr. Pappas MOVED to APPROVE the Variance based on section 28-29 to reduce off-street parking requirement of

seven parking spaces at 124 King Street. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: Shaffer

MOTION CARRIED 6/1

**5. (d) 2023-0066 Jon Veniard – Applicant
c/o The Local Refillery
Stephanie Hollis – Owner c/o Solar Stick
226 W King Street**

To approve a reduction of off-street parking requirements within the Commercial Medium-Two (CM-2) zoning district.

Mr. Fredriksson read the staff report and said the approval of the variance request in regard to off-street parking requirements at 226 W King Street promotes not only a more sustainable economic environment but also 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 variance to the off-street parking requirements of eight (8) parking spaces, a reduction of interior maneuverability requirements, and the elimination of one (1) off-street loading space at 226 W King Street/PID 111340-0000.

John Benard reviewed the application.

The Board provided their ex parte communication.

14 certified notices were sent, 26 were returned in favor, 1 returned opposed and 27 had comments.

Public hearing was opened.

Lauren Giber questioned what would happen to the parking spaces if the tenant left the location.

Ms. Lopez advised the parking was specific to the applicant and the new business would have to have approval.

BJ Kalaidi⁴ spoke in opposition to the application and asked the Board to deny or continue it for the owner and the applicant to obtain parking elsewhere. She said parking requirements were to protect the neighborhood.

Stephanie Hollice spoke in favor of the application and said this was a great addition to the neighborhood. She said she did not see any problems with this application.

Heather Detra said the parking was mainly due to residents as they often parked on the street. She was in favor of the application and felt the businesses helped the neighborhood.

Jared Bastin spoke in favor of the application and said the purpose of the business was to have an eco-friendlier shopping environment for everyone. He said they were implementing different things to encourage people to use other modes of transportation. He said the sole purpose as a business was to support their community.

Public hearing was closed.

Mr. Benard provided the rebuttal.

Ms. Lopez said one of the questions was if this could run with 'title' or with the land, meaning a future business could use this approval and not come to the Board. She said this could be done if it was an identical use with the exact same needs for parking.

Mr. Davis asked if a condition of the variance could be to have it run with the applicant.

Ms. Lopez said that was the default; however, staff questioned if it could run with title.

Ms. Skinner said the variance before the Board was a reduction in parking from thirteen to five parking spaces. She said this was a unique property by having three structures on it. She noted they were in the midst of updating the parking code and were encouraging shared parking and a reduction in parking; however, encouraged the Board to make the decision.

The Board discussed:

- West Augustine was developing; however, questioned how deliveries were made
- Did not have on-street parking but might be easier once the parking garage was built

Mr. Benard said there were no issues with deliveries as most was done by UPS, FedEx or themselves.

Discussion continued:

- In support of limiting, the thirteen parking spaces no matter what business was in the location
- Felt there was a disadvantage to the property, and it was not created by the applicant
- Did not want to cause a burden to the neighbors or other businesses

MOTION

Mr. DePreter MOVED to APPROVE the Variance 2023-0066 approve the reduction of off-street parking from thirteen spaces to five space, reduce the drive aisle width, and eliminate the drive aisle for loading zone; after board discussion, public comment and as presented by staff it met the four requirements and this would run with title with the maximum amount of thirteen spaces regardless of what the uses were; however, if a new business required more

⁴ Picture shown in original packet

parking spaces new owner would have to return to the Board. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Use by Exception

6. (a) 2023-0059– Patrick Ingoldsby – Applicant c/o iTrip
Brittany Edwards & Alexis Magnan-Callaway – Owners
24 Fancher Court

To approve one (1) off-site parking space at the Municipal Parking Garage within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for one (1) short term rental offsite parking space in the municipal parking garage for 24 Fancher Court / PID 160890-0000. Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can CONTINUE a use by exception for one (1) short term rental offsite parking space in the municipal parking garage for 24 Fancher Court / PID 160890-0000 to give the applicant time to reach out to businesses in the general area of their property to obtain a lease agreement for one (1) parking spot and reapply to PZB for a use by exception for off-street parking within four hundred (400) feet of the premises. The applicant also would need a variance to 400 feet if the proposed off-street parking is greater than 400 feet away.

Patrick Ingoldsby reviewed the application.

The Board provided their ex parte communication.

16 certified notices were sent, 0 were returned in favor, 4 returned opposed and 4 had comments.

Public hearing was opened.

Barry Gowen spoke in opposition to the application and said the property was 2.9 miles away from the City parking structure.

Melinda Rakoncay spoke in opposition to the application and asked since there were only two parking spaces on site could the Board limit the applicant to only renting two rooms. She said it was not close to the neighborhood and felt people would park where they could.

Public hearing was closed.

Mr. Ingoldsby provided the rebuttal.

Mr. Davis noted the Board had little control over the process and they were almost regulated by law to grant parking in the City parking garage; however, there had never been one three miles away.

Ms. Lopez advised there was a code enforcement officer and process for any violations to the Use by Exception, and the short-term rental requirements. She said the application potentially could be denied based off the first criteria in the code which was the applicant did not prove there was not sufficient space on site.

The Board discussed:

- Parking should be on site and not effect the neighbors
- Had two spaces on the driveway onsite
- Felt the applicant was trying to maximize the rental
- Felt there were other options available and those should be explored

- Suggested looking for more commercial spaces to rent or try to provide additional parking onsite
- Was not realistic that a person renting the short-term rental would park in the parking garage
- Wanted written proof that parking was not available nearby or onsite

Mr. Shaffer said if the applicant could provide proof of three parking spaces onsite then he could support a continuance.

Ms. Lopez advised if that could be done the applicant would not need to return to the Board and that could be approved by staff. She said the code was written that parking had to be contained on site or the applicant would have to be heard by PZB for other options. She said if this was denied the applicant had a couple options: appeal to the City Commission, redesign the site to have a third parking space or apply for an exception for parking outside the 400 feet which would have to be granted by the Board.

MOTION

Mr. DePreter MOVED to DENY application 2023-0059 given the fact the applicant had not provided any proof that he had investigated fully the options to have parking onsite, which was the first requirement. The motion was SECONDED by Mr. Pappas.

Mr. Shaffer asked if there was a difference in denying with or without prejudice.

Ms. Lopez said there was not, but historically it allowed applicants to reapply prior to a year on some applications.

Ms. Skinner explained in the Code it stated the applicant could not file the same application within one year. She said if denied without prejudice, the application could be heard. She said that was for the exact same application; however, if there were any changes this would not apply.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

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

7. (a) 2023-0045 Originally continued from the June 6th Meeting Application has been withdrawn by applicant– 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.~~

Application withdrawn by the applicant.

7. (b) 2023-0046 Originally continued from the June 6th Meeting– 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 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-nine (29) 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 eleven (11) 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 such as an accurate inventory of trees on-site, details regarding the health of the trees in question, and the necessity for removal of trees in question.

Matt Lahti reviewed the application.

The Board provided their ex parte communication.

No new certified notices were sent out prior to the last hearing of the item.

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

The Board discussed:

- The centralized parking made sense since the homes were small
- Able to save trees onsite; however, questioned why some of the trees were being removed
- Had a tree survey but an arborist report was not provided

- Suggested adding where the significant trees were located on the tree plan
- Felt application met the code criteria and the policy to participate with the Homeless Coalition
- Questioned if the new building proposed would be a slab on grade or unsure
- Would like to save trees as they were beneficial
- Did not have an issue with reducing the parking especially with the targeted demographics
- Questioned if the new retention pond was being required by the Water Management District or the City

Mr. Lahti replied he was unsure how the proposed building would be built, but that was the reason for the request to remove some of the trees as it would be difficult to build on top of tree roots. He said they felt the retention pond would be required by both agencies.

Ms. Skinner replied not incorporating the retention pond would be a decision for Public Works and Utilities departments. She said the tree code was specific for preserved or protected trees.

Mr. Lahti said this was before full plans and some of the tree removal was to avoid having to return to the Board. He noted they were preserving 3,500 inches or 11% of the tree canopy. He said the trees around the pond were in the area for excavation and if needed for drainage, those would need to be removed.

Discussion continued:

- Able to save most the trees that were in question
- Felt comfortable to know the applicant would be a good steward and would do their due diligence to protect the trees if possible

MOTION

Mr. Davis MOVED to APPROVE application 2023-0046, 62 Chapin Street approve the reduction in the number of off-street parking and removal of significant trees within Covervation Overlay Zone 3 provided the owner when developing the plans looks for ways to save the 28 inch Magnolia tree #79, the 30 inch Oak tree #80, the 20 inch Oak tree #47, 24 inch Pecan tree #41, Cedar tree #85 and the trees around the retention pond should that change or should the requirements become less those trees could also be saved. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. (c) 2023-0038 Originally continued from the June 6th Meeting– 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 find that the board can APPROVE the request for removal of five (5) significant 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 33 parking spaces to 23 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 ten (10) parking spaces at 3 Nesbit Avenue / 104410-0000.

Matt Lahti reviewed the application.

The Board provided their ex parte communication.

47 certified notices were sent, 0 were returned in favor, 1 returned opposed and 0 had comments; however, no new notices were sent out prior to the last meeting.

Public hearing was opened.

Maureen Long spoke in opposition to the application and noted several inconsistencies regarding the trees that would be removed. She said some trees were in the City's right-of-way fifty-five were not on the property and if they were not on the applicant's property, they should not be included⁵.

Public hearing was closed.

Mr. Lathi provided the rebuttal.

The Board discussed:

- Would normally request an arborist report regarding the trees that were to be removed and did not want to set a precedence based on this being a non-profit versus a for profit developer
- Should attempt to accommodate low income or nonprofit organization in relation to the state as it was completed differently
- Was in the Comprehensive Plan to expedite and assist the affordable work force housing

⁵ Photos attached to original packet

- Not opposed to the tree removal or the parking reduction
- Not in favor of removing the significant oak trees #227, #228, and #229

MOTION

Mr. Davis MOVED to APPROVE application 2023-0038, 3 Nesbit Avenue to approve the reduction and required number of off-street parking requirements within Conservation Overlay Zone 2 and approve the removal of significant trees within Conservation Overlay Zone 3 with the exception of #227, #228, and #229 without an arborist report; if applicant provides an arborist report to the City and notes those trees should be removed then they can be removed without returning to the Board without the arborist report the trees stay. The motion was SECONDED by Mr. Pappas.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁶

8. Conservation Overlay Zone Development

8. (a) 2022-0057 Continued from the July 5th 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.

Motion for item under Modifications to the Agenda.

8. (b) 2023-0013 Originally continued from the April 4th 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.

Motion for item under Modifications to the Agenda.

8. (c) 2023-0035 Originally continued from the June 6th Meeting– Robert & Karen Thomas – Applicant & Owners Fiddler Crab Lane / PID 158571-9080

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

Mr. Fredriksson read the staff report and said Based on a review of section 11-29, staff finds that the board could CONTINUE or DENY WITHOUT PREJUDICE the request for removal of significant Cedar trees within Conservation Overlay Zone 3 at Fiddler Crab Lane / PID 158571-9080 due to the lack of clarity provided by the applicant.

Staff does find that the board may APPROVE the request for the construction of a new retaining wall within Conservation Overlay Zone 2 as long as it is found that the proposal is of reasonable and compatible scale to similar structures in the neighboring area at Fiddler Crab Lane / PID 158571-9080.

⁶ Break from 4:29 p.m.-4:53 p.m.

Matt Lahti reviewed the application.

The Board provided their ex parte communication.

Public hearing was opened.

Lauren Giber spoke in opposition to the application, and asked if the applicant would honor the replacement of adding new trees. Public hearing was closed.

Mr. Lathi provided the rebuttal.

The Board discussed:

- Questioned if the bulkhead was approved by the Architectural Review Board
- Newer homes were required to have a higher finish floor elevation which could impact the trees
- Questioned if this would be slab on grade
- Questioned where the required Cedar trees would be located

Mr. Lathi said the Architectural Review Board did not approve the bulkhead; however, they did approve the removal of the trees. He noted this would be a combination of slab on grade for the garage and stem wall.

Mr. Fredriksson noted a landscaping report was provided in the staff report.

Mr. Lathi advised fourteen Cedar trees would be planted.

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development 2023-0035. The motion was SECONDED by Mr. Shaffer.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. (d) 2023-0063– Henry F. Green III – Applicant & Owner **24 N St. Augustine Boulevard**

To approve the modification to an existing bulkhead within Conservation Overlay Zone 2.

Ms. 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 24 N St. Augustine Boulevard / PID 213480-0000.

Henry Green reviewed the application.

Ex Parte Communication:

(None)

20 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:

- Proposed was being built on top of the existing cap
- Suggested using the synthetic rebar instead of the traditional to help with rust issue
- Application met the seventeen criteria in the code

MOTION

Mr. Shaffer MOVED to APPROVE Conservation Overlay Zone Development 2023-0063 to modify an existing bulkhead within Conservation Overlay Zone 2 to add 36-inches masonry wall to the top of

the existing bulkhead. The motion was **SECONDED** by Ms. Tucker.

VOTE ON MOTION:

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

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

9.Rezoning

9. (a) 2023-0057 Continued from the July 5th Meeting– 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 does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following:

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
- (3) Consistency with the Comprehensive Plan.
- (4) Compliance with Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.

James Whitehouse and Ryan Dettra reviewed the application.

The Board provided their ex parte communication.

19 certified notices were sent, 87 were returned in favor, 3 returned opposed and 92 had comments; however, no new notices were sent out.

Public hearing was opened.

The following people spoke in opposition to the application regarding quality of life for the neighborhood, traffic, parking, and not being the right location for a distillery.

- Lauren Giber
- Sandra Parks
- Melinda Rakoncay
- Tom Cavanaugh
- Jackie Hird
- Cheryl Cavanaugh
- BJ Kalaidi
- Jesse May⁷
- Bert Gowen

The following people spoke in favor of the application regarding the benefit it would provide to history, locals, and tourists and noted the property was commercially zoned.

- Larry Boles
- Frank O'Rorke
- Alison Edwards
- Paisley
- Heather Dettra

Public hearing was closed.

Mr. Whitehouse provided the rebuttal.

Ms. Skinner noted parking was referenced but there was no agreement. She said all the City codes would have to be reviewed and followed. She said the Boards task was making a recommendation for zoning and a way to move forward; however, if was not a favorable outcome, the applicant could appeal to the City Commission.

⁷ Photos attached to the packet

Mr. Pappas clarified the demolition would have to be heard by the Historical Architectural Review Board (HARB) but there would be no design review.

Ms. Skinner replied in the affirmative.

The Board discussed:

- Concerned with the traffic over the next few years in the area with all the construction
- King Street was being changed to become more pedestrian friendly
- The mobility plan was to help decrease traffic; however, traffic in the area was heavy
- Wanted to see more ways to help employees get to the location, delivery trucks, and suggested working with the City to add cross walks
- Did not want to relinquish the design because there were residents in the area
- Questioned if the parking requirement would be met

Ms. Skinner advised there would need to be one parking space per four seats for the restaurant.

Mr. Davis asked for clarification regarding the hours and if alcohol sales would end at midnight. He said they had 100 seats but asked if there would be 100 seats in the railcar.

Mr. Whitehouse said he thought they would need between forty to forty-five parking spaces. He said this project would take around two years before completion and by that time, thought parking should be available. He did not feel a lease should be signed now for a project that would not be completed for some time. He said closing time would be at midnight and they would be willing to add language to the PUD that would limit the time outside. He noted that by right, they were able to have a hundred seats; however, there were sixty in the rail car and the other forty outside.

Discussion continued:

- Wanted text added to the PUD regarding events on property
- Preferred no amplified live music as there were neighbors
- Thought this was a key building to the history in St. Augustine and wanted the area to be developed and preserved
- Difficult to maintain the growth and the livability of the City and find a balance
- Property was zoned CL-1 but one major issue was having a distillery
- Parking was an issue for the property
- Requested more seats for the restaurant than at the prior meeting
- Venue was not serviced by public transit; however, did have a tourist trolley nearby
- Trip generation information should be reviewed by the City
- In favor of the hours for the distillery and general store and suggested adding holiday hours
- Should provide information regarding the use of the interior courtyard and landscaping
- Questioned the hours for the outdoor area
- Suggested the trolley pull off could be used for deliveries or ride share
- Should have a cross walk and bicycle location on site

Mr. Whitehouse said they were not opposed to limiting the outdoor space to 10:00p.m. or earlier depending on what the Board suggested; however, did not want to limit themselves to 8:00p.m. as this was a communal area.

Ms. Barnes asked what could not be accomplished in the current CL-1 zoning.

Mr. Fredriksson said it was mainly alcohol sales over 14% and on-site parking but parking could be handled with a variance.

Discussion:

- Renovation would require a vast amount of funds but an investment balance was needed
- Questioned the need and justification for the change in zoning and suggested providing the business plan
- Intensity of the area would increase and could impact the neighbors
- City Commission should discuss the serious issues: parking, traffic, noise, and the impact on the residential neighborhoods

Mr. Whitehouse said the business model was based off Mr. Dettra's past successful business ventures. He reviewed the items that were discussed by the Board for clarification. He agreed to having no amplified music, outside hours Monday-Thursday 8:30-9:00p.m. and Friday Saturday no later than 10:00p.m. holiday hours would be the same as the weekend hours, no events as defined by City ordinance unless approved, could add a clause that PZB would review the final site plan or as recommended by the Commission, could add a clause regarding parking, and would add fences between the residential and commercial uses at all entry and exits on the Iberia Street sides.

Mr. Pappas asked if the applicant wanted the project moved but was willing to submit the final design to the PZB. He said a project like this was bringing the City back to the culinary experience.

Mr. DePreter said the railcar was the jewel of the project and the question was if the railcar was a reason for the rezoning. He said he would want more information prior to the applicant being sent to the City Commission.

Mr. Davis asked if the applicant wanted a continuance to further detail the items that had been discussed by the Board.

Mr. Whitehouse replied that there was only a certain amount of detail that could be added; however, understood what the Board was

requesting and was willing to have the application continued.

MOTION

Mr. DePreter MOVED to CONTINUE rezoning 2023-0057 to the September 5, 2023 meeting giving that the applicant understands the level of detail requested by the Board before forwarding to the City Commission. The motion was SECONDED by Mr. Pappas

Mr. Shaffer noted he was not in support of the applicant and did not want to mislead the applicant because of the parking, the infrastructure and the intensification of the zoning.

VOTE ON MOTION:

AYES: DePreter, Pappas, Barnes, Tucker, Davis

NAYES: Shaffer, Blow

MOTION CARRIED 5/2

9. (b). 2023-0064 First hearing has been rescheduled to the September 5th Meeting— Ellen Avery Smith, Esq.— Applicant c/o Rogers Towers, P.A. Kasam Hospitality, Inc.— Owner 24 Cathedral Place / PID 197160-0000 & 197200-0000

To rezone an approximately 1.06-acre property from the established 24 Cathedral Place Planned Unit Development (PUD) to the Amended and Restated 24 Cathedral Place Planned Unit Development (PUD).

10. Other Business

a. Reminder of Special Planning and Zoning Board Meeting in late August.

Ms. Skinner advised there was a proposed special meeting planned for August 29, 2023; however, wanted more input from the Board.

There was Board consensus to hold the special meeting for a later date in September.

11. Adjournment

Having no further business, Mr. Davis adjourned the meeting at 8:12 P.M.⁸

12. Addendum to Item 7b. for Properties Included in Request

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



Mike Davis, Chairperson

⁸ Transcribed by Elyse Wiemann